UNITED STATES OF AMERICA

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 85th CONGRESS
FIRST SESSION

## VOLUME 103—PART 10

JULY 26, 1957, TO AUGUST 8, 1957
(PAGES 12785 TO 14154)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1957

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PROCEEDINGS AND DEBATES OF THE 85th CONGRESS, FIRST SESSION


## SENATE

FRIDAY, JULY 26, 1957

*(Legislative day of Monday, July 8, 1957)*

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O God, whose rule is law, but whose name is love, Thou hast given us Thy wide and wonderful earth where Thou hast housed us as royal children. Keep us, we beseech Thee, from absorption in our own selves and from irritable haste as we face the tasks Thou hast given us to accomplish. Let Thy refining fire burn through all our falsehoods and evasions. Deliver us, and especially those who stand above their fellows in posts of public office, from the arrogance which lurks in earthly power. Help us to know that when we forget Thee whatever we build is labor lost; that only in Thy life is our enduring life, and only in Thy will is our peace. Through Christ, our Redeemer. Amen.

### THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Thursday, July 25, 1957, was approved, and its reading was dispensed with.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Maurer, one of its reading clerks, announced that the House had passed a bill (H. R. 7697) to provide additional facilities necessary for the administration and training of units of the Reserve components of the Armed Forces of the United States, in which it requested the concurrence of the Senate.

### HOUSE BILL REFERRED

The bill (H. R. 7697) to provide additional facilities necessary for the administration and training of units of the Reserve components of the Armed Forces of the United States, was read twice by its title and referred to the Committee on Armed Services.

### THE DEBATE ON THE CIVIL-RIGHTS BILL

Mr. JOHNSON of Texas. Mr. President, as the Senate continues to debate the civil-rights bill, it becomes more and more apparent that the Senate was very wise in the beginning in insisting on a thorough examination of the bill which was sent to Congress by the Attorney General.

Many groups in the United States now realize that the bill cannot be approached on the basis of "do not touch a hair on it." They understand that the bill has far-reaching implications, and that thoughtful Senators must be absolutely certain of what they are doing when they finally vote on this proposed legislation.

This morning the Washington Post published an editorial presenting some very interesting points concerning the procedures of the Commission which will be set up under the bill.

Some representatives of organized labor have expressed to me deep concern over the absence of an adequate jury-trial provision. These members of organized labor—thoughtful men, Mr. President; not yes men—recall the days before the Norris-La Guardia Act was passed, when Federal judges had absolute power to break a strike, and when workingmen were not permitted to submit the facts to a jury composed of their fellow citizens. Some of them have told me that they believe new life should be breathed into the Norris-La Guardia Act.

Mr. President, many very able Senators on both sides of the aisle are now working on this problem, and are attempting to devise suitable language to incorporate proper and enduring safeguards. The Senator from Wyoming [Mr. O'MAHONEY], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Pennsylvania [Mr. CLARK] have submitted amendments; and other amendments will be proposed, I have no doubt. These are proposals, Mr. President, which in my judgment would state clearly that a court has powers to enforce its decrees, but which also would maintain the fundamental basis of our freedom, namely, the right of trial by jury.

I have every confidence in the ability of the Senate to work out a meaningful and effective right-to-vote bill. A meaningful and effective bill does not require the Senate, however, to indulge in any "slick" maneuvers to bypass the jury system. The Senate can pass a positive bill which will provide for a Commission with subpena power, which will provide for an additional Assistant Attorney General in this field, will provide for protecting and safeguarding the right to vote for all our citizens, and will provide that a court shall be permitted to enforce its orders, but without bypassing the right of trial by jury.

Mr. President, I ask unanimous consent that the editorial entitled "Open Rights Hearings," which was published this morning in the Washington Post, be printed at this point in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post of July 26, 1957]

OPEN RIGHTS HEARINGS

As the proposed Civil Rights Commission comes under closer scrutiny in the Senate, demands are arising for modification of its powers in several particulars. One provision that is giving Senators concern is that authorizing the Commission to "utilize services of voluntary and uncompensated personnel" while paying such persons subsistence allowances. In a delicate inquiry of this kind the Commission ought to have full control over its investigators. Surely it can obtain all the assistance it will need through full-time employees and from the hearing of witnesses without opening the door to a miscellaneous group of hangers-on.

The bill also contains an invitation to the Commission to operate behind closed doors. It provides that "if the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall * * * receive such evidence or testimony in executive session * * *." Some closed sessions may be necessary to avoid unfair reflections upon individuals, but these should certainly be an exception to the general rule. In our opinion, this section ought to be rewritten in more positive vein to provide that sessions of the Commission should be open to the public, unless it should find that closed hearings were essential to avoid unfairness.

The House also wrote into the bill a dangerous section providing for the fining or imprisonment for not more than 1 year of anyone who might release or use in public, without the consent of the Commission, any testimony taken behind closed doors. If the Commission should choose to operate under cover, without any valid reason to do so, newspaper reporters and other citizens could be jailed for disclosure of what a witness might voluntarily tell them. This is a penalty that has been shunned even in matters affecting national security. Such a provision is an invitation to abuse and a serious menace to the right of the people to know about the activities of governmental agencies.

It is well to remember that this would not be merely a study Commission. In addition it would be under obligation to investigate allegations that persons were being deprived of their rights under the 14th and 15th amendments. It could subpena witnesses and documents and appeal to the courts for enforcement of such edicts. Its powers would be such that it should be held to scrupulous rules of fairness. To encourage the Commission to operate in secret, and then to penalize news media and citizens for disclosing what should have been public in the first place, would be the sort of mistake that Congress ought to avoid at the outset.

## ORDER FOR RECESS TO MONDAY AT 12 O'CLOCK

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in recess until 12 o'clock noon, on Monday.

The VICE PRESIDENT. Without objection, it is so ordered.

## ORDER FOR TRANSACTION OF ROUTINE BUSINESS ON MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate convenes at 12 o'clock noon, on Monday, there be the usual morning hour for the transaction of routine business only, and that statements in that connection be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

## LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I announce that the Senate has a rather large Executive Calendar. In addition, on the Legislative Calendar of the Senate there are a number of bills and other measures which could be called up. However, the distinguished minority leader, the senior Senator from California [Mr. KNOWLAND] announced, when the motion was made to have the Senate proceed to the consideration of the civil-rights bill, that during the consideration of that bill he would object to having the Senate take up any other measure, other than some measure of the greatest urgency. Of course, unanimous consent would be required.

The distinguished Senator from Georgia [Mr. RUSSELL] has conferred with a group of Senators who are working with him; and he concurred in the decision made by the Senator from California.

Although I should like to have the Senate proceed to the consideration of some nominations on the Executive Calendar, and although I should like to have the Senate proceed to the consideration of certain bills on the calendar which would not require a great deal of time, in the present state of affairs I am unable to have the Senate do so.

I have talked to the Senator from California, who is very cooperative; and I think he is willing to amend his decision somewhat, so that the Senate can act on some Executive nominations, and perhaps can pass some of the bills on the calendar which are not too controversial. Certainly we can send some measures to conference, and can take up certain conference reports.

I have also talked again to the Senator from Georgia [Mr. RUSSELL], who tells me that he will confer again with his group.

As soon as I am able to make an announcement, I shall do so.

All Senators are now on notice that there will not be a session of the Senate on tomorrow, Saturday. The Senate will meet on Monday, in accordance with the order which has already been entered. I hope the sessions next week will be as effective as those this week have been.

## VISIT TO THE SENATE BY REPRESENTATIVES OF THE PARLIAMENTS OF GREAT BRITAIN, FINLAND, INDIA, AND GHANA

Mr. SMITH of New Jersey. Mr. President, I rise to a matter of personal privilege. Today the Senate is being honored by the visits of four Members of the Parliaments of Great Britain, Finland, India, and Ghana. Present on the floor are the following distinguished Members of the Parliaments of their respective countries:

Dowuona Hammond, a member of Prime Minister Nkrumah's party in the Ghana Parliament.

(Mr. Hammond rose and was greeted with applause.)

Mr. SMITH of New Jersey. Second, Mr. Urho Kaehoenen, Member of the Finnish Parliament and Chairman of the Grand Privy Council of Finland.

(Mr. Kaehoenen rose and was greeted with applause.)

Mr. SMITH of New Jersey. Third, John McGovern, for 27 years a Member of the British House of Commons. I am not sure he is present.

Fourth, Mrs. Savitri Nigam, Member of Parliament from India.

(Mrs. Nigam rose and was greeted with applause.)

## VISIT TO THE SENATE BY REPRESENTATIVES OF 26 COUNTRIES IN WASHINGTON IN CONNECTION WITH THE PLAY, THE NEXT PHASE

Mr. SMITH of New Jersey. Mr. President, at this time a distinguished group of persons from 26 countries, including a number of the countries of Africa, is in the Senate gallery.

It is important for us to stress the point that the countries of Africa have been worked on extensively by the Soviet Union in an attempt to have a number of young Africans sent to Moscow to the youth conference the Russians are planning to hold there soon.

In the United States a countermovement is under way, and some of the people of the United States have been dedicating themselves to an endeavor to offset the Soviet Union effort by inviting some of the young people of the world to visit the United States.

Recently, a group from Japan visited the United States, and today the Senate is honored by being visited by this group of visitors from Africa, who are accompanied by other distinguished visitors.

The members of this group are trying to offset the ideology of Moscow and communism with the ideology of the basic fundamentals of Christianity and of living peacefully together. This objective has been helped and aided by our friends of the Moral Re-Armament movement. They are presenting a play based on their convictions entitled "The Next Phase," which was written by Dowuona Hammond, our guest today from the Ghana Parliament. A performance of this play will be given in Washington tonight, and I commend it to anyone interested in the objectives of the movement.

This group of about 130 persons, mostly African citizens, are in this country to state their convictions as to what they believe is the proper approach to the desperate issues before the world today. They are seated in the gallery to my left. I shall not read all the names, but I ask unanimous consent that there may be printed in the RECORD a list of some of the more prominent members of the group, and I wish to emphasize that the King of Bunyoro in Uganda is among those present.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

His Highness the Omukama of Bunyoro, Uganda, Sir Tito Winyi IV;

Dr. William Nkomo, founder of the African National Congress Youth League;

Air Vice Marshal T. C. Traill, Great Britain, Royal Air Force (ret.);

Rajmohan Gandhi, journalist, grandson of Mahatma Gandhi;

Prince Andre de Bourbon Parma of France;

Mme. Irene Laure, former Member of the French Parliament from Marseille; who was elected by the largest majority in French history, described by Robert Schuman as the person who has done most to bring France and Germany together since World War II;

Justice C. J. Claassen, Judge President (Chief Justice) of the High Court of Southwest Africa.

Mr. SMITH of New Jersey. Mr. President, I ask the visitors to rise.

[The visitors rose and were greeted with applause.]

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. SMITH of New Jersey. I yield.

Mr. JOHNSON of Texas. I wish to thank the distinguished Senator from New Jersey for the very fine service he has performed for our country in presenting the distinguished guests this morning. He conferred with me earlier about the presentation. I wholeheartedly concur in everything he has said. I should like to associate myself with his remarks, and to assure our distinguished visitors that we extend to them a cordial welcome, and we are very happy that they can be with us.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. SMITH of New Jersey. I yield.

Mr. KNOWLAND. I wish to say that, as the minority leader, I also want to join with the distingished Senator from New Jersey and the distinguished majority leader in extending the welcome of the entire Senate to the distinguished visitors we have visiting us today.

Mr. SMITH of New Jersey. I thank the Senator.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. SMITH of New Jersey. I yield.

Mr. WILEY. As has been stated, there are in the gallery 130 men and women from Africa. They are from 15 countries. Let us emphasize that—15 countries in Africa. What are they here for? They are here because they have faith in an ideology which has been of tre-

mendous force throughout the world. Let us be frank. I heard, on the day before yesterday, a great speech by the junior Senator from Minnesota [Mr. HUMPHREY] in relation to what our material aid in the form of food was doing in bringing to other countries and peoples of the world the meaning of our American concepts. The ladies and gentlemen who are visiting us represent what is known as Moral Re-Armament. The Dark Continent is no longer dark, because of the activities there of men and women who are filled with the spirit of honesty, purity, unselfishness, and love. These are the four concepts these people stand for. Wherever they have met communism they have worsted it.

They have written a play. The play is called The Next Phase. It is being produced at the National Theater. The words themselves are almost prophetic. The next phase to what? The next phase in our efforts to find more light in meeting the problems which face the world. We know that cannon and weapons constitute only what might be called standing guard at the gate so that the ruffians will not enter. This ideology goes to the ruffians and molds them into the shape of God's children, so that they no longer are ruffians.

Mr. President, I speak with feeling on the subject, because I have seen reformations of that character that have taken place in the world—in America, in Europe, and elsewhere. Let us have a clear understanding. This is not a religious sect. It is not in conflict with any religion. It sustains all religions that uphold these ideas and principles.

I, too, join, Mr. President, in welcoming also the distinguished members of other parliaments who are on the Senate floor and who are also exponents of Moral Re-Armament. They have come from abroad to participate in a conference where men are, as it were, refilled mentally and spiritually with the great ideals which can make men over to save mankind. So I, for one, am very happy to welcome all our visitors in the gallery and our colleagues from Finland, Britain, India, and Ghana to the Senate of the United States.

Mr. SMITH of New Jersey. Mr. President, I yield the floor.

## TRANSACTION OF ROUTINE BUSINESS

The VICE PRESIDENT. In accordance with the order entered on yesterday, providing a period for the transaction of routine morning business, with a limitation of 3 minutes on statements, morning business is now in order.

## EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

A letter from the Acting Executive Secretary, National Advisory Committee for Aeronautics, Washington, D. C., transmitting, pursuant to law, a report of that committee, for the period January 1, 1957, to June 30, 1957 (with an accompanying report); to the Committee on Armed Services.

DISPOSAL OF CERTAIN FEDERAL PROPERTY IN BOULDER CITY, NEV., AREA

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the disposal of certain Federal property in the Boulder City area, to provide assistance in the establishment of a municipality incorporated under the laws of Nevada, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON TORT CLAIMS PAID BY CENTRAL INTELLIGENCE AGENCY

A letter from the Director, Central Intelligence Agency, Washington, D. C., reporting, pursuant to law, on tort claims paid by that Agency, for the fiscal year 1957; to the Committee on the Judiciary.

PROPOSED AMENDMENT OF ATOMIC ENERGY ACT OF 1954, AS AMENDED

A letter from the Chairman, United States Atomic Energy Commission, Washington, D. C., transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended (with accompanying papers); to the Joint Committee on Atomic Energy.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. JOHNSTON of South Carolina and Mr. CARLSON members of the committee on the part of the Senate.

## CONCURRENT RESOLUTION OF FLORIDA LEGISLATURE

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of Florida, which was referred to the Committee on the Judiciary:

Senate Concurrent Resolution 116

A concurrent resolution memorializing Congress to call a convention for the purpose of considering an amendment to the Constitution of the United States relative to appeals from decisions of the Supreme Court of the United States involving States rights to the Senate of the United States

*Be it resolved by the Senate of the State of Florida (the House of Representatives concurring)*, That the Florida State Legislature does hereby make application to the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States, to wit:

"ARTICLE —

"SECTION 1. Jurisdiction of Senate as an appellate court: The Senate of the United States shall comprise a court with final appellate jurisdiction to review decisions and judgments of the Supreme Court of the United States, where questions of the powers reserved to the States, or the people, are either directly or indirectly involved and decided, and a State is a party or anywise interested in such question involved and decided. The Senate's exercise of such final appellate jurisdiction shall be under such rules and regulations as may be provided by the Senate, including the time within which appeals shall be taken. The decision of the Senate affirming, modifying, or reversing the decision or judgment of the Supreme Court of the United States shall be final"; be it further

*Resolved*, That the Congress of the United States be, and it is hereby requested to provide as the mode of ratification that said amendment shall be valid to all intents and purposes, as part of the Constitution of the United States, when ratified by the legislatures of three-fourths of the several States; and be it further

*Resolved*, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each Member of the Congress from this State.

Filed in the office secretary of state June 5, 1957.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GREEN, from the Committee on Foreign Relations, without amendment:

S. J. Res. 95. Joint resolution granting the consent of Congress to an agreement or compact between the State of New York and the Government of Canada providing for the continued existence of the Buffalo and Fort Erie Public Bridge Authority, and for other purposes (Rept. No. 720).

By Mr. GREEN, from the Committee on Foreign Relations, with an amendment:

S. 538. A bill to amend Public Law 298, 84th Congress, relating to the Corregidor-Bataan Memorial Commission, and for other purposes (Rept. No. 721).

By Mr. CHAVEZ, from the Committee on Public Works, without amendment:

S. 620. A bill to transfer ownership to Allegany County, Md., of a bridge loaned to such county by the Bureau of Public Roads (Rept. No. 722);

S. 1003. A bill to provide for adjustments in the lands or interests therein acquired for the Albeni Falls Reservoir project, Idaho, by the reconveyance of certain lands or interests therein to the former owners thereof (Rept. No. 728);

S. 2108. A bill to amend the Public Buildings Act of 1949, to authorize the Administrator of General Services to name, rename, or otherwise designate any building under the custody and control of the General Services Administration (Rept. No. 723);

S. 2109. A bill to amend an act extending the authorized taking area for public building construction under the Public Buildings Act of 1926, as amended, to exclude therefrom the area within E and F Streets and 19th Street and Virginia Avenue NW., in the District of Columbia (Rept. No. 724);

S. 2217. A bill to authorize the Secretary of the Army to sell certain lands at the McNary Lock and Dam project, Oregon and Washington, to the port of Walla Walla, Wash. (Rept. No. 725);

S. 2228. A bill to amend section 5 of the Flood Control Act of August 18, 1941, as amended, pertaining to emergency flood control work (Rept. No. 726);

S. 2441. A bill to amend the act of March 4, 1933, to extend by 10 years the period prescribed for determining the rates of toll to be charged for use of the bridge across the Missouri River near Rulo, Nebr. (Rept. No. 727);

H. R. 3077. An act that the lake created by the Jim Woodruff Dam on the Apalachicola River located at the confluence of the Flint and Chattahoochee River be known as Lake Seminole (Rept. No. 731); and

H. R. 3996. An act to authorize the utilization of a limited amount of storage space

in Lake Texoma for the purpose of water supply for the city of Sherman, Tex. (Rept. No. 730).

By Mr. CHAVEZ, from the Committee on Public Works, with amendments:

S. 1785. A bill designating the reservoir located above Heart-Butte Dam, in Morton County, N. Dak., as Lake Tschida, and for other purposes (Rept. No. 729).

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports were submitted:

By Mr. BYRD, from the Committee on Finance:

Fred C. Scribner, Jr., of Maine, to be Under Secretary of the Treasury, vice H. Chapman Rose;

Edwin A. Leland, Jr., of New Orleans, La., to be Comptroller of Customs, with headquaretrs at New Orleans, La.;

Jeremiah A. McGimsey, of Nogales, Ariz., to be collector of customs for customs collection district No. 26, with headquarters at Nogales, Ariz.; and

Carl F. White, of Santa Monica, Calif., to be collector of customs for customs collection district No. 27, with headquarters at Los Angeles, Calif.

By Mr. GREEN, from the Committee on Foreign Relations:

Executive E, 85th Congress, 1st session. The Protocol to the International Convention for the Regulation of Whaling, signed at Washington under date of December 2, 1946, which protocol was signed at Washington under date of November 19, 1956; without reservation (Ex. Rept. No. 8).

Executive M, 85th Congress, 1st session. An amendment to the International Convention for the Safety of Life at Sea, together with a proposal for amendment originated with the Government of the United Kingdom and contained in a memorandum, dated at London in May 1955; without reservation (Ex. Rept. No. 9).

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POTTER:

S. 2639. A bill for the relief of Kathleen Pierce; and

S. 2640. A bill for the relief of Ausbert Lee Dixson; to the Committee on the Judiciary.

By Mr. MARTIN of Pennsylvania:

S. 2641. A bill to clarify the Internal Revenue Code of 1954 with respect to the allowance of the percentage depletion in the case of sand and gravel extracted from navigable waters; to the Committee on Finance.

By Mr. CARLSON:

S. 2642. A bill to authorize the sale of a certain number of merchant-type vessels to citizens of, or the Government of Cuba; to the Committee on Interstate and Foreign Commerce.

By Mr. MONRONEY:

S. 2643. A bill for the relief of Steven Lee Hays (Yoo Hee Yun) and Nancy Karen Hays (Yoo Deebies); to the Committee on the Judiciary.

By Mr. JOHNSON of Texas:

S. 2644. A bill to direct the Secretary of the Army or his designee to convey a 7.4569-acre tract of land out of Fort Crockett Military Reservation, situated within the city of Galveston, county of Galveston, Tex., to the State of Texas; to the Committee on Armed Services.

By Mr. BEALL:

S. 2645. A bill for the relief of Max Kahn; to the Committee on the Judiciary.

By Mr. JENNER:

S. 2646. A bill to limit the appellate jurisdiction of the Supreme Court in certain cases; to the Committee on the Judiciary.

(See the remarks of Mr. JENNER when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON:

S. 2647. A bill for the relief of Herman E. Tenzler; to the Committee on Finance.

## ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. CURTIS of Nebraska (for Mr. SCHOEPPEL):

Statement prepared by Mr. SCHOEPPEL, together with certain correspondence, relating to the subject of Congressional support of the President.

By Mr. WILEY:

Statement prepared by him regarding the biennial youth festival of the International Union of Students.

By Mr. MARTIN of Pennsylvania:

Roster of Tenth Pennsylvania Volunteer Infantry, as of July 15, 1957.

## WHO HAS BENEFITED DIRECTLY FROM HIGHER INTEREST RATES?

Mr. BUSH. Mr. President, in recent years we have been going through a period of great inflationary pressures. As a result, money has become "tight." The Federal Reserve System has instituted a program of vigorous credit restraint designed to hold the lid on prices, a program supported by the Eisenhower administration.

The credit restraint program obviously includes many measures, one of which is that interest rates are permitted to rise. The function of higher interest rates is to restrain the money supply from expanding too rapidly. Holding the lid on the money supply is our best defense against price rises. It is the best safeguard for holding the value of our dollar as stable as possible.

But recently we have heard much about higher interest payments benefitting only the few. We have heard charges that bankers get all the direct benefits from higher interest.

I wish to call attention to some tables which show the direct benefits of the rise in interest rates during the past 4 years. We need to look at the facts concerning the direct benefits of interest payments, to clarify whether or not bankers alone have received these direct benefits.

We should not be unduly concerned with the direct benefits, however. We must continually bear in mind the indirect effects of rising interest rates as a weapon in credit restraint and an anti-inflation program. These indirect effects are far more important than the question of who gains directly from higher interest.

But with that reservation let us look at these tables. The tables show the amount by which interest payments have increased between 1952 and 1956 for three major classes of lending institutions; namely, commercial banks, mutual savings banks, and savings and loan associations.

In each case, what these figures show is, first, the increase in the interest which lending institutions receive; and, second, the increase in the interest which lending institutions pay out to millions of depositors.

Commercial banks, table 1: Considering first commercial banks, there has been a marked increase in the interest which commercial banks receive. Interest received by commercial banks on United States Government securities increased 22.2 percent between 1952 and 1956. On other securities—including dividends—interest paid to commercial banks rose 33.6 percent. Interest on loans—including discount—increased by 58.3 percent.

Altogether interest received by commercial banks increased by 46.7 percent.

Yet, in the same period, 1952 through 1956, interest paid out by commercial banks on time and savings deposits rose by 75.9 percent.

In other words, interest paid out to depositors increased much faster than interest received by commercial banks. So in this case, higher interest rates have directly benefited millions of depositors in commercial banks.

When we consider these facts, the charge that only bankers have gained from rising interest rates appears obviously erroneous, and not simply a difference of opinion.

Incidentally, the tables show also what has happened to commercial bank profits during this same period, 1952 through 1956. Net profits before income taxes rose 20.6 percent and after income taxes 22.9 percent. Thus, even though interest received by the banks rose 46.7 percent, this is not a measure of how their profit position improved. When the 22.9 percent gain in profits actually received is compared with the 75.9 percent gain in interest payments paid out to millions of depositors, it is obvious who has benefited directly most from rising interest payments.

As I mentioned before, we should continually remember that here we are only telling part of the story, since we are dealing with the direct benefits. In addition, rising interest rates indirectly benefit depositors because their savings are protected to the extent that inflation is held down.

Mutual savings banks, table 2: If we now turn to examination of another very important lending institution which charges interest, namely, mutual savings banks, we find a similar picture in the changes between 1952 and 1956.

Interest is received by mutual savings banks on four main categories: United States Government obligations, other securities—including dividends—real estate mortgage loans—net, other loans—net. On the total of these investments, interest received by mutual savings banks rose 58 percent—somewhat faster than for commercial banks.

But if we examine next the increase in interest payments which mutual savings banks paid out, we find an even greater increase—66.7 percent. In other words, interest paid out to depositors has

increased much faster than interest payments received by mutual savings banks—66.7 percent as against 58 percent. So for both commercial banks and mutual savings banks, the interest which went to depositors rose faster than the interest which went to the banks.

Savings and loan associations, table 3: If we next examine the record for savings and loan associations, another important group, again we find a similar picture.

Total interest received by savings and loan associations has more than doubled. It has increased 108 percent.

But dividends paid out by savings and loan associations—equivalent to interest in this case—has again risen much faster—by 126 percent.

While the figures are not presented here, unquestionably millions of depositors have benefited directly from rising interest rates in life insurance companies, credit unions and other lending institutions. The charge that only bankers gain from higher interest rates is nonsense.

Again, when we speak of millions of depositors in banks, savings and loans associations, and insurance companies receiving the direct benefit of higher interest, we are telling only a small part of the story. The far more important gain to savers of this country comes in preventing prices from rising faster than they otherwise would.

No doubt credit restrictions and high interest rates do increase the difficulties of borrowing. That is the purpose of credit restraint during inflation—to keep demands of the economy from exceeding the physical limits of production. The benefits accrue both directly and indirectly to the community as a whole, not to the few.

Mr. President, I ask unanimous consent that the tables to which I have referred be printed in the RECORD.

The PRESIDING OFFICER (Mr. POTTER in the chair). Is there objection?

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—*Recent trends for commercial banks*

| | 1952 | 1956 | Percent change |
|---|---|---|---|
| Interest received by commercial banks— | | | |
| On U. S. Government obligations | $1,099,059,000 | $1,342,842,000 | 22.2 |
| On other securities (including dividends) | 276,993,000 | 370,045,000 | 33.6 |
| On loans (including discount) | 2,742,100,000 | 4,339,866,000 | 58.3 |
| Total | 4,125,575,000 | 6,052,753,000 | 46.7 |
| Interest paid out by commercial banks on time and savings deposits | 458,059,000 | 805,857,000 | 75.9 |
| Profits: | | | |
| Net profits before income taxes | 1,684,813,000 | 2,031,360,000 | 20.6 |
| Net profits after income taxes | 989,931,000 | 1,216,725,000 | 22.9 |

Source: Federal Deposit Insurance Corporation.

TABLE 2.—*Recent trends for mutual savings banks*

| | 1952 | 1956 | Percent change |
|---|---|---|---|
| Interest received by mutual savings banks— | | | |
| On U. S. Government obligations | $163,879,000 | $146,624,000 | −10.5 |
| On other securities (including dividends) | 62,958,000 | 102,590,000 | 62.9 |
| On real estate mortgage loans, net (including discount) | 326,785,000 | 623,586,000 | 90.8 |
| On other loans and discounts, net (including discount) | 4,068,000 | 8,439,000 | 107.4 |
| Total | 557,690,000 | 881,239,000 | 58.0 |
| Interest paid out by mutual savings banks on deposits (including dividends) | 365,481,000 | 609,335,000 | 66.7 |

Source: Federal Deposit Insurance Corporation.

TABLE 3.—*Recent trends for savings and loan associations*

| | 1952 | 1956 | Percent change |
|---|---|---|---|
| Interest received by savings and loan associations— | | | |
| On mortgage loans | $775,031,000 | $1,619,830,000 | 109.0 |
| On investments and bank deposits | 44,763,000 | 81,520,000 | 82.1 |
| All other interest | 10,203,000 | 24,806,000 | 143.1 |
| Total | 829,997,000 | 1,726,156,000 | 108.0 |
| Dividends paid out by savings and loan associations—dividends | 446,562,000 | 1,009,367,000 | 126.0 |

Source: Federal Home Loan Bank Board.

## APPOINTMENT OF DOUGLAS McKAY TO UNITED STATES-CANADIAN INTERNATIONAL JOINT COMMISSION

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed in the body of the RECORD as a part of my very brief remarks, under the 3-minute rule, two newspaper articles. One is written by the exceedingly able A. Robert Smith, the Washington correspondent for a considerable number of Oregon newspapers, and is entitled "Political Skirmishes May Return With McKay." The other is an editorial from the great liberal newspaper, the Coos Bay Times, entitled "McKay's Job Can Be Bad."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

POLITICAL SKIRMISHES MAY RETURN WITH MCKAY

(By A. Robert Smith)

WASHINGTON.—President Eisenhower's appointment of Douglas McKay to the International Joint Commission promises a return of the political and oratorical skirmishes that were so common between McKay and Northwest Democrats in Congress during Eisenhower's first term when McKay was in the Cabinet.

During the year McKay has been absent from Washington, his successor, Interior Secretary Fred A. Seaton, managed to pour enough oil on the troubled waters of power and resource development policy to make for much smoother sailing for the Eisenhower administration.

ALL BUT DIED OUT

The old cry of "giveaway" so often used by the Democrats to attack McKay and his policies had all but died out in connection with Seaton's administration of essentially the same controversial policies.

McKay, as Chairman of the United States section of the IJC, will offer the Democrats a well-known target for a resumption of attacks on the "partnership" power policy of the administration. The IJC deals with Canada on all water problems involving both countries, and the main disputes of recent years have pertained to power projects such as Libby Dam.

But it is unlikely that McKay will be directly involved in the most critical negotiations with Canada looking toward a settlement of differences which have arisen over power development of the Columbia River. For Eisenhower and the Canadian Government agreed to take this out of the hands of the IJC and turn it over to the diplomats of the two countries.

NO COMPROMISE SEEN

This came about because Len Jordan, who is stepping out as United Sates Chairman of the IJC, and Gen. A. G. L. McNaughton, Canada's top man on the IJC, became locked with no prospect of compromise on how the two countries can best share the benefits of the Columbia.

If the United States doesn't give Canada some concessions in terms of power for the upstream water storage that can be accomplished at such sites as Mica Creek in British Columbia, McNaughton wants Canada to divert part of the river away from the Northwest and send it into the Fraser River system. This would cost the Northwest power pool heavily, ultimately the equivalent of several Bonneville Dams.

McNaughton is now finishing a detailed engineering survey of the feasibility of his Columbia diversion scheme. An engineer and a war hero (he was sort of the Canadian MacArthur), McNaughton is a tough adversary.

There is no sign now that McKay is to take over Jordan's seat, that the replacement is anything more than what it appears—that Jordan did resign because something else became more attractive to him. There are reports Jordan plans to reenter Idaho politics and run for governor next year.

McKay and Jordan are similar in their views on power policy, both having been strong adherents of the "partnership" policy invoked during McKay's tenure as Interior Secretary. Indeed, McKay made a personal trip to the annual conference of governors, according to report, to persuade Jordan to take the IJC job when his gubernatorial job at Boise expired in 1954. Ironically, it is now McKay who succeeds him in the $20,000-a-year job.

Nor is there any indication that Eisenhower plans to give to McKay the authority to negotiate which was taken away from Jordan. His new job, therefore, will involve two semiannual meetings, one in Ottawa in the autumn, one in Washington in the spring, and periodic field inspection trips in between to view current joint undertakings like the St. Lawrence Seaway.

[From the Coos Bay Times of July 21, 1957]

MCKAY'S JOB CAN BE BAD

Senator RICHARD NEUBERGER, of Oregon, who everybody knows is a Democrat, thinks that it is incredible that President Eisenhower has appointed Ex-Governor, Ex-Interior Secretary Douglas McKay to a $20,000-a-year job as Commissioner on the United States-Canadian International Joint Commission. Mr. McKay quit the President's Cabinet to run against Senator NEUBERGER'S colleague, Senator WAYNE MORSE, Democrat, in the last general election. Mr. McKay, before being buried in a vote avalanche, said

some mighty harsh things about not only Mr. MORSE, but also Mr. NEUBERGER.

We don't think there is really anything very incredible about Doug McKay getting a fat Federal job. It is unfortunate that he got the job he did, from the standpoint of northwestern economic development.

Politics runs on a system of rewards and punishments. It was to be expected that Mr. McKay would get the first high-paying job that opened up which suited his fancy.

It has always struck us as odd that a candidate who meets voter disapproval should be given an election-free job. But it almost always works out that way. In Mr. McKay's case, he resigned a high-prestige, high-paying post in order to present himself as a strong opponent to the popular Senator MORSE, who had proven to be a hairshirt to both Mr. Eisenhower and to Oregon republicanism. The fact that he failed to fulfill his assignment perhaps makes his plight—outside looking in when he could still be in—more of an obligation on the Executive conscience. That's politics.

For that matter, there doesn't have to be any feeling of obligation to require appointment. The appointment generally comes anyway. Witness the recent naming of defeated United States Representative Harris Ellsworth—no Ike man by a long shot—to a top job on the Federal Communications Commission.

So Doug McKay was due to get a job, whether his policies, and perhaps his personality, had been disapproved by the voter or not.

We wish that Mr. Eisenhower had shopped around a little before handing out the plum he did. Because Mr. NEUBERGER is right in pointing out that Ex-Governor McKay is now in a position to give the back of his hand to the ungrateful voters' wishes.

If the Morse-McKay election in Oregon and the Magnuson-Langley contest in Washington proved nothing else, they proved that the people of the great Northwest still favor overall development of the water resources of the Nation; in short, they favor cheap, Federal power; and they did not give a tinker's dam about expensive private utility campaigns which claim these things are socialistic.

Doug McKay, as United States Commissioner on the international body, will be in position to sabotage public power to a greater degree than if the people of Oregon had elected him to the United States Senate.

Mr. McKay will be a key man in negotiations with the Canadian Government over uses of the mighty Columbia River, an international stream. The Columbia is the keystone to northwestern power and water resources development. The Canadians know this even if some of our own neolithic political personalities do not. There has been much talk, in fact, by our neighbor to the north of diverting much of the Columbia's Canadian flow down the Fraser watershed, providing Canada with an opportunity to build a power development even mightier than that of the United States Northwest.

It is going to take a stronger man than Douglas McKay—one with a strong belief in the needs of the Northwest and the way to supply them—to talk the Canadians out of it.

We wish he could have been rewarded with an even higher paying job, as cushy as he desired—but one in which he could not do more damage to the future of this section of the Nation, and ultimately to the whole Nation.

F. W. A.

Mr. MORSE. These two articles, Mr. President, refer to President Eisenhower's appointment of Douglas McKay to the United States-Canadian International Joint Commission.

I wish to make clear that the appointment does not call for Senate confirmation. If it did, I would use every parliamentary right available to me to prevent Mr. McKay's confirmation. When I say that, I do not mean that I would use every parliamentary right to prevent the appointment of Mr. McKay to some positions which would require Senate confirmation, such as an ambassadorship.

I consider it an affront to the people of the Pacific Northwest and the Nation who are interested in protecting the future heritage of American boys and girls in their own natural resources that Mr. McKay should be appointed to this position.

I am satisfied, Mr. President, that if the appointment had involved Senate confirmation, President Eisenhower would not have dared to ask confirmation of the appointment by the Senate.

I thought that in the historic campaign of 1956 we had settled for the time being the great issue of natural resources. The people of the Pacific Northwest, I think, clearly repudiated the Eisenhower natural resources program. The President at least ought to have had the fairness to appoint to the Commission a man who would not bring to it from the very start, of course, a revival of great differences of opinion with regard to our natural resources.

I think it is perfectly clear from the articles I am now having printed in the RECORD what the attitude is in my part of the country. Mr. President, I exceedingly regret the President's course of action.

## THE CLINTON TRIAL

Mr. DOUGLAS. Mr. President, we were all, of course, greatly heartened by the decision of the jury in the Clinton, Tenn., case involving Mr. Kasper and his six codefendants. I think, however, it should be recognized that the trial took place in east Tennessee, where the influence of the Deep South is perhaps the least, and that Mr. Kasper was a northerner of unstable character who went into the area to stir up trouble, and therefore might well have aroused the opposition of the people who live there.

Mr. President, I ask unanimous consent that there be printed in the body of the RECORD as a part of my remarks a very excellent news story on the Clinton decision and its aftermath, from the New York Times of Thursday, July 25, 1957. I wish to invite attention to the statement by Mr. William Shaw, assistant attorney general of Louisiana, who was sent to Tennessee to help in the defense of these men. He stated:

> There won't be any convictions by juries in segregation cases down South.

I also ask unanimous consent that there be printed in the RECORD, following the quotation from the New York Times, an editorial from the Jackson (Miss.) News, which states:

> Tennessee sentiment is not southern sentiment and we can thank God for that. The Knoxville verdict was a victory for the GOP, the NAACP, the AFL–CIO, the Civil Rights Congress, the ADA, and other scum and riffraff of the Nation.

Mr. President, I protest this reflection upon the Grand Old Party, because while I disagree with them on many things, I do not regard them as belonging to the scum and riffraff of the Nation; and I have a similar opinion of the NAACP, the AFL–CIO, and the ADA. I am not acquainted with the Civil Rights Congress, so I cannot give an endorsement to that organization.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the New York Times of July 25, 1957]

MIXED REACTIONS FOUND IN CLINTON—THERE IS UNCERTAINTY, SHOCK, BITTERNESS, AND SATISFACTION AFTER CONVICTION OF SEVEN

CLINTON, TENN., July 24.—A heavy feeling broods over Clinton today, like the atmosphere before an electric storm.

There is some bitterness, some shock, some satisfaction over the verdict in the Clinton trial in nearby Knoxville yesterday. But mostly there is uncertainty and a hard-eyed watchfulness.

"The Ku Klux are organized," said Ova D. Abston, who runs a cider mill near the pleasant little mountain town.

"They're not going to stop now. They mean business. Make no mistake about it."

Last fall a dozen Negro students were enrolled in Clinton High School with 800 white students. It was the first State-supported school in Tennessee to mix the races, following the 1954 Supreme Court ruling that segregation was unconstitutional.

At first everything went smoothly. A Negro girl was elected chairman of her classroom.

THEN VIOLENCE FLARED

Then violence flared, mobs, rioting. A young Baptist minister, the Reverend Paul Turner, was badly beaten after he had escorted six Negro students past segregationists in the streets to the school.

Out of that came the Clinton trial.

Six men and a woman were convicted of criminal contempt for having violated a Federal court order against any interference with the desegregation of the high school.

They were Filliam Brakebill, service-station operator; Lawrence Brantley, unemployed; Alonzo Bullock, carpenter and itinerant preacher; Clyde Cook, farmer; W. H. Till, machinist; and Mrs. Mary Nell Currier, housewife; and Frederick John Kasper, segregationist organizer.

In Knoxville, counsel for Kasper and the six Clinton segregationists vowed today to appeal.

The defense attorneys said that they would appeal if denied a new trial.

NO DATE IS SET

United States District Judge Robert L. Taylor deferred sentencing pending argument on the defense's new trial motion. No date has been set.

Those convicted face a maximum sentence of 6 months in jail and $1,000 fine, or both.

Kasper, 27 years old, came into Clinton from Washington 2 days before the Negroes started to school late last August. The Government charged that he was the hub of the conspiracy organized to force them out.

Four other Clinton people were found innocent.

The jurors who returned the verdict—which surprised the courtroom and many people outside it—were 10 men and 2 women, all of them white Tennesseans.

But this is east Tennessee.

It is not the Deep South. It is a predominantly Republican community. Unlike the rest of the State, it sent men northward during the Civil War to fight on the Union side.

"There won't be any convictions by juries in segregation cases down South," William Shaw, Assistant Attorney General of Louisiana, a member of the defense battery in the trial, said.

What brought the convictions in Knoxville?

Horace Wells is one of the best qualified to talk about it. He is the editor of the weekly Clinton Courier-News. He has had three special citations from journalistic organizations around the country since the case started—and innumerable vicious, ugly, warning letters and postcards, mostly anonymous.

"There is no question that the majority of people here are against integration," he said.

"They didn't want it, but they were willing to go along with it, last fall. Then the situation changed.

"Prejudice has built up. It's going to take a long time to overcome the prejudice."

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[From the Jackson (Miss.) News]

NOT SOUTHERN SENTIMENT

The conviction is understandable. First, the trial took place in Knoxville, which happens to be a hotbed of Republicans and always has been, even back in the days of the War Between the States. Second, Tennessee sentiment is not southern sentiment and we can thank God for that. The Knoxville verdict was a victory for the GOP, the NAACP, the AFL–CIO, the Civil Rights Congress, the ADA, and other scum and riffraff of the Nation. Finally, the verdict is a warning to the South of what vicious elements now in control of the Government intend to do to our section of the Nation.

Mr. DOUGLAS. Mr. President, I also ask unanimous consent to have printed in the body of the RECORD a very able editorial from the St. Louis Post-Dispatch entitled "Verdict at Clinton."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VERDICT AT CLINTON

Coming in the middle of the civil-rights debate in Washington, the contempt convictions in Tennessee are bound to stir up emotions in the South and wrangles in Congress. Hence it is necessary to understand what the issue was at Clinton.

The issue was not civil rights in general or public school integration in particular. It was certainly not white supremacy or historic southern traditions. Nor was it the advisability of jury trial in contempt proceedings.

The issue was maintenance of law and order. On this basis the Knoxville jury convicted John Kasper, the northern rabble-rouser, and six of his Tennessee associates of conspiracy to violate a Federal injunction against interference with the integration of Clinton High School. And on that basis the jury did what a decent respect for law and order obliged it to do.

There would have been little peace disturbance at Clinton had it not been for the demagogic Kasper and his associates. There was, in fact, no trouble until Kasper arrived and fomented resistance to integration, and members of the White Citizens Council began picketing the high school. But from that point on the few Negro children attending the school had to walk a gauntlet of threatening witnesses. The climax came with the beating of a young Baptist minister who had escorted some of the children to school.

Defense attorneys did everything but wave the Dixie battleflag to distract the jurors' attention from the main issue. They blasted integration; they decried enemies of the Anglo-Saxon race. But Federal District Judge Robert L. Taylor pointed out that integration was not the question. The question, he said, was whether a court order supporting the law of the land had been violated. To their credit, the Clinton jurors disregarded irrelevancies and upheld the law.

No doubt this vredict will have reverberations in the United States Senate. For southern Senators are trying to impose a requirement in the civil-rights bill for jury trial in Federal civil contempt cases involving civil rights. But the Clinton case is not relevant to their cause.

On legal grounds, the Clinton case only followed Federal statute, which provides for jury trial in criminal contempt proceedings involving private litigants, but not in civil contempt cases arising from a Government action. No southern State provides for jury trial in such proceedings.

On practical grounds, it must be pointed out that east Tennessee is not the Deep South, and the reactions of juries in the Deep South with reference to civil rights cannot be judged by what happened at Knoxville. In fact, if the southern Senators really thought juries in their home States would convict in such cases, they would hardly be eager for a jury trial amendment.

Fortunately the House rejected a jury trial provision to the civil-rights bill before passing it to the Senate. And now Republican Leader KNOWLAND predicts that the provision will not be added by his Chamber. But the California Senator has told President Eisenhower that probable defeat faces section III, which would permit the Attorney General to seek civil injunctions protecting all civil rights.

Defeat of section III would leave three main items in the civil rights bill: new protection for the right to vote, establishment of a civil-rights branch in the Justice Department, and creation of an investigative commission. This much would be a considerable advance in protection for the rights of all citizens.

But there are many rights for Americans other than the right to vote. Protection for these should not be set aside to appease a southern bloc which is beyond appeasement.

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## CIVIL RIGHTS

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the RECORD an extremely good letter addressed to the editor by a former judge, Dorothy Kenyon, published in this morning's issue of the New York Times, protesting against the inclusion of a jury-trial provision in the pending bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TO PROTECT CIVIL RIGHTS: ELIMINATION OF JURY TRIALS IN BILL SEEN AS EFFECTIVE LEGAL REMEDY

(The writer of the following letter is a former justice of the municipal court:)

To the EDITOR OF THE NEW YORK TIMES:

Women won the right to vote less than 40 years ago. Negroes were luckier; they won it almost 60 years earlier. But once won nobody opposed women's exercising their hard-won right. The same is not true of Negroes. In certain parts of the country, although possessing the right to vote. Negroes cannot do so. They have no effective means of enforcing their right. The old remedies have broken down.

Right without remedies, that paradox of the law so puzzling to most lay people, could have no better illustration. What part IV of the pending civil-rights bill seeks to do is to supply an effective new remedy.

In certain areas of the South (we have to face it) the old remedy by criminal process and trial by jury of one's peers is worthless. No remedy worthy of the name exists for deprivation of his voting rights, there being no justice for black men before all-white juries. So we have to invent another remedy. The history of the law is full of just such examples of the age-long search for remedies to give meaning and substance to otherwise empty rights.

AMENDMENTS OPPOSED

The heart of this section of the bill, make no mistake, is its elimination of trial by jury. Hitch on a jury provision (no matter how limited, as suggested by some, to facts actually in dispute; and what cases cannot be so converted by the simple expedient of the defendant's pleading not guilty?) and you will have cut out the heart of this new remedy. The bill becomes a worthless piece of paper.

Why, then, all the outcry about the sacred right of trial by jury, the conflict of civil liberties involved, and so forth? Many people are confused by such talk. What is the answer and the argument in favor of this new remedy?

First, there is no constitutional right to trial by jury in injunction cases where the Government is the plaintiff. In the strict sense, therefore, no civil liberties issue is involved. It becomes merely a question of the wisdom, on balance, of extending jury trials to cases such as these and whether greater or less fair play is thereby brought about.

The standard illustration brought forward by its proponents is the requirement of jury trials in labor injunction cases.

DIFFERING CASES

But note the difference: In labor injunction cases the Government or a great corporation is the plaintiff; the defendant is frequently a solitary individual, economically weak and powerless. Jury trials in these cases tend to redress the balance, to protect the weak against the strong.

In our case, Government sues instead of an individual for the reason that the individual is frequently too intimidated to dare to sue for himself. And it sues, in almost every case, a government official, register of voters or the like, who in his governmental capacity has attempted to deprive that individual of his right to vote. Here the roles are reversed, the plaintiff represents the weak, the defendant the strong. To give the defendant, a government official, this added protection of trial by jury is to strengthen the strong against the weak, a precisely opposite result from that achieved in the labor cases.

No, this is no situation that calls for jury trials. On the contrary, they have become only too often a tragic mockery of justice for Negroes in the South. The whole purpose of this bill is to get away from just this type of failure of justice and to carve out a new and fair and effective remedy for this ancient right.

DOROTHY KENYON.

NEW YORK, July 24, 1957.

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## THE SOUTHERN REGIONAL COUNCIL

Mr. DOUGLAS. Mr. President, at various times in the past I have quoted the publications of the Southern Regional Council. The Southern Regional Council is composed entirely of southerners, men and women of good will of both races in the South. It is in no sense a lobbying organization. I have been able to obtain material it provides through the Library of Congress, at my request.

I think the statement which has been prepared on the origins and aims of the Southern Regional Council should be printed in the RECORD at this point so as to indicate the high qualifications of the council and its emotional attachment to the South. So I ask unanimous consent, Mr. President, that the statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE SOUTHERN REGIONAL COUNCIL: A BRIEF ACCOUNT OF ITS ORIGINS AND AIMS, APRIL 1956

"The South of the future toward which our efforts are directed, is a South freed of stultifying inheritances from the past. It is a South where the measure of a man will be his ability, not his race; where a common citizenship will work in democratic understanding for the common good; where all who labor will be rewarded in proportion to their skill and achievement; where all can feel confident of personal safety and equality before the law; where there will exist no double standard in housing, health, education, or other public services; where segregation will be recognized as a cruel and needless penalty on the human spirit, and will no longer be imposed; where, above all, every individual will enjoy a full share of dignity and self-respect, in recognition of his creation in the image of God." (From a statement of policy and aims of the Southern Regional Council (1951).)

SRC AND THE COMMISSION ON INTERRACIAL COOPERATION

The Southern Regional Council and its predecessor, the Commission on Interracial Cooperation, have a history of 35 years of constructive activity.

In the troubled days following World War I, race conflict and the lawlessness of terror organizations reached such proportions that the need for new techniques of restoring harmony could not be ignored. To meet this need, interracial committees were formed in cities and towns throughout the South. It was found that by bringing together influential members of both races grievances could be aired, mutual problems discussed, and a meeting of minds effected. This method had such beneficial results that interracial committees became an established part of the life of the South in the early twenties. Their influence became southwide through the formation of the Commission on Interracial Cooperation, a central organization with headquarters in Atlanta.

The commission was founded in 1919 by a group of the South's leading church men and women. Among them were Dr. M. Ashby Jones, prominent Baptist minister, Dr. John Hope, president of Atlanta University, Mr. John J. Eagan, businessman and philanthropist, Dr. Plato Durham, dean of the Emory University Theology School, Dr. Robert Moton, president of Tuskegee Institute, and Dr. Will W. Alexander, the commission's director. Its work in behalf of sound race relations was acclaimed by the South's leading newspapers, religious leaders, and by many public officials.

The commission helped organize, extend, and guide the work of State and local interracial committees. It assisted them in making their influence felt by newspapers, civil authorities, churches, school officials, police administrators, and health officers. It gave much attention to factual analysis of the problem of lynching and other forms of interracial violence. Its auxiliary, the Association of Southern Women for the Prevention of Lynching, under the direction of Mrs. Jessie Daniel Ames, did much to educate public opinion in the causes and possible remedies for such violence.

From these early activities, the commission built up a body of acquaintance and confidence that has been an increasing asset through the years. The traditional barrier between the races was broken down to allow an interchange of ideas and mutual trust. The notion of cooperative action by people of good will, both white and Negro, took root and has continued to grow. In its 25 years of operation, the commission made the meeting of white and Negro citizens for the discussion of common problems an accepted practice almost everywhere in the South. It marshalled thousands of southern church people in opposition to lynching and other injustices, brought new light to bear on race relations, issued 2 million copies of pamphlets and leaflets, and symbolized the faith of the southern white people and Negro people in the processes of mutual agreement and cooperation.

*Transition to SRC*

In 1939, the leaders of the commission began to explore the possibility of expanding the activities of the organization to permit a broader approach to the problems of the South. In October 1940, the commission instructed its executive committee to "take whatever steps are necessary to carry out the plans for the formation of a council on southern regional development," which would include in its program "the work of the commission and other activities connected with the economic, educational, and social development of the South."

Meanwhile the efforts of other progressive southerners were leading them to a similar purpose. The first movement in that direction took place when a group of southern Negro leaders met in Durham, N. C., on October 20, 1942, to set forth just what the Negro wants and is expecting of the postwar South and Nation, and to enlist the aid of interested white southerners. The result of this historic conference was a comprehensive statement covering the following areas: Political and civil rights, industry and labor, service occupations, education, agriculture, military service, and social welfare and health. Many social thinkers regarded the Durham statement as the most hopeful pronouncement on race relations that had come out of the South in the last 75 years.

In April 1943, a group of southern white leaders met in Atlanta to consider the statement of the Durham conference. These white leaders found the statement so frank and courageous, so free from any suggestion of threat and ultimatum, and so demonstrative of good will, that they gladly pledged their cooperation. "The need," they concluded, "is for a positive program arrived at in an atmosphere of understanding, cooperation, and mutual respect."

*SRC organized*

Representatives of both the Durham and Atlanta conferences met in Richmond in June 1943, to work out further details. The Durham statement was adopted as a general guide to action, and a continuing committee was appointed to devise practical means of approach. The organizing meeting of the council was held in response to a call issued by some of the South's finest leadership, including C. H. Gilliman, Georgia director, CIO; George L. Googe, southern director, AFL; M. Ashby Jones, Baptist minister; Ryland Knight, Baptist minister; Rabbi David Marx, the Temple, Atlanta; Bishop Arthur J. Moore, the Methodist Church; Ralph McGill, editor, the Atlanta Constitution; Stuart R. Ogiesby, Presbyterian minister; Most Rev. Gerald P. O'Hara, bishop of Savannah-Atlanta; Dean S. Paden, president, King Hardware Co.; J. McDowell Richards, president, Columbia Theological Seminary; Bishop John Moore Walker, the Protestant Episcopal Church; Goodrich C. White, president, Emory University.

Following the deliberations of this group and a subsequent conference with southern Negro leaders, the SRC was chartered early in 1944. The incorporators were Bishop Arthur J. Moore; Ralph McGill; Dr. Rufus E. Clement, president of Atlanta University; Dr. Charles S. Johnson, president of Fisk University; and Dr. Howard W. Odum, professor of sociology at the University of North Carolina. At the charter meeting, the Commission on Interracial Cooperation met and formally merged its program and assets with those of the council. A strong and democratic council had been established to attain through research and action the ideals and practices of equal opportunity for all peoples in the region.

Since this auspicious beginning, the council's membership has included distinguished southerners, white and Negro, in all walks of life. Dr. Odum was the first president of the organization. He was succeeded by Paul D. Williams, of Richmond, Va., a prominent Catholic layman and cofounder of the Catholic Committee of the South. Mr. Williams served as president for 6 years—from 1945 until 1951. He was succeeded by Mr. Marion A. Wright, widely known as a South Carolina attorney active in civic and educational affairs, now living in Linville Falls, N. C.

*How SRC works*

The Southern Regional Council consists of a board of some 80 southerners representing the major religious faiths, both races, and the 13 States of the region. These people are the Southern Regional Council. They make the policies and review all activities at an annual meeting. They elect an executive committee which meets at least every 3 months to give closer direction to the organization. And full reports of all activities are sent to the members quarterly. The council is nonprofit, nonpolitical, and nondenominational.

Financial support for the council has come from many different individuals and organizations. Some of the organizations are: the Julius Rosenwald Fund, General Education Board, the Fund for the Republic, Division of Home Missions and Church Extension of the Methodist Church, Woman's Division of Christian Service of the Methodist Church, Phelps-Stokes Fund, Catholic Committee of the South, Board of Education of the Methodist Church, Ashby Jones Memorial Fund, Committee on Woman's Work of the Presbyterian Church of the United States, the National Council of the Protestant Episcopal Church, the Marshall Field Foundation, the Doris Duke Foundation, various trade unions, and some business firms. Individuals support the council through contributions, legacies, and payment of membership dues.

*What SRC does*

The council's present functions may be summarized as follows: (1) Clearinghouse and coordinating work with numerous agencies working on southern problems; (2) research and survey to determine the facts and the state of public opinion as a basis for sound social action; (3) educational activities through a monthly bulletin, the New South, and through pamphlets, press, radio, television, conferences, and personal contacts; (4) consultative services to private and official agencies; (5) promotion of specific programs of action through the council staff and affiliated State organizations.

Following are some of the areas with which the SRC's educational program has been concerned:

Employment of Negro policemen in southern communities.

Newspaper handling of racial news.

Community self-surveys, in which local people of both races study their problems as a basis for achieving local solutions.

Conferences of leading white and Negro southerners with common concerns and a common desire to further democratic practices in their areas of interest—religion, health, housing, education, etc.

Voluntary decisions to open professional associations, private colleges, public libraries, and the like to all qualified persons without respect to race.

The right to vote without racial discrimination or intimidation.

Impartial enforcement of the law and administration of justice in the South.

Orderly compliance at the community level with the recent decisions of the Supreme Court holding public school segregation unconstitutional.

*Church support*

Church people have always been the moving force in the southern interracial movement. This is as true today as it was 35 years ago. All of the major religious groups represented in the South have taken their stand in favor of the principle embodied in the Supreme Court's segregation ruling. The Court ruling was endorsed by the Southern Baptist Convention, many of the southern conferences of the Methodist Church, the General Assembly of the Presbyterian Church (southern), the Province of Sewanee (southeastern) of the Protestant Episcopal Church, the Catholic Bishops of the South, the various Jewish religious and fraternal groups, and virtually all of the other denominations found in the South. It is only natural that many religious southerners should seek to put the principles of their faith into everyday practice.

The Southern Regional Council and the affiliated State groups have enjoyed both financial and moral support from religious bodies representing the three major faiths.

Dr. George S. Mitchell, executive director of the council, received the 1953 annual award of the Catholic committee of the South "for his significant contribution to the welfare of the South."

*Affiliated State organizations*

With the aid of a grant from the Fund for the Republic, the Southern Regional Council is assisting interracial organizations in 12 Southern States—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. Each of these organizations has its own membership, officers, and staff. In each case, people of the State involved make their own decisions as to policy and program. Affiliation with the Southern Regional Council is voluntary, and the purpose of the short-term financial aid from SRC is to help the State groups become strong, self-sustaining human relations agencies.

*Toward the South of the future*

The Southern Regional Council's main asset is and has always been those southerners who believe deeply in democratic practices, and who know firsthand the problems of the region. On such people rest the hopes of the South. They have wanted a regional organization, not out of any provincial desire to separate the South's problems from the Nation's, but out of the conviction that such an organization has unique advantages. It can express the best and often neglected elements of Southern thought and conscience; it can serve as a convincing demonstration of southerners working together as fellow citizens without regard to race; and it can tap local resources and initiative often inaccessible to national groups.

The Southern Regional Council and its affiliates seek to be practical organizations, aiming at working solutions rather than spectacular pronouncements. They hold the belief that every community must ultimately find its own answers within the framework of law and conscience. They offer no master blueprint, no sovereign remedy for the South's human problems. But they do offer a method—that of representative citizens, white and Negro, coming together in equal dignity to find the best ways to move ahead.

Mr. DOUGLAS. Mr. President, following the statement with respect to the Southern Regional Council, I ask unanimous consent to have printed in the body of the RECORD a most extraordinarily able survey the Southern Regional Council has made, which is just off the press, under date of July 18, 1957. Again I wish to emphasize I have obtained the material at my request from the Library of Congress to show that it was in no sense forced upon me, so to speak.

The survey deals State by State with the various ways in which Negroes are prevented from voting in the South. I highly commend this factual account to the Members of the Senate, as we debate part IV of the bill.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

THE NEGRO VOTER IN THE SOUTH—PART OF A REPORT OF A SURVEY BY THE SOUTHERN REGIONAL COUNCIL

(Furnished on his request to Senator DOUGLAS by the Library of Congress, Legislative Reference Service)

DISCRIMINATION AND INTIMIDATION

Just as the main segregationist movement has switched from the white sheet of the Ku Klux Klan to the white collar of the citizens council, so has the pattern of discrimination against the Negro southerner changed in recent years.

In no field is this gradual shift to subtler methods seen more clearly than in a study of Negro registration and voting. Killings, beatings, the dragging of Negroes from their homes in the middle of the night—these are now rare occurrences, compared to previous decades.

Overt violence is, in brief, the exception rather than the rule for racist dealing with assertive Negro citizens. The threat of violent tactics, however, is kept alive in some areas by anonymous telephone calls to Negro leaders. Crosses still are burned, jobs threatened. Occasionally, homes are shot into or bombed.

But, today, with less obvious means employed generally, Negroes interested in voting are far more likely to be barred by a question on the Constitution than by a rope or whip.

*Alabama*

The Alabama consultant directed a field survey in each of the counties in his State. According to these reports:

Negroes might be treated courteously, as in Bullock County, Ala., where the board of registrars has received Negro applicants pleasantly, let them fill out forms, then told them they didn't pass—with no reasons given. In this county, with 5,423 Negroes of voting age, only 6 were registered in the summer of 1956. In 1953, more than 100 attempted to register; in 1955, only 20 even tried, and of these 19 were refused. One of the six registered succeeded only on his seventh trip to the board.

In other counties of central Alabama, like Bullock, Negroes encounter greater difficulty. This is the black-belt section of the State, so-called because of the dark rich soil, an area where 15 counties have populations over 50 percent Negro.

Among these is Dallas, where only 275 of the 18,132 Negroes of voting age are registered.[1] In 1956 alone, at least 350 were turned down. Some reported that they filled out questionnaires three or four times but still were not sent registration certificates. Many reported they were given no help in filling out forms although white applicants were. One Negro teacher who registered was fired allegedly for being "too smart;" this frightened many other teachers.

Marengo, another county in the Alabama black belt, simply seems to have stopped registering Negroes. Of 10,223 eligible, 170 were registered before the Supreme Court decision calling for an end to segregated schools. This, plus formation of a local citizens council, is reported to have hardened the lines of white resistance to Negro equality and to have put the brakes on Negro registration.

In Monroe County, Ala., where 140 of the 5,914 Negroes of voting age are registered, other hopeful applicants said more often than not they found the board of registrars had "misplaced the application forms" or told them to return later. Registrars in Hale County, where 130 of 7,096 eligible Negroes are on the voting roll, have turned down 300 in the past 2 years for "failure to fill out forms correctly."

One Negro teacher in Alabama said she was refused because she didn't know the address of her estranged husband. Many Alabama boards require two voters to vouch for all Negro applicants and some require Negroes to produce white character witnesses. Registrars in one county where about 2 percent of nearly 7,000 Negroes over 21 have registered announced that a "good white man" must accompany Negro applicants.

In a black-belt county which is somewhat less than 50 percent Negro, registrars closed their office when a group of Negroes appeared. Other Negro applicants said they were told when the board would meet but then found no one present on arrival. A Negro leader who encouraged other Negroes to vote reported he was threatened anonymously by telephone and told to stop his activities or he would be run out of town. Only about 200 of over 5,000 Negroes have registered.

A Negro leader in Coosa County, Ala., also said he was threatened. Crosses were burned in front of the homes of two leaders of a Negro voters' drive in Choctow County. In the latter, 112 of 4,819 Negroes of voting age are registered; 28 said they were turned down on their first try, but accepted the second time. Most of those initially refused are teachers; maids and yardmen have found it somewhat easier to enroll.

Birmingham and surrounding Jefferson County present one of the gloomiest pictures for Negroes in the South. In no other major city of the region has it been so difficult for them to vote. Only about 7,000 of 121,510 Negroes over 21 are registered; at least that many more have been turned down. Instead of the standard form and the character witnesses, Jefferson County registrars have employed another method unique in the State: Added questions about government. They might ask on what date the 10th amendment to the Constitution became effective, what was the 14th State to be admitted to the Union, on what date did Oklahoma change from a territory to a State? They have recognized no limits to their power to interrogate. While Negroes have been the board's main target, white union members, particularly if they wear overalls or work clothes, have reported that they sometimes find registration difficult or impossible. Negroes appearing before the board often have been questioned for from 35 to 40 minutes; they have had to line up separately, and the longer the line the longer the questioning.

Strong, in his study of Jefferson County, described the method used by registrars to avoid suits with the following hypothetical case: a person who failed to satisfy the board was told orally he did not qualify; the applicant then secured an attorney and filed a suit, which was a signal for the board to register the plaintiff. His suit collapsed and no court has an opportunity to pass on section 33 of the Alabama Code and the "qualified to register" phrase.[2]

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[1] Registration figures used are those of 1956.

[2] Donald S. Strong, Registration of Voters in Alabama (Bureau of Public Administration, University of Alabama).

In Macon County, Ala., home of famed Tuskegee Institute, many college trained Negroes have found the barriers impregnable. Negroes outnumber white persons about 5 to 1; of the 14,526 of voting age, 1,100 have registered. By contrast, the Associated Press reported in April 1956, that 2,700 out of a total Macon County white population of 5,000 had registered, or that fewer than 100 white persons over 21 had failed to do so. An Alabama observer said that the board of registrars would sit until all white citizens interested had registered and then resign. In any event, for the major part of 1956, there was no board in the county, for two of the three members resigned and it takes at least two to transact business. This was at least the third time in a decade this had happened.

*North Carolina*

In North Carolina, as in other States with literacy laws, the registrar has considerable latitude. He can have the applicant copy indicated sections of the State constitution or he can dictate. Some Negroes have protested the use of dictation, since a registrar often reads too fast or uses a particularly difficult section. However, the State board of elections has upheld a registrar's right to use this means of testing.

A Negro attorney in a rural eastern county of North Carolina said that in certain precincts of this and adjoining counties, "It takes a white man only a few minutes to get registered, but it may take an hour for a Negro. Actually, the latter is given an academic rather than a literacy test. In this county, the tests are tough and the literacy rate low, which doubly handicaps the Negro. The tests given here actually require an interpretation of law."

A Negro college graduate in North Carolina who attempted to register for the May 1956, primary said he was turned down because he could not write a section of the State constitution from memory. Some registrars who want to disqualify Negroes have asked for a definition of such words as "ordained," "sovereignty," "posterity," etc. The replies often do not satisfy the registrar.

But there are counties throughout the State, including the rural piedmont and eastern sections, where literacy requirements are ignored for anyone, white or Negro, who wants to register. In others, only Negroes are required to do some reading. In some rural North Carolina counties, Negroes can register with a minimum of trouble only if sponsored by white persons.

*Louisiana*

Louisiana applicants for registration have been given a rather complicated form and the law has barred any help in filling it out. In most instances, completion is regarded as evidence of literacy although the registrar may, if he wishes, examine an applicant. There has been wide variation in the practice of helping applicants and in the strictness with which forms are scrutinized for mistakes. In some parishes, Negroes have found it almost impossible to satisfy the high standards demanded of them. In others, both Negroes and whites have been permitted to copy from previously completed forms and mistakes have been overlooked.

If a person is unable to complete the form satisfactorily, he still may qualify in some parts of Louisiana. In a number of parishes many white and Negro illiterates have registered under the physical disability provision of the State constitution. This makes it possible in some instances to control their ballot, because such registrants are entitled to ask for assistance in voting. Practice varies widely with respect to registration of illiterates but, as a rule, where literate Negroes have found it easy to qualify, illiterate Negroes also have met few obstacles.

Under one Louisiana statute which adds to the difficulties of Negro voting, two bona fide registered voters can challenge by affidavit the right of a person to be registered. The person challenged has to respond within 10 days by appearing before the registrar to prove his right to remain on the voting list. If a person fails to appear, his name is removed automatically. Citizens council groups have purged several hundred Negroes from voting lists through this device in more than a dozen parishes, including Natchitoches, Webster, and La Salle. They are able to learn which Negroes have registered under another Louisiana law which permits any 25 registered voters, by application, to copy or photostat registration records.

The Colfax Chronicle, county weekly of Grant Parish, reported (October 12, 1956) that members of the citizens council worked in the registrar's office that week in a frank effort to disfranchise the county's 864 Negro voters. The Chronicle also reported:

Their action followed a White Citizens Council meeting in Dry Prong attended by State Senator William Rainach and other Louisiana segregation advocates. W. J. B. Jones of Colfax County, WCC president, said the group voted unanimously to try to purge Negro voters. Louis Earl Stevens, council secretary, subsequently estimated that at least 90 percent of the Negro registrants were challenged in Grant Parish.

Where, instead of writing out colored on registration blanks the applicant simply put "C," the applications were challenged as being incorrect. Each Negro's age in years, days, and months was refigured and often found off by a day or so. The Chronicle checked the first 100 white registrations in one ward and found only one card which would meet the standards set by the WCC for Negroes. Four, including the superintendent of schools, figured their ages incorrectly. In a further check, the Chronicle discovered that not a single member of a citizens council committee had filled in correctly all the blanks. Needless to say, only the Negroes were challenged. Of the more than 700 Negroes purged 2 weeks before the November general election, 399 had cleared the challenges a week before the deadline.

The Chronicle commended Registrar Maxine Mosley for her fairness in dealing with the Negroes challenged.

Not all members of the white community supported the purge effort. District Attorney Sam L. Wells said he would be a witness and sign affidavits for those challenged registrants whose place of residence he knew of his own personal knowledge. J. M. Straughan of route 8, Colfax, wrote the Chronicle:

"I'm a southerner born and raised right here in central Louisiana and I am opposed to integration as strongly as any southerner could be. But what has integration got to do with the removal of Negroes from the registration rolls. I for one, will be glad to sign an affidavit for those colored voters I know to help keep them from being imposed on."

On February 25, 1957, the Justice Department made public some FBI findings on registration of Negroes in Louisiana. Assistant Attorney General Warren Olney III, said the FBI material indicated that testimony by Louisiana Attorney General Jack P. Gremillion to a House Judiciary Subcommittee might have left a misleading impression in a number of respects. Olney's statement was in a letter to Chairman EMANUEL CELLER, Democrat, of New York, who presided at hearings in which Gremillion testified against the Eisenhower administration's civil-rights proposals.[3]

Olney said that Gremillion had mentioned some difficulty with respect to voting in Ouachita Parish, but contended this was more or less an exception.

In fact, Olney asserted, the FBI investigated the handling of registrations in 10 Louisiana parishes and found that 8,552 Negroes were challenged when they tried to register in 1956.

Olney said that in Ouachita Parish there were some 4,000 registered Negro voters in the early fall of 1956 but that after a purge in October there were in excess of 3,000 Negro voters deprived of the right to vote in the general election of November 6.

The Justice Department official challenged a number of Gremillion's statements, including his claim that registrants had a free choice in selecting the section of the United States Constitution they wished to interpret as part of their test.

"In none of the 10 parishes is there any evidence that the registrar permitted the applicant to choose which clause of the Constitution he wished to interpret," Olney said.

"Specifically, in the case arising from Ouachita Parish, the investigation by the FBI disclosed that the registrar of voters in examining applicants used a card on which was written an excerpt from the Constitution, which card was given to the registrar by the Citizens Council of Ouachita Parish."

Gremillion had told the committee that when a registered voter was challenged, the registrar sent a record of the challenge to the registrant, including a reply form, giving him 10 days to appear and establish his right to remain on the rolls by presenting statements from three voters registered in the same parish.

Olney said this did not appear to be the general practice in the parishes investigated. "In six," he added, "registrars did everything to discourage the filing of reply affidavits in the statutory form and generally refused them when offered." He told Chairman CELLER that the FBI found instances of registrars refusing to accept white persons as supporting witnesses for Negroes on grounds they were of a different race.

"There appeared to be a concerted effort in October 1956 by white citizens' councils in Louisiana and other Southern States to get Negro registrants off the rolls or to prevent their registration," Olney added.

"With respect only to cases which have been investigated by the FBI," he continued, "the following numbers of Negro voters were challenged in each of the following parishes:

"Bienville, 560; Caldwell, 330; De Soto, 383; Grant, 758; Jackson, 953; La Salle, 345; Lincoln, 326; Ouachita, 3,240; Rapides, 1,058; and Union, 600."

However, there still are areas in Louisiana where there are no Negro registrants to challenge. For example, in one parish, which is over 50 percent Negro, none of the 4,500 Negroes of voting age had registered at the time of the 1956 general election. Only one had tried in recent years. A local priest recounted the Negro's experience: when he appeared, the registrar immediately took him to the sheriff, who asked, "Aren't you happy here? Is something wrong with the way things operate around here? If you aren't happy perhaps we could arrange for you to leave." The hapless Negro promptly assured the sheriff of his happiness and allowed that his attempt to register had been a tragic mistake. He remained in the community but his wife lost her job.

There are no Negroes registered in Tensas, East Carroll, Madison, and West Feliciana Parishes, all counties with populations over 50 percent Negro. "In these parishes," the Louisiana consultant said, "subterfuge is unnecessary to discourage Negro registration. Negroes know they should not and cannot register and therefore rarely attempt to do so."

In the general election in November 1956 Louisiana voters defeated a proposed constitutional amendment designed to help the citizens' council cut Negro voting even more. The measure was drafted by the legislative

[3] Associated Press, Washington, D. C., February 27, 1957.

watchdog committee on segregation which previously had won approval easily for its proposals. The amendment, which was turned down by an unofficial total of 190,410 to 178,833, required certain administrative steps before a voter losing his registration could take the matter into court. "Thus," said the Associated Press in a dispatch from Baton Rouge, "it would have set up administrative barriers to a Federal court action."

*South Carolina*

In South Carolina the prevalence of discriminatory tactics in some counties where Negroes are in the majority is quite evident. Registration books are moved from place to place to keep Negroes from getting a certificate; they are given literacy tests that have little to do with reading and writing the State constitution, as required by South Carolina law; Negroes complain that if a number go together to register in some counties, clerks will pass only one or two and tell the rest the books are closed for the day. In a few counties, Negroes who had been certified have complied with demands of employers and other white persons that they remove their names from registration books. Some have said they were threatened with harm for attempting to vote, and many landlords reportedly have warned their Negro tenants that if they registered they would be fired.

Calhoun County, S. C., with more than twice as many Negroes as whites—10,449 to 4,304—has no Negroes registered, although 4,437 of them are of voting age. "Any Negro who tries to get a registration certificate is called a smart Negro and sooner or later leaves the community," a field consultant said.

McCormick County, S. C., where the population split is 5,998 Negroes, 3,589 whites, also has no Negroes registered out of the 2,625 over 21. All Negroes who had registration certificates in 1948 had their names purged from the voting list. The majority of Negroes in the county are sharecroppers; reportedly, they could not sell their produce until their names were removed.

In another South Carolina county, Abbeville, where only 15 of the 3,687 Negroes of voting age are registered (as compared to 6,000 of the 8,951 whites), an atmosphere of fear was found. Three years ago a Negro cottonwood worker was said to have been beaten at night for voting. Since then, Negroes have not taken part in elections and almost all of those who had registration certificates have lost them.

*Texas*

Intimidation as a means of limiting Negro voting in Texas was found to be relatively rare. Recent violence in the State usually has been aimed at school integration, notably in Mansfield. There have been occasional reports of local discrimination against potential Negro voters, generally in the form of a segment of the white population playing on the ignorance of the poorly educated among the Negroes—to imply, for example, that property taxes must have been paid to vote. But, by and large, the poll tax remains the only obvious deterrent.

*Virginia*

While discrimination in applying provisions of the Virginia poll tax and registration law is not found generally in that State, nevertheless it has been reported in certain counties and a few cities. Some Negro leaders feel that poorer white citizens often experience the same difficulties as do Negroes.

The poll tax can be an effective barrier for the politically uninformed, the educationally handicapped, and the socially disadvantaged. Just the use of words confuses many of the poorly educated who often do not know that in paying their Virginia capitation tax they have paid their poll taxes. Some tax collectors reportedly have discouraged voting by telling Negroes they do not have to pay poll taxes. Many Negroes have reported they did not receive poll-tax bills along with their property-tax notices, as did their fellow white citizens. These and similar methods have been employed to discourage Negroes from paying their poll taxes in some counties and it often seems that only those who know the legal requirements and insist on paying can win their right to register.

As for registration itself, Negroes sometimes encounter further barriers in Virginia. The same discriminatory methods of administering literacy tests found in other States turn up here and there in the State, where in some counties Negroes have to meet all the technical requirements of grammar, punctuation, and handwriting in filling out their application forms; they alone are given reading or education tests, or have to complete printed forms containing legal phraseology. Some white registrars will see white applicants at any time but are busy or ill or do not have their books when Negroes appear. When registrars operate in their homes, this presents a particular problem because of the long-standing southern custom of Negroes appearing in white homes only in a servant capacity.

*Florida*

In 1940, Florida had 51 counties with no Negroes registered, by 1946, only 4, and 10 years later only 2. However, the number of counties in which Negroes are registered gives an exaggerated picture of the extent of Negro registration. In some counties Negro electors constitute a small proportion of those on the voting lists. This is seen, for example, in the following counties:

| County | Negro population over 21 | Negro percentage of total population | Number of Negroes registered, 1956 |
|---|---|---|---|
| Flagler | 872 | 45.6 | 13 |
| Gadsden | 10,930 | 56.1 | 3 |
| Liberty | 333 | 18.1 | 1 |
| Taylor | 1,945 | 30.5 | 77 |

In the counties where Negro suffrage is limited most sharply, fear is a major deterring factor. In parts of the State, indirect methods are used to discourage Negro voters and the open threat has been reported, too. In one county, the first Negro registrants in history were subjected to several forms of intimidation—cross burnings, bomb-throwings and shots fired into their homes. All but one of the registrants in this county withdrew their names from the rolls.

In another Florida county, in the plantation section, it was reported that Negroes, most of whom live in rural areas, are not permitted in the business district on election day. In still another county, one supervisor of registration has told Negro applicants, "Come on in and register," while sitting with his legs stretched across the door. Other Negroes complained that loungers around a courthouse told them, "Go ahead and register if you can take what comes afterward."

*Georgia*

Field studies were made in a number of Georgia counties representative of the various subregional areas of the State. One of these is Early, located in the extreme southwest portion of Georgia on the Alabama line. It is in a cluster of counties considered the hard core of the State in terms of resistance to integration. In such counties as Early, Miller, Seminole, and Decatur, the Negro population is from 30 to 50 percent of the total. In other southwest counties such as Clay, Calhoun, Baker, Dougherty, Quitman, Randolph, Terrell, Lee, Sumter, Webster, and Stewart, the Negro percentage of the total population is over 50 percent. The means of excluding Negroes as registrants in these counties is similar to that reported in other areas of the South. In some, there is the ever-present threat of racial violence, which erupts on occasions. Often, police brutality against Negroes indicates to them they cannot depend upon law enforcement authorities to offer them protection if they try to vote. In recent years, economic pressures have been directed against Negroes militant enough to demand educational and political equality.

In some instances, Georgia sheriffs, instead of the boards of registrars, question prospective Negro registrants about the Constitution. Sheriffs, being white and also the "law," Negro applicants thus receive two warnings at one time.

In Early County, only 226 Negroes of the 4,790 over 18 (the legal voting age in Georgia) are registered. Many others who went to the courthouse to register said they later were summoned to appear there before the board of registrars to answer questions. The majority of those who showed up were disqualified and those who did not were removed from the list automatically. This is an effective method of disqualifying Negroes there who often think of going to the courthouse for any reason with misgiving. They know they are not expected to drive their cars up to the courthouse square to park.

Separate ballot boxes for white and Negro votes continue in use in many Georgia counties. This practice of separating ballots on a racial basis is an indirect technique of disfranchising some of the Negro voters who are unwilling to take a chance on having white persons discover how they voted.

Often, racial incidents have an effect both in the community involved and in adjacent counties. There is disagreement on the extent to which they deter registration, but fear of violence is bound to condition the thoughts and actions of some. In Walton County, Ga., many Negroes interviewed said there is more fear of lynching outside the county than inside. This county was the scene of an unsolved daylight lynching in 1946 of 4 Negroes—2 men and 2 women, 1 of whom was pregnant. One Negro in Walton said he did not think that Negroes generally are afraid to register there. He added that the so-called leading Negroes are afraid but the Negro working by the day isn't. Negro teachers and ministers seem to be afraid because of what they may lose; but what it is, I don't know."

*Arkansas*

In Arkansas, on rare occasions, clerks in the sheriff's office may tend to discourage poll-tax payments through various means of discourtesy. For the most part, however, the poll tax is more important in Arkansas as a source of revenue than as a device for the disfranchisement of the Negro. In 1956, voters rejected an amendment to repeal it. Some important Negro leaders opposed its abolition. They believed that if the State dropped the poll tax it might adopt registration procedures requiring the filling out of forms or answering of questions and that Negroes then would experience far more difficulty than at present.

*Mississippi*

Finally, Mississippi. All forms of violence, intimidation and discrimination reported from other States were found here. Where other sections usually rely on 1 or 2 means of limiting Negro registration, Mississippi, home of the White Citizens' Council, apparently uses them all. As a result, the State which has the highest percentage of Negroes in the country has the lowest percentage registered. Only 4 percent were on the list of qualified voters in 1955, although Negroes make up 41 percent of the total population of voting age.

In the 13 Mississippi counties listed as having a population of more than 50-percent Negro, a total of 14 votes was cast in the 3 elections on which information was available for 1954. Five of the counties had no Negroes qualified and 3 had 1 registered who never voted. In the 7 counties having more than 60-percent Negro population, 2 votes were cast by Negroes in 1954.

Violence, threats, and economic reprisals discouraged Negroes interested in voting in Mississippi. Some instances were publicized but it may reasonably be supposed that others went unreported. In 1955 alone, a string of reports of brutality and illegal tactics came out of the State.

In the early spring of that year, Gus Courts, a Negro grocer at Belzoni, Miss., was told to move from his home and withdraw his name as president of the local NAACP chapter. He was forced to move his grocery store and advised to remove his name from the voting rolls. He refused; and, in November 1955, he was shot and seriously wounded by a group of men in a car who fired into his store.

Recovering from his wounds, Courts told a reporter: "I've known for a long time it was coming, and I'd tried to get prepared in my mind for it. But that's a hard thing to do when you know they're going to try to slip up and steal your life in the night and not in the bright. It's bad when you know you might get shot just walking around in your store. That's a hard kind of life to lead."

Courts was puzzled as to why anyone would want to shoot him for, "I've never been a troublemaker and I've never had on handcuffs. I'm 65 years old and I've never had the vote. That's all I wanted."

Courts' predecessor as NAACP president in Belzoni, the Rev. George Washington Lee, was killed May 7, 1954. The United Press, in a story from Belzoni on the Courts shooting, gave this background on the Lee death:

"The Reverend Lee was shot, allegedly on the day he refused a request from a white citizen that he remove his name from the voters' registration list. In that death, first of three race killings in Mississippi this year, Lee reportedly was driving down a Belzoni street when a car in which two white men and a Negro were riding suddenly came from behind and a shotgun blast shattered the Negro's car."

A coroner's inquest returned a verdict of accidental death and made no reference to the wounds in the dead man's face.

Other incidents in Mississippi in 1955, as reported by wire services and newspapers: T. V. Johnson, Belzoni Negro undertaker, was told to remove his name from the voting rolls if he desired continued credit; the Rev. James Hargroves fled the State after he was threatened with the fate of the Reverend Lee if he continued to work for the NAACP. In August, Lamar Smith, a Lincoln County Negro, was shot fatally; no indictment was returned, although reports indicated there were several witnesses to the shooting. Elsewhere, the home of a Negro leader was fired upon, and crosses were burned in front of the homes of two others. There were additional instances of violence against Negroes for activities other than voting.

If, despite the harassment and brutality, Negroes still try to vote in Mississippi, there is the State's registration law to act as a deterrent. The rigid education test, the essay on citizenship, all the requirements of the tighter registration law passed in 1954, present innumerable opportunities for the white registrar opposed to Negro registration.

LEGAL, SOCIAL, AND ECONOMIC FACTORS

The legal weapon most widely used in the South to discourage Negro registration is some form of literacy or constitutional interpretation test.

This weapon is the successor to the white primary—long the most effective method of restricting voting. Another weapon effective in the past, the poll tax, also has lost much of its sting with increased economic opportunity. Today only five States retain the poll tax—Alabama, Arkansas, Mississippi, Texas, and Virginia.

Some of the requirements in Southern States based on literacy or constitutional interpretation tests include:

*Alabama*

In addition to the usual basic qualification, the Voters Qualification Amendment of 1951 provides: "The following persons * * * shall be qualified to register * * * those who can read and write any article of the Constitution of the United States in the English language which may be submitted to them by the board of registrars, provided, however, that no person shall be entitled to register as electors except those who are of good character and who embrace the duties and obligations of citizenship under the Constitution of the United States and under the constitution of the State of Alabama, and provided, further that * * * each applicant shall be furnished * * * a written questionnaire * * *. Such questionnaire shall be answered in writing by the applicant, in the presence of the board without assistance."

*Georgia*

A registrant must be able to read correctly in English any paragraph of the State or United States Constitution and correctly write the same when read to him. Only those unable to read or write because of physical inability may qualify if they can understand and give a reasonable interpretation of constitutional sections read to them. There is a property alternative: 40 acres of land in the State on which an elector resides or property in the State assessed for taxation at $500 or more.

*Mississippi*

In 1954, Mississippi voters approved a constitutional amendment tightening the State's registration law. It makes ability to read and write a prerequisite; before that, an applicant could register if able to read or understand the Constitution when read to him. In addition to literacy, the amendment requires a new applicant to satisfy the county registrar as to his knowledge of citizenship under a constitutional form of government and to state why he feels he should be given the right to vote and what it means to him. Applicants are to write their own statements without aid.

*Virginia*

Unless physically unable, the prospective voter must apply to the registrar in his own handwriting, without aid, in the presence of the registrar, stating therein his name, age, date and place of birth, residence and occupation at the time and for the 1 year next preceding and whether he has voted previously and, if so, the State, county, and precinct in which he voted last. Also, he must answer on oath any questions affecting his qualifications as an elector, submitted to him by the registrar; questions and his answers must be reduced to writing, certified by the said officer and preserved as part of his official records.

*South Carolina*

A registrant must be able to read and write any section of the State constitution. An alternative is ownership and payment of taxes for the previous year on property in the State assessed at $300 or more.

*Arkansas*

Except for the usual requirements of age and residence, the one dollar, noncumulative poll tax is the only requirement for voting. Members of the Armed Forces are exempt. Certain adults are required by law to possess a poll tax receipt: those receiving wages, salaries, or other compensation paid from public funds (this includes white and Negro teachers) and those who apply for a license or permit from the State.

*Louisiana*

A prospective voter must be able to read and write and understand the duties and obligations of citizenship under a republican form of government. Also, he must be able to read any clause in the State or United States Constitutions and give interpretation satisfactory to the registrar. If he is unable to read or write, the applicant is entitled to register if he is a person of good character and reputation, attached to the principles of the Louisiana and United States Constitutions and if he is able to interpret any section of either. If an applicant is unable to read or write due to a physical disability, then the foregoing requirements may be waived. However, such an applicant must be accompanied by two witnesses who are registered voters from the applicant's precinct. No person may be a witness for more than two applicants.

*North Carolina*

Prospective voters must be able to read and write any section of the Constitution to the satisfaction of the registrar, who may have the applicant copy indicated sections of the State constitution or may dictate any section he chooses.

With such broad discretion left to registrars it is easy to see why Negroes may find it almost impossible to qualify in one county and comparatively easy in the next. In the last analysis, a Negro's ability to vote in a State with a literacy law still often depends on an individual registrar's sense of justice—or prejudice.

Socioeconomic factors also operate in determining the number of Negroes who vote. Racial, economic, and social patterns of any southern community exert a powerful influence on Negro registration.

Statistics on education, urbanization, farm tenancy, income, and racial composition help paint a fairly accurate picture of why Negro registration is above or below average.

Relatively few Negroes are likely to be registered in counties where they make up a large proportion of the population, in counties where education and income medians are low, and in counties that are predominantly agricultural and have a high rate of farm tenancy.

At the same time, in counties where Negroes comprise a large part of the population, white registration tends to be above normal.

Negroes are more likely to be registered in counties where they represent a small percentage of the total population, where they are better educated, are less dependent on the whims of white landlords and employers and are in a sounder economic position generally.

There are exceptions to these generalizations, of course; but Georgia presents a fairly typical picture.

In Georgia's 157 counties with Negro population of voting age, the median percentage of eligible Negroes registered is 25. However, the range of the registration figures is wide.

In only five Georgia counties does the number of Negro registrants exceed the number of white registrants, although there are more Negroes than whites of voting age in 27 counties.

The population ratio and its effect on voting is strikingly shown in Georgia figures. In counties where the percentage of Negroes in the population is below the State average, 69 percent show Negro registration above the State median; 68 percent of the counties above the State average in Negro population are below the median in Negro registration. The association is even more marked in

counties with a population over half Negro—80 percent of these fall below the median in Negro registration.

The relationship between education and political participation also turned up in the Georgia survey. In counties where Negroes rank above the State median in the number of school years completed, 89 percent also are high in Negro registration. By contrast, only 37 percent of the counties below the median in Negro educational attainment have high registration figures.

As to the significance of economic factors, it is found that of the Georgia counties having median family income above the State figure of $1,130, 61 percent have high Negro registration. In counties below the median income level, only 35 percent are high in the number of Negroes qualified to vote. In short, Negro registration tends to increase along with overall income.

Also, there is a tendency in Georgia for predominantly industrial counties to rank higher in Negro registration than those primarily agricultural. Among counties in which farm income exceeds manufacturing income, 37 percent are high in Negro registration, as contrasted with 58 percent in counties where manufacturing exceeds agricultural income.

The agricultural counties in Georgia deriving more farm income from livestock, dairying, and poultry are somewhat higher in the percentage of Negroes registered than those in which the income stems largely from row crops. Also, there is a definite relationship between tenancy and registration. Among the Georgia agricultural counties which exceed the State average in the number of farms operated by tenants, only 34 percent have high registration figures, but among the counties below the State average in tenancy, 63 percent rank high in Negro registration.

Social and economic factors which influence Negro registration in Georgia apply in large measure over much of the South.

## EXCESSIVE OIL IMPORTS

Mr. YARBOROUGH. Mr. President, I have spoken previously in the Senate about the dangers to the economy of many of the Western, Southwestern and Rocky Mountain States caused by excessive oil imports. I have reliable information that the President's Cabinet Committee conferred this week about the oil import situation, but as usual, so far as oil imports are concerned, they merely conferred. No action was taken.

Mr. President, our economy in the Southwest has steadily worsened. Seven years of drought, followed by floods without precedent this spring, combined with the wrecking of the farm support parity program, have brought the farm economy to the verge of collapse. The other strong prop to our economy, the oil industry, has suffered successive staggering blows by continued increases in oil imports.

Mr. President, the economy of the Southwest and the security of the Nation are being undermined by the dangerously high level of foreign oil imports. When I talk about the economy of the Southwest and the security of our Nation, I am talking about people—their safety, their means of putting bread on the table, their means of supporting the schools. I am talking about the men who drive the trucks, the men who work on the drilling rigs, the men who run the well logs, the men who manufacture, sell and supply the heavy industry tools and equipment, the men who work on the service machines, and, Mr. President, I am also talking about the small-business men, in the many towns and cities of the Southwest, West and Rocky Mountain States who are kept alive by the free enterprise activity of our small companies and independent drillers.

Rigs are being stacked in the yards, men are being laid off, and independent contractors and operators are going broke. Drilling operations are being slashed, but even if they were to continue at the present rate, new discoveries this year would total about 2½ billion barrels—a drop of 12½ percent below last year's inadequate level. The June 24, 1957, issue of the Oil and Gas Journal points to the importance of the small companies and independents:

> But it's the smaller companies * * * which drilled 75 percent of last year's field wells and 83 percent of the wildcat wells. When the smaller companies cut their exploration program, the effects will surely be felt in the development program the next year and the next.

Mr. President, it is time the six-man Cabinet Committee did something about oil imports before the oil industry is completely Bensonized, too.

## DISCRIMINATION IN HOUSING

Mr. JAVITS. Mr. President, in the course of a television debate last Tuesday the question arose as to my taking a position in New York which was allegedly different from a position I had taken in Washington. I think this incident so very clearly illustrates my position on this measure that I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a news release issued from my office on the question of the Sharkey-Brown-Isaacs bill against discrimination in housing, pending before the City Council of the City of New York. The release is dated July 8, 1957.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JAVITS IN CONNECTION WITH THE SHARKEY-BROWN-ISAACS BILL AGAINST DISCRIMINATION PENDING BEFORE THE NEW YORK CITY COUNCIL

The struggle for a civil-rights bill in the Senate requires equal vigor to deal with discrimination because of race, creed, color, or national origin in areas where discrimination is not part of the social order. We must practice what we preach.

We have made the most outstanding progress in New York State and city of any place in the country but housing bias is found even here where not specifically prohibited by law as it is in public housing and housing with public-assisted financing. Our best progress against discrimination has come through the processes of mediation, conciliation, and technical assistance backed by law.

The objectives of the measure currently before the New York City Council, the Sharkey-Brown-Isaacs bill against discrimination in private housing, are elements in the national effort and necessary to the soul and conscience of New York City. Beyond its local implications is the impact that failure to act against housing bias in New York City could have on efforts for civil-rights legislation in the Congress. An all-out fight, in which I am proud to be participating, is shaping up on the floor of the United States Senate on behalf of President Eisenhower's moderate civil-rights program. Liberal Senators, both Democratic and Republican, leading the fight for civil rights are strengthened if the city administration of New York—this melting pot city that cradled liberalism and has prided itself on equality for all—will do all it can lawfully do to curb discrimination within its own boundaries.

I believe, however, that the effort to end housing bias can best succeed—not by reliance on criminal penalties—but, in accordance with our experience under the State antidiscrimination laws, by the action of a city commission against discrimination, utilizing mediation, conciliation, and technical assistance with court injunctions as the primary enforcement medium to back it up; the Sharkey-Brown-Isaacs bill should be amended in this way and then passed.

Mr. JAVITS. In connection with this subject, the release illustrates two very vital points: First, that I have never argued, and never would argue, that we do not have problems of discrimination and segregation all over the country, including the State of New York. I have argued, and I still maintain, that in New York State we have the most advanced laws for dealing with that situation—and I think they are very intelligent laws—of any State in the United States. I very much hope that other States will move in that field with the same degree of wisdom and vigor that we have moved in the State of New York.

In New York, under our State law, we depend upon the processes of conciliation, mediation, and technical assistance, including hearings. Every effort is made to get the parties together. The process is backed up by the injunctive power of the courts. That is exactly what we are contending for in connection with the pending bill. That is exactly what I stood for in connection with the prospective New York City ordinance. I opposed criminal penalties, because of my experience. Criminal penalties are considered harsh. It is difficult to obtain convictions; and though they sound good, they result in ineffectiveness of a statute of this kind. This is exactly the point which the proponents of the pending bill have made here.

In connection with this subject, I may add that in the State of New York we have had a remarkable experience, in two ways: First, the very few cases which have gone to court; and second, the relatively few cases, considering the size of our State—almost 16 million people—in which there have been complaints.

A report issued by the New York State Commission Against Discrimination shows that there were about 500 complaints in the first 6 months of the year, and that that is very largely attributable to the fact that word is getting around that the commission will act in such cases.

Also it is very significant that the chairman of the State commission against discrimination joined me in the position I took against criminal penalties, and in favor of the injunctive process, as the best method to accomplish the desired result.

## THE GOVERNORS' CONFERENCE

Mr. MARTIN of Pennsylvania. Mr. President, a few days ago the distinguished junior Senator from Kansas [Mr. CARLSON] gave a list of Senators who have been governors of their States. The list is found on page 11179 of the CONGRESSIONAL RECORD of July 10.

Mr. President, former Senator Capper, of Kansas; former Senator Brewster, of Maine; Senator Payne, of Maine; former Senator O'Conor, of Maryland; Senator Saltonstall, of Massachusetts; Senator Martin, of Pennsylvania; former Senator Hunt, of Wyoming; Senator Carlson, of Kansas; and Senator Lausche, of Ohio have been chairmen of governors' conferences. The first conference was held in May 1908 and was presided over by President Theodore Roosevelt. I ask unanimous consent that this list of the chairmen of the governors' conferences be printed at this point in the RECORD as a part of my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

CHAIRMEN OF THE GOVERNORS' CONFERENCE

The first governors' conference in May 1908, was called by President Theodore Roosevelt, who presided at the meeting. In the 3 succeeding years, Gov. Augustus E. Wilson of Kentucky presided at governors' conference in January 1909 and November 1910; and Gov. Francis E. McGovern of Wisconsin presided at the meeting in September 1911.

Beginning with the conference in 1911, an executive committee was elected at each annual meeting. Chairmen of the executive committees of the governors' conference over the years include the following:

TERM BEGINNING AT ANNUAL MEETING

Gov. Francis E. McGovern, Wisconsin, September 1911.
Gov. Francis E. McGovern, Wisconsin, December 1912.
Gov. Francis E. McGovern, Wisconsin, August 1913.
Gov. David I. Walsh, Massachusetts, November 1914.
Gov. William Spry, Utah, August 1915.
Gov. Arthur Capper, Kansas, December 1916 (no annual meeting in 1917).
Gov. Emerson C. Harrington, Maryland, December 1918.
Gov. Henry J. Allen, Kansas, succeeded to office during ensuing year.
Gov. William C. Sproul, Pennsylvania, August 1919.
Gov. William C. Sproul, Pennsylvania, December 1920.
Gov. William C. Sproul, Pennsylvania, December 1921.
Gov. Channing H. Cox, Massachusetts, December 1922.
Gov. Channing H. Cox, Massachusetts, October 1923.
Gov. E. Lee Trinkle, Virginia, November 1924.
Gov. Ralph O. Brewster, Maine, June 1925.
Gov. Ralph O. Brewster, Maine, July 1926.
Gov. Adam McMullen, Nebraska, July 1927.
Gov. George H. Dern, Utah, November 1928.
Gov. George H. Dern, Utah, July 1929.
Gov. Norman S. Case, Rhode Island, July 1930.
Gov. Norman S. Case, Rhode Island, June 1931.
Gov. Norman S. Case, Rhode Island, April 1932.
Gov. John D. Pollard, Virginia, succeeded to office during ensuing year.
Gov. James Rolph, California, July 1933.
Gov. Paul V. McNutt, Indiana, July 1934.
Gov. Paul V. McNutt, Indiana, June 1935.
Gov. George C. Perry, Virginia, November 1936.
Gov. Robert L. Cochran, Nebraska, September 1937.
Gov. Robert L. Cochran, Nebraska, September 1938.
Gov. Lloyd C. Stark, Missouri, June 1939.
Gov. William H. Vanderbilt, Rhode Island, June 1940.
Gov. Harold E. Stassen, Minnesota, July 1941.
Gov. Herbert R. O'Conor, Maryland, June 1942.
Gov. Leverett Saltonstall, Massachusetts, June 1943.
Gov. Herbert B. Maw, Utah, May 1944.
Gov. Edward Martin, Pennsylvania, July 1945.
Gov. Millard Caldwell, Florida, May 1946.
Gov. Horace Hildreth, Maine, July 1947.
Gov. Lester C. Hunt, Wyoming, June 1948.
Gov. William Preston Lane, Jr., Maryland, succeeded to office in January 1949 to fill unexpired term of Governor Hunt, who was elected to the United States Senate.
Gov. Frank Carlson, Kansas, June 1949.
Gov. Frank J. Lausche, Ohio, June 1950.
Gov. Val Peterson, Nebraska, October 1951.
Gov. Allan Shivers, Texas, July 1952.
Gov. Dan Thornton, Colorado, August 1953.
Gov. Robert F. Kennon, Louisiana, July 1954.
Gov. Arthur B. Langlie, Washington, August 1955.
Gov. Thomas B. Stanley, Virginia, June 1956.
Gov. William G. Stratton, Illinois, June 1957.

The PRESIDING OFFICER. Is there further morning business?

Mr. KNOWLAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## FORTIETH ANNIVERSARY OF SERVICE TO THE GOVERNMENT BY J. EDGAR HOOVER

Mr. MARTIN of Iowa. Mr. President, on behalf of my senior colleague [Mr. HICKENLOOPER], I wish to present a statement prepared by him eulogizing the services of J. Edgar Hoover.

The statement reads:

On July 26, 1917, a young lawyer entered the service of the Government of the United States in the Department of Justice.

Today, therefore, marks the 40th anniversary of his continued and dedicated service to the people of the United States.

It is my opinion that history will record his persevering and uncompromising opposition to crime and communism as a bulwark of this Republic during the last four decades. Under his inspirational leadership the organization which he heads has achieved a reputation not only in this Nation but throughout the world.

It is fitting that the United States Senate pause momentarily in our deliberations in recognition and appreciation of the 40 years of contributions of John Edgar Hoover, Director of the Federal Bureau of Investigation of the United States Department of Justice.

I am sure that I express the feeling of my colleagues and that of millions of Americans when I extend my congratulations to Mr. Hoover and wish him good health and long extended service in behalf of this Republic.

My senior colleague has also requested that a biographical sketch of J. Edgar Hoover be printed in the RECORD at this point, and I ask unanimous consent that that be done.

There being no objection, the biographical sketch was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH OF JOHN EDGAR HOOVER, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE, FEBRUARY 1, 1957

John Edgar Hoover was born January 1, 1895, in the District of Columbia. He was educated in the public schools of the District of Columbia and received bachelor of laws and master of laws degrees from the George Washington University. He holds honorary degrees from the George Washington University, Pennsylvania Military College, New York University, Kalamazoo College, Westminster College, Oklahoma Baptist University, Georgetown University, Drake University, University of the South, Notre Dame University, St. John's University Law School, Rutgers University, University of Arkansas, Holy Cross College, Seton Hall College, Marquette University and Pace College.

Mr. Hoover entered the Department of Justice in 1917, and in 1919, he was appointed Special Assistant to the Attorney General. From 1921 until 1924, he served as Assistant Director of the Bureau of Investigation and in May 1924 he was named Director.

Mr. Hoover is a Mason, both Royal Arch and Scottish Rite, 33d degree, and a Shriner. He is a member of Kappa Alpha Fraternity; Omicron Delta Kappa; Delta Theta Phi; Alpha Phi Omega; and Zeta Sigma Pi. He is a member of many national and statewide law enforcement associations. He is a trustee of the George Washington University; a member of the Board of Directors of the Boys' Clubs of America; a member at large of the National Court of Honor, National Council, Boy Scouts of America; and an active member of the Grand Council of the Order of DeMolay.

He has been admitted to practice law before the bar of the District Court of the United States for the District of Columbia, the United States Court of Claims, and the United States Supreme Court.

On March 8, 1946, Mr. Hoover was presented the Medal of Merit by the President of the United States. On December 30, 1951, the Jewish War Veterans of the United States of America presented Mr. Hoover the Gold Medal of Merit citation for outstanding service in safeguarding the security of the United States of America against Communist conspiracy and subversion. On May 22, 1953, Mr. Hoover was presented with the Distinguished Service Citation of the All-American Conference To Combat Communism for absolutely vital service rendered to the United States of America and to freedom everywhere in the world. On May 10, 1954, Hon. Herbert Brownell, Jr., Attorney General of the United States, awarded Mr. Hoover a Certificate of Merit in recognition of his service as Director of the Federal Bureau of Investigation for 30 years. On November 13, 1954, Mr. Hoover was awarded the Cardinal Gibbons Medal by the National Alumni Association of the Catholic University of America for outstanding service to his country. On May 27, 1955, President Eisenhower presented Mr. Hoover with the National Security Medal for his outstanding service in the field of intelligence relating to national security.

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## AMERICA'S RESPONSIBILITIES TO THE BLIND

Mr. WILEY. Mr. President, I was extremely interested to read a recent article with regard to the successful 31st annual

convention of the American Association of Workers for the Blind, as held in Chicago.

The article described, however, not the technical phases of the convention, but rather the matter of how we Americans who fortunately possess the blessing of sight can best fulfill our responsibilities in dealing with the average blind person.

The American Association of Workers for the blind has constantly emphasized that what the blind, or, for that matter, any handicapped, want, is not dependency, not paternalism, not pity, but rather the opportunity to live, to the greatest possible extent, as normal members of society. They want to stand on their own feet, to earn their own way, to be self-respecting, self-supporting, and, as much as possible, self-sufficient.

Of course, they do need assistance, but it is not the assistance of the handout or of paternalistic government. It is the assistance of those who seek to help themselves, with a minimum of the help of others.

This, too, is the point which has been repeatedly raised by the American Foundation for the Blind—a national research and information agency, of which President Eisenhower is honorary president, and of which the famed Helen Keller is counselor of the foundation's Bureau of National and International Relations. Mr. M. Robert Barnett is executive director of the foundation.

I send to the desk now the text of the article describing how each of us should deal with the blind people whom we may meet, with whom we may work, and with whom we may live. I ask unanimous consent that the article be printed at this point in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOTEL MEN LEARNED HOW TO HELP BLIND AT CONVENTION OF SIGHTLESS

(By John F. Sembower)

CHICAGO, ILL.—Elaborate efforts of a Loop hotel here to make sure that its employees would know how to make the 1,000 professional and lay workers of the American Association of Workers for the Blind feel at home may have contributed a new set of standards to be used by people everywhere in dealings with the sightless.

The staging of the 31st annual convention of the delegates here from the United States, Canada, and Mexico is the culmination of what hotelmen believe has been one of the most unusual special training programs ever devised for a hotel staff, and sprang from the La Salle Hotel's decision weeks ago to assemble the best information from authorities on the blind as to how to help them cope with living in strange rooms, eating in unfamiliar places, meeting new people, seeking directions and crossing busy thoroughfares, riding fast elevators, and encountering unexpected flights of stairs.

The hotel personnel was rehearsed for days on an outline provided by Ralph Ireland, executive director of the Chicago Lighthouse for the Blind, and Holland Horton, president of the Illinois Association of Workers for the Blind. Their list of do's and don'ts has worked so effectively that soon they will be presented to other groups throughout the country.

Here are the suggestions which emerged as key points in the training:

Remember that a blind person's senses are especially keen. It is a common mistake for people to talk loudly to a blind person as though he were deaf, or to act as if he were stupid in some way.

Talk directly to the blind person just as though he could see you, and you will be surprised how quickly he faces directly at you and the sight barrier is forgotten. One of the worst mistakes is to talk to a blind person through his companion, because this is sure to embarrass all concerned.

Avoid pushing or oversteering a blind person; take a leaf out of the Boy Scout's Handbook and just offer your arm. Blind people are usually keen in sensing through light bodily contact exactly what is expected of them.

To assist a blind person to sit down, first ask him if you may take his hand to help him locate the chair, and then do only that.

When dining with a blind person, quietly describe the location of food and plates before him. About the only special assistance, aside from speaking softly, "here is the butter plate," and so on, is to remember not to fill cups and glasses too full.

In giving directions, imitate the radio announcer's technique of brief verbal descriptions for everything. Do not just walk away from a blind person, but say something about your departing, and when you come into the presence of a blind person, pleasantly announce your arrival in his ken. Blind people have almost extrasensory perception of "feeling" people near them, or their withdrawal, and like to know who is about.

Finally, a word about many a blind person's "best friend," his seeing-eye dog. Resist the urge to pet or talk with them; just be friendly in manner and reassuring, because they have a job to do and should not be distracted from it.

## CIVIL RIGHTS ACT OF 1957

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

The Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

## THE HELLS CANYON DAM

Mr. MORSE. Mr. President, before I proceed with a discussion of the civil-rights issue, I desire to make a few brief remarks on another subject matter.

Yesterday the House Committee on Interior and Insular Affairs adopted a motion to postpone until February 1, 1958, the Morse Hells Canyon Dam bill, which has been passed by the Senate.

This morning the press asked me if I am now willing to admit that the high Hells Canyon Dam is licked and dead. The answer is a categorical "No."

First, I do not know what the word "quit" means. Second, I am satisfied that week by week, increasing thousands of people in the country are becoming aware of what the administration is doing to the heritage of future generations of American boys and girls in relation to their natural resources. I am satisfied that the day of reckoning will come, that the people of the United States will make their position crystal clear to their elected representatives in Congress, and that we will still win the Hells Canyon Dam fight.

"Oh, but," says the press to me this morning, "they are proceeding with the building of Brownlee Dam."

Well, Mr. President, they are having plenty of trouble building it. They are having not only foundation trouble, but I understand they are also having financial trouble, and labor trouble as well. They are beginning to recognize the mounting public opinion against the kind of private utility privateering and exploitation that is going on, as symbolized by Brownlee.

I serve notice that I shall continue, across America in the months ahead, to carry the fight to the administration with regard to this betrayal of the public trust in the field of natural resources. I shall carry that fight from platform to platform, wherever I can get a hearing. I welcome the administration to send forth its spokesmen in an attempt to reply to the position I take on the issue of natural resources.

Let me also say that repayment of whatever the construction costs of Brownlee may be from now until the first of February will be a small item, compared with the savings to present and future generations from the full development of the potentialities of the Hells Canyon Dam site.

It is too bad that this administration is putting the American taxpayers in such a position that they may have to pay out some investment costs for the construction of Brownlee, but that is a comparatively small amount to pay for this mistake of the administration. The American people are paying hundreds of millions of dollars they do not know about yet for the mistakes of the administration in many fields. Brownlee Dam happens to be only one relatively small part of that cost.

I wish to say something further about the Hells Canyon Dam issue this morning. As a Democrat, I regret that there are Democrats in the House of Representatives who do not recognize that Hells Canyon Dam symbolizes a great policy of the Democratic Party. It is in keeping with the principles of Jeffersonian democracy. I deeply regret that there are a few Democrats on the House Committee on Interior and Insular Affairs who failed to recognize the fact that the Democratic Party was entitled to the right to have the issue decided on its merits on the floor of the House of Representatives. They are perfectly welcome to say, "We are against the Hells Canyon Dam," but they ought also to be willing to say, "We intend to vote against the Hells Canyon Dam on the floor of the House, but we are willing to let it go to the floor of the House, so that the majority may rule. We will not adopt this kind of scuttling program in the committee." That is what they did; they joined with the Republicans to scuttle full development of a great natural resource.

We all know what the policy of the Republican Party is. It is a sellout to the private utilities, to the selfish monopolies. It is regrettable, however, that a great policy of the Democratic Party is being thwarted, because there are Democrats who are not willing to let

the Democrats of the House have an opportunity to vote on the Hells Canyon Dam on its merits, along with, I may say, a group of conservation-minded Republicans. I should like to point out that there are millions of Republican voters across the land who see these issues as does the senior Senator from Oregon and agree with him on the Hells Canyon Dam fight.

I wanted to make what I have said a matter of record this morning, because the press has been asking me what I have to say about the Democrats who joined with the Republicans on the House side to help scuttle, for the time being, the Hells Canyon Dam within the Committee on Interior and Insular Affairs. My answer is that I have not much to say about them, but I will have much to say about their course of action.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. JOHNSTON of South Carolina. I join with the Senator from Oregon in what he is saying concerning the matter which is now pending in the House. I, too, believe that the passage of the Hells Canyon bill is almost absolutely necessary for the building up of the Senator's section of the United States. What ought to be done cannot and will not be done if the Federal Government does not join in helping the people of that region in this great undertaking.

I hope the two Democrats in the House will see the error of their ways and do what they should do in order to give to the people of the northwest section of our United States what they rightly deserve.

Mr. MORSE. Mr. President, I deeply appreciate the remarks of the great Senator from South Carolina. He and I differ on a few issues, although not many. As he knows, we differ on some civil-rights issues. But the Senator from South Carolina personifies, in my judgment, the policy which ought clearly to be put into effect by the Democratic Party in the field of natural resources. The senior Senator from South Carolina is one of the great conservationists, not only in the Senate, but of the entire country. I want him to know, speaking in behalf of the people of my State, that we deeply appreciate the valuable assistance he has given to us time and time again in our endeavor to develop the natural resources of the country for all the people of the Nation, not simply for the selfish, monopolistic interests.

As the Senator from South Carolina knows, the senior Senator from Oregon always joins shoulder to shoulder with those in the Senate who want to develop the natural resources for the benefit of all the people, wherever they are located, whether in South Carolina, Florida, Massachusetts, California, or anywhere else. As the Senator from South Carolina recognizes, and as I have said so many times, when we are fighting to develop natural resources, we are fighting to preserve, conserve, and develop the greatest single natural resource vital to an ever-climbing American civilization; namely, water. We had better make certain that we do a better job of developing the maximum potential water supply of America. That means full river-basin development; not the underdevelopment program of the Eisenhower administration; not the giving away to private interests of the people's heritage in their own water supplies.

I have often said: Watch the water table of America. It is going down. If the Eisenhower program of giving away and devastating the water resources of America is not stopped, an irreparable blow will be dealt to the future of America's civilization. In our generation, we had better not follow a course of action in regard to water resources which will deal an irreparable injury to the future generations of Americans.

I thank the Senator from South Carolina for the great assistance and leadership he has exercised in the field of water conservation.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator further yield?

Mr. MORSE. I yield.

Mr. JOHNSTON of South Carolina. There is one other matter along that line to which I wish to call the attention of the people of the United States. Water rights do not belong to any one individual; they belong to all the people of the Nation. It is not right to allow one private company to construct a small dam on a stream and thus make it impossible, later, to build a large dam which will more greatly benefit that locality. It makes no difference where the project may be—whether it be in the South, the North, the East, or the West—that is my position.

Mr. MORSE. The Senator from South Carolina is unanswerably correct. I appreciate his support.

Mr. KEFAUVER. Mr. President will the Senator yield?

Mr. MORSE. I yield.

Mr. KEFAUVER. I strongly associate myself with the remarks of the Senator from Oregon and the Senator from South Carolina. It seems to me that we should not consider the development of the natural resources of any section of the country on a sectional basis. To provide the full utilization of our resources and their development to the greatest potential, we ought all to stand together, regardless of the section from which we come, if we are interested in future generations of Americans and in the conservation and use of the natural resources for their benefit.

In the Pacific Northwest are the Columbia and Snake Rivers, and other great water potentials. If we who come from other sections of the country take the narrow view that their development does not help our own sections, and if we vote against their development, what will happen when there are natural resources to be developed in our own sections of the country? Practically every State—certainly every region—has a resource to develop. We ought to be mindful of the fact that only by following a policy of consistency can we expect a uniform program.

I have considerable familiarity with the two proposals in the Pacific Northwest. Everyone who reads the RECORD knows that the great value of Hells Canyon will be lost unless the program of Idaho Power Co. is stopped, and unless a high dam is built there.

I think it should be borne in mind, contrary to what President Eisenhower said in his letter, that the question whether the third dam of Idaho Power Co., at little Hells Canyon, will be built, is very vague, indeed. The Idaho Power Co. may build it, it may be ordered to build it, or it may not want to build it. Also, there is considerable doubt as to when the Oxbow Dam will be completed.

I believe that thoughtful Senators and Representatives, from whatever section of the Nation they come, ought to join in the effort to enable the Federal Government to make certain that this river is utilized to its greatest advantage for the greatest good. That can be done only through the building of a high Hells Canyon Dam.

Mr. MORSE. I thank the Senator from Tennessee for his very sound remarks on the Hells Canyon Dam issue. He knows that in my book he is Mr. TVA.

Mr. KEFAUVER. I thank the Senator from Oregon.

Mr. MORSE. The Senator from Tennessee has performed outstanding statesmanship in his defense and promotion of TVA, which is naught but implementation of the sound Democratic policy about which I have been speaking this morning. I think he knows that I have always followed his leadership in regard to the great problems of the Tennessee Valley. I intend to continue to follow his leadership, because he has already unanswerably proved his case in support of the maximum development of the resources of the Tennessee Valley.

Mr. KEFAUVER. I thank the Senator from Oregon.

Mr. MORSE. I desire to make two other brief points on this subject, which might be interpreted by some persons as advice to the Democrats. It might be resented by some as advice coming from a Democrat of only recent vintage. But much can be said about a fresh point of view; and apparently on the House side there is need for the expression of a fresh point of view or a revived point of view in the matter of natural resources, because I am exceedingly disappointed in a Democratic leadership which results in a party course of action which makes possible the postponement of the final consideration of the Morse Hells Canyon Dam bill until February 1, 1958.

The Democrats did not make this a political issue; the Republicans made it a political issue. It ought to be a nonpartisan issue, because, in fact, it is a nonpartisan problem. The matter of what should be done to protect the heritage of the people of our country in their own natural resources should never be a political issue. But the Republicans have made it such. They made it such, for example, during the course of my campaign and the campaigns of the senior Senator from Washington [Mr. MAGNUSON], and the junior Senator from Idaho [Mr. CHURCH]. Now it will continue, undoubtedly, in 1958, as a political issue.

We have now witnessed the most recent partisan act on the part of the President. I have said right along: Put the responsibility for the attempt to scuttle Hells Canyon Dam where it belongs,

namely, on the shoulders of just one man, and his name happens to be President Eisenhower. I said so throughout my campaign.

The latest proof of it is the letter sent by the President to a Republican Member of the House of Representatives from the State of Washington. In the letter, which is a recent one, the President sets forth his reasons for opposing the Hells Canyon Dam. I say to the people of the Pacific Northwest: "Again the President has drawn the issue. Give him your answer in November 1958. Retire Republicans from the Congress, because, after all, it is this Republican administration that has been seeking to scuttle your natural-resource interests. Go after them in November 1958. All the proof you need is the President's letter to the Washington State Member of the House of Representatives, setting forth the President's reasons for opposing Hells Canyon Dam."

But, Mr. President, I also wish to say to my Democratic associates that I am not at all happy about the fact that the Democrats in the House of Representatives in my judgment have not kept faith with a great Democratic policy, clearly enunciated in the Democratic Party's platform and clearly professed by Democratic leaders for a long time; and it is going to be difficult, let me say, to ignore the alibi that Republicans will attempt to make, although we know they are the principal cause of the postponement—the alibi that, nevertheless, it was a Democratic House, under Democratic leadership.

So, Mr. President, I hope the Democratic leadership will not substitute the position of a few recalcitrant southern Democrats, who apparently do not understand the natural-resource problems of the Pacific Northwest, for a sound Democratic Party natural-resource program.

As I said before, in the months between today and February 1958 I intend to take not only the Hells Canyon Dam issue, but the whole natural-resource issue, to the people of this Nation, to the extent of my energies and my ability, because on the domestic front I think the preservation and the conservation of our water resources constitute one of the most important domestic issues.

## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

### JUSTICE AND JURIES

Mr. MORSE. Mr. President, I turn now to the pending measure, the civil-rights bill.

The debate on civil rights has taken a very strange turn, indeed. After observing decades of real deprivation of equality before the law fastened upon Negro Americans, the Senate has become diverted by an unreal controversy over trial by jury.

What has happened to the basic issue? In effect, the lack of equality suffered by our Negro population has been conceded. As a result, the very substance of what the pending bill concerns has been pushed into the background, and the attention of the country and the Senate has been shifted to a subsidiary issue. The issue of jury trial in contempt cases has been allowed to usurp the stage, while the denial of the rights of citizenship is all but ignored.

On the one hand, we have the rights of millions of citizens. On the other, we have the asserted right, a claimed inviolable right, of a handful.

What, after all, are we talking about? There is, apparently, no quarrel with the proposal to add to the bill a civil proceeding to protect voting rights—at least, no quarrel on the part of those who seek to remedy the basic injustices to which the bill is directed.

But it is claimed that the change of form from criminal proceedings to civil proceedings should not be permitted to deny defendants the right to a trial by jury, which would be theirs under existing law.

Let us consider the defendants' trial under part IV. It is not claimed that there should be a jury in the underlying case in which the issue of deprivation of civil rights is tried. The trial-by-jury issue relates only to instances in which defendants refuse or fail to obey a court order remedying the denial of voting rights or other civil rights.

Mr. President, if, in the course of this debate, I say only one thing that anyone will remember, I sincerely hope this will be remembered: The determination of civil rights is for the courts, not for a jury, to make. The determination of a civil right raises a constitutional question which cannot be settled by a jury. A question as to whether a civil right is being denied cannot be determined by a jury.

Of course, the Senate could establish a procedure for a jury trial in regard to this matter. But no jury can grant or can take away a civil right from a freeman or a freewoman in the United States; and the determination of whether a civil right exists or does not exist falls within the province of the courts. That is the basic issue in this fight; and the constitutional fathers provided in the Constitution all the protection the American people could possibly want—the protection of a constitutional amendment.

Mr. President, I repeat what I said the other day: A dramatic proposal was made, namely, a proposal for a referendum on civil rights. But I was not fooled by it. The proponent of that proposal knows that one of the protections written into the Constitution of the United States is in the form of a referendum. I refer to the procedure for the adoption of a constitutional amendment. Why does not he try to use it? My difference with my good friends from the South is not a personal difference; it is a professional difference. Let my good friends from the South who think that, someway, somehow, we are seeking to deny the South its rights, offer proposed constitutional amendments which will write segregation into the Constitution of the United States, or will write into the Constitution a single one of the discriminatory practices now existing in the South and in some places in the North, thus denying fellow Americans their constitutional rights under the 14th and 15th amendments.

There is the referendum procedure, Mr. President. The constitutional fathers, with their farsightedness, provided it. But it is not proposed here, and all of us know why it is not proposed. It is not proposed because it would not be possible to get very far with such a constitutional amendment; in fact, I doubt that it would be possible to get very far with it even in the South. But considering the country as a whole, a constitutional amendment proposed in an effort to constitutionalize a single one of his discriminatory practices would not get anywhere. But that is the referendum procedure which should be followed by those who think these discriminatory practices should be authorized by the Constitution.

I wish to stress that point because it seems to me that throughout the debate too little stress has been placed upon what the Senate is dealing with. The Senate is dealing with a constitutional question. It is not for the Senate to determine what is or is not a constitutional right. It is not for a jury to determine what is or is not a constitutional right. It is for the courts to determine that question. Let me say to some of my wayward liberal friends—and I speak of them most respectfully, and I use that term only in quotation marks, for descriptive purposes—that the test of liberalism on this issue is not whether one stands for a jury trial. That does not meet the test of liberalism, either, although even as late as this morning I discovered that some labor organizations have become convinced that liberals ought to stand for a jury trial.

Mr. President, let me say to the labor organizations of America, or to any one of them which will so contend, that here is one liberal who will not go along with that position, just as I did not go along with some other liberal organizations, not so many days ago, when they wanted me to follow a procedural course of action in connection with the handling of this bill in the Senate. I said then that that was no test of liberalism, because I was being asked to sacrifice what I consider to be procedural safeguards for orderly legislative process in the Senate of the United States.

So I say now to my liberal friends in some of the labor organizations that have tried to put on the heat this morning: "I think you are dead wrong; and when I think you are dead wrong, I am, as in the past, going to vote against you."

I have no intention of following the advice of these labor organizations—I care not from what quarter or from what labor organizations it comes—because on the merits I consider them wrong on this issue, for I think it is the duty of the liberals, in this historic debate, to protect that great, precious citadel and safeguard of free men in their constitutional rights, namely, the judicial branch of Government, coequal and coordinate with the legislative branch. In my judgment, the adoption of the trial-by-jury amendment would

result in weakening the right and duty and obligation of the courts of America to protect constitutional rights, for reasons I shall set forth in this speech before I finish.

Mr. KEFAUVER and Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER (Mr. MONRONEY in the chair). Does the Senator from Oregon yield; and if so, to whom?

Mr. MORSE. I yield first to my friend the Senator from Tennessee.

Mr. KEFAUVER. I appreciate my friend's yielding to me. It is very seldom I have a different point of view from that of the Senator from Oregon, but he has made the point that he does not think the matter of a jury trial has any great importance in injunction cases affecting labor, as I understood the statement.

Mr. MORSE. No; I did not say affecting labor. I said affecting constitutional rights.

Mr. KEFAUVER. Does the Senator agree with the position taken by Senator Norris and Representative La Guardia and Congress at the time it enacted the Norris-La Guardia Act?

Mr. MORSE. For reasons set forth in great detail the other afternoon in a speech I made in the Senate, in my judgment their position bears no analogy to the instant case at all. If the Senator from Tennessee is arguing by way of analogy, I answered the argument in great detail the other day by saying the old method of using an argument by way of analogy is a very effective tool; but in any argument by analogy one ought to use two cases that are comparable. For the reasons I set forth, I do not think there is any comparability between the issue of labor injunction, which involves private economic contests between private parties, and the present issue, which involves the inherent power of a court to protect the constitutional rights of every man and woman in this country, irrespective of the color of his skin.

Mr. KEFAUVER. Mr. President, will the Senator yield for another question?

Mr. MORSE. Yes; I yield.

Mr. KEFAUVER. I know that in my own State the members of organized labor endeavored to have passed by the Tennessee Legislature—and it came up for consideration—a bill granting a jury trial for violators of injunctions of courts in labor cases.

To the extent I could, I assisted their efforts in the Legislature of the State of Tennessee.

Mr. MORSE. I would do the same thing if it involved a corporation.

Mr. KEFAUVER. I felt that was in furtherance of the general principle of jury trial as contained in the Norris-La Guardia Act.

Mr. MORSE. That act involved no constitutional right.

Mr. KEFAUVER. Several thoughtful members of organized labor with whom I have talked recently feel, inasmuch as in the Taft-Hartley law—for which the Senator from Oregon and other Senators now present, including the Senator from Illinois [Mr. DOUGLAS], and the Senator from Minnesota [Mr. HUMPHREY], did not vote, and for which I did not vote, brings the National Labor Relations Board into the picture in cases that go to the court of appeals, there are no provisions for jury trial, that the Norris-La Guardia jury trial provision is substantially meaningless insofar as concerns protecting the rights of labor to a jury trial for violation of an injunction. Has not that point been made?

Mr. MORSE. Oh, yes; and the Senator from Oregon, in reply, has tried to point out that such cases involve contests over economic rights and interests, and not contests over basic constitutional rights.

Mr. KEFAUVER. If it was worth while and if it was good public policy to grant members of labor a jury trial with reference to an alleged violation of an injunction in labor disputes, and if we could rewrite the law so as to restore to labor the right they had before the passage of the Taft-Hartley law, would not the Senator feel that was a step in the right direction? Would not that give some protection to members of organized labor against decisions that have been imposed upon them by dictatorial orders of district judges in many cases?

Mr. MORSE. I have no quarrel, in so-called private litigation, with granting of jury trial to determine the facts in regard to economic interests; but I object to argument by false analogy that would confer a right to trial by jury in a case which involves the question whether a defendant is carrying out the court's instruction when the constitutional rights of a free man or a free woman are involved. In regard to such cases, no jury ought to have jurisdiction; only a court should, and the necessary check is provided. What is the check? There is the check of going from the district court to the appellate court and thereafter to the Supreme Court. As the Senator from Tennessee well knows, the practice has been to hold the case in abeyance until the appellate procedure has been concluded. Then, if the Supreme Court goes wrong, so far as the American people are concerned, we have the constitutional amendment procedure.

What I wish to point out is that in the legislature, the Congress, some are seeking to infringe upon the inherent judicial power of the Supreme Court, in the last analysis, which has been written indelibly into the Constitution. That fact has been lost sight of, I respectfully say, in the false analogy argument which has been used in support of jury trial. I will say to the Senator from Tennessee that I develop it further in my speech.

Mr. KEFAUVER. I should like to ask the Senator a final question. As a student and teacher of constitutional law, the Senator from Oregon, of course, knows that when a person is being tried for criminal contempt, the case does take on many aspects of a criminal trial, in which he would be entitled to a jury. He can be sentenced for a definite length of time. He is presumed to be innocent until proved guilty. He cannot be required to testify against himself.

Mr. MORSE. That is true in contempt cases, now, except for the jury.

Mr. KEFAUVER. So where the case involves punishment, as distinguished from an effort to secure compliance, what objection has the Senator to granting a jury trial?

Mr. MORSE. Because it is an infringement on the necessary prerogatives of the court.

Mr. KEFAUVER. Is it not a matter for the determination of the court as to whether the court will proceed in civil contempt, in order to secure compliance, as distinguished from wanting to punish somebody for an act he has done?

Mr. MORSE. That is correct.

Mr. KEFAUVER. Is not that a decision for the court to make?

Mr. MORSE. Yes.

Mr. KEFAUVER. Then how does it infringe upon the prerogative of the court?

Mr. MORSE. Because Congress will be saying to the court, "You must follow this mandated procedure." When we do that we in effect—mark my language—take away the complete authority of the court to determine constitutional rights.

Mr. KEFAUVER. Would not the Senator agree that when we leave it to the court to determine which procedure it will follow, whether it will be for civil contempt, in which a defendant does not have a jury trial, or criminal contempt, in which event the defendant may have a jury trial, the court will follow the procedure based upon its decision whether it wants compliance or whether it wants to punish a defendant for violation of a court order? Does not the Senator feel that the dignity and the sanctity of the court is being fully safeguarded by such a procedure?

Mr. MORSE. As the Senator knows, really both civil and criminal contempt can be tried in the same proceeding.

My next answer to the Senator is that: I do not want my constitutional rights, or the rights of the Senator from Tennessee, or the rights of any other one of our 170 million people, determined by a discretionary alternative. I want my constitutional rights determined and backstopped on the basis of judicial action, not on the basis of the possible caprice of a jury.

Mr. KEFAUVER. Why was the Senator in favor of the jury-trial provision in the Norris-La Guardia Act?

Mr. MORSE. As I pointed out, it was because that act involved not a constitutional right, but a dispute over relative economic interests as between private parties.

Mr. HUMPHREY and Mr. DOUGLAS addressed the Chair.

Mr. MORSE. I yield to the Senator from Minnesota [Mr. HUMPHREY] and then I shall yield to the Senator from Illinois [Mr. DOUGLAS].

Mr. HUMPHREY. Is it not true that the main purpose the Norris-La Guardia Act was to abolish the use of injunctions as a means of the so-called adjudication, if we can use such a word, of labor disputes?

Mr. MORSE. Of economic issues.

Mr. HUMPHREY. Of economic issues.

Mr. MORSE. Yes.

Mr. HUMPHREY. Furthermore, the policy which had been declared was the policy of collective bargaining. Therefore, when the injunctive process was to be used it was to be couched in such terms and in such protective procedures that it would forward the national objective of collective bargaining.

Mr. MORSE. The Senator is correct.

Mr. HUMPHREY. In this instance, as to the right to vote, which is a right at least supposedly guaranteed by the 15th amendment to the Constitution, whatever procedures are to be advocated should be procedures which enhance the right and privilege declared in the Constitution of the United States.

Mr. MORSE. I share that opinion.

Mr. HUMPHREY. I have one further observation, if the distinguished Senator from Oregon will yield further.

Mr. MORSE. I yield.

Mr. HUMPHREY. It appears to me that the argument which is being used by our esteemed colleague from Tennessee is an argument which begs the question entirely, because, as the Senator from Oregon has so brilliantly, so concisely, and so purposefully pointed out, article III, section 1, of the Constitution leaves no doubt whatsoever where the judicial power rests. The judicial power does not rest with the Congress.

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

Then we come to section 2, which says:

The judicial power—

And I underscore those words—

The judicial power shall extend to all cases in law and equity.

If the judicial power is to be in the court, then the court must have the power to protect its judicial power, and that is exactly what it is able to do and what it is privileged to do under a long history of constitutional law.

Mr. MORSE. That is the position I am taking.

Mr. HUMPHREY. Exactly. What the opponents of this measure are proposing is not to take us back to the Constitution, but rather to add to, supplement, and change what has been the historic process in the courts of the United States.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. HUMPHREY. I say, most respectfully, they have pulled the so-called oratorical wool over people's eyes. They are trying to fuzz up the picture and make it appear that when one stands against jury trial in criminal contempt cases, such as we are talking about here, where a constitutional right is involved, somehow or other he is attempting to deny what is laid down in a long period of American history. The truth is that those who are trying to rewrite history, the opponents of the position taken by the Senator from Oregon, are trying to rewrite the pages of history.

Mr. KEFAUVER. Since my name was mentioned, Mr. President, I ask the Senator to yield to me.

Mr. MORSE. I think the Senator from Illinois [Mr. DOUGLAS] will permit that courtesy.

Mr. KEFAUVER. I should like to ask the Senator from Minnesota a question. The Senator from Minnesota cited the Constitution as saying that all judicial power was vested in the Supreme Court.

Mr. HUMPHREY. That is right.

Mr. KEFAUVER. That meant the courts, and the Senator mentioned that since the jury was not mentioned, it was not a part of our judicial system. As the Senator well knows, the circuit courts, the district courts, and many features of the court system, including trial by jury, are necessary parts of our judicial system, even though they may not be mentioned in the Constitution, where only the Supreme Court and inferior courts are mentioned.

I hope the Senator does not mean by his statement that he wishes to take us back to conditions before Runnymede and abolish trial by jury as a part of our judicial system.

Mr. HUMPHREY. I assure the Senator from Tennessee that I do not wish to take him back to conditions before Runnymede, or even to take him back to the situation before this debate started. I desire to refer him to the history of common law cases, and equity cases. The Senator from Tennessee is a great student of the law and knows much more about this subject than I do. The Senator knows that in cases of equity a jury trial is not exactly the pattern. The Senator from Tennessee knows that better than the Senator from Minnesota. Why does the Senator try to put on foggy glasses and miss the issue?

I say to Senators that the jury-trial issue has been blossomed up as a sort of cloud or fog over the entire legislative process on this bill. The Senator from Tennessee knows better than the Senator from Minnesota that when a crime is committed the defendant is entitled to a jury trial, but the Senator must know that in this instance we are merely attempting to protect the integrity of the courts.

(Several Senators rose.)

Mr. KEFAUVER. May I say to my distinguished Senator friends——

Mr. HUMPHREY. Thou art surrounded.

Mr. KEFAUVER. I believe that on this issue I surpass them in liberality. I am not only for a jury trial under the Norris-La Guardia Act, in order to prevent arbitrary actions of judges—and we have noted such in some courts, against labor unions—but I am also in favor of a jury trial for the violation of any injunction where the person is involved in a criminal violation of the injunction and is liable to be punished for a violation of the injunction, as distinguished from forcing compliance with the injunction, whether it be labor legislation, antitrust legislation, under a civil-rights bill, or whatever it may be. I think that is sound procedure.

So far as I am concerned, I should like to see the present statute amended so as to restore the right which labor lost by the enactment of the Taft-Hartley law and so as to provide for a jury trial in criminal contempt cases for violation of an injunction. I think that is the direction in which we ought to be moving.

I am sorry my friends here are trying to protect what the Taft-Hartley law has done to the Norris-La Guardia Act.

Mr. MORSE. Mr. President, exercising my floor rights, if I still have them, I wish to say to my good friend, the Senator from Tennessee, that as he knows, I love him. I even love him when he makes such a mistake as he is now making.

Mr. KEFAUVER. I might say, greater love hath no man.

Mr. MORSE. I apparently cannot get the Senator from Tennessee to consider my point that he is arguing by false analogy throughout this discussion. The Senator says he thinks he surpasses us in liberality. I say to the Senator that in my judgment, respectfully stated, there is nothing liberal about proposing to turn over to a jury the determination of constitutional rights. In effect, that is what the Senator is proposing to do. Determination of constitutional rights is a subject in the province of the court, not of a jury.

I do not propose, as a liberal, to give that right to any jury. I repeat that there is nothing comparable between the Norris-La Guardia Act and the question as to whether or not a constitutional right, in the form of a civil right of any American, is being denied. If such a right is being denied, that is not a jury question, but is a court question, with all the appellate procedure which is available.

The patience of the Senator from Illinois [Mr. DOUGLAS] has been so great that I now yield to him.

Mr. DOUGLAS. Mr. President, first, I wish to congratulate the Senator from Oregon for the very brilliant legal, procedural, and constitutional argument he has been making. Our good friend, the Senator from Tennessee, is stating that because the Senator from Oregon and others of us favored the jury-trial provision in the Norris-La Guardia Act, we are therefore grossly inconsistent in opposing a jury-trial provision under part IV of the civil-rights bill.

The Senator from Illinois, as Senators all know, is not a lawyer, and, therefore, he is not acquainted with the full legal subtleties which lawyers on this floor use in discussing this question.

I had always thought that the aim of any system of law or any system of procedure was to obtain the maximum amount of justice. I had never thought that procedure was an end in itself, or that the formal rules of law were ends in themselves. They are merely means to obtain justice.

What was the situation which we faced in 1932? It was a situation in which the Federal courts of the land were almost entirely composed of judges of a highly reactionary stamp, recruited almost entirely from the ranks of successful corporation lawyers, because the Republican Party had been in power, with the exception of 16 years, ever since the Civil War. So the judges issued injunction after injunction restraining the legitimate activities of labor unions. They not only restrained peaceful picketing and the primary boycott, but in

connection with the so-called yellow-dog contract they issued a series of sweeping injunctions. Under the yellow-dog contract, workmen would agree not to join a union or talk with a union official. Those laws were held to be constitutional by the United States Supreme Court. Many employing groups went one step further. They sought and obtained injunctions from Federal courts——

Mr. MORSE. Ex parte.

Mr. DOUGLAS. Ex parte. They sought such injunctions restraining union officials from talking to or approaching those who had signed the yellow-dog contracts. Then, if the union officials did approach them, they could be subjected to punishment for contempt.

In those circumstances many of us felt—and the Senator from Illinois felt at the time—that a great degree of justice would be obtained by submitting such cases to juries. It was that principle, rather than any distinction between economic rights and constitutional rights, which swayed many of us.

What is the present situation? The present situation is one in which, although we welcome the decision in the Clinton case, it is quite obvious that southern juries, selected primarily from jury lists which largely exclude Negroes, will tend to have some color bias to begin with.

Second, if they do not have a color bias, they are aware of the fact that, at the termination of their service, they must go back into the communities from which they came and be exposed to all the social, economic, and at times physical pressures which may be brought to bear. So under those circumstances it would be extremely difficult to obtain any deserved enforcement.

On the other hand, Federal judges are not prejudiced against the white citizens of the South, because they themselves are white southerners. They are southern born, southern educated, southern trained, and appointed from the South. Their nominations are confirmed by the Senate. No one who is unsatisfactory to southern Senators can be confirmed as a Federal judge. In one case the son of a former Senator is a district judge. In another case, in South Carolina, a district judge is the father of the present governor. The brother of the distinguished senior Senator from Georgia [Mr. RUSSELL] was once a district judge, and then a circuit judge. We cannot accuse those men of being prejudiced against the white South. However, they have life tenure, and they have sworn to obey the law. Therefore they tend to have a greater respect for the law than would be true of a group of citizens assembled. Furthermore, by reason of the fact that they enjoy life tenure, they are somewhat insulated from the passions and prejudices of the community.

I interject these remarks because, in addition to the very able constitutional argument the Senator from Oregon is making, of which I heartily approve, I think we should keep our eye on the goal of justice as well as on the means of procedure.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. In a moment. I wish to make a brief comment on what my friend from Illinois has said.

'I did not realize, when I started my speech today, that so much would be said about the question of labor injunctions. However, inasmuch as the question has been raised, I think my liberal friends would at least enjoy, if they would not be a little amused by, an argument which I had this morning with some of my labor friends, who pointed out to me that I had been one of the leading exponents in the Senate, at the very beginning of the Taft-Hartley law fight, of the position against the oppressive injunctive proceedings which are possible under the Taft-Hartley law.

I replied that I not only thought I had had such a record, but that I was very proud of it, but that that has nothing to do with the issue before the Senate, in connection with civil rights.

I do not happen to believe that in private actions between labor unions and an employer we ought even to go as far as we go in the Taft-Hartley Act, in giving to courts the power to break the economic backs of unions. But I point out again that we are dealing with economic interests, and not constitutional interests.

Everything the Senator from Illinois has said in regard to the history of the Norris-La Guardia Act is true, and I am glad he has placed it in the RECORD. But so far as the senior Senator from Oregon is concerned, the proper distinction between the different types of injunction in labor disputes is the distinction between the determination of economic interests, on the one hand, and, on the other, the determination of constitutional rights, which I think must be left with the courts. That is the thesis of my argument, and it is on the basis of that thesis that I intend to take my stand on the jury trial issue.

I shall proceed, if I may, and present my further arguments on this subject.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. MORSE. In a moment.

Many of my arguments have already been alluded to in the very interesting colloquy which I have had with my great friend, the Senator from Tennessee.

I yield to the Senator from Tennessee.

Mr. KEFAUVER. I appreciate the kindness of the Senator in yielding to me again.

The Senator from Illinois [Mr. DOUGLAS] has pointed out and reemphasized the position of the Senator from Oregon, that we are dealing here with the protection of constitutional rights, and that the Senator does not feel that that is a matter for a jury to pass upon, but rather it is a matter for the courts.

Has not the Senator from Illinois heard, as I have heard many times, the Senator from Oregon make long dissertations and forceful, eloquent, persuasive speeches on the theory that our constitutional rights are only as secure as the procedures which we have to protect them?

Mr. MORSE. I think I should interject that the Senator's colleague has just pointed out to me that the first descriptive phrase used by the Senator from Tennessee with regard to my speeches was to the effect that they were long. [Laughter.]

Mr. KEFAUVER. If I used that word, I did not intend to do so, because, judging the Senator's speeches on the basis of the importance of what he has to say, he makes short speeches. They may be considered lengthy by some, but they are full of worthwhile thoughts. The burden of many speeches which the Senator has been making—and I am sure the Senator from Illinois will agree—has been that there is not much use in having basic constitutional rights unless we have adequate procedures to protect them. The Senator has made the argument that the procedures of the Senate are important in the protection of constitutional rights—at any rate, of rights—and that the procedures of the Senate should be preserved.

Of course the jury system is a procedure for the securing of our basic constitutional rights. How can the Senator from Oregon be so indifferent to a procedure in one instance, and feel it is so important in the preservation of constitutional rights in another instance?

Mr. DOUGLAS. Is that question being asked of me?

Mr. KEFAUVER. I will address it first to the Senator from Illinois.

Mr. DOUGLAS. I never pass judgment on my fellows, but I may say that of course the Senator from Oregon has always emphasized procedural rights, and I believe he has performed a very valuable service in emphasizing them. The Senator from Illinois has said that to his mind the securing of justice, however defined, is the primary objective, and that procedure is an instrument with which to obtain justice. In this instance I am very happy that the Senator from Oregon is marshaling his eloquent arguments to indicate clearly that the procedure which we favor is best designed to obtain justice. I may say that if he had marshaled equally eloquent arguments on the other side of the question, I would not have been much impressed by them. [Laughter.]

Mr. MORSE. Mr. President, I should like to answer both Senators. I will say that I am demonstrating again my dedication and devotion to sound procedures, just as I did when I suggested that the bill should first go to the Committee on the Judiciary, with instructions. Now I argue along the same line when I say that we ought to protect the constitutional procedural powers of the courts. Because we are dealing with a constitutional right, I do not intend to support a procedure which, in my judgment, invades and weakens what I consider to be an important procedural power of the courts.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from New York.

Mr. JAVITS. I join my colleague in his outstanding and able legal analysis of the situation. I may say to him that I sat for more than an hour the other evening and listened to his speech, which included arguments on the jury trial

proposal. I thought it was an outstanding, erudite speech, well worthy of the highest standards of a law school dean, the distinguished position my colleague occupied before he came to the Senate.

Mr. MORSE. I should like to interrupt the Senator to say that I always feel stronger when the Senator from New York is on my side. I appreciate very much his kind remarks.

Mr. JAVITS. I thank my colleague. I hope we may be on the same side very often. I, too, am not very happy when I am not on the same side with him.

It seems to me we should carefully consider the analogy which is being drawn, even though it is taken out of context, because it is nevertheless a part of the process which has been referred to as pulling the wool over the people's eyes. It is being said that a man could be sent to jail, deprived of his rights, and so forth, without benefit of a jury trial. It should also be pointed out that a man could go to jail even under the amendment that has been offered. Therefore I believe we should make a distinction between a private right in the case of a situation that arises under the Norris-La Guardia Act and a broadly based right of sovereignty. We should point out that there was a reason why the amendment which sought to eliminate the United States as a party in the section which gives a jury trial was defeated. The reason was based on broad public policy. We are following the same broad public policy now, because we are protecting a broadly based right which we do not wish to entrust into the hands of a particular jury, as we are willing to entrust so many private rights, even the liberty of an individual.

Mr. MORSE. I believe that is a very sound statement.

Mr. JAVITS. It must be remembered that it is a crime and a contempt that we are talking about. I favor the amendment which the Senator from Oregon sponsors, to place a limitation on the punishment. I favor it also because it would largely dispose of the argument that is presently being made that a man could be sentenced to rot in jail, as if he had committed some heinous crime. It also pinpoints the fact that we are only trying to make it possible for the court to enforce its own mandate, and that if an individual commits a crime, he is separately triable on that charge. I deeply appreciate the Senator's explanation and statement.

Mr. MORSE. I agree with the Senator's statement on the subject. I feel very much stronger to know that he will support my amendment.

Mr. JAVITS. I shall do so, and I hope that many other Senators on this side of the aisle will also support it.

Mr. MORSE. I should now like to make a statement on a point I covered earlier in my remarks. I have just received a note that my early remarks about the position of some labor unions is being interpreted by some as a statement that all labor unions of the country are in favor of jury trials. I am sure the RECORD will show that I did not say that, and that that is not a fair interpretation of what I said. What I did point out was that a group representing some labor unions came to me this morning and tried to get me to support a jury trial amendment. I explained to them that I would not support such an amendment because I did not join in their point of view. I know of no labor movement throughout the country supporting a jury trial amendment. That may be the case, but, if so, I do not know about it. I know that certain labor-union representatives spoke to me this morning and tried to have me associate myself with their views on the jury trial amendment, but I refused.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. I should like to join the Senator from New York in commending the Senator from Oregon for proposing that the bill contain maximum penalties of not too severe a nature. I believe it is a very constructive suggestion. I shall support such an amendment and shall work for its adoption.

Mr. MORSE. Mr. President, in fairness to the Senator from Indiana, with whom I am happy to cooperate, I shall complete my formal statement, and then submit to questioning. I shall then yield the floor so that the Senator from Indiana may proceed with a speech which he had scheduled for some time.

DEFIANCE OF COURT DECREES

In a law-abiding society failures and refusals to abide by court decrees are rare. They are rare because the lawful and orderly fashion of challenging the judgments and orders of Federal district courts, or any trial courts, is to appeal. Such an appeal can be based on the law, the factual record, or both. It has yet to be contended on this record that appellate courts will be anything but fair and judicial in reviewing judgments and orders.

What then is the issue? The issue is how alleged failures to comply with orders not appealed are to be tried. If we assume that defendants in these cases will be law abiding in the main, we are concerned with but a handful of cases. Indeed, if the history of our legal system is any guide, such cases will be the rare exception.

Or are we being told implicitly that there will be massive resistance to Federal court judgment and orders and that defendants will in the main take the law into their own hands? If this is the argument, what is our response? Are we being asked, in effect, to cripple or hobble the Federal district courts in the administration of this bill? Is the implicit argument that there will be hundreds of contempt actions because most defendants will defy the courts? And are we being told, in effect, that because we can expect dozens or hundreds of contempt cases, we are dealing with a major problem.

Let the opponents of the bill lay their cards on the table. Are they implying that mass disregard to court orders lies ahead in the administration of this bill?

Let us assume for a moment there will be mass contempt of court. How are we to respond? Are we to say, by adopting this amendment, that juries chosen on an unrepresentative basis are to be interposed between the courts and their orders on one hand and defendants bound by those orders on the other? If we are dealing with threatened mass contempt, do we not owe it to the orderly administration of justice to maintain its traditional defense—the contempt power?

On the other hand, if contempts are expected to be few and isolated, what is the clamor to impose limitations on contempt cases to which the United States is a party that do not now exist under the law and have not heretofore been imposed?

We are told that trial by jury is an inviolable right. But the courts have held otherwise and the statutes are to the contrary, as I pointed out in my speech on Tuesday.

There is no constitutional right to trial by jury in contempt cases. There is no due process requirement of trial by jury in contempt cases. The contempt power is the power of courts to require compliance with decrees and to punish for willful refusal to comply. Why? The right exists so that the courts will not be flouted and that individuals will not take the law into their own hands.

WHAT IS CRIMINAL CONTEMPT?

It has been contended that the law since 1914 requires jury trial in all cases of criminal contempt. That is not so. The Clayton Act provisions requiring jury trial for criminal contempts apply only to those cases in which the violation of the court decree is also a violation of a criminal statute of the United States or a State. The elements of a criminal contempt are willful disobedience and punishment which cannot be avoided by later compliance. The factor, under the Clayton Act, which has been applied to all classes of criminal contempt, and not merely violations of antitrust law decrees, requiring jury trial, is that the violation of the decree is also an act which violates a criminal statute. The mere fact that the underlying case may be similar to a criminal case does not make it a certainty that criminal contempts invoke the violation of the similar criminal statute.

VIOLATION OF COURT ORDER NOT NECESSARILY AN INDEPENDENT CRIME

For example, a remedial decree may require a vote registrar to report back to the court at fixed intervals what he is doing to comply. If he willfully fails to report as directed, he would violate the decree—but not the statute prohibiting officials to discriminate in the registering of voters. Or the decree may order the official to post and publish notices as to new registry procedures. A willful refusal to follow the order could be punished as criminal contempt and yet not be a violation of a criminal statute.

A lawful order to remedy discrimination can have requirements very different from the prohibitions of a criminal statute on the same subject. So it is not accurate to say that in civil proceedings in the field in which there is also a criminal statute, trial for contempt is essentially the same as trial for violation of the criminal statute.

Even beyond that, the purpose of the trials is different. Sentence for violation of the statute is punishment for the transgression of law. Punishment for willful contempt of a court order is in vindication of the court's authority to require compliance of orders presumptively valid.

PROCEDURES ON APPEAL

In most cases, the order of a lower court is stayed until an appeal can be filed and consummated. Only pressing requirements for action cause courts to deny applications for a stay. But if a court in its sound discretion does deny a stay, is that any reason for giving special treatment to defendants who do what they please in violation of the order? Assuredly not.

There has been a good deal of sloganizing on the right to a trial by jury, but the slogans do not bear up under legal analysis.

HOW WELL DO JURIES DEFEND LIBERTY?

There have been stirring defenses of the jury as a shield against despotism. As I said earlier in this debate, juries have their utility. But have they in fact and in deed proven to be a guardian always against tyranny?

Take an example from our own history. No laws ever enacted have earned the just opprobrium of our people equal to the revulsion to the Alien and Sedition Acts. The Alien Act never resulted in a prosecution, although it drove outspoken aliens out of the country.

But the Sedition Act of 1798 resulted in 10 cases of prosecution, with a possible 11th, which is not thoroughly documented.

The Sedition Act was directed against a free press and free speech under the guise of condemning seditious libel. The act was used by the Federalists in power to silence opposition newspapers and political opponents. Most of the defendants were newspaper publishers, writers, or phampleteers who were critical of President John Adams. One defendant was a Representative from Vermont, Matthew Lyon. Another defendant was Anthony Haswell, editor of a newspaper, who published an advertisement to raise funds for Lyon's fine, and who said some strong things about Lyon's conviction and the unfair treatment he was receiving as a prisoner.

All 10 defendants were tried by juries which, under the Sedition Act, had the authority to decide both the law and the facts. A reading of the contemporary accounts of the trials—see Wharton, State Trials of the United States—some based on shorthand reports, clearly show how the defendants were presented from presenting their defense adequately. The kangaroo-court methods were obvious and shocking.

What did the juries do in all 10 cases? They convicted the defendants.'—Anderson—The Enforcement of the Alien and Sedition Laws, Report of the American Historial Association, 1912. In one case the jury deliberated 1 hour—Wharton, page 336. In the Virginia trial of Callender the jury brought in the guilty verdict after 2 hours.

The Sedition Act is acknowledged to have been the most tyrannical in our history, both in substance and in application. In all the cases tried under it, the jury system failed utterly to function as the guardian of freemen's liberties. I do not recount this history to impugn the jury system. I merely cite it to show that the jury system does not have the celestial virtues claimed for it in this debate.

The jury system was abused in these cases. Federal marshals, who summoned juries, selected Federalist sympathizers for seats on the juries. The juries in these cases were not fully representative, just as jury panels are not truly representative of communities where they are based on voters' lists, which are unrepresentative or are based upon discrimination because of the color of the skin.

The Sedition Act cases do not show that juries will always convict. We know that is not so. They do show that juries are not proof against passion and prejudice—political, sentimental, or otherwise. That there are juries, such as that in Clinton, which can be dispassionate, I do not doubt.

All I claim about this issue is the following:

First. Jury trial does not have the virtues claimed for it;

Second. There is not a constitutional requirement for jury trial in contempt cases;

Third. There is not a due process requirement of trial by jury;

Fourth. Criminal contempt does not necessarily involve violation of criminal statutes;

Fifth. If there is to be massive resistance to court decrees in civil rights cases, we should not hobble the courts as they have never been hobbled before;

Sixth. If, as is usual, criminal contempt cases under this law will be rare, the dispute over trial by jury has been disproportionate to the issue and has unfortunately obscured the underlying purpose of the proposed legislation—namely, additional and effective civil proceedings to protect the rights of millions of citizens.

I believe, and I speak most respectfully, that the advocates of jury trial in this debate have misplaced their zeal. Some have permitted themselves to be distracted by an issue with apparent appeal, but little substance. Let us return to our task—the insurance of basic rights to a people who have yet to be permitted to get past the waiting room of citizenship.

Let us remember throughout the rest of the debate on this issue that, after all, it is for the courts to determine the issue as to whether a constitutional civil right is being denied any American, irrespective of the color of his or her skin.

The PRESIDING OFFICER. The question is on agreeing to the amendmen of the Senator from Wyoming [Mr. O'MAHONEY].

[3] The law expired automatically in 2 years and no appeals were taken.

SUPREME COURT DECISIONS—PROPOSED LIMITATION ON APPELLATE JURISDICTION

Mr. JENNER. Mr. President, just about a year ago—in June 1956—a Member of the United States Senate declared, in a speech on the Senate floor:

> If the Supreme Court had another 3 or 4 months to hand down decisions which help the Communist Party, our Government and our institutions might well be at the mercy of the Communist conspiracy by the end of the summer.

Decisions which the Supreme Court has handed down since that time have gone infinitely further in undermining the efforts of the people's representatives at both the National and State levels to meet and master the Communist plot against the security and freedom of this Nation.

No conceivable combination of votes in Congress could have done as much damage to our legislative barriers against communism and subversion as the Supreme Court of the United States has done by its recent opinions.

The Supreme Court has dealt a succession of blows at key points of the legislative structure erected by Congress for the protection of the internal security of the United States against the world Communist conspiracy.

Time after time Congress has acted to shore up these legislative bulwarks; and time after time the Supreme Court has knocked the props out from under the structure which Congress has built.

There was a time when the Supreme Court conceived its function to be the interpretation of the law. For some time, now, the Supreme Court has been making law—substituting its judgment for the judgment of the legislative branch.

There was a time when a Justice of the Supreme Court might dissent in a case of first impression, but could be relied upon to decide the next case involving similar points in accordance with the prior decision of the Court, notwithstanding his own prior dissent. This was because Justices of the Supreme Court respected the Court and respected the principle of stare decisis. Nowadays individual members of the Supreme Court are constantly busy defending their own positions, and a Justice who files a dissenting opinion on a particular point can usually be expected to stick to that opinion whenever the point is raised, thus keeping the Court constantly split.

By a process of attrition and accession, the extreme liberal wing of the Court has become a majority; and today we witness the spectacle of a Court constantly changing the law, and even changing the meaning of the Constitution, in an apparent determination to make the law of the land what the Court thinks it should be.

Laymen, lawyers, the legislative branch, and the executive branch of government have come to recognize the predilection of the Supreme Court for making new law. Even the lower courts have come to expect it, with the result that it has become commonplace for

decisions to be held up in lower courts, while waiting for the Supreme Court to make some new law that will apply to the case.

A particularly flagrant example is the case of Albert Blumberg, convicted in March 1956, of violation of the Smith Act, but not yet sentenced, and now likely to be turned loose, through application of the new doctrine enunciated by the Supreme Court in the Jencks case.

A jury convicted Blumberg in March of 1956; and in May of 1956, Judge Kraft, in Philadelphia, heard argument on a defense motion to set aside the verdict and for an acquittal. Judge Kraft never acted on that motion, and is free now to apply the Supreme Court's decision in the Jencks case to the facts and issues of the Blumberg trial, held a year ago last March.

The decision in the Jencks case, as we know, is one of a group of very recent decisions which have gone even further and faster than the Court ever has gone before in moving to the left.

There can be no doubt that the total effect of these decisions of the Supreme Court has been to weaken the Government's efforts against Communists and subversives.

By some of these decisions, antisubversive laws and regulations have been rendered ineffective. States have been denied the right to fight subversion, and have been denied the right to bar Communists from practicing law in their States. Violators of Federal antisubversive laws have been turned loose on flimsy technicalities. Confidential files of the FBI and of other investigative and law-enforcement agencies have been opened up to fishing expeditions by defendants and their counsel. The Court has challenged the authority of Congress to decide upon the scope of its own investigations, and has also challenged the right of a Congressional committee to make up its own mind about what questions to ask its witnesses.

Many pending cases may be affected, and an undetermined number of cases already settled may be reopened, as a result of recent decisions of the Supreme Court, regardless of what Congress may find it possible to do toward curing the situation, because while Congress cannot make a new law which will affect a case already tried, the Supreme Court can, and does. The Supreme Court can change overnight a rule of law one hundred years old, and can make the new rule apply to all cases under way, and can provide a basis for reopening cases already tried which involved the point covered by the new rule.

There is no way for Congress to invalidate or repeal a decision of the Supreme Court of the United States, even when that decision is legislative and policy-making in nature. Congress can in some cases strike down judge-made law, by enacting new law, or by correcting the Court's error, respecting the intent of Congress, by a new declaration of intent. This power of the Congress should be exercised to the maximum, of course; but it will not fully meet the situation. The Court has become, for all practical purposes, a legislative arm of the Government; and many of its feats are subject to no review.

Let us look at some of the Supreme Court's recent decisions which have had particular impact of a legislative nature.

During the closing weeks of its 1956 session, the Court decided the case of Nelson against Pennsylvania, and in that decision threw a roadblock against the efforts of the people to check the spread of Communist power through their State governments. The Court told the sovereign States that even though they, themselves, might be in danger of being overthrown by the Communist conspiracy, they could not act, because, said the Court, Congress had preempted the field. Attorneys general from several of the States last year came to Washington, to testify how the Supreme Court's decision in the Nelson case had completely frustrated their previously effective efforts against the Communist conspiracy within their States. The attorney general from the State of Massachusetts testified that as a result of this decision 15 Communists against whom action had been taken by the State had to be let loose and allowed to go ahead with their subversive activity. The situation outlined by the testimony of these several attorneys general of sovereign States was so threatening that the senior Senator from New Hampshire was moved to observe that if the Communist threat should become more serious in his State, the people would have to take the law into their own hands.

On April 9, 1956, 1 week later, we had to recoil in our deliberations when the Supreme Court, in the Slochower case, drew the circle even tighter, by holding that municipal authorities could not take action to get rid of Communist professors who defied a legally constituted body when they had an obligation to speak, and by such flagrant misconduct scandalized the mothers and fathers who entrusted their children to the care of the city. New York City had to reinstate some of these teachers and give them back pay, and Professor Slochower himself drew an indemnity of $40,000, because of the consequences of this highly arbitrary and erroneous decision of the Supreme Court. One has only to read the brief filed with the Supreme Court by New York City, in its quest for reargument, to realize the recklessness of the Supreme Court's decision in that case. In its decision the Court put forth a conclusion to support its findings which conclusion New York City convincingly shows was not supported by the record. Not only was it not supported by the record, but the corporation counsel of the city of New York irrefutably showed that the very opposite conclusion was the fact. But the Supreme Court was unmoved.

Then, on April 30, 1956, having demolished the legislative power of the States in the field of subversion by its decision in the Nelson case, and having crippled the power of the municipalities to rid themselves of subversive employees by its decision in the Slochower case, the Supreme Court completed the circle by dealing a devastating blow to the efforts of the executive branch of the Federal Government in this field, in the case of the *Communist Party* v. *The Subversive Activities Control Board*. Let us, for a minute, analyze the significance of that situation. Six years earlier, after years of serious analysis and study, Congress had codified existing legislation bearing on subversion, and had passed, by an overwhelming majority, the Internal Security Act of 1950, which reflected the will of the people of the United States. One of the most elementary aspects of that act was that if organizations are shown by the evidence to be subversive, they must register and come under the sanctions of the law. Shortly after the enactment of the Internal Security Act the Communist Party refused to register. The Communist Party is the very prototype of existing subversive organizations in the United States, and it should be obvious to the most unsophisticated and to the most unobserving that the Communist Party is, in fact, a subversive organization. In hearings before the Subversive Activities Control Board, which took years, the Justice Department put into the record reams of evidence to prove legally this patent conclusion. Then the Supreme Court ruled that because the Communists charged that testimony of three of the hundreds of sources of evidence was tainted the case must go back for reassessment.

What a spectacle we must appear to the world. Every peasant in China, every worker in Singapore, every farmer in Europe knows that the Communist Party seeks to overthrow, not only the United States Government but every remaining free government of the world. The executive branch of our own Government has spent 6 years proving that very obvious conclusion, and then the Supreme Court tells them they have to send it back to the starting place on a purely procedural point, but with perhaps 2 years or more of further delay involved. What a travesty. What must this do to our prestige abroad? This presents us before the bar of world opinion as a nation of credulous fools, living in a dream world of unreality. Obviously, observers in other countries must think these Americans are people who can be putty in the hands of the Communists.

Well, those decisions of the Supreme Court were a year ago. This year the Court made a lot more law.

I have been talking about what the Court did last year in the field of communism and subversion. Before we look at the Court's major decision in that field this year, let us consider for a moment the Court's decision this spring changing the established law of wills and trusteeships. Here is a description of the will of Stephen Girard, as contained in the opinion of Judge Lefever of the Philadelphia orphans court:

> The will of Stephen Girard has become a legend in Pennsylvania and in the United States. The number of times Gerard's will and Girard College are referred to in the books is legion. The will is mentioned in every leading treatise on trusts. Girard's will and the basic decision sustaining it are cited

as illustrative of the doctrine of charitable trusts in America. The principle therein established, that a testator may dispose of his private property for the benefit of any class he may select, is firmly imbedded in the laws of this country.

Girard died in 1831. He left most of his estate to a perpetual trust which was directed to set up and maintain a school for poor, white, orphan boys between the ages of 6 and 10. The mayor, aldermen, and city of Philadelphia were named as trustees. Since 1870, the will has been administered by the board of directors of city trusts. The orphans' institution created by the will was never administered by the city in its governmental or sovereign capacity. It was administered originally by the mayor, aldermen, and councils, and subsequently by an independent agency created by the legislature solely in the capacity of a fiduciary or trustee, governed, bound, and limited by the directions and provisions of Girard's will.

The will contained a protective clause, asserting that most of the estate would be forfeited to the United States, if its moneys were used by the city of Philadelphia and the Commonwealth of Pennsylvania in any other way than Girard has specified. Recently, an attempt was made to require the orphanage to accept Negroes. The Pennsylvania courts held that this was impossible, since Girard had expressly stated that his money was to be used only for poor white orphan boys. Attorneys for the Negroes asked the United States Supreme Court for a writ of certiorari. Attorneys for the trust opposed the writ.

There was no argument whatever on the merits of this case. Nevertheless, the Court took jurisdiction on the merits, and in a five-and-a-half-line per curiam opinion reversed the decision of the Pennsylvania Supreme Court.

Attorneys for the trust filed a learned and lengthy brief asking for reconsideration and an opportunity to be heard on the merits. Here are some passages for that brief:

Appellee has in effect been silenced before it could utter a word or submit an argument in defense of the conclusion reached by the judges of the Supreme Court of Pennsylvania and of one of the Commonwealth's finest lower courts.

The State courts decided the matter only after all sides of the question had been presented in full. This Court has reversed the judgment of the highest court of Pennsylvania, without permitting it to be defended, on issues which, it is submitted, are of the utmost significance. Appellee cannot find a single precedent for such a result.

Appellee believes that in the history of this Court it is the first party to have had its case reversed without a hearing on the basis of a new approach to fundamental constitutional law.

If it is a denial of equal protection of the laws for a trustee to refuse to make available to a Negro the property in trust for whites, it is just as much a denial of equal protection of the laws for the same trustee to refuse to make available to a Methodist property in trust for Catholics. If 2 Negro boys have standing to sue in order to claim the facilities of a trust for white boys, then 2 Methodist boys have standing to sue to claim the facilities of a trust for Catholic boys, or 2 gentiles have standing to recover the proceeds of a trust for Jews.

In the face of all this, the Supreme Court of the United States curtly refused the appellees' plea to be heard. The decision stands. As I have indicated, it may cause the trustees to turn Girard's money over to the United States, and hence destroy this century-old orphanage. Trustees of similar institutions throughout the country are in a state of apprehension as a result of this decision.

Mr. President, why did the members of the United States Supreme Court refuse even a hearing in this all-important matter? Were they afraid of the facts it might develop? Did they know in their own hearts that they could not defend their own original decision, in the face of argument by competent attorneys?

Let us now consider what the Court has done to make things easier for the criminal. Last year, in the United States, there was a major crime committed every 12.3 seconds. Every 4.1 minutes there was a murder, a manslaughter, a rape, or an assault to kill. Every 26 minutes there was a rape.

J. Edgar Hoover, Director of the Federal Bureau of Investigation, has stated that there were an estimated 2,563,150 major crimes committed in 1956, which is an increase of 300,700 over 1955. According to Mr. Hoover, last year was the first year in our history in which crimes climbed over the 2½ million mark. Since 1950, crimes have increased almost 4 times as fast as the population.

One of the men who contributed to this sickening total is a resident of the District of Columbia, named Andrew R. Mallory. On April 7, 1954, he was accused of raping a defenseless woman who was trying to do the family washing in the cellar of her apartment house. Mallory was convicted. His conviction was upheld in the court of appeals.

The conviction was reversed and remanded by the United States Supreme Court, in a unanimous opinion written by Mr. Justice Frankfurter, which referred tenderly to this rapist as a "19-year-old lad." The Court did not find Mallory innocent. It did not suggest there was any doubt about his guilt. The Court simply made a new rule, an arbitrary and technical rule, denying police the right to question a suspect before arraignment; and because the police had questioned Mallory—incidentally, they got a confession from him—the Supreme Court ordered him granted a new trial. Remember, there was no question of third degree here. Nobody even so much as charged the police with getting rough with this self-confessed rapist.

The Court was not, in fact, protecting Mallory's rights; it was demonstrating its power to discipline the police for what the Court appeared to feel was not sufficiently technical compliance with the spirit of the new rules the Court had made earlier in the McNabb case.

So, Mallory walked out of jail a free man, who may commit yet another rape in yet another cellar if it suits his fancy. The Court ordered a new trial, but the Court must have known, as United States Attorney Gasch pointed out in dismissing the case, that the wording of the Supreme Court's opinion made it practically impossible to prepare the case for retrial with any reasonable hope of conviction.

The freeing of Mallory was not the only result of the Court's action. The Washington Evening Star quoted Assistant Attorney General Warren Olney, Chief of the Justice Department's Criminal Division, as having stated that the Mallory decision "clearly demonstrates that a great many very serious crimes will go unpunished, not because the truth cannot be ascertained, but because of the procedures that have to be followed to develop the facts."

According to the Star, Mr. Olney said the Court is supposed to have its judgment rest on the best truth it can get, "but the Court will not listen to the truth for reasons that have nothing to do with the guilt or innocence of the defendant."

Mr. President, let me read those words again. The Supreme Court of the United States, the top of the whole Federal judicial structure, a coordinate part of our three-part constitutional government, "will not listen to the truth."

I continue to quote the Evening Star:

"This opinion," Mr. Olney said, "says in so many words that police can't question a suspect after his arrest. The place where the impact of this decision will be greatest is in the gangster crimes. It is the real hardened professional criminals who will take advantage of this. The housewife who shoots her husband usually confesses to the first person who comes along. This decision won't affect her.

"But when dealing with criminal groups, police will be unable to question the hirelings who are caught first about the higherups they want to reach."

That is what the head of the Justice Department's Criminal Division said, according to the Star. And the same newspaper continued:

A proponent of the decision analyzed it this way:

Police can question people if they want to be questioned as long as they are free agents. A suspect can be brought to headquarters and questioned as long as he is free to walk out at any time. But as soon as he is under arrest, it is unreasonable delay in arraigning him if police use any time to make a case against him.

Note that this analysis of the decision is given by someone described as "a proponent." What does it mean?

It means that a suspect cannot be questioned before his arrest unless he agrees, and if he is arrested he cannot be questioned afterward.

I continue to quote the Star:

Chief Murray cited the rape-murder of an 8-year-old Northeast girl where 30 detectives have been at work rounding up possible suspects. Over 1,000 people have been questioned in the crime.

"What good will it do to bring in a good suspect, question him and get a confession if this decision stands?" he asked. "This decision says he must be arraigned immediately and not questioned after we arrest him."

How many more 8-year-old girls will be raped in 1957 because the United States Supreme Court was so zealous a protector of Andrew Mallory's rights as an individual? How much faster will the crime rate in the whole United States

increase this year, because "the Court will not listen to the truth?"

That is what attorneys for the Girard Trust were also saying, was it not, that the Court "would not listen to the truth?"

Now let us get back to the matter of the Court's decisions this year in Communist cases. Let us see what the so-called "Warren Court" has done to confuse, disarm, and paralyze the people in their fight to defend themselves against the world Communist conspiracy.

Let us look at the decision in the Jencks case. Clinton Jencks was a Communist official of the Communist-dominated Mine, Mill, and Smelter Workers, who was convicted of falsely swearing on a Taft-Hartley affidavit that he was not a member of the Communist Party. For years, top Communist attorneys strained every nerve on his behalf, under the leadership of Nathan Witt, who had himself been a key figure of the Red underground in America's Government. One of the witnesses against Jencks was Harvey Matusow, who had sworn he knew Jencks as a Communist. When Matusow made his famous recantation, in which he called himself a liar for having testified that certain Communists were Communists, the Subcommittee on Internal Security made a thorough investigation of the whole matter. We learned that the so-called recantation had actually been "cooked up" by Red attorneys Witt and John T. McTernan before Matusow knew about it himself. We learned that Matusow, in a private, tape-recorded conversation with his Communist publisher, Albert Kahn, had said this about Jencks:

> It made him no less a Communist because he put a piece of paper down and said, "I'm no longer a member." As far as I was concerned, Jencks was still under Communist Party discipline.

Nevertheless, a month later Matusow made his affidavit of recantation.

Jencks' conviction was affirmed by the Fifth Circuit Court of Appeals. In his trial, it had been shown that some of the witnesses against him were Government undercover men, who reported to the FBI on Communist activities. Counsel for Jencks asked that the FBI be requested to produce confidential reports of these agents so that the court could examine them to see if they might be useful to the defense in cross-examining the witnesses.

In other words, Jencks' attorney asked only that the documents be presented to the court. The trial judge denied this request and the Court of Appeals upheld the judge. But the Supreme Court went even further than Jencks' attorneys themselves had gone in their request. The Court, through Justice Brennan, said in effect that Jencks could paw through the FBI files to his own satisfaction, without any interference from a judge. The attorneys asked only that the court be allowed to examine the files, but the Supreme Court said, "Let the defendant go through them ad lib."

Here are Judge Brennan's words:

> The practice of producing Government documents to the trial judge for his determination of relevancy and materiality, without hearing the accused, is disapproved. Relevancy and materiality for the purposes of production and inspection, with a view to use on cross-examination, are established when the reports are shown to relate to the testimony.

Mr. President, what else is the Court saying there, if it is not saying this:

> We can trust Communists. We can trust criminals. But we cannot trust the trial judges of our own Federal bench.

Every Senator knows the dismay this ruling caused to the whole investigating and prosecuting apparatus of the Federal Government. Every Senator knows that the Attorney General had to come before us immediately, asking for legislation to keep traitorous and criminal hands out of FBI files. Incidentally, that proposed legislation is held up today because the ADA lobby is trying to have it amended so that instead of protecting the FBI files, it will become legislative authority for opening them up to any defendant.

Now, let us consider the case of the 14 California Communists, otherwise known as Yates et al. against United States.

Oleta Yates, William Schneiderman, Al Richmond, Philip Connelly, and the rest of the 14 are leaders of the California Communist Party. They were convicted of violating the Smith Antisedition Act by conspiring "first, to advocate and teach the duty and necessity of overthrowing the Government of the United States by force and violence; and, second, to organize, as the Communist Party of the United States, a society of persons who so advocate and teach, all with the intent of causing the overthrow of the Government by force and violence as speedily as circumstances would permit."

The Court majority, through Justice Harlan, substituted itself for the jury and ordered 5 of the defendants acquitted on the facts; and decreed new trials for the 9 others. Justices Black and Douglas said they should all go free. This is what the defendants themselves said about the decision, as reported by the Daily Worker for June 18, 1957:

> This decision is the beginning of the end of the Smith Act.

Good Americans agree with the Daily Worker's conclusion. For Justice Harlan's opinion did two things. It accepted the Communist theory of a statute of limitations, which I will explain in a moment; and it accepted the Communist theory of abstract violence, which might well have been proclaimed by Lewis Carroll, or his Red Queen.

The Communists said that "organize" means "to establish, found, or bring into existence." They said that their party was organized in 1945. The defendants were not indicted until 1951, and the 3-year statute of limitations had therefore run. The Government charged that "organize" meant "the recruiting of new members, forming of new units, regrouping or expansion of existing clubs, classes," and so forth. Justice Harlan, with a majority of the Court, held that the Communist version was correct.

Of course, the organizing clause of the Smith Act is destroyed by this finding.

What about the new doctrine of "abstract" violence? The Harlan opinion suffocates the reader here with layer upon layer of soft, cobwebby words. When the layers are brushed aside, this appears to be the meaning of the Court.

It is perfectly legal to advocate and teach and conspire with others for the overthrow of the Government of the United States by force and violence, so long as none of you does a violent act and the future date of the revolution is not fixed and thus remains "indefinite." And it is all right to seek to incite others to specific violence against the Government, so long as you do not succeed in getting them to do anything violent. In other words, only successful revolutionists can be punished.

Justice Clark, in his dissent from the Jencks decision, made this comment:

> I agree with the court of appeals, the district court, and the jury that the evidence showed guilt beyond a reasonable doubt. In any event, this Court should not acquit anyone here. In its long history, I find no case in which an acquittal has been ordered by this Court solely on the facts. It is somewhat late to start in now usurping the functions of the jury.

In the Watkins case, the Court struck a devastating blow at the power of Congress to inform itself.

Mr. President, in 1933 the Federal Government employed about half a million persons. The annual budget totaled only about $4 billion. And there were then, as there are today, 96 Senators.

In 1957, the Federal Government employs about 2½ million persons. The annual budget totals about $70 billion. But there are still only 96 Senators.

The Federal establishment has engulfed the Congress, to the mortal danger of our Government's constitutional balance. Congress, today, appropriates only about 1 percent of total appropriations for its own purposes. The other 99 percent goes elsewhere.

It is physically impossible today for Members of Congress to keep currently informed about the other branches of Government. To preserve the constitutional balance, to turn back the tide of engulfment, Congress has resorted more and more to the use of investigating committees, staffed by professional personnel. Investigating committees also are used more and more to study facts as a basis for legislative activity.

But in the Watkins case, the Supreme Court has dealt this committee function a body blow by making it possible for reluctant witnesses to stop an investigation in its tracks.

Watkins appeared as a witness before the House Committee on Un-American Activities. The committee was investigating Communist infiltration in labor unions. Two persons had stated under oath that Watkins, a labor union official, had helped to recruit them into the Communist Party.

Watkins denied that he had ever been "a card-carrying member of the Communist Party." He acknowledged, however, that he freely cooperated with the party. He identified some persons as Communists. But he refused to give identifications, either positive or negative, regarding certain others. He did

not plead the fifth amendment as a basis for this refusal. He simply challenged the committee's jurisdiction, saying: "I refuse to answer certain questions that I believe are outside the proper scope of your activity." As a result of this refusal he was found guilty of contempt of Congress. The full bench of the court of appeals affirmed the conviction. The Supreme Court set it aside, in an opinion written by the Chief Justice.

The Chief Justice, in his opinion, attempted to justify the new judge-made law enunciated there with an important misstatement of fact. I shall quote the Chief Justice, because what he said was an untruth. Purporting to give a review of the Congressional investigating function, he said:

> In the decade following World War II, there appeared a new kind of Congressional inquiry unknown in prior periods of American history. Principally this was the result of the various investigations into the threat of subversion of the United States Government, but other subjects of Congressional interest also contributed to the changed scene.

Mr. President, I am still quoting the Chief Justice of the United States, who based his decision on a misstatement of fact. He said:

> This new phase of legislative inquiry involves a broad-scale intrusion into the lives and affairs of private citizens.

This is a false statement. The entire Franklin Roosevelt era was awash with investigations constituting intrusion into the lives and affairs of private citizens.

There was an investigation in which bankers and businessmen were required to tell how much they had paid in personal income taxes, in the course of which, a circus midget was bounced onto the lap of the late J. P. Morgan.

There was an investigation which made the most searching personal inquiries into American industries, under the pretext that it was examining the munitions traffic. The counsel in this instance was a young man named Alger Hiss, who nosed his way among America's industrial secrets as an agent for the Soviet underground.

There was a ruthlessly brutal investigation by the La Follette Civil Liberties Committee, which made a mockery of justice in its effort to discredit American employers as a class. Counsel for this body was John Abt, who with Hiss, Lee Pressman, Nathan Witt, and others had helped establish the original Communist underground in our Government. Senator La Follette himself disowned this committee staff because it was under Communist domination.

There was an investigation whose chairman ordered the Postal Telegraph and Western Union companies to comb their files for all wires which smacked of high-pressure lobbying methods, and subpenaed the complete telegraphic correspondence of more than 1,000 specified persons and groups. The "bag" for this broad-scale intrusion into the lives and affairs of private citizens totaled 5 million telegrams. The man who seized them was a Senator named Hugo L. Black. A few weeks ago, as a Supreme Court Justice, he joined Chief Justice Warren in deploring the tendency of committees to intrude into private matters by having the effrontery to ask Americans if they were a part of a treasonous conspiracy.

Mr. President, the opinion of the Chief Justice in the Watkins case makes it clear that Mr. Warren does not even know the history of the House Committee on Un-American Activities. This committee did not come into existence after World War II. It was founded in 1938 to dig out the Reds who were crawling into the wood all over Washington. And it was preceded by other Senate and House committees, which began investigating Red subversion only a year or two after the 1917 Bolshevik revolution.

Worse than its misstatement of facts is the holding by the Court in the Watkins decision that a committee must explain the pertinency of a question to the understanding of a witness before he may be required to answer it. The effect of this was immediate. At the very next hearing of our Subcommittee on Internal Security, witnesses used the Watkins decision as a blueprint of how to avoid answering legitimate questions. They made it clear that hereafter, unless Congress can find a way to reassert its independence, any witness, at any time, can switch any investigation onto a siding by telling his interrogator, as Watkins did, that the question is not relevant, or by the simple device of playing dumb and claiming not to understand why a question is pertinent.

This severely cripples, if it does not wholly smash, the Congressional power to investigate. By doing so, it multiples the danger of constitutional imbalance which I have already discussed.

On one of the last Red Mondays of the current term, the Court laid more bricks on the evil foundations it had laid in the Watkins case, setting aside the contempt of Congress convictions of Harry Sacher, Abram Flaxer, Lloyd Barenblatt, and four Ohioans who had been found guilty of contempt of the Ohio Un-American Activities Commission. It also set aside an Ohio Supreme Court order against Anna Morgan, who refused to answer 37 questions about her Communist activities, which the Ohio commission had asked her. At the same time the Court laid more bricks on the evil foundations it had laid in the Yates case, by setting aside the convictions of six Detroit Communists for violation of the Smith Act.

Use of the Watkins decision as a basis for reversing the contempt conviction of Harry Sacher has some interesting angles.

Having freed and protected a Communist who insulted a committee of the House, the Court used that action as precedent for doing the same for a man who insulted a committee of the Senate. Harry Sacher was the instrument for its purpose.

Sacher was chief of the notorious group of Communist hecklers-at-the-bar, who spent so many months trying to break the spirit of Judge Medina, and thus create a mistrial in the Smith Act prosecution of 11 top Communist leaders. The Supreme Court's action in setting aside his conviction for contempt of the Senate Subcommittee on Internal Security amounts to an insult to the Senate, for reasons which I shall explain.

Sacher's contempt was calculated, cold blooded, and delivered with a maximum of Marxist insolence. Let me read some passages from the subcommittee record:

> Mr. SOURWINE. Mr. Chairman, among the measures under consideration by this committee is proposed legislation for the purpose of fixing additional standards with respect to the practice of law in the Federal courts. Among the suggestions for inclusion in such legislation is one which would prohibit members of the Communist Party from practicing in Federal courts. It is germane to the consideration of such legislation to inquire into the circumstances involving the practice of law in Federal court by persons who are Communists and by persons who are defending Communists. I believe that the inquiries made here and other inquiries which have been made and which will be made in this Matusow case have bearing upon the legislative problem now pending before the committee.
>
> Mr. SACHER. I would like to be heard, Mr. Chairman, if I may.
>
> Senator MCCLELLAN. The Chair thinks that you should lay a foundation for that first by asking the witness if he is a member of the Communist Party, if he has ever been, and so forth.
>
> Mr. SOURWINE. Are you, Mr. Sacher, a member of the Communist Party, USA?
>
> Mr. SACHER. Mr. Chairman, I have been called here because of my representation of the defendants in United States against Flynn on a motion for a new trial on the ground that Harvey Matusow committed perjury in their trial. I have answered and am prepared to answer all questions concerning my participation in that case. I refuse. I refuse categorically, Mr. Chairman, to discuss my beliefs, religious, political, economic, or social. I do not do so on the ground of the fifth amendment. I do so because it is inconsistent with the dignity of any man to be compelled to disclose his political, religious, economic, social, or any other views. And I respectfully submit that an inquiry to me concerning this matter is not pertinent to anything with which this committee is concerned, and is not relevant to any inquiry that may properly be made of me. And I therefore decline on the ground that I cannot with any regard for my own self-respect, do otherwise, Mr. Chairman.
>
> Senator MCCLELLAN. Well, the Chair does not think that it is beneath the dignity of a good citizen of the United States to answer a question as to whether he is a member of an organization that seeks the overthrow of this Government by force and violence; and, therefore, the Chair propounds to you now the question, Are you now a member of the Communist Party of the United States?
>
> Mr. SACHER. Mr. Chairman, medieval inquisitors also thought there was no impropriety in asking those whom they regarded as heretics to answer the question.
>
> Senator MCCLELLAN. The Chair does not care for a lecture. The Chair asked you a question.
>
> Mr. SACHER. And I decline to answer that question, Mr. Chairman.
>
> Senator MCCLELLAN. The Chair orders you to answer the question.
>
> Mr. SACHER. I decline to answer that question on the grounds I have already stated.
>
> Senator MCCLELLAN. The Chair asks you another question. Have you ever been a member of the Communist Party of the United States?
>
> Mr. SACHER. I respectfully submit, Mr. Chairman, that my conscience dictates to

me that I shall not, under your compulsion or anybody else's compulsion, make any disclosure of any of my beliefs, political, religious, economic, or social, past or present, and I decline to answer your question.

That record is utterly unequivocal. Sacher was asked certain questions. He was told the legislative purpose of the questions. He was ordered to answer them. He refused to do so, without invoking any constitutional protection whatsoever.

And the Supreme Court of the United States reached down and gave him a pat on the back, by a per curiam decision which did not refer to a word of the record I have just read.

Now we come to the case of Raphael Konigsberg against the State Bar of California and the Committee of Bar Examiners of the State Bar.

Konigsberg was for years a Communist hack of the shabbiest type.

The 1949 report of the California Committee on Un-American Activities listed him among "notorious Stalinists who have consistently followed the twists and turns of the Stalinist line." It said he was one of those with a long record of duplicity and betrayal of the interests of labor, minority, and liberal groups, whom they attempt to speak for with typical Stalinist affrontery. "Particularly callous," according to the report, "was their betrayal of Jewish victims of Nazi persecution during the Hitler-Stalin pact"—page 477.

In 1955 Konigsberg appeared before the House Committee on Un-American Activities.

Here are some samples of his testimony:

Mr. KONIGSBERG. I want to say I have no intention of giving you any information in the area in which you proclaim you are investigating.

And—

Mr. KONIGSBERG. Mr. Chairman, any question you ask is either relevant or irrelevant. If it is irrelevant, then under the Supreme Court decision a citizen is not required to answer and if it is relevant it would be incriminating.

During the hearings documentary proof was put into the record to show that Konigsberg was a salaried employee of a Communist camp for children.

Despite his unspeakable record, Konigsberg had the gall to apply for admission to the California bar. He appeared before the committee of bar examiners, which was required to make an affirmative finding that he was a person of good moral character before it could recommend his admission. Here are some excerpts from the testimony of his first hearing:

Question. Mr. Konigsberg, are you a Communist?

Answer. Mr. Chairman, I would be very glad to answer that question.

Question. If you will answer the question, I would be very happy to have it.

Answer. I would be very glad to answer it if the circumstances were different—that is, when I am faced with a question of this kind or when anyone else is faced with a question of this kind today what he is faced with is the fact that various nameless accusers or informers, or call them what you will, whom he has never had a chance to confront and cross-examine, he is put in a position of answering these statements or accusations or suspicions, and without any of the protections that ordinarily exist in such a situation, and I don't think that I can place myself in that position of having to answer something out in the void, some statement. I know these statements have been made obviously. I am not pretending to be shocked or naive about this. I can say very definitely I did not, I don't, I never would advocate the overthrow of the Government by force or violence clearly and unequivocably, but to answer a specific question of that kind, whether I am a member of this party, that party or the Communist Party, that puts me in the position, whatever the truth is, whether I was or wasn't you would get a dozen informers who would say the opposite, and as indicated by an editorial just 2 or 3 days ago in the Daily News questioning seriously why the word of these informers, these turncoats is accepted unquestionably as against the word of other responsible citizens. Therefore, Mr. Preston, I do not think that under these circumstances, first, yes, I understand that under the law as it is today you may ask me specifically do I advocate the overthrow of the Government by force or violence. I answer specifically I do not, I never did or never will. When you get into the other question of specific views in a political party, it seems to me only the fact, the right of political opinion is protected under the first amendment and is binding on the States. Certainly attorneys ought to be in the leadership of those who defend the right of diverse political views. I think the first amendment is important. I answer again on the specific question of force and violence, I did not, I don't and never would advocate the overthrow of the Government by force or violence.

Question. When answering it you don't intend to give us a specific, categorical responsive answer?

Answer. As I said I would be very happy to if we met out in the hall. I would be glad to answer you, but you see under these circumstances, that is, I am speaking now under oath and I am speaking for the record, I am speaking against, in a sense, whatever evidence that may be in the files—I shouldn't dignify it by calling it evidence; I should say whatever statements may be there from various informers. I have told you about my record both in the Army and in the community. I have been active politically, I admit it. I am proud of it. I would be happy to discuss it. This is the record that I think should be the basis for judgment, not the record of some hysterical characters that appeared before the Tenny committee or any such group.

Question. I am not asking anyone else. I am trying to ask you because you are the one who is seeking admission, the privilege of practicing law in this State. That is the reason I am asking you the question. I made the question very broad, and what I would like you to tell us, if you will answer the question; now, of course, as you well know and you have told me in your answer up to this point, you don't have to answer the question, of course, you don't have to answer the question, but we feel that on a matter of this kind, this kind of information, we have a job to inquire about your character. The statute says character, it doesn't say reputation. The only way I can find out and aid this committee in finding out about your character is to ask you these questions, not what someone else thinks about you, your reputation. That is the reason I have asked the question. Could you give us a categorical answer?

Answer. I can only give you the answer I have given you, and I would be very happy to answer that under other circumstances.

Question. Mr. Konigsberg, I assume that you know that your name has been listed in the public press by witnesses before the Congressional Un-American Activities Committee.

Answer. Yes.

Question. And have been identified by persons who said that you were a member of the Communist Party at the same time they were.

Answer. I saw that report. That is the sort of thing I was referring to a moment ago when I referred to the various accusations.

After this typical display of Communist evasion, a former party member named Mrs. Bennett took the stand, in Konigsberg's presence, and testified that he had attended meetings of the party unit to which she belonged. The bar committee then had a clear obligation to test the veracity of both Mrs. Bennett and Konigsberg. Here are more excerpts:

A lady by the name of Bennett testified here. You heard her testimony. Is there any part of that testimony you wish to deny?

Mr. KONIGSBERG. Well, again, Mr. Chairman, that is the same question. That is a question relating to opinions, beliefs, political affiliations.

Mr. FULLER. It has nothing to do with beliefs.

Mr. KONIGSBERG. It certainly is related to political organizations, political activity, however you choose to describe it.

Mr. FULLER. Do you want to read it again?

Mr. KONIGSBERG. I recall it.

Mr. FULLER. Do you wish to deny any part?

Mr. KONIGSBERG. I wish to say that any questions relating to such political affiliation, which the testimony dealt with——

Mr. FULLER. You refuse to affirm or deny her testimony?

Mr. KONIGSBERG. The committee is not empowered to ask with regard to political affiliations of that type.

In plain decency and commmonsense, the committee refused to certify Konigsberg as a person of good moral character. The State supreme court upheld the committee, by turning down a petition for review. He took his case before the Supreme Court of the United States which reversed the California findings. Justice Black wrote the opinion. He said:

There is no evidence in the record which rationally justifies a finding that Konigsberg failed to establish his good moral character or failed to show that he did not advocate forceful overthrow of the Government. Without some authentic reliable evidence of unlawful or immoral actions reflecting adversely upon him, it is difficult to comprehend why the State bar committee rejected a man of Konigsberg's background and character as morally unfit to practice law. As we said before, the mere fact of Konigsberg's past membership in the Communist Party, if true, without anything more, is not an adequate basis for concluding that he is disloyal or a person of bad character. A lifetime of good citizenship is worth very little if it is so frail that it cannot withstand the suspicions which apparently were the basis for the committee's action.

Mere membership in a continuing world conspiracy which has sought the destruction of the United States for nearly 40 years is no blemish on the character of a man who wants to practice law in the courts of the United States. That is what our highest tribunal has told us, in the plainest words. Justice Harlan could not stomach that. Here is what he said:

1. The record, in my opinion, reveals something quite different from that which

the Court draws from it; (2) this case involves an area of Federal-State relations—the rights of States to establish and administer standards for admission to their bars—into which this Court should be especially reluctant and slow to enter. Granting that this area of State action is not exempt from Federal constitutional limitations, see *Schware* v. *Board of Examiners*, decided today, I think that in doing what it does here the Court steps outside its proper role as the final arbiter of such limitations, and acts instead as if it were a superstate court of appeals.

Something else very ominous—I will not say sinister—emerges from these decisions on Konigsberg and Sacher. As the record of their testimony shows, both these Reds objected to questions about their Communist activity as an unwarranted interference with their political beliefs and associations. This is a familiar party tactic, which has been regularly rejected for the fraud that it is. It was the tactic employed by Professor Sweezy in his refusal to answer questions put to him in a New Hampshire legislative investigation—a refusal which the Supreme Court of the United States this spring upheld, in an opinion which goes so far that it deprives sovereign States of the right even to investigate Communist activity within their borders.

Anyone who can read should know by this time that communism is a continuing worldwide conspiracy, that American communism is subordinate to Soviet communism, and that American Communists are under discipline of their Soviet masters. All three branches of the United States Government have affirmed this to be the fact, in a host of findings and decisions. Consequently, questions about party membership are not questions about beliefs. They are questions about deeds. When a man joins an international organization which seeks to destroy his own country, he is voluntarily performing a conspiratorial act.

This is and always has been the basic issue, since the first rudimentary investigations of bolshevism, which began here 37 years ago. What is the court doing then, when it gives its blessing to the Sachers, and the Konigsbergs, and the Sweezys, who plead that party membership is simply a matter of belief? What else is it doing, if it is not signally an intent to accept that basic Communist fraud when the SACB case returns for final decisions?

Reasonable men may err. If the Court had erred only once or twice in these decisions involving the greatest threat to human freedom which history ever had to look upon, reasonable men could find excuses for it. But what shall we say of this parade of decisions that came down from our highest bench on Red Monday after Red Monday?

The Senate was wrong. The House of Representatives was wrong. The Secretary of State was wrong. The Department of Justice was wrong. The State legislatures were wrong. The State courts were wrong. The prosecutors, both Federal and State, were wrong. The juries were wrong. The Federal Bureau of Investigation was wrong. The Loyalty Review Board was wrong. The New York Board of Education was wrong. The California bar examiners were wrong. The California Committee on Un-American Activities was wrong. The Ohio Committee on Un-American Activities was wrong.

Everybody was wrong except the attorneys for the Communist conspiracy and the majority of the United States Supreme Court.

David Lawrence, in the U. S. News & World Report, had something to say about it all. He called this body needless, twisted, dishonest, pro-Communist law, treason's biggest victory.

That is what it is. That is what it always will remain. That is why we in Congress must fulfill our plain duty and act immediately in the way the Constitution empowers us to act, to repair as much of the damage as we can and prevent even worse damage in the future.

Do not tell me we can do nothing about this matter. Section 2, paragraph 2, in article III of the Constitution of the United States, contains the following provisions:

> The Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

There is the power. What are we going to do about it? Those words are hard, firm, and clear as crystal. They could not be diverted, inverted, or subverted even by the double-think and new-speak of a Harvard Law School dean. This is what they say now, in this session, to the Members of the Congress of the United States.

Mr. President, Congress has full, unchallengeable power to pass laws immediately which would deprive the Supreme Court of appellate jurisdiction, both as to law and fact in all matters involving—

First, the purposes, functions, and practices of duly authorized committees of the Congress, including all actions taken by the Congress against witnesses who have committed contempt before its committees;

Second, the purposes, functions, and practices of all agencies of the executive branch of Government, which have been established with the approval of Congress to deal with problems of subversion among employees of the executive branch;

Third, all laws and executive regulations established by the legislatures and executive agencies of the several States, to deal with problems of subversion within their borders;

Fourth, all provisions and regulations adopted by school boards and boards of education to deal with problems of subversion among teachers;

Fifth, all provisions, regulations, and actions of State courts and State boards of bar examiners regarding admission of citizens to the practice of law within the several States.

I will introduce proposed legislation immediately to remove the Supreme Court's appellate jurisdiction in the matters listed above. I beg Senators to consider it speedily.

Mr. President, I now send to the desk a bill to accomplish what I have stated, and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2646) to limit the appellate jurisdiction of the Supreme Court in certain cases, introduced by Mr. JENNER, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. RUSSELL. Mr. President, will the Senator from Indiana yield?

Mr. JENNER. I am glad to yield.

Mr. RUSSELL. The Senator has made an able speech and has rather scathingly indicted the Supreme Court. I may say I share some of the views the Senator has expressed, but I was somewhat surprised to hear the Senator's speech in the light of the vote he cast on part III of the pending bill, which would have caused the Congress, in effect, to ratify all those Supreme Court decisions, and would have authorized and directed the Attorney General of the United States, in the name of the United States, to move to apply all those decisions anywhere if it had not been stricken.

Mr. JENNER. I do not interpret my vote to have that meaning, because so far as I am concerned, as to the civil rights of the people of the United States, I believe in them. My State has provided civil rights for more than 100 years. I have been in public life almost 25 years, and have always sustained that position. Therefore, my vote was in line with my honest belief, which has nothing to do with the remarks I have made with regard to the decisions of the Supreme Court in respect to subversive activities in this country against America by Communists and their agents.

Mr. RUSSELL. As to the decisions of the Supreme Court, for example, I understood the Senator to refer to the California bar examination case.

Mr. JENNER. The Konigsberg case, yes.

Mr. RUSSELL. The decision of the Supreme Court, as I pointed out on the floor of the Senate, created the civil right that any Communist anywhere in this country could be admitted to the bar of any State, whether the State law permitted it or not. Part III of the bill would have authorized the Attorney General to enjoin the bar examiners and to jail them without a jury trial until they issued the license to the Communists.

Mr. JENNER. If I had understood my vote that way, I would not have voted as I did, but that was not my understanding. I related my vote only to civil rights, which we have had in Indiana for more than 100 years.

Mr. RUSSELL. I share the devotion of the Senator to civil rights. I am greatly concerned about the sovereign right of this country under the Constitution to protect itself and endure. The term "civil rights" is a very nebulous term. I am as much in favor of civil rights and constitutional rights as is any other Member of the Senate, but the Supreme Court is grinding out new civil rights every day—or what are called civil rights. I think they are civil wrongs.

Mr. JENNER. If they are, it is our fault, because Congress has absolutely unchallenged power, under the Constitution of the United States, to limit and confine the jurisdiction of the Supreme Court both as to law and as to facts. If we see these dangers, it is our duty to act.

I have introduced a bill relating to the matters I have discussed this afternoon. I invite every Senator's support of that bill. I think there should be immediate hearings, and we should consider and act on the bill before we go home. I think this matter ought to be disposed of one way or the other.

If other civil rights are involved and there is encroachment of the Supreme Court on other civil rights, I would apply the same rule to them. We must balance this power. We are the legislative body. We cannot turn over to the judicial branch the power to make judicially made law. We are only 96 Senators. We cannot cope with 2½ million Federal employees and billions of dollars. We must use what power we have; and we have power to do whatever it is necessary to do, if we wish to exercise it.

Mr. RUSSELL. Undoubtedly we have the right to define the jurisdiction of the Supreme Court, and I think the Supreme Court's jurisdiction should be limited in some of the fields in which it is now moving. But as I undertook to point out, part III of the bill would have approved of every one of what the Supreme Court said were civil rights, for fifth-amendment Communists, for those who were refused licenses to practice law, and for others in other fields, including the striking down of the Pennsylvania statutes, which destroyed the State's rights, and created a special right for a Communist. The Supreme Court created a civil right, and it did it by judicial law. Congress did not enact a law. The Supreme Court created the right by judicial law. There are many other recent cases involving invasion and usurpation of the legislative prerogatives of the Congress by the Court.

Mr. JENNER. I agree.

Mr. RUSSELL. The point I make is that part III would have ratified and sanctioned every decision handed down by the Court establishing new and unusual civil rights for Communists and others and special civil rights for groups of citizens which the Court in other days had determined not to exist. It would have authorized the Attorney General to proceed in the very harsh manner defined in part III, to destroy the structure of local government throughout the land, and prevent the States and subdivisions from protecting themselves against fifth-amendment Communists and to annul local laws upheld as constitutional for nearly a hundred years by some of our greatest justices.

In connection with the New York case, New York City had an ordinance which provided that no person who invoked the fifth amendment should have the civil right to teach school in New York. The court of appeals of the State of New York affirmed that denial of a civil right to a fifth-amendment-taker to teach school. The Supreme Court said that was all wrong, and that he must be permitted to teach school. Under part III of the bill that decision could have been applied everywhere in the country. The Attorney General would have had the duty of applying it everywhere in the country, and of compelling any school board to accept such people, whether it wanted to do so or not.

In other words, the Supreme Court decision gave the fifth-amendment-taker a right which was superior to that of the board of trustees, and superior to the wishes of the parents of the children being instructed.

I was happy when part III was stricken. This action indicated that the United States Senate refused to put its stamp of approval upon the phony, fictitious civil rights which the Supreme Court is grinding out, in derogation of the legislative power of Congress, the rights of the States and of local self-government.

Mr. JENNER. From what the Senator from Georgia says, I presume he will support the bill which I have just introduced.

Mr. RUSSELL. I shall study it very carefully; and if it limits the invasion by the Supreme Court of the power of Congress to legislate, it will certainly have my support.

Mr. JENNER. I thank the Senator from Georgia.

## IMPORTATION OF RESIDUAL OIL

During the delivery of the speech of Mr. JENNER,

Mr. REVERCOMB. Mr. President, I ask unanimous consent that the Senator from Indiana may yield to me very briefly so that I may make a statement on another subject.

Mr. JENNER. I am glad to yield to the Senator from West Virginia for that purpose, provided that by doing so I do not lose my right to the floor and that his remarks will be printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. SCOTT in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. REVERCOMB. Mr. President, I have listened with a great deal of interest to the able presentation by the Senator from Indiana of his viewpoint on an important subject.

Mr. President, I have noted the increasing concern shown by some of the Members of Congress over the constant rise in oil imports. It is clearly evident that these imports have reached such proportions as to constitute a grave threat to domestic oil developments.

I should like to point out that the ever-increasing flood of residual fuel oil from foreign sources also constitutes a serious threat to the coal industry—an industry that is vital to our national security.

Residual oil imports have been seriously impinging upon coal's east coast markets since the end of World War II. In 1949 incoming shipments of this fuel amounted to 74 million barrels, which is the equivalent of about 18½ million tons of coal. In 1956 residual oil imports amounted to 162 million barrels, an energy equivalent of almost 39 million tons of coal. These imports are still increasing at an alarming rate.

Needless to say, coal's loss of markets to residual fuel oil, which can be dumped into United States markets at whatever price is necessary to undersell coal, has cost both miners and railroaders their jobs. The loss in revenue to the bituminous industry and to the railroads is staggering.

We know quite well that, in the event of another war, the United States would have to depend upon coal to supply not only its normal markets, but also to fill the void left by the blockading of fuel from abroad and the diversion of domestic oil to meet more essential purposes of the war effort. The coal industry is running about 5 million tons below 1956 production and cannot withstand any further invasion of its markets if the industry is to meet increased fuel requirements in a national emergency.

The situation, in my judgement, is critical. In the interest of national security action should be taken promptly. Unless the Administrative Department of our Government moves to enforce the provisions of the defense amendment of the Reciprocal Trade Agreement Act extension of 1955, I feel that national security requirements make it imperative that Congress enact quota limitations on oil imports and that we proceed to do this at once, unless the situation is remedied.

I desire to express my deep thanks to the able Senator from Indiana for yielding to me at this time.

Mr. JENNER. I thank the Senator from West Virginia.

## BIOGRAPHIES OF FEDERAL JUDICIAL OFFICIALS IN THE SOUTH

Mr. JAVITS. Mr. President, earlier in the debate upon the civil-rights bill, I discussed the birthplace, education, residence, and environment of the judges, marshals, and United States attorneys of the courts in the South. I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks brief biographies of all those officials, which show that the overwhelming majority, with very few exceptions, were born in the South, educated in the South, and had complete life environment in the South. I shall refer to that subject in my address on the bill on Monday. I wish to have the information available for the perusal of Senators over the weekend.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BACKGROUND OF UNITED STATES ATTORNEYS AND MARSHALS IN THESE SOUTHERN STATES: ALABAMA, ARKANSAS, FLORIDA, GEORGIA, LOUISIANA, MISSISSIPPI, NORTH CAROLINA, OKLAHOMA, TENNESSEE, TEXAS, AND VIRGINIA

Out of a total of 56 attorneys and marshals in the South, 43 of these men are natives of the States in which they serve.

Of the remaining 13 men, 9 were born in the South and educated in the South. Of the 4 who were not born in the South, 2 of these men were educated in the South.

Only 2 men out of the 56 were neither born nor educated in the South.

ALABAMA, NORTHERN

United States attorney: William L. Longshore, born January 31, 1892, at Columbiana,

Ala. Education: 1907–10, Howard College, Birmingham; 1911–13, University of Alabama, bachelor of laws. Bar: 1913, Alabama. Appointed March 19, 1956.

United States marshal: Pervie Lee Dodd, born May 10, 1903, at Nauvoo, Ala. Education: 1922, University of Alabama. Appointed August 5, 1953.

ALABAMA, MIDDLE

United States attorney: Hartwell Davis, born December 18, 1906, at Auburn, Ala. Education: 1923–24, University of Florida; 1925–28, Alabama Polytechnic Institute, B. S. degree; 1929–30, University of Virginia Law School; 1930–31 Emory University, bachelor of laws. Bar: 1931, Alabama and Florida. Appointed June 9, 1953; reappointed June 13, 1957.

United States marshal: Charles S. Prescott, born June 7, 1895, at Wedowee, Ala. Education: 1911–15, Randolph County High School, Wedowee, Ala. Appointed August 4, 1954.

ALABAMA, SOUTHERN

United States attorney: Ralph Kennamer, born August 4, 1910, at Guntersville, Ala. Education: David Lipscombe Junior College, Nashville; 1932–35, University of Alabama, bachelor of laws. Bar: 1935, Alabama. Appointed February 7, 1956, by the court; April 25, 1956, by confirmation.

United States marshal: James L. May, born June 1, 1891, at West Bend, Ala. Education: 1903–08 Jackson, Ala. Agricultural College. Appointed July 17, 1953; reappointed June 13, 1957.

ARKANSAS, EASTERN

United States attorney: Osro Cobb, born May 8, 1904, at Hatton, Ark. Education: 1919–25, Henderson State Teachers College, bachelor of arts and bachelor of science; 1926–29, Arkansas Law School. Bar: 1929, Arkansas. Appointed December 2, 1953, by recess; March 6, 1954, by confirmation.

United States marshal: Richard Beal Kidd, born November 19, 1915, at Choctaw, Ark. Education: 1940, Draughon's Business College, Little Rock, Ark. Appointed July 31, 1953; reappointed July 2, 1957.

ARKANSAS, WESTERN

United States attorney: Charles W. Atkinson, born September 19, 1912, at Pocahontas, Iowa. Education: 1934, University of Arkansas, bachelor of laws. Bar: 1934, Arkansas. Appointed July 14, 1953.

United States marshal: Jay Neal, born May 16, 1892, at Van Buren, Ark. Education: High-school graduate. Appointed August 21, 1954.

FLORIDA, NORTHERN

United States attorney: George H. Carswell, born December 22, 1919, at Irwinton, Ga. Education: 1937–41, Duke University, bachelor of arts; 1945–48, Mercer University Law School, bachelor of laws. Bar: 1948, Georgia; 1949, Florida. Appointed July 1, 1953.

United States marshal: Emerson F. Ridgeway, born April 27, 1895, at West Point, Ga. Education: 1914, De Pauw University, Greencastle, Ind. Appointed July 31, 1953.

FLORIDA, SOUTHERN

United States attorney: James L. Guilmartin, born November 3, 1917, at Boston, Mass. Education: 1935–41, Harvard University, bachelor of arts; 1942–45, St. John's University, Brooklyn, N. Y., bachelor of laws. Bar: 1945, New York; 1951, Florida. Appointed August 5, 1953.

United States marshal: Thomas H. Trent, born January 4, 1892, at Roanoke, Ala. Appointed August 16, 1954, by the court.

GEORGIA, NORTHERN

United States attorney: James W. Dorsey, born January 16, 1914, at Atlanta, Ga. Education: 1930–34, Emory University, Atlanta, Ga., bachelor of arts degree; 1935–37, University of North Carolina, bachelor of laws. Bar: 1937, Georgia. Appointed June 9, 1953.

United States marshal: William C. Littlefield, born March 17, 1905, at Dahlonega, Ga. Appointed August 18, 1954.

GEORGIA, MIDDLE

United States attorney: Frank O. Evans, born December 15, 1910, at Gordon, Ga. Education: 1926–30, Washington and Lee University, bachelor of science degree, 1930–33, Mercer University Law School, bachelor of laws degree. Bar: 1933, Georgia. Appointed June 9, 1953.

United States marshal: Billy E. Carlisle, born May 27, 1895, in Harris County, Ga. Education: 1914–17, Alabama Polytechnic Institute. Appointed March 6, 1954.

GEORGIA, SOUTHERN

United States attorney: William C. Calhoun, born April 28, 1919, at Augusta, Ga. Education: 1938–42, University of North Carolina, bachelor of arts degree; 1942–44, University of Georgia, bachelor of laws. Bar: 1944, Georgia. Appointed July 16, 1953.

United States marshal: James F. Brophy, born October 24, 1917, at Rhine, Ga. Education: 1939, Southern Georgia College, Douglas, Ga. Appointed August 12, 1955, by recess; July 3, 1956, by confirmation.

LOUISIANA, EASTERN

United States attorney: M. Hepburn Many, born June 19, 1918, at New Orleans, La. Education: 1938, Washington and Lee University, bachelor of arts; 1941, Tulane University, master of arts; 1950, bachelor of law. Bar: 1950, Louisiana. Appointed August 13, 1956, by the court; August 14, 1956, by recess; March 21, 1957, by confirmation.

United States marshal: Edward J. Petitbon, born December 6, 1909, at New Orleans, La. Education: Samuel J. Peters Boys High School of Commerce, New Orleans, La. Appointed March 6, 1954.

LOUISIANA, WESTERN

United States attorney: Fitzhugh Wilson, born March 14, 1905, at Memphis, Tenn. Education: Tulane University, bachelor of arts and bachelor of laws degrees. Bar: 1928, Louisiana. Appointed July 13, 1953.

United States marshal: Donald C. Moseley, born June 29, 1918, at Pioneer, La. Education: Forest High School, Forest, La. Appointed September 2, 1955, by recess; July 28, 1956, by the court; March 21, 1957, by confirmation.

MISSISSIPPI, NORTHERN

United States attorney: Thomas R. Ethridge, born May 2, 1918, at West Point, Miss. Education: 1936–40, University of Mississippi, bachelor of arts; 1946, bachelor of laws; 1951, master of arts. Bar: 1946, Mississippi. Appointed March 17, 1954.

United States marshal: John W. T. Falkner IV, born January 25, 1911, at Oxford, Miss. Education: 1934, University of Mississippi, bachelor of laws. Bar: 1934, Mississippi. Appointed April 10, 1947; reappointed April 19, 1951; reappointed March 2, 1956.

MISSISSIPPI, SOUTHERN

United States attorney: Robert E. Hauberg, born November 20, 1910, at Brookhaven, Miss. Education: 1928–30, Millsaps College; 1930–32, Jackson, Miss., School of Law. Bar: 1932, Mississippi. Appointed December 30, 1953, by recess; March 4, 1954, by confirmation.

United States marshal: Rupert H. Newcomb, born August 28, 1913, at Pineville, Miss. Education: 1937, University of Mississippi, bachelor of arts. Appointed February 28, 1948; reappointed June 11, 1952.

NORTH CAROLINA, EASTERN

United States attorney: Julian T. Gaskill, born July 7, 1903, at Sea Level, N. C. Education: Wake Forest College, bachelor of arts; Wake Forest Law School. Bar: 1927, North Carolina. Appointed December 2, 1953, by recess; March 4, 1954, by confirmation.

United States marshal: B. Ray Cohoon, born February 14, 1892, at Columbia, N. C. Education: John Graham Academy, Warrenton, N. C. Appointed April 7, 1954.

NORTH CAROLINA, MIDDLE

United States attorney: Edwin M. Stanley, born March 9, 1909, at Kernersville, N. C. Education: 1926–31 Wake Forest College, bachelor of laws. Bar: 1930, North Carolina. Appointed April 7, 1954.

United States marshal: William B. Somers, born December 12, 1896, at Wilkesboro, N. C. Education: Old Wilkesboro, N. C., school. Appointed May 21, 1953; reappointed May 29, 1957.

NORTH CAROLINA, WESTERN

United States attorney: James M. Baley, Jr., born January 23, 1912, at Greensboro, N. C. Education: University of North Carolina, bachelor of arts, 1932; bachelor of laws, 1933. Bar: 1933, North Carolina. Appointed June 9, 1953.

United States marshal: Roy A. Harmon, born November 2, 1894, at Beech Creek, N. C. Education: Appalachian State Teacher's College, Boone, N. C. Appointed July 17, 1953.

OKLAHOMA, EASTERN

United States attorney: Frank D. McSherry, born November 20, 1891, at Toledo, Ohio. Education: Sacred Heart College, Pottawatomie, Okla., master of arts. Bar: 1915, Oklahoma. Appointed June 9, 1953.

United States marshal: Paul Johnson, born April 26, 1906, at Forestburg, Tex. Education: Oklahoma University, Norman, Okla. Appointed August 5, 1953.

OKLAHOMA, WESTERN

United States attorney: Paul W. Cress, born February 6, 1904, at Perry, Okla. Education: 1928, University of Kansas, bachelor of arts; 1929, University of Oklahoma, bachelor of laws. Bar: 1929, Oklahoma. Appointed May 12, 1954, by the court; August 4, 1954, by confirmation.

United States marshal: Kenner W. Greer, born January 30, 1891, at Virgie, Ky. Education: Public Schools of Woods County, Okla. Appointed June 10, 1954.

TENNESSEE, EASTERN

United States attorney: John C. Crawford, Jr., born July 24, 1906, at Maryville, Tenn. Education: 1923–27, Maryville College, bachelor of arts; 1928–31, Harvard Law School, bachelor of arts. Bar: 1930, Tennessee. Appointed July 16, 1953.

United States marshal: Frank Quarles, born August 14, 1898, in Jefferson County, Tenn. Education: Jefferson High School. Appointed December 2, 1953, by recess; March 9, 1954, by confirmation.

TENNESSEE, MIDDLE

United States attorney: Fred Elledge, Jr., born February 7, 1910, in De Kalb County, Tenn. Education: Middle Tennessee State College, Murfreesboro; Andrew Jackson Business College, Nashville; Cumberland University, bachelor of laws 1936. Bar: 1937, Tennessee. Appointed August 12, 1953, by recess; March 11, 1954, by confirmation.

United States marshal: John H. Henderson, born August 30, 1902, at Nashville, Tenn. Appointed July 1, 1957, by the court.

TENNESSEE, WESTERN

United States attorney: Millsaps Fitzhugh, born March 29, 1903, at Jackson, Miss. Education: Emory University, Atlanta, Ga., bachelor of laws. Bar: 1925, Tennessee. Appointed July 16, 1953.

United States marshal: John T. Williams, born August 13, 1911, at Bemis, Tenn. Education: McLemorsville, Tenn., High School; 1931–32, Lambuth College. Appointed May 12, 1955.

TEXAS, NORTHERN

United States attorney: Heard L. Floore, born November 12, 1913, at Cleburne, Tex. Education: 1935, Texas Christian University, bachelor of arts; 1936, Columbia University Law School; 1938, University of Texas, bachelor of laws. Bar: 1938, Texas. Appointed August 12, 1953, by recess; March 4, 1954, by confirmation.

United States marshal: Hobart K. McDowell, born March 2, 1897, at Childress, Tex. Education: Del Rio High School. Appointed April 2, 1954.

TEXAS, SOUTHERN

United States attorney: Malcolm R. Wilkey, born December 6, 1918, at Murfreesboro, Tenn. Education: 1936–40, Harvard University, bachelor of arts; 1945–48, Harvard University, bachelor of laws. Bar: 1948, Texas. Appointed March 6, 1954.

United States marshal: James W. McCarty, born April 3, 1895, at Bangor, Pa. Education: Public schools of Bangor, Pa. Appointed December 16, 1955, by the court; March 15, 1956, by confirmation.

TEXAS, EASTERN

United States attorney: William M. Steger, born August 22, 1920, at Dallas, Tex. Education: 1938–41, Baylor University; 1947–50, Southern Methodist University, bachelor of laws. Bar: 1951, Texas. Appointed July 16, 1953.

United States marshal: James Crawford, Jr., born November 13, 1905, at Kenard, Tex. Education: 1927, Louisiana State University. Appointed April 24, 1956.

TEXAS, WESTERN

United States attorney: Russell B. Wine, born June 9, 1889, at Broadway, Va. Education: Washington and Lee University. Bar: 1912, Virginia; 1913, Texas. Appointed January 21, 1955, by the court; February 7, 1955, by confirmation.

United States marshal: Albert W. Saegert, born September 27, 1896, at Paige, Tex. Education: 1916–17, University of Texas; 1917–18 San Marcos, Texas Teachers College. Appointed May 21, 1953; reappointed May 29, 1957.

VIRGINIA, EASTERN

United States attorney: Lester S. Parsons, Jr., born October 10, 1918, at Norfolk, Va. Education: 1937–39, William and Mary College. 1942, University of Richmond School of Law, bachelor of laws. Bar: 1941, Virginia. Appointed June 9, 1953.

United States marshal: Richard A. Simpson, born September 22, 1895, in Pittsylvania County, Va. Appointed July 17, 1953; reappointed May 6, 1957.

VIRGINIA, WESTERN

United States attorney: John O. Strickler, born November 19, 1902, at Luray, Va. Education: 1922–26, William and Mary College, bachelor of arts; 1924–27, Washington and Lee University, bachelor of law. Bar: 1926, Virginia. Appointed July 16, 1953.

United States marshal: Peter A. Richmond, born August 1, 1891, at Rye Cove, Va. Education: Rye Cove High School and Roanoke Business College. Appointed August 12, 1953, by recess; March 11, 1954, by confirmation.

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FIFTY-ONE JUDGES COVERED IN SURVEY OF FOLLOWING STATES: ALABAMA, ARKANSAS, FLORIDA, GEORGIA, LOUISIANA, MISSISSIPPI, NORTH CAROLINA, OKLAHOMA, SOUTH CAROLINA, TENNESSEE, TEXAS, AND VIRGINIA

Of these 51 judges now sitting, 47 were born and educated in the South. Only 4 were not, and of these 4, in every case they were either raised or educated in the South. Only 1 of the 51 judges did not practice law exclusively in the South prior to his district judgeship appointment. Including present service on the bench, the average district judge in the South has worked in that area for 37 years.

UNITED STATES DISTRICT JUDGES AS OF JULY 22, 1957

*Alabama*

Daniel H. Thomas, judge; born, Prattville, Ala.; bachelor of laws, University of Alabama, 1928; admitted to Alabama bar, 1929; law practice, Mobile, 1929–51; assistant solicitor, 13th Judicial Circuit, Alabama, 1932–39; partner, Lyons, Thomas & Pipes, 1943–51; appointed United States district judge, southern district of Alabama, 1951. Home: 13 Dogwood Circle, Spring Hill. Office: Federal Building, Mobile, Ala.

Seybourn Harris Lynne, judge; born, Decatur, Ala.; B. S., Alabama Polytechnic Institute, 1927; bachelor of laws, University of Alabama, 1930; admitted to Alabama bar, 1930; general practice of law, Decatur, Ala., 1930–34; judge, Morgan County court, 1934–41; judge, Eighth Judicial Circuit of Alabama, 1941–42; judge, United States District Court for the Northern District of Alabama since 1946. Home: 305 East Glenwood Drive, Birmingham. Office: Federal Building, Birmingham, Ala.

Harlan Hobart Grooms, judge; born, Jeffersonville, Ky.; bachelor of laws, University of Kentucky; admitted to bar, Kentucky and Alabama; practiced in Birmingham, Ala., 1926–; former member, Spain, Gillon, Grooms & Young; judge, United States District Court for the Northern District of Alabama, 1953–. Member, American, Alabama, Birmingham Bar Associations, Phi Alpha Delta, Omicron Delta Kappa, Scabbard and Blade, Pi Kappa Alpha. Home: 2624 Aberdeen Road. Office: Box 34, Birmingham, Ala.

Frank M. Johnson, Jr., judge; born, Haleyville, Ala.; graduate, Gulf Coast Military Academy, Gulfport, Miss., 1935; Massey Business College, Birmingham, 1937; bachelor of laws, University of Alabama, 1943, admitted to Alabama bar, 1943; private practice in Haleyville and Jasper since 1946; member of firm, Curtis, Maddox & Johnson, 1946–53; United States attorney, northern district of Alabama since 1953. Served as private to captain, Infantry, United States Army, 1943–46. Decorated, Purple Heart with Oak Leaf Cluster, Bronze Star. Home: 1100 Ninth Avenue, Jasper, Ala. Office: Federal Building, Birmingham, Ala.

*Arkansas*

Harry J. Lemley, judge; born Upperville, Va.; student, University of Virginia, 1901–03; bachelor of laws, Washington and Lee University, 1910; doctor of laws, University of Arkansas. Admitted to Arkansas bar, 1912, practiced at Hope, Ark., 1912–39; United States district judge, eastern and western districts, Arkansas, since 1939. Member Phi Delta Theta, Phi Delta Phi. Author and coauthor of papers on archeology of Arkansas. Home: Hope, Ark. Address: Texarkana, Ark.

John Elvis Miller, judge; born near Aid, Mo.; student, Southeast Missouri State Teachers College, Cape Girardeau, and Valparaiso; Indiana University, bachelor of laws; University of Kentucky, 1912. In practice of law, Searcy, Ark., since 1912, member, Miller & Yingling; prosecuting attorney, first judicial circuit, Arkansas, 1919–22; director, Bank of Searcy. Member, 72d to 75th Congresses, 1931–39, Second Arkansas District; resigned on election as United States Senator to fill vacancy caused by death of Joseph T. Robinson for term ending 1943; resigned from United States Senate April 1, 1941, to become judge of the United States District Court for the Western District of Arkansas. Member, Arkansas Bar Association. Home: Fort Smith, Ark.

*Florida*

Dozier A. DeVane, judge; born near Lakeland, Fla., student Florida State College, Tallahassee, 1904–05; bachelor of laws, Washington and Lee University, Lexington, Va., 1908. Admitted to Florida bar 1908; practiced in Tampa, 1908–18; county attorney Hillsboro County, 1913–14; counsel to Florida Railroad Commission, 1918–20; rate attorney American Telephone & Telegraph Co., 1920–22; general counsel Chesapeake & Potomac Telephone Co., and associated companies, 1922–30; practiced law in District of Columbia 1930–33; solicitor, Federal Power Commission, Washington, D. C., 1933–38; reentered private practice, Orlando, Fla., 1938; member DeVane, Andrews & Patterson; appointed United States district judge, northern and southern districts of Florida, 1943, northern district, 1947. Member Kappa Sigma O. D. K. Phi Beta Kappa. Home, Old St. Augustine Road; office, Federal Building, Tallahassee, Fla.

George W. Whitehurst, judge; born Wauchuta, Fla. Student, Stetson University; bachelor of laws, University of Florida; admitted to Florida bar; Florida State circuit judge; now United States district judge, Miami. Home: 301 Valencia Way, Fort Myers, Fla.; office: Post Office Box 1070, Miami, Fla.

William J. Barker, judge; born Marietta, Ga., bachelor of laws with highest honors, University of Georgia, 1916. Admitted to Florida bar, 1916, and began practice in Jacksonville; judge, circuit court of State of Florida, 1925–40; United States district judge, southern district of Florida, since 1940. Member, American and Florida Bar Associations. Home: 3305 Lykes Avenue; office: Federal Building, Tampa, Fla.

Bryan Simpson, judge; born Kissimmee, Fla., bachelor of laws, University of Florida, 1926. Admitted to Florida bar, 1926, and practiced in Jacksonville, 1926–39, assistant State's attorney, fourth Florida circuit, 1933–37; judge, criminal court of record, Duval County, Fla., 1939–46; circuit judge, fourth Florida circuit, 1946–50; United States district judge, southern district, Florida, 1950. Trustee, Bolles School, Jacksonville; member, State board, Children's Home Society, Florida. Served as first lieutenant, United States Army, 1943–45, 12 months ETO. Member American, Jacksonville Bar Associations, Florida bar.

Emett Clay Choate, United States judge; born Columbus, Ohio; bachelor of laws, University of Indiana, 1914; admitted to Indiana bar and Oklahoma bar, 1914, New York bar, 1922, Florida bar, 1925; practiced in Oklahoma City, 1917–21, New York City, 1922–25, Miami, 1925–54; United States judge, southern district, Florida, 1954. Member Housing Authority, City of Miami, 1952; member, national board, field advisers, Small Business Administration, 1954. Delegate representative, National Convention, 1952. Served as first lieutenant, Oklahoma Infantry, 1914–16; major, Field Artillery, United States Army, 1917–18. Member, American Automobile Association; American, Florida, Dade County Bar Associations; Phi Delta Phi. Clubs: Kiwanis (Miami); home: 3306 Crystal, Miami, Fla.

Joseph Lieb, United States district judge; born Faribault, Minn., in 1901. Schooling at St. Thomas College and bachelor of laws degree from Georgetown University; admitted to bar, District of Columbia in 1924. He has either worked for Justice Department or practiced law in Tampa, Fla., from 1931 until appointment in 1956, as judge in the southern district of Florida.

*Georgia*

Frank Arthur Hooper, Federal judge; born in Americus, Ga.; student, Georgia Institute of Technology, Atlanta Law School, 1936, LL. M., 1937; secretary to judge, Georgia Court of Appeals, 1917, private practice, Atlanta, 1919–43; judge, Georgia Court of Appeals, 1933; instructor, Atlanta Law School, 1934–43; assistant city attorney, Atlanta, 1940–43; judge, superior court, Atlanta Judicial Circuit, 1943–49; United States district judge, northern district of Georgia, 1949. Member, Georgia House of Representatives, 1925–28. Served as ensign, USNRF, 1919.

William B. Sloan, judge; born in Gainesville, Ga.; admitted to Georgia bar, 1915; Representative, Georgia State General Assembly, 1927–31; assistant attorney general, Georgia, 1932; judge, city court, Hall County, Georgia, 1934–45; judge, superior courts, Northeast Judicial Circuit, Georgia, 1945–48; United States district court, northern district, Georgia, since 1951. Member, American, Georgia State Bar Association, American Judicature Society. Home: 1188 Cherokee Road. Office: Federal Building, Gainesville, Ga.

Thomas Hoyt Davis, United States district judge; born in Braselton, Ga.; bachelor of arts, Mercer University; admitted to Georgia bar, 1916; in general practice, 1916–26; solicitor general, Cordele judicial circuit, Georgia, 1927–33; United States attorney, middle district, Georgia, 1933–45; United States district judge, middle district, Georgia, 1945. Member, Georgia Bar Association, Cordele Circuit Bar Association. Home: Vienna, Ga.

William Augustus Bootle, judge; born in Colleton County, S. C.; Mercer University, 1924, LL. B., 1925; admitted to Georgia Bar, 1925, since practiced at Macon; member, Carlisle & Bootle, 1933–54; United States district attorney, middle Georgia district, 1929–33; acting dean, Mercer University Law School, 1933–37; part-time professor of law, 1926–37; judge, United States district court, middle district, Georgia, 1954. Trustee, Mercer University, chairman, executive committee board, 1941–46, 1948–53. Member, Phi Delta Theta. Club: Civitan, (president, 1936). Home: 196 Buckingham Place. Office: Post office, Macon, Ga.

Frank M. Scarlett, Federal judge; born in Brunswick, Ga.; 1898–08, Gordon College, Barnesville, Ga., 1908–10; bachelor of laws, University of Georgia, 1913; admitted to bar of Georgia, 1913; practiced law in Brunswick under name of Courtland Symmes & Scarlett, 1913–15; private practice, 1915–29; appointed solicitor of city court of Brunswick, 1919–29; entered partnership under name of Reese, Scarlett, Bennett & Highsmith, 1929–37, with Reese, Scarlett, Bennett & Gilbert, 1937–46; United States district judge since February 14, 1946; president, Brunswick Chamber of Commerce, 1936–38. Home: 902 Wright Square. Office: Federal Building, Brunswick, Ga.

*Louisiana*

Herbert William Christenberry, judge; born New Orleans, La. Student Soule College, New Orleans; bachelor of laws, Loyola University 1924, also student, New York University, 1927; private practice, 1924–33; assistant attorney, Board of Commissioners of Port New Orleans, 1933–35; deputy commissioner, Louisiana Debt Moratorium Commission, 1935; assistant district attorney, parish of Orleans, 1935–57; assistant United States attorney, Eastern District of Louisiana, 1937–42, United States attorney, 1942–47; United States district judge since 1947; instructor, Loyola University of the South, School of Law. Member, Federal Bar Association, Louisiana State Bar Association, New Orleans Bar Association; home, 4300 St. Ann Street; office, 600 Camp Street, New Orleans.

James S. Wright, district judge; born New Orleans. Bachelor of philosophy, Loyola University, 1931. Bachelor of laws, 1934; high school teacher, 1931-35; lecturer, English history, Loyola University, 1936–37; assistant United States attorney, New Orleans, 1937–46; practices of law, Ingoldsby, Coles & Wright, Washington, 1946–48; United States attorney, eastern district, Louisiana, 1948–49. Served as lieutenant commander, United States Coast Guard, 1942–46. Observer, United States State Department of International Fisheries Conference, London, 1943. Member, Louisiana State Bar Association (board of governors), Federal Bar Association (president, New Orleans chapter). District of Columbia Bar Association, New Orleans Bar Association, Alpha Delta Gamma (national president). Clubs: Army-Navy (New Orleans); Army-Navy Country (Washington). Home: 35 Newcomb Boulevard, New Orleans, 18; office: Post Office Building, New Orleans.

Ben C. Dawkins, Jr., judge; born Monroe, La., bachelor of arts, Tulane Univeristy, 1932; bachelor of laws, Louisiana State University, 1934; admitted to Louisiana bar, 1934, practiced in Monroe, 1934–35, Shreveport, 1935–53; member, firm, Blanchard, Goldstein, Walker & O'Quin, 1935–53; United States district judge, western district, Louisiana since 1953. President, Shreveport Recreation Council, 1941; director Children's Service Bureau, 1947–51, Child Guidance Clinic, 1952. Member school board, Caddo Parish School, 1949–53, president, 1950–52. Served as lieutenant commander, air navigator, United States Naval Reserve, 1942–45. Member, America, Louisiana State (board of governors, 1950–52) Shreveport (vice president, 1941–42, secretary-treasurer, 1947–48; president, 1949–50) bar associations, Shreveport Chamber of Commerce (director, 1949–52), Junior Chamber of Commerce (director, 1941–42); American Legion, Veterans of Foreign Wars (post commander, 1946–47, judge advocate, Louisiana department, 1947–48), Delta Kappa Epsilon, Phi Delta Phi, Omicron Delta Kappa; Club: Shreveport Exchange (president, 1951). Home: 4054 Baltimore Street; office: Federal Building, Shreveport, La.

Edwin Ford Hunter, Jr., United States judge, born Alexandria, La. Student, Louisiana State University, 1930–33; bachelor of laws, George Washington University, 1938; admitted to Louisiana bar, 1938, member, Smith Hunter, Risinger & Shuey, Shreveport, 1940–53, member, Louisiana State Legislature, 1948–52; executive counsel, Governor, Louisiana, 1952; member, Louisiana State Mineral Board, 1952. Served as lieutenant, United States Naval Reserve, 1942–45, on U. S. S. *Saratoga*. Member American Bar Association (Louisiana State chairman, junior bar section, 1945), American Legion (post commander, 1945, judge advocate, Department Louisiana, 1948), Sigma Chi. Home: 1027 Ninth Street; office: Post Office Box 1339, Lake Charles, La.

*Mississippi*

Sidney Carr Mize, judge; born, Scott County, Miss.; bachelor of arts, Mississippi College, Clinton, 1908; bachelor of laws, University of Mississippi, 1911; admitted to Mississippi bar, 1911, forming law partnership with his brother, Joe H. Mize, to 1926; then firm changed to Mize, Thompson & Mize; served as special district attorney, special county judge, special chancery judge; United States judge for southern district of Mississippi since 1937. Member, Democratic State Executive Committee, 1931–37. Trustee, Gulfport municipal schools, 1930–38. Member, American, Mississippi State, and Harrison County bar associations; Phi Kappa Psi, Phi Delta Phi. Address: Gulfport, Miss.

*North Carolina*

Wilson Warlick, judge; born, Newton, N. C.; bachelor of science, Catawba College; 1910 doctor of laws (honorary) 1936; bachelor of laws, University of North Carolina, 1913; admitted to North Carolina bar 1913, practiced law, Newton, N. C., 1913–30; judge, superior court, 16th judicial district, 1930–49; United States district judge, western district, North Carolina, since 1949. Chairman, North Carolina Probation Commission since 1937. Served as lieutenant, G–2, American Expeditionary Forces, Adjutant General Department, World War I; member of S. A. R. American Legion, 40 et 8, Alpha Tau Omega, Office: Federal Building, Statesville, N. C.

Donnell Gilliam, judge; born, Tarboro, N. C.; student, University of North Carolina, 1905–10; admitted to North Carolina bar, 1910; member, firm Gilliam & Bond, Tarboro, 1923–45; State district solicitor, 1923–45; United States district judge, eastern district of North Carolina since May 30, 1945. Chairman, Edgecombe County Democratic executive committee, 1910–45. Member, Delta Kappa Epsilon. Home: 302 Church St., Tarboro, N. C.

*Oklahoma*

Royce E. Savage, judge; born, Blance, Okla.; bachelor of arts, University of Oklahoma, 1925, bachelor of laws, 1927; assistant insurance commissioner, 1927–29; practiced law as member firm Monnet & Savage, Tulsa, 1929–38; Cantrell, Savage & McCloud, Oklahoma City, 1938–40; appointed United States district judge for northern district of Oklahoma, 1940. Member of Phi Delta Theta and Phi Delta Phi. Home: 2135 East 25th Street; office: Federal Building, Tulsa.

William R. Wallace, judge; born, Troy, Tex.; student, Indianola College (now University of Tulsa), 1901–05; University of Oklahoma, 1909–10; doctor of laws, Oklahoma Baptist University, 1947; admitted to Oklahoma Bar, 1910, practiced in Pauls Valley, Okla., 1910–25; county judge, Garvin County, 1913–17; attorney, Magnolia Petroleum Co. and Lone Star Gas Co., 1925–50; United States district judge for the northern, eastern, and western districts of Oklahoma since 1950. Served as member of Oklahoma State Legislature, 1909–23. Chairman of Oklahoma Public Welfare Commission, 1939–42; board of regents, University of Oklahoma, 1944–48; member of American and Oklahoma Bar Associations, Kappa Sigma. Clubs: Rotary, Men's Dinner. Home: 2419 North Harvey, Oklahoma City; office: Federal Building, Oklahoma City.

Eugene Rice, judge; born, Union City, Tenn., bachelor of science, Hall-Moody College, Martin, Tenn., 1910; bachelor of laws, Valparaiso University, 1917; taught in rural schools of Tennessee, 1910–13; admitted to Oklahoma Bar, 1920, and practiced in Oklahoma; State district judge, 1930–37; former member of court of tax review, Oklahoma; appointed United States district judge, eastern district, Oklahoma, 1937. Served with United States Army and AEF, 1917–19. Member of American Bar Association, Oklahoma State Bar Association; honorary member of Phi Delta Phi. Home: 1521 Boston Street; office: Federal Building, Muskogee, Okla.

Stephen S. Chandler, judge; born, Blount County, Tenn.; student of University of Tennessee, 1917–18; bachelor of laws, University of Kansas, 1922; private law practice in Oklahoma City, 1922–43; appointed United States district judge for the western district of Oklahoma, 1943. Member of Sigma Alpha Epsilon and Phi Delta Phi. Clubs: Oklahoma City Golf, Beacon, and Rotary.

Ross Rizley, judge; born, Beaver, Okla.; bachelor of laws, University of Kansas City, 1915; admitted to Oklahoma bar, 1915; actively practicing law since 1915; county attorney, Beaver County, Okla., 1919–20; State senator, first Oklahoma district, 1931–35; Member, 77th-80th Congresses (1941–49), 8th Oklahoma District; Solicitor, Post Office Department, March to December 1953; Assistant Secretary of Agriculture, 1953–54; Chairman, Civil Aeronautics Board, 1955; director, City National Bank, Guymon; member, Guymon Chamber of Commerce (former president, director). Member, Oklahoma State Bar and American Bar Associations; address: Guymon, Okla.; office: Department of Agriculture, Washington, D. C.

*South Carolina*

George B. Timmerman, judge; born, Edgefield County, S. C.; graduate, Patrick Military Institute, 1900; bachelor of laws, South Caroline College (now University of South Carolina), 1902; doctor of laws (honorary) 1952; general practice of law, 1902–42; appointed United States district judge for the eastern and western district of South Carolina, 1942;

captain, South Carolina Militia, aide on brigade staff, 1905; solicitor, 5th judicial circuit, 1905–08; 11th judicial circuit, 1908–20; member, State of South Carolina Highway Commission, 1931–39, chairman, 1936–39; chairman, Lexington County (S. C.) Democratic Committee, 1914–16; Democratic State executive committeeman, 1930–32, 1938–42; president, Democratic State Convention, 1932; chairman, Ridge District Boy Scouts of America, 1940–43; vice president, central council, 1942–44; chairman, Batesburg-Leesville Park Commission, 1941–46; trustee, University of South Carolina, Columbia, S. C., 1941–47. Member, South Carolina and American Bar Associations, Phi Kappa Sigma, Omicron Delta Kappa. Home: Rutland Street, Batesburg, S. C.; office: United States Courthouse, Columbia, S. C.

Ashton H. Williams, judge; born, Lake City, S. C.; bachelor of arts, University of South Carolina, 1912; graduate law school, Georgetown University, 1915; admitted to South Carolina bar, 1914; since, practiced in South Carolina; member, Lake City Council, 1916–17; South Carolina State House of Representatives, 1921–22; senator, Florence County, 1923–26; member, Democratic National Executive Committee, South Carolina, 1948–49. Author (while in senate): Pay-as-You-Go Road Act, 1923; Coastal Highway Act; first act to tax gasoline for good roads; office, United States Courthouse, Charleston, S. C.

Charles C. Wyche, judge; born, Prosperity, S. C.; bachelor of science, The Citadel, Charleston, 1906; doctor of laws, 1952; Georgetown University, 1908–9; admitted to South Carolina bar in 1909, and practiced at Spartanburg; member, South Carolina House of Representatives, 1913–14; city attorney, Spartanburg County, 1919–33; United States district attorney, western district of South Carolina, 1933–37; appointed United States district judge, western district of South Carolina, January 30, 1937; circuit judge, court common pleas, by special appointment, 1924; court of general sessions, 1924; associate justice, Supreme Court of South Carolina, by special appointment, 1929. Served in World War I, advancing from first lieutenant to major with AEF and Army of Occupation; member, American and South Carolina State (president, 1931–32), Spartanburg County Bar Association, American Law Institute; home: 268 Mills Avenue; office: Federal Building, Spartanburg, S. C.

*Tennessee*

William E. Miller, judge; born Johnson City, Tenn., bachelor of arts, University of Tennessee, 1930; bachelor of laws, Yale, 1933; admitted to Tennessee bar 1933; member, Cox, Epps, Miller & Weller, Johnson City, 1933–55; chancellor, first chancery division, Tennessee, 1939; United States district judge, middle district, Tennessee, 1955—. Member, Tri-Cities Airport Commission. Presidential elector, 1940; member, Constitutional Convention of Tennessee, 1953. Chairman, Washington County Chapter, American Red Cross, 1938–40; board of visitors, Emory and Henry College. Served as major, United States Air Force, World War II. Member, Johnson City Chamber of Commerce, American, Tennessee, Washington County (past president) bar associations; American Counsel Association; American Judicature Society; American Legion; Sigma Alpha Epsilon. Clubs: Executives, Kiwanis, Hurstleigh, Johnson City (Johnson City, Tenn.). Home: 228 Vaughan's Gap Road, Nashville. Office: Federal Building, Nashville.

Marion S. Boyd, judge; born 1900; graduate, University of Tennessee, 1921; judge, United States District Court, Western District of Tennessee since 1940. Office: Federal Building, Memphis, Tenn.

Leslie Rogers Darr, judge; born Jasper, Tenn.; student, Pryor Institute, Jasper, 1904–8; bachelor of laws, Cumberland University, 1909; admitted to Tennessee bar, 1910; practiced law at Jasper, Tenn., 1910–26; judge, 18th circuit of Tennessee, 1926–39; United States district judge, eastern and middle districts of Tennessee since 1939. Home: 1506 Riverview Road, Chattanooga, Tenn.

Robert Taylor, judge; born Embreeville, Tenn., in 1899. Educated at Michigan College, received bachelor of laws from Yale, 1924 (also attended Vanderbilt Law School in Tennessee). He has practiced law from the beginning in Tennessee, then became district judge on November 25, 1949.

*Texas*

Thomas W. Davidson, judge; born Harrison County, Tex.; special courses study, Columbia and University of Chicago; studied law privately; admitted to Texas bar, 1903; practiced in Marshall; city attorney, 1907; State senator, 1921; Lieutenant Governor of Texas, 1923; United States district judge, northern district of Texas, since February 1936. Member, Democratic National Convention, 1912–32. Member, American, Texas (president, 1927), and Dallas Bar Associations; president, Harrison County Bar Association, 1916. Home: Maple Terrace, Maple Avenue. Office: Post Office Box 286, Dallas 1, Tex.

Joseph B. Dooley, Federal judge; born San Angelo, Tex.; practiced law, Amarillo, Tex., 1911–47; president, State bar of Texas, 1944–45; United States district judge for northern district of Texas, 1957; member advisory committee, Supreme Court of Texas, 1940; member, American Bar Association, State bar of Texas. Home: 3011 Hughes Street. Office: Federal Court Building, Amarillo, Tex.

Allen B. Hannay, judge; born Hempstead, Tex.; student Agricultural and Mechanical College of Texas, 1907–9; bachelor of laws, University of Texas, 1913; admitted to Texas Bar, June 10, 1913; practiced law in Hempstead and Houston, Tex., 1913–30; Walter County, judge, 1915–17; appointed district judge, 113th district of Texas, March 30, 1930; United States district judge since 1942; member, committee on judicial statistics, United States courts; member, Texas Bar Association. Home: 4001 Ella Lee Lane. Address: 330 Post Office Building, Houston.

James V. Allred, judge; born Bowie, Tex.; admitted to Texas bar, 1921; bachelor of laws, Cumberland University, 1921, began practice at Wichita Falls; district attorney, same 1923X25; attorney general of Texas, two terms, 1931–35; Governor, State of Texas, 1935–39; United States district judge, southern district of Texas, 1939–42; engaged in practice of law; United States district judge, southern district of Texas, since 1951. Home: 4720 Bellaire. Office: Electric Building, Houston, Tex.

Ben C. Connally, judge; born Marlin, Tex.; bachelor of arts, University of Texas, 1930, bachelor of laws, 1933; master of laws, Harvard, 1934; admitted to bar, Texas, 1933; practiced as member firm Sewell, Taylor, Morris & Connally, Houston, 1934–42; Butler & Binion, 1945–49; United States district judge, southern district of Texas, since 1949. Member American, Texas & Houston bar associations, American Legion, Houston Chamber of Commerce; Home: 244 Hedwig Road; office, 416 Post Office Building, Houston.

Joe W. Sheehy, judge; born Saratoga, Tex.; student University of Texas, 1927–29; bachelor of laws, Baylor University, Waco, Tex., 1934; admitted to Texas bar, 1934, and since practiced in Tyler as member firm of Ramey, Calhoun, Marsh, Brelsford & Sheehy; assistant attorney general Texas, 1934; United States district judge for eastern district of Texas, Tyler, since 1951. Member American, Texas & Smith Co. (president 1942) bar associations. Home, 2312 South Chilton Street; office, Federal Building, Tyler, Tex.

Ben H. Rice, Jr., judge; born Marlin, Tex.; bachelor of laws, University of Texas, 1913; master of laws, 1914; admitted to Texas bar, 1913; assistant county attorney, Falls County, Tex., 3 years; city attorney, Marlin, 9 years; elected chief justice 10th Court of Civil Appeals, 1940; Federal judge western district of Texas since 1950. Address: Federal Courthouse, San Antonio.

Robert E. Thomason, judge; born Shelbyville, Tenn.; bachelor of science, Southwestern University, Georgetown, Tex., 1898; bachelor of laws, University of Texas, 1900; began practice of law, Gainesville, Tex., 1900; district attorney, Gainesville, 1902–6; practiced at El Paso, Tex., since 1912; member Texas House of Representatives, 1917–21; speaker of House, 1920–21; mayor of El Paso, 1927–31; Member 72d to 80th Congresses, 1931–47, 16th Texas District; United States district judge, western district, Texas. Address: 1918 North Stanton Street. Office: Federal Building, El Paso, Tex.

Joe McDonald Ingraham, judge; born Pawnee County, Okla. Admitted to Oklahoma bar, 1927, District of Columbia bar 1927, Texas bar, 1928; practiced in Stroud, Okla., 1927–28, Fort Worth, 1928–35; Houston, 1935–54; served as Member United States House of Representatives, 1934–48; associate justice, Texas Supreme Court, 1936, 1938, 1940; judge, United States District Court, Southern District, Texas, 1954. Secretary Tarrant Co., representative executive committee, 1930–35, chairman, Harris Co., 1946–53, member Texas State executive commission, 1952—; presidential elector, 1932, alternate delegate national convention, 1940, delegate, 1948, 1952. Served as lieutenant colonel, United States Army Air Force, 1942–46. Member American, Houston Bar Association, Texas State bar, S. A. R. (president, Texas, 1937–38.) American Legion. Club: Army and Navy Association (president, 1950). Home: 2341 Sunset Boulevard, Houston 5. Office: Post Office Building, Houston 2.

Lamar Cecil, judge; born Houston, Tex., in 1902. Received bachelor of laws from University of Texas (also attended Rice); admitted to Texas bar in 1927, has always practiced in Texas until he became United States district judge September 9, 1954.

Joe Ewing Estes, judge, born in Commerce, Tex., in 1903. Went to East Texas State Teachers College in Commerce and received bachelor of laws from University of Texas in 1927. Admitted to Texas bar in 1927. Practiced in Texas until present appointment in August 1, 1955, to northern district, Texas.

*Virginia*

John Paul, judge; born Harrisonburg, Va.; graduate Virginia Military Institute, Lexington, 1903; bachelor of laws, University of Virginia, 1906; admitted to Virginia bar, 1906, and practiced at Harrisonburg; member, Virginia State Senate, 1912–16, 1919–22; Member, 67th Congress (1921–23), Seventh Virginia District; special assistant to United States Attorney General, 1924–25; United States district attorney, western Virginia district, 1929–31. United States district judge since January 1932. Served as captain, Field Artillery, United States Army, 1917–19 with American Expeditionary Forces, May 1918–19. Member, Raven Society (University of Virginia), Kappa Alpha, Phi Delta Phi, Phi Beta Kappa. Home: R. F. D., Dayton, Va. Address: Federal Building, Harrisonburg, Va.

Alfred Dickinson Barksdale, judge; born Halifax, Va., educated Cluster Springs Academy, 1907–8; Virginia Military Institute, 1908–11, bachelor of science; University of Virginia, 1912–15, bachelor of laws; admitted to Virginia bar, August 13, 1915, and began practice in Lynchburg; judge, Sixth Judicial Circuit of Virginia, 1938–40; judge, United States District Court, Western District of Virginia, since January 1940. Member, Virginia Senate, 1924, 1926, 1927. Served as captain, 116th Infantry, United States Army with American Expeditionary Forces, World War I. Decorated Distinguished Service Cross, Chevalier Legion of Honor, Croix de Guerre. Trustee, Hollins College. Member, board of visitors, University of Virginia;

member Lynchburg (Va.), State and American bar associations; Kappa Alpha, Phi Delta Phi, Phi Beta Kappa. Home: 2001 Link Road. Office: Post Office Box 877, Lynchburg, Va.

Albert B. Bryan, judge; born Alexandria, Va., bachelor of laws, University of Virginia, 1921; admitted to Virginia bar, 1921; practiced in Alexandria, 1921–47; city attorney, Alexandria, 1926–28; Commonwealth's attorney, 1928–47; United States district judge, eastern district of Virginia, 1947–. Member, State board of corrections, Virginia, 1943–45; member, board of law examiners, 1944–47; member American, Virginia bar associations; American Law Institute; Phi Kappa Sigma, Phi Delta Phi. Home: 2826 King Street, Alexandria, Va. Office: United States Courthouse, Alexandria; also Norfolk, Va.

Charles S. Hutcheson, judge; born Mecklenburg County, Va., 1894. Attended William and Mary and received bachelor of laws from University of Virginia Law School. Admitted to Virginia bar in 1919, and has always worked in Virginia, and became United States district judge in 1944.

Walter Hoffman, judge; born in Jersey City in 1907. Attended University of Pennsylvania and William and Mary, receiving bachelor of laws from Washington and Lee in 1931. Admitted to bar same year and has spent most of career practicing in Virginia. Appointed to present post of United States district judge in 1954.

## THE MURPHY-GALINDEZ AFFAIR

Mr. JOHNSTON of South Carolina. Mr. President, in keeping with my continued interest in the affairs of Latin America I wish to remark on the articles appearing in the news regarding the activities of the Government of the Dominican Republic in connection with the selection of Mr. Morris Ernst and Judge William Munson to conduct a complete investigation of the Murphy-Galindez affair.

It is too early to know the true facts in this matter but I consider this to be a correct approach to a matter which has long been mysterious and confusing.

There is no substitute for truth. Whatever the facts are in connection with this incident or in connection with any other incident in the entire area of Latin America, we, whom they depend upon so heavily, should know the facts.

Frequently I have disagreed with the activities and the opinion of Mr. Morris Ernst, but my disagreement has always been accompanied by a profound respect for his ability and his integrity. I do not personally know either Mr. Ernst or Judge Munson but I have a deep respect for their reputations which I must assume they have earned by their long years of conduct.

The Government of the Dominican Republic has been seriously injured by the adverse publicity associated with the Murphy-Galindez affair. If their conduct has been such as to merit the disapproval of the people of the United States, then they deserve the consequences of that disapproval. If, on the other hand, a fair and unbiased determination of the facts justify a different conclusion, then most assuredly they are entitled to the benefits that flow from that conclusion. Whatever the consequences may be, be they good or bad, I commend those who made the decision to determine the facts in an appropriate manner and to let the people know what those facts are. They and we will be better off when the full truth is known.

## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. MARTIN of Pennsylvania obtained the floor.

Mr. O'MAHONEY. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. MARTIN of Pennsylvania. I am glad to yield to the distinguished Senator from Wyoming, provided I do not lose the floor, and provided also that he will not consume more than 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. O'MAHONEY. Mr. President, I shall not take as much as 20 minutes in the presentation of the matter to which I desire to refer.

Mr. MARTIN of Pennsylvania. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Wyoming, provided I retain the floor after he has concluded, and with the understanding that he will not consume more than 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, I have a question to propound to the Senator from Wyoming in connection with his amendment; and while I wish to accommodate myself to the wishes of the Senator from Pennsylvania, I hope he will not be too severe in holding the clock on us.

Mr. O'MAHONEY. Mr. President, I understand that I have been recognized.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. KEFAUVER. Mr. President, will the Senator from Wyoming yield to me for the purpose of suggesting the absence of a quorum?

Mr. O'MAHONEY. Let me say to the Senator from Tennessee that I agreed with the Senator from Pennsylvania [Mr. MARTIN] that I would not call for a quorum at this time. The Senator from Pennsylvania had obtained recognition, and he was kind enough to yield to me, upon condition that my presentation would not require more than 20 minutes. I think that condition can be adhered to without difficulty. The Senator from Pennsylvania has a speech, which must be delivered because of his own engagements, and I do not intend to interfere with them. However, I desire to have laid before the Senate the modification of my amendment which I now desire to present.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. DOUGLAS. Am I correct in understanding that this is the third edition of the O'Mahoney amendment? The first edition was, I believe, on the 8th of July. The second edition was, I believe, introduced on July 17 and was discussed by the Senator from Wyoming on night before last. Is this the third edition?

Mr. O'MAHONEY. The Senator is mistaken.

Mr. DOUGLAS. Is there to be another edition tomorrow?

Mr. O'MAHONEY. The Senator is mistaken. When the Senator desires to cast aspersions upon the efforts of another Member of this body——

Mr. DOUGLAS. I am not casting aspersions.

Mr. O'MAHONEY. He ought to be accurate in his figures.

Mr. DOUGLAS. Is this the third edition?

Mr. O'MAHONEY. Yes, indeed.

Mr. President, on behalf of the Senator from Tennessee [Mr. KEFAUVER] and myself, I send to the desk a modification of my amendment which is now pending before the Senate, to provide for trial by jury in cases of prosecution for criminal contempt.

The PRESIDING OFFICER. Without objection, the Senator has a right to modify his amendment.

Mr. O'MAHONEY. Mr. President, the modification is submitted to accomplish three purposes:

First. To clarify the distinction between civil contempt and criminal contempt arising from disobedience of court orders and to regulate their respective procedures.

Second. To provide in the case of individuals the maximum penalty which may be imposed upon conviction of criminal contempt.

Third. To extend the coverage of the provisions of the amendment to all cases of criminal contempt arising from disobedience of lawful orders of a court.

Much of the difficulty in making clear the intent and scope of the amendment is due to the fact that the term "contempt of court" does not have a single definite meaning. It is a term that is used in Federal law to cover four wholly different situations each of which poses its own problems and requires its own solution.

In the first place, contempt of court can mean unbecoming conduct within the courtroom or so near thereto as to amount to an obstruction of the administration of justice. This type of flagrant conduct threatens the very existence of the judicial system.

To overcome its evil effects, action must be swift and punishment certain. It is conduct which must be corrected almost at the instance of its occurrence if the dignity and the integrity of the court is to be maintained.

In the second place, contempt of court can mean the misconduct of an officer of the court in failing to carry out a court order. This type of proceedings for contempt of courts is administrative to maintain discipline among the attachés of the court. No court could function unless it has immediate and complete obedience from its marshals, clerks, and other employees, any more than this legislative body could function unless it has immediate and complete obedience from its employees. Here, again, corrective action must be swiftly taken if the court is to operate efficiently.

The third category of contempt of court is what is known as civil contempt. A proceeding for civil contempt is a method for obtaining compliance with a mandate or injunction issued by a court of equity. It is a proceeding which is used only against a person who has been directed by a court to do an act or to refrain from doing an act. The only question open for decision in such a proceeding is: Has the mandate or injunction of the court been obeyed? If it has not been obeyed, the reason or the motive for the disobedience is of no moment.

While in a proceeding for civil contempt the court may impose imprisonment and a fine upon one adjudged in contempt, it is important to recognize that it does not do so by way of punishment. Its action is coercive only to compel compliance and the contempt disappears once compliance is obtained.

As has already been said many times in these debates, the accused in a civil contempt proceeding at all times holds the key to his release from prison and to the remission of his fine. If before sentence is imposed the accused complies or gives assurance of compliance, his contempt is purged and he cannot be fined or imprisoned. Even after sentence is imposed and is in effect if the accused complies or gives assurance of compliance his contempt is purged and his fine is remitted and if imprisoned he must be released. Since the freedom of the accused depends at all times wholly upon himself, in cases of civil contempt, there is no need for a jury trial to safeguard his rights.

The fourth category of contempt of court is what is known as criminal contempt for willful disobedience of a mandate or injunction of a court of equity. This is a proceeding to punish one who willfully disobeys the court order. It differs radically from a proceeding in civil contempt. Its purpose is not to compel compliance with the court order and to obtain for the plaintiff the fruits of the mandate or injunction. It may be invoked even though full compliance is had before trial. Its purpose is a public purpose to vindicate the dignity of the court which has been flouted by the willful and intentional act of the defendant. Criminal contempt may be brought against a party to the injunction suit; but it can also be brought against one not a party who has knowledge of the order and aids, counsels, abets, or conspires with a party to disobey the order.

The determining issue in a proceeding for criminal contempt is the state of mind—the intent—of the defendant in the proceeding. This is an issue which our system of law regards as peculiarly one for a jury to determine. Even more important, the purpose of the proceeding is punishment. Punishment is an element of the criminal law. A criminal-contempt proceeding while it may not be a true criminal proceeding, is at the very least quasi-criminal in nature. In many cases the act which constitutes the criminal contempt may in fact be a crime under either Federal or State law. There are indications in certain recent opinions of our Supreme Court that the failure to afford a jury trial for this latter type of criminal contempt may violate the constitutional requirement for trial by jury in criminal cases. In any event, whether a constitutional crime or not, the spirit, if not the letter, of our Constitution requires a jury trial for criminal contempts.

Providing a jury trial for criminal contempt will in no way hinder the court from using every available means to effect compliance. It will only mean that the court may not punish until a jury of the defendant's peers have adjudged him deserving of punishment.

It is with these foregoing considerations in mind that the present modification has been drafted. It provides that in cases of criminal contempt the accused, if he demands it, will be tried by a jury. In all other cases trial will be before the judge alone if he so desires.

Since the objective of criminal-contempt proceedings is to punish, and since punishment under our law is usually not left to the unfettered discretion of the judge, we have thought it wise to place a limitation upon the punishment that may be imposed upon a natural person. The penalty in that case will be a fine not to exceed $1,000 or imprisonment not to exceed 6 months or both. This is the same penalty as is provided for certain types of criminal contempt under present section 402 of title 18 of the United States Code.

From our studies and discussions we have become convinced that the principles we have been discussing are not limited in their application to criminal contempts in proceedings which may arise under the provisions of the bill now being considered. They are principles of universal application, and should govern all criminal contempt proceedings in equity. For this reason the modification is drawn so as to cover all criminal contempt proceedings for willful disobedience of orders of a Federal court.

The modified amendment will not only apply universally to criminal contempt proceedings in Federal courts, but it has the effect of redefining and making uniform the concept of criminal contempt which has plagued lawyers and judges in the Federal courts for far too long. The present definition of criminal contempt in section 402 is not in harmony with the traditional understanding of equity courts. The modified amendment provides a definition which is in harmony with the time-honored and well-understood definitions applied by courts in the absence of section 402, and more nearly meets the objective of providing the right of trial by jury in situations which were contemplated by the men who wrote the Constitution.

When a court is going to impose criminal punishment, an accused will have a right to trial by jury regardless of the nature of his act. When a court is seeking to secure compliance with its orders, there will not be a trial by jury.

The modification amends sections 402 and 3691 of title 18 of the United States Code so as to carry out the purposes outlined.

I should like to read the amendment, so that it may be available to those who read the RECORD in the morning.

Mr. RUSSELL. Mr. President——

Mr. O'MAHONEY. I should first like to read the amendment. Then I shall be happy to yield to the Senator from Georgia. The amendment reads as follows:

PART V. AMENDMENT TO THE FEDERAL CRIMINAL CODE TO PROVIDE TRIAL BY JURY FOR PROCEEDINGS TO PUNISH CRIMINAL CONTEMPTS IN CASES IN FEDERAL COURTS

SEC. 151. Section 402 of title 18 of the United States Code is hereby amended to read as follows:

"SEC. 402. Criminal contempts: Any person, corporation or association willfully disobeying or obstructing any lawful writ, process, order, rule, decree or command of any court of the United States or any court of the District of Columbia shall be prosecuted for criminal contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both: *Provided, however*, That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall such imprisonment exceed the term of 6 months.

"This section shall not be construed to apply to contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders or process of the court.

"Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree or command of the court in accordance with the prevailing usages of law and equity, including the power of detention."

SEC. 152. Section 3691 of title 18 of the United States Code is hereby amended to read as follows:

"SEC. 3691. Jury trial of criminal contempt: In any proceeding for criminal contempt for willful disobedience of or obstruction to any lawful writ, process, order, rule, decree, or command of any court of the United States or any court of the District of Columbia, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in criminal cases.

"This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court.

"Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree or command of the court in accordance with the prevailing usages of law and equity, including the power of detention."

Mr. President, since I began the presentation of this matter, the distinguished junior Senator from Idaho [Mr. CHURCH] has asked to be recognized as a cosponsor of the amendment. I am certain the Senator from Tennessee [Mr. KEFAUVER] will agree that we shall be happy to welcome the Senator from Idaho as a cosponsor.

I may say to the Senator from Georgia that I have promised to yield first to the Senator from Tennessee.

Mr. MARTIN of Pennsylvania. Mr. President, how much time will the Senator from Tennessee require?

Mr. KEFAUVER. I shall be brief.

Mr. MARTIN of Pennsylvania. How much time will the Senator require?

Mr. KEFAUVER. About 2 minutes.

Mr. MARTIN of Pennsylvania. Very well.

Mr. KEFAUVER. As has been stated, I am very happy to have agreed with the Senator from Wyoming [Mr. O'MAHONEY] on this composite amendment. I think it contains the best language of both our previous efforts.

It clearly distinguishes between civil and criminal contempt.

It retains the power and authority of the judge to enforce all his orders and decrees.

Furthermore, it represents a great advance of civil liberties because as now presented, this amendment does not apply to this bill alone.

As now presented, this amends the general law.

It covers all actions for contempt.

It again will assure labor unions of their day in court before a jury of their peers, something which was done in the Norris-La Guardia Act, but which has been largely nullified through the Taft-Hartley Act.

We should not have different methods of treatment, according to who is getting the treatment.

This would make the law uniform for all.

Labor should be anxious for the passage of this act with this amendment, because the point has been clearly made, here on the floor and in the courts, that under the Taft-Hartley law their right to a trial by jury has been practically eliminated.

This should be satisfactory to the Department of Justice because it affords all the power and authority necessary to secure compliance. If, in addition to assuring compliance the Department of Justice wants to punish, then they can do so criminally, just as they did in the Clinton case.

In that case the Department felt there should be a jury trial. The judge gave one, and the jury rendered a highly fair and judicious verdict.

I commend this amendment as it is now presented to all Members of the Senate. I trust that they will study it carefully over the weekend, and it is my hope that we can vote on such an amendment early next week.

I am very happy to be associated with the Senator from Wyoming [Mr. O'MAHONEY] and the Senator from Idaho [Mr. CHURCH] in the presentation of the amendment. I hope other Senators will join us in sponsoring the amendment and presenting it to the Senate.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. RUSSELL. I wish to add my word of congratulation to the Senators who have labored so earnestly on this amendment. They are entitled to be congratulated for their persistence in clarifying the Federal statutes relative to contempt to assure the right to a jury trial in all cases of criminal contempt.

I wish to make a brief statement about the scope of the bill in which it is proposed to grant jury trials under this amendment. The debate has proceeded until now apparently on the false assumption that the voting section of the bill, part IV, was in somewise connected with the 15th amendment to the Federal Constitution, which provides:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The fact of the matter is that this loosely drawn bill is in no way related to the 15th amendment. It applies to any case in which the Attorney General may have reason to believe that any person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimate, threaten, or coerce any other person in connection with the exercise of suffrage. The Attorney General can then proceed to secure injunctive relief and jail the person he suspects without the benefit of a jury trial.

The Senator from Tennessee said that labor unions should support the amendment because it is consistent with the purposes of the Norris-La Guardia Act. I say that leaders of labor unions should support the amendment lest they be the first to fall into the toils of this proposal when its harsh powers are applied.

If a labor leader sends word to a shop steward that he had better "see the boys" and tell them to vote "this way," he subjects himself to the condign punishment provided by part IV. The provision may or may not particularly apply to the South. If the bill be passed, it may very well apply to Cook County, Ill., before it will ever apply to Georgia.

Mr. O'MAHONEY. The Senator means if the bill be passed without the jury-trial amendment.

Mr. RUSSELL. Yes. It can be applied equally in each of the 48 States. It proposes to protect every voter from even threats of coercion. If some public official in Cook County, Ill., goes to persons whom he has helped to get jobs and tells them they had better vote "this way," or else they may lose their jobs, he will subject himself to this harsh injunctive process, because he will be threatening or coercing another person in relation to voting under the terms of the bill, and will be subject to an injunction.

All persons who might operate in such a way had better thank the Senator from Wyoming, the Senator from Tennessee, and the Senator from Idaho for their attempt to preserve the right to trial by jury.

This is a very loosely drawn bill. I could cite case after case to show how ward leaders and State leaders could be jailed. This bill could be used as a most partisan weapon to control elections and intimidate workers of the opposite party.

This debate has gone forward on the theory that part IV has something to do with race, creed, or color under the 15th amendment. It is not even indirectly related to them. It relates to the constitutional guaranty of the right of all citizens to cast a free and untrammeled ballot, as defined by the Attorney General.

I say now that if the bill passes, it will be used for political purposes in the other States of the Union long before it will ever be applied in the State of Georgia. It will be a repetition of another law passed in the Reconstruction period. Congress passed a voting act in about 1870 providing for Federal officials to be at the polls. That act was repealed in 1893. Why? Was it repealed to relieve the South? Was it a magnificent gesture toward a defeated foe? No. The act was repealed because of its abuse in the city of New York. The Federal officials of one party intimidated the voters of the other party and kept them from voting. The Senator from Louisiana made that clear in his magnificent address, citing the report of the committee of Congress that investigated the frauds.

Every poll worker, every city official, every Federal official, every labor-union leader who interests himself in politics would do well, Mr. President, to thank and congratulate the three Senators who are sponsoring this amendment, because without this amendment the bill could turn them over to the tender mercies of a politically appointed Attorney General of the United States. One of these days, Mr. President, there might be a politically minded Attorney General of the United States. Some persons think the present Attorney General has had some experience with politics. And this bill could be used as a weapon with which to keep one party in power and completely deprive another political party of a chance ever to regain power, if these harsh provisions were applied in the way they could be applied. Certainly these Senators have rendered the American people a real service by attempting to keep elections clean, by providing that those who might be caught up in the toils of this harsh act for partisan purposes should at least have a jury trial before being jailed on the charge that the Attorney General had reason to believe that they might coerce or threaten a voter.

Mr. President, I ask unanimous consent to have printed in the RECORD the proposed amendment designated as part IV. A casual reading of this part of the bill will clearly reveal how it can be used to intimidate election workers and influence or control elections.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

PART IV—TO PROVIDE MEANS OF FURTHER SECURING AND PROTECTING THE RIGHT TO VOTE

SEC. 131. Section 2004 of the Revised Statutes (42 U. S. C. 1971), is amended as follows:

(a) Amend the catch line of said section to read, "Voting rights".

(b) Designate its present text with the subsection symbol "(a)".

(c) Add, immediately following the present text, three new subsections to read as follows:

"(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

"(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

"(d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

"(e) Provided, that any person cited for an alleged contempt under this act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel."

Mr. O'MAHONEY. Mr. President, let me say to the Senator from Pennsylvania, by whose indulgence I have spoken, that the Senator from North Carolina [Mr. ERVIN] wishes to ask one question.

Mr. MARTIN of Pennsylvania. Mr. President, I wish to proceed with my address. I ask unanimous consent that my address appear in the RECORD following any questions concerning the amendment offered by the distinguished Senator from Wyoming [Mr. O'MAHONEY]. I have certain commitments; and I am very sorry that I cannot yield further.

The PRESIDING OFFICER (Mr. SCOTT in the chair). Without objection, it is so ordered.

Mr. O'MAHONEY. Mr. President, let me say to the Senator from Pennsylvania that I, too, have some commitments which I must meet. The Senator from North Carolina has said he wishes to ask one question, which will take very little time.

Mr. DOUGLAS. Mr. President——

Mr. MARTIN of Pennsylvania. Mr. President, I shall agree to postpone my remarks long enough to permit 1 question to be asked by the Senator from North Carolina [Mr. ERVIN] and 1 question to be asked by the Senator from Illinois [Mr. DOUGLAS].

Mr. ERVIN. Mr. President, I merely wish to allude to the statement made by the distinguished Senator from Wyoming [Mr. O'MAHONEY], namely, that when a defendant is deprived, in a criminal-contempt case, of the right of trial by jury, there is a risk of offending the constitutional guaranty of the right of trial by jury. I wish to call the attention of the Senator from Wyoming, and the attention of the Senate generally, to the case of Hedden against Hand, which will be found in volume 107, Atlantic Reporter, at page 285. In that case the Court of Appeals and Errors of New Jersey held that an act of the New Jersey Legislature which attempted to deprive a man of his constitutional right of trial by jury, by converting a crime into an equity case, was unconstitutional I wished to call that to the attention of the Senate, so the Senate might see that the question raised by the distinguished Senator from Wyoming on that point is a serious one.

Mr. O'MAHONEY. I thank the Senator from North Carolina for the citation. There is no doubt at all in my mind that the bill which came to the Senate from the House of Representatives was designed to transfer criminal cases to the civil docket; and that the Attorney General was asking the permission of Congress to institute injunctive cases for the purpose of punishing, without a trial by jury, not only identifiable officers or registrars who may have denied a voter the right to vote or the right to register to vote, but also unidentifiable persons who have been alleged to participate in contempt.

Mr. President, at this time, in compliance with the statement of the Senator from Pennsylvania, the Senator from Illinois desires to ask a question.

Mr. DOUGLAS. Mr. President, do I correctly understand that the Senator from Pennsylvania [Mr. MARTIN] permits me to ask a question similar to that asked by the Senator from Georgia [Mr. RUSSELL]?

Mr. O'MAHONEY. Mr. President, I am sure the Senator from Pennsylvania will not propose to be a censor; and I resent the imputation of the Senator from Illinois that the Senator from Pennsylvania wishes to be a censor.

Mr. DOUGLAS. I do not impute that, but I wish to have the ground rules established.

Does the Senator from Pennsylvania yield to me, to permit me to ask a question similar to that asked by the Senator from Georgia [Mr. RUSSELL]?

Mr. MARTIN of Pennsylvania. Mr. President, I wish to be fair and courteous to everyone.

Mr. DOUGLAS. I appreciate that.

Mr. MARTIN of Pennsylvania. I was called from downtown; I was told that no Senator was then ready to address the Senate, and I was asked whether I was prepared to speak. I have certain commitments which I must meet. Again I ask that I be permitted to proceed with my address, and to have it printed in the RECORD following any questions or comments which may be made concerning the amendment which has just been submitted by the Senator from Wyoming [Mr. O'MAHONEY].

The PRESIDING OFFICER. The patient Senator from Pennsylvania has the floor.

(Mr. MARTIN of Pennsylvania thereupon addressed the Senate on the subject of the fiscal and economic policies of the United States. Pursuant to the order of the Senate, his remarks appear subsequently in the RECORD, under the appropriate heading.)

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). The Senator from Illinois.

Mr. DOUGLAS. Mr. President, we have now listened to the third edition of the O'Mahoney amendment.

On the 8th of July, when the Senate, by definitive vote, voted to take up and proceed to consider the civil-rights bill and then refused to send the bill to committee, the Senator from Wyoming [Mr. O'MAHONEY] with quite a fanfare submitted a so-called jury-trial amendment.

Upon analysis, it was found that the amendment provided for a jury trial on all disputed questions of fact. The amendment was hailed by certain sections of the press as a great forward step of moderation.

Upon analysis, however, it soon became evident that virtually all issues of fact could be disputed, that the mere plea of "not guilty" transformed cases into disputes of fact, and that therefore, in practical effect, the first edition of the O'Mahoney amendment would have provided for jury trial in all contempt cases under this bill.

As the debate developed the advocates of jury trial evidently felt a little puzzled. On the 17th of July the Senator from Tennessee [Mr. KEFAUVER], whose devotion to good legislation is known to all, announced he would introduce another amendment, and that afternoon the Senator from Wyoming [Mr. O'MAHONEY] submitted the second edition of the O'Mahoney amendment, and later discussed that edition of the amendment at some length, on the 24th and 25th of July.

It soon became evident that the second edition of the O'Mahoney amendment would in practice also transform virtually all cases of contempt into jury-trial cases, because by the mere act of noncompliance the defendant would be entitled to a jury trial.

This was clearly demonstrated by the questioning which the Senator from Pennsylvania [Mr. CLARK] and the Senator from Colorado [Mr. CARROLL] carried on with the Senator from Wyoming.

If I may mix my metaphors, when that balloon was shot down, I expected that there would shortly be a third edition; and so it has happened. Today the Senator from Wyoming launched a third amendment. While I have not had the time to study it in great detail, because it has been suddenly unveiled before us, I think there are certain things which are fairly obvious.

In the first place, as the Senator from Wyoming and the Senator from Tennessee have themselves stated, this is an across-the-board amendment, applying to all types of cases, and to all laws to which the system of injunctions and contempt proceedings, like those provided in the present bill, also applies.

When I submitted a brief on this subject on the 18th of April, I listed no less than 28 statutes under which the identical procedure was established that was proposed in the civil-rights bill as it came over from the House. Since then attorneys whose counsel I have had have found a number of additional statutes, with similar enforcement provisions, and I shall submit this additional list later. So now what the Senator from Wyoming is proposing to do is to amend the enforcement procedures under more than 30 statutes of the United States.

Mr. LONG. Mr. President, will the Senator yeld?

Mr. DOUGLAS. I will yield for a question, but I am developing my point. I should like to yield only for a question.

Mr. LONG. Does the Senator know of a single case in which trial by jury has been denied under Federal law for the reason that a jury would probably find the defendant not guilty?

Mr. DOUGLAS. That is not the purpose here.

Mr. LONG. Has not the Senator himself made the argument that southerners should not be permitted trial by jury because juries might find them innocent?

Mr. DOUGLAS. No. What I said was that we could obtain a greater degree of justice in contempt proceedings in civil-rights cases in the South by having these questions decided by judges, who, because of life tenure, are partially insulated from the passions and prejudices of the community in which they live, than by juries selected from carefully culled lists, from which Negroes are commonly excluded. Such jurors, at the conclusion of their service, are compelled to return to the communities whence they came, and are subjected to the social, economic, and at times physical, pressures of the community around them.

Mr. LONG. The Senator is saying what he said before, I take it, which is that juries in the South might find the defendant not guilty, and the Senator hopes to convict persons whom a jury would find innocent.

Mr. DOUGLAS. No. What the Senator from Illinois is saying is that, on the whole, a greater degree of justice can be obtained from southern judges in such cases than from southern juries.

Mr. LONG. Does not that amount to saying that the Senator wants to deny white southerners the right of trial by jury because he fears juries would turn them loose?

Mr. DOUGLAS. Not at all. The aim is justice.

Mr. LONG. Is not the Senator saying, in a backhanded way, that he wants defendants to be tried by a judge, without the right of trial by jury, because he fears a jury would turn them loose? Certainly if the Senator has not said it, many others who are advocating this proposed legislation have been saying it.

Mr. DOUGLAS. Of course, there are southern juries which would render justice, but, on the whole, the selection of southern juries is largely such as to exclude Negroes from their composition.

Furthermore, the jurors serve for a temporary period of time, and when their term of service is up, they go back into their home communities, and there in many areas, if a verdict of guilty has been brought in against white defendants, pressure in the community—social, economic, and at times physical—will be exercised against such jurors. In general, such a situation would, on the average, cause them to depart from the paths of justice. That is all the Senator from Illinois says.

Mr. LONG. Does not that mean basically that what the Senator is saying is that he would like to have such defendants tried by a judge, without a jury, because he believes a jury would probably turn the defendants loose?

Mr. DOUGLAS. No. I say that a greater approximation to justice will be effected by having such contempt cases tried, as is the custom and usual practice for contempt cases, by southern judges rather than decided by southern juries.

Mr. LONG. Does not the Senator mean by a "greater approximation to justice" that he believes that southern white people would be found guilty by a judge, whereas a jury would find them innocent?

Mr. DOUGLAS. Guilty white persons might be more likely to be found guilty of contempt by southern judges than by southern juries, but an innocent white person would probably not be found guilty by a white southern judge.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. It seems to me that the emphasis all the way through in the questions by the Senator from Louisiana is that someone is guilty, and someone is to be punished. It occurs to me that what we should be seeking is not a way to expand the area of criminal prosecutions, but rather a way to expand the area of persuasion, to expand the area of observance, rather than the area of enforcement of law.

I have noticed that the whole weight of the argument on the part of opponents of the bill is directed at enlarging the area of criminal contempt and criminal prosecution. I respectfully say, after having read every bit of the debate, that as we look at the question day after day, that is exactly the emphasis which has been made. Civil proceedings permit an individual to comply with the law, and at the same time protect the honor and integrity of the court.

As I once stated on this floor, all the talk about contempt is based upon the fact that someone is contemptuous. The way to get rid of contempt is not to be contemptuous, but to abide by the law.

Mr. DOUGLAS. Mr. President, the Senator from Louisiana is very dear to me personally. However, I am afraid he and his colleagues have what the Freudians would call a guilt complex—namely guilt weighing so heavily upon them that they worry about what will happen to a guilty violator of a Federal injunction. I am afraid that what they want is to get him off at all costs, so that as a result there will be no deterrent against improper actions.

Mr. ERVIN and Mr. LONG addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Illinois yield, and if so to whom?

Mr. DOUGLAS. I had hoped to be able to proceed with my criticism of the O'Mahoney amendment. May I be permitted to go forward? Then I shall yield, at the conclusion of my remarks.

Mr. President, what the third edition of the O'Mahoney proposal amounts to is a proposal in effect to amend over 30 Federal statutes. These statutes, which are enforced by injunctive proceedings instituted by the Attorney General or other Federal officials in a manner identical with that provided in the House bill, are as follows:

The antitrust laws.

The law relating to associations engaged in catching and marketing aquatic products.

The law relating to associations of producers of agricultural products.

The Atomic Energy Act.

The law relating to bridges over navigable waters.

Violations of the Clayton Act.

The law relating to electric utility companies.

The law relating to dissemination of false advertisements.

The law relating to freight forwarders.

The Fur Products Labeling Act.

The law relating to enclosure of public lands.

The law relating to investment advisers.

The law relating to gross misconduct and gross abuse of trust by investment companies.

The law on the use of a misleading name or title by investment companies.

Violation of statutes governing SEC by investment companies.

The Fair Labor Standards Act. That is most important.

The Longshoremen's and Harbor Workers' Compensation Act.

The law relating to the restraint of import trade.

The Wool Products Labeling Act.

The Securities Act.

The Securities Exchange Act.

The law relating to stockyards.

The law relating to submarine cables.

The law relating to the sugar quota.

The law relating to water carriers in interstate and foreign commerce.

The Flammable Fabrics Act.

The National Housing Act.

In addition, I am informed that there are eight more acts, which I shall make available in the RECORD when they are more fully identified. In other words, the Senator from Wyoming has suddenly introduced on the floor of the Senate, without hearing, a widespread proposal which would change the methods of enforcement of a whole galaxy of statutes.

It reminds me of the old fable of the birth of Athena, the Goddess of Athens,

who was supposed to have sprung from the brow of Jove full panoplied at a single stroke. Jove was swelling in his forehead. His forehead was tapped, and out sprang Athena, who became the Goddess of Athens.

In a similar fashion, our well-beloved Jove from Wyoming brought out from his teeming brain a widespread amendment of fundamental United States statutes, far-reaching in their implication, and they come, supposedly, full panoplied like Athena herself.

However, Mr. President, all this has been done without a hearing on the full implications of this proposal and without consideration of the sweeping changes it would make in enforcement of Federal statutes. A matter so important as this should receive careful consideration.

It is much better for us to move in the trodden paths and to carry out another act along the same line that the numerous existing acts are being carried out. Then, if it should develop that changes are needed in any one act, or in all the acts, we should let the Judiciary Committee pass on this as a matter of general law. Then we should consider whether a complete or a partial change needs to be made.

The Senator from Wyoming and the Senator from Georgia [Mr. RUSSELL] did not want to have us deal with the question of civil rights without the Judiciary Committee being given an opportunity for the 18th consecutive month to consider the question as it applies to civil rights.

I believe the Judiciary Committee should consider this question of injecting jury trials into contempt proceedings under all these laws after the civil rights bill has been passed in its present form. Then if any fundamental change is needed in the statutes, appropriate action can be taken.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I will yield after one more sentence. There is no need for any fear on the part of our southern friends that the Judiciary Committee will be antagonistic to the South. Our southern friends in effect control the Judiciary Committee.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. DOUGLAS. I agreed to yield first to the Senator from Louisiana.

Mr. LONG. The Senator knows several things, and I am sure he also knows that the majority of the Senators who serve on the Committee on the Judiciary are not southerners, and in that respect the southerners on that committee do not control the committee. They happen to be in the minority on that committee.

Mr. DOUGLAS. They have powerful leadership positions, and they have allies, however.

Mr. LONG. In the second place, the Senator is complaining about a proposal being made without its being first studied by the Committee on the Judiciary. Yet the Senator from Illinois is one of the Senators who led the fight to bring this whole bill to the floor of the Senate without its being acted on by the Committee on the Judiciary.

Mr. DOUGLAS. Yes; because the present bill deals with only one specific subject, which can be clearly considered and adopted by the Senate, and we have been doing just that for a month. What the Senator from Wyoming is now proposing is however that well over 30 statutes in effect be amended in one fell swoop.

Mr. LONG. The Senator from Illinois voted to bring before the Senate, without committee hearings, a bill which is as broad as the ocean and as high as the sky. Now the Senator from Illinois is complaining about one amendment, because that amendment has not been studied by the Committee on the Judiciary.

Mr. DOUGLAS. The Senator from Louisiana was a distinguished member of the Navy during the war, and I appreciate the beauty of his aquatic reference. However, the pending bill has no such wide application as the Senator implies.

Mr. LONG. The bill does have such wide application. It refers to every conceivable civil right anyone can think of. At least it did in its original form. If the Senator will consult the American Jurisprudence, he will find more than 200 such rights detailed there.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. JOHNSTON of South Carolina. Looking around the Chamber I note that I am perhaps the ranking member of the Committee on the Judiciary present in the Chamber. Perhaps I had better clear up a few things.

Mr. DOUGLAS. I shall yield only for a question.

Mr. JOHNSTON of South Carolina. I am putting this in the form of a question.

Mr. DOUGLAS. I am not yielding for a speech.

Mr. JOHNSTON of South Carolina. I will ask the Senator this question. He does not know, does he, what took place in the executive sessions of the committee?

Mr. DOUGLAS. I read into the RECORD a very thorough statement by the Senator from Missouri [Mr. HENNINGS], a member of that committee, to the effect that certain dilatory tactics were engaged in.

Mr. JOHNSTON of South Carolina. Does the Senator know that we did not take up one-fifth of the time that was taken up on the House floor in passing the bill?

Mr. DOUGLAS. That may well be.

Mr. JOHNSTON of South Carolina. We did more in 1 day than has been done on the floor of the Senate in 2 weeks. I wish to clear up another thing. Does not the Senator know that the southern Senators do not control the Committee on the Judiciary?

Mr. DOUGLAS. No; I do not know that.

Mr. JOHNSTON of South Carolina. If we did, does not the Senator think that we could have reported the kind of bill that we favor?

Mr. DOUGLAS. The chairman and the ranking majority member of the committee are southerners. However, there is, I believe, some sort of tacit liaison between them and other members of the committee. I do not say it is an illegitimate liaison, but it is a liaison nevertheless. Blessed be the tie that binds.

Mr. JOHNSTON of South Carolina. Does the Senator know that on the subcommittee there are only two Senators who were opposed to the bill in toto? That is 2 out of 7.

Mr. DOUGLAS. I believe a good many more Members would have been in favor of the bill if it consisted of nothing but a title and no contents. That is the kind of civil rights bill some Senators would like to see adopted—a bill with a title, but no contents, no digestive apparatus, no muscle, no bone, no vitals.

Mr. JOHNSTON of South Carolina. Does the Senator also know that we discussed for several weeks what kind of amendment should be agreed to with reference to jury trials?

Mr. DOUGLAS. I have the statement of the Senator from Missouri [Mr. HENNINGS] that dilatory tactics were employed in committee and that the committee never met more than once a week, and then sometimes only for a half hour.

The chairman's eye would apparently always catch the eye of the Senator from South Carolina, rather than the eye of the Senator from Missouri. Sometimes the chairman would catch the eye of the Senator from North Carolina, and they would proceed, in the charming fashion which endears them to all of us, on lengthy discussions and explanatory statements, all having the effect of confusing and of preventing action.

Mr. JOHNSTON of South Carolina. If the Senator from Illinois talks a few minutes longer, I think he will have taken up more time on the floor in a discussion of the bill than the Senator from North Carolina [Mr. EAVIN] and other Senators did in the committee.

Mr. DOUGLAS. If the Senator from Louisiana and the Senator from South Carolina continue to ask questions, that very likely will happen.

Mr. President, another point needs to be considered. A reading of the third edition of the O'Mahoney amendment indicates that criminal contempt occurs when there is willful disobedience and when there is punishment for past violation rather than an effort to secure future compliance. Let us consider what that means.

Suppose a Negro tries to vote on election day and is met by members of a white citizens' council or member of the Ku Klux Klan. Even though an injunction has been issued in advance to restrain them from intimidating the Negro, if the offense is committed on election day, that day will be over before the court can proceed to enforce the injunction. There can be no compliance, because time has moved on, and election day has passed. There can only be punishment for past violations, and the action, according to the third O'Mahoney amendment, becomes criminal contempt and, therefore, is subject to jury trial.

So, all cases of intimidation on election day, or in the days immediately preceding election which carry over into the election automatically, under the third O'Mahoney amendment become criminal contempt cases and are subject to jury trial, rather than subject to being handled as a civil contempt case by the judge himself.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield.

Mr. LONG. Does the Senator have knowledge of any such case of contempt which has occurred on election day at any time in recent years? Does the Senator know of any such cases which were cited by the Attorney General when he testified before the committee?

Mr. DOUGLAS. The Senator from Illinois placed in the RECORD this morning a very thorough report by the Southern Regional Council on the methods by which Negroes were "dissuaded" or intimidated from voting. The council pointed out that whippings, beatings, and murders are not so common now as they were in the past. That should be said to the credit of the South.

The council said that the methods now used are frequently far more subtle than they were; but behind the subtlety is frequently the possibility of violations. Violations are not unknown.

Mr. LONG. I happen to live in a Southern State. I have noticed that many magazines have pointed out that Louisiana has a higher percentage of registered Negroes than has any other Southern State. As a matter of fact, I imagine that Louisiana has a higher percentage of its electorate composed of Negroes than has any other State in the Union.

So far as I know, there is not a single case in Louisiana of someone intimidating a person of the colored race in order to prevent him from voting on election day. Neither do I know of a single case in which a person has violated any court order issued to protect a Negro in his rights. There have been some challenges of Negroes based on their qualifications to vote; but there has never been any voting case in which a person has been in violation of a court order or a court injunction.

Mr. DOUGLAS. The likelihood of an ordinary individual getting a court order, and that is the only way, now, in which an injunction can be obtained, is very slight, because such an individual is generally poor, weak, or destitute, and so is effectively barred from such action because he has to oppose the community all alone. Thus it is very difficult for him in practice to get a court order.

Mr. LONG. The colored individuals in Louisiana who have attempted to get such court orders have been very successful. A large number of students in the State University and in various State colleges have obtained such orders. The Federal courts have almost invariably acted in their favor on short notice.

Mr. DOUGLAS. Let us take a common method of violation. Suppose a registrar despite the issuance of a court order refuses to register a Negro applicant for voting. That is supposedly a case which would then be appropriate for the application of civil contempt, in which the further order of the court is aimed at obtaining compliance, and where it is said the registrar by compliance can purge himself of contempt.

But suppose the registrar refuses to purge himself, and then election day comes. Or it may be the day of the primary election. The day of the primary or the general election comes and passes, and the registrar is still in contempt. There is no possibility of getting future compliance, because the event is over.

Then further proceedings in the case become proceedings for criminal contempt, and under the O'Mahoney amendment the jury trial provision would hold.

Therefore, by dilatory tactics, registrars can string out the process until it becomes criminal contempt and, therefore, is subject to jury trial, according to the O'Mahoney amendment.

Mr. LONG. Does not the Senator realize that the judge could prevent such an occurrence simply by placing a time limit on the period which he gives the registrar to act, and saying, "You will register this person by noon tomorrow"?

Mr. DOUGLAS. Suppose the registrar does not do so.

Mr. LONG. Then the judge would call the registrar into court and would look at the registration book. If the person was not registered, the registrar could be put in jail and fined.

Mr. DOUGLAS. Suppose the registrar even then refused to comply.

Mr. LONG. He would stay in jail.

Mr. DOUGLAS. Once the day of the primary or the general election had passed, the possibility of compliance would be removed.

Possibly the chance of complying might even be removed when there was no longer a period for registration permitted even though the election had not happened. Then it would become a situation in which only criminal contempt would be applicable, and the jury trial would hold.

Mr. LONG. Certainly the Senator realizes, does he not, that registrars are honorable, law-abiding citizens? When they are told by a judge to do something, they are likely to do it. They are not a criminal element, who desire to be placed in jail or be fined by a judge for violating the law or violating the court's orders.

Mr. DOUGLAS. That was the text of the Senator from Wyoming [Mr. O'MAHONEY] yesterday, when he said, at page 11692 of the RECORD:

> We must not assume that they will disobey the law; we must assume that they will obey the law.

But today the Senator from Wyoming proceeds on a different assumption, namely, that they may disobey the law; and he proposes a new type of amendment for them.

Mr. LONG. The point is that if a person disobeys the law, under the civil procedure, the judge can lock him up in jail and can also fine him.

Mr. DOUGLAS. And if he still refuses to register the person, he can have a jury trial after the election or after the official period for registration has expired.

Mr. LONG. After the person has been in jail for a period of time, and after someone, perhaps, has paid a considerable fine on his behalf? I do not think the Senator needs to worry about that.

Mr. DOUGLAS. I really worry about it a great deal. And I believe it would be most unwise to remove the added deterrent to disobedience of the injunction which a criminal contempt proceeding before the judge would constitute.

Mr. LONG. I doubt that the Senator will find a single registrar who will relish the idea of staying in jail or paying a fine. Furthermore, the Senator has yet to produce a case in which a Federal jury has failed to uphold a contempt order of the court, when a criminal contempt case was presented to it.

Mr. DOUGLAS. Have there been many such cases? At present the Government cannot seek an injunction in such cases. It can only institute criminal proceedings after the fact.

Mr. LONG. I do not think the Senator will say that the Clinton, Tenn., case supports his argument. That was a case in a southern community, where southern citizens were accused of impeding the process of justice and of violating a court order. The Senator well knows that the same kind of jury about which he has been complaining found those defendants guilty. The verdict had to be unanimous.

Mr. DOUGLAS. I think the verdict in the Clinton case was very commendable; but, as I said earlier today, I do not think it is typical.

Mr. LONG. That is one good case to support the contention that the Senator from Illinois is in error. Can the Senator from Illinois cite any case to support the argument that he is right?

Mr. DOUGLAS. I have hitherto been very careful to refrain from a detailed analysis of the behavior of southern white juries where offenses against Negroes are involved. I have been very careful not to do so, because I did not want to arouse passions on the floor of the Senate, and I did not want to embitter the discussions.

I have in my files quite a collection of such cases, carefully winnowed, but I would prefer not to introduce them, because to do so would only stir up passion. I prefer to have this subject considered in a more dispassionate frame of mind.

If I am badly pressed, however, I may reluctantly be forced to introduce them, but I hope I shall not be.

Mr. LONG. I certainly am not asking for any quarter. The Senator from Illinois can bring out anything he wishes to bring out, whenever he cares to do so.

Mr. DOUGLAS. The Senator from Illinois is restrained by a more powerful force than even the opposition of the Senator from Louisiana. The Senator from Illinois is restrained by his own desire to preserve as great a degree of national unity as possible; that is a very powerful force which the Senator from Illinois hopes operates within his breast.

Mr. LONG. Mr. President, the point I should like to make with the Senator from Illinois is that a Federal court invariably has a very much wider sphere of operations than does a State court. I am aware of the point the Senator from Illinois makes, namely, that a jury may not be willing to return a verdict against a particular person, because of some friendly feeling or relationship to that person on the part of the members of the jury. But so long as the people of an area recognize the basic law, including the right of colored people to vote, a jury composed of persons selected from a fairly broad area—not a jury confined to the relatives or immediate neighbors of the person accused—can be depended upon to do the right thing in Louisiana, as well as in Illinois.

Mr. DOUGLAS. Of course, there have been some bad juries in Illinois, too.

Mr. LONG. Certainly the Senator from Illinois does not intend to deny the people of Illinois the right of trial by jury.

Mr. DOUGLAS. We are speaking of contempt cases, not criminal cases. There is no constitutional or general legal right to jury trials in contempt cases, whether civil or criminal, as the Senator from Colorado has shown.

Mr. LONG. I doubt that the Senator from Illinois would wish to deny the people of Illinois the right of trial by jury in a criminal contempt case.

Mr. DOUGLAS. We ask no special privileges for the people of Illinois. If citizens of Illinois are guilty of criminal contempt, we ask only that they be treated in the same way that all other persons in that situation are treated.

Mr. LONG. Certainly the Senator from Illinois has not yet supported, and I doubt that he will support, a proposed law, calculated to be of widespread application to his State, by means of which any large number of citizens would be deprived of the right of trial by jury. Certainly the Senator from Illinois would oppose any devious method——

Mr. DOUGLAS. No devious method at all is involved in this matter.

Mr. LONG. Certainly the Senator from Illinois would oppose the use of any devious method which would deprive any citizens of Illinois of the right of trial by jury.

Mr. DOUGLAS. Mr. President, to call this proposal devious does not make it devious. The proposal in the present bill is the time-honored method of dealing with contempt cases, both civil and criminal, in which the Federal Government is the moving party. We merely propose to continue something which already is carried out by more than 30 Federal statutes.

Mr. LONG. Certainly the Senator from Illinois knows that the only purpose, under the present proposal, of suing in the name of the United States Government and of making the case a matter of interest to the United States, rather than making it a matter of interest to a private citizen, is what I am addressing myself to, namely, to do away with the right of citizens to trial by jury, which right is protected by the Constitution; and certainly the Senator from Illinois has no purpose of having the Senate proceed by the method here proposed to void the time-honored tradition and spirit of the Constitution, under the guaranty stated three times therein, namely the guaranty that a citizen shall be entitled to a trial by a jury of his peers, when he is charged with the commission of a crime.

Mr. DOUGLAS. Mr. President, apparently the same point has to be emphasized again and again.

This bill would not take away any existing jury-trial right.

All that the bill will do by means of part IV—and all it would have done by means of part III, if that had been retained—will be to permit the Federal Government to obtain, in the case of the probable commission of an offense, or in the case of a continuing denial of voting rights, an injunction or order to restrain citizens from committing such unlawful acts, so that they will not occur, instead of compelling a poor, weak, socially declassed person from bearing the full burden of the suit.

This is all the more necessary in view of the antibarratry statutes which have been passed by five States, and in view of the likelihood that similar statutes will be passed by other Southern States, barring such persons from receiving outside financial help. The aggrieved persons are weak, and they are compelled to go up against the organized power of their communities. The Senator from Louisiana, who is a very kindhearted person, would say to the Federal Government, "Keep off. Do not come to their aid. Let them defend themselves with their own weakness."

Mr. LONG. Mr. President, the passage of this bill is certainly unnecessary, so far as Louisiana is concerned. Fifteen percent of the electorate of Louisiana is colored, whereas 15 years ago the figure was less than 1 percent. So it is obvious that Louisiana has made extremely rapid progress in enabling Negroes to vote.

Mr. DOUGLAS. I think the family of the Senator from Louisiana have done some very fine things for the State of Louisiana—among them was to require the large oil companies to pay higher taxes than they otherwise would have paid, and also to bring suffrage to the poor whites, and partially to the Negroes.

When the balance sheet of the Long family is struck, and when the members of the Long family face St. Peter, these acts will be counted to their eternal credit; and I want them to receive some credit while the distinguished junior Senator from Louisiana is still on earth.

I hope that when he, in turn, faces St. Peter his record will be just as good in this respect as that of his father and that of his uncle. I know that the Senator from Louisiana is properly very proud of his father, and his father helped to bring suffrage to the Negroes of Louisiana.

Mr. LONG. Insofar as any member of the Long family succeeded in contributing to the registration of the Negroes and the poor whites—and I may say that the repeal of the poll tax in Louisiana resulted immediately in almost doubling the electorate——

Mr. DOUGLAS. And I have said that is so.

Mr. LONG. But insofar as my father succeeded in helping our State make progress in that direction, he certainly did not have to deny other citizens their fundamental constitutional rights, including the right of trial by jury, in addition to other rights guaranteed by the Constitution.

Mr. DOUGLAS. Mr. President, I hope the talents of the Senator from Louisiana will be enlisted in the same cause for which his father worked, namely, to endeavor to make further progress in striking from the limbs of Negroes and others in the South the shackles represented by disqualification from voting.

Mr. LONG. I hope that in making that progress we shall not have to deny other fundamental rights the citizens of the United States have.

Mr. DOUGLAS. If the Senator from Louisiana will vote against the O'Mahoney amendment, he will not be voting to deny any fundamental American right.

Mr. President, I wish to conclude, because I think the Senator from Colorado and the Senator from South Carolina seek the floor.

Let me say that I now have the information that some of the other acts, in addition to the 28 that the latest version of the O'Mahoney amendment would affect, are the Civil Aeronautics Act of 1938, the Motor Carrier Act of 1935, various railroad statutes, the Shipping Act of 1916, various labor statutes, and so forth; and over the weekend I think we shall find some other acts, as well. So, the enforcement procedures under well over 30 statutes would be amended by the newest O'Mahoney amendment.

Mr. President, when I see the Senator from Georgia [Mr. RUSSELL] rise and hail the Senator from Wyoming [Mr. O'MAHONEY] and enthusiastically support the third version of the O'Mahoney amendment, I am reminded of the old saying, "Beware of the Greeks bearing gifts." [Laughter.]

Mr. LONG. Mr. President, will the Senator from Illinois yield for a question?

Mr. DOUGLAS. I am glad to yield.

Mr. LONG. Does the Senator from Illinois apply the same logic to some of the fine compliments he has heaped upon the Senator from Georgia upon occasion?

Mr. DOUGLAS. I have great respect for the Senator from Georgia. But I know what a determined, wily, and resourceful foe he is of the civil-rights bill; and when we find him praising the O'Mahoney amendment, I say we had better button up our pockets and look closely at the fine print in the bill. [Laughter.]

Mr. President, I hope the Senate will subject the latest O'Mahoney amendment to the closest scrutiny.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. DOUGLAS. Yes; I am glad to yield to the Senator from Alabama.

Mr. SPARKMAN. I have been greatly interested in the colloquy between the distinguished Senator from Illinois and the distinguished junior Senator from Louisiana. I wish to say that I think much of the argument made by the distinguished Senator from Illinois, my friend——

Mr. DOUGLAS. I am glad that the Senator from Alabama admits this, because I have the deepest affection for the Senator from Alabama, but I have always been reluctant to express this admiration publicly lest I hurt him in his home bailiwick.

Mr. SPARKMAN. Let me assure the Senator from Illinois he need not be afraid of that, because even though he and I differ greatly on this particular pending legislation, I have a very high regard for him and his ability as a statesman and as a very able legislator; but I think much of the argument, not only on the part of the Senator from Illinois, but among a great many people throughout the country, is based on a misunderstanding and misinformation. Certainly, there are bad pockets to be found in the South, just as there are in the North. I dare say I could come to the State of Illinois and find bad pockets with respect to registration and voting.

Mr. DOUGLAS. That is undoubtedly true.

Mr. SPARKMAN. And undoubtedly the Senator from Illinois could come to Alabama and find some more bad pockets.

Mr. DOUGLAS. There are more of them in the South; that is all.

Mr. SPARKMAN. They are probably not such big pockets when they are found. If numerous, they are small, whereas in the North they are small in number, but tremendous in size.

I received a letter a few days ago from a registrar in my section of Alabama, and she said this, if I may quote a paragraph or two:

> As for the colored people being persecuted in the South, I wished so many times this past Monday, for the Senators who claim we won't let them vote, could have had a glimpse of the inside of our historical old courthouse in Tuscumbia——

Mr. DOUGLAS. Does the courthouse have wisteria growing on it, may I ask?

Mr. SPARKMAN. It certainly has wisteria or ivy, one or the other; the Senator can be assured of that.

By the way, the courthouse is located within a block or two of the birthplace of Helen Keller, one of the most distinguished and noble women of the world.

I continue to read from the letter:

> as we registrants worked from 8 in the morning until 6 in the evening. Monday was the last opportunity for registering for a local county election, we have coming up the 13th of August. Throughout the day there were double lines of applicants that reached from the office door, to the outside steps of the courthouse. Every applicant was served as his time came, be he white or colored, just as it should be. Every person received the same courtesy, the same consideration, the same admonishing—

And so forth. She continues:

> No qualified applicant was turned down.

Listen to this:

> Since I have been on the registrants' board (October 1955) only one colored person has been turned down—she had served a term at Wetumpka.

That is the women's prison. In other words, she had been convicted of a felony.

> We told her if she could get her citizenship restored, we would be glad to register her.

The lady writes a great deal more.

By the way, if the Senator from Illinois will permit me to say this, I believe on June 20 he placed in the CONGRESSIONAL RECORD a list of counties in the various Southern States, including those in Alabama. One of the counties listed as not having a single Negro registered in it happened to be the county where I grew up. I knew the statistics about that county could not be true, because ever since I was a boy I have known Negroes who voted there. So I called up the probate judge recently with respect to the matter. I am referring to Morgan County, which is included on the list which the Senator put into the RECORD, which list showed that 4,600 Negroes were eligible to vote and were of eligible age. I asked the probate judge about it.

He said, "I can refer you to four boxes right off." The judge had had an inquiry about the question, and he had looked into the matter. He said, "By the way, in the old box where you used to vote, precinct 10, box 10, there are more Negro voters in that box than there are white voters. Of 148 voting in that box, 60 are white and 88 are Negroes."

In beat 1—that is Decatur—box 3—which is in the heart of the city of Decatur—there were 350 voters, of whom 226 were white and 124 were Negro.

In beat 1, box 18, there were 267 voters, of whom 177 were white, and 90 were Negroes.

Away out in the country at Valhermoso Springs, 20 miles away from the county seat, there were 203 voters, of whom 147 were white and 56 were Negro.

That was a total of 358 Negro voters in just 4 boxes.

I asked the judge if he could estimate the total number of Negro votes in that county. He said over 1,500. Yet it has been spread all over the country that there is not a single Negro voter in that county. Based upon those figures, the estimate for Alabama is given as 53,000.

Mr. DOUGLAS. Those are registration figures, not the number who voted. The number who actually voted will be very much less.

Mr. SPARKMAN. Registrations. I wish to say that I am sure that the figures which have been cited to the contrary are just as wrong as they can be.

I may say, in all fairness to the Senator from Illinois, that I do not know whether the total figure as to Alabama actually can be checked, because most of the counties, in the State of Alabama, I am told, do not list their registrants by color. I am writing to the secretary of state asking her to give me the best information she has available. I am certain the figures which have been given by others are wrong. Surely, if Morgan County is any example at all, it shows just how wrong that kind of information can be.

I appreciate the generosity of the Senator from Illinois in letting me place this information in the RECORD. I have discussed it with him, and I know he is anxious that the RECORD speak the truth.

Mr. DOUGLAS. Mr. President, the figures which I placed in the RECORD were drawn from the report of the Southern Regional Council, which is a southern organization composed of members both of the white and colored races. Its headquarters are at Atlanta, and the organization is made up of some of the most distinguished citizens of the South.

The council collected these figures by sending field agents into every county of the South, some 1,000 counties. The figures are made up from material which the field agents collected. Of course, in collecting statistics in 1,000 counties, there naturally will be some errors. If the figures for Morgan County are wrong, which the statement of the Senator from Alabama indicates they may be, we shall be glad to correct the record.

Mr. SPARKMAN. Not may be; they are incorrect.

Mr. DOUGLAS. Very well. We shall be glad to correct the figures. However, I submit that the total picture which is shown is substantially correct, namely, that a little more than 10 percent of the Negroes are registered in Alabama; 29 percent in Arkansas; 40 percent in Florida; 25 percent in Georgia; 31 or 32 percent in Louisiana; about 4 percent in Mississippi; it is hard to tell what the figure is for North Carolina for the data reported are incomplete; 25 percent in South Carolina; Texas has probably the highest ratio; and only 20 percent in Virginia.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG. In many cases the Senator must recognize that great numbers of people are not registered simply because they have never made the effort. Certainly a State cannot be criticized where the individuals have never attempted to get on the rolls.

Mr. DOUGLAS. It is perfectly true that registration is cut down by ignorance and indifference, but it is also true that registration is cut down by coercive tactics, dilatory tactics, and outright barring from the rolls.

Mr. LONG. Of course, the Senator fails to state the other side of the case. There are a great number of Negroes in the South who are registered because of the deliberate efforts of the white people to get them registered. Sometimes it is for personal benefit, of course.

For example, in Calcasieu County in Louisiana the sheriff in a runoff election was facing the prospect of defeat. He had been very kind to the Negro people of that county, and he made a great effort to get them registered. The Negro registration increased by 4,000 between the first and the second primary election.

In many cases the colored voters are being qualified because the white people have made a deliberate effort to get them registered, to see that they could vote.

Mr. DOUGLAS. I hold in my hand a certified copy of the Colfax Chronicle of Colfax, La., Friday, October 12, 1956, which states:

GRANT COLORED VOTERS "PURGED" FROM ROLLS—MEMBERS OF CITIZENS COUNCIL TAKE ACTION THIS WEEK

Members of the white Citizens Council of Grant Parish worked in the registrar's office this week in a frank attempt to disfranchise the parish's 750 to 800 Negro voters on the basis of color alone before the November 6 election.

Mr. President, I ask unanimous consent that this quotation from the well-qualified Louisiana paper be printed at this point in my remarks.

There being no objection, the quotation was ordered to be printed in the RECORD, as follows:

GRANT COLORED VOTERS "PURGED" FROM ROLLS—MEMBERS OF CITIZENS COUNCIL TAKE ACTION THIS WEEK

Members of the white Citizens Council of Grant Parish worked in the registrar's office this week in a frank attempt to disfranchise the parish's 750 to 800 Negro voters on the basis of color alone before the November 6 election.

Louis Earle Stevens, secretary of the council, estimates that at least 90 percent of the colored registrations were challenged on the basis of being "incorrect" or "incomplete." Mrs. Horace Mosley, registrar, is sending the challenged registrants duplicate copies of the affidavits and citations requiring them to appear in person in 10 days to prove their right to remain on the rolls.

The action taken in "purging the rolls" followed a Citizens' Council meeting in Dry Prong at which Senator William Rainach, of Homer, Representative John S. Garrett, of Haynesville, State segregation leaders, and Raymond Masling, executive director of the Association of Citizens Councils of Louisiana, were present. (Fifty-two persons were present at the meeting, held last Thursday, Stevens says.)

According to W. J. B. Jones, of Colfax, council president, the group voted unanimously to undertake to clear colored voters from the poll lists.

THEY WERE UNANIMOUS

The decision—if any—was supposed to be taken at a board meeting, Jones said, but when the board meeting was called, following the regular meeting, Rainach urged others attending the meeting to remain.

"They wanted to cut the vote," Jones told the Chronicle, "and the board and the congregation voted unanimously to have it done." Members of the board at the meeting were Paul Haigler, ward 1, vice president; Ray Fuller and O. J. Lemoine, ward 6; H. B. Garlington, ward 3; J. F. and Cecil Cryer, ward 2; Johnny Kircher, ward 4; Aaron Capps, ward 5.

Stevens says that ward 8 was represented by some members, although not by any board member; and that ward 7 was the only ward not represented.

COMMITTEE APPOINTED

Pursuant to the vote to cut the rolls, Jones appointed the following committee to attend to the matter: Garlington, chairman; Stevens, Lemoine, and Fuller; and Herschel Nugent, Jack Cameron, and Virgil McNeely, of ward 1.

Stevens stresses, however, that the challenges were made by individuals, not by the council. (Most of the challenges being made out in the registrar's office are to be signed by Nugent and Lemoine; others are to be signed by Fuller and Lowe, Mrs. Mosley says.)

CHECKED ONLY COLORED

Monday afternoon and evening the committee members, assisted at various times by Masling, Jones, Frank Stewart, of Aloha, and Lanny Fletcher, a member of the Dry Prong school faculty, went through the registration cards checking only those filled out by colored registrants.

In accordance with advice they had been given by the State segregation leaders, they principally relied on three points on the card.

INCORRECT, INCOMPLETE

One statement on the card reads "I am not now registered as a voter in any other ward or precinct of this State except _____." Told that the correct word to put in the blank is "None" the challengers pulled all the cards where the blank was filled in with any other word (such as "Grant," which occurs most often) and certified them as "incorrect." Where the blank was left blank, that application was certified as "incomplete."

SOME WERE JUST "C"

Where, instead of writing out "colored" in the indicated space, the applicant simply put "C," the application was certified as incorrect.

If the application was all right up to here, the person's age in years, days, and months (which must be shown) was refigured and often found off by a day or so. (Other points were also checked in some instances.)

ONLY VICTOR ADAMS

In a check made by the Chronicle on Tuesday of the first 100 white registrants in ward 1, only one card was found which would pass the above tests—that of Victor Adams. Ninety-five had the incorrect answer, or none, in the blank first referred to. Four (including school superintendent C. C. Belgard) figured their ages incorrectly.

In a further check made by the Chronicle, not one member of the Citizens' Council committee had a card which would pass the tests. Virgil McNeely stated that his color is "w," as did Nugent, Garlington, and Stevens. The others misfigured their ages or gave the wrong answer, or none, to the question about being registered in any other ward.

Lemoine, according to several acquaintances, lives in Colfax in ward 1 but votes in ward 6.

Mr. LONG. Mr. President, the Senator knows that the paper is out of date, does he not?

Mr. DOUGLAS. It is an issue of last fall, October 12, 1956. That is only 8 months ago.

Mr. LONG. Does the Senator know that is a weekly newspaper from which he is reading?

Mr. DOUGLAS. It is the Colfax Chronicle.

Mr. LONG. Does the Senator happen to have available a copy of the next week's edition, to see what happened after that time?

Mr. DOUGLAS. What did happen?

Mr. LONG. What happened was that there were a considerable number of colored people who were challenged. Several hundred were.

Mr. DOUGLAS. The Senator from Louisiana admits, then, that the facts reported are correct?

Mr. LONG. If the Senator will wait a minute, I will give the Senator the facts. Approximately 800 colored people were challenged, either because the correct address was not given, the name was not properly listed, or they had failed to fill out the registration blank as required by law.

Mr. DOUGLAS. Which is a very complicated registration blank.

Mr. LONG. From that group, 600 came in to identify themselves. The law requires that persons whose qualifications have been challenged must present 2 witnesses to vouch for the fact that they do live in the community. Those 600 or so who complied with the law were immediately put back on the rolls. Almost everyone who came back in and identified himself was retained on the rolls.

There were about 200 people who did not get back on the rolls. Those 200 did not come in to present themselves.

The Senator should know that Louisiana, like any other State, has a law which provides that a person who has reason to doubt the qualifications of a person to vote, or reason to doubt that such a person actually exists, or reason to doubt that the person lives in the community, has a right to challenge the qualifications of such registered voter.

He can insist that such a person's name be taken from the rolls. A colored man can challenge a white man, exactly as a white man can challenge a colored man.

Mr. DOUGLAS. It is extraordinary to find the Senator from Louisiana defending this method of the white citizens council, because I see a column here which says that throwing those persons off the rolls was a method of the anti-Long forces in Louisiana.

The Senator from Louisiana is very forbearing to come to the aid of his political opponents, who have disenfranchised the Negroes for their own political reasons. I think these people had the right to vote, and I would not discriminate against them because they are pro-Long.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. ALLOTT. Was that in Monroe County?

Mr. LONG. No, that was not.

Mr. ALLOTT. I should like to inquire as to what happened in Monroe County, Ala.

Mr. DOUGLAS. They threw about 3,500 out in that county.

Mr. LONG. May I proceed further, Mr. President, if the Senator will yield?

Mr. DOUGLAS. I yield.

Mr. LONG. I do not approve of anyone's attempting to disenfranchise a person or challenging a person's qualifications because of a person's race.

Mr. DOUGLAS. That was precisely what was done in the case I mentioned.

Mr. LONG. But nevertheless any person has the right to challenge any voter who is not properly qualified. Whether or not the person is prejudiced in doing so is completely beyond the point, because he is completely within his rights legally. A Negro has just as much right to challenge a white man as a white man has to challenge a Negro.

Mr. DOUGLAS. Yes, I know. Yes. We can see the plantation Negro challenging the owner of the plantation and saying he is not qualified.

The statement of the Senator from Louisiana about the equality of Negroes and whites before the law reminds me of that phrase in Anatole France's novel, The Red Lily in which he says:

> The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread.

Mr. LONG. The Senator will want to be somewhat fair and present the full picture. The junior Senator from Louisiana as an attorney was successful in making a small amount of money practicing law. While he practiced law, a considerable portion of his income was derived from suing on behalf of colored clients. In most of those cases the clients did not have to pay the court costs, because we have a law in Louisiana which says that a poor man who sues can sue without paying the court costs if he certifies he cannot pay them.

Mr. DOUGLAS. I have always had a high opinion of the junior Senator from Louisiana. As I have said, I think his family in certain respects has done a great deal for the people of Louisiana. I am not attacking the Senator from Louisiana. I like him and I believe he is in general an extremely good Senator. I have said so publicly both in Louisiana and in the North. He is, however, grievously wrong in regard to this bill. I simply think we are in a situation in which, on the whole, Negroes are discriminated against.

Mr. LONG. If the Senator will yield further, certainly the Senator will recognize that any good State law must permit at least the challenge of a person who is not properly on the registration roll. That sword cuts both ways. It has been used against the faction with which I have been associated on occasion, and it has been used to our advantage.

I know in the city of New Orleans, in years gone by, the opposition seemed to have tens of thousands of persons registered who really had no place on the registration rolls. Success in Louisiana in that section depended upon whether one could challenge the names that had no right to be on the rolls, because such persons did not exist or did not live in the community.

People do have the right to challenge the qualifications of voters. The important thing is, if the voter's qualifications are challenged, does he have an opportunity to be treated fairly by the registrant and to be reinstated on the rolls?

I do submit that in Colfax, to which the Senator refers, if the Senator will follow through he will find there was no showing that the registrant did not act fairly and did not fully meet her obligations.

Mr. HUMPHREY. Mr. President, will the Senator yield to me?

Mr. DOUGLAS. Will the Senator permit me to answer the Senator from Alabama, and then I shall yield?

Mr. HUMPHREY. Yes.

Mr. ALLOTT. Mr. President, may I propound a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. I am in the position of a lot of people in the South. I have some moral rights, but I do not have any legal status at the moment.

It is my understanding that we were to proceed in accordance with the list which is on the President's desk, and some hour and a half ago I permitted the Senator from Illinois to take the floor, and others have kept him engaged in colloquy. He was to have the floor for about 5 minutes.

I should like to propound the inquiry as to when I might reasonably be expected to have a chance to address the President, and to have the President recognize me.

Mr. DOUGLAS. Mr. President, may I say I would have been through in 10 or 15 minutes if my friends from the South had not risen to raise objections and criticisms and so on so—

> Thou canst not say I did it; never shake
> Thy gory locks at me.

Mr. ALLOTT. I do not believe my locks are gory at all. I should like to suggest that I would like to have an opportunity to speak before the sun comes up.

Mr. DOUGLAS. Yes. May I say I shall conclude just as soon as my friends from the South will permit me.

Mr. ALLOTT. I have to recognize the fact that the senior Senator from South Carolina has the same moral rights that I have to the floor ahead of me.

Mr. DOUGLAS. May I say that I shall conclude just as soon as I can put in the RECORD a few remarks about the statement by my good friend, the Senator from Alabama, concerning the way in which Negroes are permitted to register in Alabama.

I hope the Senator will permit me to read some excerpts from a document I introduced earlier in the day, about the customs in the State of Alabama, which comes from the Southern Regional Council:

> The Alabama consultant directed a field survey in each of the counties in his State. According to these reports:
>
> Negroes might be treated courteously, as in Bullock County, Ala., where the board of registrars has received Negro applicants pleasantly, let them fill out forms, then told them they didn't pass—with no reasons given. In this county, with 5,423 Negroes of voting age, only 6 were registered in the summer of 1956. In 1953, more than 100 attempted to register; in 1955, only 20 even tried and of these 19 were refused. One of the six registered succeeded only on his seventh trip to the board.
>
> In other counties of central Alabama, like Bullock, Negroes encounter greater difficulty. This is the Black Belt section of the State, so called because of the dark rich soil, an area where 15 counties have populations over 50 percent Negro.
>
> Among these is Dallas, where only 275 of the 18,132 Negroes of voting age are registered.[1] In 1956 alone, at least 350 were turned down. Some reported that they filled out questionnaires 3 or 4 times but still were not sent registration certificates. Many reported they were given no help in filling out forms although white applicants were. One Negro teacher who registered was fired allegedly for being "too smart"; this frightened many other teachers.
>
> Marengo, another county in the Alabama Black Belt, simply seems to have stopped registering Negroes. Of 10,223 eligible, 170 were registered before the Supreme Court decision calling for an end to segregated schools. This, plus formation of a local citizens council, is reported to have hardened the lines of white resistance to Negro equality and to have put the brakes on Negro registration.
>
> In Monroe County, Ala., where 140 of the 5,914 Negroes of voting age are registered, other hopeful applicants said more often than not they found the board of registrars had "misplaced the application forms" or told them to return later. Registrars in Hale County, where 130 of 7,036 eligible Negroes are on the voting roll, have turned down 300 in the past 2 years for "failure to fill out forms correctly."
>
> One Negro teacher in Alabama said she was refused because she didn't know the address of her estranged husband. Many Alabama boards require two voters to vouch for all Negro applicants and some require Negroes to produce white character witnesses. Registrars in one county where about 2 percent of nearly 7,000 Negroes over 21 have registered announced that a "good white man" must accompanying Negro applicants.

I come now to the city of Birmingham. In general, in the South Negroes vote more in the cities than in the country districts. However, this is the statement with respect to Birmingham:

> Birmingham and surrounding Jefferson County present one of the gloomiest pictures for Negroes in the South. In no other major city of the region has it been so difficult for them to vote. Only about 7,000 of 121,510 Negroes over 21 are registered; at least that many more have been turned down. Instead of the standard form and the character witnesses, Jefferson County registrars have employed another method unique in the State; added questions about government. They might ask on what date the 10th amendment to the Constitution became effective, what was the 14th State to be admitted to the Union, on what date did Oklahoma change from a Territory to a State? They have recognized no limits to their power to interrogate. While Negroes have been the board's main target, white union members, particularly if they wear overalls or work clothes, have reported that they sometimes find registration difficult or impossible. Negroes appearing before the board often have been questioned for from 35 to 40 minutes; they have had to line up separately, and the longer the line the longer the questioning.
>
> In Macon County, Ala., home of famed Tuskegee Institute, many college trained Negroes have found the barriers impregnable. Negroes outnumber white persons about 5 to 1; of the 14,526 of voting age, 1,100 have registered. By contrast, the Associated Press reported in April 1956 that 2,700 out of a total Macon County white population of 5,000 had registered, or that fewer than 100 white persons over 21 had failed to do so. An Alabama observer said that the board of registrars would sit until all white citizens interested had registered and then resign. In any event, for the major part of 1956, there was no board in the county, for two of the three members resigned and it takes at least two to transact business. This was at least the third time in a decade this had happened.

May I point out that Tuskegee Institute probably has one of the most highly cultivated Negro populations in the country. Those people are college trained, economically secure, and well paid.

[1] Registration figures used are those of 1956.

The veterans hospital, manned by Negro doctors and nurses, is also on a high cultural and economic level.

Those people have been debarred from voting. Recently the town limits of Tuskegee have been gerrymandered so as to exclude Negro voters.

All this moreover has been practiced against a segment of the Negro population which has never sought social integration. Booker T. Washington, the founder of Tuskegee, always said that he wanted economic and educational opportunities for the Negroes, but, as he said in his famous Atlanta speech in 1895, Negroes would be in cultural matters as the fingers of the hand, separate. These Negroes have never asked for integration.

The great George Washington Carver, when he spoke before white audiences, would always go in the back entrance, and would not eat with the white citizens. This is a community in which probably the cultural level of the Negroes is superior to the average cultural level of whites. Economically also, they are on a high level. And yet this is what is being practiced upon them.

I have a great respect for the Senator from Alabama. It is only natural that he should defend his State. But when he brings in a beautiful picture of the courthouse, with the wisteria growing on it, and the sweet lady who registers everyone who comes, I think the other side of the picture should also be shown.

Mr. President, unless there are questions, I should like to yield the floor.

Mr. SPARKMAN. Mr. President, will the Senator yield to me?

Mr. DOUGLAS. I yield.

Mr. SPARKMAN. As I stated in the beginning, of course there are certain places in the State of Alabama where conditions are not what they should be. However, one listening to the report of the Southern Regional Council would get the idea of a blanket all over the State, which I say is inaccurate. Remember, it was the Southern Regional Council which stated that there was not a single registered Negro in Morgan County. The probate judge tells me that there are at least 1,500.

Mr. DOUGLAS. There may be errors here and there, but in general the statements are correct.

Mr. SPARKMAN. The Southern Regional Council sets the figure of 10 percent, but it is bound to be wrong, because the basic figure is wrong.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOUGLAS. Mr. President, I should like to oblige the Senator from Colorado and the Senator from South Carolina. I am willing to yield, however, because I think it is ungracious for a Senator to decline to yield. I hope my friends, the Senator from South Carolina and the Senator from Colorado, will not hold it against me if I do so.

I yield to the Senator from Minnesota.

Mr. HUMPHREY. There is no disposition on my part to prolong the debate.

Mr. DOUGLAS. I understand.

Mr. HUMPHREY. I shall make an effort to clarify certain points. We try to accommodate each other. There is a list at the Presiding Officer's desk, which represents an accommodation, and which is not exactly within the rules of the Senate. However, I abide by the accommodation procedure. I believe in it.

The point I raise is that in all the arguments as to how many are registered in Alabama, Illinois, Minnesota, South Carolina, Georgia, or any other State, I gather that all of us in the Senate believe that everyone who is of eligible age ought to vote. I hope no argument can be interpreted in any other way than that we believe in the full application of the 15th amendment. If we believe in the 15th amendment—and we all took an oath to uphold and defend the Constitution—we must remember that it provides that—

> the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> Section 2. Congress shall have power to enforce this article by appropriate legislation.

I cannot see for the life of me why anyone should object to a right-to-vote act, which makes it possible to make a living reality out of a theoretical right.

We are not seeking to punish anyone. I want that position made quite clear. The purpose of the proposed legislation is not to fill jails. The purpose is to permit people to fill ballot boxes, one vote at a time, for each citizen.

That is the purpose. The purpose of the legislation is not punitive. The purpose of the legislation is preventive. The purpose is to prevent an abridgement of law. Therefore all that we are seeking to do is quite simple. If we shed tears and have pathos in our voice because some dear old lady or elderly gentleman or a youth has been denied the right to vote, by all that is good and holy and true why do we not put such a law on the books? Why do we not put on the books a law that will check those who are denying that right to those people?

How can any Member of the Senate feel, when he knows of even one voter who has been denied the right to vote anywhere in the country, that a law which would protect that right is wrong?

All we are asking for under the bill, particularly section 4, is just that; we are saying that if there is a denial of that vote by a registrar or an election official or other citizen, a Federal judge has the duty to enforce the law to protect that right, and to issue a restraining order on the individual who would step in the path of persons seeking that right, or interfere with the right of a potential voter.

The minute that Federal judge puts such an order into effect with reference to another person, all that that person need do is quit interfering with the judge's order and with the man's right to vote. I repeat that the best way to keep out of a contempt proceeding is to keep away from doing a contemptuous thing. When people insist upon interfering with constitutional rights, it is the duty of Senators and Representatives and governors and sheriffs and other officials to protect those rights.

If even only one voter is denied the right to vote, it is the duty of the Government of the United States in Federal elections—and I want to make that quite clear, that we are talking about Federal elections—to step in and protect the right of that citizen. I say that should be done even if only one voter is involved.

How do we best do it? We are not going to call out the troops to do it. We are not going to drop any bombs. The best way to do it is the peaceful way.

Who is the most peaceful of all peaceful men? It is the man who puts on the robes of a judge. He is the man who, in a sense, holds the scales of justice in his hand; who seeks not to punish, who seeks in no way to deprive anyone of his rights, but who seeks to dispense justice. That is the judge, Mr. President. That is the Federal judge, in this instance.

As the Senator from Illinois has stated, it is the Federal judge in the area where the act takes place. If it is in the South, it is a southern judge. If it is in the North, it is a northern judge. He is the judge who is being asked to act. I hope the American people know that all we are seeking to do is to make sure that if some rowdy or some arrogant local public official refuses to do his duty and interferes with the constitutional right of a person to vote, a Federal judge, who stands as the symbol of the United States, as the symbol of our Republic, can say, "Stop. Let this man vote." All in the world that that individual has to do is to be decent. All that he has to do is to act like a normal citizen. All that he has to do is to perform his duty. If that is what he does, there is no punishment. That is all. What is easier than that?

Mr. DOUGLAS. I should like to yield the floor after I say two more sentences.

Mr. JOHNSTON of South Carolina. Mr. President, I am asking for the regular order. I have been sitting on the floor for an hour. I have been trying to make a speech. I was supposed to have spoken even before the Senator from Illinois was recognized. He has the floor, and of course I cannot keep him from speaking as long as he wishes to speak. However, so far as any other Senator is concerned, I shall insist on the regular order, if the other Senator makes a speech, instead of asking a question.

Mr. HUMPHREY. Mr. President, a point of order. Does the rule govern recognition by the Chair, or is recognition based on the list at the desk?

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). The Chair will state that rule XIX provides that the Presiding Officer shall recognize the Senator who has risen and first addresses the Chair. The rule takes precedence over a list at the desk when a demand or point of order is made.

If a Senator, whose name is not on a list of speakers, first addresses the Chair and is recognized, he will have precedence over the Senator whose name is on the list who has not addressed the Chair.

Recognition according to the list is usually followed as a matter of accommodation and courtesy, but it is not binding as against the rule.

Mr. DOUGLAS. The Senator from Texas, the occupant of the chair, is one

of the ablest lawyers in the Senate. He is apparently well acquainted with the rule, and was well acquainted with it when he recognized the Senator from Illinois some time ago, because the Senator from Illinois was on his feet before either the Senator from Colorado or the Senator from South Carolina was on his feet.

The Senator from South Carolina was not in the Chamber, as I remember.

The Senator from Illinois, therefore, obtained the floor in his own right, not by stealth or by any devious process. He will yield only for a question, because the Senator from South Carolina is correct on his point. I shall yield the floor after I have said two more sentences.

Mr. CARROLL. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I shall yield, provided it is a question.

Mr. CARROLL. Is it not true that the Senate has been listening to a legalistic debate for 2 weeks?

Mr. DOUGLAS. The Senator is correct.

Mr. CARROLL. Is it not also true that the time has come when we should begin presenting facts to the American people?

Mr. DOUGLAS. I think that is true. That is what the Senator from Illinois has been trying to do.

Mr. CARROLL. Is it not true that appearing in the CONGRESSIONAL RECORD of July 25 there appears, as introduced by the distinguished Senator from Illinois, an article from the New York Times magazine entitled "Southern Negroes and the Vote—The Blot Is Shrinking, but It Is Still Ugly"?

Mr. DOUGLAS. The Senator is correct. That was a summary of the report of the Southern Regional Council, and today I have put in the RECORD in much greater detail, material dealing with the entire South. If the Senator from South Carolina wishes, I shall be very glad to yield to him for a question with respect to the State of South Carolina, and to put into the RECORD the situation in the State of South Carolina.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield for a question.

Mr. JOHNSTON of South Carolina. I should like to ask the Senator from Illinois whether he thinks he knows more about what is going on in South Carolina than does the Senator from South Carolina.

Mr. DOUGLAS. No; but I do have the excellent statements of the Southern Regional Council.

Mr. JOHNSTON of South Carolina. I will give the facts with reference to South Carolina when I speak.

Mr. CARROLL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield only for a question.

Mr. CARROLL. Is it not true that the time has come, in the late hours of this debate, when we must begin to ask ourselves the question: Is there not a necessity for the type of legislation which is pending before the Senate with reference to the right to vote?

Mr. DOUGLAS. I think it is very necessary.

Mr. CARROLL. In order to make a determination of that question, is it not true that we should begin to examine facts in any section of America where American citizens are being denied their constitutional right to vote?

Mr. DOUGLAS. I have always thought that legislation and court decisions should take cognizance of the facts. I know that this is regarded as heresy in some legal circles, but it has always seemed to me that facts are appropriate to life and to the law.

Mr. CARROLL. Mr. President, I desire to commend the Senator from Illinois for making a clear presentation of the factual situation as it relates to the pending legislation.

Mr. DOUGLAS. Mr. President, now I should like to yield the floor with these two thoughts, which I have not uttered.

If Negroes in the South do vote in great number and profusion, and with the full exercise of the suffrage, as the Senator from Alabama and the Senator from Louisiana have implied, why do our southern friends fear this legislation? If what they say is correct, it will not be necessary for the Government to apply the law to the registrars and election officials and others in Alabama or Louisiana. If the Negroes do not vote in accordance with their constitutional right, however, this legislation is needed.

Mr. President, we have had the first edition of the O'Mahoney amendment, the second edition of the O'Mahoney amendment, and now the third edition of the O'Mahoney amendment, and we may, I believe, confidently expect that the fourth, fifth, sixth, and seventh editions of the O'Mahoney amendment will be forthcoming in due course.

Mr. President, I yield the floor.

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## FISCAL AND ECONOMIC POLICIES

Mr. MARTIN of Pennsylvania. Mr. President, no nation is rich enough or powerful enough to maintain a strong, sound, and expanding economy in the face of continued depreciation of its currency.

Over and over again in world history, great nations have been brought to destruction by fiscal and monetary policies which destroyed initiative, robbed the people of incentive, and placed upon their backs a crushing burden of debt and taxes.

I am sure we are all agreed that the present high level of prosperity, with the gross national product at an alltime high, with more people employed than ever before, with personal income at its highest peak, cannot long be maintained unless we have the will and the wisdom to curb the inflationary pressures which are bearing down upon us.

Personally, I am convinced that inflation is the worst internal danger confronting the American people today, and I find encouragement in the widespread and increasing public concern which has been expressed over rising prices. The damaging effect of inflation is reaching into every business, every industry, and every household in the United States.

Experience has shown that there is no limit to human desire for goods and services, but there is a limit to the means by which these desires can be satisfied.

We must remember that even though we are the richest Nation on earth, there is a limit to our resources. We are not rich enough for everyone to have everything he wants. Therefore, when the Government attempts to carry out competitive political promises, and undertakes to supply all the wants of groups and individuals, the cost inevitably exceeds available revenues.

In that event, higher taxes and increased debt are the natural consequence, and inflation is brought on unless a definite policy of curtailing our financial and economic excesses is adopted. This calls for fiscal and monetary discipline and a high level of official responsibility, but it is the only safe course.

Mr. President, in stating the objectives of the current hearings being conducted by the Senate Finance Committee, its able and distinguished chairman, the senior Senator from Virginia [Mr. BYRD], made it clear that the committee has undertaken to make a complete and thorough study of the financial condition of the United States, including revenues, bonded indebtedness, contingent liabilities, interest rates, management of the public debt, and the availability and distribution of credit.

Such a program, of course, cannot be limited only to the financial operations of the Federal Government, but must also consider their impact, favorably or unfavorably, upon the whole financial and economic life of the entire Nation, private as well as public.

The immediate occasion for this study, so Senator BYRD stated, "is the existing credit and interest situation and, more important, inflation, which has started again with its ominous threat to fiscal solvency, sound money, and individual welfare."

All these important and intricate matters constitute a large order indeed. Especially is this true when so many divergent views prevail concerning the interpretation of the same set of facts, and when even the validity of facts themselves is so often in dispute.

If only we could call upon a single person—all-knowing, unbiased, and nonpolitical—in whom we all had complete confidence, and who could give us all the correct answers to the problems and questions that are embraced in the committee study.

I am sure no Senator on the committee or any other Senator would presume to qualify for such an assignment.

To date we have heard but one witness, Secretary Humphrey. He presented a very considerable volume of information and gave his interpretations thereof, as they pertained to the work of the committee. He did not profess to have all the answers, nor did he claim that all his actions as Secretary of the Treasury were precisely correct as to timing or degree. He professed no crystal-ball foresight. He acknowledged also that there is always the possibility of Monday-morning quarterbacking, even as to minutest details, in spite of the fact that overall performance has been good.

Much has been said on this floor as to the increase in interest rates, availability of credit, the shortening of the average term of the public debt, and related matters. On these matters Mr. Humphrey was questioned extensively and in detail. His responses were full and complete. In the discussion which has taken place on the floor of the Senate. I note that much of his testimony has been overlooked and ignored, even though, in my opinion, it was entirely responsive, satisfactory, and adequate in every respect.

I should like to add at this point that we have been fortunate to have a man of Mr. Humphrey's outstanding ability and courage as Secretary of the Treasury.

I recognize that those who have quite different philosophies as to the role of Government and who favor other policies in our economic affairs would naturally be critical. That is their privilege.

However, it is not my purpose to debate Mr. Humphrey's testimony at this time, nor the considerable volume of testimony given by the members of the committee in their interrogation of the Secretary. I see no point in turning the hearings into a general debate on the Senate floor, since the Senate is already fully concerned with other matters.

Also, I would remind the Senate that the complete record of the first and only witness is not yet available to the members of the committee.

Many tables, charts, statements, and other materials were submitted for the record by the witness or by members of the committee. These, in their proper context, will not be available for study until the proceedings are printed. And the record at this point covers only the testimony of one witness.

I hope every Senator will read carefully the information developed in the detailed interrogation of the Secretary over a period of 14 days.

Furthermore, much of the interrogation to date has related to monetary policy and other matters which are not in the province or responsibility of the Treasury. Of course, this merely reflects that monetary policies affect the private economy and Treasury activity at the same time. It demonstrates that debt management and interest rates cannot be intelligently and fully discussed without a thorough review of monetary policy. These in turn are influenced by other Government policies, such as taxing and spending, as well as by the level and trends of economic activity as a whole.

Mr. President, these are further reasons why I do not think that a piecemeal debate of the testimony of individual witnesses as they appear before the Finance Committee will best promote the work it has set out to do. I stated, at my earliest opportunity in the hearings, that I intended to cooperate with the chairman and all the members of the committee on the problems of inflation, debt management, interest rates, and the many other matters affecting the welfare of all the American people. I consider these matters as of first rank importance. They should not be encumbered in any degree by partisan, sectional, group, or private interests.

Mr. President, I do not propose to diagnose here and now the origin or cause of the various economic problems, real or fancied, that one hears about at every turn. Neither, it naturally follows, do I wish to prescribe any sure-fire remedies or cure-alls. Certainly, enough of the latter are being offered, ranging all the way from no restraints to a fully controlled and regimented economy as to prices, wages, investment, and so forth.

Rather than diagnose or prescribe, I should prefer to raise some questions which I hope will stimulate discussion among my colleagues.

The problems which confront us are the threat of continued inflation, management of the public debt, interest rates, and availability of credit. These problems would seem to be economic effects, arising from many causes, vaguely understood by some, clearly by others—or so it would appear.

Consider then inflation, which to my mind, is our worst internal danger. However, is there agreement that inflation is an undesirable trend in the economy? Apparently not. One school of thought contends that a 2 or 3 percent inflation a year is good for all concerned. At least, they argue that it represents a lesser evil, as against some increase in unemployment on the one hand, or direct control of wages and prices on the other.

Then, by deduction, does it follow that full or relatively full employment is incompatible with a stable price level? Does full employment create inflationary pressures as to wages, prices, availability of materials, and so forth? If so, are countermeasures of decreased Government spending, increased taxation, or monetary restrictions adequate, appropriate, and timely enough to ward off inflation? Can annual wage increases be absorbed by industry through increased investment and productivity, or has this proved to be impossible? Can it be that profits and interest payments have created the recent inflationary trend? If, as the inflationists contend, a 2 percent or a 3 percent inflation is better than the alternatives, would it not be just and fair that all personal incomes be put on a cost-of-living basis to offset this inflation? If not, why not?

I hope my colleagues will give due consideration to these questions. To me the suggestion of a continuing 2 or 3 percent annual inflation is frightening. Personally I feel that such an inflationary course would eventually destroy the value of the American dollar.

To the sophisticated economist the questions I have raised undoubtedly will be considered very elementary, indeed. However, in their defense I offer a London dispatch to the Wall Street Journal of July 19 which reads in part as follows:

Is inflation the inevitable price of full employment?

This is a lively question in Britain today. For the steady erosion in the purchasing power of the once proud pound sterling is one of the darker spots in a mixed economic picture. It now takes at least 3 pounds to go as far as 1 pound would have gone before the war. It has been officially stated that the depreciation in the purchasing power of the currency since 1946 has been almost 40 percent.

The result is a variety of undesired and undesirable consequences. British Government securities are at record low prices. Trustees of investment funds are selling out Government securities and shifting heavily to common stocks. The general distaste for fixed interest securities is impairing London's long-established reputation as a center of banking and insurance.

I interrupt my reading of the article to relate one of my experiences of many years ago. As a young soldier serving in the Philippines, I learned the strength of the pound sterling and also the strength of the American dollar, based on gold. I noted then that the British pound and the American dollar were more eagerly sought by the merchants with whom the soldiers were dealing than were any other currencies of the world, including their own domestic money.

Again I quote from the dispatch, which continues as follows:

The impact of inflation is felt unequally. The organized workers have been pushing up their wages faster than the rise in the cost of living, and a good deal faster than their own productivity.

So serious is the situation that the Government a while back issued a white paper, or official report, entitled: "The Economic Implications of Full Employment." The concluding sentences pose a problem comparable in difficulty with squaring the circle: "We all want full employment and we all want stable prices. But we have not yet succeeded in combining the two. The experience of the past 10 years has shown that, the fuller employment is, the more likely prices are to rise; but the Government does not believe that there is any inevitable conflict between the two objectives."

A high official in the Treasury, expressing a personal opinion, was less optimistic. "The fundamental cause of inflation," he said, bluntly, "is the full employment policy. Formerly there were alterations of boom and slump, falls as well as rises in the price level.

"Now, with job openings equalling and sometimes exceeding jobseekers, with profits generally high, wage claims are pressed with more force and resisted with less energy. Add to this high Government spending and a big program of internal investment and you get the background of our price level that moves only in one direction: upward."

Continuing further, the article states:

It is clear that reasonable internal stability is a precondition of making the pound fully convertible on foreign markets. The Eden and Macmillan Cabinets have been doing whatever was possible by monetary methods. The bank rate (the equivalent of the Federal Reserve discount rate) was raised to an unprecedented 5½ percent and is still at 5 percent. But, as the editor of a British weekly suggests, these brakes are much less effective in an age when some big industries are nationalized, when the Government is committed to the maintenance of full employment, and when Government spending is at a high level.

What it all comes down to is that people want full employment and expensive social services, but do not like the inflation which accompanies these modern trends.

It will be a great economic statesman who can devise a formula for full employment and a stable price level. So far no such statesman has appeared.

That is the end of the article, Mr. President, and with merely the change

of a few words, this article could just as well have had the dateline of Washington, D. C. However, I do not offer this as proof of anything—it is more by way of illustrating and emphasizing my questions.

Interest rates and availability of credit are components of what has come to be characterized as tight money.

Does the phrase "tight money" come into usage because the quantity of money and credit has been contracted? The evidence seems to be to the contrary. Then why does the situation arise?

It is suggested by some that with employment at an alltime high and other production figures at or near their peaks, the demand for money is greatly increased. "Tight," then, appears to be a relative term for expressing the supply-demand relationship.

How tight is money? Rates on commercial paper are currently about 4 percent compared with 6 percent in 1929 and 7½ percent in 1920. Most foreign central bank rates are higher than those in the United States. In fact, in a ranking of 54 countries, showing the cheapest rates at which business firms of highest credit standing can borrow money on an unsecured basis, the United States rate is lowest of all, about 4 percent. Thirty-seven of these countries are experiencing rates of 6 percent up to 12 percent and even higher. Can it be then that rates are only high in contrast with selected periods and places and low in comparison with others?

Tight money implies the quantity should be greater and rates of interest lower.

What, then, is the correct volume of money and the right rate of interest? By whom should this be determined and how put into effect? What criteria should be used in determining the supply and rates for money? Does tight money tend to retard of accelerate an inflationary trend?

If it retards, does the Government and the public generally lose or gain when their costs in the purchase of goods and services are balanced against their interest costs?

Under what conditions are Government securities more acceptable—lower interest rate with stable purchasing power or higher interest rate with price inflation? Are not all investors in bonds more interested in stability in purchasing power than in interest rate?

Does not the fear of continued inflation influence investors away from longer term bonds in favor of short-term bonds and other forms of investment?

In what way would an increased money supply and lower interest rates check inflation?

Mr. President, it goes without saying that the success or failure of the inquiry into our fiscal and monetary situation depends upon whether or not we find the correct answers to these and many other questions.

The Finance Committee and the Nation are fortunate to have a statesman of the outstanding ability and understanding of the Senator from Virginia [Mr. BYRD] to lead us in this most important investigation. The people of the United States may have every confidence that under his fair, impartial, and courageous leadership, every area of potential fiscal and monetary danger will be thoroughly explored.

Mr. President, no war has ever been won without sacrifice. We will not defeat the forces of inflation without paying the price—but the cost of victory will be small indeed as compared to the disasters that could be inflicted upon us by runaway inflation.

In the war to preserve the economic health and strength of our Nation there will be casualties—and these may include political casualties—because there is no way of controlling inflation that will be universally popular. There is no magic formula. We cannot buy security, stability, and increasing prosperity on the easy payment plan.

## VISIT TO THE SENATE BY EXCHANGE STUDENTS

During the delivery of Mr. DOUGLAS' speech,

Mr. HUMPHREY. Mr. President, will the Senator from Illinois yield to me in order that I may have the privilege of introducing 25 exchange students who are seated in the gallery?

Mr. DOUGLAS. I yield, with the understanding that I shall not lose the floor, and that the interruption will appear elsewhere.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. Mr. President, I am most grateful to the Senator from Illinois. With his usual courtesy and generosity he has yielded in order that I may invite the attention of Senators to the fact that in the gallery are seated 25 exchange students, most of them from Germany, with 2 or 3 from Austria.

They have been in the United States for a little more than a year, living in the homes of Americans. They came to our country under what we call a student-exchange program. They are here today under the leadership of Mr. Leroy Doty, of the Church of the Brethren.

I have had an opportunity to visit with these young people this afternoon. We discussed the debate in the Senate. They are greatly interested in our processes of democracy. I tried to explain to them a little about this important controversy.

I said to them what I repeat here, that we are enriched by their presence in America, and we know that our young people who have gone to their countries have been enriched by their visits.

It is very gratifying to me to have the privilege of introducing these fine young people. I ask them to rise in order that we may greet them.

(The visitors rose in the gallery and were greeted with applause, Senators rising.)

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Tribbe, one of his secretaries.

## EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Farrant Lewis Turner, of Hawaii, to be Secretary of the Territory of Hawaii, which was referred to the Committee on Interior and Insular Affairs.

## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. JOHNSTON of South Carolina. Mr. President, I am very much pleased that the debate on the pending subject has developed along the lines it has, because my prepared speech, documented with records, will answer a great many of the questions raised.

The Senate, and the entire world, for that matter, has heard a great deal about figures issued by the Southern Regional Council, Inc., dealing with the issues of how many Negroes in the South, including my native State of South Carolina, are alleged to have registered to vote or have been deprived of this right. These figures, too, were accompanied in many instances, as in the Washington Post of yesterday, with comments about how Negroes in the Southern States are coerced and otherwise prevented from registering and from voting. The extremely biased magazine, Time, in today's issue, has picked up these figures issued by the council for further propaganda.

Tables issued by the Southern Regional Council have been used at great length to allegedly show that Negroes are being deprived of the right to register in order to vote in the South.

These tables were inserted in the CONGRESSIONAL RECORD of June 10, 1957. Subsequently, they have been used in support of this bill in public statements and elsewhere—and, I might add, convincingly so to those otherwise uninformed of voting and registering conditions in the South.

However, Mr. President, I believe there are several points regarding the Southern Regional Council, its members, and officials, which have not been brought to light fully, and certainly there are some very important facts regarding their method of arriving at the figures they published, that should be fully aired.

I charge, Mr. President, that the figures used by the Southern Regional Council to attempt to show that Negro registration in the South is exceptionally low because Negroes are being deprived of the right to register in order to vote, are highly misleading, in error, and in fact were distorted purposely in order to slander the South.

In the first instance, Mr. President, let us take the figures issued by the Southern Regional Council as regards my own native State of South Carolina, with which I am most familiar.

Southern Regional Council states that in 1950 there were 98,890 Negroes registered, or about 25 percent of the Negro voting age population. The State of South Carolina, until the election law was amended this very spring, had never practiced or required the practice of indicating race or color on registration certificates in South Carolina.

If the Senator from Illinois and other Senators who have been speaking on this subject will kindly get in touch with us after the registration for 1958 has been completed, they can then ascertain the number of colored persons who are registered. But at the present time that information is not included in the registration at all.

Allow me to quote from a telegram from the secretary of state of South Carolina I received yesterday:

Voting registration in South Carolina is made without reference to race. Any figures given as to the number of colored or white registered is purely an estimate. There is no way insofar as this office knows that an accurate estimate could be given.

Mr. President, if the State does not require indicating on a registration certificate, or the records of those certificates, race, then how in the world can anyone determine how many people who registered were Negroes, or whites, or Indians, or what have you? It is impossible.

The Southern Regional Council stated, in issuing these figures, that they were compiled from official records and from best figures available.

In South Carolina, there were no records to go by at all. What I would now like to know is just what available figures did they use in determining registered Negroes in South Carolina? Did they use figures submitted to it by the National Association for the Advancement of Colored People? They claimed they took a field check of the 46 counties in South Carolina. Such a task would be as formidable as a general census-taking in that particular field. If they did, I am sure such a study in the Southern States would have taken more than the money with which the Ford Foundation provided the council, even though it received the largest amount ever granted by the foundation.

With this question in mind, I asked the Southern Regional Council for their system used in arriving at these figures. I now quote from the reply, which, in my opinion, is as broad as it is long, and still tells nothing as to the formula:

As our foreword reprinted in the RECORD at page 8610 states: "The attached material on Negro voter registration was compiled in the summer of 1956 from official records or from the best estimates available from reliable sources in each county." Since official figures are not available in South Carolina, we arranged for county-by-county field survey to gather best estimates. Estimated figures as published were derived from interviews with knowledgeable persons in each county. These estimates indicate total increase of approximately 20,000 over our estimate for 1952; 50,000 over 1947.

Now they claim they arranged for a county-by-county survey in South Carolina.

By the way, I have not heard of that survey, and I do not know of anybody there who knows anything about it.

Mr. President, there are 46 counties in my State.

Can Senators imagine a survey being made by an organization such as Southern Regional Council being anywhere near accurate The task of determining how many are registered by race in my State would be as vast an undertaking as would the counting of election ballots. I submit the figures, for the most part, were pulled from the air and are, in fact, as meaningless as an estimate of the number of grains of salt in the ocean would be.

The Southern Regional Council, according to the figures of John McCray, Negro 1953 State Chairman of South Carolina Progressive Democrats, a Negro organization, is far behind in the registration of Negroes. While the Southern Regional Council estimates 98,890 Negro registrants in South Carolina in 1956, Chairman McCray said in 1953 that 125,000 Negroes were registered in South Carolina at that time and that it was anticipated at least 250,000 would be registered in 1954 and that the ultimate goal of a drive to enlist Negroes on the registration books was 350,000.

Bear in mind, everyone registered after that date is entitled to vote. Registration started in 1948, and the certificates are good until 1958.

I shall now quote from an Associated Press dispatch of January 6, 1953, originating in Columbia, S. C., and distributed throughout the Nation on that date:

THREE HUNDRED AND FIFTY THOUSAND SOUTH CAROLINA NEGRO VOTERS GOAL TO BE DISCUSSED SUNDAY

COLUMBIA, January 6, 1953.—A goal of approximately 350,000 registered Negro voters in the State by the end of 1954 will be outlined here Sunday at a Statewide meeting of the South Carolina Progressive Democrats.

State Chairman John H. McCray said more than 7,000 members of the interracial organization are expected to attend.

Principal speaker will be Representative WILLIAM L. DAWSON, Democrat, of Chicago, Illinois. DAWSON, a Negro, is vice chairman of the Democratic National Committee.

McCray said his organization hopes to more than double the present State Negro vote he estimated at about 125,000.

Mr. President, there are several significant factors about this release that should be brought to the attention of the Senate in connection with the pending bill.

One is that the State chairman of an almost exclusively Negro organization should know more about the registration of the people of his race in his own State than some outsider playing a guessing game with figures, such as in the case of the Southern Regional Council.

Second, it seems obvious enough to me that there could be no coercement or other hindrance of Negroes in my State from either registering or voting in my State. The very ambitious nature of the registration program outlined in the story by McCray is proof that it must be very easy for a Negro to register in South Carolina—at least as easy as it is for a white person.

Third, I think it is obvious that if McCray, who is chairman of this Negro organization, had access to a worldwide news agency, such as the Associated Press, which is known for its wide and impartial coverage of events, he would have complained, at the time when he gave out the above statement, that Negroes were being deprived of an opportunity to register, if they were being deprived of that right.

Mr. President, again, on January 12, 1953, a news report emanating from Columbia, S. C., the capital of my State, reiterated the first statement made by Chairman McCray, namely, that their program had been launched to get the names of 300,000 Negroes on the registration books, so they could qualify to vote. I ask unanimous consent that a copy of this news dispatch be placed in the RECORD at this point, as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FULL-TIME DRIVE FOR NEGRO REGISTRATION IS PLANNED

January 12.—A membership tax to finance a full-time program for registration of 300,000 Negro voters by 1954 will go into effect soon.

It will be discussed by the executive committee of the South Carolina Progressive Democrats, one-time Negro party now operating within the framework of the State Democratic Party since it won primary voting rights for Negroes in 1948.

Negro registration now is about 125,000, their leaders estimate. Chairman John H. McCray of the Progressives believes $10,000 a year will be raised in a $1 a year membership dues in the Progressives to finance more registration.

With a heavy Negro registration, a rally of the Progressives here yesterday was told the State's United States Senators and Representatives who will fight full citizenship for the Negroes can be met head on at the polls.

Mr. JOHNSTON of South Carolina. Mr. President, the public record is replete with stories, such as this one pertaining to the fair and impartial registration in the State of South Carolina. The record is also replete with figures from sources other than the Southern Regional Council, to indicate that their figures were purposely drawn up on the basis of a percentage a smaller than the actual one, in an attempt to misrepresent the South in connection with this issue.

The figure of 125,000 registrants, out of a qualified-to-register Negro population of 390,000 in 1953, is a far cry from 98,890 out of 390,000. 125,000 is nearly 35 percent of the Negro qualified-to-register population, whereas Southern Regional Council figures would suggest only 25 percent. This points up the vast margin of error in their figures.

As to charges of any deprivation of registration or voting rights in my State, I say they are all so much hearsay and propaganda.

I submit there has never been, to my knowledge—and I was Governor of South Carolina for 2 terms, and for 13 years I have been a Member of the Senate of the United States, and previously I served for 6 years in the South Carolina Legislature in the past 20 years,

any charge of such deprivation in my State by any individual voter or registrant or group of voters.

Mr. President, I should like to call attention to the fact that my State does not require the payment of a poll tax. Furthermore, in my State, a citizen does not have to enroll, in order to vote. All he has to do is obtain a registration certificate, which is good for 10 years. Any South Carolina citizen who has such a certificate can go to the ballot box on election day and can vote.

I now wish to quote from a telegram on this subject which I received yesterday from the attorney general of South Carolina. I believe his statement is as unquestionable as any statement yet made regarding registration and voting rights in South Carolina:

I have served 16 years as prosecuting attorney and 17 years in office of attorney general as assistant attorney general.

During this time no complaint has been made to me charging discrimination against any person of any race for violation of right to register and vote, in general elections. The South Carolina law is sufficient to protect right of suffrage for everyone regardless of race or color. Approximately 1,000 to 1,500 Negroes vote in one city ward in Columbia, S. C., in both party primaries and general elections. This constitutional right will be protected in South Carolina.

T. C. CALLISON,
*Attorney General of South Carolina.*

There is no doubt as to the completely erroneous nature of the set of figures issued by the Southern Regional Council.

Mr. President, I cannot speak for other Southern States as well as Senators from those States can. But I do know that in Alabama, as in South Carolina, there are no records or requirements showing the race or color of registrants; and neither are any such records available in Georgia or in Arkansas. At this time, I wish to read telegrams received from Gov. Marvin Griffin, of Georgia, from the secretary of state of the State of Alabama, and from the secretary of state of the State of Arkansas, on this matter:

Investigation discloses that no official records are kept or are available showing county by county breakdown on number of white and Negro registrants. The secretary of state, who has conducted a survey on registration, informs me that it is impossible to determine accurately any breakdown of registration by race in this State. There is no provision in the Georgia law which provides for the registration of voters by race or color. The figure used by the Southern Regional Council is not complete, nor does it represent any more than estimates given by officials as to the registration for the general election last year.

It is my opinion that if registration records showed the race of the registrant where it was possible to determine the total number in each racial group, the total registration figures for both white and Negro would be higher at the present time than the estimates announced last year by the secretary of state.

MARVIN GRIFFIN,
*Governor of Georgia.*

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Retel today. No Alabama statute or registration form requires applicant for registration to indicate race or color. There are no official records reflecting percentage of Negro and white registered voters, although lists of registered voters submitted by some counties do indicate race. All figures published by any group are estimates only and unofficial.

MARY TEXAS HURT GARNER,
*Secretary of State, Alabama.*

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No separate record is kept of Negro and white vote or poll-tax receipts.

C. G. HALL,
*Secretary of State, Arkansas.*

Mr. President, a very interesting situation exists in Virginia. Let me read a wire from the secretary of state of Virginia on this matter:

In re telegram July 24 desiring to know if registration for voting in Virginia requires the race or color of the individual voter. You also inquire if Virginia has any official record that would accurately reflect by county the percentage of Negroes and whites registered to vote. Virginia law requires the list of voters, white and colored men and women to be kept and arranged in separate books or records and this has been done for years.

Approximate number of Negro voters in Virginia in April 1957 was 89,146, and estimated number of whites as of same date was 848,037. Number of Negroes who had paid their capitation taxes as of May 4, 1957, was 121,607 and the number of whites who paid their capitation taxes as of same date 976,475. We have the figures which made up these totals by counties and cities and are forwarding this information by special delivery.

STATE BOARD OF ELECTIONS,
LEVIN NOCK DAVIS,
*Secretary, Virginia.*

As can be seen, in Virginia, there are 121,607 Negroes who had paid poll taxes and as a result were eligible to register and to vote. Yet of that amount, only 89,146 are registered to vote. What happened to the other 31,000 Negro eligibles for voting in Virginia?

I discussed this matter with the senior Senator from Virginia in his office, and I was told that there had been no complaint about persons not being permitted to register or vote.

Mr. President, they simply did not bother to register and to go to the polls, and that is about all there is to it. Southern Regional Council did not say how many, if any, of the 31,000 who did not vote made any appeal to any Virginia or Federal official that they were being deprived of voting by force or other means. But the Southern Regional Council, which reported 5,000 Negro voters less than those coming from the Virginia State Board of Elections, implies in general terms that great deprivations of registering and voting of Negroes exists.

Let us take a look at Louisiana. In the Washington Post on Thursday, July 25, and in Time magazine this week, it was reported, as coming from the Southern Regional Councils report, that Louisiana had the highest percentage of Negroes registered in the South, with 18 percent of the registered voters Negroes.

Mr. President, how ridiculous can one get? Their own report, placed in the CONGRESSIONAL RECORD, on June 10, admitted 25 percent of eligible Negroes of voting age in South Carolina were registered.

Mr. Douglas Fowler, director of the State Board of Registrations for Louisiana, called my office about this matter. He told me Negroes represented 14.8 percent of registrants in Louisiana as of October 1956. The fact is that in October 1940 Negroes represented only two-tenths of 1 percent of registered voters in Louisiana. By 1950 they represented 7.5 percent of registered voters, and in 1954, 13.5 percent. They have been steadily gaining in registration each year for the past 14 years, according to reports given me by Mr. Fowler.

Mr. President, I ask unanimous consent to place in the RECORD a table showing that in October 1940 the percentage of Negro registrants was two-tenths of 1 percent.

In October 1944, 4 years later, it was three-tenths of 1 percent.

In October 1948 the figure was 3.1 percent.

In October 1950 the figure was 7.5 percent.

In October 1952 the figure was 10 percent.

In October 1954 the figure was 13.5 percent.

In October 1955 the figure was 14.1 percent.

In October 1956 the figure was 14.8 percent.

I notice, from this table, that while the percentage of white registrants was 99.8 percent in 1940, the whites have dropped in their registrations.

The PRESIDING OFFICER (Mr. DOUGLAS in the chair). Is there objection?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Total registrants in Louisiana broken down to show white and Negro percentages*

| Year | White | Negro |
|---|---|---|
| October— | | |
| 1940 | 99.8 | 0.2 |
| 1944 | 99.7 | .3 |
| 1948 | 96.9 | 3.1 |
| 1950 | 92.5 | 7.5 |
| 1952 | 90.0 | 10.0 |
| 1954 | 86.5 | 13.5 |
| 1955 | 85.9 | 14.1 |
| 1956 | 85.2 | 14.8 |

Mr. LONG. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I do.

Mr. LONG. I believe it should be pointed out that the figures to which the Senator is referring represent the percentage of voters by races. Actually, the number of white voters has not declined, but the percentage of whites, as against the overall total, has declined by virtue of a great increase in colored voters.

Mr. JOHNSTON of South Carolina. That is true.

Mr. LONG. I am glad the Senator put the table in the RECORD, because it illustrates a record which to me is satisfactory. Starting in 1944, the number of Negro registrants represented only three-tenths of 1 percent. During the course of a period of 12 years the percentage of the Negro registrations increased from three-tenths of 1 percent to almost 15 percent of the electorate. A person should regard that as a record of tremendous progress. Yet it is a record that many people are condemning, whereas the record defies their condemnation. As a matter of fact, the

colored population of Louisiana is about 31 percent of the total population. Even if the Negroes were as well educated and as well qualified, to begin with, the Senator would say half the job is done, would he not, and that has been accomplished in a period of 12 years?

Mr. JOHNSTON of South Carolina. That is true. We must bear in mind that the number of Negroes who began voting in 1940 was two-tenths of 1 percent. Every year the percentage has increased rapidly.

I should also like to call to the attention of the Senator from Louisiana and to the attention of the Senate that when we gave our fair ladies the right to vote in the United States, they did not rush in to vote the first year. It will be found that the number of women voters increased year by year. In the first 10 years the number of women voters did not increase much more than did the number of Negro voters in the State of the Senator from Louisiana and in my State. The same is true with regard to the colored people. If we leave them alone, and the number of voters keeps increasing, it will not be many years before their registration percentage will be about what it is for the white people in the South.

If there were any mass deprivation of voting or registration rights in Louisiana, there would have been no gain in registrations. There may have been some deprivations in Louisiana, but the fact is that all a person has to prove in Louisiana to be eligible to register and vote is that he is 21 years old and has lived in the State for at least 1 year. There are no poll tax or other prohibitions in that State.

It was found that some persons who tried to vote were not old enough to vote. It was found that some did not live in the precinct long enough. They had lived in the State, but had moved from county to county, and from precinct to precinct. Whether one is white or colored, he is likely to lose his voting right if he has not been in the precinct long enough.

Mr. LONG. If the Senator will yield, the laws of Louisiana require that certain forms be filled out, and they must be filled out correctly. The address must be stated correctly. The person must state his age correctly. He must submit certain information with reference to qualifications to vote. Anybody can make a mistake in filling out the application. As a matter of fact, when I tried to vote in Louisiana, when I was a law student, I failed to sign one of the books I was supposed to sign, and could not vote on election day. So that can happen to anybody. Anyone can have his right to vote challenged.

Mr. JOHNSTON of South Carolina. In any election I have seen 10 times as many white persons as colored persons challenged. Many times persons had registered for the box where they previously lived, and then had moved away from the precinct. When that happens, whether a person is colored or white, he is not allowed to vote until he has lived in the precinct a certain period of time.

I should like to say, also, for Louisiana, that there is no poll tax or other prohibition in the State of Louisiana.

Also, Mr. Fowler advised me there were adequate State laws to take care of any coercion or other deprivations of registration or voting in Louisiana.

Mr. President, at this point I wish to place in the RECORD telegrams from the secretary of state of Florida, the executive secretary of the State board of elections of North Carolina, and the secretary of state of Texas.

As indicated in these telegrams, these States do keep records from which the number of Negro and white registrants could possibly be estimated, although in North Carolina one apparently would have to search every registration book in the State for this information, according to that State's secretary of state.

Registration for voting in this State requires information as to color. Sending today registration figures as of general election 1956.

R. A. GRAY,
*Secretary of State, Florida.*

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Retel secretary state. Registration books this State do have columns marked white and colored. There is no official record this office or elsewhere to our knowledge showing breakdown registration by race or sex.

R. C. MAXWELL,
*Executive Secretary, State Board of Elections, North Carolina.*

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Replying to your telegram of today. Texas has no system of personal registration of voters. However, Texas constitution and statutes require payment of poll tax by those subject thereto as prerequisite to voting and article 5.14 of Texas Election Code requires showing of race in poll-tax receipt. Also, articles 5.16 and 5.17 require showing of race in exemption certificates. Under article 5.22, list of voters delivered to election board by county tax collectors required to show race of qualified voters. Thus, number of qualified Negro voters could be obtained from records of each county.

ZOLLIE STEAKLEY,
*Secretary of State of Texas, Austin, Tex.*

Mr. President, so much for the registration figures issued by the Southern Regional Council. I believe their figures are about as accurate as the organization's record is clean.

On May 15, 1957, the American Legion, in its publication Firing Line, which is devoted to exposing activities, organizations, and individuals supporting, related to, or involved in un-American activities, devoted most of that copyrighted paper to an article entitled "Southern Regional Council, Inc." The National Americanism Commission of the American Legion in that article had this to say about the Southern Regional Council:

Readers * * * of the Firing Line will recall that the council was identified as a "Southern Red front by Manning Johnson on March 8, 1957, before the State of Louisiana Legislative Committee on Segregation."

Still quoting from Firing Line:

Records of the American Legion reveal a definite trend of interrelationship between the Southern Regional Council and the Southern Conference for Human Welfare, a defunct Communist-front organization. According to the files of the National Americanism Commission, the following 16 former directors of the Southern Regional Council have been supporters of this aforetioned subversive organization: Charlotte H. Brown, Louis E. Burnham, George E. Clary, Herbert Davidson, J. M. Ellison, Clark H. Foreman, Guy B. Johnson, David D. Jones, George S. Mitchell, Howard W. Odum, F. D. Patterson, Edwin A. Penick, Homer P. Rainey, Ira DeA. Reid, Forrester B. Washington, and Aubrey Williams.

The files of the American Legion reflect the following 9 current Southern Regional Council directors have also been affiliated with the subversive Southern Conference for Human Welfare: Rufus B. Atwood, Paul R. Christopher, Rufus E. Clement, A. W. Dent, Benjamin E. Mays, H. Councill Trenholm, E. C. Peters, Josephine Wilkins, and Marion A. Wright.

At the conclusion of a 1954 investigation, the Senate Internal Security Subcommittee reported the Southern Conference Educational Fund, Inc. (of 822 Perdido Street, New Orleans 12, La.), was initially an adjunct of the Southern Conference for Human Welfare. After the exposure of the Southern Conference for Human Welfare as a Communist front, it began to wither and was finally dissolved, but the Southern Conference Educational Fund, Inc.. continued. The subcommittee found that after an objective study the Southern Conference Educational Fund, Inc., is operating with substantially the same leadership and purposes as its predecessor organization, the Southern Conference for Human Welfare.

Mr. President, I ask that Firing Line of May 15, 1957, on Southern Regional Council, Inc., be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. ALLOTT in the chair). Is there objection?

There being no objection, the document was ordered to be printed in the RECORD, as follows:

SOUTHERN REGIONAL COUNCIL, INC.

Beneficiary of the largest single grant ever awarded by the Ford Foundation's Fund for the Republic is the Southern Regional Council, Inc. (SRC), whose headquarters is located in the Wesley Memorial Building, 63 Auburn Avenue, NE., Atlanta 3, Ga. As of last year, the council received a total of $445,000 in support of studies and activities to promote interracial improvements in the South. According to the Fund for the Republic's 3-year report, dated May 31, 1956, page 22, the Southern Regional Council has concentrated on building strong State organizations, so that each of its groups will be able to stand on its own feet when fund support is terminated. (See the New York Times, December 16, 1956, p. 117.)

Founded in January 1944, as a successor to the Commission on Interracial Cooperation, Inc., the council's original corporation papers reflected its following objects and purposes: "* * * to organize and maintain a regional council for the improvement of economic, civic, and racial conditions in the South, in the endeavor to promote a greater unity in the South in all efforts towards regional and racial development; to attain through research and action programs the ideals and practices of equal opportunity for all peoples in the region; to reduce race tension, the basis of racial tension, racial misunderstanding, and racial distrust; to develop and integrate leadership in the South on new levels of regional development and fellowship * * *."

This document, filed in the Superior Court of Fulton County, State of Georgia, listed the names of five incorporators of the council as follows: Dr. Rufus E. Clement, Ralph McGill, and Bishop Arthur J. Moore, Atlanta, Ga.; Dr. Charles S. Johnson, Nashville, Tenn.

(now deceased); and Dr. Howard W. Odum, Chapel Hill, N. C. (See Petition of Incorporation, book 062, p. 64–67, January 6, 1944; and the New York Times, October 17, 1955.)

Today, the council has expanded its activities into 12 States. Virtually supported by the enormous grant from the Fund for the Republic, the Southern Regional Council has strengthened its head office in Atlanta and organized councils on human relations with interracial boards and staffs in the following States: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. (See Fund for the Republic 3-year report, 1956, p. 22.)

Formerly entitled "The Southern Frontier, Southern Regional Council's official organ is called New South, a 16-page monthly journal published in Atlanta, Ga. With the approval of the United States Treasury Department, the council enjoys tax-exempt status and all contributions to the organization can be treated as Federal income-tax deductions. According to a revised roster dated April 1957, the Southern Regional Council's board of directors numbered 78, which included some of the following as officers and staff members: Marion A. Wright, president; vice presidents, Gordon B. Hancock, A. W. Dent, and Paul D. Williams; Rufus E. Clement, chairman, executive committee; Joseph Haas, counsel; Harold C. Fleming, executive director; John Constable, director of information; and Florence B. Irving, research assistant. (See New South, February 1955, p. 1, and March 1957, p. 2.)

"RED FRONT"

Readers of the April 15, 1957, issue of the Firing Line will recall the council was identified as a southern Red front by Manning Johnson on March 8, 1957, before the State of Louisiana Legislative Committee on Segregation. The Firing Line report also revealed testimony which reflected the council was formed by James E. Jackson, a southern organizer of the Communist Party and is affiliated with the Mississippi Council on Human Relations.

Records of the American Legion reveal a definite trend of interrelationship between the Southern Regional Council and the Southern Conference for Human Welfare, a defunct Communist front organization. According to the files of the National Americanism Commission, the following 16 former directors of the Southern Regional Council have been supporters of this aforementioned subversive organization: Charlotte H. Brown, Louis E. Burnham, George E. Clary, Herbert Davidson, J. M. Ellison, Clark H. Foreman, Guy B. Johnson, David D. Jones, George S. Mitchell, Howard W. Odum, F. D. Patterson, Edwin A. Penick, Homer P. Rainey, Ira DeA. Reid, Forrester B. Washington, and Aubrey Williams. (See SRC publication "What Kind of South Do You Want?", undated, pages 7 and 8; New South, December 1946, pp. 25 and 26; The Southern Frontier, March 1944, p. 1; the New York Times, December 16, 1956, p. 117; HUAC, appendix IX, 1944, pp. 1589, 1595–1598; HUAC, report, Southern Conference for Human Welfare, 1947, p. 1; New York Journal American, November 7, 1955, p. 1; and HUAC, Guide to Subversive Organizations and Publications, 1957, p. 81.)

The files of the American Legion reflect the following nine current SRC directors have also been affiliated with the subversive Southern Conference for Human Welfare: Rufus B. Atwood, Paul R. Christopher, Rufus E. Clement, A. W. Dent, Benjamin E. Mays, H. Councill Trenholm, E. C. Peters, Josephine Wilkins, and Marion A. Wright. (See HUAC, appendix IX, 1944, pp. 1594–97; HUAC, Rept. Southern Conference for Human Welfare, 1947, pp. 1 and 15; and Daily Worker, May 20, 1947, p. 5.)

At the conclusion of a 1954 investigation, the Senate Internal Security Subcommittee reported the Southern Conference Educational Fund, Inc. (of 822 Perdido Street, New Orleans 12, La.), "was initially an adjunct of the Southern Conference for Human Welfare. After the exposure of the Southern Conference for Human Welfare as a Communist front, it began to wither and was finally dissolved, but the Southern Conference Educational Fund, Inc., continued." The subcommittee found that after 'an objective study,' the Southern Conference Educational Fund, Inc., is operating with substantially the same leadership and purposes as it predecessor organization, the Southern Conference for Human Welfare." (See Senate Internal Security Subcommittee, hearings, Southern Conference Educational Fund, Inc., 1955, pp. V and VIII.)

For the information of Firing Line readers, the following eight current directors of the council have been affiliated with the aforementioned Southern Conference Educational Fund, Inc., which was fully exposed in the July 1, 1955, issue of this publication: F. Woods Beckman, Blailsford R. Brazeal, Rufus E. Clement, James M. Dabbs, Charles G. Gomillion, Duncan Hunter, Benjamin E. Mays, and Josephine Wilkins. It may be of interest to recall that the former Southern Regional Council Director Aubrey Williams has been president of the Southern Conference Educational Fund since 1948. He was named as a member of the Communist Party during the Senate Internal Security Subcommittee's 1954 hearings. (See Senate Internal Security Subcommittee, hearings, Southern Conference Educational Fund, Inc., 1955, pp. VI, VII, and 102; and Southern Conference Educational Fund, leaflets and letterheads, 1953–56.)

Mr. JOHNSTON of South Carolina. Mr. President, the picture of this matter boils down to this. Figures compiled by an organization closely tied or related to a Communist front organization are being used in the United States Senate to attempt to shove this civil rights bill down the throats of the American people.

Mr. President, the record of the Southern Regional Council and its shady affiliates and tie-ins with red activites and fronts should be enough to convince anyone of the unreliability of its figures and of the probable design behind their creation.

These figures and accompanying charges were designed to slander the South, divide the Members of Congress, promote race hatred and generally confuse the picture. No doubt, some of the same people who promoted these figures will be the first knocking at the door of the Attorney General or the President's office for a job on the proposed Commission on Civil Rights if it is ever set up.

This bill, Mr. President, contains the vehicle by which people of the type of the Southern Regional Council and Communist front organizations can get into Government. They cannot get elected on their philosophies and programs, but they worm their way into the halls of Congress through such erroneous, generalized official sounding but shallow figures as the Southern Regional Council's report on registration and voting in the South.

Mr. President, I am ready to yield the floor unless there are some questions.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. DOUGLAS. I am very sorry that the Senator from South Carolina, who, in my experience, has always appeared to be fair, has made the statements which he has made, and which I am sure are not founded on fact.

Earlier in the day I introduced a statement, which will be printed in the CONGRESSIONAL RECORD of today at an earlier point, describing the history and composition of the Southern Regional Council. That statement will show that this council did not spring from the Southern Conference on Human Welfare, but that it sprang from the Committee on Interracial Cooperation.

Mr. JOHNSTON of South Carolina. Does the Senator deny that the same men were on the Southern Conference on Human Welfare?

Mr. DOUGLAS. I simply say that the Southern Regional Council did not spring from the Southern Conference on Human Welfare. It came from the Committee on Interracial Cooperation.

Mr. JOHNSTON of South Carolina. Were not some of the same individuals members of the other body?

Mr. DOUGLAS. There may have been a few, before that other body was taken over by subversive interests.

Mr. JOHNSTON of South Carolina. Does not the Senator find the names of 11 individuals who are members of the Southern Regional Council, which names also appear on the list of the Southern Conference on Human Welfare?

Mr. DOUGLAS. I believe that in every case they got out of the Southern Conference on Human Welfare when un-American groups took that organization over. In its beginning, I think that also was an innocent and decent group.

As I was saying, the Southern Regional Council did not develop from the Southern Conference on Human Welfare, but from the Committee on Interracial Cooperation, started in 1919. This committee included leaders of the churches and church organizations in the South and one of its leading members was the late W. W. Alexander, who was a very fine citizen.

Mr. President, in view of the statements of the Senator from South Carolina, I ask unanimous consent that there be printed in the RECORD at this point as a part of my remarks a direct refutation of the statements which the Senator from South Carolina has placed in the RECORD, together with an editorial from the Atlanta Constitution for February 1, 1957, which clearly differentiates the Southern Regional Council from the other group mentioned.

There being no objection, the statement and editorial were ordered to be printed in the RECORD, as follows:

AN ANALYSIS OF THE ATTACK ON SRC IN THE FIRING LINE OF MAY 15, 1957

The Firing Line is the publication of the American Legion's National Americanism Commission, Post Office Box 1055, Indianapolis, Ind. * * * In the issue of May 15, the Firing Line contains an article on the Southern Regional Council. This article presents in the guise of facts allegations against SRC and various of its past and present board members that range from outright falsehoods to cunning distortions designed to support utterly unfounded conclusions. Following is a point by point

analysis; the quoted paragraphs are quoted verbatim from the Firing Line.

"Readers of the April 15, 1957 issue of the Firing Line will recall the Council was identified as a 'Southern Red front by Manning Johnson on March 8, 1957, before the State of Louisiana Legislative Committee on Segregation.' The Firing Line report also revealed testimony which reflected the Council was 'formed by James E. Jackson, a Southern organizer of the Communist Party' and 'is affiliated with the Mississippi Council on Human Relations.'"

The Louisiana State body referred to here was set up to combat desegregation and is headed by State Senator William M. Rainach, who is also the chief leader of the White Citizens Councils in that State. Manning Johnson is a self-styled ex-Communist whose testimony has been repudiated by the United States Department of Justice and the Subversive Activities Control Board. His testimony about SRC is demonstrably false. The founding of SRC by a group of outstanding Southerners is a matter of public record. The incorporators were Bishop Arthur J. Moore of the Methodist Church, Ralph McGill, editor of the Atlanta Constitution, Dr. Rufus E. Clement, president of Atlanta University, the late Dr. Charles S. Johnson, president of Fisk University, and the late Dr. Howard W. Odum, professor of sociology at the University of North Carolina. Any claim that these men would have permitted the James E. Jackson in question or any other person of communistic persuasion to play any part in the founding of the organization is fantastic. The founding of SRC is a matter of extensive public record, as reported in the press and official documents, all clearly showing that this charge is an outright falsehood.

The statement that SRC "is affiliated with the Mississippi Council on Human Relations" is both inaccurate and irrelevant. The Mississippi Council is a thoroughly respectable body of the citizens of that State, including among its officers the wife of a cotton broker and the Catholic Bishop of Mississippi. It was for a time affiliated with the Southern Regional Council (not vice versa) though it now functions as an independent group.

Records of the American Legion reveal a definite trend of interrelationship between the SRC and the Southern Conference For Human Welfare, a defunct Communist-front organization. According to the files of the National Americanism Commission, the following 16 former directors of the SRC have been supporters of this aforementioned subversive organization: Charlotte H. Brown, Louis E. Burnham, George E. Clary, Herbert Davidson, J. M. Ellison, Clark H. Foreman, Guy B. Johnson, David D. Jones, George S. Mitchell, Howard W. Odum, F. D. Patterson, Edwin A. Penick, Homer P. Rainey, Ira DeA. Reid, Forrester B. Washington and Aubrey Williams.

The charge that SRC was related to the Southern Conference for Human Welfare continues to be used by the detractors of this organization although it has long since and repeatedly been refuted. SRC was the official successor to the Commission on Interracial Cooperation, founded in 1919 by a group of outstanding southern churchmen. SRC came into existence at a time when the southern conference had been operating for six years, and it was attacked by some persons on the grounds that it was a more conservative organization set up in competition with the southern conference. It was never in any way connected with the southern conference.

The spurious technique of connection by association used here was exposed for what it is by the Atlanta Constitution in 1953. At that time, Dr. Rufus E. Clement, the distinguished president of Atlanta University, had announced his candidacy for the Atlanta Board of Education. Prosegregationists sought to have him disqualified, using as the Firing Line does, the charge that he had once served on the board of the Southern Conference for Human Welfare. The Atlanta Constitution on May 12, 1953, editorialized as follows:

"ATTACK ON CLEMENT IS DIRTY POLITICS

"A member of the [city executive committee] board has charged that Dr. Clement is a Communist sympathizer because he once belonged to the now defunct Southern Conference for Human Welfare.

"This newspaper is proud of the fact that it contributed largely to the demise of that organization. We were twice threatened with lawsuits because of our exposure of it; therefore, we believe we have some authority to speak.

"The Southern Conference for Human Welfare was organized by honest, loyal Americans, with a viewpoint to organizing all constructive forces in the South to improve the South's economic and social status. It later was infiltrated by Communists, but for a good many years it was composed of and led by persons of unquestioned loyalty, during which time its membership was about 99.95 per cent loyal. It offers the typical example of a few rotten Communists spoiling a good barrel of apples.

"Even so, it was not until a good many years had passed, and after most of the membership had withdrawn, including Dr. Clement, that persons of suspected communistic tendencies took over what remained of the organization. They did not long endure, largely because this newspaper exposed them and kept upon them the full light of publicity. Therefore, we feel free to say that this smear attack on Dr. Clement was false and unworthy, and those conducting it reflect no credit on themselves, our city, State, and region."

Suffice it to say that Dr. Clement's qualifications were upheld by the city executive committee, he was overwhelmingly elected in the primary, and he has recently been reelected to the Atlanta Board of Education.

In this incident and in the Atlanta Constitution's editorial reproduced above lies the full explanation of the dishonest technique used by the firing line and SRC's racist critics in their attempts to discredit this organization.

It might further be noted that among the 16 former directors whose past presence on the board of SRC is supposed to have infected it with subversive sympathies are the following:

Dr. George E. Clary, executive secretary of the southeastern jurisdiction of the Methodist Church.

Mr. Herbert Davidson, editor and publisher of the Daytona Beach News and Journal.

Dr. J. M. Ellison, chancellor of Virginia Union University.

The late Dr. Howard W. Odum, nationally famous scholar of the University of North Carolina.

The Reverend Edwin Penick, the presiding Episcopal bishop of Raleigh, N. C.

The distinguished positions held by these individuals and their impeccable reputations in the South and North alike are enough, in themselves, to refute the insinuations of the Firing Line.

"The files of the American Legion reflect the following 9 current SRC Directors have also been affiliated with the subversive Southern Conference for Human Welfare: Rufus B. Atwood, Paul R. Christopher, Rufus E. Clement, A. W. Dent, Benjamin E. Mays, H. Councill Trenholm, E. C. Peters, Josephine Wilkins, and Marion A. Wright."

The same answer as that given above also applies here. Consider the positions held by these nine current directors:

Dr. Rufus B. Atwood, president of the State-supported Kentucky State College.

Mr. Paul R. Christopher, regional director of the AFL–CIO who serves by appointment of Governor Clement on an official State commission of Tennessee.

Dr. R. E. Clement, identified above.

Dr. Albert W. Dent, president of Dillard University, of New Orleans.

Dr. Benjamin E. Mays, president of Morehouse College and one of this Nation's most prominent leaders in the World Council of Churches.

Dr. H. Councill Trenholm, president of the State-supported Alabama State College, in Montgomery.

Dr. E. C. Peters, president emeritus of Methodist-supported Paine College, in Augusta, Ga.

Miss Josephine Wilkins, former administrator of the Fact-Finding Movement of Georgia and past president of the League of Women Voters of Georgia.

Mr. Marion A. Wright, respected attorney, former chairman of the South Carolina Library Board, past president of the University of South Carolina Alumni Association.

If the worst that can be charged against the Southern Regional Council is that these distinguished southerners served on its board, the organization can be proud indeed.

"For the information of Firing Line readers, the following eight current directors of the council have been affiliated with the aforementioned Southern Conference Educational Fund, Inc., which was fully exposed in the July 1, 1955, issue of this publication: F. Woods Beckman, Blailsford [*sic*] R. Brazeal, Rufus E. Clement, James M. Dabbs, Charles G. Gomillion, Duncan Hunter, Benjamin E. Mays, and Josephine Wilkins. It may be of interest to recall that former SRC director, Aubrey Williams, has been president of the Southern Conference Educational Fund since 1948. He was named as a member of the Communist Party during the Senate Internal Security Subcommittee's 1954 hearings."

The Southern Conference Educational Fund is the successor to the Southern Conference for Human Welfare. Three of the individuals named in this paragraph were named in the preceding one. The others include the dean of Morehouse College, an honorably retired Federal Government employee, a South Carolina planter who is a leading layman of the Southern Presbyterian Church, the dean of Tuskegee Institute, and a Methodist clergyman of Alabama. A special case is made of Aubrey Williams, who once served on the SRC board and is now president of the Southern Conference Educational Fund. It is reported that charges of past Communist affiliation were made against Mr. Williams in 1954. Mr. Williams resigned from SRC's board more than 10 years ago, long before these charges were made. However, it should be noted that he categorically and under oath denied the charges made against him in 1954 and his sworn denial still stands unchallenged in the official record. The charge was made by a professional witness, another self-styled ex-Communist whose testimony on other occasions was proved false.

Allen Rankin, columnist for the conservative Montgomery Advertiser, wrote of the hearing at which Mr. Williams was accused: "[Senator] EASTLAND admitted to a newsman: 'I don't think either of the Durrs or Williams are Communists.' Yet these people * * * were accused and insulted and browbeaten."

It should be clear to any thoughtful person that the cynical technique of guilt by association used here in its most far-fetched form to indict the Southern Regional Council can be used at least as damagingly against any honest, patriotic body of citizens.

It is possible, for example, to extend the charges of the Firing Line to prove that the Catholic Church is under the influence of Communist sympathizers. Several Catholic clergymen took part at one time in the activities of the Southern Conference for Human

Welfare. One of the founders of the SRC was then Bishop, now Archbishop Gerald P. O'Hara, one of the leading Catholic dignitaries in the United States. From the very beginning, the executive committee of the Southern Regional Council has included a Catholic clergyman. Among the contributors to SRC have been two Catholic bishops and two archbishops. The president of SRC from 1945 to 1951 was Mr. Paul D. Williams of Richmond, Va., a cofounder of the Catholic Committee of the South, a Knight of St. Gregory, and one of the leading laymen of his church. In 1953, the Catholic Committee of the South conferred its annual award on Dr. George S. Mitchell in recognition of his work as executive director of the Southern Regional Council. It would be interesting to see what the Firing Line would make of this definite trend of interrelationship.

The same artificial case could, of course, be made against the Methodists, the Presbyterians, and other religious and civil groups that have been heavily represented on the board and in the activities of SRC.

The use of past associations with the Southern Conference for Human Welfare can be carried to even greater lengths. On April 3, 1945, the Southern Conference for Human Welfare staged a dinner in Washington, D. C., honoring Justice Hugo Black. This affair is reported in detail in the Southern Conference publication, the Southern Patriot, special supplement May 1945, and in contemporary newspaper accounts. The toastmaster on this occasion was then Senator, later Vice President Alben W. Barkley. At the speaker's table was none other than the Honorable James F. Byrnes, who has since crowned his distinguished career with a term as Governor of South Carolina and one of the leading champions of segregation. Among the sponsors of the dinner were Secretary of State Edward Stettinius, Secretary of Defense James Forrestal, President Harry S. Truman, and other distinguished Americans. Senator Barkley congratulated the Southern Conference on the great work it was doing.

This affair is mentioned only to demonstrate how the false standard of association applied by the Firing Line and other critics of SRC can be applied to discredit a host of reputable individuals and the organizations on whose board they serve. Clearly, past affiliation or association with the Southern Conference, cannot honestly be used to impeach the integrity of individuals whose careers testify to their character and patriotism. Still less can the presence of such individuals on the board of another organization be honestly used as evidence against the character of that organization.

Finally, it should be noted that nowhere in the charges against the SRC is there the slightest evidence of word or deed that would suggest Communist or subversive tendencies within the organization. The reason, of course, is that no such evidence exists. From the beginning, the SRC has been squarely opposed to the Communist doctrine and every other totalitarian philosophy. It has worked constructively and responsibly for full enjoyment of legal and human rights by all the people of the South. Those who seek to discredit the patriotism of the Southern Regional Council do so either out of inexcusable ignorance or because they are opposed to the democratic principles for which it stands.

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[From the Atlanta Constitution of February 1, 1957]

DR. MITCHELL REALIZES DREAM OF MANY YEARS

Dr. George S. Mitchell, executive director of the Southern Regional Council, has retired and will carry out a dream he has nursed since his days as a Rhodes scholar. He will go to a small town, picked out many years ago in the Scottish highlands, and there spend the rest of his years. Except, of course, for travel.

Dr. Mitchell, who was born in Richmond, Va., is the son of Samuel Chiles Mitchell, a noted Southern historian who also served as president of the University of South Carolina and of the University of Delaware. Dr. Mitchell himself is widely regarded as one of the Nation's foremost authorities on race problems in the South in their broadest aspects, social, educational, and economic.

The Southern Regional Council is composed of clergymen of all faiths, businessmen, labor leaders, and representatives of the professions in 12 Southern States. Under Dr. Mitchell's direction the council earned a reputation for sound, constructive research and publication of factual material.

In 1953 the Catholic Committee of the South gave him its annual award.

The Southern Regional Council has no connection, direct or indirect, with the late Southern Conference for Human Welfare which, after an honest start, was taken over by extremists. Because of the similarity of names, critics have sometimes charged the Southern Regional Council was the successor to the other. It is not.

We wish Dr. Mitchell and his family a long life and a happy one in Scotland where Dr. Mitchell will catch up on his reading and do a little gardening.

Mr. DOUGLAS. In the case of Mr. Manning Johnson, I think he, as well as the late Mr. Paul Crouch, has been pretty well discredited as a witness. I am informed, although I wish to check on it, that he is no longer used as a witness by the Government.

I know many of the members of the Southern Regional Council. I believe the present president is a Mr. Marion A. Wright, who is from the State of the Senator from South Carolina, and who was formerly president of the Alumni Association of the University of South Carolina.

One of the members of the executive committee—at least in former times—was the distinguished southern editor, Ralph McGill. No better American ever lived than Ralph McGill.

The president preceding the present president was a distinguished Catholic layman from Virginia, Mr. Paul D. Williams, of Richmond. Everyone knows that the Catholic Church is perhaps the strongest body which opposes communism in this country. This man is a devout Catholic.

I deeply regret what the Senator from South Carolina has said. I believe that upon mature reflection, when he reads the material which I shall place in the RECORD, he will wish to change the statement he has made.

Mr. JOHNSTON of South Carolina. I was quoting from the American Legion "Firing Line." They have documented the information which they used.

Mr. DOUGLAS. Like the Senator from South Carolina, I, too, am a member of the American Legion, but occasionally it goes wrong, too.

I think the Senator, when he sees the full evidence, will not wish to stand by the statement which he made. I have always found him to be fair.

## ORDER FOR RECOGNITION OF SENATOR JACKSON ON MONDAY, FOLLOWING THE MORNING HOUR

During the delivery of the speech by Mr. JOHNSTON of South Carolina,

Mr. JOHNSON of Texas. Mr. President, will the Senator from South Carolina yield to me?

Mr. JOHNSTON of South Carolina. I yield.

Mr. JOHNSON of Texas. I ask unanimous consent that the Senator from South Carolina may yield to me, so that I may make a unanimous-consent request; and that in yielding for that purpose, the Senator from South Carolina will not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON of South Carolina. Mr. President, I ask also that the request be printed in the RECORD at the conclusion of my speech.

Mr. JOHNSON of Texas. Certainly.

Mr. President, I ask unanimous consent that on Monday, after the morning hour, the Senator from Washington [Mr. JACKSON] be recognized.

The PRESIDING OFFICER (Mr. DOUGLAS in the chair). Without objection, it is so ordered.

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## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. ALLOTT. Mr. President, I am very happy to have the opportunity to speak at this rather late hour concerning certain statements which have been made about the RECORD, as made.

On Tuesday of this week, I inserted in the CONGRESSIONAL RECORD a condensation of the laws of the United States as they relate to the use of jury trials, and, more particularly, the nonuse of jury trials in contempt cases. This condensation begins on page 12425 of the CONGRESSIONAL RECORD. At the time I introduced this condensation, which I placed in the RECORD for the use of the Senate, particularly for the use of Members of the Senate, and also for the edification of the public at large, I thought I was performing a public service, and I invited any Senators who thought the laws of their States were not stated correctly to let me know and to correct the RECORD.

This was done in one instance, but other Senators have attempted, by statements, to indicate that there were errors in the condensation which I had placed in the RECORD, when, as we lawyers say when we talk to one another, they are simply begging the question, and not facing it.

Mr. President, I desire to address myself first of all to the remarks made by the Senator from North Carolina [Mr. ERVIN]. He said that my statement is incomplete, insofar as the law of North Carolina is concerned, and for that reason gives a quite erroneous impression.

For the benefit of the Senator from North Carolina, I should like to give him the following information: In the case

of *State* v. *Little* (175 N. C. 743, at p. 747 (94 S. E. 680)), the court said:

> And it is in no sense a denial of a constitutional right that a jury trial is refused in such cases—

Referring to contempt cases.

It goes on to state:

> In this State a contempt proceeding is authorized by statute.

Then there are some periods, indicating that some material has been left out—

> This court has described it as sui generis, criminal in its nature, which may be resorted to in civil or criminal actions.

Then skipping again—

> And it is held that persons charged are not entitled to a jury trial in such proceedings.

Quoting the cases: *Safie Manufacturing Co.* v. *Arnold* (228 N. C. 375, 389; 45 S. E. 2d 577)—

> The rule as expounded by the Supreme Court of North Carolina has been universally followed by the courts of that State. Among the other reported cases applying it are *Baker* v. *Gordon* (86 N. Car., 116; *In Re Beaton* (105 N. C. 59, 11 S. E. 244); and *In Re Brown* (168 N. Car. 743, 94 S. E. 680).

The distinguished Senator from North Carolina [Mr. ERVIN], one of the leading exponents of the trial-by-jury amendments, served on the Supreme Court of North Carolina prior to his appointment to the Senate. During his service on the bench, he participated in cases upholding contempt proceedings, in which the accused had not been tried before a jury.

These cases are *Hart Cotton Mills, Inc.*, v. *Abrams* (231 N. C. 431), *Erwin Mills, Inc.*, v. *Textile Workers of America* (234 N. C. 321), *Royal Cotton Mills Incorporated* v. *Textile Workers of America* (234 N. C. 545, rehearing denied, 234 N. C. 749).

Under North Carolina Statutes—GS 5–1 to GS 5–9—contempt power is granted to referees, commissioners, clerks of court, county boards of commissioners, utility commissioners, and industrial commissioners.

Mr. President, I do not wish to frighten anyone with this array of books on my desk. It is not my intention to start a filibuster, or to read all these books. I intend to read several excerpts from them, and I brought the books because I do not want to leave any doubt in anyone's mind as to what the statutes of Alabama or Georgia or North Carolina provide.

I have notified both the Senator from North Carolina [Mr. ERVIN] and the Senator from Alabama [Mr. SPARKMAN] of my intention to speak on this subject. I note that neither one of them is present at the moment. I hope we will be able to get this matter settled once and for all, and that the material I placed in the RECORD on Monday will stand as the factual statement except as it may be corrected by genuine and sincere corrections.

The citations of the Senator from Alabama, I believe, are completely incorrect. They are, as I say, an attempt to beg the question. They do not face the question. They do not face the issue. They do not argue the issue. They do not decide the issue. I should like to refer to the fifth paragraph of the statement of the Senator from Alabama, on page 12662 of the CONGRESSIONAL RECORD, This paragraph reads:

> In all criminal prosecutions of indictable offenses the accused has a right to a speedy, public trial by an impartial jury of the county or district in which the offense was committed * * *.

That statement accords with article I, section 6, of the constitution of Alabama, 1901.

The annotations to this section of the constitution, which appear on pages 37 of the Alabama Code of 1940, volume titles 1 to 6, contain the following items:

> When right to jury trial does not apply.
>
> The right to a jury trial does not apply to contempt cases, impeachment, nor unless the prosecution is by indictment.

This has always been held not to apply to new offenses which have arisen since the Constitution was adopted.

The cases cited are *Tims* v. *State* (26 Alabama 165); *Ex parte Hamilton* (51 Alabama 66); *State* v. *Buckley* (54 Alabama 599), which itself is an impeachment case.

The first two of these cases were cited in the report I have placed in the RECORD. Citing in detail from Ex parte Hamilton, supra, the court stated:

> And the courts may proceed in a summary way to punish for contempts, notwithstanding the constitutional provision, that crimes shall be tried by a jury.
>
> The power to punish for contempts is incident to courts of law and equity.

Then, skipping a little:

> Then, a proceeding for contempt is not a criminal prosecution. It is only in a criminal prosecution that the accused has the right to be heard by himself and counsel, or either. If a proceeding for a contempt were a criminal prosecution—

But it is not—

then it could not be tried by the chancellor, nor could a jury be dispensed with.

Then skipping—

> But, in such a proceeding, it is by due process of law to proceed by attachment, as was done in the case here complained of.

That quotation comes from pages 68 and 69.

I have before me article I, section 6, of the Alabama Constitution, to which the distinguished Senator from Alabama referred. I acknowledge his graciousness in calling my attention to the fact that my office omitted the word "not."

I read from section 6 of the Alabama Constitution:

> SEC. 6. That in all criminal prosecutions, the accused has the right to be heard by himself and by counsel, or either. * * * And, in all prosecutions by indictment, a speedy public trial, and by an impartial jury of the county or district in which the offense was committed—

That is in cases by indictment.

If the Senator from Alabama had turned two pages, he would have found, under the annotations, the following:

> When right to jury trial does not apply.
>
> The right to a jury trial does not apply to contempt cases, impeachment, nor unless the prosecution is by indictment.

The citations are *Tims* v. *State* (26 Alabama 165); *Ex Parte Hamilton* (51 Alabama 66); *State* v. *Buckley* (54 Alabama 509).

Therefore that is the situation. The Senator begged the question all the way through, and the fact is that a jury trial does not apply in the situation I have cited in the State of Alabama, so far as I can find.

In further proof that constructive criminal contempt is not an indictable offense and therefore not subject to the jury requirement of article 6 of the Alabama constitution of 1901, the annotations to this same section contain the following item on page 12 of the 1955 Cumulative Pocket Part of the same volume:

> Constructive contempt begun by citation to appear and make defense is sufficiently begun and the proceedings are valid if due process is satisfied in this section and the 14th amendment to the Federal Constitution.

There is cited *Hunter* v. *State* (251 Ala. 11, 37 So. (2d) 276).

Hunter against State is a review by the Supreme Court of Alabama, in 1948, of a proceeding in constructive criminal contempt. The contemnor—the one accused of the contempt—appealed for review on the ground that the trial court had proceeded with the hearing in the absence of the filing of a sworn affidavit setting forth the facts on which the alleged contempt was based.

The court stated:

> There is no statutory or constitutional provision directing the procedure by which a constructive criminal contempt shall be begun.
>
> But since it involves the power of the court to fine and imprison and sometimes to arrest the accused, the requirements of the Constitution affecting those incidents have application.
>
> Sometimes a constructive contempt is begun by issuing a warrant of arrest requiring the accused to be held and be heard on the charge. Sometimes it is begun by issuing a citation or rule to him to appear and answer the charge.
>
> 1. If it is begun by issuing a warrant for his arrest, the requirements of section 5 of the Constitution must be observed. Section 5 provides that no warrant shall issue to seize any person without probable cause supported by oath or affirmation. So that if a warrant is issued for his arrest prior to his trial on the charge, it should be supported by such oath or affirmation as affords probable cause for doing so.
>
> But when it is begun by a citation to appear and make defense, it is sufficiently begun and the proceedings are valid if due process is satisfied in section 6 and the 14th amendment to the Federal Constitution.
>
> 2. Due process requires that the accused shall be advised of the charges, and have a reasonable opportunity to meet them. This includes the assistance of counsel, if requested, the right to call witnesses, to give testimony, relevant either to the issue of complete exculpation or extenuation of the offense and in mitigation of the penalty imposed. (*Cooke* v. *United States* (267 U. S. 517, 45 S. Ct. 390, 69 L. Ed. 767); *Ex parte Bankhead* (200 Ala. 102, 75 So. 478); Dangel on Contempt 209, section 446.)
>
> (3) This does not mean that a written accusation is not essential. But it need not be verified except to support a warrant of arrest under section 5, supra. But the form of it is not material if it sets out the charges in such manner as to apprise him of the

exact nature of it, and what he is called upon to defend.

(4) The inquiry of the court of appeals shows that the accused was not arrested on a warrant, but a citation, or rule was issued to him, which contained a statement of the charges to be answered, and which was full in that respect. The order for the citation was itself a written charge, and the citation was pleading as well as notice.

We think it is important to give full expression to our views on this subject, in view of the conflict in some of the cases.

We hold, therefore, that the trial court in the instant case had the authority to issue the rule nisi and proceed with the hearing in the absence of the filing of a sworn affidavit setting forth in general terms the facts upon which the alleged contempt was based. In view of the conclusion which we have here reached, it is unnecessary for us to respond to your second question.

It should be noted that in the list of due process requirements, supra, there appears neither "indictment" nor "jury trial," and that in discussing the right of the trial court to proceed as it did, the court uses the term "hearing." It would therefore appear that in Alabama, the contemnor in a case of either civil or criminal contempt would not have the right to a jury trial.

I have already called attention to the typographical error which occurred, and which I have asked to have corrected.

I call attention again, very briefly, to the statement by the Senator from North Carolina [Mr. ERVIN]—I have previously referred to it—in which he discussed this matter, and said that, in North Carolina, "every litigant has an absolute right to have all issues of fact arising in any civil case tried by a jury, regardless of whether the case is an action for an injunction or other equitable relief or is an action at law."

I shall not quarrel with the Senator from North Carolina about his statement. I think it is essentially accurate, but I call the attention of my colleagues to the fact that it is a very, very obvious attempt to beg the question, because what we are talking about here is not the right to have a jury in an action at law, or even a right to have a jury in an action for equitable relief, but rather the right of a jury in cases where the defendant is tried for contempt.

The study by the American Law Division did not attempt to cover the proceeding in which an injunction, for example, is sought, but confined itself to the proceeding in contempt which arose from the violation of the injunction.

These things, I believe, explain my position and my attempt still to place before the Senate an accurate condensation of the law as it applies to contempts.

With a few more remarks, I shall conclude, because I see my very fine and able colleague, the junior Senator from New Jersey [Mr. CASE], ready to take the floor. He has waited a long time to get it.

I think for the people of the United States the issue has been beclouded very much by the arguments which have occurred in the past month. The citations which I placed in the RECORD, and the corrections of the remarks of the two Senators, which I have just covered, show that in most States in the United States there never has been the right to trial by jury for contempt. For some unknown reason, this appears to come as a great surprise to many persons. It is hard for me to understand how it comes as a surprise, because every lawyer knows it to be so. In cases of contempt, the right of trial simply does not exist in most States. So what Senators on the other side of the question are contending for is something for which, in most instances, their own State laws do not make provision.

To show how far this practice goes, I call attention to the fact that in my own State of Colorado, for example, the right of jury trial does not exist in any equitable proceeding, the only provision there in that regard being that the court on its own motion can impanel a jury and ask it to decide any facts which are placed before the court; but even then the court is not bound by what the jury finds the facts to be.

There is one other question to which I wish to address myself very briefly. I intend to speak to this issue at greater length next week. It seems to me that one point which has been overlooked in all the debate, in the stampede to get away, in the effort to get a jury trial provided for, is the fundamental issue about which we are talking. The person who has been deprived of civil rights has almost been forgotten in the debate. I have listened to very able and learned lawyers refine their reasoning and arguments ad infinitum, to the point where the arguments have become almost senseless. It is wonderful to listen to such great mental agility and power, and to know that minds have the capacity to define good arguments to the point where they become nothing.

But one thing is certain, that the judges who administer this law if the bill is enacted, and who will have to fine for contempt, are not Negroes. Another thing which is certain is that those judges were recommended for office by many of the Senators on the other side of the aisle who are contending for a modification of the President's bill.

What seems to have been forgotten above all is that before a person can be fined or imprisoned for contempt he must first of all be brought into court, not upon a criminal warrant to submit to arrest, but upon an ordinary civil summons. The civil summons orders him to come to court within a certain time, and to answer the summons. He has a right to counsel; he has a reasonable time to answer; and he has a right to be heard by the court. A temporary restraining order may be issued, and in some cases it may be issued upon affidavits and some testimony; but the courts will not hold a temporary restraining order in effect for more than 2, 3, 4, or 5 days—a very short time—without holding a hearing.

A temporary injunction will become final only when the defendant is brought into court by a civil summons, not by a warrant, and after he has an opportunity to be represented by counsel, and to hear the witnesses against him, and to subpena witnesses in his own behalf, and to have all the rights which the opposition—or the Government—may have.

Then, finally, the court finds the facts, as they apply to the law, and signs an order or judgment or decree—strictly speaking, a decree, in an equity case. Only after that, only after the court has said to the defendant, "You must not keep this man from registering," or "You must not interfere with his home," or "You cannot burn crosses on his front lawn," or "You cannot put a large cordon of people around his house and threaten or coerce him"—only after the court has said some of those things, or perhaps only one of them, and only after the man willfully violates the court's order—only then—can the court exercise the power of contempt, and cause his arrest. Even then—believe it or not, Mr. President—in some States, such as Alabama, I understand it is possible to proceed in these cases only by indictment. But in most cases the court has to issue an order to show cause; and then proof has to be offered, to show that the man has violated the injunctive order. Only when the court is satisfied that the order has been violated—only then—can the man be put in jail for contempt.

Mr. President, we have heard much said about inquisition and the use of troops. However, under this procedure, a man in such a position gets his day in court, not once, but perhaps even as many as three times. And even if the court finds that the man has violated the injunctive order of the court—even then—the man has the right to appeal; and the process of habeas corpus is open to him.

So, Mr. President, let Senators not be stampeded tonight as they were stampeded last week, and let Senators not be stampeded during the coming week, into a flurry of fear about the taking away of rights. The right of trial by jury in contempt proceedings has never been universally recognized, and it is not today a right which is recognized generally in the United States.

No man will be summarily thrown into jail as a result of the passage of the bill as it now stands, because the law does not work that way, and it cannot work that way. Here we are dealing with the rights of human beings whose desires, aspirations, loves, and sometimes happiness are the same as those of anyone else. Either the Senate will take the long, arduous, and painful step of providing for their civil rights, so far as the Senate is able to do so; or the Senate will surrender to the forces of reaction, and will acknowledge that it, the Senate of the United States, is unable to give to these people the same rights which the people of the United States thought they were given when the War Between the States ended, and the same rights which many of us have always thought they should enjoy.

Mr. CASE of New Jersey. Mr. President, will the Senator from Colorado yield to me?

The PRESIDING OFFICER (Mr. DOUGLAS in the chair). Does the Senator from Colorado yield to the Senator from New Jersey?

Mr. ALLOTT. I yield.

Mr. CASE of New Jersey. I wish to express my appreciation to the Senator

from Colorado for the fine address he has made this evening. It has been most helpful to those of us who have had the privilege of hearing it; and I know it will be even more helpful to the unfortunately larger number of our colleagues who have not had that opportunity, but who will read the Senator's address when it appears in the RECORD of today's proceedings.

The Senator from Colorado has made a solid contribution, one which I know will have most persuasive effect in connection with the issues he has discussed. I wish to express to him my personal appreciation for his exceedingly fine address.

Mr. ALLOTT. Mr. President, I thank the Senator from New Jersey, who, himself, has fought so very able in this field, and has made so many contributions to it. His remarks give me a feeling of great warmth, and encourage me to continue this fight to secure for all human beings in the United States the same rights which I myself enjoy, and which I believe they have a right to enjoy.

Mr. President, I yield the floor.

Mr. CASE of New Jersey. Mr. President, the Senate is debating part IV of the pending bill. Part IV would add several new provisions to section 2004 of the Revised Statutes, which relates to the right of citizens of the United States to vote without distinction or discrimination because of race, color, or previous condition of servitude.

The first one would specifically make unlawful the intimidation or coercion of any person for the purpose of interfering with the latter's right to vote as he may choose, or of causing such person to vote for, or not to vote for, any candidate for Federal office.

Then this part of the bill would provide the following additional remedy for the enforcement of section 2004 of the Revised Statutes, as amended: A suit could be brought by the Attorney General of the United States, in "a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order."

Mr. President, I think it hardly needs to be argued that discrimination, intimidation, and prevention of the exercise of voting rights on the part of large groups of the citizens of the United States exist at this very time. Neither do I believe that it needs to be argued that existing remedies for the protection of the voting rights of the citizens of the United States are not adequate.

There are criminal penalties for the violation of section 2004 of the Revised Statutes. But, Mr. President, what good does it do a person whose right to vote has been taken from him, to have the person who takes that right from him go to jail; and what sum of money, if any, by way of damages which could be recovered by him in a private suit would compensate him for the loss of his right to vote?

The fact that the penal remedies now provided are not effective is clearly evidenced by the fact that in 9 of the Southern States, of about 4,300,000 eligible Negro citizens of voting age, less than one-quarter are registered to vote. In the State of Mississippi, perhaps the most glaring example, only 8,000 persons of the colored race of approximately one-half million of voting age are able to vote, insofar as registration is concerned.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a letter addressed to Representative CELLER, chairman of the Committee on the Judiciary of the House of Representatives, by Warren Olney, Assistant Attorney General of the United States, dated February 21, 1957.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
*Washington, February 21, 1957.*

Hon. EMANUEL CELLER,
*Chairman, Subcommittee No. 5 of the Committee on the Judiciary, House of Representatives, Washington, D. C.*

DEAR MR. CELLER: On February 13, Mr. Jack P. F. Gremillon testified before your subcommittee. A part of his testimony related to a voter registration civil rights case arising in Ouachita Parish, La., and to the action of a Federal grand jury convened in Monroe, La., to inquire into that and other civil rights cases. Certain facts which the Department of Justice has in its files suggest that Mr. Gremillion's testimony might have left a misleading impression in a number of respects. Accordingly, we feel obliged to provide you with information which we have which is inconsistent with the impression left by Mr. Gremillion's testimony. These facts have not previously been provided by this Department to Mr. Gremillion. We are, however, sending him a copy of this letter.

We refer herein to Mr. Gremillion's testimony by subject matter and transcript page number.

INTERPRETATION OF CONSTITUTION BY REGISTRANT (P. 662)

"Mr. KEATING. Do you have an educational requirement of some nature in Louisiana in order to vote?

"Mr. GREMILLION. The requirement with reference to education provides they shall be able to read and write and interpret one part of the Constitution, of their choice.

"Mr. KEATING. One part of the United States Constitution?

"Mr. GREMILLION. Yes.

"Mr. KEATING. And they can choose it?

"Mr. GREMILLION. Oh, yes. In other words, the registrar of voters cannot say, 'I want you to explain something' that is impossible to explain. They have the right of choice insofar as concerns the section or phrase of the Constitution they wish to interpret. They have their own choice on that, and nothing is foreplanned or forewarned."

Comment: In none of the 10 parishes in Louisiana which have been the subject of investigations by the Department is there any evidence that the registrar permitted the applicant for registration to choose which clause of the Constitution he wished to interpret. Specifically, in the case arising from Ouachita Parish, the investigation by the FBI disclosed that the registrar of voters in examining applicants for registration used a card on which was written an excerpt from the Constitution, which card was given to the registrar by the Citizens Council of Ouachita Parish. In one instance Mrs. Mae Lucky, registrar of voters of Ouachita Parish, asked an applicant for registration what our form of Government is. The applicant replies, "A democratic form of Government."

The registrar said, "That's wrong—try again." The applicant said, "We have a republic form of Government." The registrar then said that that answer, too, was wrong and that the applicant would have to return after the next election to reregister.

REPLY AFFIDAVIT ON BEHALF OF CHALLENGED VOTERS (P. 667)

"Mr. GREMILLION. * * * When such a registrant is challenged, the registrar of voters is required, under the law, to forward a notice of the challenge, a complete copy of the same, together with a form which the challenged registrant has to execute by three bona fide voters registered in the same parish to the effect that the challenged registrant is a bona fide resident of that parish. This form is sent to the challenged registrant at the time that the notice of challenge is sent.

"If the challenged registrant does not appear within 10 days, the registrar shall remove his name from the rolls. If, however, the challenged registrant appears with three bona fide registered voters to assert the authenticity of his residence in the parish before his registrar of the voters, or deputy registrar, the challenge shall fail and the voter's name shall remain on the rolls. See Louisiana Revised State (sic) of 1950, title 18, sections 132, 133, and 134."

Comment: In none of the 10 parishes which were the subject of FBI investigations did the registrar make it a practice to send a form of reply affidavit to the challenged registrant. On the contrary, investigations in Bienville, Caldwell, De Soto, Jackson, La Salle, and Ouachita Parishes disclosed that the registrar in those parishes did everything to discourage the filing of reply affidavits in the statutory form and generally refused to accept them when offered.

In Ouachita Parish the registrar refused to accept as witnesses on behalf of a challenged voter bona fide registered voters of the parish who were not from the same precinct of the challenged voter. She also refused to accept as witnesses bona fide registered voters who had themselves been challenged. She also refused to accept as witnesses registered voters who had already witnessed to the qualifications of another challenged voter.

In Caldwell Parish the registrar refused to accept witnesses on behalf of a challenged voter unless they were accompanied by a law-enforcement officer and a member of the citizens council to identify them. He even refused to accept white persons as witnesses for Negro voters on the grounds that the witnesses were of a different race from the race of the challenged voters.

In Bienville Parish, where 560 of the 595 registered Negro voters were challenged, the registrar consistently refused to accept affidavits on behalf of registered voters which were in the statutory form and, as a result, the names of every one of the challenged Negro voters were stricken from the voting rolls.

In Jackson Parish, where 953 of the 1,122 Negro voters were challenged, the registrar also refused to accept for filing affidavits on behalf of challenged voters, which affidavits were in statutory form. As a result, all of the challenged Negro voters, with the exception of two who were physically disabled and therefore unable to fill out voter application cards, were stricken from the voting rolls.

In a number of parishes when challenged Negro registrants came to the registrar's office in response to the challenging citation, they were told by the registrar that they would have to see a private attorney in order to get the matter straightened out.

OUACHITA INCIDENT WAS "EXCEPTIONAL" (PP. 670–671, 702–703)

"The CHAIRMAN. Mr. Attorney General, I am reading from page 145 of the transcript

of these hearings, where there was testimony given as follows:

"'In Louisiana the White Citizens Councils have conducted a campaign to purge as many colored voters from the books as possible. In Monroe, La., representatives of the councils have actually invaded the office of the registrar of voting for the purpose of purging colored voters. The Assistant Attorney General in charge of the Criminal Division of the Department of Justice testified in October 1956 that over 3,000 voters had been illegally removed from the rolls of Ouachita Parish, in which Monroe is located.'

"Would you care to comment on that, sir?

"Mr. GREMILLION. Yes.

"I actually do not know anything officially, or nonofficially, about the activities of the citizens council in my State. I am not a member, and I actually do not know. But I do know that up at Monroe they did have some difficulty with respect to voting. But that is definitely not a general rule throughout the State, and I think that is more or less an exception.

* * * * *

"Please do not attach too much significance to this Monroe affair in Ouachita Parish about which you already received testimony. An occurrence like that is typical in any State where political battles are involved. I personally know that that was a fight between two candidates in the mayor's race, and one candidate had the Negro votes and the other used this means of getting them off until that election was held. I regret that that had to happen. But do not judge the State of Louisiana by it. It could happen in any other State in the Union where you have politics. See what I mean?

"The CHAIRMAN. Yes, sir.

"Mr. GREMILLION. So do not pay any attention to that Monroe affair. That is strictly politics, and that is why the people are back there today."

*Comment.*—With respect only to cases which have been investigated by the FBI, the following numbers of Negro voters were challenged in each of the following parishes:

| | |
|---|---|
| Bienville | 560 |
| Caldwell | 330 |
| De Soto | 383 |
| Grant | 758 |
| Jackson | 953 |
| La Salle | 225 |
| Lincoln | 345 |
| Ouachita | 3,240 |
| Rapides | 1,058 |
| Union | 600 |

GRAND JURY INQUIRY (P. 677)

"Mr. GREMILLION. Mr. Dalton, one of my assistants here, advises me on something that we were talking about in the Ouachita matter, the Monroe matter, and I want to remind the committee of this: That there were two grand juries that investigated these alleged discrepancies or purging of the rolls.

"The first returned an indictment, then the second one was convened, with Mr. St. John Barrett—I believe his name was—assisting, an assistant sent down from Washington. So that grand jury also failed to send down any indictments.

"So let me remind you this matter was investigated by two Federal grand juries."

Comment: There has been only one Federal grand jury impaneled in Louisiana which has inquired into civil-rights violations. This was impaneled on December 4, 1956, and has not yet been discharged. It was in session with respect to civil-rights matters on December 4, 5, 6, and 7, January 29, 30, and 31, and on February 1, 6, and 12. Witnesses were subpenaed and other evidence presented to the grand jury in connection with the cases arising in Caldwell, De Soto, and Grant Parishes. No indictments were returned in these cases. On February 12, 1957, an attorney from this Department outlined to the grand jury the evidence, which the Department had relating to cases arising in Bienville, Jackson, and Ouachita Parishes, which evidence the Department believed indicated the commission of offenses against the laws of the United States and which merited presentation to a grand jury. After deliberating in private, the grand jury announced through it foreman that it had determined that there was no possibility of indictments being returned in the Bienville, Jackson, and Ouachita Parish cases even though the evidence was presented to them and a full inquiry conducted. The grand jury went on record as not desiring to hear any testimony in connection with these latter cases.

REREGISTRATION OF "PURGED" VOTERS, MONROE, OUACHITA PARISHES (P. 672)

"Mr. KEATING. Have those names been put back on the rolls?

"Mr. GREMILLION. About 99 percent of them are back on the rolls, Mr. KEATING. That was under the provisions of the law which I read to you from page 2 of my statement."

Comment: Prior to the filing of the challenges in Ouachita Parish there were approximately 4,000 registered Negro voters in the parish. On October 6, 1956, after the "purge" was over and when the registration books closed for the November 6 general election, there were 694 registered Negro voters. Thus, there were in excess of 3,000 Negro voters deprived of the right to vote in the general election of November 6.

Sincerely,

WARREN OLNEY III,
*Assistant Attorney General.*

Mr. CASE of New Jersey. Mr. President, I shall not read at length from this letter. It is a comment by the Assistant Attorney General, Mr. Olney, on the testimony of Mr. Jack P. F. Gremillion, attorney general of the State of Louisiana, when he appeared before Subcommittee No. 5 of the House Committee on the Judiciary a week before the letter was written. It contains a number of pertinent comments on his testimony, and brings out a number of facts of great interest and great pertinence to the issue we are now discussing, and clearly indicates the deprivation of the right to vote, in opposition to and in violation of the constitutional rights of citizens of this country.

Mr. President, I also ask unanimous consent to insert in the RECORD at this point in my remarks a letter which was addressed to the Senator from California [Mr. KUCHEL] and myself by the Attorney General of the United States, under date of May 31, of this year.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
*Washington, D. C., May 31, 1957.*

Hon. CLIFFORD P. CASE,
*United States Senate,*
*Washington, D. C.*

DEAR SENATOR CASE: Thank you for the letter of May 15 signed by you and Senator KUCHEL requesting the comments of the Department of Justice relative to the minority report filed by Senators ERVIN and JOHNSTON in opposition to S. 83 (the administration's civil rights program) and particularly to their discussion of their jury trial amendment. In addition to the comments which follow may I particularly call to your attention the statement of the American Civil Liberties Union opposing an amendment to require jury trial in contempt proceedings arising under the proposed civil rights legislation. This statement was reprinted in the CONGRESSIONAL RECORD for May 22, 1957, at pages 7369–7371.

The proposed legislation seeks merely to apply long-established civil procedures for enforcing Federal laws to civil rights cases where experience has shown the need for civil remedies. In urging Congress to authorize the Government to institute civil suits for preventive relief in civil rights cases we are requesting the right to use procedures long available to the Government as a means of enforcing other types of Federal laws. Ever since the adoption of the Sherman Act in 1890 the Department of Justice has been empowered to institute proceedings in equity to prevent and restrain civil violations of the antitrust laws as well as to bring criminal prosecutions. The Department of Labor uses the injunctive process as a means of enforcing the Fair Labor Standards Act. The Interstate Commerce Commission, the Civil Aeronautics Board, the Securities and Exchange Commission, the National Labor Relations Board, the Atomic Energy Commission, and other government agencies have similar authority to use civil remedies in addition to criminal prosecutions. In none of these fields are jury trials required in contempt cases.

There are valid reasons for the ever-increasing use of civil suits for preventive relief as a means of enforcing Federal law. Judicial determination of the validity of a course of conduct in advance aids the Government in its primary purpose of preventing violation of law. It also aids the defendant since he can litigate the legality of his proposed conduct without the necessity of taking action at the risk of a criminal conviction if he guesses incorrectly.

All of these reasons exist in the civil rights field, particularly in connection with the protection of the right to vote. The primary interest of the Government is in making it possible for all citizens to vote without discrimination based upon race, creed, or color, not in punishing local officials for denying such rights. Often it is not clear whether the particular conduct of a registrar of voters, for example, does constitute a violation of Federal law. Under present law the Government can only wait until the harm has been done—the right to vote denied—and then proceed with a criminal prosecution as a means of testing the validity of the registrar's action. The registrar himself is often caught between community pressures to discriminate and the fear of Federal criminal prosecution with no way to resolve the issue in advance. With civil remedies authorized, the Government will often be able to obtain a judicial ruling in advance of the election which will determine the legality of the proposed conduct of the registrar, removing from him the necessity of risking criminal prosecution and effectively protecting the constitutionally guaranteed right of citizens to vote without discrimination based on race, creed, or color.

Suits for preventive relief under the proposed legislation will be governed by the traditional rules of procedure which have always applied to such suits. The Government seeks no new or radical procedures to govern injunction suits in civil rights cases. Under the proposed legislation the rules of procedure which have traditionally governed equitable suits in the Federal courts would apply in the same manner and to the same extent that they now apply to other suits by the Government for preventive relief. The defendant in an injunction suit in a civil irghts case will have the same rights that the defendant now enjoys in a similar suit under the antitrust laws, the Fair Labor Standards Act, or any other one of the Federal laws mentioned above.

These procedural protections are ample to protect all legitimate rights of the defendant.

He gets a full hearing before the court on the question of whether his conduct violates Federal law and hence should be enjoined. If he disagrees with the determination of the court, he may appeal the ruling for full consideration by the appellate courts. In most cases this is the end of the matter. The defendant obeys the court order and the public interest in the enforcement of the Federal law has been vindicated. But if the defendant chooses to ignore or defy the court order he may be subjected to punishment for contempt of court. Again he is entitled to a full hearing before the court. He is presumed to be innocent, his guilt must be established beyond a reasonable doubt, and he cannot be compelled to testify against himself. If he is found guilty, he again may appeal. And an examination of the cases in recent years demonstrates that the appellate courts are alert to protect defendants against any possible unfairness in contempt proceedings.

It is true that wherever the Government is authorized to sue for preventive relief the defendant is not entitled to a jury trial in contempt proceedings. The Constitution of the United States recognizes the traditional differences between the procedures of courts of law and courts of equity and does not require jury trial in equitable proceedings. As long ago as 1890 the Supreme Court of the United States said: "It has always been one of the attributes—one of the powers necessarily incident to a court of justice—that it should have this power [the contempt power] of vindicating its dignity, of enforcing its orders, of protecting itself from insult, without the necessity of calling upon a jury to assist it in the exercise of this power." In 1914 Congress passed a statute (now 18 U. S. C. 3691) extending the right to jury trial in criminal contempt cases where the acts constituting the contempt also constitute criminal offenses under Federal or local law. This statute expressly excepted contempts arising out of disobedience to court orders entered in suits brought in the name of the United States. Since criminal contempt proceedings are not often sought in private litigation (the Clinton, Tenn., case is one of the few instances of its use), this statute has had little impact upon the enforcement of Federal court orders. In 1932, in the Norris-La Guardia Act, Congress, after removing almost all of the jurisdiction of the Federal courts to issue injunctions in labor dispute cases, provided for jury trial in contempt proceedings arising under the act. It was only with the enactment of the Taft-Hartley Act in 1947 that the Government was given jurisdiction to seek injunctions in any substantial number of labor dispute cases and that act expressly provided that the jury trial requirement of the Norris-La Guardia act should not apply to it. Hence it is probable that the statute which appears to grant jury trial in contempt proceedings for violation of injunctions issued in labor dispute cases (18 U. S. C. 3692) has no application to injunction suits brought by the Government under Taft-Hartley, which are, for all practical purposes, the only type of injunction suits (private or governmental) in labor dispute cases over which the Federal courts have jurisdiction. (See *United States* v. *United Mine Workers of America* (330 U. S. 258).)

With reference to jury trial, then, the procedure under the proposed legislation would be the same as that which has always governed suits by the Government for preventive relief. This procedure appears at the present time to be effective and satisfactory. I am aware neither of abuse nor of serious complaint of abuse by the Federal courts in contempt proceedings instituted for the purpose of enforcing injunctions issued in governmental litigation. I foresee no reason why this procedure should not be equally satisfactory in civil-rights cases.

Enactment of legislation providing for jury trial in contempt cases arising out of governmental litigation would undermine the authority of the Federal courts by seriously weakening their power to enforce their lawful orders. The effect of adopting current proposals for jury trial would be to weaken and undermine the authority of the Federal courts by making their every order, even when issued after due hearing and affirmed on appeal, reviewable by a local jury. Referring to proposals similar to those now advanced, President (and later Chief Justice) Taft said in 1908: "The administration of justice lies at the foundation of government. The maintenance of the authority of the courts is essential unless we are prepared to embrace anarchy. Never in the history of the country has there been such an insidious attack upon the judicial system as the proposal to interject a jury trial between all orders of the court made after full hearing and the enforcement of such orders."

Furthermore, the proposed amendment to existing procedures that is being advocated under the innocuous slogan of "jury trial" would permit practical nullification of the effectiveness of the proposed civil-rights legislation. The enforcement of any court order may require prompt and vigorous action if it is to be effective. Prompt action will often be vital in civil-rights cases, especially election cases where the registration period or the election may pass while enforcement is delayed. The injection of a jury trial between an order of a court enjoining discrimination against Negroes in an election, and the enforcement of that order would provide numerous opportunities for delay beyond the time when the order could have practical effect.

I hope that the foregoing statement provides the information requested by you. If I can be of further assistance, do not hesitate to call upon me.

Sincerely,

HERBERT BROWNELL, Jr.,
*Attorney General.*

Mr. CASE of New Jersey. Mr. President, the facts which have been admitted to the committees of this body and of the House, the facts which have been developed in debate in the House and in the Senate, indicate clearly the deprivation of voting rights that exists in this country, and the need for further legislation for the enforcement of those rights.

It is particularly appropriate, Mr. President, that these further remedies be by way of preventive relief. As I indicated earlier, it does not do a person who has been deprived of his right to vote any good to have the person who deprives him of the right, put in jail, and no amount of money damages can compensate a person deprived of the right to vote for that deprivation.

In spite of the existence of these theoretical remedies, the right to vote has been taken away from millions of our citizens. It is clear that an additional remedy is required. It is particularly appropriate, Mr. President, that the pending bill seeks to make that remedy a form of preventive relief—that is, to insure that a person will have the right to vote by having an action brought by the Attorney General of the United States. It is a Federal right, it is a right under the Constitution of the United States, and it is appropriate that it be enforced by action of the Federal Government.

It is appropriate that the relief be preventive relief, because the injury to persons who have been deprived of their voting right, is the kind of irreparable injury which courts of equity have historically and traditionally been called upon to prevent. On this point there has been very little discussion and very little protest by those opposed to the bill.

Almost everyone tacitly, if not openly, admits the deprivation of voting rights so far as millions of our citizens are concerned, and admits that preventive relief is a reasonable course of action for the Congress to take. But a joker has been suggested in regard to part IV of the bill. The contention has been made that the right of trial by jury ought to be given persons against whom proceedings are taken, or would be taken, under the provisions of the bill in case of violations, and in case the violators are haled into court to answer for those violations.

A number of suggestions have been made in regard to the way in which a jury trial might be provided, and it is interesting to note that modification after modification of those suggestions has been made by those who have offered them, as they have given further consideration to the problem. A provision for jury trial on questions of fact was first suggested by the Senator from Wyoming [Mr. O'MAHONEY]. He later suggested another amendment, based upon the technical distinction between civil and criminal contempt.

The Senator from Tennessee [Mr. KEFAUVER], I think, improved somewhat the original suggestion along that line by the Senator from Wyoming, and that stimulated the Senator from Wyoming to another effort, and another amendment by him has been sent to the desk this afternoon, but has not been available to us in printed form, so I shall not attempt to comment on that particular amendment in detail. But the gist of the present effort, apparently, Mr. President, is to provide that in cases of criminal contempt there shall be the right of trial by jury to persons charged with violation of orders of courts made under the provisions of this bill.

Mr. President, the adoption of a jury trial amendment along the lines of any amendments that have yet been suggested to this right-to-vote bill would make a mockery of the Federal courts in the field of civil rights.

I should digress at this point, perhaps, Mr. President, to say the amendment last offered by the Senator from Wyoming, as I understand it, applies not alone to actions brought under this particular bill—that is to say, actions in regard to voting rights—but applies to all contempt actions in the Federal courts. Therefore, if such amendment should by chance be adopted it would not only make a mockery of the court in the field of civil rights but also in the field of all litigation in the Federal courts.

Though the court's enforcement powers would be reduced by most of these amendments only in the civil rights area, the last amendment proposed by the Senator from Wyoming, as I understand it, would apply in all areas. The damage to the courts would be general, and disrespect for duly constituted authority would also be general.

As I indicated, the pivotal distinction in the various jury-trial amendments proposed lies in the allegedly significant difference between civil contempt and so-called criminal contempt. Under the amendments proposed, the Federal courts would be able to punish disobedience in the former category, in the civil-contempt category, but not in the latter.

In practice, however, most of the cases which would arise under this proposed legislation would require a jury, if the O'Mahoney amendment were to be adopted. Most contempts in the voting field would be so-called criminal contempts, not because the disobedience would necessarily be any more criminal than if it were a civil-contempt case, but because of the highly technical definition of civil and criminal contempt which prevails under present law.

Broadly speaking, Mr. President, a contempt is normally civil when the court has ordered an affirmative act to be done which the defendant has the means or opportunity to do, if only he will do so. A contempt is normally criminal when the court has ordered the defendant not to do a certain act, and, despite the order, the defendant persists in doing it.

Let me illustrate by a few hypothetical examples, Mr. President. For the purpose of these examples, it is assumed that the registration period for the jurisdiction in question extends from May 15 to July 15.

Example A. If a registrar is discriminating against Negroes by requiring them to read and interpret the Constitution to his satisfaction, exempting white persons from such a requirement, a suit could be brought under this bill to enjoin the continuance of such a practice. Once the fact of the discrimination had been established in a hearing, the normal practice of the court would be to direct the registrar to cease discriminating by applying the constitutionality test to the Negroes and not to the whites. Any violation of such an order would be a criminal contempt. This would be true even if the contempt proceeding were brought on June 15, while there was still ample time to register those who had been denied registration. Since the registrar had done what he had been directed not to do, the contempt under the age-old distinction would be considered criminal contempt.

Example B. Suppose, however, that a Negro, Henry Smith, who had been on the registration rolls for years, should be challenged and his name should be removed from the rolls by the registrar. Suppose further that either the affidavit challenging Smith's registration or the alleged ground for the challenge was insufficient. The court then would order the registrar to take affirmative action; namely, to place Henry Smith back on the rolls. If the registrar did not comply shortly with that order he might be brought into court on a contempt charge, as soon as he had a reasonable opportunity to comply with the order. If he were brought in on July 8, he could then be punished for civil contempt and imprisoned until he had done what the court had ordered him to do. In the ago-old phrase, in that situation the defendant has the keys to the jail in his pocket and may release himself merely by complying with the order of the court and doing what he had been directed to do.

As the Supreme Court said in the case of *Gompers* v. *Buck Stove & Range Co.* (221 U. S. 418), at page 441:

> Imprisonment in such cases is not inflicted as punishment but is intended to be remedial by coercing the defendant to do what he has refused to do.

Such punishment is considered to be for the benefit of the complainant and, therefore, in a measure is inflicted to uphold the court's authority.

However, if the registrar continues to refuse to comply until the July 15 deadline has passed, obviously he can no longer be confined in jail, because he would no longer be able to remedy the complainant's plight, even if he were released from the jail to do so. The only remedy which would then be available in the civil contempt proceeding would be the compensatory fine, which is designed to compensate the complainant for the damages he has suffered by the defendant's failure to comply. But the courts have said that such a fine must be measured at least in some degree by the pecuniary injury to the plaintiff caused by the act of disobedience. Of course, the complainant would have great difficulty showing that he had received any substantial pecuniary injury in such a case.

The only realistic sanction behind the order of the court in such cases is the power of the court in a criminal contempt proceeding to imprison or fine the defendant for acts of disobedience.

Example C: Assuming the very same set of facts as set forth in example B above, should the challenge be made toward the end of the registration period and the contempt proceeding be delayed until the deadline had passed, the proceeding would have to be for criminal contempt, for obviously the defendant would be unable to comply with the court order to put Henry Smith back on the registration roll. Unless the defendant's disobedience of the court order is to be ignored, the court has no way to enforce its authority other than to imprison or fine for criminal contempt.

I believe unless the Federal judge is to take over the role of registrar he will normally proceed by ordering the local official to refrain from discriminating practices in registering voters. In most cases, any contempt of such orders will necessarily be criminal.

Let us assume for a moment the kind of factual situation in which the jury would be interposed. As in example A, one or more Negro citizens who feel their right to vote is being denied on discriminatory grounds by the registrar or other local election officials may file a complaint with the Department of Justice. If on the basis of such complaints and its own investigation the Department feels the voting rights are being unlawfully denied, the United States may bring suit in the Federal court for that district, asking that the court order the defendants to stop such discrimination.

The impression has been created that this would give the courts vast new powers subject to no restraint but, Mr. President, nothing could be further from the truth. Both the Federal rules and judicial decisions make this clear.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point in my remarks rule 65 of the Federal Rules of Civil Procedure.

There being no objection, rule 65 was ordered to be printed in the RECORD, as follows:

RULE 65. INJUNCTIONS

(a) Preliminary; notice: No preliminary injunction shall be issued without notice to the adverse party.

(b) Temporary restraining order; notice; hearing; duration: No temporary restraining order shall be granted without notice to the adverse party unless it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before notice can be served and a hearing had thereon. Every temporary restraining order granted without notice shall be indorsed with the date and hour of issuance; shall be filed forthwith in the clerk's office and entered of record; shall define the injury and state why it is irreparable and why the order was granted without notice; and shall expire by its terms within such time after entry, not to exceed 10 days, as the court fixes, unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the extension shall be entered of record. In case a temporary restraining order is granted without notice, the motion for a preliminary injunction shall be set down for hearing at the earliest possible time and takes precedence of all matters except older matters of the same character; and when the motion comes on for hearing the party who obtained the temporary restraining order shall proceed with the application for a preliminary injunction and, if he does not do so, the court shall dissolve the temporary restraining order. On 2 days' notice to the party who obtained the temporary restraining order without notice or on such shorter notice to that party as the court may prescribe, the adverse party may appear and move its dissolution or modification and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

(c) Security: No restraining order or preliminary injunction shall issue except upon the giving of security by the applicant, in such sum as the court deems proper, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained. No such security shall be required of the United States or of an officer or agency thereof.

A surety upon a bond or undertaking under this rule submits himself to the jurisdiction of the court and irrevocably appoints the clerk of the court as his agent upon whom any papers affecting his liability on the bond or undertaking may be served. His liability may be enforced on motion without the necessity of an independent action. The motion and such notice of the motion as the court prescirbes may be served on the clerk of the court who shall forthwith mail copies to the persons giving the security if their addresses are known.

(d) Form and scope of injunction or restraining order: Every order granting an injunction and every restraining order shall set forth the reasons for its issuance; shall be specific in terms; shall describe in reason-

able detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

(e) Employer and employee; interpleader; constitutional cases: These rules do not modify any statute of the United States relating to temporary restraining orders and preliminary injunctions in actions affecting employer and employee; or the provisions of title 28, United States Code, section 2361, relating to preliminary injunctions in actions of interpleader or in the nature of interpleader; or title 28, United States Code, section 2284, relating to actions required by act of Congress to be heard and determined by a district court of three judges.

Mr. CASE of New Jersey. Mr. President, first of all, the court cannot order any change in the registration picture until there has been a full hearing on the merits of the case. Until such a hearing can be held, the most a court can do is to order the registrar to maintain the status quo. During this period, the names of any Negroes or other voters who are already registered may not be stricken from the rolls, and of course none can be added to the rolls until after such a hearing.

When the hearing is held, the registrar or other defendant will receive all the benefits available in an ordinary civil case, including the opportunity to present his own witnesses, to show why a permanent injunction should not be issued. The defendant will therefore have his day in court before he can be ordered to take any affirmative action.

Mr. President, the defendant will have every civil right enjoyed by litigants in private litigation. He will have the right to counsel, and the right to cross-examine witnesses. The decision must be made by a preponderance of the evidence.

When the order is finally issued, as the result of the complaint, whether the order requires affirmative action or is merely restraining, it is hardly unreasonable to require that the order be obeyed, for if the defendant refuses to comply with the order he has the same right as any other defendant to appeal to the higher courts.

I cannot understand, Mr. President, why the defendant in a voting case should be treated in a different manner from a defendant in other cases involving the United States. What possible justification can there be for countenancing disobedience on the part of defendants? The question posed by the jury trial amendment is really whether or not the defendant should be permitted to avail himself of a jury trial despite the fact that he has already had his day in court.

In most contempt cases the defendant would most likely be an election official who had been a party to the original injunction. The only other persons who could be charged with contempt would be persons who had acted as agents of, or in concert with a party to the original injunction.

Rule 65 of the Federal Rules of Civil Procedure makes that very clear. Subsection (d) of rule 65 provides that

Every order granting an injunction, and every restraining order, shall set forth the reasons for its issuance. It shall be specific in terms. It shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained, and is binding only on the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them, who receive actual notice of the order by personal service or otherwise.

Mr. President, if a person is allegedly one who has disobeyed an order of the court, he has other procedural safeguards. The United States Supreme Court has made it clear that a defendant in a criminal contempt case is entitled to all the procedural protection, other than jury trial, which he would have in an ordinary criminal prosecution. He is presumed to be innocent. His guilt must be proved beyond a reasonable doubt; and he cannot be compelled to testify against himself. (*Gompers* v. *Buck's Stove and Range Co.*, 221 U. S. 418, p. 444; and *Michaelson* v. *United States*, 266 U. S. 42, p. 46.)

Except where the act constituting the contempt takes place in the presence of the court, the defendant is entitled to notice of, and a reasonable opportunity to meet, the charges against him, including the right to counsel and the right to present his own witnesses and cross-examine others (*Cook* v. *United States*, 267 U. S. 517; Federal Rules of Criminal Procedure, 42, subsec. (b)).

Furthermore, any abuse by the judge of his authority in contempt proceedings is subject to review on appeal; and the courts of appeal and the Supreme Court have a long record of vigorous action to protect the rights of defendants in contempt proceedings.

But, Mr. President, the proponents of jury trial in so-called criminal contempt cases would overlook all these procedural safeguards, and would have the question of a defendant's guilt decided by a jury. What this really means is that a jury would be deciding whether or not the court's order should be obeyed. If this were not already enough, the question of the registrar's guilt would be submitted to a jury composed largely, if not entirely, of those whom the discriminatory registration practices are designed to favor. As the distinguished senior Senator from Illinois [Mr. DOUGLAS] has so amply documented, in most of the States where civil rights cases would be concentrated jurors are drawn only from the rolls of registered voters. So discriminatory registration practices result in the ineligibility of those discriminated against to serve on a jury. In effect, the victims of discrimination are told to look for relief to a body discriminatory in itself.

The opponents of right-to-vote legislation have made no secret of the heavy reliance they place upon a jury as a means of upholding what the senior Senator from Georgia has candidly acknowledged to be the system of segregation of the races. Without seeking in any way to cast aspersions on those who would serve as jurors should any of these amendments be adopted, I do not envy the position in which they would be placed should the determination of these questions be taken from the courts and vested in petit juries.

The aftereffects of the recent jury trial in Clinton, Tenn., are illustrative. The jury in that case merits the respect and admiration of the entire Nation for the objective manner in which it conducted itself. However, as the New York Times reported yesterday, there are ominous rumblings of bitterness in the area following the convictions handed down in that case. The Times quoted one Clinton resident as saying:

The Ku Klux are organized. They are not going to stop now. They mean business. Make no mistake about it.

Later in the same report, the Times quoted William Shaw, assistant attorney general of Louisiana, and a member of the defense counsel in the Clinton trial, as saying:

There won't be any convictions by juries in segregation cases down South.

That is an interesting contrast with the statement which the attorney general of Louisiana made before the House Committee on the Judiciary last January, and included in the letter of the Assistant Attorney General, Mr. Olney, to Representative CELLER, dated February 21, which I have already inserted in the RECORD.

The attorney general of Louisiana, apparently the boss of Assistant Attorney General William Shaw, is named Jack P. F. Gremillion. He stated to the Committee on the Judiciary of the House last winter:

I actually do not know anything officially or unofficially about the activities of the citizens' council in my State. I am not a member, and I actually do not know; but I do know that up at Monroe they did have some difficulty with respect to voting. But that is definitely not a general rule throughout the State, and I think it is more or less an exception.

Of course, Mr. President, the fact that Clinton, Tenn., sought voluntarily to integrate its own school system suggests that the citizens in that area are not dedicated to the maintenance of the system of separation of the races, which has been so vigorously defended throughout this debate.

Elsewhere we can hear echoes of the same sentiments attributed by the New York Times to Mr. Shaw, assistant attorney general of Louiisana. For example, last fall, when the Assistant Attorney General of the United States, Warren Olney, reported to Congress on registration irregularities in the South, Gov. J. P. Coleman, of Mississippi, revealed what he expected from Mississippi jurors should the Justice Department prosecute any cases in his State. As quoted by the Jackson, Miss., Clarion-Ledger of October 25, 1956, Mr. Coleman commented on Mr. Olney's report as follows:

I have already discussed this fully with the attorney general of Mississippi, and we expect to appear personally in any Federal

court where any Mississippian is indicted on these trumped-up charges, and we will defend them before a jury of Mississippians.

That is from the Governor of the State of Mississippi.

Mr. President, the distinguished and very able Senator from Oregon [Mr. MORSE] made a speech on the bill the other day, which was one of the finest speeches I have ever had the privilege of hearing in the Senate. It is useful with respect to many aspects and many of the questions involved in the proposed legislation. I should like to quote briefly from it:

It gives me pause, in this regard, to read in the New York Times of May 31, 1957, that in the Montgomery, Ala., trial of two white defendants on charges of bombing a Negro church:

"The defense appealed for a verdict that would give encouragement to every white man, every white woman, and every white child in the South who is looking to you to preserve our sacred traditions."

The Senator from Oregon continued:

It is only partially pertinent that the defendants were acquitted. The appeal to prejudice, the force of community pressure, were there.

I should like to call attention to a report published in the New York Times of July 25, 1957, quoting an editorial from the News of Jackson, Miss., headed "Not Southern Sentiment":

NOT SOUTHERN SENTIMENT

The conviction is understandable. First, the trial took place in Knoxville, which happens to be a hotbed of Republicans and always has been, even back in the days of the War Between the States. Second, Tennessee happens to be the State that elected ESTES KEFAUVER, traitor to the South, to a seat in the United States Senate. Third, Tennessee sentiment is not southern sentiment and we can thank God for that. The Knoxville verdict was a victory for the GOP, the NAACP, the AFL–CIO, the Civil Rights Congress, the ADA, and other scum and riffraff of the Nation. Finally, the verdict is a warning to the South of what vicious elements now in control of the Government intend to do to our section of the Nation.

At this point it might be appropriate to include in the RECORD some letters I have received, together with memorandums, from Assistant Attorney General Warren Olney III, in reply to a request I made of him for any information he might have in regard to alleged brutality against Negro prisoners in the Hinds County jail, Jackson, Miss. Today I have received from Mr. Olney his reply, dated July 26, 1957, listing several enclosures.

I ask unanimous consent that the letter be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 26, 1957.

Hon. CLIFFORD P. CASE,
*United States Senate,*
*Washington, D. C.*

DEAR SENATOR CASE: In response to your inquiry as to what action has been taken by Federal and State authorities in connection with the allegations of brutality against Negro prisoners in the Hinds County jail, Jackson, Miss., I am enclosing the following self-explanatory documents:

1. Memorandum regarding investigation of complaints of brutality in Hinds County jail, Jackson, Miss., with photographs of beaten prisoners attached.

2. Letter from Assistant Attorney General Warren Olney III, dated June 27, 1957, to Circuit Judge Leon F. Hendrick, Jackson, Miss.

3. Letter from Circuit Judge Leon F. Hendrick dated July 5, 1957, to Assistant Attorney General Warren Olney III.

4. Letter dated June 27, 1957, from Assistant Attorney General Warren Olney III, to District Attorney Robert Nichols, Hinds County courthouse, Jackson, Miss.

5. Letter dated July 11, 1957, to Assistant Attorney General Warren Olney III, from District Attorney Robert G. Nichols, Jackson, Miss.

6. Memorandum dated July 19, 1957, from Assistant Attorney General Warren Olney III, to James V. Bennett, director, Bureau of Prisons.

Sincerely,

WARREN OLNEY III,
*Assistant Attorney General.*

Mr. CASE of New Jersey. The first enclosure is a memorandum regarding the investigation of complaints of brutality in Hinds County jail, Jackson, Miss.

I should like to read briefly from a portion of that memorandum, but first I ask unanimous consent that the entire memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM RE INVESTIGATION OF COMPLAINTS OF BRUTALITY IN HINDS COUNTY JAIL, JACKSON, MISS.

INSTITUTION OF INVESTIGATION

On January 9, 1957, the FBI sent to the Criminal Division copies of articles appearing in 3 Mississippi newspapers. These articles related that Jesse L. Thornton and David Calhoun, Negroes of Greenville, Miss., claimed to have been brutally beaten with a leather strap while being held in Hinds County jail for investigation of burglary. By memorandum to the Bureau dated January 16, 1957, this Division requested a preliminary investigation to determine whether there was evidence of the commission of a Federal offense. The report of the preliminary investigation was sent to the Criminal Division on February 1. By a further memorandum dated February 5 the FBI advised the Criminal Division that United States Attorney Robert E. Hauberg, Jackson, Miss., after reviewing a copy of the report of the preliminary investigation, had requested that a full-scale investigation be conducted.

EVIDENCE DEVELOPED BY FBI INVESTIGATION

In connection with the investigation of the complaint of Thornton and Calhoun, a considerable number of Hinds County jail inmates and former inmates were interviewed. These interviews adduced further allegations of brutality in the jail, which allegations were in turn investigated. As to a number of the alleged cases, no substantial evidence was developed. Such unsubstantiated reports will not be reviewed in this memorandum. In those cases where some substantial evidence was developed by the investigation the evidence will be here summarized with reference to each victim, or group of victims.

Victims: Louis Norris Brent, David Calhoun, Jesse Lee Thornton, John Wesley Wallace.

On the evening of Wednesday, December 19, 1956, Brent, Calhoun, Thornton, and Wallace, while driving in Thornton's car toward Raymond, Miss., were stopped by an officer of the Mississippi Highway Safety Patrol. The men had in the car two bottles of liquor, a "money-finding machine," and a small bottle of so-called voodoo medicine. The four men were taken to the county jail in Raymond, Miss., held overnight, and on the following day transported by personnel of the Hinds County sheriffs' office to Hinds County jail in Jackson, Miss. Brent, at this time, was under indictment for burglary and was being sought by the police. The other three men had no criminal records except for minor arrests. The 4 men state that from the evening of December 20 through December 21, 1956, they were taken, singly, to a laundry room located in the jail and that each was there beaten with a leather strap and questioned regarding an alleged burglary. Brent states that during this period he was beaten twice; Calhoun and Thornton state they were each beaten on four separate occasions, and Wallace states that he was beaten once. The beating in each instance as related by the victim followed substantially the same pattern.

The victim would be taken from his cell to the laundry room where a number of Negro prison trusties were assembled. The victim's pants would then be removed and he would be held, face down and spread-eagled on the floor by the trustees under the direction of the jail personnel who, in each case, were the night jailer, John Clifton Broome, and Deputy Sheriffs Raymond D. Bonner and Lazelle M. Garrett. Broome would then strike the victim several blows on the bare buttocks with a leather strap approximately 3 inches wide and 3 feet long. The whipping would be interrupted from time to time and questions asked the victim by Bonner and Garrett. If the victim denied knowledge of the burglary regarding which he was being questioned the whipping would then continue. If the questioning elicited no admissions from the victim after a total of around 25 to 40 lashes had been administered, the process would then be discontinued and the victim told that he would be whipped every hour until he gave the information asked for. In between whippings the victim would, in many cases, be placed in 1 of 2 small solitary-confinement cells called hot boxes, and would there be fed only bread and water.

Brent states that under the beating he told the deputy sheriffs that Calhoun and Thornton had been implicated in a burglary committed by Brent. Brent states that Calhoun and Thornton had not, in fact, participated in any burglary with him but that he answered in the affirmative to avoid further beating. Brent did not implicate Wallace. Calhoun, Thornton, and Wallace all consistently denied implication in any burglary, despite their having been beaten.

In the course of the investigation FBI agents interviewed former prisoners of Hinds County Jail, seven of whom stated they had witnessed some of the various beatings of Brent, Calhoun, Thornton, and Wallace. Five of them stated that under orders from Broome and the two deputies they had helped hold the victims on the floor during the beatings. Some of them stated they were spattered by the victims' blood when the whip came in contact with victims' buttocks. One former prisoner says that he was ordered and did hold a towel in the mouth of each victim during the beatings. Although the buttocks of Calhoun and Thornton were severely lacerated and later ulcerated, they received no medical attention while in the jail other than the application of some type of antiseptic by a jail trusty.

The man having general responsibility for the investigation of Brent, Calhoun, Thornton, and Wallace in connection with the alleged burglary, or burglaries, was Andrew Hopkins, chief criminal deputy of the Hinds County sheriff's office. He questioned each of the victims on a number of occasions in the jail including the night on which they ar-

rived from the jail at Raymond. Hopkins was not present in the laundry room at any time when the whip was being used. Brent states that on one occasion after he had been beaten Hopkins told the deputies who had been questioning Brent in the laundry room, "Take him back to the wash room and we will get it out of him." A former prisoner who claims to have witnessed the whipping of Calhoun states that on one occasion while Calhoun was in the laundry room but not being whipped, Hopkins came to the door and told the other deputies, in substance, to get a confession from Calhoun before the "other sheriffs got him."

In Hinds County Jail the victims were also interviewed by law enforcement officers of other counties. Some of these officers state that when Brent was interviewed he was ready to admit commission of any burglary regarding which they questioned him, even though closer cross examination clearly indicated that he did not and could not have committed some of those to which he readily confessed.

A "few days before Christmas" the Greenville Police Department received a request from Chief Criminal Deputy Hopkins to "pick up" and hold Thornton's wife, a school teacher, for questioning in connection with the burglary. The Greenville police interviewed Mrs. Thornton and with her consent searched the Thornton home for loot from the burglary. On the same day that the request had been received from Hopkins, a captain of the Greenville Police Department advised Hopkins that they had checked out the alibis of Calhoun and Thornton and were satisfied that they were true. Hopkins indicated that he still believed Calhoun and Thornton to be have been implicated in the burglary.

On December 27, 1956, Wallace was released from the Hinds County jail. On December 31 Calhoun and Thornton were charged in local court with having been drunk. The charging affidavit and the court records were predated to December 21 and the sentence indicated as 10 days in jail.

On the day of their release from jail Calhoun and Thornton were admitted to the County General Hospital in Greenville, Miss. The hospital records reflect, with reference to Calhoun, that examination revealed the buttocks to have an area of ulcer about the size of the palm of hand on each side. This ulcerated area is infected. There is a black, hard mass on the top of each ulcer. * * * Patient lay in excruciating pain unable to talk coherently or to explain exactly what happened; however, he stated that he had been in jail where he was beaten in Jackson since December 20 and has been released today, December 31, 1956. The records further indicate patient unable to walk. The hospital records contain similar entries with reference to Thornton. On January 1, 1957, a physician performed a denudation operation on the buttocks of each victim to remove the diseased tissue and to cleanse the wounds. Color photographs of the buttocks of Calhoun and Thornton were taken by their attorney. Prints of these photographs are attached hereto as exhibits. Thornton was discharged from the hospital on January 19. Calhoun was still confined in the hospital when interviewed on January 25.

Bonner, Broome, Garrett, Hopkins, and all other personnel of Hinds County jail and of the sheriff's office who were interviewed denied any knowledge of any whippings or other mistreatment of the victims or of any other prisoners. Hopkins speculated that the condition of the buttocks of Calhoun and Thornton had resulted from the men having applied some of the voodoo medicine to their skin.

Victim: Bernard S. Huddleston.

On November 28, 1956, Huddleston, a 21-year-old white sailor, was arrested with two other men in Jackson, Miss., for attempted robbery. The three men were held in Hinds County jail. Huddleston states that on the morning of November 29, 1956, he was kicked and beaten by the jailer, John Clifton Broome. Huddleston states that Broome ordered several Negro trusties to hold him prone on the floor and that Broome then beat him with a leather strap on the buttocks. Huddleston was fully clothed at the time. Five former prisoners of Hinds County jail interviewed by the FBI state that they witnessed the beating of Huddleston. The former prisoners state that Huddleston was himself belligerent and caused a disturbance prior to his being held by the trusties or beaten by Broome.

Victim: Johnnie Lee Greer.

Greer, a Negro, served a sentence for burglary in Hinds County jail from November 1955 until February 18, 1957. He states that sometime around the summer of 1956 he was accused by the jailer, John Clifton Broome, of having passed notes to a white woman prisoner in the jail. He states that he was taken to the laundry room and held by several jail trusties while being whipped with a leather strap by Broome and the chief criminal deputy, Andrew Hopkins. He states that after Broome and Hopkins tired of whipping him they gave the strap to a trusty who also hit Greer 10 or 12 times. Greer states that his buttocks were raw when the whipping ended.

A former jail trusty who claims to have witnessed the beating of Greer states that when Broome handed the strap to the other trusty to continue beating Greer, Broome told the other trusty to hit Greer across the face and put his eyes out.

The former prisoner white woman to whom Greer is alleged to have talked and passed notes in the jail was interviewed by the FBI. She states that Broome told her that they had whipped her "boy friend." She further states that at about this same time she saw Hopkins in a corridor of the jail with a leather strap. Another white woman prisoner who, Greer says, complained to Broome of Greer's conduct, states that on one occasion Broome threatened to beat her.

Victim: Ellic Lee.

Lee was imprisoned in Hinds County jail from November 1955 until after his trial on a charge of burglary and larceny in April 1956. Lee states that about a month and a half before his trial he obtained permission from Broome to leave the jail and spend a night at his home. Instead of returning to the jail the following day, Lee went to Houston, Tex., to see, he says, about his sister who had died. Lee was arrested in Houston by local police, and returned to Jackson by Chief Criminal Deputy Hopkins. Lee states that the day after his trial and conviction Broome ordered some of the jail trusties to remove Lee from his cell and take him to the laundry room. Lee was there stripped of his clothing and held prone on the floor by the trusties on the order of Broome. Both Broome and Hinds County deputy sheriff, Robert William Jones, then whipped Lee with a leather strap. Broome, after tiring, gave the strap to a jail trusty to continue the whipping. Lee states that as a result of the whipping the skin on both sides of his buttocks was broken and bleeding.

Three former Hinds County jail trusties who were interviewed by the FBI claim to have witnessed the beating of Lee by Broome and Jones. One of these former trusties states that he counted the number of "licks" that Lee was given and there were 36 of them.

Victim: Fred Lee Wallace.

Wallace is presently a prisoner in Hinds County jail. On one occasion around the summer of 1956 he was permitted to leave the jail on an errand and did not return until the following day. He states that thereafer he was taken to the laundry room and beaten with a leather strap by the jailer, John Clifton Broome, while being held by some of the jail trusties. He states that he was whipped about 25 "licks." At one point while he was struggling to break away, Wallace states that he rolled over on his back and was struck by Broome on the face. Wallace displays scars on either side of his forehead which he claimed resulted from the whip strokes on his face. Of the former jail inmates interviewed by the FBI, three stated that they had witnessed this beating of Fred Wallace by Broome and Hopkins. The witnesses state that jailer D. C. Yearwood was also present but did not strike Wallace.

About August 23, 1956, Fred Wallace again ran off from the jail. He went to Vicksburg, became intoxicated, and fell over a cliff. Deputy Sheriff Robert William Jones returned Wallace from the Vicksburg hospital to the Hinds County jail. Wallace states that 20 days after his being returned from Vicksburg, he was whipped by Jones and jailer Farley H. Boteler in the laundry room of the jail in punishment for having run away to Vicksburg. Wallace says that he was held on the floor of the laundry room by a number of jail trustees and was whipped with a leather strap on his bare buttocks. Boteler and Jones took turns whipping Wallace. Wallace states he believes he was given a total of about 60 licks. Three of the former jail inmates interviewed by the FBI state that they witnessed this beating of Wallace by Jones and Boteler. One of the witnesses states that Wallace was given approximately 25 licks.

Victim: Milton Parker.

Parker, who had been arrested for burglary, was transferred to the Hinds County jail just before Christmas 1956. He states that while in the jail he was taken to the laundry room by jailer John Clifton Broome, and two other officers. In the laundry room he was held by several jail trusties and whipped by the officers with a leather strap. After being whipped, Parker signed a confession of burglary. Parker states that one of the officers who participated with Broome in the whipping was Deputy Sheriff Raymond D. Bonner. All former jail inmates interviewed by the FBI denied having witnessed any whipping of Parker, although some of them, according to Parker's statement, had been present. Witnesses were interviewed who state that on one occasion Broome ordered Louis Norris Brent to expose his lacerated buttocks for Parker to see, and that Parker was told that he would get the same medicine if he did not cooperate.

Victim: Jessie W. Perry.

In the course of the investigation, FBI agents interviewed a former inmate of Hinds County jail who stated that sometime shortly before August 16, 1956, he witnessed a prisoner being whipped in the jail. The witness gave a physical description of the prisoner and stated that he was reputedly from Rankin County, Miss. He further stated that the whipping was administered by a law enforcement officer with whom the witness was not familiar and was witnessed by another unfamiliar officer. On the basis of this information the FBI, through a search of records in Rankin County, Miss., determined that one Jessie W. Perry had been lodged in Hinds County jail for the 1 night of August 7, 1956, by Rankin County law enforcement officers. J. W. Perry was located and found to fit the description previously given by the witness.

Perry stated that he had been cited for a traffic violation by Alex Raydell Thornton, town marshal of Flowood, Miss. Perry failed to respond to the citation and was visited at his home by Thornton and Constable J. B. Torrence, who sought to serve a warrant upon Perry. Perry refused to admit the officers into his house and telephoned the mayor.

Thereafter the mayor came to the house and Perry agreed to go with the three men. Perry was fined for the traffic violation but was rearrested by Torrence and Thornton for resisting arrest and attempted assault. The two officers took Perry from Rankin County to the Hinds County jail at Jackson. Perry states that he was there ordered to remove his clothes and lie down on the floor, which he did. He was not held. He was then whipped with a leather strap by Torrence. Thornton was present during the whipping, as was one of the jailers of Hinds County jail. Perry was released the following morning. Thereafter he pled guilty to the charges of attempted assault and resisting arrest and paid a fine of $100 plus $20 costs.

PROSECUTIVE ACTION

United States Attorney Robert E. Hauberg presented evidence of the alleged cases of brutality in Hinds County jail to a United States grand jury sitting in Jackson, Miss. A total of 56 witnesses testified before the grand jury from June 4 through June 13, 1957. No indictments were returned.

Mr. CASE of New Jersey. Mr. President, I read from the memorandum:

On January 9, 1957, the FBI sent to the Criminal Division copies of articles appearing in three Mississippi newspapers. These articles related to Jesse L. Thornton and David Calhoun, Negroes of Greenville, Miss., claimed to have been brutally beaten with a leather strap while being held in Hinds County jail for investigation of burglary.

By memorandum to the Bureau dated January 16, 1957, this division requested a preliminary investigation to determine whether there was evidence of the commission of a Federal offense. The report of the preliminary investigation was sent to the Criminal Division on February 1.

By a further memorandum dated February 5 the FBI advised the Criminal Division that United States Attorney Robert E. Hauberg, Jackson, Miss., after reviewing a copy of the report of the preliminary investigation, had requested that a full-scale investigation be conducted.

Mr. President, since the entire memorandum has been placed in the RECORD, I shall not take the time of my colleagues to read further from it, except to point out that it concludes that these shocking cases were presented by United States Attorney Robert E. Hauberg to a United States grand jury sitting in Jackson, Miss.

The memorandum states that a total of 56 witnesses testified before the grand jury from June 4 through June 13, 1957.

The memorandum concludes with this simple statement:

No indictments were returned.

I know the photographs cannot appear in the RECORD, but I have before me two photographs, shocking in the extreme, showing the two victims of the alleged brutality. I shall be very glad to show them to any of my colleagues, who will find them horrible but, perhaps, somewhat persuasive on the question of what can happen and does happen in certain parts of our country for which no redress exists.

Mr. President, I ask that the remaining enclosures which accompanied the letter of the Assistant Attorney General, Mr. Olney, be printed in the RECORD. They consist of letters by Mr. Olney to Judge Leon Hendrick, dated June 27, 1957, asking Judge Hendrick to inform him whether he planned to call this matter to the attention of the Hinds County grand jury or to take any other prosecutive or administrative action, assuring him of the full cooperation of the Department of Justice, and stating that he was sending a copy of the letter to District Attorney Nichols.

He had a brief reply from Judge Hendrick, under date of July 5, 1957, saying that it was not his intention to charge the jury further on these particular allegations, since they had already been investigated by the Hinds County grand jury recently, and also by the Federal grand jury.

Then, of course, there is the reply of the Hinds County district attorney, which is similarly negative.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 27, 1957.

Hon. LEON HENDRICK,
*Hinds County Courthouse,*
*Jackson, Miss.*

DEAR JUDGE HENDRICK: On the occasion when I conferred with you in Jackson, Miss., and with Hinds County District Attorney Nichols, United States Attorney Hauberg, and Mr. St. John Barrett, of the Criminal Division of the Federal Department of Justice, about the investigation then being conducted by the Federal Department of Justice into complaints of alleged brutality committed in the Hinds County jail, Jackson, Miss., you requested to be informed of the facts at the conclusion of the Department's inquiry. Accordingly, I am enclosing a memorandum entitled "Memorandum Re Investigation of Complaints of Brutality in Hinds County Jail, Jackson, Miss.," dated June 26, 1957, setting forth the facts and summarizing the evidence in the matter.

I will be grateful if you will inform me as to whether you plan to call this matter to the attention of the Hinds County grand jury or to take any other prosecutive or administrative action. If any such action is taken you may be assured of full cooperation from the Justice Department. I would like to be advised as soon as possible as our own future course in this matter will wait upon your decision.

I am also sending a copy of the enclosed memorandum, together with a similar letter to District Attorney Nichols.

Very truly yours,
WARREN OLNEY III,
*Assistant Attorney General.*

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INVESTIGATION OF COMPLAINTS OF BRUTALITY IN HINDS COUNTY JAIL, JACKSON, MISS.

During a period extending from January through May of this year, the FBI, at the request of this division, has investigated allegations of brutality to prisoners in the Hinds County jail located in Jackson, Miss. I am enclosing original and copy of a summary which we have prepared of the evidence developed in the course of the investigation.

As you will note in the summary, the evidence was presented to a Federal grand jury in June of this year but no indictments were returned. Copies of this same summary have been sent to the State circuit judge and the State circuit attorney in whose circuit the Hinds County jail is located. We have been advised by the State circuit judge, in a letter dated July 5, 1957, that he contemplates no action with regard to these complaints at the present time.

Inasmuch as the Hinds County jail is presently approved for the detention of Federal prisoners, I am bringing this evidence developed by the FBI investigation to your attention for whatever action you may deem appropriate.

JACKSON, MISS., *July 5, 1957.*

Hon. WARREN OLNEY III,
*Assistant Attorney General, Department of Justice, Washington, D. C.*

DEAR MR. OLNEY: Thank you for your letter of June 27 enclosing report. It came too late.

As the matters contained in the report have already been investigated by a Hinds County grand jury and just recently by a Federal grand jury it is not my intention to charge the jury further about these particular allegations.

In the future if you ever have complaints in my district which after an investigation appear to have merit, and will furnish me with a complete report, I will earnestly urge the grand jury having jurisdiction to make a thorough investigation and inquiry.

Sincerely,
LEON F. HENDRICK.

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JUNE 27, 1927.

ROBERT NICHOLS, Esq.,
*District Attorney, Hinds County Courthouse, Jackson, Miss.*

DEAR MR. NICHOLS: On the occasion when I conferred with you in Jackson, Miss., and with Judge Leon Hendrick, United States Attorney Hauberg, and Mr. St. John Barrett of the Criminal Division of the Federal Department of Justice about the investigation then being conducted by the Federal Department of Justice into complaints of alleged brutality committed in the Hinds County jail, Jackson, Miss., you requested to be informed of the facts at the conclusion of the Department's inquiry. Accordingly, I am enclosing a memorandum entitled "Memorandum re Investigation of Complaints of Brutality in Hinds County Jail, Jackson, Miss.," dated June 26, 1957, setting forth the facts and summarizing the evidence in the manner.

I will be grateful if you will inform me as to whether you plan to call this matter to the attention of the Hinds County grand jury or to take any other prosecutive or administrative action. If any such action is taken you may be assured of full cooperation from the Justice Department. I would like to be advised as soon as possible as our own future course in this matter will wait upon your decision.

I am also sending a copy of the enclosed memorandum, together with a similar letter to Judge Hendrick.

Very truly yours,
WARREN OLNEY III,
*Assistant Attorney General.*

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OFFICE OF THE DISTRICT ATTORNEY,
SEVENTH JUDICIAL DISTRICT,
*Jackson, Miss., July 11, 1957.*

WARREN OLNEY III, Esq.,
*Assistant Attorney General, Criminal Division, Department of Justice, Washington, D. C.*

DEAR MR. OLNEY: Thank you for your letter of June 27 wherein you enclosed the memorandum re investigation of complaints of brutality in Hinds County jail, Jackson, Miss.

This is to advise that the undersigned has no plans to again submit these charges to our grand jury. As to any prosecutive or administrative action other than through the grand jury, this writer feels that he has no authority along those lines.

You will recall in our conversation last April I stated the position of the State of Mississippi in this matter to be that we considered this to be a problem of local nature and that our grand jury should be afforded the benefit of the splendid investigation made by the FBI. At that point, you advised me that the Federal court was assuming jurisdiction and the investigation of the bureau would not be made available to the State grand jury. I repilied that our investigation was only partially complete (we

had statements from approximately 32 inmates and former inmates of the local jail), and that, if the Federal court was going to assume jurisdiction, the State grand jury would very likely refuse to go further with the case. That is exactly what happened.

As to what occurred before the Federal grand jury, I have no way of knowing. Due to the fact that that body had many times more investigative results than did the State, and still they refused to indict, I feel it would be utter folly to resubmit these charges to a local grand jury. I feel that both of the circuit judges of this district will agree with me.

In conclusion, let me say that I am truly sorry that the undersigned, as chief law enforcement officer of three counties, had to be put in the position of engaging in a fight with agents of the FBI. However, in order to eliminate any doubt, the undersigned feels that no one, be he an individual citizen or an agent of the Government, has a right to interfere with the investigations being conducted by the local grand juries.

Very truly yours,

ROBERT G. NICHOLS, Jr.,
*District Attorney.*

Mr. CASE of New Jersey. Mr. President, it has been suggested during the debate that the jury trial provisions in contempt cases arising out of labor disputes are a precedent for jury trials in civil-rights cases. The fallacy in this argument was well documented by the senior Senator from Oregon, an acknowledged expert in the field of labor injunctions during his tenure as dean of Oregon University Law School, in his speech on the Senate floor on July 23. His discussion of the point appears on pages 12460 through 12463 of the RECORD.

In addition, I have encountered two able briefs which trace in detail the history of Federal statutes dealing with this matter. The first of these was inserted by the Senator from Missouri [Mr. HENNINGS] in the CONGRESSIONAL RECORD on April 16, 1957, beginning on page 5765. The second was submitted by Representative EMANUEL CELLER, chairman of the House Judiciary Committee, during his appearance before the House Rules Committee on May 8, 1957. It may be found beginning on page 46 of the Rules Committee's report on H. R. 6127.

The Hennings memorandum outlines the history of Federal statutes in this field, in part, as follows:

Federal statutes: The only Federal statute which confers any right to a jury trial for contempt in labor-dispute cases is section 3692 of the Criminal Code (title 18 of the United States Code). The first sentence of this section reads:

"In all cases of contempt arising under the laws of the United States governing the issuance of injunctions or restraining orders in any case involving or growing out of a labor dispute, and accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed."

There then follows a provision that the section shall not apply to contempts committed in the presence of the courts, etc.

On its face this section provides generally for jury trials for criminal contempt in labor-dispute cases. However, it is not entirely clear that this statute will be applied literally.

This section is derived from section 11 of the Norris-La Guardia Act (act of March 23, 1932, ch. 90, 47 Stat. 72, formerly 29 U. S. C. 111 (1940 edition)).

In its original form it applied only to contempt of injunctions issued under the Norris-La Guardia Act. In the famous Mine Workers case the Supreme Court ruled that the Norris-La Guardia Act, including section 11, does not apply to suits brought by the United States; and that the union was accordingly not entitled to a jury trial when Judge Goldsborough fined it $3,500,000 for criminal contempt. (The fine was reduced to $700,000 by the Supreme Court.) *United States* v. *United Mine Workers* (330 U. S. 258, 298, 67 S. Ct. 677, 698 (1947)).

The Norris-La Guardia Act was designed, of course, narrowly to restrict the circumstances in which private employers could obtain injunctions against striking labor unions. As indicated above, the Supreme Court held in the Mine Workers' case that the act did not apply to suits of the kind there brought by the United States.

When Congress enacted legislation bringing the Federal Government into the field of labor disputes, it is significant that it specifically provided that the jury trial provisions of the Norris-La Guardia Act should not apply. The brief submitted by Representative CELLER before the House Rules Committee points out that both the Wagner Act and the Taft-Hartley Act specifically provided that the equity jurisdiction of courts in cases arising under those acts should not be limited by the Norris-La Guardia Act.

Mr. President, I ask unanimous consent that the text of that brief be printed in the RECORD at this point in my remarks.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

In 1935 the National Labor Relations Act was enacted into law (49 Stat. 449 (1935), 29 U. S. C 160). The Wagner Act, as it is popularly known, provided the National Labor Relations Board with power to deal with unfair practices, and it further granted jurisdiction to the courts in certain cases to enforce the orders of the Board. While the National Labor Relations Act does not expressly provide for contempt proceedings, they are a corollary of the judicial power to issue enforcement orders. In House Report No. 1371, 74th Congress, 1st session, page 5 (1935), there is the statement to the effect that if an unfair practice is resumed or continued "there will be immediately available to the Board an existing court decree to serve as a basis for contempt procedings." In the sections of that act relating to prevention of unfair labor practices, provision is made for the enforcement of the Board's orders by petition in circuit courts of appeals; jurisdiction is conferred upon the courts to issue temporary restraining orders or other temporary relief and to issue decrees enforcing, modifying the order of the court. Section 10 (h) of the National Labor Relations Act of July 5, 1935 (49 Stat. 455) provided as follows: "When granting appropriate temporary relief or a restraining order, or making and entering the decree enforcing, modifying, and enforcing as so modified, for setting aside in whole or in part, an order of the Board, as provided in this section, the jurisdiction of the court sitting in equity shall not be limited by the act entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' approved March 23, 1932 (U. S. C. Supp. VII, title 29, secs. 101–115)."

It is obvious, therefore, that the National Labor Relations Act (sec. 10 (h)) waived the Norris-La Guardia Act in its entirety, as applied to cases coming within the purview of the National Labor Relations Act itself. Not only were the courts authorized to issue injunctions, which had been banned under the provisions of the Norris-La Guardia Act, but it is clear from the language of the act and the statement of legislative intent as contained in the report, that the provisions of the Norris-La Guardia Act would not be applicable both as to the issuance of injunctions to enforce the Board's order nor to the power of the court, sitting in equity, to enforce such orders of the court. As an equity court, the court has ancillary jurisdiction to effectuate its decrees and to prevent them from being frustrated (28 U. S. C. 165); *Local Loan Co.* v. *Hunt* (292 U. S. 234); *Julian* v. *Central Trust Co.* (193 U. S. 93, 112); *Root* v. *Woolworth* (150 U. S. 401, 410–413); see also, *Steelman* v. *All Continent Corp.* (301 U. S. 278, 288–9); *Dugas* v. *American Surety Co.* (300 U. S. 414, 428); *Moore* v. *N. Y. Cotton Exchange* (270 U. S. 593); *Looney* v. *Eastern Texas R. R. Co.* (247 U. S. 214).

It is apparent that Congress did not intend the Norris-La Guardia Act provisions to apply to the proceedings arising out of the operations of the National Labor Relations Act. Here it should be noted that only a few years before, Congress had provided for the right to trial by jury in criminal contempt proceedings arising out of certain labor disputes. Therefore, it is a reasonable assumption that when consideration of the National Labor Relations Act was before the Congress, it was cognizant of the then-existing rights afforded for a jury trial in criminal contempt proceedings arising out of those labor disputes. A fair deduction is that if Congress had intended to continue the right to a trial by jury in such circumstances, it would have specifically so provided. Yet the clear and unequivocal wording of section 10 (h) of the National Labor Relations Act (supra) clearly indicates a waiver of all the provisions of the Norris-La Guardia Act, including the provisions for a jury trial, in cases where the Government was a party to the original action.

The subsequent legislative history of the National Labor Relations Act sustains this position beyond all doubt. In 1947 the National Labor Relations Act was amended by an act popularly known as the Taft-Hartley Act (Labor-Management Relations Act, 1947; 61 Stat. 136; 29 U. S. C. 141–188). That act, as it dealt with unfair labor practices, specifically section 10 (h) contained the exact wording of section 10 (h) of the original National Labor Relations Act; this language was a complete waiver of all the provisions of the Norris-La Guardia Act as to proceedings involving the issuance of injunctions and the enforcement thereof as authorized by the National Labor Relations Act. That such was the specific legislative intent is clearly indicated in House Report No. 245, 80th Congress, 1st session, page 43 (1947): "Section 10 (h) remains unchanged in the amended act."

The Taft-Hartley Act also provided the President with authority to seek injunctions against strikes which imperiled the public health and safety and authorized the Attorney General to seek the same, and provided the authority for the courts to issue them. Section 208 (b) of the Taft-Hartley Act (61 Stat. 155) provided as follows: "(b) In any case, the provisions of the act of March 23, 1932, entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' shall not be applicable." Here is the second instance of a complete waiver of the entire Norris-La Guardia Act. The legislative intent to the effect that the Norris-La Guardia Act was inapplicable to proceedings under the amended National Labor Relations Act, is clearly indicated in House Re-

port No. 245, 80th Congress, 1st session, page 9 (1947), which states: "Second, the bill arms the President with authority to seek injunctions against strikes that imperil the public health and safety, and authorizes courts to issue injunctions in such cases without regard to the Norris-La Guardia Act."

Mr. CASE of New Jersey. Mr. President, despite these two clear indications of Congressional intent not to require jury trials in labor dispute cases brought by the United States, Congress in 1948 revised the criminal code and transferred section 11 of the Norris-La Guardia Act in revised form to the present section 3692 of title 18. It will be recalled that section 11 of the Norris-La Guardia Act had confined jury trials to "all cases arising under this act." Since the Supreme Court held in the Mine Workers case that the Norris-La Guardia Act did not apply to the suit there brought by the United States, Government cases, at least of the kind there involved were obviously excluded from the reach of this provision. However, in the 1948 revision, the provision was phrased in general terms. Section 3692 of title 18, the successor to section 11, phrased the provision in general terms so that it now reads "in all cases of contempt" growing out of a labor dispute the accused shall enjoy the right to a jury trial. Whether or not there is now a guaranty of jury trial in labor-dispute cases brought by the United States has not, to my knowledge, been decided. The evidence of the Wagner and Taft-Hartley Acts suggests that Congress did not intend such a result. However, the Hennings memorandum suggests that criminal contempt is not, in any event, of major significance, because civil contempt is normally adequate in labor-dispute cases.

As I have indicated, the reverse is true in litigation in the field of civil rights. In any event, there is a world of difference between the situation in the case of injunctions in labor disputes and injunctions involving voting rights and other civil rights, although, of course, by recent action of the Senate, the bill has been limited, tentatively at least, to the protection of voting rights.

In the case of labor disputes, as the Senator from Oregon, especially, and other Senators have so well pointed out, the matter at issue is one involving the economic interests of two private parties, employer and employee. No national interest is involved. The contary is true, so far as civil-rights cases and voting-rights cases, particularly, now, are concerned. Here a very great national interest is involved. It is peculiarly appropriate that there be no jury trials in these particular cases, where a national interest, as opposed to private economic interests, is involved.

I think I have clearly demonstrated, and other speakers on this subject also have demonstrated, that traditionally no right to trial by jury exists in the case of injunction suits. None whatever existed until 1914, when the Clayton Act provided, for the first time, that in private suits, where criminal contempt was involved, and the act alleged to be contempt of the order of the court was also a crime under Federal or State law, there should be a jury trial. However, that law applied only to cases brought by private parties; it did not apply to cases in which the Federal Government was a plaintiff. That situation continued until the Norris-La Guardia Act was adopted, which provided that in labor dispute cases, arising under that act, a jury trial might be had in all cases of contempt.

I think it might be interesting at this point to refer to the Wagner Act. The Wagner Act was, of course, the Magna Carta for organized labor. It provided for injunctive relief after the National Labor Relations Board had acted, for the enforcement by court orders and injunctions of Labor Relations Board orders. The Wagner Act specifically provided that the Norris-La Guardia Act should not be applicable.

Among the Senators voting for that act were Senators Borah, Norris, and Walsh, of Montana, three of the Senators who have been prominently mentioned as being supposedly for the right of trial by jury in all criminal contempt cases.

The Senator from Oregon [Mr. MORSE] pretty effectively disposed of the argument, based upon these giants of the past, in his speech earlier this week. I add this particular little item as a supplement to or comment upon this argument, which is wholly without any foundation whatever.

I said at the outset that I had just had an opportunity to read what I believed was a copy of the amendment on the jury-trial question which was most recently offered by the Senator from Wyoming [Mr. O'MAHONEY] for himself and also for the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Idaho [Mr. CHURCH]. While I have not had an opportunity to study the amendment, because it has just come to my desk, it appears to be applicable to all cases of criminal contempt and to provide that in all cases of criminal contempt, not merely those in civil-rights matters under the bill, but in all cases of criminal contempt in the Federal courts, there shall be the right of trial by jury.

There is no right under the Constitution to a jury trial in contempt cases, and even the most vigorous opponents of the bill have never contended that any such constitutional right ever existed. There is no question that injunctive relief is necessary to secure the voting rights which the bill provides for millons of citizens of the country. It is clear, too, that in cases brought by the United States, there has never been any right of trial by jury in contempt proceedings, with the single exception of those involving labor disputes. It is clear, too, that there was good reason for the provision for jury trials in cases of labor disputes; because the courts had really run wild, since there were great abuses of the injunctive power of the courts, and those abuses had to be curbed and stopped. They have been curbed and stopped, not only by providing for jury trials in such cases, but also by changes in the rules of criminal and civil procedure, which make it impossible to repeat such situations.

I suggest that the question of jury trial is no longer significant or an answer, perhaps even in labor cases. There is no evidence, and not a scintilla of evidence has been suggested, that any kind of abuse, present or prospective, by the courts of the United States has occurred in cases involving civil rights, abuse which would justify the kind of extraordinary exception made, for justifiable and sound reasons, in the case of labor disputes.

It is not necessary. As I think I have shown, or as I have attempted to show, not only is it not necessary, but the abuses—the failures of juries in areas of this country to convict in cases of civil-rights violations of the most flagrant kind—make it very clear that what is sought here is not a means to harass defendants, but is a means which will be sufficient to assure that the Constitution and the laws of the United States which protect the civil rights of citizens of the United States cannot be violated with impunity.

Mr. President, if this particular amendment of the Senator from Wyoming [Mr. O'MAHONEY] applied only to civil-rights cases, it should not under any circumstances be adopted. But the amendment would apply, as clearly appears, not only to civil-rights cases, but also to all contempts, of whatever nature, in the Federal courts; and therefore the amendment would directly impair the dignity and prestige of the courts of the United States, and would do irreparable damage to one of the three great, equal, independent parts of the Government of the United States.

Therefore, Mr. President, the amendment of the Senator from Wyoming should clearly be rejected.

Mr. President, I feel so strongly about this matter that, much as I believe in the bill—even in the watered-down part which still remains—I would counsel Senators who oppose the bill that if they must vote against part IV, or even against the bill itself, at least let them not vote to strike down the courts of the United States in civil-rights cases and in all other cases, as would be done, under the amendment of the Senator from Wyoming, by the provision of a jury trial in cases of criminal contempts.

Mr. President——

The PRESIDING OFFICER. The Senator from New Jersey.

## RECESS TO MONDAY

Mr. CASE of New Jersey. Mr. President, in accordance with the order previously entered, I move that the Senate stand in recess.

The motion was agreed to; and (at 8 o'clock and 2 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, to Monday, July 29, 1957, at 12 o'clock meridian.

## NOMINATION

Executive nomination received by the Senate July 26 (legislative day of July 8), 1957.

TERRITORY OF HAWAII

Farrant Lewis Turner, of Hawaii, to be secretary of the Territory of Hawaii. (Reappointment.)

# EXTENSIONS OF REMARKS

## Youth Festival of the International Union of Students

EXTENSION OF REMARKS
OF
**HON. ALEXANDER WILEY**
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
*Friday, July 26, 1957*

Mr. WILEY. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement I have prepared regarding the biennial youth festival of the International Union of Students, being held at the present time in Moscow.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

For several months now a small furor has been raging in certain circles concerning the biennial youth festival of the International Union of Students, being held at the present time in Moscow. National magazines have commented about the fact that the United States National Student Association has refused to send an official American delegation to the festival, and as recently as July 15, the Washington Post took the State Department to task editorially for discouraging the few students who did make the trip on their own. The Associated Press reported the departure of these students, and we shall undoubtedly be hearing more of the matter when they return. We have heard so much about the State Department action with regard to newsmen in China that some might consider this a refreshingly different issue to get excited about.

But before we become too excited about protests against the State Department, some of the facts of the situation should be made clear. The case that is made by those who would have American students attend is based on the assumption that a large American delegation might help to increase understanding between the two halves of the world, and that such understanding on the student level would lead to greater hopes for peace in the future, when these same students become the world's leaders.

But it is naive to suppose that the Russians, who will be putting on what the London Sunday Times calls the most spectacular of the six youth festivals sponsored by the two Communist-front organizations, the World Federation of Democratic Youth and the International Union of Students, would allow such a spectacle to produce any reactions other than those which the Kremlin expects. If it were possible that a large American delegation could have an effect upon Communist youth, then Moscow would not have sent literature advertising this festival to student-body presidents all over the country.

Those who have criticized the State Department attitude should realize that it is the same attitude that the most representative of American student groups, the United States National Student Association, has independently taken. The students in this organization have long understood the communistic purposes of large numbers in the International Union of Students, have continually refused to join it or attend its meetings, and have spearheaded efforts to expose the group for what it is. American students have aided in informing students of other countries that the IUS is not a group of representative scholars, but rather a tool for Communist propaganda. For Americans to officially attend a meeting of such an organization could be to repudiate the basic assumption that any student group should reflect the ideas of the students who compose it rather than of the government of the country in which it exists. American students, by their presence, might indicate to the rest of the world an acquiescence to past and present IUS policy.

The Americans who did attend will return shortly and bring with them tales of their experience. But it is to be hoped that in the future the attitude of American student leaders will prevail—an attitude that favors true cultural exchange between students, but on students' terms, and not in an atmosphere wherein everything has been meticulously planned by a government that for a few days will be carefully on its best behavior in order to impress visitors.

Hungarian students who have escaped to this country since the recent Hungarian uprising have told officers of the United States National Student Association that at the youth festival held in Budapest in 1949 those American students who were present were housed in special housing units, transported on special trains, and restricted in almost all of their movements. The only Hungarian students who were allowed to speak to Americans were those who had been previously cleared and approved by a Hungarian youth group. Americans were not allowed to speak to any Hungarian citizens or to visit Budapest unless they were accompanied by a specially appointed guide. Obviously, there was no contact that would be of benefit either to the Americans or the Hungarians involved.

## Congressional Support of the President

EXTENSION OF REMARKS
OF
**HON. CARL T. CURTIS**
OF NEBRASKA
IN THE SENATE OF THE UNITED STATES
*Friday, July 26, 1957*

Mr. CURTIS of Nebraska. Mr. President, I ask unanimous consent, on behalf of the Senator from Kansas [Mr. SCHOEPPEL], to have printed in the RECORD a statement prepared by him, together with certain correspondence, on the subject of Congressional support of the President.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SCHOEPPEL

Mr. Thomas N. Schroth, executive editor of the Congressional Quarterly, wrote a letter to me on June 14 and sent a copy to every Member of the Congress. It refers to my remarks delivered on the floor of the United States Senate on June 13, 1957. These appear on pages 8994 through 8996 of the CONGRESSIONAL RECORD of that date.

My statement was prompted by a letter addressed to me by Mr. Schroth on May 14, 1957. I inserted it in the CONGRESSIONAL RECORD as a part of my remarks. Immediately after I left the Senate floor, I wrote to Mr. Schroth as follows:

JUNE 13, 1957.

Mr. THOMAS N. SCHROTH,
*Executive Editor, Congressional Quarterly, Washington, D. C.*

DEAR MR. SCHROTH: On May 14, you sent me an advance copy of the study you prepared on the first interim measure of the Presidential support done by Congressional Quarterly for the sessions up to May 12.

I have examined this study with a great deal of care and I expressed my views regarding it on the floor of the United States Senate today.

Representative CRAMER, First District of Florida, on Tuesday, June 11, made a very penetrating analysis of your study which appears in the CONGRESSIONAL RECORD on pages 8870–8873. I am in complete accord with his views. Attached are copies of his statement as well as my remarks.

The Nation's press apparently relies on your statistical work for their appraisal of Congressional activities involving support for President Eisenhower's program. This imposes a great responsibility.

In view of the deficiencies which Representative CRAMER and I have found in your recent study, I feel that the press is entitled to some explanation from you as to why you continue to publish material which suggests sweeping conclusions from meager and incomplete data.

I will await your comments with interest.

Sincerely,

ANDREW F. SCHOEPPEL.

Mr. Schroth's letter of June 14 was written before he received my letter of June 13. On June 18 I received a further communication from him, including a copy of his June 14 letter which had been sent to every Member of the Congress. So that all the Members of the Congress may be familiar with this entire correspondence, I am placing his letter of June 18 in the CONGRESSIONAL RECORD at this point:

CONGRESSIONAL QUARTERLY
NEWS FEATURES,
*Washington, D. C., June 18, 1957.*

Hon. ANDREW F. SCHOEPPEL,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR SCHOEPPEL: This material has been sent to your colleagues in the Senate and House.

Thank you for your letter of June 13, which I believe crossed my letter to you of June 14.

Sincerely yours,

THOMAS N. SCHROTH,
*Executive Editor.*

On June 20 I acknowledged his letter with the following communication:

JUNE 20, 1957.

Mr. THOMAS N. SCHROTH,
*Executive Editor, Congressional Quarterly, Washington, D. C.*

DEAR MR. SCHROTH: Thank you for your letter of June 18 which advises me that your letter of June 13 crossed my letter of June 14.

Your letter of June 14, which you sent to every Member of the Congress, obviously is not responsive to my letter of June 13.

I will await with interest your comments on the specific issues which I raised in my statement on the Senate floor as well as the statements made by Representative CRAMER which appeared in the CONGRESSIONAL RECORD on June 11.

With best wishes, I am,

Sincerely,

ANDREW F. SCHOEPPEL.

Mr. Schroth replied to my letter of June 20, as follows:

CONGRESSIONAL QUARTERLY
NEWS FEATURES,
*Washington, D. C., June 27, 1957.*

Hon. ANDREW F. SCHOEPPEL,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR SCHOEPPEL: In answer to your letter of June 20, may I take the liberty of enclosing a copy of a letter which I wrote

to Mr. CURTIS of Missouri? This takes up most of the points raised by you and Mr. CRAMER.

I assume you saw the speech on the subject delivered by Mr. SIKES, of Florida (June 18 CONGRESSIONAL RECORD, pp. 9563–9567).

Sincerely yours,

THOMAS N. SCHROTH,
*Executive Editor.*

This letter fails to answer the points I raised in my letter of June 20.

Congressman CRAMER and I both correctly identified the rollcalls used in the Congressional Quarterly's so-called first interim measure of Presidential support. On June 26 Congressman CURTIS, of Missouri, corrected certain inaccuracies in his remarks of May 23, and inserted the letter he had received from Mr. Schroth in the CONGRESSIONAL RECORD. Mr. Schroth refers to his correspondence with Congressman CURTIS, of Missouri, as he apparently does not challenge any statement of fact contained in either my remarks or those of Congressman CRAMER.

Mr. Schroth, by implication in his letter of June 27, endorses the statements of Congressman SIKES, of Florida. The CONGRESSIONAL RECORD of June 18, on page 9564, refers to my remarks on the Senate floor on July 27, 1956. The Congressman from New York, Mr. DEROUNIAN, said:

"In the July 27 issue of the RECORD last year, on page 15070, in the remarks of Senator SCHOEPPEL, he introduced a letter from MARGARET CHASE SMITH, United States Senator from Maine, in which she is bemoaning the fact that the Congressional Quarterly has been unfair to her in its appraisal of her votes with the President. She says this: 'I was absent on 9 of the votes this year in the Congressional Quarterly analysis—and all 9 were marked as being against the President in spite of the manner in which I was announced.'"

The Congressman from Florida, Mr. SIKES, then said:

"Had the gentlelady filled out the questionnaire submitted to her by the Congressional Quarterly, she would have been recorded for or against on each of the votes in question."

Mr. Schroth knows that the Congressional Quarterly support scores do not reflect pairs or announced positions. They certainly are not based on replies to questionnaires, yet by referring to Congressman SIKES' statement, Mr. Schroth again attempts to confuse the issue.

I shall now comment on his letter of June 14. Mr. Schroth accuses me of "inaccurate and unfair attacks on Congressional Quarterly;" yet his letter of June 14 does not cite a single misstatement in my remarks. I refer my colleagues to the complete analysis of the Congressional Quarterly's statistical procedure which appeared in the CONGRESSIONAL RECORD of July 27, 1956, as well as to my statement of June 13, 1957.

Mr. Schroth states: "I believe that, if you knew of the false basis of the research material you have been handed, purporting to analyze Congressional Quarterly studies, you would not use that material."

On July 16, 1956, I read Raymond Moley's analysis of the Congressional Quarterly which appeared in Newsweek magazine. I believe that comments by a distinguished and experienced political reporter with the reputation enjoyed by Raymond Moley should be brought to the attention of the readers of the CONGRESSIONAL RECORD. I made certain comments referring to his column and included it in my remarks in the CONGRESSIONAL RECORD of July 16, 1956.

On July 17, 1956, I received a letter from Mr. Schroth in which he raised a number of points with respect to Congressional Quarterly procedures. I then undertook my own complete study of the Congressional Quarterly, in order to ascertain the true facts for myself. I have subscribed to the Congressional Quarterly for many years and still do. I had no difficulty in finding ample supporting data for Mr. Moley's criticisms of Congressional Quarterly's presentation of statistics in the material on file in my own office.

As a result of my own study, I cited numerous examples to show the consistent bias of the Congressional Quarterly in my remarks on the floor of the United States Senate on July 27, 1956.

Mr. Schroth, in his letter to me written a year ago and again in his letter of June 14, 1957, cites the number of newspapers who use the Congressional Quarterly. He has recently written three articles which appeared in the Christian Science Monitor. They describe the activities of the Congressional Quarterly.

While these articles were supposed to be a feature story in a distinguished newspaper, they were actually publicity material prepared by the Congressional Quarterly. This is shown by the fact that in the July 5 story, Mr. Schroth refers to a Congressional Quarterly feature as follows:

"Scheduled for publication early in May is the complete, official vote for President, Senator, and Representative in each of the Nation's 435 Congressional districts."

Mr. Schroth could have at least changed the tense to indicate that this material had been published 2 months ago.

In the July 3 Christian Science Monitor article, Mr. Schroth said:

"The subscription list includes the White House, Congressmen from both parties and all segments of the parties, the Republican and Democratic National Committees, and the Congressional campaign committees of both parties.

"Organizations subscribing to all or part of the services range from the National Association of Manufacturers to the AFL–CIO and include the National Association for Independent Business, the Cooperative League of the United States, Americans for Democratic Action, For America, free trade as well as high tariff advocates, and scores of other groups whose selective interests are dependent on the actions of Congress.

"Newspapers include the Christian Science Monitor, the Boston Herald and Traveler, the Boston Globe, all New York City newspapers, the two major Washington newspapers, and other papers in large and small cities all over the country.

"Magazine subscribers include all three major news weeklies and journals of opinion from both the left and right. Columnists who use the services include Roscoe Drummond, Walter Lippmann, David Lawrence, Arthur Krock, and Sylvia Porter.

"Such a variety of clients attests not only to the success of the concept behind CQ and Err, but also to the nonpartisanship and usefulness of the service."

As I have already indicated, my own office is a subscriber to the Congressional Quarterly. I am sure that many subscribers purchase it because, as Mr. Schroth himself said in his article of July 3:

"A graphic and significant example of CQ's service is the weekly publishing of every rollcall vote taken in the House and Senate for that week. Before 1945, when CQ was formed, it was virtually impossible for a reporter, an editor, or any interested person to put his hands readily on such a simple but important thing as a complete voting record of a Member of Congress, the vote of all Members on a particular item of legislation, or an individual's vote on a specific item."

I have never questioned its value as a ready source of information on the activities of Congress. I question how it interprets the statistical data for its features which appear in the press. Mr. Schroth's article in the Christian Science Monitor for July 5 says: "Newspaper clients also receive three news stories a week from CQ." These stories are usually printed with a CQ credit line and usually are not edited or changed by the press of the country. It is these stories which present an opportunity for bias and misinterpretation of data.

In his letter of June 14, 1957, Mr. Schroth states:

"Certainly our Presidential support story of May 12, which I sent to you, did not flatter the Republicans. But it was prepared with the same objective disinterest in the results that our stories in past years have featured. It was simply based on the votes of the Members and not on any political viewpoint."

I maintain that no organization primarily concerned with objective disinterested analysis would attempt to measure the support accorded President Eisenhower's legislative program by a study of nine Senate rollcalls.

Frankly, I was shocked that Mr. Schroth, who professes such disinterest, would suggest that I should select figures on the basis of their political utility rather than on the basis of their objectivity. Mr. Schroth's letter said:

"Frankly, Senator, I am at a loss to understand why you accept figures which put the Republican record in a worse light than that revealed by Congressional Quarterly figures."

Again, he said:

"I do not understand why you accept an analysis of Presidential support which worsens the record of the Republicans in preference to the Congressional Quarterly analysis which presents the objective facts."

Although, as chairman of the Senate Republican Campaign Committee, I have a strong desire to present the Republican record in the best possible light, I can assure my colleagues and Mr. Schroth that I will never present statistics which I know to be unfair because they support a political position. When I use statistics, I am interested in figures which reveal the truth. That is why I have challenged the objectivity of the Congressional Quarterly. Many editors who have used these support scores believed that they were based on sound statistical procedures. So did I, until Mr. Moley's statement forced me to make my own analysis. The Congressional Quarterly makes broad generalizations which are not supported by the data used in their so-called scores.

Mr. Schroth, after saying that the study of May 12, "was prepared with the same objective disinterest in the results that our stories in past years have featured," then admits that:

"The Congressional Quarterly interim story on Presidential support for the current session, issued as of May 12, was, as you say, timed 'to reach the press when President Eisenhower made his first television address.' We consider that good journalism and the scores of newspapers of all political points of view which used the story apparently agreed with us."

These statements are completely contradictory.

An objective analyst would have foregone the opportunity for sensationalism which, contrary to Mr. Schroth, is not good journalism, when he knew that there had been an insufficient number of rollcalls upon which to fairly appraise Congressional support of President Eisenhower's program. When the Congressional Quarterly produces a support score based on a mixture of a few House and Senate rollcalls, it is engaging in sensationalism, and not in intensive coverage of Congress. There were only nine Senate rollcalls included in the first interim Congressional Quarterly rating of support for the President's legislative program.

It is obviously unfair to measure support in the other body by counting 14 rollcalls on a single appropriation bill. In fact, a Member who happened to be absent on the one day when the House considered this bill, would automatically have his support score on 22 House votes reduced by 64 percent. According to the Congressional Quarterly standard, if he had voted for what they con-

sider to be the President's program on every other rollcall, because of his absence on a single day, he could not have attained a support score higher than 36 percent. Likewise, a Member who voted for these particular amendments but who was opposed to the President's Mideast resolution, the corn bill, and all of the other major items, would end up with a support score of 64 percent. This is, of course, utter nonsense.

On July 12, 1957, the Congressional Quarterly's weekly report presented the second interim support scores. Once again House and Senate votes are lumped together, producing a headline that President Eisenhower received 65 percent interim support. There are only 34 House and 32 Senate votes included in this ranking. The 15 House votes on minor amendments to two appropriation bills still account for 44 percent of the total House score. The unfairness of including so many minor votes on two appropriation bills when there are so few other votes is exemplified in the second Congressional Quarterly support score.

The distinguished minority leader in the other body is shown as having supported President Eisenhower's program 62 percent of the time. This low support score was produced by 10 votes involving amendments to the one appropriation bill I have discussed before. They were, in fact, the only opposition votes recorded. A single day's absence when 3 rollcalls were taken on one issue contributed another 9 percent to the low support score. On every other rollcall the Congressional Quarterly shows the minority leader in the other body as having voted in support of President Eisenhower's program. It is a disservice to Congressional Quarterly subscribers who rely on it as an impartial statistical agency to report facts in this manner.

The Congressional Quarterly refers to itself as "the authoritative reference on Congress." Mr. Schroth's letter to me of June 14 shows that they cannot even correctly report the facts on a simply statistical table.

In my remarks on June 13, I included a study which I had made of the support accorded President Eisenhower's program during the 83d and 84th Congresses. I again insert this table at this point in my statement:

*All Eisenhower rollcalls*

| Congress | Number of votes | Eisenhower position | | | | Opposed to Eisenhower position | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | Republicans | | Democrats | | Democrats | | Republicans | |
| | | Votes cast | Percent | Votes cast | Percent | Votes cast | Percent | Votes cast | Percent |
| 83d | 220 | 7,525 | 64.7 | 4,114 | 35.3 | 4,701 | 74.3 | 1,630 | 25.7 |
| 84th | 203 | 6,682 | 59.4 | 4,575 | 40.6 | 4,053 | 70.3 | 1,715 | 29.7 |
| Total | 423 | 14,207 | 62.1 | 8,689 | 37.9 | 8,754 | 72.4 | 3,345 | 27.6 |

An examination of this table shows that in the 83d Congress there were 7,525 votes cast by the Republicans for President Eisenhower's program. The Democrats cast 4,114 votes. In other words, there were 11,639 votes cast by members of the two parties in support of the President's program.

The Republicans were responsible for 64.7 percent of these pro-Eisenhower votes, the Democrats for 35.3 percent. The 2 percentage figures in my table total 100 percent of the pro-Eisenhower votes. My data was not arranged to show the percentage of support or opposition among Republicans and among Democrats. Such support figures could, however, be derived from my table, as it contained the actual votes cast for and against the program in both Congresses by the members of the two parties. In spite of the fact that my table was clearly labeled, Mr. Schroth's letter contains the following statement:

"Here are the facts: Congressional Quarterly's summary scores for the 83d Congress:

Republicans:
Senate: *Percent*
Support ---------- 72
Opposition ---------- 17
Democrats:
Senate: *Percent*
Support ---------- 41
Opposition ---------- 43

"Congressional Quarterly's summary scores for the 84th Congress:

Republicans:
Senate: *Percent*
Support ---------- 72
Opposition ---------- 16
Democrats:
Senate: *Percent*
Support ---------- 44
Opposition ---------- 38

"Not only does this show exactly the opposite of what you charge—the Congressional Quarterly figures show clearly that the Republicans gave greater support than the Democrats to the Presidents' program during the 83d and 84th Congresses—but our score of Republican support in both Congresses is greater than your scores of 64.7 percent for the 83d Congress and 59.4 percent for the 84th Congress."

No qualified analyst could possibly confuse the figures of 64.7 percent and 59.4 percent which appeared in my table as a measure of Republican support contrasted with Republican opposition.

In order to set the record straight, I am including at this point a second table, which includes the identical votes used in the table I presented on June 13, but arranged to show support and opposition scores:

*All Eisenhower rollcalls*

| Congress | Number of rollcalls | Republican votes | | | | Democrat votes | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | Support | | Opposition | | Support | | Opposition | |
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| 83d | 220 | 7,525 | 82 | 1,630 | 18 | 4,114 | 47 | 4,701 | 53 |
| 84th | 203 | 6,682 | 80 | 1,715 | 20 | 4,575 | 53 | 4,053 | 47 |
| Total | 423 | 14,207 | 81 | 3,345 | 19 | 8,689 | 50 | 8,754 | 50 |

An inspection of this table immediately shows that in the 83d Congress, the Republicans had a support score of 82 percent as contrasted with 72 percent shown by the Congressional Quarterly. In the 84th Congress, my table shows a support score of 80 percent as contrasted with 72 percent, shown by the Congressional Quarterly. What is even more significant, my table for the 83d Congress shows a Democratic opposition score of 53 percent, in contrast with 43 percent shown by the Congressional Quarterly. In the 84th Congress, my table shows an opposition score for the Democrats of 47 percent, as contrasted with 38 percent shown by the Congressional Quarterly. My Republican support and Democratic opposition scores are higher than those of the Congressional Quarterly.

So, once again, the Congressional Quarterly's statistics are biased against the Republicans. In spite of the fact that my tables were clearly labeled, Mr. Schroth attempts to mislead my colleagues into believing that he has shown the Republicans in a better light than I.

The differences between my table and the statements by the Congressional Quarterly lie in the fact that I am willing to submit the entire record, including all of the details, to public scrutiny. I do not expect anyone to accept summary figures because I say they are correct.

On July 27, 1956, I included in the CONGRESSIONAL RECORD, volume 102, part 11, pages 15618–15627, a tabulation of the votes cast by the members of the two parties in the Senate for the entire 83d and 84th Congresses. Included with the summary tables were the worksheets which accounted for every rollcall during these two Congresses. The Eisenhower position was indicated in each case. The votes cast on each rollcall were also shown. No one has challenged the accuracy of these figures.

Mr. Schroth, in his letter of June 14, said:

"In the Congressional Quarterly story, you had a record of support for the President's program of 69 percent. Taking your own statistics, which you say are much more reliable than ours, you have a support score of 67.5 percent."

I can assure Mr. Schroth that these tables were compiled without any reference to my own voting record. I was concerned with presenting the facts, not my personal feelings. I endeavored to determine to the best of my ability the Eisenhower position based on statements in hearings and on the floor of the United States Senate on each rollcall. I then tabulated the votes as they were compiled by the Secretary of the Senate. My own score was completely immaterial. Facts are facts.

In my remarks on June 13, I said that the methods of the Congressional Quarterly were flexible. I repeat this accusation. When the vote on the corn bill is included in the President's program in the other body, but not in the Senate, this is a flexible standard. I repeat that charge.

Mr. Schroth included with his letter, Ground Rules for CQ Presidential Support-Opposition. In referring to appropriations, it says:

"Appropriations: Generally, rollcalls on passage of appropriation bills are not included in this tabulation, since it is rarely possible to determine the President's position on the overall revision Congress almost invariably makes in the sums allowed. An exception to this rule is the foreign-aid appropriation, since the program, although recurring, is not permanent. Votes to cut or increase specific funds requested in the President's budget also are included. For example, in 1956 the Senate's vote to increase Air Force funds by $800 million was a clear challenge to the President's views on national defense (amendment increasing

appropriation adopted, 48–40; Democrats, 43–3; Republicans, 5–37)."

Yet, in spite of these ground rules, 15 of the 34 House votes upon which the second interim Presidential support scores were based are rollcalls on amendments to appropriation bills. The bills as reported were quite different from the President's original budget request.

During the discussion of the Congressional Quarterly procedures in the other body, references were made to a statement prepared by the Senate Republican policy committee which referred to the Congressional Quarterly. In my remarks of July 27, 1956, I commented on Mr. Schroth's reference to a Congressional Quarterly statement by the Senate Republican policy committee in its memorandum No. 28 of July 21, 1955. So that the Members of the other body may be acquainted with all the facts on this subject, I ask unanimous consent to include my reference to this memorandum from my remarks of July 27, 1956, at this point in the CONGRESSIONAL RECORD. I said:

"Mr. Schroth next cited alleged Republican examples of use of their material to prove that the Republicans believed the Congressional Quarterly to be fair. He referred to the Senate Republican policy committee memo No. 28, of July 21, 1955.

"What Mr. Schroth is pointing to is a line on the second page of the memo which said: 'Survey shows Democrats lagging on President's program.'

"But Mr. Schroth conveniently did not cite the next two pages of the memo, which sharply criticized the statistical techniques employed by the Congressional Quarterly. I want to read pages 3 and 4 of this Senate Republican policy committee memo. It begins:

" 'WHO PROVIDES THE WINNING MARGINS?

" 'Congressional Quarterly makes some point that Democrats supplied the winning margin in 29 of the President's 33 victories in the Senate and all 18 of his 18 victories in the House. (CQ's test is whether Republican support alone was adequate to insure the President's victory in each case.)

" 'HOW VALID IS A COMPUTATION LIKE THIS?

" '1. With more Democrats than Republicans in Congress, some Democratic votes are needed to pass almost all bills (except in rare cases when unpaired absences may give Republicans a temporary majority—hardly possible on any major party issue). Why should these necessary Democratic voted be called a winning margin—implying Democratic support of the President and Republican opposition?

" '2. In the Senate many matters require two-thirds votes (treaties, vetoes). Both Democratic and Republican votes are needed to make up this two-thirds. Why should the Democratic votes be considered the winning margin? If enough Republicans had not voted with the President, the Democrats alone could not have carried the issue. Why not credit those Republicans with the winning margin?

" '3. Winning-margin statistics are loaded when there are 2, 3, or more votes on amendments to a single measure (as was the case on the Formosa resolution, the $20 tax cut, trade-agreements extension, and the mutual-security measure). Multiple votes like these give a false impression of the number of winning margins. The picture is further confused when some votes are for an amendment and against the bill or vice versa.

" '4. The absurdity of claims to winning margins is shown by the fact that 90 percent of the Democrats might vote against the President's proposal, but if 10 percent help 100 percent of the Republicans to pass the bill, this 10 percent would be considered a winning margin—that President Eisenhower owes all to the Democrats. For example, suppose 78 Members of the Senate are present and voting (40 Democrats and 38 Republicans) as often happens. Republicans alone, even if 100 percent voted in favor of the President's measure (indicating solid party support), could not enact it. The Democratic votes alone could do it if they voted solidly for the bill which would never be the case if Republicans were solidly lined up for it, too, as on a party issue. If 36 (or 90 percent) of the Democrats opposed the President and 4 joined with the 38 (100 percent) Republicans, the measure would pass 42 to 36, and it would be said that the Democrats furnished the winning margin, even though 90 percent of them opposed the President.

" 'Would it not be just as correct to say that in the same vote four Republicans who might have opposed the President, but did not do so, supplied the winning margin? Isn't the real interpretation of situations like this that it was not the picayune Democratic margin that supplied the victory, but the 100-percent solid Republican support?

" '5. These so-called winning margins merely reflect the fact that few measures in Congress are ever passed without the crossing of party lines. Does it give a true picture of party performance to use this routine practice to give winning-margin credits to either Republicans or Democrats? President Truman evidently did not think so when he lambasted the Republican 80th Congress which put the winning margin on many of his measures (and supplied the committee leadership and support of his measures as well).

" 'If tests of party support of the President are to be run, let's not run them ragged, but base them on fairer, more reliable yardsticks of party performance.' "

My criticism of Congressional Quarterly's procedures has produced some improvement in their methods. Weekly report No. 28, dated July 12, in presenting Eisenhower victories and defeats on pages 831 and 832 does not attribute winning margins to either Republicans or Democrats. This practice was one of the principal objections voiced by both Ray Moley and myself against the Congressional Quarterly last year.

I can readily understand why many of my colleagues as well as members of the press and political leaders have used Congressional Quarterly figures. The Congressional Quarterly, because of its convenience and the wealth of information which it contains, has built a position with the press of the Nation. Mr. Schroth in his Christian Science Monitor article of July 3 said:

"Congressional Quarterly and Editorial Research Reports together serve nearly 400 United States newspapers with a total circulation of more than 30 million. The two services merged last July."

This dependence on the Congressional Quarterly by the Nation's press imposes a tremendous responsibility on the editors of the Congressional Quarterly. In my opinion, they have not discharged it in a nonpartisan manner.

As my remarks amply demonstrate, there has been a consistent statistical bias against the Republican Party in Congressional Quarterly support scores, whenever such a procedure could be followed without obvious detection. This could only come to light by a thorough and detailed analysis, such as I have made.

I do not blame anyone for quoting Congressional Quarterly support figures. They have been used so often that many of my colleagues are justified in believing them to be objective, unbiased statistical data. I hope that in view of the facts that have been developed, all readers of the Congressional Quarterly will be cautious in quoting from its statistical data in the future.

## The 10th Pennsylvania Volunteer Infantry

EXTENSION OF REMARKS
OF
## HON. EDWARD MARTIN
OF PENNSYLVANIA
IN THE SENATE OF THE UNITED STATES
*Friday, July 26, 1957*

Mr. MARTIN of Pennsylvania. Mr. President, 59 years ago, on July 31, 1898, the 10th Pennsylvania Volunteer Infantry received its first test under enemy fire in the Philippines.

Fighting in a raging typhoon the Pennsylvania boys met and repulsed a superior force of Spanish regulars at Malate.

Each year that organization has held a reunion and this year will have its 58th annual reunion in Pittsburgh, August 3.

The 10th Pennsylvania Volunteers was the only eastern regiment to serve in the Philippines during the Spanish-American War and the Philippine Insurrection. It was the first organization under fire in the Philippines. The regiment originally had 921 officers and men, and there are 134 of these now living.

Mr. President, it should be remembered that every man who served in the Spanish-American War was a volunteer. It was the first war fought on foreign soil. The pay of the private was $13 a month, and it was paid in gold and silver.

The war cost less than $2 billion.

The soldier received no bonus, no adjusted compensation, no separation pay, and no vocational training at Government expense.

It was not until 20 years after the war that service pensions were provided for Spanish War veterans and no hospitalization was available until 24 years after the end of the war.

Mr. President, I ask unanimous consent that the roster of the living members of the 10th Pennsylvania Volunteers be printed in the RECORD.

There being no objection, the roster was ordered to be printed in the RECORD, as follows:

ROSTER OF THE 10TH PENNSYLVANIA VOLUNTEER INFANTRY, AS OF JULY 15, 1957—SERVED FROM APRIL 27, 1898, TO AUGUST 22, 1899, IN THE PHILIPPINES—58TH ANNUAL REUNION, AUGUST 3, 1957, PITTSBURGH, PA.

*The box score as of July 15, 1957*

| | Living | Dead | AWOL | Total |
|---|---|---|---|---|
| Field and staff | 1 | 21 | 0 | 22 |
| Company A | 16 | 94 | 1 | 111 |
| Company B | 9 | 101 | 1 | 111 |
| Company C | 20 | 92 | 0 | 112 |
| Company D | 22 | 88 | 3 | 113 |
| Company E | 13 | 100 | 1 | 114 |
| Company H | 16 | 94 | 1 | 111 |
| Company I | 13 | 100 | 0 | 113 |
| Company K | 24 | 89 | 1 | 114 |
| Total | 134 | 779 | 8 | 921 |

THE LIVING ROSTER

*Veterans and date of birth*

Regimental Noncommissioned Officer

Keffer, Prin. Mus. Frank M., 14437 Greenleaf Street, Sherman Oaks, Calif., January 10, 1875.

Company A—Monongahela, Pa.

Gee, Q. M. Sgt. Jonas M., 244 Third Street, California, Pa., June 21, 1875.
Keller, Sgt. Charles P., 1200 Main Street, Monongahela, Pa., February 13, 1874.
McConnell, Sgt. Wiley, Post Office Box 41, Presto, Pa., February 3, 1874.
McGregor, Cpl. William, 626 Shelby Street, Monongahela, Pa., December 8, 1875.
Yohe, Cpl. Frank E., 235 Marne Avenue, Monongahela, Pa., November 10, 1877.
Bell, Pvt. J. Lexington, 2426 Northeast Sixth Avenue, Fort Lauderdale, Fla., March 10, 1874.
Brown, Pvt. John C., 2530 Wellington Road, Cleveland Heights, Ohio, May 30, 1878.
Craft, Pvt. Frederick E., 1621 Sheridan Lane, Norristown, Pa., December 18, 1874.
Ford, Pvt. Wade, 433 Fourth Street, Monongahela, Pa., December 25, 1876.
Johnston, Pvt. Arthur R., Post Office Box 176, Shippenville, Pa., March 16, 1875.
Jolliffe, Pvt. R. Dale, 316 Bracken Avenue, Pittsburgh, Pa., January 5, 1876.
McKain, Pvt. William H., 611 Federal Street, Butler, Pa., May 31, 1868.
Phillips, Pvt. Joseph, Post Office Box 296, Penn, Pa., May 9, 1874.
Rowe, Pvt. George A., 841 30th Avenue North, St. Petersburg, Fla., June 3, 1873.
Van Voorhis, Pvt. William T., 514 West Main Street, Monongahela, Pa., June 23, 1868.
Wall, Pvt. Jesse J. B., Post Office Box 216, Buckroe Beach, Va., August 16, 1878.

Company B—New Brighton, Pa.

Beitsch, Q. M. Sgt. George E., Rural Delivery 2, Beaver Falls, Pa., August 5, 1870.
Cleckner, Cpl. William M., 432 Sheppard Road, Mansfield, Ohio, June 27, 1875.
Mennell, Cpl. John A., 1400 26th Avenue North, St. Petersburg, Fla., January 9, 1878.
Bauman, Pvt. Theodore G., 405 Wissner Avenue, Beaver Falls, Pa., May 24, 1869.
Ketterer, Pvt. William A., 325 Adams Street, Rochester, Pa., January 10, 1877.
Levis, Pvt. William T., 2430 Eighth Avenue, Beaver Falls, Pa., January 23, 1879.
Miller, Pvt. Harry W., 5513 Madison Avenue, Ashtabula, Ohio, June 13, 1880.
Smith, Pvt. William E., Rural Delivery 1, Box 83, Brockport, Pa., November 11, 1877.
Woolslayer, Pvt. George, 132 Moorhead Street, Erie, Pa., July 22, 1873.

Company C—Uniontown, Pa.

Collins, Cpl. Charles O., 55 Phillippi Avenue, Uniontown, Pa., December 8, 1876.
Turley, Cpl. John H., 609 Country Club Road, Fairmont, W. Va., April 14, 1875.
Anderson, Pvt. G. Fred, 136 West Strawberry Avenue, Washington, Pa., February 13, 1879.
Barnes, Pvt. John R., 120 Morgantown Street, Uniontown, Pa., February 28, 1866.
Black, Pvt. Charles H., 5504 Newton Street, Cheverly, Md., June 4, 1877.
Collins, Pvt. William D., 2709 East Tower Lane, Tucson, Ariz., January 7, 1880.
Curry, Pvt. Robert D., Post Office Box 476, Ogallala, Nebr., November 12, 1876.
Daugherty, Pvt. Homer J., Rural Delivery 1, Smithfield, Fayette County, Pa., March 20, 1879.
Dean, Pvt. John A., Rural Delivery 1, Box 626, Uniontown, Pa., December 3, 1878.
DeGardeyn, Jr., Pvt. Abraham, 13 Water Street, Point Marion, Pa., September 20, 1875.
Griffith, Pvt. Robert E., 305 Loucks Avenue, Scottdale, Pa., September 1, 1875.
Lewis, Pvt. Charles J., Post Office Box 511, Republic, Pa., August 22, 1878.
Little, Pvt. William E., 1521 Buena Vista Street, Pittsburgh, Pa., December 29, 1876.
McMasters, Pvt. Albert L., Post Office Box 355, Donora, Pa., March 28, 1878.
Miller, Pvt. Marling C., Post Office Box 831, Uniontown, Pa., September 21, 1878.
O'Neal, Pvt. Charles W., 46½ West Peters Street, Uniontown, Pa., April 20, 1875.
Rockwell, Pvt. Allen B., 2968 Mill Creek Road, Mentone, Calif., July 16, 1878.
Shanaberger, Pvt. Frank W., 130 Connellsville Street, Uniontown, Pa., January 29, 1876.
Underwood, Pvt. Leroy, Post Office Box 721, Uniontown, Pa., June 3, 1875.
Wood, Pvt. John W., 365 East Main Street, Uniontown, Pa., December 26, 1875.

Company D—Connellsville, Pa.

Uish, 2d Lt. Sammie V., Sugartown Road and Route 202, Malvern, Pa., September 14, 1873.
Mills, Sgt. George E., 217 South Chestnut Street, Clarksburg, W. Va., October 5, 1876.
Pape, Cpl. John S., 1407 Phyllis Avenue, Louisville 8, Ky., May 15, 1874.
Bretz, Pvt. Samuel E., 33 South Hanover Street, Carlisle, Pa., July 8, 1881.
Calhoun, Pvt. Andrew A., 773 Ohio Street, Gary, Ind., May 4, 1876.
Cope, Pvt. James H., 207 Walnut Avenue, Greensburg, Pa., April 11, 1875.
Cunningham, Pvt. Richard T., 1114 Sycamore Street, Connellsville, Pa., December 3, 1876.
Cunningham, Pvt. Thomas R., 227 Queen Street, Connellsville, Pa., September 13, 1876.
DeBolt, Pvt. William E., 202 South 10th Street, Connellsville, Pa., December 9, 1877.
Gaffney, Pvt. James A., New Stanton, Pa., March 13, 1875.
Geddes, Pvt. George A., 208 Belmont Avenue, Los Gatos, Calif., November 30, 1875.
Hamilton, Pvt. James C., Hotel Marengo, Pasadena, Calif., July 4, 1876.
Jennewine, Pvt. Edgar C., R. D. 6, Box 271, Morgantown, W. Va., August 27, 1879.
Johnston, Pvt. Frank C., 343 North 104th Street, Seattle, Wash., November 20, 1872.
Menefee, Pvt. Frederick, Postoffice Box 871, Uniontown, Pa., March 15, 1875.
Morgan, Pvt. George Clymer, United States Veterans' Hospital, Roseburg, Oreg., November 9, 1880.
Morrison, Pvt. Oliver N., 1514 Clay Avenue, Napa, Calif., August 26, 1868.
Port, Pvt. Frank B., 210 Jefferson Street, Connellsville, Pa., June 3, 1878.
Rosenecker, Pvt. Charles J., 375 Derrick Avenue, Uniontown, Pa., August 4, 1875.
Stillwagon, Pvt. Alexander A., R. D. 1, Dover, Ark., July 25, 1878.
Wilson, Pvt. Harry C., 415 Baldwin Avenue, Connellsville, Pa., May 1, 1877.
Wood, Pvt. Edward N., 343 Walnut Street, Nogales, Ariz., April 19, 1874.

Company E—Mount Pleasant, Pa.

Hawkins, Sgt. Edward, 116 North Mill Street, Covington, Ga., October 1, 1877.
Christner, Cpl. William S., 820 South 45th Street, San Diego, Calif. November 1, 1872.
McShane, Cpl. James, 479 McKee Avenue, Monessen, Pa., March 18, 1877.
Ringler, Cpl. Charles E., Jones Mills, Westmoreland County, Pa., January 13, 1878.
Cooper, Pvt. Edward H., 533 East Washington Street, Mount Pleasant, Pa., January 30, 1875.
Devlin, Pvt. Walter J., 456 West Union Street, Somerset, Pa., March 4, 1871.
Hummer, Pvt. Harry R., 621 Spring Street, Latrobe, Pa., April 30, 1877.
Kinkead, Pvt. Harry M., Star Route, Irvine, Warren County, Pa., November 11, 1874.
Markle, Pvt. John A., 1208 Noyes Drive, Silver Spring, Md., March 26, 1873.
Mason, Pvt. Bert, 332 East Main Street, Mount Pleasant, Pa., January 29, 1879.
Reese, Pvt. Albert G., Veterans' Administration Center, Company No. 2, Thomasville, Ga., March 6, 1876.
Risheberger, Pvt. James R., 1521 Massachusetts Avenue, St. Cloud, Fla., June 7, 1868.
Roadman, Pvt. Joseph D., Postoffice Box 8, La Puente, Calif., August 13, 1877.
Riffle, James (mascot), 4525 East Eighth Lane, Hialeah, Fla., July 2, 1882.

Company H—Wahington, Pa.

Weirich, Jr., Sgt. Samuel K., 147 East Wheeling Street, Lancaster, Ohio, June 24, 1871.
Wherry, Cpl. Eli H., 422 Spruce Avenue, Kansas City, Mo., November 22, 1870.
Cope, Pvt. Harry E., Law Library, Courthouse, Greensburg, Pa., November 30, 1876.
Dunlap, Pvt. Chester O., 1330 Moncado Drive, Glendale, Calif., December 1, 1875.
Griffin, Pvt. Shan M., 52 Morgan Avenue, Washington, Pa., October 8, 1878.
Kennedy, Pvt. William U., 16 Murtland Avenue, Washington, Pa., October 11, 1878.
McKeag, Pvt. George B., 115 Fern Avenue, Collingswood, N. J., February 24, 1877.
McMurray, Pvt. John R., 890 38th Street, Santa Cruz, Calif., October 9, 1878.
Phillips, Pvt. Charles W., 416 Wilson Avenue, Washington, Pa., August 30, 1874.
Power, Jr., Pvt. Edward M., 5803 Wellesley Avenue, Pittsburgh, Pa., October 11, 1874.
Reed, Pvt. William E., 30 South Sixth Street, Duquesne, Pa., January 18, 1872.
Reese, Pvt. Thomas M., Postoffice Box 265, Canonsburg, Pa., May 24, 1872.
Shidler, Pvt. Walter J., 869 North Crockett Street, San Benito, Tex., October 15, 1877.
Stewart, Pvt. Charles L., 706 West Eighth Street, Erie, Pa., November 29, 1865.
Tush, Pvt. James W., P. O. Box 106, Belpre, Ohio, January 25, 1877.
Woodside, Pvt. Robert G., 3838 First Avenue South, St. Petersburg, Fla., July 16, 1876.

Company I—Greensburg, Pa.

Laird, 1st Lt. Richard D., Judge's Chambers, Court House, Greensburg, Pa., June 30, 1872.
Banks, Cpl. Andrew, South Main Street, Mifflintown, Pa., March 21, 1866.
Loucks, Cpl. Charles H., 14 Spring Street, Scottdale, Pa., October 18, 1868.
Dooley, Pvt. Daniel A., P. O. Box 473, Ligonier, Pa., June 8, 1877.
Fenton, Pvt. John D., 3211 East Second Street, Long Beach, Calif., June 30, 1876.
Highberger, Pvt. Charles C., 1050 Sherman Street, Denver, Colo., March 8, 1879.
Johnson, Pvt. Albert C., 541 South Street, Greensburg, Pa., March 4, 1875.
Leonard, Pvt. Burt H., P. O. Box 105, Atascadero, Calif., March 17, 1877.
Mahaney, Pvt. James C., P. O. Box 42, Santa Susana, Calif., February 4, 1878.
Mensch, Pvt. Howard A., 901 Campbell Avenue, SW., Roanoke, Va., April 4, 1876.
Rugh, Sr. Pvt. Alfred F., R. D. 3, Box 89, Smithfield, Fayette County, September 24, 1873.
Saam, Pvt. Kennett W., 9930 Frankstown Road, Pittsburgh, Pa., March 17, 1878.
Truxell, Pvt. Geary E., P. O. Box 16, Punta Gorda, Fla., November 14, 1874.

Company K—Waynesburg, Pa.

Martin, Sgt. Edward, Senate Office Building, Washington D. C., September 18, 1879.
Biggins, Cpl. James E., Merion Gardens, Merion, Pa., December 9, 1876.
John, Cpl. Samuel L., P. O. Box 973, Warren, Ohio, April 18, 1873.
Milliken, Cpl. Lorenzo F., 2034 Sansom Street, Philadelphia, Pa., December 25, 1877.
Ullom, Cpl. Jesse F., 136 North Richhill Street, Waynesburg, Pa., November 2, 1879.
Bush, Pvt. Joseph K., 247 Prospect Street, Box 2, Brownsville, Pa., July 27, 1874.
Cathers, Pvt. Albert, 1040 Ninth Street, Waynesburg, Pa., November 9, 1879.
Chambers, Pvt. John H., Post Office Box 384, Zephyrhills, Fla., June 22, 1880.
Cooke, Pvt. Robert A., 316 Massachusetts Avenue, St. Cloud, Fla., November 27, 1878.
Dillie, Pvt. Oren I., Wind Ridge, Pa., August 12, 1876.
Hamilton, Pvt. Benjamin F., 797 Hazelwood Avenue SE., Warren, Ohio, October 15, 1876.
Keys, Pvt. Lowye, Jefferson, Pa., December 3, 1880.

McCullough, Pvt. Joseph W., 504 Walnut Street, Waynesburg, Pa., August 3, 1871.

McVay, Pvt. Bruce W., 751 24th Avenue N., St. Petersburg, Fla., August 1, 1876.

Morris, Pvt. Oliver, R. D. 3, Waynesburg, Pa., September 14, 1877.

Pfinder, Pvt. Charles W., 2 Redland Avenue, Amherst, Nova Scotia, Canada, September 18, 1877.

Sargent, Pvt. Harry H., 6716 Thomas Boulevard, Pittsburgh, Pa., July 21, 1877.

Scott, Pvt. Donald C., 111 Southwest Street, Waynesburg, Pa., December 2, 1877.

Scott, Pvt. Jesse R., 326 East High Street, Waynesburg, Pa., April 6, 1878.

Scott, Pvt. Winfield S., 125 West Hackberry Street, Enid, Okla., April 10, 1879.

Smith, Pvt. Wilbert H., Osceola, Nebr., September 27, 1877.

Weaver, Pvt. James M., 1190 Maple Terrace, Washington, Pa., December 2, 1876.

Williams, Pvt. John A., R. D. 3, Box 468, Ginger Hill, Monongahela, Pa., October 9, 1873.

Wood, Pvt. Charles B., R. D. 5, Waynesburg, Pa., March 13, 1875.

OUR UNACCOUNTED-FOR MEMBERS

Pvt. David Keck (Company A).
Pvt. Alexander C. Littler (Company B).
Pvt. Harry A. Everly (Company D).
Pvt. Harry King (Company D).
Pvt. Robert L. Shaffer (Company D).
Pvt. William Bartell (Company E).
Pvt. Ernest M. Newlon (Company H).
Pvt. Charles R. Shillitoe (Company K).

DAN A. DOOLEY,
*Recorder.*

LIGONIER, PA., *July 15, 1957.*

# SENATE

## MONDAY, JULY 29, 1957

*(Legislative day of Monday, July 8, 1957)*

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O gracious Lord, who hast watched over us through all our yesterdays, in Thee is our assurance for today and our reliance for tomorrow. Thou hast made us not to be caged behind the limiting bars of earthly desires, but such that the range of our spirits may be as the flight of wings, and the lifting up of our hearts as the lark that at dawn soars and sings its song of faith at Heaven's gate. As the days of a new week open, save us, as servants of the Nation, from all shallow contentions and from unsure haste. Beneath all differences of outlook, feeling, and opinion, we rejoice in sensitive understandings revealing a oneness deeper than the surface things that separate.

We pray in the name of the Christ whose love and service form the golden cord close binding all mankind. Amen.

## THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Friday, July 26, 1957, was approved, and its reading was dispensed with.

## TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, pursuant to an order entered on Friday, there will be a period for the transaction of routine business, with statements limited to 3 minutes.

The VICE PRESIDENT. That is correct. Morning business is now in order.

## EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON MILITARY PRIME CONTRACTS WITH BUSINESS FIRMS IN THE UNITED STATES FOR EXPERIMENTAL, DEVELOPMENTAL, AND RESEARCH WORK

A letter from the Acting Secretary of the Treasury, transmitting, pursuant to law, a report on military prime contracts with business firms in the United States for experimental, developmental, and research work (with an accompanying report); to the Committee on Armed Services.

PROCUREMENT OF ADDITIONAL HOSPITAL, MEDICAL, AND OTHER KEY PERSONNEL BY VETERANS' ADMINISTRATION

A letter from the Administrator, Veterans Administration, Washington, D. C., transmitting a draft of proposed legislation to make available to the Veterans' Administration additional sources for securing hospital, medical, and other key personnel (with an accompanying paper); to the Committee on Armed Services.

REPORT ON NUMBER OF AIR FORCE OFFICERS ASSIGNED TO PERMANENT DUTY AT THE SEAT OF GOVERNMENT

A letter from the Director, Legislative Liaison, Department of the Air Force, Washington, D. C., reporting, pursuant to law, as of June 30, 1957, there was an aggregate of 2,756 officers assigned or detailed to permanent duty in the executive element of the Air Force at the seat of Government; to the Committee on Armed Services.

REPORT ON REAL PROPERTY MADE AVAILABLE AND DISPOSED OF TO PUBLIC HEALTH AND EDUCATIONAL INSTITUTIONS

A letter from the Secretary of Health, Education, and Welfare, Washington, D. C., transmitting, pursuant to law, a report on real property made available and disposed of to Public Health and Educational Institutions, for the period April 1 through June 30, 1957 (with an accompanying report); to the Committee on Government Operations.

CONSTRUCTION OF IRRIGATION DISTRIBUTION SYSTEM AND DRAINAGE WORKS FOR CERTAIN INDIAN LANDS

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the construction of an irrigation distribution system and drainage works for restricted Indian lands within the Coachella Valley County Water District in Riverside County, Calif., and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIEN SEAMEN

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a list of Yugoslav crewmen whose admission was authorized by law (with an accompanying paper); to the Committee on the Judiciary.

AUDIT REPORT ON REVIEW OF ACQUISITION AND DISPOSAL OF REAL ESTATE, CORPS OF ENGINEERS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of acquisition and disposal of real estate, Corps of Engineers (civil functions), Department of the Army, dated January 1957 (with an accompanying report); to the Committee on Public Works.

PROPOSED AMENDMENT OF HATCH ACT

A letter from the Chairman, United States Civil Service Commission, Washington, D. C., transmitting a draft of proposed legislation to amend certain provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended, and for other purposes (with accompanying papers); to the Committee on Rules and Administration.

## PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the Advertising Association of the West, at Honolulu, T. H., on June 27, 1957, favoring the enactment of legislation granting statehood to Hawaii; to the Committee on Interior and Insular Affairs.

## PROPOSED ADVISORY COMMISSION OR COMMITTEE ON INTERNATIONAL RULES OF JUDICIAL PROCEDURE—RESOLUTION

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution from the National Association of Attorneys General, of which I had the honor to be a member when I served at attorney general of the State of New York, on the subject of the appointment of State attorneys general and other representatives of State governments on the proposed Commission or Advisory Committee on International Rules of Judicial Procedure.

I am advised by my distinguished successor, Attorney General Louis J. Lefkowitz, that this resolution was adopted at the annual meeting of the association at the end of June, at Sun Valley, Idaho.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION TO MEMORIALIZE CONGRESS TO PROVIDE, IN ANY BILL ADOPTED BY IT FOR THE ESTABLISHMENT OF A COMMISSION AND/OR ADVISORY COMMITTEE ON INTERNATIONAL RULES OF JUDICIAL PROCEDURE, FOR THE APPOINTMENT OF STATE ATTORNEYS GENERAL AND OTHER REPRESENTATIVES OF STATE GOVERNMENTS ON SUCH COMMISSION AND ADVISORY COMMITTEE

Whereas there was introduced in the 85th Congress, 1st session, on February 11, 1957, by Congressman EMANUEL CELLER, legislation entitled "A bill to establish a Commission and Advisory Committee on International Rules of Judicial Procedure" (H. R. 4642); and

Whereas a purpose of said bill, as stated in section 2 thereof, is that procedures necessary or incidental to the conduct and settlement of litigation in State and Federal courts and quasi-judicial agencies which involve the performance of acts in foreign territory, such as the service of judicial documents, the obtaining of evidence, and the proof of foreign law, may be more readily ascertain-

able, efficient, economical, and expeditious, and that the procedures of our State and Federal tribunals for the rendering of assistance to foreign courts and quasi-judicial agencies be similarly approved; and

Whereas said bill provides for the establishment of a Commission to be known as the Commission on International Rules of Judicial Procedure (sec. 1), and for the establishment of an Advisory Committee to be known as the Advisory Committee on International Rules of Judicial Procedure (sec. 5 (a)) to draft legislation and international agreements and make recommendations to the President, for the accomplishment of the above-stated purpose; and

Whereas nowhere in the bill, either in the provision for membership of the Commission (sec. 3 (a)) or in the provision for establishment of the Advisory Committee to advise and consult with the Commission (sec. 5 (a)), is provision made for appointment of any representatives of the governments of the States, not withstanding that the work of the Commission and Advisory Committee will be in reference to rules of judicial procedure which will affect procedures and litigation in the State courts and quasi-judicial agencies, as well as in the Federal courts and quasi-judicial agencies (sec. 2): Now, therefore, be it

*Resolved by the 51st annual meeting of the National Association of Attorneys General,* That the association respectfully memorializes the Congress of the United States as follows:

1. That any bill adopted by the Congress to establish a Commission and/or Advisory Committee on International Rules of Judicial Procedure, provide that such Commission include attorneys general of the States as members of the Commission, and provide that such Advisory Committee include judges of the State courts and other officials of State governments, lawyers, and other persons competent to provide advice for the Commission.

2. That before any further action is taken by the Congress or any committee thereof upon H. R. 4642, now pending before the Congress, the appropriate sections thereof be amended to carry out the purposes of the preceding paragraph.

## THE LATE SENATOR McCARTHY—RESOLUTIONS

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the body of the RECORD two resolutions with reference to the late Senator McCarthy. One was adopted by the 58th Annual Encampment of the Department of Wisconsin, United Spanish War Veterans, and the other by the Common Council of the City of South Milwaukee, Wis.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION INTRODUCED AT THE 58TH ANNUAL ENCAMPMENT OF THE DEPARTMENT OF WISCONSIN, U. S. W. V., LA CROSSE, WIS., JUNE 10, 1957.

Whereas it has pleased the Almighty God to take from our midst, to enter into eternal life, our beloved United States Senator Joseph R. McCarthy; and

Whereas Senator McCarthy in life, represented that type of a constructive citizen and a United States official who was mindful of his sworn obligation to defend and protect his country and its citizens against all enemies, both within and without the confines of our Nation; and

Whereas in the fulfillment of his convictions to do justice to his sacred oath of office, he entered into controversial phases with his fellow citizens, nevertheless, at no time was he ever adjudged other than he was zealous in his creed of usefulness and guardianship of our Nation's security: Now, therefore, be it

*Resolved,* That we, the comrades of the Department of Wisconsin, United Spanish War Veterans, assembled at our 58th annual department encampment at La Crosse, Wis., June 9 to 12, 1957, inclusive, extend to Mrs. McCarthy, his wife, our belated, profound sympathies for his early passing. However, may there be a soothing influence in this sad hour with the assurance that the memory of his convictions were truly the acts determined by his sincere desire to prove to the Nation at large of his determination to keep our Nation free from any subversive forces; and be it further

*Resolved,* That we, the comrade members of the Spanish-American War want to express our gratefulness for the support he has given to all of our legislation sponsored for the welfare and comfort of both of our comrades, wives, and dependents.

RESOLUTION IN MEMORY OF THE LATE SENATOR JOSEPH R. MCCARTHY

Whereas Joseph R. McCarthy died on May 2, 1957, at the age of 48 years; and

Whereas at the time of his demise Joseph R. McCarthy represented the State of Wisconsin as a Member of the Senate of the United States; and

Whereas Joseph R. McCarthy was an outstanding patriot, a courageous American, and an enemy of communism in every form; and

Whereas during his period of public service, Joseph R. McCarthy fought unceasingly against the principles of communism, and, in so doing, left an indelible mark in the pages of current history; and

Whereas although he made enemies as well as friends, Joseph R. McCarthy possessed the qualities of courage, determination, and the willingness to work to the limit of his ability for that which he believed was in the best interests of his country; and

Whereas the colorful figure of Joseph R. McCarthy will be sadly missed, not only by his family and close friends, but by his colleagues and many friends throughout the world; and

Whereas it is fitting at this time that the passing of this great American be officially recognized by the city of South Milwaukee: Therefore be it

*Resolved,* That this resolution be adopted by the Common Council of the City of South Milwaukee, Wis., and entered in the official minute book in commemoration of the late Joseph R. McCarthy, Senator, statesman, and American; and further, that a copy of this resolution be sent to the members of his family as a token of sympathy at his passing.

Adopted May 7, 1957.

Approved May 8, 1957.

LOUIS J. MOSAKOWSKI,
*City Clerk.*

W. P. ATKINSON, *Mayor.*

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 976. A bill for the relief of Charles A. Sidawi (Rept. No. 732);

S. 1293. A bill for the relief of Eithaniahu (Eton) Yellin (Rept. No. 733);

S. 1435. A bill for the relief of Louis Glaros (Rept. No. 734);

S. 1861. A bill for the relief of Angelos Karydis and his wife, Maria Karydis (Rept. No. 735);

S. 1902. A bill for the relief of Belia Rodriguez Ternoir (Rept. No. 736);

S. 2003. A bill for the relief of Jozice Matana Koulis and Davorko Matana Koulis (Rept. No. 737);

H. R. 1701. A bill for the relief of Abram van Heyningen Hartendorp (Rept. No. 755);

H. R. 3344. A bill for the relief of Kenneth F. Ailes (Rept. No. 757);

H. R. 5365. A bill for the relief of Robert B. Peterman (Rept. No. 758);

H. R. 5721. A bill for the relief of Marian Diane Delphine Sachs (Rept. No. 756); and

H. R. 6961. A bill for the relief of Walter H. Berry (Rept. No. 760).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 66. A bill for the relief of Nobuko Hamasaki Fawcet (Rept. No. 738);

S. 137. A bill for the relief of Hans Paul Lange (Rept. No. 739);

S. 402. A bill for the relief of Martha Huber Vavra (Rept. No. 740);

S. 662. A bill for the relief of Howard I. Buchbinder (Rept. No. 741);

S. 1154. A bill for the relief of Theresa Gloebl Clark (Rept. No. 742);

S. 1271. A bill for the relief of Daniel Alcide Charlebois (Rept. No. 743);

S. 1308. A bill for the relief of Carmen Jeanne Launois Johnson (Rept. No. 744);

S. 1414. A bill for the relief of Wolfgang Jochim Herman Schmiedchen (Rept. No. 745);

S. 1617. A bill for the relief of Xavier Arreguin (Blanco) (Rept. No. 746);

S. 1625. A bill for the relief of Renee Juliette Dubuc Whitbread (Rept. No. 747);

S. 1654. A bill for the relief of Mary E. Trantow (Rept. No. 748);

S. 1934. A bill for the relief of Barbara Woodward Lucket (Rept. No. 749);

S. 1972. A bill for the relief of Letizia Maria Arini (Rept. No. 750);

S. 2095. A bill for the relief of certain aliens (Rept. No. 751); and

H. R. 6282. An act for the relief of the former shareholders and debenture noteholders of the Goshen Veneer Co., an Indiana corporation (Rept. No. 759).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 1477. A bill for the relief of Jaime Cabrera Bernal (Rept. No. 752);

S. 1910. A bill for the relief of Salvatore Salerno (Rept. No. 753); and

H. Con. Res. 171. Concurrent resolution favoring the granting of the status of permanent residence to certain aliens (Rept. No. 754).

By Mr. O'MAHONEY, from the Committee on the Judiciary, without amendment:

S. J. Res. 18. Joint resolution to authorize and request the President to issue a proclamation in connection with the centennial of the birth of Theodore Roosevelt (Rept. No. 761); and

H. Con. Res. 117. Concurrent resolution to commemorate the quadricentennial anniversary of the establishment of the first settlement in Florida (Rept. No. 762).

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, with amendments:

S. 1798. A bill to amend section 4462 of the Revised Statutes, as amended, with respect to certain vessels carrying freight for hire on the inland waters of southeastern Alaska or between such waters and the inland waters of the State of Washington (Rept. No. 763).

## EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Alfred A. Arraj, of Colorado, to be United States district judge for the district of Colorado, vice Jean Sala Breitenstein;

Charles W. Atkinson, of Arkansas, to be United States attorney for the western district of Arkansas;

Hugh K. Martin, of Ohio, to be United States attorney for the southern district of Ohio;

Frank D. McSherry, of Oklahoma, to be United States attorney for the eastern district of Oklahoma;

Emerson Ferrell Ridgeway, of Florida, to be United States marshal for the northern district of Florida; and

James Y. Victor, of Oklahoma, to be United States marshal for the northern district of Oklahoma.

By Mr. ERVIN, from the Committee on the Judiciary:

Roy A. Harmon, of North Carolina, to be United States marshal for the western district of North Carolina.

By Mr. GREEN, from the Committee on Foreign Relations:

Executive J, 85th Congress, 1st session. An interim Convention on Conservation of North Pacific Fur Seals, signed at Washington on February 9, 1957; without reservation (Ex. Rept. No. 10).

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHURCH:

S. 2648. A bill for the relief of Eusebio Asla Pinuaga; to the Committee on the Judiciary.

By Mr. HICKENLOOPER (for himself, Mr. BRICKER, Mr. CAPEHART, Mr. CASE of South Dakota, Mr. CURTIS, Mr. DIRKSEN, Mr. HRUSKA, Mr. JENNER, and Mr. MARTIN of Iowa):

S. 2649. A bill to provide an alternative price support program for the 1958 crop of corn, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. HICKENLOOPER when he introduced the above bill, which appear under a separate heading.)

By Mr. BRICKER:

S. 2650. A bill for the relief of Tokiyo Nakajima and her child; to the Committee on the Judiciary.

By Mr. ELLENDER (by request):

S. 2651. A bill to repeal section 8f of the Agricultural Adjustment Act of 1933, as amended; to the Committee on Agriculture and Forestry.

By Mr. HOLLAND:

S. 2652. A bill to amend section 302 of the Defense Production Act of 1950 to authorize loans to certain public agencies directly connected with activities essential to the national defense; to the Committee on Banking and Currency.

By Mr. CURTIS:

S. 2653. A bill for the relief of Brigitte Anni Pionteck; to the Committee on the Judiciary.

## REFERENDUM BY CORN PRODUCERS ON PRICE SUPPORTS

Mr. HICKENLOOPER. Mr. President, on behalf of the Senator from Ohio [Mr. BRICKER], the senior Senator from Indiana [Mr. CAPEHART], the Senator from South Dakota [Mr. CASE], the junior Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Nebraska [Mr. HRUSKA], the junior Senator from Indiana [Mr. JENNER], my colleague, the junior Senator from Iowa [Mr. MARTIN], and myself, I introduce a bill for appropriate reference.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2649) to provide an alternative price support program for the 1958 crop of corn, and for other purposes, introduced by Mr. HICKENLOOPER (for himself and other Senators) was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. HICKENLOOPER. Mr. President, the bill calls for a referendum by corn producers not later than the 15th of December of this year, on a proposal which, if voted in the affirmative, would suspend all acreage allotments for corn for the 1958 crop. It would make price supports to producers in the United States at 70 percent of the parity price of corn as of the beginning of the marketing year, and would make price supports available on 1958 crops of grain sorphums, barley, rye, and oats, at such level as the Secretary may prescribe, after taking into consideration the relative feed value of those commodities.

I ask unanimous consent that the bill be printed in the RECORD in full at this point as a part of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.*, That title I of the Agricultural Act of 1949, as amended, is further amended by adding at the end of such title the following:

"SEC. 102. (a) Not later than December 15, 1957, the Secretary shall conduct a referendum of producers of corn in the commercial corn-producing area to determine whether such producers favor a price support program as provided in subsection (b) of this section for the 1958 crop in lieu of acreage allotments as provided in the Agricultural Adjustment Act of 1938, as amended, and price support as provided in section 101 of the Agricultural Act of 1949, as amended.

"(b) Notwithstanding any other provision of law, if a majority of the producers voting in the referendum conducted pursuant to subsection (a) hereof favor a price support program as provided in this subsection (b), the Secretary of Agriculture is authorized and directed (1) to suspend acreage allotments for corn for the 1958 crop; (2) to make available price support to producers for the 1958 crop of corn at 70 percent of the parity price of corn as of the beginning of the marketing year; and (3) to make available price support to producers for the 1958 crops of the nonbasic commodities, grain sorghums, barley, rye, and oats, respectively, at such level as the Secretary may prescribe after taking into consideration the feed value of such commodity in relationship to corn and the other factors set forth in section 401 (b) hereof."

Mr. THYE. Mr. President, will the Senator yield for a question?

Mr. HICKENLOOPER. I yield.

Mr. THYE. Would the farm bill just introduced by the distinguished Senator from Iowa exclude corn producers from participation in the reserve acreage feature of the soil bank?

Mr. HICKENLOOPER. No.

Mr. THYE. How could a producer participate in the reserve acreage phase of the soil bank under the terms of the Senator's bill?

Mr. HICKENLOOPER. It would be a voluntary participation in the soil bank. Probably it would be more attractive to participate in the conservation reserve than in the acreage reserve. However, as I view it, the bill would not prevent such participation.

Mr. THYE. That is my only concern. I had studied the bill very carefully, with the thought that I might join as a cosponsor. However, in my study of the bill a question arose as to whether any producer who did not have an acreage allotment could participate in the soil bank. That is the only reservation I have.

Mr. HICKENLOOPER. It is not my intention to do any disservice to the soil bank idea, because I have been very much in favor of the program. I think the method which would be used would be participation in the soil bank on the basis of the evaluation of the acreage as crop producing acres, which, in effect, would probably be along the lines of the present conservation reserve—that is, the more valuable the acres were for crop production, as appraised by local committees, the greater the amount which would be paid for participation in the soil bank.

Mr. THYE. In other words, if a farmer in Iowa, where the production is often 100 bushels of corn to the acre, desired to comply with the soil bank in order to try to reduce the overall harvest, the productive ability of the land would be taken into consideration; and if the farmer kept an acre of such high-productive land idle, he would receive a compensating payment comparable to what is now normally paid under a reserve acreage contract.

Mr. HICKENLOOPER. That is my view. It would not necessarily be the exact amount which is paid this year, but the amount would be fixed; and if the producer had a history of high production—and all the counties have their records, of course—if he could establish a high-production base on such land, he would be paid on the high value basis. Someone who had a low-production record base would be paid a correspondingly lesser amount for taking land out of production.

Mr. THYE. The author of the bill, the Senator from Iowa, has in mind that he would like to see the administrative function within the Department of Agriculture permit the high-producing areas in Iowa, Illinois, and southern Minnesota to qualify for participation under the conservation aspect of the soil bank, and be compensated somewhat on the basis of the compensation allowed last year and this year under the reserve acreage phase of the program.

Mr. HICKENLOOPER. Under the proper formula, recognizing the difference in the value of the land.

Mr. THYE. And the productive value of the land.

Mr. HICKENLOOPER. By "value" I meant the productive ability of the land.

Mr. THYE. The bill, however, does take corn out of the group of basic commodities. Is that correct?

Mr. HICKENLOOPER. If the bill is enacted into law, it would take corn, in effect, from under the basic commodity designation, where it is now.

Mr. THYE. I thank the Senator.

Mr. HICKENLOOPER. I may say that I should like to have comments on the bill, and I wish to have it examined

by the persons who are interested in agriculture. It is not necessarily a finality.

Mr. THYE. If the Senator will yield further——

Mr. GOLDWATER. Mr. President, I have a very short RECORD insertion to make.

Mr. HICKENLOOPER. Perhaps I have already exceeded my 3-minute limitation.

Mr. THYE. Very well.

Mr. MARTIN of Iowa. Mr. President, I am very proud to join my colleague, the senior Senator from Iowa [Mr. HICKENLOOPER], in introducing the bill to which he has made reference. It deals with corn, and it is of great importance to the State of Iowa and to the entire Corn Belt of the Nation. It will bear close study and analysis and a thorough study by the Committee on Agriculture and Forestry, as well as by the Senate itself. I am very proud to join with my senior colleague as a cosponsor of the bill.

## ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. CLARK:

Article entitled "An Ambassador Is Born," dealing with testimony by Maxwell H. Gluck before the Senate Foreign Relations Committee, published in the Washington Post of July 28, 1957.

## RECOMMENDATION OF SENATOR MURRAY AND THE LEWISTOWN DAILY NEWS FOR ESTABLISHMENT OF A STEEL MILL IN CENTRAL MONTANA

Mr. MANSFIELD. Mr. President, the July 25 issue of the Lewistown Daily News condenses into a few paragraphs in its editorial column a statement on the many duties and responsibilities of a United States Senator.

The editorial commends my distinguished colleague, the senior Senator from Montana [Mr. MURRAY], for taking up the cause of establishing a steel mill in central Montana. The Daily News expresses its amazement that Senators manage to do all that they do and still have time to take up new causes.

Senator MURRAY has a long, enviable record of service to the State of Montana. He is constantly in search of new ways to develop the resources of our State. In his capacity as chairman of the Senate Committee on Interior and Insular Affairs and as ranking member of the Senate Committee on Labor and Public Welfare, he has been of tremendous service to the people of the Treasure State.

However, I wish to point out that neither Senator MURRAY nor I would be of as much service to the State without the stimulation and suggestions that originate with the press in the State. The Lewistown Daily News is one of Montana's finest dailies, and deserves recognition as the original champion of the development of a steel industry in Montana.

Mr. President, I ask unanimous consent that the editorial entitled "Senator MURRAY Acts," appearing in the Lewistown Daily News, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR MURRAY ACTS

Few human beings are busier these days than a United States Senator.

He must read and reply to a deluge of mail; he must be ever available to the visiting voters from his home State; he must answer endless rollcalls on the Senate floor; he must attend committee meetings from early morning until late at night; he must caucus with party leaders; he must keep up with complicated and controversial legislation; he must be as certain as possible that his vote is for the greatest good to the greatest number. And, somewhere along the way he must keep abreast of developments at home and abroad.

Even with the best of administrative assistance, it's almost unbelievable that so many Senators manage to do all that they do.

How remarkable, for example, that Montana's senior Senator JAMES MURRAY has taken up the cause of establishing a steel mill in central Montana.

Senator MURRAY, we're proud to say, was stimulated to this action by articles and editorials first appearing in the Lewistown Daily News. No, we didn't call his attention to these articles. Either he or alert members of his staff, following developments at home, noticed this news in our newspaper. The good Senator has lost no time in acting to make something of this opportunity for the benefit of Montana.

Senator MURRAY asked Director Marling Ankeny of the Bureau of Mines to prepare a study of the "economic feasibility of locating a steel mill in Montana." And when a United States Senator makes such a request of a bureau chief in Washington we can be sure that he gets results. We await the study with interest.

Senator MURRAY is already working with other western Senators in an effort to obtain cheaper freight rates for Montana iron ore.

Of such small acorns do mighty oaks grow.

We now know we have in our midst mountains of iron reported to be the highest grade in the Western Hemisphere. There is also coal which new processes make suitable for steel production. Everything is here for a great new steel industry in this part of the Northwest.

It is gratifying to know that our chamber of commerce is actively pushing this matter.

We have an idea that fired up local interest coupled with the support of Senators Murray and Mansfield and Governor Aronson will mean that we have not heard the last of this very promising matter.

## THE THREAT OF ASIATIC INFLUENZA

Mr. MANSFIELD. Mr. President, in recent weeks we have heard considerable about the threat of Asiatic "flu." The August issue of Harper's magazine contains an engrossing article by Dr. David D. Rutstein, entitled "The Influenza Epidemic." The article considers three questions: "How deadly will it be? What is causing it? What can we do about it?" One of the most interesting suggestions to come from the article is that one of the major steps which should be taken in combating an influenza epidemic is the stockpiling of antibiotics which are effective against this germ. This is a problem of nationwide interest.

I think there is considerable to be said as to the responsibility of the Federal Government for providing such a stockpile and making arrangements for the allocation of these antibiotics as the need arises.

A "flu" epidemic seems rather remote to us here in Washington, but such an epidemic has raised havoc in many European and Asiatic countries. The germ moves fast, and strikes within a very short period of time. This is a problem which the Federal Government should recognize in the interest of the health of the people of this country.

Mr. President, I ask unanimous consent that this Harper's magazine article be printed at this point in the CONGRESSIONAL RECORD, so that all may study it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE INFLUENZA EPIDEMIC: HOW DEADLY WILL IT BE?—WHAT IS CAUSING IT?—WHAT CAN WE DO ABOUT IT?

(By David D. Rutstein, M. D.)

(EDITOR'S NOTE.—Dr. Rutstein is professor and head of the department of preventive medicine at Harvard, a staff member of six Boston hospitals, and author of a television series and forthcoming book, both entitled "The Facts of Medicine.")

In April an epidemic of influenza exploded in the Far East. Starting in Hong Kong, it spread thousands of miles in all directions in less than 2 months. As we watch it spread, we ask ourselves: Will this epidemic burn itself out—or is it the forerunner of a worldwide plague which may kill millions of people before it dies away?

An exact answer to this question is not possible at the moment. But a look at the record will tell us what to watch for as the epidemic spreads. It will also guide us in doing everything possible to minimize its effects.

Influenza, a disease of the respiratory tract, is spread from person to person by direct contact, through breathing, coughing, speaking, and sneezing. It is so highly infectious that many thousands of persons in a city may be attacked at the same time, and it spreads rapidly along lines of communication from one center of population to another. The disease varies in severity from being almost asymptomatic to one which may cause death within a few days. All epidemics of influenza have both mild and severe cases, but a large majority in most epidemics are of the milder sort. Occasionally, as in 1918–19, the epidemic may include a large proportion of severe cases.

Influenza is the only disease causing worldwide epidemics in modern times. Indeed, this disease spreads all over the world so rapidly that pandemic—a special word meaning worldwide epidemic—is used to describe it. Pandemics of severe influenza occur about 4 times every 100 years. The last pandemic occurred in 1918–19 and the one before that in the winter of 1889–90. The interval between such outbreaks has varied from about 10 to 50 years and is therefore of little help in forecasting a pandemic of severe influenza. In the intervals between pandemics there are widespread epidemics of mild influenza every 2 to 4 years. The last such epidemic occurred in the United States in the winter of 1952–53 and there were scattered cases in 1954–55.

In order to determine how serious the present epidemic may become, let us look back at the 1918–19 pandemic of severe disease and compare it with the epidemics

of milder influenza which have occurred since.

The 1918–19 outbreak began in the early spring of 1918 when a wave of localized epidemics passed over the Continent of Europe. These epidemics traveled along lines of communication, but did not seem to extend from the cities to the surrounding countryside. This beginning is often referred to as the first wave. The epidemic in each city affected from 10 to 50 percent of the total population in the short period of 4 to 6 weeks and subsided as fast as it had spread.

Because of the neutrality of Spain in World War I, we had the most information about the early 1918 epidemic from that country. As a result, in the United States the disease was popularly called Spanish influenza. A similar epidemic wave appeared in the Far East. At almost the same time there were small outbreaks of influenzalike disease in the United States, but these lacked the wavelike characteristics of the European and Asian epidemics.

Influenza in the first wave was incapacitating, but the death rate was low. The symptoms came on suddenly with a chill, followed by an elevation of temperature to 103 or 104 degrees. At times patients would report that they had "felt rotten" for a day or two before the onset of the acute disease. During the 2-to-3-day course of high fever the patient complained of severe headache and generalized muscle pain, particularly in the back and legs. Respiratory symptoms were relatively mild with a persistent cough and some nasal discharge. Usually the temperature dropped rapidly and all acute symptoms disappeared, with the exception of the cough, which gradually decreased.

After a bout of influenza, patients complained of feeling "washed out" and it sometimes took days or even weeks before they felt like their old selves again. The disease had a range of severity from very mild cases with slight fever and some discomfort all the way to a severe, prostrating illness complicated by pneumonia which was at times fatal. This complication was not frequent and for the most part the death rates were but slightly increased during the first wave.

THE SECOND WAVE

The relatively mild first wave of influenza in 1918 would have passed unnoticed had it not been followed by the death-dealing second wave. This appeared in France in mid-August of 1918, and by late August and early September it had hit the United States. Boston was the first community attacked, but within a few days the epidemic had spread rapidly down the east coast in a more or less southwesterly direction. Almost simultaneously, severe influenza appeared in epidemic form in Army camps throughout the country. The second wave spread so rapidly through the civilian population that a peak for the entire country was reached by late October. From 25 to 40 percent of the population of the affected communities was made ill almost at the same time; the highest attack rate occurred in children 5 to 14 years of age. The epidemic subsided equally rapidly, so that by late November it had practically disappeared. This pattern was reproduced at about the same time in many parts of the world.

The severe nature of the disease was mirrored in the death totals. In the United States over 300,000 people were dead as a result of this second wave, or approximately 1 out of every 300 civilians in the country. In certain Army camps, where the disease was most fatal, 1 out of every 35 men died. This was probably a reflection of the tragic fact that the second wave of the 1918 epidemic had its highest death rate among young adults, particularly males. The death rate in this age group was even higher than that among very old people.

What were the characteristics of the disease in this second wave? Patients presented the same symptoms as in the first, but in addition acute inflammation of the lungs was relatively common. This pneumonia, coming on early in the disease, usually became much worse on the third or fourth day—just at the time when the patient was expected to be getting better. This complication was responsible for most of the deaths.

In the winter of 1919, during the usual respiratory disease season, there was a third wave of influenza. It was less well defined than the previous ones. In the United States it varied in extent from place to place, but was clearly less serious than the second wave. In any particular community, the intensity of the third wave seemed to bear no relationship to that of the two previous ones. Like the earlier waves, it lasted from 4 to 6 weeks and then subsided rapidly. In the winter of 1920 there was a widespread epidemic of moderately severe influenza which may have been the aftermath of the 1918–19 epidemic.

Since 1918 there have been repeated epidemics of relatively mild influenza every 2 to 4 years. Only a few of them have been widespread enough to be called pandemics. Most of them, regardless of the area of spread, have consisted of comparatively mild cases. The exceptions were the widespread epidemics of 1920 and 1928–29, the 1941 and 1949 epidemics in the Netherlands, and the 1951 epidemic which had a high fatality rate in Liverpool, England. But even the worst of these interim epidemics was far less serious than the 1918–19 pandemic.[1]

There is one additional difference between the epidemic of 1918–19 and those which followed. Deaths in all since 1920 have, for the most part, occurred in very young children and very old people. Death has come most often to those already suffering from a chronic disease, particularly heart disease or tuberculosis. This is in sharp contrast to the large number of deaths in previously healthy young adults in the 1918–19 outbreak.

THE VIRUS THAT CHANGES

The cause of the 1918–19 pandemic of influenza is still unknown. It is supposed that the pandemic was due to a virus. Viruses are very tiny protein molecules which infect the insides of cells and are too small to be seen with the ordinary microscope. Research techniques available in 1918 were not developed enough to identify the suspected virus. Since that time enormous scientific advances have been made. We have learned to grow viruses in animals and in chick embryos in fertile hens' eggs. Now we are also able to take photographs of most viruses with the electron microscope.

The first successful isolation of an influenza virus took place during an epidemic in 1933. In that year Drs. W. Smith, C. H. Andrewes, and P. P. Laidlaw in England were able to grow the virus in a rodent called a ferret. The virus obtained from throat washings of human influenza patients produced a typical disease in ferrets. Since 1933 it has been possible to isolate a virus from every subsequent epidemic of influenza. The techniques have gradually been simplified and the virus can now be grown in chick embryos.

The influenza viruses fall into three large groups labeled A, B, and C. Of these, only A-virus is important as a possible cause of severe pandemics. The important characteristic which would suggest its association with pandemics of severe influenza is its ability to give rise to sudden sharp mutations. Influenza B- and C-viruses are not likely to produce pandemics of severe influenza because the B-virus has shown but slight tendency to mutate and the C-virus none at all.

Ordinarily, if we recover from an infection with an influenza virus, we build up an immunity which protects against later attacks of the same disease. But this is true only if the subsequent infection is caused by the same kind of virus. If, in the meantime, the virus has mutated this may not be the case. The amount of protection we would have against the new mutant will depend upon how far the mutant has strayed from its parent virus.

Since 1933, and up to the present epidemic, there have been two major mutations and a large number of minor ones among the influenza A-viruses. The original A-virus found in 1933 was soon replaced by the mutant virus first found by Dr. Thomas Francis, Jr., in Puerto Rico in 1934. This Puerto Rico mutant—or minor mutants of it—was concerned in all subsequent epidemics of influenza until 1947. In that year it was suddenly replaced by another mutant, now called the A-prime virus.

Thus, if we had had a influenza infection in 1933 we would probably have had good immunity against the original virus. But we would have very little immunity to the Puerto Rican virus, and practically no immunity to the A-prime virus. Each mutant seems to stray further and further away from the original parent virus.

Although we have no specific information about the cause of the 1918–19 pandemic, we do know much about the germs which, as secondary invaders, were at least partly responsible for the pneumonia which was the most severe complication. Germs are much larger than viruses, were easily studied at that time through the ordinary microscope, and could be grown readily on relatively simple culture media. The initial inflammation of the lungs produced by the influenza seemed to open the way to these germs.

The germs most frequently identified during the pandemic were the streptococcus which ordinarily causes scarlet fever; the staphylococcus, the common cause of boils and abscesses; the pneumococcus, the usual cause of lobar pneumonia; and a germ called the influenza bacillus which except in young children only rarely causes pneumonia in the absence of a predisposing influenza epidemic. Information collected about these germs of the 1918–19 epidemic has great practical significance because we now have antibiotics effective against most of them. Penicillin is very effective against the streptococcus and the pneumococcus. Tetracycline and steptomycin work well against the influenza bacillus. Certain of the antibiotics )erythromycin and chloramphenicol) have been effective only against certain strains of the staphylococcus.

The present epidemic struck suddenly and spread fast. In a period of less than 1 week 250,000 people, one-tenth of the population of Hong Kong, were said to have received medical treatment for influenza. By early June the epidemic had been reported in Singapore, Formosa, Indonesia, the Philippines, Australia, Thailand, Japan, and many parts of India as far west as Bombay. It is difficult to get precise information on many features of these epidemics, but the following points seem established:

(1) The disease has spread extremely rapidly and has the early characteristics of a pandemic. Spokesmen for the Medical Research Council in England and the United States Public Health Service have expressed the belief that the epidemic would spread to Europe and America relatively soon. By the time these words appear in print, the 1957 influenza epidemic may have already appeared in much of the United States.

(2) In the epidemic cities a large number of people have been stricken within a very short period of time. Press reports from

[1] The worldwide total of deaths from influenza, during the 1918–19 epidemic is estimated at 21 to 25 million.

Taipai, Singapore, Manila, and Bombay indicate that such a large proportion of the population was attacked so quickly that essential community services were seriously impaired.

(3) The death rate, although increased, has been relatively low. It is similar to the death rate in the first wave of the 1918 epidemic, and in the minor epidemics which have appeared since that time.

(4) There has been a high attack rate among children. Schools have been closed by the epidemic in Taipai, Singapore, and Tokyo.

(5) The epidemic has not only exploded rapidly within centers of population but it has spread throughout the surrounding countryside. In the Philippines, for example, health authorities reported that the epidemic appeared to be spreading throughout the entire archipelago.

(6) The virus causing the epidemic has been isolated. It is a new mutant unlike any previously recognized influenza A-virus. Indeed, this virus differs most from all those isolated since the first virus in 1933.

(7) For the first time since the discovery of the A-virus, a rapidly spreading epidemic is involving a large part of the earth's surface. It is due to a sharply different mutant against which no immunity exists in the general population. The epidemic in 1947, at the time of the last major mutation of A-virus, did not have the wavelike characteristics of the present outbreak.

PROTECTING OURSELVES

One of the current theories of the mechanism of the 1918–19 pandemic provides us with an excellent working base for an efficient program of protection. That theory assumes that the 1918–19 pandemic was due to the rapid spread of a virulent mutant of the influenza A-virus against which no immunity was present in the population, and that the virulence of this virus was enhanced by secondary infection with pneumonia-producing germs.

We do not yet know how virulent the new mutant will be or whether it will favor invasion by pneumonia-producing germs. Unfortunately, we now have no laboratory test for virulence in human beings of influenza viruses. We may be reassured that during the present summer the epidemic will be relatively mild, because the complicating germs do not flourish at this time of year as they do in the colder months. Even in the severe 1918–19 pandemic, the disease in the first wave during the summer was relatively mild. We may expect the present wave of relatively mild influenza to die away in the late summer. We do not know whether this will be the end of the epidemic or whether it will recur in a second, more serious wave of disease as in 1918–19.

If we are to derive maximum benefit from our knowledge of influenza, we must not delay. The interval between now and early autumn when respiratory disease increases gives us time for preparation. We must use this time well. With proper planning we may be assured that modern scientific techniques, the new antibiotics, and a cooperative, informed population can minimize the effects of the pandemic whether it be one of mild or severe disease.

Fortunately, much has already been done. The World Health Organization, as long ago as 1947, set up a World Influenza Center at the National Institute of Medical Research in London. This is the focal point of a network of over 50 laboratories in all parts of the world. In Washington the United States Public Health Service set up in 1948 an Influenza Information Center which acts as liaison with the World Influenza Center and the cooperating laboratories in this country. This program provides for an immediate exchange of information about influenza throughout the world and for the transmission from one laboratory to another of new influenza viruses. The virus causing the current epidemic has already been received in this country. American laboratories have already verified its different nature.

An effective "dead" vaccine has been developed against influenza. This vaccine, first produced in 1942 from the Puerto Rican mutant of influenza-A, protected against infection caused by this same virus. But in 1947, when this virus was replaced by the A-prime mutant, the vaccine was no longer effective. Since then the vaccine has been kept up to date as new minor mutants have developed. But, as might be expected, laboratory tests on the blood of those immunized with vaccine produced just prior to the 1957 outbreak show no protection against the new virus. This means that the existing vaccine will probably be ineffective. To meet this emergency, specimens of the 1957 virus have been distributed to commercial vaccine manufacturers throughout the United States, and vaccine production is already under way. It is not yet known how much of of the new vaccine will be available before the end of the summer.

The United States Public Health Service, through its Division of Foreign Quarantine, is patrolling all ports of entry to the United States. Influenza is not a quarantinable disease, but all ill travelers from the epidemic areas are examined. It is not likely that this procedure will keep influenza out of the country, but it will probably help us to identify early foci of infection.

Working arrangements are being set up in the United States between the United States Public Health Service and the health departments of each of the States. Through this arrangement exchange of information, facilities, and services will aid in combating the epidemic as it spreads to various parts of this country.

A number of major steps probably will have been taken by the time that this article appears. Antibiotics effective against the pneumonia-producing germs will have to be stockpiled. This will probably be a responsibility of the Federal Government, with arrangements made for allocation to localities as needed.

It is not likely that enough vaccine for every resident of the United States will be available in time to meet the epidemic; therefore, priorities will have to be established. Priorities will probably be given to members of the military services and citizens who provide essential community services. These would include policemen and firemen and those concerned with medical and transportation services and the maintenance of food supplies. Vaccine may have to be allotted to older people and also to persons suffering from chronic heart and lung disease.

If a severe epidemic occurs, the maintenance of essential services in each community will be a major problem. The Civil Defense Administration should be able to meet this need. Plans have already been made for protection against bacteriological warfare initiated by enemy attack. An influenza pandemic is nothing more than bacteriological warfare naturally produced. If an epidemic of influenza does occur here it will provide a good test for our civil-defense services.

WHAT WE CAN DO

Over and above these major programs, each of us has his own responsibility. If we learn the essential facts about influenza and work calmly and cooperatively with our community leaders, we can protect ourselves and our families and minimize the effects of an epidemic of mild or severe disease.

First we must know the important symptoms of the disease. If we develop chills or a chilly sensation, followed by high fever and associated with marked prostration, cough, or bloody sputum, we should go to bed immediately and call our physician. Going to bed will prevent spread of influenza to others. It will also protect the patient from catching pneumonia-producing germs from others. We must cooperate with our physician, follow his instructions, and not return to full activity until we are completely recovered.

If an epidemic strikes, those who stay well must do everything possible to help maintain essential community services. In the 1918–19 pandemic there was serious dislocation of food supplies in certain communities. Existing medical personnel were unable to cope with the demands for care. Transportation services were temporarily crippled. Since 1918 urban living in the United States has, if anything, become more complicated, and requires close cooperation among many specialized services. If any of these services are knocked out, the entire community structure is threatened. Disabling illness in such occupations as operators of water purification equipment, of the steam boiler in a milk pasteurizing plant, or of elevator operators in a city of tall buildings can seriously threaten the health and lives of others. Those not already concerned with essential services will have to pitch in and help out if such an emergency develops.

Even if the 1957 epidemic of influenza should prove to be serious, the outlook is much more hopeful than it was in 1918–19. We now have many medical aids which were not available then. The new antibiotics should prevent many deaths from pneumonia, even in those very seriously ill. Influenza vaccine, even in very limited supply, will prevent cases of influenza among those in essential occupations or in those most susceptible to the disease. Finally, more full-time health departments, better organization of community services and local civil-defense units should make these medical advances available to all who need them. Our job is to use all of these assets effectively.

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that an editorial entitled "Agenda for a Flu Epidemic," published in the St. Louis Post-Dispatch, and an article entitled "United States Put on Alert for Asiatic Flu," published in the July 28 issue of the New York Times, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the New York Times of July 28, 1957]

UNITED STATES PUT ON ALERT FOR ASIATIC FLU—AMERICAN MEDICAL ASSOCIATION ACTS TO MOBILIZE FIGHT ON POSSIBLE EPIDEMIC—DENIES NEED FOR ALARM

CHICAGO, July 27.—A nationwide preparedness program to meet a possible epidemic of Asiatic influenza was announced today by the American Medical Association.

Working with the United States Public Health Service, the association is acting to alert the Nation's physicians—and the public. There have been outbreaks of the ailment in several cities, but the American Medical Association stressed that there was "no immediate cause for alarm."

A special committee on influenza was set up today by the association's board of trustees to handle the alert project. Dr. Harold C. Lueth, of Evanston, Ill., chairman of the special committee, said:

"Rapid onset of the epidemic makes it mandatory to have plans prepared well in advance and to see that the 1,911 medical societies in the country are cognizant of the magnitude of the problem before the epidemic strikes."

POSSIBLE SCOPE OF ATTACK

An American Medical Association spokesman estimated that the rate of attack "would

run between 15 and 20 percent of the population of any cities where the disease reached epidemic proportions."

Dr. Lueth said that the American Medical Association and the Health Service planned to carry on a planned cooperative public education program with the help of newspapers and radio and television stations.

It was announced that the committee planned specifically to do the following:

"Inform all physicians, through State and county medical societies, on how to deal with any Asiatic influenza epidemic.

"Urge State and county medical societies to prepare and develop standby programs and plans to cope with any epidemic, should it occur.

"Formulate plans at the national level to utilize all medical personnel, regardless of type of practice, in time of any influenza emergency.

"Coordinate State and local programs with public-health agencies and health departments."

COMMUNITIES RALLIED

"Each community," Dr. Lueth said, "should make a serious study and have suitable plans to cope with epidemics that might occur."

Dr. David B. Allman, of Atlantic City, president of the association, said in a statement:

"The epidemic may never strike this country, but the American Medical Association is anxious to have practicing physicians mobilized and alerted in case an outbreak does occur.

"Thousands of persons have been stricken with disease in the Far East during the last few weeks and it is only good medicine to deal in probabilities now when we have the time.

"In that way, the American people will be best served from a medical standpoint."

Asiatic influenza is reported to be caused by a new virus. It is a relatively mild illness, usually marked by a short period of fever, 3 to 4 days, and sometimes by sore throat, aching, a dry cough, and other typical symptoms of influenza.

NO KNOWN DRUG IS CURE

WASHINGTON, July 27.—A Public Health Service spokesman said today that no known drug was a cure for Asiatic influenza.

The recommended treatment, he added, is the same as for other types of influenza and the common cold—"Go to bed, drink a lot of liquids, take aspirin."

"Of course, a doctor should be called if necessary," he cautioned.

A laboratory test of a throat washing is necessary to determine whether the influenza virus involved in each case is actually of the Asiatic strain.

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[From the St. Louis Post-Dispatch]

AGENDA FOR A FLU EPIDEMIC

A sensible program for dealing with the influenza epidemic sweeping up from Asia is offered by Dr. David D. Rutstein, head of the department of preventive medicine at Harvard University. Writing in Harper's magazine, Dr. Rutstein proposes that the United States Government establish priorities in the use of the vaccine now being developed, and stockpile antibiotics effective against the pneumonia germs, the most costly complication of flu.

Individuals can best contribute to fighting this world epidemic by going to bed and calling a doctor at once if they develop chills or a chilly sensation "followed by high fever and associated with marked prostration" or cough, in Dr. Rutstein's judgment.

No one yet can predict how mild or how severe will be the impact on the United States of the world epidemic of flu which started in April at Hong Kong. Thus far the cases have been relatively mild, though so numerous that essential community services were impaired in Taipai, Singapore, Manila, and Bombay, and schools were closed in Tokyo. That is why Dr. Rutstein suggests a set of priorities on vaccine. The virus is a new mutant to which no one has built up immunity, and against which earlier vaccines are ineffective.

Cases of Asiatic flu in the United States this summer are expected to be relatively mild, since summer is not conducive to flu anyway. Winter may be a different matter; it is a flu season, and these epidemics have come before in waves with the second wave the deadlier. All these considerations argue for the course of preventive medicine Dr. Rutstein proposes.

Meanwhile, we can all take consolation in the fact that the new mutant virus has been received by laboratories in the United States, and a vaccine is being developed from it by a half-dozen pharmaceutical houses. It is expected that the vaccine will be ready by fall. On a still wider front the World Health Organization of the United Nations is bringing together at London the work on flu of more than 50 laboratories in all parts of the world. Like Dr. Rutstein, they are all convinced that our knowledge of the disease can be put to maximum benefit by using this meantime well.

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## CARLOS CASTILLO ARMAS

Mr. SMITH of New Jersey. Mr. President, the Free World was grievously saddened over the weekend by the news of the assassination of President Carlos Castillo Armas, of Guatemala. It was under his leadership in 1954 that the people of Guatemala were able to overthrow the Communist-led regime of President Arbenz Guzman.

In the 3 years which have passed since President Armas became head of state, Guatemala has been moving toward a working democracy and greater liberty. Congressional elections have been planned for this fall, and the regime has just completed a series of discussions on economic development.

I had the pleasure of meeting President Armas and his charming wife in February 1956. I found that he was deeply concerned with the welfare of his nation. The Hollister mission, with which I was traveling, also met with President Armas' Cabinet. He and his close advisers spent an entire day with us, traveling through the country, and especially inspecting the new highway, which will bring about a complete revolution in transportation conditions in southern Guatemala.

The problems facing this little Central American country warrant our understanding. They concern a society in ferment, which is undergoing a rapid change from semifeudalism to modern industrialism. During President Armas' short tenure, there was naturally some complaint and disgruntlement. But with the help of mutual-security aid, the Guatemalan national economy has slowly been emerging from a serious recession.

It is gratifying to know that Mr. Lopez, who has been sworn in as President Armas' successor, has announced that he will continue the democratic and anti-Communist policies of his predecessor. President Armas stood firmly against the intrusion of the Communist idea into the Western Hemisphere.

To Mrs. Armas and to the other members of his family, Mrs. Smith and I send our personal deep sympathies; and I am confident that we express the sentiments of all Americans who had come to respect and revere this outstanding champion of liberty in the Western Hemisphere.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD, at the conclusion of my remarks, an editorial entitled "Tragedy in Guatemala," which appeared in the New York Times on Sunday, July 28.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TRAGEDY IN GUATEMALA

An assassin has struck in Central America. He has taken the life of one of the real champions of freedom, Carlos Castillo Armas, President of Guatemala. It was under his leadership that the Guatemalans were able to overthrown the preceding Communist-led regime and establish a working democracy.

It is significant that Señor Castillo Armas won his way to the top, just 3 years ago, by military revolt, but that he promptly put his incumbency to the test in a really free election. When he was installed as President in 1954 it was because he had been chosen by the people of Guatemala as the leader whom they wished to follow.

The path along which he led them was a path toward greater liberty, toward economic improvement, toward stability in government. Guatemala survived the test of the strongest Communist challenge to freedom to have appeared in this hemisphere and met it, not only by force, but by actually undertaking to do, in reality, all of the good things that had never got beyond the vague promise stage under a Communist-directed regime.

One hopeful note has already been sounded. The Vice President who succeeded, Señor Gonzales-Lopez, declared in the first moment that the Government would maintain its democratic and anti-Communist policies. A President has been killed in Guatemala. Señor Gonzales-Lopez obviously wishes to make known to the world, in this dark hour, that freedom has not been a victim of the assassin.

Guatemalan police have identified the killer as an active Communist Party member. That was to be expected. The things that President Castillo Armas stood for were the arch enemies of the whole Communist idea. He was a martyr in the cause of that righteous enmity.

Our sympathy and condolence go out to his family. They go, also to the whole people of his country who have lost a firm and bold friend. They will honor his memory, as they should. They will pay him most honor if they help his successor to carry out his aims.

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## THE JURY-TRIAL AMENDMENT TO THE CIVIL-RIGHTS BILL

Mr. SMITH of New Jersey. Mr. President, the Senate has been proceeding for several weeks with the consideration of the pending civil-rights bill, and the tenor and quality of the debate on the floor have added to the reputation and dignity of this body. The Senate is now considering the question of jury trials in connection with the pending bill. Many of us feel strongly that, inasmuch as the bill is limited to the "right-to-vote" issue, and nothing else, there is no need or justification for the adoption of any jury-trial amendment.

In this connection, I should like to call the attention to an editorial and an article which appeared in yesterday's New York Times. In its lead editorial, entitled "How Much Compromise," the Times opposes any jury-trial amendment, and comes to the conclusion that the civil-rights bill substantially as it stands can and should be passed at the present session. In James Reston's article entitled "A Good Way To Lose Votes on Capitol Hill," he argues very convincingly that the South should be willing to cooperate in establishing a fair and enforceable right-to-vote bill, in light of the warm support the South received from those of us who voted to strike part III from the bill and to limit the proposed legislation to the right to vote, strengthened in every possible way.

In addition, Mr. President, yesterday's Washington Post also printed an editorial entitled "Trial by Jury," in which it came to the conclusion that within the limited field of protecting the right to vote, there does not seem to be any occasion for a jury-trial amendment.

Mr. President, I ask unanimous consent that these thought-provoking editorials and article be printed in the body of the RECORD at the conclusion of my remarks.

There being no objection, the editorials and article were ordered to be printed in the RECORD, as follows:

[From the New York Times of July 28, 1957]

HOW MUCH COMPROMISE?

The civil-rights bill has now reached a stage in the Senate where practically every reasonable concession to middle-of-the-road opinion has been made. No new device now exists in this measure for the enforcement of any civil rights other than the right to vote. This doesn't mean that the Government is helpless to protect its citizens. As the case of Frederick J. Kasper and six associates showed the Federal courts can proceed against persons violating a court order intended to enforce integration in the public schools. But this authority is not conferred in the civil-rights bill as it is now before the Senate.

Nor does the civil-rights bill establish a new set of rights for anybody. What the new measure creates is not new rights but a new procedure under which the Department of Justice may intervene, and the Federal courts may act, to prevent denials of the voting right and to punish persons, supposedly public officials, who persist in such denials. If this part of the pending bill is not passed the Negro, for whose protection the measure is mainly intended, will gain little.

The question moved during last week to this particular point, and the issue this weekend seems to be what provision will be made in the bill as finally passed for the punishment of those who violate its provisions. The solid southern bloc of 18 Senators has been insisting that issues of contempt under the proposed law should be dealt with through jury trials.

Some confusion has arisen as to what kinds of contempt cases might properly be tried by juries and what kinds might be, as contempt cases generally have been, decided by the judges. Federal procedure does not distinguish as clearly as might be wished between criminal contempt and civil contempt. It is safe to say, however, that it is usually considered a criminal contempt to defy a definite order of a court, whereas a civil contempt action—such as might be brought under the pending bill—is usually invoked to protect the rights of a litigant or other aggrieved party. Ordinarily the contempt procedure is not considered to required a jury trial. There are some exceptions, as when the misdeed with which the accused is charged is also a criminal offense, or when Congress has stipulated that trial by jury shall be had in a given situation.

It follows that the civil-rights bill could conceivably be written in such a way that a registration official or an official at the polls who denied the franchise to an otherwise qualified citizen because of the applicant's race could demand a jury trial. This is what the solid core of southern Senators wants. We need have no doubt as to what it would mean; namely, that in communities where a dominant white population did not wish the Negro to vote the Negro would not be allowed to vote. In such communities juries would be solid white, and the best of them could not be expected to vote for the conviction of officials doing precisely what their solid white constituencies wanted them to do.

A procedure such as this would not dignify the jury system nor would it in any way add to whatever civil rights the Negro now has. The only thing that can possibly add to those rights—and we are here speaking specifically of the right to vote—is Federal legislation supported and interpreted by Federal courts and Federal enforcement officers. There would certainly need to be no more than a token Federal police action if the judges were of the caliber of Judge Robert L. Taylor, who presided in the jury trial of Kasper and his associates at Knoxville, Tenn. From what we hear about Judge Taylor, we have confidence that he would have acted with equal fairness if he had had to decide the contempt case without the aid of a jury.

We have confidence, too, in other Federal judges in the South. We believe, therefore, that both races in the South may feel that justice will be done if contempt cases arising from the denial of the right to vote are customarily dealt with in the traditional way without the intervention of a jury. The drive to compel the use of a jury in all such cases is not, we fear, completely candid. It is a new form of the old struggle against any civil rights legislation at all.

We believe, furthermore, that the civil-rights bill, substantially as it stands, can and should be passed at the present session. It is late in the day to permit such legislation to be vetoed by the fact or threat of a filibuster made by legislators who have somehow wandered in out of the 19th century.

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[From the New York Times of July 28, 1957]

A GOOD WAY TO LOSE VOTES ON CAPITOL HILL

(By James Reston)

WASHINGTON, July 27.— The administration lost the first round of the Senate civil-rights debate because it overplayed its hand, but, profiting by this example, the southern Senators changed tactics in an effort to prevent them from losing the last round for the same reason.

In their eagerness to present the Republican Party as the champion of Negro rights the administration officials in the Justice Department grafted onto what they described as a right-to-vote bill a whole range of complex injunctive powers that even President Eisenhower would not defend when they were pointed out to him by the press.

The South, under the leadership of Senators ERVIN, of North Carolina, and RUSSELL, of Georgia, exploited this to the full and prevailed on the Senate to eliminate this part of the bill. But after weeks of exaggerating and maneuvering for advantage in an effort to cut the heart out of the administration's efforts to protect the Negro's voting rights in the South the southern bloc reached for half a loaf on the jury-trial issue.

They long argued for jury trials in all civil cases where Federal judges issue injunctions against infringing a Negro's right to vote. They insisted that southern juries are as fair as any other juries, even in cases involving denials of voting rights to the Negro, and that the administration's bill is an insult to the fairminded officials and citizens of the South. But being, as Senator RUSSELL said in his only understatement, practical men, the deep southerners accepted the facts of life in the Kefauver-O'Mahoney amendment that would prescribe jury trial only in criminal cases growing out of obstructing Negro voting.

FACTS ARE FACTS

One of the reasons why the southerners insisted on the whole loaf can be put down to the sincere feelings of the South that total enfranchisement of the Negro would destroy the present social order of one part of the country. But it cannot be argued that some—though not all—parts of the South are not guilty of mass denial of the Negro's right to vote or that the Negro gets equal treatment with whites by southern juries determining civil-rights cases.

The Justice Department has documented this case in great detail. The record of disenfranchisement in some States—notably Mississippi and Louisiana—is known to every southerner in the Senate. So is the pitifully small Negro vote throughout the South. Yet the southerners proclaimed that this bill was drawn to destroy the ancient tradition of jury trial, just as the administration tried, and failed, to argue that it was merely a right-to-vote bill.

Strange tactics have been used by both sides in this debate. It is still not clear who was responsible for writing into the bill those sections, referring obliquely to undefined sections of past laws, to enable the Attorney General to help enforce public school desegregation and to use the Federal troops for this purpose if necessary.

Now that this has been exposed by the South and defeated by the Senate, however, the equally odd tactics of some southern Senators also need to be aired. Senator RUSSELL, for example, has been charging from the beginning that the press and the radio-TV networks have been willfully distorting the bill against the interests of the South.

Recently he has amended this blanket charge to one of distortion and bias on the part of the radio and television networks and has called for Congressional investigation of these media that operate on a Federal franchise.

THE NORTHERN RECORD

This is strange business, for the fact is that it has recently been difficult to turn on a television set without flashing on a covey of Senators, southern and northern, arguing the merits of the case.

So far as the press is concerned, there has seldom been a case in modern history when the northern newspapers have been so overwhelmingly on the side of the South, as in the debate over part III of the administration's bill.

It is true that most newspapers in the North did a poor job of reporting on the whole bill when it was in committee stage and that very little attention was paid to those parts of it that could have been used to speed up public school integration. But once the southern Senators disclosed the full scope of the bill, their arguments dominated the press, and for the last 2 weeks, the CONGRESSIONAL RECORD has been full of northern editorials and articles inserted by southerners in support of their case.

The question now is whether the South will grant to the northern arguments for a fair and enforceable right-to-vote bill, the same consideration that the northern Senators and reporters gave to the southern arguments on the dangers of integration injunctions.

If they do, the Nation will not only get an important civil-rights bill, but, what is more important, a spirit of fair play may develop in which the main purposes of the bill may be carried out.

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[From the Washington Post of July 28, 1957]

TRIAL BY JURY

The recent debate on the civil-rights bill, far from being a filibuster, has contributed much to the Senate's reputation as a great deliberative body. Several Senators have come to grips with the basic problem of protecting the right to vote without encroaching on other rights. If the debate continues on this high level, the Senate may well hammer out a satisfactory answer. The enlightened nature of the discussion makes all the more inappropriate Senator RUSSELL'S threat to resort to filibustering unless a jury-trial amendment is adopted.

Interest in this aspect of the bill now centers in the Kefauver-O'Mahoney amendment. It is a net gain that the two Senators combined their once separate proposals, although numerous objections remain to the joint product. Senator O'MAHONEY'S previous amendment was seriously deficient in that it would have granted a jury trial in all contempt cases in which the contempt were accompanied by a criminal offense. Senator CLARK pointed out that this probably would have the effect of encouraging crime, for the person risking contempt could have assured himself a jury trial by making his contempt also criminal.

Fortunately, Senator O'MAHONEY has given up this proposal for the more reasonable distinction that Senator KEFAUVER makes between civil and criminal contempt. In return, Senator KEFAUVER accepted the O'Mahoney provisions setting forth ways in which a person might purge himself of contempt. Under the new amendment a person defying a court order could be sent to jail as a remedial measure without a jury trial, even though his defiance might have involved a crime. The crime would be dealt with separately. This is a substantial improvement over the idea of requiring jury trials for all contempt cases in which criminal action might be alleged.

We are not convinced, however, that even the new amendment is necessary or desirable. For one thing, it would effect a change in the basic law, thus applying to labor cases as well as to voting cases. This would be of dubious wisdom, considering the highly controversial nature of the bill already. For another thing, it would tend to undercut powers now exercised by judges to enforce compliance with court orders.

To illustrate the effect of the amendment, Senator KEFAUVER noted that a judge might cite for civil contempt a registrar who refused to list the names of eligible voters on his books. The judge could send the registrar to jail until he complied with the court's order. "But suppose," the Senator said, "the registrar stayed in jail beyond the registration date." The court might then conclude that his contempt was criminal and decide to punish him since compliance would then be futile. In this event a jury trial would be required.

Surely a judge ought to be able to deal with such flagrant and open defiance of judicial orders without resorting to a jury. What would there be for a jury to decide? An appeal to a jury in these circumstances might be interpreted as an invitation for reversal of the judge. Would not this arrangement, like the discarded O'Mahoney amendment, encourage more flagrant defiance of the courts in the hope of forcing a trial by a sympathetic jury? In other words, the new amendment also seems to put a premium on extremism.

It is important to remember that the Senate is no longer dealing with the enforcement of a wide category of civil-rights violations. Since most of part III was stricken out, the suits that could be brought by the Attorney General would be confined to protecting the right to vote. In this limited field it does not seem to us there is any occasion for a jury-trial amendment. The court demonstrated in the Clinton case that jury trials can be had in criminal contempt cases when they are appropriate. The proper handling of that case suggests that no amendment of the law in this respect is needed. Unless the Senate can find a more satisfactory compromise than the Kefauver-O'Mahoney amendment, we hope it will pass the bill with no reference to jury trials.

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## PROPOSED RECONFIRMATION OF FEDERAL JUDGES EVERY 4 YEARS

Mr. JOHNSTON of South Carolina. Mr. President, recently the distinguished senior Senator from Mississippi, the Chairman of the Senate Committee on the Judiciary [Mr. EASTLAND], and I introduced a measure—Senate Joint Resolution 114—which provides for the reconfirmation of judges every 4 years.

There have been some who, privately and in the press, have characterized this proposal as being radical, and have said it would do great harm to our constitutional form of government. But it is neither radical nor is it harmful. It is not novel. It is not radical, because the great Thomas Jefferson, patron saint of our representative form of government and the accredited founder of the Democratic Party, proposed it more than 135 years ago. It is not harmful, because most of our State judges are required to have their judicial power renewed periodically. Later, I shall dwell at length upon the latter point. I shall present tables showing the specific tenure of offices of State judges and the measures adopted by the States in regard to the limitations of judicial power.

There are some who feel that when a man is appointed to a judicial office and takes the oath as a judge, he then becomes sacred and beyond criticism. I do not subscribe to such a theory or to any such system of government. A politician who becomes a judge overnight is not necessarily clothed with divine power and removed from the sphere of criticism. Just because a man becomes a judge is no reason to crown him with a halo of sanctity. As an elector, as a citizen, as a lawyer, and as a Member of the United States Senate, I do not intend to relinquish my right to free expression and my right to criticize judicial action which in my judgment deserves criticism. To be free and to remain free, we must not permit ourselves to be dominated by a judicial oligarchy.

I am indebted to Mr. David Lawrence for the reproduction in his August 2 issue of U. S. News & World Report of various written comments by Thomas Jefferson, which I send to the desk with the request for unanimous consent that the comments be printed in the body of the RECORD, together with Mr. Lawrence's editorial note in reference thereto.

There being no objection, the article and editorial note were ordered to be printed in the RECORD, as follows:

AN EDITORIAL BY THOMAS JEFFERSON

(Thomas Jefferson saw our Government in operation for 37 years. He was Secretary of State, Vice President and then President for two terms. He criticized the Supreme Court in many letters made public at the time. Here are extracts from some of them. They constitute, today, as timely an editorial expression as when they were first penned.—David Lawrence, editor.)

1804: But the opinion which gives to the judges the right to decide what laws are constitutional, and what not, not only for themselves in their own sphere of action, but for the legislature and executive also, in their spheres, would make the judiciary a despotic branch.

1816: It has been thought that the people are not competent electors of judges learned in the law. But I do not know that this is true, and, if doubtful, we should follow principle. In this, as in many other elections, they would be guided by reputation, which would not err oftener, perhaps, than the present mode of appointment.

1820: The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric. They are construing our Constitution from a coordination of a general and special government to a general and supreme one alone. This will lay all things at their feet. * * * We shall see if they are bold enough to take the daring stride their five lawyers have lately taken. If they do, then * * * I will say, that "against this every man should raise his voice," and, more should uplift his arm. * * *

Having found, from experience that impeachment is an impracticable thing, a mere scarecrow, they consider themselves secure for life: they skulk from responsibility to public opinion. * * * An opinion is huddled up in conclave, perhaps by a majority of one, delivered as if unanimous, and with the silent acquiescence of lazy or timid associates, by a crafty chief judge, who sophisticates the law to his mind, by the turn of his own reasoning.

1820: To consider the judges as the ultimate arbiters of all constitutional questions (is) a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps. * * * Their power (is) the more dangerous as they are in the office for life. * * * The Constitution has erected no such single tribunal, knowing that to whatever hands confided, with the corruptions of time and party, its members would become despots.

1821: It has long, however, been my opinion, and I have never shrunk from its expression * * * that the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary; an irresponsible body—for impeachment is scarcely a scarecrow—working like gravity by night and by day, gaining a little today and little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one.

To this I am opposed; because, when all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government or another, and will become as venal and oppressive as the government from which we separated.

1821: (For the) difficult task in curbing the judiciary in their enterprises on the

Constitution * * * the best (remedy) I can devise would be to give future commissions to judges for 6 years (the senatorial term) with a reappointmentability by the President with the approbation of both houses. If this would not be independence enough, I know not what would be: * * *

The judiciary perversions of the Constitution will forever be protected under the pretext of errors of judgment, which by principle are exempt from punishment. Impeachment therefore is a bugbear which they fear not at all. But they would be under some awe of the canvas of their conduct which would be open to both Houses regularly every sixth year.

It is a misnomer to call a government republican, in which a branch of the supreme power is independent of the Nation.

1822: Let the future appointments of judges be for 4 or 6 years, and renewable by the President and Senate. This will bring their conduct, at regular periods, under revision and probation, and may keep them in equipose between the general and special governments.

We have erred in this point, by copying England, where certainly it is a good thing to have the judges independent of the King. But we have omitted to copy their caution also, which makes a judge removable on the address of both legislative Houses. That there should be public functionaries independent of the Nation, whatever may be their demerit, is a solecism in a republic, of the first order of absurdity and inconsistency.

## EXTENSION OF SMALL BUSINESS ADMINISTRATION

Mr. THYE. Mr. President, the extension of the Small Business Administration is an urgent matter which must be acted upon within the next few days if that agency is to continue in existence.

The Senate Banking and Currency Committee has recommended a 1-year extension for the agency. As the author of the Small Business Act of 1953, which established the Small Business Administration, I am keenly disappointed in the action taken by the committee. The House has already passed a bill calling for a permanent status for SBA. The President and the Administration have recommended a permanent extension.

I ask unanimous consent to have printed in the RECORD a telegram addressed to the President of the United States by Mr. George J. Burger, vice president of the National Federation of Independent Business. This telegram demonstrates how a large segment of small business in the United States stands on this issue.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *July 25, 1957.*

Hon. DWIGHT D. EISENHOWER,
*President of the United States,*
*White House, Washington D. C.:*

As it is reported in the press that proponents in the Congress on the foreign-aid program are calling on you for your outright, direct support to the original foreign aid bill, for restoration of the cuts made by the House, which bill is now pending in the Senate, speaking officially for small business of this Nation the National Federation of Independent Business requests your immediate cooperation in directing a message to the Senate on the need for the Senate to give permanent status to the Small Business Administration in this present session of the Congress. Small business needs in our own domestic economy are of vital importance if there is to be any continuance at all of aid to the rest of the world. May we expect your immediate cooperation on our request?

GEORGE J. BURGER,
*Vice President, National Federation of Independent Business.*

## INCREASING SCHEDULED AIRLINE SERVICE TO AND FROM WISCONSIN

Mr. WILEY. Mr. President, there is now pending before the Civil Aeronautics Board what is described by Mr. T. K. Jordan, director of the Wisconsin State Aeronautics Commission, as the most important case in Wisconsin's entire transport history.

Thus, Milwaukee would be linked to 2 important areas of the United States which now must be reached through ground transportation, or at least 1 airline transfer. The areas are the South and Southwest on the one hand, and the Far West on the other hand.

Wisconsin, the air-minded State of Gen. Billy Mitchell, Gen. Nathan Twining, Gen. Holt Vandenberg, Gen. Lester Maitland, and other aviation pioneers, is naturally deeply interested in expanding its air potential in this high-speed age.

I am sure that the Civil Aeronautics Board will give its most sympathetic consideration to this proposed expansion.

I send to the desk two clippings which describe the pending case, and I ask unanimous consent that both clippings, one consisting of an article in the July 18 Milwaukee Journal, and the second an editorial from the July 22 issue, be printed in the body of the RECORD at this point.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal of July 18, 1957]

ASK INCREASE IN AIR SERVICE—STATE MAKES PLEA

Wisconsin appealed Thursday for a major increase in air service.

T. K. Jordan, director of the State aeronautics commission, termed it "the most important case in Wisconsin's entire air transport history."

The proposed new routes, now pending before the Civil Aeronautics Board (CAB) would link Milwaukee directly to 2 important areas of the United States which now must be reached through ground transportation or at least 1 airline transfer.

The areas are the South and Southwest, notably Florida, Texas, and Louisiana, and the Far West, especially San Francisco, Calif.

NO ONE-CARRIER SERVICE

"Present air transport patterns from Milwaukee," the brief complained, "provide no one-carrier service" to those areas.

The State's appeal will be submitted Friday to the CAB which sets route structures for airlines. The CAB is considering numerous applications for increased service by airlines involved in the so-called Chicago-Milwaukee-Twin Cities case.

Airlines which want to fly south from here are Eastern, Delta, and National. Northwest, which already operates through Milwaukee, wants to extend service to the South. Western Airlines would provide more flexible routes to the West.

"Applications present an opportunity to fill the holes in Milwaukee's present air transport pattern," the State's brief said. It was prepared by a Madison firm of economic consultants.

Jordan said a main argument of the State would be that previous CAB route decisions failed to consider a large number of persons who travel to Chicago by ground transportation and take a plane from there. They are counted as Chicago passengers, Jordan noted, so that Wisconsin's own passenger total is lower and the CAB will not provide better routes.

CHICAGO TRAVEL SURVEYED

With the cooperation of several airlines, the consultants found that 41.7 percent of people surveyed who started a trip in Wisconsin arrived at a Chicago airport by ground transportation.

Jordan said that ground transportation had been the favorite of many travelers, in order to avoid the "Chicago bottleneck" of making connections between flights.

If more adequate direct routes were available here, he said, the business at Milwaukee's General Mitchell Field would automatically increase by that percentage.

[From the Milwaukee Journal of July 22, 1957]

NEED FOR BETTER AIR SERVICE

Opportunity for Wisconsin to get additional direct trunkline air service through the Milwaukee gateway looks very good. What we realize from that opportunity depends in considerable degree on the interest and the facts we can show to the Civil Aeronautics Board, now considering applications of various airlines which want to give added service in this area.

The State aeronautics board has now prepared its presentation to the Board, full of tables, maps, graphs, and new data. It makes an impressive showing of the additional traffic, convenience and time saving which would result, especially if better air service connected Milwaukee with various cities in the southeast.

There are gaps to be filled in Milwaukee trunk line service to several cities in the West and Southwest, too. We do have a convenient flight daily to Denver and Los Angeles, for example. The same carrier (United) provides good connections at Denver for Salt Lake City or for San Francisco. But direct, no-change service through Milwaukee to Kansas City, Salt Lake City, and San Francisco would be a great improvement.

The traffic between Wisconsin and Florida has reached the point where direct, no change (and preferably nonstop) service to avoid the Chicago bottleneck is a must. It appears to be only a question of which line can and will do best for us and itself.

## UTILIZATION OF SERVICES OF RETIREES AND THOSE ABOUT TO RETIRE

Mr. WILEY. Mr. President, today I desire to speak in relation to a group of our citizens who, through no fault of their own, find themselves in serious economic conditions.

The first group I mention consists of those 65 years of age and older who planned their lives and saved, bought Government bonds and the bonds of good industries, and arranged for what they thought would provide an adequate living income. Now, because the dollar has depreciated some 50 percent, their incomes are not adequate.

There are 14 million Americans over 65. Among this group are schoolteachers and others who had figured on their pensions being adequate. A large group of these people were employed in the Federal Government. The teachers, of course, were employed in the schools of the various States.

The third group consists of men and women in the employ of Government who are arriving at the retirement age and find that because of the depreciated dollar their retirement pensions will be inadequate.

In this last group many are in excellent shape mentally and physically, and there is no reason why they should not continue on the job as long as they are able. But, as we all know, there are regulations which make retirement compulsory at a certain age. Many of the requirements for retirement resulted when there seemed to be a surplus of labor.

In Government there is a scarcity of competent people. I know of a number of instances in Government where it is very difficult to find men and women who are as familiar with the particular duties as are the ones presently occupying the positions. That is true where engineering and legal knowledge have come as a matter of experience, and we know that, with the nationwide scarcity of engineers and the demands for young engineers in private industry, replacements for certain positions in Government by adequately competent persons are hard to obtain.

Because it has been the policy in the past to retire these employees at 70, some people do not realize that the world is a changing world; that conditions are shifting; and these minds say that what was, has to be. In a world of change and chance and insecurity there is no place for morticed minds. We know that, of course, some persons at 70 seem to have outlived their usefulness. That is true of some at 40. On the other hand, many a man or woman of 70 with years of experience back of him or her is ripe for rendering real service. That is in evidence everywhere.

What I am saying, Mr. President, is that no employee in this age should be arbitrarily dismissed if he has filled the niche, and is filling the niche adequately, especially if it will be difficult to get some one qualified to step into the same position.

I have suggested what I think might be a remedy for class 3 which I have enumerated. As to those who are already retired and find their pensions inadequate, I think the Federal Government should give serious thought to increasing their pensions. Then there is the same problem in relation to social security. I am talking now about employees who are retired, who have lived their lives and have given of their service and their energy to sustain the Government through long years of peace and war, have paid taxes, and have been good citizens.

In relation to those who have retired, such as schoolteachers, I believe they should be used as substitutes wherever they are needed, if they want to be so used, and I believe the State should give consideration to increasing their pensions. These schoolteachers have paid into the fund, through many years, good 100-cent dollars, and now they get back the 50-cent dollar.

Briefly, the matters I have presented are symptomatic of the challenges of the changing world.

I repeat that many men and women who have reached the age of 70 are in the prime period of their usefulness, and consideration should be given to continuing their services, having in mind their state of health, activity, ability, initiative, and the desire for continued usefulness.

## THE PRESIDENT'S STANDARD OF VALUES CONCERNING SCHOOL AID AND THE HELLS CANYON POWER SITE

Mr. NEUBERGER. Mr. President, the standard of values of Dwight D. Eisenhower stood more clearly revealed last week than at any time during his entire political career. They were revealed by the President of the United States himself and not by any critic or political opponent.

There were decided in the House of Representatives last week two major issues. A bill before the House Chamber itself would have provided Federal assistance for schools everywhere in the United States.

A bill before the House Interior Committee would have authorized a high Federal dam at Hells Canyon, thus cutting off a private power company from partial and wasteful exploitation of this unparalleled hydroelectric site. The President remained mute and silent while the school bill went down to a narrow defeat.

The President sent to a Republican member of the House Interior Committee a letter of 512 words in length urging that the Hells Canyon stretch of the Snake River be kept in the possession of the Idaho Power Co.

"By their deeds shall ye know them," we are told.

Mr. President, I have nothing to add to this record made last week by Dwight Eisenhower. No words of mine could change this record or alter it. Nothing which Mr. Eisenhower does in the future can call it back:

The moving finger writes; and having writ,
Moves on; nor all your piety and wit
Shall lure it back to cancel half a line,
Nor all your tears wash out a word of it.

Thus, saith the Rubaiyat of Omar Khayyam, one of the great works of the ages. In the week of July 22 to 26, in the year of our Lord 1957, Dwight David Eisenhower, 34th President of the United States of America, sat silently and without audible protest in the White House while a bill to aid the schoolchildren of his country was beaten by 5 votes, 208 to 203. He did, however, use the massive influence and prestige of his great office to send a 512-word letter in that same week which successfully helped to retain the Hells Canyon hydroelectric site for the Idaho Power Co.

This record by our President now belongs to history, and that is where it will be judged. Our judgment of it would be premature. History's judgment will be final, irrevocable—and both stern and fair.

## JURY TRIALS—SOUTHERN JURIES

Mr. YARBOROUGH. Mr. President, the New Republic is one of the outstanding liberal news magazines of the Nation, now in the 137th volume of its publication. In the issue of July 29, 1957, there is a very able and enlightened article by the noted historian and writer for the New Republic, Mr. Gerald W. Johnson. The article is entitled "The Superficial Aspect: Southern Juries."

The article reads in part as follows:

Attorney General Brownell was just a little too smart. That is the most important revelation of the Senate debate on the civil-rights bill. To the extent that the bill was a protection of the Negro's right to vote it was invulnerable to successful attack, not in the Senate alone but even in the court of public opinion below the Potomac. That is demonstrated by the care with which the southern speakers avoided challenging the right.

They concentrated their fire on section III of the bill, thereby enabling RICHARD B. RUSSELL, of Georgia, to close his career in a burst of glory, and SAM J. ERVIN, of North Carolina, to make a reputation as a shrewd analyst. For between them they demonstrated that the thing is not straightforward legislation, but is strewn with steeltraps, deadfalls and spring-guns so thickly that a law-abiding citizen could approach it only at grave risk.

The Supreme Court alone can pass on the constitutionality of such legislation, but the most superficial observer can see that whatever its legal status, its moral foundation is highly questionable. It is based upon the assumption that no southern jury can be relied on in cases under this law to respect its oath to be guided solely by the evidence presented. No such assumption is a morally sound basis of legislation.

A jury presented with incontrovertible evidence that a man is guilty, if it finds that man not guilty is itself perjured. It happens, of course. But it happens in Massachusetts and Illinois, as well as in Georgia and Alabama, and nowhere does it happen often enough to justify abandonment of trial by jury in criminal cases. Therefore legislation based on the assumption that it would be the rule, not the exception, in the South is in effect a bill of attainder working corruption of the blood in a whole population.

The old legal phrase "corruption of the blood" means that by criminal conduct a man has forfeited his rights of citizenship. Once attained, he is thereafter ineligible to appear as a witness or to serve as a juror—a procedure so monstrous that the Constitution of the United States explicitly prohibits bills of attainder, and even England abandoned the last vestiges of the doctrine as long ago as 1870. Yet when the law assumes that any jury drawn from a certain population is to be regarded as perjured in advance, then that entire population is in effect attained. One of its rights of citizenship is deemed forfeited.

"I," Edmund Burke confessed, "do not know the method of drawing up an indictment against a whole people." The author of section III seems to have regarded himself as more ingenious; and thereby he opened the way for a shattering attack on an otherwise good piece of legislation.

Mr. President, I ask unanimous consent that the entire article be printed in the body of the RECORD, along with my remarks on this important subject.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SUPERFICIAL ASPECT: SOUTHERN JURIES

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The old legal phrase "corruption of the blood" means that by crminial conduct a man has forfeited his rights of citizenship. Once attainted, he is thereafter ineligible to appear as a witness or to serve as a juror—a procedure so monstrous that the Constitution of the United States explicitly prohibits bills of attainder and even England abandoned the last vestiges of the doctrine as long ago as 1870. Yet when the law assumes that any jury drawn from a certain population is to be regarded as perjured in advance, then that entire population is in effect attainted. One of its rights of citizenship is deemed forfeited.

"I," Edmund Burke confessed, "do not know the method of drawing up an indictment against a whole people." The author of section III seems to have regarded himself as more ingenious; and thereby he opened the way for a shattering attack on an otherwise good piece of legislation.

Before RUSSELL and ERVIN disclosed the true inwardness of section III the promised southern filibuster against the civil-rights bill was regarded with distaste not only in the North and West but among the more intelligent southerners, as well. As long as it appeared to be strictly and solely an effort to protect the ballot, no literate man could put much heart into an attack on it, and liberals elsewhere could fight for it without reservation. But when the deviousness of section III was revealed, liberals were hamstrung, while the filibuster gained a measure of sympathy and even respect.

Has the ingenuity of Mr. Brownell then actually indicted the South, or merely indicted the bill? As these lines are written the chances seem to be that it is the bill that will suffer. The civil rights of the Negro after all, are worth defending only as civil rights of everybody. Surely, there are ways of protecting the Negro's right to vote without impairing the right of everyone to trial by jury.

As a matter of fact there is one very promising way embodied in the bill. It is simply to establish the principle of Federal intervention when the right to vote is denied on racial grounds. The trouble is, it is no instantaneous cure and therefore is of relatively small value to political quacks fishing for the Negro vote.

If one southern election official is put to the risk and trouble of standing trial, the lesson will not be lost even if the first one is acquitted. Mere persecution is no joke. It is bothersome and expensive, regardless of the outcome. Furthermore, whether Attorney General Brownell believes it or not, the risk will be very considerable. There will be juries in the South who will find their verdict according to the eveidence, however much they may dislike the law; and convictions will steadily increase with the passage of time.

It will be found difficult to make a hero of a man sent to jail by a jury of his peers; but Americans sentenced by a judge without trial by jury will be ideal material for a new martyrology.

GERALD W. JOHNSON.

## DEATH OF ROGER W. STRAUS

Mr. SMITH of New Jersey. Mr. President, I have noted with deep regret in the morning newspapers the announcement of the death in New York on Sunday afternoon of Roger W. Straus, chancellor of the New York State Board of Regents. Mr. Straus retired last April as board chairman of the American Smelting & Refining Co. with which he started in 1914. During his entire business life, Mr. Straus, to my personal knowledge, was constantly engaged in useful services in the best interests of all our people. He was a prominent citizen of the State of New York, and I had the privilege of serving with him a few years ago with the delegation from the United States to the United Nations. I had also known Mr. Straus some years ago when he was a comember with me on the Glenn Frank Republican program committee in 1938.

I have always enjoyed a warm friendship with this distinguished citizen and his wife, and Mrs. Smith and I extend to her now our deepest sympathy in her severe loss. Roger Straus was a great American.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SMITH of New Jersey. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I am very much indebted to my senior and highly respected colleague, the Senator from New Jersey, for speaking upon the floor of the Senate today about Roger Straus, who passed away during the weekend. I had intended to do so. I can think of nothing more fitting than that the distinguished Senator from New Jersey, our senior colleague, should lead off on that subject.

Roger Straus was one of New York's most distinguished citizens, not only a leader in business affairs but a very important member of the National Conference of Christians and Jews, in which capacity he served the cause of mutual understanding between faiths in an exemplary way.

As a member of the New York State Board of Regents, Mr. Straus served the whole educational system of the State and was one of the most progressive members of that group in his thinking, while at the same time most sound and constructive in his activities. He was truly, Mr. President, a man of conservative instincts who felt and understood how to make his basic qualities pay great dividends to his people and his time, and translated his understanding of our people's problems into some of the most far-reaching and forward-looking actions known in the State of New York in the fields I have described.

The death of Mr. Straus is a real loss to our State, and a real loss to the country. I join with my distinguished colleague in extending most sincere condolences to Mrs. Straus and the other members of his family.

## SCATTERING OF ASHES OF THE LATE BERNARD DE VOTO IN NATIONAL FORESTS OF THE NORTHWEST

Mr. NEUBERGER. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an editorial which was published in the Ogden Standard-Examiner, of Ogden, Utah, on July 21, 1957, under the title "Bernard De Voto Ashes."

The editorial describes the scattering of the ashes of the great and distinguished American author, Bernard De Voto, over the Lolo Trail in the Lochsa River watershed of northern Idaho.

This last deed for a great man, which was one of his final requests, symbolizes the enduring interest which Mr. De Voto had in the trail of Meriwether Lewis and William Clark. These first of all westbound Americans crossed the Bitterroot Range and experienced their sternest hardships as they traversed the Lolo Trail where they traveled between the Lochsa Fork of the Clearwater River and the North Fork of the Clearwater River.

Although the career of Bernard De Voto is well known to nearly all Senators, I think it should be pointed out that this gifted native of Utah became a resident of the East, but his heart remained in the West—in the uplands where Lewis and Clark mapped a virgin trail and where the mountain men invaded untrod swales. Mr. De Voto was not only an associate editor of Harper's, the author of that magazine's Easy Chair department, but he also gave to the Nation such epic stories of western history as Across the Wide Missouri, Course of Empire, and other great books. He was a conservationist, I think, because he understood fully how the West had been exploited and debauched, and he wanted, desperately and terribly, to spare for future generations at least some of the West which was left. He hoped the West would endure. He loved the West and its outdoor grandeur. The beautiful Lochsa country was to him an ideal Valhalla.

All of this explains why I believe it would be singularly appropriate and fitting to rename the Clearwater National Forest in memory of Mr. De Voto as the Bernard De Voto National Forest—just

as some years ago the Columbia National Forest in my own Pacific Northwest was renamed the Gifford Pinchot National Forest, in tribute to our country's first chief forester.

Because Mr. De Voto was a dedicated conservationist—perhaps the most eloquent and gifted conservationist of our time—the fact that his last remains repose in the watershed of the Lochsa Fork ought to give us further conviction in our efforts to prevent the great Clearwater wilderness from being invaded by commercial reservoirs at the proposed Bruces Eddy and Penny Cliffs Dams.

I believe that the editorial should come to the attention of my colleagues in the Senate and in the House, because the decision over Bruces Eddy and Penny Cliffs rests with them. If the scattering of the ashes of Bernard De Voto in the Lochsa fastnesses means any one thing, it means that it was his wish that these magnificent forested and mountain uplands be preserved for future generations of Americans in the condition that Meriwether Lewis and William Clark originally saw them a century and a half ago.

Mr. President, I ask unanimous consent that the editorial from Ogden Standard-Examiner be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Ogden (Utah) Standard-Examiner of July 21, 1957]

BERNARD DE VOTO ASHES

Immediately after the unexpected death of Bernard De Voto in New York on November 13, 1955, Mrs. De Voto telephoned to C. J. Olsen, then the regional forester in Ogden, asking him if he would scatter her late husband's ashes over the Lochsa River in northern Idaho. Mr. Olsen, a family friend, said that of course he would do so.

Upon the arrival of the ashes in Ogden, Mr. Olsen took them to the mausoleum to repose until the arrival of suitable weather for the final disposition.

In the first week of April 1956, Mr. Olsen as a friend, and not as a Forest Service official, went at his own expense to McCall, Idaho, and there hired at his own expense an airplane and pilot who flew Mr. Olsen to the snow-covered wilderness of the Lochsa River region, where the ashes were released in the wind stream.

We print this account to correct information we reported in an editorial last June when we quoted Senator RICHARD NEUBERGER as saying the De Voto ashes repose in a Forest Service vault in Ogden to be scattered this summer.

The Lochsa River is in the region where Lewis and Clark met severe difficulties and privations in crossing from the Bitterroot River of Montana to the Clearwater and Snake Rivers of Idaho.

Mr. Olsen says one thing remains to be done, and that is the placing of a tablet on the Lochsa announcing that here is the place the famed writer chose to receive his ashes, a place that will be visited by many in the years to come, once the Lewis and Clark highway is completed over the approximate trail followed by the explorers.

## JOHN D. FORSYTH, OF NEBRASKA

Mr. HRUSKA. Mr. President, it is with great regret that the Nebraska congressional delegation and all Nebraskans generally note the recent passing of Mr. John D. Forsyth, of Niobrara, Nebr.

Mr. Forsyth was prominent and active for many years in our State in many fields. He was perhaps best known for his political and civic activity. For 29 years he served as a county commissioner of Knox County, Nebr. During most of those years he was chairman of the board. He was active on many State committees on numerous occasions.

It was the privilege of the senior Senator from Nebraska to serve with him on the advisory committee to the board of control. He was especially active in the development of the Missouri River Basin, and in other affairs.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. CURTIS. I join with the senior Senator from Nebraska in paying tribute to the life and works of our departed friend. He was an outstanding conservationist. He came to Washington many times and appeared before various committees.

He had a wide circle of friends among engineers in the bureaus and agencies dealing with conservation.

We in Nebraska have not only lost a personal friend, but a great public servant.

Mr. HRUSKA. Mr. President, I am happy to hear those remarks from the junior Senator from Nebraska.

I ask unanimous consent to have printed in the RECORD at this point, as a part of my remarks, an editorial entitled "John D. Forsyth," published in the Omaha World Herald of July 26, 1957.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Omaha World-Herald of July 26, 1957]

JOHN D. FORSYTH

In every community there are a few citizens who support every movement for the public good with their time and money.

Such a one was John D. Forsyth of Niobrara, who died this week.

A banker, lumberman and garage owner, Mr. Forsyth was also a member of the Knox County Board for 29 years, most of that time as chairman. Once when he decided not to run his friends reelected him with write-in votes which exceeded the total for the two nominated candidates.

Mr. Forsyth was a leader in the campaign for Missouri River development, and other causes too numerous to list here. He was never provincial. While he was profoundly interested in Knox County, he also fought for anything he believed good for Nebraska or the entire Missouri Basin. The time he spent on these projects is beyond calculation—and so, too, is the money he spent out of his own pocket.

This spring, on Mr. Forsyth's 70th birthday, his friends decided to give a testimonial banquet for him. Reservations came pouring in from all over the Middle West, and after 300 had been accepted, for the sponsors had to reject many, for no more than 300 could be squeezed into the hall.

Many nice things were said about John Forsyth that evening, one of them being Governor Anderson's remark that he would leave a great legacy to his community and his State. He has.

## CIVIL RIGHTS

Mr. JAVITS. Mr. President, a number of Members of this body have quoted from the New York Times, my home city newspaper, and a very distinguished newspaper, on the subject of part II of the civil-rights bill. I believe that the opposition of the New York Times in that connection was very costly to those of us who were fighting for part III. I wonder whether our friends will be quite so eager to quote from the New York Times in relation to part IV.

The leading editorial in the New York Times of yesterday is headed "How Much Compromise!" It begins with this statement:

> The civil-rights bill has not reached a stage in the Senate where practically every reasonable concession to middle-of-the-road opinion has been made.

The end of the first paragraph reads as follows:

> If this part of the pending bill is not passed, the Negro, for whose protection the measure is mainly intended, will gain little.

I think it is important, when anyone quotes a source so authoritative, wise, and statesmanlike, to have the same source quoted against him when it assumes a position in opposition. So I hope those who were so eager to use the Times in the debate on part III will now see fit to pay some attention to it in voting upon the so-called jury trial amendment with part IV.

I ask unanimous consent that the editorial to which I have referred be printed in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times of July 28, 1957]

HOW MUCH COMPROMISE?

The civil-rights bill has now reached a stage in the Senate where practically every reasonable concession to middle-of-the-road opinion has been made. No new device now exists in this measure for the enforcement of any civil rights other than the right to vote. This doesn't mean that the Government is helpless to protect its citizens. As the case of Frederick J. Kasper and six associates showed, the Federal courts can proceed against persons violating a court order intended to enforce integration in the public schools. But this authority is not conferred in the civil-rights bill as it is now before the Senate.

Nor does the civil-rights bill establish a new set of rights for anybody. What the new measure creates is not new rights but a new procedure under which the Department of Justice may intervene, and the Federal courts may act, to prevent denials of the voting right and to punish persons, supposedly public officials, who persist in such denials. If this part of the pending bill is not passed, the Negro, for whose protection the measure is mainly intended, will gain little.

The question moved during last week to this particular point, and the issue this weekend seems to be What provision will be made in the bill as finally passed for the punishment of those who violate its provisions? The solid southern bloc of 18 Senators has been insisting that issues of contempt under the proposed law should be dealt with through jury trials.

Some confusion has arisen as to what kinds of contempt cases might properly be tried by juries and what kinds might be as contempt cases generally have been, decided by the judges. Federal procedure does not distinguish as clearly as might be wished between criminal contempt and civil contempt. It is safe to say, however, that it is usually considered a criminal contempt to defy a

definite order of a court, whereas a civil-contempt action—such as might be brought under the pending bill—is usually invoked to protect the rights of a litigant or other aggrieved party. Ordinarily the contempt procedure is not considered to require a jury trial. There are some exceptions, as when the misdeed with which the accused is charged is also a criminal offense, or when Congress has stipulated that trial by jury shall be had in a given situation.

It follows that the civil-rights bill could conceivably be written in such a way that a registration official or an official at the polls who denied the franchise to an otherwise qualified citizen because of the applicant's race could demand a jury trial. This is what the solid core of southern Senators wants. We need have no doubt as to what it would mean: Namely, that in communities where a dominant white population did not wish the Negro to vote, the Negro would not be allowed to vote. In such communities juries would be solid white and the best of them could not be expected to vote for the conviction of officials doing precisely what their solid white constituencies wanted them to do.

A procedure such as this would not dignify the jury system nor would it in any way add to whatever civil rights the Negro now has. The only thing that can possibly add to those rights—and we are here speaking specifically of the right to vote—is Federal legislation supported and interpreted by Federal courts and Federal enforcement officers. There would certainly need to be no more than a token Federal police action if the judges were of the caliber of Judge Robert L. Taylor, who presided in the jury trial of Kasper and his associates at Knoxville, Tenn. From what we hear about Judge Taylor we have confidence that he would have acted with equal fairness if he had had to decide the contempt case without the aid of a jury.

We have confidence, too, in other Federal judges in the South. We believe, therefore, that both races in the South may feel that justice will be done if contempt cases arising from the denial of the right to vote are customarily dealt with in the traditional way without the intervention of a jury. The drive to compel the use of a jury in all such cases is not, we fear, completely candid. It is a new form of the old struggle against any civil-rights legislation at all.

We believe, furthermore, that the civil-rights bill substantially as it stands can and should be passed at the present session. It is late in the day to permit such legislation to be vetoed by the fact or threat of a filibuster made by legislators who have somehow wandered in out of the 19th century.

## TRIAL BY JURY, AND THE CIVIL-RIGHTS BILL

Mr. HUMPHREY. Mr. President, in the Washington Post of Sunday, July 28, there appeared an excellent editorial entitled "Trial by Jury." A few moments ago I heard the distinguished junior Senator from New York [Mr. JAVITS] place in the RECORD an editorial published in the New York Sunday Times of yesterday. He appropriately mentioned that some Senators who had been advocates of a modification or the repeal of section III of the civil rights bill had used in support of their argument editorials published previously in the New York Times and, I am sure, also editorials published in the Washington Post.

Therefore I join with the junior Senator from New York in inviting the attention of our colleagues to the editorial published in the Washington Post of yesterday, which appropriately points out the importance of having section IV of the civil rights bill passed intact, with no amendments. The editorial is a very fine analysis of the pending amendment. I ask unanimous consent that the editorial be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post and Times Herald of July 28, 1957]

TRIAL BY JURY

The recent debate on the civil-rights bill far from being a filibuster, has contributed much to the Senate's reputation as a great deliberative body. Several Senators have come to grips with the basic problem of protecting the right to vote without encroaching on other rights. If the debate continues on this high level, the Senate may well hammer out a satisfactory answer. The enlightened nature of the discussion makes all the more inappropriate Senator RUSSELL's threat to resort to filibustering unless a jury-trial amendment is adopted.

Interest in this aspect of the bill now centers in the Kefauver-O'Mahoney amendment. It is a net gain that the two Senators combined their once separate proposals, although numerous objections remain to the joint product. Senator O'MAHONEY's previous amendment was seriously deficient in that it would have granted a jury trial in all contempt cases in which the contempt were accompanied by a criminal offense. Senator CLARK pointed out that this probably would have the effect of encouraging crime, for the person risking contempt could have assured himself a jury trial by making his contempt also criminal.

Fortunately, Senator O'MAHONEY has given up this proposal for the more reasonable distinction that Senator KEFAUVER makes between civil and criminal contempt. In return, Senator KEFAUVER accepted the O'Mahoney provisions setting forth ways in which a person might purge himself of contempt. Under the new amendment a person defying a court order could be sent to jail as a remedial measure without a jury trial, even though his defiance might have involved a crime. The crime would be dealt with separately. This is a substantial improvement over the idea of requiring jury trials for all contempt cases in which criminal action might be alleged.

We are not convinced, however, that even the new amendment is necessary or desirable. For one thing, it would effect a change in the basic law, thus applying to labor cases as well as to voting cases. This would be of dubious wisdom, considering the highly controversial nature of the bill already. For another thing, it would tend to undercut powers now exercised by judges to enforce compliance with court orders.

To illustrate the effect of the amendment, Senator KEFAUVER noted that a judge might cite for civil contempt a registrar who refused to list the names of eligible voters on his books. The judge could send the registrar to jail until he complied with the court's order. But suppose, the Senator said, the registrar stayed in jail beyond the registration date. The court might then conclude that his contempt was criminal and decide to punish him since compliance would then be futile. In this event a jury trial would be required.

Surely a judge ought to be able to deal with such flagrant and open defiance of judicial orders with resorting to a jury. What would there be for a jury to decide? An appeal to a jury in these circumstances might be interpreted as an invitation for reversal of the judge. Would not this arrangement, like the discarded O'Mahoney amendment, encourage more flagrant defiance of the courts in the hope of forcing a trial by a sympathetic jury? In other words, the new amendment also seems to put a premium on extremism.

It is important to remember that the Senate is no longer dealing with the enforcement of a wide category of civil-rights violations. Since most of part III was stricken out, the suits that could be brought by the Attorney General would be confined to protecting the right to vote. In this limited field it does not seem to us there is any occasion for a jury-trial amendment. The court demonstrated in the Clinton case that jury trials can be had in criminal contempt cases when they are appropriate. The proper handling of that case suggests that no amendment of the law in this respect is needed. Unless the Senate can find a more satisfactory compromise than the Kefauver-O'Mahoney amendment, we hope it will pass the bill with no reference to jury trials.

## THE HOUSING SITUATION

Mr. HUMPHREY. Mr. President, an examination of the record makes it difficult to come to any other conclusion than that this administration is determined to cause a housing crisis. It is no exaggeration to state that it is becoming virtually impossible for low and medium income families to purchase homes.

Through its tight money policies the administration has all but killed off GI loans, and even FHA loans are steadily dropping off. Incredible as it may seem, it is reported that the administration plans to increase the interest rates on FHA mortgages while at the same time it refuses to lower FHA downpayment terms as permitted by the recent action of the Congress.

Mr. President, I note for the RECORD that several Senators, including myself, have protested the unwillingness of the administration to lower the FHA downpayments.

In the Washington Star of July 27 there appears an article by Robert J. Lewis titled "Hard Blow to Housing Seen in New Bond Rate." This article tells of the consternation in home-building ranks over the administration's actions, the latest being the offering of 4 percent Government notes which means the mortgage market will be made even worse. There are already cases in which FHA financing costs on a $20,000 house have been boosted as much as $200 since the 4 percent Government notes were offered.

I ask unanimous consent, Mr. President, that this article from the Washington Star be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star of July 27, 1957]

HARD BLOW TO HOUSING SEEN IN NEW BOND RATE

(By Robert J. Lewis)

A sharp new blow in the direction of housing's solar plexus is expected by some observers as a result of the President's recent sanctioning of a 4 percent interest rate on the newest issue of Government bonds.

Builders, buyers and sellers are reported already beginning to feel the effect of this latest intensification by the administration of its tight-money program.

The new bond issue's highest-since-depression-days interest rate has further worsened the mortgage market, it is reported,

and has pushed discounts higher on Government aided home loans.

FHA financing costs on a $20,000 house are said, for example, to have been boosted by as much as $200 in the last week, in some cases.

This is money that the buyer pays out without getting anything in return, except the opportunity to finance the home purchase.

And—if the administration's apparent intentions are carried out to their logical conclusion—there is said to be much to indicate that another interest rate increase—or a reasonable facsimile thereof—on FHA mortgages is a great possibility.

Tight-money proponents inside and outside the administration are said to be unremittingly active in favor of another boost in the interest rate on FHA mortgages.

Hard-pressed builders can hardly believe these reports. But they concede the only thing that can prevent an eventual interest rate boost is a change of heart within the administration—and they can detect a sign in this nowhere.

They figure that if the architects of administration policy were willing to burden the taxpayers with billions of extra dollars in bond-interest payments, there is little chance they would shrink from a new round of higher financing charges on home loans.

After repeatedly failing to convince the administration that housing is needed in greater volume for medium-income families likely to buy under GI or FHA terms, home-building industry leaders are said to be about ready for some plain speaking that will outdo in frankness anything they have said in the past.

They are reliably said to have been holding their fire until an administration decision is made on whether or not more liberal FHA downpayment terms shall be put into effect. Congress recently passed legislation permitting FHA to reduce downpayment terms substantially. Up to now, reports have indicated administration monetary managers want FHA not to act.

Builders contend that in this battle they are lined up with the broad interests of the public in favor of decent housing in adequate volume that families can afford. As of now, they are said to intend to speak out strongly in case the people's interest in housing, that so closely coincides with their own, is given the administration's unqualified cold shoulder.

## COMPARISON OF HOME MORTGAGE TERMS

Mr. HUMPHREY. Mr. President, in the July issue of Business Review, published by the Federal Reserve Bank of Philadelphia, there is a most interesting table comparing typical home mortgage terms in the 1920's with those of today under the FHA and VA programs.

This comparison is most timely in view of the administration's tight money policies which are killing off both FHA and GI loans.

Unless something is done, and done soon, to halt the housing construction decline, our Nation is going to be faced with the most severe housing shortage it has had in years. The average family simply cannot buy a home by way of conventional bank loans.

I ask unanimous consent, Mr. President, that this table be printed in the RECORD at this point. Those who applaud the administration's fiscal and monetary policies might well ask themselves if they really want to go back to the wonderful 1920's.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Typical mortgage terms—Then and now*

| | In the 1920's | FHA and VA today |
|---|---|---|
| Maturities | 3 to 10 years | 25 to 30 years. |
| Downpayments. | 30 to 50 percent purchase price. | 10 to 20 percent purchase price. |
| Interest rates | 6 to 8 percent and higher. | 4½ to 5 percent. |
| Repayment method. | Often lump sum at maturity. | Monthly. |
| 2d mortgages | Very common | Not permitted. |

## SOURCES AND AMOUNT OF THE NATIONAL INCOME

Mr. HUMPHREY. Mr. President, if anyone has any remaining doubts as to who is benefiting and who is not benefiting under the present administration, I refer them to the July issue of Economic Indicators which is published by the President's Council of Economic Advisers. It contains a breakdown of the sources and amount of the national income. It reveals that in 1952 farm net income totaled $15.1 billion, while income in the form of net interest totaled $7.4 billion—less than half of the farm income. Today, however, income from interest payments actually is greater than the income received by the Nation's farmers. Farm income has steadily declined, and interest payments have steadily risen.

As I have said before, under the Republicans, we can count on two things for sure: a drop in farm income and rising interest rates.

I ask unanimous consent that these figures on farm and interest income for the years 1952 to date as taken from Economic Indicators be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Net interest income*

[Billions of dollars]

| Year | Farm net income | Net interest income |
|---|---|---|
| 1952 | 15.1 | 7.4 |
| 1953 | 13.3 | 8.7 |
| 1954 | 12.7 | 9.8 |
| 1955 | 11.9 | 10.9 |
| 1956 | 11.6 | 11.9 |
| Seasonably adjusted annual rates, 1957: | | |
| 1st quarter | 11.5 | 12.5 |
| 2d quarter | 11.7 | 12.7 |

Mr. HUMPHREY. It will be noted that in 1956 the farm net income was $11.6 billion—and that is the lowest it has been for years—and the net interest income during that year was $11.9 billion.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Tennessee, if I have time remaining.

The PRESIDING OFFICER (Mr. ALLOTT in the chair). The Senator from Minnesota has 1 minute remaining.

Mr. HUMPHREY. I yield to the Senator from Tennessee.

Mr. GORE. Mr. President, I should like to know whether the Senator from Minnesota believes that the development to which he has referred has been brought about by artificial action, natural action, or deliberate governmental policy action.

Mr. HUMPHREY. It has been brought about by deliberate administrative action, which is anything but natural. It is happening to the great detriment of the Nation's farm producers, to the detriment of home builders, to the detriment of the small-business men, to the detriment of Senators, to the detriment of the visitors in the galleries, all of whom, taxpayers of our country, are being penalized day after day, month after month, and year after year.

## SNAKE RIVER DAMS AT PLEASANT VALLEY AND MOUNTAIN SHEEP

Mr. MORSE. Mr. President, the very able Governor of Oregon, the Honorable Robert D. Holmes, and the chairman of the Public Utility Commission of Oregon, the Honorable Howard Morgan, have sent a telegram to the Federal Power Commission, asking that the Commission grant rehearings in connection with the proposal of the Federal Power Commission to grant the Pacific Northwest Power Co. a permit to build dams on the Snake River at Pleasant Valley and Mountain Sheep. In part, the telegram reads:

By order of Gov. Robert D. Holmes, of Oregon, I strongly request the reopening of public hearings on the application of Pacific Northwest Power Co. for a permit to build dams on the Snake River at Pleasant Valley and Mountain Sheep.

The astonishing recommendation of your examiner, announced by the press today, demonstrates the necessity for more engineering and economic testimony in the record.

The conclusion of your examiner that upstream storage is not urgently needed is directly contrary to massive and well-known facts. Neither the private power companies nor the general public can sustain much longer the failure to develop the largest possible amount of upstream storage in the Columbia Basin.

Mr. President, I ask unanimous consent that the entire telegram be printed at this point in my remarks.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SALEM, OREG., *July 25, 1957.*

Hon. JEROME K. KUYKENDALL,
*Chairman,*
FREDERICK STUECK,
*Commissioner,*
SEABORN L. DIGBY,
*Commissioner,*
WILLIAM R. CONNOLE,
*Commissioner,*
ARTHUR KLINE,
*Commissioner,*
*Federal Power Commission,*
*Washington, D. C.:*

By order of Gov. Robert D. Holmes of Oregon. I strongly request the reopening of public hearings on the application of Pacific Northwest Power Co. for a permit to build dams on the Snake River at Pleasant Valley and Mountain Sheep.

The astonishing recommendation of your examiner announced by the press today dem-

onstrates the necessity for more engineering and economic testimony in the record.

The conclusion of your examiner that upstream storage is not urgently needed is directly contrary to massive and well-known facts. Neither the private power companies nor the general public can sustain much longer the failure to develop the largest possible amount of up-stream storage in the Columbia basin.

The fact that the Corps of Army Engineers fail to protest the lack of storage capacity in the company proposals has none of the positive significance attributed to it by your examiner. That failure may be accepted as a commentary on the loss of engineering initiative and independence by the Corps of Engineers under present circumstances, but it can hardly be used in an official proceeding as a positive indication of any lack of need for upstream storage. Let me remind you that the States of Oregon and Washington also failed to protest the company proposals in the hearings. You may be interested in the reason for that failure. There is only one reason. All hearings were concluded before the new administrations in Oregon and Washington were sworn into office in January of 1957. These State administrations are free to represent the public interest and they deserve an opportunity to do so in this case. If the final decision in this proceeding is to rest on substantial findings of fact, the record should be reopened at once for the introduction of economic and engineering testimony on behalf of the people of this region. Letter follows immediately.

HOWARD MORGAN,
*Public Utility Commissioner,*
*State of Oregon.*

Mr. MORSE. Mr. President, most of the hearings were conducted when there were Republican administrations in the States of Washington and Oregon. Now that there are Democratic governors in those two Pacific Northwest States it is of great importance that the point of view of the Democratic administrations be received by the Federal Power Commission and that the hearings be reopened. Therefore, I today join in the request of the Governor of my State to the Federal Power Commission for a reopening of the hearings, so that the facts concerning the great power storage needs of the Pacific Northwest can be made a matter of official record.

I only say, in conclusion, that to the extent to which the Federal Power Commission has become but the tool and the vehicle of the private utilities of the country, to that extent it has taken away from the American people their heritage in the control of their own natural resources.

Mr. President——

The PRESIDING OFFICER. The Senator from Oregon.

## EARTHQUAKE IN MEXICO

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Washington Post and Times Herald of this morning concerning the very serious catastrophe in the form of the great earthquake which occurred over the weekend in Mexico City and in other areas of Mexico.

I feel certain that I express the views of the Members of the Senate when we extend to the Mexican Government and the people of Mexico our deepest sympathy, our great concern, and our humanitarian desire to be of whatever assistance we can be to them in this hour of crisis.

As chairman of the Subcommittee on American Republic Affairs of the Committee on Foreign Relations, I have called upon the appropriate desk of the Department of State to supply me with information concerning the extent of the catastrophe, and also with suggestions of what, if anything, in the opinion of the State Department, Congress can or should do to be of humanitarian assistance to the Government of Mexico in this hour of crisis, including the possibility of a disaster loan.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HEAVY TOLL IN CAPITAL, 50 BUILDINGS LEVELED—DEATH LIST GROWS; HUNDREDS ARE REPORTED INJURED

(By Jack Rutledge)

MEXICO CITY, July 28.—Earthquakes struck central and southern Mexico today and more than 100 persons were reported killed.

This capital city was hit hard, with 30 known dead and 450 injured. Many large buildings collapsed.

The death list grew as reports began flowing in from distant points.

A dispatch from Morelia quoted Gov. David Franco Rodrigues as estimating there were 72 dead in the southwestern State of Michoacan in the regions of Ario De Rosales and Coalcoman, about 40 miles inland from the Pacific coast.

The United States Embassy said it had no reports of American fatalities.

Communications were still severed between the capital and most of the quake area. They were disrupted when the first of a series of temblors struck at 4:50 a. m., eastern daylight time.

But earlier reports of heavy casualties at Acapulco were dissipated by an on-scene inspection.

Ten of the victims in the capital died after a five-story apartment building caved in.

CAPITAL'S DAMAGE GREAT

Damage in the capital was great.

It is estimated 50 large buildings have collapsed and many more may have to be razed because of structural damage. A theater which showed only minor cracks on the outside front wall proved to be a heap of wreckage inside.

One American woman was injured slightly. She is Mrs. Sarah Dorfman of Brooklyn, N. Y., a tourist at the Continental Hilton Hotel. She suffered lacerations on both arms. Mrs. Dorfman said the walls of her room cracked and glass flew through the opening.

First advices from Acapulco reported a dozen dead after 8 shocks hit that Pacific coast resort city of 10,000.

AMERICANS RADIO BACK

But Comdr. Robert F. Lyon, Assistant United States Naval Attaché, and United States Vice Consul R. L. Rivero flew to Acapulco and radioed back that damage there chiefly was confined to 2 private homes which collapsed and the known death toll was 2 Mexican children.

Acapulco's chief of police said there were no reports of casualties among Americans who have thronged to the resort.

Ronnie Luster, Associated Press correspondent in Acapulco, said many were injured there by falling debris.

Miguel Castillo of Mexico City flew in from Oaxaca at noon and said the quake was strong there and had caused wide damage. But he had heard of no deaths. It was the first word from that city 225 miles south of the capital.

The shocks were felt in this city of 4 million just before 3 a. m. central standard time, jarring thousands out of their beds. A 5-story apartment building housing 12 families collapsed and 7 hours later 10 bodies were taken from the wreckage.

Officials said the fact that Mexico City sits on a dried-up lake saved it from heavier damage. The sponge-like floor of the city absorbed a great deal of the shock.

MEXICO'S STATUE OF LIBERTY

Mexico's monument to independence—the nation's statue of liberty—suffered a blow. Its 20-foot gold-plated angel, resting atop the 150-foot column, plunged to the concrete foundation and shattered.

Buildings in the famed "Caballito" (Little Horse), Mexico City's Times Square, were badly damaged. A 12-story building in which former New York Mayor William O'Dwyer has a penthouse law office was so badly damaged it may have to be abandoned. A large building next to it was atilt.

A new building erected on the campus of the Polytechnic University collapsed. But other new buildings withstood the shocks.

Officials said if the shocks had hit during daylight hours the toll of dead and injured would have been far worse because of flying glass.

CONTINENTAL HILTON HOTEL

The new Continental Hilton Hotel, opened only last December, may have to close because the shocks disrupted the plumbing. It had 250 tourists registered, most of whom fled into Paseo de la Refora in night clothing. The Hilton bore a huge crack starting at the street and widening as it climbed to the penthouse nightclub.

The 44-story Latin American Tower, highest building in Latin America, withstood its first test. The structure, not fully completed although occupied on the bottom floors, was built on an island-lake foundation similar to the one used by Architect Frank Lloyd Wright in the famed earthquake-proof Imperial Hotel in Tokyo.

CHURCHES CRACKED

Some of the city's ancient Roman Catholic churches were cracked and their altars damaged. Older buildings which have weathered other but less severe quakes seemed to have suffered less noticeable damage than newer ones with glass exteriors.

A stone fence surrounding the residence of United States Ambassador Robert C. Hill collapsed, but the Embassy building was not damaged seriously.

## DR. DIEHL HEADS CANCER RESEARCH

Mr. THYE. Mr. President, as a member of the Senate Appropriations Committee, I am privileged to serve as the ranking minority member of the Subcommittee on Appropriations for the Departments of Labor and Health, Education, and Welfare. In that position I have always taken an active interest in matters of research in the fields of health and medicine, and have supported appropriations for these activities.

During the past week I was very much pleased to note that the dean of the University of Minnesota Medical School has been appointed the top medical and research head of the American Cancer Society. Dr. Harold Diehl has been the medical dean at the University of Minnesota for the past 22 years, and he will bring to the Cancer Society a wealth of research and administrative ability.

The post to be occupied by Dr. Diehl was recently created as the result of a management survey recommendation to

the Cancer Society last month. It is one of the steps which have been taken by the society to speed up their attack on cancer. This action by the Cancer Society, Mr. President, is in line with the action taken by the Senate Appropriations Committee in recommending almost $58½ million for cancer research in the National Institutes of Health. It is my sincere hope that the $56½ million provided the National Cancer Institute for fiscal year 1958 will be in some way an aid to Dr. Diehl and the Cancer Society in their new program.

In recognition of the honor which has come to Dr. Diehl, I ask unanimous consent that an article and editorial which were published recently in Minneapolis newspapers be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Minneapolis Morning Tribune of July 26, 1957]

DIEHL GETS TOP POST WITH CANCER SOCIETY

(By Victor Cohn)

Dr. Harold S. Diehl, University of Minnesota medical dean for 22 years, was named top medical and research head of the American Cancer Society Thursday.

The appointment, made in New York, is effective November 1.

Diehl, one of the country's outstanding medical administrators, will at first take a leave for a year or so while the search for a new dean goes on. During this year he will return, he said, for a few days a month.

In effect, the university is losing his full services not quite 3 years ahead of his compulsory retirement in June 1960. He will be 66 August 4.

"I hate to leave," he told the Minneapolis Tribune. "But I am near retirement here, and this looks like a tremendous opportunity to do something in the health field."

The Cancer Society confirmed this, calling his appointment—as both senior vice president for research and medical affairs, and as deputy executive vice president—"one of the steps we have taken to speed up the attack on cancer."

The job is new. It was recommended to the society in June 1957 after a management survey.

"The position is concerned primarily with planning and policy," the society announced. "Dr. Diehl will participate fully in policy formulations in overall development."

Diehl—a spare man of simple words—put it this way: "They've told me they need someone to put his feet under the desk and do some thinking about what they're doing and where they ought to be going."

The society stated: "We are extremely fortunate in obtaining Dr. Diehl's great talent and rich experience." Dr. J. L. Morrill, university president, said: "The university must regard his ultimate departure with deepest regret, yet with heartiest congratulations and pride."

Both mentioned his contribution in making the medical school here (in the society's words) "one of the most outstanding institutions in the world."

For Diehl, in a colleague's words, has been regarded as the finest kind of medical administrator, a patient, self-effacing man and a balance wheel among many strong, often hotheaded personalities.

Nationally in recent years he has been:

Vice chairman, Health Resources Advisory Committee, United States Office of Defense Mobilization. Its job is to balance American civilian and military medical needs. No doctor or dentist can be called to service without his consent.

Chairman, American Medical Association council on national defense.

Vice chairman, National Advisory Committee for Selective Service.

These jobs taken together mean that since the Korean war period and earlier he has been one of the Nation's top men on medical-military matters.

He played an important part in post-World War II veterans' hospital reforms. He was American delegate to two World Health assemblies, and a key man in bringing next spring's assembly to Minneapolis.

He has held many other jobs, including one he particularly values—chairman of the State medical association's committee on hospitals and medical education. He said, "This has given me a chance to maintain good relations with the doctors of Minnesota."

But in an interview he talked little of these jobs—and mainly of "my regret in leaving the medical school just when so many things I've been working on all these years are just flowering."

He spoke of the new or proposed medical-biological library, Masonic cancer hospital, Veterans of Foreign Wars cancer research institute, added floor for the Variety Club Heart Hospital and expanded research laboratories. All these are either under construction or in the planning or fund-raising stage.

With remodeling of older medical buildings, they will round out the new university medical center.

Diehl told how the medical school has grown and done outstanding work in many fields—and taught doctors.

He said: "We have a higher percentage of our actively practicing graduates in general practice—54 percent—than any school in any nearby State. But we also are second, in 1930–45 figures, among all medical schools in graduates in full-time teaching. Harvard has 63, Minnesota 55, and Johns Hopkins 41.

"I think these things show both scientific leadership and responsibility for medical service to this area."

The dean grew up in Pennsylvania. He taught high school math and coached sports. Then he decided to be a doctor. A cousin got him a part-time job teaching chemistry at Augsburg College, Minneapolis, so he went to Minnesota.

He graduated in 1918 and went to France and World War I. Next he was with the Red Cross in Poland.

Then followed Minnesota fellowships and faculty positions in internal medicine and public health. He directed the students' health service, and was first head of the department of preventive medicine and public health.

He did early research on the common cold, establishing the fact, still true, that sugar pills, or no pills at all, cure colds as rapidly as any other pills.

He has been chairman of the university's faculty committee on intercollegiate athletics. Students of many kinds use his textbook, Healthful Living.

A faculty committee will help seek a new dean, during a period in which an associate dean and two assistant deans will handle day-to-day administration.

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[From the Minneapolis Star of July 27, 1957]

A GREAT DEAN

We can't help but have mixed feelings over the loss to Minnesota of Dr. Harold S. Diehl, dean of the university's college of medical sciences.

The whole State is honored that the American Cancer Society has seen fit to pick Dr. Diehl as its chief medical and research officer and deputy executive vice president. It is a wise choice indeed. But what undoubtedly is the Nation's gain is the State's loss. It will not be easy to fill his place at the university.

Outsiders who visit Minneapolis are frequently surprised at the vast physical plant and equipment on the medical campus. It is obvious even to the uninitiated that Minnesota "has the dough." The story is told that a prominent eastern doctor once asked Dean Diehl at a medical convention how the money was obtained. The reply was, "Oh, it just comes."

Those who know how Dr. Diehl has worked night and day, in season and out, to obtain grants, research funds, scholarships, and other financial resources for the medical school realize how casual this remark was. The dean has been one of the real builders of the University of Minnesota—and this has not been an offhand performance.

In addition to his contributions to administration and finance, Dr. Diehl has brought warmly human qualities to his job. It is well known that the university medical school has less friction, less rivalry, and less jealousy than any other similar organization in the country. This is largely because the dean has insisted on the right "atmosphere" within the institution.

A veteran staff member once remarked that Dr. Diehl had three cardinal principles of operation: Never neglect the patient; never neglect the student; never neglect anything having to do with growth and development of the organization.

These three ideas go far to explain why Minnesota's medical school is now one of the greatest—if not the greatest—in the world. And they shed considerable light on the man who has had so much to do with building that worldwide reputation. We congratulate the American Cancer society—and Dean Diehl.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. THYE. I yield.

Mr. HUMPHREY. First, I commend my colleague for his very worthy and appropriate words concerning one of Minnesota's most esteemed citizens, Dr. Harold Diehl. I wish to associate myself with the expression of good wishes and commendation which my colleague, the senior Senator from Minnesota, has made concerning the dean of the University of Minnesota Medical School.

The people of the Nation can be assured that in the selection of Dr. Diehl to head the medical and research work of the American Cancer Society, the most qualified man who could possibly have been found for this work has been chosen.

Mr. THYE. Mr. President, I have always been attracted, not only to Dr. Diehl, but also to the University of Minnesota, because of their outstanding activities in the field of research. Dr. Diehl deserves the highest commendation for the work he has always rendered in the field of scientific research.

I am delighted that my colleague, the junior Senator from Minnesota, was on the floor, and that the two of us were able to participate in a colloquy in connection with the insertion in the RECORD of the article and editorial which were published in the Minneapolis newspapers in commendation of Dr. Diehl's work.

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## CIVIL RIGHTS AND JURY TRIALS—ARTICLE BY PROF. CARL A. AUERBACH

Mr. CHURCH. Mr. President:

A split in the ranks of the pro-civil-rights forces over the jury trial issues is as unjustified as it is unnecessary.

This sentence is quoted from an illuminating article by Prof. Carl A. Auerbach, of the Law School of the University of Wisconsin, which article I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHURCH. Mr. President, the article further points out that there does exist confusion in the Federal Statutes at Large in regard to the nature of criminal contempt, and recommends that this confusion be eliminated by legislation.

This article appeared in the New Leader for April 29, 1957, at a time when the civil-rights bill had not even taken final form in the House. Yet the comments on the jury-trial problem are as pertinent now as they were then. Indeed, Professor Auerbach's recommendations are essentially those embodied in the amendment proposed by the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Tennessee [Mr. KEFAUVER], and myself. The article should leave no doubt of Professor Auerbach's bone fides as a supporter of civil rights, and it should also help to rebut some of the charges that the pending amendment weakens the bill, when, in fact, the amendment makes for a meaningful and effective civil-rights bill, within the framework of the American legal tradition.

Professor Auerbach's credentials are impressive. He received his bachelor of laws at Harvard Law School in 1938, served in the United States Army attached to the OSS in 1943–46, continued to serve his country in civil positions, becoming General Counsel of OPA in 1946–47. Promoted to his present rank of full professor at the University of Wisconsin's Law School in 1952, Professor Auerbach has taught an assortment of course, including civil procedure, and a seminar in civil liberties. In 1953, he was a recipient of a Fulbright advanced research award, under which he attended the London School of Economics. All in all, Professor Auerbach's ideas are worthy of the most serious consideration by everyone interested in this crucial question.

EXHIBIT 1

A NEW PROPOSAL: JURY TRIALS AND CIVIL RIGHTS

(By Carl A. Auerbach)

Should persons charged with violating court injunctions forbidding them to interfere with the civil rights of others be tried by jury? Pro-civil-rights forces are split on this issue because of an apparent dilemma—the choice between trial by jury and effective civil-rights enforcement—which this article will try to show can be resolved.

Current controversy centers on the provision in pending civil-rights legislation authorizing the Attorney General to bring suits to enjoin interference with civil rights, including the right to vote in any election for Federal office and the right to attend an integrated public school. This legislation does not accord jury trial to alleged violators of any injunctions so obtained.

If this legislation should pass, a powerful weapon of civil-rights enforcement would be created. It takes a great deal of courage, money, and time for private individuals, even when backed by organizations like the NAACP, to bring lawsuits to vindicate their rights. Courage is not lacking. But money is scarce and delay painful. For similar reasons, Congress has authorized the Government to resort to the injunctive process to help enforce a host of other Federal laws, such as the antitrust laws, the Interstate Commerce Act, and the wages and hours law. There is even more reason why Congress should authorize the Government to secure civil rights in the same way, because the 14th and 15th amendments to the Constitution look to Congress to pass appropriate legislation enforcing the guaranties of due process, equal protection, and the right to vote.

While southern spokesmen in Congress are fighting the basic proposal to authorize the Government to use the injunction in the enforcement of civil rights, they are falling back on the plea that at the very least alleged violators of civil-rights injunctions should be tried by jury. This plea deserves careful consideration in the perspective of history.

The sixth amendment to the Constitution guarantees the right to jury trial in all criminal cases and the seventh amendment in all civil cases "at common law" involving more than $20. State constitutions contain similar provisions. While the jury system has been criticized severely of late in connection with automobile-accident litigation, criticism has not extended to jury trial of criminal cases. Here the jury is still regarded as a champion of liberty—and justifiably so.

However, the constitutional guaranties of jury trial apply only to those cases which were commonly tried by jury at the time the Constitution was adopted. These did not include equity cases, in which relief other than money damages—the traditional remedy granted by the common law courts—was sought. So to this day, if a person contracts to sell a piece of land to another but refuses to go through with the deal, the court, at the suit of the buyer, will order the seller to perform his contract. If the facts are disputed, the judge will determine them. No jury will participate in the proceedings.

A complainant may also resort to equity to prevent a wrongful act. If a person threatens to cut down trees on land belonging to someone else, the landowner may obtain a court injunction which would forbid (enjoin) the cutting down of the trees.

If the court's order is disobeyed, the judge will hold the violator of his injunction in contempt of court and have him imprisoned until he does obey. Again, this will occur without the intervention of a jury. The purpose of the imprisonment is not to inflict punishment for the disregard of the judge's specific command, but to coerce the defendant to grant the plaintiff the remedy to which the plaintiff is entitled. So it is said in these cases that the defendant "carries the keys of his prison in his own pocket." He can open the prison door and walk out any time he pleases by obeying the court's order. Because the objective of the imprisonment is remedial, not punitive, it is held to be for "civil contempt."

An individual, imprisoned for civil contempt because he has disobeyed a court order to deed land which he has contracted to sell or to pay alimony to his divorced wife, has it within his power to get out of jail by executing the deed or paying the alimony. But what about the man who has violated the injunction not to cut down his neighbor's trees? How can his imprisonment have a remedial purpose? It is true that he can no longer obey the court's original order because he cannot restore the status quo ante, but the judge may keep him in prison until he makes restitution, in money, for what he has done.

Deliberate violation of a court's orders in any of these cases not only deprives the plaintiff of the remedy to which he is entitled, but also affronts the dignity of the court and challenges the authority of the State. For this "criminal contempt," the violator may be punished, by fine or imprisonment, even after he satisfies the plaintiff. The same act or omission, therefore, may amount to a criminal as well as a civil contempt. And, as in the case of the cutting down of the trees, the act in question, apart from constituting a civil and criminal contempt, may also be some other crime under existing law.

In any event, so far as the Constitution is concerned the judge may order the imprisonment for criminal or civil contempt of a person violating a lawful court order without affording him a trial by jury. No jury trial is required because under the circumstances described the power to imprison is held to be inherent in the exercise of the judicial power, vested in the Federal courts by article III of the Constitution.

The important thing to bear in mind about the current controversy over the role of the jury in civil-rights enforcement is that it centers entirely on the criminal-contempt proceeding, to the unwarranted neglect, in my opinion, of the possibilities of the civil-contempt proceeding.

The Federal Criminal Code (18 U. S. C. 401) empowers every Federal judge to punish, by fine or imprisonment, disobedience or resistance to the court's lawful writ, process, order, rule, decree, or command. As I have pointed out, the Constitution does not guarantee jury trial to persons punished for such criminal contempt. But because judges abused their power in connection with labor injunctions, the Clayton Act of 1914 and the Norris-La Guardia Act of 1932 gave alleged violators of labor injunctions greater rights than they possessed under the Constitution.

The provisions of the Criminal Code based on the Clayton Act (18 U. S. C. 3691) now require jury trial, if requested by the accused, whenever the act or omission constituting the criminal contempt also amounts to some other criminal offense under Federal or State law. This prevents judges, under the guise of punishing for criminal contempt, from convicting persons of crimes (e. g., assaulting a scab or destroying company property) for which, if they were indicted under the criminal law, they would have a constitutional right to jury trial.

Nevertheless, section 3691 makes certain exceptions from the jury-trial requirement. One concerns us particularly. Jury trial is not called for if the criminal contempt consists of disobeying a lawful court order entered in any suit brought or prosecuted in the name, or on behalf, of the United States.

This exception discloses the bite of the currently proposed civil-rights legislation. If the Attorney General is authorized to bring suits in the name, or on behalf, of the United States to enjoin interference with school-integration orders or to compel the registration of Negro voters, violators of the ensuing injunctions could be punished for criminal contempt by a Federal judge sitting without a jury. By contrast, the provisions of the Federal Criminal Code based on the Norris-La Guardia Act (18 U. S. C. 3692) require the jury trial of all criminal-contempt cases involving labor injunctions, whether or not the suit out of which the injunction arose was brought in the name, or on behalf, of the United States. (Exceptions are made which do not concern us at the moment.)

The argument of the southern spokesmen, in essence, is that alleged violators of civil-rights injunctions should receive the same procedural protection as is received by alleged violators of labor injunctions. This argument appeals to many liberals who fear that a precedent against jury trials may ultimately be used against labor. In examining this argument, we must remember once again that Constitutional rights are not at stake.

In fact, it took a decision of the Supreme Court to dispose finally of the objection that the jury-trial requirement in cases of criminal contempt was itself an unconstitutional infringement of the judicial power vested in the Federal courts by the Constitution (*Michaelson* v. *United States* (266 U. S. 62 (1924)).

Furthermore, the attempt to use trial by jury in civil-rights enforcement raises a unique problem. We cherish jury trial in criminal cases primarily not because we think the jury is superior to the judge as a fact-finding institution, which many students of the jury system doubt, but because we wish popular attitudes to be reflected in the administration of criminal justice. As the late Judge Jerome N. Frank pointed out, we expect a jury to be more merciful, more responsive to extending circumstances than a judge can be.

But in the field of civil rights we are trying to use law to change ingrained patterns of behavior in whole communities. To permit the reflection of community attitudes (which we hope will also change as behavior changes) in the enforcement of the law which seeks to change community practice may invite popular nullification of the law. This is not to say that a southern jury will never convict a civil-rights violator. But experience to date has been sufficiently discouraging to warrant the generalization hazarded.

All this would weigh heavily if we were forced to choose between jury trial in criminal-contempt cases and effective civil-rights enforcement. But we are not confronted with this dilemma if we take into account (which the current debate does not) the fact that effective enforcement can be secured through the civil-contempt proceeding.

We may agree with the southern contention that civil-rights violators should be afforded jury trial to the same extent as labor-injunction violators. But labor-injunction violators to this day may be held in civil contempt without a jury trial.

In the Michaelson case, which I have cited, the Supreme Court emphasized that the Clayton Act did not purport to reach cases of failure or refusal to comply affirmatively with a decree—that is, to do something which a decree commands—which may be enforced by coercive means, or remedied by purely compensatory relief. The Court went so far as to intimate that there might be serious doubts about the constitutionality of legislation requiring jury trial in such cases of civil contempt.

Nor did the Norris-La Guardia Act require jury trial in civil-contempt cases, and the possibility that labor people may be subjected to civil-contempt proceedings has been greatly enhanced by the wider use of the labor injunction under the Taft-Hartley Act. In fact, no Federal statute requires jury trial in civil-contempt proceedings of any kind.

The lines along which the apparent dilemma may be resolved now become clear. If the United States proceeds against an alleged violator of a civil-rights injunction in order to punish him for criminal contempt, all the protections accorded the accused in a criminal trial should be extended—a formal charge, jury trial, the presumption of innocence, the privilege against self-incrimination, etc. Congress should also consider removing the exception from the jury-trial requirement now found in the Criminal Code for criminal-contempt cases in which the court order allegedly disobeyed arose out of a suit brought in the name, or on behalf, of the United States. However, it should also increase the penalities for criminal contempt in those cases in which they are now limited by statute to a fine of not more than $1,000 or imprisonment for not more than 6 months.

At the same time, the United States should be authorized to bring civil-contempt actions against alleged violators of civil-rights injunctions. In doing so, the United States would be acting in its capacity as complainant in the original equity suit it brought for the injunction. Its objective would be purely remedial—not to punish the violators for their past disobedience but to coerce future obedience to the court decree. If the decree, for example, ordered the registration of Negro voters, the local officials refusing to do so could be imprisoned until they obeyed the order. They would be carrying the keys to the prison with them.

The situation is more complicated if the injunction allegedly violated—as in the case of racist John Kasper—is against interfering with the carrying out of a school-integration order. Here it is essential that the legislation not contain provisions which would lead a court to conclude that the proceeding is in substance for criminal contempt. This can be done. The violator, for example, might be required to post a bond, the amount of which would be forfeited to the United States if he continued to violate the court's order. The amount of the bond could be fixed by the judge within limits varying from, say, $250 to $5,000, depending on individual circumstances. If the violator refused to post bond, he could be subjected to imprisonment for not more than 30 days. Repeated violations would result in repeated bond forfeitures or imprisonment for maximum 30-day periods. This would give violators repeated opportunities for reflection. They, too, would carry the keys to their prison, because by posting a bond and then obeying the court's order they would not suffer the loss of a single dollar or imprisonment for a single day. If, in addition, the United States decided to punish the violators by instituting criminal-contempt proceedings, jury trial would be afforded.

Something similar to what I am suggesting was approved by the Supreme Court in the 1947 criminal- and civil-contempt proceedings against John L. Lewis and the United Mine Workers for striking the Government-seized mines in violation of a court order. Lewis was personally fined $1,000 and the Mine Workers $750,000 for criminal contempt. But the Court also subjected the Mine Workers to a conditional fine of $2.8 million, contingent on its immediate compliance with the injunction. This conditional fine, imposed without a jury trial, was viewed by the Court as appropirate to the civil-contempt aspect of the proceeding (*United States* v. *United Mine Workers* (330 U. S. 258 (1947)).

It may be suggested that legislation is not necessary to effectuate the proposal made with respect to civil-contempt proceedings. This may be so. But it would be wise to clarify this matter by legislation, because it is now permeated with confusion. Whatever provisions regarding civil-contempt proceedings are written into the legislation should not tie the hands of Federal judges. They should permit the judges wide flexibility to shape the sanctions enforcing compliance with their decrees to the circumstances of each case.

The important thing now is that the Department of Justice and the proponents of civil-rights legislation in and out of Congress explore the possibilities of the civil-contempt proceeding, which should be available to any private citizen who has instituted a suit to enjoin the violation of his civil rights, as well as to the Government. A split in the ranks of the pro-civil-rights forces over the jury-trial issue is as unjustified as it is unnecessary.

## OPPOSITION TO JURY-TRIAL AMENDMENT

Mr. CLARK. Mr. President, my attention has just been called to a comment by the distinguished majority leader, the Senator from Texas [Mr. JOHNSON], which appears on the first page of the CONGRESSIONAL RECORD of Friday July 26, and relates to my position with respect to jury trials. I am certain that the comment by my good friend was inadvertent, and that he was not advised of my position. He states that the Senator from Pennsylvania—referring to me—has submitted a jury-trial amendment.

Mr. President, that is, unfortunately, not the fact. I have not submitted a jury-trial amendment. I do not intend to do so. I intend to vote against the O'Mahoney-Kefauver-Church amendment. I should like the RECORD to be clear on that point.

It is true that when the Senate was considering part III of the bill, I made a speech on the floor of the Senate indicating that I would be willing to support a jury-trial amendment very different from the O'Mahoney-Kefauver-Church amendment. But that was when we were thinking in terms of enforcing the 14th amendment civil rights. That part has now been stricken from the bill, unfortunately, as I believe. I cannot conscientiously support a jury-trial amendment to part IV.

Mr. President, in the comments made by the distinguished majority leader, the following statement by him appears on the first page of the CONGRESSIONAL RECORD for July 26:

> Some representatives of organized labor have expressed to me deep concern over the absence of an adequate jury-trial provision.

Mr. President, I hope that in due course the majority leader, for whose judgment and abilities I have the highest regard, will feel free to reveal to the Senate who are the labor leaders who favor a jury-trial amendment.

I, myself, have made some investigation in that regard; and I have been unable to find any labor leaders who favor a jury-trial amendment.

I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, a letter, under date of July 27, 1957, addressed by James B. Carey, president of the International Union of Electrical, Radio, and Machine Workers, to the Senator from Texas [Mr. JOHNSON], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Wyoming [Mr. O'MAHONEY]. In the letter, Mr. Carey takes a strong position in opposition to inclusion in the civil-rights bill of any jury-trial amendment, and in my judgment he makes a closely reasoned and appealing argument against the inclusion of such an amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL UNION OF ELECTRICAL, RADIO, AND MACHINE WORKERS,
*Washington, D. C., July 27, 1957.*

Senator LYNDON JOHNSON,
Senator ESTES KEFAUVER,
Senator JOSEPH C. O'MAHONEY,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATORS JOHNSON, KEFAUVER, AND O'MAHONEY: The elimination of title III, giving the Attorney General power to obtain an injunction preventing interference with federally protected civil rights has stripped the pending civil-rights bill to the bone. The most significant item that remains is

title IV, which gives the Attorney General an injunctive remedy to vindicate the right to vote.

Now it is proposed to tie a jury-trial amendment to what is left of the bill. To do so would demolish what remains by frustrating effective enforcement of the right to vote.

You are the major spokesmen in the Senate for a jury-trial amendment. Your viewpoints differ in some respects but are grounded on several glaring and dangerous misconceptions. Unfortunately, these misconceptions are being spread by Senators who realize what the realities are and who undoubtedly know that adoption of a jury-trial provision in contempt cases would effectively nullify enforcement of the right to vote where that right is now denied.

The first of the misrepresentations spread by advocates of a jury-trial amendment is that allowing the Federal Government to have an equitable remedy to safeguard the right to vote constitutes a devious effort to punish persons charged with contempt by depriving them of a jury trial which they otherwise would have. This contention is plainly false. Interference with the right to vote is a Federal crime (18 U. S. C. 241). At present criminal prosecution is the only remedy which the Government may invoke to protect the right to vote. As the facts with respect to declining Negro registration and voting in many parts of the South show, it is an illusory remedy. Southern juries, typically all white, are notoriously reluctant to indict or convict white neighbors for disenfranchising Negroes. At best a conviction comes too late to permit the injured voter to cast his ballot.

The remedy of a civil action by private individuals for damages or an injunction is equally illusory, except in a few special cases. The same means as are used to deny Negroes the right to vote are employed to block their access to the courts. Moreover, litigation is an expensive undertaking which most Negroes can ill afford.

Title IV of the civil-rights bill would give the Attorney General a new remedy as an alternative to criminal prosecution. The remedy of injunction is less harsh and more effective than that of criminal indictment and trial for interference with the right to vote.

It is this endeavor to provide more flexible and prompt means of protecting the right to vote that is falsely being labeled as an effort to deprive citizens of the right to jury trial. Such tactics are deplorably hypocritical. Nothing could be further from the truth. Under existing Federal law, there is no right to jury trial in a contempt case where the injunction has been obtained by the United States Government (18 U. S. C. 3691). Those in favor of a jury-trial amendment urge that an exception should be made in the case of civil rights. There is no sound justification for downgrading voting rights in this fashion while strong reasons urge the contrary.

No plausible excuse exists for differentiating between protection for voting under the Civil Rights Act and prohibitions of restraints of trade under the Sherman Act. The Sherman Act imposes criminal penalties for conspiracies in restraint of trade, be they by corporations or individuals. The Attorney General also has power to seek and obtain an injunction in a civil action to prevent violations of the Sherman Act. A person who violates the Sherman Act and is criminally prosecuted is entitled to a jury trial, but a person who is charged with contempt of an injunction obtained by the Government in an antitrust suit has no such right. This has been the case for many, many years without protest from southerners or from liberals or pseudo-liberals in the Senate.

To the contrary, use of the civil action for an injunction under the Sherman Act, as an alternative to criminal prosecution, has received universal praise. We can see no excuse for providing less effective protection of the right to vote than against conspiracies in restraint of trade.

A second and equally erroneous conception propagated by the advocates of the amendment is that trial by jury in contempt cases is a basic constitutional right. This is quite false. The Constitution does not guarantee trial by jury in a contempt case and, as we have seen, Federal law expressly excludes such trial in a contempt proceeding for disobedience of an injunction obtained by the United States.

To understand more clearly what is involved, it is necessary to recall that we are dealing with a situation presented in a typical voting case. The defendant is normally a State official, such as a registrar, who is charged with disqualifying Negroes from registering and voting because of their race. There is a hearing before a judge on whether an injunction should issue, compelling the registrar to allow the Negroes to register and vote. At this hearing, there is no jury trial and everyone agrees that there need be none.

If an injunction issues and the registrar contends it is illegal, he can appeal.

If the registrar is uncertain about the meaning of the injunction entered against him, he can apply for modification or clarification of the injunction and he may have an appeal from the denial of his request.

It is the recalcitrant and disobedient registrar who will choose the path of outright defiance of the court's order. So it is for the person least deserving of procedural protection, the deliberately defiant registrar, that the right of jury trial is sought.

In fact, precisely because a jury trial would normally assist the persons who engage in deliberate defiance of a voting rights injunction that such a trial proposal must be rejected.

The proponents of jury trial are broadcasting a third misconception, namely, that trial by jury would not hamstring effective protection of the right to vote. Yet that is exactly what would be accomplished. In voting matters, more than in any other civil rights cases, time is of the essence. Normally only a short period intervenes between denial of the franchise and the time when the vote must be cast. Senator O'MAHONEY suggests that the process of civil contempt could be used to effectuate compliance before the election is held. However, the deliberately disobedient registrar will choose not to comply. He will rely on the fact that after the election he will have to be tried for criminal contempt. If he must receive a jury trial in the contempt proceeding, the remedy of injunction becomes as ineffectual as the remedy of criminal prosecution is now. Knowing that the chances are that he will escape scot free after the election, the deliberately disobedient registrar will choose to disregard the court's order that qualified Negroes should be allowed to register and vote.

Senator KEFAUVER has introduced an amendment distinguishing between civil and criminal contempts and providing a jury trial only in criminal contempt cases. Although this amendment purports to define civil contempt proceedings, it would not eliminate all questions concerning the difference between civil and criminal contempt. The basic defect in the Kefauver amendment is that in voting cases the right of trial by jury would be afforded chiefly to those officials who deliberately seek to frustrate the Federal court injunction. Thus, most of the contempt cases would be criminal contempt cases. The diehard registrars would rely on acquittal by friendly juries. In short, the result would be that the right to vote would be effectively destroyed precisely in those areas where it most needs protection.

The most recent amendment on the jury trial question, submitted by Senators O'MAHONEY, KEFAUVER, and CHURCH, is probably the most dangerous of all. This amendment would guarantee a jury trial in all criminal contempt actions, not merely in civil-rights cases but also in the entire field of Federal law where criminal contempt actions are possible.

Presumably, this is intended to mollify labor and other liberal elements by throwing everybody a sop. At the present time there are about 28 laws under which the United States may institute criminal contempt action where no jury trial is guaranteed. With very few exceptions no valid objection has been made to present procedure. It is true that labor has in the past contended for the right of a jury trial in contempt proceedings arising out of labor injunctions. We do not believe, however, that at the present time labor, or any other group in the community, suffers injustice because of present procedures for punishing contempt.

The proposed blunderbus method of amending more than a score of laws is only a device to conceal the fact that the jury trial proposal would prevent effective enforcement of the right to vote.

Labor will not barter away effective protection of the right of a Negro to register and vote in return for the very dubious advantage that Senators O'MAHONEY, KEFAUVER, and CHURCH now appear to offer to labor.

The issue must be faced squarely: with respect to voting rights we can have either the right to vote or trial by jury for contempt. We cannot have both in any meaningful effective sense. The right to vote is a basic constitutional right. The right of trial by jury for contempt is not. The choice is clear. We must consider how we can effectuate the basic purposes of the bill. If we are to safeguard the right to vote in those parts of the Nation where it most sorely needs safeguarding, the jury trial amendments must be rejected, for they spell the doom of any effort to secure enfranchisement of large numbers of our fellow Americans.

Sincerely,

JAMES B. CAREY,
*President.*

## GEORGE PIERCE METCALF

Mr. PASTORE. Mr. President, Rhode Island today mourns the passing of George Pierce Metcalf, who, in private industry, in public service, and in quiet philanthropy, maintained a family name high in the history of his beloved Rhode Island.

Mr. Metcalf died in the fullness of his powers and at the height of his active concern in public affairs. When Governor of the State of Rhode Island, I knew Mr. Metcalf best through his association with the Rhode Island Hospital. He still continued to serve the hospital as vice president, declining higher honors, although contributing of his time and thought and means to the improvement and expansion of this important activity for the health of our State. This was an expression of the human and humane character manifest in all his engagements.

This character was an attribute of his industrial career as he came from Harvard University in 1912 to understand and undertake the responsibilities of the great Wanskuck Co., the enterprise which his family had pioneered, making its woolens and worsteds famed the world over and making the reputation and skills of the

Rhode Island worker coextensive with that fame.

As a facet of the family interests, he was director, then vice president, and finally president of the Providence Journal Co., publishers of the Providence Journal and Evening Bulletin.

His interests were never circumscribed or self-centered. He was a man of personal humility, and with a sense of deep responsibility for the thousands whose welfare might depend on his wisdom and judgments. He never retreated from that responsibility, and he never lost his spirit of humility.

He was a man upon whom heavy burdens of family commitments came as a trust, and he fulfilled them beyond the letters of the covenant. Despite the extent of his activities of banking, insurance, industry, and newspaper publishing, he always found time for the gentler, generous considerations that make life happier for the average man, especially those to whom illness or misfortune send temporary clouds of despair. Thousands of his neighbors will remember him for individual acts of kindness. So, along with all his industrial empire, I will remember George Pierce Metcalf best through our association with Rhode Island Hospital, a memory brightened as I recall his proud words when speaking on the occasion of a great expansion of the hospital services. He took pride in the thought that this institution of his heart could care for more and more of the people he thought of as individuals, his neighbors, and his friends.

Rhode Island will miss the power of his personal concern and the spirit of his personal philanthropy. George Pierce Metcalf was a good neighbor and a good citizen. All Rhode Island regrets his passing. Those of us who knew him have sustained a personal loss.

## OPPOSITION BY THE AMERICAN CIVIL LIBERTIES UNION TO A JURY-TRIAL AMENDMENT

Mr. CASE of New Jersey. Mr. President, the American Civil Liberties Union has a long and distinguished record as the defender of the civil liberties of Americans, without regard to the cause they may be espousing at any particular time, and without regard to whether that cause is popular or unpopular.

On May 22, at my request, there was printed in the CONGRESSIONAL RECORD, at pages 7370 to 7371, a statement by the American Civil Liberties Union in opposition to the inclusion of a jury-trial amendment in the civil-rights bill.

The position of that organization in opposition to the inclusion in the bill of such an amendment remains unchanged and vigorous.

On yesterday, July 28, there was published in the newspapers of the country a release by the American Civil Liberties Union, pointing out that in the opinion of 11 law-school deans, 34 law-school professors, and a large group of lawyers, the absence of a jury-trial provision from the civil-rights bill does not violate due process of law.

I ask unanimous consent that the release be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

(News release of American Civil Liberties Union, 170 Fifth Avenue, New York, N. Y., E. B. MacNaughton, chairman, national committee; Ernest Angell, chairman, board of directors; Edward J. Ennis, Osmond K. Fraenkel, Barent Ten Eyck, general counsel; Patrick Murphy Malin, executive director.)

WASHINGTON, D. C., July 27.—The absence of a jury-trial provision in the civil-rights bill does not violate due process of law, 11 law school deans, 34 law school professors, and a large group of lawyers said today.

Endorsement was given to a statement signed by the deans of the University of Pennsylvania, Columbia University, and Yale Law Schools, Jefferson B. Fordham, William C. Warren, and Eugene V. Rostow, respectively. The statement was released by the American Civil Liberties Union.

"While we fully support trial by jury in its proper sphere, we fear that its unnecessary injection into this legisaltion will only hamper and delay the Department of Justice and the courts in carrying out their constitutional duty to protect voting rights of citizens," the statement said.

Debate on the civil-rights bill, the statement continued, was creating an erroneous impression with respect to the necessity for jury trials in contempt proceedings which may be brought by the Government to insure the effectiveness of injunctions safeguarding constitutional rights.

"The bill in its present form is not exceptional. Many provisions of law authorize the Federal courts to exercise their traditional power to punish willful violations of injunctions obtained by the United States Government.

"There is no denial of due process of law. The injunction itself can be obtained only after a full and fair hearing with a right of appeal. If the injunction is then violated, and contempt proceedings are brought, the Government must satisfy the court beyond a reasonable doubt that the party charged willfully disobeyed the court's order."

The law school deans signing include: Edmund O. Belsheim, College of Law, University of Nebraska; Robert F. Drinan, S. J., Boston College Law School; Charles W. Fornoff, College of Law, University of Toledo; Harold C. Havighurst, Northwestern University School of Law; Jacob D. Hyman, University of Buffalo School of Law; George M. Johnson, Howard University School of Law; William J. Kenealy, S. J. (acting dean), Loyola University Law School, New Orleans; J. Norman McDonough, School of Law, St. Louis University; Seward Reese, College of Law, Willamette University, Salem, Oreg.; Carl B. Spaeth, Stanford Law School; William F. Zacharias, Chicago-Kent College of Law.

Among the law school professors are such outstanding constitutional authorities as Prof. Paul Freund, of Harvard Law School; Edmond Cahn, of New York University, and Milton Konvitz, of Cornell University. Eminent private attorneys who approved the statement include Grenville Clark, of Dublin, N. H.; Monte M. Lemann, of New Orleans; former United States Senator George Wharton Pepper, of Philadelphia, and Harrison Tweed, of New York City.

The full list of law school professors and attorneys follows:

Law school professors: Clifford C. Alloway, University of Miami, Coral Gables, Fla.; Richard Arens, University of Buffalo; Albert R. Beisel, Jr., Boston University; William W. Bishop, Jr., University of Michigan; Ralph F. Bischoff, New York University; Charles L. Black, Jr., Yale; Ralph S. Brown, Jr., Yale; Ray A. Brown, University of Wisconsin; Paul W. Bruton, University of Pennsylvania; Edmund Cahn, New York University; Richard J. Childress, St. Louis University, St. Louis, Mo.; Gray L. Dorsey, Washington University Law School, St. Louis, Mo.

Paul A. Freund, Harvard; Walter Gellhorn, Columbia University; R. F. Howes, Stetson University, St. Petersburg, Fla; Robert B. Kent, Boston University; Philip C. Jessup, Columbia University; Corwin W. Johnson, University of Texas; Charles W. Joiner, University of Michigan; Milton R. Konvitz, Cornell University; Douglas B. Maggs, Duke University; Robert B. McKay, New York University; John J. McAulay, Loyola University, New Orleans; Robert E. Matthews, Ohio State University; Philip Mechem, University of Pennsylvania; Edmund M. Morgan, Vanderbilt University, Nashville, Tenn.; Jay W. Murphy, University of Alabama; James Nabrit, Jr., Howard University, Washington, D. C.; John D. O'Reilly, Jr., Boston College; Oval A. Phipps, St. Louis University, St. Louis, Mo.; Gordon W. Stumberg, University of Texas; Henry Welhofen, University of New Mexico; Arvo Van Alstyne, University of California at Los Angeles.

Attorneys: Sadie T. M. Alexander, Philadelphia; Theodore M. Berry, Cincinnati; Oliver C. Biddle, New York City; Lisle C. Carter, Jr., New York City; Grenville Clark, Dublin, N. H.; William Coleman, New York City; William A. Delano, New York City; William D. Embree, Jr., Denver; Irving N. Engel, New York City; Edward J. Ennis, New York City; Harold Evans, Philadelphia; John F. Finerty, New York City; Walter Frank, New York City; Lloyd Garrison, New York City; Julian E. Goldberg, Philadephia; Kenneth W. Greenawalt, New York City.

Amos T. Hall, Tulsa, Okla.; Walter S. Hilborn, Los Angeles; Oliver W. Hill, Richmond; Charles A. Horsky, Washington, D. C.; Carl R. Johnson, Kansas City; Sidney Jones, Chicago; Dorothy Kenyon, New York City; Monte M. Lemann, New Orleans; Edward P. Lovett, Washington; James Marshall, New York City; Walter Mendelsohn, New York City; Gavin Miller, New York City; Loren Miller, Los Angeles; William R. Ming, Jr., Chicago; John F. B. Mitchell, Jr., New York City; Loring B. Moore, Chicago.

T. G. Nutter, Charleston, W. Va.; Roger B. Oresman, New York City; George Wharton Pepper, Philadelphia; Sidney R. Redmond, St. Louis; Frank D. Reeves, Washington, D. C.; John A. Sandifer, New York City; Caroline K. Simon, New York City; George Soll, New York City; Telford Taylor, New York City; Barent Ten Eyck, New York City; Herbert E. Tucker, Jr., Boston; A. P. Tureaud, New Orleans; Harrison Tweed, New York City.

Austin T. Walden, Atlanta; J. Waties Waring, New York City; Fifield Workum, New York City; Ruth Weyand, Washington; Herman Zand, New York City.

ADDITIONAL SIGNERS ANNOUNCED MONDAY, JULY 29

Law school deans: William B. Lockhart, Law School of the University of Minnesota; Charles W. Taintor II, acting dean, University of Pittsburgh Law School; Alfred L. Gausewitz, dean, University of New Mexico Law School.

Law school professors: Paul Oberst, professor, University of Kentucky Law School; John O. Honnold, professor, University of Pittsburgh Law School.

Attorneys: Louis Caplan, Pittsburgh, Pa.; Frederick L. Rosenbloom, Philadelphia, Pa.; Robert P. Goldman, Cincinnati, Ohio; Shad Polier, New York, N. Y.

## OPPOSITION TO JURY TRIALS IN CONTEMPT PROCEEDINGS

Mr. DOUGLAS. Mr. President, I ask unanimous consent that an article written by Roscoe Fleming, opposing jury trials in contempt proceedings, which was published in the Denver Post of June 14, be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRINCIPLES VERSUS PRACTICES

(By Roscoe Fleming)

One aspect of American materialism is the cynical use of principle to justify un-American practices, as in constant appeal to States rights to justify treating Americans in ways that the National Constitution would forbid; or to justify allowing one group to continue to exercise un-American economic, political, and social domination over another group.

One example is the recent freeing by a southern jury of two white men who had confessed, or bragged about, bombing a Negro church. They were freed by an all-white jury which responded to appeals to uphold our way of life; i. e., that southern civilization will come crashing down, unless white people are allowed to continue bombing Negro churches at will and without penalty.

Then there's the attempt in Congress to include in the civil-rights bill a provision for trial by jury of people accused of violating injunctions handed down by Federal judges to enforce the Supreme Court's anti-segregation decision of 1954.

Now an injunction proceeding is a civil matter, and the power of a judge to punish for contempt is his only way of enforcing his decision. And it is appealable to higher courts, of course.

The power to punish for contempt is, in my opinion at least, occasionally abused, as once or twice in Colorado. But such cases, however, have a way of righting themselves before irreparable injury is done.

And the 1954 decision was directed simply at bringing the civil rights supposedly guaranteed under the American Constitution to all Americans and not to retain them, in the South, for white people alone.

In the current Congressional attempt to throw to undoubedtly all-white southern juries the final decision whether a Federal judge may see to it that his injunctive orders are carried out to enforce the law and the Constitution, we have an attempt to invoke the principle of the right to a jury trial to defeat the principle that the civil rights of all Americans, and not just some, are to be protected by the Constitution of the United States.

Senator CLIFFORD CASE, of New Jersey, showed this up sharply and simply. He asked how many Southern States have a provision in their State laws for jury trials for alleged violators of injunctions granted by State judges.

You know how many he found, don't you? Not one!

And the case books of these States, he said, are full of decisions asserting the "inherent power" of courts of record to punish without a jury trial, people who refuse to comply with lawful orders of the court.

He quoted the Arkansas supreme court for me:

"The power of punishment for contempt is independent of statutory authority, being inherent in and an immemorial precedent incident of judicial power, its conclusions to be reached and judgments found without the intervention of a jury."

And he quoted further from former United States Supreme Court Chief Justice William Howard Taft, in a formal opinion:

"Never in the history of the country has there been such an insidious attack upon the judicial system, as the proposal to interject a jury trial between all orders of the court made after full hearing, and the enforcement of such orders."

Mr. DOUGLAS. Mr. President, I ask unanimous consent that a similar editorial, published in the Minneapolis Morning Tribune of June 17, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A GOOD DAY'S WORK

The House of Representatives did a good day's work Friday when it killed the jury-trial amendment to the administration's civil-rights bill.

This amendment would have provided for jury trials in the case of contempt citations resulting from civil rights violations. The practical effect of it would have been to make convictions in the South impossible or, at very best, highly improbable. The amendment was offered, ostensibly, to protect the basic American right of trial by jury and many noble words were uttered on behalf of the deception. Actually it was designed to weaken the civil-rights bill and make it extremely difficult to enforce.

This bill conforms to well-established civil procedures. If a civil-rights violator defied the order of a Federal court and was cited for contempt, the judge could punish him without a jury trial. More than 60 years ago the United States Supreme Court asserted: "Surely it cannot be supposed that the question of contempt of the authority of a court by the United States, committed by a disobedience of its orders, is triable, of right, by a jury." The jury-trial amendment would have dulled a historic enforcement instrument of the courts.

Southern juries have been traditionally reluctant to convict in civil-rights cases. As Senator PAUL DOUGLAS (Democrat of Illinois) pointed out the other day, the overwhelming number of jurors in the South are white. Because the great proportion of Negroes are denied the right to vote, they are ineligible to serve on juries. DOUGLAS does not think it likely that a white jury in the South would convict a fellow white who had been charged with preventing a Negro from voting. If this is cynicism, it is at least cynicism amply sustained by the records over a long period of time.

When the House rejected the jury-trial amendment, it beat down the last of many stratagems which southerners had employed to prevent the passage of an effective civil-rights bill. Its action was a clear victory for the administration and a devastating defeat for the southern obstructionists.

The administration bill may pass the House today, but in the Senate, where the filibuster has long proved a lethal weapon against civil-rights legislation, the outlook is anything but bright. It is important for the record, however, that the fight to strengthen the basic rights of Americans be pressed to the bitter end. If the fight is unsuccessful this year, there will be another session. Ultimately, of course, the victory will be won. With the objectives sought so thoroughly just and decent, it could not be otherwise.

Mr. DOUGLAS. Mr. President, I also ask unanimous consent to have printed in the RECORD a very able editorial, published in the St. Louis Post-Dispatch of July 26, commenting very adversely upon adoption of the Anderson-Aiken amendment and expressing the hope that the Senate will stand firm on the so-called jury-trial amendment.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE FIRST AMPUTATION

Senate adoption of the Anderson-Aiken amendment to the civil rights bill is like cutting off a man's arm—not necessarily fatal, but by no means to be construed as desirable.

No true friend of civil rights could have supported this amendment. It is a matter of regret that 34 Democrats and 18 Republicans did so—and of special regret that the Democrats included 10 Senators from outside the South who, had they voted the other way, could have tipped the balance.

The amendment eliminates section 3 of the administration bill. This means that the measure now authorizes the use of civil injunctive procedure to protect the right to vote, but withholds the same protection from such constitutional rights, all with an equal claim to protection, as these:

"The right to be a litigant; to serve on a jury; to have a fair trial when charged with a crime; to be free from brutality at the hands of law-enforcement officials; to be represented by counsel; to be free from mob violence while in Federal custody; to have access to public employment facilities and schools without discrimination on account of race and color; the right to free assembly, free speech, freedom of religion."

These are some, not all, of the equal rights before the law which have been defined by court decisions and statutes as subjects to Federal guaranty under the 14th and 15th amendments. How much sense does it make for the United States Senate to say that these rights shall not be protected by the civil injunctive procedure, though the right to vote can be? Obviously, Wednesday's vote was one of expediency and appeasement.

Politically, the vote can only be regarded as a gain for the GOP. For though 18 Republicans did help to pass the amendment, 25 of them voted against it—nearly twice as strong an opposition as the Democrats with 13 could muster.

The GOP opponents were a curious combination of "Eisenhower Republicans," such as CASE of New Jersey, JAVITS of New York, and COOPER of Kentucky, with such conservatives as KNOWLAND, JENNER, CAPEHART, and REVERCOMB. The Democratic opponents included most of the urban liberals, such as DOUGLAS of Illinois, MCNAMARA of Michigan, and HUMPHREY of Minnesota, together with five westerners—CARROLL, of Colorado; JACKSON and MAGNUSON, of Washington; MORSE and NEUBERGER, of Oregon. Both of Missouri's Senators lined up against the amendment, though HENNINGS, in the hospital, did not actually vote.

* * * * *

Have the bill's chances of passage been approved by this amputation? So it is claimed, but we shall believe it when we see it. Only the opponents of civil rights can gain by a process of diluting the bill in successive doses and then filibustering against the depleted remnant.

The next major test will come on a jury trial amendment, designed to draw the teeth of the voting-rights section. On that amendment, as on the Anderson-Aiken proposal, the rollcall will show who is really for civil rights—and which party can make the strongest bid for Negro votes in 1958 and 1960.

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## CONVICTION OF M. SGT. CARL BUCK

Mr. DOUGLAS. Mr. President, yesterday the newspapers carried news of the refusal by the Judge Advocate General of the Navy of the appeal of M. Sgt. Carl Buck for further judicial review of his case by the military authorities.

Mr. President, I have studied the Buck case very carefully for a number of months. I have become convinced that Sergeant Buck was not given adequate justice; and that from both the evidence which was adduced at the trial and the further evidence now available, there are very strong grounds for believing that he is innocent of the charge which has

been leveled against him. Yet he has been discharged in disgrace from the Marine Corps. I believe a real injustice has been done.

I ask unanimous consent that a statement I have prepared on this matter be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR DOUGLAS WITH RESPECT TO THE NAVY JUDGE ADVOCATE GENERAL'S REVIEW OF THE CASE OF M. SGT. CARL BUCK

From the police radio logs of Oceanside and San Diego, Calif., Sergeant Buck can prove that it was impossible for him to have committed the larcency for which he was charged and convicted.

To have been the person involved Buck would have had to drive 22 miles in a driving rain, through five towns, most of them with stoplights, at high noon in some 22 minutes at most and, according to the testimony of the California State police officer who apprehended him, in no more than 10 minutes.

A marine master sergeant with 18 years of service who had passed the examinations and been recommended for warrant officer, Buck was tried for larceny at a court-martial where his defense counsel testified as a witness for the prosecution, where there were gross contradictions as to the identity of the person involved, where no stolen goods were ever produced, and where a nonexistent confession was introduced and given great weight by the reviewing authorities. The court deliberated for 7 minutes and sentenced Buck to 18 months of hard labor, reduction in rank to private, a bad-conduct discharge, and a heavy fine.

That the position of the Judge Advocate General's Office should continue to be, as it has been for many months, that no action can be taken and that nothing can be done, is hard to believe. If a man can prove his innocence surely there is some machinery by which he can be given the opportunity to do so.

There are two things which the Judge Advocate General's Office could do immediately. One would be to certify to the Court of Military Appeals the legal question of whether a man can possibly receive due process of law when his defense counsel testifies as a prosecution witness. Since the Judge Advocate General's Office certified Buck's case to the Court of Military Appeals when a board of review upset the court-martial verdict, it would seem that, in justice, the same action could be taken on this vital point on Buck's behalf as the Judge Advocate General's Office took against his interests.

Second, there appear to be mistakes as to the basic facts of the case in the Court of Military Appeals decision. As these go to the heart of the only issue before the court, the Judge Advocate General's Office should seek a clarification of them.

The act of Sergeant Buck's defense counsel testifying as a prosecution witness raises questions which go to the very heart of justice and fair play.

Who was defending Buck when his defense counsel testified for the prosecution?

How was the defense counsel to cross-examine himself?

How could defense counsel, in good faith, either urge the court to accept or to reject his own testimony?

Under our legal system a defense counsel owes his client undivided allegiance. The relationship between the defendant and counsel requires the highest degree of fidelity and good faith. Counsel is bound to discharge these duties on behalf of his client. He cannot, as a witness or otherwise, act for both his client and one whose interest is adverse and conflicting (in this case the prosecution), no matter how slight such adverse interest should be.

We should never be content when there is more than reasonable doubt that an innocent person has been wronged. It is important to the honor of the Marine Corps and the United States that justice should prevail in this case.

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## CIVIL RIGHTS ACT OF 1957

The PRESIDING OFFICER (Mr. ALLOTT in the chair). Is there further morning business?

Mr. GORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further morning business? If not, morning business is closed; and the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

The PRESIDING OFFICER. The question is on agreeing to the O'Mahoney-Kefauver-Church amendment adding at the end of the bill a new part relating to jury trials in criminal contempt cases.

Mr. JACKSON. Mr. President, I do not intend to speak at length on the bill now before the Senate. Many of my colleagues, on both sides of this debate, have made learned and eloquent speeches which have developed the major issues.

My attitude toward this bill is no secret. Since entering the Congress in 1940, I have advocated and supported action by Congress to guarantee the basic rights of our citizens. By this I mean those rights, both procedural and substantive, which are set forth in the Constitution and the laws enacted under its provisions.

In the weeks since the Senate began its consideration of H. R. 6127, I have voted with those who sought to preserve the substance of this bill. I have done so not only because action in this field is long overdue, but also because I believe that H. R. 6127 is a moderate attempt to advance the constitutional status of minority groups in the United States.

As a practical matter, passage of this bill will not produce drastic reform, overnight, in the practices it seeks to prevent. Legislative action cannot have this impact on such deep-rooted problems. The efforts of reasonable men and women throughout the country, both North and South, will ultimately do far more than Congress to undermine the prejudice and misunderstanding on which second-class citizenship thrives.

But the Constitution established a National Legislature, the Congress. The 14th amendment provides that no State shall "deny to any person within its jurisdiction the equal protection of the laws." And the 15th amendment provides that neither the States nor the Federal Government shall deny or abridge the right to vote "on account of race, color, or previous condition or servitude." In each case, Congress is given the power to enforce the articles by appropriate legislation. Unless these guaranties are meaningless, it is the duty of Congress to do everything necessary to give the executive branch the means to protect those rights.

H. R. 6127 gives us the opportunity to fulfill that duty. Although it has produced some strong debate on the Senate floor, this is not a revolutionary bill. Indeed, as the bill now stands after 2 weeks as the pending business of the Senate, it represents the least we can do at this time to further progress in protecting civil rights.

It has been clear for some time that certain additional powers of enforcement in this field are both desirable and necessary. But last Wednesday, the Senate declined to authorize the Attorney General to seek injunctions against those who proposed to violate or were violating the rights of others. I opposed this action by the Senate, and deeply regret that a majority of my colleagues did not share this view.

As a result of this vote, the bill now before us does but three things. It provides for a study of the abuse of constitutional rights, and an appraisal of the laws and policies of the Federal Government which protect those rights. It provides for a new Assistant Attorney General in the Department of Justice, to preside over the Department's work in the civil-rights field. And, finally, it permits the Attorney General to seek injunctions against those who would deny others their right to vote.

Unless these provisions are retained in H. R. 6127, without being undercut by further amendments, the bill will be reduced to skeleton form. I strongly urge the Senate to support them, in order that we may enact a meaningful measure on this subject.

Mr. President, I desire to speak briefly on the more troublesome aspect of this issue. I refer, of course, to the jury trial issue. My comments go not to the legal arguments, which are endless, but to the danger of embarking on a new course of procedure which, carried to its logical conclusion, could deprive defendants in innumerable proceedings of the right to trial by jury.

The injunctive proceedings authorized by part IV are civil actions, on the equity side of the court, where trial by jury is not available to the defendant. Yet the violation of an injunction or restraining order issued under part IV may also constitute a crime under other laws, statutes now in title 18 of the United States Code, which provide for trial by jury.

Thus, under part IV, the Attorney General and his assistants could proceed in two ways if the act enjoined were also a crime under existing law. They could move through injunction and contempt proceedings, without trial by jury, or by indictment and jury trial.

If a violation of voting rights occurred in Chicago, where the Government

thought a jury would convict, it could move for an indictment and jury trial. But if an identical case occurred in Mobile, the jury trial could be neatly bypassed through the injunctive process.

Thus the prosecuting attorney would have the option of barring or bestowing the right to trial by jury. He could decide, in effect, that what is good for New York is bad for New Orleans.

I do not question our giving the Attorney General the option of proceeding either by indictment or injunction in civil-rights cases. But I strongly question the wisdom of using the injunction to deprive a person of the right to trial by jury to which he would be otherwise entitled. In short, the basic evil involved here is the discretion given the Attorney General to decide who shall, and who shall not, have the right to trial by jury. Historically, the defendant, and not the prosecution, has had this right.

In my opinion, Mr. President, we are on the verge of endorsing a dangerous procedure. What will prevent the adoption of this same procedure in other fields? Our criminal code and procedures could well be circumvented and engulfed by similar extensions of the injunctive process. What some regard as expedient this year for civil rights others may find just as useful next year in the fields of conspiracy or labor law.

The argument is made that southern juries will not convict defendants in proceedings under H. R. 6127. Cases may well arise which support this thesis. But expediency, Mr. President, has never been the fundamental consideration in the development of our legal system. We do not ignore procedure because it suits our ends. The right to trial by jury should not be cast aside because southern juries might fail to convict for reasons not germane to the case.

Certainly juries elsewhere, in different proceedings, do not always convict for reasons relevant to the case. Should we, therefore, make jury trials optional, at the discretion of the prosecutor, depending on the factors in each case? Strange as it may seem, this is the logical result of the contention that we should disregard jury trials because southern juries will not convict.

Let us not forget, Mr. President, that trial by jury, just as the right to vote, is one of our traditional civil rights. And, like all civil rights, it is designed to shield the individual from the potential tyranny of the State. We need not be so fearful for the future of voting rights that we now endanger one civil right to guard another. The adoption of an appropriate jury trial amendment is essential if we are to prevent a piecemeal assault on the foundations of our legal system.

In closing, Mr. President, let me say that I have followed with admiration and respect the distinguished debate on this floor in the past few weeks. The leadership on both sides of this issue can take pride in the reasoned and moderate discussion of the civil-rights problem. As an advocate of Congressional action in this field, I am naturally disappointed that the bill has suffered setbacks. But I am confident that legislation will emerge, at the end of the debate, which will mark a significant step forward on the road to equal rights for all.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Does the Senator from Washington yield to the Senator from Wyoming?

Mr. JACKSON. I am happy to yield.

Mr. O'MAHONEY. Mr. President, I should like to express to the Senator from Washington my congratulations upon the tone and the content of the discussion in which he has engaged. I believe he has made a very notable contribution to the understanding of the deep-seated issue which is before us.

Like the Senator from Washington, I am a believer in civil rights. I am one of those who believes that when the First Congress of the United States, in response to the call of the people of the Original Colonies and in response to the recommendation of the first President of the United States, George Washington, added to the Constitution a Bill of Rights, that was done because they wished to make certain that the Government would never be superior to the people. Nothing done by the Bill of Rights was more certain to bring about the superiority of the people over the Government than the writing of the trial by jury amendment.

The Senator from Washington has approached this discussion in a most notable manner, because he has laid emphasis upon the fact, which I think has not been mentioned heretofore in the debate—I did not mention it, and I was envious of the skill of the Senator in bringing it out—that without a jury trial amendment the bill we are considering would place at the discretion of the Attorney General alone the decision as to when to proceed by civil proceeding, with the right to punish by fine and imprisonment, and when to proceed by criminal statute. The Attorney General should not be given the discretion to decide when a defendant is entitled to a trial by jury.

I understand that is the principal point which the Senator from Washington is now urging upon his colleagues. Am I correct?

Mr. JACKSON. The Senator is correct. I appreciate the Senator's comment.

Mr. O'MAHONEY. Since the Bill of Rights states that every defendant is entitled to a trial by jury where a crime is involved, it is not in the interest of free government for the Congress of the United States to give to the Attorney General the power of setting aside that provision of the Bill of Rights, and we cannot talk about this bill as a civil-rights bill so long as it does not contain a jury-trial amendment.

Mr. JACKSON. The Senator is correct. I appreciate the kind comments of the distinguished Senator from Wyoming, who is one of the ablest lawyers in the Senate. I think the Senator has placed his finger on the nub of the problem. The real danger is that this bill as it stands vests in the Attorney General the discretion to decide who shall receive the right to trial by jury. This is indeed a dangerous precedent. Thoughtful Senators may well heed the danger in establishing this kind of precedent in the Senate.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. MANSFIELD. I wish to join the distinguished Senator from Wyoming in commending the junior Senator from Washington on his speech in the Senate this afternoon. The speech itself was bereft of emotion. It was based upon logic and reason, and I think it was an appeal both to principle and to law.

I am very happy that the Senator from Washington, a distinguished lawyer in his own right, was able to state the issue in such simple, understandable terms. I hope that the Senate, when it meets the particular proposal advanced by the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Idaho [Mr. CHURCH] will have had time to study and ponder what the Senator from Washington has said. As a man of independent judgment, he has thought his way through to a final conclusion, and I think he has expressed himself admirably, and in the interest of the country as a whole.

Mr. JACKSON. I appreciate the thoughtful comments of my distinguished friend from Montana.

I want to be sure that people with whom I may disagree the most will have the opportunity for a fair trial. This is the heart and soul of our civil liberties. It is the basis of Anglo-Saxon law.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

Mr. O'MAHONEY. Mr. President, will the Senator withhold his suggestion for the absence of a quorum for a moment?

Mr. MANSFIELD. Certainly.

Mr. O'MAHONEY. Mr. President, it seems to me that this is the appropriate place for me to ask unanimous consent to have printed in the RECORD an article which was published in the July–August 1957 issue of Freedom and Union. The article is entitled "Serving on the Jury," and was written by Mr. Clarence K. Streit, editor of the magazine, who, by the way, is a distinguished former resident of the State of Montana. He understands the spirit of the West, I think.

In this article Mr. Streit sets forth the story of his first jury service. I think the article is exceedingly interesting and provocative. It indicates, I think, in a very forceful manner why trial by jury throughout the years since the foundation of this Government, and before, has been regarded as a basic civil right. I ask unanimous consent that the article be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SERVING ON THE JURY

(By Clarence Streit)

Jury service is a duty most citizens apparently seek to escape, or wish they could. When I was summoned to serve as a juror in the Federal courts in Washington, D. C., during June, I, too, felt it was a burden. I don't any more.

Jury duty is the kind of basic common experience that all citizens—bar none—should have at least once. True, a juror spends much time waiting to be called on a case, but sitting through a trial as a member of the jury, and then seeking with the other 11 jurors to reach a just and unanimous verdict is a very enlightening and enriching experience. Nothing else can give the education on some basic problems that jury duty does.

WHAT JURIES FACE

Perhaps the most educational factor in jury duty is the obligation the 12 jurors are under to do justice as each individually sees it, and yet to be unanimous. In most trials there is much to be said for both sides. The evidence is conflicting, leaves much to be desired. The 12 jurors vary in their mentalities, temperaments, characters, general education, and degree of experience or ignorance in the questions at issue. On their verdict can depend the life or liberty of others, large amounts of money, or important considerations of the public good. They may be so divided in their individual verdicts that it takes them several days of discussion among themselves to reach a unanimous verdict. In such conditions, many virtues are needed in the jury room.

WHERE UNANIMITY TAKES VIRTUE

I have just sat as 1 of 12 jurors—none of whom had ever met before—locked up in the jury room for 3 days, trying to reach a unanimous verdict in a case involving the shooting of 1 man by another and a claim for $100,000 damages. I recall no other personal experience, shared with so many others, which required in us each and jointly such a combination of fairness, commonsense, moral courage, tact, openmindedness, patience, malice toward none and charity for all—especially the jurors who differed most stubbornly with you—good humor, soul searching through the night, tolerance, balance, willingness to listen to others and change one's verdict in the light of further knowledge, readiness to rake over and over the case in the frail hope of finding some overlooked fact or consideration that might bring agreement, respect for even a minority of one on any given point combined with respect for the view of the great majority—in short, a decent respect for the opinions of others together with firmness in the right as God gives to each one to see the right. It was reassuring to find how widespread, at least in a latent state, these virtues were in 12 strangers, drawn at random from the community, and forming a fair sampling of it.

JUSTICE EASIER FOR SUPREME COURT

What else do we have that can teach, exercise, and strengthen so much political, social, moral, and religious virtue as does serving on a jury? Even the Justices of the United States Supreme Court—with profound respect to them—are not called on to equal what the jury is expected to do for justice. There are 9, not 12. They are all highly educated, and trained in the same field; they are all above 50, all the same sex, and race. A typical jury is composed of both sexes, all adult ages, two races, persons ranging in education from grade school to university, and divided among at least half a dozen occupations. Most important of all, the Supreme Court has the privilege of doing justice by a 5-to-4 vote, but the jury has to do justice, individually and collectively, 12 to 0.

A MUST FOR FOREIGNERS

The Supreme Court is rightly considered one of the things in Washington to be seen by foreigners who would understand the United States. Some way should be found for acquainting them also with the working of the jury system. Justice rests on it.

Merely to look at the cross section of the community drawn at random to serve on the jury panel is to learn how alive are the words, "We the people of the United States, in order to * * * establish justice. * * *" The foreigner would gain still more insight into American life, if he could then see how a jury of 12 is picked from this panel to try an actual case, and how it functions. He would be even more impressed if he could pierce the secrecy of the jury room while the 12 try to reach a verdict, but this is necessarily impossible.

IDEA FOR FILM

The United States Information Service should have—if it doesn't—a good educational film designed to show how a typical jury panel and jury are chosen, how the jury operates, and the discussion in the jury room before it reaches a verdict. Such a film would be highly educational, in fact, for most Americans. Meanwhile, I would warmly recommend seeing Twelve Angry Men, all of whose drama unfolds in the jury room. The title, however, misleads. It should be Twelve Jurors.

CROSS SECTION

The 800 summoned with me for jury duty were young, middle-aged, and old, two-thirds white and a third Negro, and rather more men than women. About 300 served; the rest were ineligible, disqualified, or excused. The District allows a woman to be excused permanently merely by claiming this privilege as a woman. When Chief Judge Bolitha Laws, who presided over the selection of the panel, asked if any desired to invoke this, I was pleased to see that only three used their sex to escape duty. All were white.

LAWYERS SHOULD BE JURORS

Lawyers are among those who are disqualified by their profession from jury duty. The reasons are evident; still, it seems to me a mistake not to require them at some time to have jury experience. No one needs this more than lawyers. It should be part of their training.

I believe it would be in the interests of justice to require that no one could be admitted to the bar, or made a judge, or permitted to teach law, who had never served as a juror. Surely the education of anyone who makes his career in the field of justice should include some personal experience as a juror. Special provision should be made to assure that those who are most concerned professionally with juries should have personal knowledge of the kind of problems that are faced in the jury room.

IN THE JURY BOX

Once the jury panel for the month is chosen, it is divided by lot into two groups, one to serve in criminal and the other in civil cases. I drew the latter. After 2 days of waiting, I was among 24 called to report at courtroom 2. There the case to be tried was explained, and counsel for each side asked if any of us knew about it, or knew those involved, or had any reason to believe he could not give an impartial verdict. Each counsel could reject without cause three of us, but knew only the name, address, and occupation of each, and could hardly have identified any by name or race. Thus 12 of us were soon chosen and sworn in.

RACE RELATIONS

My first case as a juror would have interested particularly—and astounded—any foreigner. The plaintiff was a Negro, who charged he had been shot by one of the defendants, the manager of a cafe, and sought from him and his brother, its owner, $50,000 in compensatory and $50,000 in punitive damages for lasting injury he had suffered. The defendants were Negroes, so were their counsel and all save the technical witnesses, but the plaintiff's counsel was white. The jury was composed of 8 men and 4 women, including 1 Negro and 2 Negresses. The judge, John D. Martin, a southerner born in Memphis, Tenn., was on loan from the Memphis district. The case took several days before it went to the jury, which had sole power to decide whether the defendants were liable, and if so, the damages.

The first thing a jury does on retiring to its room is to elect a foreman to preside and speak for it. I was chosen for this post. We voted and discussed our differences for more than 20 hours, locked in the jury room. This time was spread over 3 days. No one slept well the nights in between. The case was difficult, the evidence contradictory, and we found room to differ even on the rules of law the judge had told us to apply. We were deadlocked. Tempers grew edgy at times, and once one woman broke into tears.

The case involved race relations—especially in the jury. We had to live in very close contact with each other for days. I am happy to report that from the time the jury was chosen until it was finally discharged—as unable to reach a unanimous verdict—there was never the slightest thing to indicate that there is a race problem in the United States * * * let alone that segregation is a hot issue, and Washington is more southern than northern.

MODEL JUDGE

Judge Martin was a model of benign fairness. He showed equal respect, and equally kindly consideration for all concerned. He told us his fetish was the jury system. He said when he discharged us that, though disappointed at our inability to reach a verdict (as we were, too), he was pleased at the thorough consideration we had given the case. Had he been able to listen to our discussion I think it would have confirmed his faith in juries. It did mine.

THE BLIND COULD SEE

A blind man would never have known from listening either to the trial or, were that possible, to the prolonged deliberations of the 12 jurors, that the people he heard were from 2 races, or which person was white and which colored. He would have seen what no Communist could have seen, so incredible would it have been to the latter, that racial considerations led no juror of either color to favor the side whose lawyer had his own color. The blind would have seen, too, that never during the trial or jury deliberations did anyone ever seem to be acting on his good behavior, to mislead a foreigner, or making any effort to produce this very pleasing picture of unquestionably equal citizenship. That picture came out as naturally as a sunrise. I heard no juror comment on it. I doubt if any except me even noticed it. Yet it would have semed unbelievable to any foreigner, even non-Communist, who witnessed it, and it would have astonished many Americans.

Mr. MANSFIELD. Mr. President, I withdraw my suggestion of the absence of a quorum.

Mr. EASTLAND. Mr. President, I rise for the purpose of defending what I had long supposed needed no defense in this body—the right of trial by jury. I do so because we are witnessing a rare spectacle in the annals of American history. We are witnessing the advocacy of a proposal steeped in retrogression, a measure which would redirect our steps toward the iniquitous star chamber. It is a measure brewed in the kettle of politics and flavored with the condiments of discord. This is an odd day in the Senate, Mr. President—a day when a cornerstone of liberty must be defended from attacks of expediency. We are told that in order to add to the en-

joyment of one privilege we must subtract from another. Whether this is sound as a matter of mathematics, I would not attempt to say, but I do say that it is basically and fundamentally unsound in dealing with the freedoms of citizens of the United States from the exercise of arbitrary power by agents of government.

Mr. President. let us remember that the belief in the principle of trial by jury is not some sudden marriage between the South and its desire to amend a civil-rights bill. Some of the greatest statements ever struck off by pen by the intellectual giants of our legal history concern this need of trial by jury.

Blackstone in his commentaries states it succinctly:

> The trial by jury ever has been, and I think ever will be, looked upon as the glory of the English law. And if it has so great an advantage over other in regulating civil property, how much must that advantage be heightened when it is applied to criminal cases. * * *
>
> It is the most transcendent privilege which any subject can enjoy, or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of 12 of his neighbors and equals. (See majority opinion *Reid* v. *Covert* (1955), where the court affirms Blackstone's position.)

Winston Churchill in his work, English Speaking Peoples, states:

> Trial by jury of equals, only for offenses known to the law, if maintained, makes the difference between bond and free.

Lord Camden, one of the great English jurists said:

> Trial by jury is the foundation of the British Constitution; take that away and the whole fabric will soon molder into dust.

The eminent French philosopher, De Tocqueville, wrote at pages 282–283 of his treatise, Democracy in America, as follows:

> The institution of the jury * * * places the real direction of society in the hands of the governed, or of a portion of the governed, and not in that of the government * * *. He who punishes the criminal is * * * the real master of society * * *. All the sovereigns who have chosen to govern by their own authority, and to direct society instead of obeying its directions, have destroyed or enfeebled the institution of the jury.

Mr. President, quotations such as these permeate the great documents of our jurisprudence. They are the lodestones to which our liberties are anchored. I do not quote more for there is no Member of this body who is unaware of their existence and prevalence.

The framers of the Constitution were zealous in their efforts to protect the rights of all citizens. Part and parcel within this protective framework was woven the right to trial by jury. Of course it cannot be said that trial by jury is infallible in all respects, as it does have its imperfections. This much can be said, however, that our judicial history has proven that it is the best protection for the innocent and likewise has been the surest method of punishing the guilty yet devised. It has borne the test of a longer experience, and borne it better, than any other legal institution that ever existed among men. It has had the approbation not only of those who have lived under it, but of legal scholars who have looked at it calmly from a distance and judged it impartially. Changing times and events have not dulled the vision of our forefathers who farsightedly declared that the rights of individual freedom can best be protected by public trial before an impartial jury. This is as true and necessary today as it was in 1789.

Mr. President, there can be no proper discussion of jury trial unless the question is first put into its historical pattern. Jury trial is not a new right or something that came lately into our jurisprudence. It finds its roots in immemorial usages. It strikes back through all our great documents including the Magna Carta, to the reign of Alfred the Great. We find it in Roman law, we find it in Mosaic law, and perhaps more important, we find it wherever people congregate for democratic government.

I do not care to utter words that strike sparks in history. I will leave that to others, but I will always believe that the finest system yet devised to protect the innocent and yet punish the guilty is the system of jury trial. I believe that should apply to civil-rights cases and to the voting provisions of this bill as well as others.

Our Founding Fathers, while drafting the Constitution, took a long, keen look at Anglo-Saxon history and jurisprudence. In their wisdom they knew that tyranny often masks itself under law to crush those who would oppose its will.

They had fresh in their minds the recent tyranny of the English King. When by life tenure a caste system of judges is set up, no matter how learned, able, and honest they may be, the liberties and security of the people are jeopardized unless there is erected against the inevitable tyranny, proper safeguards. Of this they were well aware.

The example of the Stamp and Sugar Acts passed by the English Parliament stood before them as a usurpation of their rights to trial by jury. By the simple expedient of expanding the historic jurisdiction of the admiralty courts and placing violations of the Stamp and Sugar Acts under these courts, the English Parliament withdrew from the colonists their right to be tried by their peers. How like these acts is H. R. 6127. The procedure in both instances is almost identical.

I say again that the procedure provided in the bill is almost identical with the procedure in the Stamp and Sugar Acts, which led to the Revolutionary War.

The first Continental Congress denounced the British Parliament by stating that the colonists were entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage according to the course of that law.

One of the serious accusations in the Declaration of Independence was that the colonists had been deprived in many cases of the benefits of trial by jury. To the colonists this was one of the injuries and usurpations requiring that the political bands be dissolved.

Always what has been done in the past will be attempted in the future. Usurpations are not unique to any age or period.

Tranquillity cannot always be anticipated in a government which permits the liberties of a democracy. Strife is to be expected and troublesome times are always to be expected. The principles of constitutional liberty are ever in peril unless established by irrepealable law.

The greatest heritage of the colonists from English law was the right of trial by jury in criminal cases and in suits at common law.

With their great wisdom and foresight the Founding Fathers intended to engrave the right of a jury trial on the greatest shrine we possess—the Constitution of the United States.

It provides:

> The trial of all crimes, except in cases of impeachment, shall be by jury—article III, section 2.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks, the fifth, sixth, and seventh amendments to the Constitution.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT [V]

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT [VI]

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

AMENDMENT [VII]

> In suits at common law, where the value in controversy shall exceed $20 dollars, the right of trial by jury shall be preserved, and no fact tried by jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Mr. EASTLAND. Mr. President, one of the first acts of the Congress was the Judiciary Act of 1789, which gave the Federal courts the power to punish by fine or imprisonment, at the discretion of those courts, all contempts of authority in any cause or hearing before them.

But, equity then was not the equity of today, when H. R. 6127 is thrust upon us. Equity was in its historical context. The basis of jurisdiction in equity, which historically functioned without juries, was the protection of private

rights of property. Equity was not available unless there was a showing that there was no adequate remedy at law. If property was damaged or threatened with damage there was no adequate remedy at law, because property is unique, and money damages obtainable at law were not considered adequate relief or recompense.

This was the type of equity which faced the Founding Fathers. The Founding Fathers saw no need of placing the constitutional safeguard of jury trial in equity for equity was not then used to punish acts which were otherwise criminal. So the Founding Fathers applied their safeguards to law, from which they had come to expect abuses.

In the years to come, as the powers of equity grew, it became necessary to circumscribe this broad grant of authority which had been given in the Judiciary Act of 1789. The incident which, more than any other, focused attention on this broad grant of authority, occurred in 1831. In that year a Federal judge by the name of Peck imprisoned and disbarred a lawyer for publishing a detailed criticism of an opinion by the judge while an appeal from the judge's ruling was pending. The alleged contemptuous act of the lawyer took place at some distance from the courtroom of Judge Peck, and his use of the arbitrary power conferred on him by the statute shocked the whole country. It shocked the Congress to the extent that impeachment proceedings were brought against him in the House of Representatives, and the judge was ultimately tried in the Senate of the United States. Although he was not convicted, an immediate legislative revision of the law relating to contempts was undertaken in the House by Representative Buchanan, who later became President of the United States, and in the Senate by Senator Daniel Webster. The result was that in 1831 an amendment was adopted consisting of a proviso which reads as follows:

*Provided*, That such power to punish contempt shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said court in their official transactions, and the disobedience or resistance by any officer, or by any party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the said court. (4 Stat. 487.)

This provision with only slight revisions, primarily revisions of form, has been included in the laws of the United States ever since. It now appears in the Criminal Code as section 401.

History records that though other proposals were made in the intervening years to limit the arbitrary power of the courts to punish for contempts, it was not until the enactment of the Clayton Act in 1914 that the abuses of the power conferred on the courts became so pronounced that legislative notice was taken of it. But the provisions of the Clayton Act were limited in the grant of a jury trial in contempt cases to those instances in which private parties were involved in litigation. An exclusion was provided in cases to which the United States was a party. Twenty years later Congress found it necessary to carve an exception from this area where trial by jury was denied in cases of contempt. In 1932, largely as a result of the efforts of the then chairman of the Senate Committee on the Judiciary, Senator Norris, trial by jury was granted in contempt cases arising out of injunctions issued in labor disputes, even though the United States was a party.

The whole development of the law has been toward the restriction of arbitrary power and this is true with respect to the judiciary as it is to the other areas of government. We started with the broadest grant of authority in the courts to punish for contempts. In 1831 Congress narrowed that authority. In 1914 it was further limited. In 1932 more exceptions were made.

I recite all of this by way of showing that what is here proposed by H. R. 6127 is really a step backward in the law as it relates to the contempt powers of the court.

Mr. President, I have been interested in the reasons for this development of the law, and I have taken the trouble to examine the reasons for its development. These reasons, which I shall present in a moment, are as applicable today as they were when they were given. They are as applicable in the consideration of the pending proposal as they were to the proposals to which they were addressed. People in those days were about the same as they are today. There were those who, in the name of expediency, sought to deny a jury trial in contempt proceedings, but there were those also, Mr. President, who asserted that the right of trial by jury was fundamental and should not be forsaken for any reason of expediency. Among these persons certainly was the then Senator from Montana, Mr. Walsh. In arguing for the enactment of the provisions of the Clayton Act, to which I have already referred, Senator Walsh pointed out that provisions for trial by jury in contempt cases, far from interfering with the power of the courts and rendering them ineffective, actually rendered them more effective by creating greater respect for the courts through the mechanism of permitting the sharing of the court's power and prerogatives with its creators, the people.

The same reasoning was followed in House Report 613 of the 62d Congress. There the House Judiciary Committee wrote:

The bill is an evolution from prolonged and varied discussion, by no means limited to a recent date or to the present Congress. Every feature and provision of it has been subjected to attack and defense, but the whole controversy appears to have at length converged upon the issue of whether or not the policy and practice of jury trial in contempt cases shall be admitted in the Federal jurisprudence at all.

That complaints have been made and irritation has arisen out of the trial of persons charged with contempt in the Federal courts is a matter of general and common knowledge. The charge most commonly made is that the courts, under the equity power, have invaded the criminal domain, and under the guise of trials for contempt have really convicted persons of substantive crimes for which, if indicted, they would have had a constitutional right to be tried by jury. It has been the purpose of your committee in this bill to meet this complaint, believing it to be a sound public policy so to adjust the processes of the courts as to disarm any legitimate criticism; and your committee confidently believes that, so far from weakening the power and effectiveness of Federal courts, this bill will remove a cause of just complaint and promote that popular affection and respect which is in the last resolve the true support of every form of governmental activity.

Senator Walsh also argued that trial by jury in contempt actions was necessary to protect the stature of the courts from public defamation or disrepute in emotional situations. No better illustration of this principle can be found, in my judgment, than by reference to the *Carter* case (96 Va. 791). In that case, one Carter had made an attack upon a judge of one of the courts of the State of Virginia. The attack was so flagrant that immediately the people of the community and the State rallied to the support of the judge, but then the judge in the exercise of his authority called Carter before him and punished him for contempt. Public opinion switched, and the sympathy which was once with the judge went instead to the contemnor. The people reacted by authorizing a revision of the law relating to contempts.

Mr. President, I have mentioned these two reasons which were assigned by Senator Walsh in his advocacy of jury trial in contempt cases not because they are the only arguments which were presented, but because they refute so eloquently the arguments which have been made on the floor of the Senate that a proposal to include the right of trial by jury in this bill is an attack upon the ability of the court to defend itself and its processes.

During the course of the debate Senator Walsh very cogently observed that:

There is not an argument that can be advanced or thought of in opposition to trial by jury in contempt cases that is not equally an argument against the jury system as we now know it (51 CONGRESSIONAL RECORD, 14369, 63d Cong., 2d sess.).

Also in the Clayton Act debate, Senator Reed, in discussing jury trial, stated:

The legislative branch of a government may make grievous errors, the Executive may even undertake the exercise of tyrannical power, but so long as the temple of justice stands open, as long as courts have the courage to declare the rights of the citizen as they are preserved in the law, and so long as a man has the right to be tried by a jury of his peers, no nation will ever be really enslaved (51 CONGRESSIONAL RECORD 14415, 63d Cong., 2d sess.).

These comments made in 1914 by Senator Walsh and Senator Reed arguing in favor of jury trial are equally applicable to the situation facing the Senate of the United States today.

In the debates on the Norris-La Guardia Act additional arguments were made in support of trial by jury in contempt cases. Senator Norris, of Nebraska, pointed out the indiscriminate use of injunctive processes and the abuses which had resulted. He referred specifically to one instance in which the then Attorney General applied for, and the judge issued, an injunction which

applied to thousands of railroad employees—volume 75, CONGRESSIONAL RECORD, page 4509, 72d Congress, 1st session. He saw in trial by jury the opportunity to reduce abuses. He made another point, Mr. President, which I consider well-nigh unanswerable. He pointed out that for violations of statute law, individuals were accorded the right of trial by jury, and he saw in the jury-trial amendment of his day the opportunity to provide equal protection for defendants for the violations of judge-made law as were already given by statute for violations of statute law.

Running through the debates on the Clayton and Norris-La Guardia Acts, as it has run throughout this debate, was the manifest desire to achieve government by law by separating the maker of a judicial order from the determination of its infraction.

This is the background, Mr. President, for this debate. In these brief moments we have traced the developments from 1789 to 1831, to 1914, and to 1932. We come now to 1957 and the proposal which is before us. Today—as before—we are discussing the right of the people to enjoy the undeniable benefits of trial by jury.

Let me pause to remind this body that, in connection with the Senate bill, its Judiciary Committee did a great deal of work on the issue of trial by jury. The Subcommittee on Constitutional Rights had a tie vote on the question of amending S. 83 so as to provide for jury trial. That amendment failed solely because the mover suffered the consequences of a tie. At the time when H. R. 6127 was placed directly on the Senate Calendar, the full Judiciary Committee had approved a jury-trial amendment by the significant vote of 7 to 3.

Earlier, with the Senator from Virginia [Mr. BYRD] and the Senator from South Carolina [Mr. THURMOND], I had introduced proposed legislation to correct these abuses by amending the general law. Our studies had indicated that was the best approach to the problem. Also, the minority members of the subcommittee, the Senator from North Carolina [Mr. ERVIN] and the Senator from South Carolina [Mr. JOHNSTON], had filed complete minority views covering the entire bill, including the question of trial by jury.

Despite all of this, we still hear the proponents talking about holding the line against the people in their historic right of trial by a jury of their peers.

If the people of this country could realize what they are being asked to give up, in order to gain so little, this debate would not last long. It is with the hope of diverting the discussion from semantics to facts and law that I rise to favor this amendment.

We are now dealing with an amendment which pertains to part IV. Part IV adds four new subsections to the existing law, title 42, United States Code, section 1971. That particular section provides as follows:

> All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivison, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

Title 42, United States Code, section 1971, as it now exists, contains a declaration of the right to vote. It contains in it no remedies, civil or criminal.

H. R. 6127 would make the above language subsection (a). It would then add subsection (b), which is essentially a restatement of the language which now appears in section 594 of title 18, United States Code. Section 594 reads as follows:

> Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories and possessions, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

Compare this language with subsection (b), Mr. President, and you will find that the essential difference between the language of the proposed subsection (b) and section 594 of title 18, United States Code, is constituted by the words "whether acting under color of law or otherwise."

The object of the inclusion of this language, of course, is clear, for the drafters intended that the actions of private individuals, as well as those of public officials, would be covered by this proposed legislation. I cannot leave this particular subsection, Mr. President, without calling the attention of the Senate to the fact that although this language has existed in the Criminal Code for many years, not a single case is listed in the annotations under this particular section of the code.

The proposed subsection (c) would grant to the Attorney General authority to institute an application for injunctive relief in any case in which there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of a right or privilege secured by subsection (a) or subsection (b). When the language of this subsection is considered in connection with the preceding subsection, the uncertainty of its application becomes obvious. Under this statute, the Attorney General may institute an application for an injunction if he has reasonable grounds to believe that a person is about to engage in an attempt to intimidate a person in the exercise of his right to vote. What basis would there be to determine whether there are any reasonable grounds to believe that a person is about to engage in an act or practice which would give rise to an actionable wrong under subsection (b)? For example, suppose Jones is employed by Smith, and suppose Jones overhears Smith say to another that he is going to tell Jones that if Jones votes in the next election at which a Senator is chosen, he, Smith, will fire Jones. Upon hearing this comment, suppose Jones complains to the Attorney General that Smith is about to engage in an attempt to threaten Jones with economic reprisals if he votes. The Attorney General may then apply for an injunction under subsection (c) of H. R. 6127. If the court issued the injunction, it would direct Smith to refrain from interfering with Jones' right to vote. Suppose Smith learns of Jones' discussion with the Attorney General, leading to the ultimate issuance of the injunction, and suppose Smith fires Jones before election day. Is Smith in contempt of the injunction?

This gives some idea why a trial by jury should be provided in these cases. Should not the issue of whether Smith is guilty of contempt, an issue of fact, be submitted to a jury of his peers? Does not this illustrate why indirect criminal contempts should be tried by a jury, rather than by a judge? The illustration may seem strained to some; but I cite it, not by way of asserting that such a situation will develop, but to show what may develop under the loose language of H. R. 6127.

Now, Mr. President, we come to the amendment which is before us.

At the outset, I think it important to establish precisely what the O'Mahoney-Kefauver-Church amendment does.

First of all, it restores the traditional distinction between civil contempts and criminal contempts by eliminating from the Federal statutes language inferring that contempts were criminal only in the instances in which the act committed also constituted a crime under Federal or State law.

Second, the O'Mahoney amendment provides for a trial by jury in all criminal contempt cases except those involving direct criminal contempts.

Third, it limits the punishment for contempt, in actions involving the United States, to the same extent that punishments are limited in actions where the United States is not a party.

Fourth, it preserves the authority of the courts to secure compliance with their mandates in accordance with prevailing usages of law and equity.

The distinction between civil and criminal contempt is certainly not an innovation so far as the law is concerned. It is specifically recognized in the Federal Rules of Procedure. The Federal Rules of Civil Procedure which cover civil contempt proceedings appear in rules 37 (b), 45 (f), 53 (d) (2), 56 (g), and 70. Rule 42 of the Federal Rules of Criminal Procedure governs criminal contempts.

Mr. President, rule 42 is divided into two parts. The first part relates to direct contempts. It provides that such contempts may be summarily punished if the judge certifies that he saw or heard the conduct constituting the contempt, and that it was committed in the actual presence of the court. Nothing in the O'Mahoney amendment would interfere with the application of this part of the rule, for the O'Mahoney amendment specifically exempts contempts committed in the presence of the court or so near thereto as to obstruct justice.

Thus, under the Federal Rules of Criminal Procedure, and under the O'Mahoney amendment, as well, most cases of direct contempt would be punished summarily.

The second part of rule 42, however, dealing with indirect criminal contempts, provides that notice must be given, which notice must state the time and place of the hearing, must allow a reasonable time for the preparation of the defense, must state the essential facts constituting the criminal contempt charged, and must describe it as such.

I have emphasized the requirement that the judge must describe the criminal contempt as such for it shows that the judge must determine, even under existing law, whether the contempt is civil or criminal at the outset of the proceedings, so that the O'Mahoney amendment imposes no new obligation on the judiciary by requiring a distinction between civil and criminal contempt cases. I call the Senate's attention to the case of *Matusow* v. *United States* (229 F. 2d 335 (C. C. A. 5th, 1956)).

Rule 42 of the Federal Rules of Criminal Procedure further provides that notice shall be given orally by the judge, in open court, in the presence of the defendant or his attorney, by an order to show cause or by an order of arrest. It likewise provides that the defendant is entitled to a jury trial in any case which the act of Congress provides. Further, if the contempt charged involves disrespect to or criticism of a judge, that judge is disqualified from presiding at the trial or hearings, except with the defendant's consent. Upon a verdict or finding of guilt the court is required to enter an order fixing the punishment.

It is impossible to read rule 42 of the Federal Rules of Criminal Procedure without arriving at the inescapable conclusion that what we are concerned with in the O'Mahoney amendment is, in fact, a criminal proceeding.

In reciting the provisions of rule 42, it is obvious that the requirements are those more associated with a criminal proceeding than a civil proceeding, and while each of the protections afforded by the rule is important, I especially emphasize that the Federal Rules of Criminal Procedure in this rule specifically recognize that the Congress has the authority to provide for a trial by jury in criminal contempt proceedings.

Despite the fact that under these rules the determination as to whether a violation of an injunction or an order of the court constitutes a civil or criminal contempt is a matter for the court to decide, I think it might assist in understanding the O'Mahoney amendment, and the reasonableness of it, if I were to set out with particularity some of the differences between civil and criminal contempt.

The foremost difference, as the Senator from Wyoming pointed out when he offered the amendment, was that the disobedience, in order to constitute criminal contempt, must be willful, while in civil contempt the disobedience need not be willful. In addition, criminal contempts ordinarily arise as a result of failure on the part of someone to refrain from doing an act, while a civil contempt usually arises as a result of an attempt by the court to force the commission of an act. Historically, too, criminal contempts have always been separate proceedings, while civil contempts are normally tried as a part of the main cause.

The United States Supreme Court in the *Gompers* case, title 221, United States Code, section 418, pointed out that one factor in determining whether an action involved criminal or civil contempt was to examine the name of the case; that is, whether it shows participation by the Government or whether it shows an action between private individuals. In cases of criminal contempt the punishment inflicted is punitive; that it, it involves a definite, stated fine or imprisonment. In civil contempt cases the punishment inflicted is remedial. Imprisonment may be imposed until compliance with the order. All or part of the fine imposed may be conditional upon compliance. In addition, a criminal contempt proceeding includes many constitutional protections normally associated with criminal proceedings such as the privilege against self-incrimination, the right to counsel, and the requirement of proof beyond a reasonable doubt. In cases of civil contempt, on the other hand, the protections associated with a criminal proceeding do not obtain. For instance, proof is by a preponderance of the evidence. Also, in criminal contempt proceedings the costs of litigation are not usually imposed in addition to imprisonment, whereas in civil contempt cases the successful complainant is entitled to costs. Further, criminal contempts are appealable when punishment is imposed, while punishment inflicted for civil contempt is interlocutory and appealable only when the final decree is entered in the main cause.

These are some of the essential differences for Senators to bear in mind in the consideration of this proposed legislation.

I should reiterate, Mr. President, that in the O'Mahoney amendment we are not dealing with civil contempts. We are not even dealing with direct criminal contempts. We are dealing only with indirect criminal contempts, and we are expanding the law relating to such contempts only by adding trial by jury to the list of the essential protections now afforded under law. In doing so, we are removing the discrimination which exists under the present law, by which trial by jury is afforded in criminal contempt actions arising where private parties are involved, and extending it to cases where the United States Government is involved.

There is precedent in the law already, Mr. President, for this particular proposal, for, under the provisions of the Norris-LaGuardia Act, jury trials for indirect criminal contempts were permitted even though the United States was a party. I know that it has been contended that serious inroads were made upon this extension by the Taft-Hartley Act, but those who assert such contention fail to observe that the provisions of section 3962 of title 18, of the United States Code, were reenacted into positive law after the enactment of the Taft-Hartley Act. Because of its peculiar applicability to this proposal, Mr. President, I think I should again read to the Members of the Senate the provisions of that section:

S. 3692. Jury trial for contempt in labor dispute cases.

In all cases of contempt arising under the laws of the United States governing the issuance of injunctions or restraining orders in any case involving or growing out of a labor dispute, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district where in the contempt shall have been committed.

This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders or process of the court.

Please notice, Mr. President, that there is no exception in those instances in which the United States is a party to the labor dispute. The applicability of this provision may have been narrowly construed in other respects, but there can be no doubt that no exemption is given from the requirement of a jury trial if the United States is a party.

It has been suggested that there is something shocking about the desire to impose a requirement of trial by jury in all indirect criminal contempt cases.

I think it only fair to point out that the proposal for trial by jury in contempt cases is not without support from the judiciary itself. In 1952, in a case involving a direct criminal contempt, *Sacher* v. *U. S.* (343 U. S. 1), two Justices of the Supreme Court, in dissenting opinions, took the position that the defendant was constitutionally entitled to a trial by jury. Justice Black, at page 20 of that opinion, wrote:

But I would reverse on the further ground that petitioners are entitled to all the constitutional safeguards provided to protect persons charged with crime, including trial by jury.

Justice Douglas wrote at page 89:

I also agree with Mr. Justice Black that petitioners were entitled by the Constitution to a trial by jury.

Mr. President, that shows indirect criminal contempts are criminal offenses so recognized in the law and rules of criminal procedure.

Later, in 1954, in the case of *Offut* v. *U. S.* (348 U. S. 11), a case which also charged a direct criminal contempt, the same two Justices, in a concurring opinion, reasserted their belief that the defendant was entitled to a jury trial.

If members of the bench believe that in the most flagrant instances of contempt, those which involve direct criminal contempt, a jury trial is not only warranted, but constitutionally essential, how much more readily should Congress be willing to grant such a right in the less flagrant cases involving charges of indirect criminal contempt?

In addition, in view of the holding in the *Michaelson* case (226 U. S. 42 (1924)), I doubt if anyone could successfully contend that this proposal is in any wise

unconstitutional. At one point in that decision the court stated:

> The statutory extension of this constitutional right (the right of trial by jury) to a class of contempts which are properly described as "criminal offenses" does not, in our opinion, invade the powers of the courts as intended by the Constitution or violate that instrument in any other way (p. 67).

Mr. President, as I see it, all the Senator from Wyoming and his cosponsors are attempting to do is to extend the protections which they deem advisable in this bill to all cases of indirect criminal contempt arising under the Federal statutes.

Mr. President, it is most important to realize that the amendment proposed by the Senator from Wyoming operates not to give a new right, but rather to guarantee that an existing right will not be abridged.

There is a misconception that the O'Mahoney amendment creates something new which never existed. This is simply not correct.

Under existing law, violations of voting rights as declared in title 42, United States Code, section 1971, are punishable by existing statutes in the Criminal Code. In these criminal proceedings the defendant presently enjoys all the constitutional safeguards, including the right to a jury trial.

Part IV of H. R. 6127, however, creates a new approach, the end result of which would be to punish, for the same act, a defendant, now known as a contemnor, without a jury trial. It is an outright circumvention of a basic right, a right at least as basic as the right it claims to protect. Even worse is the fact that in indirect criminal contempts the proceeding is still essentially a criminal proceeding, but under the bill before us a jury trial is denied.

The amendment of the Senator from Wyoming permits the new procedural device to remain, but requires a jury trial in criminal cases of indirect contempt. Thus, this amendment merely maintains the status quo. It, in effect, prevents the proposed legislation from taking away an existing right.

In this connection—and because I think it has some pertinency—I invite the attention of the Senate to the report of the committee on the Bill of Rights of the Association of the Bar of the City of New York on the proposal to include a jury-trial amendment in the so-called civil-rights bill. This report contains several interesting statements. First of all, it points out:

> If there is justification for the exception to the right to jury trial where the United States is a party, it would seem that the exception should apply in civil-rights cases as well as in other cases.

But then the report goes on to state as follows:

> Apparently it was felt that if the United States were a party the public interest must be involved and therefore the risk of a court order being disobeyed with impunity should not be run; in other words, the basis of the exception appears to be the principle of the sovereign. To the extent that legal thinking is now coming more and more to believe that the United States when a litigant should be treated by the courts as an ordinary litigant, the exception may no longer be justifiable.

And then, Mr. President, follows this significant statement:

> However, if this is so, the remedy is to amend section 3691 to provide for a jury trial in criminal contempt cases generally whether or not the United States is a party. There appears to be no justification for treating civil-right cases any differently than any other cases in this regard.

What the Senator from Wyoming and his colleagues have submitted to the Senate is nothing more than what the report of the committee on the bill of rights of the Association of the Bar of the City of New York has suggested should be done.

Mr. President, the Senate has improved the bill, but it remains to be perfected. The imperfections are all too apparent to those who are willing to see. We cannot, simply by inserting a jury-trial amendment, correct all the remaining imperfections, but we can avoid what many of us believe is a reversal of the lessons of history.

As a nation we started without the protections of trial by jury in contempt actions only because the equity jurisprudence of that day did not seek to enjoin the commission of crimes against the person. Had the citizens of that day suspected that the injunctive processes of equity would be used to avoid the trial by jury afforded in criminal prosecutions, they undoubtedly would have insisted on imposing such a protection in equity cases. This is amply supported by the commentary of Alexander Hamilton which appears in the Federalist as Essay No. 80.

As experience taught us the danger of this conferral of power the Congress began to frame exceptions and to institute safeguards, not the least of which was trial by jury. This has been a long and laborious process in our history. The gains of today in this field were bought at the expense of many victims of the exercise of tyrannical power. We who are from the South should not be expected to forget the tribulations suffered by the early colonists and by early members of the labor movement, when it is now obvious that the same yoke of oppression is sought to be impressed on our necks. If we anticipate the worst, it is only because the lessons of history have taught us to expect the worst. We do not cherish the thought of granting to a single judge the power to frame an injunction, to determine to whom it shall be applicable, to decide which persons are in disobedience, and to decide the term of incarceration of anyone whom he judges to be in violation of his order, all at the behest of a political officer, the Attorney General.

It is small comfort, Mr. President, to offer the good intentions of the sponsors of this bill to those at whom it is directed. Unfortunately, the good intentions which have been manifested in this debate are not written in this proposed statute, nor can we be certain that the proposed statute will be administered by persons of equal good will. As I study this bill, I always recur to the statement of the eminent Senator from North Carolina [Mr. ERVIN] that the bill confers power which no good man ought to want, and no bad man ought to have.

Mr. President, we have an alternative. We can follow the lessons of history and adopt the O'Mahoney amendment, or we can follow the dictates of expediency and reject it. The Senate stands at the crossroads. I believe that with the guidelines of history before us we can do no other than to follow the path of liberty and freedom by including a jury-trial provision in the proposed legislation.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. ERVIN. Under existing law, the United States requires all of its citizens to litigate under certain rules of procedure, whereas the United States itself wishes to litigate by different rules of procedure. I ask the distinguished Senator if he can reconcile any such theory as that with justice.

Mr. EASTLAND. Of course it could not be reconciled with justice. The all-powerful United States, as a party, would operate under a different rule.

Mr. ERVIN. I ask the distinguished Senator if, up to 1914, when the exception in favor of the United States was engrafted on the Clayton Act, the law did not require the Government, when it came into court, to make out its case under exactly the same rules of procedure as applied to citizens?

Mr. EASTLAND. That is certainly correct.

Mr. ERVIN. I ask the Senator if the O'Mahoney-Kefauver-Church amendment does not, in substance, provide that all litigants shall stand equal before the law in these cases.

Mr. EASTLAND. That is absolutely correct; and it is very sound that all litigants should stand equally before the law. I think that is fundamental to any system of government based upon human liberty.

Mr. ERVIN. Can the Senator think of any consideration which would justify any legal system under which all litigants do not stand on an equality?

Mr. EASTLAND. No; I cannot think of any.

Mr. ERVIN. I ask the distinguished Senator if, under existing law, we do not have this peculiar situation: When the judge issues an injunction and enjoins the commission of an act which would otherwise be lawful, a person who is charged with criminal contempt for violation of that injunction forbidding the doing of the lawful act is deprived both of the right of trial by jury and also of the benefit of limited punishment, and is subject to any punishment the judge may impose on him, by way of imprisonment or fine, until the judge runs into conflict with the vague and nebulous provisions of the eighth amendment.

Mr. EASTLAND. The Senator is absolutely correct. Considering all the rules of criminal procedure, it is obvious that, in reality, this offense is recognized as criminal. The accused must be proved guilty beyond a reasonable doubt. He has the right to be represented by counsel. In reality, it is a crime; and, since it is, the accused certainly ought to be entitled to trial by a jury of his peers.

Mr. ERVIN. Under the Clayton Act a person who is charged with criminal contempt in a case in which the alleged contemptuous act is also a crime under either Federal or State law is entitled to trial by jury, and also to the benefit of limited punishment. He cannot be imprisoned for more than 6 months, or fined more than $1,000, if he is a natural person. Is that correct?

Mr. EASTLAND. The Senator is correct.

Mr. ERVIN. We have this peculiar situation under existing law that a person who commits an act which is lawful in itself, but forbidden by injunction, is discriminated against, as compared with a person who commits an act which is unlawful and forbidden by injunction.

Mr. EASTLAND. The Senator is correct. I discussed that question at length.

Mr. ERVIN. The amendment which has been proposed by the distinguished Senators from Wyoming, Tennessee, and Idaho would place all persons charged with criminal contempt on exactly the same legal and procedural basis, would it not?

Mr. EASTLAND. That is correct; and that is the way it should be.

Mr. ERVIN. Therefore this amendment would carry into effect the very fundamental concept of American law that courts are created to administer equal and exact justice, according to certain and uniform laws, applying in like manner to all persons in like circumstances. Is not that true?

Mr. EASTLAND. That is correct; and a fundamental step toward the attainment of such a system is the principle that no man should be his own judge.

Mr. ERVIN. If this method of circumventing the constitutional right of trial by jury can be constitutionally adopted in respect to civil rights, how can we draw a line and prevent such a rule being adopted in all cases?

Mr. EASTLAND. Of course, the situation would be progressive. What is done here would be a precedent for depriving other people, in other circumstances, of jury trials.

Mr. ERVIN. And if it can be done in this case it can be done in all cases; and if that is so, the Constitution insofar as it guarantees the right of trial by jury, becomes a worthless piece of paper, does it not?

Mr. EASTLAND. We are writing important history in the Senate. The situation is bound to be progressive. What we do here may be a precedent for depriving other people, in other circumstances, of their right to trial by a jury of their peers.

Mr. ERVIN. I think this amendment is a fine amendment, for the reasons which the Senator from Mississippi so well states. So far as I am personally concerned, it does not go as far as I should like to have it go, because I take my stand with Senator Borah, Senator Norris, and Senator Walsh. I favor the right to trial by jury in all indirect contempt cases in which any issue of fact is involved. We should implement Thomas Jefferson's statement that there ought to be trial by jury on the merits in every equity case.

I am glad that the people of North Carolina have a constitution and a code of civil procedure which carry out Thomas Jefferson's idea, and give every litigant, in every civil case, the right to trial by jury on the merits, regardless of whether the case is a suit for injunction or for other equitable relief, or a suit involving legal questions.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. EASTLAND. Does the Senator from Colorado wish to ask the Senator from North Carolina a question?

Mr. ALLOTT. I do.

Mr. EASTLAND. I yield the floor.

Mr. CARROLL. Mr. President, before the Senator from Mississippi yields the floor, I should like to ask him some questions.

Mr. MANSFIELD. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order has been called for. The Senator from Mississippi has the floor.

Mr. EASTLAND. Mr. President, I ask unanimous consent that the Senator from Colorado may be permitted to ask the Senator from North Carolina a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. I appreciate the Senator's courtesy. As I understand, the laws and the constitution of the State of North Carolina do not provide for a jury trial in cases of contempt. Is that correct?

Mr. ERVIN. No; they do not. It is really not necessary in North Carolina. This is true because before a civil contempt proceeding can be instituted against a respondent in North Carolina, it is necessary to have a trial by jury on all the issues of fact, and to have established by the verdict of a jury that the moving party is entitled to the injunction on the merits. Therefore, before a civil contempt proceeding can be had in North Carolina every possible question of fact must have been settled by a jury except the subsequently occurring question of fact whether the respondent has disobeyed the injunction. That subsequently occurring question is the only issue of fact not settled by a jury.

Mr. ALLOTT. But there is not a jury trial provided in any instance of a citation for contempt in the State of North Carolina. It that correct?

Mr. ERVIN. That is true; but it is not possible to have——

Mr. ALLOTT. I merely wanted to determine whether that was a correct statement.

Mr. ERVIN. In a sense, yes, because under the constitution and laws of North Carolina it is not possible to get an injunction commanding a man to do anything affirmatively until all the issues of fact have been tried by a jury, and every fact relating to the issuance of an injunction has been established by the verdict of a jury.

Mr. ALLOTT. May I ask in that connection——

Mr. ERVIN. I will say further to the Senator from Colorado that under the law of North Carolina a court may issue a restraining order or a temporary injunction to preserve the status quo until a trial on the merits is had. If a person violates the restraining order or the temporary injunction before the trial on the merits, he can be punished for contempt without a jury trial.

Mr. EASTLAND. Mr. President, I should like to ask a question. I wonder whether the Senator from Colorado would agree to an amendment to the bill to incorporate the North Carolina practice.

Mr. ERVIN. If the Senator from Colorado will join me in voting for an amendment to the bill to adopt the North Carolina practice, which grants the right of trial by jury on the merits in injunction cases, as I have outlined, I will join the Senator from Colorado in voting against the amendment for a jury trial in contempt cases.

Mr. ALLOTT. Would the Senator also vote to reinstate part III of the bill?

Mr. ERVIN. No. I do not believe that all the functions of State and local governments should be supervised by the Attorney General.

Mr. ALLOTT. I should like to address myself to——

Mr. MANSFIELD. Mr. President, I ask for the regular order.

Mr. CASE of New Jersey. Would the Senator from North Carolina vote for the bill anyway?

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. JACKSON in the chair). Under the unanimous-consent agreement——

Mr. EASTLAND. Mr. President, I suggest that the rules be followed, and that before a Senator speaks, he address the Chair. I have the floor. I have given unanimous consent to yield for a question to be asked by the Senator from Colorado of the Senator from North Carolina.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senator from Mississippi agreed that the Senator from Colorado might ask a question of the Senator from North Carolina. The agreement is limited to that extent.

Mr. ALLOTT. If the Senator from Mississippi will yield for one remark, I will drop the subject.

Mr. EASTLAND. I will yield only for a question.

Mr. ALLOTT. Will the Senator yield for a question I should like to ask the Senator from North Carolina?

Mr. EASTLAND. I will yield for that purpose.

Mr. ALLOTT. Is it not a fact that when a court in North Carolina cites a man for contempt, under the laws of the State of North Carolina, the court must determine certain questions of fact, such as whether the man has committed a contempt, and whether it is in line with the injunctive order that has been issued; and that such a case is not triable before a jury under the laws of North Carolina?

Mr. ERVIN Before——

Mr. ALLOTT. I refer the Senator to the cases of Tims against State, Ex parte Hamilton—I am sorry; those are Alabama cases. I will ask the Senator if what I have stated is true in the State of North Carolina.

Mr. ERVIN. I have stated that before it is possible to get to the point where a civil contempt proceeding can be instituted against a litigant in North Carolina, it is necessary, first, to have had a trial by jury on the merits with respect to all the issues of fact. For this reason, the only matter that would be involved in a civil contempt proceeding in North Carolina would be the question of fact whether the man had complied with the order of the court. All other issues of facts would have been theretofore settled by trial by jury.

Mr. ALLOTT. I ask the Senator whether in the case of State against Little—and I might say that previously I picked up the wrong citation—the court held there was no right to trial by jury? Furthermore, did not the distinguished Senator from North Carolina, as a member of the supreme court of that State, participate in the cases of Hart Cotton Mills, Incorporated against Abrams; Erwin Mills, Incorporated against Textile Workers of America; and Royal Cotton Mills, Incorporated against Textile Workers of America? All of them were contempt cases in which trial by jury was not had.

Mr. ERVIN. Yes. Those were cases involving restraining orders and temporary injunctions. Incidentally, I might state that that information originally appeared in a press release of the NAACP, which apparently would rather discuss the demerits of SAM ERVIN than the merits of the pending bill——

Mr. ALLOTT. Right there I should like to say that no one has more respect for the distinguished Senator from North Carolina than I have. I merely wished to call attention to these cases and ask—if the Senator from Mississippi will yield. I should be happy to make an observation, but I do not believe he would yield for that purpose.

Mr. EASTLAND. No; I cannot yield for that purpose.

Mr. ERVIN. I have stated to the distinguished Senator from Colorado that under the law of North Carolina a restraining order or temporary injunction will issue to maintain the status quo, pending a trial by jury on the merits of an action; and that where a defendant violates the restraining order or the temporary injunction prior to a trial by jury on the merits, he is subject to punishment for criminal contempt without a trial by jury.

However, before a civil contempt proceeding can be brought to enforce a judgment, a person is entitled to have the issues of fact determined by a jury.

Mr. ALLOTT. But is it not a fact——

Mr. EASTLAND. Mr. President, I must decline to yield further.

Mr. ALLOTT. I thank the Senator.

Mr. EASTLAND. The junior Senator from Colorado [Mr. CARROLL] would like to ask some questions.

Mr. ERVIN. I should like to add that in a criminal contempt proceeding in North Carolina, punishments are limited to 30 days imprisonment and $250 in fines. This is a far cry from what would be the case under the bill if it should be enacted into law, because under the bill a man could be sent to jail for 4 years or more.

Mr. ALLOTT. I assume I cannot answer the Senator's statement or ask any more questions of him.

Mr. EASTLAND. I must decline to yield further. I would like to yield, but the junior Senator from Colorado would like to ask some questions also.

Mr. ALLOTT. I appreciate the Senator's courtesy very much.

Mr. CARROLL. Do I correctly understand the statement by the Senator from Mississippi to mean that he now is supporting the O'Mahoney-Kefauver amendment?

Mr. EASTLAND. Yes.

Mr. CARROLL. Is my understanding also correct that the distinguished Senator from North Carolina [Mr. ERVIN] also supports that amendment?

Mr. EASTLAND. I believe that is correct.

Mr. CARROLL. Is it not true that that amendment, for the first time permits the Attorney General of the United States to appear on behalf of an individual in a court of equity in this type of case?

Mr. EASTLAND. No.

Mr. CARROLL. The Senator from Mississippi says that is not so?

Mr. EASTLAND. The bill gives the Attorney General the right to file on behalf of the United States.

Mr. CARROLL. That right is also recognized by the O'Mahoney-Kefauver amendment.

Mr. EASTLAND. Of course, if the bill is enacted, without amendment, it will contain that provision.

Mr. CARROLL. Assume the Attorney General now has a right to bring suit in a court of equity. If there is a violation of the right to vote, if I understand the legal argument which has been presented here, by virtue of the statutory grant which Congress proposes to give the Attorney General, the court may enter an order of civil contempt. Is that not true?

Mr. EASTLAND. Will the Senator please repeat his question? I was looking at the bill.

Mr. CARROLL. We are now proposing to give statutory authority to the Attorney General to institute suits in behalf of persons or groups of persons who may be deprived of their right to vote. Is that correct?

Mr. EASTLAND. Yes, that is correct.

Mr. CARROLL. Therefore the Attorney General may institute suits in behalf of the United States for the protection of those individuals.

Mr. EASTLAND. That is correct.

Mr. CARROLL. If there is a violation there will be a civil contempt. Is that not so?

Mr. EASTLAND. Not necessarily so.

Mr. CARROLL. Well, there may be?

Mr. EASTLAND. There may be, yes.

Mr. CARROLL. We are talking about civil contempt.

Mr. EASTLAND. There may be.

Mr. CARROLL. If the order issues, is it not true that that which we define in law as civil contempt may merge into what is called criminal contempt?

Mr. EASTLAND. It may.

Mr. CARROLL. Assume that it does, for the sake of the discussion. The order of proof in a civil contempt case, as I understand the Senator's speech, is different, and the difference in proof between civil and criminal contempt is great.

Mr. EASTLAND. That is correct.

Mr. CARROLL. If I understood the Senator's address correctly, he said no man should be his own judge; that is, that the judge who enters an order of criminal contempt or civil contempt—let us talk about criminal contempt, now—and has to pass judgment on a violation of that order, will be passing judgment on his own order. Is that the Senator's point?

Mr. EASTLAND. I said that was my opinion.

Mr. CARROLL. The Senate has been debating this matter for more than 2 weeks. There has now been an acceptance of the need for the proposed legislation. It is also agreed that if this bill passes, the Attorney General would be empowered to initiate a suit in a Federal court in behalf of any individual or group of individuals who allege that their right to vote is being denied.

I offer this as a suggestion. Suppose a judge issues an order which is violated, for which violation the contemnor may be punished. Suppose as a result of the statutory grant we propose to give the Attorney General we place a limitation on the court which issues the order and say that the court may not impose the punishment. Suppose that we leave that to a three-judge court. Such a court would not be passing judgment on its own order; it would be examining a judicial decree. There are many statutes which provide for three-judge courts.

I do not ask the Senator from Mississippi to give me an offhand answer; I ask him to think about that proposal.

Mr. EASTLAND. The distinguished Senator from Colorado is an able lawyer, one of the most intelligent Members of this body. I should like to make the statement that I do not think there could be any subterfuge in a jury trial.

Mr. CARROLL. Before we close the door on that point, I renew my suggestion in all sincerity. I believe there is evidence in the RECORD that Negroes do not serve on southern juries. I should like to ask the distinguished Senator from Mississippi to tell me if Negroes do serve on juries in Mississippi?

Mr. EASTLAND. They do.

Mr. CARROLL. They do?

Mr. EASTLAND. Yes.

Mr. CARROLL. In how many counties in Mississippi do Negroes serve on juries?

Mr. EASTLAND. In a great number of counties. There are 82 counties in the State. Negroes from most of those counties serve on juries in the Federal courts.

Mr. CARROLL. The reason why I have raised the question——

Mr. EASTLAND. The Senator from Colorado says it is his information. I have noticed that the newspapers have published many lurid charges, charges which were absolutely destroyed in the hearings. But the newspapers carried not a word about the answers to the charges.

Negroes serve on juries in my home county. I live in the delta area of the State. I think Negroes serve on juries in most of the counties of Mississippi.

I was speaking yesterday with a circuit judge in Hinds County. He told me that Negroes serve on juries in the courts there.

The person who came here and made the charges which were carried all over the country made his statement when the Senate was in session. Consent had not been given by the Senate for the subcommittee to sit. I got the distinguished Senator from North Carolina [Mr. ERVIN] to agree with the sponsor of the witness, the NAACP, to have the witness return the next morning, when the committee would have a right to sit, and to testify under oath. Then, if he was telling the truth, his testimony would carry weight; if he was not telling the truth, he would face the penalty of perjury. The witness, in open committee, agreed to return the next day. But that night he fled Washington, in violation of his agreement. Those are the tactics which we southerners have had to face.

The witness also made the statement that in Humphreys County, Miss., a Negro was killed, and that the death appeared to have been the result of an automobile accident. He said the officers claimed the person was killed in an automobile wreck. He said he saw the person's body. But we checked with the sheriff and with the State highway patrol and learned that there was no such accident. No one was killed.

The person testified that a Negro woman was killed and thrown into a lake in Tallahatchie County, Miss., because she wanted to vote. He said there was no doubt about what happened; certain persons wanted to kill her. But what actually happened was that while she was driving on the highway by the side of the lake in that county, she lost control of her automobile, and the car went into the lake. A number of Negroes were working in a field by the side of the highway. They went into the lake and got the children out of the car, but were not able to save the woman's life.

The newspapers carry such wild, irresponsible, and completely false statements. But when the statements are refuted or destroyed, that information is not published.

The Senator's information that Negroes do not serve on juries in Mississippi simply is erroneous.

Mr. CARROLL. I am asking the Senator for information.

Mr. EASTLAND. Yes.

Mr. CARROLL. What percentage of the Negroes serve on juries in Mississippi, and in what counties do they serve?

Mr. EASTLAND. I do not have any idea. I said that, in my judgment, Negroes serve in most of the counties of Mississippi.

Mr. CARROLL. Does the Senator have an idea of the percentage of Negroes who serve on juries in Mississippi?

Mr. EASTLAND. No; I have no idea of the percentage.

Mr. CARROLL. That is the kind of information we need. I am in complete agreement with the suggestion of cross-examination, made by the Senator from North Carolina. The Senate has been conducting a lengthy debate for many days.

Mr. EASTLAND. I should like to make this comment about certain charges which have been made. In Mississippi there is a very prominent and highly respected Negro editor. After the testimony I have related was published, that editor published a front-page editorial in which he said, in effect, "Whenever someone is sent to Washington to testify about conditions in Mississippi, he ought to be someone who will tell the truth."

Mr. CARROLL. I do not know about that, but this I know: I have been reading the record of the testimony of the Attorney General and also the very intelligent, skillful examination conducted by the Senator from North Carolina [Mr. ERVIN]. I say the time has come to give the Members of this body some facts. We have had enough discussion of the law. Let us now have some facts. I say to the chairman of the Committee on the Judiciary that I would be willing to make a demand on either the Senate or the chairman of the committee to have the Attorney General make public the investigations which were conducted, where ever they were so as to let the Senate know what the facts are. Then we will know whether there is a need for the pending legislation.

Mr. EASTLAND. I am not adverse to facts.

Mr. CARROLL. The FBI conducted an investigation in 10 parishes in Louisiana.

Mr. EASTLAND. There ought to be the right of cross-examination. The charge that the circuit court clerk in Forrest County, Miss., asked Negroes who went to register how many bubbles were in a bar of soap. The circuit court clerk denied that under oath. I know him. He is a very high-class and honorable gentleman. It appeared that the question "How many bubbles are in a bar of soap" was published in a magazine, the Nation, more than 30 years ago, and was repudiated and exploded more than 30 years ago. Yet we have to face wild charges of that sort.

Mr. CARROLL. Will the Senator from Mississippi agree with me that if the FBI or the Department of Justice had been making an investigation for weeks or months, certainly it should have uncovered some facts. If the facts are on the side of the people of the South, the Senate should know that. If there has been abridgement of constitutional voting rights, the Senate should know that. It seems to me that a demand should be made of the Attorney General to present the facts to this body, so the Senate will know what it is dealing with and what the facts are.

All I know is what I read. I have no association with any group. I have been reading an interesting series of articles in the Saturday Evening Post, written by one of America's foremost reporters, John Bartlow Martin. I understand that he was asked by the Saturday Evening Post to report the facts on integration in the South. Mr. Martin is one of America's great reporters, according to the Saturday Evening Post, which certainly is not a radical magazine. The Post referred to him as "a reporter of unimpeachable competence and integrity whose instructions were, simply, to report the truth." He traveled all through the South, and reported his observations on integration.

I wish to say to the Senator from Mississippi that I had never met Mr. Martin, but I called him by long distance telephone, and asked him, "From your extensive travels, will you tell me whether the facts you found with reference to integration would apply also to the voting rights of these people?" He replied, "Yes."

Mr. Martin's articles have been expanded into a book. The book, entitled "The Deep South Says, Never," should be read by every Member of the Senate. The book was published just this week by Ballantine Books, Inc. It indicates that there will be no voluntary integration in the South, at least not in the four so-called Black Belt States, and that no progress in civil rights will be made, unless we take action to guarantee and protect them.

So I have asked, first, whether there is a need for this legislation. We contend that there is.

My second question is this: If there is a necd, how will it be possible for the Senate to word the proposed legislation in such a way that these people will be given their constitutional rights?

Mr. EASTLAND. Mr. President, I have very high regard and great respect for the distinguished Senator from Colorado. Of course we welcome facts.

The distinguished Senator from Colorado spoke of the article published in the Saturday Evening Post. When I read the article, I found something I did not know before: In the article, the author wrote that the distinguished junior Senator from Georgia [Mr. TALMADGE] and the senior Senator from Mississippi, with two other gentlemen, were constantly corresponding, were the men behind the scenes, and were advising the citizens' councils in the South. I hope all the story in the Saturday Evening Post is more accurate than that statement. I think the distinguished junior Senator from Georgia will vouch for the fact that we have never discussed the citizens' councils, and I have never made any recommendation of any kind to any citizens' council at any place, anywhere.

Mr. CARROLL. Let me say to the distinguished Senator from Mississippi that I do not impugn his motives or those of the junior Senator from Georgia or those of any other Member of the Senate. But as a legislator and a lawyer, I say that I am interested in obtaining some facts, following this learned discussion of the law. If the white citizens' council are advocating an economic boycott against southern Negroes who attempt to exercise their constitutional right to vote, Senators are entitled to know it. Senators are also entitled to know whether the councils are using coercion and intimidation. If such

things are being done, then the Federal Government must use something more than a powderpuff, a civil contempt proceeding, which would be meaningless.

Mr. EASTLAND. I know the membership of the citizens' council in my State. They are very high-class people—the best people we have. From my knowledge of the group, I believe it is more of an educational organization. Its members are not agitators; they are not engaging in agitation. If ever there was an organization which has been greatly misrepresented over the country, it is that organization, in my opinion. I do not belong to it. I have never tried to fix its policies. I have never conferred with any of its members, either on the record or off the record, anywhere. But I have a great deal of respect for them.

The talk about economic boycott is pure bunk, in my judgment; and I think I know.

I know that my friend, the distinguished junior Senator from Colorado, is proceeding in absolute good faith; and I certainly would not impute anything but the highest motives to him. But there is simply nothing to that charge. It makes a good story, when a man comes to sell an article to a magazine.

Mr. CARROLL. I say very frankly that I am merely seeking the truth. That is why I say the Senate is entitled to have some facts. But I do know this, because I have done my own briefing of the law cases; I have found that in great areas of population in the South—in counties or parishes—not a single Negro was permitted to vote. There must be a reason behind that.

I know that the legislation now proposed will not be a cure-all; it will not change the situation overnight. All I suggest—and I do so in good faith—is that since there is a great division of opinion among Senators on the question of jury trial, perhaps a compromise would be helpful. In other words, instead of providing that a jury pass judgment of such matters, might we not provide for a three-judge Federal court? But I say in all sincerity that it would be meaningless and a mockery of justice to provide for a jury trial if the lawless conditions alleged to exist, in the black belt in the Deep South.

Mr. EASTLAND. Mr. President, I do not think a jury trial is ever a mockery. I think the integrity and patriotism of the people of the South will measure up to that of any other people anywhere, and I think statistics will show that in the South there probably is less crime than will be found in almost any other part of the country.

I think the members of the juries in the South are true to the oath they take; they are composed of honorable men.

As for a three-judge court, let me say I had never thought about that.

Mr. CARROLL. There might also be a provision for a limitation of punishment. With such a provision as the distinguished Senator from North Carolina has stated, the judges could not impose excessive punishment. Therefore, it might be wise to provide for a limitation of punishment.

But it seems to me that somewhere we must have a symbol to strengthen the faith of our people in the exercise of constitutional rights.

Let me say that I do not deny that Americans, in whatever part of the South, will always stand against crime. But here we are not talking about crime. Instead, we are talking about the enforcement of a political right, a constitutional civil right.

Mr. EASTLAND. In practically all indirect contempt matters, a crime is involved.

Mr. CARROLL. But the Senator from Mississippi, who is a distinguished lawyer, knows that if, in connection with the defense in a particular case, a witness is asked, as a basis for impeaching his testimony, whether he has ever been convicted of a crime, criminal contempt is no crime. It is merely a method of punishment, arising out of a civil case. Therefore, in my judgment, this is where the wool has been drawn over the eyes of many Americans, by means of legal legerdemain which really is not germane to this issue.

I think the Senate should meet the issue head on; the Senate should obtain the facts, and Senators should know what they are talking about.

I thank the Senator from Mississippi for permitting me to ask these questions, and I ask him to consider the recommendations as well as the issues I have raised.

Mr. EASTLAND. I thank the Senator from Colorado.

Mr. LONG. Mr. President, will the Senator from Mississippi yield to me?

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). Does the Senator from Mississippi yield to the Senator from Louisiana?

Mr. EASTLAND. I yield, although I should not like to yield the floor.

Mr. LONG. I wish to ask only one or two questions.

Mr. EASTLAND. Very well; I yield.

Mr. LONG. Under the O'Mahoney-Kefauver-Church amendment, is not ample power given to a court to provide any remedial assistance it might care to provide for any voter, in the event his voting rights were being jeopardized?

Mr. EASTLAND. Yes.

Mr. LONG. If I understand the amendment correctly, if there is a situation in which a registrar refuses to register any voter—be he white or colored—who is qualified to vote, and if it is contended that he is being denied his civil right, the judge, without a trial by jury, will have a right to hear the facts and to issue an order. If the order is not complied with, the judge can have the person brought before him; and if the person still refuses to register a qualified voter, the court can then hold the registrar in jail until he does register that person. Is that correct?

Mr. EASTLAND. Yes. That would be a case of civil contempt.

Mr. LONG. That provision would enable any court to protect voting rights in that situation; is that correct?

Mr. EASTLAND. That is correct.

Mr. LONG. Can the Senator from Mississippi conceive of a situation in which a registrar would prefer to remain in jail, rather than to register a person who was qualified to vote, and to do so upon a judge's order?

Mr. EASTLAND. No. Of course, I think the registrar would register that person; in fact, I think he would register him beforehand.

Mr. LONG. The distinction we are speaking about relates to the fundamental right a person has, when he is accused of infringing someone else's civil rights, to be tried by a jury on the charge of having committed a crime, namely, criminal contempt.

Mr. EASTLAND. This amendment applies only to indirect criminal contempt.

Mr. LONG. Yes. We have had much experience in the State of Louisiana in seeking to perfect the laws and to perfect the system to see that those who are entitled to vote may vote, and at the same time avoid corruption in elections. Many contests over elections have occurred, not the race issue being involved, where one side would go over the registration books and try to ascertain if those who had no right to vote had voted. Some of the persons whose names were on the register had died or had moved away from the community, but were shown as having voted on election day. It is the duty of a good citizen to see that fraudulent votes are not cast.

Mr. EASTLAND. That is correct.

Mr. LONG. I know of one case where the outcome of an election depended on the changing of 20,000 votes that had nothing to do with race, creed, or color, but a long-established organization had on the rolls a great number of names of those who had no business voting. When a person challenges the right of a certain other person to vote, it is entirely possible that he might be confronted with a court order. In a situation of that kind, he would have every right to a trial by jury, just as he would in the commission of any other crime. Is that not correct?

Mr. EASTLAND. Yes.

Mr. LONG. Would not such a person, and, in fact, would not every American, when charged with a crime, be entitled to have his case submitted to 12 jurors who must agree to find him guilty before he can be put in jail or fined? Would he not be more secure in his safeguards if such a case were going to be submitted to 12 persons who must find him guilty, rather than have 1 man, 1 judge, decide the facts of the case?

Mr. EASTLAND. What the distinguished junior Senator from Louisiana is saying is certainly correct, and that right is basic to anybody, anywhere, at any time.

Mr. LONG. If I may proceed——

Mr. CARROLL. Mr. President, will the Senator from Mississippi yield at that point?

Mr. EASTLAND. Yes.

Mr. CARROLL. This is a point on which I think there has been great confusion. No one would disagree with the conclusions of the distinguished junior Senator from Louisiana. We all know,

if we are at all familiar with American history, that when one is charged with a crime, he is entitled to a jury trial. The distinction is that a contempt order in a civil case does not involve a crime, and never has, in all American history. That brings us to the Clayton Act, which has further confused the issue here. We are not talking about a crime at all. If we were, we would not need to argue, because the Supreme Court would knock the argument down as rapidly as I can snap my fingers.

Mr. EASTLAND. Then why do all the criminal safeguards exist in the rules of the Federal courts in criminal contempts?

Mr. CARROLL. That is the point I wanted to raise with the distinguished Senator from Mississippi. When a civil contempt is involved, it has to be proved through use of procedures set forth in the code of Federal civil procedures, which requires stronger proof than the ordinary burden of proof.

Mr. EASTLAND. Civil contempt is proved by preponderance of the evidence.

Mr. CARROLL. Some cases hold "clear and convincing evidence." When it comes to criminal contempt, what happens in rule 42? In the usual case, the United States attorney prepares the complaint, and there a defendant is safeguarded by the doctrines of presumption of innocence, reasonable doubt, and the right to confront witnesses; but such contempt has never been considered a crime.

Mr. EASTLAND. The fact that the safeguards enumerated are provided shows it is a crime. That shows we are dealing with crime. That shows a defendant should be entitled to a jury trial.

Mr. CARROLL. There have been modifications recently, within the past 10 years, in accordance with rules which were promulgated by the Supreme Court under authority of an act of Congress. Why? Because there was a desire to curb the power of a court and make the requirement of proof greater, the need greater, and the evidence stronger.

I am willing to go one more step to clear up the whole question. I can speak only for myself, but perhaps one vote may be important on this question. I am willing to take the power away from one judge and put it in the hands of a three-judge court, and also limit the punishment.

I know every Member of this body wants to protect the rights of his constituents, and I know no one has fought stronger for the rights of his constituents than has the distinguished junior Senator from Louisiana; but unfortunately, some of the cases I have referred to involve the State of Louisiana. In one case a parish of 40,139 people, made up of 26,227 whites and 13,912 Negroes, had well over 9,000 whites registered and not a single Negro registered. The matter was brought to the attention of the Federal district court, and the registrar was brought into the court. The plaintiff stood before the court with one lawyer. Supporting the registrar was the attorney general and all the State legal machinery.

Mr. LONG. To what parish does the Senator refer?

Mr. CARROLL. I shall give the Senator the citation of that case. It is in the record of the committee hearings. It is *Byrd et al.* v. *Brice* (104 Federal Supplement 442). The case arose in Bossier Parish. The person whose rights were violated asked for equity jurisdiction. The southern judge, in whom I have great confidence, said that the facts showed on their face, and it was a matter of simple arithmetic, that there had been discrimination against Negro voters. The registrar had been in office 31 years. Not a single Negro had been registered during those 31 years.

I should like to ask the Senator from Louisiana if it is true that in order to serve on a jury in those areas one has to be a registered voter. I am not sure, and I am asking the Senator for information.

Mr. LONG. Mr. President, will the Senator from Mississippi yield?

Mr. EASTLAND. I yield.

Mr. LONG. I should like to submit the information that in Louisiana there is only one parish where a person must be a registered voter in order to serve on a jury, and that is the parish of Orleans. There are approximately 30,000 registered Negroes in that one parish. The other parishes do not require that jurors must be registered voters.

Mr. CARROLL. Does the Senator know that Negroes do serve on juries there?

Mr. LONG. Absolutely. They not only serve on juries, but they practice before the courts as lawyers.

Mr. CARROLL. I am talking about service on juries.

Mr. LONG. Yes.

Mr. CARROLL. I do not know; I am seeking information.

Mr. LONG. I can assure the Senator that is the case.

Mr. CARROLL. I accept the Senator's word. I think this is the sort of debate we should have, where we can get the facts. I shall give to the distinguished junior Senator from Louisiana the citation to which I referred.

Mr. EASTLAND. I thank the Senator from Colorado for his contribution.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. EASTLAND. I yield.

Mr. LONG. The point has been made that criminal contempt is not a crime. I should like to read from the case of *Michaelson* v. *United States* (266 U. S. 42), where the Court said:

> The offense of appellant is certainly a criminal offense. I do not say that it is an indictable offense, but, whether indictable or not, it is a criminal offense, and it is an offense, and the only offense I know of, which is punishable at common law by summary process.

There is no doubt about it. There is the Supreme Court saying that a criminal contempt is a crime.

Mr. CARROLL. The Michaelson case is one of the outstanding cases that makes the distinction between civil and criminal contempt. It is the case which really decided the effect of the Clayton Act. I think it was in the Clayton Act that this narrow scope was set. The Congress undertook to change the law. I think we have the authority to do what we are proposing to do, but contempt is not a crime in the narrow sense in which we think of crime. Therefore, defendants in contempt cases were not entitled to juries until the Clayton Act was enacted.

Mr. LONG. Actually, the distinguished Senator from New York [Mr. JAVITS] discussed the distinction between civil and criminal contempt in a question of this sort.

If the judge is seeking to remedy a situation, that is civil contempt. Suppose the judge is desirous of having people registered in Ouachita Parish, La., and suppose some person is being denied the right to register, that person being qualified. Then the judge tells the registrar to register the person, and if the registrar refuses to register him the registrar can be charged with civil contempt.

Mr. EASTLAND. Mr. President, I shall yield the floor. The Senator from New York [Mr. JAVITS] I understand will recognize the two Senators and yield to them.

The PRESIDING OFFICER (Mr. MCNAMARA in the chair). Does the Senator from Mississippi yield the floor?

Mr. EASTLAND. I yield the floor.

Mr. JAVITS obtained the floor.

Mr. EASTLAND. Mr. President, I understand the Senator from New York is willing to yield to the Senator from Colorado [Mr. CARROLL] and the Senator from Louisiana [Mr. LONG] to engage in a colloquy.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator from Louisiana [Mr. LONG] and the Senator from Colorado [Mr. CARROLL] may engage in a colloquy, without my losing the floor.

Mr. ALLOTT. Mr. President——

The PRESIDING OFFICER. Apparently there is no request that the Senator yield at this point. Does the Senator from New York desire to yield; and, if so, to whom?

Mr. ALLOTT. Mr. President, will the Senator yield to me?

Mr. JAVITS. I yield to the Senator from Colorado.

Mr. ALLOTT. For a few remarks?

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield to the Senator from Colorado without losing the floor, though the Senator's remarks are not in the form of questions.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ALLOTT. Mr. President, a few moments ago the Senator from North Carolina [Mr. ERVIN] and I engaged in a colloquy which I think should be explained.

Last week I placed in the RECORD a very extended condensation of the laws of the various States of the United States as they related to contempt. I asked at that time that any Senator who differed with the statements in the condensation, or who found corrections necessary, inform me as to the matter.

The Senator from Alabama [Mr. SPARKMAN] found that we had left out one word which was very pertinent, and

notified me as to that. I asked unanimous consent to have that corrected.

The Senator from North Carolina [Mr. ERVIN] last week made a statement in the RECORD, the substance of which was that while the statement placed in the RECORD by me was correct it did not show the complete law of North Carolina. For that reason on Friday evening at some great length and with a desk stacked 2 feet high with books, I discussed this matter at some length, after notifying both Senators. My statement appears in the RECORD of last Friday.

With respect to the laws of North Carolina I shall quote from chapter 5 of the Rules for Civil Procedure of the General Statutes of North Carolina, entitled "Contempt," under section 5-1, which reads as follows:

4. Willful disobedience of any process or order lawfully issued by any court.

5. Resistance willfully offered by any person to the lawful order or process of any court.

As an annotation to that section the General Statutes of North Carolina cite the case of *State* v. *Little* (175 North Carolina 743), and also *Vaughan* v. *Vaughan* (213 North Carolina 189).

The same chapter provides, in section 5-7, as follows:

Indirect contempt; order to show cause. When the contempt is not committed in the immediate presence of the court, or so near as to interrupt its business, proceedings thereupon shall be by an order directing the offender to appear, within reasonable time, and show cause why he should not be attached for contempt. At the time specified in the order the person charged with the contempt may appear and answer, and, if he fails to appear and show good cause why he should not be attached for the contempt charged, he shall be punished as provided in this chapter.

The only thing I wish to add is this statement: I want to make it perfectly clear that if there are any other errors, in addition to the one which has been called to my attention, I shall be happy to correct them, because I believe the citations are valuable information for the use of the Senate and the people of the country. I think it should be made very clear, however, that after a civil proceeding has been brought—not a criminal proceeding—and the court has issued an order, either an injunctive order that a man do something or that he refrain from doing something, and the man willfully after that time violates the order and is brought before the judge by an order to show cause, then the court still has to determine facts, and in those circumstances even in North Carolina the man is not entitled to a trial by jury. That is the entire gist of the matter. That is the whole point of most of this discussion. The argument made on the other side of the question seems to rely upon the use of a trial by jury provision as a catchall, or catch phrase, to persuade people.

I have pointed out already several times in this debate that it is very necessary that we should realize there are at present in most States laws under which no trial by jury is provided, and certainly that is true of all military men.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ALLOTT. I will be happy to yield, if the Senator from New York will permit me to.

Mr. JAVITS. Mr. President, I yield to the Senator from Ohio.

Mr. LAUSCHE. I should like to supply some information for the RECORD pertaining to the law of Ohio.

The Senator from Colorado has gathered together a very informative tabulation of the laws as they allegedly exist in the several States of the country. In Ohio the courts of equity assiduously guard against taking jurisdiction in any cases except those which historically have been heard by equity courts. In Ohio one cannot get an injunction against the commission of a crime.

Historically, equity has never restrained the commission of a crime, the theory being that there is an adequate remedy in law, by way of criminal prosecution. There has been provision for restraining the use of property, where crimes were committed upon the property. Such provisions restrain property from being occupied by prostitutes or being used for the selling of liquor. The theory was that equity will grant extraordinary relief dealing with property rights but not personal rights.

In Ohio, with regard to the right to vote, one must seek a writ of mandamus, one cannot proceed by way of injunction. The reason for the assiduity of the Ohio courts in following this course has been that the courts have kept in mind the distinction in the mode of procedures as it exists with reference to cases in law and cases in equity.

Mr. ALLOTT. Mr. President, may I inquire if the Senator is asking a question of me?

Mr. LAUSCHE. No. I wish to give some information by explaining the law of Ohio, and to point out that while in Ohio there is no right of trial by jury in contempt proceedings, either civil or criminal, the fact is that in Ohio one cannot enjoin the commission of a crime.

Mr. ALLOTT. One can enjoin the commission of a crime as it relates to property; can he not?

Mr. LAUSCHE. Yes. I made that statement. But in Ohio a judge cannot enjoin a person from committting a crime unless the crime has some impact upon property. The point I am trying to make is that in Ohio it is not possible to transform a criminal action in which there is a right of trial by jury, the right to enjoy freedom until the accused has been convicted by evidence beyond a reasonable doubt, into an action in equity, where the trial is by judge, and the degree of proof required is far less. I think that is a very vital difference.

I want a civil rights bill passed, but I cannot bring myself to the conclusion that, for the purpose of avoiding jury trials, and for the purpose of removing the safeguard that the defendant shall be presumed to be innocent and not found guilty until the evidence is convincing beyond a reasonable doubt, the action should be taken out of law and placed into equity.

Mr. JAVITS. Mr. President, I believe that one of the most pertinent comments made by the Senator from Colorado is that we have succeeded in getting ourselves into areas of considerable confusion. I welcome the opportunity to stick to the facts. I hope very much, in the course of my remarks on the bill, to produce detailed facts with respect to every assertion, and with respect to every conclusion I shall draw.

The first of these is to say to the Senator from Ohio that in my opinion the remarks he has just made on the question of transforming a crime into civil litigation deal with one of the major points with respect to which there has been confusion rather than difference of opinion.

I shall read, if the Senators will bear with me, specific decrees in equity, made in voting cases—that is the best proof, and there are such decrees—in which it is very clear that acts are enjoined which are not criminal, as well as acts which are criminal, and that there can be a violation of an injunction constituting a criminal contempt for an act which is not criminal in itself. I shall read specific injunctions which carry those specific provisions.

To give an example, one of the acts enjoined is giving tests to Negroes desiring to register for voting in respect of the requirement of State law, in secret, in private, rather than in public. No crime is involved.

Mr. LAUSCHE. Mr. President, will the Senator repeat that statement?

Mr. JAVITS. One of the acts enjoined is that of giving tests to a Negro in respect to his qualifications for voting, in private, in secret, by the registrar, rather than in public. No crime is involved; yet it could constitute a violation of an injunction, and could result in a prosecution for criminal contempt. But no crime would necessarily be involved.

On the other hand, falsification of records or other elements of the registration process, which is also dealt with in these particular injunctions, can constitute crimes. As a matter of fact, there is a very significant difference between the amendment offered, the O'Mahoney-Kefauver-Church amendment, and the present section of the law, taken from the Clayton Act.

The present law speaks of acts which are crimes under State or Federal law, as entitling people, in an appropriate litigation, to a jury trial in the event of a criminal contempt. Even under the present law, if there were an act which did not constitute a crime under State or Federal law, there would be no right to a jury trial.

The point made by the Senator from Louisiana [Mr. LONG] as to criminal contempt constituting a criminal offense, though not indictable, is completely consistent with the explanation I have just made. The court, knowing that a person may go to jail, will apply standards which are normally applied in criminal cases. But the criminal law consequences, the loss of voting rights as a citizen, or similar consequences, will not necessarily flow from that particular situation, the offense involved not being an ascertained crime under Federal law.

I shall read some specific Federal decrees on the subject, in order that we may understand the situation, and have some facts into which we can sink our teeth on this particular issue.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LAUSCHE. I have listened to discussions by opponents of the jury trial amendment. Practically every one of them, when analyzed, comes to the conclusion that we must eliminate the jury trial in order to obtain convictions. I say frankly to my distinguished colleague from New York that I have the greatest difficulty in subscribing to that view. If we have reached the point where we are justified in eliminating jury trials in order to obtain convictions, we might as well start thinking of abandoning the jury trial system.

I have read in the RECORD the argument that justice is achieved with greater perfection through trial by judge, and that trial by jury is an inferior method of achieving justice. Those who argue that way have said that constitutional rights are sacred, and therefore it is necessary to have the superior method of trying such cases, that is, by judge; that all other rights are inferior, and therefore we can justifiably allow a jury to pass upon them.

I think the very statement of that proposition demonstrates a profound weakness. We cannot sweep aside lightly the historic right for which, in the past 700 years, people have fought and died.

Two weeks ago, when the Senator from New York and I discussed the subject, his final answer was, "We cannot afford to have these cases tried by juries, because the trial judges in certain areas will convict; the officials will drag their feet, and juries will not convict." That is the argument which is made and the excuse which is given. Frankly, I have difficulty in bringing myself to agree that, since we cannot convict by jury, the jury method must be abandoned and trial by judge substituted.

Mr. JAVITS. If the Senator will allow me to say so, I do not think the Senator quotes my conclusion accurately, and I will therefore quote it myself.

What I say is that trial in a contempt case by the judge in an equity suit is as long standing, enduring, historic, traditional, and protective as is trial by jury in a criminal case. It has lasted as long, and has survived in human experience just as durably.

Therefore I argue that there is no reason for importing into this situation a new method, trial by jury. Remember, we are not depriving anyone of anything. We are giving people something new, which is not now in the law. That point should be made time and time again.

I say that the equity proceeding and the trial as the result of a contempt in such a proceeding are at least as old as the system of trial by jury, if not older. It precedes our own Constitution. In English law it goes back to what we lawyers call time immemorial. It is just as enduring and just as protective of the rights of man as is trial by jury. Indeed, the balance of the two procedures is essential to maintain an effective jurisprudence.

I never said that our purpose is to convict. That is not my purpose, certainly. I am not a "hanging" judge, nor a "hanging" Senator. I should like to point out that when a jury acquits, that is the end of the case, and there is no appeal. If a judge acquits, an appeal can be taken. In the case of a trial by jury, the United States cannot appeal, because the result of the jury trial writes finis to that case. No appeal can be taken from the verdict of a jury. I shall cite cases, to make that point.

Let me read from testimony given before the committee. The Senator from Louisiana [Mr. LONG] spoke about his State. I should like to refer Senators to page 242 of the hearings before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, and to what Mr. Gremillion, a representative of the Louisiana Attorney General's office, testified. He testified with respect to the very situation we are discussing.

Mr. LONG. Mr. President, will the Senator yield?

Mr. JAVITS. I should like to finish my brief reading from the record. I have not made my point yet.

Mr. LONG. Will the Senator yield at that point?

Mr. JAVITS. I am glad to yield.

Mr. LONG. I should like to suggest that a reading of Mr. Gremillion's testimony adds nothing to the subject under consideration, because he prefaced his testimony by saying he knew nothing about the situation in Ouachita Parish when he was asked about it, and that he was testifying merely to what his impression was, and that he had no first-hand knowledge of the situation.

Mr. JAVITS. I should like to read a portion of this testimony, because it calls attention to something that has not been referred to before, not for the purpose of my doing something the Senator from Louisiana thinks I should not be doing.

I read from page 242 of the hearings, which contains comments made by the Department of Justice on certain facts which were controverted in Mr. Gremillion's testimony. These facts set out by the Department of Justice stand by themselves, and they do not have to be based on whether Mr. Gremillion knew what he was talking about. At the bottom of page 242 and at the top of page 243 of the hearings, I find the following statement:

> There has been only one Federal grand jury empaneled in Louisiana which has inquired into civil-rights violations. This was empaneled on December 4, 1956, and has not yet been discharged. It was in session with respect to civil-rights matters on December 4, 5, 6 and 7, January 29, 30 and 31, and February 1, 6 and 12. Witnesses were subpenaed and other evidence presented to the grand jury in connection with the cases arising in Caldwell, De Soto, and Grant Parishes. No indictments were returned in these cases. On February 12, 1957, an attorney from this Department outlined to the grand jury the evidence which the Department had relating to cases arising in Bienville, Jackson and Ouachita Parishes, which evidence the Department believed indicated the commission of offenses against the laws of the United States and which merited presentation to a grand jury. After deliberating in private the grand jury announced through its foreman that it had determined that there was no possibility of indictments being returned in the Bienville, Jackson and Ouachita Parish cases even though the evidence was presented to them and a full inquiry conducted. The grand jury went on record as not desiring to hear any testimony in connection with these latter cases.

Of course, no one wants a grand jury to indict if the grand jury feels it should not indict. This grand jury, however, did not even wish to hear the facts. I wish to point out, however, that equity and the results of equity stand on a footing of their own.

Even if the question had been decided by a petit jury, that would have been the end of it. The issue would have been dead. It could not have been appealed. That would be finis so far as the state of facts were concerned.

Therefore, Mr. President, I submit that when we are dealing with a situation based upon recorded history for generations, and without being in derogation of the protection to which an individual is entitled, we have, at the same time, a situation which society has deemed to be properly lodged in equity.

The situation which we have before us seeks to invoke that remedy for special social purposes. I have stated before, and I say again, it is our responsibility, on the facts and on the merits, to justify an extension of this remedy to the Attorney General. That is the point to which I addressed myself with respect to part III of the bill, and this is the challenge which I, as one Senator—and other Senators have done superbly well, and I shall also endeavor to make my contribution—shall take up with respect to part IV of the bill.

Mr. LAUSCHE. I submit that every word uttered by the Senator from New York demonstrates his conviction that justice is not done under our present method of jury-trial procedure and that, therefore, he proposes to substitute for a trial by jury, a trial by a judge; and then he tries to provide comfort for the accused by saying to him, "We have provided you with a method of appeal."

Mr. President, that is not the cornerstone of our judicial system. The cornerstone of our judicial system is trial by jury in genuine criminal cases.

With respect to courts-of-equity issuing injunctions against crime, I submit that the Senator from New York will find that 99 percent of the cases in equity declare that courts of equity will not enjoin crime unless there is connected with the crime a nuisance use of property.

Mr. JAVITS. The fact is that courts of equity constantly enjoin acts which may be criminal under other statutes. The Attorney General has put a list of 28 such statutes into the record of the hearings. It is a lawyer's common experience that courts of equity every day in the week punish acts which might otherwise be crimes. Courts have said time and time again that a man can be punished for contempt with respect to a violation of a decree of a court which at

the same time might be tried as a criminal case in connection with the commission of a crime; and of course it is a fact that in such a situation a court could fine a man $500 for violating a decree, which, if tried as a criminal act, in a criminal trial, could result in having that man sent to jail for years. The same act would be involved.

If the Senator from Ohio wishes to argue his case ex cathedra, without due regard to the law and the cases, which go back for generations, there is nothing I can do about it.

Mr. LAUSCHE. The Senator from Ohio does not propose to yield to arguments which he believes are not sound. I do not propose to yield to the proposition that jury trials shall be eliminated.

Mr. LONG. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Louisiana.

Mr. LONG. The Senator is making his argument for eliminating trial by jury, I believe this is the first time such a proposal has been on such a basis. He believes that trial by jury should be eliminated because a jury might acquit, and because the Senator wants to be sure of a conviction; therefore he argues for the elimination of trial by jury.

Mr. JAVITS. The Senator from New York is not making that kind of argument. He is not arguing for the elimination of a jury trial, because, in the first place, no right of jury trial exists. Neither is the Senator from New York making the argument he is making because he wants a conviction. The Senator from New York has pointed out that in the event of a jury trial in equity, an acquittal would mean the end of the matter. I do not make my argument, either, because I want "hanging" judges. I make the argument because the equity remedy is as time honored and as enduring as is the procedure of trial by jury in criminal cases, the essence of which is that if there is contempt, it should be remedied—and I shall demonstrate that fully—by the same procedure as that which resulted in the issuance of the injunction.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. JAVITS. I yield.

Mr. LONG. I am sure the Senator will agree that whenever the United States Government wishes to proceed in a criminal case, a right to trial by jury is provided, as was the situation in connection with the Monroe case in Ouachita Parish, to which the Senator has referred, where a grand jury sat. The grand jury had the right to look into the facts in that case.

The Senator from New York says that is not what he wants, because he is afraid a jury will turn someone loose. He wants to convict people, and he wants to keep them from getting a trial by jury, and proposes to get around the right of trial by jury. He proposes to get around it by suggesting that the proceedings be had as a civil matter, although he says it is a matter in which the United States has no interest as a civil matter.

It is actually the personal right of that man. The able Senator knows that if one person is accused of denying someone else his voting rights, he must be tried in a Federal court. And the defendant has a right to trial by jury. The Senator is arguing for a different process by a suit filed in the name of the United States—the United States not merely paying the legal expenses of the person, but suing in the name of the Government.

Mr. JAVITS. If the Senator will turn that argument around, the Senator from New York would have to say, apparently, that which he has not said, that juries do not convict, and grand juries will not hear evidence, in the very places where such action is needed the most.

I am not trying to argue upon this score. I will endeavor to argue the law and adduce the facts within the limits of time and indulgence of the Senate. I will not endeavor to convince the Senator from Louisiana that I am right and that he is wrong. When we come to that part of the argument, perhaps that is hopeless.

Mr. LONG. The Senator from New York is referring to testimony by the Attorney General which I believe completely fails to state the situation. The Attorney General even fails to state specifically in his testimony wherein the crime was committed, although he wants to eliminate the right of trial by jury so that he can prosecute the crime without a jury. Will the Senator tell me on what basis anyone could have been convicted of the crime alleged in Ouachita Parish?

Mr. JAVITS. The Attorney General had a right to proceed under sections 241 and 242 of title 18 of the United States Code, and under the decisions of the Supreme Court, which have interpreted those sections. Here is an excerpt from an opinion by Justice Frankfurter in the second *Williams* case, title 341, United States Code, page 77:

> The right of citizens to vote in Congressional elections, for instance, may obviously be protected by Congress from individual as well as from State interference.

That is exactly what happened in Louisiana where, as the Attorney General testified, the criminal laws are ineffective.

If the Senator will give me an opportunity, as I am sure he will, because we will sit as late as necessary, I shall endeavor, as many other Senators have before me, to go all over the matter again, by citing book, page, and case. I will prove that the criminal laws have fallen down.

I have cited what I consider to be a salient instance, where a grand jury in the Senator's home State of Louisiana would not hear evidence.

Mr. LONG. Will the Senator tell me whether the grand jury would not hear the evidence, or whether the grand jury heard a considerable amount of evidence and decided there was no evidence on which an indictment could be returned?

Mr. JAVITS. If the Senator from Louisiana disputes the testimony of the Attorney General, we will get the Attorney General to testify again. But I refer the Senator to a letter from Assistant Attorney General Warren Olney to Hon. EMANUEL CELLER, chairman of the Committee on the Judiciary in the other body, dated February 21, 1957, in which Mr. Olney said that the grand jury went on record as not desiring to hear any testimony in connection with the cases in Bienville, Jackson, and Ouachita Parishes.

Mr. LONG. It is my impression that the grand jury did hear a considerable amount of evidence. The grand jury believed that there was no basis to go any further with the matter.

Will the Senator tell me what criminal act was committed by a person for which he thinks an indictment should have been issued?

Mr. JAVITS. In the Ouachita Parish case, apparently a conspiracy was joined in by the white citizens council, or whatever the exact name is, with the registrar, to strike from the registration rolls the overwhelming preponderance of Negroes in that particular parish. The action was very successful. Some 3,200 names were stricken from the list, leaving only about 600 of a possible 4,000 Negroes who were registered.

Mr. LONG. I believe that if the Senator from New York will review that case, he will find that there was no conspiracy, and that the only criminal act involved in the case was that in the challenging of registered voters who were not properly qualified in some instances, the persons who made the challenges in some cases did not have actual, firsthand knowledge of the qualifications of certain of the voters whom they challenged.

Mr. JAVITS. Ten parishes were investigated. Only three were taken before the grand jury. I have read to the Senator the statement that the grand jury did not want to hear testimony concerning three parishes. If the Senator wishes to argue with the written assertion by the Attorney General, I am sorry.

Mr. LONG. With regard to the cases cited, I agree that, in my judgment, in the Ouachita Parish case, persons were challenged who should not have been challenged, so far as their qualifications as voters were concerned. I personally disapprove of the incidents in which certain persons were challenged as voters in Ouachita Parish who should not have been challenged. But that is the only case, to my knowledge, in which persons had been challenged when there was no basis for challenging them as voters.

I have some familiarity with the Grant Parish case. There were certain requirements of State law concerning registration. Any citizen in the State, whether he was black or white, had a right to challenge any other person who had not properly supplied the information required before voting. In that case, the Attorney General did not say that when the registrar sent the letters required by law to the persons who had been challenged—I believe of 800, all but 200 presented themselves and identified themselves, as required by law—and they were immediately put back on the registration books. Practically none of those who presented themselves to support their qualifications was left off.

I doubt if the Senator will find in that instance that people were challenged who had correctly filled out the forms and were qualified to vote in the State.

I do not like the strict-qualification voting laws. One reason is that I usually run very well among those who are in the lower brackets, economically speaking, and among those who perhaps may not have had the opportunity to have a better education. On the other hand, I recognize that while the laws exist, citizens have the right to challenge the qualifications of other citizens.

In not a single case had an order been issued by a judge ordering the registrar to register those persons. Had that been done, I rather doubt that the Senator from New York would have had any case to make on the floor of the Senate.

Mr. JAVITS. I would not undertake to put the Senator from Louisiana to his proof with respect to his own particular State. I do not think that is our burden. I think our burden is to show from the basic evidence that in a number of States, including Louisiana, the criminal laws on the Federal statute books, as they relate to this case, are ineffective. We do not have to prove every case. I would not wish to embarrass the Senator from Louisiana, if I could. Perhaps the Senator is correct about the facts concerning a particular parish. But I think it is our responsibility to bear a burden of proof, and I think we are bearing it very well.

The Senator himself has testified to the situation in that parish. I only give the details with respect to three instances, and state why the criminal laws bear out the Attorney General's statement that apparently the criminal statutes are too harsh. They come after the fact; they are ineffective.

That does not have to insult anyone. It does not mean anyone is wrong. It means there is an ineffective remedy upon the books, and we who believe that voting rights should be granted are asking for more effective assurance of those rights.

Mr. LONG. May I suggest that the Senator see if he can carry the burden of proof and show that there is any case in America in which, after a Federal court has issued an order that a person shall have a right to register and vote, the order has been defied?

Mr. JAVITS. If the Senator is going to take that stand, the Senator is apparently yielding the whole case, for the reason that if Federal orders will be obeyed, and there are enough wrongs being committed to deserve the intervention of Federal decrees, we are absolutely right in what we are doing, we are doing what we ought to do, and we ought to win, hands down.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CARROLL. A few minutes ago I suggested to the distinguished Senator from Mississippi [Mr. EASTLAND], who is chairman of the Committee on the Judiciary, that the Senator obtain from the Attorney General facts on certain parishes which were investigated in Louisiana. We were talking about these very cases. The cases in three of the parishes went before a grand jury; seven did not. I said that it seemed to me the Senate was entitled to the facts in those cases, because they were investigated by the Department of Justice and the FBI. The demand is now being made. If we cannot obtain the information by means of a letter of request sent to the Attorney General, it is my position that the Department of Justice should, on its own initiative, submit the information and the facts to the Senate. If the information does not come to the majority members of the Committee on the Judiciary, it seems to me the minority leader should move, on his side of the aisle, to determine whether the Attorney General is willing to provide the Senate with the facts in those cases. The case in Ouachita Parish, which was outlined in the committee hearings, provides ample evidence of what is occurring. But let us get the facts in regard to the other nine parishes. We have also asked for the facts regarding the situation existing in all the States.

Coming from Colorado, I do not know about the operation of the white citizens' councils. But if there is a need for legislation, the legislation enacted should be meaningful.

I agree with the Senator from New York that civil-rights legislation must be effective. When the American people are presented with the facts, I think they will dissipate the fog which has enshrouded this debate.

Mr. HUMPHREY. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. I yield.

Mr. HUMPHREY. I hope the Senator from New York and the Senator from Colorado will make their request of the ranking member of the Judiciary Committee on the minority side, the distinguished Senator from Wisconsin [Mr. WILEY], who is in the Chamber. It seems to me the information obtained by the Department of Justice should be available to the Senate. Otherwise, the debate will occur on a rather theoretical basis, with the proponents of the bill believing that certain facts exist, and with the opposition believing that other facts exist, but with no documents to indicate what the real facts are.

I hope this matter will be pursued, because it is an essential part of the debate.

I should like to observe that repeatedly during the debate the opponents of the civil-rights bill—and it is a very reasonable and modest civil-rights bill—have talked about denying the right of jury trial in a civil contempt or in a criminal contempt case. That amounts to setting up a political strawman, with very weak straw for its proverbial legs, and then politely knocking it over. There has never been a jury trial, so far as I know or so far as other Members of the Senate know, in a civil contempt matter. When it comes to criminal contempt, there have been jury trials only in certain areas as to which the Congress has legislated, and even then there has been careful scrutiny by the Supreme Court. I believe the decision in the Michaelson case was one which went into that particular matter.

So here the opponents of the bill are trying to set up, by clever strategy, a strawman which those of us who favor the kind of Federal protection provided by the bill in the case of the right to vote say never existed. Such an argument is similar to arguing that everyone is a millionaire, and that when a thief threatens to take away any man's money, he is entitled to cry, "I have been robbed of a million dollars," whereas he did not have a million dollars in the first place.

I respectfully submit to the opponents of the bill that the burden of proof rests upon them.

First of all, the 15th amendment enables the Congress to provide remedies by way of legislation to protect the right to vote. There are two kinds of remedies—preventive and punitive. In this case, we are seeking to use preventive remedies, so as to prevent the commission of an act which would result in the denial of an individual's right to vote. Then, if the person persists in denying that right, the matter of criminal contempt comes into the picture, if the judges decide there is willful violation or willful resistance of the court's order. And then the question of punishment arises.

But I submit that the opponents have set up a straw man which, I may say, is consumed by the facts.

Mr. McNAMARA. Mr. President——

Mr. LONG. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. Mr. President, I should like to suggest that as soon as I can start to develop my argument, I shall call attention, in the RECORD, to specific cases, in addition to the Louisiana cases, in which the right to vote has been denied and in which the present remedies have been found to be completely ineffective.

At this time I yield to the Senator from Michigan [Mr. MCNAMARA], who has been waiting for some time.

Mr. McNAMARA. Mr. President, I thank the Senator from New York for yielding to me.

Mr. President, in the last few days there has been much debate in the Senate about the stake organized labor has in the so-called jury-trial amendment.

Others have as much right to speak for organized labor as I have; but I should like to quote from the AFL–CIO executive council official statement on civil rights legislation, dated May 21, 1957. It is as follows:

> Civil rights legislation is a must for the 85th Congress. It must not be permitted to die again in 1957—as in years past. Results are still possible this year—but only if decisive action is taken without further delay.
>
> The AFL–CIO endorses without reservation H. R. 6127.

H. R. 6127, Mr. President, is the pending bill.

A little later statement continues, as follows:

> The anti-civil rights forces this year have injected two new phony issues—

Mr. President, I am quoting from the official statement of the AFL–CIO executive council—

1. They are shedding crocodile tears for the violators of civil rights court orders because such violators would not be guaranteed a trial by jury. But they carefully ignore the fact the proposed law is entirely consistent with 28 other laws and with basic constitutional guaranties. They know that their demand for trial by jury in civil rights cases is designated to guarantee violation of court orders with impunity. They know all the teeth of the proposed law would be removed by the addition of a "trial by jury" amendment.

The statement concludes with the following:

The AFL–CIO calls upon the 85th Congress once and for all to break the civil rights roadblock. Let 1957 be the historic year.

Mr. President, that statement is the official statement of the AFL–CIO executive council; it is its most recent statement on the civil-rights matter.

I hope my reference to the statement will make a contribution to clearing up the question as to the position of organized labor on this matter. I ask unanimous consent that the entire statement be printed at this point in the RECORD, if I may have the permission of the Senator from New York to have that done.

Mr. JAVITS. Certainly

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON CIVIL RIGHTS LEGISLATION, MAY 21, 1957

Civil-rights legislation is a must for the 85th Congress. It must not be permitted to die again in 1957, as in years past. Results are still possible this year, but only if decisive action is taken without further delay.

The AFL–CIO endorses without reservation H. R. 6127, the bill finally reported out by the House Rules Committee, even though we prefer stronger action. H. R. 6127 is a minimum, but a meaningful, bill which has bipartisan support. It is based upon recommendations of President Eisenhower and former President Truman. Democrat EMANUEL CELLER and Republican KENNETH KEATING, ranking members of the House Judiciary Committee, both deserve credit for steering it through to the floor.

On the Senate side, the situation is much too familiar. Chaired by Mississippi's Senator EASTLAND, the Judiciary Committee has failed for many weeks now to vote-out a similar bill which the subcommittee under the chairmanship of Senator HENNINGS, Democrat, of Missouri, earlier approved. If filibuster tactics in committee persist much longer, ways can and must be found to secure Senate action without dependence upon the Judiciary Committee.

The anti-civil-rights forces this year have injected two new phony issues:

1. They are shedding crocodile tears for the violators of civil-rights court orders because such violators would not be guaranteed a trial by jury. But they carefully ignore the fact the proposed law is entirely consistent with 28 other laws and with basic constitutional guaranties. They know that their demand for trial by jury in civil-rights cases is designed to guarantee violation of court orders with impunity. They know all the teeth of the proposed law would be removed by the addition of a trial-by-jury amendment.

2. They are prepared to offer a "right-to-work" amendment to the civil rights bill. This is just as phony and intended only to divide the liberal forces, who resist a "right-to-work" amendment because they know its one purpose is to destroy the labor movement. The Congress must not permit this transparent tactic to work if there is to be any civil rights legislation at all.

The President has asked for civil rights legislation. Both political parties say they are for it. The great majority of the American people certainly support it. The time for statements and pledges is long past. The time for action is here.

The AFL–CIO calls upon the 85th Congress once and for all to break the civil rights roadblock. Let 1957 be the historic year.

Mr. CASE of New Jersey. Mr. President, will the Senator from New York yield to me?

Mr. LONG. Mr. President——

Mr. JAVITS. Mr. President, I am very glad the Senator from Michigan has read those excerpts from the statement, because I think the effort to induce laboring people to join behind the jury-trial amendment is only an effort further to confuse and divide those who favor this bill. In a few minutes I hope I shall be able to develop that thesis further.

At this time I yield first to the Senator from New Jersey, and then I shall yield to the Senator from Louisiana.

Mr. CASE of New Jersey. Mr. President, I appreciate the courtesy of the Senator from New York in yielding to me.

I wish to reemphasize a point made by the Senator from Minnesota. [Mr. HUMPHREY]. The opponents of civil-rights legislation have been very skillful in their public relations throughout the entire debate, and at no time have they been more skillful than in their attempted use of the jury-trial amendment. They have for the moment seemingly placed the burden of proof with respect to the point that a jury trial should not be allowed upon those of us who favor part IV of the bill and the injunctive remedy which would be given to those who are deprived of their voting rights under the Constitution.

But the real point is this: We have to establish—and I agree that we must—the fact that voting rights have been denied. If any Member of the Senate or anyone else in the United States doubts that voting rights are denied Negro citizens in the Southern States, let him say so seriously. That burden has already been met, and it is the only burden which needs to be met, because that proves that more remedies than those which exist or those which have existed in the past 75 or 80 years are necessary.

The question is: What additional remedies shall be provided? In this situation, Mr. President, what could be more natural than the mild, but effective, remedy of preventive relief, which historically is available to the Government whenever the Congress says it should be available.

Then the question arises: Shall there be preventive relief—as it has been granted to the United States in other areas—in the same form, or should restrictions be placed upon it?

The opponents of the bill argue that preventive relief should be restricted by making provision for a jury trial. The point is that in no case, except in certain areas involving labor disputes, has a jury trial ever been provided in preventive relief or injunction suits brought by the United States, and then only when by a preponderance of the evidence it became clear to the Congress that injunctions were abused. But no such proof has been presented in this case.

Until that burden of proof is borne by those who seek to have a jury trial amendment adopted as a part of the pending bill, they have no standing before the bar of public opinion or the bar of the Senate in making the claim that a provision for a jury trial should be incorporated as a part of the pending bill.

The burden is upon them, as the Senator from Minnesota so well established, and we should keep it upon them. To the contrary, the fact is, as amply demonstrated by the evidence in the record of the hearings before the Judiciary Committee of the Senate and the Judiciary Committee of the House, and the material put in the RECORD day after day by those of us who favor the proposed legislation, that southern juries will not convict.

The attorney from the State of Louisiana, as of counsel in the Clinton case, after the jury in the Clinton case, which is not in the Deep South, convicted some of the defendants, said this: "There won't be any convictions by juries in segregation cases in the South." This statement is made again and again and again.

So the Alice-in-Wonderland story that is attempted to be foisted on the American people by the opponents of the pending legislation simply will not stand up. Through the fog of talk, talk, talk, there is an attempt to foist on the American people the idea of a deprivation of the right, which never existed, to a jury trial. The burden is on them to show a prospect of abuse in the Federal courts, and there is no prospect of it, which will justify our interposing, between the court and the people, a jury—which would be contrary to all practice, contrary to all sound jurisprudence, contrary to the constitutional rights of citizens, and contrary to the constitutional provision which states that the judicial power of the United States shall be vested in a Supreme Court and such inferior courts as the Congress may establish.

Beyond all that, we have demonstrated a need for this remedy. We have demonstrated this is the right kind of remedy; that injunction suits brought by the United States should not be subject to jury trial except in case of abuse, and there is no showing of abuse; that if jury trials were allowed, it would destroy the remedy and we would be doing a futile act. We would be destroying the jurisdiction of the courts and the dignity of the courts in all injunction suits.

I thank the Senator for having yielded to me.

Mr. JAVITS. Mr. President, I have rarely seen the Senator from New Jersey so exercised as he has just been. I think his feeling is very understandable, in view of the fact that an effort is being made to make a silk purse out of a sow's ear. I do not believe it can be done with the jury trial amendment. If it is done, it will be the fault of those of us who are in favor of the proposed legislation and who somehow cannot break through the long discussions and let the American people see clearly. It is my deep conviction the people of the United States will see the point, and do see it now. I think we will be contributing to the very best interests of the people of the country, as well as carrying out their overwhelming opinion, if we defeat the amendment.

Mr. LONG. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LONG. I submit there could be no more erroneous statements than those which have just been made by the Senator from Minnesota and the Senator from New Jersey, much as I admire them. They have attempted to show we are trying to fight for some right which a man does not have. A citizen does have a right to a trial by jury. An attempt is being made to enact a law which will take that right away. It is said a provision can be found in some phase of the Taft-Hartley Act under which a situation can be held in status quo for a while until the judge can decide the case; that it can be found under the power of the Federal Trade Commission; and so forth.

We are talking about a situation where a person has a right to a trial by jury. If a person is denied voting rights, there is a remedy available at law. There is both a civil and a criminal remedy available.

The argument is made quite clearly that southern juries will not convict; therefore southerners should be denied the right of trial by jury. That is one of the fearful things being sought. The Senator from Minnesota has said we are talking about the right of a man, who never had a million dollars, to sue for his million dollars. Not at all. A man has his right to a trial by jury now. He has a right to go into court. He has a right to sue in court. He has criminal procedures available, too.

It is being urged that the Attorney General should be in a position to file a suit for a man and get an injunction in his favor. Under the O'Mahoney-Kefauver-Church amendment, if an injunction were granted and a registrar did not register a person, the judge could lock up the registrar. If the judge wanted to go beyond that point and punish the registrar more severely, the defendant would have a right to a trial by jury. That is the issue before us at the present time.

The Senator from New Jersey has said, "Look at what Mr. Shaw said. Mr. Shaw works for the State of Louisiana. He is an attorney there. He says southern juries won't convict." Yet Mr. Shaw defended persons at the Clinton, Tenn., trial and his clients were convicted, and they are going to jail.

I hope my attorney does not give that kind of advice and tell me I will go free, that I need not worry and that southern juries will not convict, and then the next day have a jury bring in a verdict finding me guilty.

Several Senators addressed the Chair.

Mr. JAVITS. Mr. President, I decline to yield.

Mr. HUMPHREY. Mr. President, will the Senator permit me to reply to the statement made by the Senator from Louisiana about the good judgment of some of our arguments?

Mr. JAVITS. It seems to me that where we have erred is in permitting ourselves to be distracted by those who will never be convinced, so if Senators will permit me, instead of allowing capital to be made out of that method, let us talk to the majority. We are never going to convince the Senator from Louisiana. He repeats the same arguments. They are answered again and again. We are using our Senate troops, guns, and words in an area where they will do little good.

Mr. HUMPHREY. Mr. President, will the Senator permit me to have 30 seconds to tell the Senator the truth?

Mr. JAVITS. Yes.

Mr. HUMPHREY. There is not a single remedy in any law that exists which will be denied by the proposed legislation. There is but one additional new remedy provided; namely, that the Attorney General may, if he deems it wise, after he has examined the evidence, go before a Federal judge, present the evidence, and see if he can convince the Federal judge whether he should issue an injunction to restrain a person from denying another person of the right to vote. A person can still go into court. He can still have the right of trial by jury. I say, with affection and extreme regard for my friend from Louisiana, not one single remedy is denied. One more is added. The reason for it is that it is needed. Until the Senator can prove it is not needed, he has no case.

Mr. JAVITS. The Senator from Minnesota is absolutely right.

Mr. LONG. Mr. President, will the Senator yield?

Mr. JAVITS. I am sorry. I cannot yield any further. I do not see that we are adding anything to the discussion. I shall yield as soon as I develop my argument to some extent. I have been on my feet for a half hour, and I have hardly gotten started.

I should now like to say a few words to the majority, because we believe, and I believe, the vote by which the bill was put on the calendar showed, there is a majority that wants the civil-rights bill passed.

I think it is fair to say, for myself and any other Senators who are devoted to the bill, that to agree to the O'Mahoney-Kefauver-Church amendment would not only gut the pending bill, but would impair the entire range of Government activities in the fields of antitrust, fair labor standards, atomic energy, security laws, National Housing Act, with no thought, no study, no consideration of the effect on national security or of the effect on Government policy. It comes down to the fact that we would be doing that because the opponents of the proposed legislation are engaged in a last-ditch, desperate effort to compromise and water down even the right-to-vote safeguards of the civil-rights bill which heretofore even opponents of the original bill said they favored. I think that is a very interesting development.

We are now beginning to see a procession of people who favored the striking out of part III of the bill, but who are now arguing deeply and devotedly against the jury-trial amendment, but they are not being listened to.

We start with the statement of the President. The President of the United States was very clear upon this point, when he said, and I quote from his statement of July 16, which he stuck to thereafter in his press conference, the legislation should seek—

> To protect the constitutional right of all citizens to vote, regardless of race or color. In this connection, we seek to uphold the traditional authority of the Federal courts to enforce their orders. This means that a jury trial should not be interposed in contempt-of-court cases growing out of violations of such orders.

This morning I asked unanimous consent to have printed in the RECORD a similar statement from the New York Times, in which the position was taken that it is time to stop compromising. There was also printed in the RECORD today a statement from the Washington Post, which asked Senators to vote against part III, at least in substantial part, and now is very firm upon the matter of voting against the jury-trial amendment.

Mr. President, I now come to the fundamental point, which I think the majority of those who want a civil-rights bill had better bear in mind very closely. I think we are observing the plan of the opponents of this proposed legislation, to achieve its creeping defeat by a series of attacks on its vital provisions, seeking to justify every attack by high moral-sounding reasons, but having a fatal final effect.

Mr. President, I can see looming in the distance a situation when they will confront those who are the devoted proponents of this bill, and say, "There is so little in the bill, what is the use of voting for it?" I think that is exactly the abyss which is being dug for us by those who proceed in this manner on each individual issue.

It is said, "Part III is no good, for many reasons. The jury trial provision is good, for many other reasons."

Then the opponents will come to the commission provision, and they will say, "That is no good, for many other reasons. There ought not to be a subpena power. The appointment of the director ought to be confirmed by the Senate." And so on.

Then will come the statement, "What is the use of having the extra expenses of a Civil Rights Division in the Office of the Attorney General? There are many lawyers there now."

Mr. President, before this process of whittling down is concluded, a process of taking each particular issue and try-

ing to marshal a coalition to defeat it, we will be left with no bill.

It is my deep conviction that we stand now at the brink, and, unless we can defeat this jury trial amendment, we are in grave danger of seeing this whole piece of legislation wrecked, although its presence upon the Calendar and before the Senate afford an historic opportunity to enact it. We are in grave jeopardy, and unless we can defeat this move we almost guarantee that the bill will go down the drain. We must defeat the present attack, which is made under the guise of very specious and completely unsound arguments for a jury trial amendment.

Mr. President, I appeal especially to those who voted to strike part III of the bill and who affirm their determination to stand fast on part IV of the bill as is. This is the time to prove it. It is vital to stop the jury trial amendment if we are to have any substantial bill.

I think we must tell the opponents of the bill—and that is what they are, with all due respect—that we will retreat no more, that we will stand united against further parliamentary gimmicks to split us, and that we will stand by the basic and elementary purpose of the bill, which is to give a group of decent human beings equal rights as American citizens, to which they are entitled, and which they have been denied in many places because of race or color.

Mr. President, we now come to the proof. I think this is very important. Time and time again we get into diffused arguments which are not based upon proof.

Let us take perhaps the most signal example in the entire South of a denial of voting rights, which I think is found in the State of Mississippi. We have the statement of the Governor of Mississippi, made as recently as June 21, 1957, to rely on, and I wish to quote his statement from the State Times of Jackson, Miss., to the following effect:

> Governor COLEMAN. I do not think Negroes are ready to vote in Mississippi at this time. However, I am not speaking of the future.

What kind of governmental policy can we expect when the Governor of a State says that a whole body of citizens, representing a large proportion of the population of that State, is not ready to vote? Indeed, a pretty good job has been done in Mississippi to see that they do not vote.

As my colleague the Senator from Illinois showed by the documents and figures he had printed in the RECORD, with a total of almost 500,000 Negroes who are potential voters in the State of Mississippi only about 8,000 voted in the 1954 election. This voting record is in accordance with the views and determinations of the Governor of the State.

Mr. LONG. Mr. President, will the Senator yield?

Mr. JAVITS. If the Senator will permit me to finish my point, then I will yield.

I have a few other instances to recite, Mr. President. The record of the hearings before the Subcommittee on Constitutional Rights is very illuminating, if we will but examine it.

I should like to refer to the pages of the record which carried the detailed statements of the Attorney General of the United States as to unlawful denials of the right to vote in a number of States. The first one of these appears at page 5, and relates to the unlawful denial of the right to vote in certain counties in North Carolina; namely Camden County, Brunswick County, and Greene County. In respect to the latter county, Greene County, the registrar used as a standard for making Negroes eligible to vote answers to such questions as, "Give a definition of primary and general elections." I doubt if many lawyers could do that to the satisfaction of the registrar.

I continue to quote:

> To state whether they were members of the NAACP, and whether they would support the NAACP should that organization attack the United States Government.

And so forth. Next is the key sentence:

> White applicants were required to answer no such questions.

In addition, to the surprise of even the distinguished Senator from North Carolina it was found that some registrars, at least, were applying the grandfather clause, which the Senator from North Carolina had said was declared unconstitutional by the Supreme Court of his own State. However, this clause was still being applied.

That brings me to my next point. What we are seeking to do is to deal with the situation in those back county areas which are not on the main stem, and which are, if we can so characterize them, behind the times, where these grave injustices are still perpetrated. I think that is the essence of our case. That has to be very clearly understood, for if it is not understood, then our whole case fails.

It is one thing to talk about the registration in Atlanta or in some other large city, and the actions of juries, grand juries, judges, and the whole panoply of justice in those areas, but it is another thing to talk about the back county areas, where the greatest injustices are committed, where the least amount of Negro voting occurs, and where the greatest amount of discrimination takes place.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. JAVITS. If the Senator will indulge me a moment, I will yield to the Senator, since I mentioned his State.

I think what I have brought to the Senator's attention is vitally important. That is the essence of the whole discussion we are having. We are trying to reach an agreement on the counties of the areas which are behind the times, where the system operates in this manner: There is discrimination practiced and various means are employed to frustrate the opportunity for voting rights. In the very same areas there is a feeling for white supremacy which also affects the juries and the administration of justice. The society, the mores, the economics of a community somehow or other are involved, and there must be some means for breaking through the system. Indeed, the Senator from Georgia called it the system of the separation of the races in the South, and inveighed against any effort to disturb it. So we have the word of the Senator from Georgia, on the floor of the Senate. In addition, we have all kinds of evidence that such is the system.

The bill we have under consideration is designed to find some method for dealing with that system. All the fine-spun legal arguments which are made here should not be permitted for a moment to make us forget the real difficulties which are encountered and the load of human misery involved. Everyone knows about the great disorders which have taken place, for example, in Montgomery, Ala., in connection with the boycott by Negroes of segregated buses. Those disorders involved bombings and killings, but juries refused to indict and refused to convict.

This is the United States of America. Are we to be asked to shut our eyes to such situations because we become confused by wool-gathering legal discussions on the floor of the Senate?

One further point, and then I shall yield to my friend from North Carolina.

I have noticed with the greatest interest the fact that in the State of Alabama there has been considerable controversy about voting by those who are professors or students at Tuskegee University. Indeed, a State law has been passed to exclude those who attend college or teach at Tuskegee from voting in the municipal elections of that municipality, by a form of redistricting which is called gerrymandering.

If the fact that an express effort was made to exclude about 400 Negroes from voting because their votes would have a material effect on the municipal election were not proof enough, I think this is the clincher:

The attorney general of Alabama obtained an injunction against the National Association for the Advancement of Colored People in June 1956, barring that organization from operating in Alabama on the ground that it was not legally registered as a foreign corporation, and therefore was not qualified to transact business in the State.

The injunction led to a court order—not a verdict by jury—levying a $100,000 fine against the NAACP for refusing to turn over certain of its Alabama records which the court had ordered turned over for inspection by the attorney general.

The attorney general of Alabama is now engaged—and the newspapers say so every day—in making an investigation under the antiboycott laws of the State of Alabama, under which people have been punished already in connection with the bus boycott in Montgomery. He is engaged in making an investigation of tradesmen and other people in the Tuskegee area, on the ground that they are boycotting local merchants.

Do we hear anyone arguing here that people who are held in contempt of the injunction against the NAACP or the injunction which will undoubtedly result from the other investigations of the attorney general of Alabama, are being denied their rights because they are to

have no jury trial? They are to be held in contempt, without any jury trial whatever, under the laws of Alabama. Of course we hear no such argument.

If anything, in my view, shows the complete speciousness of the argument which is being advanced here about jury trial, I think that is it. The Southern States cannot get away from the proposition that in respect to the question of jury trial, they do not practice what they preach. On the contrary, in Southern State after Southern State there is no jury trial for civil or criminal contempt; it is the Southern States which have led all others in holding that any effort to accord a jury trial would be unconstitutional, under the constitutions of these States. That is a solid, irrefutable fact, and no amount of legal argument, including the arguments of the distinguished Senator from North Carolina, who did his best for the North Carolina statute today, can get away from it.

We have seen what has happened in Alabama, and we know what is likely to happen in the future. Any fair-minded man who votes for the jury-trial amendment will rue the day he did when he sees what will happen in Alabama and in other States, as a result of injunctions, without a jury trial.

Mr. LONG. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LONG. Is the Senator arguing that the persons connected with the NAACP in Alabama should not have the right of jury trial for criminal contempt in Alabama?

Mr. JAVITS. The Senator from New York is not arguing any such thing. He is only pointing to the existing law and the existing practice.

Mr. LONG. I believe the Senator was saying that it was his understanding that those associated with the National Association for the Advancement of Colored People might very well be prosecuted, without the right of jury trial, in Alabama.

Mr. JAVITS. That is correct.

Mr. LONG. Does the Senator contend that that is a good thing?

Mr. JAVITS. They would be prosecuted for contempt, without a jury trial. Incidentally, the NAACP says that it is perfectly satisfied with that rule if it is as broad as it is long—if it is applied with equality.

The NAACP is perfectly happy to go to the Supreme Court of the United States—where it is now—to contest the situation. Those are not my words. The NAACP says so itself. It is playing the game fairly. I would like to see it played fairly here.

Mr. LONG. So far as I am concerned, a colored man in Alabama should have the right of trial by jury if he is accused of a crime in Alabama—and criminal contempt is a crime in Alabama.

Likewise, a white man in any other State should have the right of trial by jury if he is accused of crime. One wise decision handed down by the Supreme Court was to the effect that in a Southern State there could not be a proper trial by jury of a colored man on trial for his freedom if colored jurors were systematically excluded from the panel. He had the right of having people of his own race considered as potential jurors, along with everyone else. He was on trial for his freedom.

Mr. JAVITS. We will go into the question of the systematic exclusion of Negroes from jury panels. Let me say to the Senator that the NAACP, in my view, is to be highly complimented for not losing its head. If it had lost its head, civil-rights legislation would not be before us now.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. ERVIN. I merely wish to say to the distinguished Senator from New York that the proceedings in Greene County, N. C., in which the questionnaire to which the Senator from New York referred was involved, affords a good example of why it is not necessary to enact this provision. The people of North Carolina are able to conduct their own affairs.

The events to which the Senator from New York alluded occurred in May, 1956, during the registration for the primaries.

On May 5, 1956, the NAACP reported the questionnaire matter to the North Carolina State Board of Elections. On May 7, 1956, 2 days later, the North Carolina State Board of Elections called the matter to the attention of the County Board of Elections of Greene County, and 3 days later, on May 10, 1956, the Greene County Board of Elections corrected the situation. All this appears on pages 522 and 523 of the hearings before the Subcommittee on Constitutional Rights of the Senate Committee of the Judiciary. Within a period of 5 days this situation was corrected by administrative remedies under North Carolina law.

There is no occasion to pass the bill so far as North Carolina is concerned. Indeed, there is no excluse for passing it.

I submit it is absolutely immaterial what the laws of the States are with respect to contempt. We are Federal legislators, and not State legislators. Therefore the argument which is made in that connection is like the flowers that bloom in the spring. It has nothing to do with the case.

Furthermore, in several of the Southern States, such as North Carolina, there is the right of trial by jury on all issues of fact in injunction cases, as well as in all other cases. Therefore the possibility of using civil contempt proceedings to enforce judgments cannot arise in such States until there has been a jury trial settling all the issues of fact on the merits. The only question that could arise thereafter would be the question of whether the accused had complied with the order of the court.

Mr. JAVITS. I could not agree with the Senator less and I shall explain why.

As to his first proposition, he can undoubtedly tell me exactly the place in the RECORD where he said he did not know that anyone was applying the grandfather clause in North Carolina, and deprecated that fact with respect to one of the other counties.

The Senator probably has read the RECORD, and knows it thoroughly, and therefore can undoubtedly key himself to that particular observation.

As to his latter point, with respect to a trial by jury on the issues in an injunction case, we are talking about contempt proceedings, and in a contempt proceeding there are many issues of fact. In a contempt proceeding there is no trial by jury in the State of North Carolina upon the issues of fact—and no amount of argument about a trial by jury on the issuance of an injunction is going to cure that vital defect in the Senator's argument.

Mr. ERVIN. North Carolina has never yielded to the temptation of perverting equity proceedings from their proper sphere for the purpose of enforcing the criminal law and depriving litigants of the right of trial by jury.

I should like to make one more observation in respect to the Brunswick County case, to which reference has been made in connection with the grandfather clause. The record of the hearings before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, shows that that matter was reported to the North Carolina State Board of Elections on May 23, 1956, and that within 6 days thereafter, namely, on May 29, 1956, the complaint had been corrected by administrative proceedings under North Carolina law. This shows that North Carolina administers its election laws in a fair manner and does not need a law passed which would again attempt to reconstruct it 92 years after the last Confederate soldier laid down his arms.

Mr. JAVITS. It is surely amazing to me that North Carolina had to wait until the Attorney General of the United States and the FBI looked into the situation in order to discover that someone in some county was using the grandfather clause and was asking questions about the NAACP. That all bears out what we are arguing here, that even in a State which has a pretty good record—and North Carolina does have a good record in comparison with the State of Mississippi—there are still some vestiges in the back counties, which we are complaining about, and which only come to light when the United States Government or someone in high authority decides to investigate it.

Mr. ERVIN. If the Senator will yield further, I should like to say that the Senator is jumping to a conclusion which is not supported by evidence.

This matter was not called to the attention of the State Board of Elections of North Carolina by the Attorney General. It was not called to the attention of the State Board of Elections of North Carolina by the FBI. It was called to the attention of the State board of elections by Charles A. McLean, a resident of North Carolina, who was the field representative of the NAACP.

So far as the Attorney General is concerned, he testified to inferences allegedly based upon FBI reports relating to these matters. When I asked him to produce the FBI reports, so that the committee might determine whether his inferences were correct, he refused to do so.

I took the position that I did not think his conduct with reference to the use of FBI documents for the purpose of inducing legislation was what the English would call cricket; and that I believed whenever the Attorney General came before a committee and used alleged inferences based on confidential FBI reports, to induce legislation, those reports ought to be produced before the committee, on the ground that the reports had lost their confidential status as a result of his conduct. To date no one has seen those reports.

Mr. JAVITS. I hope the Senator will support a measure which will come before us shortly to limit the use of FBI reports even in cases where a man will be tried before a jury.

Secondly, it seems to me that what the Senator has stated demonstrates that the cases cited by the Attorney General were correct. The only thing the Senator from North Carolina has produced is the fact that those situations were corrected, in other words, the facts were admitted.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CLARK. I have listened with a great deal of interest to the colloquy among my good friend, the Senator from New York; my good friend, the Senator from Louisiana; and my good friend, the Senator from North Carolina. I am glad that the Senator from New York has brought the discussion back to what we are talking about today, which is some way of enforcing the constitutional rights of the Negro citizens of the United States, particularly the right to vote.

I should think that before we get into a high-spun discussion about motivation, or who is responsible for not having a jury trial in Alabama or Louisiana or North Carolina, we who oppose the jury-trial amendment are entitled to ask our good friend from Louisiana and our good friend from North Carolina to explain some facts placed in the RECORD by the distinguished Senator from Illinois [Mr. DOUGLAS], first on the 10th of June and again on last Friday.

Taking first the situation in North Carolina, and what my good friend from North Carolina said about the voting statutes in the State of North Carolina being well applied in his State, we find this quotation at page 12794 of the CONGRESSIONAL RECORD, as it applies to the State of North Carolina:

> In North Carolina, as in other States with literacy laws, the registrar has considerable latitude. He can have the applicant copy indicated sections of the State constitution or he can dictate. * * * It takes a white man only a few minutes to get registered, but it may take an hour for a Negro. Actually, the latter is given an academic rather than a literacy test. In this county, the tests are tough and the literacy rate low, which doubly handicaps the Negro. The tests given here actually require an interpretation of law.

I turn now to the various counties of North Carolina, as set forth in the June 10th insertion in the RECORD made by my good friend from Illinois. According to the figures shown at page 8612 of the CONGRESSIONAL RECORD of June 10th, in Cumberland County the potential Negro voters in 1950 were 14,275. Only 1,200 Negroes were registered. In Hertford County, there were 6,210 potential Negro voters in 1950; only 700 were registered. In Hoke County, 4,201 potential Negro voters, but only 385 registered Negro voters. In Mecklenburg County, there were 29,472 potential Negro voters in 1950, and 8,075 Negroes registered. In Wayne County, there were 15,141 potential Negro voters, and 1,500 registered. In Wilson County, 10,964 potential Negro voters, and 1,500 Negro voters registered.

I suggest those facts for the consideration of those who raise the question whether my good friend from North Carolina is right when he says that the voting laws of the State of North Carolina are being properly interpreted in the light of the Constitution of the United States and the 15th amendment to the Constitution.

I have similar facts and figures with respect to Louisiana. I thank my good friend from New York for having yielded to me.

Mr. ERVIN. Mr. President, will the Senator from New York yield so that I may answer the statement of the Senator from Pennsylvania?

Mr. JAVITS. I yield.

Mr. ERVIN. I would say that, so far as North Carolina is concerned, I do not know where the distinguished Senator from Illinois obtained his figures. The North Carolina State Board of Elections has told me that it is impossible to tell how many white people and how many colored people are registered in North Carolina. This is true because in North Carolina the registration books do not disclose the race of registrants.

However, I would say that North Carolina has a colored population of more than a million people. The hearings before the subcommittee show that last year the NAACP made diligent investigations in respect to such matters and filed only 29 complaints in respect to voting matters in North Carolina. That is a pretty good record for any State.

Figures are very deceptive things. When they are used in lieu of evidence, they always remind me of a story which had its origin in the South Mountain section of my county. A South Mountaineer had bought groceries on credit for a long period of time. Finally, he went to the grocer and asked for his bill. The grocer gave him his bill. The man thought the bill was higher than it ought to be, and made complaint accordingly.

The grocer laid his account book on the counter and said: "Here are the figures. Figures don't lie."

The customer said, "I know figures don't lie, but liars sure do figure."

Not only do liars figure, but honest men also figure.

By exercising the mental process used by the persons from whom the distinguished Senator from Illinois got his information I could take the census figures of North Carolina and assert that those figures show that at least 900,000 of the 1,700,000 white adults in North Carolina are disfranchised and not allowed to vote.

The truth is that North Carolina is, in large part, a one-party State. It is a one-party State because the Republican Party, in 1867, passed the Reconstruction Acts and undertook to reconstruct us, just as is attempted to be done by the pending bill.

There were two strong political parties in North Carolina before what Dr. Collier Cobb, my geology professor, aptly called the un-Civil War. These were the Democratic and Whig Parties. But as a result of the efforts of outsiders to reconstruct us, most North Carolinians affiliated themselves with the Democratic Party. Consequently, in a large part of the State there is a one-party system. There are scores of counties in which candidates on only one ticket run on election day. There is no incentive for the people in such counties to come out and vote under those conditions. Consequently, in the one-party counties only a small percentage of the population comes out to vote, and that applies both to the colored and the white people.

When Senators begin to deal with figures, they can reach up into the air and get figures which will prove anything.

Mr. CLARK. Mr. President, will the Senator from New York yield, that I may reply to the Senator from North Carolina?

Mr. JAVITS. I yield, to permit the Senator from Pennsylvania to reply.

Mr. CLARK. The figures from which I quoted were furnished to the Senator from Illinois by the Library of Congress, which in turn got them from the Southern Regional Council. They have been in the RECORD for more than a month. I think that if they were incorrect in any regard, our able and industrious friends who are opposed to the bill would by now have called to the attention of our colleagues the fact that they were incorrect.

Mr. ERVIN. Mr. President, will the genial Senator from New York yield again?

Mr. JAVITS. I yield.

Mr. ERVIN. The North Carolina State Board of Elections has said it is absolutely impossible for anyone to tell the number of white and colored persons who are registered in North Carolina, because the registration books do not disclose the race of registrants.

The Southern Regional Council, sitting in Atlanta, assumes that it can tell things which persons in North Carolina, who have charge of the matter, say nobody can tell.

Mr. CLARK. I shall await with great interest the answer of my good friend from North Carolina as to why there are so few Negroes registered in the particular counties to which I called his attention, the names of which, of course, he will have before him when he reads the CONGRESSIONAL RECORD tomorrow.

I think Senators are entitled to know the reason for the great lack of registered Negro voters in a State which, personally, I am glad to agree, has done far better than many of the other States in regard to Negroes voting. But it seems to me that on the basis of the record, we have pretty well sustained the burden that the voting laws of North Carolina

are not being enforced, at least in the counties to which I have made reference.

Mr. ERVIN. My answer to the Senator's statement is that the State board of elections of North Carolina says it is impossible for the Southern Regional Council to obtain any reliable figures about the registration by race in North Carolina, because that information is not carried on the books.

Mr. CLARK. I am certain that my distinguished friend from North Carolina is in as good a position as anyone else to state the situation with respect to the number of white and colored persons who are registered in the various counties of his State. I have no doubt that he will give us information which will indicate whether these figures are or are not correct.

Mr. JAVITS. Mr President, to continue with the catalog of cases in specific places, I call attention to page 78 of the hearings. At the foot of the page is a statement concerning the situation in Macon County, Ala., particularly at Tuskegee, to which I referred a few minutes ago.

This shows, for example, that, after the situation was investigated by the FBI, it was found that for a very long period of time there was not even a registration board. Hence, those who are registered remain registered, and those who are not registered—and they included Negro citizens—could not be registered, because there was no board, and none was appointed so as especially to block them from registration.

I call attention to an official absentee ballot for the general election of November 6, 1956, Jefferson County, Ala., contained in the hearings at page 292. The ballot carries the designations of the various parties. The first party listed is the Democratic Party, which has a picture and the caption "White Supremacy for the Right."

The next is the Republican Party, with the legend, "America First. GOP."

Then there is a column for the Independent Party. This is an indication of what has been referred to as the system of separation of the races in a number of the Southern States.

Mr. LONG. Mr. President, will the Senator yield?

Mr. JAVITS. Please let me finish with my catalog; then I will yield. I am afraid that what I am saying is beginning to be badly broken up.

At page 205 of the hearings are other examples quoted by the Attorney General with respect to the inadequacy of court procedures dealing with such situations as an election board which has not met for years to allow any new voters to register. It was found that election board members walked out of the room when a Negro citizen tried to register, so that there would not be a quorum of the board present.

These examples are particularly important, and I shall analyze what they mean in terms of injunctions which are issued, together with the application of civil and criminal contempt, upon which they have a very profound effect.

On page 238 of the hearings is the whole recital of the situation regarding Ouachita Parish, La., which has already been discussed earlier today.

Continuing on from that point, at page 240 of the hearings is a discussion of the situation in Rapides Parish, La., and Pierce County, Ga.

On page 241 of the hearings is a reference to the 10 parishes of Louisiana which were the subject of an FBI investigation.

At the top of page 242 of the hearings there is reference to the situation in Jackson Parish, La., where 953 of the 1,122 Negro voters were challenged. The registrar there also refused to accept for filing affidavits on behalf of challenged voters. The affidavits were in statutory form. As a result, all of the challenged Negro voters, with the exception of two who were physically disabled and therefore unable to fill out voter application cards, were stricken from the voting rolls.

These are a few of the instances listed in the hearings, documented and testified to by the Attorney General, respecting the specific matters to which we are referring.

I now yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I regret that I must ask the Senator from New York to yield on so many occasions. But in many instances I believe the Senator could be challenged under the rules of the Senate, which provide that no Senator shall refer offensively to any State in the Union. While I do not insist on an interpretation of the rules in that regard, I believe that if the Senator refers in a critical sense to a State, he should permit one who, in part, represents that State to state the facts as he understands them to be.

While I believe there were voters in Ouachita Parish who should not have been challenged—and I am perfectly willing to make that statement—nevertheless, I believe the Attorney General's report does not place that matter in context. For example, the Attorney General spells out in the report that the registrar of voters permitted persons who sought to challenge unqualified voters to occupy her office after working hours. The fact is that that is the only time when someone who is interested in checking to see if other persons are fraudulently or improperly on the voting list can look at the books, because during the working day the registrar of voters has to work with the books while she is registering and adding new voters to the list.

In Louisiana some years ago there was a strong fight between several contending candidates for governor. One candidate for governor wanted to photostat the election books in the Parish of Orleans. The opposition resisted that request. The subject matter was finally resolved by a State law, which provided that the registrar should make the books available for inspection or photostat after working hours.

The way in which that matter was spelled out by the Attorney General, someone would gain the impression that the registrar of voters was in some sort of conspiracy because she allowed someone else to look at the books after working hours.

That is the only time when by law she could permit them to examine the books; and the State law requires her to make the books available during those times.

Furthermore, when the Senator referred to Louisiana, and when he said there are several Louisiana parishes in which people should have been registered, but were not registered, perhaps he should refer to the table appearing on page 12834 of the CONGRESSIONAL RECORD, which shows that in Louisiana, Negro registration, beginning in 1944, when only three-tenths of 1 percent of the electorate were Negroes, increased rapidly; and in 1956, Negro voters were 14.8 percent of the electorate—indicating a consistent, rapid increase in Negro voting. In the space of 12 years, Negro voting increased from three-tenths of 1 percent of the registered electorate to 14.8 percent.

Furthermore, when the Senator from New York refers to persons whose right to vote was challenged, I submit that in most instances that has nothing to do with the bill which the Senator from New York is supporting, because the laws of the State permit such challenges. A person can have his right to vote challenged if there is any irregularity or if the person making the challenge believes there is some reason why that person's name should not be on the books.

Let me say further to the Senator from New York that those laws in great number go back many years before this civil-rights dispute ever occurred. They go back to the days when there were election contests, and it was alleged by one side or the other—and, many times, correctly—that there were on the registration lists the names of a great many persons who either did not live in the State or did not live in the particular areas in which they sought to vote.

Those laws were passed, not as a matter of resistance to voting by Negroes, but as a matter of attempting to guarantee honest elections.

The Senator from Pennsylvania [Mr. CLARK] has referred to the constitutional right to vote. I think it should be made clear that there is no constitutional right to vote. The Constitution says that a State shall not discriminate because of race, creed, or color, and shall pass no law to deny or abridge the right of any person to vote because of race, creed, or color. But nothing in the Constitution guarantees a citizen the right to vote, aside from the provision that a citizen shall not be discriminated against because of race.

The Senator has referred to the literacy test. I am not in favor of a stringent literacy test as a qualification for voting, although such a test can be insisted upon in Louisiana or in many other States. However, the measure the Senator from New York is advocating, while denying the right of trial by jury in many cases in which I think it should exist, will do nothing about the literacy test, and it will do nothing about the poll tax.

It seems to me that the poll tax has been, and still is, one of the greatest impediments to voting, and particularly in the case of voting by Negroes. Personally, I believe we would accomplish more

by taking action to repeal the poll tax, and I favor doing that. I am proud that it was my father who, in Louisiana, led the fight to repeal the poll tax. That fight was a very bitter one.

Many of the cases to which the Senator from New York has been addressing himself have not been shown to have anything to do with the pending bill. For instance, let me refer to the gerrymandering case in Tuscaloosa, Ala. I do not think that has anything to do with the pending bill. I do not think the bill has anything to do with either the Tuscaloosa, Ala., case or with many other matters to which the Senator from New York has referred.

Mr. CLARK. Mr. President, will the Senator from New York yield to me?

The PRESIDING OFFICER (Mr. STENNIS in the chair). Does the Senator from New York yield to the Senator from Pennsylvania?

Mr. JAVITS. I yield.

Mr. CLARK. Let me say to my good friend, the Senator from Louisiana, that in my judgment there is a constitutional right to vote, on behalf of every qualified citizen, which right cannot be taken away from him by reason of his race, color, or previous condition of servitude, under the 15th amendment; and that is the right which in all humility I say to the Senator from Louisiana—and I am attempting to stay carefully within the Senate rules—perhaps is not being accorded full recognition in at least 17 of the 64 parishes in Louisiana; and, indeed, that in 4 of the 64 parishes—the parishes of Tensas, East Carroll, Madison, and West Feliciana, according to a memorandum appearing on page 11593 of the CONGRESSIONAL RECORD, as submitted on last Friday by the Senator from Illinois [Mr. DOUGLAS], all counties in which the population is more than 50 percent Negro—no Negro voters at all are registered.

Previously the Senator from Illinois [Mr. DOUGLAS] suggested that in those parishes no subterfuge is necessary in order to discourage the registration of Negroes, inasmuch as the Negroes know they should not and they cannot register, and, therefore, they rarely attempt to register.

The 17 parishes to which I have reference are listed in the memorandum submitted by the Senator from Illinois [Mr. DOUGLAS] on June 10. I would be most interested if the junior Senator from Louisiana would be able to explain to his colleagues why he feels there is no need for the enactment of the pending bill, which would protect the voting rights of Negroes by providing an additional procedure for their protection, in the light of the situation which, at least on the face of the record—and I mean no offense—appears to exist in his own State.

Mr. LONG. Mr. President, will the Senator from New York yield to me, so that I may respond?

Mr. JAVITS. Mr. President, I shall yield briefly to the Senator from Louisiana. However, other Senators are waiting to speak; and from now on I shall be unable to yield, unless there is some urgent reason for my yielding.

Mr. President, at this time I yield to the Senator from Louisiana, under the condition I have just stated.

Mr. LONG. I thank the Senator from New York.

Mr. President, in reference to the situation in Louisiana, I should like to point out that, in the first instance, the Senator from Pennsylvania mentioned 4 small Louisiana parishes—and they are 4 of the smallest in the entire State—where no colored voters are registered. If the Senator will consider the situation existing a few years ago, he will find that at that time no Negro voters were registered in a majority of the parishes. But today in a parish such as Orleans there are approximately 30,000 colored voters. By means of the statistics to which I have just referred, the Senator from New York will see that more than half of the Negroes qualified to vote have already qualified themselves—that is to say, in relation to the percentage of whites who qualify in the State.

So regardless of whether a civil-rights bill is passed or is not passed by the Senate, tremendous progress will be made in Louisiana, to qualify those who do not now vote.

Furthermore, many persons in Louisiana have felt that the colored vote probably represented the difference between having Adlai Stevenson carry the State of Louisiana or lose the State of Louisiana a few years ago, and that the shift in that vote was probably the largest single factor in President Eisenhower's victory in the State of Louisiana a year ago.

Regardless of whether the Senate passes a civil-rights bill or does not pass a civil-rights bill, this trend will continue, and these people will enjoy full voting rights in the State.

My point is that in order to qualify persons to vote, it is not necessary, under Federal law, to deny citizens their right of trial by jury. I particularly insist on that point, in view of the fact that in any of these cases in which a court issued an order, there never has been a case in which a registrar or some other person refused to obey the court's order, after the court had issued the order to register a person or to permit him to vote.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks a statement from Time magazine of July 29, 1957, headed "Southern Negroes and the Vote," and also a statement from the New York Times of July 21, 1957, headed "Civil Rights: The Negro's Vote."

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

SOUTHERN NEGROES AND THE VOTE—THE BLOT IS SHRINKING, BUT IT IS STILL UGLY

The basic issue behind the Senate civil-rights debate is the denial of southern Negroes' right to vote. How widespread is this denial? How does it operate? Last week the authoritative Southern Regional Council prepared a preliminary finding based upon a survey of the 1956 election campaigns. A summary:

Denial of voting rights to Negroes, though a blot on the South, is by no means as widespread as many northern civil-rights advocates believe. Through Texas, Arkansas and the border States, Negroes not only register and vote but make such an impact at local-election levels that both parties bid for their support. In North Carolina, South Carolina, Virginia and Florida, urban Negroes generally register and vote, while rural Negroes do not. The greatest concentration of civil-rights violations at the polls lies in four States of the Deep South, and the statistics readily prove the point:

Mississippi: Only 20,000 Negroes registered for the 1956 elections out of a total of 497,350 eligible; in 13 counties of more than 50 percent Negro population, a total of 14 Negro votes was cast in the 1954 elections, while in 5 counties not a single Negro was allowed to vote.

Alabama: 53,336 Negroes registered out of 516,245 eligible; 9 rural counties have no Negro registrants; even industrial and partly unionized Jefferson County (Birmingham) registered only 7,000 Negroes out of 121,510 eligible.

Louisiana: 161,410 Negroes registered out of 510,090 eligible, a high-for-the-South State percentage; yet in 4 Louisiana parishes (counties) not 1 single Negro voted.

Georgia: 163,380 Negroes registered out of 633,390 eligible; 5 rural counties permitted only dribbles of Negroes to register; several more kept out Negro voters altogether, dragged down Atlanta's generally high Negro returns.

TAKING THE TESTS

The violent denial of Negroes' right to vote that marked Reconstruction days has long since given place to more subtle methods. The white primary is no more. The poll tax, though still in force in five Southern States, has lost most of its economic bite, but is sometimes used (notably in Virginia), as a device for confusing Negroes and poor whites out of their chance to register.

Most of today's barriers begin in harmless-looking State laws, not unlike many Northern State laws, which require would-be voters to pass tests in literacy and constitutional understanding. In the Deep South and in many other southern rural areas, the decisions on passing or flunking rest in the hands of white registrars (in Alabama three-man county boards) who use the power of office in devious ways to prevent qualified Negroes (and sometimes qualified poor whites) from registering. In Allendale County, S. C., in 1956, when Negroes tried to register they were told that the registration books were someplace else. In Monroe County, Ala., Negro applicants were repeatedly turned away because the registrars said they had misplaced the application forms.

In one rural county in eastern North Carolina, Negroes complained that it took a white man only a few minutes to get registered, while Negroes often had to wait an hour; thus only a small percentage of Negroes was registered. In Green County, Ala., Negro registrants had to be accompanied and vouched for by a good white man. In Caldwell Parish, La., the registrar refused to accept whites as witnesses for Negroes because they were of a different race.

Beyond such subterfuges lie the opportunities of the literacy and constitutional tests themselves. In many Alabama counties in 1956, Negroes were told to give their age in years, months, and days, were deprived of the right to vote if they were one day off; in Jefferson County, Ala., the Negroes were asked constitutional questions, such as on what date did the 10th amendment become effective, or on what date did Oklahoma become a State. Even in moderate North Carolina, a Negro woman in Northampton County was put to reading the State constitution and disqualified when she mispronounced several words.

Nor is registration a guaranty that the Negro will get to vote. In Ouachita Parish, La., a nonprofit Citizens' Council was formed last year "to protect and preserve by all

legal means—our historical southern social institutions." The parish (county) registrar let council members into her office when it was closed to the general public (nights, holidays, etc.), let them examine voting lists and draw up their own lists of some 3,500 Negro registrants. When the council members followed up by challenging the 3,500, the registrar ordered the Negroes to appear within 10 days to prove their identity. So many Negroes did turn up that the registrar had to fall back upon yet another strategem: her office was so busy, she said, that only 50 challenged Negroes could be heard every day; the rest were struck off the rolls.

BRAVING THE THREATS

In more remote regions of the South, the Negroes who make their registrations stick often face even tighter pressures of economic reprisals. Last year Negroes who registered in one county in the plantation area of Florida were told by whites lounging around the courthouse: "Go ahead—if you can take what comes afterward." In McCormick County, S. C., what came afterward for several Negro sharecroppers was that they could not find white buyers for their produce; in Humphreys County, Miss., Negro businessmen registrants found that they could not get credit. In Calhoun County, S. C., any Negro who tries to get a registration certificate is called a smart Negro, and Calhoun County encourages smart Negroes to migrate.

The specific threat of physical violence looms in relatively few areas (and relatively few white southerners will stand for it). But where it looms it is terribly effective. In Liberty County, Fla., last year, all but one of the first 10 Negro registrants in the county's history took their names off the voting list after a set of cross burnings, bomb throwings, and shots fired into their homes.

In Belzoni, Miss., in 1954, a Negro minister who refused to remove his name from the voting list was shot down—a fact that did not prevent the coroner's inquest from returning a verdict of accidental death. And in Tensas Parish, La., where not 1 of 4,500 Negro inhabitants is registered, the only Negro who tried it recently was taken by the registrar to see a law officer, who asked him: "Aren't you happy here? Is something wrong with the way things operate around here? If you aren't happy, perhaps we can arrange for you to leave." The Negro promptly replied that he was happy, that his attempt to register had been a mistake. The Negro stayed on in his community, but his wife lost her job.

The other side of the southwide picture is the headway through border States, and the fact that Negro registration, however small, has been climbing steadily and rapidly during the past 10 years. There is hope for a faster rise as Negro economic and educational opportunities expand. Ever since Reconstruction, however, it has only been by the pressure of public opinion and the specific spreading of the processes of justice; e. g., FBI routine checks on election procedures, that the Deep South has moved forward at all.

The heart of the administration's civil-rights bill, designed simply and solely to rid the United States of mass disfranchisement, is thus dedicated to the proposition that as evils exist, it will take not only law but prosecution to correct them. "The right of citizens to vote," says the 15th amendment, "shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude." The date of the 15th amendment: 1870.

CIVIL RIGHTS: THE NEGRO'S VOTE—FRANCHISE VARIES IN DIFFERENT REGIONS

(By John N. Popham)

KNOXVILLE, TENN., July 20.—The status of Negro voting in the South bespeaks the danger of the stereotype which portrays all of Dixie as indissoluble in its opposition to racial harmonies.

Negro voting in the South became a meaningful issue in 1944, when the Supreme Court ruled that Negro voters could participate in party primary elections, which clearly were part of the State balloting machinery. Because of the Democratic Party's domination in the South, the primary was in almost all instances the only election that counted. A brief flurry of plans to make the primaries into private-club elections excluding Negroes was rejected as illegal subterfuge by a series of Federal court decisions.

PREVIOUS REGISTRATION

Before 1944 there were about 200,000 registered Negro voters in the 11-State area of Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Louisiana, Mississippi, Arkansas and Texas. Virtually all of these voted only in the general elections made relatively insignificant by the one-party tradition yet there were a few exceptions in which a big-city machine sometimes found a value in permitting limited primary voting by Negroes. And there was a two-party system of spotty strength in areas of Tennessee, Virginia, and North Carolina.

By 1947 there were 595,000 registered Negro voters eligible to vote in party primaries under the law. In 1952, the figure increased to 1,008,000, followed by a leveling off that put the total at 1,238,000 in 1956.

The great bulk of the increase was in the urban areas where Negro registration became accepted and uncontested with a few exceptions. This was very true of the Central Piedmont cities where industrialization moved apace and there were "maneuverable" population ratios in terms of race. In a metropolitan commercial hub like Atlanta, the Negro vote attained a balance of power and determined the outcome of citywide contests. In Richmond, Va., Durham, N. C., and Nashville, Tenn., Negroes were elected to city council posts.

In general, though, the Negro vote exercised nowhere near its full potential in State elections. Politicians interested in statewide offices lately have been taking a second look as they realize they cannot afford to spot an opponent perhaps 60,000 to 125,000 votes in many of the States in a close contest. Tennessee went Republican in the 1956 Presidential election by a little more than 5,000 votes and perhaps four times that many Negro voters switched from Democratic to Republican in the Memphis area alone.

"BLACK BELT"

But within this general scaffolding the South does have a distinguishable subregional monolith with a pretty consistent picture of disfranchisement of Negroes. This is the so-called Black Belt, a stretch of counties which for the most part constituted the old plantation economy of slave labor. It touches all of the States, mostly in the Deep South, and embraces perhaps 10 percent of the total number of counties in the 11 States that made up the Confederacy.

In most of these counties the Negro population runs to 60 and 70 percent and sometimes even higher. Here the Negro in large numbers is nearly illiterate, an impoverished sharecropper and dirt farmer, seldom with footing to protest effectively against discriminatory tactics.

EVASIVE TACTICS

In counties like these there are occasional acts of violence to intimidate would-be voters, but in recent years subtler means have been employed. Mainly there is a "cold war of the ballot box" marked by evasion, stringent qualifications, extended examinations of registration applicants, unreasonable questions, technicalities bordering on the fantastic, unspecified registration dates.

For while most of the overtly discriminating registration laws of the past have been wiped off the books, the registrar usually has great discretionary powers in the administration of the laws. In many ways he is the final authority.

Clearly in this context it would be overridingly in the black belt counties that the Federal Government's power to intervene as proposed in the Eisenhower administration's civil-rights bill would be directed.

At present there are attempts to roll back Negro registration gains of recent years. This is more evident in some States than others, but in Louisiana, Alabama, and Mississippi some white supremacy spokesmen have declared their avowed aim is to curb Negro voting as a "solution" to all desegregation challenges.

CHANGES IN THE BLACK BELT

There is a very real fear among the white segment in the Black Belt counties that adoption of new Federal enforcement powers for Negro enfranchisement would open a floodgate. But the mores, customs, and economic arrangements affecting the subservient group are such that perhaps for some time to come only the "better-prepared" and more assertive Negroes would be registered, very likely constituting a minority in these counties.

For there are many variables. Some rural counties have a higher percentage of Negro registration than urban areas. Some counties lag in registration and some counties with high registration lag in voting performance. There are no instances of Negro efforts to capture political machinery, and in the few places where Negroes have won elective office there were humanistic and cultural urgings for Negro voices in community affairs, and usually the Negro candidate entered the contest because a bi-racial vote was possible.

Based on these realistic differences in southern Negro voting, it would appear likely that new Federal legislation would cause no great regional upheaval and that social and economic factors would still largely affect the Negro's exercise of the master right in a political democracy.

Mr. JAVITS. These two statements are important, it seems to me, as representing the surveys of on-the-spot journalists with a reputation for veracity and objectivity, and they bear directly upon the questions which we are discussing, and come to the same conclusions, generally, as those which are being contended for by the proponents of this bill at this stage.

Let me say to the Senator from Louisiana I am not conscious of violating in any way that section of the Standing Rules of the Senate which says that "No Senator in debate shall refer offensively to any State of the Union." It seems to me when one discusses the enforcement of laws and equal protection of the laws, that is certainly not offensive to any State. If that were offensive, we would be having a sad time endeavoring to debate any matter dispassionately and with decency and effectiveness on the floor of the Senate. If anyone should feel it necessary to invoke that rule, so far as I am concerned, I would welcome a ruling of the Chair on that subject.

As to the articles which I have introduced, they come to the conclusion generally that there is progress, but, as Time magazine says, "The blot is shrinking, but it is still ugly." As the New York Times says, speaking of the so-called black belt, "But within this gen-

eral scaffolding the South does have a distinguishable subregional monolith with a pretty consistent picture of disfranchisement of Negroes."

That is what we are talking about. We are not talking about the generality of the cases.

That is why I have not been intimidated by a few statements in the Senate, which I do not think were particularly well advised, that if we enacted the law we could then see about getting it enforced, and that it would be flouted. I do not believe so. I do not believe we are dealing with a situation which is so deeply engrained as to warrant any such statement.

I should like to make some comments on the proposed legislation which I do not believe has been adequately discussed from this standpoint, and that is the specific terms of injunction decrees which are actually handed down in right-to-vote cases. I think they prove conclusively that the proposal to agree to a jury trial amendment would frustrate completely the purpose and intent of the pending legislation, because as we get down to the individual decrees we find that civil and criminal contempts almost merge, and they are both needed to make the decrees effective. Without them the courts would be completely frustrated in making their decrees effective.

For that purpose I ask unanimous consent to have included in the RECORD the decree issued in 1948 in *Baskin et al.* v. *Brown*, in the United States District Court for the District of South Carolina, reported in volume 80, Federal Supplement, page 1017, affirmed, volume 174, Federal Reporter, second series, page 391.

There being no objection, the decree was ordered to be printed in the RECORD, as follows:

ORDER

Wherefore, it is ordered that the defendants to wit, W. P. Baskin, James P. Nickles, J. Moore Mars, Julian B. Salley, Jr., John E. Stansfield, W. T. Riley, Sr., E. H. Agnew, Cal H. Strickland, J. Carl Kearse, J. K. Mayfield, Edgar A. Brown, J. B. Cope, W. Brantley Harvey, C. N. Clarke, Rembert C. Dennis, H. C. Geiger, J. A. Merritt, Francis F. Coleman, Oliver T. Wallace, H. R. Swink, Joe H. Hall, W. C. Stone, R. B. Caldwell, John A. Welsh, Jr., Ed. Redfearn, John G. Dinkins, C. N. Plowden, R. A. Durham, J. M. Moorer, Cecil E. Harper, C. W. Coker, W. B. Hawkins, R. W. Scott, Joseph A. Kirby, J. D. Parler, J. R. Folk, W. P. Yonce, T. K. McDonald, Boyd Brown, Hugh L. Willcox, H. Van Epps, H. S. Parsons, H. L. Smith, R. A. Jolley, S. L. Brissie, P. R. Underwood, J. Herman Lightsey, Randolph Murdaugh, J. G. Lewis, F. A. Thompson, L. O. Funderburk, N. S. Richards, Lewis M. Clyburn, James S. Wilson, James H. Sullivan, Henry C. Jennings, H. Odelle Harmon, Boyd Smith, W. B. Norton, J. Kendree Williams, J. J. Evans, N. W. Edens, J. Fred Buzhardt, H. C. Brown, B. V. Chapman, Dr. Y. M. Brown, B. B. Mulkey, Dr. W. A. Strickland, Rut L. Osborne, Julian S. Wolfe, G. Max Perry, Billy C. Coleman, Homer R. Long, Jesse W. Boyd, Howard McCravey, Shepard K. Nash, E. B. Boyle, J. F. Walker, R. A. Lybrand, F. R. Hemingway, E. L. Ard, John M. Spratt, W. B. Wilson, together with their agents, servants, employees and attorneys and all persons in active concert and participation with them be and they hereby are permanently restrained and enjoined from:

1. Refusing to enroll Negroes as members of local clubs of the Democratic Party of South Carolina, because of race and color; and

2. From denying to the plaintiff and others on whose behalf he sues from full and complete participation in the Democratic Party of South Carolina without distinction because of race, color, creed, or condition; and

3. From enforcing the rules of the Democratic Party of South Carolina requiring Negro electors to present general election certificates as a prerequisite to voting in any primary election unless the same requirement applies to all other persons; and

4. From requiring the plaintiff and other Negro electors to take the following oath as a prerequisite to voting in primary elections:

"I do solemnly swear that I am a resident of this club district, that I am duly qualified to vote in this primary under the rules of the Democratic Party of South Carolina, and that I have not voted before in this primary, and that I am not disqualified from voting under section 2267 of the South Carolina Code of Laws, 1942, relating to disqualifying crimes.

"I further solemnly swear that I (understand and) believe in and will support the principles of the Democratic Party of South Carolina, and that I believe in and will support the social (religious) and educational separation of races.

"I further solemnly swear that I believe in the principles of States rights, and that I am opposed to the proposed Federal so-called FEPC law.

"I further solemnly swear that I will support the election of the nominees of this primary in the ensuing general election, and that I am not a member of any other political party.

"_____
*Voter.*"

5. From requiring of members of the Democratic Party or of prospective voters in Democratic primaries in South Carolina any form of pledge or oath which attempts to require them to support racial or religious discrimination in violation of the Constitution or laws of the United States.

6. From ordering or maintaining any different requirements for exercising the right of suffrage in Democratic primary elections and in party participation because of race or religion.

Plaintiff may tax and enter judgment for costs.

Let a copy of this order be forthwith served upon each of the defendants.

J. WATIES WARING,
*United States District Judge.*
CHARLESTON, S. C., *November 26, 1948.*

Mr. JAVITS. I also ask unanimous consent to have printed at this point in the RECORD a relatively recent decree, a permanent injunction entered by the United States District Court for the Middle District of Georgia, Civil No. 520, November 23, 1955, in the case of Thornton against Martin.

There being no objection, the decree was ordered to be printed in the RECORD, as follows:

DECREE

Whereupon it is considered, ordered, adjudged, and decreed pursuant to the foregoing findings of fact and conclusions of law as follows:

1. C. C. Martin, R. S. Banks, and J. W. Lay, their deputies, their clerical help, and their respective successors in office are hereby permanently enjoined as follows:

(a) From permitting the names of any of the 134 persons whose names appear on exhibit A, attached hereto and made a part hereof, from remaining off the present and current list of qualified voters of Randolph County, Ga., or from a legal supplement thereto, longer than 10 days from the date of this decree. It is the intention and purpose of this paragraph that said persons so enjoined shall do whatever is necessary to be done to reinstate within 10 days from the date of this decree upon the current list of qualified voters in Randolph County and upon all official copies thereof the names of all of the said 134 persons. And it is hereby ordered that the defendants, C. C. Martin, R. S. Banks, and J. W. Lay, file with the clerk of this court within 10 days from the date hereof their detailed report in writing of their full compliance with the provisions of this paragraph 1 (a) of this decree.

(b) From hereafter removing from said voters list any of the names by the preceding paragraph hereof ordered to be reinstated thereon, unless such removal be accomplished in strict accordance with the statutes of the State of Georgia and without any discrimination against any of the said persons by reason of their race or color, or otherwise.

(c) From illegally denying to any Negro citizen of Randolph County, Ga., any of his or her rights under the election laws of the State of Georgia, or under the Constitution or laws of the United States touching the matter of suffrage by reason of their race or color, or otherwise.

(d) From failing to afford any Negro citizen of Randolph County, Ga., who desires to register as a voter, ample opportunity for making application for registration by supplying cards at the tax collector's or tax commissioner's office, as outlined in sections 34–113 and 34–114 of the code of Georgia.

(e) From failing at any time to permit to vote any Negro citizen of Randolph County, Ga., of voting age and residential qualifications, who, if not disqualified under paragraph 1 of section 2 of article 2 of the constitution of Georgia, section 801, title 2, code of Georgia, can either (1) read intelligently and write legibly one of the several sections of the constitution of this State or of the United States, which sections shall have been previously selected by the registrars, or (2), if applicant, solely because of physical disability, is unable to read, can interpret such selected portion reasonably when read to him, the interpretation to be in the applicant's own words giving words the significance ordinarily attached to them by laymen of ordinary, average intellect and attainments, or (3), can pass the oral examination on the 30 standard questions as prescribed in the election laws of Georgia.

(f) From ruling ineligible to vote any Negro citizen of Randolph County, Ga., of voting age and residential qualifications, who successfully passes any one of the three tests outlined in the immediately preceding paragraph and from ruling ineligible any one of said persons who fails to pass test 1 and/or 2 above, unless he also fails test 3 above.

(g) From requiring any Negro citizen of Randolph County, Ga., to stand test 2 if he has already passed test 1, or to stand test 3 if he has already passed either test 1 or 2, or in any event to stand test 2 unless the appliant, solely because of physical disability, is unable to read.

(h) From invoking or using provisions of section 34–132 of the Code of Georgia against, or with respect to, any Negro citizen of Randolph County, Ga., because of his race or color, or otherwise than in perfect good faith, and in the event the provisions of said section are used with respect to any Negro citizen of Randolph County, Ga., from disqualifying or ruling ineligible to vote any such person except on tests and examinations specifically authorized by the election laws of Georgia and given and administrated in strict accordance therewith.

(i) From holding any hearings of evidence upon the qualifications of any Negro citizen

of Randolph County, Ga., as a voter behind closed doors or other than in public.

(j) From failing to meet (this immediate paragraph relates solely to said registrars and their successors in office) at the court house during voting hours of each election day for the purpose of considering the qualifications of voters whose names may have been omitted by inadvertence or mistake from the list of qualified voters.

(k) From failing to afford and award to any Negro citizen of Randolph County, Ga., in a fair, impartial, and nondiscriminatory manner, each and every right such person has, or may have, under the election laws of the State of Georgia and under the Constitution and laws of the United States pertaining to suffrage as said law now exist and as they may from time to time hereafter change.

(l) From failing to keep and preserve any and all records required under the registration laws of Georgia required to be kept by registrars.

This court retains jurisdiction of this cause for the purpose of passing any and all additional orders herein as may, in its judgment, become necessary for the purpose of modifying the same if, in its judgment, modification becomes necessary, and for the purpose of enforcing the same.

It is further ordered, adjudged and decreed that the named plaintiffs have and recover from the three defendant registrars, C. C. Martin, R. S. Banks, and J. W. Lay, their costs and disbursements incurred in this action, the same to be approved and taxed by the clerk and one-third of the aggregate amount of said costs being hereby taxed against each of the said three defendant registrars.

Mr. JAVITS. Mr. President, I submit an examination of these decrees will indicate that in order to have effective enforcement, the court needs jurisdiction not only in civil contempt, but in criminal contempt cases. If it does not have this jurisdiction, or if it is necessary to settle the case by then having a trial before a jury, the decrees may well be found completely ineffective.

For example, in the case of Baskin against Brown, the registrars, or the persons under this particular order, were enjoined from requiring the plaintiff and other Negro electors to take an oath as a prerequisite to voting in primary elections. One of the features of that oath was, "I further solemnly swear that I believe in the principle of States rights, that I am opposed to the proposed Federal so-called FEPC law."

One can say that is a ridiculous aberration of some registrar, but it does happen. An injunction is entered, so that a registrar shall not ask for that kind of affidavit. The registrar pays no attention to the court, and the registrar is thereupon arraigned in civil contempt. What does he have to do to make it a criminal contempt? He just has to resign. He is no longer the registrar. There is nothing a judge can do about putting him in jail before he can comply. He is finished as registrar. He is out of the picture. That situation is expressed in simple terms. There is a civil contempt procedure by which a person is made to do something which the order requires. In other words, he is haled before the court and made to do something. But when we are dealing with a whole variety of subtle acts which he is required to do or not to do, then he can frustrate the decree by paying no attention to the court, unless he can be held in criminal contempt.

Mr. LONG. Mr. President, will the Senator yield?

Mr. JAVITS. Let me complete this discussion.

The third point is this: If a defendant pays no attention to the court and succeeds in stringing matters along, whether by adjournment or because of sickness, or because the court is not sitting in that particular community at that particular time, until the primary or general election takes place, then there is no purpose in punishing him for civil contempt; he could only be punished for criminal contempt. That sets in motion the whole procedure of frustrating the judgment of the court by means extraneous to the equity procedure itself, to wit—if this amendment should be agreed to—by a jury trial.

Mr. LONG. Mr. President, will the Senator yield?

Mr. JAVITS. In a moment.

It seems to me these are the practical, day-to-day, direct situations which we face.

I should like to call attention to one further point. In the decree in Thornton against Martin, to which I referred, the decree stated as follows, referring to three names, and the names are not important:

> Their deputies, their clerical help, and their respective successors in office are hereby permanently enjoined as follows.

Assuming this decree extends to the successors in office, it seems to be the contempt would depend upon actual notice of the decree, and the case would very clearly come within the criminal contempt provisions, so far as the findings of the court are concerned.

I am advised—and other Members of the Senate are similarly advised by the Department of Justice—that about 90 percent of all these contempt cases are criminal contempts, for the very reason that a civil contempt proceeding is a relatively elusive one, because it deals with a particular and unitary set of facts. Unless that is so, one is faced with the generality of cases. We can have an infinite variety of the permutations of these cases. Therefore, it brings me to this proposition.

I think we are seeing now a last-ditch desperate effort to compromise and water down even the right to vote safeguards of the civil-rights bill, which many heretofore opponents of the civil-rights bill have said they favor. I think that is the essence of the situation we face today.

I might say also that an effort is being made to bring in other groups in this respect, such as the labor group. I shall take a moment shortly to pay my respects to arguments based upon the Norris-La Guardia Act and the Taft-Hartley law.

Again I repeat the inapplicability in many cases, indeed, in the great majority of cases, of the civil-contempt remedies. There is a tremendous number of permutations which can take place under court decrees, to make them ineffective, so that the criminal contempt remedies would be invoked. This seems to me to stamp this jury-trial amendment as a last-ditch effort to water down even the right-to-vote safeguards in the civil-rights bill. I think for that reason alone we ought to keep our conviction strong—all of us, whether we voted for or against retaining part III of the bill—that the so-called jury-trial amendment should be defeated.

Mr. DOUGLAS rose.

Mr. JAVITS. I yield to my colleague, the Senator from Illinois.

Mr. DOUGLAS. As I understand the O'Mahoney amendment, it provides for jury trials for violations of court orders involving so-called criminal contempt. Am I correct in my understanding?

Mr. JAVITS. The Senator is correct. The effort is made to distinguish between civil and criminal contempt. I might point out, as I did before, that the present provisions of the law are not carried over as they relate to criminal contempt which also requires a crime under State and Federal laws.

Mr. DOUGLAS. Is it not true that, so far as registration is concerned, if a registration official is dilatory and strings out the process of not registering Negroes until the final refusal to register Negroes comes shortly before the close of the registration period, and if the Attorney General seeks and obtains an injunction, the registrar by merely continuing to refuse to register until after the registration period has closed can thereby convert what would have been civil contempt into criminal contempt, and under the O'Mahoney amendment would thereby be entitled to a jury trial?

Mr. JAVITS. The Senator is absolutely correct. If the Senator from Illinois will allow me, it reminds me of the fact that has been stated on this floor, with a citation from the case, that in a civil contempt case the defendant has the key to unlock the jail in his own pocket by complying with the decree. It seems to me that by adopting the O'Mahoney amendment we would be giving the defendant exactly the same key, if he can succeed in converting a civil contempt into a criminal contempt—the key to unlock the jail without compliance.

Mr. DOUGLAS. In some of the previous discussion on this point it has been said that there is a considerable period which elapses between the registration period and the primary election or the general election, and that during such time the judge could sentence the recalcitrant registrar to jail. However, would the registrar be able to comply with the court order after the registration period had ended?

Mr. JAVITS. Obviously, if the registration period were over there would be no way for the court to punish the man except for the violation of the order. The man could not comply with the order at that time.

Mr. DOUGLAS. So it is not necessary for the registrar to refuse to comply until after the election, but it is sufficient if he refuses to comply until after the registration period has closed?

Mr. JAVITS. The Senator is entirely correct.

Mr. DOUGLAS. By stalling along in the early stages of the registration pe-

riod and not giving cause for the issuance of an injunction during that time, by one device or another the injunction could be postponed until the final stages, when it would be relatively ineffective. Is that not correct?

Mr. JAVITS. That is exactly correct, and that is exactly what is very likely to happen if we allow ourselves to be taken in by this so-called jury-trial amendment.

Mr. DOUGLAS. Is that not one of the Achilles' heels, so to speak, in the third edition of the O'Mahoney amendment?

Mr. JAVITS. Nothing can cure that fact, because the minute the difficulty of enforcing the court's decrees arises, if the court does not have itself the means for protecting the dignity of the court—and the cases speak of that—either by civil or by criminal contempt, then we are depriving the court of the power to enforce its own decrees, in practical effect.

Mr. DOUGLAS. I know the Senator from New York has been on his feet for a long time, but will the Senator forgive me if I raise one more question?

Mr. JAVITS. Certainly.

Mr. DOUGLAS. Let us consider interferences on election day. Let us suppose that white citizen's councils stimulate economic or physical threats upon Negroes if they go to the polls. Let us suppose this will be done shortly before the election, either primary or general. The Attorney General will seek an injunction and obtain it. The offense, however, will be committed only on election day. If violations occur, then election day will pass, and therefore such a case will involve criminal contempt, will it not?

Mr. JAVITS. The amendment will enable defendants who are the subjects of decrees which have been specifically spelled out to obtain jury trials.

I have submitted examples of these decrees of courts, to show that the conduct which the court requires is spelled out in the greatest of detail, with respect to affidavits and with respect to hours of receiving prospective voters and so on. These decrees are spelled out in the greatest detail with respect to what is required of defendants. Nevertheless, if the O'Mahoney amendment should be adopted it would enable defendants to play horse with the court in the ways which we have described, and in many other ways which we have not described, but which are available the minute one can play off civil as against criminal contempt and the time before an election against the time after election, with a tremendous premium for what one does in the way of delay or in the way of not obeying the mandate of a court.

Mr. DOUGLAS. Would the Senator not say that both the left and right feet of the O'Mahoney amendment have Achilles heels?

Mr. JAVITS. I personally am strongly against the amendment, for the reasons I have set forth.

I have a few other matters I will now take up, and I hope I will not take too much time.

Mr. LONG. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LONG. Reference has been made to the fact that a registrar could resign his office and, having given up his office, would have the advantage of a tremendous premium, the right to trial by jury in a criminal lawsuit.

I submit that that is not an enticing premium for a person with an occupation, for it is asking him to give up his position and face criminal prosecution, when it was necessary only to comply in the first instance. That is not what I would call taking advantage of a court. The Senator is assuming his case.

Even in the latter instance, if the person gave up the position and was prosecuted in court, he would have to defend himself at some considerable expense. He would be without any income at the time, because most registrars do not have outside income. Then the registrar, having made the sacrifice, would still be subject to prosecution.

I will say to the Senator from New York that I have not seen cases where people have been acquitted when they had violated the court orders or court injunctions. The Senator has yet to establish that point.

The contention was made that perhaps one could stall the matter along. The Senator has said the judge does not have the power to protect himself, but all the judge has to do is simply say, "Register that person by noon tomorrow," or "Register that person before sundown today."

If the person has not been registered by the next day, then the judge can try the person and put him in jail, as I understand the proposed amendment, for civil contempt.

The cases referred to are simply not cases where persons could evade the judgment of the court.

The Senator has said that the registrar could resign his office and that thereafter the judgment could not be enforced. The same order could be issued, however, against every deputy in the office. Every one of them would have to give up his job and resign in the attempt to avoid the enforcement of the court decree. Even then, the minute a new person took the oath of office, the judge could bring the new registrar before the court and say, "Forthwith," or "before sundown," or "before noon you must register this person."

I submit that the Senator has not made his case that the court cannot effectively gain enforcement through the civil powers listed in the bill, as well as the criminal powers that would be available.

Mr. JAVITS. I think the Senator from New York has made a case, for this reason: We all know that we are dealing with counties, where there are registrars. It has been argued that many of those people are not paid for the job, because it is not important enough. We are arguing about the situation under a system in local areas, where there is exceedingly great social and economic pressure. Otherwise this condition would not exist at all.

In terms of conviction by juries, as against one conviction in Knoxville, Tenn., for contempt, we have contrary evidence as to many other places. I gave the citation with respect to Montgomery, Ala. I read the citation with respect to voting matters in the Senator's own State. In Montgomery, Ala., the jury would not convict even for bombing, which, incidentally, is a capital offense.

Mr. President, I am not speaking offensively about the Southern States.

Mr. LONG. Mr. President——

Mr. JAVITS. I have not yielded to the Senator. I have yielded generously, and I will yield again, if the Senator will be good enough to allow me to finish.

My point, very succinctly put—and that is why I cite the specific terms of each of these equity decrees—is that we are not asking a man to obey a generalized statute. The court is asking him to obey the law with respect to the most specific, detailed kind of order; and when he defies that order, I respectfully submit that the court should not be placed in the position of choosing between civil and criminal contempt proceedings, or allowing the man to frustrate the court whenever he can maneuver things around to suit him. The court should have both powers. That is my argument. Whether or not it will stand up is something the Senate will determine.

I hope I have not offended the Senator from Louisiana. I did not intend to do so. I have yielded to a considerable extent, and I shall be glad to yield again. In deference to other Senators who were waiting, I did not wish to prolong the debate.

Mr. LONG. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LONG. The Senator is assuming the guilt of people who have been acquitted, or he is assuming guilt when the grand jury does not see fit to indict. I submit that every person is presumed to be innocent until he is proved guilty. There is very little to be gained by assuming guilt when a grand jury does not see fit to indict, or even when the trial jury finds the defendant innocent.

Mr. JAVITS. The Senator from New York has already dealt with that point time and time again, as to the considerations of jurisprudence which give equity treatment to any defendant in the situation of being in contempt. The Senator from New York points out that the three proponents of this amendment come from States—namely, Wyoming, Idaho, and Tennessee—which do not themselves grant a jury trial in contempt proceedings, whether criminal or civil. I think that is a pretty significant thing, bearing upon the question of practicing what one preaches.

I submit—and I think we have not emphasized this point adequately in the course of this debate—that in a case in which a jury acquits there is no right of appeal, and the matter is ended then and there. Hence there is a big premium, in a particular county in which the social system is as I have described it, in a man doing everything he can to change the civil contempt into a criminal contempt, because if a jury refuses to convict, that is the end of the matter. There is no appeal.

In support of that argument I cite the cases of *U. S.* v. *Sanges* (144 U. S. 310);

and *U. S.* v. *Ball* (163 U. S. 622). In the Ball case the Supreme Court said:

> As to the defendant who had been acquitted by the verdict duly returned and received, the court could take no other action than to order his discharge. The verdict of acquittal was final, and could not be reviewed, on error or otherwise, without putting him twice in jeopardy, and thereby violating the Constitution.

It seems to me that that is one of the most conclusive arguments against the jury-trial amendment, because in the very community which needs it most, we would be putting it within the power of the community then and there, to end the effort to enforce the law at the local level, without further recourse.

Mr. LONG. Mr. President, will the Senator further yield?

Mr. JAVITS. I yield.

Mr. LONG. The Senator begins by arguing that a man should not have the right of trial by jury, which is guaranteed three times by the Constitution. Now he wants to take away the constitutional guaranty against double jeopardy.

Mr. JAVITS. The Senator from New York asks no such thing. He is pointing out how it would be possible and practicable, if this amendment should be adopted, completely to frustrate the courts and make the bill meaningless.

I should like to make a few observations with respect to an argument which has been made on the issue with respect to labor injunctions.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CARROLL. Previously the distinguished Senator from New York and I had a discussion about the importance of presenting certain facts to the Senate. The discussion had to do with a grand jury investigation of 10 cases in Louisiana, I believe, only 3 of which were presented to the grand jury. The junior Senator from Colorado has received information to the effect that the other seven cases will be presented by the Attorney General to the appropriate committee of the Senate, the Senate Judiciary Committee; and we hope we shall be given the facts in those 7 cases within the next 24 hours.

I thought the distinguished Senator from New York would like to have that information.

Mr. JAVITS. I am very grateful to the Senator from Colorado. I am glad to receive the information which he has given us. I think it is entirely appropriate that such action should be taken, and I am very glad it is being taken.

Mr. President, an appeal has now been made to labor unions that this amendment would grant trial by jury in cases where the Government is a party to injunction suits under the Taft-Hartley law, thus harking back to the appealing motivation of the Norris-La Guardia Act. But while the power to destroy a union ought to be impeded the authority to protect the vote ought not to be. This is the central issue.

Also, labor injunctions in effect were a final disposition of a labor dispute; but this is not an analogy with injunctions in right-to-vote cases where the proceedings must continue until anyone entitled to a voting right is affirmatively assured of its exercise.

Unless we make this distinction we are apt to fall into the cleverly laid trap that the opponents of civil rights have set for us. I am sure that the unions and other friends of civil rights will recognize this amendment for what it is, a dodge to confuse and divide us, a ruse to get us off the track leading to a workable civil rights bill.

In that connection, I should like to call attention to the fact that the debate which we have extracted from the RECORD, which preceded the adoption of the Clayton Act with relation to jury trials in cases in which a crime was in question, as well as in criminal contempt cases, emphasized the fact that the United States was excluded—and that is what we maintain is the existing law—by purpose and design, and because it was recognized that the United States represented the broadest public interest, and therefore should not be subject to this particular statute. I quote from the statement of Mr. Clayton taken from the CONGRESSIONAL RECORD, volume 48, part 9, pages 8779–8780, 62d Congress, 2d session. The debate was in progress from June 21 to July 22, 1912. Mr. Clayton said, in speaking of his bill:

> The bill on its face says that in any case where the United States is the complainant it has no application. It is to prevent one party litigant in a civil suit invoking this criminal process of the court to oppress his weaker neighbor.
>
> It does not intend to detract and does detract one iota from the power, the majesty, and the dignity of the United States. The Government of the United States has under this bill every power, even when it becomes a law, to enforce its judgments and its demands that it has now. This bill is to prevent a man or, say, a corporation, rich and powerful, getting out a blanket injunction at midnight, broad as the canopy of heaven in its terms, and then oppressing the poor, humble laborer.

We submit, therefore, that there is no analogy in previous history with respect to these labor injunctions. We have contended that they stood on their own, for reasons peculiar to them, and that our case stood on its own, demonstrating the broad public interest of the United States in establishing and safeguarding the voting right where it was being denied contrary to the Constitution and the laws, because of denial of equal protection of existing laws.

I should like to conclude my statement today in this vein—and I think this sums up our entire situation. I believe it is time we started making good on what we say we are going to do, not only with respect to the pending legislation, but with respect to the entire policy of the United States.

It seems to me the effort that is being made to establish a moral basis for the trial by jury amendment must fail, because there is no constitutional or statutory right to a jury trial in these cases, and the history of contempt is against it. There are full and complete safeguards of due process of law with adequate appeals to the higher courts in such cases. I emphasize again what I emphasized before, that the bill itself adds to such safeguards a requirement for assigned counsel, with an extraordinary provision making the assignment of counsel at the cost of the United States where the defendant cannot himself provide such counsel in respect to contempt proceedings.

A violation of an injunction in a voting case is not a violation of a generalized statute, but it is a violation of a specific order directing a government official or body to do a specified act in accordance with the law.

Contempt in such a case involves no situation where a lack of knowledge of the law is any excuse, because if an injunction is less than specific, it will fall, and any punishment for contempt under it will fall also.

The very places where the Attorney General's action will be required are at one and the same time places where local conditions jeopardize—on grounds of race, creed, or color—the enjoyment of voting rights, and where the very same local conditions often lead to juries from which Negroes are systematically excluded and which may be congenitally opposed to conviction. Indeed, the case books contain a host of Supreme Court cases throwing out criminal convictions in southern States because of the exclusion of Negroes or other minorities.

Mr. President, I ask unanimous consent at this point in my remarks to have printed a list of many such cases.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MEMORANDUM, LIST OF CASES

*Strauder* v. *West Virginia* (100 U. S. 303, 25 L. ed. 664 (1880)): This case first applied the 14th amendment to State legislation excluding Negroes from jury duty. A West Virginia statute provided that "all white male persons who are 21 years of age and who are citizens of the State shall be liable to serve as jurors * * *." The court held that while the State, consistent with the purpose for which the 14th amendment was adopted, may confine the selection of jurors to male, to freeholders, to citizens, to persons within certain ages, to persons having educational qualifications, a denial to citizens of the African race, because of their color, of the right or priviliege accorded to white citizens participating as jurors in the administration of justices is a discrimination against the former inconsistent with the 14th amendment, and within the power of Congress, by appropriate legislation to prevent.

*Virginia* v. *Rives* (100 U. S. 314, 25 L. ed. 667, (1880)): This was the first in a long series of cases dealing with administration of State statutes concerning the selection, organization and qualification of juries. This case held that where the Virginia statute did not disqualify Negroes from service on juries but the criminal defendant alleged exclusion of Negroes by the jury commissioners who selected the jurors, the proper method of protecting the defendant's rights was to exhaust all available State remedies and finally to seek review by the Supreme Court of the United States. It was further held that a mixed jury in a particular case is not essential to the equal protection of the laws but in the selection and organization of the jury there must be no exclusion of members of a race because of color. Accord. (*Fay* v. *New York* (332 U. S. 91 L. ed. 2043, 67 S. Ct. 1613 (1947)) (a mere showing that a class was not represented in a particular jury is not enough; there must be a clear showing that its absence was due to discrimination).

*Neal* v. *Delaware* (103 U. S. 370, 26 L. Ed. 567, (1881)): This case involved an attempt

by a criminal defendant to quash an indictment on the ground that State officials had intentionally excluded Negroes from the grand and petit juries. The State court had upheld a conviction despite introduction of evidence that no Negroes had ever served on a grand or petit jury although a substantial part of the population consisted of persons of the Negro race. The Supreme Court reversed and remanded the case stating that "it was a violent presumption, in which the State court indulged, that such uniform exclusion of the race from juries, during a period of many years was solely because, in the judgment of the officers, fairly exercised, the black race in Delaware were utterly disualified by want of intelligence, experience or moral integrity to sit on juries. The action of those officers in the premises is to be deemed the act of the State; and the refusal of the State court to redress the wrong by them committed, was a denial of the right secured to the prisoner by the Constitution and laws of the United States."

Accord. *Bush* v. *Kentucky* (107 U. S. 110, 27 L. ed. 354, 1 S. Ct. 625 (1833); *Gibson* v. *Mississippi* (162 U. S. 565, 40 L. ed. 1075, 16 S. Ct. 904 (1896); *Carter* v. *Texas* (177 U. S. 442, 44 L. ed. 839, 20 S. Ct. 687 (1899)); *Martin* v. *Texas* (200 U. S. 316, 50 L. ed. 497, 26 S. Ct. 338), (criminal defendant failed to prove discrimination in selection of jury); *Norris* v. *Alabama* (294 U. S. 587, 79 L. ed. 1074, 55 S. Ct. 579 (1935)); *Hale* v. *Kentucky* (303 U. S. 613, 83 L. ed. 1050, 58 S. Ct. 753 (1938)); *Pierre* v. *Louisiana* (306 U. S. 354, 83 L. ed. 757, 59 S. Ct. 100 (1939)); *Smith* v. *Texas* (311 U. S. 128, 85 L. ed. 84, 61 S. Ct. 164, (1940)), (conviction of rape reversed and remanded, Black J. holding that while the Texas statutory scheme was not in itself unfair, it being capable of being carried out with no racial discrimination whatsoever, by reason of the wide discretion permissible in various steps of the plan, it was equally capable of being applied in such a manner as practically to proscribe any group thought by the law's administrators to be undesirable; *Hill* v. *Texas* (316 U. S. 409, 86 L. ed. 1559, 62 S. Ct. 1159 (1942)), (failure of jury commissioners to place the name of any Negro on the jury list and failure to ascertain whether there were Negroes in the county qualified to serve as jurors constituted discrimination); *Patton* v. *Mississippi* (332 U. S. 463, 92 L. ed. 76, 68 S. Ct. 184 (1947)), (evidence that no Negro had served as a juror in criminal courts in Lauderdale County for 30 years was sufficient evidence of discrimination); *Brunson* v. *North Carolina* (333 U. S. 851, 92 L. ed. 1132, 68 S. Ct. 634 (1948)); *Cassell* v. *Texas* (339 U. S. 282, 94 L. ed. 839, 70 S. Ct. 629 (1950)), (failure of jury commissioners to familiarize themselves with qualifications of eligible jurors without regard to race and color constituted discrimination); *Avery* v. *Georgia* (335 U. S. 559, 97 L. ed. 1244, 73 S. Ct. 891 (1953)), (use by jury commissioners of separately colored tickets for white and colored jurymen constituted prima facie evidence of discrimination in selection of jurymen); *Hernandez* v. *Texas* (347 U. S. 475, 98 L. ed. 866, 74 S. Ct. 667 (1954)), (systematic exclusion of Mexicans from service as jury commissioners, grand jurors and petit jurors, although such persons were qualified to serve constituted denial of equal protection under the 14th amendment); *Reece* v. *Georgia* (330 U. S. 85) discrimination in grand jury—case reversed.

Mr. JAVITS. Mr. President, it is a vital point in this whole question of jury trials that acquittals are not reachable by the same process of appeal as convictions. Yet where we place the power in the court in the traditional equity way, there may be an appeal from the decision of the judge, by virtue of a conviction.

It is time, Mr. President, to make good on the bland assertion that we want to protect voting rights. This bill would do it in a most moderate manner. This is the way to bring about the reforms which many people have said are urgently needed in connection with the conditions of Negroes in the Southern States. Even those people who would go slow, and express as their sincere desire that we should allow normal processes of social development to do the job in the Southern States, even they are among the most ardent in saying that the normal processes include the protection of the right to vote.

It has been said several times that we in the Senate face an historic opportunity in respect to civil rights. I believe we would be untrue to that historic opportunity if we watered the bill down and gutted it at this point by adopting the so-called jury trial amendment.

Mr. President, I yield the floor.

## CRUDE OIL IMPORTATIONS

During the delivery of Mr. JAVITS' speech,

Mr. JOHNSON of Texas. Mr. President, the Senator from New York has said he will not be able to yield to other Senators, except in certain instances. Do I correctly understand that by that means I shall be foreclosed from asking that he yield now to me?

Mr. JAVITS. No; not the Senator from Texas. I am glad to yield to him.

Mr. JOHNSON of Texas. Mr. President, I should like to make a brief statement at this time, if I may do so.

Mr. JAVITS. Mr. President, I yield to the Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from New York may yield to me for not to exceed 1½ minutes, with the understanding that he will not lose the floor, and with the further understanding that the statement I shall make will be printed in the RECORD at the conclusion of his speech.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to have printed at this point in the body of the RECORD, following my statement, page 11, and following of the recommendations of the President's Special Committee To Investigate Crude Oil Imports. Page 11 has the heading, "Conclusions and Recommendations."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. JOHNSON of Texas. Mr. President, the President of the United States has acted to straighten out the oil-import situation. This is long overdue action which should strengthen the national security.

The order signed by the President today will limit the oil imports into the United States. The limitation will permit domestic production to increase.

We shall thus be able to have on hand sufficient supplies to meet our military needs under any emergency.

The history of this situation is important.

Section 7 of the Trade Agreements Act of 1955 authorizes the President to act when imports of a commodity threaten the national security.

The Office of Defense Mobilization has made a finding that oil imports at the present rate do constitute such a threat. The President's Cabinet Committee checked the ODM finding, and agreed.

In fact, the Cabinet Committee said that unless oil imports were curbed, the Nation would find itself years away from an adequate level of petroleum production in the event of an emergency.

This is in perfect accord with the statements which have been made by this country's outstanding authority on the oil industry—General Ernest O. Thompson, of the Texas Railroad Commission.

Mr. President, the action today constitutes an important step. All Americans will benefit if it is carried out in the spirit in which it was taken.

I thank the Senator from New York for yielding to me; and I appreciate the indulgence of my friend, the Senator from Louisiana [Mr. LONG].

EXHIBIT A

(Excerpt from the President's Special Committee To Investigate Crude Oil Imports, dated July 29, 1957.)

V. CONCLUSIONS AND RECOMMENDATIONS

1. Increased volume of crude oil imports and the proposed imports for the latter half of 1957 threaten to impair the national security. This threat, under existing conditions, requires a limitation on imports. The committee recommends, therefore, that unless the importing companies comply voluntarily with the import limitation plan hereinafter set forth, you find that there is a threat to the national security within the meaning of section 7 of the Trade Agreements Extension Act of 1955. Pending the outcome of this voluntary program, this committee should continue as now constituted.

2. For the initial phase of such a program of limitation, in the interest of national security, the following plan is recommended to cover the period of the last half of 1957 and the first half of 1958: [1]

(*a*) *Districts I–IV*

i. All importing companies, except those referred to in (ii) below, should be requested to cut back 10 percent below their average crude oil imports for the years 1954, 1955, and 1956.

ii. In order that small 1954 importers, and companies that have started to import since 1954, should have the opportunity to participate in the United States market on a basis more equitable than if the above cutback were applied to them, it is recommended that companies having crude oil imports of less than 20,000 barrels per day in 1954 should be allowed to import the amounts set forth in the schedules submitted by them to ODM in July 1957, but in no instance to exceed an increase of over 12,000 barrels per day over their actual 1956 imports. (See table II for analysis of effect of this formula on importing companies.)

(*b*) *District V* [2]

Imports should be determined on a semiannual basis. Pending a change in the deficit condition now pending in the area by, for example, the development of an economical means of interregional transportation, the level of imports must be such as to make up the difference between the demand and the quantity of domestic crude oil available to the area, as established by the Department of

[1] The term "crude oil" as used throughout this plan is oil at the wellhead.

[2] See appendix A for reasons for separating districts I–IV and district V.

the Interior. The schedule of imports for the last half of 1957, as submitted by the companies to the Director of Defense Mobilization appears to be slightly higher than would be called for by the foregoing formula. However, there is reason to believe that the imports for this period will not exceed 275,000 barrels per day, and, consequently, no voluntary import limitations are proposed for this district at the present time. This situation should be reviewed, however, during the latter part of 1957 from the point of view of the plans of importers for the first half of 1958, in view of the fact that additional pipeline capacity to the west coast is scheduled to become available during the first half of 1958. (See table III.)

(c) *Imports under proposed plan*

| | Barrels per day |
|---|---|
| Districts I–IV | 756,000 |
| Percentage ratio, imports to production | 12.0 |
| Percentage ratio, imports to demand | 9.6 |
| District V | 275,000 |
| Percentage ratio, imports to production | 29.8 |
| Percentage ratio, imports to demand | 23.3 |
| Total | 1,031,000 |

(d) New importers should have the opportunity to enter and share in a reasonable manner in the United States market. Companies planning to become importers should present their plans to the Department of the Interior at least 6 months before their plans are to become operative. A determination should then be made as to the extent these importers should share in the market initially, and as to whether room can be made for them as a result of the increase in permissible imports arising out of the increase in domestic demand or whether it will be necessary for older importers to decrease their imports in order to make room for the new companies.

(e) All imports into the United States should be for the direct account of the importers, and no importer should be allowed to increase its imports through oil sale and products purchase agreements by transfer of allotments or by other indirect means.

(f) The committee recognizes that it would be possible to circumvent this plan by companies entering into certain types of arrangements for the importation of distilled products. We recommend that the Office of Defense Mobilization and the Department of the Interior follow this situation very closely.

3. The plan above outlined should be reviewed by this or some comparable committee at least once a year. Under normal peacetime conditions we believe that such a review should proceed on the assumption that in districts I–IV an effort will be made to maintain a ratio between imports and domestic production of approximately 12 percent [2] and that in district V imports will be restricted to the difference between demand and the domestic crude oil that can be made available to the area on a reasonably competitive basis.

4. The plan above outlined should be administered by the Department of the Interior under policy guidance from the Office of Defense Mobilization. In the administration of the plan, provision should be made for the hearing and consideration of cases where it is alleged that inequities would result from the application of the plan, with the understanding that the administrator will have authority to establish the necessary administrative procedures and act in such a manner as to alleviate inequities when they are found to exist, including any showing that the plan does not provide competitive opportunities for newer importers.

Respectfully submitted,

JOHN FOSTER DULLES,
*Secretary of State.*
DONALD A. QUARLES,
(For Secretary of Defense).
GEORGE M. HUMPHREY,
*Secretary of the Treasury.*
FRED A. SEATON,
*Secretary of the Interior.*
JAMES T. O'CONNELL,
(For Secretary of Labor).
SINCLAIR WEEKS,
*Secretary of Commerce, Chairman.*

APPENDIX A

SEPARATION OF DISTRICTS I–IV FROM DISTRICT V

The effect of imports into the United States on national security is entirely different in the eastern area of the country (districts I–IV) than it is in the Pacific region (district V). The facts may be set forth briefly as follows:

1. Districts I–IV have a substantial production capacity which is in excess of actual production because the volume of production is controlled by certain of the State regulatory commissions in the interest of conserving the volatile components which would be lost in storage. Texas, for example, produces approximately one-half of the crude oil in this area, and the State commission has recently limited production to 13 days per month to prevent waste. Stocks are in excess of the seasonal normal.

2. Commercial production in district V, which is represented almost entirely by California oil fields, is not controlled by regulatory bodies and is as high a level as is consistent with sound engineering practices. Nevertheless, production is declining steadily and imports are necessary to meet the demand.

3. The geographic separation of districts I–IV and district V is such that transportation of crude oil or refined products from one region to the other is not being provided in such quantities as to meet the total demands of district V. Crude oil produced in the intermountain territory tends to flow westward to the Pacific slope and is an increasingly important source of domestic supply for the area.

The problems of the two regions are at the present time sufficiently different so that the committee's plan, as outlined hereafter, takes into account the separate and distinct features of each.

DISTRICTS I–IV (AREA EAST OF THE ROCKY MOUNTAINS)

An analysis of table I shows that in 1954 crude oil imported into districts I–IV represented 11.3 percent of the domestic production in the same area.[1] Imports increased slightly in 1955 and the first half of 1956 to bring the ratio up to 11.9 percent in the latter period. In the third quarter of 1956 imports increased sharply and the ratio increased to 13.5 percent. It would have been even higher in the fourth quarter if the Suez situation had not intervened in the last 2 months of the year. Following the reopening of the Suez Canal the importing companies filed scheduled estimates aggregating 970,700 barrels per day for the last half of 1957 for an import ratio of 16 percent.[1]

DISTRICT V (AREA WEST OF THE ROCKY MOUNTAINS)

As indicated in table I, the 1954 crude oil imports to district V amounted to only 51,000 barrels per day, or 5.2 percent of the amount which was produced in that area. Imports increased steadily, as domestic production declined, until they are scheduled to average 296,000 barrels per day in the last half of 1957. This would result in an import ratio of 32.1 percent for the area. The industry has followed the practice of using all of the domestic crude that has been available on a competitive basis. The scheduled imports are slightly higher than the estimated requirement. However, there is reason to believe that the imports for this period actually will not exceed 275,000 barrels per day. This would result in an import ratio of 29.8 percent for the area.

[2] The relationship between imports and domestic demand would be approximately 9.6 percent. In this report we have referred to the ratio between imports and production in order to be consistent with the report made by the Presidential Advisory Committee on Energy Supplies and Resources Policy in February 1955. In the future it is recommended that the statistics dealing with this problem be compiled on the basis of the relationship between imports and demand, instead of between imports and production.

[1] In 1954 imports of residual fuel oil into districts I–IV represented additional imports equal to 6.6 percent of the domestic production. Residual imports have remained relatively steady from 1954 to date.

TABLE I.—*Percentage ratio of crude oil imports to United States crude oil production*

[In thousands of barrels daily]

| | 1954 | 1955 | 1st half 1956 | 3d quarter 1956 | 4th quarter 1956 | 2d half 1957 |
|---|---|---|---|---|---|---|
| Districts I–IV: | | | | | | |
| Imports | 605 | 689 | 735 | 830 | 718 | [1] 971 |
| Production | 5,367 | 5,835 | 6,199 | 6,155 | 6,212 | [2] 6,079 |
| Percentage ratio | 11.3 | 11.8 | 11.9 | 13.5 | 11.6 | 16.0 |
| District V: | | | | | | |
| Imports | 51 | 93 | 153 | 212 | 198 | [1] 275 |
| Production | 975 | 972 | 967 | 959 | 949 | [2] 923 |
| Percentage ratio | 5.2 | 9.6 | 15.8 | 22.1 | 20.9 | 29.8 |
| Total United States: | | | | | | |
| Imports | 656 | 782 | 888 | 1,042 | 916 | [1] 1,246 |
| United States production | 6,342 | 6,807 | 7,166 | 7,114 | 7,161 | [2] 7,002 |
| Percentage ratio | 10.34 | 11.5 | 12.4 | 14.7 | 12.8 | 17.8 |

[1] The importing companies in filing reports with the Office of Defense Mobilization estimated that their imports into District V for this period would be 296,000 barrels per day. There is reason to believe, however, that these imports will not exceed 275,000 barrles per day and, as a result, this figure is being used throughout the report.

[2] Estimated, Office of Oil and Gas, Department of the Interior.

TABLE II.—*Districts I–IV crude oil imports*

[In thousands of barrels daily]

| | 1954 | 1955 | 1956 | 3-year average | Programed last half 1957 | Imports per formula |
|---|---|---|---|---|---|---|
| Established importers: | | | | | | |
| Atlantic | 62.7 | 64.1 | 69.4 | 65.4 | 75.7 | 58.9 |
| Gulf | 117.9 | 125.2 | 129.0 | 124.0 | 153.0 | 111.6 |
| Sinclair | 65.1 | 68.8 | 73.5 | 69.1 | 74.6 | 62.2 |
| Socony | 87.2 | 71.5 | 65.0 | 74.6 | 78.9 | 67.1 |
| Standard of California | 70.6 | 76.7 | 75.3 | 74.2 | 86.0 | 66.8 |
| Standard (New Jersey) | 80.7 | 79.4 | 79.9 | 80.0 | 87.0 | 72.0 |
| Texas | 52.2 | 65.1 | 64.2 | 60.5 | 74.9 | 54.5 |
| Subtotal | 536.4 | 550.8 | 556.3 | 547.8 | 630.1 | 493.1 |
| New importers: | | | | | | |
| Cities Service | 11.3 | 29.2 | 25.8 | ---------- | 32.6 | 32.6 |
| Eastern States | 4.3 | 17.2 | 18.6 | ---------- | 18.3 | 18.3 |
| Gabriel | ---------- | ---------- | 5.7 | ---------- | 7.5 | 7.5 |
| Great Northern [1] | ---------- | 6.0 | 21.1 | ---------- | 33.0 | 33.0 |
| International Refineries [1] | 2.0 | 2.0 | 9.2 | ---------- | 10.9 | 10.9 |
| Lakehead [1] | ---------- | ---------- | .3 | ---------- | .3 | .3 |
| Lake Superior [1] | 2.0 | 2.0 | 5.0 | ---------- | 5.0 | 5.0 |
| Northwestern | ---------- | 2.0 | 6.0 | ---------- | 10.0 | 10.0 |
| Phillips | 7.0 | 10.6 | 11.1 | ---------- | 12.0 | 12.0 |
| Shell [1] | ---------- | .5 | .8 | ---------- | 7.5 | 7.5 |
| Standard of Indiana | 15.5 | 15.0 | 17.8 | ---------- | 49.4 | 29.8 |
| Standard of Ohio | ---------- | .7 | 1.9 | ---------- | 8.2 | 8.2 |
| Sun | 15.1 | 24.4 | 38.4 | ---------- | 58.4 | 50.4 |
| Tidewater | 5.1 | 12.9 | 22.2 | ---------- | 84.6 | 34.2 |
| Southwestern | 1.5 | 5.6 | 2.1 | ---------- | 2.9 | 2.9 |
| Subtotal | 63.8 | 128.1 | 186.0 | ---------- | 340.6 | 262.6 |
| Miscellaneous | 4.8 | 10.1 | 12.7 | ---------- | ---------- | ---------- |
| Total districts I–IV | 605.0 | 689.0 | 755.0 | ---------- | [3] 970.7 | [3] 755.7 |

[1] Importer of Canadian crude.
[2] Districts I–IV production required 6,079.
[3] Districts I–IV production required 6,294.

TABLE III.—*District V crude oil imports*

[In thousands of barrels daily]

| | 1954 | 1955 | 1956 | 3-year average | Programed last half 1957 | Imports per formula |
|---|---|---|---|---|---|---|
| District V: | | | | | | |
| Douglas | ---------- | 1.6 | 1.0 | 0.9 | (1) | (1) |
| Socony (General Petroleum) | 3.5 | 26.4 | 32.5 | 20.8 | 26.5 | 26.5 |
| Standard of California | 21.0 | 17.7 | 22.1 | 20.3 | 68.0 | 68.0 |
| Shell | ---------- | 6.6 | 28.1 | 11.6 | 56.9 | 56.9 |
| Texas | 10.6 | 9.4 | 21.9 | 14.0 | 19.0 | 19.0 |
| Tidewater | 13.7 | 25.0 | 43.1 | 27.3 | 53.0 | 53.0 |
| Union | ---------- | ---------- | 11.7 | 3.9 | 24.5 | 24.5 |
| United States Oil Refining Co | ---------- | ---------- | ---------- | ---------- | 7.5 | 7.5 |
| Richfield | ---------- | ---------- | 1.5 | .5 | 16.6 | 16.6 |
| Wilshire | ---------- | ---------- | 12.2 | 4.0 | 24.0 | 24.0 |
| Others (to balance) | 2.2 | 6.3 | 4.9 | 4.4 | ---------- | ---------- |
| Total | 51.0 | 93.0 | 179.0 | 107.7 | [2] 296.0 | [2] 296.0 |

[1] Not reported.
[2] There is reason to believe that the total imports for this period will not exceed 275,000 barrels per day.

## ORDER FOR SENATOR BRICKER TO BE RECOGNIZED FOLLOWING MORNING HOUR ON TOMORROW

Mr. KNOWLAND. Mr. President, I ask unanimous consent that when the Senate meets tomorrow the distinguished senior Senator from Ohio [Mr. BRICKER] be recognized after the morning hour.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. NEUBERGER obtained the floor.

Mr. CURTIS. Mr. President, I ask unanimous consent that the Senator from Oregon may yield to me, without losing his right to the floor, so that I may suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Does the Senator from Oregon yield for that purpose?

Mr. NEUBERGER. If the Senator from Nebraska desires to suggest the absence of a quorum, it is agreeable to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I had hoped to be able to propound a unanimous-consent agreement. I had announced to other Senators that I would ask for a quorum call before I did so. I have been unable to get an agreement, however. I am sorry I have delayed the Senator from Oregon; I certainly meant no discourtesy to him.

Mr. NEUBERGER. That is quite all right. I thank the Senator from Texas.

Mr. President, I oppose the pending proposals to amend the civil-rights bill so as to require jury trials in cases of contempt of injunctions or court orders which may be issued pursuant to it to protect the right to vote. I urge the Senate to defeat these jury-trial proposals. I shall also offer an amendment to the jury-trial amendment, which I consider essential if, contrary to my own views, a jury-trial amendment is to be added to this bill.

Mr. President, I shall be brief in explaining my reasons against jury trials in these cases, and my proposed amendment if there are nevertheless to be jury trials. I am not a lawyer. The legal ground has been plowed ably and thoroughly in the debate of the past days by several of the eminent lawyers in the Senate. If there can be any further information about court procedures,

civil and criminal contempts of court, injunctions and their relation to criminal laws, labor laws and antitrust laws, and about the history and constitutional status of all of these, then I am not the one to provide it. Rarely are our legal institutions discussed as exhaustively in the Congress as they have been in connection with this bill.

That has been necessary and enlightening. As a layman, however, I feel some regret that so much of the debate over whether or not to provide certain procedures for the enforcement of voting rights has been made only in legal terms. For if this debate has proved anything, Mr. President, it is surely that we are legally free—not only free, but obliged—to make this decision on grounds of policy, not of law.

LAW NOT DECISIVE OF JURY ISSUE

We have all been impressed by the searching and scholarly analyses which have been provided by Senators on both sides of this debate, as to the precedents for and against the use of injunctive remedies to protect civil rights, and for and against the use of jury trials in cases of alleged violations of such injunctive remedies. They had to be provided. But I think they showed us this: That in the final analysis, we must make the choice from other than legal premises. The Constitution certainly does not require jury trials for contempt of court orders. Nor does the Constitution keep legislatures from providing jury trials for some such contempts. Whichever we choose, no doubt the constitutionality of the very first conviction will be challenged, litigated, and appealed; and the courts are the final and proper forum to decide the point. But the debate has shown, I think, that their mode of trial of contempt will be upheld. Jury trials are permissible. Trials before the court alone are permissible. If trials there must be, which will be more in the public interest?

Mr. President, since we must choose between policies, and in a field which is most highly charged with controversy and deeply felt human emotions of any before the Congress in peacetime, I think we must try to face the question of jury trials in terms of commonsense and to the best of our understanding of human affairs. We shall differ among ourselves on this, as we do on the legal questions, but it is in these terms that I shall explain my opposition to the jury-trial amendment.

DO JURIES PROTECT DEFENDANTS?

It is also plain, however, that the normal procedure in the enforcement of court orders and injunctions is to try alleged violations without a jury. The jury-trial provision would definitely be a new and unusual addition. The burden of showing that this unusual jury provision is necessary and proper in the public interest lies with those who propose it. Have they made such a showing? I submit they have not.

The case for jury trials has been presented to the public as one of essential protection in their own communities for defendants confronted with the legal might of a national government, in far-away Washington, which is determined to win convictions to satisfy public opinion in distant cities. This image of the jury as the protector of the defendant has no doubt been strengthened by the fact that those who, as I do, favor an effective civil-rights bill, also oppose the addition of the jury-trial provision. But, Mr. President, we do not oppose jury trials out of some perverse and vindictive desire to see people sent to prison. I submit that there are good reasons why court enforcement of court decrees is preferable to jury trials under this bill, and I suggest in these cases another image of the jury than the protective one painted by the proponents of jury trials.

Let us review the actual context in which the issue arises. By the elimination of part III, which already has occurred, the bill has been turned into one for the protection of voting rights only, so far as court orders and trials are concerned. The purport of the bill is that the Department of Justice may institute in the local United States district courts legal proceedings for preventive relief, including injunctions, against denial of the right to vote on grounds of race or color to any otherwise qualified citizen.

No one suggests that there should be juries in the trial of proceedings for preventive relief. There are to be normal court procedures—allegations of certain facts by the United States attorneys, and presumably denials by the respondents, notice, and hearings, evidence for and evidence against the need for preventive relief, argument by counsel on both sides—all before the local Federal judge. Finally, if the Government has carried its burden of proof, there may be a court order, based on facts found by the judge. The court's order will, of course, be subject to appeal.

LOCAL OFFICIALS ARE RESPONSIBLE PEOPLE

In most instances, the respondents in these cases will be local officials charged with the duty of administering the registration and election laws. They will be responsible men and women. We cannot close our eyes to the fact that they will be men and women who perform their duties in a context of increasing controversy and conflicting social pressures. That, after all, is the underlying premise of the bill the Senate is trying to pass, and it will be especially true in the situations in which the provisions of the bill will be sought to be applied.

Thus, we may assume that the responding election officials will have opposed the petition of the United States attorney. They will have challenged it on the law and on the facts, filed their defense, met evidence with evidence—all this without anyone's suggesting jury trials of questions of fact. In some cases, they will prove that voting is, in fact, freely accessible to everyone; and no court order will ensue. In other cases, the local Federal judge will issue an injunction or other court order. The court order will prescribe certain conduct—for instance, with respect to the registration of eligible voters, subject to penalties for failure to comply. It is at this point that jury trials are proposed, although normally the law would provide enforcement by contempt of court procedures, without a jury, for noncompliance. What would be the function of the jury in these procedures?

It is argued that, as representatives of the local community, the jury would protect innocent defendants against judicial tyranny. Mr. President, I submit, as representatives of a dominant fraction of a local community, a jury can serve as an instrument of a different form of tyranny, to force noncompliance with the order of the court.

The argument for jury trials cuts both ways. It begins: "If, in fact, you have not violated the order of the court, a trial of the facts before a jury of your peers will protect you against punishment." But it may end: "A trial before a jury of your peers will protect you against punishment. So why do you comply with the order of the court?"

From the argument that a bona-fide complying respondent deserves the protection of a jury trial, it is a very short step to the consequences that the protection of a jury trial will spur respondents to resist compliance to the utmost.

The mere possibility of a jury trial, not the jury trial itself, will put a terrible premium on resistance to court orders issued under this bill. I certainly am not criticizing juries which have not yet even been provided. I do not say they will, in fact, not convict in cases of non-compliance with injunctions and orders under the bill. It is fair to say that the record of performance on which to base such predictions is rather spotty. I do say, however, that if the possibility of a jury trial is provided, this possibility in itself will be used as an ever-present argument, whether spoken or silent, to demand resistance and noncompliance from those to whom a court order has been directed.

JURY PROVISION WILL CREATE NEEDLESS CRISES

Mr. President, however we may feel about the purposes and about the wisdom of the bill, is it in the interest of any of us to subject its administration to the disruptive pressures inherent in the jury-trial provision? Specifically, since the argument for jury trials is made in their names, is it in the interest of the potential respondents under these court orders?

I have said before that the men and women who serve as registration and election officials, to whom such orders may be directed, are responsible people. To the extent that there is real controversy over the practices which they follow in any particular locality, it will have been tried and determined in the legal proceedings, without a jury, leading up to the court's order. The Congress may offer them a jury trial on questions of compliance with that court order. What will that offer in fact mean to such an official?

If any questions of compliance are, under normal procedures, to be tried in a contempt proceeding before the court which issued the order, his choice is plain. He can comply in good faith, and to the best of his understanding of the court's order. Or he can resign his position. But few persons in any community would expect such an official, when confronted

with a court's normal power to enforce the court's order, to defy that order. The official and the community might regret the order. Very likely they will consider it unjustified. But they will not make it the test of principle, honor and local patriotism to go to jail for defying it. But what will be expected of the same official when much-touted protection of a jury of his peers stands between him and the potential penalty?

I repeat, Mr. President, we cannot debate the pending amendment on legal precedents as if they were to be applied in a social vacuum. We cannot close our eyes to the fact that in many localities the purposes of even as mild a bill as this one will be met by powerful demands for "massive resistance." Even when the rights at stake are as simple and fundamental as the right to vote, massive resistance will be raised by some as a principle or a banner to be upheld for its own sake, irrespective of any true interest involved.

We know that no person to whom a court order under this bill may be directed will have a direct, substantive personal interest in depriving anyone else of his right to vote. As my senior colleague [Mr. MORSE] pointed out so ably last week, this is the key distinction between injunctions under this bill and those in economic fields—such as, for instance, labor relations, in the enforcement of which jury trials were provided in the Norris-La Guardia Act.

It is a decisive distinction. By no stretch of the imagination can it be said that officials charged with registration and voting procedure in any State or county have a personal stake in discrimination, or will suffer a personal loss or injury from a court order enjoining them to comply with certain standards of action. Their interest lies in the administration of the law with which they are charged. They will defend their manner of doing it in the initial case brought by the United States attorney. If at its conclusion they are presented with a court order, the law has been declared. They would, normally, have no further interest in circumventing that declaration; and their compliance would be accepted relatively calmly, even by its opponents.

But, Mr. President, provision of jury trials for contempts of these court orders can only create an interest in resistance and circumvention where none otherwise exists. The respondents under the order must continue to live and make their careers in their localities. What will they say when some local spokesman of, let us say, a white citizens council tells them: "Our Senators got you a jury trial in that law, so why not take advantage of it? Why do you give in to that Federal judge's order without taking it to the jury?" Mr. President, I do not think the respondents would deliberately violate the order, even then. But who could blame them for dragging their feet?

We have heard much of the protection of local juries against judicial tyranny. Can we ignore the tyranny of local pressure groups armed with the weapon of this jury-trial provision?



EQUALITY OF AMERICANS AT STAKE

Mr. President, in recent times we have seen examples of great courage on the part of individual men and women in fighting for their fundamental equal rights and status as Americans. Against seemingly insuperable odds, against the kind of fearful risks which none of us ever faces in his or her kind of life, individual Negro farmers, storekeepers, seamstresses, domestic workers, ministers, teachers, and students have fought for equality. They have walked for hot miles every day, rather than continue to accept the indignity of segregation in trains, and later in buses. They have sent their boys and girls to be the first to endure the strangeness and hostility of a white school, rather than to accept the continuation of racial discrimination in the schools. But fundamental to their quest is the right to vote—the right to be counted as one of the citizens of their country, of their State, of their community.

This right we seek to advance by means of this bill. Are we matching the courage of these men and women when we write into the bill a jury-trial provision which will place a premium on equivocation and political expediency in the compliance with orders of the United States courts?

Mr. President, the jury-trial amendment will not aid the purposes of the bill. Its proponents have not made a practical case for adding this innovation to our Federal laws. It will make life harder, not easier, for many local officials. It will create the temptation to make political circuses out of legal proceedings in United States courts. It will undermine the stature of the Federal judiciary. I urge that it be defeated by the Senate when we reach this vote.

JURIES IN VOTING CASES CANNOT BE LIMITED TO VOTERS

Mr. President, I turn now to my amendment, which I mentioned at the beginning of my speech. It is drafted as an amendment to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Idaho [Mr. CHURCH]. All three of these able Senators are liberals, with records of genuine concern for the rights and liberties of individuals in our country. We know that this concern motivated their proposed amendment.

I oppose that amendment, as I have explained. I hope the Senate will defeat it. However, a majority of Senators may decide otherwise, and their amendment may be adopted. If so, I believe that it must be perfected in at least one crucial respect.

Under the pending amendment, jury trials would be required before anyone could be held in criminal contempt of a court order issued to assure voting rights to one or more American citizens. That is the point and purpose of adding the amendment to the present bill. The jury trials would be held in the United States district courts that had issued the orders on voting rights which are alleged to have been violated. Yet, under our present laws, the jury selected to try that alleged violation in the district court may itself be limited to registered voters in the community.

This is so obvious an incongruity and self-contradiction that I suppose it may have been due to an oversight. I send to the desk, therefore, my amendment to the amendment of the three Senators, to provide that alleged criminal contempts of court orders in voting cases shall not be tried before juries in those districts in which the laws would exclude from jury service persons who had not themselves won the right to vote. I ask that it be printed, and also that it be set forth in the RECORD at this point in my remarks.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

Mr. NEUBERGER'S amendment is, as follows:

On page 2, after line 9, insert the following: "This section shall not apply to any proceeding for criminal contempt for willful disobedience of or obstruction to any injunction, restraining order, or other order issued in an action or proceeding instituted to protect or secure the right of any person to vote as secured and protected by the Constitution and laws of the United States, including an action or proceeding instituted under section 2004 of the Revised Statutes, in a district court in a State the laws of which require that a person be registered to vote in order to be competent to serve as a grand or petit juror; but any such criminal contempt shall be prosecuted and punished as if this section and section 3691 of this title had not been enacted.

On page 3, after line 8, insert the following: "This section shall not apply to any proceeding for criminal contempt for willful disobedience of or obstruction to any injunction, restraining order, or other order issued in an action or proceeding instituted to protect or secure the right of any person to vote as secured and protected by the Constitution and laws of the United States, including an action or proceeding instituted under section 2004 of the Revised Statutes, in a district court in a State the laws of which require that a person be registered to vote in order to be competent to serve as a grand or petit juror; but any such criminal contempt shall be prosecuted and punished as if this section and section 402 of this title had not been enacted.

Mr. NEUBERGER. Mr. President, my amendment requires only a minimum of explanation. Under the section of the United States Code governing qualifications of jurors in the Federal courts, a person is excluded if "He is incompetent to serve as a grant or petit juror by the law of the State in which the district court is held."

In his brilliant review of the jury-trial issue on June 10, 1957, the Senator from Illinois [Mr. DOUGLAS] pointed out that several States limit jury service to registered voters, or use the voting registration lists as the means of selecting their jury lists. And under the Federal law I just read, eligibility for Federal jury service depends upon State rules of jury selection. The individual States can and do impose qualifications upon the selection of Federal juries, such as the ones contemplated under the pending amendment to the present right-to-vote bills.

Naturally, it is far from my intention to seek to change by an act of Congress the processes of jury selection in the several States. I am sure that this would be wholly improper, and it bears no relation at all to this amendment, which is concerned only with the enforcement of court orders in the Federal courts.

JURY PROVISION MUST BE IMPARTIAL

But I think the Congress can, and must, insist that any jury trials which are held in the Federal courts to enforce court orders under this bill be just and equitable trials for both sides. We can and must insist that the juries—if juries there must be—do not arbitrarily exclude one or another group of people on some basis which is directly pertinent to the issues to be tried. Yet that is the obvious result of the present amendment, with respect to jury trials in those jurisdictions in which only registered voters can be called to serve on Federal juries.

Proponents of the amendment have made much of the analogy to jury trials in prosecutions for contempt of labor injunctions. What would they say if, in a number of courts, only trade-union people were eligible for jury service in such prosecutions? What if, during the days of prohibition, men and women who did not drink alcohol were excluded from juries trying violations of padlocking orders?

Such rules would be absurd. Yet these parallels would be exactly matched, if alleged violations of voting rights were to be tried before juries composed exclusively of registered voters, from which nonvoters were legally and systematically excluded.

Mr. President, again I urge that we judge these issues with a view to realities. This bill has been termed a civil-rights bill. With the removal of title III, it is essentially a voting-rights bill. It is based on the premise, demonstrated by registration and voting statistics and by the evidence of specific instances, that in many localities Negroes are being denied the right to vote because of their race and color. Where this is in fact found to be the case, Federal judges are to be empowered to order injunctions and other mandatory orders to end the discrimination, and to help otherwise qualified Negroes win the right to vote. Now it is proposed that criminal contempts of these orders be tried before a jury.

In the localities where such court orders and such contempt proceedings may be necessary, there will be few Negroes on the lists of registered voters—that is the point of the bill. Realism also compels us to assume that this fact reflects the wishes of the dominant majority of the community, and that they will be unsympathetic to the objectives of this bill and to court orders granted under it. The Federal judicial code provides that "no citizen shall be excluded from service as a grand or petit juror in any court of the United States on account of race or color." But, by the section I read earlier, he may be excluded by virtue of ineligibility for jury service under State law, and that may mean by not being a registered voter. In trials arising out of denials of voting rights to Negroes, therefore, Negroes are likely to be excluded from Federal juries just as effectively as if the nondiscrimination rule had never been written into the Federal code.

DISCRIMINATION IN JURY SELECTION VIOLATES CONSTITUTION

Unless this effect of the proposed jury-trial amendment is corrected by the addition of my amendment, the resulting obvious inequity would be so serious that there might yet be doubt of its constitutionality. I have said that the Congress can probably provide jury trials for criminal contempts if it so chooses. But can we provide jury trials in which only voters rule on allegations that others have been illegally deprived of the right to vote? In the actual context, does that not mean letting the dominant side in the underlying controversy sit in judgment over its own case, and excluding those whose rights are supposed to be protected from participating in that judgment? Certainly I think that a United States attorney should on that basis argue to a Federal district judge that he should ignore the jury-trial amendment as unconstitutional and try the criminal-contempt charge himself.

Mr. President, I think the point needs no further argument. Although I oppose the whole jury-trial amendment, I offer my own amendment to cure one fatal flaw in it. I believe that the action of the Senate on my amendment will show whether Senators are truly interested in jury trials as such or only in reducing the whole pending civil-rights bill to a nullity.

Mr. President, I believe my amendment to the O'Mahoney-Kefauver-Church amendment is to some degree a test of the good faith of those who advocate these jury trials. If juries are to determine whether an American citizen has been unlawfully deprived of his right to vote, then membership in the juries themselves cannot be confined to the beneficiaries of this exclusive voting system. Obviously, jury trials under such circumstances can hardly be said to be compatible with our American ideas of justice and fair play.

How can a jury determine an issue involving alleged deprival of voting rights if the jury itself is restricted to those who have benefited by the very system which the trial seeks to outlaw and eliminate?

Surely if the goal of jury trials is a legitimate and proper one, then the sponsors of this goal can entertain no legitimate objection to assuring that the juries will be representative of a bona fide cross section of residents of that segment of America where the trials are to take place.

Mr. President, I have been reading a most illuminating book entitled "The Strange Career of Jim Crow," whose author is Prof. C. Vann Woodward, himself a southerner born in Arkansas, and now a member of the history department of Johns Hopkins University, in Baltimore. Professor Woodward has devoted most of his literary works to studies of the South.

A portion of one chapter in this book, which has been published by the Oxford University Press, analyzes the studied and deliberate total disfranchisement of the Negro and how it was done through such instruments as the poll tax, the white primary, spurious literacy tests, dubious property qualifications and other subterfuges.

Inasmuch as the Senate is now spending its time in debating legislation to protect the Negro's right to vote, I believe it may be useful if the CONGRESSIONAL RECORD contains Professor Woodward's historical account of how certain States set out to take the Negro's vote away from him through means ranging from outright intimidation to deliberate legal exclusion.

I ask unanimous consent that a portion of chapter 2 of The Strange Career of Jim Crow, written by Prof. C. Vann Woodward, be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. CARROLL in the chair). Is there objection?

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Having served as the national scapegoat in the reconciliation and reunion of North and South, the Negro was now pressed into service as a sectional scapegoat in the reconciliation of estranged white classes and the reunion of the solid South. The bitter violence and bloodletting recrimination of the campaigns between white conservatives and white radicals in the nineties had opened wounds that could not be healed by ordinary political nostrums and free-silver slogans. The only formula powerful enough to accomplish that was the magical formula of white supremacy, applied without stint and without any of the old conservative reservations of paternalism, without deference to any lingering resistance of northern liberalism, or any fear of further check from a defunct southern populism.

The first step in applying the formula was the total disfranchisement of the Negro. In part this was presented as a guaranty that in the future neither of the white factions would violate the white man's peace by rallying the Negro's support against the other. In part disfranchisement was also presented as a progressive reform, the sure means of purging southern elections of the corruption that disgraced them. The disgrace and public shame of this corruption were more widely and keenly appreciated than the circuitous and paradoxical nature of the proposed reform. To one Virginian, however, it did seem that disfranchising the Negroes "to prevent the Democratic election officials from stealing their votes" would be "to punish the man who has been injured"—a topsy-turvy justice at best. In no mood for paradoxes, southerners generally accepted Negro disfranchisement as a reform, without taking second thought.

The standard devices for accomplishing disfranchisement on a racial basis and evading the restrictions of the Constitution were invented by Mississippi, a pioneer of the movement and the only State that resorted to it before the Populist revolt took the form of political rebellion. Other States elaborated the original scheme and added devices of their own contriving, though there was a great deal of borrowing and interchange of ideas throughout the South. First of all, the plan set up certain barriers such as property or literacy qualifications for voting, and then cut certain loopholes in the barrier through which only white men could squeeze. The loopholes to appease (though not invariably accommodate) the underprivileged whites were the understanding

clause, the grandfather clause, or the good character clause. Some variation of the scheme was incorporated into the constitutions of South Carolina in 1895, Louisiana in 1898, North Carolina in 1900, Alabama in 1901, Virginia in 1902, Georgia in 1908, and Oklahoma in 1910. The restrictions imposed by these devices were enormously effective in decimating the Negro vote, but in addition all these States as well as the remaining members of the old Confederacy—Florida, Tennessee, Arkansas, and Texas—adopted the poll tax. With its cumulative features and procedures artfully devised to discourage payment, the poll tax was esteemed at first by some of its proponents as the most reliable means of curtailing the franchise—not only among the Negroes but among objectionable whites as well.

But if Negroes did learn to read, or acquire sufficient property, and remember to pay the poll tax and to keep the receipt on file, they could even then be tripped by the final hurdle devised for them—the white primary. Another of the fateful paradoxes that seemed to dog the history of the progressive movement in the South, the primary system was undoubtedly an improvement over the old convention system and did much to democratize nominations and party control. But along with the progressively inspired primary system were adopted the oppositely inspired party rules, local regulations, and, in some cases, State laws excluding the minority race from participation and converting the primary into a white man's club. This perverse reform usually followed hard upon, though sometimes preceded, the disfranchisement reform. The statewide Democratic primary was adopted in South Carolina in 1896, Arkansas in 1897, Georgia in 1898, Florida and Tennessee in 1901, Alabama and Mississippi in 1902, Kentucky and Texas in 1903, Louisiana in 1906, Oklahoma in 1907, Virginia in 1913, and North Carolina in 1915.

The effectiveness of disfranchisement is suggested by a comparison of the number of registered Negro voters in Louisiana in 1896, when there were 130,334, and in 1904, when there were 1,342. Between the two dates the literacy, property, and poll-tax qualifications were adopted. In 1896 Negro registrants were in a majority in 26 parishes—by 1900 in none.

In spite of the ultimate success of disfranchisement, the movement met with stout resistance and succeeded in some States by narrow margins or the use of fraud. In order to overcome the opposition and divert the suspicions of the poor and illiterate whites that they as well as the Negro were in danger of losing the franchise—a suspicion that often proved justified—the leaders of the movement resorted to an intensive propaganda of white supremacy, Negrophobia, and race chauvinism. Such a campaign preceded and accompanied disfranchisement in each State. In some of them it had been 30 years or more since the reign of the carpetbagger, but the legend of Reconstruction was revived, refurbished, and relived by the propagandists as if it were an immediate background of the current crisis. A new generation of southerners was as forcibly impressed with the sectional trauma as if they had lived through it themselves. Symbols and paraphernalia of the redemption drama were patched up and donned by 20th-century wearers. Boys who had been born since Gen. U. S. Grant was laid in his tomb paraded in the red shirts of their fathers, and popular southern novelists glamorized the history of the Ku Klux Klan, the Knights of the White Camelia, and the heroes of the struggle for home rule.

In Georgia and elsewhere the propaganda was furthered by a sensational press that played up and headlined current stories of Negro crime, charges of rape and attempted rape, and alleged instances of arrogance, impertinence, surly manners, or lack of prompt and proper servility in conduct. Already cowed and intimidated, the race was falsely pictured as stirred up to a mutinous and insurrectionary pitch. The Atlanta Journal, edited by Hoke Smith while he was a candidate for governor on a disfranchisement platform, was one of the worst offenders in this regard. Throughout his campaign Smith's paper kept up a daily barrage of Negro atrocity stories.

It was inevitable that race relations should deteriorate rapidly under such pressure. The immediate consequences in two States were bloody mob wars upon the Negro. Shortly after the red-shirt, white-supremacy election of 1898 in North Carolina a mob of 400 white men led by a former Congressman invaded the colored district of Wilmington, set fire to buildings, killed and wounded many Negroes, and chased hundreds out of town. The sequel to Hoke Smith's white-supremacy victory in Georgia in 1906 was a 4-day rule of anarchy in Atlanta, during which mobs roved the city freely looting, murdering, and lynching.

This ugly temper did not pass with the white-supremacy campaigns. Indeed the more defenseless, disfranchised, and intimidated the Negro became the more prone he was to the ruthless aggression of mobs. Three years after Tillman had completed his work of crushing Negro rights in South Carolina, colored people were victims of a series of atrocities. While the State had accustomed itself peacefully to dozens of Negro postmasters before, the appointment of one in 1898 at Lake City touched off a mob that burned the postmaster up in his own house and shot down his family as they escaped. The same year mobs of white-cap riders ranged over the countryside of Greenwood County shooting and hanging an undetermined number of Negroes. Two years after the white-supremacy campaign had disfranchised the race in Louisiana, uncontrolled mobs took over the city of New Orleans and robbed and assaulted Negroes for 3 days. The number of lynchings per year was fortunately on the decline during the first decade of the century in the country as a whole and in the South. But the proportion of lynchings committed in the South was at the same time increasing, and so was the proportion of Negro victims of the lynchings committed.

A few of the old conservatives still spoke out against the savage turn that events had taken in race relations. Wade Hampton announced during the disfranchisement campaign in South Carolina that he had no fear of Negro domination, that the Negroes had acted of late with rare moderation, and that race prejudice was being exploited for the purposes of demagogs. But Hampton's influence had waned and he could do nothing to stop the Tillmanites. Ex-Governor Oates, of Alabama, known as a conservative among conservatives and once the nemesis of populism in his State, declared that he was shocked at the change in public opinion in regard to the status of the Negro that had occurred by 1901. "Why sir," he declared to the disfranchising constitutional convention of Alabama, "the sentiment is altogether different now, when the Negro is doing no harm, why the people want to kill him and wipe him from the face of the earth." But it was Governor Oates who had admitted to the same body that in the heat of the Populist revolt he had said, "Go to it, boys. Count them out." The admission weakened his moral position, as the conservative tactic generally had undermined the authority of conservative influence on race relations.

Other representatives of the old conservative school, such as Senator John T. Morgan, of Alabama, gave aid and comfort to the racists; or like Hoke Smith went over to them lock, stock, and barrel, and became one of their leaders. Younger men whose background, associations, and ideas would have normally drawn them to the conservative, Hamptonian position on race in earlier days—men such as John Sharp Williams, of Mississippi, or Furnifold M. Simmons, of North Carolina, or later James F. Byrnes, of South Carolina—were swept up in the tide of racist sentiment and gave voice to it.

White-supremacy leaders, however, measured their success not by the number of conservative converts to their cause, but by the response of the old Populists. For if the racist strategy for the reconciliation of alienated white men and the restoration of the solid South were to work, it would have to win the insurgents. Populists were shrewdly watched for their reaction. In 1898, while the Populists were still in control of the North Carolina government, Josephus Daniels reported with elation seeing quite a number of white Populists and white Republicans taking part in a red-shirt parade for white supremacy. The following year when several Populist members of the legislature cast their votes for the disfranchisement amendment, "the applause was long and deafening, shouts and yells being added to the hand clapping." The reported yells were probably of the well-known "rebel" variety, for they hailed a closing of the white man's ranks—white solidarity again.

Tom Watson, Populist candidate for President in 1904, was slower than some of his party to close ranks on the race issue and capitulate to the extremists. He had indignantly denounced the South Carolina disfranchisement campaign in 1895 with the statement that "All this reactionary legislation is wrong" and that "old-fashioned democracy taught that a man who fought the battles of his country, and paid the taxes of his government, should have a vote." Bruised and embittered by another decade of futile battles, he still believed that "the bugaboo of Negro domination" was "the most hypocritical that unscrupulous leadership could invent." But by 1906 he had persuaded himself that only after the Negro was eliminated from politics could Populist principles gain a hearing. In other words, the white men would have to unite before they could divide. Watson optimistically believed that disfranchisement was the way to break up, rather than to unite, the solid South. With that in view he offered to swing the Populist vote to any progressive Democratic candidate for governor who would run pledged to a platform of Populist reforms and Negro disfranchisement. Hoke Smith, a recent convert to progressivism from conservative ranks, took up the challenge and Watson delivered the Populist vote, with the results we have already reviewed. The picture of the Georgia Populist and the reformed Georgia conservative united on a platform of Negrophobia and progressivism was strikingly symbolical of the new era in the South. The campaign made Watson the boss of Georgia politics, but it wrote off populism as a noble experiment, and launched its leader as one of the outstanding exploiters of endemic Negrophobia.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield for a question?

Mr. NEUBERGER. I am happy to yield.

Mr. DOUGLAS. Do I correctly understand that the Senator from Oregon is proposing to offer the amendment only if the amendment of the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Idaho [Mr. CHURCH], is adopted?

Mr. NEUBERGER. The Senator from Illinois is correct in that assumption.

Should the so-called jury-trial amendment be adopted by the Senate, it is my intention then to call up the amendment which I have discussed and explained in the presence of the Senator from Illinois and his colleagues.

Mr. DOUGLAS. But the Senator will not offer the amendment prior to a vote upon the O'Mahoney amendment?

Mr. NEUBERGER. It is not my purpose to call up my amendment prior to the vote of the Senate on the O'Mahoney amendment, but only to call it up before the Senate should the O'Mahoney-Kefauver-Church amendment be adopted by the Senate.

Mr. DOUGLAS. It is the present intention of the very able Senator from Oregon to vote against the third edition of the O'Mahoney amendment?

Mr. NEUBERGER. It is the opinion of the Senator from Oregon, as he tried to make clear in the speech he has just concluded, that he believes the addition of the jury-trial amendment to the voting-rights bill would not be a wise or sound inclusion.

Mr. DOUGLAS. The Senator from Oregon is aware that this is the third edition of the O'Mahoney amendment?

Mr. NEUBERGER. Yes. I am aware that the so-called jury trial amendment has been revised from time to time.

Mr. DOUGLAS. Does the Senator from Oregon think it is quite possible we may shortly have a fourth edition of the O'Mahoney amendment?

Mr. NEUBERGER. Well, there are more numbers. The amendment has been changed from time to time. We may have another edition. I know the Senator from Illinois will agree with me it is within the privileges of the sponsors to change the amendment if they desire to do so.

Mr. DOUGLAS. In other words, we are asked to shoot at a moving target, so to speak.

Mr. NEUBERGER. Yes, and we are doing our best to get it within the sights of our weapons, such as they may be.

Mr. DOUGLAS. I thank the Senator from Oregon.

Mr. NEUBERGER. I thank the Senator from Illinois for his observations.

As I tried to point out at one point in my address, the very thorough documentation which the Senator from Illinois has provided from time to time during the debate has been of great value to those of us who have rallied to his side in what we regard as a very just, fair, and wholly American cause.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. NEUBERGER. I yield to the distinguished Senator from Florida.

Mr. HOLLAND. I have listened with interest to the distinguished Senator, but I have not heard him say what type of system for the selection of jurors would satisfy his discriminating taste in this matter, in the event the Senate should see fit to adopt the O'Mahoney-Kefauver-Church amendment.

Mr. NEUBERGER. I will say to the Senator from Florida that I have looked over the statutes of some of the States of the Union, and in some of the Southern States, I find that membership on juries is limited to qualified electors. The entire issue at stake in the bill—the meat of the coconut in the bill—is the fact that certain people have been excluded from voting lists. It seems to me highly inconsistent to have a jury decide a voting issue when the jury itself is limited to the beneficiaries of a system of exclusion of large numbers of people from the voting list.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. NEUBERGER. I yield.

Mr. HOLLAND. The Senator from Florida is not much concerned about this matter, insofar as his own State is concerned. The RECORD shows that nearly 150,000 Negroes are registered to vote in Florida, and a great many more can register if they wish to. All of them can register if they wish to.

The point of my questioning is to get into the RECORD something affirmative from the Senator from Oregon, if I may, as to what kind of selection of a jury the Senator favors. The Senator has said what he does not favor. I should like to have the RECORD show what the Senator does favor. What kind of system would the Senator approve for the selection of a jury, in case the Senate makes provision for jury trials in certain kinds of contempt proceedings?

Mr. NEUBERGER. To begin with, I will say that I do not think my amendment presupposes I have to offer a totally new system as to how juries shall be selected. What my amendment proposes is that should the O'Mahoney-Kefauver-Church amendment be adopted by the Senate the benefits of that amendment, if such they may be called, would be denied to those jurisdictions where voting lists make up the composition of jurors who sit in Federal courts.

Mr. HOLLAND. Would the Senator's position be the same even in the case of States where all persons can register to vote, regardless of color, and where the voting lists are wholly representative of all segments of the population?

Mr. NEUBERGER. The Senator from Oregon does not presume that, in those States, cases involved in the voting-rights bill would arise. For example, there are a good many States of the North where, it is my understanding, the jury panels are drawn from voting lists; but in those States, for example, we do not presume that such voting cases as these will come up. However, if such cases do come up in States of the North, and those States are disqualified under the terms of my amendment, I am perfectly willing to accept that situation.

The Senator from Florida mentioned that his State was not involved in this issue. If that is the case, I certainly congratulate him upon it.

I should like to add that I do not believe the great State which I have the honor to help represent is involved in this issue. In that State, voting is open to all people regardless of race, creed, religion, color, economic status, or any other particular characteristic of any man or woman who is over 21 years of age. But that does not diminish my interest in this vital issue.

I would dislike to think that those of us who serve in the Senate could be vitally and emotionally concerned about some particular matter only if it directly involved our own States.

Mr. HOLLAND. I think the distinguished Senator has completely forgotten the contents of the O'Mahoney-Kefauver-Church amendment, because the contents of that amendment do not relate solely to the voting right question. They relate also to trials in connection with injunctions under the National Labor Relations Act, and to violations of such injunctions which are claimed to be criminal violations; and they relate to other fields. The position the distinguished Senator has taken, unless I misunderstand it, is that in his own State, which he says allows the registration of all citizens of all colors equally, persons charged with criminal violations of injunctions issued under the National Labor Relations Act would not be allowed trial by jury. How does the Senator justify denying the right of trial by jury to citizens in his own State charged with criminal violations of injunctions issued under the National Labor Relations Act and under other acts, not at all relating to voting? How does the Senator justify the position by which he would forever preclude any right of trial by jury to citizens of his own State charged with criminal violations of injunctions?

Mr. NEUBERGER. First, I should like to say that the junior Senator from Oregon does not accept the very broad charge the Senator from Florida has made regarding his attitude toward trials in his own State.

I am well aware of the fact that in these ever-changing versions of the O'Mahoney amendment, to which the Senator from Illinois referred, from time to time more and more luggage is added to the amendment. The Senator from Florida is talking about labor injunctions under this particular amendment. I have no doubt that a little later we may hame maritime injunctions, so that those interested in shipping or commerce of one kind or another can be included in the bill.

However, the thing which this proposed legislation concerns, the element about which I am concerned, and about which the majority of Senators are concerned, is voting rights. When voting rights are involved, I submit that to have jury trials confined to panels drawn from the list of voters is a great irony and inconsistency.

Regardless of what baggage or luggage is added to the bill in the form of amendments offered in an attempt to appeal to more and more groups, it still remains primarily a voting-rights bill. Inasmuch as the Senator from Florida has raised the issue of labor injunctions, I invite attention to the fact—if I am not mistaken—that earlier today the very able Senator from Michigan [Mr. McNAMARA] included in the RECORD a statement by the national leaders of organized labor to the effect that they themselves do not accept the view expressed by the Senator from Florida; and regardless of any attempt to make this a labor issue, they stand by the voting-rights bill as it came over from the House.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. NEUBERGER. I yield.

Mr. HOLLAND. I merely wished to call the Senator's attention to a very manifest fact, namely, that he has forgotten everything contained in the amendment now being debated except the voting-rights provisions. He has forgotten that it applies to general violations of injunctions of any kind issued by district judges, where there is a claim of criminal contempt.

By his own recital of the system of choosing jurors in his own State, the Senator is proposing to ban persons charged with criminal contempt in his own State, under any conceivable kind of Federal injunction, from any right to have their guilt or innocence passed upon by citizens of their State, because, as he says, the people of Oregon select their jurors from the entire voting lists, and the entire lists represent all segments of the population.

Mr. NEUBERGER. I anticipate absolutely no trouble or difficulty in my State under the terms of this bill. In my State, whatever other human frailties we may have, we do not deny people the vote, or intimidate people from using their right to vote, because of their race, religion, creed, or color.

I should like to ask the able Senator from Florida this question: Does he think it is consistent, if the issue involved is whether a certain race has been denied the right to vote, that the jury deciding such an issue should be drawn wholly from the list of electors, or people who are voting in that particular area?

Mr. HOLLAND. The Senator from Florida will say, in the first place, that he does not believe in excluding people from voting on the ground of color, or any other ground, if they are eligible intellectually to vote. He has shown his feeling by strongly supporting a bill repealing the poll-tax requirement in his own State years ago. He did it in a forum very far from here, where his position was not too popular at the time. He stood up and took that position, and he is not afraid to take it again.

The Senator from Florida is merely pointing out the ridiculous fact that the Senator from Oregon is thinking only in terms of the voting right question, whereas the amendment on which he will vote, and which he proposes to amend further, relates to all kinds of criminal contempt, and all kinds of injunctions issued by the Federal district courts.

Mr. NEUBERGER. I still submit that the Senator from Florida has not answered my question.

Mr. HOLLAND. The answer of the Senator from Florida is that, so far as his State is concerned, there would be no such deprivation. He does not think there should be any such deprivation anywhere. He does not believe there would be any such deprivation anywhere. He has tried cases in the Federal courts in his State, and elsewhere, and he has found Negroes on the jury lists.

Mr. NEUBERGER. Is this a bill for one State, or for 48 States?

Mr. HOLLAND. This is a bill for 48 States, but apparently the Senator from Oregon does not understand that it applies to his own State, as well as to the Southern States, which have been made the whipping boys.

Mr. NEUBERGER. Certainly it applies to my own State, and I am happy that is does apply to my own State, because my State is not a State in which people have been denied the right to vote, or intimidated out of their right to vote because of their race, religion, creed, or color. We may have other faults, but we do not have that fault.

Mr. HOLLAND. The Senator from Florida represents, in part, a State in which Federal injunctions issue, a State in which the question of contempt would arise, and in which the proposal of the Senator from Oregon would ban the people of that State from the right of trial by jury in such cases.

One further question. This is a reiteration of what I have already asked, as to the system of selection of jurors. Does the Senator from Oregon suggest any other system? He aims criticism at one system. I wonder if he knows of any other system.

Mr. NEUBERGER. I know that a system under which voting cases arise that involve the exclusion of people from voting lists, and in which that is the central issue at stake, is a question which cannot be decided fairly by a jury drawn from people who are the beneficiaries of a system of discrimination in drawing up voting lists.

Mr. HOLLAND. How does the Senator suggest that jurors be drawn?

Mr. NEUBERGER. Let me say this——

Mr. HOLLAND. Does the Senator have a suggestion? Does he know of any other system, other than that which involves using the voting lists?

Mr. NEUBERGER. The Senator from Oregon does not have to propose an alternative system of drawing jurors. What the Senator from Oregon is saying is that any State which proposes to use the O'Mahoney amendment—should it unfortunately be adopted—must think up a different method of selection, so long as it exercises discrimination in the matter of the right to vote, and that situation gives rise to voting right cases in Federal district courts.

Mr. HOLLAND. Who would be the judge of whether discrimination was exercised? Will the Senator explain that for the RECORD?

Mr. NEUBERGER. The Federal courts are going to be the judges in that respect.

Mr. HOLLAND. The Federal court would decide whether a particular State was discriminating and to what degree it was discriminating against any group; is that correct?

Mr. NEUBERGER. The language of the amendment is very clear.

Mr. HOLLAND. Will the Senator read his amendment so that we may understand it?

Mr. NEUBERGER. Unfortunately, my amendment has been sent to the desk. I do not know whether it is at the desk at the moment.

My amendment provides that, under the terms of the O'Mahoney-Kefauver-Church amendment, jury trials shall not be available in a jurisdiction in which jury panels are drawn from the voting lists or lists of electors.

I have before me a substantial number of the laws of the various States of the South in which grand jurors and petit jurors are drawn from a list of electors.

This happens to be the situation in a good many States—I do not wish to discuss individual States, because I have tried not to indulge in personalities, and I shall continue to try not to do that—in which a great many people who are Negroes have not been able, for one reason or another, to exercise their right to franchise. I submit that it is certainly hyprocritical to permit an all-white jury to decide whether an all-white voting system is to be perpetuated.

Mr. HOLLAND. I wonder whether the Senator would be kind enough at least to suggest some other system than the one which takes the list of electors from which to choose jurors. Otherwise the record will be entirely silent as to the program he believes would do an effective and proper and equitable job in this kind of case.

Mr. NEUBERGER. I suggest that that will be up to a given State where cases may arise under which a qualified person would be denied his right to vote. That is up to the particular State involved.

Furthermore, I believe it is rather a new doctrine that a Senator must always propose an alternative. I am leaving this up to the States. If a State has a condition under which the United States attorney, representing the Federal Government, must go into court and sue for an injunctive relief so that a qualified American can go to the polls and vote, it is up to that State to provide a different method of selecting jurors, if that State is to make available to itself the jury trials which are provided for the O'Mahoney-Kefauver-Church amendment.

Mr. HOLLAND. The Senator from Oregon would expect this same provision to apply to States which do look to their voting lists for jurors, which have no discrimination at all in their registrations, and where the voting lists are highly representative of every group of citizens; nevertheless the Senator would ban citizens in such a State from the right of jury trial in the many classes of injunctions and violations of injunctions covered by the amendment, other than that dealing with voting rights?

Mr. NEUBERGER. I repeat the reply I gave to the able Senator from Florida earlier in this discussion. I do not expect the voting rights cases to come up in States such as Oregon or Illinois—and I hope that the Senator's own State of Florida may be included in that list—where people are not kept from the polls or from the registration books because of their race, color, or creed.

Mr. HOLLAND. I should like to ask just one more question, because I must leave the floor. The Senator apparently fails to get the point. The position he suggests is based solely on what he thinks is the equity of the situation arising under the voting right provisions of the bill.

Mr. NEUBERGER. That is what the bill is all about.

Mr. HOLLAND. Whereas the amendment offered by the Senator from Wyoming, the Senator from Tennessee, and the Senator from Idaho is very much broader, in that it relates to many other things, in addition to voting rights. Nevertheless, the Senator would make his contention, which is based solely on the question of voting rights, to apply in such a way as to prevent the right of jury trials in all the other cases covered by the O'Mahoney-Kefauver-Church amendment.

Mr. NEUBERGER. I make that contention because I regard the pending bill as fundamentally a voting-rights bill. I am aware of the fact that, from time to time, the O'Mahoney amendment has been broadened, not only to the extent of adding names of other distinguished Senators as cosponsors, but also by the addition of new material and new provisions, in an effort to make the amendment just as wide as the Atlantic Ocean, or perhaps even as wide as the Pacific Ocean, which beats on the shores of my own State, in the hope that it will cause other groups to come in and advocate jury trials.

I am very happy to report, as I stated earlier, that the great national labor organizations have refused thus far to be lured, and that they are standing by the bill in its original version.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. NEUBERGER. I yield to the Senator from Illinois.

Mr. DOUGLAS. The Senator from Florida apparently does not realize the existence of section 243 of title 18 of the Criminal Code, which reads as follows:

> No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State on account of race, color, or previous condition of servitude.

If the law, as the Senator from Oregon has pointed out, provides that a person is not a qualified elector, he is thereby disqualified. Virtually no Negroes, or only a few Negroes, are qualified electors, and therefore, in effect, the provision of section 243 is nullified.

What the Senator from Oregon is proposing is that this further disqualification shall be removed, and the judgment as to whether it is in practice removed will rest, as it does now, in the hands of the Federal courts, and ultimately in the United States Supreme Court.

It is not necessary to rewrite the jury laws of every State, or prescribe in great detail how jurors in Federal courts are to be selected. It is not necessary to do that. What would be done would be to remove an additional disqualification which is imposed by the laws of the States which in other respects are followed by the Federal courts in the selection of jurors.

Mr. NEUBERGER. I thank the Senator from Illinois for his characteristically effective observation.

Before I yield the floor, may I explain that to me there is a very fundamental issue involved in this entire situation. It does seem to me highly unfair that a jury which is made up of electors shall decide whether or not the existing system of determining electors is discriminating against a certain group. It follows, obviously, as night follows day, that the people who are the victims of a discriminatory voting system and electing system will not be members of that jury. I thank the Senator from Illinois for contributing his usual helpful observations.

Mr. LONG. Mr. President, will the Senator yield?

Mr. NEUBERGER. I yield.

Mr. LONG. If the Senator's amendment is adopted, will the Senator then be disposed to vote for the O'Mahoney-Kefauver-Church amendment?

Mr. NEUBERGER. I do not believe the able Senator from Louisiana was present in the Chamber when the Senator from Illinois and the Senator from Oregon had a very brief colloquy on this subject. I emphasized the fact that it is my intention to call up my amendment only if the O'Mahoney-Kefauver-Church amendment should prevail. If it is adopted by the Senate—and I pray it will not be adopted—it will then be my intention to call up my amendment, and to offer it, but only if the O'Mahoney-Kefauver-Church amendment dealing with jury trials should be adopted at an earlier time.

Mr. LONG. Then I take it that the Senator would be against jury trials in any event, whether his amendment should be adopted or rejected.

Mr. NEUBERGER. The Senator from Oregon is opposed to adding a jury trial amendment to the pending bill. I trust the Senator from Louisiana does not regard that as an inconsistency on my part.

Mr. LONG. No; I can completely recognize the fact that the Senator can be opposed to an amendment but in favor of an amendment to that amendment. I do not at all challenge his right to take that position. I merely wished to know whether the Senator would be disposed to vote for the O'Mahoney amendment if his amendment were agreed to.

Mr. NEUBERGER. The Senator from Oregon is opposed to including a jury-trial provision in the bill. It may seem like an inconsistency—and I recognize the fact that all of us have inconsistencies—but I am certain a substantial number of Senators will support the jury-trial amendment and hope it will be added to the bill. But the same Senators may very conceivably vote against the bill, even should the jury-trial amendment be adopted as they propose. Is that not correct?

Mr. LONG. Yes. The Senator did not name the States which have voter qualifications in order to serve on juries. I believe the Senator from Illinois [Mr. DOUGLAS] on Friday, or some day previously, stated that in Louisiana there was such a requirement with regard to the parish of Orleans, but no such requirement with regard to any other parish in Louisiana. Is that in accord with the Senator's information?

Mr. NEUBERGER. I do not have specific information concerning the great State which the junior Senator from Louisiana has the honor, in part, to represent.

I may say, however, that in drafting the amendment and in making this speech, I did not have specifically in mind the State of Louisiana. I had other Southern States in mind when I mentioned States where one of the qualifications for service on both the grand and petit juries was that the person must be a qualified elector in the particular State. I did not have in mind the able Senator's State of Louisiana when I made that statement.

Mr. LONG. My impression, if I correctly understood what the Senator from Illinois placed in the RECORD, was that in addition to the parish of Orleans, in the State of Louisiana, there were States where there is such a requirement for jury service.

I want the Senator to know that there is a very heavy registration of colored voters in the parish of Orleans. That parish has a high percentage of colored voters in the electorate. I certainly do not feel the Senator would have any objection to the voter requirements concerning the parish of Orleans in Louisiana so far as the rights of colored persons are concerned.

Mr. NEUBERGER. I did not have that particular parish of Louisiana in mind, I assure the Senator, when I made some of the statements I have made today.

I am well aware of the fact—and I congratulate the Senator and his fellow residents of Louisiana upon the fact—that in Louisiana there has been an increasing number of Negroes who have gone to the polls. I still do not believe that the number is as large as it ought to be under truly democratic conditions in our country. But I am aware that an increasing number of colored persons has been able to go to the polls in the State of Louisiana.

Mr. LONG. If one were to look at the record from a historical point of view, he would see that the percentage of the Negro electorate in Louisiana has risen from three-tenths of 1 percent to approximately 15 percent in a period of 12 years. Considering that about 30 percent of the population of Louisiana is Negro, I should say that is very rapid progress.

Mr. NEUBERGER. I regard it as progress. I think it is helpful progress. I believe, further, that if the pending bill shall be passed without being unnecessarily diluted, even greater progress will be made in the future.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. NEUBERGER. I yield.

Mr. CARROLL. I compliment the Senator from Oregon upon a very intelligent discussion of a very vexatious problem. In the West, where we have judicial districts, jurors are selected in accordance with State law. I am really not sufficiently informed to say that the Federal courts follow the State procedure. But certainly it is very pertinent that the junior Senator from Oregon should make the observation, in connection with his amendment, as I understand it, that in the sad event the

jury trial amendment should be included in the bill, the bill would be further strengthened by Federal law and by the Federal courts so as to provide for a wide selection of citizens to serve on juries and to enable them to make the proper determination of cases. Is not that the purpose of the amendment?

Mr. NEUBERGER. It is the basic purpose of my amendment. I thank my colleague from Colorado for the knowledge and wisdom he contributes to this debate, as he does to all debates in which he participates.

If there are to be jury trials in contempt cases, then the persons who sit on the juries should be representative of a cross section of the American citizens of the given community. They should not be of any one particularly dominant race which might be in charge of the voting processes; otherwise, there will be a self-serving situation, in which the persons who are the beneficiaries of discrimination will sit on the juries and decide whether such a system shall be perpetuated.

Mr. CARROLL. In the event the situation comes to pass that a jury trial will be required, the junior Senator from Oregon might make it possible for the jury to function properly. Let us assume that in some area there is a colored registrar. If the law is violated by having no colored persons on the jury, then under the decision of Hernandez against United States he could not be prosecuted. So the Senator may have lent some constitutional strength to the bill. I hope I have not put any ideas in anyone's head about a registrar; perhaps such a situation would not happen anyway.

Mr. NEUBERGER. I feel the Senator from Colorado and I have the good fortune to represent, in part, States where people can serve in public positions regardless of race, religion, or color. I thank the Senator from Colorado for his very helpful contribution to the debate.

Mr. President, I have presumed upon the time of the Senate for quite a while. I know the able junior Senator from Georgia is waiting to obtain the floor.

## ORDER FOR RECESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR TRANSACTION OF ROUTINE BUSINESS ON TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that following the convening of the Senate tomorrow morning we have the usual morning hour for the transaction of routine business only, with a limitation on statements of 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE PROGRAM—UNANIMOUS CONSENT REQUEST ON TOMORROW TO TAKE UP CERTAIN MATTERS

Mr. JOHNSON of Texas. Mr. President, I announce that tomorrow I expect to ask the Senate to enter into a unanimous-consent agreement which will permit us temporarily to lay aside the unfinished business so as to consider the conference report on the Defense appropriation bill and the conference report on the Agriculture appropriation bill; to designate conferees and agree to a conference on the mutual-security bill; to consider the conference report on the Agricultural Trade Development Act, S. 1314; to consider the Small Business Administration bill, Calendar No. 611, S. 2504, to extend the Small Business Act, which expires at the end of this month; to consider the continuing resolutions in the case of the remaining appropriation bills which have not yet been passed by both bodies of Congress, and to consider the nominations on the Executive Calendar.

As nearly as I can estimate, it will take but a very short time to act on all these measures. So far as I am informed, there is nothing controversial about any of them. If we can obtain unanimous consent to consider them, I should like to do so, because I consider it necessary that certainly the appropriation bills and the Small Business Administration bill should be acted upon as early as possible. I hope we can complete action on all these measures on Wednesday, and perhaps proceed to a call of unobjected-to bills on the calendar. Many of those bills can be passed by unanimous consent, and they could be considered by the other body while we are debating the unfinished business. I hope all of that can be done by Wednesday—that is, certainly by Wednesday and Thursday.

I am going to pursue the matter further and discuss it with interested colleagues. Before the unanimous-consent agreement is proposed, I will ask to obtain a quorum.

## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Idaho [Mr. CHURCH].

Mr. TALMADGE. Mr. President, the debate on this amendment resolves itself into one simple question: "Can the right to vote be protected by denying the right of trial by jury?"

I submit, Mr. President, that it cannot. It is fundamental that one right cannot be made more secure by taking away or qualifying another right.

To contend otherwise is to deny the inalienability of the rights guaranteed to the American people by the Constitution and the Bill of Rights.

To legislate otherwise would be to reverse the clear intent of our Founding Fathers in emphatically and unequivocally prohibiting any infringement upon the constitutional liberties they enumerated.

The constitutional rights of the citizens of this Nation are not sometime things to be alternately enjoyed and denied to the tune of whatever siren song of political expediency may tempt those who transiently occupy the seats of Congress.

Rather they are rights which are perpetual and all inclusive, unchanging and unqualified and without exceptions or loopholes. They are the chains which bind our Government, like Ulysses, to the mast to keep it from steering our ship of State onto the dangerous rocks of governmental interference with or denial of individual freedom.

The right to vote is a cherished one, and there is no one who objects to its exercise by all qualified citizens. Neither is there any one who does not feel that any denial of or interference with the full exercise of that right should be corrected and those determined to be guilty punished.

However, it must be pointed out that our Constitution and laws already provide adequate and effective machinery for redress in such cases. And no one has submitted the first bit of evidence during the course of this debate to show that any qualified person desiring to vote has not been promptly and fully protected in the enjoyment of that right by our State and Federal courts.

The sponsors of this monstrous legislation presently before the Senate have not made a case for the broad new power they seek for the United States Attorney General to enforce criminal laws through injunctive relief in Federal courts of chancery. Neither have they been able to reconcile to the satisfaction of the American public the inconsistency of their position of advocating the denial of jury trials in civil rights cases with their characterization of themselves as liberals crusading in the name of civil rights.

No true liberal would advocate the qualification or denial of any right—most assuredly not the right of trial by jury. As my authority for that statement, I cite the words of one of the greatest liberals ever to sit in this body or to speak out in defense of the rights of the American people, the late Senator George W. Norris of Nebraska.

In advocating the adoption of the Norris-La Guardia Act, Senator Norris declared in this Chamber on March 18, 1932:

> I agree, that any man charged with contempt in any court of the United States, * * * in any case, no matter what it is, ought to have a jury trial. * * * It is no answer to say that there will sometimes be juries which will not convict. That is a charge which can be made against our jury system. Every man who has tried lawsuits before juries, every man who has ever presided in court and heard jury trials knows that juries make mistakes, as all other human beings do, and they sometimes render verdicts which seem almost obnoxious. But it is the best system I know of. I would not

have it abolished; and when I see how juries will really do justice when a biased and prejudiced judge is trying to lead them astray I am confirmed in my opinion that after all, our jury system is one which the American people, who believe in liberty and justice, will not dare to surrender. I like to have trial by jury preserved in all kinds of cases where there is a dispute of facts.

Those words of Senator Norris completely refute every argument made on this floor against adoption of the O'Mahoney amendment to protect the right of trial by jury in civil-rights cases.

Let me reiterate his statement that "it is no answer to say that there will sometimes be juries which will not convict." That has been the burden of the theme of the proponents of this bill, as written—that southern juries would not convict officials or plain citizens accused of civil-rights violations.

That specious contention has been knocked into a cocked hat by developments of the last two weeks in Clinton, Tenn., and here in the District of Columbia.

It is not necessary for me to draw a word picture to contrast the verdicts with the locale and composition of the 2 juries which in the former case convicted 7 persons of conspiring to violate a Federal court order, and in the latter case acquitted a union official of conspiring and bribing to plant a spy within a committee of the Senate.

The parallel was cogently summarized in an editorial by the Greenville (S. C.) News, in commenting on the Hoffa verdict, which stated:

> The jury considered the facts and reached a verdict. Unless evidence is produced to show that it was tampered with, that ends the case, and it's good enough for us. No man should be forced by his government to stand trial, and risk loss of life, freedom, or property, except before a jury.
>
> But, if, as the proponents of civil-rights legislation imply, there is something wrong with the jury system, something should be done about it, and the District of Columbia is a good place to start.

I seriously doubt, Mr. President, that those who are so vocal in their advocacy of denying jury trials to persons accused of civil-rights violations would dare propose applying the same yardstick to persons accused of conspiring to interfere with the investigative processes of committees of the United States Senate.

To keep the record straight, Mr. President, let me emphasize that should such a proposal be made, I would oppose it as vigorously as I now advocate the adoption of this amendment to guarantee jury trials in civil-rights cases.

Not only do I agree with the view of the great liberal, the late Senator Norris, that "any man charged with contempt in any court of the United States, in any case, no matter what it is, ought to have a jury trial," but also I would give my wholehearted support to proposed legislation to guarantee trial by jury in all cases in which there are facts to be determined, with the one exception of cases of direct contempt committed in the presence of the court.

I feel that I have demonstrated my sincerity on this point by the bill, S. 1182, which I introduced on February 14, providing for a speedy and public trial by an impartial jury "in all cases of contempt arising from the disobedience of any injunction or restraining order," and specifying that no person could be bound by an injunction unless he is a party to the proceeding, is named in and served with a true copy of the injunction, or has the provisions of the injunction read and explained in his presence by a judge in open court.

I would be pleased, Mr. President, to have the sponsors of H. R. 6127 demonstrate their sincerity by joining with me in seeking the passage of S. 1182; and I would be delighted, in so doing, to amend it to make it an all-inclusive jury-trial bill within the terms of the definition of the late Senator Norris.

It is my firm conviction that the enactment of such a measure would constitute a really effective means of protecting and preserving the civil rights of the American people, and would constitute the most significant civil-rights legislation to be passed by Congress since it wrote and submitted the Bill of Rights to the States, for ratification.

As I stated at the time of its introduction:

> One of the most basic of our civil rights as Americans is the right of trial by jury. My bill would protect that right from abuse through misuse of the judicial power of contempt and, in so doing, would help to eliminate the grave danger of governmental regimentation and dictation through court edict.

I ask unanimous consent, Mr. President, that for the benefit of the Members of the Senate, the text of my bill, S. 1182, be herewith printed in the RECORD, as a portion of my remarks.

There being no objection, the bill (S. 1182) to prescribe the procedure of courts of the United States in the issuance of injunctions and the punishment of disobedience thereof, and for other purposes, introduced by Mr. TALMADGE on February 14, 1957, was ordered to be printed in the RECORD, as follows:

*Be it enacted*, etc., That (a) sections 3691 and 3692 of title 18 of the United States Code are amended to read as follows:

"§ 3691. Jury trial of criminal contempts—generally

"Whenever a contempt charged shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States (other than an injunction or restraining order) by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in other criminal cases.

"This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States.

"§ 3692. Jury trial of criminal contempts—injunctions and restraining orders

"In all cases of contempt arising from the disobedience of any injunction or restraining order the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed. This paragraph shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court.

"No individual may be punished for contempt arising from the disobedience of any such injunction or restraining order unless—

"(a) such individual was a party to the proceeding in which such injunction or restraining order was issued, or willfully combined or conspired with any party to such proceeding to violate any prohibition or requirement of such injunction or restraining order;

"(b) such individual before such disobedience received notice of the terms and conditions of such injunction or restraining order through (1) the service upon him of a true and correct copy of such injunction or restraining order, or (2) a full and complete oral explanation of the provisions of such injunction or restraining order and the effect thereof given by the judge in open court in the presence of such individual at the time of the issuance thereof; and

"(c) the prohibitions and requirements of such injunction or restraining order were described therein with sufficient particularity and certainty to provide adequate notice to such individual as to the specific acts prohibited or required thereby.

This paragraph shall not apply to any proceeding for the punishment of any individual for any act or omission committed in his capacity as a director, officer, employee, agent, or member of, or attorney for, any corporation, partnership, association, or labor union in disobedience of any injunction or restraining order issued against and duly served upon such corporation, partnership, association, or labor union."

(b) The analysis of chapter 233 of such title is amended to read as follows:

"Sec.

"3691. Jury trial of criminal contempts—generally.

"3692. Jury trial of criminal contempts—injunctions and restraining orders.

"3693. Summary disposition or jury trial; notice—rule."

SEC. 2. (a) Chapter 155 of title 28 of the United States Code is amended by adding at the end thereof the following new section:

"§ 2285. Injunctions and restraining orders—requirements

"Every injunction or restraining order issued by any court of the United States must describe each prohibition and requirement imposed thereby with sufficient particularity and certainty to provide adequate notice to each individual subject thereto as to the specific acts prohibited or required thereby. Each such injunction or restraining order must name specifically each individual who is subject to each prohibition and requirement imposed thereby, except that—

"(a) an injunction or restraining order issued against any corporation, partnership, association, or labor union may be made applicable to directors, officers, employees, agents and members thereof, and attorneys therefor, without naming in such injunction or restraining order each such individual; and

"(b) an injunction or restraining order may be issued against a specifically described class or group of individuals if (1) the court determines, upon a satisfactory showing, made by the applicant therefor, that each such individual cannot be named specifically and that the applicant would suffer immediate irremediable harm if such injunction or order were not made applicable with respect to such class or group, and (2) such injunction or restraining order provides specifically that it shall not apply with respect

to any individual until such individual has received notice of the terms and conditions of such injunction or restraining order through (A) the service upon him of a true and correct copy thereof, or (B) a full and complete oral explanation of the provisions thereof and their effect given by the judge in open court in the presence of such individual at the time of the issuance thereof. This section shall not relieve any court or party from compliance with any additional requirement prescribed by any statute or rule of court for the issuance of any injunction or restraining order."

(b) The analysis of such chapter is amended by adding at the end thereof the following new item:

"2285. Injunctions and restraining orders—requirements."

Mr. TALMADGE. Mr. President, those who would deny jury trials in civil-rights cases have sought by glib legalisms and semantic legerdemain to establish the false premise that such denial already is the law. They would have the people believe that that is true because we now have a statute, codified as title 18, United States Code, section 3691, which provides that in cases of contempt arising out of any action brought in the name of the United States, there is no jury trial.

What they do not say, however, is that H. R. 6127 would authorize the Attorney General of the United States to enforce existing criminal statutes under which trial by jury is inherent, by bringing injunctive proceedings in the name of the United States, under which trial by jury is denied. Thus, by the adroit legal maneuver of enforcing present criminal statutes through injunctive proceedings brought in the name of the United States, defendants in civil-rights cases would be denied a jury trial.

The brilliant and distinguished Senator from Wyoming [Mr. O'MAHONEY]—who need bow to no man in his love of the Constitution and his desire to see constitutional government maintained—effectively exposed this deliberate distortion of the facts in his eloquent address before the Senate on July 16. For sake of emphasis, I wish to repeat his words. He declared:

The opponents of jury trial under this measure say that Congress has frequently given the Attorney General power to sue on behalf of the United States for relief by injunction. Such persons, I am persuaded, overlook the distinction between offenses which are classified as malum per se or mala prohibita, offenses which are in themselves evil or offenses which are wrong only because they happen to be prohibited by law.

In the former category are the criminal offenses for which no man can be punished unless tried and convicted by a jury. The latter offenses which arise only because some regulatory law prohibits them do not have the same significance as the crimes of force and violence which are evil in themselves and unfortunately are committed by some natural persons. It is precisely because they are evil in themselves that our system of government has always insisted that the person charged shall always be entitled to a trial by jury. No man can, under the American system of government, be punished for an infamous crime merely by the ipse dixit of an appointed Attorney General or an appointed judge. The whole history of the jury trial is the development of the resistance of free men against arbitrary judicial and executive power.

We are being asked by the enactment of H. R. 6127, which, as now written, denies jury trials to all persons accused of violating the civil rights of another, to turn our Federal courts into an arm of the Justice Department to be used as instrument of intimidation in cases where the criminal law will not suffice.

We are being asked to make every election—local, state, and Federal—and every local governmental controversy of any significance subject to Federal jurisdiction, Federal interference, Federal scrutiny, and ultimate Federal control.

We are being asked to turn our Federal district courts into glorified boards and registrars with only one rule of procedure—to enforce the whims and caprices of the Attorney General of the United States.

We are being asked, in effect, to take the unconstitutional step of seeking to amend by legislation the clear provision of the Constitution that qualifications for voting are to be determined solely by the individual States. The only limitations which the Constitution places on that provision of article I are the provisos of the 15th and 19th amendments prohibiting the denial or abridgment of the right to vote on account of race, color, previous condition of servitude, or sex.

I repeat my previous assertion, Mr. President, that not one bit of evidence has been produced during the course of this debate to show that any person has been refused protection in the enjoyment of his right of franchise by our State or Federal courts. Furthermore, no one has shown that anyone not now exercising his right to vote will be denied it if he seeks it.

After all, Mr. President, the rights guaranteed to Americans by the Constitution and the Bill of Rights are like coins—each has two sides. The obvious side is the guarantee of freedom in exercising those rights. But equally true is the freedom to choose not to exercise them.

Every American has the right of freedom of speech. By the same token, every American also has the freedom of silence.

Every American qualified by law is entitled to exercise or not to exercise his right to vote. And it is just as important to protect the man who chooses not to exercise his right as it is to protect the citizen who wishes full enjoyment of it.

That is one of the fundamental defects in H. R. 6127—that it robs American citizens of their right not to exercise their rights if they so choose. That is true because it empowers the Attorney General to bring actions to enforce the exercise of individual rights whether the individuals concerned desire to exercise those rights or not.

To my mind, Mr. President, the right to choose not to go to court is no less inalienable than the right to go. Both rights must be upheld if our constitutional government by law, as opposed to government by man, is to be protected and preserved.

To my mind, Mr. President, the right to be left alone is inherent in our American way of life. Or, as one of my constituents recently expressed it to me:

Under the Bill of Rights, the other fellow has the right to shake his fist at me all he wants, but his right ends where my nose begins.

Besides infringing upon the right to be left alone, H. R. 6127 constitutes an arrogant demand upon us to so rig our laws that Federal prosecuting attorneys—on direction of the Attorney General—can convict any citizen of this Nation under circumstances where the evidence is insufficient to warrant such a conviction by his peers.

I submit, Mr. President, that in the prosecution of cases in criminal law the evidence must be beyond a reasonable doubt, but if the Attorney General is authorized to enforce criminal actions by injunction proceedings in courts of equity, all that is required is a mere preponderance of evidence, so that the degree of evidence will shift if we are to authorize the Government to bring cases in equity for the alleged enforcement of criminal laws.

It is a settled principle of equity jurisdiction that a court of chancery will not interfere where criminal prosecutions have been unsuccessful because of the reluctance of local juries to convict particular defendants.

This, the courts have held, is no ground for affording injunctive relief against criminal acts by such defendants.

The remedy is criminal prosecution as now provided by law.

The remedy is an indictment for breaches of the criminal law in criminal courts as guaranteed by the Bill of Rights.

The remedy is the trial and adjudication of alleged abuses by jury as provided for not once, but four times, in the Constitution.

To seek to interpose the United States Government between the individual and those remedies is to take the position that persons accused of violating civil rights are not entitled to the same constitutional safeguards as thieves, rapists, murderers, traitors, and—to refer to a recent decision of the Supreme Court—Kingsley Books, Inc. et al against Peter Campbell Brown—the purveyors of obscene literature and "dirty" books.

The cavalier manner in which the proponents of this proposed legislation treat their proposed denial of the right of trial by jury is shocking to me. I can but assume that they entertain the same attitude toward the Magna Carta and the Declaration of Independence, from which that right stems.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. ERVIN. I read in this morning's newspaper an account of the erection of a memorial to Magna Carta at Runnymede, which occurred just a day or so ago. I should like to ask the distinguished Senator from Georgia if memorials are not ordinarily erected after the thing memorialized is dead, and if in his opinion we ought not to erect a

memorial to constitutional liberty in America if we pass this bill robbing Americans of the right of trial by jury.

Mr. TALMADGE. I certainly share the Senator's opinion. If this bill is passed I think it will be the greatest setback to the rights of free men, under Anglo-Saxon jurisprudence, since the Magna Carta was wrested from King John in the year 1215.

Because those who wish to deny this basic right seem to be impressed only by the legal argument, I wish to read for the benefit of the Senate the conclusions of one of Georgia's foremost attorneys, Hon. Hal Lindsay of Atlanta, who has provided me with a comprehensive legal analysis of this question. He states:

The Federal appellate courts, including the Supreme Court of the United States, regard the right of trial by jury as of prime importance.

*In Re: Michael* (326 U. S. 224; 66 Sup. Ct. 78), decided November 5, 1945, will serve to illustrate the traditional regard in which the right of trial by jury is held. From it we quote:

"Not very long ago we had occasion to point out that the act of 1831, 4 Stat. 487, from which section 268 of the Judicial Code derives, represented a deliberate Congressional purpose drastically to curtail the range of conduct which courts could punish as contempt. *Nye* v. *United States* (313 U. S. 33, 44–48, 61 S. Ct. 810, 813–816, 85 L. Ed. 1172). True, the act of 1831 carries upon its face the purpose to leave the courts ample power to protect the administration of justice against immediate interruption of its business. But the references to that act's history in the Nye case, supra, reveal a Congressional intent to safeguard constitutional procedures by limiting courts, as Congress is limited in contempt cases, to 'the least possible power adequate to the end proposed.' *Anderson* v. *Dunn* (6 Wheat. 204, 231, 5 L. Ed. 242). The exercise by Federal courts of any broader contempt power than this would permit too great inroads on the procedural safeguards of the Bill of Rights, since contempts are summary in their nature, and leave determination of guilt to a judge rather than a jury. It is in this constitutional setting that we must resolve the issues here raised."

Another case in point is *Nye* v. *U. S.* (313 U. S. 33, 61 S. Ct. 810), which to every liberty-loving American should be a familiar text. From that decision I quote as follows:

"If petitioners can be punished for their misconduct, it must be under Criminal Code where they will be afforded the normal safeguards surrounding criminal prosecutions. Accordingly, the judgment below is reversed."

To what normal safeguard was the Court referring? Obviously the right of trial by jury which is now being treated lightly in disregard of existing law.

From that point, Mr. Lindsay then proceeds to quote rule 42 of Federal Rules of Criminal Procedures which treats on the procedures to be followed by Federal courts in the disposition of criminal contempt cases. I ask unanimous consent, Mr. President, that the text of this rule be printed at this juncture as a portion of my remarks.

There being no objection, the rule was ordered to be printed in the RECORD, as follows:

RULE 42. CRIMINAL CONTEMPT

(a) Summary disposition: A criminal contempt may be punished summarily if the judge certifies that he saw or heard the conduct constituting the contempt and that it was committed in the actual presence of the court. The order of contempt shall recite the facts and shall be signed by the judge and entered of record.

(b) Disposition upon notice and hearing: A criminal contempt except as provided in subdivision (a) of this rule shall be prosecuted on notice. The notice shall state the time and place of hearing, allowing a reasonable time for the preparation of the defense, and shall state the essential facts constituting the criminal contempt charged and describe it as such. The notice shall be given orally by the judge in open court in the presence of the defendant or, on application of the United States attorney or of an attorney appointed by the court for that purpose, by an order to show cause or an order of arrest. The defendant is entitled to a trial by jury in any case in which an act of Congress so provides. He is entitled to admission to bail as provided in these rules. If the contempt charged involves disrespect to or criticism of a judge, that judge is disqualified from presiding at the trial or hearing except with the defendant's consent. Upon a verdict or finding of guilt the court shall enter an order fixing the punishment.

Mr. TALMADGE. Mr. President, I wish to invite the attention of the Senate to the fact that rule 42 requires the judge to see or hear the conduct constituting the contempt if there is to be summary disposition of it. Otherwise it provides for a hearing and trial by jury where Congress so provides.

Mr. Lindsay then continues in his analysis as follows:

A recent decision by the United States Court of Appeals for the First Circuit is that of *Farese* v. *United States* (209 Fed. 2d 312); from which the following is quoted:

"Notwithstanding the potential elasticity of the metaphorical expression 'in its (the court's) presence' as used in 18 United States Code 401, we ought not to give that statutory language an application beyond the clear requirements of the controlling Supreme Court cases. In accordance with the admonitions in *Nye* v. *United States*, and *In re Michael*, supra, our disposition should be to restrict narrowly the instances where an accused may be summarily punished by the court without a right to a jury trial."

The basic Federal law is embraced within the provisions of section 401 of title 18 of the United States Code.

I ask unanimous consent, Mr. President, that that section be included in the RECORD at this point as part of my remarks.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

401. Power of court: A court of the United States shall have power to punish by fine or imprisonment, at its discretion, such contempt of its authority, and none other, as—

(1) Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;

(2) Misbehavior of any of its officers in their official transactions;

(3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command. (June 25, 1948, ch. 645, sec 1, 62 Stat. 701.)

Mr. TALMADGE. Mr. President, Mr. Lindsay then proceeds to state:

It is stated glibly that judges have always had the right to sentence to jail for contempt without a jury trial.

It is true that in some, but not in all instances this may be done, but these must come within section 401 above quoted. As illustrative of the fact that they do not always have such power, other pertinent code sections are title 18, sections 3691 and 3692.

Mr. President, I ask unanimous consent that those sections be printed herewith in the RECORD in the context of my remarks.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

§ 3691. Jury trial of criminal contempts.

Whenever a contempt charged shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in other criminal cases.

This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States. (June 25, 1948, ch. 645, sec. 1, 62 Stat. 844.)

§ 3692. Jury trial for contempt in labor dispute cases.

In all cases of contempt arising under the laws of the United States governing the issuance of injunctions or restraining orders in any case involving or growing out of a labor dispute, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed.

This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court. (June 25, 1948, ch. 645, sec. 1, 62 Stat. 844.)

Mr. TALMADGE. Mr. President, I quote further from Mr. Lindsay's analysis of this question:

It will thus be seen that if anything done in the willful disobedience of any decree of any district court would also constitute a criminal offense under any act of Congress or under the laws of the State in which it was done, the accused would be entitled to trial by jury. This would embrace substantially every case contemplated as a potential violation of the proposed legislation, hence the effort to nullify the present law.

By reference to section 3692, it will be seen that in labor dispute cases the accused would have the right to a speedy and public trial by jury.

Would one not think that a person accused of violation of one of the provisions of the proposed civil-rights legislation would be less entitled to a jury trial than a member of a labor union charged with violation of a court injunction?

Other instances in which the right of trial by jury is specifically provided are cases arising under the Norris-La Guardia Act and the Clayton Act.

If the denial of the right to trial by jury were not very necessary in accomplishing the purposes of those advocating this so-called civil-rights legislation, there would be no such strenuous efforts as those we are witnessing to so write the act as to deprive the citizen of this fundamental safeguard.

Let me reiterate and emphasize the conclusions of this eminent attorney that

the present laws governing criminal contempts would embrace substantially every case contemplated as a potential violation of the proposed legislation and that the denial of the right to trial by jury in such cases is very necessary in accomplishing the purposes of those advocating this so-called civil-rights legislation.

This brings us back to the bedrock fact that, for political advantage, those exploiting this issue would be willing to swap one right for another which, I submit, Mr. President, cannot be done without placing in grave jeopardy every constitutional right which we, as Americans, cherish.

For it takes no great logician to see, Mr. President, that if one right can be sacrificed for expediency today then other rights can be sacrificed by application of the same precedent tomorrow.

Mr. LONG. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. LONG. It seems to me particularly significant that the reason advanced by those who frankly discuss their purpose in denying trial by jury relates to the very reason which caused the authors of our Constitution to guarantee trial by jury three times in the Constitution. Trial by jury was placed there to insure that a judge could not find a man guilty if a jury of 12 men did not agree on his guilt.

The reason given for denying the right of trial by jury, particularly on the part of those who speak most frankly on the floor of the Senate, is that they fear that if a man were to be given the rights which the Constitution intended him to have, he would be acquitted.

Mr. TALMADGE. I share the Senator's view. Such a view is a strange fallacy to me. Some Senators seem to think that the best way to guarantee certain rights to certain American people is to deny other Americans equally important rights.

Mr. LONG. Mr. President, will the Senator further yield?

Mr. TALMADGE. I yield.

Mr. LONG. I wonder if the Senator was present when the Senator from New York [Mr. JAVITS] made his speech on the subject, explaining that one of the great weaknesses of the pending amendment is that not only would it guarantee the citizen the right of trial by jury, but that if he were tried by a court and found innocent, he could be tried again, on appeal, or by a higher court. Thereby he could be denied his second constitutional right, which is the right to protection against double jeopardy, or being tried twice for the same offense.

Mr. TALMADGE. I heard that amazing statement.

Mr. LONG. The Senator from New York pointed out that if a person had the right to be tried only once for a crime, that represented one of the great faults of the pending amendment, and that perhaps unwittingly the framers of the O'Mahoney-Kefauver-Church amendment had protected an American in his constitutional right against double jeopardy.

Mr. TALMADGE. The views of some people call for the conviction of defendants in such cases, whether they are innocent or guilty. They seem to feel that the defendants should be convicted in the fastest possible manner. As the distinguished junior Senator from Virginia [Mr. ROBERTSON] has pointed out, if convictions are what are desired, perhaps the easiest and most effective method would be trial by torture.

I thank the Senator from Louisiana.

Mr. ERVIN. I should like to ask the Senator yield?

Mr. TALMADGE. I yield.

Mr. ERVIN. I should like to ask the distinguished Senator from Georgia if the arguments which are made in favor of conferring upon the Attorney General the power to rob State and local officials of the right of trial by jury in civil-rights cases are not identical with the arguments which were used by the supporters of the Crown in England to justify the establishment of the Court of Star Chamber, and the arguments used by King George and his ministers when they persuaded Parliament to rob the American colonists of the right of trial by jury.

Mr. TALMADGE. The Senator is entirely correct; and I shall deal with that very question in some detail in the latter part of my speech.

Mr. ERVIN. Let me say to the Senator that I was present when the Attorney General testified before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee. These are not his exact words, but this is what they amounted to:

If the Attorney General is not permitted to rob State and local officials of the right of trial by jury in civil-rights cases, the Department of Justice may lose some cases which it would like to win.

Mr. TALMADGE. I heard that amazing argument.

Mr. ERVIN. Also he said in substance that if the Department of Justice is required to prove the truth of its allegations by the testimony of witnesses subjected to cross-examination, to the satisfaction of the jury, in the manner required by the Constitution in criminal cases, the Department of Justice may lose some cases it would like to win.

Mr. TALMADGE. I share the Senator's concern over any such thinking as that. I certainly am of the opinion that the safeguarding of the liberties of all our people, regardless of their color or previous condition of servitude, or their religion, requires strict, to-the-letter enforcement of the Constitution of the United States as written, and as followed from the time of its adoption down to the present time.

There is no motive so pure and no goal so hallowed that can justify the compromise of principle, particularly when that principle has so great bearing upon the rights and freedoms which have enabled us to develop here on this continent the greatest and freest civilization mankind has ever known.

It would be well for the Senate to recall in this connection how noble was the purpose of the Court of Star Chamber when it was established apart from the regular courts of England as the protector of the weak against the strong, of the commonalty against aristocratic oppressors. But because it was divorced from the strict rules of common law and the guaranty of trial by jury it degenerated into an oppressive instrument of monarchic tyranny from which nothing escaped its power. One of its prime purposes was to try cases in which it was thought juries would not convict.

This court used torture to obtain evidence and pronounced convictions on hearsay evidence. Its methods of enforcing submission grew in terror with the reign of each succeeding king under which it operated. At its zenith it used its limitless powers to punish jurors of the regular courts for handing down decisions contrary to the council's wishes, and lawyers for giving advice contrary to the interests of the court.

A secret letter written by a London barrister named William Hudson, later disclosed by his son, described its proceedings in these words:

> The person accused or suspected was immediately apprehended, and privately examined. If he confessed any offense, or if the cunning of his examiners drew from him, or his own simplicity let fall, any expressions which suited their purpose, he was at once brought to the bar, his confession or examination was read, he was convicted, ex oro suo, and judgment was finally pronounced against him. Imagination can scarcely conceive a more terrible judicature.

It was the Court of Star Chamber which convicted and beheaded both Sir Walter Raleigh and Sir Thomas More on evidence which no court today would even admit.

George III took a page out of the star chamber's book in placing the enforcement of the sugar, stamp, and other oppressive revenue acts of his reign under the jurisdiction of the courts of admiralty, which, like the Court of Star Chamber, operated outside the strict rules of common law and the guaranty of trial by jury.

It was the tyrannical suppression, confiscation, intimidation, and punishment which ensued which was one of the prime causes of the Revolutionary War, and which prompted Thomas Jefferson to charge in the Declaration of Independence that the tyranny and usurpations of George III had resulted in the American colonists being deprived in many cases of the benefits of trial by jury.

The flagrant abuse of the rights of the colonists under the Sugar Act was described by Edmund Sears Morgan in his book The Birth of the Republic, in these words:

> Violations of the Sugar Act were punished by seizure of the offending vessel and cargo. Both would be sold and the proceeds divided: a third to the English Treasury, a third to the governor of the colony, and a third to the customs officers responsible for the seizure. * * * (The new commissioners) had the dubious distinction of exploiting the possibilities to the utmost. * * * Their favorite method was to follow a lax procedure for a time and then, suddenly shifting to a strict one, seize all vessels that were following the practice hitherto allowed .
>
> There was very little risk involved for the officers, because the Sugar Act provided that they were to be free from any damage suits

if they could show probable cause for a mistaken seizure, and the juryless admiralty courts in which cases were tried would generally certify such a probable cause.

Mr. President, I ask unanimous consent to have printed, as a portion of my remarks herewith in the RECORD, the memorandums, prepared by the Legislative Reference Service of the Library of Congress at my request, dealing in detail with the abuses of the rights of the people which occurred under the proceedings of the Court of Star Chamber and the admiralty courts.

There being no objection, the memorandums were ordered to be printed in the RECORD, as follows:

THE COURT OF STAR CHAMBER, THE COMMISSIONS, AND THE TRIALS OF SIR THOMAS MORE AND SIR WALTER RALEIGH

ORIGIN AND NAME

When the Court of Star Chamber was formally abolished in 1641,[1] because of the infamous use of it by the Stuart kings, it was officially referred to as having been established under the Tudors, specifically by an act under Henry VII, in 1487.[2] The confusion as to its establishment, which prevailed for generations, has still been only partially cleared. Extensive scholarly research has pointed to the sittings of the King's Council in a similar capacity for about three centuries before Henry VII's time.[3] The conclusion was drawn that a committee of the Council was established by the statute of Henry VII and was identified with the starred chamber at Westminster, where it sat.[4]

What the statute in the third year of the reign of Henry VII did do was to designate that certain members of the Council—including the Lord Chancellor and two judges—should constitute a law-enforcement committee; and to confirm its jurisdiction in the type of case that came before it.[5] This statute also (though only in the margin) identified the Star Chamber with the sittings of this Council or portion of the King's Council. The marginal note read: "Pro Camera Stellata"; but in the text the Star Chamber was not mentioned.

The opprobrium which came to be attached to the Star Chamber proceedings was earned only in the last years of its existence as a court. Originally "the Court of Star Chamber, like the Court of Requests, was * * * invoked as the protector of the weak against the strong, of the commonalty against aristocratic oppressors.[6] As an outgrowth of—or part of—the King's Council, it handled cases not remedied by the common law; and operated outside its rules of procedure:

"The strict rules of the common law, as well as the unalterable rules of Chancery were found to produce injustice; and suitors who were aggrieved, had in this case, as in the other, no remedy except by petition to the king for his extraordinary interference." [7]

PROCEDURE AND JURISDICTION

The Star Chamber was, up to the time of Elizabeth (the first) "an open council" or public court. For a time it was constituted as provided for in the statute of Henry VII. Then, as the numbers varied, the 2 judges required were at times the only members present; then instances came to be recorded of hearings before only 1 judge, or before the secretary alone. In Elizabeth's time cases were heard in private.

The jurisdiction of the Court of Star Chamber has been defined thus:

"The Star Chamber took notice of such offenses as riot, forgery, maintenance, perjury, fraud, slander, and conspiracy, crimes which were for the most part unknown to the early common law." [8]

However, as its procedure, too, was apart from the common law, therein lay to a large extent the seeds for the abuse that later developed. It dispensed with juries. It applied torture and inflicted any punishment except death. In the century before its abolition it became the weapon of royal displeasure against political opponents.

At the time of Henry VII there had been need of some instrument to repress the lawlessness which followed the War of the Roses, the civil war, and to increase the power of the central government to curb offenses against the public order. However, as the country improved in peacefulness, the tribunal referred to in the Star Chamber act "having successfully asserted its authority to put down violence, [sought] employment for its energies elsewhere. * * *" There were further reasons why resort was had to the Star Chamber in * * * only trumpery personal issues. The Star Chamber maintained its tradition * * * [The] offense was against public policy, and of public policy the Star Chamber was the recognized exponent." [9]

In the course of time "the meshes of the net were contracted, and nothing escaped the power of the court." [10] Usurped jurisdiction was the principal grievance under the Tudors; but the methods of enforcing submission grew in terror with succeeding reigns. An attorney was sued for giving advice contrary to the interests of the court. Jurors were punished for handing down decisions contrary to council's wishes. Hearsay evidence became a frequent basis of conviction.

The cases were a source of revenue to the Crown. Fines were appropriated by Henry VII and the Stuart Kings for their own benefit. Among the greatest injustices of the court was the hearsay evidence and the encouragement of volunteer witnesses who could not be examined by the accused lest a discrediting of them might be discouraging to their testifying. Nor could witnesses be compelled to incriminate themselves.

Ruthless severity accompanied the illegal and arbitrary jurisdiction exercised by the Council and associated with its Star Chamber sittings.

According to a treatise upon the Star Chamber, written by William Hudson, a barrister of considerable practice in that court and presented by his son to the Lord Keeper in 1635 (the year in which Hudson died), the proceedings before the Council originated either in private, and probably secret information, given to the Council; or by the curious eye of the State and King's Council prying into the inconveniences and mischiefs which abound in the Commonwealth.[11]

The letter transmitting this quotation goes on to say:

"The person accused or suspected was immediately apprehended, and privately examined. If he confessed any offense, or if the cunning of his examiners drew from him, or his own simplicity let fall, any expressions which suited their purpose, he was at once brought to the bar, his confession or examination was read, he was convicted, ex oro suo, and judgment was finally pronounced against him. Imagination can scarcely conceive a more terrible judicature." [12]

THE COMMISSIONS

To obtain evidence, the Court of Star Chamber could send out commissions to collect hearsay reports from the countryside or to obtain witnesses. If the examination of a party took place before the commissioners in the country, the court placed restrictions upon the method of examination; but witnesses could be compelled to testify on pain of imprisonment.

The commissions thus constituted, were apparently only some among the many commissions established for special purposes by the Crown. But the Court of Star Chamber itself apparently furnished the Crown with its chief source of arbitrary conduct.

As Holdsworth has put it: [13]

"It was clear * * * that, even after the passing of the petition of right, the powers of the king to commit his subjects to prison and to keep them in prison were very large. In fact, so long as he had a court, like the Court of Star Chamber, which he could count upon to obey his commands, opposition on the part of the judges could, to a large extent be disregarded. * * *

"When the act [of 1641 [14]] abolished the Court of Star Chamber, * * * the most formidable rivals to the common law courts were removed, and the common law finally asserted its supremacy not only over the private, but also over the public law of the state."

SIR THOMAS MORE

The Court of Star Chamber was still a court of true justice when Sir Thomas More was Lord Chancellor. At the time of his apprehension by the Crown, in 1535 (for not swearing to the oath accompanying the Act of Succession), it was still so highly thought of that the King's advisers were convinced that he would there be deemed "far worthier of praise than reproof." [15] He was therefore

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[1] 16 Car. 1, c. 10, sec. 3. [Great Britain Statutes at Large.]

[2] 3 Hen. VII, c. 1 (Idem.).

[3] See especially Scofield, Cora L., A Study of the Court of Star Chamber, largely based on manuscripts in the British Museum and the Pacific Record Office (Chicago, 1900).

[4] The theory of the derivation of the term from the starred ceiling of the hall in Westminster (ornamented with stars) where the council met is the generally accepted one. Blackstone suggested that the derivation was "from a repository of deeds, etc., relating to the Jews, and called Starr or Shetar and which was near the Star Chamber. Their contracts and obligations were denominated in our ancient records starra or starrs, from a corruption of the Hebrew word "shetar," a convenant * * * [they] were enrolled and deposited in chests * * * [some] in the King's exchequer; this room was probably called the starr chamber, and * * * was applied to the use of the King's Council sitting in their judicial capacity." (Burn, John Southerden, The Star Chamber, London, 1870, p, 13n.)

[5] Holdsworth, Sir William S., A History of English Law, seventh ed., London, 1956, vol. 1, pp. 493–496.

[6] Great Britain Court of Star Chamber, Select Cases, vol. II, Selden Society Publication, vol. XXV, London, 1911, p. xxxiii.

[7] Archaeologia, vol. 25, p. 345: An Outline of the History of the Court of Star Chamber, in a letter from John Bruce, Esq. FSA., addressed to Thomas Aymot, Esq., FRS., treasurer, dated March 24, 1833: 342 loss and destruction of records.

[8] Howard, Pendleton, Criminal Justice in England, 1931, pp. 22–23.

[9] Selden Society Publications, vol. 25, pp. xxi, xxxii–xxxiv.

[10] Burn, op. cit., pp. iii. iv.

[11] Archaeologia, opt. cit. note 7, v. 25, p. 350.

[12] Idem.

[13] Holdsworth, W. S., op cit., vol. VI, 2d ed., Methuen & Co., Ltd., London, 1937, p. 39, 112.

[14] 16 Car. 1, ch. 10, sec. 3 (Gt. Brit. Statutes).

[15] Chambers, Raymond W., Thomas More, London, 1935, p. 299. The good reputation of the Court of Star Chamber under Sir Thomas More is referred to in his biography, thus: Of course, against the rapacity of profiteers (which had become a serious problem long before the Reformation Parliament

arraigned before a commission at Lambeth, which condemned him.

The Commission before which Sir Thomas More was first summoned was made up of only four men: Audley, Norfolk, Crammer, and Cromwell (Thomas), later secretary to the King's Privy Council.

In his capacity as Lord Chancellor, Sir Thomas More would himself have served on the King's Council. Yet he was soon to be indicted by a commission constituted from it, because of his power to resist its demands, though it cost him his life. Protesting his loyalty to the King, he might even have been willing to countenance Henry VIII's marital acrobatics (though he did not approve), had they not involved an oath naming Henry as head of the church. To this he could not consent.

When Sir Thomas More was first arraigned before the four-man commission, he was treated with a show of courtesy until his refusal to take the oath demanded of him. The commission asked him to add his approval to that of Parliament, the universities, and the bishops concerning Henry VIII's divorce and marriage to Ann Boleyn. The oath involved recognition of Henry VIII as head of the church in place of the Pope. Even after their mood changed, the members of this Commission apparently were sufficiently impressed with More's arguments and his indomitable conscience to allow him to return home.

More himself knew, however, that his was only a temporary respite from the displeasure of the all-powerful Crown, which could constitute commissions to secure its ends. Within the space of a few weeks he was served notice that he must appear before the commissioners at Lambeth Palace.

This commission, named apparently from the King's Council, consisted of the Archbishop of Canterbury, Thomas Crammer, the Lord Chancellor, Sir Thomas Audley (later Baron of Walden), Thomas Cromwell, secretary to the Privy Council, and Benson, the Abbot of Westminster. The Dukes of Norfolk and Suffolk were also members of the commission for taking the oath, but whether or not they were present is a question.[16]

An account of Sir Thomas More's arraignment—as well as of his strength of character coupled with a delightful personality—was given by his son-in-law, Roper, and incorporated in one biography in the following manner:[17]

"At Lambeth, Roper parted from More, and we have no evidence that they ever saw each other again. Some five anxious days went by. Then the family at Chelsea received, from the Tower, the long letter which told them how More had fared. The Commissioners had shown him the oath, under the Great Seal, and the Act of Succession in a printed roll. He was willing to swear to the succession, but could not take the oath as offered him. He was shown the names of the Lords and Commons who had subscribed already, and, as he still refused, was commanded to go down into the garden.

"* * * To the argument that he was opposing the Council of the realm, More replied by appealing to the general Council of Christendom. That went to the root of the matter, and at once brought the mighty opposites face to face. * * * More repeated that he was willing to swear to the succession, if the oath were framed in such a manner as might stand with his conscience. * * *

"More had refused to say definitely why he would not swear the oath; but the preamble to the Act of Succession contained a statement (which he certainly did not believe) that Henry's marriage with Catherine was invalid; and the oath, as it had been tendered to him, involved the repudiation of the Papal Supremacy. * * *

"More could not have contradicted this; his oath would have been 'suppressed'. And so he might have gone down to history as one of the men who, despite a brave resistance at the outset, had not had the courage to stand out to the last.

" 'He was found guilty' by the Commission, and within a week execution followed."

SIR WALTER RALEIGH

The trial of Sir Walter Raleigh, nearly 70 years after that of Sir Thomas More, was another demonstration of the arbitrary and unconstitutional methods of the Crown through a Commission or the Star Chamber. It was, in fact, like that of More, outstanding not only because of the public sympathy which it aroused; but also because it was notorious for the oppressive, extortive, and illegal procedure which characterized it.

Sir Walter Raleigh, having incurred royal disfavor under Elizabeth (the First)—by marrying one of her ladies in waiting when he had been her favorite—became involved in a standing controversy with Lord Essex, who had succeeded him in the Queen's favor. In the following reign, and before James I was crowned, he was repeatedly denounced by Essex and his partisans as plotting against the new King. This charge, of which he was doubtless innocent, was given the weight of high treason, in view of the morass of political intrigue which surrounded the accession of James I.

After repeated questionings on the part of the Lords of the King's Council, Raleigh was finally, on November 17, 1603, brought before a Commission which included Lord Cecil, Secretary, Lord Chief Justice Popham, and other justices and lords. Sir Edward Coke was the attorney general; and his conduct of the trial was to his lasting dishonor. His vilification of Raleigh knew no bounds. An account of the trial read in part:

"The extreme weakness of the evidence was made up for by the rancorous ferocity of Coke, who reviled and insulted Raleigh in a manner never imitated, so far as I know, in any English court of justice except perhaps in those in which Jeffries presided."[18]

The evidence against Raleigh was based chiefly on Cobham's confession of intrigue, which he afterwards admitted was a lie. When Raleigh produced a letter from Cobham admitting that he had lied, Coke countered with a later letter in which Cobham disavowed recantation and returned to his first story. Raleigh beseeched that he be allowed to confront Cobham, but was denied the opportunity. The remaining evidence was mostly hearsay, some on an extremely flimsy basis being used against Raleigh. Although in this case there was a jury, in view of the possible penalty placed on jurors who disagreed with the Commission, and the report of influence in this instance, it is scarcely surprising that their debate in Raleigh's case was of less than 15 minutes' duration. He was found guilty of high treason and sentenced to death.

Although a reprieve was granted and Raleigh lived to enjoy a return to popular favor, in 1618 the old charge was revived and he was executed.

The trial of Sir Walter Raleigh was typical in its procedure of the Star Chamber methods for which the Stuarts became infamous. It was, however, as one historian has pointed out: "remarkable * * * as giving the first signal of the reaction which from that moment steadily set in favor of the rights of individuals against the State."[19]

By 1639, "the storm that was to destroy this court and the Court of High Commission was beginning to threaten. Archbishop Laud, an active judge in both courts, was sent to the Tower * * *. Another active member took fright and went off to the coast, and reached The Hague on the last day of 1639 * * * while the escape of Wren was prevented by the House of Lords."[20]

The Court of Star Chamber was, as has been stated, abolished by act of Parliament (16 Cr. 1, c. 10, sec. 3) in 1641.

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THE LIBRARY OF CONGRESS.
*Washington, D. C., July 11, 1957.*

To: Hon. HERMAN TALMADGE.
(Attention: Mr. Bursom.)
From: American Law Division.
Subject: Procedure in the British admiralty courts in the American Colonies previous to the Revolution.

BACKGROUND

During the year 1763, various Orders in Council were issued at the instigation of Lord Grenville, the Prime Minister, which were intended to bolster the revenue by reorganizing the customs service and the admiralty courts which gave it effect.

The Order in Council of October 5, 1763 (Acts of the Privy Council (Colonial) 1745–1766, p. 569) reorganized the customs service; placed the navy at its disposal for enforcement of the laws; and secured the royal approval to a uniform plan for establishing the courts of admiralty in the colonies.

Previous to this, an Order in Council of June 1, 1763 (ibid; p. 560) had provided for distribution of seizures made at sea. On October 12, 1764 (ibid., p. 562) a new order was issued respecting seizures made at sea and "rehearsing a clause of the later act for distributing seizures made in the Colonies, one-third to the King, one-third to the Governor, and one-third to the seizor."

On April 5, 1764 (4 Geo. III, c. 25), a revenue act was passed which increased the customs duties on many items, including sugar. This act entrusted to the Courts of Admiralty and Vice Admiralty the task of enforcing "acts of Parliament relating to the trade and revenues" of the British Colonies in America.

Edmund Sears Morgan, in his book The Birth of the Republic (University of Chicago, 1956, p. 37), describes the effect of the Sugar Act, and concomitant orders in council, as follows:

"Customs officers in America had always been a bad lot. For 30 years they accepted bribes to overlook illegal cargoes of molasses. After the passage of the Sugar Act it would still have been possible for the officers to look the other way and pocket a modest fee when contraband goods were landed or loaded. But in 1766, as a part of Rockingham's general attempt to pacify the Colonies, the duties levied on molasses were reduced from 3 pence a gallon to a penny. This was no more than a standard bribe, and, consequently, the collectors could no longer levy a private toll on this item. There lay open to them,

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and its confiscations) the poor had an appeal to the Star Chamber or the Poor Men's Causes. And so long as Wolsey and More were in power, that meant much. More's conduct as a judge—which extended in his various capacities over 22 years—gained him the reputation of being "the best friend that the poor e'er had." But after More's fall it became more and more the case that the men before whom the redress had to be sought, were the very men who were profiting by the Great Spoliation legalized by the Reformation Parliament and its successors. (Ibid., p. 246.)

[16] See Maynard, Theodore, Humanist As Hero, The Life of Sir Thomas More, New York, Macmillan, 1947, pp. 197 ff.

[17] Chambers, R. W. Thomas More, Jonathan Cape, London, 1935, pp. 301–303.

[18] (1603.) 2 State Trials 1; cited in Holdsworth, op. cit., vol. 5, p. 427n.

[19] Gardiner, Samuel R., History of England, vol. 1, p. 138.

[20] Burn, op. cit., p. 16.

however, a new and more lucrative kind of graft, in which they would enjoy the full protection of the law.

"Violations of the Sugar Act were punished by seizure of the offending vessel and cargo. Both would be sold and the proceeds divided: a third to the English Treasury, a third to the Governor of the Colony, and a third to the customs officers responsible for the seizure. * * * [The new Commissioners had] the dubious distinction of exploiting the possibilities to the utmost. * * * Their favorite method was to follow a lax procedure for a time and then, suddenly shifting to a strict one, seize all vessels that were following the practice hitherto allowed.

"There was very little risk involved for the officers, because the Sugar Act provided that they were to be free from any damage suits if they could show probable cause for a mistaken seizure, and the juryless admiralty courts in which cases were tried would generally certify such a probable cause."

ADMIRALTY JURISDICTION

According to Hall, in his work on the Practice and Jurisdiction of the Court of Admiralty (Baltimore, 1809), the jurisdiction of the court was settled by act of Parliament of 1648 as follows:

"[T]he Court of Admiralty shall have cognizance and jurisdiction against the ship or vessel, with the tackle, apparel, and furniture thereof; in all causes which concern the repairing, victualing, and furnishing provisions for the setting of such ships or vessels to sea; and in all cases of bottomry, and likewise in contracts beyond the seas concerning shipping or navigation or damages happening thereon, or arising at sea in any voyage; and likewise in all cases of charter parties or contracts for freight, bills of lading, mariners' wages, or damages in goods laden on board ships, or other damages done by one ship or vessel to another or by anchors, or want of laying of buoys except always that the said Court of Admiralty shall not hold pleas or admit actions upon any bills of exchange or account between merchant and merchant or their factors."

Although this act expired at the Restoration in 1660, it fairly well delineates the jurisdiction of admiralty, which was in rem.

In 1696, the navigation acts gave admiralty criminal jurisdiction over offenses against their provisions. And in 1698, their old jurisdiction over the crime of piracy was given statutory basis. Juries were not a part of the court procedure. This fact caused a dispute between William Penn and Robert Quary, vice-admiralty judge of Maryland and Pennsylvania. The court over which Quary presided used no jury, though the Great Law of 1682 required one in all cases; the admiralty judge was not appointed by Penn nor by the government of the colony, as were the other judges, but by the governor of Maryland, who was vice admiral for the provinces of Maryland, Pennsylvania, and West Jersey; the law administered by the court was merchant and marine, containing much civil law, and not the common law of the province, and the proceedings of the court were partly in Latin. Helen J. Crump, Colonial Admiralty Jurisdiction in the Seventeenth Century, London, 1931.

Dumbauld in the Declaration of Independence and What It Means Today (1950) (pp. 130–133) remarks on the question of admiralty courts as follows:

"Trial by jury has never been available in admiralty courts. In like manner, offenses against excise laws and acts of trade were determined without a jury in England.

"When the Sugar Act of April 5, 1764, entrusted to the courts of admiralty and vice admiralty the task of enforcing acts of Parliament relating to the trade and revenues of the British colonies in America, and when the act of 1768 (8 Geo. III, c. 22) increased the number of such courts having jurisdiction of offenses under those laws, the area of trial without a jury was considerably enlarged.

* * * * *

"Penalties for smuggling imposed by judges dependent on the crown, without benefit of possible acquittal by a sympathetic jury, presented a very painful prospect, and the colonists were vigorous in their protests against those acts to 'extend the power of the admiralty courts beyond their ancient limits.'"

MARGARET M. CONWAY,
*American Law Division.*

JULY 11, 1957.

Mr. TALMADGE. Mr. President, it is unthinkable that at this late date in the history of our Nation, consideration would even be given to the creation in this country of a situation under which judicial tyranny of the kind which characterized the Court of Star Chamber and the Admiralty Courts could be revived to oppress the American people and to deprive them of their inalienable constitutional rights.

That is why, Mr. President, I feel with all the sincerity of my being that contemplation of the part of the Members of this Senate of the grave and far-reaching ramifications of enacting any law which would seek to accomplish the impossible feat of guaranteeing rights by destroying rights will lead to a sober reappraisal of what it is proposed that we do in acting upon H. R. 6127.

That is why, Mr. President, I feel that the Members of this Senate should reflect for a long time before voting to enact any statute to enforce the criminal laws of this Nation without guaranteeing to those who may be accused thereunder their full constitutional right to have the facts of their guilt or innocence determined by a jury of their peers.

That is why, Mr. President, I feel confident that the good judgment of those who feel the full weight of their sworn responsibility to uphold the constitutional rights of all American citizens will prevail to write into this bill the minimum safeguard afforded by the amendment of the Senator from Wyoming.

A vote for the O'Mahoney amendment, Mr. President, will be a vote of confidence in the Constitution of the United States and the Bill of Rights.

It will be a vote of confidence in the judiciary of the Federal Government and the 48 States.

It will be a vote of confidence in our sacred right of trial by jury.

It will be a vote of confidence in the sincerity and good faith of the American people and their right to manage their own affairs in harmony and mutual respect.

It will be a vote of confidence in our heritage of freedom as graphically and succinctly phrased by the great world statesman and humanitarian, Winston Churchill, in volume 2 of his History of the English Speaking Peoples, when he wrote:

Trial by jury of equals, only for offenses known to the law, if maintained makes the difference between bond and free.

And above all else, Mr. President, it will be a vote in ourselves and our desire to live with our consciences and to be able to look our constituents squarely in the eye and say, "We have kept the faith."

Mr. LONG. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. THURMOND in the chair). Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. TALMADGE. I am very glad to yield to my good friend from Louisiana.

Mr. LONG. I wish to congratulate the Senator on a magnificent address. I completely agree with his argument that the bill, particularly in this aspect, is a very long stride down the road toward totalitarian government and other forms of government which our Nation so much deplores. It is an attempt to strip Americans of some of their constitutional rights on the theory it would help guarantee other rights to some of our citizens.

Mr. TALMADGE. I fully agree with the Senator from Louisiana.

Mr. LONG. Much as I object to some portions of the bill, I am frank to say that even the injury which the bill could do, and the hard feeling and resentment it could stir up would be relatively small compared with the ultimate damage which would ensue to our form of government from a stripping away of the most cherished and fundamental rights of American citizens, on the theory that to do so would help someone else achieve another right.

Mr. TALMADGE. I agree with the Senator from Louisiana. I believe it is a long step toward totalitarian government.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. TALMADGE. I yield.

Mr. LONG. Those who seek the objective of having all qualified Americans vote should not accomplish it by a denial of trial by jury, and a denial of the additional constitutional right that a person shall not be placed twice in jeopardy for the commission of the same crime.

Mr. TALMADGE. I agree with the Senator. I have yet to hear the name of a single individual who has tried to exercise his right to vote and who has carried that right to the court, and has lost.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. ERVIN. The supporters of the bill talk a great deal about preventive relief. I should like to ask the distinguished Senator if the criminal law does not say to a man, "If you violate me, I will punish you by fine or imprisonment"?

Mr. TALMADGE. The Senator is correct.

Mr. ERVIN. Does not an injunction say to a man, "If you violate me, I will punish you by fine or imprisonment"?

Mr. TALMADGE. The Senator is correct.

Mr. ERVIN. In other words, an injunction is no more preventive relief than is criminal law.

Mr. TALMADGE. The Senator is correct.

Mr. ERVIN. In other words, it deters people with the threat of punishment by fine or imprisonment.

Mr. TALMADGE. The Senator is correct.

Mr. ERVIN. Therefore all the talk about equity having superior preventive effect than criminal law is just so much hokum. Is that correct?

Mr. TALMADGE. The very first principle I learned in law school about equity was that one cannot go into equity court to try to enjoin a crime. That is the first and cardinal principle.

Mr. ERVIN. The method by which equity prevents a violation of an injunction is identical with that by which criminal law prevents the commission of a crime; it is by the threat of punishment, and is nothing more and nothing less than that.

Mr. TALMADGE. The Senator is correct. It is a deterrent.

Mr. THURMOND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LONG in the chair). Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. TALMADGE. I yield.

Mr. THURMOND. I wish to congratulate the able and distinguished Senator from Georgia. He is a fine constitutional lawyer and a great advocate of constitutional government. I wish we had more men of his philosophy and thinking in Congress.

Mr. TALMADGE. I thank my friend, the distinguished Senator from South Carolina.

Mr. THURMOND. I should like to quote from the Constitution, article III:

> The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed.

I should like to ask the distinguished Senator whether those words are not plain and clear, and whether the intent of the Constitution is that a man charged with a crime shall have a trial by jury, and shall not, under any subterfuge or for any other reason, have that privilege and opportunity taken away from him.

Mr. TALMADGE. The Senator is correct. The language is plain and clear, and means what it says, and says what it means. I am sure the Senator, who was an able judge in his own State, knows that the constitutional right of a jury trial is guaranteed by the Constitution in four separate places.

Mr. THURMOND. The sixth amendment to the Constitution of the United States, which is a part of the Bill of Rights, reads:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Is not the sixth amendment to the Constitution one of the essential bedrocks of the democracy of the United States?

Mr. TALMADGE. It certainly is.

Mr. THURMOND. Was not the fact that there was no Bill of Rights at the time the Constitution was adopted the reason why three of the deputies attending the Constitutional Convention in Philadelphia in 1787 refused to sign the Constitution?

Mr. TALMADGE. It was. In fact, I do not think the Constitution would have been adopted except for the commitments which some of our statesmen of that time made that a Bill of Rights would be submitted for ratification.

Mr. THURMOND. The probability is that the Constitution would not have been adopted if a commitment had not been made that Congress would submit a Bill of Rights, and that there would be no question about its adoption.

Mr. TALMADGE. The Senator is correct.

Mr. THURMOND. But in the face of that assurance, did not Elbridge Gerry, of Massachusetts; John Randolph, of Virginia; and George Mason, of Virginia, the latter being the author of the Bill of Rights, even then being fearful of the Constitution, refuse to sign the Constitution?

Mr. TALMADGE. That is correct.

Mr. THURMOND. What is the fundamental purpose of the bill being considered by Congress, anyway? Is it really and genuinely a sincere desire to promote voting by citizens in the United States? Or is it a bill introduced by ambitious persons to promote themselves, in order to come to the forefront in this country in some political race? And is it not an effort in the form of a plea to certain minority groups in this country for political purposes?

Mr. TALMADGE. The Senator is entirely correct. Unfortunately, the bill is in politics completely up to its ears. Some persons, in both great parties, think the way to win the most votes is to see who can hit the South worse by passing the most awful punitive legislation against it.

Mr. THURMOND. If there were not an effort to gain the votes of certain minority groups, does the Senator think the civil-rights bill would be under consideration by the Senate today?

Mr. TALMADGE. I do not.

Mr. THURMOND. I thank the Senator from Georgia.

Mr. TALMADGE. I thank the Senator from South Carolina.

Mr. President, I yield the floor.

Mr. ERVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LONG in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS

Mr. JOHNSON of Texas. Mr. President, pursuant to the order previously entered, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 7 o'clock and 54 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Tuesday, July 30, 1957, at 12 o'clock meridian.

# HOUSE OF REPRESENTATIVES

MONDAY, JULY 29, 1957

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore [Mr. MCCORMACK].

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair lays before the House the following communication:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES, U. S.,
*Washington, D. C., July 29, 1957.*

I hereby designate the Honorable JOHN W. MCCORMACK to act as Speaker pro tempore today.

SAM RAYBURN,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Eternal God, our Father, encouraged by every gracious invitation in Thy Holy Word, we are coming unto Thee with our prayer of adoration, confession, thanksgiving, supplication, and intercession.

We acknowledge gratefully that daily the manifestations of Thy grace and goodness far exceed what we deserve or can desire.

Help us to believe that when we have the assurance of Thy counsel and companionship then no task is too arduous, no responsibility too exacting, and no burden too heavy.

Inspire us with a longing to share our many blessings with the needy and show us how we may strengthen the bonds of unity between all the members of the human family.

Hear us in Christ's name. Amen.

The Journal of the proceedings of Thursday, July 25, 1957, was read and approved.

## THE LATE HONORABLE NAT PATTON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. DOWDY]

Mr. DOWDY. Mr. Speaker, I have just learned of, and it is with deep regret that I inform this body of the death of a former Member, the Honorable Nat Patton, who served the Seventh Congressional District of Texas, which I now have the honor to represent, with ability and distinction for 10 years. He was called from this life on July 27, 1957, at his home in Crockett, Tex., and he will be buried in Crockett this afternoon.

The Honorable Nat Patton was a man devoted to his country and to his friends. He was born on a farm near Tadmor, in Houston County, Tex., on February 26, 1884; attended the rural schools and Sam Houston Normal School at Huntsville.

He began his service in life as a rural schoolteacher, teaching in the rural and high schools from 1899 to 1918, and also farmed at Belott, in Houston County, in 1915–16.

He began his career as a public servant as a member of the Texas House of Representatives in Austin, where he served in 1912–13. Mr. Patton then attended the law school of the University of Texas at Austin, and was admitted to the Texas bar in 1918, and began the practice of law in Crockett, Tex. He served as county judge of Houston County, Tex., from 1918 to 1922, and was later elected to the Texas Senate, where he served his people well from 1929 to 1934, when he was elected as a Democrat to represent the then recently redistricted Seventh Congressional District of Texas in the 74th Congress. He was reelected to the four succeeding Congresses—January 3, 1935, to January 3, 1945. He returned to Crockett, where he resumed the practice of law, continuing until shortly before his death. Mr. Patton was a delegate to the Democratic State convention at Beaumont in 1924, and at Fort Worth in 1935. During the First World War he enlisted in the United States Army on November 1, 1918; he was commissioned a first lieutenant in the Intelligence Department, but did not report for duty, and was never sworn in due to the signing of the armistice on November 11.

Mr. Patton was devoted to his family, faithful to his friends, and loyal to his country. He lived a full life; his passing is mourned by his countless friends, who knew him affectionately as Cousin Nat.

He leaves surviving him his beloved widow, Mrs. Patton, of Crockett, Tex.; two daughters, Bessie Louise, wife of Joe Gus LeGory, of Crockett; and Bonnie, wife of Clyde Smith, of Washington, D. C.; and two sons, Weldon Patton, of Huntsville, Tex., a former county judge of Walker County, and Nat Patton, Jr., of Crockett, Tex., now serving as county attorney of Houston County.

I know the Members of this House join me in extending heartfelt sympathies to his survivors.

Mr. DIES. Mr. Speaker, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Texas.

Mr. DIES. Mr. Speaker, it is with profound regret that I have learned of the passing of my devoted friend and an outstanding American and Texan, the Honorable Nat Patton, of Crockett, Tex., a former Member of this House.

Nat Patton had a distinguished and useful career. He was born on a farm near Tadmor, Houston County, Tex., February 26, 1884. He attended the rural schools and Sam Houston Normal School, Huntsville, Tex., and taught in the rural and high schools from 1899 to 1918. He engaged in agricultural pursuits at Belott, Houston County, in 1915 and 1916, and he was elected to the State house of representatives in 1912 and 1913. After attending the law department of the University of Texas, he was admitted to the bar in 1918 and commenced practice in Crockett, Houston County, Tex. In 1918 the people of Houston County elected him county judge. In 1929 he was promoted to the State senate where he was soon recognized as an able legislator.

Nat Patton was elected to Congress in 1934 and took his seat on January 3, 1935, where he served continuously until January 3, 1945. It was my pleasure and privilege to serve with him during this period. Because our Congressional districts were contiguous and had similar interests, I became intimately acquainted with Nat. He and I worked together on projects of mutual interest to our constituents. Because of this close association, I came to appreciate his many sterling qualities of mind and heart. Nat had one of the kindest and most genial dispositions of any man that I have ever known. He was invariably cheerful and sought to make other people happy. I never heard him complain or talk pessimistically. He loved his fellow man with a sincere devotion and strove constantly to improve the welfare of the people he represented. He was tolerant of the frailties of others. He loved this Republic and wanted to preserve it. He had the moral courage to speak and vote the way he thought was right. He possessed the great quality of gratitude. He never forgot a favor or a friend. He believed that ingratitude was the basest of all faults. He was one of the most loyal friends I ever had.

I visited Nat recently upon several occasions. Despite his long illness he was cheerful and optimistic.

He is survived by a wonderful family. They were devoted to Nat and I have seen few men who loved his family more than Nat. They were close to each other in the highest traditions of family life. They have suffered a great loss in the death of this good, kind, and patriotic man. Nat will be grieved by a host of friends throughout our State. He had those qualities which endear men to their fellow men. He devoted the major portion of his life to his county, State, and Nation. His public career was honorable and constructive, and he left the world better than he found it. He will long be remembered by those he served and benefited and by the warm and devoted friends he made.

In this dark hour of bereavement, I know that every Member of this distinguished body who served with Nat extends his profound sympathy to his loved ones. They will be comforted by the knowledge that he lived a long, happy, and useful life, and that the good he did will continue to benefit mankind long after all of us now living have passed on.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Texas.

Mr. THOMAS. Mr. Speaker, it is with profound sorrow that I just learned of the death of my distinguished friend and former colleague, Cousin Nat Patton. Cousin Nat was affectionately, and of course well known to all of the older Members of the House. He served with us for many years.

Cousin Nat was a rugged individual. He grew up in east Texas, that part of Texas that I know best, the area in which I was born and reared. That section many years ago was poor physically and most of our people were poor at that time.

Mr. Patton represented the district and his people well and ably. He was truly the son of the people. He talked the people's language. His name was a household word throughout east Texas and his memory will endure for years among those he loved and served.

I want to join my colleagues in expressing my profound sorrow to his lovely family. He was very devoted to his family and my heartfelt sympathy goes out to each and every one of them.

Mr. THOMPSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Texas.

Mr. THOMPSON of Texas. Mr. Speaker, I wish to associate myself with the gentleman from Texas [Mr. DOWDY] and others who have spoken with reference to the death of Cousin Nat Patton.

Mr. Speaker, I am very sorry indeed to learn of the passing of the Honorable Nat Patton—Cousin Nat, as he was universally known. He succeeded me as Representative of the Seventh Congressional District when, after the close of the 73d Congress, the State was redistricted and my home county was placed in the Ninth Congressional District.

He and I were opponents once for the Seventh District position, a circumstance which in no way interfered with our longstanding friendship. We came through the race with mutual admiration and a warm regard for each other which has lasted up until his passing.

I shall always recall Cousin Nat, particularly for his never-failing readiness to help a friend. I have known him to travel halfway across the State to meet someone in Austin or Dallas to lend a hand on some worthy undertaking.

I join with the gentleman from Texas [Mr. DOWDY] in sending sincere sympathy to the members of his family.

Mr. McGREGOR. Mr. Speaker, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Ohio.

Mr. McGREGOR. Mr. Speaker, I, too, want to join with my friends in the eulogy being paid the late Nat Patton. It was my privilege to serve with him on the Committee on Roads many years ago. He was a great member of that committee. He had great wisdom and he was always capable of expressing his views.

Especially do I want to extend to the family and to Bonnie, who is now Mrs. Clyde Smith, my very deepest sympathies. Bonnie and our youngest daughter, Betty, were very close friends.

The McGregors join with others in extending to the beloved family our most sincere sympathy.

Mr. DOWDY. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have permission to extend their remarks at this point in the RECORD on the late Nat Patton.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POAGE. Mr. Speaker, it was my privilege to serve with Hon. Nat Patton as a member of the Senate of the State of Texas. He preceded me in this body. When I came to Congress, no one was more solicitous of my comfort and welfare. No one was more anxious to be helpful than was Cousin Nat. I have known many men whom I believed to be sincerely interested in the welfare of their fellows, but I have known none who was more genuinely interested in the happiness and the welfare of every other living human being. Cousin Nat met everyone of high or low estate as his "cousin." He did not have to know anything about an individual to seek to help him. All he needed to know was that someone needed help. He tried to provide it. He has made many a life brighter. He has made many a soul happier. The world is a better place because he walked this way.

Mr. GATHINGS. Mr. Speaker, it was with sorrow and regret that I learned of the passing of Hon. Nat Patton of Crockett, Tex. He was a close friend and a genial person whom I was privileged to know for many years.

When I came to the House of Representatives for the first time, Mr. Patton, whom we affectionately called Cousin Nat, had been here for some time. Like other fledgling Members he welcomed me here and acquainted me with the problems that face a new Member. It was my pleasure to have offices next to him and almost daily I shared in his good humor and friendliness. He and his charming wife, his two attractive daughters, and two sons made up a truly representative American family.

Nat Patton was devoted to his family, his constituents, his State, and to his country. No problem was too large or too small for him to devote his personal attention. The humble, the poor, those with few worldly goods, as well as the well-to-do, all were greeted warmly on visiting his office. He appreciated the views and the attitudes of people who had to work for a livelihood. He spoke for all his people regardless of rank or station. He was an effective legislator.

Nat Patton is no longer with us but his work, his memory, and the good he worked to accomplish are heritages to cherish and to keep.

We need more outstanding public servants like Nat Patton. I would like to convey condolences to the members of his family.

Mr. PATMAN. Mr. Speaker, our former colleague, Nat Patton, who has recently passed away, has left many friends in the House of Representatives who served with him in this body. Congressman Patton was a genuine person; he was affable and congenial; he had the best interest of the people at heart and as a Member of Congress he was always working to make our country greater and our people happy and prosperous. He was patriotic and a great American.

Congressman Patton left surviving him a widow who is also very popular in Washington and many people of his Congressional district—a fine and great woman—and four wonderful children—two boys and two girls who spent the years in Washington with the Congressman.

The passing of Congressman Patton is a great loss. I extend sympathy to his surviving widow, his children, grandchildren, and other loved ones.

The Members who served with him have pleasant memories and recollection of Congressman Patton.

Mr. MAHON. Mr. Speaker, I wish to join with my colleagues in mourning the passing of a great Texan, Hon. Nat Patton, former Representative in Congress, of Crockett, Tex. In 1934 four new Members of Congress were elected in Texas. Nat and I were among the four. In January 1935 Nat Patton appeared on the Washington scene, where he quickly made a place for himself in the hearts of his colleagues in Washington.

Nat Patton became a national figure. Everybody about the Capitol knew him. He loved life; he loved people; his good deeds were too numerous to be counted. He was devoted to his duty, devoted to the people he represented. He was an indefatigable worker in behalf of his east Texas constituents. He often worked in his office at night and he took a great personal interest in the individual lives of the people of his district. He kept in close contact with them. He served them well. No task was too burdensome for him if he felt there was a chance, even a remote chance, to be helpful to his fellow man. No work, however, seemed to be burdensome to him. He worked with a willing spirit and a light heart.

Mr. Speaker, I want to pay tribute to the memory of my departed friend and extend my deepest sympathy to his wife and other members of the family.

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## THE LATE MARK FOOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan [Mr. JOHANSEN].

Mr. JOHANSEN. Mr. Speaker, it is with deep regret that I announce to the House the unexpected death, on Friday night, of Mr. Mark Foote, dean of Washington news correspondents and chief of the Washington bureau of the Booth newspapers.

Mr. Foote, who was 75 years of age, was a native of Battle Creek in the Third Congressional District of Michigan, which I have the honor to represent in the House. He had been a newspaper correspondent in Washington for 44 years, covering the national scene during the administrations of seven Presidents of the United States.

As chief of the Washington bureau of the Booth newspapers Mr. Foote represented eight Michigan papers, including the Kalamazoo Gazette in my own district.

His outstanding abilities as a newspaperman were repeatedly recognized by his own colleagues in that profession. He was a former president of the National Press Club and of the Gridiron Club. Four times in the last 10 years he had won Newsweek magazine's master of prophecy award for most accurate predictions of presidential and Congressional elections and was the only correspondent to win the prize more than twice.

For a brief time in 1913 he was secretary to the late Congressman Carl E. Mapes, of Michigan, but resigned to return to newspaper work.

It was typical of his devotion to his profession that, despite poor health, he wrote his last regular weekly news roundup on Friday afternoon only a few hours before his death.

I extend my deepest sympathy to his widow and three daughters, to other members of his family, and to his colleagues and associates in the Booth newspapers and in the press gallery of the Congress.

It is with regret mixed with deep pride in the distinguished career that we write the final "30" to the public service of Mark Foote, able journalist and splendid gentleman.

Mr. Speaker, I yield to the distinguished minority leader, the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN. Mr. Speaker, I join with the gentleman from Michigan in expressing my deep regret at the passing of Mark Foote. For over 30 years he was a personal friend of mine. He was an outstanding journalist and one who could interpret the Washington life impartially and understandingly. He was a perfect gentleman and one who had the admiration of all who were privileged to enjoy his friendship. Washington lost a fine journalist of the old type in the passing of Mark Foote. His fine position in our national life will be difficult to fill. I extend my deepest sympathy to his wife and family in their hour of sorrow.

Mr. JOHANSEN. Mr. Speaker, I yield to the dean of the Michigan delegation [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Speaker, I desire to associate myself with the remarks that the gentleman has just made.

Mr. JOHANSEN. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. FORD].

Mr. FORD. Mr. Speaker, I would like to associate myself with the remarks just made by the gentleman from Michigan [Mr. JOHANSEN].

All who knew him have lost one of our finest friends. Mark Foote was always kind, considerate, and most helpful. He was particularly thoughtful as far as I was concerned, especially during my first few years in the House, and I will forever appreciate his aid.

The newspaper profession has lost one of their best. I can recall reading Mark Foote's discerning stories well before my service in the Congress. He had the ability to pull together a multitude of facts and a variety of opinions and make the news story to the point with excellent reader appeal. His thousands of avid and loyal readers in Michigan will greatly miss his intelligent and sound observations on the Washington scene.

In closing may I reemphasize and reiterate my admiration and respect for Mark Foote, a real gentleman, a close friend, and a newspaperman of the highest order.

Mr. JOHANSEN. Mr. Speaker, I yield to the gentleman from Michigan [Mr. CHAMBERLAIN].

Mr. CHAMBERLAIN. Mr. Speaker, although I have not been in Washington long enough to know him as well as many of my colleagues, it was with deep regret that I learned of the death of Mark Foote, Washington correspondent for the Booth newspapers. Mr. Foote was greatly respected for this devotion to his work and for his many journalistic achievements.

In tribute to Mr. Foote, I ask that the following article from the Flint Journal of July 27, 1957, about this revered newspaperman be inserted in the CONGRESSIONAL RECORD with Mr. Foote's last column which he wrote several hours before his death:

MARK FOOTE, WASHINGTON JOURNAL BUREAU CHIEF, DIES

(By William F. Pyper)

WASHINGTON.—Mark Foote, for the last 44 years Washington correspondent for the Booth newspapers of Michigan, died of a heart attack Friday night.

At 75 years of age, he was the dean of Washington correspondents, of whom there are approximately 1,000 on active duty. Mr. Foote was a former president of the National Press Club and of the Gridiron Club.

Although he had suffered two previous heart attacks this year, he had returned to duty, and wrote his last article Friday afternoon. After having dispatched it to his eight newspapers, he went home where he was stricken about 10 p. m.

He was taken to Georgetown Hospital where he died a half hour later. His physician said the cause was coronary heart disease and myocardial insufficiency.

A native of Battle Creek and a 1903 graduate of the University of Michigan, Mr. Foote was a reporter on the Grand Rapids Press until 1913, when he resigned to come to Washington as secretary to the late Representative Carl Mapes, Michigan Republican.

This one departure from journalism was brief, for within months he found himself writing again for the Press and for the other Booth newspapers, including the Flint Journal.

During the ensuing years, he covered the administrations of seven Presidents, two world wars, and the great depression.

Four time in the last 10 years, Mr. Foote had won Newsweek magazine's master of prophecy award for most accurate predictions of presidential and Congressional elections. Of the 50 leading correspondents polled biennially, he was the only one to take the prize more than twice.

His most recent honor from Newsweek reflected his accuracy in doping last year's election.

Mr. Foote was born July 21, 1882, a son of Dr. and Mrs. Lewis A. Foote. He attended St. John's College at Annapolis, Md., before finishing at the University of Michigan, where he received a bachelor of arts degree in 1903. He received an honorary master of arts degree at the university in 1941.

He joined the editorial staff of System magazine in Chicago after graduation, but moved to the Grand Rapids Press in 1905.

As a Washington correspondent, Mr. Foote was 1 of 20 newsmen who went to Manila in 1935 to cover the beginning of the Philippine Commonwealth and the inauguration of President Manuel L. Quezon. He also traveled in Japan and China, writing a series of articles on conditions in the Far East. During World War II, he wrote from London.

He was president of the National Press Club in 1934 and head of the Gridiron Club in 1940.

Mr. Foote was a graduate of the J. Russell Young School of Expression, a director of the National Press Building Corp. and a member of the journalistic fraternity, Sigma Delta Chi, Michigamua, the Michigan State Society, the Overseas Writers and the University of Michigan Alumni Club, of which he had been president. A Mason, he attended the Unitarian Church.

In addition to his widow, the former Mildred E. Gove of Ipswich, Mass., to whom he was married in 1918, Mr. Foote is survived by three daughters, Mrs. A. David Brownlie of Arlington, Va., Mrs. Joseph K. Layos of Hummelstown, Pa., and Mrs. William J. Dalton of Clarkston, Mich., and five grandchildren.

Arrangements for services had not been completed Saturday morning.

Mr. Foote's last column, which ordinarily would have been published on the Sunday editorial page of the Journal, appears below:

"IN RETROSPECT: SOME CALL IKE WEAK PRESIDENT AS RESULT OF RECENT TROUBLES

"(By Mark Foote)

"WASHINGTON.—President Eisenhower has chalked up some partial victories this week, and some severe defeats. The latter have caused certain critics and columnists to call him a weak President.

"The House Interior Committee snuffed out the last chance of a high Federal dam in Hells Canyon. The Federal Power Commission, with administration backing, has authorized the Idaho Power Co. to build three low dams on the Snake River, two of which are under construction. The administration favors private as opposed to public dam building.

"The House killed the $1,500 million compromise school-construction bill by a 5-vote margin. The vote came after the House had adopted the controversial Powell amendment that would cut off Federal aid to school districts that maintained segregated schools.

"A slash of $2,368,150,000 in defense appropriations—the deepest cut ever made in an Eisenhower budget—was approved by Senate and House conferees.

"The Senate, 52 to 38, struck out of the administration's civil-rights bill proposed authority for the Attorney General to seek injunctive enforcement of a broad range of constitutional rights.

"Thus, in one dramatic vote, striking out most of part III of the bill, the Senate transformed the administration's general civil-rights measure into essentially a right-to-vote bill.

"Meantime, President Eisenhower was making a last-ditch effort to save his foreign-aid bill from being butchered. 'Any cutback,' he said, 'must directly affect our own military security. Acceptance of anything approaching the level of aid proposed by the House would mean acceptance of far less security for the United States.'

"Critics of Eisenhower policies and methods are naturally looking toward Democratic victory in 1958 and 1960. One charge that Mr. Eisenhower is a weak President was made by Senator JOSEPH S. CLARK, JR., Pennsylvania Democrat, who has served only since the fall of 1956.

"Naturally the charge provokes the question as to what is weakness in the Presidential Office? Is it weak not to pound the table, not to call names, not to issue clarion calls to the people demanding support for his views? If that is weakness, Mr. Eisenhower may appear weak.

"Senator CLARK called Franklin D. Roosevelt a strong President, but the memoirs of Harold Ickes, his Secretary of the Interior, are full of criticisms of him on account of alleged weaknesses.

"One reason the great majority of people, according to polls, do not consider Mr. Eisenhower a weak President is that Ike came into office with a concept of the Presidency which 4½ years of experience have not made him change. It was that the legislative and executive branches of our Government, unlike those of Britain, are separate, and ought to be since they are so defined by the Constitution.

"Therefore Mr. Eisenhower takes care to be respectful of Congress. He does not attempt to give orders, nor denounce it as Mr. Truman did the 80th Congress. He won't even pretend to read out of his party a member who crosses him and he is the only President who has faithfully met the press and answers its questions not only frankly but cordially, stating his convictions without lamenting those of anyone else.

"There are signs, however, that a civil-rights bill confined to protect the voting rights of individuals but also granting significant Federal enforcement powers for that purpose may be passed over a southern filibuster.

"Senate Democratic leader LYNDON JOHNSON, of Texas, came out publicly for this approach. It would grant jury trials only in instances of criminal intent arising from vote deprivation cases, and would permit Federal judges sitting without juries to assess penalties for civil contempt. This version is also supported by such influential Democrats as JOSEPH C. O'MAHONEY, of Wyoming, and ESTES KEFAUVER, of Tennessee.

"The debate, including the filibuster on civil rights in the present Congress—whatever the final legislative action, is expected to spur Negro voting in the South which in some States there has been almost nil, despite the fact the Negroes constitute close to half of the total registered voters."

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include the last editorial by Mark Foote.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the passing of Mark Foote.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CEDERBERG. Mr. Speaker, the many fine tributes that have been paid Mark Foote, veteran member of the corps of Washington newspaper correspondents who passed away Friday, are well deserved and true.

At the time of his death Mr. Foote was perhaps the oldest Washington correspondent still actively serving his newspapers. He probably had the widest personal acquaintance of Presidents, Senators, Representatives, diplomats, and other public officials of any member of the Washington press corps. As a newsman he was intimately acquainted with seven of our Presidents.

Mr. Foote was chief of the Washington Bureau of the Booth Newspapers of Michigan which include the Bay City Times, Grand Rapids Press, Flint Journal, Kalamazoo, Saginaw News, Jackson Citizen Patriot, Muskegon Chronical, and the Ann Arbor News.

He was a student and a scholar and had acquired a rich storehouse of infor-

mation on affairs of government, the Federal legislature, and politics.

His record as a newspaperman was outstanding and an indication of the high regard in which he was held by his associates in the newspaper world is the fact that he was elected President of the National Press Club and the Gridiron Club.

His reputation was earned through untiring work, faithfulness, and an honest endeavor to report Washington news as he saw it. His reporting was meticulous and thorough.

The passing of Mark Foote is a great loss to the newspaper world, the Booth newspapers, and to the host of their readers who looked forward to his well-written and enlightening articles.

Mr. MEADER. Mr. Speaker, it was my privilege to know personally Mark Foote, chief of the Washington bureau of Booth Newspapers, who died last Friday at the age of 75.

Mr. Foote was as much a part of the Washington scene as Pennsylvania Avenue during most of the 44 years he worked here. He was known as a fair, capable and courageous correspondent whose counsel was sought by others of his profession as well as by statesmen and legislators.

His commentaries on Washington events as well as his penetrating analyses of major national and international problems were read eagerly by hundreds of thousands of persons in Michigan, the locale of the newspaper chain he served.

He humanized the day's news, ever striving to make it easily read and understandable at the grassroots level. My own Second District of Michigan will be the worse for his loss, because two of its largest and most widely read newspapers, the Ann Arbor News and the Jackson Citizen-Patriot, regularly carried his columns.

He was regarded the dean of Washington correspondents, a title not earned by length of service alone. He served his readers during the administrations of seven Presidents and won distinction also as president of the National Press Club and the Gridiron Club.

Widely traveled, Mr. Foote at times wrote from the Philippines, Japan, China, and England. He was educated at St. John's College at neighboring Annapolis and at the University of Michigan, which awarded him the honorary degree of Master of Arts in 1941.

Told of Mr. Foote's death, President Eisenhower noted:

I have known Mr. Foote for many years, and I have always respected his integrity and fine ability to report the news of our day. He will be missed. Mrs. Eisenhower and I extend our deepest sympathy to Mrs. Foote and the family.

The President's Press Secretary, Mr. Hagerty, called him "one of the best newspapermen I ever knew."

Mr. Foote is survived by a widow and three daughters, Mrs. A. David Brownlie, of Arlington, Va.; Mrs. Joseph K. Layos, of Hummerstown, Pa., and Mrs. William J. Dalton, of Clarkston, Mich.

I add my own feelings of sympathy to Mark Foote's family in a loss shared by all who knew him.

Mr. KNOX. Mr. Speaker, it was my privilege to know Mark Foote, chief of the Washington bureau of Booth newspapers since I came to Congress in 1953. I always found him to be most helpful and a most considerate correspondent, and one who was admired by all who knew him. In reading Mr. Foote's last column, which he wrote several hours before his death, one cannot help but agree that he reported the news in a punctilious manner and in fairness to all.

The fact that he was selected 4 times in the last 10 years by Newsweek magazine as master of prophecy, an award for the most accurate predictions of presidential and Congressional elections proved his outstanding ability.

Mark Foote's death is not only a great loss to the newspaper world, his home State of Michigan, but to all. His death ends a long and faithful public service to our Nation.

I extend my sympathy to his wife, daughters, and grandchildren. May they be comforted by the knowledge that he lived a happy and very useful life.

Mr. BENTLEY. Mr. Speaker, I would like to take this opportunity to comment on the passing of Mark Foote, Chief of the Washington Bureau of Booth newspapers. I will always count having known Mr. Foote as one of the true privileges of my life. Much has been said about his long years of faithful service to his readers and his many well-earned awards. Mr. Foote will long be remembered here in Washington as one of the leaders among our Nation's journalists. However, he will also be remembered by another group and that is his many readers back in Michigan. These are the people to whose service Mr. Foote was dedicated. During his many years as a reporter he served his readers with exceptional ability. His columns were read with confidence and trust and the knowledge that the true significance of the news was being explained. Mr. Foote's readers who met him only through his columns have suffered a great loss. Those of us who were privileged to know him personally are saddened by his passing but can take comfort in the knowledge that Mr. Foote was proud and happy in his work and was able to carry on to his final day. We all share the sorrow of his family and extend our deepest sympathy to them.

## FEDERAL AID TO EDUCATION

Mr. UDALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, the school bill is dead, so we are told. I think it might be appropriate to have a brief post mortem, however, before we inter the corpse. Let me refer to comments that I made in the RECORD, at page 12751. I was the first Member of the House to be recognized on this side of the aisle after the gentleman from Ohio [Mr. AYRES] offered his amendment, which was the President's program, as introduced last year. I was somewhat confused by the appearance of the RECORD as it came out, because my own remarks did not make sense. In fact the motivation of Members on this side as shown by actions taken by many members of the committee, was not fully revealed by the state of the RECORD.

As I recall it, after the gentleman from Ohio [Mr. AYRES] offered his amendment, the assistant minority leader, the gentleman from Indiana [Mr. HALLECK], asked him to yield and, Mr. Speaker, I ask my colleagues to bear me out that he then made some remarks concerning that amendment. I have my own recollection of his remarks. An alert reporter in the gallery, Bob Hoyt, of the Knight newspapers, took down those remarks as they were made by the gentleman from Indiana. They are as follows:

I commend the gentleman from Ohio [Mr. AYRES] for offering this substitute. It is President Eisenhower's program. I voted for it last year and I shall support the substitute this year.

That accords with my own recollection of what occurred. My own remarks appear out of context in the RECORD and my actions and those of my colleagues on the committee in agreeing to yield opposition and to go along 100 percent with the President's program were dictated in large part by what the gentleman from Indiana said.

I feel, Mr. Chairman, in the interest of clarity of the RECORD and fair play that the gentleman from Indiana ought to see to it that his remarks get back into the RECORD, where they belong.

## THE AYRES SUBSTITUTE TO THE SCHOOL BILL

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, I commend the gentleman from Arizona [Mr. UDALL] for his contribution to this preinterment of the school bill. The column of Mr. Drew Pearson, appearing in this morning's Washington Post and Times Herald is, I think, extremely interesting. We cannot, of course, verify the facts which Mr. Pearson set forth, but they do seem to coincide precisely with the speech of the gentleman from Arizona.

I, too, was amazed, having sat at the committee table, to read the RECORD the following morning and find that the remarks of the gentleman from Indiana [Mr. HALLECK] in support of the Ayres amendment had somehow or other escaped print, perhaps because of clerical mistakes or perhaps otherwise.

Mr. Speaker, I think the gentleman from Arizona has made a definite contribution in stating the facts for the RECORD. My recollection coincides precisely with that of the gentleman from Arizona,

namely, that the gentleman from Indiana [Mr. HALLECK] did say in effect, "This is what the President wants, this is what I voted for last year and I shall support it this year."

Following that, on the rollcall, the gentleman from Indiana [Mr. HALLECK], voted to strike the enacting clause and, therefore, to kill Federal school construction aid, and his remarks somehow or other were eliminated from the RECORD.

Under leave to extend my remarks, I include Mr. Pearson's column, to which I referred:

IKE GIVES FOLSOM A BAWLING OUT

(By Drew Pearson)

The inside story of the backing and filling over the school bill is a sorry one. Though the Secretary of Health, Education, and Welfare, Marion B. Folsom, a former big-business man and director of the United States Chamber of Commerce, did his best to pass the bill, he actually got bawled out by the President for his pains.

What happened was that Folsom announced to the press early last week that he was confident President Eisenhower would throw his weight behind the school bill. He knew, though he didn't say so, that the President had pulled all sorts of wires to block Hells Canyon, to pass foreign aid, and originally to pass a strong civil-rights bill. He also knew that the President had gone on record in speech after speech last fall for aid to education, had also backed it in a message to Congress.

So he was sure the President would get on the phone to key Congressional leaders to help pass the bill.

But GOP Leader CHARLIE HALLECK, of Indiana, begged General Eisenhower not to support the school bill. The bill had certain compromise aspects worked out by the most loyal Eisenhower Republicans the President has on Capitol Hill—Congressman PETER FRELINGHUYSEN of New Jersey and SAM MCCONNELL of Pennsylvania. But HALLECK persuaded President Eisenhower to oppose it.

Following Secretary Folsom's statement that he was sure Ike would throw his weight behind the bill, the Cabinet officer was actually summoned to the White House and reprimanded.

On top of this, General Eisenhower canceled his regular Wednesday news conference because it would have preceded the scheduled vote in the House and he was sure to be asked about his support of the school bill.

The fact that the school bill lost by only five votes indicates how little push it would have taken from the White House to pass it. The school bill as finally proposed by Representative AYRES of Ohio was Republican drafted, exactly as Ike had wanted it. After Democratic floor leaders urged acceptance of this Eisenhower version, however, two of Ike's own leaders—HALLECK and LESLIE ARENDS, of Illinois—voted against it.

## SUBCOMMITTEE ON SOCIAL SECURITY

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, one problem of great importance which faces Congress in the years ahead is revision of the Social Security Act. More and more people are affected as coverage of the act is broadened. As our economy changes, more and more people are interested in the effect that payments under the Social Security Act, and the methods of financing it, have on the economy. As time goes on, there should be fewer and fewer people receiving public assistance as more and more get social-security payments. Therefore, the below-quoted letter, which I believe was sent to all Members, is of special interest. I do hope that a way may be found to implement some of the suggestions and reasoning embodied in it. Surely many Members would appreciate an expression of opinion from the chairman of the Ways and Means Committee at his convenience.

NATIONAL INSTITUTE OF
SOCIAL WELFARE,
*Washington, D. C., July 24, 1957.*

DEAR SIR: I am writing to seek your aid in getting more equitable representation in Congress for the 15 million people in our country who right now are directly affected by the Social Security Act.

As you well know, the Ways and Means Committee calendar has been so crowded this year that members have not had the opportunity to even consider this important subject even though more than 300 bills have been introduced relating to social security. Furthermore, to my knowledge, no hearings have even been scheduled for next year.

I am fully cognizant of the great amount of work the full committee has before it. In view of this, I feel that a Subcommittee on Social Security should be appointed to make a continuing study of this great problem and make periodic reports and legislative recommendations to the full committee, thus releasing the full committee from the necessity of sitting en masse to consider the most minor changes.

In checking with the committees involved, I find that civil service as well as railroad retirees have their cases at least reviewed yearly. And yet, these are small groups compared to social-security recipients, present and future. It would seem only simple justice then that this great mass of people should have at least equal consideration in Congress through a subcommittee set up to deal with their specific problems.

Hoping you will use your prestige to help achieve this most worthy aim, I am,

Sincerely yours,

Miss FRANKIE CHILDERS,
*Legislative Representative.*

## THE UNTIMELY DEATH OF THE PRESIDENT OF GUATEMALA

Mr. SIKES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, the death of President Carlos Castillo Armas of Guatemala is a sad thing for the democracies. For 3 years he had headed his administration ably and intelligently. Constant progress attested undeniably to the wisdom of his programs. This progress was accomplished despite a great many difficulties which were inherited from the Communist controlled regime preceding his. In the wake of the previous administration, President Castillo found a looted treasury from which public funds had been squandered without instituting lasting or long-range benefits for the people. It was necessary for his administration to make a new start without the benefit of planning or broad experience in government. Ably assisted by the United States, President Castillo and his cohorts instituted and carried out a number of reforms designed to enhance the popularity of democratic government. Roads, hospitals and health centers were built. Many other worthwhile community projects have been undertaken. Sensible land reforms have been pushed. Strong and solid support was evident for his program throughout the nation. Now he has been struck down at the moment when his policies are beginning to bear fruit and when his guidance is needed most.

Carlos Castillo Armas became the hero of his people because he had the courage to fight against great odds to save his country from communism. His tragic death undoubtedly is the result of a pattern of Communist terrorism, for his is not the first. Two other close friends of the Western democracies have been struck down in Central America. President Ramón of Panama and President Somoza of Nicaragua also had stood stanchly by the democracies and both had seen great progress come to their lands through the democratic processes of government. Each of these martyred leaders lives on in the work being done by his successor and in the hearts of his countrymen. Each of them must live on in the determination of this Nation to yield not one inch in its fight against the evils which communism seeks to bring about.

## THE ASSASSINATION OF THE PRESIDENT OF GUATEMALA

Mr. JACKSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. JACKSON. Mr. Speaker, it appears that Murder, Inc., has opened a southern branch in the Western Hemisphere. For the third time within the last 2 years a friend of the United States, one whose policies as President of one or another of the American Republics of Latin America, was to further the solidarity of the nations of the Western Hemisphere and protect our peoples against Red aggression has fallen prey to an assassin's bullet: First, President Ramón, of Panama; second, President Samoza, of Nicaragua; and now President Castillo Armas, of Guatemala. Armas was the man who wrested control of Guatemala from the Communists, an act which undoubtedly led to his assassination last week.

In Santiago, Chile, where he is enjoying sanctuary from the righteous wrath of his fellow Guatemalans, the former Foreign Minister of Guatemala, Juan Jose Arevalo, who served the Communist cause during the Presidency of

Arbenz, the Red puppet, today issued the following statement and warning:

Romeo Vazquez Sanches—

He was the assassin of Castillo Armas—

enters history as a symbol of the Latin American struggle against those who attempt to transform them into colonies.

He said further:

Those who tried to sell or lease Guatemala to foreign commercial concerns will fall, one by one, under the terrible judgment of popular vendetta.

It appears that communism and its zealot agents intend to give to any Latin American country which disagrees with the Communist philosophy the blood-purge treatment. The Washington Post of this morning carried the following editorial regarding the assassination of President Castillo Armas:

FOUL ASSASSINATION

Shocking as is the assassination of President Carlos Castillo Armas of Guatemala, it is precisely what some of his countrymen have been fearing. Col. Jose Luis Cruz Salazar, the Ambassador of Guatemala to the United States, said yesterday that the Communists have boasted that President Castillo would never complete his term. The official announcement of the killing said positively that the personal effects of the assassin showed him to be a Communist. Unable to rule Guatemala by consent of the people, the Communists are apparently following their customary tactics of terrorism in an effort to create chaos.

It is often assumed in this country that President Castillo, then an unknown colonel, invaded Guatemala from Honduras and smashed the Communist-dominated regime of Jacobo Arbenz Guzman in 1954. He did indeed head a heroic venture that resulted in liberation. But he started with only 200 men—a force that could not have defeated the Guatemalan army if it had been disposed to fight. Actually the Communist-infiltrated regime fell apart because of its internal weaknesses and the hostility of the people. Colonel Castillo became the hero of the hour because he had the courage to fight against great potential odds to save his country from Communist strangulation.

After those stirring days, President Castillo encountered many difficulties. On one hand, he carried out a number of reforms designed to enhance the popularity of democratic government and imposed higher taxes (including an income tax) to pay for them. This aroused the conservative property owners. On the other hand, he fought the Communists' efforts to infiltrate his government, as they had done that of his predecessor. His security measures led to charges that he had become a "benevolent dictator," but they were not effective enough to save his own life.

Fortunately, there is no indication that the assassination will lead to an uprising. The new President, Luis Arturo Gonzalez Lopez, immediately decreed a state of siege even though the country as a whole remained quiet. There is no indication that the people would tolerate a return of Communist government. On the contrary, the foul assassination of a man who had come to the presidency with great popular acclaim will stiffen the hatred of communism and its methods. Regardless of any shortcomings he may have demonstrated, Carlos Castillo Armas is now a martyr in the cause of freedom, and as such he will long be gratefully remembered throughout the Free World.

Castillo Armas was martyred because he fought the cruel degradation that is the Communist conspiracy. It would appear that the conspirators within the hemisphere plan the same fate for other heads of state who oppose red aggression.

## FEDERAL AID TO EDUCATION

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McGREGOR. Mr. Speaker, I have sat for several days listening to the arguments both pro and con relative to Federal aid to schools and I resent the inference that seemingly has been given with pictures and otherwise that Ohio is not taking care of their school needs. Under the complex system that is recommended under this legislation Ohio would receive an allotment of $13,428,000 from the Federal Government. Under this bill we would pay into the Government the $13 million required for matching plus approximately $19 million in taxes, making it cost the people of Ohio approximately $32 million and, Mr. Speaker, in my opinion there would be very few schools in our State that would be able to qualify for these Federal funds taking into consideration the many technicalities that this bill incorporates. Mr. Speaker, between July 1, 1956 and July 1, 1957 the people of the 17th district of Ohio alone approved school bonds for construction to the extent of $8,527,000. Last year $122,568,005 in school construction bonds were passed in the State of Ohio. This shows Ohio is taking care of its own needs.

Under this legislation it will be mandatory to have Federal controls where Federal funds are used and when we have Federal supervision local school boards will be losing control. May I quote one section of the language contained in the bill before us for consideration:

"SEC. 104. (a) Any State which desires to accept the benefits of this title shall submit to the Commissioner—

And so forth—all meaning controls by the Commissioner of Education in Washington, D. C.

In other matters we insist on Federal controls where Federal funds are used. That is part of our duties as a Member of Congress to see that Federal funds are spent properly and certainly that duty will still prevail if Federal funds are used in school construction. This legislation, in my opinion, is an opening wedge for complete Federal control of the public schools. I am of the definite opinion that this is not temporary legislation. It is most difficult to stop any Federal program once it has been initiated.

Let the local school board, the people back home, retain control over our school system and let us say "No" to a Federal bureaucracy that wants to dictate what will be built, what will be taught and who will attend our schools.

## FOREIGN POLICY AND THE GREAT MIDWEST

Mr. SMITH of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SMITH of Wisconsin. Mr. Speaker, it has often been said by rabid internationalists that the heartland of the United States—the great Midwest is isolationist, that it is not interested in world affairs.

But, Mr. Speaker, let us look at the record in one field of international relationships—that of the international scholarship fund program, sponsored by the American Field Service.

Except for two States, Wisconsin and Minnesota lead the rest of the country in the participation of this program. The program is one designed to lead to better understanding and friendship among the peoples of the world. It brings students from abroad to attend American secondary schools for a school year of study and experience, and during the summer, sends American teen-agers abroad to live with families. In this way, world understanding is enhanced.

Wisconsin and Minnesota are foremost participants in the program. This table shows that participation:

| Rank | State | Students from abroad going to States, 1947-57 | Students from States going abroad, 1950-56 |
|---|---|---|---|
| 4th | Wisconsin | 273 | 199 |
| 3d | Minnesota | 339 | 194 |
| 1st | New York | 341 | 273 |
| 2d | California | 334 | 201 |

The record above clearly indicates that Wisconsin and Minnesota are determined to further understanding and friendship among peoples of the world.

## RULES OF DEBATE

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, the gentleman from Indiana [Mr. HALLECK] needs no defense by me, but I wonder if the gentleman from Arizona [Mr. UDALL] or the gentleman from New Jersey [Mr. THOMPSON] called the gentleman from Indiana, before they brought into question on the floor of the House this morning, certain material which may or may not have been omitted from the RECORD. I would like to ask both gentlemen if they extended the normal courtesy of calling the gentleman from Indiana to advise him that they were taking exception to the handling of certain material in the RECORD, with which the gentleman from Indiana [Mr. HALLECK] was allegedly associated.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. UDALL. I did attempt to get in touch with the gentleman, but it is my understanding that he is not available today. I felt that this was a matter which should be brought up. I was concerned about the RECORD, as it affected me and not as it concerned the gentleman from Indiana, because what he had said bore on the intelligence and sense of what I, myself, had said.

Mr. GROSS. The gentleman from Indiana's name was used. My point in taking the floor at this time was to ask the gentleman whether he had called the gentleman from Indiana [Mr. HALLECK], to advise him that he was questioning the RECORD of last Thursday. That is a courtesy extended to every Member.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

## DEFENSE APPROPRIATIONS

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, on Wednesday, July 24, 1957, I interrogated the gentleman from Texas [Mr. MAHON] at the time he presented the conference report on the Department of Defense appropriation bill for 1958. I was concerned to find out what had happened to the second O'Mahoney amendment which had to do with the unification of supply and procurement of common-use items for the three military services. The gentleman from Texas advised me as follows: He said that the conferees did not feel that with legislative proposals under study by the House Committee on Armed Services that they should go into this matter and it was his understanding that the Committee on Armed Services was holding hearings and studying them. I saw the chairman of the Committee on Armed Services, the gentleman from Georgia [Mr. VINSON] a little bit later and I asked him to state for the RECORD, whether his committee was hold hearings on this matter and just what the House Armed Services Committee was doing if anything. The gentleman from Georgia [Mr. VINSON] has made no statement for the RECORD. Accordingly I will state for the RECORD, what he said to me. He said that the Armed Services Committee was not holding hearings, was not even studying this matter and did not intend to. In light of that fact, and in light of the statement made by the gentleman from Texas [Mr. MAHON] that the reason the conferees did not retain the new O'Mahoney amendment to bring about more unification in procurement, supply, and distribution of common-use items in the three mililtary services was because the conferees were given to understand that the House Armed Services Committee was studying the matter. I hope the other body will not agree to this conference report and will keep in the second O'Mahoney amendment.

## THE LATE PRESIDENT CASTILLO ARMAS

Mr. HILLINGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HILLINGS. Mr. Speaker, I wish to join in the comments of our colleague the gentleman from California [Mr. JACKSON] in expressing on behalf of the people of my district in California profound sympathy to the people of Guatemala in the great loss they have suffered in the assassination of President Castillo Armas. There is no question but what President Armas is probably more responsible than any other single individual for driving from the Western Hemisphere the first Communist government to gain a foothold here. He will be missed, but with his passing we must give even greater attention to the attempts of the Communists to try to follow up this assassination with efforts to further Red domination or subversion in the Western Hemisphere.

In some quarters there has been a question as to whether or not the President of Guatemala was killed as the result of a Communist plot. Statements by the former Communist Foreign Minister of Guatemala, Juan Jose Arevalo, openly praising the killer of President Armas were made on Saturday in Santiago, Chile. In addition, Arevalo, now in exile, has arrogantly told the world that there might be more such attacks indicating that other countries will fall in the same manner in which Guatemala fell; and, as further indicated, that leaders of other free countries might also be the victims of assassins' plots.

This clearcut evidence that Communists plotted the death of President Castillo Armas appeared in Diario Las Americas, in the July 28 edition, quoting this man. The article follows:

AREVALO PRAISES THE ASSASSIN

SANTIAGO, CHILE, July 27.—The murder of Guatemala's President Carlos Castillo Armas induced his opponents to make statements justifying the acts of the aggressor.

Juan Jose Arevalo, who was President of Guatemala and who started the leftist Government continued by Jacobo Arbenz, gave the press the following statement:

"Romeo Vazquez Sanches enters history as a symbol of the Latin American struggle against those who attempt to transform them into colonies.

"Those who tried to sell or lease Guatemala to foreign commercial concerns will fall, one by one, under the terrible judgment of popular vendetta."

## DEVELOPMENT OF DAMS AT PLEASANT VALLEY AND MOUNTAIN SHEEP SITES ON SNAKE RIVER

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include extraneous material.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, a few days ago, the presiding examiner of the Federal Power Commission recommended to the Commission that licenses be approved for private utility development of dams at the Pleasant Valley and Mountain Sheep sites on the Snake River.

I hope the Federal Power Commission rejects that decision by its examiner. The action which this examiner recommends to the Commission is in line with the previous action against the people's interests with respect to the licenses issued to the Idaho Power Co. at Hells Canyon. It would be a perversion of the basic act under which the Federal Power Commission was constituted and under which this Congress has every right to expect that it will act.

On Saturday last I received from the Honorable Howard Morgan, Public Utility Commissioner for the State of Oregon, a copy of a telegram which he, acting upon the instructions of the Honorable Robert D. Holmes, Governor of the State of Oregon, had sent to the Chairman and the members of the Federal Power Commission.

He wired:

SALEM, OREG., *July 25, 1957.*

HON. JEROME K. KUYKENDALL,
*Chairman,*
FREDERICK STUECK,
*Commissioner,*
SEABORN L. DIGBY,
*Commissioner,*
WILLIAM R. CONNOLE,
*Commissioner,*
ARTHUR KLINE,
*Commissioner,*
*Federal Power Commission,*
*Washington, D. C.:*

By order of Gov. Robert D. Holmes, of Oregon, I strongly request the reopening of public hearings on the application of Pacific Northwest Power Co. for a permit to build dams on the Snake River at Pleasant Valley and Mountain Sheep.

The astonishing recommendation of your examiner announced by the press today demonstrates the necessity for more engineering and economic testimony in the record.

The conclusion of your examiner that upstream storage is not urgently needed is directly contrary to massive and well-known facts. Neither the private power companies nor the general public can sustain much longer the failure to develop the largest possible amount of upstream storage in the Columbia Basin.

The fact that the Corps of Army Engineers failed to protest the lack of storage capacity in the company proposals has none of the positive significance attributed to it by your examiner. That failure may be accepted as a commentary on the loss of engineering initiative and independence by the Corps of Engineers under present circumstances, but it can hardly be used in an official proceeding as a positive indication of any lack of need for upstream storage. Let me remind you that the States of Oregon and Washington also failed to protest the company proposals in the hearings. You may be interested in the reason for that failure. There is only one reason. All hearings were concluded before the new administrations in Oregon and Washington were sworn into office in January of 1957. These State administrations are free to represent the public interest and they deserve an opportunity to do so in this case. If the final decision in this proceeding is to rest on substantial findings of fact, the record should be reopened at once for the introduction of economic and engineering testimony on behalf

of the people of this region. Letter follows immediately.

HOWARD MORGAN,
*Public Utility Commissioner, State of Oregon.*

This morning I received from Commissioner Morgan a further communication—a copy of his letter of July 26, 1957, to the Chairman and members of the Federal Power Commission setting forth further reasons why the hearings before the examiner should now be reopened for the introduction of engineering and economic testimony by the present administrations of the States of Oregon and Washington.

And I read from Commissioner Morgan's letter to the Federal Power Commission under date of July 26, 1957.

STATE OF OREGON,
PUBLIC UTILITIES COMMISSIONER,
SALEM, *July 26, 1957.*

Hon. JEROME K. KUYKENDALL,
*Chairman,*
Hon. FREDERICK STUECK,
*Commissioner,*
Hon. SEABORN L. DIGBY,
*Commissioner,*
Hon. WILLIAM R. CONNOLE,
*Commissioner,*
Hon. ARTHUR KLINE,
*Commissioner,*
*Federal Power Commission,*
*Washington, D. C.*

GENTLEMEN: This letter is additional and complementary to my telegram of July 25 concerning the request of the Governor of Oregon for reopening of public hearings on the application of Pacific Northwest Power Co. for a permit to build dams on the Snake River at Pleasant Valley and Mountain Sheep.

As explained in that telegram we are astonished at the failure of your examiner to understand the overwhelming necessity of additional upstream storage in the Columbia Basin in order to "firm up" the power supply of this region during periods of low river flow.

The enclosures which accompany this letter are a very small sample of the engineering and economic information which ought to be included in the record in very great detail before any final decision is announced by the Federal Power Commission.

The enclosure entitled "Loads and Resources Western Group Pool Utilities" depicts the water conditions existing during last winter. Although that was not a particularly bad water year, you will note that during the period of peak power demand (caused by cold weather which at the same time caused a reduction of stream flow by inhibiting the melting and flow of precipitation in the mountain regions) the actual flow of the Columbia River dropped to a point at which it was capable of generating only 2 million kilowatts out of a total demand of 5.5 million kilowatts, leaving a margin of 3.5 million kilowatts or more than three-fifths of the total demand which was generated by the release of upstream storage hydro, principally from Grand Coulee and Hungry Horse Dams.

It is easy to imagine the calamity which could have befallen this area if the period of cold weather had persisted for only the few weeks which would have been necessary in order completely to exhaust the limited upstread storage behind those two dams.

These facts and their economic consequences have rendered it absolutely impossible for the informed citizens of this region to understand what your examiner can possibly be talking about when he reaches the unsupported conclusion that the need for upstream storage in the Pacific Northwest does not have "quite the urgency or the seriousness * * * which the staff found."

The other enclosure entitled "Downstream Power Benefits of the Hungry Horse Project" is a graphic example of the enormous benefits and economies of the upstream dams which provide sizable amounts of useable storage. The enclosure is self-explanatory and shows quite simply not only the power developed at the site of Hungry Horse Dam itself but also shows the firm power made possible at the downstream dams by controlled releases of water from Hungry Horse. The totals are shown as 212,000 kilowatts generated at the site of Hungry Horse Dam and 628,000 kilowatts of additional power directly attributable to Hungry Horse developed at the downstream dams.

This means that by building a 212,000 kilowatt dam the public receives 840,000 kilowatts as the total benefit from the construction of that dam.

To put it another way, the building of 1 Hungry Horse Dam made possible the power output of 4 Hungry Horse dams.

If there is a better investment opportunity for the people of the United States than the building of high capacity storage dams upstream from their existing power investments, I do not know what it could possibly be.

Once again, on behalf of the Government and people of the State of Oregon I ask that the matter of the pending application of Pacific Northwest Power Co. be reopened for the introduction of engineering and economic testimony by the present administrations of the States of Oregon and Washington.

Very truly yours,
HOWARD MORGAN,
*Commissioner.*

Mr. Speaker, I am joining with Commissioner Morgan and Governor Holmes in urging that this hearing be reopened for the introduction of this new testimony. In doing so I wish to emphasize the point made by Commissioner Morgan in his telegram to the Federal Power Commissioner when he said:

Neither the private power companies nor the general public can sustain much longer the failure to develop the largest possible amount of upstream storage in the Columbia Basin.

Commissioner Morgan also made the point—an important point in my opinion—that much valuable and relevant information was not presented to the examiner and therefore is not in the record because the hearings were concluded before the new State administrations in Oregon and Washington were sworn into office in January of 1957. Neither State protested the company's proposals at the hearings.

When the people of both these States spoke last November—and voted in administrations unafraid to speak for all the people—they also had a right to expect that their voices would be heard by the executive branch of the National Government—and, specifically, that the facts not brought to the examiner's attention would then be admitted.

It is to make the people's decisive voice heard—to bring before the Federal Power Commission all the facts—to break this conspiracy of silence which would decide matters on the basis of only part of the facts, that I am joining in this request to the Federal Power Commission that the hearings be reopened.

The action we request is essential if the great natural resources, which are the heritage of the people of all Oregon and of all the Nation, are to be saved for development on behalf of all the people and not be exploited for the benefit of the few.

## THE SCHOOL CONSTRUCTION LEGISLATION

Mr. McCARTHY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. McCARTHY. I yield.

Mr. THOMPSON of New Jersey. A moment ago the gentleman from Iowa [Mr. GROSS] asked if either the gentleman from Arizona [Mr. UDALL] or I had contacted the gentleman from Indiana [Mr. HALLECK] with reference to this matter. The gentleman from Arizona [Mr. UDALL] answered he had called and found Mr. HALLECK not available. My staff called the gentleman from Indiana [Mr. HALLECK] this morning and was informed that he was not present. My remarks referring to the motion in the RECORD do not in any way reflect on the integrity of Mr. HALLECK and were not so intended.

Mr. McCARTHY. Mr. Speaker, I would like to comment on the votes which are in the RECORD, to say that I do not think that the fact that Mr. HALLECK or Mr. ARENDS voted to strike the enacting clause on the educational aid bill is necessarily a vote against the President.

Mr. HOFFMAN. Mr. Speaker, I make a point of order that it is not in order for one Member to comment on what another Member did in the House.

The SPEAKER pro tempore (Mr. MCCORMACK). The gentleman will proceed in order.

Mr. McCARTHY. This might be interpreted as a vote in favor of the President since it saved him from the embarrassment of having the Republicans go on record for the Ayres substitute which we were told the President was for.

## NO REASON TO BE DISCOURAGED

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, would I be in order if I commented on how Members voted on the school-aid legislation?

The SPEAKER pro tempore (Mr. MCCORMACK). The Chair will state that until the time arises in the course of the gentleman's remarks, or in any other gentleman's remarks, when some other Member raises the parliamentary question, the Chair feels it is not the duty of the Chair to pass on any comment at this time.

Mr. HOFFMAN. Mr. Speaker, does this come out of my 1 minute?

The SPEAKER pro tempore. No; the Chair will give the gentleman a long minute.

Mr. HOFFMAN. I thank the Speaker, and I will take a chance on this being in order or out of order. It is pretty hard to tell just when one is in order; what one cannot properly and within the rule say.

I have been trying to follow the Eisenhower administration. I have been trying very, very hard, not that it is such a task if one can fully understand the policy advocated.

If I understand the situation, the gentleman from Illinois [Mr. ARENDS], who is here and who is very helpful to all of us, the gentleman from Indiana [Mr. HALLECK], and the gentleman from Illinois [Mr. ALLEN], have certain definite long-held convictions.

Each votes in accordance with his convictions. If that is a sin many of us will have to change our ways. Yet, having voted as they think they should and as their people wish, our delightful friends on the other side, our Democratic colleagues, the New Dealers, the internationalists, the giveaway Democrats, and the long-haired boys—they used to be called that, not in the House, I mean, but outside—they criticize our distinguished colleagues because of the vote each cast last week. It is rather discouraging, I am sure, to those who stay by their convictions to be criticized for so doing.

In my opinion—I do not know very much sometimes about what is going on, and I have been accused of being ignorant and stubborn instead of wise and consistent—whether there is any difference between those two positions I do not know—it would seem that the three should be congratulated instead of criticized. But apparently we cannot do anything which our friends, the opposition will approve. Mr. Speaker, I know I am a little bit out of order. May I suggest to the Members on the other side of the aisle that we hope you will be a little more lenient when we disagree with your views on a specified bill, especially when you yourselves are not united. I know you are all Christians, charitable and willing to overlook minor faults; so instead of criticizing our leaders on this side just take it out on the rank and file. Some of us do not care or at least we will not be too deeply grieved by your fault finding.

It is absurd to charge the failure of the Federal aid to school construction bill to the lack of support by the President, or to the fact that three of the party's leaders in the House did not go down the line in support of the bill. The vote came on a motion to strike the enacting clause of the bill, to which the Powell amendment had first been added, then stricken with the section. The vote came before the Ayres amendment was voted on, and it came before a House in which there was a substantial majority opposed to Federal aid for the construction of school buildings.

In most of the Midwestern States, the people want no part of any program calling for Federal aid to education or for the participation of the Federal Government in the operation of an educational program.

They realize that if the Federal Government ever gains control of an educational program, their schools will be susceptible to infiltration by the Communists—as has previously happened in some Government activities.

Moreover, the Fourth Congressional District of Michigan, at least, certainly is solving the so-called educational problem—and they can see no reason why they should be called upon to subsidize the schools in other States. The thinking of the Fourth Congressional District is very accurately illustrated by an editorial written by Mark P. Haines, of the Sturgis Journal, and printed on July 26, 1957, and which reads as follows:

GOOD RIDDANCE

A bill which would have provided grants of $2.4 billion in Federal aid for schools was killed in the House Thursday by a close vote of 208 to 203. This action dooms such legislation at this session of Congress, but it is certain to be brought up again by the advocates of the welfare state. The defeat of this proposal will be welcomed by the people of Michigan, which of all the 48 States, has the least to gain and the most to lose by Federal aid to schools.

Under the proposed plan Michigan would be entitled to $11.9 million and would be assessed $16.9 million in Federal taxes. In contrast, a State like North Carolina would receive $11.8 million in grants for school construction and would pay in taxes only $4.3 million.

Just why Michigan should be asked to subsidize a State like North Carolina is hard to understand. North Carolina is not a mendicant State and has a prosperous economy.

It is significant that North Carolina and several other States that would benefit by Federal aid to schools are now boasting of their low tax rates to attract industries from States like Michigan where taxes are higher. North Carolina on June 20 took a full page advertisement in the Wall Street Journal to proclaim "North Carolina Reduces Taxes." The advertisement read in part:

"For 25 years North Carolina has maintained one of the most table tax structures in the Nation. It is closing the current fiscal year with a credit balance of $63 million. It has levied no new taxes, and has brought individual income taxes into line with many Federal provisions.

"This has been done without sacrificing State services. To the contrary, its educational system is being improved by increasing teachers' salaries 15 percent and salaries of other employees by 11 percent. It is investing $40 million in capital improvements at its institutions in the next 2 years."

Michigan would be forced to pay $5 million more than it would receive in benefits. North Carolina would get $7.5 million more in school grants than it would be asked to pay in taxes.

Michigan's tax structure has been under fire recently because of the excessive burden which it places on industry. There is no doubt that the State is overtaxed as compared with other States due to an inequitable distribution of State funds to schools, cities and townships by means of the ill-advised tax diversion plan which leaves the State only 0.32 cent of every dollar collected in taxes to spend on general government. This has turned out to be a tremendous handicap and has made it necessary for the State to resort to all kinds of schemes to augment its income. The State legislature in its last session had to impose additional taxes on liquor and cigarettes to raise a supplementary $25 million to meet the needs of the schools.

Michigan has always supported its public schools generously. In physical plant and educational standards the State's schools rank with the best in the Nation. There is no evidence that capital cannot be obtained through the usual sources to finance additional new school building without paying the Federal Government a premium of $5 million for the use of our own money.

This Federal school aid bill is just another crocodile looking for a juicy tax morsel which would be disgorged in part to the various States. Sturgis has reason to know that Federal tax grants can be excessively costly through its experience in building an addition to the hospital.

Michigan wants no part of Federal aid to schools.

The so-called liberals who, to a great extent, being in control of Federal activities, think they know more about what the people want than the people themselves—and who, apparently, know little of the facts of life—have not as yet convinced the sound-thinking people of the Midwest that it would be advisable to turn over to the bureaucrats the education of their children.

The people of the Midwest realize that the Federal Government has no money except what it collects from the taxpayer. They know the Federal Government is wasteful. They know that it is extravagant. They know that the bureaucrats are conceited—and that more than one cannot see the end of his own nose, much less beyond it.

They want less not more control from bureaucrats.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

## SUPERINTENDENT OF HOUSE DOCUMENT ROOM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I offer a privileged resolution.

The Clerk read as follows:

House Resolution 378

*Resolved*, That, effective August 1, 1957, the basic compensation of the Superintendent of the House Document Room shall be at the rate of $7,000 per annum, and the additional amount required to carry out this resolution shall be paid out of the contingent fund of the House until otherwise provided by law.

Mr. MARTIN. Mr. Speaker, reserving the right to object, I understand this is the same rate of compensation the late Mr. Lewis received.

Mr. ALBERT. The gentleman is correct.

Mr. MARTIN. Mr. Speaker, I withdraw by reservation of objection.

The resolution was agreed to, and a motion to reconsider was laid on the table.

## AMENDING SECTION 22 OF INTERSTATE COMMERCE ACT

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 320) providing for the consideration of H. R. 3233, a bill to amend section 22 of the Interstate Commerce Act, as amended, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 3233) to amend section 22 of the Interstate Commerce Act, as amended, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill, and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Interstate and Foreign Commerce now in the bill and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

CALL OF THE HOUSE

Mr. HESELTON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 155]

| | | |
|---|---|---|
| Adair | Evins | Magnuson |
| Alexander | Farbstein | Mailliard |
| Anfuso | Fino | Miller, N. Y. |
| Ashley | Flood | Multer |
| Ayres | Fogarty | Norrell |
| Bailey | Ford | O'Hara, Minn. |
| Baker | Forrester | O'Konski |
| Barden | Frelinghuysen | Osmers |
| Barrett | Gary | Patterson |
| Beamer | Gray | Philbin |
| Bentley | Green, Pa. | Pilcher |
| Boykin | Griffin | Powell |
| Brooks, La. | Gwinn | Preston |
| Brownson | Halleck | Richlman |
| Buckley | Hardy | Robeson, Va. |
| Bush | Healey | Rogers, Mass. |
| Celler | Hemphill | Santangelo |
| Chudoff | Holtzman | St. George |
| Corbett | Jarman | Sheehan |
| Coudert | Jones, Mo. | Taber |
| Cunningham, Nebr. | Kearney | Taylor |
| | Kelly, N. Y. | Teller |
| Davis, Ga. | Kilburn | Utt |
| Dawson, Ill. | Landrum | Walter |
| Denton | Lanham | Westland |
| Diggs | Lennon | Wigglesworth |
| Dollinger | McConnell | Wilson, Ind. |
| Dooley | McCulloch | Yates |
| Dorn, N. Y. | McIntosh | Zablocki |
| Eberharter | McMillan | |

The SPEAKER pro tempore. On this rollcall 339 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

Mr. TRIMBLE. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN] and now yield myself such time as I may require.

Mr. Speaker, House Resolution 320 provides for the consideration of H. R. 3233, a bill to amend section 22 of the Interstate Commerce Act, as amended. The resolution provides for an open rule, waives points of order, makes in order the consideration of the committee substitute as an original bill for the purposes of amendment, and provides 2 hours of general debate.

The bill, as amended and reported by the Committee on Interstate and Foreign Commerce, amends section 22 of the Interstate Commerce Act to provide that the shipments of household goods by motor common carriers for the account of the Federal Government no longer would be subject to reduced rate agreements and would, therefore, if the bill is enacted into law, move at regularly established published rates.

The bill further provides that carriers must submit to the Interstate Commerce Commission copies of section 22 quotations submitted to agencies and departments of the Federal Government and so be available for public examination, except where such disclosure might endanger national security. In this way both the shipper and competing carriers will have the same knowledge of these transactions as they do of regularly published tariff rates.

Since there has been some controversy and differences of opinion concerning the provisions of this bill, the Rules Committee has provided ample time for debate. I urge the adoption of House Resolution 320, so the House may proceed with the consideration of H. R. 3233.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TRIMBLE. I yield.

Mr. GROSS. I understand that this rule provides for the waiving of all points of order.

Mr. TRIMBLE. That is correct. It does. The reason for that is, if the gentleman has a copy of the bill before him, that all after the enacting clause was stricken out and a completely new bill is substituted. Therefore, there was some question as to its germaneness.

Mr. GROSS. As I recall it, this is the fifth consecutive bill to come to the floor with a rule waiving all points of order. I wonder when we are going to get a bill for consideration by the House under a completely open rule.

Mr. TRIMBLE. Sometimes I wonder about that myself, but we feel it is wiser when there is some question as to the germaneness to submit the whole bill to the full membership of the House rather than submit it to the technical objection of only one Member.

The SPEAKER pro tempore (Mrs. GRIFFITHS). The Chair recognizes the gentleman from Illinois [Mr. ALLEN].

Mr. ALLEN of Illinois. Mr. Speaker, I yield myself such time as I may require.

I do not know of anyone who is against this rule or against the bill itself. It is my understanding, however, that the gentleman from Arkansas [Mr. HARRIS] will offer an amendment which I believe to be a good amendment and which I hope will be supported by a majority of the membership of this House.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. McCORMACK. For the information of the House, after the rule is agreed to, it is not the intention to go into Committee of the Whole on this bill today, but we will do so tomorrow.

I wanted the House to be advised of that.

Mr. ALLEN of Illinois. I thank the gentleman.

It is my understanding the amendment which will be offered by the gentleman from Arkansas [Mr. HARRIS] will enable the Government, particularly the Defense Department, to enter into agreements with common carriers, I mean voluntary agreements, in order to get a preferential rate. We all know that has been the practice for many years, whereby the Federal Government, particularly the Defense Department, who hauls a very large amount of freight, has been receiving lower rates than private industry. It is my understanding that the Government, as a consequence of these voluntary agreements, has saved tens of millions of dollars. I believe this is necessary, because some hold that it violates the provisions of the Clayton Act. So I hope the amendment offered by the gentleman from Arkansas will be agreed to.

I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, the Republicans should not be too greatly disturbed even though the Congressional Quarterly says that the majority leader, the gentleman from Massachusetts [Mr. McCORMACK], supports the administration 95 percent.

Mr. McCORMACK. Will the gentleman yield? The last one was 79 percent.

Mr. HOFFMAN. Well, I regret very, very much that the President seems to be losing that valued support. He must have been right in the first place—that is, the President, not the gentleman from Massachusetts.

True, there has been a little difference of opinion on the Republican side in our political philosophy or political policy. Apparently some on the Democratic side think that we should support the President all the time whatever may be our own convictions. But our Government, as I understand it, is a representative republican form of government, in which Members are elected by districts; represent districts, and vote in accordance with what the people of their own district want, provided the national security or the welfare of our people is not adversely involved.

Whether duty to the district and State or to the Republic comes first seems to have been settled to a certain extent by the War between the States.

Last week when the Federal aid to school construction bill was voted down, there was a great deal of criticism in the newspapers from the Democratic side because it was said some did not support

the President. But before that there was criticism of the President himself. The comment was that the President should have cracked the whip and let us feel it, so that we would get into line and on that issue do whatever he wanted.

I can recall some years ago, when President Roosevelt was in office—and by the way, one of these days I will try to put into the RECORD the statement he made in a speech in New York when he was Governor, where he gave so much good advice, which was at once forgotten and repudiated after he was elected President—when rubberstamp Congressmen were not too highly regarded. But we on our side I think should have a little credit for voting our convictions—that is, if we have any, and I assume we have by the way we vote. Nevertheless, some critics came along and the President was castigated because he did not come down here and give us orders. Then insist that we vote just as he directed. Had he done so I will ask my friend the gentleman from Michigan [Mr. MEADER], who sits in the second row: What do you think would have happened? And I yield for him to answer. I am asking the gentleman for information because he is an outstanding constitutional lawyer and political seer on the Republican side so far as Michigan is concerned. What do you think our Democratic friends would have said if the President had said: "You vote this way, or that way, or else"?

If the gentleman does not care to answer, and evidently he does not—I will be glad to answer for him. "The President would have been accused of being a dictator."

The President has said he did not want any rubberstamp, yes-man Congressmen. He undoubtedly meant it. So far as he is concerned he does not have a rubberstamp Congress and seems quite well satisfied on that point. At least he does not have an outfit which loudly boasts of its support and then when the votes are counted is all for public ownership and the liquidation of business through Government competition.

Apparently on the civil-rights bill he was sold a bill of goods like some of the rest of us. If you will pardon a personal reference, I think I am a fair lawyer—at least, that is, in my own opinion. I read the civil-rights bill, and I thought that it was a bill of the party leadership on both sides to catch the vote of minority groups and little else. I did not realize until it was over in the Senate, and then I read it again. Learned that it was an attempt to give the Attorney General arbitrary power to usurp the functions of the courts and of the Congress; I had never thought of that—that anyone would be so bold as to even suggest such a bill. It may be possible that the President was likewise sold a bill of goods, that he did not understand everthing there was in the civil-rights bill, and that after it went over to the Senate, and they began to talk about it he learned for the first time just what was cooking and wanted some revisions which would protect civil rights, which obviously would be denied if the bill became law.

What happened on that one, and on the school bill because he did not go all out and say: "Now listen. You fellows up there on the Hill, if you do not do just as I am telling you, you do not get any patronage, you do not get any appointments, you do not get anything at all." No one really knows, though we can all guess.

In one case the House may have wanted the support of minority groups—in the other the House may have wanted to protect the States and local government.

Listen to this from the morning's paper, listen to this—and let me say to the majority leader who has honored me by staying here, the gentleman from Massachusetts, Mr. MCCORMACK, and to others who have been talking about the civil rights bill, and the claim that the President has lacked force in pushing the school bill, you gentleman who are against the President's injecting himself into the course of legislation on the Hill would be the first to yell if he did. Here is the criticism from a morning paper. You Republicans listen to this, too:

For he is a man—

This is a terrible charge; the writer was commenting on the President's action or lack of action—

For he is a man with an instinct for remaining above the battle and tendency, unfortunate in a politician, to see both sides of every question.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

(Mr. ALLEN of Illinois yielded to Mr. HOFFMAN 3 additional minutes.)

Mr. HOFFMAN. Now, is that not a terrible course for a President to follow? Just mind his own business and let us attend to ours? If he did not he would be charged with trying to run Congress. Let me read it again:

For he is a man with an instinct for remaining above the battle.

Why should he get into a legislative contest?

Well, there would be the same criticism if he got into it—

and a tendency, unfortunate in a politician, to see both sides of every question.

Is not that terrible? Is not that terrible? That comes from this morning's Washington Post. For a man to look at both sides of an issue. Is now a fault? Perhaps a crime? Shame on the writer of that article.

Mr. ALLEN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Just let me say that that is probably what the gentleman from Illinois [Mr. ALLEN], the gentleman from Illinois [Mr. ARENDS], and the gentleman from Indiana [Mr. HALLECK] did. Look at all sides of the issue—follow their own judgment and convictions. The act of a statesman, not of a politician.

Mr. ALLEN of Illinois. Do I understand the gentleman to say that the President is being criticized because he did look at both sides of the question? That is just the same as we experience, some people criticizing us for not doing a certain thing and then when we go ahead and do it, we are criticized for doing it.

Mr. HOFFMAN. It is just the same as though the President were criticized today for having his eggs poached instead of boiled and then is criticized tomorrow because he had them boiled instead of poached. Some men are never satisfied. But we are not alone in that we do not always follow a leader. I recall when a vote was taken on the civil rights bill and the Members passed up the middle aisle between tellers; I will tell you what I saw. I saw the gentleman from Massachusetts [Mr. MCCORMACK], if it is not unparliamentary or a violation of the rules to mention it, go down the aisle when the ayes were on and I saw the Speaker go down the same road when the noes were called. That was all right. That was intelligence, discernment or conviction. That was independence—statesmanship on the part of each—that was courage—but when we vote our convictions—oh boy.

Mr. TRIMBLE. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCCORMACK. Mr. Speaker, the assassination of Carlos Castillo Armas, President of Guatemala, is most unfortunate and is a sad blow to the progressive leadership in that country. His successor has announced his intentions of following the policies of the late president. His death by violence at the sudden and unexpected hands of one now known to be a Communist shows that 1 Communist in any country is 1 too many.

It shows what I have repeatedly stated in and out of the House that all who are real Communists are possessed of a world-killer mind. In the case of President Armas he was killed in the presence of Mrs. Armas by one of his own guards. One could assume that a bodyguard of anyone, particularly the head of a nation, is one who could be trusted and whose loyalty would be above reproach. While the newspaper reports today indicate the killer guard did so without any outside connections, meaning thereby with other Communists, it seems very doubtful to me that he would have assassinated President Armas unless he had received instruction to do so from some higher Communist source. For Communists are well disciplined and they do not act unless they are given orders to do so.

It has been known for a long time that Communist activity has greatly increased in certain countries in South America, particularly in the Caribbean area, the very back door to our country. This policy of the Kremlin has been known for years. It subsided somewhat after Armas and his followers ousted the Communist regime forced on the people of Guatemala some 3 years ago. In the past 2 years, and particularly the past year, this activity has started up again.

It is my opinion that the assassination of President Armas is no isolated matter. The action on the part of the killer guard was not an isolated matter, but was one that was actuated by higher Communist influences. Not only must the situation in Guatemala be closely watched for other Communist efforts, but also in other countries, particularly in the Caribbean area. It would be a shocking revelation to the American people, with the knowledge that we have that our Government is trying to contain Communist moves in Europe, the Middle East and the Far East, to wake up and find among our own friendly neighbors to the south that Communist activities present a threat to those countries and thereby a threat to our own country. We must bear in mind that a primary question that we should know and we cannot overlook is always the national interest of our own country. It would certainly not be for the national interest of any of our neighbors to the south, and certainly not in our own national interest, First, to see any of our friends in Central or South America taken over by a Communist regime, either an outright Communist regime or a coalition; and second, stand by and see Communist activities threaten the existence of a neighboring country, with the intention of not actually taking over their government but to try to force our country to so intercede that they can propagandize and accuse our country elsewhere throughout the world of American imperialism. The assassination of President Armas is one that causes us to give careful consideration not only to that event but to what might later follow. It also should cause us to be very careful that within our own country we do nothing to incite actions within other countries in Central and South America that might be disadvantageous to their natural interests and at the same time disadvantageous to our own national interest.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Louisiana.

Mr. BOGGS. I should like to commend the distinguished gentleman from Massachusetts upon the very splendid statement which he is making. It so happens that the area which I have the privilege of representing, the city of New Orleans, carries on very heavy trade with Guatemala, and we experienced intimately the difficulties when that country was dominated by a Communist regime. And, I am quite certain that despite this dastardly act the Communists will not again come to power in Guatemala. I think the gentleman has performed a very fine service for American solidarity by making this statement.

Mr. McCORMACK. I thank the gentleman.

Mr. MORANO. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Connecticut.

Mr. MORANO. I want to compliment the majority leader for making the statement that he has made. I want to say to the House that I have prepared a House resolution which would express the sense of the House concerning the assassination of Castillo Armas. President Castillo Armas was a friend of freedom and a friend of liberty as well as a friend of the United States. He did the utmost to make his country and his people a free country and a free people. He had instituted programs designed to raise the standard of living for his people. He was making tremendous progress along those lines, and it comes with a great shock that his life should be snuffed out in such a brutal fashion when he was beginning to see the fruits of his labors for a better way of life and for a democratic Guatemala. And, I want to say further Mr. Speaker that in Central America and in South America the Red Chinese are working daily and vigorously. They have two teams, I am told, one cultural and the other economic, going through the countries of Latin America trying their best to infiltrate and penetrate the economic, cultural, and even the political life of Latin America. Just yesterday, according to early reports from the election in Argentina, the Communists will have doubled their vote. Now, we have got to do something, I believe, to be sure that we do not lose in our own backyard our friendly neighbors while we are trying to protect the rest of the countries of the world from the penetration of communism. I am hoping that the majority leader can do something about getting immediate action by the House on the resolution that I have prepared.

Mr. McCORMACK. I appreciate very much the remarks of the gentleman from Connecticut. The assassination of anyone is a dastardly act, but when we analyze and interpret the action of the assassination of the head of a government, it is more dastardly and it shows the evil intent of the Communists and the killer minds that they possess. They do not want to improve conditions in countries; they would rather have the people of Guatemala and other countries live under terrible conditions in order to bring about chaos and in order to carry out their intentions of world revolution and world domination. I cannot believe that the killing of this fine leader, this fine gentleman, was an isolated act, and that this guard did it upon his own. In my opinion, he got instructions from those higher up.

Mr. MORANO. Mr. Speaker, if the gentleman will yield further, if there were any further evidence needed, we certainly should know now that the Communists never give up. They will never give up the fight, whether it be in Guatemala or any other part of Latin America, or in Europe, or Asia. They are out to win this fight by fair or foul means, any way they can. The Communists will try always to strike down freedom wherever it exists.

Mr. McCORMACK. The gentleman is absolutely correct.

Mr. MULTER. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from New York.

Mr. MULTER. Mr. Speaker, I wish to associate myself with the distinguished majority leader in the remarks that he has made. They are most apropos in calling our attention to this most regrettable incident. I hope that the gentleman's remarks and this very regrettable incident will have some effect on some of those in this country who disport themselves in such a way as to stir up acts such as this, amongst our friendly neighbors to the south. Everyone will admit that the Panama Canal is one of the keys to our national security and that friendly neighbors throughout this entire area are our best defense of the canal and of our national security.

Mr. McCORMACK. I agree with what the gentleman from New York has said.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, I, too, wish to join the distinguished majority leader and embrace the words he has spoken on this matter. I think the gentleman will agree with me, as will the House, that this calls to our mind the great service rendered in Guatemala at the time the deceased President came into the country, by our old friend Jack Peurifoy when he was our Ambassador in Guatemala. He had been with the Department of State. He was a great friend of all of us and especially of the distinguished majority leader and of myself. These troubled times in Guatemala endear us once more to the memory of a great American and a great Ambassador who served in troubled times in Guatemala, Jack Peurifoy.

Mr. McCORMACK. The gentleman is absolutely correct.

Mr. LONG. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Louisiana.

Mr. LONG. Mr. Speaker, I want to associate myself with the distinguished majority leader in the remarks that he has just made and to say that I think it behooves us here in the United States to look well to South America and Central America, to see to it that they remain a free and friendly people.

Mr. TRIMBLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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## COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 316 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That the first sentence of the next to the last paragraph of H. Res. 99, 85th Congress, as amended, is amended by inserting immediately before the words "United States" the words "or outside."

Mr. TRIMBLE. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Illinois [Mr. ALLEN].

Mr. Speaker, this resolution simply extends the authority granted to the Committee on Interstate and Foreign Commerce to travel. It adds the words

"or outside." The chairman of the committee testified that this great committee has commitments in various places.

The rule was reported out unanimously.

Mr. Speaker, I have no further requests for time and reserve the balance of my time.

Mr. ALLEN of Illinois. Mr. Speaker, I reserve the balance of my time.

Mr. TRIMBLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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## AIRWAYS MODERNIZATION ACT OF 1957

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 361 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1856) to provide for the development and modernization of the national system of navigation and traffic control facilities to serve present and future needs of civil and military aviation, and for other purposes. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes to the gentleman from Illinois [Mr. ALLEN] and yield myself such time as I may require.

Mr. Speaker, House Resolution 361 provides for the consideration of S. 1856, the so-called Airways Modernization Act of 1957. The resolution provides for an open rule and 1 hour of general debate on the bill.

Briefly, the proposed bill will create an Airways Modernization Board consisting of three members—a Chairman to be appointed by the President, with the advice and consent of the Senate, and the Secretaries of Defense and Commerce. This Board will replace the Air Navigation Development Board which, in the past, has been less effective than was anticipated.

The principal function of the Board is intended to be one of research and development. It will have the authority and responsibility to coordinate all Government research and development, both civil and military, relative to air navigation and air-traffic control systems which are urgently needed to meet the demands made by the tremendous increase in air traffic.

The Board may make decisions by a majority vote and upon the unanimous decision of its members, with the approval of the President, is empowered to transfer to itself any functions, activities, and facilities of the Departments of Defense and Commerce which relate primarily to the developing and testing of devices for air navigation and air-traffic control.

Provision is made for the termination of the activities of the Board as of June 30, 1960. The bill, as amended by the Senate and reported by the House committee, declares that it is the sense of the Congress that a program for a new independent aviation agency be submitted to the Congress on or before January 15, 1959. If such an agency is established, it would take over the functions of the Board.

It is estimated that the Board's expenditures during fiscal 1958 would be approximately $7 million, and of this amount about $5½ million would be transferable from the Air Navigation Development Board.

I urge the prompt adoption of House Resolution 361.

Mr. Speaker, I have no requests for time. I understand the gentleman from Illinois has no requests for time. Is that right?

Mr. ALLEN of Illinois. Just one moment.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Iowa.

Mr. GROSS. At last we have a resolution that does not waive points of order. I want to commend the gentleman and the Committee on Rules for at last giving us a rule that does not waive points of order.

Mr. COLMER. Permit me to say in response to that statement of my friend from Iowa that I am in real accord with the gentleman's philosophy on these rules, as he well knows. There would be more of that kind if I were not on the minority.

Mr. GROSS. I appreciate the gentleman's statement and I am sure my friend from Mississippi has fairly and frankly stated his position on this matter as he does on all others.

Mr. ALLEN of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Delaware [Mr. HASKELL] be permitted to extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HASKELL. Mr. Speaker, I certainly welcome the opportunity to speak today in support of this important piece of legislation, the airways modernization board bill.

This legislation was recommended by President Eisenhower as a primary development of his intensive study of the air traffic situation in the Nation. This will, as you know, create an independent agency responsible for developing and consolidating the requirements for future air traffic control systems to handle increased and higher speed air traffic which is just around the corner.

In studying our air traffic situation, it seems to me that we have two major areas of need. The first one is the need for immediate improvements in our present air traffic control system. I believe we in the Congress and in the executive branch should do all in our power to speed action at the Federal, State, and local levels, including private industry. The second important need is legislation which will provide for a long-range development of our air traffic control system in order to handle safely and speedily the increased traffic of the jet age and further to enable our military aviation to perform its defense and training missions adequately.

There is no question that our air traffic control system today is outdated and inadequate. The CAA is doing the best possible job with the outmoded equipment and techniques they have to use. We cannot afford to neglect these future problems again and find in 10 or 20 years that aviation technology had hopelessly outstripped our capacity to handle it safely and effectively.

The Airways Modernization Act of 1957, contrary to some thinking, does not delay the creation of a Federal aviation agency, an agency recommended in the Curtis committee report. The period of 3 years mentioned in this act was a maximum estimate of the time believed necessary to pepare and complete policy and management blueprints, and to draft and coordinate legislation or reorganization plans creating a Federal aviation agency. In all probability, proposals establishing a Federal aviation agency will provide for inclusion of the Airways Modernization Board as a research and development bureau.

Mr. Curtis recognized and reaffirmed the urgency of the immediate problems facing air traffic control and air navigation in the United States. The adjustment and improvement of the existing air traffic control system and navigation system of the United States remains the responsibility of the CAA, and was so recognized in Mr. Curtis' report. The proposed Airways Modernization Board will encourage and not impede the CAA in its solution of these immediate problems.

The Airways Modernization Board will be a research, development and testing agency in the field of aviation facilities. Its main functions will be to design and conduct field experiments which will expedite the development and selection of air traffic control systems required to serve the needs of civil and military aviation. I believe that improvement in research and development could be accomplished better by improved coordination between the Department of Commerce and Defense. The establishment of the Airways Modernization Board would help eliminate conflicts of the TACAN/VOR variety with the resulting wastage of tax dollars. This would greatly speed the introduction of needed navigational aids. The AMB will supplant a largely ineffective interagency committee known as the Air Navigation Development Board. The important objective to be gained would be that essential research and development be conducted in a framework of continuing civil-military cooperation.

The Airways Modernization Board is not designed to solve all the important problems facing us in Air Traffic Control. It is, however, designed to expedite the development and selection of air navigation systems and devices. The complete solution of the important problem of installation and operation will depend upon the implementation of other portions of Mr. Curtis's recommendations.

The Air Coordinating Committee is a non-statutory group and has not been equipped to fulfill its responsibility for developing and consolidating requirements for future systems. The TACAN/VOR controversy supplies ample proof that such intricate technical problems cannot be resolved at the conference table by agencies having unilateral and duplicative responsibilities. The Airways Modernization Board will provide a single responsible agency charged with system development and selection, thus getting at the heart of the cause of the TACAN/VOR type controversy.

Now as to cost. The cost of the Airways Modernization Board has been supplied in statements by the Bureau of the Budget in accordance with Public Law 801. The additional cost in 1958 is estimated not to exceed $1.5 million, and during the life of this agency, will not exceed $30 million per year. The Board's work is expected to eliminate duplicating and conflicting civil and military expenditures. And more important, the Board's work is expected to shorten the costly delay in providing a better and more modern system. This should result in substantial savings to the traveling public, who have gone from wheels to wings.

The creation of the Airways Modernization Board, despite some thinking to the contrary, does not conflict nor is it inconsistent with the Curtis recommendations for aviation organization. The fact is that Mr. Curtis recognized the need for commencing at once the time-consuming work of the development and selection process. He, therefore, recommended the saving of at least 1 year's time by the immediate establishment of the Airways Modernization Board as an interim measure pending the creation of a permanent Federal Aviation Agency. His report contemplates that the activities planned for the Airways Modernization Board will eventually be incorporated as a division in the permanent organization.

And finally, Mr. Speaker, I feel that we owe safe air travel to the millions of people in the United States who use air as a frequent mode of transportation, and therefore I urge the creation of the Airways Modernization Board as a major step forward in the accomplishing of air traffic controls so vitally important to the safety of our people. I urge adoption of this rule to make in order for consideration on the floor of the House, S. 1856.

Mr. COLMER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## LOANS TO HOMESTEADERS AND DESERT-LAND ENTRYMEN

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 3753) to enable the Secretary of Agriculture to extend financial assistance to desert-land entrymen to the same extent as such assistance is available to homestead entrymen.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 3753, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. POAGE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this bill is one that came out of the Committee on Agriculture some weeks ago. It has been delayed for one reason or another for some time.

Frankly, the bill covers a subject matter that is entirely foreign to my section of the Nation. There is no public land in the State of Texas.

The bill relates to the making of loans to desert-land entrymen. Of course, the Committee on Agriculture does not have jurisdiction over desert-land entry laws or homestead laws as such. That belongs to the Committee on Public Lands, but long ago provision was made for homesteading on the public lands of the United States. Some years later provision was made for desert entry which allowed individuals to go on public lands under rather similar circumstances to those that surround homesteading and to enter on desert lands and to establish irrigation systems and reclamation systems whereby they reclaimed the land from the desert and made it productive. Under those circumstances, larger areas were sometimes granted than were granted under the homestead laws.

Some years ago, our Committee on Agriculture made provision for Farmers' Home Administration loans to homestead entrymen. I assume that at that time the members of our committee were under the impression, as I was, that we were extending that right to all of those who entered upon public lands with the legal prospect of their entry ripening into a patented title. It has, however, been called to our attention that actually the term "homestead entrymen" is not as inclusive as we had supposed it to be and it includes only a portion of those who go on the public lands, and that portion are allowed to go to the Farmers' Home Administration and borrow money to put in irrigation systems and other improvements on their land even though the land has not been patented. While the land is still in the ownership of the Federal Government, a homestead entryman may borrow money to improve that land.

I think all of us on the committee thought that was a rather reasonable provision. The United States Government still owns the land. The irrigation system certainly improves the land and increases the value of the land. If the entryman never ripens his entry into a patent or title to the land, the improvement has been made on the Government land and the Government gets the benefit of the improvement. So we thought that was a rather reasonable provision.

We assumed we had extended that provision to everybody who legally entered on Government land. But, lo and behold, we find we have not and that we have only extended that provision to a part of the people who go on Government land. In recent years there has been a considerable volume of people proceeding under the Desert Entry Act. I hate to refer to it because the claim has been worked so often, but in most cases they are veterans who have returned from the wars and who are seeking to establish a home for themselves and their families. They go out on these public lands and try to install a water system. That is what they have to do in order to get title to the land. When they start to install that water system, they find that it runs into a considerable sum of money.

So this bill says, "All right, Mr. Desert Entryman, you may borrow money from the Farmers' Home Administration just like the homestead entryman can borrow money, and you can put in this improvement on this publicly owned land that you have entered on and to which you will receive title if you improve it enough and if you live on it long enough, but if you do not meet the requirements, your investment is on the land and that land still belongs to Uncle Sam and Uncle Sam still has title to it. Uncle Sam does not have to foreclose on this land unless you have ripened your entry into a patent or title."

If a patent does issue it is subject to the lien and the Government of the United States has exactly the same kind of lien on that land that it has when they lend you money. What is wrong with that? We could not see anything wrong with a program of that kind. It seemed to us to be nothing but justice. It seemed to treat all alike. It seemed to give the men without money a chance to take part in those desert entries just as the more wealthy citizen who did not need to borrow.

So I come back to the point where I commenced. No citizen of the Lone Star State is going to borrow a dime of this money. Nobody in my area is going to get any of this money. Nobody in my whole area will get a penny of it. Nobody in your State will get a penny of it, Dr. Long, and nobody in yours, Mr. Matthews. But, in those areas where there is Government land, we think we ought not to make fish of one and fowl of the other. We think we ought to treat all those who enter upon this land as American citizens and as people who have a right to have their Government extend to them a reasonable amount of assistance in trying to build new homes. The Committee on Agriculture believes it is still well for this Nation to help young people to start new homes on the farm

and in the rural areas of our land; and that is exactly what this bill does. We recognize there is some opposition to the bill. I do not think there was any in the committee. We all believe we have a fair bill.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho [Mr. BUDGE].

Mr. BUDGE. Mr. Chairman, this legislation was introduced to correct an inequity which exists in some of the Western States. We have a situation—and this is the particular situation which brought it to my attention—where the Federal Government comes in and develops a reclamation project. The Government clears the sagebrush off the land, levels the land, and brings water to the land. Then the veterans come in there upon that land as homesteaders, and they can then borrow from the United States Government just like any other farmers in the United States.

There is but one class of farmer who today is barred from obtaining loans from the United States Government. They are very, very few in number, but I think as long as we are carrying out this agricultural loan program we should not exclude one of the most deserving classes of farmers in the country. I say "deserving" for this reason: that these men who develop the farms by desert entry must first prove to the satisfaction of the Secretary of the Interior that water is available to irrigate that land; that they have facilities to clear the land and to level it, and to put in the wells or the irrigation ditches. In fact, they do everything for themselves that the Government does on these reclamation projects, yet they are the only farmers in America who are, under the present law, barred from obtaining loans from the Federal Government.

This bill does not set up any specific type of loan for those farmers. It simply blankets them in with all the rest of the farmers of the United States. I think they are a very deserving type of farmer, because they go out and spend their own money and do their own work and take the sagebrush off the land, clear the land and put water on the land, and it is an expensive proposition. Yet, under some peculiar quirk of the present law they are barred from participating in the Government's loan programs.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield.

Mr. RHODES of Arizona. The bill which is before the House now is a very meritorious bill, in my opinion, and I hope it will be passed. In my own State there have been various people who have made desert-land entries, but because of the water laws of the State of Arizona it is now impossible for a person to acquire a legal right to underground water. Therefore, the Bureau of Land Management, Department of the Interior, has seen fit to deny desert-land entries recently. I hope that this can be corrected, either by State law or by regulation of the Secretary of the Interior, so that, if water is in fact available, people may be allowed to make desert-land entries, where such entries would not harm existing economies. A person who makes a desert-land entry invests his own money, time, and effort, and is entitled to as much consideration as any other farmer in the United States.

I congratulate the gentleman from Idaho for introducing this bill, and I hope it will be passed.

Mr. BUDGE. I thank the gentleman very much for his statement.

Mr. WIER. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield.

Mr. WIER. My one curiosity is with these western lands. How are desert lands identified under Government projects as against so-called grazing lands? To me, some of that country out there might either be desert or grazing land.

Mr. BUDGE. I would say to the gentleman that of course my State is 67 percent owned by the Federal Government. There are other States in the West that have a larger percentage of Federal ownership than that. The land to which the gentleman refers which might be Bureau of Land Management grazing land, if an individual can prove to the satisfaction of the Secretary of the Interior that he can obtain a water supply for that land either from surface water or by drilling a deep well and pumping with electricity, and that he has the facilities to clear the land, level the land, put in ditches and canals, then he can make a desert entry.

There are very, very few desert entries being made at the present time. The only reason I introduced the bill was that it seemed to me to be quite an inequity to have one individual entering on Government land where the Government does all the work for him and he can immediately participate in Government loan programs, and another situation where the man does all the work himself but cannot participate in the programs.

Mr. WIER. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield.

Mr. WIER. Then would it not be true that so-called grazing lands would be included in this bill? How does the gentleman identify where the desert starts?

Mr. BUDGE. Desert entry would be permitted on grazing land which is under the administration of the Department of the Interior. It would not be permitted in the national forests.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield.

Mr. ROGERS of Colorado. Do I understand that the desert lands which this bill attempts to cover have no relation to the old Carey Act plan where a group can go together and cooperate to get the necessary water supply?

Mr. BUDGE. No, this would have no effect on any Carey Act operation.

Mr. ROGERS of Colorado. What is the limit on individual holdings under this desert entry land proposition? Is it limited to 640 acres that they can file on?

Mr. BUDGE. It is the same as the homestead, 320 acres.

Mr. ROGERS of Colorado. Of course, under the Homestead Act a man can get 320 acres; and then he can get 160 or 320, or 640, depending upon certain circumstances, although in some instances he loses the mineral rights. Is this limited to 320 or can they get 640? How many can an individual file upon under this act?

Mr. BUDGE. My understanding is it would be limited to 320 acres.

Mr. ROGERS of Colorado. Now, as to the grazing land, as the gentleman from Minnesota mentioned, I think he has reference to that which is already in the forest reserve which is now under the Bureau of Land Management and is operated under the Taylor Grazing Act. That would not apply because in that instance applications cannot be made. Is that right?

Mr. BUDGE. Desert entry could not be made on any Forest Service land; it could be upon Bureau of Land Management land.

Mr. POAGE. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. COAD].

Mr. COAD. Mr. Chairman, I come to the well of the House today stating as I have on previous occasions that I am in favor of the farmer as he fights for the family farm. Because of this belief I come today to stand in opposition to H. R. 3753, which we are now considering, because the provisions of this bill obviously are inconsistent with the kind of farm program that we are attempting to put forth to provide a better economy for our farmers.

All of our farmers certainly are caught in the cost-price squeeze right now, and they have been for many months. Many factors contribute to this situation but one of the main factors upon which there is almost unanimity of agreement is the fact that we are fighting against surpluses that have been built up. Now, there are varied efforts at remedy. There are some treatments, of course, which obviously are good. One of the things that we have tried to do is to reduce our surpluses to the end that we have a more healthy agricultural economy. Getting rid of surpluses is not an end in itself. Getting rid of surpluses is for the primary purpose of making for better economic conditions for our farmers. Some disagree with our Secretary of Agriculture at many points, and I am one who disagrees with him in many instances, but I do agree that if our production is reduced, then our prices should rise. To reduce production Congress saw fit in 1956 to pass the soil-bank law. In 1957, this year just passed, there were 21 million acres in the acreage reserve and 5 million in the longer term conservation reserve, a reduction of 26 million acres. All of this program and the spending of millions of dollars were to cut production, to decrease the stockpile of our surpluses and to balance supply and demand.

Now along comes H. R. 3753 which says that the Government, through the Farmers' Home Administration, is going to extend financial aid to encourage the irrigating of land that is not now in production. On the one hand we have spent millions of dollars to reduce surpluses so that we can establish a better and more sound agricultural economy; then on the other hand we reclaim acres

which are not now in production. It is entirely contradictory.

We all know that desert land is productive if it is irrigated. On June 30 of this year there were 2,013 desert-land entries pending. Not all of them, of course, will be allowed, but 2,013 are pending. Goodness only knows how many there would be if the Government extends irrigation loans. The present requests involve over one-half million acres of land with no irrigation loan program. On these desert-land entries you do not even have to live on them according to the provisions of this bill. You can speculate, you can simply go out and if you can prove that you can irrigate the land, you come under the qualifications of getting a loan.

I would like to ask the question, can you turn this land into the soil bank? Because an entryman qualifies can he also place the land in the soil bank and collect Government aid in that way, too?

Mr. BUDGE. Mr. Chairman, will the gentleman yield?

Mr. COAD. I yield to the gentleman from Idaho.

Mr. BUDGE. I am curious to know what type of land the gentleman is referring to when he says it will grow crops that are in surplus. All of the crops grown out there are crops that are not in surplus at the present time. For example, there is no support on potatoes.

Mr. COAD. Does the gentleman say that potatoes are not in surplus? Would he say that alfalfa is not a feed?

Mr. BUDGE. It is not costing the Federal Government anything. It is not in surplus. If I follow the gentleman's remarks correctly, he would stop the entire reclamation program of the West, not this particular part of it.

Mr. COAD. That is not correct. I say that we ought to develop our water resources for future needs. But right now the desert is the best soil bank we have, it is not costing money. Why start spending money on soil that is not now costing us anything? We do not need these other acres in production. It is inconsistent and it would be unfortunate for the Congress to open up new land for alfalfa, for potatoes, for feed grains, or for anything else that can be raised while we have surpluses. Certainly the desert is very productive once we have applied water. The time will come when we will need these acres for production but we do not need them now.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. COAD. I yield to the gentleman from Arizona.

Mr. RHODES of Arizona. Does the gentleman realize the Desert-Land Entry Act is now on the books and anything done by this bill will not change it? In the Desert-Land Entry Act as it is now, if you have the money to subjugate the land and qualify for the various water rights, you can get that land.

Mr. COAD. I understand very well it is available. I also understand that the irrigation program of this bill would make it productive land. I also understand this is the kind of incentive that takes people out to the desert where they will produce, where they can establish homes. Certainly we ought to protect our water resources. And, the time will come, though it is not here now, when we will need increased production. Wallace's Farmer recently conducted a poll, and 46 percent of the farmers themselves who were polled said that they would not even recommend that their own sons enter farming right now, with the kind of a situation we have. The Secretary of Agriculture, Ezra Taft Benson, is going the length and breadth of this land urging people to get off the farms and go to the cities and get jobs, because we already have not only a surplus of commodities but he says we have a surplus of farmers.

Mr. LONG. Mr. Chairman, will the gentleman yield?

Mr. COAD. I yield to the gentleman from Louisiana.

Mr. LONG. I just wonder if the gentleman ever stopped to think, if his idea should prevail, of what would happen to the little fellows who were unable to go there, who would be prevented from acquiring land, and the rich man would be able to go and acquire it, as the law now provides.

Mr. COAD. As the law now provides, as I understand, it is limited to 320 acres. No one is going to go out and farm the desert unless he can irrigate it, and no one is ever going out there under the assumption that he can make a living without irrigation.

Mr. LONG. But he can irrigate it now if he has got the money.

Mr. COAD. That is right providing he also has desert entry rights.

Mr. LONG. But if he has not and is a poor man, he cannot, so that it resolves itself into here in the rich man getting the land and the poor man is not.

Mr. COAD. No one, as I understand it, can qualify under the desert-land entry provisions for more than 320 acres. Without a ready source of water for irrigation not many are going to go out and try to farm 320 acres of desert.

Right now we have the soil-bank program. The soil bank takes acres out of production. This desert land is already out of production and it doesn't cost us anything to leave it just as it is. But to get people on this land we find that the Government will have to loan them money to get started and then the Government will have to pay them money to keep them from doing the very things the Government loaned them money to do.

Now we are talking of a program here that is just getting a start. If you begin to irrigate these lands, more and more persons will request desert-land entry.

The gentleman from Idaho [Mr. BUDGE] stated that there are only a few who desire desert-land entry. There are 2,013 at the present time. If 2,013 are a few then there will be many if this bill is passed, because more people will want to get in under this kind of a program. I urge defeat of this bill.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. HILL].

Mr. HILL. Mr. Chairman, just a word on this bill. It is a very simple bill. Regardless of the remarks you heard, all this does is just add a word or two to the present-day Homestead Act. And, one little simple thing it does, it simply says that the Homestead Act will be amended so that if you are a desert-homestead entryman, if you qualify for a homestead in a desert under the Department of the Interior land management program, then you are in a position to make application for an FHA loan. That is the purpose of this act. The FHA has to make the loan. They have to examine the man; they have to know what he is going to do, what his past record is, and see whether he can develop an economic unit or whether he cannot. That is before they will consider the loan application. He, the applicant, must follow all FHA regulations. Now, it is just that simple. It is not for the large farmer. If there was ever a bill presented in this House to really help the family-size farm this is it.

Mr. WIER. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield to the gentleman from Minnesota.

Mr. WIER. I just wonder how contradictory we can get.

Mr. HILL. I do, too, sometimes.

Mr. WIER. On the one hand we are spending millions and millions of dollars paying the producers of agricultural food and fiber to take their land out of production, costing the consumers fortunes. On the other hand, here we are bringing out a bill to increase acreage.

Mr. HILL. What is the question?

Mr. WIER. The question is, just how contradictory can we get? You live on both sides of that street.

Mr. HILL. Of course, we do, but I am afraid you are just talking on one side. Let me say frankly that the answer is this. If there ever was a nation under God's heaven that has been fortunate in having the great Mississippi Valley and that great watershed, where farmers could take up these homesteads and develop the land and create the finest standard of living in all the history of mankind, and pay taxes, this was it. There are a few small spots in the West. I do not care what the testimony shows, but there are only just a few; and I care very little what the arguments are in opposition to it, and this would at the outside affect no more than 300 to 500 people who would like to develop 40 or 60 or 80 acres of desert irrigated land, that has plenty of water under it, or nearby. Anyone who says that this is poor business is making the most foolish statement he can make. All anyone needs to do is to go out of this building and drive in any direction from this town and he will begin to realize what is happening in the eastern part of these United States. Let us not be foolish about this. These lands are wearing out; they are washing away; and the gentleman may live to see the day, or his grandchildren may, when we will need every acre of these fine irrigated small sections, quarters, and eighties we can develop in the West.

Not any longer ago than this very morning, on a television program someone talking for the poor farmers of America said that they could very easily

be paying $75 a ton for hay in Massachusetts. These little areas that I am talking about can raise 3 to 5 tons of alfalfa hay per acre per year, and they do not have to depend on rainfall.

All you need to do is to let your mind wander over the great area of the Middle West and remember how we began and you will see that this is going to affect no one except homesteaders. This gives them an opportunity to get a loan from the FHA, and puts them in the same position as that of other homesteaders. So there is nothing the matter with this bill.

Mr. Chairman, let me go one step further. The Department of Agriculture says that this bill is O. K. The Department of the Interior says, "Let us pass it and make it possible for these farmers and homesteaders to get the benefit of the FHA Act."

If I have not yet answered the gentleman, I do not think there is an answer.

Mr. WIER. The gentleman has not yet answered my question.

Mr. HILL. What is the other question?

Mr. WIER. There is only one question. The position I take is this. I voted against the soil conservation legislation because I thought it was the most abused piece of legislation that we have had around the Halls of Congress.

Mr. HILL. If the gentleman will permit, that is not the fault of the legislation.

Mr. WIER. I do want to congratulate the gentleman from Wisconsin [Mr. REUSS] for his efforts and his recent amendment putting a limitation upon the so-called soil acreage reserve. I think that limitation was needed. I subscribe to that kind of a bill. But when you allow someone to collect $209,000 for doing nothing, and producing nothing, I think that is as contradictory as we can get.

Here you are making it possible for many young veterans to go out, who will have to try to do a job of producing crops which I think eventually could qualify and also be included under this soil-reserve legislation. This I think is wrong. Of course they will have to establish crops if they are so-called parity crops. I understand this bill here in the main would produce only feeds and fruits and vegetables.

Mr. HILL. In the State of Colorado there is only 1 crop that comes under the 6 basic crops, and that is wheat, so we are out of the acreage conservation program entirely except for wheat. It does not affect the irrigated land in our State whatsoever.

Mr. WIER. What about beets?

Mr. HILL. There are no beets under the program.

Mr. WIER. No beets; but they are subsidized under the Sugar Quota Act.

Mr. HILL. Absolutely not.

Mr. POAGE. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. LONG].

Mr. LONG. Mr. Chairman, we are not passing a new law. We are just trying to let the little fellow come in where the big man is. That is all we are doing here. I cannot understand why anybody that talks about being for these little men could be against this bill. A lot of the people say, "I am for the little one-man farmer. That is the kind of farmer I want to help." That is the kind of farmer we are talking about now. We are talking about the man that cannot get the money anywhere else and that comes here to get it. If he has the money, he can go out there and do the job, but if he does not have the money he cannot. All we are doing is letting him come in under the same program that the big ones, who have the money, can and do enjoy. We are letting the little fellow come in with his wife and children to get a piece of land before it is too late.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. LONG. I yield to the gentleman from Iowa.

Mr. GROSS. If there are 2,000 applications pending, why are they not taking up these applications? If the money is available, why are the applications pending?

Mr. LONG. I do not know how many applications are pending.

Mr. POAGE. If the gentleman will yield, there is no money available at the present time for this. Unless you pass this law, we cannot make these loans.

Mr. GROSS. If, as the gentleman says, there is plenty of money to develop this land, why is it not being used?

Mr. POAGE. The gentleman did not state that. He said that the big man today could come in and develop the land.

Mr. LONG. That is it.

Mr. POAGE. But the ordinary man cannot get the money to develop the land, consequently he cannot develop it.

Mr. GROSS. Why are not the big men doing it, then?

Mr. POAGE. They are doing it. There are 2,000 of them.

Mr. COAD. Mr. Chairman, will the gentleman yield?

Mr. LONG. I yield to the gentleman from Iowa.

Mr. COAD. Does the gentleman propose this is a good place for the farmers in surplus to go? Is this a program we have set up to take care of surplus farmers?

Mr. LONG. This a program to make the rich man and the poor man equal in the matter of purchasing land. I think any program where you give everybody an equal chance is good.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Chairman, I should like to state that the logical conclusion that can be drawn from the argument of the gentleman from Iowa [Mr. COAD] is that he is against all Farmers' Home Administration water facility loans. If you carry his argument to its final conclusion you would repeal the whole Farmers' Home assistance program on the grounds that it helps farmers increase their productivity. I cannot see how anybody from the Midwest, where the Farmers' Home Administration has been such a great help, can take a stand like this on the floor of the House. Limit the program—yes; but do away with it—no.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I yield.

Mr. RHODES of Arizona. May I say also that the gentleman from Iowa should be then in favor of repealing the desert-land entry act. If he feels that way, I might suggest he should attack the desert-land entry act instead of this bill.

Mr. POAGE. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. MARSHALL].

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. MARSHALL. I yield to the gentleman from West Virginia.

Mr. NEAL. Under the terms of this act, is it possible for a big landowner to negotiate a loan with the United States Government, or would it be confined to the smaller landowners?

Mr. MARSHALL. I expect to get into that, if the gentleman will bear with me.

Mr. Chairman, the Homestead Act has been on our statute books for a long time. Generally speaking, the Homestead Act has been a good act in this country. The country has been developed to a great extent because of the Homestead Act.

There is a fundamental difference between the Desert-Land Entry Act and the Homestead law which I think the Members of the House will want to recognize. A desert entryman is given a permit by the Bureau of Land Management of the Department of Interior for development purposes. It was, and still is the intent of the Homestead Act to provide homes for settlers. That is quite a difference from the desert entry. The gentleman from Louisiana who spoke a moment ago talked about being for the little farmer and against the big farmer. This land development part of the Desert Entry Act can be a valuable asset to the small settler, and that is what it ought to be intended for. I intend to offer an amendment when we get to that point in the consideration of the bill that will set these loans up on exactly the same status of the Homestead Act. In other words, if a settler intends to make that his home, then fine. But let us stop some of this speculative development thing. Why should people in this country take land which is tentatively worthless at the present time and receive a development loan from the Farmers' Home Administration with the Government taking all of the risk of financing? After they have speculated and developed it, they reap the reward without ever having lived on that land and without ever intending to live on that land.

Mr. Chairman, it seems to me that is going a trifle too far. I have discussed this particular item a number of times with my good friend, the gentleman from Idaho, who is a member of our committee, and my good friend from Idaho and I do not look at this matter too differently. My good friend from Idaho has some problems where there are settlers who want to get a loan to develop their farms and they intend to live on that land and to make their

home there. With reference to that particular part of the proposal of the gentleman from Idaho, I do not have any objection. I want to go along with him on that. But, when you open up this whole wide front to prospective development by people who do not intend, and may not ever intend, to live on that farm, I maintain that is going further than the Congress intends that we ought to go. My amendment will attempt to stop that kind of thing and will attempt to put these desert entrymen who intend to be settlers and who intend to live on their land in exactly the same position as the homesteader. I want to be very frank with the members of the committee when I state I believe there are some other things about this particular bill that are unwholesome. I do not intend to support this legislation at this time. I say that even in the event my amendment is adopted. I think my amendment will make it a great deal more palatable, but I thing so far as we are concerned, and when you think during this period of time of making the desert bloom, we are taking the wrong period of time because nature has provided for setting aside this land in the soil bank, as it is in the soil bank now—when you think that we are spending millions of dollars trying to bring our production in line, yet we come in here with something that will encourage this particular thing. There is another thing that bothers me about this particular piece of legislation and that is the matter of security. I want to be fair and frank to the Members and say that I do not understand the security provisions of this particular bill. The Secretary of the Interior issues a permit, but it is a permit to put water on the land and to develop that land. If the person fails to live up to that permit which is granted by the Secretary of the Interior and the loan which is made by the Secretary of Agriculture, when it comes to the matter of foreclosing upon some of the desert entryland, it seems to me that is going to be a difficult and unsatisfactory process.

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I reserve the balance of my time.

Mr. POAGE. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. SISK].

Mr. SISK. Mr. Chairman, I rise in support of H. R. 3753. I have a feeling that maybe we are talking up a tempest in a teapot here. I admit the fact that there may be something in this little bill that I have missed, but it seems to me that it simply puts our desert-land entrymen in the same category and in the same class as certain other homesteaders in the West.

Mr. BUDGE. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield.

Mr. BUDGE. I thank the gentleman from California for putting his finger on the problem in a nutshell. All that the bill does is to put the man who obtains title to his farm under the Desert-Entry Act in exactly the same position as every other farmer in the United States. That is, he has to establish the same type of security as every other farmer. Simply because of the origin of his title he has, through an oversight, been overlooked in the Farmers' Home Administration legislation. I thank the gentleman for pointing that out.

Mr. SISK. I thank the gentleman for that comment, because that is exactly what I understood this legislation to be.

Mr. COAD. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield. I may say I regret finding myself on the opposite side from the gentleman from Iowa, but I think the gentleman is seeing ghosts in this legislation that do not exist.

Mr. COAD. The ghosts I am seeing are out in the Midwest where there are houses with windows boarded over. But I would like to say, because the question was brought up by some of the gentlemen on the other side of the aisle, I am opposed to continuing the desert-land entry program at this time. I do not think that we should add to the number of cultivated acres and thereby increase production at this time when we are spending millions to cut production.

Mr. SISK. I appreciate the statement of the gentleman from Iowa. Of course I find myself in complete disagreement with him. I come from an area where reclamation is all important. I come from a State that pays into the Federal Treasury 10 percent of the total amount of money collected by this Government. And it has been brought about because of our great reclamation program; because we have been able to make the desert bloom; because we have preserved our water resources and have put them upon this desert land, the very type of land we are discussing today. I find myself in considerable disagreement with many of my colleagues over this constant argument which comes up here about surpluses of farm products. I thank God that I live in a country that can produce surpluses. Those of you who have examined our census figures and who have read the projected figures of our population by the year 2000 will understand what I mean when I say that the time is just around the corner when we are going to need every available acre to produce foodstuffs for our American people, as well as for many other people in the world who are dependent upon us.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield.

Mr. RHODES of Arizona. I just want to make one comment on the gentleman's time. I understand that under a section of the law which this particular bill would amend that the loan limit is $25,000. The gentleman comes from an area very similar to the area that I have the honor to represent in Congress. I would like to ask the gentleman if it is not true that the great subjugation of land and the drilling of wells is so expensive that $25,000 would not go very far toward subjugating 2,500 acres.

Mr. SISK. I agree with the gentleman from Arizona when particularly in my own area wells are being drilled where a single water well costs from $70,000 to $80,000—just for one well. So actually $25,000 is not going to create a great big producer of foodstuffs of any kind.

But let me conclude by just finishing the thought I had in mind. I think it is imperative that we continue to develop not only the desert areas but other land areas that have richness of soil that lends itself to the production of various types of food and fiber which we need. I am one of those people who believes that we are rapidly approaching an era when instead of surpluses we are going to be developing shortages.

I believe it is imperative that we look to the continued reclamation of the great desert areas and other areas in the West. As has already been, I think rather clearly, said, all this little bill does is simply to put the desert entrymen in exactly the same position as other farmers with reference to their ability to borrow money in order to improve the home or the area in which they live. Certainly, Mr. Chairman, I would hope that this bill would pass by an overwhelming majority.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I have no further requests for time.

Mr. POAGE. Mr. Chairman, I have no further requests for time on this side.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.*, That (a) the first sentence of the act entitled "An act to enable the Secretary of Agriculture to extend financial assistance to homestead entrymen, and for other purposes," approved October 19, 1949 (63 Stat. 883), is amended by striking out "homestead entry" and inserting in lieu thereof "homestead or desert-land entry."

(b) The last sentence of the first section of such act is amended by inserting after "project," the following: "or to an entryman under the desert-land laws."

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 6, after the words "is amended" insert "(1) by inserting immediately after the words 'Bankhead-Jones Farm Tenant Act, as amended' the words 'Title V of the Housing Act of 1949, as amended,' and (2)."

The committee amendment was agreed to.

Mr. MARSHALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARSHALL: Page 2, after line 5 add "*Provided, however*, That for any person to qualify for a loan under said act by reason of desert land entry on public lands the Secretary of Agriculture shall determine that such person meets all requirements of residence, possession, and use required by the Homestead Acts (43 U. S. C. ch. 7)."

Mr. MARSHALL. Mr. Chairman, all this amendment attempts to do is to put the desert-land entryman in exactly the same position as the homesteader.

As I have mentioned before, I am not in favor of this legislation at this time, but I do feel that an amendment such as this will improve the bill; it will make

it more palatable, because unless some future Congress decides to go into the development proposition, it will put an end to that sort of thing and the young family, the family we are talking about, the farm family who wants to settle on the land and make it their home will find this bill helpful the same way the homesteader does; they will be able to obtain their home on the same basis. To me that is an important part of this particular legislation. It will help the young farmers who need help.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. MARSHALL. I yield to the gentleman from Texas.

Mr. POAGE. Speaking for myself but not for the committee, I see no objection to this amendment. I think it is in keeping with what we have intended to do all along, to see that we are helping people who are trying to make homes. So far as I, personally, am concerned, I am very glad to accept it.

Mr. H. CARL ANDERSEN. Mr. Chairman, will the gentleman yield?

Mr. MARSHALL. I yield to the gentleman from Minnesota.

Mr. H. CARL ANDERSEN. I think the amendment offered by the gentleman from Minnesota will vastly improve the bill, Mr. Chairman, and, personally, I intend to support it.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. MARSHALL. I yield to the gentleman from Arizona.

Mr. RHODES of Arizona. I would like to say for myself that I have no objection to the amendment offered by the gentleman. I think it improves the bill.

Mr. MARSHALL. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MARSHALL. I yield to the gentleman from Iowa.

Mr. GROSS. I shall support the amendment offered by the gentleman from Minnesota [Mr. MARSHALL], but I am opposed to this bill. I am opposed to bringing any more land into production anywhere in this country so long as we have surpluses. Sure, I am delighted that we do have surpluses in this country, but what the farmers need today is a price for what they do produce and they are not going to get a better price if you are going to bring in thousands of acres of desert land into production. I am opposed to this bill.

Mr. MARSHALL. I thank the gentleman from Iowa. There are features of this particular piece of legislation that I do not like, but I think the amendment I am offering would have the benefit of making the bill a great deal more palatable.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. MARSHALL. I yield to the gentleman from Pennsylvania.

Mr. KEARNS. I join the gentleman in his sound thinking and I congratulate him.

Mr. MARSHALL. I wish to thank the gentleman.

Mr. BUDGE. Mr. Chairman, will the gentleman yield?

Mr. MARSHALL. I yield to the gentleman from Idaho.

Mr. BUDGE. I would have only this reservation, and I think it can be worked out in conference. I would not want the amendment to change the basic Desert Land Act, which has been on the books since about 1877. That is the only reservation which I would have to the gentleman's amendment.

Mr. MARSHALL. I thank the gentleman from Idaho.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. MARSHALL. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. I have no objection to the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. MARSHALL].

The amendment was agreed to.

Mr. WHITTEN. I move to strike out the last word.

Mr. Chairman, earlier I had intended to speak on behalf of the amendment offered by the gentleman from Minnesota which has just been adopted. I take this time to point out some of the problems that we have in dealing with agriculture in the United States.

One is that once we organize and set up a farm agency to do a given job, then we begin to add every kind of program or duty upon such agency and thereby jeopardize the soundness of the original program. I have the kindliest feeling for those Members who live in areas of this type of land throughout the United States. But I take the time to issue a word of caution to the Congress and to the Farmers' Home Administration, whose loan programs are already the subject of a survey by our committee. We are finding where loans have been made as well as soil-bank payments made in cases where they were thoroughly unsound, if not actually in conflict with the intent of the law. Certainly, if there ever was a time that any given lending agency should look as to the soundness of the future use of this land, before making a loan or having a farmer sign a note, now is the time.

As has been said here, it takes from $75,000 to $80,000 to dig one well in certain of these areas. How much good is a $25,000 loan going to be to make that land productive so as to support a farm family on anything like a reasonable standard? Saying it another way, if the loan is not big enough to be sound, is it good business to give the loan in the first instance? In the absence of the Marshall amendment, just adopted, this bill, would have opened up a program for speculation, 100 percent at the risk of the Government.

I would point out that at a time such as this where we are paying out large sums of money in acreage payments, it is not a time to permit some man to develop his land in the hopes of making a farm of it. Under this bill you would use Federal money to bring into production land at a time when the Federal Government is paying other people money to get out of production on the land? I believe this bill unsound at this time. I think it has been improved greatly by the amendment offered by the gentleman from Minnesota [Mr. MARSHALL] but, certainly, as a national policy it does not conform to other policies to make Government loans to develop and bring in production land in these United States when at the same time we are spending money, as I pointed out, to get the farmers not to use their land.

Mr. BUDGE. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to my friend, the gentleman from Idaho.

Mr. BUDGE. I would say to the gentleman that the amount of land that could possibly be brought in under this legislation is so minute it would have no affect upon the programs that the gentleman has referred to. The gentleman is, of course, the distinguished chairman of the subcommittee of the Committee on Appropriations on agriculture, and I assume that he wants the Farmers' Home Administration to operate in his State, and I also believe that he would have no objection to its operating in mine.

Mr. WHITTEN. I thoroughly agree with the gentleman, and I say the Farmers' Home Administration is badly needed in his State and mine. But, I say the Congress and the American people are going to keep it operating only so long as we make an effort to keep it operating on a sound basis. Now, with farm prices and farm income down, it is imperative that the FHA should look very closely before approving applications for purchase or development both in the interest of the Government and the borrower.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Colorado.

Mr. HILL. In the remarks the gentleman made a moment ago about the Farmers' Home Administration and the soil bank, the gentleman did not intend to leave the impression that the Farmers' Home Administration has anything to do with the administration down at the grassroots farm level with the soil bank or the acreage reserve program.

Mr. WHITTEN. May I say that both of them are Government policy agencies; both of them are handled by agencies of the Government. But here is the point I would make. The Farmers' Home Administration today has set up a program of making loans, trying to enable the farm family to have enough acreage and enough capital to make a living. Through another program we are paying the farmer to take out some of his acreage so as to reduce production, all in the name of reducing surpluses. So I do think the gentleman who earlier raised the question of how contradictory the two programs are had something. But, the point I would like to make—and although I am chairman of the subcommittee, I am now speaking for myself—I utter a word of caution to the Farmers' Home Administration, if this bill should pass, that unsound loans do not help the Farmers' Home Administration; they do not help the man who gets the unsound loan; and they do not

help the Government. So help me, under present farm conditions, it is to be doubted whether there can be any loan made for land purchase or even development unless a substantial production already exists if the facts are squarely presented to the loan applicants; that is, they must show sufficient income can reasonably be expected from the land to amortize the loan and provide a decent living for the farmer. Low farm prices have helped bring that condition about. This type of bill does nothing to help, to say the least.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. McCORMACK] having assumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 3753) to enable the Secretary of Agriculture to extend financial assistance to desert-land entrymen to the same extent as such assistance is available to homestead entrymen, pursuant to House Resolution 265, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 48, noes 24.

So the bill was passed.

A motion to reconsider was laid on the table.

## LOANS TO HOMESTEADERS AND DESERT-LAND ENTRYMEN

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1002) to enable the Secretary of Agriculture to extend financial assistance to desert-land entrymen to the same extent as such assistance is available to homestead entrymen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the first sentence of the act entitled "An act to enable the Secretary of Agriculture to extend financial assistance to homestead entrymen, and for other purposes," approved October 19, 1949 (63 Stat. 883), is amended (1) by striking out "homestead entry" and inserting in lieu thereof "homestead or desert-land entry"; and (2) by striking out "homestead and" and inserting in lieu thereof "homestead, desertland, and".

Mr. POAGE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POAGE: Strike out all after the enacting clause of S. 1002 and insert the provisions of the bill H. R. 3753 as passed.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table, and a similar House bill (H. R. 3753) was laid on the table.

## THE MODERN UNITED STATES NAVY

Mr. HOSMER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOSMER. Mr. Speaker, new developments by the pioneering United States Navy means that America has the finest fleet afloat, armed with the most modern weapons and weapon systems. Navy shore establishments have always combined modern technology with tactical needs to produce a modern, practical fleet.

The period from 1850 to 1880 saw our Navy go from wooden to steel ships, from sail to steam propulsion, and from the short-range muzzle-loading cannon to the long-range rifled barrel, breach-loading gun. These were advances that led to the battleship era among the navies of the world as they gradually followed America's lead.

The early 20th century found the battleship Navy equipped with modern fire-control systems bringing heretofore unheard-of accuracy to naval gunfire. New developments such as the submarine and the torpedo were causing an evolution in navies of the world. But the airplane, a sensational new weapon that would lead to the era of the aircraft carrier, had been born.

Years of research by the Navy led to the world's first operation of an airplane from shipboard and later the world's first aircraft carrier. World War II saw these carriers come into their own. The age of the battleship was over and the era of the aircraft carrier had begun. However, hidden obscurely in the sensational headlines of the war, was a story of a new weapon. The Navy in 1945 had succeeded in producing Bat, the world's first guided missile. Successfully guided by its own radar, Bat steered itself into targets miles away and destroyed many tons of Japanese shipping during the last year of the war.

Today the Navy continues to pioneer modern weapon development. Missiles such as Regulus for surface-to-surface warfare, Sidewinder and Sparrow for air-to-air combat, and Terrier for anti-aircraft defense are in the fleet, are being fired in practice and are ready for combat. Thus never-ending research programs assure that America will have the finest fleet, armed with the most modern weapons afloat.

On the nature of naval power, its need, and its elements, Adm. Arleigh A. Burke, Chief of Naval Operations, has said:

Naval power with its tremendous combination of swift mobility, long range, and concentrated firepower is an indispensable element in projecting and applying the total military strength of the United States anywhere in the world. Naval power is America's first line of defense today.

To defend America your Navy has developed new and startling weapons. Many of these weapons are operational on the ships of the fleet today; many more will go abroad in the near future.

These weapons, called guided missiles, help keep the modern Navy first in mobility, ready to move and strike quickly and easily anywhere on the globe, above it, or under the sea; first in ability to meet and defeat any weapon from the arsenals of any potential enemy; first in authority to deter aggression with capabilities tailored to the occasion—from crushing a single enemy feint, to unleashing tremendous retaliatory striking power.

### NEW WEAPONS DEVELOPED TO FULFILL BASIC ROLE

The basic role of the Navy, to protect and defend America by control of the seas, is essentially the same as it was 150 years ago. However, naval influence has grown enormously, and the weapon systems necessary to exert this influence have expanded accordingly.

In time of peace, the mobility, ability, and authority of a strong navy discourage aggression. The Sixth Fleet in the Mediterranean today serves as the handmaiden of our diplomacy in this vital area and helps preserve peace for Americans and the world.

Control of the seas is indispensable for the prevention of all-out atomic war, and if need be, for the long climb to victory after a nuclear attack. To maintain control of seas, the Navy's battleground has always been the oceans which cover three-quarters of the earth's surface. However, today modern weapons like the jet airplane and the guided missile extend the Navy's radius of action far inland from the old limit at the high-water mark of an enemy coast. To fulfill this basic role in the modern world, the Navy has developed new weapons to perform many new tasks:

Detect and provide early warning of enemy attacks using the far-reaching network of radar systems in ships and aircraft of the fleet.

Be ready to launch retaliatory measures at an enemy's industrial and military heartland with all of the aircraft and guided missiles in the Navy's arsenal.

Utilize the Navy's surface, airborne, and underwater weapons and weapon systems to keep the seas clear of enemy naval forces.

Protect herself from attack—from the air—from the sea—or from under the sea.

Provide the ships and protection required to back up the overseas mission needed for final victory by transporting thousands of troops and tons of equipment across the seas.

Keep the sealanes open for the raw materials that America must import to keep the industrial arsenal working to

full capacity and for the export of the weapons and equipment to our allies.

Inspire our allies, the free nations of the world, as well as discourage aggression, by maintaining a force in being in the far corners of the earth.

MISSILES ENLIST IN NAVY

Many years of painstaking research and development gave birth to the nuclear bomb and a most effective vehicle to carry that bomb, Navy guided missiles.

Today, powerful missiles are aboard the ships of the fleet ready to retaliate at an instant's notice. Surface ships, aircraft, and submarines can immediately launch deadly missiles against air and underwater targets, or send them deep into the enemy industrial and military interior.

Tomorrow, continued research will produce missiles with even longer range, greater striking power and capable of even more accurate pinpointing of the target.

Polaris, the Navy's ballistic missile, is well toward final development. It will be capable of being fired from submarines and from high speed surface ships at ranges up to 1,500 miles. Regulus I, an externally guided, jet powered surface to surface missile is aboard our ships today and capable of striking at ranges over 500 miles. Regulus II is a longer range, supersonic big brother of Regulus I.

Petrel is an air to surface weapon in naval use that combines the long range of the missile with the devastating underwater effectiveness of the torpedo.

Terrier, a surface to air missile protects the skies over the fleet today. It is on board ships and in service. Talos, another such missile, greatly extends the range of the Navy's guided missile antiaircraft capability. In the air-to-air category, Sparrow was the first effective missile aboard the Navy's fighting planes. Sidewinder, developed at the naval ordnance test station at China Lake, Calif., is a small, inexpensive, infrared, heat homing air-to-air missile that can accurately seek out and destroy enemy jet fighters and bombers.

MODERN NAVAL WEAPON SYSTEMS

Modern warfare demands that modern weapons be swift, accurate and powerful, and that they strike over thousands of miles. To make these modern weapons practical in the fleet, the modern Navy needs tons of complex electronic and mechanical equipment to gather and use precise data quickly. The careful design and integration of these equipments and the use of the data results in a modern naval weapon system.

Yesterday, targets were spotted from the crow's nest by a lookout, limited to daylight vision no further than the horizon. The ship-of-the-line was sailed to within a few hundred yards of an enemy, the guns were aimed by eye, and a broadside delivered. The ship was then maneuvered alongside and marines swung aboard from high in the rigging. This was the weapon system used in the War of 1812.

Today, modern men-of-war need eyes far beyond the horizon and miles high in the skies. The warships of the Navy need ears to listen for intruders far below the surface of the sea. Modern search radars provide these eyes and sensitive sonar systems provide the ears. Once the enemy has been found and identified radars and sonars must determine his height or depth, his course and his speed. Complete target information must be known accurately and quickly and must be distributed instantaneously in a usable form to many parts of the ship.

With this information, the men of the fleet can maneuver into the best offensive and defensive position. The weapon control center automatically evaluates targets, selects the applicable weapon system or systems for retaliation and launches the proper weapon against the enemy. The weapon itself, a guided missile, may ask questions of its parent ship during its flight as well as send back information for future weapon utilization.

These complex equipments obtaining, transmitting and utilizing target and weapon information as swift and as accurate as the speed of light constitute modern naval weapon systems. Armed with the Terrier guided-missile weapon system, the guided missile cruisers *Boston* and *Canberra* and the destroyer *Gyatt* are guarding the skies over far ranging naval task forces.

Search radars endlessly scan the skies for attackers. Combat information centers gather target information and send it throughout the ship. Data from complex fire-control directors are sent to computers that automatically insert flight-path settings into Terrier, alert at the launchers. Then, with Terrier hurtling at supersonic speeds toward the enemy aircraft, effective missile guidance systems correct for enemy evasion and Terrier makes a kill.

It is no easy task to convert a World War II cruiser into a modern ship capable of utilizing Terrier guided missiles. Some comprehension of the immensity of the task can be had by realizing that over 5,600,000 hours of skilled American manpower were expended in the conversion of the U. S. S. *Boston*.

SURPRISE FROM BENEATH THE SEAS

The Navy's newest vehicle carrying the Navy's newest weapons—the atomic-powered, missile-armed submarine—will combine long range, high speed and stealthy surprise as a Navy weapon system. Capable of staying beneath the seas indefinitely and launching weapons while submerged, these subs require extensive, complex, electronic and mechanical equipment to perform their tasks.

Sonar systems detect the underwater noises emanating from an enemy. Intricate data computers determine the enemy's exact location, speed, and course. On the basis of this information, today's submarine can launch deadly, destructive torpedoes that unerringly seek out and destroy the enemy or rise rapidly to the surface and fire the long-range Regulus guided missile.

In less than 4 minutes the U. S. S. *Tunny* has surfaced, launched Regulus, and submerged. This mobile, disappearing launching site gives the Navy speed and surprise from beneath the seas never before approached.

Tomorrow's submarines with even newer, more complex weapon systems will launch the powerful Polaris and other missiles now under development. Then few, if any, enemy military or industrial targets on earth will be safe from the subs stealthy supersonic power punch.

NAVAL AIRBORNE WEAPONS SYSTEMS

Supersonic jet airplanes armed with deadly missiles range far ahead of naval task forces to form Navy's airborne weapon systems.

Aboard the parent carriers, powerful, complex radars track all planes in the sky; aboard the aircraft, sensitive search systems seek out the enemy. A constant flow of electronic communication between the aircraft and the task force commander permits complete, effective utilization of airborne-weapon systems.

Once the target is discovered, other mechanical and electrical systems can guide the airplane into attack range, launch the deadly Sparrow and Sidewinder missiles and then, with a burst of supersonic speed, maneuver the Navy plane out of the enemy's range. Sidewinder and Sparrow themselves contain compact, electronic gear to unerringly search out and destroy the enemy aircraft in foul weather or fair, day or night.

NEW MARINE CORPS WEAPONS CREATE NEW CONCEPTS OF AMPHIBIOUS ASSAULT

To make the Navy's effect decisive by actually capturing enemy territory, the Marine Corps has always been the primary instrument and the world's leader in amphibious assault. Preparing to face new enemy threats in possible opposed landings of the future, the marines have created new concepts and adapted new weapons to maintain their position ahead of all others.

Teamwork in using modern mobile weapons prepares the corps for any eventuality.

Marine Corps artillery units are equipped with the Honest John and Little John rockets as well as the Terrier guided missile. The Honest John, capable of carrying either nuclear or high explosive warheads, can be brought ashore, readied and fired from marine-controlled beachheads. Twin Terriers on mobile launchers give marines a supersonic antiaircraft weapon capable of great maneuverability anywhere they choose to land.

Newly perfected electronic mortar locators can pinpoint an enemy mortar so that it can be struck devastatingly and quickly. The new concept of vertical envelopment has been developed by the Marine Corps to attack in relative safety, beachheads protected in far greater strength than experienced in World War II. Helicopters, launched at sea can land marines well behind enemy lines. Never-ending advancements in missile-weapon systems and amphibious warfare concepts allow the Marine Corps proudly to remain the leader in their special art—amphibious assault and the capture of enemy territory.

NAVAL-MANPOWER TRAINING

The modern Navy needs modern highly skilled and thoroughly trained

fighting men. The Navy's modern complex weapons systems require an integrated team approach, a collective concerted action by all hands from the rawest recruit to the captain of the ship and the task-force commander. Components of these systems, propulsion, communications, radar, sonar, fire control, navigation, to mention but a few, have become far too complex to be maintained, operated and fired by any but the best trained technician.

To train these modern fighting men, the Navy provides extensive training schools both on land and aboard ships at sea. Men of the fleet acquire the knowledge necessary to understand and operate the advanced weapons of the modern Navy. Today, theoretical tempered with the practical is a never ending training process in the Navy. Typical of such training is the new guided missile school at Dam Neck, Va., where Navy men learn mathematics, physics, electronics, hydraulics, aerodynamics, and other sciences as applied to missiles. At officer candidate school in Newport, R. I., college-trained men study naval sciences and seamanship. Graduates of OCS go to sea as ensigns to take their place in the fleet alongside fellow officers from the NROTC program and Annapolis.

Fledgling pilots first learn to fly at the naval air station, Pensacola, Fla. Gradually progressing from training aircraft to operational types, these fighting men in training are introduced to communication, radar, loran, and other complex parts of the aircraft's weapon systems. A complete understanding of this technical equipment is as important to the naval aviator as the basic aerodynamics of flight itself.

NAVAL RESEARCH

The development of new missiles and the perfection of modern weapon systems requires extensive research facilities. Naval facilities for research and development can be found in the mountains of California, the deserts of New Mexico, across the plains of the expansive Midwest to the banks of the Chesapeake and the waters of Narragansett Bay. They are too extensive to be listed here.

The applied physics laboratory of Johns Hopkins University is an example of another extension of naval research. It is but one of many American Universities supporting naval research programs. The naval ordnance laboratory at White Oak, Md., exemplified extensive research and development centers operated by the Bureau of Ordnance.

Research and development on a wide variety of ordnance equipment, especially rockets and guided missiles, is performed at the naval ordnance test station, China Lake, Calif. Sidewinder was developed, tested, and successfully fired by the highly skilled scientific and technical staff at NOTS. This completely equipped research and development center includes the Thompson Aeroballistic Laboratory. Inert models and full-scale rounds, fired from special naval guns, provide precise scientific data on missiles in flight.

Naval weapon systems developed in laboratories, like the Terrier, are thoroughly tested under severe seagoing and airborne conditions for final perfection for operational use. Helping to bring new weapons from the laboratory to the fleet more quickly have been such ships as the U. S. S. *Mississippi*, commissioned in 1917 as a World War I battleship, and reconditioned in 1946 as an ordnance test ship.

Naval scientists are building America's first spaceship, a satellite which will circle the earth 800–1500 miles in space. The earth satellite program is being managed for the Department of Defense by the Chief of Naval Research. Responsibility for the technical projects rest with the Naval Research Laboratory in Washington, D. C. Here, hundreds of the world's most honored space scientists are directing the development of rockets and perfecting the techniques of launching to create a manmade moon. Specifically, the Navy's part in the program called Project Vanguard, includes the design and procurement of the 3-stage, 11-ton, 72-foot-long launching rocket and the actual launching. Naval scientists will also supervise the initial radio tracking of the satellite as well as the operation of the primary tracking stations.

What will this satellite do? The thin-skinned 21-pound ball, only 20 inches in diameter, will be crammed with tiny instruments for recording unknown data from outer space—data on ultraviolet rays, micrometers, weather, sunspots, and on a score or more of other mysteries. During its 18,000-mile-an-hour eliptical trip, miniature transmitters will send the data back to earth where it will be analyzed, explained, and utilized.

Sometime in the future, when the evening sky is dotted with satellites relaying radio and television signals, aiding navigation and performing a thousand other chores, when man breaks the shackles that bind him to earth and solves the mysteries of outer space, historians will add the names of satellite scientists to the list of great explorers, Columbus, Magellan, DeSoto.

SEAPOWER FOR PEACE

The United States naval forces of World War II were the most powerful aggregation of seapower ever created by man. Since that era, the Navy has not weakened, but has strengthened its power. The abilities of our scientists, the wisdom and devotion of the civilians and naval personnel directing our Navy, and an ever-broadening understanding by the people of the United States of the role seapower plays in the maintenance of our freedoms have combined to produce this vital strength. They will work together to maintain and enlarge it proportionate to any danger we may face in the future.

Some of the Navy's new modern ships are on the drafting boards, others are on the building ways, a few, like the U. S. S. *Nautilus* and the U. S. S. *Seawolf* already serve with the fleet.

The U. S. S. *Long Beach*, keel to be laid March 1, 1958, is a nuclear-powered, missile-armed cruiser designed to operate independently of other forces under conditions of nuclear warfare. The built-in capabilities of this ship will permit operations against aircraft, guided missiles, surface ships and submarines, either singly or in support of conventional forces.

Nuclear propulsion in this and other new vessels eliminates smokestacks, long an identifying feature of the man-of-war. High sustained speeds in heavy seas requires an extremely raked bow and high freeboard. The proven effectiveness of modern-weapon systems allows for the elimination of guns from the U. S. S. *Long Beach* and ships of her class to follow and the addition of many guided-missile launchers, radars, and other associated equipment. Here is tomorrow's striking power almost on the building ways today.

It is but a forerunner to the possible fleet of the future. It will be a fleet with supersonic missile ships guarding the skies; monstrous missiles rising from the heart of the missile carrier; superspeed nuclear-powered submarines scouting ahead of the task force; sleek cruisers launching antimissile missiles; atomic, electronic escorts with transoceanic sonar sweeping the ocean depths between the continents. Strange, perhaps, but how would today's Navy appear to John Paul Jones?

But whether in yesteryears or in future years, the mission of the United States Navy has been and will be the same as today. From the Golden Gate of San Francisco to the placid waters of Tokyo Bay, from New York's Statue of Liberty to the blue Mediterranean, from the bleak islands of the Aleutians to the stark whiteness of the South Pole, men of the fleet range all over the world.

These men operate and maintain the fleet in readiness as a symbol of American democracy to friends of the Free World, and as a symbol of strength-in-being to those who would become aggressors.

America is no longer a self-sufficient compact isolated country in today's world. America is the worldwide symbol of peace and freedom. To preserve this peace and insure this freedom the Navy maintains constant combat readiness with modern weapons manned by modern fighting men, around and above the globe. It provides the protection that only a Navy can provide—control of the seas—the mighty walls around our country—the control that gives our homes the protection that allows America to sleep soundly and safely each night.

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## STORY OF CHARLIE BOSWELL, THE NATION'S BLIND GOLF CHAMP, IS ONE OF INSPIRATION TO US ALL

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, it is with a deep sense of admiration and respect that I join with the citizens of my district in paying tribute to the Nation's

champion blind golfer and one of Jefferson County's most outstanding citizens, Mr. Charlie Boswell. In competition yesterday he won his ninth national championship among blind golfers.

Blindness failed to sideline this great athlete. Mr. Boswell was a football star at the University of Alabama and had been offered a professional baseball contract before he entered the United States Army. A combat accident left him blind. He took up golf and mastered the game, although it was impossible for him to keep his eye on the ball—a cardinal rule of golf. In 1946, Mr. Boswell helped organize the National Blind Golf Tournament. Out of the 12 national tourneys, he has played in all and won 9 of them.

Now a successful Birmingham businessman, as well as a champion golfer, Mr. Boswell's story is one of inspiration to us all. The fact that he was blinded in the war did not end his outdoor life, as it would for most of us. Mr. Boswell, exercising extreme fortitude and personal drive, has overcome his disability. In recognition of Mr. Boswell's contributions to the sport of golfing, the city of Birmingham has named a city golf course in his honor.

It was on this course, then called Highland Park, that the National Blind Golf Tournment was first held in Birmingham in 1953. My district again played host to this great tournament last weekend, when it was held at the Vestavia Country Club. Competing for honors, besides Mr. Boswell, were 17 of the Nation's finest blind golfers. A newcomer among them was Jackie Hayes, of Clanton, Ala., who formerly played with the Chicago White Sox. He took up golf at the urging of Mr. Boswell, who regards his golf friendships most highly.

Other players included Joe Lazaro, of Waltham, Mass.; Benny Pearlman, of Lester, Pa.; Clint Russell, of Duluth, Minn.; Bob Allman, of Philadelphia, Pa.; Bill Gillman, of Portland, Maine; Tom Hurley and Buddy Dyer, of Albany, N. Y.; Roy Meehan, Charlie Tooth, Harold Mitchell, and Claude Pattemore, of Hamilton, Ontario, Canada; Phil Ledderhouse, Prince Albert, Saskatchewan, Canada; Ron Hewlett, Calgary, Alberta, Canada; and Harry Hunter and Peter Bell, of Detroit, Mich.

On the occasion of Mr. Boswell's ninth national victory, it is a great privilege for me to extend my heartiest congratulations.

The just-concluded tournament was sponsored by the Lions Clubs of the Birmingham area. One of the Lions' pet projects is sight conservation, and the Alabama sight conservation program shared in the proceeds. During the tournament, Mr. Boswell was reelected president of the United States Blind Golfers Association and his coach, Mr. Bill Mogge, was renamed treasurer. On the greens, Coach Mogge acts as Mr. Boswell's eyes in lining up his shots.

In addition, to his national blind golf crown, Mr. Boswell is a three-time winner of the International Blind Gold Championship.

Under leave heretofore granted, I am pleased to insert two articles which were published before the weekend tournament in the Birmingham News, one of the South's finest newspapers. One of these stories, entitled "Blind Golfers Ask No Favors," appeared in the Birmingham News magazine of July 14, 1957. The other is an editorial headed "Blind Golfers Will Be Welcomed by All," which was printed on July 23, 1957.

[From the Birmingham News magazine of July 14, 1957]

BLIND GOLFERS ASK NO FAVORS

(By Frank McGowan)

Over many a golf course in this par-conscious land has come the plaintive cry of a frustrated golfer after a topped tee shot, "Doggonit, I looked up again."

What about a blind golfer, seeking the same par four as his sighted brethren, what's his excuse for the flub?

Go out to Vestavia Country Club, July 26-27-28, as the National Blind Golfers Association holds its 11th annual tournament. The plaint of the linksmen may be the same, "Doggonit, I peeped again."

The field in the tournament will probably number about 20 golfers, all of them sightless. Let one of them make a real good shot and what he will hear instead of commendation from his opponent will most likely be, "Are you sure you can't see? Think we had better make you take an eye test."

For these blind golfers get more fun out of playing golf than any linksmen anywhere and they are constantly teasing each other.

But don't ever get the idea that golf is all banter with these fellows.

They play golf to win; they don't want sympathy. They want a crack at some pars and birdies. Pars and birdies by a blind golfer? The man must be crazy.

Listen to the tale of one of the players who will be competing, a fellow by the name of Charlie Boswell.

Eight-time winner of this same tournament and three times international golf tournament ruler, Charlie Boswell has shot an 81 over the par 70 Charlie Boswell Golf Course here (formerly Highland Park).

At Chicago last summer he shot a neat 90 over a tough golf course, a round that helped him win the title once again.

Those rounds were bone fide scores, all putts being dropped. There were no "gimme" putts, those 2 and 3-footers that the Sunday morning foursomers concede to each other.

What has golf meant to this great athlete, a football star at Ensley High School and the University of Alabama, good enough to be tendered a professional baseball contract before he entered the Army?

"It is hard to describe just what golf has meant to me and to the other blind golfers," Charlie said.

"It has given me an opportunity to play in a competitive sport and also a chance to play with my sighted friends. Golf friendships are the finest and I have been fortunate in fliding many friends on the golf course, both in competitive and friendly games."

Boswell is a regular competitor in the weekly dogfights over the Vestavia course; he asks and gets no favors. He has an average score of 95 for the last 25 rounds at Vestavia.

The National Blind Golf Tournament had its founding in 1946 when Charlie Boswell, Clint Russell, Marvin Shannon and Bob Anderson took part in the meet at Los Angeles.

With the exception of 1952, the tournament has been held each year. Birmingham played host in 1953 at Highland Park.

Russell and Shannon are still competing in the tournaments, with Anderson having dropped out.

The ranks have grown and are still growing until there are 14 American golfers and 6 Canadians expected in this year's meet.

Newcomer, and it was at the urging of Charlie Boswell that he took up golf, will be former major league baseball player Jackie Hayes, of Clanton.

All blind golfers have their own coaches they bring to the tournaments. The coaches line up the shots, gaging distances and acting as "eyes" for their sightless companions.

Boswell has had four coaches who have helped him in national tournaments, Grant Thomas, Sam Jaffe, E. T. Waldrond and his present coach, Bill Mogge. To this quartet Boswell has always given the lion's share of the credit for his success.

The only difference in the playing rules for sightless golfers is that they are allowed to heel their clubs in sand traps and ditch hazards. Once on the green they are guided from ball to cup by their coach, feel the bend of the grass, figure the break, and then putt.

The average playing time for two blind golfers in a tournament match is around 5 hours.

Sports lovers who have experienced the great thrills of all branches of sport and haven't witnessed blind golfers in action have their greatest thrill still coming.

At Vestavia they will witness some great shots, some mediocre and some bad shots (the kind you and I make), but best of all they will see some golfers having the greatest time of their lives.

Those blind golfers are worth looking at every time you get a chance to see them.

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[From the Birmingham News of July 23, 1957]

BLIND GOLFERS WILL BE WELCOMED BY ALL

Birmingham this upcoming weekend will be host to the annual National Blind Golfers Tournament. Our own Charlie Boswell will be defending the title he has won 8 of the 11 years the matches have been played.

This is an event of national importance, of course. These fellows who cannot see but don't let that stop them from getting out on the greenswards deserve the admiration of us all.

Birmingham is especially keen about this competition. It is because we know, so well, how much plain guts it takes to carry on with the high spirit typified by Boswell. He's our boy, we hope he wins again—but we wish luck to all who will be here for the try. Vestavia Country Club is host, and proceeds are to be split between the Blind Golfers Association and Alabama Sight Conservation, a Lions project. Get out there and see something really worth seeing.

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## REPORT ON MY TRIP TO THE FAR EAST

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. KEARNS] is recognized for 25 minutes.

Mr. KEARNS. Mr. Speaker, and my colleagues in the House, as a Member of Congress, once again it was my privilege to be invited by our Department of Defense and Department of State to go to the Far East to conduct the United States Air Force Symphonic Band at various places in this theater of the world. It was a mission to promote culture, and to cement further our friendships with the nations of the Far East by speaking our common language of music. It was a delightful and profitable experience, and one that I shall long remember.

In the course of this trip, it was my privilege also to have the opportunity to meet with our high command, military and diplomatic, who are stationed in the Far East—as well as with the heads of government of these countries.

In making this report to you, my distinguished colleagues, I should like to recount—more or less in chronological order—not only my observations and experiences with respect to the mission itself, but also observations and opinions that I have formulated with respect to our country's status in the Far East—culturally, diplomatically, and militarily.

Leaving Washington on Friday, June 28, my itinerary took me to Travis Field, San Francisco; Hickam Field, our airbase in Hawaii; Wake Island; Tokyo; Okinawa; Taiwan; and Hong Kong; then back to Taiwan, Tokyo, Wake Island, Hickam Field, Travis Field, and home—21,840 miles in 18 days.

Once again I had the opportunity to observe the excellent correlation and integration of the Defense and State Departments in all our key spots in the Far East.

I also had the opportunity to observe and admire the great job that MATS—our Military Air Transportation Service—is doing in transporting both our men in the Far East Command, and their dependents. Few people realize that by keeping MATS as an air service for our military men and their families we are maintaining, at the same time, a constant international airline, not only of the Far East but also of the Continent of Europe. In case of an emergency, an organized operation such as MATS—which is prepared to make the transition overnight to our military defense—would be invaluable to us.

I personally elected to go MATS all the way to evaluate how well the few dollars we spend to subsidize this military service pays off. Let me say that one could never fully realize, unless he had the experience of traveling MATS, the great international chain of airplanes serviced by our military. These include our old B–29 bombers that have been converted into 97's for commercial travel—the same as Pan-Am fly, only theirs are plush. These planes have fairly comfortable seats, but could readily be converted for cargo. In DC–6's, DC–6B's, and C–124's, MATS is utilizing former defense appropriations by flying aircraft now obsolete in terms of dollars and cents, but highly valuable in transporting our servicemen and their families safely and comfortably to their posts throughout the world.

In every instance I made it a point to meet our servicemen aboard the airships—all loaded to capacity, including cargo—and I was gratified to learn that they are extremely pleased with the comfort that their Government provides them and their dependents in traveling by MATS. I might say that they were especially complimentary to the crews of these planes, and the courtesy extended to every serviceman, regardless of rank.

In my opinion MATS is performing a great military air service whose value cannot be estimated in dollars—a service that, by perfection of maintenance, is equal to any modern available air transportation.

To comment briefly on the various places I visited:

Gen. Laurence S. Kuter, Commander of the Pacific Air Forces, was just arriving at Hickam Field as my plane took off from Wake Island and Tokyo. As you know, the Pacific Air Command has been moved recently from Tokyo to Honolulu. I sent the general a note that I would look forward to seeing him on my return trip to Hawaii.

Then on to Wake Island, where we refueled and I spent a delightful 2 hours looking over our splendid MATS and CAA operations there.

Then to Tokyo, where I stopped just long enough to change planes for Okinawa.

At Okinawa, I had the privilege of reviewing the position of our Command, under Gen. William Hipps, in this, our great fortress of the East. There is some clamor in Japan to return the island of Okinawa to the Japanese, but it is only by a small minority because the Japanese people as a whole realize that through the strong arm of defense, made possible by the investment of American dollars in this strategic island, we control militarily from our base in Okinawa one-third of the world's population, offensively and defensively. We must keep Okinawa, in my opinion, far into the foreseeable future.

From Okinawa, I traveled to Taiwan, commonly referred to in this country as Formosa, but a name the people of Taiwan dislike intensely because it was given to Nationalist China by the agreement at Yalta. An island in the sea, with 11 million population—2 million more than the Commonweath of Pennsylvania—the people of Taiwan now live as a segment of free Chinese under the Nationalist rule of Generalissimo Chiang Kai-shek, former President of the Chinese Republic of the mainland, whom they elected President of Taiwan. It is interesting to recall that Chiang Kai-shek has been a power in China, either on the mainland or on the island of Taiwan, for 30 years now—the longest tenure of any national leader in this century.

The primary purpose of my visit to Taiwan was to check at firsthand the recent riot there. As the first Member of the United States Congress to visit Taiwan since black Friday—May 24, 1957—I would like to submit these conclusions on the incident in which an unruly mob destroyed our Embassy, not only a symbol of the United States of America, but also the distribution source of our foreign aid and defense funds to these people on the island of Taiwan—the only haven for free Chinese in the world today.

First, may I say that I was heartsick when I visited the Embassy because it was damaged to a degree far beyond anything envisioned through our press. After destroying the Embassy and our American cultural center, which had done such an extraordinary job there, the rioters marched straight across the park in the center of the city to the police headquarters, where they broke every window and destroyed valuable equipment belonging to the Nationalist Chinese Government. They were finally dispersed with tear gas.

I had a 45-minute session with President Chiang Kai-shek, followed by tea with him and Madam Chiang. The President was highly apologetic about the unfortunate affair and assured me that no further such incidents would occur. I informed him that we in the United States—and especially in the Congress—were hurt to the quick that such an incident would occur in Nationalist China, especially under his leadership in which we had placed so much confidence.

Still later that day I conferred with "Tiger" Wang, the beloved air commando of the Free World, who had just been made Chief of Staff of the military force that President Chiang Kai-shek has built on the island. He too assured me that such an incident would never happen again.

I decided to do some further personal research and talked to dozens of persons in positions to understand the sequence of events. As a result of these talks it is my opinion that the riot at Taipai, the capital city, where our American Embassy was situated, was not Communist inspired.

The Sergeant Reynolds case—similar in some respects to the Girard case in Tokyo—had created false impressions of America and had caused animosities which touched off this incident that could have been avoided had a better diagnosis been made of the case prior to the trial.

I was surprised to learn that on the day of the riot, President Chiang Kai-shek, the Vice President of the Republic, our American Ambassador, and "Tiger" Wang were all out of the capital.

In my opinion a small group of Reynolds demonstrators snowballed into a rebellious, uncontrollable mob, resulting in a riot of proportions neither anticipated nor desired. The great majority of the people of this capital city of Taipai, as well as of Taiwan itself, were embarrassed and humiliated by the unwarranted occurrence.

That such an incident could—and actually did—occur, however, appeared to me to reflect a decay in law and order, as well as a lack of responsible personnel in the local police department and security office—a parallel situation, it seemed, to that which preceded the fall of Chiang Kai-shek on the mainland.

Since the incident, steps have been taken to tighten law and order, and the personnel of the police department and security office has been reorganized from the top down. The Government of Taiwan is rebuilding our Embassy, and paying all renovation costs, which will come close to $600,000.

From Taiwan I proceeded to Hong Kong, where I was the guest of our acting consul general, Mr. Thomas Dillon. This most fabulous city of free trade in the world is also the most flourishing city, economywise, that I have ever visited.

Hong Kong, as you know, is a British Crown colony under a governor appointed by the Queen. The Governor has less than 13,000 troops in this valley city, located in hills not as high as the Appalachian Mountains in Pennsylvania. Surrounding the city, on the mainland, the Chinese Reds have forces numbering 70,000 to 100,000 men—and with their 3,000 to 10,000-foot air runways, they are a constant threat to this free port of the Far East.

His Excellency, the Governor, did not share my views that Red China could take Hong Kong by telephone any time it wished to do so, but in my judgment it is so. Red China doubtless would not want to take Hong Kong at the present time because of the importance of the free port, with its sea and air value as a strategic export-import center of the Far East. This naturally works to the advantage of the Soviet, as the free port of Hong Kong is the supply leak to Russia, through their satellite, Red China.

On the more pleasant side, I returned to Tokyo from Hong Kong and had the pleasure of being guest conductor at five concerts by the United States Air Force Symphonic Band in Tokyo and Yokohama. On these occasions I extended the best wishes of President Eisenhower to the people of Japan, and the President's greetings were always received with great enthusiasm. When I commented that the only secrets I knew of between our two great nations were the golf scores of the President and Prime Minister Kishi at Burning Tree, the remark always brought laughter and applause, reflecting a feeling of good will that two great leaders had found in their talks various broad areas of understanding—as we were finding understanding and a mutual interest through the common denominator of music.

My visit to Tokyo occurred at the time that the Girard case was at its height, but there was no anti-American feeling expressed at any event in which I participated, though understandably there is strong nationalistic feeling in Japan, as is found elsewhere in the world.

The United States Air Force Symphonic Band played to 400,000 people during its tour of Japan, and thousands of people were turned away because of inadequate seating capacity, but there was no indication of anti-American feeling at any of the concerts.

In my opinion, our general command at Tokyo and our outstanding Ambassador to Japan, the Honorable Douglas MacArthur II, have so impressed upon the Japanese the strong ties that exist between Japan and America, that not even an affair like the Girard case could break or weaken those bonds of friendship.

I would like to interject at this point that the people of Japan are highly cognizant of the great job that has been done by our great Ambassador to the United Nations, Henry Cabot Lodge, in being the stanch supporter of having Japan admitted to the United Nations.

A fitting climax to my wonderful tour of the Far East was a briefing I had with Lt. Gen. Fred Smith of the Fifth Air Force on his observations of our current relations with Japan and Korea. I was much impressed with General Smith's astute appraisal of the situation, and his statement that there are many areas in Japan open for nourishment by American culture. I was happy to learn that he highly subscribed to our mission and thought we should continue projects of this kind.

After this briefing, which was classified, I sped across the skies to Wake Island, confident that our military safeguard and defense of the Far East is in excellent hands.

But as I boarded the plane to leave Tokyo on Thursday, July 11, my only wish was that the other 434 Members of the House, and the 96 Senators, could have shared these experiences with me. Doubtless most of you would not have been interested in conducting the Air Force Symphonic Band, but all of you would have been heartened to sense the fine relationship that exists between Japan and the United States. Each of you, I believe, would feel better when voting for defense and foreign aid appropriations to the Far East to know, from personal observation, that we seem to have cemented an enduring friendship with that part of the world.

Coming home, we were delayed by engine trouble at Wake Island, and that necessitated cancelling two of the concerts at Honolulu. We did have one magnificent concert, however, on Sunday evening, July 14, when over 25,000 people jammed the open-air theater to hear our Air Force musicians.

There, playing to Americans for the first time in their 49-day tour, the capable director of the Air Force Band, Col. George S. Howard, and each and every member of the band, realized again the great value of these goodwill hops across the Pacific in molding understanding between nations. I say "hops" because it is now only 9 hours from San Francisco to Hawaii, 9 hours from Hawaii to Wake Island, 8 hours from Wake Island to Tokyo, 4 hours from Tokyo to Okinawa, 2½ hours from Okinawa to Taiwan, and 2½ hours from Taiwan to Hong Kong.

The United States, in taking the lead in promoting missions of this kind, and in bearing the major part of the cost, has demonstrated courage and a love of freedom that may well be emulated by our friends across the seas.

A tour like the one I have just completed is physically taxing, but it certainly broadens one's outlook and perspective and sharpens one's appreciation of the role that America must play in world affairs in the years to come.

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## HOW THE FINANCIAL INSTITUTIONS BILL OF 1957 WILL LEGALIZE USURY

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 15 minutes.

Mr. PATMAN. Mr. Speaker, from at least the time of Moses the law-giver, and throughout the Christian era, almost all of the civilized countries of the world have either prohibited usury or placed strict limitations on usury. At present, every State of the Union has usury laws of one kind or another; and our National Bank Act contains very specific provisions as to the maximum interest rates which the national banks may charge.

It would not, of course, be correct to imply that either the laws or the prevailing ethical standards with reference to usury have remained unchanged over the centuries. During the Middle Ages and since, there have been changes and modifications in both civil and canon law, reflecting the changing views of different societies under changing circumstances. Occasionally, there have even been experiments with taking the lid off usury altogether, in civil law, including the civil laws of some of our own States. In the past, however, when the usury laws have been modified or changed these changes have come after widespread public debate and examination of consciences in which both church and secular authorities have done their part in modifying and defining prevailing ethical standards.

Today, the Congress is on the verge of taking the lid off usury in a wide and important variety of credit transactions. This is provided for in a bill which is to be known as the Financial Institutions Act of 1957. This bill has already been passed by an overwhelming vote in the Senate and is now under consideration by the House Committee on Banking and Currency. From all appearances, the House will soon be called upon to vote on the bill and Members of the House, it seems, will be presented with little in the way of arguments and considerations in opposition to the bill. As I have said, taking into account the whole span of the Christian era, outright repeal of civil usury law is not unique, but what appears to make the Financial Institutions Act of 1957 unique in the annals of Western society is that this bill, when it passes, will be the first occasion on which a substantial modification and redirection of the usury laws have been made without wide public consideration and discussion of what was about to be done. Indeed, in this instance an important step is being taken without public knowledge of what is being done and even without the knowledge of the Senators who voted for the bill, and apparently even without the knowledge of the members of the Senate Banking Committee which reported the bill. This results from what we might call legislation by "gimmick." It results from a new method of getting legislative spadework done these days, which is for the legislative committees of Congress to turn over their duties for investigation and bill-drafting to appointed "committees" or "commissions" of experts, thus running the risk that the experts will slip "gimmicks" into the bills, the meaning of which the committees do not appreciate.

### HOW THE NATIONAL BANKS WERE CAUGHT VIOLATING FEDERAL USURY LAW

The usury laws have not always been 100 percent effective, and are not today. For the control of usury in any important sense, we depend upon a combination of both Federal and State law, and, of course, State law varies widely as to

form and terms of expression. However well-intentioned and adequate these laws may have been when drafted, they are sometimes out of date and helpless to cope with some of the new devices and some of the new language which moneylenders invent for cloaking their credit transactions in ways to evade the law.

One such device which has come into widespread use in recent years is the so-called conditional sales contract, or CSC as it is called in the shorthand parlance of the bankers. The CSC is a case in point, insofar as the Financial Institutions Act of 1957 is concerned. Loans and extensions of credit where CSC's are involved have widely escaped definition as "loans or extension of credit" under State laws. Hence they have escaped the provisions of State law which are supposed to limit the interest rates. Furthermore, the bankers began going under the assumption that the CSC would successfully evade Federal law, but about 18 months ago, the United States Circuit Court of Appeals had a look at this assumption and declared it to be completely unfounded. In *W. E. Daniel and E. A. Dillard* v. *The First National Bank of Birmingham* (227 Fed. 2d 353, 5th C.C.A.) the United States Court of Appeals for the 5th Circuit held that insofar as the National Bank Act is concerned a loan or an extension of credit continues to be a loan or an extension of credit, and is subject to the usury provisions specified in that Act, even though a national bank may secure its loan with a CSC, and even though the bank does not enter into the CSC directly with the creditor, but purchases the CSC from some other maker.

At the end of my remarks, I will insert an article which appeared in Harper's magazine last September, describing in complete detail how the CSC works. The writers of this article, Ruth and Edward Brecher, were greatly taken with the Daniel decision and hailed it as one which, they said, "may well revolutionize the legal rights of millions of families throughout the United States who buy on the installment plan." These writers could just as well have added that the Daniel decision stands an equal chance of revolutionizing the legal rights of small businessmen who must also purchase machinery and equipment on the installment plan. On the basis of the evidence, however, it seems more likely that the Daniel decision will not revolutionize anybody's rights, except the rights of the bankers to collect whatever interest rates they please and to create a market for credit paper carrying usurious interest charges.

This bill has the full backing of the administration; the heads of all the executive agencies who are supposed to know anything about the subject matter covered by the bill have urged its passage, and so has the Federal Reserve Board. The bill contains scores of provisions for the special benefit of bankers at the price of weakening safeguards to the public interest, but I cannot today go into all of these provisions. I want to discuss only the provision which places a very large loophole in the Federal usury statute and what the practical consequences of this will be.

HOW THE CONDITIONAL SALES CONTRACT WORKS

To begin with a brief description of the conditional sales contract and how it works, I might point out that it was originally used for purposes which have nothing to do with evading the usury laws. The original purpose was to provide a convenience, and perhaps an advantage, to the creditors—in that by this device the creditor acquires or retains title to the property which is offered as collateral to secure the credit extension, until such time as the borrower has paid the full amount that is due. Thus in case of default, or in case the borrower fails to make all payments promptly when due, the creditor can take possession of the collateral without going through all of the legal rigmarole of a foreclosure or a repossession.

More recently, however, the idea got around that since both Federal and State laws typically prescribe maximum interest rates which can be charged on such things as loans, discounts, extensions of credit, and other evidences of indebtedness, perhaps the CSC is, by its name, none of these things, and hence is not subject to the usury laws.

A typical way in which the CSC works is this: You go, say, to an automobile dealer to buy a new car. The dealer sells you the car, with a suitable downpayment, and takes your note, or what is in effect your note, to cover the balance. But if the dealer were to take a note that plainly is a note, the amount of interest which you could be charged would be limited by the maximum rates specified in the State usury laws. This rate, in most States, is 6 percent, although in some States it goes higher. So what you do is sign a paper that is technically described, not as a note, but as a conditional sales contract. Furthermore, the dealer adds on finance charges, miscellaneous fees, interest, and so forth, so that the interest which the buyer is to pay may be built up to a staggering amount. The finance charges which buyers are paying on these contracts frequently work out to an interest rate of 20 percent, 40 percent, and, in some cases, even more astronomical rates. The dealer then takes the contract around to the bank, or to another financial institution, and sells it. The bank then insists, as the dealer has, that it has not lent any money, or extended any credit, but that it has merely purchased a conditional sales contract from the dealer.

Consumers who buy on the installment plan are by no means the only people who are being forced to finance purchases at usurious rates, by the device of the CSC. In fact, it was a small businessman's suit that gave rise to the Daniel decision. This man had purchased a tractor-trailer combination costing some $17,000, and signed a CSC in which the interest charges were later shown to be 11 percent per year.

Present law forbids national banks to charge usurious rates. In the Daniel case the court took a close look at the conditional sales contract and ruled that "the real transaction was a sale at a cash price accompanied by a loan or extension of credit to which the bank was privy throughout"; that the device is a loan within the meaning of the National Bank Act; and that the interest rates which a national bank may legally charge on such paper are limited by that Act. The court was not impressed by the mere form in which the loan had been made, nor by the fact that the loan had been called by another name. The court invoked a long-established rule, which is, "the court must look to the substance of the transaction rather than to form of contract which purports to express its terms."

HOW THE NEW LOOPHOLE WORKS

Now how does the bill for creating the Financial Institutions Act of 1957 go about putting a major loophole in the usury law? In reality, the bill not only overturns the Daniel decision, it also overturns a decision of the Supreme Court which has been controlling law since 1881.

What the bill does is insert new language in the Federal usury statute which says, in effect, that the limitations on excessive interest charges now contained in the statute shall not apply where a national bank purchases a note or other evidence of indebtedness from someone else—except and unless there is a violation of State law in such transaction. Thus, as the law now stands, the National Bank Act sets out maximum interest rates which the national banks may charge in the event the laws of the State in which the national bank is located contain no maximum which is deemed to be applicable to the transaction. In other words, the National Bank Act provides that where State law does specify a maximum, the national bank may take that maximum, but no more than that maximum; and the act also provides that where no maximum is applicable in State law, then the national banks shall be limited by the maximum specified in the National Bank Act. This latter maximum is 7 percent per year, or, alternatively, 1 percent in excess of the discount rate on 90-day commercial paper prescribed by the Federal Reserve bank in the district, whichever rate is greater. In recent times this has, of course, meant 7 percent.

To state the matter again, the principle of the Federal statute is this: Where there is no maximum in State law, or where a State maximum does not apply to a particular kind of loan or discount transaction, then national banks shall be controlled by the specified maximum set out in the Federal statute. This has been established and accepted law for more than three-quarters of a century. The Supreme Court of the United States so ruled in the year 1881, in *National Bank* v. *Johnson* (104 U. S. 271). "The Financial Institutions Act of 1957" overturns this principle. Thus the bill not only overturns the Daniel decision of 1955, it also overturns the Johnson decision which has controlled national-bank operations since 1881.

HOW THE LAW THAT HAS CONTROLLED SINCE 1881 IS OVERTURNED

The new bill overturns both decisions in this way: It provides the principle that where there is no maximum in State law which is specifically applicable to a

particular kind of loan or discount transaction, neither shall the maximum specified in the Federal statute apply.

This proposed reversal of the Federal usury statute is provided by new and added language which is to be inserted in the statute. The language appears in section 35 (a) of the bill, and reads as follows:

> The purchase of obligations or evidences of indebtedness from the actual owner thereof shall not, for the purposes of this section, be deemed a loan or discount if such purchase would not, under the law of the State in which the purchasing bank is located, be deemed a loan or extension of credit subject to the interest or usury statutes of such State.

We can perhaps take some comfort from the fact that the new principle is not to apply to all loan transactions. It is not to apply where the national bank enters into the loan or credit transaction directly with the consumer or other borrower. The new loophole is to apply only where the national bank purchases the usurious paper from another maker, such as the automobile dealer, the equipment dealer, or the private loan company. But this is small comfort. The loophole that is being created will accommodate the only practice by which the banks generally acquire usurious paper, and the only practice by which they would wish to acquire usurious paper. The fact that under this bill the banks will be exempt from the usury laws only with respect to loans and extensions of credit first made by someone else, means only that the banks will be creating a market for usurious paper, and that they are purchasing and profiting in someone else's sins. While these may be matters for examination of conscience, they are not involved in the bankers' public relations. As a rule bankers have pretentions to great dignity and righteousness, and would not, of course, wish to engage in usurious practices directly with a wide segment of the public. It is preferable, from the public relations point of view, that such practices be carried on only through a "fence" or a go-between.

### WHY THE BANKS ARE DEEPLY INVOLVED

Unfortunately, the Daniel case was a tardy suit. By the beginning of 1956, according to Federal Reserve statistics, the commercial banks held about $5 billion of automobile paper alone, of which only $2 billion were in the form of direct loans to consumers. We may assume that the remaining $3 billion were largely in the form of conditional sales contracts. In addition, the commercial banks had other billions in paper on household appliances, equipment being purchased by small businessmen, and so forth. Obviously, this form of evasion of the usury laws is proving very profitable, and the banks do not like the idea of losing this profitable loophole.

Furthermore, in a supplementary decision to the Daniel decision handed down in January of last year, the United States Court of Appeals for the Fifth Circuit (228 Fed. 2d 803) held that persons who have been charged usurious rates by national banks may collect in damages twice the amount of the overcharge, plus twice the amount of any "kickbacks" which the banks have paid to dealers from whom they purchase the paper bearing usurious interest. This ruling could be quite a blow to the national banks, if all of the consumers and small businessmen holding conditional sales contracts filed suits. As compared to State banks, the national banks are the larger operators; they have about 54 percent of the banking resources, including deposits, capital, and surplus, and do roughly 54 percent of the banking business.

According to the best information I have, there are no more than 8 or possibly 10 States which have usury laws that are adequately drafted to prevent circumvention by the CSC device. Most of these are, furthermore, States which have overhauled their laws recently. As is usually the case, there is a tendency for State law to fall into step with Federal law on the same subject, as there is a tendency for State courts to follow interpretations of Federal courts.

If the present Federal law were to stand, we could expect a gradual improvement both in interpretations of State law and in State legislation, to prevent further evasion of the usury statutes. Conversely, if and when we amend the Federal law specifically to allow evasion of the Federal usury statute, then the State courts and the State legislatures will tend to go in that direction.

In my remarks about the Financial Institutions Act of 1957, I am not impugning either the motives or the competence of the Senate Banking Committee, or any Member of the Senate, or any Member of the House. The fact is that this is an extremely long and complicated bill. The bill is 252 pages long, and it rewrites all Federal statutes pertaining to financial institutions, including the National Bank Act, the Federal Deposit Insurance Act, the Federal Reserve Act, the Federal Home Loan Bank Act, the Federal Credit Union Act, and miscellaneous other provisions. It contains scores, if not hundreds of substantive changes in the law and these changes are frequently very subtle; they contain many hidden meanings which are not easy to discover. The bill was written in the first instance by an advisory committee composed largely of bankers. To date, almost no witnesses other than bankers and people having banking connections have appeared before the committees to explain what the provisions of the bill mean. The witnesses who testified before the Senate Banking Committee were almost all bankers or from banker associations, plus, of course, some of the top officials of the executive agencies and the Federal Reserve Board.

### HOW THE BILL GOT PASSED

This result is no criticism of the Banking Committees of either the Senate or the House. It is, however, a commentary on what I think is a very dangerous practice. This is the practice of delegating functions of Government to commissions or committees of private citizens. This practice has been growing in popularity in the executive branch, and the Congress has, on more than one occasion, delegated to such commissions its legislative duties. There is a great temptation in this, because of the immensity of some of the tasks legislative committees have to undertake, because of the great pressure of work which falls on all the Members of Congress, and because so many fields in which we try to legislate are so complex we naturally feel the need for experts. I realize, too, that this new process of turning Government functions over to private commissions is currently enjoying considerable public approval. This results in part from the fact that some of the recent commissions have widely advertised their supposed virtues and accomplishments.

But in my experience the legislative results of these commissions have not been good. They have recommended and gotten passed some things that were good; but in almost every instance their recommendations have also resulted in passage of other things that would not have been passed if they had been examined and studied in the usual way, so that the legislative committees really understood what was being recommended.

It is almost necessarily true that the private experts have a private, selfish interest in the field in which they are expert. Of course, many private citizens have given their time and their expertness unselfishly to the public interest through some of these commissions. But it seems that in almost every instance there are some members of these commissions who feel so sure that they know what is best for the country that they will try to get their program adopted through subterfuge, where subterfuge seems expedient.

### HOW GOVERNMENT WITNESSES HAVE TESTIFIED

Furthermore, I could add that the Government witnesses who have come before the Banking Committees to explain the present bill have not been too helpful, and are, perhaps, themselves too busy to learn what the provisions of the bill mean. For example, Hon. Ray M. Gidney, Comptroller of the Currency, testified before the House Banking Committee on July 23, but the Members could never have guessed from his testimony that section 35 of the bill, which I have already referred to, is anything of consequence at all, or does any more than continue existing law. So there may be no question whether I overstate the case, I might call the Members' attention to the verbatim portions of the transcript covering questions raised by Representative ANDERSON of Montana on the usury question and Mr. Gidney's answers:

> Representative ANDERSON. Similarly, I am not prepared to accept your statement that we should abandon control over usury for national banks.
>
> Mr. GIDNEY. Oh, we do not propose to abandon control over usury. There is no such suggestion.
>
> Representative ANDERSON. The portion of your presentation pertaining to section 35 I interpreted as meaning a considerable relaxation in the maximum rate of interest to be charged. You propose to relieve them of the Federal limitations.
>
> Mr. GIDNEY. Oh, yes.
>
> Representative ANDERSON. That is in here, and your presentation indicated that you thought that you should step out of the pic-

ture if they competed with State banks, and let them simply go under the State law.

Mr. GIDNEY. Could I say there that back as far as my memory goes, national banks have been allowed to have the rates permitted by State laws, and that goes back to 1903. That is true in my State. And if there is no State statute, they are limited.

But they have always been allowed the rates allowed by State laws, so that this, I think, doesn't really change the situation. This was not our particular proposal. I think those who seek it want to be sure to make it clear.

Representative ANDERSON. It is your feeling, then, that there will be no change in the actual practice in any instance?

Mr. GIDNEY. That is the way I understand it, sir.

Mr. ANDERSON. That all national banks will continue to operate as they are now.

Mr. GIDNEY. That is substantially the case, and they will be allowed what State banks are allowed, and I think they generally are now.

Some of the bankers, I believe, think they need to be a little more certain of that.

Representative ANDERSON. Thank you, Mr. Gidney. I have several questions, and I will take up as many as I have time for in the 5 minutes, and the others on the next go around.

HOW THE COMPTROLLER EXAMINES NATIONAL BANKS

Here it might be well to keep in mind that as Comptroller, Mr. Gidney is responsible for making the periodic examinations of all the national banks. In this he examines the national banks to see that all of their operations are in compliance with Federal law, and, according to his testimony, he also examines to see if the national banks are in compliance with the State laws in which these banks operate. Indeed, Mr. Gidney does this latter part of the job so well that he has recommended another provision in the bill which would prohibit State authorities from examining the national banks. Although this provision has caused protest from the authorities in the few States which appear to have strong usury laws.

Perhaps the national banks need some form of relief to bail them out of the penalties that they could conceivably have to pay as a result of violating the usury statute. This I don't know; it would have to be considered. But the matter has never been presented in these terms, nor in any terms except that the law really is not being changed. There has been no mention of the Daniel decision; there has been no mention that the national banks are engaged in usurious practices, and there has been no mention that they are now in a position of having to abandon these practices. The bill which has been introduced simply puts forward a loophole which would give a specific exemption to these usurious practices, except, of course, where State law specifically and clearly prohibits them.

THE STORY IN MORE DETAIL

The magazine article which I have referred to follows. This article appeared in Harper's magazine last September; I commend it to the Members' reading. I have deleted certain lengthy sections which, while interesting, are not essential to the main line of the story.

BALLARD VERSUS THE INSTALLMENT GOLIATHS—AN OBSCURE ALABAMA TRUCKDRIVER HAS STARTED A FIGHT AGAINST HIGH INTEREST RATES WHICH MAY EVENTUALLY SAVE MONEY FOR MILLIONS OF PEOPLE WHO BUY ON TIME

(By Ruth and Edward Brecher)

On the morning of May 19, 1953, an Alabama truckdriver named Sam Ballard parked his $17,000 tractor-trailer right on the outskirts of Montgomery, Ala., and hitched a ride into town. When he returned, his rig was gone. The circumstances surrounding its disappearance raise issues which touch millions of Americans—probably including you—who have never heard of Sam Ballard.

He was proud of his rig. He had purchased it just 1 year before, trading in an older tractor-trailer combination for $3,350 and adding a $2,000 downpayment in cash. Thereafter he had met his first 10 monthly installments of $680 each as they fell due, so that his payments on the $17,000 rig now totaled $12,150.

But Ballard had had bad luck in April, and had therefore asked the First National Bank of Birmingham for an extension on the $680 payment due April 30. The bank had given him 12 days' leeway. Ballard was thus 7 or 8 days overdue on his payment when he parked his rig outside Montgomery on May 19.

But he was hopeful. The Florida truck terminals were filled with citrus fruit awaiting transport north. Ballard, when he stopped over briefly in Montgomery to consult his lawyer about the past-due payment, was on his way to Florida to pick up a load which would enable him to pay off.

It didn't work out that way. Instead, the sheriff of Montgomery County—acting under a medieval "writ of detinue" obtained by the bank whose payment was past due—jimmied the ignition lock and drove Ballard's rig away. The rig was later sold, and the $12,150 Ballard had paid in was forfeited.

Goods purchased on the installment plan are often, of course, subject to repossession in this or similar ways. The amounts paid in are often forfeited; the bank or finance company or dealer pockets the profit on the sale of the repossessed goods; and it often can, if it chooses, bring suit for the balance remaining unpaid. So far there was nothing unusual in this story.

But Sam Ballard—unlike most victims of repossession—didn't take it lying down. The result was the case of *Ballard* v. *The First National Bank of Birmingham*, the first of a series of important legal cases which may well revolutionize the legal rights of millions of families throughout the United States who buy on the installment plan.

NOT QUITE USURY?

The typical installment purchase is arranged in accordance with a ritual as strictly patterned as a quadrille or minuet. When you buy a car, for example, the dealer first jots down the cash price to which you have agreed. He then subtracts your downpayment and the allowance for the old car you are turning in, and adds insurance and miscellaneous fees. Next he adds a finance charge calculated on the basis of a rate card supplied by the bank or finance company. The total he divides into 12, 24, or even 36 monthly installments which you are to pay to the lending agency that puts up the money. All these figures, and the name of the lending agency, are then inserted into the blanks of a "CSC" or conditional sales contract supplied by the lending agency. The bank or finance company accepts the CSC and gives the dealer his money. You drive off with your new car.

It may seem obvious to you that the bank or finance company has lent you the money to pay for the car—but don't jump to any such conclusion. The apparent lender insists that he really hasn't lent anything at all; he has merely purchased the conditional sales contract or CSC from the dealer (not the borrower) at a discount.

Why do dealers and lenders bother to dance this legal minuet? Two answers suggest themselves. First, every State in the Union has a usury statute setting the maximum legal interest rate on loans; a similar Federal statute forbids usury by the national banks. By casting the transaction in the form of a CSC rather than a loan, the lender usually escapes the usury prohibition. The CSC may specify a finance charge which works out at 20 percent, 40 percent, or even 60 percent simple interest per year on the unpaid balance; nevertheless, the prevailing legal theory holds that no interest whatever is being paid. Instead, it is alleged, the dealer has merely set a time price which is higher than the cash price he originally quoted—and surely in a free economy a dealer has a right to charge whatever he pleases for his goods.

In Sam Ballard's case, the finance charge was comparatively low—a little more than 11 percent simple interest on Ballard's unpaid balance. Alabama law, however, specifies a maximum rate of 8 percent. Had the Ballard transaction been a loan instead of a CSC, it presumably would have violated the usury law.

The second obvious reason for dancing the CSC minuet is to make available certain highly convenient methods of collection and repossesion. The First National Bank's CSC form, for example, provided—in complex legal terminology and very fine type—that if Ballard failed to make one payment on the due date, the bank could declare the entire balance due and payable. It authorized the dealer, the bank, or their agents to enter onto Ballard's property, with or without force, and with or without process of law, and to take immediate possesion of the $17,000 rig wherever it might be found. Even employing the county sheriff and securing the writ of detinue was unnecessary under the CSC; a bank employee or agent might equally well have jimmied the ignition lock and driven off.

Once the rig was repossessed, moreover, the CSC specified that all rights of the buyer were to cease and terminate immediately. Ballard agreed when he signed the CSC to waive any right of action or claim of any kind growing out of a repossession. The CSC specified that all moneys paid on the purchase price * * * shall belong to the seller or assigns. And finally, the CSC left Ballard still legally liable for the entire unpaid balance, including interest, even though he had already lost both the $17,000 rig and the $12,150 he had paid in.

Not all CSC's, of course, contain all of these onerous provisions. But some go even further. The freedom to put almost any provisions in a CSC, plus immunity from the usury statutes, is enough to explain the popularity of CSC's among dealers and lending agencies.

This popularity can be gaged from recent Federal Reserve Board statistics. United States commercial banks at the beginning of 1956 held about $5 billion of automobile financing paper, of which only about $2 billion was in the form of direct loans to customers. The remaining $3 billion was largely in the form of CSC's. Finance companies held an additional $8 billion or so of automobile paper, most of it CSC's. And a large volume of CSC credit was also outstanding on furniture, refrigerators, television sets, and all the other items Americans buy on the installment plan. In permitting the CSC to flourish, to the tune of many billions of dollars, outside the purview of the usury laws and the laws governing orderly and peaceful collection of debts, our legislatures and courts have been swallowing the camel while straining at a gnat.

But change may be on the way, thanks to Sam Ballard, his lawyers, and some of his fellow truckers.

SHARECROPPERS OF THE ROAD

The seizure of Sam Ballard's rig was not an isolated event, but rather one episode in a complex chain of circumstances involving more than 40 owner-drivers like Ballard, and involving also the company for which they drove, the Baggett Transportation Co., of Birmingham, Ala.

Baggett Transportation held a carrier certificate from the Interstate Commerce Commission; the owner-drivers lacked such certificates. They were, therefore, lease operators, moving goods over the highways under the authority of Baggett's ICC rights. Lease operators of this kind have been aptly described as the sharecroppers of the American transportation industry. There are tens of thousands of them.

A typical Baggett lease operator like Ballard, for example, bought his rig from Baggett or an affiliated company and simultaneously leased the rig—and his own services as driver—back to Baggett. The purchase was financed by Baggett's bank, and the bank sometimes kicked back to Baggett or its affiliate one-sixth of the finance charge. This was the old company-store system with a new twist.

* * * * *

CRACKING THE STONE WALL

Two issues of importance to all installment purchasers were raised by the repossession: The rate of interest, and the terms and conditions written into the CSC. The drivers' lawyers raised the usury issue in a whole series of cases, both State and Federal, involving not only Ballard but several other drivers as well.

The Ballard case was heard by an Alabama State court. Though the financing of Ballard's rig was ostensibly through a CSC, the lawyers argued, the court should look through the form to the fact, and recognize the transaction for what it actually was—a loan by the bank to Ballard. If so, the usury statute would apply and the interest Ballard had paid would be applicable on the principal of the debt. Ballard would thus be entitled to have his truck back. This case Ballard lost, both in the lower court and on appeal to the Alabama Supreme Court.

Next, a fellow driver of Ballard's refused to make his last payment on a Baggett CSC, alleging that the interest was usurious. Baggett sued; the case was heard twice in two State courts; both times the driver lost.

There remained one more string to the drivers' legal bow—the Federal courts. A Federal statute prohibits usury by national banks. This statute the drivers invoked in the critical case of *Daniel and Dillard* v. *The First National Bank of Birmingham*. They lost once more in the Federal district court.

Here, obviously, was a point at which lawyers and clients alike might well have paused, assessed the situation, and decided to call it quits. After five successive defeats, why bump your head against the stone wall of the CSC a sixth time? Harassing the largest bank in your home State is hardly the safest way to win friends and influence people. A further appeal would be costly, and the time available was limited. The course dictated by prudence was clear.

But prudence bowed to the Alabamans' desire for what they considered justice. The wife of one of the lawyers, who doubles as office secretary, sat down at her typewriter and by working nights and weekends managed to hammer out the necessary legal documents—some 300 mimeograph stencils—in time to meet the deadline. The appeal in the Daniel and Dillard cases was heard in October 1955—and on November 25, the stone wall of the CSC at long last cracked.

The United States Circuit Court of Appeals for the Fifth Circuit, in an epoch-making 2-to-1 decision, decided in favor of the truck drivers and of installment purchasers generally. Usurious contracts, the court majority noted, are condemned by public policy, both State and National. This policy should not be defeated merely by the shrewd drafting of a conditional sales contract. The court then quoted from a much earlier case a vigorous attack on the so-called paper-bag theory of usury:

"No disguise of language can prevail for covering up usury or glossing over a usurious contract. The theory that a contract will be usurious or not, according to the kind of paper bag it is put in, or according to the more or less ingenious phrases made use of in negotiating it, is altogether erroneous. The law intends that a search for usuary shall penetrate to the substance."

And the court concluded that despite superficial adherence to the CSC ritual, "the real transaction was a sale at a cash price accompanied by a loan or extension of credit to which the bank was privy throughout. Any other result * * * would leave that vast number of persons who purchase equipment and vehicles on credit, the financing of which is prearranged between the dealer and the bank or finance company, outside the pale of protection of the State and national laws against usury."

In a supplementary decision dated January 17, 1956, the bank was ordered to pay the drivers as a penalty not only double the interest retained by the bank but also double the amount that the bank had "kicked back" to the Baggett organization on the Daniel contract.

The potential importance of this decision can hardly be overestimated. As the court itself remarked in its supplementary opinion:

"We recognize that these are test cases important to the parties, but probably more important as precedents, applicable to many other transactions which may vary in nonessential details."

Though directly binding only on national banks, the powerful words of the opinion and supplementary opinion may well persuade State courts to rule similarly, in finance company as well as bank cases, that calling a loan a CSC doesn't automatically suspend the usury statutes.

There remained to be tested the small-print clauses in the CSC governing repossession. These clauses provide a positive incentive to dealers and lenders to repossess unnecessarily and without notice, even though they can be confident of full repayment without repossessing; for repossession may enable them to sell the same vehicle a second time and pocket the profits. Sam Ballard is currently planning to challenge this species of unjust enrichment in a further suit against the First National Bank. His rig, following repossession, was sold to another Baggett lease-operator; and Ballard seeks a return of the profit on the sale. His lawyers concede that he signed a CSC waiving all rights following repossession. But this CSC, they propose to argue, was a mere mask for a loan secured by a chattel mortgage, and accounts should, therefore, be settled in accordance with the laws governing the peaceful and orderly collection of other debts similarly secured. If Ballard is successful, one more major blow will have been struck against small-print provisos in CSC's.

On yet another front, the drivers are making legal progress, however slowly. You will recall that shortly following the Christmas Eve cancellation of their contracts by Baggett, the drivers went to court to demand an accounting for the amounts by which they had allegedly been shortchanged. One part of Baggett's reply to the shortchanging allegation was unexpected. It might well be true, the company conceded, that on certain hauls the amounts paid the men were less than the agreed-upon percentages of the amounts collected from the Government. But this didn't necessarily mean that the men had been shortchanged. On the contrary, it might mean that the Government had been overcharged—and surely the men had no right to claim a 65-percent cut on Government overcharges.

The Federal district court, following lengthy hearings, disallowed the truckdriver's claims. But in January 1956, the circuit court of appeals reversed this decision and sent the case back for further proceedings.

The truckers are pleased, of course—but they still aren't out of the legal woods. Long and costly further proceedings in the shortchanging suit can be anticipated. And even the basic Federal usury issue is not finally decided. The bank late in March 1956 paid off in full the amount due under the court opinion in the Dillard usury case, but it has once more appealed the decision in the parallel Daniel case to the circuit court of appeals. If it loses there again, the bank can still seek a writ of certiorari from the Supreme Court of the United States—and where the cash for all this additional litigation is to be found, neither Daniel nor his lawyers yet know.

"Maybe justice really isn't fo' po' folks," one of the lawyers remarked in his quiet Alabama drawl.

ALABAMA SHOWS THE WAY

Where does the circuit court usury decision leave other consumers who have purchased cars, furniture, or other goods on the installment plan at high rates of interest?

This depends in part upon whether others can also find lawyers willing to fight on principle for fees limited by the modest stakes involved. Here and there across the country, a few other courts in little-publicized cases have been willing to take off their blinders and to look through the CSC paper bag to the usurious contents of the bag. Additional suits of this nature would surely have a salutary effect in a field where 20-percent interest is common practice for financing cars more than 2 years old and 40 percent is not rare. We Americans read with deep concern how usury exacted through the generations from the impoverished peasants of India and China has sapped the economies of those countries. We contrast such extortion with our own seemingly enlightened usury statutes. But we let the most popular form of consumer borrowing in the United States escape the limitations of those statutes. A few more cases like the Alabama victory could make a lot of difference.

* * * * *

A number of States have adopted another method of controlling CSC's. Instead of likening the CSC to an ordinary loan and thus bringing it under the usury statute, these States consider it a separate class of transaction and limit some of its more objectionable terms and conditions. States which are attempting to control CSC terms in this way include Arkansas, California, Indiana, Maryland, Michigan, Nevada, Ohio, Pennsylvania, Utah, and Wisconsin. Some States also set by law a separate interest ceiling on CSC's.

Such laws are no doubt helpful, but they have their limitations. Even though they are introduced into the legislative hopper in relatively effective form, they tend to come out with loopholes and with serious abuses uncurbed. The difficulty is that billions of dollars' worth of installment credit is at stake. The lenders' interests are therefore splendidly represented during legislative hearings and discussions, while hardly anyone turns up to urge the interests of the consumers who actually buy the cars and furniture, pay the monthly installments and the usurious finance charges, and lose every penny when the goods are repossessed without notice. Most borrowers would no doubt be better off if the States, instead of attempting to regulate CSC transactions sepa-

rately, followed the recent circuit court precedent and recognized them for what they are—loans by another name.

One major merit of a democracy is that abuses, no matter how deep-rooted, are eventually curbed. But reform is not automatic; somebody has to do the reforming. A prescription for correcting these particular abuses can be simply stated: More lawyers willing to fight usury and repossession cases; more attorneys general who can recognize a usurious "nuisance" when they see one; more judges willing to rip open the CSC "paper bag"; more legislatures willing to put teeth into the financing laws; and consumer organizations prepared to lobby for justice and to spearhead the whole reform movement—these are the ingredients we need.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WALTERS (at the request of Mr. FLOOD), from July 29 through August 7, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SADLAK, on Wednesday, for 45 minutes, and that he may extend his remarks at that point in the RECORD.

Mr. PATMAN, for 15 minutes, on today, to revise and extend his remarks and to include extraneous matter.

Mr. BAILEY, for 20 minutes, on Wednesday.

## EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. PRICE and to include newspaper articles.

Mr. ROBERTS.

Mr. MCGREGOR and to include an address by Mr. HARVEY.

Mr. BATES and include an editorial.

Mr. DOYLE and include appropriate material.

Mrs. GRANAHAN.

Mr. DEVEREUX.

Mr. COLLIER.

Mr. FORRESTER (at the request of Mr. FLYNT) and to include an editorial.

Mr. MCCORMICK.

Mr. ALGER.

Mr. CANNON.

Mr. WESTLAND (at the request of Mr. SILER) and to include extraneous matter.

Mr. PATMAN and to include extraneous matter.

## THE LATE PRESIDENT OF GUATEMALA, CASTILLO ARMAS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois [Mr. GORDON].

Mr. GORDON. Mr. Speaker, in the untimely passing of President Castillo Armas, of Guatemala, the free world has lost a stalwart champion for the cause of democracy.

It had been my pleasure and privilege to meet President Armas on several occasions. He impressed all who came to know him as a truly great man, dedicated to the service of his people. On my last visit to Guatemala with a study mission from the Committee on Foreign Affairs, I had an opportunity to observe personally the great strides made in that country under his wise and progressive leadership. He was a leader who devoted long hours to the improvement and buildup of an adequate educational system and was equally concerned with a progressive land-settlement program based on sound and workable principles.

I feel that I have lost a good friend and I feel, also, that our country and all other democracies have lost a very real friend. Our heartfelt sympathies will go out to his widow and the other bereaved members of his family in this hour of their grief. President Armas leaves behind him a host of admirers and friends everywhere who will wish for Guatemala that his successor will follow ably in his illustrious footsteps.

Mr. MORANO. Mr. Speaker, will the gentleman yield?

Mr. GORDON. I yield to the gentleman from Connecticut.

Mr. MORANO. Mr. Speaker, I join with the distinguished chairman of the Committee on Foreign Affairs of the House [Mr. GORDON] in support of this resolution.

Mr. Speaker, on July 26, 1957, as the President of Guatemala, Col. Carlos Castillo Armas, was entering the dining room of the presidential palace in Guatemala City, he was brutally assassinated by a traitorous palace guard. His tragic death is deplored by the entire free world and particularly by the United States. This cowardly act took place at a time in Guatemalan history when substantial progress was being achieved toward the betterment of the life of the people of Guatemala.

It was my pleasure to visit the brave little country of Guatemala on two occasions on special study missions of the House Foreign Affairs Committee. Those of us who served on these missions were tremendously impressed with the integrity, character, and devotion to duty of the President, Col. Carlos Castillo Armas. He was a man of great courage, tremendous capacity, and rare ability. He was a true friend of the United States and a personal friend of President Eisenhower. His one burning desire was to bring to Guatemala, following the chaos left behind by the previous Communist regime, free institutions and a better way of life for the people of Guatemala. Guatemala has become the showcase of Latin America and has demonstrated that only through this free way of life, as promised and implemented by President Carlos Castillo Armas, can people achieve the decent things of life to which all are entitled.

His tragic death has stunned all his friends and admirers. It is essential, however, in this tragic hour for Guatemala that the peoples of the United States renew their friendship and support for this brave little country.

Mr. Speaker, I join with the chairman of the Committee on Foreign Affairs [Mr. GORDON] and the other Members of the House in extending my profound sympathy to his bereaved, lovely wife. I believe that the pending resolution makes clear to the people of the world the position of the United States. We seek to maintain those areas of freedom which are now free. We seek by peaceful means to free those areas of the world that are now enslaved. And above all we Americans seek to maintain our own liberty, peace in the world, and peace of mind.

My profound belief is that human liberty, the heartbeat of human liberty in Guatemala and the heartbeat of human liberty here in the United States, are one and the same. I believe that if it should falter in little but valiant Guatemala it can falter here in the United States.

Mr. Speaker, I know this resolution will be adopted unanimously.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. GORDON. I yield to the gentleman from Minnesota.

Mr. JUDD. Mr. Speaker, the tragic passing, from an assassin's bullet, of our greatly admired, highly respected and affectionately regarded friend, the President of Guatemala, reminds us sharply that the most important and precious thing in the world, and the scarcest and hardest to find in a country's hour of need, is a truly great man—a man who knows his own people, who knows the times, and who has the fortitude and the steadfastness and the capacity to inspire and the organizational ability to bring together effectively the forces of freedom when the very independence of his country is threatened.

The Communists have succeeded in eliminating this valiant fighter for freedom. They understand the difference between a friend and an enemy, and they ruthlessly destroy their enemies, if they can. In the Far East a similar man, President Magsaysay, of the Philippines, was stricken down a few months ago under circumstances still unexplained. Only occasionally, sometimes once in a generation, does a country get a man with the unique qualities of leadership that Magsaysay had in the Philippines, and Armas had in Guatemala. Only a few others, perhaps half a dozen, in the world today appear to have this priceless capacity of intelligent leadership against Communist wiles. Without this ingredient—a valiant, able, inspired and dedicated leader—all the money and all the guns and all the aircraft and all the national resources are not enough.

The free world pauses in grief at this tragedy in our sister Republic of the Western Hemisphere. But, the free world must also learn the lesson that there is no country and no government, no matter how anti-Communist, which the Communists have not been able to a greater or lesser extent, to infiltrate. We should never be so foolish as to underestimate their capacity to penetrate even the Secret Service of the United States or of any country where there is some man whom they recognize as their enemy, who understands them, and whose removal from the scene would be a great victory for them.

All of us need to give increased devotion to the cause in which President Armas has given his life. I join with

the chairman and all the Members of this House in extending our sympathy to his family and to his people and in expressing our renewed determination to work tirelessly against all those forces that would enslave the human spirit.

Mr. GORDON. I thank the gentleman.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GORDON. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I desire to associate myself with the remarks made by the distinguished chairman of the Committee on Foreign Affairs. This brutal and untimely assassination of the President of Guatemala was a major blow to freedom in this hemisphere and to freedom throughout the world. I commend the gentleman, and I am sure in so doing I express the sentiment of all the Members of the House, on bringing this resolution to the floor at this time. I join the gentleman in extending to the family of the late President of Guatemala and to all the citizens of that great Republic my deepest sympathies.

Mr. GORDON. I thank the gentleman.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the passing of President Armas.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LONG. Mr. Speaker, 3 years ago all decent, Christian and freedom loving Americans were congratulating their fellow Americans of the Republic of Guatemala for being the first in all the world to throw out an established Communist-atheistic regime. Those of us in the Congress who were familiar with the deadliness of the Communist conspiracy and the deadly danger in which communism in any of the Americas placed our own country, were, at that time, prayerfully thankful to Col. Carlos Castillo Armas, the anti-Communist patriot who, in the best and most heroic American tradition had just delivered his nation from the enslavement of the hated Communist regime of puppet President Jacobo Arbenz Guzman.

Today, Mr. Speaker, that same great Guatemalan hero, Col. Carlos Castillo Armas, the American who became the first Christian in all the world to bring about the overthrow of an atheistic and communistic government, lies dead at Guatemala City, the victim of a vicious retaliatory assassination by international communism. The very impudence of these insolent and immoral Communists, these lackeys of Moscow, in daring to come into our great Christian America, there to wreak vengeance upon a hero of the Western Hemisphere, is, of itself, indicative of the monstrous nature of this international conspiracy and its complete indifference as to the tenets of Christian morality or the opinions of decent men and women.

Mr. Speaker, I am sure that every one of my colleagues join in my righteous indignation about this despicable and defiant act of our Communist enemies in instituting a reign of terror in our hemisphere. Moscow is, in effect, telling everyone in our hemisphere that interference with communism is fatal. Every one of us who had any part in lending aid and assistance to the martyred President of Guatemala when he ousted the Communists in his native land 3 years ago, may look forward to the same treatment. Ambassador John Puerifoy, who played such a decisive part in the ousting of the Communist regime in Guatemala, met a violent death shortly thereafter in a traffic "accident," in the far reaches of Asia. Neither his transfer out of this hemisphere nor the "accident" in which he died, have ever been satisfactorily explained.

In connection with the death by communistic assassination of the President of Guatemala, Mr. Speaker, I hope that the lesson which it demonstrates so well will not be lost upon those to whom it should be most important. That lesson is simply this: The encouragement of political murder is not only immoral and offensive to decency, but it may also be contagious.

The record of this House, as well as the history of our time, will demonstrate only too well the activities of a small group of irresponsible, if not sinister, individuals, who, acting in the name of "liberalism," have traveled about our hemisphere, lending aid and comfort to the Communists, exiles and dissidents of the various nations of the Americas.

These misguided malcontents profess themselves to be against all dictators and particularly the dictators of the Americas with whom we maintain friendly relations. The definition which this group gives to the word "dictator" is such that it never applies to any government which is tolerant of atheistic communism. It seems, however, that all governments of our hemisphere, which are determinedly anti-Communist, are headed by dictators. Thus it has been that this small group of dupes have, in alliance with their Caribbean counterparts of like mind, brought about or, at least, loaned aid and comfort to those who have been responsible for the death, by assassination, of the late anti-Communist President of Nicaragua, Anastacio Somoza; plotted the assassination of anti-Communist President, Perez Jiménez, of Venezuela; brought about the overthrow of the anti-Communist Rojas regime in Colombia; brought about a state of near-political anarchy in Honduras—where General Rodrigues, one of the members of the ruling junta, was sent into exile only last week in the classical manner of junta rule—encouraged the complete collapse of the Government of Haiti, and assiduously backed the current Communist attempt to overthrow the Batista government in Cuba.

This group of irresponsible agitators, Mr. Speaker, have never found anything wrong with the government of the free and associated Commonwealth of Puerto Rico, from whence came the political assassins who attempted to execute the Members of this House on March 1, 1954; nor, have they ever found cause for criticism in the Government of Costa Rica, where the regime of the liberal José Figueres is no more than a puppet regime of the Communists of the Caribbean. Fortunately this determined band of irresponsibles have failed completely in their most determined assault on American freedom. That is their continuing attack upon the government and the political leader, who has always been the most anti-Communist in our hemisphere, the Government of the Dominican Republic. That great nation, the most important bulwark guarding our southeastern sea frontier, has stood firm against their every attack, and in doing so has justly earned the gratitude of every decent Christian of all the Americas. This has been said before, by such outstanding Americans as our own majority floor leader, the gentleman from Massachusetts, JOHN MCCORMACK; but I reiterate it again. I am proud to acknowledge the debt we all owe to Generalissimo Trujillo.

Mr. Speaker, as monstrous as is the crime of the Communist assassination of Carlos Castillo Armas, and as great as has been the sacrifices of this great American anti-Communist of the Republic of Guatemala, perhaps his death and martyrdom will serve a useful purpose. Perhaps, even in death, Carlos Castillo Armas, who certainly will rank in history alongside the great American patriots such as George Washington, Bolívar, San Martin, Benito Juarez, and our other American patriots and martyrs of sacred memory, perhaps, even in death, this great but humble and unassuming American will render but one more service to his fellow Americans in all the nations of our hemisphere. Perhaps his death by assassination will serve to shake our people out of their deadly complacency. Perhaps his death will serve to bring home to our people the horrible and continuing danger which atheistic communism presents to our traditional American freedoms, our American way of life, and our Christian religion. Perhaps his death will serve to bring together the peoples of all of the Americas, and to inculcate in them and strengthen their Christian determination that atheistic communism shall be eradicated from our hemisphere. Perhaps his death may even serve to bring about a realization of the evilness of their activities by that little group of irresponsible men who, wittingly or unwittingly, serve the cause of atheistic communism in our hemisphere, that little group who, however innocent may be their motives, do, by their actions, encourage political murder at the behest of Moscow. If so, Carlos Castillo Armas will not have died in vain. If so, the man who has already given so much for the peoples of the Americas, will have rendered one more service, perhaps his most vital service, to the people of the Americas, Carlos Castillo Armas, the big man from a small American nation, the man who defied all the might of international communism, the man who demonstrated to the world that communism is not invincible, would want it that way.

Mr. Speaker, the American Communist Party, the hemispherewide Americans for Democratic Action, the Luce publications—Time and Life—that radio and television network which has become so

expert in bringing Communists and fellow travelers, such an Nikita Khrushchev, of Soviet Russia, and Fidel Castro, of Moscow and Cuba, into the homes of America, have concentrated their vicious attacks upon such American patriots as Gen. Rafael Trujillo, of the Dominican Republic. Fortunately, the murdered President of Guatemala escaped their slander and villification. Certainly Carlos Castillo Armas and his government have been great friends of our own Government. And yet the great anti-Communist President of Guatemala has died a martyr's death, the victim of that same atheistic communism which, in the eyes and minds of those who profess to so hate the American patriots whom they have termed, with reckless abandon, "dictators," can do no wrong. This small group of American malcontents have sown the wind, and all Christian America is now reaping the whirlwind. Truly, Mr. Speaker, political murder is contagious. Beyond doubt, it has been demonstrated to our small group of American liberals that it is quite beyond their power to control or restrict the murderous activities of those Communists and radicals to whom they have so irresponsibly rendered aid and comfort. These American and Caribbean liberals who, by visiting and consorting with Caribbeans of their own ilk in such Latin American nations as Puerto Rico, Costa Rica, and Colombia, while avoiding assiduously visiting and making inquiry in the American nations which they have termed, with such reckless abandon, as being ruled by "dictators"—the term "dictator" in their jargon, being, in most cases, just another way of saying anti-Communist Christian—have rendered to themselves, their fellow Americans, their country, their posterity, and their God a distinct disservice. We can only pray to God that the brutal Communist assassination at Guatemala City will cause them to rid themselves of their reckless irresponsibility, and to turn again to decency and honor, to the end that they may once again hold high their heads as proud and patriotic Americans, and that they may once again enjoy the trust and confidence of their fellow Americans, their fellow Americans who are overwhelmingly united in their determination that their Christian civilization and individual freedom and liberty under God shall not perish from the earth.

Mr. GORDON. Mr. Speaker, I offer a resolution (H. Res. 379) and ask for its immediate consideration .

The Clerk read the resolution, as follows:

*Resolved*, That the House of Representatives of the United States of America has learned with profound sorrow of the death of His Excellency Carlos Castillo Armas, and sympathizes with the people of the Republic of Guatemala in the loss of their beloved President.

*Resolved*, That the President of the United States be requested to communicate this expression of sentiment of the House of Representatives to the Government of the Republic of Guatemala.

*Resolved*, That as a further mark of respect to the memory of President Carlos Castillo Armas the House do now adjourn.

The resolution was agreed to.

## ADJOURNMENT

Accordingly (at 3 o'clock and 9 minutes p. m.) the House adjourned until tomorrow, Tuesday, July 30, 1957, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1065. A letter from the Acting Executive Secretary, National Advisory Committee for Aeronautics, transmitting a report covering the contracts negotiated by the National Advisory Committee for Aeronautics during the period from January 1 to June 30, 1957, pursuant to the authority of section 2304 (a) (11) and (16) of title 10, United States Code; to the Committee on Armed Services.

1066. A letter from the Director, Legislative Liaison, Department of the Air Force, transmitting a report showing the number of officers assigned or detailed to permanent duty in the executive element of the Air Force at the seat of government for the fourth quarter ending June 30, 1957, pursuant to section 8031 (c) of title 10, United States Code; to the Committee on Armed Services.

1067. A letter from the Archivist of the United States, transmitting a report on lists or schedules covering records proposed for disposal by certain Government agencies, pursuant to the act approved July 6, 1945 (59 Stat. 434); to the Committee on House Administration.

1068. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to provide for the disposal of certain Federal property in the Boulder City area, to provide assistance in the establishment of a municipality incorporated under the laws of Nevada, and for other purposes"; to the Committee on Interior and Insular Affairs.

1069. A letter from the Chairman, United States Atomic Energy Commission, transmitting a draft of proposed legislation entitled "A bill to amend the Atomic Energy Act of 1954, as amended in several particulars"; to the Joint Committee on Atomic Energy.

1070. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 19, 1957, submitting a report, together with accompanying papers and illustrations, on a review of reports on and preliminary examination of Eastern (Orland) River, Maine, requested by a resolution of the Committee on Public Works, House of Representatives, adopted March 30, 1955, and authorized by the River and Harbor Act approved September 3, 1954; to the Committee on Public Works.

1071. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 10, 1957, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of Bonum Creek, Westmoreland County, Va., authorized by the River and Harbor Act approved March 2, 1945; to the Committee on Public Works.

1072. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 10, 1957, submitting a report, together with accompanying papers and an illustration, on a review of reports on Manistique Harbor, Mich., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 29, 1955; to the Committee on Public Works.

1073. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 28, 1957, submitting a report, together with accompanying papers, on a letter report on Oologah Reservoir, Verdigris River, Okla. and Kans., requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 17, 1948; to the Committee on Public Works.

1074. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated June 10, 1957, submitting a report, together with accompanying papers and illustration on a letter report on a multipurpose tunnel through Laguna Mountains, San Diego County, Calif., authorized by an act approved September 5, 1950; to the Committee on Public Works.

1075. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 10, 1957, submitting a report, together with accompanying papers on a letter report on Arkansas and Walnut Rivers at Arkansas City, Kans., requested by a resolution of the Committee on Flood Control, House of Representatives, adopted May 5, 1944; to the Committee on Public Works.

1076. A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1958 in the amount of $35 million for the Department of Commerce (H. Doc. No. 214); to the Committee on Appropriations and ordered to be printed.

1077. A letter from the Acting Secretary of the Treasury, transmitting a report covering purchases and contracts for property or services for the period ending May 19, 1957, pursuant to section 2304 (c) of title 10, United States Code; to the Committee on Armed Services.

1078. A letter from the Secretary of Health, Education, and Welfare, transmitting a report covering personal property made available for distribution to public health and educational institutions and civil defense organizations, and all real property disposed of to public health and educational institutions for the calendar quarter, April 1 through June 30, 1957, pursuant to Public Law 152, 81st Congress, as amended; to the Committee on Government Operations.

1079. A letter from the Chairman, United States Civil Service Commission, transmitting a draft of proposed legislation entitled "A bill to amend certain provisions of the act entitled 'An act to prevent pernicious political activities,' approved August 2, 1939, as amended, and for other purposes"; to the Committee on House Administration.

1080. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to provide for the construction of an irrigation distribution system and drainage works for restricted Indian lands within the Coachella Valley County Water District in Riverside County, Calif., and for other purposes"; to the Committee on Interior and Insular Affairs.

1081. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a report on a list of Yugoslav crewmen whose admission was authorized pursuant to section 212 (d) (3) of the Immigration and Nationality Act, waiving their inadmissibility under section 212 (a) (28) of the act, pursuant to section 212 (d) (6) of the statute; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of July 25, 1957, the following resolutions were reported on July 26, 1957:

Mr. TRIMBLE: Committee on Rules. House Resolution 316. Resolution amending

House Resolution 99, 85th Congress, as amended; without amendment (Rept. No. 881). Referred to the House Calendar.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 375. Resolution for consideration of H. R. 6763. A bill to amend the act of August 30, 1954, entitled "An act to authorize and direct the construction of bridges over the Potomac River, and for other purposes"; without amendment (Rept. No. 882). Referred to the House Calendar.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 376. Resolution for consideration of H. R. 8308. A bill to establish the use of humane methods of slaughter of livestock as a policy of the United States, and for other purposes; without amendment (Rept. No. 883). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 377. Resolution for consideration of H. R. 8643. A bill to authorize the construction of certain works of improvement in the Niagara River for power, and for other purposes; without amendment (Rept. No. 884). Referred to the House Calendar.

[*Submitted July 29, 1957*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 2397. A bill to amend section 702 of the Merchant Marine Act, 1936, in order to authorize the construction, reconditioning, or remodeling of vessels under the provisions of such section in shipyards in the continental United States; without amendment (Rept. No. 885). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 7494. A bill to amend the act entitled "An act to require the inspection and certification of certain vessels carrrying passengers," approved May 10, 1956, in order to provide adequate time for the formulation and consideration of rules and regulations to be prescribed under such act; with amendment (Rept. No. 886). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. House Joint Resolution 370. Joint resolution to extend the time limit for the Secretary of Commerce to sell certain war-built vessels for utilization on essential trade routes 3 and 4; without amendment (Rept. No. 887). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS of Louisiana: Committee on Armed Services. S. 2449. An act to extend the effectiveness of the Missing Persons Act, as extended, until April 1, 1958; without amendment (Rept. No. 888). Referred to the Committee of the Whole House on the State of the Union.

Mr. EBERHARTER: Committee on Ways and Means. H. R. 4770. A bill to amend title II of the Social Security Act to permit policemen and firemen in positions covered by retirement systems to obtain social security coverage on the same basis as other State and local employees; with amendment (Rept. No. 889). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOPER: Committee on Ways and Means. H. R. 7762. A bill to amend section 223 of the Revenue Act of 1950 so that it will apply to taxable years ending in 1954 to which the Internal Revenue Code of 1939 applies; with amendment (Rept. No. 890). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOPER: Committee on Ways and Means. H. R. 8753. A bill to amend title II of the Social Security Act to include California, Connecticut, and Rhode Island among the States which are permitted to divide their retirement systems into two parts so as to obtain social security coverage, under State agreement, for only those State and local employees who desire such coverage; without amendment (Rept. No. 891). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOPER: Committee on Ways and Means. H. R. 8755. A bill to amend title II of the Social Security Act to permit any instrumentality of two or more States to obtain social security coverage under its agreement separately for those of its employees who are covered by a retirement system and who desire such coverage; without amendment (Rept. No. 892). Referred to the Committee of the Whole House on the State of the Union.

Mr. SELDEN: Committee on Foreign Affairs. H. R. 7535. A bill to amend Public Law 298, 84th Congress, relating to the Corregidor-Bataan Memorial Commission, and for other purposes; with amendment (Rept. No. 893). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of Alabama: Committee on Public Works. S. 2261. An act to amend and extend the Public Buildings Purchase Contract Act of 1954, as amended, the Post Office Department Property Act of 1954, as amended, and to require certain distribution and approval of new public building projects, and for other purposes; with amendment (Rept. No. 894). Referred to the Committee of the Whole House on the State of the Union.

Mr. HARRIS: Committee on Interstate and Foreign Commerce. S. 943. An act to amend section 218 (a) of the Interstate Commerce Act, as amended, to require contract carriers by motor vehicle to file with the Interstate Commerce Commission their actual rates or charges for transportation services; without amendment (Rept. No. 895). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McCORMACK:

H. R. 8918. A bill to further amend the act of August 7, 1946 (60 Stat. 896), as amended by the act of October 25, 1951 (65 Stat. 657), to provide for the exchange of lands of the United States as a site for the new Sibley Memorial Hospital; to provide for the transfer of the property of the Hahnemann Hospital of the District of Columbia, formerly the National Homeopathic Association, a corporation organized under the laws of the District of Columbia, to the Lucy Webb Hayes National Training School for Deaconnesses and Missionaries, including Sibley Memorial Hospital, a corporation organized under the laws of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. AUCHINCLOSS:

H. R. 8919. A bill to provide for stabilizing the broiler and egg industries by instituting a program for marketing regulations; to the Committee on Agriculture.

By Mr. BENNETT of Michigan:

H. R. 8920. A bill to amend the War Claims Act of 1948 with respect to claims for benefits in the case of certain persons who died while held as prisoners of war; to the Committee on Interstate and Foreign Commerce.

H. R. 8921. A bill to provide for the continued operation of certain copper mines and to create a stockpile of copper as a part of the national defense program; to the Committee on Interior and Insular Affairs.

By Mr. BURNS of Hawaii:

H. R. 8922. A bill to amend section 102 of the Federal-Aid Highway Act of 1956 to provide for apportionment of certain minimum amounts for highways in the Territory of Hawaii; to the Committee on Public Works.

By Mr. CELLER:

H. R. 8923. A bill to amend the definition of a youth offender under the Federal Youth Corrections Act to include persons under the age of 26 years at the time of conviction; to the Committee on the Judiciary.

By Mr. COAD:

H. R. 8924. A bill to exempt ultra high frequency television receiving sets from Federal excise tax; to the Committee on Ways and Means.

By Mr. CRAMER:

H. R. 8925. A bill to amend section 2385 of title 18 of the United States Code to define the term "organize" as used in that section; to the Committee on the Judiciary.

By Mr. DENNISON:

H. R. 8926. A bill to provide for the issuance of special nonquota immigrant visas to certain aliens who applied for admission to the United States under the Refugee Relief Act of 1953, and for the issuance of such visas to spouses and children of aliens admitted to the United States under such act; to the Committee on the Judiciary.

By Mrs. HARDEN:

H. R. 8927. A bill to establish certain requirements for persons employed by the United States, or employed under a contract with the United States, as barbers or beauticians, within the continental United States or its Territories or in the District of Columbia; to the Committee on Post Office and Civil Service.

By Mr. JENSEN:

H. R. 8928. A bill to amend the act of June 9, 1880, entitled "An act to grant to the corporate authorities of the city of Council Bluffs, in the State of Iowa, for public uses, a certain lake or bayou situated near said city"; to the Committee on Interior and Insular Affairs.

By Mr. KILGORE:

H. R. 8929. A bill to amend the act of August 27, 1935, as amended, to permit the disposal of lands and interests in lands by the Secretary of State to aliens; to the Committee on Foreign Affairs.

By Mr. KING:

H. R. 8930. A bill to amend the Internal Revenue Code of 1954 to protect the revenue and to promote orderly wine marketing in the United States by standardizing wine bottles, and for other purposes; to the Committee on Ways and Means.

By Mr. MACK of Washington:

H. R. 8931. A bill to transfer certain lands from the Olympic National Park to the Olympic National Forest, Wash., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PILLION:

H. R. 8932. A bill to amend the definition "interstate waters" in the Federal Water Pollution Control Act to include the Great Lakes, their interconnecting waterways, and the St. Lawrence River; to the Committee on Public Works.

By Mr. SADLAK:

H. R. 8933. A bill to amend the Tariff Act of 1930 to place handmade and machine handmade paper on the free list; to the Committee on Ways and Means.

By Mr. TRIMBLE:

H. R. 8934. A bill to make available to farmers in disaster areas, who have been granted loans under any of the loan programs administered by the Secretary of Agriculture, a 1-year suspension of payments of principal and interest on such loans, and

for other purposes; to the Committee on Agriculture.

By Mr. VINSON:

H. R. 8935. A bill to establish San Nicolas Island, San Miguel Island and Prince Island, Calif. as a naval petroleum reserve, to be known as Naval Petroleum Reserve No. 5; to the Committee on Armed Services.

By Mr. CELLER:

H. J. Res. 424. Joint resolution to improve the administration of justice by authorizing the establishment of institutes and joint councils on sentencing for the development of objectives, standards, procedures, and politics to be followed in the sentencing of persons convicted of offenses against the United States; to the Committee on the Judiciary.

H. J. Res. 425. Joint resolution to authorize the court in sentencing a prisoner to fix an earlier date when the prisoner shall become eligible for parole or to except such prisoner from the statutory limitation as to eligibility for parole when in the judgment of the court it might reasonably be expected to facilitate the rehabilitation of the prisoner; to the Committee on the Judiciary.

By Mr. BAILEY:

H. Con. Res. 219. Concurrent resolution providing for printing additional copies of the bulletin 1215, Bureau of Labor Statistics, Department of Labor; to the Committee on House Administration.

By Mr. FULTON:

H. Res. 380. Resolution providing for consideration of H. R. 5836 to readjust postal rates and to establish a Congressional policy for the determination of postal rates and for other purposes; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Florida, memorializing the President and the Congress of the United States to call a convention for the purpose of considering an amendment to the Constitution of the United States relative to appeals from decisions of the Supreme Court of the United States involving States rights to the Senate of the United States; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. BOLTON:

H. R. 8936. A bill to exempt from taxation certain property of the National Council of Negro Women, Inc., in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FULTON:

H. R. 8937. A bill for the relief of Luigi Mariano; to the Committee on the Judiciary.

By Mr. HIESTAND:

H. R. 8938. A bill for the relief of Sieglinde Preiss; to the Committee on the Judiciary.

By Mr. JUDD:

H. R. 8939. A bill for the relief of Mao Kwan-hai; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H. R. 8940. A bill for the relief of Rosario H. DiRosa; to the Committee on the Judiciary.

By Mr. PATTERSON:

H. R. 8941. A bill for the relief of Rodolfo Valentino Pugliese; to the Committee on the Judiciary.

By Mr. TRIMBLE:

H. R. 8942. A bill for the relief of Mary Diane Reynolds; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

314. By the SPEAKER: Petition of the vice president, Pacific Gas & Electric Co., San Francisco, Calif., petitioning consideration of their resolution with reference to requesting that statehood be granted to Hawaii; to the Committee on Interior and Insular Affairs.

315. Also, petition of the executive director, State bar of Texas, Austin, Tex., petitioning consideration of their resolution with reference to urging that the President not appoint and the Members of the United States Senate not confirm men for positions on the Supreme Court of the United States who are without at least 10 years' experience on the bench as a judge or before the bench as a practicing attorney in the trial or appellate courts, State or Federal. Also, requesting the creation of additional United States district judgeships for the State of Texas; to the Committee on the Judiciary.

# EXTENSIONS OF REMARKS

## Equal Rights Amendment Is Democracy in Action

EXTENSION OF REMARKS

OF

### HON. CLYDE DOYLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 29, 1957*

Mr. DOYLE. Mr. Speaker, it was my pleasure to sponsor House Joint Resolution 519 and since I was unable to participate in the discussion about the equal-rights amendment at the time Congresswoman ST. GEORGE spoke on the floor July 19, I feel it fitting and appropriate I make the following very brief comments:

The controversy regarding the equal-rights amendment today brings to mind Benjamin Franklin's passionate outburst prior to the Revolution when certain timid colonists opposed independence on the ground that they would have greater security as English colonies than as an independent nation. With fine scorn, Franklin said: "Those who would give up essential liberties for a little temporary security deserve neither liberty nor security, and will get neither."

The issue at stake in the equal-rights amendment is the fundamental question of freedom versus bondage for women. Shall we continue a dual system of government, with half of our citizens subjects of State authority, deprived of civil and political liberty guaranteed to all by our Constitution; and the other half free citizens, in a democracy, 100 percent protected by that great document?

In our democracy the principles of equal rights for all and special privileges for none and equal protection of the law should apply to both men and women alike. The equal-rights amendment would make such application a living reality.



## Equal Rights for Women

EXTENSION OF REMARKS

OF

### HON. JAMES P. S. DEVEREUX

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 29, 1957*

Mr. DEVEREUX. Mr. Speaker, in his message to Congress on January 16, 1957—House Document No. 16—President Eisenhower stated:

> The platforms of both major parties have advocated an amendment to the Constitution to insure equal rights for women. I believe that the Congress should make certain that women are not denied equal rights with men.

Mrs. ST. GEORGE, the Representative from New York, has introduced House Joint Resolution 127, which is now pending before a subcommittee of the House Judiciary Committee, which would do as Mr. Eisenhower recommended.

This proposal is well known to most of the Members of this House, and is similar to legislation which has been introduced in the Congress since 1923, following the adoption of the equal-suffrage amendment to the Constitution of the United States.

A number of nationwide organizations are working for its adoption, including among others: National Women's Party, National Federation of Business and Professional Women's Clubs, and the General Federation of Women's Clubs.

I recommend the enactment of this legislation to all of my colleagues in the House.

## The Retirement of Fred W. Blaisdell, Executive Director of the Better Government Association of Chicago

EXTENSION OF REMARKS

OF

### HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 29, 1957*

Mr. COLLIER. Mr. Speaker, I noted the other day with regret that Fred W. Blaisdell is retiring after 19 years as executive director of the Better Government Association of Chicago. My regret is that the people of Chicago are losing the full-time services of an able and conscientious man who has guarded

the public's interest and welfare. On the other hand I am happy that Mr. Blaisdell, after a lifetime of service can at last retire and devote some of his time to his own enjoyment.

Fred Blaisdell is one of those unusual persons who has given of himself and his means without stint or murmur over a long period of years.

Without regard to party affiliation, Mr. Blaisdell and his committee helped screen candidates for public office to determine their qualifications for the offices they sought in the best interests of the citizenry.

Mr. Blaisdell, at the age of 76, is finally retiring from active public life. But even in retirement he has promised to continue as a consultant to the Better Government Association and will in this way continue to serve his fellow citizens ably and well.

To his many other well-wishers, I would like to add my voice to extend congratulations for a job well done, and a hope for a long and continuously fruitful life.

I take this opportunity to place in the RECORD of the Congress the following editorial from the Chicago Daily News on Mr. Blaisdell's retirement:

At 76, and after 19 years as executive director of the Better Government Association of Chicago, Fred W. Blaisdell is leaving that post. He will remain as a consultant while his successor, George E. Mahin, takes over the reins.

An earnest student of the theory and practice of democratic government in all its ramifications, Mr. Blaisdell's work and influence has been enormously instructive and beneficial. Such services rarely receive the public applause that they deserve, and we are glad to seize the occasion to say a hearty, "Well done!" to Mr. Blaisdell.

## The Mutual Assistance Appropriations Bill

EXTENSION OF REMARKS
OF
### HON. JOHN W. McCORMACK
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
*Monday, July 29, 1957*

Mr. McCORMACK. Mr. Speaker, in my extension of remarks, I include a release that I gave to the press on Saturday last.

The release follows:

Congressman JOHN W. McCORMACK (Democrat, Massachusetts), House majority leader, said today that unless President Eisenhower shows firmness and direct activity with his own party, the mutual assistance appropriation bill will be reduced a considerable amount, probably anywhere up to several hundreds of millions of dollars below the amount finally agreed on the authorization bill.

"It is apparent to me," Congressman McCORMACK said, "that the authorization bill will be much nearer the House-bill figure than the Senate bill. The information I have received is that there is a big shift in Senate sentiment since the authorization bill passed that body.

"This feeling is due to the various shifts that the President has taken on a number of his own recommendations, such as the budget message; the ordered reduction in the Army appropriations while the defense appropriations bill was in conference; the fact that no one really knew where he stood on the school construction bill, which was defeated as a result of the overwhelming vote against it by his own party; and the secret letters to department heads constituting an order to freeze expenditures for this fiscal year.

"This is the time when we must have unity and strength, for that is the only language which the Communists respect. Weak leadership on the part of the President is not helpful. He has failed or refused on a number of occasions to come to grips with his own party."

Congressman McCORMACK further said: "If President Eisenhower expects to get a mutual assistance appropriation bill which will effectively combat communism, he should at once call a bipartisan meeting of the leaders of both parties and, in particular, he should openly and actively work among his own party, because that is where the strongest opposition exists.

"As one who favors effective foreign assistance measures and appropriations, I clearly see that such leadership is necessary. The President cannot vacillate and take chances on this bill. If necessary, he should be willing to fight with the members of his own party and cooperate more effectively with the leadership of the Democratic Party."

## Aiding Disabled Veterans

EXTENSION OF REMARKS
OF
### HON. KENNETH A. ROBERTS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
*Monday, July 29, 1957*

Mr. ROBERTS. Mr. Speaker, I have recently introduced legislation that would, if enacted into law, provide substantial relief to a number of service veterans who are eligible to receive non-service-connected disability pensions. This legislation would allow these disabled veterans to receive full pension payments even though they may also be benefiting from retirement under civil service, social security, or railroad retirement acts.

At present, a qualified veteran may receive his non-service-connected pension only if he is not already receiving benefits from civil service, railroad retirement, or social security in excess of certain stipulated amounts. For a single veteran, that figure is $1,400 a year; for a married veteran, it is $2,700 a year. If these figures are exceeded, the disability pension aid is discontinued.

Mr. Speaker, it is my contention that it is unfair to penalize these veterans by not allowing them to receive the small disability pension just because they are recipients of the retirement benefits they have earned. These veterans often have greater expenses than any other class of veterans, and the funds involved are not large. At present, the average retiree under social security receives $63.09 a month. The average railroad retiree gets $130 a month and the average retiree covered under Civil Service Act receives about $111 monthly. And these, may I point out, are nationwide average figures; in some States, the figures are much lower.

In a number of cases, my legislation will not be applicable since the pension moneys received from 1 of the 3 retirements I have mentioned will not be sufficient to restrict the veteran from receiving both his retirement benefits and the non-service-connected disability pension. Relief will be felt, however, by those whose retirement payments exceed the low figures of $1,400 or $2,700 a year, as the case may be.

My bills, designated H. R. 8846, H. R. 8847, and H. R. 8848, would amend the Civil Service Retirement Act, the Social Security Act, and the Railroad Retirement Acts whereby pensions and annuities under each of these acts would not be considered as income in determining non-service-connected disability pensions for veterans.

I feel these bills would protect certain disabled veterans from being at the mercy of economic forces acting upon them through the years of retirement, protection which I believe is deserved.

## Preserving Democracy on the Battlefields Is Not Sufficient To Insure It to All of Our Citizens at Home

EXTENSION OF REMARKS
OF
### HON. KATHRYN E. GRANAHAN
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
*Monday, July 29, 1957*

Mrs. GRANAHAN. Mr. Speaker, I have been deeply disturbed by the actions which have been occurring to weaken and water down and destroy the effectiveness of the civil-rights bill. I sincerely believe it is time for some blunt speaking. The House has overwhelmingly passed this bill, in the expectation that it could be used to further protect the right of all citizens. The House must stand fast on this and assure final enactment of a bill which really has meaning—not a shadow bill with no substance.

Earlier this year, I was impressed by the combined action of representatives of many veterans' groups in Philadelphia in joining in a demand for meaningful civil-rights legislation. The meeting was arranged by the veterans' committee of the Philadelphia branch of the National Association for the Advancement of Colored People. Participating were representatives of American Legion posts, Veterans of Foreign War posts, and of the Jewish War Veterans.

It was the consensus of this group of veterans that the freedoms inherent in the democracy for which we have fought are just as applicable to our brothers in the South as they are to us in the North.

The group deplored what it termed the wave of terror and lawlessness which prevents large numbers of our fellow Americans from enjoying even the most basic civil rights, and urged enactment of legislation along the lines of the pending civil-rights bill.

I was advised by Mr. Ernest H. Fleming, chairman of the veterans committee

of the Philadelphia branch, NAACP, who sent this information to me, that:

We take this position because of our convictions which sustained us on the battlefields where we have fought to preserve democracy for all Americans regardless of race, religion, or national origin.

Mr. Fleming added:

Recent events, as well as those in the past, have demonstrated to us that preserving democracy on the battlefields is not sufficient to insure it to all of our citizens at home. It remains, therefore, for you to help win the final victory of freedom for the individual American by seeing to it that effective civil-rights legislation is enacted at this session of Congress.

Mr. Speaker, I am pleased to present for inclusion in the CONGRESSIONAL RECORD, for the attention of Members of both Houses, and in the hope it may have the effect of helping to bring into focus the necessity of effective civil-rights legislation as warranted by the sacrifice of veterans of all races in defending our constitutional freedoms, the full list of those who participated in the Veterans' Harmony Conference at Philadelphia earlier this year at which this position was taken. The list is as follows:

CONFEREES ATTENDING VETERANS' HARMONY CONFERENCE SPONSORED BY VETERANS' COMMITTEE, PHILADELPHIA BRANCH, NAACP

NAACP OFFICIALS

Clarence Mitchell, director, Washington bureau; Dr. Harry J. Greene, president, Philadelphia branch; Charles A. Shorter, executive secretary, Philadelphia branch.

VETERANS' COMMITTEE

Ed. R. Harris, I. Max Martin, Eugene W. Jones, Harold L. Pilgrim, John R. E. Searles, Harvey N. Schmidt, Ernest H. Fleming, chairman.

SECOND ARMY ADVISORY COMMITTEE

Lt. Col. De Haven Hinkson, USAR (retired).

AMERICAN LEGION POSTS

Charles W. Polk, commander, Cornish, No. 292; Frank Guess, Cornish, No. 292; Clifford C. Richards, W. Hopkins, No. 881; Carl D. Waller, Crispus Attucks, No. 151; Lewis Tayale, Crispus Attucks, No. 151.

JEWISH WAR VETERANS

Benjamin Brown, commander, Cutler-Lang Post.

VETERANS OF FOREIGN WARS POSTS

Joseph R. Acey, Shipp, No. 42; Patrick Coleman, Shipp, No. 42; Stanley Collins, Shipp, No. 42; Fred Sassett, Shipp, No. 42; Isaac Saunders, Shipp, No. 42; Franklin Tucker, Slowe, No. 3090; Francis Morris, Slowe, No. 3090; Alfred P. Howard, Slowe, No. 3090; Wadell Lawhorne, Slowe, No. 3090; James McDaniels, Slowe, No. 3090.

## Washington Report by Congressman Bruce Alger, of Texas

EXTENSION OF REMARKS
OF
## HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
*Monday, July 29, 1957*

Mr. ALGER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following: My newsletter report to constituents for last week.

WASHINGTON REPORT

(By Congressman BRUCE ALGER, Fifth District, Texas)

JULY 27, 1957.—The postal-pay-increase bill gave an early and argumentative start to a controversial week of legislation. A discharge petition signed by the necessary 218 Members forced immediate consideration of the bill. A discharge petition generally is the avenue for forcing committee action on pigeonholed legislation. This particular discharge petition was most unusual since in effect it by-passed the Postal Committee, which normally writes the legislation, and the Rules Committee, which assigns the rule for floor procedure. All petitions upset parliamentary procedure, and this particular one upset even more, thus displeasing many Members. Members generally approve the long-evolved House rules of procedure since there are on the whole good reasons for the procedures, and at the least a recognizance that rules are particularly necessary for orderly conduct in the explosive area of controversy in Government. So, too, courtesy is quite important as an aid in maintaining reason over emotion. Thus the postal pay bill got off to a bad start. Then we learned the petition was for a $1,500 to $1,800 flat increase for all postal workers, although cost of living was up 4.6 percent since the last pay boost. This irresponsibility further alarmed Members. However, the pay bill had been compromised in committee at a flat increase of $546 per postal worker. And that was the bill before us.

Postal workers should have a pay increase, it seems to me, with the cost of living increasing, and I voted for a 5 percent and then a 7½ percent increase. I voted, also, for an escalator provision, granting automatic pay raises as cost of living rises. These provisions were defeated. Then the vote came on the flat $546 per worker. I voted against this because it defeats the whole idea of pay commensurate with duties and skills (by flat increase janitors get 19 percent increase, some clerks 13 percent, others less). It passed by 379 to 38.

Conclusions: (1) Postal-union pressure is terrific and many Members capitulate; (2) this is irresponsible legislation and the causes should be eliminated (discharge petition and flat increase provisions); (3) the inflationary character of this legislation is considerable, as all civil-service personnel now have a pattern, resulting in staggering Government payroll increases; (4) knuckling under to pressure may end up hurting those you intend to help (the postal workers, if no pay increase, should the President veto the raise as expected); (5) a 5-percent or 7½-percent increase could have passed; and (6) there are inequities in national wage-scale imposition: That is, inequities between localities and between city-rural living. For myself, I intend to act responsibly at all times, not politically—and thereby really help my constituents, including postal workers.

The Federal aid to school construction bill is dead, by a vote of 208 to 203, and a close fight it was, although its demise appears closer than it really was. The bill provided $1½ billion for Federal aid to States over 5 years, a compromise between the administration's request for $1.3 billion and the Democrats' $3.6 billion. The debate and vote was not party line and was excellent for that reason. The Education Committee presented two opposite viewpoints and contradictory figures in the report accompanying the bill. A long debate ended in numerout amendments when the dramatic vote on "strike the enacting clause" precipitated its defeat. Normally the vote is on final passage after all amendments considered have been approved or rejected. The measure of House disapproval can be seen then in this precipitous move to defeat the bill before hearing it out. The Powell amendment to deny Federal funds to segregated schools had added to the disapproval of some. I took the floor and endeavored to present my district's and State's viewpoint with documented facts: (1) the schools are being built (pupil-teacher and pupil-classroom figures, plus expenditures year-by-year); (2) it is a local and State responsibility, not Federal (there is no national interest greater than parents' interest in their children's education; (3) Federal aid means Federal control (the bill has 37 pages describing regulations States must accept to get the money); (4) the stipulated Federal construction wage scale would violate our State law, and is another example of Federal control; (5) the Texas State government is opposed to Federal aid and such a resolution was sent to each Texas House and Senate Member of Congress.

Possibly the President has said it best of all, and I quoted him in addressing the House: "Federal aid in a form that tends to lead to Federal control of our schools could cripple education for freedom. In no form can it ever approach the mighty effectiveness of an aroused people. As aroused people, we can do this job at the local and State level; otherwise, we will lose freedom of education, jeopardizing our children's and the Nation's future, a result certainly not sought by a majority of grassroot Americans."

## Some Forgotten Civil Rights

EXTENSION OF REMARKS
OF
## HON. E. L. FORRESTER
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
*Monday, July 29, 1957*

Mr. FORRESTER. Mr. Speaker, as I have many times heretofore pointed out, Georgia has been the beneficiary of the exodus of splendid white citizens from the North and East, these citizens coming South of their own volition, beginning life anew, and becoming part and parcel of us.

One of those that came South is Hon. E. W. Mathews, publisher of the Cordele Dispatch, a daily newspaper published in the fine little city of Cordele, Ga., in the district which I have the honor to represent. Mr. Mathews refers to himself as a reconstructed Yankee, but the community which he so proudly and efficiently serves thinks of him as a great American and a fine Georgian.

In the July 19, 1957, issue of the Cordele Dispatch, an editorial by Mr. Mathews appears, reading as follows:

As a former resident of the North who has, as the saying goes, become a reconstructed Yankee, the present civil-rights bill pending in the United States Senate is of vital interest to me as well as it is to the people who have lived in the South all of their natural lives.

First of all, why does not the Senate of the United States add an amendment to this bill which will bar all welfare benefits to any woman, black or white, who bears more than 1 illegitimate child?

We believe that the civil-rights laws should cover cases of illegitimate children, as well as the right to vote, and the right to integrate the schools.

If such an amendment were made to the civil-rights bill, there would be a considerable drop in the relief roles of our county, our State, and our Nation.

Then, too, if our United States Senate is so bent on equal rights, why is not something done to give equal rights to the American Indian, who was the original owner of this great Nation of ours?

The American Indian was listed as a savage at the time of the discovery of America some 465 years ago. Now 465 years later, after being pushed and shoved from one section of the country to another, he has no more rights than he had at the time slavery was first introduced into the United States.

The American Indian was robbed of his land, he was killed, in many cases without reason, and he still has no recognition as a citizen of the United States.

Many American Indians fought valiantly in the last two world conflicts and they must still be herded off to a reservation to live in poverty, and still not have the right to vote.

The bringing of Negro slaves to this country was started by Yankees, and we mean New England traders, some time around 150 years ago. He has had the right to vote after being freed in 1865. Some 700 or 800 Negroes in Crisp County are registered voters.

The Negro in Crisp County has equal or better schools now than do many of our white children. The Negro has the benefits of social security and of welfare.

In addition, in the South the Negro has the friendship of white men who will feed and clothe him when he is broke and hungry.

In many cases in the South Negroes too old to work still live on the farms of the white man for whom they formerly worked. They draw welfare aid and in addition the white man gives them free housing, takes care of their doctor bills, and helps feed them—and in case of death, helps bury them.

We do not believe that any northern Senator can show as many cases of help to old Negroes by the citizens of his State, as can any one of the Southern States.

We believe the American Indian is long past receiving his proper recognition, and we think that if a civil rights bill in any form is to be passed, it should include the original American, the Indian.

Mr. Speaker, it is quite evident that Mr. Mathews feels that the taxpayers of this country have some civil rights, including the right not to be taxed to pay the premiums and rewards for illegitimate child bearing. The ill-considered legislation providing welfare benefits for illegitimate children has certainly been the inspiration for certain females, and notably of the colored race, and no one can dispute that, to make illegitimate motherhood a way of life. Gathered statistics prove the truth of this assertion beyond controversy. However, if anyone doubts the truth of that assertion, all he will have to do to discover the truth is simply to investigate the situation in the District of Columbia.

Mr. Mathews finds it hard to understand that great clamor concerning the rights of the colored race, and the complete indifference of the same do-gooders to the plight of the American Indian. I think, however, that Mr. Mathews simply raises that question in order to highlight it. Mr. Mathews thoroughly understands that the Communists, fellow travelers, and pinkoes have been unable to convince the Indians that they truly are of an inferior race and that they must fight for an equality that has not been earned, and that the equality must be legislated, instead of a matter of fact. One who feels in his heart that he is equal does not become insulted even though he thinks that he might have been ignored. An equal thinks that he has as much to give as he would receive from association with other races. Only the one who knows that he has nothing whatsoever to import for the uplift of another fights for the right of association with others, knowing that his association is unwelcome.

Mr. Speaker, we are immensely proud of those Yankees who came down and settled with us. They have come to our Congressional district by the hundreds, and I do not know of a one who has not been satisfied with our conditions, our traditions, our philosophies, and who is not completely loyal to the United States. It would seem that the South could not possibly be bad, when we have the complete approval of all those Yankees who have cast their lot with us.

## An Ambassador Is Born

EXTENSION OF REMARKS
OF
**HON. JOSEPH S. CLARK**
OF PENNSYLVANIA
IN THE SENATE OF THE UNITED STATES
*Monday, July 29, 1957*

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an article entitled "An Ambassador Is Born," which was published in the Washington Post of yesterday, July 28. The article reveals some of the testimony heard before the Senate Foreign Relations Committee with respect to the qualifications of our Ambassador to Ceylon—a colloquy which I find very revealing, and an indication of the existence of a sad situation in our diplomatic corps, where it appears that persons utterly without qualification are being appointed to high diplomatic posts, merely because they made large contributions to the Republican campaign fund.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN AMBASSADOR IS BORN

The short and poignant ordeal of Maxwell H. Gluck before the Senate Foreign Relations Committee is chronicled below. Gluck, head of the 140-unit Darling Stores chain, was nominated by President Eisenhower on June 26 to be United States Ambassador to Ceylon. The 57-year-old Ohio businessman breeds very fine horses at his Lexington, Ky., farm, and also maintains a residence in New York City. He appeared before a closed session of the Senate committee on July 2. Excerpts from the transcript follow:

"Senator J. W. FULBRIGHT, Democrat, of Arkansas. How much did you contribute to the Republican Party in the 1956 election?

"Mr. GLUCK. Well, I wouldn't know off hand, but I made a contribution.

"Senator FULBRIGHT. Well, how much?

"Mr. GLUCK. Let's see, I would say, all in all, $20,000 or $30,000. [The Senate Subcommittee on Privileges and Elections' report lists $26,500.]

"Senator FULBRIGHT. How much did you contribute in 1952?

"Mr. GLUCK. Well, not as much: I would not remember, but a fair amount.

"Senator FULBRIGHT. Well, you are a businessman, you pay attention to your money. • • • You can guess now about how much.

"Mr. GLUCK. Offhand, I would say around $10,000.

"Senator FULBRIGHT. If you contributed $30,000, don't you think Ceylon is a rather remote post for that? The one who went to Belgium [J. Clifford Folger, Washington investment banker] only contributed $11,000.

"Mr. GLUCK. I don't think that I want to admit that is the principal reason.

"Senator FULBRIGHT. What do you think is the principal reason?

"Mr. GLUCK. Well, my interest in trying to find something in government life that I would like to do.

"Senator FULBRIGHT. What are the problems in Ceylon you think you can deal with?

"Mr. GLUCK. One of the problems are the people there. I believe I can—I think I can establish, unless we—again, unless I run into something that I have not run into before—a good relationship and good feeling toward the United States.

"Senator FULBRIGHT. Did you notice that recent report of the committee, sent by the United Nations on Hungary?

"Mr. GLUCK. No, I did not.

"Senator FULBRIGHT. You have not read that in the newspapers?

"Mr. GLUCK. I don't remember the report.

"Senator FULBRIGHT. Did you notice who was on that committee that made that report? (Ceylon was 1 of the 5 countries represented).

"Mr. GLUCK. No, sir.

"Senator FULBRIGHT. Do you know our Ambassador to India? (Ellsworth Bunker, former head of the American Red Cross).

"Mr. GLUCK. I know John Sherman Cooper, the previous ambassador.

"Senator FULBRIGHT. Do you know who the Prime Minister of India is? (Jawaharlal Nehru).

"Mr. GLUCK. Yes, but I can't pronounce his name.

"Senator FULBRIGHT. Do you know who the Prime Minister of Ceylon is? (Solomon Bandaranaike).

"Mr. GLUCK. His name is a bit unfamiliar now, I cannot call it off. But I have obtained from Ambassador Crowe (Philip K. Crowe, the previous ambassador to Ceylon) a list of all the important people there, and I went over them with him. I have a synopsis of all the people, both Americans, ambassadors, and officials from other countries. And I have from him also a sort of little biography or history of them, with what his opinion is of them."

Gluck was excused, the committee conferred and voted. Republican Senators ALEXANDER WILEY, Wisconsin, and H. ALEXANDER SMITH, New Jersey, with proxies from HOMER E. CAPEHART, Indiana, and GEORGE D. AIKEN, Vermont, balloted in favor; FULBRIGHT against. Chairman THEODORE F. GREEN, Democrat, of Rhode Island, only other Senator present, did not vote. Next day Gluck was confirmed by the Senate, without debate. He is reported now conferring on his duties and will depart for his post in Colombo in September.

## President's Power Policy

EXTENSION OF REMARKS
OF
**HON. JACK WESTLAND**
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
*Monday, July 29, 1957*

Mr. WESTLAND. Mr. Speaker, under leave to extend my remarks I would like to insert in the RECORD at this point a letter from the President.

This letter is in answer to an inquiry from myself to the Chief Executive regarding his views on Hells Canyon Dam and resource development.

I am a member of the Interior and Insular Affairs Committee of the House which has again rejected the bill which would put $500 million of the taxpayers money into a project which has been rejected by Congresses controlled by both parties since its inception 10 years ago.

I believe the President's letter sets forth the Eisenhower administration's power and resource development program in clear, logical terms—devoid of political byplay—a straightforward presentation of the programs and policies adopted and followed by the present administration.

Text of the letter is as follows:

THE WHITE HOUSE,
*Washington, July 19, 1957.*

The Honorable JACK WESTLAND,
*House of Representatives,*
*Washington, D. C.*

DEAR JACK: Your July 9 letter gives me an opportunity to explain my position on the Hells Canyon project and on all other water resource developments.

Early in my first term I expressed the belief that the Nation must adhere to three fundamental policies: first, to develop, wisely use, and thus conserve our country's natural resources from generation to generation; second, to follow the historic pattern of permitting private and other non-Federal organizations to develop these resources under fair provisions of law, including restraints for proper conservation; and third, to treat resource development as a cooperative undertaking—a partnership in which the participation of private citizens and State and local governments is as necessary as Federal participation. In other words, I believe the job to be done is so great that the Federal Government should build some projects, local governments some, and private interests some, and that there should be joint effort on still other projects. As you know, a number of projects in the Pacific Northwest, as well as in other parts of the Nation, are being constructed in accordance with these policies.

I am more convinced than ever that these policies are sound.

In its Hells Canyon decision, the bipartisan Federal Power Commission acted unanimously in granting a license to the Idaho Power Co. on the basis of a finding that the facilities to be provided constituted the best plan for comprehensive development of that reach of the Snake River. This action of the Commission has been upheld by the Supreme Court. Construction work on 2 of the 3 dams comprising the licensed development is well underway. Production of electrical energy urgently needed in Idaho and throughout the Northwest power pool, is scheduled to begin in September 1958. It would be unfortunate indeed, particularly at this stage of the development, if the Congress should negate the license and authorize the alternate development contemplated in S. 555.

The Idaho Power Co. development will not only quickly provide much-needed power at no Federal cost but will also produce substantial benefits for taxpayers throughout the Nation in the form of Federal, State, and local taxes which the company will pay during the period of its license. By contrast, the S. 555 development could not possibly help to meet prospective increased power requirements for at least 5 or 6 years, even under the most optimistic construction schedules. Furthermore, S. 555 would apparently commit the American taxpayer to expenditures approaching or perhaps exceeding six-tenths of a billion dollars at a time when the Federal budget is already under severe pressure.

Obviously, the Nation cannot and should not finance all water resource developments with Federal funds. The Idaho Power Co. development will permit the Federal Government to devote more of its financial resources to other developments which are clearly beyond the capabilities of non-Federal interests alone. By contrast, the proposed S. 555 development, involving sizable Federal appropriations, would require the postponement of many worthwhile projects in all sections of the country, including the Pacific Northwest.

With respect to your inquiry concerning comparative data on certain features of the respective developments, I have asked the Secretary of the Interior to furnish you these technical details.

I am firmly convinced that in the long run the Idaho Power Co. development will provide benefits to the people of the Pacific Northwest and the Nation as a whole commensurate with those which might reasonably be anticipated from the development contemplated in S. 555. It is inconceivable to me that serious consideration is being given in some quarters to stopping this development, depriving the Northwest of power which is badly needed now, and throwing an additional burden on the already heavily burdened taxpayers of the Nation.

With warm regards,

Sincerely,

DWIGHT D. EISENHOWER.

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## As Josh Billings Said: "It Ain't So"

EXTENSION OF REMARKS
OF
## HON. CLARENCE CANNON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

*Monday, July 29, 1957*

Mr. CANNON. Mr. Speaker, under leave to extend my remarks in the RECORD, I am including an editorial from the St. Louis Globe-Democrat and my reply:

[From the St. Louis Globe-Democrat]

INFLATION-BULGING FEDERAL BACKLOG—$70 BILLION IN FREE-FLOWING PIPELINES

In a shrewd and eloquent analysis of the abiding fiscal morass in Washington Government, Herbert Hoover told the American Society of Newspaper Editors one of the most dangerous causes is that Congress has lost control of the purse strings.

The habit of making advance appropriations covering future years has knocked Federal economy whopperjawed, sharply contributed to inflation, excessive Government spending and oppressive taxation.

Mr. Hoover estimated these advance appropriations over the years have heaped up $70 billion of unexpended balances in Federal pipelines.

This enormous sum represents appropriated money which has not been used but has not been returned to the Treasury. The balances exist mainly in defense and foreign aid agencies.

They can be expended at any time. They don't require further action by Congress. They can be spent in addition to the large budget allotments the departments get every year.

As an example, Congress appropriated approximately $12,500 million in 1953 for the Defense Department in the Korean war. Now—4 years later—the Pentagon is still spending this money.

The two Hoover Commissions on Federal Government recommended legislation to correct the situation. The key solution is a bill to compel a yearly review by Congress of all fiscal needs and dealing. It would substitute an annual-accrual-expenditure budget for the current slack system of spending controls.

The Senate has unanimously passed such a measure, sponsored by Senators BYRD, of Virginia, and KENNEDY, of Massachusetts, both Democrats, and by Senator PAYNE, a Republican of Maine. It is eminently sound legislation, which will reestablish in Congress control of the Federal pocketbook, as the Constitution most clearly provided.

A similar proposal, House bill 8002, is before the lower Chamber. It would call for annual fiscal review and make all unexpended balances revert to the Treasury at end of the fiscal year.

If further need for such appropriations, or a part of them, was evident, Congress could reappropriate enough for the ensuing year.

President Eisenhower has warmly indorsed this reform, as has Secretary of the Treasury Humphrey. But the measure has been stalled, partly because, as Mr. Hoover says, it has no tear-jerking attachment and arouses small public interest.

The roadblock in the House has been thrown up by Representative JOHN TABER, of New York, ranking GOP member of the Appropriations Committee, and Missouri's own Representative CLARENCE CANNON, Appropriations Committee chairman.

Either they do not understand the significance of the move, or they are so dedicated to the status quo they oppose this obviously needed reform.

The size of Washington's pipeline balances is approximately as great as the present Brobdingnagian budget being fashioned on Capitol Hill. But it is tax money that can be spent in excess of budget allotments.

It is all too grimly clear how this system helps compound extravagant spending by Government, heaps higher the overall burden of taxes which at present have mounted—including Federal, State, and local taxes—to more than $110 billion a year.

No single category in Federal operation is so hazardous to the inflation potential as the stockpiling of these unused funds—which can be tossed into the spending hopper by agency heads whenever they wish.

This is fantastic fiscal stewardship. It is repugnant to the proper authority of Congress, to the Constitution's intent—and completely frustrating to sound monetary policy of Government.

House bill 8002 should be brought out of committee and passed.

The resultant savings in tax funds could well exceed the economies of $5 billion predicted for adoption of the entire Hoover report.

In response to this editorial, a proof of which was received from the editor, I called attention to the usual inaccuracies appearing in all this propaganda as follows:

HOUSE OF REPRESENTATIVES,
*Washington, D. C., July 26, 1957.*

EDITOR, ST. LOUIS GLOBE-DEMOCRAT:

I read your editorial page always with pleasure and profit, and I appreciate your kindly personal reference. But your editorial of July 25, $70 Billions in Free-Flowing Pipelines, is based on mistaken information.

The statement that $5 billion can be saved by the adoption of the Hoover report is ridiculous. There are 50 men on the Committee on Appropriations, both Democrats and Republicans, representing all parts of the country. To say they would overlook an opportunity to save $5 billion is absurd. We called the Director of the Budget before us and asked him if this could be done. He wrote the budget and he should know. He would not say positively that it would save

one single dollar much less $5 billion. And of course every man on the committee knew it would not. The Committee on Appropriations includes men who have been in Congress from 15 to 30 years and all of them, without exception, are convinced the Hoover plan would lose money instead of saving it.

When Congressman TABER went down to the White House last Monday and explained the bill, President Eisenhower told him he had not been fully informed on the bill and that the legislative side of it had never been explained to him. There is every reason to believe the President will not now urge the support of the bill.

The whole subject is misunderstood. There is hardly a statement in the editorial that is not conclusively refuted by the printed hearings and the explanations made in the CONGRESSIONAL RECORD on May 14, July 5, and July 19, none of which have been challenged or denied since they were printed. Am sending you this material by this mail.

It is to be regretted there is not space to take this subject item by item and show authoritatively the fallacy in each paragraph. Congress has not lost control of the purse strings. The $70 billion has not been taken out of the Treasury. It cannot be expended at any time. There is already an annual fiscal review. The Pentagon would still be spending the Korean war money regardless of what system was followed. The carryover balances would not be eliminated by the accrued expenditure system. The accrued expenditure budget requires the use of contract authority and once contract authority is voted, the Government is committed for all future years until completion and, of course, the Government has no choice but to pay. The plan was so wasteful that we discontinued it in 1951. And now the Hoover Commission plan is to go back to it. We have tried it under both Democratic and Republican administrations and both Republican and Democratic members have abandoned it.

The Director of the Budget said just the other day:

"I believe we should continue to follow the sound procedure of fully funding the procurement of all items necessary for the full operation of such major things as airplanes, tanks and ships, when the initial appropriation is made. We would lose budgetary control of these programs if we adopted a policy of partial funding for such items."

At the close of the Second World War I sponsored a bill which rescinded and saved $64 billion, the largest amount ever rescinded in the history of the United States. And I certainly would save $5 billion—or even one dollar—if it could be done by the Hoover Commission plan.

CLARENCE CANNON.

## The AEC Authorization Bill

EXTENSION OF REMARKS
OF
### HON. MELVIN PRICE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

*Monday, July 29, 1957*

Mr. PRICE. Mr. Speaker, the AEC authorization bill will probably come up for consideration in the House next week. Although the amount of money authorized for facilities will be substantially less than last year, there is likely to be some debate on items for which the joint committee took responsibility. In order to provide some background for this coming discussion, I would like to insert in the RECORD the following statements by Hon. CARL DURHAM, chairman of the joint committee, Hon. CHET HOLIFIELD, chairman of the Subcommittee on Legislation, and myself:

PRESS RELEASE NO. 94 FROM THE OFFICE OF THE JOINT COMMITTEE ON ATOMIC ENERGY, JULY 30, 1957

Congressman CARL T. DURHAM, chairman of the Joint Committee on Atomic Energy, announced today that the Joint Committee had voted to report out the AEC authorization bill to the Congress. The bill authorizes funds in the amount of $259,230,000 for construction of AEC military program, and for the program to develop the peaceful uses of atomic energy.

The Joint Committee added three projects totaling $58 million in addition to those requested by the Commission in order to accelerate the reactor development program. The projects were as follows:

Project 58-b-8, $3 million for a design study of production reactors for special nuclear materials;

Project 58-e-14, $40 million for a natural uranium graphite moderated gas-cooled power reactor prototype designed for the production of approximately 40,000 electrical kilowatts; and

Project 58-e-15, $15 million for a plutonium recycle experimental reactor designed for the production of 15,000 electrical kilowatts equivalent.

The Joint Committee deleted $9 million in funds requested by the AEC for construction of a Puerto Rico power reactor, but the Committee authorized $2,500,000 for assistance to the training project in the Regional Nuclear Training Center in Puerto Rico.

The bill, as voted out by the Joint Committee, also included a new section 111 pertaining to the AEC cooperative power demonstration reactor program. The bill authorizes the sum of $129,915,000 for use in a program not to exceed $149,915,000. The differential of $20 million is to cover types of assistance other than funds for the program, such as waiver of use charges for the use of materials.

Mr. Durham's statement summarized the main provisions of the bill. Mr. Durham indicated that the Committee report to the Congress on the bill, including the minority report, would be prepared as soon as possible, and would be made public as soon as it is ready.

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PRESS RELEASE NO. 95, FROM THE OFFICE OF THE JOINT COMMITTEE ON ATOMIC ENERGY, JULY 30, 1957

Congressman CARL T. DURHAM, chairman of the Joint Committee on Atomic Energy, called for an expanded program for increased production of plutonium. He stated he was joined by Vice Chairman Anderson and certain other members of the committee.

In connection with reporting out the AEC authorization bill, Congressman DURHAM stated that it provided only a modest beginning for an expanded program in terms of authorization of design of a plutonium production reactor.

Chairman DURHAM repeated his dissatisfaction with the methods of establishing weapons materials requirements used by the executive branch, and the lack of any forward planning for plutonium requirements. Mr. DURHAM stated: "I am disturbed over the lack of a realistic small weapons program, or any consideration of the necessity for ultimately establishing a stockpile of plutonium for weapons or peacetime purposes. Any such program would require substantial increases in productive capacity."

Chairman DURHAM further stated: "Testimony received by the full Committee as well as by Senator JACKSON'S Subcommittee on Military Applications from responsible military officials and leading scientists in the nuclear weapons development field during the past 2 years indicates a need for a substantial increase in present and currently planned plutonium production. In light of the evidence presented by experts, I am concerned over the fact that more effort is not being directed toward greater development of our small weapons program and the fact that the AEC 1958 fiscal year budget does not call for construction of additional plutonium-producing facilities."

The chairman of the Joint Committee on Atomic Energy was critical of the methods used by the AEC and Department of Defense in determining the amount of fissionable material needed for national defense.

He stated: "The AEC takes the position that it will not request or support construction of additional plutonium-producing facilities unless the Department of Defense formally requests more material. Our military planning at the same time apparently is geared to current AEC production capacity instead of our needs. From the point of national defense, this is a dangerous arrangement which I and other members of the Joint Committee repeatedly have criticized. It is contrary to the basic atomic-energy policy of the United States as set out in the Atomic Energy Act of 1954 which provides the development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare subject at all times to the paramount object of making the maximum contribution to the common defense and security."

Congressman DURHAM pointed out that there are indications the Department of Defense is reviewing its method of determining requirements but that unfortunately its study and recommendations will not be ready prior to enactment of the current AEC authorization bill.

In addition to Senator CLINTON P. ANDERSON, vice chairman of the Joint Committee on Atomic Energy, Chairman DURHAM was joined by the following members in the statement:

Senator JOHN O. PASTORE, chairman of the Subcommittee on Agreements for Cooperation.

Senator ALBERT GORE, chairman of the Subcommittee on Raw Materials.

Senator HENRY M. JACKSON, chairman of the Subcommittee on Military Applications.

Representative CHET HOLIFIELD, chairman of the Subcommittee on Legislation.

Representative MELVIN PRICE, chairman of the Subcommittee on Research and Development.

Representative PAUL J. KILDAY, chairman of the Subcommittee on Security.

Representative JOHN J. DEMPSEY, chairman of the Subcommittee on Communities.

Chairman DURHAM stated he was hopeful all members of the Joint Committee would join in support of the substance of his views.

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STATEMENT ON H. R. 5889, FROM THE OFFICE OF CONGRESSMAN CHET HOLIFIELD, JULY 30, 1957

In an attempt to rescue the Atomic Energy Commission's bankrupt program of atomic electric power development, the Joint Committee on Atomic Energy has reported out an authorization bill (H. R. 5889) which if funded by the Appropriations Committee and pressed with a will by the Atomic Energy Commission, should result in a rapid acceleration of atomic electric power development in the United States in the next 3 years.

This bill provides for $40 million to construct a natural uranium gas-cooled reactor, which most of the experienced reactor experts such as Admiral Rickover, Dr. Walter Zinn, Dr. John Simpson of Westinghouse, and Dr. Henry D. Smythe agree should be built.

It includes $15 million to build a pilot reactor to learn how to use the bomb material plutonium as a reactor fuel.

It includes $3 million for immediate design and engineering data to construct a large

plutonium-producing reactor to insure an adequate supply of plutonium for expanding our present inadequate small weapons program.

The bill when passed by Congress will also provide Congressional direction to the AEC which will breathe life into the dying AEC—cooperative partnership and insure the building of five small- to medium-size power reactors of different types. This cooperative program has been stalled on dead center for some time due to failure on the part of AEC and the cooperatives to reach agreement.

The Atomic Energy Commission has tried to create a complicated arrangement of three-way contracting between the AEC, the cooperative and the machinery manufacturers, the main purpose of which has been to conceal Government subsidy and create the illusion of private entity participation in the atomic power reactor building program.

The bill clears away the complicated contractual subterfuge which has blocked for 2 years the signing of even 1 contract, recognizes the fact that progress in building these reactors depends on Federal funds, and recommends the successful formula heretofore used in the Shippingport-Duquesne and the Atomic International-Southern California Edison Co. projects.

If the prestige of the United States in atomic power development is to be regained, the AEC will accept this program and get on with the job. If they oppose it, we will continue to drop behind the British and possibly the Soviets in the field of large atomic power-reactor development.

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FROM THE OFFICE OF CONGRESSMAN MELVIN PRICE, DEMOCRAT, ILLINOIS, JULY 30, 1957

Representative MELVIN PRICE, Democrat, Illinois, chairman of the Research and Development Subcommittee of the Joint Committee on Atomic Energy, stated today that he believes the construction of a prototype gas-cooled natural uranium power reactor, as provided for in the committee's authorization bill, will mark a significant advance in this country's reactor technology and will enable the United States to compete more effectively with the British for overseas markets.

Representative PRICE referred to testimony at the recent public hearings on the authorization bill indicating the need for filling the gap in the AEC's current power reactor program through development of a gas-cooled natural uranium type of reactor.

He emphasized the necessity of building prototype reactors of the gas-cooled type in order to find out how they actually operate, rather than relying exclusively on the British for information. "Otherwise," he went on, "we will never know whether this type will be economic or not."

He added, in this connection, that construction by the United States of a gas-cooled natural uranium reactor will place us in a better negotiating position with regard to obtaining additional information from the British regarding their own developmental work on this kind of reactor.

Representative PRICE pointed out that the gas-cooled type reactor, as contemplated in the bill, would initially operate on natural uranium but would be designed in such a way as to test out whether enriched uranium can be used to increase the reactor's efficiency.

Representative PRICE reiterated the recommendation which he and Senator JACKSON, Chariman of the Military Applications Subcommittee, made earlier this year following meetings by the Research and Development Subcommittee to review the Naval Reactor program and the Shippingport project, that Admiral Rickover and the AEC Naval Reactors Branch be given the responsibility for development and construction of the gas-cooled natural uranium reactor project.

## Reducing the Federal Waistline

EXTENSION OF REMARKS
OF
## HON. WILLIAM H. BATES
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

*Monday, July 29, 1957*

Mr. BATES. Mr. Speaker, under leave to extend my remarks, I include the following interview between the distinguished minority leader, Hon. JOSEPH W. MARTIN, Jr., and Edward A. Sherman, of Boston, regional director of the Citizens Committee for the Hoover report, in a broadcast over radio station WEEI of Boston on Sunday, July 21, 1957:

Mr. SHERMAN. Attempts to reorganize and improve the management of our Federal Government are as old as the Republic itself. Over the years many investigative groups have recommended courses of action to bring about economies of operation. But practically no reorganization attempts ever accomplished anything until 1949 when a program of organized citizen action resulted in the adoption of about three-fourths of the nearly 300 recommendations of the first Hoover Commission.

Because leaders in both political parties had become equally concerned about the increase in the cost and size of our Federal Government, in July 1947 Congress passed without a dissenting vote the Lodge-Brown Act which created the first Hoover Commission.

This 12-man team of 6 Democrats and 6 Republicans was composed of 4 members chosen by the President of the Senate, 4 by the Speaker of the House, and 4 by President Truman. Now the Speaker of the House in 1947 was JOSEPH MARTIN, JR., of North Attleboro, Member of Congress from our Massachusetts 14th District, and it was he who selected 4 of the members of the first Hoover Commission—among them our former President Herbert Hoover who, of course, was the logical chairman of the group.

After public service as a member of both the Massachusetts House of Representatives and the Massachusetts Senate, in 1924, JOE MARTIN was elected to the 69th Congress. Over the years Congressman MARTIN has accumulated an outstanding and distinguished record of service to his country.

In both the 80th and 83rd Congresses, Congressman MARTIN was our Speaker of the House of Representatives.

Thanks to the invention and development of television, the picture of JOE MARTIN with gavel in hand is indelibly engraved in the minds of countless millions of Americans. I am sure it is easy to understand how privileged I am to have this opportunity to discuss with our great Republican leader from Massachusetts some of the more important measures that are now before Congress designed to carry out recommendations of the second Hoover Commission.

Congressman MARTIN, a lot of water has gone over the dam since the last time you and I discussed Federal reorganization over the air.

Mr. MARTIN. Almost 6 years—and during those 6 years were carried out, as you just said, more than 70 percent of the recommendations of the first Hoover Commission. Not only that, but because of the success of the first Hoover Commission and because the first Hoover Commission did not interest itself in certain phases of government, for example, matters of policy, in 1953 Congress again voted unanimously to create a study commission constructed along the lines of the first Hoover Commission. The Congress charged this team of 12 outstanding men (including former President Hoover) with the job of surveying our Government in order to find new ways to prevent waste and duplication and to bring about a more efficient and economical administration of the public's business.

Mr. SHERMAN. Congressman MARTIN, as you know, there is before Congress right now waiting for action one-hundred-seventy-odd bills designed to effectuate Hoover recommendations. Now I have selected a few which I will greatly appreciate discussing with you, at least as many as we have time for. And the first, and by far the more important, certainly the most important from the standpoint of possible dollar savings, is the budgeting-and-accounting bill. Described as the Kennedy-Payne bill, this measure passed the Senate unanimously. What can you tell us about that bill?

Mr. MARTIN. The bill, H. R. 8002, is designed to cause our Federal budget to be submitted on an annual-accrued-expenditure basis. It is, as you say, an important piece of legislation and also is one of the five measures whose adoption was recently urged by the President.

Mr. SHERMAN. As I understand the proposal carried out by this bill, it is to the effect that we would appropriate for an item like an aircraft carrier year by year and not in one lump sum. This would enable Congress and the American people to assess results each year. But isn't it also pretty important that the passage of this bill would restore to Congress the control of nearly $50 billion of unexpended balances that under our present system of appropriating has been carried over from previous years?

Mr. MARTIN. Congressional control of the national purse has been described by President Hoover as being one of the very foundations of freedom itself. Not only President Eisenhower approves this bill, but also in favor of this legislation we find the Secretary of the Treasury, the Director of the Budget, the Comptroller General of the United States, the American Institute of Accountants, the Comptroller's Institute, and practically all similar groups of professional accountants.

Mr. SHERMAN. Lots of folks believe that the second most important measure before Congress which would carry out Hoover recommendations is the measure which would eliminate unnecessary government competition with private business. Now the Hoover Commission task force that investigated the Government's administrative agencies looking for activities which unnecessarily compete with private industry, found some 3,000 business-type enterprises in which the Federal Government is engaged. But most important, they found that many of these compete directly against the livelihood of private citizens. It seems to me that here we have one of the most easily understood findings of the Hoover Commission—this matter of unfair and unwarranted and, in many cases, ridiculous invasion of the Government into activities which rightfully belong to private business. Furthermore, since the biggest part of our tax dollar is spent by the Department of Defense, the Commission naturally found the Pentagon to be the worst offender in this respect. This particular Hoover task force found that our Defense Department runs cobbler shops, iceplants, sawmills, bakeries, aluminum sweating plants, motion picture studios, dental manufacturing establishments—all these various types of enterprises which manufacture just about everything from clothing to ice cream, eyeglasses, paper, rope, and rum, and bakery goods.

Mr. MARTIN. As you know, there are bills before both the House and the Senate designed to affirm the policy of Congress to restrict and curtail enterprises which unnecessarily compete with private industry. Also in this same field is legislation which

would gradually terminate the Postal Savings System.

Mr. SHERMAN. The Hoover Commission said in so many words that it makes little sense for the Department of Defense to run laundries in communities where there are plenty of privately operated laundries or coffee-roasting plants in such large ports as New York City or Oakland, Calif., where coffee is roasted commercially every day. Also, don't you think, Congressman MARTIN, that we have outlived our need for the Postal Savings System?

Mr. MARTIN. The Postal Savings System, of course, was created back in 1910 to furnish banking facilities in small towns where there were no banks. But, as I understand it, the Hoover Commission found that 90 percent of all deposits as well as depositors live in large cities and towns where there are ample private banking facilities.

Mr. SHERMAN. The task force that studied all Government personnel brought in a report that Mr. Hoover personally considers the most important of any of the Hoover Commission studies. Now, although the Hoover report on personnel did not point out much in the way of direct dollar savings by improving the management of the public business, it is generally believed that ultimately we will realize benefits that are more important than important dollar savings if we improve personnel management in the Federal Government.

Mr. MARTIN. I have always been interested in people in government. I understand that the Hoover Commission keynoted its report on personnel by saying that the task force had found that the Government's personnel on the whole were competent, faithful and, in numerous fields, distinguished. But they found that there was great need of improvement in the management of personnel. Ever since our two major party political system was developed in this country over 150 years ago, the American people have tried to achieve a workable balance between two vital requirements in the management of personnel in government. Now, one requirement is that the officials responsible for establishing and defending Government policies and programs—I refer to the noncareer executive—should be selected by the successful party. The other requirement is that there must be an adequate supply of trained, skilled, and nonpartisan employees in the Federal service to provide continuity in the administration of the Government's activities, no matter which party comes into power. Now the correction of this situation is found in the recommendation that there be established a senior civil service composed of politically neutral, well-paid career executives of exceptional skill and experience for continuing service in all departments and agencies. Now this senior civil service personnel would have personal rank and be subordinate only to appointive heads of departments and agencies. Of course, one of the results of the carrying out of this recommendation is that it would attract and hold a better type of young person and would furnish incentives for competent young people to build a successful career in our Federal service.

Mr. SHERMAN. And, incidentally, would reduce the terrifically expensive turnover rate which now ranges between 25 and 35 percent.

Didn't the Commission also find that there existed serious confusion between the activities of officials with political responsibilities and the activities of career officials who remain in the Federal service no matter which political party is in power?

Mr. MARTIN. That is so. Too often, career administrators have been thrust into the position of having to defend agency policies, programs, and activities. Now obviously a career official should not be asked to take political responsibility for a program. And of course, on the other hand, purely political officials should not be mixed in with the permanent administrative structure of our career service. And I suppose it was very logical that the Commission recommended that there should be a clear delineation between career and noncareer posts with enough noncareer executives at the department level to take over all political and partisan responsibilities.

The Commission recommended new methods and policies designed to attract and hold skilled employees for careers in public service and to improve morale and reduce the heavy turnover in personnel. These new procedures would include salary increases for top managers, adequate training programs for employees to improve job skills and develop promising workers for advancement; also greater use of merit increases; wider advance public notice and better arrangements for promoting and handling examinations and applications for job openings, and so forth.

There are bills in both houses designed to provide a system for establishing a flexible core of highly competent, nonpolitical career administrators. There is also a bill in the Senate which would modernize the civil service methods and procedures to make careers in Government more attractive at all levels in Federal employment.

## Address by the Honorable Ralph Harvey

EXTENSION OF REMARKS
OF
## HON. J. HARRY McGREGOR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
*Monday, July 29, 1957*

Mr. McGREGOR. Mr. Speaker, under leave to extend my remarks, I would like to include an address given by one of the hard-working and capable Members of this Congress; namely, United States Representative RALPH HARVEY, of the 10th District of Indiana.

Congressman HARVEY deals with the subject of Agriculture and I am sure that all of us who know him recognize he is an expert in this field. Ralph is honest and sincere in his convictions and he will express them whether they meet with your approval or whether they do not.

I recommend his remarks for reading to each and every Member of the Congress. These remarks along with his excellent record will verify the statement, we need more Ralph Harveys in Congress.

ADDRESS OF UNITED STATES REPRESENTATIVE RALPH HARVEY, 10TH DISTRICT, INDIANA, MEMBER, HOUSE COMMITTEE ON AGRICULTURE

Meeting with you today is an appreciated privilege. I know that virtually every member of this fine audience is personally and officially interested in the well-being of agriculture in the Midwest.

I have come from Washington for more than the pleasure of fellowship. I am calling your attention and sober thinking to a movement that may very well play a decisive role in the agricultural enterprise that our section of the country represents.

It is not easy to relate to you the story that I must, nor do I relish the duty of relaying news of a disturbing nature. My effort will be to outline a factual situation and then rely on you, after due discussion, to make such recommendations as you find warranted.

To all of us, the farm problem is an old and familiar subject. Many here have lived and farmed through 40 years, and looking back now, are aware of all that has happened to farming during that period of time.

Today's farm problem for us—and this I cannot too strongly stress—is not the same problem of 40, 30, or even 10 years ago. It is akin to earlier problems in one essential—overproduction, the constant recurrence of more food and fiber than the market can absorb.

By way of review, I will attempt to set forth some of the factors in this problem. First of all, the period of the past 15 years has marked a rapid evolution in agriculture, particularly in the Midwest. During that time highly efficient farm machinery and equipment have become available for our use. It has not only drastically reduced the manpower requirements of farming, but has multiplied per unit production. At the same time we have made strides in crop variety improvement and in the use of commercial fertilizing. Undeniably, too, the general stimulus of an excellent and growing domestic market has likewise contributed to the impact on our agriculture.

Farmers, in endeavoring to cope with this evolutionary period, have made many changes. Some, in our area especially, have prospered beyond their dreams—if you recall the goals of the average farmer before 1942. Others, because they could not enlarge their operations, have been compelled either to live on a subsistence income or supplement their income with off-farm employment. In any event, we must acknowledge the fact that the American standard of living has gone up for all our people, and farmers are no exception.

Due to the effects of inflation as well as the cost of higher living standards, the farm family of today, to live as well as their city neighbors, need 3 times or possibly even 4 times as much dollar income as was needed 40 years ago. During this time, too, the Federal Government has made numerous attempts to assist agriculture.

We can agree, I am sure, that the farflung activities of the Department of Agriculture, including research, experimental work, extension service, and organizational competition for youth, have contributed immeasurably to the productivity and better living of our farm families. But in the repeated efforts to reduce farm surpluses, there has been less success, and the problem of surplus commodities remains the most serious for all agriculture.

In Washington now we are in the throes of reevaluating our farm programs to determine what our policy should be in the future. Several of the efforts that seemed in years past to be the best and most logical have been either discredited or discarded, so we are still searching for the proper approach to the problem.

There are many among you today, I feel certain, who may be saying the best thing that could happen would be for the Government to get out of the farm picture entirely and let farmers have a survival program. If that were the best answer, it obviously would be the easiest one from the standpoint of Congress.

While I have frequently heard it said that Congress has dwelt on the problem for political reasons, and because politicians want to interfere in the lives of farmers, I say to you that in my judgment nothing could be further from the truth. Frankly, and as a farmer, I can say that no problem confronting the Nation can be escaped by the Congress—by the very nature of our being, that is the way it must be. And so, however simple it might seem just to forget the whole thing, there is too much at stake to consider the easy way out.

It isn't too easy either for us in the Midwest to face up to the farm problem. You see, through the years we have had an ex-

tremely fortunate set of circumstances so that the farm problem has been much less oppressive to the Midwest than to many other areas of the country.

There are three great crop-producing areas in the United States, namely, the Cotton, the Wheat, and the Corn Belts, with, of course, some overlapping in all. The wheat and cotton producers have had a continuing problem because they depend on foreign export for a substantial part of their market. We in the Midwest grain and livestock farming area have not been dependent on overseas markets for too much of our production, and from that standpoint have been most fortunate. More than that, and more perhaps a matter of luck than anything else, our area has been just about the right size to produce the right amount of food for the people of our country. A flexible type of farm program has been fortunate for us and workable, too. We have had a sufficient variety of outlets for our products, not only as crops but as processed livestock, to enable us to say out of serious difficulties. This has not been true of the other major crop areas. As long as nothing happened to distort or upset this natural balance of supply and demand, we of the Midwest could look upon the farm problem with a good deal of objectivity and even feel a little superior.

Due now to a whole series of events (and agriculture is subject to progress and development even as the rest of our economy) we are confronted with a new problem.

As indicated earlier, the other major crop areas are faced with the problem of how best to utilize their idle acres. The export trade that they enjoyed during such war years as 1941–53 has been partially lost, and the resultant idle acres meant also a setback in their improved standard of living. It has been only natural for these farmers, assisted by the Extension Service of their area, to try to find something to replace this income. The plant breeders came to the forefront with an answer.

As long as feed grain production was confined largely to our Midwest area, and the feed converted to livestock, we could look forward to continuing prosperity. Now, however, there are thousands of acres—idle acres, so to speak—in the Great Plains area, stretching from the Texas Panhandle to the Canadian border. And there they have found a new crop that can be grown successfully and profitably.

At this point, I should like to dispel a statement that is rather widely quoted to the effect that "corn, as a commodity, has been increasing in production." As a matter of fact, we are at an alltime low as far as corn acreage is concerned. National production has remained remarkably steady because farmers have better varieties, better fertilizers, and better equipment to produce corn. The result has been a consistent harvest of corn, varied only by weather conditions. Incidentally, the decrease in corn acreage during the past 25 years is offset by the increase in soybean acreage.

The production of corn and such other minor supplemental grains as we grow, with their volume, too, remaining steady, has naturally governed and influenced the production of livestock. While we have achieved some increase in the efficiency of livestock production, the overall pattern has not notably changed. Approximately 80 percent of corn is fed to livestock, and 20 percent goes into commercial uses. At the present time, were it not for outside influences—I mean outside our Midwest—we might again be confident of continued prosperity.

There has come into the picture, however, the new crop of which I spoke, and it is grain sorghum. The plant breeders have devised a new hybrid sorghum that is effectively adapted to the Great Plains area. Production this year will be up 79 percent over the 10-year average, and with the drought broken in the Great Plains, we may except a sensational upsurge in the production of this new crop. The total planting for this year has been reported as 25,664,000 acres. Thus, for the immediate future and for some years to come, I believe we are going to witness a substantial increase in feed grain production. Since grain and livestock prices follow a parallel pattern, a grain glut would bring a drastic reduction in livestock prices and could very well have a severe impact upon our whole economy. Cheap grain means cheap livestock.

It is important to remember that approximately 60 percent of all farm income is derived from livestock, and livestock, after all, represents nothing more than a market outlet for grain produced in the Midwest.

Those of us who could forsee the problem were hopeful that the soil bank might absorb many of these acres, particularly in the Great Plains, and that the financial attractiveness of the program would help solve the problem. It is common knowledge, however, that although the program is barely under way, the soil bank is having difficulties in Congress. Since, too, it is fairly conceded that such a program would require 10 to 15 years to become fully effective, it does not appear that we can look forward to soil bank operations.

To be sure, we are doing other things as well. We have the foreign surplus disposal program, but grain has not been historically an exportable commodity in sizable quantities. Whereas the cotton and wheat people can always dispose of their surplus, if willing to sell cheap in the world market, even a low price holds forth no substantial inducement for the solution of our surplus feed grain problem. Some of us, too, are aggressively supporting legislation to speed the expanded industrial uses of all farm production.

This is the situation we face today, and it accounts for my being here. It seems to me that unless we are willing to face up to the problem and accept the realities of the production pattern, we will not be doing justice to our economy.

There is to be held in Washington early next month a meeting of the various commodity groups, and I feel that corn and feed grain producers should be represented at that meeting. The new theory for meeting the farm problem seems to be for each commodity group to attempt to draft a program that will help them solve their individual problems. All major commodities, ironically enough, have organizations representing them from a marketing standpoint—all, that is, except corn, the most valuable of all commodities. Yet because it is mostly marketed through livestock, there has been no reason for corngrowers to have a marketing division in their organization. I would be less than fair, however, if I did not say that in the months to come it may very well be that the whole pattern of our farm program will be changed and the new pattern emerging may be the result of the joint efforts of the various commodity groups. In the final analysis your Government can only furnish the machinery to carry out any program; you yourselves must determine what you want, and do most of the work. It is for this reason that I feel corngrowers, as such, should be represented, and I am suggesting that, even should you not care to participate in the Washington meeting of August 5, you may wish at least to have observers there to keep corngrowers of your various organizations advised of what is transpiring. Then if events seem to indicate, corngrowers may wish to participate with other groups in formulating a new approach to the farm problem.

There are undoubtedly questions you would like to ask, and I shall be happy to entertain them. It is my hope that out of a roundtable discussion, those of you representing various States can come forth with a solution or at least a better understanding of the problem.

SUMMARY

1. In recent years there has been no marked change in total corn production, either within or outside the Corn Belt.

2. There will continue to be a steady increase of feed grains, chiefly sorghum in the Great Plains area.

3. Expanding feed production is upsetting the grain-livestock balance which has been the buttress of our Midwest farm prosperity. Cheap grain means cheap livestock.

4. The Surplus Disposal Act, while working well for many commodities, has had little effect on livestock products, and even less on surplus grain.

5. Surplus grain disposal through greater industrial uses is a long-range prospect, but not an immediate remedy.

6. The future of the soil bank is not bright.

7. As of now, the new approach to a farm program appears to be single commodity treatment in contrast to across-the-board programs of the past.

8. The scheduled August meeting of farm groups to draft the single-commodity program omits corn and feed grain interests.

SUGGESTED ALTERNATE APPROACHES TO A CORN AND FEED GRAIN PROGRAM

A. Include corn and all feed grains in the same category and—

1. Place all acres of both under control and guarantee 70 to 90 percent parity;

2. Remove all production controls and permit the Secretary of Agriculture to fix the support level.

B. Support the soil bank as best hope and leave other control programs as they are.

C. Take off all controls and follow a survival policy.

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## Senator Gore Comments on Current Inflation and Government Action Combating It

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EXTENSION OF REMARKS

OF

### HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 29, 1957*

Mr. PATMAN. Mr. Speaker, the Honorable ALBERT GORE issued a very interesting and thought-provoking statement the other day in connection with the public hearings of the Senate Committee on Finance, which has been interrogating the Secretary of the Treasury about fiscal policies of the Government.

I believe the Senator's statements are so important that they deserve special attention by Members of the House, and I am inserting them herewith in the RECORD.

STATEMENT OF SENATOR ALBERT GORE AT PUBLIC HEARINGS OF THE COMMITTEE OF FINANCE UNITED STATES SENATE, JULY 11, 1957

Mr. Chairman, in an effort to avoid repetition of the many questions which have been submitted to the distinguished Secretary of the Treasury, I have chosen to make a brief summary statement, covering certain aspects of the problem, upon which, after I have made it, I will invite Secretary Humphrey to comment as he may wish.

My first fundamental point of difference with the position of Secretary Humphrey, as taken before this committee, concerns the nature of the inflationary threat with which our country is confronted. There is no disagreement between us as to the consequences of inflation. Perhaps some of my colleagues may recall the role I played in combating inflation both before Pearl Harbor and after. The term "inflationist", by which in his opening statement Secretary Humphrey described all those who disagree with his policy, may fit some, but does not fit me. Even so, there are some who unfortunately and unwisely consider it an utter impossibility to be in opposition both to inflation and to current governmental policies which allegedly are for the purpose of combating inflation but which have notably failed in this regard.

We have true inflation, according to the weight of accepted authority, when an increase in the quantity of demand produces no further increase in output and therefore spends itself entirely in price increases.

I do not believe we are in such a period or such an economic state. On the other hand, it seems fair to conclude that Secretary Humphrey does think we have just such a classical inflationary condition. Indeed, he said to this committee that further expansion of bank credit would merely have enabled more would-be buyers to bid up the price of the limited supply of goods and services. As a further explanation of his understanding of the current situation, Secretary Humphrey stated that, "The reason that these inflationary pressures are on us now is because of the great prosperity which the country is enjoying at the present time. It is the demand for building, it is the demand for goods, it is the demand for all sorts of things that are exceeding the supply." The Secretary also agreed with the thumbnail summary of his views that this inflation was caused by a bigger demand than productive capacity could supply.

Now, as the facts have been developed, no significant scarcity in goods and commodities has been revealed except in a very limited number of specialty items such as large structural steel shapes. To the contrary, surpluses of goods or of productive capacity to turn out more goods are in evidence almost everywhere we look.

The limited supplies, as we have seen, are not goods but rather in money and credit. The excessive supplies, on the other hand, as we have seen, are not in money and credit but rather in goods and commodities. Thus, Mr. Chairman, we have found our economic situation to be in sharp variance with the classical type of inflation which Secretary Humphrey has assessed and assumed the situation to be.

Then, I completely reject the position which Secretary Humphrey has repeatedly stated to this committee that the United States Government is, and should be, as helpless in marketing its securities and in managing the public debt as a local merchant trying to sell a fur-lined overcoat in August. Many of the hurtful consequences of such a concept and of such abandonment of responsibility have been developed during this hearing and are plain for all to see.

Now, starting with these basic disagreements as to the nature of our problem and as to the capacity of the Government to serve its fiscal necessities or to protect its fiscal integrity, disagreement on policy to cope adequately with the situation as it is, in contrast with what it has been assumed to be, is an entirely logical, if not unavoidable, consequence.

Even if we were, contrary to fact, in a period characterized by short supplies of goods, commodities and services and by excess supplies of money and credit, the economic policies now being pursued by this administration, admittedly of some value in such a situation, should only be used with restraint and discretion. This would be true because of disturbing trends, both long term and short term, in our economy and our society which pose a basic threat to true free enterprise and reasonable equality of economic opportunity, to which I will later refer; and, also, because such policies, if badly organized or indiscriminately applied, tend to disarrange and often worsen desirable distribution of goods and fair distribution of income.

But when such policies are applied to the conditions as they are today, in sharp contrast to what they have been assumed to be, these policies are disclosed to be fallacious and hurtful because they create imbalance, not balance; instability, not stability; poorer, not better distribution; inadequate, not adequate economic growth and progress. All this is true because these policies encourage rather than discourage the peculiar kind of selective price and income inflation combined with selective price and income deflation which continue to threaten our economy.

What we have, as I see it, is a highly selective, nonuniform price and income inflation. I know of no better example—though there are others—than the current inflation in the price of steel. This, as the Secretary has acknowledged, will stimulate inflation of prices over a wide area of our economy. A hardware merchant has told me that, immediately after the recent price increase of steel was announced, his wholesale supplier notified him that fencing wire would be increased $1 per bale. This means higher prices for nails, hammers, saws, refrigerators, air conditioners, television sets, automobiles, plumbing fixtures, and down to such little things as metal compacts, lipstick containers, locks and keys, and to such big things as structural steel for buildings and highway and bridge construction. Indeed, Mr. Chairman, our whole industrial economy has a strong metallic base. Our not exist without a constant supply of basic highly industrialized economy of today can-metals like iron, steel, copper, and aluminum. The whole Nation is dependent for steel upon a very few tightly controlled large corporations.

This steel price increase has not been dictated by a depleted profit position in the steel industry. On the contrary, profits have been, and are, enormous. This inflationary increase in the price of steel has not been dictated by the classical inflationary condition of demand exceeding current productive capacity. The steel mills are currently operating at only about 80 to 90 percent of capacity, as we have seen. This price increase can hardly be blamed on competition.

What, then, is the reason for inflating the price of steel? Well, there is no mystery surrounding the reason for the increase in the price of steel. The chairman of the board of United States Steel advised the stockholders at the annual meeting on May 7, 1956, that a projection of the financial needs of the company showed that they would need an additional $140 million. He then proposed to the stockholders that the method to use to get expansion capital is by raising prices from time to time—as circumstances require and permit.

Similarly, the minutes of the Standard Oil Company of New Jersey for the meeting of the board of directors on December 13, 1956, showed that for the first time in many years the company was faced with the probability that they would have to use something more than internal financing to cover replacements, modernization, and expansion. However, this company was able to increase its prices to the extent that it was unnecessary for the company to resort to external financing.

This type of price inflation primarily to finance expansion, is actually encouraged, not discouraged, by current Government policies. High interest rates and diminished possibility of competition, both created by current policies, encourage and invite big-business concerns to finance their capital expansion and improvement in large part from inflated prices and consequent swollen profits. In this way, Mr. Chairman, the public is unfairly forced to pay for the further concentration of the Nation's economic strength and wealth in big corporations, thus intensifying the growing threat to competition and equality of enterprise. Thus you see, like most other elements of inflation, it feeds upon itself.

The social injustice of this practice can be seen in the fact that the mass of our people are forced unfairly to pay higher prices for the products of big business, thus forced themselves to contribute to the further disparity of wealth and income between themselves and a comparative few who have large holdings in such corporate enterprise. Because consumers are being made to pay unfairly for added plants and profits, through unfairly inflated prices and because of various tax concessions, these stockholders collect larger and larger dividends, and in addition can daily watch the rapid appreciation of their fortunes.

Steel is by no means the only example of such unfair gouging of the public by the big, the powerful, and the rich. Indeed, this is characteristic of our current economy and is encouraged and abetted by governmental policy. According to the statistics from the Securities and Exchange Commission, corporations spent $35.1 billion in 1956 for expansion. Of this amount, only approximately $10 billion came from long-term borrowings or new stock issues. The overwhelming proportion came from internal financing—inflated prices and swollen profits. Though expansion financed in part by profits may be sound practice, this extreme profiteering appears unconscionable.

This disturbing development is not only abetted by monetary policy, but possibly even more by tax policy, by appointments to and policies of regulatory agencies favorable not to the public interest but to the very interests which such agencies are supposed to regulate, and by other actions and policies of the administration which create what Secretary Humphrey described to us as "an improved climate for enterprise."

I find myself in agreement with both Secretary Humphrey and the new Secretary-designate, Mr. Anderson, that higher interest rates are both inflationary and deflationary. It so happens, though, that the deflationary effect of higher interest rates is most effective in that portion of our economy in which we have the least amount of price and income inflation (or even deflation), and is most ineffective in that portion of our economy in which we have administered price inflation.

Though higher interest rates, as Secretary Humphrey has said, help one group of our people a great deal, they hurt most people severely.

Secretary Humphrey has repeatedly referred to action by the Government to hold interest rates down as "artificial," but has referred to action to increase interest rates as "natural." The fact is that one is as "artificial" as the other, both being the result of positive action by the Government.

Though we have heard much about the sale of Government securities "on the nose" at what the market will take, actually Government bonds have been deliberately sold at interest rates higher than necessary, thus placing an unnecessarily heavy burden on taxpayers for many years to come.

On yesterday, in fact, Secretary Humphrey, with characteristic candor, expressed the opinion that we might be better off if he had led the market "a little more than we did."

On yesterday, too, Secretary Humphrey jocularly remarked that we often try to go in two directions at once. In all seriousness, that is exactly how governmental policies have been applied in some instances. For instance, in 1953 the Government raised rediscount rates in the Federal Reserve System, thus increasing interest rates throughout the Nation's banking system and, in the same year, not only lowered reserve requirements, thus expanding credit, but also lowered by 33⅓ percent margin requirements, thus stimulating speculation in corporate securities. In fact, both reserve requirements and margin requirements are lower even today than in January 1953, even though from March 1955 to now, the rediscount rate has been increased successively 11 times, thus giving a boost in interest rates to the Nation's banking system, on installment credit and in the market place.

Thus, Mr. Chairman, it will be seen that interest rates have been increased primarily for the purpose of increasing income from interest.

The greatest artificiality of our age is the corporation. It is a fictitious person, but nevertheless a legal entity. I accept the necessity of a corporate entity. It has been very valuable in our economic development. I do question, however, the unreasonable and unjustifiable favoritism toward income from corporate investment and other policies which, in general, encourage the creation of corporations and unduly encourage investment and speculation in corporate stock.

The monetary and economic policies of the Eisenhower administration, labeled anti-inflationary, seem to me to miss the mark. They severely hurt, as already demonstrated, large segments of our population and economy, particularly those segments of our economy that are characterized by competition and multiplicity of small-business concerns and those people who must borrow money or buy goods, homes, and automobiles on time. Major sources of inflationary pressures in our economy, on the other hand, are augmented by, instead of repressed by, these policies.

The result is to make the big bigger, the rich richer, and to threaten the existence of a climate truly favorable to individual enterprise and equality of opportunity. These trends have produced conditions in our country and attitudes on the part of Government officials, as well as on the part of many private citizens, which are unhealthy. We have found it possible, for instance, to repeal the excess profits tax, but we have not found it possible to increase tax exemptions for a child or an aged dependent. We have not found it possible to return to the prewar policy of giving some preference in income taxation to income actually earned by human efforts, but instead we have gone so far in the opposite direction as to give a tax preference to unearned income from dividends. We have given vast benefits through rapid tax writeoffs to bring about construction of more factories, even though existing productive capacity was by no means fully utilized, but we have not found it possible to pass a school construction bill. We have given vast interest-free loans to big business to build plants, but programs to help people become homeowners falter and fail because of deliberate Government policy of forcing higher and higher interest rates on home mortgages.

In these ways, and in many others, Mr. Chairman, our Government is favoring material values over human values. This I challenge. I challenge it in whole and in part.

The resolution adopted by this committee is a broad one. It encompasses the whole economy, and is not limited, as some may have concluded, to monetary and fiscal policy.

I hope this investigation will be a searching inquiry into not only current monetary and fiscal policies, which are an important part, but only a part, of policies or lack of policies, action or lack of action, creating the conditions which I have briefly described and which I view with alarm, but also tax structure, economic concentration, maladjustments of distribution, threats and impediments to free enterprise, and the whole economic fabric of our society.

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# SENATE

## TUESDAY, JULY 30, 1957

*(Legislative day of Monday, July 8, 1957)*

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rabbi Gerald J. Klein, associate rabbi, Temple Emanu-El, Dallas, Tex., offered the following prayer:

Father of mankind, be with us as we pause to acknowledge our dependence upon Thee. We pray, O God, not so much for accomplishment, as for vigor to pursue that which is good and useful. We seek the restless and determined outreach toward righteous goals, as much as we yearn for fulfillment.

May we be ever grateful for the heritage of our past. We ask that our present problems may be focused with clear perspective and a keen sense of values. And keep before us always, O our God, the clear vision of a good future.

May we pray as individuals—each one seeking to comprehend something of Thy wisdom, and to apply and use that which we receive from Thee for the welfare of all Thy children everywhere.

Blessed art Thou, O Lord, our God, from whom our blessings flow. Amen.

### THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Monday, July 29, 1957, was approved, and its reading was dispensed with.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 189. An act for the relief of Peter V. Bosch;

S. 225. An act for the relief of Kew Chan (Chan Kew), Nancy Tsui Mei (Leung) Chan, and Cecilia (Oi Fan) Chan;

S. 239. An act for the relief of Maria Parisi;

S. 904. An act for the relief of Chrisoula Antonios Chegaras;

S. 1268. An act for the relief of Don Q. Gee; and

S. 2449. An act to extend the effectiveness of the Missing Persons Act, as extended, until April 1, 1958.

The message also announced that the House had passed the bill (S. 1002) to enable the Secretary of Agriculture to extend financial assistance to desert-land entrymen to the same extent as such assistance is available to homestead entrymen, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a joint resolution (H. J. Res. 426) amending a joint resolution making temporary appropriations for the fiscal year 1958, and for other purposes, in which it requested the concurrence of the Senate.

### HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 426) making temporary appropriations for the fiscal year 1958, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

### LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I announce, for the information of the Senate, that just before the Senate concludes the morning hour, I shall propose a unanimous-consent agreement along the lines discussed yesterday. That discussion appears in the CONGRESSIONAL RECORD. I shall request a quorum call, so that all Senators may be on notice.

For the information of the Senate, I believe I shall briefly summarize the agreement we proposed to submit:

*Ordered*, That effective at the conclusion of routine morning business on tomorrow, July 31, H. R. 6127, the Civil Rights Act of 1957, the unfinished business, be temporarily laid aside for the consideration of the following matters, namely:

The conference report on H. R. 7665, the Defense Department appropriation bill for 1958.

The conference report on H. R. 7441, the Department of Agriculture appropriation bill for 1958.

The conference report on Senate bill 1314, the Agricultural Trade Development and Assistance Act.

The request of the House of Representatives for a conference on Senate bill 2130, the amendment to the Mutual Security Act.

Senate bill 2504, Calendar 611, the extension of the Small Business Act of 1953, as amended.

The House joint resolution for the further continuation of certain appropriations for the support of the Government.

The nominations on the Executive Calendar.

The call of the calendar of bills and resolutions to which there is no objection, beginning with the first measure on the calendar, Calendar No. 11, Senate Concurrent Resolution 2, to create a joint Congressional committee to make a full and complete study and investigation of all matters connected with the election, succession, and duties of the President and Vice President.

*Ordered further*, that if the foregoing matters are not disposed of on tomorrow, July 31, or on Thursday, August 1, the Senate, at the conclusion of routine morning business on Friday, August 2, shall resume the consideration of House bill 6127, the unfinished business.

Mr. President, I am hopeful, and from the survey I have been able to make I

believe, that if the Senate obtains the reasonable cooperation of Members on both sides of the aisle, it will be possible to conclude all the business enumerated in a matter of 3 or 4 hours tomorrow. I would not want any Senator to think he could block it all by talking for 3 or 4 hours. For that reason, I have tried to make a reasonable request.

It may be necessary to amend the request, either by reducing the time or by eliminating some of the items mentioned. So far as I know, I have not listed any matter that is controversial. So far as I am informed, all the matters listed can be disposed of readily. So far as I am aware, no Member of the Senate desires to hold up action or block action on any of them.

The proposed arrangement will give the Senate an opportunity to act on the matters which can be disposed of by unanimous consent, without lengthy debate.

If there is lengthy debate, it will not be possible for the Senate to continue debating the matters which we propose to have the Senate take up; and, in that event, the Senate will resume consideration of the unfinished business.

Mr. IVES. Mr. President, will the Senator from Texas yield to me?

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from New York?

Mr. JOHNSON of Texas. I yield.

Mr. IVES. The Senator from New York would like to ask the distinguished majority leader whether he would consider adding any proposed legislation to the list mentioned.

Mr. JOHNSON of Texas. Oh, yes. I never have a closed mind. I am always glad to have other measures suggested, if there are any measures which can be disposed of by unanimous consent.

There are a number of persons with whom the Senator from Texas must deal in connection with matters of this kind. The Senator from Texas has no personal preferences in the matter, and will be glad to add any measure which can be disposed of by unanimous consent.

Mr. President, let me say that I cannot think of any such matter or measure not included in the list, except the treaties, because, under the suggested agreement, all measures on the calendar will be called up for consideration. Of course, if there is objection to any measure on the calendar, it cannot be disposed of by unanimous consent, and thus it cannot meet the rule of the Senator from California and the Senator from Georgia.

Mr. IVES. Between now and the time when the unanimous-consent agreement is proposed, I should like to talk to the distinguished majority leader, if I may do so, about a certain matter.

Mr. JOHNSON of Texas. I shall be delighted to have the Senator from New York do so, and I shall be glad to obtain the benefit of his recommendation. I shall not submit the request now.

I shall be glad to receive the suggestions which any Senators may care to make in regard to improvements in the program outlined, because if the proposed order is entered, it will have to be entered with the consent of the entire Senate. Of course, before the proposed unanimous-consent agreement is submitted, I shall wish to review it with the minority leader, the Senator from Georgia, the Senator from Illinois, the Senator from Minnesota, and other Senators who are vitally interested in the matter. At this time I merely wish to outline the trend of my thinking.

Mr. JAVITS. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. JAVITS. Then do I correctly understand that the Senator from Texas feels the proposed agreement must be confined or limited to measures which can be disposed of by unanimous consent, excluding the particular measures to which the Senator from Texas has referred specifically?

Mr. JOHNSON of Texas. No, I would not say that would be required by the Senator from Texas. I cannot speak for other Members of the Senate, and I would wish to explore such matters further with other Senators.

If Senators will give me an idea of the measures they have in mind, that will be very helpful. I would not want any matter which would require several hours or several days of debate to be called up.

I have indicated that I am willing to have a part of Wednesday set aside, and I hope it will be necessary to set aside only a part of Wednesday. If necessary, I am willing to have all of Wednesday set aside and, if necessary, all of Thursday, but in no event longer than Thursday, because I believe it is important that the Senate continue consideration of the unfinished business, the civil-rights bill, and try to arrive at a conclusion regarding it.

I shall be glad to talk to the Senators from New York before I suggest the absence of a quorum and before I submit the request officially. I assure them that the Senator from Texas desires to cooperate with them. If we can have any assurance that disposition of the matters they have in mind will not require long debate, we shall try to include them.

Mr. THYE. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. THYE. The program suggested by the majority leader is not only perfectly proper Mr. President; it is also an absolute necessity, because it covers many of the appropriation bills, as well as the bill pertaining to continuation of the Small Business Administration. Without the continuation of that Administration, all disaster loans and all other loans handled by the Small Business Administration must come to a halt. Therefore, the suggested program is an absolute necessity.

Mr. JOHNSON of Texas. Mr. President, I appreciate what my friend, the Senator from Minnesota, has said. He has talked to me several times, unofficially and privately, about this matter. I hope the suggested agreement is in line with his suggestions.

Mr. President, let me say that I appreciate very much the cooperation of my friend, the Senator from California [Mr. KNOWLAND] and my friend, the Senator from Georgia [Mr. RUSSELL]. I hope that when the request is submitted, it will meet with the approval of all Senators.

Mr. CHAVEZ. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield to my friend the Senator from New Mexico.

Mr. CHAVEZ. Of course, I am interested in the conference report on the Department of Defense appropriation bill. That conference report awaits the action of the Senate. The House of Representatives has already acted favorably upon it.

Certainly, I do not wish to interfere with any program the majority leader and the minority leader may have in mind; but it is absolutely necessary that final action be taken on the Department of Defense appropriation bill.

So I hope the Senate will have an opportunity to take final action on the conference report on the Department of Defense appropriation bill and also on the conference report on the Department of Agriculture appropriation bill, the latter being in a similar situation.

Mr. JOHNSON of Texas. Mr. President, as a result of the suggestion the Senator from New Mexico has made to me—and I have relayed it to the minority leader—we have worked out a suggested arrangement.

We may make some adjustments of that arrangement, but anything we do will certainly include the defense appropriation bill, and I hope the agreement we shall submit will meet with the approval of the Senate.

## TRANSACTION OF ROUTINE BUSINESS

The VICE PRESIDENT. In accordance with the order entered on yesterday, providing a period for the transaction of routine morning business, with a limitation of 3 minutes on statements, morning business is now in order.

## EXPRESSION OF THANKS FROM NATIONAL ASSEMBLY OF GHANA

The VICE PRESIDENT laid before the Senate the following communication from the Speaker of the National Assembly of Ghana, which was ordered to lie on the table:

THE SPEAKER, NATIONAL ASSEMBLY,
PARLIAMENT HOUSE,
*Accra, May 29, 1957.*

The PRESIDENT OF THE SENATE OF THE UNITED STATES OF AMERICA,
*Washington, D. C., U. S. A.*

DEAR MR. PRESIDENT: I have been requested by the National Assembly of the Parliament of Ghana to convey its thanks to the Senate of the United States of America for its resolution of March 5, 1957, extending to us its most cordial greetings and good wishes on the occasion of the independence of Ghana.

Your action is highly appreciated, and may we wish you in return all success and God's blessing.

Yours very sincerely,
EM. C. QUIST,
Sir Emmanuel C. Quist, O. B. E.

## EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON MILITARY PRIME CONTRACTS WITH BUSINESS AND NONPROFIT CONCERNS FOR WORK IN THE UNITED STATES

A letter from the Assistant Secretary of Defense (Supply and Logistics), transmitting, pursuant to law, a report on military prime contracts with business and nonprofit concerns for work in the United States, for the period July 1956–May 1957 (with an accompanying report); to the Committee on Banking and Currency.

DISESTABLISHMENT OF BALLS BLUFF NATIONAL CEMETERY, VA.

A letter from the Acting Secretary of the Army, transmitting a draft of proposed legislation to authorize the disestablishment of the Balls Bluff National Cemetery, Loudoun County, Va., and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT OF BOARD OF VISITORS TO UNITED STATES COAST GUARD ACADEMY

A letter from the Chairman and members of the Board of Visitors to the United States Coast Guard Academy, dated May 3, 1957, reporting, pursuant to law, on that Board's visit to the Coast Guard Academy at New London, Conn.; to the Committee on Interstate and Foreign Commerce.

REPORT ON TORT CLAIMS PAID BY DEPARTMENT OF AGRICULTURE

A letter from the Acting Secretary of Agriculture, transmitting, pursuant to law, a report on tort claims paid by that Department for the period July 1, 1956, to June 30, 1957 (with an accompanying report); to the Committee on the Judiciary.

## PETITION

The VICE PRESIDENT laid before the Senate a telegram in the nature of a petition from Josephine T. Hughes, of Sand Springs, Okla., relating to the Civil Rights Act of 1957, which was ordered to lie on the table.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GREEN, from the Committee on Foreign Relations, without amendment:

S. 747. A bill to authorize the Secretary of State to evaluate and to waive collection of certain financial assistance loans, and for other purposes (Rept. No. 767).

By Mr. GREEN, from the Committee on Foreign Relations, with an amendment:

S. 1779. A bill to give effect to certain obligations of the United States under the Geneva Conventions for the Protection of War Victims of 1949 by regulating use of the Red Cross and other emblems, and for other purposes (Rept. No. 772).

By Mr. HILL, from the Committee on Labor and Public Welfare, without amendment:

S. 2006. A bill to relieve the Surgeons General of the Army and Navy of certain responsibilities outside the Department of Defense (Rept. No. 764);

H. R. 5953. An act to provide for the construction of sewer and water facilities for the Elko Indian colony, Nevada (Rept. No. 765);

H. R. 7540. An act to amend Public Law 815, 81st Congress, relating to school construction in federally affected areas, to make its provisions applicable to Wake Island (Rept. No. 766); and

H. R. 8053. An act to authorize funds available for construction of Indian health facilities to be used to assist in the construction of community hospitals which serve Indians and non-Indians (Rept. No. 769).

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, without amendment:

H. R. 4511. An act to declare a certain portion of Back Cove at Portland, Maine, to be nonnavigable water of the United States (Rept. No. 768).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

H. R. 5707. An act for the relief of the A. C. Israel Commodity Co., Inc. (Rept. No. 770).

By Mr. HAYDEN, from the Committee on Appropriations, without amendment:

H. J. Res. 426. Joint resolution amending a joint resolution making temporary appropriations for the fiscal year 1958, and for other purposes (Rept. No. 771).

## EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service:

Two hundred and eleven postmaster nominations.

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LANGER:

S. 2654. A bill for the relief of Mrs. Taicia Meyers; to the Committee on the Judiciary.

By Mr. THYE:

S. 2655. A bill for the relief of Jacob Arion (Benjamin Jacob Breindl); to the Committee on the Judiciary.

By Mr. CHAVEZ:

S. 2656. A bill to continue the authority of the United States to make payments to Bernalillo County, N. Mex., for furnishing hospital care to certain Indians; to the Committee on Labor and Public Welfare.

By Mr. HAYDEN:

S. 2657. A bill for the relief of Jesus Romero Sotelo-Lopez; to the Committee on the Judiciary.

By Mr. SCOTT:

S. 2658. A bill for the relief of Frank Mayo Ramos; to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 2659. A bill to quitclaim any interest of the United States in and to certain lands lying in Smith County, Miss., and to terminate restrictions against alienation with respect to such lands; to the Committee on Interior and Insular Affairs.

S. 2660. A bill for the relief of Henry Wanderer; and

S. 2661. A bill for the relief of Ting Ah Sang; to the Committee on the Judiciary.

By Mr. MORSE (for himself and Mr. NEUBERGER):

S. 2662. A bill to provide for the liberalization of the basis for, and the increase of the monthly rates of, disability pension awards, and for other purposes; to the Committee on Finance.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

By Mr. NEUBERGER (for himself and Mr. MORSE):

S. 2663. A bill for the relief of Russell Dean Hood (Kim Young Whan); to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 2664. A bill for the relief of Sankey C. Chao and his wife, Catherine Pao-Fong Wei Chao; to the Committee on the Judiciary.

## WORLD TRAVEL WEEK

Mr. JAVITS. Mr. President, on behalf of myself, the Senator from Vermont [Mr. FLANDERS], and the Senator from Minnesota [Mr. HUMPHREY], I submit, for appropriate reference, a concurrent resolution which requests the President to designate the week of November 9, 1957, as World Travel Week. This measure is being sponsored in the other body by Representatives FARBSTEIN, of New York; FRELINGHUYSEN, of New Jersey; and MORANO, of Connecticut. It has the endorsement of a substantial segment of the American travel industry.

Last year the some 1,243,000 Americans who traveled abroad, outside of Canada and Mexico, spent about $1,275,000,000, exclusive of travel fares. These expenditures by Americans abroad represent one of the most important sources of dollar earnings for Europe. This is the best and most satisfactory form of trade, not aid, for all parties concerned. In Great Britain, for example, tourism was the biggest dollar earner in 1956, bringing in more than $134,000,000.

In 1956, there were 62,232,257 admissions to the United States: 360,000 from areas of the world other than Canada and Mexico, and 61,791,935 from Canada and Mexico on a frequently recurring basis. There were 150,000 from Europe and the Mediterranean area, 175,000 from Latin America and the Caribbean—outside Mexico—and about 35,000 from Asia and Africa. These visitors spent some $705,000,000 here.

Observance of a World Travel Week, as envisoned by the resolution, would be a logical extension of the interest in international travel traditionally manifested by the Congress.

The VICE PRESIDENT. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 42), submitted by Mr. JAVITS (for himself, Mr. FLANDERS, and Mr. HUMPHREY), was received and referred to the Committee on the Judiciary, as follows:

Whereas travel by residents of the United States, its Territories, and possessions abroad and visits by foreign residents to the United States, its Territories, and possessions provide for an expanded interchange of ideas, increased mutual understanding, stimulation of foreign trade, and improvement of the domestic economy; and

Whereas more than a million Americans are traveling overseas each year and some 350,000 foreigners from nations other than neighboring Canada and Mexico visit the United States as tourists annually; and

Whereas 32 foreign governments maintain travel promotion offices within the United States, expending about $7 million annually, to encourage travel abroad; and

Whereas 43 of the 48 States maintain official State travel promotion offices and tourism ranks among the first 5 principal industries of each of the 48 United States: Therefore be it

*Resolved by the Senate (the House of Representatives concurring)*, That the President is requested to issue a proclamation designating the week beginning on the 3d day and ending on the 9th day of November 1957 as World Travel Week, and calling upon the people of the United States to observe such week with appropriate ceremonies.

## EXPRESSION OF SYMPATHY TO PEOPLE OF GUATEMALA

Mr. CHAVEZ. Mr. President, I submit a resolution, which I ask to have read, and lie on the table.

The VICE PRESIDENT. The resolution will be read.

The legislative clerk read as follows:

*Be it resolved,* That the Senate of the United States is shocked and saddened at the murder of Col. Carlos Castillo Armas, President of the Republic of Guatemala, by a political assassin, a most wanton and despicable act that not only has robbed the people of Guatemala of their great leader, but which also has deprived the cause of freedom throughout the world, of one of its most valiant champions; be it further

*Resolved,* That, the Senate of the United States hereby extends its deepest sympathy to the people of Guatemala and to the widow, Senora Odilia Palomo de Castillo Armas, for their tragic loss; be it further

*Resolved,* That the Secretary of the Senate is hereby directed to request the Department of State to forward copies of this resolution as expeditiously as possible to the United States Embassy in Guatemala, to be officially presented to the President of the Republic, the Presiding Officer of National Congress, and to Senora Castillo.

The resolution (S. Res. 172) was ordered to lie on the table.

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## INCREASED PENSIONS FOR CERTAIN VETERANS

Mr. MORSE. Mr. President, on behalf of myself and my colleague, the junior Senator from Oregon [Mr. NEUBERGER], I introduce for appropriate reference a bill to provide for the liberalization of the basis for, and the increase of the monthly rates of, disability pension awards, and for other purposes.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2662) to provide for the liberalization of the basis for, and the increase of the monthly rates of, disability pension awards, and for other purposes, introduced by Mr. MORSE (for himself and Mr. NEUBERGER), was received, read twice by its title, and referred to the Committee on Finance.

Mr. MORSE. Mr. President, last year a major piece of veterans' legislation passed the House of Representatives, only to die in the Senate without even committee consideration. This bill, H. R. 7886, would have raised pensions for veterans with total and permanent nonservice-connected disabilities. Its most notable provision was the presumption of permanent and total disability at age 65 for World War I veterans.

The bill, as amended by the House Veterans' Affairs Committee, was passed by the House late last summer by a vote of 365 to 51. It was not taken up in the Senate Finance Committee before adjournment because of the rush of other committee business.

I am re-introducing this bill, containing the same amount of pension for nonservice-connected disability and for pension benefits at 65, with the addition of an income limitation, so that it may be put before the Finance Committee now. I have retained the identical amounts of pension adopted by the House but have added an income limitation. I think there is wide enough agreement on the desirability of extending pension benefits to those veterans, mostly of World War I, who are without a living income, so that we can make a start with consideration of the bill in the Senate.

Also included in it is an increase in pensions for World War I widows to $75 a month. The House has already passed H. R. 358, raising the pension benefit for Spanish War widows to $75 a month, and I think that World War I widows are also at an age, for the most part, when they are unable to earn an adequate living for themselves. So my bill would put these pensions at $75 a month for eligible widows, with an additional $10 a month for each minor child. It prescribes the same income limitation as is applicable to veterans—$1,800 if single, and $3,000 if they have one or more minor children.

One of the recent memorials of the Oregon State legislature to the United States Congress called for adoption of a pension for World War I veterans, with a reasonable income limit. I believe my bill carries out the mandate of my State's legislature. This is a measure I personally believe in, and which I have pledged to support.

I ask unanimous consent that House Joint Memorial 3 of the Oregon State Legislature may be printed in the RECORD at this point.

There being no objection, the joint memorial was ordered to be printed in the RECORD, as follows:

HOUSE JOINT MEMORIAL 3

*To the Honorable Senate and the House of Representatives of the United States of America, in Congress assembled:*

We, your memorialists, the 49th Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

Whereas the national policy of the United States has been to honor the veterans of the wars of the United States by granting assistance to them in their declining years, either by pension or otherwise, all in consideration of their military services in defense of our country; and

Whereas the veterans of World War I of the United States have attained an age of approximately 63 years; and

Whereas there has been no general pension granted to veterans of that war by the United States: Now, therefore, be it

*Resolved by the House of Representatives of the State of Oregon (the Senate jointly concurring therein),* That it hereby is urged that the Congress of the United States enact legislation granting pensions to World War I veterans, with reasonable income limitation provision, but otherwise substantially comparable to pension grants to veterans of America's wars prior to World War I; and be it further

*Resolved,* That copies of this memorial be sent to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States and to each of the members of the Oregon delegation in Congress.

Adopted by house April 1, 1957.
Adopted by senate April 16, 1957.

[SEAL] EDITH BYNON LOW,
*Chief Clerk.*
PAT DOOLEY,
*Speaker of House.*
BOYD R. OVERHULSE,
*President of Senate.*

Mr. MORSE. Mr. President, undoubtedly the argument will be made against the bill, and against others like it, that veterans serve their country in time of national emergency as an obligation of citizenship, and that unless they suffer wounds or other disability during their period of service they are not entitled to any assistance merely because they are war veterans. Certainly, we have been negligent in making provision for men with a service-connected disability and I favor a substantial increase in their compensation. But I reject the theory of the President's Commission on Veterans' Pensions that a veteran's health and income problems are his own if they have no direct connection with his military service.

That is a point of view I find entirely unacceptable. A citizen certainly has an obligation to his country, but so does the country have an obligation to the citizens who leave their homes, families, careers, and education to defend our security. The whole Nation has an obligation to them which can never be repaid.

In his classic reference to the duty of the Nation to care for those who had borne the battle, Lincoln did not make any classification as to degree of sacrifice. Our debt is to all who have served in the Armed Forces in time of war, and for that reason I propose in this bill that we provide a pension for those veterans of World War I who are past the normal retirement age and do not have an income that enables them to live decently.

I ask unanimous consent that the bill may be printed in the RECORD at this point.

There being no objection, the bill (S. 2662) was ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.,* That (a) paragraph I of part III of Veterans Regulation No. 1 (a) is amended by striking out subparagraphs (e) and (f) and inserting in lieu thereof the following:

"(e) No pension shall be payable under this part for permanent disability less than total. A permanent total disability shall be taken to exist when there is present any impairment of mind or body which is sufficient to render it impossible for the average person to follow a substantially gainful occupation and where it is reasonably certain that such impairment will continue throughout the life of the disabled person. A World War I veteran shall be deemed to be permanently and totally disabled upon reaching the age of 65 years. In addition to the criteria established in the preceding two sentences, the Administrator of Veterans' Affairs may classify, as permanently and totally disabling, those diseases and disorders which in his judgment are such as to justify such a classification.

"(f) Pension shall be paid under this part at the rate of $75 per month, except that—

"(1) when the disability of the eligible person has been rated as permanent and total for an aggregate of 10 years, or when he has reached the age of 65 years, such pension shall be paid at the rate of $90 monthly;

"(2) when the eligible person becomes, on account of age or physical or mental disabilities, helpless or blind or so nearly helpless or blind as to need or require the regular aid and attendance of another person, such pension shall be paid at the rate of $150 per month; and

"(3) if the eligible person served outside the continental limits of the United States for a period of 30 days or more during the creditable period of service, the foregoing amounts of pension shall be increased by 10 percent."

(b) Paragraph II (a) of part III of Veterans Regulation No. 1 (a) is amended (1) by striking out "$1,400" and inserting in lieu thereof "$1,800"; and (2) by striking out "$2,700" and inserting in lieu thereof "$3,000."

SEC. 2. (a) Notwithstanding the provisions of the Act of June 28, 1934 (48 Stat. 1281), as amended—

(1) the minimum monthly rate of pension payable to (A) widows of World War I veterans with no children, as provided in section 2 thereof, shall be $75, and (B) widows of World War I veterans with one child, as provided in section 2 thereof, shall be $85 (with $10 for each additional child), and

(2) the annual income limitaton for payment of pension to widows of World War I veterans with no children, as prescribed by section 1 (c) thereof, shall be $1,800, and the annual income limitation for payment of pension to widows of World War I veterans with children, as prescribed by section 1 (c) thereof, shall be $3,000.

(b) The provisions of this section shall be applicable only with respect to widows of World War I veterans.

SEC. 3. This Act shall be effective from the first day of the second calendar month following its enactment.

## ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. MAGNUSON:

Statement prepared by him relating to the merchant marine kit distributed by the American Merchant Marine Institute.

Article entitled "The Tax That Chokes the West," written by Senator RICHARD L. NEUBERGER and published in Railway Progress for August 1957.

## GERMAN UNITY

Mr. SMITH of New Jersey. Mr. President, this morning's newspapers revealed the signing on July 29 of a statement on German unity by West Germany, Great Britain, the United States, and France. The statement expresses the conclusions of a four-power working group on reunification established early this year.

The significance of the statement lies in the fact that this is the first time the three principal Western Powers and the West German Government have expressly set forth in a joint declaration their views on German unity. In the past, expressions have been made at international conferences, such as Geneva in 1955, and in diplomatic correspondence, but there has been no joint and united statement. The three Western Powers and the West German Government have reexamined the Geneva proposals, and have reiterated them in good part, and have clarified them for general understanding.

The statement reaffirms the fact that reunification of Germany remains the responsibility of Russia, Great Britain, France, and the United States, the four nations which assumed supreme authority in Germany in 1945, but it also avers that the German people have a responsibility in this regard as well. It calls for the election of an all-German Government, freely elected, and with complete sovereignty, unprejudiced by the imposition of neutrality or demilitarization. It also reaffirms the pledge of the Western Powers to enter into a security agreement designed to preserve peace in central Europe and to provide security guaranties to both Germany and the U. S. S. R.

The division of Germany continues to imperil the attainment of peace in Europe. Not only does it provide Russia with a foothold in the West but any shakiness in East Germany is likely to stampede the West German peoples and to precipitate an all-out conflict. The Western Powers, including the only legitimate government in Germany, have now set forth jointly and clearly for the first time a statement of the principles upon which they will stand in respect to German unification. They are democratic principles, principles which confirm faith in liberty and justice. They state in unmistakable terms the policy of the West for Russia to read and understand.

The next move will have to be made by the Soviet. Free peoples everywhere will recognize the justice of the principles of the Western Powers. Russia can accept them in good faith, or indicate that it neither sincerely desires to work toward justice and law, nor does it honestly seek to secure peace. The world will be the judge of Russia's response.

This is especially true as regards the implication of the statement on the current disarmament discussions. The Four Powers declare that it would be helpful for the cause of German reunification if a beginning could be made toward partial disarmament, but that reunification must precede any comprehensive disarmament agreement. To date, the Russians have not enthusiastically associated the two problems.

Mr. President, I ask unanimous consent that a copy of the Four Powers statement which appeared in the New York Times of July 30, and that an editorial in the Times of the same date, entitled "The Berlin Declaration," be printed in the RECORD at the conclusion of my remarks.

There being no objection, the statement and editorial were ordered to be printed in the RECORD, as follows:

[From the New York Times of July 30, 1957]

FOUR-POWER STATEMENT ON GERMAN UNITY

BERLIN, July 29.—Following is the text of the declaration signed today by West Germany, Britain, France, and the United States:

"Twelve years have elapsed since the end of the war in Europe. The hopes of the peoples of the world for the establishment of a basis for a just and lasting peace have nevertheless not been fulfilled. One of the basic reasons for the failure to reach a settlement is the continued division of Germany, which is a grave injustice to the German people and the major source of international tension in Europe.

"The Governments of France, the United Kingdom, and the United States, which share with the Soviet Union responsibility for the reunification of Germany and the conclusion of a peace treaty, and the Government of the Federal Republic of Germany [West Germany] as the only Government qualified to speak for the German people as a whole, wish to declare their views on these questions, including the question of European security, and the principles which motivate their policies in this regard.

"1. A European settlement must be based on freedom and justice. Every nation has the right to determine its own way of life in freedom, to determine for itself its political, economic, and social system, and to provide for its security with due regard to the legitimate interests of other nations. Justice requires that the German people be allowed to reestablish their national unity on the basis of this fundamental right.

"2. The reunification of Germany remains the joint responsibility of the four powers who in 1945 assumed supreme authority in Germany, a responsibility which was reaffirmed in the directive issued by the four heads of government in Geneva in July 1955. At the same time the achievement of German reunification requires the active cooperation of the German people as a whole under conditions insuring the free expression of their will.

"3. The unnatural division of Germany and of its capital, Berlin, is a continuing source of international tension. So long as Germany remains divided, there can be no German peace treaty and no assurance of stability in Europe. The reunification of Germany in freedom is not only an elementary requirement of justice for the German people, but is the only sound basis of a lasting settlement in Europe.

"4. Only a freely elected all-German government can undertake on behalf of a reunified Germany obligations which will inspire confidence on the part of other countries and which will be considered just and binding in the future by the people of Germany themselves.

"5. Such a government can only be established through free elections throughout Germany for an all-German national assembly.

"6. There should be no discrimination against a reunified Germany. Its freedom and security should not be prejudiced by an imposed status of neutralization or demilitarization. Its government should be free to determine its foreign policy and to decide on its international associations. It should not be deprived of the right recognized in the Charter of the United Nations for all nations to participate in collective measures of self-defense.

"7. Reestablishment of the national unity of Germany in accordance with the freely expressed wishes of the German people would not in itself constitute a threat to Germany's neighbors nor would it prejudice their security. Nevertheless, so as to meet any preoccupation which other governments may have in this respect, appropriate arrangements, linked with German reunification, should be made which would take into account the legitimate security interests of all the countries concerned. It was for this reason that, at the Geneva foreign ministers conference, the Western Powers made proposals for a treaty of assurance on the reunification of Germany.

"8. The Western Powers have never required as a condition of German reunification that a reunified Germany should join the North Atlantic Treaty Organization. It will be for the people of a reunited Germany themselves to determine through their freely elected government whether they wish to share in the benefits and obligations of the treaty.

"9. If the all-German Government, in the exercise of its free choice, should elect to join the NATO, the Western Powers, after consultation with the other members of this organization are prepared to offer, on a basis of reciprocity, to the Government of the Soviet Union and the governments of other countries of Eastern Europe, which would become parties to a European security arrangement, assurances of a significant and far-reaching character. The Western Powers

are also prepared, as part of a mutually acceptable European security arrangement, to give an assurance that, in the event of a reunified Germany's choosing to join NATO, they would not take military advantage as a result of the withdrawal of Soviet forces.

"10. But the Western Powers could not contemplate that the existence of the NATO itself should constitute the subject of negotiations.

"11. The reunification of Germany accompanied by the conclusion of European security arrangements would facilitate the achievement of a comprehensive disarmament agreement. Conversely, if a beginning could be made toward effective measures of partial disarmament, this would contribute to the settlement of outstanding major political problems such as the reunification of Germany. Initial steps in the field of disarmament should lead to a comprehensive disarmament agreement which presupposes a prior solution of the problem of German reunification. The Western Powers do not intend to enter into any agreement on disarmament which would prejudice the reunification of Germany.

"12. Any measures for disarmament applicable to Europe must have the consent of the European nations concerned and take into account the link between European security and German reunification.

"The four governments continue to hope that the Soviet Government will come to recognize that it is not in its own interest to maintain the present division of Germany. The Western Powers are ready to discuss all these questions with the Soviet Union at any time that there is a reasonable prospect of making progress. At such time there will be many points relating to the procedure for German reunification and the terms of a treaty of assurance which will require to be worked out by detailed negotiation.

"In advance of serious negotiations the Western Powers cannot finally determine their attitude on all points. Nor can they contemplate in advance the making of concessions to which there is no present likelihood of response from the Soviet side.

"If negotiations are to be fruitful, both sides must approach them in a spirit of accommodation and flexibility. Through this declaration the Western Powers, in full accord with the Federal Republic, wish again to manifest their sincere desire to enter into negotiations with the Soviet Union in order to reach a European settlement and to give evidence that the paramount objective of their policy is the attainment of a just and lasting peace."

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[From the New York Times of July 30, 1957]

THE BERLIN DECLARATION

While an American-donated freedom bell rang out over divided Berlin, the Western Big Four—the United States, Britain, France, and Germany—yesterday signed in the free part of the city 100 miles behind the Iron Curtain a solemn declaration calling on Soviet Russia to agree to a European settlement based on freedom and justice for all nations and the reunification of a free Germany in particular. They offered to meet the Soviet at any time in the spirit of mutual accommodation and flexibility to discuss these problems, provided there was a reasonable prospect of progress. Furthermore, they warned the Soviets that it is not in Russia's own interest to maintain the present German partition as one of the main sources of international tensions that are responsible for the atomic armament race.

The declaration thus deals with the key issue of the whole cold war that is also decisive for Europe, for the North Atlantic alliance and for disarmament. It does so by reaffirming the principles laid down in the Atlantic Charter, the charter of the United Nations, the Geneva directive of 2 years ago to which the Soviets agreed, and the recent Washington communique issued by President Eisenhower and Chancellor Adenauer. It has been 4 months in the making and is evidently timed to achieve these results:

It provides a joint answer by the Western Powers to the recent verbal missiles sent by the Soviets to individual Western governments repudiating the above principles and insisting in particular that the reunification of Germany is now the business of the Germans themselves, to be achieved in direct negotiations between the Bonn government the East German puppets—or, rather, between Bonn and Moscow. This would exclude the Western Powers and assure the ultimate sovietization of all Germany.

The declaration provides a preventive barrage against any new Soviet propaganda along that line that may be expected during the forthcoming visit of Messrs. Khrushchev and Bulganin to East Germany next month.

Finally, it is designed to dispel the last German suspicion that the Western Powers might make a deal with the Soviets at the expense of Germany or do anything to "prejudice" German reunification or to perpetuate the present partition line in any disarmament agreement, as advocated at one time within the American delegation.

This last aspect of the declaration should provide another boost for Chancellor Adenauer in the forthcoming national elections, on which may depend the fate of both the North Atlantic alliance and of Europe. For a defeat of the Chancellor and a victory of the Socialists might well take Germany out of the North Atlantic alliance and thereby not only abolish the present controls of its armaments but also set it again on an erratic pendulum course between East and West that could stampede the Germans into new and dangerous adventures.

It is to avert such a possibility that the Western Powers call on the Soviets to join them in tackling the German problem first of all. They do not lay down any fixed conditions, they even offer concessions on the basis of reciprocity, but they do insist on some basic propositions.

Germany, they declare, can be reunited only by means of free elections, which alone can create a free all-German Government able to speak for all Germans and meet its international obligations. Such a government must be free to decide on its own foreign policy, including its alliances for collective self-defense. The North Atlantic alliance is not subject to negotiations, but should a reunited Germany decide to join it, the West will not only refrain from taking military advantage of this but will also offer the Soviets "significant and far-reaching" security arrangements.

In any case, the Western Powers now serve joint notice that, except for some experimental first steps now being discussed in London, any comprehensive disarmament agreement presupposes a prior solution of the problem of German reunification. The Soviets cannot hope to split the West on this issue.

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## IMPORTANT DECISION IN THE HANDS OF THE UNITED STATES SENATE

Mr. CHAVEZ. Mr. President, on July 19 La Estrella de Panamá, a daily newspaper of Panama City, published an editorial which I have had translated, which is entitled "Important Decision in the Hands of the United States Senate." I ask unanimous consent that the translation of the editorial, as made by the Library of Congress, be printed in the body of the RECORD at this point in my remarks.

There being no objection, the translation was ordered to be printed in the RECORD, as follows:

IMPORTANT DECISION IN THE HANDS OF THE UNITED STATES SENATE

We would be tampering with the truth if we were to say that we were surprised by the recent decision of the United States House of Representatives to refuse the inclusion of Panamanians working for private enterprise in the Canal Zone into the stipulations fixing the hourly minimum wage at one balboa. We have been accustomed to repeated demonstrations by the above United States legislative body revealing a patent lack of understanding of our problems, legitimate aspirations, and just demands for equitable treatment, and, therefore, an additional gesture of this kind cannot come as a surprise to us at this time. We are naturally nurturing the hope that in the course of time these attitudes will be corrected by various factors being brought to the attention of the Members of the United States House of Representatives, meaning that Panama within the general framework of the foreign relations of the United States, and also meaning that the Panamanian people for the sake of the good name and prestige of the United States, will be receiving from the American people, through their legislators, the just and fair treatment they deserve after half a century of continued, close cooperation on the canal project and of permanent and faithful adherence to the cause of freedom and human dignity as represented and defended by the United States. Therefore, we are sure that it can be due only to stubborn and inflexible lack of comprehension that every time some problem relating to Panama comes up for discussion in the House of Representatives its Members react with disdain or acrimony, as though the debate concerned not a friendly and allied country but an alien nation, with suspicious tendencies, to be looked upon with distrust and misgivings.

Fortunately, we know for certain that a much more favorable climate for our just claims obtains in the Senate, and that there is reason to hope that what was recently approved by the House of Representatives with respect to the minimum wage of workers for private enterprise in the Canal Zone may be appropriately corrected and amended by the Senators, thus rectifying a decision which, as may well be suspected, has caused us a new disappointment. The presence in the United States Senate of distinguished legislators who do understand full well that their country is morally obligated to maintain a friendly relationship with Panama by way of fair reciprocity for the attitude taken by all of us Panamanians toward the United States during our more than 50 years of common history is opening a broad avenue to optimism, a feeling that has really never completely left us, despite the disappointments we suffered because of the repeated refusals, even by the President of the United States, of requests made by us and to the approval of which, by virtue of formal and solemn contractual agreements, we Panamanians have a right.

The just and fair amendment by the United States Senate of the resolution of the House of Representatives concerning the minimum wage for workers for private enterprise in the Canal Zone would not only solidify our faith and trust that a period of fair adjustment as regards the attitude of the United States toward Panama may finally have been inaugurated, considerably strengthening the good and friendly relations that have always existed between our two countries, but make it clear at the same time that the majority of Senators in the

United States Senate are able to properly understand the important role they are called upon to play in this hour, which is a crucial and decisive one for the whole world, by supporting the prestige of their country with positive acts (display) of good neighborliness.

The United States Senators should surely not ignore the insistent Panamanian requests for just and fair treatment of our compatriots in the Canal Zone and for the approval of adequate legislation to make the agreements laid down in the Eisenhower-Remón treaty effective and operative. Now, in view of the possibility of correcting what the House of Representatives approved on the minimum wage to be paid by private enterprise in the Canal Zone, they are afforded an opportunity, which we hope they will seize, for putting in evidence the inclination and good will of the United States legislators with respect to our country. Panama expects, therefore, the United States Senate to proceed to an appropriate adjustment which, if approved, would be of extraordinary, and not be underestimated, value.

Source: La Estrella de Panamá (July 19, 1957), editorial. Translated by Elizabeth Hanunian, July 26, 1957.

## LABOR OPPOSITION TO JURY TRIAL AMENDMENT

Mr. THYE. Mr. President, during the course of the debate on the O'Mahoney-Kefauver-Church amendment to provide for jury trial in contempt cases, statements have been made that representatives of organized labor have expressed support for such an amendment.

I should like to comment at this point, Mr. President, that at no time have I received any indication of labor support for a jury trial amendment to the civil rights bill, either in its original form or in its present amended form. Correspondence and telegrams I have received indicate that labor organizations support the passage of the civil-rights bill without any crippling amendments.

Mr. President, as an indication of the communications I have been receiving with regard to this issue, I ask unanimous consent that there be printed in the RECORD at this point, as a part of my remarks, a letter from Local 125 of the United Automobile Workers; a telegram from the subregional director of the United Automobile Workers, Mr. E. J. Murname; a telegram from Mr. Adolph Held, chairman of the Jewish Labor Committee; a telegram from Mr. Henry E. Allen, of Minneapolis; a telegram from the Minnesota Young Democratic Civil Rights Committee; and telegrams from Mr. Lerman, director of the Minnesota Labor Committee on Human Rights and Mr. Earl Grittner, chairman of the St. Paul Trades and Labor Assembly Human Rights Committee.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

MINNEAPOLIS, MINN., *July 29, 1957.*
Senator EDWARD J. THYE,
*Senate Office Building,*
*Washington, D. C.:*

Retention of title 4 in civil-rights bill, in its present form without jury trial amendment absolutely essential to preserve any semblance of workable civil-rights bill. Urge you to vote to defeat pending amendment designed to include jury trial in contempt proceedings.

Gene H. Rosenblum, Cochairman; Paul H. Ray, Cochairman; Cynthia Asplund; James Pedersen; George Doty; Thomas St. Martin; Joan O'Neill, Lloyd Moosebrugger, Sam Kaplan; Ronald Nemer; Dean Potter, Phillip Archer; Thomas McDonough; Mrs. Lloyd Mooseberger, Minnesota Young Democratic Civil Rights Committee.

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AMALGAMATED LOCAL 125,
UNITED AUTOMOBILE WORKERS
OF AMERICA, UAW–CIO,
*Minneapolis, Minn., July 18, 1957.*

Hon. EDWARD THYE,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR THYE: Local 125, United Auto Workers, with its membership of over 600 urges you to be on hand to answer all quorum calls.

To vote to take H. R. 6127 from the Senate calendar and make it the pending business of the Senate.

To vote for cloture to limit debate on H. R. 6127, minimum civil-rights bill, and all amendments thereto and proceed to rollcall votes on amendments and the bill itself.

In all your activity emphasize the importance of defeating the so-called jury-trial amendment which would nullify the civil-rights bill.

The passage of bill H. R. 6127, devoid of crippling amendments, is a matter of utmost importance to all of us in the labor movement.

In the meantime, wishing you the best of success, we remain

Very sincerely yours,
CONRAD ARMSTRONG,
*President.*
HELEN OSMAN,
*Financial Secretary.*
MARGARET KLECKNER,
*Recording Secretary.*

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MINNEAPOLIS, MINN., *July 29, 1957.*
Hon. EDWARD J. THYE,
*Senate Office Building,*
*Washington, D. C:*

Strongly support your firm stand against further modification of civil-rights bill. Can see no pertinence for jury trial in contempt of court cases.

HENRY E. ALLEN.

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ST. PAUL, MINN., *July 29, 1957.*
Hon. EDWARD J. THYE,
*Washington, D. C.:*

Keep part IV in present form. Essential to a meaningful civil-rights bill.

CARL GRITTNER,
*Chairman, St. Paul Trades and Labor Assembly Human Rights Committee.*

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NEW YORK, N. Y., *July 29, 1957.*
Senator EDWARD J. THYE,
*Senate Office Building,*
*Washington, D. C.:*

The Jewish Labor Committee representing 500,000 organized workers in the AFL–CIO urges you to support part IV of the civil-rights bill in its present form. The jury trial amendment would weaken the civil rights bill as a measure to protect the constitutional rights of all citizens. Urge you to work for vote on and final passage of bill without crippling amendments.

ADOLPH HELD,
*Chairman, Jewish Labor Committee.*

ST. PAUL, MINN., *July 22, 1957.*
Senator EDWARD THYE,
*Senate Office Building,*
*Washington, D. C.:*

Urge that you vote for passage of H. R. 6127 civil rights bill without crippling amendments.

EDW. J. MURNANE,
*Subregional Director, United Automobile Workers.*

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ST. PAUL, MINN., *July 29, 1957.*
Senator EDWARD THYE,
*Washington, D. C.:*

No further watering down of civil rights bill. Keep part IV in its present form.

LOUIS E. LERMAN,
*Executive Director, Minnesota Labor Committee of Human Rights.*

## ECONOMIC INDICATORS—PUBLICATION OF THE JOINT ECONOMIC COMMITTEE

Mr. SPARKMAN. Mr. President, earlier this week, Representative WRIGHT PATMAN, chairman of the Joint Economic Committee, brought to the attention of the Members of the House the widespread interest in Economic Indicators, a publication of the Joint Economic Committee. As Senators know, this is a self-supporting publication issued monthly and containing nearly 150 series of key statistics for economic analysis.

I think Members of the Senate will also be interested to know that the Superintendent of Documents now sells 8,000 copies a month of Economic Indicators, 6,300 of which are by annual subscription. This is in excess of $16,000 worth of sales a year. Subscribers include business analysts, college teachers, and directors of research, labor and farm organizations, libraries, and individuals interested in following economic trends.

Economic Indicators is printed under a joint resolution, sponsored by all members of the Joint Economic Committee, which provides that each Member of the Congress is to receive one copy and the Joint Economic Committee a small supply for distribution to the press and the cooperating agencies which prepare the materials. Copies for the general public are available only through purchase at the Superintendent of Documents, United States Government Printing Office. At an annual subscription rate of $2 or 20 cents for single copies, this collection of 32 charts and tables is one of the greatest values in economic information to be found.

The data contained in Economic Indicators are from the best sources available in the areas of total output, income, and spending; employment, unemployment, and wages; production and business activity; prices; currency, credit, and security markets; and Federal finance. The information is assembled for the Joint Economic Committee by the President's Council of Economic Advisers, and most of the series come from the regular Government statistical agencies.

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Foreign subscriptions are available at $2.50 a year and the domestic airmail subscription price is $4.25 a year.

## THE VELOCITY OF MONEY TURNOVER

Mr. BUSH. Mr. President, I hold in my hand an article from the New York Times of July 29, 1957, written by Edward H. Collins, the financial editor.

This article deals with the question of inflation and the effect of the money supply on inflation, particularly the effect of the turnover or velocity of the money supply, and the effects occurring when money does not turn over rapidly as compared to the effects occurring when the velocity of money turnover is high. This subject has a very distinct bearing on the whole question of inflation, which is before the Committtee on Finance and before the country as a whole.

Mr. President, I ask unanimous consent that the article be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SPEEDUP OF MONEY—A FURTHER EXAMINATION OF THE ROLE OF VELOCITY IN THE FINANCIAL PICTURE

(By Edward H. Collins)

The piece that appeared in this space on Monday, July 1, was titled "Money on the March," and it was intended primarily for the consumption of one segment in particular of the several that comprise the opposition to the Government's restrictive credit policies. This is the group whose quarrel with those policies is not that they have created inconveniences and hardships, but that they have failed to work.

The theory behind general monetary controls, these critics point out, is that by halting the expansion of the money supply you can put an end to price inflation. This might have been the case a generation ago, they will tell you, but it obviously isn't true today. It can't be true, because while the money supply ceased expanding more than a year ago, there is no real evidence even now that the present rising trend of prices is topping off, or about to top off.

The purpose of the July 1 piece here was to explain that this indictment of general monetary controls was based on a widely held. but highly oversimplified interpretation of the quantity theory of money. This was so, it was explained, because it omitted to distinguish between the total monetary supply and the total supply of money in active circulation. In other words, it neglected the vital factor of velocity.

QUESTIONS RAISED

The reader response to that piece was rather startling, not because of its quantity, but because of its tone, which was predominantly one of curiosity.

To one who has had the dubious privilege of witnessing this phenomenon (velocity) at work in its most extreme two manifestations of modern times (in 1929 and in the depression years of the early thirties), the first reaction was one of surprise that even readers whose sophistication in financial matters was obviously above average should be moved to ask such questions as "What is velocity?" "How important is it in determining the capacity of a given volume of money to support a rising rate of financial activity without a downturn in the price level?" and "What, exactly, happens to produce the effect we know as quickened (or retarded) velocity of money turnover?"

On second thought, however, this curiosity became decidedly less inexplicable. For actually under normal conditions velocity represents a more or less self-adjusting element in the management of a country's money. It rarely attracts much public attention except at times such as the present when, in effect, it tends to work at cross purposes with the monetary authorities in their efforts to achieve a particular important objective.

In the remainder of this column and in next week's column the writer will seek to throw such light as he can on the points raised by the questions referred to above.

CACHE IS NOT CASH

When an Indian rajah hoarded gold or silver by burying it in the ground, as rajahs frequently did in times past, that gold or silver became dormant so far as its effects on the price level were concerned. Similarly, today it is only when money is used—when it enters into active circulation—that it becomes a positive force on prices.

By way of illustration, let us consider the two contrasting episodes mentioned earlier, that of 1929 and that of the early thirties.

In 1929, as W. Randolph Burgess reminds us in his well-known work the Reserve Banks and the Money Market, "business expansion and a speculative boom were financed simultaneously, not by an unusual increase in the volume of bank credit, but by an extraordinary increase in the velocity (or an increase in the volume of bank credit. Taking the average figure for 101 clearing centers in the Nation, the rate reached 94 at the peak of the boom in October. This compared with an average rate of 50 for the 6-year period 1922–27."

Contrast this with the situation prevailing in the early thirties. In the year 1933—the year in which prices reached their low point of the depression—the volume of currency outstanding was nearly $2 billion higher than in the boom year 1929.

Unfortunately, however, an estimated two-thirds of that total was hoarded away in cellars, attics, mattresses, and other hiding places. Like the buried gold and silver of the rajahs of another day, this two-thirds of the Nation's currency had been completely immobilized so far as its usefulness for combating deflation was concerned.

There was no such abundance of credit money available in 1933, because for a year and a half before 1933 the steady march of bank failures had been extinguishing bank deposits at a rate faster than they could be created. But as late as mid-1931, when commodity prices had already fallen by nearly 30 percent and stock prices more than 50 percent, bank demand deposits still stood at approximately the average level obtaining over the period 1922–29.

And why hadn't the presence of this huge volume of cheap money prevented prices from sliding downward almost without interruption since 1929?

The answer to this is readily available in the contemporary figures showing the velocity at which these deposits were being turned over. It had fallen to about 40 percent of the rate of 2 years previous. We had plenty of money in 1931, in other words, but less than half of it was working.

## RESTRICTION ON CRUDE OIL IMPORTS

Mr. WILEY. Mr. President, the announcement yesterday of the restriction on oil imports into the United States is an exceedingly serious and disappointing action on the part of the United States Government. The real purposes behind this restriction are just the opposite of what they are purported to be. It is supposed to be a voluntary restriction; whereas, actually, it is a coercive order. It is supposed to be a stimulus to the free enterprise system, but actually, it is an example of an artificial market in which supply is arbitrarily rigged by the Federal Government.

HARMFUL RESULTS TO UNITED STATES ABROAD

The oil importing companies are supposed to comply with it, because of patriotic reasons, but actually any thinking patriot knows that this order harms the flag of the United States by impairing our position in the eyes of the Free World.

The Cabinet Committee report pays lipservice to the important foreign policy aspects, but actually it totally ignores the damage which will result among countries which note with regret this arbitrary action on our part.

If Canada and Venezuela were now to retaliate by requesting their nationals to observe voluntary restrictions on imports of goods from the United States, exactly how, in good conscience could we argue against such action on their part?

The Cabinet report says the restriction is supposed to help the consumer, but actually, it is one more of the long series of blows to the consumer. By restricting supply, it will inevitably force prices up. Everybody knows that. The whole intention of the restriction is to force the consumer to pay more.

NET RESULT—INFLATION

The restriction order comes from an administration which has made appeal after appeal against inflation. But what is the effect of this order but another inflationary boost in prices? And what is inflation itself but a compound of limited supply, rising demand and rising prices? That is exactly the formula of this restriction.

So, we see self-contradiction after self-contradiction. That is the summary of this order.

MANDATORY CURBS—A WORSE CLUB

As an indication of how "voluntary" the restriction is, the Secretary of the Interior specifically said that the companies had no alternative. And, if they do not comply, the Cabinet report itself said, the President would rule that a threat to the national security existed, and he would invoke the powers available to him under the Trade Agreements Extension Act of 1955.

So mandatory curbs remain as the ultimate threat. That is the club over the oil-import industry's head. It is the club over the Middle East, Canada, and Venezuela. I wonder how we would like such a club over our exporters' heads if some foreign government decreed it.

OIL INDUSTRY DOES ITSELF DISSERVICE

Mr. President, I have many times been glad to commend the petroleum industry of the United States, because it is a keystone of our free economy. It is by and large an example of how the system of private risk-taking serves an expanding capitalist system. But, in this instance, those segments of the petroleum industry which have asked for restrictions have displayed how free enterprise definitely should not work. They have shown how a multi-billion-

dollar industry—a giant among industries—which can stand on its own feet, runs like a crybaby to the Federal Government to do the crybaby's bidding, so as to force a totally artificial supply situation.

I can well understand that some industry small in resources and with fixed-wage costs for high-paid United States workers, would on occasion have to appeal for help. But the oil industry is not small. Its big costs are machinery, not manpower. It has the most highly advanced skills and know-how in the world.

The oil industry has always talked glowingly of this country's future. But now the industry talks like the most scary, hidebound Socialist. Such a Socialist would criticize the United States market as "static," as a so-called mature economy into which Government must step, for there will be overproduction and doom.

Yes, the oil industry in this instance talks the very sort of socialism it despises.

The next time we hear some oil industry spokesman talk eloquently about free enterprise, we should ask him how much free enterprise it is for the Federal Government to restrict oil imports in this way.

Actually, the leading exponents of real free enterprise in the United States have long since indicated that the petroleum industry has taken a self-contradictory position on the oil import question.

For example, last year when Time magazine, which certainly has nothing but the interests of the free enterprise system at heart, commented on this issue, it pointed out this fact.

I send to the desk excerpts from this Time article, from the October 25, 1956, issue, and ask unanimous consent that they be printed at this point in the body of the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

OIL-IMPORT CURB—A BLOW AGAINST FREER TRADE

* * * * *

Not every oilman agrees with ODM.

The independent producers do, and they argue bitterly that cheap foreign oil is wrecking domestic markets, keeping prices at low levels when they need more money to pour into new exploration. Importers (i. e., Gulf Oil Corp., Shell Oil, Standard Oil of New Jersey) counter that high imports are necessary to keep down prices by filling the gap between United States production and consumption, and that the import restrictions are in conflict with United States aims for freer world trade.

Actually, there is right on both sides. To stay healthy, domestic producers must constantly find new reserves. Yet, in the past decade, while United States oil demand has risen 71 percent, proven domestic reserves have increased only 48 percent. One big reason is that oil is getting harder and more expensive to find. According to Independent Petroleum Association of America, the cost of finding, developing, and producing oil and gas has jumped 43 percent since 1948, against a mere 6.5-percent increase in the general level of crude-oil prices.

Thus, as reserves and relative profits decline, say independents, they are steadily losing ground as the Nation's primary oil explorers while the United States depends increasingly on risky foreign oil. The vast oilfields of the Middle East are likely to be neutralized in an emergency, leaving the United States dependent for its supply on a domestic industry that it has let slip behind. What independents want is a much bigger cut in imports than ODM's scheduled 10 percent, and a price rise large enough to enable them to pour more money into exploration.

Most importers argue that the industry is not so badly off as independents claim. According to Interior Department statistics for 1955, oilmen drilled more wells (31,567), had more wells pumping oil (537,682), had greater proven reserves (some 30 billion barrels) than ever before, and earned a record $1.6 billion, nearly 15 percent more than in 1954.

The main supply-and-demand argument against restricting imports, however, is the fact that domestic oilfields will not be able to keep up with rising United States needs under any circumstances. Says Otis H. Ellis, general counsel of the National Oil Jobbers Council: "We constantly hear that there is no security in foreign oil. A more appropriate slogan would be, 'There is no security without foreign oil.'" With one-seventh of the world's crude-oil reserves, the United States consumes 9 million barrels of oil daily, well over 50 percent of the world's production. The Chase Manhattan Bank predicts that United States oil demand will rise another 53 percent in the next decade, to some 12.8 million barrels daily. Yet estimates are that domestic production will probably not exceed 10 million barrels daily, leaving a net deficit of 3 million barrels that must be made up from imports.

Importers admit that there is indeed some risk involved with Middle East oil. However, they argue that, short of actual war, the oil can be kept flowing. Furthermore, importers point out that to cut back oil imports now would be a damaging blow to their competitive position. Currently, some 20 companies are exploring around the world for oil. If United States markets are closed to them, it will not only slow down exploration, but it will also damage the overall position of the United States itself in future years when domestic markets are increasingly dependent on foreign oil supplies.

Eventually, the domestic producers' worries about oil imports will disappear without Government restrictions. Says Gen. Ernest O. Thompson, chairman of the Texas Railroad Commission, which controls the flow of oil from Texas fields: "The problem is on high center now, but time will eventually work it out." In the not too distant future, world oil demand will climb so high that all available production both in the United States and abroad will be needed. For the short run, restricting imports would not only place a heavy burden on diminishing United States oil reserves; it would also undo much of the good will the United States has built up in its efforts toward freer trade.

Mr. PURTELL. Mr. President, I strongly feel that the recommendations of the Special Committee to Investigate Crude Oil Imports will hurt the fuel-oil consumers in Connecticut and the entire New England area.

Frankly, I have heard the incentive for domestic exploration argument used until it now begins to be wearing threadbare. During the debate on the regulation of natural gas last year we constantly were told that many of the companies would stop exploring for natural gas if they were not removed from Federal regulation. I did not agree with this premise last year, nor do I find any persuasive argument in this report which would lead me to the conclusion that this is an important factor.

Let us give priority in our thinking to the consumer; the oil companies are well able to take care of themselves.

There are some points in this report which I do not understand, and I shall ask for clarification. For instance, why is it recommended that importers of crude oil be requested to cut back 10 percent below their average imports for the years 1954–56, since the average imports for these years is below the 12-percent ratio of imports to production under the proposed plan of the Special Committee report.

When foreign imports are found to be doing great damage financially to our domestic industries and are causing us to lose our highly skilled personnel, I have fought for remedial action by our Government. However, I can find no such conditions existing with respect to the imports of fuel oil.

I understand that in the northeastern area of our country approximately 50 percent of the oil consumed is imported. We constantly have the fear of a supply shortage during the winter months. Where demand exceeds supply there is usually an increase in prices.

Since the Special Committee issuing this report will continue to function during the operations of this recommended voluntary program, I earnestly insist that close surveillance be kept on the supply and price situation in New England in order that this area will not be adversely affected by this program.

I want to see that the people of my State and the other Northeastern States are protected both against price rises occasioned by this change and protected against inadequate supply during the winter months. I intend to watch closely the impact of this action on Connecticut and the northeastern area.

## CIVIL RIGHTS

Mr. JAVITS. Mr. President, in my remarks yesterday on the civil-rights bill, I made the statement, in the course of the give and take of the debate, on page 12892 of the RECORD, that a decision by a judge in the case of a criminal contempt finding the defendant not guilty could be appealed, whereas a similar verdict by a jury was not subject to an appeal.

Mr. President, I take very seriously the give and take of debate, so I checked this reference over last night. I find, upon checking, no cases to justify this difference. I wish to report that to the Senate. I am therefore constrained to state for the RECORD that neither a finding of not guilty on a criminal contempt by a judge nor by a jury is probably appealable by analogy with the cases on acquittals in other criminal cases in the Federal courts.

However, Mr. President, it is only fair to say that the point I was trying to make is that we have the duty to see that justice is done to an individual charged with criminal contempt, while also serving the public policy of safeguarding voting rights. The fear is expressed by those favoring the amendment that a judge's verdict holding a person guilty of criminal contempt may be autocratic—but it is certainly subject to appeal. Those opposing the amendment

say juries in areas where the voting rights are most denied may well acquit and frustrate the law. The equity, I believe, is on the side of no jury trial. In such a case, the danger of excessive harshness by a judge has the protection of appeal, but voting rights denied if a jury acquits the offender of criminal contempt leaves that denial for all time unpunished.

Mr. President——

The VICE PRESIDENT. The Senator from New York.

## VISIT TO THE SENATE BY JERRY LEWIS

Mr. JAVITS. Mr. President, I ask unanimous consent to introduce to the Senate a very distinguished New Yorker who is in the gallery today. New York is very proud of itself as the center of the theater, the place which makes Americans understand and appreciate cultural things. There are other centers throughout the country, but we are very proud of New York in that regard.

In the gallery today, Mr. President, is Jerry Lewis, one of America's great comedians. I should like to ask unanimous consent that I may introduce him to the Senate.

(The distinguished visitor rose in his place in the gallery and was greeted with applause.)

Mr. JAVITS. I wish to note that I make this request, Mr. President, on behalf of myself and my senior colleague from New York [Mr. IVES].

The PRESIDING OFFICER (Mr. TALMADGE in the chair). On behalf of the Senate the Chair extends a cordial welcome to our distinguished guest.

## RECOMMENDATIONS OF SPECIAL CABINET COMMITTEE ON OIL IMPORTS

Mr. CARLSON. Mr. President, yesterday the President approved the recommendations of the Special Cabinet Committee on Oil Imports which was appointed by him on June 26.

The Committee recommended a program to limit crude oil imports into the United States. The program calls for limiting crude oil imports to approximately 1 million barrels daily. I am encouraged that the President has acted to place a limitation on these imports.

The action by the President has long been needed. The domestic industry must be afforded some stability by a definite limitation upon imports. The industry cannot plan its future program with any assurance if its home market is to be left open to ever-increasing imports.

Some weeks ago the distinguished Senator from Wyoming [Mr. O'MAHONEY], the distinguished Senator from Illinois [Mr. DIRKSEN], and the junior Senator from Kansas met with the President and urged that early action be taken in regard to the ever-increasing imports of oil.

The need for action in this area, either executive or legislative, was imperative if we are to protect and preserve for our Nation an industry that is not only vital to our national defense, but one that is most important to our domestic economy.

Those of us who are familiar with the operations in the oil producing areas know that the domestic industry is faced with higher costs due to steel price increases, wage increases, and the necessity for deeper, more expensive drilling.

All of these conditions, added to ever-increasing imports frustrate the domestic industry in its efforts to provide adequate reserves of petroleum for our expanding economy.

Although I am encouraged by the President's action, I am apprehensive that the 1 million barrel a day limit is too high. I am afraid that this will not afford sufficient relief to the domestic industry to enable it to expand adequately to provide our future needs.

The rapidly increasing trend in oil imports during recent years, whereby foreign oil has been taking a larger and larger share of the domestic market, clearly demonstrates that in the absence of positive government action our Nation will become increasingly dependent on foreign oil. To permit this trend to continue would be unforgivable. The lesson of the recent Suez crisis should be sufficient evidence to warn us fully of the dangers of becoming dependent upon foreign sources of oil which are beyond our own control.

At the time the Defense amendment, section 7, of the Trade Agreements Extension Act of 1955 was enacted, it was the intent of Congress and the understanding of all concerned that the maximum safe limit for imports, from the standpoint of national security, was the 1954 relationship of imports to domestic production. This was based on the recommendation of the President's Cabinet Committee early in 1955.

During 1954, crude oil imports amounted to 10.3 percent of domestic production. If this relationship were now applied, crude oil imports would be permitted at the rate of approximately 750,000 barrels daily instead of 1 million barrels daily as provided under the President's program.

In October of 1956, I appeared before the Office of Defense Mobilization hearing on oil imports. At that time I stated that "in view of the vital role petroleum plays in our defense preparedness, it is imperative that our Government have a clear-cut policy on petroleum imports."

I also stated that "I have long felt the primary responsibility for providing a definite policy on oil imports rested with Congress."

At the time of the ODM hearing, I reviewed the Congressional study in 1955 of the oil-import problem. I reminded ODM that although I was cosponsor of a proposal to limit total oil imports, crude and products, to 10 percent of domestic production, I was also anxious to reach some agreement under which imports would be stabilized.

Because of this, and after what I am certain were sincere assurances from administration representatives that action would be taken to limit imports to the ratio they bore to domestic production in 1954, I agreed to support section 7, the defense amendment, with the understanding that total oil imports would be limited to the 1954 relationship.

I am hopeful that the announced program for limiting imports is only the beginning and that, after adjustments have been made and experience gained through the procedures provided, further action will be taken so as gradually to bring imports within the 1954 relationship.

After such experiences have been reviewed, I feel that it may be further in the best interest of the Nation for the Congress to consider the advisability of writing the limitations on oil imports into law. In this way a firm program would be provided which would not be subject to frequent change. The domestic industry would thereby be provided the stability it must have if it is to provide the petroleum resources necessary for our future use.

## CALL OF THE ROLL

The PRESIDING OFFICER. Is there further morning business?

Mr. JOHNSON of Texas. Mr. President, before morning business is concluded, let me say that I am very desirous of having as many Members of the Senate present as possible, because I intend, during the morning hour, to submit a proposed unanimous-consent request for the consideration of all Senators. Therefore I suggest the absence of a quorum, and ask that members of the majority and minority staffs notify all Senators that their presence is desired.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | |
|---|---|---|
| Aiken | Goldwater | Morse |
| Allott | Gore | Morton |
| Anderson | Green | Mundt |
| Barrett | Hayden | Murray |
| Beall | Hickenlooper | Neuberger |
| Bennett | Hill | O'Mahoney |
| Bible | Holland | Pastore |
| Bricker | Hruska | Potter |
| Bush | Humphrey | Purtell |
| Butler | Ives | Revercomb |
| Byrd | Jackson | Robertson |
| Capehart | Javits | Russell |
| Carlson | Jenner | Saltonstall |
| Carroll | Johnson, Tex. | Schoeppel |
| Case, N. J. | Johnston, S. C. | Scott |
| Case, S. Dak. | Kefauver | Smathers |
| Chavez | Kennedy | Smith, Maine |
| Church | Kerr | Smith, N. J. |
| Clark | Knowland | Sparkman |
| Cooper | Kuchel | Stennis |
| Cotton | Langer | Symington |
| Curtis | Lausche | Talmadge |
| Dirksen | Long | Thurmond |
| Douglas | Magnuson | Thye |
| Dworshak | Malone | Watkins |
| Eastland | Mansfield | Wiley |
| Ellender | Martin, Iowa | Williams |
| Ervin | Martin, Pa. | Yarborough |
| Flanders | McClellan | Young |
| Frear | McNamara | |
| Fulbright | Monroney | |

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

The Senator from West Virginia [Mr. NEELY] is absent on official business.

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The PRESIDING OFFICER. A quorum is present.

## VISIT TO THE SENATE BY CAPT. HUTCHINSON SMITH, OF THE AUSTRALIAN NAVY

Mr. CHAVEZ. Mr. President, there is in the Senate gallery a visitor from Australia. During the war he served in the Australian Navy, and he is still engaged in that service.

He served in the Philippines with American boys from every State in the Union. He was very good to them—to such an extent that the city of Albuquerque adopted a resolution commending him for being so kind to the National Guard boys from that State.

It gives me a great deal of pleasure to present Capt. Hutchinson Smith, of the Australian Navy. I ask him to rise.

[The distinguished visitor rose in his place in the gallery and was greeted with applause.]

The PRESIDING OFFICER. We are very happy to have the opportunity of greeting such a distinguished visitor.

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## PROPOSED UNANIMOUS CONSENT AGREEMENT FOR CONSIDERATION OF CERTAIN LEGISLATIVE AND EXECUTIVE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I should like to have the attention of Members of the Senate.

On behalf of the distinguished minority leader [Mr. KNOWLAND] and myself, I send to the desk a proposed unanimous consent agreement, and ask that it be read for the information of the Senate.

The PRESIDING OFFICER. Without objection, the proposed unanimous consent agreement will be read.

The proposed unanimous consent agreement was read by the legislative clerk, as follows:

UNANIMOUS CONSENT AGREEMENT

*Ordered,* That, effective at the conclusion of routine morning business on tomorrow (July 31), H. R. 6127, the Civil Rights Act of 1957, the unfinished business, be temporarily laid aside for the consideration of the following matters, namely:

Conference report on H. R. 7665, the defense appropriation bill for 1958;

Conference report on H. R. 7441, the agricultural appropriation bill for 1958;

Request of the House for a conference on S. 2130, amendment of Mutual Security Act;

S. 2504 (Calendar No. 611), extension of Small Business Act;

House Joint Resolution 426, further continuation of certain appropriations for support of the Government;

Conference report on S. 1314, the Agricultural Trade Development and Assistance Act;

Nominations on the Executive Calendar; and

Call of the calendar for unobjected-to bills and resolutions, beginning with the first Calendar No. 11.

*Ordered further,* That, if the foregoing matters are not disposed of on tomorrow or Thursday, August 1, the Senate, at the conclusion of routine morning business on Friday, August 2, shall resume the consideration of H. R. 6127, the unfinished business.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent request?

Mr. IVES. Mr. President, reserving the right to object, I ask the distinguished majority leader if he would be willing to include the Niagara redevelopment bill in the list.

Mr. JOHNSON of Texas. I would have no objection to its inclusion, provided the TVA bill, which came from the same committee, were also included. I think those two bills ought to go along together. The Senator from Texas favors both of them, and if they can be reached in the limited period of time suggested, he would be glad to have them considered.

Mr. IVES. I have no objection to the inclusion of the TVA bill.

Mr. CLARK. Mr. President, with some regret I feel compelled to say that I would seriously object at this time to the inclusion of the Niagara bill in any unanimous-consent agreement. I say that for two reasons. The Senator from Ohio [Mr. LAUSCHE] and the Senator from Oregon [Mr. NEUBERGER] and I have amendments which we intend to propose to the Niagara bill. We believe those amendments to be just and fair and important. We do not believe that the bill should be considered by the Senate under circumstances when we will be under great pressure to get something done in a hurry.

I should like to make very clear that I am not indulging in what is described by that naughty word "filibuster" against the Niagara bill. I hope the Niagara bill will be taken up and fully debated and passed at this session of the Senate. However, I believe it should be considered at a time when we can put our minds to it without being under enormous pressure.

The second reason why I would seriously object to considering the Niagara bill at this time—as my colleagues, the Senators from New York, know, because I have told them about it—is that I am presently endeavoring to work out a satisfactory arrangement on the Niagara bill, which will satisfy all concerned, with the Governor of New York and the chairman of the New York Power Authority. I believe that my colleagues from New York are aware of those efforts.

The Governor of New York has been in Puerto Rico for the past day or two, and will not return for another few days. Negotiations have reached the point where I hope they will be successful. I do not know, of course, whether they will be successful.

For these reasons I do not believe the bill is ripe for consideration by the Senate at this time. I should like to make it clear again that I hope the Niagara bill will be called up and fully debated and passed at this session of Congress.

Mr. JOHNSON of Texas. In view of the statement made by the Senator from Pennsylvania, I do not believe it is necessary to take any more time of the Senate, because if he were to object to the Niagara bill being made a part of the agreement, perhaps it would be better not to include it in the list.

Mr. IVES. Mr. President, I am still reserving my right to object. I should like to inquire of my good friend, the distinguished majority leader, if he would be willing to agree—and this applies also to the distinguished minority leader—to place the Niagara bill in a priority position for consideration following the disposal of the civil rights bill which is now before the Senate.

Mr. JOHNSON of Texas. I would rather take one step at a time.

Mr. IVES. That is only one step.

Mr. JOHNSON of Texas. I am not prepared to take that step, I will say to the Senator.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. JAVITS. If I understood the majority leader, he expressed his intention of making the Niagara bill the pending business following the disposition of the civil rights bill. Is that still the intention of the majority leader?

Mr. JOHNSON of Texas. I do not recall that I said that. I think I said I hoped to be able to bring up the Niagara bill before the Senate adjourned. That is my memory of the matter. I believe we will have to determine such matters as the debate proceeds. When we finish the consideration of the pending bill we shall know what should follow its consideration. It may be that we will have the urgent mutual security appropriation bill to consider. Therefore, I would not want to provide a priority now with respect to the Niagara bill. I see no need for it.

Mr. JAVITS. These conversations often skirt around the edges of an argument. We are confronted with a serious emergency in New York State. Power is being bought from Canada. The supply is uncertain, and the price is high. We are under great pressure to get something done. Certainly we have no desire, as the saying goes, to be dogs in the manger, but we are confronted with a real emergency, and we are therefore asking the majority leader to consider making the Niagara bill the pending business after the disposition of the civil rights bill.

Mr. JOHNSON of Texas. Even before the Senator made any of these representations to me, I made the Niagara bill the pending business.

Mr. JAVITS. The Senator is correct.

Mr. JOHNSON of Texas. I have started out with a considerable amount of sympathy for the position of the two New York Senators in this matter. I hope that when we conclude consideration of the pending matter, we can take up the Niagara bill. I will do all I can to that end. However, I did not intend to say, and I do not believe I have said at any time, that the moment the pending business is disposed of the Niagara bill would be taken up, to the exclusion of all other bills, and that that bill would be considered until it had been disposed of, because that would not be a prudent statement to make under the circumstances.

Mr. JAVITS. The Senator from Texas has accurately characterized what he said. I have no intention to characterize it in any other way. I express it as our feeling that that was his intention. I understood the Senator from Texas exactly.

Mr. IVES. I am still reserving my right to object. I hope that my good friend from Texas will grant a priority to the Niagara bill so that it will be somewhere in the forefront of legislation to be

considered when the civil rights bill is out of the way. The Niagara bill means a great deal to New York State. It is very rarely that New York State, as a State, comes with a request for consideration by the Senate, but we are doing that in this particular instance. I withdraw any objection that I may have suggested I was going to make, because I realize the necessity for the request the Senator from Texas has made.

Mr. JOHNSON of Texas. I appreciate the solicitude which the Senators from New York have expressed for their constituents. I assure them I am aware of it. As soon as we have concluded action on the pending business I shall give consideration to the schedule, and I shall have uppermost in my mind the emergency nature of the entire Niagara project.

Mr. JAVITS. I thank the Senator.

Mr. O'MAHONEY. Mr. President, at this distance from the desk, I was unable to hear the reading of the text of the proposed unanimous-consent request. I thank the Senator from Illinois [Mr. DOUGLAS] for handing me a copy of it just now. I have not had a chance to read it. May I ask the Senator from Texas whether there is any reference in it to the resumption of the pending business? I wish to be certain that the jury trial amendment will remain the pending question and will not be put aside.

Mr. JOHNSON of Texas. I cannot hear the Senator from Wyoming, with conversations going on around me. I will say to my friend that we very carefully laid out the matters to be considered, in the order they are to be considered, and we provided that if action is not concluded on all the matters enumerated in the agreement in the time specified, that on Friday, at 12 o'clock, August 2, we will resume the consideration of the unfinished business, H. R. 6127.

Mr. O'MAHONEY. The copy which I hold in my hand contains this concluding paragraph:

*Ordered further,* That, if the foregoing matters are not disposed of on tomorrow or Thursday, August 1, the Senate, at the conclusion of routine morning business on Friday, August 2, shall resume the consideration of H. R. 6127, the unfinished business.

Am I to understand, therefore, that it is the purpose of the majority leader, in presenting the unanimous consent request, that the Senate shall resume consideration of pending jury trial amendment?

Mr. JOHNSON of Texas. The Senator is correct. We hope we can resume consideration of the jury trial amendment by the afternoon of Wednesday; if not, on Thursday; but, in no event, later than Friday noon.

Mr. O'MAHONEY. Still reserving the right to object, but only for the purpose of making this statement, I wish to make it clear to Members of the Senate that the newspapers and magazines of the country, notably Life magazine, have been disseminating throughout the United States the utterly false statement that Negroes do not serve on Federal juries in the South. I read from Life magazine of July 29, from the editorial page, which says:

Nobody likes to seem to be against jury trials, a fact which has already placed Senators MUNDT and O'MAHONEY against this feature of part IV. But the jury-trial amendment they propose would not only be a procedural novelty; it would emasculate the bill, for the all-white jury is a major bastion of the white franchise monopoly in many parts of the South.

Mr. President, I wish to give notice to Life magazine and to all the press of the United States and their representatives in the gallery and to all the television stations in the country, and to their representatives in the gallery, that it will be my purpose to lay before the Senate positive and irrevocable evidence that Negroes do serve on the Federal juries in the South, and that they would be seated upon the juries which would try all the contempt cases which the Attorney General would be authorized to institute under the provisions of part IV of the bill.

Mr. JOHNSON of Texas. The Senator from Wyoming will have an opportunity to do that no later than 12:30 p. m. on Friday. I hope he will have an opportunity to do it by 3:30 p. m. on Wednesday.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. RUSSELL. I wish to make a brief observation with respect to the statement made by the distinguished Senator from Wyoming. I well remember the first time I ever went into a Federal court as an attorney to try a criminal case. I think it was in the year 1920; if it was not, it was in 1921. I was a very young, callow lawyer, with very little knowledge of the law, and with less knowledge of the procedures in the Federal courts. I had tried some cases in the criminal courts of my State. I knew that under the State law a defendant had a right to sever from codefendants and secure a separate trial.

It so happened that I was representing a man by the name of Polk Manders, who had been caught at a still where illicit whisky was being made, and on which no taxes were being paid. A great deal of that kind of activity has occurred in my section of the country in times past. Sometimes, even, those concerned thought they had a right to engage in it. When the raid was made, Polk Manders tried to escape. He was shot and wounded in one leg, and walked with a decided limp for the rest of his life.

I thought that if I could get a a separate trial for Polk Manders, I would be able to appeal to the sympathy of the jury, on the theory that he had already been punished enough by the horrible wound he had received. So I stood up in the courtroom when the case was sounded and addressed the court. I said, "If Your Honor please, I elect to sever as to the defendant Polk Manders."

The judge looked down on me with the most withering contempt, if not abhorrence, and said, in effect, "Sir, I will have you understand that you do not have any right to sever in this court except by my decision. Where did you learn your Federal procedure?"

The judge dressed me down with, I thought, great brutality, for about 5 minutes, or it seemed that long. I am certain that then and there was born my objection to life tenure for judges. My feelings in that issue were generated at that time.

Anyway, after I had been dressed down, and my great ignorance had been exposed and revealed to all present in the courtroom, the court proceeded to try Polk Manders along with the others, and on the panel which tried him were two of our Negro citizens.

I was subsequently in the Federal courts and engaged in the trial of cases. From those experiences I have learned a little bit more law. I have never failed to see Negroes on jury panels in the Federal courts of my State.

Mr. O'MAHONEY. Mr. President, do I understand the Senator from Georgia correctly to say that beginning in 1920——

Mr. RUSSELL. It was in either 1920 or 1921—either of those 2 years.

Mr. O'MAHONEY. Do I understand correctly that beginning in that early period of the 1920's, the Senator from Georgia practiced law before the Federal courts in the State of Georgia, and he does not remember a time when there were not Negroes on the Federal courts?

Mr. RUSSELL. My period of active practice covered only 12 years, but I was a rather active trial lawyer. During that period I tried hundreds of cases in court. I was never in the Federal courts in my State when there were not Negro citizens serving on the jury panels. They are on the panels there today.

When I see Senators rise on the floor and hear them describe the part of the country where I live; when I read in the periodicals descriptions of the land whence I come, the land I believe I know, I think I am experiencing a bad dream. Their accounts of the facts as they apply to the South are greatly distorted. I know I can state on my responsibility as a Senator that Negroes were on the Federal juries in the State of Georgia as far back as the early 1920's, when I first tried cases in that court.

Mr. O'MAHONEY. Is the statement which I read from Life magazine of July 29, 1957, correct?

But the jury-trial amendment they propose would not only be a procedural novelty, it would emasculate the bill, for the all-white jury is a major bastion of the white franchise monopoly in many parts of the South.

Mr. RUSSELL. I have not made a survey of all the States in the South. I cannot speak on my responsibility as a Senator with respect to any other State except Georgia. I have my opinions as to the facts in other States; but I can state on my responsibility as a Senator that in Georgia there have been Negroes on the petit juries and grand juries in the Federal courts practically since the time of reconstruction. They are serving on those juries in Georgia today.

No, Mr. President, I cannot understand these charges which are indictments of the South. We have not had the resources to get figures to contradict the statistics which have been brought

before the Senate concerning the Negro vote, as prepared by the Welfare Conference in the South. I knew the figures could not be accurate with respect to my own State. I knew the number of Negroes who were eligible to vote in my State was much larger than the number which has been stated by the proponents of the bill. But I could not point to a certain county and say, "This is a county concerning which you did not tell the truth."

But the Senator from Alabama referred to the county in which he was born, where there were more than 1,500 registered, yet it was said that not 1 appeared on the registration lists. I read in an Atlanta paper that the head of the organization said the Senator from Alabama was correct, and that they were wrong.

Here we have, however, a situation in which the National Association for the Advancement of Colored People, through its own officials, and many agents and attorneys, have examined literally thousands of jury verdicts which have been returned in the Southern States, and have publicized only 4 or 5 in which there may or may not have been a great miscarriage of justice. Those few verdicts have been almost worn out because they have been talked about so much on the floor of the Senate. They have been brought forward time and time again.

No Senator can stand on this floor and honestly say that jurors have not rendered verdicts that resulted in a miscarriage of justice in some cases in their States, because we all know that jurors are human beings, wherever they serve, and there are times when jurors do not measure up to their oaths of office. But 5 or 6 cases have been brought out and paraded around, day after day, hour after hour, without any reference whatever being made to the thousands of cases in which juries in the South, whether composed of white or colored citizens, have dealt justly with their fellow men.

After making a clean sweep and a painstaking search in 10 or 11 States of the Union the proponents of the bill have brought to the Senate and dumped on the Senate floor the evidence with respect to only a few cases, without any regard to the thousands of instances in which jurors have measured up to their responsibilities, and have dealt out justice equally, without regard to the color of the skin of the person before the bar, whether he be white or black.

While I am on my feet, and am reserving the right to object to the pending proposal, I may say that I am very proud of the restraint which has been shown by my colleagues from the South in the face of these charges. Whence came the charges? I hold in my hand a very ponderous tome which is entitled "Illinois Crime Survey." This survey was not made by citizens of Georgia, sitting in Georgia to find out about the failure or the complete breakdown of justice in Illinois. The survey was made by leading citizens of Illinois. Those citizens of Illinois point out in this book, in speaking about crime and jury failures, that there was a period when a great section of Illinois was practically under the domination of a racketeer named Al Capone, when no official raised his hand against one of his gang when no prosecutor would prosecute, when no grand jury would indict, and when no petit jury would convict. That is what citizens of Illinois said about that dark period in the history of that section of the State.

The Federal Government finally got Capone on an income-tax charge, and gave him a jury trial; and he was sent to Alcatraz. Then the good citizens of that community started clearing up the ruins and doing what they could to restore order and to enforce the law. A report on the situation then existing stated that in that period approximately 13,000 felonies were committed, and only approximately half of them were brought before the courts. Indictments were returned in only a few hundred cases and after a jury trial, convictions were obtained in only about five hundred. I state the matter from my recollection, and later I shall fill in the details, if necessary. But there was wholesale murder, and slaughter at one time of as many as 8 or 9 human beings, who had their right to live extinguished in the twinkling of an eye.

That was the situation in that part of Illinois. But no one from the South and no one from Illinois said that situation had resulted in such a breakdown of law and order and such a failure of jury-trial procedure and such a reign of anarchy that it was necessary to bring the power of the Federal Government to bear and to abandon the jury system and to make the Attorney General a dictator over the State and to have him proceed by way of injunction, without a jury trial against any person he selected.

The distinguished Senator from New York lives in a jurisdiction where, at one time—whether it was wrong or right—under an amendment to the Constitution of the United States which dealt with the prohibition of the sale of alcoholic beverages, there was—in his State—a situation which became so bad that juries would not convict and grand juries would not even indict. The situation became so bad that they stopped trying to enforce the prohibition law in New York. But, Mr. President, did anyone come forward at that time and say, "In New York there is a complete breakdown of law and order. We are going to abolish the jury system in New York because, forsooth, the judges who might try the accused were born in New York. Therefore we will abolish the jury-trial system in New York, and we will turn over those persons to the Attorney General, and will let him enjoin them and send them to jail without the benefit of a jury trial."

No one from the South came forward with such a monstrous suggestion—a suggestion to do away with the jury trial system, the greatest protection of individual liberties the Anglo-Saxon people have ever had. No one from Illinois or New York made such a suggestion, either, to restore law enforcement by such means.

Mr. President, the proposal of the distinguished majority leader in regard to the subject matter which has been before the Senate for the last number of weeks was such that some of us were almost afraid, once or twice, that he had begun to follow strange gods or had begun to worship at strange shrines. We observed and opposed strange procedures which he applied in the Senate. But on one occasion when he left the White House——

Mr. JOHNSON of Texas. Mr. President, did the Senator from Georgia say "the majority leader"?

Mr. RUSSELL. I am sorry; I referred to the minority leader, the Senator from California, the temporary majority leader at that time.

Mr. JOHNSON of Texas. I thought the Senator from Georgia was referring to an occasion when I returned from a visit to the White House.

Mr. RUSSELL. No; I was referring to the minority leader, the temporary majority leader by the workings of the coalition of the Knowland-Douglas axis. The Senator from California said this matter was going to be settled by the Senate. He said that the Senate in the exercise of the legislative power would legislate.

The Senate proceeded under that theory to write the bill. But, unfortunately, the majority leader—the minority leader, but the acting majority leader—came a cropper in the proceedings; and he went back to the White House.

Mr. JOHNSON of Texas. Again the Senator from Georgia refers to the acting majority leader, does he? [Laughter.]

Mr. RUSSELL. I mean the acting majority leader of this coalition. I am sorry I have said, "the majority leader"; I shall clarify that a little later.

The Senator from California went back to the White House and then returned to the Senate. If the reports in the press were to be believed, the situation had changed, and his lines were wavering; and he brought a message from the White House—a modern message to Garcia, if you please. He said the President was standing firm on every line, every "t," every "i" in part IV; that this was indeed the day of Armageddon—the fight to sustain President Eisenhower's views on the bill. Mr. President, that was within his right and his province, and I do not condemn him. But that statement was a slight deviation from his original position of having the Congress write the bill in the way the Members of Congress thought it should properly be written and properly be applied to the people of the country at large, not merely to the people of the South, because the bill will not hurt the South nearly so much as some hope it will oppress that great section.

In any event, there was a deviation. In times past, Mr. President, I have stood on the floor of the Senate and have been highly critical of Presidents of my own party for sending messages to the Congress or for telephoning Members of Congress and saying, "You must do this or that with respect to the amendment." I have taken that position because I have said that such action is an invasion by

the Executive of the legislative prerogatives. I have consistently taken the position that the Executive cannot properly dictate to the Congress just how legislation should be prepared in order to fit a certain case. That is the proper function of the Congress.

But now we are told the heat is on. I can sympathize with my Republican brethren, for I am no stranger to heat from the White House; I know something about it. I remember one occasion when there was before the Congress a piece of proposed legislation which has been somewhat controversial since that time; I refer to the Taft-Hartley Act. At that time there was a Democrat in the White House. He had served in the Senate with most of us. All of us were personally devoted to him and were personally his friends. But we thought events in the Nation had reached a stage where Members of Congress had some responsibility other than that to a political party, and it was our duty to see that the Congress should pass a measure which would enable the public interest to be protected from the excesses of power which were being exercised by those who headed some of the great labor organizations of the land. This is only one illustration of many experiences when I have known something about heat from the White House. The bill was vetoed by the President. The argument to sustain the veto was put on personal grounds: "If you vote to override the President's veto, you are insulting your good friend who sat with you for 7 years in the Senate as a deskmate, and you will never get any more patronage of any kind or control any political appointments."

There happened to be in the Senate a sufficient number of Members on this side of the aisle who believed they were right and that the national interest was involved, not only to pass the bill but also to override the veto by a President of their party.

Today the Senate is told that no Republican Member can think of voting for anything so elemental as the right of American citizens to a jury trial before being punished for contempt because the President may telephone him to do otherwise.

I have as much respect for President Eisenhower as does any other Member of this body, and I expect I have more than many other Members of the Senate, perhaps even more than some on the other side of the aisle. But I do not hesitate to say that the Congress of the United States should have too much self-respect to permit itself to be dragooned in any such fashion as that by any man who has ever held office as President. Instead, I say the Congress should not permit dictation on fundamental questions. The Congress should approach this issue with an open mind, realizing that an attempt is being made in this bill to tinker with one of the great fundamental rights of every American citizen.

Heat is not a new thing in the Senate. I have felt it. Any Member of the Senate should be able to stand a little of it if he really believes in a principle, and if a real principle is involved.

Mr. President, I am not pleading for any mercy. I am asking for open minds, in following the course which was outlined by the distinguished minority leader at the outset of this debate and let the Congress shape this legislation.

With respect to the proposed unanimous-consent agreement, Mr. President, let me say that the Senate commenced the debate on the bill under the cloud of the statement that no other measure or matter was going to be considered and no other matter would be taken up until the bill was passed, and that the Senate would consider the bill to the exclusion of all other matters. We have not been able to agree with our beloved friend, the Senator from California, for some time; but there he laid down a principle which we could accept; and the group with which I met accepted it as the ground rule.

On the opening day of the debate I stated that we did not provoke this debate; we did not bring this political bill before the Senate; and we would not assume any responsibility for what happened in the Senate after the bill was brought forward.

But we have met the issue. We have tried to act as reasonable men. We have tried to act with restraint, in the face of great provocation.

We love this country as much as does any Member on either side of the aisle. We do not wish to cause any confusion or chaos or to have the departments of the Government try to operate without funds, or to cause confusion in the Government. We do not wish to delay consideration of necessary conference reports. We are willing to be reasonable. We have been reasonable men. Therefore, we shall not object to the proposed unanimous-consent agreement.

We are as anxious to see the country operate on an even keel as is anyone else; and we shall make as much sacrifice for it as will any Senator who may be arrayed on either side of this issue.

A newspaperman asked me whether those on our side have lost some tactical advantage. Perhaps we have. But, after all, it is our country; we love it and support it. But, Mr. President, we reserve the right to defend ourselves.

One of these bills on the list I am not particularly sure should be there under the ground rules which were laid down, but the Senator from Florida [Mr. HOLLAND] has insisted on the agricultural trade development bill conference report. We have, therefore, agreed that that conference report may also be considered.

Some of us feel that we have an obligation to our constituents, and that some of these bills should be acted upon. We hope we can conclude everything covered by the unanimous-consent request by tomorrow, but I doubt that we can. There will be discussion of the conference reports. We are entitled to discuss them. Questions of legislative history are involved. Some of our colleagues are particularly interested in the extension of the Small Business Act. We do not wish to have it expire.

I wish to say that while we are willing to lose a certain amount of what might be called tactical advantage, or even strategic advantage, in our efforts to prevent injury to our common country, as responsible men, we shall insist on our right to be heard fully on all amendments to the pending bill.

Mr. GORE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. GORE. I do not wish to prolong the discussion, but since the Senator has properly taken the responsibility of speaking for the practices of the Federal court in his own State, I desire to say that I know of no practice by Federal courts in the State which I have the honor in part to represent that discriminates in respect to race in the impaneling of jury veniremen. At this very time the Federal court in the Nashville district is in session. Two members of the grand jury, both of whom have given public statements indicating commendable attitudes toward their responsibilities as members of that grand jury, happen to be Negro women. I know of no practice in either of the Federal district courts in Tennessee which discriminates as to the race or religion in the selection of jury panels.

Several Senators addressed the Chair.

Mr. RUSSELL. Mr. President, last fall, when I was at home, I was speaking to a colored man with whom I was raised, who owns his own blacksmith shop, and who is a very fine, substantial citizen, and he said he had been called for service on the Federal jury at Gainesville. He asked me if I could get him excused from service. I said, "No, I can't do that. You tell the judge the reason why you can't serve. I am sure he will consider your difficulties and excuse you if he can." I do not know whether he was excused or not.

I desire to say one thing more with reference to the pressures and the heat we are talking about in this body today. The fact that the Taft-Hartley bill was passed over a Presidential veto has brought down on the heads of the South and southern Senators the undying hatred of certain labor leaders in this country. They had in the past shown a pro forma interest in civil rights, but when we hurt their pride by passing a bill over a presidential veto, in a Democratic administration, it brought down upon our heads all their wrath. That hatred is reflected by their every action. They are willing to go to any length to strike back at and try to injure the South and southern Senators who contributed to the enactment of the Taft-Hartley Act. I do not say that law is perfect. It is not. The Taft-Hartley Act contains many defects. They should be eliminated. But there was a very basic question involved, namely, whether Federal power should be applied by legislation to avoid disrupting the economy of the Nation and endangering the rights of our people. We felt that effort merited our support. The thunderbolts of those who disagreed have been hurled. One will be exploded tomorrow in the Senate with respect to that law.

I have no apologies to make for my support of that law. I say the sacred right of trial by jury, the basic cornerstone of Anglo-Saxon justice, for which men have fought and died for almost

1,000 years, first to obtain and then to maintain, is also a sacred right and that men can and will rise above pressure whenever that sacred heritage is threatened.

I thank the Senator from Texas for yielding.

Several Senators addressed the Chair.

Mr. JOHNSON of Texas. Mr. President, I will yield first to the Senator from North Carolina, and then to the Senator from New York.

Mr. ERVIN. Mr. President, I submit that if a horsetrader in North Carolina induced a swap of horses by such insupportable statements respecting the traits of his horse as have been made in connection with the jury trial amendment, that horsetrader would rest a long time in jail for false pretenses.

I was astounded to read an article in such a publication as Life magazine stating, in substance, that grand and petit juries in the South are composed exclusively of white persons. I know from my own experience in the Federal court that such statement is not true insofar as North Carolina is concerned. I did not want to rely solely on my recollection, because it has been some years since I have practiced law in the Federal courts. I read that statement late yesterday afternoon. Since that time I have called every Federal district judge in North Carolina by long-distance phone, and have been assured by all of them that Negroes serve upon grand and petit juries in their courts.

Furthermore, I should like to state that I have tried cases before juries composed in part of Negroes in the State courts of North Carolina.

I should like to call attention to the hearings held by the Subcommittee on Constitutional Rights of the Senate Judiciary Committee, and particularly to page 500 of those hearings. It is shown on that page that a case involving the voting rights of a colored man was tried in the superior court of Northampton County, N. C., and that on the jury were three Negroes, one of whom was president of the local NAACP.

I thank the Senator for yielding to me.

Mr. JOHNSON of Texas. I now yield to the Senator from New York.

Mr. JAVITS. Mr. President, I think it is at moments like this, when many Senators are in the Chamber, that we have the best opportunity to crystallize the issues. I shall be brief in my remarks, but I do not think it is fair to let the record stand as it is.

I know—and I deeply feel other Senators who support the bill and are opposed to the jury-trial amendment can make a similar statement—that I have not in the course of the debate wished to stir up any feeling of hatred or any other feeling against any section of the country, including the South. I have tested my own heart and conscience, and I love the South as much as I do any section of the United States. The Senator from Georgia and I may not agree as to what will best serve the South or our Nation. That is the essence of the disagreement, but I will not accept the statement that there is anything involved in this debate other than the highest feeling to serve our Nation.

I compliment the majority leader, who has been outstanding in his wonderful handling of the situation so as to dampen any kind of sectional controversy. I hope very much that attitude will continue.

Mr. President, I should like to make one other point as to the substance of what was discussed by the Senator from Georgia. We are not—I repeat, in the most solemn way, we are not—trying to take away a jury trial right which exists. No right of jury trial exists now in contempt cases. The question at issue is, shall one be granted?

Mr. President, the only pertinency of the systematic exclusion of the Negroes in the South from any jury is——

Mr. JOHNSON of Texas. Mr. President, may we have order? I want to follow the Senator's remarks, but I cannot hear him. There are conversations on this side louder than the Senator's voice.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. I thank the Senator from Texas.

The only pertinency of the question of the cases where there is a systematic exclusion of Negroes from juries in the South is its pertinency as it bears upon the new remedy for which we contend, and which we wish to preserve in the bill unimpaired.

Mr. President, speaking upon that specific issue, I know, and every other Senator knows, that there are Negroes who serve on juries in the South. We also know that there are Negroes who vote in the South. There are great differences between sections. Atlanta, Ga., for instance, is not like some county in the back country of Georgia. We know that only too well.

I invite the attention of Senators to the facts on the merits, Mr. President. One fact is that in case after case after case, including cases in Georgia, the Supreme Court has had to void verdicts of juries in cases involving crimes as serious as murder because there was a systematic exclusion of Negroes from juries. I think we have an absolute right to present the facts as to those cases.

Mr. President, if Senators will refer——

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. DOUGLAS. Mr. President, reserving the right to object——

Mr. JAVITS. May I finish, please?

If Senators will refer to pages 12906–12907 of the CONGRESSIONAL RECORD, they will find that yesterday I had printed a list of cases which had been sent back by the courts of the United States on the ground that there had been a systematic exclusion of Negroes from juries in many cases in the South.

I should like to invite attention to a specific case in Georgia, the home State of the Senator from Georgia, decided on December 5, 1955, the case of *Reece* v. *Georgia* (330 U. S. 85), in which the Supreme Court reversed a murder conviction. The sentence I should like to read from that decision is as follows:

> The indictment of a defendant by a grand jury from which members of his race have been systematically excluded is a denial of his right to equal protection of the laws.

Equal protection of the laws is exactly what we are contending for here. Whether we are right or wrong in our contention, the Senate will soon decide, and the country will soon decide after that, but the fundamental point I wish to make clear is that in terms of emotion we share a deep love of country. I deeply feel we do not share an antipathy to any section, whether Chicago or New York or any other city, or any place in the South, which must be and is equally precious to me. I take my life oath on it, as I know does every Member of the United States Senate.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. JAVITS. I will yield in a moment.

Secondly, and equally important to those of us who are against the jury-trial amendment, is that we are not harebrained and are not adducing facts, figures, and cases which we have dreamed up. We have a substantial, solid, and factual position, backed up by great journals such as the New York Times and the Washington Post and Times Herald, and backed up by surveys of objective reporters for magazines such as Time and Life.

Whether my friend and colleague, the Senator from Wyoming, likes it or not, the men representing these journals have gone to the South to investigate the facts. They may have come to the wrong conclusions, but we have a right to put what they have said in evidence, and that is all we desire to do.

I now yield to the Senator from Georgia.

Mr. RUSSELL. The Senator referred to the Reece case. As I recall, that case originated in Cobb County, Ga. It was a conviction for the crime of rape. The Supreme Court held, without a scintilla of evidence, that there was a systematic exclusion of Negroes from sitting on the grand and petit juries of Cobb County, Ga.

The Representative from that district took the floor of the House of Representatives and denounced that decision as being predicated on a charge which was not supported by the facts.

The FBI then made an investigation, and Mr. Warren Olney III, who certainly cannot be considered to be favorable to any aspects of southern life and practices, issued a statement that the obiter in the decision was in error, and that there were Negroes who served on the grand and petit juries in Cobb County.

I ask unanimous consent, Mr. President—though I do not have it with me—to have printed in the RECORD at this point a copy of the statement based on the FBI report which shows that the obiter finding of the Supreme Court was simply picked out of the thin air, and that it was not true.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> Acting Attorney General William P. Rogers announced today that the Department of Justice has concluded, on the basis of a Federal Bureau of Investigation inquiry, that juries in Cobb County, Ga., are now

and have been, since August 1954, chosen in a legal manner without unlawful discrimination because of a person's race or color.

As a result of this conclusion, concurred in by United States Attorney James W. Dorsey of the northern district of Georgia, the inquiry into jury selections has been closed.

The investigation into the methods of selection of grand juries and trial juries in Cobb County was requested by Assistant Attorney General Warren Olney III, December 20, because of a Supreme Court decision in *Reece* v. *Georgia* handed down December 5, 1955. In its decision, the Court found, on the basis of the evidence then before it, that no Negro had served on a grand jury in Cobb County for 18 years previous to the indictment of Amos Reece on October 23, 1953.

"The opinion of the United States Supreme Court," Mr. Rogers said, "was more than sufficient to warrant, and, indeed, to require, an investigation to obtain sufficient facts upon which could be made a determination as to whether or not section 243 of title 18, United States Code, was being violated."

The statute makes it an offense for any person charged with the duty of selecting or summoning jurors, in any court of the United States or of any State, to exclude any citizen "on account of race, color, or previous condition of servitude."

The FBI investigation disclosed that the Cobb County Jury Commission revised the jury list in August 1954 so that Negroes were represented.

"The investigation disclosed that officials have included Negroes on the juries since August 1954 without any discrimination," the Acting Attorney General said.

It is the policy of the Department not to institute criminal proceedings where a State has taken appropriate corrective action as has been shown to have been done in the jury selection methods employed by Cobb County since 1954.

Mr. JAVITS. I should like to refer the Senator to the case of *Avery* v. *Georgia* (335 U. S. 559), decided in 1953. The facts in that case were that the jury commissioners used separate colored tickets for the white and colored jurymen, and that constituted, in the opinion of the Supreme Court, prima facie evidence of discrimination in the naming of jurymen, and the case was sent back to the lower court.

Mr. RUSSELL. I am not too familiar with that case. Nobody contended that there were not Negroes on the jury. The mere fact that they had separate colored slips to indicate the race is nothing new.

I know that in the Senator's State there is a law under which if a man advertises he wants a blue-eyed, red-haired girl to work at the soda fountain he can be put in jail for discrimination in advertising. The rest of the country has not moved quite that fast.

We have had jury lists where different colored slips were employed. When the Supreme Court set aside the conviction of a confessed murderer or rapist—I have forgotten which—it was on the ground that these paper slips of different colors were illegal, and we abandoned them. We had not considered them to be illegal before then, because we had not lived under the beneficent influences of the New York Housing Act or the amendments which were proposed to that act by the Senator from New York, and we had not lived under the State FEPC laws which made it a violation of the law even to indicate what type of person one wanted to employ.

Let me tell Senators the reason for those different colors. It is very hard to explain the real facts about a section of the country, which has been subjected to so much misrepresentation. The reason for that practice was that in the older rural areas of Georgia the white families and the Negro families had the same names, because, forsooth, back in the days of slavery there would be a Mr. Hammond, who would own, let us say, four slaves, and when the slaves were freed they took the name of Hammond. So as a mere matter of identity we inaugurated the practice of having separate colored slips for the members of the two races, so we could keep them separated in the minds of people who were selecting juries, and also to establish identity in serving jury summons and matters of that kind. There might have been four or five John Hammonds in the county. To properly identify or distinguish between them the different colored slips were employed. That is how the practice originated.

The Supreme Court held that practice was discriminatory. I think the decision was as farfetched and fanciful as some of the other decisions of the Supreme Court, but we yielded to that and did away with separate colored slips in Georgia.

Mr. JAVITS. Mr. President, I thank the Senator from Texas for his indulgence. I shall not detain him or the Senate very much longer, but I wish to say this: Neither I nor, I respectfully submit, any other Senator, can compete with the Senator from Georgia in the charm and distinction with which he presents his argument; but it is only fair, at a solemn moment like this, to state some of the facts. The facts, as we see them, justify the conclusion stated. Surely the Supreme Court, the other courts, and other agencies are constantly catching up with what goes in county after county, in areas that need the application of this bill. But that is not the way to operate a railroad in the United States. That is not the way to do justice. So we are seeking another remedy, which we feel will have a material effect upon the whole situation and make it unnecessary for us to be constantly chasing our tails and catching up with particular case after particular case, always behind the facts.

Several Senators addressed the Chair.

Mr. JAVITS. The Senator from Texas has the floor.

Mr. JOHNSON of Texas. Mr. President, I yield to the Senator from Illinois [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. President, I had thought we were discussing the proposed unanimous-consent agreement and the procedural problems we are to deal with in the next few days. We have been led, however, on quite an excursion into the substantive features of the amendment which is before the Senate at the moment.

The Senator from Georgia [Mr. RUSSELL] is always persuasive and always powerful in his speech. He has evidently been counting noses, because he referred to the distinguished Senator from California as being the leader of the temporary majority.

There have been times during the past week when I have doubted that and when I thought the Senator from Georgia was the leader of the majority. But if it be true that on the jury trial amendment the Senator from California is the leader of the majority, I, for one, welcome such leadership. Though I have often differed from the Senator from California, in this respect I think he is right.

I only hope that when the test of strength comes, the Senator from California may still be the leader of a majority in this body on this issue. Perhaps it was the recognition of this fact which caused some heat to emanate from close to the center aisle, and not merely from 1600 Pennsylvania Avenue.

The Senator from Georgia, as was his right, referred to conditions which had existed in the State of Illinois. It is perfectly true that 30 years ago the city of Chicago was largely dominated by a criminal ring. It is perfectly true that it had great influence over the State administration. I hope my friends on the other side of the aisle will not object if I say that at that time both the city of Chicago and the State of Illinois were dominated by their political party, not by mine.

Since then we have cleaned up the situation. The Senator from Illinois was one of those who opposed the criminal ring at the time. He has fought it all his life; and the good citizens of Chicago and of Illinois have largely cleaned up the situation.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DOUGLAS. Mr. President, I did not interrupt my good friend, the Senator from Georgia. I shall be glad to yield when I have concluded.

Mr. RUSSELL. The Senator has the right to decline to yield.

Mr. DOUGLAS. We have many faults in the State of Illinois. We have a very real problem in the relationships between the races. Things do not always run smoothly.

Only a few days ago there was a race riot on the south side of Chicago, and trouble is still occurring there. But I can say that in the city of Chicago Negroes vote. They are not compelled to ride on segregated cars. They are not segregated in the schools. They have access to the parks and other public facilities. In these respects and many others their dignity is not offended. They are treated as human beings.

In the process of guaranteeing full political democracy to all of our people, of course, friction inevitably arises. The solution to this problem will not be easy or simple. There will be tears and struggles, and there will be abuses of many kinds. However, we in the North recognize these problems, even though they are less acute than they are in the South. We are doing our best to cope with them, and we are not running away from them.

It so happens that a few years ago there was a race riot in the city of

Cicero, Ill., a city which has always given its political support to the senior Senator from Illinois.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that I may yield the floor and that the Senator from Illinois may be recognized, and then each Senator, under his own reservation of the right to object, may then be recognized.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and the Senator from Illinois is recognized.

Mr. DOUGLAS. I took the floor in this body on the 3d of October 1951, and denounced the race riot to which I have referred and which occurred in my own State and in the city which has always supported me strongly. I condemned the actions of the white mob which had attacked Negro occupants of some apartments in that city.

I felt that it was my duty to do so, because I had stood for the rights of all races in the South, and I felt under equal obligation to take a similar stand when my own State was involved.

We are not trying to cover up abuses. We are trying to remedy them; and I only wish my good friends from the South would adopt a similar attitude, instead of trying to sprinkle rose water on what we all know to be great abuses, and would frankly recognize what is going on and sit down together here as Americans and try to meet the problem.

The Senator from Georgia says that this move is engendered by those who hate the South. I join with the Senator from New York in saying that it is no such thing. I spent one of the best years of my life in South Carolina. I think I have visited, for longer or shorter periods of time, every State in the South.

In general, I find southerners to be much more polite, much more pleasant, much easier to get along with—unless one questions their "peculiar institutions"—than are my friends in the North.

But this is a national problem. It is more acute in the South only because there are more Negroes in the South. If we had the same proportion of Negroes in the North as our friends in the South have, and if we had inherited the traditions which grew out of slavery, our behavior would probably be no whit better.

More colored citizens are coming our way all the time, and this creates added tensions in our region. But this is an American problem. We are not trying to impose white supremacy upon them.

I think our friends from the South should not adopt a persecution complex and assume that we are trying to victimize them or express our hatred for them. We have only affection for them, sorely as they may strain it from time to time. We are dealing with a human, inevitable problem, and it is highly important that we should deal with it, and not postpone action upon it.

With respect to the question of jury trial, we have never charged that there is complete disbarment of Negroes from all juries and all jury panels. Of course, some Negroes are admitted to those panels.

We merely say that there is a pronounced discrimination in choosing Negroes on juries, and that therefore there tends to be a general bias, so that, in our judgment, southern judges are more likely to render justice than southern juries.

A little-noticed remark by Congressman WHITTEN in the other body on June 10, at page 8645 of the CONGRESSIONAL RECORD, describes the situation in Mississippi in the following words:

> The chances would be one to a thousand of having a Negro on the jury unless you deliberately put him there.

If it is desired to facilitate the business of the Senate, I think the majority leader could do so very well by including in his proposed unanimous-consent agreement the proviso that the Senate vote on the O'Mahoney amendment not later than Saturday. I wonder if the majority leader would consider that as a possible proviso.

Mr. JOHNSON of Texas. Mr. President, I have not given any thought to that matter. No one had suggested it. I had understood that several Senators wanted to address themselves to the jury trial amendment. I do not know how long we will take considering the measures listed in the proposed unanimous consent agreement.

Mr. DOUGLAS. How about Monday? How about voting on the O'Mahoney amendment on Monday?

Mr. JOHNSON of Texas. The Senator from Illinois can propose any agreement he wants to propose. The majority leader is not prepared to propose one at this stage, except the one that is pending at the desk.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG. I am sure the Senator realizes that, so far as the O'Mahoney amendment is concerned, it is subject to a motion to table. If the Senator is anxious to bring it to a vote, to see if he has enough votes to kill the amendment, he could move to lay it on the table, of course.

Mr. DOUGLAS. That thought has most certainly occurred to the Senator from Illinois. Instead of resorting to this method, however, it would be better to get an agreement to vote on the amendment as it is.

Mr. HOLLAND. Mr. President, reserving the right to object—and I shall not object—I shall confine myself in the few remarks that I shall make to the real emergency that exists relative to one of the measures included in the proposed unanimous consent agreement. It is S. 1314, which would extend the Agricultural Trade Development and Assistance Act, on which both the Senate and the House have acted. The conference committee has completed its work. The House has approved the conference report. All that remains to be done is for the Senate to approve the conference report, which I understand is not a heavily controverted report.

In order that the Senate may realize that this particular measure should be included among the emergency measures to be considered—and I appreciate the fact that the Senator from Georgia [Mr. RUSSELL] has already indicated that I strongly requested that it be so included—I wish to make it clear to the Senate that an emergency request has been made by people on the Pacific coast relative to the early consideration of this matter, particularly by Mr. Harold Angier, who is the general manager of the California Grape and Tree Fruit League, at San Francisco, and who is also the secretary of the National Fruit Export Council. He called me last Friday, July 26, from Portland, Oreg., where he was meeting with other interested groups of fruit producers and organizations, as is well known to the distinguished Senators from Oregon and California, and where one of the major problems under consideration was what could be done to help the pear industry, which is in highly surplus production.

My understanding is that one of the outlets which offers considerable hope of relief is shipment of pears to the United Kingdom under an agreement which is expected to materialize between our Government and the British Government, the British wanting considerable quantities of pears, which are bringing good prices in British currency at this time.

Mr. Angier, speaking for a large group of cooperative organizations which handle pears, and also for other producers, made it clear that he thought that time was of the essence on this matter, and that he hoped the measure to which I have referred could be passed and sent to the President with the least possible delay.

Mr. Angier told me that particularly the crop of hardy pears—I am not sufficiently familiar with the varieties there, but I see the distinguished senior Senator from Oregon [Mr. MORSE] nodding that he understands about it—is ripe, is beginning to drop, and needs to be moved.

On Monday, July 29, Mr. Angier had returned to California, and he telephoned me from San Francisco, again urgently requesting that this measure be taken up and acted upon immediately if at all possible.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. RUSSELL. Did I understand the Senator to say that the request for this aid and emergency assistance arises in Oregon and California?

Mr. HOLLAND. The Senator is correct. Of course, by way of explanation I should say that, since I come from a fruit producing State, and since the interests of the fruit growers are generally similar in various parts of the Nation, it happens that I have become a sort of spokesman for the fruit interests on the Senate Committee on Agriculture. I am glad that that is the fact, because I am sure the Senate is just as much interested in the situation affecting deciduous fruits on the Pacific Coast as it is in any situation affecting citrus fruits in Florida and Texas and Arizona and Southern California or other fruits elsewhere.

I am sure my friends from California and Oregon are just as much interested in the fruit problems of my State and the other fruit producing States as we are interested in theirs. It so happens that the representative capacity which I

have held for many years on the Committee on Agriculture and Forestry has brought these matters to me.

I may say that I have discussed this particular situation with the distinguished minority leader, the Senator from California [Mr. KNOWLAND], and with other Senators from the Pacific coast, and I find they are very much concerned with this problem, and I am sure they agree with me that the conference report on S. 1314 should be considered at this time.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield again.

Mr. RUSSELL. The Senator may well be the great champion of the producers of fruits in America, but I believe he has risen to great heights of magnanimity. Here we have a Senator who wants to take time out from being crucified in connection with the pending bill, which is largely supported and strongly supported by the Senators from the two States whose constituency the Senator from Florida is seeking to protect and help, and who are waging a violent and relentless fight for the legislation he is opposing. I am sure the Senators from those States will wish to take a few minutes off from their pursuit of the Senator from Florida and of the Senator from Georgia and pay some attention to the necessity of doing something for their constitutents who are producers of fruits.

Mr. HOLLAND. I thank the distinguished Senator from Georgia, but I wish to make it very clear that there is no regional feeling here. Although there is trouble now on the Pacific coast, there may very well be trouble elsewhere the next time. Whether I wanted it to be so or not—and I certainly did not make it so by my own wish—although I am glad it is the case—I am close to the fruit producers; and I wish to make it clear also that I am certain the Senators from the States affected agree completely with the position I am taking on this subject. If they did not, I would be wasting my breath.

With reference to the pending bill, to which the Senator from Georgia has adverted, I may say that I hope I am still one of those charitable souls who feels that there is always the possibility of salvation even in the heart of a fellow Senator; and I am hoping that we will eventually see some change in the attitude on the part of some of our distinguished colleagues from the Pacific coast.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HOLLAND. I had not expected to bring that matter, the pending business, into this discussion at all. I appreciate the fact that the distinguished majority leader and the distinguished minority leader, who I understand are jointly presenting the proposed unanimous-consent agreement, have agreed to include this measure in the list of measures to be considered. I hope that our distinguished friends from New York, who have a great interest in the Niagara bill, and our distinguished friends from other States, who have a great interest in other measures, and my distinguished friend from Illinois, who, of course, wants to proceed with the consideration of the pending business, will all realize that there are such things as emergencies—as is the case with reference to the defense appropriation bill, with reference to the agricultural appropriation bill, and other matters—and will allow the Senate to take action on the defense appropriation bill, and speedily dispose of some other very urgent matters, and thus serve the whole country. I believe we will be doing that by taking up the group of measures included within the proposed unanimous-consent agreement. I hope that all Senators will not only agree to the inclusion of the measures which are included within the proposed unanimous-consent agreement, but will not urge the addition of other measures, which, of course, would bring on controversy. This is a good faith effort to get some very much needed measures off the calendar.

I yield the floor.

Mr. RUSSELL. Mr. President, I should like to make one or two observations on the comments of the distinguished Senator from Illinois [Mr. DOUGLAS]. The Senator points his admonitory finger and says, "You gentlemen are too sensitive." Then he protests against our social order and proceeds to prescribe how it should be conducted. Then he says, "We know a great deal more about it in Illinois than you do in the South."

He then proceeds to apologize for the race riots in the State of Illinois. Mr. President, we have had no race riots in Georgia in recent years. Our system has been established for many years. We have separate places of entertainment for the two races. If there had been such a system in Illinois, they would not have had any race riots there.

As I understand the position of the Senator from Illinois it is, if race riots occur in Illinois, as a result of commingling the races in public parks, he is determined to keep mingling them without regard to whether they practice mayhem on each other.

We have had some experience with the racial question in our part of the country over a long period of time. We have found that such mingling will produce race riots, and result in disorder. When it is said that the South ought to let persons from other parts of the country admonish us, and should let them do so with a holier-than-thou attitude, let me ask, What has been the reaction in the rest of the United States?

I also make this statement in all good faith. If the race riot which took place in Chicago had occurred in Georgia, in any city of that State, it would not have been possible to get a room in a hotel within 20 miles of the city where the riot had occurred. The affair would have been covered by whole battalions and corps of newspaper reporters and photographers, who would have been sent down to advertise and condemn the violent race riot which took place in Georgia. If it had happened in Georgia, there is not a man or a woman in the world who would not have heard about it. It would have been publicized everywhere, particularly if it had happened at this time, while the bill is pending.

I implore the Senator from Illinois, who has a great deal of influence in his State, not to allow any more race riots to occur in Illinois until we have finished with this proposed legislation.

Sanctimony? Hypocrisy? Holier than thou? We are told by others, "We are the only ones who know the method. You cannot defend your method where you have the greater problem and do not have race riots; but we are going to force our method on you, a system which causes and provokes race riots when applied in our States."

That is the sum total of the logic which is employed in this matter. We have a right to be resentful. Now let me tell Senators of an instance that happened in my State.

There was a Negro citizen who taught school in a rural community in Georgia. He delivered an address before a group of citizens of his own color in a church. In effect, he told them: "We do not want to push too much with this business of integrating schools. We have a good schoolhouse. The teachers get along well here. The people who are coming here and are trying to press these legal papers on you"—and I shall show these things to the Senate before the debate is finally concluded—"and are going forth and drumming up clients, are going to cause trouble."

He made a statement that has always been true. He said, "99 percent of the things which happen to the white or the colored are the things we asked for and are responsible for."

No one paid much attention to that speech, but the teacher delivered it again. One of the local newspapermen happened to hear about it. He ran an article in the local newspaper, in which he quoted from the words of the Negro schoolteacher. What happened? In came the goon squad. They threatened that poor fellow's life. They drove him out of Fort Gaines, Clay County, Ga. He fled for his life because of the threats of other Negroes that if he pursued this matter and protested against the National Association for the Advancement of Colored People coming in to incite the colored people to bring lawsuits, he would lose his life.

What would have happened if it had been a group of white men who had threatened a Negro who had said he favored integration? Why, Mr. President, that story would have appeared on the pages of the slick magazines, accompanied by pictures of the poor Negro who had been threatened. There would have been pictures of his wife, pictures of his mother, and pictures of his home from which he had been driven. There would have been articles pointing out the brutality of the white people of the South who had driven the colored man from the community and from jobs that brought him an income of $7,000 a year. But when the Negroes drove him out merely because he had expressed himself as a free American citizen, the story did not get outside of the State of Georgia; it was not newsworthy. That

shows something of the sort of spirit of charity and fairness which imbues some of those who back the pending bill. They say, in effect, "We have a method. It is bad. We do have race riots. We have to call out a thousand policemen to protect a certain area, because of our system. You are not having any race riots, but you must adopt our methods, even though it will bring race riots to your door."

And, please God, let there not be any race riots instigated in Chicago, Detroit, or anywhere else, which will drift down to Georgia.

That is the thesis of those who come from outside the South. That is the only conclusion which can reasonably be reached from that sort of argument.

"Your practice is wrong. You do not have race riots. We have them; but, we are going to commingle the races in places of public entertainment if we have race riots every day of the week."

I urge that the Senator from Illinois keep the race riots quiet until we can dispose of the pending bill, because those things have a chain reaction, particularly when men's emotions are stirred and their nerves are taut. I express the prayerful hope that there will not be any race riots anywhere.

There does not seem to be any national resentment because of the race riot in Illinois. But if it had occurred in Georgia, it would have been publicized, and would have stirred up feeling throughout other parts of the country against my State.

A race riot which occurred in Detroit some years ago was so bad that the Governor of Michigan sent a telegram to the President of the United States asking him, please, to send Federal troops into Detroit to restore order, because bloody riots were raging. Members of the white race had turned upon members of the black race at a public amusement park, as I recall. I will not be too certain, but I observe both Senators from Michigan on the floor, and they can correct me if I have made a misstatement. That is the system we are told to adopt. A race riot occurred at a public park which was so terrible that hundreds of people lost their lives, and the Governor had to send a call for Federal troops.

That is the system we are told we must take, when we are not having race riots. when our people are living and are working together in amity and peace. Nevertheless, we are told that we must make the races commingle in public, when such activity causes race riots when it is applied.

Mr. POTTER. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Michigan.

Mr. POTTER. The Senator mentioned the race problem in Detroit.

Mr. RUSSELL. Yes.

Mr. POTTER. I agree that it was a deplorable action.

Mr. RUSSELL. It was deplorable when it was necessary to call for troops to quell a race riot.

Mr. POTTER. None of us from the North are proud of the fact that race riots took place. But Negro citizens in our State have every opportunity to vote, with no infringement.

Mr. RUSSELL. Oh, they vote in my State, too. They vote as freely in Georgia as they do in Michigan. I am becoming tired of hearing that kind of statement.

Mr. POTTER. The Senator referred to Michigan.

Mr. RUSSELL. Yes, I did.

Mr. POTTER. I should like to have him listen to my reply for a moment.

Mr. RUSSELL. Very well.

Mr. POTTER. Great progress has been made in Michigan. We take pride in the fact that the Negroes of our State enjoy all the opportunities afforded other citizens. It is unfortunate that some tensions have taken place. Because there are tensions, we do not stick our heads in the sand and say, "This is not the right thing to do." I respectfully submit to the Senator from Georgia that great improvement has been made in my State.

Mr. RUSSELL. I am delighted to hear the Senator say that progress is being made. I hope that riots in which hundreds lose their lives will not occur again.

Mr. POTTER. I am confident that in the future such riots will never take place in the State of Michigan.

Mr. RUSSELL. I share the Senator's hope; I pray that they will not happen.

The point I am making is that the system which the Senator from Michigan wants to impose on Georgia brought about race riots in Michigan. We deplore race riots in Michigan, and we are determined not to have them in Georgia.

If the Senator from Michigan would simply not seek to invade our State and to fasten the race riot generating system upon us, we would appreciate it. I hope there will not be race riots; but if the Senator must carry out his system that results in race riots, let him keep it in Michigan, and not bring it into Georgia, because we do not have nor desire race riots there.

Several Senators addressed the Chair.

Mr. RUSSELL. Mr. President, I do not yield at the moment.

Mr. McNAMARA. Mr. President, will the Senator yield to me?

Mr. RUSSELL. Yes; I yield to the Senator from Michigan; I mentioned his State.

Mr. McNAMARA. I did not rise to defend the great State of Michigan or the city of Detroit, because they need no defense. I assure the Senator from Georgia that the people of Michigan and the city of Detroit are able to handle their affairs without any outside interference.

Mr. RUSSELL. Then why does not the Senator let us do the same in the South? That is all we ask.

Mr. McNAMARA. Because the South has had 90 years in which to act, and it has done nothing about the situation.

Mr. RUSSELL. For more than 90 years we have acted in a way which avoids race riots. The Senator has his system, which provokes race riots whenever it is invoked. The experience we have had enables us to avoid riots, including riots of the sort Michigan has experienced.

We ask that we be allowed to have the opportunity Michigan has had. We will be told it is not fair for us to ask it, but we shall insist upon the right to use the system we believe to be best for all.

Mr. McNAMARA. Mr. President, will the Senator from Georgia permit me to answer the question he has raised?

Mr. RUSSELL. Mr. President, we propose that each State proceed in the way that will be to the best interests of both races residing within its borders.

Mr. McNAMARA. The people of Michigan allow all citizens to vote. The question before the Senate today is whether citizens in the country will be allowed to vote. The bill has been gutted—although that process has been engaged in over my serious objection, to be sure—to such a point that all that is left in it is provision to allow all citizens to vote.

I do not know what all the smog is about or what all the thunder we have heard is about. The only question is whether citizens of the United States shall be allowed to vote.

Mr. RUSSELL. I agree with the Senator from Michigan that he does not know what it is all about. [Laughter.] That is the reason why there were race riots in his State. If he would take the advice of those of us who have had 90 years of experience in dealing with this question, and have had separate, but equal, facilities for the two races, what occurred in Michigan, would have been avoided.

Mr. McNAMARA. I agree that one of us does not know what it is all about, but I am not sure that I am the one.

Mr. RUSSELL. Mr. President, I ask where the race riots have occurred and where it was necessary to bring in troops, at the request of the Governor.

Mr. McNAMARA. Mr. President, I object to the proposed unanimous-consent agreement.

Mr. RUSSELL. Mr. President, the Senator from Michigan cannot object in my time. [Laughter.]

Mr. McNAMARA. I will object in my own time.

Mr. RUSSELL. The Senator from Michigan has that right, but at this time I have the floor and I do not yield for an objection.

Mr. President, we are faced with an unusual state of affairs, after people have done the best they could, and have tried hard to evolve, through a patient process of trial and error, a system which would work properly. Mistakes have been made; we have made mistakes. There have been individual cases of injustice. But we have a great country. It is composed of 48 States, each with certain rights under the Constitution. One State can have a system of its own, if it thinks that best, and can apply that system. Another State, if it works no hardship, the Supreme Court to the contrary notwithstanding in the park and school cases—should be permitted to use another system.

There is no rule against free movement over State lines in this land. The laboratory system of government which has developed among the 48 States has

meant a great deal to the country. One State can try one system and, if it works other States can adopt it. But if it does not work, the other States should not be forced to adopt it, and thereby destroy the whole country.

So, Mr. President, I think we have before us a question which deserves more consideration than it has had. It deserves more than the pointing of admonitory fingers and the making of great dissertations about equality of rights. I stand as much for equality of rights as does any other Member of this body; but I say the two races do not have to enjoy their equal rights together at the same place and at the same time, in order to have a proper system under which both may progress in peace.

Mr. LONG. Mr. President, will the Senator from Georgia yield to me?

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. RUSSELL. I yield.

Mr. LONG. Inasmuch as much has been said about Negroes serving on juries, I believe I should state that in Louisiana Negroes serve on juries in both Federal courts and State courts.

A reference was made to a case in which the Supreme Court held that if a citizen was to be tried—in that case a Negro citizen happened to be charged with either murder or rape, I forget which—he could not be validly convicted unless Negroes were on the panel. The result was that the courts have leaned over backward in that connection; and when a panel of prospective jurors is called, if less than one-third of its members are Negroes, the courts will have the number of Negroes on the panel increased. On the other hand, if two-thirds of the members of a panel are not white persons, the courts pay no attention at all to that fact. That procedure in the case of Negroes on the panels has been followed because otherwise the courts would not hold the procedure to be valid.

Of course, if a Negro were being tried on a charge of murder or rape, he would hope that Negroes would be kept off the jury, because then he would know that the courts would not hold a conviction valid.

Mr. RUSSELL. The Senator from Louisiana is correct.

Mr. HUMPHREY obtained the floor.

Mr. HUMPHREY. Mr. President, I thank the Chair for recognizing me. I should like to speak for a short time, and then I shall yield to any Senators who may wish to make insertions in the RECORD.

Mr. President, I hope the proposed unanimous-consent agreement, which has been propounded by the majority leader, will be agreed to, because there are other legislative items of critical importance which need to be disposed of by the Senate.

I believe it fair to say that both sides will be losing what they consider to be some of their advantage in this struggle by having the proposed agreement entered into. I shall not try to indicate whether those on our side, who favor passage of the civil-rights bill, will be losing more or will be losing less.

I do know that extension of Public Law 480 is vital, and I should like to see it extended.

I do know that continuation of the Small Business Administration is most important, and I should like to have that done.

There are other legislative matters of great importance; and I hope that other Senators will accommodate us by allowing the Senate for a brief period to proceed with some of its other essential business.

I now wish to make a few observations regarding the civil-rights debate. I hope the heat and the fervor of the debate can be placed under thermostatic control. We can argue our case with vigor or eloquence or passion, or even sometimes with fiction, as some have done. But let us argue the case, and let us keep the argument within the limits of the respect and esteem we have for one another and the respect and esteem we have for the respective States of the Union.

I do not intend to spend my time criticizing any State of the Union. I do not intend to spend my time criticizing any Member of the Senate who represents any State.

However, Mr. President, if everything is as good as some of our friends say it is; if Negroes serve on the juries in Illinois, Minnesota, South Carolina, Georgia, Louisiana, and Mississippi; if Negroes are permitted to vote—as we have been assured day after day; if every Senator believes that everyone ought to be permitted to vote, that the right to vote ought to be guaranteed—and I have heard no Senator deny it; in short, if everything is as good as everyone says it is, then why are some Senators worried about part IV of the bill?

A distinguished jurist once said that the law is made for bad men. He clarified the issue for us.

If there is only one offender out of a million persons, and if that one denies a fellow citizen, an equal sovereign in this Republic, the right to vote, there should be a law to prevent this denial. The best way to prevent it is to impede by the persuasion of an injunction, rather than to punish after the denial occurs. So I appeal to my colleagues, from whatever part of the country they may come, to consider the real issue before the Senate. We are not talking about the right to vote in the South. We are talking about the right to vote in the United States of America. We are talking about the right to vote generally.

If some persons feel that the bill is pointed toward them, all I can say is that they must have, somewhere back in their desks or files or minds evidence which they do not want to have brought out, or knowledge which they do not want to confirm. There are offenses; there are abuses; there are limitations which deny people the right to vote. I repeat what I said a week ago. I want to live long enough to hear Senators in this Chamber express moral indignation because somebody has been denied the right to vote in their State rather than defenses and apologies. I think what this country needs is to have every Senator, whenever there is an abuse of the right to vote, chastise those who deny it, rise on the floor of the Senate and "take out" after those who denied the right to vote just as some have lately "taken out" after the Supreme Court. It will be a happy day when Senators say, "In my State there are some scoundrels; there are some persons who have violated their trust and have denied someone the right to vote." That will be a happy day. This is not a happy day. This is a pitiful sight, with many Senators unwilling to put an extra remedy into the law to see to it that every John Q. Citizen is given his right to vote.

That is what we are talking about. Part III is out of the bill. I supported that part but was aware of the vehemence of the opposition to it. I thought when that section went out of the bill, reason would at last come over this body. I thought when that section went out of the bill there would be those in this body who would say, "All right. This bill is now indeed very modest. This bill does not do anything more than what I myself insist for my own children. It guarantees the right to vote. It uses the power of the Federal Government to protect that right for every citizen of this Republic." I failed to see how anybody could remain excited. Even now when I read the language of the part of the bill now under discussion, I wonder why anybody is arguing about it.

When part III was eliminated from the bill and with it the troops issue was dissipated, the question of race riots came into the discussion. That is nothing more nor less than pettifogging. It is a sheer diversionary tactic to get us away from the issue. Race riots have nothing to do with the right to vote. The right to vote is contained in the Constitution. I repeat, if one man in America, wherever he may be, is unjustly denied his right to vote, that is an occasion in this Chamber for political moral indignation. I say to Senators that they are not upholding the Constitution of the United States, as they took their oath to do, unless they uphold the 14th and 15th amendments.

Is there any Members of the Senate who is willing to say he knows of no instance where the right to vote has been denied? I imagine the right to vote has been denied in my State. If there were evidence of that fact, the Attorney General, under the bill, would produce the evidence before a district judge to stop the person who is preventing the right to vote, and see to it that the individual was given his full right.

So I say to some of my good friends, they are on very shaky ground. They can argue the case of segregation, even though the Supreme Court has spoken. I should like to hear Members of this Chamber speak in favor of the Court, but I respect their right not to. They can argue about all kinds of police powers. But I do not believe there is a person in this land who believes in the free fran-

chise who will say every man ought not to have the fair and unqualified right to vote.

Whence is that right derived? It is said that citizens have it under the present law. There is evidence, however, to show that certain citizens do not get it where other people are determined to deny it. Therefore, in this bill, all we are doing is simply to say that—

whenever any person has engaged, or there are reasonable grounds to believe that any person is about to engage, in any act or practice which would deprive any other person of any right or privilege secured by subsection (a)—

Which is the right-to-vote section—

or (b) the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief.

We do not seek to put anybody in jail. All we seek is to give a Federal judge the opportunity to tell the magistrate or the registrar or the public official, "Carry out the law." That is all. We are not asking that anybody do something he should not do. This bill does not say, "You will go into the Southern or Northern or Western States and compel somebody to do something the State law or the Federal law says is wrong." It says, "Fulfill the law."

What is all the storm about in this Chamber? The trouble is that some feel this civil-rights bill is an intrusion into what they consider to be a desirable political practice which has long endured. I say to them that is exactly what some people thought of colonialism. There were people who said "We will never let the empire be liquidated." But I remind them that empires are being liquidated. There are people who said they would never let an income-tax law or a law permitting women to vote go on the books. But these measures went on the books. The tide of the times today is running in favor of freedom.

I say respectfully if much of the opposition argument were made any place but Washington, D. C., it would be laughed out of the park. Regrettably, this city is so infiltrated with ideas of yesterday that some of the arguments we hear day after day seem to have a rhythmical, if not a logical sense.

I repeat that all this bill does is to protect the right to vote, and that is what I thought we all pledged to do when we walked up to the desk of the Vice President and took our oaths.

Mr. President, I believe that one reason why the bill is needed is demonstrated by the argument being made. Part I establishes a Commission on Civil Rights to study some of the things we are talking about.

The Senator from Illinois reads certain statistics. Those statistics are disputed by the Senator from Alabama. There is an honest disagreement over the facts. The Commission on Civil Rights section of the bill provides that the Commission shall be composed of six members, who shall be appointed by the President by and with the advice and consent of the Senate, of which four shall constitute a quorum. There will be no one-man hearings, but four-man hearings. The bill charges that the Commission shall:

Investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin.

Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution.

Today's debate has been the classic example of why this bill is needed. If the arguments made against the bill are to be accepted at face value, there are very few instances of violations of the right to vote. In that case, surely, this is a most reasonable proposal. What the bill does is to recognize and implement existing constitutional rights. I would say to my friends from the South, as well as from the North, East, and West, that there is nothing in Holy Scripture about States rights, but there is something in Holy Scripture about human dignity. I am not one of those who feels that States rights are above human rights. I do not believe States rights are above the Constitution of the United States.

I say to Senators that the most important citizenship is not citizenship in Mississippi or in Minnesota, but in the United States of America. I am proud to proclaim to my fellow Minnesotans that I am a citizen of the United States. I am proud secondly to be a citizen of my State. But I put that where it properly belongs, secondly, because this is one nation, indivisible, with liberty and justice for all.

That is what we sing, and that is what we say. Do we really believe it? Do we really believe this is one nation, indivisible, with liberty and justice for all? Or do we really believe as some Senators have said, that this is 48 separate republics, 48 separate sovereignties, with liberty, maybe—justice; well, someplace—for all; oh, no.

I say, my friends and colleagues, that when a distinguished Senator rises and says he can vote for the Taft-Hartley Act, which has an injunction provision, without a jury trial, in an economic case—not, mind you, a constitutional rights case, but an economic case—and says the reason he voted for the act is because he believes the National Government has an interest in continuing production and commerce, then I say he has already given away his argument against this bill. If one can justify voting for an injunction proceeding in an economic dispute in which there is grave doubt as to whether or not the dispute really affects the national interest, I ask: How can one deny to the Federal Government—the Federal Government, which is the agent of every sovereign citizen of the United States—the right to help protect the citizenship right, the constitutional right, the civil right to vote?

All we are asking for is that the Government of the United States be permitted to govern. All we are asking for is that citizenship in the United States be as great as citizenship in any State. All we are asking for is equal protection of the laws.

All this fuss, all these histrionics, all the diversion about race riots and troop use and all the rest is for the birds. It has nothing to do with the facts of the case whatsoever. I say that most respectfully.

Mr. President, no right is being denied; not one. No new rights are being provided, only new remedies.

I repeat, respectfully, to my learned colleagues, legal experts in this body—and there are many—I am not a lawyer, but I can read. I have studied some law and taught some courses. I say, most respectfully, to any lawyer in this Chamber that for hundreds of years there was no right of jury trial in either civil or criminal contempt cases in equity proceedings. That is fact No. 1. I defy anyone to dispute it. The word "defy" is about as strong as one can use.

Next, there has never been a right to a jury trial in a civil contempt proceeding, never.

Next, whenever a person has been given a right to a jury trial in a criminal contempt proceeding it has been under express, explicit conditions established by the Congress and subject to careful scrutiny later on by the courts.

The very same Senators who are arguing for the right of jury trial in this bill would have us believe that we are denying somebody something. Denying them something? I submit that the burden of proof rests upon those who make that kind of allegation. To repeat it over and over again does not make it true. To repeat fiction is not to give it eternal verity. To repeat half truths or to repeat hopes is not to make them reality.

The truth is that what the proponents of the jury trial are attempting to do is to water down this bill. They are attempting to get us off into side issues, to get us away from the central issue, because they cannot win on the central issue. No Member of the Senate dares to stand up and say, "I do not believe in the full power of America being used to protect the right to vote."

The right to vote is the most powerful, the most sacred, the most precious right any citizen has, save his right to worship his God as he wishes. I submit to Senators that when one has the right to worship his God as his conscience dictates, and when one has the right to vote unmolested, uncoerced, unintimidated, as his mind moves him to vote, he has citizenship rights second to none. That is what we are after.

I have heard all the arguments I need to hear. I have read enough law cases on this subject to qualify in most law schools. I submit to my legal friends that what we need now is not hairsplitting over the law. What we need now is justice, the kind of justice which comes not only from the mind but from the heart.

The day has come to stand for justice—not to be clever, not to be adroit, not to know how to sidestep, but to be just.

When I hear it said that there are no race riots in some places, I can say that there is also great order in some parts of the world in which democracy does not reign. Democracy is not necessarily

equivalent to or synonymous with orderliness, but it is synonymous, I may say, with the fulfillment of human dignity and opportunity.

Democracy does not necessarily mean that everything is neat and tidy. But one thing it does mean is a man has the right to be wrong, as well as to be right.

Surely democracy means one has the right to vote.

Race riots. I say to my good friend, the Senator from Illinois, I thank God for his courage and for his convictions. He exhibited courage by standing here—may I say?—even before his last election, to criticize citizens of his own State for what they did, for what he thought was wrong. I appeal to other Senators to do the same, and we will not have all this trouble. I submit that, if there had been more speeches in the United States Senate about the abridgment of the right to vote in the past 10 years, the progress as to voting in every part of America would have been much better. If there had been more speeches in this Chamber about the right of every person to register, to be protected in that registration, and not to be intimidated economically, physically or politically, how much better off we would be.

But Senators know what they have been doing. They have been dragging their feet. They have literally put them into cement. They have said, "This evil does not exist." I submit to my colleagues that evil exists even if we are unwilling to admit it. Those whom evil frequently consumes are those who deny it is even around.

This case is not a difficult one. This is simply a case to be settled by reasonable men. I do not seek to punish. I do not want a single man to go to jail. I do not seek to try to tell somebody else how he ought to vote. But so long as I am a United States Senator, I shall be fighting in this body to see that everyone has the right to vote, not only in theory but in practice.

We are not telling people how to live. We are merely asking that the right to live and to live a full life be granted—not a life that somebody else says a person ought to live.

I have heard it said, "They are trying to disrupt our way of life." Whose way of life? Whose way of life is referred to, when it is said, "our way"? Does that refer to everybody in the community, or the dominant group in the community?

Some people's way of life is being disrupted, all right, and this bill would help to erase the disruption. This is a matter of permitting people to make decisions about the kind of life they would like to live. Once people are permitted to do that, many of the arguments being made today will be things of the past, because 5 years from now Senators from every part of America will stand up on the floor to say, "Mr. President, I rise to protest the action of a man in my State who denied a certain group of citizens the right to go to the ballot box." What a happy day that will be. That will be, may I say, like the return of the prodigal son. I hope to see that day.

Mr. President, I have waited long and patiently for it. I have been a proponent of civil rights legislation all my life, as my father was before me.

If we attack this problem with reason, with compassion, with a sense of fairness, and with justice, we can reach a solution. These are not insurmountable problems.

There are Senators who have worked hard for the common people. There are Senators who have spoken against this bill whom I would trust with my life. They are Senators who literally bleed for the people, yet for some reason they feel they dare not bleed for the people on this issue.

There are those in this Chamber, such as the distinguished Senator from Louisiana [Mr. LONG], whom I admire greatly, who fight the battle for the people every day of their lives. I know that people who vote for the Senator from Louisiana would be benefited by the proposed legislation. I would not want to say an unkind word about his State, because progress has been made in Louisiana. Would that other States had done as well. I know how the Senator fought for the right of people to register. I know how he and his father before him fought for the elimination of the poll tax. I know what it meant to him.

I know what it means to the distinguished Senator from Alabama [Mr. SPARKMAN], and others. Some of the greatest liberals in this body are from the South. They are my kind of people. I admire them. If they will permit me, I should like to help them. Perhaps they do not think it is help, but it is in the long run—help in the sense of seeing to it that every person in their areas, wherever they may be, is permitted the full exercise of his franchise.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President, I have spoken long enough. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I appreciate the Senator's sincerity; and certainly his eloquence is unsurpassed in any body in the world. However, I should like to make one suggestion, especially in view of the remarks he made toward the close of his speech.

It is possible that any of us might be wrong in our evaluation of the society in which we live. Let me leave one thought with the Senator. He mentioned the Constitution, and stated that it guarantees the right to vote. He defied anyone to challenge certain of his assertions of a rather technical nature. I shall be glad to try, in my limited way, to comment upon such assertions at a later date. However, as of the moment, I should like to leave one thought with the Senator from Minnesota.

In the creation of our Federal constitutional system, one of the principal objectives of the Constitution was protection of the individual against his own government. That has been the curse of mankind as far back as we can go. It is true today. There are today many millions of people who are imposed upon by their own governments. The governments which threaten our freedom are governments which have complete power in their own hands. Of course, I speak of Russia and other similar nations.

I know that the Senator from Minnesota is very sincere. I ask him to permit the thought that possibly the only difference between him and the Senators to whom he referred, especially the Senators from Alabama and Louisiana, is one of method. The Senator from Alabama and the Senator from Louisiana are just as much interested in justice for all the people as is the Senator from Minnesota. They hold certain sincere beliefs; and they happen to have on their side the constitutional history of this country and, I believe, all of the evidence as to the purposes of the founders of this country. One of the central purposes was that matters of this kind should be left to the States.

We must beware of continuing to pile up power over the individual. We commonly call it police power. It is the power to impose directly on the freedom of the individual. If we pile up such power in the central Government, we defeat our own purpose.

All I am trying to say is that the Senator from Minnesota should admit the possibility that in this case he may be in error, and that the Senator from Alabama, the Senator from Louisiana, and other Senators are not in error as to the proper method to be followed. I do not think there is a great deal of difference in our objectives, but there is a great deal of difference as to how to achieve those objectives—the most efficient, most durable, and the most civilized way to achieve the objective of justice for the individual.

We must admit that there is great danger in giving additional powers to act directly upon an individual, to an Attorney General of the United States, who is not elected, an Attorney General who has direction and authority over our great police power. We appropriate more than $100 million for what is the closest thing we have to a secret police. We do not choose to call it that. We call it the FBI. But it is a powerful, effective agency. At the moment we have confidence in its direction, in its director, and in its workings; but the Senator does not deny that it is an agency which could be used to impose on the people.

I do not wish to do anything other than leave the thought with the Senator that he should not close his mind, in judging such a complex instrumentality as this Government is, to the possibility that it would be dangerous to give it a power which it has never had in the past.

One last thought. The Senator from Minnesota would have difficulty in finding another government in the entire world of any appreciable size under which the individual enjoys greater justice than he does in the United States. I think the Senator paints a very black picture of the condition of the average citizen of the United States today.

Mr. HUMPHREY. Mr. President, I wish to respond to my good friend from Arkansas, for whom I have the greatest respect and admiration, as he knows personally, and as the public knows. America would be an even greater place

in which to live if everyone had the wonderful intellectual attributes and the fine character of men like the Senator from Arkansas. I say that with the deepest sincerity.

Of course, every Senator seeks justice. We disagree over methods. I do not wish to single them all out, but many of my dear friends on the other side of this issue are men whom I hold in the greatest of esteem, respect, and affection. I have had the privilege of having their personal friendship, and nothing could be more precious or more dear to me than their friendship. But I submit that while we may disagree over method, it is our responsibility to place before the Senate our respective arguments in behalf of the efficacy or the soundness of our method. That is what I am seeking to do.

Let me respond to the constitutional argument made by the Senator from Arkansas. As the Senator indicated the Founding Fathers did not create a democracy. They created a Republic, a Federal structure.

The number of people permitted to vote in the first elections was very limited. One of the great developments in this Republic has been the extension of the franchise. With the franchise was extended gradual removal of property qualifications, to practically all males. With the amendment to the Constitution which permitted women to vote, universal suffrage, as we call it, was brought about.

The Senator from Arkansas says that we must watch out for a government which dominates individuals. This is an observation with which, I trust, all free men agree. But I also say, Watch out, in a country where men are governed by institutions of government in whose selection they have had no voice. "No taxation without representation" was the cry of the Revolution. Another slogan was "Government by the consent of the governed." It is not government by the consent of the governed when the person who is governed is denied the right to register or to vote. I submit that a free government dilutes its freedom in direct proportion to the number of people excluded from the rightful exercise of the franchise.

Let me go further——

Mr. FULBRIGHT. Mr. President, before the Senator moves on from that point, I should like to have his comment on a certain point. In the United States as a whole, and I dare say in the Senator's own State, only approximately half those entitled to vote do so.

Mr. HUMPHREY. But the right to vote is protected.

Mr. FULBRIGHT. Why do only half of them vote?

Mr. HUMPHREY. The privilege of voting is not exercised.

Mr. FULBRIGHT. Why not?

Mr. HUMPHREY. I do not know. I do not know why people do many of the things they do, but I submit that the right to vote also means the right not to vote, at the citizen's own volition. If a man does not vote, I think it should be because he decides not to vote, and not because someone down the street decides it for him. The beginning of tyranny is restriction of the right of the individual to express himself in an orderly manner.

There are two sides to the coin of constitutional government. On the one hand, we should see to it that the central, all-powerful government does not interfere with or deny the rights of the individual. But the same government, if it is a government of the people, by the people, and for the people, ought to protect the rights of the individual. That is what I am talking about. I am talking about this Government, which is elected, and which comes as close to being a free government as anything man has been able to constitute. It should use the power it has to protect the rights of the least of its citizens.

Of course, we have made progress.

Mr. JOHNSON of Texas. Mr. President, may we have order in the Chamber and in the galleries?

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The Senator from Minnesota will suspend until Senators have taken their seats. The Senator from Minnesota will proceed.

Mr. HUMPHREY. The South has given us some of our greatest patriots. It is the home of some of our greatest philosophers, and of some of our greatest literary geniuses. I do not know what America would be like without the South. However, I submit that we are one Nation, and all I am trying to do—and if I am misguided I am sure there are Senators who will try to right me; and I say this in all fairness and in all reasonableness—is to utilize the power of the Government, which rests in the sovereign power of the Republic, to protect the right to vote without fear and coercion and intimidation. That is what the bill now boils down to.

Of course a great many people have said that the bill does not go far enough. I have said to the majority leader and to the minority leader that if we could make this much progress, it would be a milestone in the history of this Republic. No one can get everything he wants. What is more, Mr. President, I do not believe that we should try to legislate every last little item. What we ought to do is try to establish standards of legislation, with reasonable and fair enforcement procedures, and then rely upon good intentions and sound common sense to make further progress.

I should like to yield the floor. I have taken much more time than I had intended to take.

Mr. FULBRIGHT. I should like to ask the Senator to yield for just one more question.

Mr. HUMPHREY. I yield, of course.

Mr. FULBRIGHT. I should like to ask the Senator from Minnesota if he will not give very serious consideration, during the next few days, to the proposition that perhaps one of the reasons this country has done as well as it has is that it has not given to the Central Government the power to rectify all wrongs, but has left such power in the hands of the local communities, which understand the people, and in the hands of our educators?

Mr. HUMPHREY. I may interrupt to say that there is a great deal of merit to what the Senator says.

Mr. FULBRIGHT. The reason there is so much trouble in some countries of the world is that the people in those countries have given all their powers into the hands of a central government.

Mr. HUMPHREY. I say to the Senator, "Thou art wrong." That is not the reason. It is not because the people have given such powers voluntarily to a central government. The tyrants in those countries have taken that power unto themselves, and have exercised that power with a tyrannical tenacity. The people have not given that power to the government.

Mr. FULBRIGHT. I would certainly rather have a tyrannical government take the power than be a party to giving that power to a tyrant. I do not intend, certainly, to be a party to any such thing. If a tyrannical government takes such power, that is one thing, but I do not propose to help give such powers to a tyrannical government. Once a government has taken such powers it has always exercised them on every individual in the most tyrannical fashion, from the very beginning of history.

Mr. HUMPHREY. I say most respectfully to the Senator from Arkansas that history shows few examples of people giving such power to a tyrant; to the contrary, most of the examples in history show that the tyrants have taken the power. Wherever the individuals have had the right to choose those who would govern them, tyranny has not existed. Instead, the exercise of that right has tended to do away with or to diminish tyranny.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HUMPHREY. I do not have the floor.

Mr. LONG. I did not know the Senator had yielded the floor.

Mr. MORSE. If the Senator from Minnesota wishes to yield to the Senator from Louisiana, and had not intended to yield the floor, I shall not ask for recognition at this time.

Mr. HUMPHREY. I thank the Senator from Oregon.

Mr. LONG. I thank the Senator from Minnesota for the gracious compliments he has paid me. I, too, have the greatest regard for him. I submit that his logic is not equal to the power of his eloquence, and his eloquence is always excellent. The Senator made the statement that no one seeks to deny anything to anyone. Many of us, however, feel that millions of people would be denied the right of trial by jury, which is provided for at least three times in our Constitution, and which was intended by the Founding Fathers to be available to all those charged with wrongdoing. The Senator wants to extend the right to vote to many persons who do not have it today. I go along with him in that desire, and I have tried to contribute toward making it possible for people to enjoy the right to vote.

However, when the Senator takes away the right of trial by jury in order to try to obtain the right to vote for some people who presently do not have the right to vote, he is, in the first place, taking away a much more precious right than he would extend. In the second place, it is not necessary to do it, because there already exists all the enforcement power necessary to obtain the right to vote without denying a person the right to trial by jury in a voting case. That is the sum and substance of the argument, as I see it.

Mr. HUMPHREY. The Senator from Louisiana and the Senator from Minnesota had a few words together on this subject yesterday. I hope to talk to him privately again today, and perhaps even take him to lunch in a moment, and there discuss the subject further.

The PRESIDING OFFICER. The Senators will suspend for a moment. The Chair would like to admonish Senators to please take their seats and discontinue conversations. If they wish to converse, the Chair requests them to retire to the cloakrooms.

Mr. HUMPHREY. As I recall, the sixth amendment to the Constitution guarantees the right of trial by jury in all criminal prosecutions. That is not the same as criminal contempt proceedings. There we are talking about equity proceedings, but on that point I will yield to the distinguished senior Senator from Oregon, who was a law school dean in his own right.

The second time the Constitution guarantees the right of trial by jury is in the seventh amendment, which prescribes the right of trial by jury in a suit at common law involving more than $20.

The third time the Constitution mentions the right of trial by jury is for crimes in article III. Again equity proceedings for criminal contempt are not covered. The same article III vests the judicial power of the United States in the courts. Acts of Congress have always been subject to careful scrutiny by the Supreme Court, with reference to the possibility of their interfering with the jurisdiction granted in article III of the Constitution. Such was the case when Congress enacted the Clayton Act and the Norris-La Guardia Act, the two examples providing that in criminal contempt cases, a trial by jury may be had.

However, under the Clayton Act a jury trial was not available when the Federal Government was a party. The Norris-La Guardia Act was the big exception—a jury trial obtained. But the Norris-La Guardia Act was later limited by the United Mine Workers case, and was further weakened by the enactment of the Taft-Hartley law.

So far as the pending bill is concerned, I repeat that no rights have been denied. An individual plaintiff may still sue in a State court, if he wishes to do so, and the defendant may have a jury trial. However, when the district attorney, acting in the name of the United States Government, stands in the shoes of the aggrieved party, then the defendant is not subject, to trial by jury. That is all. No rights have been denied, and no new rights have been provided.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. LONG. As the law stands presently, if a person is charged with impeding or coercing or preventing someone from voting, he is subject to prosecution. He is subject to a civil-law suit. However, he has the right of trial by jury, both under the Constitution and under the laws of the Nation. If the pending bill is passed and enacted into law, that law would be changed.

It is not particularly important what device is used—and legal scholars can argue this point at length—the fact remains that the intent of the Constitution is that the individual should have that right.

Furthermore, it cannot be established that it is necessary to pass a bill such as the one before the Senate in order to achieve the purpose sought by those who would like to qualify voters who up to this time have not had that opportunity.

Mr. HUMPHREY. That is a question of fact and judgment which will be decided in the United States Senate. We will have to decide that question. I should now like to ask the Senator from Louisiana if he will permit me to buy him his lunch, because I am hungry.

The PRESIDING OFFICER. Unanimous consent is given for that purpose.

During the delivery of Mr. HUMPHREY'S speech,

Mr. EASTLAND. Mr. President, will the Senator from Minnesota yield to me? I wish to have some telegrams printed in the RECORD.

Mr. HUMPHREY. I am glad to yield for that purpose, if it is agreed that I may do so without losing the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. EASTLAND. I wished to join in the statement the distinguished Senator from Louisiana [Mr. LONG] made, when he referred to Negroes who serve on juries.

Negroes serve on juries in United States courts in my State, and have done so for years.

I have before me two telegrams which I have received from Federal judges in Mississippi. The telegrams are dated today, and are addressed to me.

One of the telegrams comes from Judge Allen Cox, district judge of the northern district of Mississippi. In the telegram he states:

> Negroes serve as jurors in my court, both on grand and petit juries.

The other telegram is from Judge S. C. Mize, of the southern district of Mississippi. The telegram is dated today, and reads as follows:

> Beg to advise colored jurors are drawn and serve on grand jury and petit jury in my district.

I ask unanimous consent that these telegrams be printed in the RECORD at the conclusion of the speech of the distinguished Senator from Minnesota.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

OXFORD, MISS., *July 30, 1957.*

Hon. JAMES O. EASTLAND,
*United States Senator,*
*Washington, D. C.:*

Negroes serve as jurors in my court both on grand and petit juries.

ALLEN COX,
*District Judge.*

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GULFPORT, MISS., *July 30, 1957.*

Senator JAMES O. EASTLAND,
*Senate Office Building,*
*Washington, D. C.:*

Beg to advise colored jurors are drawn and serve on grand jury and petit jury in my district.

S. C. MIZE.

PROPOSED UNANIMOUS-CONSENT AGREEMENT

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement submitted by the Senator from Texas [Mr. JOHNSON]?

Mr. MORSE. Mr. President, reserving the right to object, I wish to discuss the proposed unanimous-consent agreement. I wish to discuss it under the following points:

First, I point out that, in my judgment, there is no way of escaping the reality of the situation on the floor of the Senate; namely, that the Senate is engaged in a parliamentary struggle. No matter how it be clothed in words, we are engaged in a parliamentary struggle involving the issue as to when the Senate will come to a vote on a piece of proposed legislation which seeks to put into legislative practice the 14th and 15th amendments to the Constitution of the United States.

Under those amendments, as we know, all persons in the United States, irrespective of the color of their skin, are guaranteed equal rights of citizenship. We can argue to our hearts' content, but the fact is that the preponderant opinion in the United States, in my judgment, is that equal citizenship is not enjoyed by large numbers of our fellow citizens.

Likewise, I think there is no escaping the fact that the preponderant majority of the people of the United States do not approve of inequality of citizenship. If they did, there would be no difficulty in getting the 14th and 15th amendments repealed by constitutional amendment. If any proponent of second-class citizenship feels that the 14th and 15th amendments are not consonant with the wishes of the American people, let him propose a constitutional amendment which would repeal the 14th and 15th amendments. The solution is that simple, in my opinion.

As I said the other day in a speech I made on this subject, there has been much said in the debate about a proposal for a referendum. In my judgment, it was a great political appeal. But a referendum process is provided in the Constitution of the United States, and it is most effective for the handling of this problem. That process is the amendment process. There is the check which the Founding Fathers put upon

the courts, for example, if the people of the country, acting in accordance with the amendment process, believed that the judiciary needed to be checked because it was making interpretations of the Constitution which, in the opinion of the people of the Republic, could not be squared with the intent and the desire of the people of America.

So as one who many times in 13 years has been heard to speak in the Senate in defense of the system of the checks of the Constitution, I make this point at the very beginning of the brief remarks I am going to make on the request for a unanimous-consent agreement.

The second point I make is that this is not the first time the Senate has found itself in this kind of parliamentary situation. In the past 13 years there have been several times when we have been in a similar position. It seems to me that it was only yesterday, figuratively speaking, that I heard the arguments about emergency that I have heard today. It is said that great pieces of emergency legislation are backlogged behind the civil-rights bill; therefore, it is necessary for the Senate to take time out in order to handle the emergency legislation, and then return to the pending bill.

That becomes a matter of judgment; but it happens to be my judgment that there is no more important piece of proposed legislation of such an emergency nature which could pend before the United States Senate than a bill which seeks to guarantee first-class citizenship to all our people. The time has come, in my judgment, to meet that issue, and to meet it head on. I think we are in a position, in this hour of the inevitable march of history, when time has finally caught up with us. I think the demand across America is that we act.

I point out that the eyes of America are on the Senate. During the course of several weeks civil rights have been the main topic of conversation at almost every gathering of people in America. In all parts of the country, whether it be a dinner party, whether it be during a recess at school, whether it be in an organization of persons who have gathered together, the civil-rights bill has been the subject of conversation, almost invariably, if those people have sat together or talked together for an hour in duration.

The floor of the United States Senate today is a great educational center, too. I wonder if we fully appreciate the great educational power of the Senate now in this historic debate. I think that as the days go by more and more persons will give greater and greater study to the great constitutional issues which are involved in the debate.

In my discussion of the unanimous-consent agreement proposal, now pending before the Senate, I do not intend to go into the merits of the bill. However, I shall make very brief reference to two points I have already made in the debate, because I think they relate to the proposed unanimous-consent agreement, namely, that the determination of what civil rights each of us has is for the courts to decide, not for the Senate, not for a jury. It is not for any other body within our Government to decide except the courts. That is in accordance with our system. The Founding Fathers established a coordinated Government of three equal branches and gave certain constitutional functions to each segment of the Government.

I say that the determination of what my constitutional rights are, including my civil rights, happens to be for the court to decide, not for a jury, not for the Senate, not for a State. Under the Federal system, in the last analysis, that decision is for the Supreme Court of the United States.

Oh, I know that when one seeks to defend some of the historic, landmark decisions of the Supreme Court in recent months, he will be criticized in certain quarters. But would that we could come back 50 years from today and walk into a constitutional law classroom in any great law school of America, and hear the discussions in that classroom concerning the great decisions of the great Supreme Court in our year of 1957. What a glorious day in which to live. In the inevitable march of history, we have reached the point where the Supreme Court has proclaimed the right of equality of justice under the 14th and 15th amendments. So that matter is involved in this debate. We can disagree among ourselves in a matter of judgment.

But I point out the second reference I shall make to a substantive matter involved in the debate, which I think also has some bearing, however, on the proposed unanimous consent request which is before the Senate. There has been much said in the debate about a dictatorial Attorney General of the United States. I respectfully say that I completely disagree with such statements, because so little has been said about the fact that the Attorney General and every prosecuting officer operating under his jurisdiction happen to be officers of the court. The determination of whether or not an injunction shall or shall not be granted in a given case depends upon the evaluation of the case on the merits before a judge, who under the Constitution is the guardian, in the last analysis, of our civil rights, subject only to appeal to higher courts.

Mr. President, one would think the requests of the Attorney General in all the hypothetical cases discussed during the debate would automatically be agreed to, and that the judicial process would not intervene, but that there a judge would sit, in his glorious robes, with all their symbolism, protecting the free men and free women in their constitutional civil rights.

Mr. President, the Attorney General will function only as an officer of the court, and he will not decide whether an injunction will or will not issue. Let us not forget that under the provisions of the bill, the cases will be tried before a judge, on their merits, without ex parte proceedings. A case will have to be made.

Later, at greater length, I shall discuss further my views on the legal problems involved in the bill. But today I mention these two points very briefly because I think they bear on the question of whether the unanimous-consent agreement, as proposed, should or should not be approved.

I turn now to my third point: At the beginning of almost each new Congress the Senate has what is known as the rule XXII debate. Senators march up the hill, and then march down the hill. I speak respectfully, but I express my own judgment as to the nature of some of the speeches made on those occasions. I think some great political fodder is shredded on the floor of the Senate at the beginning of almost each session, in connection with the debate on rule XXII. It may make good political feed, back home. But, Mr. President, the fact is that the record of the Senate has been that of walking away from the rule XXII fight.

One of the arguments we always hear at the beginning of a session is, "The Senate must organize. It must get on with its business. There are many pressing pieces of proposed legislation which demand immediate attention." Then the lobbies go to work, and the pressure telegrams begin to come; and what happens? Senators—or a majority of them, at least—give up, on the rule XXII fight. As the record will show, some of us have consistently taken the position, "Now, at the beginning of the session, is the time to make the rule XXII fight, because at the end of the session it will be argued that there is a logjam and that the Senate is in the closing days of the session, and that the Senate must act on the appropriation bills and on conference reports and on other emergency measures." Of course, also at that time the call of the political hustings will be heard by many Senators, who will say, "We must go home, too."

So, Mr. President, it seems that the rule XXII fight cannot be made at the beginning of a session, because then there is so much pressing proposed legislation; and that the rule XXII fight cannot be made at the end of a session, because then there is so much emergency proposed legislation which requires final action; and that the rule XXII fight cannot be made in the middle of a session, because at that time it is impossible to get such a proposal on the agenda.

Mr. President, a Senator learns after he has served in the Senate for 13 years; and I think I have learned the lesson in the case of this problem. I think the lesson teaches us very clearly that when a controversial measure is before the Senate, it should be kept before the Senate. That applies to the unfinished business, the civil-rights bill, Mr. President, because it, too, is of emergency nature.

So let us consider the proposed unanimous-consent agreement.

It is suggested that the Senate lay aside temporarily the unfinished business—the bill which seeks to guarantee first-class citizenship to all citizens of the United States—and consider the conference report on House bill 7665, the Defense Department appropriation bill

for 1958. Mr. President, appropriations for the Department of Defense make a great appeal. If Senators object to having that bill considered, they will run the risk of having some persons say, "You are putting the security of the country in a secondary position."

Mr. President, I am not one to be awed by titles. Let me say there is nothing about the conference report on the Department of Defense appropriation bill that cannot wait. It does not have to be adopted tomorrow or the next day or in the several days thereafter. Of course, protecting the rights of freedom sometimes is costly. Everything is not smooth at all times in a democracy. Sometimes the price of freedom is high. There are risks to be run, when living in a democracy. I believe we had better start running some risks in regard to the proposed unanimous-consent agreement, insofar as the so-called backlog of proposed legislation is concerned, because I can think of no more appropriate time than now—when the eyes of the Nation are fixed upon the Senate—to have the Senate finish the historic debate on the civil rights bill.

I wish to say to my constituents that personally I am not satisfied that failure to adopt the conference report on House bill 7665 in the next few days or, for that matter, in the next 30 days, will cause our great Republic to topple.

Then let us consider the conference report on House bill 7441, the agricultural appropriation bill for 1958. It is an interesting one to have listed in connection with the proposed agreement. It makes a great appeal to farmers, if we assume that they will put their selfish interests above constitutional interests. But I have more faith in the farmers than that. I think they will see through this procedural tactic; and as they come to study the meaning of constitutional civil rights, I think they will agree with me that a postponement for a time of adoption of the conference report on House bill 7441 will not cause the Republic to topple, or will not cause the farms of America to dry up, insofar as economic sustenance is concerned.

Then there is the request of the House for a conference on Senate bill 2130, the amendment of the Mutual Security Act. Mr. President, I happen to be a member of the Foreign Relations Committee, and I happen to know what is in the so-called pipeline, and I happen to know about the millions and millions and millions of dollars unspent in the mutual security pipeline. I am not frightened by this scarecrow, either. A failure on the part of the Senate to take up the request of the House of Representatives for a conference on Senate bill 2130 will not bring an end to the mutual security program in which the Nation is engaged.

Then there is Senate bill 2504, Calendar No. 611, which provides for extension of the Small Business Act of 1953, as amended. I happen to be a member of the Senate's Select Committee on Small Business. In fact, for part of the morning today, I presided over a meeting of a subcommittee of that committee. I would regret to have the Small Business Administration go out of business for a few days. But it can be reinstated. If I have to make a comparison between the loss which will result from having the Small Business Administration suspend operations for a brief time, and the gain which I believe will come from holding the line on the civil-rights issue and concluding the debate on the bill and getting the issue behind us, no matter how long it takes, I am willing to permit the Small Business Administration to take a little breather for a while, while the Senate of the United States considers what I consider to be a much more important matter, that of civil rights. Later the Small Business Administration can be reinstated. But in such matters, Mr. President, I never duck. If I have to make a choice between ending permanently the Small Business Administration and fighting through to a successful conclusion in connection with the civil-rights issue, I will choose the latter. However, I wish to say that they are not mutually exclusive; there can be both, in due order. But now is the time for the Senate to fight out the civil-rights issue on this front line, until the issue is determined one way or the other.

Then we come to the next item in the list, namely, the resolution for further continuation of certain appropriations for support of the Government.

Mr. President, I do not think the Department of State or the Department of Agriculture or the Department of Justice or any other department of the Government will collapse if the Senate does not vote on appropriations for those agencies by August 1 or even a few days thereafter. Even if such appropriations are delayed that long, I am sure we shall be surprised to observe how those Departments will continue to function; and, later, representatives of the Departments will come before the congressional committees and will request deficiency appropriations, and Senators will fall all over each other in their haste to have the Congress grant the requests for deficiency appropriations.

Then there is the conference report on Senate bill 1314, the Agricultural Trade Development and Assistance Act—a very important measure, but not nearly so important as the civil-rights issue.

Here again I am not one who thinks it can be said that time is of such essence that we cannot, at a later time, proceed to give the consideration to the agricultural trade development bill that it deserves.

Then we come to nominations on the Executive Calendar. There is not one of them that cannot wait for a few days, or a few weeks if necessary, while we fight out and bring to an end this historic debate on the constitutional rights of all citizens, irrespective of the color of their skin.

Then it is proposed to have a call of the calendar for the consideration of unobjected-to bills or resolutions. Well, they have been on the calendar for quite some time. They can stay there for a few more days, or a few more weeks if necessary.

There was raised this afternoon the question of a piece of legislation of great emergency nature, undoubtedly, to the orchardists of my State. I want to say to the orchardists of my State, as I say to anyone else anywhere in the United States who may be concerned with this proposed legislation, I think it ought to be postponed until we win or lose the fight on civil rights. That is a part of the price of being free that they pay, too.

Mr. President, I am not going to agree to a unanimous consent agreement because it might help some orchardists in my State. I say to those orchardists, "I shall continue to do the very best I can to be of help to you at the very earliest possible time after we establish, once and for all, first-class citizenship for all the people of this country, irrespective of the color of their skin. You will be surprised to find how well we can do for the orchardists after we get the civil-rights bill out of the way."

Now, I make my last point. I do not like always to be in the minority. In fact, sometimes, Mr. President, I would like to have the pleasant feeling that must exist in going along with the majority. But I cannot do it, Mr. President, unless I think the majority is right, and I happen to believe that on this issue we have had so much talk about civil rights over the years, we have had so much of parades marching forward, but so little actual combat over the issue, it has been so much a matter of parade show rather than digging into the trenches and fighting it out, that I think the time has come to complete the parliamentary battle here on the floor of the United States Senate. Now is the time, I say to my pro-civil-rights colleagues, to hold the line. Now is the time to say there will be no retreat, there will be no truce, there will be no armistice; we are going to fight on this front until we finally bring this battle to a decisive conclusion.

Therefore, Mr. President, as a matter of conviction, and also as a matter of deep regret, I cannot follow the proponents of this unanimous-consent proposal. I consider it to be my duty, as a United States Senator representing as I do in part, the people of my State, to object, and I do object to the agreement.

The PRESIDING OFFICER. Objection is heard.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KNOWLAND. Has the morning hour been concluded?

The PRESIDING OFFICER. The morning hour has not been concluded.

Is there further business for the morning hour?

## CARLOS CASTILLO ARMAS

Mr. SMATHERS. Mr. President, on Friday, July 26, 1957, Carlos Castillo Armas, President of the Republic of Guatemala, joined the list of martyrs who have paid with their lives for the tireless efforts which they have expended in the cause of freedom and democracy.

We all recall only too well the Communist beachhead that was established in Guatemala but a few years ago—a beachhead which not only threatened Guatemala and Latin America, but the very security of the United States as well.

Three years ago, armed with nothing but sheer courage and indomitable belief in democracy, President Armas and his small band of 200 dedicated followers upset the Communist-dominated regime in Guatemala, which was then headed by Jacobo Arbenz Guzman. Through his leadership, the people of Guatemala found hope, courage, and inspiration in their desire to be free. Freedom-loving people everywhere owe an undying debt of gratitude for the fierce resistance, predicted solely on sheer courage and gallantry, which the people of Guatemala, under the leadership of President Armas, successfully invoked in unleashing the Communist stranglehold which then existed. His fight in the cause of freedom constitutes one of the glorious pages in the history of the Americas.

The infiltration and the final taking over of the reins of government in Guatemala had been carefully planned and carried out as part of the worldwide Communist conspiracy, and was strategically directed at establishing, eventually, a Communist barrier between North and South America. The American continents were the last great land mass which had resisted Communist infiltration, and if the two continents could be separated at the narrow isthmus, South American domination would be the next step, with the rich prize of not only natural resources, but the completion of the sealing off of the United States by the Soviet bloc.

The infiltration and domination of Guatemala was the first step for eventual domination of the American continent, but the heroic efforts of Armas not only prevented this, but also resulted, for the first time in history, of a country throwing off the Communist yoke once it had been subjected to it.

That President Armas paid with his life for having thwarted this integral part of the international Communist conspiracy cannot be doubted. It has already been established that his assassin was Communist controlled and inspired, whatever may be said to the contrary. The assassin had only joined the palace guards in late June, after an inadequate and perfunctory security check. He was one of the non-card-carrying, unidentified, undercover members of the party, who are especially reserved, because of their anonymity, for special acts of violence.

President Armas conducted a truly liberal regime in a section of the world which has been a noted stamping ground for petty dictators. In his desire to be a true liberal, he perhaps made the mistake of listening too much to those who cry of dictatorship, in order to break down security measures and infiltrate his forces, leave wide open a path for further subversive violence.

Lest any remarks which I may make might be misinterpreted, I want to make it clear here and now that I do not defend dictatorships. However, to successfully combat the unceasing efforts and ruthless tactics employed by the Communists to gain control of Guatemala, it is easily understandable why stern measures of security had to be necessarily invoked. There is not the slightest doubt but that under Armas, Guatemala was moving rapidly toward a democratic regime.

The full story of the valiant fight by President Armas against the Communist forces of tyranny is set forth in a report of the Subcommittee To Investigate Communist Aggression in Latin America, to the Select Committee on Communist Aggression of the House of Representatives. It is a document worth reading, and I recommend it to every Member of this body. It was President Armas who fought to demonstrate to the world that Guatemala, by democratic ways, could advance the welfare of its people far beyond anything offered by the atheistic philosophy of communism. Great strides were made by him in this direction. It is regretted that it became necessary for him to pay with his life for the freedom which he cherished so much. I am confident that his spirit will live on and further inspire the people of Guatemala to carry on in the footsteps of this great leader who contributed so much not only to secure the future for Guatemala and Latin America, but of the entire Western Hemisphere as well.

## INDICTMENTS AND TRIALS IN OREGON

Mr. MORSE. Mr. President, I have two letters which I wish to put into the RECORD without taking the time to read them.

It will be recalled that some months ago there were before the McClellan committee some persons from the State of Oregon, including the mayor of the city of Portland, Oreg., and including Mr. Clyde C. Crosby, general organizer for the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers.

There were witnesses who appeared before the McClellan committee who made very serious charges of criminal misconduct in respect to the mayor of Portland and in respect to Mr. Crosby. I said then that I thought judgment should be withheld until the judicial process had determined the indictments to which the mayor of Portland and Mr. Crosby were subsequently subjected.

The mayor was acquitted of the charge on which he was indicted.

Recently Mr. Crosby was acquitted of the charge on which he was indicted. I pass no judgment on pending indictments existing against either of these men. Again I say I am perfectly willing to let the judicial process run its course.

Last week, Mr. President, Mr. Crosby wrote me a letter, in which, as Senators will see when they read it, he made the implied suggestion that I should intervene with law enforcement officials in my State in respect to pending indictments against him. The letter was made public and was published, I understand, in Sunday's Oregonian, and either the letter was published in the Portland Journal or the substantial contents of the letter were carried in a news release in the Portland Journal.

Yesterday I sent to Mr. Crosby an air mail special delivery four-page letter in which I set forth the reasons why I would not under any circumstances intervene in his behalf or in behalf of anyone else when it comes to the operation of our judicial system.

I ask unanimous consent, Mr. President, that Mr. Crosby's letter to me dated July 24, 1957, and my reply to Mr. Crosby dated July 29, be printed at this point in the body of the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, CHAUFFEURS,
WAREHOUSEMEN AND HELPERS OF AMERICA
*July 24, 1957.*

The Honorable WAYNE MORSE,
*United States Senator,*
*Senate Office Building,*
*Washington, D. C.*

DEAR MR. SENATOR: You may be surprised to receive this type of letter from me, and possibly you may feel that I am addressing it to the wrong individual inasmuch as the basic subject I have in mind relates to State matters. However, I feel that in the State of Oregon and in the Democratic Party within the State a situation exists that, in my opinion, is wholly unfair as it relates to teamster organizations within the State and to myself as an individual.

I can well understand your hesitancy during the period of the Senate investigations as it related to Portland and Oregon, in general, since you had no way of knowing what the facts were. It might very well have been possible that some of the people that you had regarded as friendly constituents might have been guilty of commission of some crime. However, at this date I believe that what is happening here is not the normal pursuit of justice without fear or favor, but instead amounts to a continued desire on the part of some State officials to indulge in persecution of our organization with me as an individual target.

I have never been a crybaby, and I do not consider that I am one now. However, since my acquittal of the ridiculous charge of being a crooked public official, the manner by which it came about, and the evidence developed during the trial, I am deeply resentful of the fact that some reevaluation of other matters still unresolved has not taken place. I want you to know, Senator, that this is not the case of an individual with a guilty conscience hopefully looking for some sort of intervention that will help him out of his trouble, but instead this is a commonsense request that the matter of politics as it pertains to these charges yet remaining might be pushed aside so that the facts can be judged on their merits. In other words, it is my feeling that Mr. Thornton of the Attorney General's Office has every intention of pursuing any and all possible potential charges against me in a frantic effort to prove that I am guilty of something, no matter what it has to be.

I do not feel that there is the slightest use on my part to raise this matter directly with Governor Holmes because I feel that his office is strongly influenced by Howard Morgan, presently PUC commissioner, who seems to have a dedicated interest in inflicting some type of punishment on the teamsters. I do not wish to deal in personalities so I will not attempt to relate any of the differences of opinion that have accumulated between Commissioner Morgan and myself.

I am sure you can recall that the Oregonian publicized me as some sort of reprehensible character who was dealing in almost every known type of illicit activity, and as a result of those statements the Oregonian is becoming embarrassed due to its inability to present facts in an effort to prove them. Now the Oregonian finds itself faced with a libel suit of large proportions and, I feel, is extremely active in the background in an effort to continue any and all efforts that

would result in some sort of conviction against me.

I write this letter with a completely clean conscience and all I have ever asked of anyone is a fair and impartial evaluation of the facts—something I do not believe has taken place here.

My purpose for writing this letter is to make my point of view known to you in the hope that you might at least influence to some extent the thinking of some of the people in Oregon who have authority in these matters to the end that justice will be served. I know you are an extremely busy man, and certainly I am aware of the long, hard hours of work you are putting in as our Senator; but sooner or later I feel someone in a responsible position should cause these problems in Oregon to be checked meticulously to find out if the best interests of the people are being served.

If, in any way, you could influence such a step, I would be extremely grateful. I have no fear of facing a jury on any matter that may be directed against me, but certainly there is a limit to the ability of any human to absorb this kind of senseless attack.

In closing, may I say that if your first reaction to this letter is a feeling that it is a self-serving instrument I wish to point out that I agree with you. It probably is. However, I am asking for nothing other than what any constituent, regardless of what his position in the State of Oregon may be, would have the right to request.

I sincerely hope that this letter finds you and Mrs. Morse in good health, and I certainly will be grateful to you for any assistance you may be able to provide to the end that justice and fairness may be the final result.

With best wishes, I am,

Sincerely,

CLYDE C. CROSBY,
*International Organizer.*

---

JULY 29, 1957.

Mr. CLYDE C. CROSBY,
*General Organizer, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Portland, Oreg.*

DEAR CROSBY: This is in reply to your letter of July 24, 1957, which reached my office late Friday, July 26, when I was engaged on the floor of the Senate in the civil rights debate and which letter I did not see until today. Saturday and Sunday I was not in my office because our daughter Amy was home for the weekend from college and we spent the weekend out at the farm. However, my administrative assistant, Bill Berg, called me Saturday and reported on my weekend mail, including your letter. I told him to put your letter on my desk and I would answer it on Monday. However, even before I could answer your letter, copies of which went to all of the members of the Oregon delegation, it was printed, I understand, in the Oregonian Sunday under a Washington dateline. The letter was not released by me nor my office. However, in fairness to all involved, I am releasing this reply to the press.

I can appreciate your concern, as a private citizen, with the seemingly endless proceedings in which you are involved. At the time of the Senate inquiry by the McClellan committee, I urged that the public not reach any final conclusions as to the merit of any of the charges made during the hearings against any of the accused because congressional hearings are an unsatisfactory method of ascertaining the guilt or innocence of individuals of criminal charges, lacking as they presently do the procedural safeguards of the court system. At that time in a speech in the Senate I urged the public to withhold judgment until there were court trials of any criminal charges.

You have been acquitted of one set of charges connected with your position on the Portland E–R Commission. I think it is unfortunate for Portland and Oregon that there has not been the same national publicity accorded the outcome of the court trials in Oregon as were accorded the Senate hearings.

The newspaper, magazine, radio, and television reports on the Senate hearings covered the Nation. Yet acquittals on some of those charges resulting from full court trial have received scant attention by the same organs of public information. This aspect of congressional hearings is unfortunate and has been one of the reasons I have advocated a code of fair procedure for more thorough sifting of charges before public Senate hearings are instituted. I have also urged for years that the inquiries be related closely to demonstrable legislative purposes. It is only clear legislative purposes which are sufficient justification for imperiling individuals privacy and reputation without the safeguards of due process engrained in our court system.

When serious criminal charges are made in the press and in congressional hearings, I know of no method of trying out the issues of fact superior to court trial. Admitted that this is burdensome and embarrassing in the extreme to the individuals involved, nevertheless once the charges are made, resort to the judicial process is the best method devised by society to resolve the issues raised. It was the outcome of such trials that I urged the public to await before reaching final conclusions on the charges against you and others from Oregon who were investigated by the McClellan committee.

There can, of course, be abuse of the judicial process. Grand juries do not decide whether accused individuals are guilty or not. They only decide whether, on the basis of evidence presented to them without full trial and opportunity for rebuttal and the other safeguards of a full trial, there seems to be a case warranting such a trial.

Once grand juries act and recommend indictments, the only protection to the accused as well as the public is a full and fair trial. To the extent that your acquittal involves evidence and charges involved in still outstanding cases, the acquittal is a fact that should be taken into account by the prosecuting authority.

However, once an indictment is returned by a grand jury, I think that both the individual indicted and the public are entitled to have the law run its course. You are represented by an exceptionally able lawyer of unquestionable professional repute. My advice to you is to follow your lawyer's advice. He has available to him, and I am confident that he will exercise them in accordance with your best legal interest and in keeping with his obligations to the court as an officer of the court, various criminal law procedures that permit of a court review of any outstanding indictments against you. For example, the availability of the motion to quash any given outstanding indictment assures you and the public of judicial review of any contention on your part that the indictment is frivolous or is the product of a runaway grand jury that indicted in the absence of a prima facie case.

You did not ask me in your letter for my legal advice, and it would be presumptuous of me to volunteer it in view of the fact that you have able counsel who is eminently qualified to protect your legal rights. However, in view of the fact that your letter does impliedly ask me to intervene in your case in respect to the indictments outstanding against you, I believe it is only fair that I inform you as to why, as a lawyer and as a Senator, I cannot intervene in your case. I am sure that your lawyer will not object to my making this statement to you because I am satisfied that he is not aware of the request contained in your letter to me, at least prior to your mailing your letter.

I am sure that your lawyer will exercise all of the procedural rights available to you for a court review of the indictments. Then if, in the opinion of the trial judge, a trial should be held on the merits of the charges, the public is entitled to have the case go to the jury. Under such circumstances, it would be improper for me, or anyone else, to seek to have the charges dropped by attempting to bring pressure of any kind upon the attorney general of the State, or the prosecutor's office, or the Governor's office.

Granted that standing trial on charges, which you as the defendant consider to be unfounded and unfair, is harassing and disturbing, nevertheless it is one of the risks of being free that every free man runs. It is part of the essence of government by law instead of government by the arbitrary discretion of men who may be placed by election or appointment in some government law-enforcement position for the time being.

I fully appreciate the feelings of indignation that caused you to write "I have no fear of facing a jury on any matter that may be directed against me, but certainly there is a limit to the ability of any human to absorb this kind of senseless attack." However, my reply to that observation on your part is that the public is entitled, and the impartiality of our system of justice is entitled, to have your indictments handled strictly in conformity with the regular legal procedures available to you. Incidentally, I think that in fairness to you, and to your family, and to your friends there is but one road for you to travel and that is straight down the road of legal processes which are called for by our system of criminal law for the handling of indictments.

Furthermore, let me point out to you that, as a lawyer, I am an officer of the courts and it would be professionally improper for me to seek to bring any influence as a Senator to bear upon any official in the government of the State of Oregon in respect to the indictments outstanding against you. I wouldn't do it if I could, but I am sure that the Governor, the attorney general, any special prosecutor assigned to your case and any judge would deeply resent—and rightly so—any attempt on my part or on the part of any other elected official to intervene in your case.

In making these foregoing statements to you, I do not imply any personal criticism of you for the request you have made of me because again, as a lawyer, I know how easy it is for clients who believe they are being subjected to harassing and unjust accusations by law enforcement agencies and officials to feel that they are being persecuted. Nevertheless, I strongly advise you to seek no shortcuts in the disposition of the charges against you.

Your case is in the competent hands of your lawyer, and I am confident that he will see to it that a fair trial with full protection under all the procedural rights available to you is given. Likewise, I am confident that the trial judge, whoever he may prove to be when your case comes before him, will see to it that all of your rights are protected.

You should not feel, now that the charges against you have reached the stage of judicial process, that your legitimate rights and interests will not be protected by our court system. Neither do I think you should feel that the Teamsters Union has anything to lose by further judicial consideration of the charges against you. To the contrary, as I have said in speeches in the Senate and elsewhere, when criminal charges are filed against labor leaders, I think it is only fair to them as individuals and to their unions to have those charges tried in the judicial atmosphere of a courtroom where procedural safeguards against unfounded accusations are available to the defendant, rather than

try to handle them through any type of political investigation or extra-legal negotiations.

It is my judgment that both you and the Teamsters Union have more to gain by insisting that justice run its full course in a judicial determination of the indictments still outstanding against you. In any event, such a course is in the public interest.

With kind regards,

Sincerely yours,

WAYNE MORSE.

Mr. MORSE. I close my comment on this subject, Mr. President, by saying I do not think we would maintain a system of Government by law very long if we ever followed a suggestion that, when courts have before them pending indictments anyone holding political office should seek by way of negotiations or any other extralegal measure to influence in any way that judicial process.

As I pointed out to Mr. Crosby, as a lawyer I happen to be an officer of the court, and I intend at all times to do what I can as an officer of the court to carry out the high trust of our judicial process.

I close, Mr. President, with this observation which I made to Mr. Crosby: I do not personally criticize him for his course of action, because I can well understand how men, feeling they have been unduly harassed, develop a notion that government law enforcement officers may be persecuting them; but, after all, their situation, as I said a few moment ago on another issue, is one where the man in the robes symbolizes equality of justice in this country and is charged with a solemn obligation of protecting the legal rights of all citizens.

Mr. President, I shall always take the position that no one in America need fear the operation of our judicial process, in view of all the appellate procedure which protects a person in case a court should in a given instance make a grievous mistake.

## JURY TRIALS

Mr. NEUBERGER. Mr. President, I ask unanimous consent that there be printed in the body of the RECORD an effective and cogent editorial from the Washington Post and Times Herald of July 30, entitled "Tailored Juries." In my opinion this editorial emphasizes very illuminatingly the reason why jury duty must be open to all citizens regardless of race, creed, religion, or color if the so-called jury trial amendment to the civil rights bill is to have any genuine meaning, effectiveness, or good faith at all.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TAILORED JURIES

Senator NEUBERGER offered a proposal yesterday which helps to expose some of the hollowness behind the jury trial rhetoric in connection with the civil rights bill. Adamantly opposed to the O'Mahoney amendment, Mr. NEUBERGER suggests that if it is to be attached to the civil rights bill, its application ought to be limited to those Federal districts in which jurors are selected from the community as a whole rather than from lists of eligible voters. It will be something of a surprise if the more rabid enthusiasts for jury trials show much enthusiasm for this limitation.

Yet Senator NEUBERGER's proposal is an eminently fair one. Throughout the country, jurors are selected in a variety of ways. The law says they must be citizens of the United States, over 21 years of age, not previously convicted of a crime involving loss of civil rights and of sound mind. It provides also that they must be qualified for jury service in the courts of the State in which they reside. Four States confine eligibility for jury service to persons who are eligible to vote. And in a good many additional districts, the usual practice of jury commissioners is to select jurors from lists of qualified voters.

It follows from this—rather obviously, when you come to think about it—that in States where Negroes are discouraged from voting they are also discouraged from serving on juries. The arrangement works out most felicitously from the point of view of persons who may be guilty of depriving Negroes of their constitutional right to vote. It avoids any danger that they may be judged by the victims of their discrimination. Denied a chance to vote, Negroes are automatically denied a chance at jury service. It is hard to see in this much of the glorious tradition of judgment by a jury of one's peers which some southern orators have of late been so eloquently extolling.

## LICENSING PROCEEDINGS FOR WATERPOWER SITES ON SNAKE RIVER

Mr. NEUBERGER. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a letter which I have addressed to the members of the Federal Power Commission, seeking an early reopening of the licensing proceedings with respect to the Pleasant Valley and Mountain Sheep waterpower sites on the Snake River, between the States of Oregon and Idaho.

On July 29 a request from the State administration of Oregon—sponsored by Gov. Robert D. Holmes and his utilities commissioner, Howard Morgan—was placed in the RECORD by the distinguished senior Senator from Oregon [Mr. MORSE].

I am now following up that action by my colleague with this formal request for a rehearing which I have sent to the Federal Power Commission. The stretch of the Snake River below Brownlee Dam should not be relinquished for piecemeal and partial development. This would be as big a folly as the administration's backward and shabby decision at Hells Canyon—a decision which, alas, has yet to be changed.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
*July 29, 1957.*

Mr. JOSEPH H. GUTRIDE,
*Secretary, Federal Power Commission,*
*Washington, D. C.*

DEAR MR. GUTRIDE: I wish to join in the request made by Mr. Howard Morgan, public utilities commissioner for the State of Oregon, on behalf of Gov. Robert D. Holmes, for reopening of hearings on the license applications of Pacific Northwest Power Co. for projects at Pleasant Valley and Mountain Sheep on the Snake River.

I urge reopening of the case because the decision of the examiner makes it apparent that the record is incomplete. The decision fails entirely to take into consideration the review report of the Corps of Engineers, which may significantly affect the need for development on this stretch of the Snake River by the Federal Government. Early this year, the corps informed my office that its review of the so-called 308 report was being expanded to include an engineering study of the area, in which project licenses are sought by Pacific Northwest Power Co. Likewise, the Bureau of Reclamation has evidenced interest in possible multiple-purpose water project construction at the Pleasant Valley site. Yet, the decision does not take into account actions which have direct and important bearing on the desirability of licensing the two dams.

Furthermore, the Senate Interstate and Foreign Commerce Committee has been told by Mr. Jerome K. Kuykendall, nominee for reappointment to chairmanship of the Commission, that the decision in the pending case would not be made without a full record. How can the record before the Commission be said to be "full" when no consideration is given to subsequent action by the Corps of Engineers and the Bureau of Reclamation in connection with possible Federal development in this area? In the absence of this information, the Commission is without a full accounting of all factors involved, and is in a position of proceeding on licensing action without complete knowledge of realities. In my opinion, further action by the Commission on the pending applications would be completely indefensible unless these factors, which are common public knowledge, are weighed and considered by the Commission.

The objections to granting of the licenses which were made by Mr. Morgan are deserving of the utmost consideration by the Commission. The people of the State of Oregon have a right to be heard before further action is taken. I trust that the Commission will grant this request for reopening of the record so that the ultimate decision may not be made solely on the basis of the information now before it, which excludes important facts.

Sincerely,

RICHARD L. NEUBERGER,
*United States Senator.*

## SPEECHES IN THE MORNING HOUR

Mr. NEUBERGER. Mr. President, I should like to make a parliamentary inquiry.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The Senator will state it.

Mr. NEUBERGER. Are we still in the morning hour?

The PRESIDING OFFICER. The Senator is correct. We are.

Mr. NEUBERGER. Is it true that in the morning hour speeches are supposed to be, under the rule of the Senate, limited to no more than 3 minutes in length?

The PRESIDING OFFICER. The Chair so understands the rule.

Mr. NEUBERGER. The reason I pose the question is that it is now nearly 3:30 p. m., which means we have been in session just about 3 minutes short of 3½ hours. I have sat here and listened to speeches which I believe were up to 40 minutes in length, and a great many of them 20 or 30 minutes in length.

Are those speeches out of order? Is the rule not enforced? What is a new Senator to conclude if we are in the period—and have been for 3½ hours—when speeches are supposed to be 3 minutes in length?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that, in the discussion of the proposed unanimous-consent agreement, objections taken or remarks made by Senators who reserve the right to object do not come within the purview of the morning hour and are not subject to the rule.

Mr. NEUBERGER. In other words, for the information of at least myself, if not other Senators, so long as one is talking in the morning hour about a unanimous-consent agreement, then the 3-minute limitation which normally prevails in the morning hour is not in effect. Is that correct?

The PRESIDING OFFICER. The Chair is so advised by the Parliamentarian.

Mr. NEUBERGER. I am very happy to learn that.

The PRESIDING OFFICER. The Chair will restate the ruling. The Parliamentarian has advised the Chair that when a unanimous consent agreement is proposed, so long as it is not disposed of by objection or by placing it in effect by the giving of unanimous consent, but instead it is objected to, remarks by Senators who reserve the right to object and then make comments with reference thereto constitute a procedure not subject to the rules applicable to the morning hour.

Mr. NEUBERGER. My reason for presenting the question is that it has struck me as somewhat curious that 3½ hours have been spent in discussing H. R. 6127, under a request for a unanimous consent agreement that we should stop discussing H. R. 6127.

Inasmuch as there is no limitation of time on the period during which Senators could discuss this question, I should like to spend about 60 seconds in asking a question of the majority leader.

The PRESIDING OFFICER. Before the Senator does so, let the Chair state that the Parliamentarian has further stated to the Chair that at any time during the discussion of the proposed ananimous consent agreement, if any Senator had wished to call for the regular order he could have done so. Likewise any Senator having the floor could have objected at any moment, which would have brought the discussion to an end.

Mr. NEUBERGER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NEUBERGER. Am I to understand that if at any time in the past 3½ hours a Senator had requested the regular order, these very long speeches would have been out of order, and would have had to be terminated?

The PRESIDING OFFICER. The present Presiding Officer so understands the situation, upon advice of the Parliamentarian.

Mr. NEUBERGER. Then the rules of the Senate do not take effect unless a Senator asks for the regular order; is that true?

The PRESIDING OFFICER. In this particular instance, that is perhaps true. The Presiding Officer reminds the distinguished Senator, who has addressed a parliamentary inquiry to the Chair, that many of the rules of the Senate are not self-executing, and that Members of the Senate have the right at any time either to waive execution of the rules by their silence, or to demand their strict enforcement. The Presiding Officer is not advised by the Parliamentarian that any violence has been done, except, perhaps, to the patience of Senators who were present.

## PROPOSED POSTAL PAY LEGISLATION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Oregon may have such time as he may desire to propound any inquiries he may think up.

Mr. KNOWLAND. Mr. President, reserving the right to object, I do not wish to appear to be inconsistent. I want the distinguished Senator from Oregon to have the time necessary to propound his inquiry. I understood him to say he would require about 60 seconds. I am perfectly willing to allow him 3 minutes, if the Senator feels he needs it. However, the Senate is still in the morning hour, and I should like to preserve some limitation.

Mr. NEUBERGER. I will say to the Senator from California that I am given to understand I have 3 minutes as a matter of right. If the Senators have had at least half an hour by unanimous consent, I have 3 minutes as a matter of right. I shall consume only 33⅓ percent of it.

The question I wish to propound to the Senator from Texas is this: Has any consideration been given to the thought of adding proposed postal pay legislation to the list of matters to be included in the roster of measures which will be taken up by the Senate if the unanimous-consent agreement is entered into? I think this is a very urgent piece of legislation for many people who are in real economic distress, and I hope it can be added to the list.

Mr. JOHNSON of Texas. I will say to the Senator that no decision has been reached on that question.

Mr. NEUBERGER. I thank the Senator.

Mr. JOHNSTON of South Carolina. Mr. President, I hope the majority leader will look into the question and provide an opportunity for the consideration of that bill within the near future. As he knows, the House has already passed the bill by an overwhelming vote, and I think probably it will be the wish of the chairman and other members of the Post Office and Civil Service Committee to consider the House bill rather than the Senate bill, in order to expedite action.

Mr. JOHNSON of Texas. Mr. President, I believe that any Senator who heard the speech of the Senator from Oregon will better understand the situation if he will review that speech. The Senator from Oregon announced that he does not propose to allow the pending bill to be set aside for any other legislation.

Mr. NEUBERGER. Which Senator from Oregon?

Mr. JOHNSON of Texas. The senior Senator from Oregon [Mr. MORSE].

Does my colleague from Texas [Mr. YARBOROUGH] desire to address an inquiry to me relative to postal pay legislation?

Mr. YARBOROUGH. My inquiry is similar to that made earlier by the senior Senator from South Carolina [Mr. JOHNSTON], with reference to the possibility of early consideration of the proposed postal pay legislation. Many people in our home State and over the Nation are in dire distress because of the low postal pay, and they are hopeful that the first time the Senate can consider general legislation, that measure will be considered.

I ask the distinguished majority leader to give that suggestion consideration when the time arrives for the consideration of proposed legislation other than civil rights.

Mr. JOHNSON of Texas. I appreciate the suggestion. I assure the Senator that every consideration will be given to the subject. I shall talk with the minority leader and with members of the majority policy committee. When it is possible to bring other proposed legislation before the Senate, I am sure that serious consideration will be given to the suggestion which has been made with regard to the postal pay bill.

Mr. YARBOROUGH. I appreciate the consideration which the majority leader gives to all legislation which is proposed.

Mr. JOHNSON of Texas. Mr. President, I am prepared to suggest the absence of a quorum when morning business has been concluded, if that is agreeable to the Senator from Ohio [Mr. BRICKER].

The PRESIDING OFFICER. Is there further morning business?

## STATEMENT BY AFL–CIO EXECUTIVE COMMITTEE ON PROPOSED CIVIL RIGHTS LEGISLATION

Mr. CASE of New Jersey. Mr. President, I am happy to be able to bring to the attention of Senators the fact that the AFL–CIO executive committee has reiterated, in the strongest terms, its support of the civil-rights bill, and its belief that there should be no crippling trial-by-jury amendment.

I ask unanimous consent that the statement issued by the AFL–CIO committee on that subject be printed in the RECORD at this point as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE AFL–CIO EXECUTIVE COMMITTEE ON CIVIL RIGHTS LEGISLATION, JULY 30, 1957

In its statement on May 21, the Executive Council of the AFL–CIO called upon the Congress to enact H. R. 6127 without crippling amendments. This the House of Representatives did on June 18. The Senate thereafter showed that the great majority of its members supported civil-rights legislation when it decided by a four-to-one vote to make the civil-rights bill the pending business.

Once again, unfortunately, the iron determination of the southern bloc in the Senate to resist any civil-rights legislation has threatened the passage of a meaningful bill. By threat of filibuster and by adroit raising of irrelevant issues, these civil-rights opponents have done everything possible to divide the forces who should remain united on behalf of civil rights. Already the bill has been seriously weakened by the elimination of part III which was aimed at the guaranty of equal protection of the law in the broad field of constitutional rights.

With the elimination of part III, H. R. 6127 would be primarily a right-to-vote bill. If it is to be a real right-to-vote bill, however, it must not be burdened with a crippling trial-by-jury amendment. Whatever arguments might be made for such an amendment in other types of proceedings, there is no reason why a Federal judge should not be empowered to take all steps necessary to assure compliance with his orders which are aimed at giving American citizens the precious constitutional right of franchise.

The trial-by-jury issue is extraneous to H. R. 6127. It was initially raised by opponents of the bill in order to attract support from labor and from traditional supporters of civil liberties. While the object of the southern Senators is to frustrate the purpose of the bill through the device of all-white juries, this is of course not true of some supporters of trial-by-jury amendments.

The pending O'Mahoney-Kefauver-Church amendment before the Senate is aimed not only at civil rights but at the whole range of laws which permit the use of Federal injunctions, including labor legislation. The AFL–CIO cannot and will not permit itself to judge the appropriateness of this proposed change in H. R. 6127 because of any possible advantages to organized labor. We believe the Congress would be better advised to handle separately and thoroughly the whole question of contempt proceedings and make whatever changes in the law which thorough study dictate.

The immediate objective of the Senate must be to pass a meaningful civil-rights bill. No changes in H. R. 6127 have been proposed to date which would not interfere with prompt and effective enforcement of the court's actions in voting cases. The AFL–CIO reaffirms its belief that there should be no crippling trial-by-jury amendment to the civil-rights bill.

## CIVIL RIGHTS

Mr. CASE of New Jersey. Mr. President, occasionally through the smokescreen of legalistic argument and indignation which opponents of civil rights have erected, a clear expression of the real motives behind the legalistic obfuscation can be discerned. Gov. J. P. Coleman, of Mississippi, is one of the most candid of these spokesmen, and his pronouncements have helped to illuminate the real sentiments of those who have sought to water down the bill by more sophisticated means, such as the jury trial proposal now before the Senate.

My colleagues will recall Mr. Coleman as the gentleman who stated not long ago that the Negro was, in his opinion, not yet ready to vote. Last fall, at the time the Justice Department announced its intention to prosecute registration violations threatened in Mississippi and elsewhere, Mr. Coleman made the statement that he and the State's attorney general would personally appear in Federal court and defend before a jury of Mississippians those charged with denying federally protected voting rights.

While the intent of the Governor's earlier pronouncements could hardly have escaped the Negroes in his State, he has now removed all doubt about the results he expects to achieve from submitting civil-rights cases to jury trial. At a recent press conference dealing with the proposed civil-rights bill, Mr. Coleman, according to the Jackson (Miss.) State Times, predicted that if the bill does pass it will call for jury trial. In that event, the State Times reported, Mr. Coleman felt the bill would be a fairly harmless proposition.

Mr. President, Governor Coleman's comments shed a clear light on the importance which opponents of this measure attach to the jury device which has been foisted upon the Senate in the name of constitutional right. I shall unanimously ask consent later to insert the full text of the State Times' report of this matter, but I would like first to read certain significant portions of the United Press dispatch as it appeared in the State Times:

(By John Herbers, United Press staff correspondent)

Gov. J. P. Coleman said today he believes the South will defeat the controversial civil-rights bill in the Senate, but if it passes we will be able to meet it.

RIGHTS PROPAGANDA

Coleman called the civil-rights bill "just a new propaganda weapon that can be turned on the South," because the proposed Commission has investigative powers only and can go no further than Congressional committees and grand juries.

"This legislation is designed to conduct a war of nerves and break down the will of the South to resist infringement on the rights of the States," Coleman said. "But I don't think anybody in Mississippi will be frightened. I know I will not."

The Governor, who visited Washington during his stay at the National Governors' Conference in Virginia last week, predicted if the bill does pass it will call for jury trial. Then it especially would be a "fairly harmless proposition," Coleman said.

Mr. President, I ask unanimous consent to insert at this point in my remarks the full text of the article on Governor Coleman's press conference as it appeared in the Jackson (Miss.) State Times on July 3, 1957.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Jackson (Miss.) State Times of July 3, 1957]

J. P. NOT TROUBLED BY NAACP

(By John Herbers, United Press Staff Correspondent)

Gov. J. P. Coleman said today he believes the South will defeat the controversial civil-rights bill in the Senate but if it passes we will be able to meet it.

Coleman, back in his office for the first time in 10 days, also told a press conference that he:

"1. Fears high interest rates may force a delay in construction of schools under the State's equalization program and the State may have to rely on its $550,000 a month building income.

"2. Is not in favor of outlawing the National Association for the Advancement of Colored People in Mississippi as proposed by Lt. Gov. Carroll Gartin unless the organization starts fomenting lawsuits.

"3. Thinks public opposition to a constitutional convention has been swamped.

"4. Has not made up his mind about a partial repeal of the 14-percent surtax, but believes the best way to save the taxpayer money is through reorganization of county government at a constitutional convention."

RIGHTS PROPAGANDA

Coleman called the civil-rights bill just a new propaganda weapon that can be turned on the South because the proposed commission has investigative powers only and can go no further than Congressional committees and grand juries.

"This legislation is designed to conduct a war of nerves and break down the will of the South to resist infringement on the rights of the States," Coleman said. "But I don't think anybody in Mississippi will be frightened. I know I will not."

The Governor, who visited Washington during his stay at the national governor's conference in Virginia last week, predicted if the bill does pass it will call for jury trial. Then it especially would be a "fairly harmless proposition," Coleman said.

Coleman said high interest rates may force a harmful delay in school construction.

The State is authorized to issue up to $60 million in bonds to speed construction under the program, but the first issue the State attempted to sell, $10 million worth, was rejected because of high interest. The bond commission will now sell the bonds in smaller amounts.

"We may have to fall back on the $550,000 a month income for buildings," Coleman said. "I am not in favor of saddling the people with high rates of interest."

Coleman said he did not feel the NAACP in Mississippi is powerful enough to outlaw as has been done in other Southern States, but he has an open mind on the matter.

The Governor said he was awaiting a report from the legislative tax study committee before deciding on whether to propose keeping the surtax at a lower rate. He said he would not sign deficit appropriations and he sees no chance of reductions for schools, homestead exemption, welfare, and rural roads.

"The best chance the taxpayer has for relief is through reorganization of county governments and we can get that only through constitutional convention," Coleman said.

## TRIAL BY JURY

Mr. TALMADGE. Mr. President, two very fine editorials appeared in today's press, and I should like to invite the attention of the Senators to them.

In the Wall Street Journal of today, under the heading "Review and Outlook," there is a very fine editorial entitled "Trial by Jury." It concludes with this language:

On this question history has already passed a verdict. It is not that every jury can be depended upon to do justice. We have jury trials because the experience of men is that, for all their imperfections, they remain still the best means of insuring justice.

The debate in Washington is on civil rights. But as we press on to insure more of them, we ought at least to be wary lest we trample under foot those we have already.

I ask unanimous consent that the entire editorial be printed in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TRIAL BY JURY

Some days ago a jury of 12 citizens acquitted Jimmy Hoffa, the teamster union official, of a bribery charge. We think it

a fair judgment that the public reaction to the verdict was not one of approval.

A few days ago a jury of 12 citizens convicted John Kasper and six codefendants of criminal contempt of court in the Clinton, Tenn., segregation case. In this instance we think it fair to assess the public reaction as one of approval.

We think the outcome of these two cases is worth reflecting upon as the Senate debates whether to include a trial by jury section in the civil-rights bill. For a great deal of that debate has hinged on whether juries can be trusted to do "right."

Yet it seems to us that this sort of argument misses the heart of the matter. For the basic question would remain if both the Hoffa and Kasper juries had each rendered opposite verdicts.

Certainly the Kasper verdict shows quite clearly that jurors can, and often will, distinguish between a case at hand and their general view of political issues; it does challenge the northern notion about southern juries in racial cases. The Hoffa verdict does show that juries will not always act in accord with the way the public thinks they ought to act. Neither proves that future juries will convict every man accused of racial violence and acquit every union official accused of bribery.

The truth is, we suppose, that jury trials are imperfect instruments of justice. They will often seem very imperfect to the people who were not in the courtroom. But when we talk about abridging further the rights to a jury trial, the question is what to substitute.

Perhaps you think Mr. Hoffa should not have been acquitted. But at least his case was heard by 12 citizens chosen jointly by prosecution and defense. Would you find "justice" more dependable if the decision had been left to one man, even a learned judge, given absolute authority to throw the defendant in jail?

Or perhaps you think the Kasper verdict "right." What promise have you that one official sitting alone in judgment would have equally served your own judgment? And even if one judge alone had made the same verdict, would you be as satisfied that John Kasper, standing convicted, had himself been as protected by justice?

On this question history has already passed a verdict. It is not that every jury can be depended upon to do justice. We have jury trials because the experience of men is that, for all their imperfections, they remain still the best means of insuring justice.

The debate in Washington is on civil rights. But as we press on to insure more of them, we ought at least to be wary lest we trample under foot those we have already.

Mr. TALMADGE. In the Washington Evening Star of today there appears an article entitled "Potentialities of Jury Trial Issue: Congressmen Seen Risking Defeat if They Oppose Amendment," written by David Lawrence. This is a very learned article. Mr. Lawrence quotes at length from Thomas Jefferson, the author of the Declaration of Independence. I ask unanimous consent that this article be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POTENTIALITIES OF JURY TRIAL ISSUE: CONGRESSMEN SEEN RISKING DEFEAT IF THEY OPPOSE AMENDMENT

(By David Lawrence)

Many Members of the House and Senate face defeat at the polls if they record themselves as opposed to trial by jury.

It's an easy issue on which the public can be swayed. It is broader than the question of only enforcing voting rights. It affects the whole American system of justice.

The opposing candidates can say to the people: "Do you want a man to represent you in Congress who doesn't trust you?"

The basic principles of justice do not change with the passage of time. Thomas Jefferson made the issue very plain. He wrote prophetically of the very problem that is rocking the Senate today in considering the so-called civil rights bill. It was he who championed ardently the principle of trial by jury. He labored successfully to have the safeguards of jury trial inserted in the Bill of Rights. What Jefferson wrote in 1789 was this:

"We think, in America, that it is necessary to introduce the people into every department of government, as far as they are capable of exercising it, and that this is the only way to insure a long-continued and honest administration of its powers.

"They (the people) are not qualified to judge questions of law, but they are very capable of judging questions of fact. In the form of juries, therefore, they determine all matters of fact, leaving to the permanent judges, to decide the law resulting from those facts.

"But we all know that permanent judges acquire an esprit de corps; that being known, they are liable to be tempted by bribery; that they are misled by favor, by relationship, by a spirit of party, by a devotion to the executive or legislative power; that it is better to leave a cause to the decision of cross and pile (heads or tails), than to that of a judge biased to one side; and that the opinion of 12 honest jurymen gives still a better hope of right than cross and pile does.

"It is in the power, therefore, of the juries, if they think permanent judges are under any bias whatever, in any cause, to take on themselves to judge the law as well as the fact. They never exercise this power but when they suspect partiality in the judges; and by the exercise of this power, they have been the firmest bulwarks of English liberty."

The Democrats still claim to be the party of Jefferson. Yet only Senator O'MAHONEY, of Wyoming, Democrat, together with three other Democrats outside the southern bloc—Senators KEFAUVER, of Tennessee; CHURCH, of Idaho; and JACKSON, of the State of Washington—have announced that they are supporting the Jeffersonian principle which is embodied in the proposed amendment to require jury trials in criminal contempt cases. Most of the other Democrats from the North, who have hitherto represented themselves as disciples of Jefferson, now are joining with the advocates of government by injunction and would deny jury trials.

It is a favorite argument advanced by some legalists that jury trials have never been granted in civil contempt cases, and hence there is no harm in denying such trials in criminal contempt cases as well. Actually, it is not so simple. The jury in the Clinton (Tenn.) case, for instance, followed the prescription of the judge on what they were told was the law. This is only another way of saying that the broad phrases of the judge's own injunction were the law. The jurymen were instructed to decide solely whether the acts of alleged interference complained of really did take place.

What happens in the courtroom—disrespect for the judge or acts of violence there—has always been regarded as within the power of the judge to punish. But in the Clinton case, many acts occurred outside the courtroom and the jury was required merely to verify the doing of those acts and to disregard the constitutionality of the injunction itself. Taking, however, into account recent Supreme Court decisions, the defendants were apparently denied the first amendment guaranties of free assembly.

Anything as fundamental as this issue should have been exhaustively studied by the Senate Judiciary Committee prior to debate in the Senate. It has been contended that the committee would have bottled up the measure anyhow because a southerner at present heads the committee. The Senate, on the other hand, could easily have set up a special committee of inquiry if necessary to hold hearings and make recommendations to the Senate.

To try to draft on the floor of the Senate itself a law on so vital a matter as jury trials without previous consideration by the Judiciary Committee—and instead to engage in a prolonged debate and a series of rollcall votes on ambiguously worded amendments—is not in conformity with the principle of "due process." It is a sorry spectacle in the annals of the Senate.

## PENDING IMMIGRATION LEGISLATION

Mr. CASE of New Jersey. Mr. President, the Subcommittee on Immigration of the Senate Judiciary Committee opened hearings this morning on pending immigration legislation. I am informed that Deputy Attorney General William P. Rogers testified in favor of expeditious enactment of revisions in the immigration law.

I was pleased indeed to see that the Justice Department saw fit to endorse S. 2023 introduced by me on May 8 on behalf of myself and Senators IVES, JAVITS, COOPER, SMITH of New Jersey, and BUSH.

There is a pressing need for action to clarify the status of the Hungarian refugees who fled their Communist oppressors in this country, but who now live under a shadow of uncertain status. Certainly, too, there is a great need to assist refugees from other forms of aggression such as the Jews, who have been driven out of Egypt. No less essential is the enactment of legislation to admit war orphans, deprived of their parents through the ravages of war and whose admission is being eagerly sought by childless American citizens.

I commend the Acting Attorney General for his forthright statement on these problems and I ask unanimous consent to place his statement in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE DEPUTY ATTORNEY GENERAL PREPARED FOR DELIVERY BEFORE THE SUBCOMMITTEE ON IMMIGRATION OF THE SENATE JUDICIARY COMMITTEE, JULY 30, 1957

Mr. Chairman and members of the committee, thank you for giving me the opportunity of discussing with you the recent message of the President, dated January 31, 1957, and the proposed legislation submitted to the Congress by the Department of Justice in support of the recommendations contained in the President's message. Those proposals are represented by S. 1006.

Mr. Chairman, I have prepared a technical analysis of the draft bill submitted by the Department of Justice, and now offer it for inclusion in the record as an exhibit. Because of that analysis, I shall not now review the bill, section by section, but, with the approval of the committee, will go on to discuss the salient points, major issues, and noteworthy changes included in the President's proposals to the Congress.

In October 1956, the United States as a Nation faced a problem which confronted the whole free world. I refer, of course, to the tragic circumstances surrounding the revolt of the oppressed Hungarians who rose up against their Communist oppressors. We

know now that the revolution, solely from the military point of view, was not successful. The small number of freedom fighters could not cope with the manpower and armament of the Communist aggressors. After one of the most courageous fights for freedom in recorded history, it became necessary in order to escape death and persecution for many of those freedom fighters to flee. By reason of geography, it was natural that they should flee into Austria. Austria was in no financial or material position to cope with this problem alone.

It therefore became necessary for the free world to join hands with Austria in giving a refuge to those Hungarians who had been forced to flee from their homes. Most of them had nothing but the clothing on their backs. Many women and children were among them and all were in need of immediate help.

The other nations of the free world quickly came to the rescue and offered asylum to these gallant people. The United States, of course, had to act expeditiously and to do its full share. This was recognized and announced by the President of the United States.

To give physical asylum to aliens in this country and as a temporary expedient, the Department of Justice utilized the parole provisions of the Immigration and Nationality Act. That section of the law authorized the parole into the United States of aliens for emergent reasons or for reasons deemed strictly in the public interest.

Congress was not in session when this occurred. There was no avenue by which any specific, new, enabling legislation could be obtained promptly to provide for the bringing to the United States of these aliens as immigrants or nonimmigrants. Although Congress was not in session, the administration consulted with the members and staffs of the respective committees of Congress in order to keep them fully advised as to the parole procedures which the Department of Justice planned to put into effect.

It is now appropriate that the Congress consider the extent to which amendatory legislation should prescribe the standards for dealing with problems of this character in the future. I would urge that, pursuant to such statutory authority as may be granted, the power of determining the necessity for asylum to large numbers of refugees from Communist persecution be vested in the President. The administration strongly feels that there should be permanent legislation on the books which will vest in the officers entrusted with enforcement of the law standing power to cope with the problems of refugees and escapees. Over the past 9 years, Congress has seen fit from time to time to enact temporary legislation for the purpose of granting a haven to victims of oppression. Those special laws have expired.

The Department is of the view that, as recommended by the President, appropriate changes should be made in the basic immigration law which will establish a Congressional intent and a method for meeting problems of this type in the future. Past experience, as demonstrated by the special laws (Displaced Persons Act of 1948, and the Refugee Relief Act of 1953) shows that this country is well able to absorb these persons; that they are of the type, temperament, and character that can be easily assimilated in our midst, and that they form worthy additions to our community—all in the best interests of the United States.

Section 4 of the bill would declare that, upon direction of the President, the Attorney General may parole into the United States escapees selected by the Secretary of State who have fled from Communist persecution into any non-Communist, Communist-occupied, or Communist-dominated territory. As a prerequisite, the President would proclaim that a situation has occurred creating a class or classes of aliens who can properly be described as such escapees. By way of a limitation, the parole could not be granted in any one year to more aliens than the average number of aliens authorized to be admitted to the United States each fiscal year since June 25, 1948, by any special acts of Congress, enacted on or after that date. That limitation is 67,888. That number is the average over the last 9 fiscal years of aliens authorized to be admitted to the United States under the Displaced Persons Act, the Refugee Relief Act, a certain special Orphans Act, and two acts relating to alien sheepherders. The total of such authorizations was 610,994.

It is important to realize that neither the aliens who will be paroled into the United States under this proposal nor those who already have been paroled and are now in this country have, or will have, any residence rights. Unless some method is provided whereby they can acquire the status of permanent residence, they have nothing to look forward to but uncertainty. No matter how long they may remain here as parolees, they cannot even begin to accumulate residence for the purpose of applying for citizenship—the ultimate goal.

Section 5 of the proposed legislation would create a procedure whereby the immigration status of an alien paroled into the United States may be adjusted to that of a permanent resident. It provides that any alien paroled into the United States who has remained for at least 2 years may apply to the Attorney General for adjustment of his status to that of a permanent resident. If he establishes good moral character and if the Attorney General believes that the alien is worthy of the relief sought, the Attorney General could record the alien's lawful admission for permanent residence as of the date of the alien's last arrival in the United States. Each case would then be reported to Congress and if Congress did not reject the administrative action, the alien would remain in lawful permanent residence status. If the Congress disapproved, the alien's departure from the United States would be required.

It is important to emphasize that this proposal does not call for the immediate adjustment of status of parolees. On the contrary, the legislation has been carefully drawn to make clear that these people will be required to be physically present in the United States for a designated period of time so that their conduct and attitudes may be observed. However, it is equally important that such enabling legislation be enacted with the least possible delay. The aliens who are now in our midst should not be permitted to suffer the protracted dread of uncertainty which results from their vague status. They should know, at once, that Congress has provided a procedure which will permit them to acquire the residence necessary for eventual citizenship.

I wish to invite your attention to the bill S. 2023, introduced by Senator CASE on May 8, 1957, for himself and certain other Members of the Senate. That bill contains substantially the same proposals as the President's respecting the use of parole authority for the admission to the United States of refugees from communism. It also adds to the President's proposals a provision for granting asylum to refugees from aggression or persecution other than Communist. The bill declares that out of the approximate 68,000 in the administration's proposal, an annual maximum of 5,000 be available for such refugees. The Department of Justice is in full accord with the provisions of this bill and supports it as amendments to the administration proposals. We believe that this bill would afford flexibility to meet situations not now foreseen and would permit granting asylum to refugees from persecution of whatever source.

This administration proposal, if passed by Congress, will provide a reasonable and flexible program looking to the future and will make it clear that the United States will do its full share in granting asylum to victims of persecution and oppression.

REDUCTION IN PRIVATE IMMIGRATION RELIEF BILLS

A serious problem which has faced the legislative and executive branches of the Government in an ever-increasing measure is the veritable avalanche of private bills introduced to grant admission to inadmissible aliens or to permit deportable aliens to remain in this country. The President pointed out that private immigration laws in recent years accounted for more than one-third of all enactments, both public and private. Mr. Chairman, notwithstanding any device which may be utilized for the purpose of reducing the apparent numerical description of the quantities of private bills, such as passage of omnibus bills, the fact remains that, like any other enactment, the circumstances in each case are and must be separately examined and studied on their merits by the Congress and the President. During the 84th Congress, 1,239 such private relief immigration bills were passed by Congress affecting 1,468 aliens.

I know you will be interested in considering some of the types of private relief immigration bills which would be made unnecessary if this legislation were to be enacted. I am sure that you, Mr. Chairman, and the other members of the committee recall some of them from the constant experience you have had in studying those pleas for Congressional relief. For example, this proposal would make it possible for the Attorney General to grant admission to a religious worker who is excludable from the United States (as actually occurred) who was inadmissible because of a physical disability. You all know of the numerous cases of alien wives and children of United States citizens who have from time to time been found excludable because they were afflicted with tuberculosis. Congress has regularly enacted private bills for such persons. So also you will recall the private bills involving a spouse, parent, or child of a citizen or lawfully resident alien who, many years ago, committed some violation of the criminal laws which renders them mandatorily inadmissible to the United States. The same facts have been presented in connection with such relatives who are already in the United States and are under deportation proceedings. Congress has seen fit, on numerous occasions, to grant relief to these classes of aliens. I need not recount to you the numerous cases in which the Congress has seen fit to grant relief from the ordinary application of the immigration laws to alien veterans who have served in the Armed Forces, and who have become involved in deportation or exclusion proceedings because of violation of the documentary requirements of the law, and the like. The proposed legislation would create a full and efficient substitute for those private relief measures.

The problem presented is usually a determination whether there are hardships or other factors involved in the case warranting an extraordinary exception from the ordinary provisions of the immigration laws. Such determinations could be more efficiently effected without resort to special legislation if administrative authority were granted to the Attorney General.

The legislation which has been proposed in furtherance of the President's message, contained in sections 7 through 10 of the bill, would vest in the Attorney General discretionary authority in a limited class of cases to admit, or to refrain from deporting, aliens who are technically inadmissible or deportable. The bill provides for specific limitations in that relief may not be given except to persons with close relatives in the

United States or who are veterans or religious functionaries. No relief may be granted to an alien who would be a hazard to the safety or security of the United States. It has been proposed that not more than 5,000 aliens annually may receive such relief. In every case where adjustment of status is granted there will be a charge against the appropriate quota.

I am anxious for it to be very clear, Mr. Chairman, that this proposal is not in any way intended to be an invasion upon the prerogatives of Congress. Members of Congress can and undoubtedly will always exercise their privilege of introducing such legislation as to them may appear warranted. Nothing in the President's recommendations or in the legislative proposal before you would interfere with that practice.

There is nothing unusual about this. Under the immigration laws today there are many fields in which the Congress has specified that the Attorney General may exercise discretionary authority and take administrative action to adjust the status of an alien. In fact, as you know, it has been the practice of this committee, before taking any action on a private relief immigration bill, to require the alien to exhaust every possible administrative remedy available under the law, and to call upon the Department of Justice to exercise every available administrative authority in the case.

Our proposal would add to such administrative authority, thereby relieving the Congress and the President of the burden of considering a large part of the multitude of private bills.

TECHNICAL AND OTHER GENERAL AMENDMENTS

I will not review at length each of the legislative proposals in this field, but respectfully refer to the analysis which I have submitted for an explanation of each section. I would like to mention a few of the provisions that are particularly noteworthy.

Section 14 would revise the existing law which requires that all aliens applying for visas must be fingerprinted, and that all aliens admitted without visas who are in the United States for as much as 30 days must be fingerprinted. The President has stated that this requirement is an obstacle to travel and the free exchange of ideas and commerce. Experience has not shown that fingerprinting of visitors has contributed materially to the national safety and security. This section of the bill would provide that only aliens applying for immigrant visas as permanent residents must be fingerprinted in connection with their applications. For aliens in the United States, in a status other than that of permanent resident, fingerprinting would be required in the discretion of the Attorney General pursuant to such regulations as he may prescribe. This section would grant the Department of Justice necessary administrative authority to determine whether and when fingerprinting should be required of nonimmigrants and other aliens not lawfully admitted for permanent residence.

Section 17 of the bill would grant discretionary authority to the Attorney General to authorize relief from deportation to certain aliens admitted to the United States under the Displaced Persons Act of 1948 who had obtained their visas by misrepresenting identity or nationality, if it appears that the aliens' conduct was predicated upon a fear of persecution. It would greatly benefit a substantial number of displaced persons now in the United States who misrepresented their identity when applying for visas in order to avoid forcible repatriation behind the Iron Curtain. This proposal would write into the law the intention of the conferees as stated in the conference report accompanying the Immigration and Nationality Act.

Section 37 would add to the basic law a statutory provision for the issuance of 2,500 nonquota visas annually to certain orphans under the age of 10 years who are adopted or to be adopted by American citizens. The proposed legislation submitted in support of the President's recommendations would make this a permanent part of our law. Special provision is made that the proposed adoption will be bona fide and actually completed and that the natural parent will derive no benefit under the immigration laws by virtue of the admission of the orphan to the United States.

JUDICIAL REVIEW

The basic purpose of this portion of the bill is to provide a single method of judicial review of administrative orders deporting an alien fom the United States and of administrative orders excluding from the United States an alien who has applied for admission. At the present time, as a result of recent decisions of the Supreme Court, there are several methods for judicial review of such orders. Where the alien has been taken into custody by the immigration authorities he has available to him the right to test the legality of his detention by habeas corpus, the historic method for testing the validity of an order of deportation or an order of exclusion. Following the enactment of the Administrative Procedure Act in 1946 aliens sought judicial review under the provisions of the Administrative Procedure Act and under the Declaratory Judgment Act. The Department of Justice opposed these attempts to secure review claiming that the only method for review was through habeas corpus. However, the Government was unsuccessful. In January 1954, an equally divided Supreme Court in *Brownell* v. *Rubinstein* (346 U. S. 929) affirmed a lower court holding that deportation orders issued under the Immigration and Nationality Act of 1952 are reviewable by actions for declaratory judgment as well as by habeas corpus. In another decision the Supreme Court held similarly that exclusion orders may be reviewed by declaratory judgment actions as well as in habeas corpus (*Brownell* v. *Tom We Shung* (352 U. S. 180)). Finally, in the third decision the Supreme Court held that deportation orders can be judicially reviewed in actions for declaratory and injunctive relief under section 10 of the Administrative Procedure Act (*Shaughnessy* v. *Pedreirio* (349 U. S. 48)).

Why do we object to these several methods of judicial review? We find that they lack uniformity and are defective in several important respects. Quite important is the fact that the presently existing remedies are not mutually exclusive. They result in a delay in deporting an alien who should be deported. There is need for expedition, orderly venue and the avoiding of repetitious court proceedings. The proposed legislation is designed to eliminate these defects, and at the same time give the alien his day in court. A detailed statement of the provisions in question is contained in the analysis of the bill. We feel that its enactment will greatly help the Department of Justice to perform effectively its statutory duties under the immigration laws. As the President stated in his special message, there has been growing frequency of cases brought solely for purposes of delay particularly those which involve aliens found to be criminals and traffickers in narcotics and subversion.

A typical example is the case of an alien racketeer who, after having been ordered deported, filed an application for a writ of habeas corpus in July 1954, at Detroit. The application was denied, but the alien was released by the court pending appeal. The appeal was argued in the Court of Appeals for the Sixth Circuit in April 1955. In June 1955, the circuit court affirmed the dismissal of the application. A petition for certiorari was not filed with the Supreme Court, but in September 1955 the alien filed a suit for declaratory judgment and asked for an injunction, also at Detroit. The court decided against the alien and denied issuance of a restraining order.

A petition for rehearing was filed with the Sixth Circuit Court of Appeals in October to rehear its decision made in June 1955. This was denied. In November 1955, the alien filed another action for declaratory judgment and injunctive relief at Washington, D. C.; he was released on a $500 court bond. Soon thereafter the bond was canceled, and the restraining order and the alien's suit were dismissed. At that point he absconded. In January 1956, the alien was apprehended in Chicago and thereupon was deported to Italy. Let it be noted that this person was not only a dealer in illegal narcotics but was also convicted of grand larceny, receiving stolen goods, breaking and entering, and was arrested for theft of an interstate shipment. It should also be noted that the deportation proceedings were first instituted against him in December 1953. This case is not unique.

These cases point to the need for legislation which will limit and carefully define the judicial process available for the review of deportation and exclusion orders.

REVISION OF QUOTA SYSTEM

The existing law respecting the allocation and distribution of the quota has been frequently referred to as containing injustices and inequities. Some of those include such matters as the fact that the amount of the quota is computed upon the basis of the 1920 census, giving no recognition to the growth and changes in our national population. Similarly, while some countries enjoy a quota far beyond the demand for visas by aliens coming here from those countries, there is no system whereby unused quota numbers can be distributed to aliens in those countries where the demand far exceeds the quota. We all know that the quota of some countries has been mortgaged for a fantastic number of years in the future.

Under existing law, the total annual quota amounts to 154,857. The method of computation is a carryover from that initiated by the 1924 Immigration Act. If the total population in 1920 had been used as the basis for the computation, and if the same overall quota ceiling was to be arrived at, the fraction used in the computation would have been approximately one-seventh of 1 percent.

If that fraction were to be applied to the total population of 1950 the ceiling on the quota would have been increased to 219,461, or an increase in quota numbers of 64,604. The President has stated that the economic growth of the United States over the past 30 years and present economic conditions justify an increase of approximately 65,000 in quota numbers.

The proposed legislation in support of the President's recommendations would allot the existing basic quota of 154,857 to the various quota areas as at present but the maximum subquota allocation of 100 to each colonial possession would be raised to 200.

The increment of approximately 65,000 would be distributed as follows: First the quota for each minimum quota area would be raised from the present 100 to 200. (Minimum quota areas are listed in a table which I will submit to the subcommittee.) The balance of about 59,000 would be distributed among the several quota areas in a proportion which would reflect the ratio that immigration to the United States from such countries between July 1, 1924, and July 1, 1955, bears to the total immigration from all countries. This method of allocation will assist in relieving the problem of oversubscribed quotas, while at the same time no country will have a lesser number of quota numbers allocated to it than at present.

It is a known and established fact that a number of quota countries have regularly

failed to utilize their available quotas, while others are just as regularly oversubscribed. Pursuant to the President's recommendations, the proposed legislation would assign unused quota numbers to four regional quota pools—Europe, Asia, Africa, and Oceania. Such numbers would be available, within one 12-month period, to eligible immigrants in the respective regions regardless of their countries of birth within the region. However, in keeping with the spirit of the present quota system, eligibility for one of these numbers would be limited to aliens entitled to preference status under the provisions of existing law by reason of their special skills, needed in this country, or because of their immediate family relationship to citizens or lawfully resident aliens.

One of the inequities in the present quota system is the so-called mortgage upon the quota which resulted from the issuance of visas under the Displaced Persons Act and certain other sheepherders' acts. Those visas are charged against quotas authorized under the Immigration and Nationality Act with the result that 50 percent of the annual quotas of some countries, especially the small-quota countries, are "mortgaged" for as much as 300 years in the future. The total "mortgage" for 1956 amounted to about 8,000; over the years the total might amount to as many as 323,000. The proposed legislation would eliminate these "mortgages." I should like to emphasize, however, that elimination of the "mortgage" would not make a total of 323,000 numbers immediately available; it means only that the countries affected would go back to their full annual quota. Enactment of this proposal by Congress would be consistent with the Refugee Relief Act of 1953 which did not call for a "mortgage" upon quotas but permitted issuance of special nonquota visas for eligible refugees.

The proposals for changes in the quota system, which I have outlined, represent interim measures which should be immediately taken to eliminate the obvious defects in that system. I have used the term "interim" because the administration realizes that Congress will continue to make a study of the problems presented by the law, in respect to the method prescribed for the selection and admission of aliens, and will take into consideration the needs and responsibilities of the United States.

The proposals contained in the legislation now pending before you are moderate and equitable to this country, its citizen and alien population, and to the thousands of aliens all over the world who look forward with hope to the day when they may make their homes in the United States. Obviously we cannot open the doors to all. But, in the limited measure which would be achieved by the enactment of these proposals, we should not hesitate to make that hope become a reality. We should make known to the world that this country does not fear the worthy alien who seeks to join with us in our ever continuing progress toward the establishment of freedom throughout the world.

The Department of Justice strongly urges the committee to conduct full hearings on these proposals. All interested governmental agencies will be available to present their views to the committee. The Commissioner of Immigration and Naturalization will be most happy to appear and discuss with you at your convenience the technical and other general amendments upon which I have touched briefly today. The Department of Justice stands ready at all times to give its full cooperation to this committee in its investigation and study of the immigration laws.

The bill which has been submitted deserves the full and prompt consideration of the committee. We believe that these proposals of the administration are of great importance, that they represent much needed improvements in the immigration and nationality law of the United States and should be acted upon favorably by this Congress.

## ORDER FOR RECESS TO 12 O'CLOCK NOON TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Without objection, it is so ordered.

## ORDER FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate convenes tomorrow there shall be the usual morning hour for the transaction of routine business only, with a limitation of 3 minutes on each statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CIVIL RIGHTS ACT OF 1957

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded; and the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The question is on agreeing to the so-called O'Mahoney-Kefauver-Church amendment, to add at the end of the bill a new part relating to contempts in criminal contempt cases.

Under the unanimous-consent agreement entered into yesterday, the Senator from Ohio [Mr. BRICKER] has the floor.

Mr. JOHNSON of Texas. Mr. President, is it agreeable to the Senator from Ohio that I suggest the absence of a quorum?

Mr. BRICKER. Yes; if I may do so without my losing my right to the floor.

Mr. JOHNSON of Texas. The Senator will retain the floor under the order previously entered.

Mr. BRICKER. Very well.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask for order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BRICKER. Mr. President, I wish to speak for a few minutes on the pending question, the right of trial by jury in election and voting cases. I favor jury trials in all criminal proceedings. There are, of course, miscarriages of justice under any system of jurisprudence that has ever been devised, but I believe the jury system has come to be the best means available to the people from the standpoint of their relation to their fellow men and in relation to their Government. Congress has no power to take away that constitutional right. Whatever we may think about the recent trend of the Supreme Court decisions, the Court has never given the slightest indication of weakening the right of trial by jury.

In my judgment, however, the procedures established by part IV of the civil-rights bill are not essentially criminal in nature. They differ in the end sought. The part IV procedures seek to compel specific good actions rather than to punish completed bad actions. In this difference I find a principal reason for opposing the mandatory grant of jury trials in part IV procedures. But my chief reason is this: No right, including the right to vote, shall be without its effective remedy.

The bill before the Senate deals with just one substantive right—the right to vote. It is the duty of the Congress to exert its full power under the 15th amendment to secure and protect that right.

If title III had not been eliminated from the bill I would vote for the jury-trial amendment. Title III dealt with the whole spectrum of civil rights arising under the elastic clauses of the 14th amendment. Executive enforcement of these multitudinous rights would require a police-state apparatus in every city, town, and hamlet in America. That would be the worst possible way to win universal respect for the rights to which human beings as such are entitled. The potentiality for abuse in any such maximum program would justify the interposition of a jury between the citizen and Federal law enforcement agencies.

For many years, and in many places, some of the recently recognized civil rights must be promoted by the relatively slow processes of education, conciliation, and judicial decision. Progress toward the ideal of equality under the law can be accelerated, however, by guaranteeing to every American citizen full opportunity to vindicate at the ballot box those ideals of justice not yet firmly implanted in the public conscience.

How far can Congress go in guaranteeing the right to vote? In my judgment, its power in that field is plenary, so long as it is confined to the enforcement of the 15th amendment. That power should not be crippled by jurors drawn from the very community in which voting by some of our citizens is prevented or discouraged by a majority of the residents.

In considering the pending amendment, the Senate must endeavor to strike a reasonable and proper balance between the jury clauses of the Constitution and the 15th amendment. The possibility of conflict does exist. First, there is no constitutional right to trial by jury in trials of contempt of court decrees. On the other hand, Congress has no constitutional power to deny the right to trial by jury by converting what are

essentially criminal prosecutions into contempt proceedings.

We cannot hope to reconcile these competing values—effective enforcement of the right to vote and the right to trial by jury—by a literal reading of the Constitution. Some adjustment as between the competing, and possibly conflicting, values must be made. In my judgment, the adjustment embodied in part IV of the bill as written satisfies the fundamental principles of justice wrapped up in the phrase "due process of law."

In my judgment, the procedure authorized by part IV offers greater protection to persons accused of depriving others of the right to vote than is provided by existing law, assuming, of course, an honest finding of fact by juries.

First, let us consider the bill from the standpoint of the State or local voting official. For obeying some State law, ordinance, or custom, such a person can be tried and convicted under section 242 of title 18, United States Code, reading in part as follows:

> Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States * * * shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

Such a person, if a criminal prosecution is the only way to enforce the 15th amendment, has only 1 day in court. He can be convicted for doing what State law or custom demands. But under the pending bill, he has 2 days in court. First, he can defend his action in a hearing in open court on the issuance of an injunction. Second, he gets a hearing in open court on the question of his compliance with the court order. And even if he is found not to have complied with the order, he may be able to stay out of jail merely by doing the act demanded by the court or refraining from conduct inconsistent with the court's decree, where the only real conflict to be considered can arise.

Let us consider the position of a private individual. A person who intimidates another individual in the exercise of the latter's right to vote can be prosecuted under section 594 of title 18, United States Code, reading in part as follows:

> Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose * * * shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

Such a person, if criminal prosecution is the only way to enforce the 15th amendment, has only 1 day in court. The pending bill gives him 2 days in court. If, on the hearing for an injunction he is found to have interfered with the right of another to vote, he is given a second chance. His first violation does not put him behind bars.

Then, too, we ought to consider what function a jury would be expected to perform in right-to-vote cases. In most cases involving deprivation of the right to vote, there will be no substantial issue of fact for a jury to determine. This would seem to be true in virtually every case where the right to vote is denied by some State or local public official. If, for example, a voting official is ordered to register qualified voters, he can avoid going to jail by performing specific ministerial acts. If he refuses to perform the acts, there is no factual issue appropriate for jury determination.

Cases involving private individuals who interfere with another's right to vote will seldom arise. When such cases do arise, and if they involve substantial questions of fact, nothing in the pending bill prevents trial by jury, if in the judgment of the court that is proper. It can be provided even in criminal contempt proceedings. Rule 39 (c) of the Federal Rules of Civil Procedure provides:

> In all actions not triable of right by a jury the court upon motion or of its own initiative may try any issue with an advisory jury or, except in actions against the United States when a statute of the United States provides for trial without a jury, the court, with the consent of both parties, may order a trial with a jury whose verdict has the same effect as if trial by jury had been a matter of right.

Sponsors of the pending amendment can easily construct hypothetical cases arising under the bill where trial by jury might be desirable and might be denied. Such cases will be rare, indeed. But if and when such cases do arise, I am willing to let the courts strike the proper balance, on a case-by-case basis, between the jury clauses of the Constitution and the power of Congress to enforce the 15th amendment, which is a plenary power.

To conclude, what we must seek to do is to strike a reasonable balance between the constitutional guaranties of jury trial and the right to vote. We cannot dispose of the problem by pretending it it not there. Neither can we dismiss responsibility for dealing with it by saying: "I shall not sacrifice one constitutional right to safeguard another." Our task is to insure to each citizen his maximum rights.

I am convinced that part IV as written guarantees to all our citizens maximum protection of the right to vote and every procedural safeguard which fundamental due process of law requires, under the Constitution. Therefore, I shall vote against the O'Mahoney-Kefauver-Church jury-trial amendment to the pending civil-rights bill.

Mr. SMITH of New Jersey. Mr. President, will the Senator yield?

Mr. BRICKER. I yield.

Mr. SMITH of New Jersey. I think the distinguished Senator from Ohio has made a very clear cut presentation of the issue involved in this case. It seems to me that had part III been left in the bill, more cases involving the right to trial by jury might properly have arisen. But with the bill limited to the right to vote, I can see no justification for a jury-trial amendment. As I understand the Senator's statement, he has come to the same conclusion.

Mr. BRICKER. I have come to the same conclusion the Senator from New Jersey has reached. Under title III there was a whole gamut of rights, both known and unknown, real and anticipated. I felt that part III would do more injury to the good relationship of the people in the various communities than it would help. I would have felt the same if title III had remained in the bill. But, where there is a plenary power under the 15th amendment, I see no reason to interfere with carrying it out. That is consistent with the past history of Congress, as we well know from the cases which have been described on the floor of the Senate and are set forth in the RECORD.

I do not want to confuse my thinking by going into those various cases. There have been rare exceptions when the Federal Government has not been given the right to a trial in equity to carry out its original jurisdiction.

Mr. SMITH of New Jersey. I congratulate the Senator upon his very clear presentation.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. BRICKER. I yield.

Mr. ERVIN. Is it not a fact that the only method by which the United States can intervene in voting-right cases at the present time is by criminal prosecution?

Mr. BRICKER. By criminal prosecution. Under the bill, the Government would have equity rights.

Mr. ERVIN. I should like to ask the Senator a question about a matter which gives me much concern. If the constitutional right of trial by jury can be circumvented in civil-rights cases by extending the equity jurisdiction of courts to such cases, why could not the same thing be done in every other criminal field?

Mr. BRICKER. There is a vast difference between the right to vote and the other civil rights about which we have been talking. Those civil rights come within the purview of the Federal Government under the necessary and proper clause of the Constitution, and they are not directly granted to the Federal Government by the 15th amendment, in connection with the right to vote. I think there is a vast difference between the policy the Congress should pursue in respect to voting cases and the policy it should pursue in other civil-rights cases.

Mr. ERVIN. However, is it not true that if this course can be constitutionally followed in the civil-rights field, it can also be followed in every other field in which the Congress is authorized under the Constitution to legislate?

Mr. BRICKER. There is a difference to the approach, I am confident; and I have made that point in the course of my presentation today. Congress always has control over these problems. The fact that Congress acts in one field does not mean that Congress must act in others.

Mr. ERVIN. Perhaps Congress would not wish to act in the other fields. But is it not true that if such a process can be constitutionally used in the case of voting, it can likewise be constitutionally used in every other field in which the Congress is authorized to legislate? If that be true, cannot the Congress by such methods evade all the constitutional guaranties relating to jury trial?

Mr. BRICKER. No, not by any means; and I doubt very much that the Congress—not being bound by precedent—would enter into fields and realms which are rather vague. As I said to the Senator from New Jersey, certainly I would not wish to have Congress do so at this time; and no Senator would feel bound by such a precedent, if one were established.

I believe that the right to vote is a fundamental basic right which all citizens of the United States have; and the Congress is charged directly with plenary power, under the 15th amendment, to see that that right is enforced. That is what the Senate is trying to do in this case.

Mr. ERVIN. I agree with the Senator from Ohio that under the 15th amendment a citizen certainly has the right not to be discriminated against. But can the distinguished Senator from Ohio tell me where he would draw the line between the fields in which the constitutional right of trial by jury could be evaded by converting crimes into contempts and the fields in which the constitutional right of trial by jury could not be evaded by converting crimes into contempts?

Mr. BRICKER. I think it is entirely proper for the Congress to consider that question whenever such an issue is raised before the Congress. I do not want to debate that point now, because it relates to a vague field. I have stated that I do not think such fields should be invaded in connection with elimination of the right of trial by jury. I believe more time should be allowed for consideration of that matter.

I trust the Congress, as I trust the judges of the country, to do what is proper and to strike a proper balance between the provisions of the 15th amendment and the guaranty of the right of trial by jury, under the 6th amendment to the Constitution. Somewhere along the line there must be trust and confidence. Under the Constitution, the people trust the Congress to adopt proper policies; and the Congress must trust the judges to carry out those policies, consistent, if possible, with the Constitution of the United States. Although I agree that there may be some inconsistencies which have to be resolved, I believe that in the voting field it is possible for the Federal judiciary to work out a system whereby there will be no violation of the fundamental principles of the Constitution.

Mr. ERVIN. Mr. President, I have great respect for the opinion of the Senator from Ohio as a constitutional lawyer, and that is why I have asked these questions. If the constitutional right of trial by jury can be evaded by converting crimes into contempts of court in the civil-rights field, then exactly the same thing could be done in every other field; and the solemn constitutional guaranties of jury trials would become empty pledges, expressed in idle and ironic words.

Mr. BRICKER. I do not entertain the fears the Senator from North Carolina expresses as to that field. I have confidence that the Federal judiciary will work out the problem without doing violence to any of the fundamental principles which we have always considered to pertain to the inalienable rights of the people of the United States. Of course there have been other fields in which the Federal Government has acted; but as to them, the power is not so plenary as it is under the 15th amendment.

Mr. ERVIN. In the other fields the Government is exercising rights belonging to it as a sovereign nation, and is not suing for the benefit of individuals.

The pending bill, so far as I can determine, represents the first time in the legislative history of the Nation that the Congress has undertaken to authorize the Government to enforce personal and political rights of individuals. The suits which would be brought under the bill would not be suits in which the United States has a legal or equitable interest. If the United States had a legal or equitable interest in the suits in question, the bill would be entirely unnecessary. This is true because the United States is authorized by existing law to bring suits in cases in which the United States has a legal or equitable interest.

Mr. BRICKER. As the Senator from North Carolina has said, I believe this is the only place where the responsibility rests in a plenary power of the Congress. That power comes under a constitutional amendment which assures the right to vote.

Mr. ERVIN. I wish to say that if Congress has a constitutional power to circumvent the constitutional right of trial by jury by this method in the civil-rights field, then it has the same power in all other fields; and in that event, our constitutional guaranties of the right by trial by jury are only empty pledges.

Mr. BRICKER. I appreciate the questions the Senator from North Carolina has asked, and I appreciate the spirit in which he has asked them. Let me say that if I felt as he does, I would vote as I believe he will vote. However, I cannot agree with his premise or his reasoning or with the logic which brings him to his conclusion.

Mr. ERVIN. What worries me is how the Senator from Ohio can justify having the Congress wander down this road without realizing that it will lead to unconstitutional action in respect to other roads on which the Congress might travel.

Mr. BRICKER. I doubt that either the Senator from North Carolina or I will ever see the Congress take plenary action in fields in which it has no right to take such action under the Constitution of the United States.

Mr. CASE of New Jersey. Mr. President, will the Senator from Ohio yield to me?

The PRESIDING OFFICER (Mr. MORTON in the chair). Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. BRICKER. I yield.

Mr. CASE of New Jersey. I wish to thank the Senator from Ohio for his presentation regarding this field, which has troubled many Senators.

Mr. BRICKER. I am frank to say that it has troubled me.

Mr. CASE of New Jersey. After much study, the Senator from Ohio has made his presentation in a way which, it seems to me, cannot but be persuasive to any Senator whose mind is open.

Mr. BRICKER. I thank the Senator from New Jersey.

Mr. COOPER. Mr. President, will the Senator from Ohio yield to me?

Mr. BRICKER. I yield.

Mr. COOPER. I should like to say to the senior Senator from Ohio that I value the comments he has made on this subject.

A number of questions have been asked about the so-called right of trial by jury. A number of them seem to me to be predicated upon the assumption that there is a constitutional right of trial by jury in every case. Let me ask the Senator whether it is correct to say that there is no constitutional right of trial by jury in contempt proceedings in equitable cases.

Mr. BRICKER. There is no constitutional guaranty of trial by jury in equitable cases at all; and the equity law of the country was just as firmly fixed in our jurisprudence when the Constitution was drafted as is the right of trial by jury in law cases. The bill fills in the niches, where the law fails to provide adequate remedy; and I believe that in this case we face such a situation.

Mr. COOPER. The constitutional right of trial by jury, to which reference has so often been made, applies to trials in criminal cases and in certain common-law cases.

Mr. BRICKER. Yes; and in certain civil cases.

Mr. COOPER. But where a right of trial by jury has been given in contempt proceedings, it has been purely a statutory right granted by the Congress.

Mr. BRICKER. Yes; and the Congress can do that in all cases, if it so desires, except those in which the court has the right to enforce its own jurisdiction.

Mr. COOPER. In the past, Congress, in legislating on this subject, has said that in cases to which it was considered that the United States was a party, all contempt proceedings would be tried by the courts. Is not that correct?

Mr. BRICKER. That is true, with one exception.

Mr. COOPER. Yes, with one exception. It is a question, then, of whether the Congress, in balancing these rights, considers some have been pointed out so strongly that in a certain field the United States should have the power to act, and once having exercised such power, the courts should have the authority to enforce the action taken.

Mr. BRICKER. That is my feeling. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BRICKER. I yield.

Mr. JAVITS. I am glad I returned to the Chamber in time, because I was very anxious to ask the Senator a question about this one point. There has been a great effort to equate criminal contempt with the commission of a crime. The Senator from Ohio is a very knowledgeable constitutional lawyer. Whether he

agrees or disagrees with the Senator from New York, there is no question about his erudition in this field. Would the Senator say a word about this point?

Mr. BRICKER. I do not think that point is in issue. There would have been no question about it at all if the criminal statutes had not been brought into the debate. If justice is to be served, it is essential that a court be able to enforce its order. I have come to the conclusion definitely that the right to a trial by jury under the Constitution does not go to those cases because of the fact alone that there is a criminal statute involved.

Mr. JAVITS. I thank the Senator.

Mr. ERVIN. Mr. President, will the Senator from Ohio yield for a question?

Mr. BRICKER. I yield to the Senator from North Carolina.

Mr. ERVIN. I should like to ask the Senator from Ohio if one of the primary rules of equity is not that an equity action must be brought by the real party in interest, in his own name, and of his own volition.

Mr. BRICKER. That is true, but the Federal Government has the power to proceed in equity courts, the same as an individual has.

Mr. ERVIN. Does not this bill do violence to that primary rule of equity by providing suits shall be by the United States, in the name of the United States, with or without the consent of the party in interest?

Mr. BRICKER. That may be, but the United States should not be deprived of all the equity rights which are necessary to carry out the functions of the Government. I would not deprive the Government of any of those rights.

Mr. ERVIN. But the Government would have no equitable rights in this particular field unless this bill should be passed. Is that correct?

Mr. BRICKER. I do not know of any, no, unless it is a general equity power the Government desires to exercise, and there is no statutory authority for it.

Mr. ERVIN. Is not another of the primary rules of equity this: That no one can seek a judicial remedy until he has used and exhausted any available administrative remedies?

Mr. BRICKER. In other words, the Senator is saying he has no equitable rights until all remedies at law have been exhausted?

Mr. ERVIN. Yes.

Mr. BRICKER. That is one of the ordinary rules of equity, but it is not fundamental. It can be varied by legislation.

Mr. ERVIN. The bill proposes to strike down that rule in voting rights cases, does it not?

Mr. BRICKER. No; I would not say so at all. The premise for this proposed legislation is the fact that there is no adequate remedy at law. That is what it is based on. If there were an adequate remedy at law that would assure the right of every citizen of the United States to vote, there would be no need for this bill.

Mr. ERVIN. Does not the Senator construe the provision which says that the district courts of the United States shall have jurisdiction of these new types of actions or proceedings and shall exercise the same, irrespective of whether the parties aggrieved shall have exhausted any administrative or other remedies, as striking down the administrative remedies which are available to them?

Mr. BRICKER. Congress has full power to do that. Congress can change the equity rules. Congress has changed them time and again, just as common law writs have been changed. That is a matter of procedure.

Mr. ERVIN. In view of the fact that the 1st article and the 17th amendment of the Constitution make the right to vote for Senators and Representatives hinge on the possession of the qualifications prescribed by State law for electors of the most numerous branch of the State legislature, does not the Senator think the Federal Constitution authorizes the States to enact administrative remedies to determine whether a person possesses such qualifications? And does not the Senator think that the bill strikes down those State statutes?

Mr. BRICKER. I do not think so. The States have those rights, insofar as they are equitably applied to all the people, without discrimination.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. BRICKER. I yield.

Mr. CARROLL. I wish to say to the Senator this is one of the most important points in the debate, and it has not been adequately discussed. I call attention to page 12, beginning on line 5, of the bill:

> The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

Mr. BRICKER. In the judgment of the Senator from Ohio, it is within the power of the Congress so to provide, in order to carry out the compulsory provisions of the 15th amendment.

Mr. CARROLL. I asked the Senator from Ohio to yield so that point might be brought out. There is a lower Federal court decision in the State of Louisiana sustaining that very theory. A private individual came into the court of equity in an effort to protect his constitutional right to vote. One of the legal issues involved was that he had not exhausted his remedies under the State law. The Federal court in that case held—and I can provide the RECORD with the citation of the case—that it was not necessary, before coming into a court of equity, to exhaust one's administrative or other remedies provided by law.

This is one of the most important sections of the bill. If it were not in the bill, and the individual or the Attorney General had to prove that the party had exhausted his administrative remedies, there would be no relief provided under the bill, in my opinion.

Mr. BRICKER. The Senator is absolutely right. It was my assumption in the beginning that such a provision had to be in the bill or a citizen would not be able to exercise his right to vote.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BRICKER. I yield.

Mr. JAVITS. I think the bill provides that it is not necessary to exhaust one's administrative remedies, and the bill does take cognizance of the Louisiana case. It seems to me the answer of the Senator from Ohio was exactly in point. He said that is why we are legislating. On page 12, subparagraph (d), line 8, the following language appears:

> Shall have exhausted any administrative or other remedies that may be provided by law.

It seems to me that is exactly why, as the Senator from Ohio has properly pointed out, we are legislating, because it is almost futile to seek administrative remedies, which can tie up a litigant for more months, until the time for the primary or general election has gone by.

Mr. ERVIN. Mr. President, will the Senator yield for an observation?

Mr. BRICKER. Yes.

Mr. ERVIN. Yesterday the Senator from New York made allusion to cases in Green County and Brunswick County, N. C., in which cases the irregularities were corrected within about 6 days by administrative proceedings under the North Carolina State law. That being so, there is no valid basis for saying a man cannot get relief by administrative remedies under State law much more quickly and effectively than by suits under the bill.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BRICKER. I yield.

Mr. JAVITS. The Senator from North Carolina is too good a lawyer not to know that an exception or two do not make a law bad. The real vice involved is that we are constantly chasing our tails in every particular case to get justice done, when what we are trying to do by the bill is to put a kind of machinery in motion which will get justice done on a large scale, and much more timely than has occurred up to now. The mere fact that Negroes serve on some juries in Georgia, the mere fact that there exists a situation as described by my friend from North Carolina, the mere fact that there exists a situation referred to by the distinguished Senator from Georgia, do not prove anything. The instances of violations cited have been going on right up to date. They are happening. The Tuskegee situation is happening right now. That is the kind of thing we are trying to reach by legislation. I think that statement must be made here and now, because an effort has been made, and very successfully, by many fine people, including some in this Chamber, of good heart and fine intentions, to point out individual instances where there have been Negroes on a jury, or where a Negro has voted in a certain State, or where a State official responded to a call for administrative efforts within 6 days. But the RECORD is full of items of proof that considering the entire area—how many Negroes vote, how many there are, how difficult it is for them to vote, how 3,000 were disfranchised in County A or Ouachita Parish in Louisiana or in the

Tuskegee area—we must have legislation general in character.

The very condition from which we have been suffering is that we have been constantly chasing these individual flies in a swarm which is numberless.

Mr. ERVIN. Mr. President, will the Senator from Ohio yield to me?

Mr. BRICKER. I will yield for a comment. As a matter of fact, Mr. President, I should like to yield the floor.

Mr. ERVIN. I do not wish the floor.

The Senator from New York and I have at long last reached an agreement. The Senator says I know that exceptions make bad law. That is exactly the trouble with this bill; it is an exception the like of which never existed before, and it certainly makes terribly bad law.

Let me talk about North Carolina. I say to the Senator from New York that I hold in my hand telegrams from every Federal district judge in North Carolina, and every one of them states, in substance, that the number of names of Negroes in the jury boxes in the Federal courts of North Carolina is in proportion to the percentage which that race bears to the white race in those various districts.

Mr. JAVITS. Mr. President, will the Senator from Ohio yield further?

Mr. BRICKER. I yield further.

Mr. JAVITS. Again we get back to the same point. The Senator from North Carolina can make a great speech on the virtue of his particular State, and another Senator from another State can give a dozen instances to show that things are going well in that State, but when there is violence, when troops are called out, or when there is a keen emergency situation now, such as the one to which I referred in Tuskegee, where the Attorney General is digging around to get the basis of a suit in connection with antiboycott laws, then we are asked to forget all about the general situation, including thousands of instances, and fix our attention upon the fact that one Senator feels his particular State is doing fine.

I deeply feel that the bill is before the Senate and was placed on the calendar because there was a strong feeling in the country that it was high time to deal with the civil-rights situation by general law. I deeply feel we have made the case superbly.

The difficulty has been that we have permitted ourselves to be diverted too much by individual instances of virtue, which nobody has ever argued about and which do not prove the case at all.

Mr. THURMOND. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. BRICKER. I will yield the floor, if anyone else wishes to have it at this time.

Mr. THURMOND. I merely wished to ask a question.

Mr. ERVIN. Mr. President, may I be recognized?

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. ERVIN. I have not cared to talk about States other than the State of North Carolina, because I am not familiar with them. I have not hitherto yielded to the temptation to say to my friend, the Senator from New York, that I have noticed in the papers that New York City had an integration school problem; that it was proposed to take colored children out of colored districts and move them into schools in white districts and white children out of white districts and move them into schools in colored districts for the purpose of integrating the schools; that the school officials of New York City called for 1,000 volunteers from the 40,000 teachers in its school system to teach in the schools to be thus mixed; and that only 25 of the 40,000 teachers of the New York school system volunteered for the task.

I am reminded of Don Marquis' little book about the cockroach, Archy and the cat Mehitabel. According to the story, Archy used to write observations concerning people each night after the folks in whose home he resided had retired. Archy would get on top of the typewriter and dive onto the keys and thereby write his observations concerning people. He said that people are past comprehending—he illustrated this observation by this story: One day a man saw a hungry wolf seize a little lamb and start to devour it. The man was so much outraged by the cruel conduct of the wolf that he killed the wolf, picked up the little lamb, and carried it home. When he got home, he killed the little lamb and cooked it and ate it for supper. Having had a good supper of the lamb's meat, he sat down before the fire to meditate upon the state of the world in general. While he was meditating about the state of the world in general, he thought how cruel wolves are to lambs, and he broke down and wept.

Mr. JAVITS. Mr. President, will the Senator yield? The Senator referred to me.

Mr. ERVIN. I yield.

Mr. JAVITS. I was almost made to forget my answer by the Senator's charming story, and I am afraid that has been happening to us, also, on the floor. Fortunately, I remember it, and I will say to the Senator that in the first place there is all the difference in the world between what is called the system of separation of the races and the real struggle to deal with the problem, such as we are making it in New York, which has very advanced laws, and I think views, on the subject.

Mr. ERVIN. And also where I can see more segregation on the basis of race in Harlem in 2 hours than I have seen in North Carolina in all my life.

Mr. JAVITS. I think the Senator needs to take a few more trips around Harlem and New York.

I will say to the Senator that I think people like myself look forward to the day when we may join with the Senator from North Carolina in facing the same problems in North Carolina on segregation and discrimination as we have in New York. I think now they are very, very different. I do not believe that the record can be changed into any other concept.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield to the Senator from Tennessee.

Mr. GORE. The distinguished Senator from New York referred to a news report regarding the activity of a certain investigator or prosecutor in Tuskegee. I should like to inquire of the Senator from North Carolina if he saw the news story and, if so, whether it referred to a Federal official or a State or county official.

Mr. ERVIN. The article I saw referred to the attorney general of Alabama.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield.

Mr. GORE. Would the provisions of the pending bill, if enacted, be under the jurisdiction of a State court or Federal court?

Mr. ERVIN. They would be within the jurisdiction of United States courts, not the State courts. In the United States courts in North Carolina—and I have been informed the same is true throughout the South—Negroes have been serving upon grand and petit juries along with whites for many, many years.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield.

Mr. GORE. The distinguished junior Senator from New York has repeatedly made sweeping charges. I wonder if, after the inclusion in the RECORD today of messages from one Federal judge after another, many of whom were nominated by President Eisenhower, he could cite for the RECORD the United States district courts in the South in the jurisdiction of which Negroes are denied the right, opportunity, and duty of serving on juries.

Mr. JAVITS. Mr. President, will the Senator from North Carolina yield to me?

Mr. ERVIN. I am glad to yield to the Senator from New York.

Mr. JAVITS. On yesterday the junior Senator from New York, in response to the statements of his friend, the very distinguished Senator from Tennessee, placed in the CONGRESSIONAL RECORD as a part of his remarks—and I can identify the page of the RECORD on which they appear this morning, if the Senator wishes, a whole list of cases which were not messages from Federal judges, though we may get messages ourselves, but which were specific cases, some of which I referred to in the discussion with the Senator from Georgia this morning, they were cases the higher courts, after a finding upon the record, had actually sent back to the trial court case after case after case of the most serious kind in many States of the South, including, as I pointed out this morning, the State of Georgia, because of a systematic exclusion of Negroes from a jury.

Mr. GORE. Mr. President, will the Senator yield?

Mr. JAVITS. It seems to me that that is very substantial evidence of a very direct character, and that is the evidence we used.

In addition, we pointed out previously, and I repeat, the fact that in 5 States—and I shall have reference to the names

of the States in a moment—in 4 States and in some of the parishes of Louisiana, by the admission of the Senator from Louisiana, it is a fact that no man may serve on a Federal jury who is not an elector. So the qualifications for jury service are tied in with voting. The figures we have given show, for example, that in the State of Mississippi 2 percent of the Negroes of the State vote. Therefore, 2 percent of the Negroes of the State would be eligible to serve on juries. We admit that here and there there may be found a Negro serving on a jury; but we maintain that does not disprove the fundamental point which we make with respect to the exclusion, in a systematic way, of overwhelming numbers of Negroes. That is what we have argued in this situation.

Mr. ERVIN. I do not know whether the Senator from New York is talking about North Carolina Federal courts. I indulge the assumption, however, that the district judges of the Federal courts in North Carolina have greater knowledge of the composition of the grand and petit juries in their courts than does the Senator from New York.

I hold in my hand telegrams from these judges. One of them has just finished the trial of a case in which a majority of the jury panel were Negroes.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. GORE. I wonder if the distinguished Senator from New York would mind indicating the number of cases which he has cited which originated in State courts, and the number which originated in Federal courts. I wonder if the Senator would indicate in which cases there were complaints of exclusion of Negro citizens from jury service in United States courts, and which cases involved State courts.

Mr. JAVITS. I have no doubt that most, if not all, of these instances related to State courts. I cannot stop to count them now. However, I hasten to point out to the Senator that we are talking about election boards, which are State boards. We are talking about the example of segregation which is set in certain States. We have reference to a Federal statute, which I have just pointed out. In many States service on a Federal or State jury is confined to those who are electors. Therefore it seems to me that this is direct and pertinent information as to what is going on in particular States, with respect to jury service. That is what we are arguing about.

Mr. GORE. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. First let me make an observation.

It seems to me that the argument about what happens in State courts as an argument against the passage of a bill dealing with Federal courts, is like "the flowers that bloom in the spring, tra la," and has nothing whatever to do with the case.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. GORE. The junior Senator from New York says that we are talking about State courts. I agree that the distinguished junior Senator from New York has done a great deal of talking about cases in State courts and others; but what is now under consideration in the United States Senate is the enactment of a proposed Federal statute, the enforcement of which, the procedure under which, and the judgments and consequences under which would be cases which would be tried exclusively in Federal courts, and not State courts.

I agree that there has been a great deal of talk about irrelevant matters. Let us consider the bill before the Senate.

Mr. ERVIN. The Senator is correct. We are considering a proposed statute which would not only place the subject under the jurisdiction of the Federal courts, but a statute under which the Attorney General could nullify State laws.

Mr. SPARKMAN. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. SPARKMAN. I think the point just made by the Senator from Tennessee is very important. We should keep separate and apart the categories of State cases and Federal cases. The proposed law would deny the right of trial by jury in Federal courts.

Let me make one observation with reference to the list of cases placed in the RECORD by the Senator from New York. I ask Senators to look at the dates of these cases.

The case from Alabama, for example, relates to State courts, and not Federal courts. I have practiced law in Alabama. There have been Negroes on juries in the State of Alabama as far back as I can remember. The case cited with respect to Alabama is Norris against Alabama. That was the Scottsboro case. The date of it was 1935, 22 years ago.

Immediately after that decision was handed down, Negroes were systematically put into the jury box in Alabama, and they serve in State cases all over the State today, regardless of what showing may be made in the RECORD with respect to a United States Supreme Court case dated 1935.

Mr. ERVIN. Judge Johnson J. Hayes, a distinguished United States district judge who has been on the bench since 1927, refers to the case of Norris against Alabama in a telegram I hold in my hand. He says that ever since that decision was handed down the jury commissioners in his district have endeavored to place in the jury boxes of his district the names of Negroes and whites proportionate to the numbers of the respective races in his district. I will add, incidentally, that Judge Hayes is a great man and a great judge who enjoys the complete confidence of all our people.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ERVIN. The Senator from New York has been so gracious about yielding that I would like to yield to him.

Mr. JAVITS. The Senator from New York yielded even before he began his speech. I thank the Senator from North Carolina.

The list of cases which I cited is to be found beginning on page 12906 of the RECORD. We start with the date mentioned by the Senator from Alabama with respect to that State. There is a Texas case in 1942; a Mississippi case in 1947; a North Carolina case in 1948; a Texas case in 1950; a Georgia case in 1953; a Texas case in 1954; and a Texas case in 1955.

I respectfully submit that that brings us pretty much down to date.

I refer to title 28, United States Code, section 1861, which gives the qualifications for a Federal juror. It provides that he must have attained the age of 21, must reside in the jurisdiction, and so forth, but that he shall not be a juror if he has been convicted of a crime, or is unable to read and write, or is mentally or physically incapable, or if he is incompetent to serve as a grand or petit juror. In a part of Louisiana, and in the States of Mississippi, South Carolina, and Texas, a person may not serve unless he is an elector. So the round robin is complete in those particular States.

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the RECORD at this point, a letter and an accompanying memorandum which I have received today from the distinguished senior Senator from Missouri [Mr. HENNINGS], who is unable to be present to participate in the debate. He requested that the letter and memorandum be made a part of the RECORD.

There being no objection, the letter and memorandum were ordered to be printed in the RECORD, as follows:

JULY 29, 1957.

The Honorable JOSEPH S. CLARK,
*United States Senate,*
*Washington, D. C.*

DEAR JOE: I regret that my doctors still insist that I remain at home, and that I am, therefore, unable to participate in the floor debate on civil rights. However, my enforced absence has given me time to do some research, and I have prepared a legal memorandum with respect to the jury trial amendments pending before the Senate. I am enclosing a copy of this memorandum.

Irrespective of what position one takes on the broad question of civil rights legislation, there is a fundamental legal and constitutional problem in the Kefauver-O'Mahoney amendment, which goes far beyond the civil-rights bill, and which, in fact, goes to the heart of our constitutional system of separation of powers.

The amendment, if adopted by the Congress, would deprive all Federal courts of their traditional power of using criminal contempt proceedings without a jury to uphold their authority. The deprivation would apply regardless of whether or not the contemptuous act were also a crime. In view of the Supreme Court's past views on this general issue of Congressional interference with judicial powers, there is a grave doubt in my mind that the Court would uphold the constitutionality of the amendment.

Also, as my memorandum points out, I think that it would be most ill advised to adopt such a drastic change in our basic law without thorough consideration by the Judiciary Committee. To the best of my knowledge, the committee has never considered this or any similar proposal. I want to make clear that I am not suggesting that the bill be returned to committee for hearings on this amendment or any other point. I think the amendment should be defeated, and then, next year, the Judiciary Committee could consider a separate proposal to amend our basic law on contempt proceedings.

Last, I think that the adoption of the amendment might well doom the whole bill, since we have no assurance that the House could be stampeded into accepting it, just because the Senate took such an ill-advised action.

Joe, I do not know what use, if any, you might wish to make of this legal memorandum. It may be of interest to others of our colleagues who are especially interested in preserving our constitutional system of separation of powers.

Hoping to be back with you very soon, and with every best wish, I am,

Sincerely yours,

THOMAS C. HENNINGS, Jr.,
*United States Senator.*

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LEGAL MEMORANDUM ON JURY TRIALS IN CONTEMPT PROCEEDINGS

The advocacy of jury trial amendments to the civil-rights bill has led to many strange results. For instance, earlier this year, the Senate Judiciary Committee adopted an amendment which, almost beyond question, would have been unconstitutional. This amendment provided for jury trials in all contempt proceedings arising in civil-rights proceedings. It made no distinction between criminal and civil contempts. This amendment was aimed not only at the courts' power to punish for disobedience of their orders, but also would affect the courts' power to punish for disobedience of their orders.

The judicial branch of our Government to function effectively must be able to enforce its orders and decrees. For this to be done, the power of the court to coerce must be summary. For often, the mere delay involved in a trial by jury (before a party could be imprisoned to coerce his obedience) would cause the order or decree to lose much or all its effectiveness. A defendant who has been imprisoned for the purpose of coercing his obedience holds the key to his jail, because by complying with the order, he will be set free. This field of enforcement of decrees and orders by coercive means is solely a judicial function and an integral part of the courts' power to administer justice. These proceedings are civil contempt proceedings, as distinguished from criminal contempt proceedings, and are in no way intended to punish the party.

Our Federal Government is made up of three distinct and equal branches, each limited by the powers given to it by the Constitution. A statute which provided for jury trials in civil contempts would have the effect of cutting off the courts' enforcing arm and would be a usurpation of a judicial function by Congress beyond the authority given to it by the Constitution. Although, under the Constitution, the Congress has the power to establish and abolish courts inferior to the Supreme Court, it has been clearly established that once Congress has established such inferior courts it cannot deny to them the power to enforce their decrees. While such courts are in existence, they must be granted normal judicial powers of enforcement.

I am, indeed, glad that during the present debate on the floor no one has seen fit to introduce this amendment which was adopted by the Judiciary Committee, but which undoubtedly would be declared unconstitutional if adopted and presented to the Supreme Court for determination.

The amendment which is now under consideration goes way beyond civil rights and would give jury trials in all criminal contempt proceedings in all fields of the law. It excepts only those cases where the act is committed in the presence of the court or so near thereto as to obstruct the administration of justice or where an officer of the court is involved.

This amendment raises two constitutional questions. The first is rather technical and could be disposed of by rewording the amendment without having any effect on its substance. The amendment is now worded so as to apply to all courts of the United States. This would include the Supreme Court. The Supreme Court is the one court which was created by the Constitution. The only control over the Supreme Court's jurisdiction given to Congress by the Constitution is control over their appellate jurisdiction. Therefore, Congress has no authority at all under the Constitution to require jury trial in any contempt proceeding in the Supreme Court. As I have said, this is a technical point because a criminal contempt proceeding to punish for an indirect contempt would probably not often occur in the Supreme Court, but nevertheless the Senate must be careful in the wording of any amendments.

The other constitutional question raised is much more serious, since it goes to the substance of the amendment and will, if enacted, undoubtedly reach the Supreme Court for a determination of constitutionality. The question is: Is the requiring of jury trial in all criminal contempt proceedings beyond the authority of Congress to control the operation of inferior Federal courts established by it? The Supreme Court, in *Michaelson* v. *United States* (266 U. S. 42), upheld the constitutionality of those sections of the Clayton Act providing for a trial by jury in criminal contempt proceedings where the original suit was between the private individuals or corporations, and the contemptuous act was also a crime. The Court said:

"The statute now under review is of the latter character. It is of narrow scope, dealing with the single class where the act or thing constituting the contempt is also a crime in the ordinary sense. It does not interfere with the power to deal summarily with contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice, and is in express terms carefully limited to the cases of contempt specifically defined. Neither do we think it purports to reach cases of failure or refusal to comply affirmatively with a decree—that is to do something which a decree commands—which may be enforced by coercive means or remedial by purely compensatory relief. If the reach of the statute had extended to the cases which are excluded a different and more serious question would arise."

This is the Supreme Court's last word on the subject. It is, of course, impossible to say with assurance whether the Kefauver-O'Mahoney amendment would or would not be unconstitutional. However, there is no doubt but what it is many times broader than the Clayton Act provisions, but to say it is too broad would be an attempt to second guess the Supreme Court since the amendment is limited to criminal contempt proceedings where the contempt is indirect. So, the result is we have here an amendment which is of doubtful constitutionality.

Before the right to trial by jury in contempt cases is further extended, and regardless of the constitutional questions, it might be well for us to consider long and hard whether the right given by the Clayton Act is still necessary. Are we going in the right direction by extending jury trials, or should we possibly be going the other way and repealing the contempt provisions of the Clayton Act?

From the days of the American Colonies up to 1914, a trial by jury was not provided in any contempt proceeding. Our Federal court system knew no such system at all. The Clayton Act completely revised the law as it had existed for several hundred years, but it did so only within the narrow scope of the language of that act. It would be enlightening to turn back to 1914 and see just exactly why Congress made this change.

The reasons behind the act can best be found in House debates on the provisions. Mr. Clayton, of Alabama, who made the major address to the House in support of the provision, said:

"Purpose of legislation is to prevent one party litigant in a civil suit invoking this criminal process of the court to oppress his weaker neighbor. It does not intend to detract one iota from the power, the majesty, and the dignity of the United States. The Government of the United States has under this bill, every power, even when it becomes a law, to enforce its judgments and its demands that it has now. This bill is to prevent a man or, say a corporation, rich and powerful, getting out a blanket injunction at midnight broad as the canopy of heaven in its terms and then oppressing the poor, humble laborer. This bill is aimed to prevent these blanket midnight injunctions being issued for the purpose of framing up criminal cases, for the purpose of depriving men of the right of trial by jury, and cases gotten up by corporations sometimes to use this power of, or rather to abuse the process of contempt to coerce and to threaten the helpless laboring people who have only the jewels of sweat of honest faces to oppose against the almighty dollar.

Mr. Floyd, of Arkansas, another advocate of the bill, said:

"It does not apply to any case in which the United States is a party. So it leaves all the powers that exist in the Government at the present undisturbed by its passage. The purpose of this bill is to prevent injustices in certian classes of cases which chiefly grow out of labor disputes, when great and powerful corporations, on the one hand, go into the Federal courts and seek to enforce their decrees and judgments against the laboring people."

So the provisions of the Clayton Act were for a particular purpose. They were narrow in scope, as (1) they applied only to criminal contempt proceedings, (2) where the parties were private individuals, (3) where the contemptuous act was also a crime, and (4) where the act was committed away from the court. To understand how narrow the provisions were, one only has to consider that equity seldom enjoins criminal acts; and when it is done, usually the United States is a party. So these provisions affected very few cases.

Despite the narrow scope of the provisions and their high-minded purposes, they had a hard time getting through Congress. They were introduced in the House in the 62d Congress in a separate bill, H. R. 22591, which included only the contempt provisions. The bill was reported out of committee and after lengthy debate was passed by the House. But the bill died in the Senate without any Senate report. Then, in the 63d Congress, these provisions were attached to the end of the antitrust bill, H. R. 15657, which is presently known as the Clayton Act of 1914. The House Report No. 627 and the Senate Report No. 698 on the antitrust bill merely incorporated the House report on H. R. 22591 of the 62d Congress. As a rider on the antitrust bill, these provisions became law.

The main arguments against these provisions were well brought out by Mr. Sterling, of Illinois, in an address to the House in which he said:

"Now there is another provision to which I wish to refer and one about which the gentleman from Alabama talked with great gusto. Section 268d provides that the provisions of the bill do not apply in cases to which the United States is a party. Advocates of the measure refer to this section with just pride, as if to say: The bill may be bad—very bad—but, thank God, it is not all bad, for here in this section we have made an exception of a very large class of cases, to wit, those to which the United States is a party. Why this exception? It

simply means that they do not wish to deprive the courts of their power to enforce their orders and decrees in cases where the Government is a party. It is the only reason that they can assign for excepting that kind of case."

So we can see that even with the labor injunction problem facing them, there was strong opposition to any infringement on the power and dignity of the Federal courts. The majority of the Congress thought action was necessary to meet the problem and passed the provisions. These provisions are now found in title 18 of the United States Code, sections 402 and 3691.

Today, the problem which faced Congress in 1912 and 1914 is no longer present. We have extensive Federal legislation dealing with labor injunctions. The use of the midnight injunction—broad as the canopy of heaven—is a thing of the past. No longer can the almighty dollar oppress the laboring man in this manner. Therefore, it might be very prudent to stop and ask: Are we not going in the wrong direction? Should we be further casting away the established law or should we be returning to it? Should we be further detracting from the dignity and authority of the Federal courts or returning them to their original position?

There is another policy question which must be considered. Can we intelligently make such a broad sweeping change, such as proposed by this amendment, without committee hearings into its effect? This is a brand new proposal; the Judiciary Committee has not studied this or any similar proposal. Such a step as proposed here is against all good legislative policy. Legislatures cannot legislate blindly and meet their obligations to the people.

I want to make clear that I am not suggesting that the civil-rights bill be returned to committee for hearings on this amendment or any other point. I am suggesting, however, that as a matter of policy this amendment should be voted down at this time, so we can complete our consideration of the civil-rights bill on the floor during this session of Congress. Then, next session, if this amendment is introduced as a separate bill, I will support hearings on the bill so that all the facts as to its effect on the present law of the United States can be determined. This amendment raises issues which have never been studied by the Senate, either in committee or subcommittee. Without lengthy study, we should not make it law.

And finally, I have reason to believe that, even if the Senate could be stampeded into abrogating its responsibilities by adopting this broad amendment hastily, the House of Representatives would refuse to agree to it—with the probable result that we would get no civil-rights bill at this session, even a limited right-to-vote bill.

Mr. JOHNSTON of South Carolina. Mr. President, I have listened to the discussion and I am glad to say that in South Carolina colored people serve on Federal juries. According to information which I have received from the clerk of the Federal court, Ernest L. Allen, they have been serving on Federal juries for the past 42 years, to his knowledge, and he does not know for how many years before that time.

Speaking for myself as a lawyer, I have seen Negroes upon Federal juries for the past 33 years, having practiced law for that long.

Mr. President, I wish every Member of the Senate to be fully informed and aware of the minority report filed by the Senator from North Carolina [Mr. ERVIN] and myself when the Senate bill went from the subcommittee to the full committee.

At the time the bill was reported to the full committee, and before the minority report was available to every member of the full committee, I daresay the majority of the full Judiciary Committee was prepared to report the bill without another look. In the blind passion for civil-rights legislation, and in the rush to meet the demands of pressure groups and to get them and President Eisenhower off their necks, they were ready on the first day to report that bill.

But, I must say, after the minority report was filed and made available, there was a new indication of strength among the thinking members of the Judiciary Committee to amend the bill so as to guarantee trial by jury to persons affected by the bill.

Speaking of those who would be affected by the bill, it perhaps would be well to read into the RECORD how the bill would amend section 2004 of the Revised Statutes, 42 United States Code 1971:

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose—

That is pretty far reaching—

or of causing such other person to vote for, or not vote for—

I do not know whether it is possible to entice a man to vote—

any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

The next subsection is the one which was discussed a few moments ago. It is subsection (d).

(d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

(e) Provided, that any person cited for an alleged contempt under this act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours.

The courts will appoint lawyers to represent a person, but they will not be paid 1 red cent. Senators know what kind of representation a person will get if the lawyers are not going to be paid. I know what happens in my State. When a case of murder or other criminal case comes before the court and the defendant does not have an attorney, the best attorneys leave the courtroom and hide, so that they cannot be located until a lawyer has been assigned by the court. Senators who have seen that happen know exactly what I am talking about. That is the kind of representation a person will get if he is a poor man. It may be that the person the Government claims was aggrieved would not even want to come into court.

Mr. President, the Senate bill now contains a guaranty of trial by jury, and that provision was written into the bill by the members of the Committee on the Judiciary by a vote of 7 to 5.

I lay no claim, and I am sure my distinguished colleague from North Carolina lays no claim, to the doctrines and principles adhered to in the minority report. The facts and the principles it contains were laid out for us and for any Senator, Representative, citizen of this country, or even the President to see, if they wish to see it, by the greatest and the most humble men in history, who gave their lives for one of the greatest rights men have ever known—trial by jury. The trail in history of the struggle leading to trial by jury as we know it today is marked by the blood of freedom-loving men from the time of medieval England under William the Conquerer in the year 1066 until 1957 in the riots of Budapest, Hungary.

The struggle to get from under the kings and other despots of the ages, who ruled men with iron fists, is a long and bitter one worthy of every one of us to review at this time. It is a time that finds some of us in the United States eager to consider taking this right away from the American people, the inhabitants of the last citadel of the truly Free World.

It is almost inconceivable that such a thing could happen; certainly I never thought I would see such an attack against the pillars of freedom in this country in my lifetime.

First I wish to outline the English origins of trial by jury. Modern scholars agree that trial by jury as we know it today had its origin in medieval England in the first century and a half of Norman rule, when William the Conqueror, beginning in 1066, and his heirs sought to strengthen their hold upon the foreign land which they had conquered.

The earliest trace of the jury is found in the sworn inquest, originally a Frankish or perhaps even Roman practice, whereby the ruler sent his agents to question people throughout the kingdom on any matter of government or administration which interested him. William the Conqueror instructed his agents to summon a number of reliable, knowledgeable men in every "shire and hundred," put them on oath to tell the truth, and then ask about landholdings, property, previous tax assessments, and similar matters. These sworn inquests provided the material for the Doomsday Book, which recorded the names and properties of all landholders.

The function of the jury as essentially a local fact-finding board continued through the reign of Henry II in the inquest on sheriffs to inform the King about the conscientiousness of his representatives, and through the reign of Richard I in the assessment by local juries of the saladin tithe of 1188, the first tax on income and personal property needed to finance Richard's crusade.

The scope of the jury was greatly expanded by Henry II as a means of indicting those who had violated the King's peace by robbery, thievery, murder, arson, or counterfeiting.

In these assizes, the itinerant justices were assigned definite schedules and areas in which they were to try in the King's name all men accused by their neighbors of these misdeeds. Henry II also initiated three new actions whereby the decision of a jury would determine whether anyone had been wrongfully ousted from possession, as distinct from title, and if so, would immediately reinstate him.

Thus the jury was originally developed not to give a verdict but to supply evidence on oath, as witnesses do today.

Insofar as this evidence amounted to an indictment, the juries were parallel to modern grand juries. Until the 13th century, the indictment by jury was followed by a trial by ordeal, battle, or compurgation, in which the accused endeavored to produce as many men as possible to swear to his innocence. Only as the men came to doubt the validity of ordeals, as the church refused to preside over the ordeals which thus could not be said to reflect God's will, and as men became willing to accept the opinion of a second, deciding jury, which might contain the same personnel as the indicting jury, did trial by jury become universal. Ironically, however, all men were still thought to be entitled to God's verdict through ordeal rather than to be forced to rely upon a mere human decision, and trial by battle was not formally abolished in England until the 19th century.

Trial by jury was always a privilege offered only by the King in his courts. The feudal lords were not permitted to offer jury trials but were themselves the judges in their own courts.

As a result, since many cases involved alleged malpractices by the lords, litigants relied more and more on the King's courts with their relatively impartial juries.

This increased appeal to the royal courts, caused almost entirely by the innovation of jury trials, was perhaps the greatest single factor in the development of a strong central administration in England. This administration, moreover, was never wholly dependent upon the feudal classes for its services nor ever wholly divorced from the middle classes who helped to administer its justice.

Mr. President, I submit that a very strong and lasting lesson should be learned from history and particularly on this point.

It will be noticed that we went from trial before the lords and masters to the King's court, because of injustices. The local lord, so to speak, could not be counted on to be fair and impartial. Later the King's court, as will be borne out by the birth of the Magna Carta, was found to be unreliable, and our ancestors soon learned that no one person, be he a local lord or a magistrate, as in our day, or be he the King with supposed blessing of God Almighty, could be entirely entrusted with the justice of fellow men. So it came to pass that, under the Magna Carta, our first appearance of fair trial by a jury of peers was made.

Clause 39 of the Magna Carta provided that no freeman should be imprisoned, dispossessed, or in any way detained except by a fair judgment of his peers and according to the law of the land. Modern scholars are agreed that this did not refer specifically to trial by jury at that time. Rather, it was intended to put an end to rapacious King John's habit of taking hostages, levying exorbitant fines, and imprisoning nobles without even consulting his own council of barons. But both in its immediate effect and in its later interpretation, the clause did contribute to the idea that every man was entitled to a legal hearing before any penalty, detention, or dispossession.

ATTAINT OF JURORS AND STAR CHAMBER

The greatest threat to jury trial in the Middle Ages was the decreasing strength of the Kings who controlled the royal justice. For whenever a weak King came to the throne, the feudal nobles did not hesitate to bribe or threaten jurors flagrantly. Many Kings, often handicapped by the need of noble support for foreign wars, had not the power to check these mighty barons.

The process of attaint, originally devised to provide extra protection to the defendant, constituted one royal weapon against the corruption of justice. It was really an extension of the original concept of the jury as a panel of witnesses rather than judges.

When the jury gave a verdict that seemed to contradict the known facts, the jurors themselves could be tried or attainted for perjury, convicted, and imprisoned. This practice, although originally intended to remedy abuses, lent itself very easily to further abuse, since the feudal lords were also able to attaint juries who decided against them. The result was that jurors occupied a very precarious position and that litigation often dragged on for as much as half a century.

Actions for attaint were not finally prohibited until the famous Bushell case of 1670, when a judge attempted to imprison a whole jury for a verdict with which he disagreed. By that time juries were clearly recognized as decision-making rather than evidence-giving bodies, and therefore the charge of perjury was no longer applicable. Actually, with the coming of the strong Tudor and Stuart governments, the lengthy process of attaint had fallen into disuse.

The Tudor and Stuart method of insuring fair juries was more direct, but perhaps also more repugnant to our own ideas of justice. The Court of Star Chamber, which had gradually developed from the King's Privy Council and was comprised of certain privy councilors, bishops, and judges, was in 1487 given specific jurisdiction to hear and settle in closed session any disputes—legal, judicial, and administrative—in which the interest of the King was involved.

That sounds almost like it has come down to today.

Originally the Star Chamber performed a useful task, settling disputes between and punishing important barons who might otherwise have escaped through common-law loopholes, looking into cases of alleged jury corruption, handling many administrative matters equitably and efficiently, and in general reinforcing rather than competing with the other branches of royal justice.

But, as with many other institutions founded in the best of faith and very well equipped to handle certain immediate problems, the Star Chamber tried to extend its potentially unlimited power into fields where it should never have gone.

Under Charles I, the bishops on the court undertook to punish religious writers with whom they differed, to try to enforce a censorship on all printed matter, and to mete out cruel and unusual punishments for minor political offenses. The Star Chamber had clearly outlived its usefulness as a method of controlling rebellious barons and was becoming an instrument for religious and political persecution. The Star Chamber, with its denial of the trial by jury which Englishmen had come to feel was their right, constituted one of the main grievances against Charles I, and was an important element in his fall.

One of the first acts of the Parliamentary Party, after it had gained the upper hand, was to abolish the Star Chamber in 1641, and to assert the right of every Englishman to a fair and open judgment by his peers.

TRIAL BY JURY IN ENGLAND DURING THE FRENCH WARS

During and after the French Revolution a fear of revolutionary elements led to repressive censorship and severe curtailment of civil liberties in England. But fortunately there were also men, such as Charles James Fox, who continued to place faith in the people, and who eventually won several important victories for the principle of trial by jury.

In 1793, Parliament passed an act suspending habeas corpus for a year in certain cases. This act, renewed several times, abrogated the ancient privilege conferred by the writ, and therefore in effect denied the accused the right to a jury trial before retainment.

Although most of the upper classes accepted this as necessary protection against revolutionaries, Charles James Fox never ceased to protest this invasion of civil liberties and the denial of trial by jury. Fox himself was expelled from the Privy Council in 1798 for proposing the toast, "Our sovereign—the people." But within a decade, the crisis abated, his words were heeded, and habeas corpus and the right to trial by jury were restored, never again to be suspended in England.

Fox himself was responsible for the extension of the scope of jury trials in libel cases. Since the libel laws represented the principal restriction upon freedom of speech in England, it had been customary for the judge in a libel case to decide himself whether a given publication was a libel, and to leave to the jury only the question of whether the accused had actually been responsible for its publication. Juries resented their inability to answer what usually was the most controversial question of the case, and in the case of the Dean of St. Asaph, the jurors deliberately declared a man innocent of publication simply because they did not consider the material libelous. In 1792, Fox was responsible for a new libel law which extended the power of juries to decide the whole question as to law, as well as fact. In principle, it was a victory for democracy and trial by jury, although in practice the juries tended to be less tolerant in their interpretations of libel than the judges had been.

TRIAL BY JURY IN MODERN ENGLAND

Since the beginning of the 19th century, there has been very little threat to the right of trial by jury in criminal cases. The grand or indicting jury was eliminated in some instances by the 1873 Judicature Act, and was almost entirely abolished by the 1933 Administration of Justice Act. In civil cases, jury trial was no longer considered necessary as a rule, so that today less than 10 percent of civil cases in England are tried by jury. These changes, which came about during the 19th and 20th century judicial reforms, were made in the interests of economy, efficiency, and equity for all.

On the whole, they have accomplished their purpose and have not been criticized. But the growth of so-called administrative law—that is, of legal decisions made by various boards or commissions upon disputes to which they themselves are a party, such as income tax, community planning, and education—has led to widespread demands for a comprehensive administrative code, with more provision for appeals, and perhaps even in some cases for juries. Although nothing has yet been done, it is clear that the absence of jury trials in this ever-increasing area poses many threats to property, if not actually to life and liberty.

Mr. President, let me emphasize that particular point. First, I want to state that this particular quotation is not my own, but comes from a history of trial by jury, as we know it today, as assembled by the American Law Division of the Library of Congress. This is not some opinion, but it is an affirmation of conditions resulting from cold facts.

I quote again:

> It is clear that the absence of jury trials in this ever increasing area poses many threats to property, if not actually life and liberty.

Mr. President, this is an example of what is to come in this country. This is what has happened in England. Mr. President, is it not evident to the Members of the Senate that where this denial of trial by jury has been lost in England, it will be a hard and toilsome uphill fight to restore this liberty? I ask you, Mr. President, how long would it be before the Supreme Court of the United States, as a result of such legislation removing trial by jury, would hand down some order extending this condition on the basis of intent shown by Congress.

Mr. President, I can see it now. Congress would become nothing but a rubber stamp to approve Presidential budgets, while the Supreme Court would assume the role of legislating by court order, using the district courts as instruments of enforcement. We are truly treading on a razor's edge here. We are at a point in history where the United States Senate can act as men and women of independence and can preserve forever our jury and trial system; or, if we slip to the slightest extent, we can establish a precedent which will set us on the road back to Dark Ages; of despotic—yes, and despicable—high judges and lords who will rule over our people in such manner that our laws will be meaningless, except where they provide power to those on the bench. There will be no protection for the people.

Senators do not have to take my word for this. They do not have to take the word of the Library of Congress. They need only to listen to what David F. Maxwell, of Philadelphia, Pa., president of the American Bar Association, said on this subject.

The American Bar Association Journal of June 1957 carried a very enlightening article, written by Mr. Maxwell, which points out the insidious process that is gradually tearing down the right to trial by jury in the United States of America in civil cases, as has been happening in England.

I believe that it is most important that all Senators understand that what is happening in civil cases, as pointed out by President Maxwell in his article, is likely to occur in the criminal field, as we can vividly see by studying the pending civil-rights legislation.

I now quote Mr. Maxwell's article:

> For some time I have been deeply concerned by the insidious process which has been gradually eroding our right to trial by jury in civil cases. The right to trial by jury is firmly embedded in the American system of jurisprudence and is as old as the country itself. Reference to it is found in the Declaration of Independence, which deplores the abuses and usurpation by George III "depriving us in many cases of the benefits of trial by jury."
>
> Article VII of the Bill of Rights guarantees trial by jury in suits at common law, where the value in controversy shall exceed $20.
>
> Yet, during the past half century, bit by bit, there has been a whittling away of jury jurisdiction. Arbitration has replaced the jury trial in many areas, notably in the motion picture, building trades, and textile industries, and generally in the field of labor law.
>
> Various administrative bodies and tribunals, both on a Federal and State level, are determining the rights of citizens in a manner affecting their everyday lives, without the benefit of juries.
>
> In Saskatchewan, Canada, such a board is vested with authority to award damages in automobile accident cases on the basis of liability without fault, and there are many authorities in this country advocating the adoption of a similar system here. The Compulsory Arbitration Act in Pennsylvania, adopted in 1952, provides that the trial court may, by appropriate rule, substitute arbitration for trial by jury when the amount in controversy is $1,000 or less, and the constitutionality of the act has been upheld by the supreme court of that State.
>
> The extension of this plan to all civil cases is being seriously urged by no less eminent jurists than David W. Peck, presiding justice of the New York Supreme Court, appellate division, first department, and C. Campbell McLaurin, chief justice of the Supreme Court of Alberta, Canada, on the theory that this is the most effective way to attack clogged dockets.
>
> Personally, I have never subscribed to this doctrine. To me, it is more important to preserve the fundamental right of trial by jury than it is to dispose of cases in a hurry.
>
> Furthermore, I doubt whether the jury trial is primarily responsible for court congestion; if so, how can you account for the delays in disposing of cases on appellate dockets in certain States.

I call attention to the fact that there was a case in the western part of the United States concerning some persons in Hawaii. That case has been on appeal for 3 years. It was said they did not need a jury to try that case. The case is still pending there.

I continue with the quotation:

> So, it was encouraging to me to hear William J. Brennan, Jr., Associate Justice of the Supreme Court of the United States, in addressing the regional meeting in Denver last week, express a similar point of view. Justice Brennan advocated reorganization of the courts and the introduction of pretrial conferences as effective ways in which to relieve calendar congestion.

Very few lawyers know what pretrial is.

I continue the quotation:

> With reference to the part the jury trial plays in the disposition of court calendars he had this to say: "Another nostrum is that, because jury trials take more time than trials before a judge without a jury, the easy answer to calendar congestion is to get rid of jury trials in automobile accident cases * * *."
>
> I think, at all events, this proposal to abolish jury trials in automobile accident cases also faces an almost insurmountable hurdle. The success of our British brothers in abolishing jury trials should not mislead us.
>
> American tradition has given the right to trial by jury a special place in public esteem that causes Americans generally to speak out in wrath at any suggestion to deprive them of it. Perhaps the emotion generated by proposals to modify or deny the right has its roots in the Jacksonian era of distrust of the legal profession and the insistence upon the people's control of the administration of justice. Perhaps it is a survival of the same sentiment which gave us the elective system of judges in most States and in some, as in my own, New Jersey, actual lay participation on the bench.
>
> One has only to remember it is still true in many States that, so highly is the jury function prized, judges are forbidden to comment on the evidence and even to instruct the jury except as the parties request instructions. The jury is a symbol to Americans that they are bosses of their Government. They pay the price, and willingly, of the imperfections, inefficiencies and, if you please, greater expense of jury trials because they put such store upon the jury system as a guaranty of the preservation of their liberties.

In my State, for instance, the judge must mention the law in his charge to

the jury, but if he even mentions the facts the appellate court will reverse him. That is how the people of my State feel about juries.

I continue the quotation:

> The road of him who would take away jury trial in automobile accident cases is a long and rocky one.
>
> As Justice Brennan so eloquently points out, trial by jury plays a much more important a part in our American scheme of things than simply determining the rights of litigants. When properly conducted, a jury trial does much to educate the public in the value of the privileges granted by the Bill of Rights, and I, for one, hope that I shall not live to see the day when it is wholly abolished.

I think the quotations which I have read are very fine ones.

TRIAL BY JURY IN COLONIAL AMERICA

Although the same conditions, on the whole, held in colonial America as in 18th-century England with respect to the administration of justice and trial by jury, the attitude of the colonists was, from the first, different. Being in no position to fear feudal exactions or exploitations, the colonists looked upon the King not as their protector, but rather as himself the potential aggressor upon their rights. It was in this spirit that they protested every effort to limit trial by jury as an act of royal tyranny.

First. In 1696 Parliament had reorganized the admiralty courts so that they would be better able to cope with the flagrant smuggling in and out of all the Colonies, which was the American reaction to the navigation acts. The admiralty courts, which were not a part of the traditional common-law system, did not provide for trial by jury, and as a result English or English-appointed judges frequently sentenced colonial merchants and seamen arbitrarily. The more effective the courts became, the more the colonists resented them, and the more they came to insist upon trial by jury as a fundamental right.

Second. The Stamp Act of 1764, offensive enough in its imposition of taxation without representation, added insult to injury by providing that all violators were to be tried in the admiralty courts. Americans, who looked upon trial by jury as one of the fundamental rights to which all men were entitled, did not accept the British view that Parliament was completely sovereign and could constitutionally pass any measure it chose. In American eyes, the Stamp Act was, among other things, a clear deprivation of the right to trial by jury.

The reaction against it was so strong, as exemplified by nullifications by various legislatures, the Virginia resolution proposed by Patrick Henry, the Stamp Act Congress, and, above all, by a boycott of all English merchandise, that within 2 years, the Stamp Act was repealed.

Third. The final British effort to tamper with the traditional jury trial in the Colonies came with the act for the impartial administration of justice, one of the intolerable acts, passed in 1774 as a retaliatory measure after the Boston Tea Party. This act provided that certain offenders were to be transported to England. This repudiation of the colonists' own right to judge their fellow citizens was one of the last acts which made reconciliation with England almost impossible, and thus provoked the war for American independence.

JURY TRIAL IN THE CONSTITUTION

Although there was no controversy or conflict involved in the establishment of trial by jury in article III, section 2 of the Constitution, there was some discussion of the need to provide jury trials in civil cases. The colonists appreciated the fact that even in civil matters, the protection of a jury would be needed against extensions of power comparable to that of the admiralty courts. It was the fundamental importance which these Americans attached to the right of trial by jury that led the founders of our Nation to include further guaranties of its use in criminal cases by the sixth amendment and in civil cases by the seventh amendment. Wisely they guaranteed not trial by jury, but the right to trial by jury, with the result that in many cases defendants may choose to dispense with juries in the interest of speed or economy, but in none of these circumstances can they be forced to undergo a Federal trial without a jury.

Mr. President, needless to say, it is time that some of us in this august body are reminded of these uniquely simple but gravely important developments in the trial by jury system that has been handed down to us on a silver, but not untarnishable, platter.

We should remember that these rights were won through the struggle and death of our colonial ancestors. We should remember that they lived through the dangers about which I and the others opposed to so-called civil rights legislation are warning. Their first-hand knowledge and their resultant action should not be of light concern to any of us. To the contrary, they should be a vital lesson to those among us who would now pass a bill destroying trial by jury under the guise of guaranteeing someone a right to vote. There is no need for any guaranty of the right to vote in my State, where all people of all races and creeds have not only a right to vote but the right to trial by jury, and I want it to remain that way as it is guaranteed, as I see it, in our Constitution.

TRIAL BY JURY AND THE ALIEN AND SEDITION LAWS

Devotion to the principle of trial by jury was so deeply imbedded in the minds of the colonists that even when the panic over the French revolution hit America and the alien and sedition laws were passed, trial by jury was guaranteed to any citizen accused of seditious activity. Aliens, however, were subject to deportation without trial if the president judged them dangerous to the country, even as in some instances they are today.

But even though the letter of jury trial was maintained, and even though Claiborne of Tennessee insisted that the jury be allowed to render a general verdict, as in Fox's libel law, in effect the spirit of jury trial was consistently violated. For example, in the trial of the Democrat James T. Callender, a critic of the Federalist administration, Supreme Court Justice Samuel Chase was patently unfair, and permitted a jury to sit in which there was not one single member who was not an ardent Federalist. There were also attempts to discredit Congressmen who criticized the Government, like Matthew Lyon of Vermont. His triumphant reelection showed the unpopularity of the law. The defeat and ultimate failure of the Federalist Party in the following elections was a further indication that Americans had come to repudiate all partisan or political abuses of the principle of trial by jury.

Mr. President, there we have an example of an attempt to abuse trial by jury during our colonial days, when the spirit of the Revolution was still hotly aflame in the minds of all Americans. But did the colonists rush up to Congress and steamroll through the House and Senate some bill to destroy trial by jury? They did not, Mr. President. They took care of the matter as I outlined previously. They left the trial by jury system intact, as it should be today and I feel should be forevermore.

TRIAL BY JURY IN WARTIME

The greatest pressures upon trial by jury in America have, with one exception, come in periods of wartime. It is clear, however, that on the whole trial by jury has come to be more respected with time, and perhaps also with the fact that the more recent wars have been far removed from the American scene.

First. During the Revolutionary War, when there was real fighting over most of the colonies, it is undeniable that many loyalists were tarred, feathered, ridden out of town on rails, deprived of property, and even life, with no semblance of jury trials. Tories were usually first regulated by local groups, then by the military power, and finally by the State legislatures and Congress. Even after the war they often had to give proofs of loyalty, and might still be arbitrarily banished or dispossessed. In general, however, although formal jury trial was ignored, the opinion of the majority prevailed, and once satisfied that the loyalists had repented and that independence was achieved, the majority was not especially cruel or bloodthirsty.

Second. During the War of 1812, the issue of trial by jury could be said to have arisen, in that the British Navy seized American sailors for use on their own ships, allowing no trial or jury verdict of any sort. Although in accordance with British nationality laws, these acts, which were responsible in no small measure for the Anglo-American war, were in effect a violation of the rights of an American citizen to trial by jury, or at least the benefit of habeas corpus, before detention. After the fall of Napoleon and the end of the war, the practice was stopped.

Third. During the War Between the States, Lincoln unhesitatingly adopted the view that military necessity overrode civil liberties and pressed Congress to pass acts permitting the suspension of

habeas corpus and permitting arbitrary arrests for suspicion of seditious activity.

But despite his insistence that in theory military courts could sit and that suspects could be detained at will, in practice these measures, largely preventive, were leniently enforced. A total of perhaps 25,000 persons were arrested, briefly detained, and then released without charges. In February 1862, a wholesale pardon of political prisoners was issued. In the celebrated case of Vallandigham, a Democrat opposing the continuation of the war who was denied habeas corpus and tried by military tribunal, the Supreme Court refused to take cognizance of the military records—in theory, a great check to civil justice—but in practice Vallandigham's punishment was only a banishment to the Confederacy. When he did return to the North, despite the sentence, to rail against Lincoln, he was not further molested. The equally well-known case, ex parte Milligan, is the only instance in which the Supreme Court actually denied the jurisdiction of the military to try a man suspected of plotting a hostile military expedition. As Judge David Davis wrote:

> Martial law cannot arise from a threatened invasion. The necessity must be actual and present; the invasion real, such as effectually closes the courts and deposes the civil administration * * * martial law can never exist where the courts are open, and in the proper and unobstructed exercise of their jurisdiction.

Milligan was released and won a suit for damages. On the whole, then, although the precedent established for martial law in wartime was dangerous, the actual administration of the emergency legislation was moderate. No one met death or even served out a full sentence of imprisonment and fine under these treason laws.

Mr. President, I think it is again necessary to point out the tremendous victory for the civil rights of Americans as herein contained. In simple language it was written into precedent that so long as the doors of the courts were open and the courts could function in this land that citizens would be guaranteed trial by jury, regardless of threats and even regardless of treason laws. Think of that, Mr. President. In time of civil war, the right of trial by jury was upheld and guaranteed. And yet some here in the United States Senate today wish to remove that right arbitrarily in a time of peace and in a time when there was never less need for such legislation, if there ever was or has been such a need. No, Mr. President, at every turn in history, the lessons stand out before us like neon signs "preserve trial by jury at all cost."

I ask Members of the Senate, "What price to preserve trial by jury could possibly be greater than the price paid to obtain it in the first instance?"

No, Mr. President, there is nothing more important than the preservation of trial by jury, not even isolated and questionable allegations of disenfranchisement of voting privileges.

4. During the First World War, there was no suspension of habeas corpus or military trials without juries. Espionage and sedition laws were passed, covering a wide field of activities and potentially limiting freedom of speech and of the press very seriously. But these cases were all tried by juries.

In fact, there was an emphasis upon leaving all settlements to popular feeling. There were no efforts of any sort to influence and mitigate the full force of indignation against offenders. As a result, the principle of trial by jury was reinforced, although the contrast between Debs' 10-year sentence for pacifism and Vallandigham's brief banishment for real sedition may indicate that popular juries are often more severe in periods of crisis than is an apparently arbitrary executive.

During the Second World War, the most conspicuous violation of the right to trial by jury was the deportation of the American citizens of Japanese origin from the west coast. A preventive measure devised in good faith by the President as a military necessity in case of Japanese invasion, the deportation was upheld as constitutional by the Supreme Court. In Ex parte Endo, however, the Court held that a Japanese-American citizen whose loyalty had been proven could not be detained. The Supreme Court did not, however, uphold the lengthy imposition of martial law in Hawaii. There has been criticism of these opinions from both sides. In the difficult cases where a line must be drawn between individual right and military necessity perhaps the last word is that of Justice Jackson:

> The chief retraint upon those who command the physical forces of the country, in the future as in the past, must be their responsibility to the political judgments of their contemporaries and to the moral judgments of history.

TRIAL BY JURY IN PEACETIME

With the exception of the reconstruction era, trial by jury has been a cherished right in the United States in peacetime. Occasionally it has been neglected or abused in moments of political, religious, economic, or racial stress, but more moderate elements have always reappeared to affirm its spirit as well as its letter.

First. The reconstruction era provides the most flagrant example in our history of a peacetime suspension of the right to trial by jury through the establishment of military government in areas where fighting had clearly ended. The excesses of the military governors, and of the carpetbaggers and scalawags who surrounded them are well known. Deliberate repudiation of all the principles upon which the Constitution was conceived, the reconstruction acts are today condemned and rightly so by all men. And, indeed, within a quarter of a century the men who were responsible for this transgression upon trial by jury and upon almost every other civil right had been repudiated by the whole Nation.

Second. Mob violence has been the main source of peacetime violations of the right to trial by jury. Examples of this may be found in all parts of the country and almost all periods of its history: Anti-Masonic riots in New York and Pennsylvania in the late 1820's; know-nothing riots in the whole Catholic belt between Boston and New Orleans in the middle of the 19th century; Mormon massacres and deportation from Missouri in the 1830's; the enforcement of the Algerine laws in Rhode Island in the 1840's; lynchings in the South and elsewhere; mobbing of abolitionists in the North; race riots in Illinois and Washington, D. C., as well as elsewhere; labor-management violence throughout the country; persecutions of blasphemers, anarchists, radical social reformers, birth control advocates, suffragettes, Asiatics; and innumerable other cases where mere unpopularity has given rise to a deprivation of the constitutional right of every citizen to trial by jury.

Mr. President, I emphasize that in all cases where trial by jury was obstructed or eliminated or bypassed, it resulted in transgressions upon the civil rights of people. How, in the name of any movement or any thing, can any United States Senator advocate the abolition of trial by jury? Mr. President, I repeat, there is no greater right than that of trial by jury. The iniquitous bill proposed by President Eisenhower now before us, which was drafted undoubtedly by the master craftsman of such legislation, Herbert Brownell, would destroy that right.

Movements such as this do not stop dead at the end of any legislative or administrative road, but like creeping ivy go on growing until the whole is enveloped and the people suddenly find themselves the slaves of their own creation. All tyrants and dictators assumed the throne of power through such beginnings. If we ever open the door, Mr. President, there will be no end, except an end to trial by jury and freedom.

Trial by jury, although originating in England as a means of extending royal knowledge and power, was adopted in America as a means of insuring local protection from a remote and tyrannical administration. Deeply rooted in the American concept of government, it has withstood the attacks of the executive in wartime and of the mob in peacetime. The right to trial by jury has occasionally been ignored, from time to time denied, but never seriously attacked as a principle, as is being done today in civil rights legislation.

In the words of Alexis de Tocqueville:

> It (the jury) imbues all classes with a respect for the thing judged and with the notion of right. If these two elements be removed, the love of independence becomes a mere destructive passion. It teaches men to practice equity; every man learns to judge his neighbor as he himself would be judged. * * * The jury teaches every man not to recoil before the responsibility of his own actions and impresses him with that manly confidence without which no political virtue can exist.
>
> It vests each citizen with a kind of magistracy; it makes them all feel the duties which they are bound to discharge toward society and the part which they take in its government. By obliging men to turn their attention to other affairs than their own, it rubs off that private selfishness which is the rust of society * * * thus the jury, which is the most energetic means of making the people rule, is also the most efficacious means of teaching it how to rule well.

I charge, without hesitation or reservation, that the civil rights bill before us

today is a misnomer, and that it is, in truth, a subterfuge attack against the rights, yes, the civil rights of every American, be he white, black, red or yellow, Christian, Jew, Mormon, Protestant, or Catholic.

The idea of dismantling the human right of trial by jury has been smelted into high-faluting, do-good-sounding language in an attempt to fool the people.

It is an insult to the intelligence of the American people, and anyone who is being taken in by such propaganda should now—before they are herded into the corral by the President, by the NAACP, by Brownell, by Sherman Adams, or anyone else—they should now take time to really study this bill. If they do, I doubt if anyone here would then vote to destroy trial by jury for any reason.

Mr. President, we have looked at the story of the trial-by-jury system as written throughout our English history.

It is very plainly evident, to my way of thinking, that it took practically 900 years for people of the English-speaking world to evolve from sadistic tyranny into a world of freedom wherein men are guaranteed a trial by a jury of their peers.

Mr. President, we have seen after 900 years of struggling for this greatest of all human rights how this great human right is once again being threatened with extinction. Gradually, men of expediency are succeeding in eliminating trial by jury.

As President Maxwell of the American Bar Association pointed out, it is being done by an erosive practice in the field of civil cases. This is but the prelude of worse to come in all fields.

As we have seen in reports from England, the right of trial by jury is being abolished by means of a complicated maze of rulings, fines, directives, and so forth, being issued and directed by bureaucrats and departmental officials. "Give us regulatory authority," they cry, "and we will rule by omission without the troublesome system of trial by jury."

Mr. President, I warn now, if we pass this proposed civil rights legislation, it will result in the crushing of free, uninhibited Americans into cringing, subservient masses of statistics. Our people will be cast down beneath a vast shadow of darkness that will certainly result in either final subjugation and an end of freedom in this country, or in open revolt by the people against the leaders whom they will accuse of having stolen their rights.

If that is civil rights, if you please, I can think of nothing more dangerous confronting the country at this time—not even the H-bomb or the Russian Army. Nothing is more dangerous to the country than the pending bill, which would dampen our spirit and tamper with our freedom by destroying our right to trial by jury.

During the delivery of the speech of Mr. JOHNSTON of South Carolina,

Mr. JOHNSON of Texas. Mr. President, will the distinguished Senator from South Carolina yield to me?

Mr. JOHNSTON of South Carolina. I yield.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from South Carolina may yield to me for the purpose of reading into the RECORD a telegram which I have received. It will require not to exceed 3 minutes.

Mr. JOHNSTON of South Carolina. I yield for that purpose, with the understanding that the Senator's remarks be placed in the RECORD following my remarks.

Mr. JOHNSON of Texas. With the understanding that my remarks shall follow the remarks of the Senator from South Carolina, and that he will not lose the floor thereby.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Texas may proceed.

Mr. JOHNSON of Texas. Mr. President, some people directly connected with labor have talked with me about their concern regarding a jury trial amendment. Mr. John L. Lewis is not one of them. He had never communicated with me directly or indirectly until 2:48 p. m. today, when the very able and very respected president of the United Mine Workers sent to me, from Washington, D. C., the following telegram:

WASHINGTON, D. C., *July 30, 1957.*

Hon. LYNDON B. JOHNSON,
*Senate Office Building,*
*Washington, D. C.:*

The United Mine Workers of America have traditionally, and do now, support appropriate legislation looking to the full enjoyment by all citizens of all civil rights inherent in citizenship including the right to vote. Accordingly, we endorse the basic principles involved in the civil-rights bill as it is now pending before the Senate. Equally important, however, and traditionally supported by us is the right of all men to be tried by a jury when charged with violation of a statutory law or court decree, including the right to jury trial in contempt cases, the present statutory provisions and procedural rules governing civil and criminal contempt actions are contradictory, vague, and indefinite. Court decisions attempting to interpret and apply these statutes and rules have added to the general confusion as to the distinction between civil and criminal contempt and the right of jury trial in either or both of such cases. Broad powers will be given by the pending bill to the Attorney General of the United States and to the Federal courts to obtain and enforce injunctions in support of the rights described in the bill. This reemphasizes the necessity of a more definitive clarification of the right of an accused to a jury trial in contempt cases generally and particularly as will be involved in part IV of the pending bill. This section, as presently written, would allow to an accused only the dubious benefit of legal counsel and, in effect, allow the Attorney General at his election to deprive an accused of a trial by jury.

We have given careful consideration to the amendment offered by Senators O'MAHONEY and KEFAUVER on Friday last, seeking to add part V to the bill so as to definitively make available to an accused the right of jury trial in all criminal contempt actions. We believe this to be a wise, prudent, and proper amendment, protective to the basic rights of all citizens wheresoever located and which, if adopted, will strengthen the pending bill. The strong and harsh power of injunction has been in the past so often abused and indiscriminately used that enlargement thereof, even for worthy purposes, must carry with it reasonable protection to all citizens who may be charged with violation and thereafter cited and tried for contempt.

We should not and need not endanger one civil right in an endeavor to guard and secure another. Government by injunction is generally to be abhorred and this would be particularly true if enforced by contempt actions without the protective right of trial by jury. Expanding power of a central government must be carefully controlled and is allowable only when contemporaneous safeguards are provided for protection of all citizens alike in all parts of the country as against the inevitable encroaching on the inherent rights of the people which historically follows under the aegis of a law once enacted.

UNITED MINE WORKERS OF AMERICA,
JOHN L. LEWIS.

Mr. JOHNSTON of South Carolina. Mr. President, I am glad to have yielded to the Senator from Texas. I will say that I have received a similar telegram. I was notified, after coming to the Chamber, that such a telegram, from Mr. Lewis, had been received in my office.

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## WHAT IS "MODERN"?

Mr. GOLDWATER. Mr. President, each day of my service in this distinguished body seems to bring to light new evidence of our continued involvement in an age-old struggle. This struggle is not exclusively political, economic, or social. It is neither Democratic nor Republican. It cannot be described in terms of any single piece of legislation.

We seek in this body, as thinking men since the beginning of time have sought, the answer to a question which, while he certainly was not the first to propound it, was perhaps most significantly asked by Pontius Pilate.

"What is truth?" he asked. And from that day to this, though many have speculated upon the depth of this query, and though some, from time to time, have come forward with their versions of a proper reply, it is apparent that not all people understand the full meaning of the events of human life.

Indeed, were it otherwise, our presence here would not be required. If man knew the truth, if there were some infallible guide to the solution of life's dilemmas, such deliberations as Congress is now pursuing would be superfluous and unnecessary.

What is truth? The search for it is man's noblest aspiration. Yet, throughout every age, this quest has been defiled by the tendency of all men, as was the case with Pontius Pilate, to ask the question, but not to wait for the answer.

Perhaps this is so because of the intense jealousies with which we regard our present convictions. It might be because, at heart, we are all monumental egotists and possibly unworthy of the obligations of public service which require us, in the public good, to seek the truth and, even though we do not find it, to derive greater comfort and better service from an admission of failure than to deceive the public by hiding failure and planting, instead, a superficial, a varnished, an inadequate truth.

Too often today, as has happened before in recorded history, those of us who seek the best solution to the problems with which we are confronted—who seek, in short, the truth—are inclined to

grow weary in our search and to tear off a fragment, a half-truth, and propose it as the whole.

Under our system of Government, Mr. President, it is perfectly proper, and logically to be expected, that men will differ in their ideologies and in their approaches to the truth. We have no quarrel with that difference. We encourage it, because out of the collective viewpoints of our citizens, both in public and in private life, has been created the living example of freedom which is the cherished ideal of these United States.

Despite the general devotion of all of us to this premise of liberty, however, its existence in this country is threatened by those who, while exercising their right to freedom of thought and expression, nevertheless have become confused in their references to the major philosophical approaches involved in charting a course for the future of our Republic.

What we have in America today, as has been the case throughout all history, is not a struggle between opposing political organizations. Rather, it is a philosophical war engaged in by two factions of idealists, both of which vigorously defend our system of two-party political government. In a sense, too, this is a battle of semantics because, though we classify these two factions as liberals and conservatives, these terms are only a popular, and not an historical, description of the philosophies involved.

Last year, in a discussion on this very subject, and while speaking of the persistent efforts on the part of some groups and individuals to bring about the socialization of our country, I said:

> The full depth and significance of this danger is reflected in the confusion of terminology by which it is currently described.

Then I added:

> A liberal, by proper definition, is one who believes in liberty, who craves the freedom to live his own life, to follow his own pursuits, to exercise his own will, and to retain the products of his own labors. He believes in limited government and in the maximum rights of individuals so long as they do not infringe upon the equivalent freedoms of others.
>
> The self-styled liberals of today, however, do not measure up to these standards. Quite to the contrary, they condemn such concepts as being only the rantings of reaction, and urge the dependence of individuals upon the restraints and regulations of a powerful, central government. They are liberal with the materialisms of life as these may be administered and doled out by the state, but they deny to man his rightful spiritual, ideological, and moral independence.

It is well for us to remember, too, in this connection, that, while the distinctions between conservative and liberal have never been clear in this country, the conservatives have long been sharply criticized for their devotion to the status quo. Yet, it is the modern liberals who are so peculiarly fanatic in their devotion to security, stability, and the guaranteed welfare.

In the 4½ years during which it has been my privilege to serve as a Member of this distinguished body, I have witnessed with amazement—and often with utter despair—the shifting of attitudes and philosophies on the part of some of my colleagues who have been entrusted with the obligation of preserving the integrity of the United States Senate and of that structure of government which has been responsible for our presence here.

I have watched these colleagues cast their votes repeatedly for measures whose overriding effect will be to demoralize our constitutional system and our stature as representatives of a free and sovereign people.

Even the language, habits, and manners of the Senate seem to be spiraling downward from a plane of traditional dignity to almost flippant and frivolous regard for the responsibilities which both law and the people require that we fulfill.

Even more disillusioning, though, is the fact that this tragic transition has come to be regarded generally with the same casualness which characterizes the whole temper of our behavior in the halls of Government today. Any serious discussion of this trend, any effort to recall both our private and our public obligations, any earnest reminder of those precepts by which the genius of America was fashioned, is ridiculed and met with the almost facetious rebuttal that we cannot go back—that would be reactionary—we cannot think of the lessons of history—this is 1957.

To me, the immature innuendoes in this reply are shocking. In fact, it is no reply at all. It is, however, ample evidence of the strong current in America today which not only advocates change as a constant law of life, but also insists that change, even as only the instrument of its own survival, is an imperative requirement for progress.

Mr. President, if the Members of this body are so earnestly searching for the truth, as their words would imply—though their votes may not—I suggest that it is time someone pointed out that the fierce winds of Federal paternalism have blown some of us off course. I suggest, too, that our service to the cause of good government is severely weakened by attempting to apologize for or explain away our breaches of faith with the principles of liberty by constant allusions to the modernity of our beliefs.

Quite frankly, as one who is proud to call himself a conservative by today's definition—though as one who also feels intensely liberal in terms of historic analyses—I am growing tired of hearing these self-styled, "pseudo liberals" in our midst refer to those on the other side of the philosophic fence as being "reactionary" and "antiquated" in our thinking.

May I remind my colleagues that this system of constitutional Government which is today so zealously defended by conservatives and so roundly assaulted by the "modern liberals," was born in revolution, was a product of the most extreme form of radicalism in the history of the world. Because we who are conservative regard this heritage with some respect, however, and because we desire to build our future on that foundation of freedom which has given us the fairest, most workable, most revered system of Government on earth, today's "liberals" chastise us for not being "in tune with the times."

Just what does it mean to be "modern," anyway?

Is it modern to reject freedom and individual liberty in favor of a system of slavish socialism, or any other tyrannical product of the dark past which history has proven unworkable and unworthy of man's highest aspirations?

Is it "modern" to reject our Constitution and all that it has meant to this Country in order merely to implement some change in the status quo?

When this most recent strategy of the pseudo-liberals became popular, I was inclined to suspect that it might have some relation to the boundless idealism of youth which, however commendable, sometimes falls short of logic through lack of experience and complete understanding. It is natural, too, I think, to associate anything that is modern with that which is young and that which is new.

This question has been prompted and suggested by a recent letter from Mr. Seymour Harris, an economist of Harvard University, to the Washington Post in which he criticizes Secretary Humphrey for not understanding modern economics. Mr. Harris did not say what modern economics are or, what it was about the subject that Mr. Humphrey did not understand. But I assume the good professor was referring to the concept of many of our economists today that 2 and 2 should be 5 or, if need be, that 2 and 2 could be 3. The concept Mr. Humphrey holds, that 2 and 2 is 4, is unacceptable to these so-called modern economists. It was that letter which set off this whole train of thinking, resulting in this presentation before this body today.

It is a good point to stand on when asking, "What is modern?"

To these so-called modern economists, is our agricultural plan, which affects the concept of our farmer so vitally, a modern concept? It was practiced, in part, by the Pharaohs of Egypt and ruined that government. It was practiced by the Roman Empire and had a great deal to do with the fall of that great government.

Possibly Mr. Harris includes himself in that group constituted by Leon Keyserling, Walter Reuther, and the Americans for Democratic Action, who believe so firmly that modern economics means control of our economy by the Federal Government—in short, socialism.

At the outset of this discussion of what is modern, I want to make it perfectly clear that this is not a reflection on the modern political element of my party, because I have discussed that thoroughly in times past, and within the past several months I prophesied an early passing of the term and I am happy to note today that it has disappeared from the language of the Republican Party.

My interest is solely in the most obvious fact that many of our liberals today are inclined totally to ignore the lessons of history and forget that that which they term "modern" is not always modern but, in most instances, has been tried in the dim or recent past with failure marking the attempts.

Mr. President, it is time we analyzed the term "modern" to determine not only what it means in a literal sense, but also how it may be defined in terms of its current usage by those who, for reasons of their own, have grown tired of the progress this Government has made by adherence to the concepts of its origin.

Webster's New International Dictionary, second edition, unabridged, tells us that "modern," used as an adjective, means "of, pertaining to, or characteristic of, the present time, or time not long past; of recent period; hence new-fashioned." In its noun form, "modern" refers to "a person whose views and tastes are modern."

"Modernism," according to Webster, refers to "a thing of recent date."

That is the dictionary, or literal, definition of these terms. Let us look a little further, however, to see how these definitions compare with the practical application. As is the case with our terms of "liberal" and "conservative," it would appear that "modern" does not mean what the moderns intend it to mean.

In his book The Decline and Fall of the Roman Empire, Edward Gibbon cites five primary causes for the deterioration of that historic government. First, was the rapid increase of divorce and the undermining of the sanctity of the home.

Second, the spiraling rise of higher and higher taxes and extravagant spending.

Third, the mounting craze for pleasure and the brutalization of sports.

Fourth, the building of gigantic armaments and the failure to realize that the real enemy lay within the gates of the empire in the moral decay of its people.

Finally, the decay of religion and the fading of faith into a mere form, leaving the people without any guide.

Remember, I am discussing the fall of the Roman Empire. Yet, how pertinent are these same weaknesses to the present American scene.

Our interest here, of course, lies principally with the second and fourth points in Gibbon's analysis, but it is obvious that when the structure of government wobbles, the resultant weakness leaves its imprint upon every single individual within the Nation. Corruption, moral decay, and indifference to basic economic laws and political principles at the highest level ultimately and inevitably lead to a general demoralization of the people at every level. Government is a reflection of the people; if it is good and if it is true to the principles upon which it is founded, it follows that the citizens, too, are living in accordance with their highest ideals and aspirations.

Throughout history, however, human nature being what it is, men have tired of the tried and true, the proven forms of life. We feel that the other fellow's grass always looks greener, his burdens lighter, his successes greater. Still, we should remember, when the other fellow looks at us, he feels the same longings.

Consequently, it seems to me that, while an insatiable curiosity and desire for improvement should be encouraged among men, it should never be advocated to the extent that they will deliberately abandon the worthwhile patterns of their existence simply for the sake of change.

What is truth? That, Mr. President, is the fundamental question which underlies every deliberation of this body and of the American people, who are called upon to choose between opposing philosophies of politics and government. I suggest, however, that we do not necessarily find the truth in the "other fellow's yard," that we do not necessarily find the truth by copying the past. At the same time, though, it is well, in planning for the future, in seeking the truth, to study the past; for we have been well admonished that "What is past is prologue."

Study the past—that is what we are doing in this discussion. What does it mean to be "modern?" To answer that question we must study the past.

Since 1933, this country has been following a course which, if it continues unabated, will lead us into a socialistic existence. In many ways, we are already socialized, for even those of us of the most conservative bent have been compelled to admit on more than one occasion that there are laws and doctrines emanating from the era of the New Deal and the Fair Deal which cannot be repealed or repudiated.

I remind my colleagues that this great Nation was founded by men and women who fled from the same bureaucratic centralized government we have been creating in this country since 1932, and I suggest that these efforts are not modern; they are ancient. They are false, and they can only lead to chaos.

The President is to be commended for his efforts to slow down this trend toward centralized government, and if the people of this Nation and the governors of the States and the Members of Congress and the members of the executive branch will but pause and reflect on the admonitions of the President, they cannot fail to recognize the dangers in continuing down the path on which our feet have been placed by the actions of the New Deal and Fair Deal.

A typical strategy of the socialist effort, in which the pseudoliberals of today so enthusiastically join, is to revise the attitudes of our people, to make them forget those virtues of independence, initiative, and individual incentive by which our forefathers built this Nation.

After nearly 25 years of indoctrination with the ideas of the welfare state, Americans simply no longer understand how to meet the challenges of life on their own home ground. It is not that they do not want to. In fact, I have always believed the citizens of this Nation were fundamentally conservative and actually repulsed by any form of governmental regulation and restraint. Yet, this constant looking to Washington for the fulfillment of life's needs has resulted in the creation of an attitude of static indifference and automatic dependence upon the paternalisms of a large central government.

Not a single day passes without the advancement of some new proposal which would further involve the Federal Government in the lives of our citizens. We talk about individual liberty and free enterprise and States rights, but while the reports and recommendations of the various committees studying these problems are being written, laws are being enacted by Congress to take away even more of the rights and privileges of the States and the people.

Still, we are told by some that the United States has grown too large and, simultaneously, the world too small, to rely further on the historic doctrines of liberty. We are told, in effect, that it is modern to be in favor of limitations of freedom.

A statement by Roscoe Flemming in the Oil, Chemical, and Atomic Union News of June 3, 1957, provides a classic example of this pseudoliberal position, Mr. Flemming states:

> The Neanderthals are determined to repeal the 20th century and drive us all back into the cave of the 19th. This includes wrecking the ability of labor unions to protect the interests of their members through such devices as right to wreck implemented at the national level.

Mind you, Mr. President, the basis of right-to-work laws is to protect the liberty of the individual citizen by providing that he may obtain and retain employment regardless of membership in a labor union, that he cannot be compelled to join any organization unvoluntarily merely to get a job. Yet, those of us who support this thesis of liberty are called Neanderthals and reactionaries by the self-styled moderns whose only alternative to liberty is to regress to the ancient concepts of class distinction, slavery, and the supression of human rights.

Mr. President, if that is modernism, I want no part of it.

In this particular connection, it should be remembered that the so-called sovereign rights of labor unions in America today are stronger than those abuses of power from which our forefathers fled to found this Nation.

In a recent speech before the Press Club in Washington, Walter Reuther, president of the United Auto Workers, stated, in effect, that Dave Beck would never have gotten himself into his recently disclosed difficulties had he not lowered himself to the practices of the marketplace.

I should like to ask at this point, just what is wrong with the practices of the marketplace? Under the free-enterprise system, the greatest virtue of the marketplace is that, on the whole, the prizes go to those who earn them, not to those who use their influence or power to exact them.

Little wonder, though, that Mr. Reuther speaks with such contempt of the marketplace, because his constant utterances against free enterprise and individual liberty indicate his acceptance of a socialistic system wherein the rights of human beings are submerged in that glorified hodgepodge of common subservience that is the dream of every tyrant.

What is modern? Is it modern to destroy a system of Government built during the past 200 years on the premise of man's God-given right to be free, and

to supplant it with a system which history has repudiated time and time again during the thousands of years which went before?

One of this century's better known and highly regarded liberals, Roscoe Pound, has recently come forth with a small book entitled "Legal Immunities of Labor Unions." In this document, Dean Pound recognizes the injustices which lead to the enactment of legislation providing immunities for the workingman and his unions. As Raymond Moley has pointed out in commenting on this work:

> The reaction against those injustices to workers grew with the wider acceptance of social responsibility by the State and, what is more important, with the growing political and economic power of organized labor. But as is the case in most reactions, this has gone to excessive lengths.

Dean Pound expressed this conclusion as—

> The substantially general privileges and immunities of labor unions and their members and officials to commit wrongs to persons and property, to interfere with the use of highways, to break contracts, to deprive individuals of the means of earning a livelihood, to control the activities of individual workers and the local organizations by national organizations centrally and arbitrarily administered beyond the reach of State laws, to misuse trust funds—things which no one else can do with impunity.

It is strange, however, that those who oppose a restriction of this unbridled power are the same people who call themselves liberal, who call themselves modern. Mr. President, power-seeking is not the ultimate aim of conservatives, and it is the antithesis of our truly modern concept of human liberty as it has been practiced here in the United States for the past 175 years.

It is time for us to begin earnestly seeking the truth once more. We have deceived ourselves long enough. Probably we here will not find the truth. Probably we will fail in our full objective of guiding the affairs of this Nation in the manner to which we aspire.

There will be those who will come after us, however, who will have our example upon which to base their own efforts toward this same objective. We should bequeath to them a record of diligent application to essential conviction, unfettered by unrealistic lapses into schemes designed only to placate and fool the people.

It is better, as I have already suggested, to fail in our quest for the truth than to conjure up half-truths for the sake of lulling this Nation into a state of peaceful calm and ideological vulnerability. I do not believe, though, that our failure in this or any effort can be too great or too lasting as long as we are guided by those constitutional principles which gave birth to this Republic.

Just prior to the Constitutional Convention at Philadelphia, at a time when the quest for this document of human liberty seemed doomed to failure, George Washington cautioned wisely in words that are particularly pertinent today. He said:

> It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterward defend our work. Let us raise a standard to which the wise and the honest can repair. The event is in the hand of God.

It is my contention here today that the modernists of 1957 are guilty of a socialistic conspiracy in their efforts to take America back to the doctrines of the welfare state with its attendant absence of human liberty. Their proposals are not modern. The welfare state is an old, old idea. France's Henry the Fourth, in the 16th century, promised a chicken in every pot. Colbert, in the 17th century, the Prussia's enlightened Frederick the Great in the 18th, those two forerunners of modern dictators, gloried in calling themselves the first servants of the Nation. Their police state used the welfare state as its instrument, facade, and justification, just as do dictatorships of today.

Or perhaps our modern theorizers would prefer to claim Plato as their mentor. To accept his philosophy is to accept all utopian schemes, for he sought to abolish private property and to communize wives and children. He believed in a ruling elite. Plato identified individualism with egoism and condemned it, defending collectivism by an appeal to the humanitarian feeling of unselfishness. To him, individualism was an obstacle in the way of the humanitarian creed which he expounded and, of course, it was the emancipation of the individual which lead to the breakdown of tribalism and to the rise of democracy.

It is important for the substantiation of modern Socialist thought that great emphasis be placed upon the thesis that man is conditioned by environment—not by heredity. Heredity, to the Socialist, is either considered a metaphysical concept or it is simply held to be negligible in the scheme of things.

"Social engineering," every good scientist will admit, "does not exist in a vacuum." Something has to be engineered, manipulated. And that something is the collective group of individual human beings.

Would my modern friends suggest that this is a proper starting point for their revision of the American system?

As a person who has always accepted the new things produced by our constitutional, free form of life in the spiritual fields, and by our free-enterprise system in a material way, I do not care to become associated with the meanderings and false meanings of the word "modern" as it is used today.

I think of myself as a modern in the true meaning as outlined in our dictionaries. My brother and I have just built a new store. I am building a new home. I fly an airplane. I like new things and new gadgets. I like to see American industry expand on new ideas. I like to see American technology grow as it develops new ways to better our lives.

To me, these things are modern. But when we begin to talk about modern economics, modern sociology, and modern politics in the way that my pseudo-liberal friends do, then that meaning splits off from the true and accepted meaning of "modern."

The idea that Mr. George Humphrey does not understand modern economics indicates to me that Mr. Harris either insists on making 2 and 2 equal 5 or 3, or that he has joined that group of people, in this country, who want to rehash and relive the disastrous economic mistakes of history which have ruined country after country, and destroyed the freedoms of millions of citizens long gone.

The two great modern things we have in the world today, in the true meaning of the word, are, first, our free, constitutional Republic, which recognizes that the freedom of man stems from God.

The second is the great accomplishments of our free-enterprise system, operating since 1953, hampered less by Government interference and regulation by edict and by law. These are truly modern—they should remain so in the manner in which we have always known them.

Why should the so-called liberal of today be so eager to change these great modern accomplishments, both of which stand as the only bulwark against the encroachment of the opposing philosophy, which is ultimate communism?

It is a true liberal's goal in life to try to enlarge the freedoms of man, not to destroy them. And when the so-called liberals of today begin to recognize that their liberalism is not the liberalism of Thomas Jefferson or of those men who followed in his footsteps in the liberal path, but that their modern liberalism is actually a tool which, if pressed hard enough, can cut into the freedom of our lives and, if pushed far enough, can destroy them, then I believe we will develop true liberals in this country. And the Nation can benefit by their constant efforts to increase freedom within the bounds of our modern concept of Government and enterprise.

Mr. JOHNSON of Texas. Mr. President, I wish to give every Senator who may desire it an opportunity to address the Senate. I shall suggest the absence of a quorum. If no Senators appear, I will ask unanimous consent at the proper time that the order for the quorum call be rescinded. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCOTT in the chair). Without objection, it is so ordered.

## RECESS

Mr. JOHNSON of Texas. Mr. President, if no other Senator desires to address the Senate, then, pursuant to the order previously entered, I move that the Senate take a recess.

The motion was agreed to; and (at 6 o'clock and 4 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Wednesday, July 31, 1957, at 12 o'clock meridian.

# HOUSE OF REPRESENTATIVES

TUESDAY, JULY 30, 1957

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore [Mr. McCORMACK].

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair lays before the House the following communication:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
UNITED STATES,
*Washington, D. C., July 30, 1957.*

I hereby designate the Honorable JOHN W. McCORMACK to act as Speaker pro tempore today.

SAM RAYBURN,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Almighty God, in whom we live and move and have our being, Thou art the same yesterday and forever and unchanging in Thy love and goodness.

We rejoice in the revelation which Thou hast made of Thyself as the light of the minds that seek Thee and the life of the hearts that serve Thee.

Grant that our beloved country may be great and rich not only in the possessions and power of material resources but in those lofty principles of righteousness and justice and obedience to the laws which Thou hast ordained.

May we be wise and diligent in safeguarding the moral and spiritual values and help us to feel that the noblest contribution which we can make to the life and welfare of mankind is to give ourselves faithfully and sincerely to the task of establishing on earth the kingdom of peace and brotherhood.

Hear us in the name of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

## AUTHORITY BY HOUSE OF REPRESENTATIVES TO APPROVE PRESIDENTIAL APPOINTMENTS TO THE SUPREME COURT AND OTHER COURTS

Mr. GRANT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GRANT. Mr. Speaker, I have today introduced legislation proposing that the House of Representatives be given equal authority with the Senate in approving nominations of Presidential appointments to the Supreme Court and such inferior courts as Congress may, from time to time, ordain and establish.

At the present time the Senate has the sole responsibility of passing upon Presidential appointments not only to all Federal courts, but to members of the Cabinet, heads of various departments and agencies, postmasters, and many other Presidential appointments.

As we all know, the Federal Government is divided into three branches; namely, legislative, administrative, and judicial, each as a check upon the other.

At no time in our history has there been as much discussion of the Supreme Court as there is today. It is certainly not my purpose to go into the merits or demerits of what might have been said concerning the Court, but what I do want to call to the attention of the House is that this is one responsibility that should be assumed by Congress as a whole; that is, both bodies of Congress.

Since the nomination of members of the Court is established by the Constitution, it will be necessary to adopt an amendment which briefly provides that the President shall nominate and by and with the advice and consent of the House of Representatives shall appoint judges of the Supreme Court and such inferior courts as Congress may, from time to time, ordain and establish. This article will not apply to any person now holding office.

## IMPORTATIONS OF OIL

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. REES of Kansas. Mr. Speaker, the action of the President asking that importers of foreign oil curb and cut down imports of foreign oil from the Caribbean and Middle East area is most encouraging. For a long period of time independent and domestic oil producers have become discouraged because of the tremendous increase in foreign imports of oil in this country. This increase of imports, together with limitations placed on production have made the situation most difficult for independent producers in this country.

Independent oil producers have requested the administration to impose mandatory curbs on imports under the Trade Agreements Authority Act. We commend the President upon his action in dealing with this problem. We trust it will result in giving our independent producers a little more fair play in supplying the domestic requirements of oil and oil products. The domestic producers, I am sure, are appreciative of the action taken by the President in dealing with one of the most important industries in this country.

## PRIVATE CALENDAR

The SPEAKER. This is Private Calendar Day. The Clerk will call the first individual bill on the Private Calendar.

## PETER V. BOSCH

The Clerk called the bill (S. 189) for the relief of Peter V. Bosch.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Peter V. Bosch, of Rugby, N. Dak., the sum of $175, representing the value of his Holstein cow which died shortly after and as a result of injuries sustained by her while undergoing an examination for disease conducted by representatives of the Disease Eradication Branch of the Agricultural Research Service of the Department of Agriculture on May 6, 1955: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## MARIA PARISI

The Clerk called the bill (S. 239) for the relief of Maria Parisi.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That for the purpose of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Maria Parisi shall be held and considered to be the minor alien child of Antonio Parisi, a citizen of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## CHRISOULA ANTONIOS CHEGARAS

The Clerk called the bill (S. 904) for the relief of Chrisoula Antonios Chegaras..

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Chrisoula Antonios Chegaras shall be held and considered to be the natural-born minor alien child of Antonios Chegaras, a citizen of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## WAIVING PROVISIONS OF SECTION 212 (A) OF THE IMMIGRATION AND NATIONALITY ACT

The Clerk called the House joint resolution (H. J. Res. 393) to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain persons.

There being no objection, the Clerk read the resolution, as follows:

*Resolved, etc.*, That, notwithstanding the provisions of section 212 (a) (9) and (12) of the Immigration and Nationality Act, Chiyoko Yoshima Shumard may be issued a visa

and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act.

SEC. 2. Notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Edgardo Villanueva Del Rosario, and Paul Sevigny may be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that act.

SEC. 3. In the administration of the Immigration and Nationality Act, Waltraud Wiche, the fiance of Sfc. Thomas M. Davis, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided*, That the administrative authorities find that the said Waltraud Wiche is coming to the United States with a bona fide intention of being married to the said Sfc. Thomas M. Davis and that she is found to be admissible under all of the provisions of the Immigration and Nationality Act, other than as set forth in section 212 (a) (9) of that act. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Waltraud Wiche, she shall be required to depart from the United States, and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Waltraud Wiche, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Waltraud Wiche, as of the date of the payment by her of the required visa fee.

SEC. 4. The exemptions provided for in this act shall apply only to grounds for exclusion of which the Departments of State and Justice had knowledge prior to the enactments of this act.

With the following committee amendments:

On page 1, line 10, after the name "Villanueva Del Rosario" insert the following: ", Kathleen A. Higginbotham, Lieselotte Elisabeth Parsick."

On page 2, line 6, before the first word "shall" insert the following: "and her minor child, Thomas Milton Wiche."

On page 2, line 6, strike out the words "a visa" and substitute "visas."

On page 2, line 7, strike out the word "visitor" and substitute "visitors."

On page 2, line 11, strike out the words "she is" and substitute "they are."

On page 2, line 13, strike out "other than as set forth in" and substitute in lieu thereof the words "except that."

On page 2, line 14, after the word "act" strike out the period and insert the following: "shall be inapplicable in the case of the said Waltraud Wiche."

On page 2, line 16, after the name "Waltraud Wiche" strike out ", she" and substitute in lieu thereof "and her minor child, Thomas Milton Wiche, they."

On page 2, line 22, after the name "Waltraud Wiche" strike out the comma and insert the following "and her minor child, Thomas Milton Wiche."

On page 3, line 1, after the name "Waltraud Wiche" insert "and her minor child, Thomas Milton Wiche."

On page 3, line 2, strike out the word "her" and substitute "them."

On page 3, line 2, strike out the word "fee." and substitute "fees."

The committee amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## DEAN E. FOSMOE

The Clerk called the bill (H. R. 1663) for the relief of Dean E. Fosmoe.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, notwithstanding the provisions of section 621 of the National Service Life Insurance Act of 1940, as amended (54 Stat. 1008, as amended), relating to the period within which applications may be made for insurance by individuals after separation from the service, Dean E. Fosmoe, of 893 Fisher Road, Grosse Pointe, Mich. (insurance number RS17647405) is hereby authorized to make application to the Veterans' Administration for insurance under the National Service Life Insurance Act of 1940, as amended: *Provided*, That the application must be made within 120 days of the enactment of this act. The Administrator of Veterans' Affairs shall consider such application as if it were made within the 120 days following Dean E. Fosmoe's separation from the service.

With the following committee amendment.

Page 2, line 2, strike out "consider such application as if it were made within the 120 days following Dean E. Fosmoe's separation from the service," and insert in lieu thereof "require 2 monthly premiums and submission of evidence satisfactory of the Administrator of Veterans' Affairs showing the said Dean E. Fosmoe to be in good health."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## QUITCLAIMING OF TITLE TO BARCELONA LIGHTHOUSE SITE, PORTLAND, N. Y.

The Clerk called the bill (H. R. 1678) to provide for the quitclaiming of the title of the United States to the real property known as the Barcelona Lighthouse Site, Portland, N. Y.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury shall convey to G. Patterson Crandall and Nellie B. Crandall, Westfield, N. Y., by quitclaim deed, all right, title, and interest of the United States in and to all of the real property known as the Barcelona Lighthouse site at Portland, Chautauqua County, N. Y., the exact legal description of which shall be determined by the Secretary.

With the following committee amendments:

On line 3 of the bill, strike out the words "Secretary of the Treasury" and insert the words "Administrator, General Services Administration."

On line 9 of the bill, strike out the word "Secretary," and insert the word "Administrator."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## CONVEYING CERTAIN LANDS OF THE UNITED STATES TO THE HERMANN HOSPITAL ESTATE, HOUSTON, TEX.

The Clerk called the bill (H. R. 2741) to authorize and direct the Administrator of Veterans' Affairs to convey certain lands of the United States to the Hermann Hospital Estate, Houston, Tex.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, notwithstanding any other provision of law, the Administrator of Veterans' Affairs is authorized and directed to convey to the Hermann Hospital Estate, a charitable trust, of Houston, Tex., all right, title, and interest of the United States in and to approximately 169.809 acres of land, more particularly described in section 2, acquired by the United States from such estate on December 17, 1946, and no longer needed by the United States, except that such conveyance shall be made only upon payment by such estate to the United States of an amount equal to the original cost to the United States of acquiring the above 169.809 acres of land (costing approximately $581,356.04) plus interest at the rate of 3 percent per annum computed from December 17, 1946, to the date of payment of such amount by such estate.

SEC. 2. The property referred to in the first section of this act consists of a tract of land situated in the county of Harris, State of Texas, being part of the D. W. C. Harris survey (A-325) and the P. W. Rose survey (A-645) and being more particularly described as follows:

Beginning at the intersection of the southerly right-of-way line of United States Highway Numbered 59 (Old Spanish Trail) with the easterly right-of-way line of Knight Road (sometimes called Old Main Street Road), said intersection being marked by a Texas Highway Department concrete monument, the northwest corner of the tract herein described; thence with the southerly right-of-way line of said United States Highway Numbered 59 north 74 degrees 36 minutes 30 seconds east 2,842.03 feet to the point of curve; thence with the southerly right-of-way line of said United States Highway Numbered 59 along the arc of a curve to the right having a radius of 11,410.0 feet and subtending a central angle of 1 degree 48 minutes 18 seconds 359.4 feet to a point for the northerly northeast corner of this tract, from which the intersection of the southerly right-of-way line of United States Highway Numbered 59 with the westerly right-of-way line of Almeda Road bears north 77 degrees 38 minutes 20 seconds east 1,204.36 feet; thence along the arc of a curve to the left having a radius of 1,200.0 feet and a central angle of 61 degrees 07 minutes, 1,280.02 feet to a point on the westerly right-of-way line of Almeda Road for the southerly northeast corner of this tract, from which the intersection of the southerly right-of-way line of United States Highway Numbered 59 with the westerly right-of-way line of Almeda Road bears north 16 degrees 38 minutes 30 seconds east 1,200.0 feet; thence with the westerly right-of-way line of Almeda Road south 16 degrees 38 minutes 30 seconds west 2,563.2 feet to a point for the southeast corner of this tract; thence north 73 degrees 21 minutes 30 seconds west 3,120.34 feet to a point on the easterly right-of-way line of a roadway for the southwest corner of this tract; thence with the easterly right-of-way line of said roadway and the Knight Road north 3 degrees 48 minutes 30 seconds west 867.95 feet and north 10 degrees 36 minutes 50 seconds west 756.80 feet to the place of beginning, containing 199.959 acres of land, less the following described tracts of land:

Beginning at the intersection of the southerly right-of-way line of United States Highway 59 (Old Spanish Trail) with the easterly right-of-way line of Knight Road (sometimes called Old Main Street Road or Main Street Cutoff), said intersection being marked by a Texas Highway Department concrete monument as the northwest corner of the parcel of land herein described; thence with the southerly right-of-way line of said United States Highway 59 north 74 degrees 57 minutes east, 477 feet to a point; thence south 15 degrees 03 minutes east, 600 feet to a point; thence south 74 degrees 57 minutes west, 523.55 feet to a point in the easterly right-of-way line of Knight Road; thence north 10 degrees 36 minutes 50 seconds west, 601.8 feet to the point of beginning, containing a total of 6.89 acres of land, more or less.

Beginning at a point located on the southerly right-of-way line of United States Highway 59, said point being 477 feet in an easterly direction from a Texas Highway Department concrete monument which marks the intersection of the southerly right-of-way line of United States Highway 59 with the easterly right-of-way line of Knight Road (sometimes called Old Main Street Road or Main Street Cutoff); thence north 74 degrees 57 minutes east, 363 feet to a point; thence south 15 degrees 03 minutes east, 600 feet to a point; thence south 74 degrees 57 minutes west, 363 feet to a point; thence north 15 degrees 03 minutes west to the point of beginning, containing a total of 5 acres of land, more or less.

Commencing at a concrete monument set by the Texas State Highway Department at the intersection of the southerly line of the right-of-way for United States Highway Numbered 59 (Old Spanish Trail) with the easterly line of the right-of-way for Old Main Street Road (Main Street Cutoff) thence along said southerly line of the right-of-way for United States Highway Numbered 59, north 74 degrees 57 minutes east, 840 feet to the point of beginning; thence continuing along said southerly right-of-way line north 74 degrees 57 minutes east, 600 feet to a point; thence south 15 degrees 03 minutes east, 600 feet to a point; thence south 74 degrees 57 minutes west, 600 feet to a point; thence north 15 degrees 03 minutes west, 600 feet to the point of beginning, containing 8.26 acres, more or less.

From a highway department monument approximately 50 feet southeast of the intersection of Knight Road and United States Highway Numbered 59 (Old Spanish Trail) in the city of Houston, State of Texas, north 74 degrees 34 minutes 30 seconds east a distance of 1,440 feet to the point of beginning north 74 degrees 34 minutes 30 seconds east a distance of 720 feet to a point; thence south 15 degrees 25 minutes 30 seconds east, a distance of 603.92 feet to a point; thence north 74 degrees 34 minutes 30 seconds east a distance of 723.96 feet to a point; thence north 15 degrees 03 minutes west a distance of 603.93 feet to the point of beginning consisting of approximately 10 acres more or less.

With the following committee amendment:

On page 2, line 7, immediately after the period insert the following: "If all or any part of such land is hereafter sold by such estate at a profit (after taxes), all of such profit must be devoted to charitable purposes."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## CONVEYING CERTAIN PUBLIC LANDS IN THE STATE OF CALIFORNIA TO THE PINE TREE LUMBER CO., ESCONDIDO, CALIF.

The Clerk called the bill (H. R. 3473) to authorize and direct the Secretary of the Interior to convey certain public lands in the State of California to the Pine Tree Lumber Co., Escondido, Calif.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed to convey by patent to the Pine Tree Lumber Co., Escondido, Calif., lots 15, 16, 17, 18, 21, 22 and the southeast one-fourth of the southwest one-fourth, section 31, township 16 south, range 10 east, San Bernardino meridian, California, and lots 2, 3, 4, and 5, section 6, township 16½ south, range 10 east, San Bernardino meridan, California, containing 300.96 acres, upon the payment by the Pine Tree Lumber Co., into the Treasury of the United States, not more than 1 year after the Secretary has notified the Pine Tree Lumber Co., of the purchase price, of an amount equal to the fair market value of such lands as determined by the Secretary by appraisal.

Section 2. The conveyance authorized by this act shall be subject to any valid rights to the lands described in the first section of this act initiated under the public land laws and existing at the date of such conveyance.

With the following committee amendment:

Strike out all after the enacting clause and insert the following new language: "That the Secretary of the Interior is hereby authorized and directed to sell at public auction at not less than the fair market value to be determined by the Secretary of the Interior, lots 15, 16, 17, 18, 21, 22 and the southeast one-fourth of the southwest one-fourth, section 31, township 16 south, range 10 east, San Bernardino meridian, California, containing 171.77 acres.

"SEC. 2. The conveyance authorized by this act shall be subject to any valid rights to the land described in the first section of this act initiated under the public land laws and existing at the date of such conveyance."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize and direct the Secretary of the Interior to sell certain public lands in the State of California."

A motion to reconsider was laid on the table.

## MALONE HSIA

The Clerk called the bill (H. R. 4344) for the relief of Malone Hsia.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Malone Hsia, shall be held and considered to be the natural-born alien child of Velma and Charles A. Twiner, citizens of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## DON Q. GEE

The Clerk called the bill (S. 1268) for the relief of Don Q. Gee.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Don Q. Gee shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## JOHN J. FEDOR

The Clerk called the bill (H. R. 1349) for the relief of John J. Fedor.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Postmaster General of the United States be, and he is hereby, authorized and directed to pay John J. Fedor, of Clifton, N. J., in full settlement of all claims against the United States, an amount he was entitled to for 22⅞ days of annual leave as a rural carrier at Clifton, N. J., during July 1955.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GEORGE D. LAMONT

The Clerk called the bill (H. R. 1636) for the relief of George D. LaMont.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That George D. LaMont, an officer in the Foreign Service of the United States, is hereby relieved of all liability to refund to the United States all, or any part of the sum of $1,554.49, the cost of shipping a small airplane to Leopoldville, Belgian Congo, which shipping cost has been disallowed by the Comptroller General of the United States. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this act.

With the following committee amendment:

Page 1, line 3, strike out all after the enacting clause, and insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,554.49 to George D. LaMont, in full settlement of all claims against the United States. Such sum represents cost of shipping a small airplane to Leopoldville, Belgian Congo, which was disallowed by the Comptroller General of the United States: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## WILLIAM FRANKLIN ROLLINS

The Clerk called the bill (H. R. 1684) for the relief of William Franklin Rollins.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Franklin Rollins, Anniston, Ala., the sum of $5,000. The payment of such sum shall be in full settlement of all claims of the said William Franklin Rollins against the United States arising out of personal injuries sustained by him on August 31, 1951, when the automobile in which he was riding on the Fort McClellan superhighway near Anniston, Ala., was struck by a United States Army vehicle being driven by an enlisted man of the Army. Such claim is not compensable under the Federal Tort Claims Act because of the fact that the driver of such vehicle was using it for unauthorized purposes and was not acting within the scope of his employment at the time of the accident: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## ANNUNZIATA GAMBINI AND TOMAZO GAMBINI

The Clerk called the bill (H. R. 1827) for the relief of Annunziata Gambini and Tomazo Gambini.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the time within which Annunziata Gambini and Tomazo Gambini, both nationals of Italy, may file their claims with the Office of Alien Property of the Department of Justice of the United States of America, for the return of all real and personal property formerly owned by them, located in the city of Galveston, Tex., and including the accumulated revenues thereof, which was covered by and vested in the Alien Property Custodian for the benefit of the United States of America by vesting order No. 1751, dated June 25, 1943, as such time is now limited by section 33 of the Trading With the Enemy Act as amended, be and such time is hereby extended until 6 months following the final enactment of this act into law.

SEC. 2. Within such time as extended, the said Annunziata Gambini and Tomazo Gambini, may file with the Office of Alien Property of the Department of Justice of the United States of America their claims for the return of said property, pursuant to applicable sections of the Trading With the Enemy Act, and particularly sections 9 and 32 thereof, and, upon the filing of such claims within such extended period of time, same shall be entitled to receive and shall receive the same consideration, determination as to validity and full and final administrative action to which such claims would have been entitled had they been filed prior to February 9, 1955, the last date for the filing of such claims under the provisions of section 33 of the Trading With the Enemy Act as amended: *Provided*, That no part of the value of any property which may be ultimately returned to or recovered by claimants under such claims in excess of the amount allowed by the Trading With the Enemy Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claims and the same shall be unlawful any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## ESTATE OF LEATHA HORN

The Clerk called the bill (H. R. 2354) for the relief of the estate of Leatha Horn.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Leatha Horn the sum of $1,470. Payment of such sum shall be in full settlement of all claims against the United States for rentals for quarters occupied by the Office of Price Administration in Brookville, Ind., for the period from June 15, 1942, to March 15, 1944: *Provided*, That no part of the amount appriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## COOPERATIVE FOR AMERICAN REMITTANCES TO EVERYWHERE, INC.

The CLERK called the bill (H. R. 2938) for the relief of Cooperative for American Remittances to Everywhere, Inc.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Cooperative for American Remittances to Everywhere, Inc., formerly named "Cooperative for American Remittances to Europe, Inc.") the sum of $13,616.63, which is the amount of drawback and excise tax refunds payable to said nonprofit, charitable organization on the exportation of sugar contained in certain food packages shipped by it overseas for relief purposes in the years 1947, 1948, and 1949, but which, for various formal and technical reasons, has not been paid to said organization: *Provided*, That no part of the amount appropriated by this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## W. R. ZANES & CO., OF LA., INC.

The Clerk called the bill (H. R. 4447) for the relief of W. R. Zanes & Co., of La., Inc.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury (hereafter referred to as the "Secretary") is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to W. R. Zanes & Co., of La., Inc., New Orleans, La., the sum of $660.67. The payment of such sum shall be in full settlement of all claims of the said W. R. Zanes & Co., of La., Inc., for $660.67 paid to the Secretary as customs duty in connection with consumption entry No. 620 dated August 12, 1952, covering crimson clover seed which was rejected for importation and subsequently shipped from the United States without being under the supervision of the Secretary: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 4, strike out "in excess of 10 percent thereof."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## O. J. GLENN & SON, INC.

The Clerk called the bill (H. R. 5224) for the relief of O. J. Glenn & Son, Inc.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to O. J. Glenn & Son, Inc., of Buffalo, N. Y., the sum of $418.10. The payment of such sum shall be in full settlement of all claims of the said O. J. Glenn & Son, Inc., against the United States for charges for the haulage and storage of the household goods and personal effects of John Churchill, Jr., captain, United States Marine Corps Reserve, during the period from December 24, 1951, to June 24, 1953, when the said John Churchill, Jr., was on active duty with the Marine Corps. Such goods and effects were hauled and stored by the said O. J. Glenn & Son, Inc., in the belief that such haulage and storage had been authorized by the Secretary of the Navy under contract No. N140s-18542B, a contract between the Secretary of the Navy and the said

O. J. Glenn & Son, Inc.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 10, strike out "in excess of 10 percent thereof."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## LEMUEL A. WYNNE

The Clerk called the bill (H. R. 7545) for the relief of Lemuel A. Wynne.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted etc.*, That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment upon the claims of Lemuel A. Wynne against the United States for damages arising out of his dismissal from his position at the Norfolk Naval Shipyard on November 20, 1944, and the subsequent refusals of the Norfolk Naval Shipyard to reinstate him although the Civil Service Commission had found that his dismissal was improper. All defenses of the United States against such claims which are based upon the lapse of time, any statute of limitations, or res adjudicata are hereby waived.

SEC. 2. Suit upon such claims may be instituted under this act within 1 year from the date of its enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AUTHORIZING CERTAIN PERSONNEL OF ARMED FORCES TO ACCEPT AND WEAR DECORATIONS CONFERRED BY PHILIPPINE GOVERNMENT

The Clerk called the bill (H. R. 8437) to amend the act of August 3, 1956, to authorize certain personnel of the Armed Forces to accept and wear decorations conferred by the Philippine Government.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the act of August 3, 1956 (Private Law 850, 84th Congress, ch. 921), is amended by inserting the name of the former members and the names of members of the Armed Forces of the United States as follows:

(1) In that part of section 1 captioned "Army", immediately following "Col. Howard R. Whittaker, O29408, United States Army, Legion of Honor, degree of officer;" insert "Lt. Col. Bienvenido M. Alba, O16939, United States Army, retired, Philippine Wounded Soldier's Medal and Philippine Bronze Cross Medal;";

(2) In that part of section 1 captioned "Navy", immediately following "Rear Adm. Carroll D. Reynolds, 59466, United States Navy, retired, Military Medal of Merit;" insert "Rear Adm. Louis Dreller, 34020, United States Navy, retired, Legion of Honor, degree of officer;"

(3) In that part of section 1 captioned "Navy", immediately following "Commander Charles M. Keyes, 71572, United States Navy, Legion of Honor;" insert "Commander Claude Olen Lowe, 95475, United States Navy, Legion of Honor, degree of officer;" and "Comdr. George G. McLintock, 65883, United States Naval Reserve, Legion of Honor, degree of officer;";

(4) In that part of section 1 captioned "Air Force", immediately following the said caption insert "Maj. Gen. John W. Sessums, Jr., 489A, Legion of Honor, degree of commander;";

(5) In that part of section 1 captioned "Air Force", which read "Col. Ned B. Chase, 1101A, Air Force Senior Pilot Aeronautical Badge;" delete the semicolon and add the following "and Legion of Honor;";

(6) In that part of section 1 captioned "Air Force", immediately following "Col. Ned B. Chase, 1101A, Air Force Senior Pilot Aeronautical Badge;" insert "Col. James M. Vande Hey, 3941A, Air Force Aviation Badge;";

(7) In that part of section 1 captioned "Air Force", immediately following "Col. Lloyd H. Watnee, 482A, Command Pilot Badge;" insert "Lt. Col. Julian M. Niemczyk, 20671A, Legion of Honor, degree of officer;";

(8) In that part of section 1 captioned "Air Force", immediately following "Capt. Jesse F. Jory, 8639A, Air Force Pilot Badge;" insert "1st Lt. Marlin R. Blake, AO3005209, Honorary Pilot Wings; 1st Lt. Willard H. Colley, AO225161, Air Force Aviation Badge; T. Sgt. Calvin R. Hogg, AF 6930319, Legion of Honor, degree of Legionnaire;".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## PHILLIS GUYADEEN

The Clerk called the bill (H. R. 1558) for the relief of Phillis Guyadeen.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, in the administration of the Immigration and Nationality Act, Phillis Guyadeen shall be granted the status of a nonquota immigrant and shall be admitted to the United States for permanent residence if she is otherwise admissible under the provisions of that act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, for the purposes of the Immigration and Nationality Act Phillis Guyadeen shall be held and considered to have been born in Great Britain."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## MARY HUMMEL

The Clerk called the bill (H. R. 2979) for the relief of Mary Hummel.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, for the purposes of section 202 (a) (4) of the Immigration and Nationality Act, Mary Hummel shall be held to be chargeable to the quota of Great Britain.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, for the purposes of the Immigration and Nationality Act, Mary Hummel shall be held and considered to have been born in Great Britain."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GORDON BRODERICK

The Clerk called the bill (H. R. 3184) for the relief of Gordon Broderick.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, notwithstanding the provisions of section 316 of the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States, Gordon Broderick may be naturalized at any time after the date of the enactment of this act if he is otherwise eligible for naturalization under the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, for the purposes of the Immigration and Nationality Act, Gordon Broderick shall be held and considered to have been lawfully admitted to the United States for permanent residence as of March 22, 1938."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## VICTORIA GALEA

The Clerk called the bill (H. R. 4854) for the relief of Victoria Galea.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, in the administration of the Immigration and Nationality Act, Victoria Galea shall be granted the status of a nonquota immigrant and may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, for the purposes of the Immigration and Nationality Act, Victoria Galea shall be held and considered to have been born in Great Britain."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## INNOCENZA GUARASCIO

The Clerk called the bill (H. R. 8284) for the relief of Innocenza Guarascio.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, in the administration of the Immigration and Nationality Act, the minor child, Innocenza Guarascio, shall be held and considered to be a nonquota immigrant.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## WAIVING CERTAIN PROVISIONS OF IMMIGRATION AND NATIONALITY ACT

The Clerk called the resolution (H. J. Res. 409) to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

There being no objection, the Clerk read the joint resolution, as follows:

*Resolved, etc.*, That, notwithstanding the provision of section 212 (a) (19) of the Immigration and Nationality Act, John Wilbert Wan may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act.

SEC. 2. Notwithstanding the provisions of section 212 (a) (9) and (19) of the Immigration and Nationality Act, Mrs. Marina Coralia Castillo Wamba may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act.

SEC. 3. Notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationality Act, Daniels Fomenko may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare may deem necessary to impose: *Provided*, That, unless the beneficiary is entitled to care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

SEC. 4. Notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Nickolas Bodner, Albert Jordan, and Arnold Rosenthal may be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that act.

SEC. 5. Notwithstanding the provisions of section 212 (a) (9) and (12) of the Immigration and Nationality Act, Mrs. Rosa Costa Monroe may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act.

SEC. 6. Notwithstanding the provision of section 212 (a) (4) of the Immigration and Nationality Act, Rudy Rigutto may be issued a viso and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

SEC. 7. The exemptions provided for in this act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

With the following committee amendments:

On page 1, line 5, after the name "Wan" insert the following: "Josephine Braun Rice, and Filippo Pastore."

On page 1, line 5, strike out the words "a visa" and substitute "visas."

On page 1, line 6, after the words "residence if" strike out the words "he is" and substitute "they are."

On page 1, line 10, after the name "Wamba" insert ", Giovanni Di Prima and Armando Lomas-Ayala."

On page 1, line 10, strike out the words "a visa" and substitute "visas."

On page 2, line 1, strike out the words "she is" and substitute "they are."

On page 2, after line 2, insert a new section 3 to read as follows:

"SEC. 3. Notwithstanding the provisions of eection 212 (a) (9) and (17) of the Immigration and Nationality Act, Gerald Augustine Grant and Maitland McKinley Joseph may be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that act."

On page 2, line 3, strike out "SEC. 3." and substitute "SEC. 4."

On page 2, line 17, strike out "SEC. 4." and substitute "SEC. 5."

On page 2, line 19, after the name "Albert Jordan," strike out the word "and."

On page 2, line 19, after the name "Arnold Rosenthal" insert the following: "Pietro Pipitone, Thomas E. West, Jr., and Olavi Kurko."

On page 2, line 23, strike out "SEC. 5." and substitute "SEC. 6."

On page 2, line 25, after the word "Act", insert the following: "Carmela Andreone Hoover, Josefine Augustine Jones."

On page 2, line 25, after the name "Monroe" insert "and Maria Theodora Hagn Zoppi."

On page 2, line 25, strike out the words "a visa" and substitute "visas."

On page 3, line 2, strike out the words "she is" and substitute "they are."

On page 3, after line 3, insert new sections 7, 8, and 9 to read as follows:

"SEC. 7. In the administration of the Immigration and Nationality Act, Gertrud (Scholz) Bayer, the fiance of Bob Workman, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided*, That the administrative authorities find that the said Gertrud (Scholz) Bayer is coming to the United States with a bona fide intention of being married to the said Bob Workman and that she is found otherwise admissible under the provisions of the Immigration and Nationality Act, other than the provision of section 212 (a) (9) of that act. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Gertrud (Scholz) Bayer, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event the marriage between the above-named persons shall occur within 3 months after the entry of the said Gertrud (Scholz) Bayer, the Attorney General is authorized and directed to record the lawful admission for permanent resident of the said Gertrud (Scholz) Bayer as of the date of the payment by her of the required visa fee.

"SEC. 8. Notwithstanding the provision of section 212 (a) (25) of the Immigration and Nationality Act, Latifa Ibrahim may be issued a visa and admitted to the United States for permament residence if she is found to be otherwise admissible under the provisions of that act.

"Sec. 9. Notwithstanding the provisions of section 212 (a) (9), (12), and (19) of the Immigration and Nationality Act, Akiko Haraba Nickolich may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act."

On page 3, line 4, strike out "SEC. 6." and substitute "SEC. 10."

On page 3, line 12, strike out "SEC. 7," and substitute "SEC. 11."

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## FACILITATING ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

The Clerk called the resolution (H. J. Res. 410) to facilitate the admission into the United States of certain aliens.

There being no objection, the Clerk read the joint resolution, as follows:

*Resolved, etc.*, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Panagiotis Konstantinos Koutsopoulos, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Andrew Poulos, citizens of the United States.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Josephine Elenora Ambrose, shall be held and considered to be the natural-born alien child of Emily Corbett, a citizen of the United States.

SEC. 3. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Juana Maria Geldrich shall be held and considered to be the minor child of John Geldrich, a lawfully resident alien of the United States.

SEC. 4. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Maria Luisette Vilela Gomes de Almeida shall be held and considered to be the minor alien child of Mr. and Mrs. Manuel de Almeida, citizens of the United States.

With the following committee amendment:

At the end of the bill add six new sections beginning with "SEC. 5." to read as follows:

"SEC. 5. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Takehiko Kikuchi, shall be held and considered to be the natural-born alien child of Walter Kikuchi, a citizen of the United States.

"SEC. 6. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Karimeh Ajluni shall be held and considered to be the minor child of Fred Michael Ajluni, a citizen of the United States.

"SEC. 7. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Nada Marija Popovic (also known as Mary Nada Kovacic), shall be held and considered to be the natural-born alien child of Mr. and Mrs. Stjepan Kovacic, citizens of the United States.

"SEC. 8. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Frangoula Kolikias, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Steve Kolikias, citizens of the United States.

"SEC. 9. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Nena Ethline Strickland, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Percy Strickland, citizens of the United States.

"SEC. 10. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Irene Varverakis shall be held and considered to be the minor child of Mr. and Mrs. Michael Varverakis, lawfully resident aliens in the United States.

The committee amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## KEW CHAN (CHAN KEW) ET AL.

The Clerk called the bill (S. 225) for the relief of Kew Chan (Chan Kew), Nancy Tsui Mei (Leung) Chan, and Cecilia (Oi Fan) Chan.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Kew Chan (Chan Kew) Nancy Tsui Mei (Leung) Chan, and Cecilia (Oi Fan) Chan shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such aliens as provided in this act, the Secretary of State shall instruct the proper quota-control officer to deduct three numbers from the appropriate quota for the first year that such quota is available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## RELIEF OF CERTAIN ALIENS

The Clerk called the resolution (H. J. Res. 411) for the relief of certain aliens.

There being no objection, the Clerk read the joint resolution, as follows:

*Resolved, etc.*, That, for the purposes of the Immigration and Nationality Act, Wickham Courtney Anderson, Luigi Valas (also known as Louis Rick), Yrjo (George Israel Erkinpoika) Haapanen, Anna Esther Alfhild Haapanen (nee Talkari), Timo Juhani Haapanen, Eira Televro Haapanen, Spyridon Tzouris, and Tai Win Wong (also known as Wong Tai Win), shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to each alien as provided for in this section of this act, if such alien was classifiable as a quota immigrant at the time of the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to reduce by one the quota for the quota area to which the alien is chageable for the first year that such quota is available.

SEC. 2. For the purposes of the Immigration and Nationality Act, Rosa Grunbaum, Antonio LaSala, Rachael Abouganen vada de Violin, Liane Ingrid Neuburger, Anne Alice Grunow, and June Beatrice Simmons Hightower Darling (nee Arron) alias Lewis, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act in the case of Liane Ingrid Neuburger.

SEC. 3. The Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bonds, which may have issued in the cases of Stavroula Nicholas Rupakias, Adriana Maria van der Meulen, and Marie Vinogradoff. From and after the date of the enactment of this act, the said persons shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

With the following committee amendments:

On page 1, line 4, after the name "Anderson", insert the following: "Pilar A. Centeno, Pasqualino E. Magno."

On page 1, line 7, after the name "Eira Telervo Haapanen", insert the following: "Domenico Bruno Caruso, Yang Sin Djen Dao, Jen-Hung (Carlos Joseph) Chao."

On page 1, line 8, after the name "Tzouris", insert the following: "Carmel C. McDonald."

On page 2, line 1, after the words "visa fees" change the period to a colon and add the following: "*Provided*, That, unless Yang Sin Djen Dao is entitled to care under the Dependents' Medical Care Act, a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act in the case of the said Yang Sin Djen Dao, and she may be granted permanent residence in the United States upon compliance with such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare may deem necessary to impose."

On page 2, line 9, after the name "Grunbaum", insert the following: "Maria Febbrara, Jesus Cortez,".

On page 2, line 9, after the name "LaSala", insert the following: "Evelyne J. Norris (nee Guerin),".

On page 2, line 10, before the name "de Violin", strike out "vada" and substitute in lieu thereof "vda."

On page 2, line 11, after the name "Grunow", insert "Rachid Abdallah."

On page 2, at the end of line 18, change the period to a colon and add the following: "*Provided further*, That, unless Evelyne J. Norris (nee Guerin) is entitled to care under the Dependent's Medical Care Act, a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act in the case of the said Evelyne J. Norris (nee Guerin), and she may be granted permanent residence in the United States upon compliance with such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare may deem necessary to impose."

On page 2, line 22, after the words "cases of", insert "Henrik Mannerfrid,".

On page 2, line 22, after the name "Rupakias", insert "Dudley Cheesman (also known as Dudley T. Whittaker)."

On page 2, line 23, after the name "Meulen", strike out the word "and."

On page 2, line 23, after the name "Vinogradoff", insert the following: "Gordon Louis Schmidt (also known as John Campion and Frank James), Gregario Gasman Ancheta, and Mrs. Asniv Y. Hasserdjian."

On page 3, line 4, at the end of the joint resolution, add the following: "*Provided*, That nothing in this section of this act shall be construed to waive the provisions of section 315 of the Immigration and Nationality Act as they apply to the said Henrik Mannerfrid."

The committee amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## RICHARD M. TAYLOR AND LYDIA TAYLOR

The Clerk called the bill (H. R. 7654) for the relief of Richard M. Taylor and Lydia Taylor.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Richard M. Taylor and Lydia Taylor the sum of $62,500, representing the amount reported by the United States Court of Claims to the Congress in response to House Resolution 309, 84th Congress, first session (Congressional No. 11-55, decided May 8, 1957), in full settlement of their claims against the United States as a result of the retention by the United States of a deposit made in connection with the proposed but unconsummated sale of the Scullin Steel Co., Plancor No. 1672: *Provided*, That no part of the sum appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim settled by the payment of such sum, and the same shall be unlawful, any contract to the contrary notwithstanding. Any persons violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, lines 6 to 9, strike the words "representing the amount reported by the United States Court of Claims to the Congress in response to House Resolution 309, 84th Congress, first session (Congressional No. 11-55, decided May 8, 1957)."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. That completes the call of the bills on the Private Calendar.

## CALL OF THE HOUSE

Mr. MOSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 156]

| | | |
|---|---|---|
| Anfuso | Gary | Magnuson |
| Barden | Halleck | Mailliard |
| Beamer | Haskell | Miller, Calif. |
| Blitch | Healey | Miller, N. Y. |
| Boykin | Hillings | O'Hara, Minn. |
| Brownson | Holifield | O'Konski |
| Bush | Holtzman | Pilcher |
| Cunningham, Nebr. | Jensen | Powell |
| | Jones, Mo. | Preston |
| Dawson, Ill. | Kearney | Richlman |
| Denton | Kearns | Robeson, Va. |
| Durham | Kelly, N. Y. | Taylor |
| Farbstein | Kilburn | Walter |
| Fogarty | Landrum | Zablocki |
| Forrester | Lennon | Zelenko |
| Frelinghuysen | McMillan | |

The SPEAKER pro tempore (Mr. McCORMACK). Three hundred and eighty-nine Members have answered to their names; a quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

## CONTINUING RESOLUTION

Mr. CANNON. Mr. Speaker, by direction of the Committee on Appropriations, I ask unanimous consent for the immediate consideration of the resolution (H. J. Res. 426) continuing appropriations for another month.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri [Mr. CANNON]?

Mr. TABER. Reserving the right to object, Mr. Speaker, the continuing resolution, as I understand it, expires tomorrow night. It is necessary, if Government employees are going to be paid through the month of August, that we pass an amendment to the continuing resolution, so that those things will be taken care of.

I would like to ask the chairman of the committee if there is any change in this from the previous resolution that we passed a month ago?

Mr. CANNON. Mr. Speaker, the gentleman from New York [Mr. TABER] is correct in his analysis of the resolution. It now becomes evident that Congress will not adjourn tomorrow. That being true, it is necessary to have a continuing resolution in order to take care of the current expenses of the Government.

This resolution is identical with the resolution which we passed a month ago, with two exceptions, change of date of expiration to August 31; and, provision of $300 million for the expenses of the Mutual Security program.

It is, of course, the usual stereotyped resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri [Mr. CANNON]?

There being no objection, the Clerk read the resolution, as follows:

*Resolved, etc.*, That clause (c) of section 102 of the joint resolution of July 1, 1957 (Public Law 85–78), is hereby amended by striking out "July 31, 1957" and inserting in lieu thereof "August 31, 1957."

SEC. 2. The amount appropriated by subsection (b) of section 1 of such joint resolution for mutual security programs is hereby increased from "$200,000,000" to "$300,000,000."

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## MISSING PERSONS ACT

Mr. BROOKS of Louisiana. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2449) to extend the effectiveness of the Missing Persons Act, as extended, until April 1, 1958.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana [Mr. BROOKS]?

Mr. MARTIN. Mr. Speaker, reserving the right to object, will the gentleman explain the reason for this request?

Mr. BROOKS of Louisiana. Mr. Speaker, several months ago the House passed H. R. 5807. That was a bill to make the Missing Persons Act permanent legislation. We approved it unanimously and sent it to the other body. The other body has not been able to get to it and consider it. In the meantime the Missing Persons Act has expired, and it must be extended for 1 year if we are to continue to take care of the families and survivors of those people who are in the missing-persons status at the present time.

Mr. MARTIN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 15, Missing Persons Act (56 Stat. 147, 1093), as amended, is further amended by deleting "July 1, 1957" and inserting in lieu thereof "April 1, 1958."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AMENDING SECTION 22 OF INTERSTATE COMMERCE ACT

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 3233) to amend section 22 of the Interstate Commerce Act, as amended.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 3233, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from Arkansas [Mr. HARRIS] will be recognized for 1 hour and the gentleman from New Jersey [Mr. WOLVERTON] for 1 hour.

The gentleman from Arkansas is recognized.

Mr. HARRIS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the Committee on Interstate and Foreign Commerce brings to the House today for consideration H. R. 3233, a bill which would amend section 22 of the Interstate Commerce Act.

I hope I may have the attention of the Members, because, Mr. Chairman, this is a rather technical subject and I would like to get them to follow me as I try to describe this problem and remind them that if they do not, because of the technicalities of the subject, they will get lost and therefore will not be able to understand what the real issue is.

At the outset, the Interstate Commerce Act was adopted by the Congress in 1887. There were conditions existing at that time in the common carrier service, principally the railroads, which made it necessary in the interest of the public, for the Interstate Commerce Act to be adopted. That was the beginning of the regulatory procedures in this country. When the Interstate Commerce Act was adopted it included what was referred to as section 22, which authorized the common carriers to provide rates for passengers and freight at free or reduced rates for the Federal Government and for States and municipalities.

This section 22 has existed as a part of the Interstate Commerce Act since 1887. The legislative history shows that the reason for this provision was that in the consideration of that act, land-grant provisions existed whereby the Government granted to certain carriers substantial rights-of-way and lands included therewith.

Some 20 years ago there was a great urgency on the Congress to repeal the land-grant provision. During my service in the Congress that has been a constant question before the Committee on Interstate and Foreign Commerce. After several years of consideration, during the forties—I believe in 1946—the land-grant provision was repealed. It was alleged and contended at that time that all the benefits the Government had received from reduced rates as a result of the land grants had well paid the Government for the justification of that provision of the act.

That left section 22 still as a part of the act, providing free or reduced rates to Government agencies, States and municipalities.

Mr. ROGERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Texas.

Mr. ROGERS of Texas. To what extent were the States and municipal corporations allowed the reduced rates?

Mr. HARRIS. To the same extent as the Federal Government.

Mr. ROGERS of Texas. On any products or any commodities?

Mr. HARRIS. Yes.

Mr. ROGERS of Texas. I thank the gentleman.

Mr. HARRIS. Mr. Chairman, it is contended, and has been for some time, the Federal Government being the largest shipper and has been since World War II, that certain procedures have been practiced and permitted that were against the public, against the shippers, and should not be permitted. Those contentions are, Mr. Chairman, that a Government agency would go in secret and make an agreement with a particular carrier for reduced rates which agreement would be carried out and, therefore, no other common carrier would have any opportunity to compete for the movement of that business.

We had extensive hearings on the subject. This subject of section 22 has been discussed in hearings in our committee thoroughly in every phase which could be thought of, for the last 3 years. Many

organizations, the American Trucking Association, the Farm Bureau, certain labor organizations and shippers' organizations, and the Interstate Commerce Commission, came in and requested us to repeal outright section 22. They said it was unfair competition. There is a lot of sentiment for that viewpoint in our committee.

But when you think of the other side, when you think that the Defense Department stated it would have an increased bill of $128 million to $130 million a year, there is another point to be considered. The Defense Department and executive branch of the Government are unalterably opposed to the repeal of section 22 on the ground it would automatically increase the Government's freight bill by the amount mentioned above.

The committee, in the consideration of the entire subject, decided that in the interest of the public we would not go along with the request and repeal it outright. Instead, we decided that the thing to do would be to require the carriers to file with the Commission their actual rates in order that all other carriers may know what that reduced rate was and therefore would have an opportunity, if they felt that they could, to compete with them for the Government shipments.

Now, that is precisely what the amendment that the committee adopted on this subject would do. If you take the bill that is before you, H. R. 3233, and look on page 4, subparagraph (c), you will find the amendment that the committee adopted in an effort to try to get at what has been referred to as an evil that has existed over many, many years.

Now, the committee in the other body handling this subject reported an amendment that was identical in language to subsection (c) as I have just described to you. In our committee, as I say, there was a difference of opinion. Some wanted to repeal it outright; some did not, and the prevailing opinion was that it would be against the public interest because it would increase our freight bill by the amount referred to, and therefore we thought that there should be some difference between the two bills, if this was reported, in order that we could thrash it out more in committee in an effort to get a more satisfactory bill out of it.

Therefore, in view of that position, the committee adopted paragraph (a), which is on page 4, the first paragraph of the bill, which provides that insofar as the applicability of section 22 reduced rates was made to the movement of household goods, that it would be repealed; in other words, the movement of household goods in the future would not have the privilege of section 22 for reduced rates to the Government.

That thought was developed because a couple or 3 years ago in the consideration of this problem certain of the big moving van operators of the country—it was called the Household Goods Moving Conference; I believe that was the name of the organization—came to us and asked that we repeal section 22 as it applied to that particular movement. Now, motor carriers move practically all of the household goods for the Federal agencies; in fact, 3 or 4 large moving van companies of this country handle 80 percent of such movements.

Therefore, these 3 or 4 of the larger van lines of the country are against this provision. The smaller lines of the country that would like to have an opportunity to get some more of this business are for this provision, because they want the opportunity to compete for some of this movement.

Mr. MORANO. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Connecticut.

Mr. MORANO. By household goods, does the gentleman include new refrigerators, new radios, new television sets, and so on?

Mr. HARRIS. No.

Mr. MORANO. Or does he just mean used household furniture?

Mr. HARRIS. Household furniture used by people in the service.

Mr. MORANO. In other words, this would not affect newly manufactured products such as household appliances, and so forth?

Mr. HARRIS. It would to the extent that the Government was purchasing new equipment that had to be moved. I should think it would affect that movement.

Mr. MORANO. That is what I mean.

Mr. HARRIS. Yes; if the Government was purchasing and had to move it to some other location.

Mr. MORANO. In other words, there would be open competition with respect to those items?

Mr. HARRIS. That is true.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from New York.

Mr. KEATING. Does the gentleman have any figures with reference to the additional cost involved?

Mr. HARRIS. Yes; I was coming to that in a moment.

Mr. KEATING. Then will the gentleman cover that as well as the question of the position of the Government departments with reference to the solution which the gentleman's committee embodied in paragraph 2?

Mr. HARRIS. The question of moving household goods of personnel of the Government was submitted to the Department of Defense. We asked what it would mean so far as cost is concerned. We received a letter from the Department of Defense, which is incorporated in the report at page 13. There you will find that the Director for Transportation, Communications, and Petroleum Policy of the Office of the Assistant Secretary of Defense stated that it would mean an additional cost of approximately $12 million for the movement of household goods. In other words, if this section had been the law in 1956 and the same shipments were made under the same conditions, they contend that the cost would have been $12 million more. But we are led to believe that if this had been a part of the law, the competitive element would have entered into it and may very well have saved them some money.

Mr. KEATING. Mr. Chairman, will the gentleman yield further on that point?

Mr. HARRIS. I yield.

Mr. KEATING. I appreciate the gentleman's answer. This relates to the problem of household goods; as to the solution which the committee has come up with, paragraph (c), is it going to cost the Government more if these carriers are required to file their tariffs when they deal with the Government the same as they do with private individuals? Is there any element of additional cost to the Government involved in the solution which the committee has come up with under subparagraph (c)?

Mr. HARRIS. It is not contemplated that it will cost the Government any more. Of course, we have no opposition there; in fact, we have approval of the ICC and the other agencies of this amended section.

Mr. KEATING. To this solution embodied in subparagraph (c)?

Mr. HARRIS. Yes; requiring the filing of these rates, whatever the reduction might be.

Mr. KEATING. I thank the gentleman.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Louisiana.

Mr. BROOKS of Louisiana. Is the gentleman going to explain to us how the Government is going to lose by the amendment in subsection (a) of the bill?

Mr. HARRIS. As I said, I believe that if the same situation had prevailed in 1956 that would have prevailed under this provision, we would not actually have lost, because the competitive element would operate in the motor carrier industry. I think probably we would get a reduced rate in the movement of household goods.

Mr. BROOKS of Louisiana. Does your change relieve that from competition, the movement of household goods?

Mr. HARRIS. Yes; it makes it competitive in the field of motor carriers in the movement of practically all the household goods.

Mr. BROOKS of Louisiana. Is it not still competitive as far as they are concerned?

Mr. HARRIS. It would be made competitive, but now it is not because it comes under agreements the Defense Department makes with certain large van lines in the movement of such goods.

Mr. BROOKS of Louisiana. Your change will actually, then, make it competitive and save money?

Mr. HARRIS. That is the purpose of it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Iowa.

Mr. GROSS. Is this limited to the Defense Department alone, or do all agencies of the Government come under it?

Mr. HARRIS. All agencies of the Government. The General Services Administration has been vitally concerned with this.

Now may I refer to one other point: After the committee had reported this

bill and the rule had been granted, District Court Judge McGarraghy ruled on a case that was before him brought by four nonscheduled airlines alleging that the operation of such section 5a, which is referred to as the Bulwinkle Act, adopted by Congress in 1948, was not applicable to section 22 rates; consequently, the ruling of the judge, if it were to stand, in that case, in which it is definitely stated that section 5a, the Bulwinkle Act, was not intended by the Congress to be applicable to section 22 rates——

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WOLVERTON. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas.

Mr. HARRIS. I will explain as to the Bulwinkle Act. Heretofore carriers have been permitted to meet and discuss agreements on terms, rates, and so forth. During the war the War Production Board issued Certificate 44 that would permit that procedure to continue. The reason that was necessary was that the Department of Justice had brought some antitrust proceedings against the railroads for such meetings and procedures on joint through rates.

After World War II, when this certificate was no longer in effect, the Congress considered a bill that was presented here by Major Bulwinkle. Many of you remember Major Bulwinkle, who served in this House for many years. After a certain length of time, 2 or 3 years, I do not know, in the consideration of that act, we passed section 5a to the Interstate Commerce Act, which would permit the carriers to meet and discuss and come to terms as to procedures and rates and movements and so forth on joint through rates, which agreements had to be filed with the Interstate Commerce Commission, and, if the Commission approved those agreements, the carriers then would be relieved from antitrust proceedings.

During all this time this procedure was followed not only in consideration of commercial shipments but also as it applies to section 22, that is, reduced rates to Government agencies. The Congress felt in the adoption of section 5a that that long-established procedure over the years was in the best interest of the Government and so made it applicable, and it is part of the law. In 1953 the carriers filed an agreement with the Interstate Commerce Commission on the movement of passenger traffic for the Federal Government. That agreement provided that the carrier should move passenger traffic at 10 percent below the regular published tariffs to commercial shippers. The agreement had many other items in it and the Commission approved it. Following that, a competitive situation developed between the nonscheduled aircoach carriers and the railroads. One offered a reduced rate and the other offered a reduced rate. As a result of that competitive situation, the railroad industry offered a reduced rate at 50 percent reduction on a package basis, if they could carry all of the passengers of the movement at that reduction. Volume permitted them to do it. That procedure has been followed now for some time. The air-coach industry, and these four carriers, objected to it, and in April of this year, they filed antitrust proceedings in the District Court here in the District of Columbia. Because the law had been so well established, or at least it was thought that it had been so well established by the carriers and the Government itself, those involved did not even bother to go into extensive hearings. They submitted the question to the court for a finding on the pleadings asked for summary judgment.

Mr. HESELTON. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. HESELTON. Is it not a fact that on June 19, the case was argued before Judge McGarraghy in the District Court?

Mr. HARRIS. Perhaps it was, but on July 5 Judge McGarraghy rendered a decision on the cases in which he said that with reference to the points of law raised by the several motions, which had been argued fully and briefed exhaustively, the court is of the opinion as follows:

1. The antitrust immunity conferred by section 5a of the Interstate Commerce Act does not apply to concerted section 22 quotations made to the United States Government.

In other words, it said section 5a did not apply to section 22 giving the Federal Government the privilege of reduced rates. Following that decision, the Department of Defense was very much disturbed about it, and they came immediately, without waiting, to submit in the usual way suggestions as to an approach to the problem, and that was to offer an amendment to this bill when it was brought up this week and advising what the effect of it would be if it were not corrected. They said in this fiscal year alone it will cost the Government an increase of $100 million in freight rates. In view of that, our committee met and we adopted an amendment which will be offered as a committee amendment. That is the amendment which will be discussed. When we get to that point, we will then discuss that particular matter thoroughly, but let us not lose sight of the purposes of the bill by an amendment that is to follow, which is a highly important amendment in itself.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WOLVERTON. Mr. Chairman, I yield 2 minutes to the gentleman to answer an inquiry of the gentleman from Massachusetts, a member of the committee.

Mr. HESELTON. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. HESELTON. I wonder if the gentleman would be willing to advise those of us who are here now as to certain things that I believe to be facts. Is it not a fact that the hearings on these bills were conducted on April 2, 3, 4, 5, 10, and 11?

Mr. HARRIS. For this year; yes. On the question of section 22 we held hearings also a year ago and also in 1955.

Mr. HESELTON. Now, is it not a fact that the order of Judge McGarraghy, termed "a memorandum," was dated July 5 of this year?

Mr. HARRIS. That is true, and I so stated.

Mr. HESELTON. And was it not followed by an order dated July 17?

Mr. HARRIS. Well, the order was an injunction which was issued as a result of the opinion.

Mr. HESELTON. And was not the record in this case sent to the court of appeals of this district on July 25?

Mr. HARRIS. I understand that an appeal was filed to stay injunction of the court.

Mr. HESELTON. May I ask this question, in all sincerity: Was it not the purpose of the amendment being presented to our committee, to overcome the result of this decision in the district court?

Mr. HARRIS. The purpose of the amendment is to make it definitely clear that the Congress intended then and it intends now that the application of 5a of the Interstate Commerce Act shall apply to the Government on section 22 rates, as well as commercial shipments and all other shipments.

Mr. HESELTON. But was there any such amendment offered to us after that report or would there have been if it had not been for this decision of the court?

Mr. HARRIS. That is correct. It would not have been necessary.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. JONAS. I may have misunderstood a statement made by the gentleman, and if so I would like to be corrected. Did the gentleman say that the committee had an idea that a better bill could be worked out in conference?

Mr. HARRIS. No. I said there was a division in our committee and some members wanted to repeal section 22 outright, completely. Others were opposed to it. So we worked out this particular amendment, paragraph (C). Then some question arose that since there was a division of opinion, perhaps if we amended the bill to make it different from what the Senate bill would be, we could get some of these things cleared up.

Mr. JONAS. At least a majority of the committee intends to stand by its own report?

Mr. HARRIS. That is my assumption.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. EDMONDSON. Is it correct to say that the amendment to which the gentleman has just referred in response to questions on the other side is an amendment which does not in any way alter the sense of the legislation but rather is a technical amendment to insure that the former sense is written into this new law?

Mr. HARRIS. That would be the effect of it; yes.

Mr. EDMONDSON. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. HARRIS] has again expired.

Mr. WOLVERTON. Mr. Chairman, I yield 5 minutes to the gentleman from

Maine [Mr. HALE], a member of the committee.

Mr. HALE. Mr. Chairman, as the chairman of our Committee on Interstate and Foreign Commerce has pointed out, this bill, in line with the television announcements, comes to you through the courtesy of our committee. I may say that our committee has been extremely courteous, because it has worked a long time on this legislation. Practically a year ago we reported a bill which repealed outright the provisions of section 22, which conferred on the Government the privilege of making secret and discriminatory rates with respect to its shipments in time of peace as well as in time of war. In time of war or national emergency, no one quarrels particularly with the right of the Government to move its freight and personnel under special rates arrived at by special bargaining. It does seem to me that to extend that privilege to the Government in time of peace is more than we ought to do. I really see no reason why the taxpayers should not pay the going rate for moving goods and personnel in time of peace. As it is today, other shippers make up through paying enhanced rates for the privileges which are enjoyed by the Government. However, the Department of Defense in particular objects very strongly to a complete repeal of section 22 which I personally would favor.

So we have brought in this compromise bill which has two sections: Section (b) on page 4 of the bill; (all of the bill is in the form of a committee amendment) which restricts the section 22 privileges now enjoyed by the Government to goods other than household goods.

And section (c) which, if you will permit me to say so, "declandestinizes" section 22 rates. I am rather proud of "declandestinizes." It is really a new word and one that ought to be welcomed by the bureaucracy along with "finalizes," "activates" and so forth. "Declandestinizes" means to remove the veil of secrecy which now hangs over Government transactions with carriers; it makes them bring these rates, these bargains, out into the open.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HALE. I yield.

Mr. GROSS. I suggest you put that new work in the foreign giveaway bill.

Mr. HALE. The gentleman has his own ideas on that which are not in full accord with mine.

But anyway, I am very much in favor of having the Government's peacetime bargains with the railroads open bargains openly arrived at, and I can see now no objection of any kind to section (c) of the bill.

The provision about household goods may be more controversial. I think it is a very sound provision. I regret very much that the testimony given by the Movers Conference of America in connection with H. R. 525 in the 84th Congress is not available to the Members today, but it was very eloquent testimony. I might say without in the least desiring to be funny that it was most moving testimony, because the privileges accorded the Government for moving personal goods, household goods, personal furniture around the country under these cheap rates destroys the competitive situation in this line of business. It is unfair to truckers, it is unfair to the other common carriers, and I think it is only just that this provision should be repealed.

Mr. WOLVERTON. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. REED].

Mr. REED. Mr. Chairman, it seems to me that the only important question in relation to this amendment is what we believe Congress intended to do when it passed section 5a in 1948.

If we believe that section 5a when passed covered section 22 rates and was intended to cover section 22 rates, then I cannot conceive of any valid objection to this amendment. There is nothing retroactive about the amendment. The amendment does not take away from anyone any rights Congress gave in 1948. No one has a vested right in an interpretation of a statute that disregards the intent of Congress. No one has a right to have a statute interpreted without regard to the intent of Congress.

Since Congress always meant that the statute should cover section 22 quotations there is now no possible reason for distinguishing in this amendment between the future and the past. It would certainly be unreasonable to say that Congress' intent should be observed for the future but disregarded for the past. In my opinion Congress should reaffirm its meaning for the past as well as for the future. It seems to me that to do anything else would be unfair to the transportation industry and would amount to shirking our legislative responsibility.

On the question of what Congress did, and intended to do, when it passed section 5a I cannot see that there is room for any possible doubt. I have yet to hear anyone explain why or how the word rates in section 5a can have one meaning in that section and a totally different meaning in section 22. Can anyone believe that Congress engaged in that kind of word juggling when it passed the statute? And when we remember that before section 5a was passed thorough consideration was given to the question whether the section should apply to section 22 rates and that both the proponents and opponents of the legislation believed that it did, the whole matter seems too clear for argument.

There seems to be some feeling that it is improper for Congress to declare in subsequent legislation what its intent was when it passed an earlier statute. Every lawyer knows that there is nothing in this. For many years and in many cases the Supreme Court has recognized that Congress is entitled to reaffirm its intent and to interpret its own enactments. Moreover, the Court has also recognized that when Congress does so in subsequent legislation the Court will give the Congressional declaration great weight even as to past transactions. I cite a few of the cases in which this principle has been recognized: *Alexandria* v. *Alexandria* (5 Cranch 1, at pp. 67–68, John Marshall, Ch. J. (1809)); *United States* v. *Freeman* (3 How. 445, at p. 564 (1845)); *Stockdale* v. *Insurance Company* (87 U. S. 325, at p. 331 (1873)); *Bailey* v. *Clark* (88 U. S. 284, at p. 288 (1874)); *Sioux Tribe of Indians* v. *United States* (316 U. S. 310, at pp. 329–330 (1941)).

Mr. WOLVERTON. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. GWINN].

Mr. GWINN. Mr. Chairman, I would like to ask the chairman of the subcommittee, the gentleman from Arkansas, a question or two. It is rather surprising to me to find this debate dragging without the presentation of the reasons why the Government should be so quick to save $100 million for services that the railroads render. Would the railroads assume the loss to other shippers of other commodities by paying higher rates? Should we assume that because we have the power to make the railroads render such service today at a reduced rate or possibly below cost that we ought to exercise it? If we carry soldiers at less than the competitive cost or at a reduced rate because it is a Government operation, would it not follow that we ought to carry all of the freight that Government operations create? How about the material that goes into public housing for the benefit of tenants from so-called slums, the materials that go into public powerplants? The corn and wheat and cotton that the Government owns—should they not be carried at a reduced rate? It is all Government operation. On principle, where do we stop?

Mr. HARRIS. I merely mentioned the history of the act whereby the Congress said in 1887 when the act was adopted that the Government agencies shipment of passengers and freight would be given this privilege of reduced rates. That has been practiced since that time and it is in effect today. It was not extended to these other fields that the gentleman related, therefore they have never been included.

Mr. GWINN. But should they not be, in principle? That is the only point in the argument. The question is, By what right do we do that, even if we did it in 1887?

Mr. HARRIS. I was one of those who voted to report a bill in the last Congress that would have repealed section 22. I voted for it on account of the principle involved that the gentleman mentioned. But we found there were so many who had a different opinion about this, particularly the Government agencies themselves and they violently opposed it and they do today, that we could not obtain a rule when we reported the bill out last time. We are facing a practical situation at this time when the majority of opinion of the committee decided we could not be successful at all in any further attempt to repeal it outright; therefore we can correct some of the evil by requiring that the actual reduced rates be filed with the Interstate Commerce Commission.

Mr. GWINN. Does the gentleman see any difference in principle between carrying soldiers at less than cost, at the railroads, and carrying corn or any other Government commodity at a favored rate?

Mr. HARRIS. In view of the history of the act itself and the reasons for it adopted by the Congress, yes; I can see a difference in principle involved, because when this act was adopted the carriers received benefits from what the Government did in granting to them substantial property which later became very valuable.

Now, in payment of that, the Government was given the privilege of reduced rates. No such situation existed in connection with the movement of any other commodity.

Mr. GWINN. Well, does the gentleman think in principle that that practice should continue for another, say, 75 or 100 years just because that was the original deal having to do with the establishment of railroads?

Mr. HARRIS. Well, I just expressed to the gentleman my feelings about it, but they did not prevail.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I thank the distinguished chairman of our committee for an opportunity to talk on this subject. I may say that in the short history of my service on the Interstate and Foreign Commerce Committee of this House, this is one of the most confused and confusing issues that I have had an opportunity to look at.

Now, this bill, as it was originally offered to the committee, was opposed by the Bureau of the Budget, the Department of Defense, the General Services Administration, and a number of carrier organizations. Since the bill was first offered to the committee it has gone through an amending process, so that, in effect, it makes section 22 no longer applicable to the carriage of household goods of dependents of military personnel and dependents of Government employees.

Mr. Chairman, I think the House ought to know one fact in considering this legislation, that if we are economy minded in this House, we are going to cost the Government, by the repeal of this particular section, about $12 million a year. That is going to come out of the pockets of the taxpayers of this country by the elimination of the applicability of section 22 to this particular type of carriage. Now, at the proper time, under the 5-minute rule, I intend to offer a series of amendments to this particular bill.

The first amendment will be an amendment striking out the particular section of the bill which eliminates the applicability of section 22 to this particular type of carriage. I then will, if given a chance, oppose an amendment which many of us have heard about which has been offered in committee and which has been adopted, and a committee amendment which I think will be proper for every Member to be apprised of at this time so that they can pay proper attention to the debate when it comes up.

The amendment, in effect, that will be offered as a committee amendment will do a number of things. Principally, the committee amendment will make some very radical changes in the law in the applicability of section 22 of the ICC Act and in the applicability of the so-called Reed-Bulwinkle Act to types of carriage and to the antitrust laws. And, I think that this House should know that no hearings have been held and that very serious and very considerable questions have been raised as to the impact of this particular amendment which will be offered later. And, I might say to the Committee that we had a short executive session on this particular amendment which the chairman is going to offer on behalf of the committee, and I do not believe there is anyone on that committee—I refer to the Committee on Interstate and Foreign Commerce—who knows what that amendment does or what it will do or what its impact will be on any one of the carriers who are involved or who will be involved. But, we do know one thing, that it will have the effect of practically repealing the effect of the antitrust laws on goods carried under section 22 of the Interstate Commerce Act, and it may very well also have the effect of eliminating, if passed, several lawsuits which are now pending in various parts of the country. And, I say it is not just one but several. So, at the proper time I intend to oppose that amendment. I hope the Members of the Committee of the Whole will support me and vote that particular amendment down.

Mr. WOLVERTON. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. YOUNGER].

Mr. YOUNGER. Mr. Chairman, as a member of the committee, I am one of those who is convinced that section 22 should be repealed. I am for this bill, but it goes only part way. I would like to go all the way.

So far as the shipment of household goods is concerned, operating under section 22, the Government has the right to go to any common carrier—truck, railroad, airline—and make any kind of an agreement. At the present time they do not even have to expose to the public the rate that they are charging. This has been a source of complaint. It is a source of trouble, as witnessed by the lawsuit that has already been mentioned. It offers temptation to those in the departments who can make secret agreements with common carriers. That temptation should have been removed long ago.

Now as to the movement of household goods and the savings that have been mentioned. The $12 million mentioned would not be all savings. Under the process now used the Department of Defense recompenses individuals for any damage to their household goods. Now listen to these figures. In 1956 there were 17,953 claims filed with the Defense Department for damage to household goods. The Government paid out $3,163,868. The estimate for 1957 is 19,684 claims for a total of $3,585,000. The estimate in the budget for 1958 is 20,674 claims for a total of $3,776,000.

If they shipped as any other shippers of household goods, those claims would not have to be paid. They could get insurance on the shipments.

I, for one, am in favor of the bill. As I have pointed out, I do not believe it goes far enough but it is a step in the right direction. Therefore, as a member of the committee and a member of the subcommittee, I recommend it.

Mr. WOLVERTON. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. HESELTON].

Mr. HESELTON. Mr. Chairman, I am not going to address myself to the bill itself. My serious concern is with what is known as the committee amendment which I understand will be offered when the bill is read under the 5-minute rule. The committee amendment is available at the desks, I believe; at least at the majority desk. In my opinion, however, it is so technical that it would be of no particular value to suggest reading it.

Rather, I want to address myself to what I believe to be a matter of basic principle. And I want anyone on the committee to correct me if I make any misstatement of fact now. I do not intend to do so, although I may be unconsciously in error.

The hearings on some 6 bills occurred on April 2, 3, 4, 5, 10, and 11 of this year. On April 10 of this year a proceeding was begun in the United States district court here in the District of Columbia. There were various pleadings filed by the parties. There were, as the chairman stated, several so-called independent air carriers as plaintiffs. Approximately 42 railroads who were named as defendants.

On June 17 the last pleadings in the case were filed. On June 19 Judge McGarraghy of the district court heard the motions of the defendants to dismiss and to order summary judgment, and at the same time the plaintiffs' motions for summary judgment and for a preliminary injunction. The case was fully and exhaustively argued before the court on that date.

On July 1, after consideration by the Committee on Interstate and Foreign Commerce of the legislation before it, a bill was reported out, which is the bill before you. The committee report was filed on July 1.

On July 5, Judge McGarraghy signed a memorandum in which he gave a partial judgment to the plaintiffs.

On July 17, the next step in the district court occurred, and that was the signing of an order by Judge McGarraghy in the nature of an injunction. Then, on July 25, it is my understanding a preliminary record was forwarded to the court of appeals here in the District.

You will not find in the committee report one word as to this committee amendment, and of course it is not in the bill in the form of an amendment suggested in the bill. It is my understanding that subsequent to the filing of the committee report on July 1 someone in the Department of Defense became exercised as to what he believed would be the result of this judgment entered in the district court, and he came to the committee with this amendment, offering it as a suggestion to overcome and to do away with the effects of

the judgment entered by Judge McGarraghy.

It is my feeling that we as a legislative body ought to recognize the separation of powers; that when private litigants go into any particular courts they have a clear right to expect action will be taken under the law. Whether it is interpreted correctly or not, I am not arguing. That is for the appellate courts to decide. But under the situation as it exists, it is not for us as a legislative body to attempt to reverse the judgment that may be handed down by a court one way or another.

In making these remarks, I am making no suggestion that one side or the other is correct. I do not know who is correct. But I think it ill behooves us to adopt an amendment the sole purpose of which is to undo the results of litigation that is pending in one of the United States courts.

We complain bitterly, and rightly, I think, when a court attempts to legislate. We complain when any part of the executive branch attempts to take to itself a prerogative of Congress. I think we should be fully cognizant of the fact that if we accept this amendment this afternoon, no matter who suggests it, no matter what the merits may be on one side or the other, we are actually seeking to undo a judgment rendered by a competent court after the pleadings have been presented to that court and the parties have been fully heard.

This issue never arose before this committee, and nobody has had an opportunity to say one word to us pro or con as to the advisability of this amendment. I think we will be wise if we insist that this pending litigation is not affected by this proposed amendment.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia, a member of the committee [Mr. FLYNT].

Mr. FLYNT. Mr. Chairman, this legislation is designed to amend section 22 of the Interstate Commerce Act. For my part, I wish it were legislation designed to repeal section 22, and I believe that that feeling is shared by many members of the full committee and the Subcommittee on Transportation and Communications on which I serve. Let me give you my principal reason for that. That is, if section 22 were repealed, the United States Government through its executive branch would then be required to pay the identical rates which private enterprise and private business in this country today are required to pay for shipping the same commodities the same distance and over the same or similar routes. I think present economic circumstances as well as the economic structure of our Government and of our Nation are substantially different than when section 22 was written into law. I hope the time will come when this body and the other body, constituting the Congress of the United States, will in their judgment see fit to repeal section 22 in its entirety. This bill which is today before us is limited to a certain portion of section 22 and provides that if this legislation should become law that in the future there will be no more secret or hidden agreements entered into by any branch of the United States Government and any carrier of any mode of transportation. There is no necessity for secret agreements any more, if ever in fact there was any necessity in the first place. If this legislation is passed, henceforth all agencies of the Government and all carriers who enter into negotiations for the shipment of goods or persons by any of the recognized modes and means of transportation will be required to file the rates which prevail as a result of those agreements between the carriers and the agencies of the United States Government involved. There is no reason, Mr. Chairman, why the American public, the average American citizen and the average American enterprise and business should any longer be required to pay higher rates because the Government is given preferential and lower rates. If a preferential lower rate is given to the United States Government or any one of its agencies, then if that rate is either below compensatory costs or near compensatory costs it means that the published rates, which will have to be borne by the American public generally, will be increased and will be higher than those rates which would normally be charged.

Section 22 was made a part of the Interstate Commerce Act at a time when the expenditures and the budget of our National Government were far, far less than they are today. They were made at a time of relatively low taxes imposed upon the American people. But, Mr. Chairman, at the present time, with the present structure of our national budget and the economic structure of our country, there is absolutely no further justification for the retention of section 22.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. FLYNT] has expired.

Mr. HARRIS. I yield the gentleman 2 additional minutes, Mr. Chairman.

Mr. FLYNT. Mr. Chairman, it is my firm and sincere belief that if this legislation, H. R. 3233, shall be enacted into law, it will be a step in the right direction toward correcting certain inequities which exist in section 22 as it is now being applied. This legislation in itself will bring to an end what I consider to be a reprehensible practice of the United States Government entering into secret and hidden negotiations, without bringing them to the complete light of day, so that any interested citizen or any interested competing carrier can see exactly what goes on when your Government and mine enters into these agreements.

Mr. Chairman, with regard to the committee amendment, about which something has heretofore been said, after studying this I believe that it has merit and should be adopted. I know of no valid objection to the amendment which has yet been presented.

It is my opinion, arrived at after considerable study and after some doubt raised in my mind when the question first came up, that the committee amendment which will be proposed and offered by the chairman will in no way affect any pending litigation or any future litigation which might arise under the provisions of this section 22 or 5a.

I know of no way whatsoever that the amendment which will be offered, and I hope which will be adopted, can have any retroactive effect in any way on any pending or future litigation.

This bill is not confusing to anyone who has studied it nor to anyone who has knowledge of those sections of the Interstate Commerce Act sought to be amended. I ask that the committee amendments be adopted and that this bill be passed.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. HARRIS. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Texas [Mr. MAHON], chairman of the Subcommittee on Military Appropriations.

Mr. MAHON. Mr. Chairman, I am a mere novice in the field of transportation legislation. I have not risen for the purpose of discussing the details of this bill. I have especially in mind a proposed amendment, in view of the fact that Government transportation is affected. I have taken advantage of an opportunity to look into the matter, as best I could on short notice, with the Defense Department. I am told that failure to adopt the committee amendment would increase the domestic transportation bill of the Government by many, many millions of dollars per year. As far as I know, that statement is correct. I believe it to be correct. But if it is not correct I should like to ask the chairman of this great committee for some enlightenment on that subject.

Another question that has been raised: It is said that if this amendment is not adopted it would nullify many if not most of the advantages to the Government and the carriers, of section 22, as a great majority of Government movements must result from joint consideration and negotiation by the carriers. It is further my understanding, after consultation with people who are supposed to understand this thing from the standpoint of the Defense Department, that failure to adopt the amendment would have a tendency to destroy the flexibility of adjusting contracts, such as speedy adjustment of rates, fares, routes, and transit privileges, and increase the possibility of breach of military security. There are other points which have been made. I am not sufficiently qualified as a student of this matter to measure the effect of these matters that have been presented to me.

My point is that, like you, I recognize that the Defense budget is already terrifically high, and I would certainly regret to see the Congress adopt a policy or fail to adopt a policy that would be to the disadvantage of the Defense Department in holding down expenditures; and if failure to adopt this amendment might cost us many millions of dollars in additional transportation costs in defense, I think it would be a mistake not to pass the amendment which I understand is to be offered by the gentleman from Arkansas, chairman of the committee.

And, if time permits, I would like to ask the gentleman from Arkansas, if I

may, if generally speaking I have presented a clear picture of this matter insofar as his studies reveal.

Mr. HARRIS. I would like to say to the distinguished gentleman from Texas that hearings over the past 3 years have revealed to us what the Government realizes from the operation of section 22 of the Interstate Commerce Act providing for free and reduced rates to Government agencies.

There has been some contention as to what the ultimate amount would be or might have been in the past, but the best that we can arrive at is that the Government saves about $128 million to $130 million a year out of the operation of this provision of the act.

I am advised by the Department of Defense which is mostly affected by this particular program under the ruling of the court, if its interpretation of the application of section 5a to 22 rates were to prevail that it would:

First. Wipe out all rates, freight and passenger, involving more than 1 railroad which in 1 instance have been in effect for years under section 22; and

Second. It would increase the domestic transportation bill of the Government in excess of $100 million in the fiscal year 1958 alone.

Those are some of the effects that the Defense Department says to us that they will realize if this amendment does not prevail.

There are many other Government agencies, the General Services Administration, for instance, which moves substantial property; there are other Government agencies that, of course, move substantial property; therefore, just what the total bill would be we are not able to say, but it would be substantial.

Mr. MAHON. I would like to ask a question as to the additional administrative costs. It is claimed that the administration of the transportation work in the Department of Defense will be greatly complicated if we do not have this amendment. I would like to know if the committee has made any study as to the possible additional administrative burden on the Government that might result if we failed to take the action recommended in the gentleman's amendment?

Mr. HARRIS. We were advised by the Department of Defense that an increased administrative burden on the Government departments, to the extent of which cannot be estimated, will result. Experience, they say, suggests greatly increased administrative costs involving increased personnel as well as increased transportation charges.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan, but I have only 2 minutes.

Mr. DINGELL. Mr. Chairman, I would just like to comment very briefly. No hearings have been held on this particular bill. We in the committee have really nothing other than the unsupported word of the Department of Defense as to how much this would cost. They have made no thorough study. They hurried these figures up here without even bothering to put them on the letterhead of Department of Defense. In order to show you the validity of the cost elements of the Department of Defense and regarding which the committee reports adversely on pages 5 and 6 of the report, they said that section 22 quotations were about 13 percent above the corresponding level of commodity rates on comparable traffic. Furthermore, they even said they paid more. Then they said that elimination of section 22 would have cost the Government an additional $128 million last year. Further, in the court order of Judge McGarraghy, that is the reason for the Defense Department's hurrying this amendment up to us in such a tremendous rush.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WOLVERTON. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, before starting my remarks, I would like to inquire if the gentleman from Texas [Mr. MAHON] wishes some additional time to answer any inquiry that was made of him?

Mr. MAHON. No. I am not a student of this matter. Knowing this matter was pending I have made some study of its effect on the defense budget. The defense budget is already pretty high. My only interest in addition to being interested in the general welfare is to try to prevent something being done that will increase the costs of the Government further because we are spending hundreds of millions of dollars already in transportation through the Defense Department and I would regret to see a bill raise it another $100 million per year. That is my only interest. I thank my friend from New Jersey.

Mr. WOLVERTON. I appreciate the gentleman has had considerable experience on this question of defense costs and, certainly, I did not want limitation of time to prevent him from giving the House the benefit of his thoughts.

Mr. GWINN. Mr. Chairman, will the gentleman yield?

Mr. WOLVERTON. I yield to the gentleman from New York.

Mr. GWINN. If the Government is to save $100 million in transportation costs, then who pays that $100 million? Is it the other shippers, the taxpayers, or the railroads? Will they have to absorb that cost?

Mr. WOLVERTON. Of course, in all instances, the Interstate Commerce Commission has the right to rule on the reasonableness of the rates and I assume that would be a question that would be subject to testimony having a bearing on that subject in a hearing before the Interstate Commerce Commission.

Mr. GWINN. Then the Interstate Commerce Commission might shift that burden to other shippers by fixing the rates?

Mr. WOLVERTON. I will leave it up to the gentleman's mind as to what the Commission might do.

Mr. COAD. Mr. Chairman, will the gentleman yield.

Mr. WOLVERTON. I yield to the gentleman from Iowa.

Mr. COAD. Only last week I understand through a news report that Mr. Symes, president of the Pennsylvania Railroad, has made a request of the Congress on behalf of the eastern railroads working in accord one with the other to set up a fund of $2½ billion to build rolling stock for the railroads because of tight money and because of the low revenue that the railroads are receiving and because their stock is wearing out. Does that mean we are going to set up a $2½ billion fund on the one hand and save $100 million somewhere else?

Mr. WOLVERTON. The Committee on Interstate and Foreign Commerce of this House has not considered as yet the suggestion that was made by Mr. Symes, who made that suggestion in the course of his testimony before the committee, not particularly on the bill that was pending at the time but as a means of helpful consideration to the railroads. He thought the matter should be given consideration by the committee. I was much impressed with the statement he made, the reasons he gave, and the assurances that he gave that it would not cost the Government any money. However, that is a matter requiring close consideration and attention by the committee.

Mr. Chairman, I have in mind as I make these remarks the statement that was made by a district court in the case to which reference has already been made, namely, that "the antitrust immunity conferred by section 5a of the Interstate Commerce Act does not apply to concerted section 22 quotations made to the United States Government."

The declaration by the court began and ended as I have read it. There was no basic reasoning given by the court to support the view that it expressed. It seems unfortunate that in dealing with a matter that has had Congressional consideration, that had the approval of committees in the Senate and in the House, that had the approval of both bodies, and had the signature of the President by way of approval, that the court would render a decision without sustaining reason upon a matter as important as this, and especially as it had been in operation for a period of approximately 10 years without any question having been raised by anyone with respect to the application of 5a to section 22. I repeat it was unfortunate that the court should take occasion to decide that the Congress did not intend that section 5a should apply to section 22 and not give any reason to support it. If the court had taken the time to consider the reports that had been filed by the respective committees in the Senate and in the House, as well as the debates that took place on the floors of both Houses when that matter was under consideration, it would seem to me that the court could not come to any other decision or conclusion than that it was the declared intent of the Congress that section 5a should apply and did apply to section 22.

During my service in the Congress, which, as you know, has been over a considerable number of years, most of which has been as a member of the Committee on Interstate and Foreign Commerce, a committee which has legislative jurisdiction over most of the regulatory bodies of our Government, it

has been astounding to me at times to have had brought to our attention as a committee that administrative bodies have passed upon what they consider the intent of Congress. In many instances it has been totally foreign to what I understood the intent of Congress to have been as a member of the committee that passed the legislation and as a Member of the House that had approved it after listening to the debates. But, nevertheless, it frequently happens that administrative bodies see fit by their interpretation of Congressional acts to, in fact, act legislatively in the place and in the stead of the Congress, doing so under the assumption that they are interpreting the intent of the Congress. That has also been frequently characteristic of decisions that have been made by our courts. I am aware of the fact that our courts frequently—and I wish they would more often do so—examine the hearings. I wish they would examine more carefully the hearings of the committees, the reports of the committees, and the debates on the pending legislation in both the Senate and the House, for I am inclined to believe that they could thereby better understand the intent of the Congress than their declarations sometimes indicate. For that reason I am speaking to some extent on the subject because of the fact that this court saw fit, in the few words that I previously read, to declare that section 5a of the Interstate Commerce Act did not apply to section 22. I am of the opinion that a decision as important as this was entitled to be something more than a mere memorandum filed by the court within a few days after the conclusion of the argument in the case. I am inclined to believe that if a study had been made to determine what the intent of Congress had been in this matter, it would have taken probably all of the time between the argument and the decision even to read the pertinent matter, the matter that had a bearing on determining the intent of Congress.

However, the failure of the court to make any reference to the matters that were discussed in the hearings or that appeared in reports of the committees, both majority and minority reports, or in the debates that took place in the House and in the other body, indicates to me that the court probably did not read in their entirety these pertinent matters, matters which should have been given very careful consideration and which, if they had been read by the court and the court was still of the opinion that the intent of Congress was not to make section 5a a part of section 22 then it was due the Congress that the court should have set forth its reasons and pointed out why it thought it was not the intent of Congress. I realize that that would have taken some time, but when another branch of the Government assumes to set aside an act of the Representatives of the people in whole or in part that has been deliberately arrived at by the Congress and approved by the President of the United States, I think it is due as a courtesy at least to the Congress that the court should give the reasons that prompted the court in the conclusions reached. And if the court had done so and had read the reports of the House and the Senate, it is my opinion it would have been apparent that not only did the majority reports and debates leave no doubt as to the intention to have section 5a apply to section 22, but the court would have read in the minority reports that had been made by those on the committees who had objected to the action of the committee, that they unequivocally had stated plainly that it was so intended. A reading of those statements filed in the form of minority reports, in the one case by Senator Tobey of the other body and in the other case by the gentleman from Minnesota [Mr. O'HARA] of this body, a member of the committee, could leave no doubt whatsoever that they understood in their opposition to the legislation that it was because of its application to section 22 in the manner which the court by its decision denies.

There was no doubt of that.

In this connection I have today received a communication from my colleague, the gentleman from Minnesota [Mr. O'HARA], who filed the minority report to the House bill to which I have referred, transmitted to me by his secretary owing to the the fact that Mr. O'HARA was in Minnesota on official business.

It reads as follows:

DEAR MR. WOLVERTON: Re H. R. 3233. The following is a memorandum of the message which Mr. O'HARA asked me to convey to you today in regard to the proposed committee amendment to H. R. 3233.

Tell Mr. WOLVERTON that as one of those who objected to the Bulwinkle amendment, I made no distinction between section 5a and section 22, and thought it applied to both of them.

That is about as reliable firsthand information as it would be possible to get as to the intent of Congress when it passed this legislation some years ago.

May I further address myself to the fact that the original legislation has been in effect for upward of 10 years. It has been utilized by carriers. At no time in the 10 years that have intervened until the present time has any court, the Interstate Commerce Commission that has applied it, or anyone else, shipper or otherwise, as far as I am aware, ever raised the question that is now expressed that in the passing of the Bulwinkle bill, known as section 5a it was not a part of and to be applied to section 22 of the act. Certainly this lapse of time is an element that is entitled to have consideration.

The amendment which will be subsequently offered by the chairman of our committee is not to be considered, in my opinion, in the nature of legislation to change the court opinion, although if it were I would not have any objection to that. We have seen opinions rendered by the highest Court in the land in recent days. Already there have been bills introduced in the Congress with the idea that it would be necessary on account of those opinions to change the law which, in effect, would change the opinions of the courts if they subsequently had the same set of facts before them. If that can be done with respect to the Supreme Court of the United States, then what objection could there really be if this amendment that will be offered does have that effect with reference to a decision of a district court judge, especially on a memorandum opinion, in a matter as important as this and one in which the factual data that supports the Bulwinkle bill as a part of section 22 is so plain that even he who runs could read and understand?

I think it is time for Congress to assert itself. I have no apologies to make for a committee, after due deliberation, coming in with legislation that will correct decisions of a court that is wrong. Why should we not do so when we have passed legislation that we think is necessary, appropriate, and proper, and after extended hearings, when a court in merely a memorandum opinion using 1¾ lines to declare all Congress has done and the President has approved of is not a part of the law, and was not the intent of Congress? Instead of apologizing and making excuses, I think it is our duty to do it. But in this instance we are not justly boldly saying, "We are changing your opinion." We are making it plain that this is what Congress did intend, and it would have effect at least in the future. As to what effect it might have on this case, I am not of the opinion that it is intended to be retroactive or anything of that sort. But, even if it were, we would only be asserting what the Congress declared 10 years ago should be the law and which had the approval of both Houses by an overwhelming majority. If I remember correctly, the bill was passed in this House by a vote of 248 in favor of it and I think with only 38 or 48 voting against it. I am not so sure but I think it was passed in the other body by an overwhelming majority. All of this indicates how plain it was as to what the Congress intended and this has been proved by the intervening 10 years of time without anyone—the courts or anyone else—objecting to it or raising any question. Therefore, I say I am not apologizing. If anyone wants to say that this is done to change a court decision, I will say, that is all right with me—I am not apologizing for whatever the bill may do in that respect. I feel at times it is the duty of the Congress to assert itself and to make certain as Representatives of the people that their will should not be set aside without the court at least giving the reasons for it.

Mr. DINGELL. Mr. Chairman, will the gentleman yield at this point?

Mr. WOLVERTON. I yield to the gentleman for a question.

Mr. DINGELL. I am going to ask the gentleman one question.

Mr. WOLVERTON. If the gentleman wishes time to express his views, I will yield him some time, but I do not want it to be included as part of my remarks. Therefore, I will yield the gentleman time, if he desires it.

Mr. DINGELL. I asked the gentleman if he will yield for a question.

Mr. WOLVERTON. If it is not a speech.

Mr. DINGELL. I am going to ask the gentleman the same question that I

asked him yesterday. Will the gentleman tell me where in the reports or in any documents that he discussed, or in the debate, was it specifically said that section 5 applied to section 22—just where specifically?

Mr. WOLVERTON. I have that information right here in my hand and I have asked for permission to revise and extend my remarks.

Mr. DINGELL. I am asking the gentleman to tell us here.

Mr. WOLVERTON. Just a moment. I heard what you asked, and I am trying to answer you in a way that will give you the information. If you will read the report of our committee in reporting out the original bill, you will find abundant evidence of it. And, if you will read the report at that time of the other body—and I assume that you have not read it or you would not have asked the question—you will find abundant and convincing answers to your question.

Mr. DINGELL. I am just asking the gentleman to tell us here.

Mr. WOLVERTON. I know what the gentleman is asking, but the gentleman will get the answer in the way that I have indicated.

Mr. DINGELL. I just asked the gentleman to tell me specifically where that language appears.

Mr. WOLVERTON. Mr. Chairman, I answered the gentleman. I decline to yield further.

Mr. Chairman, I now wish to consider further the historic background of this legislation.

For many years the common carriers subject to the Interstate Commerce Act have given the United States Government special reduced rates which were substantially lower than the regular tariff rates. This has been done under section 22 of the Interstate Commerce Act which provides that nothing in the statute shall prevent the railroads from giving reduced rates to the United States Government and also to State and municipal governments as well as to certain other kinds of public institutions.

These rates were particularly important to the Government all through the period of World War II and in the postwar period when the Government found it necessary to transport large volumes of freight and passengers for military and related purposes. During this period these reduced section 22 rates saved the Government and the taxpayers many millions of dollars.

Necessarily the greater part of the transportation under these reduced rates involved two or more carriers. This meant that the reduced rates under section 22 had to be considered and established by the carriers through joint action. This necessity for joint action was one of the important reasons for the enactment in 1948 of section 5a—Bulwinkle Act—of the Interstate Commerce Act. It had been suggested that any kind of joint action by carriers in relation to railroad rates violated the antitrust laws. Congress dealt with this problem by passing section 5a. The section provides that the Interstate Commerce Commission may approve agreements among carriers for the joint consideration, initiation, and establishment of rates, fares, and charges and that if it approves such an agreement then any action taken under the agreement is relieved from the operation of the antitrust laws.

By its terms section 5a applies without any limitation to all kinds of "rates, fares and charges." These words plainly cover all rates, fares and charges as those words are used elsewhere in the Interstate Commerce Act, including the word "rates" in section 22. Certainly there is no basis for saying that the word "rates" means one thing in section 5a and something different in section 22; Congress did not intend to engage in this kind of juggling with the plain meaning of the word.

The words "rates, fares and charges" in section 5a were the same words that were used to cover the identical subject matter in certificate 44 which was issued by the chairman of the War Production Board in 1943 to permit the railroads to act jointly in establishing rates during the war without fear of prosecution under the antitrust laws. It was pursuant to the provisions of certificate 44 that the railroads made section 22 quotations to the Government during the war and there can be no doubt that the certificate applied to section 22 rates as well as to all other rates made by the railroads while the certificate was in effect.

The purpose of section 5a was to replace the wartime protection given to the railroads by certificate 44 with a permanent statute, and this was explicitly stated in the hearings which preceded the passage of section 5a. See the testimony of Commissioner J. Monroe Johnson, Director of the Office of Defense Transportation in the hearings on H. R. 2536 before a subcommittee of the Committee on Interstate and Foreign Commerce, House of Representatives, 79th Congress, 1st session, page 392.

When the legislation was under consideration in Congress it was repeatedly pointed out that it was particularly important that carriers should act jointly in considering, initiating and establishing rates for Government traffic. The Director of the Office of Defense Transportation and representatives of the Army and Navy appeared and testified in the committee hearings in support of the proposed legislation. This testimony was specifically referred to in both the Senate and the House reports recommending passage of the legislation. See House Report No. 1100, 80th Congress, 1st session, page 11, and Senate Report No. 44, 80th Congress, 1st session, page 12. After specifically referring to this testimony the House committee report stated:

> It should be noted that the cooperative procedures developed in time of peace and the experience of the carriers under such procedures will greatly facilitate efficient operation in time of national emergency.

There was also testimony in the committee hearing on the importance of section 22 quotations to the movement of Government traffic. Joseph B. Eastman, Director of the Office of Defense Transportation and for many years a member of the Interstate Commerce Commission, placed in the record of the hearings before the Committee on Interstate Commerce of the United States Senate, in the 78th Congress, a report listing instances in which the railroads had acted jointly to give the Government section 22 quotations—hearings before the Committee on Interstate Commerce, United States Senate, 78th Congress, 1st session, S. 942, pages 843–851. In the same hearings Mr. A. F. Cleveland, vice president of the Association of American Railroads, introduced in evidence a list of 125 quotations on Government traffic made under section 22 by the railroads acting jointly—hearings before the Committee on Interstate Commerce, United States Senate, 78th Congress, 1st session, S. 942, pages 1064–1080.

In the hearings before the Senate Committee in the 79th Congress, 2d session, there was a colloquy between Senator Hawkes, one of the members of the committee, and the general counsel of the Association of American Railroads in which Senator Hawkes explicitly states that in his view it was necessary for the railroads to act in concert in making section 22 quotations. Senator Hawkes said:

> If the process of using the rate bureaus to arrive at commercial rates is sound and justifiable under the laws of the country, as I believe it is, then I cannot see how you could do anything else in considering rates under section 22 than to use the same agency in arriving at what you can do with due regard to all other things that had been done and that were in existence. (Hearings on H. R. 2536 before Senate Committee on Interstate Commerce, 79th Cong., 2d sess., pp. 1410–1413.)

It has recently been suggested for the first time that section 5a does not authorize the Commision to approve agreements that provide for joint action in relation to section 22 rates because those rates are not subject to regulation in all respects by the Interstate Commerce Commission. There is no merit whatsoever in this argument. It disregards the plain meaning of the words of section 5a. It ignores the legislative history of the section. As we have seen, that legislative history shows beyond any doubt that Congress intended the section to cover joint activity in relation to section 22 rates and in fact passed it so that such joint activity could be relieved from the operation of the antitrust laws.

The argument rests on a false premise. The Interstate Commerce Commission has authority under the Interstate Commerce Act to regulate section 22 rates in the only respects that are necessary to protect against unreasonable joint action by the carriers. The Interstate Commerce Commission can reduce section 22 rates if they are unreasonably high; it can award the Government reparation for injuries caused by unreasonably high section 22 quotations—*War Materials Reparation Cases* (294 I. C. C. 5). The Commission can prevent section 22 quotations from being used to discriminate between private shippers or between carriers, or between regions and localities. This was explicitly held by Mr. Justice Brandies in *Nashville, C. St. L. & C. Ry. Co.* v. *State of Tennessee* (262 U. S. 318). Even though the Inter-

state Commerce Commision has no authority to fix a floor under section 22 rates or to require them to be raised it does not follow that section 5a does not apply to such rates. On the contrary, the purpose of section 22 is to permit carriers to give governmental agencies reduced rates and there is no justification in section 5a or in any other part of the Interstate Commerce Act for an argument that the antitrust laws should be used to prevent the granting of such reduced rates.

The question is whether the words and the will of Congress should prevail or whether section 5a should be whittled away by an interpretation which would deprive the Government of the benefits to which it is entitled under section 22. Nothing in the words of section 5a or in the legislative history of the section provides the slightest support for this kind of an interpretation of the section.

EFFECT ON GOVERNMENT TRANSPORTATION FROM AN ADMINISTRATIVE STANDPOINT IF THE AMENDMENT TO BE OFFERED ON THE HOUSE FLOOR TO H. R. 3233 BY THE CHAIRMAN OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE IS NOT ENACTED INTO LAW

Since the filing of Report No. 677 on H. R. 3233, an opinion of the District Court for the District of Columbia, handed down on July 5, 1957, in the Aircoach Transport Association, Inc., et al. against Atchison, Topeka & Santa Fe Railway Co., et al., Civil Action No. 875–57 and its effect on section 22 of the Interstate Commerce Act, makes necessary a clarifying amendment to section 22.

If the amendment to H. R. 3233 is not enacted into law, the above court opinion might, in my opinion, result in the following:

First. Nullify many, if not most, of the advantages to the Government and the carriers of section 22 as a vast majority of Government movements must, for practical purposes, result from joint consideration and negotiation by the carriers.

Second. Destroy a flexible means of major importance, particularly in military operations, such as speedy adjustments of rates, fares, routes, transit privileges, and so forth, and increase the possibility of breach of military security.

Third. Increase the domestic transportation bill of the Government many, many millions of dollars annually.

Fourth. Greatly increase the administrative burden of the Government.

Fifth. Increase litigation involving Government traffic and the possibility that numerous suits will be filed for undercharges on the theory that the jointly established section 22 rates are illegal and, therefore, the only lawful rates are those contained in their published tariffs. In many instances, these would be class rates which are inappropriate for large volumes of Government traffic.

The acting in unison by groups of carriers in connection with the rates and fares for the movement of traffic has been the general practice for years and such action has been of great assistance to both the carriers and the customers in negotiation of rates and fares. It has resulted in substantial savings to shippers in transportation charges, reduction in administrative expenses to both shippers and carriers, and greatly aided in expediting negotiations and the movement of traffic.

Section 5a of the Interstate Commerce Act was enacted in 1948 for the specific purpose of permitting a continuation of that longstanding practice. It was patterned somewhat after the War Production Board, certificate No. 44, which approved joint action by common carriers or freight forwarders through rate bureaus, rate conferences, or similar organizations in the initiation and establishment of rates, fares, and charges and regulations and practices pertaining thereto on Government traffic for the duration of the war and 6 months thereafter. Congress was, therefore, well aware of the need for this procedure to permit the Government to deal collectively through carriers, rate bureaus, and conferences. Congress did have in mind that section 5a was broad enough to include section 22 quotations otherwise it would have distinguished between the meaning of rates, fares, and charges as used in section 5a from the meaning of these words in other sections of the act.

It has long been the practice of the commercial carriers to work through their bureaus and associations in establishing section 22 rates for the Government, particularly in their group passenger movements, annual passenger agreements and area, territorial and interterritorial adjustments. It is impractical during peacetime and impossible during times of national emergency for the Government to deal with individual carriers.

It is essential that the present procedures for establishing section 22 rates be continued, therefore, the clarifying amendment is offered.

EFFECT ON GOVERNMENT APPROPRIATIONS IF THE AMENDMENT IS NOT ENACTED INTO LAW

If the amendment to H. R. 3233 to be offered by the chairman of the Committee on Interstate and Foreign Commerce is not enacted into law the Government will be required to expend considerably more money in the future for commercial transportation services. Additional appropriated funds will be required both for transportation charges and for increased administrative expenses.

The following are some of the reasons for the additional costs:

First. Much of the traffic which now moves on section 22 rates established under the conference procedure would be transported at unreasonably high rates due to the inability of the carriers to promptly establish reasonable rates.

Second. An increase in traffic management personnel would be required to deal with each carrier individually and to prepare exhibits, testimony and pleadings for presentation before the regulatory bodies, both Federal and State, in establishing reasonable rates for the future.

Third. The Government, being unable to secure rate adjustments prior or retroactively to the movement of traffic, would have to attempt to secure such adjustments through litigation. This would require the preparation, filing, and trial of numerous proceedings before regulatory bodies for reparations, which would be a long drawn out, costly, and time-consuming procedure. This can be avoided by enactment of the proposed amendment.

Fourth. Many adjustments of transportation charges on spot movements would be passed over due to the inability to process such adjustments prior to movement of traffic and the amount of traffic involved would not justify long drawn out and costly litigation.

Fifth. Very extensive increase in litigation involving Government traffic with numerous suits being filed for undercharges on the grounds that the lower joint section 22 rates were illegal and therefore the only lawful rates were the higher rates and fares contained in published tariffs. These tariff rates are often excessive and inappropriate for particular military movements due to volume or other surrounding circumstances.

Sixth. The possibility of a large number of civil suits and countersuits being filed among the competing modes of transportation as a result of a recent court decision if it is upheld. This condition would result in considerable increased costs to the Government in the handling of such cases in the courts.

Seventh. The duties of the regulatory bodies would be considerably increased by (a) filing of formal and informal complaints; (b) processing of applications for filing of reduced rate tariffs on less than statutory notice; (c) examination and ruling on petitions for investigations and suspensions; and (d) hearings on investigation and suspension proceedings.

The procedure of establishing rates and fares under section 22 of the Interstate Commerce Act by the conference method has been the general practice for many years and has resulted in substantial savings to the Government in transportation charges and administrative expenses. This procedure has also enabled the Government to expedite negotiations and the movement of traffic.

The House Report No. 677 on the bill shows that the Department of Defense alone estimates that the elimination of section 22 rates would initially cost the Government an additional $120 million annually. If the views expressed in a recent court opinion are upheld it would nullify many of the advantages to the Government of section 22 as the great majority of rates established for the Government result from joint consideration and action by the carriers. Therefore, if the amendment to H. R. 3233 is not enacted into law, the increase in transportation charges and administrative expenses to the Government will amount to many, many millions of dollars.

There is no substance in the argument that this is retroactive legislation or that it is simply an attempt to give the railroads immunity for activities that were plainly illegal when they were committed.

This amendment does nothing more than reaffirm the intent of Congress when it passed section 5a. It is not an attempt to change the words that Congress used when it passed section 5a.

It is not an attempt to give the section any meaning that it did not have when it was enacted.

The question whether Congress intended section 5a to cover agreements relating to section 22 rates was fought out at the time that the section wes passed. Those who favored the legislation made it clear that one of its purposes was to permit the carriers, subject to the approval and control of the Interstate Commerce Commission, to make agreements for the establishment of section 22 quotations. The armed services supported the legislation on that ground. In the committee hearings on the legislation there was discussion of the practices of the carriers in making section 22 quotations. The committee reports in both the House and Senate emphasized the importance of joint action by the railroads in establishing rates for Government traffic. Everyone knew at that time that a large part of Government traffic moved on section 22 rates.

Those who opposed the bill did so on the ground, among others, that the railroads should not be allowed to act jointly in establishing section 22 rates. When the bill was under consideration in the Senate, Senator Taylor proposed an amendment which would have established a different procedure for section 22 quotations. This amendment was defeated—volume 93, CONGRESSIONAL RECORD, page 7215.

The words of section 5a leave no doubt as to the meaning of the section. The section provides for approval of agreements for the establishment of "rates, fares, and charges." The word "rates" is the same word that is used in section 22.

On what basis can it be said that Congress is not entitled to reaffirm and reiterate that it meant what it said when it passed section 5a. Surely Congress has the right to reaffirm its own words. Indeed I should think that it has a duty to do so if there can be any possible doubt about what it meant when it passed particular legislation. In this case I should suppose there was no room for doubt but if there is then Congress is entitled to State what its intention was when it passed the legislation.

This reaffirmation of the words and the purpose of Congress does not invade the province of the courts. The courts will still decide how section 5a is to be interpreted and applied. In my opinion the courts should attach great weight to the Congressional interpretation of the statute and I hope that they will; but the question is still one for the courts. The amendment, therefore, does not take away from anyone any rights to which he may be entitled under the statute. It does not change the statute. It is simply a declaration that the statute meant what it said when it was passed and not something else.

So far as concerns the present lawsuit under the antitrust laws I do not understand that this amendment will destroy the lawsuit. I do not understand that it will prevent the plaintiff airlines from asserting any rights that are properly theirs under the law. This amendment has nothing to do with anything except the interpretation of section 5a of the Interstate Commerce Act. Whatever rights the plaintiffs in the case have under a proper interpretation of that section they will continue to have. They can still contend for example, that the agreements under which the railroads were acting were not in fact approved by the Interstate Commerce Commission. They can still contend that the railroads have not complied with the agreements.

The attacks on this amendment seem to me to rest on a wholly false premise. They assume that Congress has no right to interpret its own legislative acts. They assume that simply because a Congressional enactment is drawn in question in the courts Congress is without power to reaffirm and to reiterate the words that it used in the enactment. I cannot accept this extraordinary and novel restriction on the constitutional powers of Congress. I cannot believe that Congress should abdicate its responsibilities merely because of a decision by a single Federal judge. Congress, as well as the courts, has a responsibility for the proper interpretation of the laws that Congress passes. Congress is certainly entitled to make it clear that when it passed a statute it meant exactly what the words of the statute said.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. HARRIS. Mr. Chairman, we have no further requests for time and I suggest that the Clerk read.

The CHAIRMAN. Does the gentleman from New Jersey desire to yield time?

Mr. WOLVERTON. Mr. Chairman, I had offered to yield time to the gentleman from Michigan, if he wished it, and that offer still holds good.

Mr. DINGELL. Yes, Mr. Chairman, I wish the gentleman would yield me some time.

Mr. WOLVERTON. I realize the gentleman has spoken once, but I always feel that a member of the committee ought to have an opportunity to express himself.

The CHAIRMAN. How much time does the gentleman from New Jersey yield to the gentleman from Michigan?

Mr. WOLVERTON. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. I just want to say that I have great respect for the distinguished ranking member of our committee. I think he is a very fine and very able man. But, I asked him on this floor and I want everybody to note this, to tell me one specific instance in that committee report or in the documents that he discussed where it was specifically stated that section 5 applied to section 22, and he could not tell me. So I ask the Members of this House to just recall that in their consideration of this bill.

Mr. WOLVERTON. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. If I have any time I am glad to yield to the gentleman.

Mr. WOLVERTON. The gentleman from Michigan should not say that I could not give him that information; but rather he should say I did not give him the information.

Mr. DINGELL. Then I will say that the gentleman did not.

Mr. WOLVERTON. As I was saying, the gentleman should understand that I did not give him the information in detail because I told him where he could obtain the information. There he would find sufficient evidence to answer his question that there would not be any further question in his mind, and if the gentleman should read what is in the reports when the original bill was before the House it would answer the questions he has asked. There are too many instances there to include them all in my remarks.

Mr. DINGELL. I just asked the gentleman to point out one instance and I asked everyone in the House here to recall that the gentleman could not point out one single instance.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLIFIELD. Mr. Chairman, I ask the chairman of the committee at this time to yield to me to ask certain questions, in lieu of asking for time.

The CHAIRMAN. Does the gentleman desire time?

Mr. HOLIFIELD. Yes.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, due to other committee duties, I have not had time to study this bill sufficiently, but I have received a communication from the Independent Airlines Association, in which certain statements are made. As I have not had time to study the bill, I wish the chairman would respond to these questions. The letter is from the Independent Airlines Association, under date of July 29. In the second paragraph it reads:

> Last Thursday, July 25, the Interstate and Foreign Commerce Committee approved submission as a committee amendment of an amendment to H. R. 3233. If adopted, this amendment would (1) legalize retroactively certain practices of the railroads which have been found to be unlawful under the Sherman and Clayton Antitrust Acts.

Will the Chairman tell me if that is true, and if it is not, please explain it to me.

Mr. HARRIS. If the question that is raised by the letter is referring to the particular suit which the airline association filed, and which the judge ruled on, then in my opinion that is not a correct statement.

Mr. HOLIFIELD. It is not a correct statement in the gentleman's opinion.

Mr. HARRIS. That is right.

Mr. HOLIFELD. You say if it refers to a particular suit. Would this legalize retroactively certain practices of the railroads in the future which have been found to be unlawful under the Sherman and Clayton Antitrust Acts?

Mr. HARRIS. In my opinion it would not other than the application of section 5a of the Interstate Commerce Act to section 22 rates.

Mr. HOLIFIELD. The second question: "Would grant the railroads an immunity against such practices in the future."

The gentleman has just answered that in the negative.

Third: "Would decide in favor of the railroad defendants a suit now pending before the Court of Appeals for the District of Columbia."

Mr. HARRIS. It would not. It would not touch that suit at all, and there is no intention for it to do so.

Mr. HOLIFIELD. The fourth question: "Would grant the railroads a privilege enjoyed by no other segment of American industry, of being exempt both from regulations of the Interstate Commerce Commission and antitrust acts with respect to carriage for the United States Government."

Mr. HARRIS. That would require a little more explanation. When section 22 was adopted in the Interstate Commerce Act it took from the regulatory agency, the ICC, the authority and responsibility for determining reduced or free rates. So, therefore, in all the years that that section has been administered, the Interstate Commerce Commission was not given authority to make and determine the reasonableness of the rates, because those rates were to be made by other agencies of the Government involved and the carriers involved. It is true that during all the years of the Interstate Commerce Act no other segment of industry has enjoyed that kind of treatment, because the Interstate Commerce Commission is charged with the responsibility of determining the reasonableness of all rates for shippers.

Mr. HOLIFIELD. So in this particular area, then, the Government has enjoyed a privilege over the years under section 22 of asking common carriers to competitively bid on the carrying of property and personnel.

Mr. HARRIS. That is the reason this whole subject has developed. They have not permitted the competitive element to work. So it is contended that the Government will go to a particular carrier or certain carriers and enter into secret agreements with them for the movement of certain goods, and therefore eliminate the competitive situation altogether.

It is further claimed that the Government can use any method or means it wants to in having a certain carrier or certain carriers move certain goods or passengers at a certain rate. Therefore, we thought that by requiring the filing of those rates with the Interstate Commerce Commission such situation could no longer prevail.

Mr. HOLIFIELD. But by the very filing of those rates does it not engage them in litigation? Is it not possible that litigation can be instituted which will prevent the Government from obtaining the advantage of special rates on its transportation?

Mr. HARRIS. No, it could not at all.

Mr. HOLIFIELD. I was the author of the Federal Property and Administrative Act of 1949, in which the General Services Administration was given the privilege of appearing before public utilities of different kinds and representing departments of the Government in seeking to obtain savings for the Government. As I understand, this bill will cripple them in carrying forward their duties under this act as they have in the past; they cannot seek these advantages to the Government that they have in the past. Is that right?

Mr. HARRIS. Yes, they can; they can proceed with the same advantages that they had except the fact that they will have to make it public, they will have to make these quotations public.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HARRIS. Mr. Speaker, I ask uanimous consent that the gentleman from California [Mr. HOLIFIELD] be granted 2 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HOLIFIELD. At this time, as I understand, the complaint of the other carriers, other than the railroads, has been that the railroads have been engaged in spot rate reductions wherever it would benefit them to put a competitor out of business and that in this suit against them in the district court, the court did find that this had occurred and that it occurred by concerted action among the railroads; and, therefore, the court ordered them to cease and desist this practice and not use these spot rate reductions to eliminate competition in carrying, as I understood the court record which I have here in my hand. Is that true?

Mr. HARRIS. That is true. That is the suit that is referred to as the special variable rate case.

Mr. HOLIFIELD. In other words, if the railroads quoted a reduced rate to everybody that would be all right, but the court has said that what they cannot do is to cut certain rates below the cost of competition and thereby put the competition out of business. Is that right?

Mr. HARRIS. I am sorry, I did not understand the question.

Mr. HOLIFIELD. The court has ordered them to cease and desist from reducing their rates as much as 50 percent in spot locations where the intent is not to give a good rate to the Government but to put a competitor out of business. Is that substantially what they have ordered?

Mr. HARRIS. That is my understanding; yes.

Mr. HOLIFIELD. Does the gentleman say that this legislation will not affect the suit that is now pending in the courts?

Mr. HARRIS. It will positively not, or any other action that might be brought.

Mr. HOLIFIELD. In other words that suit can be pursued to the higher courts.

Mr. HARRIS. Yes.

Mr. Chairman, under unanimous consent obtained today, I append hereto a memorandum prepared by the independent airlines on H. R. 3233. I also append the court order of Judge Joseph C. McGarraghy and a memorandum on the case, also prepared by Judge Joseph C. McGarraghy.

MEMORANDUM ON H. R. 3233 AND PROPOSED COMMITTEE AMENDMENT

A committee amendment, adopted July 25, 1957, would amend H. R. 3233 to provide that the provisions of paragraph 9 of section 5a of the Interstate Commerce Act shall apply "as to any agreement so approved by the [Interstate Commerce] Commission under which any such quotation or tender (a) was made prior to the effective date of this paragraph."

Paragraph 9 of section 5a of the Interstate Commerce Act grants the railroads immunity from the antitrust laws. The "quotations or tenders" referred to in the proposed amendment are those made for the carriage of personnel or freight for the Government under section 22 of the Interstate Commerce Act, which permits the railroads to carry this traffic "free or at reduced rates." The clear and conceded purpose of the amendment is to exempt the railroads, retroactively, from the scope of the antitrust acts insofar as Government carriage is concerned. The reason for the legislation is to be found in an opinion of Judge McGarraghy of the District Court for the District of Columbia, dated July 5, 1957, finding that the railroads have engaged in certain rate practices, illegal under the antitrust acts, in bidding for this traffic, and enjoining the continuance of such practices. (A copy of the opinion and order are attached hereto.)

The proposed amendment is specifically designed to retroactively legalize practices which were found to be unlawful and to destroy any claims arising out of prior illegal conduct. It would further enable the railroad industry to conduct certain destructive rate practices and legislatively annul the injunction order from which the railroads have already appealed to the Court of Appeals for the District of Columbia.

The pending suit is one brought by a group of noncertificated air carriers, associated under the name of Aircoach Transport Association, against the principal railroads of the country. They complained of two practices of the railroads. First, the use of special variable rate quotations. Until September 1953, the railroads bid for Government traffic at 10 percent below their published tariffs. At that time they began the practice of submitting variable spot quotations; that is, whatever was required to take the business away from their competitors. Admittedly, these spot quotations were as much as 50 percent below their published tariffs, though the railroads had previously asserted that they lost money even on bids of only 10 percent below their tariffs. The consequence has been to drive competitors out of this market, with the obvious intention of raising railroad rates once competition has been completely eliminated. The second practice was that of submitting package or all-or-nothing bids. For example, if a shipload of troops was to be moved from a port of entry to five different destinations around the country, the railroads would submit a package bid for the entire movement. In consequence, airlines and other competitors were unable to bid for portions of the proposed movements. These—and only these—are the practices which are attacked by the order of the district court.

This is made crystal clear by the order entered by the court. It states, in paragraph 4, that—

"Nothing provided in [this order] shall prevent or preclude defendants [the railroads] * * * from submitting any rate quotations, concertedly arrived at, for the transportation of persons for the United States at free or reduced rates under * * * section 22 of the Interstate Commerce Act * * *, without regard to the level of the rates."

Proponents of the proposed amendment have engaged in a widespread effort to make it appear that Judge McGarraghy's decision would prevent the Government from obtaining reduced rates under section 22 and would prevent the submission of joint through rates by the railroads. Both of these claims are demonstrably false, since the order specifically provides that neither

of these practices are prohibited. The railroads can continue to make reduced rate quotations to the Government and can even carry Government traffic at no charge whatsoever, so long as they do not engage in the practice of continually varying their rates to destroy competition. Moreover, to the extent that the order prohibits all-or-nothing packaging of railroad bids, the Government will save money by being able to choose the most economical mode of transportation for any segment of a large multipoint movement.

The only things prohibited by the court order are the two unfair competitive devices which the railroads have used in an effort to obtain a monopoly of this business.

The use of variable spot quotations is unfair, because the railroads are not required to, and never have filed tariffs with the Interstate Commerce Commission on rates to be charged the Government. Air carriers are required to file their tariffs for this traffic with the Civil Aeronautics Board. It is worth emphasizing that the pending amendment would not require the railroads to file their tariffs or in any way subject them to the jurisdiction of the Interstate Commerce Commission to set aside section 22 quotations as unreasonable. The pending amendment would therefore continue, rather than eliminate, this unfair competitive practice. The system of package bidding is unfair, because even where air carriers can successfully underbid the railroads for a portion of a movement, with consequent savings to the Government, the package bid precludes this result. This unfair competitive practice would not be changed by the proposed amendment, and the railroads would be granted an immunity under the antitrust acts while engaging in it.

Essentially, the proposed amendment would extend the provisions of section 5a of the Reed-Bulwinkle Act of 1948 to cover carriage for the Government. The Reed-Bulwinkle Act granted the railroads immunity from the antitrust laws, by transferring to the Interstate Commerce Commission the powers which had previously rested in the district courts of the United States to enforce the antitrust acts insofar as the railroads were concerned. But, and this is the essential point of the entire argument, this was done only in those cases where the ICC had control of the resulting rates. Because of the provisions of section 22 of the Interstate Commerce Act, the ICC has no control over the rates charged the Government and the use of reduced rates on a variable basis as a destructive competitive device. What the pending amendment proposes, therefore, is that these rates are not to be subject to the jurisdiction of the ICC, and are not to be subject to the antitrust laws. With none of the usual provisions for approval or suspension of applicable rates, the railroads would be given a blanket and retroactive exemption from the antitrust laws.

The proposal is therefore unsound in theory; the railroads are not entitled to have it both ways, and be free both of the regulation of the ICC and of the antitrust laws. If adopted, this amendment would set up an island of privilege not enjoyed by any enterprise in the United States, in regulated industry or out of it.

And the occasion for introducing the amendment is inappropriate. It has not been denied that this amendment is designed, retroactively, to legalize practices found by a court of law, in a civil suit between private parties, to be unlawful, and that the decision of a district court is the reason for introducing the amendment at this time. It is, at the least, unseemly for the Congress, by special legislation, to intervene in a matter which is the subject of private litigation. Leaving to one side the constitutional question whether the doctrine of separation of powers gives the Congress the power to set aside a judgment granted by a constitutional court, it is, and will appear to be, an act of the grossest partisanship for the Congress to determine, legislatively, the outcome of an action at law. The proper course for us to pursue is to await the outcome of this legislation. When the higher courts have spoken, we will then be in a position to legislate, if legislation be found necessary, with an accurate knowledge of the scope and meaning of present law. This is the view which the Congress has followed. It is disruptive of all normal procedures to transfer litigation, pending on appeal, from the courts to the Halls of Congress.

It is asserted that the interests of the Department of Defense are involved, but the basis of that interest has been distorted. The order entered in the court, as has been seen, specifically provides that the railroads may continue to carry this traffic at free or reduced rates, as section 22 of the Interstate Commerce Act provides. Unless the railroads choose to extract a specious and unwarranted advantage from this decision, and, by arguing that the order forbids what it specifically and clearly permits, charge the Government higher rates, there can be no loss to the Government. And if they do attempt such a maneuver, the free play of competition will be available to preclude any undue increase in the costs of this carriage to the Government.

There are other governmental interests at stake. The Department of Justice, in the case of *United States* v. *North American Van Lines, Inc.* ((D. C., N. Mex.), Criminal No. 19, 207), has taken the same position as did the plaintiffs in the Aircoach case, and was upheld in its position by a ruling of the Court on May 27, 1957. Can it be said that the Government does not have an interest in seeing to enforcement of the antitrust laws? And the military establishment iself has a vital interest in maintaining competition in this field. At the time of the Berlin airlift, at the time of the difficulties in Korea, and during the Hungarian refugee crisis, these supplemental air carriers had the only available equipment necessary for speedy movement of troops, persons, and supplies. The extinction of this industry, which is what the proposed amendment would achieve, would deprive us of the one available tool for speedy transportation in the event of any sudden emergency.

The proposed amendment was adopted without any hearings, without notice to the members of the committee that it was to be considered, and, I am reliably informed, at a time when a quorum of the committee was no longer present. Many of us were unable to be present because of pressing commitments elsewhere. The proper course is to recommit the proposed amendment to the committee in order that there may be an opportunity for full hearing and consideration of this measure. Alternative proposals have been submitted which are, in my judgment, fair methods of handling these problems. These should be carefully considered by the full committee, after it has had an opportunity to thoroughly study the entire problem.

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA—AIRCOACH TRANSPORT ASSOCIATION, INC., ETC., ET AL., PLAINTIFFS *v.* ATCHISON, TOPEKA, AND SANTA FE RAILWAY CO., ETC., ET AL., DEFENDANTS—CIVIL ACTION NO. 875–57

MEMORANDUM

Since October 1, 1946, the defendant railroads have been transporting military personnel on official business under a reduced rate agreement known as the joint military passenger agreement providing that the railroads would charge the Military Establishment a standard or uniform discount of 10 percent below their filed commercial tariffs. Commencing in 1953, the defendants began the practice of making concerted quotations to the military establishment of special rates varying to as low as 50 percent below the defendants' regularly filed tariffs.

The plaintiffs who are supplemental air carriers have brought this action to enjoin said concerted special rates and for treble damages, alleging violation of the Sherman Act and of the Clayton Act. With the filing of the complaint, the plaintiffs moved for a preliminary injunction. Prior to hearing on that motion, certain of the defendants moved to dismiss or in the alternative for summary judgment and certain other defendants filed motions for summary judgment. The plaintiffs also filed a motion for summary judgment.

The defendants claim that the bids which are attacked by the complaint as being in violation of the antitrust laws have been made pursuant to and in conformity with agreements approved by the Interstate Commerce Commission and, therefore, that they are expressly relieved from the operation of the antitrust laws with respect to the practices complained of by section 5a of the Intersate Commerce Act. Further, the defendants say that the subject matter of this suit is within the exclusive primary jurisdiction of the Interstate Commerce Commission and that this court is without jurisdiction to grant relief to the plaintiffs.

With reference to the points of law raised by the several motions which have been argued fully and briefed exhaustively, the court is of the opinion as follows:

1. The antitrust immunity conferred by section 5a of the Interstate Commerce Act does not apply to concerted section 22 quotations made to the United States Government.

2. The Interstate Commerce Commission has never immunized defendants' concerted section 22 quotations.

3. The Interstate Commerce Commission does not have primary jurisdiction over the subject matter of this suit.

4. The concerted section 22 quotations of defendants are illegal per se under the antitrust laws.

5. The defenses raised by the defendants are insufficient as a matter of law and there is no genuine issue as to any material fact.

Accordingly, the plaintiffs' motion for summary judgment except as to damages will be granted and the defendants will be enjoined in accordance with the prayers of the complaint.

Counsel for plaintiffs will submit an order in conformity with this memorandum.

JOSEPH C. MCGARRAGHY,
*Judge.*

JULY 5, 1957.

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA—AIRCOACH TRANSPORT ASSOCIATION, INC., ETC., ET AL., PLAINTIFFS, V. ATCHISON, TOPEKA & SANTA FE RAILWAY CO., ETC., ET AL., DEFENDANTS—CIVIL ACTION NO. 875–57

ORDER

The cause having been heard on defendants' motion to dismiss the complaint or in the alternative for summary judgment pursuant to Rules 12 and 56 of the Federal Rules of Civil Procedure and on plaintiffs' cross-motion for summary judgment for the relief requested in the complaint except as to the amount of damages pursuant to rule 56, subparagraphs (a), (c), and (d) of the Federal Rules of Civil Procedure and upon due and careful consideration of all of the papers, documents, and materials heretofore submitted to the court herein and having heard oral argument thereon, it is now hereby ordered.

(a) That defendants' motion to dismiss the complaint, or in the alternative for

summary judgment pursuant to rules 12 and 56 of the Federal Rules of Civil Procedure be and the same is hereby denied and plaintiffs' cross-motion for summary judgment with respect to the injunctive relief demanded in the complaint, which relief excludes the amount of the damages, under and pursuant to rule 56, subparagraphs (a), (c), and (d) of the Federal Rules of Civil Procedure be and the same is hereby granted;

(b) That the court finds, in accordance with rule 54, subparagraph (b), that no just reason for delay exists with respect to the entry of final judgment upon plaintiffs' claim for injunctive relief, and that the entry of such judgment is hereby expressly directed; and

(c) Whereas plaintiffs have conceded on the record that no injury has been caused them by the uniform 10 percent fare allowance provided in section 6 (a) of Joint Military Passenger Agreement No. 29, as extended, to which defendants are parties, defendants and each of them, and their officers, directors, servants and employees, and all persons, natural and corporate, acting for or in concert with each or any of them, are permanently enjoined and restrained from:

1. Engaging in and continuing to engage in the practice of making special variable rate quotations, concertedly arrived at, pursuant to section 22 of the Interstate Commerce Act, as amended (49 U. S. C. 22), to the Department of Defense and/or any agency of the Military Establishment for the transportation of military personnel traveling at Government expense in groups of 15 or more within the continental United States, whether such concerted joint special variable rate quotations are submitted to the military agencies under section 2 (a) of Joint Military Passenger Agreement No. 29, as extended, to which defendants are parties, or otherwise;

2. Submitting to the Department of Defense and/or any other agency of the Military Establishment concertedly arrived at package or nonseverable rate quotations under section 22 of the Interstate Commerce Act, as amended (49 U. S. C. 22), for movements of military personnel traveling at Government expense in groups of 15 or more within the continental United States where such movements have a common point of origin and 2 or more points of destination;

3. Submitting to the Department of Defense and/or any other agency of the Military Establishment concertedly arrived at package or nonseverable rate quotations under section 22 of the Interstate Commerce Act, as amended (49 U. S. C. 22), for movements of military personnel traveling at Government expense in groups of 15 or more within the continental United States where such movements have a common point of destination and 2 or more points of origin;

4. Nothing provided in subparagraphs (1), (2), or (3) above shall prevent or preclude defendants and each of them, their officers, directors, servants and employees and all persons, natural and corporate, acting for or in concert with each or any of them or under their control, direction, permission, or license from submitting any rate quotations, concertedly arrived at, for the transportation of persons for the Government of the United States at free or reduced rates under and pursuant to section 22 of the Interstate Commerce Act, as amended (49 U. S. C. 22), without regard to the level of the rates, where such rate quotations are made for through transportation between any two specific points over a single route, portions of which are operated by two or more railroads, nor shall the provisions of subparagraphs (1), (2), or (3) above require defendants and each of them, and their officers, directors, servants, and employees, and all persons, natural and corporate, acting for or in concert with each or any of them, to discriminate as to such rate quotations between two or more railroads connecting with any defendant railroad in offering through transportation between any two specific points over a single route; nor shall the provisions of subparagraphs (1), (2), and (3) above apply to the making of rate quotations for traffic not in competition with the four named plaintiff air carriers or any other presently noncertificated air carrier similarly situated who may thereafter be permitted by order of the court to intervene; and it is further ordered,

(d) That the court hereby retains jurisdiction and directs that hearings be held and evidence be taken solely as to the amount of damages suffered by each of the plaintiffs by reason of the rate activities enjoined above or which may hereafter be enjoined in the cause; and it is further ordered

(e) That this court, upon its own motion or upon the motion of any party hereto, may make and enter from time to time such other and further orders as are appropriate for the effectuation of the determination and decision of this court filed July 5, 1957;

(f) That the provisions of paragraph (c) above are stayed for a period not exceeding 10 days from the date hereof to permit defendants to apply for a further stay to the Court of Appeals for the District of Columbia.

JOSEPH C. MCGARRAGHY,
*United States District Judge.*

JULY 17, 1957.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. TEWES. Mr. Chairman, will the chairman of the committee yield for a statement?

Mr. WOLVERTON. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. TEWES].

Mr. TEWES. This is complicated and technical legislation, and I would just like to state the purpose, and then have the chairman of the committee correct me if I am in error.

As I understand it, section 22 of the Interstate Commerce Act permits the railroads to enter into agreements with the Government for the movement of troops at reduced rates.

Mr. HARRIS. Not only railroads, but all other common carriers.

Mr. TEWES. Then this bill as introduced by the committee and as amended provides that section 22 will be limited to national emergencies.

Mr. HARRIS. No, that is not true at all. That was the original bill that was introduced, but as the committee amended it we did not change the original procedure.

Mr. TEWES. Then the court came along and surprisingly ruled that these contracts were subject to the antitrust regulations?

Mr. HARRIS. The court held that section 5a did not apply to section 22 rates.

Mr. TEWES. But the effect is as I have stated it?

Mr. HARRIS. Yes.

Mr. TEWES. The committee has another amendment which says that these agreements in the future will not be subject to the antitrust regulations, is that correct?

Mr. HARRIS. It would restate the fact that the Bulwinkle Act, that is section 5a, is applicable to section 22 as it is to all other rates.

Mr. TEWES. So that the committee amendment which is to be offered would then in effect reverse the ruling of the court?

Mr. HARRIS. Only as it would make applicable section 5a to section 22 rates.

Mr. TEWES. I want to clarify one more point. As far as the committee is concerned, however, the charge that this legislation is retroactive and would actually vitiate any damages which have been assessed is incorrect?

Mr. HARRIS. That is incorrect. It does not make retroactive the legislation insofar as the movement of goods is concerned; it makes retroactive the agreements that might have been made or tenders or offers under which future deliveries are to be made.

Mr. TEWES. Anybody who has been aggrieved and has been ruled by a court to have been aggrieved would be entitled to have damages, even though we pass the amendment which is going to be offered by the committee?

Mr. HARRIS. That is my understanding of the objective.

Mr. TEWES. I thank the gentleman.

The CHAIRMAN. If there are no further requests for time the Clerk, pursuant to the rule, will read the substitute amendment printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

*Be it enacted, etc.*, That section 22 of the Interstate Commerce Act, as amended (49 U. S. C., sec. 22), is amended as follows:

(a) By inserting "(1)" immediately after "SEC. 22."

(b) By striking out the words "nothing in this part" where they appear after the first semicolon and inserting the following: "except that the foregoing provisions of this section shall not apply to the carriage, storage, or handling of shipments of 'household goods' as defined by the Interstate Commerce Commission in Practices of Motor Common Carriers of Household Goods (17 M. C. C. 467) by duly authorized motor common carriers of household goods, when such carriage, storage, or handling is for the United States Government. Nothing in this part".

(c) By inserting at the end of such section the following:

"(2) All quotations or tenders under paragraph (1) of this section for the transportation, storage, or handling of property or the transportation of persons free or at reduced rates for the United States Government, or any agency or department thereof, including quotations for retroactive application whether negotiated or renegotiated after the services have been performed, shall be in writing or confirmed in writing and a copy or copies thereof shall be submitted to the Commission by the carrier or carriers offering such tenders or quotations in the manner specified by the Commission. Submittal of such quotations or tenders to the Commission shall be made concurrently with submittal to the United States Government, or any agency or department thereof, for whose account the quotations or tenders are offered or for whom the proposed services are to be rendered. Such quotations or tenders shall be preserved by the Commission for public inspection. The provisions of this paragraph shall not apply to any quotation or tender which, as indicated by the United States Government, or any agency or department thereof, to any carrier or carriers, involves information the disclosure of which would endanger the national security."

Mr. HARRIS. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRIS: Page 4, line 15, after the word "tenders" insert the words "of rates, fares, or charges."

Page 4, line 19, after the word "quotations" insert the words "or tenders."

Page 4, line 24, after the word "Commission" strike the period and insert the following: "and only upon the submittal of such a quotation or tender made pursuant to an agreement approved by the Commission under section 5a of this act shall the provisions of paragraph (9) of said section 5a apply, but said provisions shall continue to apply as to any agreement so approved by the Commission under which any such quotation or tender (a) was made prior to the effective date of this paragraph or (b) is hereafter made and for security reasons, as hereinafter provided, is not submitted to the Commission."

Page 5, line 6, after the word "paragraph" insert the following: "requiring submissions to the Commission."

Mr. HARRIS. Mr. Chairman, the committee approved this amendment as a result of the request of the Department of Defense. The Department of Defense submitted a statement which has been referred to stating what the result of the opinion of the court would be if that opinion prevailed. The gentleman from Texas [Mr. MAHON] referred to it.

I have a letter here which was delivered to me under date of July 29 from the Assistant Secretary of Defense in which he encloses a statement giving the Department of Defense reasons why they are supporting this amendment and that this amendment is needed. In doing so, they say:

If the amendment is not enacted into law, the above court opinion will result in the following:

(a) Nullify many, if not most, of the advantages to the Government and the carriers of section 22, as a vast majority of Government movements must, for practical purposes, result from joint consideration and negotiation by the carriers.

(b) Destroy a flexible means of major importance particularly in military operations, such as speedy adjustment of rates, fares, charges, transit privileges, and so forth, and increase the possibility of breach of military security.

(c) Will increase the domestic transportation bill of the Government many, many millions of dollars annually.

(d) Greatly increase the administrative burden of the Government.

Then the Department of Defense goes ahead in another statement, which contains a page and a half, and explains why the amendment is necessary, and the substantial advantages which the Government has always received from section 22 rates.

In 1948 the Congress enacted section 5a of the Interstate Commerce Act, the so-called Reed-Bulwinkle Act, providing machinery by which common carriers subject to regulation by the Interstate Commerce Commission, might obtain immunity from the antitrust laws in establishing their rates, fares, and charges and rules or regulations pertaining thereto. Under that act of 1948 they—that is, the carriers—may apply to the Commission for the approval of agreements relating to rates, fares, and charges and rules and regulations pertaining thereto or procedures for joint consideration, initiation or establishment of such rates, fares, and charges. If the Commission finds that approval of the agreement is not prohibited under certain provisions of section 5a and if it finds that by reason of the furtherance of the national transportation policy relief from the operation of the antitrust laws should apply with respect to the making of the agreement and with respect to the carrying out of the agreement, the Commission shall grant its approval.

Then upon the approval of the agreement the parties thereto are relieved from the operation of the antitrust laws in establishing rates, fares, and charges, but only if they follow the procedure set out in the agreement.

In enacting this legislation it was the intention of Congress, as the gentleman from New Jersey [Mr. WOLVERTON] has so clearly pointed out, that section 5a should apply to agreements relating to, or procedures for the joint consideration, initiation, or establishment of rates, fares, and charges, and rules or regulations pertaining thereto under section 22 of the Interstate Commerce Act. The Members of this Congress who were also Members of that earlier Congress, and whether they supported or opposed the enactment of section 5a, know this to be the case.

Since 1948 those carriers—not just railroads—but all common carriers subject to the regulation of the Interstate Commerce Commission and the Government agencies to whom they quote rates under authority of section 22 have acted on the assumption, and properly so, that the provision of section 5a carried out the intention of Congress. The suit that was recently referred to was a controversy involving a group of airlines on the one hand and a group of railroads on the other, where the Federal judge held that the antitrust immunity conferred by section 5a of the Interstate Commerce Act does not apply to concerted section 22 quotations made to the United States Government. This holding not only condemns such actions in the past, but makes them illegal in the future.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. It seems highly desirable that the Congress take cognizance of this holding and its effect upon section 5 (a) of the Interstate Commerce Act. It is contrary to the Congressional intent in enacting section 5a and, insofar as the future is concerned, amounts to a repeal of Congressional intent with respect to section 5a.

It is not necessary for this Congress to determine anew that section 5a should cover the making of section 22 quotations. That determination was made by the prior Congress. It is, however, highly desirable and only fair, for the benefit of those who seek to ascertain the intention, that this Congress now state its understanding of the Congressional intent when it enacted section 5a. In so doing, it is necessary then only to reaffirm that intention while assuring its full recognition in the future.

This is not retroactive legislation. It does not destroy past accrued rights, whatever they might be.

The proposed amendment is for the purpose of assuring by specific language that such intention will be carried out in the future and reaffirming the intention of Congress in the passage of section 5a. It provides that with respect to agreements heretofore approved by the Interstate Commerce Commission the immunity which Congress intended by section 5a shall continue to apply. It assures that the common carriers can continue to offer and the Department of Defense and other governmental agencies can continue to accept and utilize section 22 quotations arrived at through the conference method of ratemaking, which method the Department of Defense has repeatedly stated is the only practicable way in which the railroads can do business with Defense and other agencies.

It makes clear, I repeat, that the immunity intended by Congress to attach to agreements prepared by the carriers, submitted to the Commission, made the subject of extensive hearings, and finally approved, shall continue to apply to those agreements.

This suit involves more than one thing. As to the first question involved in the suit, does 5a cover submission of agreements to the Interstate Commerce Commission with respect to section 22 quoted rates? The court says "No." But the suit does more than that. Assume, then, that it does apply, did the agreements approved by the Interstate Commerce Commission actually cover section 22 rates? That is what is involved in the suit. If so, did the railroads proceed in accordance with the terms of the agreement? Those are the questions that are involved in the lawsuit and those are the questions that are not touched by this amendment.

Mr. KEATING. Mr. Chairman will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from New York.

Mr. KEATING. Would it be an exaggeration to say that the effect of the decision was to make virtually a dead letter of section 22, and that the effect of the gentleman's amendment is to breathe new life into section 22?

Mr. HARRIS. Yes. That is what the retroactive feature amounts to, as to any past agreements carried out under section 5a submitted to the Interstate Commerce Commission and approved by the Commission as the law provides. That is what the retroactive feature applies to. If this is not adopted, all of those agreements in effect, the quotations and tenders that have been made, are invalid as of right now, and therefore all of this movement which moves today, and tomorrow, is in jeopardy. That is where we have the Government involved in something where it cannot help itself. I say it is the duty of this

Congress to take cognizance of that situation and clarify it as of now and not take any chance on what might be done a year or two from now.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from California.

Mr. SISK. May I inquire of the gentleman relative to the urgency of the particular amendment he has now proposed? I ask this question for this reason: I find that the telegrams I have received today, in fact, the last 2 or 3 days, indicate that no hearings of any kind were held on this matter. I believe the gentleman stated that.

Mr. HARRIS. No; I did not state that. This matter of section 22 has been before us for years. In 1955 we held hearings over the entire question of section 22 and these agreements, the same thing that is involved here, again in 1956, and again this year.

I think the amendment is highly important and should be adopted.

Mr. DINGELL. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Arkansas.

The Clerk read as follows:

Amendment offered by Mr. DINGELL to the amendment offered by Mr. HARRIS: Strike out the period at the end of the matter inserted by the amendment and insert in lieu thereof the following: *"Provided*, That nothing in this paragraph shall affect any liability or cause of action which may have accrued prior to the date on which this paragraph takes effect."

Mr. HALE. Mr. Chairman, I make the point of order against the amendment that it is an amendment in the third degree.

The CHAIRMAN. The Chair overrules the point of order for the reason that the rule makes it in order to consider the committee amendment, for the purpose of amendment, as an original bill.

Mr. DINGELL. Mr. Chairman, I am opposed to the committee amendment which was just offered by my distinguished colleague and good friend, the chairman of the committee. I will not vote for the committee amendment to the bill even if my amendment is adopted—but, my amendment makes the committee amendment a much better and a much more palatable thing. It merely does this. It preserves in any person the right, which they had under any lawsuit that they had started or might have started. I would like to ask the chairman of our committee at this time if he will accept my amendment. I yield to the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. I will express my view on it when the gentleman has concluded.

Mr. DINGELL. Very well. Now, Mr. Chairman, to get right down to this question, What is the situation on this committee amendment? The bill was reported out of the House Committee on Interstate and Foreign Commerce. A rule was obtained. Then came this decision by Judge McGarraghy. I am not carrying any brief for Judge McGarraghy, because I do not know him and I have never met him, but I do know this: We have been told here today by our distinguished colleague, the gentleman from New Jersey [Mr. WOLVERTON], that he recalls and he knows what the intent of the Congress was when this bill was first passed. Well, I was not in the Congress at that time and I do not happen to know that intent, and I think there are many of us here who might join with me in that position, and being confronted with the same problem. But let us look at this. What are we doing here? We are, in effect, rushing out to pull the chestnuts out of the fire for the railroads. The railroads come here and they say, "We have to have this amendment. We just have to have it." Well, my colleagues, just look at yourselves. You are sitting here not as a Congress of the United States but you are sitting here merely as a circuit court of appeals, and, as I said, we are overruling the decision of a mere United States district-court judge. That is what we are doing. We are sitting here as an appellate body. It has been said here that section 5a always applied to section 22 in the Interstate Commerce Act. It just so happens that a court of the United States, a district court in New Mexico, some months ago said that it did not, and the court said that in a lawsuit which was filed by the United States Attorney General in an antitrust proceeding. This committee amendment, if it is adopted, may very well overrule the decision which a group of little airlines have gotten giving them the right to a $45 million judgment. It may very well overrule a very substantial antitrust case which has been filed in the State of Georgia. It may very well overrule other lawsuits which may well be pending all around this country. Here is what we are doing. We are rushing out and we are holding hearings on an antitrust matter on the floor of the Congress. No hearings were held on this before our committee.

I was up testifying against or trying to testify against the gas bill in the House Committee on Rules when this committee amendment was accepted. At the time I left the Interstate Commerce Committee I was standing right beside my colleague, the gentleman from Texas [Mr. DIES], who asked the Chair: "Now, Mr. Chairman, we have to go over to testify on this gas bill. Is there going to be any controversial legislation coming up today?" And the Chair said, "No." I believe the Chair meant that there was going to be no controversial legislation because I did not think the Chair realized that this was going to be controversial. But the fact of the matter is that this legislation came up in our absence and it was voted out of the committee without anybody realizing the ramifications of it or knowing what it does. The truckers of this country are opposed to the committee amendment. The airlines, the little independent airlines are opposed to this particular amendment. No one on the committee fully knows or understands what this amendment will do. No testimony was taken.

Now, our distinguished colleague, the gentleman from New Jersey [Mr. WOLVERTON], for whom I have immense personal respect, told you here that he knew what the Congress intended and what the Congress had in mind when they first passed the Reed-Bulwinkle Act. And, I believe, he does know. But I want you to recall that I asked the gentleman to point out one place in the reports or one place in the documents or one place in the debate where it was said by the House at the time that this section 5 of this Reed-Bulwinkle Act, so called, applied to section 22, and he either did not or could not or would not give me the courtesy of telling me what exactly that language was and where it appeared.

Now here is what Judge McGarraghy's decision says. He said it was wrong—that it was a violation of the antitrust laws for the railroads to go in and to pick and choose and to take and make variable rate quotations to the Government for the purpose of driving out of business other industries, and for the purpose of destroying competition. That is what he said.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. FLYNT, Mr. DINGELL was granted 5 additional minutes.)

Mr. MORANO. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Connecticut.

Mr. MORANO. The gentleman made the statement that this amendment offered by the committee is pulling the chestnuts out of the fire for the railroads.

Mr. DINGELL. I made that statement.

Mr. MORANO. I do not wish to be considered to be in the position of doing that. I understand that the Defense Department and other agencies downtown want this amendment. How does the gentleman explain that?

Mr. DINGELL. Will the gentleman let me explain that in my own time? I have some comments to make on that. Let me say this, that I do not happen to think that the contentions of the Defense Department have much merit, and I intend to explain that when I discuss Judge McGarraghy's opinion.

Mr. MORANO. Would you deny it would cost the Government of the United States and the taxpayers over $100 million, as has been stated?

Mr. DINGELL. I categorically deny to the House that this will cost the Government of the United States that figure.

Mr. MORANO. Will you proceed to do that now?

Mr. DINGELL. I will promise the gentleman that I will treat that, and then I will yield to him again.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Georgia.

Mr. FLYNT. I would like to ask the gentleman from Michigan: A while ago when he referred to the railroads asking for this amendment; has any railroad or the representative of any railroad asked the gentleman from Michigan to support this amendment or to introduce it?

Mr. DINGELL. The railroad brotherhoods have asked me to support this. At that time it was indicated to me that

they asked, not on behalf of the brotherhoods but on behalf of the railroads.

Mr. FLYNT. Does the gentleman know, of his own knowledge, that any railroad has ever asked any member of the committee to introduce or to support the committee amendment?

Mr. DINGELL. No. I make no remark of that sort. I cast no aspersions on any member of our committee. I have a high regard for each and every member of the committee.

Mr. FLYNT. Did the gentleman a while ago mean to say that the trucking industry of this country was opposing the committee amendment?

Mr. DINGELL. According to the information which I have, I took the trouble of calling the American Trucking Association and they said they did not like this amendment. They said they opposed it.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield.

Mr. HARRIS. The gentleman has referred to his conversation with the American Trucking Association.

Mr. Jim Pinkney, general counsel of the American Truckers Association, was in my office the day before yesterday morning about this matter. We talked it over and Mr. Pinkney told me that his group was divided on it. Therefore they took no position on it. Some of the munitions carriers were opposed to it and others were for it.

Mr. DINGELL. I must confess to the gentleman I talked to the people in the Truckers Association, in the munitions industry and the oil-carrying industry, and they said they opposed this. So I think we are in agreement on that. I will concede what the gentleman says is correct, but I was informed that substantial portions of the industry were against it. I will agree there is some division in the industry. I have received a very large number of telegrams on this subject.

Mr. FLYNT. Mr. Chairman, will the gentleman yield further?

Mr. DINGELL. I yield, but I must cover the point that I promised my colleague, the gentleman from Connecticut [Mr. MORANO], I would cover.

Mr. FLYNT. The gentleman referred to a certain antitrust suit in Georgia. Would the gentleman enlighten the committee as to what that suit is?

Mr. DINGELL. Well, it is filed in Savannah, Ga. I do not have the exact citation on it. That is the precise point I want to make to the gentleman. This has come up so fast, it has just snowballed so quickly, that no one knows what the situation is. We have not had adequate hearings to explore this situation so that the gentleman and myself can know what this amendment does or what the impact will be on the industry.

Mr. FLYNT. I wanted to be sure that the gentleman was not referring to some old litigation that was disposed of about 10 years ago.

Mr. DINGELL. It is United States District Court, United States against Aero-Mayflower Transit Corporation, Southern District of Georgia, CR–14098, which I assume is the docket number.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I shall be glad to yield.

Mr. McCORMACK. I think the gentleman used the phrase "It has come up so quick and snowballed so quickly, snowballed through unintentionally."

Mr. DINGELL. I meant no aspersion on anyone.

Mr. McCORMACK. This rule has been out of the Rules Committee for well over 10 days, and I did not program the bill for last week in order that the Members might have an opportunity to study it. So it is not being steamrollered through the House, because it came out of the Rules Committee 10 days ago, and I did not program it for at least 10 days.

Mr. DINGELL. I did not refer to the bill. I referred to the amendment. I hope the gentleman understands that.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. HOLIFIELD. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan may proceed for an additional 5 minutes in order to answer the gentleman from Connecticut.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DINGELL. Here is the situation, this is what happened, this is how bobtailed the procedure was in the Department of Defense: We got a memorandum on this particular amendment which came up from the committee. It went to the committee. I never saw it until several days later, but it was only signed by some little captain, mind you, acting on behalf of the Department of Defense. It was not even on a Department of Defense letterhead. Since that time the Department of Defense has sent up a much more formal document on the Department of Defense letterhead. This whole document which is first referred to is just signed by some little captain down there, Captain Adams, I believe it was.

Mr. MORANO. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I am answering the gentleman; I want to show what happened, what came up to the committee.

Mr. MORANO. I would not agree with the gentleman that a captain is little in the Army of the United States.

Mr. DINGELL. His authority is very limited. I think the gentleman agrees with me on that.

Mr. MORANO. The gentleman referred to rank; not his authority. I deplore his reference to a captain in that disparaging fashion.

Mr. DINGELL. I do not yield to the gentleman further.

The railroads and the Government both have said that this amendment must pass. It is going to cost an additional $8 million a year, or with this amendment would cost the Government $100 million. Now, to arrive at the figure, to establish what would be the effect of this rate increase under this particular proposal, that is if the committee amendment does not carry—they would have to increase their rates by over 1,200 percent, and I think the gentleman will agree with me that an increase of rates if this amendment does not go through of over 1,200 percent is perfectly unlikely.

Mr. MORANO. I do not agree with most everything the gentleman is saying; I cannot agree with you.

Mr. DINGELL. All right, I would not ask you to agree with me.

Mr. MORANO. The gentleman just did.

Mr. DINGELL. I only agreed to tell you what I happen to think is the case. At any rate, if the railroads increased their rates under this particular section by 1,200 percent then the figures just offered by the Defense Department are correct. In fact, in the committee report the situation is so bad that——

Mr. MORANO. Mr. Chairman, will the gentleman yield at that point?

Mr. DINGELL. No, I cannot yield at this particular point.

The situation was so bad insofar as the cost estimate of the Department of Defense was concerned——

Mr. MORANO. How much did it cost us last year?

Mr. DINGELL. We do not have any figures on that.

Mr. MORANO. I think we did have those figures stated in previous debate.

Mr. DINGELL. In fact we did not have any figures on that. The Department of Defense has offered two figures based on a survey of their records. They offer one figure on which they said they paid 13 percent more under section 22 than they were paying where they just took the general published rates and tariffs. Then they say that if they lose this section 22 it is going to cost them $128 million a year. I refer the gentleman to the committee report, pages 5 and 6 where it flatly says that it is hard to tell which figure is right or if either figure is right.

If the gentleman will just take my figure—there are no hearings, there is no basis on which anyone in this House can form an intelligent judgment as to the impact of this amendment, as to the impact of the bill, as to anything else.

Mr. MORANO. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield.

Mr. MORANO. Did the gentleman hear the statement made by the distinguished chairman of the Defense Appropriations Subcommittee, Mr. MAHON?

Mr. DINGELL. I heard his statement.

Mr. MORANO. He was very emphatic about——

Mr. DINGELL. I happen to think that Mr. MAHON——

Mr. MORANO. I think his statement is a reliable statement.

Mr. DINGELL. Mr. Chairman, I decline to yield further. I do not happen to think it is reliable, I do not happen to think it is based on good information from the Department of Defense which is where the gentleman got his information.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. ROOSEVELT. In the committee report, on page 2, it is stated that the Bureau of the Budget, the Comptroller General and the Department of Defense as well as the General Services Administration, all appeared before the committee in the original consideration, not of this amendment.

Mr. DINGELL. That is correct.

Mr. ROOSEVELT. I want to know, Has the Bureau of the Budget, for instance, or the Comptroller General or the GSA, given any information to the committee or to the gentleman on this amendment?

Mr. DINGELL. To the best of my knowledge, they have not.

Mr. Chairman, let us go a little bit further. What does this amendment do? It creates a twilight zone where nobody can reach the railroads. The ICC cannot reach them, the Department of Justice cannot reach them, no one can reach them in this area. All the railroads have to do is to file a copy of the agreement and right away they get a blanket exemption from the Antitrust Act. That is what this particular amendment that the committee offers does. If you want to give the railroads a blank check to destroy competition, adopt the amendment.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DINGELL. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. DINGELL moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. DINGELL. Mr. Chairman, all that a railroad has got to do under this particular amendment, if it is agreed to, is to file a copy of its agreement. It does not have to file the rates or charges. They file a copy of its agreement with the ICC and the minute it is filed that is a blanket exemption from the impact of the antitrust laws. What does that do? It gives them the right to go out and to take and file any rate they desire, with the plain intent of destroying any small competitor like a little airline, or with the intent of driving a trucker out of business.

The McGarraghy decision and every other court decision has consistently said that the Federal Government has the right to secure reduced rates from the railroads, but what these decisions say the railroads cannot do under section 22 of the ICC Act is that they cannot use section 22 for the purpose of destroying competition, for the purpose of killing small airlines, killing truckers, and killing others in the transportation industry. That is what it says.

The distinguished gentleman from New Jersey told the House that he was here when the Reed-Bulwinkle Act was passed and it was the intent to do just what I say this amendment does. If that was the intent of the Congress it was wrong, it was bad, and we should not now act as an appellate court over a United States district court. The railroads have a good opportunity for judicial review of this particular point. It has only come so far to the point where there is a preliminary order from the Federal court. They have other opportunities for review in the district court, they have opportunity for review in the circuit court of appeals, they have opportunity for review in the Supreme Court of the United States. If this lower court is wrong the courts will hold it to be wrong. If this district judge has done all the terrible things that the distinguished gentleman from New Jersey says, then the courts will so say and they will take into consideration the judicial history of this particular law.

Mr. FRIEDEL. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Maryland.

Mr. FRIEDEL. The gentleman made a remark that with the mere filing of an agreement they can let the agreement go through and the railroads can do anything they want?

Mr. DINGELL. That is right, they can.

Mr. FRIEDEL. My question is this: Does it not have to be referred to the ICC before it is agreed to?

Mr. DINGELL. That is precisely what they do if they file there with the ICC.

Mr. FRIEDEL. The ICC has to approve the agreement?

Mr. DINGELL. The ICC has to approve the agreement, but the ICC is going to approve the agreement.

Mr. FRIEDEL. That is another question.

Mr. DINGELL. Under these agreements, which the ICC has been approving, they then file these variable rate agreements and they have been using the variable rate agreements to destroy competition.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I would like to read from one of many telegrams which I have received and ask the gentleman to comment on it. In part this telegram reads:

This amendment represents an attempt to legalize the railroads' antitrust practices and immunizes them from liability for past violations. This is an attempt to use Congress to evade the recent court decision finding the railroads guilty of trust conspiracy and liability for $45 million damages due the independent air carriers.

My question is this: Because there is so much controversy over the objectives of the bill and such a conflict of opinion as to exactly what this amendment does—the amendment that was offered by the gentleman from Arkansas—in your opinion would it be better for the bill to go back to the committee so that hearings could be held on the committee amendment?

Mr. DINGELL. I absolutely agree with the gentlewoman, and I would favor a motion to recommit if this committee amendment is adopted.

I just want the membership of this Committee to recall this. Here we have an extremely important amendment to the Interstate Commerce Act and to the Antitrust Act. If you believe in either and if you believe in the sanctity of the Congressional committees to look into these things properly and to study them properly, then I hope you will vote first for my amendment to the committee amendment, and that then you will vote against the committee amendment whether my amendment is adopted or not, and lastly if the committee amendment is adopted, that you will vote to defeat the bill.

### MORE HUMANE METHODS OF SLAUGHTERING LIVESTOCK

Mrs. GREEN of Oregon. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Chairman, it is my hope that H. R. 8308, relating to human slaughter of livestock, will soon be up for consideration by the House. Ann Cottrell Free, in an article prepared for Women's News Service, has so clearly and vividly expressed the views of hundreds of thousands of people across the country that prior to the time this particular piece of legislation comes up for debate I should like to call this article to the attention of my colleagues. I ask unanimous consent to have this article inserted in the RECORD.

The article follows:

MORE HUMANE METHODS OF SLAUGHTERING LIVESTOCK

(By Ann Cottrell Free)

WASHINGTON.—The influence of the American woman and the 3-cent stamp may be tested soon on the floors of the House and the Senate.

American housewives, by the thousands, have written their Congressmen asking for a law that would assure livestock a more merciful ending.

They would like to outlaw most of the methods now used in slaughterhouses and substitute methods that would make the animals as insensible as possible to pain—and fear.

"I have received more letters on this one subject than even on the budget," one Congressman, typical of many, said.

Another told a Congressional committee that the pleas for mercy for the animals in the abattoirs had convinced him that a wave of revulsion had swept the Nation over the disclosures of what goes on in the slaughterhouses.

This campaign—much of it from the grassroots—led to the introduction of nearly a dozen humane slaughter bills in this session of Congress. In recent days approval of the proposed legislation has been granted by the House Agriculture and powerful Rules Committees.

Now, in the closing days of this session, a showdown is in the offing. And again—as last year in the Senate—the supporters are pitted against the meatpackers and the United States Department of Agriculture. (A bill was rendered powerless by amendments in the Senate last year.)

The influence of women members of Congress will be tested, too, when the bill gets to the floor. Not one of the 14 women members—queried by this reporter—has come out against the legislation. Nor have they asked for a "study" type bill as favored by the packers and the administration. (Only two, Representative EDNA KELLY, Democrat, of New York, and Representative

KATHRYN E. GRANAHAN, Democrat, of Pennsylvania, have not revealed their stand.)

Most of them feel as does Representative KATHARINE ST. GEORGE, Republican, of New York, that "it is inconceivable that anyone could be against compulsory legislation."

Two members of the feminine contingent have sponsored humane slaughter bills. The Democrats' MARTHA GRIFFITHS, of Michigan, sponsored the first bill in the House. And Senator MARGARET CHASE SMITH, Republican, of Maine, cosponsors a bill with three of her male colleagues.

"My mail has run into the thousands," Mrs. GRIFFITHS said the other day. "Today, I am urging my correspondents, many of them women, to write to Majority Leader JOHN MCCORMACK to schedule the bill for floor action as soon as possible."

The only woman member of the Agriculture Committee, Mrs. CORA KNUTSON, has worked hard to get compulsory legislation as she has witnessed the success of humane methods in plants in her State of Minnesota.

"The Hormel Co. installed a carbon dioxide chamber for hogs a few years ago," she said, "and it has proved successful from many standpoints—more humane, more economical in the long run and is easier for the workers." (The Amalgamated Meat Cutters and Butcher Workmen of North America, CIO–AFL, support humane slaughter legislation.)

Mrs. KNUTSON asked "Why shouldn't packers, like other industries retool and modernize, especially when it would mean the end of so much fear and pain?"

Oregon's Democratic EDITH GREEN, leader in social legislation, asks "Why does this country lag behind 15 other nations that, all or in part, require humane methods?"

Many questions along this line have been asked by members of the 4½-million-member General Federation of Women's Clubs. The General Federation of Women's Clubs is on record in favor of mandatory legislation.

Further interest in a compulsory bill has been stimulated by the small group headed by Mrs. Ludwig Bemelmans and Mrs. Roger Stevens. These two women organized the Society for Animal Protective Legislation, 745 Fifth Avenue, New York, to support the legislation.

The humane societies with their large feminine membership have worked hard in favor of the legislation.

The bill that will soon appear before the House is authored by Representative W. R. POAGE, Democrat, Texas. He is chairman of an Agriculture Subcommittee that has studied the subject for 2 years.

The Poage bill requires packers who sell meat to the Federal Government to use humane methods for the slaughter of all their livestock if they wish to continue their Government business.

Packers would have until December 31, 1959, to change over to methods that will make animals insensible to pain before being shackled, hoisted, thrown, cast, and having their throats cut.

The bill says that packers may use the single blow, the gunshot, electrical, or chemical or other means that are rapid and effective. Some packers have switched to a new stunning weapon recently for beef. But the majority of pigs are being hoisted and having their throats cut alive.

The proposed law does not affect traditional methods of slaughter practiced by established religious faiths.

When the bill comes up for a vote, the following statement of General Federation of Women's Clubs president, Mrs. R. I. C. Prout, will be on trial:

"The cruelties of our slaughterhouses will end whenever we actively demand it."

Mr. HOFFMAN. Mr. Chairman, I rise in opposition to the motion.

Mr. Chairman, unless somebody on the minority side wants me to yield, I will yield back the balance of my time.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Michigan [Mr. DINGELL].

The motion was rejected.

Mr. HARRIS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I hope we will not lose sight of what the problem is here and what is involved. Now, I have no brief for any group of carriers, common carriers or otherwise, and I think we should not let the best interests of our Government get involved in how somebody might feel about one group of carriers as against another group of carriers, because what we are interested in here is the effect of this particular situation.

Now, here is a letter from the Department of Defense that was submitted to me requesting this legislation, and if anyone doubts it, I want them to come forward and take the letter and read it, and read the statement that was enclosed with it.

Mr. MORANO. Mr. Chairman, if the gentleman will yield, I just want to know the name of the man who signed it.

Mr. HARRIS. It comes from the Assistant Secretary of Defense, Mr. Thomas D. Morris, for Mr. Perkins McGuire, Assistant Secretary of Defense for Supply and Logistics.

Now, let me make the record very clear on this particular item that we have right here.

I thought I had in my previous statement made clear the fact that the amendment that the committee offered is not retroactive legislation. It would not retroactively abolish the rights of plaintiffs in the case which I have mentioned here. And I make this statement in view of what I am preparing to do as I conclude, because I want the record clear as to what is intended by the amendment. This proposal is entirely different from the Portal-to-Portal Act by which Congress retroactively abolished the rights of employees to have certain travel time included in time worked for the purpose of computing overtime, which act was held constitutional in *Battaglia* v. *General Motors Corp.* (169 F. 2d, 254, 1948). The effect of this legislation would not be to resolve the pending lawsuit in favor of defendant railroads and against the plaintiff airlines.

In the first place, the bill, if amended, would not abolish the right of those plaintiffs to have the court determine whether section 5a as enacted in 1948 applied to the making of section 22 rates for the United States Government. Notwithstanding the statement in this bill of what Congress intended to do in 1948, the court would not be prevented from proceeding to a determination of that question. I understand that voluminous briefs were filed and arguments submitted to the court on the very point of Congressional intent in the passage of section 5a.

Furthermore, it is my understanding that issues raised by the airline plaintiffs and by the railroad defendants went far beyond the question of whether section 5a applied to the making of section 22 rates. Since the immunity of section 5a extends only to procedures covered by agreements that have been approved by the Interstate Commerce Commission, the issue of whether the agreements in question in that lawsuit provided such procedures was raised and, of course, left unanswered as a result of the court's finding with respect to section 5a. This question of whether the agreements, as approved, would in fact cover the making of section 22 rates would remain a vital issue in the litigation.

Beyond that, there would remain the important issue of whether the railroads had in fact followed the procedures prescribed by the approved agreements.

In addition, the airlines allege that the railroads have committed a large number of unlawful acts, none of which have anything to do with the fixing of section 22 rates.

I think all of this is sufficient answer to any contention that the enactment of this bill would itself deprive the plaintiffs in that case of substantial rights or bring an end to the lawsuit. The answer is that such would not be the case.

In view of that, I want to say that this statement conforms to the amendment offered by the gentleman from Michigan, or his amendment conforms to this statement. I am, therefore, prepared to accept the gentleman's amendment.

Mr. SISK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I realize that this is legislation of a very technical and a very complex nature. I do not wish to get involved in that because frankly I have heard a number of statements here today that I do not quite understand.

However, I should like to ask the chairman of the committee one or two questions with reference to his most recent amendment, and by that I mean the amendment having to do with whether or not section 5a is applicable. My question is whether there is any urgency in this matter. Is this of some considerable urgency?

Mr. HARRIS. Yes, it is of considerable urgency as I pointed out a moment ago. Many of these agreements were made in the past and are now in effect following the approval of the Interstate Commerce Commission. A number of tenders and offers have been made. The Department of Defense and the other agencies of the Government have programs under way in which they move freight and passengers under these procedures. As of now, if it stands, those procedures are illegal. If section 5a is not applicable, those agreements are invalid. Therefore, they cannot move at all under this reduced program and will have to move into the higher and regular commercial, established rates.

Mr. SISK. So it is the gentleman's position, then, that unless his amendment is adopted it will materially increase the cost to the Government?

Mr. HARRIS. There is no question about that.

Mr. SISK. As I attempted to state earlier, the reason for these questions is that I have had a number of complaints in the form of telegrams and letters about the gentleman's amendment, based

on the fact, they state, that there have been no hearings with reference to this particular amendment about which we are talking. I admit that, as the gentleman has explained, there have been many hearings over a period of many years on this section 22 and the section 5a situation, the Bulwinkle amendment, and so on.

Mr. HARRIS. Yes.

Mr. SISK. I do not mean to question that, but it is my understanding that this amendment which is now under discussion is an amendment which the committee has proposed since this bill was actually approved by the Committee on Rules for action by the House. Is that correct?

Mr. HARRIS. Yes, that is true; because the issue was not brought up before then.

Mr. SISK. That is the reason for my question as to the urgency. In view of the fact there seems to be a considerable amount of controversy on this, if there is not too much urgency I would suggest it go back to the committee and have some discussion on this specific question.

Mr. HARRIS. We have had discussion on this specific problem. The gentleman evidently does not understand about this. Many have been advised, I do not say intentionally, erroneously about this matter. But we have to stay on what it does. They are trying to protect their own viewpoint about it, and I respect their viewpoint. On page 3 of their statement as to what the issue is, and this is the same letter that was referred to a moment ago, this is what they say:

> Essentially the proposed amendment would extend the provisions of section 5a, the Reed-Bulwinkle Act of 1948, to cover carriage for Government.

That is exactly true, and that is the point involved here that we are considering. The rest of their statement covers these other matters, which I will agree may be the fact so far as they are concerned, but it is not involved in this amendment. But they themselves admit what the issue is in their own statement here, and it is with reference to this particular point we are trying to clear up.

Mr. SISK. I appreciate very much the explanation of the distinguished chairman of the Committee on Interstate and Foreign Commerce. I have not heretofore taken a position on this legislation and I have no desire to get into an argument with reference to the merits, because I feel that the legislation must have merit or his committee would not have brought it to the floor. I have been concerned about this particular amendment due to the very manner in which it has been brought to us and because of a considerable amount of doubt, I might say, on the part of a great many people in the country as to just what it will do, why the amendment is brought here, and whether it was a deliberate attempt to overthrow the decision of the district court which, I understand, is pending before the court of appeals.

One further question: As I understand the gentleman, his amendment will not affect in any way that particular court proceeding or any other proceeding of a retroactive nature.

Mr. HARRIS. The gentleman heard my statement that I just now made emphatically to that point. In order to make it perfectly sure that I meant what I said, and what was intended, I said that I was in a position to accept the gentleman's amendment.

Mr. SISK. I thank the gentleman for his kindness in answering my questions.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that debate on the pending amendment offered by the gentleman from Michigan [Mr. DINGELL] conclude in 6 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. HESELTON].

Mr. HESELTON. Mr. Chairman, I ask unanimous consent that the amendment offered by the gentleman from Michigan [Mr. DINGELL] be reread.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk again reported the amendment offered by Mr. DINGELL.

Mr. HESELTON. Mr. Chairman, I would like to ask my chairman if, in his opinion, that would leave the litigation about which there has been so much discussion here, the so-called case of Air Transport Association et al. against the Atchison, Topeka & Santa Fe Railroad et al. exactly as it is now pending or about to go to the Circuit Court of Appeals and subject to whatever appeal might be taken to the Supreme Court of the United States.

Mr. HARRIS. It is my considered opinion, even without the amendment, it would leave the status quo, as is, and in accepting the amendment in making my statement I tried to spell out that intention.

Mr. HESELTON. In view of that statement by the chairman of our committee, I want to commend him for trying to help solve what I think is an extremely difficult problem. I want to say personally I was very much concerned as to the role the Congress was asked to take with reference to this particular litigation. I feel certain that the rest of the members of the committee can join wholeheartedly with the chairman in agreeing to this amendment as the best solution now of this unhappy situation.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. HESELTON. I yield.

Mr. JENSEN. I would like to propound a question to the chairman of the committee, the gentleman from Arkansas [Mr. HARRIS]. The gentleman from Michigan who offered the amendment to the committee amendment made the statement that if the committee amendment were made law, the railroads would use that authority to run competitors out of business or words to that effect. Now, my question is this: In view of the fact that the railroads build and maintain their own rights-of-way and all their rolling stock and facilities and pay local, State, and Federal taxes in great amounts in every county of the United States, and in view of the fact that all the railroads are struggling to stay in the black, and in fact, some of them are struggling to stay in business, how—I ask the chairman of the committee, or the gentleman from Michigan, or any Member of the House of Representatives—could the committee amendment to the bill be used by the railroads to run other common carriers out of business? Let us not forget that the railroads receive no Federal subsidies.

Mr. HARRIS. I would say in response to the gentleman's question—the gentleman's brief question—that I cannot agree with the statement made by the gentleman from Michigan because it simply is not a fact. Section 5a permits and authorizes carriers, where there is more than one carrier, to get together and agree on rate charges and so forth under procedures approved for carrying them out. Those agreements have to be filed with the Interstate Commerce Commission, and before they can be put into effect they must be approved by the Interstate Commerce Commission. Therefore, there is no such loophole as the gentleman from Michigan [Mr. DINGELL] mentioned.

Mr. JENSEN. I thank you, of course. I had hoped the gentleman from Michigan would try to answer my question.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from New York [Mr. KEATING].

Mr. KEATING. Mr. Chairman, I was pleased to hear the gentleman from Arkansas [Mr. HARRIS] say that he did not hold any particular brief for any one carrier as against another. There is apparently some conflict here between airlines, the truckers, and the railroads, but our problem is primarily to look out for the taxpayers and the people generally.

Under section 22 various carriers, railroads or otherwise, are able to make these special deals with the Government for the carriage of personnel and goods, always subject to review and approval by the Interstate Commerce Commission. This committee, in its wisdom, has decided not to repeal section 22. That is a wise decision, because if they had, the Defense Department says it would have cost $128 million more to the Government for carriage of persons and property. Now along comes a court and virtually, as I understand it, makes virtually a dead letter out of section 22 by saying that when they enter into such an agreement for transportation at these lower rates they are violating the antitrust law. The gentleman from Arkansas [Mr. HARRIS] now offers an amendment which reinstates the situation, at least in part, and says that section 22 shall mean what Congress originally intended. In other words, having saved $128 million by not repealing section 22, unless we accept the amendment offered by the gentleman from Arkansas [Mr.

HARRIS], we will be virtually back where we were, as far as cost to the Government is concerned, because the Defense Department has indicated that it will cost them many, many millions of dollars more unless we accept the amendment offered by the gentleman from Arkansas.

That is the reason I feel the gentleman from Arkansas [Mr. HARRIS] has performed a constructive service by presenting this amendment, and it should be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. LOSER].

Mr. LOSER. Mr. Chairman, as a member of the Committee on Interstate and Foreign Commerce, and as a freshman Member, I want to take this opportunity to express to the House and to our distinguished chairman my appreciation for the magnificent manner in which he has handled this legislation. In my judgment he has made a clear, clean-cut statement of the matter, and I feel it should have great appeal to the Members of this House.

Likewise, I might take this opportunity to thank the distinguished gentleman from New York [Mr. KEATING], a member of the Judiciary Committee, for his splendid statement of what the law is, and what the effect of this legislation will be.

I just wanted to express my views along this line and say that I was greatly concerned about the committee amendment until the amendment offered by the gentleman from Michigan [Mr. DINGELL] had been accepted by our committee. With that amendment we are assured that this legislation will not in any way affect litigation now pending, or any right of action that anyone possesses at the time of the adoption of this amendment or the passage of the bill.

So I will be happy to support the committee amendment and the bill.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. DINGELL] to the amendment offered by the gentleman from Arkansas [Mr. HARRIS].

The question was taken; and the Chair being in doubt, the Committee divided and there were—ayes 113, noes 2.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Arkansas [Mr. HARRIS].

The amendment as amended was agreed to.

The CHAIRMAN. The question recurs on the committee amendment as amended.

The committee amendment as amended was agreed to.

The CHAIRMAN. There being no further amendments, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H. R. 3233, to amend section 22 of the Interstate Commerce Act, as amended, pursuant to House Resolution 320, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

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## AIRWAYS MODERNIZATION ACT OF 1957

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1856) to provide for the development and modernization of the national system of navigation and traffic control facilities to serve present and future needs of civil and military aviation, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, S. 1856, with Mr. MAHON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HARRIS. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, the Committee on Interstate and Foreign Commerce has reported and brings to the House this bill which was passed by the other body and referred to us, the purpose of which is to create an Airways Modernization Board of three members.

The Board would be an independent agency and responsible for developing navigation and traffic control facilities needed to handle the rapidly expanding air traffic in the United States.

Such a Board, armed with statutory authority, is needed to coordinate research and development on air traffic control systems for joint civil-military use.

At present, this activity is under the direction of the Air Navigation Development Board. This Board, established by joint action of the Departments of Defense and Commerce, must make decisions by unanimous agreement, a situation which too frequently in the past has led to costly and time-consuming stalemates. The Airways Modernization Board could make decisions by a majority vote, except where a transfer of functions is involved.

This legislation grew out of a recommendation made in a report by Mr. Edward P. Curtis, special assistant to the President for aviation facilities planning. That report was transmitted to the Congress in a message from the President on April 11, 1957. A copy of the message and the Curtis recommendations are included in the committee report on this bill.

This legislation is needed both for reasons of economy and of efficiency.

In my humble judgment, it is needed for a far more important reason which I will mention a little later.

Following the rapid expansion of civil aviation after World War II, the Committee on Interstate and Foreign Commerce investigated the need for facilities to handle this expanding air traffic.

The committee recommended that a common system of air navigation and traffic control for joint use by civil and military aviation be developed and installed.

Following that recommendation, the Air Navigation Development Board was set up in 1948. Subsequently, installation of a common system based on the Visual Omni Range, or VOR, developed by the Civil Aeronautics Administration, proceeded rapidly under direction of the CAA. Later, distance measuring equipment, or DME, was developed and installed.

In the meantime, the Navy was developing a system to meet its own particular needs, especially for operations at sea. This became known as Tactical Air Navigation or TACAN. All of you have heard of that system as the result of the subsequent conflict which developed between TACAN and VOR–DME.

During the Korean conflict, it developed that TACAN met certain tactical requirements of the military that VOR did not meet. The military subsequently urged the adoption of TACAN as the common system for use within the United States. That called for abandoning DME, since DME and TACAN operate on the same radio frequency.

This controversy could not be resolved by the Air Navigation Development Board.

This deadlock was investigated by the Committee on Interstate and Foreign Commerce. In our report to this House, we reaffirmed our faith in the common system concept and insisted that agencies concerned coordinate their efforts to prevent overlapping and duplication.

The TACAN dispute came to an end nearly a year ago with the adoption of a combination of VOR and TACAN known as VORTAC, but we have no assurance that a similar conflict will not arise to plague us again.

It is to prevent the recurrence of similar disagreements that we need a Board that can make policy decisions by majority vote.

The proposed Airways Modernization Board would be composed of a chairman appointed by the President, the Secretary of Defense, and the Secretary of Commerce. The Chairman would be subject to Senate confirmation.

The Board would be a temporary independent agency of the executive branch of the Government. Its duties would be to develop, modify, test, and evaluate systems, procedures, facilities, and devices, as well as define the performance characteristics thereof, to meet the needs for safe and efficient navigation and traffic control of all civil and military aviation, excepting military aviation operations peculiar to air warfare.

The Board, with the exception of its powers under section 4, would make de-

cisions by majority vote. Section 4 of the bill would empower the Board to transfer to itself any functions of the Departments of Defense or Commerce, including any officer or organizational entity thereof, which relate primarily to selecting, developing, testing, or evaluating systems, procedures, facilities, or devices for safe and efficient air navigation and air traffic control. Decisions under this section must be unanimous and, in addition, have the approval of the President.

In addition to his interim report recommending creation of the Airways Modernization Board, Mr. Curtis in his final report entitled "Aviation Facilities Planning," recommended a basic reorganization of the Civil Aeronautics Administration as an independent agency.

In that report, he said:

An independent Federal aviation agency should be established into which are consolidated all the essential management functions necessary to support the common needs of the military and civil aviation of the United States.

That recommendation is separate and distinct from the recommendation of the creation of the Airways Modernization Board.

The second recommendation proposes, however, that when established, the proposed new Federal Aviation Agency take over the functions of the Airways Modernization Board.

The objection most frequently raised against the pending legislation is that this is only a makeshift solution to the problem. It has been suggested that instead of creating this temporary board, we go ahead immediately with legislation to establish the Civil Aeronautics Administration as an independent agency, equipped to carry out the functions of the Air Modernization Board.

The answer to this is that reorganization of Federal civil aviation agencies along the lines suggested will require careful consideration both in the executive branch and by the Congress.

The committee recommends favorable action on the pending bill to save valuable time. There is a big job to be done in preparing for civil jet transports. We should get on with that job at once.

Since World War II we have witnessed a technological revolution in aircraft and their performance. We have been partners in the tremendous growth of military and civil aviation. The Congress of the United States has, and will continue to play an important role in the full and logical exploitation of American air commerce and air power. Each is interwoven with the other and to a degree seldom completely understood.

Air Force aircraft have flown around the world nonstop in a little over 45 hours. Naval aircraft fly from a carrier on the Pacific Ocean and land on another carrier on the Atlantic Ocean between breakfast and lunch. In the furtherance of our air commerce, the airlines of the United States are preparing to invest over a billion dollars in new jet equipment to assure the country of an air transport service second to none in the world. Business and private flying is mushrooming. General aviation aircraft now number 60,000—and will reach over 100,000 in the next two decades.

The present system of air traffic control to help guide and control these thousands of aircraft from point to point through our airspace in good weather and bad is now safe but is woefully overloaded. As new civil and military jets are introduced and the volume of general flying increases, this added burden on our air traffic control system will become even more intolerable.

Since World War II, and while the technological revolution in aircraft proceeded at a phenomenal rate, the system for controlling these aircraft in our airspace has lagged behind. This lag is caused largely by honest differences of opinion as to what devices and techniques should be used in the navigation and control of aircraft. These differences sprung up between the military and civil agencies having responsibilities for operating large aviation programs—and between various elements of the civilian operators. These controversies have been highlighted by the dispute over the use of VOR or TACAN as a short-range navigational aid. Before that controversy was settled, the cost to the country reached several hundred million dollars, much of it in duplication and hence wasteful.

There is one basic cause for this lack of progress in our national system of aviation facilities: The governmental organization consisting of over 75 committees and subcommittees is a labyrinth of inaction—where technical progress often depends upon the most powerful persuaders and not on scientific facts.

Try as we might, the Congress has not been successful in its efforts to follow the maze of intercommittee activity or locating conclusively the groups responsible to Congress for the facilities needed by civil and military aircraft, all of which share the same airspace.

H. R. 6872—and identical bills—is a positive step toward cutting through the committee maze and establishing an Airways Modernization Board authorized and established by Congress. It establishes for the first time a focal point for the Congress in this highly complex and technical area of aviation facilities. Heretofore, the myriad committees in the executive branch have not been able to produce the progress in air facilities we in the Congress expect—when we consider the millions we made available for that progress.

The Air Navigation Development Board, for example, is a creature of the Department of Defense and the Department of Commerce. It has been admittedly inadequate for the job. It is a two-man Board—requiring unanimity for action. Congress appropriates funds only indirectly to the Air Navigation Development Board and can make the intent of the Congress known only indirectly.

The Airways Modernization Board will have a Chairman appointed by the President with the advice and consent of the Senate. Effective decisions could then be made on a majority vote of the Board. The Airways Modernization Board has the power to decide what devices or equipment will be used for safe and efficient navigation and traffic control of all civil and military aviation except for those unique needs of the military which are peculiar to air warfare.

The Departments of Defense and Commerce endorsed and supported this legislation in hearings before your Interstate and Foreign Commerce Committee. The military and civil requirements for improved aviation facilities are already severe. The jet age to the Military Establishment has been with it for a decade. The Air Force alone has many more jet aircraft with four engines, or more, operating in our limited airspace than our commercial fleets will ever have, or at least will have in the next 10 years. The alternative to a common system of air traffic control is for the military and civil authorities each to develop their own systems. We cannot tolerate this duplication. The cost is prohibitive.

All of us are aware of the equipment modernization program that our major air transport companies are now initiating. The funds that are to be expended on new equipment characterized by the Douglas DC–8, the Boeing 707, and the Lockheed Electra runs to sums greater than a billion dollars. These aircraft and others like them are, in a sense, revolutionary developments. They require traffic control techniques that are not now in common use. We need common facilities that will meet these civil and military requirements without delay and without the costly duplication we have experienced in the past.

The vast technological storehouse within the Department of Defense will be thrown open to the Airways Modernization Board. The avowed purpose of the AMB is to search through these civil and military and industrial development programs, upon which tremendous sums have been spent and are being spent, and extracting, where it is appropriate, the techniques that are applicable to this complex job of controling air traffic.

Let me cite an example. Most of us are familiar with the tremendous program conducted by the Air Force, and participated in by the Army and Navy known as the SAGE system. This SAGE system is designed to give us an air-defense system utilizing the fantastic techniques that are available to us today. It provides for nationwide radar systems, among other things, and includes computing techniques for the solution of the most complex mathematical problems in the most minute fractional part of a second. Within this program alone there are undoubtedly techniques applicable to the problem of controlling our air traffic, both military and civil. This is only a single example and is not cited to suggest that therein lies a ready solution. I suggest it only because it is logical that the maximum should be extracted from developments upon which the Government has spent billions of dollars. I have received every indication of the urgent willingness of the Military Establishment to participate as a partner in the Airways Modernization Board, as well as the Department of Commerce.

The entire inventory of the military and civil agencies and the industrial

community pertaining to navigation, communications, and traffic control will be available and will be evaluated thoroughly by the Airways Modernization Board. When considering this opportunity that will be available to the AMB, each of us must remember that during the Second World War, and particularly since, the military establishments developed innumerable devices, some of which are staggering to the imagination of the layman. They include fire-control systems permitting guns of all three services to fire at unseen targets. In some cases, the targets are moving at incredible speeds. The control centers in the bowels of our naval ships to which radar information is transmitted are complex to a degree that many of us find difficult to understand. All of these developments and others too numerous to mention are a great tribute to the scientific and industrial capacity of our country as well as to the imagination of our military services. The AMB hopes to extract from this vast storehouse of know-how, wherever it is feasible to do so.

Most of my comments have been directed to developments that have taken place in the Military Establishments. I do not mean to suggest that the Department of Commerce has been idle. The CAA's airways system of the United States is second to none in the world. That this system has been designed and installed and works as well as it does is certainly a credit to the devotion and effort of the CAA personnel.

I emphasize the storehouse of technology in the Military Establishment only to point out that now—for the first time—these techniques and devices will be available to a group whose sole purpose in life is to modernize our airways system to meet our ever-growing demands for safe and efficient aviation progress. Never before has this vast technology been tapped for this purpose. Tremendous sums of money have been spent on these techniques and devices. Many of them will undoubtedly have application to our airways modernization program. Duplication of equipments can be reduced, if not eliminated. Manpower, money, and material can be directed more efficiently.

Most of our controversies in the past in this area have been the result of the civil and military being unable to see eye to eye on equipments each has developed unilaterally. On the Airways Modernization Board, the Department of Defense and the Department of Commerce will be equal partners under the chairman, and as such will participate in the selection made or the development of these technical devices for a common air navigation and traffic-control system. The duplication of effort which led to the TACAN controversy will be impossible under this new Airways Modernization Board.

The Air Navigation Development Board will be eliminated. I understand the Department of Defense and the Department of Commerce, and the Bureau of the Budget are prepared to transfer the projects, money, and appropriate personnel from the Air Navigation Development Board to the Airways Modernization Board as soon as H. R. 6872 becomes law. By a simple exchange of letters between the Secretary of Defense and the Secretary of Commerce, the Air Navigation Development Board will cease to exist.

It should be a source of real satisfaction and encouragement to us all that the Department of Defense and the Department of Commerce is each willing, if not anxious, to contribute to the development of a single and common system essential to the undenied needs of each. Likewise, they are willing to pool their resources for meeting this same need during the future.

This bill is a constructive step to meet a crying need with the least cost to the taxpayers.

May I say further that this is an administration bill, submitted from the White House, who asked that this program be adopted and carried out.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from New York.

Mr. KEATING. Mr. Chairman, I rise to commend the committee for bringing this bill to us and to express my great personal admiration for Mr. Edward P. Curtis, the author of this report. He was a major general in the last war, serving as Chief of Staff to General Spaatz. He had a distinguished record not only in World War II, but also in World War I, when he was one of this country's first aces. He is one of the ablest businessmen who has ever been brought to Washington to work on the great problems of government.

He has filed a very comprehensive and thoroughgoing report after weeks and months of diligent study. I am happy that the committee has, with such an overwhelming vote, decided to go along with the recommendations of General Curtis.

Mr. HARRIS. I am glad to have the gentleman's comment with reference to the work of General Curtis. One of the matters that developed in the course of the consideration of this proposal is that some were fearful that this might become a little bit tipped toward the military. General Curtis, of course, being a military man, there was even some suggestion that he was going to be the person appointed to the Board. During the course of that discussion it was brought out that General Curtis already had his plans made. He retired from the position and is not in it at this time. He has been succeeded by another very able man, General Quesada, who is doing very fine work as his successor.

Mr. KEATING. Mr. Chairman, if the gentleman will yield further, I might add to what the gentleman has said that I personally endeavored to persuade General Curtis to remain in some capacity in Government because of my great admiration for him and for his ability. I know full well that the type of man he is is desired and needed in so many areas of Government work, but he has a very responsible position as vice president of the Eastman Kodak Co. He was in a hurry to return to the duties and responsibilities of that position. But I do think that this is an illustration of a superior and sterling job done by a member of the business community who has been willing to come to Washington and devote a lot of time to the service of his country in a sincere and dedicated manner.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Ohio.

Mr. BOW. Section 6 on page 8 provides:

> There are hereby authorized to be appropriated, without fiscal year limitation, such sums as may be necessary and appropriate for the carrying out of the provisions and purposes of this act.

Usually in a bill of this kind there is authorization for funds to be appropriated each year. I wonder why without fiscal year limitation is in this bill.

Mr. HARRIS. The budgets, of course, will be made up in the usual course. Pursuing work of this type, where research and development is involved, the gentleman from Ohio, with his acute knowledge of aviation problems, fully realizes that in order to get a research program underway it may require a long time. It may require not only a year but 2 or 3 years. In fact, the problem referred to a moment ago started in the Navy back in 1947. It was not until after the Korean difficulty that it came to life and such heated controversy developed over it. So this bill provides that any funds for this particular purpose that might be appropriated for by the gentleman's committee can be transferred for this purpose and used by the Board instead of the old Air Navigation Development Board.

Mr. BOW. The appropriations I am talking about have nothing to do with the Air Navigation Development Board. This Board which is being set up expires in 1960. I wonder if the gentleman would agree to strike out the words "without fiscal year limitation" so that the Committee on Appropriations could take a look at these appropriations each year, rather than appropriate a large sum. I think the gentleman will recognize the fact that the Subcommittee on Commerce has in the past provided the funds not only for the Air Navigation Development Board but also for the research at Indianapolis and other places. But I think it does give the Congress a little better control over appropriations if we look at them each year rather than having no limitation on it.

Mr. HARRIS. The gentleman will remember this Board will expire in 1960; in other words, you have 1958 and 1959.

Mr. BOW. That is correct.

Mr. HARRIS. I cannot see that there should be any issue on that because the gentleman's committee is going to approve such appropriations as can be shown to be needed, anyway. There is nothing at all to keep them from inquiring about this program in each of the years.

Let me say to the gentleman that we have a practical situation here. This legislation is needed badly and it is needed now. We felt in our own committee that there were some amendments that would be desirable, but we forego those amendments because of the prac-

tical situation with which we are faced. We know that the other body is engaged in what Mr. HALE referred to as suspended animation at the moment. We do not know how long they are going to be so engaged. If this gets fouled up by amending the Senate bill and has to go to conference, we are fearful that we might not get it through. We want this to be adopted so that the President can make his appointment of a chairman and the chairman can be approved by the other body before we get out. It is just that practical situation which I present to my distinguished friend, the gentleman from Ohio.

Mr. BOW. I think the gentleman has defined the situation in the other body, but he is limiting us now somewhat in the exercise of our will. But, may I point this out to the gentleman further if he will yield. A thing that caused me some concern, if the gentleman will turn again to page 7 of the bill, on line 9:

In connection with any transfers the President may provide for appropriate transfer of records, property, necessary civilian personnel, and unexpended balances of appropriations, allocations, and other funds—

Now here we have a situation——

Mr. HARRIS. It says "available"—"other funds available or to be made available."

Mr. BOW. Yes; but unexpended balances of appropriations. Here is an open-end appropriation and we might appropriate to this Board, and then find the money we have appropriated going into other agencies under the direction of the President. I think in a situation of that kind, the Congress is losing control of its appropriations.

Mr. HARRIS. No, I do not get the gentleman's point. I understand the gentleman contends that his committee may report a bill to appropriate funds to this Board which the President could transfer to other agencies.

Mr. BOW. Yes, I think that is the meaning of the language I find on page 7.

Mr. HARRIS. I do not believe it is. Certainly, that is not intended, in my opinion, I do not believe that is the effect of it.

Mr. BOW. The gentleman may say it is not intended, but the language, it seems to me, makes it possible for these transfers to be made—even from appropriated funds that are to be made in the future.

Mr. HARRIS. Certainly, we have to take into consideration the preceding sentence on page 7 in section 4 which provides for the transfer of these related functions.

Mr. BOW. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. GROSS. Now this bill creates another new Board, is that true?

Mr. HARRIS. No. Some members of the committee had some question about that. We have a Board now, but as I have explained, actually it cannot function as it should.

Mr. GROSS. Why not?

Mr. HARRIS. Because under the procedure which established that Board, it is provided that it can make no decision except by unanimous consent. In other words, everybody has to be satisfied before a decision can be made.

Mr. GROSS. Well, why not change the law or whatever it is that created that Board itstead of creating a new Board?

Mr. HARRIS. That is what we are doing. We are creating this Board and doing away with the old ANDB.

Mr. GROSS. Which means that that is to be completely abandoned?

Mr. HARRIS. Yes, and I have letters to that effect both from the Department of Commerce and the Department of Defense that as soon as this legislation is enacted into law that by an exchange of letters, they will abolish the ANDB.

Mr. GROSS. Does this, in effect, lay another layer of fat on the Government? That is, is this new Board to be the layer of fat covering up the CAB and the CAA?

Mr. HARRIS. No, not at all. This has to do with research and development of aids for air navigation and traffic control only. It is a highly technical work. The program has to go on. And then, by 1959, we require here in this bill for a program to be submitted to Congress reestablishing an independent aviation agency, which our committee has sought for many, many years.

Mr. GROSS. On page 2 of the bill, it provides that the Secretary of Defense and the Secretary of Commerce shall be members of this board, and that either of said Secretaries may designate an officer of his Department to act in his stead as a member and so forth and so on. Does this mean that there is going to be another bill presented to create an Assistant Secretary of the Department of Commerce?

Mr. HARRIS. No; not at all.

Mr. GROSS. Or an Assistant Secretary of Defense or an Under Secretary?

Mr. HARRIS. Not at all.

Mr. GROSS. Or an assistant to the Assistant Secretary?

Mr. HARRIS. No, it does not mean that.

Mr. HOFFMAN. Mr. Chairman, I make the point of order that a quorum is not present. Would the gentleman like to have a quorum?

Mr. GROSS. I would not mind.

Mr. HOFFMAN. I cannot see the necessity of it. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. HARRIS. In reply to the question of the gentleman from Iowa [Mr. GROSS] I would say it is not so intended.

Mr. GROSS. It may not be so intended, but I will say to the gentleman I am opposed to creating any more new boards in the Government. I do not understand why, when we have a CAA and a CAB and all of the rest of these boards and bureaus and commissions that we have in the Government, why we have to establish here another new one.

Mr. HARRIS. I fully appreciate the gentleman's viewpoint on that, but let me say to the gentleman one of the most difficult problems that affects the people of this country is this particular question. The question of the conflict that has developed on air space between civil aviation and military aviation is one of the greatest that is pending before us. The Civil Aeronautics Board only today issued a notice of proposed rulemaking in which it is attempting to do something about this problem. We have had hearings for 2½ years, trying to settle the issue of whether we would do away with the common system. We have appropriated several hundred million dollars to develop air navigation and traffic control systems.

Mr. GROSS. What are we doing if we adopt this bill? Do we admit that the CAB is incompetent to handle these problems as between the military and the civil aviation?

Mr. HARRIS. Not at all. We are establishing a procedure where this program can actually move forward.

Mr. Chairman, I reserve the remainder of my time.

Mr. WOLVERTON. Mr. Chairman, I yield myself such time as I may require, merely to say that I am in entire accord with the statement that has been made by the distinguished chairman of our committee. It seems to me that the explanation he has made is so plain and so clear and so filled with reason that it would be unnecessary for me at this late hour to make any further statement in connection with the matter. I am in favor of the bill.

Mr. HIESTAND. Mr. Chairman, I am heartily in favor of this bill, and I ask unanimous consent to extend my remarks at this point.

The CHAIRMAN. Is there objection? There was no objection.

Mr. HIESTAND. Mr. Chairman, America's aerial traffic jam has caused no end of concern in the Capital for almost a decade, but the facts are alarmingly clear that little has been done about it.

Congress received a special message from President Eisenhower calling for urgent legislation to modernize the Nation's air traffic control and air navigation. Packed with facts from a 1-year study, the message recommended what is needed and why. I promptly introduced a bill (H. R. 6655) to implement the program.

For too long many areas have been forced to endure the problem of overcrowded skies. The recent Pacoima tragedy dramatized the disastrous extent to which this problem has grown. But near misses among aircraft have become too frequent above all major cities.

Some obvious facts must be faced. The problem of solving air navigation and traffic is infinitely more complicated than that of surface traffic. The sky's the limit, literally, for this three-dimensional aerial highway system.

We cannot erect traffic signals in the sky, nor could planes stop if we could. The tremendous speeds of supersonic aircraft have relegated the see-and-be-seen flight rules to the buggy whip era. Pilots have no second chance, since virtually all collisions are fatal. There are no right lanes and left lanes, no fast lanes and slow lanes, nor any divided parkways in the skies.

The overall system must be an essential part of our national defense against air attack, as well as responding to the growing demands of public need.

Under the plan, an airways modernization board would be created for 3 years. It would have wide powers, including responsibility for developing systems of communications, navigation and other engineering aids, as well as the selection of such aids. It would be authorized to seek advice from military, civil, industrial, and other interests in air travel.

The proposed board would have an impartial chairman appointed by the President. It would have no affiliations with existing Government agencies. The Departments of Commerce and Defense would each supply one member to the board, but decisions would not have to be unanimous. This is a most important point.

It is important because it eliminates what has been one of the chief stumbling blocks to a coordinated program of air traffic control. This stumbling block is the conflict between military and civilian interests in the air, highlighted because decisions of the present Air Navigation Development Board, established in 1948, have to be unanimous. The Departments of Commerce and Defense can exercise a veto over such decisions at present. They would not have such power on the proposed board.

Although several Government and industry committees have worked hard to solve the air problems during the past 10 years, there has been no one agency with specific authority for them to advise. Under this bill this proposed board would have such authority.

Air traffic control will become increasingly important as we enter the age of jet passenger travel, but the problem will not wait.

At present, more than 65,000 aircraft hours are flown daily in the United States. With the aid of radar, as many as 220 aircraft have been counted flying at one time in the vicinity of 1 major city. Many thousands of military jets mingle in the mixed traffic over our cities.

In 1946, only 6 billion passenger-miles were flown in the United States by the airlines. In 1956 this had mushroomed to 20 billion passenger-miles. Studies show that this figure will be approximately 70 billion in 1975. In addition, the present 61,000 private United States aircraft are expected to exceed 100,000 in 1975.

Action cannot come too swiftly to eliminate one of the most serious problems our Nation faces.

Mr. HOFFMAN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-four Members are present; not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 157]

| | | |
|---|---|---|
| Anfuso | Brownson | Denton |
| Baker | Bush | Eberharter |
| Barden | Celler | Fogarty |
| Barrett | Chiperfield | Forrester |
| Beamer | Christopher | Frelinghuysen |
| Blitch | Cunningham, Nebr. | Gary |
| Boykin | | Gray |
| Breeding | Dawson, Ill. | Gregory |
| Healey | McFall | Scrivner |
| Hillings | McMillan | Smith, Miss. |
| Holland | Magnuson | Smith, Wis. |
| Holtzman | Mailliard | Spence |
| Jones, Ala. | Mason | Springer |
| Jones, Mo. | Meader | Taylor |
| Kearney | Miller, Calif. | Thomson, Wyo. |
| Kelly, N. Y. | Moss | Tollefson |
| Kilburn | Powell | Walter |
| Krueger | Preston | Wharton |
| Landrum | Radwan | Withrow |
| Lennon | Riehlman | Zablocki |
| McConnell | Rivers | Zelenko |

Accordingly the Committee rose; and the Speaker pro tempore (Mr. McCORMACK) having resumed the chair, Mr. MAHON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill S. 1856, and finding itself without a quorum, he had directed the roll to be called, when 370 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. WOLVERTON. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. YOUNGER].

Mr. YOUNGER. Mr. Chairman, the bill which we are considering today, S. 1856, is for the purpose of creating a new board, known as the Airways Modernization Board. During the hearings, frequent mention was made of the fact that if the Air Navigation Development Board, which was organized by joint agreement between the Commerce Department and the Defense Department, had been properly organized with statutory authority to begin with, it would not be necessary for us today to be laboring over a problem of creating a new board to do the research and experimental work concerning the safety factors of air navigation.

The principal reason why ANDB was not successful was that it was set up on a basis whereby the Board could only act by uanimous consent. In establishing the Airways Modernization Board this fault has been corrected, because the Board can act by majority vote except—which is to me a very important point—that of transferring personnel and records from any other department.

The Airways Modernization Board is set up and is supposed to take over all of the personnel, records, and work of the ANDB. On page 55 of the hearings Mr. Rothschild, Under Secretary of Commerce, said, and I quote:

> The Airways Modernization Board would take over the ANDB in total, and the ANDB as an agency would cease to exist. It would take over its work and records and money and personnel.

Now I am sure that it is the intent of Mr. Rothschild and Gen. Edward P. Curtis, the former special assistant to the President for Aviation Facilities Planning, who recommended the establishment of the Airways Modernization Board, that the Board should take over all of the work, records, money, personnel, and so forth, of the ANDB; but unfortunately, human beings being what they are, I would like to call to your attention section 4 of S. 1856, and I quote:

> SEC. 4. The Board, upon unanimous decision and with approval of the President, may transfer to itself any functions (including powers, duties, activities, facilities, and parts of functions) of the Departments of Defense or Commerce or of any officer or organizational entity thereof which relate primarily to selecting, developing, testing, or evaluating systems, procedures, facilities, or devices for safe and efficient air navigation and air traffic control.

Now that is the only reference in the bill to the taking over of the functions of the ANDB, and it can be easily seen that if the Secretary of Defense, or later on the Secretary of Commerce, does not agree to any of these transfers, they can stop such procedure.

It would seem to me that we should write into this legislation a very definite statement that the Air Navigation Development Board is to be abolished and all of its functions transferred to the Airways Modernization Board. In talking with General Curtis, and his successor General Quesada, they could see no reason why such amendments should not be made to the bill. I understand very clearly that our chairman does not want an amendment to this bill, for fear that we cannot have a conference and get the bill passed this session. I am going to defer to his judgment and not offer my amendment. But I do call to the attention of the committee and the House that what we are doing is apparently adding one board on top of another.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield.

Mr. HARDY. That is the observation that seemed to me to be foremost in this particular bill. Is there any reason why we could not assign the functions of this Board to the CAB or the CAA? You have got two agencies now and you are going to set up a third.

Mr. YOUNGER. In the hearings, if you will read those hearings, you will find that a number of us asked that same question. My personal feeling is that this bill should never have come to the Congress; that we should have had an executive reorganizational plan submitted to us, and not by a bill. But I am going to defer to the chairman. However, I want to call your attention to the fact that apparently this is a board upon a board, which is not satisfactory.

The CHAIRMAN. The time of the gentleman from California [Mr. YOUNGER] has expired.

Mr. WOLVERTON. I have no further requests for time, Mr. Chairman.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. Moss].

Mr. MOSS. Mr. Chairman, I wish the Members would take time to read the very brief and succinct statement contained in the minority views in the report accompanying this bill.

In response to a question by the gentleman from Iowa [Mr. GROSS], it is my considered judgment that this is definitely adding a layer of fat, and a layer of fat of somewhat questionable value. We are going to authorize a new agency, not because of any great enthusiasm for the agency but because it

seems the expedient thing to do. We are going to admit defeat. We have not been able to make a frontal attack, so we are going to delay consideration of the basic problem for 3 years while this new superagency takes over, and it is going to have an opportunity to fix itself very firmly as a prelude to permanency. It is going to be authorized to employ not to exceed 20 positions of the supergrade category, grades 16, 17, and 18, and then under the scientific position provisions it can employ another 5 supergrade positions. We are going to give it open-end authorization. It can spend as much as it can get out of the Committee on Appropriations.

It will have a great deal of appeal, because it is dealing with a problem which is very pressing, that of safety on the airways of this Nation. No one will deny the fact that we need to do something, and do it now, but it is my firm conviction that this is not the thing to do. Rather than complicate and obscure the authority, and diffuse responsibility, we need to more clearly fix responsibility. We need to designate one agency and give it authority to do the proper job. If we cannot to do it in this session of the Congress, let us do it in the Congress that convenes in January, but let us not adopt this proposal which puts off until 1959 the submission of an additional recommendation, and create this superagency which will have one full-time member and two part-time members—the Secretary of Defense and the Secretary of Commerce, who do not need to sit themselves, but may designate from their own ranks either on a permanent or a meeting-by-meeting basis someone to represent them. In the case of the chairman, the only full-time or permanent member, it could be a military man. The Secretary of Defense could designate a military man; we could be back in the same old bind which has frustrated the efforts of the Congress and of the industry to meet this problem as intelligently as they should.

I see nothing in the proposal now before us that does a single thing except to adopt a policy of studied procrastination and the imposition of an additional layer of fat on a bureaucracy which has already been ineffective. I would like a clear delineation of authority and responsibility.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield.

Mr. NEAL. I certainly want to add my good word to the opinion expressed by my colleague. I cannot see where we are justified inasmuch as we have the CAA and the other committee which has not been able to accomplish a thing that has been desired; and to create another commission now with questionable power seems to me to be altogether looking at the problem in too extravagant a manner. The gentleman certainly has expressed my opinion.

Mr. MOSS. I thank the gentleman. I recognize that he is just as interested as I in seeing this very grave problem solved. We must proceed intelligently and we can do that only through a clear grant of authority and better delineation of responsibilities and duties.

Mr. NICHOLSON. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Massachusetts.

Mr. NICHOLSON. This bill gives broad authority to employ and appoint and fix compensation of such officers, employees, attorneys, and so forth, yet the life of the bill is only 3 years. Are these people to be placed under civil service and are we to make a new board and everything and then do away with it in 1960?

Mr. MOSS. Inherent in every bureaucracy created by the Congress is the ability to perpetuate itself. As it builds up it becomes vocal, it becomes strong, and there will be a pressing problem in 1959 and 1960. Jet operation will then be underway with commercial lines, and this problem will be just as pressing then as it is at the moment, and the need to continue this agency in existence and to further postpone the job that should be done will be as persuasive as it is at the moment.

Under this bill if its operations do not coincide with the rules and regulations and the needs that Defense has set up, they have to go to them and ask them, and if it is not approved they go along with the military. That is under subsections 4, 5, and 6, on page 4.

I think this board will be just about as powerless to do a real job as the board it proposes to supplant.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield.

Mr. GROSS. Does the gentleman agree with the gentleman from California [Mr. YOUNGER] that there is nothing in this bill which would provide for the abolition of the Air Navigation Development Board?

Mr. MOSS. I most assuredly do.

Mr. HARRIS. Mr. Chairman, will the gentleman from New Jersey yield me 5 minutes of his time?

Mr. WOLVERTON. I have two requests for time, from the gentleman from Delaware [Mr. HASKELL] and the gentleman from Michigan [Mr. HOFFMAN]. After yielding 5 minutes to each of them I will be glad to yield the gentleman the balance of my time.

Mr. HARRIS. I thank the gentleman from New Jersey.

Mr. WOLVERTON. Mr. Chairman, I yield 5 minutes to the gentleman from Delaware [Mr. HASKELL].

Mr. HASKELL. Mr. Chairman, the problem has been raised here as to the intelligence of the approach of the administration. This is an administration bill. The history of it is they have had investigations including the Hardy report and the Curtis report, and this over a period of some years. When I served in the executive branch I had the opportunity to hear and study the Hardy report and so became interested in this subject, and I feel very strongly that a problem of immediacy faces us all here now, and that if we cannot get proper command decision in the executive branch in the near future there are going to be disasters of considerable proportions in the air. I merely would like to point out that in the last 6 months there have been hundreds of near misses in the air. I talked to a person who talked to a pilot the other day out in California who explained to me a certain situation. In short, there was a jet that flew toward him and he had to plaster his passengers on the ceiling. He did that twice. This is one example of the situation that existed on that particular day. Incidentally he had one other near miss that day.

This situation is not something that is far away, or something that is nebulous. This is a critical situation and a situation that something has to be done about in the near future. The way to get about it is to get decision in the executive branch, the recommendation that General Curtis makes is rather clear.

There may be things in this bill that are not perfect, but the principle behind it is absolutely essential that we do something about and soon. Basically it is that the decision between the military and the civilian be arbitrated. If the military recommendation and the civilian recommendation is now made, there is nobody to decide between them. It is very important that we have an arbitrator who would be the third man on this committee. A very fine individual, such as General Quesada, who fought as a leader in the last war would be an excellent choice. I am sure he has the ability to decide where necessary so that the Federal Government can save more.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. HASKELL. I yield to the gentleman from California.

Mr. YOUNGER. Is the gentleman indicating that the President's choice of the chairman of the board is going to be General Quesada?

Mr. HASKELL. I understand that there is a very good chance that that will be the case.

Mr. YOUNGER. That is quite interesting.

Mr. HASKELL. General Quesada is a person I have known for a long time. Many of you here know him. I feel he would be an excellent person. I think the gentleman mentioned him earlier as being one he admired very much.

Mr. YOUNGER. I have no objection to that statement, except he is a military man. If we are going to have two military people on this board we ought to know it now.

Mr. HASKELL. I cannot speak for the President as to what his appointment is going to be, but I think that if General Quesada were chosen he would understand the military and be civilian slanted.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HASKELL. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I have known General Quesada for a long time and I have also known about the marvelous work for aviation he has done, and in the early days of aviation he flew the airplanes that were totally inadequate. His research work is outstanding. The country has been lucky to have his services. He has piloted the plane I was

on a number of times and I found him to be a very safe and skillful aviator.

Mr. HASKELL. I thank the gentlewoman from Massachusetts. The personnel who will make these decisions are 3 people, 1 from the Defense Department, 1 from the Commerce Department, and 1 from the White House. They will have power to make a decision where the majority will rule and this will give us an entirely different situation than we have today. We now have the CAA, the CAB, and the other boards and agencies involved throughout the executive branch, all doing their job, but really not being able to be decisive.

Mr. YOUNGER. In section 7, page 8, who is to make the recommendation for the final authority to establish an independent aviation unit?

Mr. HASKELL. That is the recommendation that would come to the Congress.

Mr. YOUNGER. From whom?

Mr. HASKELL. That I do not know positively. I assume through the Commission. The executive branch would undoubtedly work in the development of that matter with Defense, Commerce, the CAA, the CAB, and the Air Modernization Board, and so forth.

Mr. YOUNGER. General Curtis made the statement several times that this Air Modernization Board would have absolutely nothing to do with it.

Mr. HASKELL. The Air Modernization Board?

Mr. YOUNGER. The Air Modernization Board would have nothing to do with the recommendations for the independent aviation authority that is to be finally established.

Mr. HASKELL. That may well be true.

The CHAIRMAN. The time of the gentleman from Delaware has expired.

Mr. WOLVERTON. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, some of us are always opposed to the creation of new boards or commissions unless there is some absolute necessity for that kind of action or law. But, we all realize that something must and should be done and now about the traffic even here in Washington. We need a new airport and we need someone with authority to direct traffic. The point of no quorum was made by me because there seemed to be some confusion among the Members as to why this bill was necessary. Members should realize the situation which confronts us.

Will the chairman of the committee, the gentleman from Arkansas [Mr. HARRIS] advise us as to whether this is an absolutely new board or does it replace a board that was existing in 1940 or 1941 and which we abolished through the adoption of a reorganization plan.

Mr. HARRIS. No. I asked the gentleman from New Jersey if he could spare me a little more time, since we ran out, and I thought I would go back and explain that to the committee.

Mr. HOFFMAN. Well, explain it on my time, if you will.

Mr. HARRIS. I do not believe I will have enough time.

Mr. HOFFMAN. Maybe the gentleman from New Jersey [Mr. WOLVERTON] will give you more time. You might start in.

Mr. HARRIS. All right.

Mr. WOLVERTON. If it will help the matter any, I will say now that I thought I had already said to the gentleman from Arkansas that I would yield him the remainder of my time after the gentleman from Michigan had spoken.

Mr. HARRIS. Is it the gentleman's desire that I do that, then?

Mr. HOFFMAN. Yes. I would like to know why this particular board is needed and whether it is an absolutely new board or new function or whether it is to replace one, a board that we abolished some time ago.

Mr. HARRIS. Let me go back and explain some of the history.

Mr. HOFFMAN. In your own way, if you will.

Mr. HARRIS. When the Civil Aeronautics Act was established in 1938 the Civil Aeronautics Authority was made an independent agency. In 1940, the Civil Aeronautics Administration was placed under the Department of Commerce by a reorganization plan proposed by President Roosevelt. That has been the beginning of some of the problems that have developed, that came to a head with the transition of aviation and going into the jet age.

There has been in this Congress, and certainly in our committee, a very great interest in reestablishing and reorganizing the Civil Aeronautics Administration as an independent agency. It is felt by some of the members of our committee and many Members of the Congress that it was intended to function as an independent agency and not under the executive branch of the Government.

Right after the war there was established what was known as a common system of air navigation aids, based on the visual omni range or VOR.

Our Government approved that program. We presented it to the international meeting known as ICAO, where we sponsored the common system and got it approved. The common system as referred to contained two phases: one phase was VOR, that is, visual omnirange, and DME, distance-measuring equipment. About that time the Navy found that they had to do something to meet their requirements, as VOR did not meet their requirements. As a result of all of this development we had a little black box they called TACAN.

TACAN and DME were incompatible. They both used the same radio wavelengths.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. HOFFMAN] has expired.

Mr. WOLVERTON. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. As a result of this incompatibility there developed a serious conflict between civil aviation and the military. In an effort to do something about that, the Department of Defense and the Department of Commerce reconstituted the Air Navigation Development Board which has been referred to as the ANDB. That is a board that could not function except by unanimous agreement, unless every member agreed on whatever the problem was, they could not function. We have had that condition now for several years. Then our distinguished friend now deceased, Carl Hinshaw, about 2 years ago, brought to our attention what the Navy had done in the development of TACAN. The Committee on Appropriations had given the Navy unlimited funds; they spent vast sums developing that system. I suppose it was necessary to meet our responsibilities. But what we were developing were two conflicting systems; one the common system and then this new system of the Navy. We simply could not permit two separate systems to develop, one military, one civil.

In an effort to try to get this ANDB and the military and civil interests together, in 1955 our committee got all the groups involved, military and civilian, behind closed doors, because at that time this information was all confidential. We let them have it out in an effort to try to solve the issue that this very board could never resolve. We thrashed it out in the committee for several weeks. A long time after that they were not getting anywhere and I told Mr. Rothschild, who is the Under Secretary for Transportation in the Department of Commerce, that if they did not get together and settle the issue, Congress was going to have to do something about it, because we could not continue appropriating hundreds of millions of dollars to develop two systems. As a result, they finally got together and developed or agreed on what they call VORTAC. What this bill would do is this. It would set up an Airways Modernization Board to meet these problems with reference only to research and development. This legislation does not go into all these other things that are the responsibility of the CAA.

The reason this is so important is because we are getting into the jet age. In 1959 and 1960 these jets are going to be put in commercial air service. They are going to have to fly the airways at 25,000 and 30,000 feet. We are simply going to have to have some way to protect them when they are flying through the air at such terrific speed.

That is the reason the administration decided that they wanted to get this first phase started, to get that controversy settled, and then set up an independent agency to have the responsibility of this program for the future. It is contemplated that when this new Board is set up, that by an exchange of letters, the ANDB will be abolished. I have letters to that effect.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Can this Board force that agreement?

Mr. HARRIS. This Board has authority to make decisions by a majority vote. That is the reason it is so highly important.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Tennessee.

Mr. EVINS. The gentleman said earlier it was his view we should have an independent agency for this important function. He has now said this is the first step toward that end, so you will be eventually establishing an independent agency to perform this job.

Mr. HARRIS. That is precisely it. This is the first time we have had the executive branch of the Government agree to such a program since the reorganization plan of 1940.

Mr. EVINS. I certainly agree with the gentleman, because there is much confusion in this area and there needs to be one centralized authority in the Civil Aeronautics Board.

Mr. HARRIS. You see these ships operate and when they have their guns trained on something they will stay there regardless of what happens to the ship. If they can do that with a gun trained on a point, why cannot we develop something in this program to prevent collisions?

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Iowa.

Mr. GROSS. I think we all agree with the necessity for continuing progress in air safety, but why does not somebody in authority upend this Air Navigation Development Board and make them do the job for which they were created rather than establishing a wholly new Board here with all kinds of authority no board should have?

Mr. HARRIS. I believe from past experience we will get better results out of an organization set up for this purpose by Congress than by having it set up by an exchange of letters between two agencies down in the departments.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from West Virginia.

Mr. NEAL. The gentleman is sure that this Air Navigation Development Board will go out of existence?

Mr. HARRIS. I have letters from both the Department of Commerce and the Department of Defense to that effect, that as soon as this bill is agreed to and the board set up they will by exchange of letters do away completely with the old Air Navigation Development Board.

Mr. NEAL. With that assurance, I withdraw any objection I have to the bill.

Mr. ALGER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Texas.

Mr. ALGER. With reference to some statement made by Mr. Hartranft, who is the president of the Aircraft Owners and Pilots Association, and he had a give and take in his testimony, I am rather taken with the thought he expressed, and I want to ask the chairman about it for his further view. It is one thing to control airspace, which is the great danger and the need today, and another thing to think that can be done with one system, because as a matter of fact we have right now one TACAN system, one-half of a VOR–DME system, one low-frequency radio-navigation system, one instrument-landing system, one radar ground-controlled approach system, and the various potential arrangements of the SAGE system, and several others under defense. We are talking about something that is highly technical. I am hearing things today just as I heard in committee that disturb me, because it seems to me we are not getting to the root of the trouble, and that is to control the airspace.

Mr. HARRIS. May I say to the gentleman that this bill gives no authority to this Board in controlling airspace. It has nothing to do with it.

Mr. ALGER. Yes, I realize they are going to investigate to make recommendations, but I am wondering what the chairman thinks of the CAA being placed back in its original status, which seems to have the support of this particular group, and I am merely asking that for the chairman's observation, in place of that Board.

Mr. HARRIS. I have been one of those who believes that we would be much better off today had the CAA remained an independent agency. I fully believe that, and I have long advocated that because of the importance of the program and the technicalities involved.

The gentleman knows, or perhaps he did not, that when we went to Las Vegas to investigate the Grand Canyon accident, we arrived out there that night, and the first thing we ran into was the sharp cleavage existing and in effect at that time between the CAA and the CAB. Each of them had it out in my room there that night, and I had to tell them we did not go out there to settle disagreements between the agencies of the Government. We went out there for an entirely different purpose. But there is one thing we did do. We did bring about a more compatible feeling of cooperation between them, and we have seen it work since then to a greater degree.

Mr. ALGER. Is there any possibility in the gentleman's mind as a result of this Airways Modernization Board that possibly the CAA could be reinstated, or is that completely out of the question, in its original role of perfecting airspace use.

Mr. HARRIS. We established the CAA by an act of Congress. Reorganization is going to require long and careful consideration. I know that from experience. But these questions of safety are something that cannot wait. We have the military pushing every day as they should. We have the development of jets being pushed every day, and that is as it should be. There are conflicts of interest. Only today, the Civil Aeronautics Board issued a notice of proposed rulemaking whereby they propose to clamp down on the military in taking advantage of that provision of part 60 of the rules whereby the military can do almost anything it wants to in regard to airspace use. That is necessary. This conflict is growing every day.

In the field of research and development, this proposed Board would have authority to make decisions. That is the reason we are having trouble—no one seems to be in a position of authority to make decisions on this subject.

Mr. GROSS. If the gentleman will yield. Someone here just a moment ago said that some general would be chairman of this Board.

Mr. HARRIS. Well, I cannot confirm that statement because I do not know who the President is going to select.

Mr. GROSS. Neither can I.

Mr. HARRIS. We know that the Secretary of Defense and the Secretary of Commerce will be members of the Board.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mrs. GRIFFITHS. Will this Board have the authority to determine the common system?

Mr. HARRIS. Section 2 (b) states that the Board shall develop, modify, test, and evaluate systems, procedures, facilities, and devices, as well as determine the performance characteristics thereof, to meet the needs for safe and efficient navigation and traffic control of all civil and military aviation except for those needs of military agencies which are peculiar to air warfare and primarily of military concern, and select such systems, procedures, facilities, and devices as will best serve such needs and will promote maximum coordination of air traffic control and air defense systems. As for the VORTAC system now being installed, General Curtis told the committee:

> Now that VORTAC has been developed, and is being installed, the Board would have no authority to direct its discontinuance.

Mrs. GRIFFITHS. In developing a common system, will they have the authority to keep the airways from using other systems?

Mr. HARRIS. The authority to operate the airways remains with CAA as it is today. That will still remain their responsibilty.

Mrs. GRIFFITHS. Will the majority of this Board be from the military?

Mr. HARRIS. The Secretary of Defense will be a member of the Board. The Secretary of Commerce will be a member of the Board. The Secretary of Defense has always thus far, I believe, been a civilian employee. The Secretary of Commerce is a civilian. But whom the President would appoint, I simply do not know.

Mrs. GRIFFITHS. If the President appoints a general, you would then have the military in control of the Board as a practical matter.

Mr. HARRIS. That problem has developed and someone has expressed some fear, but because of that the bill was amended in the other body to provide for confirmation by the other body in order that that or any other question might come within the usual purview of the Congress.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. MOSS. With reference to the discussion of the possibility of military officers on this Board, is there any possibility that the Secretary of Defense will designate a military officer as his representative on the Board?

Mr. HARRIS. The bill provides that either of the Secretaries may designate an officer to perform their functions That means that any person appointed by the President or the head of the agency would be deemed an officer.

Mr. MOSS. Is it not probable that the Secretaries of Defense and Commerce, because of their many other duties, would not personally serve and would designate another person to act in their stead?

Mr. HARRIS. Of course, we know that Members of Congress and others have so many responsibilities that we cannot possibly attend to every one of them personally all the time.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. EVINS. Because of the gentleman's very strong statements with reference to the need of a separate Board, why did you not establish an independent agency?

Mr. HARRIS. Because we have not had the necessary support to go into that.

Mr. EVINS. I would certainly support the gentleman in that regard.

The CHAIRMAN. The time of the gentleman has expired.

All time has expired.

The Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.,* That this act may be cited as the Airways Modernization Act of 1957.

AIRWAYS MODERNIZATION BOARD

SEC. 2. (a) There is hereby established the Airways Modernization Board, hereinafter referred to as the "Board." The Board shall consist of three members: A Chairman of the Board, hereinafter referred to as the "Chairman," who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of $20,500 per annum, the Secretary of Defense, and the Secretary of Commerce. Either of the said Secretaries may designate an officer of his Department to act in his stead as a member of the Board with respect to any matter or matters. All actions of the Board except those relating to transfers of functions as provided in section 4 of this act shall be by affirmative vote of a majority of its members.

(b) The Board shall develop, modify, test, and evaluate systems, procedures, facilities, and devices, as well as define the performance characteristics thereof, to meet the needs for safe and efficient navigation and traffic control of all civil and military aviation except for those needs of military agencies which are peculiar to air warfare and primarily of military concern, and select such systems, procedures, facilities, and devices as will best serve such needs and will promote maximum coordination of air traffic control and air defense systems. When there is any substantial question as to whether a matter is of primary concern to the military, the Board is authorized and directed to determine whether it or the appropriate military agency shall have responsibility. Technical information concerning any research and development projects of the military agencies which have potential application to the needs of, or possible conflict with, the common system shall be furnished to the Board to the maximum extent necessary to insure that common system application potential is properly considered and future potential conflicts with the common system are eliminated.

(c) The Board, before selecting any system, procedure, facility, or device, is directed to effect coordination with the Civil Aeronautics Board and the Federal Communications Commission in order to assure that full consideration is given to all of the statutory responsibilities of the Civil Aeronautics Board and the Federal Communications Commission.

(d) The Board is also authorized—

(1) subject to the civil-service and classification laws, to select, employ, appoint, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of this act, and to define their authority and duties;

(2) to appoint such advisory committees as shall be appropriate for the purposes of consultation and advice to the Board in performance of its functions hereunder and to obtain services as authorized by section 15 of the act of August 2, 1946 (5 U. S. C. 55 (a)), at rates not to exceed $100 per diem for individuals. Members of such committees shall be entitled to travel expenses and per diem authorized by the act of August 2, 1946 (5 U. S. C. 73 b-2), for all persons employed intermittently as consultants or experts receiving compensation on a per diem basis;

(3) to enter into contracts without regard to section 3648 of the Revised Statutes, as amended (31 U. S. C. 529);

(4) to use, with their consent, the available services, equipment, personnel, and facilities of other agencies and instrumentalities of the Federal Government on a reimbursable basis when appropriate, and on a similar basis to cooperate with other agencies and instrumentalities in the use of services, equipment, and facilities of the Board;

(5) to place in grades 16, 17, and 18 of the General Schedule established by the Classification Act of 1949, as amended, not to exceed 20 positions. Any such position shall be additional to the number authorized by section 505 of that act and shall be subject to the standards and procedures of such section;

(6) to establish and fix the compensation for not to exceed five positions of officers and employees of the Board of a scientific or professional nature without regard to the Classification Act of 1949, as amended, each such position being established to effectuate those research, development, and related activities of the Board which require the services of specially qualified scientific or professional personnel. The rates of basic compensation for positions established pursuant to this subsection shall not exceed the maximum rate payable under Public Law 313, 80th Congress, as amended, and Public Law 854, 84th Congress, and shall be subject to the approval of the Civil Service Commission. Positions created pursuant to this subsection shall be included in the classified civil service of the United States, but appointment to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the Civil Service Commission or such officers or agents as it may designate for this purpose; and

(7) to construct, improve, or renovate laboratories and other test facilities and to purchase or otherwise acquire real property required therefor.

(d) With the approval of the President, members of the Army, the Navy, the Air Force, or the Marine Corps, may be detailed by the appropriate Secretary, pursuant to cooperative agreements with the Board, for services in performance of functions under this act to the same extent to which they might lawfully have been assigned to such service in the Department of Defense.

Mr. NICHOLSON. Mr. Chairman, I move to strike out the last word.

I would like to ask the gentleman from Arkansas a question or two. I did not have an opportunity to do so before. I would like to have the gentleman, if it does not take too long, to explain to me the meaning of the language on the top of page 7:

"The Board upon unanimous decision"—and so on.

What does that mean?

Mr. HARRIS. It is contemplated that this new Board will take over the functions of the ANDB. That Board functions as representatives from the Department of Commerce and the Department of Defense. That Board has certain records, files, and so forth that it has been utilizing. They are transferred to the new Airways Modernization Board for their use. It also provides for the transfer of certain appropriations, which I understand is objected to by some Members, and there will probably be a point of order raised against that provision. But certain appropriations have already been made for the next fiscal year which would go to the research office, and are included in the Defense Department appropriation, and certain appropriations within the civil agency may be transferred to the new Board in order that that work may continue.

Mr. NICHOLSON. It provides in this bill that we appropriate a certain amount of money for the different people who are going to be employed under it?

Mr. HARRIS. Yes. I understand the Congress has already this year appropriated certain funds to the military for this research and development program, which will be utilized, along with this ANDB. There are certain funds included in the CAA Appropriation Act, which may be utilized for this purpose. The purpose is to continue this program.

Mr. NICHOLSON. I thank the gentleman.

Mr. GROSS. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I cannot concur in the passage of this legislation without amendment and in haste simply because of the situation in the other body. I do not think we are required under any condition, now or later existing in the other body, to pass bad legislation in this House.

The gentleman from Arkansas says the Air Navigation Development Board is to be abolished at some unstated time in the future, but I note in the bill, page 7, section 5:

This act and all authority conferred thereunder shall terminate at the close of June 30, 1960, but the President may continue the Board for purposes of liquidation for not to exceed 6 months after such termination.

Then this:

Concurrently with the said termination all functions transferred under section 4 hereof shall, except as may be otherwise hereafter provided by or pursuant to law, revert to their status as it existed prior to such transfer.

Does that mean that you are going to transfer back to the Air Navigation Development Board, which you do not abolish in this bill, the functions previously carried on by the Air Navigation Board? Will somebody on the committee tell me what reverts and to whom it reverts?

Mr. HARRIS. I am sorry, my attention was temporarily diverted.

Mr. GROSS. I do not want to repeat the entire question, but under section 5—I am sure the gentleman is familiar with that, page 7, section 5, under the reversion of duties, functions, and so forth, do they revert to the Air Navigation Development Board?

Mr. HARRIS. No. It is contemplated that in the reestablishment or reorganization under the report of the Special Assistant to the President that these functions then will go to the independent agency to be established.

Mr. GROSS. A new agency to be established. Then is that also——

Mr. HARRIS. I have tried my best to tell the gentleman that the long-range purpose is to reestablish the Independent Civil Aeronautics Administration.

Mr. GROSS. Of course, that is only a hope for the future; is it not?

Mr. HARRIS. It is my hope.

Mr. GROSS. But you do not abolish the Air Navigation Development Board.

Mr. HARRIS. Yes; it does it automatically.

Mr. GROSS. Tell me where that provision is to be found in this bill.

Mr. HARRIS. The act and all authority is to terminate at the close of business on June 30, 1960.

Mr. GROSS. That is the new Board you are creating here, the Airways Modernization Board, not the Air Navigation Development Board whose personnel and functions are being taken over in this setup.

Mr. HARRIS. I have letters that I referred to, here is one from the Chairman of the Air Navigation Development Board. Without taking the gentleman's time, I have other letters.

Mr. GROSS. It is very wonderful to have letters which are not binding. Why not put an abolishment provision in the bill? If you are going to abolish something why not say so by law, here and now? Moreover, you are doing something else here that is not too apparent on the surface. You are creating 20 supergrade jobs. You are providing for other employees without regard to civil service examination, and other normal procedures. You are building up a costly new Board and giving it unusual power by providing:

The Board upon unanimous decision—

That is, among the members themselves—

and with the approval of the President may transfer to itself any functions (including powers, duties, activities, facilities, and parts of functions) of the Departments of Defense or Commerce or of any officer or organizational entity thereof—

And so forth. It is unusual power that you are giving to this new Board which you say is only temporary.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am delighted to yield to the gentleman from Arkansas.

Mr. HARRIS. The gentleman overlooks the fact that jurisdiction of this Board is in subparagraph (b) on page 2; and it has only one function, one duty, and that is in the development, modifying, testing, and evaluating systems, procedures, facilities, and devices, as well as defining the performance characteristics thereof, to meet the needs for safe and efficient navigation and traffic control.

That is the purpose of the bill. We do not transfer all of the functions of the Department of Commerce and of the Defense Department to this Board.

Mr. GROSS. No; I did not say that you had transferred all of them, but, certainly, that is a broad grant of power under the terms of this bill. It is, as the gentleman from California well stated a little while ago, imposing another agency upon an agency.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HOFFMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it might be said this is one of the most regrettable moments of my life. The economy team of GROSS and HOFFMAN is splitting down the middle right now. It is my purpose on this occasion to adopt the form of argument the Health, Education, and Welfare supporters used a week or two ago and which was that unless we went along with that legislation practically every one would die of poisoning. Do you remember? Unless we adopted the then pending bill people would die and between that death list and the fallout there would not be many people left to take any advantage of legislation we might adopt. Later on we had a poultry inspection bill up for consideration. Do you remember that horrible affidavit or affidavits someone read about the chickens? We have since been advised the affidavits were false.

I am going along with the committee on this one because unless we take this we may be responsible for the deaths of fellow citizens growing out of air collisions here in Washington and other places. It has not been too long ago since this House lost a very, very valuable Member, our former colleague from Massachusetts, Mr. Bates. Do you remember when the Bolivian flew down on top of a passenger plane and some 50 people went into the river and all were lost? All we need to do is to go down to the airport or to Hains Point or up on the Potomac and watch those planes go over in groups or following each other; it seems impossible to avoid collisions. Sometimes you would think it was a military formation.

The first thing we know we will read in the daily paper that there has been a crash here in Washington and we here in the Congress will, in part at least, be responsible for it. I do not want any of that responsibility. We should authorize another airport and insist it be constructed without delay.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The Clerk read as follows:

DUTIES OF THE CHAIRMAN

SEC. 3. (a) Except as provided in subsection (b) hereof, and in the selection of systems, procedures, facilities, and devices, the Board shall assign to the Chairman responsibility for carrying out activities of the Board. Included among the responsibilities of the Chairman shall be (1) the appointment and supervision of personnel employed under the Board, (2) the distribution of business among such personnel and among administrative units of the Board, and (3) the use and expenditure of funds.

(b) (1) In carrying out any of his functions under the provisions of this section, the Chairman shall be governed by general policies of the Board.

(2) The appointment by the Chairman of the heads of major administrative units under the Board shall be subject to the approval of the Board.

(c) The Chairman may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, employee, or administrative unit under his jurisdiction of any function of the Chairman assigned to him by this section.

Mr. DINGELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to register my accord with what my colleague from California [Mr. MOSS] said and I hope everyone will read the minority report at the conclusion of the general report of the committee. No one here will argue with our distinguished chairman when he says there is grave need for something drastic being done in the industry to protect and to preserve the American people and to save those who ride these aircraft in the congested areas. No one will contest the fact that our airways are congested.

But the situation is this: Today we are averaging about 4 near collisions a day and Lord knows how many near misses of other kinds. The fact of the matter is this: This bill does not do anything to directly approach the problem.

The White House appointed recently General Curtis to make a comprehensive study of this whole problem and to report back what could be done to solve the problem. His report went into a number of things but his conclusion was that to protect the American people and to solve this very involved problem, we ought to have an independent air agency. If my colleagues will read the minority report they will find that is precisely what we recommend, that is, that the Congress take the bull by the horns and that Congress set about solving this problem now.

What does this bill do? This bill, as my distinguished friend and colleague, the gentleman from Iowa, Mr. GROSS, and others have said, creates a new, large, powerful, and self-perpetuating bureaucracy. This bureaucracy is going to go on and on and on, and each time the Congress or anyone else around here tries to do anything about this bureaucracy and to get right down to the merits of the problem and solve this problem, it is going to come up here with more reasons why they need more personnel and more money and more authority, but they will never get around to solving the problem.

I want to say this: The roster of Government agencies and other agencies that have studied this problem is very impressive. The report of the House Committee on Government Operations said a few years ago that there were no less than 75 agencies in being which devoted all of their time or a substantial part of their time to the study of the problem of making the airways safe for navigation and for developing a common system on the airways. But, since that

time nothing has been done to really solve this problem. This bill will not do it. It will add another agency which will compete with these existing agencies for skilled technical personnel. There are some 20 supergrade positions requested and some additional scientific personnel of grade 16 and upward who are going to sit around and, frankly, collect their salary and not do anything to solve the problem at hand.

Mr. Chairman, I hope the House will recognize these facts. I know the bill will pass, but I do not want to be in the position, when an appropriation bill comes up, of having to vote for a bureaucracy that I opposed in the first place. And I hope my colleagues will bear in mind that this bill does nothing to solve the basic problem which I concede exists but that this bill merely creates a self-perpetuating bureaucracy which is going to go on and on and on and which will come back time and again for more money and additional personnel. And I am sure the Members of this House will recall that we have created temporary after temporary organizations, and we have increased their appropriations every year. So, it is true, my colleagues, that in a matter of a year or so or 3 years or 8 years and in the days when our children are voting this bureaucracy is still going to be with us, and it is not going to solve one thing.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Tennessee.

Mr. EVINS. The chairman spoke of air safety, and he spoke about the collision in the desert, and yet he says that the principal feature is limited to research and development. We have a Board now which is headed by General Doolittle to do that very thing. Now, if it is limited to research, we already have an agency which is operating. The second step is to establish an independent Board which the chairman says is needed and which the gentleman also says is needed, so I hope we can reach the objective and not just go about it on a piecemeal basis.

Mr. DINGELL. This will not lead us down the road to the elimination of the problem that we are trying to solve.

The Clerk read as follows:

TRANSFER OF RELATED FUNCTIONS

SEC. 4. The Board, upon unanimous decision and with approval of the President, may transfer to itself any functions (including powers, duties, activities, facilities, and parts of functions) of the Departments of Defense or Commerce or of any officer or organizational entity thereof which relate primarily to selecting, developing, testing, or evaluating systems, procedures, facilities, or devices for safe and efficient air navigation and air traffic control. In connection with any such transfer, the President may provide for appropriate transfers of records, property, necessary civilian personnel, and unexpended balances of appropriations, allocations, and other funds available or to be made available of the officers, department, or other agency from which the transfer is made.

Mr. BOW. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BOW. Mr. Chairman, I make the point of order against the language in section 4, page 7, beginning on line 12, reading "and unexpended balances of appropriations, allocations, and other funds available or" as being an appropriation on a legislative bill.

The CHAIRMAN. Does the gentleman from Arkansas desire to be heard on the point of order?

Mr. HARRIS. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The Chair is prepared to rule. The Chair has examined the language to which the point of order has been made, and after consideration finds that the language is obnoxious to clause 4 of rule 21 of the House and therefore sustains the point of order.

Mr. YOUNGER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNGER. Does this mean that this bill will have to go to conference with that change in it?

The CHAIRMAN. The Chair is not prepared to comment on that matter at this time.

Mr. McCORMACK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCORMACK. But the remainder of section 4 remains in the bill, does it not?

The CHAIRMAN. That is the understanding of the Chair.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

I would like to ask the chairman of the committee a few questions that I think might help clarify the situation to some extent. We all know the necessity for legislation. We all know that a very challenging problem confronts the Congress of the United States in the protection of the American people in air transportation. We are all aware of the difficulties in the field of commercial air and military air and the reconciling of those two activities, one having to do with our national defense and the other having to do with commercial air activities. No matter what we do on this bill that same, sharp, challenging question confronts us and it is one that is going to tax the ability of all of us to get a sound and proper solution.

We know of the building of the SAGE line and other military means of communication; the problem of two systems of air regulation, one military and the other civilian. We know about the duplication of activities, the outlay of appropriated funds and the necessity of having coordination to obviate duplication and to reduce expenditures as much as possible.

We are all aware of that situation. Now this bill is before us and I would like to ask the chairman a question with reference to the bill on page 3 where it says that "the Board, before selecting any system, procedure, facility, or device."

By the Board you mean in that case a majority of the Board; is that correct?

Mr. HARRIS. That is true.

Mr. McCORMACK. Wherever the word "Board" is used in this bill it does not mean that there must be a unanimous decision by all members of the Board?

Mr. HARRIS. That is true.

Mr. McCORMACK. The bill says further:

is directed to effect coordination with the Civil Aeronautics Board and the Federal Communications Commission in order to assure that full consideration is given to all of the statutory responsibilities of the Civil Aeronautics Board and the Federal Communications Commission.

As I understand that language, that means that the Board may make its own decision, but it must consult with the other two agencies to effect coordination, to assure that full consideration is given to their statutory responsibilities; is that correct?

Mr. HARRIS. That is true, because of the functions of the Civil Aeronautics Board in matters of this kind and of the Federal Communications Commission in the radio field.

Mr. McCORMACK. That relates more to section 4, does it not?

Mr. HARRIS. That was paragraph (c) the gentleman was referring to on page 3.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman.

Mr. GROSS. Speaking of the matter of unanimity, I call the gentleman's attention to the language on page 7, section 4, where it says: "The Board, upon unanimous decision."

The gentleman said that a unanimous decision was not required.

Mr. McCORMACK. I was coming to that. Now turning back to page 2, I should like to ask the chairman a question or two.

The Board shall develop, modify, test, and evaluate systems, procedures, facilities, and devices.

That does not relate to functions.

Mr. HARRIS. No.

Mr. McCORMACK. Section 4 relates to functions, which is separate and distinct from the powers conferred in paragraph (b) of section 2.

Mr. HARRIS. That is true. In other words, paragraph (b) establishes the jurisdiction of the Board, what it is authorized to do. Section 4 is the procedure on how transfers might be carried out.

Mr. McCORMACK. Under paragraph (b) of section 2 the Board has authority to act.

Mr. HARRIS. Yes. If the gentleman will read right above that, in section 2 (a):

All actions of the Board except those relating to transfers of functions as provided in section 4 of this act shall be by affirmative vote of a majority of its members.

Mr. McCORMACK. Yes. Further, in paragraph (b), after "devices":

To meet the needs for safe and efficient navigation and traffic control of all civil and military aviation—

The reconciliation there is a serious problem.

Mr. HARRIS. Yes. Notice the exception, though.

Mr. McCORMACK. Yes. I will come to that—

Except for those needs of military agencies which are peculiar to air warfare and primarily of military concern—

Of course, that is commonsense.

Mr. HARRIS. Yes.

Mr. McCORMACK. But there may be a twilight zone of some kind.

Mr. HARRIS. Yes.

Mr. McCORMACK. Continuing—

and select such systems, procedures, facilities, and devices as will best serve such needs and will promote maximum coordination of air traffic control and air defense systems. When there is any substantial question as to whether a matter is of primary concern to the military,

That is in that twilight zone.

Mr. HARRIS. Yes.

Mr. McCORMACK. Continuing—

the Board is authorized and directed to determine whether it or the appropriate military agency shall have responsibility.

In other words this bill gives power in the Board to decide that question.

Mr. HARRIS. Yes.

Mr. McCORMACK. It cannot be vetoed by the military.

Mr. HARRIS. That is right.

Mr. McCORMACK. Coming over to section 4, that relates to different powers conferred upon the Board than what has been referred to. This now comes to functions, which we know is entirely different from procedure and details and many other important activities. We are all aware of the meaning of a function, and we are very careful in connection with reorganization plans affecting functions.

The Board, upon unanimous decision and with approval of the President, may transfer to itself any functions—

That is where the unanimous agreement comes in, in relation to the transfer of functions.

Mr. HARRIS. In other words, it is not intended that the Board should have the authority to take away from the military any research and development of certain things that it may have under way that is so important to that particular operation.

Mr. McCORMACK. I just wanted to ask these questions to receive the answers of the chairman, if my interpretation of this bill is correct, and the chairman confirms it, to show that while this is a temporary board, and the chairman has been frank about it, under this setup, as the result of the passage of this bill, if it becomes law, this Board will have real power during the next 3 years, and in connection with functions there has to be a unanimous vote with the approval of the President.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HARRIS. I may say to the gentleman his questions have been very appropriate and very helpful.

Mr. McCORMACK. I thank the gentleman. But in connection with that, coming to section 4 again, "The Board, upon unanimous decision and with the approval of the President," what would be the objection to striking out "unanimous decision" and putting in the words "upon a majority decision," because you have the approval of the President. The President's approval would have to be there, anyway. You would probably remove a lot of concern. This does not concern me so much but it might concern other Members. I can easily see where with a majority decision of the Board that would have to be subject to the approval of the President there would be complete protection for the Department of Defense and the Department of Commerce. What is the objection to that?

Mr. HARRIS. I think there would be some serious objections to it, because we appropriate funds and provide for programs with the Civil Aeronautics Administration, which is under the Department of Commerce. They have certain responsibilities in connection with this program, too, themselves, which may not very well be transferred; that is, the functions may not be transferred to this Board because they are applicable to the functions of the Department in carrying out its program and are not applicable to a question of the military. At the same time you may have a certain research program within the Department of Defense and it might not be best to transfer that over to this Board for its operation, and yet you would have the Chairman of the Board and the other member of the Board overruling the head of the Department of Defense to bring some of that work over to the Board.

Mr. McCORMACK. I would concede that argument is a matter of practical operation if this language "with the approval of the President" were not contained in the bill. In other words, we know that under the Air Navigation Development Board there has been difficulty because a unanimous decision has been required. If the Board acted directly, as is provided in other parts of the bill, where it is not subject to the approval of the President, in connection with the transfer of functions, I could see the practical logic of that argument. But, in this case it seems to me you strengthen the Board. You would enable them to bring about more effective protection for the American people if you were to say that by a majority decision and with the approval of the President, because with the approval of the President each one of the departments has complete protection because his approval is separate and distinct from an action of the majority of the Board. I am not going to offer the amendment, but it would seem to me that the bill would not be weakened, and if anything it would strengthen the bill.

Mr. HARRIS. May I point out to the gentleman I think we would get the same results because there is no question from what we have developed that this matter is being formulated at a top Cabinet level in order that these decisions may finally be made. That is the purpose of it. I think you would get the same results, if that were to happen.

Mr. McCORMACK. Of course, the word unanimous is rather an unusual word in a democracy. It is unusual to require a unanimous vote in a democracy. We are even required to have a two-thirds vote in overriding a veto. We have so many illustrations of that principle. In a democracy the majority vote is the general procedure, and I might say even more than the general procedure. But here you have a complete protection. Each agency has complete protection with the approval of the President. I am fearful so far as section 4 is concerned and what might follow therefrom that it is going to be very, very difficult to get a unanimous opinion because that goes into the functions of a department, and no department is voluntarily going to give up its own functions. Furthermore, if a majority should vote in a manner that the Department of Defense does not like, the Department of Defense or the Secretary of Defense or one of the Under Secretaries or anyone else could go to the President and also in the case of the Department of Commerce.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. EVINS. If the gentleman from Arkansas is interested in strengthening the Board and making it an independent agency, as he says, he would adopt the suggestion of the distinguished majority leader because there is no independent agency today that requires a unanimous decision, but only a majority opinion.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield

Mr. HARRIS. The gentleman must distinguish between an independent agency and a board. When I was speaking of an independent agency I had in mind the reestablishment of the CAA as an independent agency. This is a Board that is set up and, of course, it is to be independent within itself.

Mr. EVINS. The gentleman says that this is a step in that direction?

Mr. HARRIS. Yes.

Mr. McCORMACK. As I said, I am not going to offer the amendment, but I believe if it were offered I would vote for it. I do not think it would hurt the bill. It would strengthen the bill. In any event, I feel that the information that has been given to me by the chairman clarifies any thoughts I had in my mind, and I am going to support the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TERMINATION

SEC. 5. This act and all authority conferred thereunder shall terminate at the close of June 30, 1960, but the President may continue the Board for purposes of liquidation for not to exceed 6 months after such termination. Concurrently with the said termination all functions transferred under section 4 hereof shall, except as may be otherwise hereafter provided by or pursuant to law, revert to their status as it existed prior to such transfer. The President shall provide for the disposition to be made of the records, property, employees,

and funds of the Board, consonant with law, at or after the time of termination of the Board.

APPROPRIATIONS

SEC. 6. There are hereby authorized to be appropriated, without fiscal year limitation, such sums as may be necessary and appropriate for the carrying out of the provisions and purposes of this act.

Mr. BOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOW: Page 8, line 4, strike out the comma following the word "appropriated", and on line 5, strike out the words "without fiscal year limitation."

Mr. BOW. Mr. Chairman, I am sorry to take the time of the Committee at this late hour, but it seems to me that this is a matter that should have the attention of the Committee. This type of appropriation authorization without fiscal year limitation means that any amount that is appropriation goes on, and on, and on. Many Members of Congress believe that we should have strict control of appropriations; and I might say to you that when an agency comes before the subcommittee, when CAA comes in, that one of the first questions we ask is: "What are your unexpended balances?" We look over the balances and we reappropriate or we rescind, and it gives the House an opportunity to check on these various agencies and programs so that we may reconsider them.

There is some question at times on these carryovers. We should have a limitation.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. JENSEN. I know exactly what the gentleman is talking about and the point which he is making. I agree with him 100 percent. Every subcommittee on appropriations goes into these unexpended balances and unobligated balances every year with a fine-toothed comb.

Mr. BOW. I thank the gentleman. I am sure he will agree with me that at one time there was an amount of some $67 billion that was rescinded because the Appropriations Committee went into these unexpended balances and found out what the situation was. If you had a provision of this kind in the bill it could go on and you could not go into them.

Mr. JENSEN. And the Congress would have no strings on the amount the agencies spend; they could spend at will and we as representatives of the people would lose the power to tell these agencies just how much money they are going to have and how much money they are going to spend each year.

Mr. BOW. The gentleman is quite correct. The membership of the House should have an opportunity to reevaluate the program from time to time.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. EVINS. I agree with the gentleman. I think his amendment is a perfecting one and is worthy of support.

Mr. JENSEN. I hope the chairman accepts the amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. GROSS. I am for the gentleman's amendment. I would have offered it had he not done so.

Mr. BOW. I thank the gentleman.

Mr. HARRIS. Mr. Chairman, I will just take 1 minute to make this general statement: This is an authorization. It is within the authority of the Appropriations Committee to determine and make the appropriations for whatever research and development program is desired; that is the duty of the Appropriations Committee, the gentleman's own committee. In doing so it is your responsibility to determine whether or not the appropriation shall be for a specific program.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. Let me finish and I will.

In carrying out contracts for development, testing, and so forth on a research project it may very well be and likely many times will require more than 1 year. Therefore, they have got to make contracts that will be in effect 1, 2, 3 years, or longer.

This is an authorization which gives your committee, the Appropriations Committee, the right to determine whether or not such a contract shall be entered into each year as it comes before you. I think if the members of the Appropriations Committee would reflect as to just what is necessary when you are dealing with research equipment where electronics are involved, and which requires a long time for development, a long time of testing, you can understand what the situation would be. It is your job. The Appropriations Committee has that authority, to determine whether or not it should or should not be; and this takes no authority away from you.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Iowa.

Mr. JENSEN. The gentleman knows full well when we pass a law authorizing an appropriation, which this bill does, then it is said on the floor of the House many times: "Oh, this is not an appropriation bill; this is an authorization bill." Then when we come to appropriate for this agency or any agency of Government, someone says on the floor of the House: "Why, we authorized this. The Congress has decided this should be done."

Now, the gentleman would lose no weight in this bill. We certainly do not want to do anything that will hinder the safety of people who fly in airplanes.

Mr. HARRIS. Let me have just a moment. Will the gentleman tell me how without this language the Appropriations Committee can provide for a particular research and development program involving some air navigation aid? We have no idea what it might be today. If it required 2 or 3 years, when that contract had to be issued for it, how are you going to provide for it?

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Ohio.

Mr. BOW. We have done that in a number of instances with air navigation. We are doing it now with VORTAC. We have provided funds to continue the development of VORTAC.

Mr. HARRIS. In the installation, but not in the research and development of it.

Mr. BOW. We have done it in the research and development of it at the Indianapolis facility where we look it over each year and then continue the appropriation. I may say to the gentleman I think it is an important thing for the Members of the House to have an opportunity each year to take a look at these things to see whether or not the appropriation should be continued. It might be that the manner in which the funds are being spent and the projects upon which they are being spent the House might want to look into.

Mr. HARRIS. There is no intention to tread upon the prerogatives of the Appropriations Committee. We feel we are dealing with long-range technical programs here that cannot be developed on a year-to-year basis. The gentleman knows that very well because he has been in it too long and knows what it is. It does not matter to me personally if it is stricken out, it does not affect me at all, but I am concerned about the opportunity to avoid what the gentleman's own committee permitted in the development of TACAN when the Navy spent several million dollars developing it.

Mr. BOW. I do not believe the subcommittee permitted anything there. I think that was in the Subcommittee on Defense. I may say that it is not a matter of jurisdiction of the committee I am concerned about, it is a question of the right of the House—not of the committee but of the House—to determine each year how the funds are going to be spent.

Mr. HARRIS. The Appropriations Committee can determine the program in the very first instance because if the Appropriations Committee does not appropriate funds for a purpose, then it cannot be started. The gentleman certainly is cognizant of the fact that if the appropriation is not made with that in view then it will not be made. The gentleman's committee therefore, retains the authority and the control of the appropriations. I am trying to help the program.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. BOW].

The question was taken; and on a division (demanded by Mr. BOW) there were—ayes 29, noes 33.

Mr. BOW. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy-nine Members are present, not a quorum.

Mr. HARRIS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore having assumed the chair, Mr. MAHON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 1856) to provide for the development and modernization of the national system of navigation and traffic control facilities to serve present and future needs of civil and military aviation, and for other purposes, had come to no resolution thereon.

## PAY TV OR SUBSCRIPTION TELEVISION

Mr. CHELF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. CHELF. Mr. Speaker, on July 15, 1957, I directed a letter to the Honorable John C. Doerfer, Chairman of the Federal Communications Commission, stating my position with respect to the existing controversy of so-called pay TV or subscription television. This letter that was written by me to Chairman Doerfer was prompted by a news release which contained various quotes from a letter that was written by my good friend and my chairman of the House Judiciary Committee, the Honorable EMANUEL CELLER, also to Chairman Doerfer about pay TV. While Mr. CELLER and I have always been—and are now—warm personal friends, nevertheless, on a few occasions, we differ in our views on certain subjects. One of the few times that Chairman CELLER and I have been in disagreement is on the question of whether or not the FCC has authority to permit necessary public tests on pay-as-you-see television. He says they do not have the authority; I know that they do have the necessary authority.

Mr. Speaker, my friend, Mr. CELLER, was quoted as having said in his recent letter to Chairman Doerfer that the FCC was taking a calculated risk toward free television if it decided to authorize or to permit public subscription television trials. In my letter to Chairman Doerfer, I asked the question:

> Since when has it become a calculated risk to give to the people of the United States the right to decide when a commodity is good or bad?

I went on to say that in my opinion—

> If pay-as-you-see television is good, then the people would demand it; if it is bad nobody could give it to them. It is just that simple. However, before the people may be privileged to arrive at a verdict, your Commission must authorize the necessary tests.

Mr. Speaker, as my memory serves me, I did not make a regular press release on this particular letter of mine to Chairman Doerfer. As I recall, I sent a copy of it to my friend, Mr. CELLER. Later on, when the word got out that I had written a letter that dealt with pay TV, there were several requests for a copy from some of the regular trade magazines. Due to no fault of the press, the little news story that was published unfortunately seemed to have more or less confused the reading public as to my position.

Mr. Speaker, in order to clarify my stand on this very important matter, I would like to include herewith a copy of my hand-delivered letter, dated July 15, 1957, to the Honorable John C. Doerfer, Chairman of the Federal Communications Commission. I do this in the hope that such will clarify my true and exact position—publicly and privately—insofar as this matter is concerned.

My whole interest in the pay-TV controversy has been to urge that the FCC, in their wisdom and judgment, authorize the trials and tests that are absolutely necessary in order that the American people may be privileged to arrive at a verdict. To give the public a chance to determine whether or not they desire this particular type of television service in their homes in addition to the advertising-sponsored television programs.

Since having written my letter to Chairman Doerfer, Mr. CELLER wrote me a note stating that he thought I had almost made a personal attack on him. I immediately replied that I was sorry if he had so construed my statement and I assured Mr. CELLER that I did not mean to doubt his sincerity or question his integrity and that if he felt that anything said by me was offensive in any manner, that I wanted to apologize to him most profoundly, humbly, and wholeheartedly.

I also stated:

> Be assured of my continued esteem, admiration, and friendship.

The letter follows:

CONGRESS OF THE
UNITED STATES,
HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
*Washington, D. C., July 15, 1957.*

Mr. JOHN C. DOERFER,
*Chairman Federal Communications Commission,*
*Washington, D. C.*

DEAR MR. CHAIRMAN: I have just read quotes in this morning's paper from Chairman CELLER'S letter to you in regard to pay-as-you-see television, and before another minute ticks off my watch, I want to register my views with you, which are diametrically opposed to his.

Since when has it become a calculated risk to give to the people of the United States the right to decide whether a commodity is good or bad? If pay-as-you-see television is good, then the people will demand it; if it is bad, nobody could give it to them. It is just that simple. However, before the people may be privileged to arrive at a verdict, your Commission must authorize the necessary tests. My chairman of my committee is not only my dear friend but an astute and an excellent lawyer. Therefore, he knows that existing law gives your Commission the proper authority to permit these subscription television trials. It appears to me that my chairman might be disturbed, as I am sure is his New York friend, General Sarnoff (and other leaders of the radio and television industry), who has fought it so long before the Commission, that if a fair trial run is authorized for pay-as-you-see television, the people might just demand this particular service.

In my study of this problem it has come to my attention that the great RCA of General Sarnoff (which incidentally is the granddaddy of all radio and television and who controls or owns the vast majority of all the patents within the industry, and, as a result thereof is in the enviable business position of "cleaning up" on them) tried to buy the patents of pay-as-you-see television from its inventors when it was first developed.

If pay TV wasn't extraordinarily good—if it did not have a terrific potential—if the good general could not see its great possibilities, I feel reasonably sure he would not have wanted to waste his or his company's money for its purchase. Could it be that the good general only became soured on pay TV when he found he could not buy or otherwise control it? Maybe it is only a coincidence but he and his company have led the fight against pay-as-you-see television being given a chance to demonstrate its wares ever since. If General Sarnoff cannot buy, lease, borrow or otherwise acquire a patent or a commodity, I would suggest that he do as we Kentucky boys in politics do—"if you can't whip 'em—join 'em."

My friend, Mr. CELLER, is quoted in this morning's Washington Post as saying that your Commission's decision to allow the people to decide this issue would constitute "waste and delay." He intimates that there will be "costly time-consuming litigation." If this petition of subscription television, which has long been pending before your Commission hasn't been "time consuming" and "costly." I do not know the definition of these words. More delay by your Commission in rendering the decision would be about as useful as the *Queen Mary* docked at the corner of 12th and Pennsylvania Avenue at high noon.

Over the past several years I have made a study of the matter of pay-as-you-see television, and I have come to the conclusion that (a) your Commission has the full, complete and final authority to permit these very necessary trials before the public, and (b) that the people of the country ought to be given an early opportunity to decide if they want any part of subscription television. I reiterate if the people like pay-as-you-see television they will demand it. On the other hand, if they do not want it, you could not "law it on them."

I agree with the words of the Christian Science Monitor editorial dated August 22, 1955, wherein it said: "Progress would not have been served by supressing radio to save the newspapers. Free enterprise demands that every invention shall have opportunity to show its worth."

Mr. Chairman, in my opinion, your Commission has been fair throughout these long, involved, tedious and exhaustive hearings with respect to this problem. At this late hour, do not allow anybody, no matter what position he may hold in or out of government, to attempt to either pressure or intimidate any of you.

With best wishes, I am,

Sincerely yours,

FRANK CHELF,
*Member of Congress.*

## AMENDING THE INTERSTATE COMMERCE ACT

Mr. FLYNT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 939) to amend section 22 of the Interstate Commerce Act, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FLYNT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLYNT: Strike out all after the enacting clause and insert in lieu thereof the text of H. R. 3233 as passed by the House.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The proceedings whereby the bill H. R. 3233 was passed were vacated, and that bill laid on the table.

## THE WAVES' 15TH ANNIVERSARY NATIONAL REUNION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include a speech delivered by the Honorable Thomas S. Gates, Jr., Secretary of the Navy.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I am including as a part of my remarks a speech I heard by the able Secretary of the Navy, Mr. Gates, at the 15th anniversary national reunion of the WAVES at Boston. Secretary Gates spoke in the highest praise of the WAVES and proceeded to give a description of their strength and their importance to our Navy. I enjoyed the speech greatly and was most interested in his description of the strength of the Navy today and its part in our national defense. We are very lucky to have Mr. Gates as our Secretary of the Navy.

(The matter referred to is as follows:)

To begin with, the WAVES are wonderful.

The Navy knows what they have done, what their place is in this new age and this modern Navy, and what they can and will do if they must, in the event the available strength of the Nation must be used to keep or restore the peace.

Those of us who are now old enough to have been in on the start of World War II were also in on the beginning of the WAVES, 15 years ago. World War II blew in and across our lives. It changed everything on earth and every person who was in it. Many never came back, they stayed in far-flung places, in the blue water of many seas. Americans went to strange islands, to places with names never before learned in the geography classes, to jungle and heat, to zero cold. The WAVES stayed at home so the men could go, so the job could be done. They replaced 86,000 men of the Navy.

But this is ahead of the story—ahead of the beginning. To find this, one must go back, not 15 years, but many more—back deep into the few exceptional women in history, all ahead of their time. Then on into this century. Who ever heard of girls in uniform? Yes, there were a few. Some even got into World War I as yeomanettes, and in the Red Cross, or as nurses. These few pioneered and showed the way. They kept the personal satisfaction that comes only with service, but they were too early in the scheme of things, although they were right. It was the men who misjudged the period. The roaring twenties were over. Women earned their place in science, in business, and on the playing fields. Prohibition was over. Women could and did go the new hotel cocktail rooms. It was fashionable to be seen and women were part of it. The depression was over. Women had worked hard side by side with men in factories or farms so the families could eat. They had come a long way even if it was not fully recognized.

Then one day, in 1942, the WAVES came by, the best looking girls, the best looking uniforms—white hats and blue. The best in any service. The cream of the crop. Trim, pretty, keen, and deadly serious. The girls were equal now. They knew it. The men knew it. World War II said, "Now, we are comrades in arms."

It took a lot of doing—a lot of organization. It wasn't easy or very quick, but it happened. A product of the times, perhaps, but it never changed afterward, and the world became a better place because of it.

You must remember how the chief petty officers, always the backbone of the Navy, never really admitted the WAVES existed. What do you talk to a girl about? You can flirt with her. You can make love. But serious talk is for men. When she gets serious, you say, isn't she sweet, and move on. Business is for men. How can you talk to a girl about business—or war?

How very great the change was and how complete. Today women in the services play a recognized part in the greatest forces we have ever maintained in peacetime. Those of us who believe in strength to preserve the peace and to hold together the collective security of the Free World, know the part that women play in our ability to administer, preserve, and maintain such forces. This goes for the girls in and out of uniform. It goes for our 5,700 plus WAVES—a nucleus on which to build quickly. Sometimes I know they feel neglected or wonder where they are headed, but there should be no such feeling. The WAVES' record has been made and is something to be proud of. Wherever you are—in or out of the Navy—you are one with us.

When the WAVES came into being 15 years ago, the Navy took on a new look. Today, with the advent of atomic and nuclear power, the Navy has even a newer new look. There are vast and new requirements, for this nuclear-missile age Navy.

The Communists still follow the creed of their founder that dictatorship can only be established by revolution; thus by physical force and violence. This they will resort to if other means fail.

Therefore, we must maintain strong armed services and as things change, we must have new dimensions of military power. Naval forces have these new dimensions.

The first is selectivity of action. The enemy's objectives may be limited or unlimited. His actions may be overt or subvert. Whatever they may be, however, they can be countered, and usually countered first, by naval force.

It may be a show of force as in the Jordan crisis. It may be war of limited objectives as in Korea where nearly one-third of all the United States air missions flown were flown by naval aviation, and where the First Marine Division was employed. In unlimited war on the other hand, our air/sea power will be an important nuclear capability remaining to the United States after the so-called initial nuclear exchange. Wars are won by remnants of armies, navies, and air forces. The Navy could well be the balance of power, the decisive remanant of our military force.

Naval power gives us the power of choice. Our Government needs a choice of action when confronted with a dangerous international situation. Military forces with many capabilities are an absolutely vital tool to provide needed alternative methods to project United States power overseas.

The next dimension is the capacity of the sea for containment of fallout and radio activity. Our 48 States occupy some 3 million square miles of land area. One hundred and seventy-one million Americans live on this surface. The 7 seas occupy 140 million square miles of ocean area. Its surface is inhabited only by ships. If men must be so foolish as to fight, what better battleground in this nuclear age. What better dispersal area against the possibility of surprise attack. Naval forces insure that we have the capability of fighting from an area other than our own home ground or that of one of our allies.

Next is the element of economy. Carriers whose aircraft fought over Korea were deployed later on off Formosa, Quemoy, and Matsu—later these carriers with their planes were in the Mediterranean off Suez and Jordan. Because of their global mobility, the same bases, the same ships, the same weapon systems are employable in any one of the seven seas.

It is true that carrier task force costs are great. The cost to afford comparable coverage by other means is far greater. Thus, we complement our fixed base system with sea bases. The fact that water covers nearly three-quarters of the earth's surface gives our seapower almost unlimited mobility.

Ships may come and go on the international waters of the world without treaty or passport; without question of sovereignty or jurisdiction. Our Navy and its ships are among our finest ambassadors today as well as the moving United States bases of war.

One of the most obvious features of our national policy today is our emphasis on collective security. The basic strategy of the Communists is to divide and conquer, to isolate North America and the United States. The mainstay of our collective security system is our mutual love of freedom and our respect for the dignity of man. Its cement is seapower.

These, then, are the salient features of our new Navy.

Present Navy programs generate more than a $10 billion expenditure annually out of a national military budget of some $36 billion. The new weapons are fantastically expensive. If present programs were projected and obligated they could cost 2 to 3 times more. On one hand, there is a military problem and a requirement to insure forces essential to our mission. On the other hand, is the need for decisions within the Defense Establishment and the Navy itself as to which programs to pursue. We live with these problems and will do so over and over again in the days ahead. It becomes more difficult with a reduced defense budget to cut back our programs due to the great cost increases we are experiencing. One must remember the threat exists, and that costly as these programs may be in terms of money, the return is a measure of the most precious thing which any of us can own—security for America.

Today, our fleets stand alert and ready off Formosa, off Iceland, off Suez, off the far-flung places where trouble can start and where they probably will be called on first. The United States needs sufficient nuclear striking power—well dispersed and well diversified—but we need a clear-headed rational appraisal of how much nuclear striking power.

It is universally recognized that the employment of weapons of mass destruction has more than military implications. There is, therefore, need for exercise of the broadest judgment and discrimination in the selection of appropriate targets for these massive weapons. The proper application of weapons of mass destruction is a problem which demands application of the responsible civilian as well as the responsible service mind. The United States needs to maintain the best warning against attack—but not so much defense that we will pass the

point of diminishing returns. Versatile forces that contribute to both our offensive and defensive requirements give us significant gains in economy and efficiency.

The need for maintaining such a proper balance between offensive and defensive requirements has never been greater. Dollar and personnel needs, alike, increase the demands that expenditures—particularly the big money projects and big money systems—be brought continually under closest scrutiny.

For the Navy, this is a transition period. Rapid, however, as it may be, we cannot go all-out and spend billions of dollars. It would have been easy to do. We could justify greater costs on the basis that this is new, this is wonderful, and we need it now. Such action would not be sound because we must not break our Government.

We have an adequate, strong defense. The well-organized hue and cry of some claiming we never deemphasize or scrap our less vital programs is to be expected. We may make mistakes. There are always horror cases to be found in so huge an organization—but we work at this hard and all of the time. Let the critics prove their case, or perhaps let them come to Washington and have a try at doing these complicated things better.

The Navy, our fleets, and our naval task forces are tailored and are uniquely adapted to capitalize on those classic military principles of mobility, concentration of power, and economy of force. It is because of this adaptability that the Navy is a force of economy.

Fairminded and foresighted men, in and out of uniform, now recognize that the Navy is indeed the service of the future—the service with a future.

This brings up the question of better organization and/or more unification. There will always be changes in organization, but there are certain fundamentals and principles to remember when changes occur. No 2 persons, much less no 2 services, believe that we have the same defense needs. There must be honest differences of opinion and free expression. To submerge these differences of opinion in any monolithic system would be a fatal mistake. It is as vital to have different services in our Department of Defense as it is vital to have an executive, a legislative, and a judicial branch in our Federal Government.

The Defense Establishment has been reorganized 3 times within the past 10 years. The stated purpose of each of these three reorganizations was to achieve: (1) Better unification, (2) more economy and efficiency, and (3) elimination of waste and duplication.

Now, again, some people, wholly uninformed and looking for easy answers to gigantic problems, are talking the same way. I would ask these persons or organizations to remember the purpose of the military service. The services exist to preserve the peace through a policy of strength, to fight if they must, and then to win. Everything they do is, in a sense, wasted. At least we hope it is, because we hope never to put the military machine to work at war. All-out general war today could mean the end of our civilization.

If you will remember the reason for the existence of our Military Establishment, and put it in context, then you can insist within this framework that it be as efficient and well run as possible.

There is nothing wrong with the organization. Any organization can be improved. However, no cure-alls like a single service or great power to a single Chairman of the Joint Chiefs of Staff or a fourth service of supply will do anything more than bring the problems under layers of paper. They will not go away. We will eliminate some useful competition and the decentralization vital to any big organization and some democratic ideals of government if we believe such nonsense.

Duplication must not be confused with the many ways needed to project United States power from land, sea, and air. Under many different conditions, these choices must be always available to our country.

It is easy to fall into the habit of blaming the organization. Even the best organization in the world will not work well unless it is composed of good people and there is loyalty and willingness to make it work.

Our present organization is continually effecting better joint use of facilities and better use of common services. Progress has been made in coordinated purchasing, cross servicing, and improving the financial tools of management. An example is the single manager plan, as applied to a commodity area such as subsistence, in which the Secretary of a particular military department is designated to perform all supply management functions for the supply of that commodity to all military services.

What we need is better understanding. Most of you know the Navy, what the Navy is, and what the Navy does. This is very helpful. Because of this understanding, you support our programs. We must, however, go further. Through you and others like you, we must bring into being a clear understanding of our needs, methods, and purposes to all the people who vote, who pay taxes, and who are entitled to know fully what is happening to their money, why it is necessary to spend it, and are convinced that it is being well spent.

Just as our naval supremacy is vital to our national security, so also is there a national need for a deep and abiding appreciation of the Navy's aims, its needs, its organization, and above all, its great capacity to preserve a peaceful world.

As one who is a firm believer in the adage "Never underestimate the power of a woman," I have the utmost confidence that the WAVES will spread this understanding.

## GENERAL LEAVE TO EXTEND

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members have permission to revise and extend their remarks on the bills H. R. 3233 and S. 1856, which were debated today.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

## THE SCHOOL BILL

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an article.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, the action of the House last Thursday in killing the school bill, led by our good friends on the Republican side of the aisle, unfortunately will cost the country a great deal not only in future good citizens but in danger to our national security. This was well brought out in an article appearing this morning in the Washington Post by Mr. Drew Pearson.

Incidentally, Mr. Speaker, in that article there was a rather interesting discussion as to the reasons for the deletion from the RECORD of certain remarks by a very distinguished Member of the House. I of course have researched the matter and find there is no good reason why a Member cannot delete his remarks if he so wants. That has been done over and over again. I think it can be carried, and I think my colleagues will agree with me, to a rather absurd position if in deleting remarks the remarks of other Members are made to look ridiculous. It would seem only fair that if one is going to delete one's remarks he get in touch with other Members whose remarks would be affected by it. If the RECORD is to be accurate it would seem to be poor public policy to alter the actual debate substantially except for important and pressing reasons.

While I have no way of judging the reasons, as described in Mr. Pearson's article, for the gentleman's having deleted his remarks, I do want to add to what some of my colleagues said yesterday. As far as I am concerned, my remarks were made in relation to, and were pertinent to, the remarks that were made at that time by the gentleman from Indiana, Mr. HALLECK, and that since have been deleted from the RECORD.

Mr. Speaker, the article to which I have referred is as follows:

RUSSIA PULLS UP TO US ON SCHOOLS

(By Drew Pearson)

Things move fast in the House of Representatives. They move so fast that experts can hardly keep up with them. In split seconds a motion is gaveled down. In a couple of seconds, a voice vote is ruled on. The hubbub, the whispered conversations, the visiting along the aisle is so loud sometimes you can hardly hear the speaker.

It was during this fast-moving welter of debate last week that a vote was taken which will mean that the United States starts slipping behind Russia on education. For 100 years or so the United States of America has been well ahead of Russia on schools, teachers, universities. Russian illiteracy under the Czar was 75 percent. Now almost every Russian can read and write.

In some parts of Russia children are required to spend 10 years in school—which mean 2 compulsory years of high school—ahead of some parts of the United States of America.

New, modern schoolhouses have been springing up all over Russia. Amazing amounts of money have been spent on them. The State University of Kazakh looks as modern as the Supreme Court Building in Washington. The new building of Moscow University cost $150 million and resembles a New York skyscraper. It cost about as much as the entire campus of many American colleges. Russians claim 4,300,000 students are enrolled in their universities and colleges which also includes technical schools. Our universities and colleges have 3 million. Thirty-eight million are registered in Russian primary and high schools.

All in all, Russia is still behind, but is catching up.

LAST BATTLE

A Republican banker who doesn't like communism led the battle to pass a school bill on the turbulent floor of the House last week. He is SAM MCCONNELL of Ardmore, Pa., the fashionable Main Line just outside Philadelphia. He traveled over the United States of America at his own expense studying schools, decided they were vitally needed. This will be SAM'S last session of Congress. He is retiring at the end of the year. And the attempt to pass the school bill was his last big battle. He lost it.

The man who outmaneuvered him was another Republican, Congressman CHARLEY HALLECK, who came to Washington a poor

country lawyer from northern Indiana. Now he is wealthy. CHARLEY sent his children to private schools, the most expensive in Washington.

During the school debate, another Republican, BILL AYRES, of Akron, Ohio, proposed substituting the original Eisenhower school bill for the McConnell-Democratic compromise bill. This distributed Federal funds on the basis of need, not on the basis of both population and need.

Up jumped CHARLEY HALLECK.

"Now this is the bill the President really wants," he declared. "I could support this amendment."

Later HALLECK had this remark censored from the CONGRESSIONAL RECORD—for reasons that will become obvious in a minute.

At this point, northern Democrats came over to SAM MCCONNELL, told him they would throw their full weight behind the Ayres proposal. MCCONNELL was jubilant. He jumped up, started to telephone the White House, confident he could get an immediate message from Eisenhower supporting the bill.

Before he could act, HALLECK went over to Congressman HOWARD SMITH, of northern Virginia, leader of the conservative Dixie-Republican coalition. They knew the tide was going against them; a school bill might be passed. SMITH then moved to strike the enacting clause of the original compromise bill.

This forestalled MCCONNELL'S move to phone the White House and pass the Ayres Republican bill which northern Democrats had accepted.

HALLECK then voted with the Dixie-GOP coalition to kill the bill and promptly had his own earlier remarks expunged from the RECORD.

That's how fast things move in the House of Representatives. That's also how hypocritical some Congressmen can be. It's also why children will be going to rundown, cramped, and crowded schoolhouses in many parts of the United States of America this year. Finally, it is why Russia will probably forge ahead of the United States of America in schools within the next couple of years.

IN THE CLOAKROOMS

Alabama Congressmen were the only southerners who stood up and voted for the school bill. They knew the real issue was not school integration, but better schools. Congressman CARL ELLIOTT, of Alabama, who helped draft the school bill, deserves credit for influencing all Alabama Congressmen except BOYKIN and SELDEN.

## H. R. 8002 SHOULD HAVE SPEEDY ACTION

Mr. PELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, I am in strong support of one of the key Hoover Commission recommendations. This would require all Government agencies to make an annual accounting to Congress of their finances and return surplus funds to the Treasury. Under the present method funds are appropriated for several years in advance. Then if a project is terminated or costs less than anticipated, Congress has no control over the unspent money. I understand unexpended funds of this nature total about $70 billion.

To meet this situation and restore proper accounting several bills were sponsored by members of both political parties. One of them, H. R. 8002, introduced by our colleague from Florida [Mr. ROGERS] was favorably reported by the Committee on Government Operations on June 17, 1957, and is now pending on the Union Calendar. President Eisenhower has asked for passage of such legislation, and I hope the House will have an opportunity to consider it. That there is opposition to H. R. 8002 from the chairman as well as ranking minority member of the House Committee on Appropriations should not prevent the membership of the House from expressing its will.

It may be true, Mr. Speaker, that the proponents of this measure overestimate savings which could be effected by adoption of H. R. 8002. Economy through budget and appropriation reforms by providing for an improved method of making up budget estimates is not its only objective. Indeed, I do not doubt that the claim of more than $3 billion of savings is exaggerated. But if the Citizens Committee for the Hoover Report overestimates the economies of the measure, and yet if this particular one of its recommendations would restore Congressional control over Government spending and the public purse, I say the bill has merit and should be supported on that score alone.

Accountants and businessmen alike in my Congressional District have urged me to vote for H. R. 8002 when it comes to the floor of the House, and I note from the printed report from the Committee on Government Operations that the Comptroller General of the United States strongly favors its enactment.

As I read the bill it provides, as Congressional policy, that budget estimates of proposed expenditures be determined, with certain exceptions, on an annual accrued expenditure basis for each fiscal year. That, it seems to me, is simply a matter of bookkeeping procedure and would give Members of Congress a truer financial picture of Federal spending. The provision that interests me is that any excess of any appropriation, as of the end of each fiscal year, over the accrued expenditures shall lapse unless specifically otherwise provided. Therein, I believe, lies the source of economy, because any remaining unspent funds would have to be reappropriated for the ensuing year, and thus there would be a needed basis of control by Congress which we do not have under the existing system.

Now, Mr. Speaker, strong objection has been raised by two Members of the House, as I said, to this legislation. As I understand these Members' objection it is to the provision in this bill which allows appropriation bills to grant contract authority in an amount in addition to the annual accrued appropriation. However, any such contract plus any annual appropriations, according to this bill, shall not exceed the total previously authorized by law, so I cannot agree as to the validity of this objection. In all I feel the legislation offers a sound, businesslike procedure for controlling the purse strings and keeping a Congressional informative finger on each step of spending liability. Meanwhile exemption is provided where there are fixed payments of the Government, such as for military pensions and annuities, certified claims or payment of judgments, refunds of Federal taxes, interest on trust funds and other analogous appropriations. So the net result, it would seem, is an annual control of payments for goods and services to be received in that fiscal year, together with such other expenditures as are authorized by law to be made in the same period.

Obviously this transfer to an accrued expenditure basis represents more than a year-end change in a system of accounting. Since executive agencies of Government compile preliminary figures and estimates a year or more in advance, a wise provision of the bill leaves the manner and effective timing date of the bill to the President's discretion.

Mr. Speaker, I recall being absolutely shocked to be told of needless waste of money resulting from fear that failure to spend one fiscal year's appropriation would reflect adversely on the next year's request. In other words, if a department had a surplus of unspent and unobligated funds, next year's request, it was feared, would be reduced in that amount, and I guess that often happens. To prevent such a reduction I was told some comparatively new plumbing fixtures in a naval shipyard, quite adequate and serviceable, were torn out and completely replaced because "the funds were there and had to be spent." I believe under the provisions of H. R. 8002 such situations could be eliminated, and a more effective review of budget requests would result. In addition there would be a yearly accounting of supplies and inventory assets of an agency carried over from year to year.

A great deal of information would come to light, including past performance in relation to future plans.

Therefore, on the basis of the committee's evidence I support this somewhat complicated proposal. Passage of H. R. 8002 will give the President authority in submitting his annual budget to use the new system, designated as it is to cut out waste and inflated agency estimates, to allow for revised performance estimates and to bring greater efficiency. As the Director of the Bureau of the Budget, Percival Brundage, testified in urging favorable consideration to the enactment of this bill, it would give Congress a more positive role in the Government's financial planning. It seems to me, Mr. Speaker, this body under stress and strain of defense and security responsibilities has long abrogated its constitutional role, and H. R. 8002 may well be a means of restoring to the legislative branch of our Government its historic obligation.

Thus I intend to support the passage of this important measure, and urge that it have early consideration.

## TEXTILES NEED ONE-PRICE COTTON

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, many times before I have had occasion to address the House concerning various serious problems in the textile industry in my district, State and area and throughout the country.

The marked decline in this great industry over a relatively brief space of time has been shocking. It has been attributable to a variety of causes which I do not propose to analyze in this speech because I have repeatedly and exhaustively discussed them many times in this House and elsewhere.

Internal conditions within the industry having to do with labor problems, wage differentials, excessive taxes, power costs, market accessibility and other economic factors have contributed in varying degree to the migration of this industry from New England and its location in other sections of the country. These conditions have contributed to the depressed state of activity and prosperity which currently confronts the industry.

No one could successfully challenge the impact of certain governmental policies on this great industry. The reciprocal trade treaties, as I have heretofore demonstrated, have produced unprecedented foreign competition undermining price, labor and social standards in the industry. By Government edict and unsound administrative policies irreparable damage has been done to textiles by the steadily increasing flow of cheaply produced foreign imports of textiles permitted to come into this country—products that are produced under sub-standard labor conditions and wages that comparatively amount to but a meager fraction of that item in our domestic cost of production.

To these already burdensome and destructive factors adversely affecting textiles, two-price cotton has been added, and the facts, statistics and experience to date since the inauguration of this ill-advised program clearly shows that it has extended to foreign competitors in this field marked advantages which day by day are widening the broad economic gap between foreign and domestic producers.

As Members of the House realize, the two-price cotton program permits foreign producers to purchase American surplus cotton abroad at prices substantially lower than those prevailing in the American market for American producers. Under this arrangement foreign cotton can be purchased abroad well below the price in our domestic market, be fabricated into textile products which, in turn, can be imported into this country to compete with and undersell similar products of the American textile industry.

If we were not so well aware of the many things that have been done by this Government abroad to heap grants, gratuities, bounties, and subsidies upon foreign nations and their industries at the expense of the suffering American taxpayer, American industry and American workmen, we might well be completely flabbergasted by this development which militates so powerfully against an important segment of American industry and its workers, upsets our economy and threatens other key industries.

As it is, comparable foreign wages are very much below those paid in our American textile industry, in some cases a paltry 10 cents an hour. Of course, it is obvious that no American industry can possibly compete for long with this kind of a wage differential.

Nevertheless, our Government is now engaging in the sale of surplus cotton to foreign competitors at prices below our own supported prices. The distinguished and very able Prof. Seymour E. Harris, of Harvard, estimates that in countries with very low wages the resulting differential arising from cheaper cotton alone might well be 25 percent of the total cost, and since the wage differential is even greater and in addition to the cheap cotton factor, a much greater advantage to foreign producers ensues. It may be said that by the same token a much larger disadvantage results to our domestic producers.

It is also established that the continued high price of cotton, for which, as we all know, the Government is also largely responsible, has contributed to the marked development of manmade fibers which not only harm cotton producers but also the textile industry.

Let me make it clear that I am friendly to the American cotton farmer. He grows and markets a vital commodity. He must live as well as every other class in our economy. It is true that he has been given perhaps greater assistance by the Government in the form of subsidies than most any other group, but I think the Government could have done few things in respect to economic policy that could be and will be so damaging in the long run to the American cotton farmer and American cotton producers than to set up the two-price cotton system.

The result of this and other policies which, in effect, interfere with economic law has been to bring unbelievable confusion and complexity into the American economy and the foreign-aid program as well. Each new, ill-considered step begets further evils necessitating still another step to try to cure it. Each new step calls for additional huge outlays for bounties and subsidies which are rolling up gigantic surpluses, making taxes unbearable, increasing inflation and the cost of living, and bringing hardship to many industries and millions of hard-working American citizens.

To illustrate the complexity of the situation developing out of past and current economic programs one only has to view some of the solutions that have been suggested as remedies. Understandably one-price cotton has been proposed requiring cotton to be sold here in this country as cheaply as it is sold overseas. This would require Congressional action because it would not be legally possible for the Government to sell cotton in the domestic markets at prices below support levels until present laws are amended.

Compensation tariffs to make up for the difference in cotton prices to the American and foreign mills is another proposed solution. When we consider that 9 million bales of cotton have been sold in the export markets in 15 months it will be realized how great is the disadvantage to American producers in recent years.

It is the view of the textile industry, and I am in agreement with it, that we should eliminate the 2-price cotton system and return to the 1-price cotton system under which we have always successfully operated. There is no possible justification, economically or morally, for the two-price system. It is an economic flimflam game. It is a sabotage of our basic, free enterprise price machanism. It is producing untold complications and injustice to a great industry and its workers. It tampers with a fundamental economic law and, like everything that moves in this direction, is bound to have disastrous results. It has in fact had disastrous results. Unless it is soon changed, it may produce economic chaos.

I realize that we have done many things over a period of years now that have altered basic economic law in order, so we believed, to eliminate hardship conditions and promote general prosperity. Admittedly, some of these programs have accomplished some of the ends claimed for them. But unfortunately they have not brought permanent correction or cure of underlying economic ills. They have temporarily relieved the symptoms but aggravated the disease which will recur worse than ever. When we meddle with the delicate, sensitive price mechanism, we are bound to get bad economic results. Two-price cotton proves this fact.

I respectfully urge the President and the executive departments concerned to give consideration to the return to the one-price system for cotton under such conditions as will provide reasonable support and assistance to American cotton farmers and will eliminate the present tremendous economic disadvantages afflicting the American textile industry as the result of two-price cotton.

## COLOR ADDITIVES IN FOODS, DRUGS, AND COSMETICS

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I have this day introduced a bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food, drugs, and cosmetics of color additives which have not been determined suitable and harmless for such use. The need for this amendment stems from the following situation:

The existing law is defective in that a color additive safe under the conditions of its intended use, nevertheless, may not be listed by the Secretary as "harmless and suitable for use" (the statutory language) if an unlimited quantity can be shown to have a harmful effect, however slight, when fed to test animals.

Relying upon the recent decision in *Certified Color Industry Committee* v. *Secretary* (236 F. 2d 866 (2d Cir. 1956)), the Secretary continues to maintain that he is without power to control the quantity of coloring material that may be used in foods, drugs, and cosmetics, thus requiring the imposition of an absolute standard of safety, which is unnecessary to protect the public health and is highly arbitrary. The use of a coloring material in relatively small quantities to achieve a desirable purpose should not be barred because the presence of that material in quantities many times in excess of the quantity in fact used is believed by some to be a potential source of harm. Clearly the Secretary should have the power to permit the use of that material under proper quantitative restrictions.

I believe that the bill I have introduced, which follows the same philosophy as that expressed in the overall food additives bill of the Food and Drug Administration, H. R. 6747, introduced by Mr. HARRIS, will clarify the power of the Food and Drug Administration to protect the public and yet permit the industry to comply with all the law's provisions. In addition, the bill would extend the power of the Food and Drug Administration to include natural, as well as synthetic, colors.

In effect, the bill changes existing law in the following respects:

First. The Secretary of Health, Education, and Welfare will be required to determine the safety of any material to be added to foods, drugs, and cosmetics for the purpose of coloring; and

Second. The Secretary will be authorized to determine appropriate conditions for the use of any coloring material, including the maximum concentrations to be used.

The matter in italic in the text of the act is new law to be proposed by the bill; matter in brackets is existing law proposed to be omitted:

PROPOSED AMENDMENTS TO SECTIONS 201, 402, 403, 406, 501, 504, 601, 604, AND 706 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, APPROVED JUNE 25, 1938, AS AMENDED (21 U. S. C., SECS. 321, 342, 343, 346, 351, 354, 361, 364, 376)

Section 201 (21 U. S. C., sec. 321):

"For the purposes of this chapter—

"* * * * * *

"(s) *The term 'color additive' means a material which (1) is composed of or contains any dye, pigment, or other substance manufactured by a process of synthesis or other similar artifice, or extracted, with or without intermediate or final change of identity, from vegetable, animal, or mineral source, and (2) is added or applied to a food, drug, cosmetic, or the human body or any part thereof, for the purpose of imparting color thereto alone or through reaction with other substance.*"

Section 402 (21 U. S. C., sec. 342):

"A food shall be deemed to be adulterated

"* * * * * *

"(c) If it bears or contains a [coal-tar] color *additive* other than one *which is*—

"(1) *listed as suitable and harmless for use in or on such food in accordance with regulations as provided by section 406;*

"(2) from a batch that has been certified, *unless it has been exempted by the Secretary from the requirement of certification,* in accordance with regulations as provided by section 406; *and*

"(3) *used in a concentration not greater than the maximum concentration, if any, provided, by the Secretary for use of that color additive in or on such food.*

[*Provided*, That this paragraph shall not apply to citrus fruit bearing or containing a coal-tar color if application for listing of such color has been made under this chapter and such application has not been acted on by the Secretary if such color was commonly used prior to the enactment of this chapter for the purpose of coloring citrus fruit] *Provided* [*further*], That this paragraph shall not apply to oranges meeting minimum maturity standards established by or under the laws of the States in which the oranges were grown and not intended for processing (other than oranges designated by the trade as 'packinghouse elimination'), the skins of which have been colored at any time prior to March 1, 1959, with the coal-tar color certified prior to the enactment of this proviso as F. D. & Co. Red 32, or certified after such enactment as External D. & C. Red 14 in accordance with section 21, Code of Federal Regulations, part 9: *And provided further*, That the preceding proviso shall have no further effect if prior to March 1, 1959, another coal-tar color suitable for coloring oranges is listed under section 406."

Section 403 (21 U. S. C. sec. 343):

"A food shall be deemed to be misbranded—

"* * * * * *

"(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 341, unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and [coloring] *color additives*) present in such food.

"* * * * * *

"(i) If it is not subject to the provisions of paragraph (g) of this section unless its label bears (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices flavorings, and [colorings] *color additives*, other than those sold as such, may be designated as spices, flavorings, and [colorings] *color additives* without naming each: Provided, That, to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary.

"* * * * * *

"(k) If it bears or contains any artificial flavoring, [artificial coloring] *color additive* or chemical preservative, unless it bears labeling stating that fact: Provided, That to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary. The provisions of this paragraph and paragraphs (g) and (i) with respect to [artificial coloring] *color additives* shall not apply in the case of butter, cheese, or ice cream."

Section 406 (21 U. S. C. sec. 346):

"* * * * * *

"(b) The Secretary shall promulgate regulations providing for the *separate* listing of *color additives* [coal-tar colors] which are [harmless and] suitable for use in food and *which are harmless under the conditions of use specified in such listing. Such regulations may provide for maximum concentrations for the use of a color additive in or on any food, as necessary to protect the public health, and may provide for different maximum concentrations of the same color additive in or on different foods, depending upon the relative importance of each color additive to the several foods in which it is used and the relative significance of those several foods in the human diet. Such regulations also shall provide* for the certification of batches of *listed* [such colors] *color additives*, with or without diluents, *and for the exemption from certification of color additives the certification of which is not necessary to protect the public health.*"

Section 501 (21 U. S. C. sec. 351):

"A drug or device shall be deemed to be adulterated—

"(a) * * * (4) if it is a drug and it bears or contains, for purposes of coloring only, a [coal-tar] color *additive* other than one *which is*

"(A) *listed as suitable and harmless for use in or on such drug in accordance with regulations as provided by section 504;*

"(B) from a batch that has been certified, *unless it has been exempted by the Secretary from the requirement of certification,* in accordance with regulations as provided by section 504; *and*

"(C) *used in a concentration not greater than the maximum concentration, if any, provided by the Secretary for use of that color additive in or on such drug.*"

Section 504 (21 U. S. C. sec. 354):

"The Secretary shall promulgate regulations providing for the *separate* listing of [coal-tar colors] *color additives* which are [harmless and] suitable for use in drugs and *which are harmless under the conditions of use specified in such listing. Such regulations may provide for maximum concentrations for the use of a color additive in or on any drug, as necessary to protect the public health, and may provide for different maximum concentrations of the same color additive in or on different drugs. Such regulations also shall provide* for the certification of batches of [such colors] *listed color additives*, with or without diluents, *and for the exemption from certification of color additives the certification of which is not necessary to protect the public health.*"

Section 601 (21 U. S. C. sec. 361):

"A cosmetic shall be deemed to be adulterated—

"* * *

"(e) If it is not a hair dye and it bears or contains a [coal-tar] color *additive* other than one *which is*—

"(1) *listed as suitable and harmless for use in or on such cosmetic in accordance with regulations as provided by section 604;*

"(2) from a batch that has been certified, *unless it has been exempted by the Secretary from the requirement of certification,* in accordance with regulations as provided by section 604; *and*

"(3) *used in a concentration not greater than the maximum concentration, if any, provided by the Secretary for use of that color additive in or on such cosmetic.*"

Section 604 (21 U. S. C. sec. 364):

"The Secretary shall promulgate regulations providing for the *separate* listing of *color additives* [coal-tar colors] which are [harmless and] suitable for use in cosmetics and *which are harmless under the conditions of use specified in such listing. Such regulations may provide for maximum concentrations for the use of a color additive in or on any cosmetic, as necessary to protect the public health, and may provide for different maximum concentrations of the same color additive in or on different cosmetics. Such regulations also shall provide* for the certification of batches of [such colors] *listed color additives*, with or without diluents, *and for the exemption from certification of color additives the certification of which is not necessary to protect the public health.*"

Section 706 (21 U. S. C. sec. 376):

"The admitting to listing and certification of [coal-tar colors] *color additives*, in accordance with regulations prescribed under

this chapter, shall be performed only upon payment of such fees, which shall be specified in such regulations, as may be necessary to provide, maintain, and equip an adequate service for such purposes."

## ACCRUED EXPENDITURE BUDGETING

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I am calling attention of the membership to a special information bulletin which clearly shows that President Eisenhower is in support of H. R. 8002, The bulletin is as follows:

SPECIAL INFORMATION BULLETIN

The White House has once again affirmed its support for H. R. 8002, the House bill to establish annual accrued expenditure budgeting as the bipartisan Hoover Commission recommended.

As reported in a news story in today's St. Louis Globe-Democrat, White House Press Secretary Hagerty said yesterday, July 29, that the Preident is for the bill and wants the bill." White House correspondents had asked Hagerty to comment on an earlier claim by House Appropriations Chairman CLARENCE CANNON (Democrat, Missouri), that the President no longer supported the measure.

Mr. CANNON, an outspoken opponent of the proposed budget modernization had said that the President may not have been fully informed about the bill and that "there is every reason to believe the President will not now urge the support of the bill." Hagerty's contradiction followed. The President's press secretary said of CANNON'S statement "That is incorrect," and recalled that Mr. Eisenhower has publicly called for enactment of the budget reform legislation several times this year.

## SECRETARY HUMPHREY RETIRES

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I wish to include an editorial which appeared in the St. Louis Globe-Democrat, on Monday, July 29, 1957, entitled "Secretary Humphrey Retires":

Many regard Secretary of the Treasury Humphrey as the strongest member of the President's Cabinet, as capable as any man who has held the post since Alexander Hamilton. His retirement as of today will remove Ike's strong right arm in fiscal matters, although his successor, Robert B. Anderson, is highly regarded and well equipped to carry out policies as laid out for a long time by Mr. Humphrey.

Secretary Humphrey has impressed the Nation with his sincerity, with his complete willingness to face facts regardless of the political content. Comparatively few are acquainted with the details of what makes the Nation's economy tick; comparatively few are interested in economics aside from the impact of the shrunk or inflated dollar on their pocketbooks. But they were made aware for many months that Secretary Humphrey knew the answers, his 14 days of testimony before the Senate Finance Committee demonstrating the vast scope of his knowledge. Even some Senators who wished to entrap him came off second best in a battle of wits.

Mr. Humphrey leaves the Cabinet with the pleasant knowledge that the United States is enjoying unprecedented prosperity. He willingly takes the blame for the "tight money" which some believe is making things tough for business, both large and small. But he regards this policy as a needed barrier against inflation, which he says is creeping on us and which he does not wish to grow in size until "it will curl our hair," to use his own expression.

He is aware that his fiscal policies have caused distress in some areas, and that political foes have not neglected to exploit that condition. With "tight money" interest rates are the highest in 25 years, bank loans are more difficult to get since money is scarcer. These are economy brakes which are deemed necessary at the moment.

Despite which the American people are depositing more money against the proverbial rainy day, almost twice as much as last year. The real payoff on the Humphrey program, however, is seen in high levels of employment and rising incomes.

Secretary Humphrey retires with the comforting realization that he has performed a difficult task well, that he has steered the Nation on a cautious course at a time when runaway inflation might have been started at almost any moment. He has served his country and the President magnificently, and his wise counsel will be missed in Washington.

## MILITARY DISCHARGES

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, it has been brought to my attention that the House Armed Services Committee has reported H. R. 8772, a bill to revise procedures for review and correction of less than honorable military discharge by providing, among other things, that consideration be given good civilian conduct subsequent to the original discharge.

The bill would affect the procedures of both the Boards for Correction of Military or Naval Records and the Boards of Review, Discharges and Dismissals. The standards that the boards would use are enlarged in both cases, and a new category of discharge, the general discharge—limited—is provided for those cases in which it appears that the original less than honorable discharge was deserved, but the subsequent civilian conduct of the veteran has proven that he has "rehabilitated" himself. Both boards may issue this discharge, but only pursuant to the above circumstance. Reinstatement of benefits is specifically denied recipients of a general discharge—limited.

It is important to keep in mind the functions of the two boards. The first, for the correction of records, is designed according to the wording of the bill, "to correct an error or remove an injustice." The second, the review of discharges and dismissals, is empowered to review—and revise—the type of discharge. There is an obvious overlap of function, since both boards can be engaged in identical kinds of cases and a veteran could presumably apply to either under any circumstance. However, the legislation is dealing with two distinct problems, that is, that of the veteran who feels that his discharge was incorrect on the basis of his military service, and that of the veteran who feels that his discharge was deserved by him on the basis of his military record but who further feels that his subsequent conduct in civilian life merits consideration in revising his discharge to one that would carry with it less of a social stigma.

Since it is unquestionably true that stigma and even penalty is unavoidably attached to any discharge that is not honorable, it is vital that a general discharge—limited—be issued only if it can be definitely demonstrated that the military record of the veteran indicates that he did deserve his original less than honorable discharge. I am most concerned that the boards of correction particularly, in the case of a veteran whose military record lacks evidence that would support the justice of his original discharge might find the avenue of correction to a general discharge—limited—too easy to resist, although such evidence could even be grounds for correction to honorable. This might be true for two reasons. First, because it would reflect less on the original decision of the military, and second, because it prevents reinstatement of benefits that were denied the veteran as a result of his original discharge.

As the bill is written, each board may itself determine which problem it is dealing with and which set or sets of criteria to use in coming to a decision. It is my strong feeling that the confusion which must inevitably result from this situation must be corrected to protect the rights of ex-service men by insuring that each case is considered on the proper basis and in line with the desire of the veteran.

Additionally, I am greatly concerned that this bill, in establishing the boards within the Department of Defense, ignores the need for a clear separation of jurisdiction between civilian and military authority. One principle that is held inviolate by the American people is that the extent of the authority of the military over civilian life be always closely proscribed and severely limited. As long as civilian conduct will be considered in any way by the boards, it is not enough that their personnel be civilian in name. By the very nature of their association with the Defense Department the members must acquire at the very least, the attitudes of the military department, which would have essentially the effect of military judgment of civilian actions.

My objections to what I believe are dangerous faults in the bill were registered with the committee during its hearings. Since no action was taken to correct these faults, I shall offer the following amendments when the bill comes to the floor of Congress for debate.

First. To require the boards of correction to limit themselves to cases which involve only questions of error or injustice in the issuance of an original discharge, using only the veteran's military

record and the further standards provided in the bill pursuant to his military service as basis for its decision. This amendment would not affect the authority of the boards of review to take civilian conduct into consideration, as stated in the bill.

Second. To except the general discharge—limited—from those discharges that the boards of correction may grant.

Third. To provide that the general discharge—limited—may be issued by the boards of review only at the request of the party concerned.

Fourth. To provide that the boards be composed of members appointed from private life.

There is another basic principle in which I deeply believe. That is that under no circumstance should civilian conduct prior to the military service of the veteran be considered as any basis for the determination of discharge by either board. However, I realize that this is a much more controversial matter and that it is the subject of another bill now before the Armed Services Committee. I would therefore appreciate it if my colleagues would be willing to give me their opinion as to whether this amendment should be offered to this bill, or reserved for separate legislation.

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## BRITISH VERSUS AMERICAN LABOR LAWS AND PRACTICES: A STUDY IN CONTRASTS

Mr. TELLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TELLER. Mr. Speaker, in the successful conduct of union-management relations lies the hope of preserving our democratic society, for it was largely because of the inability to absorb the conflict between capital and labor within the framework of free institutions that countries like Germany and Italy succumbed to totalitarianism.

Britain and the United States have a common heritage of language, legal system, and similarity of outlook in many fields. In light of our continued and often intensive preoccupation with the important subject of labor legislation, a comparison of the different methods used by our two freedom-loving countries may yield helpful guides for proper attitudes and policies. Such a comparison may also aid in developing closer communications and common understanding between our two countries.

Therefore, I spent the past week in London, where I delivered an address on American labor laws and practices at the labor law section of the American Bar Association, largely in meetings with leaders of British labor unions, employers' organizations, government officials, and students of the field of union-management relations, for the purpose of ascertaining how various labor laws and administrative precepts and practices are actually carried on.

Collective bargaining in the United States, as in Britain, is a free institution based on voluntary private arrangements. Labor unions in both countries are neither organs of state as under communism, nor creatures of dominant economic interests as under fascism. Leaving aside the occasional tendencies to nationalization of industry in Britain which have no counterpart in our country, the desirable norm of successful collective bargaining in both countries is found in private arrangements voluntarily made by parties who subscribe to the private ownership of property and the free management of business enterprise.

One would suppose from this, particularly in light of the basic similarity of our legal systems, that large areas of coincidence exist in the legal institutions which direct union-management relations in our two countries. Quite the opposite. Sharp contrasts more often than similarities stand out from comparison of the British and American labor laws and practices.

My purpose is to take account of this paradox, to discuss these contrasts, and thereby to suggest paths which might be followed for greater mutual understanding.

First. Government attitudes toward labor organizations.

The most profound difference between the two approaches to labor relations law lies in our statutory encouragement to the growth and stability of labor unions.

We inherited from Britain and for many years shared with it a policy of repression of labor organization—a policy attributed to common law emphasis upon individualism and a hostility to restraints of trade.

We abandoned this and substituted for it a policy of sufferance or abstention, first in our Clayton Act of 1914 and in the Norris-La Guardia Act of 1932. Britain did this in the Conspiracy and Protection of Property Act of 1875, which eliminated the threat of prosecution for criminal conspiracy, and in the Trade Disputes Act of 1906, which lifted the tort sanction based on civil conspiracy.

But American spokesmen for unions were not content with a policy of Government neutrality. They found themselves unequal to the task of overcoming employers' private measures for combating union organization, such as the so-called yellow-dog contract of employment by the terms of which the employee agrees not to join a union, the lockout, the refusal to bargain with union representatives. Responsibility for overcoming these obstacles was given over to the Government in the Wagner Act of 1935, which for the first time in the history of American labor jurisprudence supported our unions with affirmative encouragement for the growth of membership and the development of collective bargaining.

No comparable statute exists in Britain. No legislation prevents the British employer from exacting yellow-dog contracts from employees as a condition of employment, from discharging employees on account of their union membership, from locking out employees. No law in Britain provides, as did the Wagner Act, machinery for employee elections to designate exclusive representatives for collective bargaining.

Our Taft-Hartley Act of 1947 weakened but it did not rescind the Government-written guaranties for promoting collective bargaining. This act remains a subject of contention because of its restraints of union activities, but the Wagner Act election procedures and limitations on employers' antiunion activities are retained, at least in their broad outlines.

It would be wholly inaccurate to conclude from this that American labor unions owe their existence to the Government. The American Federation of Labor was a strong amalgamation prior to the Wagner law's enactment, though that law facilitated the growth of industrial unionism and helped to bring about a substantial increase in union membership particularly among unskilled workers. There were about 3.5 million union members in our country in the early 1930's, compared with an estimated 17 million members today.

It seems fair to say, however, that American union leadership has leaned more heavily than their British colleagues upon the Government, at least directly, for aid in recruiting and keeping membership, and in prodding the collective bargaining process. Further evidence of this is found in the fact that in Britain there has never been, whereas in the United States since 1938 we have had, a general minimum wage law.

I have overgeneralized both in drawing the picture of a Government policy affirmatively favoring the growth of labor organization in the United States, and in describing the circumstances which induced our unions to forsake reliance on their own prowess and instead to petition the Government for affirmative assistance. For the pre-Wagner Act situation of Government sufferance was unlike that which has existed in Britain. Two main interacting sources of distinction will serve to point up the difference. One is the labor injunction. The other is the Federal-State relationship which exists under the Constitution of the United States.

The strike attempt by the Socialist leader Debs to form an industrial union among railroad employees was broken by an injunction which the Supreme Court of the United States—*United States* v. *Debs* (158 U. S. 564)—upheld in 1894. The labor injunction became a familiar employers' weapon in both Federal and State courts to break strikes, to make the yellow-dog employment contract a bar to union organizing, to enjoin organizational picketing. The Norris Anti-Injunction Act of 1932 was designed to abolish the injunction remedy in the Federal courts. It did so, but the Supreme Court cases effectuating this purpose—like *Hunt* v. *Crumboch* (325 U. S. 821, decided in 1945)—had not been clearly formulated when the Wagner Act was passed in 1935.

Moreover, the Norris Act does not limit the jurisdiction of State courts. Some States passed "little Norris Acts" but the greater number of States have

continued to issue injunctions at common law under the "illegal purpose doctrine," to which I shall shortly refer.

When, therefore, union leaders petitioned the Federal Government for the Wagner Act, they did so partly in reaction to legal sanctions unknown to Britain, since the labor injunction has never taken hold in Britain. Much of the labor opposition to our Taft-Hartley Act of 1947 comes from its provisions reviving the injunction weapon, but union spokesmen have found the repeal of these provisions difficult to secure because no employer but only the Government can secure injunctions under the act, and injunctions are subject to procedural safeguards and are securable only in defined circumstances, for example, cases involving jurisdictional or interunion disputes, secondary boycotts.

Surcease from State laws and practices which union leaders have viewed with disfavor accounts for much of the effort to secure help from the Federal Government. The Wagner and Taft-Hartley Acts were written as the expression of Congressional power over interstate commerce. Only a handful of States passed little Wagner Acts. In the remaining States legal sanctions and police practices against union activities continued unabated. When the Supreme Court of the United States took it upon itself in the Swing case (*A. F. L. v. Swing* (312 U. S. 321)) in 1941 to nullify the State court injunctions against organizational picketing by identifying it with the Federal constitutional guaranty of free speech, that Court did so partly to lift organizational picketing from oppression by the States.

The States have generally lagged behind the Federal Government in matters of labor law and administration. Few States, for example, have followed the lead of the Federal Government in enacting minimum wage legislation comparable to the Fair Labor Standards Act of 1938. In the past, hope was entertained by those interested in social and economic reform that the States would become cubicles of forward-looking social experiment. Since the New Deal days of the 1930's, increasing reliance has instead been placed on the Federal Government, additionally because of the belief it alone can reach the network of interstate institutions which are beyond the power of individual States to regulate.

Second. Judicial intervention in labor controveries.

Up to this point I have indicated little relationship between British and American common law as a reasoning force for resolving labor disputes or formulating labor policy. Such a relationship exists in the illegal-purpose doctrine. I feel called upon to say that our inheritance in this regard has been faulty, though our own scholars have contributed to the muddle.

It started in Britain with the so-called Trilogy—Mogul Steamship Co., Ltd. against McGregor, Gow & Co., 1891; Allen against Flood, 1898, and Quinn against Leathem, 1901, all decided by the House of Lords.

In the Mogul case, shipowners combined to exclude new enterprise such as the plaintiff's from entering the field. They did so by cutting charges, paying rebates to merchants who dealt exclusively with them, and boycotting merchants who dealt with the plaintiff The court decided this was legal, because "the means adopted were competition carried to a bitter end." If there was just cause or excuse for the defendants' acts, their combination was legal. The just cause or excuse in this case, said the court, was competition.

Allen against Flood was the case where Allen, a boilermakers' union delegate, told a company official that if he retained Flood as an employee, the 40 boilermakers in his employ would leave in a body. This the court held to be unlawful.

In Quinn against Leathem, Leathem, who ran a nonunion slaughteryard, rejected the demands of a butchers union to discharge his employees and hire members of the union in their place. The defendants, officials of the union, thereupon induced a unionized retail butcher to refuse to buy Leathem's meat. This the court held unlawful because it was done by a combination. Allen against Flood was distinguished upon the ground that Allen's action was that of an individual and no question of conspiracy was involved.

We lay aside the startling view that Allen, a union delegate, acted as an individual, not as a coconspirator, in carrying out his union objective. The Trilogy established the propositions that motive, though normally irrelevant in determining the legality of otherwise lawful acts by individuals, may be inquired into for determining the legality of combined action, that competition is a good motive for businessmen to combine for driving out a would-be competitor, and that a union combination is an illegal conspiracy if directed against an employer in a labor dispute.

Justice Holmes, dissenting in the famous Massachusetts case of *Vegelahn v. Guntner* (167 Mass. 92) in 1906, brought the matter into American focus. Why, he asked, cannily fearful of the decision in Quinn against Leathem, should not workmen combined in labor unions have the same right of competition as that given the shipowners in the Mogul case?

It must be true—

He stated—

that when workingmen combine they have the same liberty that combined capital has to support their interests.

No wonder, then, that in the Danbury Hatters case—*Loewe v. Lawler* (208 U. S. 274), decided in 1908—Justice Holmes, writing the opinion of the Court, held that union activities come within the purview of the Sherman Antitrust Act.

I submit to you that this decision was as wrong as the view that when unions strike or exercise their rights of economic pressure against employers in connection with labor disputes they do so in the exercise of a right of competition. Competition is a businessman's term, used also to describe the law's view that men in business must fight one another. When instead of fighting the battle of competition they make peaceful arrangements—for example, price-fixing agreements—they may be prosecuted criminally under our Sherman Antitrust Act.

The very formation of a labor union, by contrast, expresses an agreement to abolish wage competition, to substitute collective bargaining for the laws of the market place which the Sherman Act is designed to uphold.

The Mogul case was wrongly decided. Who would doubt in our country that the shipowners would be liable to criminal prosecution under the Sherman Act for their combined effort to eliminate competition? And as we all know, the Sherman Act of 1890 was nothing more than a statement, with new legal sanctions, of the common law's interdictions of trade restraints.

Having by statute abolished the conspiracy doctrines which underlie the injunction in labor disputes, Britain has had no occasion to resort to the illegal purpose doctrine. Therefore we do not know what might have happened if the basic errors of the trilogy—that is, justifying combined employers' anticompetitive acts as a form of competition and denying to unions the right to take combined action under the heading of justification—had been corrected and applied, for we know them only as compounded by Justice Holmes.

Our experience with the competition referent underlying the illegal purpose doctrine has been an unhappy one. For it has afforded no rational common law policy basis for judicial labor decisions. It was given a last judicial fling by our then Assistant Attorney General of the United States, Thurman Arnold, who caused several union leaders to be indicted under the Sherman Act for engaging in various forms of union activity. In the widely discussed Hutcheson decision (312 U. S. 219) and later cases (313 U. S. 539) all decided in 1941, the Supreme Court dismissed the indictments. The reasoning of the Supreme Court in the Hutcheson decision followed a widely criticized, devious path—the Norris Act's anti-injunction immunities were construed as a nullification of the Sherman antitrust law's applicability to labor unions. The decision was, I believe, in the nature of a legislative act, influenced partly by a dislike for the initial identification of union activities with antitrust doctrine.

Clamor for subjecting union activities to antitrust regulation still persists. Each year bills to such effect have been introduced in our Congress. The harm they do to the subject of labor policy comes from their latching on to a concept which has no place in the regulation of union-management relations.

This is a weighty type of harm, since in the delicate regulation of union-management relations through relevant legal and economic foundations lies the hope for preserving a democratic society. Totalitarianism was the fate of Fascist Italy and Germany in the days preceding World War II largely because of their failure to work out along democratic lines a system of private voluntary collective bargaining. And largely because we in Britain and the United States have

been able to absorb the claims for recognition of new interests—to reconcile them with a system of private union-management relations—we stand as beacons of freedom for the world. Britain and the United States have taken somewhat different paths to work out this pattern of reconciliation, but in the larger aspects we have a right to take pride in a great common achievement.

Third. The process of collective bargaining and the collective agreement.

Antithesis again is the norm in comparing the American with the British legal approaches—or in the case of Britain, the lack of legal approaches—to the process of collective bargaining and the enforceability of the collective bargaining agreement.

Prior to the Wagner Act of 1935 there was no legal obligation to bargain collectively by management or unions, and the States took different views as to the legal nature of the collective-bargaining agreement.

Some States held the agreement void for lack of sufficient consideration, because neither the union nor the employees promised anything under it.

Others said it created a usage which entered into the individual employment contract. This created no union rights of enforcement.

Initially only a few States held the agreement legally enforceable, either on the theory that the union's no-strike promise furnished a sufficient consideration or because the agreement was sui generis.

One of the first cases which established the legal enforceability of such agreement—*Schlesinger* v. *Quinto* (201 N. Y. App. Div. 487) decided in 1922—was an action by a union against an employer, and was hailed as a union victory. Most State courts today would enforce collective agreements, though the fact that in many States unions like other unincorporated associations cannot sue and are not suable as entities qualifies effective enforcement.

The Wagner Act laid a heavy legal hand on the bargaining process. The employer was obliged to recognize the duly designated union as the exclusive representative of his employees, to bargain in good faith with it, to execute a signed writing incorporating the terms agreed upon. This is still substantially the law under the Taft-Hartley Act, which imposes a correlative obligation on the union to bargain with the employer and creates a remedy in the Federal courts for enforcement of collective agreements.

All of this is quite foreign to British law, where neither the obligation to bargain collectively nor the collective agreement has ever been enforced directly by law. But indirect methods of enforcement in Britain and habits of ignoring legal enforceability in our country blunt the sharpness of the divergence.

While Britain has no general minimum-wage law, minimum-wage orders are issued for specific employees. Many such orders have been issued, covering not only wages but other forms of "remuneration." Fair wage clauses are part of public contracts, comparable to our Walsh-Healey Act provisions. These, and the provisions and standards in collective agreements, normally create legal rights in employees to sue the defaulting employer. The agreement is held to create a custom enforceable by the employee.

This, as already stated, is similar to the view taken by some of our State courts.

This is also somewhat comparable to the result of the recent decision of the Supreme Court of the United States in the *Westinghouse* case (348 U. S. 437), interpreting section 301 of the Taft-Hartley Act. It was there held that a union could not sue an employer in the Federal court for vacation payments allegedly payable under a collective agreement to the employees whom the union represented. This presumably is a right which the employees could pursue, though they would be obliged to do so in State courts since under the Taft-Hartley Act only unions—or employers—can sue for breach of collective agreements.

The institutional differences, then, in our approach to the enforceability of the collective agreement are not always as sharp as the contrasting legal rules would indicate. But the idea of a contract which imposes more than moral obligations of observance remains a distinguishing feature of our system of collective bargaining. Thus we almost invariably negotiate agreements for a fixed term, whereas in Britain the great majority of agreements do not run for any specified period.

In Britain, again, collective agreements are often short documents, loosely drawn and containing statements of a general character; this is quite different from the specific and detailed form and content of such agreements in our country. Numerous so-called trade practices, generally unwritten, govern the day-to-day work relationship in British plants.

Also in the field of arbitration there are substantial differences between the American and British approaches. Our AFL leaders were initially suspicious of arbitration, but CIO leaders took a different view—they fought against employer opposition to arbitration of unsettled grievances under collective agreements. Directives of the National War Labor Board during World War II favored arbitration clauses in such agreements and today there is general acceptance of binding arbitration of unsettled grievances under collective agreements.

By contrast, arbitration of grievance disputes under collective agreements is relatively unknown in Britain. Grievances are normally settled either at the shop steward level or higher levels. Presumably if the unsettled grievance is important enough it may result in a strike.

A similar diversity exists regarding arbitration as to what the terms of a new agreement should be. In our country this is not favored and is resorted to infrequently. Britain practices it quite commonly, particularly in coal mining, railways and civil service.

Extension of federalism, which appears to be a constant purpose of our Supreme Court of the United States, was recently reinforced in its holding in Textile Workers Union against Lincoln Mills of Alabama, decided June 3, 1957, that a Federal court proceeding may be brought under the Taft-Hartley Act to enforce arbitration of grievance disputes under a collective agreement. The decision, which came as a surprise to many members of the bar because of the exclusion of employment agreements from the purview of the United States Arbitration Act, affects broad areas touching on the administration and enforcement of collective agreements. In holding that Federal substantive law, not State law, governs actions to enforce such agreements under the act, the Supreme Court may well have indicated that State courts have no jurisdiction to enforce them in interstate transactions, at least where the union—as distinguished from the employee—or the employer brings the action. State arbitration statutes may be denied applicability to such agreements in interstate industries.

Preemption, a word we use to describe the Federal Government's precedence over State jurisdiction, is not germane to the British legal system. The labor-law problems caused by preemption in our country are complicated by the fact that certain policies of the National Labor Relations Board under the Taft-Hartley Act applicable to the smaller interstate industries have created a no-man's land in which the Board has refused, and the Supreme Court has held that the States do not have the power, to exercise jurisdiction. One solution would be to pull back to the States as much as possible, or at least those things to which Federal laws or agencies do not extend. The other leans to widening the reach of the Federal Government. A number of bills have been offered in Congress on the subject. Public utterances on the subject tend at times to pose theoretical arguments about States' rights or federalism, but cross-currents of interests are the pragmatic stuff out of which the present legislative stalemate is made.

In Britain collective bargaining is normally conducted, and agreements are made, between unions and employers' associations. Since the conclusion of World War I negotiations have been predominantly industrywide, commonly national in scope. This is not the situation in the United States. A few examples of national bargaining exist, for example, coal mining, the railroads. Areawide bargaining is conducted on a much more extensive scale, and may be found in most industries. It is not, however, necessarily industrywide but often multiemployer bargaining. Follow-the-leader bargaining—as exemplified in steel—is widely practiced, though this type of bargaining proliferates when novel or larger issues or claims are raised, such as pensions or guaranteed annual wages. But many American employers have an attitude of opposition to multiemployer bargaining which seems to have little if any counterpart in Britain. The Taft-Hartley Act outlaws strikes seeking to compel an employer to join an employers' association. When

an employers' association in concert with a labor union agree to fix prices or restrict competition they are held to commit a criminal offense under the Sherman Antitrust Act. Bills to outlaw or to restrict multiemployer collective bargaining are annually offered in Congress.

Perhaps, as many economists contend, industrywide bargaining is a natural outgrowth of union-management relations. Our employers, however, particularly those who own the larger businesses, have demonstrated strong hostility to it, based partly upon a tough individualism in their plant ownership and management. There is fear that business efficiency and competitive advantages will be impaired in the seductive pursuit of stability. Our vast geography and differences in sectional outlooks and stages of industrial development preclude any present forecast that multiemployer bargaining will proliferate in the foreseeable future.

The recently amalgamated AFL–CIO may possibly adopt policies which look to greater development of multiemployer bargaining. At present the many unions with ill-defined jurisdiction hinder such a development. The so-called whipsaw strike against one member of an employers' association with which the union had previously bargained indicates occasional union disenchantment with multiemployer bargaining.

Multiemployer bargaining was helped in Britain by the fact that employers have been accustomed to cooperation with one another in fixing prices and in arriving at common business policies. Such combinations, which run afoul of out antitrust laws, have not been illegal in Britain. A 1956 British statute has established a limited interdict of price-fixing arrangements, but the traditions of our two countries diverge sharply, and surprisingly, in the antitrust field. Indeed, some attempts in our country at multiemployer bargaining have failed because the business tensions and antagonisms caused by competition have made cooperation by employers in the field of labor policy impossible.

Fourth. The closed shop; democracy in trade unions.

Massive contention has been aroused by the closed-shop issue in the United States, where by contrast the matter has not been a serious subject of controversy or strikes in Britain. The closed shop has not been an issue in collective bargaining in Britain, nor a subject of Government regulation, but is regarded as a matter of internal union concern, whereas in our country precise legal regulations on the subject exist, and unions have called upon the law of contracts to enforce collective agreements which provide for the closed shop. This larger reliance on legal assistance in enforcing provisions for required union membership and for the collection of union dues partly accounts for the oft-heard demand that the purposes for which union funds may be disbursed should be subject to legal regulation.

Prior to World War II, we used the term closed shop indiscriminately to describe any arrangement by which a worker was obliged to be a union member to secure or keep a job. Of the 25 States which had by 1940 passed upon the legality of the strike for a closed shop, 14 favored it while 11 opposed it. The AFL in its days of sole preoccupation with skilled labor and control over labor supply insisted that both hiring and continued employment be conditioned upon union membership. This is the sense in which we use the "closed shop" today. CIO industrial unions have normally been content with the "union shop," where hiring of employees in the open market without regard to their union membership is allowed, but the employee is required to join the contracting union after a probationary period, usually 30 days, and to remain a member of the union thereafter.

Because of the organized refusal of employers during World War II to agree either to the closed shop or the union shop, the National War Labor Board worked out a so-called maintenance of union membership arrangement under which the employee is obliged to maintain membership in the union only if he voluntarily agrees to join it. Labor spokesmen refer to union membership arrangements as agreements for "union security," while those who oppose such arrangements are inclined to refer to them in terms of "compulsory union membership."

The Wagner Act of 1935 did not deal directly with the closed shop issue, though its provisions required the union which contracted for it to be the freely chosen—majority—representative of the employees. The Taft-Hartley Act rejected the view that all forms of required union membership arrangements should be outlawed. Only the closed shop was outlawed; the union shop, maintenance of union membership, or other arrangements which do not exact union membership as a condition of hiring, are valid. The closed shop remains valid, however, in intrastate industries whose labor relations are not affected by the Taft-Hartley Act, at least in those States which do not have their own system of regulation on the subject. Unions often have recourse to the courts or to the procedure of arbitration for enforcement of required-union-membership provisions in collective agreements, as by a proceeding to enjoin an employer from hiring a non-union man or to compel the discharge of an employee who has been expelled from the union.

When the Taft-Hartley Act was under consideration, two main points of view were expressed as to how to deal with a member's rights in the internal affairs of his union. One was that a code of democratic rights and procedures should be drafted, to which unions would be required to conform in matters like fines, trials, and expulsions. The other regarded the first as too drastic a form of intervention in the internal affairs of unions, and too complicated particularly as regards defining of permissible substantive reasons for disciplining members. Instead, it was urged, the employee should be required to pay periodic dues and reasonable initiation fees, but if he did this a union should not have the right to interfere with his employment. The act adopted this latter point of view.

Democratizing the internal affairs of labor unions continues to be a relatively unsolved problem in our country as it is in Britain, though in the United States it is linked up with the so-called closed-shop issue. Democracy has many facets. Guaranties of prescribed procedures set forth in written constitutions do not assure their execution in practice. They are imperiled, moreover, by supine union membership indifferent to union meetings and day-to-day administration. Communists who are dedicated to turning away unions from the dedication to free private collective bargaining thrive where inactive majorities exist, and pose a problem to democratic procedures in unions as they do in government. And in Britain I fear that the patterns of national bargaining may serve to remove from local union members the kind of active participation in union affairs which is a condition of protecting democratic rights and procedures. This is a field where the recently amalgamated AFL–CIO may be expected to make significant contributions; it has recently adopted a code of ethical practices with respect to union democratic processes. It is also an area where our two countries may pool their experiences and points of view for carrying forward desirable solutions.

You will see there is no counterpart, as I have said, in Britain to our detailed regulation of arrangements for required union membership. The closed shop, as I have stated, in Britain is not a subject of collective bargaining, and the checkoff which is prevalent in our country and is regulated by the Taft-Hartley Act, is not generally practiced in Britain. Maintaining union membership is regarded as a union responsibility, and the matter goes along very well because British unions have been highly successful in meeting that responsibility, though apparently they have been aided in doing so by employers. They feel secure without contractual provisions on the subject, and we are told that—

> A union card is still the key to employment in many of the skilled trades where the unions often act as employment agencies (Flanders, Collective Bargaining, at p. 300, in Flanders and Clegg, the System of Industrial Relations in Great Britain, 1953).

The Taft-Hartley Act permits the union shop, but also allows the States to outlaw all arrangements for required union membership. A number of States have done so, most of them sparsely industrialized Southern States. Recently Indiana, an industrial State, adopted a law invalidating all such arrangements.

The fact that these State statutes are generally referred to as right-to-work laws is an earnest of the shift in the battle of semantics. The semantic advantage was formerly the union's, which used phrases such as "yellow-dog contract" and "strikebreaking" to good purpose for influencing legislation. The pending Congressional inquiries into union management of welfare funds and the use of union treasuries for unauthorized or private purposes have developed defensive attitudes among union leaders, and may possibly—though we hope they do not—set the stage for laws

which may go beyond the revealed abuses and weaken the integrity of union organization.

In this context, it has been argued that the propaganda in the United States for extension of the right-to-work laws seems shortsighted social engineering. When, it is said, required union membership is omitted from collective bargaining because of acceptance of unions, as in Great Britain, no occasion exists for unions to counterattack on other fronts to maintain the allegiance of their members. But it is contended that those who advocate right-to-work laws as part of an effort to combat union organization give insufficient heed to the excessive union demands, to the possibility of inflation, to general breakdown in union responsibility so necessary in a democratic society, which may follow in the ensuing conflict.

Name calling, political overtones, and searching for motives and prejudice—familiar to public discussion of labor-management issues—will undoubtedly abound in the growing dispute over the right-to-work laws. They are defended not only by those who would like to see unions weakened, but also by persons who seriously believe that to compel a man to join a labor union in order to work is in conflict with the free institutions which make up a democratic society. The contention that required union membership is necessary for union-management stability is belittled by such persons as an argument which dictators make in support of their regimes.

Whether, in principle, analogues for democratic procedures drawn from the political domain may be directly applied to other fields is a troublesome question. If, for example, elections of corporate directors were governed by political precepts, voting would be by secret ballot, proxy voting would be prohibited, and each shareholder would presumably be entitled to one vote without regard to the amount of his share ownership. Recently expressed opposition to cumulative voting, by contrast, has been based on the view that in seeking to protect minority interests the stability of the business enterprise is impaired.

Some persons, looking back upon the broad labor panorama of the past two decades, incline at times to question whether the massive controversy over required union membership has been worth the candle—other complex factors, it is urged, helped by friendly government attitudes, and the idea of exclusive bargaining representation, have accounted primarily for the growth of union membership. Not alone in Britain but in all European democracies having a secure and thriving trade-union movement, required and legally protected union membership has not been necessary. Time and the uses to which the right-to-work laws are put will tell whether the American labor movement will turn from required union membership arrangements to other responsible policies as means of safeguarding its activities.

I cannot leave this branch of the discussion without commenting on the enormous ramifications of our concept of "exclusive" bargaining representation. Neither in Europe nor in Britain is this concept known. Hence, it is common to find 10 or 20 unions representing employees in 1 bargaining unit in a single plant. This is not only a grossly unstable bargaining situation but also accounts partly for the inability of British or European labor unions to enforce required union membership arrangements even if they wanted to.

Nor would I want to leave the impression that British unions are indifferent—either because of deference to ideals of freedom or for other reasons—whether a member pays his dues or not. It depends on the reality of the particular plant situation. Recently an overtime strike of several thousand employees was called at a British auto plant because one employee refused to pay his union dues.

Fifth. Adjustment of contract-making disputes; emergency strikes.

The portrait of voluntarism which I have sketched in describing the British approach to union-management relations thus far has shown it to be a somewhat more faithful reproduction of the ideal of freedom from Government interference than our American scene.

I cannot say the same as regards the procedures adopted for settling strikes or other disputes which arise because the parties are unable to agree on the terms of a union-management contract.

Compulsory arbitration of contract-making disputes was rejected in Britain by the Conciliation Act of 1896. Voluntary mediation facilities were provided instead. A system of compulsory arbitration was adopted during World War II, however, and has to some extent been continued by the Industrial Disputes Order of 1951. While this measure resulted from an agreement between the Trades Union Congress—comparable to our AFL–CIO—and the British Employers Confederation—somewhat comparable to our National Association of Manufacturers—we are frankly told in a learned British publication that—

> It superimposes a scheme of compulsory arbitration upon the traditional voluntary system of British industrial relations (O. Kahn-Freund, Legal Framework, at p. 92, in Flanders & Clegg, the System of Industrial Relations in Great Britain, 1953).

Neither strikes nor lockouts are prohibited by this 1951 arbitration machinery, as distinguished from the wartime interdict of work stoppages; it is compulsory in the sense that Government officials do the arbitrating, not persons chosen by the parties to the dispute; and the intervention of the Industrial Disputes Tribunal, established by the 1951 measure, does not depend upon the voluntary agreement of the parties that it should intervene. Intervention takes place upon the direction of the Minister of Labor at the request of either party to the dispute, after the Minister of Labor has decided that voluntary conciliation methods have failed. These voluntary methods, and procedures for setting up boards of investigation or so-called courts of inquiry, exist alongside the Industrial Disputes Order of 1951.

I understand that, while the existence of the Tribunal has often prodded the parties to settle their disputes voluntarily, the willingness to resort to it in national disputes is now widespread, and an ever-increasing number of disputes are referred to it. While I was in London, a large-scale strike of bus drivers in the provinces was in progress, which pointed up substantial defects in the neither-here-nor-there system of halfway compulsory arbitration established in 1951. The Tribunal was deliberating its award on the strike issue—a pay differential between provincial and town bus drivers—while the strike was in progress. In this country we would not normally countenance this, witness the fact that the War Labor Board during World War II had a policy of refusing to process disputes where strikes were in progress. Our view is that arbitration is a substitute for a strike, not its supplement. But the British scheme of things, with its view that strikes are not outlawed by the 1951 enactment, leads to unseemly situations such as those evidenced in the bus strike. Incidentally, in an account of the strike written in the London Times, July 24, 1957, the union leader is quoted as expressing disenchantment with the Industrial Disputes Tribunal because of adverse experiences he allegedly suffered with it over the years; this is precisely one of the reasons why we in this country have had doubts about the lasting character of any system of compulsory arbitration.

We have been unwilling in the United States, and we have refused, to allow such a measure of Government intervention in disputes over the making of contracts, except in railroad labor disputes. Our United States Mediation and Conciliation Service, recourse to which is wholly voluntary, is the extent of Government activity in such disputes. When a dispute arises to the point of threatening a national emergency, our Taft-Hartley Act imposes a widely criticized but in many cases perhaps not a significantly harmful 80-day waiting period, but the Government can make no recommendations during this period and after it the parties are as free as before to pursue their respective courses. A report to Congress is required, however, the aim being to isolate the emergency and to take appropriate Congressional action without infringing upon the voluntary character of the settlement machinery provided for all other disputes. Presumably Congress would deal primarily with the emergency, not with the dispute. Not even in railroad disputes, where special procedures are provided, does compulsory arbitration exist.

In the ever-increasing interdependence of industry, the possibilities of emergency resulting from strikes abound. The right to strike in some industries, depending upon the particular industry and the duration of the strike, may be theoretical. The public interest is paramount. But we are unwilling to establish a general statutory adjustment procedure for emergency strikes for fear it may seep down into all disputes, or encourage disputes to develop into emergency proportions, or at all events become a part of the normal bargaining process.

During World War II and for a period shortly thereafter we tried the expedient of plant seizure by the Government, a program which had theretofore been limited to railroad strikes. It has been advocated by persons who believe it to be a least objectionable method of showing the Government's concern for the public interest without intervening in the dispute between the parties. Objection to it as a steady diet has derived partly from suspicion of Government ownership or operation of private facilities. Several States have seizure statutes, but the Taft-Hartley Act rejected both seizure and compulsory arbitration as statutory methods for terminating emergency strikes.

The extent of Government intervention in contract-making disputes will, of course, depend on the need. I feel I am safe in saying that neither union leadership nor management in the United States is inclined to encourage the feeling for such a need—both are determined to protect the voluntary private character of their negotiations.

Sixth. Welfare fund administration.

Welfare fund administration has been a preoccupying problem in our country for many years. Part of the problem has come from the lack of any right by employers to participate in the management of a union welfare fund to which they contribute. Another part has derived from the spoliation of some of these funds by some union leaders. The Taft-Hartley Act's provision for management participation of union welfare funds has not effected the results which many thought they would bring; a great number of employers have been indifferent to exercising their rights. Legislation to regulate welfare funds is now pending in Congress.

Our problem in the welfare fund field has no counterpart in Britain, which has a national health insurance program. This has eliminated the welfare fund program from collective bargaining; that is, there is no system or program in Britain by which employers contribute moneys to funds established by unions for welfare purposes. Some private pension programs do exist to supplement the British pension law which is comparable to our Social Security Act, but unions have little to do with them.

Seventh. Freedom of management.

Protecting management by direct legislation in the free exercise of its functions has been proposed in several bills introduced in Congress, but industry spokesmen have been lukewarm if not even strongly opposed to their enactment. The fear is that the Government, or the particular administrator in charge of the question, might limit management's freedom in the guise of defining or protecting it.

The collective agreement in the United States is a code of limitations upon management in relation to its dealing with employees. It provides employment benefits. It is not normally a vehicle for limiting management's freedom to manage. This is expressly stated in many agreements, and is implied where it is not expressed.

This may perhaps also be said of the British union-management agreement, but I hope I may be pardoned if in my concluding remarks I leave the law and make some random observations of a number of factors in Britain which establish substantial points of departure from our American system. One of these is the political link between labor unions, the Trades Union Congress which amalgamates them, and the Labor Party, the bulk of whose members and finances is provided by the unions. The American labor movement has been closely allied to our Democratic Party, particularly since the New Deal days of the 1930's, but many of its leaders are outspoken Republicans and in its outlook our labor movement professes pragmatic political independence. We have no national labor party nor the prospect of one in the foreseeable future. Our Taft-Hartley Act prohibits unions from making political contributions in aid of candidates for Federal offices. It should be observed that unions in Britain are forbidden to use their general funds for political purposes; a special political fund must be set apart for this purpose, and members may "contract out" of contributing to this fund. About 40 percent of union members "contract out."

Another is the Socialist beliefs of a number of British union leaders, which may influence collective bargaining objectives. This is far less true in the United States, where neither codetermination as practiced in Germany, nor the works councils of France, nor the formal procedures of joint consultation practiced in Britain, are viewed with enthusiasm or indeed sympathy. Nationalization of industry is not at present viewed with favor by the American labor movement.

Nationalized industries in Britain are commanded by the nationalization acts to make collective bargaining agreements with unions representing those employed by such industries. In our country the status of unions in government employment is a matter of conjecture, and the right of collective bargaining by Government employees is not at all free from doubt. British union leaders may believe in all good faith, as we are sure they do, that the responsibility of union leadership is to protect the job rights of the workingmen whether the industry be operated privately or by the Government.

No changes in negotiating machinery—

We are informed in a British publication—

were brought about either by the act of 1949 nationalizing the (iron and steel) industry or by the act of 1952 returning it to private ownership (British Trade Unionism, at p. 59, published by Political and Economic Planning, 1955).

There are, however, differences which only time and the swirl of institutional and political developments can reveal; it is not yet fully known, for example, to what extent the view will develop that a strike in a nationalized industry is a strike against the Government. American labor leaders regard collective bargaining as a process of free private arrangements with free private management. Devotion to free enterprise is a remarkably fixed view of most American labor leaders.

Planning, particularly planning for full employment, is of course an insistent preoccupation of the American labor movement. But I doubt whether it would favor, at least at present, programs such as that advanced by Sir William H. Beveridge in his book Full Employment in a Free Society; its implementing requirements of controlled location of industry, controlled mobility of labor and compulsory arbitration of labor disputes would, I feel safe to say, move the average American labor leader to question the title of the book.

Management is essentially a location of responsibility, and the present stage of collective bargaining in the United States seems content to respect its domain. In a freedom-loving society given over to private voluntary institutions it ought not lightly to be weakened. Diluting this responsibility ought to be cautiously approached, even if this means that fewer voices will be allowed utterance through formalized joint consultation or codetermination procedures. The standard of living in both the United States and Britain, as throughout the world, is increased by full production and the efficiency of the production process. Through the procedures of collective bargaining Britain and the United States have shown that free unions and free management are compatible partners, despite their occasional conflicts of interests, in effectuating the universal desire for a better life.

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## FAILURE OF THE STATE OF MICHIGAN TO KEEP PACE WITH INDUSTRIAL EXPANSION THROUGHOUT THE COUNTRY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan [Mr. BENTLEY] is recognized for 15 minutes.

Mr. BENTLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mrs. GRIFFITHS. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. BENTLEY. Mr. Speaker, our great State of Michigan has been blessed with many advantages insofar as industry is concerned. Unfortunately it has, however, failed to keep pace with the industrial expansion of the rest of the Nation. I would like, therefore, briefly to examine the facts as I understand them and the reasons as I see them for the decline of manufacturing in my State.

Now Michigan, as I said, has many advantages which should make it a popular State for industries to locate in. Geographically, we are excellently located in respect both to raw materials and to the large consumer markets of this country. To our north is the national supply of iron ore, to our south are the coal mining

areas of the Nation, and only a few hundred miles to our southwest is the exact center of the Nation's population.

Surrounded by the Great Lakes as we are, Michigan has an unlimited supply of fresh water, a factor of increasing importance to industry. Our transportation facilities meet or exceed the standards prevailing throughout the country. A highway and railway network reach every corner of our State. Shipping on the Great Lakes brings raw materials to our industries and carries our products to markets both domestic and foreign. With the completion of the St. Lawrence Seaway our direct connections with foreign ports will be greatly increased.

Nationally, our State ranks seventh in population and has been the fastest growing State in the Midwest. We have as large and highly skilled a labor force proportionate to our population as any other State of the Union.

And yet, in spite, of all these advantages and attractions for industry, we have failed to keep pace with the rest of the Nation in industrial expansion. Our present industries have preferred to expand outside of Michigan and we have failed to attract new plants and jobs. According to the Michigan Economic Development Commission, there are 294 vacant buildings in Michigan which are available as plant sites. Some of them may be obsolete but there are unquestionably many adequate plant facilities, ranging in size from more than half a million square feet downward. Such buildings are certainly available for new Michigan industry.

Now, Mr. Speaker, some new plants have moved into Michigan but during the first 3 months of 1957 Ohio gained twice as many new plants as Michigan, and California gained four times as many. Or take another set of statistics. According to the United States Department of Commerce, manufacturing employment in this country gained 10.7 percent between 1947 and 1954. During this same period our State gained only 3.6 percent. Our best industrial year, 1955, showed a factory job-rate growth over 1950 of less than half of our population growth rate. But during this same period Ohio increased its factory jobs at the same rate as its population. The Census Bureau has estimated an increase of population from April of 1950 to July of 1955 as 13.6 percent. But, between 1947 and 1954 our manufacturing jobs increased only 3.6 percent, as I said earlier.

The metropolitan area of Detroit has suffered the most from the loss of industry. Between 1947 and 1954 this area showed a decrease of 2 percent in total manufacturing employment.

I think, Mr. Speaker, that these figures prove that Michigan's industrial growth has failed to keep pace with that of the rest of the Nation despite the many advantages which we can offer industry. Because of this failure of our State to expand proportionate to the rest of the country, there has been widespread unemployment and at mid-June of 1957, there were 195,000 unemployed in our State. According to the Michigan Employment Security Commission, there are today 155,000 fewer people working in Michigan than in 1953 which was our peak year.

Mr. Speaker, I have just been advised that tomorrow there will be published by the Department of Labor a statement to the effect that Detroit has been placed in group D, which means a substantial unemployment area, and the city of Flint has gone even lower, to group E. These figures, which are as of the end of June and are being released, as I say, tomorrow, by the Department of Labor, indicate that current unemployment in Detroit is 110,000 or 7.2 percent, and current unemployment in the city of Flint is 16,000, or 10.9 percent. That compares, Mr. Speaker, I might add, with national unemployment figures at the present time of only 4.2 percent.

The question is: What has caused such a situation to exist in Michigan? I think there are three important reasons. First, is the high cost of labor in Michigan. I believe that the unions themselves should examine this part of the problem. Their own studies may reveal that they are pricing the Michigan worker right out of the market in comparison with labor costs in other parts of the country. As I say, I think the unions should examine the situation and if they find that they are defeating their own ends by pricing Michigan workers out of their jobs, it seems to me that they should concentrate their efforts in other areas and other States to bring those levels up to Michigan levels rather than further aggravate the situation in our own State with demands for higher and higher wages and other benefits.

Second, I believe that industrial expansion has been discouraged in Michigan and new industry has been lacking here because of the high tax programs of the State government and our local governments.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield?

Mr. BENTLEY. I am sorry, I cannot yield to the gentlewoman unless she is willing to allow me to make the unanimous-consent request.

Mrs. GRIFFITHS. After the gentleman has completed his remarks I will be willing to.

Mr. BENTLEY. I am sorry, I cannot yield at the present time.

Mrs. GRIFFITHS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

Mrs. GRIFFITHS. Mr. Speaker, I withdraw my point of order.

Mr. HOFFMAN. Reserving the right to object——

The SPEAKER pro tempore. There is no reservation of the right to object on that. The point of order is withdrawn.

Mr. HOFFMAN. I make the point of order that the gentlewoman from Michigan did not ask to be recognized by the Chair.

The SPEAKER pro tempore. The gentleman's point of order is overruled. The gentleman from Michigan [Mr. BENTLEY] is recognized.

Mr. BENTLEY. In 1955, the per capita State tax in Michigan was $103.52, compared with $88.95 in Wisconsin, $71.11 in Ohio, $64.60 in Indiana, and $64.43 in Pennsylvania. On April 28, 1957, the Detroit Free Press published an article which compared the State and local taxes to which a $125 million corporation would be subject in the cities of Detroit, Chicago, Indianapolis, Cleveland, Buffalo, and Pittsburgh. The combined State and local taxes for Chicago were about 67 percent of the Detroit taxes. In Indianapolis it was 53 percent of Detroit, in Cleveland 51 percent, in Buffalo 67 percent, and in Pittsburgh 61 percent. It would seem to be no accident that Ohio, which has the lowest industrial tax burden of all States in the Great Lakes area, has enjoyed the greatest industrial expansion and gain in number of jobs.

Now, Mr. Speaker, because I know my friends on my right hand here are as interested in the progress and the industrial growth of the State of Michigan as I am, I am going to yield to the gentlewoman at this point.

Mrs. GRIFFITHS. Then, Mr. Speaker, I would like to ask the gentleman this question. Is it not true that the State of Michigan has always had a Republican legislature and that every tax bill has come from that legislature?

Mr. BENTLEY. Yes; and I might say to the gentlewoman in that connection, Mr. Speaker, that the Republican legislature has held down the Governor's tax program for a long time. I shudder to think what would have happened if the Governor's tax program had been carried through. I think industry would have left the State faster than it has been doing.

Mrs. GRIFFITHS. Then I would like to ask the gentleman this further question. Is it not true that the Governor's tax program, which he proposed in 1949, would have taxed industry only if they had made a profit and the tax bill which passed provided a tax on the right to do business and fell most heavily upon those who did not make a profit?

Mr. BENTLEY. I am sorry to have to tell the gentlewoman that that was some time before my time in the State of Michigan, and I will have to ask the gentlewoman to take her own time to explain a tax bill of 8 years ago.

Recently the Army awarded a tank contract to a Delaware firm rather than to Detroit. The difference in cost, according to the Army, was $2,335,000 of which $300,000 was in taxes. It must be admitted that even if the Michigan and Delaware tax loads had been equal, Michigan probably would not have received the contract, owing to other factors. But it must also be admitted that the increased tax load did not help Michigan in competing for this contract, and there may be other cases where taxes could prove to be the deciding factor in awarding contracts.

Testifying before the interim labor committee of the Michigan State Senate, Mr. Kindel, representing the Furniture Manufacturers' Association of Grand Rapids, gave some startling facts in comparing operating costs for the average Grand Rapids furniture factory as compared to the same firm operating in Jasper, Ind., and in High Point, N. C. Assuming a minimum unemployment

tax rate, the total costs of State taxes in Michigan are 211 percent of the tax costs in North Carolina and 917 percent of the costs in Indiana. Assuming a maximum unemployment rate, the Michigan costs are 156 percent of those in North Carolina and 189 percent of those in Indiana. There is no question, Mr. Speaker, but that such differences weaken the competitive position of Michigan companies and if they are continued they must inevitably result in lost business and vanishing employment for employers and employees of our State.

Now, Mr. Speaker, knowing that my friend from the 15th Congressional District of the State of Michigan is equally interested in the industrial growth and progress of the State of Michigan, and owing to the fact that I just made the announcement that in his own city there is now substantial unemployment, I will be glad to yield to him if he wishes to comment on that fact.

Mr. DINGELL. I would just like to ask the gentleman if he is aware of the fact that since 1952 there have been 150,000 new jobs in the State of Michigan as a result of the movement of industry into the State and that the ratio is 3 to 1 of new plants coming into the State of Michigan as compared to plants moving out of the State.

Mr. BENTLEY. I might state to my friend that we could throw figures back and forth at each other all day, but I merely remind the gentleman I made the statement a few pages back in my statement that today there are 155,000 fewer people working in the State of Michigan than there were in 1953.

Third. Perhaps the most important factor in Michigan's loss of industry has been the belligerent attitude shown by Governor Williams toward all business, both small and large. The philosophies and the aims of any State administration are a very definite and important part of the industrial climate of that State. For the past 8 years now our Governor has sought to impose higher taxes on industry. Michigan industry already pays very high taxes but the Governor has continued to demand an increase in the corporation tax. There is no question but that this continuing threat of an increased tax burden has had its effect on the expansion of industry presently in Michigan and it certainly has discouraged new industry from coming into our State. This slogan of Governor Williams to "soak industry" is especially damaging when compared to words and actions of the State governments in Indiana and Ohio. Industry is welcome in those States where they advertise a low tax rate on business. The State administrations there do not agitate to increase business taxes. On the other hand, Governor Williams has done nothing to help the industrial expansion of Michigan but rather has used our industry as a whipping boy and has often referred to business in Michigan as the only possible source of additional tax revenues.

Mr. Speaker, this attitude of our governor can only hinder the growth of our industry and, if it is continued, will only defeat his own purpose by reducing this source of revenue. Now there is increased competition among all States for new industry and for expansion of their own industry. Most States are doing their best to attract industry in order to create additional jobs for their people and tax revenues for their governments. Yet in Michigan the opposite is true. In Michigan we do not have a welcoming committee but instead a governor who is continually throwing stones at industry. And any intelligent businessman who is considering a move into or an expansion within Michigan must take into consideration the things which Governor Williams claims to stand for. Such utterances would discourage the most fearless businessman. Industry in Michigan is not trying to avoid its fair share of the tax burden but when that burden becomes great enough to affect business' competitive position, there must be steps to create a more favorable climate.

A recent survey among Michigan industrial concerns clearly showed that many, if not most, of them were looking for a more favorable place. The first question asked of these firms was whether the cost of doing business in Michigan had increased out of proportion to costs in other comparable industrial States in the last 8 years. Of 221 companies answering the survey, 172 or 77.8 percent said yes. Of these 172 companies, 51, or 23.8 percent of the total, stated that because of these increased costs in Michigan, they had transferred operations to other States. Seventy-eight companies stated that jobs previously provided had been lost to Michigan workmen because of these increased costs. And about the same number declared that Michigan had lost capital investments on the part of their companies to other States for the same reasons. The trend of present thinking among Michigan businessmen is clearly shown by comments in this questionnaire, comments regarding the future plans of their companies. Many of them clearly stated that they were planning to move part or all of their operations out of Michigan. Now I would like to give a few samples of these comments.

A metal-working firm in Pontiac reported that it had not yet transferred operations but contemplated doing so. It also indicated that jobs previously provided by this company had been lost because of competition from outside the State.

A Grand Rapids company stated:

> We are considering a location in the South due to advantages there. Southern States can offer low taxes and low labor costs which affect keen competition with us in Michigan.

A large manufacturing company in a small city in Wayne County, employing 700 people, said that a transfer of operations was now under way to a location outside of Michigan. It was indicated that jobs would be lost to Michigan workers as well as capital investment within our State. This company also reported that it had already advised two other firms to locate in another State.

A Plymouth company reported that it was expanding elsewhere, that no jobs had yet been lost to Michigan but that no new jobs had been created.

Not only the smaller firms in Michigan feel this way. General Motors, Ford, and Chrysler are among our largest employers. Now listen to Harlow Curtice, president of General Motors:

> The present level of business taxation in Michigan has already led us to locate plants in other States where the taxes per General Motors job are less than half the present taxes per job in Michigan. This will also be taken into consideration in the placement of additional plants.

Mr. Alan L. Gornick, tax counsel for the Ford Motor Co., has said:

> The tax burden imposed on business by the State of Michigan is higher than that of any other State in the area of the Great Lakes. The corporation net income tax proposed by the Governor would double our present Michigan taxes. If such a proposal were enacted into law, I would be obliged to advise strongly against further plant expansion by the Ford Motor Co. in this State.

The president of the Chrysler Corp., Mr. L. L. Colbert, has said:

> If taxes on business in Michigan were to be increased further, it would be increasingly difficult for any manufacturer to let other factors which favor Michigan outweigh the taxes when expansion is considered. No prudent management can disregard taxes and the attitudes of taxing bodies in making plant-location decisions. During recent years, our State and local tax costs have increased in Michigan until they are now, by any test, considerably heavier than in other States in which we have manufacturing operations.

Mr. Speaker, this trend of thinking among Michigan business leaders has already cost our State dearly in lost jobs for our working people and a smaller tax base for our State and local governments. There are two more examples which I I would like to mention here. As of June 22, the number of working men and women in Michigan who were actually drawing benefit checks constituted 4.3 percent of those insured against unemployment. In Ohio, only 2.1 percent were drawing checks, in Illinois only 2.7 percent, in Indiana only 2.5 percent and in Wisconsin only 2.1 percent. And, Mr. Speaker, nobody, not even the Governor, can fail to be impressed with the fact that, according to the Bureau of Labor statistics, Michigan is the only State of all the 48 that had fewer manufacturing jobs in 1956 than it had in 1950—and now Michigan is under the 1950 level.

Now the people of Michigan and their elected officials in the State legislature and the State administration are waking up to the fact that something must be done to correct this situation. There is no question but that continued disagreement on this subject between the Governor and the legislature will only supply more unfavorable publicity and will only serve further to damage the reputation of our State. The public is entitled to know the true facts so that it can decide what should be done to correct this situation. This decision must be made and it will be made—at the polls.

At the present time the Governor has proposed a blue-ribbon committee to study the causes of our industrial decline. The committee would be composed of prominent citizens from all segments of our people. Then the State senate already has a committee to investigate the industrial tax picture. Then Representative Conlin has named his

committee to investigate the entire tax situation in our State. It would seem to me that this will result in everyone riding off in different directions and spending more time hurling charges at each other than in supplying the public with the facts that are needed and wanted. Today, all sides have agreed that they should agree but nothing more. I believe, Mr. Speaker, that these separate surveys and studies will only suffocate the public with charges and countercharges because I know that the people of Michigan are entitled to and should have a factual study which they can trust implicitly.

Therefore, I would respectfully suggest, as the only type of study in which the people can have any confidence, the creation of a truly bi-partisan study commission, on which responsibility for the survey should be shared between the Governor and the legislature. Perhaps we cannot bury the hatchet but at least we can allow it to collect a little dust and cobwebs while this important problem is being studied. I think that the Governor has played a large part in creating the present impossible situation and I think he should certainly bear part of the responsibility for its investigation. I hope that his participation will serve to show him the error of his policy of higher taxes and his refusal to cooperate with the legislature. The legislature would have nothing to fear from such a study since the facts can speak for themselves and show truly who is to blame for the industrial and employment problems of our State of Michigan. Those who are truly willing to cooperate with each other will prove that they are sincerely devoted to the best interests of all of our people, not favored groups.

Whether or not the Governor names his blue ribbon committee, I am certain that the leaders of our legislature will not refuse cooperation with any group that is honestly trying to get at the truth and present the real facts to the public. Cooperation between the Governor's committee and the legislative committees should not be out of the question. This is one possible suggestion for a truly beneficial study of Michigan's problems, but I am certain that there are other possibilities. I am certain that those who possess the true qualities of leadership will find some way to make these studies a project which will be truly helpful and will honestly present the facts to the public for final judgment.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. BENTLEY. Mr. Speaker, I again ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## THE EMPLOYMENT SITUATION IN MICHIGAN

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Michigan [Mr. LESINSKI] is recognized for 30 minutes.

Mr. LESINSKI. Mr. Speaker, it seems unusual to me that the problem we have in Michigan should be before the Nation and the advantage given to us here should be initiated by Members from Michigan to my left. The chamber of commerce has attempted to put the Governor out of office. They blame him for their own errors and mistakes and to distract attention from themselves besmirch him.

I rise here in opposition to the remarks made not only by the gentleman who preceded me, but also those who have previously inserted remarks in the RECORD.

It may be interesting to you to know that since 1952 there has been an increase of 104 manufacturing concerns in Michigan with a total increase of 150,000 employees. The gentleman who preceded me mentioned Detroit as being a slack labor area, which is correct. When we stop to think that the Governor is not to be blamed for the tight money policy of the present administration, when we stop to think of the farmers who are unable to buy the products which are the main source of employment in Detroit, when we consider that the home mortgage credit has dried up and the building of new homes has come almost to a standstill in the Detroit area, while there is still a big demand for homes. To blame the Governor of Michigan for the mistakes of the chamber of commerce and for the mistakes of the present administration in Washington is certainly a very poor way to try to defeat a man who is doing his utmost to help Michigan.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield to the gentleman from Michigan.

Mr. DINGELL. I would like to read a little bit here that was published in a report recently filed by the University of Michigan, it having to do with the subject of placement of industry in relation to taxation thereto, and I quote from the report as follows:

> Taxation as a factor in industrial location is rarely of primary importance. This does not mean that for certain decisions the impact of State and local taxes can be ignored, but rarely will this factor alone be the deciding issue in a location decision. It is particularly clear that at the State level, no clear relationship between tax burdens and industrial growth can be shown.

I would like to state who the people are who signed that report:

Prof. John A. Larson of Northwestern University as well as a panel composed of the following members: Albert Perlin, of J. L. Hudson; R. E. Klare, of Federal Mogul Corp.; G. L. Sawyer, of Michigan Consolidated Gas; J. T. Maunders, of Bohn Aluminum; and Keith Engel, C. P. A., of Touche, Nevin, Bailey and Stuart.

This was an official document of the University of Michigan and was prepared by the Michigan Executive Study Group, a team of selected business executives and faculty members, financed largely by the Committee for Economic Development and the Fund for Adult Education. No member of the Williams administration is connected in any way with either the executive study group or its financing agencies.

I would like to comment a little bit more for the benefit of my colleague from Michigan and state that here is what a distinguished Michigan businessman had to say about that, and I quote, as follows:

> Dan Gerber, prominent Fremont businessman and industrialist, said in the Detroit Times of February 10, 1957, that claims that businesses are leaving Michigan are "pure nonsense. There is no trend of industry leaving Michigan," he continued. "In fact, there is a trend in the opposite direction. We are moving ahead. Not only in the in-and-out column, but in expansion of existing industry." Figures from the economic development commission bear this out. From 1954 to 1956 21 plants left the State, and 66 moved in, creating approximately 100,000 new jobs. Since 1947 Michigan has gained 2,919 new industries in 20 major industry groups. The Free Press itself reported in August 1956, that Detroit Board of Commerce figures showed a consistent industrial increase remarking that "Detroit's industrial growth is zipping along at a rate faster than most of the Nation." A committee of the Michigan Society of Industrial Realtors, as reported in the Muskegon Chronicle as late as November 1956, concluded that "it is not this committee's impression that industry is leaving Michigan faster than it is coming in. Our observation is quite the contrary."

I think that is pretty conclusive proof to me that a lot of this talk about industry leaving Michigan because of taxation bears no relation to the facts. I think, further, those who are doing this are doing a very substantial disservice to the State of Michigan that either through actual intention or perhaps, in spite of their intention, it will actually do a disservice to Michigan and the State and that their remarks based not on fact but for political capital will result in industry leaving the State of Michigan. The result will be that they, not the Governor, not taxes, not the Democratic Party, are going to be those to whom the people of the State of Michigan must look for industry leaving the State of Michigan if, in fact, it has.

Mr. LESINSKI. Along that line, the lobbyists for General Motors that have initiated these taxes have tried to blame the Governor for the situation.

Mr. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield to the gentleman from Michigan.

Mr. BENTLEY. I would like to say, because I did not have permission to revise and extend my remarks until I concluded them, that I was unable to skim over the body of my remarks and arrive at the conclusions and recommendations that I have in this speech. I would like to tell the gentleman from the 16th District of Michigan that among other recommendations I made—assuming we all agree that we have a serious problem—that a nonpartisan investigating committee be appointed, responsible to the legislature and the governor, to look into this matter from a nonpartisan viewpoint, keeping in mind the best interests of our people in Michigan. I would like to have the gentleman's comment on the recommendations I made.

Mr. LESINSKI. I did not hear the recommendations, so am unable to com-

ment on them. The gentleman mentioned that there was a decrease of employment in Detroit proper, which is correct. Of course, Governor Williams cannot be blamed because of Hudson's failure or Packard's failure or the Kaiser-Frazer failure, which, of course, the Governor had nothing to do with. The exodus of those plants from the Detroit area had nothing to do with taxes. That was not the situation at that time. Furthermore, in the city of Detroit, industry has not been able to find large tracts of land. Industry, when they put up a new plant, wants at least 100 or 200 acres or better. There are no such areas in Detroit presently. That is the main reason why companies that are trying to construct new plants find it difficult to locate there.

Mr. BENTLEY. Does not the gentleman admit that we have a serious situation, industrially speaking, in our State at the present time?

Mr. LESINSKI. I will admit in the auto industry, which is the biggest industry; yes. As I stated before, the Governor has no control over that, because the number of cars that were expected to be produced this year has not materialized. Sales have dropped, but that should not reflect on the Governor. And, the type of activity I mentioned before, the building of new homes, has dropped, but that is not the fault of the Governor.

Mr. BENTLEY. Regardless of where the fault lies, would not the gentleman agree that the best way to get at this problem is to have a bipartisan or nonpartisan commission to look into the matter?

Mr. LESINSKI. That is right, but this is no place to air it by any means. This is a problem for Michigan and not the United States Government.

Mr. BENTLEY. I disagree with the gentleman.

Mr. LESINSKI. This is no place to air it. Furthermore, when there are 10 plants moving from Ohio to Michigan and 14 from Indiana, does that mean they are moving to Michigan because of high taxes? This is no place to air such a vital matter to our State.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield to the gentleman from Michigan.

Mr. DINGELL. I think that our good friend and colleague from Michigan has the interest in the people of the State of Michigan as much at heart as I think my colleague from the Eighth District or I do. Certainly, the remarks I made have no adverse bearing on his interest in the State and the people and the opportunities to develop our wonderful State. But, I think there is something that has been missing in this, and I think it is very important. If this country of ours permits corporations to indulge in the form of economic blackmail which some of the large corporations of Michigan did—and I will not name them by name—recently in starting this whole question, saying that if you are going to tax us, we will move somewhere else, we will find a very destructive thing happening to our State and to our State tax laws, and we will find that bidding for industry becomes extremely destructive and that the only tax that the States will develop will be a consumer's tax. In that event, we will gradually find—and I am sure the gentleman does not want this and I do not want this—that we will have a situation where the Federal Government will take over the taxing responsibility and tax these corporations still more, and then, to get around this form of economic blackmail that these corporations practice, turn these grants of money back to the States. And, I am sure the gentleman does not want that and I am sure the gentleman does not condone the practice of the corporations saying "If you are going to tax us more, we will move out" or we will do any one of the other things that they do and have done, and I know the gentleman does not approve of that.

Mr. LESINSKI. Mr. Speaker, I would like to say at this time that in the States of Massachusetts, New York, Pennsylvania, and California taxes are higher than they are in Michigan for industry. Still the State of California has grown by leaps and bounds in their industrial output in the last few years.

Also I would like to say that the chamber of commerce is opposed to any taxes of any kind. Recently in Detroit we had an issue on the question of whether to increase the millage for the school tax. The chamber of commerce was opposed to it. They are opposed to the bringing together of school districts, which would make it more economical to run them and equalize the tax base. They are opposed to the Federal Government helping the schools of the Nation. They are simply opposed to all taxes. What they are trying to do right now is to blame the Governor for whatever is going on in Michigan.

Mr. Speaker, also I would like to say that big industry increases cost to a State because of the need for additional roads, of more schools, of more housing, and so forth. Therefore, they should pay part of the expense of maintaining these operations for their own advantage.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield to my colleague from Michigan.

Mr. DINGELL. I agree with the gentleman in his remarks. I would like to state for the RECORD what the tax on industry is in the various States. For example, New York has a tax of $2.33 out of every $10, that is an industrial tax. For Pennsylvania the figure is $1.75 out of $10. California, which was cited by our dear friend and distinguished colleague, Mr. LESINSKI, as having grown much faster than Michigan, charges $1.50 out of every $10 to corporations and businesses. In Massachusetts the tax is 80 cents out of every $10. In Michigan it is only 78 cents. Those are the figures.

So I think we have to keep this matter in perspective. We, in the State of Michigan, have a very fine State. We sit in the middle of the greatest supply of pure nonsalt water in the world. We have a fine climate. We have plenty of raw materials. We have industrious, able, conscientious working people. We are close to transportation and the markets of our country. I think we have everything to offer our people, and I do not think we ought to be down here crying about the tax structure in the State of Michigan.

Mr. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield to the gentleman from Michigan.

Mr. BENTLEY. Mr. Speaker, I would like to say to my good friend from the 15th District who spoke about industry going into Michigan, that no one will decry more than I the practice of economic blackmail on the part of great industries, but we have neighboring States—and they shall be nameless for the purpose of this discussion—that have been actively bidding for industry and offering all possible advantages, including lower taxes. What does the gentleman think our position ought to be in Michigan?

Mr. LESINSKI. Mr. Speaker, for the information of the gentleman from Michigan, Michigan has been doing the same thing, whether he knows it or not.

Mr. DINGELL. Mr. Speaker, will the gentleman yield to me?

Mr. LESINSKI. I yield to the gentleman.

Mr. DINGELL. I might add that we have had a number of people in our State who have consistently been feeding the fires for these other people in other States, and I, too, will not name them. They have been feeding the fires about Michigan being an inhospitable tax climate. It is my opinion that the debate which has taken place here on the floor today is going to add fuel to that fire and it will be a real disservice to the people and the industry and the government of the State of Michigan.

Mr. LESINSKI. Mr. Speaker, I should like to conclude with this remark, that the discussion that has taken place by my colleagues from the State of Michigan has been a great disservice to our great State. The purpose of them has been to discredit the Governor of our State, G. Mennen Williams. I, therefore, state unequivocally that the debates that have taken place here on the floor are very harmful to our State and will tend to defeat the very purpose they are intended to serve. I believe these gentlemen should give more thought to a practical approach to the subject and not attack our Governor for the errors of their own party, such as supporting the urban redevelopment program that the Wayne County Members of Congress have introduced and supported.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HILLINGS (at the request of Mr. MARTIN) from July 30 to August 15, 1957, on account of official business.

Mr. PRESTON (at the request of Mr. NATCHER) for an indefinite period, on account of illness.

Mr. FRELINGHUYSEN (at the request of Mr. BASS of New Hampshire) for the balance of the week, on account of sickness in the family.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HESELTON, for 30 minutes, on Thursday and Friday of this week.

Mr. LESINSKI for 30 minutes today.

## EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mrs. KEE in five instances.

Mr. KING (at the request of Mr. ALBERT) and to include extraneous matter.

Mr. SMITH of Wisconsin and to include extraneous matter.

Mr. COAD and to include extraneous matter.

Mr. COLE and include a statement by the President.

Mr. FULTON.

Mr. HOLIFIELD to revise and extend the remarks he made in the Committee of the Whole today and include extraneous matter.

Mr. EVINS and to include extraneous matter.

Mr. SIEMINSKI and to include extraneous matter.

Mr. HARRIS, his remarks made today in Committee of the Whole and to include additional statements.

## ADJOURNMENT

Mr. EDMONDSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 51 minutes p. m.) the House adjourned until tomorrow, Wednesday, July 31, 1957, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1082. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the General Services Administration for "Operating expenses, National Archives and Record Service" for the fiscal year 1958, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended; to the Committee on Appropriations.

1083. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the General Services Administration for "Expenses, supply distribution" for the fiscal year 1958, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended; to the Committee on Appropriations.

1084. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the General Services Administration for "Operating expenses, Public Buildings Service" for the fiscal year 1958, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended; to the Committee on Appropriations.

1085. A letter from the Assistant Secretary of Defense (Supply and Logistics), transmitting reports on Army, Navy, Air Force, and Military Petroleum Supply Agency prime contract procurement actions with small and large concerns for work in the United States, pursuant to Public Law 268, 84th Congress; to the Committee on Banking and Currency.

1086. A letter from the Comptroller General of the United States, transmitting a report on the review of the land acquisition and disposal policies and practices of the Corps of Engineers (Civil Functions), Department of the Army, January 1957; to the Committee on Government Operations.

1087. A letter from the Acting Secretary of Agriculture, transmitting a report of all claims paid by the Department of Agriculture for the period July 1, 1956, to the end of the fiscal year, June 30, 1957, pursuant to the Federal Tort Claims Act (28 U. S. C. 2671–2680); to the Committee on the Judiciary.

1088. A letter from the Assistant Secretary of the Interior, transmitting the report of the Department of the Interior on the Greater Wenatchee division, Chief Joseph Dam project, Washington, pursuant to section 9 (a) of the Reclamation Project Act of 1939 (53 Stat. 1187) and the act of July 17, 1952 (66 Stat. 753) (H. Doc. No. 215); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

1089. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 17, 1957, submitting a report, together with accompanying papers and illustrations, on a cooperative beach-erosion-control study of the Delaware coast from Kitts Hummock to Fenwick Island, prepared under the provisions of section 2 of the River and Harbor Act approved July 3, 1930, as amended and supplemented (H. Doc. No. 216); to the Committee on Public Works and ordered to be printed with nine illustrations.

1090. A letter from the Chairman, Joint Committee on Internal Revenue Taxation, transmitting a report by the Joint Committee on Internal Revenue Taxation, covering refunds and credits of internal-revenue taxes for the fiscal year ended June 30, 1956, pursuant to section 6405 of the Internal Revenue Code of 1954 (H. Doc. No. 217); to the Committee on Ways and Means and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CARNAHAN: Committee on Foreign Affairs. S. 2448. An act to authorize a payment to the Government of Denmark; without amendment (Rept. No. 928). Referred to the Committee of the Whole House on the State of the Union.

Mr. LESINSKI: Committee on Post Office and Civil Service. H. R. 2462. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; with amendment (Rept. No. 929). Referred to the Committee of the Whole House on the State of the Union.

Mr. WILLIS: Committee on the Judiciary. H. R. 8943. A bill to amend titles 10, 14, and 32, United States Code, to codify recent military law and to improve the code; without amendment (Rept. No. 930). Referred to the Committee of the Whole House on the State of the Union.

Mr. CANNON: Committee on Appropriations. House Joint Resolution 426. Joint resolution amending a joint resolution making temporary appropriations for the fiscal year 1958, and for other purposes; without amendment (Rept. No. 931). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS of Arkansas: Committee on Foreign Affairs. House Joint Resolution 404. Joint resolution providing for the recognition and endorsement of the Second World Metallurgical Congress; with amendment (Rept. No. 932). Referred to the House Calendar.

Mr. WILLIAMS of Mississippi: Committee on Interstate and Foreign Commerce. H. R. 6456. A bill to amend section 304 (d) of the Federal Food, Drug, and Cosmetic Act, with respect to the disposition of certain imported articles which have been seized and condemned; without amendment (Rept. No. 933). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee on Foreign Affairs. House Joint Resolution 408. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the St. Lawrence Seaway Celebration to be held in Chicago, Ill., from January 1, 1959, to December 31, 1959; without amendment (Rept. No. 937). Referred to the House Calendar.

Mr. GORDON: Committee on Foreign Affairs. House Joint Resolution 342. Joint resolution granting the consent of Congress to an agreement or compact between the State of New York and the Government of Canada providing for the continued existence of the Buffalo and Fort Erie Public Bridge Authority, and for other purposes; without amendment (Rept. No. 938). Referred to the Committee of the Whole House on the State of the Union.

Mr. BAKER: Committee on Ways and Means. H. R. 2391. A bill to clarify the Internal Revenue Codes of 1939 and 1954 with respect to the allowance of percentage depletion in the case of sand and gravel extracted from navigable waters; with amendment (Rept. No. 939). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOPER: Committee on Ways and Means. H. R. 8599. A bill to amend title II of the Social Security Act so as to provide that the exception from "wages" made by section 209 (l) of such act is not applicable to payments to employees of a State or a political subdivision thereof for employment covered under voluntary agreements pursuant to section 218 of such act; without amendment (Rept. No. 940). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOPER: Committee on Ways and Means. H. R. 8821. A bill to amend title II of the Social Security Act to facilitate the provision of social security coverage for State and local employees under certain retirement systems; without amendment (Rept. No. 941). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. H. R. 5264. A bill to transfer ownership to Allegany County, Md., of a bridge loaned to such county by the Bureau of Public Roads; without amendment (Rept. No. 942). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. S. 1941. An act to authorize the payment by the Bureau of Public Roads of transportation and subsistence costs to temporary employees on direct Federal highway projects; without amendment (Rept. No. 943). Referred to the Committee of the Whole House on the State of the Union.

Mr. DOWDY: Committee on the Judiciary. H. R. 7671. A bill to amend section 116 (4)

of chapter 10 of the Federal Bankruptcy Act, to make certain equipment trust provisions applicable to aircraft and aircraft equipment of air carriers; with amendment (Rept. No. 944). Referred to the House Calendar.

Mr. BURLESON: Committee on Foreign Affairs. H. R. 8929. A bill to amend the Act of August 27, 1935, as amended, to permit the disposal of lands and interests in lands by the Secretary of State to aliens; without amendment (Rept. No. 945). Referred to the Committee of the Whole House on the State of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FORRESTER: Committee on the Judiciary. H. R. 1317. A bill for the relief of Ralph N. Meeks; without amendment (Rept. No. 896). Referred to the Committee of the Whole House.

Mr. FORRESTER: Committee on the Judiciary. H. R. 1318. A bill for the relief of Thomas P. Quigley; without amendment (Rept. No. 897). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on the Judiciary. H. R. 1411. A bill for the relief of George H. Meyer Sons, Brauer & Co., Joseph McSweeney & Sons, Inc., C. L. Tomlinson, Jr., and Richmond Livestock Co., Inc.; with amendment (Rept. No. 898). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on the Judiciary. H. R. 1602. A bill for the relief of Lillian Cummings; with amendment (Rept. No. 899). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on the Judiciary. H. R. 1792. A bill for the relief of Dr. Royal W. Williams; with amendment (Rept. No. 900). Referred to the Committee of the Whole House.

Mr. POFF: Committee on the Judiciary. H. R. 5161. A bill for the relief of Mrs. Madeleine A. Work; with amendment (Rept. No. 901). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 6868. A bill for the relief of the estate of Agnes Moulton Cannon; with amendment (Rept. No. 902). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H. R. 8586. A bill for the relief of Pasquale Pratola; with amendment (Rept. No. 903). Referred to the Committee of the Whole House.

Mr. HILLINGS: Committee on the Judiciary. House Joint Resolution 417. Joint resolution for the relief of Mrs. Sabastiano Poletto, Hideo Konya, Edward T. Turri, and Mario Guiffre; without amendment (Rept. No. 904). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 294. An act for the relief of Mrs. Marion Huggins; without amendment (Rept. No. 905). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 591. An act for the relief of Seol Bong Ryu; without amendment (Rept. No. 906). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 651. An act for the relief of Sister Clementine (Ilona Molnar); without amendment (Rept. No. 907). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 669. An act for the relief of Mrs. Antonietta Giorgio and her children, Antonio Giorgio and Menotti Giorgio; without amendment (Rept. No. 908). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 811. An act for the relief of Fannie Alexander Gast; without amendment (Rept. No. 909). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 876. An act for the relief of Katharina Theresia Beuving Keyzer; without amendment (Rept. No. 910). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1053. An act for the relief of Poppy Catherine Hayakawa Merritt; without amendment (Rept. No. 911). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1071. An act for the relief of David Mark Sterling; without amendment (Rept. No. 912). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1102. An act for the relief of Adolfo Camillo Scopone; without amendment (Rept. No. 913). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1240. An act for the relief of Panagiotis Tulios; without amendment (Rept. No. 914). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1309. An act for the relief of Susanne Burka; without amendment (Rept. No. 915). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1311. An act for the relief of Maria Gradi; without amendment (Rept. No. 916). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1321. An act for the relief of Junko Matsuoka Eckrich; with amendment (Rept. No. 917). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1353. An act for the relief of Ayako Yoshida; without amendment (Rept. No. 918). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1363. An act for the relief of Vassilios Kostikos; without amendment (Rept. No. 919). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1397. An act for the relief of Angeline Mastro Mone (Angelina Mastroianni); without amendment (Rept. No. 920). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1452. An act for the relief of Francesca Maria Arria; without amendment (Rept. No. 921). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1472. An act for the relief of Triantafilia Antul; without amendment (Rept. No. 922). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1502. An act for the relief of Erika Otto; without amendment (Rept. No. 923). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1508. An act for the relief of Salvatore LaTerra; without amendment (Rept. No. 924). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1509. An act for the relief of Fumiko Bigelow; without amendment (Rept. No. 925). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1774. An act for the relief of Yee Suey Nong; without amendment (Rept. No. 926). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 2027. An act for the relief of Vendelin Kalenda; without amendment (Rept. No. 927). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 7115. A bill for the relief of the Rochester Iron & Metal Co.; with amendment (Rept. No. 934). Referred to the Committee of the Whole House.

Mr. HYDE: Committee on the Judiciary. H. R. 2935. A bill for the relief of Apolonia Quiles Quetglas; with amendment (Rept. No. 935). Referred to the Committee of the Whole House.

Mr. HYDE: Committee on the Judiciary. H. R. 5920. A bill for the relief of Pedro Gonzales; with amendment (Rept. No. 936). Referred to the Committee of the Whole House.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WILLIS:

H. R. 8943: A bill to amend titles 10, 14, and 32, United States Code, to codify recent military law, and to improve the code.

By Mr. BARTLETT:

H. R. 8944. A bill to amend section 4 of the act of May 10, 1943, to provide for medical and dental care for certain persons outside the continental limits of the United States and in Alaska at Army and Air Force hospitals and dispensaries; to the Committee on Armed Services.

By Mr. CURTIS of Missouri:

H. R. 8945. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food, drugs, and cosmetics of color additives which have not been determined suitable and harmless for such use; to the Committee on Interstate and Foreign Commerce.

By Mr. DIES:

H. R. 8946. A bill to amend section 2385 of title 18, United States Code, relating to advocating the overthrow of any government in the United States, to specify the type of advocating punishable thereunder, and for other purposes; to the Committee on the Judiciary.

By Mr. FINO:

H. R. 8947. A bill to provide that cigarettes sold in interstate commerce shall be packaged and marked so as to show the nicotine content and the tar content of the cigarettes in each package; to the Committee on Interstate and Foreign Commerce.

By Mr. HÉBERT:

H. R. 8948. A bill to amend title 10 of the United States Code, entitled "Armed Services Procurement Act of 1947"; to the Committee on Armed Services.

H. R. 8949. A bill to amend the Tariff Act of 1930 to provide that sulfur in any form imported into the United States shall be assessed with duty; to the Committee on Ways and Means.

By Mr. HILLINGS:

H. R. 8950. A bill to waive the requirements relating to fingerprinting in connection with the issuance of nonimmigrant visas to certain alien athletes; to the Committee on the Judiciary.

By Mr. KEARNS:

H. R. 8951. A bill to provide for the appointment of an Assistant Secretary of State for International Cultural Relations; to the Committee on Foreign Affairs.

H. R. 8952. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for certain nonprofit clubs organized and operated for the purpose of paying benefits to the members and their dependents; to the Committee on Ways and Means.

H. R. 8953. A bill to exempt ultra high frequency television receiving sets from Federal excise tax; to the Committee on Ways and Means.

By Mr. SAUND:

H. R. 8954. A bill to change the method of computing basic pay for members of the uniformed services, to provide term retention contracts for Reserve officers, and for other purposes; to the Committee on Armed Services.

By Mr. HARRISON of Nebraska:

H. R. 8955. A bill to provide an alternative price-support program for the 1958 crop of corn, and for other purposes; to the Committee on Agriculture.

By Mr. HERLONG:

H. R. 8956. A bill to amend the Internal Revenue Code of 1954 to provide that the tax on admissions shall apply only if the amount paid for the admission exceeds $2; to the Committee on Ways and Means.

By Mr. KILDAY:

H. R. 8957. A bill to amend section 802 of title 10 of the United States Code; to the Committee on Armed Services.

By Mr. O'KONSKI:

H. R. 8958. A bill authorizing the Secretary of the Interior to convey certain Indian land to St. Anthony's Parish; to the Committee on Interior and Insular Affairs.

By Mr. GUBSER:

H. R. 8959. A bill to amend section 381 of the Communications Act of 1934 to increase the number of passengers which may be transported by certain vessels without such vessels being required to have radiotelephone installations; to the Committee on Interstate and Foreign Commerce.

By Mr. KEOGH:

H. R. 8960. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of copyright royalties for purposes of the personal holding company tax; to the Committee on Ways and Means.

By Mr. SISK:

H. R. 8961. A bill to regulate the taking of Indian lands; to the Committee on Interior and Insular Affairs.

By Mr. CANNON:

H. J. Res. 426. Joint resolution amending a joint resolution making temporary appropriations for the fiscal year 1958, and for other purposes.

By Mr. FISHER:

H. J. Res. 427. Joint resolution to grant to Kerr County, Tex., the reversionary interest of the United States in certain real property; to the Committee on Government Operations.

By Mr. GRANT:

H. J. Res. 428. Joint resolution proposing an amendment to the Constitution of the United States to require approval by the House of Representatives of appointments of Federal judges; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H. Con. Res. 220. Concurrent resolution to authorize the President to proclaim the week beginning on the 3d day and ending on the 9th day of November 1957 as "World Travel Week"; to the Committee on the Judiciary.

By Mr. FLOOD:

H. Res. 381. Resolution creating a select committee to conduct a study of the fiscal organization and procedures of the Congress; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. PRICE: Memorial of the 70th General Assembly of the State of Illinois that the Congress of the United States (*a*) seriously review and reassess all present grant-in-aid programs for the purpose of reducing the costs of such programs and the Federal controls incident to such programs, (*b*) refrain from enacting new grant-in-aid programs in the future unless such programs are an actual necessity and the desired results cannot be obtained through State and locally financed and controlled programs, and (*c*) to reduce Federal control over all present and future programs for the purpose of permitting State and local governments to exercise their sovereignty and minimizing Federal encroachment on States rights; to the Committee on Appropriations.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANFUSO:

H. R. 8962. A bill for the relief of Joseph Adamo, his wife Ebe, and daughter Miriam Paola; to the Committee on the Judiciary.

By Mr. ANFUSO (by request):

H. R. 8963. A bill for the relief of Alberto Daguanno, also known as Benny Daguanno; to the Committee on the Judiciary.

By Mr. BURNS of Hawaii:

H. R. 8964. A bill for the relief of Unta Shimabukuro; to the Committee on the Judiciary.

By Mr. CARNAHAN:

H. R. 8965. A bill for the relief of Jack E. Ball; to the Committee on the Judiciary.

By Mr. CRAMER:

H. R. 8966. A bill for the relief of Michele Attanasio; to the Committee on the Judiciary.

By Mr. HÉBERT:

H. R. 8967. A bill for the relief of Richard I. Bowie; to the Committee on the Judiciary.

By Mr. HERLONG (by request):

H. R. 8968. A bill for the relief of Mrs. Minna L. Cunningham; to the Committee on the Judiciary.

By Mr. KEARNS:

H. R. 8969. A bill for the relief of Marijca Bronic; to the Committee on the Judiciary.

H. R. 8970. A bill for the relief of Mrs. Kim Fong (nee Yee Yok Ping, also known as Wong Nuey You); to the Committee on the Judiciary.

H. R. 8971. A bill for the relief of Mrs. Ruth Hoy (nee Ruth Magdalene Gaudes); to the Committee on the Judiciary.

By Mrs. KELLY of New York:

H. R. 8972. A bill for the relief of Alfred Nathaniel Morgan; to the Committee on the Judiciary.

H. R. 8973. A bill for the relief of Lorna Morgan; to the Committee on the Judiciary.

By Mr. ROBSION of Kentucky:

H. R. 8974. A bill for the relief of Aziz Elias Kassis; to the Committee on the Judiciary.

By Mr. FEIGHAN:

H. J. Res. 429. Joint resolution to facilitate the admission into the United States of certain aliens; to the Committee on the Judiciary.

H. J. Res. 430. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

316. Mr. BUSH presented a petition of citizens of Williamsport and South Williamsport, Pa., urging compulsory humane slaughtering methods, and favoring early enactment of H. R. 8308, which was referred to the Committee on Agriculture.

# EXTENSIONS OF REMARKS

## An Appeal for a Better Understanding of Coal Industry Problems

EXTENSION OF REMARKS

OF

### HON. ELIZABETH KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 30, 1957*

Mrs. KEE. Mr. Speaker, last week's newspapers carried an announcement of an agreement between Campagnie Française Thomson-Houston, famous French electronics firm, and Decca Radar, Ltd., of England, for the purposes of cooperating in the design and production of radar equipment for European air defense. The two firms will make available to each other design details of certain equipment required for defense purposes.

Any such action to strengthen the security of allied nations is a cheering development. On reading of this amicable and logical arrangement, however, I could not help but contrast it with the lack of understanding exhibited by international oil shippers with respect to the problems of competing industries. Year after year foreign residual oil has been poured into America's fuel markets without regard to the damaging effect upon the United States coal industry, an industry that is just as vital to the security of this country and our friends elsewhere in the world as are oil and radar and steel and airplanes.

Mr. Speaker, this week's report by the President's Special Committee To Investigate Crude Oil Imports is most disappointing in that it has not recognized foreign residual oil as a specific peril to the national security. Crude oil imports must be reduced, the report states, but there is not a single word about foreign residual oil and its damage to the coal industry.

Even now there is another serious threat to the coal industry looming on the horizon. The Niagara River bill, which directs the exportation of hydro power into areas of Ohio and Pennsylvania, would remove coal's opportunities in the power-generating field and create unemployment in coal States—in West Virginia, Kentucky, and Indiana as well as in those using the hydroelectricity, for Ohio and Pennsylvania coal not needed thereabouts will seek other outlets and serve to bring about general distress market conditions.

Mr. Speaker, in closing, may I ask that some attempt be made to emulate the cooperative attitude exemplified by those manufacturing plants on the Con-

tinent which are so eager to join in the common defense of the Free World. I hope also that Congress, in the absence of a firm stand by the White House and its Cabinet Committee, will see fit to act against the deplorable policy that permits open raids upon the domestic coal and oil industries of the United States by selfish interests among the international oil people.

## Increased Benefits for Retired Federal Employees

EXTENSION OF REMARKS
OF
**HON. CECIL R. KING**
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, July 30, 1957*

Mr. KING. Mr. Speaker, at the commencement of this 85th Congress I introduced H. R. 3058 providing for increased annuities for those receiving civil-service retirement benefits, and believe that time is of the essence in granting them an increase, so long overdue.

I feel so strongly in the matter that it is one of the first proposals I introduce upon the convening of recent Congresses, and I am greatly concerned that action has not as yet been taken during this session to alleviate the unfortunate situation in which our civil-service retirees and their survivors find themselves today.

Here we are again toward the closing weeks of the 1st session of this 85th Congress with the specter of the loyal retired employees of our Government still striving to manage a bare existence on an income that has, through no fault of their own, become woefully inadequate as a result of the inflated cost of living.

It is time the Congress realistically concerned itself with this worthy group of our Government's retired employees who rendered faithful service to our Government and, by their contributions over a period of years, helped to build the retirement fund.

With passage of the act in 1956 granting increased benefits for civil employees of the Federal Government who retired on and after October 1, 1956, the Congress recognized the need for retirees to have an increase, and the cost of living has continued steadily upward since the date of the passage of that act. By not including the overwhelming majority who had retired in the years before that date, discrimination has been added to neglect, and the present situation accents the fact that we must finish the job by passing legislation to compensate for the loss in purchasing power suffered by those who retired from the civil service on rates that were frozen many years ago. We can attract and hold the best qualified personnel as Federal employees only if we offer adequate pay and the security of eventual retirement at rates that will not fall behind the increasing cost of living.

Passage of legislation affording increased benefits without further delay will compensate in part for the loss they have suffered in recent years.

I am confident that Members are aware of the seriousness of the situation in which our civil service retirees and their survivors find themselves today. Because of the heavy toll inflation has taken on the dollar, particularly the dollar of the individual who has retired, and who is primarily dependent upon the fixed income of his annuity for a livelihood, it is obvious that the retired Federal employee is in very precarious financial circumstances. I know something of the personal problems of those who worked long and faithfully in the service of their Government, as 32,000 reside in California, and I know how hard pressed they are—particularly those of advanced years—to manage on the decreased purchasing power of the present dollar. The Federal Government has a direct responsibility to those former employees. It is obligated to see that their annuity bears a sound relationship to the cost of living. They contributed 100-cent dollars to the retirement fund and are now receiving in return dollars worth approximately one-half of that amount.

These deserving retired employees must depend upon Congress to sympathetically recognize their serious plight, and I believe we should do all in our power to expedite action to grant them the annuity increases to which they are so justly entitled, as provided by the proposals under consideration, and during this 1st session of the 85th Congress.

## Jeeps That Will Fly

EXTENSION OF REMARKS
OF
**HON. ALFRED D. SIEMINSKI**
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, July 30, 1957*

Mr. SIEMINSKI. Mr. Speaker, in today's issue of the New York Times an article on Army jeeps appears that should be of interest to the House. It follows:

AERIAL JEEPS SOUGHT—ARMY WILL SPEND $1,702,000 TO FIND IF THEY ARE FEASIBLE

WASHINGTON, July 29.—The Army announced today that it would spend $1,702,000 to learn how to make jeeps fly.

The service announced that it had placed the following contracts for design, construction and testing of aerial jeeps:

Aerophysics Development Corp., Santa Barbara, Calif., $388,000; Chrysler Corp., Detroit, $661,000, and Piasecki Aircraft Corp., Philadelphia, $653,000.

The Army said it wanted a vehicle that would hover or move through the air at 50 miles an hour with a 1,000-pound load of weapons or equipment.

The contracts call for research vehicles that use the "ducted propeller" means of locomotion. The ducted propeller looks like a fan in a washtub. It has been used on test vehicles to push them into the air.

Mr. Speaker, one wonders if the 4 wheels on the jeep could not be converted to propellers which, with properly angled spokes and a proper tilt to the wheels, would make the jeep take off sidewards and up, a hydraulic lift working downward from the body, would raise the jeep off the ground high enough for the wheels to be angled and spun for the takeoff.

I wish the Army success in its venture.

It is interesting to note that wheels on airplanes have been angled and made retractable. And tires have been inflated and deflated on vehicles as they moved in and out of water by push button devices.

Success in the Army's venture for a jeep that will fly might conceivably revolutionize our automotive industry and it might possibly alter some features of our highway construction programs with considerable saving to taxpayers.

It was the Defense Department that launched atomic energy with Manhattan project. Perhaps the Army will yet pioneer the air-auto.

## Merchant Marine Kit Distributed by American Merchant Marine Institute

EXTENSION OF REMARKS
OF
**HON. WARREN G. MAGNUSON**
OF WASHINGTON
IN THE SENATE OF THE UNITED STATES
*Tuesday, July 30, 1957*

Mr. MAGNUSON. Mr. President, I have prepared a statement in relation to the merchant marine kit distributed by the American Merchant Marine Institute to schoolteachers and others requesting it. I ask unanimous consent that the statement be printed in the CONGRESSIONAL RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MERCHANT MARINE KIT DISTRIBUTED BY AMERICAN MERCHANT MARINE INSTITUTE

In recent years it has come to be an accepted obligation of American industry to support the educational system in teaching and strengthening the American way of life, by making informational resources available to teachers and students. The public interest underlying such a service is heightened where, as in the case of shipping, the industry in question is of vital importance to the Nation's commerce and security, yet is relatively little known to a majority of our citizens.

Acting on these considerations, the American Merchant Marine Institute started several years ago to distribute a merchant marine kit to schoolteachers and any others requesting it. So popular has this service become that demand has risen from 2 to 3 requests per week at the start to as many as 1,000 a week. Analysis of approximately 3,300 requests, about a month's volume, showed that they came from every State. The analysis likewise revealed a disturbing lack of public information on shipping. There was evidenced, however, an encouraging and widespread desire to learn.

So far as is known, this kit is the only school assistance program of its size and scope in the entire maritime industry. Funds for conducting it have been small compared to the much more lavish outlays of other industries, many of which have long recognized the public interest to be served, and the mutual benefits to be reaped, from educational assistance programs.

The maritime industry is second to none of these in its need for wide public understanding. This the institute recognizes, as do many individual steamship companies, which have demonstrated their conviction by contributing their own publications to the merchant marine kit.

The various pamphlets, sketches, etc., included in the kit offer factual, historical, and technical information that are of interest to anyone, pupil or adult, seeking knowledge about the Nation's commercial shipping fleet and allied activities. Not only is the kit useful in introducing young America to the engaging story of the development and activities of American shipping, but there are articles and brochures of famous ships of bygone days and of today; a handbook of American-flag passenger ships; a merchant marine primer whose story begins with the launching of America's first ship in 1607 and brings the history of America's shipping down to today, and other data on the vast American maritime industry which has contributed and is today contributing so much to the growth and security of our country.

The American Merchant Marine Institute and its cooperating member lines are to be congratulated upon their initiation of this valuable educational service. It is a service of importance to every person living in every one of the 48 States. Many of American shipping's difficulties in the past, and even today, have stemmed from the lack of understanding among our people, and sometimes even in high places, of the need for and the accomplishments of the American commercial fleet and its thousands of loyal officers and men. I commend the merchant marine kit to pupils and adults alike.

## Report to Constituents

EXTENSION OF REMARKS
OF
## HON. MERWIN COAD
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, July 30, 1957*

Mr. COAD. Mr. Speaker, consistent with my policy of keeping my constituents informed as to the activities of the Congress I mail each week a Report to the District. This week in this report I presented certain facts which may be of value to the Members of the Congress which appear as follows:

FARM INCOME

Department of Agriculture reports indicate that the farmers' total net income in the first half of 1957 was at an annual rate of $11.6 billion, exactly the same as for last year, and there are those who optimistically point to this singular fact to proclaim that farm prices are stablized and the downward trend is leveling off. To me, those who view this net income rate for this year with optimism are looking at the farm situation through one eye and if they were to open both eyes they would see by the record, first, that though income rate remains the same as last year, the purchasing power of the dollar has declined because of the rise in the cost of living. Therefore, the $11.6 billion is actually worth 4 percent less than last year. Second, the net income figures do not reflect the adjustment for the reduction of farm inventories necessary to maintain their income. According to reports, farmers sold more goods than they produced the first half of this year. This means they cut back livestock herds, grains, and other inventories since the first of the year at an alarming rate in order to have this net income. This practice is like borrowing money against your car, home, or business; if you want to stay in business you will have to pay back the money you borrowed out of future earnings. So it is with many farmers today who live on a borrowed prosperity which will have to be replaced out of future earnings if they are to continue farming tomorrow.

A CONCRETE SOIL BANK

It has been estimated that the Federal highway program of building 33,000 miles of interstate, limited-access highways plus 8,000 to 9,000 miles of other roads will require about 2 million acres of land for the right-of-way. Most of this needed land is now farm and ranch land which will be purchased for the new superhighways during the next 13 years.

AGRICULTURE SUBCOMMITTEE TO VISIT IOWA

The Honorable CLARK W. THOMPSON, chairman, Family Farms Subcommittee of the House Agriculture Committee, has informed me of the tentative plans of his group to visit Iowa during the week of November 10 at the request of Governor Loveless. Mr. THOMPSON expressed to me the desire of the subcommittee to look into the family farm problems of Iowa and talk with the farmers themselves in an effort to get firsthand information which will enable the group to recommend to Congress possible corrective proposals for affirmative action.

## Keenotes

EXTENSION OF REMARKS
OF
## HON. ELIZABETH KEE
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, July 30, 1957*

Mrs. KEE. Mr. Speaker, under leave to extend my remarks in the RECORD I include a copy of my column Keenotes, which was released today. The article follows:

KEENOTES

(By Representative ELIZABETH KEE)

Next to golf, circumventing the intent of Congress would seem to be a favorite pastime of the executive branch of the Government. A number of instances spring to mind, such as when, several years ago, Congress appropriated more funds to build up the Air Force than the Department of Defense had requested. The Secretary of Defense bluntly stated that he would not make use of the money. This year, this same Secretary has sung quite a different tune as the economy-minded 85th Congress has made deep cuts in his budget requests for fiscal 1958.

Closer to home, there is the instance of the Trade Agreements Extension Act in which authority was granted the President to limit imports of crude and residual fuel oil when these imports exceed the 1954 levels. Although Members of Congress from West Virginia and other coal-and-oil-producing States have pleaded for the exercise of this authority, the administration vainly continues to hope for voluntary compliance on the part of the big oil importers while the tide of foreign oil rises higher and engulfs the eastern markets for domestic oil and West Virginia's coal.

Now a fresh instance of the administration's thwarting of Congressional intent has occurred. When the 85th Congress passed the Housing Act of 1957, one of the important changes in our housing laws was the amendment lowering downpayments on homes built under the FHA home-building program. There was urgent purpose behind this legislative act.

With our rapidly growing population, millions of American families need and wish to purchase homes. The majority of these are, I venture to say, the families of veterans—young families who have not yet had the time to build up much in the way of cash reserves.

According to the law, of course, the veteran is supposed to be able to get a loan at 4½-percent interest. It is, however, a known fact that under the administration's tight-money policy such loans have been almost impossible to obtain for some little while. Consequently, the only course left open to the veteran has been to buy under FHA.

Then there is the great number of families in moderate circumstances and, like the veteran, without much ready cash. Would-be home purchasers too, many of these families have been unable to meet the downpayments required under the previous law.

This in turn has had a depressant effect upon the home-building industry which, last year, declined more than 20 percent and, so far this year, has fallen off another 16 percent. Permitted to continue, this decline could not only create a serious housing shortage throughout the Nation, but will have an adverse effect upon the entire economy, for not only is the home-building industry one of the Nation's largest industries, giving employment to tens of thousands, but it is also the principal market for the products of many other industries, glass, tile, aluminum, lumber, and electrical appliances, to name a few.

To meet this situation, this Congress therefore amended the Housing Act to provide lower downpayments under the FHA program, and to bring FHA schedules more in line with VA schedules. As written into the new law, Congress said the cash downpayment on a $10,000 home would be $300 instead of the $700 previously required; and $600 on a $12,000 home as against the previous $1,200.

Last week, after a considerable delay, the Federal Housing Administration announced that these lower downpayments on homes financed through Government-insured loans were in effect. But what has shocked Washington is the announcement by FHA that at the same time that it was lowering the cash downpayment requirements, it was increasing the interest rate on these loans from 5 to 5¼ percent.

Thus, while Congress has sought to make it easier for the average citizen to own his own home, the administration has found a way to saddle him with a heavier debt. The increase of one-fourth percent in the interest rate—the second, by the way, that has occurred in the past 8 months—has been roughly estimated to raise the cost of a $12,000 home by some $700 over the average 30-year life of the loan. Seven hundred dollars is a lot of money to people in modest circumstances.

The excuse given for this rise in interest rates is that it was necessary to keep FHA mortgage loans competitive with other demands in the present tight money market. The effect may well be to boost interest rates all along the line to meet other financing demands. And, of course, a very obvious effect is again to enrich the banker and broker at the expense of the average citizen.

Obvious, too, is the fact that higher interest rates add materially to the cost of doing business and hence to the cost of living. The inflationary spiral soars ever higher, and the vast majority of American families are plunging deeper and deeper into debt as they try to stretch fixed incomes or next month's pay envelope to meet today's high prices.

There would, I feel, be a stronger ring of sincerity to the administration's protestations of concern over inflation if the means which it elects to use to control the con-

stantly rising cost of living did not invariably shift a still greater share of the burden upon the consumer, the worker, the salaried employee, the small-business man and retired individuals living on pensions and annuities.

Meanwhile, the Congress must find a way to see that the laws it enacts for the benefit of the general public are not circumvented or nullified by administrative interpretation and regulation.

## Letter From Hon. Carroll D. Kearns, of Pennsylvania

EXTENSION OF REMARKS
OF
### HON. JAMES G. FULTON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, July 30, 1957*

Mr. FULTON. Mr. Speaker, it is a pleasure to submit the letter of my good friend, Congressman CARROLL KEARNS, which was sent in accordance with my request, so that the Congress might know of the excellent results of his tour of the Far East to conduct the United States Air Force Symphonic Band at various places in this theater of the world.

Congressman CARROLL KEARNS is to be greatly complimented for the time and effort he has given in going to the Far East as a representative of the American people. This mission has further cemented friendships with the peoples of the Far East by speaking our common language of music.

Congressman CARROLL KEARNS, of Pennsylvania, deserves the thanks of every Member for raising the respect and confidence of the peoples of the Far East in the Congress of the United States, which reflects to the credit of every Member as well as to the people of America.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D. C., July 23, 1957.*

The Honorable JAMES G. FULTON,
*House Office Building,*
*Washington, D. C.*

DEAR JIM: Thanks for your willingness to put in the RECORD the itinerary of my recent tour of the Far East. You will find it attached to this letter. I am sure you will agree that this tour of 21,840 miles in 18 days was one which would tax any one of us physically.

I only wish that every Member of Congress could have been privileged to share my great experience in representing in a small way the great cultural ties that exist between the United States and the Far East.

The United States Symphonic Band, under the direction of its capable conductor, Col. George S. Howard, played to over 400,000 people in the Far East and cemented a bond between those countries and ours that can never be evaluated in dollars and cents.

As you know, we lived through the trying days of the Girard case and many other adverse situations in the Far East, but in every instance we were able to form a tie through our cultural relationships that could not be realized by means of any other avenue of approach.

This proves to me that music rather than guns will ultimately be the common language of all nations, not only in the Far East, but also on the continent of Europe and in the Near East.

Sincerely yours,

CARROLL D. KEARNS,
*Member of Congress.*

*Résumé of miles and flying hours*

| Date | | Miles | Hours |
|---|---|---|---|
| June 28 | Washington to San Francisco. | 2,300 | 10:00 |
| 29 | San Francisco to Honolulu | 2,400 | 9:30 |
| 30 | Honolulu to Wake Island (international date line) | 2,300 | 9:00 |
| July 2 | Wake Island to Tokyo | 1,985 | 8:30 |
| 3 | Tokyo to Okinawa | 1,050 | 5:30 |
| | Okinawa to T'ai-pei | 435 | 2:30 |
| 4 | T'ai-pei to Hong Kong | 450 | 3:15 |
| 6 | Hong Kong to T'ai-pei | 450 | 2:50 |
| | T'ai-pei to Okinawa | 435 | 2:50 |
| 7 | Okinawa to Tokyo | 1,050 | 3:40 |
| 12 | Tokyo to Wake Island | 1,985 | 8:45 |
| | Wake Island to Honolulu | 2,300 | 8:15 |
| 15 | Honolulu to San Francisco | 2,400 | 10:00 |
| | San Francisco to Washington | 2,300 | 8:30 |
| | Total | 21,840 | 93:05 |

## United States Joins World Atomic Agency

EXTENSION OF REMARKS
OF
### HON. STERLING COLE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, July 30, 1957*

Mr. COLE. Mr. Speaker, a historic event occurred yesterday at 2:30 p. m., when in the secluded loveliness of the rose garden at the White House, the President signed and thereby finalized the treaty which committed this Government to membership in the International Atomic Energy Agency.

There was no pomp or fanfare, but a few invited persons high in the atomic ranks of our Government were present, and the ceremony was brief. After affixing his signature to the document, the President addressed the group of guests, which is as follows:

REMARKS OF THE PRESIDENT AT THE CEREMONY IN CONNECTION WITH THE SIGNING OF THE INSTRUMENT OF RATIFICATION OF THE STATUTE OF THE INTERNATIONAL ATOMIC AGENCY, IN THE ROSE GARDEN, MONDAY, JULY 29, 1957

Secretary Herter, Admiral Strauss, distinguished guests, this document which I have just signed ratifies the participation of the United States in the International Atomic Energy Agency. In so doing it seems appropriate to remind ourselves that the word "atom" in ancient Greek meant "undivided."

This ceremony underlies the fact that in a literal sense the original meaning no longer applies. Out of the dividing of the indivisible has come the power and knowledge this newly created Agency now seeks to put to work.

But in a symbolic sense the original meaning can now have a far broader application. The known facts of atomic science remind us that the interests of the nations of this age are indivisible. Nations must unify their actions if this new-found power and knowledge are to create, not to destroy.

The high purpose of the International Atomic Energy Agency is to make atomic power for peaceful purposes available to all nations. The statute creating it has been negotiated and accepted by the governments of 80 nations. It is now in process of ratification by them. The instruments of ratification will be placed by these 80 nations with the United States Government as official depository.

This document, which the United States has approved, ratifies our own participation.

As we look backward at the efforts and the patience required to bring this Agency into being, we might be tempted to congratulate ourselves, but if we will look ahead, we see how much new ground we still must break. Many new fields must be pioneered before this Agency becomes a functioning reality. New international functions must be organized and made to work. Much development in atomic science itself will be required before the full possibilities of these discoveries are realized. Much remains to be accomplished in the fields of arms limitation and international cooperation. When we have advanced further in these directions, then we can have real hope for progress and peace.

I recall the day in 1953 when the creation of the International Atomic Energy Agency was first proposed. The plan was formally presented by the United States, but in fact we did no more than crystallize a hope that was developing in many minds in many places. At the United Nations, where the proposal was first made, spontaneous expression of support was received. This has been reflected since in the fact that all important United Nations actions on this subject have been taken by unanimous vote.

Now an idea, however, great its potential, is of no use unless somehow there is brought to it a spark of faith, a sense of urgency, and a spirit of cooperation.

This Agency is the creation of this spark, this sense, this spirit on the part of the nations of the world.

If we are to continue to live with the power we have released, new rules and patterns of international life are required.

Secretary Herter, the document which I now hand you makes the United States officially a member of this International Atomic Energy Agency. As the Secretary of State once expressed it, the splitting of the atom may lead to the unifying of the entire divided world.

We pray that it will. Let us hope that the atom will stand again for the true and all-pervasive meaning given it by the ancient Greeks—indivisible.

When the world is such, then peace will be ours forever.

## H. R. 8002 Would Weaken Congress' Control Over Federal Expenditures and Increase Spending—Bill Moves in Wrong Direction and Should Be Defeated

EXTENSION OF REMARKS
OF
### HON. JOE L. EVINS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, July 30, 1957*

Mr. EVINS. Mr. Speaker, the Citizens' Committee on the Hoover Commission is doing an excellent job of propagandizing—and while I personally, and I am sure other Members of the Congress have supported many of the Hoover Commission reports—their recommendation with respect to H. R. 8002, the so-called accrued Federal expenditures budget bill, will not accomplish the claims made for it.

A special committee of the House Committee on Appropriations has made an extensive study of this proposal and

on March 21, this year, issued a strong report in opposition to it. The Members of the House who are receiving duplicate-type telegrams and carbon copy propaganda appeals for this measure should consider the report of this committee, headed by our distinguished colleague, the gentleman from Texas, Congressman MAHON. The report was fully adopted by the Committee on Appropriations and bears the endorsement of both Chairman CANNON and the gentleman from New York, Congressman TABER, the ranking minority member of the Committee on Appropriations.

Chairman CANNON and the gentleman from New York, Congressman TABER are known economizers and both have performed an outstanding public service during this session of the Congress, as in the past, in making substantial cuts in appropriations and reducing the biggest peacetime budget in the history of this country. These gentlemen know whereof they speak. The House should follow their leadership and not be pressured by misleading propaganda.

In response to numerous messages which I have received on this subject, I have written my own constituents and friends a letter of explanation on the effects of this bill. Under unanimous consent I include a copy of my letter in the RECORD for the information of those interested.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D. C., July 31, 1957.*

Mr. GORDON WALHOOD,
*Tullahoma, Tenn.*

DEAR MR. WALHOOD: This will acknowledge and thank you for your letter of recent date with reference to the establishment of an accrual Federal budget accounting system.

I should be most pleased to support this legislation in the event the legislation would bring about modernized and improved budgeting and better accounting and control of expenditure of Federal funds, as the advocates of this legislation proclaim. However, I must advise that the legislation would provide for payment of Government accounts on an installment basis. As we all know, installment purchasing costs more in the long run than the original direct payment. The bill would, in effect, give the numerous executive departments unlimited authorization for purchasing and for contracting for purchases of commodities, materials or services desired on an installment basis in an unlimited amount, and then referring to the Congress in their annual budgets a report of the amount expended for the one year for which they are asking for appropriations.

In other words, the Departments would purchase by contract anything and everything desired and then send the Congress a bill each year for only the annual installment payment on their purchases. The House Committee on Appropriations has made a study of this so-called accrued expenditure budget proposal and issued a strong report in opposition to it on March 21. The bill would put the Government into installment buying, a practice which in personal operations has led millions of families into overspending.

Those who have studied the measure thoroughly are of the opinion that under this bill Congress would lose substantial control of appropriations and expenditures. Both Chairman CANNON of the House Appropriations Committee and Congressman TABER, the ranking minority member of the Appropriations Committee, oppose this legislation as unsound and unwise and not in the best interest of checking appropriations and limiting expenditures. They feel that the measure would actually cost the Treasury vast sums and not save a dollar. The bill would require the return to contract authority which hard experience over the years proved to be so expensive that the proposal was once tried but later abandoned.

I have supported a large number of the so-called Hoover Commission recommendations to effect economy but, in my judgment, this is one that will not provide for economy or reduction in Federal expenditures. To the contrary, it would in the long run mean increased appropriations and greatly increased Federal expenditures.

Perhaps you may be interested in a report rendered by the Secretary of Defense under date of June 27, 1957, in which he pointed out at great length that the so-called savings alleged to have been effected in the Department of Defense by the adoption of the Hoover Commission recommendations are vastly overstated and that no real basis exists to demonstate the claims for the specific savings cited by advocates of the Commission. As a matter of fact, following the adoption of a large number of the Hoover Commission recommendations this year the Congress has been confronted with the largest peacetime budget in the history of the Nation and the proposed heaviest expenditures in many years.

Therefore, instead of reducing expenditures, as the propaganda proponents insist, many of these recommendations have resulted in increasing the staffs of the Departments and resulting increased expenditures. Secretary Wilson, of the Defense Department, acknowledges this fact in his recent report and, as indicated, both Chairman CANNON and Congressman TABER admit that the proposal, concerning which you have written, will not accomplish the desired end sought. As indicated, to the contrary, the measure would result in increased appropriations and Federal expenditures, and I, therefore, shall oppose the measure.

I thought you would want me to write you frankly and furnish you with information in this connection.

With assurance of my desire to be of service and assistance whenever possible, and with kindest regards and best wishes, I am,

Very sincerely yours,

JOE L. EVINS,
*Member of Congress.*

## An Appeal for Protection From Roadside Billboard Advertising on New Federal Interstate Highway System

EXTENSION OF REMARKS
OF
### HON. ELIZABETH KEE
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, July 30, 1957*

Mrs. KEE. Mr. Speaker, under leave to extend my remarks in the RECORD, I would like to include the following newspaper column titled "Keenotes," which I released on yesterday, which contains an appeal for legislative action to protect us from unsightly roadside billboard advertising on the new Federal interstate highway system:

KEENOTES

(By Representative ELIZABETH KEE)

These are days when the family car ideally serves its most useful purpose as holiday-minded America takes to the road. Summertime and vacation time are nearly synonymous terms in this gorgeous land of ours and from now until late October a constant stream of traffic will pour over the Nation's highways and byways as the entire family—from junior, cutting his first tooth, to grandmother and grandfather, a little grayer than they were the year before—eagerly climb into the family car and set off for mountain or seashore, for lake and forest, and the carefree days of relaxation that spell good health and well-being for the whole Nation.

Among favored vacation spots, West Virginia's popularity has been growing by leaps and bounds in recent years and for good reason. It is no press agent's wishful dream that West Virginia has been titled the "Little Switzerland of America" and that tourism has become one of our State's most important industries. In scenic beauties, in historic significance, in recreational facilities—hunting and fishing, hiking, swimming, boating and all other outdoor sports and games—no State in the Union has more to offer the vacationing tourist than has West Virginia with her rolling hills, her fertile valleys, her winding rivers and friendly towns—and with 213 million green acres of her lush land set aside in national parks and forests and game areas for the public's pleasure.

White Surphur Springs, site of the famous Greenbrier Hotel, is, of course, world renowned, but for breathtaking loveliness and for ideal vacation spots, Bluestone Lake near Hinton in Summers County, Pinnacle Rock, near Bluefield, and the 98,843 acres of magnificent Monongahela National Forest which partly lies in Greenbrier County yield first place to none and are easy on the pocketbooks of budget-minded families.

Then, too, for the motoring public there is that beautiful drive down the National Pike, U. S. 40, West Virginia Route 2, U. S. 21, and U. S. 119, from Wheeling through Parkersburg, Charleston, and Williamson—that region between the Allegheny Mountains and the Ohio, the beautiful river, which is so rich in the historic lore of our land, and which, from the rich Ohio Valley to the southwestern coal fields of the State, has contributed so much to the industrial development of the Nation.

Wherever one travels by car, however, whether it be through scenic West Virginia or to any one of hundreds of delightful vacation areas throughout America, the clean sweep of the road ahead, the uncluttered highway through charming countryside and along handsomely landscaped boulevards, and immeasurably to the safety and enjoyment of one's journeyings.

It is for these all-important reasons that I deeply regret the lack of legislative action by either the 84th or the 85th Congresses which would protect the forthcoming 41,000 miles of the new Federal Interstate Highway System from the unsightly billboards and other garish symbols of the advertising profession's art that do such violence to the natural beauties of the landscape.

Federal funds—and this means taxpayers' money—will finance 90 percent of the cost of constructing the new highways. Yet, although under last year's bill the Federal Government was authorized to set all kinds of regulations and standards for this construction—such as for the width of highways, the curvatures of roads, the types of tunnels and bridges to be erected—nevertheless, a powerful billboard lobby successfully put forth the invasion of States' rights argument that blocked passage of any legislation which would restrict or bar billboards along the new interstate roads.

This year, Senator NEUBERGER, Democrat, of Oregon, introduced a bill to provide an additional three-fourths of 1 percent in Federal funds to those States agreeing to meet all Federal standards. But though this bill has been reported out by a Senate subcom-

mittee, in somewhat watered-down form, I am sorry to say, the Senate Committee on Public Works has to date failed to act. Nor has any action in this direction been taken by the House in this session.

Now, I want to make it very clear that I have only the greatest of admiration and respect for the very genuine achievements of the advertising profession. Its techniques and skills have contributed immeasurably to our standard of living and our way of life by bringing us the news and teaching us the use of all the wonderful inventions and labor-saving devices designed and developed by our scientists and engineers and produced in quantity by business and industry.

And, like any other consumer, I read with avid interest almost every piece of advertising literature that comes my way and eagerly leaf through the advertising pages of newspapers and magazines for items to fit my purse and fill the needs of my family and myself. Indeed, I do a major portion of my shopping in this way, lacking leisure time for happy hunting expeditions through the stores so many of my friends enjoy.

I am, however, frank to say that when I take an automobile trip it is the view I wish to enjoy and I want to enjoy it unmarred and unobstructed by signs admonishing, cajoling, and coaxing me to buy this or avoid that.

Many ways, besides billboard advertising, are open to our merchants and manufacturers, to our purveyors of goods and services, to aquaint the public with the charms and virtues of their wares. They could, I feel, win much public goodwill by availing themselves of these other advertising mediums and hence, permit the landscape to go unblemished by those eyesores on the American scene, the unsightly roadside signs.

So far, the billboard lobby has been successful in averting every effort to pass legislation barring these displays on interstate highways. But as we have learned from the failure of the President's appeals to management and labor to hold down prices and prevent inflation—as we have learned from the failure of his appeals to the oil industry to restrict imports of crude and residual fuel oils—so we must finally come to realize that we cannot depend upon voluntary controls alone to safeguard the Nation's roads and highways from ugly miles of gaudy billboards and blinding neon signs.

To keep Americ beautiful Federal legislation should be enacted now.

In a democracy we must all be willing to sacrifice a little in order that, together, we may all benefit a great deal. It is my earnest hope that the American people will get solidly behind those of us in Congress who are trying to keep America beautiful.

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## Turkey and the Soviets

EXTENSION OF REMARKS

OF

## HON. LAWRENCE H. SMITH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 30, 1957*

Mr. SMITH of Wisconsin. Mr. Speaker, there is no more important area in the Free World today than Turkey. It is the anchor in our line of defense in the Middle East.

In this connection, Mr. Speaker, as a member of the Subcommittee on Near East and Africa of the House Foreign Affairs Committee, I should like to bring to your attention an important new book entitled "Turkism and the Soviets," by Col. Charles W. Hostler, United States Air Force—New York, Frederick Praeger, 1957. This brilliant study makes available for the first time in any western language an analysis of the approximately 54 million Turkish-speaking peoples of the world. It is an outstanding and original contribution to the contemporary history of the strategically important and little-known peoples who occupy the "soft underbelly" of the Soviet Union.

This is one of the great "submerged" nations of the world—with about 20 million Turkish-speaking peoples living in the Turkish Republic, about 22 million in the U. S. S. R., and the rest in Iran, Chinese Turkestan, and Afghanistan.

This enormous area is divided by the Soviet southern Iron Curtain. On the one side is the Turkish Republic, militarily strong, and a firm ally of the West. On the other side the Turkish-speaking peoples occupy Soviet areas rich in oil including the Baku region and the Emba oilfields of the Kazakh S. S. R. If these vast Soviet-Turkish areas were "splintered away" it would be a major disaster for the Soviets, and an important victory for the West.

The role of the Turkish people is examined in this book as an issue intimately connected with the problem of the U. S. S. R. and communism. Two significant factors give this huge ethnic group great importance—its strategic position and the homogeneity and common objectives of its peoples.

The text includes an invaluable and heretofore unavailable Handbook of the Turks of the World. The result is a book of long-range reference and immediate political interest. As indicated by the table of contents—below—the coverage of the book is comprehensive:

I. Introduction.

II. Handbook of the Turkish Peoples of the World:

Origins and Physical Characteristics.

Historical Sketch of the Turkish Peoples.

The Turkish Peoples Now.

The Ottoman or Anatolian Turks.

The Caucasian Turks: Azerbaijanis in the Caucasus; Azerbaijanis in Persia; Other (Non-Azerbaijan) Turkish Tribes in Caucasus.

Turks of the Volga-Ural Area: Kazan Tatars (Turks); the Chuvashes; the Bashkirs.

The Crimean Turks.

The Turks of Western or Russian Turkestan; the Kazakhs; the Uzbeks; the Kara-Kalpaks; the Turkmens; the Kirghizes.

The Siberian Turks: the Yakuts; the Turks of the Upper Altaian, Khakass, and Tuvinian Areas; Other Minor Turkish Tribes (Within the U. S. S. R.).

The Turks of Central Asia Outside the U. S. S. R.: Sinkiang Turks (Eastern or Chinese Turkestan); the Turks of Afghanistan; Turkish Tribes in Iran; Other Minor Turkish Groups.

III. The Emergence and Development of Turkism:

Beginnings of Turkism.

Turkish Nationalism and the Ottoman Empire.

Pan Islamism.

The Young Turks.

Ziya Gokalp.

Kemalist Turkey.

IV. Pan-Turkism:

Turkism and Pan-Turkism in Russia: Beginnings of the Movement: Mergani, Nasiri, and Feizkhani.

Ismail Gaspirali.

The Djadid Movement.

Russian Revolution of 1905.

Pan-Turkism in the Ottoman Empire: Antecedents of the Movement; Role of Western Turkologists and Turkophiles; Pan-Turkists in Turkey: Yusuf Akcoraoglu.

The First World War and Pan-Turkism, Enver Pasha.

Pan-Turkism Between the World Wars: Promethean League; "Prometheus" and the Turks from the U. S. S. R.; Pan-Turkism in the U. S. S. R.; Basmachi Movement; "Nationalist Deviations"; Pan-Turkism in Turkey.

World War II and After.

Diplomatic Negotiations.

Pan-Turkist Leaders and the German-Soviet War.

Turks from U. S. S. R. in the German Armed Forces During World War II.

Youth and the Mass Propaganda of Pan-Turkism.

The Ebb of Pan-Turkism.

Recurrence of Pan-Turkist Feeling.

Pan-Turkism in Post-War Soviet Russia.

V. Summary and Perspectives:

An Estimate of the Current Status of Unity Among the Turks of the U. S. S. R.

Pan-Turanism Versus Pan-Turkism.

The Pan-Turkist Ideal.

APPENDIXES

I. Observations on the Future of the Turkish World by Cafer Seydahmet Kirimer.

II. Biographical Sketch of Cafer Seydahmet (Kirimer).

III. Biographical Sketch of Ayas Ishaky (Idilil).

IV. Biographical Sketch of Mehmet Emin Resulzade.

V. Biographical Sketch of Zeki Velidi Togan.

VI. Pact of Caucasian Federation.

Bibliography.

Index.

The authoritative Muslim World attests that—

Turkism and the Soviets is a major contribution shedding new light on an obscure, yet important, subject. Based on Western, Turkish, and Slavic sources, the book gains from personal contacts of the author with pan-Turkish leaders and will become a basic reference work on that part of the world.

I am pleased to see that the United States Information Agency intends to translate this important book into several languages for distribution abroad and will use it for presentation in the English language to key foreign personalities.

The author, Colonel Hostler, is an outstanding military planner and observer who has had responsible assignments with the United States Government in Turkey, the Arab States, the Balkans, and Europe. He is also a distinguished writer, linguist, and scholar who has studied at the following universities: bachelor of arts, University of California at Los Angeles; Law School, University of Bucharest, Rumania; master of arts in international relations, Georgetown University; master of arts in near eastern studies, American University of Beirut, Lebanon; doctor of philosophy in political science, Georgetown University.

In addition to his current military assignment as a strategic planner in the Pentagon, Colonel Hostler is a professional lecturer in international relations of the Middle East for the American University, Washington, D. C.

I am pleased to recommend this book to the attention of all persons who recognize the emerging importance of this part of the world and the significance of the enslavement of the Turkish-speaking peoples within the Communist empire.

## Coal Production in West Virginia

EXTENSION OF REMARKS
OF
### HON. ELIZABETH KEE
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, July 30, 1957*

Mrs. KEE. Mr. Speaker, under leave to extend my remarks in the RECORD I wish to include the following:

KEENOTES

(By Representative ELIZABETH KEE)

It is with considerable gratification—and some reservations—that I have just completed reading the 1956 annual report of the coal-mining section recently issued by our West Virginia Department of Mines. It is good news, indeed, that coal production in West Virginia totaled 150,401,233 tons last year, making 1956 the best year the industry has enjoyed since 1951 when more than 163 million tons of bituminous coal were produced in the State.

West Virginia's fortunes, and more particularly the fifth district's, have always been closely allied to the ups and downs of the soft coal industry, and to a large extent, probably always will be. As America leads the world in bituminous reserves and in coal production, so West Virginia, for the past quarter century, has led the Nation, having estimated recoverable reserves of 52.5 billion tons out of the Nation's estimated 1.9 trillion tons, and producing annually approximately one-third of the country's total soft-coal output.

Similarly, nearly a third of all the bituminous coal mined in West Virginia each year is produced in six of the seven counties comprising our Fifth Congressional District. This is why whatever affects the coal industry is of such profound importance to the district and, in fact, to all of West Virginia, since so much of our basic economy—investment-wise and employment-wise—depends upon the industry's healthy situation. Few of us, indeed, are ever likely to forget the year 1954 when the coal industry was so seriously ailing and West Virginia, instead of experiencing a mild business recession, as did the rest of the country, suffered a real depression.

The steady improvement in the industry, as shown in the 1956 annual report, along with expectations that production in 1957 will at least equal, if not surpass, that of 1956, is therefore most encouraging for West Virginia's immediate economic outlook. Most of the credit for this recovery belongs to the coal operators and to the United Mine Workers of America for the untiring efforts both have put forth to find and develop new markets for coal and for the splendid cooperation which has existed between the two in the solving of their mutual problems.

But credit lines are also due the railroads, the electric power and the chemical industries. In 1955, the railroads transported 77 percent of the coal produced in American mines—the world's biggest commodity handling job. Since then the railroads have appreciably increased the number of coal cars needed to move the major mineral to its markets.

The electric power industry, and especially the Appalachian Electric Power Co., in its expanding effort to meet the Nation's constantly increasing demand for electric energy has become coal's largest consumer. And in this group, too, I would include West Virginia's growing chemical industry—the chemical capital of the world—which is rapidly becoming a substantially larger user of coal.

One bit of data gleaned from the 1956 annual report should, however, be a source of concern to all of us who recognize full employment as essential to a stable and prosperous economy. In 1952, it required 100,862 people employed in and about the mines to produce the State's one-hundred-and-forty-two-odd million tons of coal in that year. In 1956, the number so employed had shrunk to slightly in excess of 68,000. In other words, with an increase of almost 6 percent in the tonnage produced in 1956 over 1952, there has been, statewide, a drop in employment in the coalfields of more than 30 percent over the same period.

Much of this decline can, I believe, be attributed to the closing down of some of our big commercial mines—the so-called marginal mines, those unprofitable to operate—during the 1954 recession. This again stems in large part from the fact that mechanization of many commercial mines has made it impossible for those depending chiefly upon manpower in their operations to compete successfully.

This points up the inescapable fact—which many of us have long recognized—that a greater diversification of industries is absolutely essential to the maintenance of full employment and a thriving business community in West Virginia. Even with a greatly increased market for coal, such as is confidently predicted in the near future, further mechanization of the mines will mean that employment in the coalfields will never again reach its previous high levels.

Moreover, it takes a vast investment of capital to mechanize a coal mine, but while other industries have had the benefit of Government subsidies and Federal assistance to develop and expand, even in wartime, the coal industry and its workers have had to go it alone. The oil and gas industries, for example, have the benefit of a 27½ percent depletion allowance for development purposes, while other industries have been permitted rapid tax writeoffs for expansion purposes. The coal industry, on the other hand, has actually had to compete against Government policies to hold its domestic markets and to retain and expand its vital export markets.

Two events of recent days demonstrate this with unmistakable clarity. Within the past several months, the Polish Government was granted a loan of $10 million by the Export-Import Bank. Much of this money, it is believed, is going to modernize Poland's coal mines, for already the Polish Government is invading the Argentine coal markets—a hitherto almost exclusive and profitable export market for American-produced coal.

Again, Government policies have been responsible for the loss of vital domestic markets by failing to restrict the dumping of vast quantities of foreign residual fuel oil along our eastern seaboard. For more than 8 years now, Members of Congress from West Virginia and other coal-producing States, representatives of the coal operators and the UMW, have pleaded, coaxed, and cajoled the administration to place quotas upon these fuel-oil imports in order not to wreak further havoc to our coal industry and to employment in the coalfields. These pleadings have apparently fallen upon deaf ears for it is to be noted that, although the arguments of the Texas and other Western State oil producers have had some effect—in that the President, only this past week, called for voluntary controls over crude-oil imports—he had remained significantly silent upon the subject of foreign residual oil.

Moreover, it would appear that the administration is quite unconcerned by movements afoot in the Congress to permit the importation of Canadian natural gas and to authorize Government spending to begin the development of atomic-fueled electric powerplants.

If the measure of free enterprise is the ability of industry and individuals to stand firmly upon their own feet, the coal industry, the United Mine Workers and West Virginia have demonstrated this ability again and again and to a highly commendable degree. In this day and age, however, it might be well for the administration—and Congress—to recognize that no matter how independent we may wish to be, we are all, in one way or another, interdependent upon each other.

The time has come, I feel, for both the executive and the legislative branches of Government to take heed of the coal industry's needs and to initiate such research programs and protective measures as will promote and safegaurd the existence of an essential industry which has contributed and continues to contribute magnificently to the progress and protection of the Nation.

## The Tax That Chokes the West

EXTENSION OF REMARKS
OF
### HON. WARREN G. MAGNUSON
OF WASHINGTON
IN THE SENATE OF THE UNITED STATES
*Tuesday, July 30, 1957*

Mr. MAGNUSON. Mr. President, of all the many Federal excise taxes, the tax on transportation which still survives from World War II is unique in the manner in which it discriminates among different sections of the United States. By adding 3 percent to the cost of freight, and 10 percent to the cost of passenger travel, the transportation excise bears most heavily on the men and women who live in areas which require the most transportation for their participation in the Nation's economy.

By thus accentuating the costs of transportation which go into everything we produce and consume, this Federal excise discriminates against such areas as the Pacific Northwest and the Deep South and Southwest, which are farthest from the northeastern economic and population centers of our country.

The junior Senator from Oregon [Mr. NEUBERGER] has taken the lead in recent months in efforts to win repeal of this inequitable tax. He has set forth the case against the Federal transportation excise tax in a recent article in Railway Progress magazine for August 1957 called The Tax That Chokes the West, in which he itemizes the geographic discrimination against the Far West inherent in this tax, and also discusses certain other damaging consequences from it, which I have had occasion to point out in my own efforts to end this tax. On numerous occasions I have introduced proposed legislation to repeal or modify war excise taxes and have presented to the Senate Finance Committee what I consider to be overwhelming justification for such action.

Mr. President, I ask unanimous consent that the article by the junior Senator from Oregon, entitled "The Tax That Chokes the West," be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE TAX THAT CHOKES THE WEST

(By RICHARD L. NEUBERGER)

Nearly all excise taxes are paid equally by people in every section of the Nation. Such levy-laden items as tobacco, lipstick, leather goods, and diamond brooches are generally purchased in about the same ratio in San Francisco as in New York. Luggage, after all, is indispensable whether one travels in the wide open spaces of the West or through the crowded metropolises of the East. And the females of my acquaintance seem to regard facial makeup as of equal necessity, though some of them may live on teeming Park Avenue and others along the lonely reaches of the Columbia River.

But there is one Federal excise tax in which every region does not share and share alike. That is the 3-percent levy on all freight shipments. This tax weighs down the economy of the area which I help to represent in the United States Senate, as the Old Man of the Sea crouched oppressively on the shoulders of Sindbad the Sailor. The Federal transportation tax is detrimental to all the States in general, but to the States in the West and Pacific Northwest in particular.

Why is this levy, in contrast to other excise taxes, worse for one part of the Nation than another?

The reason is not hard to find; it lies in the peculiar geographical distribution of the population of the United States. The 11 States of the Far West—those which sprawl from the Continental Divide to the shores of the Pacific Ocean—contain 36 percent of the land area of our country but only about 16 percent of the people. This means, of course, that products grown or manufactured in the Western States must be hauled 2,000 or 3,000 miles eastward in order to find major markets. All this pilgrimaging is subject to the 3-percent transportation tax. Ergo, the levy falls most heavily on the West and especially on the Pacific Northwest, because this region is farther than any other from the population centers of the East.

That is why the excise taxes on freight must be repealed if the West is to enjoy a fair and uninhibited opportunity for economic development. Many eminent Americans, such as Prof. Walter Prescott Webb and Senator PAUL H. DOUGLAS, have complained recently that the West has no destiny other than to be a dragging satellite of the populous States of the East. But can easterners complain of this in good faith, when they tolerate Federal taxing policies which doom the West to such a fate?

Look at the map of the United States on your library wall or in your schoolchild's atlas. Note how close Pittsburgh is located to the Atlantic seaboard. Within 500 miles of Pittsburgh are found more than 55 percent of the Nation's population and the overwhelmingly greater portion of its industrial and consumer markets. Portland, Oreg., where I was born and raised, is situated from 2,000 to 3,000 miles distant from points within this circle around Pittsburgh.

A carload of Oregon lumber, processed at sawmills relatively near Portland, will be assessed freight charges of $675 for shipment from Portland to Pittsburgh. Transportation charges for the same carload of pine lumber from the woods of Georgia are $410. The Federal excise tax on transportation collected from the Oregon lumberman is 40 percent larger than that paid by the Georgia lumber dealer. I do not object to the fact that Georgia's forests grow closer to the centers of American population than are the great timbered uplands of my own State. As a Senator, I can help enact laws but I cannot change geography. I realize it may be many decades before the population of the United States is distributed more equitably between East and West. But I do object, and strenuously, to a Federal tax which falls disproportionately heavier on my region than any other—simply because the Pacific Northwest is separated by nearly the breadth of a continent from its principal markets.

Agriculture in my State is burdened and hampered with similar unfairness by this tax. Oregon canners who process fruits, vegetables, and fish will pay freight tolls of $1,032 per carload to the Pittsburgh area, as compared with approximately $264 per carload by a midwestern processor of canned foods. The midwestern shipper will pay to the Treasury a transportation tax of $7.92 on his shipment, but the Federal Government will assess the Oregon canner a transportation tax of $30.96—almost four times greater.

I could cite this inequity with respect to innumerable commodities. The Federal excise tax on transportation of a carload of grain from Oregon's ranches will be over 3½ times the tax on grain from the central portions of the United States, that on Oregon livestock 3.8 times the tax by Prairie Belt shippers—if these products are to be sold in the great consumer markets of the eastern population centers. The imbalance means that Federal taxing policy contributes to the competitive difficulties of Oregon timber and agricultural products in the principal markets of the Nation.

Nor is this inequality confined only to the producers and processors in my part of the country. Consumers in the West also are saddled unfairly by the transportation tax. Just as the East contains the Nation's dominant markets, so does it include most of the great factories which produce manufactured goods—automobiles and electrical appliances, to cite only a few. It costs $10 to ship an automatic washing machine from a typical eastern manufacturing center to Portland. This is about four times as much as it costs to ship the same appliance to Terre Haute, Ind. The Portland housewife is taxed four times as much by her Government as her sister housewife in Terre Haute, because the cost of transporting a washing machine to Terre Haute from Pittsburgh is only about $2.61.

Agriculture today is in crisis. Few economists dispute the fact that the prices received by farmers for their produce have been steadily declining, although the costs which they pay for equipment, labor, medical care, and clothing have been rising with equal inexorability. Such a squeeze cannot continue indefinitely without causing the disappearance of the family-sized farm operation. Yet the policy of levying a 3 percent excise tax on every freight shipment is bad for agriculture in general and for western farmers in particular. It is estimated that shippers of farm produce pay almost one-fourth of the annual $480 million yield from the transportation tax. I remember the turkey warehouse which closed down in an Oregon town because Oregon turkeys had to compete at a 5-cent-per-pound disadvantage with those from West Virginia and Texas for sales in the strategic Chicago poultry market—and this situation was of course compounded by the Federal freight tax.

I can understand an excise levy which singles out such commodities as tobacco and liquor as special targets. After all, these are far from necessities, indeed, many regard them as deleterious to health. But freight is a basic essential. If goods cannot move, we do not have an integrated nation. We become, instead, a mosaic of Balkan principalities, each surrounded by insurmountable customs walls.

Our 3-percent tax not only discriminates against the West, but it also actually discriminates against the United States as a nation. Let me explain what I mean. We share the world's longest unfortified border with Canada. A comparative mashie shot north of this boundary stretch two vast and efficient railroad systems—Canadian Pacific and the Canadian National. Furthermore, the Canadian Government has had the wisdom to repeal its transportation excise taxes. This places a premium upon the use of Canadian railroads, rather than American railroads, for the long haul across the continent. Such a practice, of course, deprives American railroads of income and American railroad workers of jobs.

Canadian shippers can avoid the entire 3-percent tax by prepaying charges in Canada on international movements, while their American competitors—who ship to the same markets in the eastern part of the United States—must pay the full 3-percent tax. Many Canadian cargoes, such as British Columbia lumber or apples or fish, once were consigned to American markets through rail gateways on the border such as Blaine, Wash., or at Sumas in the same State. This meant that the freight was carried eastward across the United States by such American transcontinentals as the Great Northern, Northern Pacific, or Union Pacific. But the 3-percent American transportation tax has ruled out this policy for innumerable Canadian shippers.

These men have discovered that they can escape approximately 80 percent of the transportation tax by keeping inside the frontiers of Canada some 80 percent of the mileage on their shipment. Thus, their goods journey across the continent on the Canadian Pacific or the Canadian National, and do not enter the United States until they reach a portal in the region of the Great Lakes or New England. Three results are thus achieved: (1) The Canadian shipper avoids payment of most of the American freight tax, (2) the Canadian shipper secures a slight competitive advantage over his American rival who must pay the levy, and (3) the United States Treasury loses all the corporation taxes and personal income taxes which would be collected from the American railroads and the men on their payrolls, who might otherwise have been engaged in conducting this profitable transcontinental haul.

Still another inequitable aspect of the tax remains to be analyzed. Many legislators and economists are alarmed over a growing concentration of economic power in America. Yet the freight tax indubitably favors big shippers over small shippers. Senator WARREN G. MAGNUSON, chairman of the Senate Committee on Interstate and Foreign Commerce, has said, "This tax makes the big shipper bigger and the small shipper smaller."

A well-financed shipper of commodities generally has sufficient funds to go into private trucking and buy his own fleet of highway leviathans. Of course, he escapes the 3-percent tax, and this differential is often enough to finance his venture into trucking. But the smaller shipper, who must rely on common carriers, continues to pay the tax. And the levy applies not only to transportation as a whole, but to narrow refinements as well. A shipper who must ice his products to get them safely to market pays no tax if he supplies his own ice. But few small shippers own iceplants. They must purchase their ice for reefer shipments from the railroads or truck lines, and on this ice they have to pay the 3-percent tax.

The existing transportation tax has created what Senator MAGNUSON recently described as highly questionable practices. When a contract trucker leases his equipment to a shipper, it becomes private trucking and, as such, avoids the tax. During recent years there has been an epidemic of buy-and-sell arrangements, trip leases, and special boat charters. These have been designed to transform what would normally be common carriage into private carriage, for

the express purpose of wriggliing out of the 3-percent Federal freight tax. It is, at best, tax avoidance; it could be tax evasion. Even worse, it is weakening our system of common carrier transportation. Surely it does not stimulate respect for our tax structure as a whole. In addition, these tortured constructions and special situations are mainly available to well-financed shippers with a battery of legal talent and the resources to charter vessels and flotillas of trucks.

I still remember my conversation with the mayor of a small town in Oregon's lovely Wallowa Valley, a realm of granite peaks and pine timber. "Senator," said he, "why does Uncle Sam follow a policy that makes it tough for the little sawmill operators and easy on the big ones?" He then went on to explain to me that the large lumber mills own their own logging trucks. So, the large mills do not pay the 3-percent United States freight tax on the ponderosa-pine logs they are hauling out of the uplands or on the finished lumber they are transporting to the Union Pacific railhead at Enterprise or La Grande. But the little family-owned mills have no such equipment. They must hire contract haulers to transport their logs and lumber. In this way, they become subject to the 3-percent transportation tax, thus further increasing their disadvantage vis-a-vis their big competitors.

In March of this year I sponsored an amendment to a general tax revision bill which would have eliminated the Federal freight levy. My proposal was defeated when Senator HARRY F. BYRD, of Virginia, chairman of the Finance Committee, insisted that the particular bill at issue was not the proper vehicle for the amendment I was offering. Yet the effort was not wholly wasted. Some salutary results were forthcoming. Senator BYRD strolled back to my desk at the rear of the Senate Chamber and said, in substance:

"Dick, you have some real points on your side. I have a lot of sympathy with your case. I know something about the operation of this tax because I buy each year, for my Winchester apples, thousands of fruit crates from lumber mills in your State of Oregon. I am aware of how much 3 percent on such a freight bill can amount to. I can't accept your amendment here, but I promise you that it is going to receive serious consideration from me and my committee as a separate measure—entirely on its own merits."

There the matter stands, legislatively. Repeal proposals take several different forms. One is outright elimination of the whole transportation excise tax, as I have urged. Another is a slower method—to knock off 1 percent annually for 3 successive years, in order to ease the potential impact on the Treasury. The third is a more complicated suggestion made by Senator MAGNUSON. This would be to limit the tax to not more than 3 cents per 100 pounds of freight. The purpose of such a compromise would be to continue to collect the levy on hauls along short distances, but to lift the unfair burden off of long-haul shippers. Western shippers, for example, would receive no relief on a short freight haul between Portland and Seattle, but they would be greatly relieved with respect to the levy on the infinitely longer 2,200-mile hegira from Seattle to Chicago or St. Louis.

Senator MAGNUSON's modified recommendation has much to commend it. Yet, I would prefer to see the tax totally repealed. It is not an excise which makes sense—nor does the 10-percent levy on passenger tickets sold for trains, airlines or over-the-highway buses. Since when has transportation of freight or people been regarded as a luxury, to be taxed punitively by the United States Government? During the debate over my amendment, Senator FRANK CHURCH of Idaho pointed out quite accurately that the 3-percent freight tax was enacted originally "to discourage the use of the rails at a time when war was being waged. * * * This justification for the tax has long since disappeared."

In my opinion, there is more wisdom in applying a 3-percent tax to a man's second suit of clothes or alternate automobile than to his transportation. Under duress, he can do with a single suit; there is only rare hardship in one car per family. But what family can survive without the freight haul which brings across mountains and prairie and valley its food supply, the materials built into its home or apartment, the seed and fertilizer for its garden, the fuel for its furnace, the appliances for its kitchen? And how many Americans can relinquish their own necessary journeys by rail, air or bus?

I feel strongly about this issue because I help to represent a region which is caught in a cruel economic vise through this levy applied from the Federal treasury. Some of us in the Senate have worked hard to expand the Bonneville Power system, which has been selling hydroelectricity to large industrial customers for only 2.2 mills a kilowatt-hour. This low rate helped to attract to the Northwest many of the world's leading manufacturers of light metals and chemicals. Today, however, the Olin-Mathieson Co. has discovered that it can produce electric power for 3.5 mills per kilowatt-hour, burning coal at the mine mouth in Ohio.

In an effort to learn how my State might attract new industrial payrolls, I talked with officials of the Olin corporation. They advised me that, in a choice between 2.2-mill energy in the Northwest and 3.5-mill energy in Ohio, there was a delicate point where the power rate and the freight rate intersected. By this, they meant that the aluminum products in Ohio would be produced within a fungo swat of millions of customers. By contrast, the ingots smelted in the Northwest would require the long transcontinental trip to market. In such a finely balanced situation, the 3 percent Federal freight tax could well be the determining difference to prevent the legitimate industrial expansion of the Nation's vast Northwestern frontier.

Surely a tax which discriminates against a great region, against major segments of the transportation industry and—in certain instances—against the United States itself, can have little to commend it. "Nothing succeeds like success," wrote Dumas—yes, and nothing fails like failure. By all possible tests, including its effect on our total economy and on major areas of the United States, the 3 percent Federal excise tax on freight has been an abysmal failure. The time has come to repeal this unfair levy—now.

## Women In Our Nation's Politics

EXTENSION OF REMARKS
OF
### HON. ELIZABETH KEE
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, July 30, 1957*

Mrs. KEE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include a speech delivered by one of our outstanding Congresswomen, the Honorable COYA KNUTSON, of Minnesota, before the convention of Democratic Women's Clubs held recently at St. Petersburg, Fla. Mrs. KNUTSON is a valued member of the House Committee on Agriculture and is highly esteemed by her colleagues. I am delighted to have this opportunity to share Mrs. KNUTSON's interesting speech with Members of the House and others who read the CONGRESSIONAL RECORD:

SPEECH BY CONGRESSWOMAN COYA KNUTSON, NINTH DISTRICT, MINNESOTA, BEFORE CONVENTION OF DEMOCRATIC WOMEN'S CLUBS, ST. PETERSBURG, FLA.

Madame Chairman, distinguished guests, and fellow Democrats, your chairman has suggested that I talk with you today about the part that women can and do play in our Nation's politics.

The subject is one of my favorites and I gather, from your attendance here, that it is a favorite subject of yours too. The men have been knocking over the tenpins of our civilization long enough. Women will have to set them up again.

Historically, women have waited a long, long while for an articulate voice in our country's politics. Indeed, it will be only 40 years come 1958 since, and under a Democratic administration, she was accorded that right. So I was amused by the observation of a Republican bigwig after the last election. He was complaining that the loss of the Congress to the Democrats, despite the phenomenal popular appeal of President Eisenhower, indicated a serious lack of Republican political strength at the precinct level. He hoped, he said, that the women of the country would set matters aright. His diagnosis was so right. But why he thought the women of the country would pull his Republican chestnuts out of the fire escapes me. Unless, poor innocent, he thought that all women, being indubitably virtuous have, naturally, been Republicans since birth.

But this isn't necessarily so.

However, the Republican was right about one thing. He recognized that women—women's votes—are a formidable force in politics. Why? The fact of the matter is that we've been actively engaged in politics ever since man came out of the cave and was content to stay home nights. How else do you suppose the lawns get themselves mowed, leaky faucets fixed, fences repaired, Johnny's toys and baseball mitt picked up, the trash put out, the dog given his run, the dinner plates scrubbed and the children put to bed without too much remonstrance from the lord of the manor if woman were not a fairly smart politician. In the "do-it-yourself" lexicon, man's genius may be to analyze, take apart, explore and expose; but after the pieces are strewn all over the living room floor it's usually women's job to see to it that everything is picked up and put together again.

How to pick up the political pieces? How to mend the "leaky faucet" of party responsibility, the "broken toys" of our friendly relations with other countries? How to settle "arguments between the children" of the world, and restore order and peace "in the household of the nations?" These are our present, pressing problems. Our home-trained and experienced skills, our womanly instincts and feelings, our native organizational abilities, channeled to the larger purpose, can do it. As one old beat-up campaigner, I would like to give you a few hints and suggestions—and more important—encouragement.

First. Their deep feeling for humanity makes women most effective campaigners. Let us remember we have wielded a heavy political club even though ours was not the place in the spotlight. The many women's organizations have left their indelible impressions in almost every phase of life. We may not fully realize the part we have played in politics. As often in the past, we have not received credit for the part we play in molding the thoughts and lives of our children. I feel that with the march of political time, the place of women in politics becomes more and more clear cut.

Women, the mothers of the generations, the bearers and supporters of the race of mankind, must do the job of discovering new, better and permanent solutions to the pressing social and survival problems of this age. We must study the problems, know the issues, provide the imaginative solutions. We must, logically, for example, lead the way out of the national lethargy and complacency about the dangers of continued testing of the world-consuming potential—the hydrogen bomb. As Dr. Albert Schweitzer, one of the greatest living men, says "We're committing a folly in thoughtlessness. We must muster the insight, the seriousness and the courage to leave folly and to face reality." Where there is a doubt as to the danger from fallout and from the death-dealing, cancer and mutation producing gamma rays, the decision must be made in favor of the doubt, not, as Mr. Eisenhower and Mr. Strauss would have us do—minimize these possibilities and pretend they don't exist. We cannot brook the attitude that would permit the possibility that our children or our children's children will be monsters, idiots, bone-cancer ridden, suffering, or destroyed. We must take the lead. You and I must demand that our President (who, though he seems quite unaware of this dreadful responsibility, is solely responsible for making this decision) shall know of this universal demand that he take the initiative in leading the world out of this terrible darkness, this terrible danger.

We should use our peculiar gifts and capacities, our feminine understanding and warmth. We are the people who, by our very makeup, are physically and emotionally geared and committed to the loving care for the children and other helpless ones who need us. It necessarily follows, it seems to me, that the logical political home for women is the Democratic Party which has always been the party of the people, devoted to the interests of the people, the helpless and the unfortunate. Our party has always taken the lead in social reform, in providing for the needy and the ill. Moreover, our party's entire political philosophy is based upon the one most important premise that a healthy economy is the solution to social problems, and this is the principle upon which all Democratic legislation is based.

If we increase the number of consumers, business is automatically increased. If we increase purchasing power in the hands of each individual, business will expand to meet that demand. Our tax base grows. All these imply the need for an adequate farm program, adequate legislation to clear slum areas, to build schools and to take care of our aged among many others. A fair income to our farmers provides the base for purchase of items produced in the cities. Slum clearance and attendant programs develop citizens with incentive for better life. They do not become burdens on society and shiftless heads of families. Schools promote the training of minds, our greatest national resource, the medium for development of all other national resources. Our fast growing numbers of older people provide a wonderful opportunity for full play of our economic imaginations, to provide security and continued adequate purchasing power during the retirement years and at the same time utilize any possible overproduction.

These problems are all in the forefront of Democrats' minds. By contrast, as Mr. Stevenson pointed out last year, "It is a revealing reflection on the sense of values of the present administration that it has had a staff of 40,000 people working on the problems of the Nation's business concerns and exactly 9 people (with a budget of $65,000) working on the problems of our 15 million senior citizens. And when the President announced—with much fanfare and fine words, that he was setting up a Federal Council on Aging 'to review existing programs within the Government' and to 'make recommendations,' I couldn't help thinking how consistently the corporations get action from this administration, while the people get only conferences, councils, commissions, and confabs."

These unfortunate people, like all those on fixed incomes, are most vulnerable to inflationary pressures. The administration's money policies are directly contrary to our people's interests. When the Patman resolution for a Congressional investigation of high interest rates by the Federal Reserve Board came up I was quite disturbed by the pressures exerted against it.

This resolution provided for a routine investigation by the Congress. I felt that if labor as a whole gladly accepts an investigation of the teamsters, certainly the Federal Reserve Board could stand an investigation. To me, the hard money and high interest rates negate the administration's theoretical efforts to prevent inflation. Inflation results, among other things, from inadequate production to meet demand. Industrial expansion and increased output of goods to meet demand are the principal deterrents to inflation. Expansion can only be achieved if credit is available at low interest rates. Since high interest rates and hard money restrict expansion the administration's policy merely feeds the inflationary pressures. Economic theories and practices change constantly. During the Feudal Age, those who engaged in banking operations and interest charging were held in contempt, although their services were widely used for financing of feudal wars. Today, those who engage in banking practices are among the most respected of our citizens. Only a few short years ago, installment buying was frowned upon as improvident. Today, installment buying and commercial credit are the very foundation of our free economy. Consequently, I believe, and the Democratic Party believes that interest rates should be based upon the needs of the economy and the interest needs of the people. As such, the policies of the administration, which are not in the interests of the people, could very well stand an investigation by the Congress—the watchdog of the taxpayer's interests.

So much for the issues. I have named but a few to which women can devote their attention.

Second. I would like to say that women in politics have their own special techniques for promoting their candidates. There is ample printed material to assist with the mechanical details of block organization, educational registration and get-out-the-vote programs, and the like. And each of us has worked out our own do's and don't's. But I would like to give you a few additional ideas. It is an axiom that demonstrated interest engenders interest. You remember the successful advertising campaign put on a few years back by a hosiery manufacturer—incidentally, the company's only advertisement: "One woman tells another." If a large number of women in a given community become interested in politics, greater interest is instilled into the average woman. One significant factor in my first campaign was the large percentage of women who turned out in my district. My campaign manager, one of the county chairmen, fully cognizant of the potency of organized women, capitalized on this by developing Democratic women's clubs in all the villages in his county. One village with a population of only about 400 has now an active Democratic club of over 10 percent of the women and it is still growing.

There are several reasons for the effective part women can play in politics. Women have the time and the will (primarily because of their concern over the welfare of their families and their future) and the downright fortitude and patience which enable them to perform cheerfully the grinding, but fundamental, political chores of doorbell ringing, envelope stuffing, and coffee making ad nauseum. I turn an unbecoming shade of green when I contemplate the quantity of coffee I have drunk in the past and—horrors—the amount I shall have to consume before I die. However, coffee hours (and all the attendant chores) have become one of the political facts of life. Two of our outstanding Democrats in the Congress have categorically stated—and I second this—that they owe their political success to the coffee hours, the talks face to face with neighbors of the untiring little woman who brews the stuff and asks her friends in to meet the candidate. Coffee hours, in town after town across the country, have replaced the soap box which is usually on a cold, windy, snowy, hot, or otherwise uncomfortable corner in front of the drugstore and not conducive to easy and pertinent give-and-take political discussion.

I remember one Congressman who made the statement "Give me 10 good women and I won't need any men in my campaign." This indicates the value many elected officials place upon women. As much as possible we should encourage all people, regardless of political faith, to devote time to their political parties. (The political education on the facts of life can come later.) Sitting on hands accomplishes nothing, politically or any other way, except to warm the hands.

Third. We can well be proud of the part women played in the development of our country and in the capabilities we possess in the field of politics, both as to ideals and as to campaign techniques. But there is one additional consideration we should bear in mind always. Women in politics, particularly, should conduct themselves in such a way that they do not stand out as women. This probably sounds like a contradiction of everything I've said so far. On the contrary, this is the only way in which we can be effective. I have been quite aware of this during my experience in Congress.

As a Democrat, I am proud of my women colleagues. Congresswoman IRIS BLITCH is noted for her good looks as well as her background in the legislature in Georgia, and for her experience in the drug business and farming. She has been successful in the passage of watershed legislation and is a member of the Public Works Committee. GRACIE PFOST, the Congresswoman from Idaho, served five terms as treasurer of Canyon County and owned her own real-estate firm before coming to Congress. She is now widely known as "Hell's Belle," because of her eloquent and forceful espousal of a high Hells Canyon Dam.

Congresswoman MARTHA GRIFFITHS was an outstanding judge in Detroit. Congresswoman L. K. SULLIVAN maintains one of the most efficient offices on the Hill and is one of the most respected members of the Banking and Currency Committee and the Marine and Fisheries Committee. Her special interest during her service in the House has been on consumer problems. Foreign affairs is the specialty of another outstanding and highly esteemed Congresswoman, EDNA F. KELLY, of New York. Congresswoman KATHRYN GRANAHAN, of Philadelphia, Pa., elected to complete her late husband's term, then reelected on her own merit, has a wide and extensive background in social service and civic work, and continues in Congress her efforts on behalf of a better, safer, and healthier world, and has particular concern for all people's welfare. Oregon has contributed a valued Congresswoman in EDITH GREEN, a former teacher with an outstanding background in the educational organizations of that State. She serves on the Education and Labor Committee—and the legislation she has introduced shows her special concern over problems in areas of health, education, and public welfare. Congresswoman ELIZABETH KEE, of West Virginia,

widow of the late chairman of the House Foreign Affairs Committee, is continually aware of the needs of her district, parts of which are depressed agricultural and coal-mining areas. She is a valued member of the House Committees on Veterans' Affairs and Government Operations, with a special and sympathetic interest in disabled veterans and the physically handicapped citizen. They are all outstanding women leaders. This brief description is indicative of the wide range of interests and the diversity of background to be found among these Democrats. It also shows the different avenues by which one approaches active political life.

However, to get back to my point, for all the diversity of our interests and activities there is one thing we have in common—our conduct in the House. We have, apparently, subsconsciously, arrived at the same conclusions as to the atmosphere we want to create. My feminine colleagues and I are the soul of consideration and go out of our way to avoid personality clashes.

In addition, we avoid speaking on every subject under the sun, purely for the sake of talking. For example, we avoid making speeches on the floor of the House, except where issues affecting our constituents or the national interest require them. Whenever we find it necessary to make political speeches, we try to make them outside of Congress. For my part, I find I have the best results from working with my male colleagues on a personal basis. If I speak to a fellow legislator, explain a given problem carefully and individually, he will usually help all he can.

I recently found a set of comparisons which illustrate some of the problems we women contend with in the popular imagination, probably stemming from the stresses and strains of our changing status over the course of the last half-century:

"If he doesn't marry, he's a bachelor, a glamorous word. If she does not marry, she's an old maid.

"What he hears at the office is news. What she hears at the bridge club is gossip.

"If he runs the family, he is the head of the house. If she runs it, she wears the pants of the family.

"In middle-age he is in the prime of life, or the peak of his career. At the same age she is no spring chicken.

"If he is an easy spender, he 'Does not deny his family anything.' If she does not count the pennies, she's a poor manager and extravagant.

"If he keeps an eye on her at a party, he is an attentive husband. If she sticks close to him, she is a possessive wife.

"If he hasn't any small talk, he is the quiet type. If she hasn't any she is just dumb.

"If he is oversolicitous of her, he is a devoted husband. If she is oversolicitous of him he is henpecked.

"When it's his night out, he's out with the boys or at a meeting. When it's her night out, she's at a hen party."

It is perfectly true that these are instinctive characterizations and are what you might call "holdover aspects of the double standard." However, as a result, if possible, we must avoid any actions that would permit of characterizations of this type or bolster any such diehard opinions. We have to be better than good and maintain always a positive, frank, impersonal yet friendly attitude toward everyone, without irriation or taking personal offense. We should never exhibit aggressiveness, or any of the other eager-beaver characteristics which lead to a charge of egotism or limelight seeking. In short, like Caesar's wife, we must be above reproach. Hard lines, but that's the way it is. And these considerations are as important in your precinct work as in mine.

Above all, my friends, talk to everyone, your friends, your neighbors, your servicemen, your children's teachers, your minister. Talk politics, talk issues, talk plans. Constant emphasis on issues, problems, facts, will leave a subconscious but indelible impression and stir the interests of all those with whom you come into contact.

My dear ladies, one would almost think that I am suggesting that you "get out there on the field and save the game." Well, for your information, that is exactly what I am suggesting. You are the new and potent force in politics, and if I have managed to put a little steel in your spines and a little pride into your hearts as to your capacities and your potential, I have been successful in my mission. I am reminded of the zoo-keeper, who, after years of effort, had managed to cross a tiger and a parrot. Asked what in the world came from such a combination, he replied, shakily, "I don't know, but when he talks we listen."

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# SENATE

## WEDNESDAY, JULY 31, 1957

*(Legislative day of Monday, July 8, 1957)*

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O God, before whom our little span of years is like the brief shining of a candle, while it yet burns we would yield our flickering torch to Thee, that in Thine hands the flame of our lives may be part of the light that glows in the darkness.

Thou hast made this earth so fair and given it to all men richly to enjoy. Help us never to grow dull to all its wonders nor lose the mystic luster of the changing pageant of earth and sky and sea. Above all, may no blighting acids of disillusionment or cynicism blind us to the glory of our common humanity as the splendor of it flames in the warmth of human fellowship, in the sacrament of love and friendship, in the trusting innocence of adorable children, and even in the weak who need the buttressing of our belief in them, and in the strong, who give us of their strength. We thank Thee for dauntless souls who, in spite of persecution, postponement, and bitter cost, have followed the gleam of brighter and better days.

Join us to the seers and prophets of the past who have gone ahead of the crowd to climb the beckoning hilltops of humanity's highest hopes.

In the dear Redeemer's name. Amen.

### THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Tuesday, July 30, 1957, was approved, and its reading was dispensed with.

### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Tribbe, one of his secretaries, and he announced that the President had approved and signed the following acts:

On July 24, 1957:

S. 44. An act to authorize the Secretary of Agriculture to exchange certain lands in the State of New Mexico;

S. 977. An act to suspend and to modify the application of the excess land provisions of the Federal reclamation laws to lands in the East Bench unit of the Missouri River Basin project;

S. 1361. An act to revive and reenact the act entitled "An act authorizing the Department of Highways of the State of Minnesota to construct, maintain, and operate a bridge across the Pigeon River";

S. 2212. An act to amend the North Pacific Fisheries Act of 1954;

S. 2250. An act to amend the act of August 5, 1955, authorizing the construction of two surveying ships for the Coast and Geodetic Survey, Department of Commerce, and for other purposes; and

S. 2420. An act to extend the authority for the enlistment of aliens in the Regular Army, and for other purposes.

On July 26, 1957:

S. 18. An act for the relief of Alessandro Renda;

S. 80. An act for the relief of Maria Adelaide Alessandroni;

S. 164. An act for the relief of John G. Michael;

S. 249. An act for the relief of Theodore Hegeman;

S. 250. An act for the relief of Kyu Yawp Lee and his wife, Hyung Sook Lee;

S. 251. An act for the relief of Edith Elisabeth Wagner;

S. 255. An act for the relief of Fumiko Shikanuki;

S. 256. An act for the relief of Aristea Vitogianes;

S. 284. An act for the relief of Miyako Ueda Osgood;

S. 303. An act for the relief of Gaetano Mattioli Cicchini;

S. 307. An act for the relief of Noemi Maria Vida Williams and Maria Loretta Vida;

S. 308. An act for the relief of Maria Caccomo;

S. 368. An act for the relief of Jose Medina-Chavez (Joe Medina);

S. 526. An act for the relief of Tikva Polsky;

S. 530. An act for the relief of Shun Wen Lung (also known as Van Long and Van S. Lung);

S. 560. An act for the relief of Alec Ernest Sales;

S. 583. An act for the relief of Stanislav Maglica;

S. 592. An act for the relief of Anton Revak;

S. 615. An act for the relief of Josephine Ray;

S. 622. An act for the relief of Georgina Mercedes Llera;

S. 629. An act for the relief of John Eicheri;

S. 653. An act for the relief of Mrs. Elsbe Hermine van Dam Hurst;

S. 767. An act for the relief of Christo Pan Lycouras Mauroyenis (Maurogenis);

S. 785. An act for the relief of Helga Binder;

S. 788. An act for the relief of Thelma Margaret Hwang;

S. 804. An act for the relief of Georgios D. Christopoulos;

S. 908. An act for the relief of Kuo York Chynn;

S. 973. An act for the relief of Yun Wha Yoon Holsman;

S. 987. An act for the relief of Leonardo Finelli;

S. 1083. An act for the relief of Maria Maniates;

S. 1192. An act for the relief of Irma B. Poellmann;

S. 1360. An act for the relief of Mrs. Geraldine Elaine Sim;

S. 1376. An act for the relief of Chong You How (also known as Edward Charles Yee), his wife, Eng Lai Fong, and his child, Chong Yim Keung;

S. 1566. An act for the relief of Arthur Sew Sang, Kee Yin Sew Wong, Sew Ing Lin, Sew Ing Quay, and Sew Ing You;

S. 1581. An act for the relief of Sheu Shei Lan and Chow Shong Yep; and

S. 1833. An act for the relief of Janos Schreiner.

## EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

## THE JURY-TRIAL AMENDMENT TO THE CIVIL RIGHTS BILL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of my brief remarks, there may be inserted in the RECORD a statement by one of the greatest constitutional lawyers and one of the greatest Senators this country has ever produced, the late Senator Thomas J. Walsh, of Montana, setting forth his position on jury trials; and also an article relative to the jury-trial amendment, as published in the New York Times of Sunday, July 28.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit A.)

Mr. MANSFIELD. Mr. President, of late, there has been considerable discussion of the so-called O'Mahoney-Kefauver-Church amendment. A good deal of that discussion has centered around the possible fate of those who might continue to disobey court orders.

There has been a general assumption that a court is helpless—without a jury trial—once election day has passed. I am informed by competent legal scholars that this assumption is simply not sound.

In *United States* v. *Mine Workers* (330 U. S. 258), at page 302, Chief Justice Vinson stated:

> Sentences for criminal contempt are punitive in their nature and are imposed for the purpose of vindicating the authority of the court. *Gompers* v. *Bucks Stove & Range Co. supra* at 441. The interests of orderly government demand that respect and compliance be given to orders issued by courts possessed of jurisdiction of persons and subject matter. One who defies the public authority and wilfully refuses his obedience, does so at his peril.
>
> * * * * *
>
> Judicial sanctions in civil contempt proceedings may, in a proper case, be employed for either or both of two purposes: to coerce the defendant into compliance with the court's order, and to compensate the complainant for losses sustained. *Gompers* v. *Bucks Stove & Range Co., supra,* at 448, 449.

Mr. President, this is plain English. It says to me that one who violates the order of a court is subject to the full authority of the court to compel compliance.

And if the power of the court to compel compliance by a certain date—election day, for example—fails, the court can award damages to those who have sustained a loss. This would apply to a vote, as well as to any other loss. And all of this happens before the case gets anywhere near a jury.

Mr. President, it seems to me that we are debating a clear and simple issue. Under the O'Mahoney-Kefauver-Church amendment the courts would have full powers—short of the thumbscrew—to compel compliance with an order.

The one thing a court could not do would be to publicly brand a man as a criminal, without a jury trial.

It is my understanding that the O'Mahoney-Kefauver-Church amendment is an attempt to draw a clear distinction between civil and criminal contempt; to give a judge some latitude in deciding which remedy should be applied; and to assure the right of trial by jury in criminal contempts only. The amendment will not weaken the bill; in fact, it will strengthen the proposed legislation now before us, and at the same time will preserve a fundamental human right. In the words of the junior Senator from Washington [Mr. JACKSON]:

> The right of trial by jury, just as the right to vote, is one of our traditional civil rights. And, like all civil rights, it is designed to shield the individual from the potential tyranny of the state. We need not be so fearful for the future of voting rights that we now endanger one civil rights to guard another. The adoption of an appropriate jury trial amendment is essential if we are to prevent a piecemeal assault on the foundations of our legal system.

Mr. President, the Senate should not put in jeopardy one civil right, the right of trial by jury, in an attempt to guard and secure another civil right, the right to vote. There is, and there must remain, room for both under the Constitution of the United States. I shall support the jury-trial amendment.

### EXHIBIT A

STATEMENT BY THE LATE SENATOR THOMAS J. WALSH, OF MONTANA

There is not an argument that can be advanced or thought of in opposition to trial by jury in contempt cases that is not equally an argument against the jury as we know it * * *. Instead of being an attack on the court, the proposal to submit to trial by jury alleged contempts not committed in the presence of the court is a plan to restore to the Federal court the confidence and good will which the people ought to bear toward them, but which, unfortunately, by a liberal and sometimes inconsiderate exercise of the power to issue injunctions and to punish as for contempt, has, among certain classes of citizens, been all but forfeited.

[From the New York Times of Sunday, July 28, 1957]

The essential difference between civil and criminal contempt lies in what the judge is trying to do—whether he is seeking to force obedience or punish disobedience. In civil contempt the intention is remedial; in criminal the intention is punitive.

Civil contempt, traditionally, involves an effort by a judge to induce compliance with an order he has issued. The judge says, in effect: "I have issued an order. You are not obeying it. I am going to put you in jail until you do obey it." Lawyers often say that in such a case the defendant "has the keys to the prison in his pocket." A typical situation would arise if a judge issued an order preventing interference with voting rights and jailed a southern registrar who failed to register a Negro. The registrar could bring his stay in jail to an end at any time by deciding to comply with the order by registering the Negro.

Criminal contempt involves a move by the judge to punish someone for committing an irrevocable act or for an attitude which in the judge's opinion is an affront to the dignity of the court. The judge says, in effect: "You have violated my order, and to punish you I'm going to lock you up." In this instance the jail sentence is for a specific period, and the defendant has no control over it.

RIGHT OF JURY TRIAL

The question of whether a defendant in a contempt case is entitled to a jury trial is, as one lawyer said last week, "a confusing subject." Civil contempt is usually tried without a jury. So, also, are many cases of criminal contempt. Congress has added to the confusion by passing 28 statutes authorizing contempt trials without juries. But it has also passed laws requiring jury trials in contempt cases. This issue is the subject of learned arguments among prominent lawyers. * * * Says Senator O'MAHONEY:

The question which every Senator must ask himself when the time comes to vote upon this measure is whether he wants to take away the right of trial by jury from American citizens, not whether he wants to give it in circumstances where it does not now exist.

## DEATH OF FORMER REPRESENTATIVE NAT PATTON

Mr. JOHNSON of Texas. Mr. President, an honorable career of public service came to a close last Saturday with the death of former Congressman Nat Patton, of the Seventh Congressional District of Texas.

Mr. Patton served 10 years in Congress, ending January 3, 1945. Prior to his Congressional service, he had been a member of the Texas House of Representatives, county judge of Houston County, Tex., and a member of the Texas Senate. He filled all these offices with distinction.

Nat Patton and I had offices near each other when I was a Member of the House. I knew him well. I respected his devotion to duty. I knew him as a man who was an affectionate family man, a faithful friend, a loyal American.

He numbered his friends in the thousands. To them he was always and simply "Cousin Nat," a term that denoted the affection in which they held this self-made man from East Texas.

Nat Patton's two sons have carried forward the tradition he established of public service. Weldon Patton, of Huntsville, Tex., is a former county judge of Walker County. Nat Patton, Jr., of Crockett, Tex., is now serving as county attorney of Houston County.

Mr. Patton is also survived by his widow, Mrs. Patton, of Crockett, Tex., and two daughters, Bessie Louise, wife of

Joe Gus LeGory, of Crockett, and Bonnie, wife of Clyde Smith, of Washington, D. C.

Mr. President, I extend my heartfelt sympathy to these surviving members of the Honorable Nat Patton, a man I was privileged and proud to call my friend.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 939) to amend section 22 of the Interstate Commerce Act, as amended, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 1349. An act for the relief of John J. Fedor;

H. R. 1558. An act for the relief of Phillis Guyadeen;

H. R. 1636. An act for the relief of George D. LaMont;

H. R. 1663. An act for the relief of Dean E. Fosmoe;

H. R. 1678. An act to provide for the quitclaiming of the title of the United States to the real property known as the Barcelona Lighthouse Site, Portland, N. Y.;

H. R. 1684. An act for the relief of William Franklin Rollins;

H. R. 1827. An act for the relief of Annunziata Gambini and Tomazo Gambini;

H. R. 2354. An act for the relief of the estate of Leatha Horn;

H. R. 2741. An act to authorize and direct the Administrator of Veterans' Affairs to convey certain lands of the United States to the Hermann Hospital Estate, Houston, Tex.;

H. R. 2938. An act for the relief of Cooperative for American Remittances to Everywhere, Inc.;

H. R. 2979. An act for the relief of Mary Hummel;

H. R. 3184. An act for the relief of Gordon Broderick;

H. R. 3473. An act to authorize and direct the Secretary of the Interior to sell certain public lands in the State of California;

H. R. 4344. An act for the relief of Malone Hsia;

H. R. 4447. An act for the relief of W. R. Zanes & Co., of La., Inc.;

H. R. 4854. An act for the relief of Victoria Galea;

H. R. 5224. An act for the relief of O. J. Glenn & Son, Inc.;

H. R. 7545. An act for the relief of Lemuel A. Wynne;

H. R. 7654. An act for the relief of Richard M. Taylor and Lydia Taylor;

H. R. 8284. An act for the relief of Innocenza Guarascio;

H. R. 8437. An act to amend the act of August 3, 1956, to authorize certain personnel of the Armed Forces to accept and wear decorations conferred by the Philippine Government:

H. J. Res. 393. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain persons;

H. J. Res. 409. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens;

H. J. Res. 410. Joint resolution to facilitate the admission into the United States of certain aliens; and

H. J. Res. 411. Joint resolution for the relief of certain aliens.

## ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 189. An act for the relief of Peter V. Bosch;

S. 225. An act for the relief of Kew Chan (Chan Kew), Nancy Tsui Mei (Leung) Chan, and Cecilia (Oi Fan) Chan;

S. 239. An act for the relief of Maria Parisi;

S. 904. An act for the relief of Chrisoula Antonios Chegaras;

S. 1268. An act for the relief of Don Q. Gee; and

S. 2449. An act to extend the effectiveness of the Missing Persons Act, as extended, until April 1, 1958.

## HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as indicated:

H. R. 1349. An act for the relief of John J. Fedor;

H. R. 1558. An act for the relief of Phillis Guyadeen;

H. R. 1636. An act for the relief of George D. LaMont;

H. R. 1684. An act for the relief of William Franklin Rollins;

H. R. 1827. An act for the relief of Annunziata Gambini and Tomazo Gambini;

H. R. 2354. An act for the relief of the estate of Leatha Horn;

H. R. 2938. An act for the relief of Cooperative for American Remittances to Everywhere, Inc.;

H. R. 2979. An act for the relief of Mary Hummel;

H. R. 3184. An act for the relief of Gordon Broderick;

H. R. 4344. An act for the relief of Malone Hsia;

H. R. 4447. An act for the relief of W. R. Zanes & Co., of Louisiana, Inc.;

H. R. 4854. An act for the relief of Victoria Galea;

H. R. 5224. An act for the relief of O. J. Glenn & Son, Inc.;

H. R. 7545. An act for the relief of Lemuel A. Wynne;

H. R. 7654. An act for the relief of Richard M. Taylor and Lydia Taylor;

H. R. 8284. An act for the relief of Innocenza Guarascio;

H. J. Res. 393. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain persons;

H. J. Res. 409. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens;

H. J. Res. 410. Joint resolution to facilitate the admission into the United States of certain aliens; and

H. J. Res. 411. Joint resolution for the relief of certain aliens; to the Committee on the Judiciary.

H. R. 1663. An act for the relief of Dean E. Fosmoe; to the Committee on Finance.

H. R. 1678. An act to provide for the quitclaiming of the title of the United States to the real property known as the Barcelona Lighthouse site, Portland, N. Y.; to the Committee on Interstate and Foreign Commerce.

H. R. 2741. An act to authorize and direct the Administrator of Veterans' Affairs to convey certain lands of the United States to the Hermann Hospital estate, Houston, Tex.; to the Committee on Labor and Public Welfare.

H. R. 3473. An act to authorize and direct the Secretary of the Interior to sell certain public lands in the State of California; to the Committee on Interior and Insular Affairs.

H. R. 8437. An act to amend the act of August 3, 1956, to authorize certain personnel of the Armed Forces to accept and wear decorations conferred by the Philippine Government; to the Committee on Armed Services.

## TRANSACTION OF ROUTINE BUSINESS

The PRESIDENT pro tempore. In accordance with the order entered on yesterday, providing a period for the transaction of routine morning business, with a limitation of 3 minutes on statements, morning business is now in order.

## EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

### Reports on Reapportionment of Appropriations

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the General Services Administration for "Operating Expenses, Public Buildings Services," for the fiscal year 1958, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the General Services Administration for "Expenses, Supply Distribution," for the fiscal year 1958, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the General Services Administration for "Operating Expenses, National Archives and Records Services," for the fiscal year 1958, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

### Report of Atomic Energy Commission

A letter signed by the Chairman and Members of the United States Atomic Energy Commission, Washington, D. C., transmitting, pursuant to law, a report of that Commission, dated July 1957 (with an accompanying report); to the Joint Committee on Atomic Energy.

## PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on Agriculture and Forestry:

"Joint resolution relating to the interest of the State of Wisconsin in increased dairy farm income and fair consumer prices for dairy products, and memorializing Congress.

"Whereas Wisconsin dairy farmers have suffered a severe drop in net income; and

"Whereas this reduction in farm income is causing great hardship to thousands of Wisconsin families, lowering the value of farm assets and forcing many small farmers, young

farmers and veterans to abandon their programs of expansion and modernization or to default on their debts or to liquidate their investments at substantial losses; and

"Whereas a consequence of this drop in farm income is a lowering of assessed valuation of farm personal property for tax purposes and a drop in farm income-tax payments at a time when both the local communities and the State are in need of additional revenues for schools, roads and other governmental functions; and

"Whereas a further consequence of this drop in farm income is a severe cut back in spending by Wisconsin farmers, thereby bringing about a reduction in the income of the business establishments which serve the farmer and a resulting drop of employment in Wisconsin industries; and

"Whereas the present plight of the dairy farmer is due in some measure to the reduction of price supports on dairy products; and

"Whereas the reduction in Government support of the prices for dairy products in 1954, together with the downward revisions of the formula since 1952 for computing the parity equivalent of milk used for manufacturing such dairy products has severely aggravated the price disadvantage suffered by Wisconsin farmers; and

"Whereas the cut in price supports has not reduced production of milk, which instead has climbed steadily to an alltime record, nor appreciably increased the per capita purchases of milk and dairy products; and

"Whereas farm and dairy groups after exhaustive study and research, now advocate and advance a self-help, self-financing program providing a two-price system for milk, with a higher price for milk produced for domestic consumption and a lower price for milk produced for surplus: Now, therefore, be it

*"Resolved by the senate (the Assembly concurring)*, That the Legislature of the State of Wisconsin memorialize the Congress of the United States to enact legislation which would require the United States Secretary of Agriculture to increase the price support of dairy products to a price more in line with the present high cost of production and the inflated cost of living until such time as Congress may adopt a peacetime, self-help, self-financing program which will give dairy farmers fair parity; and be it further

*"Resolved*, That Congress appropriate funds to the Federal Trade Commission for the purpose of investigating the increased spread between the price the farmer receives for his products and the price the consumer pays for the finished product; and be it further

*"Resolved*, That properly attested copies of this resolution be sent to the Secretary of the United States Senate and the Chief Clerk of the House of Representatives, to each Wisconsin Member of Congress and to the Honorable Dwight D. Eisenhower, President of the United States.

"W. P. KNOWLES,
*"President of the Senate.*
"LAWRENCE R. LARSEN,
*"Chief Clerk of the Senate.*
"ROBERT G. MAROTZ,
*"Speaker of the Assembly.*
"ARTHUR L. MAY,
*"Chief Clerk of the Assembly."*

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on Interstate and Foreign Commerce:

"Joint resolution relating to the interest of the State of Wisconsin in the regulation of prices of natural gas; and memorializing Congress

"Whereas certain bills are now pending or will be pending in the Congress of the United States to amend the Natural Gas Act to exempt from regulation sales of natural gas by the producers and suppliers thereof to pipeline companies for resale in interstate commerce; and

"Whereas the great percentage of natural gas sold in interstate commerce for transportation and resale by pipeline companies is by relatively few major companies; and

"Whereas an adequate supply of natural gas reasonably priced to the consumer is essential to the economic stability of the citizens and industries of Wisconsin and many other States and can only be guaranteed by reasonable regulation of sales by producers and suppliers; and

"Whereas the State of Wisconsin through its attorney general and its public service commission has been among the leaders in the struggle to maintain reasonable regulation of sales of natural gas by producers and suppliers; and

"Whereas consumers dependent upon natural gas will have no assurance of just and reasonable prices if there is no Federal control over the prices of natural gas as sold by the producer and supplier; and

"Whereas President Eisenhower by courageously vetoing the Harris-Fulbright bill passed by the last session of Congress indicated his concern for reasonable regulation of the sale of natural gas and his concern for the millions of consumers affected by such regulation: Now, therefore, be it

*"Resolved by the assembly (the senate concurring)*, That the Legislature of the State of Wisconsin memorialize the Congress and President of the United States to reject H. R. 6790 and H. R. 6791 and any other proposed amendment to the Natural Gas Act of 1938 which will create a gap in the price regulatory chain, or otherwise weaken the protection accorded consumers under the present act; and, be it further

*"Resolved*, That properly attested copies of this resolution be sent to the Secretary of the United States Senate, the Chief Clerk of the House of Representatives, to each Wisconsin Member of Congress, and to the Honorable Dwight D. Eisenhower, President of the United States.

"W. P. KNOWLES,
*"President of the Senate.*
"ROBERT G. MAROTZ,
*"Speaker of the Assembly.*
"LAWRENCE R. LARSEN,
*"Chief Clerk of the Senate.*
"ARTHUR L. MAY,
*"Chief Clerk of the Assembly."*

A resolution adopted by the Common Council of the city of Buffalo, N. Y., favoring the enactment of the civil-rights bill of 1957, including the enforcement provision of title III; ordered to lie on the table.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HAYDEN, from the Committee on Rules and Administration, without amendment:

S. 2434. A bill to amend the act entitled "An act to provide books for the adult blind"; (Rept. No. 773).

S. Res. 168. Resolution relative to printing the report of the Acting Secretary of Agriculture on the feed-grain program; and

S. Res. 169. Resolution to print, with an illustration, with additional copies, a survey entitled "National Policies on Federal Land Ownership."

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service, without amendment:

S. 243. A bill for the relief of Mrs. William A. Curran; (Rept. No. 775);

S. 2500. A bill to make uniform the termination date for the use of official franks by former Members of Congress, and for other purposes; (Rept. No. 776);

H. R. 4986. An act for the relief of the widow and children of John E. Donahue; (Rept. No. 779); and

H. J. Res. 275. Joint resolution transferring to the Commonwealth of Puerto Rico certain archives and records in possession of the National Archives; (Rept. No. 777).

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service, with amendments:

S. 1850. A bill to adjust conditions of employment in departments or agencies in the Canal Zone; (Rept. No. 774).

## APPOINTMENT OF REPRESENTATIVES IN ORGANS OF INTERNATIONAL ATOMIC ENERGY AGENCY

Mr. PASTORE, from the Joint Committee on Atomic Energy, reported an original bill (S. 2673) to provide for the appointment of representatives of the United States in the organs of the International Atomic Energy Agency, and to make other provisions with respect to the participation of the United States in that Agency, and for other purposes, and submitted a report (No. 778) thereon; which bill was read twice by its title and placed on the calendar.

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENNEDY:

S. 2665. A bill for the relief of Jean Kouyoumdjian; and

S. 2666. A bill for the relief of Evelyn Isabelle Di Giorgio; to the Committee on the Judiciary.

By Mr. CLARK (for himself and Mr. MORSE):

S. 2667. A bill to establish a standing Joint Committee on the District of Columbia; to the Committee on Rules and Administration.

(See the remarks of Mr. CLARK when he introduced the above bill, which appear under a separate heading.)

By Mr. POTTER:

S. 2668. A bill for the relief of Dennis Myron Ruder; and

S. 2669. A bill for the relief of Kyung Ai Lyu; to the Committee on the Judiciary.

By Mr. WILEY:

S. 2670. A bill authorizing the Secretary of the Interior to convey certain Indian land to St. Anthony's Parish; to the Committee on Interior and Insular Affairs.

By Mr. THYE:

S. 2671. A bill to direct the Secretary of the Air Force to reimburse the State of Minnesota for its costs in acquiring land and interests in land for an airbase near Bethel, Minn.; to the Committee on Armed Services.

By Mr. ANDERSON:

S. 2672. A bill to amend the Atomic Energy Act of 1954, as amended, to increase the salaries of certain executives of the Atomic Energy Commission, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. PASTORE:

S. 2673. A bill to provide for the appointment of representatives of the United States in the organs of the International Atomic Energy Agency, and to make other provisions with respect to the participation of the United States in that agency, and for other purposes; placed on the calendar.

(See reference to above bill when reported by Mr. PASTORE, from the Joint Committee on Atomic Energy, which appears under the heading "Reports of Committees.")

By Mr. ANDERSON:

S. 2674. A bill to authorize apropriations for the Atomic Energy Commission in

accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

## STANDING JOINT COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. CLARK. Mr. President, on behalf of the senior Senator from Oregon [Mr. MORSE] and myself, I introduce for appropriate reference a bill to establish a standing Joint Committee on the District of Columbia.

I have prepared a statement outlining the reasons why, in my judgment, this bill should be passed by the Congress, and I ask unanimous consent that a copy of my statement be printed in the RECORD at this point as a part of my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the statement presented by the Senator from Pennsylvania will be printed in the RECORD.

The bill (S. 2667) to establish a standing Joint Committee on the District of Columbia, introduced by Mr. CLARK for himself and Mr. MORSE was received, read twice by its title, and referred to the Committee on Rules and Administration.

The statement presented by Mr. CLARK is as follows:

STATEMENT BY SENATOR CLARK

As a former municipal official, and as a member of the Senate District Committee, I am keenly interested in the way in which Congress serves as the city council for the District of Columbia. I have been impressed by the variety and multiplicity of the problems, some of major importance but others sheer minutiae, which the District Committees, the Appropriations Committees, and the two Houses of Congress must consider and decide. I have viewed with concern the great amount of time and talent consumed in carrying out this responsibility—by Representatives and Senators, by committee staffs, by officials of the District of Columbia government, and by the many other people interested in the affairs of the District of Columbia.

In 1946, the La Follette-Monroney Committee on the Organization of Congress reported that more time is consumed in serving as city council for the District of Columbia than is spent on matters involving great importance to the Nation. In 1948, a House of Representatives subcommittee estimated that 3,000 man-hours were utilized in meetings by Members of the House on District legislation in the first regular session of the 80th Congress. In the 84th Congress, our Senate District Committee held 65 meetings. The number of trips from downtown to the Hill by District of Columbia government officials probably totals several hundred a year. Among the questions we are being asked to decide this year are the following: Should the District of Columbia government be allowed to use illustrations in its annual reports? Should the District of Columbia Teachers College grant the master's degree? Should the act concerning the school census be amended? Should the act relating to payment of motor vehicle fees exempt antique automobiles? Few would deny that the Federal interest in the affairs of metropolitan Washington should not be taken lightly, and I am happy to do what I can to fulfill the responsibility prescribed in the Constitution of Congress exercising legislative jurisdiction for the District of Columbia. Should we not ask ourselves, however, whether or not we are performing this duty in the most efficient and advantageous manner?

In my opinion there are two things we should do to improve and simplify our efforts and they are not interdependent. One is to grant home rule to the District of Columbia to provide a more efficient and responsible local government, and a more efficient method of discharging our own responsibilities.

The other is to follow the example set in the creation of the Joint Committee on Atomic Energy and other joint Congressional committees. The Joint Committee on Atomic Energy has had a distinguished record of service ever since it was set up in 1946. And while they are not legislative committees, other joint committees in the fields of internal revenue, immigration, and national economic policy have similar records of achievement. It is also pertinent to recall that a 1948 report of a House Subcommittee on Home Rule and Reorganization of the District of Columbia recommended a joint committee as part of its general reorganizational proposals.

Because I believe there is justification for this approach in the area of District of Columbia affairs, I am introducing a bill to establish a joint standing District of Columbia committee. This committee would be composed of nine Senate Members and nine House Members. The committee would have one staff, hold joint hearings, and report bills as a result of joint meetings, following the pattern of the Joint Committee on Atomic Energy. The jurisdiction of the joint committee would be the same as that of the existing District of Columbia Committees, with the addition of those fiscal matters involving expenditures from District revenues, but not including the Federal payments which would continue to come before the Appropriations Committees. This standing joint committee would have the same number of Senators as the present District of Columbia Committees, and its creation would not change the existing pattern of Senate committee assignments.

I am happy to announce that similar bills are being introduced by Representative THOMPSON of New Jersey, Representative GRANAHAN, of Pennsylvania; Representative SCOTT of Pennsylvania; and Representative MCGOVERN, of South Dakota. Representative GRANAHAN is a member of the House District of Columbia Committee.

Certainly a joint committee in any legislative area should be the exception rather than the rule. But we believe there are sufficient justifications to make the exception we are proposing. The primary benefits would accrue to the government of the District. What we have in effect at the present time is a bicameral city legislature, which we all know is the rarest of political animals. The municipal problems of this large urban area are being considered in effect by a divided city council, and each half of that council in turn must report to a larger body designed to consider national and international problems rather than local issues. If Congress is going to continue to serve as the governing unit for the District, we should adopt a committee structure on the unicameral pattern which has proven to be the best to handle municipal problems.

There are also benefits which would accrue to the Congress. There would be a saving in cost resulting from a combined committee staff, fewer meetings, and fewer hearings. The saving in the time of Representatives, Senators, District of Columbia officials, witnesses, etc., would be great. As an editorial in the Washington Post stated: "Diffusion of authority contributes greatly to pulling and hauling over relatively minor issues and compels an excessive number of national legislators to familiarize themselves with local problems." Certainly any elimination of unnecessary duplication of effort would mean that Senators and Representatives could devote more time and energy to other matters.

The present District of Columbia Committees have found it beneficial to act jointly many times in the past. For example, in the 84th Congress there were joint hearings and a joint markup of a revenue bill, and there have been joint hearings on other revenue bills in nearly every Congress. This year a joint committee held hearings on a District of Columbia auditorium site. Certainly a joint committee would not be a severe departure from procedures already established and found advantageous.

A century ago the Congress could perhaps afford the luxury of being the city council for a small urban area. Today, when Congress is faced with national and international problems of great magnitude, we would do well to adapt our procedures to provide better government for the District of Columbia, and less of a burden to us.

## CIVIL RIGHTS—AMENDMENT

Mr. CASE of South Dakota submitted an amendment, intended to be proposed by him, to the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States, which was ordered to lie on the table and to be printed.

## ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. MARTIN of Pennsylvania:

Address intended to be delivered by him tonight before the annual convention of the Army and Navy Legion of Valor, in Philadelphia, Pa.

## NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Laughlin E. Waters, of California, to be United States attorney, for the southern district of California, 4-year term—reappointment;

James W. Dorsey, of Georgia, to be United States attorney, for the northern district of Georgia, 4-year term—reappointment;

Frank O. Evans, of Georgia, to be United States attorney, for the middle district of Georgia, 4-year term—reappointment;

William Cozart Calhoun, of Georgia, to be United States attorney for the southern district of Georgia, 4-year term—reappointment;

John C. Crawford, Jr., of Tennessee, to be United States attorney, for the eastern district of Tennessee, 4-year term—reappointment;

Millsaps Fitzhugh, of Tennessee, to be United States attorney, for the western district of Tennessee, 4-year term—reappointment;

Krest Cyr, of Montana, to be United States attorney, for the district of Montana, 4-year term—reappointment;

John Strickler, of Virginia, to be United States attorney, for the western district of Virginia, 4-year term—reappointment; and

William B. Bantz, of Washington, to be United States attorney, for the eastern district of Washington, 4-year term—reappointment.

On behalf of the Committee on the Judiciary notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, August 7, 1957, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearings which may be scheduled.

## NOTICE OF HEARING ON THE NOMINATION OF EDWIN R. HICKLIN TO BE UNITED STATES DISTRICT JUDGE, SOUTHERN DISTRICT OF IOWA

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, August 7, 1957, beginning at 10 a. m., in room 424, Senate Office Building, upon the nomination of Edwin R. Hicklin, of Iowa, to be United States district judge for the southern district of Iowa, vice William F. Riley—deceased.

At the indicated time and place all persons interested in the above nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from South Carolina [Mr. JOHNSTON], the Senator from Indiana [Mr. JENNER], and myself, as chairman.

## THE UNITED STATES SHOULD NOT RECOGNIZE COMMUNIST CHINA—ARTICLE BY SENATOR KNOWLAND

Mr. SMITH of New Jersey. Mr. President the Journal of International Affairs in a recent issue, volume XI, No. 2, 1957, was entirely devoted to the discussion of Communist China in World Politics.

A number of distinguished writers were authors of articles discussing both sides of the question of the recognition of Communist China and its admission to the United Nations. Our distinguished minority leader, the senior Senator from California [Mr. KNOWLAND] contributed an outstanding article entitled, "The United States Should Not Recognize Communist China." Because of the importance of this subject and the distinction of the author, I ask unanimous consent that the article be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE UNITED STATES SHOULD NOT RECOGNIZE COMMUNIST CHINA

(By Senator WILLIAM F. KNOWLAND)

(Representing the people of California in the United States Senate, Senator KNOWLAND is the Republican minority leader of that body. He is frequently mentioned as a possible candidate for the Republican presidential nomination in 1960.)

The recognition of Communist China is a complex problem involving major policy decisions. I am opposed to granting such recognition for legal, strategic, and moral reasons. In order to place this problem in its proper context, it is necessary to review recent Chinese Communist-American experience.

When the Communist Chinese intervened in the Korean war on November 26, 1950, they had succeeded in gaining control of mainland China. The degree and extent of their control was, and is, a debatable point; but certainly they were able to deny any easy Chinese Nationalist access to the mainland. From the Korean intervention in 1950, the United States was faced with an Asian enemy which had clearly proven its warlike and expansionistic tendencies.

Although Chinese Communist animosity toward the United States antedates the Korean war, it reached its fullest expression at that time. The Chinese armies helping in Korea were labeled as volunteer forces. Actually, these soldiers were not volunteers but formations of the Regular Chinese Communist Army fighting United Nations forces. (In their arrogance, the Chinese Communists did not even bother to change the numerical designations of their units.)

To say that the Chinese intervened against the United Nations is also to say that they intervened against the United States; for it was generally known that the Free World effort in Korea committed a large number of American forces. Success or failure in that war involved American prestige, a point which was not overlooked by the popular press on both sides of the Iron Curtain. The Korean war developed into an indirect United States-Chinese Communist conflict, testing both psychological and military power.

Those favoring recognition of Communist China say that at worst it cannot do any harm, and that at best, a spirit of negotiation may change Peiping's antagonistic views toward the United States. Attempts were made during World War II and immediately after to reason with the Chinese Communists. The high point in this policy of conciliation and negotiation occurred during General Marshall's mission to China. However, even this effort was undermined by Communist duplicity.

Since then, there has been no evidence that the Red Chinese intend to abandon their goal of forceful and aggressive imperialism. To the contrary, most evidence suggests that Communist China intends to use any means necessary to expand her area of political and economic control. Communist China's intervention in the Indochina civil war must be remembered in this connection. While France's policy in that former colony is open to question, certainly Communist China's aid to the Viet Minh hardly constitutes evidence of a desire to settle international disputes by peaceful means. Most recently Communist China became involved in a border dispute with Burma. Here again force and subterfuge were Peiping's weapons. The disputed territory was simply occupied by Red troops with an unconvincing pretext being given.

These acts do not suggest a willingness to discharge international obligations according to accepted international law; rather they suggest the opposite. Accordingly, it is necessary to examine the legal problems involved in recognition of Communist China.

### I. THE LEGAL ARGUMENT

The proponents of United States recognition of Communist China contend that such recognition would constitute neither approval nor disapproval of the Peiping regime. This notion appears frequently in the daily press, magazine articles, and even in learned articles on international law. There are, of course, diplomatic and legal precedents which support such a view.

The United States has been a leading proponent, historically, of de factoism in the recognition of new powers. This policy was furthered by President Jefferson as a means of sidestepping de jure recognition which involved at that time the question of legitimacy. However, American practice concerning recognition has not been uniform. Secretary of State Seward and President Wilson, for instance, both followed the policy of inquiring into the nature of the foreign government to be recognized in order to promote stability and constitutionalism.

Successive revolutions in Central and South American countries led the United States Government at the time to the conclusion that quick recognition of military juntas in that area invited new rebellions. The notion developed that a withholding of recognition could be used to assist in promoting stability in Latin America. By withholding recognition of Central American governments unless they were determined to be either stable, or democratic, or both, the United States was, by implication, stating that it disapproved of a government when it withheld recognition, and that it approved of a particular government when it granted recognition.

The announcement of the Estrada Doctrine by the Mexican Government supported the view that granting recognition had in many instances been associated with approval of a particular government. This doctrine said in effect that: "The granting of recognition being an insulting practice implying judgment upon the internal affairs of foreign states, the Mexican Government would henceforth confine itself to the maintenance or the nonmaintenance of diplomatic relations with foreign governments without pronouncing judgment upon the legality of those governments." (A similar sentiment is to be found in Resolution 35 of the Final Act of Bogotá adopted by the Ninth International Conference of American States, 1948, and finds expression in the American announcement concerning the revolutionary administration of General Odria in Peru.[1])

The United States has, from time to time in its messages of recognition, stated that it was granting recognition because the Government concerned reflected the will of the people and was willing to discharge its international obligations. This principle, applied extensively in Central America, was adhered to in the eventual recognition of President Yuan Shi Kai's Chinese regime in 1913. President Taft in a message to Congress on December 3, 1912, said:

"The political disturbances in China in the autumn and winter of 1911–12 resulted in the abdication of the Manchu rulers on February 12, followed by the formation of a provisional republican government empowered to conduct the affairs of the nation until a permanent government might be regularly established. The natural sympathy of the American people was appropriately expressed in a concurrent resolution of Congress on April 17, 1912. A constituent assembly, composed of representatives duly chosen by the people of China in the elections that are now being held, has been called to meet in January next to adopt a permanent constitution and organize the government of the nascent Republic. During the formative constitutional stage and pending definitive action by the assembly, as expressive of the popular will, and the hoped-for establishment of a stable republican form of government capable of fulfilling its international obligations, the

[1] Chen, Ti-Chang. The International Law of Recognition (Frederick A. Praeger, Inc., New York, 1951), p. 128.

United States is, according to precedent, maintaining full and friendly de facto relations with the provisional government."[2]

On March 18, 1913, the American Legation in Peiping sent a dispatch to Washington which gave the following reasons for granting recognition to President Yuan's government:

"Taking all these facts into consideration, it seems to me even the most discouraging features of the situation in China are not of a sort to recommend delay in recognizing the Government.

"There is no rival government contending with it for the possession of the country. The Manchus are not offering any resistance to it. It was established, in fact, by the cooperation of the Manchu Government, which abdicated with the object of preventing further strife. It has complete possession of all the Provinces of China proper and of Manchuria. Outer Mongolia declared its independence before the Republic was formed. Tibet is engaged in strife with the Republic, but Tibet has always been autonomous, as indeed is true also of Mongolia. The elections just held throughout the 22 Provinces, in spite of the delays and deadlocks occurring in some, show that the people who really take any interest in the political situation mean to stand by the Republic. But even if it should prove true that a dictatorship or an empire is to succeed the present Government it would be no more than has happened in the case of other republics recognized by the United States, and there is nothing in the anticipation of such an event to encourage us to withhold from this struggling Republic a sympathetic recognition by the mother of republics."[3]

In 1924 the powers recognized the new Chinese Government of Tuan Chi-jui. The following is the note of recognition signed by representatives of Great Britain, Japan, Italy, France, the Netherlands, Belgium, and the United States which was delivered to the Chinese Foreign Office on December 9, 1924:

"The representatives at Peking of the United States of America, Belgium, Great Britain, France, Italy, Japan, and The Netherlands declare in the names of their governments that taking note of the communication addressed to them on November 24th by the Wai Chiao Pu announcing the assumption of office by the provisional chief executive and of the mandates issued by the new chief executive on the same date they will lend their full support to the provisional government in Peking under the present provisional chief executive and that they have entered into de facto relations with the same on the understanding that this provisional government has been constituted with the concurrence of the nation for the purpose of taking charge of the affairs of the Chinese Republic pending the establishment of a formal government representing all the provinces and parties in the Republic and on the understanding that it is the intention of the provisional government and of any formal government that may hereafter be established to respect and duly fulfill all treaties, conventions, and other engagements entered into by the former Manchu and Republican governments and all rights, privileges, and immunities enjoyed by foreigners in China by virtue of such international engagements which according to international usage can only be modified by mutual consent of the contracting parties. They further declare that on the above understanding their governments are willing and anxious to proceed as soon as practicable with the carrying out of the measures contemplated in the Washington treaties and resolutions."[4]

It is clear, therefore, that recognition is not always given or withheld for purely legal reasons. Inevitably, questions of international policy arise. Oppenheim stated this quite clearly by saying: "Recognition will as a rule be given without any conditions whatever, provided the new state is safely and permanently established. Since, however, the granting of recognition is a matter of policy, and not of law, nothing prevents an old State from making the recognition of a new State dependent upon the latter fulfilling certain conditions."[5]

This view as to both policy and the fulfilling of certain conditions is supported by a majority of writers on international law and is confirmed by the general practice of States. An English author representative of that country's viewpoint has stated: "It is within the competence of a State to refuse recognition to a newly formed State where its independence is not yet secure and its power of resistance remains doubtful." He goes on to say, "Where a new State is formed of territories formerly belonging to another State, regard should be had, in granting such recognition, to existing duties toward the State from which the revolutionized State seeks or has sought to emerge, for so long as the struggle continues and the issue is uncertain, the recognition of the revolutionized State may be said to favor one party at the expense of the other."[6]

It appears, therefore, that the United States has granted recognition for the following reasons: (1) National interests; (2) the willingness of the new government to discharge its international obligations; (3) approval of the form of government of a new state; and (4) the new government was deemed to be in effective control of the state and its machinery. Inasmuch as Communist China does not control all of Chinese territory, that is to say Taiwan and the adjacent islands, it can only be said to be in control of a great portion of Chinese territory. There is also substantial doubt as to the degree and extent of Communist control in China proper. From time to time evidence reaches the outside world of large-scale uprisings on the Chinese mainland.

The proponents of recognition for Communist China frequently cite United States recognition of the U. S. S. R. as a parallel. Actually, the cases are dissimilar because the Soviet Union was in control of Russia in 1933 and did not have to contend with a Russian Government in being which contested its authority. From 1918 to 1933 (a period of 15 years) the United States did not grant recognition. This is not to say that United States recognition of the Soviet Union when it was finally made was a wise policy decision. On the contrary, our recognition of the U. S. S. R. may well have encouraged other states to follow a policy of property confiscation, international lawlessness, and subversion.

To recognize Communist China at this juncture would involve an unfriendly act toward Nationalist China, because the latter has a government and lays claim to all of the territory which can be properly described as China. Therefore, from a juridical standpoint, China is still in a state of civil war with neither side having been able to gain complete control of all of China's territory. Further, the Nationalist Republic of China is a charter member of the United Nations and holds 1 of the 5 permanent seats in the Security Council.

The United States is helping to build up the defense of Nationalist China. Legally, this is the act of one friendly state helping another at its own request. A reversal of this policy and recognition of Peiping would legally constitute unfriendly acts toward Nationalist China.

There exist no precedents for recognizing two Chinas and since each side lays claim to the territory of the other, divided recognition is an impossibility.

One remaining argument for recognizing Communist China is the desirability of such an action, which inevitably leads us into a consideration of policy and strategy.

### II. POLICY AND STRATEGY

The United States has a defense agreement with the Nationalist Government in Formosa. As long as the Peiping Government pursues a policy of expansion and aggression in the Far East, Taiwan has a definite strategic advantage for the United States and the entire Free World. It provides a forward base from which to defend against aggression should Communist China attack one of our SEATO or ANZUS allies or should she attack Korea or Japan. Taiwan is also an advance outpost from which to protect the important defense base at Okinawa. In effect, our ability to defend ourselves against Communist China for our own security and that of our allies depends on Free-World control of peripheral areas. Taiwan is such a peripheral point. Communist Chinese expansion into southeast Asia is greatly threatened by the existence of a forward base from which the lines of communication along the south China coast can be readily interdicted.

Recognition of Communist China would certainly strip the United States of these advantages with respect to Taiwan. In addition, recognition of Communist China would have an adverse effect on the Korean armistice and would demoralize our allies in SEATO and ANZUS.

On the other hand, nonrecognition of Communist China gives the United States freedom of action in the Far East. This freedom of action is highly desirable at a time when Communist China shows no desire to fulfill its international obligations or to promote the general cause of world peace.

Interwoven with the purely strategic reasons for nonrecognition of China, psychological factors must be considered. United States recognition of Communist China, coming on the heels of the Korean war and following the French defeat in Indochina, would lead to a devastating loss of morale for both the United States and the free Occident in the Asian world. It must be remembered that the millions of Asiatics are not concerned with the legal implications of recognition or nonrecognition. They only know what emanates from the radio stations and the newspapers of the free and Communist worlds. It is not difficult to imagine the strident boasts of radio Peiping in announcing United States recognition of its regime.

Psychologically, recognition of Communist China would have an adverse effect on Chinese living in other countries. These Chinese are important minorities in countries such as Thailand, Korea, Burma, etc. Nationalist China has refrained from trying to gain the loyalty of Chinese who are citizens of other states in Asia. By comparison, Communist China has been working assiduously to create a fifth column among Chinese abroad. This creates a very real threat of subversion to non-Chinese countries with large Chinese minorities.

In furthering that goal, the Communists use threats of reprisals to gain support of overseas Chinese. First, they threaten the families of those mainland Chinese who have relatives abroad. Secondly, they use the threat of eventual Communist Chinese dom-

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[2] Hackworth, Green Haywood. Digest of International Law, vol. 1 (U. S. Government Printing Office, Washington, D. C., 1940), p. 314.

[3] Ibid., p. 315.

[4] Ibid., p. 317.

[5] Oppenheim, L., International Law, vol. I (Longmans, Green & Co., London, 1912), p. 118.

[6] Levi, Leone, International Law, vol. LX (D. Appleton & Co., New York, 1888), p. 86.

ination of Asia. As long as Nationalist China exists, the people of Asia have a hope that Peiping is not going to succeed in its dreams of hegemony.

Involved in the strategic and psychological phases of this problem is an important policy consideration. The United States has based its defense programs against communism on a treaty structure. For this reason our Government joined NATO, SEATO, ANZUS, and more recently, the Baghdad Pact. Our policy has been to form alliances with those free countries lying on the periphery of that portion of Eurasia controlled by communism. These alliances have been freely entered into by the parties concerned and impose mutual obligations and rights.

One of the pillars of this treaty structure is the certain knowledge that the United States is determined to resist Communist aggression. Although recognition of Peiping would not involve any abrogation of treaty commitments, it would destroy the central principle which, in the minds of millions of people at home and abroad, represents the supporting foundation of those treaty organizations.

The argument is sometimes made that recognition of China will provide a wedge by which to separate Communist China from the Soviet Union, and thereby render such arrangements as SEATO and ANZUS obsolete. This is highly speculative. Who can say that United States diplomacy can bring about such results? Judging by past experience with the Communists, such an eventuality seems unlikely. Communist China and the Soviet Union have a long common boundary. This implies military vulnerability for both sides. A strong China antagonistic toward the Soviet Union would definitely be a threat to Russian control of the Primorsk. Conversely, a Soviet Union antagonistic toward China constitutes a threat to China's northern provinces and Mongolian possessions. Moreover, a common ideology makes disagreement between Moscow and Peiping an unhealthy situation from the point of view of both countries' domestic and international propaganda. The two governments are forced to sink or swim together.

The United States has been trying to promote a climate of international affairs which will lead to expanded international trade, free interchange of ideas, and a maintenance of world peace based on just principles. Would we not frustrate our policies in this direction by recognizing states which follow policies of extreme nationalism and which are unwilling to promote the cause of peace? This would tend to set a bad example for countries which are tempted by Soviet totalitarian practices.

The confiscation of private foreign assets by governments outside of the Soviet orbit may well have been encouraged by our recognition of the Soviet Union and its satellite countries. Would the Abadam oil crisis have occurred if the Western Powers had insisted earlier that Communist countries discharge their international obligations? Similarly, would Premier Nasser have seized the Suez Canal if precedents for such practices had not received the tacit approval of western countries in other areas?

III. MORAL CONSIDERATIONS

Morality inevitably affects the foreign policy of states having representative governments. Taking moral considerations into account in the conduct of foreign affairs does not mean abandonment of realism, because constitutional republics by definition have morality as part of the reality. Nonregimented states depend upon public opinion for decisions ranging from water-pollution control to the most serious international problems. This is as it should be, for any other method of arriving at decisions would be negation of representative government.

The United States has been a world symbol of freedom since 1776. When the conduct of our foreign policy has been directed at maintaining this tradition, we have usually been successful. In furthering the cause of freedom we gain the support of our own citizens and serve as an inspiration to less fortunate people.

Communist China, by contrast, is a symbol of slavery, regimentation, and irreligion. She is no different in these respects from Nazi Germany, Fascist Italy, or the Soviet Union. Mass murders, brain washing, and a denial of man's higher being are conditions that have always revolted the consciences of free people everywhere.

For these reasons, the Congress has continually and overwhelmingly supported both a Democratic and a Republican President in withholding United States recognition of Communist China and opposing her admittance to the U. N. The following are examples of various instances in which the Congress has made its will known on the subject:

EIGHTY-SECOND CONGRESS

Senate Resolution 36: Resolution declaring it to be the sense of the Senate that the Communist Chinese Government should not be admitted to membership in the United Nations as the representative of China. Agreed to: 91 yeas to 0 nays, January 23, 1951.

House Resolution 96: Resolution declaring that it is the sense of the House of Representatives that the Chinese Government authorities shall not be permitted to represent China in the United Nations. Agreed to May 15, 1951.

EIGHTY-THIRD CONGRESS

H. R. 4974: Bridges amendment to the State, Justice, Commerce appropriations, 1954, declaring it to be the sense of the Congress that the Communist Chinese Government should not be admitted to membership in the United Nations as the representative of China. Agreed to: 76 yeas to 0 nays, June 3, 1953. The House concurred in this amendment by a vote of 379 yeas to 0 nays, July 21, 1953. (This bill became Public Law 195, approved August 5, 1953.)

House Resolution 627: Resolution declaring that the House of Representatives reiterates its opposition to the seating of the Communist regime in China as the representative of China in the United Nations. Agreed to: 381 yeas to 0 nays, July 15, 1954.

H. R. 9678: Committee amendment to Mutual Security Act of 1954, expressing opposition to the seating in the United Nations of the Communist China regime. Agreed to: 91 yeas to 0 nays, July 29, 1954. The House adopted the conference report August 10, 1954. (This bill became Public Law 665, approved August 26, 1954.)

84TH CONGRESS

S. 2090: Mutual Security Act of 1955, Public Law 138, approved July 8, 1955. Section 12—declaring it to be the continuing sense of the Congress that the Communist regime in China should not be recognized to represent China in the United Nations.

H. R. 10721: State, Justice, and judiciary appropriations, 1957, Public Law 603, approved June 20, 1956. Section 110—declaring it is the sense of the Congress that the Communist Chinese Government should not be permitted to membership in the United Nations as the representative of China.

H. R. 12130: Mutual-security appropriations, 1957, Public Law 853, approved July 31, 1956. Section 108—the Congress hereby reiterates its opposition to the seating in the United Nations of the Communist China regime as the representative of China.

House Concurrent Resolution 265: Resolution declaring it is the sense of the Congress that its previous expressions should be and are hereby reemphasized that the Communist regime in China should not be admitted to membership in the United Nations or any of its specialized agencies as the representative of China. Passed by the House July 18, 1956, by a vote of 391 yeas to 0 nays; passed the Senate July 23, 1956, by a vote of 86 yeas to 0 nays.

The interests of the United States lie in the building of a world system based on rules of law and morality. It cannot subscribe to a policy of expediency without destroying the very structure of such a system. It is my firm hope that China will one day be united under a government selected by free elections and devoted to freedom. When that day comes, recognition will be no problem.

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## THE CIVIL-RIGHTS BILL AND THE JURY-TRIAL AMENDMENT—EDITORIAL FROM THE NEW YORK HERALD TRIBUNE

Mr. SMITH of New Jersey. Mr. President, with the Nation's attention focused upon the progress of the Senate debate on the pending civil-rights bill, another of our great newspapers has contributed a thoughtful editorial upon the present state of our discussion.

In this morning's New York Herald Tribune an editorial, entitled "The Right to Vote," voices the opposition of that newspaper to the inclusion of any jury-trial amendment in the civil-rights bill. As the Tribune rightly states—

> The aim, after all, is to enforce the right to vote * * * the jury trial hullabaloo is a spurious distraction. The House voted down the amendment, and the Senate must do likewise if the country is to have a meaningful civil-rights bill.

Mr. President, I should like to make a further comment on this matter: I would be very happy and very pleased if some of those who are so strongly advocating adoption of the jury-trial amendment would at least indicate an interest in protecting the right to vote of the colored people of our country.

I am sorry to say that I have not heard a single one of my good friends from the South raise his voice to urge the Senate to assure the right to vote on the part of all American citizens. That is the fundamental issue.

I would feel much more certain of the sincerity of those who propose the jury-trial amendment if their emphasis were taken from the jury-trial proposal and were placed on the right to vote. Instead, I cannot but wonder whether an attempt is being made to divert our attention from the right to vote, which is actually the principal issue before the Senate at the present time.

Mr. President, I ask unanimous consent that the editorial to which I have referred be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE RIGHT TO VOTE

There has been an enormous volume of high-minded debate in the Senate about enacting an effective civil-rights bill. The talk has dragged on so long that the average citizen is often confused about the aims of such legislation. But the central objective remains simple enough—to assure that every qualified citizen has the right to vote.

Certainly this constitutionally guaranteed proposition cannot be disputed, and no Senator of any region or political faith has ventured to argue otherwise. The problem, then, is to make a working fact out of this principle. Yet there obviously enough, is strenuous opposition in some quarters to granting the free and unhampered right to vote to the Negroes in the South. The situation has become obscured by the wrangling over the trial-by-jury issue. There are Senators of intellect and integrity who contend that a court's contempt citation for deprivation of the franchise should be left to jury rather than judge, or that in any event there ought to be a dividing line between civil and criminal contempt. The result is a welter of legal argument which actually threatens long-established precedent about the Federal judiciary's power to enforce compliance with its orders. This is called compromise, and is the requested price for passing a watered-down civil-rights bill.

Now the proponents of the jury amendment have pointed out that it is unfair to impugn southern juries in advance. But, by the same token, what reason is there to suppose that Federal judges in the South would act without just consideration? The aim, after all, is to enforce the right to vote. Of course, that right already exists; the only trouble is that practice is pretty slow catching up with theory. And if the Senate is going to insist on interposing a jury trial in right-to-vote cases, and by logical extension in every other area of criminal contempt in the Federal judiciary, the whole existing pattern of law enforcement will be in for a horrendous lot of readjustment or worse. Certainly the Negroes who want to vote will still be a long way removed from unchallenged exercise of that supposedly guaranteed right.

The point is that the jury-trial hullabaloo is a spurious distraction. The House voted down the amendment, and the Senate must do likewise if the country is to have a meaningful civil-rights bill. The argument will have to be fought out. Compromise cannot go further. It is to be hoped that the debate will not degenerate into a filibuster. Let the discussion proceed as long as any useful purpose is served. As Senator KNOWLAND said yesterday, "If it is necessary to stay here all winter we are prepared to stay here all winter." That is clear notice that the President and the Republican leadership in the Senate mean business.

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## THE CIVIL-RIGHTS BILL AND THE JURY-TRIAL AMENDMENT

Mr. CHAVEZ. Mr. President, I wish to make a very brief statement on the civil-rights bill and the jury-trial amendments.

The question before the Senate finds me in a somewhat peculiar position insofar as any general understanding is concerned. Some Members of the Senate who have been here a number of years may recall that I took one of the leading parts, a dozen years ago, in the Senate debate on the Fair Employment Practices Commission bill. That bill was not passed; but I think that, by means of the debate on it, the Senate made much progress. Without these continuing debates in the Congress, I am sure the Senate would not have before it today the administration's civil-rights measure. It took no particular courage to send to Congress a bill such as this one. The courage is going to be required on the part of the individual Members of the Senate, if they are to face the issue and to help the Senate achieve whatever additional progress in this field of human rights we find it possible to make.

I have been in the Congress for some 27 years. In this time, memories have become dimmed and many people have forgotten that even before I was first elected to office in 1930, I was a practicing attorney in Albuquerque, N. Mex. In the smaller States we do not distinguish between civil and criminal practices on the part of the attorneys. We argue any case in which we feel a client is due justice, whenever we think he is entitled to the protection the law allows. It so happens that much of my practice fell in the criminal category. Modestly, I wish to say mine was a good record, from the standpoint of results. I have the greatest of respect for our American courts, but I consider juries an integral part of our judicial system.

It so happens that we in New Mexico experienced some of the same problems which confront the minority race below the Mason-Dixon line; however, not to the same degree.

Mr. JOHNSON of Texas. Mr. President, may we have order in the Chamber? The Senator is making a fine statement, and I should like to have all Senators hear it.

The PRESIDENT pro tempore. There will be order in the Chamber.

Mr. CHAVEZ. If I looked at the question purely from the standpoint of racial background, I think I would find myself alined on the side of the extremists who desire the ultimate immediately. I try not to be an extremist or a demagog. I do not even regard the racial questions as involving civil rights. I have always called them human rights. Rights and privileges accrue to human beings, and nothing else. The Constitution guarantees to every individual equal rights and justice so as to assure his freedom and liberties.

The Constitution does not limit those rights to any so-called minority. The Constitution is law, and it is a truly remarkable document.

In speaking of law, we will all agree that there is equity in law for both the opponent and proponent of any question. It is in the attempt to establish this equity, whether on the part of society or individual, that we make law. Whatever rights any members of a minority may have gained by the Constitution, they are the same as the rights of the individual in the majority.

The PRESIDENT pro tempore. The time of the Senator from New Mexico has expired.

Mr. CHAVEZ. Mr. President, I ask unanimous consent that I may have an additional 3 or 4 minutes, in order to complete my statement.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from New Mexico may proceed.

Mr. CHAVEZ. Since this equity and personal right is drawn from the same source, it has always been my purpose to insist that complete equality prevail. Whatever law the Congress finally enacts will not be applicable only to the area below the Mason-Dixon line. It will fit the United States, and if we view this too much from a sectional viewpoint, we will breed a lot of trouble.

I firmly believe in an individual's right to trial by jury. In the State of New Mexico, if anyone is haled into the justice of the peace court and he finds the justice is either ill informed or hostile, he has every right to insist that the constable get six men for a jury to try the case upon the facts and the law. A judge who tries a question upon his own dictates, and sometimes with obscure objectives, is less to be desired than a jury which may appear to have decided a case wrongly.

I shall never cease in my efforts to continue my fight for complete equality, but in this struggle I am not so blind as to destroy another's right to the same equity. The Supreme Court's recent decisions appeared very unpopular throughout the country. The Supreme Court will be powerful and final only so long as the people respect it and its decisions can be enforced for the common good. It is not necessary for the decisions of the Court to be popular. It is only necessary for the United States to recognize that in law there is equity for all, and in law there is protection for all. Supreme Court Justice Douglas said of a jury:

> Since it is all and from the community it gives the law an acceptance which verdicts of judges could not do.

I am less concerned with the punitive side of law than I am with the justice in law. Sometimes it is very difficult to explain a narrow and dangerous zone which exists between individuals and on which we are trying to shed light in the complete field of human relations. This is the United States of America and every child begins school by learning to say:

> I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

So, Mr. President, I stand here as a Member of a body of Congress to plead for liberty and justice for all, and by that I mean all the people of the 48 States.

Mr. President, I had the Library of Congress prepare for me a history and an outline of origins and efforts to abrogate trial by jury. I ask unanimous consent to have that study printed at this point in my remarks.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

### TRIAL BY JURY: OUTLINE OF ORIGINS AND EFFORTS TO ABROGATE

#### A. ENGLISH ORIGINS OF TRIAL BY JURY

Modern scholars agree that trial by jury as we know it today had its origins in medieval England in the first century and a half of Norman rule when William the Conqueror and his heirs sought to strengthen their hold upon the foreign land which they had conquered.

1. The Anglo-Saxon system of justice which William discovered in England at the time of the conquest had elements that foreshadowed the use of juries. The courts were presided over by a reeve (sheriff), and 12 senior thanes (lords) usually acted as the judges. According to a law of Aethelred (c. 981), they "swear on the relic that is given to them in hand, that they will accuse

no innocent man, nor conceal any crime." The customary method of asserting innocence was for the accused to bring forward 12 compurgators, who would swear together on his sound character and good reputation. These two elements, combined with a reliance upon sworn witnesses and neighbors and upon openness in all dealings presented the legal background upon which the Normans built a formalized procedure.

2. The earliest clear use of the jury is found in the sworn inquest, originally a Frankish or perhaps even Roman practice whereby the ruler sent out his agents to question people throughout the kingdom on any matter or government or administration which interested him. William the Conqueror instructed his agents to summon a number of reliable, knowledgeable men in "every shire and hundred," put them on oath to tell the truth, and then ask about land holdings, property, previous tax assessments, and similar matters. These sworn inquests provided the material for the Domesday Book, which recorded the names and properties of all landholders. One of the most famous of these inquests was held during William's reign on Pennenden Heath where Lanfranc, Archbishop of Canterbury, reclaimed the lands which had been taken from the archbishopric by William's ruthless half-brother, Odo of Bayeux. For 3 days all the important men of the county were heard, swearing that Lanfranc was the lawful holder of the lands in dispute.

3. The function of the jury as essentially a local factfinding board continued through the reign of Henry II in the inquest on sheriffs to inform the king about the conscientiousness of his representatives and through the reign of Richard I in the assessment by local juries of the Saladin tithe of 1188, the first tax on income and personal property, needed to finance Richard's crusade.

4. The scope of the jury was greatly expanded by Henry II as a means of indicting those who had violated the king's peace by robbery, thievery, murder, arson, or counterfeiting. In these assizes, the itinerant justices were assigned definite schedules and areas in which they were to try in the king's name all men accused by their neighbors of these misdeeds. Henry II also initiated three new actions whereby the decision of a jury would determine whether anyone had been wrongfully ousted from possession (as distinct from title), and if so, would immediately reinstate him.

5. Thus the jury was originally developed not to give a verdict but to supply evidence on oath, as witnesses do today. Insofar as this evidence amounted to an indictment, the juries were parallel to modern grand juries. Until the 13th century, the indictment by jury was followed by a trial by ordeal, battle, or compurgation (in which the accused endeavored to produce as many men as possible to swear to his innocence). Only as the men came to doubt the validity of ordeals, as the church refused to preside over the ordeals which thus could not be said to reflect God's will, and as men became willing to accept the opinion of a second, deciding jury (which might contain the same personnel as the indicting jury), did trial by jury become universal. Ironically, however, all men were still thought to be entitled to God's verdict through ordeal rather than to be forced to rely upon a mere human decision, and trial by battle was not formally abolished in England until the 19th century.

6. Trial by jury was always a privilege offered only by the king in his courts. The feudal lords were not permitted to offer jury trials but were themselves the judges in their own courts. As a result, since many cases involved alleged malpractices by the lords, litigants relied more and more on the king's courts with their relatively impartial juries. This increased appeal to the royal courts, caused almost entirely by the innovation of jury trials, was perhaps the greatest single factor in the development of a strong central administration in England, an administration which, moreover, was never wholly dependent upon the feudal classes for its services nor ever wholly divorced from the middle classes who helped to administer its justice.

### B. MAGNA CARTA AND TRIAL BY JURY

Clause 39 of Magna Carta provided: "No freeman shall be taken or [and] imprisoned or disseised or exiled or in any way destroyed, nor will we go upon him, except by the lawful judgment of his peers or [and] by the law of the land." Modern scholars are agreed that this did not refer specifically to trial by jury at that time. Rather it was intended to put an end to rapacious King John's habit of taking hostages, levying exorbitant fines, and imprisoning nobles without even consulting his own council of barons. But both in its immediate effect and in its later enterpretation, the clause did contribute to the idea that every man was entitled to a legal hearing before any penalty, detention, or dispossession.

### C. ATTAINT OF JURORS AND STAR CHAMBER

1. The greatest threat to jury trial in the Middle Ages was the decreasing strength of the kings who controlled the royal justice. For whenever a weak king came to the throne, the feudal nobles did not hesitate to bribe or threaten jurors flagrantly. Many kings, often handicapped by the need of noble support for foreign wars, had not the power to check these mighty barons.

2. The process of attaint, originally devised to provide extra protection to the defendant, constituted one royal weapon against the corruption of justice. It was really an extension of the original concept of the jury as a panel of witnesses rather than judges. When the jury gave a verdict that seemed to contradict the known facts, the jurors themselves could be tried or attainted for perjury, convicted, and imprisoned. This practice, although originally intended to remedy abuses, lent itself very easily to further abuse, since the feudal lords were also able to attaint juries who decided against them. The result was that jurors occupied a very precarious position and that litigation often dragged on for as much as half a century. Actions for attaint were not finally prohibited until the famous Bushell case of 1670 when a judge attempted to imprison a whole jury for a verdict with which he disagreed. By that time, juries were clearly recognized as decision-making rather than evidence-giving bodies, and therefore the charge of perjury was no longer applicable. Actually, with the coming of the strong Tudor and Stuart governments the lengthy process of attaint had fallen into disuse.

3. The Tudor and Stuart method of insuring fair juries was more direct, but perhaps also more repugnant to our own ideas of justice. The Court of Star Chamber, which had gradually developed from the king's privy council and was comprised of certain privy councilors, bishops, and judges, was in 1487 given specific jurisidiction to hear and settle in closed session any disputes, legal, judicial, administrative, in which the interest of the king was involved. Originally the Star Chamber performed a useful task, settling disputes between and punishing important barons who might otherwise have escaped through common law loopholes, looking into cases of alleged jury corruption, handling many administration matters equitably and efficiently, and in general reinforcing rather than competing with the other branches of royal justice.

4. But, as with many other institutions founded in the best of faith and very well equipped to handle certain immediate problems, the Star Chamber tried to extend its potentially unlimited power into fields where it should never have gone. Under Charles I the bishops on the court undertook to punish religious writers with whom they differed, to try to enforce a censorship on all printed matter, and to mete out cruel and unusual punishments for minor political offenses. The Star Chamber had clearly outlived its usefulness as a method of controlling rebellious barons and was becoming an instrument for religious and political persecution. The Star Chamber with its denial of the trial by jury which Englishmen had come to feel was their right constituted one of the main grievances against Charles I, and was an important element in his fall. One of the first acts of the Parliamentary party after it had gained the upper hand was to abolish the Star Chamber in 1641, and to assert the right of every Englishman to a fair and open judgment by his peers.

5. Nevertheless, unscrupulous judges continued to use the threat of attaint and fines against jurors with whose verdicts they disagreed. In the famous trial of William Penn, the Quaker, in 1670, the judge and court officials threatened the jurors with starvation, fines, and other punishments if they did not declare the defendant guilty of speaking at an unlawful (that is, Quaker) meeting. When the jury absolutely refused to alter their verdict, the judge had them all taken to Newgate prison, where they remained until the court of common pleas declared their commitment illegal.

6. Another instance of the power which judges could wield over juries fearing punishment themselves is shown by the bloody circuit of Judge Jeffries in 1686. Jeffries headed an ecclesiastical commission which set out to punish all nonconformist sympathizers of Monmouth's rebellion. He browbeat and threatened juries ruthlessly, with the result that over 300 people were killed and over 800 sold into slavery. This abuse of the right to a fair jury trial was na important contributory cause of the glorious revolution, which deposed James and his heirs from the throne forever.

### D. TRIAL BY JURY IN ENGLAND DURING THE FRENCH WARS

During and after the French Revolution a panicked fear of revolutionary elements led to repressive censorship and severe curtailment of civil liberties in England. But fortunately there were also men like Charles James Fox who continued to place faith in the people and who eventually won several important victories for the principle of trial by jury.

1. In 1793 Parliament passed an act suspending habeas corpus for a year in certain cases. This act, renewed several times, abrogated the ancient privilege conferred by the writ, and therefore in effect denied the accused the right to a jury trial before detainment. Although most of the upper classes accepted this as necessary protection against revolutionaries, Charles James Fox never ceased to protest this invasion of civil liberties and the denial of trial by jury. Fox himself was expelled from the Privy Council in 1798 for proposing the toast "Our sovereign—the people." But within a decade, the crisis abated, his words were heeded, and habeas corpus and the right to trial by jury were restored, never again to be suspended in England.

2. Fox himself was responsible for the extension of the scope of jury trials in libel cases. Since the libel laws represented the principal restriction upon freedom of speech in England, it had been customary for the judge in a libel case to decide himself whether a given publication was a libel and leave to the jury only the question of whether the accused had actually been responsible for its publication. Juries resented their inability to answer what usually was the most controversial question of the case, and in the

case of the Dean of St. Asaph the jurors deliberately declared a man innocent of publication simply because they did not consider the material libelous. In 1792 Fox was responsible for a new libel law which extended the power of juries to decide the whole question, as to law as well as fact. In principle, it was a victory for democracy and trial by jury, although in practice the juries tended to be less tolerant in their interpretations of libel than the judges had been.

E. TRIAL BY JURY IN MODERN ENGLAND

Since the beginning of the 19th century, there has been no threat to the right of trial by jury in criminal cases. The grand or indicting jury was eliminated in some instances by the 1873 Judicature Act and almost entirely abolished by the 1933 Administration of Justice Act. In civil cases jury trial was no longer considered necessary as a rule, so that today less than 10 percent of civil cases in England are tried by jury. These changes, which came about during the 19th and 20th century judicial reforms, were made in the interests of economy, efficiency, and equity for all. On the whole, they have accomplished their purpose and have not been criticized. But the growth of so-called administrative law, that is, of legal decisions made by various boards or commissions upon disputes to which they themselves are a party, like income tax, community planning, and education, has led to widespread demands for a comprehensive administrative code, with more provision for appeals, and perhaps even some juries. Although nothing has yet been done, it is clear that the absence of jury trials in this ever-increasing area poses many threats to property, if not actually to life and liberty.

F. TRIAL BY JURY IN COLONIAL AMERICA

Although the same conditions on the whole held in colonial America as in 18th-century England with respect to the administration of justice and trial by jury, the attitude of the colonists was from the first different. Being in no position to fear feudal exactions or exploitations, the colonists looked upon the King not as their protector but rather as himself the potential aggressor upon their rights. It was in this spirit that they protested every effort to limit trial by jury as an act of royal tyranny.

1. In 1696 Parliament had reorganized the admiralty courts so that they would be better able to cope with the flagrant smuggling in and out of all the colonies which was the American reaction to the Navigation Acts. The admiralty courts, which were not a part of the traditional common-law system, did not provide for trial by jury, and as a result English or English-appointed judges frequently sentenced colonial merchants and seamen arbitrarily. The more effective the courts became, the more the colonists resented them, and the more they came to insist upon trial by jury as a fundamental right.

2. The Stamp Act of 1764, offensive enough in its imposition of taxation without representation, added insult to injury by providing that all violations were to be tried in the admiralty courts. Americans, who looked upon trial by jury as one of the fundamental rights to which all men were entitled, did not accept the British view that Parliament was completely sovereign and could constitutionally pass any measure it chose. In American eyes, the Stamp Act was, among other things, a clear deprivation of the right to trial by jury. The reaction against it was so strong, as exemplified by nullifications by various legislatures, the Virginia resolutions proposed by Patrick Henry, the Stamp Act Congress, and, above all, by a boycott of all English merchandise, that within 2 years the Stamp Act was repealed.

3. The final British effort to tamper with the traditional jury trial in the colonies came with the Act for the Impartial Administration of Justice, one of the intolerable acts, passed in 1774 as a retaliatory measure after the Boston Tea Party. This act provided that certain offenders were to be transported to England. This repudiation of the colonists' own right to judge their fellow citizens was one of the last acts which made reconciliation with England almost impossible and thus provoked the war for American independence.

G. JURY TRIAL IN THE CONSTITUTION

Although there was no controversy or conflict involved in the establishment of trial by jury in article III, section 2, of the Constitution, there was some discussion of the need to provide jury trials in civil cases. The colonists appreciated the fact that even in civil matters, the protection of a jury would be needed against extensions of power comparable to that of the admiralty courts, but they hesitated to include this protection for civil cases in the Constitution itself because of differing State regulations. It was the fundamental importance which all Americans attached to the right of trial by jury that led them later to include further guaranties of its use in criminal cases by the sixth amendment and in civil cases by the seventh amendment. Wisely they guaranteed not trial by jury, but the right to trial by jury, with the result that in many cases defendants may choose to dispense with juries in the interests of speed or economy, but in none of the above circumstances can they be forced to undergo a Federal trial without a jury.

H. TRIAL BY JURY AND THE ALIEN AND SEDITION LAWS

Devotion to the principle of trial by jury was so deeply imbedded in the minds of the colonists that even when the panic over the French Revolution hit America and the alien and sedition laws were passed, trial by jury was guaranteed to any citizen accused of seditious activity. Aliens, however, were subject to deportation without trial if the President judged them dangerous to the country, even as in some instances they are today.

1. But even though the letter of jury trial was maintained, and even though Claiborne of Tennessee insisted that the jury be allowed a general verdict, as the Fox's libel law, in effect the spirit of jury trial was consistently violated. For example, in the trial of the Democrat James T. Callender, a critic of the Federalist administration, Supreme Court Justice Samuel Chase was patently unfair, and permitted a jury to sit in which there was not one single member who was not an ardent Federalist. There were also attempts to discredit Congressmen who criticized the Government, like Matthew Lyon of Vermont. His triumphant reelection showed the unpopularity of the law. The defeat and ultimate failure of the Federalist Party in the following elections was a further indication that Americans had come to repudiate all partisan or political abuses of the principle of trial by jury.

I. TRIAL BY JURY IN WARTIME

The greatest pressures upon trial by jury in America have, with few exceptions, come in periods of wartime. It is clear, however, that on the whole trial by jury has come to be more respected with time, and perhaps also with the fact that more recent wars have been far removed from the American scene.

1. During the Revolutionary War when there was real fighting over most of the colonies, it is undeniable that many Loyalists were tarred, feathered, ridden out of town on rails, deprived of property, and even life with no semblance of jury trials. Tories were usually first regulated by local groups, then by the military power, and finally by the State legislatures and Congress. Even after the war they often had to give proofs of loyalty and might still be arbitrarily banished or dispossessed. In general, however, although jury trial was ignored, the opinion of the majority prevailed, and once satisfied that the Loyalists had repented and that independence was achieved, the majority was not especially cruel or bloodthirsty.

2. During the War of 1812, the issue of trial by jury could be said to have arisen in that the British Navy seized American sailors for use on their own ships, allowing no trial or jury verdict of any sort. Although in accordance with British nationality laws, these acts, which were responsible in no small measure for the Anglo-American war, were in effect a violation of the rights of an American citizen to trial by jury or at least the benefit of habeas corpus, before detention. After the fall of Napoleon and the end of the war, the practice was stopped.

3. During the War Between the States, Lincoln unhesitatingly adopted the view that military necessity overrode civil liberties and pressed Congress to pass acts permitting the suspension of habeas corpus and permitting arbitrary arrests for suspicion of seditious activity. But despite his insistence that in theory military courts could sit and that suspects could be detained at will, in practice these measures, largely preventive, were leniently enforced. A total of perhaps 25,000 persons was arrested, briefly detained, and then released without charges. In February 1862, a wholesale pardon of political prisoners was issued. In the celebrated case of Vallandigham, a Democrat opposing the continuation of the war who was denied habeas corpus and tried by military tribunal, the Supreme Court refused to take cognizance of the military records—in theory, a great check to civil justice—but in practice Vallandigham's punishment was only a banishment to the Confederacy. When he did return to the North, despite the sentence, to rail against Lincoln, he was not further molested. The equally well-known case, Ex parte Milligan, is the only instance in which the Supreme Court actually denied the jurisdiction of the military to try a man suspected of plotting a hostile military expedition. As Judge David Davis wrote "Martial law cannot arise from a threatened invasion. The necessity must be actual and present; the invasion real, such as effectually closes the courts and deposes the civil administration. * * * Martial law can never exist where the courts are open, and in the proper and unobstructed exercise of their jurisdiction." Milligan was released and won a suit for damages. On the whole, then, although the precedent established for martial law in wartime was dangerous, the actual administration of the emergency legislation was moderate. No one met death or even served out a full sentence of imprisonment and fine under these treason laws.

4. During the First World War, there was no suspension of habeas corpus or military trials without juries. Espionage and sedition laws were passed, covering a wide field of activities and potentially limiting freedom of speech and of the press very seriously. But these cases were all tried by juries. In fact, there was an emphasis upon leaving all settlements to popular feeling. There were no efforts of any sort to influence and mitigate the full force of indignation against offenders. As a result, the principle of trial by jury was reinforced, although the contrast between Debs' 10-year sentence for pacifism and Vallandigham's brief banishment for real sedition may indicate that popular juries are often more severe in periods of crisis than is an apparently arbitrary executive.

5. During the Second World War, the most conspicuous violation of the right to trial by jury was the deportation of the American citizens of Japanese origin from the west coast. A preventive measure devised in good faith by the President as a military necessity in case of Japanese invasion, the deportation was upheld as constitutional by the Supreme Court. In Ex parte Endo, however,

the Court held that a Japanese-American citizen whose loyalty had been proven could not be detained. The Supreme Court did not, however, uphold the lengthy imposition of martial law in Hawaii. There has been criticism of these opinions from both sides. In the difficult cases where a line must be drawn between individual right and military necessity, perhaps the last word is that of Justice Jackson: "The chief restraint upon those who command the physical forces of the country, in the future as in the past, must be their responsibility to the political judgments of their contemporaries and to the moral judgments of history." [1]

J. TRIAL BY JURY IN PEACETIME

With the exception of the Reconstruction era, trial by jury has been a cherished right in the United States in peacetime. Occasionally it has been neglected or abused in moments of political, religious, economic, or racial stress, but more moderate elements have always reappeared to affirm its spirit as well as its letter.

1. The Reconstruction era provides the most flagrant example in our history of a peacetime suspension of the right to trial by jury through the establishment of military government in areas where fighting had clearly ended. The excesses of the military governors and of the carpetbaggers and scalawags who surrounded them are well known. Deliberate repudiation of all the principles upon which the Constitution was conceived, the Reconstruction acts are today condemned by most historians. And, indeed, within a quarter of a century the men who were responsible for this transgression upon trial by jury and upon almost every other civil right had been repudiated by the whole Nation.

2. Mob violence has been the main source of peacetime violations of the right to trial by jury. Examples of this may be found from all parts of the country and almost all periods of its history: anti-Masonic riots in New York and Pennsylvania in the late 1820's; Know-Nothing riots in the whole Catholic belt between Boston and New Orleans in the middle of the 19th century; Mormon massacres and deportation from Missouri in the 1830's; the enforcement of the Algerine laws in Rhode Island in the 1840's; lynchings in the South and elsewhere; mobbing of abolitionists in the North; race riots in Illinois and Washington, D. C., as well as elsewhere; persecutions of blasphemers, anarchists, radical social reformers, birth control advocates, suffragettes, Asiatics; and innumerable other cases where mere unpopularity has given rise to a deprivation of the constitutional right of every citizen to trial by jury.

3. The right to trial by jury has been legislatively denied to certain groups, like Indians, who are still in some areas denied citizenship, and aliens, who may be deported for certain offenses after only administrative hearings.

K. TRIAL BY JURY IN LABOR DISPUTES (CONTEMPT OF COURT PROCEEDINGS)

From the end of the American Civil War when labor unions were just beginning to be recognized until well into the 20th century, the frequency and violence of industrial strikes led to an increasing use of court injunctions to restore order. These injunctions were freely granted at the request of management to prevent strikes, which at that time were unions' only effective weapon; violations of the injunctions, that is, continuation of a strike after the court order to enjoin from it, were severely punished as contempt of court by the very judges who had issued the injunctions. Congress eventually saw the need to make special provision for jury trials in this kind of contempt cases, but these special provisions have been considerably altered within the past 50 years.

1. The first question that is involved here is that of the courts' power to punish cases of contempt. This power, which has always been held to be quite distinct from the right to trial by jury in criminal and civil cases, has nevertheless occasionally appeared to infringe upon that right. Inherent in English common law and practice, the power "to punish by fine or imprisonment at the discretion of said courts, all contempts of authority in any cause or hearing of the same" was conferred upon all United States courts by the Judiciary Act of 1789. In 1831, however, when a Federal district judge imprisoned and disbarred a lawyer for criticizing his opinions, Congress passed a declaratory act to limit the wide scope of contempt powers. Only in those cases where the offenders were in the court itself or near enough to obstruct justice or were attempting to influence or coerce the direct participants in the trial could a judge punish for contempt. The controlling decision under that law states: "The power to punish for contempts is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders, and writs of the courts, and consequently to the due administration of justice." *Ex parte Robinson*, 19 Wall. 505, 510 (1874) There is thus no right to trial by jury in contempt cases except where specific legislation provides for it (as in injunctions over labor disputes) because contempts are neither crimes in the sense of the Constitution nor criminal prosecutions in the sense of the sixth amendment.

2. The most notorious contempt penalty in a labor injunction case occurred as a result of the Pullman Palace Car Co. strike in 1894 where President Cleveland permitted Attorney General Olney to get a blanket injunction against the obstruction of the railways and delay of the mail. Eugene Debs violated the injunction and was given a 6-month sentence for contempt of court. Governor of Illinois John P. Altgeld and lawyer Clarence Darrow made strenuous objections to this partisan use of the court's injunction and contempt powers.

3. As a result of this and other biased decisions, the Clayton Antitrust Act of 1914 was passed which included the provision that indirect contempt actions (that is, out of court) which were also crimes under State or Federal law were subject to trial before juries. But when a series of Supreme Court decisions still protected management's right to make yellow-dog contracts and ignored labor's right to organize, there arose demands for stronger legislation.

4. The Norris-La Guardia Anti-Injunction Act of 1932 strictly limited the causes for which the courts could give injunctions in labor disputes. And in the few cases for which injunctions might be allowed and contempt-of-court charges might still arise the accused was to "enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed." This right was not to apply to contempt committed in or near the court which interfered with the administration of justice. The overall result of the bill, with its restrictions on the granting of injunctions and provision for trial by jury in cases of violations, was virtually to eliminate the issuing of injunctions to management in labor disputes.

5. In 1947, however, the Supreme Court held in the case of the *United States* v. *United Mine Workers* that the restrictions placed upon injunctions in the Norris-La Guardia Act did not apply where the United States was the party seeking injunctions. Therefore, the heavy fine that had been laid upon the union by a lower court judge was upheld, although reduced in amount.

6. Also, in 1947 Congress passed the Taft-Hartley Act, with the aim of protecting employees, employers, and the rights of the public. The Taft-Hartley Act bypassed the Norris-La Guardia provisions completely by lodging the power to file injunction petitions with the reconstituted National Labor Relations Board—in fact, even making such petitions mandatory after unfair practices by labor or management were reported and by creating special machinery for rapid settlement of strikes which "might imperil the national health or safety." The result was, for all practical purposes, to nullify the trial-by-jury provision in the earlier act.

7. In 1948 the codification of the laws resulted in the rewording of the Norris-La Guardia Act as section 3692 of the Criminal Code. That provides: "In all cases of contempt arising under the laws of the United States governing the issuance of injunction or restraining orders in any case involved in or growing out of a labor dispute, the accused shall enjoy the right to a speedy and public trial in the district in which the contempt is committed." Whether this should be construed as overruling the Taft-Hartley Act in cases of criminal contempt is a matter for legal debate. Apparently none of the cases arising under the Taft-Hartley Act has been based upon this line of argument, possibly because the courts retain their right to punish directly and remedially for civil contempts. Thus, there has as yet been no testing of a right to trial by jury in criminal-contempt actions arising upon violation of injunctions granted to NLRB or the United States Government under the present labor law.

L. CONCLUSION

Trial by jury, although originating in England as a means of extending royal knowledge and power, was adopted in America as a means of insuring local protection from a remote and tyrannical administration. Deeply rooted in the American concept of government, it has withstood the attacks of the executive in wartime and of the mob in peacetime. The right to trial by jury in criminal and civil cases has occasionally been ignored, from time to time denied, but never seriously attacked as a principle. In the words of Alexis de Tocqueville:

"It [the jury] imbues all classes with a respect for the thing judged and with the notion of right. If these two elements be removed, the love of independence becomes a mere destructive passion. It teaches men to practice equity; every man learns to judge his neighbor as he himself would be judged. * * * The jury teaches every man not to recoil before the responsibility of his own actions and impresses him with that manly confidence without which no political virtue can exist. It invests each citizen with a kind of magistracy; it makes them all feel the duties which they are bound to discharge toward society and the part which they take in its government. By obliging men to turn their attention to other affairs than their own, it rubs off that private selfishness which is the rust of society. * * * Thus the jury, which is the most energetic means of making the people rule, is also the most efficacious means of teaching it how to rule well." [2]

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Mr. CHAVEZ. Mr. President, besides that study, some of my best friends in New Mexico have sent me telegrams disagreeing with my position on this matter. I am afraid they have let a phrase get the best of their judgment, because they want me to vote against jury trials. I have written to my friends—and they are all my friends—that, in my opinion, the way to protect the civil rights they really have in mind is to see that the jury system continues to exist.

I send to the desk several telegrams and ask unanimous consent that they may be printed in the RECORD at this point as a part of my remarks.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

ALBUQUERQUE, N. MEX.,
*July 29, 1957.*

Hon. DENNIS CHAVEZ,
*United States Senate,*
*Washington, D. C.*

MY DEAR SENATOR CHAVEZ: Urgently request that you vote to reject any jury-trial amendment that would remove teeth of the proposed civil-rights law. The proposed bill is diluted enough and this amendment would make it meaningless.

JAMES H. HUMPHREY,
*Secretary, Bricklayers No. 2.*

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ALBUQUERQUE, N. MEX.,
*July 29, 1957.*

Hon. DENNIS CHAVEZ,
*United States Senate,*
*Washington, D. C.*

MY DEAR SENATOR CHAVEZ: Urgently request that you vote to reject any jury-trial amendment that would remove teeth of the proposed civil-rights law. The proposed bill is diluted enough and this amendment would make it meaningless.

Respectfully,

TOM E. ROBLES,
*Executive secretary, New Mexico State AFL-CIO.*

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HOBBS, N. MEX.,
*July 29, 1957.*

Hon. DENNIS CHAVEZ,
*United States Senator,*
*Washington, D. C.:*

Vote against jury trial amendment of civil rights bill.

FELIX CARRILLO,
*Chairman, GI Forum.*

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ALBUQUERQUE, N. MEX., *July 30, 1957.*

Senator DENNIS CHAVEZ,
*Senate Office Building,*
*Washington, D. C.:*

West Albuquerque Lions Club urge defeat jury amendment, section 4, civil-rights bill.

JOHN GARCIA,
*President.*

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ALBUQUERQUE, N. MEX., *July 29, 1957.*

Hon. DENNIS CHAVEZ,
*United States Senate Building,*
*Washington, D. C.*

MY DEAR SENATOR CHAVEZ: Urgently request that you vote to reject any jury trial amendment that would remove teeth of the proposed civil-rights law. The proposed bill is diluted enough and this amendment would make it meaningless.

CLIFFORD E. CLARKE,
*Business Manager, Local Union 611, International Brotherhood of Electrical Workers.*

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SANTA FE, N. MEX., *July 29, 1957.*

Hon. DENNIS CHAVEZ,
*Senate Office Building,*
*Washington, D. C.:*

Urge your support for bill H. R. 2474 without amendment.

JOE LUJAN,
*Secretary-Treasurer, Local 422, NFPOC.*

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ALBUQUERQUE, N. MEX., *July 29, 1957.*

Hon. DENNIS CHAVEZ,
*United States Senate Building,*
*Washington, D. C.*

MY DEAR SENATOR CHAVEZ: Urgently request that you vote to reject any jury trial amendment that would remove teeth of the proposed civil-rights law. The proposed bill is diluted enough and this amendment would make it meaningless. Thank you for your consideration.

JAMES GIACHELLO,
*Secretary-Treasurer, Local 436.*

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TUCSON, ARIZ., *July 29, 1957.*

Senator DENNIS CHAVEZ,
*United States Senate,*
*Washington, D. C.:*

The Alianza vigorously opposes jury trial amendment to civil-rights bill. We trust that you concur.

Fraternally yours,

RALPH ESTRADA.

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ALBUQUERQUE, N. MEX., *July 29, 1957.*

Senator DENNIS CHAVEZ,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR CHAVEZ: Urgently request that you vote to reject any jury trial amendment that would remove teeth of the proposed civil-rights law. The proposed bill is diluted enough and this amendment would make it meaningless.

JOE BERMUDEZ,
*Secretary, Laborers Local Union.*

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SANTA FE, N. MEX., *July 29, 1957.*

The Honorable DENNIS CHAVEZ,
*United States Senate,*
*Washington, D. C.:*

Respectfully suggest you support elimination of jury trial amendment to section 4 of civil-rights bill.

Monsignor BRADLEY,
*Catholic Charities.*

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SANTA FE, N. MEX., *July 29, 1957.*

Senator DENNIS CHAVEZ,
*Congress of the United States,*
*Washington, D. C.:*

Urge you to vote against any jury-trial amendment to civil-rights bill.

VICENTE B. JASSO,
*State Chairman,*
*American GI Forum of New Mexico.*

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ALBUQUERQUE, N. MEX., *July 29, 1957.*

Hon. DENNIS CHAVEZ,
*United States Senate,*
*Washington, D. C.:*

Request that you vote to reject any jury-trial amendment that would remove teeth of the proposed civil-rights bill. This amendment would make the proposed law meaningless.

JOHN F. OTERO,
*Business Representative,*
*Carpenters' Local Union No. 1319.*

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ALBUQUERQUE, N. MEX., *July 29, 1957.*

Hon. DENNIS CHAVEZ,
*United States Senator,*
*Washington, D. C.:*

Please consider voting against any jury-trial amendment to civil-rights bill. Anything less than the present bill without section 3 is a total defeat for civil-rights applicants.

VICENTE T. XIMENEZ,
*National Chairman,*
*American GI Forum.*

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ALBUQUERQUE, N. MEX., *July 30, 1957.*

Senator DENNIS CHAVEZ,
*Senate Office Building,*
*Washington, D. C.:*

The elimination of section No. 3 from the pending civil-rights bill has placed responsibility for the protection of his civil rights squarely on the shoulders of such individual Negroes as have the temerity and the financial means to seek redress for violation of his civil rights in the Federal Courts of the Southern States. It is reported in the press that you favor the appending of a mandatory jury trial amendment in contempt citations growing out of civil injunction proceedings and civil-rights cases. A mandatory jury trial is a heretofore unheard of procedure in civil cases and constitutes at once a threat and a dare aimed at intimidating our Federal Courts. Many Southern Federal judges would be reluctant to issue contempt citations in civil-rights cases, but when faced with the certainty of prejudiced juries' acquittal from which there is no appeal he would be even more hesitant.

The defendant in such citation cases is protected since the judge's action is subject to review by higher courts. I hope you are not so deeply committed that you would become a party to action that would destroy our respect for our courts of law. For when we cease to respect our courts and our laws our Government, God forbid, ceases to be a government of laws. I respectfully urge your vote to kill the jury trial amendment to the civil-rights bill. I am releasing this wire to the press.

Respectfully yours,

HOBART L. LAGRONE,
*Legislative Committee, New Mexico State Conference of Branches, NAACP.*

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ALBUQUERQUE, N. MEX., *July 30, 1957.*

Senator DENNIS CHAVEZ,
*Senate Office Building,*
*Washington, D. C.:*

We wish to thank you for the wonderful work you did on our behalf this past month. Would like to make another request that you vote to reject any jury trial amendment that will remove teeth of the proposed civil-rights law. Proposed bill is diluted enough and this amendment would make it meaningless. Will remember your kindness and help in our past negotiations with Sandia Corp. You have another stanch voter.

PETER J. COOK,
*President, Office Employees International Union, Local 251, AFL-CIO.*

ALBUQUERQUE, N. MEX., *July 30, 1957.*
Hon. DENNIS CHAVEZ,
*Senate Office Building,*
*Washington, D. C.:*

We are contacting you in regard to the proposed civil-rights law and urgently request your support in defeating any jury-trial amendment that would tend to make the civil-rights law meaningless. We wish to thank you and Mr. DAVIS for the support given us in our dispute with Sandia Corp. and we would like to assure you you will have our unqualified support in the future.

W. F. LEVERENZ, Jr.,
*President, Metal Trades Council, AFL-CIO.*

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ALBUQUERQUE, N. MEX., *July 30, 1957.*
Senator DENNIS CHAVEZ,
*Senate Office Building,*
*Washington, D. C.:*

The voters of Shiloh Baptist Church, of Albuquerque, N. Mex., request that you vote against the jury trial of section 3 of the civil-rights bill.

J. S. PATTON,
*President.*

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SANTA FE, N. MEX., *July 30, 1957.*
Hon. DENNIS CHAVEZ,
*Senate Office Building,*
*Washington, D. C.:*

Urgently request you vote to reject any jury-trial amendment that would remove teeth of the proposed civil-rights law. Proposed bill weak enough as is.

A. M. ESPINOSA,
*Painters Local Union, 869.*

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SANTA FE, N. MEX., *July 30, 1957.*
Hon. DENNIS CHAVEZ,
*United States Senate,*
*Washington, D. C.*

MY DEAR SENATOR CHAVEZ: Urgently request that you vote to reject any jury-trial amendment that would remove teeth of the proposed civil-rights law.

Respectfully,

TEOFILO OPEZ,
*Financial Secretary, Carpenters Local Union, No. 1353.*

Mr. CHAVEZ. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point in my remarks, a telegram I have received from John L. Lewis, head of the United Mine Workers of America.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *July 30, 1957.*
Hon. DENNIS CHAVEZ,
*Senate Office Building,*
*Washington, D. C.:*

The United Mine Workers of America have traditionally, and do now, support appropriate legislation looking to the full enjoyment by all citizens of all civil rights inherent in citizenship including the right to vote. Accordingly, we endorse the basic principles involved in the civil-rights bill as it is now pending before the Senate. Equally important, however, and traditionally supported by us is the right of all men to be tried by a jury when charged with violation of a statutory law or court decree including the right to jury trial in contempt cases. The present statutory provisions and procedural rules governing civil and criminal contempt actions are contradictory, vague and indefinite. Court decisions attempting to interpret and apply these statutes and rules have added to the general confusion as to the distinction between civil and criminal contempt and the right of jury trial in either or both of such cases. Broad powers will be given by the pending bill to the Attorney General of the United States and to the Federal courts to obtain and enforce injunctions in support of the rights described in the bill. This reemphasizes the necessity of a more definitive clarification of the right of an accused to a jury trial in contempt cases generally and particularly as will be involved in part IV of the pending bill. This section, as presently written, would allow to an accused only the dubious benefit of legal counsel and in effect allow the Attorney General at his election to deprive an accused of a trial by jury.

We have given careful consideration to the amendment offered by Senators O'MAHONEY and KEFAUVER on Friday last, seeking to add part V to the bill so as to definitively make available to an accused the right of jury trial in all criminal contempt actions. We believe this to be a wise, prudent and proper amendment, protective to the basic rights of all citizens wheresoever located and which, if adopted, will strengthen the pending bill. The strong and harsh power of injunction has been in the past so often abused and indiscriminately used that enlargement thereof, even for worthy purposes, must carry with it reasonable protection to all citizens who may be charged with violation and thereafter cited and tried for contempt.

We should not and need not endanger one civil right in an endeavor to guard and secure another. Government by injunction is generally to be abhorred and this would be particularly true if enforced by contempt actions without the protective right of trial by jury. Expanding power of a central government must be carefully controlled and is allowable only when contemporaneous safeguards are provided for protection of all citizens alike in all parts of the country as against the inevitable encroachment on the inherent rights of the people which historically follows under the aegis of a law once enacted.

UNITED MINE WORKERS OF AMERICA,
JOHN L. LEWIS.

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## APPOINTMENT OF DOUGLAS McKAY TO INTERNATIONAL JOINT COMMISSION

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD, as a part of my remarks, an editorial from the Louisville (Ky.) Courier-Journal of Wednesday, July 24, 1957, entitled "Does Canada Deserve McKay in This Post?"

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DOES CANADA DESERVE MCKAY IN THIS POST?

Once again President Eisenhower has chosen a wolf to guard the sheepfold. He has appointed former Secretary of the Interior Douglas McKay to the International Joint Commission representing the United States and Canada. It is, as Senator NEUBERGER has called it, an "incredible" appointment.

The International Joint Commission, which is composed of two members each from the United States and Canada, has the job of heading off disputes between the two countries over water boundaries and of developing jointly the resources of rivers and lakes on which the two countries have common boundaries. Currently at stake are four dams on the Columbia River and its tributaries, which have been planned by the United States as part of the Northwest water-resources-development plan.

Completion of these dams would be a tremendous asset to the Northwest, which so badly needs the power, the irrigation water, and the flood control they would afford. Yet the President has named to the Commission which must develop these dams a man who has bitterly opposed the Federal power program, and who distinguished himself as Secretary of the Interior by his fight against development of power projects on the Columbia River system.

It can hardly be argued, as it has been in the case of previous questionable Eisenhower appointments, that the President did not know of Mr. McKay's personal prejudices at the time of his selection. McKay was a chief spokesman for the partnership policy through which the private power companies have reaped such benefits in Western States. He was primarily responsible for torpedoing the Federal project to develop Hells Canyon.

It is hard to believe, too, that the President does not realize that the McKay appointment amounts to a slap in the face of voters in the Northwest. Mr. McKay was the President's personal choice to run against WAYNE MORSE for the Senate, and it was on the basis of his power policy that he was overwhelmingly repudiated by the voters despite the most strenuous efforts by the administration in his behalf.

It is understandable that the President should want to take care of a faithful servant with a juicy lame-duck appointment, though Mr. McKay, a wealthy man in his own right, does not need the $20,000 salary that goes with the job. It is extremely unfortunate, however, that he had to choose this particular job for the reward. The post on the Joint Commission, usually regarded as something of a sinecure, falls to Mr. McKay at a time when it has a particular importance, and at a time when Mr. McKay's views can be of the greatest harm to water resources development in this part of the country.

It is another example of the President's tendency to weaken the function of an agency by appointing to its board a man who does not believe in its purpose.

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## SENATE RULES AND UNANIMOUS-CONSENT AGREEMENTS

Mr. MORSE. Mr. President, next, I should like to have if I may, the attention of the majority leader and the minority leader for a moment, because I want to speak very briefly about the procedural problem before the Senate. I wish to point out that under the rules of the Senate a conference report is privileged. It can be submitted at any time. It can be submitted at any time in the course of this debate, and it can be brought before the Senate. Then, unless there is objection, the Senate can proceed to vote on the conference report. If there is objection, the Senate, by a simple majority vote, can on motion take up the conference report. I want to say I think we ought to use the rules of the Senate we now have, without seeking to modify them, in effect, by use of a unanimous-consent agreement.

I have no objection to taking up conference reports, because, under the rules of the Senate, they are privileged; but I wish to say to the majority leader and the minority leader—not that I expect that many who do not want to understand will understand the position of the senior Senator from Oregon on unanimous-consent agreements with respect to the pending issue—that I will agree to a unanimous consent agreement that will further the debate on civil rights to protect minorities' rights, but at the same time permit the majority rule to prevail in the Senate. Therefore, I should like to make a suggestion to the majority leader and the minority leader. I am

not married to the exact language of the proposal I recommend. I do not offer it, because I have no right to seek to exercise the prerogatives of the leaders of the Senate. But I do have my own duties and my own obligations, including the obligation to be true to my convictions, Mr. President, and one of my convictions is that civil-rights legislation should be acted upon decisively.

Not so many days ago I stood here on the floor of the Senate and pleaded in support of a motion to send the civil-rights bill to the committee, so that we could have the benefit of a committee report, which would have taken 7 days. My motion called for reference to the committee for 7 days.

The RECORD will show I then pleaded that the Senate use that 7-day period to take up the very same emergency legislation which is now sought to be brought up under a unanimous-consent agreement, setting aside, however, the business which so many of my colleagues thought was of such vital, immediate concern that it ought to be acted on without 7 days of committee consideration.

In my judgment that mistake of my colleagues came home to roost a little sooner than they thought it would.

Be that as it may, I say to the leadership that I am perfectly willing to go along with a unanimous-consent agreement within the general framework suggested, taking note of the last paragraph suggested and modifying it in the following manner:

Ordered further, That if the foregoing matters are not disposed of by the close of the session on Monday, August 5, the Senate at the conclusion of routine morning business on Wednesday, August 7, shall resume the consideration of House bill 6127, the unfinished business.

And then I would add to the unanimous-consent proposal language similar to the following:

And that commencing at 2 p. m. on Thursday, August 8, debate on the pending amendment, the O'Mahoney-Kefauver-Church amendment, shall be limited as follows: 3 hours on each perfecting amendment filed by the close of the Senate session Monday, August 5; 3 hours on 1 substitute amendment, if any; and 4 hours on the pending amendment. The time on each shall be evenly divided and controlled by the majority leader or, if he is opposed, by the proponent of the amendment, and the minority leader, or, if he favors the amendment, the majority leader or his designee.

I am not married to the proposal, but I want to say in my judgment, Mr. President, we have procedures and rules of the Senate to take care of conference reports. I do not think we should set aside the pending legislation for anything but a conference report under the existing rules of the Senate, and we ought to enter into an agreement now, to show good faith on the part of everyone—those for the jury-trial amendment and those against the jury-trial amendment—fixing a time certain in the future for a vote on the amendment.

I offer that recommendation for the consideration of the leadership of the Senate, but until some such arrangement can be worked out, Mr. President, so far as the senior Senator from Oregon is concerned, he proposes to exercise his parliamentary rights.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MORSE. I will, if I am allowed to yield under the rules.

Mr. HOLLAND. I am exceedingly sorry I did not understand even the gist of the Senator's statement. Would the Senator repeat his statement, in substance?

Mr. MORSE. In essence, I said we had rules of the Senate for handling conference reports, which are privileged. We do not need a unanimous-consent agreement to handle them. I believe in abiding by the rules of the Senate.

So far as an arrangement under a unanimous-consent agreement is concerned, I will enter into one provided it includes a time certain to vote on the jury-trial amendment.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. JOHNSON of Texas. I realize that we can call up all matters provided for in the unanimous-consent agreement proposed yesterday, with the possible exception of the House resolution extending appropriation bills, without a time limitation. But, as the Senator sought to give the Senate protection from delay in the Judiciary Committee when he proposed a time limit of 7 days, I realize once we call up a conference report, if we do not have a time limit certain on it, it could be debated indefinitely. It would be subject to debate.

Although I believe we could act on all of the matters mentioned in 3 or 4 hours, some of my colleagues wanted more assurance than my belief. Therefore, they suggested 1 day be allotted. We finally agreed on a 2-day limitation.

I am prepared to ask the Senate to consider each of the conference reports, but I think that we would expedite action on the civil rights bill if we put a time limit on the time which could be consumed in debate. I think most of the Senators are willing to put a time limit on the conference reports.

I will say to the Senator from Oregon that I am not anxious, and so far as I know no one is disposed, to be dilatory or to delay a vote on the jury-trial amendment. There are several Senators who desire to discuss it before it is voted upon. We do have a deadline on the conference reports. The Small Business Administration will go out of existence if it is not extended promptly. The Defense Department will have no money to pay the soldiers. The Agriculture Department will have no appropriation.

I am willing to ask for unanimous consent to consider the various measures with a time limitation of 4 hours or 6 hours, or anything reasonable, so that the proponents as well as the opponents of the pending bill can be assured that the time when we will return to it will be limited to 3 or 4 hours.

Mr. MORSE. I think the majority leader knows that I hold him in the highest respect, and I treasure his friendship. We have an honest difference of opinion as to what my course of action should be. I do not think any time limitation should be placed upon a conference report. I believe in placing the responsibility upon those who debate.

If it be true that we have reached a point in the Senate of the United States when unreasonable time will be used to discuss a conference report, I think the American people ought to know it. I do not believe any unreasonable time will be used by anyone in the Senate to discuss a conference report. I do not believe in convicting before an act. I think we ought to follow the rules of the Senate on conference reports. I am in favor of the rules of the Senate on conference reports, and I say, as my deep conviction, that I shall not agree to an agreement which limits time on conference reports.

Mr. JOHNSON of Texas. Mr. President, the Senator from Texas wants to make it abundantly clear that he is perfectly willing to proceed to take up the conference reports now and to trust the judgment of his colleagues as to how much time should be consumed.

Mr. CHAVEZ. Mr. President——

Mr. JOHNSON of Texas. If the proponents of the pending measure feel that way about it, we can proceed to call up the Defense Department conference report now. I assure Senators I will act in good faith and attempt to dispose of it as quickly as it can be disposed of, in keeping with legitimate discussion.

Mr. CHAVEZ. Mr. President——

Mr. JOHNSON of Texas. I yield to the Senator from New Mexico.

Mr. CHAVEZ. With the indulgence of the Senate, let me say I happen to be the chairman of the Subcommittee on the Defense Department Appropriations. We devoted much time to the consideration of those appropriations. The Senate disagreed with the House and the bill went to conference with the House, after the subcommittee had reported the bill, after the full committee had reported it, and after the Senate itself, without one word against the Senate version, had passed the bill. Then we went to conference. The conferees agreed to the conference report. The Senate did not get all it recommended, but the conferees agreed to the conference report. The House has acted on it. The conference report is now awaiting action of the Senate.

I assure my good friend, the Senator from Oregon, that it is not my purpose to delay. I believe in a very short period of time the conference report can be acted upon.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. MORSE. Why does the Senator not bring up the conference report?

Mr. CHAVEZ. What is that?

Mr. MORSE. Is the Senator the chairman of the conferees?

Mr. CHAVEZ. I am.

Mr. MORSE. The rules permit the Senator to bring the conference report up at any time.

Mr. CHAVEZ. I know, but I have the same respect for the leadership that the Senator from Oregon has. I should like to accommodate them, to fit the program in with some other matters they might know about which I do not. I know I

could bring it up. I hope that the Senator——

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. JOHNSON of Texas. So far as the Senator from Texas is concerned, he wants to make clear to the Senate and to the country that he thinks this is important Government business which should be transacted and can be transacted in a matter of a very few hours. He is willing for the Senator from New Mexico to call up the conference report. He pledges his good faith to the end that we discuss the conference report and vote upon it as expeditiously as possible. Certainly there will be nothing dilatory about my conduct in the matter.

Mr. DOUGLAS. Mr. President, are we still in the morning hour?

The PRESIDENT pro tempore. We are.

## JURY TRIALS

Mr. DOUGLAS. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a very excellent editorial from the Chicago Daily Sun-Times of July 26, 1957, entitled "The Verdict in Tennessee," and another very excellent editorial from the Washington Post of Tuesday, July 30, 1957.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Chicago Daily Sun-Times, of July 26, 1957]

THE VERDICT IN TENNESSEE

The conviction of seven segregationists in Tennessee must be considered in the light of place and history. Otherwise hasty conclusions may lead to false hopes that the millennium has arrived in the South and false arguments about the need for civil-rights legislation and what form it shall take.

It is encouraging that a white jury in the South has convicted white defendants in a case involving Negro rights. Perhaps some other areas of the South will learn their lesson from this instance and come to know that justice is not divisible, that it must apply equally to all. A start must be made somewhere toward that ideal, and in Tennessee perhaps the start has been made.

But it's a long way from eastern Tennessee to Mississippi, in miles and in circumstance. Clinton, where the case arose from attempts to integrate a public school, and Knoxville, where the trial was held, are in an area of Tennessee traditionally Republican. The cities are in the two Tennessee districts represented by Republicans in Congress.

The mountain people of the area were Union sympathizers in the Civil War. They were not plantation owners or slave holders, and they looked askance upon those who were. The Clinton case jury was drawn from a Federal court district where few Negroes live.

The area, then, is not typically southern. It belongs in that border area between North and South where southern traditions begin shading off into northern traditions, and where school integration has made its quickest and easiest advances.

And yet the area is southern enough and mountain enough to resent outside interference. Mountaineers pride themselves, with cause, on their fierce independence, and southerners have traditionally argued that if outsiders would only leave them alone the South could solve its problems alone. Here in eastern Tennessee, on the other side of the coin an outsider, John Kasper, went about preaching division and hate. He was one of the convicted defendants in the Clinton case.

To what extent each of these factors influenced the jury it is impossible to say. The likelihood is that they all played their part.

And so it is premature to greet the verdict as the sign of a sudden southern awakening to the needs of the day, and it is false to claim that the verdict ends the need for civil-rights legislation or to pretend that it supports the argument for jury trials in civil-rights cases.

That last issue is doubly important just now because it figures in current Senate debate over civil-rights legislation. By argument and amendment the controversy has been refined to a single question: Should the legislation specify jury trials in cases involving the right to vote?

As expected, southern Senators have exhibited the Tennessee verdict as support for their position that juries, not judges, should try such cases. Here, they say, is proof that southern white juries will render just verdicts on civil rights. They overlook the fact that neither the Clinton outcome nor its setting is typical of what's to be expected in the South. East Tennessee isn't the South. The southern white juror is under pressures no juror elsewhere can imagine. He must return and live among his neighbors. The Federal judge, on the other hand, is insulated from the pressures of the community that would sway even the juror desiring to render a true and just verdict.

The Tennessee case must not be used to impair the effectiveness of civil-rights legislation if we get it, and the chances seem to be that we will, at last. The verdict speaks for itself as an encouraging and heartening symptom of reform, but it speaks only for itself. Elsewhere, the drama would have had a different ending.

[From the Washington Post of July 30, 1957]

TAILORED JURIES

Senator NEUBERGER offered a proposal yesterday which helps to expose some of the hollowness behind the jury-trial rhetoric in connection with the civil-rights bill. Adamantly opposed to the O'Mahoney amendment, Mr. NEUBERGER suggests that if it is to be attached to the civil-rights bill, its application ought to be limited to those Federal districts in which jurors are selected from the community as a whole rather than from lists of eligible voters. It will be something of a surprise if the more rabid enthusiasts for jury trials show much enthusiasm for this limitation.

Yet Senator NEUBERGER's proposal is an eminently fair one. Throughout the country, jurors are selected in a variety of ways. The law says they much be citizens of the United States, over 21 years of age, not previously convicted of a crime involving loss of civil rights and of sound mind. It provides also that they must be qualified for jury service in the courts of the State in which they reside. Four States confine eligibility for jury service to persons who are eligible to vote. And in a good many additional districts, the usual practice of jury commissioners is to select jurors from lists of qualified voters.

It follows from this—rather obviously, when you come to think about it—that in States where Negroes are discouraged from voting they are also discouraged from serving on juries. The arrangement works out most felicitously from the point of view of persons who may be guilty of depriving Negroes of their constitutional right to vote. It avoids any danger that they may be judged by the victims of their discrimination. Denied a chance to vote, Negroes are automatically denied a chance at jury service. It is hard to see in this much of the glorious tradition of judgment by a jury of one's peers which some southern orators have of late been so eloquently extolling.

## MASTER CONTROL PLAN FOR COLUMBIA RIVER SYSTEM

Mr. CHURCH. Mr. President, the master control plan for the Columbia River system, as set forth in the historic 308 report of the Army Corps of Engineers, provided for a total of nearly 9 million acre-feet of storage in the crucial Hells Canyon reach of the Snake River. This storage, as the report shows, is vitally needed for flood control and for regulation of the flow of the river so as to permit maximum power generation and navigation benefits.

Nearly 4 million acre-feet of this storage would have been provided by the high Hells Canyon Dam. In its place, the Federal Power Commission licensed three run-of-the-river dams to be built by the Idaho Power Co. These will provide only a million acre-feet of usable storage.

An examiner for the Federal Power Commission, Edward B. Marsh, has recommended the licensing of Pacific Northwest Power Co. to build two more run-of-the-river dams on the Snake River, downstream from the Hells Canyon site, above the mouth of the Salmon River. These dams would provide a total of only one-half million acre-feet of storage; they would preempt all remaining storage sites on this vital stretch of the river, including the site of the high Pleasant Valley Dam, suggested by Secretary of the Interior Seaton as a possible salvage operation to recover part of the storage lost at Hells Canyon. We are now faced, not only with the waste of the Hells Canyon site, but with the real and immediate threat that the rest of the Snake River, above the mouth of the Salmon, will be wasted as well.

Unless something is done quickly, it seems probable that the Federal Power Commission will grant two more licenses to authorize further underdevelopment of the Snake River, while the Congress is in adjournment, with the result that only 1½ million of the potential 9 million acre-feet of storage will be realized. The lost water will go wasting to the sea.

Mr. President, is history repeating itself? Will Pacific Northwest Power Co. begin construction of its low dams while the validity of its licenses is being contested in the courts? Will the recommendation of the Federal Power Commission's own staff be overruled, and the Secretary of the Interior ignored? Will the administration silence the Corps of Engineers and the Bureau of Reclamation, while the Congress gathers itself for action that will come too late? Will we then be told that the Congress ought not to interfere with the decision of the Federal Power Commission, on the ground that this Commission, rather than the Congress itself, is responsible for making fundamental decisions on water resource development? Finally, will we be told that there is a power shortage in the Pacific Northwest, and that construction of these two dams

must be completed quickly at any cost to the ultimate potential of the river?

These disturbing questions, Mr. President, are implicit in the comments of two of Idaho's finest editorial writers on the decision of Examiner Marsh, to which I have referred. I ask unanimous consent that an editorial from the Lewiston Morning Tribune of July 25, 1957, and an editorial from the Boise Journal of July 26, 1957, be printed at this point in the RECORD as a part of my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Lewiston (Idaho) Morning Tribune of July 25, 1957]

THE FPC EXAMINER'S RECOMMENDATION

The rather grim comedy of contradictions being presented by the Federal Power Commission completed another act Monday. An FPC examiner recommended that the Pacific Northwest Power Co. should be licensed to build Mountain Sheep and Pleasant Valley Dams on the middle Snake River.

Examiner Edward B. Marsh apparently avoided some of the pitfalls which trapped a fellow examiner in the Hells Canyon Dam case. In that celebrated affair the examiner found that a high Hells Canyon Dam would be a better project "dollar for dollar" than three low private dams and would result in more comprehensive development of the river. Peering into his political crystal ball, however, he decided that Congress was not likely to authorize the high dam. Therefore, he recommended that the FPC license the low dams. The FPC, of course, followed his recommendation while abandoning his logic.

The Mountain Sheep and Pleasant Valley situation is rather different. The FPC engineering and legal staff, which apparently decided in the wake of the Hells Canyon debacle that it could not sacrifice all the storage on the middle Snake in good professional conscience, recommended that a high Nez Perce Dam be built instead of the two projects sought by Pacific Northwest. The Nez Perce high dam would be the best storage project possible on the whole middle Snake, but it is a rather visionary project, because it would threaten the fish run up the Salmon River. It seemed obvious therefore, that the FPC staff recommendation was something of an idealistic dream.

There appeared to be somewhat more hope, however, in the suggestion of Secretary of the Interior Fred Seaton that some added storage might be obtained by building a higher dam at Pleasant Valley and a low one, such as Pacific Northwest proposed at Mountain Sheep. Such a proposal apparently would be completely feasible. The Pleasant Valley project proposed by Pacific Northwest would be limited in height, not by physical considerations, but by the politic decision that its backwater should extend only to the Hells Canyon site. The rock is good enough for a higher dam. And, since the Republican Party has decreed that nothing will be built at the Hells Canyon site except a run-of-the-river dam anyway, the least that could be done is to drown out that site under some Pleasant Valley storage.

So it appeared likely, when Seaton notified the FPC that he wanted to study the high dam prospects at Pleasant Valley, that the FPC might examine this compromise plan. There was a time when the Secretary of the Interior was something of a spokesman for Federal water resources policy, and some of us possibly erred in assuming that Seaton might reestablish that tradition.

At any rate, the tipoff possibly came when the FPC Chairman announced that he did not regard Seaton's statement as a request to delay a decision on the Pacific Northwest application. A House committee got the Seaton study stopped—at the instigation of Representative HAMER BUDGE, Republican, Idaho, among others. Seaton's only public reaction to these twin slaps across the face was a public statement denouncing a Hells Canyon high dam bill in Congress.

So the FPC examiner perhaps concluded that he would be on the safe side this time if he went down the line for private power and ignored both the alternative proposals to salvage more storage on the Middle Snake. At any rate, he recommended that the Pleasant Valley request be granted in full. His recommendation avoided any recognition of the fact that more storage is needed on the Middle Snake—a conclusion which the Eisenhower administration seems determined to ignore and which only caused trouble for the FPC examiner who noted the fact in the Hells Canyon case.

So the stage now would seem to be set for the issuance of a license by the FPC. Instead of the almost 9 million acre-feet of water storage originally envisioned on the Middle Snake (at Nez Perce and Hells Canyon), there would be 1 million acre-feet at Brownlee and one-half million acre-feet at the low Pleasant Valley Dam. Once again the storage question would have been balanced against the ownership question—and private power again would have won.

It is still possible, of course, for the FPC to reverse the pattern it established in the Hells Canyon case. It is even possible that Seaton might come up fighting. The odds seem to favor FPC approval of the Pacific Northwest application, however, without any attempt to salvage more storage on the Middle Snake.

This would be fairer to Pacific Northwest—which perhaps should not be penalized for the blunders committed on behalf of Idaho Power. Whether it would be fair to the public seems to be a secondary question these days.

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[From the Boise (Idaho) Journal of July 26, 1957]

"DEAR JACK" LETTER SHOWS IKE SCARED

(By Ed Emerine)

Probably no one knows less—and sometimes we think cares less—about resource development and conservation than Dwight D. Eisenhower, President of the United States. Born in Abilene, Kans., educated at West Point, and following a long military career, he has had little opportunity to live close to such development. Certainly he knows nothing about the Northwest, and we doubt that he has surveyed the upper Colorado region. But he turns thumbs down on the better one, and gives his blessing to the lesser—and more costly—one.

Guided by such anti-resource-development advisers as Sherman Adams, Douglas McKay, Len Jordan, and a long list of others, Ike has followed no consistent line in resource development. The other day his advisers got him to sign a letter addressed to Representative JACK WESTLAND, Republican of Washington, and the salutation was "Dear Jack." In that letter Ike says in effect that the Federal Power Commission should decide resource development, not the Department of the Interior, the Army engineers, or the Congress.

Ike even stated that the Idaho Power development will be constructed "at no Federal cost." (How naive can a man get.) "It is inconceivable to me that serious consideration is being given in some quarters to stopping this (Idaho Power) development, depriving the Northwest of power which is badly needed now, and throwing an additional burden on the already heavily burdened taxpayers of the Nation."

So Ike has learned that the taxpayers are overburdened, has he? But they are never overburdened when he and his military advisers want a few extra billion dollars for this or that.

Frankly, we think the "Dear Jack" letter indicates Ike is scared the Congress will pass S. 555, the Hells Canyon bill, and send it to his desk. If the bill ever got that far, we doubt that he would have the courage to veto it, for 100 million people would be waiting right outside the White House door.

FEDERAL POWER COMMISSION HAS REAL POWER

The Army Corps of Engineers has been in existence for a long time. It is supposed to know something about building dams, as well as navigation aid and flood control. The Bureau of Reclamation for more than a half-century has done stellar service in development of western resources. But these two agencies are no longer consulted. We find that the Federal Power Commission is deciding when and where dams shall be built, and by whom.

For instance, Federal Power Commission Examiner Edward B. Marsh has recommended the licensing of Pacific Northwest Power Co., a combine of four Northwest utilities, to build Mountain Sheep and Pleasant Valley Dams on the Snake River. The Army engineers have not recommended such dams. The Bureau of Reclamation was not even consulted. But Mr. Marsh has decided—with or without technical information or training—by whom the dams should be built.

Marsh said the twin dam project as proposed by the four power companies "is best adapted to a comprehensive plan for improving and developing this stretch of the Snake River for the use and benefit of interstate and foreign commerce, for the improvement and utilization of water development, and for other beneficial public uses, including recreation purposes." That's a lot of information for a Federal Power Commission man to have, especially when he has no training in any of the fields in which he now claims to be an expert.

Naturally, there are those in the Northwest who remember floods on the Snake River, and on downstream on the Columbia River. But Mr. Marsh poo-poohed the idea of a Nez Perce Dam. He sneered that his "study" of the situation did not show quite the urgency or the seriousness of the need for flood control which the staff found. In this case the staff was from the same Federal Power Commission, and not from the Army engineers. So, the Federal Power Commission has decreed that there shall be no more multiple-purpose dams built; all of them will be single-purpose—for power generation only, and only for power companies, and the people be damned.

Has the Congress abdicated its powers? Has it supinely closed its eyes and decided it has no right to interfere with this new monster which threatens to ruin every stream in the United States, and especially in the Northwest? Let Congress take action, or admit it hasn't the courage to face up to such men as Edward B. Marsh, who flouts the idea of getting technical facts from the Bureau of Reclamation, the Army engineers, or any other Government agency—for he knows it all.

The Federal Power Commission is merely a political tool of the Eisenhower administration to do by subterfuge what should be done by other agencies. Search history as you may, and you won't find a single reclamation project, a single flood control dam, or a single navigation or recreational project that the FPC has engineered or built. It is a "Johnny-come-lately" that is becoming a serious menace, not only to the people of the Northwest—and all the rest of the Nation—but also to the Congress and the agencies that body has created, such as the Army engineers and the Department of the Interior.

Remember, it was the Federal Power Commission and not the qualified Army engineers, or the Bureau of Reclamation, that gave Hells Canyon to Idaho Power Co. It is

the Federal Power Commission, and not tried and proven agencies, that now proposes to give away more—and more, and more—of the Snake River, and possibly other rivers, to private power companies for single-purpose use, not for comprehensive, multipurpose and sensible development.

Somebody had better wake up before it's too late.

## PROPOSED NEW AIR NATIONAL GUARD AND NAVAL RESERVE AIRBASE IN MINNESOTA

Mr. THYE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point a letter which I have received, as of this date, from Assistant Secretary of Defense Donald A. Quarles, relating to the status of the new Air National Guard and Naval Reserve airbase to be constructed to relieve the present situation at Wold Chamberlain Airport, Minn.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
*Washington, D. C., July 31, 1957.*

The Honorable EDWARD J. THYE,
*United States Senate.*

DEAR SENATOR THYE: In compliance with your request and in accordance with our conversation yesterday, I wish to inform you of the Department of Defense position regarding the status of the new Air National Guard and Naval Reserve airbase to be constructed to relieve the present situation at Wold Chamberlain Airport.

As you will recall from previous conversations and correspondence on this matter, the Department of the Air Force and Navy, and the National Guard, came into general agreement with the Governor of Minnesota as to the establishment of this new airbase. The general agreement specified that:

1. The State of Minnesota would acquire and deed to the United States Government approximately 7,000 acres of land with necessary protective easements for the establishment of this new airbase in an area acceptable to all parties concerned.

2. The Department of the Air Force and Navy would seek sufficient authorization and appropriations to construct the required facilities at this new location to support the Air National Guard and Naval Reserve units presently stationed at Wold Chamberlain.

3. Upon completion of the new airbase, the Air National Guard and Naval Reserve units presently stationed at Wold Chamberlain would be relocated to this new base, leaving the Air Defense Command and Air Force Reserve propeller units in their present location.

The above general agreement has resulted in the following actions to date:

1. The Minnesota State Legislature passed an enactment which authorizes the adjutant general of the State to acquire necessary land, protective easements, and relocations at a site satisfactory to both parties concerned, cost not to exceed $1 million. Upon acquiring the necessary land and other interests, the title to the property will be deeded to the United States Government. The enactment also specifies that before the adjutant general proceeds with the land acquisition, a written agreement would be entered into with the Department of the Air Force, acting for all Federal parties concerned, as to utilization of the new airbase and movement of affected units from Wold Chamberlain.

2. The agreement has finally been resolved, to the mutual satisfaction of all parties concerned, and it is to be signed by the Air Force and forwarded to the Governor for his signature by the end of this week.

3. The Air Force is reprograming $550,000 available to it in fiscal year 1958 Air National Guard funds, which would enable them to proceed with the planning and designing of the airbase and required facilities. It is further planned to request sufficient authorization and appropriation in the Air Force fiscal year 1959 program to construct the required facilities in order to make the base operational. Preliminary estimates of the cost of construction are approximately $13 million to provide the Air National Guard facilities and common joint-use facilities for the Naval Reserve units. In addition, the Department of the Navy plans to seek authorization and appropriation for the construction of its required facilities in its fiscal year 1960 program.

No funds for construction of this base were included in the 1958 military construction program, since no satisfactory agreement with the State of Minnesota had been completed, nor has the design or detail planning necessary to prepare cost estimates been initiated.

Nevertheless, with the reprograming of funds as above noted, the Air Force will be able to proceed with the planning and design work in an orderly fashion. It is anticipated that there will be no delay because of lack of funds for this construction, since all the land and other interests must first be acquired by the State and deeded to the Air Force. In addition, necessary survey information and engineering planning must be completed prior to initiation of construction.

The signing by the Air Force of this agreement with the State is evidence of the good faith of the Defense Department in carrying out this project.

Sincerely,

DONALD A. QUARLES.

## MONEY RATES AND GOVERNMENT REFINANCING

Mr. HUMPHREY. Mr. President, the recently offered 4-percent Government notes, the highest interest rate in 25 years, as expected, are proceeding to drive money rates in general to even higher levels.

The Dow-Jones municipal yield index for July 29 stands at 3.45 percent, a jump of 4 points over last week's 3.41-percent recording. This is only 3 points below the 22-year high set June 24 at 3.48 percent. And the worst is yet to come. The Wall Street Journal reports:

Although yields on tax-exempt bonds are approaching their highest level since 1935, buyers were holding back in some quarters, anticipating even greater yields on their purchases soon.

I ask unanimous consent, Mr. President, that this article from the July 29 issue of the Wall Street Journal titled "Municipal Prices Fall, Putting Yield Index at New June High," be inserted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAX EXEMPTS: MUNICIPAL PRICES FALL, PUTTING YIELD INDEX AT NEW JUNE HIGH

Surrendering ground gained in an early July rally, municipal bond prices tumbled once again for the second consecutive week and the Dow-Jones municipal yield index now stands at 3.45 percent, a jump of 4 basis points over last week's 3.41-percent recording.

The index, which moves inversely to bond prices, now is only 3 points below the 22-year high mark set June 24, when it read 3.48 percent.

Municipal men were hard pressed to sight any relief for falling bond prices in the near future. The Blue List total of unsold tax-exempt bonds in the hands of dealers is $177,847,500, up from last Monday's $168,566,000. The visible supply of municipal bonds for sale in the next 30 days is $255,433,957, according to the daily bond buyer. This amount is some $20 million off from the beginning of last week but is considerably higher than usual for this time of year, with the month of August, traditionally slow for bonds, only a few days away.

Also sweetening the pot for potential purchasers of municipals were reports of large blocks of Chicago and New York City bonds headed for market some time in August. Some dealers saw this move as an attempt to take advantage of the market during a slack offering period. Most traders, however, attributed August's greater volume of coming sales, compared to past years, to an overall burgeoning of bond issues during recent months.

Investment houses the past week were quick to cut their prices when they sensed indifference to their offers on the part of buyers. As one municipal trader put it: "Four or five months ago, we tried fence-sitting when buyers wouldn't meet our prices. We waited and waited, and the market didn't recover. We took a beating, and we're not waiting to take one again."

Although yields on tax-exempt bonds are approaching their highest level since 1935, buyers were holding back in some quarters, anticipating even greater yields on their purchases soon. Their reticence led bondmen to characterize the market for coming weeks as very uncertain. They look for some security buyers to sit and wait a while longer before parting with their money, watching for the leveling out of the present tax-exempt bear market.

Large bond sales for the coming week included $27,860,000 New York State highway-improvement and grade-crossing-elimination bonds Tuesday, and a $15-million block of Oregon veterans' welfare bonds today.

Other offerings for the week are:

Today: St. Louis Park, Minn., $1,025,000.

Tuesday: Florence, Ala., $1,070,000; Trenton, Mich., Public School District, $3 million.

Mr. HUMPHREY. I also ask unanimous consent that another article from the July 29 Wall Street Journal titled "Long-Term Treasurys Last Week Neared Record Lows of June" be printed in the RECORD.

This article reports that long-term Government securities moved last week close to the record June lows, and that the indication is for even further drops in the weeks to come. One dealer is reported as saying that Government bonds "will have to keep in line with corporate yields, and that probably means further price drops."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal of July 29, 1957]

LONG-TERM TREASURYS LAST WEEK NEARED RECORD LOWS OF JUNE

NEW YORK.—Long-term United States Government liens moved close to their record June lows in a week of slow bond trading.

Some dealers closed the 3¼s of June, 1978–83, at 93 12–32 bid, off 12–32 on the week and only 12–32 above the record bottom. They were up 4–32 for the day of Friday.

The Victory Loan 2½s of December, 1967–72, up 2–32 Friday at 86 16–32 bid, were off 8–32 on the week and 20–32 above the June low. The 40-year 3s were 88 4–32 bid, off 22–32 on the week but ahead 4–32 in Friday's trading and more than a point from the bottom.

Yields were up to 3.67 percent for the "Vics," 3.64 percent on the 3¼s and 3.57 percent for the 40-year 3s.

"There has been no real change in the nature of the long-term market, and that includes the Friday afternoon report on the Treasury financing," one dealer maintained. "This group will still have to keep in line with corporate yields, and that probably means further price drops," he concluded.

Investment grade corporates were generally firm and quiet Friday to close out an uneventful week.

Rails again were dull, with prices steady to a shade lower.

Bidding was more cautious on the municipal mart last week, according to traders. Most new issues were well received at retail. Revenue bonds continued to decline.

Big board convertibles were mixed on the week, with Brunswick Balke 5s climbing and United Artists slipping several points.

Foreign bonds were generally steady and not very active.

Mr. HUMPRHEY. Mr. President, I invite the attention of my colleagues to the fact that, despite the news headlines, which indicate that the banking fraternity is readily purchasing the 4-percent bonds which were issued recently, other bonds which are in the hands of literally millions of Americans are going down, down, down, in terms of their value. It would be most interesting to see how much of the people's money this administration has liquidated through its program of refinancing the public debt.

Mr. President——

The PRESIDING OFFICER Mr. CLARK in the chair). The Senator from Minnesota.

## AMENDMENTS TO FEDERAL FIREARMS ACT

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a letter which I have received from Dr. J. A. Stein, secretary of the St. Louis Park Sportsman's Club, of St. Louis Park, Minn. This letter refers to the amendments which have been proposed to the Federal Firarms Act. Those amendments have appeared in the Federal Register.

Dr. Stein, one of our leading conservationists, speaking in behalf of his club, protests these amendments and asks that his protests be brought to the attention of the Senate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 15, 1957.

Hon. HUBERT H. HUMPHREY,
*Chevy Chase, Md.*

DEAR SENATOR HUMPHREY: It has come to our attention that a number of amendments have been proposed for the Federal Firearms Act. This information appeared in the Federal Register of May 3, 1957 (vol. 22, No. 86).

These amendments were discussed at the July meeting of the St. Louis Park Sportsman's Club. It was the feeling of our members that the proposed changes go beyond the original intent of the law. If enacted into law, these amendments would create unreasonable and unnecessary hardships both on the sportsmen and on firms manufacturing and distributing firearms and ammunition.

We believe that the amendments which propose that records be kept concerning the disposition at wholesale or retail level of all pistol and revolver ammunition would be particularly intolerable. We do not believe that such records would prevent such ammunition from reaching hands of those individuals who intend to use it unlawfully.

Based on the above comments, the St. Louis Park Sportsman's Club hereby places itself on record as objecting to the amendments as outlined in volume 22, No. 86, of the Federal Register.

In order that we may remain informed on legislation concerning matters of conservation, I would appreciate that all subsequent correspondence be addressed to the club address listed below.

Very truly yours,

Dr. J. A. STEIN,
*Secretary, St. Louis Park Sportsman's Club, St. Louis Park, Minn.*

## AMERICAN BUSINESS INVESTMENT ABROAD

Mr. HUMPHREY. Mr. President, in the conference report on S. 1314, providing for extension of the Agricultural Trade and Development Act, or Public Law 480, a new provision is included to encourage American business investment abroad. That provision calls for loans to United States private enterprise out of foreign currency proceeds for the sale of our farm products.

My colleagues may recall that I have recommended such an improvement in Public Law 480. This program holds far greater potentials than merely a surplus disposal vehicle. It offers the basis of a foreign economic policy that encourages greater private trade and development. It also offers a valuable supplement to our entire foreign aid program.

Over a period of many weeks I have been presiding at the Senate Committee on Agriculture and Forestry, and at hearings into the Public Law 480 program, and from the evidence obtained I am convinced this is one of the significant programs and tools at our command for accomplishing a great deal more than just selling surplus commodities.

For that reason I encourage my colleagues to realize the significance of getting at least a start toward this encouragement of private enterprise investment abroad as a new part of Public Law 480.

Perhaps it will be helpful to call attention to an address delivered by Harvey Williams, president of Philco International Corp., at the second annual conference on foreign operations held recently in New York City. His address was entitled "New Dimensions: American Foreign Operations." It was a speech to businessmen, about business opportunity—and foreign policy opportunity. Mr. Williams gave a strong endorsement to the views I have frequently expressed about the possibilities of economic aid through private enterprise—and the role Public Law 480 can play in making that possible.

Mr. President, I ask unanimous consent that the address delivered by Mr. Williams be printed in the RECORD, and I call the attention of my colleagues particularly to the concluding portion about capital availability.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### NEW DIMENSIONS FOR AMERICAN FOREIGN OPERATIONS

(Keynote address by Harvey Williams, president, Philco International Corp., at the second annual conference on foreign operations, New York City, May 22, 1957)

It is both a responsibility and an honor to be asked to keynote this second annual conference on foreign operations of the International Management Association.

From the program of this year's conference even the old experienced hands should find much to stimulate new lines of thought, while newcomers to foreign operations should receive a particularly well-rounded indoctrination. We should congratulate Larry Appley and his AMA organization—but particularly Fred Pamp and the IMA organization—for a fine piece of programing and express our warm appreciation to them for the many hours of forethought and hard work needed to bring about a conference with such a well-balanced agenda.

It is a stroke of genius that the purpose of this conference is described as "Plotting a course for new profit horizons." American enterprise, inventiveness, and skill have combined to fashion an economy and a society within the boundaries of the United States which enjoys the highest standard of living ever achieved by any nation in history. The productivity of our people, enhanced by the mechanization of all kinds of activity, from farming great acreages in the corn- and wheat-growing States to dishwashing in our individual homes, has become so great that we have outrun our domestic supplies of important raw materials and must go abroad for iron ore, bauxite for aluminum, copper, molybdenum, and manganese—just to mention a few.

The phenomenal development of the American economy is one of the great wonders of the world. What can be more reasonable or more challenging now than that the financial, production, selling, and administrative brains which have created this standard of living in our own country should be turned to assisting our friends abroad in raising their standards of living by supplying them, or teaching them how to produce for themselves, more of the goods, services, and conveniences which are commonplace on the American scene.

I am convinced that the next two decades will demonstrate such overseas extension of activities to be one of the great growth opportunities in both sales and profits, open to American industry.

#### REGIONAL CHARACTERISTICS

Business expansion abroad is dependent, to a large degree, on political implications. The seething Middle East is a vivid demonstration. The degree and character of economic development qualifies the opportunity for industrial development and investment. For these reasons, may I reflect for a moment on the world as we find it today and then offer some suggestions for business development overseas in light of present conditions.

Canada enjoys circumstances and environment so like our own, including currency and language, that many American companies continue to consider their Canadian operations as part of their domestic activities.

Many of you, I am sure, are familiar with the Fortress American concept which conceives the maintenance of the free-enterprise system in the North and South American continents utilizing the scientific, technical and production experience of the United States and Canada in conjunction with the large population and vast stores

of raw materials in South America. Its proponents urge the particular attention of American industry and Government to the rapid development of South America as a supplement and backdrop to our own economy in the event of atomic warfare.

In Latin America, we find traditions, customs, and environments entirely unique to these nations. The relatively lesser degree of economic development in South America, than in some other areas, means that these economies start, today, lower on the upward curve of development. Therefore, their rate of growth will be more rapid, their demand for capital will continue at a high level and the returns will be large for successful enterprises in these countries.

Great Britain is an economy carrying on under very special circumstances. It raises 40 percent of its own food, but it must manufacture and sell, in export, a quantity of goods sufficient to earn the money to buy the remaining 60 percent of its food, plus its requirements for clothing, shelter, and other personal needs, plus the raw materials with which to continue the manufacturing on which it is dependent for existence.

When Britain devotes too large a proportion of its total man-hours to making products for its domestic market, the goods available for export diminish—and so do Britain's earnings of foreign currencies.

Consequently, the British Government finds itself continuously on the horns of a dilemma. It would like to increase the standard of living of the British people by allowing a greater proportion of total production to flow into domestic consumption. On the other hand, it must maintain controls, through taxes or otherwise, designed to force a substantial portion of Britain's production into export markets and so maintain earnings of foreign exchange. It is a highly developed society balancing on an economic razor edge.

In continental Europe, the common market slowly approaches a reality. Not all customs barriers will be swept away quickly. If, over a period of 12 to 15 years, barriers against the movement of goods can be eliminated substantially, and labor can flow from overpopulated sections with unemployment to industrial areas providing jobs, we can look forward to the possibility of a unified economy, of approximately 180 million people, with the opportunity greatly to increase its standards of living by lowering production costs and increasing productivity of the individual—much as has taken place in the United States.

The exciting potentialities of this development can be illustrated by a single comparison. In the American economy of 168 million people today, there are approximately 52 million automobiles. In the continental European economy of 180 million people, there are only 14 million automobiles.

Imagine a development in Europe which might bring the use of automobiles within 20 years to two-thirds that in the United States currently. Then, there would be some 35 million automobiles in Europe with the collateral manufacturing and service activities the development of which we witnessed in the United States between 1920 and 1940.

This is an opportunity for American manufacturers and for American exporters alike. American companies which become established in Europe now will share in this economic development as their parent organizations have shared in the expansion of our domestic economy. Exporters will benefit by supplying specialized capital goods and other types of products required by the expanding economy which the common market will create.

We are all familiar with the degree to which our own economic development was financed by British and European capital between the end of our Civil War and the beginning of World War I. We may well be on the verge of several decades during which we shall see a reversal of that historic capital flow and during which a renaissance of production and material well-being in Europe will be financed, in part, from the United States.

Currently, some risk attaches to investment in Europe due to its proximity to the Communist area. Recent events in Hungary and Poland indicate restlessness in the Eastern satellites. If their desire for self-determination and for a return to the ideals and ways of the free-enterprise system continues, and manifests itself with violence as it did in Hungary, one cannot escape the risks of proximity to such potentials. However, if the Eastern satellites regain a measure of self-determination by the slower and more conservative tactics of Yugoslavia and Poland, American investments in Europe may have a bright future by virtue of the development of the common market.

It seems likely that Africa will be developed from Europe and will be the special expansion area of the older European economies. We see the French interested heavily in Tunisia, Algiers, Morocco, and the Sahara; the Belgians in the Congo; the British in the east African areas, Ghana and South Africa. Consequently, American participation in European business activities may well carry with it the corollary of participation in the very undeveloped areas of Africa.

I am one of those fellows who believe that the future business potentials of the portion of Southeast Asia which remains in the free-enterprise area are enormous. In Pakistan, India, Burma, Thailand, Malaya, Indonesia, and the Philippines there are some 700 million people living at almost minimum standards. The circumstances and environments existing in these economies are totally different from those existing in Europe, Africa, or South America. These are areas more easily subverted by communism because of their poverty and illiteracy. For that reason alone, they should have the special attention of the foreign aid officials of our Government but, more particularly, the interest and aid of our able and foresighted managers in private industry.

Japan is an island economy which must import and export to maintain its existence. Its people are industrious and competent. Its industries are efficient. If the Japanese will hasten the conclusion of reparations agreements with additional nations in Southeast Asia, their need for trade with Communist China will be lessened and their economic potential can rise quickly. The American companies which have established operations in Japan, often in association with Japanese concerns, could benefit substantially.

In Australia there is a special situation—a continent equal in size to the United States, wealthy in vast natural resources, currently populated by only 10 million people. It is an economy in continuing need of capital and one which has made outstanding progress since World War II. It is a society particularly friendly to the American way of doing business and one which Americans can well afford to include in plans for overseas operations.

Consequently, as men of management approach the objective of obtaining maximum market penetration overseas with maximum long-range profitability, we find no common denominators which will work equally well in every country. The only common characteristic is the urgent need for encouraging and assisting economic development; to meet the universal demand for a higher standard of living. Thus urgent desire for a better way of life, combined with a dramatic reduction in infant mortality, a lengthening of the average span of life and an accelerating pace of technological development is why we find growth trends abroad roughly double those in the United States.

DOLLAR AVAILABILITY ABROAD

Most of us are familiar with certain basic foreign trade figures; but let us restate them to create a frame of reference. Our exports are running at the rate of approximately $17 billion a year. Concurrently, our imports are on the order of $13 billion. The differential of 4 to 5 billion dollars is a very important factor in our relationships with other nations. If it had not been made up by military aid expenditures, foreign economic aid and American investment abroad, our customers in foreign countries would long since have used up their available dollars. Our exports then, would be necessarily of somewhat the same size as our imports. Of one thing we can be sure, every dollar which goes abroad as payment for an import, for investment purposes, for a loan for economic development, or an expenditure for military security will, in due course, come back to the United States to purchase American goods or services.

Prior to World War I, our foreign trade consisted largely of exports of agricultural products such as cotton and wheat. We were a debtor nation. We used exports of food and raw materials to pay interest and to return capital which had been invested in the development of the United States by foreign investors.

After World War I, we became a creditor nation. We needed relatively few products from abroad. Therefore, our imports were limited. However, we continued to try to sell overseas. Our manufactured goods became increasingly attractive to customers and consumers abroad. As a result, the foreign exchange situation became acute in the late twenties and continued so until after World War II.

With much of the world looking to the United States for capital goods and the supplies necessary for reconstruction after World War II, the foreign exchange situation became really critical. The Marshall plan and its successors, providing economic aid and military expenditures abroad, bridged the gap. The $52 billion expended by the United States during the last 12 years has enabled our friends abroad to procure from us what they needed. Now, as we are forced to spend more dollars overseas for raw materials, it is quite likely that there will be a gradual lessening of the acute dollar scarcity paralleling the increase in our dollar payments to the rest of the world.

OVERSEAS INVESTMENT AND PRODUCTION

Meanwhile, a new dimension has been added to our overseas operations. Prior to the First World War, our direct investments abroad are reported by the Department of Commerce to have been $2.7 billion. In 1929 they approximated $7.5 billion.

By the end of 1957 United States investments overseas are likely to be $32 billion, producing profits at the rate of about $4 billion annually. It has been estimated that American-owned subsidiaries and branches abroad are manufacturing close to $40 billion worth of goods in 1957. This is three times the value of manufactured goods exported from the United States last year. In the case of our own company, the ratio of production abroad to exports from the United States will be 5 to 1 in 1957.

This is one of the vital new dimensions in American overseas operations—investment and production abroad as the principal means of penetrating foreign markets rather than by traditional export sales programs.

The excellent study of American investment and operations in Latin American made by Messrs. Pizer and Cutler, of the Department of Commerce, is the most comprehensive analysis which we have today on the effects of American investment and American production in foreign economies. It would be a most constructive step, in aiding American businessmen and our Government fully

to understand what is really taking place abroad, if the Department of Commerce could undertake promptly a similar analysis for the entire free-enterprise area of the world. This should include research, not only on the output of American-owned operations abroad but also on the output of licensees or other overseas affiliates of American parent companies.

It is clear that this new dimension of private investment and production abroad creates a factor in overseas-market penetration which did not exist earlier in this century. Competition encountered today is more likely to come from American-owned or American-sponsored overseas production than from American exports.

OTHER NEW DIMENSIONS

What are the other circumstances which are creating such an increase of interest in foreign operations among American investors and businessmen today?

First, many growth potentials abroad are greater than those in the United States. We think of Great Britain as an advanced, venerable, highly organized economy. Nevertheless, out of 14 million British homes wired for electricity, less than 10 percent use electric refrigerators—as compared with 94 percent in the United States. Only 18 percent use washing machines contrasted with 85 percent here.

In the United States, we take running hot water for granted. Yet, in countries such as France and Germany, it is doubtful if over 30 percent of the dwelling units have any supply of running hot water. No wonder sales of consumer durables are increasing more rapidly in such economies than they are here.

Second, the reduction in infant mortality and the lengthening of the span of life made possible by modern surgical, pharmaceutical and medical knowledge are skyrocketing populations, particularly in the less-developed economies. We live and must plan in a period of "exploding" populations when the number of our potential customers is being revised upwards repeatedly.

Thirdly, nationalism brings not only increasing import barriers and restrictions, but also local industrialization and the urbanization of populations. As more and more people become employed in cities at regular wages, in more or less skilled occupations, growing middle-class markets are created. In some countries overseas, this is a unique development—close to being revolutionary. It is another vital cause for the increasing purchasing power of foreign markets.

We are also in an era of petroleum politics. With oil and natural gas being used more and more to produce electricity, and with automobiles, trucks, tractors and aircraft providing the modern means of transportation, petroleum is becoming the key source of energy to power the progress of the world.

Petro-politics was involved when the Egyptians bottled up the Suez Canal. This action has had a deep effect on the thinking of the free-enterprise area. There is no doubt that the development of petroleum resources in South America, West Africa, the Sahara and other areas will be stimulated and expedited as a result. Adequate petroleum resources in Brazil, Argentina, Australia or West Africa could harden local currencies or strengthen such economies dramatically.

With this brief review of the new dimensions within which overseas operations must be planned and conducted today, let us examine what these conditions impose upon the three fundamentals of every business enterprise—men, materials, and money.

MEN AND MANAGEMENT

Men are the most important element in any enterprise. One can have fine bricks and mortar, machinery, and inventories, warehouses and other facilities, but without a dedicated team and an energetic, inspired leadership little may be accomplished.

This conference includes discussions of personnel and personnel practices related to overseas operations. Therefore, only two brief points are significant now.

First, if you can staff your foreign operations with nationals of the country in which they are located, you will have a more economical operation and probably a more satisfactory one.

Second, a man moves from domestic into foreign operations, a most important quality for him to possess is tolerance and sympathetic understanding. American methods which work successfully, in fact are essential, in our highly competitive economy, may seem quite as inappropriate in another country as did some of the actions of the proverbial Yankee in King Arthur's Court. Our job as managers is one of adaptation and combination of American ideas and methods, not one of imposition without regard for local custom, tradition, and conditions.

Prior to World War I and in the decades between the two World Wars, relatively few American companies established subsidiaries abroad. A far more usual concept of foreign market penetration was an export manager located in an obscure office, assisted by a couple of clerks, a stenographer and a shipper. In years when business was good in the United States, he had great difficulty getting merchandise for his foreign customers. In years when business was bad at home, he was under pressure constantly to liquidate surplus inventories abroad. Usually, he was a third, fourth, or fifth echelon executive with little or no contact with the president of his corporation and no participation in long-range planning with respect to product design, merchandising and sales strategy, company financial policies, etc. There are still American companies today which follow this concept of foreign selling but, fortunately, they are becoming fewer and fewer. If you wish to peddle goods in Puerto Rico, Venezuela, Cuba, or the few other countries which have ample dollars, then perhaps, you can be satisfied with this approach. However, under today's conditions of overseas trade and international economic development, it is as obsolete as the horse and buggy.

Today's complex international factors have created a new type of executive responsible for his company's overseas operations.

A modern manager of foreign operations finds himself to be a market and financial analyst today, a negotiator of prospective manufacturing licenses tomorrow, a member of a foreign board of directors representing his company's minority stock interest, and a consultant, in the management engineering sense, to licensee and subsidiary company managements. He must be a financier, manufacturer, sales executive, personnel director, economist, negotiator, and diplomat. More probably, he is a capable analyst, planner and administrator with proven ability to coordinate into an effective team specialists in all of the various functions of business.

He is responsible for exporting American-made goods to countries which have sufficient dollars to buy them and, also, for exporting similar goods made abroad to countries which can buy only with other currencies.

He finds himself responsible for the welfare of wholly-owned foreign subsidiaries for which he implements the full range of management functions. He must assist local operating management in arranging adequate finance, personnel development, management succession, provision and maintenance of economical production facilities, production schedules, sales objectives, cost control, and, finally, personnel training and development including the bringing of local nationals to the home office and factories of the parent company for training and instruction.

In relationship to overseas licenses, he exercises similar management functions, but usually in an advisory manner.

Even this brief definition of the functions of a modern manager of foreign operations makes it clear that he can only discharge these responsibilities well with the closest collaboration of his top management in integrating the domestic planning, policies, and organization of his company with its program for foreign operations. He must be in constant contact with his company's senior executives on finance, manufacturing, selling, and research—which means that the modern manager of foreign operations needs to be a member of the senior top management team.

How can he know whether or not to plan for another subsidiary operation abroad unless he knows his corporation's future financial program?

With today's rapid dissemination of news and of American publications to foreign businessmen and bankers, any change of price, model, or sales approach announced to the American public through domestic advertising is known to most overseas distributors and their bankers within a maximum of 3 weeks. A well-planned foreign selling program can be upset completely by announcement of a domestic sales campaign of which foreign operations was uninformed when it launched its own plans.

The top managements of the leading American corporations which have attained the greatest success in foreign operations, recognize these principles with respect to personnel and organization.

With respect to materials, the second fundamental in any overseas enterprise, the same basic considerations apply as in the United States. There must be an adequate, economical source of supply of raw materials, transportation, an appropriate labor force, proper channels of distribution and all the other similar elements necessary for success. I do not believe that we are here this morning to repeat these familiar fundamentals.

CAPITAL AVAILABILITY

So let us consider the final, but most essential element—money.

Until now the $52 billion of aid and military expenditures made by the United States overseas during the last 12 years has provided the lifeblood which has stepped up the level of employment and the rate of production around the world to record heights. As employment increased, as more wages were earned, as purchasing power grew larger, the desire for a better way of life was fed. The demand so created requires record capital investments not alone in the United States but in the other major countries of the free-enterprise area as well. So, today we find that substantially every more advanced country is outspending its rate of savings. Capital has grown scarce and interest rates have increased materially. With the worldwide desire for more goods and better living, capital will continue relatively scarce and interest rates relatively high for a considerable period to come.

Under these conditions, how do we finance new foreign operations? How does American industry take advantage of the desire for its know-how and abilities to establish or increase local production abroad? How can economic aid be made available through the enduring relationships of private endeavor and private enterprise?

The manufacturing license agreement is a partial answer because such arrangements utilize the existing basic facilities of the overseas licensee. New capital is required primarily for special tooling and inventories of the newly licensed products. However, in many countries abroad where money is tight and expensive, it may be more difficult for local enterprise to raise capital funds than for an American company to do so at home.

There is, I believe, another very simple answer, merely awaiting implementation by Washington officials, through a mechanism which has already been established. I am referring to the use of the funds obtained from the sale of our commodity surpluses to foreign countries for local currency under Public Law 480.

A few weeks ago Secretary of State Dulles proposed to the Senate Foreign Relations Subcommittee that a means be found for providing true nonmilitary economic aid, on a long-range basis, through an economic development fund. The sequence of action envisaged by Public Law 480 can provide the mechanism which the Secretary of State was seeking.

Under our agricultural support programs, enacted by the Congress, the Commodity Credit Corporation purchases certain surplus commodities from our farmers. Today an inventory of over $7 billion worth of such commodities is in storage.

To move these commodities to nations in need of them, the Congress enacted Public Law 480 authorizing the Department of State to make sales agreements with friendly foreign countries under which the purchase price is paid in the buyer's currency. Contracts totaling almost $3 billion have been negotiated.

When the United States Government is credited with these local currencies, the International Cooperation Administration is authorized to loan such currencies back to the country from which they came or to keep a portion for on-the-spot official American use. The Administration has a policy guidance that 25 percent of the amounts loaned back should be channeled to private enterprise, but actual experience appears to indicate that this objective has not been reached.

How useful to our foreign aid and foreign development programs would it be if these funds, in local foreign currencies, could be loaned on an increasing scale to competent private borrowers, either American or others, for local investment in new productive enterprises? This would make it possible for American private enterprise, often in association with local interests, to undertake additional projects abroad, create new job opportunities, and participate materially in overseas economic development toward higher standards of living. It would enlist the full knowledge, competence, and experience of the American business community in seeking out those productive enterprises which can be established abroad most soundly and profitably under existing conditions.

If the Congress wishes to take an enlightened viewpoint toward the fuller utilization of these local-currency funds, it might well stipulate that 60 percent be loaned back to the government of the country in question, one-half (or 30 percent) to be used for public works, including highways, irrigation, public buildings, hospitals, and schools, the other half to be used to augment or improve fundamental services such as transportation, communications, and the generation of electric power.

With respect to the remaining 40 percent, the Congress should stipulate that it is to be earmarked for lending to private industry, one-half to be loaned by the United States Government through a Washington agency, while the other half is loaned through a local financial agency designated by the foreign government.

Obviously, such loans should be made on terms commensurate with conditions prevailing in the country in question. In addition, the terms available to private industry through Washington or the local financial agency must, of necessity, be the same.

Such local-currency loans to private industry provide an added source of capital in the tight capital market which exists worldwide today.

In addition, the use of such local currencies eliminates the exchange risk of devaluation which is present when a direct dollar investment is made abroad. Avoidance of this risk alone should be a great encouragement to more industrial development overseas under the guidance of American private enterprise.

With continuing purchase of agricultural commodities under the various support programs, and a continuing need for such commodities by foreign countries abroad, we have the prospect of a reasonably steady flow of funds in local currencies for both public and private investment overseas. With such a plan, Congress could report to its constituents that foreign-aid programs are of direct benefit to both the agricultural and industrial sectors of the American economy.

From the standpoint of the overseas country involved, such a program will bring to it a more rapid influx of American know-how; a greater willingness of Americans to invest; more jobs and a corresponding increase in local purchasing power; greater skills to local populations; and a demand for collateral services and activities will create additional local investment, business activity and jobs. These are the foundation stones of both economic and political stability.

ECONOMIC AID THROUGH PRIVATE ENTERPRISE

Let us bring these elements together into an orderly conclusion.

The demand for a better way of life is expressing itself vigorously throughout the world. The resultant demand for goods and services is exhausting the savings of the advanced nations and is creating a worldwide capital shortage with increasing interest rates. The opportunities thus offered to investors in the more advanced nations make less attractive investment in and the development of more primitive areas.

The Congress has created a plan through Public Law 480 which could well generate a pool of local currencies of perhaps $1 billion per year. In these circumstances, is the time not ripe for the American Government and American private enterprise to combine these local-currency resources and dollar funds available, through a bona fide, nonmilitary, economic foreign-aid program? Such a program could carry to both the older, more advanced nations as well as to the hundreds of millions of people in the relatively primitive, new nations an effective public and private development program. This program could provide local production and employment of a type best suited to each particular economy, leading to more earning power, consumption, economic and political stability, and a better way of life.

Through such a joint effort, the Congress and the administration can enlist all the American genius for organization, financing, production, distribution, personnel training and development, and can apply it in the most enduring fashion through enterprises in which Americans and local nationals are working together under normal, commercial incentives.

I believe, gentlemen, that the organization of such a program can be one of the most effective secret weapons of the United States in winning the cold war or maintaining the peace. Organization of such a program on a basis which is equitable both to the Americans as well as to businessmen and workers of the country in which each project may be undertaken, is one of the greatest challenges which American industry ever has had the opportunity to accept.

I commend to you the thought that the new dimensions in American foreign operations—the experience we have had already in organizing for production and distribution abroad has prepared us, as businessmen and free enterprisers, to carry our share of the responsibility for the success of such a joint program.

## POSTAL PAY INCREASE BILL

Mr. HUMPHREY. Mr. President, a Protestant minister who happens to be a constituent of mine in Minnesota, has sent me a copy of a letter he has just written to President Eisenhower. In it he protests the President's announced intention to veto any postal-pay bill which Congress may pass.

The writer also expresses the grave doubts which many of us have over the President's failure to come to grips with some of the basic issues now confronting this Nation.

I ask unanimous consent that the text of this letter, which has been released for publication, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 25, 1957.

The PRESIDENT,
*The White House, Washington, D. C.*

DEAR MR. EISENHOWER: I have noted in news reports that if Congress passes a postal workers' pay bill, that you intend to veto it. This agitates me so much that here at the lake in the middle of my vacation I am taking the trouble to write and protest and to send copies of my letter to my various Congressmen.

May I urge you to sign this bill instead of vetoing it. These workers get little enough, as it is, and their job is not only hard, it is vital to the welfare of our Nation. To refuse it will be another step backward in an already backward, unprogressive, and deteriorating public service. Moreover, I protest that the Post Office Department must pay for itself, any more than the health department, or national defense, so-called. It is a public service, and we ought to expect to pay for it the same as other services. What we thus spend is pure "peanuts" compared with what we squander (by several different means) in so-called multi-billion-dollar defense budgets.

I approve of many of your decisions and your policies, but it is evident that your sympathies are with the great corporations and wealthy. Why, for instance, didn't you veto the uncalled for, and harmful rise in the price of steel—while such companies enunciate a wholly new policy in American finance—paying for plant investment out of profit instead of new stock—a policy to make the present stockholders richer and the rest of us poorer—while the rise is then blamed on labor. Why don't you sound off against the constant rise in price of living—my 1954 car now costs $500 (round figures) more than it did in 1954, if I buy the same one today. While at the same moment General Motors corporate profits rise to higher and higher figures. But we hear no condemnation of this trend toward what will eventually be revolution, as the rich get rich and the poor get poorer. Why don't we hear from you a "veto" of Secretary Humphrey's private fortunes which rise as he is in office? Why no protest against the continued manipulations of price and fight against consumer controls in gas and oil industries, and their suspicious operations and influence of international policies in the Middle East? It ill becomes you, therefore, to try to deny a little increase of income to poor postal workers while you are so silent with these other ends of the economic picture—other illustrations could be chosen.

It is passing strange to many of us how when legislation is up which benefits the common man we talk "economy" but when it involves contracts with great corporations, profits on oil, and tax exemption for coupon clippers it seems to be a different story.

I am certainly reevaluating my political decisions and allegiances these days.

I write, of course, as an agitated individual. But I am also deeply involved officially throughout the church in social action and while I would not misuse my positions there, it cannot but help be a subtle influence in that work, even an unconscious influence.

You are a great man, sir, and you can go down in history as a great President, if we find more evidence of your concern for the "little fellow" in America.

Sincerely yours,

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## INTERNATIONAL FARM YOUTH EXCHANGE

Mr. MUNDT. Mr. President, it has been my contention that the various exchange programs operated by our Government do much to expand and strengthen the areas of understanding on which strong bridges of friendship between our people and the people of other countries can be built. I realize that many of my colleagues in this Chamber share this conviction.

With that thought in mind, it seemed to me it might be of interest to place in the RECORD at this point letters addressed to me by Mr. and Mrs. John Elsing, of Mansfield, S. Dak., and their new-found friend from Pakistan, Mr. Nausher Wan Khan, together with some other correspondence. I ask unanimous consent that that be done.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MANSFIELD, S. DAK., *July 16, 1957.*

Senator KARL MUNDT,
*Washington, D. C.*

DEAR SIR: During the past several days it has been our pleasure to have an international farm youth exchange farmer from West Pakistan staying with us at our farm. Through him we have learned a great deal of the problems, life, and culture of Pakistan. We were pleasantly surprised to learn that the ideals and fundamentals of the Moslem faith are so much like our Christian religion.

Because we have received this knowledge first hand from our Pakistani friend, it has made a deep impression on us. We have become aware of the important position of the Moslem world and this new nation of Pakistan in world affairs, especially as it affects communism.

Through the newspapers we have learned that the Premier of Pakistan, Mr. Suhrawardy, is now visiting the United States. Because of our warm feeling of friendship toward Pakistan, could you, Senator MUNDT, extend to Premier Suhrawardy our best wishes and a very hearty welcome to this country and our hope that his visit and tour of the United States will be a very pleasant one.

We are also enclosing a few lines from our Pakistan IFYE friend.

Sincerely yours,

Mr. and Mrs. JOHN ELSING.

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CHAN, DISTRICT OF MONTGOMERY,
*West Pakistan.*

DEAR MR. MUNDT: I am an international farm youth exchangee from Montgomery, West Pakistan. I am sure you know something about this program—we stay with farm families in rural areas.

I have been deeply impressed by the friendly farmers of the United States. The hospitality I have been offered by my host families will certainly live long with my memory.

I have spoken to different groups in rural areas. They always appreciate Pakistan's role in checking the internal communism.

I pray Godspeed for this big democracy of the world.

I close it now with best wishes, sincerely hoping that you will extend welcome to my Prime Minister.

I remain

Yours truly,

NAUSHER WAN KHAN.

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UNITED STATES SENATE,
*Washington, D. C., July 18, 1957*

His Excellency HUSEYN SHAHEED SUHRAWARDY,
*Premier of Pakistan,*
*The Pakistan Embassy,*
*Washington, D. C.*

EXCELLENCY: Believing that you will be interested, I am pleased to enclose for your attention a copy of correspondence which has reached me from Mr. and Mrs. John Elsing, of Mansfield, S. Dak., and a letter which they enclosed directed to me by Nausher Wan Khan, a young Pakinstani, now in this country under the auspices of the international farm youth exchange program.

I have been deeply impressed, as I believe you will be, by the effect of the international farm youth exchange program as it is indicated by this American farm family and their guest from Pakistan. Their close association has obviously done much to acquaint Mr. and Mrs. Elsing and Mr. Khan with the cultures of our two countries and strengthens the ties of friendship between the United States and Pakistan.

Mr. and Mrs. Elsing have requested that I extend to you on their behalf a hearty welcome to this country along with their hope that your tour of the United States will be a very pleasant one.

With warmest best wishes, I am

Cordially yours,

KARL E. MUNDT,
*United States Senator.*

Mr. MUNDT. Mr. President, Mr. Kahn is spending 3 or 4 months living among our South Dakota farmers as an international farm youth exchangee.

I am interested in the comments contained in Mr. and Mrs. Elsing's letter reporting on their impressions of their guest:

> Because we have received this knowledge first hand from our Pakistani friend it has made a deep impression on us. We have become aware of the important position of the Moslem world and this new nation of Pakistan in world affairs.

Thus a great area of the world which heretofore has been to many of my South Dakota friends mainly a mysterious and unknown marking on the map, has become peopled with friends possessing a familiar culture.

That Mr. Khan is benefiting from his experience in the United States is apparent from his letter, wherein he states:

> I have been deeply impressed by the friendly farmers of the United States. The hospitality I have been offered by my host families will certainly live long in my memory. I pray Godspeed for this big democracy of the world.

As Senators know, the international farm youth exchange program is under the general auspices of the Smith-Mundt Act, operated by the National 4-H Club Foundation in cooperation with the Federal Extension Service of the Department of Agriculture. Funds for the financing of this program come from private sources. Each State 4-H Club agrees to furnish $700 for each two-way exchange. The remaining funds are raised by individuals, service organizations, women's clubs, and so forth.

Last year 126 American youth from 36 States participated in this program, which brought 180 foreign youth to this country from 48 friendly nations. In the age group of 20 to 30 years, individuals selected for this program must have attained at least a high school education and be from rural families.

I was very much impressed by the desire of Mr. and Mrs. Elsing to pass on to Premier Husey Shaheed Suhrawardy a hearty welcome to this country, and accordingly I directed a letter to Premier Suhrawardy conveying to him the sentiments of Mr. and Mrs. Elsing, and enclosing for his attention the correspondence which I received from them and Mr. Khan.

I believe very sincerely in the values inherent in a well-run exchange program, and I believe the correspondence which I have had printed as a part of my remarks is convincing evidence in this regard.

## AIRSPACE FOR NEW TRAFFIC LANES

Mr. MONRONEY. Mr. President, action taken by the Civil Aeronautics Board today to place control of United States airspace in a strong central authority is a big forward step toward improved air safety. The overcrowded airways require some central authority to open up greater areas of airspace for new traffic lanes.

The amount of airspace reserved for the military has reached staggering proportions. It has been reserved for maneuver areas, the testing of aircraft, and for missile ranges.

In its notice of proposed rulemaking, the CAB summed up the problem as follows:

> Airspace, which is a national resource, is rapidly diminishing to the point where it is no longer easy to meet the needs of users by merely allocating airspace previously undisturbed by other users. The growing operational needs, which vary in type and purpose, of various users of the airspace have created increasing problems in resolving conflicts in the allocation of airspace to accommodate such needs. In the past 7 years civil airway mileage has doubled, the number of airspace reservations for military purposes has increased more than 50 percent, and the high performance characteristics of modern aircraft and increasing traffic density require the use of far more airspace than in the past. Growing conflicts between the establishment of airways and actual or contemplated military training and practice areas have made designation of airspaces time-consuming and contentious.

Up to the time of the announcement by the CAB today of its pending procedure for allocation of airspace, the procedure necessary to yield reserved space required a unanimous decision of the airspace panel of the Air Coordinating Committee. Consequently, if any branch of the services objected, nothing happened.

The new proposal will provide, as it should, a central authority to designate new restricted areas or to revoke or

modify previous allocations. This authority will rest in the Civil Aeronautics Administrator. Some central authority has long been needed. It should make possible the improvement and extension of our controlled airspace.

Further, the requirement that all air traffic, including military air traffic, shall observe the air safety regulations, is important. It will promote greater safety in flight.

Only when the Nation is threatened with attack is the military exempted from observing air traffic rules.

I ask unanimous consent to have printed in the RECORD at this point a press release issued by the Civil Aeronautics Board dealing with its rulemaking procedure.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

CIVIL AERONAUTICS BOARD,
*Washington, D. C., July 30, 1957.*

The Civil Aeronautics Board today proposed to improve the allocation and use of United States airspace by delegating to the Administrator of Civil Aeronautics the power to designate restricted areas and to revoke or modify such restrictions as he deems necessary to assure the safety of planes in flight.

The Board termed the airspace "a national resource * * * rapidly diminishing." It said "the problem * * * has become so acute that the Government can no longer accommodate all of the needs of individual users."

The Board called its proposal "a major forward step in determining how airspace will be used," adding that it is intended to resolve the conflicts that arise between the various users of airspace.

It underlined the urgency of the airspace problem with a high-level briefing session on its new proposals yesterday. The meeting was attended by Louis S. Rothschild, Under Secretary of Commerce for Transportation; James T. Pyle, Administrator of Civil Aeronautics; Lt. Gen. Elwood R. Quesada, special assistant to the President for aviation planning; and representatives of the Secretaries of Defense, Air Force, Army, and Navy, together with all five members of the Civil Aeronautics Board.

CAB Chairman James R. Durfee stated that this complex problem of airspace utilization makes it imperative that appropriate machinery be established as quickly as possible to deal effectively with this matter.

In order to accomplish this objective the Board proposed to amend the air traffic rules by delegating to the Administrator the authority to designate restricted areas when he finds that a hazard to aircraft in flight exists.

The Administrator would have the authority to impose such terms, conditions, and limitations as he deems necessary, as well as the authority to modify or revoke any such designation where required in the public interest.

Under the regulation, the Board reserves the right to review on its own initiative any such action taken by the Administrator.

The Board emphasized that under the delegation, actions taken by the Administrator will be in conformity with the Administrative Procedure Act. This means all interested parties would be given an opportunity to submit comments before any final action is taken.

Heretofore, the Administrator has been assisted in the performance of this duty by the Airspace Panel of the Air Coordinating Committee which is empowered to coordinate proposals and make recommendations on the use of airspace. However, unanimous approval of the panel members has been required before affirmative action on any proposal could be taken.

The Board observed that, although this administrative machinery has been able to resolve many problems in the past, it is now apparent that it cannot cope with the complex problem of diminishing unused airspace on the one hand and increased need for airspace on the other. Compromises resulting from the need to obtain unanimous agreement before action could be taken have not always been in the public interest, the Board declared.

Accordingly, in order to clarify the Administrator's authority and to facilitate performance of his duties in allocating airspace for equitable use, the Board proposed to amend the air traffic rules to specify more exactly its intention in delegating authority to the Administrator to designate, modify, or revoke restricted areas.

The Board pointed out that the military will retain its present right to deviate from the air traffic rules without prior approval from the Administrator when conducting operations required "as a result of intelligence of actual or impending cases inimical to the United States." All other operations, however, will require prior approval by the Administrator.

The Board emphasized its recognition of the fact that the military had certain training and operational missions which would require deviation from the civil air regulations. Accordingly the Board's proposal would provide for these operations by authorizing the Administrator to issue a waiver to cover them. Procedures are being developed by the Administrator to implement this program.

In connection with defense considerations, the Board noted that it is required by Congress in the Civil Aeronautics Act to consider, as in the public interest, "encouragement and development of an air transportation system properly adapted to the present and future needs of * * * the national defense," and "the regulation of air commerce in such manner as to best promote its development and safety."

The Board called for written comments on today's action within 35 days from interested parties.

## THE CIVIL-RIGHTS BILL

Mr. KNOWLAND. Mr. President, I ask unanimous consent that I may proceed for not more than 10 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none, and the Senator from California may proceed.

Mr. KNOWLAND. Mr. President, in eliminating part III of the proposed civil-rights bill, and throughout the current debate, Members of the Senate have been consistently reminded that they must consider not only the ideals and goals of the bill, but also must take a searching look at how the bill will actually work in application. We have been told again and again that we must look to the practicalities involved. The opponents of part III repeatedly pointed to the possible effects of the language of that deleted section as the reason for their insistence that it be dropped from the proposed legislation.

Similarly, I should like to emphasize the importance of looking at the practicalities inherent in the current attempt to further emasculate the bill by requiring jury trials in criminal contempts, and the far-reaching ramifications of such a proposal. The effect of such an amendment would be to withhold the full effect of available remedies against those who flagrantly oppose the dignity and integrity of our judicial system, and who take an active and unlawful part in denying what all must consider to be the most elemental, basic, constitutional right in our form of government; namely, the right to vote.

Other Senators have already given, or will give in the course of the debate, the weighty constitutional and historical reasons for refusing to force the concept of jury trial into a procedure to which it has traditionally remained foreign. I shall not repeat those arguments. Suffice it to say that the Supreme Court has never held that a contempt proceeding—civil or criminal—requires a jury trial. Our legal system, as it has developed to date, does not demand a jury trial. My words today will be directed to showing there are ample reasons for Congress to refuse to indulge in legislative surgery and do "a little fixing up" where the patient is now in robust health and where the operation would lead only to his injury or demise.

Let us see what the practical effect will be if we limit vindication of the right to vote, in substance, to the sole remedy of civil contempt. The simple truth is that the remedy of civil contempt is often inadequate to meet the situation. This is true in areas other than civil rights, and the point can perhaps be made as clear as it should be if we take a type of ordinary court order far from civil rights but with which we are all perfectly familiar.

Take a domestic-support case. A husband has abandoned his wife and family and refuses to shoulder his responsibilities. The wife and children are without means of support, and the husband must be caught and forced to do his duty. It may be difficult to locate him, and some delay may occur for that reason. Then, after being finally apprehended and brought before a court, he is still reluctant to bear his burdens and give others their rights. So the judge issues an order that he contribute to his family's support; the law assumes that he will then obey the order and make the required payments. But once outside the courtroom, this delinquent husband and father decides he will do what he pleases, regardless of the law. More delay ensues while the law catches up with him. Meanwhile, his family continues without the needed support. He is again, after a time, brought before the court and given a hearing. Now he is held in contempt of court; in a civil-contempt proceeding the judge listens to his reasons for violating the court's order, finds him guilty of civil contempt, and sentences him to jail until such time as he agrees to abide by the court's order.

The negligent husband may at last see the light—for a while. He is released, and for a few weeks again supports his family. But after perhaps a month, he again leaves them penniless. Now what is the court to do? Must it continue this cycle of civil contempt proceedings, letting the defendant decide for himself how long and to what extent he will support his family and abide by the court's

decree? Can he choose at will to comply or not to comply, without any real penalty? Obviously, the only effective remedy is a citation for criminal contempt and subsequent punishment, so that the next time he is released from jail he will know that the court means to make the support laws have practical effect. And can anyone contend that in such situations the court cannot impose punitive sanctions without calling in a jury to decide the case?

Those who propose to engraft jury trials in right-to-vote cases will say, "That is a totally different situation." But what is different? Certainly the right to vote is basic and fundamental and deserves protection as much as the right to support, or the many other rights established in our law. A citation for contempt will never arise until some violator has denied to a citizen this elemental right. If all officials and individuals would recognize and uphold this fundamental right, then no one need be concerned with a contempt citation, civil or criminal. But when a violation does occur, violators of our most basic right should not be given preference treatment in their contempt, while the courts are allowed their historical prerogative to impose contempt sentences in cases of lesser importance.

In right-to-vote cases, the same problems will arise as in the support case I have used as a homely illustration. Suppose, for example, the court should order an election official to permit persons to register and vote at a designated election without discrimination. He might choose to comply individual by individual, insisting on civil contempt proceedings in each instance. Or he might willfully drag his feet, knowing that election day will soon be past. Or on election day the official may simply refuse to permit the persons to vote. In election cases it is, of course, particularly true that by the time contempt proceedings are brought the registration period or the election will have passed so that a civil contempt proceeding could have no efficacy whatsoever. Furthermore, civil proceedings might be intentionally delayed by dilatory tactics with the knowledge that the registration period and the election will come and go. In short, civil contempt would furnish no real remedy at all. In the cases of real recalcitrance, civil contempt would prove to be less valuable than no remedy at all.

Again, how effective would a civil contempt proceeding be when the contemptuous election official, upon being locked in a jail until he agreed to comply with the court's order, should thereupon quit his office or be conveniently fired from his election post? Such evasive tactics—and others conjured up as time goes on—can indefinitely continue the same useless cycle of civil contempts until the election has passed.

The short of it is that the only real remedy in such a case would be a fine or imprisonment for criminal contempt. That alone would have the necessary effect. We cannot then be left in the position that punishment for the flagrant violation of the court's order may be nullified by a jury which happens to approve of the official's illegal action. To adopt this jury amendment would leave the effective enforcement of a court's legal orders, the protection of the right to vote, and the responsibility of upholding respect for Federal law, open to the abuse of local nullification.

Although the jury-trial amendment may be offered with the best of intentions, the practical effect of adopting it would be to drive a deep wedge into the heart of our judicial system and to hamper the effective enforcement of the great constitutional right to vote with which this civil rights bill is now primarily concerned. The law would be on the books, but its enforcement would be uncertain and haphazard.

The harm will go deeper even than the flouting of the fundamental right to vote. Once courts have been rendered ineffective by withdrawing the means by which their legal orders and decrees may be promptly enforced, there could be a resulting disrespect for the law and the constitutional right to vote. The evasion of Federal court orders which would thus be engendered could easily extend beyond civil rights cases to make it much more difficult to enforce Federal law and policy in other areas. Let one kind of lawless action impair the respect and authority of the courts, and it will not be long before disrespect is bred for all lawful authority. I am sure that the proponents of the amendment would not want that result.

I have stressed the practicalities because they have been emphasized, again and again, by the opponents of the civil rights bill. Practical consequences are important to all of us, legislators and the public alike. The practical result of adding the proposed jury trial provision would, in all probability, be to leave us as we are today, with the constitutionally guaranteed right to vote a hollow phrase in some sections of the country. I am sure that the great majority of Senators and the public do not desire such a mockery of justice and of the constitutional right to vote.

As the distinguished Senator from Ohio [Mr. BRICKER] pointed out yesterday, the language of the 15th amendment is very clear. We are not now discussing the other types of civil rights; we are discussing the right of a free people to vote in a constitutional republic. We are discussing the Constitution of the United States, a document which all of us swore to uphold when we took our seats in this Chamber. The language of that amendment is perhaps more clear than in almost any other section of the Constitution. It reads as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The right of a citizen to vote without discrimination is made clear. The obligation on the part of Congress to enforce this important constitutional right is made clear. We are seeking to implement the provision, and I think we should keep our eye on the basic issue before us in the Senate at this time.

Mr. JAVITS and Mr. HOLLAND addressed the Chair.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. JAVITS. Mr. President, I seek recognition in the morning hour so that I may ask the Senator from California a question.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. First. I feel very deeply and sincerely concerning this matter. I think everyone knows how devoted I am to the bill.

I think all Senators recognize that the Senator from California has given not only distinguished but also deeply convincing and indefatigable leadership in the consideration of the bill. I think that is the reason why we are as far along with its consideration as we are.

This has been called a historic occasion. Just as I and other Senators have paid tribute to the distinguished leadership on the other side of the aisle among those who favor the bill, I think it is only fair and just that we pay a real tribute to the very distinguished and powerful efforts of the Senator from California, whose enormous prestige, standing, and factual authority carry great weight in this body.

I wish to ask the Senator from California two practical questions: First, does he feel that if the jury-trial amendment shall be agreed to, it will represent a fatal blow to the bill? Does the Senator from California feel that deeply about the amendment?

Mr. KNOWLAND. Yes; I think the amendment which is pending would so weaken and emasculate the bill that unless the situation could be cured in a subsequent conference between the two Houses, the proposed legislation would not be workable. I may say that I am not too optimistic that such a defect could be cleared up in conference.

Mr. JAVITS. The other question I wish to ask my colleague is: Are we who are opposed to the jury-trial amendment ready to vote?

Mr. KNOWLAND. Yes. Last week I indicated that we would be glad to vote by Monday or Tuesday of this week. I had hoped that by this time the Senate would have voted on this particular amendment.

Mr. JAVITS. I thank my colleague, the Senator from California, I simply wish to say——

Mr. NEUBERGER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. NEUBERGER. May I state my parliamentary inquiry, whether he has the floor or not?

The PRESIDING OFFICER. Does the Senator from New York yield for that purpose?

Mr. JAVITS. I may explain that I have the floor under the 3-minute limitation in the morning hour. If under those circumstances the Senator from Oregon wishes me to yield, of course I will do so.

Mr. NEUBERGER. I have timed the remarks of the Senator from New York with the second hand of my watch. The Senator has exceeded his 3 minutes, unless my watch, which was regulated last week, is awry.

The PRESIDING OFFICER. The Senator's watch is a little fast; but during the colloquy, the time of the Senator from New York has expired.

Mr. SALTONSTALL. Mr. President, I should like to ask a question of the distinguished senior Senator from California [Mr. KNOWLAND], the minority leader. I listened to the statement he made earlier today. Is not the substance of what he said, that the jury-trial amendment, if adopted, would lessen the authority of a court to enforce its decisions on a matter of very personal privilege, namely, the privilege or the right to vote, whereas the courts have always had that authority without such limitation?

The Senator from California has stated examples to show where a court has had certain authority; and the authority a court would exercise in connection with the right to vote would be similar to the authority cited in the examples the Senator from California has stated. If the jury-trial amendment is adopted and becomes a part of the law, and thus is placed between the court and its authority, the amendment will lessen the court's authority and power to enforce its decisions in connection with what is a very personal matter or privilege, namely, the privilege or the right to vote. Is that correct?

Mr. KNOWLAND. The Senator from Massachusetts is absolutely correct. I fully concur in his analysis of the effect of the jury-trial amendment.

Mr. ERVIN. Mr. President, the distinguished senior Senator from California [Mr. KNOWLAND], the minority leader, has stated that the civil-rights bill will implement the 14th and 15th amendments to the Constitution. I suggest that he consider the proposed new subsection (b) of section 131, reading as follows:

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

I would state to the Senator from California that that provision has very little to do with the 15th amendment of the Constitution, which is designed only to prevent States from abridging or denying the right of colored citizens to vote, on account of their race.

I would warn the Senator from California of the hazards of subsection (b). He is a very fluent and emphatic speaker; and he might run into trouble under this vague provision when trying to persuade some person to vote for or against a candidate for a particular Federal office.

Mr. KNOWLAND. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. KNOWLAND. I can assure the Senator from North Carolina that I would never attempt to intimidate one of my colleagues, as to voting, under any circumstances, nor would I attempt to intimidate a voter, in an endeavor to have him vote against his convictions. I might try to convince him, but I would never seek to intimidate him or to use undue duress upon him.

If there are to be free elections, people must not be put in the position of being intimidated and thus kept from having their names placed on the registration rolls—because obviously if their names do not get on the registration rolls, in most of the States, if not in all of them, such persons cannot vote when the day of the primary election comes. So obviously the right to vote is tied in with the right to register; and the right to vote by secret ballot is also tied in with the matter of preventing a person from being intimidated or coerced in connection with the exercise of that right.

Mr. ERVIN. I wish to assure the distinguished Senator from California that I shall continue to fight for the right to have trial by jury under subsection (b), so as to keep him and other good men from falling into the hands of some judge who might not be able to determine where the right to freedom of speech ends and attempts to coerce or intimidate begin.

## OBSERVANCE OF THE 3-MINUTE RULE DURING THE MORNING HOUR

Mr. NEUBERGER. Mr. President, I wish to make a statement for the information of both the majority leader and the minority leader.

During my service in the Senate I have found there is often one law for the king and another law for the people.

Today I have been in the Senate Chamber since 5 minutes after 12, seeking recognition, in order to present two items, each of which I expect to require not more than 3 minutes; and if I should begin to take more than 3 minutes on either of them, I hope the Chair will call that fact to my attention. But yesterday, during the morning hour, Senators spoke anywhere from 15 minutes up to 40 minutes.

If Senators are to abide by the rules, I think all Senators should abide by them. Otherwise the rules should be changed.

Mr. President——

The PRESIDING OFFICER. The Senator from Oregon.

## URGENT NEED FOR POSTAL PAY LEGISLATION

Mr. NEUBERGER. Mr. President, I want to state very briefly for the RECORD that, speaking for myself alone, I expect to oppose any request for unanimous consent to set aside the civil-rights bill for the consideration of any so-called emergency measures unless the list of such measures includes the measure to raise the pay of employees of the United States Post Office Department.

I presided as chairman of the subcommittee which heard testimony regarding this issue. I was shocked to learn of the actual hardship and privation being suffered by families of postal workers because of abysmally low salaries. Many families of 4, 5, or 6 members are being forced to get along on as little as $3,800 a year. After all, the average pay of our postal clerks and letter carriers is only about $4,400 a year, and this includes men who have worked for the Government for over a quarter of a century.

A bill has been reported by our full Senate Committee on Post Office and Civil Service, under the chairmanship of the distinguished Senator from South Carolina [Mr. JOHNSTON]. This happens to be my own bill, Mr. President. Yet, in the interest of haste and justice for our postal employees, I am willing to have my bill set aside, so the Senate can consider immediately and pass the postal-pay bill already passed by the House, and can rush it to President Eisenhower's desk.

In my opinion, no compilation of must or emergency proposed legislation worthy of the name should be presented to the Senate unless it provides for Senate action on a bill to provide merited increases in pay for our postal employees, in this period of steadily rising living costs and prices. I do not intend to agree to such a unanimous-consent request unless this proposed legislation is included in any such list. Speaking for myself only, I shall be willing to agree to such a request only if the postal-pay bill is added to that roster.

## CONSIDERATION OF CONFERENCE REPORTS DURING CONSIDERATION OF THE CIVIL RIGHTS BILL

Mr. LAUSCHE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio will state it.

Mr. LAUSCHE. My inquiry has relationship to the statement made earlier today by the senior Senator from Oregon [Mr. MORSE], namely, that under the rules of the Senate, consideration of a conference report during the further consideration of the civil-rights bill is permissible. I should like to obtain an opinion in regard to that statement.

The PRESIDING OFFICER. The Senator from Oregon was correct; consideration of a conference report is permissible under these circumstances. Of course, some Member of the Senate must move that the conference report be considered.

Mr. LAUSCHE. If a conference report may be considered at present, upon a motion made by a Member of the Senate, would the ensuing debate on the report not be subject to a limitation of time?

The PRESIDING OFFICER. There would be no limitation of time in that connection, in the absence of a unanimous-consent agreement to that effect,

with respect to consideration of the conference report.

Mr. LAUSCHE. Let me direct questions to the majority and minority leaders, respectively, if they will indulge me: Why does not the Senate now consider the conference reports, in view of the statement that the military men of the country will not be paid at the next pay period because the funds will not be available?

Mr. JOHNSON of Texas. Mr. President, so far as the Senator from Texas is concerned, he is prepared to proceed to the consideration of the conference reports at the present time. It was his information that some Senators did not desire to proceed to their consideration unless a time limitation could be agreed upon.

The Senator from Texas attempted to work out an agreement which would be satisfactory to all Senators. He was unable to do so. In view of the fact that he was unable to do so, he is prepared to proceed to the consideration of the Defense Department appropriation bill conference report tomorrow, the Agriculture Department appropriation bill conference report tomorrow, and to the resolution from the House which would extend certain appropriations.

Mr. LAUSCHE. Do I correctly understand that the failure to take up the conference reports today is because of a fear that there might be protracted debate?

Mr. JOHNSON of Texas. The Senator from Texas has no such fear, but other Senators are exploring the possibility of our taking them up without a limitation on time, and they have not yet reached a decision.

Mr. LAUSCHE. Is it hoped that a limitation of time may be agreed upon?

Mr. JOHNSON of Texas. No. I think the Senator from Oregon has made it abundantly clear he is not willing to agree to a limitation of time on these specific conference reports. Therefore, the question we are now pursuing is whether we can move to take them up without a limitation on the time to debate them. The Senator from Texas favors such a move and is willing to proceed in that way, but does not want to do so without giving the minority an adequate opportunity to express their views in the matter.

Mr. LAUSCHE. My hopes are that arrangements can be made——

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. JOHNSON of Texas. Mr. President, I desire to be recognized for 3 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. JOHNSON of Texas. I yield to the Senator from Ohio, if he has any questions.

Mr. LAUSCHE. If such arrangements cannot be made, it is my hope that the conference reports may be taken up, in the anticipation that the Members of the Senate will not use the right of unlimited debate to interfere with the orderly consideration of business of the Senate.

Mr. JOHNSON of Texas. The Senator from Texas is of the opinion that we can dispose of all the matters incorporated in the unanimous-consent agreement proposed yesterday in 1 day. So far as he was able to ascertain from other Members, they did not think it would take more than that. The Senator from Oregon exercised his right to object. I think we spent more time discussing the proposal yesterday than we would have spent on all the conference reports.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from Florida.

Mr. HOLLAND. Is it true that one of the most important matters, that is the House resolution providing for temporary financing of the Atomic Energy Commission, Mutual Security Administration, and other agencies not covered by the appropriation bills which are in conference is not a privileged matter and could not be brought up as the conference reports can be brought up?

Mr. JOHNSON of Texas. Conference reports are in a different category. They are privileged. The extension of the Small Business Administration and the resolution from the House extending appropriations are not privileged, and they can be debated at length.

I think if given a little time we should be able to work out an arrangement that will satisfy the Senator from Oregon [Mr. MORSE], the minority leader, and other Senators concerned with the matter, but I am unable to do so at the present time.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. JOHNSON of Texas. I yield.

Mr. HOLLAND. I simply want the RECORD to show that after having discussed this matter with nearly all, if not all, the Senators who voted against taking up the pending business, I have found no disposition on the part of any of them to speak at length on any of the matters included in the unanimous-consent agreement proposed yesterday, and that there is no threat of a filibuster of any kind on any of these privileged matters or any other necessary matters which should be considered at this time. I thank the Senator for yielding.

Mr. JOHNSON of Texas. I agree with the statement the Senator from Florida has made. The Senator from Texas has the right to move to proceed, but he does not want to do that until opportunity is afforded to work out a satisfactory arrangement. I give notice that tomorrow a motion will be made to proceed to the consideration of the Defense Department appropriation bill and the Agriculture Department appropriation bill conference reports. The Senator from Texas thinks they can be disposed of in an orderly way, with a reasonable amount of time being used to discuss them.

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## PUERTO RICO ADOPTS THEODORE ROOSEVELT'S METHOD OF CAMPAIGN FINANCING

Mr. NEUBERGER. Mr. President, since coming to the Senate in 1955, I have on many occasions sought to win acceptance for the principle that election campaign expenses are a necessary and legitimate cost of the democratic process, and that they should be largely underwritten by public funds, just as are the printing of ballots, the wages of election personnel, and other election costs. Thus, I introduced, last year, proposed legislation to put into effect President Theodore Roosevelt's recommendation of 50 years ago—that presidential campaigns be financed out of appropriations from the Treasury; and I have introduced related proposals for publicly financed radio and television broadcast time, voters' information pamphlets, and direct campaign funds for Congressional campaigns, as well as for tax credits for small private contributions. Steps of this kind are essential if we hope to liberate our elected officials from the present undesirable and inequitable dependence on large, privately contributed funds to meet the skyrocketing costs of modern election campaigns.

I attach great importance to ultimate solution of the problem of campaign funds, a problem which goes to the heart of our democratic premise of one person, one vote. Consequently, I was delighted to note recently that the Commonwealth of Puerto Rico has decided to put into effect the principle of substituting public funds for large private contributions as the major source for meeting legitimate campaign costs.

By an act approved on June 30, 1957, Puerto Rico has established an electoral fund upon which political parties in the Commonwealth may draw, up to a specified total. Payments are made to designated party officers by the Treasury, on vouchers for legal expenditures—the same system I proposed in my Teddy Roosevelt bill, last year. The law places maximums of $400 and $600, in election years, on contributions which may be accepted from private sources. Violations cause not only criminal penalties but, very pertinently, also loss of the right to vote or to hold public office.

I think it is enlightening to read the Statement of Motives which forms the preamble of the new Puerto Rican statute, because it states wisely and eloquently the principles which I believe we, too, shall soon have to adopt in the interests of free and equal self-government in our country.

Mr. President, I ask unanimous consent to have the preamble printed at this point in the RECORD.

There being no objection, the preamble was ordered to be printed in the RECORD, as follows:

It is a universally admitted principle that political parties are instruments necessary to democracy is that it is through them that the people lend their support to programs and express mandates with regard to their government. All democratic parties, both majority and minority, fulfill these functions: majority parties sponsor that government work which reflects the opinion of the majority but is to be carried out for the benefit of all the people, with no partisan discrimination; minority parties voice the viewpoint of another sector of the people with a view to convincing a majority for certain different purposes in certain different ways and seeing to it that the program

sponsored by the majority be actually administered with equality to all.

For such reasons, it is profoundly in the public interest that political parties be free from the control of economic forces, private or governmental, which upon becoming necessary for the financing of the normal legitimate activities of political parties, might gain a control or influence over them that would be inimical to the democratic ideal, to the political freedom of the people in general, and to a genuine operation of democracy.

It is for this reason that the legislature thinks it wise that, on the one hand, large monetary contributions to political parties be forbidden, and, on the other hand, that these democratic organizations be adequately provided the funds for the fulfilment of their most essential functions, independently of each citizen's duty to contribute toward the support of his political party small sums compatible with his income and with such standards as each party may set up, within the ends and purposes of this act.

Mr. President, I ask unanimous consent to place in the RECORD a press release of the Puerto Rico News Service, explaining the new campaign financing act of the Commonwealth of Puerto Rico, and also the text of the new statute itself.

There being no objection, the release and statute were ordered to be printed in the RECORD, as follows:

NEW EXPERIMENT IN POLITICAL FINANCING MADE LAW IN PUERTO RICO; LIMITS CONTRIBUTIONS

SAN JUAN, P. R.—A unique experiment in political financing is being tried in Puerto Rico under provisions of a new law just signed by Gov. Luis Muñoz-Marín.

Under provisions of the law, an electoral fund is created for the use of all major political parties. Each party may draw up to $75,000 a year. In an election year, the amount is upped to $150,000, plus any unused part of the party's allowance for the previous 3 years.

The funds are to be used for all legitimate party expenses, such as electioneering, office rent, salaries, utilities, and transportation.

The law limits contributions from individuals and private groups to a maximum of $400, except in election years when the maximum is $600.

It makes it a felony for any public officer or employee or any other person to solicit contributions for political purposes from public employees. Persons convicted of violating this provision of the law, in addition to incurring fines and prison sentences, lose their right to vote and become ineligible to seek public office or hold a government position.

Under the law, each of Puerto Rico's 3 political parties submits to the Commonwealth Secretary of the Treasury the names of 2 persons authorized to sign vouchers for expenditures. After the vouchers are signed, the Secretary of the Treasury, acting as the government's disbursing officer, orders payment from that party's funds.

In the case of contributions by individuals and organizations, all contributions must be made directly to the local or central committee of the political party, and cannot be made directly to a candidate. However, the contributor may indicate that he wishes it to go to a particular candidate.

A consulting committee will be appointed by the presidents of each party and the secretary of the treasury. This committee will act as advisers to the secretary in the event of complaints from any party.

To be eligible to draw funds, a party must be constituted as a principal political party, that is, one whose candidate for governor in the last election received a number of votes equal to 10 percent or more of the total votes cast. At present, Puerto Rico has three political parties which qualify under this provision of the law—the Popular Democratic Party, the majority party headed by Gov. Luis Muñoz-Marín; the Statehood Republican Party, and the Independence Party.

Senator Yldefonso Solá Morales, who introduced the measure in the Commonwealth Senate, said the law will keep the parties from being subjugated by large financial interests.

"Our law," he said, "keeps the political parties free, not only by providing them with the financial means necessary for their essential expenses, but also by limiting private contributions to their funds."

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An act to establish the election fund, regulate contributions to political parties, and fix penalties for violations of this act

STATEMENT OF MOTIVES

It is a universally admitted principle that political parties are instruments necessary to democracy in that it is through them that the people lend their support to programs and express mandates with regard to their government. All democratic parties, both majority and minority, fulfill these functions: Majority parties sponsor that government work which reflects the opinion of the majority but is to be carried out for the benefit of all the people, with no partisan discrimination; minority parties voice the viewpoint of another sector of the people with a view to convincing a majority for certain different purposes in certain different ways and seeing to it that the program sponsored by the majority be actually administered with equality to all.

For such reasons, it is profoundly in the public interest that political parties be free from the control of economic forces, private or governmental, which upon becoming necessary for the financing of the normal legitimate activities of political parties, might gain a control or influence over them that would be inimical to the democratic ideal, to the political freedom of the people in general, and to a genuine operation of democracy.

It is for this reason that the legislature thinks it wise that, on the one hand, large monetary contributions to political parties be forbidden, and, on the other hand, that these democratic organizations be adequately provided the funds for the fulfillment of their most essential functions, independently of each citizen's duty to contribute toward the support of his political party small sums compatible with his income and with such standards as each party may set up, within the ends and purposes of this act.

*Be it enacted by the Legislature of Puerto Rico:*

SECTION 1. Definitions within the scope of this act.

(a) The term "contribution" includes any gift, subscription, loans, advance, transfer or deposit of money or of any other valuable, including a contract, promise or agreement, whether legally enforcible or not, to make a contribution; but it shall not include money borrowed directly by authorized officials of a party from recognized banking institutions.

(b) The term "Puerto Rico" includes all election precincts of Puerto Rico.

(c) The term "person" includes any natural person, or any artificial person whatever its manner of constitution, as well as any organization, partnership or entity, or groups of persons acting collectively.

(d) The term "principal political party" means a political party that has attained and preserves the conditions required by the election law to be considered as such.

(e) The term "public officer or employee" means any officer or employee of the government of the Commonwealth of Puerto Rico.

SEC. 2. (a) A fund to be known as election fund is hereby established in the Commonwealth treasury and placed at the disposal of the secretary of the treasury for the effectuation of the purposes of this act. Each of the principal political parties, as defined in the election law, may draw on this fund, and the secretary of the treasury shall disburse as and up to the sum hereinafter stipulated.

(b) The benefits of this act shall be available only to such principal political parties as shall have participated in a general election in all election precincts of Puerto Rico and as a result of which preserved their status of principal parties and gained representation in the legislature.

(c) Each principal political party may annually draw on the election fund for an amount not exceeding $75,000. In election years they may use the unspent balances of that amount from previous years, plus a sum not to exceed $150,000 for each party.

(d) The secretary of the treasury shall open an account in his books for each of the principal political parties.

(e) When 2 or more principal political parties are in the cases described in paragraphs (c) and (d) of section 47 of the election law, the said 2 or more parties shall jointly receive only the benefits which, pursuant to this act, appertain to a single principal political party. Each of the central directing bodies of the said 2 or more parties shall certify through affidavits by the respective president and secretary of the names of the 2 persons who are to make, in behalf of the said 2 or more parties, the orders and vouchers prescribed in section 3, paragraph (c) of this act, and the said 2 persons shall have all the duties and assume all the responsibilities assigned to the secretary and the treasurer of a political party receiving the benefits of this act.

SEC. 3. (a) The laws in force, as well as the rules and regulations of the secretary of the treasury concerning the procedure for the preaudit of disbursements of funds shall not apply in the case of the election fund, but disbursements against such fund shall be subject to postauditing by the Controller of Puerto Rico.

(b) It shall be the duty of the secretary of the treasury to authorize payment of the expenses of each party, as herein provided, immediately upon receipt of the orders thereof covering same.

(c) Disbursements shall be made upon orders and vouchers duly signed by the secretary and the treasurer of the respective political party or by the persons legally substituting for such officials. The secretary of the treasury shall, upon receipts of the vouchers and orders referred to in this paragraph, authorize the necessary payments made directly to the natural or artificial persons, creditors of the respective political parties, for services rendered or supplies or equipment furnished as hereinafter specified. The said secretary and treasurer of each principal political party or their legal substitutes shall be liable to the people of Puerto Rico for the amount of any disbursements made by the secretary of the treasury upon orders issued by them in the event such orders have not been effected according to law.

(d) The secretary of the treasury shall, in consultation with the presidents of the principal political parties receiving the benefits of this act, designate an advisory committee on which all of the said political parties shall be represented. It shall be the function of said advisory committee to advise the secretary of the treasury with regard to any complaint received from any political party disagreeing on the manner in which the benefits of this act are extended to it.

SEC. 4. Any balance remaining in the funds accumulated from the appropriations made by this act upon final liquidation at the end

of the 4 years intervening between elections shall be covered into the general funds of the Commonwealth government.

SEC. 5. Each political party receiving the benefits of this act may draw against the election fund for its maintenance and operation expenses in Puerto Rico, such as: Rental of central offices; telephone and telegraph services in Puerto Rico; office supplies and equipment; light, water, and power service; radio broadcast, telecast, and moving pictures for propaganda in Puerto Rico; travel expenses within Puerto Rico in political missions, and political advertisement in Puerto Rican newspapers; printing of party programs; postage, distribution, and transportation of propaganda material in Puerto Rico relative to the political campaign or the election in Puerto Rico; expenses for general and special elections, referendums, primaries, conventions, assemblies, and registrations in Puerto Rico; printed matter, recordings, political propaganda material, symbols, flags, political propaganda films to be exhibited in Puerto Rico, and printing of political newspapers for circulation in Puerto Rico, including equipment, materials, and machinery for the production thereof, and all such other expenses thereby incurred to implement and carry out in Puerto Rico the provisions of this act.

SEC. 6. It shall be the duty of each principal political party to keep a complete and detailed account of the expenses incurred by the party chargeable to the election fund, and to render a monthly report, under oath, within the first 10 days of the following month, to the Secretary of the Treasury and the Controller of the Commonwealth, certifying such expenses, including date, person in whose behalf payment was ordered and address thereof, as well as the reason why such expense was incurred. If the political party concerned should fail to fulfill this duty within the term herein specified, the Secretary of the Treasury shall not authorize any disbursement for such party against the election fund, until such time as he shall have complied with the duty herein imposed.

SEC. 7 (a). It shall be illegal for any person directly or indirectly to make contributions to a political party or a candidate, in connection with any election campaign in behalf of any candidate or political committee, or to any other organization engaged in promoting, fostering, or advocating the election of any candidate or the victory of any political party, in excess of the amounts stipulated in paragraph (b) of this section.

(b) Any person may voluntarily contribute to the local or central funds of any political party, or to both funds, an amount not exceeding $200 a year, and in no case shall the annual contribution of any one person to both organizations exceed $400. In election years any person may contribute an amount not exceeding $300 to the local committee or the town where he resides or to the central committee of any party, or to both organizations. Both contributions shall never exceed $600. It shall be illegal to make in any year the contributions appertaining to another year.

(c) Every contribution for political purposes to a party shall be made directly to the central committee or local committee of said party, and if the donor to a local committee wishes that a portion of his contribution be delivered to a given candidate for the support of his candidacy, he shall say so at the time of making the contribution.

(d) It shall be the duty of the treasurer of each political party to certify under oath to the secretary of the treasury, not later than the last day of the month of December each year, that the central committee treasury has not received contributions in excess of those above specified. The treasurers of the municipal committees shall proceed likewise.

(e) It shall be illegal for any public officer or employee or other person to solicit from any public officer or employee any contribution whatsoever for political purposes in the building or place of work where any activity of the Commonwealth of Puerto Rico is being carried on, and for any public officer or employee to solicit political contributions from any officer or employee even outside of the habitual places of work of such officers or employees. Violation of this provision shall be punishable as a felony and shall render the offender unqualified as a candidate to an elective office, barred from holding public office in the Commonwealth, and disfranchised, circumstances which shall be set forth in the judgment.

SEC. 8. The central directing bodies of the parties covered by this act shall certify to the secretary of the treasury the names of the treasurers and secretaries of their central and municipal committees, as well as any changes and substitutions that may take place.

SEC. 9. Any person violating any provision of this act shall incur in a misdemeanor and shall, upon conviction, be punished by imprisonment in jail for a minimum term of 6 months and a minimum fine of $1,000, and rendered unqualified as a candidate to an elective office, barred from holding public office in the Commonwealth, and disfranchised, circumstances which shall be set forth in the judgment.

SEC. 10. Separability clause.

If any provision of this act or its application to any person or circumstance is declared null, this shall not affect the remainder of this act or the application of such provisions to persons or circumstances other than those with respect to which it has been declared null.

SEC. 11. This act shall take effect July 1, 1957.

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## CIVIL RIGHTS ACT OF 1957

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Is there further morning business? If not, morning business is closed; and the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

The PRESIDING OFFICER. The question is on agreeing to the O'Mahoney-Kefauver-Church amendment to add at the end of the bill a new part relating to contempts in criminal contempt cases.

Mr. JOHNSON of Texas. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I should like to address my attention to consideration of the pending measure, H. R. 6127, and in particular to the portions of the bill and amendment which relate to voting rights. I wish to discuss what seem to me to be the basic issues involved in the pros and cons of the jury-trial amendments to part IV of the civil-rights bill.

I am frank to tell the Senate that I am hesitant to do this, for two reasons. First, I am not a lawyer. Being a member of the unwashed, I fear to tread where others with professional legal qualifications have already trod for several weeks.

The second reason for my hesitancy is seemingly inconsistent with the first. After all these weeks of legalistic argument, Mr. President, I believe we have at least as much confusion as clarity, and perhaps even more dispute than we had on the jury-trial question when the civil-rights debate began. I do not wish to add to that confusion.

Overcoming my hesitancy, I hope to add to the clarity. Several able proponents of the proposed legislation have already discussed the jury-trial issue on the Senate floor. All of us are particularly indebted to the senior Senator from Illinois [Mr. DOUGLAS] for his brilliant initial exposition of the jury-trial issue in his speech on the Senate floor last April 18. That speech remains as the best exposition of the issue before the Senate. Unfortunately, it has been given far too little attention.

We are also indebted to the junior Senator from New York [Mr. JAVITS] for his outstanding presentation of this issue, to the senior Senator from Oregon [Mr. MORSE], to the junior Senator from Pennsylvania [Mr. CLARK], to the junior Senator from Colorado [Mr. CARROLL] and, yesterday, to the senior Senator from Ohio [Mr. BRICKER], and other Senators.

What I say today is intended as a reinforcement of much of what other Senators have already said. I hope to be able to summarize the issues in this debate with some clarity and in language which will be helpful to the public in general, particularly to those of us who are not lawyers.

Here are the issues as I see them. I shall pose them in the form of questions.

I

First, does the Constitution require jury trials for criminal or civil contempt proceedings? The answer to that question is "No."

The sixth amendment to the United States Constitution guarantees the right to trial by jury in "all criminal prosecutions." I submit that that is not to be confused with proceedings under criminal contempt.

The seventh amendment to the Constitution preserves the right of trial by jury in suits at common law involving more than $20.

Article III of the Constitution guarantees a jury trial to those charged with crimes. Article III of the Constitution also vests the judicial power of the United States in the Supreme Court and such inferior Federal courts as Congress may from time to time establish. I have always believed, therefore, that article III imposes upon the Supreme Court and the judicial system itself the responsibility for protecting the integrity of all Federal courts and the integrity and inviolability of their orders.

I listened with keen attention to the argument made by the able senior Senator from Oregon [Mr. MORSE] on this subject, and read at length the debates

in the Senate on the responsibility of the judicial system to protect the integrity of its orders as authorized by article III of the Constitution.

The constitutional guaranties of the right to trial by jury apply only to cases which were traditionally tried by jury at the time the Constitution was adopted. I feel that this point has not been sufficiently underscored, and that there has been a deliberate attempt on the part of some to ignore what is an obvious historical fact. These cases were the so-called common-law cases, in which money damages were the usual remedy asked for. They did not include so-called equity cases, in which relief other than money damages was sought—for example, cases in which an injunction was requested.

An injunction is simply a court order commanding an individual either to do something or not to do something. Contempt is simply the disregarding such a command. If the court's order is disobeyed, the violator is in contempt of court and may be held to account in either a civil or criminal contempt proceeding. But not even a criminal contempt proceeding is a criminal prosecution within the meaning of the sixth amendment, and the sixth amendment guarantees the right of trial by jury only in criminal prosecutions. A criminal contempt proceeding has never been interpreted to be a criminal prosecution within the meaning of the sixth amendment.

The purpose of a contempt proceeding is either to seek compliance with the court's command or to punish the violator for not obeying it. In either case it is regarded as a part of the court's inherent judicial power under article III of the Constitution of the United States to take whatever action it deems necessary. No jury trial is required, because it is felt essential, under our constitutional separation of powers, for the court not to have to depend upon any other institution to enforce its own orders.

I believe the senior Senator from Oregon stated that proposition about as clearly and succinctly as I have heard it stated. There was a summary of his statement in the New York Times last Sunday. In that summary in the New York Times the senior Senator from Oregon pointed out that it would be most unusual if the court were to interpose a jury between itself and the accused. I have the article before me, and I shall read a sentence or two into the RECORD:

> Senator WAYNE MORSE, of Oregon, said, "There is not and never has been a right of trial by jury in contempt proceedings, either civil or criminal. To interpose a jury between the court and the defendant would be to deprive the courts of their historic power to preserve their own integrity.

I believe that statement to be to the point. It is historically accurate, and it is contemporarily accurate as well.

II

The second issue in the dabate on the jury trial, as I see it, is as follows: What is the distinction between criminal and civil contempt? Surely, this issue needs some clarification. I shall try my hand at it.

The distinction between civil and criminal contempt does not depend upon the nature of the act constituting the violation of the court's order. That is what we must understand first of all. The distinction does not depend upon the nature of the act committed or performed by an individual, constituting the violation of the court's order.

An act which is not criminal under any Federal or State law may, nevertheless, be the subject of a criminal contempt proceeding. Let me repeat that. An act which is not criminal under any Federal or State law may, nevertheless, be the subject of a criminal contempt proceeding.

Moreover, an act which is criminal under Federal or State law may be the subject of a civil contempt proceeding. This is to say that an act which is criminal under Federal or State law does not necessarily have to be handled under criminal contempt proceedings, but may very well be the subject of civil contempt proceedings.

Furthermore, the same act, whether or not it constitutes a crime under any Federal or State law, may be the subject of both a civil contempt proceeding and a criminal contempt proceeding.

The distinction between a criminal-contempt proceeding and a civil-contempt proceeding depends upon the purpose for which the proceeding is instituted, and the nature of the sanctions employed by the judge.

It is refreshing, when I see my colleagues, who are learned lawyers, nodding their heads when a layman makes an observation in this field.

If a court's order is disobeyed, the court may hold the violator in contempt and have him imprisoned until he obeys. If it is possible for the violator to obey, and get out of jail as soon as he does obey, the proceeding is then for civil contempt. In other words, if he has the key to the prison, and can release himself by obeying the order, then it is a civil-contempt proceeding. Its purpose has not been to inflict punishment for disregard of the judge's command, but to secure compliance with it. Therefore, we can say that civil-contempt proceedings are designed to persuade and to seek compliance, rather than to be punitive or in any way to punish.

However, the judge may also decide that the disobedience of the court order requires vindication of the court's authority, and he may, therefore, sentence the violator to imprisonment as punishment for such disobedience. Nothing the violator can do will enable him to escape this punishment. Any proceeding inflicting this punishment, therefore, is called a proceeding for criminal contempt.

Let us remember again that in neither a civil- nor in a criminal-contempt proceeding is a jury trial required by the Constitution. I believe that that point must be driven home, because there has been a very carefully executed design in the Senate to have the public and the Senate and, indeed, the distinguished members of the fourth estate, believe that we are denying someone the right of trial by jury. We are not denying it under any constitutional provisions. As a matter of fact, the only time a constitutional question has arisen in connection with this matter has been when Congress, by statute, has required jury trials in certain types of criminal-contempt proceedings, and then the constitutional question was whether the Congressional statute itself violated article III of the Constitution, because of allegedly limiting the inherent power of the Federal judiciary. I refer my colleagues to the *Michaelson* case (226 U. S. 42), which I believe is the ruling and controlling case on the subject.

In the very same case—the Michaelson case—in which the Supreme Court of the United States upheld the constitutionality of the congressional requirement of jury trials in certain types of criminal contempt proceedings, the Court intimated that a jury-trial requirement in civil-contempt proceedings would be unconstitutional. As I shall mention later, there is a serious question whether the O'Mahoney-Kefauver-Church amendment is constitutional under the Michaelson ruling.

III

The third issue, as I see it, in the jury-trial discussion, is who wants to change the existing law? I mention that because there has been a very clever attempt on the part of those who are opposed to the bill, and those who are the proponents of jury-trial amendments, to indicate that those of us who are supporting section IV of the bill, as presently written, are denying to someone rights which he already has. We are not denying anyone any rights. In fact, we are guaranteeing rights which are guaranteed by the Constitution. I compliment our opponents for the finesse and their tactics and strategy. They have tried to make it appear as if those of us who are in favor of the bill are trying to take some rights away from someone. I submit that what we are trying to do is protect the right to vote, and not take any rights away.

I believe in the right of trial by jury as it is outlined and stated in the sixth amendment to the Constitution and in the seventh amendment to the Constitution, and in article III of the Constitution. However, I am not being misled, or led, into believing that criminal-contempt proceedings are one and the same thing as criminal prosecutions. That, of course, is the view which some people would have foisted upon us. Therefore I ask again: Who wants to change the existing law?

Until 1914 no Federal statute even attempted to require trial by jury in any criminal- or civil-contempt proceeding. To this day no Federal statute requires jury trial in any civil-contempt proceeding.

However, with the passage of the Clayton Act, in 1914, Congress, as a matter of policy, required jury trials in certain narrowly specified classes of criminal-contempt proceedings. There has been a great deal of debate on the floor of the Senate about the scope of the Clayton Act, which I should not like to repeat. I will say that some of the debate has been anything but accurate.

I should like to point out that the Clayton Act dealt only with criminal contempt proceedings. It did not provide, and has never been construed by anyone to provide, that when the act constituting a violation of a court's order is also a crime under some Federal or State law, any proceedings to secure compliance with the order automatically becomes a criminal contempt proceeding.

There are those who say that under the Clayton Act when the act constituting a violation of a court's order is also a crime under some Federal or State law, the proceeding to secure compliance with the order automatically became a criminal contempt proceeding. That is not an accurate portrayal of the purpose or even the language of the Clayton Act.

However, acts which would not constitute crimes under Federal or State law continue to be punishable under the Clayton Act in proceedings for criminal contempt without a jury trial.

Similarly, acts constituting a violation of a court's order which constituted crimes under Federal or State law continued after the passage of the Clayton Act to be subject to civil contempt proceedings to secure compliance with the court's order without a jury trial.

The scope of jury trials in connection with criminal contempt proceedings was enlarged by the Norris-La Guardia Act. However, the gains which labor thought it had won were whittled away by the decision of the Supreme Court in the United Mine Workers' case, and were further removed by the Taft-Hartley Act. The Taft-Hartley Act eliminated the requirement of jury trials in connection with criminal contempt proceedings for violation of court decrees enforcing National Labor Relations Board orders. The Taft-Hartley Act eliminated the requirement of jury trials in cases of criminal contempt proceedings for the violation of other orders enjoining strikes which imperil the national health and safety.

It is interesting to note that among the Senators who are now insisting on a jury trial amendment are Senators who voted against a jury-trial provision in the Taft-Hartley law. Yet here we are dealing with a constitutional right, the right to vote; whereas in the Taft-Hartley Act we were dealing with collective bargaining rights, or economic rights, which are indirectly referred to in the Constitution, and are not constitutional rights as such.

I should like to have Senators who are supporting the jury trial amendment indicate why they believe the right to vote has a lower priority in the scheme of things, so far as protection by the Federal Government is concerned, than the economic rights in labor disputes under the terms of the Taft-Hartley law.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HUMPHREY. I regret that my colleague was not here when I said I wanted to complete my statement. I have only a few more pages; then I shall yield first to him.

Mr. LONG. The Senator challenged anyone who did not agree with him to state his position.

Mr. HUMPHREY. I shall give the Senator that opportunity. I want to do it leisurely, and in a most friendly, cooperative spirit.

IV

The fourth issue, as I see it, is, Why are jury trials in labor injunction situations different from jury trials in the civil-rights field? I think we must come to grips with this issue, and not go around trying to duck it, because this is one question which will surely be placed before us.

I do not mean to imply by anything I have said that I did not and do not now wholly support labor's effort to restrict the use of injunctions in labor disputes or to require trial by jury in connection with criminal contempt proceedings brought against violators of such injunctions. But the difference between the situation involving labor-management disputes and that involving a violation of civil rights is profound.

Congress restricted the use of injunctions in labor disputes, because it felt that this intervention by the Federal judiciary was obstructing a declared policy of Congress, a national policy, the process of free collective bargaining. It was only as the declared, legislated national policy in favor of free collective bargaining began to be ascendant in this country that Congress enacted legislation restricting the use of injunctions. This restriction, therefore, helped to effectuate an agreed-upon public policy.

The labor injunction was being used promiscuously by the courts to thwart the will of Congress, to negate the expressed will of Congress. The courts had been moving in on the area of congressional prerogative by the use of the injunction, denying the expressed will of Congress by an abuse of a judicial power.

In the case of icvil rights, however, the use of injunctions is being fought not because it conflicts with any agreed upon national policy, but precisely because the injunctive process is sought to be used to effectuate a national policy, a fundamental civil right, the right to vote. This is not only a national policy enunciated by Congress; it is embodied in the Constitution of the United States and in Federal statutes going back more than 90 years; it is being reaffirmed in the very bill under discussion.

So the distinction is not whether one likes labor or does not. The distinction is this: Is the injunction being used to abrogate, to adulterate, to deny, and to resist a public policy as declared by Congress? Or is it being used to effectuate, to implement, to guarantee, and to protect a public policy as announced by Congress and, in this instance, by the Constitution?

I respectfully reiterate that in the instance of the Norris-La Guardia Act, the restriction which Congress placed upon the use of the injunction occurred because the courts had used the power of the injunction to interfere with certain declared rights and policies established by the Government of the United States through Congress. In this instance, we are asking that the courts, by law, be used to make certain that a declared national policy shall be carried out.

There is another important difference between the claims which labor advanced during the period from the Clayton Act of 1914 until the Norris-La Guardia Act of 1932, and the claims which the advocates of the jury-trial amendment have been advancing recently.

Labor was dissatisfied with the Clayton Act primarily because it guaranteed alleged violators of injunctions the right to trial by jury only when the acts allegedly constituting the violation also were crimes under Federal or State law. Labor argued that, in the main, the acts which they were enjoined from committing were lawful acts under Federal and State law, and that not only were they enjoined from committing or performing lawful acts, but that they were being punished for committing those very lawful acts without the benefit of trial by jury.

In other words, labor said, in effect, "We are doing something which is legal under Federal and State laws; yet we are being enjoined. We feel there are facts which need to be clearly understood and established, so we are asking for the right to trial by jury."

How different is the crime of the would-be civil rights violator. He does not protest that the acts allegedly constituting a violation of a civil-rights injunction are lawful under Federal or State law. He assures us that these acts will constitute crimes under Federal and State law, and that he, therefore, is entitled to greater rights than someone who is engaged in clearly lawful activity.

In fact, I regret to say that there has been a determined effort in the Senate to have every conceivable type of act which would resist an injunction declared to be a crime or analogized to a crime. I should think the purpose of the law ought to be to reduce crime, not to augment it.

It seems to me that at this point it would be wise to have made a part of the RECORD, a statement by the AFL-CIO executive committee, which represents by far the world's greatest free labor organization. The AFL-CIO executive committee represents the top leadership of not merely a handful of unions, but of all the major unions affiliated with the American Federation of Labor and the Congress of Industrial Organizations.

There has been much said about the position of labor with respect to the amendment which is before the Senate, the so-called jury-trial amendment. I have before me a statement dated Tuesday, July 30, 1957, by the AFL-CIO executive committee, concerning the proposed civil-rights legislation. I shall read those portions which seem most direct and most pertinent to the question before the Senate, the question of jury trial:

With the elimination of part III, H. R. 6127 would be primarily a right-to-vote bill. If it is to be a real right-to-vote bill, however, it must not be burdened with a crippling trial-by-jury amendment. Whatever arguments might be made for such an amendment in other types of proceedings, there is no reason why a Federal judge should not be empowered to take all steps necessary to assure compliance with his orders which

are aimed at giving American citizens the precious constitutional right of franchise.

I digress to underscore again that what we are talking about is not some legislative right, not some ordinance, not some regulation which has been designed by an agency of the Government. We are talking about a constitutional right.

I continue with the statement by the AFL–CIO executive committee:

The trial-by-jury issue is extraneous to H. R. 6127. It was initially raised by opponents of the bill in order to attract support from labor and from traditional supporters of civil liberties. While the object of the southern Senators is to frustrate the purpose of the bill through the device of all-white juries, this is, of course, not true of some supporters of trial-by-jury amendments.

I digress to point out that I believe the rceord has been made clear that those juries are not necessarily all white.

I base my argument on the law and on the fact that for hundreds of years the courts have had a right to protect the integrity of their own orders. As the senior Senator from Oregon [Mr. MORSE] stated in his address, the courts have not seen fit to place a jury between the order of the court and the violator.

I cannot prove whether a southern jury will convict. That is not the issue. I am convinced that juries make mistakes; that is true of juries in all parts of the country. I am convinced that jury trials are desirable in all criminal prosecutions, and that jury trials are desirable in cases at common law. I know what the constitutional provisions are, and in that context I believe in the right of trial by jury. But, Mr. President, just as there is a constitutional history and a constitutional tradition in connection with the right of trial by jury, so there is a constitutional history and a constitutional tradition in connection with this other area; namely, the right of a court to protect the integrity and the inviolability of its orders through criminal contempt proceedings and punishment under such proceedings, without the use of a jury. I believe that statement will stand the test of careful scrutiny by learned lawyers, although I speak only as one who has listened to the debate, read the proceedings, and tried to the best of his ability to glean from them the important facts.

Mr. President, the next paragraph of the statement by the AFL-CIO executive council on civil-rights legislation is very important. It is the fifth paragraph, and it reads as follows:

The pending O'Mahoney-Kefauver-Church amendment before the Senate is aimed not only at civil rights, but at the whole range of laws which permit the use of Federal injunctions, including labor legislation. The AFL-CIO cannot and will not permit itself to judge the appropriateness of this proposed change in H. R. 6127 because of any possible advantages to organized labor. We believe the Congress would be better advised to handle separately and thoroughly the whole question of contempt proceedings and make whatever changes in the law which thorough study dictate.

Mr. President, the last paragraph of the statement reads as follows:

The immediate objective of the Senate must be to pass a meaningful civil-rights bill. No changes in H. R. 6127 have been proposed to date which would not interfere with prompt and effective enforcement of the court's actions in voting cases. The AFL-CIO reaffirms its belief that there should be no crippling trial-by-jury amendment to the civil-rights bill.

Mr. President, I did not read the first two paragraphs of the statement. I ask unanimous consent that the entire statement be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE AFL–CIO EXECUTIVE COMMITTEE ON CIVIL-RIGHTS LEGISLATION, TUESDAY, JULY 30, 1957

In its statement on May 21, the executive council of the AFL–CIO called upon the Congress to enact H. R. 6127 without crippling amendments. This the House of Representatives did on June 18. The Senate thereafter showed that the great majority of its Members supported civil-rights legislation when it decided by a 4-to-1 vote to make the civil-rights bill the pending business.

Once again, unfortunately, the iron determination of the southern bloc in the Senate to resist any civil-rights legislation has threatened the passage of a meaningful bill. By threat of filibuster and by adroit raising of irrelevant issues, these civil-rights opponents have done everything possible to divide the forces who should remain united on behalf of civil rights. Already the bill has been seriously weakened by the elimination of part III which was aimed at the guaranty of equal protection of law in the broad field of constitutional rights.

With the elimination of part III, H. R. 6127 would be primarily a right-to-vote bill. If it is to be a real right-to-vote bill, however, it must not be burdened with a crippling trial-by-jury amendment. Whatever arguments might be made for such an amendment in other types of proceedings, there is no reason why a Federal judge should not be empowered to take all steps necessary to assure compliance with his orders which are aimed at giving American citizens the precious constitutional right of franchise.

The trial-by-jury issue is extraneous to H. R. 6127. It was initially raised by opponents of the bill in order to attract support from labor and from traditional supporters of civil liberties. While the object of the southern Senators is to frustrate the purpose of the bill through the device of all-white juries, this is of course not true of some supporters of trial-by-jury amendments.

The pending O'Mahoney-Kefauver-Church amendment before the Senate is aimed not only at civil rights but at the whole range of laws which permit the use of Federal injunctions, including labor legislation. The AFL–CIO cannot and will not permit itself to judge the appropriateness of this proposed change in H. R. 6127 because of any possible advantages to organized labor. We believe the Congress would be better advised to handle separately and thoroughly the whole question of contempt proceedings and make whatever changes in the law which thorough study dictate.

The immediate objective of the Senate must be to pass a meaningful civil-rights bill. No changes in H. R. 6127 have been proposed to date which would not interfere with prompt and effective enforcement of the court's actions in voting cases. The AFL–CIO reaffirms its belief that there should be no crippling trial-by-jury amendment to the civil-rights bill.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield for a question?

The PRESIDING OFFICER (Mr. GORE in the chair). Does the Senator from Minnesota yield to the Senator from Oregon?

Mr. HUMPHREY. Mr. President, inasmuch as I have declined to yield to other Senators until I complete the presentation of my prepared remarks, I shall appreciate it if the Senator from Oregon will wait until I complete the delivery of my remarks, before he asks his questions.

Mr. MORSE. Very well.

Mr. HUMPHREY. Mr. President, I was pointing out what I believe to be legitimate differences between criminal contempt proceedings under the Norris-La Guardia Act and criminal contempt proceedings in a civil rights case which involves a constitutional right, as under the terms of the civil rights bill.

V

HOW DOES PART IV DIFFER FROM PART III, SO FAR AS THE JURY TRIAL IS CONCERNED?

Mr. President, a case can be made for jury trials in some contempt of court proceedings under part III of the bill. However, there is no justification at all for jury trials in criminal contempt proceedings under part IV.

Time is the critical element of difference between the situations covered in these two parts. Integration of facilities under part III would have occurred over long periods of time. No court injunction under part III could have been defeated by dilatory tactics. In other words, there was not a deadline which had to be met. In most cases under part III, civil contempt proceedings would in all likelihood have been sufficient.

Part IV, however, deals with registrations and elections, and elections take place on definite dates. Under part IV, if a jury trial were imposed, dilatory tactics by the elections officials could thwart the purpose of the injunction. The registration period and the day of the election could go by without the court's being able to take any effective action to assure the right of citizens to vote. Whether the frustration occurred by a simple refusal of an election official to comply with an injunction, by final disobedience of the order at the polls, or even by the simple inability to set into motion the machinery for a jury trial during the period between violation and the election—whatever the reason—only the certainty of imprisonment or fine after the election would deter many local officials from violating such injunctions.

Mr. President, in our foreign policy we have justified the possession of large weapons, such as H-bombs, not because we intend to use them or because we have a desire to use them, but because they act as a deterrent power. Our position is that the very existence of such weapons deters a potential aggressor from committing an act of aggression. We have said, and we believe, that the building of an atomic stockpile is an important factor in preserving the peace, because, as a result, a would-be aggressor will think twice or perhaps 3 or 4 times before he commits an act of aggression. He will be very hesitant to commit an act of aggression, for fear of the devastating retaliation which would come.

Similarly, a Federal court or Federal judge with the power to enforce its orders by means of a civil-contempt proceeding—which does not include punishment—needs to have behind that proceeding a criminal-contempt proceeding which can be used by the judge as a deterrent. As a result, the overwhelming proportion of the orders of courts will be complied with, simply because the potential violators know that if they do not comply with the orders issued under civil-contempt proceedings, the court may impose a fine or imprisonment or some other form of punishment in a criminal-contempt proceeding.

Therefore, a criminal-contempt proceeding is needed in order to fortify a civil-contempt proceeding. The latter permits a violator to purge himself and cleanse the record by doing what he should have done in the first place.

That situation is something like the one existing in one's home. Sometimes a child is able to escape the application of the hickory stick by simply doing what he should do; and, as a result, the loving father or mother is able to obtain compliance with the normal procedure required in the home.

Therefore, if a registrar seeks to interfere with or prevent the registration of Negro voters, if he is subject to the use of an injunction, by means of which the Federal judge can say to the registrar, "Register this qualified voter," it will be apparent to the registrar and to all other persons that if the registrar does not comply with the injunction, all he will have to do in order to escape punishment will be to do what he should have done in the first place.

As I have stated previously, Mr. President, one way to escape the use of any kind of contempt proceeding is to cease being contemptuous. There has been much debate about trial by jury in connection with court proceedings. We should instead encourage people not to commit unlawful acts which would result in their being brought into court. We should seek to promote in the country a public opinion which will bring about the observance of law, so there will be no necessity for law enforcement.

I regret to note that voices have been raised in this Chamber in the effort to get people to believe that it would be better to resist than to comply. Everyone has the right to raise his voice, because in this country free speech is a precious right; but free speech can be used to plead for a constructive purpose, for compliance, as well as to plead for resistance and noncompliance.

I suggest that when a constitutional right such as the right to vote is in the balance it behooves men of good will to encourage people to vote, to encourage people to register so they can vote, and to encourage local officials to help other people to register so they can vote.

As I have said before, civil contempt involves persuasion; criminal contempt involves punishment. Those of us who are the proponents of the bill prefer persuasion to punishment. We prefer observance of the law to enforcement. The opponents of the bill seem to demand that the procedures be for punishment and not for persuasion. They seem to insist that every act be thought of as criminal in nature so that a better argument can be made for a jury. Under these circumstances, the suspicion is inevitable that those who prefer punishment to persuasion do not really believe that with a jury trial, under criminal contempt procedures, punishment will be forthcoming. Those who indicate their preference for punishment as against persuasion apparently believe that if there is a jury trial in a criminal contempt proceeding, there will be no punishment—in other words, the accused and the violator will go scot-free.

This is the key to the jury-trial issue in part IV. If violators feel the judge will be helpless after election day to punish without a jury, they will be inclined to violate his orders by dilatory tactics, and they will take a chance that a jury will acquit them. Furthermore, they know that if they can do this, they will have denied the petitioning individual the right to vote.

What I am saying is that if violators feel that a judge cannot protect and enforce the integrity of the court order—a process which is as traditional in America as is the Fourth of July—if violators feel that the judge will be helpless after election day to punish without a jury they will be inclined, I repeat, to violate his orders by dilatory tactics, and take a chance that a jury will acquit them.

Hence, jury trials under part IV will foster violence rather than secure compliance. We are talking about Federal judges; we are talking about Federal courts; we are talking about Federal elections; we are talking about Federal law; we are not talking about local ordinances or State laws or State judges. Only the certainty that a Federal judge has the right to punish the violators for contempt of his court after election day will induce election officials who insist upon taking the law into their own hands, to accord citizens their right to vote in certain States and localities where this right is now denied.

I desire to make my position very clear, Mr. President. I do not accuse election officials of wholesale violation of the law.

Justice Holmes said:

> The law is not made for good men; it is made for bad men.

When one takes his little boy or girl to a moving picture theater and there is being shown a picture that involves pirates, the first question the little boy or girl asks is, "Daddy, who is the good man and who is the bad man?"

The law is made for the offender, the one who commits the offense. So when we talk about contempt proceedings and injunctions as means of protecting the right to vote, there is necessary presumption that there is a wholesale denial of that right. There are, however, facts that underscore that certain people have had their rights denied, and that the rights of those people should be protected.

I make that statement because in the debate I have heard my friends from certain States in the South say, "Look, in my State there are Negroes on juries. In my State Negroes do vote. In my State Negroes are registered."

Mr. President, if everything is as rosy as some people say it is, then nobody should worry about this proposed law at all, because it will never have to be applied. The only time a person really needs to worry about the law is when he is guilty. Under the bill every individual accused is entitled to counsel. There is a section of the bill which contains a proviso which I think needs to be underscored as well. That proviso reads as follows:

> Any person cited for an alleged contempt under this act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel.

Mr. President, we not only have this protection for those who are accused of being violators of court orders and who are allegedly in contempt of court, but there is also the right of appeal, which is always preserved. Furthermore, it should be clearly understood in the first case that the district attorney does not simply come into court and obtain a court injunction. The district attorney must come into court and show cause. He must be able to demonstrate by a reasonable display of factual information that there is need for an injunction. The judge will also look into the question of whether there are other remedies available, rather than the use of the injunction, because other remedies take a priority if they are available.

Finally, Mr. President, the argument for jury trials in connection with part III was partly based on the assumption that the Government would be intervening with the injunctive process to change local patterns of behavior, and that therefore the attitudes of local citizens should be introduced by means of a jury to prevent changes of an abrupt nature. This argument has disappeared with the defeat of part III.

Part III is out of the bill, not by my vote, Mr. President, but part III is out of the bill. I will be frank to tell Senators. I felt we could have rewritten part III so that it would have been acceptable. I felt the draftsmanship of part III on the part of the Department of Justice was very poor. I believe part III was poorly presented. I think it was unfortunate it was handled in such a manner. I was prepared, as one Senator, to make some adjustments which I thought would make the provisions equitable.

Part IV of the bill, however, does not go into social practices and social patterns at all. Part IV deals strictly with a constitutional right. Part IV is designed to guarantee the right to vote in

Federal elections. I repeat—to guarantee the right to vote in Federal elections. But when national officials, such as Representatives, Senators, and Presidential electors, are on the ticket, in national elections the right to vote would be guaranteed.

Part IV, as I say, is concerned with Federal rights, and no local claims or considerations are even relevant. Protection of the right to vote in Federal elections must be left to Federal officials without the interference of "local custom." In this case, the Federal officials involved will be the responsible Federal judges of the South, and the responsibility should be theirs, and theirs alone.

I have tried, Mr. President, not to base my speech upon what I believe to be arguments as to whether one section of America should be trusted or not trusted. I have tried to base my speech, not upon what are the so-called customs of the community or whether they are good or bad: I have tried to base my address upon the law and upon the Constitution. There the rule is that a Federal court has had, continues to have, and I pray will continue to have in the future, the authority and the right to protect the integrity of its orders without the interposition of any group between the violator and the court.

I submit to my colleagues of the Senate that it is as important to keep the powers of the judiciary protected from interference by the executive or the legislative branches as it is to protect the powers of the executive and legislative branches from encroachment.

Mr. President, I have before me a number of arguments which have been made by many proponents of the jury trial amendment. I have stated on one side of the paper, "The proponents contend," and have given a number of statements which are not to be considered quotations from anybody, but more of a summation of what some of the proponents' arguments are. Then, alongside of the summary argument of the proponents, are listed what I think are appropriate answers.

For example, the first contention of the proponents of the trial-by-jury amendment is "Permitting courts to enjoin violations of Federal law is government by injunction."

A second one is "The purpose of the pending bill is to deprive citizens of constitutional rights by punishing them without a jury trial." So say the proponents of this amendment. So say the proponents of jury trial. Alongside of that are the answers of those of us who believe in this bill and who believe section IV should remain as it is, without amendment.

Mr. President, I ask unanimous consent that this analysis, which could be best described as the argument of the proponents of jury trial and the answers of those of us who are the opponents of the pending jury-trial amendment, be printed at this point in my remarks.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

The proponents contend: "Permitting courts to enjoin violations of Federal law is 'government by injunction.'"

The facts are: Where persons have shown their intention to violate the law and to cause irreparable injury to private and public rights, no one would advocate that the United States should stand by helplessly unable to use the orderly and established preventive power of the courts. Congress has repeatedly authorized such injunction on the theory that prevention is far better than punishment, in such major and familiar legislation as the Sherman Act, the Taft-Hartley Act, the Securities and Exchange Act, the Pure Food and Drug Act and more than 20 others.

The proponents contend: "The purpose of the pending bill is to deprive citizens of constitutional rights by punishing them without a jury trial."

The facts are: The purpose of the bill is to guarantee the sacred constitutional right to vote of every citizen by preventing attempts to deprive them of their vote, rather than waiting to punish the offenders when it is too late to give the victims back the vote that they have lost. The bill seeks to punish no one. It is only those who would willfully defy the protective orders of the Federal courts who would choose to subject themselves to punishment for their misdeeds.

The proponents contend: "Violators of the injunctions issued under the proposed civil-rights legislation would be tried by the courts and thus deprived of their constitutional rights to jury trial."

The facts are: The constitutional guaranty of jury trial is only for cases such as were tried by jury before its enactment and jury trial in contempt cases was unknown in the colonies. The Supreme Court has ruled on numerous occasions that there is no constitutional right to jury trial in contempt proceedings. (See e. g. *United States* v. *Hudson* (7 Cranch 32), *Anderson* v. *Dunn* (6 Wheat. 204), *Ex parte Robinson* (19 Wall. 505), *Ex parte Terry* (128 U. S. 289), *Eilenbecker* v. *District Court* (134 U. S. 31), *In re Debs* (158 U. S. 564), *Bessette v. W. B. Conkey Co.* (194 U. S. 324), *Gompers* v. *Buck's Stove & Range Co.* (221 U. S. 418), *Michaelson* v. *United States* (266 U. S. 42), *United States* v. *United Mine Workers* (330 U. S. 258), *Fisher* v. *Pace* (336 U. S. 155).)

The proponents contend: "Under the pending bill violators of injunctions would be deprived of jury trial heretofore guaranteed by Federal law in contempt proceedings."

The facts are: On the contrary with but one exception formerly in effect under the Norris-La Guardia Act, Congress has never provided for jury trial in contempt proceedings arising in suits instituted by the United States. Under the pending bill, as would be the case under any of the more than 28 statutes permitting injunctions to be obtained by the Government, those who defy the injunction would be tried by the court.

The proponents contend: "Congress should provide for jury trial in contempts arising under the pending civil rights bill as it did once before in the labor field."

The facts are: Congress in the Norris-La Guardia Act required jury trials for contempts under that act because of decades of proven hostility by the courts to the interests of laboring men and to the national policy favoring their right to collective bargaining. In 1947 the Taft-Hartley Act repealed the Norris-La Guardia jury trial provision and returned to the policy that only the most urgent considerations can justify depriving the Government of speedy and effective judicial remedies. There is absolutely no showing of hostility by southern Federal judges, either to the national interests favoring protection of civil rights or to the defendant in a contempt proceeding, which could justify curtailing the vital judicial power in the civil-rights field.

The proponents contend: "Judges cannot be trusted with the power to punish those who violate their decrees and orders."

The facts are: As the Supreme Court of Mississippi stated in *Watson* v. *Williams* (36 Miss. 341): "The power to fine and imprison for contempt, from the earliest history of jurisprudence, has been regarded as a necessary incident and attribute of a court, without which it could no more exist than without a judge. It is a power inherent in all courts of record, and coexisting with them by the wise provisions of the common law. A court without the power effectually to protect itself against the assaults of the lawless, or to enforce its orders, judgments or decrees against the recusant parties before it, would be a disgrace to the legislation and a stigma upon the age which invented it."

The proponents contend: "Under the pending bill, violators of injunctions would be deprived of jury trial rights they would enjoy under the laws of the States."

The facts are: Where State legislators have attempted to impair judicial authority by requiring jury trials in contempt proceedings, the courts of numerous Southern and Northern States have stricken such legislation as an unconstitutional violation of the inherent authority of the courts to punish contempts. (See e. g. *Watson* v. *Williams* (36 Miss. 331 (1858)); *Carter's case* (96 Va. 791, 32 SE. 780 (1899)); *Bradley* v. *State* (111 Ga. 168, 36 SE. 630 (1900)); and *Ex parte McCown* (139 N. C. 95 (1905)); *Fort* v. *Cooperative Farmers' Exchange* (81 Colo. 431, 256 Pac. 319 (1927)); *Arnold* v. *Commonwealth* (80 Ky. 300 (1882)); *Walton Lunch Co.* v. *Kearney* (236 Mass. 310 (1920)); *In re Opinions of the Justices* (314 Mass. 767, 49 NE. 2d 252 (1943)); *Pacific Live Stock Co.* v. *Ellison Ranching Co.* (46 Nev. 351, 213 Pac. 700 (1923)); *Hall* v. *The State* (55 Ohio St. 210 (1896)); *Smith* v. *Speed* (11 Okla. 95 (1905)); *Blanchard* v. *Golden Age Brewing Co.* (188 Wash. 396, 63 p., 2d 397 (1936)); *John F. Jelke Co.* v. *Hill* (208 Wis. 650, 242 NW. 576 (1932)).)

The proponents contend: Judges will not fairly administer the provisions of the pending civil rights bill.

The facts are: The judges who would try those defying court decrees which guarantee voting rights to presently disfranchised Negroes are men drawn from the bar of their local communities, appointed by the President with the advice and consent of the Senate.

The proponents contend: Persons tried for contempt of court would be denied the rights they would have if they were tried for violating criminal law.

The facts are: In contempt actions the constitutional guarantees of full notice, the right to counsel, confrontation, proof beyond a reasonable doubt and appellate review, are applied. (See e. g., *U. S.* v. *United Mine Workers* (330 U. S. 258); *Cooke* v. *United States* (267 U. S. 517); *Bessette* v. *W. B. Conkey Co.* (194 U. S. 324).)

The proponents contend: Injunctions can be issued to deprive persons of their rights hastily without the right to a hearing.

The facts are: Permanent injunctions are issued only after full hearing and litigation between the parties. Temporary restraining orders are issued only to preserve the status quo between the litigants where otherwise irreparable injury might result and provide for the most expeditious hearings for the parties on either side.

The proponents contend: Congress may not regulate Federal elections because the qualifications of voters are prescribed by the States.

The facts are: The Supreme Court has many times upheld Federal power to guarantee the right to vote in Federal elections, as well as the rights protected by the 15th amendment. So vital to the existence of the

Federal Government is the purity of Federal elections that Congress may, if it sees fit, assume the entire control and regulation of the election of representatives. *Ex parte Siebold* (100 U. S. 371). As Attorney General Brownell has testified (House hearings, p. 604): "If the Federal Government is to exist as such, it must have the power, adequately, to protect the right to vote for Federal officials. Otherwise, it would be a hollow shell without any meaning."

The proponents contend: "There is no need for more effective protections because no one citizen is deprived of the right to vote."

The facts are: By one device or another millions of Negroes continue to be deprived of the right secured by the 15th amendment and of the right under the Constitution to elect Federal officers. Every device including physical violence and murder are used to keep Negroes from voting. Governor Coleman, of Mississippi, has testified that only 7,000 Negroes out of 900,000 Negro citizens of the State voted in a hotly contested 1955 primary election. (House hearings, p. 736.) Assistant Attorney General Olney has testified repeatedly (Senate hearings, pp. 164, 238, 242) that over 3,000 Negroes were stricken from the voters rolls and deprived of the vote in the October 1956 Federal election in Ouachita Parish, La., as part of an organized mass effort to deprive them of their constitutional rights. Attorney General Brownell testified (House hearings, p. 572) that he has evidence of Mississippi voter registrars disqualifying Negroes who could not answer questions such as, How many bubbles in a bar of soap?

The proponents contend: "Protecting the rights of Negroes to vote should be left to the States."

The facts are: "I think 165 years is long enough to wait, myself, to get this thing working right," Attorney General Brownell, House hearings, page 605.

The proponents contend: "This attempt to inject the Federal authority into the election process is unadulterated tyranny."

The facts are: The most glaring tyranny in American life, spread out for the world to see, is the insistence on second-class citizenship for certain of our citizens because of their race or color. No one section of our Nation is solely guilty of this tyranny, but it is found particularly in those States where Negro citizens are denied the ballot. Those who defend this tyrannical denial of the ballot are trying to defeat this bill by the well-known tactics of accusing their opponents of their own wrongdoing.

Mr. LONG rose.

Mr. HUMPHREY. I now wish to yield in response to the earlier request of the distinguished junior Senator from Louisiana [Mr. LONG]. I know there are other Senators who desire to speak. I shall try to relinquish the floor as soon as I have complied with the requests of my colleagues.

Mr. JAVITS. Mr. President, will the Senator yield to me after his colloquy with the Senator from Louisiana?

Mr. HUMPHREY. Yes. I first yield to the Senator from Louisiana.

Mr. LONG. The Senator has referred to the traditional power of the court to protect its integrity. Insofar as the traditional power of a court to punish a person for contempt committed in the presence of the court is concerned, the Senator realizes there is no effort being made by anyone to impose a jury trial in a situation of that sort.

Mr. HUMPHREY. I am aware of that.

Mr. LONG. I wanted to make sure that the Senator was apprised of the fact that no such provision is contained in the amendment, and no one is contending for it.

Mr. HUMPHREY. It is good to have the amendment clarified.

Mr. LONG. As a matter of fact, I rather doubt, as a matter of constitutional law, that it could be done.

Mr. HUMPHREY. I doubt it, also, but I must say there have been such blanket statements made about the importance of jury trial, it causes me to wonder. The Senator is now saying, of course, the amendment would not apply to a contempt committed in the presence of a court.

Mr. LONG. Not at all.

Mr. HUMPHREY. Very well. That is one exclusion.

Mr. LONG. Furthermore, under the amendment to which the Senator has directed his argument it is understood—and I am sure the Senator understands the effect of the amendment—that insofar as the court is carrying out a remedial action, where the court orders the registrar or someone else to do a certain act, in that case the judge does have the power to require a person to comply. The judge can either fine the person or put the person in jail if the person fails to comply when the judge orders him to register a person or to refrain from doing anything to impede a person from registering and qualifying himself to vote. That is what we call civil contempt, and that would not be subject to a trial by jury.

Mr. HUMPHREY. That is my view. I stated that I doubted whether trial by jury in those instances would be constitutional.

Mr. LONG. That brings us to the case of a trial for so-called criminal contempt, when a judge feels that a person should be punished. In such cases, under the law as it stands today, if a person commits criminal contempt, he is entitled to trial by jury, unless it happens to be a case which has been brought in the name of the United States. We have witnessed the experience in Clinton, Tenn. That is the kind of case to which I am referring. The judge issued an order, more or less against the world at large, that no one should do anything to coerce or impede, or prevent any child of the colored race from attending school in Clinton.

Mr. HUMPHREY. Yes.

Mr. LONG. In a case of that sort, unless action had been brought in the name of the United States in the first instance, a person would be entitled to trial by jury. In that case the defendants were entitled to a trial by jury on the question of whether they had violated the judge's order. That is the kind of situation at which we are looking in this case. The Senator realizes that; does he not?

Mr. HUMPHREY. No. The Senator realizes that in this instance, under the terms of the bill, the Attorney General, in the name of the Government of the United States, would become a party to the suit, and initiate the action in the court. Therefore the United States would be a party, and therefore the very exemption which the Senator points out would still be germane and relevant.

Mr. LONG. If I correctly recall, the Clinton case was a case in which the United States did not originally institute the action.

Mr. HUMPHREY. That is correct. Under existing law the groups or the individual had to initiate the action.

Mr. LONG. Therefore the individual was entitled to trial by jury.

Mr. HUMPHREY. That is correct.

Mr. LONG. In that case the jury found 7 persons guilty and 4 persons innocent. The point is that, as the law stands today, and without the bill to which the Senator is addressing himself, a person would be entitled to a trial by jury. The Senator stated that we cannot rely upon people obeying a court order. I think that statement is one with respect to which he will subsequently disagree, because those who have the duty of registering voters are law-abiding citizens. I believe that if the Senator will reflect for a moment, he will conclude that there are very few, if any, registrars who, when confronted by an order of the judge to do a certain act, to register certain voters, would decline to register them.

Mr. HUMPHREY. I should hope that would be the case. That was the assumption of my argument. I stated that I felt that the law was designed, to use the simplest terms, for the bad men, the offenders, I hoped that there would be very few of them. I hope that most of the registrars or officials would perform their responsibilities, and that therefore the powers under civil-contempt action would be adequate in 95 percent of the cases.

Mr. LONG. But beyond that point, if a person failed to comply with the court's order, the judge could bring the person into court and order him to comply. Upon failure of the person to comply, the judge could set a certain date and say, "Register that person within an hour," or "Comply within 24 hours." If the accused did not do so, he could be put in jail. That would involve a proceeding in which there would be no trial by jury.

Mr. HUMPHREY. That is correct; and all the person would have to do to get out of jail would be to do what he should have done in the first instance.

Mr. LONG. That is correct. So it would be only in a case in which a person had been ordered to obey, and when he had refused to obey, when the court had the power to punish him in the first instance, and when the person continued to remain in violation of the court order, that such a person would be entitled to trial by jury, for having not only refused to comply, but for having failed to comply until after election day, at which point the voter would have been denied the right to vote in an election, which is a situation which could not be corrected.

Mr. HUMPHREY. The Senator is correct; but I say that my conclusion from that set of circumstances would be different from his. There is an honest disagreement between those of us in this Chamber who have different points of view concerning legislative proposals such as the one before us.

My feeling is the violator of an injunction may feel that in an election

case he can go beyond election day and can get a trial by jury in an area where there may be considerable emotion over issues involving civil rights. Then he has at least a better chance of acquittal than he would have if he had to face the judge alone.

Therefore, in order to guarantee the right to vote, with adequate protections, since the individual who would be jailed could always free himself by doing what he ought to do, I say that we should leave with the judge the right to conduct the criminal contempt proceeding.

Mr. LONG. The Senator is assuming, in the first instance, that the registrars of voters are bad people. They are among our best citizens. They are among the most highly respected citizens in southern communities.

Mr. HUMPHREY. I hope the Senator knows that when I used the word "bad" I was trying to simplify. I meant it in the sense of recognizing an offender, one who may not fulfill his responsibilities. I do not say that these are bad people, in the sense of a moral judgment. I am simply saying that there may be circumstances in the community, there may be pressures upon the individual—political and economic pressures directed at the registrar or the election official, whatever his title may be—which cause him to take action which results in denying certain people the right to vote.

If the individual is a good man, as the Senator indicates, and as I want to believe, he will comprehend the fact that the Federal judge said to him, "John Smith, you register this voter." Then John Smith goes to the groups which are trying to stop the registration or interfere with the voting, and says, "Look, I live here with you. You are my neighbors. I would like to cooperate, because you are my neighbors, but the Federal judge at the courthouse says that I must register these voters. If I do not, I may wind up in jail." He might add that he has an allergy to jails; that he does not like jails. He would like to be out in the backyard sipping a mint julep after the day is over, rather than in jail, looking out to see whether there is any water.

Mr. LONG. At this point I think I am in agreement with the Senator. There is no reason to assume that a law-abiding citizen, who has never been imprisoned in jail in his life, when ordered by a judge to comply with the law, will prefer to go to jail, even until election day, rather than to comply with the law.

Mr. HUMPHREY. I think the Senator's point is well taken. In most instances we shall find that if the Federal court deems it necessary to issue an injunction because of certain circumstances in the community which center around the election official, we shall find the election officials complying with the injunction. That is what the Senator is saying, is it not?

Mr. LONG. Yes.

Mr. HUMPHREY. I agree. I think that is correct.

Mr. LONG. Limiting ourselves entirely to the civil powers of the court under civil contempt procedures, if the judge should determine that there are people in the community who are bringing pressure to bear upon a registrar of voters in an effort to deny certain people their right to vote, he can bring those other individuals into court, and he can tell them to stop or he will put them in jail until election day, under the power to act in a civil contempt proceeding. That could be done without a jury trial. Even if the judge keeps people in jail, and does not gain complete compliance in that one instance, the Senator is assuming that nowhere in the entire Federal district is the judge powerful enough to get a jury who would convict guilty violators of law. I submit that the Senator is casting upon a vast number of people a slur which is not justified, because the people of the South respect law and order just as do people in other parts of the country.

Mr. HUMPHREY. I am sure they do. I certainly did not intend to cast a slur upon any people. However, I know—and I am sure the Senator knows also, because both of us are in public life—that at times tremendous pressures are brought upon people in local communities. They are pressures which sometimes become almost unbearable. Sometimes a man does not have the moral fiber or stamina to stand up under such pressures. We are all familiar with those situations. What I am saying is that where civil action is not sufficient, the court should have a right to protect the integrity of its orders. Furthermore, the court may very well wish to fortify its local officials by making it possible for a local official to go to his neighbors and say to them, "Look, jail is pretty cold in wintertime, and I have no intention of going to jail. I know that you would like to have me do certain things, and I know that the local citizen's council has just had a meeting, and the grand potentate of the citizen's council said I ought to do a certain thing. However, I am not going to do it because I am just a little allergic to jails. I do not want to have a contempt proceeding on my back, which will result in my going to jail." Someone will say to him, "Do not worry about that, because under the language of the law you can now have a jury trial, and you will have a good chance of getting off."

I do not say that the jury will acquit the man. I do say, however, that juries have acquitted people who should not have been acquitted.

Mr. LONG. And sometimes they have found people guilty who should not have been found guilty.

Mr. HUMPHREY. The Senator is correct; there have been such instances. My main point remains, and it is well stated in a Mississippi Supreme Court case, the case of *Watson* v. *Williams* (36 Mississippi 341):

> The power to fine and imprison for contempt, from the earliest history of jurisprudence, has been regarded as a necessary incident and attribute of a court, without which it could no more exist than without a judge. It is a power inherent in all courts of record, and coexisting with them by the fact of wise provisions of the common law. A court without the power effectually to protect itself against the assaults of the lawless, or to enforce its orders, judgments, or decrees against the recusant parties before it, would be a disgrace to the legislation and stigma upon the age which invented it.

I should like to point out further, Mr. President, that State legislatures in both Northern and Southern States have, from time to time, attempted to impair judicial authority by requiring jury trials in certain contempts, but when that has been done, such legislation has been declared to be unconstitutional and a violation of the inherent authority of the court to punish contempts.

I shall not burden the RECORD with an oral presentation of the facts involved, but I have before me at least 20 important cases on that point. They relate to situations in which State legislatures have tried to impose a jury-trial provision in certain criminal contempt proceedings, and either the supreme court of the State involved or the Supreme Court of the United States has ruled such enactments to be unconstitutional.

The Senator from Louisiana has done much to improve political and economic and social conditions in this country and in his State. I believe he is speaking with a kind of righteous indignation; and I am not unaware of the fact that there is the feeling in this Chamber that some of us who are in favor of the bill are trying to make it appear that we do not trust our friends from the South. I am not saying that. I want to be trusted, I want the Senator to trust me.

All I am saying in this instance is that there would be better law observance, and we would get better protection of the right to vote, without a denial of other rights, if a criminal contempt proceeding were conducted without a trial by jury, in a case in which the Government of the United States is a party in connection with a constitutional issue such as the right to vote.

I do not say it is not possible to argue on the other side of the issue. Of course, it is possible, and I am sure the Senator from Louisiana believes in such arguments; there are other Senators, also, whom I greatly respect for their knowledge of the law and their personal integrity, who believe in such arguments. However, I happen to think that we would be better off, from the point of view of constitutional law and in connection with the enforcement of voting rights, by following the procedure outlined in part IV.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. HUMPHREY. I yield.

Mr. LONG. It seems to me that the cases with which the people of the South would be particularly concerned would not be those in which a judge directs an order to a registrar—and I am inclined to think that a person would be entitled to a trial by jury if he had failed to comply with a court order until after election day—but that the kind of cases we would have, if we had them, would be cases in which a judge would undertake to enjoin the world at large, so to speak. That is the type of injunction which was issued in Tennessee. The judge said no one shall do any act which will in any way intimidate or coerce a person who wishes to attend the Clinton High School from going to that school.

In a case like that, someone is accused of having participated in an effort to intimidate an individual, and that person is accused of an act which is criminal in nature; that is, the act of trying to prevent someone from attending a school.

The kind of case we are talking about under this legislation would be of a person accused of intimidating a registrar from registering a voter, or of intimidating a voter from going to the registrar's office to present himself to register. Not only that, but if 10 persons, for example, meet in a room and agree to discourage a person from voting, and if any one of those 10 people does anything whatever to carry out that conspiracy thereafter, all 10 people can be tried for the conspiracy.

Mr. HUMPHREY. Yes; that is under the conspiracy law. He is under the impact of the law relating to conspiratorial activity.

Mr. LONG. In a case like that, it would seem to me that any person who might be charged with being a party to such a conspiracy should have the right to be tried by a jury on the question of whether he was there and whether he participated in any such conduct.

I know the argument is made—and I am aware the Senator from Minnesota did not make it—that a southern jury cannot be trusted to do the right thing. Someone pointed out that Mr. Shaw, who came from my State of Louisiana, has made the statement that a southern white jury would not convict a white man in a school integration case. I happen to think that Mr. Shaw is in error. The very people he was defending were convicted. I am convinced that the people of the South will obey a court order, and that if they are charged with failing to obey a court order, they have the same right to be tried by a jury as did Jimmy Hoffa.

The Senator talks about labor being denied the right of trial by jury under the Taft-Hartley law. I do not believe labor should be denied the right of trial by jury, and I never voted to deny labor that right. It seems to me that if a man is charged with bashing someone's head in during an altercation on a picket line, he should not be confronted with the situation where he must appear before a Federal judge, and only before a judge, and to have that be the limit of his right. It seems to me that under such circumstances he should certainly be entitled to a trial before a jury.

Mr. HUMPHREY. The Senator is right with respect to the point he has just made. Involved in this, of course, is the time element. I say most respectfully that in terms of an election case the time element exists, whereas it does not exist in certain other cases. I said in my presentation—and possibly the Senator was not here when I said it—that I thought a case for a trial by jury in a criminal contempt proceeding under part III of the bill could possibly have been made out, because there would be a longer period of time involved in connection with compliance with school integration, integration of recreational facilities, and health facilities, and so forth; there was not a time element involved in those cases. However, what the Senator from Minnesota is saying is that we must not deny justice by delaying it, because justice delayed is justice denied.

If a criminal contempt proceeding by a jury trial can be anticipated as a reason for barring the right to vote on election day, then justice is denied. I think this is a very important point of difference which has to be kept in mind. I reemphasize this to the Senator from Louisiana: It is idle and useless to protect a man's right to vote on Wednesday when the election is on Tuesday. One may win a theoretical argument, and philosophers may write books on the subject, and say, "How wonderful. They won the right to vote, but the election is over."

The time for a person to register is when the registration period is in effect. The time for a person to vote is on election day.

What we are saying is that about 95 percent of the cases will be obeyed under civil contempt proceedings. The reason the injunction will be obeyed is not merely that there will be a desire on the part of the local official to be law abiding. I recognize the great principle of the presumption of innocence. I want to presume that a man is innocent until he is proved guilty. I am not one who wants to see whether we can get the jails filled. I do not believe that is the mark of leadership or of statesmanship. I still believe a man should be presumed to be innocent until he is proved to be guilty.

I believe an election official will want to do the right thing. But if he is under pressure and duress, he may not do so unless he will be subject to criminal contempt proceedings and will not have any chance to escape whatsoever.

Mr. LONG. I do not wish to protect any guilty person from being punished. But I claim for every guilty person, as well as for every innocent person, the right to trial by jury, as is intended by the Constitution.

The Senator from Minnesota has made eloquent statements concerning labor, not only this year, but throughout the 8 years I have had the privilege of serving in the Senate. It seems to me that one of the most unjust things ever done to labor was when the courts arrogated unto themselves the power to ruin labor unions by means of injunctions.

Congress, under the leadership of great liberals like George Norris and William Borah, wisely decided that labor should have the right to trial by jury, if it was accused of criminal contempt.

Consider what happens when the rights of labor are stripped away. I share the view of the Senator from Minnesota that under the Taft-Hartley law labor has been denied the right to trial by jury in a criminal contempt case. I do not think that should be so. The Senator uses that as a precedent for proceeding to deny 30 million persons in the South their right to trial by jury. If that be done, some day in the future a southern Senator will stand here and argue that that being the case, everyone should be denied the right to trial by jury by converting what would otherwise be a crime into a criminal contempt procedure. I submit that by doing that, we would strip away the fundamental protection which people have under the Constitution.

Mr. HUMPHREY. I should like to reply by way of rejoinder to my friend from Louisiana. He continues to assert that we will be denying the people rights which they never had. The right of trial by jury is listed in three places in the Constitution. In my prepared address, I documented those places and went into them at some length and pointed out the difference between the Norris-La Guardia Act and the pending bill. One was an economic matter and did not deal with constitutional or civil rights, such as the right to vote. Furthermore, the Norris-La Guardia Act was designed to restrict the use of injunction, because the injunction was being employed by the Federal courts to interfere with, to impede, and to destroy a declared national policy on the part of Congress, namely, collective bargaining and the development of free trade unions.

In the instance of civil rights, especially the right to vote, the use of an injunction is not to violate the will of Congress, not to tear down, or to abridge the constitutional provision of the 15th amendment; the use of the injunction in this instance is to effectuate, to implement the second section of the 15th amendment, which provides:

**The Congress shall have power to enforce this article by appropriate legislation.**

In other words, Congress has the power to carry out the purposes of the amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from New York.

Mr. JAVITS. I realize the desire of the distinguished Senator from Minnesota to yield the floor. I wish to ask two questions of the Senator. They are questions which I think he is eminently able to answer. I have heard no one on the floor, including myself, give more eloquent tongue to the argument for the civil-rights bill than has the Senator from Minnesota.

Mr. HUMPHREY. I thank the Senator from New York.

Mr. JAVITS. The pending amendment includes not only the provisions of the bill, but also a great many statutes. It includes the antitrust laws, the security laws, and the Fair Labor Standards Act. We know, as practical men, that this net was thrown out in an effort to catch a large number of fish; but the fish have not been caught.

I ask the Senator, from his tremendous experience concerning these matters, because the Senator is an important member of many committees, whether we would have the right, because the proponents of the amendment are trying to catch some support for the amendment, without study, without consideration of a very broad question which was not discussed in the other body and has not been investigated carefully here, to agree to an amendment which would affect the procedure with respect to some

28 statutes—I think the Senator from Illinois said 30 statutes.

Mr. HUMPHREY. It is now 46, as I understand, and more statutes are being found every day to which this particular amendment would apply.

I respond to the Senator from New York by saying that I read earlier today the statement of the executive committee of the AFL–CIO, which said that organized labor was standing firm behind part IV of the bill as written. That is the statement of organized labor represented in the AFL–CIO. Of course, all labor organizations are not members of the AFL–CIO, but most of them are.

The statement went on to say that an amendment of this sweeping nature, this broad nature, should be the subject of a special discussion as a separate item by a committee of Congress. I believe that is a very fair statement on their part.

Of course, I agree with the Senator from New York that the present amendment is not confined to the civil-rights bill. It is broad in its coverage. It affects most of the regulatory legislation of the Government of an economic and social nature. I think the amendment goes beyond what anybody ever anticipated. It was intended as a sort of dragnet to enlist support for it. I am afraid what it will do will be to frighten some people away.

Mr. JAVITS. I think the Senator's colloquy with the Senator from Louisiana was of great interest. It has prompted me to ask this question.

Is it not true that what we who are against the amendment are seeking to reach are the manifold ways in which people have been denied the right to vote, which have been very carefully thought out? The Senator from Illinois has rendered a valuable service in placing in the RECORD instances in a number of States which have shown such a wide range of avoidance and subterfuge; of places closed where people register to vote, or where there are not more than two prospective Negro registrants allowed in the same room; where there are 40- or 50-minute or 1-hour examinations of Negroes who want to register and only a minute for white registrants; of where questions which would stump a law-school dean are asked of Negro but not of white applicants for registration.

Under those circumstances, have we not the right to assume that there will be more acumen and ingenuity in the ways in which injunctions may be disobeyed, and that, as the Supreme Court has said, the line between civil and criminal contempt, when there is subterfuge, is difficult?

As a matter of fact, I doubt very much—and I think the Supreme Court doubted it very much in the Michaelson case—the constitutionality of any law which is premised strictly upon depriving the court of the power by itself to deal with criminal contempt, and is not also premised upon the fact that the act of criminal contempt is a crime under Federal or State law?

I call the attention of the Senator from Minnesota to the fact that the existing law is premised not only upon criminal contempt, but upon a crime, a crime under State or Federal law.

Does the Senator from Minnesota wish to comment upon that?

Mr. HUMPHREY. That is correct. I was attempting in my own way to explain to the Senator from Louisiana what the Senator from New York has said in a much more direct and impressive manner, namely, that if provision is made for trial by jury in criminal contempt cases, unless such a provision can be defined and limited very exactly, all these cases could be thrown into criminal contempt proceedings, and thereby our objective would be thwarted. I have said that it is my view that under the bill an overwhelming majority of the cases would be handled in civil-contempt proceedings and there would be no punishment. I have also said that the normal desire of local officials is to obey the law, particularly if they have support from a court.

But if the Pandora's box of jury trials is once opened in connection with criminal-contempt proceedings, unless it is limited very precisely—which thus far no one has been able to do—the whole purpose will be defeated.

Mr. JAVITS. I thank the Senator from Minnesota.

(At this point Mr. HUMPHREY yielded to Mr. JOHNSON of Texas to propound a unanimous consent, and debate ensued.)

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President, I was asked to yield to the distinguished Senator from Oregon at the time I conceded to the majority leader his opportunity, and right, to propound a unanimous-consent request. I wish to say at this time that I would appreciate having the argument over the unanimous-consent request printed in the RECORD so as to follow the discussion of the junior Senator from Minnesota and his colleagues on the substantive matter of this debate.

The PRESIDING OFFICER. Is there objection? Without objection, that course is ordered.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MORSE. My first question is: Has the Senator from Minnesota read the editorial in the June 1957 issue of the United Mine Workers Journal?

Mr. HUMPHREY. I have not.

Mr. MORSE. Will the Senator permit me to read, for his comment, two brief paragraphs from the editorial, and then ask to have the entire editorial inserted at this point in our colloquy?

Mr. HUMPHREY. I surely will, and I hope the Senator will do it.

Mr. MORSE. The heading of the editorial is, "What's 'Up' on the Hill."

Civil-rights legislation was the big issue of debate in the House of Representatives as the Journal went to press. As usual, the Dixiecrats were, in effect, fighting the Civil War all over again on the issue and trying to tack on all sorts of hog-tying amendments that would make the legislation ineffective.

The major amendment, as far as the southern Democrats were concerned, was one that would allow jury trials of anyone accused of contempt of court for violating Negro citizens' voting or other civil rights.

Later in the editorial:

Actually, the trial-by-jury amendment is as phony as a three dollar bill because anyone held in contempt of court has the right of appeal all the way up to the Supreme Court.

Would the Senator from Minnesota agree with me that the editorial in the United Mine Workers Journal seems to be somewhat inconsistent with the reported position of the international president of the United Mine Workers?

Mr. HUMPHREY. That is the understatement of the year.

Mr. MORSE. Mr. President, I ask unanimous consent that the entire editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHAT'S "UP" ON THE HILL

Civil-rights legislation was the big issue of debate in the House of Representatives as the Journal went to press. As usual, the Dixiecrats were, in effect, fighting the Civil War all over again on the issue and trying to tack on all sorts of hog-tying amendments that would make the legislation ineffective.

The major amendment, as far as the southern Democrats were concerned, was one that would allow jury trials of anyone accused of contempt of court for violating Negro citizens' voting or other civil rights. It is obvious that no southern white jury will convict anyone on such charges.

As of this writing this amendment was still to be voted on with just a slim possibility that it would be beaten down by northern Democrats and Republicans.

Whatever kind of civil-rights bill is adopted—if any—undoubtedly will be filibustered to death by the Dixiecrats when it reaches the Senate.

Actually, the trial-by-jury amendment is as phony as a $3 bill because anyone held in contempt of court has the right of appeal all the way up to the Supreme Court.

The civil-rights bill actually is a mild measure as proposed by the administration. It asks for creation of a nonpartisan study commission, for establishment of a civil-rights section in the Justice Department, for authority for the Federal Government to initiate injunction suits to prevent local officials from depriving citizens of their guaranteed civil rights and for special legal protection to permit free voting in national elections.

Mr. HUMPHREY. Mr. President, I shall conclude my argument, because the Senator from Connecticut [Mr. BUSH] is waiting to address the Senate.

I call the attention of my colleagues to the very illuminating memorandum on jury trials in contempt proceedings which was placed in the RECORD yesterday by the Senator from Pennsylvania [Mr. CLARK]. A letter was sent to the Senator from Pennsylvania, under date of July 29, by the Senator from Missouri [Mr. HENNINGS], to which was attached the memorandum. I think one part of the memorandum is particularly germane to this discussion. It reads as follows:

The other constitutional question raised is much more serious, since it goes to the substance of the amendment and will, if enacted, undoubtedly reach the Supreme

Court for a determination of constitutionality. The question is: Is the requiring of jury trial in all criminal contempt proceedings beyond the authority of Congress to control the operation of inferior Federal courts established by it? The Supreme Court, in *Michaelson* v. *United States* (266 U. S. 42), upheld the constitutionality of those sections of the Clayton Act providing for a trial by jury in criminal contempt proceedings where the original suit was between the private individuals or corporations, and the contemptuous act was also a crime.

I note the reference to the Michaelson case, under the Clayton Act, a criminal contempt in which a jury trial was provided had to be one in which the act was a crime, as well as one in which the judge held that the party was in criminal contempt of court.

Mr. JAVITS. Mr. President, will the Senator yield at that point, with reference to the Michaelson case?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New York?

Mr. HUMPHREY. I yield.

Mr. JAVITS. I think the Senator should invite the attention of the Senate, since he has obviously read the case carefully, to the grave doubts expressed by the court as to constitutionality the minute one goes beyond the act of criminal contempt, which is also crime as now provided by law. The minute one goes beyond that, the court has yet to hold anything else would be constitutional which provides a trial by jury.

In my own opinion, the proposed amendment may well be fatally defective on constitutional as well as on policy grounds.

Mr. HUMPHREY. I wish to say to the Senator from New York that I alluded to that earlier in my remarks, stating that in the Michaelson case the whole question of constitutionality, as to how far Congress could go in providing for jury trials in criminal-contempt proceedings, was raised. Surely it is apparent in that case, insofar as civil-contempt proceedings are concerned, there is good reason to believe a jury-trial provision would be unconstitutional.

I cannot, however, draw any definite conclusion; I can merely state my own personal opinion or observation. The Court said in the Michaelson case:

> If the reach of the statute had extended to the cases which are excluded a different and more serious question would arise.

The cases excluded involved cases in which the United States was a party to the suit. I believe the language ought to be carefully considered as we discuss the legal merits of the jury-trial issue which is before us.

I desire to add a further observation, Mr. President. I have tried through my participation in the debate to give the benefit of the doubt to the juries, to the judges who are responsible either for meting out justice or determining cases at law, and to local officials who are responsible for the protection of the right to vote or seeing to it that people are permitted to participate in the election process.

I was rather shocked yesterday, I must say in all sincerity, when two gentlemen from the Tuskegee Institute came to Washington and visited with some of us in the District of Columbia Committee room. These men were also officers of a citizens association dedicated to community betterment in Macon County, Ala. As all of us know, the city of Tuskegee is being redistricted and gerrymandered so that Negro citizens are being denied citizenship in that community and will no longer be able to vote in municipal elections, even though they have lived in that city for years. This is no longer a matter of conjecture. This is not a matter of fiction or allusion. This has happened. Two of the citizens of that community came to Washington and discussed these matters with some of us.

The Montgomery Advertiser, a copy of which I have in my hand, dated July 26, points out that certain raids took place upon the Tuskegee Institute properties, including a raid on their facilities and offices, and a rifling of their files, to determine the membership of the organization. I asked these officers who were here yesterday if they had ever had any trouble before, and if anyone had ever before criticized their association, or if it had ever been the subject of adverse public comment, and they said, "No." I asked, "When did the trouble start?" They replied that the criticism of the association started only within recent weeks, when individuals there began to express a desire to register, and voters were protesting the gerrymandering of the community, which would deny the Negro citizens in that area the opportunity to vote in municipal elections.

It is this sort of thing, Mr. President, which raises serious doubts in the minds of many of us as to whether voting rights are being protected.

I wish to make clear that this is a local matter. It does not deal with national voting rights but, at least, voting rights are being tampered with.

I shall not burden the record with a complete copy of the application for registration and all the papers which the city of Macon, Ala., requires a prospective registrant to file. All I will say is that if every citizen of Minnesota were required to file such a questionnaire, to fill out the answers to all the questions, and to fill out all that is required in the affidavits, our voter registration would be considerably less than it is.

In order to be a voter in my State, all one has to do is walk into the courthouse, get a small application card, put his name and address on it, and certify he is a citizen of the State of Minnesota and of the United States, and—period—he is registered.

Mr. President, with regard to the questionnaire which was brought to our attention yesterday, I do not wish to encumber the RECORD by having it printed in full.

We find in this questionnaire 21 questions. They are divided into many parts. There are such questions as:

> Give a brief statement of the extent of your education and business experience.
>
> Have you ever been legally declared insane? If so, give details.
>
> Are you now or have you ever been a dope addict or a habitual drunkard: (a) If you are or have been a dope addict or a habitual drunkard, explain as fully as you can.
>
> Have you ever previously applied for and been denied registration as a voter?

And so forth.

There are innumerable questions, all of which are informative, but they could be interpreted in many ways by the board of registrars, thereby disqualifying the individual applicant.

It is practices such as I have mentioned that give rise to the belief that there is additional need for protection of the right to vote.

I do not say that this particular practice, of itself, would be sufficient evidence on the basis of which to insist on Federal action. However, there are instances which have been brought to our attention, and have been placed in the RECORD, which afford good reason for the Congress coming to the conclusion that there is need for additional protection of constitutional rights, and that section 2 of the 15th amendment should be implemented.

For that reason I oppose the pending jury-trial amendment. I recognize the arguments which are being made by its proponents. I know that the amendment was offered, by those who offered it, in good faith. We are seeking a means of protecting the right to vote. I happen to believe—and I think the RECORD will bear me out—that the legislative mechanism provided in part IV of the bill as it is written, is workable. I believe that it would be effective, reasonable, and fair, and would protect, in fact as well as in theory, the rights which are dear to every American. Of those rights, the right to vote is second to none.

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## PROPOSED UNANIMOUS-CONSENT AGREEMENT FOR THE CONSIDERATION OF CERTAIN LEGISLATIVE BUSINESS

Mr. JOHNSON of Texas. Mr. President, will the Senator from Minnesota yield to me?

Mr. HUMPHREY. I yield.

Mr. JOHNSON of Texas. I ask unanimous consent that the Senator from Minnesota may yield to me, in order that I may propose a unanimous-consent agreement, without causing the Senator from Minnesota to lose the floor, and with the further understanding that the colloquy in connection with my request will be printed in the RECORD at the conclusion of his remarks.

The PRESIDING OFFICER (Mr. CLARK in the chair). Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, the distinguished minority leader and the distinguished senior Senator from Oregon [Mr. MORSE] are on the floor. I invite their attention to the request, which is as follows:

I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Senate bill 2504, for extension of the Small Business Act. No limitation on debate is proposed; but since the Small Business Administration expires today, the minority leader has agreed to this proposed procedure.

If it is agreeable to the Senator from Oregon [Mr. MORSE], we should like to have that measure taken up without a time limitation; but we understand it can be passed in a few minutes.

We should like to make the same request in connection with House Joint Resolution 426, for the further continuation of certain appropriations for the support of the Government.

Mr. MORSE. Mr. President, reserving the right to object—and I shall object—I wish to say that I await with great interest the consideration of a proposed unanimous-consent agreement, which I have submited to the leadership, in regard to the handling of so-called emergency proposed legislation. I have already set forth in some detail my reasons for my objection to having the unfinished business set aside, except under the rule of the Senate which permits the consideration of conference reports.

Mr. President, inasmuch as unanimous consent is required, in the situation in which the Senate now finds itself, in connection with the proposed unanimous-consent agreement which my good friend, the Senator from Texas [Mr. JOHNSON] has submitted, I object.

Mr. KNOWLAND. Mr. President, will the Senator from Oregon withhold his objection for a moment?

Mr. MORSE. Yes; I will.

Mr. KNOWLAND. Let me say that the situation is as follows: Originally the House passed a bill merely extending the Small Business Administration, which has some thousand or more employees in various sections of the country. The Administration handles small business loans and disaster loans.

The Senate committee in the exercise of its judgment, was not willing to accept the straight extension of the Small Business Administration, under the bill which the House of Representatives had passed. Instead, the Senate committe voted for a 1-year extension for the agency.

The authority of the agency to function will expire at midnight tonight, and that situation will apply to all small business loans and disaster loans which are handled by the Small Business Administration.

Therefore, the Small Business Administration is not in the same category with the regular Government departments which, even if their funds are temporarily cut off, can continue to function until such time as the two Houses of Congress pass an appropriation bill permitting their employees to receive their pay.

In view of the existing situation, and in view of the fact that the House of Representatives will have to act on the proposed 1-year extension, in lieu of the bill the House has passed, I wish to point out again to the distinguished Senator from Oregon that all functioning on the part of the Small Business Administration must cease as of midnight tonight, unless prompt action is taken.

Mr. THYE. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. I will yield, after I answer the majority leader.

I wish to say that I foresaw the possibility that the Senate might be in a parliamentary situation in which it would be necessary to give early consideration to so-called emergency measures, when I made my proposal to have the civil-rights bill referred to the Judiciary Committee for 7 days. The RECORD will show that at that time I said that during the 7 days the Senate could handle the emergency measures; and I also pointed out that as a result of referring the civil-rights bill to the Judiciary Committee for 7 days, with instructions, the Senate would, at the end of the 7 days, have the benefit of a committee report on the bill.

However, a majority of the Members of the Senate thought the civil-rights bill was of such importance that the Senate should proceed at once with its consideration.

Therefore, I intend to accommodate the Senate by exercising my parliamentary right, unless the Senate wishes to take up conference reports under the rules of the Senate, or unless it is possible to obtain a unanimous-consent agreement of the sort I have proposed. I hall be exceedingly liberal regarding the time element in that connection; in fact, my suggestion, which is pending, is that debate on the pending amendment terminate 10 days from now, and I am perfectly willing to have the termination occur, instead, 2 weeks from now. But I think some time limitation should be applied to the further consideration of the pending amendment.

In the absence of an agreement regarding the time for the further consideration of the pending amendment, I shall object to requests for the consideration of any business of the Senate except such business as can be taken up under the rules of the Senate as privileged matters, such as conference reports.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Oregon yield further to me?

The PRESIDING OFFICER (Mr. CARROLL in the chair). Does the Senator from Oregon yield to the Senator from Texas?

Mr. MORSE. I yield.

Mr. JOHNSON of Texas. I wish to give notice to the Senator from Oregon and to other Members of the Senate that on tomorrow, either the chairman of the respective appropriations subcommittees on defense appropriations and agricultural appropriations or the leadership will move that the conference reports be taken up.

Mr. MORSE. I am very glad to hear that.

Mr. JOHNSON of Texas. So I want all Senators to be on notice. Then a majority of the Senate can decide whether the Senate wishes the farmers to go without funds and the soldiers to go unpaid.

Mr. CLARK. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. I yield.

Mr. CLARK. I should like to say to my good friend, the Senator from Oregon, that I now speak for the distinguished chairman of the Banking and Currency Committee [Mr. FULBRIGHT], who cannot be present at this time, and as chairman of the Banking and Currency Committee's Subcommittee on Small Business, which I happen to be at the moment, and for all other members of the committee, when I join the distinguished majority leader and the distinguished minority leader in urging the Senator from Oregon not to take action which will require that the operations of the Small Business Administration end tonight. The bill for extension of the life of the Small Business Administration can be passed by the Senate in 15 minutes. So I hope my good friend, the Senator from Oregon, will take that fact into consideration before he makes an irrevocable decision.

Mr. MORSE. Mr. President, I have two things to say to my good friend, the Senator from Pennsylvania: First, my unanimous-consent proposal includes provision for consideration of the bill dealing with the Small Business Administration. All that Senators will have to do is agree to a time certain for the taking of the vote on the pending amendment, under a reasonable time schedule; and then the Senate will be able to proceed in the next 10 minutes with consideration of the bill dealing with the Small Business Administration.

Second, I say good naturedly to my friend, the Senator from Pennsylvania, that this morning, when I got up, I put on an asbestos suit.

Mr. THYE. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. I yield.

Mr. THYE. Mr. President, it is most important that prompt action be taken on the Small Business Administration bill, particularly in view of the fact that that Administration handles the disaster loans which are used in the case of floods, such as recently occurred in Texas and Louisiana.

It is unthinkable that that Administration would be permitted to go out of business this evening. That is why I believe the Senate should act upon that measure this afternoon, or at least before midnight tonight.

Mr. MORSE. Mr. President, I wish to say to my good friend, the Senator from Minnesota, whom I admire very much, that a number of days ago we differed in our points of view. But if he and other Senators had at that time joined me, when I endeavored to have the civil-rights bill referred to the Judiciary Committee for 7 days, and if that period of 7 days had been provided, during that period the Senate would have been able to act on the Small Business Administration measure, with the result that following today the Small Business Administration would continue to be in operation. I point out that fact because the bill dealing with extension of the Small Business Administration was high on the priority list.

I regret that we got into this parliamentary struggle, but we are in it. The price of democracy sometimes comes high, but democratic processes are very important, and I am exercising one. The Senate has its remedies.

If the bill had gone to committee and we had had the suggested 7 days to pass all these emergency measures—that time would have been available for that purpose, and I said so, as the RECORD will

show—we would not have had this problem before us. But the die was cast. The issue was joined. It was decided by the majority that this bill was of so much importance that we should circumvent the Judiciary Committee of the Senate that we should set this unfortunate precedent, and that we should proceed at once to the consideration of the civil-rights bill.

As I said this morning—and I mean nothing unkind to any of my dear colleagues on the floor of the Senate—the mistake has come home to roost on their own shoulders, and they are going to have to abide by it.

So far as my rights are concerned—and I now speak without the slightest facetiousness—I want to say this is an historic debate which is taking place on the floor of the Senate, and I do not know what the command "retreat" means as applied to it. So far as I am concerned, there is only one command I will obey, and that is, "go forward."

If both sides want to enter into an agreement that we shall go forward and on a certain date vote on the jury-trial amendment, I am willing to go forward. Then we can decide our unanimous-consent procedures after that. I am willing to adopt an elastic procedure. My own proposal was that there should be 10 days of debate before a vote on the amendment. If someone wants to suggest 2 weeks, let us make it 2 weeks. The essence of this kind of procedure is that a terminal date be fixed. When a terminal date is fixed I want to be very liberal, because I wish the minority to have adequate time to discuss their views on any issue. What I insist on, so far as concerns relinquishing any parliamentary rights I have, is that we have some concession with regard to a voting date on the jury-trial amendment.

I could give some advice on the parliamentary processes which the majority could follow to circumvent the senior Senator from Oregon, but until the majority of the Senate is willing to grant such a concession as I have indicated, the Senator from Oregon will object to any proposal to circumvent the procedures of the Senate. I am not going to vote to lay aside the pending bill for anything but a procedural matter.

Several Senators addressed the Chair.

Mr. MORSE. I yield to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I should like to say to the distinguished Senator from Oregon that I, for one, have a great deal of sympathy with the viewpoint he has expressed, and I remind him that I voted with him for the purpose to send this bill to committee. I think a good many of us tried to serve notice about the important legislation which would be caught in the logjam.

Generally I should say the position taken by the Senator from Oregon would be logical, but this is a most unusual situation. There is involved an organization, the only organization in this Government which is doing anything for small business. Unless action is taken today, that organization will die at midnight tonight. It seems to me that certainly we could reach a unanimous agreement to dispose of that measure. I think it could be acted on quickly by unanimous consent. I do not think there will be a single effort to amend the measure. I do not think there will be any attempt to debate it. Because of the unusual circumstances, even though I find myself in general sympathy with the argument made by the Senator from Oregon, I certainly wish he would waive at least that much in order to let this emergency measure be passed.

Mr. MORSE. I think the Senator from Alabama knows the high regard I have for him for the great work he has done for small business. I am one of his colleagues on the Small Business Committee. He need not tell me the importance of the Small Business Administration. I will be joining him to reestablish it as soon as the jury-trial amendment is disposed of.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the minority leader.

Mr. KNOWLAND. I do not propose at this moment to suggest any proposed unanimous-consent agreements which I have had prepared and which I want to discuss with the distinguished majority leader, but I should like to inquire of the Senator from Oregon if, after a quorum call, there should be proposed a unanimous-consent agreement that would call for a vote on the pending jury-trial amendment on tomorrow after 6 hours of debate, equally divided between each side, and with time allowed for any amendments that might be offered, the distinguished Senator from Oregon would be inclined to agree to such a proposed unanimous-consent agreement.

Mr. MORSE. I want to say to the minority leader I appreciate very much the recognition that this question affords me, but I think it would be more appropriately addressed to the distinguished Senator from Georgia [Mr. RUSSELL]; although I will give him a direct answer. I will go along with any reasonable unanimous-consent agreement to limit debate on the jury-trial amendment, but I do not think, if I understood the Senator correctly, it would be fair to the minority to seek to limit the debate to 6 hours tomorrow. I want to say, as one who has always sought to protect minority rights, I think the Senator from California ought to consider extending the time for consideration of the jury-trial amendment.

Mr. KNOWLAND. I shall have further consultations with the distinguished majority leader and with the distinguished Senator from Georgia, but I must say I found it much easier to work out a solution on a unanimous-consent proposal the other day with the distinguished Senator from Georgia than I have with the distinguished Senator from Oregon.

Mr. MORSE. I can understand that.

Mr. KNOWLAND. I will say to my friend from Oregon he baffles me just a little.

Mr. MORSE. I always want to confuse the enemy.

Mr. KNOWLAND. I was not sure whose side the Senator was on from time to time.

Mr. MORSE. I am sure it does not confuse him now.

Mr. KNOWLAND. I was not sure whether the Senator from Georgia or the Senator from California was in the classification of the enemy; but, if the Senator will permit me, I was slightly confused, because, as the Senator quite correctly stated and I have a vivid recollection of the incident, he was standing shoulder to shoulder with the Senator from Georgia against the proposal which I had earlier made to place House bill 6127 directly on the Senate Calendar.

Then I recall that, after the Senate voted to place the bill on the calendar, and then, after a period of time had elapsed, had adopted by a vote of 71 to 18, a motion to make the bill the unfinished business, hardly was that procedure out of the way when the distinguished Senator from Oregon moved to refer the bill to the Judiciary Committee with instructions, which, I must be frank to say, I thought would have probably killed the bill for the remainder of this session.

Now I am pleased to welcome the Senator as an ally on this proposed legislation. He now feels the bill is so vital that it should not be even temporarily laid aside for even an hour's time to consider the Small Business Administration Act, which expires at midnight. So if I am slightly confused, the Senator will pardon me.

Mr. MORSE. Let me say briefly, in reply to my good friend from California, I think it is too bad he thought the Senate should put the bill directly on the calendar, because if he, as the minority leader, had gone along with me, we would have had all these pieces of emergency legislation disposed of by now.

With reference to the Senator from Georgia, I consider him the greatest parliamentarian in the Senate, and I also consider him the greatest general in the parliamentary struggle.

The Senator from California was also a great general yesterday, I may say, with regard to the unanimous-consent agreement which was proposed. But I did not find myself enlisted as a recruit in his army. I happened to be in the other parliamentary arm as of yesterday. [Laughter.]

I always insist upon my right to decide under what flag I shall fight the parliamentary battles on the floor of the Senate. I am going to exercise my judgment, based upon what I think is the flag that leads the public interest. Perhaps I am at times wrong in my judgment. We all make mistakes. But I think the established public interest was against the unanimous-consent agreement.

Mr. CHAVEZ and Mr. RUSSELL rose.

Mr. MORSE. Mr. President, I am ready to yield the floor, although I do not know any Senators to whom I would be more delighted to yield than the Senator from New Mexico [Mr. CHAVEZ] and the Senator from Georgia [Mr. RUSSELL]. I shall yield first to the Senator from New Mexico, and then to the Senator from Georgia.

Mr. CHAVEZ. Mr. President, what is going on now is all very nice, but it is equally as important that a common or-

dinary soldier be paid as to discuss what we think about voting this way or the other way, or how we should vote. It will be my purpose, irrespective of what agreement is made this afternoon concerning the pending amendment, to move tomorrow to take up the conference report on the Defense Department appropriation bill. It should not take any great time to pass upon that report.

The Senate subcommittee agreed completely. The full committee agreed completely. There was not a dissenting vote in the Senate proper. When we went to conference we agreed in conference as to what should be done. The House had acted on the conference report. The conference report is awaiting action of the Senate. It will be my purpose tomorrow irrespective of what anyone else may feel, to move to take up the conference report on the Defense Department appropriation bill.

I asked the majority leader about this matter. Senators will recall that someone made a request for unanimous consent. I knew it was not necessary to ask for unanimous consent, but inasmuch as I like my leader, the majority leader, and I also like the minority leader, I permitted the unanimous-consent request to be made, and some Senator objected. I do not wish to have an objection delay the adoption of the conference report.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MORSE. First I want to answer the Senator from New Mexico, if he has finished.

Mr. CHAVEZ. I am through. I shall ask the Senate to take up the conference report tomorrow.

Mr. MORSE. I should like to say to the Senator from New Mexico that the conference report has been a privileged document on the floor of the Senate for some days. I do not know why the Senator is waiting for tomorrow, when he can move to take it up as soon as I sit down, so far as parliamentary rights are concerned. The Senator could have had the conference report taken up during preceding days, as I pointed out to the Senate this morning.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Georgia.

Mr. RUSSELL. I am deeply grateful for the compliment the distinguished Senator from Oregon paid me. I am not receiving too many of them on the floor these days.

Mr. MORSE. I get them neither on the floor nor off.

Mr. RUSSELL. I am very grateful, even though the Senator's high tribute is undeserved.

I wish to absolve myself of being allied with either the Senator from Oregon [Mr. MORSE] or the Senator from California [Mr. KNOWLAND] in any phase of this present proceeding. In times past I have voted with the Senator from California. I supported the motion of the Senator from Oregon for orderly committee procedure in the Senate of the bill. However, in the present circumstances I look to neither of them for any aid or succor, and I have no intention of crying "quarter" in any attack they may level in my direction.

Of course, there is one small difficulty with regard to the Senator's premise in his advice to the Senator from New Mexico. It would require a majority vote of the Senate to consider the conference report. In the ebb and flow of the tides of the Senate, as we have seen them since we embarked on the pending bill, I do not know where a majority of the votes would be. It is becoming more and more difficult to determine that question, I will say to the Senator from Oregon. I do not know where the majority of the votes would be with respect to that motion.

I was very happy, speaking for all of those who are associated with me, to undertake to support an orderly program for the functioning of the Government. For that reason we did not object to the unanimous consent request which was propounded. The Senator from Oregon was wholly within his rights as a Senator of the United States in objecting to that procedure.

The Senator from Oregon truly says there are all kinds of legislative remedies which are available if a majority of the Senate desires to use them, such as the motion to take up a conference report, which can be decided by majority vote. If the Senate takes up the conference report on the Defense Department appropriation bill, after that report is disposed of I intend to make a motion to proceed to the consideration of the conference report on the Agriculture Department appropriation bill, and that motion will be determined by a majority vote.

I have a great interest in the affairs of small business. Most of the business in my own State would be cataloged and classified as small business. For that reason we agreed to consider the Small Business Administration bill under a unanimous-consent agreements. The Senator from Oregon, within his rights, has objected to the taking up of that bill.

Of course, the Senator from Oregon would be the first to admit that if all of the devout worshipers at the shrine of small business wish to relieve the distress of the Small Business Administration, any one of them may at any time make a motion to lay aside the unfinished business and rescue the Small Business Administration from the horrendous position in which the Senator from California finds it. That can be done at any time by a majority vote of the Senate.

The majority of the Senate can accomplish a great many things. Thank Heaven, it cannot annul the right of a Senator to object to a unanimous-consent request. A Senator may object, and then the Senate may overpower him by a majority vote on a motion to proceed to consider a bill, but every Senator has the right to object to any unanimous-consent request.

Mr. President, in my present mood I want to contribute as much as I can to the conduct of orderly business in the Senate, to see, among other things, that the Small Business Administration shall function unimpaired. I might interject it should function with a little more spirit of liberality than has been shown with respect to several loans which have been called to my attention lately.

I am very anxious indeed to see that the soldiers, sailors, marines, and airmen all receive their compensation. That can be accomplished by a majority of the Senate.

I would be less than frank if I did not say that I have very little interest, in the present circumstances, in trying to take either the Senator from California or the Senator from Oregon off the hook, for I think both of them are somewhat occupying such position at this time.

Mr. MORSE. I think I am sitting in a very comfortable parliamentary chair.

Mr. RUSSELL. The Senator from Oregon may be a little bit more impervious to the dig of the hook, but he is on the hook.

Mr. MORSE. It does not have much feeling in the hide of the Senator from Oregon in this game.

Mr. RUSSELL. The Senator may have a little tougher skin, or he may have been beat upon more. The Senator may have, over the years, accumulated the epidermis of a rhinoceros, but he is somewhat on the hook.

Mr. MORSE. Two in one.

Mr. RUSSELL. The Senator is somewhat on the hook with respect to this situation, because by his sole objection he is threatening to close down the Small Business Administration and to prevent paying the troops.

I am still ready and willing to cooperate. On tomorrow I shall vote to take up the conference report on the Defense Department appropriation bill when the motion is made, and I hope we may, after a reasonable discussion of that measure, proceed to adopt the conference report and send the bill to the White House. When that has been concluded, in an effort to cooperate I shall move to take up the conference report on the Agriculture Department appropriation bill. I hope that after a brief discussion and the making of such legislative history as it is necessary to make on the bill, so that it will appear in the RECORD in order that it may be interpreted later, we shall agree to the conference report and send the bill to the White House.

In a moment of extreme generosity I now likewise announce that if a motion is made to succor the Small Business Administration and proceed to the consideration of the bill affecting it, I have about brought myself around to supporting such a motion.

Mr. KNOWLAND. Mr. President, will the Senator yield at that point?

Mr. MORSE. I yield in order that the Senator from California may ask a question of the Senator from Georgia.

Mr. KNOWLAND. I can understand, of course, the great generosity of my friend from Georgia, because he, perhaps better than any other Member of this body, knows that a motion to take up a bill which is not a privileged matter would displace the civil-rights bill and put it back on the calendar, and a motion to take it from the calendar and proceed to consider it would be subject to unlimited debate.

Mr. RUSSELL. I do not suppose the Senator from California has lost any of the overwhelming majority of 71 to 18 by which he overrode our objections to proceeding to consider the bill. The amendments which have been adopted by the Senate should not have weakened his position in that regard. I must say that I would look with very little enthusiasm upon resuming consideration of the so-called civil-rights bill, but I do not know how I could prevent it.

As a reasonable man, and as a reasonable legislator, I intend to support the various motions, and to try to see that various measures which are essential to the operation of the Government are finally concluded.

I repeat that when the motion was made to proceed to consider the pending bill, I stated that those of us who opposed it did not bring the measure into the Senate. We did not provoke this discussion and this debate, and that, therefore, we would not be responsible for anything which grew out of this unusual situation and the parliamentary devices to bypass the committee.

Since then we have tempered our position somewhat, and have tried to ameliorate conditions. We may be responsible for a great many things, but I think the statements I have made will indicate that, so far as legislation which is essential for the functioning of our Government is concerned, we are not in anywise responsible for delaying it in any degree. The Senator from California and the Senator from Oregon may seek to place the responsibility here or there; but so far as the not-always-commended southern Democrats are concerned, whatever happens, we can look the country in the eye and say, "Shake not thy gory locks at me." We did not do it.

Mr. MORSE. Mr. President, the Senator from Georgia has already proved how correct I was when I said that he was the greatest parliamentarian in the Senate. He has outlined to the majority a course of action which it may follow under the rules of the Senate, to dispose of the pressing legislation.

I want him to know that I deeply appreciate the support which he gave to me in my motion to send the bill to the committee for 7 days. The Senator from Georgia will recall that at that time I stated that we would save time by sending the bill to the committee.

Although there has been reference to a vote of 71 to 18, I was remarkably pleased with the vote on my motion to send the bill to the committee. It was 54 to 35. It is a remarkable thing for me to get 35 votes on a motion. That circumstance somewhat qualifies the remarks of the Senator from California with respect to the vote of 71 to 18. At least 35 of us thought the bill should be sent to the committee for 7 days, and that we might spend those 7 days passing the very emergency legislation involved in the proposal made yesterday by the majority leader.

I think I should say, on behalf of my very able colleague and very close friend [Mr. NEUBERGER] that he has made clear to me today that any unanimous-consent agreement which he would accept would have to include the postal-pay bill, because, as the very able chairman of the subcommittee on the postal-pay question, he feels that that bill should be included in any unanimous-consent agreement. Although my colleague has not been with me on every procedural matter recently, I am with him on that one. I think that would be a good bill to include in the unanimous-consent agreement.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. RUSSELL. I do not wish to detract one whit from the great accomplishment of the Senator from Oregon in securing 35 votes for the particular procedural method of referring the bill to the Committee on the Judiciary.

Mr. MORSE. I did not do it.

Mr. RUSSELL. I think I am entitled to a little credit in that connection. The Senator from Oregon will recall that he forced me to say on the floor that if that course were followed, a motion to proceed to the consideration of the bill, so far as I could control the situation, would not be debated for more than 1 day.

Mr. MORSE. I give 100 percent of the credit to the Senator from Georgia and the majority leader.

Mr. RUSSELL. I think that my statement was probably lost on some of the proponents of the bill in their haste to bypass the committee.

Mr. MORSE. The Senator is mistaken about that.

Mr. RUSSELL. Let me say to my friend from Oregon that I appreciate his solicitude in connection with a vote on the amendment. The Senator from California has suggested some 6 hours of debate on the pending amendment. I hope we may be able to vote on the amendment at an early date. I would not eliminate the possibility of voting upon it this week. However, for the present there will be no unanimous-consent agreement to vote on the pending amendment.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MORSE. I am ready to yield the floor, with an objection to the pending request, but I do not wish to cut off the Senator from Louisiana.

Mr. LONG. I regret very much that the Senator from Oregon feels that he must interpose an objection, although, of course, he is entirely within his rights. The only effect of it will be that the Small Business Administration will die tonight. That will particularly affect Louisiana, perhaps to a greater extent than any other State in the Nation, because southwestern Louisiana has been visited by disasters of one kind and another which have killed more than 500 people. Many people have lost everything—not only their relatives and loved ones, but their homes, their cattle, and everything they had in life. Those people need these emergency loans very definitely. About all the Senator will accomplish by his objection is, not to compel a vote at some particular time on the jury-trial amendment, but merely to kill the Small Business Administration. The Small Business Administra- is needed by a great many people; and I wish the Senator from Oregon would reconsider his decision to object to this measure coming before the Senate.

Mr. MORSE. Mr. President, before I object, let me say to my friend from Louisiana that it is not for me to advise him as to any parliamentary course of action he should take. But if I were a Senator from Louisiana and were confronted with the situation he has just described, I would make the motion, and at least make it a matter of record, so that the responsibility could be clearly fixed. I would move to lay aside the pending business and to take up the Small Business Administration bill, and see what the position of the majority of the Senate might be on that question. I say that to the Senator from Louisiana good naturedly. I have explained to him in detail why I will not waive my parliamentary right in this matter.

Therefore, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard to the request for unanimous consent.

Mr. HUMPHREY. Mr. President, in connection with the question of bringing up conference reports, I am sure that the distinguished chairman of the Committee on Agriculture and Forestry would wish to bring up the conference report on the extension of Public Law 480, to which the Presiding Officer (Mr. HOLLAND) addressed himself yesterday. This is a very important matter.

I say most kindly, and in good spirit, that by this time we could already have debated and disposed of half the measures listed in the unanimous-consent request of yesterday, if we had proceeded with the business of the Senate. What we have done, once again, is to prove ourselves experts—legislative artists dancing on the point of a needle, under the rules of the Senate.

In the meantime, we have permitted the time to go by without the passage of important legislation.

What I worry about, as an advocate of civil rights, is that if we were to vote on one of the measures which the Senator from Georgia has mentioned, and which the Senator from Oregon has mentioned, we would displace the civil-rights bill, and there would be another big fight to bring it before the Senate for consideration. The bill would go back to the calendar. There would be great delay. That is not the orderly manner in which to operate. I hope the suggestion made by the Senator from Oregon as to a time certain to vote on the jury-trial amendment can be accepted.

I understood the Senator from Oregon to say that he would be willing to take up all the other measures if an agreement could be reached as to a time to vote on the jury-trial amendment. If there is as deep concern over orderly processes as has been indicated, one of the ways to insure an orderly process would be to have an agreement as to the date when there can be some voting. We should begin the consideration of pressing items of legislation right now.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the Senator from Minnesota may yield to me, without his losing the floor, so that I may

suggest the absence of a quorum and thereafter propose certain unanimous-consent agreements.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum, prior to propounding some unanimous-consent requests.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The Chief Clerk called the roll and the following Senators answered to their names:

| | | |
|---|---|---|
| Aiken | Goldwater | Monroney |
| Allott | Gore | Morse |
| Anderson | Green | Morton |
| Barrett | Hayden | Mundt |
| Beall | Hickenlooper | Murray |
| Bennett | Hill | Neuberger |
| Bible | Holland | O'Mahoney |
| Bricker | Hruska | Pastore |
| Bush | Humphrey | Potter |
| Butler | Ives | Purtell |
| Byrd | Jackson | Revercomb |
| Capehart | Javits | Robertson |
| Carlson | Jenner | Russell |
| Carroll | Johnson, Tex. | Saltonstall |
| Case, N. J. | Johnston, S. C. | Schoeppel |
| Case, S. Dak. | Kefauver | Scott |
| Chavez | Kennedy | Smathers |
| Church | Kerr | Smith, Maine |
| Clark | Knowland | Smith, N. J. |
| Cooper | Kuchel | Sparkman |
| Cotton | Langer | Stennis |
| Curtis | Lausche | Symington |
| Dirksen | Long | Talmadge |
| Douglas | Magnuson | Thurmond |
| Dworshak | Malone | Thye |
| Eastland | Mansfield | Watkins |
| Ellender | Martin, Iowa | Wiley |
| Ervin | Martin, Pa. | Williams |
| Frear | McClellan | Yarborough |
| Fulbright | McNamara | Young |

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

The Senator from West Virginia [Mr. NEELY] is absent on official business.

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The PRESIDING OFFICER. A quorum is present.

Mr. KNOWLAND. Mr. President, I send to the desk a proposed unanimous-consent agreement, and ask that it be read for the information of the Senate.

The PRESIDING OFFICER. The proposed unanimous-consent agreement will be read.

The legislative clerk read as follows:

*Ordered,* That on tomorrow, Thursday, August 1, 1957, when the consideration of H. R. 6127, the Civil Rights Act of 1957, is resumed, further debate upon the question of agreeing to the O'Mahoney-Kefauver-Church amendment, as modified, the so-called jury trial amendment, designated as 7-26-57-A, shall be limited to not exceeding 6 hours, to be equally divided and controlled by Mr. O'MAHONEY and the minority leader, respectively; and that upon any amendment that may be proposed thereto, which must be germane, debate shall be limited to not exceeding 1 hour, to be equally divided and controlled by the author of any such amendment and the minority leader.

*Ordered further,* That after action upon any amendment proposed to the said O'Mahoney-Kefauver-Church amendment, as modified, and the expiration of, or relinquishment of any remaining time on said latter amendment, a quorum call shall be had, to be followed immediately by a vote on the question of agreeing to said amendment.

The PRESIDING OFFICER. Does the Senator from California wish to be heard?

Mr. KNOWLAND. Mr. President, the proposed agreement speaks for itself. It provides that on tomorrow, following the morning hour, there shall be an allotment of 6 hours on the pending O'Mahoney-Kefauver-Church amendment, the time to be equally divided between the sponsor of the amendment, the Senator from Wyoming [Mr. O'MAHONEY], and the minority leader, which is the customary procedure.

The proposal also provides that on an amendment to the pending amendment, the debate shall be limited to 1 hour, the time to be equally divided between the proposer of the amendment and the minority leader.

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL. Mr. President, reserving the right to object, I think it might be well, in the light of the request, to make a brief review of the history of the proposed legislation. I do not wish again to labor the fact that the Senate embarked upon the consideration of the bill without the benefit of a committee report or an analysis of the bill by a Senate committee. It would do no good to review again the tortuous course and the unusual procedures which were followed to bring the bill before the Senate for consideration other than to say they have seldom been employed.

The bill has, perhaps, more multifarious and far-reaching provisions of a strange nature, unknown ordinarily to the American system of laws, than has any other bill that has ever been brought before the Senate. Its provisions were shrouded in secrecy. Members of the Senate, very frankly, do not now understand the detailed powers conferred by the bill.

Only today I developed, in the course of my study, one new aspect of part IV which had not come to my attention after the most exhaustive previous study.

We who are opposing the bill have made every effort to demonstrate our good faith, despite the fact that there was no committee report. We had none of the guidances, the lights, the standards, which ordinarily enable Senators to reach an understanding of proposed legislation and expedite action.

The Senate debated for only 6 or 7 days the motion to proceed to the consideration of the bill. No lengthy speeches were made. There was no indulgence in irrelevant discussion. We devoted ourselves to undertaking to familiarize the Senate and the country with some of the more outstanding of the evil characteristics of the bill. In the absence of a committee report this was very limited discussion of a deviously drawn bill.

The Senate then proceeded to take up the bill. When we took up the bill, an amendment was proposed relating to part III of the bill. That amendment was debated for 3 or 4 days—I have forgotten exactly how long. Let it be remembered that Senators who supported the amendment were ready to vote 2 or 3 days before we were permitted to vote on the amendment. There was dilatory action by those who resisted that motion, speeches were made on both sides and then a vote was taken.

The Senate is now considering an amendment which in times past would have justified months of discussion. That amendment concerns the fundamental, constitutionally guaranteed right to trial by jury. This is a serious matter to every American citizen. If they wish to do so, Senators may say that there never was provision for trial by jury in contempt cases. But there has never before been any legislation proposed anywhere in this country, to my knowledge, which would permit one person to determine of his own will and discretion whether another American citizen should have a jury trial or not in the case of a charge of violating a criminal statute.

Think of it. It is proposed to let the Attorney General of the United States, a political appointee, decide for himself, beyond the control of a defendant, beyond the control of a Federal court, in derogation of the Constitution of the United States, as to whether a citizen shall be prosecuted for a criminal offense as prescribed by law, or be denied his fundamental rights by a proceeding which would deny those guaranties every citizen is supposed to enjoy.

It is proposed to let the Attorney General decide whether he will prosecute a defendant for a criminal offense in which case the defendant unquestionably is entitled to a jury trial, or at his discretion deny this constitutional right through this strange and un-American procedure.

No one man, not even the President, has or should have such complete control over the constitutional rights of a single citizen. This bill, without the jury-trial amendment for criminal contempts, would place this power over all of our people in the hands of the Attorney General.

Mr. President, in my opinion this provision is clearly unconstitutional. The Founding Fathers never conceived that this tortuous course could deny a sacred constitutional right, spelled out again and again in the charter of our liberties, to one citizen much less to all. The Congress has no authority to delegate by statute the power to deny any man his constitutional rights.

The Senate has been debating this question for some time. Who has had the floor debating the amendment? Yesterday the distinguished Senator from Ohio [Mr. BRICKER] spoke in opposition to the amendment. He was the first Senator to take the floor to speak on the amendment, and that is the choice time, the cream time, in the Senate, to have the floor.

I do not recall who else spoke yesterday. But today what has happened? The only Senator who has had the floor to speak on this subject has been the Senator from Minnesota [Mr. HUMPHREY], who has spent hours speaking in the Senate in opposition to the amendment.

Yet we who are sponsoring the amendment, who are undertaking to have the United States Senate hold fast to the one great landmark which our Founding Fathers set—the right to a jury trial—sit here and wait. We have prepared speeches which we think are worthy of consideration. They are not dilatory speeches; they are not irrelevant speeches; they do not consist of the reading of telephone books. They are speeches which reflect the honest and sincere convictions of honest men who have given themselves to toil over and to study the question. They have the right, representing their States, to be heard on a matter of such vital importance to the Nation. Mark you, Mr. President, I said "to the Nation," not to the Southern States.

If this unconstitutional process to erode the right to jury trial, a right as sacred as the right to vote, can be used, then that process can be applied to the enforcement of all criminal statutes, so as to deny every defendant the right to a jury trial in any criminal case by resorting to the process of injunction.

We have been here, ready to speak, but we find that the opponents of the amendment get the floor and speak before we do. We have a right to be heard, and we intend to assert that right. I do not think our conduct since the debate opened justifies such imputations as were made by the Senator from Minnesota, that if the ordinary processes of getting the bill laid aside to consider emergent legisl ion were followed, additional delays would result.

Unless Senators will not accept our statements, made in good faith, they will not believe us when we say we have done everything we could to indicate to the Senate that we are ready to march straight forward to amend and fight the bill. We will make due provision for the necessary and important functions of the Government departments, and to keep in business the Small Business Administration, if you please. Although we have conducted ourselves as responsible persons, although we have not occupied the floor for any disproportionate length of time as compared with Senators who are opposing the amendment, we are told now that we cannot do anything; that to do otherwise will simply cause delay and bring on a filibuster.

Our conduct up to now would give us ground to resent the imputation. I assume that the Senator from California [Mr. KNOWLAND], in offering the proposal, does so only as a prelude to a long series of proposals for which he will ask unanimous consent—today, this one; tomorrow, another one—in order to secure a definite, fixed time for voting on the proposed amendment.

I have no desire to prolong the debate unduly. I shall insist, however, that it be carried on so long as a Senator from a single sovereign State, whether he favors the amendment or whether he opposes it, who wishes to address himself to one of the most vital issues which has ever been before the United States Senate in my time as a Senator shall have the right to be heard. At this hour I will not place myself in a legislative straitjacket.

I am not prepared now to yield, whether it be by way of coercion, whether it be by way of entreaty, or even if it be my way of legislative blackmail, to any effort which would bind us and prevent us from expressing our views on so profound and far-reaching a constitutional question as is involved if we wish to do so. I still stand ready to cooperate in orderly procedure to take care of the necessary legislative proposals. I will not say that no Senator will not speak on them. If a Senator wishes to support the Small Business Administration by a speech of reasonable length, he should be permitted to do so. There has been no atmosphere or climate anywhere in the debate which would justify some of the imputations which have been made.

Mr. President, when far-reaching legislation of the type proposed is considered, Senators from the sovereign States have a right to be heard. I shall therefore object to the proposed unanimous-consent request. I shall further object at this time to any unanimous-consent request on this amendment fixing a specific, definite time for a vote on the pending amendment.

I think the Senate will make better progress and will arrive at a vote at an earlier date if the Senate is allowed to take the regular course, so that Senators, who have been elected to the highest office within the gift of the people of any given State to bestow, will be able to express their views on this amendment.

We have no intention of filibustering on the amendment—if others wish to use that word. But we demand the right to address ourselves to the amendment, and we shall insist upon that right.

I believe the Senate will make better progress if it takes up the conference reports on the appropriation bills tomorrow and disposes of them. If the Senate then wishes to take up the bill dealing with the Small Business Administration, what have we done which would lead to any conclusion that we would start a filibuster at that time, in connection with consideration of the bill dealing with the Small Business Administration, or in connection with a motion to have the Senate resume the consideration of the civil-rights bill?

We took a very modest length of time in discussing the motion to have the Senate take up the civil-rights bill, particularly when we consider the far-reaching implications of the bill and the serious effects it could have on the liberties of the American people, under the powers the bill would give the Attorney General.

So I say that our conduct does not justify an attempt, at this time, to freeze or confine the Senate to a certain course of action.

I would hope the Senate would vote tomorrow, but I am not willing to agree to a request for unanimous consent that the Senate vote on September 1.

Mr. KNOWLAND. Mr. President, I send to the desk a new proposed unanimous-consent agreement which I ask to have read for the information of the Senate.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The proposed agreement will be read.

The legislative clerk read as follows:

*Ordered*, That on Friday, August 2, 1957, when the consideration of H. R. 6127, the Civil Rights Act of 1957, is resumed, further debate upon the question of agreeing to the O'Mahoney-Kefauver-Church amendment, as modified, the so called jury-trial amendment (designated as 7-26-57-A), shall be limited to not exceeding 6 hours, to be equally divided and controlled by Mr. O'MAHONEY and the minority leader, respectively; and that upon any amendment that may be proposed thereto, which must be germane, debate shall be limited to not exceeding 1 hour, to be equally divided and controlled by the author of any such amendment and the minority leader.

Ordered further, That after action upon any amendment proposed to the said O'Mahoney-Kefauver-Church amendment, as modified, and the expiration of, or relinquishment of any remaining, time on said latter amendment, a quorum call shall be had, to be immediately followed by a vote on the question of agreeing to the said amendment.

Mr. RUSSELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KNOWLAND. Mr. President, I submit a third proposed unanimous-consent agreement—and I may say it is the final one—and ask that it be read, for the information of the Senate.

The PRESIDING OFFICER. The proposed agreement will be read.

The Legislative Clerk read as follows:

*Ordered*, That on Saturday, August 3, 1957, when the consideration of H. R. 6127, the Civil Rights Act of 1957, is resumed, further debate upon the question of agreeing to the O'Mahoney-Kefauver-Church amendment, as modified, the so-called jury trial amendment (designated as 7-26-57-A), shall be limited to not exceeding 6 hours, to be equally divided and controlled by Mr. O'MAHONEY and the minority leader, respectively; and that upon any amendment that may be proposed thereto, which must be germane, debate shall be limited to not exceeding 1 hour, to be equally divided and controlled by the author of any such amendment and the minority leader.

*Ordered further*, That after action upon any amendment proposed to the said O'Mahoney-Kefauver-Church amendment, as modified, and the expiration of, or relinquishment of, any remaining time on said latter amendment, a quorum call shall be had, to be followed immediately by a vote on the question of agreeing to said amendment.

Mr. RUSSELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KNOWLAND. Mr. President, I should like to say to my good friend, the majority leader, who sits across the aisle from me, that, judging from the objections which have been made, it is obvious, that there are in prospect a considerable number of speeches on this issue. I certainly agree with the Senator from Georgia [Mr. RUSSELL] that there should be ample opportunity for Members of the Senate on either side of the aisle to make their speeches, and sufficient time should be provided for that purpose.

If the Senate is ever to reach a point where it can function as a legislative

body under article I of the Constitution, and also can carry out the obligations of the 15th amendment to the Constitution, which provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude, and also provides that the Congress shall have the power to enforce this article by appropriate legislation, I believe there should be longer sessions of the Senate. I hope the Senate will remain in session until at least a reasonably late hour tonight, so that further speeches can be made; and I hope the Senate will convene earlier than noon on tomorrow. I strongly recommend that there be a Saturday session, so the debate can be continued then.

Mr. JOHNSON of Texas. Mr. President, I am very sad that communications between the minority leader and the majority leader are such that we can no longer work out agreements as we have attempted to do in the past, and that such announcements must be made to the Senate.

Throughout this debate, the majority leader has been anxious, willing, and eager to have the Senate convene as early and remain in session as late as the minority leader has been willing to have done. Not one motion to have the Senate take a recess has been made except with the knowledge, consent, and approval of the minority leader.

The minority leader is a very honorable man and an extremely able leader, for whom I have both affection and respect. I was somewhat disappointed when I was in Texas, last Saturday, to read in the newspapers something I had never heard with my own ears, although I had been in constant communication with the Senator from California; and that was that he had been willing to have the Senate hold a session on that Saturday. If he had indicated any desire to have the Senate hold a Saturday session, the majority leader would have gladly accommodated him.

Mr. President, the majority leader is only an agent of the Senate. He has tried to make reasonable recommendations to the Senate.

Mr. President, I have never submitted a recommendation which had not been approved by the minority leader, because with the lines drawn as they are in this body, I believe it is necessary for us to work in close cooperation.

If the minority leader wishes to have the Senate convene at 11 a. m., or 10 a. m. tomorrow, I shall be glad to make that suggestion, when the time comes for the Senate to take a recess tonight.

I know of no Member on either side of the aisle who desires to prolong debate on the jury-trial amendment. Yesterday I read a prediction that the Senate might be in session all winter. I discourage talk of that kind. I have seen in the newspapers a statement that some Members had ordered special beds set up, and were being disturbed by quorum calls early in the morning, and things of that sort. I do not think that will be necessary, if Senators do not act impetuously and impulsively, and if they submit to the judgment of reasonable men.

There is pending before the Senate the amendment submitted by the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Tennessee Mr. KEFAUVER], and the Senator from Idaho [Mr. CHURCH]. The Senator from Washington [Mr. JACKSON] asked that I request the Senate to enter an order that he be recognized on Monday, so he might address himself to the amendment and might recommend its approval. I obtained an order of the Senate to have the Senator from Washington recognized for the purpose of speaking at that time in support of the amendment.

On Monday afternoon, the distinguished minority leader requested the same privilege for the Senator from Ohio [Mr. BRICKER]; and I immediately agreed. I am sorry the Senator from Ohio was delayed for several hours in making his speech, by an attempt to obtain a unanimous-consent agreement.

I thought I was accommodating the minority leader. I agreed to go along with his proposed unanimous-consent agreement regarding the appropriation bills and the bill dealing with the Small Business Administration and the continuing resolution coming from the House of Representatives—all of which, I think, should have been acted on by the Senate while the Judiciary Committee was considering the civil-rights bill. But a majority of the Members of the Senate thought otherwise.

Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

## ORDER FOR RECESS TO 10:30 A. M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in recess until 10:30 tomorrow morning.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

## ORDER FOR TRANSACTION OF ROUTINE BUSINESS ON TOMORROW

Mr. JOHNSON of Texas. I ask unanimous consent that when the Senate convenes tomorrow morning, there be the usual morning hour for the transaction of routine business only, subject to a limitation of 3 minutes on statements.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. JOHNSON of Texas. Mr. President, I heard parts of the speech of my able friend, the Senator from Minnesota [Mr. HUMPHREY]. I do not think he has consumed too much time in addressing himself to this important subject.

I see on the floor at this time my friend, the Senator from Connecticut [Mr. BUSH], who has been waiting since noon today to address himself to this subject.

I shall be glad to remain late this evening—as late as may be necessary. I have been willing to do that every afternoon.

Yesterday evening, after 6 o'clock, I suggested the absence of a quorum, and had the roll called all the way through, in order to afford any Senator who might desire to come to the Chamber at that time in the evening an opportunity to make his speech.

I want to suggest to the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Idaho [Mr. CHURCH], the authors of the amendment, that they list their names at the desk, because before there is a vote on the amendment, we should certainly like to have the authors of the amendment given an opportunity to be heard, as I hope any Senator who desires to speak will be given an opportunity to be heard.

Mr. NEUBERGER. Mr. President, will the Senator yield so that I may ask the Senator from Georgia a question?

The PRESIDING OFFICER. The Senator from Minnesota has the floor. Does the Senator from Minnesota yield to the Senator from Oregon?

Mr. NEUBERGER. I wonder if I may ask the distinguished Senator from Georgia a question.

The PRESIDING OFFICER. The Senator asks unanimous consent that he may address a question to the Senator from Georgia and receive a reply without disturbing the right the Senator from Minnesota has to the floor. Is there objection? The Chair hears none, and it is so ordered.

Mr. NEUBERGER. I listened with interest to the remarks just made by the Senator from Georgia. I should like to ask if I am to gather the impression from those remarks that the Senator from Georgia felt a disproportionate amount of time had been occupied during the debate thus far by the opponents of the so-called O'Mahoney-Kefauver-Church amendment?

Mr. RUSSELL. The Senator from Oregon can place any construction he wishes to on my remarks. I made no such statement. I stated that the Senator from Ohio and the Senator from New York, both of whom opposed the amendment, have been speaking. I have not put a stop watch on them. I do not propose to. I am not refining my statement. I am insisting on the right of every Senator to speak on this important matter, and I care not which side speaks the longest.

Mr. NEUBERGER. The reason I asked the question is that I have been rather faithful in my attendance during the debate. I had the impression that the time occupied by both sides was fairly equal.

Mr. RUSSELL. I did not say it was not. I did not say which side had spoken the longest, but I pointed out what had happened in the past 2 days. Even if none but proponents of the

amendment had been recognized, I would stand here and fight for the right of every Member of the Senate to make a statement on this subject. What is the Senate of the United States for? Is it a great deliberative body, or is it some kind of a sewing circle where we grant 3 minues to this lady and 2 minutes to that lady to explain tatting? I am insisting on the right of every Senator to be heard on this vital matter.

Mr. NEUBERGER. I did not make any reference to the time taken or who had occupied the floor or who had not. I merely asked the Senator from Georgia if he would perhaps clarify his remarks.

Mr. RUSSELL. The Senator from Georgia has not kept the time. I have no idea. I could not guess at within hours, let alone minutes.

Mr. HUMPHREY. Mr. President, in light of the fact that there has been some talk about who has been using the time, and in view of the fact that this whole afternoon will be probably charged to the Senator from Minnesota, I am going quickly to release the floor.

I might say one's generosity at times is preyed upon. When one says that a certain Senator has used the time, it might be said that his use of it has been a cooperative use. I agree with the Senator from Georgia that we should have an opportunity to discuss proposed legislation. There is a point at which we should come to a vote on the pending business. I am not going to rush it, because I feel we all want to be heard. The debate so far has been germane. It has been to the point. It is an important issue. I believe Senators have made distinct contributions to the debate. I have heard many statements in the debate that have been of help to me, and I think to the public.

## THE DEPRESSED LEAD AND ZINC MARKET

During the delivery of Mr. HUMPHREY's speech:

Mr. KERR. Mr. President, will the Senator yield to me for a unanimous-consent request for an insertion in the RECORD, with the understanding it will appear following the Senator's remarks.

Mr. HUMPHREY. I yield to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Minnesota yields to the Senator from Oklahoma.

Mr. KERR. Mr. President, I should like to invite the attention of both the majority leader and the minority leader to the fact that S. 2376, now before the Senate Committee on Finance, is similar to a bill before the Ways and Means Committee of the House, which is calculated to help the situation of the lead and zinc mining industry of America.

There appeared in this morning's Wall Street Journal an article, the headline of which is "Eagle-Picher Suspends Mine, Mill Operations in Three-State Area. Firm's Second Temporary Halt in 3 Months Is Blamed on Depressed Lead, Zinc Market."

This suspension means, Mr. President, further unemployment among the mine and smelter workers in the tristate area of Oklahoma, Kansas, and Missouri, and reflects a situation which exists throughout the lead and zinc mining areas of our Nation.

I sincerely hope that because of the emergency character of the proposed legislation it will be acted upon by the Ways and Means Committee of the House, and that the Senate will have an opportunity at an early date to take a look at what the legislation seeks to do to rescue one of the great mining industries of the United States from irreparable damage.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. JOHNSON of Texas. Did the Senator from Oklahoma refer to Senate bill 2376?

Mr. KERR. The Senator is correct.

Mr. JOHNSON of Texas. Mr. President, I will say to the distinguished Senator from Oklahoma that I understand the measure is being seriously considered by the Ways and Means Committee of the House. If that committee should act upon the bill and the House passes it, I shall urge the Senate Committee on Finance to give it immediate and thorough consideration. Should the committee, in its wisdom, report the measure, I shall ask the policy committee to consider it immediately, in the hope that it can be reported to the calendar for consideration before adjournment.

Mr. KERR. I wish to thank the Senator from Texas for his remarks and say to him that the proposed legislation which has been introduced not only has the support, in my judgment, of the representatives of every mining State in the Nation, but has been approved by the administration—by the Department of the Interior.

Mr. JOHNSON of Texas. The Senator may be assured of my complete cooperation to expedite the matter once it is within our jurisdiction.

I want to express my gratitude to the Senator from Minnesota for yielding to me.

Mr. ANDERSON and Mr. CARROLL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Minnesota yield, and if so, to whom?

Mr. HUMPHREY. Mr. President, I do not want to foreclose my colleagues from making comments. I yield to the Senator from New Mexico.

Mr. ANDERSON. I wish only to say that I subscribe fully to what the Senator from Oklahoma has pointed out. We have in New Mexico, lead and zinc mines which are in difficulty, and we appreciate the work which is being done by the Secretary of the Interior. We appreciate not only the efforts of the able Senator from Oklahoma [Mr. KERR], but also of the able Senator from Nevada [Mr. MALONE], who has long been interested in this, as well as his colleague [Mr. BIBLE], and all others who have been very much interested in the welfare of the lead and zinc industry.

I appreciate the fact that the Senator from Oklahoma has invited the attention of the Senate to this matter.

Mr. KERR. I thank the Senator from New Mexico.

Mr. President, I ask unanimous consent that the article from the Wall Street Journal be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EAGLE-PICHER SUSPENDS MINE, MILL OPERATIONS IN THREE-STATE AREA—FIRM'S SECOND TEMPORARY HALT IN THREE MONTHS IS BLAMED ON DEPRESSED LEAD, ZINC MARKET

OKLAHOMA CITY.—Eagle-Picher Co. ordered the second temporary suspension in 3 months of its mining and milling operations in the tristate area of Oklahoma, Missouri, and Kansas, effective today.

O. A. Rockwell, Miami, Okla., general manager of the tristate operations, said the suspension, which will idle some 1,100 lead and zinc miners, is caused by the depressed domestic lead and zinc market. Increased inventories caused by the current strike at the company's smelter in Henryetta, Okla., also is a factor, he said. He did not indicate when operations would be resumed.

In addition to 600 Eagle-Picher Co. employees, 500 other persons working for small mine operators in the area will be idled. The smaller operators ship their ore to the Eagle-Picher mill north of here for processing.

Eagle-Picher concentrates have been accumulating since July 1 when workers at the Henryetta smelter went on strike over a new contract.

The firm suspended its tri-State mining and milling operations April 29 for a 5-week period because of poor market conditions. The Henryetta smelter also was closed then, but operations there were resumed May 9 on what was termed a temporary basis by the firm.

The Eagle-Picher suspension will bring activity in the tristate area almost to a halt. The market outlook has curtailed production by other companies and independent operators. The St. Louis mining and refining division of National Lead Co., Baxter Springs, Kans., still is operating, but only on a curtailed scale.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Colorado.

Mr. CARROLL. I wish to associate myself with the remarks of the able Senator from Oklahoma. The situation which the Senator has outlined with reference to the tristate area is identical with the situation which exists in Colorado. Hundreds of miners will be thrown out of work.

I know the Senator has been working on the bill, and I am happy to hear that the majority leader of the Senate has been following the proposed legislation in the Ways and Means Committee. The proposed legislation is of vital importance to the States in our mining area.

## LOSS OF AMERICAN MARKETS—THE 1934 TRADE AGREEMENTS ACT—THE SO-CALLED RECIPROCAL TRADE—THE ZINC-LEAD BILL

Mr. MALONE. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from Nevada.

Mr. MALONE. I should like to ask the distinguished Senator from Oklahoma why this proposed legislation is necessary. I am supporting it in the Senate Interior and Insular and Finance Committees, both of which I am a mem-

ber. The RECORD, however, should show that since the 1934 Trade Agreements Act transferring the constitutional responsibility of Congress to regulate foreign trade—article 1, section 8—to the President, with full authority to transfer such authority to Geneva, Switzerland, where it now resides—that the duties or tariffs have continually been reduced below any differences in the cost of production here and abroad. Inflation has further reduced such duties, and that is the reason for the relief now sought.

Mr. KERR. The Senator's remarks with reference to the Trade Agreements Act constitute a very profound observation, and express his deep convictions. Apart from the contribution it may have made or may not have made to the present critical situation—and, let me say, I voted against the last extension of the act 2 years ago, and in the committee made the effort to limit the extension to a 2 year term, and was voted down by the committee and by the Senate, when the act was extended for a 3-year term—I certainly am not of a disposition to enter into a controversy with my great friend from Nevada on that question, because he and I are so completely in agreement as to the degree of the present crisis and the necessity for action. The necessity for action is apparent, regardless of how we may have gotten into this very unhappy state.

Mr. MALONE. I simply say—and I think the information should be available to the Senate—that all American products are in practically the same situation, and that, of course, includes all minerals. It is a matter of degree.

This particular bill has been approved by the White House. It was presented to the Committee on Interior and Insular Affairs by the Secretary of the Interior. I congratulated the Secretary for being the first to break through the sound barrier at the White House in 24 years. It has now been admitted by the executive branch that we must have a duty or tariff, or a fixed price to compensate for the difference in cost of production in the United States, as compared with the cost in the chief competing nation, with respect to each product.

So long as that fact has been admitted by the White House—then it only remains to determine the method of determining that difference—and by whom it should be determined.

The Senator from Nevada is supporting the bil, not because he believes that the limited manner in which it is set up will work out but because the principle of duties or tariffs has been accepted.

The 1934 Trade Agreements Act, as amended, under which the General Agreement on Tariffs and Trade is being operated by 34 competitive foreign nations in Geneva, expires in June 1958.

If this act is not extended the Tariff Commission, an agent of Congress, takes over adjusting the flexible duties or tariffs on the basis of fair and reasonable competition and American workingmen and investors are back in business.

Mr. KERR. I am aware of the Senator's able and effective support, and I express my deep appreciation to him for his support and cooperation in connection with the bill.

## ADDRESS BY SURGEON GENERAL BURNEY AT DUKE UNIVERSITY, NORTH CAROLINA

Mr. SCOTT. Mr. President, the Surgeon General of the United States is scheduled to make an announcement of great importance in an address tonight at Duke University in Durham, N. C.

It is the announcement of a Public Health Service research grant of $300,000 a year for 5 years to an outstanding group of Duke scientists for a study of the process by which human beings grow old.

Mr. President, I have long been interested in research in the aging process. When I was Governor of North Carolina our leaders in public welfare, public health, and medicine were among the earliest proponents of organized research and study of aging, and on their recommendation, I appointed the Governor's committee on aging to encourage and support scientific study of this subject.

I am, therefore, especially proud of the work now being done in this vital field by the Duke University Center for the Study of Aging, and of this substantial recognition of the quality of that work. I believe that this new grant for a long-term intensive study of the complex and mysterious process by which human beings move gradually but inevitably toward the end of life is full of significance for all of us.

Mr. President, I ask unanimous consent that Dr. Burney's address be printed in the RECORD as part of my remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

A NEW APPROACH TO THE STUDY OF AGING—ANNOUNCEMENT OF THE DUKE UNIVERSITY CENTER FOR THE STUDY OF AGING, DURHAM, N. C., JULY 31, 1957

(Address by L. E. Burney, M. D., Surgeon General, U. S. Public Health Service, Department of Health, Education, and Welfare)

President Edens, Vice President Gross, Dean Davison, members of the council on gerontology, faculty and friends of Duke University, It is with considerable pleasure that I join with President Edens in announcing this evening the award of a Public Health Service research grant to an outstanding group of Duke University faculty members and scientists for the study of aging.

This occasion is unique for a number of reasons. It is the first time that funds appropriated by Congress to the Public Health Service for aid to research have been awarded to help in the establishment of a large-scale regional research center. And it is the first time, to my knowledge, that one of the leading institutions of higher learning in this country has set out, in a deliberate fashion, to mobilize its extensive resources in search of better understanding of the processes of aging—one of modern man's most challenging problems.

The new programs to be undertaken here at Duke will initiate an integrated interdisciplinary research approach to aging. Its aim is to bring to bear on a common problem many disciplines—the biological, physical, behaviorial, social, and other sciences. Starting from a nucleus of scientists within the Duke University Medical School, the blueprint for research will require skills from essentially every unit and segment of the university. Other neighboring universities—local, State and Federal agencies—private groups and individuals—all will have a part to play. Thus, we see in this project a large, university-centered, regional research program to study the processes of aging and the health and related problems of older people.

One need hardly stress at this time the importance to the Nation's total economy of the problems of aging. We are all aware that the proportion of our population over the age of 65 has doubled during the past half century—from about 4 percent to over 8 percent. By 1975, the number of senior citizens will have increased from over 14 million today, to almost 21 million.

There can be no question that advances in public health and medicine have added many years to human life. Yet with all our successes in the control of infectious diseases and improvement of the environment, we have made little progress in extending the active life of older people. The opportunity for a longer life too often is not an opportunity for a fuller life.

Essentially, this is the problem of aging in our country today. It is the problem which citizens in all walks of life are viewing with increasing concern: Statesmen, physicians, educators, lawyers, employers, and employees, administrators, religious and civic leaders, families and older persons themselves. How can we extend and enrich the active life of the aging? That question encompasses a whole universe of interrelated problems. And the Nation is looking to its scientists in all the pertinent disciplines to give us the anwers.

The basic answers must be sought in better understanding of the biology of aging. For there is impressive evidence that aging is not dependent solely upon disease and environmental stress. Endogenous processes inherent in all living things must play a significant role. Yet, it is surprising how little is known about the fundamental changes in the cells, tissues, and organs of the body that occur as processes of aging. This observation holds no novelty for the all too few scientists who have concentrated their research efforts in the field of aging. They have had to cope with the difficult problems of experimental design and of evaluating the many variables influencing the complex biological processes under investigation. These variables may include behavioral, physical, and social factors in countless combinations.

The complex nature of the problems of aging, the multiplicity of scientific disciplines involved in their study, and the relative scarcity of trained scientists to work in this field, have absorbed our attention in recasting the Public Health Service's approach to research on aging. We have been mindful, also, of other important considerations basic to a soundly conceived national program of support of research in this area.

Research on aging must be a long-continued undertaking, sustained without expectation of sensational breakthroughs. Definitive findings may not be achieved for 5, 10, or more years. Although the results of current or contemplated studies may find immediate and useful applications, we must never expect research on aging to deliver a fountain of eternal youth. Rather it will unfold deeper and deeper insights into the biological, psychological, and social aspects of growing old in our American society. Each revelation will draw the scientists engaged in this research farther toward the outposts of knowledge. All this means that scientists and their institutions who venture into the field of aging must have adequate assurance of continuous and stable support.

The Public Health Service is acutely conscious of this need for continuity, not only in the field of aging but in all other areas of basic study supported by our research grants programs. After more than a decade

of experience with these programs, individual scientists and administrators of institutions have become familiar with the pattern of appropriation and expenditure of Federal funds on the basis of a single fiscal year. This does not preclude the support of long-term research programs. The intent of Congress, the recommendations of our advisory bodies, and the policy of the Public Health Service are at one in a moral commitment to support long-term projects in the terms of their original proposals.

In the case of the Duke University Center for the Study of Aging, two of our advisory bodies—the National Advisory Heart and Mental Health Councils—have jointly recommended that slightly more than $300,000 be made available during this first year of the grant. These Councils also recommended that continuing support of this project be assured in essentially the same amount each year for at least 5 years.

In our grant-awarding function, we in the Public Health Service have also been aware that the predominant pattern of relatively small grants to individual scientists or groups or investigators working on a single facet of a problem may not provide the needed impetus for a broad-scale research approach to large problems whose roots extend into numerous interrelated scientific disciplines. Multiple grants to the same group of investigators—or to different groups working cooperatively—have solved some of these administrative problems. Still we have recognized the need for some other method to encourage an integrated, interdisciplinary approach, such as Duke University's plan for a research center on aging represents.

The complex nature of research on aging, in fact, has justified in our opinion an experimental departure from our previous grant-awarding practices. Therefore, when we began to plan for the augumentation of our National Institutes of Health effort in the field of aging, it was our decision to assist in the establishment of several large research centers operated by universities—should propitious circumstances arise to permit such a venture. For we recognize that the key to the study of aging is the mobilization of a broad spectrum of professional skills, available only in modern institutions of higher learning. Moreover, we realize that the cohesive forces of the university itself, its primary function of teaching, its community of scholarship, altogether provide an ideal environment for such a mobilization of scientific effort.

Although the Public Health Service has not heretofore supported research centers of this type, there is clear precedent for Federal participation in such undertakings. Two patterns have been developed by the Atomic Energy Commission: the first, the Argonne Laboratory involving a single university; and the second, the Brookhaven Laboratory operated jointly by a number of universities. These ventures, both considerably larger in scope and more complex organizationally than the type of centers we propose for research on aging, have pilot-tested a sound Federal-university relationship. In essence, the pattern is only a logical extension of the pattern of cooperation which has long characterized the activities of the Public Health Service.

Also prominent in our planning has been the concept of regional organization. If several such university centers for research on aging could be established, we felt it would be desirable that they be regional in nature: not merely located in different geographical areas, but regional in the sense of incorporating the resources available to the university in the area it serves. This regional concept is not new to Duke University and the Duke endowment, nor the States cooperating in the southern regional education board, the Governors' mental health conference, and other programs developed regionally in the South.

In the framework of these considerations, the Public Health Service began about a year ago to explore with representatives of leading universities the feasibility of launching several regional research centers on aging. In view of the independent, yet parallel, explorations already initiated at Duke University by its council on gerontology, it was to be expected that progress toward a common objective could proceed rapidly. Many conferences have taken place in recent months in Durham, in Washington, in Bethesda, with representatives of Duke and the Public Health Service participating, as well as members of our advisory groups.

We in the Public Health Service have followed with keen interest the careful planning that has gone on at Duke since the establishment of the university council on gerontology 2 years ago. The council has established a firm foundation for this new endeavor. Later this evening, Dr. Busse—chairman of the council, professor of psychiatry, and principal investigator of the center for the study of aging—will outline for you some of the objectives and plans he and his associates have thus far formulated.

These important developments at Duke culminated at about the same time we established in the National Institutes of Health our own center for research on aging. Briefly stated, the primary objective of our center is to encourage and support additional basic research on the processes of aging. We hope to attain that objective in the following ways: First, through research grants to scientists in non-Federal institutions; second, through increased support for the training of additional competent investigators to work in this field; third, through the collection and exchange of information on research in aging; and fourth, through better coordination of our intramural research on aging and closer working relationships between our own scientists and those in other institutions.

Research on aging is by no means a recent interest in the Public Health Service, however. For many years, the National Institutes of Health has conducted and supported research on various aspects of gerontology, including studies on the aging process, as well as on heart disease, cancer, arthritis, and other chronic diseases primarily associated with the older age groups. Although much of the current work in all seven of our institutes has a bearing on gerontology, the largest and most directly focused programs are in the National Heart Institute and the National Institute of Mental Health.

The oldest of these programs is conducted by the Gerontology Branch of the National Heart Institute. Since its inception in 1940, this program has been concerned specifically with the biology of aging. For some years now, it has been utilizing the laboratory and clinical facilities of the Baltimore City Hospital. In the past few years, the National Institute of Mental Health has established a section on aging which is carrying on important biological and behavioral studies of the effects of aging on the central nervous system. Recently, the two institutes have joined in undertaking long-range cooperative studies in the Baltimore laboratories.

I am pleased with the progress our scientists are making and am confident in the quality of their work. Certainly, we expect to encourage them and to increase our own studies in this field. However, we are in whole-hearted agreement with our advisors that any major expansion of Public Health Service effort in research on aging should be through increased support of scientists in non-Federal institutions. This has been our policy in other areas of medical and related research, and we are gratified that the United States Congress and the scientific community have repeatedly endorsed this basic policy. In witness thereof, I can report that 70 percent of the National Institutes of Health entire budget of $211 million for 1958 is earmarked for grants and awards in support of non-Federal research and training.

Up to this point, I have omitted reference to many vital aspects of the problem of aging other than basic research in the biological and related sciences. The omission is not for lack of interest and concern on my part.

There are enormous gaps in knowledge and application of knowledge in every aspect of aging—in education, in applied research, and in the development of services to meet the day-by-day needs of older people. It is my earnest hope that the Duke Center for the study of aging will be one of many catalyzers stimulating increased efforts throughout the country for the life and health of our senior citizens.

A great task of education awaits this university and others across the land, as knowledge of the aging individual as a person in his family and community unfolds. It is a much broader task than the education of professional personnel who will diagnose, treat, counsel, teach, direct, and otherwise deal with older people—though this is a paramount responsibility of institutions of higher learning. Rather, I would remind you that much of what the sciences will have to tell us about the aging individual may find its most fruitful application in imparting to all generations a better-founded, more mature attitude toward life in the later years. It is known already that many of the difficulties in coping with the social, economic, and medical problems of the aging have their roots in the conflicting attitudes of young adults, middle-aged persons, and older people themselves. In our society, we turn for the resolution of such conflicts to education—rather than to paternalistic or regimented programs. To create new attitudes toward the problem of aging, we will need the kind of education our great universities offer—a process of learning to think—and to act on the basis of reason.

We must, of course, have practical applications of scientific findings to the health and related problems of the aging. The health problems of older people in our society today clearly reveal the need for better medical and related services in their behalf.

Some excellent starts have been made; but as I survey the national scene, the picture is spotty indeed. Here in North Carolina there have been several significant developments prior to the establishment of the Duke Center for the Study of Aging. I refer, for example, to the Governor's Committee on Aging with its strong public health and medical components. Durham's communitywide Golden Age Society is, I believe, one of the first in the country.

The medical program of the Methodist Retirement Home in Durham is one I should like to see operating in, or adapted to, every residential and nursing care institution in the country. Here you have the institution readily accessible to the Duke Medical Center—one of the Nation's outstanding medical facilities. Candidates for admission to the home are carefully screened by a research team, and the medical school provides medical attention to the residents. Not all residential institutions and nursing homes can be so fortunately situated, but the principles of thorough health appraisal and prompt medical attention can be and should be applied to the hundreds of thousands of aged persons in such homes throughout the country.

When I tell you that only one-fifth of the nursing homes have even 1 registered nurse on the staff, that 12 percent of the patients have not been seen by a physician for 6 months or more, that in some States the

proportion of unattended patients is 20 to 36 percent, you will agree that this country needs a great deal more application of existing knowledge to this aspect of aging than it is getting.

Health maintenance services for elderly people—those in institutions and those who live at home—could do much to prevent unnecessary disability. In a few communities such services are providing guidance on nutrition, mental health, exercise, and care of the eyes, ears, feet, and teeth. Some of the programs, sponsored by medical societies, include regular health appraisals.

Many other types of service are being provided in some communities. Home-care services to supplement the personal physician's care are keeping many elderly long-term patients out of institutions. Day-care hospitals, halfway houses, foster homes: I could mention half a dozen other experiments in care of the mentally ill and the chronically ill, many of whom are elderly. Suffice it to say that a great deal is going on in the development of services for the aging. Up to the present time, however, most of the effort is concentrated in the largest metropolitan areas. We in the Public Health Service are anxious to see all parts of the country emulate these efforts, adapting such ideas to local needs or devising new plans.

The United States Congress also is deeply concerned about the development of services for the aging and chronic disease control. This year, for the first time, Federal grants to the States for general public health services have been increased by $3 million with the express proviso that these funds be used to encourage new activities at the community level, especially in health of the aging and chronic disease control.

Also, through the Hill-Burton program for the survey and construction of hospitals and medical facilities, we are helping to increase some of the specialized facilities closely related to the health needs of the aging, such as nursing homes, chronic disease hospitals, rehabilitation facilities, and outpatient clinics. In other activities of the Service, we are striving to keep pace with the many demands by States and communities for guidance and assistance in the field of aging and chronic disease control.

It is significant, I believe, that the Hill-Burton program has helped to extend the concept of regional planning long ago initiated by the Duke endowment-hospital program. As the State hospital planning authorities assess their needs and develop their plans, a regional concept is applied, at least within the individual State. The act also gives the Public Health Service the responsibility to encourage regional coordination of hospital services. There is some movement toward that goal, but few States have gone as far as North Carolina.

This is one of the strong reasons that the concept of a regional research center on aging should find its first realization in Duke University. In this State and this institution there is a climate of opinion, of acceptance, wherein the ideal of transcending institutional and political boundaries in the search for common solutions of common problems may flourish.

In my opinion, our country must come more and more toward such an ideal in the solution of other health problems. The incredible pace of modern technology, the rapid shifts of population, the tremendous, continuing growth of the metropolitan area—always involving multiple political units, often drawing into its orbit two or more States—these factors alone demand new ways of thinking and acting about the health problems of the population. In the Public Health Service, we are observing today the immediate need for regional thinking and planning in such fields as water-pollution control, air pollution, radiological health, and accident prevention. And in our most sober moments, we can visualize a time when only such broad-scale thinking and action will serve to protect the people against new environmental threats.

In addition to the regional outlook at Duke University, we in the Public Health Service and our advisory groups were impressed by the soundness of the proposals presented to us, as well as by the excellence of the university's facilities—its history of interest and competence in medical and social-science research—and its outstanding group of scientists who have won nationwide recognition for their work in aging and related fields. I refer particularly to Dr. Busse and to Dr. Eugene Stead, professor of medicine; Dr. Phillip Handler, professor of biochemistry and nutrition; Dr. Barnes Woodhall, professor of neurological surgery; and Dr. Eliot Rodnick, professor of psychology. All of them are serving as members of the panel on interdisciplinary research of the Council on Gerontology and as coinvestigators in this new program.

Further, we have all been impressed by the wholehearted interest and support, already demonstrated and assured by the medical school and the entire university. We have noted the high esteem in which Duke University is held by its sister institutions, by local, State, and regional agencies, by private organizations, and by the people of the area it serves. This augurs well for the future of this center for the study of aging.

Finally, I note with genuine satisfaction that the university is fully aware of the long-term, broad-scale implications of this undertaking. The experimental approach being made here to the study of aging is a scientific problem in itself. Besides the highly important projects in basic research on the processes of aging, the results of this approach may well become a significant landmark in medical and related research. Not only will the field of gerontology profit. I think also of the many as yet imperfectly defined problems of methodology in almost every field of medical and public-health research, medical and public-health practice.

What, for example, are the best methods for the use of health personnel? How can we integrate laboratory and clinical research in such new and increasingly important disciplines as biochemistry and biophysics—applicable to a score or more critical biological and disease problems? Or, again, how can we integrate the disciplines of organic neurology and psychiatry both in research and practice?

All these are methodological problems of the first order, and it is indeed heartening that this group of imaginative and courageous scientists at Duke have jointly agreed to venture in their solution.

Here, too, we see the essential willingness to experiment in companion studies which will seek the most effective ways to apply new medical and related knowledge to the health problems of the aging. And in the establishment of this experimental team and its study population, I see tremendous opportunities for related studies in the socio-economic problems of aging as parallel developments of the "Integrated Interdisciplinary Approach to Aging". Can the principles of voluntary insurance be applied, for example, to prepayment of medical expenses of the aged? What about their housing, employment, retirement, leisure time, income maintenance, and related problems?

Surely, other sources of support will be attracted to make possible the extension of Duke's Center for the Study of Aging into these areas that lie on the periphery of medical research. If the Duke University council on gerontology is the good catalyst we have every reason to believe it is, the necessary resources in the university and in the larger community will be drawn into scientific study of all these problems.

I visualize for this endeavor a more extensive catalyzing influence. It goes without saying that what is learned here will enter the stream of science, there to challenge and be challenged by new thought. Even more, other universities in other regions, will venture along similar courses, adapting their plans for research on aging, or on other health problems, to their own environments, but holding to the concepts of integrated, interdisciplinary approach and a regional outreach.

The Public Health Service is truly privileged to have a part in initiating this promising and far-reaching undertaking. On behalf of our councils, our National Institutes of Health, and the Service as a whole, I have the personal satisfaction of wishing you "Godspeed."

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## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. CASE of New Jersey. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a question asked the President of the United States this morning with respect to his views concerning the civil-rights bill, and particularly the jury-trial amendment. I ask that the question and the President's answer be printed in the RECORD at this point.

There being no objection, the question and the answer were ordered to be printed in the RECORD, as follows:

Question. Mr. President, do you have anything you wish to say on the civil-rights bill at this stage, and the anti—or rather the jury-trial amendment in particular?

Answer. I will make one statement on civil rights this morning and then we will end it there. I made my position, my personal position, very clear in the statement on July 16, and I think which was furnished to each of you people.

I believe that the United States must make certain that every citizen who is entitled to vote under the Constitution is given actually that right.

I believe also that in sustaining that right we must sustain the power of the Federal judges in whose hands such cases would fall. So, I do not believe in any amendment to the section IV of the bill. I believe that we should preserve the traditional method to the Federal judges for enforcing their orders, and this, I am informed, or I am told, that it is 36 different laws where these contempt cases do not demand trial by jury.

I think we should apply the same method here, and I do not believe that any amendment should be made.

So, I support the bill as it now stands, earnestly, and I hope that it will be passed soon. That is my last word on civil rights.

Mr. CASE of New Jersey. Mr. President, while we here debate the need for legislation to safeguard the voting rights of all Americans, reports continue to come in concerning the efforts being made in some sections of the country to deprive Negro citizens of an effective voice in the choice of their governmental representatives. Among the most recent and startling of these reports is one from Alabama regarding the gerrymandering drive which a Mr. Sam Engelhardt, State senator from Macon County, Ala., is preparing to press upon the State legislature.

An old political adage has now been given a new and cynical twist in Alabama. "If you can't lick 'em, abolish 'em" is the new cry.

Faced with the prospect of Federal legislation, which would effectively grant Negro voting rights, Engelhardt and others have apparently recognized the impact such a measure would have upon existing registration patterns in the State. Accordingly, they are preparing a proposal to abolish 12, or possible 15, of Alabama's 67 counties.

The Montgomery (Ala.) Advertiser reported on the abolition drive last Friday. Mr. Engelhardt's remarks on the effect which passage of this right-to-vote bill might have in Alabama are extensively quoted in the Advertiser's article:

If that civil rights bill is passed, the Federal Government will have the authority to order a mass registration of Negro voters and in those counties where Negroes outnumber the whites there will be but two alternatives—face an almost certain integrated courthouse and legislature, or abolish the county.

Mr. President, those Senators who were present yesterday when a delegation of Negroes from Tuskegee, Ala., told of being gerrymandered out of the city limits of Tuskegee will recognize the pattern which Engelhardt and his cohorts now seek to apply throughout the State. This gerrymandering tactic is a commentary not only on the after effects of enacting a voting-rights bill, but upon the present registration situation in parts of Alabama. Clearly, whatever methods may have been used heretofore to prevent Negroes from voting in the 12 or 15 counties now threatened with abolition, men like State Senator Engelhardt do not feel such methods will continue to be effective if this civil-rights bill passes.

Mr. President, I ask unanimous consent to have the full text of the article from the Montgomery (Ala.) Advertiser, of July 26, 1957, to which I have referred, inserted in the RECORD as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENGELHARDT PREDICTS FALL OF 12 MORE STATE COUNTIES—REPORTED OPPOSITION TO MACON BILL STRONGLY DENIED

(By Bob Ingram)

Senator Sam Engelhardt spoke out in defense of his bill to abolish Macon County yesterday and predicted further that at least 12 other Alabama counties will have to be abolished if the civil rights bill now pending in Congress is approved.

"If that civil rights bill is passed the Federal Government will have the authority to order a mass registration of Negro voters," Engelhardt said, "and in those counties where Negroes outnumber the whites there will be but two alternatives—face an almost certain integrated courthouse and legislature, or abolish the county."

The counties which he feels will have to be abolished are Marengo, Wilcox, Lowndes, Dallas, Hale, Greene, Perry, Monroe, Choctaw, Barbour, Bullock, and Sumter. All have a Negro population which outnumbers white residents.

"And there are three others—Russell, Pickens, and Clarke—which are on the borderline and it may be necessary to abolish them too," Engelhardt added. "That is the only way the white people of Alabama can hope to get around the civil rights legislation."

Engelhardt also took sharp issue with an earlier report which indicated his Macon County abolition bill had encountered strong opposition.

"There are a lot of details that must still be worked out, but we are getting much closer to an agreement," Engelhardt insisted. "We have already worked out an agreement with two of the counties—Elmore and Tallapoosa—and Lee County is not far from full agreement."

The bill offered by Engelhardt, a constitutional amendment which will be voted on in May 1958, if passed by the legislative, proposes to abolish Macon County and divide the area among 5 or possible 6 adjoining counties—Lee, Elmore, Tallapoosa, Bullock, Montgomery, and possible Russell.

The senator said Montgomery County's objection to inheriting the city of Tuskegee has already been rectified.

"The city of Tuskegee will be in Lee County," Engelhardt said. "Lee wanted the city, and Montgomery didn't. I can see why Montgomery didn't want it, because they are in an unusual situation. It is the only county in the State which just has one incorporated municipality. If they got another one it would cause a lot of problems."

Engelhardt said he had also decided to drop the idea of splitting up Tuskegee Institute among 3 or 4 counties.

"It is just not practical from a geographical standpoint to do that," he explained. "Actually who gets the institute is not too important, as there are not many Negroes who live on the campus. It's the Negro residential areas which will have to be split up."

Engelhardt also debunked reports that the bill would result in all of the adjoining counties inheriting a sizable number of Negro voters.

"No county will inherit any voters, Negro or white," Engelhardt explained. "All the voters now living in Macon County will in effect lose their right to vote when their county is abolished. They will have to reregister in their home county before they become qualified voters."

Final agreement as to what part Montgomery County will annex is expected to be reached Monday when Engelhardt will meet with members of the local board of revenue.

"We hope to work out all the differences then," he said.

Still to be settled, Engelhardt said, are the objections raised by Bullock County.

"I would have thought Bullock would have wanted the city of Tuskegee, as that would give them a sizable increase in their white population," he said, "but they didn't agree to that."

Engelhardt also pointed out that the abolition of the county, if approved by the legisature and the voters, would not go into effect until 4 years after its ratification, which would be May, 1962.

"This delay would allow most of the elective officials to hold another term in office, and also give them time to work out all the details," he explained.

And the senator insisted he "couldn't go along" with a suggested compromise whereby Macon County would remain intact but that it would cease to elect its own officials, instead having all of them appointed by the governor.

"My people couldn't go along with that, because we might get the wrong kind of governor in office, then where would we be?" he concluded.

Mr. BUSH. Mr. President, the civil-rights bill presents the greatest moral challenge of our time.

We in the Senate have, for the first time in 80 years, come face to face with an opportunity to correct an injustice that has held back the development of a large segment of our population in many parts of our country.

We face a challenge to stand firm on a matter of principle.

Will our decision give meaning to the 15th amendment, an integral part of the Constitution? That is the challenge which we face. Yesterday the distinguished senior Senator from Ohio [Mr. BRICKER] pointed it up very well when he said:

The bill before the Senate deals with just one substantive right—the right to vote. It is the duty of the Congress to exert its full power under the 15th amendment to secure and protect that right.

That, I think, is why this may be called a great moral challenge. It is the duty of the Congress under the Constitution to take action, and to give meaning to the 15th amendment.

That is the central purpose of this bill: To give meaning to the 15th amendment of the Constitution of the United States, which provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Mr. President, I voted against striking part III from the bill because, in my judgment, other civil rights than voting rights are in need of protection.

One day last week, in viewing the evening TV newscast at my home, I happened to see one John Kasper interviewed by a CBS newsman. This day the jury handed down its decision in the Clinton case, but as yet Kasper had not heard the verdict.

He was telling us that the jury would surely acquit, and that he would then move on to Nashville to continue his campaign—to continue his campaign to arouse defiance of the Supreme Court's decision for integration of the public schools.

I wondered how many of our southern friends were favorably impressed with their protector in the person of this self-appointed Yankee invader. My own impression was one of simple disgust.

If I had needed anything to convince me to support part III of the bill, this appearance of John Kasper would have supplied it.

Had part III of the bill been the law of the land, the Kasper fiasco probably would never have occurred at all. However, the Senate has decided otherwise.

Part III has been removed from the bill, and left in it are sections to create a Commission on Civil Rights, to authorize an additional Assistant Attorney General to head a Civil Rights Division within the Department of Justice, and to provide means of further securing and protecting the right to vote.

Mr. President, the right to vote is the foundation of our representative form of government. It is basic. I shall vote against the O'Mahoney-Kefauver-Church amendment, or any other amendment which would seriously weaken part IV of the bill, which is designed to give effective protection to that right.

We have been listening to a debate of lawyers, for the most part. It has been interesting, instructive, and at times highly entertaining.

But, even with the brilliant expositions from both sides of the aisle, it has been difficult at times for a layman to follow the intricacies of legal hairsplitting.

However, the present state of the law and the need for part IV of the bill were clearly outlined by Attorney General Brownell in his testimony before the Committee on the Judiciary.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a small portion of the testimony of the Attorney General which appears on pages 2 and 3 of the hearings.

There being no objection, the excerpt from the testimony was ordered to be printed in the RECORD, as follows:

I start out this discussion by saying what I am sure you will all agree to, that the right to vote is really the cornerstone of our representative form of government

I would say that it is the one right, perhaps more than any other, upon which all other constitutional rights depend for their effective protection, and accordingly it must be zealously safeguarded.

The Federal Government has in the past and must in the future play a major role in protecting this essential right. It is true that under the Constitution the States are given the power, even with respect to elections for office under the Government of the United States, to fix the "qualifications" of the voters (art. I, sec. 2; amendment 17).

But this power of the States is limited, with reference to the election of Federal officers, by the express power given Congress to regulate the "manner" of holding elections—article I, section 4—and, more importantly, by the provisions of the 14th and 15th amendments.

The 15th amendment provides that in any election, including purely State and local elections, the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The 14th amendment prohibits any State from making or enforcing laws which abridge the privileges and immunities of citizens of the United States and from denying to any person the equal protection of the laws. The courts have held that these prohibitions operate against election laws which discriminate on account of race, color, religion, or national origin. And both of these amendments expressly confer upon Congress the power to enforce them by appropriate regulations. Beyond the provisions of the 14th and 15th amendments, which inhibit only official action, Congress has the broad power to protect voters in elections for Federal offices from action by private individuals which interferes with the right of the people to choose Federal officials.

As the Supreme Court said in 1941 in *United States* v. *Classic* (313 U. S. 299, 315), this right to choose "is a right secured by the Constitution. * * * And since the constitutional command is without restriction or limitation, the right, unlike those guaranteed by the 14th and 15th amendments, is secured against the action of individuals as well as of States."

Congress passed many years ago statutes, now title 42, United States Code, sections 1971 and 1983, under which private persons claiming that they had been deprived of the right to vote on account of race or color by persons acting under color of State law have been able to bring civil suits for damages and preventive relief.

In fact, it is in a long series of cases brought by private individuals under these statutes that the courts have held that the contitutionally protected right to vote extends beyond the general election to any primary or special election which is either a recognized part of the State's election machinery or which is, in fact, the only election which counts in the ultimate selection of the elected officials.

The Congress has also authorized Federal criminal prosecutions in the voting field. Actions by private individuals which interfere with the right to vote for Federal officials may be prosecuted under title 18, United States Code, sections 241 or 594.

Persons who act under color of law to deprive individuals of their right to vote in any election, State or Federal, because of race, color, religion, or national origin may be prosecuted under title 18, United States Code, section 242. A number of prosecutions have been had under these provisions.

So much for the present framework under the laws.

The major defect in this statutory picture, however, has been the failure of Congress thus far to authorize specifically the Attorney General to invoke civil powers and remedies. Criminal prosecutions, of course, cannot be instituted until after the harm actually has been done yet no amount of criminal punishment can rectify the harm which the national interest suffers when citizens are illegally kept from the polls.

Furthermore, I think it is fair to point out that criminal prosecutions are often unduly harsh in this peculiar field where the violators may be respected local officials. What is needed, and what the legislation sponsored by the administration would authorize, is to lodge power in the Department of Justice to proceed in civil suits in which the problem can often be solved in advance of the election and without the necessity of imposing upon any official the stigma of criminal prosecution.

Mr. BUSH. Mr. President, I will not take the time of the Senate to read all the Attorney General's testimony, but I should like to emphasize these paragraphs:

The major defect in this statutory picture, however, has been the failure of Congress thus far to authorize specifically the Attorney General to invoke civil powers and remedies.

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What is needed, and what the legislation sponsored by the administration would authorize, is to lodge power in the Department of Justice to proceed in civil suits in which the problem can often be solved in advance of the election, and without the necessity of imposing upon any official the stigma of criminal prosecution.

Today, an individual who has been threatened with deprivation of his right to vote may obtain an injunction. He may obtain preventive relief, or, if he has been wrongfully deprived of his right, he may sue for damages.

But for the average Negro in the South these remedies are an illusion indeed. He is prevented from taking advantage of them by fear, by poverty, and by lack of education.

So, part IV of the bill proposes to put the United States in the place of the individual, authorizing the Attorney General to bring a civil action to secure his right to vote in a Federal election.

Mr. President, I ask unanimous consent to have part IV of the bill inserted in the RECORD at this point in my remarks.

There being no objection, the text of part IV of the pending bill was ordered to be printed in the RECORD, as follows:

PART IV—TO PROVIDE MEANS OF FURTHER SECURING AND PROTECTING THE RIGHT TO VOTE

SEC. 131. Section 2004 of the Revised Statutes (42 U. S. C. 1971), is amended as follows:

(a) Amend the catchline of said section to read, "Voting rights."

(b) Designate its present text with the subsection symbol "(a)."

(c) Add, immediately following the present text, three new subsections to read as follows:

"(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Members of the Senate, or Members of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

"(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

"(d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

"(e) Provided, that any person cited for an alleged contempt under this act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel."

SEC. 141. This act may be cited as the "Civil Rights Act of 1957."

Mr. BUSH. Mr. President, the purpose of part IV is only to secure an existing right, not to create new rights. That existing right is the right to vote,

which the Constitution says shall not be abridged because of race or color.

Has the right to vote been denied on account of race or color? The evidence before us is overwhelming. It says "Yes." It says "Yes" again and again.

It shows repeated evidence of the use of tests which are so fantastically unfair that they could not reasonably be held to test literacy or anything else.

They have only one purpose, namely, to disqualify the Negro.

One cannot argue against a fair literacy test—a fair test to make certain that a voter can read and write. This is a minimum requirement in 18 States, including Connecticut.

But when the test is used arbitrarily as a device to permit wholesale discrimination against citizens whom the registrar may wish to exclude, then we face open defiance of the Constitution of the United States.

Part IV of the bill is designed to assist the individual to combat any arbitrary discrimination by saying to him: "Uncle Sam will take your part. The United States will fill your shoes for a little while, and apply for an injunction to stop this violation of your constitutional right to vote."

If the facts justify it, a Federal judge will issue an injunction, which he can enforce by jailing a violator of the court's order for contempt.

Mr. President, we have heard much in this debate of the distinction between civil and criminal contempts, and of argument that cases of criminal contempt should be tried by jury.

One fact has emerged from all this debate: There is no constitutional right of trial by jury for contempt, whether it be civil or criminal.

And it is equally clear that a registrar or other individual enjoined from interfering with a voting right can avoid any danger of being jailed by timely compliance with the court's order.

The effect of adopting a jury trial amendment would be to nullify part IV of the bill.

An editorial in the New York Times of Sunday, July 28, assessed the motives of some of those backing the jury trial amendment.

The writer of the editorial points out that the bill now before us "could conceivably be written in such a way that a registration official or an official at the polls who denied the franchise to an otherwise qualified citizen because of the applicant's race could demand a jury trial. This is what the solid core of southern Senators wants. We need have no doubt as to what it would mean; namely, that in communities where a dominant white population did not wish the Negro to vote the Negro would not be allowed to vote. In such communities juries would be solid white and the best of them could not be expected to vote for the conviction of officials doing precisely what their solid white constituencies wanted them to do."

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the editorial to which I have referred.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOW MUCH COMPROMISE?

The civil-rights bill has now reached a stage in the Senate where practically every reasonable concession to middle-of-the-road opinion has been made. No new device now exists in this measure for the enforcement of any civil rights other than the right to vote. This doesn't mean that the Government is helpless to protect its citizens. As the case of Frederick J. Kasper and six associates showed, the Federal courts can proceed against persons violating a court order intended to enforce integration in the public schools. But this authority is not conferred in the civil-rights bill as it is now before the Senate.

Nor does the civil-rights bill establish a new set of rights for anybody. What the new measure creates is not new rights but a new procedure under which the Department of Justice may intervene, and the Federal courts may act, to prevent denials of the voting right and to punish persons, supposedly public officials, who persist in such denials. If this part of the pending bill is not passed, the Negro, for whose protection the measure is mainly intended, will gain little.

The question moved during last week to this particular point, and the issue this weekend seems to be what provision will be made in the bill as finally passed for the punishment of those who violate its provisions. The solid Southern bloc of 18 Senators has been insisting that issues of contempt under the proposed law should be dealt with through jury trials.

Some confusion has arisen as to what kinds of contempt cases might properly be tried by juries and what kinds might be, as contempt cases generally have been, decided by the judges. Federal procedure does not distinguish as clearly as might be wished between criminal contempt and civil contempt. It is safe to say, however, that it is usually considered a criminal contempt to defy a definite order of a court, whereas a civil-contempt action—such as might be brought under the pending bill—is usually invoked to protect the rights of a litigant or other aggrieved party. Ordinarily the contempt procedure is not considered to require a jury trial. There are some exceptions, as when the misdeed with which the accused is charged is also a criminal offense, or when Congress has stipulated that trial by jury shall be had in a given situation.

It follows that the civil-rights bill could conceivably be written in such a way that a registration official or an official at the polls who denied the franchise to an otherwise qualified citizen because of the applicant's race could demand a jury trial. This is what the solid core of southern Senators wants. We need have no doubt as to what it would mean: namely, that in communities where a dominant white population did not wish the Negro to vote the Negro would not be allowed to vote. In such communities juries would be solid white and the best of them could not be expected to vote for the conviction of officials doing precisely what their solid white constituencies wanted them to do.

A procedure such as this would not dignify the jury system nor would it in any way add to whatever civil rights the Negro now has. The only thing that can possibly add to those rights—and we are here speaking specifically of the right to vote—is Federal legislation supported and interpreted by Federal courts and Federal enforcement officers. There would certainly need to be no more than a token Federal police action if the judges were of the caliber of Judge Robert L. Taylor, who presided in the jury trial of Kasper and his associates at Knoxville, Tenn. From what we hear about Judge Taylor we have confidence that he would have acted with equal fairness if he had had to decide the contempt case without the aid of a jury.

We have confidence, too, in other Federal judges in the South. We believe, therefore, that both races in the South may feel that justice will be done if contempt cases arising from the denial of the right to vote are customarily dealt with in the traditional way without the intervention of a jury. The drive to compel the use of a jury in all such cases is not, we fear, completely candid. It is a new form of the old struggle against any civil-rights legislation at all.

We believe, furthermore, that the civil-rights bill substantially as it stands can and should be passed at the present session. It is late in the day to permit such legislation to be vetoed by the fact or threat of a filibuster made by legislators who have somehow wandered in out of the 19th century.

Mr. BUSH. Mr. President, I do not believe that southern Senators need fear that arbitrary, unjust actions will be taken by Federal judges in that region.

Who is the typical Federal judge in the South?

He is a mature citizen of the area, most likely born and raised there. He is most likely devoted to his community, proud of its history, understanding of its economic and social problems.

He would never have been appointed if the United States Senators from his State had not thought him worthy of the post. It is likely that he was recommended by leaders of the bar in his own State.

Thus, he is, in all probability, a man of discretion and integrity.

He can be counted upon by the people of both races to decide cases brought under part IV of the bill with equity and wisdom.

Mr. President, I said earlier that the bill presents one of the great moral challenges of our time.

Our decision is a fateful one, indeed. The Senate is under close scrutiny all over the United States. But that is not all. The world follows our debate and anxiously awaits our decision.

Today, the world wonders if America will show by its action here in the Senate that we mean what we say about freedom of the individual, about human dignity, about democracy, about government of law and not of men.

Mr. President, I remember when the Ambassador to Japan, Douglas MacArthur III, was here recently. I spoke with him apropos the Girard case, of the soldier who accidentally killed a Japanese woman. Ambassador MacArthur said to me, "The one thing which the Japanese and the other people of that area want from the people of the United States and from its Government, the one thing they want above all else, is respect. They want respect."

So it is with the people of colored races everywhere. That is why I believe the world is watching the Senate of the United States during this debate. The world wants to see whether we mean what we say about the things which concern individual freedom, human dignity, democracy, and government of law and not of men.

I feel that our failure to keep part IV intact would be a signal to the world that we have failed to follow our own precepts.

Our failure here would deal a blow to democracy and the republican form of government everywhere.

Our failure would be a propaganda victory for the Communists, greater than any they have ever obtained.

Our failure would be a blow to our prestige in the Far East, in the Middle East, in Africa, and in South Africa, especially.

Yes, the peoples of the world would conclude that we do not mean what we say about freedom.

So the stakes are very high, Mr. President.

Our moral leadership of the world is at stake, and the world knows it and is watching us closely.

I repeat, we face here in our vote on part IV one of the great moral issues of our time. I trust we shall not fail to meet it squarely and wisely.

## CRUDE AND RESIDUAL OIL IMPORTS

Mr. REVERCOMB. Mr. President, I am about to make some brief remarks upon a subject which is of great importance to the security of the country. I am interrupting the debate on the important subject of civil rights to call to the attention of the Senate, so that Senators may read about it in the RECORD, an incident which has just occurred which is of great importance to the United States.

Mr. President, an order has gone out from the President of the United States regulating crude-oil imports. This order, signed July 29, 1957, and directed to the Secretary of the Interior and the Office of Defense Mobilization, approves the recommendations of the Special Committee To Investigate Crude Oil Imports under the terms of section 7 of the Trade Agreements Extension Act of 1955, which authorizes the President to act when imports of any commodity threaten the national security.

The special committee was established by the President to investigate the oil imports problems because of the serious impact imports are having on domestic oil developments. This action was taken solely in the interest of national security. In that respect, the committee reached this conclusion:

> Increased volume of crude-oil imports and the proposed imports for the latter half of 1957 threaten to impair the national security. This threat, under existing conditions, requires a limitation on oil imports.

This is a sound step in the direction of assuring a state of preparedness in the interest of national security for our great basic industries such as oil and coal. However, in my opinion, the order does not go far enough, in that the restrictions placed on oil imports do not include residual oil.

Last week I expressed my views on this problem, pointing out that the ever-increasing flood of residual oil is having a most damaging effect on the coal industry—an industry as vital to the country's defenses as the oil industry.

I call attention to a significant observation made by the Special Committee To Investigate Crude Oil Imports in presenting the background of the petroleum-imports problem. The Committee said:

> On February 26, 1955, the White House released a report on energy supplies and resources policy in which the Cabinet Committee concluded that in the interest of national security imports of crude and residual oils should be kept in balance with domestic production of crude oil at the proportionate relationship that existed in 1954.

I emphasize that reference in this instance was made to both crude oil and residual oil.

The 1954 ratio for crude oil was 10.3, and for residual it was 5.6. The increase in residual-oil imports over the imports in 1954 is now at the rate of 21 percent. This increase constitutes a definite threat to national security and, in my judgment, calls for action under the terms of section 7 of the Trade Agreements Extension Act of 1955.

I shall cite some figures to show how increasing residual-oil imports are handicapping the coal industry and, in turn, are impairing the national security.

Residual oil is that which is left over in the refining process. Being a waste product of the foreign-oil refineries, there are no production costs to be considered when its price is set. This leftover is being dumped on the United States fuel markets in ever-increasing quantities in unfair competition with coal and, I may say, in unfair competition with oil in this country.

Since the close of World War II, residual oil imports have displaced millions of tons of coal. This has threatened employment in the coal mines and also upon the railroads that transport coal. The growing seriousness of this problem may be seen from the comparative figures on residual oil imports beginning with 1954, the base year used by the Presidential Advisory Committee. These figures are: 1954, 129,124,000 barrels; 1955, 152,035,000 barrels; increase over 1954; 22,911,000 barrels; 1956, 161,846,000 barrels; increase over 1954; 32,722,000 barrels.

During the first 6 months of this year, the imports totaled 91,570,000 barrels. If this rate continues through the second half of the year, residual oil imports will reach 183 million barrels. This represents an increase of 53,876,000 barrels over 1954.

The present volume of crude oil imports adds 9.3 million tons of coal equivalent to the fuel supplies of the Nation. This is in addition to the annual rate of foreign residual oil importations, equivalent to 42 million tons of coal, now being imported into the United States. Thus, a total of approximately 51 million tons of coal would probably be used in the absence of such imports.

Mr. President, foreign residual oil imports, if allowed to flow into this country without restriction, will inevitably weaken the coal industry to the point where the national security will be seriously threatened. In the event of another war, we know this country would have to depend on coal, as was the case in World Wars I and II, not only to supply its normal markets, but also to fill the void left by the blockading of fuel shipments from abroad and the diversion of domestic oil to meet more essential purposes of the war effort.

It is a commonly accepted fact that it requires $8 to $10 per ton of annual productive capacity to put a new coal mine into production. It is impossible to maintain a coal mine in readiness for instant production to meet a defense emergency. Therefore, any policy which impairs the maintenance and development of adequate coal productive capacity for normal requirements and to meet emergencies endangers the national security. The committee to which I have referred has so found; and the President, in his direction to the Committee to put its findings and conclusions into effect, reached the same conclusion.

In the face of these facts, I believe that if the present volume of crude oil imports can properly be regarded as a threat to the national security under the terms of section 7 of the Trade Agreements Extension Act of 1955, then there is certainly equal, if not greater, justification for the same conclusion so far as residual oil imports are concerned. It is imperative, I believe, that there also be placed on residual oil imports a curb similar to the one recommended for crude oil imports in the Committee's report, and ordered by the President to be put into effect on July 29, 1957.

It is my hope that an adequate limitation on such imports can be achieved through the same procedure that has been used in placing a limitation on the importations of crude oil. If not, I am convinced that the Congress must enact quota limitations. Continued usurpation of coal markets and the lessening of our domestic oil production and the consequent lessening of the necessary explorations for new discoveries of oil, all as a result of the unfair competition from the constantly increasing importations of residual oil, inevitably will reach the point where the incentive for the development of coal properties and oil production will be so reduced as to result in the undermining of industries which are vital to the national security. Mr. President, the situation is serious. We cannot afford to have this happen.

In conclusion, let me say that I do not wish to be understood as opposing what has been done. I am glad, indeed, that the President has issued the order which will substantially reduce the importations of crude oil. To this extent, the order will definitely protect the economy of the Nation and those who work to produce coal and those who produce oil. It is my information that up to the present time crude oil imports have reached a total of 1,250,000 barrels each day. This order will promptly cut importations of crude oil to 1,031,000 barrels a day. Thus, there is to be—immediately—a cut of nearly 220,000 barrels a day in the imports. This is very substantial and very helpful. However, as I have pointed out, a cut in crude oil imports should be accompanied by a cut in the same proportion in residual oil imports, in order to meet the pending threat which exists from these importations.

Mr. President, I wish to have printed in the RECORD the conclusions of the Special Committee To Investigate Crude

Oil Imports, beginning on page 11, and continuing to the end of the report. I may say that it will be seen that the report contains a reference to districts I to V, inclusive. All the country east of the Rocky Mountains is included within districts I to IV, inclusive; and the rest of the country—the States west of the Rocky Mountains—constitute district V. There is a difference in the curtailment of oil imports, as between the several districts, districts I to IV, inclusive, being treated alike, whereas there are some differences in the case of the States west of the Rocky Mountains. Therefore, I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, the conclusions and recommendations of the Special Committee To Investigate Crude Oil Imports, whose conclusions have been directed to be carried into effect immediately, by the order of the President, issued on July 29, 1957.

There being no objection, the excerpts from the report were ordered to be printed in the RECORD, as follows:

V. CONCLUSIONS AND RECOMMENDATIONS

1. Increased volume of crude oil imports and the proposed imports for the latter half of 1957 threaten to impair the national security. This threat, under existing conditions, requires a limitation on imports. The committee recommends, therefore, that unless the importing companies comply voluntarily with the import limitation plan hereinafter set forth, you find that there is a threat to the national security within the meaning of section 7 of the Trade Agreements Extension Act of 1955. Pending the outcome of this voluntary program, this Committee should continue as now constituted.

2. For the initial phase of such a program of limitation, in the interest of national security, the following plan is recommended, to cover the period of the last half of 1957 and the first half of 1958: [1]

(a) Districts I–IV:

(i) All importing companies, except those referred to in (ii) below, should be requested to cut back 10 percent below their average crude oil imports for the years 1954, 1955, and 1956.

(ii) In order that small 1954 importers, and companies that have started to import since 1954, should have the opportunity to participate in the United States market on a basis more equitable than if the above cutback were applied to them, it is recommended that companies having crude oil imports of less than 20,000 barrels per day in 1954 should be allowed to import the amounts set forth in the schedules submitted by them to ODM in July 1957, but in no instance to exceed an increase of over 12,000 barrels per day over their actual 1956 imports.

(b) District V: [2]

Imports should be determined on a semiannual basis. Pending a change in the deficit condition now pending in the area by, for example, the development of an economical means of interregional transportation, the level of imports must be such as to make up the difference between the demand and the quantity of domestic crude oil available to the area, as established by the Department of the Interior. The schedule of imports for the last half of 1957, as submitted by the companies to the Director of Defense Mobilization appears to be slightly higher than would be called for by the foregoing formula. However, there is reason to believe that the imports for this period will not exceed 275,000 barrels per day and, consequently, no voluntary import limitations are proposed for this district at the present time. This situation should be reviewed, however, during the latter part of 1957 from the point of view of the plans of importers for the first half of 1958, in view of the fact that additional pipeline capacity to the west coast is scheduled to become available during the first half of 1958.

(c) Imports under proposed plan:

| | Percentage ratio | Barrels per day |
|---|---|---|
| Districts I–IV | | 756,000 |
| Imports to production | 12.0 | |
| Imports to demand | 9.6 | |
| District V | | 275,000 |
| Imports to production | 29.8 | |
| Imports to demand | 23.3 | |
| Total | | 1,031,000 |

(d) New importers should have the opportunity to enter and share in a reasonable manner in the United States market. Companies planning to become importers should present their plans to the Department of the Interior at least 6 months before their plans are to become operative. A determination should then be made as to the extent these importers should share in the market initially, and as to whether room can be made for them as a result of the increase in permissible imports arising out of the increase in domestic demand or whether it will be necessary for older importers to decrease their imports in order to make room for the new companies.

(e) All imports into the United States should be for the direct account of the importers, and no importer should be allowed to increase its imports through oil sale and product purchase agreements by transfer of allotments or by other indirect means.

(f) The Committee recognizes that it would be possible to circumvent this plan by companies entering into certain types of arrangements for the importation of distilled products. We recommend that the Office of Defense Mobilization and the Department of the Interior follow this situation very closely.

3. The plan above outlined should be reviewed by this or some comparable committee at least once a year. Under normal peacetime conditions we believe that such a review should proceed on the assumption that in districts I–IV an effort will be made to maintain a ratio between imports and domestic production of approximately 12 percent and that in district V imports will be restricted to the difference between demand and the domestic crude oil that can be made available to the area on a reasonably competitive basis.

4. The plan above outlined should be administered by the Department of the Interior under policy guidance from the Office of Defense Mobilization. In the administration of the plan, provision should be made for the hearing and consideration of cases where it is alleged that inequities would result from the application of the plan, with the understanding that the administrator will have authority to establish the necessary administrative procedures and act in such a manner as to alleviate inequities when they are found to exist, including any showing that the plan does not provide competitive opportunities for newer importers.

[1] The term "crude oil" as used throughout this plan is oil at the wellhead.

[2] See appendix A for reasons for separating districts I–IV and district V.

Mr. COOPER. Mr. President, will the Senator from West Virginia yield to me?

The PRESIDING OFFICER (Mr. CLARK in the chair). Does the Senator from West Virginia yield to the Senator from Kentucky?

Mr. REVERCOMB. I yield.

Mr. COOPER. I wish to congratulate the Senator from West Virginia for bringing to the attention of the Senate his very timely speech on the increasing importations of residual oil and the effects upon the coal industry.

I may say that the problems which the importations of residual oil have caused are very familiar to the people of Kentucky, which, as the Senator from West Virginia knows, is also a great coal-producing State.

Mr. REVERCOMB. Yes; I do know that.

Mr. COOPER. I desire to join the Senator from West Virginia in expressing the belief that action similar to that called for by the President in the case of the importations of crude oil, should be taken in the case of the importations of residual oil.

So I shall be happy to support the Senator from West Virginia in any action he may think proper, in order to bring about a reduction in the importations of residual oil, which are injuring the coal industries of West Virginia, Kentucky, and all the other States of the Union, and also are injuring many, many other industries.

Mr. REVERCOMB. Mr. President, I appreciate very much the remarks of the able Senator from Kentucky. I know how familiar he is with the subject I have discussed briefly today.

I may say that it is disappointing that the report did not deal with residual oil. Many persons do not distinguish between what is known as crude oil—the oil in its natural state, fresh from the wells—and residual oil. As has been pointed out, residual oil is that which is left after certain component factors have been removed; but the residual oil can still be used as fuel.

If the importations of crude oil constitute a danger to the national economy, because they would result in the closing of coal mines which could not be economically reopened, and also would result in the cessation of exploration for oil, although such exploration is necessary in order that the Nation may have the needed reserves of oil at all times, I submit, Mr. President, that the importation of residual oil in such quantities is equally dangerous.

I trust that we shall not have to reach the point of having to have legislative action upon the subject, but I will say that I believe, as has been indicated by the Senator from Kentucky, that unless some action is taken effectively to reduce further the importation of oils, both crude and residual, it will become necessary, in support of the economy and the defenses of the United States, to have legislative action taken upon the subject.

## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. THURMOND. Mr. President—

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. I may say that this will be a live quorum, so I suggest that the attachés telephone the offices of Senators to that effect.

The PRESIDING OFFICER. Does the Senator from South Carolina yield for that purpose?

Mr. THURMOND. I yield for that purpose.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | |
|---|---|---|
| Aiken | Goldwater | Morse |
| Allott | Gore | Morton |
| Anderson | Green | Mundt |
| Barrett | Hayden | Murray |
| Beall | Hickenlooper | Neuberger |
| Bennett | Hill | O'Mahoney |
| Bible | Holland | Pastore |
| Bricker | Hruska | Potter |
| Bush | Humphrey | Purtell |
| Butler | Ives | Revercomb |
| Byrd | Jackson | Robertson |
| Capehart | Javits | Russell |
| Carlson | Jenner | Saltonstall |
| Carroll | Johnson, Tex. | Schoeppel |
| Case, N. J. | Johnston, S. C. | Scott |
| Case, S. Dak. | Kefauver | Smathers |
| Chavez | Kennedy | Smith, Maine |
| Church | Kerr | Smith, N. J. |
| Clark | Knowland | Sparkman |
| Cooper | Kuchel | Stennis |
| Cotton | Langer | Symington |
| Curtis | Lausche | Talmadge |
| Dirksen | Long | Thurmond |
| Douglas | Magnuson | Thye |
| Dworshak | Malone | Watkins |
| Eastland | Mansfield | Wiley |
| Ellender | Martin, Iowa | Williams |
| Ervin | Martin, Pa. | Yarborough |
| Flanders | McClellan | Young |
| Frear | McNamara | |
| Fulbright | Monroney | |

The PRESIDING OFFICER (Mr. SCOTT in the chair). A quorum is present.

The Senator from South Carolina [Mr. THURMOND] has the floor.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. JOHNSON of Texas. Mr. President, I wonder if I could inquire of the distinguished Senator from South Carolina as to how long he thinks his speech will take.

Mr. THURMOND. I believe it will take about 40 or 50 minutes.

Mr. JOHNSON of Texas. Mr. President, it is nearly 5:30. The Senator plans to speak until probably 6:15 p. m. I announce for the information of Senators present that at 6:15 I shall suggest the absence of a quorum and attempt to obtain a quorum so that any other speakers who may desire to address themselves to this subject may do so this evening.

Mr. THURMOND. Mr. President, the passage of the pending bill, H. R. 6127, would deprive American citizens of their fundamental right of trial by jury.

It would place a mortgage on the freedom of every citizen, marked "payable on demand at election time" to the Attorney General of the United States.

The statements I have just made are not in any way extreme interpretations of the power which would be placed in the hands of the Attorney General under part IV of the bill when the powers of part IV are combined with existing provisions of the United States Code.

Let me point out the basis on which I have made these statements.

Paragraph (c) of part IV provides that—

> Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order.

This provision would permit the Attorney General and his subordinates, the Federal district attorneys of the United States, to secure injunctions and other restraining orders from the Federal district courts for the purpose of applying unjustified judicial controls on American citizens in connections with the holding of elections.

Under this provision, the Attorney General could institute such proceedings without the approval or the consent of the person the Attorney General was purporting to protect. Of course, if that person himself wished protection and felt that additional protection was necessary, he could, under the present laws, secure such protection himself by application to the court.

The purpose of paragraph (c) of part IV of H. R. 6127 is more specifically to provide the Attorney General dictatorial control powers over elections than it is to provide protection for the individuals. This point is easily discernible when part IV is interpreted in the light of existing statutory provisions relating to contempt proceedings.

Section 401 of title 18 of the United States Code specifies three bases on which a Federal judge has the power at his discretion to fine or imprison a person for contempt:

First. Misbehavior of any person in the presence of the court or so near thereto as to obstruct the administration of justice.

Second. Misbehavior of any of the court's officers in their official transactions.

Third. Disobedience or resistance to the lawful writ, process, order, rule, decree, or command of the court.

Section 402 and section 3691 of title 18 provide for the prosecution of criminal contempts committed against any lawful writ, process, order, rule, decree or command of a Federal court. These sections specifically provide that when such an act also constitutes a violation of an act of Congress or a law of a State, the person charged with such violation and such a crime shall be entitled to a trial by jury.

However, section 3691 contains an important—yes, a vital—exception to the right of trial by jury. It provides:

> This section shall not apply to contempts • • • in any suit or action brought or prosecuted in the name of or on behalf of the United States.

Mr. GORE. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. GORE. In line with the statement which the junior Senator from Tennessee made to the Senate yesterday, with respect to the practice of Federal courts in the State of Tennessee, I wish to read a telegram addressed to the junior Senator from Tennessee by the senior Federal judge in the State, Judge Leslie R. Darr, of Chattanooga, Tenn. The telegram reads as follows:

> CHATTANOOGA, TENN., *July 30, 1957.*
> Hon. ALBERT GORE,
> *United States Senator,*
> *Senate Office Building,*
> *Washington, D. C.:*
>
> In eastern district of Tennessee jury commissioners place pro rata number Negroes in jury box. So far as I can recall we have not had court without Negroes on the jury. There is no discrimination in eastern district of Tennessee.
>
> LESLIE R. DARR.

I wish to say to the able junior Senator from South Carolina that Judge Darr has had a long and honorable career as a Federal judge. As I have previously stated, he is the senior Federal judge in Tennessee.

Mr. THURMOND. I thank the Senator from Tennessee. I am sure the statement he has made is correct, and I commend the Senator for bringing this information to the attention of the Senate.

On that point, in South Carolina, Negroes have been serving on juries for as long as I can remember. As a trial lawyer, after leaving the Governor's office in 1951, my experience was that there were Negroes sitting on practically every trial jury before which I tried a case. There is certainly no discrimination in my home State.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. SPARKMAN. In connection with what the Senator from South Carolina has just said, let me say that I began the practice of law 32 years ago, just about this time of the year. During all that time Negroes have served on Federal juries in the Federal courts of my State.

Mr. THURMOND. I am sure that is correct. I recall that before I was even admitted to the bar, when I was a young boy visiting the Federal courts, I saw Negroes on juries.

Mr. SPARKMAN. Mr. President, will the Senator further yield?

Mr. THURMOND. I yield.

Mr. SPARKMAN. The distinguished Senator from New York [Mr. JAVITS] inserted in the RECORD a few days ago a list of cases, which the Supreme Court had sent back to the lower courts of certain States because of the alleged systematic exclusion of Negroes from juries. I believe practically every one of such cases was a State case. I cannot speak for other States, but I can speak for the State of Alabama.

The Senator from New York cited a case from the State of Alabama, the case of Norris against Alabama. That was the famous Scottsboro case. That Supreme Court decision was handed down in 1935. I was practicing law at the time in Huntsville, Ala. At the very next term of the circuit court Negroes were included

in the panel, in very much the same proportion that they bore to the total population. From that date until this, for a period of more than 22 years, Negroes have been included on juries in trial courts throughout the State of Alabama.

Mr. THURMOND. I am sure the distinguished Senator from Alabama is correct.

I may say that for a period of 8 years before becoming Governor of South Carolina I served as a circuit judge. During that period I observed Negroes on juries throughout the various counties of the State of South Carolina. They served not only on Federal court juries, but also on juries in State courts.

Returning to paragraph (c) of part IV of H. R. 6127, the portion of section 3691 which I have just quoted would give the Attorney General absolute power to deprive citizens of a jury trial in contempt cases simply by making the United States a party to any or every election dispute.

What is sought to be accomplished by part IV of this bill is twofold:

First. To prevent jury trials by instituting civil actions in cases which, if any wrongdoing has been committed, should be tried under our criminal laws.

Second. In the event a contempt is proved to involve a criminal action to deprive the defendant of a trial by jury by making the United States a party to the case.

Mr. President, no explanation of this bill can alter the fact that it is specifically designed as a force bill. Its purpose is to put weapons of force in the hands of the Attorney General which he could exercise arbitrarily. He could apply the force in some cases and withhold it in others. It would be a weapon to intimidate innocent people, not versed in the law, as an Attorney General should be.

If H. R. 6127 were to be enacted, it would deprive people all over this country of the right of trial by jury, which is guaranteed in the Constitution and in the Bill of Rights.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. ERVIN. I ask the Senator if the bill would not permit the Attorney General to use its provisions in behalf of some people, and refuse to use them in behalf of other people; and to use its provisions against some people, and refuse to use them against other people in exactly the same circumstances.

Mr. THURMOND. The Senator is correct.

Mr. ERVIN. I ask the Senator if the bill would not produce this tragic situation: For the first time in American history, the question of whether a citizen of the United States should be permitted to enjoy his constitutional right of trial by jury would depend upon the uncontrolled discretion of the Attorney General. I ask the Senator if the Attorney General could not say, in the case of defendant A, "I am going to rob you of your constitutional right of trial by jury by bringing one of these new proceedings against you"; and if he could not, at the same time, say to defendant B, "I am going to permit you to enjoy your constitutional right of trial by jury by indicting you in a criminal prosecution instead of proceeding against you under the new statute"?

Mr. THURMOND. The distinguished Senator is exactly correct.

In fact, if the pending bill should be passed, I am very dubious about the constitutionality of it, because it would put in the hands of the Attorney General a weapon with which he could give protection of the law in one case and withhold it in another case. Therefore, it would violate the 14th amendment to the Constitution; and, in my opinion, the right kind of Supreme Court would declare it unconstitutional because it does not provide for equal protection of the law.

Mr. ERVIN. I should like to ask another question of the Senator with reference to an argument which we continually hear, to the effect that the Senate should approve the bill, under which American citizens can be robbed of their constitutional right of trial by jury, for fear that some people in Africa or Asia or the islands of the sea might lose confidence in the United States. Has the Senator heard that argument iterated and reiterated?

Mr. THURMOND. The Senator is correct.

Mr. ERVIN. I should like to ask the Senator if he does not believe it to be a poor argument to say that American citizens must be robbed of their constitutional right of trial by jury, in order to appease persons in Africa or Asia or on the islands of the sea.

Mr. THURMOND. I thoroughly agree with the distinguished Senator.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. SPARKMAN. I believe it is appropriate at this point to ask this question of the Senator from South Carolina. First, is not the effect of the provision we are discussing, as it is set forth in H. R. 6127, to establish a new category of cases which are arbitrarily moved from law to equity?

Mr. THURMOND. That would appear to be the purpose of the bill, namely, to transfer to the equity side of the court cases which ought to be tried before juries. It would deny the defendant a right to trial by jury, as provided in the Constitution.

Mr. SPARKMAN. Second, does it not establish a new category of contempt cases beyond the scope of those which have been heretofore defined by Congress itself?

Mr. THURMOND. It does; because it would write into law provisions for prosecuting people for contempt, to be tried before a judge, and that is not now permitted under the law.

Mr. SPARKMAN. Perhaps I am anticipating the Senator's speech, because I have had an opportunity to read it. I recall that he sets forth very clearly in his speech the contempt cases under statutory law and under the decisions of the court which can be handled by a judge without the intervention of a jury. The bill goes far beyond that. Is that not correct?

Mr. THURMOND. The Senator is correct.

Mr. SPARKMAN. To that extent it would establish a new category of contempt cases. Is that not correct?

Mr. THURMOND. I thoroughly agree with the Senator from Alabama.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. TALMADGE. I value very highly the Senator's judgment as an able lawyer, because I know he served as a distinguished judge in his State before he became Governor of his State. Is it not a most unusual procedure to seek to pass proposed legislation authorizing the Attorney General of the United States to represent a private individual in a private lawsuit, with or without the person's consent?

Mr. THURMOND. I thoroughly agree with the Senator's statement. The only reason that provision was included in the bill was for political reasons.

Mr. TALMADGE. To the Senator's knowledge, has there ever been any precedent established in the entire history of the United States for such legislation?

Mr. THURMOND. The Senator from South Carolina had never heard of any such precedent prior to the writing of the provision into the bill.

Mr. TALMADGE. If we are to pass this new type of legislation, vesting such rights in the Attorney General, instead of having them remain inherent with the individual, as has been the situation all along, is there any reason why we should not also authorize the Attorney General to represent a private individual in other fields?

Mr. THURMOND. I believe it could become a very dangerous precedent. The enactment of the provision of the pending bill permitting the Attorney General to substitute the United States in place of a private individual would establish a precedent which could open up new fields and bring into play new principles of law which have never been recognized under our form of government.

Mr. TALMADGE. Would it not naturally follow that it would be our duty to authorize the Attorney General to defend individuals in cases involving rape, murder, and other felonies?

Mr. THURMOND. It is possible that such construction might be placed on the bill, if it should be enacted.

Mr. TALMADGE. Would it not also be logical to assume if Congress should authorize the Attorney General in one matter to represent a private litigant in the name of the United States Government, with or without his consent, that he should also represent a private individual in any suit involving title to real property, or with respect to any other rights an individual possesses under the Constitution of the United States?

Mr. THURMOND. The distinguished Senator from Georgia is raising some very vital points in connection with this debate, and they are serious questions. Certainly I hope that the American people will give attention to these points the Senator raises before a final vote is had on the pending amendment.

Mr. TALMADGE. Would that not, after all, get us into the situation which obtains in totalitarian states, where the

rights of individuals are not determined by the courts, but by the whim or caprice of an executive or appointed officer?

Mr. THURMOND. The Senator from South Carolina is of the opinion that if the bill is passed as now written, it will be a step toward totalitarianism, as suggested by the distinguished Senator from Georgia.

Mr. TALMADGE. I thank the Senator.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. ERVIN. The argument has been made that the only authority of a substantial nature the bill confers is the authority it confers upon judges of Federal courts. I will ask the distinguished Senator this question: If the bill should be enacted into law, would not the Attorney General have the option of proceeding against a person in a voting rights case either under the new law or under the criminal statutes now existing?

Mr. THURMOND. The Senator is correct.

Mr. ERVIN. The judge of the Federal court would not have any power whatever to determine whether the man should be prosecuted for a crime or proceeded against under the new law. Is that not correct?

Mr. THURMOND. The Senator is correct, because the Attorney General would make the decision as to how he would proceed.

Mr. ERVIN. I should like to invite the attention of the distinguished Senator from South Carolina to certain excerpts from the testimony given by the Attorney General before the Subcommittee on Constitutional Rights of the Committee on the Judiciary. I refer to the top of page 7 of the hearings. The Attorney General stated:

> The only course left open to the Government under the laws as they stand now was criminal prosecution of those responsible.

Does the Senator from South Carolina agree with the observation of the Attorney General?

Mr. THURMOND. I am not sure that I heard it distinctly.

Mr. ERVIN. The Attorney General said that the only course now open to the Federal Government in civil rights cases is to prosecute people for crime. Does the Senator agree?

Mr. THURMOND. To prosecute? Yes.

Mr. ERVIN. The Attorney General also said, as shown on page 6 of the hearings:

> The Federal Government is limited to criminal prosecutions which, as in voting cases, are cumbersome, difficult, and in situations not involving brutality and violence, often unduly harsh.

The Senator from South Carolina will notice that the Attorney General is shedding some tears, actual or crocodile, or political, concerning the plight of the people he is obligated to prosecute. Does the Senator from South Carolina agree with me in the observation that when a Government attorney professes to bear gifts to those he is obligated to prosecute, Congress might well beware of his recommendations?

Mr. THURMOND. The Senator from South Carolina is in thorough accord with the statement of the Senator from North Carolina, and believes, as he stated a few moments ago, that it is a most dangerous precedent to establish. It places in the hands of the Attorney General a most powerful weapon, with which he can choose to prosecute a man or choose to take him into the equity side of the court and to have him punished for contempt.

Mr. ERVIN. I should like to read to the distinguished Senator from South Carolina another statement made by the Attorney General before the subcommittee, as a preliminary to a question.

At the top of page 6 the Attorney General is recorded as saying:

> Jurors are reluctant to indict and convict local officials in a criminal prosecution even though they recognize the illegality of what has been done.

Would not the Senator from South Carolina interpret that statement to mean, in plain English, that the Attorney General is afraid he might lose some cases if he has to establish his allegations in those cases to the satisfaction of a jury by the testimony of cross-examined witnesses, as is now required by the Constitution?

Mr. THURMOND. The Senator from South Carolina is of that opinion. I believe it has been brought out in the debate by some of the opponents of the amendment that one reason they desire this procedure is because they claim that southern juries will not convict.

Mr. ERVIN. Has the Senator from South Carolina read the speech which Assistant Attorney General Warren Olney III made in Washington, D. C., about the time the Senate Committee on the Judiciary adopted a jury trial amendment to the Senate bill, in which Mr. Olney said, in substance, that it was necessary to pass a statute under which a judge can prevent a jury from acquitting a registrar? Did the Senator read that speech?

Mr. THURMOND. I did not read the speech, but I read an account of it in the newspapers.

Mr. ERVIN. In the judgment of the Senator from South Carolina, will not the constitutional liberty of Americans die at the precise moment when Congress passes a law which will enable a judge to prevent a jury from acquitting a defendant in any kind of case?

Mr. THURMOND. The Senator from South Carolina is certainly of that opinion. He feels that the right to trial by jury is one of the great bulwarks of the democracy of this Nation. The right to trial by jury is guaranteed in the Constitution. It is further assured in the Bill of Rights. It is a right which every American has heretofore held, and to which he is entitled. It would be a sad day in the history of this country if that right were to be taken away from American citizens.

Mr. ERVIN. Under Federal law, Federal district judges have the legal power to express their opinions on the facts in cases tried before a jury; and that is a power which Federal judges frequently exercise. Does not the Senator think that with that power, a Federal judge could induce a jury to return a conviction in any case in which he thought the facts warranted such conviction?

Mr. THURMOND. The able Senator from North Carolina is entirely correct. In the Federal courts, the judges have the right and power to comment on the facts, as distinguished from the situation in State courts, where the judges do not have that power. The Federal judges are given tremendous power in that respect.

Mr. ERVIN. I have heard it argued on the floor of the Senate on several occasions that if jury trials are allowed in civil rights cases in the Federal courts in Southern States, defendants will be tried by, as I believe one of the distinguished Senators on the other side of the aisle said, their buddies and friends.

I ask the Senator if most of the Southern States are not largely rural in nature, and if trials in criminal cases in Federal courts do not ordinarily occur in Southern States anywhere from 40 or 50 to 100 miles from the homes of the defendants before juries composed of strangers?

Mr. THURMOND. That is correct. For instance, South Carolina has 46 counties. There are only two Federal judicial districts. Jurors who are drawn for service in a Federal court come from half the counties of the State. In other words, about 23 of the counties send jurors to serve in the Federal court of one district. So any person who is being tried might not know any, or very few, of the jurors serving on the case.

Mr. ERVIN. Has not the Senator from South Carolina had the same trouble I have had of identifying our section of the country from some statements concerning it made on the floor of the Senate by some Senators from other sections?

Mr. THURMOND. I agree with the distinguished Senator from North Carolina. I only wish that the Senators from other sections of the country would come to the South, would learn to know our people, and would come to know what we stand for. They would see how fair we are to all races who reside in our States.

Mr. ERVIN. I ask the Senator from South Carolina if there is not now on the statute books a law which makes it a serious criminal offense for any Federal clerk or jury commissioner to fail to place in the jury box the name of any person on account of his race, or for the marshal to fail to summon any jurors on account of their race; and if that statute does not make it certain that qualified Negro jurors serve in the Federal courts in the Southern States?

Mr. THURMOND. The distinguished Senator from North Carolina is eminently correct. As I said a few moments ago, I cannot recall, from the time I was a boy and visited the Federal courts, when Negroes were not on the juries.

Mr. GORE. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. GORE. I hope the Senator from South Carolina will not mind if I observe that I have long heard of what the

Governor of North Carolina said to the Governor of South Carolina.

I have now noticed, as we approach the hour of 6 o'clock in the afternoon, that repeatedly the distinguished junior Senator from South Carolina has said to the senior Senator from North Carolina, "The distinguished Senator from North Carolina is eminently correct."

Mr. THURMOND. I thank the Senator from Tennessee. The able Senator from Tennessee has asked some very vital questions, as have also the able Senator from North Carolina [Mr. ERVIN], who was a judge for many years, and the distinguished Senator from Georgia [Mr. TALMADGE]. I think it is well to have these points brought out in order to clarify the bill, and to show what an unreasonable and unnecessary bill the Senate is now considering.

Mr. GORE. Mr. President, will the Senator further yield?

Mr. THURMOND. I yield.

Mr. GORE. In order to indicate how complicated and doubtful may become questions at issue under the terms of the bill, if enacted, I wonder if the Senator would turn to page 11 of the bill, in order that I might ask him a question.

Would the distinguished Senator be able to give at this time a clear definition of just what might be involved in an "attempt to intimidate, threaten, or coerce"? What would be, under varying circumstances, an "attempt to intimidate," for instance? I can understand what, in certain circumstances, a threat would be. But if a person is charged with being in the act of "about to threaten" or "about to attempt to threaten," would the Senator be able to explain specifically with what that person would be charged?

Mr. THURMOND. The Senator from South Carolina believes that the bill is drawn in such a way and that its verbiage is such that its main object is a political purpose. He does not feel that it is possible to say when a man is "about to engage" in something, or when he is "attempting to threaten." The Senator from South Carolina can only answer that if a person threatens, he knows it is a threat. But as to his being "about to threaten," it seems that the bill contains a clause which is altogether vague and unnecessary. Such words merely put a weapon in the hands of the Attorney General to persecute those he may wish to persecute for some purpose of his own liking.

Mr. GORE. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I yield.

Mr. GORE. I believe the Senator omitted to mention one step. What is the meaning of the bill when it states that a person may be charged with being in such a state of mind or condition in which he is about to—attempt to threaten?

Mr. THURMOND. I cannot state just what the bill means when it says that someone is about to threaten to do something.

Mr. GORE. Mr. President, will the Senator from South Carolina yield further to me?

Mr. THURMOND. I yield.

Mr. GORE. I am wholeheartedly of the opinion that every citizen who is qualified under the laws and the constitutions of the respective States to vote has a right to vote, and that every citizen is entitled to the protection of that right by the law. I ask these questions, not to indicate a lack of sympathy with a genuine attempt to protect the right to vote, but, rather, to illustrate the complicated, doubtful, unsure, uncertain charges which might be leveled against a person under terms of the bill, which charges would be adjudicated in Federal courts; and to illustrate that if a person is charged with criminal contempt of an injunction under these and other conditions, foreseeable or unforeseeable, then it is proper for a jury to reach a determination thereon.

Mr. THURMOND. I feel there is no question that a jury trial should be allowed in any case of willful disobedience of such an order or in any case of criminal contempt.

Mr. ERVIN. Mr. President, will the Senator from South Carolina yield to me?

Mr. THURMOND. I yield.

Mr. ERVIN. Does the Senator from South Carolina not believe that the Attorney General would have to get some high-powered prophets on his staff, in order to be able to determine when a person is about to attempt to threaten to do something?

Mr. THURMOND. I do not know how the Attorney General would ever arrive at the point where he could cite anyone for contempt, under the provisions of this bill, because it is not clear. As the Senator from Tennessee has pointed out, the bill is dubious; it is uncertain. To the thinking of the Senator from South Carolina, neither a judge nor a jury would or should attempt to hold a person liable under language such as that used in the pending bill.

Mr. ERVIN. I wish to ask the distinguished Senator from South Carolina a further question: Under the equity practice of issuing restraining orders and temporary injunctions upon the verified pleadings of a plaintiff, could not the Attorney General have a State or local official, engaged in the administration of the voting laws, restrained or temporarily enjoined on the basis of a verified pleading to the effect that he was about to attempt to threaten to do something?

Mr. THURMOND. The Senator from North Carolina is correct; I think that might be done under the provisions of the pending bill. I think it would be very unjust; I believe it would be very unfair; and I do not consider it to be in consonance with the system of jurisprudence practiced under our democratic form of government.

Mr. YARBOROUGH. Mr. President, will the Senator from South Carolina yield to me?

Mr. THURMOND. I yield.

Mr. YARBOROUGH. I should like to ask a question of the distinguished Senator from South Carolina. Under the following subsection of part IV of the bill, which provides the stated criminal penalties in the case of a person who "whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate." And I point out that the criminal penalties provided in that connection include imprisonment—I wish to ask this question of the Senator from South Carolina: When the members of an agricultural committee which fixes agricultural production quotas or allotments—for instance, in the case of the production of cotton—say, as actually happened in many parts of the South, "Jim, you had better not vote Republican, for the Republicans will knock out 90 percent of parity"—as they did—could that statement properly be regarded as constituting a violation of the law here proposed? Would such a statement interfere with the right of any person to vote, and would it subject the person who warned a farmer that 90 percent of parity crop supports would be knocked out if he voted for the candidate of the other party, to the penalties provided in the bill?

Mr. THURMOND. I think any action such as that indicated by the Senator from Texas, in connection with voting in any election covered by that part of the bill, might subject such a person to the penalties proposed in the bill.

Mr. YARBOROUGH. Mr. President, will the Senator from South Carolina yield further to me?

Mr. THURMOND. I yield.

Mr. YARBOROUGH. Suppose a person who was engaged in one of the building trades or a person who was in the business of lending money said to others, "You had better not vote for this candidate. If you do, he and the others of his party will raise the interest rates we have to pay, and will put into effect a hard-money policy, and will make it harder to obtain loans, and harder to build homes, and harder to get work," and thereby tried to dissuade those particular voters from voting for a certain candidate or a certain party. In the opinion of the distinguished Senator from South Carolina, could that properly be regarded as an attempt to persuade those persons to vote against a particular candidate; and would such action thus subject that person to the penalties covered by the provisions of the pending bill?

Mr. THURMOND. The provisions of the bill are so broad that if the Attorney General sought to punish someone, for political reasons or otherwise, it seems to me it might be possible for the Attorney General to bring such an action, if the bill were enacted.

Mr. YARBOROUGH. I thank the distinguished Senator from South Carolina for his analysis.

Will he yield for a further question?

Mr. THURMOND. I yield.

Mr. YARBOROUGH. The bill refers to attempts to intimidate. My attention has been called to the definition of intimidate, namely, to make timid, or fearful. If a person said to a prospective voter, "The Republicans are about to raise the interest rates you will have to pay, and they are about to bring on a hard-money policy in this country," and if that prospective voter was interested in borrowing money, would such a statement not be calculated to make him timid or fearful, in that it would indicate that the election of a certain candidate might result in making it more difficult for him to borrow money? In that event, would such a statement not be a violation of the proposed law?

Mr. THURMOND. Such a construction might be placed on a statement of that sort, if the bill were enacted into law; and if the Attorney General were so minded, and if he were politically minded, it appears to me that he might have some ground for bringing action under the provisions of the bill.

Mr. YARBOROUGH. I thank the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, the pending bill, if enacted, would not strengthen the rights of individuals. It would strengthen the bureaucratic power of the Attorney General of the United States. It would grant him license to meddle in every election held in every precinct of this Nation, if he so chose.

Mr. President, there is no question as to the power of a court to punish a contempt committed in the presence of the court, or so near thereto as to obstruct justice. Such authority must be vested in our courts in order to maintain respect for the administration of justice. From earliest times, the common-law courts have had the power to punish contempts committed in their presence.

Through the years, the contempt procedure was gradually refined. In his review of The King against Almon, Arthur Underhill states that Hale in his Pleas of the Crown cites an instance "of a man attached by bill to answer to the king and a party for an assault committed on the plaintiff when he came to prosecute a suit in the King's Bench and attachment by bill to bring the defendant before the court where the question was tried in the ordinary course of law. It would seem that in early times contemptuous conduct on the service of process was punished after conviction by a jury and not by summary procedure."

Even in cases of contempts committed in the face of the court, there is some evidence that the person accused was accorded the right to trial by jury.

Holdsworth, in his History of the English Law, stated that—

> All through the medieval period and long afterwards the courts, though they might attach persons who were guilty of contempts of court, could not punish them summarily. Unless they confessed their guilt, they must be regularly indicted and convicted.

John Charles Fox, in an article in the Law Quarterly in 1909, entitled "The Summary Process to Punish Contempt," expressed the view that the common-law courts followed a custom perhaps down to the 18th century of never summarily punishing contempts committed out of the presence of the court.

Contempt procedures established in courts of equity developed somewhat differently because of the impersonal nature of the Chancery in England. There were two main grounds on which a person might find himself in prison for contempt, according to The English Legal System by Radcliffe and Cross. They were neglecting a subpena and failure to comply with a court order, such as to do some act, to pay money into court, or execute some document, and so forth.

Centempt procedures were brought into the processes of the common-law courts, after first having been established in the Chancery. Holdsworth cites two factors which contributed to this development. He points out that, after the abolition of the star chamber and the jurisdiction of the Council in England in 1641, the King's Bench assumed this jurisdiction, and with it authority from the preceding bodies to punish contempts. At the same time, there began a gradual enlargement of the power of the court to convict and punish summarily without an indictment or the verdict of a jury.

Yet, Fox, in his article on The King against Almon, asserted that he could not find an instance of a proceeding for contempt, other than by indictment, information, or action at law, earlier than 1720. The King against Almon is considered the landmark case for the concept in England that contempts might be tried without a jury.

However, the judgment in this case was never officially handed down because of a technical error in the names involved. Still more important is the fact that, although the case was heard in 1765—more than 10 years before America broke away from England—the case did not become precedent in England until 1844, more than a half century after the United States Constitution had been adopted.

In the light of the historical background cited, it is significant that our Constitution and Bill of Rights, spelled out their guaranties of trial by jury.

Blackstone, that great English legal mind of the 18th century, was delivering a series of lectures at Oxford University about the time the American colonies were breaking away from Great Britain. He had a strong influence on jurisprudence in the United States. His Commentaries on the Laws of England were first published in 1765 as an outgrowth of his course at Oxford during the middle 1750's.

Perhaps one of the most forceful statements in history as to the importance of trial by jury is contained in the 23d chapter of the 3d volume of the commentaries.

This is what Blackstone had to say:

> The trial by jury ever has been, and I trust ever will be, looked upon as the glory of the English law. And if it has been so great an advantage over others in regulating civil property, how much must that advantage be heightened when it is applied to criminal cases. * * * It is the most transcendent privilege which any subject can enjoy or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of 12 of his neighbors and equals. A constitution, that I may venture to affirm has, under Providence, secured the just liberties of this nation for a long succession of ages. And therefore a celebrated French writer, who concludes, that because Rome, Sparta, and Carthage have lost their liberties, therefore those of England in time must perish, should have recollected that Rome, Sparta, and Carthage, at the time when their liberties were lost, were strangers to the trial by jury.

At another point, Blackstone further declared his faith in trial by jury in these words:

> A competent number of sensible and upright jurymen; chosen by lot * * * will be found the best investigators of truth, and the surest guardians of public justice. For the most powerful individual in the State will be cautious of committing any flagrant invasion of another's right, when he knows that the fact of his oppression must be examined and decided by 12 indifferent men, not appointed till the hour of trial; and that, when once the fact is ascertained, the law must of course redress it. This, therefore, preserves in the hands of the people that share which they ought to have in the administration of public justice.

Mr. President, the Members of the Senate who are also members of the bar have seen the wisdom of Blackstone's words operating many times in the courts of this Nation. The principle of trial by jury must continue to protect the liberty of every citizen as our forefathers intended it to do when they so provided in the Constitution.

Let me review briefly the provisions of the Constitution and the Bill of Rights providing for trial by jury. Section 2 of article III of the Constitution provides:

> The trial of all crimes, except in cases of impeachment, shall be by jury.

There is no equivocation in that statement of an American citizen's right of trial by jury. There should be no misinterpretation and misapplication of it such as is proposed in H. R. 6127.

Mr. President, even as clear and specific as are the words of section 2 article III of the Constitution guaranteeing trial by jury, the people of this young Nation were not satisfied with that alone. They demanded an enumeration of the rights reserved to the people in the first 10 amendments, which comprise the Bill of Rights. The result of their dissatisfaction was the drafting and ratification of the sixth and seventh amendments.

The sixth amendment to the Constitution provides that—

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

Also, the seventh amendment provides that—

> In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by jury, shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

Under the present law, if the violation of a court injunction or order is willful, or if the violation is criminal in intent,

the violator has the right of trial by jury. No effort to twist one type of court proceeding into another type can change the meaning of the constitutional provisions cited above.

Without a guaranty of trial by jury in the Bill of Rights, that precious freedom might have been taken from us long before now. We have seen the efforts of every branch of the Federal Government to make such seizures of power from the States and from the people. Yes, unfortunately, we have witnessed actual seizures in our own day. However, there can be no doubting the intent of the Founding Fathers to guarantee the right of trial by jury to every citizen.

They were familiar with the summary proceedings which have taken place under the Star Chamber and in the courts which assumed the jurisdiction of the Star Chamber as its successors. They knew of the cruelties and maltreatment imposed under Star Chamber proceedings. They intended to protect their descendants from such cruelty and maltreatment.

I wish they could have anticipated the devious proposals contained in H. R. 6127 so that they might specifically have provided for protection against such ill-conceived legislation.

Mr. President, the full impact of how an injunction or court order could be imposed upon persons was felt during the 1930's. During that period, an agreement was developed between employer and employees which came to be known as a yellow-dog contract.

Several of the great leaders in the Senate of that day were most forceful in their comments on such contracts. Their concern was even greater with reference to the injunctions and orders issued by the courts to force compliance with the contracts. I should like to quote from statements made at that time in the Senate.

On April 30, 1930, Senator Wagner, of New York, author of the Wagner Act and father of the present mayor of New York City, spoke against the confirmation of Judge John J. Parker of Charlotte, N. C., to be a Justice of the United States Supreme Court. His opposition was based on a decision rendered by Judge Parker on the circuit court of appeals with reference to one of the so-called yellow-dog contract cases.

In the course of his argument, Senator Wagner quoted the present senior Senator from Illinois [Mr. DOUGLAS], who was then a professor of economics at the University of Chicago. Senator Wagner quoted the professor as declaring:

> To grant the injunction which is sought would permit employers to put a legal ring around their plants to prevent their being unionized. To grant such further protection of the law to the ability of the strong to force terms upon the weak, which the latter would not consent to were he on approximately equal terms with the other party, is to bring the boasted equality of the law into disrepute and is to inflict a heavy and unwarranted blow at the institutions which the comparatively weak have built up to protect themselves.

I cite this statement of the senior Senator from Illinois because I believe it applies most appropriately to the proposal in H. R. 6127 which would empower the Attorney General to secure injunctions in alleged violations of the voting rights of individuals. To grant now such power to the Attorney General in voting cases would be comparable to employing the injunction as it was used in the 1930's against employees in labor disputes.

I can think of no better phraseology to describe the viciousness of using injunctions in such a manner than that attributed to the senior Senator from Illinois by Senator Wagner:

> To grant such protection of the law to the ability of the strong to force terms upon the weak, is to bring the boasted equality of the law into disrepute.

In an address I made in the Senate in opposition to H. R. 6127 on July 11, I referred to another statement of the senior Senator from Illinois which was contained in his book entitled "The Coming of a New Party," published in 1932. On page 42 of that book he decried the effect of contempt actions without trial by jury in labor-dispute cases. He condemned the use of injunctions to prevent union activities and pointed out that such efforts would result in unions becoming "liable for contempt of court and their officials can accordingly be sentenced to jail, without a jury trial, by the judge who issued the original order."

The senior Senator from Illinois was on the floor at the time I made reference to his previous position on the matter of court injunctions and the right of trial by jury. I expressed the hope that he would apply the same eloquence to a plea on behalf of every citizen.

I regret that the senior Senator from Illinois and some of my other colleagues in the Senate support a bill which would deny any citizen of a right which they have advocated for citizens who belong to labor unions.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. ERVIN. I should like to ask the distinguished Senator if he thinks any justification whatever can be found for a so-called system of justice which provides that one man shall be tried for contempt by a jury and another man shall be tried for contempt by a judge?

Mr. THURMOND. The Senator from South Carolina can think of no just reason for a procedure which allows one man to be tried by a jury and another man, his fellow man, to be tried by a judge in a contempt proceeding.

Mr. ERVIN. I should like to ask the Senator from South Carolina if, in his judgment, any system of justice which establishes one method of procedure for one person or one group of people and establishes another method of procedure for another person or another group of persons is not absolutely repugnant to every sound concept of justice?

Mr. THURMOND. The Senator from South Carolina feels that any such system as that suggested by the Senator from North Carolina is repugnant to justice, and he further feels that it is repugnant to the 14th amendment to the Constitution which provides for equal protection under the law.

Mr. ERVIN. I will ask the distinguished Senator from South Carolina if the authority which this bill gives to the Attorney General, to use its provisions for or against some people and to refuse to use them for or against other people, is not absolutely abhorrent to the concept of the equal protection of the laws in a procedural sense, in that the equal protection of the laws in a procedural sense requires that every person shall have a right to resort to courts for redress under exactly the same rules governing other persons in like circumstances?

Mr. THURMOND. The Senator from South Carolina feels that it is not only abhorrent but it is also despicable for any procedure to be followed in which all people are not treated equally. In fact, the very building which is occupied by the Attorney General of the United States, located in the city of Washington, I believe, has inscribed on it the words "Equal justice under law." And there is no equal justice under law when one class of people is treated in one manner and other classes of people are treated in another manner when they go into court.

Mr. President, I am convinced that if H. R. 6127 were to be enacted without a provision for trial by jury, the Federal courts might declare it unconstitutional. Certainly recent decisions of the Supreme Court could lead to the logical conclusion that a denial of the right of trial by jury, in contempt actions contemplated under this bill, would involve a denial of equal protection of the laws and denial of due process of the law.

But let me quote Senator Norris, another great Senator of the thirties, on the question of trial by jury. This is what he had to say when the Senate was debating the Norris-La Guardia bill, noting that the section on jury trial was to have general application and was not confined to labor disputes:

> The ordinary criminal laws provide that any person charged with a crime shall have the right to a jury trial. The person tried for contempt of court is tried for a criminal act. It is true this act has not been made criminal by a statute, but by the order of a judge. The judgment, however, can deprive the defendant of his liberty, can confine him to jail, and the length of the term of confinement is within the discretion of the judge who made the order. The judge becomes the legislature and, as such legislature, he makes something a crime that is not a crime under the general law. He then sits in judgment and tries the person who is charged with violating the law which he has enacted. What difference is it to the defendant, so far as his punishment is concerned, whether the law has been made by the judge or the legislature? His suffering is just as great in one case as in the other. Why should he be deprived of a jury trial when the law is made by one man instead of by the regular legislative authority?

Mr. President, the same dangers are present in the power granted the Attorney General under part IV of H. R. 6127 as Senator Norris objected to and fought against.

Liberty is just as dear to one citizen as to another. If the right of trial by jury was worth protecting in 1932, it is worth protecting today.

The same principle is involved. Time may alter situations but time does not alter principles. Principles stand through all the ages, regardless of efforts to twist their application to meet changing situations.

One of the features of American government which has distinguished it from the governments of the rest of the world is the jury system. I cannot emphasize that too strongly. The jury system is an outstanding characteristic of the American system of government.

More than 125 years ago a young French lawyer came to this country to observe our way of life and to report on our system of government.

Alexis de Tocqueville wrote a book about his travels in the United States which he entitled "Democracy in America." A chapter of that book was devoted to the right of trial by jury as practiced in this country.

Certain of his comments in that chapter are most appropriate for us to read at this time. These are his words, written more than a century and a quarter ago:

> The jury system as it is understood in America appears to me to be as direct and as extreme a consequence of the sovereignty of the people as universal suffrage. They are two instruments of equal power, which contribute to the supremacy of the majority. All the sovereigns who have chosen to govern by their own authority, and to direct society instead of obeying its directions, have destroyed or enfeebled the institution of the jury. The Tudor monarchs sent to prison jurors who refused to convict, and Napoleon caused them to be selected by his agents.

Mr. President, there is a warning from the past of how monarchs attempted to control the people of England and France by the control of juries as they were then used in those countries. The words of de Tocqueville are a tribute to the system which had been developed by the United States, then a young nation, to prevent the seizure of power which had been witnessed in older countries, where democracy was a word instead of a way of life.

De Tocqueville saw the jury in America as "that portion of the Nation to which the execution of the laws is entrusted, as the legislature is that part of the Nation which makes the laws."

Permit me to quote him further, because his comments should make us pause here today and consider what is asked of us when we are asked to consider H. R. 6127.

De Tocqueville asserted:

> Laws are always unstable unless they are founded upon the customs of a Nation; customs are the only durable and resisting power in a people.
>
> The institution of the jury, if confined to criminal causes, is always in danger; but when once it is introduced into civil proceedings, it defies the aggressions of time and man. If it had been as easy to remove a jury from the customs as from the laws of England, it would have perished under the Tudors; and the civil jury did in reality at that period save the liberties of England. * * * The jury, and more especially the civil jury, serves to communicate the spirit of the judges to the minds of all the citizens; and this spirit, with the habits which attend it, is the soundest preparation for free institutions. It imbues all classes with a respect for the thing to be judged and with the notion of right. If these two elements be removed, the love of independence becomes a mere destructive passion. It teaches men to practice equity; every man learns to judge his neighbor as he would himself be judged. * * * The jury teaches every man not to recoil before the responsibility of his own actions and impresses him with that manly confidence without which no political virtue can exist. It invests every citizen with a kind of magistracy; it makes them all feel the duties which they are bound to discharge toward society and the part which they take in its own government.

Mr. President, we are today facing an attack on our jury system of the same nature which de Tocqueville decried as having taken place under the Tudor monarchs of England, and Napoleon in France.

Just as those rulers sought to pervert the juries to their own ends, the pending bill, H. R. 6127, by its provisions, would condone a perversion of the jury system. What the Attorney General should realize is that he will not make citizens more responsible by trying to deprive them of a dear right. He will make them less responsible.

He cannot successfully twist established court procedures into fictional procedures for the sole purpose of convicting persons before they are found guilty of some wrongdoing by a jury.

One of the present Associate Justices of the United States Supreme Court delivered an address in Denver, Colo., on May 9 in which he dealt with the subject of trial by jury. I have previously referred to this speech by Justice Brennan, but I want to cite it again. This is what he had to say on the subject of trial by jury:

> American tradition has given the right to trial by jury a special place in public esteem that causes Americans generally to speak out in wrath at any suggestion to deprive them of it. * * * One has only to remember that it is still true in many States that so highly is the jury function prized, that judges are forbidden to comment on the evidence and even to instruct the jury except as the parties request instruction. The jury is a symbol to Americans that they are bosses of their Government. They pay the price, and willingly, of the imperfections, inefficiencies, and, if you please, greater expense of jury trials because they put such store upon the jury system as a guaranty of their liberties. * * *

Mr. President, surely the Members of the Senate, who are elected directly by the people, should easily recognize the validity and strength of the theme propounded by Justice Brennan. It is the same theme which was advocated so ably by the Members of the Senate in the 1930's.

I want to refer again to the debate in the Senate over the "yellow-dog" contracts. Senator Borah, whose statue stands in the Hall of Fame of the Capitol, declared on April 28, 1930:

> We are not contending here that labor organizations can at any time employ threats, force, or violence, or intimidation. * * * They must keep within the law. * * *
>
> But over and above and beyond these interests. * * *
>
> Is not the public * * * interested in striking down * * * all these over-reaching contracts which rob those who work of the discretion, of the liberty of choice as to how they shall conduct themselves so long as they conduct themselves lawfully.

Mr. President, the great Senator from Idaho was asking only for fair treatment for men to have the freedom to exercise their rights under the Constitution. He was not condoning force or violence, and I am not condoning it here today.

I am asking for the Senate to give the consideration which every citizen is entitled to receive in the application of our laws.

No citizen of this country should be subject to a "yellow-dog" contract type of injunction process. That is what H. R. 6127 embodies in its grant of extreme power to the Attorney General.

I want to conclude with the words of Senator Norris, spoken in this very Chamber on May 2, 1930:

> I wonder if a suffering people, whose forefathers fought for liberty, are going to give up the idea of it in this day and age, in this civilized day, and are going to submit to injunction-made law.

Mr. President, I do not believe the people of this Nation will ever submit to having their freedom deprived by injunction-made law. I hope the Senate will never attempt to do a thing that is so completely out of keeping with the constitutional guaranties which we revere.

In closing, Mr. President, I wish to say that the amendment offered by the distinguished Senators from Wyoming, Tennessee, and Idaho is not as broad as a great many of us would like to have it. The distinguished Senator from Virginia [Mr. BYRD], the distinguished Senator from Mississippi [Mr. EASTLAND], and I introduced a bill in March of this year guaranteeing the right of trial by jury. We believe that is the type of bill which ought to be passed. However, that bill is not before the Senate, and I shall support the amendment offered by the three distinguished Senators I have named, in an effort to secure the right of trial by jury for all citizens of the United States.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. SPARKMAN. First I should like to compliment the distinguished Senator from South Carolina on his most excellent presentation. It is not a lengthy speech, but it has a great deal of substance in it, and I hope the Senators who were not privileged to be here and to listen to the speech will read it in the RECORD.

Mr. THURMOND. I appreciate the kind words of the able Senator from Alabama.

Mr. SPARKMAN. At the end of his speech the Senator from South Carolina stated he did not believe the people of this Nation would ever submit to having their freedoms taken from them by injunction-made law. Is it not one of the great distinctions we have made down through the years, and one of which we have been very proud, that our Government is a government of laws, not of men?

Mr. THURMOND. The able Senator from Alabama is eminently correct.

Mr. SPARKMAN. Is it not true that the tendency of legislation such as is proposed in the pending bill is to change that concept, and to provide a government of men, rather than a government of laws?

Mr. THURMOND. The Senator is completely correct. Under the pending bill there would be placed in the hands of the Attorney General, whoever he might happen to be—after all but a human being susceptible to error, as we all are—a weapon with which he could punish individuals, if he so chose, and therefore it would not be a government of law but a government of men.

Mr. SPARKMAN. Would the Senator not agree with me that it would be perfectly appropriate, in describing some of the frailties of an Attorney General, to say also that he is a political appointee and is in no sense answerable to the electorate of this country?

Mr. THURMOND. The Senator is correct. He is a political appointee, and he is not responsible to the citizens of this country, and they have no redress against him, regardless of any action he may take.

Mr. SPARKMAN. The Senator has pointed out many instances in which great liberals in the past, and even in the present, have supported the time-honored principle of trial by jury. He quoted from a speech made by a man whom I consider to be one of the great Americans of all time, George W. Norris. I have often seen him stand in the Senate and fight for a principle, and fight for it until he won. Many times he started out fighting alone for a principle—and he often stood alone—but he never gave up, and fought through the years. He was recognized throughout the country as one of the great liberals of all time. He certainly advocated trial by jury, without exceptions, whenever facts were involved. Is that not correct?

Mr. THURMOND. The Senator is correct. The former distinguished Senator from Nebraska, George W. Norris, took the position that whenever a question of fact is involved there should be a trial by jury.

Mr. SPARKMAN. Criminal or civil?

Mr. THURMOND. In any kind of contempt—civil or criminal.

Mr. SPARKMAN. Yes. The Senator recognizes the fact that he was one of the great liberals of all time, does he not?

Mr. THURMOND. That is correct; I do.

Mr. SPARKMAN. Does it not seem strange to the Senator from South Carolina that some Senators who today are dubbed liberals take the position they do in proposing to take away from the American people the right to trial by jury in those cases?

Mr. THURMOND. It is the opinion of the Senator from South Carolina that H. R. 6127 takes away the rights of the people guaranteed to them under the Constitution. He can hardly conceive of any person who has studied well the Constitution, and who believes in the Constitution, favoring the bill.

Mr. SPARKMAN. By the way, a statement has been made on the Senate floor at different times that the bill does not take away the right to trial by jury; that it was not taking away that right; that there was not a right to trial by jury. As a matter of fact, I believe the Senator from South Carolina cited in his speech particular sections of the United States Code which specifically provided for trial by jury, did he not?

Mr. THURMOND. That is correct.

Mr. SPARKMAN. Does not the bill actually change that situation and take away from citizens the right to trial by jury in the particular types of cases described?

Mr. THURMOND. The Senator is eminently correct, because under the bill the United States Government can be substituted as a party to a suit; and when that is done, a jury trial can be denied a citizen.

Mr. SPARKMAN. It is the opinion of the Senator from South Carolina, I believe, and I think it is backed up by the facts he cited in his speech, and certainly it is in keeping with my own belief, that a Senator who votes in favor of part IV of the bill as it is written without amendment is actually voting against the right to trial by jury as provided now by both the Constitution and the laws of the United States.

Mr. THURMOND. It is the opinion of the Senator from South Carolina that one who votes for the bill will, in some instances, deprive citizens of their right to trial by jury, which they now have under present law.

Mr. SPARKMAN. I believe the Senator from South Carolina in his speech pointed out that under the code, in cases which today involve a criminal offense, if a judge seeks to punish for contempt by reason of one of those sections, the defendant is entitled to trial by jury. Is that not correct?

Mr. THURMOND. That is correct. Section 402 and section 3691 of title 18 so provide.

Mr. SPARKMAN. I wonder if the Senator would refer to the page of his speech on which that statement occurs.

Mr. THURMOND. Page 2.

Section 402 and section 3691 of title 18 provide for the prosecution of criminal contempts committed against any lawful writ, process, order, rule, decree, or command of a Federal court. These sections specifically provide that when such an act also constitutes a violation of an act of Congress or a law of a State, the person charged with such violation and such a crime shall be entitled to a trial by jury.

Mr. SPARKMAN. That is changed by the provisions of the bill, is it not?

Mr. THURMOND. That is correct. Section 3691 provides that the section shall not apply to contempts in any suit or action brought or prosecuted in the name of or on behalf of the United States.

Mr. SPARKMAN. That is the trick in the bill, is it not?

Mr. THURMOND. That is correct.

Mr. SPARKMAN. It provides that instead of the person who supposedly is aggrieved coming into court and making his case, the Attorney General can do so, with or without the consent of the aggrieved person, or with or without his knowledge.

Mr. THURMOND. The Senator is correct. The bill does two things. It is designed to prevent jury trials by permitting the institution of civil actions in cases which, if any wrongdoing has been committed, should be tried under the criminal laws.

Furthermore, in the event the contempt is found to involve a criminal action, it will deprive the defendant of a jury trial by making the United States a party to the case.

Mr. SPARKMAN. Does the Senator recall an incident to which I referred when I spoke on July 10, and which later was referred to in even greater detail by the distinguished Senator from Wyoming [Mr. O'MAHONEY], when he spoke on the matter? It involved a judge in Missouri named Peck. In about 1831, if I remember correctly, Judge Peck had thrown into jail a lawyer under a charge of contempt. Congress became so wrought up over the action of the judge that impeachment proceedings were started by the House of Representatives. The judge was tried by the Senate of the United States. He was quite old and was virtually blind. Principally for those reasons, he was not convicted. Still, 21 of 43 Senators voted for his impeachment.

In the course of defending Judge Peck, his counsel said that if Congress wanted to change the situation with reference to judges punishing persons for contempt, Congress itself ought to change the law. The very next day the House of Representatives instructed its Committee on the Judiciary to make a study of the situation concerning punishment for contempt and to define the field in which contempts might be imposed by Federal judges.

The chairman of the House Judiciary Committee at that time was a Pennsylvanian Representative named James Buchanan, who later became President of the United States. Within the next few days—perhaps it was the very next day—Representative Buchanan, chairman of the House Committee on the Judiciary, submitted a report from that committee to the House of Representatives defining a very narrow field within which judges might cite for contempt. It was almost the identical field which the Senator from South Carolina pointed out is provided for in the United States Code today. The House passed the bill by, I think, a unanimous vote.

The very next day the Senate took action. The Senator who presented the bill on behalf of the Senate Committee on the Judiciary was named Daniel Webster. The Senate passed the bill, and it became a law of the United States. It remains the law today.

Within the limits expressed by the Senator from South Carolina, everyone recognizes the right of judges to use the injunctive process and to punish for contempt committed within the presence of the court or near enough to the court or in conjunction with a case which is pending in the court to affect adversely the orderly processes.

Mr. THURMOND. Or the misbehavior of court officials.

Mr. SPARKMAN. Or the misbehavior of officials of the court—not only officials

of the court, but officers of the court, including counsel, and witnesses and parties to suits which are pending or are in process. Everybody recognizes that to be true. Is that not correct?

Mr. THURMOND. The Senator is correct.

Mr. SPARKMAN. Those largely are the limits which are stated by our Federal statutes today. Is that not correct?

Mr. THURMOND. I observe that the Senator from Alabama has given much thought and study to this matter. He has delved deeply into the history of the question. I congratulate him upon it.

It is the understanding of the Senator from South Carolina that the Federal judge of whom the Senator from Alabama spoke would have been convicted by the Senate on the articles of impeachment, except for his age.

Mr. SPARKMAN. And his physical condition.

Mr. THURMOND. Some Senators had a feeling of sympathy because of the judge's age and health, and did not convict him for that reason.

Mr. SPARKMAN. But as a result of that case, Congress enacted definitive legislation.

Mr. THURMOND. That is correct.

Mr. SPARKMAN. Congress limited the cases in which Federal judges could punish for contempt.

Mr. THURMOND. The understanding of the Senator from South Carolina also is that the country was so shocked by a case in which a judge could do such a thing that the strong public sentiment was crystallized in the passage of the very Federal statute to which the Senator has referred.

Mr. SPARKMAN. Both Houses of Congress acted almost immediately.

Mr. THURMOND. That is correct.

Mr. SPARKMAN. Mr. President, I should like to ask the Senator from South Carolina whether he has seen figures—which have been placed in the CONGRESSIONAL RECORD by the distinguished and very able Senator from Illinois [Mr. DOUGLAS]—relating to Negro voting and Negro registration in the several Southern States—figures prepared by the Southern Regional Council. Has the Senator from South Carolina seen those figures?

Mr. THURMOND. I have only glanced at them; I have not studied them in detail.

Mr. SPARKMAN. I have a very strong feeling, I may say to the Senator from South Carolina, that a great many of our friends from other sections—and I say this in all kindness—simply do not know what the situation is in our part of the country. As the Senator from South Carolina has said, they should come down to our part of the country and should see for themselves what the conditions are.

I see in the Chamber my friend the junior Senator from New York [Mr. JAVITS]. I read in the newspapers, with a great deal of interest, reports about the trouble occurring in New York right now. I read the following from the front page of today's issue of the New York Times:

HOUSING BIAS BILL IS ARGUED AMID CONFUSION AT CITY HALL

Mr. SMATHERS. Mr. President, will the Senator from South Carolina yield to me, so that I may ask a question of the Senator from Alabama?

Mr. SPARKMAN. Mr. President, the Senator from South Carolina had better obtain unanimous consent for that purpose; I do not wish to have him taken off his feet.

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senator from Florida may ask a question of the Senator from Alabama, without causing me to lose the floor.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, let me say that I trust the Senator from South Carolina will then yield to me, so that I may defend the good name of New York. Of course, I shall not object.

Mr. SMATHERS. And it is to be understood that in yielding for this purpose, the Senator from South Carolina will not lose the floor.

Mr. THURMOND. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMATHERS. I should like to ask the able Senator from Alabama the following question: Is not the situation to which he has referred similar to one which, as I understand, had arisen before? On that occasion, the able junior Senator from New York [Mr. JAVITS] had recommended that, instead of attempting to settle a controversy by having integration in housing brought about by means of injunction, the difficulty should be settled by a mediation or a conciliation board; and I understand that he wrote his constituents to that effect, in a newsletter.

Mr. SPARKMAN. Let me say to the distinguished Senator from Florida—and I am sure that neither he nor I seeks to condemn the Senator from New York for trying to have the situation in New York handled without outside interference, as he thought best—that a similar position was taken on yesterday by both the Senators from Michigan, when something was said about trouble in Detroit. They took the position that Michigan was handling that matter, without outside interference.

Mr. SMATHERS. I merely wish to say that I desire to commend the Senator from New York [Mr. JAVITS] for saying that is the way the matter should be settled—in other words, through mediation.

Mr. SPARKMAN. It may be that the statement which has been made needs a little correction. The other day, while the Senator from New York was in the Chamber, I placed in the RECORD an article, published in the Scripps-Howard newspapers, and written by Lyle C. Wilson, one of the topflight newsmen in Washington; I believe he is the head of the United Press agency in Washington. In the article he brought out the fact that the Senator from New York had suggested that the $500 penalty not be applied to that case, and that the Senator from New York had said he thought the matter should be handled by negotiation, mediation, and proceedings around the conference table, with the injunctive process used only as a last resort. I believe that is what he proposed.

Mr. SMATHERS. In any event, I certainly wish to congratulate the able Senator from New York [Mr. JAVITS] for recommending in the first instance that a problem of this sort be handled through mediation, conciliation, and consultation around the conference table, because I am sure that from his experience he has learned that is the best way to settle a problem of this type and kind, and that it cannot be settled by force, even if the means of using force were placed in the hands of the Attorney General.

Mr. JAVITS. Mr. President, will the Senator from South Carolina yield to me?

Mr. SPARKMAN. Mr. President, if the Senator from South Carolina will permit me to say an additional word, I desire to join the Senator from Florida in commending the Senator from New York [Mr. JAVITS].

As a matter of fact, I have not done a single thing about the matter to which the Senator from Florida has referred; and I do not believe the Senator from Florida has, either. I have not advocated the adoption, as part of the pending bill, of an amendment by means of which the Congress would try to solve that situation for New York. I believe it should be solved by New York, without outside interference.

I believed the two Senators from Michigan when, on yesterday, they said they were trying to take care of the situation in Michigan, without outside interference.

I noticed that on yesterday the senior Senator from Michigan [Mr. POTTER] said, "You know, we are making progress."

Mr. SMATHERS. That is correct; he did say that.

Mr. SPARKMAN. Mr. President, one of the things about the statement issued by the Southern Regional Council—this point has not been stressed in the Senate, and I am not sure it has even been stated for the RECORD; however, it is brought out in the report of the Southern Regional Council—was that it stressed the fact that within the past few years—I do not know whether it was within the past 4 years or 5 years, but it was within the past few years, in any event—the number of Negroes voting in the South has more than doubled. That is what I call progress.

Mr. SMATHERS. In regard to the same point, let me say that the same Southern Regional Council pointed out that in my State of Florida in 1956 the percentage of Negroes voting, as compared to the number of Negroes eligible to vote, was 70.6, which was a higher percentage than that of white persons voting, as compared to the number of white persons in Florida eligible to vote.

So it is obvious that in Florida the Negroes are encouraged to vote, and we commend them for voting.

As the Senator from Alabama has said, both the Senators from Michigan and the junior Senator from New York [Mr. JAVITS] have recognized that problems of this type should be handled by the local people, and that they should be permitted to try to work them out.

Mr. SPARKMAN. Just as we are leaving the handling of the New York situation to the people of New York; we are leaving its solution to them.

Mr. THURMOND. Furthermore, does the Senator from Alabama not believe that is the appropriate way for these matters to be handled?

Mr. SPARKMAN. Yes, Mr. President; and I wish to say to the Senator from South Carolina that it is the only way they will ever be handled satisfactorily.

Mr. THURMOND. Under the Constitution, are not such matters left to the people of the sovereign States?

Mr. SPARKMAN. Yes. One fact that it is important to keep in mind always is that the Federal Government has no power that is an inherent power of the Federal Government itself. It has only the powers given to it by the respective States of the Union.

Mr. THURMOND. And those specified are the only powers the Federal Government should attempt to exercise.

Mr. SPARKMAN. That is correct.

Mr. THURMOND. Does not the Senator from Alabama believe that in recent years there have been usurpations of power; that the Federal Government has gone too far in some fields; and that by means of H. R. 6127 the Federal Government is attempting to go too far now, and is attempting to usurp the rights of the States?

Mr. SPARKMAN. I do not believe that anyone who seriously studies the constitutional history of the United States can deny that fact.

Mr. THURMOND. Speaking of Negroes' voting, I wish to say that proof that Negroes vote in substantial numbers in South Carolina can be found in an article which was published in a Columbia, S. C., newspaper, following the general election in 1952.

The November 8, 1952, issue of The Lighthouse and Informer, a newspaper published by and for Negroes, carried an analysis of the election in South Carolina. A story which appeared on page 1 read as follows:

> There was no doubting that South Carolina's Negro voters were the only reason the State managed to return to the Democratic column.
>
> Late figures Wednesday afternoon gave Gov. Adlai Stevenson 165,000 votes and Gen. Dwight D. Eisenhower 154,000. Some 9,000 other votes were cast for the Republican Party for General Eisenhower but cannot be added to the 154,000 cast by South Carolinians for Eisenhower.
>
> The more than 330,000 votes counted in 1,426 of the State's 1,563 precincts represented the largest cast in the State since Reconstruction days.
>
> Estimates placed the Negro votes at between 60,000 and 80,000 who actually voted.

Those are the words of the Negro newspaper, not mine. But I have no doubt that the Negro vote in the 1952 general election and the one in 1956 were heavy in South Carolina. The reports which came to me indicated large turnouts.

It is significant that even though, as the newspaper article said, the vote in 1952 was the largest cast since Reconstruction, the Negroes claimed up to 80,000 voters—a fourth of the total. Certainly this is clear evidence that a new Federal law is not needed to guarantee anyone in South Carolina the right to vote.

Mr. SPARKMAN. I wish to ask the Senator from South Carolina some additional questions, but I believe there was a rather general understanding that the Senator would yield to the Senator from New York.

Mr. THURMOND. I yield to the Senator from New York.

Mr. JAVITS. We had almost gotten back to South Carolina from New York in the intervening time, but perhaps we can refresh each other's recollections. I should like to say I am rather proud of what I did with respect to the New York City housing antibias resolution which is now pending before our city council. However, I know of nothing that better epitomizes our sincerity in what we are advocating here on the floor of the Senate. I feel that our experience in New York is very well worth repeating with reference to this discussion. I put in the RECORD the press release which I issued 10 days or 2 weeks ago, in which, incidentally, I was in substance joined by the chairman of our State commission against discrimination, in which we urged that the injunctive remedy be preferred to the criminal remedy, and that the injunctive remedy be supported and backed up by the processes, which we have found so wonderful in New York, of mediation and conciliation and technical assistance, but that it had to be backed up with the force of the injunctive power. Otherwise, it was useless.

It seems to me that is exactly what we are advocating here. I am not going to be cute about it. We all understand each other and understand why the matter was brought up; but I think it evidences the deepest sincerity with which those of us on my side of this question approach the issue. We really deeply and sincerely feel, while respecting fully the qualms and concerns of distinguished and patriotic Senators like the Senators from South Carolina, that this is a prudent, a wise, and a moderate remedy. We do not ask those Senators to agree with us. I am only explaining what is in our hearts. It can best be evidenced by the fact that the method has been remarkably successful in my State.

One could make a dé marche about the fact that if there were adopted in Alabama and South Carolina a whole group of laws against discrimination such as have been adopted in New York, and they were administered, we would not be here. But, as I say, these are self-evident things. It seems to me the debate has gotten away beyond that point. We have two Senators from New York who are devoted supporters of this bill. The bill will apply to citizens of New York just as it will apply to citizens of every other State. We feel it is fair, just, and right.

I say, in all seriousness and sincerity, although the Senators from the Southern States are very anxious to, and they should, put a good face on the situation in their States, and I have no doubt, and we have all admitted, that there are instances in which they can demonstrate in a certain city or county or State that the situation is not so bad as some people would have us believe it is, it is nevertheless true, and I deeply feel that the facts back the statement up—that in broad areas of the South the application of this additional remedy is needed, if there is to be measurable progress toward obtaining full voting rights for Negroes.

I think the best proof of it was given a minute or two ago, when it was said that there had been an increase in voting by Negroes in the South. Why? Because the Supreme Court decided against white primaries. That was a historic decision. There was far more attention fixed on Negro voting and on cases involving those questions in the South. Now we see the reaction to even that amount of progress. In various States of the South thousands of names of Negroes are being stricken from the rolls. What has happened in Louisiana along that line cannot be talked down, nor can the case of Tuskegee, which was discussed the other day by persons who had come from that area.

In addition, there are in certain States antibarratry statutes, which I feel are vicious. The most vicious manifestation of such statutes is that not only do they seek to say, "Not only may you not have your rights, but we are going to make it tough for you to seek them." We know all about champerty or barratry, but it does not go to the extent of having to borrow $25 from one's best friend in order to engage in litigation.

I do not expect my friends on the other side to join me in that argument. I am expressing only what I deeply feel. I feel it is evidence of what we mutually feel creates the frame in which this type of legislation is needed.

It would be childish, at this stage of the debate, to justify what I did in New York. It has been discussed previously. I am proud of it. I thought our friends ought to understand the framework of our position.

I thank the Senator from Alabama for yielding. I have the highest regard for him, as he knows. I hope nothing I have said will let him believe there is the least derogation intended in that regard.

Mr. THURMOND. I appreciate the kind words of the Senator from New York. I want to say that, just as the Senator from New York knows conditions in his State better than do others, and just as he had his reasons for suggesting conciliation with regard to questions of segregation in housing, the people in South Carolina, and in other States, know their own local problems better than do others. It is our position that we should be allowed to handle those problems.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. SPARKMAN. I join with the Senator from South Carolina in that statement.

I wish to say to the Senator from New York, as I said a while ago, I did not intend one word of criticism. I concede to him his right to make the best determination he can for his State, but I seek from him the same concession with reference to conditions in my State, concerning which I know much more than he does.

By the way, if the Senator will permit me, I should like to call attention to the fact, while we were talking about voting statistics gathered by the Southern Regional Council, I pointed out the other day they included the county of my nativity, Morgan County, as not having a single Negro registered. I remember when I was a boy of 5 or 6 years of age Negroes voted. I checked into the facts and found that more than 1,500 were registered. I made reference to those figures last Friday.

I should like to point out one other fact. Tomorrow I shall place the whole list in the RECORD. This is something I had not seen until today. The Southern Regional Council went further than that. It went from county to county and checked the boards of registrars to see what their attitude was, and whether or not there was any discrimination.

I have here the information for the entire State of Alabama. I shall not ask to have it printed in the RECORD at this time. It was found that five counties had what was called some discrimination. One of them was Mobile County, and it is shown that the discrimination was in favor of the Negro, in that the board members gave the Negroes too much help in filling out the questionnaires. That is information from the Southern Regional Council itself. All the others were favorable. There was a good attitude and Negroes were being registered.

Mr. THURMOND. I congratulate the distinguished Senator from Alabama for the research he has conducted on this subject and the contribution he has made to the debate.

Mr. SMATHERS. Mr. President, will the Senator yield for 1 minute?

Mr. THURMOND. I yield.

Mr. SMATHERS. Mr. President, I questioned the able Senator from South Carolina, but I did not want him to think I had not wished to congratulate him on the splendid speech he has made. Its logic was completely irresistible. I regretted there were not more Senators present to hear the speech, because it was one of the finest, most comprehensive discussions of the important trial-by-jury issue yet made on the floor. I again congratulate the Senator.

Mr. THURMOND. I wish to thank the distinguished Senator for his kind remarks.

Mr. President, I yield the floor.

Mr. O'MAHONEY obtained the floor.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. Mr. President, I should like to serve notice that I intend to suggest the absence of a quorum if the Senator from Wyoming will yield for that purpose, with the distinct understanding that he will not lose the floor. I should like to suggest the absence of a quorum before any more speeches are made.

Mr. O'MAHONEY. I have some remarks which I wish to make. I do not want to lose the floor. If the Senator desires to suggest the absence of a quorum, I have no objection to that procedure, provided there is unanimous consent that I may yield for that purpose without losing the floor.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Wyoming may yield to me for the purpose of suggesting the absence of a quorum, with the understanding that he does not lose the floor thereby.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Texas? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | |
|---|---|---|
| Aiken | Goldwater | Monroney |
| Allott | Gore | Morse |
| Anderson | Green | Morton |
| Barrett | Hayden | Mundt |
| Beall | Hickenlooper | Murray |
| Bennett | Hill | Neuberger |
| Bible | Holland | O'Mahoney |
| Bricker | Hruska | Pastore |
| Bush | Humphrey | Potter |
| Byrd | Ives | Purtell |
| Capehart | Jackson | Revercomb |
| Carlson | Javits | Robertson |
| Carroll | Jenner | Russell |
| Case, N. J. | Johnson, Tex. | Saltonstall |
| Case, S. Dak. | Johnston, S. C. | Schoeppel |
| Chavez | Kefauver | Scott |
| Church | Kennedy | Smathers |
| Clark | Kerr | Smith, Maine |
| Cooper | Knowland | Smith, N. J. |
| Cotton | Kuchel | Sparkman |
| Curtis | Langer | Stennis |
| Dirksen | Lausche | Symington |
| Douglas | Long | Talmadge |
| Dworshak | Magnuson | Thurmond |
| Eastland | Malone | Thye |
| Ellender | Mansfield | Watkins |
| Ervin | Martin, Iowa | Wiley |
| Flanders | Martin, Pa. | Williams |
| Frear | McClellan | Yarborough |
| Fulbright | McNamara | Young |

The PRESIDING OFFICER. A quorum is present.

Under the unanimous consent order the Senator from Wyoming [Mr. O'MAHONEY] has the floor.

Mr. O'MAHONEY. Mr. President, it is my purpose tonight, as briefly, succinctly, and sincerely as I can, to explain to the Senate, and to those who may be listening in the galleries, the reasons why I believe, from the depth of my soul, that the defeat of the trial-by-jury amendment would not help Negroes to obtain complete acceptance as voters in the South or elsewhere throughout the United States. I believe that it is utterly impossible to carve the Bill of Rights into different pieces.

The Bill of Rights was handed down to us by the founders of this Government. The Constitution could not have been ratified in the several States without a Bill of Rights, if the leaders of the movement to establish a Constitution, the leaders of the old Congress, had not given positive assurances that when the First Congress met a Bill of Rights would be adopted.

That obligation was assumed voluntarily, because of the recognition by the Founding Fathers that they were drafting a Constitution based upon the principle that the people are the only source of authority in government, and that therefore it was necessary to have the Bill of Rights, asserting, above all else, that there were certain individual rights which no government had the authority to take away. That is what Jefferson meant when he wrote into the Declaration of Independence the statement that all men are created equal, and that they are born with certain unalienable rights, among which are life, liberty, and the pursuit of happiness. That is what the Continental Congress meant when it adopted the Declaration of Independence. That is why we have the Bill of Rights, and the principle of trial by jury.

Denial of trial by jury will not hasten a wise and permanent solution of the grave social problem of racial discrimination that is before us. It will only make matters worse than they are, for trial by jury for criminal offenses is itself a civil right guaranteed to every citizen by the Bill of Rights.

No progress can be made in the effort to protect the civil right to vote by taking away the right to trial by jury. If we really mean to gain the one, we must be prepared to maintain the other also.

I do not hesitate to say that if we sacrifice the right to trial by jury, the right to vote will not long last for any citizen.

If, on the other hand, our purpose is to engage in reprisals against the whole South, because in some areas racial discrimination still survives, then the pending bill is well calculated to succeed, because it will punish the innocent as well as the guilty. It will overlook, and in large measure destroy, the progress which has already been wrought.

Mr. CHURCH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Idaho?

Mr. O'MAHONEY. I yield only with the understanding that I shall not lose the right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Wyoming may yield for not to exceed 2 minutes, with the understanding that he shall not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, on behalf of the Senators from Washington [Mr. MAGNUSON and Mr. JACKSON], the Senators from Montana [Mr. MURRAY and Mr. MANSFIELD], the Senators from Nevada [Mr. MALONE and Mr. BIBLE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Rhode Island [Mr. PASTORE], the Senator from Ohio [Mr. LAUSCHE], the Senator from North Dakota [Mr. YOUNG], and myself, I had intended to offer an amendment to the pending jury trial amendment.

I know that the Senator from Wyoming [Mr. O'MAHONEY] and the Senator

from Tennessee [Mr. KEFAUVER], with whom I have been privileged to join as a cosponsor of the pending jury-trial amendment, are familiar with the amendment I had intended to offer, and I therefore ask unanimous consent that the text of the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the amendment intended to be offered by Mr. CHURCH, for himself and other Senators to the pending amendment is as follows:

On page 3, it is proposed to add a new section 153, as follows:

"SEC. 153. Section 1861, title 28 of the United States Code is hereby amended to read as follows:

"SECTION 1861. QUALIFICATIONS OF FEDERAL JURORS

"'Any citizen of the United States who has attained the age of 21 years and who has resided for a period of 1 year within the judicial district, is competent to serve as a grand or petit juror unless:

"'(1) He has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than 1 year and his civil rights have not been restored by pardon or amnesty.

"'(2) He is unable to read, write, speak, and understand the English language.

"'(3) He is incapable, by reason of mental or physical infirmities to render efficient jury service.'"

Mr. CHURCH. Mr. President, the amendment is designed to eliminate whatever basis there may be for the charge that the efficacy of trial by jury in the Federal courts is weakened by the fact that, in some areas, colored citizens, because of the operation of State laws, are prevented from serving as jurors. Thus the argument has been made that no jury trial should be permitted in civil rights cases, even in a proceeding for criminal contempt, because such cases concern relationships between the races, and in the South they would be tried by an all-white jury.

Mr. President, the cases which will be brought under any civil-rights bill will be prosecuted in Federal courts. There is no reason why Congress should not modify Federal law so as to safeguard against discrimination on the basis of race, color, or creed, in the selection of jurors who are to serve in Federal courts.

We believe the amendment we have now incorporated in the RECORD will accomplish at least three important and long overdue objectives:

First. It will establish reasonable and uniform qualifications for jurors serving in Federal courts, eliminating the 48 different sets of qualifications which now obtain. This is in complete accord with the generally accepted principle that Federal rules should govern Federal practice.

Second. It will place the selection of jurors entirely in the hands of the Federal courts, thus avoiding practices under State law that, in effect, may systematically exclude citizens from jury duty in Federal courts on account of race or color.

Third. Through the accomplishment of the above two objectives, it will confer another civil right—the right to serve as a juror—on a large segment of colored citizens, who now, in practice, may be prevented from doing so.

Mr. President, we believe the amendment constitutes a great step forward in the field of civil rights. We believe also that it can contribute significantly in forwarding the cause to which most of us are dedicated—the cause of enacting a civil-rights bill in this session of the Congress.

Inasmuch as the distinguished Senator from Wyoming [Mr. O'MAHONEY] and the distinguished Senator from Tennessee [Mr. KEFAUVER] are familiar with the text of the amendment I had intended to offer, I should like to inquire of both Senators whether they would be agreeable to modifying their amendment to include the addendum I have before me, and to which I have referred.

Mr. O'MAHONEY. I should like to say to the Senator from Idaho that, although he is serving his first term in the Senate and is having his first experience in a senatorial session, I regard him—as I know his other colleagues regard him—as one of the ablest new Members who, in my own experience has ever come to join the ranks of the Members of the United States Senate.

Mr. CHURCH. I thank my distinguished colleague.

Mr. O'MAHONEY. The Senator from Idaho has been good enough to consult me about the amendment. I have read it. I agree with it, and I accept it as my own. I accept it as a part of the amendment offered by myself and the Senator from Tennessee and the Senator from Idaho. I know that I speak for the Senator from Tennessee also when I say that I accept the amendment as a part of the amendment we have offered.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The pending amendment is modified accordingly.

Mr. JOHNSON of Texas and Mr. KEFAUVER addressed the Chair.

Mr. O'MAHONEY. I yield first to the Senator from Tennessee for a question, because he first asked me to yield, with the understanding that by doing so I do not lose the floor.

Mr. KEFAUVER. Mr. President, I certainly wish to join my colleague the Senator from Wyoming in complimenting the Senator from Idaho and the other Senators who are cosponsoring the amendment, and I join the Senator from Wyoming in accepting it as a part of our amendment, of which I am a cosponsor with the Senator from Wyoming and the Senator from Idaho. As I understand the amendment, it would strike out subsection (4) of section 153 of title 28 of the United States Code, which requires Federal jurors to be competent to serve as grand jurors and petit jurors under the law of the State in which the district is held.

Mr. O'MAHONEY. If I may interrupt the Senator, I believe it should be stated that the amendment modifies section 1861 of title 28 of the United States Code dealing with the judiciary and judicial proceedings.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. KEFAUVER. Thereby it establishes a uniform system in Federal courts all over the United States, so that there can be no possible discrimination with respect to anyone because of his race or color. Is that correct?

Mr. O'MAHONEY. The Senator is correct. I understand the Senator from Texas wishes also to ask a question.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Wyoming may yield to me for a brief statement and to make a parliamentary inquiry, without his losing his right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. A number of Senators have inquired of me whether we will have any more quorum calls or yea-and-nay votes. I wish to announce, for the information of Senators, that it is not my intention to have any more rollcalls, and that, if the Senate follows my recommendation, at the conclusion of the address by the Senator from Wyoming, a recess will be taken until 10:30 tomorrow morning. All Senators may have notice of this announcement.

Mr. President, I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. As I understand, the Senator from Idaho, on behalf of himself and other Senators, has asked the Senator from Wyoming and the Senator from Tennessee to modify their amendment by accepting the amendment of the Senator from Idaho. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON of Texas. The Senator from Wyoming and the Senator from Tennessee have modified their amendment accordingly. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON of Texas. The authors of an amendment have the right to modify their own amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON of Texas. So the O'Mahoney-Kefauver-Church amendment is modified by the Church-Jackson amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct. The amendment is modified in accordance with the amendment offered by the Senator from Idaho [Mr. CHURCH].

Mr. O'MAHONEY. Mr. President, I should like to correct the RECORD to show that the amendment offered by the Senator from Wyoming, for himself, the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Idaho [Mr. CHURCH], is now modified by adding thereto the amendment which we have just accepted, offered by the Senator from Idaho [Mr. CHURCH], on behalf of himself and the Senator from Washington [Mr. JACKSON], and several other Senators, whose names I am proud to

add to the sponsorship of the original amendment as now modified.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. JACKSON. Is it not true that the amendment offered by the distinguished Senator from Wyoming, on behalf of himself and other Senators, as modified, is in effect a logical extension of the policy underlying the Uniform Federal Rules of Civil and Criminal Procedures?

Mr. O'MAHONEY. Exactly.

Mr. JACKSON. It is a privilege to associate myself with the remarks of the distinguished junior Senator from Idaho [Mr. CHURCH] and the distinguished junior Senator from Wyoming [Mr. O'MAHONEY] in connection with the proposed amendment. It is significant to point out that if the amendment is accepted, it will for the first time add an additional civil right, and we will have uniform rules of procedure throughout the United States in the selection of Federal jurors. I think this is a significant step forward.

Mr. O'MAHONEY. I am very happy that the Senator from Washington has called attention to the fact which he has just mentioned. I wish to go further, however. There has been a great misapprehension, a completely incorrect conception, of what the bill as reported to the Senate from the House would provide.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Permit me to finish my statement. Then I shall be very glad to yield for a question.

I point out—and I do so on the basis of some of the letters which have come to my office—that among the public there appear to be a large number of persons in some of the thickly populated cities who believe that voting rights and the rights of persons to serve upon juries are wholly matters of State law and State procedure. Those persons are under the impression that the bill deals with a situation arising from State law in the various States.

I wish to make it as clear as it can possibly be made that the bill before the Senate has nothing in the world to do with State law or State provisions. It deals solely with the Federal courts, not with the State courts. It gives no authority to any State court to sit in judgment of any question which arises from the limitation of the voting rights of any United States citizen. That is clear from the fact that the bill before us, in part IV, authorizes the Attorney General of the United States to institute civil proceedings in United States courts.

There is a misapprehension that State legislatures control these courts. They do not. I call attention to the fact that the Federal judges appointed by the President of the United States are the judges who will preside over issues which will arise as a result of the bill. They, and they alone, have the right to appoint the clerks of the courts and the jury commissioners who select the jurors.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Pardon me. I hope the Senator will be patient with me.

This is an important factor to recognize. It is important to know, because it will do away completely with the false notion that, somehow or other, in asking for a jury trial we are asking that those who may be alleged to have interfered with voting rights shall be tried in the State courts in the States of the South. They will not be so tried. They will be tried in the Federal courts.

Therefore, just as it was within the authority of Congress to enact the laws governing the procedure in the Federal courts, it was competent for Congress to pass the statute which is section 1864 of title 28, United States Code, Judiciary and Judicial Procedure, which provides that the jury box shall, from time to time, be refilled by the clerk of the court, or his deputy, and a jury commissioner appointed by the court.

The judge is appointed by the President of the United States. His nomination is confirmed by the Senate of the United States. That Federal judicial official so appointed by the President of the United States, and whose nomination was confirmed by the Senate, is the official, and the only official, who has the authority to name the jury commissioner who selects the jury.

So it was perfectly appropriate for the Senator from Idaho [Mr. CHURCH] and his associates to offer this amendment, which I have been so happy to accept.

Mr. JOHNSON of Texas rose.

Mr. O'MAHONEY. Mr. President, will the Senator from Texas permit me to finish these brief remarks, which I wish to place in the RECORD? Every Member of the Senate knows that while it is very customary for Senators who are speaking to yield to their colleagues when questions are asked, the result is that sometimes—in fact, almost always—the remarks of the speaking Senator are pretty well cut up into several pieces. I have been very careful in the preparation of the brief remarks I wish to make tonight. I prefer to have Senators ask me to yield after I have finished reading the third page of the statement which is before me. I shall be glad to hold the floor for that purpose.

I wish to make it clear that I am speaking most seriously. I am making a plea to the underlying patriotism, the underlying belief of the American people and their representatives in Congress concerning the sacred principle of trial by jury. I say to every Senator in the chamber tonight and to every person in the gallery that we cannot dare to surrender the right of trial by jury while the Communist totalitarian dictatorship is seeking to win the whole world to a system of executive arbitrary power.

Mr. President, I was saying that no progress can be made in the effort to protect the civil right to vote by taking away the right to trial by jury. If we really mean to gain the one, we must maintain the other, also.

If, on the other hand, our purpose is to engage in reprisals against the whole South, because in some areas racial discrimination still survives, then the bill before us is well calculated to succeed, because it will punish the innocent as well as the guilty and that will be reprisal. It will overlook, and in large measure will destroy, the progress which already has been wrought in the South. Indeed, it will be a congressional message to wise and tolerant citizens all over the South, who, I am convinced, constitute the great majority of the population without regard to race, that we have no faith in their good intentions or in the record they have already made, and that we intend to flog them all for the failings of the few. Commonsense and experience alike demonstrate that it is a natural human reaction to resist force. Persuasion, not punishment, is the proper remedy for social ills.

The inclusion of a jury-trial amendment in this bill will greatly mollify the opposition to the bill, for it will indicate to those who have regarded it in its original form as a force bill, that the proponents, following the temperate caution of the Supreme Court in the desegregation decision, wish to encourage the extension of the right to vote in the areas where it had not been granted "with all deliberate speed."

Those are the words of the Supreme Court. I do not believe that the Congress desires to display less understanding and less patience than the Supreme Court has shown.

Indeed, I am confident that with a jury-trial amendment in it, this bill can pass, and will be acceptable in the South—not with enthusiasm, to be sure, but as an invitation to additional progress in race relations.

But the opposition to the jury-trial amendment asserts that it constitutes an attack upon the courts, infringes upon the prerogatives of the judiciary, and takes away from the judges a power they already have to punish citizens without trial by jury. How can that be the fact, when the Attorney General and the advocates of this bill tell us that unless we pass it, the Government will be powerless to protect voting rights?

The measure grants the Attorney General a new power, one which he does not now have. It grants him the authority to "institute for the United States, or in the name of the United States, a civil action for preventive relief," and so forth. The action the Attorney General seeks, let us observe, is a civil action; but it carries a criminal punishment if a judge decides to exercise his criminal-contempt powers. The action is not to be directed only against registration officials or election officials, who can easily be identified because they are known public employees with duties involving registration and voting. It is also to be directed against any person who—in the language of the bill—shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person with respect to voting. This is where the door swings wide to abuse in the case of citizens who, although having no public duty to perform, and thus not easily identifiable, and although altogether innocent, can be accused on suspicion, out of enmity, or personal grudge. These are particularly the citizens who should not be deprived of trial by jury in cases

which carry the punishment of fine or imprisonment for what is called criminal contempt. It cannot be said that the arrest and prosecution of innocent persons is unlikely. In the Clinton, Tenn., trial last week, four defendants were freed by the judge, with the consent of the United States attorney, for lack of evidence against them.

It is impossible for me to understand, Mr. President, why the administration is resisting the jury-trial amendment, since by adopting this amendment a bill to secure voting rights for the Negroes can be passed. Part IV gives the Attorney General the authority he seeks to bring civil cases and to obtain civil injunctions, as well as mandatory orders to registrars of voters, all without a jury trial. If the only objective of those who talk about the protection of voting rights is to do just that, the bill with the jury-trial amendment in it will do it, because the jury trial can be invoked only when criminal contempt is involved.

Patience and tolerance will disgrace no man. They are virtues much more likely to win results than intemperate denunciation and punitive legislation. I urge my colleagues to follow the former course, confident not only that it will produce more rapid and satisfactory results, but also that it will be in conformity with the best and most honored traditions of our country and the principles of our Constitution.

I have studied and restudied this amendment. I have not yet seen, heard, or read of any valid objection to it.

O Mr. President, I know the gibes being echoed through this Chamber because I have been willing to modify the amendment from time to time. I was seeking an objective; I was not seeking to have any particular set of words approved. Mr. President, I have been a Member of this body, with one slight interval of less than 2 years, from January 1, 1934, until the present time. I confess that never in all that time have I reached the conclusion that I could write a perfect amendment to any bill or to any law.

The object of part IV of the bill is to secure the right to vote for all citizens through the Federal courts, not through the State courts. This amendment does not in any way impair the full powers granted in part IV to protect these voting rights. Indeed, by reason of the amendment offered tonight by the Senator from Idaho [Mr. CHURCH], and which I have accepted as a modification of my amendment—and the amendment was offered by him, on behalf of himself and numerous other Senators—there will be granted, as the Senator from Washington has said, and as the Senator from Idaho has also said, a new civil right to the residents of the South and, indeed, to the residents of the whole Nation.

The civil-contempt powers of judges to enforce the injunctive orders issued will remain intact, as they are today. The only change effected by this amendment to the bill as it now stands is to guarantee to any defendant in a Federal court the right to ask for a jury trial when the court decides to cite him for criminal contempt and to punish him for willful violations.

The amendment makes clear that the only contempt proceeding which is criminal is that in which the object of the court is to punish for violations, as distinguished from one for the purpose of securing compliance with, or preventing obstruction to, the injunctive orders issued by the court.

Mr. President, I invite my colleagues to join with me and with the other sponsors of the amendment in issuing and making a new declaration of our faith in the right of citizens, when accused by a representative of the Government of having committed a criminal offense, subject to criminal punishment, to have a trial by jury. Without it, we shall go down the road to executive totalitarianism.

During the delivery of Mr. O'MAHONEY'S speech,

Mr. KNOWLAND. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield to the Senator from California.

Mr. KNOWLAND. During my temporary absence from the Chamber, I understand the distinguished majority leader indicated that when the able Senator from Wyoming had finished his address this evening, the majority leader, under the order previously entered, move to have the Senate recess until tomorrow morning at 10:30. I certainly will have no objection to the suggestion made by the distinguished majority leader. He has pointed out that in view of the fact that there had not been an earlier indication to the Senate that we might have a night session, he thought it was only fair, under the circumstances, to have the Senate recess.

I express the hope that all Senators will be on notice that from tomorrow on, however, we shall continue until a later hour than 8 o'clock. I may say that I think a quorum of the Senate is present at this time. If not, I think one could be produced for the purpose of enabling additional addresses to be made by any Senator who might wish to speak on the subject, on either side of the aisle.

Some statements had been made earlier that a number of Senators desired to speak either for or against the amendment. I myself had been hopeful that if such addresses were to be made, we might sit until a reasonable hour, which I would consider to be 10 o'clock.

The Senate will convene tomorrow at 10:30 in the morning. I hope that tomorrow we may sit sufficiently late to enable all speeches to be made, so that we can bring this issue to a head before the week is out.

Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I prefer to finish this paper; then I shall yield to the Senator.

Mr. KNOWLAND. Will the Senator yield, then, so that his remarks will not be divided. I should like to ask unanimous consent that my interruption appear at the end of the Senator's remarks, so that his remarks will be in continuity.

Mr. O'MAHONEY. Very well. I yield for that purpose.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the brief statement I made, through the courtesy which the Senator from Wyoming extended to me, may appear at the conclusion of his remarks, so that they will not break into the middle of his statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. O'MAHONEY. I thank the Senator from California.

Mr. CASE of South Dakota. Mr. President, will the Senator from Wyoming yield to me?

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Does the Senator from Wyoming yield to the Senator from South Dakota?

Mr. O'MAHONEY. I yield.

Mr. CASE of South Dakota. Mr. President, the Senator from Wyoming has not stated the significance of the modification he now has accepted to his amendment. Before he yields the floor, I wonder whether he will dwell upon that point a little, or whether, at least, he will answer 1 or 2 questions by me on that point.

Mr. O'MAHONEY. I shall be glad to answer any questions I can.

Mr. CASE of South Dakota. The Senator in his remarks made clear that the action which would be undertaken under this bill, should it become law, would apply to Federal courts, and he has stated very clearly it would not apply to State courts.

I happen to have a copy of what purports to be a mimeographed copy of the amendment which I think the Senator from Idaho offered for himself and on behalf of other Senators. As I read it, it would strike from the present Federal statutes the provision which disqualifies an individual for service on a grand or petit jury in a Federal court, the language in the present statutes which would make an individual incompetent to serve as a grand or petit juror if he is disqualified or incompetent under the law of the State in which the district court is held. So the effect of the amendment which the Senator has now incorporated in his amendment would be to make it impossible for a State to disqualify a person for service on a grand or petit jury. Is that correct?

Mr. O'MAHONEY. That is precisely correct. The States would have no authority whatsoever to prescribe the qualifications of a Federal juror.

Mr. CASE of South Dakota. That is the principal effect of the amendment offered by the Senator from Idaho to the amendment originally offered by the Senator from Wyoming. Is that correct?

Mr. O'MAHONEY. The Senator from South Dakota is quite correct. There is another modification, however, to which I ought to call his attention. There is a provision, in the first paragraph of the new language, with respect to a citizen of the United States who has attained the age of 21 years and who has resided in the vicinage for a period of 1 year. That is new language. The present language of the Federal statute is "and resides." The new language is "who has resided for a period of 1 year."

Mr. CASE of South Dakota. I think that would be an important change, and a desirable one, so far as I can see, but the principal change would be in the other respect.

Mr. O'MAHONEY. It is a complete abandonment of the present provision of the Federal statute which requires that a prospective juror must be one who, by the law of the State in which the district court is held, is competent to serve as a juror. The authority of the State to prescribe any of the rules of competency for a juror are eliminated by this amendment. I speak of a Federal jury, of course.

Mr. CASE of South Dakota. I think that amendment is an important contribution to the basic amendment which has been offered.

I should like to say, in that connection, that I for one appreciate the thought and the care and the earnestness with which the Senator from Wyoming has presented his case on this whole matter. When the Senator refers to his service in the Senate of the United States and the period of time over which he has served, it brings up a few memories for me, also.

The first Congress in which I had the privilege of serving was the 75th Congress, which came into existence in 1937. At that time the people of the United States were tremendously aroused over a proposal which came to be known as the Court-packing proposal. The distinguished Senator from Wyoming was then among the younger Members of the United States Senate. He was a member of the Judiciary Committee, as I recall. I was then a Member of the House. I shall always associate with his service in the Congress his part in writing the report of the Senate Judiciary Committee on the so-called Court-packing bill. I have not verified my memory on this matter recently, but it is my general recollection that the Senator from Wyoming was one of the principal draftsmen of the report of the Senate Judiciary Committee, which reported adversely upon the so-called Court-packing proposal, and which report carried language which, if my memory serves me correctly, expressed the hope that the proposal would be rejected in such a way that such a proposal would never again be brought before a parliamentary body of freemen, or some such phraseology.

Mr. O'MAHONEY. The Senator is quite correct in his memory. It is very gracious of him to allude to that event. The year in which that occurred, 1937, was 20 years ago. I have no hesitation in saying that I think the preservation of the right of trial by jury for the protection of the individual citizen of the United States is just as serious a constitutional question as was the preservation of the independence of the Supreme Court from the Executive. I felt so deeply about the question at that time, 20 years ago, in 1937, that as a member of the Judiciary Committee I made the motion that the bill should not be killed in the committee by being pigeonholed, but should be referred to the Senate with an adverse report, so that the Senate itself could be called upon to repudiate it; and that is what happened. The Senate did repudiate the bill. I believe the time is here now when, by an equally overwhelming vote, the Senate of the United States should repudiate the thought that trial by jury in the United States of America shall ever be denied to a citizen of the United States who is charged with criminal contempt.

Mr. CASE of South Dakota. Mr. President, in the spring of 1937 we who were then Members of the House of Representatives watched on the sidelines, so to speak, while the Senate considered the proposal and debated the bill which provided for packing the Supreme Court; but that did not prevent us from debating the issue in the House of Representatives. I remember at that time one of my maiden efforts was a speech on the subject. We were concerned with the issue that winter and spring. I became convinced that there was no tyranny so great as that which would command the courts. Consequently, I commended the efforts of the Senator from Wyoming and other Senators for their efforts to prevent the Court from becoming the creature of any particular President or any particular head of an executive agency. The decision was important. I am glad the Senator did what he could to preserve the independence of the Supreme Court.

I have had, and still have some misgivings with respect to some portions of the bill as it now stands, although, in the main, I think the objectives of the bill to implement the 14th and 15th amendments are desirable.

In my opinion the most important thing we can do is to implement the 15th amendment by making the bill clearly a protection of the right of a citizen to exercise the power of voting, to make this truly a Government of the people and by the people. While I have made no final decision with respect to some of the amendments which may be offered, or even the pending amendment in toto, I appreciate the fact that the Senator has accepted the modification offered by the Senator from Idaho, to the pending O'Mahoney-Kefauver-Church amendment because I believe it contributes to the general purposes, which I think should be served by the bill.

Mr. O'MAHONEY. I thank the Senator from South Dakota for a very illuminating addition to the debate.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I wish to say that as a supporter of the original O'Mahoney amendment, and then later of the O'Mahoney-Kefauver-Church amendment, I believe every change made has been for the better. I am sure the Senator from Wyoming is not afraid in any shape, manner or form of any gibes which may come from anyone on either side as to his constant efforts to improve the amendment.

Mr. O'MAHONEY. Mr. President, I never mind them so long as the apostrophe in my name is used.

Mr. MANSFIELD. I am sure if that were not done we would hear from the Senator from Wyoming. That seems to be the Senator's weak point—perhaps I should say it is his strong point.

What I want particularly to say is that the amendment all the way through, and especially now with the addition by the distinguished Senator from Idaho, is an amendment which strengthens the bill rather than weakens it.

I should like to say also that in my opinion the Senator from Wyoming is following in the footsteps of great men, with whom he served in this body, men like Thomas Walsh of Montana, William Borah of Idaho, and George Norris of Nebraska. I am delighted the Senate is fortunate enough to have in the person of the Senator from Wyoming a man who measures up to those standards, who has not forgotten the principles upon which this country was founded, and who recognizes the true form of jury system for all our people. I think we are indebted to the Senator from Wyoming, the Senator from Tennessee, and the Senator from Idaho for what they have done to make the bill stronger and at the same time to keep alive the principles which have made the people of this country great in the years and decades gone by. I offer my congratulations to all the sponsors of the amendment.

Mr. O'MAHONEY. I thank the Senator.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Rhode Island.

Mr. PASTORE. I merely want to say to the distinguished Senator from Wyoming that I associate myself with the remarks made by the distinguished Senator from Montana [Mr. MANSFIELD], that from the very outset the distinguished Senator from Wyoming has expressed a willingness to have his amendment refined as much as it could possibly be.

As a member of the bar, like the distinguished Senator from Wyoming, I realize how difficult it is sometimes to put into writing the expression that hovers in one's mind and in one's heart.

I should like to say to the distinguished Senator from Wyoming that from the very start, as the Senator knows, I have been a strong advocate of civil rights. For that reason I voted for the retention of part III of the bill, because I am one of those who feel it is impossible to separate the component parts which go to make up the dignity of man. When we attempt to say that one civil right is more precious than another, I think we assume unto ourselves a judgment that belongs to the Maker rather than to man.

Be that as it may, I am very much interested in the amendment which is being proposed by the distinguished Senator from Wyoming. I have said from the very outset that I have an open mind on the question of civil contempt and criminal contempt. I have listened very attentively to all the arguments which have been made pro and con. I have not as yet definitely resolved the matter in my own mind. I reserve the

right to keep my mind open until such time as I am called upon to make a decision, at which time I shall make it known.

There has been some apprehension in the minds of people as to the drawing of a line of demarcation which separates civil contempt from criminal contempt.

I am going to state a hypothetical case to the distinguished Senator from Wyoming. I hope he will express his ideas, because I know they will tend to allay the apprehension on the part of some persons who may be confused as to the distinction between civil and criminal contempt.

The question I ask is precisely this: Let us assume that an election official who declines to allow a qualified Negro to vote is enjoined and held in civil contempt for refusing to honor the court's decree. Such official can be quickly freed from jail by agreeing to let the Negro vote. By recanting, once he is freed, the official can still persist in his refusal to let the Negro vote and be subject to criminal contempt. At that point he can demand and get a jury trial.

I think the Senator understands my question.

Mr. O'MAHONEY. I do, indeed.

Mr. PASTORE. I think this is a very important point, because the argument is being made that while a certain situation may come within the jurisdiction of civil contempt there may be something in the amendment whch is offered by the distinguished Senator from Wyoming to make it possible that the contemnor could, by subterfuge or willfulness, so conduct himself as to defeat the jurisdiction of the court in civil contempt, thereby project himself in the realm of criminal contempt, and thereby claim a trial by jury. I should like to have the observations of the distinguished Senator as to such a case.

Mr. O'MAHONEY. The Senator has used one word which I shall use to answer him. That word was the word recant. The Senator assumes an impossibility, if the Federal judges of the United States are as able as the President conceived them to be when he nominated them and the United States Senate conceived them to be when the Senate confirmed them. The order which would go from a court in such a case as the Senator from Rhode Island has described would be an order compelling the registration of a voter. Once the registration official had carried out that order he could not recant.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. PASTORE. Just a moment, so that the RECORD will be clear at this point.

I merely want to say that I have stated a hypothetical case which did not originate in the imagination of the junior Senator from Rhode Island, but which has been mentioned time and time again. I think insofar as the historical record of these proceedings is concerned we must have the matter clarified in the RECORD, so that there will not hereafter be any dispute or question about it.

Mr. O'MAHONEY. Of course. I am happy the Senator is cooperating.

Mr. PASTORE. Much of the history developed here will be controlling in determining what the intention of Congress was, at the time this matter is perhaps brought before the courts.

Mr. O'MAHONEY. I may say that the power proposed to be given to the Attorney General of the United States is a power to go into the Federal courts and into no other courts; he will ask for preventive relief from a Federal judge. The Attorney General will undoubtedly get an order from such judge which will place the registrar of voters under bond until the registration has been completed.

Mr. PASTORE. Let us assume——

Mr. O'MAHONEY. That could not be undone.

Mr. PASTORE. I think the Senator from Wyoming is moving a little too quickly. I think I know what he means, but I do not believe the RECORD is abundantly clear in that respect.

Let us assume that the court orders a registrar to enter the name of X upon the register, or the voting list. Let us assume that the registrar disobeys the order of the court, and that a petition is filed by the Attorney General to adjudge the respondent in contempt.

Let us assume that the judge finds the respondent in contempt of court, under the civil phase of this amendment, and that the respondent is thereafter incarcerated. Under the amendment, I understand he would be allowed to purge himself with a representation made to the court that he would, indeed, carry out the order of the court. Therefore he would be released from incarceration.

Mr. O'MAHONEY. But only by carrying out the order.

Mr. PASTORE. That is the point I wish to make. It is the understanding of the distinguished Senator from Wyoming that once the court assumes jurisdiction under civil contempt for the violation of an order, and any opportunity is afforded the respondent to purge himself by performing the act ordered to be done by the court, civil contempt jurisdiction exists, and lasts, even though the date expires when such order could effectively be carried out.

Mr. O'MAHONEY. Absolutely.

Mr. PASTORE. Therefore, if the respondent, who seeks to purge himself and is released in order to carry out the order——

Mr. O'MAHONEY. Let me make it clear to the Senator from Rhode Island that the registrar could not purge himself without registering the voter. That would be the issue.

Mr. PASTORE. Is it fair for me to assume, therefore, that once the court acts in civil contempt, there is nothing the respondent can do on his own, by way of subterfuge, to change the situation from civil contempt to criminal contempt?

Mr. O'MAHONEY. I say absolutely not.

Mr. RUSSELL. Mr. President, will the Senator yield to me for one observation?

Mr. O'MAHONEY. I am very happy to yield to the Senator from Georgia.

Mr. RUSSELL. I have encountered the argument which has been presented as an illustration by the Senator from Rhode Island on so many occasions that I feel that I am somewhat of an expert in that field.

Mr. O'MAHONEY. Let me ask the Senator to hesitate for a moment. If I may have the attention of the Senator from Rhode Island, I wish to make clear my understanding of the questions of the Senator from Rhode Island. My understanding is that he desired to make the RECORD clear.

Mr. PASTORE. That is correct.

Mr. O'MAHONEY. That is why he asked the question. He gave me the opportunity to answer, and I am very happy, indeed, to answer, and to permit the Senator from Georgia to share in the answer.

Mr. RUSSELL. Mr. President, the Senator from Wyoming answered with complete accuracy. If there is any elementary rule of law, it is that no man can profit by his own wrong.

I have been amazed at the argument brought forward, that a man who had refused to conform to a court order could, by some act of his, transform the civil contempt into criminal contempt, and thereby secure a jury trial. Of course, the claim is utterly fantastic. He might, of course, pile Ossa on Pelion by adding a number of criminal contempts to his civil contempt, but there is no way on earth within the power of the defendant charged whereby he could possibly transform civil contempt into criminal contempt.

Mr. O'MAHONEY. And the Federal judge sitting on the bench issuing that order is the protector of the voting rights of the person for whom the Attorney General brought the civil proceedings.

Mr. RUSSELL. As all the Senators are probably aware by now, I am not enthusiastic about any part of this bill, but if there is anything that should be completely clear from this amendment, it is that there might be a situation in which a defendant would be held both in civil and criminal contempt, and a judge would have complete control of the person, the custody, and the freedom of the defendant under civil contempt proceedings, and he could force him to conform. That would in nowise relieve the defendant from any liability to punishment. It would only increase his liability to punishment by making him subject to any number of trials for criminal contempt. But none of those would purge him of the original civil contempt. There can be no question about that, as a matter of law.

Mr. PASTORE. Mr. President, will the Senator from Wyoming yield on that particular point, in order that the RECORD may be clear?

Mr. O'MAHONEY. I yield.

Mr. PASTORE. I wish to reiterate that this is not a hypothetical question which was born in the mind of the junior Senator from Rhode Island. He is merely bringing it to the attention of the Senate, through the distinguished Senator from Wyoming, who is the author of the amendment, in order that the RECORD may be cleared once and for all as to the legislative purpose and history of this bill.

Mr. RUSSELL. Mr. President, I am very grateful to the Senator from Rhode Island for having brought the question up and making the answer a matter of record. I appreciate the fact that he asked the questions, and that the Senator from Wyoming has answered them so accurately, and with such clarity. I could not resist the temptation to place my interpretation on this question, because it seems to me to be utterly fantastic for anyone to contend that a man could purge himself of civil contempt by committing a criminal contempt. He would only get himself deeper into trouble. There is no way the defendant himself could alter the situation.

Mr. PASTORE. I am very happy to have the observation of the distinguished Senator from Georgia. I feel that, once and for all, that answer clarifies the historical background with reference to this situation.

Mr. O'MAHONEY. Mr. President, I call upon the Senator from North Carolina [Mr. ERVIN], who is not only a distinguished Member of this body, but a very distinguished former judge. I know that the Senator from North Carolina is moved to make some contribution to this discussion.

Mr. PASTORE. Mr. President, I have another question which I should like to ask later.

Mr. ERVIN. Mr. President, I had an experience as superior court judge in North Carolina which bears directly on this point. A case had been tried, and the respondent had been ordered, after trial on the merits, to remove obstructions which were preventing the drainage of the land of an adjoining owner who had an easement to drain his land over the land of the respondent.

The respondent stood in court and said that he would not comply with the order of the court when an attachment for contempt was brought against him. His lawyer took the position that by his defiance of the court, stating that he never intended to comply with the order of the court, he had converted the contempt into a criminal contempt, which, under the law of North Carolina, can be punished only by not to exceed 30 days' imprisonment or a fine not to exceed $250, or both.

I told his lawyer, "This defendant has been tried and found guilty. I am here now ordering that he be confined in the common jail of the county until he complies with the order of the court."

His lawyer took an appeal to the State supreme court, and that court affirmed my ruling. It said that I had a perfect right, notwithstanding the respondent's defiance of the court, to sentence him to jail, to remain there until he complied with the order of the court, however long it might be.

Mr. O'MAHONEY. We can depend upon Federal judges to carry out the law of civil contempt.

Mr. PASTORE. Mr. President, may I ask the Senator from Wyoming another question?

Mr. O'MAHONEY. Yes, indeed.

Mr. PASTORE. In order to lay the predicate for my question, let me say that it has been argued by many Members of this body that the fact the order of the court affects a situation which, in itself, would be a crime, in no way affects the jurisdiction of the court so far as the constitutional guaranty of a jury trial is concerned in a criminal case, because, in fact, the violation is not related to the criminal statute, but consists, rather, solely of disobedience of the court itself.

The question I wish to ask is this: Assume that the court holds an individual respondent in contempt of court, for not doing a required act, or for doing an act which in itself is an offense under title 18 of the Criminal Code, and the court proceeds, under the jurisdiction of the criminal contempt proceedings, to hold the respondent and to fine him or incarcerate him for having disobeyed an order of the court. In such a case does the Senator understand that the same individual could properly be indicted under the criminal statute, and be sentenced to serve an additional sentence for the same act, or acts?

Mr. O'MAHONEY. Of course. He could be punished for criminal contempt by the judge, without a jury trial. He could be indicted by the United States attorney for a violation of the criminal law, and he could be tried again and convicted and punished.

Mr. PASTORE. I say most respectfully—and I know that the question and answer are a matter of record—that I challenge—and I use the word challenge as respectfully as I can—all lawyers who are interested in this cause, to disprove that conclusion, if it can be disproved.

Mr. O'MAHONEY. I thank the Senator from Rhode Island.

Mr. CHURCH. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield to the Senator from Idaho.

Mr. CHURCH. Mr. President, I intend to make some remarks soon in favor of the amendment, as modified, which is now pending before the Senate. I wish to take this occasion, however, to say to the distinguished Senator from Wyoming, who has long been a champion of civil liberties, that he has made this evening a historic contribution and a very great defense of the principle of trial by jury, which has long been a cornerstone of our constitutional liberties. I feel proud to be associated with him in his great effort to defend the right of jury trial.

I wish to commend him also for the penetrating, moving, and eloquent presentation he has made this evening, and for the very impressive and articulate statement he has made during the colloquy which has just taken place. That will be demonstrated to all those who take the trouble of reading and studying it.

The amendment he supports does not soften, does not weaken, does not emasculate the bill, in so far as the bill is meant to provide for a more effective procurement of the right to vote. Rather, his amendment, of which I have the honor to be a cosponsor, is designed to provide our traditional safeguard of the right of trial by jury in a criminal type of action, at the same time leave the court free to compel compliance with orders it may issue, and more effectively obtain the right to vote for citizens who may have been denied that right.

The Senator is to be greatly commended for the splendid presentation he has made on the floor of the Senate this morning.

Mr. O'MAHONEY. The Senator from Idaho has been one of the most potent contributors to the cause we have presented this evening. I thank him for his gracious words. I do not hesitate to predict for him an effective and distinguished and glorious career in the defense of the liberties of free men and in the preservation of the Constitution of the United States for so long as he is a Member of the Senate. I thank him very much.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. KNOWLAND. I should like to ask the distinguished Senator if he will bear with me for a moment, to give me his views on the following situations which might develop.

What would be the situation where there had been an allegation that a person was not permitted to register because of color, let us say? The United States Attorney, acting for the Government of the United States, would go to Federal court in order to help protect the voting right of the person, because obviously a person cannot vote if he is not registered.

The case would be heard, and the full facts would have to be presented before a judge of the United States district court. Proof would have to be offered to show that the allegation was correct. Based on the facts presented, the judge would make his findings, and he would issue what in layman's language—and I am not a lawyer, and am not familiar with legal terms—I believe is called a mandate or an order of the court, directing the registrar to register the voter.

At that point let us say the registrar does not comply. He is called into court. He is held in contempt. The judge has the choice, at that point, to put him in jail for civil contempt until he complies with the order of the court. Let us say the judge does that. As I understand, in a civil contempt case the person involved has, in effect, the key to the jail door in his pocket. When he complies with the judge's order, he can get out of jail.

However, if at that point, the case should carry over beyond the registration date—because in all cases we are required to abide by the laws of the respective States, and in most States a certain time is provided for registration, and if a person is not registered before a certain date, his name does not go on the registration rolls—and the registrar stays in jail, let us say, for 3 days, and that during the 3-day period the normal time for registration under the State law has expired.

When that day has passed, the registrar who is in jail under an order of the court for civil contempt says, "I am now ready to comply." He does comply. However, so far as effectiveness is concerned, such compliance will not be effective in relation to the election immediately in prospect, because the date for

registration has passed. What is the situation at that time?

Mr. O'MAHONEY. Mr. President, the Senator is making an impossible assumption. The assumption he makes casts a reflection upon the capacity of the United States attorney who brings the proceeding. It casts a reflection upon the competence of the court which issues the order to show cause. It reflects upon the intelligence and good will of the public officials of the State concerned.

Certainly the United States attorney would not go into court seeking a mandatory order for the registration of a voter who had been denied registration at so late a date that the registration date might have passed. That would not happen.

Mr. KNOWLAND. If the Senator will permit me——

Mr. O'MAHONEY. I am trying to answer the Senator's question.

Mr. KNOWLAND. In my State, and I am sure in the Senator's State also, it is necessary to register before a certain closing date, in order to be placed on the registration list.

Mr. O'MAHONEY. Very good. It is necessary, of course, to take into consideration the passage of time. In many States voters are permitted to register on the day of voting. In some States there is no registration at all, and the person involved would not be the registrar, but, instead, the voting official at the precinct.

I say to the Senator that no judge would be so naive as to issue an order which could be so easily evaded as in the case the Senator has assumed. It is a hypothetical case, almost impossible to develop.

Mr. KNOWLAND. I assume that the judge is bound to the provisions of the State law with respect to registration. We all recognize the fact that the State law, if registration is required, provides for either 30 or 60 or 90 days within which registration must be effected. I submit to the Senator that my inquiry is made in perfectly good faith, in trying to obtain information with respect to the situation we are considering. The situation with respect to the registration date was one I had in mind.

Mr. O'MAHONEY. Right there, Mr. President, I might turn the question back on the Senator from California and ask him to assume that the jury-trial amendment is not adopted. How would the situation be handled under the bill, without the jury-trial amendment?

Mr. KNOWLAND. I would say——

Mr. O'MAHONEY. I would ask the Senator to answer the question for himself, not for another Senator.

Mr. KNOWLAND. Under those circumstances the judge would not only have the power of civil contempt, but he also would have the power of criminal contempt.

Mr. O'MAHONEY. I say he has both under the amendment.

Mr. JAVITS. Mr. President, will the Senator yield at that point?

Mr. O'MAHONEY. Certainly.

Mr. JAVITS. It seems to me that we have put our finger on the main question raised by the Senator from Rhode Island [Mr. PASTORE]. I ask the Senator this question: Is there anything a decree can do to change a State law with respect to registration or voting qualifications?

Mr. O'MAHONEY. I suggest to the Senator from New York that he go to the Department of Justice and ask the Department what they are going to do about it. That has nothing to do with the amendment I am offering.

Mr. JAVITS. I respectfully submit that it does.

Mr. O'MAHONEY. How can it have anything to do with it? The Senator is saying that the Attorney General must observe the State law with respect to registration and with respect to voting. Of course he must; there is no doubt about that. Without the jury-trial amendment, when he goes into court and asks for injunctive relief or for a mandatory order, he is faced with exactly the hypothetical case which the Senator from California and the Senator from New York present. So it is no argument against the amendment to raise this question; it is an argument against the bill.

Mr. JAVITS. If the Senator will yield further, the Senator from New York has raised no hypothetical case.

Mr. O'MAHONEY. I was listening to the Senator from California.

Mr. JAVITS. If according to the law, the State registration is on a certain day, and the registrar is in default or in violation of an order of the court directing the registration to take place on that day, and the day has passed, and performance becomes impossible, there can no longer be any civil contempt. It then becomes, if anything, criminal contempt, and a jury trial ensues under the amendment.

What the Senator from California has contended is that when that stage is reached, the registrar can no longer be punished for civil contempt; it is necessary to punish him for criminal contempt. A jury trial intervenes, and the registrar, we believe, can have a reasonable right to feel that the case is over, and that is the end of it.

Mr. PASTORE. Mr. President, again we are beginning to indicate that we are losing all conception of what the bill is about.

Mr. O'MAHONEY. Certainly.

Mr. PASTORE. After all, the purpose of the bill—and I am in agreement with that purpose—is to avoid the situation of mass denial to people of the right to vote. The bill, I believe, has this basic purpose: We do not want the people of the colored race to be treated any differently from people of any other race or nationality.

Mr. O'MAHONEY. That is precisely the purpose.

Mr. PASTORE. What we are referring to now is restricting the machinery to the particular case of one voter. I hope we are not talking about this bill merely to bring the whole prestige and influence of the United States Government to bear for the benefit of one voter, precious as that one individual's right to vote might be, in the one situation which might be called to the attention of the Attorney General 3 hours before the polls close. I hope we have not wasted 4 weeks or that we may not be wasting 4 months here for that reason.

I think the purpose of the bill is to insure to all people, of all races, of all colors, and of all nationalities, the equal right to vote, without discrimination.

If I know anything about the procedure in the Federal courts—and I stand to be corrected if I am in error—I understand that the court has the right, upon proper affidavits being filed by the Attorney General, to issue an ex parte order. The ex parte order can command the registrar forthwith to do so and so. If he declines forthwith to comply with the order of the court, he is in contempt of the court—and, as I understand from the distinguished Senator from Wyoming, in civil contempt of the court.

Let us say that such refusal occurs 30 seconds before the polls close or before the registration books are closed.

Are we talking about mass denial, or are we talking about one instance? What is the objective of the bill? The objective of the bill is to guarantee to all persons the right to vote.

We are talking about cases which were cited by the distinguished Senator from New York, in which 2,000 persons were called in at 9 o'clock in the morning to give reasons why their names should not be removed. The registrar interviewed only 50 within 1 day. The other 1,950 had to return the next day, and maybe the day after that, or in the month after that, to prove that they were qualified as American citizens to vote. I think that is why the bill was introduced. But now we are talking about the isolated case of 1 man, 1 minute before election day. How ridiculous can we become?

I realize the argument will be made that one man's right is precious. No one understands that better than does the junior Senator from Rhode Island, because when I voted to retain part III, I said it was not within the human judgment of any mortal being to separate or to divide the component parts of man's dignity. I say it is just as precious to uphold the dignity of every man in all his civil rights. Each and every right is just as precious as the right to vote. For that reason, I voted to maintain part III.

But now I am arguing about the right of trial by jury. We have been lulled into the belief—and I have not completely made up my mind—that the bill becomes innocuous, that it is not worth the paper upon which it is written, unless we do away with the right of trial by jury in cases of criminal contempt.

I know I am making what some might call a whistlestop speech.

Mr. O'MAHONEY. But it is a good one.

Mr. PASTORE. How important, then, is the proposed Commission on Civil Rights, if everything hinges on the jury trial? It is very important. That is why we are establishing a Commission. What is the Commission supposed to do? All it is supposed to do is to investigate these varied cases and complaints, and then to submit a report to the President of the United States. The Commission

will report to him—to the President of the United States.

What else is it proposed to do? It is proposed to bring the whole prestige, influence, and dignity of the United States Government, through the office of the Attorney General, to intervene in the individual cases. Is that nothing? Or is it something?

What else is it proposed to do? We say that it shall not be necessary for an individual to exhaust his rights at law or administratively before the Attorney General can go into an equity court and seek an injunction to protect the right of the individual? Is that something? Why, of course, it is. What else do we say?

We say that in proceedings for civil contempt, where the court can enforce its order protecting the right to vote and can remove the obstruction which prevents a person from voting, the court shall have all the sublime rights which the Federal courts enjoy today to compel a person to comply with an order or to go to jail until he complies, with no requirement of jury trial.

In the next step we come to the trial by jury. What is bothering the junior Senator from Rhode Island—I have not been able to make up my mind, and I challenge the great legal minds of the Senate to answer the question—is that if the act complained of is a crime under the law, the argument was made by the distinguished Senator from New York that the court will have the right to commit the person for contempt of court, whether it be a crime or not, without a jury trial, because the individual has disobeyed an order of the court.

I ask this question of the distinguished Senator: If a man is sent to jail for criminal contempt for having committed an act which is a crime under the law, and can later be indicted, convicted, and sentenced under title 18 for the same act, that, I say to my colleagues, is double jeopardy. That is what bothers me. That is the question I should like to have answered. That is the question which has not been answered heretofore.

Mr. O'MAHONEY. I thought I answered it.

Mr. PASTORE. I realize that the distinguished Senator from Wyoming has answered the question. I am satisfied, relying upon his background and training in constitutional law. I have the highest respect for him. But I am waiting for the question to be answered by those who oppose the Senator's amendment.

Mr. THYE. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. Mr. President, may we have the regular order?

The PRESIDING OFFICER. The regular order is called for. The Senator from Wyoming has the floor.

Mr. THYE. Mr. President, I think the Senator from Wyoming does not have the floor. The Senator from Wyoming had taken his seat. The Senator from Rhode Island was the Senator occupying the floor.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Rhode Island may yield to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Rhode Island is recognized, and he is permitted to yield to the Senator from Minnesota.

Mr. THYE. The Senator from Rhode Island was making a very impressive statement. He asked a question. I am as vitally concerned with the answer to that question as is the Senator from Rhode Island.

The Senator from Rhode Island is an attorney in his own right, and a very able one. If he has the answer to the question which he propounded to the Senate, I hope he will give it. If he does not have the answer, then, if any Senator can answer the question, let it be answered now, because it is important.

Mr. PASTORE. Mr. President, let me answer the distinguished Senator from Minnesota by saying that if we were to employ the reasoning which has been used here in defense of the proposal to allow the court the right to proceed without a trial by jury in criminal-contempt cases, namely, that the person was not being charged with a crime, but was being punished for disobeying the order of the court, which disobedience constitutes a crime, then that person could not be said to have been tried for his crime. Therefore, he would not have been placed in jeopardy, as a matter of law. But when thereafter that person is indicted, convicted, and sentenced, he will serve again, under the criminal statutes, a prison term to which he had already been subjected for disobeying the order of the court. That is the understanding of the junior Senator from Rhode Island, and I invite the expression of opinions to the contrary.

Mr. THYE. Mr. President, will the Senator from Rhode Island yield further to me?

The PRESIDING OFFICER (Mr. FREAR in the chair). Does the Senator from Rhode Island yield to the Senator from Minnesota?

Mr. PASTORE. I yield.

Mr. THYE. I am not a lawyer, but I have been privileged to serve in this legislative body for a number of years, and I have gained a little understanding of legal questions because of being privileged to rub shoulders with some very eminent lawyers who have served within this body.

The question propounded by the Senator from Rhode Island was a very potent one, and he has answered it. If his question has not been properly answered, then I hope some Senator who is legally qualified to take issue with his answer will do so, and that the point will be debated, because—and I speak only for myself—I am vitally interested in having all persons in the United States treated equally when it comes to the question of voting for those who will represent them in public bodies, whether they be school districts in the local communities or groups in the townships or persons serving in State offices or Federal offices. I do not wish to have any man or woman who is a qualified citizen denied the right to express his or her preference as to the persons who shall hold public office and shall represent the voters.

So I seek all the information I can obtain from the debate. If any Senator, who is an eminent lawyer, has a challenge to the answer which has been given by the Senator from Rhode Island to his own question, I hope such Senator will challenge it.

Mr. PASTORE. I hope so, too, because this matter has troubled me in this particular instance.

I have read and reread the provisions of the bill and the cases which have been cited. As a matter of fact, I have said to my colleagues whom I have joined from the beginning of the fight to have the bill made the unfinished business, and I have said to my colleagues whom I have joined in fighting for civil rights, that I am troubled, as a citizen, as a Senator, and as a lawyer, with the whole argument regarding civil contempt, as opposed to criminal contempt.

It is argued, "This has been in effect since 1914, under the Clayton Act." But, Mr. President, let me say that at that time a distinction was made between an action brought by an individual and an action brought by the Attorney General. Such Senators as Borah, Norris, and Walsh of Montana thought no distinction should be made.

Mr. President, if we have reached the point where the Government is omnipotent and where an individual can be subjugated, then I am afraid we have lost sight of democracy and the concept of democracy.

The so-called Clayton Act means no more than this: If an individual citizen initiates a petition which results either in civil contempt or in criminal contempt, in the case of criminal contempt the respondent is entitled to a trial by jury. But if the action is initiated by the Government, then the picture changes, and then the respondent is not entitled to a trial by jury in a criminal contempt case.

I say frankly that if it had been my honor to have been standing on this floor, in this Chamber, in the days when Senator Borah, Senator Norris, and Senator Walsh of Montana served here, I, too, would have argued against that distinction.

When it is argued here that that is the precedent for what the Senate should do now, that argument does not satisfy the liberality of the junior Senator from Rhode Island. I am afraid I am too liberal to accept that reactionary point of view.

Mr. O'MAHONEY. Mr. President, will the Senator from Rhode Island yield to me?

Mr. PASTORE. I yield.

Mr. O'MAHONEY. Mr. President, I desire to compliment the Senator from Rhode Island. I join with him.

I listened on this floor to Senator Borah of Idaho. I listened on this floor to Senator Walsh of Montana. I listened on this floor to Senator Norris of Nebraska. I know that all three of those distinguished Senators were honest, full-fledged liberals who believed that the people were above the Government.

Mr. President, as the Senator from Rhode Island has said, if those distinguished Senators were with us today, they would be opposed to the proposal which is before the Senate—to make the

Attorney General the judge and the jury to determine when the constitutional right of trial by jury should be used in one State and when criminal contempt procedure should be used in another State. That would be such a grant of power to an appointive officer as has never before been suggested upon this floor.

I wish to say further—and this will be an answer to the Senator from Minnesota [Mr. THYE], with whom I have worked for many years in close collaboration—that in drawing up this jury-trial amendment, we made a special distinction between criminal contempt as provided in the amendment and criminal contempt as provided in section 3691 of title 18 of the United States Code. That is the section of the Clayton Act to which reference has been made. In that law, criminal contempt was defined as being constituted of two factors: First, willful disobedience of the order of the court; second, violation of the criminal law.

For the express purpose of eliminating any chance of double jeopardy when a judge without a jury issues a criminal-contempt order, the amendment provides that in such a case the crime of violating the statute shall not attach.

So, Mr. President, under the jury-trial amendment which now is before the Senate, when the Attorney General prosecutes for any violation of the right of a United States citizen to vote—whatever may be his color, whatever may be his creed, whatever may have been his former condition of servitude—the defendant can be sentenced by a judge for criminal contempt and can be kept in jail until he performs; and he can also be prosecuted thereafter, by indictment for violation of the criminal law.

Then we state, for the purpose of making the matter clear to all the proponents of the bill, that by means of the jury-trial amendment we shall be strengthening the hands of those who wish to guarantee the right to vote to all United States citizens.

Mr. PASTORE. Mr. President, I desire to thank the Senator from Wyoming.

In conclusion, let me say——

Mr. JAVITS. Mr. President, does the Senator from Rhode Island intend to yield? He has challenged the opposition; and I have been standing here, waiting patiently.

Mr. PASTORE. Mr. President, as a matter of fact, not only do I welcome a statement by the opposition, but I shall receive it with pleasure.

Mr. President, let me say, in conclusion, that here we are being confronted with the very keystone of the debate on this amendment, namely, that the argument which some persons claim should move the liberal Members of the Senate is founded upon a precedent which is not liberal at all. To the contrary, it is a precedent which was the creation of conservatism and reaction. Here I am being told today that I should go along with the idea, because the precedent was established in 1914, of allowing the Federal Government to step in and become a party to an injunctive suit and get an order to deny trial by jury in criminal cases only because the Government is a party, a proposition which was so vigorously opposed by men like Borah, Norris, and Walsh of Montana. I tell Senators very frankly, and I address myself to the liberals, that is pretty difficult for me to accept.

Now I yield.

Mr. JAVITS. If the Senator please, I hope as a liberal he will not be distracted by a mirage on the road which the Senate started to travel by voting to strike out part III.

Mr. PASTORE. The Senator speaks of a mirage. There is no man who is more practical and realistic than is the Senator from Rhode Island. I have had to be. I have never been a starry-eyed dreamer, and no mirages have misled me on the road to objectivity.

Mr. JAVITS. I think the Senator from Rhode Island has proved that by the fact that, despite the passion of his address, which was great and eloquent, he has not made up his mind. It seems to me the very eloquence by which he has stated he has not made up his mind shows he has not been distracted, so I know he has not been distracted by a mirage. Why do I say "mirage"? The paramount objective inherent in the bill is the method by which we shall secure the right to vote for many thousands of Americans. We do not want to override any other right in securing that right. Let us, as Senators who are objective, keep our eye on the ball.

Second, the Senator from Rhode Island has issued a challenge. I do not know whether the challenge applies to each of the three questions he asked. I shall state those three questions.

First, the Senator asked, Why establish such a commission?

Second, the Senator asked, Why is not the civil-contempt procedure adequate to cope with every reasonable situation which could arise under this bill?

Third, the Senator asked, Is not a criminal contempt nevertheless later subject to indictment and trial, if the act of contempt was itself a crime?

Mr. PASTORE. That is correct.

Mr. JAVITS. In answer to all three questions I should like to suggest certain ideas to the Senator. I do not want to detain the Senate very long. It is so late at night, and we shall have plenty of time, as I see it, tomorrow.

First, as to the Commission, it seems to me the necessity for it is inherent in the reason why the Senator fought so vigorously against striking out part III, which embraced a whole range of civil rights, amounting to 10, 20, or 30. There was a list of them put in the RECORD, including such a sacred right as the right to be immune from brutality at the hands of police officials. I should think the Senator would at least hope to save a part of the objective of part III by favoring the establishment of a commission which, by subpena power, could investigate and report what is going on in this area.

Mr. PASTORE. May I interrupt? I am afraid the Senator completely misunderstood me when I asked, "Why the Commission?" I was trying to emphasize its importance. I was not trying to minimize it.

Mr. JAVITS. I am delighted.

Mr. PASTORE. I say it is a great achievement to have a commission. I say it is a great achievement to bring in the Attorney General. I say it is a great achievement to have the injunctive process under equity procedure. I say it is a great achievement to provide that a person shall not be compelled to exhaust his administrative and other remedies first. All I was saying is that I cannot subscribe to the argument that if we provide for jury trial in criminal-contempt cases we would be emasculting the bill, that it would not be worth the paper it is written on. I cannot go along with that argument. It might be a more punitive bill if the right of trial by jury were denied. It might also be a more punitive bill if it provided for giving a respondent 50 lashes across the back. Do we want to go that far in order to accomplish our objective? What we are arguing for here is not the objective; it is how we attain it. That is the important question.

Mr. JAVITS. I was trying to address myself to the facts and the law. I would not want to enter into a contest with the Senator from Rhode Island in the field of eloquence or in whistlestop speeches.

Mr. PASTORE. I have made quite a few of them in my life.

Mr. JAVITS. I have made a few myself. I think we have had enough at this late hour.

I should like to take up the second question, which I think is the key question. In short, what is the practicality of the civil-contempt remedy with respect to injunctions as provided in the bill?

I think the central point the Senator must bear in mind is the fact, the proof of which has been placed in the RECORD, that there are at least, I would hazard, a hundred methods by which the right to vote guaranteed in each of the States has been frustrated, whether it is by means of such questions as, "How many bubbles are there in a bar of soap?" whether it is because registration offices close, whether it is because no registrars are appointed, whether it is because two Negroes are or are not admitted to registration at the same time, or whether it is because of a question of interpretation as to whether we have a democratic or a republican form of government. I shall not catalog any more of the methods. The Senator is well acquainted with them.

Mr. PASTORE. Generally, yes.

Mr. JAVITS. That whole range of questions is based upon what? It is based upon some element of State law under which the registrar acts. Therefore, we submit that a Federal decree, issued at any time, such as a preliminary injunction, which, as the Senator knows, is good only for a few days, or after a trial, lasting a longer time, cannot negate the requirements of State law. In the final analysis, the court will have to order the registrar to comply, in good faith, bona fide, with State law. We get into a great range of subterfuges and dodges which have been practiced.

This is not imaginary. These are actual happenings. They have occurred in Louisiana, Mississippi, Alabama, and State after State, and the record is fully documented with respect thereto. We say that when we get into that kind of a situation there will not be obtained decrees which the court can enforce by the civil contempt remedy, and that the court can be frustrated, because of the existing law, time and time again. As pointed out by the Senator from California—and his statement can be proved—the court can be rebuffed by the person who is engaging in all these subterfuges and dodges. Again, there is no guesswork about this. We need not place a premium on a civil as against a criminal contempt, because of the human protections granted in equity jurisprudence, which has been built up for centuries, and which has not been seriously challenged since 1914. The Senator from Rhode Island has been here. The Senator from Wyoming has been here. Nobody has tried to change it. Only now, when the effort is being made to defeat the bill, are Senators running around saying that in 1914, 43 years ago, we made a great mistake and suborned human liberty. I ask Senators to show me 1 case in 43 years in which there has been a widespread plan to suborn human liberty under the Clayton Act.

Mr. PASTORE. I cannot remember all these questions.

Mr. JAVITS. I remembered all the Senator's questions, and I do not have a great legal mind.

Mr. PASTORE. I do not know whether the Senator did remember them or not. If it pleases the Senator——

Mr. JAVITS. It is too late an hour to be fussy.

Mr. PASTORE. Let me say to the distinguished Senator that I am not complaining. He knows how I feel about civil rights.

Mr. JAVITS. I do. There is no question about it.

Mr. PASTORE. I fought hard for part III. Let us assume the court decrees that X should enter on the register the names of 15 Negroes which were deleted for unreasonable cause. Then let us assume that perhaps 15 or 20 citizens joined together and conspired to obstruct the carrying out of the court order. While the group is marching over to the registrar's office they walk by a place where the Senator is standing at a bus stop, waiting for a bus. But at just about the time they get up to the Senator, a picture is snapped. Who is with these 15 or 20 people but the Senator from New York [Mr. JAVITS]? So it is charged before the court that the Senator from New York was obstructing X, together with 15 or 20 other persons in carrying out the order of the court. If that were a criminal charge, it would have to be proved that the Senator from New York was a member of that party beyond a reasonable doubt. However, because by circumstance the Senator happened to be standing at the bus stop waiting for a bus when 15 people who were going to prevent X from registering the Negroes' names on the voting list happened to be going by, and because the photographer snapped the picture while the Senator was there and he was shown in the group, it would be a very hard job for the Senator to prove he was just waiting for a bus. The Senator would be brought before the court as one of the alleged conspirators, and the court would hear the case. Now, am I right in assuming that the court would not be bound by the rule in criminal cases of proving guilt beyond a reasonable doubt?

Mr. JAVITS. The Senator is wrong, 100 percent wrong.

Mr. PASTORE. Does the Senator suggest that in equity one must prove guilt in contempt cases beyond a reasonable doubt?

Mr. JAVITS. In criminal contempt cases one must. I will cite a Supreme Court case for the Senator.

Mr. PASTORE. With or without a jury?

Mr. JAVITS. Without a jury. It still must be proved.

Mr. PASTORE. I am getting to the point, give me time.

The Senator is saying that he wants to guarantee a man the right to be represented by counsel—not 1 counsel, but 2. That has never been heard of, except under the constitutional guaranties relating to criminal cases, so the Senator tends to recognize that there is a quasi-criminal case here, because of the guaranty to a respondent of the right to be represented by counsel. Mind you, Mr. President, under the Constitution that is only done in criminal cases.

The Senator is arguing that the respondent is entitled to a weight of evidence which goes beyond a reasonable doubt; am I right?

Mr. JAVITS. The Senator is correct.

Mr. PASTORE. Why does the Senator cut off a jury trial? Why eliminate that, if it basically is a part of the criminal procedure? If a man is entitled to be represented by counsel, which is only so in criminal cases, and if a man is entitled to the assurance that evidence to convict him must convince beyond a reasonable doubt, then why does the Senator say we thwart this whole procedure providing the right to a trial by jury? How convenient can we make the argument?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. JAVITS. This is not a question of how convenient I can make the argument; it is a question of how convenient society makes the argument, and for this reason——

Mr. PASTORE. Wait a moment. Do not bring society into this. We are going to vote the bill up or down. We are doing this. Let us not blame it on society; we are doing this ourselves.

Mr. JAVITS. If the Senator please, that is not in keeping with the quality of his previous argument. Society dictates everything we do. I will speak only for myself. If I do not express the deepest social conscience, and speak only for myself, I do not feel I am an adequate Senator.

Mr. PASTORE. When the Senator assumes he is disagreeing with me and says he speaks his social conscience, he is assuming I do not. I assume I do.

Mr. JAVITS. I only said it for myself, sir. The Senator will bespeak his own kind of social conscience in his own vote. Let us not go overboard between ourselves.

Mr. PASTORE. Very well.

Mr. JAVITS. I respect the Senator tremendously for his fight in respect to civil rights, which antedates my efforts in this body by years. I fought the battle elsewhere. I credit the Senator with the highest degree of sincerity, fervor, and devotion to the cause. I know everything the Senator has said comes deeply from his heart. I hope the Senator understands.

Mr. PASTORE. I understand.

Mr. JAVITS. We can differ on a particular issue and yet remain brothers at arms in the fundamental cause we are fighting. I would not want any reflection or anything else to negate that point.

The point I was going to make, essentially as a lawyer, is this: The conviction for criminal contempt is not a conviction for crime. The punishment is not the same. Loss of citizenship does not ensue, and many other consequences of conviction for a crime do not ensue. Therefore, it is not analogous to a criminal trial under the Constitution which demands a jury trial.

As a matter of fact, we have proceeded for generations, as I have heretofore explained, with the criminal-contempt cases. Why? May I tell the Senator why?

Mr. PASTORE. Yes.

Mr. JAVITS. Again I do not want unduly to protract the debate, because we are keeping in the Chamber other Members and not only ourselves, and we will have a further opportunity to discuss the subject.

The reason is that the courts themselves have recognized the dichotomy of civil and criminal contempt, and also because the contemnor is not entitled to the indulgence of the court to cross-ruff the court itself time and again to turn civil to criminal contempt in order to escape the consequences.

I should like to revert to the simple instance which was stated by the Senator from California, because I think it illustrates the point I am trying now to make. We have cases in the RECORD which show that Negroes came to the courthouse to register, that they were told only a certain number of them could be received at a time, and that they thereupon went away. Now, it is so easy, as I think the Senator has observed in his own experience, where there are thousands of people involved—and the Senator himself says that we are trying to make this a broad application—to have a situation go on and on and on, until it comes very close to the final registration date, yet nobody has at that time laid an adequate basis, except by the accumulation of facts, for litigation which will result in a valid injunction. I think the instance cited by the Senator from California of carrying the procedure along in an administrative way, for apparently good reasons, day after day after day, until one

gets within 30 seconds, not within 30 hours, not within 3 or 4 days of a registration for an election, when the plug is finally pulled, is a very pertinent illustration, and for this reason—may I finish the thought?

Mr. PASTORE. Yes.

Mr. JAVITS. For this reason: Does the Senator himself believe that dozens of registrars would go through all the subterfuges, dodges, and troubles they go through, according to the record, in all the Southern States, to bar thousands of Negroes from their right to vote, if they were not determined upon that course, backed up completely by local opinion, representing the views of the whole community and indeed, its whole life and conviction? Does the Senator think because we enact the bill tomorrow—unless it is truly effective—all these ideas, all these points of view, all these efforts and vigors are going to be dispelled and washed away? I do not think so.

I want to pass a bill based upon our established jurisprudence and upon the rights of man as we have established them for generations, but a bill which I think has some teeth in it. I think that is the difference.

Mr. PASTORE. Let me say to the distinguished Senator from New York I understand him completely. I admire and I respect his point of view. But I say to the Senator that, after all, he is discounting one thing. While there may have been many of these infractions of the law, the situation will be different.

It is because of these asserted infractions that I have strongly favored the bill, H. R. 6127. That is the reason I voted to retain part III. I think we need a lot more safeguards than what we have.

The Senator will have to admit that much of what has occurred took place before we began to think of bringing into the picture the Attorney General with the full prestige and power of the United States Government as the intervening party. That is very important. The Senator will have to admit that when a registrar is confronted with the fact that the petition is being brought on orders of the Attorney General of the United States, in the name of the United States, that in itself will begin to put the real fear of the law into the respondent.

No. 2. When the respondent realizes the fact that the cause is going to be heard by a court, that the court will hear it, that the court will give the respondent an opportunity to appear and make whatever answer he may deem desirable, and that after the court will hear the Attorney General and hear the respondent again, and will then issue an order, the respondent will know that until the time has come when the order can no longer be effectively carried out he as an individual is subject to penalty for civil contempt, unless the order is followed. That realization in itself will be very persuasive.

I realize that the Senator wishes to go a step further. The Senator does not want to provide a jury trial for criminal contempt. The Senator has a perfect right to look at it in that way. What I am trying to say to the distinguished Senator from New York is, let us not discount the emphasis that should be placed on the Commission, on the fact that for the first time we are bringing the United States Government into the picture, and the fact that we give the court jurisdiction before administrative remedies are exhausted.

Let me ask the distinguished Senator from New York a question. He says that day after day the registrar can ignore the order of the court, until such time as it may be too late. I ask the Senator from New York this question: Would he allow a respondent to get away with such dilatory practices if he were a judge of that Federal court?

Mr. JAVITS. I think the Senator from Rhode Island mistook my statement of fact. I did not say that the registrar would flout, day after day, the order of the court. What I did say was that the registrars' practices, as shown by the cases in the record before us, are such that we do not have a gravamen for the order of the court until the situation is very close to the payoff time, namely, election or registration, and that these practices can be carried out by administrative means which, until they pile up into an overpowering case, permit the registrar to get away with them. I gave an example——

Mr. PASTORE. Would the Senator mind repeating the example? It is important, but I must have missed it.

Mr. JAVITS. I will repeat the example. The example is that of Ouachita Parish, La., where 3,000 Negroes were disenfranchised by the activities of a white citizens' council.

Mr. PASTORE. Were they under court order?

Mr. JAVITS. There was no court order.

Mr. PASTORE. I am talking about a court order.

Mr. JAVITS. Then we are talking about different things.

Will the Senator please allow me to finish? He is very deeply imbued with his own views, but I ask the Senator to allow me to present the facts as I see them.

Mr. PASTORE. Would the Senator from New York say anything different about himself?

Mr. JAVITS. I must say, with all deference and respect, that I am trying to go into the facts, and I should like to present them to the Senator. I have had my moments before. I do not at this particular moment feel full of the divine fire. I am sticking to the facts this evening.

Mr. PASTORE. I do not know how divine it is, but it is fire. [Laughter.]

Mr. JAVITS. I used the expression in an abstract way, and not especially personally.

Let me give the Senator this example. In this particular case, 3,000 Negroes were disenfranchised. They were given notice that their names were stricken from the rolls. They tried to get back on the rolls. The registrar said he could not receive more than a certain number a day—the number is not fresh in my mind at this particular instant. They came back day after day after day. The registrar could not see them, could not receive them, could not catch up with them; and finally, when it was very close to registration time—and that was about the only time when all these facts would have accumulated to a sufficient extent to warrant a decree—the registrar was subject to local pressures. Having gone through the entire process for weeks and months, he is not going to be worried too much about the fact that for 2 or 3 or 4 days he might be under the gun of a civil contempt by the court, if that registrar knows that thereafter—2 or 3 days later—it will be up to the local jury. The local people assured the registrar—in this case it was a woman—that she did not have anything to worry about.

Mr. PASTORE. I am talking about flouting the decree of the court. I thought I made it as emphatic as I could that we would have a situation in which the Attorney General would intervene with the full prestige and power of the Federal Government. That, to my mind, is a powerful and forceful factor. Also, we would have a situation in which the case would be heard by a Federal judge who, after he heard the case, would issue an order.

It is assumed that if there is no trial by jury, the defendant will flout the United States Government, because he thinks a jury would acquit him. That is an argument which one may see either way. If one looks at the Kasper case, he may say that such a thing could not happen. If he looks at some other cases, he may say that it might happen. That is one reason why it is proposed to have a commission to look into this subject and report after 2 years.

Coming back to the question propounded by the distinguished Senator from Minnesota [Mr. THYE], is it not true, according to the explanation which was made by the distinguished Senator from New York—I shall ask my question very slowly, so that the distinguished Senator will get every word—is it not a fact that, when a respondent is held in contempt of court—criminal contempt—on a state of facts which might well be a crime under title 18, the court can take jurisdiction in such a case, regardless of whether it is a crime or not, and hold the defendant in criminal contempt without a trial by jury, to serve 4 or 5 months or more or pay a fine; and, because he has not held the man for a crime, but for contempt of court, later, if the Attorney General does not feel that the fine or the sentence was heavy enough, the contemnor can be brought before a grand jury, indicted, convicted, and sentenced on the same set of facts? I think the Senator from New York can answer that question "Yes" or "No" and then qualify his answer.

Mr. JAVITS. Fortunately, in the Senate of the United States, the Senator is not cross-examining me on a yes-or-no basis.

Mr. PASTORE. I am not cross-examining the Senator, I am asking a fair question.

Mr. JAVITS. I will answer the Senator fairly. The reason I am not going to answer the Senator directly, as the Senator asked, is that I have been at this game for a few days myself.

What the Senator is saying is not revelation—just a minute.

Mr. PASTORE. I did not say anything.

Mr. JAVITS. This is not something new.

Mr. THYE. Mr. President, I am the one who propounded the question, in the hope that eminent lawyers among us would answer it. I am sitting here as a judge. I am endeavoring to obtain a reply to the question. If the Senator from Rhode Island will permit the Senator from New York to make a complete answer, then I, seeking the information, will be better informed.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. There is such a thing as the regular order. I notice that upon occasion the Senator from New York used the phrase "just a minute," even though the Senator from Rhode Island had given no indication that he was about to interrupt the Senator from New York. So I hope the courtroom manner will be done away with, and that we will follow the rules of good order in the Senate.

The PRESIDING OFFICER. At the suggestion of the Senator from Montana, the regular order will be followed.

The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, let me say to the Senator from New York, in full candor, that I am not disturbed over the language of the Senator from New York as much as is my good friend from Montana. I appreciate his concern, but I am not disturbed.

The PRESIDING OFFICER. The regular order is that the Senator may yield for a question.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. JAVITS. If we were not all such grownup people, I would be tempted to say, "Let us forget it tonight, and come back tomorrow."

Mr. PASTORE. I asked a question, and I should like to have the answer.

Mr. JAVITS. That would be begging the question, and I would not do that.

I respect my colleague from Rhode Island much to highly for that. I think he understands very clearly that I have only the greatest respect for him.

Mr. PASTORE. I realize that.

Mr. JAVITS. My respect is not diminished for an instant by anything I may have said inadvertently, which might be considered out of order under the rules of the Senate, although I do not believe it is.

Mr. PASTORE. I do not think so. I am sorry if there has been any misunderstanding. I am not hurt. As a matter of fact, I think I am enjoying this exchange as much as is the Senator from New York, and I think he is enjoying it greatly.

Mr. JAVITS. I love it.

Mr. PASTORE. I know of no better way to end the evening.

Mr. JAVITS. The only disadvantage under which I labor is that I have not had dinner.

I shall answer the Senator's question specifically and directly. This is not revelation merely because the Senator has put the question very dramatically, as is his wont and his style. It is not revelation, because it has been said on this floor not 5 times, 10 times, but 25 times or more.

Second, the answer, which is "Yes" unequivocally, applies not only to this particular situation, but it applies to what I thought were only 28 injunction statutes, but I was corrected today and told that it applies to 40 statutes which have been on the books for generations. A number of these provide for injunctions and criminal violations at the same time.

Among them are the antitrust laws, the Fair Labor Standards Act, the Securities and Exchange Act, and a dozen others which escape me at the particular moment, with respect to which courts have the perfect right to enter decrees—and they do enter decrees. They punish for contempt of court defendants who are contemnors. Thereupon and thereafter the Attorney General or the United States attorney may, and does, institute prosecutions for crimes. That is why I said that it is not revelation. This is nothing sensational. This is the case in this instance, as it is in connection with many other statutes which, so far as I know, have never been questioned or assailed as being unreasonable, unjust, or against the rights of man.

I have heretofore pointed out that the punishment is not for crime. It does not involve loss of citizenship, or other disabilities which fall upon a man who is punished for crime.

In this particular civil-rights situation, the Senator from Minnesota, or any other Senator might say, as to this particular situation, "I feel differently." However, I think it is only fair, in answering the question, that I mute the answer, and put it in the context of law, in which it belongs, rather than treat it as some great concession which has been wrenched from the opposition.

Finally, I hope the Senator will allow me to state that what the Senator from Montana said was probably deserved, at least so far as I am concerned, for one is always spanked for a pretty good reason, even if the particular reason is not incident to the comment.

I may say that I am very deeply concerned with this subject, and I feel very keenly about it. Perhaps I have been at it too long. If other Senators will help me, I will do my utmost to keep my peace for a considerable period of time.

However, before I sit down I should like to say that much has been made of the fact that things have been revealed or disclosed by the debate, and that great concessions have been won; for example, by those who are on the other side of the issue, by striking out part III of the bill. I should like to invite the attention of the Senator to the fact that that is also true on this side.

Great weight has been given to the assertion that we do not trust all-white juries and that we are insulting the people of the South, and do not have confidence in their jurisprudence.

Yet here we have an amendment accepted which completely strikes out one of the most critical aspects of the whole contention of those who stand on the other side of the issue, and it is now said that we can trust those juries and that we can rely upon them, and we do not have to worry about that situation, because new rules for jurors in Federal courts would be established. Whereas formerly the States could determine the qualifications of such jurors, such provision would now be stricken out. That is a concession which is now being made, and I am delighted that it is being made. However, I point out that these refinements and enlightenments, and the justice that is being done because we are engaged in debate, is not entirely one-sided.

Mr. PASTORE. I should like to say to the distinguished Senator from New York that, so far as the refinement of which I am a cosponsor is concerned, I take the position—and I think rightfully so, and in good conscience—that if a jury-trial amendment is to be adopted at all, it should be adopted with this refinement. I believe the Senator from New York will agree that it is an improvement over the previous amendment.

Mr. JAVITS. It certainly is.

Mr. PASTORE. That is one reason why I went along with it. However, the question asked by the Senator from Minnesota is being answered in the affirmative. The question weighs heavily on the minds of many Members of the Senate.

In conclusion, let me say to the distinguished Senator from New York that as the days roll by he will find me fighting side by side with him on many issues, because he is to a great extent made of the same stuff I am made of.

Mr. JAVITS. I know that is true.

Mr. PASTORE. He knows my record, and I know his record. He knows what has brought us together thus far. If we part ways at any point it is because of an honest difference of opinion. No man in the Senate excels the junior Senator from New York in talent, in wisdom, in judgment, in integrity, and in sincerity, and I admire him—I admire him very much.

Mr. JAVITS. I am very grateful to the Senator from Rhode Island.

Mr. JOHNSON of Texas. Mr. President, I think this is a good point at which to ask that the Senate take a recess, if it is agreeable to the Senator from California. Without previous notice, the session has run until 9:45 in the evening. The aids of the Senate have been on duty for many hours, and many of them have not had dinner.

I have listened to one of the most interesting and informative debates in my experience as a Member of the Senate. I congratulate the Senator from Rhode Island and the Senator from New York for the manner in which they have conducted the debate this evening, and for the information they have provided to their colleagues.

I am hopeful that when the Senate convenes at the early hour of 10:30 tomorrow morning, we may continue the debate on the same high plane, and that

we will be able to make decisions on the two major conference reports which are pending, and upon which decisions must be made, and on which the American people are expecting us to act.

I hope we can do it in an hour or two, so that we may be able to continue the debate on the subject which is now pending.

Mr. CASE of South Dakota. Mr. President, I believe it would help all Senators in the consideration of the issue before the Senate if the O'Mahoney amendment could be reprinted with the modification the Senator from Wyoming has accepted, so as to have the amendment offered by him appear as modified by the amendment of the Senator from Idaho [Mr. CHURCH].

It would be further helpful if we might have printed in the RECORD the present law and the amendment, in parallel columns, so that there would be available for prompt reference the existing law and the changes proposed to be made in it.

Therefore I ask unanimous consent that there may be printed the O'Mahoney amendment, supplemented by the modification of the Senator from Idaho [Mr. CHURCH], which he submitted on behalf of himself and other Senators; and also that there may be printed in the CONGRESSIONAL RECORD a comparative print showing the existing law and as that law would be amended by the O'Mahoney amendment, as modified, in parallel columns.

The PRESIDING OFFICER. The Chair believes that the task of including the proper sections of the present criminal code and of making a comparative print of the O'Mahoney amendment and the existing provisions should be a task for the legislative counsel, who is not available at this hour. I do not believe the staff of the Senate can be called upon at this hour to prepare this material for the RECORD.

Mr. JOHNSON of Texas. Mr. President, regardless of the opinion of the Chair, may the request which the Senator from South Dakota submitted be acted upon?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. I thank the Chair for putting the question.

I thank the Senator from South Dakota for the very constructive suggestion he has made. I hope that Senators who read the RECORD in the morning will take notice of the suggestion made by the Senator from South Dakota. I hope the print will be available to all Members of the Senate. I know they will want to make a study of it tomorrow.

(The comparative print of the modified O'Mahoney-Kefauver-Church amendment and of the provisions of existing statutes will appear hereafter in the RECORD.)

Mr. JOHNSON of Texas. Mr. President, it is now 10 minutes to 10. During the middle of the afternoon I was informed that we should have a night session. In the spirit of accommodation in which the Senate operates, I have attempted to comply with the wishes of my counterpart, the distinguished minority leader. I hope I will have more advance notice in the future.

I am very agreeable to having a reasonably long day in the Senate, but I prefer to work out these matters in discussions, as we have done over a period of many years. I realize that the temptations are great and the ambitions are many. I question the motives of no one.

But I express the hope that in the appeals of the moment we can restrain ourselves, and not be "on again, off again, Finnegan"; that we will not reach the point where yesterday we were planning to sit here all winter, and where today we will have a unanimous-consent agreement proposed for 6 hours of debate.

I am of the opinion that we can have a vote on the pending amendment—perhaps this week. I know we can, if we do not try to browbeat Senators, intimidate them, or blackjack them, and suggest that unless they do this or that, there will be motions to table and to cut off debate completely.

I have not learned much about the Senate, but the Senator from Oregon [Mr. MORSE] has taught me some things. One is that we must be considerate of the rights of all our colleagues. There have been times in this body when I have wanted to vote, but when the other Senators were not ready to give consent, and I had to abide by their wishes.

This is an important cause for the minority leader [Mr. KNOWLAND]. As I said earlier in the day, I have great affection and respect for him. I am going to help him reach a vote on this amendment, and I hope we can reach a vote this week.

I shall urge my colleagues to come early, to stay late, and to speak briefly. But I am going to insist that each of them who desires to address himself to this subject shall have the opportunity to do so.

While the temptations are many, and I am not unmindful of them—I have spent 25 years in the Capitol—I can see the developments, and I recognize them for what they are.

I have great confidence and faith in, and tolerance for the judgment, reasonableness, and fairness of every Member of the Senate. In none of them do I have more confidence than I have in the minority leader.

So I appeal to the Members of the Senate: Let us treat one another as we would like to be treated. The Senator from Texas is willing to have the Senate meet at 10:30, 10, or 9:30 a. m., if that is the will of the majority, and to stay here until 4 o'clock without his lunch, and until 10 o'clock without his dinner; and to ask all the employees to do the same thing.

I think if we are reasonable about this matter, we will come to a decision more quickly than if we are unreasonable; because when we stampede and become frantic, and when we try to force a decision too quickly, we sometimes lose ground instead of gaining ground.

## NUCLEAR TESTS—RADIOACTIVE FALLOUT

Mr. MORSE. Mr. President, I ask unanimous consent to submit out of order, to have printed in the body of the RECORD, and to have referred to the appropriate committee, a resolution on the issue of the testing of nuclear weapons.

It happens to be the position of the senior Senator from Oregon that the most essential step toward true disarmament is an agreement which will bring to an end the testing of nuclear weapons.

I merely wish to say, in submitting my resolution—and I shall discuss it at length at a more appropriate time—that the resolving clause, after I set forth policy matters in a series of whereas clauses, speaks for itself. It states:

*Resolved*, That it is the sense of the Senate that the President should undertake by all available means to obtain the prompt and concurrent cessation of further testing of nuclear bombs by the United States, the Soviet Union, and Great Britain, until an international committee of recognized scientists can at least determine the extent of the danger from radioactive fallout.

Mr. President, I have studied as best I can the conflicting views which have been expressed in recent weeks in regard to radioactive fallout, and I am satisfied that the danger is great; that serious injury is likely to be done to mankind if we do not bring to an end the nuclear weapons tests.

Not only do I think there is that danger, but I rest my resolution also on moral grounds. I do not believe our Nation or any other nation can justify, on moral grounds, a continuation of the testing of nuclear weapons. The verdict of history will be against us if we continue such testing, and I believe our generation will go down in history as an immoral generation if we continue the testing. I am not moved by any statements of the President of the United States, by military officials in the Pentagon, by the Secretary of Defense, or by anyone else, which would seek to minimize or negate this moral issue. I happen to be convinced that it is immoral for us to continue this testing, and I believe we ought to exercise leadership in the councils of the world by at least demonstrating our good faith by showing that we are willing to bring to an end the testing of nuclear weapons.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 173) was referred to the Joint Committee on Atomic Energy, as follows:

Whereas Great Britain, the United States, and Russia have been engaging in extensive tests of nuclear weapons and presumably plan to continue such tests in the future; and

Whereas it is not alone the death and destruction which the bombs themselves can wreak, but also, and perhaps more important, the devastating effects upon our own and future generations of the radioactive fallout which is the aftermath of such explosions; and

Whereas our eyes have been opened to the dangers from strontium 90, and from the presence to a lesser or greater degree of radioactive particles in the water and air around us, by scientists throughout the world and by such prominent individuals as Dr. Albert Schweitzer, Pope Pius XII, Adlai Stevenson, and many others; and

Whereas millions of people in Japan alone have signed petitions against further H-bomb tests and thousands in our own and other countries are showing increased concern as to the fate of humanity itself in a world made unfit to sustain life of any kind; and

Whereas it is recognized that excessive radioactivity not only creates a hazard for all, especially for our children who stand to suffer more directly and acutely from strontium 90 than do we who are responsible, but may even, through genetic mutations and other cumulative effects, gradually and inevitably wipe out the human race: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the President should undertake by all available means to obtain the prompt and concurrent cessation of further testing of nuclear bombs by the United States, the Soviet Union, and Great Britain, until an international committee of recognized scientists can at least determine the extent of the danger from radioactive fallout.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 31, 1957, he presented to the President of the United States the following enrolled bills:

S. 189. An act for the relief of Peter V. Bosch;

S. 225. An act for the relief of Kew Chan (Chan Kew), Nancy Tsui Mei (Leung) Chan, and Cecilia (Oi Fan) Chan;

S. 239. An act for the relief of Maria Parisi;

S. 904. An act for the relief of Chrisoula Antonios Chegaras;

S. 1268. An act for the relief of Don Q. Gee; and

S. 2449. An act to extend the effectiveness of the Missing Persons Act, as extended, until April 1, 1958.

## RECESS UNTIL 10:30 A. M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I move that the Senate stand in recess until 10:30 o'clock tomorrow.

The motion was agreed to; and (at 9 o'clock and 54 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Thursday, August 1, 1957, at 10:30 o'clock a. m.

## NOMINATIONS

Executive nominations received by the Senate July 31 (legislative day of July 8), 1957:

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299. All officers are subject to physical examination required by law:

*To be captain*

Helmick, Floyd J., O65345.

*To be captain, Women's Army Corps*

Piggott, Virginia L., L486.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298. All officers are subject to physical examination required by law:

*To be first lieutenant*

Ackerman, Albert A., O75132.
Babers, Donald M., O75137.
Bilyeu, Robert E., O71903.
Bittl, Frederick E., O72366.
Bowman, Ronald N., O71647.
Breithaupt, Marvin P., O75153.
Burk, Richard K., O71906.
Cauthen, Lewis J., Jr., O75163.
Cullison, James S., 2d, O71683.
Dearborn, William H., O75170.
Dreger, Wilson T., 3d, O71781.
Drexler, Charles H., O75179.
Edwards, Alfred Y., O71898.
Harber, Gerald J., O75204.
Harris, James T., Jr., O73155.
Helm, Gunther A., O72727.
Hill, Frank J., O71925.
Hostler, Howard K., O71807.
Hrncir, Oran T., O75211.
Kafonek, Richard H., O72742.
Kennedy, George I., Jr., O72375.
Komornik, Ronald G., O75225.
Mackintosh, Robert H., O75243.
Miller, Darwin C., O71563.
Neroutsos, George H., O75257.
Niemi, John A., O75260.
Owel, William R., O75262.
Price, Raymond S., O72353.
Rea, Thomas, O71953.
Reding, Charles H., O75275.
Riddle, Miles McZ., O71860.
Rosser, John C., Jr., O71716.
Royal, Charles M., O72982.
Ryan, Dennis W., Jr., O75282.
Schneider, Robert L., O75289.
Smith, James L., Jr., O73196.
Smith, John J., O71874.
Soupene, James C., Jr., O72358.
Stone, George J., O75300.
White, Walter J., O69420.
Willis, William Jr., O71306.
Woodmansee, Donald R., O75129.

*To be first lieutenant, Women's Army Corps*

Austin, Audrey H., L495.
Purcell, Mary M., L498.
Steinbach, Edna M., L477.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3304. All officers are subject to physical examination required by law.

*To be first lieutenant, Army Nurse Corps*

Carroll, Elizabeth A., N2755.
Johnson, Mildred V., N2775.
Knox, Alice I., N2759.
Nichols, Glennadee A., N2762.
Smith, Marjorie A., N2773.
Terry, Frances M., N2754.

*To be first lieutenant, Army Medical Specialist Corps*

Hall, Wilmer F., M10166.
Metcalf, Virginia A., M10164.
Vollmer, Dorothy A., M10165.

# HOUSE OF REPRESENTATIVES

## WEDNESDAY, JULY 31, 1957

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou who wert the God of our fathers, Thou art the guide and guardian, the counselor and companion of good and upright men and women in every generation.

We confess unto Thee, in humility and contrition, the sins and shortcomings, the faults and failures of our yesterdays, beseeching Thee to blot them out and remember them no more against us.

May we have the assurance of the guidance of Thy divine spirit for we know that where Thou dost guide Thou wilt provide.

Grant that all the legislation, which we are proposing and enacting, redound to Thy glory and contribute to the health and happiness, the peace and prosperity of men and nations everywhere.

Hear us in the name of our Lord and Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

## AMENDING TITLE II OF THE SOCIAL SECURITY ACT TO INCLUDE CERTAIN STATES TO DIVIDE THEIR RETIREMENT SYSTEMS INTO TWO PARTS

The SPEAKER. The Chair recognizes the gentleman from Tennessee [Mr. COOPER].

Mr. COOPER. Mr. Speaker, I have several bills which have been unanimously reported by the Committee on Ways and Means, and I ask unanimous consent that immediately following the calling up of each of these bills, I may have permission to extend my remarks in the RECORD at that point, and also that following my remarks the gentleman from New York [Mr. REED] may extend his remarks.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8753) to amend title II of the Social Security Act to include California, Connecticut, and Rhode Island among the States which are permitted to divide their retirement systems into two parts so as to obtain social security coverage, under State agreement, for only those State and local employees who desire such coverage, which was unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. COOPER]?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the fourth sentence of section 218 (d) (6) of the Social Security Act is amended by inserting "California, Connecticut," before "Florida," and by inserting "Rhode Island," before "Tennessee."

SEC. 2. Notwithstanding subsection (f) of section 218 of the Social Security Act, any modification of the agreement with the State of California, Connecticut, or Rhode Island under such section which makes such agreement applicable to services performed in positions covered by a separate retirement system created pursuant to the fourth sentence of subsection (d) (6) of such section (and consisting of the positions of members who desire coverage under the agreement) may, if such modification is agreed to prior to 1959, be made effective with respect to services performed in such positions after an effective date specified in such modification, except that in no case may such date be earlier than December 31, 1955.

Mr. COOPER. Mr. Speaker, the purpose of H. R. 8753 is to amend title II of the Social Security Act to include

California, Connecticut, and Rhode Island among the States which are permitted to divide their retirement systems into two parts so as to obtain social-security coverage, under State agreement, for only those State and local employees who desire such coverage.

As may be recalled, the social-security amendments of 1956 included a provision permitting certain named States to divide their State or local government retirement systems into two parts for purposes of old-age and survivors insurance coverage, one part to consist of the positions of members who desire coverage and the other to consist of the positions of members who do not desire coverage. The instant bill, H. R. 8753, would add California, Connecticut, and Rhode Island to this list of named States.

Several Members had bills pending before the Committee on Ways and Means in connection with adding the subject States to the list contained in the 1956 amendments. For example, our colleague, the distinguished gentleman from California [Mr. KING], had a bill pending to add the State of California, as did our colleague, the gentleman from Rhode Island [Mr. FORAND]. The gentleman from Connecticut [Mr. SADLAK], had a bill pending to add Connecticut to the list; and the gentleman from Rhode Island [Mr. FORAND], had bills pending to add the State of Rhode Island.

Under your committee's bill, coverage agreements or modifications entered into prior to 1959 could be made effective with respect to services performed at any time after December 31, 1955, by employees—of any of the three States and political subdivisions thereof—obtaining coverage under the provisions in the bill.

Your committee was unanimous in reporting this bill.

Mr. REED. Mr. Speaker, H. R. 8753 would amend title II of the Social Security Act so as to include the States of California, Connecticut, and Rhode Island in the enumeration of States set forth in present law which are permitted to divide a retirement system into two parts and provide social-security coverage for the part consisting of the positions of those employees who desire such coverage. It is my understanding that the employees of these three States have expressed their interest in such an amendment to the Social Security Act. This legislation is consistent with the policy followed by the Congress with respect to OASI coverage of providing protection under the act to groups that have expressed interest in being included within the coverage provisions. The Committee on Ways and Means was unanimous in acting favorably on this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## AMENDING TITLE II OF SOCIAL SECURITY ACT WITH REFERENCE TO STATE AND LOCAL EMPLOYEES

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8821) to amend title II of the Social Security Act to facilitate the provision of social-security coverage for State and local employees under certain retirement systems, which was unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 218 (d) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(7) The certification by the governor required under paragraph (3) shall be deemed to have been made, in the case of a division or part (created under the fourth sentence of paragraph (6)) consisting of the positions of members of a retirement system who desire coverage under the agreement under this section, if the governor certifies to the Secretary of Health, Education, and Welfare that—

"(A) an opportunity to vote by written ballot on the question of whether they wish to be covered under an agreement under this section was given to all individuals who were members of such system at the time the vote was held;

"(B) not less than 90 days' notice of such vote was given to all individuals who were members of such system on the date the notice was issued;

"(C) the vote was conducted under the supervision of the governor or an agency or individual designated by him; and

"(D) such system was divided into two parts or divisions in accordance with the provisions of the fourth and fifth sentences of paragraph (6).

For purposes of this paragraph, an individual in a position to which the State agreement already applied or in a position excluded by or pursuant to paragraph (5) shall not be considered a member of the retirement system."

Mr. COOPER. Mr. Speaker, H. R. 8821 would amend title II of the Social Security Act, as amended in 1956, to expedite the completion of an old-age and survivors insurance coverage referendum in conjunction with the special provision of the social-security amendments of 1956 which permits certain specified States to divide a retirement system for purposes of extending old-age and survivors insurance coverage to those members of the system who desire coverage.

Under present law, after a retirement system in any of the specified States has been divided between those members who desire old-age and survivors insurance coverage and those who do not, a referendum must be conducted among the members who indicated a desire for coverage before their coverage can be effected.

In some States the process of dividing the system may be time consuming; and your committee understands that at least 1 State has required a separate 90-day notice to retirement system members before a retirement system is divided; this requirement is in addition to the requirement in the Social Security Act that there be a 90-day notice before the regular coverage referendum is held. Since the time needed for this process is in addition to the 90 days' notice which the Social Security Act requires for the regular coverage referendum, social-security coverage may be delayed, with the result that some of the employees involved may fail to obtain old-age and survivors insurance protection. Also, it would not appear necessary to require that a second vote be conducted if one, with adequate safeguards, has already been conducted.

H. R. 8821 would remedy these problems by permitting the specified States to provide coverage without a regular coverage referendum for those retirement-system members who have already chosen to be included in that part of the retirement system made up of the positions of members desiring old-age and survivors insurance coverage, but only if certain safeguards, similar to those included in the regular referendum provisions, were observed in connection with the division of the system into two parts.

The Committee on Ways and Means was unanimous in recommending enactment of H. R. 8821.

Mr. REED. Mr. Speaker, H. R. 8821 would permit certain specified States to provide OASI coverage without a regular coverage referendum for those retirement-system members who have already chosen in a properly conducted referendum to be included in that part of a retirement system made up of positions of members desiring OASI coverage. Thus, this legislation will facilitate the extension of coverage to State and local employees who are interested in such coverage without impairing the safeguards contained in existing law to preserve the retirement status of State and local employees. The Committee on Ways and Means was unanimous in acting favorably on this legislation

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## AMENDING TITLE II OF SOCIAL SECURITY ACT WITH REFERENCE TO EMPLOYEES OF INTERSTATE INSTRUMENTALITIES

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8755) to amend title II of the Social Security Act to permit any instrumentality of two or more States to obtain social security coverage under its agreement separately for those of its employees who are covered by a retirement system and who desire such coverage, which was unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. COOPER]?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That subsection (k) of section 218 of the Social Security Act is amended by inserting "(1)" after "(k)" and by adding at the end thereof the following new paragraph:

"(2) In the case of any instrumentality of two or more States, if—

"(A) employees of such instrumentality are in positions covered by a retirement system of such instrumentality or of any of such States or any of the political subdivisions thereof, and

"(B) such retirement system is (on, before, or after the date of enactment of this paragraph) divided into two divisions or parts, one of which is composed of positions of members of such system who are employees of such instrumentality and who desire coverage under an agreement under this section and the other of which is composed of positions of members of such system who are employees of such instrumentality and who do not desire such coverage, and

"(C) it is provided that there shall be included in such division or part composed of the positions of members desiring such coverage the positions of employees of such instrumentality who become members of such system after such coverage is extended,

then such retirement system shall, if such instrumentality so desires, be deemed to be a separare retirement system with respect to each such division or part. The position of any employee of any such instrumentality which is covered by any retirement system to which the preceding sentence is applicable shall, if such individual is ineligible to become a member of such system on the date of enactment of this paragraph or, if later, the day he first occupies such position, be deemed to be covered by the separate retirement system consisting of the positions of members of the division or part who do not desire coverage under the insurance system established under this title."

SEC. 2. Notwithstanding subsection (f) of section 218 of the Social Security Act, any agreement with an instrumentality of two or more States under such section which is applicable to services performed by employees of such instrumentality in positions covered by a separate retirement system (comprising a division or part of a retirement system of such instrumentality or of any of such States or any political subdivisions thereof, and consisting of the positions of members who desire coverage under the agreement) created pursuant to subsection (k) (2) of such section, and any modification of such an agreement which makes the agreement applicable to services performed by employees of such instrumentality in such positions may, if such agreement or modification is agreed to prior to 1959, be made effective with respect to services performed in such positions after an effective date specified in the agreement or modification, except that in no case may such date be earlier than December 31, 1955.

Mr. COOPER. Mr. Speaker, the purpose of H. R. 8755 is to amend title II of the Social Security Act to permit any instrumentality of 2 or more States to obtain social-security coverage under its agreement separately for those of its employees who are covered by a retirement system and who desire such coverage.

As may be recalled, the Social Security Amendments of 1956 included a provision permitting certain named States to divide their State or local government retirement systems into 2 parts for purposes of old-age and survivors insurance coverage, 1 part to consist of the positions of members who desire coverage and the other to consist of the positions of members who do not desire coverage.

Problems have arisen because this provision is not applicable to interstate instrumentalities. For example, where employees of an interstate instrumentality are covered under a retirement system of any one of the specified States in the provision, members of the system who are employees of the interstate instrumentality cannot be accorded the same treatment as those who are State employees. H. R. 8755 would alleviate these problems and would at the same time facilitate the extension of old-age and survivors insurance coverage to employees of an interstate instrumentality of 2 or more States who are members of a retirement system of such instrumentality, or of any such States or subdivisions thereof, by extending to these instrumentalities the above-described provision which permits retirement system members who desire coverage to be covered without requiring other members of the system to be covered.

Our distinguished colleagues, Mr. KEOGH of New York, Mr. EBERHARTER of Pennsylvania, and Mr. KEAN of New Jersey, had bills pending to permit employees of the Delaware River Port Authority, the Delaware River Joint Toll Bridge Commission, and the Port of New York Authority, who desire coverage under the old-age and survivors insurance system to come under such program. These, as well as other interstate instrumentalities, would be covered by the bill.

Under your committee's bill, coverage agreements or modifications entered into prior to 1959 could be made effective with respect to services performed at any time after December 31, 1955, by employees of interstate instrumentalities obtaining coverage under the provisions in the bill.

Your committee was unanimous in reporting this bill.

Mr. REED. Mr. Speaker, H. R. 8755 has as its purpose the amendment of title II of the Social Security Act providing for the extension of coverage under the act to employees of interstate instrumentalities. Under the provisions of this legislation, employees of such interstate instrumentalities would essentially be treated in the same way as present law treats State and local employees. The Committee on Ways and Means was unanimous in acting favorably on this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## AMENDMENT OF TITLE II OF SOCIAL SECURITY ACT

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8599) to amend title II of the Social Security Act so as to provide that the exception from "wages" made by section 209 (i) of such act is not applicable to payments to employees of a State or a political subdivision thereof for employment covered under voluntary agreements pursuant to section 218 of such act, which was unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 218 of the Social Security Act is amended by adding the following paragraph at the end of subsection (b) of such section:

"(6) The term 'wages' means wages as defined in section 209, and shall include remuneration which, if not for service performed in the employ of a State or a political subdivision thereof, would be excluded from wages by section 209 (i)."

SEC. 2. (a) The amendment made by this act shall be applicable with respect to remuneration paid after the enactment of this act, except that it shall be applicable with respect to payments to the members of a coverage group as defined in section 218 (b) (5) of the Social Security Act before enactment if the total of the contributions under section 218 of the Social Security Act with respect to such payments to the members of such coverage group is paid prior to January 1, 1959.

Mr. COOPER. Mr. Speaker, the purpose of H. R. 8599 is to amend title II of the Social Security Act to make inapplicable to payments to State and local government employees for employment covered under a Federal-State old-age and survivors insurance coverage agreement the provision of present law—section 209 (i)—which excludes, from "wages," payments for periods after the employee reaches retirement age in which he renders no services.

When section 209 (i) was included in the amendments of 1950, no State or local government employees had yet been covered under old-age and survivors insurance. Your committee has, however, been informed that in some States sick-leave payments are not treated as sick pay because they are paid from regular wage or salary appropriations. Thus, section 209 (i) applies to such payments. The result is that sick-leave payments are treated differently depending on the age of the employee. A number of State officials administering old-age and survivors insurance coverage have stated that their payroll records generally do not show the employee's age or whether he was on sick leave during the pay period. It is therefore difficult to comply with the present requirement as stipulated in section 209 (i), and your committee has been informed that in a number of cases the States have reported and paid contributions on payments for sick leave.

H. R. 8599 would correct this situation with respect to State and local government employees. Under its provision sick-leave payments, standby pay, and other payments to such employees for periods during which the employees rendered no services would be treated the same for employees past retirement age as they are for the great majority of employees, who of course have not reached retirement age.

The provision permitting the bill to apply retroactively—as well as prospectively—if the social-security contributions are paid on past sick-leave payment before 1959 would allow sick-leave payments that have been reported to remain to the employees' credit. It would also allow any State that has failed to report sick-leave payments, or has received a refund of contributions on

such payments, to secure credit for sick-leave payments for its employees, but only if sick-leave payments were reported and contributions were paid by the State for all members of the coverage groups in order that credit could be secured for any employee in the group.

The Committe on Ways and Means is unanimous in recommending enactment of H. R. 8599.

Mr. REED. Mr. Speaker, H. R. 8599 would amend the Social Security Act so as to make inapplicable to payments to State and local government employees the provision of the law which excludes from creditable wages payments for periods after the employee reaches retirement age and in which he rendered no services. Thus under the bill the salary of State and local employees for periods during which an individual is on sick leave or an individual receives a standby payment after reaching retirement age would be included as wages for the purposes of determining OASI benefit entitlement. The Committee on Ways and Means was unanimous in acting favorably on H. R. 8599.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AMENDING TITLE II OF SOCIAL SECURITY ACT

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 1944) to amend title II of the Social Security Act so as to make inapplicable, in the case of the survivors of certain members of the Armed Forces, the provisions which presently prevent the payment of benefits to aliens who are outside the United States, which was unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 202 (t) (4) of the Social Security Act is amended (1) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ", or", and (2) by adding after subparagraph (C) the following new subparagraph:

"(D) the individual on whose wages and self-employment income such benefit is based died, before such month, either (i) while on active duty or inactive duty training (as those terms are defined in sec. 210 (m) (2) and (3)) as a member of a uniformed service (as defined in sec. 210 (n)), or (ii) as the result of a disease or injury which the Administrator of Veterans' Affairs determines was incurred or aggravated in line of duty while on active duty (as defined in sec. 210 (m) (2)), or an injury which he determines was incurred or aggravated in line of duty while on inactive duty training (as defined in sec. 210 (m) (3)), as a member of a uniformed service (as defined in sec. 210 (n)), if the Administrator determines that such individual was discharged or released from the period of such active duty or inactive duty training under conditions other than dishonorable."

SEC. 2. The amendments made by the first section of this act shall apply with respect to monthly benefits under section 202 of the Social Security Act for months after December 1956, and with respect to lump-sum death payments under such section 202 in the case of deaths occurring after December 1956.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 16, strike out "conditions other than dishonorable." and insert "conditions other than dishonorable, and if the Administrator certifies to the Secretary his determinations with respect to such individual under this clause."

Mr. GROSS. Mr. Speaker, will the gentleman from Tennessee explain very briefly the extension of this plan to aliens outside the United States?

Mr. COOPER. We have a number of Filipino mess boys, people of that type, working for the armed services. They have to pay in under social security, but their survivors get no benefits. This is to take care of that situation and is strongly recommended by the Department of Defense.

Mr. REED. There are only 20,000 of them.

Mr. GROSS. I thank the gentleman.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. COOPER. Mr. Speaker, as indicated in the report on the bill, the purpose of H. R. 1944, as reported, is to permit social-security benefits to be paid to the alien survivors, residing outside the United States, of members of the uniformed services who die as a result of service-connected disabilities.

A provision was included in the social security amendments of 1956 which prohibits social-security benefit payments from being made to aliens living outside the United States or its Territories, except where the participant had become fully insured by reason of having accrued a minimum of 40 quarters of coverage, or has resided in the United States for 10 years.

Another act, the Servicemen's and Veterans' Survivor Benefits Act of 1956, established a survivor benefit system for members of the uniformed services who die of service-connected disabilities consisting of several elements, one of which is social-security survivor payments based on the individual's accrued wage credits.

The provision contained in the 1956 amendments to the Social Security Act would deprive a large proportion of the alien survivors of members of the uniformed services who are living outside the United States of the social-security element of this benefit. These members of the uniformed services have no choice but to make social-security contributions, yet, under present law, their survivors are deprived of the subject benefits.

H. R. 1944 would add a provision to section 202 of the Social Security Act which would allow the benefits of that act to be paid to the survivors of individuals who die while on active duty or inactive duty training as members of a uniformed service. The provision which would be added to section 202 of the Social Security Act would be retroactive to January 1, 1957, the date on which members of the uniformed services were brought under social security on a contributory basis.

The bill was unanimously reported by the Committee on Ways and Means.

Mr. REED. Mr. Speaker, the present social-security law provides for mandatory participation in the old-age and survivors' insurance program by Armed Forces personnel on a contributory basis. At the present time it is estimated that there are approximately 20,000 aliens serving in the Armed Forces of the United States. Many of these alien servicemen have families residing outside the United States. However, the Social Security Act prohibits benefit payments to aliens residing outside the United States except where the individual has become fully insured or has resided in the United States for 10 years. These requirements of insured status or residence in the United States will mean that secondary benefits will not be available to the dependents and survivors of these aliens serving in the Armed Forces. H. R. 1944 would remedy this bar to benefit eligibility by allowing benefits to be paid to survivors of individuals who die while on active duty or in active duty training as a member of a uniformed service. Death in these cases would have to be the result of a disease or injury which the Administrator of Veterans' Affairs determined was incurred or aggravated in service-connected activity.

The Committee on Ways and Means was unanimous in urging enactment of this legislation. The Departments of Defense and Health, Education, and Welfare supported the legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AMENDING INTERNAL REVENUE CODE OF 1954

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 232) to amend the Internal Revenue Code of 1954 with respect to the readjustment of tax in the case of certain amounts received for breach of contract, which was unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That part I of subchapter Q of chapter 1 of the Internal Revenue Code of 1954 (relating to income attributable to several taxable years) is amended by redesignating section 1305 as section 1306 and by inserting after section 1304 the following new section:

"SEC. 1305. Breach of contract damages.

"(a) General rule: If an amount representing damages is received or accrued by a taxpayer during a taxable year as a result of an award in a civil action for breach of contract or breach of a fiduciary duty or relationship, then the tax attributable to the inclusion in gross income for the taxable year of that part of such amount which

would have been received or accrued by the taxpayer in a prior taxable year or years but for the breach of contract, or breach of a fiduciary duty or relationship, shall not be greater than the aggregate of the increases in taxes which would have resulted had such part been included in gross income for such prior taxable year or years.

"(b) Credits and deductions allowed in computation of tax: The taxpayer in computing said tax shall be entitled to deduct all credits and deductions for depletion, depreciation, and other items to which he would have been entitled, had such income been received or accrued by the taxpayer in the year during which he would have received it, except for such breach of contract or for such breach of a fiduciary duty or relationship. The credits, deductions, or other items referred to in the prior sentence, attributable to property, shall be allowed only with respect to that part of the award which represents the taxpayer's share of income from the actual operation of such property.

"(c) Limitation: Subsection (a) shall not apply unless the amount representing damages is $3,000 or more."

SEC. 2. The table of sections for such part I is amended by striking out

"Sec. 1305. Rules applicable to this part."

and by inserting in lieu thereof

"Sec. 1305. Breach of contract damages.

"Sec. 1306. Rules applicable to this part."

SEC. 3. The amendments made by this act shall apply to taxable years ending after December 31, 1954, but only as to amounts received or accrued after such date as the result of awards made after such date.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 17, after the word "received" insert "or accrued."

The amendment was agreed to.

Mr. COOPER. Mr. Speaker, existing law provides for the averaging of certain types of income over the period in which such receipts were actually earned or accrued. Examples of this averaging technique are the treatment of back pay and patent infringement. However, at the present time averaging is not permitted in the case of receipts resulting from a judicial award in a civil action for breach of contract or breach of fiduciary duty or relationship.

In such cases the taxpayer is required to include the total award in gross income for the year in which it is received or accrued. This results, in the usual case, in a substantially higher tax than would be imposed if the taxpayer had received the income represented by the award in each of the taxable years to which the award relates.

In addition, the character of the income has sometimes been held to be changed by the fact of its lump-sum receipt as an award from the breach of a contractor duty. For example, it has been indicated that an award resulting from the breach of a contract involving a failure to pay over oil royalties does not give rise to a percentage depletion deduction to the injured party.

H. R. 232 permits the taxpayer who receives an award in a civil action for breach of contract or a breach of fiduciary duty or relationship to obtain the advantage of spreading the award over the years to which it is attributable and makes it clear that the taxpayer may take such deductions as he would have been entitled to in the absence of the breach.

This bill was ordered reported unanimously by the Committee on Ways and Means, and is similar to H. R. 9969 which was unanimously ordered reported in the 84th Congress and which passed the House without objection on July 25, 1956.

Mr. REED. Mr. Speaker, existing law does not provide averaging of receipts with respect to an award from a breach of contract or breach of fiduciary duty or relationship as is provided in the case of certain receipts with respect to back pay and awards from patent infringement. The purpose of H. R. 232 is to provide a rule for the taxability of amounts representing damages received by a taxpayer as the result of a civil action for breach of contract or breach of fiduciary duty or relationship. The bill would restore the taxpayer to the position he would have been in if no breach of contract or fiduciary relationship had occurred. It provides for the spreading of the award over the years to which it is attributable.

The Committee on Ways and Means was unanimous in acting on this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## AMENDING SECTION 4021 OF THE INTERNAL REVENUE CODE OF 1954

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 5658) to amend section 4021 of the Internal Revenue Code of 1954, which was unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 4021 of the Internal Revenue Code of 1954 be amended by striking out therefrom the words "aromatic cachous."

The SPEAKER. The Clerk will report the committee amendment. The Clerk read as follows:

Committee amendment: Page 1, lines 4 and 5, strike out "be amended by striking out therefrom the words 'aromatic cachous'." and insert in lieu thereof "is hereby amended by striking out 'Aromatic cachous.' "

The amendment was agreed to.

Mr. COOPER. Mr. Speaker, H. R. 5658 would amend section 4021 of the Internal Revenue Code of 1954 to remove the present 10 percent excise tax levied on certain toilet preparations from application to aromatic cachous.

An aromatic cachou is an aromatic pellet made of licorice, cashew nuts, gum, and so forth, which is chewed for purposes of sweetening the breath. The article should not be taxed as a toilet preparation since its use identifies it more clearly with mouth washes or candied mints rather than the externally applied toilet preparations with which it is presently taxed. The present classification of this item places it at a competitive disadvantage with nontaxed articles which are purchased and used for identical purposes. In addition, aromatic cachous are sold in candy stores, confectionaries, and other shops which do not usually handle articles subject to the toilet preparation's tax. As a result of this fact, these stores are burdened by a tax collecting requirement because they handle aromatic cachous although the amount of revenue produced is negligible. This had discouraged many outlets from handling the product.

For these reasons, your committee believes this item should be removed from the burden of the tax.

A similar bill—H. R. 4668—passed the House in the 84th Congress.

H. R. 5658 was reported unanimously by the Committee on Ways and Means.

Mr. REED. Mr. Speaker, H. R. 5658 would make the Federal excise tax on cosmetics inapplicable in the case of aromatic cachous. Legislation having a similar purpose has passed the House of Representatives on two previous occasions. The revenue consequences of the proposed exemption from tax of aromatic cachous is negligible and the enactment of this bill would eliminate what can properly be regarded as an administrative nuisance.

Accordingly, I have joined with the distinguished chairman of the Committee on Ways and Means in supporting this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## AMENDING TARIFF ACT OF 1930

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6894) to amend the Tariff Act of 1930 as it relates to unmanufactured mica and mica films and splittings, which was unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That paragraph 208 (a) of title I of the Tariff Act of 1930 be amended by striking out "Mica, unmanufactured: Valued at not above 15 cents per pound, 4 cents per pound; valued at above 15 cents per pound, 4 cents per pound and 25 percent ad valorem," and inserting in lieu thereof the following: "Mica, unmanufactured, regardless of value, 4 cents per pound."

SEC. 2. That paragraph 208 (c) of title I of the Tariff Act of 1930 be repealed.

SEC. 3. That subparagraphs (d), (e), (f), (g), and (h) of paragraph 208 of title I of the Tariff Act of 1930 be redesignated as subparagraphs (c), (d), (e), (f), and (g), respectively.

SEC. 4. That title II of the Tariff Act of 1930 be amended by adding at the end thereof a new paragraph as follows:

"PAR. 1818. Mica films and splittings, not cut or stamped to dimensions, regardless of thickness."

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert "That paragraph 208 (a) of the Tariff Act of 1930 is amended by striking out 'Mica, unmanufactured: Valued at not above 15 cents per pound, 4 cents per pound; valued at above 15 cents per pound, 4 cents per pound and 25 percent ad valorem.' and inserting in lieu thereof the following: 'Mica, unmanufactured, 4 cents per pound.'

"SEC. 2. Paragraph 208 (c) of the Tariff Act of 1930 is hereby repealed.

"SEC. 3. Subparagraphs (d), (e), (f), (g), and (h) of paragraph 208 of the Tariff Act of 1930 are redesignated as subparagraphs (c), (d), (e), (f), and (g), respectively.

"SEC. 4. Title II (free list) of the Tariff Act of 1930 is amended by adding at the end thereof a new paragraph as follows:

" 'PAR. 1821. Mica films and splittings, not cut or stamped to dimensions.' "

The committee amendment was agreed to.

Mr. COOPER. Mr. Speaker, H. R. 6894 would amend paragraph 208 of the Tariff Act of 1930 to provide a rate of duty of 4 cents per pound on all unmanufactured mica and to transfer to the free list mica films and splittings not cut or stamped to dimensions.

Mica is a strategic, nonmetallic mineral which comprises a group of aluminum silicate minerals similar in composition and characterized by a high degree of cleavage which permits ready separation into thin sheets. As a strategic mineral, mica is being stockpiled by the Federal Government. Mica is essential in component parts of practically all electronic devices and is the most important insulating medium in the electrical industry.

Mr. Speaker, at this point in the RECORD I would like to insert a table which indicates the import duties on mica which would be changed or repealed by H. R. 6894:

| Tariff Act paragraph | Description | Rate under— | | |
|---|---|---|---|---|
| | | Tariff Act of 1930 | Trade agreement program | H. R. 6894 |
| 208 (a) | Unmanufactured block mica "valued not above 15 cents per pound." | 4 cents a pound | 4 cents a pound | 4 cents a pound. |
| | Unmanufactured block mica "valued above 15 cents per pound." | 4 cents a pound plus 25 percent. | 2 cents a pound plus 12½ percent. | 4 cents a pound. |
| 208 (c) | Manufactured mica films and splittings: Not cut or stamped to dimension and not above 13/10,000 of an inch in thickness. | 25 percent | 12½ percent | Free. |
| | Manufactured mica films and splittings: Not cut or stamped to dimension and above 13/10,000 of an inch in thickness. | 40 percent | 20 percent | Free. |

Enactment of H. R. 6894 would leave unchanged the rate of duty on unmanufactured mica valued not above 15 cents per pound, would reduce the rate of duty on unmanufactured mica valued over 15 cents per pound, and would remove the duty on uncut mica films. These changes in tariff treatment might result in a slight increase in imports of these types of mica; however, there would be a corresponding reduction in the imports of cut mica films and fabricated mica parts entered under paragraphs 208 (d) and 208 (e). The change in composition of mica imports would take place because the domestic mica fabricators should be able to purchase unmanufactured mica at somewhat lower prices, inasmuch as most of the countries shipping fabricated mica to the United States must import unmanufactured mica from the same sources as the United States. Also, mica fabricators in the United Kingdom, Western Germany, and Japan, the leading United States suppliers of fabricated mica, have a competitive advantage over the United States fabricators because these countries do not assess a duty on imports of unmanufactured mica.

During our consideration of this legislation in executive session, the Committee on Ways and Means was informed that the result of reducing or eliminating the existing tariff rates on those classes of mica that would be effected by this legislation would likely result in lower prices to domestic consumers and an improved competitive position in the international markets for our American producers. The Committee on Ways and Means received favorable reports on H. R. 6894 from the Departments of State, Treasury, Commerce, and Labor.

This bill was ordered reported unanimously by the Committee on Ways and Means.

Mr. REED. Mr. Speaker, this legislation would amend the Tariff Act of 1930 so as to provide that certain mica films and splittings would be transferred to the free list and would modify the duty applicable to certain unmanufactured block mica.

The Committee on Ways and Means has been informed that the enactment of this legislation will assist domestic mica fabricators in competing with their foreign counterparts who obtain their raw materials duty free. In the interest of assisting our domestic industry, this legislation should be favorably acted on by the Congress.

The Committee on Ways and Means was unanimous in acting favorably on this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AMENDING SECTION 223 OF REVENUE ACT OF 1950

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7762) to amend section 223 of the Revenue Act of 1950 so that it will apply to taxable years ending in 1954 to which the Internal Revenue Code of 1939 applies.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 223 of the Revenue Act of 1950 (relating to use of corporation property by a shareholder) is amended by striking out "and before January 1, 1954," and inserting in lieu thereof "to which the Internal Revenue Code of 1939 applies."

SEC. 2. No interest shall be allowed or paid on any overpayment resulting from the amendment made by the first section of this act.

SEC. 3. No interest shall be assessed or collected on any liability eliminated by this act or by Public Law 370, 84th Congress.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, strike out lines 1, 2, and 3.

The amendment was agreed to.

Mr. COOPER. Mr. Speaker, H. R. 7762 modifies the provisions of section 502 (f) of the Internal Revenue Code of 1939 to provide that personal holding company income is not to include rents received during taxable years ending after December 31, 1953, to which the Internal Revenue Code of 1939 applies, if the rents are for the use of property belonging to a corporation where the lessee uses the property in the operation of a bona fide commercial, industrial, or mining enterprise.

As will be recalled, treatment identical to that allowed under this bill was provided for years ending before January 1, 1954, by the Revenue Act of 1950 and by Public Law 370, 84th Congress. Somewhat similar treatment is provided for years beginning after December 31, 1953, and ending after August 16, 1954, by the Internal Revenue Code of 1954.

Prior to the enactment of Public Law 370 there existed the anomalous situation whereby the rental of property by a company to its principal stockholders was permitted in certain cases with respect to the years 1946 through 1949 and for 1954 and subsequent years, and was not subjected to the penalties of being dominated by a personal holding company income, but was classified as a personal holding company income for the years 1950 through 1953. It was the intention of Public Law 370 to completely remove this anomaly but by an oversight the rule provided by the Revenue Act of 1950 was not by Public Law 370 made applicable to those years ending after December 31, 1953, which are not covered by the 1954 code. For example, Public Law 370 did not extend to fiscal years beginning in 1953 and ending in 1954.

The provisions of H. R. 7762 cover the gap in existing law and provide a consistent rule for rents derived from the use of property owned by a corporation and used by the lessee in the operation of a bona fide commercial, industrial, or mining enterprise.

H. R. 7762 was ordered reported unanimously by the Committee on Ways and Means, and is similar to H. R. 11747 which was unanimously ordered reported in the 84th Congress and which passed

the House without objection on July 24, 1956.

Mr. REED. Mr. Speaker, H. R. 7762 would correct an oversight in the law by permitting with respect to taxable years ending after December 31, 1953, which are not covered by the 1954 code, essentially the same tax treatment available under both the 1939 code and the 1954 code, of a transaction involving the use of corporate property by a stockholder. The bill would make the exception provided in existing law to the effect that personal holding company income would not include property leased by a corporation to an individual if he used the property in the operation of a bona fide commercial, industrial, or mining enterprise applicable to the period covered by the legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AMENDING SECTION 4141 OF THE INTERNAL REVENUE CODE OF 1954

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8560) to amend section 4141 of the Internal Revenue Code of 1954 for the purpose of repealing the manufacturers excise tax on children's phonograph records retailing for 25 cents or less, which was unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 4141 of the Internal Revenue Code of 1954 is amended—

(1) by inserting immediately after "Phonograph records" the following: ", except records to sell at retail for 25 cents or less" and

(2) by adding at the end thereof the following new sentence: "In determining the retail price of a phonograph record, for purposes of this section regard shall be had to the ordinary retail price of such record in its principal market."

SEC. 2. The amendments made by this act shall be effective only with respect to phonograph records sold by the manufacturer, producer, or importer thereof on or after the first day of the first month which begins more than 10 days after the date of enactment of this act.

Mr. COOPER. Mr. Speaker, section 4141 of the Internal Revenue Code of 1954 imposes a 10 percent excise tax on the sale of radio and television sets, phonographs, and records. H. R. 8560 amends section 4141 to remove from the items subject to tax, records which sell at retail for 25 cents or less. Records selling at retail for 25 cents or less are primarily designed for children. As will be recalled, both the Revenue Act of 1941 and 1951 granted relief from the Federal excise tax on sporting goods to specific sizes or types of articles subject to the sporting goods' tax which are predominantly used by children. Hence, the treatment provided in H. R. 8560 for phonograph records retailing for 25 cents or less is consistent with previous Congressional action in restricting the scope of the Federal excise taxes so as to make them inapplicable to articles used predominantly by children.

It will be noted that the bill provides that in determining the retail price of a phonograph record due regard shall be given to the ordinary retail price of the record in its principal market.

This bill was ordered reported unanimously by the Committee on Ways and Means, and is similar to H. R. 8905 which was unanimously ordered reported in the 84th Congress and which passed the House without objection on July 24, 1956.

Mr. REED. Mr. Speaker, H. R. 8560 would exempt phonograph records which sell at retail for 25 cents or less from the Federal excise tax of 10 percent applicable on the sale of radio and television sets, phonographs, and phonograph records. Similar legislation passed the House of Representatives during the 2d session of the 84th Congress. The legislation is primarily directed to the purpose of exempting children's phonograph records from the tax. The Committee on Ways and Means was unanimous in acting favorably on this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AMENDING SECTION 1321 OF THE INTERNAL REVENUE CODE OF 1954

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8628) to amend section 1321 of the Internal Revenue Code of 1954, which was unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the second sentence of section 1321 (a) of the Internal Revenue Code of 1954 (relating to involuntary liquidation of LIFO inventories) is hereby amended by striking the period at the end thereof and inserting the following: "(except that no adjustment shall be made in the computations under section 459 (f) of the Internal Revenue Code of 1939)."

SEC. 2. A taxpayer to which the amendment made by this act applies may elect, at any time before January 1, 1958, to have the provisions of section 1321 of the Internal Revenue Code of 1954 as so amended apply with respect to involuntary liquidations of LIFO inventories and replacements thereof referred to in section 1321.

Mr. COOPER. Mr. Speaker, H. R. 8628 amends section 1321 (a) of the Internal Revenue Code of 1954, relating to involuntary liquidations of last-in and first-out—LIFO—inventories. This bill is the same as a bill—H. R. 6999, 84th Congress—which was passed by the House of Representatives by unanimous consent in 1955.

The amendment proposed by H. R. 8628 is necessitated by the interrelationship between this section and section 459 (f) of the 1939 Internal Revenue Code, relating to an excess-profits tax base for the 1950 excess-profits tax. At present the interrelationship between these sections may operate to deprive taxpayers of the relief which was intended to be afforded to them upon the replacement of an involuntarily liquidated last-in first-out—LIFO—inventory or to deny to them the use of the special average base period net income provided by section 459 (f) for purposes of the 1950 Excess Profits Tax Act.

The bill takes care of this hardship by providing that the adjustments to taxable income required by section 1321 (a) are not to apply with respect to computations made under section 459 (f) of the Internal Revenue Code of 1939. Thus, the average base period net income of companies preserving defense capacity and increasing capacity for manufacturing peacetime products from certain strategic and critical metals will not be reduced because of subsequent expenses for the replacement of liquidated inventory.

This bill was unanimously reported by the Ways and Means Committee.

Mr. REED. Mr. Speaker, I have joined with my distinguished chairman and good friend the gentleman from Tennessee [Mr. COOPER] in supporting favorable House consideration of H. R. 8628. The purpose of this legislation is to permit a taxpayer to make appropriate adjustment in his LIFO inventories for abnormal conditions induced by war-time shortages without requiring such taxpayer to take such adjustments into account with respect to his Korean war excess-profits tax liability.

Under existing law a taxpayer sustaining an inventory liquidation of LIFO inventory stocks may elect to redetermine tax liability for the period of such liquidation provided the inventories are replaced in a subsequent taxable year. H. R. 8628 would provide that where a taxpayer avails himself of this privilege he will not be required to recompute his excess-profits tax liability under section 459 (f) of the 1939 Code.

The Committee on Ways and Means was unanimous in favorably reporting this legislation without amendment to the House.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## PERMITTING ARTICLES IMPORTED FROM FOREIGN COUNTRIES FOR EXHIBITION AT THE ST. LAWRENCE SEAWAY CELEBRATION

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8705) to permit articles imported from foreign countries for the purpose of exhibition at the St. Lawrence Seaway Celebration, o be held at Chicago, Ill., to be admitted without payment of tariff, and for other purposes, which was unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That any article which is imported from a foreign country for the purpose of exhibition at the Saint Lawrence Seaway Celebration (hereinafter in this Act referred to as the "celebration") to be held at Chicago, Ill., from January 1, 1959, to December 31, 1959, inclusive, by the St. Lawrence Seaway Celebration Commission, Inc., a corporation, or for use in constructing, installing, or maintaining foreign exhibits at the celebration, upon which article there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges under such regulations as the Secretary of the Treasury shall prescribe.

SEC. 2. It shall be lawful at any time during or within 3 months after the close of the celebration to sell within the area of the celebration any articles provided for in this act, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe. All such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry under this act for consumption or entry under the general tariff law.

SEC. 3. Imported articles provided for in this act shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States.

SEC. 4. At any time during or within 3 months after the close of the celebration, any article entered under this act may be abandoned to the United States or destroyed under customs supervision, whereupon any duties on such articles shall be remitted.

SEC. 5. Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the celebration, under such regulations as the Secretary of the Treasury shall prescribe.

SEC. 6. The St. Lawrence Seaway Celebration, Inc., shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under this act. The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under this act, shall be reimbursed by the St. Lawrence Seaway Celebration, Inc., to the United States, under regulations to be prescribed by the Secretary of the Treasury. Receipts from such reimbursement shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended (19 U. S. C. 1524).

Mr. COOPER. Mr. Speaker, H. R. 8705, which was unanimously reported by the Committee on Ways and Means, follows the pattern of previous legislation enacted by the Congress in connection with various international exhibitions, expositions, and fairs held in the United States. It has long been the policy of the Congress to facilitate participation of foreign countries in international expositions held in the United States by permitting articles intended for display at these expositions to be entered free of import duties and charges under safeguarding regulations of the Secretary of the Treasury.

Mr. REED. Mr. Speaker, I have supported the enactment of H. R. 8705 which has just been called up for favorable consideration in the House by my esteemed friend and chairman, the Honorable JERE COOPER. This legislation is a so-called trade-fair bill and is similar in nature to other bills that have passed the House in the past dealing with this same general subject matter.

In this specific instance, articles for exhibition purposes would be allowed to be imported duty free for exhibition at the St. Lawrence Seaway Celebration to be held in Chicago, Ill., on January 1, 1958, to December 31, 1959. The Committee on Ways and Means was unanimous in favorably reporting this legislation to the House.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## KLAMATH TRIBE OF INDIANS

Mr. ENGLE submitted a conference report and statement on the bill (S. 469) to authorize the United States to defray the cost of assisting the Klamath Tribe of Indians to prepare for termination of Federal supervision, to defer sales of tribal property, and for other purposes.

## CALL OF THE HOUSE

Mr. FULTON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 158]

| | | |
|---|---|---|
| Anfuso | Gray | O'Konski |
| Barden | Gubser | Pilcher |
| Beamer | Halleck | Powell |
| Boykin | Hillings | Preston |
| Brownson | Holtzman | Riehlman |
| Bush | Jones, Mo. | Rivers |
| Carnahan | Kearney | Taylor |
| Dawson, Ill. | Kearns | Vursell |
| Eberharter | Landrum | Wilson, Calif. |
| Fogarty | Mailliard | Zablocki |
| Frelinghuysen | O'Hara, Minn. | |

The SPEAKER. On this rollcall 401 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## REPORT OF BOARD OF VISITORS OF COAST GUARD ACADEMY

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, I was elected President of the Board of Visitors to oversee the United States Coast Guard this year.

I ask unanimous consent to extend the report of that Board's visit in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

(The matter referred to follows:)

REPORT OF THE BOARD OF VISITORS TO THE UNITED STATES COAST GUARD ACADEMY, NEW LONDON, CONN., MAY 3, 1957

The PRESIDENT of the SENATE,
The SPEAKER of the HOUSE of REPRESENTATIVES.

GENTLEMEN: Pursuant to section 194 of title 14 of the United States Code, the following Senators and Members of the House of Representatives were designated to constitute the 1957 Board of Visitors to the United States Coast Guard Academy.

By the chairman of the Senate Committee on Interstate and Foreign Commerce: Senator JOHN O. PASTORE, Democrat, Rhode Island; Senator WILLIAM A. PURTELL, Republican, Connecticut.

By the Speaker of the House of Representatives: Representative J. VAUGHAN GARY, Democrat, Virginia; Representative CHARLES E. CHAMBERLAIN, Republican, Michigan.

By the chairman, House Committee on Merchant Marine and Fisheries: Representative ALTON LENNON, Democrat, North Carolina; Representative GEORGE P. MILLER, Democrat, California; Representative WILLIAM S. MAILLIARD, Republican, California.

Ex officio members: Senator WARREN G. MAGNUSON, Democrat, Washington (chairman, Senate Committee on Interstate and Foreign Commerce); Representative HERBERT C. BONNER, Democrat, North Carolina (chairman, House Committee on Merchant Marine and Fisheries).

A meeting of the Board of Visitors was held at the Academy on May 3, 1957. The following members of the Board were present: Senator WILLIAM A. PURTELL, Republican, of Connecticut; Representative CHARLES E. CHAMBERLAIN, Republican, of Michigan; Representative ALTON LENNON, Democrat, of North Carolina; Representative WILLIAM S. MAILLIARD, Republican, of California; Representative GEORGE P. MILLER, Democrat, of California.

The following officials of the United States Coast Guard were also present from headquarters: Vice Adm. A. C. Richmond, Commandant; Capt. Allen Winbeck, Assistant Chief of the Office of Personnel; Capt. W. P. Hawley, Chief of Personnel Training and Procurement Division; and Capt. David O. Reed, liaison officer from the Academy, Rear Adm. R. J. Mauerman, superintendent; Capt. F. P. Vetterick, assistant superintendent; and Capt. G. M. Phannemiller, head of Department of Engineering.

INSPECTION TOUR OF GROUNDS AND BUILDINGS

Upon arrival of the Board at the Academy, the customary honors were rendered. Senator WILLIAM A. PURTELL inspected the cadet corps and the battalion passed in review before the members of the Board. Accompanied by the Superintendent of the

Academy and members of his staff, the Board inspected the Academy grounds and buildings. The Board then had luncheon with the corps of cadets. Later in the day, a more thorough inspection was made of the wooden barracks, auditorium, and the Officer Candidate Administration Building.

MEETING OF THE BOARD

The Board members were joined by Admiral Richmond, Admiral Mauerman, Captain Winbeck, Captain Hawley, Captain Vetterick and Captain Phannemiller in formal session during which Representative George P. Miller was elected Chairman of the Board. The general comments and specific recommendations made by the Board are herewith presented for the serious consideration of the Members of the Senate and the House of Representatives:

GENERAL COMMENTS

The composition of the student body at the Academy was discussed. The main group consists of the cadet corps of approximately 500, who participate in the 4-year course. In addition, the office indoctrination school conducts throughout the year both the merchant marine officer indoctrination, and the officer candidate program for college graduates and selected enlisted men of the Coast Guard.

Admiral Mauerman reported on the following major improvements accomplished since the last meeting of the Board of Visitors:

*Lower field*

The 4½ acres which were built up in 1953 as an athletic training and recreational area have been graded and seeded. Continued improvement of the area will require approximately $8,500 in funds.

*New flagpole*

Modern galvanized steel flagpole installed as replacement for wooden flagpole.

*Chapel sacristy doors*

Installation of exit doors on each side of the chancel to provide direct access to the Protestant and Catholic sacristies of the memorial chapel.

*Boat moorings*

Installation of float in boat basin, with approach ramp and platform, for mooring of Academy yawls and boats.

*Rifle and pistol range*

Conversion of old laundry building into a new rifle and pistol range for the training of cadets and other Coast Guard personnel in the firing of .22 caliber rifles and .45 caliber pistols.

*Cryptocenter*

Addition of separate sealed-in coding machine room to the Communications Office to provide training for cadets in the use of these machines.

*Quarters No. 1*

Installation of "Anderson" window units and acoustic tile on sun porch to make it weathertight for use as extra room.

*Air conditioning*

Installation of window-type air conditioning units in infirmary operating room, cadet and Reserve area barbershops, and quarters No. 1.

*Lighting*

Installation of fluorescent lighting fixtures in classroom 209 of Satterlee Hall. (Similar lighting is needed in other areas.)

*New boiler plant*

As recommended by the Board of Visitors in 1955, an appropriation of $200,000 has been allocated for installation of two new oil-fuel boilers in No. 1 fireroom. Contracts for 2 oil-storage tanks and for the 2 boilers amount to $75,614 and a contract for construction work in the sum of $128,500 is pending. Installation is expected this summer with operation of plant due in October 1957.

The Board discussed the physical facilities of the Academy in relation to the size of the Cadet Corps, and the Superintendent, Academy, listed the following major needs:

Cadet barracks: Extension of cadet barracks to provide sufficient fireproof quarters to eliminate wooden barracks now occupied by many students. Cost, approximately $2,400,000.

Messhall: Installation of new messhall for cadets to eliminate present overcrowding and meet anticipated expansion. Cost, approximately $500,000.

Satterlee Hall: Extension of Satterlee Hall to provide supplemental classroom and laboratory space, including lecture hall, instructors' offices, storage space, etc., needed for expanded student body. Cost, approximately $850,000.

Officer candidate and merchant marine indoctrination schools: Replacement of wartime wooden buildings used for barracks, classrooms, and administration of these schools. Cost estimated at $2 million.

Auditorium: Replacement of wartime wooden auditorium which is definitely a fire hazard. Cost, approximately $600,000.

Filtering plant for swimming pool: Installation of new filtering plant to eliminate health hazard presented by deterioration and overuse of present outmoded system. Cost, approximately $10,000.

Jones Field area: Enlargement of athletic area by dredging water areas and filling in near Jones Field. Cost approximately $90,000.

Replacement of wooden grandstand in Jones Field to reduce maintenance costs and eliminate fire and accident hazards. Cost, approximately $220,000.

Waterfront area: Replacement of stringers, planking, and guard rails of main docks, and miscellaneous repairs to other docks, which are necessary from a safety standpoint. Cost, approximately $100,000.

Entrance gate: Relocation of main gate and sentry box to provide less hazardous means of entry and exit from Academy grounds onto State highway. Cost, approximately $60,000.

Academy garage: Enlargement of garage to accommodate Academy bus and permit quick emergence of fire truck. Cost, approximately $15,000.

DISCUSSION

The members of the Board expressed concern at the fire and other hazards inherent in the use of outmoded wooden structures and in the excessive maintenance and repair costs involved in the upkeep of these structures. A discussion ensued as to the relative priority of the needs at the Academy and other operational needs of the Coast Guard and the ceiling on budgetary requests for appropriations.

The Board also met in private session with the principal battalion officers of the Corps of Cadets and the class presidents, without the presence of officials of the Coast Guard.

SPECIFIC RECOMMENDATIONS

1. That the Board express on the record its alarm and amazement at the use of wartime wooden buildings for many of the barracks, classrooms, laboratories, and so forth for both the Cadet Corps and the Officer Candidate and Merchant Marine Indoctrination Schools at the Coast Guard Academy.

2. That an order of priority be established for the projects listed by the Superintendent, Academy, as vital needs. The Board and the Superintendent are in agreement that the primary emphasis should be given to elimination of fire hazards with the excessive cost of repair for outmoded structures a secondary consideration. The Board submits the following priorities:

(a) Replacement of wooden barracks for both the Cadet Corps and the Officer Indoctrination Schools.

(b) Replacement of wooden buildings for classrooms and administration of Officer Indoctrination Schools.

(c) Replacement of wooden auditorium.

(d) Supplemental laboratory space to eliminate overcrowding during chemical experiments.

(e) Enlargement of messhall and administration facilities.

(f) Improvement of athletics and recreational facilities, such as replacement of wooden grandstands, enlargement of athletic area, and repair of waterfront facilities.

(g) Relocation of entrance gate and enlargement of Academy garage to provide greater safety conditions.

3. That the replacement of the outmoded buildings is hampered by the lack of appropriated funds to construct modern fireproof structures, adequate in size to accommodate the increase in student body over the 300 for which the Academy was originally planned.

4. That the members of this Board recommend to the Interstate and Foreign Commerce Committee of the Senate and the Merchant Marine and Fisheries Committee of the House that an overall, thorough study be made of the Coast Guard and its facilities, and the need for setting up priorities as to replacements necessary for the proper functioning of the Coast Guard; that this is a basic requirement in view of the replacement projects within the Academy which have been deemed essential by this and prior Boards, but for which funds have not been included within the appropriation request ceilings.

CONCLUSION

The Board commends the Superintendent, Rear Adm. R. J. Mauerman, and his staff for their efforts in maintaining the high standards of this institution.

The Board wishes to extend its thanks to Vice Adm. A. C. Richmond, Commandant; Capt. Allen Winbeck, Assistant Chief of the Office of Personnel; Capt. W. P. Hawley, Chief of the Personnel Training and Procurement Division; and Capt. David O. Reed, liaison officer, for the assistance rendered by them.

The Chairman and members of the Board wish to express their appreciation to the battalion officers, class presidents, and other members of the Cadet Corps for their very helpful assistance to the Board in expressing their views on the functioning of the Academy.

The Board earnestly recommends to all Members of the Senate and House of Representatives that they assist in every way possible in bringing the Coast Guard Academy to the attention of eligible candidates, and urging their constituents to participate in the nationwide competitive examination held on the fourth Monday and Tuesday in February each year.

The Board urges all Members of the Senate and House of Representatives and particularly the members of the Merchant Marine and Fisheries Committee and the Senate Interstate and Foreign Commerce Committee to visit the Academy, inspect its grounds and buildings, classrooms, and laboratories, and judge for themselves its facilities and needs.

GEORGE P. MILLER,
*Chairman.*
WILLIAM A. PURTELL.
ALTON LENNON.
WILLIAM S. MAILLIARD.
CHARLES E. CHAMBERLAIN.

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## ESTABLISHING A JOINT COMMITTEE OF THE HOUSE AND THE SENATE TO HANDLE MAJOR DISTRICT OF COLUMBIA LEGISLATION

**Mr. McGOVERN.** Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. McGOVERN. Mr. Speaker, my interest in the government affairs of the District of Columbia is not new.

As a former teacher of American history and government, I have long been interested in the legislative jurisdiction Congress, under law, exercises over the District and I am also aware of some of the problems this presents. It is my hope that we can move in the direction of a greater measure of democracy for the District residents.

Meanwhile because of my conviction that there is vast room for economizing and streamlining the efforts of Congressional committees, acting in their capacities as the District city council, I am sponsoring today a measure to establish a joint committee of the House and Senate to handle all major legislation pertaining to the District of Columbia.

I am pleased to have my distinguished friends and colleagues, Representatives HUGH SCOTT, Republican, Pennsylvania; KATHRYN E. GRANAHAN, Democrat, Pennsylvania; and FRANK THOMPSON, JR., Democrat, New Jersey, join with me as cosponsors of this bill in the House, and the able junior Senator from Pennsylvania, Mr. CLARK, in the Senate.

Since others are speaking on this measure as well, I shall keep my remarks brief.

I merely ask my colleagues to consider for just a moment what would happen in any other city of comparable size to Washington, D. C., if its city council was split into four parts. I personally think it is a great tribute to the men who sit on the respective District and Appropriations Committees, that there is as much efficiency as there is in handling District affairs.

The point is, however, that there could be greater efficiency if these groups were joined in one overall committee, which would handle all legislative matters affecting the District. I think it is obvious there would be savings, not only in monetary terms, but in the number of Members of Congress and staff personnel assigned to District affairs.

## AIRWAYS MODERNIZATION ACT OF 1957

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (S. 1856) to provide for the development and modernization of the national system of navigation and traffic-control facilities to serve present and future needs of civil and military aviation, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, S. 1856, with Mr. MAHON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday there was pending an amendment offered by the gentleman from Ohio [Mr. Bow]. Without objection the Clerk will again report the amendment offered by the gentleman from Ohio [Mr. Bow].

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. Bow: Page 8, line 4, strike the comma following the word "appropriated", and on line 5, strike out the words "without fiscal year limitation."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. HARRIS and Mr. Bow.

The Committee divided, and the tellers reported that there were—ayes 98, noes 97.

The CHAIRMAN. The Chair votes "no."

So the amendment was rejected.

The Clerk read as follows:

INDEPENDENT AVIATION AUTHORITY

SEC. 7. It is the sense of the Congress that on or before January 15, 1959, a program of reorganization establishing an independent aviation authority, following the objectives and conclusions of the Curtis report of May 14, 1957, entitled "Aviation Facilities Planning," be submitted to the Congress.

Mr. HARRIS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD on three very important facts which we discussed yesterday in connection with this legislation.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

AIRWAYS MODERNIZATION BOARD

Mr. HARRIS. Mr. Chairman, as we take action on this bill we should keep in mind three facts with which virtually every Member of this House is familiar.

The first fact is the critical nature of the aviation facilities needs which we face today. This crisis has been documented not only by the recent report to the President by Edward P. Curtis, but also by the hearings of the committees of the Congress.

The second fact that we must all recognize is that existing arrangements have not been adequate to develop an air navigation system required for safe and efficient civil and military aviation. The Air Navigation Development Board is a mere interagency committee without authority and it has been demonstrated to be ineffective. In contrast, the Airways Modernization Board will be an action agency clothed by the Congress with the authority to unify scattered and duplicating research.

The third fact of which we are aware is that the military agencies as well as civil air users have aviation facilities requirements that must be met. In the past, the military departments have conducted their own research and the Civil Aeronautics Administration has, at the same time, carried on a limited and duplicating program of facilities development. The result has been overlapping and conflicting work in the military and civil agencies at tremendous cost to the taxpayers. The TACAN-VOR/DME controversy alone has cost the people of the United States more than the total cost of operating the Airways Modernization Board for its full life.

Mr. Curtis in his report, which has been furnished to the Congress, urged that we cope with these difficulties on an emergency basis by the creation of an Airways Modernization Board equipped with the authority to conduct the actual research and testing required.

In proposing the Airways Modernization Board, Mr. Curtis recognized that if past duplication is to be avoided and if the civil and military needs are both to be taken into account, arrangements must be made for effective civil-military cooperation. By providing an Airways Modernization Board on which the Department of Commerce and the Department of Defense will be represented, the Curtis report envisaged joint civil-military cooperation and action throughout the entire process of developing and testing systems for air navigation purposes. We must all recognize that the Department of Defense, in carrying out its responsibilities for military aviation, has made great strides in the scientific technology applicable to air traffic control modernization, and if we are to take full advantage of these achievements, for which we have spent many hundreds of millions, we must establish a research and development agency in which the military as well as the civil authorities can effectively participate with full confidence.

The impression has been given that it is only the Civil Aeronautics Administration whose functions are affected by this legislation. The facts are that the Department of Defense and the military departments will be turning over to this agency extensive and costly programs which they have carried out in the past and in the absence of this legislation, will be required in the future to carry on with a large measure of inevitable duplication. I have been informed that the Department of the Air Force, in order to fulfill its legitimate responsibilities for national defense, has developed a comprehensive plan for the establishment of research and testing facilities, virtually identical to those which the Airways Modernization Board will provide for joint civil-military use. The Air Force has deferred its plans to establish testing facilities because they anticipate that the passage of this legislation will meet their needs and because they desire to avoid costly duplication, which is a primary objective of the bill.

I asked the House whether, in the light of these facts, it today proposes to reject Mr. CURTIS' first and most urgent recommendation for coming to grips with today's air traffic control crisis. I ask the House to remember that the bill before us has been strongly endorsed by the President, that it has the wholehearted support of the Secretary of Commerce and the Secretary of Defense, and that virtually all elements of the aviation community have testified on its behalf. I also stress that what we are

being asked to do is to establish a temporary agency which will in a short time be superseded by a permanent Federal Aviation Agency. In any event, the Congress is assured that the Airways Modernization Board cannot continue for longer than 3 years without again being subject to the scrutiny of this House, and such action as we may decide to be appropriate in the light of its accomplishments.

I therefore hope that the House will today join the Senate in sending to the President this urgently needed first step toward the improvement of the Nation's facilities for safe and efficient aviation.

In order that there may be no doubt as to some questions raised and what is intended, I enclose, herewith, a letter from the Office of the Secretary of Defense, and a letter from Mr. E. R. Quesada, Special Assistant to the President. Also a memorandum from him to Mr. Jack Anderson of the White House staff.

OFFICE OF THE SECRETARY OF DEFENSE,
*Washington, D. C., July 19, 1957.*

Hon. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: Mr. Quesada has indicated that a statement from the Department of Defense on the elimination of the Air Navigation Development Board upon the activation of the Airways Modernization Board may be of assistance in securing passage of S. 1856 before the House of Representatives.

In commenting to the Director of the Bureau of the Budget on a draft proposal, entitled "Airways Modernization Act of 1957," the Department of Defense has stated:

"The Department of Defense understands that upon enactment of this proposal existing duplicative functions of agencies and instrumentalities, such as the Air Navigation Development Board, certain functions of the Air Coordinating Committee, and others would be dissolved."

Thus, assuming that the proposed Airways Modernization Board will take over the responsibilities presently exercised by the Air Navigation Development Board, the Department of Defense would take the necessary steps to terminate immediately the charter of the Air Navigation Development Board.

Sincerely yours,

W. M. HOLADAY,
*Chairman, Air Navigation Development Board.*

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THE WHITE HOUSE,
*Washington, July 17, 1957.*

Memorandum to Mr. Jack Anderson, White House Office:

I have received the letter Congressman HARRIS referred to pertaining to certain types of Navy flying. I have discussed this with the Navy and have replied to Congressman HARRIS as indicated by the attached letter.

Concerning the technical changes referred to in Congressman HARRIS' memorandum, I believe that is handled in the letter referred to above.

For the purpose of this legislation, an officer in each of the Departments means anyone appointed by the President or by the head of the Department. This has been considered with the Bureau of the Budget.

We can expect the exchange of letters between the Secretary of Commerce and Secretary of Defense, eliminating the Air Navigation Development Board, to take place as soon as practicable after the passage of the bill, and as soon as the Airways Modernization Board is duly constituted.

We have discussed the subject and reached agreement. No one had a view to the contrary.

E. R. QUESADA.

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JULY 17, 1957

Hon. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN HARRIS: I appreciate the opportunity to comment on the language contained in the committee report on S. 1856.

I have no objection to the intent expressed in language of the report. I feel, however, that the point is adequately covered in the language of the bill.

As you may recall, the amendments to section 2 (b) of the bill were proposed by the Department of Defense and we offered no objection to them.

In order to clarify that portion of the committee report you referred to in your letter of July 15, I suggest that the first sentence be revised as follows:

"The committee wishes to make definite that the authority given the Board in section 2 (b) to define performance characteristics is applicable to equipments to be used in the common system." This has been discussed with and is satisfactory to the Navy representation who raised this point.

I also suggest in the second sentence the word "special" be included between "own" and "requirements."

It is suggested that the following be added to the last sentence:

"As long as this activity does not result in wasteful duplication of equipments and systems."

I also understand there may be need for some minor changes in the language which are not substantive. Although I have no objection to clarifying the language, I would urge that the bill not be amended because of the risks we would run of not getting the legislation this session. Furthermore, it is essential to obtain passage of this legislation in time for the Senate to act upon the President's appointment.

It is indeed a pleasure to continue to work with you and your staff in this important legislation.

Sincerely yours,

E. R. QUESADA.

## RETIREMENT OF ELTON J. LAYTON

Mr. Chairman, I take this time to pay a deserved tribute to a man who has given 36 years of his life in service on Capitol Hill as clerk of the Committee on Interstate and Foreign Commerce, of which I have the honor and privilege to be a member and its chairman.

Our clerk, Elton J. Layton, first became clerk of this committee in 1921. He came from Pennsylvania to Washington as a young man just a few years prior to that time and began working in the Defense Establishment. He worked there for a few years and then came to Capitol Hill and immediately began working for our Committee on Interstate and Foreign Commerce.

He has continuously served in the position of clerk of this great committee for a period of 36 years. On the 12th of June Mr. Layton tendered to me his resignation as clerk of the committee to become effective at the close of business July 31, which is today, so that he might begin his retirement on tomorrow. This caught me completely by surprise because, even though I knew that our devoted, faithful, and loyal clerk had for some time talked about retiring, I had no idea of his intention to do so at this time.

However, recognizing his desire, I advised him that the committee would accede to his wishes, of course, but asked him to stay on for a while longer, until after the session so that we could have some time to fill this very important and responsible position.

Mr. Chairman, yesterday there was carried in a local paper an announcement of Mr. Layton's retirement. I shall ask, when we go back into the House, that this announcement be included with my remarks. I shall also ask that his letter of resignation and my reply thereto be included with these remarks for the RECORD.

Mr. Layton has had not only a remarkable service to the committee but a most interesting experience in his work that has covered a wide field in the course of his life's work. He has an outstanding record, starting under modest circumstances. He is entitled to great credit, exemplifying his character and determination to succeed in life.

He is a member of the Maryland, Virginia, and District of Columbia bars and as a lawyer admitted to the bar of the United States Supreme Court. He studied at night and such spare time that he had over a period of 12 years to attain this laudable and remarkable accomplishment.

I shall personally miss his valued services and regret he feels that he has reached the stage in life when he should retire.

I just want to say that for 17 years I have had the privilege and honor of being a Member of this great Congress. Most of that time it has been my honor and privilege to serve on the Committee on Interstate and Foreign Commerce. Therefore I have had the personal privilege of observing Mr. Layton's service to the committee, to the Congress and to the Nation. I, with other Members, have observed the faithful, the loyal and the efficient service that he has performed. I wanted to take this time, since he is present today as we have this bill from our committee, to express publicly here to the membership of the House and to him our sincere appreciation of the long and faithful service that he has rendered to the committee and thus to the Congress and the Nation.

Mr. WOLVERTON. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I am glad to yield to our distinguished colleague, the ranking Republican Member of the committee, the gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON. Mr. Chairman, I wish to associate myself with the remarks that have been made by the distinguished chairman of the Committee on Interstate and Foreign Commerce [Mr. HARRIS] with respect to the distinguished clerk of our committee.

It has been my privilege to serve on this committee for upward of 30 years. During that time Mr. Layton has served as clerk of the committee. My membership on the committee as well as the fact that I have been chairman of the committee on 2 occasions for a period of

4 years, has brought me into very close and intimate association with Mr. Layton as the clerk of that committee. I therefore can express without any hesitancy whatsoever my entire accord with what has been said by our chairman in connection with the service that has been rendered by Mr. Layton as clerk of the committee. During the years of my membership on the committee and as chairman of the committee I have found Mr. Layton to be always faithful, efficient, intelligent, and loyal in the performance of his duties.

It has been my privilege during my public service both in the State of New Jersey and here in the Congress of the United States to have come in contact with many individuals who have been associated in the work of the different bodies with which I have been connected, yet I say without any hesitancy whatsoever I have never known anyone who has served with more faithfulness, more efficiency, more loyalty, and greater ability than has the clerk of the Committee on Interstate and Foreign Commerce, Mr. Layton.

It is with great regret that I see him leave the service of the committee. As he does so I wish him to carry with him not only my feeling of highest regard for him and his good wife but also my best wishes that the future will hold for each of them health, happiness and success in large measure.

Mr. HARRIS. I know that every member of our committee regrets that Mr. Layton will be leaving us and that we will not have the benefit of his services, but we do understand that the time does come when one likes to have an opportunity for a little rest and relaxation. We want him to know that our best wishes go with him and his very fine, devoted, and lovable wife, that they will have many years of joy and happiness.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I am very happy that the chairman of our committee has taken this opportunity to pay tribute to a great and devoted public servant.

I was but 2 years of age when Elton Layton joined the staff of the committee on which I now serve. During those long years of service with the committee, America has witnessed the greatest era of progress in the history of civilization. The Committee on Interstate and Foreign Commerce, which has such a broad jurisdiction over matters of interstate commerce, has played a distinctive part in the legislative implementation of that great progress we have enjoyed. Elton Layton, as clerk of that committee, has had a great hand in assisting in this progress.

In those 36 years we have witnessed the transition in communications, for instance, from the hand-cranked telephone to radio and then to television. What may come in the future no one knows, of course. We have witnessed the birth of civil aviation, and we have watched its development through the years into the great industry it now is. Those are but examples of that progress—time does not permit me to list more here.

Elton Layton may well take satisfaction in his contribution to this great era of progress.

I am pleased to join my chairman and other members of our committee in wishing for Mr. Layton and his very charming wife many, many years of happiness and well being in the future.

Mr. HARRIS. Mr. Chairman, I here include the matter previously referred to:

WASHINGTON, D. C., *June 12, 1957.*

Hon. OREN HARRIS,
*Chairman, House Interstate and Foreign Commerce Committee,*
*Washington, D. C.*

DEAR MR. CHAIRMAN: I hereby tender my resignation as clerk of the committee, effective at the close of business July 31, 1957, so that I may retire August 1, 1957.

Sincerely,

ELTON J. LAYTON,
*Clerk.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
*Washington, D. C., June 29, 1957.*

Mr. ELTON J. LAYTON,
*Clerk, Committee on Interstate and Foreign Commerce,*
*House of Representatives,*
*Washington, D. C.*

MY DEAR ELTON: It is with sincere regret that I most reluctantly accept your resignation as clerk of the committee, requested in your letter of June 12, 1957.

Even less than a year ago, I had no idea that I would occupy this responsible and most important position as chairman of this great committee. With the unfortunate passing of our beloved colleague, the late Honorable Percy Priest, this responsibility and honor came to me, following the success of my party in again having control of the House. It was and has been my hope to have you as the clerk of the committee during this Congress. I have been exceedingly pleased to have had you during this first session and you have been most helpful. Knowing something about your situation, I can readily understand the reasons which motivated your decision to retire in the near future.

You have rendered long, efficient, and faithful service to our committee. Your 36 years of continuous service as clerk is a testimony to the constant, continuous attention to the duties of this office, so important not only to the committee but to the Congress and the country.

Aside from the official aspect, I have a personal feeling of friendship from the 15 years of association with you as a member of the committee. It has been pleasant and most enjoyable. You have always been considerate, courteous, and trustworthy to me and other members of the committee, as well as to your official duties.

Having reached an age with service of more than 37 years, entitling you to maximum retirement and with the personal problems, with which I am somewhat familiar, as well as your desire and need for some rest and relaxation, I can fully understand your action at this time.

You asked to be relieved at the close of business July 31, 1957, in order that you may retire August 1, 1957. You have personally advised me that, notwithstanding, you would continue if I desired until the close of this session of the Congress. I appreciate this attitude very much.

I would like to suggest that unless there was some impelling reason that you continue until the end of the session, and the work, which is always most important at the close of the session, is cleared out. This could be done in a short time, I am sure, after adjournment and not later than the 1st of September.

I would like to suggest that you have a full month's vacation, and your resignation become effective September 30, 1957, and your retirement October 1, 1957.

I hope this suggestion will be entirely satisfactory with you and want you to know that the sincere best wishes of Mrs. Harris and me will always be with you and Mrs. Layton.

With warm personal regards,

Sincerely yours,

OREN HARRIS, *Chairman.*

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MR. ELTON J. LAYTON, CLERK OF HOUSE COMMERCE COMMITTEE, TO RETIRE AFTER 36 YEARS OF SERVICE

After 36 years of distinguished service as clerk of the House Committee on Interstate and Foreign Commerce, Mr. Elton J. Layton is retiring effective October 1, 1957, Hon. OREN HARRIS, Democrat, Arkansas, chairman of the committee, announced today. Previous to his service on Capitol Hill, Mr. Layton was Secretary to the Quartermaster General of the Army for 5 years.

A native of Matamoras, Pa., Mr. Layton first came to the committee in 1921 as a "temporary" employee. Since then he has served under eight chairmen, including the present Speaker of the House, the Honorable SAM RAYBURN.

During his long term in office, Mr. Layton saw many important bills considered by the committee and enacted into law. Included among them are the Communications Act of 1934; the Securities Acts; the Public Utility Holding Company Act; Civil Aeronautics Act; Railroad Retirement Act; the Natural Gas Act, many significant changes in the Interstate Commerce Act and the Railway Labor Act; and many measures relating to public health and science.

In accepting the clerk's resignation, Mr. HARRIS, the present chairman, wrote in part: "You have rendered long, efficient, and faithful service to our commitee. Your 36 years of continuous service as clerk is a testimony to the constant, continuous attention to the duties of this office, so important not only to the committee but to the Congress and the country."

Mr. Layton plans to remain near Washington at his present address, 4730 Arlington Boulevard, Arlington, Va.

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[From the Washington Evening Star of of July 30, 1957]

THE RAMBLER HAS KIND WORD FOR ELTON LAYTON

(By George Kennedy)

A very friendly man, who for years has been helpful to newspapermen covering hearings before his committee, is announcing his retirement today.

He is Elton J. Layton, clerk of the House Committee on Interstate and Foreign Commerce.

Elton has had that job for 36 years. Committee clerks have an important function in the legislative process. Sometimes they head large staffs. Like marine engineers, they keep the machinery operating while the elected representatives of the people do the navigating.

He typifies the best of the old school of civil servants who are not easily replaced. Elton and his many predecessors of the old school had little formal education, but they had native ability and intense loyalty to their jobs and to Uncle Sam.

Born 67 years ago on a farm near Matamoras, Pa., in the backwoods of Pike County, he left second-year high school to learn stenography and office routine at the Port Jervis (N. Y.) Business School.

In 1916 he got a job here in the office of the Quartermaster General of the Army.

It is hard to believe today, but up to our entry in World War I there were about as many male as female stenographers in the Government service. The war changed that.

A man named Hamilton, who was the chief clerk, recognized his ability and advanced him from job to job until, within a few months, young Layton was secretary to Maj. Gen. Henry G. Sharpe, the Quartermaster General.

"He was in his office every night until midnight," said Elton, "and I was there, too. I wasn't afraid of work. By this time we were in the war.

"The general was very stern; very military. Never anything personal. It was 'Do this, do that.'

"One night he must have felt that he had to relax. He said:

"'Layton, would you like to make a wish?'

"I was thrilled. It was the first time he had called me by name.

"He said, 'Take my purse and look through the window at the moon.'

"I did. Then I asked him if I could tell him my wish. He said, 'All right,' So I told him that I wished I had a raise—that the job paid $2,700 and I was getting only $1,600.

"The next day he called in Hamilton, the chief clerk, and asked me to leave the office. When Hamilton came out, he said, 'Why didn't you ask me for a raise? I've just been given the devil.'

"I got the raise, but Hamilton, who died 3 years later, never spoke to me again. It still bothers me."

When the Republicans came into power in 1921, young Layton was asked to become clerk of the Commerce Committee. He has held the post ever since through several switches of power.

The first came in 1931, in the second half of the Hoover administration, when the Democrats won the House and SAM RAYBURN became chairman of the committee. Elton Layton was a Republican; still is.

"All my assistants were fired," Elton said. "I went to Mr. RAYBURN—gruff, lovable, irascible then as now—to ask him if I could remain; that I would be glad to work under anyone he named as clerk.

"'Mr. Layton,' he said, 'when the committee wishes to dispense with your service, you will be given notice.'

"That was encouraging, because all my assistants had been fired without it."

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that all Members desiring to do so may have the privilege of extending their remarks at this point in the RECORD regarding Mr. Layton.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MACDONALD. Mr. Chairman, I want to take this opportunity to join my colleagues on the House Interstate and Foreign Commerce Committee in wishing Elton J. Layton who will retire on October 1, 1957, as Clerk of our Committee, the very best wishes and many thanks for his service not only to our committee but to this Nation, to which he has devoted practically his entire adult life.

Mr. Layton is a native son of Matamoras, Pa. He has served without interruption as Clerk of our distinguished House Commerce Committee for the past 36 years.

He first came to the committee in 1921 as a temporary employee. Since then he has served under eight chairmen, including the present Speaker of the House, the Honorable SAM RAYBURN.

Mr. Layton has been frequently and affectionately referred to as "Mr. House Interstate" because of his long service and special knowledge of the intricate problems which arise within the jurisdiction of the committee.

During his long term in office, he has seen many important bills considered by the committee and enacted into law.

I am sure every Member of Congress who has had any dealing with Mr. Layton joins me when I say that we extend to him and his wife our very best wishes for the future. It is my hope that Mr. Layton will have many, many years of good health and happiness.

Mr. MACK of Illinois. Mr. Chairman, it was with great regret that I learned of the coming retirement of Elton J. Layton as clerk of the House Committee on Interstate and Foreign Commerce.

For more than 36 years Elton has served this committee in a most efficient and courteous manner. During the 6½ years that I have been a member of the committee, he has been a helpful guide, a valued adviser, and a treasured friend.

All of us on the committee will miss Elton Layton.

Mr. FRIEDEL. Mr. Chairman, I want to join with my colleagues on the Interstate and Foreign Commerce Committee today in paying tribute to our very able clerk, Elton Layton, who has announced his retirement.

Although I only got to know Elton well during the 84th Congress, I have always found him to be a most cooperative person. He was of tremendous help to me, personally, when I was a freshman on the Interstate and Foreign Commerce Committee in the last Congress. Without his invaluable assistance, my position on this important committee would have been much more difficult due to the complicated type of legislation under our jurisdiction.

During Elton's long years of faithful and devoted service to the Interstate and Foreign Commerce Committee, he has earned the love, admiration, and respect of all the members he has so ably assisted.

After 36 years of loyal and devoted service to the committee, to the Congress, and to his country, Elton Layton will not only be sorely missed, but he will be very difficult to replace.

My best wishes go with him for many long years of happiness and contentment in his well-earned retirement. He can rest assured that he will long be remembered for a job well done.

Mr. DOLLINGER. Mr. Chairman, I am pleased to have the opportunity to join with my colleagues on the Interstate and Foreign Commerce Committee in extending every good wish to Elton J. Layton.

Elton will retire on October 1, 1957, as clerk of our committee. He has served our committee for more than 36 years. They have been years of faithful and outstanding service on his part. His extensive knowledge of the work of our committee, history of legislation, long term of office, all made him invaluable to us. During the time that I have been a member of the committee, I have found him to be more than willing to be of assistance when I have called upon him for help. He has been a loyal and fine public servant in the highest sense of the word. He will be sorely missed.

I wish for Elton J. Layton and his wife many years of happiness and good health. Elton has more than earned the leisure hours which it will now be possible for him to enjoy.

Mrs. SULLIVAN. Mr. Speaker, I very much want to join with those Members who have noted the retirement today of one of the outstanding career employees of the House of Representatives, Mr. Elton J. Layton, for 36 years the clerk of the House Committee on Interstate and Foreign Commerce.

I have known Mr. Layton for perhaps 15 years, and during all of that time I have been deeply impressed not only by his encyclopedialike knowledge of Congressional procedures and the issues which come before his committee, but also by his ready willingness to help the Members both on and off the committee to serve their constituents more effectively.

During the years my husband served on the Committee on Interstate and Foreign Commerce, he came to know Mr. Layton very well, and had the highest esteem for him as a committee clerk and, of equal importance, as a friend. Congressman Sullivan's last conversation on the Hill, a few hours before his sudden death in January 1951, shortly after the start of the 82d Congress, was with Mr. Layton out on the House parking lot as they both prepared to go home for the day after discussing some business then pending before the Committee on Interstate and Foreign Commerce.

In the year since I have been serving in the House, though not a member of the Committee on Interstate and Foreign Commerce, I have always found Mr. Layton most helpful to me in connection with legislation pending before that important committee. I know that experience is shared by every Member who has ever asked Mr. Layton for information on the legislation with which he dealt.

It is my wish, as I know it is of every Member of the House who knows him, that Mr. Layton will enjoy the well-deserved years of his retirement. He has demonstrated in his service to the Congress the kind of selfless devotion to duty which is characteristic of so many of our career House employees who, regardless of their own political outlooks, seek to serve those of both parties equally well in the conduct of the work of the House.

I am particularly glad that the praise which has been accorded here today to Mr. Elton Layton comes at a time when he is entering what I am sure is a very pleasant retirement. Too often, I am afraid, we hold back on expressing our deep-seated affection and appreciation for friends and fellow workers until they are no longer here to know just how deeply we do feel about them.

The Committee on Interstate and Foreign Commerce, from my observation, has an able staff which, I am sure, will carry on efficiently and effectively, but at the same time I am sure that there will be many, many instances when staff

members and committee members alike will be heard to say "Now this is something Elton would have right at his fingertips."

Congress has been able to accomplish so much hard work—and there is a tremendous amount of hard work which is accomplished during our sessions here—largely because there are people like Elton Layton keeping track of every detail and having so much background information at their fingertips, saving the Members untold hours of research and digging, and helping to bring solid achievement out of situations which so often seem to resemble nothing but legislative chaos.

Mrs. GRANAHAN. Mr. Speaker, I want to extend my very best wishes to the clerk of the House Committee on Interstate and Foreign Commerce, Mr. Elton J. Layton, as he begins the retirement which he has earned through so many years of hard work on behalf of the Congress and the people of the United States.

Congressman Granahan, during the years he served on the Committee on Interstate and Foreign Commerce, considered Mr. Layton his close personal friend. Long before I met Mr. Layton, I learned to think of him as the efficient and conscientious person who always made sure Congressman Granahan was kept fully informed of all developments affecting his committee assignment.

Since coming to the House of Representatives, I have found Mr. Layton always helpful on any matter before the Committee on Interstate and Foreign Commerce. I am grateful to him for the assistance he has provided me in learning of issues before that committee which directly affect the people of Philadelphia. Mr. Layton is noted on Capitol Hill for the efficient manner in which he conducted the staff work of the committee and kept things on an even keel no matter how difficult the situation seemed to be.

I am sure he will enjoy his retirement, for he is a man of broad interests and a capacity for friendship. My best wishes go with him and his charming wife as they enter this new life of retirement and enjoyment of their own interests and hobbies.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am still confused about what happens to the personnel once this new Board is created and then when it goes out of existence less than 3 years hence. I would like to have the attention of some of the members of the committee who can clear up this point for me. It is proposed to establish a new Board. Are you going to take the personnel from the present Air Navigation Development Board? Are you going to take that personnel over to this new Board? Can the gentleman answer that question?

Mr. WOLVERTON. If the gentleman please, I think he must recognize that I am not in a position to say who will go over and who will not go over to this new Board. I assume that those who are competent and whose services are necessary under the Board would be acceptable for service at that time especially if they have civil-service status.

Mr. GROSS. The Air Navigation Development Board is presumed to be going out of existence although there is absolutely nothing to compel it. We do know under the terms of this bill, this proposed Board will go out of existence in 1960. Yet, there is a big buildup of personnel provided in the bill for the new Board. And it is provided, I believe, under the terms of this bill, that the personnel be taken from the old Air Navigation Board into the new Board. What I want to know is what is going to happen to this big buildup of personnel under the new Board?

Mr. WOLVERTON. If the gentleman will consider for a moment that he is asking me or someone else to project ourselves into the future as if we were looking into a crystal ball to tell what is going to happen. I am not able to do that. I wish I could if it would in any way satisfy the gentleman and if it would make him realize the importance of this measure and its administration.

Mr. GROSS. At least a few Members of the House, and I am one of them, have been complaining about the continual buildup of Federal employment.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to my friend from California.

Mr. YOUNGER. Yesterday I put into the RECORD a statement by Mr. Rothschild, the Under Secretary of Commerce, under whose jurisdiction the present ANDB functions. He said this:

> The Airways Modernization Board will take over the ANDB in total and the ANDB, as an agency, will cease to exist. It will take over its work, records, money, and personnel.

That is the best promise that we have, and that is why I did not introduce my amendment because we have that promise in the RECORD and in the hearings from the Under Secretary of Commerce and we will have to rely on that.

Mr. GROSS. I am glad to have the gentleman's statement. That clarifies it in part. But, I wonder whether we are going to be confronted with this buildup in the new Board of 20 supergrade jobs, that is just one provision of it, I am wondering what is going to happen when 1960 comes along and they start to disband this new Board, if they do, and I will not be surprised if there is legislation here before that time to make this thing permanent. But, assuming that the bill is carried out and the new Board is disbanded in 1960, I wonder whether this buildup of employees is going to go out of the window or whether Congress will be called upon to add them to some agency or bureau of the Government.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I yield.

Mr. YOUNGER. The only answer I can make personally as a member of the committee to that question is that we will have to weigh the results of this committee that is set up or rather this new Board and if they do not produce the results in the establishment of air navigation safety, then all of the employees whether they are 2, 10, or 200 would be too many.

Mr. GROSS. I thank the gentleman, but I still insist that there is nothing the Air Navigation Development Board could not have done in behalf of air safety if somebody in authority had taken the members by the necks, cracked their heads together and told them to get a job done. We are suffering today by virtue of the fact that we have had an agency that did not do the job and nobody made them do the job. This new Board is unnecessary. Let the present Board get busy and do the job for which it was established.

### CHICKENS COME HOME TO ROOST

Mr. HOFFMAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, my dear and beloved colleague and former associate, the gentleman from Iowa [Mr. GROSS], is unduly worried about what will become of these Federal employees who will serve with this Board. That situation will work itself out when the change comes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. GROSS. Did the gentleman say "former colleague?"

Mr. HOFFMAN. For today, "former colleague." What our relationship will be tomorrow, I do not know. We are like some other folks. We might agree tomorrow, but the gentleman should not be worried about what will happen to these Federal employees. Ultimately, there just would not be enough jobs to go around. There will be so much spending, there will not be funds to pay them all. We will have inflation. The cost of living will go so high that we will not be able to take care of them all. Why is such a statement made? Because of an article that appeared in a Detroit paper Sunday, Little Monster Cars Worry Auto Workers. The article called attention to the fact that in Michigan there may soon be 235,000 employees out of civilian jobs.

The attention of my former colleague, the gentleman from Iowa [Mr. GROSS], is sought. It may be we will have so many Federal employees on the payrolls that we will be forced to cut some of them off for lack of funds to pay them. Then you and I will get letters, when you displace one employee in Washington, from all the cousins, nieces, aunts, and in-laws: "Please put my uncle, or whomever it is, back on the payroll."

Mr. GROSS. Will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. GROSS. When did this divorce or estrangement take place?

Mr. HOFFMAN. Between you and me?

Mr. GROSS. Yes.

Mr. HOFFMAN. That is a private matter. When you get right, we will get back together again.

But permit me to get back to the situation in Michigan—more particularly, in Detroit:

In a way, the unemployment situation in Detroit, and Michigan, may be due to the fact that over the years too many jobs have been created in that territory, that is, that expansion and employment have outstripped demand and ability to buy.

Over the weeks, through the months, and for years, the UAW–CIO official organizations, through its officers, have insisted that their Congressional representatives support and vote for certain reciprocal trade policies which were drafted to open our markets to the importation of merchandise—in this case autos and trucks—made abroad by employees who receive but a fraction of the wage paid for like work in this country to workers employed under conditions much less favorable than those over here. The unions have been insistent that Congress enact legislation which would not only improve the living conditions of the employed in other countries; tried to increase their wages until they are on a plane equal to our own, but that this country should favor and promote the exportation of the most advanced and up-to-date production machinery and equipment. They have insisted that, at the taxpayer's expense, we should exchange technical workers, make available to those who supervise production in other countries all of the know-how, all the skill, all the methods which tend to increase production here. Complying with their demands, that is, the demands of Walter Reuther and his associates, the taxpayers of this country have contributed billions of dollars to further the objectives just stated.

In addition to the foregoing, all of which has tended to increase production from abroad, and the natural result of which was to increase the competition which our own industries must meet, the unions, as was their legitimate purpose, have insisted upon an ever-increasing wage, ever-better working conditions, and many fringe benefits. No one finds fault with those objectives, when they are reasonable and possible of attainment without the wrecking of the whole production distribution and sales program.

Unfortunately, to some extent at least, wage checks have gone so high that many an article is becoming un-purchasable because of the price tag it bears—that is, by a majority of those who would be, who are, or who might be classed as buyers.

As has always happened when the price of merchandise goes too high, there is an unorganized but very effective buyer's strike. Now, in addition to the fact that apparently some industries have reached the limit on production and in sales, we not only have threatened unemployment from those causes, but we have, as the result of the policies advocated by the UAW–CIO and adopted at their insistence by the Congress and the administration, competition from abroad which is really beginning to hurt.

Using the methods and the equipment, together with the knowledge we have given them, employees abroad, and with an ever-increasing wage scale in sight, are turning out automobiles with a vengeance. There being an inadequate market for those automobiles abroad, they are, as most of us knew they would, being shipped to the American market.

And so it is that when it is late in the day, and real harm is coming to employees, foreign cars are enjoying a popularity here—even in Detroit—which contributes to unemployment in our State.

An article from the Detroit News carries the statement that the Michigan Employment Security Commission lists 199,000 unemployed in Michigan, with about 110,000 of them in the Detroit area.

Yesterday's CONGRESSIONAL RECORD, page 13072, carries the statement by our colleague, Mr. BENTLEY, showing that unemployment in Michigan is, to at least a certain extent, due to the unsound political philosophy and actions of Governor Williams, and his allies, Gus Scholle, Walter Reuther, Emil Mazey, and the political hierarchy of the UAW–CIO would-be dictators.

The political theories, the industrial practices advocated and enforced by that group, must—and apparently have—sounded attractive to the voters of Michigan. But the ultimate net result will be financial bankruptcy of the State, lack of industrial production, unemployment—and, when unemployment compensation funds are exhausted, unnecessary, unjustifiable unemployment and suffering by the rank-and-file worker.

Unions are necessary for the protection of the worker in mass-production industries, confined to the objectives as stated by Samuel Gompers—their one-time statesman leader—that is, the true advancement of the worker through an increase in his compensation, their working conditions, and general betterment, are all worthy, desirable, objectives which everyone can support.

But, when union leaders who apparently do not believe in the American form of government seek to gouge all those who do not, at the moment, belong to their particular organization, through the imposition on industry of unattainable demands—the result is disastrous. When, in addition, political ambition—evidence of a desire to impose a dictatorship upon us—crop out, and seem about to be adopted, the result can only be disastrous. And, unfortunately, the most oppressive conditions will fall upon the members of the unions, so many of whom have no other resources, as has the average small-business man, farmer, and self-employed worker.

Unfortunately, the chickens hatched by Reuther and Governor Williams, grown lusty and strong through their own crowing, have hatched a situation which is not beneficial to the average worker.

LABOR AND INDUSTRY—"LITTLE MONSTER" CARS WORRY AUTO WORKERS

(By Asher Lauren)

The foreign-car fad is producing nightmares among Detroit auto workers, who are apprehensive lest the encroaching horde of "little monsters"—as they call them—will take away jobs.

"During the last year and up to the present time, nearly 40,000 of these little monsters have come into this country and are roaming our highways and streets," writes one of Walter P. Reuther's rank and file in Ford Facts, official organ of UAW Local 600 at the Rouge plant of the Ford Motor Co.

His reference obviously was only to imports bearing the Ford label.

SEE ERA ON WAY

The booming sales of all foreign cars this year attest to their popularity and indicate that a small car era might be on the way.

Registrations of all makes of foreign cars in the United States zoomed to 66,692 in the first 5 months of this year. The figure represents a gain of 96.4 percent compared with the 33,947 foreign cars registered in the first 5 months of 1956.

Sales last year totaled 98,187. They may reach 200,000 in 1957 if United States auto makers introduce additional makes produced by their subsidiary companies in Europe.

ONE SEEKS TIEUP

Most of the auto companies are going along with the small-car boom—but not pushing it. One company is pressing it for all it's worth. Another company, without European subsidiaries, is seeking a sales tieup with independent European manufacturers in case the boom grows.

Nobody knows exactly the reasons for the surge in sales of foreign cars. There is a lot of guessing among the merchandising specialists.

Some attribute it to the growing trend for a second car in each family. Others say the size of the cars makes for easy handling, parking, and operating economies. Besides, there is the appeal of something different.

PUSH WORLD TRADE

Like the United States auto makers, the UAW leadership has not been particularly worried thus far by foreign car sales in this country. The big union has espoused the principle of trade with the free countries of the world.

If foreign car sales hit 200,000 in the United States this year, the figure will still not be very impressive compared with an estimated domestic production of 6.1 million.

But job worries nevertheless persist among the UAW members in the auto plants of the Detroit area.

The fact that the Michigan Employment Security Commission (MESC) lists 199,000 unemployed in Michigan—among them about 110,000 in the Detroit area—does not help their frame of mind.

TWO HUNDRED AND THIRTY-FIVE THOUSAND JOBLESS

(The Michigan total of unemployed is expected to reach 235,000 next month during the changeover to 1958 model cars but is expected to recede rapidly when the auto plants schedule volume production of the new models.)

Typical of the worrying by auto workers over the foreign-car invasion are the thoughts expressed by the UAW rank and file member at Ford in his statements in the union paper:

"My reasons for worrying, I believe, are well founded, but of course I could be wrong."

SEEK OTHER FIELDS

"If something is not done about this problem, it is my personal prediction that in a few years we'll all be looking for another job and in a different field."

More than one customer loyal to American-made automobiles expressed the conviction that the foreign car competition might prove a boon in the long run to buyers of the Detroit-made product.

"It might touch off competition between our own and European workmen for craftsmanship and eliminate some of the costly gadgets you get stuck for when you trade the old jalopy for a new one," said one customer.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

All time has expired.

The Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MAHON, Chairman of the Committee of the Whole House on the State of

the Union, stated that that Committee having had under consideration the bill (S. 1856) to provide for the development and modernization of the national system of navigation and traffic-control facilities to serve present and future needs of civil and military aviation, and for other purposes, pursuant to House Resolution 361, he reported the same back to the House.

The Chairman also reported that the language in the bill on page 7, line 12, reading as follows: "and unexpended balances of appropriations, allocations, and other funds available or" was stricken out on a point of order.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. FULTON) there were—ayes 123, noes 2.

Mr. FULTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 375, nays 17, not voting 40, as follows:

[Roll No. 159]

YEAS—375

| | | |
|---|---|---|
| Abbitt | Brown, Mo. | Dies |
| Abernethy | Brown, Ohio | Dixon |
| Adair | Broyhill | Dollinger |
| Addonizio | Buckley | Donohue |
| Albert | Budge | Dooley |
| Alexander | Burdick | Dorn, N. Y. |
| Alger | Burleson | Dorn, S. C. |
| Allen, Calif. | Byrd | Dowdy |
| Andersen, H. Carl | Byrne, Ill. | Doyle |
| | Byrne, Pa. | Durham |
| Anderson, Mont. | Byrnes, Wis. | Dwyer |
| | Canfield | Edmondson |
| Andresen, August H. | Cannon | Elliott |
| | Carrigg | Engle |
| Andrews | Cederberg | Evins |
| Arends | Celler | Fallon |
| Ashley | Chamberlain | Farbstein |
| Ashmore | Chelf | Fascell |
| Auchincloss | Chenoweth | Fenton |
| Avery | Chiperfield | Fino |
| Ayres | Christopher | Fisher |
| Bailey | Chudoff | Flood |
| Baker | Church | Flynt |
| Baldwin | Clark | Forand |
| Baring | Clevenger | Ford |
| Barrett | Coad | Forrester |
| Bass, N. H. | Coffin | Fountain |
| Bass, Tenn. | Cole | Frazier |
| Bates | Collier | Friedel |
| Baumhart | Colmer | Fulton |
| Becker | Cooley | Garmatz |
| Beckworth | Cooper | Gary |
| Belcher | Corbett | Gathings |
| Bennett, Fla. | Coudert | Gavin |
| Bennett, Mich. | Cramer | George |
| Bentley | Cretella | Granahan |
| Berry | Cunningham, Iowa | Grant |
| Betts | | Gray |
| Blatnik | Cunningham, Nebr. | Green, Oreg. |
| Blitch | | Green, Pa. |
| Boggs | Curtis, Mass. | Gregory |
| Boland | Curtis, Mo. | Griffin |
| Bolling | Dague | Griffiths |
| Bolton | Davis, Ga. | Gubser |
| Bosch | Davis, Tenn. | Gwinn |
| Bow | Dawson, Utah | Hagen |
| Boyle | Delaney | Hale |
| Bray | Dellay | Haley |
| Breeding | Dempsey | Harden |
| Brooks, La. | Dennison | Harris |
| Brooks, Tex. | Denton | Harrison, Nebr. |
| Broomfield | Derounian | Harrison, Va. |
| Brown, Ga. | Devereux | Harvey |
| Haskell | Madden | Saund |
| Hays, Ark. | Magnuson | Saylor |
| Hays, Ohio | Mahon | Schenck |
| Healey | Martin | Scherer |
| Hébert | Mason | Schwengel |
| Hemphill | Matthews | Scrivner |
| Henderson | May | Scudder |
| Herlong | Meader | Seely-Brown |
| Heselton | Merrow | Selden |
| Hess | Michel | Sheehan |
| Hiestand | Miller, Calif. | Shelley |
| Hill | Miller, Md. | Sheppard |
| Hoeven | Miller, Nebr. | Shuford |
| Hoffman | Miller, N. Y. | Sieminski |
| Holland | Mills | Sikes |
| Holmes | Minshall | Siler |
| Holt | Montoya | Simpson, Ill. |
| Horan | Moore | Sisk |
| Hosmer | Morano | Smith, Calif. |
| Huddleston | Morgan | Smith, Kans. |
| Hyde | Morris | Smith, Miss. |
| Ikard | Moulder | Smith, Va. |
| Jackson | Multer | Smith, Wis. |
| James | Mumma | Spence |
| Jarman | Murray | Springer |
| Jenkins | Natcher | Staggers |
| Jennings | Neal | Stauffer |
| Jensen | Nicholson | Steed |
| Johansen | Nimtz | Sullivan |
| Johnson | Norblad | Taber |
| Jonas | Norrell | Talle |
| Jones, Ala. | O'Brien, Ill. | Teague, Tex. |
| Jones, Mo. | O'Brien, N. Y. | Teller |
| Judd | O'Hara, Ill. | Tewes |
| Karsten | O'Neill | Thomas |
| Kean | Osmers | Thompson, La. |
| Kearns | Ostertag | Thompson, N. J. |
| Keating | Passman | Thompson, Tex. |
| Kee | Patman | Thomson, Wyo. |
| Keeney | Patterson | Thornberry |
| Kelley, Pa. | Pelly | Tollefson |
| Kelly, N. Y. | Perkins | Trimble |
| Keogh | Pfost | Tuck |
| Kilday | Philbin | Udall |
| Kilgore | Pillion | Ullman |
| King | Poage | Utt |
| Kirwan | Poff | Vanik |
| Kitchin | Polk | Van Pelt |
| Kluczynski | Porter | Van Zandt |
| Knox | Price | Vinson |
| Knutson | Prouty | Vorys |
| Krueger | Radwan | Vursell |
| Laird | Rains | Wainwright |
| Lane | Ray | Watts |
| Lankford | Reece, Tenn. | Weaver |
| Latham | Reed | Westland |
| LeCompte | Rees, Kans. | Wharton |
| Lennon | Reuss | Whitener |
| Lipscomb | Rhodes, Ariz. | Whitten |
| Long | Rhodes, Pa. | Widnall |
| Loser | Richlman | Wigglesworth |
| McConnell | Riley | Williams, Miss. |
| McCormack | Roberts | Williams, N. Y. |
| McCulloch | Robeson, Va. | Willis |
| McDonough | Robsion, Ky. | Wilson, Ind. |
| McGovern | Rodino | Winstead |
| McGregor | Rogers, Fla. | Withrow |
| McIntire | Rogers, Mass. | Wolverton |
| McIntosh | Rogers, Tex. | Wright |
| McMillan | Roosevelt | Yates |
| McVey | Rutherford | Young |
| Machrowicz | Sadlak | Younger |
| Mack, Ill. | Santangelo | Zelenko |
| Mack, Wash. | St. George | |

NAYS—17

| | | |
|---|---|---|
| Aspinall | Lanham | Rabaut |
| Dingell | Lesinski | Rogers, Colo. |
| Feighan | McFall | Rooney |
| Gross | Marshall | Scott, N. C. |
| Hardy | Metcalf | Wier |
| Holifield | Moss | |

NOT VOTING—40

| | | |
|---|---|---|
| Allen, Ill. | Frelinghuysen | O'Konski |
| Anfuso | Gordon | Pilcher |
| Barden | Halleck | Powell |
| Beamer | Hillings | Preston |
| Bonner | Holtzman | Rivers |
| Boykin | Hull | Scott, Pa. |
| Brownson | Kearney | Simpson, Pa. |
| Bush | Kilburn | Taylor |
| Carnahan | Landrum | Teague, Calif. |
| Curtin | McCarthy | Walter |
| Dawson, Ill. | Macdonald | Wilson, Calif. |
| Diggs | Mailliard | Zablocki |
| Eberharter | Morrison | |
| Fogarty | O'Hara, Minn. | |

So the bill was passed.

The Clerk announced the following pairs:

Mr. Walter with Mr. Simpson of Pennsylvania.

Mr. Anfuso with Mr. Taylor.

Mr. Zablocki with Mr. Halleck.

Mr. Morrison with Mr. O'Hara of Minnesota.

Mr. Fogarty with Mr. Scott of Pennsylvania.

Mr. Gordon with Mr. Kearney.

Mr. Pilcher with Mr. Allen of Illinois.

Mr. Preston with Mr. Beamer.

Mr. Landrum with Mr. Kilburn.

Mr. Hull with Mr. Bush.

Mr. Holtzman with Mr. O'Konski.

Mr. Dawson of Illinois with Mr. Frelinghuysen.

Mr. McCarthy with Mr. Curtin.

Mr. Bonner with Mr. Brownson.

Mr. Macdonald with Mr. Teague of California.

Mr. Carnahan with Mr. Wilson of California.

Mr. Boykin with Mr. Mailliard.

Mr. Rivers with Mr. Hillings.

Mr. FEIGHAN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

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## SAN ANGELO PROJECT, TEXAS

Mr. THORNBERRY. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 359) providing for the consideration of H. R. 2147, a bill to provide for the construction by the Secretary of the Interior of the San Angelo Federal reclamation project, Texas, and for other purposes, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 2147) to provide for the construction by the Secretary of the Interior of the San Angelo Federal reclamation project, Texas, and for other purposes. After general debate which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. THORNBERRY. Mr. Speaker, House Resolution 359 makes in order the consideration of H. R. 2147, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the San Angelo, Tex., Federal reclamation project. The resolution provides for an open rule and 2 hours general debate on the bill.

The San Angelo project consists of a dam and reservoir at the Twin Buttes site, outlet works at the existing Nasworthy Dam and the necessary canals, drains, and related works. The project will furnish water for the irrigation of 10,000 acres of land in Tom Green County, provide water for municipal, industrial, and domestic use for San Angelo, and complete the program neces-

sary for flood protection in the vicinity of San Angelo.

Thirty-two million, two hundred and twenty thousand dollars is authorized for the project. Under the terms of the bill, costs allocated to municipal water supply would be repaid to the United States with interest within a 40-year period. Following the 5-year development period, irrigation water users would repay about $4 million of the irrigation allocation in addition to the payment of the irrigation share of operation, maintenance, and replacement costs. The remainder of the costs allocated to irrigation in excess of the users' ability to pay would be paid with municipal water revenues. The costs allocated to flood control, fish and wildlife, and recreational purposes are nonreimbursable in accordance with existing law.

A committee amendment to the bill provides that for a period of 10 years no water will be delivered to any user for the production on newly irrigated lands of crops which are in excess of normal supply as defined by the Agricultural Adjustment Act of 1938, unless the Secretary of Agriculture calls for an increase in the production of some agricultural commodity in the interests of national defense.

I urge the adoption of House Resolution 259 so the House may proceed to the consideration of this measure for which ample time for debate has been provided.

Mr. Speaker, I now yield 30 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I have no requests for time and yield back the balance of my time.

Mr. THORNBERRY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. ASPINALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 2147) to provide for the construction by the Secretary of the Interior of the San Angelo Federal reclamation project, Texas, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H. R. 2147, with Mr. HOLIFIELD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the legislation which is now before the Committee would authorize the San Angelo Irrigation project in the interior of Texas. As chairman of the Subcommittee on Irrigation and Reclamation, I wish to advise the Committee that, in my opinion, this is a good irrigation project. It conforms generally with the provisions of the reclamation law.

The San Angelo reclamation project is a proposed multiple-purpose water resource development in the Concho River Basin in central Texas, which would serve the city of San Angelo and vicinity. This project is an excellent example of combining several purposes in one overall development and thereby reducing development costs, thus benefiting all those being served. The San Angelo project would provide a water supply for irrigation and municipal purposes, and at the same time provide flood protection to the city of San Angelo and vicinity. In addition to these principal purposes, the project results in enhancement of fish and wildlife and provides extensive recreational opportunities.

The San Angelo project is recommended by the administration in a report submitted to Congress on April 12 of this year. The project has the approval of the Secretary of the Interior, the Secretary of the Army, and the Governor of Texas. San Angelo interests, through a 7 to 1 vote of the electorate, have indicated their desire for construction of the proposed works as a Federal project and their willingness to assume repayment of the reimbursable costs. The United States Senate approved the project in the 84th Congress and has again, in this session, unanimously passed legislation to authorize its construction.

The Interior and Insular Affairs Committee approved the project after extensive, detailed consideration, including hearings in both San Angelo and Washington and an inspection of the project area. In other words, Mr. Chairman, the project has had the thorough and detailed consideration of everyone concerned and has received the approval of all.

The problems plaguing the San Angelo area result primarily from water—either the lack of water or too much water. These problems result from the hazards and limitations which occur from long periods of rainfall deficiency and occasional damaging floods. All my colleagues are familiar with the devastating drought that has prevailed in this area over the last several years and the extensive flood damage that resulted when the long drought was partially broken by rainfall earlier this year. As a result of these floods, damage to San Angelo and vicinity amounted to hundreds of thousands of dollars. The city's sewage disposal plant was flooded and out of commission for several days, the Santa Fe Railroad suffered heavy damages, and the Goodfellow Air Force Base was without rail connections for many weeks. More than 100 homes and business establishments were flooded and the State fish hatchery was a total loss. Worst of all, approximately 300,000 acres of valuable water was lost because there was no place to store it. If the San Angelo project had been completed, the valuable water would have been saved for future use and the extensive flood damage would not have occurred.

The problems of this area, then, can be solved by converting the available stream flows from a constant menace to a reliable asset to the local economy, through provision of regulatory storage and related works. The San Angelo reclamation project is designed to accomplish this and thereby permit realization of the full economic potential of the area.

The San Angelo reclamation project would provide a complete irrigation system for 10,000 acres of land immediately downstream from the city, would increase the firm water supply for the city from 15,000 acre-feet to about 29,000 acre-feet per year, would complete the program necessary for flood protection for San Angelo, and would increase substantially fish and wildlife values in the area, and would provide much-needed recreational opportunities.

The proposed project features consist of the Twin Buttes Dam and Reservoir on the South Concho River, irrigation headworks at the existing Nasworthy Reservoir, a 13-mile concrete-lined canal, irrigation laterals, and other miscellaneous structures required to deliver the irrigation water supply. Recreational facilities necessary for access to the proposed reservoir and for sanitation and safety purposes would be constructed, provided the administering agency of the project agrees to assure construction of the additional accessory facilities. All the necessary works for conveying water to the city for municipal use are in existence, and no additions or modifications would be made as a part of the San Angelo project. The Twin Buttes Dam and Reservoir would be the principal new project feature. The reservoir would impound the flows of the Middle and South Concho Rivers and Spring Creek. It would have a total maximum capacity of about 810,000 acre-feet, of which 150,000 acre-feet would be allocated to conservation, 430,000 acre-feet to flood control, 214,000 acre-feet to surcharge capacity, and 16,000 acre-feet to other purposes. The capacity at the top of controlled storage would be about 596,000 acre-feet.

The existing San Angelo and Nasworthy Reservoirs are essential elements in the proposed plan and their operation would be integrated with that of the Twin Buttes Reservoir to provide maximum benefits. Operation of the San Angelo and Twin Buttes Reservoirs would be coordinated to obtain the maximum practicable flood protection of downstream areas. Flood-control operations of both reservoirs would be in accordance with regulations established by the Corps of Engineers. Successful operation of the project has been assured by an agreement whereby the Lower Colorado River Authority would subordinate its rights to water for future needs to the extent necessary to assure full utilization of the conservation space of the San Angelo project reservoirs.

The San Angelo reclamation project is an excellent project from an economic standpoint. The evaluated annual total benefits are estimated to exceed the annual costs by a ratio of more than 2 to 1. The cost of constructing the San Angelo project on the basis of present prices is estimated at $32,220,000. On the basis of tentative allocations, $11,060,000

would be allocated to irrigation, $6,700,000 to municipal water supply, $10,800,000 to flood control, $3,600,000 to fish and wildlife, and $60,000 to recreation.

The costs allocated to municipal water supply would be repaid with interest within a 40-year period. The costs allocated to irrigation would be repaid without interest in a 40-year period, following an estimated 5-year development period, by irrigation revenues and municipal water revenues. The irrigators would repay $4 million of the costs of the project allocated to irrigation. The costs allocated to the purposes of flood control, fish and wildlife, and recreation would be nonreimbursable.

In closing, let me reiterate that the San Angelo area has been confronted by droughts and floods of disastrous proportions over the past several years. The flood protection and the relief from droughts which the San Angelo project would provide are urgently needed. Our committee found the project to be physically and economically feasible and recommends that this legislation authorizing its construction be enacted.

Mr. MILLER of Nebraska. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the gentleman from Colorado [Mr. ASPINALL] chairman of the subcommitee, has explained in considerable detail the features of this project. It was my privilege a year ago to be in San Angelo and sit in on some hearings and examine this project at close range. As the gentleman has said, if the Members find time to read the report put out by the Committee on Interior and Insular Affairs, they will find this is a multiple purpose water project in that it supplies water not only for irrigation for about 10,000 acres, which is not a large irrigation district, but it supplies water to the city of San Angelo for its municipal water supply. It contains flood-control-project features, fish and wildlife and some recreational benefits. Some people look at these nonreimbursable sums as being a little too large. It is true the flood-control feature, according to the report, amounts to $10,800,000, which would be nonreimbursable, and the fish and wildlife feature is nonreimbursable; but we should remind ourselves that when we had the omnibus flood-control bill before the committee we had many hundreds of millions of dollars of flood-control-projects that are nonreimbursable, I think a worthy expenditure of money.

In this case the report says that the primary thing that plagued the San Angelo area is one of long periods of drought, then sudden rainstorms and floods that carry away a part of the city and the irrigation works, and floods do great damage. The building of the reservoir will hold back the water that ordinarily runs off unused and make it available for irrigation purposes, make it available for municipal water and needs of a growing community. On top of that we have storage space for any floods that might occur which in the past have always jeopardized the property values in that area. To solve the problem it is necessary for the reservoirs to be built, otherwise the city of San Angelo will not be able to grow and develop.

The people of that area have entered into an agreement by an overwhelming vote to assume repayment of the obligation involving the municipal water supply and about $6,700,000 will be paid back with interest. The people do bind themselves to pay back this sum of money.

The amount allocated to irrigation is not paid back with interest, but it is paid back over a period of time.

I hope my colleagues will understand I am one of those Members of this House who feel we should conserve, and many of you even if you want to oppose this bill feel like conserving, our water supply and to control floods. That is the thing this bill attempts to do. While the amount of money here involved would ordinarily build a much larger irrigation district, it is one of those peculiar bills that comes before our committee providing both a municipal water supply and irrigation features. The committee has found and the Department of the Interior has found it has a ratio of 2 to 1 in its feasibility report, which is much higher than some projects that come before us. There is no power involved in this particular project. I believe H. R. 2147 should pass.

Mr. Chairman, with that statement I now yield 5 minutes to the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Chairman, I would like to address my remarks first to the Members of the Committee who come from the South and the East, because this bill is an example of what happens under the guise of reclamation. When the people in the East and the people in the South have communities that would like to get water or like to have the Federal Government help them build a municipal water supply, you can find absolutely nothing in the law that will allow it. Now, torn of the shroud that has covered this project under the guise of reclamation, you find nothing more than a municipal water-supply project being built by the Federal Government. You Congressmen and women from any but the preferred 17 Western States cannot have this kind of Government help.

Now let us look at this project as a reclamation project: It is proposed to put 10,000 new acres under irrigation, and to put these 10,000 new acres under irrigation you are going to flood 27,000 acres of land, the same kind of land you are going to put under irrigation.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Colorado.

Mr. ASPINALL. By "the same kind of land," you do not mean that the land that is going to be put under water is cultivatable cropland such as the land that is put under irrigation?

Mr. SAYLOR. It is as susceptible as the land that will be put under irrigation.

Mr. ASPINALL. Has the gentleman visited the area?

Mr. SAYLOR. I have not visited the area, but I have seen pictures of it, and I refuse to yield further.

Now, to get this project cost down to $30 million, the Bureau of Reclamation has fixed an arbitrary figure that they are willing to pay for those 27,000 acres of land that they are going to flood. On one of the buildings downtown is a little inscription reading "What is past is prologue, study the past." Well, the best thing I can think of to study the past is to study what happened when the Army engineers built the other project down in this district. They could not buy the land then for what the Government says they are going to be able to buy it for now. The people that own this land state that they would under no circumstances sell it to the Government or sell it to anyone else for several times the amount that the Federal Government has said they are going to pay for the land. This item, if true, and there is no evidence to controvert it, alone will make this project, even as a multiple purpose project, economically infeasible. This is the kind of project that brings reclamation into disrepute. This is the kind of a project that very evidently is not reclamation. To even get this bill out of our committee it was necessary to include an amendment, which you can see if you look at the committee report. The amendment provides that for a period of 10 years they will not be allowed to grow in this area on these 10,000 acres of land anything that is now in surplus. If the people who are in favor of reclamation really believe in it, then they should look twice at projects in which reclamation plays only a small part. The law requires that in multipurpose projects that reclamation play a major part. I am in favor of flood control and I am in favor of the people of San Angelo, Tex., having a municipal water supply, and I have absolutely no objection to the Federal Government paying for the flood control or providing them with their municipal water supply which they will reimburse, but I do not think you should try and bring this in under the guise of reclamation. This is not a reclamation project, even though it has been brought to this floor of the House on the basis of being a multipurpose project, since reclamation is only a minor part. I urge the members of the Committee to recommit this bill.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ASPINALL. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. ENGLE].

Mr. ENGLE. Mr. Chairman, I wish to say that I support this project. Our Subcommittee on Irrigation and Reclamation has given the project very careful consideration. We sent a subcommittee to Texas to look at the project, a subcommittee headed, as chairman, by the distinguished gentleman from Colorado [Mr. ASPINALL] and the ranking minority member and former chairman of our committee, Dr. MILLER. So they not only heard the testimony on this project but they went to Texas and looked it over. The committee, on the basis of their study and on the basis of the recommendation of the Department of the Interior, has approved it.

I think all of us know something of the disaster which has been inflicted upon some areas of Texas due to floods on the one hand and drought on the

other. The purpose of this bill is to equate the drought and the heavy run-offs of water so that the floods are used to take care of the dry spells which have brought so much distress to large areas of Texas.

The project falls squarely within the precedents of our committee and legislation which has been heretofore adopted under reclamation law.

Some $11 million of the total cost is allocated to irrigation. All other uses of the project, flood control, municipal water and other purposes, are less than that amount. Although it is true that the municipal users will to some extent help the irrigators repay, that is not unprecedented under reclamation law. This Congress has many times authorized projects of that character.

So I do believe that this is a good reclamation project. It does fall within the precedents for the authorization of projects under reclamation law and I hope the Committee today will act favorably on it.

Mr. VORYS. Mr. Chairman, will the gentleman yield?

Mr. ENGLE. I yield to the gentleman from Ohio.

Mr. VORYS. I note on page 12 of the report a letter from the Secretary of the Army, in which they say that—

> The Department of the Interior has not submitted its final report on the San Angelo project under established procedures.

It goes on to say that—

> The Bureau is not in a position to appraise the merits of the proposal.

That letter was dated March 11. The report is dated June 28. Is that report of the Department of the Interior now before the committee and before the House?

Mr. ENGLE. Yes. If the gentleman will look at page 2 of the report he will see that the statement was made that the report referred to was submitted to the Congress on April 12, 1957.

Mr. VORYS. May I ask one other question? On page 11, the Associate Director of the Bureau of the Budget says that—

> The Corps of Engineers in estimating the flood-control benefits attributable to the plan have found that local interests should contribute $350,000 in recognition of enhancement of land values.

Is that incorporated in the legislation?

Mr. ENGLE. I yield to the gentleman from Colorado [Mr. ASPINALL] to answer the gentleman.

Mr. ASPINALL. Mr. Chairman, if the gentleman will yield to me, it is not contributed directly. On the other hand, there is provision made for the establishment of the conservation district in the area, and also the town is going to enter into a contract with the Secretary of the Interior and will take care of the contributions which, in my opinion, will amount to far more than $350,000.

Mr. VORYS. There are a number of contributions, but the suggestion is that there should be a contribution of $350,000 for enhancement of land values in estimating the flood-control benefits. Is that provided for in the legislation?

Mr. ASPINALL. I understand that indirectly it is, yes.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ASPINALL. Mr. Chairman, I yield myself one minute.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield.

Mr. RHODES of Arizona. The gentleman from Colorado will remember that when this bill was before the Committee on Interior and Insular Affairs to be marked up the gentleman from Arizona offered an amendment to provide that the amount which is in question would be deducted from the bill and that there would be a contribution of that amount from the locality. That amendment was not agreed to.

Mr. ASPINALL. The gentleman is correct, but the gentleman would also agree that the contract with the municipal water users will take care of much more than any such contribution of $350,000.

Mr. RHODES of Arizona. I am sorry I cannot agree to that because I do not know what the contract provisions will be. I have not seen it. If the gentleman from Colorado has seen such a document, it has not been brought to my attention.

Mr. ASPINALL. I have not seen the document, but I have faith that it will take care of that situation.

Mr. MILLER of Nebraska. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona [Mr. RHODES].

Mr. HOSMER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and one Members are present, a quorum.

Mr. RHODES of Arizona. Mr. Chairman, it certainly does not gladden my heart to take the well of the House to make an argument against anybody's getting a reclamation project. I have been an advocate of reclamation ever since I have been a Member of this House and long before. One of the things which has caused the western part of the United States to develop the way it has developed is the fine work of the Department of the Interior through the Bureau of Reclamation. Certainly my own area would not be anywhere near the type of area it is now if it had not been for the very fine Salt River Valley project, which was the first great multiple-purpose reclamation project established in this country.

However, I feel constrained to take the floor for various reasons to oppose the San Angleo project. In the first place, I feel that this is not truly a reclamation project. I feel that this is a project in which the tail is wagging the dog. Historically, reclamation has put water on land. True, in recent years the multiple-purpose variation of reclamation has come into vogue, under which we combine the process of putting water on land with the process of producing power—sometimes recreation, sometimes flood control, and sometimes municipal water—and I believe in this concept. However, in practically every reclamation project, the prime purpose has remained putting the water on land. Many times you use power to help pay for the cost of irrigation that the irrigators cannot afford to pay. However, in this project, you are, I submit, doing nothing but providing more municipal water for a city of some 50,000 people. This in face of the fact that in 1955 another branch of this Government, the Corps of Engineers, finished a flood-control project near the city of San Angelo which cost the sum of $14,810,000. In other words, as you know, a flood-control project is nonreimbursable. None of this $14,810,000 spent by the Government will be reimbursed. The city of San Angelo, it is true, will pay a certain amount of money over a period of 50 years—that sum being $819,000 plus—for water rights from this reservoir. In other words, here, for an outlay of some $14 million, we have already built a flood control project on the upper Concho River which is supposed to provide municipal water for San Angelo and to protect it from floods. Now we are asked to vote for a project—not for $14 million but for $32 million—to provide for irrigation, they say, and also for flood control.

Mr. HOSMER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-five Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 160]

| | | |
|---|---|---|
| Anfuso | Halleck | O'Hara, Minn. |
| Baker | Hillings | O'Konski |
| Barden | Holtzman | Pilcher |
| Beamer | Jones, Mo. | Powell |
| Boykin | Kearney | Preston |
| Brownson | Kilburn | Prouty |
| Bush | Landrum | Rivers |
| Carnahan | McMillan | Spence |
| Cederberg | Mailliard | Taylor |
| Frelinghuysen | Meader | Zablocki |

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H. R. 2147, and finding itself without a quorum, he had directed the roll to be called, when 397 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. RHODES of Arizona. Mr. Chairman, this is the San Angelo project, a project which would cost the Government $32,220,000, according to the estimate of the Bureau of Reclamation. I might say that in the past some of these estimates have appeared to be a little out of line, and probably this is a very minimum cost. Of this amount $14,460,000 would be nonreimbursable; in other words, with an outlay of $32 million, $14 million of this would not be reimbursable. I ask you to compare this to other projects of the Bureau of Reclamation.

The upper Colorado storage project, which was passed in the last Congress, at a cost of around $700 million, calls for only $2 million nonreimbursable; in other words, usually reclamation projects provide for a very high percentage of reimbursement to the Government.

This project provides for barely over 50 percent reimbursement to the Government.

The reservoir for this particular project would be accomplished by the construction of a dam which is 7.7 miles long. Twenty-eight thousand acres of land would be taken either in fee or by flowage rights in order to provide this reservoir. The estimated cost to acquire this land on the part of the Corps of Engineers is some $1 million. However, I would like to point out that recently there was completed another project, a flood-control project, which is on the same stream system near the city of San Angelo, at a cost of $14,810,000. Of course, it does not take much arithmetic to see that with this amount, plus the $14 million nonreimbursable for the present project, you will have subsidized the city of San Angelo for its water supply to the tune of $28 million.

But I think one of the more significant facts surrounding this project is the cost of land which the Government acquired to construct the project. The Government acquired 17,852 acres of land in fee and 33 acres in easement. This cost the Government $1,514,087. So on the one hand we have the experience of the Corps of Engineers in acquiring land, 17,000 acres, for $1.5 million, and on the other hand we have the Bureau of Reclamation saying that it can acquire land or rights in land to 28,000 acres for only $1 million.

I am told that the land which can be acquired is very similar in character and in classification to the land previously acquired for the San Angelo flood control project. I submit to you that the estimate of the Bureau as to the cost of land cannot be justified. It will take more money than this to acquire the land which is to be inundated for this reservoir.

I would like to state again that I consider this project to be not a reclamation project, because it is mainly a municipal water project. In order to bolster this agreement, let us look at what the city of San Angelo has agreed to in the matter of repayment. Of this project $11,006,000 is chargeable to irrigation. However, the irrigators by the testimony of the Bureau of Reclamation can repay only $4 million of that. The corporation which is set up for the city of San Angelo to deal through in order to acquire this water, has agreed to pay back every bit of the cost of this project which is chargeable to irrigation. It is not very often that you will see a municipality which is so anxious to get water that it will agree to pay back $11,006,000 of irrigation cost. Why do they do it? I can think of only two reasons. One is that the $11,006,000 does not bear interest whereas the $6,700,000 chargeable to the municipal water supply does bear interest. Another reason, of course, is that the irrigation feature is the only way you can get the nose of this project under the reclamation tent. Therefore, in order to permit this to be a reclamation project the city is willing to go into this very extensive outlay of credit, so to speak, to build the project.

Admittedly this project will provide municipal water for the city of San Angelo up to the year 2010. I wish that the cities in my district had a water supply up to the year 2010. I think it would be very nice. I also wish it were possible for the cities in my district to get Federal money for municipal water supply on the same basis as the city of San Angelo is getting it. If they did, then the city of Phoenix, Ariz., would be entitled to in excess of $100 million for the development of a municipal water supply system.

Mr. MORANO. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from Connecticut.

Mr. MORANO. Does the gentleman have any knowledge as to whether other reclamation projects have been authorized for which money has not been appropriated? In other words, is there a backlog of these projects?

Mr. RHODES of Arizona. I have no figures as to the number. I am told there are some projects which have been authorized but which have not been started.

Maybe you are thinking that this is necessary because this particular city is in very bad shape as far as water is concerned. I say to you that it is not in bad shape as far as water is concerned. It has not been very long ago that we were reading about floods in the State of Texas. In this flood-control project which has now been completed, the city of San Angelo has the right to withdraw 80,400 acre-feet of water. Their yearly consumption even in the year 2010 will be only 29,000 acre-feet, and the present consumption is somewhere around 16,000 acre-feet. The city is not about to dry up.

On top of that, they have another reservoir, Lake Nasworthy, which also has water in it to the tune of about 12,000 acre-feet of water. So we are not dealing with a situation which is imminently difficult; we are not dealing with a situation where a community is about to dry up, we are dealing with a project which certainly would be nice to have but is not a necessity.

I am still getting mail from my constituents about economy. I do not know whether the rest of you are or not. But it strikes me that a lot of us have said to our people back home that there are many worthwhile projects but some of them must be postponed until the Nation is in a little bit better condition to pay for them. I submit to you that this project falls under that particular tent if any project ever did, that this is something which can be postponed until a future date at which the Federal Government will be more able to pay the cost which will be accruing as this project is constructed.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from North Carolina.

Mr. JONAS. I wish the gentleman would explain the reason for the interposition of this corporation between the city of San Angelo and the Government, as discussed on page 2 of the gentleman's minority views. Why is it necessary to have a corporation stand between the Government and the city?

Mr. RHODES of Arizona. I am told that this corporation is necessary because of Texas law, that the corporation actually will deal with the Bureau of Reclamation but it will be bolstered by a firm contract with the city of San Angelo. I will say that the city of San Angelo has voted to buy water from this corporation at a price which the people believe will pay back this loan, and the Bureau of Reclamation also believes that. But I will say to my friend from North Carolina that if the cost of this project goes up as high as some of the other reclamation projects which we have authorized in the past, where we authorized say $20 million and the cost exceeded forty or fifty million, if we have an increase in cost of that proportion then it is very possible that there will not be money available to pay for it.

Mr. MILLER of Nebraska. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HOSMER].

Mr. HOSMER. Mr. Chairman, I fully appreciate the desire of the fine people of the city of San Angelo to have certain conditions there remedied. I come from an arid part of the country myself, and I realize how badly they must want an assured water supply. I realize also how much may be the need for flood control in this area of our country where the heavens ofttimes rain down unlimitedly. But I am not too sure that even if the people of San Angelo do need help that this is not a tremendously expensive way to get it. This project calls for some $32,322,000. If you take the total number of acres that are supposed to be irrigated by this project as against that cost, it amounts to $3,222 an acre. But, if you go into the report, you see that it has not been allocated out that way. There has been some $11 million allocated to irrigation. That amounts to $1,100 an acre for each and every one of the total number of acres to be irrigated. Well, that still was not economically feasible so what they are doing in the bill is to require the people who have irrigated lands not to pay the $11 million allocated to them but to pay only $4 million—that is $400 per each irrigated acre. When you take those facts into consideration, this does not sound much like an irrigation project—it sounds like something else. When you take into consideration the fact of the contract that is being made between the city of San Angelo and a private water company and the Government, it does not look much like an irrigation project. When you take into consideration that there is $3,440,000 allocated to nonreimbursable fish and wildlife, it looks more like a fishing project than an agricultural project. When you take into consideration that they have only been able, under the most generous formula in the world, to allocate $60,000 to recreational benefits, you see there is going to be an awfully small amount of recreation created by this dam 7.7 miles long.

When you further take into consideration that you are going to inundate almost 3 acres behind a reservoir for each acre that you are going to irrigate in front of it, it sounds even less like a sensible type of project for you to buy on

behalf of your taxpayers. Now I say "buy" because if anybody in his congressional district has 32,200 taxpayers who pay $1,000 income tax a year, it is going to take every single dollar that every single one of those 32,200 people pay to buy this thing. And what actually is being bought here is, of course, a municipal water supply up to the year 2010 for the city of San Angelo. And what is being purchased in addition to that is some flood control. These are worthy things, but two questions—two questions—appear to my mind. One—why wrap this thing up in the guise and behind the curtain of an irrigation project? I am certain that the city of San Angelo, if it is going to have the Government buy this water supply for them and buy this flood control for them, could wrap it up in a much less expensive package. The Army engineers are just dying to build these projects all over the country. They are very generous. I am certain they could come up, perhaps, with a water supply and flood-control project that probably would cost about $10 million and then bring it in under some phases of their work which would take care of it.

I also want to point out a second thing that we all know. We love the great State of Texas and we all know it is one of the wealthy States of our country. I am not too sure that perhaps the people of the State of Texas could not be able to find the money in Texas that is needed to supply this water for San Angelo and the protection against the floods.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Nebraska. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. COLLIER].

Mr. COLLIER. Mr. Chairman, as a new Member of this body, I dislike to have to rise in opposition to a project like this. However, the word "reclamation" to the people in my district in Illinois has now taken on a very sour connotation, and I think this bill is a good example of why.

Mr. Chairman, I am opposed to enactment of H. R. 2147 into law for two very basic reasons. One is that it violates the whole principle of the Reclamation Act of 1902—and the Reclamation Projects Act of 1939. The second is that it is subject to some highly questionable figuring on the part of the Bureau of Reclamation. The cost estimates are not to be taken too seriously—they are mostly guesswork, it appears from the hearings.

First, Mr. Chairman, let me make this point clear—I am not opposed to reclamation as such. The whole idea of reclamation is a sound one—and has done much good for the West and the whole country.

Make no mistake, I favor reclamation projects—when they are reclamation projects. I favor flood-control projects when they are flood-control projects. But is this a flood-control project?

The answer to both questions—whether this is a reclamation or a flood-control project—must simply be "No." It is neither.

What then is this so-called San Angelo Federal Reclamation project? The pure and simple truth is that this is principally a project to supply municipal and industrial water to the people of San Angelo, Tex. As has been pointed out in committee by my colleague, the gentleman from Texas [Mr. ROGERS], San Angelo is in the geographic center of the drought area which has suffered for the past 7 years under conditions which are described as appalling. I do seriously believe that the people of San Angelo need and must have an adequate and continuous supply of water. I do not for a moment doubt that the situation in the past few years has been bad, at times grave, and that the same conditions could arise again unless adequate precautions are taken by the people of San Angelo and Tom Green County.

But, Mr. Chairman, I seriously question if this is the right manner and the right approach to solutions to these pressing problems.

The 84th Congress chose to enact legislation known as the Sanitation Projects Act. This act provides for communities situated as in San Angelo to come to the Federal Government and make their requests for help. The money involved would be repaid over a period of years to the Federal Government. The American taxpayers would be asked to lend the money—not to give it to the community in distress.

This, I submit, is the way San Angelo should have approached its problem if it is to be solved by the Federal Government—through the properly authorized channels. But, we in Congress have no business cloaking the true purpose of the act in the form of a reclamation project when less than 10 thousand acres of land would be reclaimed—at a cost of some $32 million to the American taxpayers.

If it were otherwise, then why does this measure contain subsection (e) of section 2—which you will find on page 4 of the printed bill. That subsection (e) provides and I quote—"Contracts relating to municipal, domestic, and industrial water supply may be entered into without regard to the last sentence of section 9, subsection (c) of the Reclamation Projects Act of 1939 and such contracts may recognize the relative priorities of domestic, municipal, and industrial and irrigational uses"—end of quotation.

Mr. Chairman, I would like to read for you the sentence that subsection (e) refers to in the 1939 Reclamation Projects Act—I now quote from the law—"No contracts relating to municipal water supply or miscellaneous purposes or to electric power or power privileges shall be made unless, in the judgment of the secretary it will not impair the efficiency of the project for irrigation purposes"—end of quotation.

Efforts were made to knock subsection (e) of this bill out during committee hearings. They failed. This, it would appear to me, proves beyond doubt and question that the purpose of this bill is not reclamation, but is simply to provide San Angelo with a reservoir.

Now, Mr. Chairman, the very word "reclamation" strikes a sour note among the people I represent. They have seen the purpose of the reclamation laws flouted time and again * * * they have seen reclamation used as the cloak for cheap Federal public power * * * and they have seen time and again this very subsection (e) brought into bills, so that the measures no longer apply primarily or principally to reclamation but are instead primarily to serve some other purpose. If the people of the country are to believe in the future that reclamation is good for the country and not just some new form of Federal giveaway, then it is about time we started insisting that when a multipurpose project is brought before it, the prime purpose is reclamation, and not something else. Otherwise that term, reclamation, will come more and more to mean something that, if not evil, at least is questionable.

I have a second and, I believe, equally valid reason for opposing this bill.

In recent years, Mr. Chairman, the Bureau of Reclamation has come more and more often to Congress with hazy estimates on what any given project will cost. Later these estimates, when compared with the final figures, prove to be little more than uneducated guesswork.

Dozens of examples come to mind. The latest and most flagrant, perhaps, was the estimate of $315 million for the high Hells Canyon Dam project, when latest word on what engineers guessed it would cost placed the figure at an excess of half a billion dollars. Hoover Dam was estimated to cost some $126 million; it has actually cost more than $166 million. Estimates on the Central Valley project called for spending some $278 million—and the latest figures I have seen show that it has already cost more than $450 million. A project a little more in keeping as far as size is concerned—and location—would be the Colorado River project in Texas. That project was estimated at $20 million; it cost $23 million, but those were back in the days when the disease was not quite so prevalent—back in 1937. But even then, apparently, some in the Bureau had fallen to this disease of haziness because the Deschutes River North project was estimated at $8 million; actually, it costs $12 million to build. The list could go on and on and on.

Now, to take a look at the San Angelo project. One item in that Bureau of Reclamation estimate calls for spending $1 million for land for the reservoir. A nice, round, conservative figure. One which is not calculated to arouse suspicion. But let us examine the record. Mr. Bryant, the former mayor of San Angelo, says he does not think this sum would be enough. He appears to have considerable justification for this belief. In 1955, in the same general area, a flood-control project was completed. The project involved 17,000 acres of land—11,000 acres less than we are being asked to buy for the Twin Buttes Reservoir—and the Federal Government spent $3,200,000 for that land. Why is it that the Bureau of Reclamation thinks it can buy more than a third more land, for

one-third the cost of a project just across the ridge?

If the Bureau's estimate on land is so likely to be wrong, will not the other figures it provided also prove inaccurate? Another important item of cost in this project which the Bureau has sloughed off is the cost of relocating the main line of the Santa Fe Railroad which runs right through the center of the proposed reservoir. No rail lines can be relocated for peanuts; the cost will be considerable. I dare say, Mr. Chairman, that we are not dealing here with a $32 million project but rather with a project that, if approved and built, will have cost closer to $40 million.

I contend that this bill ignores the basic principles of the reclamation law—and that its cost estimates seem hazy in the extreme. It is for these reasons I oppose with deep conviction, H. R. 2147—the San Angelo Federal reclamation project in Texas. I just do not think it is sound legislation.

Mr. MILLER of Nebraska. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. CHENOWETH].

Mr. CHENOWETH. Mr. Chairman, I am for this bill authorizing the construction of the San Angelo reclamation project, and I hope it will be passed by the House. I was on the subcommittee that held hearings in San Angelo last November under the direction of my distinguished colleague from Colorado [Mr. ASPINALL], chairman of the House Irrigation and Reclamation Subcommittee. I was very much impressed with the interest and enthusiasm manifested by the citizens of San Angelo in this project. I also want to commend my colleague from Texas [Mr. FISHER] for the diligence with which he has pursued this project.

I think this is a meritorious project and should have the approval of this House. It is a project which is before us under the regular procedure followed in all reclamation projects, and has been recommended by the Bureau of Reclamation.

Criticism has been made of the project because it provides for municipal water, but I call attention to the fact that in the past we have authorized reclamation projects which have also included municipal water supplies. I submit that this bill complies with our reclamation laws and there is nothing new in the provision for domestic water for the city of San Angelo.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. CHENOWETH. I yield.

Mr. ASPINALL. While we were in the area we looked over the needs of the area for these different facilities, and it is interesting to note that the same group who figured out the cost of this multiple-purpose project gave a total figure of $70 million if the different facilities of the project were constructed individually; in other words, the costs for municipal water would be $15 million plus; the cost for irrigation projects would be $18 million plus. The cost for flood control alone ran to $23,640,000, and the cost for fish and wildlife was $15,230,000. This shows that a multiple-purpose project, where you can combine the costs of all of the interests to be served in a single multiple-purpose project is much less costly.

There is one other thing I would like to bring out at this time and that is the presently estimated cost of the project. Such estimates have been brought down to July 1, 1957, and it is a well-known fact that the costs of constructing such projects have not increased materially in the last 6 months.

Mr. CHENOWETH. I wish to thank my colleague from Colorado for his observations.

Mr. Chairman, I am very much interested in the reclamation program, which has done so much for the Western States. I have always supported reclamation projects which have been approved by the Bureau of Reclamation. I feel that this is a deserving project and I am giving the same my full support.

Mr. ASPINALL. Mr. Chairman, I yield 7 minutes to the gentleman from Texas [Mr. FISHER], the sponsor of this bill.

Mr. FISHER. Mr. Chairman, I am sorry, of course, that some of my friends on the Republican side have seen fit to oppose this particular project since it is comparable in cost and in various allocations for the different purposes with others that have been approved in recent years, which I shall refer to in a moment. I think, however, most of this opposition, and it is entirely understandable from my standpoint, can be explained by the fact that some of these gentlemen who have spoken here in opposition to this project have not been down there, they have not heard all of the evidence, and are not familiar with some of the facts. For example, the gentleman from Illinois just stated that 3 times 10,000 acres, the 10,000 acres that are going to be irrigated, would be inundated. Is that what the gentleman said?

Mr. COLLIER. No, that is not what I said.

Mr. FISHER. It was one of the others?

Mr. COLLIER. Yes.

Mr. FISHER. I believe it was Mr. HOSMER who made that statement. Let me tell you what the facts are and we will settle that part of it to start with.

There will be 10,000 acres required, not 30,000, not 28,000 that the gentleman from Arizona referred to, that the gentleman from Pennsylvania and the gentleman from California has referred to, not 28,000 acres, but only 10,000 acres will be inundated. They are going to get flood easements on the balance of it. The floods do not happen down there very often, but when they do, of course, some of the land will be flooded. The owners will retain title to that land right down to the water's edge. The Government will acquire flood easements at comparatively little cost when compared with the fee-simple title. Those facts have not been developed and the opposition does not seem to understand them; otherwise they would not have made the statements.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from Colorado.

Mr. ASPINALL. Of the 10,200 acres which would be flooded, there are 7,650 acres which are ranch lands at the present time and do not come under the general farm practices. Only 2,550 acres are farmlands.

Mr. FISHER. The gentleman has properly pointed that out. It was stated by the gentleman from Arizona [Mr. RHODES], it was repeated by the gentleman from Pennsylvania [Mr. SAYLOR], that the land to be inundated is comparable to that which is going to be irrigated.

Mr. RHODES of Arizona. I did not mean to say that. What I meant was that the land which would be taken in this project was comparable to land taken in the San Angelo flood-control project.

Mr. FISHER. I will be glad to straighten that out for the gentleman, and he is just as wrong about that as if it were the other way around. I wish the gentleman could have gone down there. If he had he would not be opposing this project today because he would have seen the facts and he would have known that is not the correct situation.

Since they have mentioned that point of the land being comparable with land that was acquired years ago in another project some little distance away from this one, which they say is similar, do you know what the facts are? Most of the land in the other project was in an irrigated district. There were shallow wells on that land producing 500 gallons a minute. There were numbers of small homeowners. That land was very expensive.

One other thing. Up there in that project, I will say to the gentleman from Arizona, there was a lot of oil play at the time. Oil factors entered into it at that time. This tract in this project has been condemned for oil. There have been a number of dry oil wells abandoned and plugged. There are only a few landowners involved in this project. As the gentleman from Arizona knows, the chief landowner that will be involved here is the McGowan interests. If the gentleman will go out and look at it, he will see that most of it is raw ranch land, not expensive farmland that will be taken. I am sure the gentleman has simply been misled about the facts in regard to the terrain and the condition of the land. As the records will show, 7,650 acres is ranch land, not a tillable type of land. Does the gentleman understand that? Very well. So, you are dealing with, not a situation that has been painted here by the gentlemen who have not seen the land, but you are dealing with their unjustified and unfounded conclusions. They simply do not know the facts.

Let me address myself to one other thing. The opposition bases its case almost 100 percent on the claim that there is too much of this project chargeable to municipal and industrial uses, and they say that is a bad thing and a bad precedent. Let me call your attention to two or three other projects involving this same type of construction. Take, for example, the Ventura, Calif., project, right in the backdoor of the gentleman from California [Mr. Hos-

MER], who opposes this one, who did not raise his voice against that one. It is close to his home. The estimated cost there was $27.7 million. Now, that was just 2 years ago; $11,777,000 of the cost was for municipal and industrial use. That represents 43 percent of the total cost of the Ventura project. This reclamation project charges 20 percent of the total to municipal and industrial uses; and yet they say we are ruining the country because too much is chargeable to industrial and municipal use.

Take the Cachuma, Calif., project, a $43 million project; $21.5 million was chargeable to municipal and industrial use. That is approximately 50 percent. The San Angelo project is 20 percent.

The Provo River, Idaho, project, approved by Congress, was $34.5 million. Do you know how much was chargeable to industrial and municipal use? Twenty-four million seven hundred thousand dollars, approximately 75 percent of it. The San Angelo project is 20 percent that they are complaining about.

Let me give you another one, just to illustrate this thing. Weber Basin, Utah, $70 million; $16.5 million is chargeable to municipal and industrial use.

Washita, Okla., project, that passed this House 2 years ago, $40.6 million, and $12.5 million of it chargeable to municipal and industrial uses, more than 25 percent. The San Angelo project allots only 20 percent.

Mr. ENGLE. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from California.

Mr. ENGLE. Some implication has been raised that the municipalities are getting something for nothing. As a matter of fact, they pay interest on the portion allocated to municipal and industrial use, just as interest is paid or allocated to power projects.

Mr. FISHER. Oh, yes. One of the gentlemen said a while ago that this was a subsidy for a city. The city pays for every dime of it plus interest, all during the period of the contract entered into and, of course, approved by the Secretary of the Interior, before any dirt is turned with reference to this project. It is the same provision, of course, that is found in these others.

I have sat here for 15 years watching project after project being developed and approved. I believe in water conservation. I believe in sound flood control.

Now, then, of course, there is a very popular complaint that has been raised on occasion here, about creating more surpluses at a time when we are spending money to try to do something about surpluses. So, we put a provision in this bill prohibiting any surplus crop being grown on any of this land for a period of 10 years. The farmers themselves agreed to it. We are in a part of the country where we appreciate water; we know the value of it, and we hate to see it wasted.

If the gentlemen are really basing their complaints on too much of this being allocated to industrial and municipal use, why did they not start it a few years ago and not just now when this particular project happens to come along?

Now let me address myself briefly to this project and some of the features of it. I want to point out that most of the cost is reimbursable to the Government, leaving out the flood control. And I believe everybody has agreed that the flood control part is justified. That takes about $11 million or $12 million off, which cuts it down to a comparatively small figure as reclamation projects go.

The benefit-cost ratio is more than 2 to 1, in this project. I have been told by people on the working level in the Bureau of Reclamation that this is one of the soundest and most justified reclamation projects that they have dealt with in several years.

Mr. Chairman, this bill, which has passed the other body, was approved overwhelmingly by the committee which conducted the hearings. A committee inspected the site.

Only recently, this spring, 371,000 acre-feet of water—as you can see, this is a very turbulent stream, subject to flash floods—371,000 acre-feet of floodwaters passed down the Concho River, all of which would have been controlled if the dam which is provided for in this bill had been in existence. This is a tremendously vital necessity that is involved here from the standpoint of flood control. If this project had been constructed literally hundreds of thousands of dollars of damage would have been avoided in the floods that we had this spring.

Mr. Chairman, I could continue and belabor the point, but I do not want to impose on the time of the committee. But that part of the project as well as the other, is entirely justified.

Fortunately, there is a ready market for this water, the city of San Angelo is a growing city. And it will contract, as I say, to repay for that portion of the cost.

Again referring to the city, the gentleman from Arizona [Mr. RHODES] made some comment or complaint that the city was guaranteeing part of the cost that the farmers will take on. Let us look for some precedent for that. I asked the Department about that and I was informed that in the case of the Ventura project, the local interests guaranteed payments for irrigation just like is being done in this case. Did anybody raise any question about it? Did anybody offer an amendment to change it? Was it okay? I think the gentleman from Arizona spoke in favor of that bill. He found no fault with it at the time.

The gentleman indicates that he did not, so I withdraw that statement. At least he did not oppose it. The same is true of the gentleman from California [Mr. HOSMER].

The Washita River Basin project, under Public Law 485, which was not opposed by the gentleman from Arizona, contains a provision providing that the municipality not only pay its own costs but guarantees all of the costs of the irrigation feature in the event that the irrigators are unable to pay it. That project had an estimated cost of $40,600,000; $11,382,000 for irrigation; $12 million for municipal and industrial; $15 million for flood control; $839,000 for fish and wildlife; $549,000 for recreation. Nobody opposed that.

I recognize, of course, that it is difficult to take people's land when you are building a dam. It creates an inconvenience. We had one witness against this project, Mr. Calvin McGowan, who was reared in Arkansas. He was the one and only witness who opposed it. He is a very able, a very fine young man. It is understandable and I understand his motives.

So far as I know, Mr. Chairman, this one landowner is the only one who is opposed to this project. I mean landowners whose land, or parts of it, will be taken by the Government for the lake site. No other witness appeared in opposition before the committee.

Mr. Chairman, I earnestly hope the committee will go along with this proposal. As I have said, the benefit-cost ratio runs more than 2 to 1. The project has been thoroughly processed and is in accord with many precedents. Except for the flood-control portion, most all of the cost will be repaid to the Federal Government. It is the sort of project which will appeal to every sincere friend of reclamation and water conservation. Objections have been raised to this project here today that have never been raised before in respect to other similar reclamation bills. I do hope this opposition does not signify an assault upon the principle of sound reclamation and water conservation. I do hope those who oppose reclamation here today will think seriously about the importance to America and its economy of water conservation and of reclamation before they persist in the future in opposing such sound and justified reclamation projects.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is authorized to construct, operate, and maintain the San Angelo Federal reclamation project, Texas, for the principal purposes of furnishing water for the irrigation of approximately 10,000 acres of land in Tom Green County and municipal, domestic, and industrial use, controlling floods, providing recreation and fish and wildlife benefits, and controlling silt. The principal engineering features of said project shall be a dam and reservoir at or near the Twin Buttes site, outlet works at the existing Nasworthy Dam, and necessary canals, drains, and related works.

SEC. 2. (a) In constructing, operating, and maintaining the San Angelo project, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), except as is otherwise provided in this act.

(b) Actual construction of the project shall not be commenced, and no construction contract therefor shall be awarded, until a contract or contracts complying with the provisions of this act have been entered into for payment of those portions of the construction cost of the project which are allocated to irrigation and to municipal, domestic, and industrial water.

(c) In furnishing water for irrigation and for municipal, domestic, and industrial uses from the project, the Secretary shall charge rates with the object of returning to the United States over a period of not more than 40 years, exclusive of any development period for irrigation, all of the costs incurred by it in constructing, operating, and maintaining the project which the Secretary finds to be

properly allocable to the purposes aforesaid and of interest on the unamortized balance of the portion of the construction cost which is allocated to municipal, domestic, and industrial water. Said interest shall be at the average rate, which rate shall be certified by the Secretary of the Treasury, paid by the United States on its marketable long-term securities outstanding on the date of this act. When all of the said costs allocable to said purpose incurred by the United States in constructing, operating, and maintaining the project, together with said interest on the said unamortized balance, have been returned to the United States, the contracting organization or organizations which have thus reimbursed the United States shall have a permanent right to use that portion of the storage space in the project thus allocable to said uses.

(d) Any contract entered into under section 9, subsection (d), of the Reclamation Project Act of 1939 (53 Stat. 1197, 1193, 43 U. S. C., sec. 485h (d)) for payment of those portions of the costs of constructing, operating, and maintaining the project which are allocated to irrigation and assigned to be paid by the contracting organization may provide for repayment of the portion of the construction cost of the project assigned to any project contract unit or, if the contract unit be divided into two or more irrigation blocks, to any such block over the period specified in said section 9, subsection (d), or as near thereto as is consistent with the adoption and operation of a variable payment formula which, being based on full repayment within said period under normal conditions, permits variance in the required annual payments in the light of economic factors pertinent to the ability of the irrigators to pay.

(e) Contracts relating to municipal, domestic, and industrial water supply may be entered into without regard to the last sentence of section 9, subsection (c), of the Reclamation Project Act of 1939, and such contracts may recognize the relative priorities of domestic, municipal, industrial, and irrigational uses.

(f) Upon request of a contracting organization, the Secretary may at any time and shall, after payment of the reimbursable costs of the project has been completed, transfer to the requesting organization, or to another organization designated by it and satisfactory to him, the care, operation, and maintenance of any project works which serve the requesting organization and do not serve any other contracting organization. The care, operation, and maintenance of project works which serve two or more contracting organizations may or shall, as the case may be, be transferred in like circumstances to an organization satisfactory to all of said organizations and to the Secretary. Any transfer made pursuant to the authority of this section shall be upon terms and conditions satisfactory to the Secretary, and the works transferred shall be operated and maintained without further expense to the United States. If the transferred works serve a flood-control or fish and wildlife function, they shall be operated and maintained in accordance with regulations with respect thereto prescribed by the Secretary of the Army and the Secretary of the Interior, respectively, and upon failure so to operate or maintain them they shall, upon demand, be returned immediately to the Secretary of the Interior.

SEC. 3. The Secretary is authorized to construct minimum basic recreational facilities at the Twin Buttes Reservoir and to operate and maintain or arrange for the operation and maintenance of the same. The costs of constructing, operating, and maintaining such facilities, and like costs of the San Angelo project allocated to flood control and to the preservation and propagation of fish and wildlife shall, except as is otherwise provided in this act, be nonreimbursable and nonreturnable under the reclamation laws. The Secretary shall, upon conclusion of a suitable agreement with a qualified agency and subject to such conditions as may be set forth in the repayment contracts, permit said agency to construct, operate, and maintain additional public recreational facilities and parks in connection with the project to the extent determined by the Secretary to be consistent with its primary purposes and subject to terms and conditions satisfactory to him.

SEC. 4. There are hereby authorized to be appropriated for construction of the works authorized by this act $30 million plus such additional amounts, if any, as may be required by reason of changes in the costs of construction of the types involved in the San Angelo project as shown by engineering indices. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said works.

Mr. ENGLE (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 2, change the period to a colon and insert the following: "*Provided*, That for a period of 10 years from the date of enactment of this act, no water from the project shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301 (b) (10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security."

Mr. ASPINALL. Mr. Chairman, I rise in support of the committee amendment.

Mr. Chairman, this language is the same as appears in the Upper Colorado River Storage and Development Project Act. It is language to assure the people of the Nation that there is no attempt to mount up surplus commodities that are under support programs. It seems to me this is perfectly in order. This provision will not endanger the feasibility of the project at all.

Mr. HOSMER. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. HOSMER to the committee amendment: On page 4, line 2, after "Provided," strike out "That for a period of 10 years from the date of enactment of this act," and insert "That until the reimbursable costs of the project shall have been repaid in full."

Mr. HOSMER. Mr. Chairman, everything the gentleman from Colorado so eloquently said in behalf of this amendment is true and I have no argument with him whatsoever. So firmly do I believe in the merits of the amendment that what I propose to do is to strike out the feature that states that it shall be in effect only for 10 years starting at the date of enactment of this act and cause it to be in effect until such time as the project shall have repaid its costs in full.

Why do I say that? If between now, say 1957 and 1967, the amendment is good, it surely should be good in 1968, too. If in 1968 and the years after that we are not in an agricultural surplus era, the amendment has no effect anyway, but if we are, my amendment would just insure that we are not putting taxpayers' money out today to build up more surpluses to buy with taxpayers' money tomorrow. So I ask you, gentlemen, to accept this amendment to the committee amendment. If you believe in the committee amendment whatsoever, if you think it is a good amendment, if you think the idea is good, if you believe in that sort of thing, you certainly must believe in it not just for 10 years but for as long as this project may be under Federal control to the extent that it has not repaid its cost.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield.

Mr. FISHER. I want to call the gentleman's attention to the fact, with which I am sure he is familiar, that the wording here which the committee has adopted is identical with that incorporated in the Colorado River Basin bill last year.

Mr. HOSMER. I realize that.

Mr. FISHER. The precise wording is used.

Mr. HOSMER. And I pointed out the same things exactly at that time, that this amendment, as the committee has offered it, means absolutely nothing because the project probably will not even be built in 10 years. It means nothing. Let us make this proposed amendment mean something by extending it into a period in which this project will be putting water on lands and not just coming here and saying, "Oh, we sure did something for agriculture. We said you could not put any water on the land if there were surpluses before the project was ever built and ready to put water on the land."

Mr. ENGLE. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield.

Mr. ENGLE. This language makes this proviso run for 10 years under the Agricultural Act of 1949 or any amendment thereof. The difficulty with writing a provision such as this is to determine how long the Agricultural Act of 1949, or any amendment thereof, will be in existence. The gentleman is objecting to the pay-out period of this project which is 40 years. It would be more intelligent if the gentleman would just offer an amendment to strike out the language about the period of 10 years and then let it run during the life of the 1949 Agricultural Act or any amendment thereto.

Mr. HOSMER. The gentleman well knows that the way I have offered the

amendment is identical to what he wants to do, because if the Agricultural Act expires, you would no longer have surpluses under the definition of that paragraph. So he should agree with me and I sincerely hope he votes for my amendment as I believe in good conscience he should.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield.

Mr. JONAS. The language of the committee amendment would have 10 years to begin to run from the enactment of this act. This is simply an authorization bill and it may be years before this project is actually built.

Mr. HOSMER. That is exactly the point.

Mr. JONAS. And half of the 10 years, or a good part of the 10 years may expire before the project comes into existence.

Mr. HOSMER. The language was utterly meaningless as the committee placed it in the Upper Colorado River Basin Act and it is utterly meaningless as the committee proposes to place it in this act. It is not the kind of thing this Congress should adopt as a precedent for these reclamation project acts. If we are going to keep this irrigation water that we buy so dearly off of land to support surpluses, then for goodness sake we must do it by language and under terms that are effective and not merely a sham and not merely a salve of the conscience that is meaningless.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASPINALL. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. HOSMER] to the committee amendment.

Mr. Chairman, the gentleman from California [Mr. HOSMER] is not correct in his interpretation at all. Under the Upper Colorado River Basin Act, there are participating projects authorized by that act that should be constructed and should be in operation within 4 or 5 years, so that the provision in the act will operate against certain interests of that program. Now in this respect, I think that the Congress should take a reasonable approach in the solution of the problem that is involved. Our population figure is increasing by thousands of mouths to feed every day. It is necessary that we look to the needs of the future as well as to seek solutions to the problems of the present. The payout period here is 40 years. It is my opinion that the gentleman's amendment goes to the 40-year period rather than to the period that may be covered by the Agricultural Act itself. It seems to me that the requirement the gentleman is trying to place in the bill is an unreasonable requirement.

The CHAIRMAN. The question occurs on the amendment offered by the gentleman from California [Mr. HOSMER] to the committee amendment.

The question was taken; and on a division (demanded by Mr. HOSMER), there were—ayes 43, noes 69.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 6, line 9, strike out, following the figure 4, all of lines 9, 10, 11, 12, 13, and 14, down to and including the word "indices" and insert "There are hereby authorized to be appropriated for construction of the works authorized by this Act $32,220,000 plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein."

The committee amendment was agreed to.

The CHAIRMAN. If there are no further amendments, under the rule the Committee will rise.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 2147) to provide for the construction by the Secretary of the Interior of the San Angelo Federal reclamation project, Texas, and for other purposes, pursuant to House Resolution 359, he reported the same back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. RHODES of Arizona. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. RHODES of Arizona. Yes, I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. RHODES of Arizona moves that the bill, H. R. 2147, be recommitted to the Committee on Interior and Insular Affairs.

The SPEAKER. The question is on the motion.

The question was taken; and the Speaker announced the "noes" appeared to have it.

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and I make the point of order that a quorum is not present.

The SPEAKER. Evidently no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 189, nays 202, not voting 41, as follows:

[Roll No. 161]

YEAS—189

| | | |
|---|---|---|
| Adair | Gathings | O'Brien, N. Y. |
| Addonizio | Granahan | O'Hara, Ill. |
| Alexander | Green, Pa. | Osmers |
| Alger | Griffin | Ostertag |
| Allen, Ill. | Griffiths | Patterson |
| Andersen, H. Carl | Gross | Pelly |
| Andresen, August H. | Gubser | Poff |
| Arends | Gwinn | Polk |
| Ashley | Hale | Prouty |
| Ashmore | Haley | Rabaut |
| Auchincloss | Hardy | Radwan |
| Barrett | Harden | Rains |
| Bass, N. H. | Harrison, Nebr. | Ray |
| Bates | Harvey | Reuss |
| Baumhart | Haskell | Rhodes, Ariz. |
| Becker | Healey | Rhodes, Pa. |
| Belcher | Henderson | Riehlman |
| Bennett, Mich. | Heselton | Roberts |
| Bentley | Hess | Robsion, Ky. |
| Betts | Hiestand | Rodino |
| Bolton | Hoeven | Roosevelt |
| Bosch | Hoffman | Sadlak |
| Bow | Holifield | Santangelo |
| Boyle | Holt | St. George |
| Broomfield | Hosmer | Saylor |
| Budge | Hyde | Schenck |
| Byrne, Ill. | Jenkins | Scherer |
| Byrne, Pa. | Johansen | Schwengel |
| Byrnes, Wis. | Jonas | Scrivner |
| Canfield | Judd | Scudder |
| Cederberg | Kean | Seely-Brown |
| Chamberlain | Keating | Sheehan |
| Chiperfield | Kelly, N. Y. | Sheppard |
| Chudoff | Knox | Shuford |
| Church | Knutson | Siler |
| Clark | Laird | Simpson, Pa. |
| Clevenger | Latham | Smith, Calif. |
| Cole | LeCompte | Smith, Wis. |
| Collier | Lennon | Springer |
| Corbett | Lesinski | Stauffer |
| Coudert | Lipscomb | Sullivan |
| Cramer | McCarthy | Taber |
| Cretella | McCulloch | Talle |
| Curtis, Mo. | McDonough | Teller |
| Delaney | McGregor | Tewes |
| Dellay | McIntosh | Thompson, N. J. |
| Dennison | McVey | Utt |
| Denton | Mack, Ill. | Vanik |
| Derounian | Mack, Wash. | Van Pelt |
| Devereux | Madden | Van Zandt |
| Diggs | Martin | Vorys |
| Dingell | May | Vursell |
| Dixon | Meader | Wainwright |
| Dollinger | Michel | Wharton |
| Dooley | Miller, Md. | Widnall |
| Dorn, N. Y. | Mills | Wier |
| Dwyer | Minshall | Wigglesworth |
| Elliott | Moore | Williams, N. Y. |
| Farbstein | Morano | Wilson, Ind. |
| Fino | Multer | Withrow |
| Ford | Mumma | Yates |
| Fountain | Neal | Younger |
| | Nicholson | Zelenko |
| | Nimtz | |

NAYS—202

| | | |
|---|---|---|
| Abbitt | Burdick | Fallon |
| Abernethy | Burleson | Fascell |
| Albert | Byrd | Fenton |
| Allen, Calif. | Cannon | Fisher |
| Anderson, Mont. | Carrigg | Flood |
| Andrews | Chelf | Flynt |
| Aspinall | Chenoweth | Forand |
| Avery | Christopher | Forrester |
| Ayres | Coad | Frazier |
| Bailey | Coffin | Friedel |
| Baker | Colmer | Fulton |
| Baldwin | Cooley | Garmatz |
| Bass, Tenn. | Cooper | Gary |
| Beckworth | Cunningham, Iowa | Gavin |
| Bennett, Fla. | Cunningham, Nebr. | George |
| Blatnik | Curtis, Mass. | Gordon |
| Blitch | Dague | Grant |
| Boggs | Davis, Ga. | Gray |
| Boland | Davis, Tenn. | Green, Oreg. |
| Bolling | Dawson, Utah | Gregory |
| Bonner | Dempsey | Hagen |
| Bray | Dies | Harris |
| Breeding | Donohue | Harrison, Va. |
| Brooks, La. | Dorn, S. C. | Hays, Ark |
| Brooks, Tex. | Dowdy | Hays, Ohio |
| Brown, Ga. | Doyle | Hébert |
| Brown, Mo. | Edmondson | Hemphill |
| Brown, Ohio | Engle | Herlong |
| Broyhill | Evins | Hill |
| Buckley | | Holland |
| | | Holmes |

| | | |
|---|---|---|
| Horan | Marshall | Selden |
| Huddleston | Mason | Shelley |
| Hull | Matthews | Sieminski |
| Ikard | Merrow | Sikes |
| Jackson | Metcalf | Simpson, Ill. |
| James | Miller, Calif. | Sisk |
| Jarman | Miller, Nebr. | Smith, Kans. |
| Jennings | Montoya | Smith, Miss. |
| Jensen | Morgan | Smith, Va. |
| Johnson | Morris | Staggers |
| Jones, Ala. | Moss | Steed |
| Karsten | Moulder | Teague, Calif. |
| Kearns | Murray | Teague, Tex. |
| Kee | Natcher | Thomas |
| Keeney | Norblad | Thompson, La. |
| Kelley, Pa. | Norrell | Thompson, Tex. |
| Keogh | O'Neill | Thomson, Wyo. |
| Kilday | Passman | Thornberry |
| Kilgore | Patman | Tollefson |
| King | Perkins | Trimble |
| Kirwan | Pfost | Tuck |
| Kitchin | Philbin | Udall |
| Kluczynski | Poage | Ullman |
| Krueger | Porter | Vinson |
| Lane | Price | Watts |
| Lanham | Reece, Tenn. | Weaver |
| Lankford | Rees, Kans. | Westland |
| Long | Riley | Whitener |
| Loser | Robeson, Va. | Whitten |
| McCormack | Rogers, Colo. | Williams, Miss. |
| McFall | Rogers, Fla. | Willis |
| McGovern | Rogers, Mass. | Wilson, Calif. |
| McIntire | Rogers, Tex. | Winstead |
| McMillan | Rooney | Wolverton |
| Macdonald | Rutherford | Wright |
| Machrowicz | Saund | Young |
| Magnuson | Scott, N. C. | |
| Mahon | Scott, Pa. | |

NOT VOTING—41

| | | |
|---|---|---|
| Anfuso | Feighan | O'Brien, Ill. |
| Barden | Fogarty | O'Hara, Minn. |
| Baring | Frelinghuysen | O'Konski |
| Beamer | Halleck | Pilcher |
| Berry | Hillings | Pillion |
| Boykin | Holtzman | Powell |
| Brownson | Jones, Mo. | Preston |
| Bush | Kearney | Reed |
| Carnahan | Kilburn | Rivers |
| Celler | Landrum | Spence |
| Curtin | McConnell | Taylor |
| Dawson, Ill. | Mailliard | Walter |
| Durham | Miller, N. Y. | Zablocki |
| Eberharter | Morrison | |

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Beamer for, with Mr. Morrison against.

Mr. Holtzman for, with Mr. Baring against.

Mr. Brownson for, with Mr. Anfuso against.

Mr. Taylor for, with Mr. Powell against.

Mr. Kearney for, with Mr. Walter against.

Mr. Hillings for, with Mr. Celler against.

Until further notice:

Mr. Boykin with Mr. Frelinghuysen.

Mr. Rivers with Mr. McConnell.

Mr. Carnahan with Mr. Reed.

Mr. Dawson of Illinois with Mr. Halleck

Mr. Feighan with Mr. Berry.

Mr. Fogarty with Mr. Kilburn.

Mr. Barden with Mr. O'Hara of Minnesota.

Mr. Pilcher with Mr. Miller of New York.

Mr. Preston with Mr. Mailliard.

Mr. Landrum with Mr. Bush.

Mr. Zablocki with Mr. Pillion.

Mr. Durham with Mr. O'Konski.

Mr. Jones of Missouri with Mr. Curtin.

Messrs. BAILEY, ABBITT, GRAY, SAUND, TUCK, ROBESON of Virginia, WOLVERTON, KELLEY of Pennsylvania, ROONEY, FRIEDEL, GARMATZ, and MACDONALD changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

Mr. SAYLOR. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 201, nays 190, not voting 41, as follows:

[Roll No. 162]

YEAS—201

| | | |
|---|---|---|
| Abbitt | Fulton | Multer |
| Abernethy | Garmatz | Murray |
| Albert | Gary | Natcher |
| Allen, Calif. | Gavin | Norblad |
| Anderson, Mont. | George | Norrell |
| | Gordon | O'Brien, Ill. |
| Andrews | Grant | O'Neill |
| Aspinall | Gray | Passman |
| Ayres | Green, Oreg. | Patman |
| Baldwin | Gregory | Perkins |
| Baring | Griffiths | Pfost |
| Bass, Tenn. | Hagen | Philbin |
| Beckworth | Harris | Poage |
| Bennett, Fla. | Harrison, Va | Porter |
| Blatnik | Hays, Ark. | Price |
| Blitch | Healey | Rabaut |
| Boggs | Hébert | Reece, Tenn. |
| Boland | Hemphill | Rhodes, Pa. |
| Bolling | Herlong | Riley |
| Bonner | Hill | Robeson, Va. |
| Bray | Holland | Rogers, Colo. |
| Brooks, La. | Holmes | Rogers, Fla. |
| Brooks, Tex. | Horan | Rogers, Mass. |
| Brown, Ga. | Huddleston | Rogers, Tex. |
| Brown, Mo. | Hull | Rooney |
| Brown, Ohio | Ikard | Roosevelt |
| Broyhill | Jarman | Rutherford |
| Buckley | Jennings | Saund |
| Burdick | Jensen | Scott, N. C. |
| Burleson | Johnson | Selden |
| Byrd | Jones, Ala. | Shelley |
| Cannon | Karsten | Sheppard |
| Chelf | Kee | Sieminski |
| Chenoweth | Kelley, Pa | Sikes |
| Christopher | Keogh | Sisk |
| Clark | Kilday | Smith, Kans. |
| Coad | Kilgore | Smith, Miss. |
| Coffin | King | Smith, Va. |
| Colmer | Kirwan | Spence |
| Cooper | Kitchin | Staggers |
| Cunningham, Iowa | Kluczynski | Steed |
| | Krueger | Teague, Calif. |
| Cunningham, Nebr. | Lane | Teague, Tex. |
| | Lanham | Teller |
| Davis, Ga. | Lankford | Thomas |
| Davis, Tenn. | Lesinski | Thompson, La. |
| Dawson, Utah | Long | Thompson, N. J. |
| Dempsey | Loser | Thompson, Tex. |
| Dies | McCarthy | Thomson, Wyo. |
| Dollinger | McCormack | Thornberry |
| Donohue | McFall | Tollefson |
| Dorn, S. C. | McGovern | Trimble |
| Dowdy | McIntire | Tuck |
| Doyle | McMillan | Udall |
| Durham | Machrowicz | Ullman |
| Edmondson | Magnuson | Vinson |
| Engle | Mahon | Watts |
| Evins | Marshall | Weaver |
| Fallon | Matthews | Westland |
| Farbstein | Merrow | Whitener |
| Fascell | Metcalf | Whitten |
| Fisher | Miller, Calif. | Williams, Miss. |
| Flood | Miller, Nebr. | Willis |
| Flynt | Montoya | Winstead |
| Forand | Morgan | Wolverton |
| Forrester | Morris | Wright |
| Frazier | Moss | Young |
| Friedel | Moulder | Zelenko |

NAYS—190

| | | |
|---|---|---|
| Adair | Budge | Dingell |
| Addonizio | Byrne, Ill. | Dixon |
| Alexander | Byrne, Pa. | Dooley |
| Alger | Byrnes, Wis. | Dorn, N. Y. |
| Allen, Ill. | Canfield | Dwyer |
| Andersen, H. Carl | Carrigg | Elliott |
| | Cederberg | Feighan |
| Andresen, August H. | Chamberlain | Fenton |
| | Chiperfield | Fino |
| Arends | Chudoff | Ford |
| Ashley | Church | Fountain |
| Ashmore | Clevenger | Gathings |
| Auchincloss | Cole | Granahan |
| Avery | Collier | Green, Pa. |
| Bailey | Cooley | Griffin |
| Barrett | Corbett | Gross |
| Bass, N. H. | Coudert | Gubser |
| Bates | Cramer | Gwinn |
| Baumhart | Cretella | Hale |
| Becker | Curtis, Mass. | Haley |
| Belcher | Curtis, Mo. | Harden |
| Bennett, Mich. | Dague | Hardy |
| Bentley | Delaney | Harrison, Nebr. |
| Betts | Dellay | Harvey |
| Bolton | Dennison | Haskell |
| Bosch | Denton | Henderson |
| Bow | Derounian | Heselton |
| Boyle | Devereux | Hess |
| Broomfield | Diggs | Hiestand |
| Hoeven | Michel | Schwengel |
| Hoffman | Miller, Md. | Scott, Pa. |
| Holifield | Mills | Scrivner |
| Holt | Minshall | Scudder |
| Hosmer | Moore | Seely-Brown |
| Hyde | Morano | Sheehan |
| James | Mumma | Shuford |
| Jenkins | Neal | Siler |
| Johansen | Nicholson | Simpson, Ill. |
| Jonas | Nimtz | Simpson, Pa |
| Judd | O'Brien, N. Y. | Smith, Calif. |
| Kean | O'Hara, Ill. | Smith, Wis. |
| Kearns | Osmers | Springer |
| Keating | Ostertag | Stauffer |
| Keeney | Patterson | Sullivan |
| Kelly, N. Y. | Pelly | Taber |
| Knox | Poff | Talle |
| Knutson | Polk | Tewes |
| Laird | Prouty | Utt |
| Latham | Radwan | Vanik |
| LeCompte | Rains | Van Pelt |
| Lennon | Ray | Van Zandt |
| Lipscomb | Rees, Kans. | Vorys |
| McCulloch | Reuss | Vursell |
| McDonough | Rhodes, Ariz. | Wainwright |
| McGregor | Riehlman | Wharton |
| McIntosh | Roberts | Widnall |
| McVey | Robsion, Ky. | Wier |
| Macdonald | Rodino | Wigglesworth |
| Mack, Ill. | Sadlak | Williams, N. Y. |
| Mack, Wash. | Santangelo | Wilson, Calif. |
| Madden | St. George | Wilson, Ind. |
| Martin | Saylor | Withrow |
| May | Schenck | Yates |
| Meader | Scherer | Younger |

NOT VOTING—41

| | | |
|---|---|---|
| Anfuso | Fogarty | Miller, N. Y. |
| Baker | Frelinghuysen | Morrison |
| Barden | Halleck | O'Hara, Minn. |
| Beamer | Hays, Ohio | O'Konski |
| Berry | Hillings | Pilcher |
| Boykin | Holtzman | Pillion |
| Breeding | Jackson | Powell |
| Brownson | Jones, Mo. | Preston |
| Bush | Kearney | Reed |
| Carnahan | Kilburn | Rivers |
| Celler | Landrum | Taylor |
| Curtin | McConnell | Walter |
| Dawson, Ill. | Mailliard | Zablocki |
| Eberharter | Mason | |

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Morrison for, with Mr. Beamer against.

Mr. Baring for, with Mr. Holtzman against.

Mr. Anfuso for, with Mr. Brownson against.

Mr. Powell for, with Mr. Taylor against.

Mr. Walter for, with Mr. Kearney against.

Mr. Celler for, with Mr. Hillings against.

Until further notice:

Mr. Hays of Ohio with Mr. Baker.

Mr. Landrum with Mr. Jackson.

Mr. Pilcher with Mr. Halleck.

Mr. Preston with Mr. Mason.

Mr. Zablocki with Mr. O'Hara of Minnesota.

Mr. Rivers with Mr. Frelinghuysen.

Mr. Boykin with Mr. Kilburn.

Mr. Jones of Missouri with Mr. Reed of New York.

Mr. Barden with Mr. Pillion.

Mr. Dawson of Illinois with Mr. Bush.

Mr. Fogarty with Mr. Miller of New York.

Mr. Carnahan with Mr. O'Konski.

Mr. GORDON, Mr. THOMPSON of New Jersey, Mr. ZELENKO, and Mr. ROOSEVELT changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the present consideration of a similar Senate bill, S. 42, to provide for the construction by the Secretary of the Interior of the San Angelo Federal reclamation project, Texas, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is authorized to construct, operate, and maintain the San Angelo Federal reclamation project, Texas, for the principal purposes of furnishing water for the irrigation of approximately 10,000 acres of land in Tom Greene County and municipal, domestic, and industrial use, controlling floods, providing recreation and fish and wildlife benefits, and controlling silt. The principal engineering features of said project shall be a dam and reservoir at or near the Twin Buttes site, outlet works at the existing Nasworthy Dam, and necessary canals, drains, and related works.

SEC. 2. (a) In constructing, operating, and maintaining the San Angelo project, the Secretary shall be governed by the Federal reclamation laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto), except as is otherwise provided in this act.

(b) Actual construction of the project shall not be commenced, and no construction contract therefor shall be awarded, until a contract or contracts complying with the provisions of this act have been entered into for payment of those portions of the construction cost of the project which are allocated to irrigation and to municipal, domestic, and industrial water.

(c) In furnishing water for irrigation and for municipal, domestic, and industrial uses from the project, the Secretary shall charge rates with the object of returning to the United States over a period of not more than 40 years, exclusive of any development period for irrigation, all of the costs incurred by it in constructing, operating, and maintaining the project which the Secretary finds to be properly allocable to the purposes aforesaid and of interest on the unamortized balance of the portion of the construction cost which is allocated to municipal, domestic, and industrial water. Said interest shall be at the average rate, which rate shall be certified by the Secretary of the Treasury, paid by the United States on its marketable long-term securities outstanding on the date of this act. When all of the said costs allocable to said purpose incurred by the United States in constructing, operating, and maintaining the project, together with the said interest on the said unamortized balance, have been returned to the United States, the contracting organization or organizations which have thus reimbursed the United States shall have a permanent right to use that portion of the storage space and the project thus allocable to said uses.

(d) Any contract entered into under section 9, subsection (d), of the Reclamation Project Act of 1939 (53 Stat. 1187, 1193, 43 U. S. C. 485h (d)) for payment of those portions of the costs of constructing, operating, and maintaining the project which are allocated to irrigation and assigned to be paid by the contracting organization may provide for repayment of the portion of the construction cost of the project assigned to any project contract unit or, if the contract unit be divided into two or more irrigation blocks, to any such block over the period specified in said section 9, subsection (d), or as near thereto as is consistent with the adoption and operation of a variable payment formula which, being based on full repayment within said period under normal conditions, permits, variance in the required annual payments in the light of economic factors pertinent to the ability of the irrigators to pay: *Provided,* That for a period of 10 years from the date of enactment of this act, no water from any participating project authorized by this act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301 (b) (10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

(e) Contracts relating to municipal, domestic, and industrial water supply may be entered into without regard to the last sentence of section 9, subsection (c), of the Reclamation Project Act of 1939, and such contracts may recognize the relative priorities of domestic, municipal, industrial, and irrigational uses.

(f) Upon request of a contracting organization, the Secretary may at any time and shall after payment of the reimbursable costs of the project has been completed, transfer to the requesting organization, or to another organization designated by it and satisfactory to him, the care, operation, and maintenance of any project works which serve the requesting organization and do not serve any other contracting organization. The care, operation, and maintenance of project works which serve two or more contracting organizations may or shall, as the case may be, be transferred in like circumstances to an organization satisfactory to all of said organizations and to the Secretary. Any transfer made pursuant to the authority of this section shall be upon terms and conditions satisfactory to the Secretary, and the works transferred shall be operated and maintained without further expense to the United States. If the transferred works serve a flood control or fish and wildlife function, they shall be operated and maintained in accordance with regulations with respect thereto prescribed by the Secretary of the Army and the Secretary of the Interior, respectively, and upon failure so to operate or maintain them they shall, upon demand, be returned immediately to the Secretary of the Interior.

SEC. 3. The Secretary is authorized to construct minimum basic recreational facilities at the Twin Buttes Reservoir and to operate and maintain or arrange for the operation and maintenance of the same. The costs of constructing, operating, and maintaining such facilities, and like costs of the San Angelo project allocated to flood control and to the preservation and propagation of fish and wildlife shall, except as is otherwise provided in this act, be nonreimbursable and nonreturnable under the reclamation laws. The Secretary shall, upon conclusion of a suitable agreement with a qualified agency and subject to such conditions as may be set forth in the repayment contracts, permit said agency to construct, operate, and maintain additional public recreational facilities and parks in connection with the project to the extent determined by the Secretary to be consistent with its primary purposes and subject to terms and conditions satisfactory to him.

SEC. 4. There is hereby authorized to be appropriated for construction of the works authorized by this act $30 million plus such additional amounts, if any, as may be required by reason of changes in the costs of construction of the types involved in the San Angelo project as shown by engineering indices. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said works.

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause and insert the provisions of the bill H. R. 2147 as passed, as follows: "That the Secretary of the Interior is authorized to construct, operate, and maintain the San Angelo Federal reclamation project, Texas, for the principal purposes of furnishing water for the irrigation of approximately 10,000 acres of land in Tom Green County and municipal, domestic, and industrial use, controlling floods, providing recreation and fish and wildlife benefits, and controlling silt. The principal engineering feature of said project shall be a dam and reservoir at or near the Twin Buttes site, outlet works at the existinf Nasworthy Dam, and necessary canals, drains, and related works.

"SEC. 2. (a) In constructing, operating, and maintaining the San Angelo project, the Secretary shall be governed by the Federal reclamation laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereto or supplementary thereto), except as is otherwise provided in this act.

"(b) Actual construction of the project shall not be commenced, and no construction contract therefor shall be awarded, until a contract or contacts complying with the provisions of this act have been entered into for payment of those portions of the construction cost of the project which are allocated to irrigation and to municipal, domestic, and industrial water.

"(c) In furnishing water for irrigation and for municipal, domestic, and industrial uses from the project, the Secretary shall charge rates with the object of returning to the United States over a period of not more than 40 years, exclusive of any development period for irrigation, all of the costs incurred by it in constructing, operating and maintaining the project which the Secretary finds to be properly allocable to the purposes aforesaid and of interest on the unamortized balance of the portion of the construction cost which is allocated to municipal, domestic, and industrial water. Said interest shall be at the average rate, which rate shall be certified by the Secretary of the Treasury, paid by the United States on its marketable long-term securities outstanding on the date of this act. When all of the said costs allocable to said purpose incurred by the United States, in constructing, operating, and maintaining the project, together with said interest on the said unamortized balance, have been returned to the United States, the contracting organization or organizations which have thus reimbursed the United States shall have a permanent right to use that portion of the storage space in the project thus allocable to said uses.

"(d) Any contract entered into under section 9, subsection (d), of the Reclamation Project Act of 1939 (53 Stat. 1197, 1193, U. S. C., sec. 435h (d)) for payment of those portions of the costs of constructing, operating, and maintaining the project which are allocated to irrigation and assigned to be paid by the contracting organization may provide for repayment of the portion of the construction cost of the project assigned to any project contract unit or, if the contract unit be divided into two or more irrigation blocks, to any such block over the period specified in said section 9, subsection (d), or as near thereto as is consistent with the adoption and operation of a variable payment formula which, being based on full repayment within said period under normal conditions, permits variance in the required annual payments in the light of economic factors pertinent to the ability of the irrigators to pay: *Provided,* That for a period of 10 years from the date of the enactment of this act, no water from the project shall be delivered

to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301 (b) (10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

"(e) Contracts relating to muncipal, domestic, and industrial water supply may be entered into without regard to the last sentence of section 9, subsection (c), of the Reclamation Project Act of 1939, and such contracts may recognize the relative priorities of domestic, municipal, industrial, and irrigational uses.

"(f) Upon request of a contracting organization, the Secretary may at any time and shall, after payment of the reimbursable costs of the project has been completed, transfer to the requesting organization, or to another organization designated by it and satisfactory to him, the care, operation, and maintenance of any project works which serve the requesting organization and do not serve any other contracting organization. The care, operation, and maintenance of project works which serve two or more contracting organizations may or shall, as the case may be, be transferred in like circumstances to an organization satisfactory to all of said organizations and to the Secretary. Any transfer made pursuant to the authority of this section shall be upon terms and conditions satisfactory to the Secretary, and the works transferred shall be operated and maintained without further expense to the United States. If the transferred works serve a flood control or fish and wildlife function, they shall be operated and maintained in accordance with regulations with respect thereto prescribed by the Secretary of the Army and the Secretary of the Interior, respectively, and upon failure so to operate or maintain them they shall, upon demand, be returned immediately to the Secretary of the Interior.

"SEC. 3. The Secretary is authorized to construct minimum basic recreational facilities at the Twin Buttes Reservoir and to operate and maintain or arrange for the operation and maintenance of the same. The costs of constructing, operating, and maintaining such facilities, and like costs of the San Angelo project allocated to flood control and to the preservation and propagation of fish and wildlife shall, except as is otherwise provided in this act, be nonreimbursable and nonreturnable under the reclamation laws. The Secretary shall, upon conclusion of a suitable agreement with a qualified agency and subject to such conditions as may be set forth in the repayment contracts, permit said agency to construct, operate, and maintain additional public recreational facilities and parks in connection with the project to the extent determined by the Secretary to be consistent with its primary purposes and subject to terms and conditions satisfactory to him.

"SEC. 4. There are hereby authorized to be appropriated for construction of the works authorized by this act $32,220,000 plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said works."

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

On motion of Mr. ASPINALL, the proceedings by which the bill H. R. 2147 was passed were vacated, and that bill was laid on the table.

## NIAGARA RIVER POWER PROJECT

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 377 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8643) to authorize the construction of certain works of improvement in the Niagara River for power, and for other purposes. After general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. LATHAM], and I now yield myself such time as I may consume.

Mr. Speaker, House Resolution 377 makes in order the consideration of H. R. 8643, the Niagara River power bill. The resolution provides for an open rule and 2 hours of general debate on the bill.

When the treaty between the United States and Canada was ratified, the Senate included a reservation providing that no project for redevelopment of the United States share of the waters of the Niagara River would be undertaken until specifically authorized by act of Congress. This bill authorizes and directs the Federal Power Commission to issue a license to the power authority of the State of New York for construction and operation of a power project with a capacity to utilize all of the United States share of the waters of the Niagara River. No Federal money is involved in the project.

An agreement was reached, following the destruction of the Niagara Mohawk power station in June 1956, between the New York Power Authority and the Niagara Mohawk Power Corp. whereby the power authority would develop the project and sell to the company 445,000 kilowatts of project power for resale generally to the industries who were purchasing the power from Niagara Mohawk prior to the plant disaster.

The bill directs the Federal Power Commission to include certain requirements in the licensing conditions. The main requirements provide that with respect to one-half of the project power, the power authority, as licensee, shall accord preference and priority to public bodies and nonprofit cooperatives within economic transmission distance; and, further, a resonable portion of power subject to the preference provisions must be made available for use in neighboring States, but not in excess of 20 percent.

The report of the Committee on Public Works and testimony presented before the Committee on Rules indicate that the major controversies concerning this project have been resolved.

I therefore urge the adoption of House Resolution 377 so the House may proceed to the consideration of H. R. 8643.

Mr. LATHAM. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, inasmuch as the House has been so generous on this last vote to the great State of Texas giving it some $16 million and the use of another $15 million and Michigan never gets anything, permit me to call the attention of the friends of the farmers and including the fruit, cotton, wheat, tobacco, and rice growers to the fact that we have an enormous cherry crop in western Michigan. The Army asked for bids on 400,000 cases of cherries. The processors bid at a price which would have given the growers 6 cents a pound. Then the Army said they did not want any cherries. So the price to the growers dropped from 7 to 4 cents although the terminal packers in my own county held the price to 5 cents. In view of the fact that Texas got relief by drought checks during floodtime, is there not some way that you from the South with whom I vote so often, can do something for the farmers who grow cherries? You are always vocal and vote-producing when it is a question of giving the cotton, tobacco, and rice people a subsidy.

I yield back the balance of my time.

Mr. LATHAM. Mr. Speaker, the situation with regard to this bill is as was stated by the gentleman from New York [Mr. DELANEY]. This matter has been tide up for 7 years in a legislative impasse. But the situation here is extremely critical because of the fact that a year ago a private powerplant fell into the Niagara River leaving a vast area in the State of New York and the surrounding territory without any power. The situation is so bad now that some industries are having to close down and many are on a 20-hour week. Something must be done. This bill is admittedly a compromise on the part of the various people and the factions who have been interested in this subject. Admittedly, it does not please everybody, but I think everybody will concede that it is the best possible compromise in all the circum-

stances. I see no need for extended debate on the rule and would suggest that my colleague move the previous question.

Mr. DELANEY. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. BLATNIK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8643) to authorize the construction of certain works of improvement in the Niagara River for power, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8643) with Mr. IKARD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. BLATNIK. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. BUCKLEY], chairman of the Public Works Committee and author of the bill H. R. 8643.

Mr. BUCKLEY. Mr. Chairman, H. R. 8643, a bill for development for Niagara power, which is a bill that I introduced and which is now before this body is, in my opinion, the best possible solution to a problem that has existed for the last 7 years. It is a good faith compromise worked out by men of opposite views, who are aware of an extreme emergency facing the Niagara frontier, in an effort to get the long-delayed Niagara power project underway. This bill is identical to S. 2406 which has already been reported to the Senate.

This bill has bipartisan support. All parties agree that the project should be built by the New York Power Authority. It is supported by all interested groups in New York State.

This bill protects the local electric co-ops and municipalities in the State of New York by providing that, with respect to 50 percent of the power produced by the project, they shall have a preference to purchase it. It also provides that up to 20 percent of such preference power may be sold to preference customers outside of the State, if such customers are within economical, reasonable distance. This is to take care of northwestern Pennsylvania and northeastern Ohio.

I feel that the State of New York is being extremely generous in agreeing to the sale of this much of the power from its greatest natural resource to other States.

The bill also protects the Niagara Mohawk Power Corp. by providing that it shall be entitled to purchase 445,000 kilowatts of the project power, which is equivalent to the amount produced by Schollkopf plant prior to its collapse, for resale generally to the industries which purchased power produced at the Schollkopf plant prior to such time in order, as nearly as possible, to restore low power cost to such industries.

This is the fairest possible solution that can be reached and it is my belief that all interested parties are fully and equally taken care of under this bill.

This bill should be acted on at once since there now has arisen an emergency situation in the Buffalo-Niagara area of New York. Within this area a large number of industries have settled, because of the fact that they have been able to obtain low-cost power. This area is now faced with a crisis. All the industries in the area are vital to the national defense and provide employment for 30,000 people on the Niagara power frontier. Since the collapse of the Schollkopf plant which supplied these industries with low-cost power, they have been buying power on a temporary basis at high cost from Canada. By 1959, there is a possibility no Canadian power will be available to these industries. This fact, plus the high cost of power, will force these industries to leave the area unless cheap power is again made available. If the industries leave this area will be faced with a tremendous unemployment problem.

Passage of this bill is essential.

I strongly urge the immediate approval of it by this body.

Mr. BLATNIK. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the purpose of the bill, H. R. 8643, is to authorize the construction of a hydroelectric project on the Niagara River at Niagara Falls, N. Y., which would utilize all the United States share of the amount of water of the Niagara River made available for power redevelopment under the terms of the treaty by the United States and Canada entered into in 1950. The authorization for such development would be accomplished under the provisions of this bill by authorizing and directing the Federal Power Commission to issue a license, pursuant to the provisions of the Federal power authority, to the New York State Power Authority, an instrumentality of the State of New York. The State power authority would finance, construct, and operate the project, including the United States share under the 1950 treaty, of the cost of remedial works without aid or assistance from the Federal Government. The bill also makes provisions for inclusion in the license of specific conditions relating to the disposition of project power.

The 1950 treaty between the United States and Canada concerning the use of the waters of the Niagara River, contains a reservation to the effect that Congress must specifically authorize any project for the redevelopment of the United States share of the water made available. As a result of this treaty, the enactment of legislation was required before the project could be built. This bill takes care of that reservation.

I might state that during the last four sessions of the Congress, our committee held extensive hearings on this project. Testimony was received either orally or in written form from Senators; Members of the House of Representatives; the executive departments; city, county, and State officials; Governors of the State of New York; their counsels; the chairmen and members of the State power authority; representatives of industries; farm, labor, public power, and citizens' groups; chambers of commerce; private power companies, and rural electric cooperatives. Over the course of these hearings, widespread views were presented as to how this project should be brought into being. The differences of opinion centered on whether or not it should be built by the Federal Government, or by private utilities, or by the State of New York Power Authority. This situation has now changed, and all parties are in agreement that the New York Power Authority, as provided in H. R. 8643, should construct the project. I might add that as a result of these extensive hearings every angle involving this project was fully considered, and the bill you have before you today is a result of the deep and widespread study made by the committee.

This special reason for the fact of all parties reaching an agreement as to the construction of this project by the New York Power Authority is that on June 7, 1956, the Schoellkopf Plant at Niagara Falls which provided power for the Niagara-Buffalo area and the industries in the area was destroyed by a rockslide. As a result of the plant destruction all parties agree that the best possible way this project can be brought about in the fastest and the most economical manner is to have it constructed by the New York Power Authority.

This bill is basically a compromise bill but it is one which the committee believes is eminently fair to all parties concerned. It provides that 50 percent of the power to be developed by the project will go to rural electric cooperatives and the municipalities of the State of New York. They shall have a preference to purchase the power. It also provides that up to 20 percent of such preference power may be sold to preference customers outside of the State of New York. This is to take care of municipalities and co-ops in northwestern Pennsylvania and northeastern Ohio.

It is the committee's belief that the State of New York is being extremely generous in agreeing to the sale of this much of its power to other States. This is the first bill in which the Federal preference clause to any degree has been included where a power development has been set up and handled by an agency other than the Federal Government. It might be pointed out that a number of bills have been passed by this Congress allowing State agencies to harness rivers and develop power without any preference provisions. This includes the Alabama-Coosa River project, Markham Ferry project, and the Priest Rapids projects.

The bill further protects the interest of Niagara Mohawk Power Corp. by providing that it shall be entitled to purchase 445,000 kilowatts of the project power, roughly 25 percent of the project power available, which is equivalent to the amount produced by the Schoellkopf plant prior to its collapse. However, before Niagara Mohawk can obtain this

power it must be agree to surrender its license to the New York State Power Authority—a license which it now holds up to 1971 and to a possible further date depending on prior legal grants received from the State Legislature of New York—and to waive all claims to damages based upon the grants of aforementioned water rights and, in addition, waive severance damages. Under the terms of the bill these 445,000 kilowatts of project power will be made available to Niagara Mohawk Power Corp. for the life of the bonds issued on the project.

Some question has been raised as to the distribution of the Niagara power into neighboring States. As I stated, this bill generously provides for power distribution to the co-ops and municipalities in Pennsylvania and Ohio. This bill takes into consideration the fact that Niagara power can be transmitted at low cost only a reasonable, economic distance from the project itself. This area is roughly 150 miles from Niagara Falls. Beyond this point the cost of power would be greater to the consumer than it would be if the consumer received power provided by local steam plants set up in the relative cheap coal areas of Pennsylvania and Ohio, where coal is plentiful. The records show that in those areas where coal can be obtained at a relatively low cost, power can be carried to the consumers within that area for a figure considerably lower than it would be after Niagara power had been carried to them over transmissions lines moving through heavily industrialized areas. Despite this factor, the New York State Power Authority, under this bill, will provide roughly 20 percent of the 50 percent preference power available to these States.

The Niagara-Buffalo area, which was serviced by the Niagara Mohawk Schoellkopf plant, is a heavily industrialized area. These industries are electrochemical and electrometallurgical in nature. They settled in that area many years ago because of the availability of low-cost power. These vital defense industries are high load factor industries and utilized practically all of the power produced at Niagara prior to the disaster and, in addition, used expensive power from other sources. They would already be forced to close down or move away, or at the very least, drastically curtail their operations, except that they have been able to buy power on a temporary basis at high cost from Canada, which is using not only its own share of Niagara water but the United States share as well. They cannot continue to stay at Niagara unless newly developed low-cost power is made available. On the other hand, if it is again made available, they will remain and expand in the area.

This bill also authorizes the New York Power Authority to construct a scenic drive and park on the American side of the Niagara River near the Niagara Falls and to include the cost of such drive and park, up to an amount of $15 million, as part of the cost of the power project. The authority also is required to include in the cost of the project the United States' share of the cost of the construction of the remedial works to preserve the beauty of Niagara Falls, provided for in the 1950 treaty with Canada.

This bill is the best possible solution to a project that has been before this Congress for the past 7 years. I would like to make the following points:

First. That there is no question that it is economically feasible, desirable, and necessary that the full power of the Niagara River be utilized. One of the unfortunate consequences of the failure of the Congress to act before is that all the water made available to the United States for power purposes under the 1950 treaty has been used by Canada, and until Congress acts this use will continue with a resulting tremendous loss to the United States.

Second. The public interest requires that such development be authorized by the Federal Government at the earliest possible moment.

Third. To the extent feasible, such Federal authorizations should include provision for easing the emergency situation at Niagara Falls created by the Schoellkopf disaster.

Fourth. Provisions should be made to provide proper power distribution under the Federal preference clause to the municipalities and co-ops in New York and the neighboring States.

All of these above mentioned factors have been taken into consideration under the terms of this bill and have to the best extent possible been disposed of under the bill.

As stated in the outset, there is no longer controversy as to who should build the project. The New York Power Authority will be the one to construct it at no cost to the Federal Government.

May I conclude by stating that this bill is a compromise bill. It will not satisfy all parties concerned but because of the drastic emergency situation on the Niagara frontier; because of the long and wasteful delay which has resulted from 7 years of inaction; while the power of the Niagara River is laying idle without benefit to the United States and because of the factors previously stated, it is the committee's belief that this bill is the best possible answer to all the problems and that it should be speedily enacted into law.

Mr. CHUDOFF. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield.

Mr. CHUDOFF. I have carefully read this bill and although I have no public power in my own district I have studied the question of power being transmitted by the New York State Power Authority into Pennsylvania. I am reading from page 2 of the bill starting at line 19. It reads:

(2) The licensee shall make a reasonable portion of the project power subject to the preference provisions of paragraph (1) available for use within reasonable economic transmission distance in neighboring States—

And so forth. I would like to know from the committee, if I may, what constitutes "reasonable economic transmission distance." Is not there a considerable dispute about what that means?

Mr. BLATNIK. Yes, of course there is a dispute. The gentleman knows the background. The big argument at first was, who shall build the project? There are only three entities that can build this: First, the Federal Government; and I will state for the RECORD that I was in favor of a Federal project. The second is the State authority, and the third are the private utilities. Which of these three should or could build was the big hassle at first. This bill settles that by naming the New York State Power Authority.

The question then arises about the preference clause, and in all Federal legislation, as a rule, we have had a preference clause. Now, in this case, where the Congress authorizes and directs the Federal Power Commission to empower the State of New York Power Authority to go ahead, they have agreed to set aside 50 percent of this power to be distributed under the provisions of a preference clause written into the bill.

Mr. CHUDOFF. I understand that, but my question is this, to determine what is a reasonable economic transmission distance. Under the Federal power authority it is 150 miles; under the State authority it is 250. If it is limited to 150 miles only 7 municipalities and 20 municipal electric light companies can obtain this power. If it is extended to 300 miles you will take in approximately 30 co-ops and 90 municipal electrics. That means that by taking the New York State Power Authority which is limited to 150 miles and will have control of the distribution of this power under this bill you will cut off approximately 30 co-ops and 90 municipal electrics from getting this power, and that is a thing I think the Members should take into consideration and correct. They should put something in the bill to definitely define the meaning of that phrase so that all may know what is a reasonable transmission distance in neighboring States.

Mr. BLATNIK. Some question has been raised as to the allocation of 20 percent of the 50 percent preference power to Pennsylvania and Ohio. Under New York State law, the power authority by its license is required to transmit a reasonable amount of power outside the State to preference customers. The authority intends to live up to its license and is willing to transport a reasonable amount. A reasonable amount in this case is 20 percent of the power. This will be made available to Pennsylvania and Ohio, even though those States have coal and, by modern means, can produce power in the local area at just about the same cost as Niagara power will cost at Niagara Falls. In addition, it is not at all clear that Pennsylvania and Ohio want any Niagara power. During the past session the legislatures of both States turned down proposals to set up agencies to buy it.

Future legislatures could, of course, establish such agencies, which would be in a position to demand Niagara power and broker it according to the State laws which established them. Thus the New York State Power Authority, under the terms of its license, would then be willing to provide this reasonable amount of power. However, anything further than the 20 percent would create an undue

hardship on the people of the State of New York who need this power, and it might possibly set up a situation where the authority could not accept the license, and if it did, it could not finance the project.

Every mile the power is carried some of it is lost, and there is expense in transmission. Thus, by the time it gets to Pennnsylvania and Ohio, a good part of the benefit of the Niagara power is dissipated.

When you consider the fact that nearly 3 million people live in New York within 150 miles of Niagara Falls, and that any power taken out of the State must be jumped over most of them, it certainly would not be reasonable to require greater amounts to go out of the State.

I am in agreement with the sentiments expressed by the gentleman from Pennsylvania, but this is a compromise bill. For several years we have had these different points of view presented to the committee. The feeling of the committee was that, since it was obvious we did not have the majority vote to make a Federal project out of it, it resolves itself into being a choice between a State project by New York or a private operation. So the best we could do was to make a compromise. All parties will not be completely satisfied, but that is true and typical of all compromises. I think the best type of agreement that could have been arrived at was arrived at in this compromise measure.

Mr. BALDWIN. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from California.

Mr. BALDWIN. In answer to the question raised by the gentleman from Pennsylvania, it seems to me that under section 2, page 2, and running into page 3, in the event of a disagreement, if an application were made by a body in Pennsylvania and was turned down by the State Power Authority of New York on the ground it was beyond the reasonable economical transmission distances, then the sentence beginning in line 3, page 3, would apply. This reads:

> In the event of disagreement between the licensee and the power-marketing agencies of any such States, the Federal Power Commission may, after public hearings, determine and fix the applicable portion of power to be made available and the terms applicable thereto.

As I understand it, if there is a dispute, this procedure would be followed by the agency that is not receiving the answer from the State of New York as to what it desires.

Mr. BLATNIK. The different States shall thus be given the power.

Mr. CHUDOFF. I appreciate what the gentleman has said, but it has been my experience—and I have had a lot of experience with this preferential clause under the Flood Control Act and the other acts—that, while the dispute goes on, the power is given to other people; contracts are entered into with other companies, and, when the Federal Power Commission makes a ruling that the cooperative or municipal plant is entitled to power, there is no more power available, and then they say if we have a good rainfall, or if we have any surplus power, we will give you the first call.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. As I understood, the inquiry made by the gentleman from Pennsylvania [Mr. CHUDOFF] was as to whether or not there was a mileage limitation placed in the bill or the report on the distance the electricity was to be transmitted from Niagara. There is no mileage limitation placed in the bill or in the report, nor, as I understand it, was it the sense of the committee to try to define definitely the mileage limitations or the transmission distance as applied to the feasibility of the transmission of electric power.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Would the gentleman agree with me that the difficulty involved in the problem of transmission to users beyond 150 miles could be resolved by delivery to a generating and transmitting cooperative within the 150-mile limit, which in turn could transmit to municipalities or to REA's beyond that 150-mile limit within Pennsylvania?

Mr. BLATNIK. That is correct.

So, in conclusion, Mr. Chairman, I say again that this is a compromise bill. It may not suit all parties; I am sure it does not, but in the main it does. So, I urge favorable consideration and approval of this measure this afternoon.

Mr. FINO. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from New York.

Mr. FINO. On previous occasions when this bill was before the House for consideration there was testimony to the effect that there were certain utility companies—more specifically, five utility companies—in New York that were willing to undertake this development. Now, does that situation still exist today, the willingness of these private utility companies to undertake this development?

Mr. BLATNIK. They may be willing, but they have been unable to get the necessary Congressional authorization, so they have agreed on this compromise bill; and we have testimony by the spokesman for the Mohawk Power Co., Mr. Machold, who was more or less expressing the agreement of the other four or five private utilities in New York.

Mr. McGREGOR. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I want to concur in the statements that have been made by the previous speakers that this is a compromise bill. I know some of you are wondering what I am doing in the well of the House and advocating a public power bill. Let us not fool ourselves. This is State public power. It is going to be handled by the power authority of New York. I am one who has always taken the position that we believe in private initiative, private capital, private power, and have opposed at all times the Federal Government, with public funds, in competition with private initiative, private power, and private business, because I think it is best for the country and best for all the people when private industry is given an opportunity to survive. When private capital cannot handle a project, then, certainly, public funds can and should be used to give the people the services they are entitled to.

This is a subject that has been before us for 5 or 6 or 7 years, and it seems to be agreed between the private power people and public power group that public money and New York State funds can be used and it in no way will be a cost to the general taxpayer of other States, because the money to be spent will be spent by the Power Authority of the State of New York.

A statement was made a few minutes ago relative to hearings on this particular legislation. We have had hearings for many years on various bills on this subject, but on this particular bill no hearings were held. The Public Works Committee was called together one morning when a motion was made by a member of the committee that this bill, H. R. 8643, would be taken up for consideration, and in the same breath it was recommended for passage, all in the same motion. Immediately objections were raised because the minority were not given an opportunity to submit certain recommendations or amendments if any were necessary. We were told that it was an agreed bill, and we now have been shown that it was an agreed bill. But, some of us felt that we should have been given an opportunity to check with those who opposed this legislation for a number of years and informed of their views both pro and con. Certainly that should be the privilege of any member of the committee, and certainly the right of the minority. Such a request was made. But that opportunity was not given. The bill was voted out and it is here for consideration. I am supporting this bill. I could talk for an hour on the procedure under which this bill was brought to the floor, but I do not want to jeopardize its passing. I think the facts are going to be brought out, to the effect that it is necessary.

Mr. Chairman, H. R. 8643, known as the Buckley Niagara development bill, covers a subject that has been in controversy for many, many years. This bill is to authorize the construction of a hydroelectric power project on the Niagara River at Niagara Falls, N. Y. It would share the amount of water in the Niagara River under the terms of a treaty between the United States and Canada entered into in 1950.

In June 1956, a rock slide destroyed about two-thirds of the power generating capacity on the United States side of the Niagara River. This disaster occurred to the Schoellkopf powerplant of the Niagara Mohawk Power Corp. A great number of industries at Niagara Falls depended in a substantial part upon this capacity. These industries are vital to the defense of our Nation. Substitute power largely imported from Canada on a temporary basis is very costly. I have always felt that private industry gave more recognition to labor and to the services of the country as a whole. I still am of that belief.

I recognize the circumstances involved which have changed materially in this area in the last few years. I have carefully read the letter between the Power Authority of the State of New York and the Honorable JOSEPH S. CLARK, of the United States Senate. Especially have I noted the statements of the power authority in regard to electricity that might be sent into Ohio or Pennsylvania. I might add, Mr. Chairman, that it is pleasing to my ears to find that the Power Authority of the State of New York has confirmed some of the facts that I attempted to explain to the good people of my district a year or so ago. I certainly recommend to all to read the letter sent by Robert Moses, chairman of the Power Authority of the State of New York, to the distinguished junior Senator from Pennsylvania. I think Mr. Moses clearly describes that someone has been making a lot of wild statements and statements that have no basic foundation in regard to the amount of electricity sold to Ohio and Pennsylvania.

In the face of the above statements and recognizing the need and the emergency existing, I am of the opinion that H. R. 8643 is as equitable and carrying as compromissary features as we could expect to get. There is an emergency. The private power people and public power people of that great area are now in accord with this legislation.

I have telegrams, Mr. Chairman, which I shall ask permission to incorporate in the RECORD when we go back into the House. One of them is from Owen Manning, manager of the Tuscarora County cooperative group, which is in my home area:

COSHOCTON, OHIO, *July 31, 1957.*

HARRY MCGREGOR,
*House of Representatives,*
*Washington, D. C.*

DEAR HARRY: The Niagara power bill will probably come before you today. Your support of this bill will be sincerely appreciated by the rural people of Coshocton County. Different amendments may be offered, but we urge your support of the bill that will bring the most Niagara power to Ohio for the cooperative and municipals.

OWEN MANNING,
*Manager, Tuscarawas Coshocton Cooperative.*

One of them is from a representative of a private utility, Harry G. Fitzgerald, of Cleveland, Ohio. He is very much opposed to this because he feels that it is public power:

CLEVELAND, OHIO, *July 28, 1957.*

Hon. J. HARRY MCGREGOR,
*House Office Building,*
*Washington, D. C.:*

To keep the record straight in re H. R. 8643, Buckley Niagara development bill—we are opposed to the government, local, State, or Federal, going into the competitive power business. We are opposed to any Government agency generating and distributing tax exempt power. We are opposed to power being sold and licensed under a Federal preference clause giving customers of REA and municipal power systems exclusive use over ordinary rural and domestic electric consumers. We are opposed to the importation of tax-free New York hydro power into Ohio that will replace Ohio generated power produced by Ohio coal. We are opposed to these features in Buckley H. R. 8643. We are told this bill is wired for passage by the public power groups. Very serious and very regrettable, but if true, the bill must be amended to protect competitive position of Ohio people and industry and particularly the elimination of the importation of New York hydro power that is to replace Ohio coal-produced power. If the adverse features of this bill cannot be eliminated, urge your support for such corrective amendments that will protect the basic economy of Ohio.

Regards,
HARRY G. FITZGERALD, *Counsel.*

There are other telegrams which I shall later ask unanimous consent to incorporate in the RECORD.

NEW YORK, N. Y., *July 25, 1957.*

Hon. HARRY MCGREGOR,
*House Office Building,*
*Washington, D. C.:*

Ohio Power Co., contrary to any other reports you may have received, is not opposed to the passage of S. 2406, commonly referred to as the Niagara bill. While Ohio Power Co. is opposed to the preference and priority provisions contained in the bill, it believes that legislation in the premises is necessary and that the proposed bill, as it understands it, represents the best available solution. We would like to add that we are unalterably opposed to the so-called Clark amendment.

A. N. PRENTICE,
*Ohio Power Co.*

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CLYDE, OHIO, *July 29, 1957.*

J. HARRY MCGREGOR,
*Representative,*
*Washington, D. C.:*

Urgently request your support in giving Ohio larger share of Niagara power than now indicated.

H. A. EINHART,
*Secretary, Northwestern Ohio Municipal Electric Association.*

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COLUMBUS, OHIO, *July 31, 1957.*

Hon. J. HARRY MCGREGOR,
*House Office Building,*
*Washington, D. C.:*

We solicit your support on any amendment to Niagara legislation that would insure Ohio municipals and cooperatives a greater portion of the total power generated.

HOWARD A. CUMMINGS,
*Executive Manager, Ohio Rural Electric Cooperatives, Inc.*

Mr. Chairman, when we get back to the argument of how many miles power can economically be transmitted, we will find many engineers who will say 100, others who will say 200 or 300 or 400 miles. That is a problem that the Power Authority of the State of New York is going to have to work out. I do not think there is anyone in this House who can accurately tell you the number of kilowatt-hours that can be transmitted economically, and over what distance. I, for one, am willing to have that question decided by someone who is an expert in that field. We want power delivered to our people at a minimum of cost.

Also I shall put into the RECORD a letter written on March 12, 1957, by Robert Moses to the Honorable JOSEPH S. CLARK of the United States Senate. I think Mr. Moses is recognized as a power authority. I disagree with many of his philosophies, as the record will show. But I do recognize that in this letter it is indicated that he has done a great deal of research and I think it would be well to incorporate the letter in the record so that Ohio and Pennsylvania may know what to expect from New York power authority:

POWER AUTHORITY OF THE
STATE OF NEW YORK,
*New York, N. Y., March 12, 1957.*

Hon. JOSEPH S. CLARK,
*United States Senate,*
*Washington, D. C.*

DEAR JOE: I have your letter of February 13, with the postscript reading:

"Sorry you don't agree with me that Pennsylvania REA's and municipalities within economic transmission distance of Niagara are entitled to a priority on your power. I campaigned on that issue and think I'm on sound ground."

You may be on sound ground from a political standpoint, but you are waist deep in quicksand from a factual standpoint. You really should study this subject more carefully before you assume to dispose lightly of New York power.

We heard your remarks on the radio March 3, with respect to your Niagara power bill. You explained that you consider economic transmission distance as roughly 300 miles and that you want Niagara power to be sold to rural electric cooperatives and public bodies in Ohio and Michigan as well as in Pennsylvania within that radius.

You didn't explain how you would carry across the Allegheny Mountains to eastern Pennsylvania and to scattered municipals and cooperatives in Ohio and Michigan. You gave approbation to a wild piece of fiction originating with Gordon Clapp that it would be feasible to bring Niagara power to New York City. Actually he was talking about St. Lawrence power and, after investigations, neither the New York City administration by which he was at that moment employed, nor any other responsible agency found any merit in his suggestion.

There is much loose talk in comparing transmission of power 200 or 300 miles from the Grand Coulee or McNary Dams to the transmission of power from the Niagara project. What is never stated is that these western dams are located in the desert and that there was no built-up area around them which could use the power. Aluminum plants were actually established there to use a great part of it. The balance was transmitted through undeveloped territory over transmission lines built at prices much lower than those now prevailing on right-of-way a great part of it. The balance was transmission did not bypass built-up areas where the power was needed and could be economically used.

Let's look at the facts. The Niagara, in addition to being one of the great scenic wonders of the world, has been a source of hydroelectric power since the eighties. Some 35,000—practically all the industrial workers in the area—are employed by electrochemical and electrometallurgical establishments which are the backbone of the economy of the Niagara frontier and are vital to the defense of the country. They settled and stayed in Niagara Falls solely because of the availability of low-cost power. Following the disaster which befell the Schoellkopf generating plant last June, these industries would be forced to leave or seriously curtail production where they are not able to obtain power temporarily and at high cost from the Hydro-Electric Power Commission of Ontario, which is using not only its share, but much of New York's share of the water.

The average flow of water available to New York on a year-round basis—as distinguished from nights and the winter season—is about 50,000 cubic feet per second. The Niagara Mohawk Power Corp. has a license to use 19,725 cubic feet per second of this water at least until 1971.

The power authority's project will produce 1,800,000 firm kilowats by the use of all the

water available to the United States, but in order to get Niagara Mohawk to give up its share, it will be necessary for the authority to sell it 445,000 kilowatts. This is the amount which the 19,725 cubic feet will produce, and is somewhat less than the power formerly produced by Niagara Mohawk through the use of this water and other water for which it has a temporary license. This power must be sold to local industry as was most of the power produced there by Niagara Mohawk over the years, unless Niagara Falls, and its environs is to become a ghost town. Such industry to which the cost of power is a determining element in doing business will need another 250,000 kilowatts within the next 5 years for expansion.

While we have no definitive information on United States Government defense plans, we have reason to believe that at least 300,000 kilowatts will be preempted by the United States for strictly defense purposes.

All this power will be used in the most economical manner possible at high load factor, close to the site of generation, thus eliminating waste of the power, most of which must be produced continuously, and avoiding transmission costs and transmission losses.

By tying the Niagara and St. Lawrence projects together, we expect to increase the dependable combined capacity of the two projects by 200,000 kilowatts. If we look upon all this increase as Niagara power, 1 million kilowatts will be left to be sold.

When we came to market St. Lawrence power, we found that while it would have been economic to distribute it over a wide area in years past, it is no longer feasible. The cost of St. Lawrence power at Utica, 130 miles from the project, went up from 1 mill to 6 mills during a period when power at Utica from other sources went down from 17 mills to a little over 6 mills. While the St. Lawrence project would have produced kilowatt hours equivalent to 46 percent of all those used in the United States when the project was first talked about, its entire output could be used within 100 miles of the point of generation by the time it is completed. The physical facts, including costs of transmission and transmission losses made it plain that the economic market area of the St. Lawrence project was a territory within approximately 150 miles of the project.

We sold power to Vermont which was in this area and when we refused to make sales to New Hampshire and Massachusetts which were beyond it, they appealed to the Federal Power Commission. After getting an engineering report from the Stone & Webster Engineering Corp., which indicated that even in blocks of 200,000 kilowatts or more, there would be no savings in the purchase of St. Lawrence power, they withdrew their appeals. All in all there is, therefore, no basis whatever for your unsupported assertion that economic transmission distance in this instance, that is in the case of Niagara power, is 300 miles. It is just half that.

If we forget political ideologies long enough to look at the map, the Niagara situation becomes clear. If you draw a circle with a 100 mile radius from the proposed Niagara generating plant, you will find that 2 million people live within it in New York, 200,000 in Pennsylvania, and none in Ohio. The million kilowatts of Niagara power for sale would barely equal the additional power which will be needed between now and 1965 outside Niagara Falls but inside the 100 mile area in New York alone.

* * * * *

You seem to think that the Niagara project should be specially designed for the rural electric cooperatives in Pennsylvania. There are 14 of them. They have about 69,000 customers and need about 60,000 kilowatts capacity. This capcity would produce over 500,000,000 kilowatt hours of energy, but since their load factor is little over 50 percent, they use only about 257,000,000 kilowatt hours annually. The nearest of these cooperatives to the project is Youngsville, 95 miles away; the farthest, Gettysburg, 255 miles away.

There are 38 municipal systems in your State which have about 65,000 customers with a total demand of 40,000 kilowatts. They use about 185,000,000 kilowatt hours. As the crow flies, they are 98 to 285 miles from the project. The average distance is 205 miles and half of them are on the wrong side of the Allegheny Mountains. It costs money to transmit power and for every mile it is carried some is lost. The area between the Niagara and Pennsylvania is highly built up with the result that the cost of building transmission lines, including the cost of right-of-way, is high.

Niagara power will cost a high load factor customer about 3½ to 4 mills at the bus bar. Since your cooperatives and municipals have a load factor of only about 50 percent, the cost to them at the bus bar would be at least 5 mills. If a transmission line were built to the Pennsylvania border near Jamestown sufficient to carry 100,000 kilowatts, the present total demand of the municipals and cooperatives, the cost per kilowatt hour at that point would be about 7 mills. The power would then have to be split into small blocks, much more expensive to transmit, and carried anywhere from 25 to 250 miles to reach the customers. Assuming that means could be found to carry it, the cost on delivery would be prohibitive.

Obviously, it would be impractical to build special transmission lines to distribute this power. Even if private companies could be persuaded to transmit it on the most favorable terms, Niagara power would cost at the very least 9 mills when it got to the nearest cooperative and municipal, and at least 10½ mills when it got to those on the other side of the mountains. Pennsylvania cooperatives now purchase power at an average rate of 9¼ mills.

If municipals and cooperatives in Pennsylvania within roughly 300 miles are entitled to a priority on Niagara power, so are the widely scattered municipals and cooperatives in the other States. The city of Cleveland is within 200 miles of the project and part of it is served by a municipal system. Ohio has 106 municipals and 30 cooperatives with a total capacity over 530,000 kilowatts using a total of 2,230,000,000 kilowatt-hours annually. If it were practical to deliver Niagara power to the customers of these municipals and cooperatives it would be necessary to skip over a vast number of people in New York, and in other States who need power and to whom it could be brought much more cheaply.

Pennsylvania has lots of coal. Burning coal produces steam. Steam produces power. The cost of coal is the largest component in the cost of steam power. The cost of transportation is often the greater part of the cost of coal. In Pennsylvania, coal can be used to produce power without substantial transportation costs. I am sure you are also familiar with the Ohio Valley. This valley, because of the availability of coal, has become a great center for industries like aluminum to which the cost of power is an important factor in doing business. Powerplants on top of coal mines produce power as cheap as or cheaper than almost any hydroelectric plant that can be built today.

In West Virginia, where coal is plentiful, the average generation cost to power companies is less than 5 mills. Most of your municipals and cooperatives are closer to West Virginia power than to Niagara power. A steam plant was recently constructed at Shawville in western Pennsylvania. It is right near a coal mine. It provides power for a total of about 4 mills, including fixed charges such as taxes and return on investment. If public bodies in Pennsylvania built a similar steam plant without the necessity of paying taxes and without the necessity of paying a return on investment, they could produce power for about 3 mills.

In your radio talk you were asked:

"What would the effect of your bill be on the rates to the ordinary consumer?"

You replied:

"The Pennsylvania REA Association, during the fall campaign, published some literature which I believe accurately to state the facts. They say Pennsylvania farmers on REA lines, if they got Niagara under a preference clause, would save $100 a year on their electric power bills."

How wild can you get? We don't have information as to the average total power bill of Pennsylvania's cooperative customers, but we do know that the average total amount spent for power by farmers in the eastern United States is $100.74. If customers of Pennsylvania cooperatives spend an average amount, $100 savings would give them their power for a year for 74 cents. This, of course, is ridiculous.

We know that the average Pennsylvania cooperative customer uses 3,700 kilowatt hours per year. The main component in the retail cost of power is not what it costs the distributor at wholesale, but what it costs to distribute it. The only saving which Niagara power could possibly bring to these customers would be based upon a reduction in the wholesale cost of power to the cooperative. At 9¼ mills, the cooperative now spends a total of $35 a year for the average customer. If it got Niagara power free, the most it could save the customer would be this $35. If it were able to save 3 mills, which is the most that could be saved in the wholesale cost of power right at Niagara Falls, and which as we have shown could not possibly be saved in the middle of Pennsylvania, the average saving per customer would be $11.10.

You also said on the radio in discussing the preference clause in your bill:

"Such a clause has been in every Federal statute dealing with the generation of electric power since the days of Theodore Roosevelt in 1906."

The fact is that preference clauses have been put in statutes calling for Federal development of projects with Federal funds. The Federal Power Act which has been on the books since 1920 deals with the generation of electric power and authorizes the Federal Power Commission in issuing licenses for power projects to give a first crack at them to State and municipal agencies, such as the power authority of New York. It contains no preference clause relating to the sale of power. Many licenses have been issued under it to State and municipal bodies, including the license for the St. Lawrence project, which the power authority of New York is building.

New York law established the New York Power Authority. New York law directs the power authority how to market power. It directs that the power be considered primarily for the benefit of rural and domestic consumers. It recognizes that sales to high load factor industry, such as the aluminum industry, are necessary to prevent power produced at hours when rural and domestic consumers cannot use it, from going to waste and in order to assure sufficiently high revenue returns to bring down the price charged to rural and domestic consumers. The law requires that a reasonable share of the power be sold to municipalities and resold at the lowest possible price. It provides for the allocation of a reasonable share of the power to other States.

In selling St. Lawrence power, we made every effort to make power available to municipals and cooperatives under the most

favorable circumstances. We spent a vast amount of time persuading private utilities to wheel power to them at reasonable rates. We sold or offered to sell the municipals and cooperatives within the economic market area and somewhat beyond all the power they can use and pay for in the next 10 years and have assured them that when we get our Niagara license, we will be able to take care of increased needs for 25 years.

Actually, we allocated far more power to the municipals and cooperatives in proportion to their rural and domestic customers and their needs than we did to the private utilities. Of the 600,000 rural and domestic customers in the St. Lawrence economic area, 29,600 are served by 17 municipals and 3,000 by 3 coperatives. Ninty-five thousand kilowatts are being made available to the municipals, although their total demand is 39,000. Eight thousand kilowatts are being made available to the cooperatives, whose demand is only 3,600. On the other hand, the private companies, whose rural and domestic customers use about 400,000 are receiving only about 140,000.

We have justified providing more power for the municipals and cooperatives because they do not have modern low-cost generating facilities and hence power costs them more than it does the private utilities. We shall treat the municipals and cooperatives within the Niagara economic area as we have treated those in the St. Lawrence. However, we will not lose sight of the fact that we are a business organization under Government auspices but without public credit and if we are to finance and pay for a project costing nearly $600 million, we must maintain the confidence of prudent private investors and operate it in a sensible businesslike manner and not to vindicate radical political ideologies.

We shall be happy to allocate a reasonable amount of power to Pennsylvania and Ohio if it turns out that it is wanted and can be economically delivered and paid for there. No one should be under the illusion that this will be a great amount of power, or that it will work any economic wonders. Once the power gets to Pennsylvania and Ohio, it will have to be marketed under their laws. As far as we know, neither State has yet enacted legislation setting up a bargaining agency to purchase power from us as was done by Vermont, Massachusetts, and New Hampshire.

Your Niagara bill is impractical and unworkable, and in its present form is in conflict with New York law. It would produce litigation, but no financing and no power. On the other hand, the Ives-Javits bill is sensible and workable and does not conflict with New York law. The other bill could, of course, be amended to cure its manifest defects.

Niagara power project is of great importance to the people of western New York. Unless it is realized soon, vital industry will move away. If made available without further delay, it will be a great boon to the economy of the area and to the defense of the country.

The main object of the 1950 treaty by which the United States and Canada agreed to the diversion of additional water from the Niagara was to preserve and enhance the beauty of the falls and its environs. On the Canadian side there is a beautiful park and parkway which revenue from power has made possible. On our side years of depredation and spoliation have marred this natural beauty. It is our purpose to develop power quickly and efficiently as we are doing on the St. Lawrence and, as part of the cost of the project, to construct a scenic parkway, a park system and incidental protective improvements on the American side similar to those on the Canadian side, in accordance with the spirit and purpose of the 1950 treaty.

We know that you are sincerely interested in seeing this great constructive work accomplished and we shall welcome your support of a practical measure introduced by New York Members of Congress to make it possible.

We are enclosing a copy of our St. Lawrence power marketing report.

Cordially,

ROBERT MOSES,
*Chairman.*

Personally I do not think we will receive many kilowatt-hours in Ohio or in Pennsylvania from the Niagara project because, for instance, in Ohio we do not have a legislative commission that can enter into agreements with the New York Power Authority—as established by this law. Therefore, at the present time we are not eligible to participate in the power generated under the New York Power Authority.

Mr. Chairman, I repeat, this legislation is public power, but there is a circumstance to be considered, and that is a combination of public power and private power. This is one example in the great Northeast area where I think the two can work together. For that reason I am supporting this legislation.

May I say in all sincerity to the majority Members that I hope they will never bring out a bill to the floor as they have brought out this one. We are going to help them pass it, if we possibly can, because I think there is an emergency, but we still believe that the minority party is entitled to recognition, not only on the floor of the House but in that fine committee of which we are members.

Mr. SCHERER. Mr. Chairman, will the gentleman yield?

Mr. McGREGOR. I yield to the gentleman from Ohio.

Mr. SCHERER. Will the gentleman from Ohio attempt to answer this question? Is not this the first time or about the first time that a governmental agency will develop power when it is not connected with a flood-control or reclamation project?

Mr. McGREGOR. I think the gentleman refers to a Federal project. In my opinion, it is the only time that I know of. I will yield to a member of the subcommittee who is more familiar with the history of this type of project. I am not a member of that subcommittee. I yield to the gentleman from Minnesota.

Mr. BLATNIK. Did we not do that in the case of the power section of the St. Lawrence seaway when we authorized the power authority in the State of New York to develop, operate, and finance it?

Mr. McGREGOR. The St. Lawrence seaway had navigation and other purposes. If I understood the question of the gentleman from Ohio it was, Is this the only project where power alone is taken into consideration, where there is no navigation or flood control or irrigation? Is that the question?

Mr. SCHERER. That is my question.

Mr. McGREGOR. As far as I know, there is none.

Mr. MACK of Washington. Mr. Chairman, will the gentleman yield?

Mr. McGREGOR. I yield to the gentleman from Washington.

Mr. MACK of Washington. There never has been a project developed by the Federal Government in connection with a State where there was power alone. It must have power, flood control, or reclamation.

Mr. SCHERER. If we pass this bill, is it not a great victory for the public power advocates?

Mr. McGREGOR. No; I do not think so. They may say they have won a victory, but really an act of God made the circumstances what they are today because the Schoellkopf power plant fell into the Niagara River. I think that is the circumstance that compels action at this time and really made a compromise between private and public power imperative as an emergency really exists and has made possible an equitable compromise.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. McGREGOR. I yield.

Mr. JONES of Alabama. We had an example in the Alabama-Coosa River project, the Markham Ferry project in Oklahoma, and the Priest Rapids project in the Pacific Northwest, so there is ample precedent for it.

Mr. McGREGOR. They were for power only?

Mr. JONES of Alabama. They were for power only. The Federal Government continues its responsibility to all other functions for which the constructions were made, but the power development was referred to either the State agency or to private power groups.

Mr. McGREGOR. I thank the gentleman from Alabama for giving us that information.

Mr. SCHERER. Did not the projects the gentleman mentioned, however, grow out of these flood control, navigation, or reclamation projects?

Mr. JONES of Alabama. They grew out of flood control. On the Alabama-Coosa, the Markham Ferry, and the Priest Rapids projects, one or the other recognized Federal responsibility. The division of the activities on the specific dams was made for the purpose of giving to either the private utilities or to the State agency the authority to make investments in the hydro power potential of the project. In this case the power development is being given to the State of New York, carrying forward the number of kilowatts to be available to the preference customers in the Flood Control Act of 1944 and all similar legislation. We have given preference by classification of customers without defining specific amounts of kilowatts to be allocated to each preference customer. In this case we do. Other than that, that is the only development that I know of. That is being made in this case. We are providing 20 percent of one-half of the power to be generated there by the State of New York to be available for preference customers in the economic transmission district from Niagara.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. McGREGOR. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I have asked the gentleman to yield only to make the point that this is not a Federal develop-

ment of power but rather a State development of power. I think the gentleman will find in many States that there are developments either by State authority or by municipalities of power facilities that are not associated with reclamation or with flood control. An illustration is in the State of Nebraska, where there is extensive development.

There is one other matter I should like to set the record straight on, and that has to do with the Markham Ferry project in Oklahoma, for which we recently enlarged the flood-control storage in the new rivers and harbors bill.

Mr. FALLON. Mr. Chairman, will the gentleman yield?

Mr. McGREGOR. I yield to the gentleman from Maryland.

Mr. FALLON. Is it not true that the only reason we are here considering this legislation today is because the international boundary and rights were granted under a treaty and if any State wanted to develop a river or have water power in its own State, they could develop it if they could get the permission from the Federal Power Commission?

Mr. McGREGOR. That is correct.

Mr. FALLON. And it carries the preference clause.

Mr. McGREGOR. That is correct, and I want to acknowledge that the position of my friend the gentleman from Maryland, and the gentleman from Ohio has been very much in accord so far as power development is concerned.

Mr. ALGER. Mr. Chairman, will the gentleman yield?

Mr. McGREGOR. I yield to the gentleman from Texas, a former member of our committee.

Mr. ALGER. Would the gentleman from Ohio try to explain to us how it is even though there was a catastrophe which we recognize that private enterprise interests have evaporated in developing these power resources?

Mr. McGREGOR. I do not have any reason that I could give for that. I personally feel that in such a catastrophe probably there were many things involved, and one of them probably would be the money required to reconstruct the power facilities that were lost.

I yield to the gentleman from New York to fully answer the question.

Mr. MILLER of New York. I think in answer to the question raised by the distinguished gentleman from Texas, I may say first that the installation which fell in the river was an old-fashioned installation, one of the first ones of its type. It was built on the American side in the United States and it developed 25-cycle power which is no longer used and, therefore, could not be restored. It would be useless to restore it just as it was in 1914. The second point is the installation which fell in the river was owned by the Niagara Mohawk Power Corp. and the water which was being used to generate power by that station is received by the Niagara Mohawk Power Corp. under a license which expires in 1971, and since it would take 3 or 4 years to restore it, they would not have anywhere near enough time left to amortize the cost of restoring it under the existing license, which, of course, the gentleman knows was for 50 years and expires in 1971.

Mr. McGREGOR. I thank the gentleman from New York.

Mr. ALGER. Recognizing the license agreement that is necessary, I am still very puzzled, I want the gentleman to know, why private enterprise is not showing some initiative and some interest in trying to fight for this particular development regardless of the licensing.

Mr. McGREGOR. The gentleman will have to satisfy his own judgment on that. I cannot speak for the group that he refers to. I will yield now to the gentleman from Florida [Mr. CRAMER] and then relinquish the floor.

Mr. CRAMER. I want to take just a moment and thank the gentleman for yielding, but I want to take this time to clarify further the point that the gentleman raised at the outset of his remarks in regard to the manner that this bill was handled when it came before the committee. Is it not true that this bill was considered at the same time and on the same morning that the TVA financing bill was voted out; the omnibus rivers and harbors bill was voted out; and the killing of the lease-purchase program was voted out—and this bill was voted out within a period of an hour and a half or two hours in one single morning and the gentleman, as ranking minority member on the committee, was not even notified that this bill was going to be brought up the morning that it was taken under consideration?

Mr. McGREGOR. The records will verify the gentleman's statement, and I am sure that many Members on the majority side now recognize that the action taken that morning was just a little unfair treatment. But, we do not want to jeopardize this legislation, which appears to be so urgently needed at this time, and which represents a compact between New York Power Authority, REA, private utilities and other interested parties.

Mr. Chairman, I yield back the balance of my time.

Mr. BLATNIK. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. FALLON].

Mr. FALLON. Mr. Chairman, as you have heard the previous Members speak on this subject, this bill has a history of 7 years as a legislative project. In the 83d Congress, the House Committee on Public Works reported the bill out giving the authority to the Mohawk Power Co. to extend their development on this river. At that time there was also being considered by our committee a bill designed to give the Federal Government the right to develop the power in that river. At that time, it was my job on this side to handle, as a member of the minority, the management of the bill on the floor. I made many statements at that time opposing public power development in the river. Reading the RECORD I find that I said on many occasions that I was opposed to public power development any place where private power could and would do the job. I was supported then on the floor by our chairman, Mr. BUCKLEY, who was in favor of the Dondero bill, as I remember it, that was being considered. The House passed the bill. The bill went to the other body and no action was taken. You have heard repeated here that since then the people who asked for the right to develop power could not do it. Their license had expired. There would not be time to amortize the cost of this in the time left, and other financial difficulties they have had. But I agree that this is a departure, certainly from my philosophy, on this particular legislation. I do feel however, that the private power people who have come down here from New York and approached us were sincere in their opposition to legislation which would nationalize the power industry. They have been greatly concerned, not only because they wanted to stay in business, but because they regarded power development by the Federal Government as an unnecessary socialistic experiment, contrary to basic American principles. I think it is probably now a question of convenience. The people in upper New York State are going to be without power unless this bill is passed. That is the only reason I could see that anybody could change their philosophy and vote for this bill. It is necessary. It is needed. It is an emergency. Therefore, in this case I am approving what might be called public power, but I am glad to say that it is State public power rather than Federal public power.

Mr. GEORGE. Mr. Chairman, will the gentleman yield?

Mr. FALLON. I yield.

Mr. GEORGE. Does not the gentleman feel that we have no choice, due to the fact that private business has abdicated and says "We cannot do it" or "We will not do it"?

Mr. FALLON. As a matter of fact, they have not only done that. They have asked us to do it.

Mr. GEORGE. Yes, and I feel they have cut the ground out from under me.

Mr. FALLON. Exactly.

Mr. SCHERER. Mr. Chairman, will the gentleman yield?

Mr. FALLON. I yield.

Mr. SCHERER. Does not part of the responsibility rest upon the Congress, when we pass a bill authorizing private power to develop this additional power in the Niagara area? However, it did not pass the other body. If it had passed both bodies, would not private power have developed it then?

Mr. FALLON. Well, I do not know what might have happened.

Mr. SCHERER. Were they not in a position to develop public power at that time?

Mr. FALLON. They were in a position to develop it at that time, but whether they could have gotten to the stage where they could develop it before this rock slide occurred, I do not know. But it was not the failure of the House. It was the failure on the part of the other body.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. FALLON] has expired.

Mr. McGREGOR. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. MACK], a member of the committee.

Mr. MACK of Washington. Mr. Chairman, the Niagara power development proposed by this bill is a tremendous undertaking. It will produce power in about the same volume as the McNary Dam or the Giant Dalles Dam in the Pacific Northwest. The Niagara project will have an installed capacity of 1,300,000 kilowatts. It will produce 8 or 9 billion kilowatt-hours of electricity each year. This is the equivalent of one-fifth of the entire power production at the present time of the entire State of New York. There has never been any dispute about this being a desirable project that will produce power at low cost and that it will contribute to the industrial development and economic life of the entire area.

There, however, has been for 7 years a great dispute among different factions over whether this power project should be developed by the Federal Government or by the State of New York or by private power interests. Today, however, all these interests are agreed that the only feasible and practical solution is the construction of this project by the State of New York. There is no opposition from the private power people. Those who have been urging private development have abandoned that position. It is no longer feasible. Everybody in New York State is agreed that this project should be built by the State. This always was the position of the Republican Dewey State administration and also the position of the Democratic Harriman State administration. With everybody agreed it seems to me the only thing we can do in the interest of the people of New York is to pass this bill today.

Mr. BLATNIK. Mr. Chairman, I yield such time as he may desire to the gentleman from New Mexico [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Chairman, the only thing we have to consider here today is whether or not we want the powerplant constructed at Niagara Falls. There is only one applicant for it. Everybody in the power business agrees that the State of New York should build this powerplant.

We have been handling the bill in the Public Works Committee for about 7 years. We have had advocates of Federal power, public power, State public power, and private power before us. The Congress of the United States, as far as the House was concerned, voted for private power. I was one who voted that way. Now the powerplant at Niagara Falls has been damaged to the extent of about $100 million. The private power company did not ask to build a new plant because they did not have the funds, and New York State is apparently the only one we have to fall back on. They have made an arrangement which is quite unique and I think will be very successful. New York State will generate the power. Some of the power companies will use their own transmission lines to avoid duplication.

Mr. NICHOLSON. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Massachusetts.

Mr. NICHOLSON. They will not distribute any power, though, will they? They will sell it to the companies that are now doing business.

Mr. DEMPSEY. I do not say they would not distribute any power, but they will sell a certain amount of it to private power companies to be transmitted over private power transmission lines.

Mr. NICHOLSON. If we pass this bill and give the State the right to build this project are we going to be in competition with the five companies now serving that valley?

Mr. DEMPSEY. They are the ones who welcome it because they have made this agreement. The Congress did not do it. The private power companies made the agreement.

An emergency exists. We are now purchasing power from Canada. They cannot furnish that power very much longer, and unless this plant is constructed by the State of New York, there is going to be a terrific emergency existing in New York for a long period of time.

Mr. MILLER of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Nebraska.

Mr. MILLER of Nebraska. Can the gentleman tell me about arrangements with preference customers, and so forth?

Mr. DEMPSEY. There are certain preferences described in the bill. I do not recall the figure now, but that is taken care of, I think, satisfactorily because the co-ops have made no objection to it, the private power companies have made no objection to it.

Mr. MILLER of Nebraska. Has there been support from the REA's and the cooperatives for such a plan?

Mr. DEMPSEY. There has.

Mr. ALGER. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Texas.

Mr. ALGER. Could it be possible that the New York State Power Authority urging this license has just scared private enterprise out of the picture? Is that a possibility?

Mr. DEMPSEY. No, I would not say so; because I have not found them very scary in the past.

Mr. ALGER. I thank the gentleman.

Mr. DEMPSEY. Mr. Chairman, there is no objection in the committee on the merits of this bill. We had before us 2 bills; 1 was introduced by the able gentleman from New York [Mr. MILLER]; the other by our able chairman, the gentleman from New York [Mr. BUCKLEY]. The contents of the bills were identical. So that is all there was to it: We had two bills which were identically the same. I do hope we do not take up too much time in deciding this matter.

Mr. ALGER. Mr. Chairman, will the gentleman yield for a further question?

Mr. DEMPSEY. I yield.

Mr. ALGER. Has the other body passed a similar bill?

Mr. MILLER of New York. If the gentleman will yield, I can answer that. It is pending business in the Senate and will be taken up upon the conclusion of the bill they are now considering.

Mr. DEMPSEY. Last year the Senate passed a similar bill which was before this accident occurred at Niagara Falls.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I want to join the gentleman in expressing support for this legislation and ask him if he will not agree with me that while there has been some criticism voiced on this floor of the hurried procedure in the committee to advance this bill, that the emergency which was present and the lateness of the hour in this session were both factors which accounted for the rush of this legislation and that the chairman's judgment in making the decision to push this legislation would certainly appear to be vindicated by the absence of the offering of any amendments on the floor today?

Mr. DEMPSEY. I agree with the gentleman.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Minnesota.

Mr. BLATNIK. I want to underscore the comment made by the gentleman from Oklahoma. We knew there were two identical bills on a bipartisan basis, one being offered by the gentleman from New York. We also knew there were several discussions and conferences within their own circles in the State of New York for many, many weeks. The chairman came to his party membership and informed them they had come to an agreement and we said we would go along. We then assumed that the author of the identical bill on the minority side would have contacted each Member on his side, and I am sure he did. I do not think the responsibility was on our side. That was the situation.

Mr. McGREGOR. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Ohio.

Mr. McGREGOR. I am sure the distinguished gentleman from Minnesota realizes that the authors of various bills do not necessarily contact the minority Members when a bill is coming up. That is the duty of the majority to inform the minority of anticipated activities of committees. I was going to leave that out and try not to get into this controversy, but, if necessary, I will be most happy to read the hearings of that particular morning. We received no notification and when we arrived there at 10 o'clock we found out that this bill was coming up for consideration. We knew nothing about it. The distinguished chairman made a motion that the committee take up for consideration H. R. 8643, and report it favorably to the House all in the same motion. The minority had no opportunity to examine or study the proposed legislation, which in my opinion should be granted regardless of which party is in power.

Mr. DEMPSEY. May I say to the gentleman I learned first of this new bill when the author, the gentleman from New York [Mr. MILLER], conversed with me and told me what the program

was. That was several days before the meeting. It is the first time I had the knowledge that all these different elements had come to a conclusion and there was no controversy at all. I supported the Miller bill several years ago when the Congress was for that bill and this new bill meets with my approval, too. The bill that was brought out was Mr. BUCKLEY'S bill, identically the same as the Miller bill. I do not know what all this controversy is about really.

Mr. FENTON. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Pennsylvania.

Mr. FENTON. I believe the gentleman said that there is going to be an extreme shortage of power in New York?

Mr. DEMPSEY. There is now.

Mr. FENTON. Why do they have to come into Pennsylvania and allocate a certain amount of power to Pennsylvania that does not need the power? They have plenty of power. Power sent into Pennsylvania will cause the coalminers of our great State to have more trouble and more difficulty in the way of unemployment.

Mr. DEMPSEY. I am not living in Pennsylvania now. I have been there. I would inquire and find out about that.

Mr. MILLER of New York. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from New York.

Mr. MILLER of New York. In the Federal Power Act it becomes mandatory that the State of New York make available a reasonable amount of this power to neighboring States. That is the law. We cannot do anything about that. It is the Federal law and it is the law of the State of New York. However, I do not think the gentleman from Pennsylvania has to be unduly worried because of the fact that power generated at Niagara Falls, N. Y., will not be sold within Pennsylvania to any municipality or any REA or any other instrumentality or agency within Pennsylvania until the State of Pennsylvania through its own legislature creates an agency under State law to deal with the Power Authority of New York for New York power. The same holds true for Ohio. If the people of Pennsylvania do not want this power, it can be so reflected in the fact that their legislature will not pass an act to create an agency to deal with this subject.

Mr. FENTON. But you should not make the statement that there is a shortage of power in New York and that unless this bill is passed you will have a very much more power shortage and then want to send power into other States.

Mr. Chairman, Members of the House will be interested in the latest report on anthracite production by the United States Bureau of Mines. For the calendar year up to and including June 20, total output was 14,030,000 tons, as compared with 14,747,000 tons for the corresponding period of the preceding year.

The loss of almost three-quarters of a million tons over a 6-month period may not seem important to anyone not familiar with the economic situation in our mining communities, but to mine workers and their families it represents a further inability to buy foodstuffs and clothing. To a payroll that has been progressively depleted for more than a decade, this 4.9 percent decrease is another of a series of lamentable experiences for the anthracite industry.

With the general economy running in high gear, the anthracite industry had anticipated sharing in the national upturn. Our communities at least expected the industry to hold the line against additional losses. As a matter of practical fact, there is no question but that a modest gain would have been recorded in this year's output to date were it not for the pronounced impact which foreign residual oil is exerting on coal's markets. While the report submitted on Monday, July 29, to the President by the Special Committee To Investigate Crude Oil Imports takes cognizance of the danger of admitting excessive amounts of foreign oil, coal management, and labor are disappointed at its failure to take special recognition of the residual oil imports problem. It is my intention to continue my efforts at obtaining a specific limitation on residual oil, but meanwhile Congress must keep a watchful eye on other fronts to prevent further intrusions into coal's markets.

H. R. 8643 as presently written constitutes a direct threat to the anthracite industry. The amendment to be offered by Mr. FLOOD, limiting additional Niagara River power exports to the States where such power is needed, and where economies to the consumer would be realized, is a necessary safeguard against unlimited aggression on coal markets. Surely no one of fair mind would take exception to these provisions.

Power is too vital a component of the national defense structure to waste unnecessarily. In the transmission of electricity, losses are incurred with each additional mile of transmission. To bring hydropower into areas of Pennsylvania now served more economically by coal would not only cause unnecessary dissipation of that power in the transmission process; it would displace steam-generated electricity and dispense with the need for bituminous coal and anthracite. Creating layoffs in mines brings irretrievable losses in man-hours and man-days of labor, thus compounding the waste that originates on the long-distance powerlines.

Needless to say, Mr. Chairman, when you take work away from our miners you touch off unemployment on railroads where coal is an important source of freight revenue. You automatically take business away from the butcher and the baker and every other merchant in communities where the miners do their marketing.

The CHAIRMAN. The time of the gentleman from New Mexico has expired.

Mr. McGREGOR. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, this is my first experience in the well of this historic hall. I want to preface my brief remarks by saying that I am most grateful for the opportunity of addressing this great body of dedicated lawmakers, and appreciative of the privilege of being associated with it.

Mr. Chairman, I rise in support of H. R. 8643, a bill to authorize the Power Authority of New York State to operate a power project at Niagara Falls that would utilize all of the United States share of the waters of the Niagara River, in accordance with the 1950 agreement with Canada.

When the Niagara Mohawk Power Corp. plant at Niagara Falls was destroyed, an emergency was created which threatened the industrial well-being of that area of the State, and put in peril the safety of a large section of the country.

As a result of that catastrophe, industries in the area which were important to the economy of the State and to our defense program found themselves without adequate and indispensable low-cost power.

Only by importing high-cost power from Canada has disaster been averted.

This imported power is produced from a natural resource of New York State under terms of the 1950 treaty which allows Canada to use all waters of the Niagara River available for power free of charge, until facilities are constructed in New York State to use the United States share of the waters.

Construction of such a project has been delayed for 7 years, because of a reservation the Senate attached to its consent of ratification of the 1950 treaty. This has deprived the people of the State of New York of the use of their own natural resources and has permitted the use of these resources by Canada.

It is my understanding that the court has declared the reservation to be invalid, and prompt action by the Congress is needed to prevent further delays. H. R. 8643, which is identical with S. 2406 pending action in the other body, is consistent with the laws of New York State.

The laws of New York provide for the development by the Power Authority of hydroelectric power from the Niagara River for the benefit of the people as a whole and particularly the rural and domestic consumers to whom power can economically be made available, and for the sale of power to industry, so as to make this project economically feasible.

The New York State law also provides that a reasonable share of power be made available to other municipalities and other political subdivisions and to agencies created or designated by the neighboring States.

H. R. 8643 makes provision for dealing with industrial and defense emergencies, gives a realistic share to rural and domestic consumers, permits neighboring States to get a reasonable share of the power, and reserves resale and transmission of the power at fair rates.

I might add, and I think this is very noteworthy, that Attorney General Louis J. Lefkowitz of New York State has urged the passage of this bill as has his superior, Gov. Averell Harriman. I urge support of H. R. 8643.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. DOOLEY. I yield to the gentleman from New York.

Mr. KEATING. I think the gentleman has made a very convincing speech to the committee and has set forth in clear and concise language the reasons for supporting this bill. I join the gentleman and commend him for the excellent manner in which he has expressed himself.

Mr. DOOLEY. I thank the gentleman from New York.

Mr. BLATNIK. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. KEOGH].

Mr. KEOGH. Mr. Chairman, I rise in support of H. R. 8643, a bill introduced by my colleague, the distinguished, conscientious, and obviously effective chairman of the Committee on Public Works, Mr. BUCKLEY.

Since 1950 I have followed with deep interest the efforts made by the people of New York and the State of New York to develop Niagara Falls for power, and to enhance and preserve its scenic beauty. Numerous bills have been introduced by various Members of the Congress during the past 7 years in an effort to bring about the Niagara development. None of these met with success. But the bill we are now considering is the one that I believe will solve this problem.

It is one that has come to us only after a complete and exhaustive study of all the questions involved in the Niagara project. In my opinion, it is the fairest and best possible solution that can be arrived at under all the circumstances.

I will not take the time of this body to go into the details of the bill—the members of the Public Works Committee have all explained the salient points involved.

May I, however, briefly state that this bill has the favorable support of all the interested parties in New York State; and that it is presented to you today with the bipartisan support of the New York delegation.

Under the terms of the bill, all interested parties are fully and fairly provided for. This includes private power, cooperatives, municipalities, necessary defense agencies, and neighboring States.

The need for enactment of this legislation has been heightened by the disaster of June 7, 1956, when a large part of the Niagara Mohawk Power Corp.'s Schoellkopf plant at Niagara Falls was destroyed by a rockslide. As a result, an emergency situation in the Niagara Falls area was created. This area houses a number of important industrial plants that provide employment for over 30,000 people. As a result of the Schoellkopf disaster, the plants' source of low-cost power was destroyed. In addition, these plants are vital to the national defense. Unless low-cost power is returned to this area within a short period of time, these plants will be forced to move out, with the result that the Niagara Falls area will be faced with a tremendous economic and employment problem.

May I sum up by saying that this bill provides for the disposition of Niagara power in a manner that is fair to the people of the Niagara area; to the vital industries that have settled there because of the availability of low-cost power and now may be forced to move unless it is again made available; to the municipal power systems and the cooperatives; to the rural and domestic consumers; to neighboring States; and, finally, because this power project will materially help the defense of the country—it is fair to the people of the United States as a whole.

I urge passage of the bill.

Mr. McGREGOR. Mr. Chairman, I yield myself 1 minute to make an announcement. I have checked with the gentleman from Minnesota [Mr. BLATNIK] and the majority Members and it is our hope that we will be able to finish the bill tonight.

Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MILLER].

Mr. MILLER of New York. Mr. Chairman, the hour is late and I do not want to be guilty of repeating any statements already made concerning this project. If this bill becomes law, the project will be built in my district and the people I represent are the ones most vitally affected by this legislation and were most vitally affected by the disaster which occurred in 1956 to the Schoellkopf power plant.

Here is exactly how critical this situation is and how almost ridiculous it is as a result of 7 years of Congressional inaction in this field. In 1950 the Senate ratified a treaty with Canada which made possible this additional water for hydroelectric power purposes in the Niagara River. But by reservation, the Senate decided that no agency should be authorized to develop that waterpower until a further act of Congress. As a result, for 7 years, there has been no construction on the American side because both bodies of the Congress have not agreed upon a legislative remedy for this situation.

In the meantime Canada proceeded to develop its installation and utilize its share of the water immediately, and under the terms of the treaty Canada was able to use our share of the water until such time as we enact legislation to create an agency to develop this authority on the American side. As a consequence, Canada is now and for 3 years has been using the American share of the water for industrial and domestic consumption in Canada.

In 1956 occurred the Schoellkopf disaster at Niagara Falls. It lost to the electrometallurgical and electrochemical industries on the Niagara frontier 365,000 kilowatts of cheap electric power. That has been restored on a temporary basis by a contract with Canada, which is transmitting power across the river to the American side at high cost and high transmission costs, and selling to the American industries electric power which they are generating from the water to which the Americans are entitled under the treaty but which they have not utilized because of Congressional inaction. This is only on a temporary basis. Two years from today that power will not be available to the Americans on the American side at any price because the industrial growth of Canada will have made their requirements such that they can use all the power. Then there will be no alternative but that industries move from New York State into Canada where this cheap hydropower is available, and it will have a detrimental effect on the American economy and our American defense effort. It will take at least 2 years to have any portion of this project completed, so we must pass this legislation in this session if the Niagara frontier is not to become a ghost area and its industrial might transferred from American shores to Canadian shores.

All this bill does is provide that the State Power Authority of New York may build this project. They will finance it by a sale of their own bonds. They are not backed by State credit. The State Power Authority can tax no one. It has no authority to tax at any time at any level. The money which it gets it raises by the sale of its bonds in the open bond market, sold to prudent investors, with the principal amortized and the interest paid by the profits of operation, operated in a businesslike way.

There are no tax moneys involved in this thing, no tax moneys of the Federal Government and no tax moneys of the State of New York.

This authorizes New York to build it. It is provided that 50 percent of the power will not be subject to any Federal preference, that half of the 50 percent will go to the Niagara Mohawk Power Corp. to restore its loss, which in turn it will transfer only on a cost-of-services basis to the industries which need this power so badly. The other 50 percent will be subject to the preference clause, and 10 percent of that, or 20 percent of the whole, will be available to New York or the neighboring States. Any neighboring State, such as Massachusetts, if it makes application before the Federal Power Commission, will receive its reasonable share of this power if it can prove that the power can be transmitted to such State and be sold there under economic conditions and that they can utilize the power, and that it is cheaper there than power which they themselves can generate by steam power. Then they would be entitled to a portion of this power.

This is a compromise bill. It does not satisfy everyone, but it is necessary, the emergency exists, and for the best interests of our defense and our economy it is mandatory that the Congress now agree and pass this legislation and, in my judgment, pass it today.

Mr. BLATNIK. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. CHUDOFF].

Mr. CHUDOFF. Mr. Chairman, I am not going to take much time in what I have to say except to say I do not want anybody to get the impression that I am against this project. I think it is a fine project. I think it is much needed. I think there is an emergency in the State of New York. There is a shortage of power there just as there is a shortage of power throughout the Nation.

My objection to this bill is that it does not spell out properly the way this power

should be distributed. This project is going to generate billions of kilowatts of electricity. I think we should supply for more than the immediate demand. We, in Pennsylvania, would like to have some of this power. I think the State of Ohio needs it even more than we do. My objection to this bill is that it has a little gimmick in it. There is a little bit of hocus-pocus in it. It is cutting down on the rights of preferential customers. All throughout the Nation many Members of the Congress have consistently fought for the preference clause in legislation of this type, and each time when the municipal electrics and co-ops find themselves running short of power, they must go to a private company and pay a much higher rate than they would have to pay as a preference customer. I think that if this bill would spell out the 300 miles, it would take care of everybody in Pennsylvania and everybody in Ohio that needed this power. It does not do it. I am afraid that one day when there is a shortage of power in Pennsylvania and the co-ops in our State ask for this power, they will be told it is not economically feasible to transmit it to them, and that they will have to go to a private company and pay a higher rate. I would like to submit for the RECORD a chart of the estimated demand of preference customers at varying distances from the Niagara project, which was made up in 1956, covering New York, Pennsylvania, Ohio.

The chart referred to is as follows:

*Estimated demand of preference customers at varying distances from Niagara project, 1956*

[In kilowatts]

| Distance and States | Number of rural cooperatives [1] | Number of municipals [1] | Demand of rural cooperatives [2] | Demand of municipals (purchased only) [3] | Total preference demand (excluding generated) | Percent by States | Demand of municipals (generated) | Total preference demand (including generated) | Percent by States |
|---|---|---|---|---|---|---|---|---|---|
| 150 miles: | | | | | | | | | |
| New York | 2 | 21 | 1,765 | 33,854 | 35,619 | 46.9 | 55,950 | 91,569 | 57.0 |
| Pennsylvania | 5 | 4 | 24,545 | 1,004 | 25,549 | 33.7 | 7,295 | 32,844 | 20.4 |
| Ohio | 0 | 4 | 0 | 14,741 | 14,741 | 19.4 | 21,500 | 36,241 | 22.6 |
| Total | 7 | 29 | 26,310 | 49,599 | 75,909 | 100.0 | 84,745 | 160,654 | 100.0 |
| 200 miles: | | | | | | | | | |
| New York | 2 | 21 | 1,765 | 33,854 | 35,619 | 27.2 | 55,950 | 91,569 | 22.6 |
| Pennsylvania | 9 | 20 | 45,391 | 9,184 | 54,575 | 41.7 | 25,005 | 79,580 | 19.6 |
| Ohio | 0 | 21 | 0 | 40,690 | 40,690 | 31.1 | 194,122 | 234,812 | 57.8 |
| Total | 11 | 62 | 47,156 | 83,728 | 130,884 | 100.0 | 275,077 | 405,961 | 100.0 |
| 250 miles: | | | | | | | | | |
| New York | 2 | 21 | 1,765 | 33,854 | 35,619 | 16.0 | 55,950 | 91,569 | 15.7 |
| Pennsylvania | 13 | 33 | 68,937 | 21,060 | 89,997 | 40.5 | 52,558 | 142,555 | 24.5 |
| Ohio | 8 | 41 | 43,143 | 53,578 | 96,721 | 43.5 | 250,721 | 347,433 | 59.8 |
| Total | 23 | 95 | 113,845 | 108,492 | 222,337 | 100.0 | 359,220 | 581,557 | 100.0 |
| 300 miles: | | | | | | | | | |
| New York | 2 | 21 | 1,765 | 33,854 | 35,619 | 11.2 | 55,950 | 91,569 | 12.2 |
| Pennsylvania | 13 | 38 | 68,937 | 25,763 | 94,700 | 29.6 | 74,343 | 169,043 | 22.5 |
| Ohio | 22 | 60 | 123,935 | 65,403 | 189,338 | 59.2 | 301,920 | 491,258 | 65.3 |
| Total | 37 | 119 | 194,637 | 125,020 | 319,657 | 100.0 | 432,213 | 751,870 | 100.0 |

[1] Omits customers who are closer to St. Lawrence than Niagara.
[2] Assumes 45 percent load factor for rural electric cooperatives.
[3] Assumes 50 percent load factor for municipal systems.

I think the above chart is interesting. I want to say to you I definitely favor this project. I only hope that some Member from Ohio or Pennsylvania who has co-ops and municipal electrics in their district will offer an amendment to spell out the 300 miles.

Mr. BLATNIK. Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois [Mr. KLUCZYNSKI].

Mr. KLUCZYNSKI. Mr. Chairman, as a member of the Committee on Public Works and as one who, through hearings held by the committee, is fully familiar with the question of the Niagara power development project, I heartily endorse the passage of the bill, H. R. 8643, which was introduced by our chairman, Mr. BUCKLEY.

Over the past 7 years there have been a number of proposals in the form of bills introduced by Members of the Congress as to the manner in which this project should be developed. Some provided for private development; some for Federal development; and some for development by the New York State Power Authority. However, all these positions have now been resolved, and this bill provides for construction by the New York State Power Authority.

It is a bill that, in my opinion, takes care of the emergency situation existing in New York State and the wasteful neglect of the potential power in the Niagara River in the most equitable manner possible under the circumstances.

I believe that all parties in interest, including private power, municipalities, and cooperatives in New York State and the neighboring States, and the Niagara Mohawk Power Corp. whose plant was badly damaged, are given the best terms possible for their particular interest under this bill.

I think that New York State, in consenting to give 20 percent of the 50 percent preference power available under this bill to Pennsylvania and Ohio, has been more than just and has acted in a most generous manner.

Speaking as a member of the Committee on Public Works and as a Representative from the State of Illinois, I strongly urge the passage of this bill.

Mr. Chairman, I have served in this legislative body for many years. I have been on many a committee, but I have never served on a committee where the chairman, as the gentleman from New York [Mr. BUCKLEY] who is chairman of the House Committee on Public Works, was so fair and so energetic and so conscientious. Our beloved chairman recognized the first termer as well as the old timer. He has recognized Democrats and Republicans alike. I am happy to take the floor to say a few words in support of the legislation sponsored by our good friend, and chairman, CHARLIE BUCKLEY.

Mr. SMITH of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. KLUCZYNSKI. I yield.

Mr. SMITH of Mississippi. I want to join with the gentleman in expressing my appreciation for the very zealous work that our chairman did on this particular project. I think he and the other gentleman from New York [Mr. MILLER] are to be commended. They have worked out an agreement here which will satisfy the needs created by this very urgent problem.

Mr. KLUCZYNSKI. I thank the gentleman.

Mr. McGREGOR. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. OSTERTAG].

Mr. OSTERTAG. Mr. Chairman, the House has been considering and debating the Niagara power problem for many years. We have marched up the hill and down again, unable to reach the summit because we could not agree among ourselves as to how the power should be developed. During this time, I have strongly favored private development of this power.

This bill H. R. 8643, now before us, represents not only a reasonable compromise of all the viewpoints involved, but it is the best compromise we can hope to reach in all the circumstances. I might add that I introduced a companion bill.

It will provide for the generation of kilowatts at a reasonably early date.

It will save the economy of the Niagara frontier area, which is severely and adversely affected by the high-cost power it is now constrained to use.

It will give the consumers the benefits of low production costs while safeguarding the principles under which private enterprise operates.

It makes ample provision for municipalities, cooperatives and preference customers generally, including those in the economic market area of neighboring States.

It provides for preservation of the scenic beauty of Niagara Falls, thus keeping faith with all the people of the United States, to whom this great natural spectacle belongs.

Compromise is a many-faceted instrument, Mr. Chairman. It can be used to water down or emasculate desirable legislation, but it can also be used as an instrument of high statesmanship, a gravitational force keeping representative government in its orbit.

In my judgment, the bill before us represents the latter kind of a compromise. It is fair, it is constructive, and it provides a reasonable way by which we can get on with the development of this greatly needed power resource. I hope it will be speedily approved, both here and in the other body.

Mr. Chairman, some question has been raised about the amount of power that will be allocated, under the present bill, to neighboring States.

May I say, first of all, that all the bills before this Congress provide for the development of Niagara power by the New York State Power Authority. The State of New York has already advanced substantial sums to underwrite preliminary work of the power authority, and the power authority is the only applicant for a license to do this job. In the light of these facts, it is only fair and reasonable that the people of the State of New York receive primary consideration in the development of this resource.

Niagara power can be distributed and used within the area of the State of New York, where it is most needed, much cheaper than it can be used outside the State. Within the economic marketing area in New York, there are approximately 3 million people. Most of them are now served by steam power, developed from coal mined chiefly in Pennsylvania. They will continue to need steam power, as well as the kilowatts to be developed at the falls. They can absorb virtually all they can get.

It is sometimes argued that a larger share of the Niagara power should be allocated and sent to Pennsylvania and Ohio. Mr. Chairman, this is purely a matter of economics. Power should be developed and used where it is economically feasible and profitable.

Pennsylvania and Ohio have abundant coal, while New York has none. Power is actually being produced by a modern steam plant near coal mines at Shawville in west central Pennsylvania for about 4 mills per kilowatt-hour. The Ohio Valley Electric Co. is developing power for less than 4 mills. If Niagara power were transmitted to these areas and marketed under the conditions now prevailing there—that is, in small blocks, which is the only way it could be used—it would cost from 9 to 14 mills and upwards. It is economically absurd, therefore, to consider taking power produced by a natural resource in New York to Pennsylvania, when Pennsylvania and Ohio, with their great coal resources, can produce power so much more cheaply and economically.

It is my understanding that the legislatures of both States met this year and considered numerous bills to create agencies to buy and market Niagara power, but after considering the economics of such a step, both adjourned without taking any action. Surely this is sufficient evidence that they recognized the economic facts of life, and lack of interest in encouraging unprofitable ventures.

The bill before us does, of course, make firm provision for the allocation of approximately 800,000 firm kilowatts to rural and domestic customers outside the State of New York. This is a far larger allocation than was made in previous bills. It would unquestionably provide all the power that could effectively and profitably be used within the economic market area.

Since this is virtually the only point at issue, in connection with this measure, it can hardly generate much support. In short the present measure is economically sound, financially sound, and politically sound.

Mr. McGREGOR. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. PILLION].

Mr. PILLION. Mr. Chairman, I urge the passage of this bill.

This bill aims to relieve a critical emergency in the western New York region. The emergency is this:

On June 7, 1956, just about a year ago, an unforeseeable rockslide totally destroyed the Schoellkopf powerplant on the Niagara River. This plant had a capacity of 365,000 kilowatts.

This plant was the principal supplier of power to the huge electrochemical and electrometallurgical industries at Niagara Falls. These industries employ 35,000 workers. They are a vital cog in our industrial defense plans.

The power to operate these plants is now being furnished by the Canadian Province of Ontario Hydro Power Commission.

It is power that is being generated from water that is allocated to American interests under our treaty of 1950.

The cost of this Canadian power is substantially higher than the American power that was lost. It is higher than the power costs of competing industries.

Another serious disadvantage is that this power is being supplied on a short-term, interruptible basis.

These industries, today, are operating only because of the benevolence and the sufferance of the Canadian Government. In the event of an emergency termination of this power by the Canadian Government, these plants would find themselves without an alternate source of power.

In addition to prohibitive increased power costs and the lack of a dependable long term power supply, these industries are confronted with a further obstacle.

The powerplant that was destroyed and the power that is being presently delivered by the Canadian Government is 25-cycle power. Any new powerplant to be built at Niagara will produce only 60-cycle power. The cost of these companies for the necessary conversion of electrical equipment from 25-cycle to 60-cycle power will be approximately $50 million.

These factors place an almost insurmountable competitive burden upon these companies. They cannot exist, unless the power, provided for in this bill, becomes available to them in the very near future.

Tens of thousands of jobs are threatened.

Low-cost production of chemicals and metals, so necessary for our economy, is being jeopardized.

Industrial plant capacity, representing savings of hundreds of millions of dollars, is being made obsolete.

Now, there appears to be some misunderstanding of the ownership of this power potential.

It is undisputed law, that the lands, under waters, of the Great Lakes to the international boundary line, are the property of the bordering States.

It is settled law, that the fish and wildlife in these waters belong to the bordering States.

The paramount title to the waters is in the bordering States. The Federal Government's rights are merely an authority to regulate which is incidental to the broad power to regulate for navigation and interstate commerce purposes.

This license to the New York State Power Authority is proper and is in conformity with the adjudicated legal status.

This bill is a compromise bill. It is neither a private power bill nor is it a public power bill. It takes the best features of both private and public power ideas to produce the maximum practical economic benefits for the various interested parties.

This construction will be financed by the sale of bonds, on the private market, to be issued by the power authority of the State of New York. There is no subsidy by the taxpayers of that State. The cost must be repaid, not by the taxpayers at large, but by the consumers and purchasers of the power.

Under this bill, there is no cost or investment by the taxpayers of the Nation.

As a matter of fact, the United States will immediately recover $7,500,000 which it has heretofore spent for remedial construction work at Niagara Falls. In this respect, it is a most unique project.

This bill conforms to New York State law. It has the bipartisan support of the Governor and of both houses of the Legislature of the State of New York.

The practical economic benefits far outweigh the, perhaps valid, theoretical and political objections that may be presented.

Mr. McGREGOR. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. RADWAN].

Mr. RADWAN. Mr. Chairman, I rise in support of this legislation. I have been with it ever since I have been a Member of Congress. I have never had any real fixed position. I have been interested in power, that we have the power that is now going to Canada.

I have always had uppermost in my mind the public interest in this matter, and I say to the entire House this bill is in the public interest. A fair compromise has been worked out, and I urge its early adoption.

Mr. BLATNIK. Mr. Chairman, I have no further requests for time.

Mr. McGREGOR. Mr. Chairman, I have no further requests for time on this side.

The Clerk read as follows:

*Be it enacted, etc.*, That (a) the Federal Power Commission is hereby expressly authorized and directed to issue a license to the Power Authority of the State of New York for the construction and operation of a power project with capacity to utilize all of

the United States share of the water of the Niagara River permitted to be used by international agreement.

(b) The Federal Power Commission shall include among the licensing conditions, in addition to those deemed necessary and required under the terms of the Federal Power Act, the following:

(1) In order to assure that at least 50 percent of the project power shall be available for sale and distribution primarily for the benefit of the people as consumers, particularly domestic and rural consumers, to whom such power shall be made available at the lowest rates reasonably possible and in such manner as to encourage the widest possible use, the licensee in disposing of 50 percent of the project power shall give preference and priority to public bodies and nonprofit cooperatives within economic transmission distance. In any case in which project power subject to the preference provisions of this paragraph is sold to utility companies organized and administered for profit, the licensee shall make flexible arrangements and contracts providing for the withdrawal upon reasonable notice and fair terms of enough power to meet the reasonably foreseeable needs of the preference customers.

(2) The licensee shall make a reasonable portion of the project power subject to the preference provisions of paragraph (1) available for use within reasonable economic transmission distance in neighboring States, but this paragraph shall not be construed to require more than 20 percent of the project power subject to such preference provisions to be made available for use in such States. The licensee shall cooperate with the appropriate agencies in such States to insure compliance with this requirement. In the event of disagreement between the licensee and the power-marketing agencies of any of such States, the Federal Power Commission may, after public hearings, determine and fix the applicable portion of power to be made available and the terms applicable thereto: *Provided*, That if any such State shall have designated a bargaining agency for the procurement of such power on behalf of such State, the licensee shall deal only with such agency in that State. The arrangements made by the licensee for the sale of power to or in such States shall include observance of the preferences in paragraph (1) of this subsection.

(3) The licensee shall contract, with the approval of the Governor of the State of New York, pursuant to the procedure established by New York law, to sell to the licensee of Federal Power Commission project 16 for a period ending not later than the final maturity date of the bonds initially issued to finance the project works herein specifically authorized, 445,000 kilowatts of the remaining project power, which is equivalent to the amount produced by project 16 prior to June 7, 1956, for resale generally to the industries which purchased power produced by project 16 prior to such date, or their successors, in order as nearly as possible to restore low-power costs to such industries and for the same general purposes for which power from project 16 was utilized: *Provided*, That the licensee of project 16 consents to the surrender of its license at the completion of the construction of such project works upon terms agreed to by both licenses and approved by the Federal Power Commission which shall include the following: (a) The licensee of project 16 shall waive and release any claim for compensation of damages from the Power Authority of the State of New York or from the State of New York, except just compensation for tangible property and rights-of-way actually taken, and (b) without limiting the generality of the foregoing, the licensee of project 16 shall waive all claims to compensation or damages based upon loss of or damage to riparian rights, diversionary rights, or other rights relating to the diversion or use of water, whether founded on legislative grant or otherwise.

(4) The licensee shall, if available on reasonable terms and conditions, acquire by purchase or other agreement, the ownership or use of, or if unable to do so, construct such transmission lines as may be necessary to make the power and energy generated at the project available in wholesale quantities for sale on fair and reasonable terms and conditions to privately owned companies, to the preference customers enumerated in paragraph (1) of this subsection, and to the neighboring States in accordance with paragraph (2) of this subsection.

(5) In the event project power is sold to any purchaser for resale, contracts for such sale shall include adequate provisions for establishing resale rates, to be approved by the licensee, consistent with paragraphs (1) and (3) of this subsection.

(6) The licensee, in cooperation with the appropriate agency of the State of New York which is concerned with the development of parks in such State, may construct a scenic drive and park on the American side of the Niagara River, near the Niagara Falls, pursuant to a plan the general outlines of which shall be approved by the Federal Power Commission; and the cost of such drive and park shall be considered a part of the cost of the power project and part of the licensee's net investment in said project: *Provided*, That the maximum part of the cost of such drive and park to be borne by the power project and to be considered a part of the licensee's net investment shall not exceed $15 million.

(7) The licensee shall pay to the United States and include in its net investment in the project herein authorized the United States share of the cost of the construction of the remedial works, including engineering and economic investigations, undertaken in accordance with article II of the treaty between the United States of America and Canada concerning uses of the waters of the Niagara River signed February 27, 1950, whenever such remedial works are constructed.

SEC. 2. The license issued under the terms of this act shall be granted in conformance with Rules of Practice and Procedure of the Federal Power Commission, but in the event of any conflict, the provisions of this act shall govern in respect of the project herein authorized.

Mr. BLATNIK (interrupting the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, that it be printed in the RECORD and be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FLOOD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLOOD: On page 2, lines 21 and 22, after the word "use" strike out "within reasonable economic transmission distance"; and on page 2, line 22, after the word "States" before the comma, insert: "To the extent that such additional power supply is needed in such States and will result in economies for the consumer after taking into account all generation and other costs."

Mr. FLOOD. Mr. Chairman, I rise to offer an amendment to H. R. 8643 which has been introduced by my able and respected colleague of New York.

In offering this amendment I am privileged to do so also in behalf of my esteemed and honored associate, the gentleman from Pennsylvania, FRANCIS E. WALTER, who has been called out of the country on essential business. He has expressed to me his great disappointment in not being able to be here today and to lend personally his support to this amendment.

This bill as it now stands authorizes the Federal Power Commission to issue a license to the power authority of the State of New York for the construction and operation of a hydroelectric power project on the Niagara River. Among other things it contains certain provisions relative to the exporting of substantial amounts of the power to be produced into neighboring states. The amendment which I am proposing relates to the power to be made available for export and seeks to clarify the terms of H. R. 8643 in respect to the marketing of such power.

Now, Mr. Chairman, the development of this great water resource belonging to the State of New York has been the subject of political debate in the Halls of Congress for many years. Consideration of this project has involved the serious question of whether this river resource should be the responsibility of government, in this instance the State of New York, or of private citizens. The accepted facts show that whether developed by New York State or by private citizens, the potential power to come from the Niagara River is in substance the same. The essential difference is simply one of political principle.

Before addressing myself directly to this important issue, Mr. Chairman, let me hasten to express again, as I have many times before by word and action in this House, my deep and abiding belief in that philosophy which, from the earliest days of our independence, has placed to the utmost extent possible, the responsibility upon the private citizen and the Government for the development of the vast resources of our country according to circumstances. And here let me say once again, that I make and can find no distinction in the application of that philosophy whether it be in the utilization of our rivers for the manufacture of electric power; in the recovery from the ground of our minerals for the creation of useful goods and services; or in the tilling of our soil for the production of food and countless agricultural products.

However, Mr. Chairman, the time would seem to have come where debate must end and the people and the industries in the rapidly growing Niagara area may have the issue resolved.

Thus, while I now offer this amendment for enactment, I do so not because I have forsaken principle but rather from the sincere desire to bring to reasonable conclusion the long drawn out discussions that have marked this issue from the beginning and, in a practical and realistic way, to assure the marketing of this hydro power in the most efficient and equitable manner, and, at the same time, in a way least harmful to the people and the economy of my State.

First of all, it should be understood that the bill, to which this amendment

applies, provides that the power authority of New York in disposing of the Niagara project power shall set aside as much as 180,000 kilowatts of electric capacity for use within reasonable economic transmission distance from the Niagara site in neighboring States.

This would seem to be an unusually substantial amount of the Niagara power to be designated for such purposes—particularly as this project lies wholly within the State of New York, will be financed entirely by a duly constituted authority set up by the people of that State and especially since there is ample evidence that all of the power produced at the project can be marketed to the public within the borders of the State.

Importing of such large or greater amounts of hydro power would have ruinous effect on the economy of my own State and Ohio as well.

Now, let me say that as far as Pennsylvania is concerned that there is not now, never has been, and is wholly unlikely in the reasonably foreseeable future, any shortage of power for the homes, farms, and industries of my State. While it would be presumptuous on my part to speak for any of my able colleagues in the House from the great State of Ohio, I do understand that in this respect the power situation in that State does not differ in substance from our experience in Pennsylvania.

Electric power from the burning of coal is in ample supply and at costs which the studies of the New York State Power Authority have shown to be generally well below the delivered cost of power from Niagara after properly taking account of the transmission costs and losses that would be entailed in bringing the hydro power from the Niagara River site to the consuming groups.

The authority has pointed out, too, that all of the power from Niagara can be consumed in the heavily populated and highly industrialized areas in New York State and within 100 miles of the Nigara Falls site. To bring about forceably by legislation or otherwise, the export and transmission with attendant power losses at distances greater than necessary in search of adequate consumer markets, would constitute an economic and unwarranted waste.

Thus, from the criteria of need for the power and the economic facts of its utilization, there appears to be no sound reason for the export of any Niagara power and certainly not in any substantial degree.

Moreover, even if these facts were not so, there are the other and perhaps more serious circumstances surrounding the export of Niagara power into the neighboring States of Pennsylvania and Ohio. We, who are close to the people in the coal-producing communities know full well their heartbreaking struggle to overcome the severe economic hardships they have endured through their dependence on an industry which has been in a depressed state for a considerable time. It is an act of injustice to the people of these areas to go out of the way to bring hydro power into these regions and to replace their coal-produced power.

A capacity of 180,000 kilowatts is to be made available to the States of Ohio and Pennsylvania.

A steam plant of that capacity would require 500,000 tons of coal per year.

In the bituminous coal industry, an output of 500,000 tons would provide a year's employment for 215 men; in anthracite it would provide employment for 762 men.

Five hundred thousand tons of coal would fill 16,000 railroad cars.

The loss of revenue to the bituminous coal industry if it were deprived of a 500,000-ton market would amount to $2,500,000.

Loss of this traffic on the railroads would represent a drop in freight revenue of $1,500,000.

Loss to coal miners: $1,100,000.

Loss to pay envelopes of railroad workers: $750,000.

When we talk about displacing up to 360,000 kilowatts of power now generated in our coal-burning plants by hydropower imported from Niagara, we mean the loss of a market of some one million tons of coal as well as a corresponding loss to those engaged in the business of transporting it. The people of our coal-producing communities are good substantial hard-working citizens. They are doing everything they possibly can to work themselves out of an unfortunate situation.

And, now, when the signs are pointing to a turn for the better, the financial loss from the production, marketing and transportation of a million tons of coal would be an unfortunate and unwarranted blow. It would be strange indeed to find any of my colleagues who profess to have the interests of the good people of the coal communities at heart lending their support to measures which in the final analysis, would add to their economic difficulties.

Beyond this it likewise seems unfair to the people of New York State to divert this power from them, especially when their own authority has pointed out that it is all needed and can be utilized readily in markets within easy reach of Niagara Falls.

Therefore, let the test for distribution of Niagara's power be need and resulting economies for the consumer.

This is what the amendment provides. It is sound. It is in the interests of the people of the neighboring States. It is best for the people of New York within whose borders this resource lies. I strongly urge adoption of this amendment.

Mr. CARRIGG. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Pennsylvania.

Mr. CARRIGG. Mr. Chairman, any time that a hydroelectric powerplant is built in an area traditionally served by coal, there is going to be an infringement on coal's markets. In a period of greatly expanding electrical capacity—as is the present era—coal industry may not suffer any noticeable injury, inasmuch as the demand for power could be sufficient to absorb the hydroelectric output without cutting back on coal's market. In other words, coal's loss would be the failure to participate in the gains otherwise anticipated because of the growing appetite for electric power.

As for the Niagara River development, there is going to be some very marked cutbacks in coal purchases when the water-power generators are constructed and go into operation. The coal industry is not protesting the construction of these facilities along the Niagara River. So long as nature has so generously provided this source of power, it would be foolish not to take advantage of its potentialities. The power will efficiently serve industries and homes in the Niagara Falls area. If it means that coal will be driven completely out of this utility market, then the industry would surrender gracefully. Only when programs undertaking the unnecessary extension of power service from the river project appear on the misty horizon do coal management and labor rise in protest.

I use the word "misty" advisedly, for the reasons advanced by advocates of greater exportation of the power from New York State are extremely vague in explaining their position. The amendment which I support at this time is one to which no one should take exception. These are the only requisites provided in the amendment:

First. That the need for power to be exported from New York State must be established.

Second. Upon the establishment of need, it must be further shown that the power is economical, that is that generation and transmission cost do not exceed or are below cost in the area to which the power is to be sent.

Therein is the full content of the amendment. I cannot imagine how anyone would oppose restricting the shipment of electric power into areas where an actual need cannot be established.

Electricity is a commodity that dissipates its strength in proportion to the distance over which it is transmitted. In the Far West it is true that high voltage transmission lines are extended over distances from 200 to 300 miles from such sources of electric power as Grand Coulee and McNary. In these areas, however, there has thus far been insufficient building up of industries and communities within the immediate proximity of the power sources; else it would be economic extravagance to ship the power over such great distances while leaving the crossed-over areas without electricity or dependent upon another source.

I have studied the exhaustive surveys conducted by the power authority of the State of New York and have no reason to doubt the authenticity of their projections. My interpretation is that within an extremely short time the industrial and domestic demand for electricity in that area of New York State within the periphery of the Niagara project will need all the power that is generated by the falling waters.

The area inside New York State within a hundred miles of Niagara Falls now requires almost 3 million kilowatts capacity. It will require 2,200,000 kilowatts additional capacity by 1965—at which time the entire Niagara River output can be disposed of within that area.

Since this condition will come about within 8 short years, it would be illogical to erect transmission lines into consuming areas of Pennsylvania for use through such a brief period. Rather, it would be far more economic to permit coal to continue to serve as the fuel for the generation of electric power to be used in the State of Pennsylvania.

Despite these objections to the importation of any electric power whatsoever, Pennsylvania will not oppose passage of H. R. 8643 providing the proposed amendment is included. That amendment is our only defense against whatever hidden devices the supporters of unrestricted importation may have in store for us. We are confident that our coal industry can defend itself against this planned invasion of our markets if economic law is recognized—through the medium of this amendment—as the determining factor. Otherwise both the bituminous coal and anthracite industries would be exposed to a relentless purge of their markets, with mine workers and their families the principal victims.

The anthracite industry and its communities have hoped that the lowest level of production has already been reached and that we will at last be permitted the opportunity to begin an upward climb. Any such hopes stand in danger of being dashed by wanton extension of Niagara's hydroelectric lines. An affirmative vote on the amendment to H. R. 8643 is essential.

Mr. BYRD. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from West Virginia.

Mr. BYRD. The gentleman from West Virginia finds himself in a similar position to that of the gentleman from Pennsylvania. I compliment the gentleman upon offering his amendment and I wish to associate myself with him in the remarks he has made.

While the State of West Virginia may seem removed from the areas that are in danger of being injured by the Niagara power project, I should like to join in condemnation of any plan that threatens coal's markets. As representative of the Nation's largest coal-producing district, I am of course very familiar with the many hardships the coal miner and his fellow workers in allied industries have been forced to undergo in consequence of rash and unwise decisions made in Washington in times past. I want to assist in preventing the unnecessary aggravation of conditions that tend to make it more difficult for these American citizens to earn a livelihood.

In the first place, I would be less than frank if I did not admit that the proposal to bring electric power from the Niagara River into a State rich with coal reserves is most confusing. Let me say parenthetically that, if the sponsors of the move to import hydro-generated power into Pennsylvania are concerned about the longevity of the stockpile of coal that lies beneath the soil of the Keystone State, then we West Virginians will be most happy to make more of our abundant resources available to our neighbors.

West Virginia even now is an important supplier of coal to the Commonwealth of Pennsylvania. We have a variety of grades of bituminous coal that are suited to the production of steel, for use in cement plants and other industrials, for the manufacture of chemicals, for steam uses, for home heating, as a locomotive fuel, and for whatever other purposes coal may be needed. You will find considerable quantities of West Virginia coal moving north across the border into Pennsylvania, and, of course, our product is sent in every direction to other areas of this country as well as into Canada and overseas.

Whether or not the transmission of electric power from the Niagara River into the electric power systems of western Pennsylvania would interfere with sales of West Virginia coal, I feel obliged to oppose any such project. The electric utilities have become coal's biggest customer, and this is the market to which we must look forward for whatever gains we are to enjoy in the years immediately ahead. Some of the estimates for coal consumption in 1975 place the utilities order in the neighborhood of 350 million tons annually. If the coal industry is to achieve any such level of sales to this outlet, there can be no diversions brought about by arbitrary government dicta.

The dire consequences of unreasonable decisions coming from Federal officials who are either uninformed or insensitive to the needs of our own people are illustrated in the recent action to provide the Communist government of Poland with funds from the Export-Import Bank for the modernization of coal mines in that country. Ironically, by helping to increase Poland's coal production, money that has been taken from the United States taxpayer to support the Export-Import Bank will make it possible for Poland to compete with the American coal industry not only in traditional markets of Western Europe, but even in the Western Hemisphere. Latest reports are that Poland has already concluded negotiations for the shipment of vast tonnages into Argentina, which heretofore has been almost wholly dependent upon United States coal. Thus by the use of American dollars, Poland expects to seize a considerable portion of the solid fuels market of the Argentine.

If there is any justification whatsoever for planning to transmit electric power from the Niagara River into Pennsylvania, second only to West Virginia as a coal producer, I should like to acquaint myself with the reasoning advanced by promoters of this plan. If the answer is that this form of public power will come to Pennsylvania cheaper than that produced by coal, then I ask you to beware of the subsidies involved, regardless of which public agency underwrites the project.

We are only too familiar with cost estimates projected by bureaucratic offices. The St. Lawrence Seaway, for instance, was pictured as a $105 million investment, whereas approximately 30 percent more has already been asked as essential to carry on the work. Here, incidentally, was another of the many Government-sponsored programs for raiding coal industry markets.

What the next move of bureaucratic planners will be is a matter of conjecture. Meanwhile, I remind my colleagues that it is incumbent upon us to insert into the Niagara River bill the amendment proposed by the gentleman from Pennsylvania [Mr. FLOOD] as a safeguard against this newest blow at the coal industry.

Mr. CLARK. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Pennsylvania.

Mr. CLARK. Mr. Chairman, the district which I represent cannot by any means be considered one of the leading coal producers in Pennsylvania, yet we have a working force in excess of 1,200 men at our mines. We have several hundred railroaders who would be laid off if it were not for coal traffic, and we have an even larger number of persons who have jobs because of the coal tonnages carried by truck. About 70 percent of all the coal mined in Beaver, Butler, and Lawrence Counties moves by truck, so this business is important to gasoline stations and garages as well as to our trucking industry.

We also have a very large number of men and women employed in the electric-utility industry—from linemen and maintenance crews to meter readers and clerks.

There are still too many persons on our unemployment rolls to consider our part of the country a prosperous region. We never overlook an opportunity to bring a new industry into our counties, and we view the future with optimism. Our working force has been very patient through the years, for western Pennsylvania has from time to time been as hard hit economically as any other region in the country. We resent very much any scheme to take work away from us, especially when such action in no wise contributes to the general welfare.

Our people, particularly in those industries which I have named, cannot stand by without protesting the uncertainty of H. R. 8643 as it now reads. Regardless of which way it is translated, H. R. 8643 contains the makings of unemployment in western Pennsylvania, and our working force cannot go along with this kind of legislation. We have homes that are in need of repair after long years of working 1 day and off the next. We have children to educate, and we have other obligations that are no different from those of folks who live in New England, the Middle West, the South and the west coast. If my colleagues from those areas will examine our problems and the bill now before the House, I am sure that you will appreciate our position and vote to put some protection into this bill.

I have been studying the maps of New York and Pennsylvania, and I find that the nearest point in my Congressional district to the proposed power project on the Niagara is just a few miles short of 150 miles. Electric power is now being produced in modern steam plants of western Pennsylvania for less than 5 mills per kilowatt-hour, and I have yet

to find an electrical engineer who believes that power could be transmitted a distance of 150 miles and made available at the bus bar at anywhere near that price—regardless of how little it costs to produce it.

The amendment I support would not preclude Niagara power from coming into the 25th Congressional District of Pennsylvania; it would merely restrict this import if it is not needed and if it would not be able to meet the going rate for steam-generated electricity. Why anyone would object to these provisions is not readily understandable, and I am hopeful that my colleagues will agree that the proposed amendment is fair and just. It would appear ridiculous to erect a long-distance transmission line across expensive right-of-way for the purpose of carrying electricity that is costlier than that already available.

Mr. Chairman, the people of my district will thank the Members of this House for adopting the amendment and thus removing a cloud of insecurity and suspicion that is appearing from the northeast in the vicinity of Niagara Falls.

Mr. VAN ZANDT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in appealing to my colleagues for support of the amendment offered by the gentleman from Pennsylvania [Mr. FLOOD], I should like to comment briefly on one particular aspect of this issue.

I make this statement in behalf of Pennsylvania's coal miners, railroad workers, and other groups who stand to suffer if electricity from Niagara's hydroplants is imported into the State of Pennsylvania.

In recent years we have witnessed a variety of attempts—some successful—to victimize the coal industry.

Because of illogical foreign trade policies being carried out by the State Department, more than 1 billion barrels of foreign residual oil have deluged fuel markets of this country in the past decade.

Translated into the energy value, this amount is equivalent to some 250 million tons of bituminous coal.

As a member of the Joint Atomic Energy Committee, I am constantly confronted with proposals for the construction of an unnecessary number of reactors to produce electricity that otherwise would be generated through the use of coal.

Even now, threats of this nature persist despite the Atomic Energy Commission's progress in its peacetime power program.

For 8 years I campaigned for a modification of Tennessee Valley Authority contracts that were operating to the detriment of the coal industry in favor of natural gas.

The change to a more sensible policy of fuel procurement was finally adopted last year.

Another plan to displace coal in domestic markets is the proposal to import natural gas from Canada into Midwest fuel markets.

I am in hopes that the Federal Power Commission will forthwith dismiss these applications; otherwise, Congress will be required to take action in defense of American jobs.

Of the assortment of programs designed to impinge upon coal's markets, I would say that the idea of bringing into Pennsylvania a greater amount of the Niagara power than that already agreed upon is perhaps the most unique and totally unwarranted approach.

To extend the Niagara powerlines into coal-producing regions of our State would violate every law of economics, and consumers would eventually find themselves paying considerably more for electricity than if private utility plants were to undertake the building of additional needed capacity in the traditional American manner.

The Pennsylvania Electric Co. is in the process of enlarging its present generating facilities at Shawville, Pa., in my Congresssional district, to meet the energy needs in central Pennsylvania for years to come.

This electrical energy, you can rest assured, will be below the cost of hydro power brought in from the Niagara area over more than 100 miles of transmission lines.

There is no denial of the fact that hydroelectric power destroys the jobs of coal miners, railroaders, and employees in related industries.

The coal-producing State of Pennsylvania has been plagued by the specter of unemployment in its coalfields for the past several years, with the result that the unemployment problem in those areas has long been acute.

As a matter of fact, in my Congressional district in central Pennsylvania, since 1949 it has been certified by the United States Department of Labor as a labor surplus area because of unemployment; and except for a brief period during the Korean war, it has remained in that category.

Since 1954, when surplus food was made available to needy families in my Congressional district, an average of 70,000 persons in the three-county area have been receiving surplus commodities consisting of various items of food.

It is significant that in Clearfield County, where the huge Shawville plant of the Pennsylvania Electric Co. is located, over 36,000 persons have for the past 3 years been declared eligible for surplus foods by the Clearfield County commissioners, who administer the surplus food program.

According to the last United States census, Clearfield County had a population of 85,957, and for the past 4 years between 40 percent and 45 percent of the total population have qualified for surplus food, which clearly shows the economic condition of that particular area.

It may be of interest to state that there are many areas in the State of Pennsylvania with pockets of unemployment to the extent that over 1 million residents—or 10 percent of the State's population of 10½ million—have been receiving surplus commodities for the period of 4 years since the program was inaugurated.

By comparison with the statistics for the entire State, Clearfield County in my congressional district is revealed as having an unusual economic problem.

By contrast, Blair County, which depends to a great extent upon the railroad industry, has had during the 4-year period an average of over 32,000 persons receiving surplus commodities each month.

In fact, for a considerable period of time the United States Department of Labor reported that over 18 percent of the civilian labor force was unemployed.

Mr. Chairman, we do not need to import electricity into the Keystone State.

Pennsylvania has in excess of 36 billion tons of recoverable coal reserves, including anthracite.

We have an excellent network of railroads for the transportation of this fuel from mine to market, and there are ample trucks available for short hauls.

Our electric utility companies are listed among the most modern and most efficient operations in the world.

They will provide all the electricity that is needed now and in the years ahead, and we object to the subsidizing of unemployment in Pennsylvania through the Niagara scheme.

Mr. Chairman, the people of the United States must have guaranteed freedom from such a spurious political device.

It is for that reason that I appeal for support of the amendment offered by the gentleman from Pennsylvania [Mr. FLOOD], because a vote for it will be deserving recognition of the plight of the American wage earner and his family.

Mr. BLATNIK. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 10 minutes.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, I have just a few questions I would like to ask with reference to this amendment. I am inclined to support it, though. The great State of Illinois produces quite a bit of coal. However, there was a committee that called on me, I believe it was either 3 or 4 years ago, when the Miller bill was before the committee providing for private power, which committee was made up of residents of Pennsylvania and Ohio, and they were attached to REA cooperatives in Pennsylvania and Ohio. They said they needed the power, could use the power, and that the power would be cheaper than that produced in Pennsylvania and that they wanted this power from New York in Pennsylvania.

Mr. FLOOD. Mr. Chairman, if the gentleman will yield, I have available here, which I will be glad to show the gentleman, an analyzed chart showing by towns, by cooperatives, and by areas what the kilowatts will cost. And all of these figures, without exception, will show that it will cost from 1.5 to 3 times per kilowatt when you include the generating charge plus the wheeling charge. And, the further you carry this power, as the gentleman knows, the more power you lose. As to what the gentleman says, if I thought for 1 minute that that

would be so, I would not oppose anything like that.

Mr. SPRINGER. All I know is that this committee called on me and that is the statement that they made. And, I say again, the committee was made up of members of rural cooperatives of Pennsylvania and Ohio.

Mr. FLOOD. That would be a premise of the co-op to do that as a matter of principle. But I have available all of these records by co-ops in the area the gentleman speaks of, and, I repeat, they detail the figures by communities and by kilowatts.

Mr. SPRINGER. May I ask the gentleman if he has a statement of the REA co-ops in Pennsylvania on this to submit for the RECORD, whether they are in favor of it?

Mr. FLOOD. I do not know that. But I shall be glad to submit to the gentleman what I have available which indicates the facts as I have stated them. That I shall be glad to put in the RECORD.

Mr. SPRINGER. The gentleman does not have any statement from the REA co-ops in Pennsylvania?

Mr. FLOOD. Oh, certainly not.

Mr. McGREGOR. Mr. Chairman, I rise in opposition to the amendment of the distinguished gentleman from Pennsylvania [Mr. FLOOD]. I know that he and Members from his State and Members from other States—and the Members from Ohio certainly do not want to do anything that would cause greater unemployment in any area. There is nothing in this bill that puts the miners of Pennsylvania, Indiana, or Ohio out of work. There is no power forced upon Indiana, Pennsylvania, or Ohio. The proper agency of the State first must make a request to the New York Power Authority for this power and then consideration will be given to that request.

The bill we have presented here is the result of a great deal of study between the cooperatives, private power, and public power. The amendment of the gentleman from Pennsylvania would be taking out entirely the REA cooperatives and we would be right back where we started on this controversial subject. I ask that the amendment of the gentleman from Pennsylvania be defeated. I repeat, there is no provision in this bill that would force power upon Pennsylvania, Ohio, Indiana, or any unwilling customer.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. McGREGOR. I yield to the gentleman.

Mr. FLOOD. I am not indicating that you are forcing power upon us. But the execution of this act can result in that in this way, as I am sure the gentleman knows. I simply want the language out of an abundance of caution. Statutory language is stronger even than the opinion of the gentleman, who has no peer on this subject. I think he will agree that the language in the law would provide the protection, come the day when the gentleman would not be with us any longer—and God forbid that would happen. But if the language in the law is there, I am protected. I want nothing more and it is out of an abundance of caution, nothing else.

Mr. McGREGOR. I appreciate the remarks of the gentleman. I am sure we all appreciate the eloquence of the gentleman from Pennsylvania, but just to make the record clear, let us read the language that he would have you vote on: "available for use in neighboring States to the extent that such additional power supply is needed in such States and will result in economies for the consumers after taking into account all generation and delivery costs."

Who in the world is going to determine those things?

Mr. FLOOD. May I say this? What in the world could be fairer than that? There are two yardsticks for power, need and price. What I want to do is, if I do not need it and if I can produce it cheaper than you can, do not compel me to take it. What in the world are we arguing about?

Mr. McGREGOR. Is the gentleman from Pennsylvania saying that his commission, if there is one in Pennsylvania, does not have the ability to determine whether they need the power?

Mr. FLOOD. I have no commission and I am not interested in creating one. But what has that to do with it?

Mr. McGREGOR. I think it has a great deal to do with it. The bill specifically carries provisions which govern the distribution contracts with power marketing agencies of respective States. The bill requires that New York Power Authority shall deal only with such agencies. As I said, this is an agreed bill and I sincerely hope that the amendment of the gentleman from Pennsylvania will be defeated.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. FLOOD) there were—ayes 27, noes 67.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. IKARD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H. R. 8643) to authorize the construction of certain works of improvement in the Niagara River for power, and for other purposes, pursuant to House Resolution 377, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. ALGER) there were—ayes 83, noes 16.

Mr. ALGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the further consideration of the bill be postponed until tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## AMENDING NATURAL GAS ACT

Mr. ALBERT (on behalf of Mr. COLMER, from the Committee on Rules) reported the following privileged resolution—House Resolution 382, Report No. 382—which was referred to the House Calendar and ordered to be printed:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8525) to amend the Natural Gas Act, and for other purposes. After general debate which shall be confined to the bill and continue not to exceed 8 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

## THE 666TH YEAR OF SWISS INDEPENDENCE

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LESINSKI. Mr. Speaker, on August 1 democratic Switzerland celebrates its own day of independence. On that date nearly seven centuries ago, in 1291, the freedom-loving people of three small cantons in what now constitutes modern Switzerland joined hands to oust their Hapsburg oppressors. Since that historic moment, which preceded our own act of independence by almost five centuries, Switzerland, now 19 cantons larger, has achieved a modern democracy that is among the finest in the world. It is fitting that we pause to pay tribute to our sister democracy across the seas.

The Swiss people, who began as resolute foes of the tyranny of kings, are today just as implacable foes of the modern tyrannies of the spirit. Their beautiful lakeside city, Geneva, home of the Red Cross, once the home of the League of Nations, and now European center for the United Nations, is the very symbol of the brotherhood of man.

The sorrowful aftermath of the valiant Hungarian revolt last October is the most recent example of Swiss hospitality to the oppressed and enslaved. One of the smallest nations in the world,

Switzerland nevertheless opened its borders to more Hungarian refugees on a per capita basis than any other nation, including the United States. She has long been a haven and a safety port for the persecuted of the world.

Switzerland's greatest wealth has always been the Swiss people. The skills and craftsmanship they have developed through the centuries, are world renowned. It is on these skills and know-how that the economic well-being of Switzerland depends, for the country lacks the natural resources and raw wealth common to most countries.

Our own relations with the Swiss, starting with the Treaty of Friendship and Commerce signed 106 years ago and augmented in recent years by the Reciprocal Trade Treaty of 1936, have been friendly and profitable. But in 1954, when President Eisenhower raised the watch tariff a harsh 50 percent, under the misguided notion that our watch industry was "defense essential," relations have worsened. And since the watch tariff increase our Government has attempted and is considering other restrictive measures against the Swiss watch industry.

There is a significance in this matter far beyond even the important consideration of Swiss-American relations. The issue of trade between nations on the basis of equality has assumed a key role in world affairs today. The Swiss watch case, therefore, has become the barometer of America's position on foreign trade—whether we will deal fairly and justly with other nations, or whether we will allow special domestic interests to twist our foreign policy to their own selfish ends. Our trade dealings with Switzerland, therefore, must be fair, frank, honest, and just. Anything less will signify to the world that the interests of a small protectionist clique in this country are placed above our own national welfare and the cause of international freedom.

## THE LATE CASTILLO ARMAS

Mr. REECE of Tennessee. I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. REECE of Tennessee. Mr. Speaker, I desire to join my many colleagues who have extended heartfelt sympathy to the family of President Armas and the people of Guatemala in their hour of sorrow. Castillo Armas, soldier, statesman, friend, and ally of the United States, and ardent foe of communism, is a fallen warrior in the Free World's momentous conflict with the Red menace. Periodically, such blatant Communist acts of physical violence remind the Free World that the Communists never hesitate to transcend the limitations of the cold war when such restraints thwart their ambitions. Coexistence with its accent on economic competition is only a convenient facade to mask Communist weapons of violence and brutality. We must be aware that Communists' guns, large and small, are only muted when more subtle means can achieve Red aims.

Recently I have made several statements expressing my concern over attacks from this country on the governments of certain Latin American nations. I expressly underlined the danger of meddling in the internal affairs of sister Latin American Republics, and thereby creating instability in those countries to the advantage of Communist forces. In martyrdom, the heroic Castillo Armas has served freedom by reawakening our realization of this ever-present Communist threat. I hope that all who question our Latin American policy of friendly support of and good will toward all our neighbors, will reappraise their attitude in light of this brazen act of Communist savagery.

The government of Castillo Armas dealt uncompromisingly with the Communist forces which had once ruled that land. The Unitd States was quick to realize the great benefit which we would derive from supporting the anti-Red government of this distinguished man. Stability and prosperity, sufficient to forever thwart Communist aims in Guatemala, was fast being realized through the prudent and popular policies of the Armas government. Seeing their chances for political reascendancy continuously diminishing, the Communists resorted to force, but force can only serve political ambitions where there is no will to resist. The people of Guatemala have demonstrated their eager willingness to resist and fight against Communist aggression, and the temporary President, Luis Gonzalez has assured the Free World that the Government of Guatemala will continue the strong anti-Communist policies of Castillo Armas.

One cannot always prevent isolated acts of violence, but we can prevent a climate of chaos and instability through our continued allegiance to the militant forces of anticommunism which now are dominant throughout Latin America.

There can be no doubt that President Armas was the victim of a Communist plot. Witness the statement of the exiled former Communist President of Guatemala, José Arevalo, who crowed that the assassin Sanchez "enters history as a symbol of the Latin American struggle against those who attempt to transform them into colonies."

In addition, several Government leaders, including the provisional President Gonzalez and the Defense Minister Oliva have ascribed the assassination to Communist plotters and asserted that the assassin carried convincing proof of his Communist affiliation among his personal effects. I heartily join my distinguished colleagues, the minority leader, JOHN W. MCCORMACK, and Hon. PATRICK J. HILLINGS, who expressed concern over these Communist activities.

I am pleased to note that the American press was quick to see the long arm of Communist terror behind the murder of President Armas. The New York Times on Sunday, July 28, states that "the things that President Castillo Armas stood for were the archenemies of the whole Communist idea. He was a martyr in the cause of that righteous enmity." In the same vein, the Washington Star of Monday, July 29, states that "the fact that the assassin appears to have been a Communist, as well as a madman, certainly tends to feed the fear that the Reds, although small in number, may attempt to stir up unrest and strife of a type that could be serious." Even the Washington Post, with whom I have differed in regard to the Communist threat in Latin America, states, on Monday, July 29, "Unable to rule Guatemala by consent of the people, the Communists are apparently following their customary tactics of terrorism in an effort to create chaos."

I trust that the murder of Castillo Armas will serve as a catalyst in reuniting all the Western Hemisphere foes of communism. If there are differences between American Republics, may they be settled in a spirit of mutual understanding and in appreciation of our common foe. A strong and friendly Western Hemisphere alliance is the greatest bulwark against Communist subversion, violence, and revolution.

## HOOVER COMMISSION SAVINGS

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, on Friday, July 19, the distinguished chairman of the Committee on Appropriations criticized certain estimates of savings attributable to the two Hoover Commissions. These estimates had been published by the Citizens Committee for the Hoover Report. I had originally inserted this data into the RECORD on May 20. In this connection, my colleague cites portions of a short letter from the Secretary of Defense and quotes at some length from two highly detailed attachments to that letter.

I disagree with my colleague on several counts:

The issue that will be before us is whether this House shall approve H. R. 8002, a bill which would cause appropriations to be made on the basis of annual accrued expenditures. This new system would be instituted in lieu of the present lump-sum method of appropriating.

That is the proposal over which the discussion must necessarily center. I question, therefore, whether we should be arguing over whether certain savings figures were directly attributable to one Hoover Commission or to the other Hoover Commission, or only indirectly so attributable. Such a controversy tends to remove us from the principal issue.

No one is arguing about the fact that some savings are attributable to the Hoover Commissions. Even our distinguished colleague agrees to this. In

such vast efforts as those of the Hoover Commissions it is easy to find wide variances of opinion as to the specific extent of such savings estimates.

First, I would like to cite the following advantages to be gained from the passage of H. R. 8002:

First. Congress now has one control point—that is the point of appropriation. Under the new proposal the Congress would have at least two control points. The first would be at the time of contract authorization and the others would be yearly as the sums needed for each year are requested.

Second. Carryover funds would be greatly reduced or eliminated. We have now reached a point where the executive departments and agencies have available $70 billion from previous years' appropriations—that is an amount equivalent to the budget upon which we are acting for the current year. This is a serious weakening in Congress' constitutional responsibility for controlling the purse.

Third. Through annual review of programs, Congress would have much more detailed information about what is going on and would be in a far better position to reduce waste and extravagance.

Fourth. The process of obligating funds, disobligating them and reobligating them all over again—and this is usually beyond the control of Congress—would be eliminated.

Fifth. Appropriations and spending would be more closely geared together.

One principal argument being made against the measure appears to be what one might call a psychological argument. It has been stated by one most highly respected authority as follows:

> This will make it easy to get appropriations in large amounts by way of contract authorizations, and absolutely destroy the power of the Appropriations Committee to keep things in line and give the United States Treasury a chance. * * *
>
> It is so easy to get an appropriation for a small amount tied to a contract authorization for a big amount that we will not be able to stop any raid on the Treasury, no matter what it is, if this proposal is adopted.

The implication of this statement appears to be that this Congress and its committees are somehow lacking in the self-discipline necessary to review contract authorizations with the same thoroughness with which they today review appropriations. This, it seems to me, is primarily a matter of mechanics, and I would be disturbed to see any of the distinguished committees of this Congress admit defeat on a matter of mechics, even before the new and modern system is tried.

### HOOVER REPORT SAVINGS

Now I would like to comment upon the savings figures and the Defense Department materials which the gentleman from Missouri [Mr. CANNON] has placed in the RECORD.

I would like to quote two portions of the Secretary's very short letter which, apparently through oversight, the gentleman from Missouri failed to include in his remarks:

> The Department of Defense has supported and has benefited from many of the recommendations of the first and second Hoover Commissions applicable to the Department of Defense. A significant portion of the recommendations of the first Hoover Commission was incorporated in the National Security Act Amendments of 1949, which materially improved the organization and operations of the Department of Defense. Similarly, the Department of Defense has concurred fully or partially with 320 of the 351 recommendations of the second Hoover Commission directly applicable to the Department of Defense and an active program is being maintained to complete the implementation of these accepted recommendations.
>
> The fact that some of these claims are unfounded should not, in my opinion, obscure the substantial contribution that has been made by the two Hoover Commissions to improved organization and management, both within the Department of Defense and in the Government as a whole.

However, the language in the attachments to the Secretary's letter is couched in far different terms from the Secretary's own.

The gentleman from Missouri [Mr. CANNON] first questions the $569,675,000 of savings listed in reports of the Secretary of Defense for the years 1949 and 1950. These savings are all officially documented and no one is arguing about the fact of their existence. Defense Secretary Louis Johnson caused the saving of most of this money. Over great resistance from many of those concerned, he strenuously used the authority placed in him in Public Law 216 of the 81st Congress, the National Security Act Amendments of 1949. Public Law 216 was definitely a law written to carry out a Hoover Commission report. Much of it was actually drafted under supervision of the Commission's task force chairman.

Without the passage of this law, there would have been no Department of Defense. Until its passage the Secretary, an official previously created to exercise an undefined authority over the National Military Establishment, was woefully lacking in authority to institute such savings. It is extremely doubtful if any of this $569,675,000 would ever have been saved without the first Hoover Commission and the resultant Public Law 216. And it is crystal clear that this particular law itself would not have passed were it not for the widespread public interest generated by the same Citizens Committee of which our colleague has been critical.

Therefore, I feel it is in no way unreasonable for the Citizens Committee and the Commission's other supporters to claim credit for $569,675,000 of organizational savings, taken from an official list of $1,592,093,000. The Citizens Committee might reasonably have taken credit for much more than that.

While my distinguished colleague calls such a line of reasoning "wholly specious," I cannot agree.

As to those 1955–56 savings estimates directly or indirectly attributable importantly to the Hoover Commissions, the Citizens Committee's practice here was to list certain savings items of an organizational or managerial nature, and then, very moderately, to attribute only 10 percent of such official figures to the 2 Commissions with the following clear notation:

> While not all the economies listed can be directly attributed to the Hoover Commission, a substantial portion directly flows from the recommendations of both the first and second Commissions.

In other words, by taking only 10 percent, a rather conservative approach was applied to the problem of estimating Hoover Commission savings.

Much larger savings over recent years could have been claimed by the Citizens Committee. I will cite just one example to prove this point.

On the 23d of May 1957, which was a few days subsequent to the issuance of the Citizens Committee's release, the Secretary of Defense said before the Senate Committee on Appropriations:

> We have returned a little over $3,400,000,000 worth of money to the Treasury from the stock funds and industrial funds during the past 3 years as our inventories have been reduced.

While there was some use of such funds prior to the passage of Public Law 216, the Hoover report bill (for example, in the Navy), that law contained a clear legal basis for the establishment of such funds. In effect the Secretary was, for the first time, instructed by us to institute them on a broad scale. On these funds the Department's attachments comment as follows:

> (f) Cutbacks in inventory levels: The Citizens Committee has noted that "cutbacks in inventory levels have brought about the greatest monetary savings"—$585 million in excess capital relinquished in fiscal year 1954 and $700 million in fiscal year 1955. As a matter of fact, during fiscal years 1954–1957, as stock fund inventories have been brought into line with requirements, over $3 billion has been withdrawn from stock fund cash and returned to the Treasury, while an additional $437 million was withdrawn during fiscal year 1957 and applied to other Defense Department requirements in lieu of new appropriations. Those savings are attributable directly to the operations of the service stock funds, which were authorized to be applied throughout the Department of Defense by title IV of the National Security Act, as amended in August 1949. This provision, however, did not stem from a recommendation of the first Hoover Commission.

Here the Department might be considered by some as emerging in equivocation. I would like to refresh the Department's memory.

Before I start, I would like to ask the Department a question:

Could it not reasonably be said that almost none of this $3,400 million would have been returned to the Treasury had not it been for the first Hoover Commission and passage of the National Security Act Amendments of 1949, Public Law 216?

As the Department indicates, these economies of $3,400 million derive from title IV of Public Law 216.

### WHERE THE $3,400 MILLION OF SAVINGS ORIGINATED

On April 11, 1949, former President Hoover, following previous testimony to the same end by the chairman of his task force, Mr. Ferdinand Eberstadt,

strongly urged that budget and accounting provisions be placed in this bill. He stated to the Senate Armed Services Committee:

The important omission in this proposed legislation, to which I have referred, lies in the area of the budget and accounting systems. * * *

In particular, I might refer you to the analysis of the 1950 budget which begins on page 19 (task force committee paper). It displays a rather startling state of affairs.

This report states:

"The committee feels that it is justified in saying that our military budget system has broken down. The budgetary and appropriation structures of the Army and Navy are antiquated. They represent an accumulation of categories arrived at on an empirical and historical basis. They do not permit ready comparisons, they impede administration, and interfere with the efficiency of the Military Establishment. Congress allocates billions without accurate knowledge as to why they are necessary and what they are being used for."

The remedy, in my view, lies not alone in the general provision of authority to the Secretary of Defense in this bill, but amendment to various laws and provisions to cover the whole budgeting and accounting process.

On May 5, 1949, Senator Tydings, then chairman of the Senate committee, commented further on the Hoover report genesis of what was to become title IV:

During the course of his testimony on March 29, Mr. Eberstadt observed that "There will be no substantial advances in the field of economy until military budgetary procedures and fiscal policies have been overhauled from top to bottom." At that point Senator BYRD asked Mr. Eberstadt if he could prepare specific amendments to S. 1269 in accordance with the Hoover report, covering this matter of greater economy and efficiency within the Military Establishment.

On that basis Mr. Eberstadt accepted this most difficult committee assignment, and proceeded to the task of working up some language, to be included as an amendment to S. 1269, and which would actually do something about this objective concerning which there has been so much talk but so very little action.

I feel that everyone on the committee will join me in expressing our very sincere appreciation to Mr. Eberstadt for the manner in which he has met our request of March 29.

On May 5, 1949, the same day Senator Tydings made these remarks, Mr. Eberstadt referred to Mr. Hoover's earlier testimony as follows:

When former President Hoover appeared before your committee in connection with S. 1269, he recommended that you include in this bill provisions aimed at improving the form of the military budget as well as the organizational, procedural, and accounting mechanisms involved in its preparation and execution. The Hoover Commission and its several task forces charged with studies in this field came to the same conclusion. When I had the privilege of appearing before your committee on March 29, 1949, I made a similar suggestion.

And later that day Mr. Eberstadt confirmed this fact of authorship:

Since my appearance before your committee, in response to your request, I have assisted in preparing a draft of a proposed new title IV to the National Security Act of 1947 dealing with these matters, which can be incorporated in the present bill.

Agreement on this need for what was to become title IV was not unanimous. In its statement of views regarding title IV, the Bureau of the Budget criticized certain language in that title on the ground that it did not conform to another report of the Hoover Commission entitled "General Management of the Executive Branch." Mr. Eberstadt commented on this as follows:

It is particularly pleasing to be able to advise the committee that ex-President Hoover and Mr. Bernard M. Baruch have been so kind as to review these proposals. I am authorized to state that Mr. Hoover endorses them and recommends their favorable consideration * * *.

Mr. Eberstadt (reading from the Budget Bureau's contention): "The Commission recommended that, under the President, the heads of departments be made fully responsible for the conduct of their departments, and urged that each department head should receive from the Congress administrative authority to organize his department and to place him in control of its administration."

May I comment on that paragraph? I would regard Mr. Hoover's own expressions as to the present title IV as pretty good authority on whether it fell within the views of his Commission or not. As you know, Mr. Hoover has authorized me to state that the title has his approval.

I have just said that I would be willing to accept Mr. Hoover's authority as to whether title IV is consistent with his recommendations or not.

On June 28, 1949, Secretary Johnson stated:

I am working very closely with Mr. Herbert Hoover on how this functions.

Testifying before the House committee on June 28, 1949, Mr. Hoover again covered the matter:

I believe that they (the provisions of title IV) are excellently formulated.

Without that system, I don't believe you can even make a start at economy. I don't believe that even the armed services with their present methods of accounting, and those accountings are not their fault, they are the outgrowth of years, can tell where economies can be made. So we regarded title IV of this bill as of the utmost importance.

The fact of Hoover report backing was further described by Mr. Eberstadt to the House committee on June 30, 1949:

In turning now to title IV of the bill, we come to one of its most important elements. If the bill contained nothing but title IV, it would represent a tremendous advance.

The Hoover Commission and its several task forces charged with studies in this field recommended improving the form of the military budget as well as the organizational procedural and accounting mechanisms involved in its preparation and execution.

In this area lies a great opportunity to promote clarity and unity of purpose, as well as economy and efficiency, throughout the Military Establishment. Title IV of this bill offers a means of furnishing a clear picture of military requirements so that they may be kept in realistic relationship to our national security neds and economic capacities.

This matter of Hoover Commission authorship of title IV was additionally confirmed by W. J. McNeil, now Assistant Secretary of Defense, on July 14, 1949:

The basic plan of this bill was prepared by Mr. Eberstadt initially at the request of the Senate.

The basic thoughts underlying the bill were developed as a result of Mr. Eberstadt's work as head of the Hoover Commission task force.

And Congressman Dewey Short, now Assistant Secretary, stated a few minutes later on the same day:

All right, Mr. McNeil * * * this particular title has received the approval of the Secretary of the Treasury, the Director of the Budget, all of the military establishments, the Hoover Commission, Mr. Eberstadt, and the Secretary of Defense himself.

I would make the following remarks in summary:

First. The important issue before us is whether or not we are going to return the control of the purse strings to Congress—and not to argue about who saved how much money from which recommendation of the Hoover Commission.

Second. The Defense Department reports that title IV of the National Security Act Amendments has been instrumental in saving some $3.4 billion. That title was written by Mr. Eberstadt of the Hoover Report group, and the fact that it became law was due importantly to the efforts of the Citizens Committee for the Hoover Report.

Third. It is wholly reasonable to attribute this saving of $3.4 billion to the Hoover Commission. Hence, instead of the Citizens Committee's estimating $235 million in recent Hoover report savings, the sum which the Department questions, this modest figure should have taken account of the $3.4 billion with which the Department can not disagree.

Fourth. Because of the evidence I have recounted above, I seriously question the propriety of the Department of Defense's spending public money all over again to disprove—and in a highly dialectic manner—reasonable claims made by a highly reputable organization of disinterested private citizens.

And I particularly question the propriety of the Department's doing the same in order to supply ammunition for the defeat of a highly important fiscal proposal, the Kennedy-Payne-Byrd bill, unanimously passed by the Senate and wholeheartedly endorsed by the President. Frankly I am getting tired of the Defense bureaucracy dragging its feet on needed administrative reforms and using appropriated money to lobby the Congress and the people to support its stand-patism. The safety of our society depends upon its ability to support a large Defense Establishment. The only way it can support such an establishment is through making it a great deal more efficient than it presently is. This issue is such a major one that it may well become the basic issue in a national election. Unless the military bureacracy and its political supporters change their attitude, we will remain in the anomalous position of being the wealthiest nation on earth, but unable to provide for our own defense without undermining the basic economy which is the source of our wealth.

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## TAX REFORM

The SPEAKER. Under previous order of the House, the gentleman from Connecticut [Mr. SADLAK] is recognized for 45 minutes.

Mr. SADLAK. Mr. Speaker, on March 28, I introduced my tax-reform bill, H. R. 6452, which would provide for all taxpayers a gradual tax cut over a 5-year period. One of the many attractive features of this bill is the plan showing how the reduction can be made from our present surpluses and from this Nation's economic growth—without any loss of revenue to the Government.

The reaction of the American people to this proposal has been tremendous—and most gratifying. Many, many inquiries, by phone and by mail, from all parts of the country are pouring into my office. My supply of 25,000 Congressional reprints of my remarks explaining the bill when I introduced it on March 28, has long since been depleted and more copies have been ordered to be printed.

On April 11, I had inserted into the CONGRESSIONAL RECORD a compilation of excerpts taken from some of the numerous letters received from individuals and business units throughout the country, expressing their enthusiasm and the great appeal which this legislation has effected.

Since the introduction of my bill many magazine articles and newspaper editorials have appeared, written by leading financial writers and tax experts, which have commented favorably on the soundness of its provisions—urging early hearings to get the bill enacted.

I may add that of all the commentaries received so far, none have been unfavorable.

I, of course, do not subscribe to all newspapers in the country, and those brought to my attention are those sent to me by taxpayers interested in, and hopeful for, some kind of tax relief. I have compiled about 45 editorials as received and ask permission that they be inserted into the RECORD. I had them excerpted to conserve space, and I most warmly recommend them as timely and helpful to my colleagues.

EDITORIAL COMMENTS ON SADLAK BILL, H. R. 6452

(Verbatim excerpts)

Gallipolis (Ohio) Tribune, May 22, 1957:

"RELIEF A POSSIBILITY

"Today the ambitious American * * * finds his earnings drastically cut by * * * Federal taxation which puts a penalty on success. Our high tax rates take $9 out of $10 in the highest individual bracket.

"Relief is seen in the bill introduced by a Connecticut Congressman, A. N. SADLAK, which would reduce individual and corporate income taxes to a maximum of 42 percent, by annual reductions made over a period of 5 years.

"Tax on the first $2,000 of net income, paid by all taxpayers, would drop from the present 20 percent to 15 percent.

"Public hearings * * * should not be delayed."

Bloomsburg (Pa.) Press, May 18, 1957:

"A NEW APPROACH

"Representative A. N. SADLAK, Connecticut, has introduced a bill which would reduce the individual and corporate income taxes to a maximum of 42 percent by annual reductions over a 5-year period. * * *

"Present taxation has stifled incentive and blocked venture capital. * * *

"SADLAK'S bill would compel big Federal spending programs to compete against scheduled reductions on income taxes. * * *

"Much merit in Congressman SADLAK'S presentation. It should receive public hearings."

The New Haven (Conn.) Journal-Courier May 18, 1957:

"THE SADLAK TAX-CUT BILL

"Representative ANTONI N. SADLAK, Connecticut's Republican Congressman at large, has presented to Congress a sane and workable plan whereby taxpayers in all income brackets—individuals and corporations alike—may win tax relief through a gradual stepping-down process, year by year over the next 5 years.

"The bill contains safeguards * * * providing postponement procedures for a year at a time to assure that there would be no return to deficit financing. * * *

"Beauty of the Sadlak measure * * * is that it would result ultimately in income tax ceilings ranging from a maximum of 42 percent to a minimum of 15 percent, as against the present, confiscatory top level of 91 percent and the present minimum of 20 percent. Corporate tax rates would go down over the 5-year period from the present 52 percent to a maximum of 42 percent. * * *

"The Sadlak bill offers Congress and the American people a way out of the depressing economic maze in which years of tax-and-spend policies in Washington have entangled them. It is a sane way out, and a safe way."

Dowagiac (Mich.) Daily News, June 7, 1957:

"EDITOR'S NOTEBOOK

"A bill introduced by Representative ANTONI SADLAK, of Connecticut.

"Would project the reductions for each income tax bracket over a 5-year period.

"Income taxpayers at every financial level would be benefited. * * *

"Where, under this proposal would the Government get the money it needs to operate? Mr. SADLAK has the answer. * * *

"He points out that under existing tax rates, the budget revenues of the Federal Government have shown a net gain of more than $11 billion in only 2 years—between fiscal 1955 and fiscal 1957. He adds: 'Some of this gain reflects the impact of inflation on revenues, but the major part of it has resulted from economic growth itself.'"

Dalton (Ga.) Citizen, May 2, 1957:

"THIS BILL WOULD HELP

"At long last, a step in the right direction * * * toward reducing the steeply progressive high tax rates which penalize success, stifle incentive, block venture capital.

"Representative A. N. SADLAK, Connecticut, has introduced a bill * * * which would give the stricken taxpayer needed relief * * *. Certainly it deserves quick action, and early public hearings in Congress."

Cleveland (Ohio) News, May 27, 1957:

"ONLY WAY TO CUT TAXES

"Critical state of Federal fiscal affairs leads us to comment on * * * proposal submitted to Congress by Republican ANTONI N. SADLAK of Connecticut. * * *

"Designed to even up the constant competition on Capitol Hill between the avowed advocates of big and almost uncontrolled spending and supporters of tax relief. * * *

"SADLAK'S bill automatically schedules tax reduction for 5 years in advance. Both individual income and corporate rates would go down each year. * * * Money would come from the continued national prosperity. * * *

"The Sadlak plan is automatic forward scheduling of tax cuts if * * * revenues are there. A President or a Congress would have to act affirmatively to delay such a tax reduction.

"We consider the Connecticut Representative's plan to be the only orderly program in Congress for tax reduction. * * *

"It would slow down the big spenders."

Bristol (Conn.) Press, April 20, 1957:

"THE SADLAK PLAN

"Representative ANTONI N. SADLAK, Connecticut Congressman at Large, has introduced legislation * * * which, if enacted, will reduce income taxes * * * over a 5-year period of annual reductions.

"There is a real logic supporting the Congressman's plan for * * * ceiling of 42 percent as * * * maximum tax on corporate and individual incomes. * * *

"The old theory of 'soaking the rich' * * * is actually ridiculous nonsense from a financial standpoint. Statistics show that if all taxes over 50 percent were removed from individuals in the high brackets the net immediate loss would be only about 1 percent of the total budget. What is of more interest is that the reduction of these high rates would permit the use of venture capital in expansion programs and new enterprises, vitally important to a growing Nation.

"When the Congressman said that there is something wrong with a tax structure which imposes a penalty on hard work, risk-taking and achievement, he hit the nail on the head. * * *

"We certainly wish the indomitable Congressman from Connecticut all the success his plan deserves."

Boise (Idaho) Statesman, June 4, 1957:

"A BRAKE FOR SPENDING

"We've been proceeding on the theory that money will be forthcoming for whatever may be deemed beneficial or desirable * * * And it's somehow puzzling that this theory * * * hasn't been seriously challenged long before now in a country where common sense has been supposed to be held in high regard.

"An important fact now is that this theory has been challenged and a new approach to Federal Government finance and spending has been proposed in a bill (H. R. 6452) by Representative ANTONI N. SADLAK, Connecticut Republican. It's a proposal * * * to bring about a major reform in the income-tax structure and put it on a basis where Government-spending agencies * * * would have to compete against regularly scheduled income-tax reductions * * * instead of using revenue growth to expand old and undertake new Government-spending programs. * * *

"Big-spending advocates would find themselves pitted against definite expectations of the American people of specific tax cuts instead of vague hopes that taxes might some day come down. * * *

"It's a bill that's eminently deserving of everybody's serious consideration."

Wall Street Journal, May 7, 1957:

"FEDERAL GROWTH, NOT TAX RELIEF, GOBBLES THE GOVERNMENT'S FAST-SWELLING REVENUES

"Representative ANTONI SADLAK, of Connecticut, has introduced a bill to use the rising revenues accruing from economic growth for gradual, year-by-year tax reduction instead of, as now, for annual increasing Government spending.

"In 5 years starting next January 1, Mr. SADLAK'S measure would bring reductions in all the progressive rates on taxable income. The lowest individual bracket would come down from 20 percent to 15 percent; the highest from 91 percent to 42 percent. The maximum corporate rate would decline from 52 percent to 42 percent. Mr. SADLAK would permit postponements, if necessary, to assure that no year's reduction would put the budget in the red. * * *

"Experience * * * shows that tax cuts do not necessarily lower Federal revenue and can increase it. Tax cuts of the order Mr. SADLAK has in mind could pack a large amount of economic incentive. * * *

"The Sadlak plan * * * would exert a psychological pressure on the Government.

Every time the Government puts off one of these reductions for the sake of some new program, the people would see in graphic terms that it was at the expense of income-tax reductions which the Government had already specifically promised them."

The Lima (Ohio) News, May 12, 1957:

"NOW YOU CAN KEEP WHAT YOU TAKE IN

"Representative A. N. SADLAK, of Connecticut, has introduced a bill to reduce the first-bracket rate—paid by all taxpayers—from 20 to 15 percent. The top surtax rate would be cut from 91 to 42 percent, with other surtax brackets reduced in proportion over a 5-year period. Such cuts would have * * * beneficial effect upon the economy of the country, if the Federal expenditures can be reduced also.

"Since some * * * in Washington do not seem to know just where to start the big expenditure chopping, we might suggest: 1. Cut out all foreign and domestic give-aways. 2. Call back all Federal dam-building projects and reexamine them. We'll venture few, if any, can be justified as national expenditures. 3. Reexamine all expenditures for what has been called defense, and eliminate those which are not truly defense. 4. Eliminate the Federal Government in any business operations.

"If Congress will do this, the income tax can be reduced much more than Representative SADLAK's bill proposes. And the Nation—and the world—will be in a much healthier condition."

Waterbury (Conn.) Republican, May 1, 1957:

"SOUND TAX BILL

"One of the most comprehensive and logical tax bills to come to our attention is H. R. 6452, introduced by Representative ANTONI SADLAK, Congressman at Large from Connecticut.

"The lowest taxable income bracket for individuals—up to $2,000—the base rate would be reduced from the present 20 percent to 15 percent by 1962.

"In broad coverage, the Sadlak bill would reduce the rates on individuals, which now range from 20 to 91 percent, to levels of 15 to 42 percent. All intermediate brackets would be reduced in proportion. * * *

"The gentleman from Connecticut * * * has written the measure in such fashion that it will achieve tax reductions coupled with expenditure controls and geared to the economic growth of the country. * * *

"To show how thoroughly Mr. SADLAK has gone into the over-all problem, he has made provision in H. R. 6452 for postponement procedures in the event of a possible return to deficit financing. If in any year of the period of scheduled reductions it is found that an unbalanced budget would result, the rate reductions may be postponed for not more than 1 year. In effect, if such postponement were exercised to the maximum, it would stretch the proposed 5-year schedule of reductions over a period of not more than 9 years.

"Tax authorities who have been questioned about the soundness of Representative SADLAK's proposal have been unable to find any major flaws to date; and proponents of governmental economy and tax reduction have come forward to urge strong support for the measure. * * *

"Representative SADLAK has a sound and carefully thought out bill. It merits public and Congressional support."

Natchez (Miss.) Democrat:

"TAX CUT NOW LOOMS AS PROBABLE

"There are indications * * * that tax cuts * * * are not only possible but probable.

"A bill introduced by a Republican member of the taxwriting Ways and Means Committee, Representative SADLAK, of Connecticut. * * *

"* * * is an entirely new concept in tax reduction, providing income-tax relief for all taxes and without setting up new discriminations by means of special relief provisions.

"It would cut taxes for individuals in all brackets and for corporations and would ultimately, through scheduled annual reductions, lower from 91 percent to 42 percent the top individual income rate and bring the top corporate rate from 52 percent down to 42 percent.

"The measure is attracting attention from the economy bloc in Congress because it would set up competition between increased government expenditures opposed to tax reductions."

New York World-Telegram and Sun, April 23, 1957:

"TEACHING OUR UNCLE HOW TO COMPETE

"There's a bill proposed by Connecticut's ANTONI N. SADLAK in the House (H. R. 6452) which looks beyond the upcoming year for Federal spending. * * *

"Congressman SADLAK admits he is aware that our Nation is growing, its needs are greater and our living standards rising, but he feels that the reductions he proposes over a 5-year period 'can be granted to our citizens out of the increased revenues resulting from normal economic growth without increasing any other taxes.'

"Vital point, however, is that Government spending is brought under control,' he says.

"His legislation provides * * * reductions in all the progressive rates of individual tax, with the first bracket rate being cut from 20 to 15 percent. The top rates of tax would be brought down to 42 percent, from 91 for individual and 52 for corporate.

"Emergencies? Sure, he allows for postponement of reductions for not more than 1 year at a time, or if necessary the cuts could be spread over 9 years."

New Haven (Conn.) Register, May 5, 1957:

"WHY NOT PLAN TAX CUTS BEFORE BUDGET ESTIMATES?

"One of the things that has kept * * * economists busy in recent years is the rapid growth of our national income—and the more rapid growth of our national expenditures. * * *

"Economic factors * * * can bring a swift halt to expansion of the national income—but there are no brakes at all upon Federal expenditures. * * *

"Connecticut's Representative ANTONI N. SADLAK has come forward with a proposal that might * * * put an end to (the) budget spiral.

"Why not, he asks, schedule tax reductions before we schedule budget expenditures? Why not look ahead 5 years, or more if necessary, chart a series of vitally needed reductions in the most destructive of our tax levies, and then base our spending in these years on the estimated revenues after tax reductions are made? * * *

"Representative SADLAK's plan for putting first things first—for putting tax reduction before budget making—seem eminently practical and desirable."

Greenwich (Conn.) Times, May 14, 1957:

"CUTTING TAXES

"TONI SADLAK has undertaken a project which, * * * will endear him to every taxpayer in the State of Connecticut. He is going to make an effort to get a tax cut. * * *

"Mr. SADLAK suggests a series of annual reductions in the progressive rates of income tax. * * * The corporation-tax level is so high it has been playing an unhealthy part in virtually all decisions to invest money. * * * Normal economic growth is adding each year to the amounts the Government receives. But spending has adjusted to those increases and there has been no tax relief. * * *

"Large corporations, small businesses, and individuals now are in agreement that taxes are oppressive. * * *

"Mr. SADLAK's * * * undertaking a program to do something about taxes will earn for him the gratitude of all harassed taxpayers."

New York Herald Tribune, May 5, 1957:

"HOUSE BILL LISTS REGULAR TAX CUTS

"The idea of tax cuts * * * holds considerable intrigue to a people as tax squeezed as Americans. Such a bill, now pending in Congress, would, for the first time in history, compel big Federal spending programs to compete against regularly scheduled income-tax reductions.

"It was introduced by Representative ANTONI SADLAK, Republican, of Connecticut, and it would reduce individual and corporate income taxes to a maximum of 42 percent, by annual reductions, made over a period of 5 years. * * *

"The first $2,000 of net income, paid by all taxpayers, would drop from the present 20 percent to 15 percent.

"Provision is made for emergency postponement of the reduction for not more than 1 year at a time. Thus, the reduction could, if necessary, be spread over a maximum of 9 years.

"Tax experts * * * argue that by reducing the crippling taxes, the Government will actually receive more revenue by virtue of the fact that the released money will create higher incomes, higher earnings, and accelerated expansion of American industry. The theory embodies much sense.

"Certainly tax reduction is essential to the continued growth of the Nation, and to the supply of jobs and goods we must have. High progressive taxes have deprived the Republic of billions of dollars of savings for venture capital investment—the real source of growth and economic progress."

Newsweek magazine, May 6, 1957:

"COMMONSENSE AND TAXES

"Assurances of relief to the suffering taxpayer is belated but welcome. * * *

"When and if tax relief comes, it should be something more than a mere handout, such as a raising of exemptions. * * *

"It should provide relief all along the line. It should be a program of reduction extending over a period of years. It should recognize that the evil in present rates is their steep progression. It should provide the greatest relief for the middle-income groups—the real victims of present policies. It should recognize that more revenue may well be gained from lower, rather than higher, rates. It should discourage the growth of government, particularly Federal expenditures. It should moderate the tax on individuals and on small businesses, and also discourage the unproductive disposition of large incomes now made to escape taxes. * * *

"It should give the benefit of the anticipated growth of our national production to taxpayers, not to specially selected beneficiaries of handouts. * * *

"ANTONI N. SADLAK has been a hard-working and clear-thinking Congressman from Connecticut for more than 10 years. Out of his experience on the Ways and Means Committee and other sources, he has developed a tax-reduction plan embodied in House Resolution 6452. This bill recognizes the principles listed above. * * *

The Philadelphia Evening Bulletin:

"SADLAK COMES TO BAT

"Congressman SADLAK is the author of House bill No. 6452, and this department recommends it as delightful reading for any taxpayer. * * *

"His plan carries a built-in manufacturer's guaranty of a steady tax reduction for everybody for the next 5 years, to cut the

minimum rate of income tax from 20 to 15 percent and set the top rate at 42 percent.

"And all this without a loss in net revenue to the Government.

"The present system of budget making, inviting each department to write out its own Christmas list, for which Congress must stick the taxpayers, is strongly reminiscent of families in which each member is invited to list everything desirable and add up the total, hoping that there will be something left over for the thrift account.

"Mr. SADLAK's idea would be * * * that the family should begin by saying, 'We'll start by putting X dollars in the savings account. And now, let's see how we divide what's left.'

"His bill * * * would save taxpayers a total of $10.6 billion * * *. He calculates, an annual revenue growth of $3 billion yearly would permit the tax reductions written into the bill without net loss to the Treasury."

U. S. A. magazine, June 7, 1957:

"MUST LEGISLATION—H. R. 6452

"Representative ANTONI N. SADLAK, of Connecticut, has found the ways and means to income tax rate reform. His ways and means are written into a bill, H. R. 6452, which must be studied by every * * * taxpayer in order to urge Congress to consider forthwith the provisions of the bill with a view toward prompt legislation. * * *

"If you agree with the Honorable SADLAK that the present tax structure penalizes hard work, risk taking and achievement, then send for H. R. 6452 and give it your strongest support."

Hartford (Conn.) Courant, May 13, 1957:

"MR. SADLAK'S ATTACK ON HIGH TAXES

"United States Representative ANTONI SADLAK has proposed a way to get taxes down before they go completely out of control. It is a reasoned and reasonable plan. * * * It recognizes that the * * * law * * * penalizes hard work, risk taking and achievement. It hobbles the plans of small business to expand. * * *

"The Sadlak bill * * * should eliminate the tax barrier to new business and assist and encourage both individuals and small business. * * * Today, steeply graduated taxes start working on anyone with $2,000 or more income a year, take almost one-third of the earnings of anyone in the $6,000 to $8,000 bracket and go on to capture up to 91 percent of substantial incomes. The SADLAK plan is a sensible way to check the corrosion that these high rates have caused."

Los Angeles (Calif.) Times, June 5, 1957:

"PLAN FOR CUTTING INCOME TAX RATE

"Representative SADLAK, Republican, Connecticut, may find his name enshrined in the hearts of taxpayers if his bill recently introduced becomes law. For Representative SADLAK proposes to cut income tax rates in such a way that the reduction will coincide with economic growth and so will not reduce Treasury receipts. * * * He would enact a systematic reduction at a steady rate which in the top bracket would be (after 1 year) 10 percentage points a year; with the provision that if in any year it would appear that a balanced budget was in danger, the cut scheduled for that year would be postponed.

"At the end of 5 to 9 years, the individual maximum rate would be cut from 91 to 42 percent and the minimum or basic rate from 20 to 15 percent. Corporation rates would be reduced by a corresponding schedule, from 52 percent to the same 42 percent. * * *

"Both the President and Congress are given duties in connection with postponement of reduction, if any is necessary, so the taxpayers may know precisely who is to blame if any scheduled reduction fails to take place. This is an excellent provision; it is always wise to pinpoint responsibility."

Casper (Wyo.) Tribune-Herald:

"PAWNS OF GOVERNMENT

"As the economy expands, it is argued, the budget may be expected to expand too, and must since the Nation's growth puts increased demands on Government.

"It is a curious argument and a false one. A growing country does not necessarily mean that Government must grow proportionately with it to perform its functions. * * *

"The budget is steadily growing because existing tax rates are producing a steadily increasing Federal income which is being lapped up by the institution of new spending programs and the extension of old ones. * * *

"Increased income and budget surpluses * * * become targets for the spenders and are seen hardly at all as offering opportunities for tax reduction. * * *

"Representative SADLAK, of Connecticut, has proposed a forward scheduling of income tax reduction as a means of creating competition of Government's increasing revenue. The effect of his bill would be to pit taxpayers against spenders. Under its terms, beginning next year, annual tax reductions would be provided over a period of 5 years which, to meet any emergency that might arise, could be extended to 9."

New Bedford (Mass.) Standard-Times:

"PLAN AHEAD ON TAX CUTS

"Congressman ANTONI N. SADLAK, of Connecticut, has proposed a unique Federal income tax reduction plan that is expected to get serious consideration from his economy-minded colleagues on Capitol Hill.

"The Republican representative at large * * * believes the main reason income taxes are not substantially reduced is that no long-range planning is done on the subject. * * *

"A bill introduced by Mr. SADLAK is designed to correct this situation. The measure calls for a step-by-step reduction in income tax rates over a period of 5 years, beginning next January 1.

"* * * The tax cuts could be made without a decrease in Federal revenue, SADLAK believes. This is the case because the national economy is growing rapidly, with more persons and more corporations paying taxes on bigger incomes every year. In fact, if the tax rates are not cut, Federal revenue probably will increase about $4 billion a year during the next 5 years.

"* * * Perhaps Congressman SADLAK's proposal will result in some kind of constructive legislation to provide long-range tax relief and encourage cuts in Government spending."

Bridgeport (Conn.) Telegram, May 7, 1957:

"MORE AWARENESS OF INFLATION

"High taxes contribute to inflation, and the drive against them is reaching Congress from many areas. One of the attacks has come in a bill introduced by Representative ANTONI N. SADLAK, Connecticut Congressman at large, which holds that there is something fundamentally wrong with a tax structure which penalizes hard work, risk taking and achievement.

"His bill * * * speaks plainly so that businessmen, workers, in fact, all our citizens will be able to understand the effect the high tax rates of today are having on our economy.

"Passage of his bill, which provides a complete overhauling of the rates—downward—in five equal installments, would go a long way to putting a strong block in the pathway of creeping inflation."

Brattleboro (Vt.) Reformer:

"THE SADLAK TAX BILL

"Representative SADLAK * * * proposes that over a 5-year period the rates on individual and corporate incomes be reduced to maximum of 42 percent. Individual tax on the first $2,000 of net income—paid by all taxpayers—would drop from the present 20 percent to 15 percent, and gradual reductions also would be made in all the progressive surtax rates. * * *

"The Sadlak bill would * * * put an automatic brake on future spending plans, with big-spending advocates pitted against the definite expectation of the American people of specific and orderly tax cuts.

"This might appear fanciful and impractical were it not for two things included in the bill. First, in the event of emergency the scheduled tax cuts could be postponed with the reductions, if necessary, spread over a period of 9 years. Second, it is predicated on the annual increase of the American gross income at a rate similar to the rate of recent years."

Rock Island (Ill.) Argus:

"HOW TO CUT INCOME TAX

"A bill by Congressman ANTONI N. SADLAK, Republican of Connecticut, * * * proposes that income tax cuts be provided out of increased national wealth.

"He estimates the annual increase in tax collections under the present rates at $4 billion and suggests that $3 billion of this be applied to tax reduction and $1 billion be left to the Government, part of which would be earmarked for reduction of the debt.

"Under his plan the top rate for both individuals (now 91 percent) and corporations (now 52) would be brought down to 42 percent after 5 years. * * *

"The essential functions of Government wouldn't be threatened. And the people would receive some assurance that the increased returns from growing production wouldn't be soaked up to finance big government."

Seattle (Wash.) Journal of Commerce:

"PROPOSAL FOR TAX REDUCTION

"A plan that is presently attracting much favorable comment—is found in a bill introduced in Congress by Representative ANTONI SADLAK, of Connecticut, a member of the House Ways and Means Committee. His bill * * * would bring about major reforms in the income-tax structure—and * * * compel the major Federal spending programs to compete against regularly scheduled income-tax reductions.

"The bill would project the reductions for each income-tax bracket over a 5-year period. * * *

"Representative SADLAK * * * states that under existing tax rates, the budget revenues of the Federal Government have shown a net gain of more than $11 billion in 2 years—between fiscal 1955 and fiscal 1957. He adds: 'Some of this gain reflects the impact of inflation on revenues, but the major part has resulted from economic growth itself.'

"Based on 1956 income levels, he explains, it would take an annual revenue increase of only about $3 billion a year to accomplish the scheduled rate reductions without net revenue loss to the Government. That expansion is well below what most economists forecast."

The Chelsea (Mass.) Record, July 1, 1957:

"HOW TO CUT YOUR OWN INCOME TAX

"The Sadlak bill * * * H. R. 6452 * * * is being given the approval of businessmen, industrialists, the labor unions and the general public at large * * *.

"Relief from destructive rates of income tax is * * * the most acute emergency of the day for the United States * * *.

"Here's a golden opportunity for an individual to do something * * * about reducing his and everybody's crippling Federal taxes. Sit right down now and write your sentiments to United States Senators LEVERETT SALTONSTALL and JOHN F. KENNEDY and

to Representative THOMAS J. LANE in Washington. Urge them to vote for this bill and plead with them to use their very great influence on Congress to get others to do so."

New Haven (Conn.) Register, July 2, 1957:

"THE SADLAK BILL FOR A TAX CEILING

"We are happy to see that the Conference of American Small Business Organizations has issued a strong statement of support for the tax reform bill which Connecticut's Representative ANTONI N. SADLAK has presented to Congress.

"The Sadlak proposal is a comprehensive and conscientious effort to meet the injustices * * * of the 'progressive' taxes which are today draining away * * * so much of our badly needed investment money * * *.

"The Sadlak bill, * * * provides for progressive tax reduction year by year over a 5-year period.

"There would be proportionate relief for all taxpayers. * * *

"Its general features recommend it to the earnest attention of every American taxpayer—as well as to Congress."

The Seattle (Wash.) Times, June 7, 1957:

"LOWER BRACKET INCOME-TAX PAYERS ALSO HOPE FOR RELIEF

"The rates in the high brackets are almost confiscatory and reform is sorely needed there, certainly. But the middle fellow so far seems to lack a spokesman. There is plenty of room for redress of inequities in his case, too.

"The tax-reform measure proposed by Representative SADLAK, of Connecticut, may possibly fill that bill."

Bridgeport (Conn.) Post, July 5, 1957:

"SADLAK'S OUTSTANDING BILL

"Only one bill has been introduced in Congress which really meets the tax problem of small business, declared David M. Molthrop, director of the Conference of American Small Business Organizations.

"That bill was introduced by Congressman at Large ANTONI N. SADLAK, Republican, of Rockville, and is now pending in the House.

"The bill has three unique features: (1) Provision for progressive tax reduction year by year for 5 years; (2) ultimately bringing all rates below 50 percent, necessary to create new jobs in an expanding population; (3) built-in safeguards whereby if revenue growth does not permit reduction at any given time without unbalancing the budget, such reduction will be postponed. * * *

"SADLAK'S bill would curb—drain on growth money from business earnings, since it would reduce individual and corporate income taxes to a top level of 42 percent, by annual reductions in the 5-year period. * * *

"This is the first practical bill introduced into Congress which would do two things in which everyone is interested—help to curb reckless spending by Government, and put back into people's pockets money enough to live on, and money enough to expand business to create more products and more jobs."

The Guaranty Survey, New York, June 1957:

"THE 5-YEAR PLAN

"A bill now before Congress, H. R. 6452, introduced by Representative ANTONI N. SADLAK, of Connecticut, provides for a 5-year program of income-tax reduction beginning January 1, 1958, based upon the belief that the rate cuts can be balanced against the increased revenues resulting from normal economic growth without increasing other taxes. * * * The objective is a reduction of rates for both individuals and corporations to a maximum of 42 percent, with a cut in the first-bracket rate for individuals from 20 to 15 percent.

"Such proposals, indicate the shortcomings of the present income-tax structure, together with an increasing determination that something be done about it."

Norwich (Conn.) Bulletin, July 9, 1957:

"INCOME-TAX REFORMATION

"Congressman SADLAK has a plan for income-tax reduction which would make cuts in all brackets and at the same time have the effect of curbing the spending plans * * *.

"Under the * * * plan there would be a reduction from the existing top individual rates of 91 percent to 42 percent, and the corporate rate of 52 percent would also be cut to 42 percent. * * *

"From the revenue standpoint, the Congressman figures that the reductions would be the means of increasing revenues through normal growth of the economy. He also believes that that would be sufficient without resorting to increasing other taxes."

Bristol (Conn.) Press, July 10, 1957:

"THE SADLAK BILL

"There is scarcely a single economist who has not expressed the opinion that there is a crying need for a review of the whole income-tax structure. Confiscatory taxes have stifled initiative to the point where private capital has been forced out of the market.

"If the Government should become committed to a tax reduction plan, it would automatically act as a check on excessive expenditures. The Sadlak measure provides such a plan and is worthy of earnest consideration by the Congress."

Corning (N. Y.) Leader:

"CUTTING FEDERAL INCOME TAXES

"A * * * bill * * * has been introduced by Representative ANTONI SADLAK of Connecticut, a member of the powerful House Ways and Means Committee * * * to * * * bring about major reform in the income tax structure—and, * * * compel the big Federal spending programs to compete against regularly scheduled income tax reductions. * * *

"Income taxpayers at every financial level would be benefited. * * *

"He * * * says, it would take an annual revenue growth of only about $3 billion a year to accomplish the scheduled rate reductions without net revenue loss to the Government. * * *

"Mr. SADLAK makes another interesting point—nearly 60 percent of the total savings to individual taxpayers under his bill would fall in the taxable income brackets up to $6,000. Only 6.3 percent of the savings would go to those in the brackets above $50,000 * * * his proposal would be particularly effective in relieving 'the tax impact on new and small business self-employed professional people.'"

Reading (Pa.) Eagle:

"SUGGESTED REMEDY

"The only possible way to curb ever greater Federal expenditures is by gradually closing the tap from which money flows into the Federal Treasury.

"Congressman SADLAK seeks to accomplish this end without impairing any of the present services which the Government provides. He seeks to bar an expansion of those services, however, by drying up the source of additional revenue needed to finance them. * * *

"Under the Sadlak bill * * * basic rate (20 percent) will in 5 years be cut to 15 percent or by 1 percent each year.

"At the upper end * * * the top rate is 91 percent for taxable income of $200,000 or more. This top rate would be cut to 42 percent in 5 years. * * *

"It is estimated that of the total tax reduction of more than 10½ billion dollars, taxpayers in the brackets up to $6,000 would save about 59 percent of the total, those in the brackets up to $18,000 would save more than 79 percent of the total, and those in the brackets over $50,000 would save only a little more than 6 percent of the total. * * *

"Whatever may be the merits of the Sadlak bill * * * the measure already has become one of the more talked about tax programs in the country."

The New Haven (Conn.) Journal-Courier, July 20, 1957:

"SADLAK TAX REFORM

"Connecticut's Congressman SADLAK has introduced one of the most sweeping tax reform programs yet proposed. It would cut today's present soaring tax rates to a maximum of 42 percent on earned income—instead of the existing 91 percent rate. And it would guarantee tax reductions by basing the Federal budget upon anticipated income during the period when cuts were being enforced—instead of setting budget needs first and then trying to find the income to support such needs. * * *

"Mr. SADLAK has developed his plan in full detail, and has shown how such reductions are possible, largely because of the growth in expected revenues that will come from industrial expansion, and can be accomplished without depriving the Government of needed revenue."

Annapolis (Md.) Capital:

"PRESENTING AN ANSWER

"The individual's right to use his own initiative to gain success and enjoy the fruits of his labor has been destroyed by the enactment of a socialistic income tax structure that leaves the individual with less and less for more and more work. Heavy taxes on individuals—which go as high as 91 percent—put a penalty on success and strike at the very freedom that has built our Nation.

"Representative A. N. SADLAK, Republican, Connecticut, has introduced a bill in the House designed to end discriminatory taxation by gradually reducing income taxes—over a 5-year period—to a top rate of 42 percent. This kind of fair taxation would bring back the individual initiative needed for economc growth. Congress should schedule public hearings on the Sadlak bill. It has an answer to fair and equitable taxation."

Hot Springs (Ark.) Sentinel-Record:

"A RAY OF HOPE

"The people of the United States * * * are becoming more and more allergic to the heavy burden of taxation they are bearing.

"They are looking for some type of relief that will not prove injurious to our national security. * * * Congressman ANTONI N. SADLAK of Connecticut, offers a sensible reduction of the present oppressive Federal income tax rates and a direct control of increased Government spending.

"The Sadlak bill serves two important purposes: 1. Reduction of individual and corporate income taxes are to be realized out of revenues resulting from normal economic growth. 2. * * * plan will restrain ever-increasing Government spending * * *. With projected tax reductions the increase in Federal revenue will be returned to the taxpayer—not made available to the free spenders. * * *

"Individual taxpayers will be helping themselves and their country if they urge their Congressmen to cooperate in moving it into position for passage by the Congress."

Seattle (Wash.) Journal of Commerce:

"HEARINGS SHOULD BE HELD

"Representative A. N. SADLAK of Connecticut gave long study to the preparation of a bill he has introduced in Congress, intended to end discriminatory taxes by gradually reducing income taxes during a 5-year period to a top rate of 42 percent. It is believed this type of fairer taxation will result in the return of individual initiative so imperative for economic expansion. * * *

"It appears to be the answer to today's tax problem and its enactment, urged by large numbers of economists and taxation specialists, promises the return of equitable taxes in this country."

Yakima (Wash.) Herald:

"ADVOCATES PUSH DRIVE FOR BILL TO SLICE INCOME TAXES

"The income-tax reform bill (H. R. 6452) introduced by Representative ANTONI N. SADLAK, Connecticut Republican, is getting more attention as favoring organizations spread the word of its purported benefits. * * *

"In the nutshell, the Sadlak bill provides for progressive income-tax reduction year by year for 5 years, to ultimately bring all rates well below 50 percent. It has what are called built-in safeguards to avoid unbalancing the budget. If the growth of revenue does not warrant reduction at any given time, the reduction schedule could be spread over a period of 9 years. * * *

"It is not a 'rich man's bill' since nearly half of the tax savings, 45 percent, would fall in the lowest bracket—under $2,000 of taxable income, and only 19 percent of the savings would accrue to the brackets of $20,000 or more. * * *

"Study of the reform measure can be recommended to all interested in retaining more of their income and curbing inflationary spending."

Danville (Ill.) Commercial News:

"SADLAK BILL NEEDED BY UNITED STATES

"The Sadlak bill is the first practical attempt in Congress to put an automatic brake on future spending. With this legislation, the Federal Government becomes committed to orderly 'forward scheduling' of tax reductions. The big spenders would be straitjacketed against the definite expectation of the American people for planned tax cuts.

"The Sadlak bill would revitalize the incentive to earn more, invest more on the part of individuals and concerns."

San Diego (Calif.) Union:

"BILL TO REDUCE INCOME TAXES WOULD AVOID FEDERAL DEFICIT

"A tax reduction proposal * * * H. R. 6452, is being supported by businessmen and trade organizations. * * *

"The bill introduced by Representative ANTONI N. SADLAK, of Connecticut, provides for an orderly reduction of individual and corporate income tax rates over a 5-year period with the maximum rate applicable to either group in 1962 established at 42 percent. * * *

"Such a program * * * would not involve a cut in the Federal budget from current levels or require deficit financing. They cite two reasons in support of this claim:

1. Gross national product and national income * * * are expected to rise about 25 percent over the next 5 years. This would mean that lower tax rates would produce the same amount of income for the Government.

2. Personal incomes in excess of $50,000 a year is not an important source of Federal income. In 1955, for example, it produced tax revenues of $667 million out of some $30 billion collected by the Treasury from individual income taxes."

Tucson (Ariz.) Daily Citizen:

"SOUND TAX CUT POLICY IMPORTANT FOR NATION

"For the first time in history * * * a tax reduction proposal has been introduced in Congress which would establish the necessary policy for tax reductions and at the same time compel big Federal spending to compete for the taxpayers' dollars.

"House bill No. 6452 * * * introduced by Representative A. N. SADLAK, Republican, of Connecticut, * * * would bring the basic 20-percent rate for individuals down to 15 percent, and comparable reductions in the middle-income brackets where 16 million American taxpayers find themselves today. * * *

"Sixty percent of all savings would fall to * * * taxpayers with annual incomes of $6,000 or less, only 6 percent to taxpayers with incomes of $50,000 up. * * *

"Economists * * * see where the reductions can be made without loss of revenue to the Government and within balanced budgets. * * * The Nation's economy is expanding each year, and this newly created wealth will make up the difference. * * *

"New and needless spending programs would have to be abandoned * * * or rejected * * * in order to keep the budget within the bounds of income. * * *

"Congressman SADLAK puts that choice clearly * * * when he says, 'We cannot have both tax reduction and spending. It is up to the taxpayer to make a choice'."

Mr. SADLAK. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include newspaper editorials.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut.

There was no objection.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. KEARNEY (at the request of Mr. MARTIN), indefinitely, on account of illness.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BAILEY, for 20 minutes, on Monday next.

Mr. HESELTON, that the special order given him for today may be transferred to Monday next, and that he may address the House for 30 minutes on Tuesday next.

## EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. CHUDOFF.

Mr. KING (at the request of Mr. BAILEY).

Mr. LAIRD and include a newsletter from the gentleman from Indiana [Mr. WILSON].

Mr. MCGREGOR to revise and extend the remarks he expects to make in the Committee of the Whole today and include extraneous matter.

Mr. VAN ZANDT.

Mr. SCUDDER and to include related matter.

Mr. NEAL and to include extraneous matter.

Mr. HARRIS to revise and extend remarks made by him in Committee of the Whole and include letters and other extraneous matter.

Mr. CHUDOFF to include in his remarks in the Committee of the Whole a chart.

Mr. CELLER.

Mr. JOHANSEN and to include a telegram and a letter.

Mr. METCALF and to include extraneous matter.

Mr. REUSS in two instances and to include extraneous matter.

Mr. THOMPSON of New Jersey (at the request of Mr. ALBERT).

Mr. SHELLEY (at the request of Mr. ALBERT).

## SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 189. An act for the relief of Peter V. Bosch;

S. 255. An act for the relief of Kew Chan (Chan Kew), Nancy Tsui Mei (Leung) Chan, and Cecilia (Oi Fan) Chan;

S. 239. An act for the relief of Maria Parisi;

S. 904. An act for the relief of Chrisoula Antonios Chegaras;

S. 1268. An act for the relief of Don Q. Gee; and

S. 2449. An act to extend the effectiveness of the Missing Persons Act, as extended, until April 1, 1958.

## ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 14 minutes p. m.), the House adjourned until tomorrow, Thursday, August 1, 1957, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1091. A letter from the Chairman, United States Atomic Energy Commission, transmitting the 22d Semiannual Report of the United States Atomic Energy Commission, pursuant to the Atomic Energy Act of 1954; to the Joint Committee on Atomic Energy.

1092. A letter from the Acting Secretary of the Army, transmitting a draft of proposed legislation entitled "A bill to authorize the disestablishment of the Balls Bluff National Cemetery, Loudoun County, Va., and for other purposes"; to the Committee on Interior and Insular Affairs.

1093. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Veterans' Administration for compensation and pensions for the fiscal year 1958 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended; to the Committee on Appropriations.

1094. A letter from the Comptroller General of the United States, transmitting a report on our review of the property improvement loan insurance program (title I, sec. 2, of the National Housing Act, as amended) administered by the Federal Housing Administration, pursuant to the Government Corporation Control Act (31 U. S. C. 841) and the Budget and Accounting Act, 1921 (31 U. S. C. 53) (H. Doc. No. 218); to the Committee on Government Operations and ordered to be printed.

1095. A letter from the Comptroller General of the United States, transmitting a report on the audit of Federal Deposit Insurance Corporation for the fiscal year ended June 30, 1956, pursuant to section 17 (b) of

the Federal Deposit Insurance Act (12 U. S. C. 1827) (H. Doc. No. 219); to the Committee on Government Operations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ENGLE: Committee of conference. S. 469. An act to authorize the United States to defray the cost of assisting the Klamath Tribe of Indians to prepare for termination of Federal supervision, and to defer such termination for a period of 18 months (Rept. No. 946). Ordered to be printed.

Mr. ENGLE: Committee on Interior and Insular Affairs. S. 999. An act authorizing the Secretary of the Interior to convey certain land to the State of North Dakota for the use and benefit of the North Dakota State School of Science; with amendment (Rept. No. 947). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. S. 1556. An act granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to their interest in, and the apportionment of, the waters of the Little Missouri River and its tributaries as they affect such States, and for related purposes; with amendment (Rept. No. 948). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. S. 1773. An act to validate a certain conveyance heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, to the State of Nevada, involving certain portions of right-of-way in the city of Reno, county of Washoe, State of Nevada, acquired by the Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356); without amendment (Rept. No. 949). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 6760. A bill to grant to the Territory of Alaska title to certain lands beneath tidal waters, and for other purposes; with amendment (Rept. No. 950). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 4215. A bill amending sections 22 and 24 of the Organic Act of Guam; without amendment (Rept. No. 951). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE. Committee on Interior and Insular Affairs. Senate Concurrent Resolution 32. Concurrent resolution favoring Congressional recognition of the National Cowboy Hall of Fame and Museum to be located at Oklahoma City, Okla.; without amendment (Rept. No. 952). Referred to the House Calendar.

Mr. HARRISON of Virginia: Committee on Ways and Means. H. R. 2151. A bill to amend certain provisions of the Tariff Act of 1930 relative to import duties on certain coarse wool; with amendment (Rept. No. 953). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 5679. A bill to authorize amendment of the irrigation repayment contract of December 28, 1950, between the United States and the Mirage Flats Irrigation District, Nebraska; with amendment (Rept. No. 954). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 5492. A bill to amend the act of August 31, 1954 (68 Stat. 1044) to extend the time during which the Secretary of the Interior may enter into amendatory repayment contracts under the Federal reclamation laws, and for other purposes; without amendment (Rept. No. 955). Referred to the Committee of the Whole House on the State of the Union.

Mr. CURTIS of Missouri: Committee on Ways and Means. H. R. 8102. A bill to amend the Internal Revenue Code of 1954 to provide a special method of taxation for real estate investment trusts; with amendment (Rept. No. 956). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON of Illinois: Committee on Government Operations. H. R. 8795. A bill to amend section 507 and subsection 602 (a) of the Federal Property and Administrative Services Act of 1949, as amended; with amendment (Rept. No. 957). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON of Illinois: Committee on Government Operations. Tenth report of the Committee on Government Operations pertaining to military tank procurement; without amendment (Rept. No. 958). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. H. R. 7870. A bill to amend the act of July 1, 1955, to authorize an additional $10 million for the completion of the Inter-American Highway; without amendment (Rept. No. 959). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE: Joint Committee on Atomic Energy. H. R. 8992. A bill to provide for the appointment of representatives of the United States in the organs of the International Atomic Energy Agency and to make other provisions with respect to the participation of the United States in that Agency, and for other purposes; without amendment (Rept. No. 960). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 382. Resolution providing for the consideration of H. R. 8525, a bill to amend the Natural Gas Act, and for other purposes; without amendment (Rept. No. 961). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. GRANAHAN:

H. R. 8975. A bill to establish a standing Joint Committee on the District of Columbia; to the Committee on Rules.

By Mr. GRIFFIN:

H. R. 8976. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Unemployment Insurance Act; to the Committee on Interstate and Foreign Commerce.

By Mr. HAGEN:

H. R. 8977. A bill authorizing additional appropriations for prosecution of projects in the Los Angeles River Basin, Calif., the Kaweah and Tule River Basins, Calif., and for the central and southern Florida project, for flood control and other purposes; to the Committee on Public Works.

By Mr. McGOVERN:

H. R. 8978. A bill to establish a standing Joint Committee on the District of Columbia; to the Committee on Rules.

By Mr. McINTOSH:

H. R. 8979. A bill to provide for the expiration of certain authorizations by the Congress for projects for flood control or river and harbor improvements; to the Committee on Public Works.

By Mr. NORRELL:

H. R. 8980. A bill to authorize an exchange of lands at Hot Springs National Park, Ark., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. O'HARA of Illinois:

H. R. 8981. A bill to facilitate the entry into the United States of certain immigrants; to authorize the adjustment of status of certain aliens in the United States; to provide for the issuance of special nonquota immigrant visas to certain refugees; and for other purposes; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H. R. 8982. A bill to prohibit unjust discrimination in employment because of age; to the Committee on Education and Labor.

By Mr. PERKINS:

H. R. 8983. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. PRESTON:

H. R. 8984. A bill to amend chapter 113 of title 18 of the United States Code to prescribe penalties for transportation or sale in interstate commerce of stolen outboard motors or motorboats; to the Committee on the Judiciary.

By Mr. REED:

H. R. 8985. A bill to amend section 72 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. ROBERTS:

H. R. 8986. A bill to amend title II of the Social Security Act to reduce from 65 to 60 the age at which old-age and other monthly insurance benefits may become payable thereunder; to the Committee on Ways and Means.

By Mr. SCOTT of Pennsylvania:

H. R. 8987. A bill to establish a standing Joint Committee on the District of Columbia; to the Committee on Rules.

By Mr. SHUFORD:

H. R. 8988. A bill to provide for the construction of a new post office, Federal courthouse, and Federal office building in Bryson City, N. C.; to the Committee on Public Works.

By Mr. SIMPSON of Pennsylvania:

H. R. 8989. A bill to amend the Internal Revenue Code of 1954 so as to permit the payment of the estate tax in installments; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey:

H. R. 8990. A bill to establish a standing Joint Committee on the District of Columbia; to the Committee on Rules.

By Mr. WIDNALL:

H. R. 8991. A bill to prohibit unjust discrimination in employment because of age; to the Committee on Education and Labor.

By Mr. PRICE:

H. R. 8992. A bill to provide for the appointment of representatives of the United States in the organs of the International Atomic Energy Agency, and to make other provisions with respect to the participation of the United States in that Agency, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. BATES:

H. R. 8993. A bill to amend section 301 (b) of the Immigration and Nationality Act, as amended, relating to the loss of nationality and citizenship; to the Committee on the Judiciary.

By Mr. DURHAM:

H. R. 8994. A bill to amend the Atomic Energy Act of 1954, as amended, to increase the salaries of certain executives of the Atomic Energy Commission, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. PHILBIN:

H. R. 8995. A bill to provide for the issuance of a special postage stamp to commemorate the 1958 Yankee homecoming; to the Committee on Post Office and Civil Service.

By Mr. DURHAM:

H. R. 8996. A bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. GWINN:

H. J. Res. 431. Joint resolution creating a Commission to assist in the celebration of the 350th anniversary of the exploration of the Hudson River; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOSCH:

H. R. 8997. A bill for the relief of Bunge Corp., New York, N. Y.; to the Committee on the Judiciary.

By Mr. COLE:

H. R. 8998. A bill for the relief of Margaret Strong; to the Committee on the Judiciary.

By Mr. CRETELLA:

H. R. 8999. A bill for the relief of James A. Mendillo; to the Committee on Armed Services.

By Mr. FARBSTEIN:

H. R. 9000. A bill for the relief of Luigi Marzano; to the Committee on the Judiciary.

H. R. 9001. A bill for the relief of Harry and Lena Stopnitsky; to the Committee on the Judiciary.

By Mr. KING:

H. R. 9002. A bill for the relief of Mrs. Renate Maria Reardon; to the Committee on the Judiciary.

By Mr. KNOX:

H. R. 9003. A bill for the relief of the Kalkaska Air Base Committee, Inc., to the Committee on the Judiciary.

By Mr. LESINSKI:

H. R. 9004. A bill for the relief of Rudolph Sliwka; to the Committee on the Judiciary.

By Mr. McINTOSH:

H. R. 9005. A bill for the relief of Douglas Keddy; to the Committee on the Judiciary.

By Mr. MICHEL:

H. R. 9006. A bill for the relief of John C. Houghton, Jr.; to the Committee on the Judiciary.

By Mr. PELLY:

H. R. 9007. A bill for the relief of Colin Noyes Clinch-Jones; to the Committee on the Judiciary.

By Mr. PHILBIN:

H. R. 9008. A bill for the relief of Archie McDonald; to the Committee on the Judiciary.

By Mr. RABAUT:

H. R. 9009. A bill for the relief of Laureano Leone; to the Committee on the Judiciary.

By Mr. ROBERTS:

H. R. 9010. A bill to provide for the conveyance of certain real property of the United States in Springville, Ala., to Charlie Pearson; to the Committee on Interior and Insular Affairs.

By Mr. RODINO:

H. R. 9011. A bill for the relief of Michele Marsilio; to the Committee on the Judiciary.

By Mr. ROONEY:

H. R. 9012. A bill for the relief of Alexander Grossman; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H. R. 9013. A bill for the relief of Margaret Elizabeth Banks (Roh Johnnie); to the Committee on the Judiciary.

By Mr. SAUND (by request):

H. R. 9014. A bill for the relief of Juan Francisco Delgado; to the Committee on the Judiciary.

By Mr. SIEMINSKI:

H. R. 9015. A bill for the relief of William V. Dobbins; to the Committee on the Judiciary.

H. R. 9016. A bill for the relief of Jerzy M. Bohlman, Henryk Boksa, Jerzy Jan Janusz, Bronislaw Koziol, Stanislaw Siembieda, Stefan Wojtynowski, Wladyslaw Michalski, and Bohdan Wasiel; to the Committee on the Judiciary.

By Mr. WALTER (by request):

H. R. 9017. A bill for the relief of Jose Antonio Aguirre; to the Committee on the Judiciary.

By Mr. ZELENKO:

H. R. 9018. A bill for the relief of Mrs. Aida Roblejo y Garzon Rodriguez; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

317. By Mr. SMITH of Wisconsin: Resolution of the Wisconsin Cooperative Tobacco Growers Association, meeting on July 26, unanimously protesting any reduction in import duty or ad valorem duty on imported Habana filler tobacco or Cuban cigars; to the Committee on Ways and Means.

318. By the SPEAKER: Petition of the executive vice president, Texas Manufacturers Association, Houston, Tex., petitioning consideration of their resolution relative to requesting that the Texas delegation to the National Congress give their support to H. R. 6452 now pending in the 85th Congress; to the Committee on Ways and Means.

# EXTENSIONS OF REMARKS

## Swiss Independence Day

EXTENSION OF REMARKS
OF
**HON. JOHN F. SHELLEY**
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, July 31, 1957*

Mr. SHELLEY. Mr. Speaker, August 1 again this year will be the time when the great democracy of the United States extends its cordial greetings to the great democracy of little Switzerland. On that day, 666 years ago, the Swiss laid the groundwork for the development of a democratic way of life which is among the finest in the world today. Then it was that the people of three tiny cantons in the north of what constitutes modern Switzerland today gathered together to tell the Habsburg monarchy to keep hands off.

Now, centuries older and 19 cantons larger, the Swiss people of Germanic, French, and Italian origin are the possessors of a sound, democratic tradition and a healthy economy.

It is sometimes little realized how much the Swiss and American peoples share in common. They have the same love for freedom and democracy, are gifted with the same industriousness and precision skills, and both enjoy similar standards of living which are among the highest in the world. Both the Swiss and Americans have made substantial contributions to the other nation's welfare. In the United States, for example, there are many Swiss-Americans who, like their fathers and grandfathers before them, are valuable assets to the well-being and vigor of our country.

In this time of tension and strain between nations, it is a good thing to be able to point to the long and profitable relationship enjoyed by Switzerland and the United States. This friendly state of affairs between one of the finest democracies and the world's greatest democracy was formally recognized with the signing of the Treaty of Friendship and Commerce 106 years ago. In our own era we can point to the Reciprocal Trade Treaty of 1936, which has had a profound and positive impetus on commerce between both states.

Yet even this fine tradition has not prevented friction and misunderstanding to arise between both countries. It is now 3 years since President Eisenhower raised the tariff on watch imports, to the dismay of both the Swiss and our other friends overseas. The facts in the watch question and the significance of mutual trade in combating the Soviet economic offensive impel us to rectify this grevious wrong. It would be appropriate indeed, if, upon extending congratulations to Switzerland on the anniversary of its independence, steps are taken to erase the only blot marring our longstanding friendship with one of Europe's oldest democracies.

## Swiss Independence Day

EXTENSION OF REMARKS
OF
**HON. HENRY S. REUSS**
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, July 31, 1957*

Mr. REUSS. Mr. Speaker, the bonfires will be burning tomorrow night on the mountain tops of Switzerland in celebration of Swiss Independence Day. To the Swiss, and to all those of Swiss origin and descent, August 1 is as significant a day as is the 4th of July to all Americans.

I believe that Americans, too—of whatever national origin—should pause briefly on this date because it marks an anniversary of profound importance to all who believe in political freedom

and national independence. The determination of the people of Schyz, Uri, and Unterwalden to free themselves from Hapsburg rule in 1291 might well be called the cornerstone of the growth of democracy and the nation state. Since that early date, the Swiss have maintained a citadel of freedom which has kept alive the spirit of liberty in some of Europe's darkest hours.

The sturdy independence of Switzerland has been reflected in its men and women who have come to America. In my own State of Wisconsin, we can point with pride to such flourishing communities as Monroe, New Glarus, Brodhead, Monticello, and others in Green County and further north in Buffalo County. Responsible citizenship has been always as much the trademark of Swiss-Americans as is the wonderful cheese they produce.

Switzerland is a country poor in many natural resources but rich in industry and skill. We do the Swiss an ill service when our laws hamper the exchange of goods between our country and theirs. Both nations benefit from a flourishing trade, just as both have benefited for many years from the spirit of independence which inspired William Tell and which still inspires the Swiss and American people today.

## Washington Newsletter by Congressman Earl Wilson

EXTENSION OF REMARKS
OF
### HON. MELVIN R. LAIRD
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, July 31, 1957*

Mr. LAIRD. Mr. Speaker, since living costs in this country are at an all-time high and the value of the American dollar continues to shrink, the need for Congress to become actively concerned is most apparent. Under leave to extend my remarks, I include the timely current newsletter to constituents by Congressman EARL WILSON, of Indiana:

PUBLIC ENEMY NO. 1

As this session of the 85th Congress nears the close, there is emerging a national issue which may overshadow all others when Congress reassembles in January. I hope that issue receives penetrating attention.

Our Nation's greatest enemy today is within our own borders, a sinister and fearful monster leering through the windows of every home in the land. Standing at his shoulder is enemy No. 2. They are poised, ready for the kill.

No. 1 is inflation; No. 2 is communism. Together they can kill the American way of life.

For many years our major fears have been of communism. Certainly we should not minimize that threat or relax our vigilance. Nevertheless, communism can hardly take over a strong, healthy Nation. First, there must be a sickness, or a weakness in the intended victim.

Inflation is our sickness. Dry it up, and communism cannot succeed.

A Congressman's mail is heavy with pressure missives of all types. I endeavor to read all of mine. I am glad to see an upsurge of statistics, editorials, speeches, individual appeals and angry demands that Congress do something to stem the sweep toward further cheapening of the American dollar.

When the price of steel rises $6 a ton at a time like the present, we are in danger—because steel is basic in the American economy. When certain powerful union leaders force hourly wages in key industries closer to the $4 level while workers in other industries are less fortunate, the inflation threat becomes great. Add these situations to the fatc that demand for goods in many fields is heavier than production, and we've got inflation.

Along with these factors, taxes keep edging upward. Costs of Government rise. Living costs climb and the value of the dollar drops proportionately.

Inflation means disaster to pensioners, to farmers, small independent businesses, and thousands of other segments of the Nation's economy. It kills incentive and hope. Thrift, a natural trait of most people, flies out the window because there is no point in saving a dollar today which won't be worth a quarter in a few years.

The inflation sickness now has such a grip on America that a man must make $6,779 a year to be as well off as he was on $3,000 a year in 1939.

More Americans now are at work, making more money than at any time in history. This should mean prosperity, happiness and a buoyancy of spirit and hope. But it doesn't.

There's a great uneasiness in this land, and it is not entirely because of communism and the H–bomb. People are wondering and worrying about the cost of living, taxes, the plight of old folks and the future of their children.

It is a high time to tackle public enemy No. 1. I hope Congress will subordinate all other issues next January.

## Plea for National Grange Headquarters

EXTENSION OF REMARKS
OF
### HON. HUBERT B. SCUDDER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, July 31, 1957*

Mr. SCUDDER. Mr. Speaker, today I introduced a bill, H. R. 9092, which will prevent the General Services Administration from acquiring by condemnation the property which presently houses the National Grange headquarters here in Jackson Square.

The National Grange purchased this property in 1941 with funds which had been raised for this purpose through activities carried on by the more than 7,000 local subordinate granges throughout the Nation. Back in 1941 the cost of acquiring this building was high, but it could in no way compare to what it would cost today.

The Grange site that GSA is contemplating taking over will be used only for a lawn and flower garden alongside the proposed new Federal building. The Government expects to pay $500,000 for this property.

At this time when we hear so much about economy, it seems to me that the taxpayers would certainly resent having the Federal Government spend approximately $150 to $200 a square foot for the purpose of grass and flowers.

## Pay Increases for Federal Government Employees

EXTENSION OF REMARKS
OF
### HON. CECIL R. KING
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, July 31, 1957*

Mr. KING. Mr. Speaker, in behalf of the Federal Government employees in my district in California, I wish to thank you for the privilege of presenting to you their case for a prompt and substantial pay raise. There is certainly no problem involved in justification of such a pay increase. From a dollars-and-cents point of view and from the humane standpoint the need for more money for classified employees cannot be denied. The only questions are when and how much.

This salary problem is a very real and a pressing problem which calls for a forthright approach. It has broad implications for employees and the Government itself. For employees it is a matter of justice. For the Government it is a matter of attracting and retaining qualified personnel. If there is thought of economy, it should be recognized that employing qualified persons is economical, rather than employing less desirable persons who cannot do their jobs efficiently and with credit to their employer. These, I submit, are aspects of this problem which should be considered in formulating the decision on this legislation.

I oppose most strongly any attempt to let false notions of the need for economy in Government expenditures stand in the way of paying adequate salaries to those people who serve the Government and the public—notions which are entertained only because Federal employees must accept what is given them without being able to fight for their rights with the conventional methods available to employees who negotiate wage matters with their employers through the collective bargaining system. To say the least, it is highly improper for the Federal Government, as an employer, to take advantage of its unique authority and expect Government employees to bear the cost of the Government's budgetary difficulties.

Certainly threats of a Presidential veto should not deter the Congress from taking the only just and equitable course, and both justice and equity require that salaries of Federal employees be raised to a point where they are comparable with those paid in other fields for similar work, and where they will provide an adequate living standard for the employee and his family.

It has long been my belief that one of the greatest wastes in Government is the loss of trained personnel through heavy turnover caused by a breakdown in employee morale as a result of inadequate compensation, instead of recognizing and making good use of the experience and training of career personnel.

While it is true that a good many public-spirited civil servants are willing to sacrifice part of what their earning power would bring in the civilian labor market, it is equally true that the large mass of Government workers with families to support cannot continue to make that kind of a sacrifice indefinitely. The high turnover of employees in Federal agencies is sufficient proof of that.

I have always believed that good government begins with a competent career service, properly compensated both financially and with public respect.

All the talk about good government and economy is useless if we neglect the basic force needed to achieve these goals, the people who dedicate their lives to working in Government.

At the present time, we are in danger of losing our most competent employees because of the fact that their pay scales are not comparable with the pay scales of comparable positions in private industry. This would be a tremendous loss to the Federal service. It also would have an adverse effect on the appeal of the Federal service to new young people who are considering it as a career.

For these reasons, it is most essential, in my opinion, that this session of Congress grant a substantial increase in pay to our Federal classified employees.

## Voluntary Programs for Research and Promotion in the Sale of Meat and Meat Products

EXTENSION OF REMARKS
OF
### HON. LEE METCALF
OF MONTANA
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, July 31, 1957*

Mr. METCALF. Mr. Speaker, Tuesday we are scheduled to vote on H. R. 7244, to amend the Packers and Stockyards Act to permit livestock producers to support voluntary programs for research and promotion in the sale of meat and meat products.

I am sure you are aware of the economic plight of our cattlemen, and of their efforts to help themselves. One such effort is an attempt to set up a nationwide program to stimulate and maintain the consumption of beef. The major obstacle to this producer effort has been money.

Regulatory statutes applying to many livestock markets have been construed as prohibiting the collecting by marketing agencies of voluntary contributions to finance this program: H. R. 7244 would clear up these statutes, and give to beef producers the authority which every other segment of agriculture has at this time.

The deduction would not exceed 10 cents per head for cattle and 5 cents per head for other animals for research and market development. It would be collected only when the marketing agency was requested to do so by an organization sponsored by the producers of the species of livestock sold.

If any producer thinks this is a bad investment, he can get his money back by asking for it.

Mr. Speaker, such a voluntary program has been in successful operation in Montana for more than 2 years. The Montana Beef Council has collected 5 cents a head. Of that, 1 cent was kept in the State, 2 cents was sent to the National Beef Council, and 2 cents to the National Livestock and Meat Board. In the quarter beginning with last November and running through January, this voluntary program collected $13,374.53 in Montana.

The people concerned almost unanimously approve of this program. I know of only one Montana rancher who asked a refund of his contribution. He received it.

My file on this legislation includes the following letters and telegram from Mr. Ralph Miracle of Helena, secretary of the Montana Stockgrowers Association; Mr. Thayer Stevens, of Harlowton, a director of the Montana Beef Council, and Mr. Everett E. Shuey, secretary-treasurer of the Montana Wool Growers Association:

MONTANA STOCKGROWERS ASSOCIATION, INC.,
*Helena, Mont., March 18, 1957.*

The Honorable LEE METCALF,
*United States House of Representatives, Washington, D. C.*

Lee, you are well aware of the economic problems of the beef-cattle industry both here in Montana and nationally. One producer sponsored effort to overcome present difficulties has been directed toward a nationwide program to maintain and stimulate the consumption of beef.

An adequate method of financing has been the difficult part of this effort. Regulatory statutes applying to many livestock markets have been construed as an obstacle to the collection of contributions by marketing agencies. The expressed demand for such collections in Montana has made a successful program possible, but any effective national program needs the financial support of all beef-producing States.

Clarifying legislation in the form of S. 646 in the Senate and H. R. 5244 in the House is designed to secure permissive Federal legislation to permit collection of voluntary contributions. Such permissive legislation has become a key to a successful national beef-promotion program. Without national participation Montana's efforts cannot be properly effective.

Since practically every cattle producer in Montana is voluntarily contributing financially to support a State and national beef promotion program, there can be no question of their interest in having any obstacle removed.

Your consideration and support of S. 646 and H. R. 5244 will be appreciated. Hearings before the Senate committee are scheduled for April 1 and 2. Early enactment in time for preparation and planning of an adequate program prior to the seasonal marketing season is extremely important to Montana cattle producers as well as those in other States.

Sincerely,
RALPH MIRACLE, *Secretary.*

HARLOWTON, MONT.,
*August 1, 1957.*

Hon. LEE METCALF,
*House of Representatives, Congress of the United States, Washington, D. C.*

As a director of the Montana Beef Council I wish to express my appreciation of your support of H. R. 7244. The Montana Stockgrowers Association, which is the oldest and largest organization of cattlemen as well as the Montana Farm Bureau in their last two conventions have supported this legislation. You can be assured that your continued support for the early passage of this legislation will be appreciated by the cattlemen of our State.

THAYER STEVENS.

HELENA, MONT., *August 1, 1957.*

The Honorable LEE METCALF,
*United States Congress, Washington, D. C.*

DEAR LEE: Just a note to let you know that I read your remark relative to the checkoff for beef promotion in the recent issue of the Farm Journal, and I want you to know that we certainly appreciate your efforts in behalf of the promotion programs of the various meat-producing industries.

I just can't understand why the farm bureau continues to oppose the work of the commodity organizations in trying to market their own products.

Sincerely yours,
EVERETT E. SHUEY,
*Secretary-Treasurer.*

As you know, the American Farm Bureau Federation is opposed to this bill. But the Montana Farm Bureau Federation has supported the measure at its last two conventions.

This successful, voluntary program should be extended. I hope we pass this bill.

## Address Intended To Be Delivered by Senator Martin Before Army and Navy Legion of Valor

EXTENSION OF REMARKS
OF
### HON. EDWARD MARTIN
OF PENNSYLVANIA
IN THE SENATE OF THE UNITED STATES
*Wednesday, July 31, 1957*

Mr. MARTIN of Pennsylvania. Mr. President, the Army and Navy Legion of Valor is holding its annual convention in Philadelphia this week. I had hoped to attend their dinner tonight but work here in the Senate has made it impossible for me to do so.

Three United States Senators, the distinguished senior Senator from Florida [Mr. HOLLAND], the distinguished senior Senator from North Carolina [Mr. ERVIN], and the senior Senator from Pennsylvania all hold the Distinguished Service Cross and are members of this organization.

I ask unanimous consent that the address I intended to deliver tonight be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS INTENDED TO BE DELIVERED BY UNITED STATES SENATOR EDWARD MARTIN, OF PENNSYLVANIA, AT THE 67TH NATIONAL REUNION BANQUET OF THE ARMY AND NAVY LEGION OF VALOR, IN PHILADELPHIA, WEDNESDAY EVENING, JULY 31, 1957

It is a great honor for an old soldier to be invited to address the Army and Navy Legion of Valor, the most outstanding veterans' organization of the world.

Membership in the Legion of Valor is the proudest possession that can be held by any citizen of our country. As soldiers, veterans,

and civilians you have fought to protect the ideals of the American Republic.

Here in the great city of Philadelphia we have a rich and inspiring historic background in which to consider what America really is and what it means to be an American. Here is the proper place to ask all Americans to renew their mutual pledge of loyalty and patriotism, so that this Nation, under God, may move onward in glory and greatness, in peace, and good will.

Here, in Philadelphia, 181 years ago, the signers of the Declaration of Independence, with firm reliance on the protection of divine providence, mutually pledged to each other their lives, their fortunes, and their sacred honor in the cause of freedom. Here General Washington was made Commander in Chief of the Continental Army to wage a war that the American Colonies might be free and independent States.

Here in Philadelphia was proclaimed the ideal that all men are created equal, that the right to life, liberty, and the pursuit of happiness is God given and inalienable, and that governments derive their just powers from the consent of the governed.

Here, Betsy Ross made the first American flag, whose stars and stripes are the beacon light of freedom-loving people on all the continents and every sea.

Here in Philadelphia, after 8 years of the hell of war, the wisest men of their time met to form a Constitution that would unite the Thirteen Colonies into one Nation, and after weeks of debate our Constitution was adopted. It is the oldest written governmental document in the world. Under it we have successfully fought great wars. We have resisted financial depressions, maintaining the strength of our social and economic plan.

Under that Constitution, we have carved out of a vast, unexplored wilderness the greatest industrial and agricultural system in the entire world. With less than one-sixth of the population and area of the world, we produce one-half of the world's goods. We have reached the highest living standard ever attained by any people, with cultural and spiritual attainments unequalled any other place in the world.

We take pride in those great achievements but we must bear in mind that we are still confronted by dangers.

What are the dangers that threaten the security and stability of our Nation?

We take too much for granted.

We permit Communist propaganda, which would destroy our Nation, to be freely circulated in this country.

We have too much Government; too much public and private debt; too much dependence upon government; too much evasion of law; too little interest in government; and the failure to appreciate that we are truly a Nation under God.

We seem to think that being the richest Nation on earth there is no limit to our resources, but we must member that we are not rich enough for everyone to have everything he wants. Therefore, when government attempts to carry out competitive political promises, many of them made by demagogues, and undertakes to supply all the wants of groups and individuals, the cost is certain to exceed available revenues. The inevitable result is excessive taxation, a crushing burden of debt and the extreme dangers brought on by inflation.

To avoid the dangers confronting us, veterans must man the ramparts of freedom and defeat all elements who would destroy our country and our way of life.

The foundation of American strength must be built on recognition by every citizen that he has a share of the responsibility for good government.

It is an obligation of citizenship to take part in government. It is up to every organization of veterans to work for honesty, economy and efficiency in government, so that we can have government at a cost we can afford.

The early settlers in the new world, facing the hardship of a vast and unknown wilderness, had one thing in common—an ardent faith in God.

Let us emulate their example.

As militant, God-fearing believers in American ideals, let us fill our more than 300,000 churches, cathedrals, synagogues, and temples in the United States, 165 of them built before 1776. Let us wage a war for complete loyalty, by all living in the United States, to the principles for which a million Americans died on battlefields, within our borders and in foreign lands.

Let us live by the motto "In God We Trust" and if that trust is deep enough America will survive every attack.

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## Federal Sewage Disposal Funds

EXTENSION OF REMARKS

OF

### HON. AUGUST E. JOHANSEN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 31, 1957*

Mr. JOHANSEN. Mr. Speaker, on July 19, under a special order, I discussed the suggestion by Mr. Milton P. Adams, executive secretary of the Water Resources Commission of Michigan, that allocation of Federal funds for sewage disposal plants might be made on a basis which would pass over the requests of municipalities located in the Congressional districts of those Members of Congress who had voted against the $50 million appropriation for fiscal 1958.

I am happy to report that Mr. Adams and the Commission apparently have thought better of any such fantastic scheme.

Since directing Mr. Adams' attention to my remarks in the House I have received the following telegram from him:

LANSING, MICH., *July 26, 1957.*

Hon. AUGUST E. JOHANSEN,
*House Office Building,*
*Washington, D. C.*

Thanks for yours of recent date based on 13 replys received and other counsel the Commission could not afford to modify its method for establishing priorities based on Congressional voting. Commission also without authority to recommend scaling down of grants to accelerate safe program. Personal acknowledgment will follow as opportunity permits.

MILTON P. ADAMS,
*Executive Secretary,*
*Michigan Water Resources Commission.*

I also directed a copy of Mr. Adams' original letter to me and a copy of my remarks to the attention of the Honorable Marion B. Folsom, Secretary of Health, Education, and Welfare.

Following is a copy of a letter I have received from Secretary Folsom:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
*Washington, July 30, 1957.*

Hon. AUGUST E. JOHANSEN,
*House of Representatives.*

DEAR MR. JOHANSEN: This is in reply to your letter of July 23, 1957, in which you enclosed a copy of letter dated July 10, 1957, from Mr. Milton P. Adams, executive secretary of the Water Resources Commission of the State of Michigan, and also copy of a speech which you delivered on the floor of the House of Representatives.

Mr. Adams informed you that the Water Resources Commission of Michigan had scheduled a public hearing at Lansing on July 30, 1957, for the purpose of seeking counsel on how to accelerate Michigan's program on the allocation of Federal funds in the construction of sewage treatment plants, as provided in Section 6 of the Federal Water Pollution Control Act. His letter to you stated the commission might very well hear suggestions that the funds granted by Congress for fiscal year 1958 should go only to those municipalities whose representatives in Congress had voted to retain the $50,000,000 item for this purpose when the appropriation bill for this Department was being considered in the House of Representatives.

You were also asked by Mr. Adams what the Congressional reaction might be to his recommending that all grant certifications made to the Public Health Service be scaled down one-third or one-half from the "congressionally authorized limits" or "up to 30 percent or $250,000 ceiling, whichever is smaller."

You are correct in assuming that neither the Department of Health, Education, and Welfare, nor the Public Health Service, had associated itself in any way with the suggestions contained in Mr. Adams' letter.

You ask that this Department submit a statement relative to the legality of these proposals.

Section 6 (b) (4) of the Federal Water Pollution Control Act provides:

"no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 5 and has been certified by the State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs."

It seems very clear that any formula or method of determining priority of one project over other eligible projects on the basis of financial, as well as water pollution control needs, would meet the conditions of section 6 (b) (4) of the Federal act. However, any decision on the part of the State agency, notwithstanding the provisions of the statute, eliminating municipalities in certain Congressional districts from consideration in receiving Federal funds, because those Congressmen representing such districts had cast negative votes on appropriating funds for the program, would in effect impose an absolute limitation in an area where Congress had provided none, and would, therefore, in our opinion, not be within the intent of Congress.

On the question of reducing the maximum or ceiling of 30 percent of the estimated reasonable cost of the project or $250,000 whichever is smaller, we have taken the position that recommendations by State agencies based on consideration of need in an individual case would be entirely appropriate. The function of determining the percentage and amount (within the statutory ceiling) of Federal participation in approving projects is vested by the statute in the Surgeon General, and not in any State agency. A uniform or blanket reduction of grant certifications by a State agency on all applications of one-third or one-half from the statutory 30 percent or $250,000 ceiling, would not, in our opinion, be within the intent of Congress.

Accordingly, should the proposals suggested by Mr. Adams in his letter to you be adopted by the Water Resources Commission of Michigan, the Surgeon General would be under a duty to consider such action as he deemed necessary to carry out the intent of Congress in the administration of the Federal Water Pollution Control Act.

We appreciate your interest in this matter, and if we may be of further service to you, please advise us. A copy of this letter has been sent to the Michigan Water Resources Commission as requested.

Sincerely yours,

M. B. FOLSOM,
*Secretary.*

## Seventieth Anniversary Celebration, Bavarian Aid Society, Altoona, Pa., Saturday, July 27, 1957

EXTENSION OF REMARKS
OF
**HON. JAMES E. VAN ZANDT**
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, July 31, 1957*

Mr. VAN ZANDT. Mr. Speaker, in February 1887, a group of German immigrants met at the Joseph Frischkorn Hotel in Altoona, Pa., where it was agreed to organize what is now known as the Bavarian Aid Society. The group consisted of Messrs. George Lunglhofer, John Widbman, Pantaleon Frischkorn, George Vogel, Joseph Zollner, Theodore Ziegler, Joseph Frischkorn, John Loeb, John Knott, and Phillipp Kummel.

After the election of officers, regular meetings were held monthly and in the year of 1913 it was decided to rent a new headquarters to meet the needs of the expanding organization in both membership as well as activities. In 1922 the present home of the Bavarian Aid Society was constructed at a cost of nearly $20,000 to house its 380 active and 220 social members.

Since moving into its new home in 1923 the Bavarian Aid Society has equipped the home with bowling alleys and other recreational facilities for the benefit of the members and their families. In addition to the recreation provided its members, the society has paid out over $12,000 in death benefits and some $70,000 in sick benefits.

On Saturday, July 27, 1957, the Bavarian Aid Society observed its 70th birthday with a program that launched a 3-day celebration of the natal event. During the course of the program, many tributes were paid to the sturdy founders of the society and to the many accomplishments of the organization over the 70 years of its existence in achievements of its objectives to aid in building a strong and virile America.

It was my privilege to participate in the program along with Mayor Robert Anthony and Chief of Police Val Rouzer, of Altoona, and Rt. Rev. Msgr. J. Donald Wagner, pastor of St. Mary's Catholic Church, Altoona, who paid a great tribute to the 605 members of the society and its ladies auxiliary for the part they are playing in promoting good citizenship and deeper faith in God.

The 70th anniversary program was under the leadership of the following officers of the Bavarian Aid Society: Michael Lang, Sr., president; Rudy Vorn-Dran, vice president; Peter Gerhard, Sr., treasurer; and Joseph Lengfellner, recording secretary. The members of the board of trustees are as follows: Joseph Bernhart, Sr., Anton Muhlbauer, Joseph Niemeier, William Bernhart; John Maier, Joseph Stangl, and Frank Schadenfroh. Mr. Clair Hoff, Jr., is marshal, while the steward of the society is Mr. Walter Frank. There is a separate ladies auxiliary known as the Ladies Aid Society of which Mrs. Mary Nachtman is president.

One of the solemn aspects of the 3-day celebration occurred Friday evening, July 26, when a memorial mass was offered for deceased members in St. Mary's Catholic Church, Fifth Avenue and 14th Street, Altoona, Pa.

Following is the brief address I delivered on the occasion of the 70th birthday anniversary of the Bavarian Aid Society.

BAVARIAN MIGRATION TO THE UNITED STATES SINCE 1887

(By Hon. JAMES E. VAN ZANDT, of Pennsylvania)

As the Bavarian immigration of 1887 and after to America is an aspect of German immigration, I should like to first to say a few words about the general character of the German settlements in the United States.

There have been three great waves of German immigration to the United States:

(A) The first came in colonial times.

(B) The second wave arrived following the Napoleonic Wars.

(C) The third period of German immigration followed the Civil War.

(D) The largest number of arrivals in this third period came between 1882 and 1892.

What sort of people were the Bavarians of the 19th century?

Bavaria had been an independent monarchy for many centuries, and continued its semi-independent status under German empire until after World War II.

Germany was, politically speaking, of course, a united nation from 1871 to the end of the Second World War, but the Germans had previously developed distinctive regional ways of thinking and doing things, just as we have in the United States.

The Bavarians have traditionally regarded themselves as being more lighthearted and funloving than the methodical Prussians.

I do not know whether the American institution of the rathskeller was introduced by our Bavarian Americans, but it would not be unnatural to believe it was.

While the Bavarian enjoyed work, he also knew how to enjoy himself when he was not working.

The Bavarian was a homeloving man.

He enjoyed festivals of all kinds—particularly the celebration of Christmas, in which the bearded Saint Nicholas and the Christmas tree play an important role.

He enjoyed singing and physical sports.

Bavarian immigrants in the 19th century particularly favored rural and forested areas, since they had already lived in an area in which rural interests were strongly represented and felt most at home in such surroundings.

As with earlier German migrants, land hunger was an important element in bringing them to this country.

The native American of an earlier date was content to work his land and move on when he thought he could do better elsewhere.

The German settler, on the other hand, who frequently took up where the native American left off, was more attached to his property.

He was more interested in crop rotation and conservation methods and in keeping up his property.

He was a steady, hard-working citizen who would do credit to any country.

A good many of these Bavarian settlers were particularly attracted to forest areas, such as the hardwood sections along the western shore of Lake Michigan in Wisconsin, and no doubt have played an important role in the conservation movement in the United States.

The Bavarian influence has been strong in the German Catholic churches of the United States.

Coming from that part of Germany in which Catholicism has retained its greatest strength, it was but natural that Bavaria should have contributed a number of the important leaders in the American Catholic hierarchy.

The founder of the Benedictine Order in the United States, Archabbot Boniface Wimmer, for instance, who established the mother community at St. Vincent in Westmoreland County, Pa., in 1846, was a native of Bavaria.

Michael Heiss, born in Pfahldorf, Bavaria, served as bishop of La Crosse, and after 1880, as archbishop of Milwaukee.

No doubt some of the criticisms that used to be leveled against their earlier German confreres were made against the Bavarian immigrants of the past century.

It used to be held against them that they liked to drink beer and listen to music on Sunday.

They were criticized for not wishing to give up the use of the German language in their churches and schools.

These do not seem, today, to be important arguments.

Along with other residents of German background, Americans of Bavarian stock have proved to be loyal and patriotic citizens.

## The Lease-Purchase Building Program Will Cost $750 Million More Than Direct Appropriation Method, and Will Destroy Historic Lafayette Park

EXTENSION OF REMARKS
OF
**HON. FRANK THOMPSON, JR.**
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, July 31, 1957*

Mr. THOMPSON of New Jersey. Mr. Speaker, I testified before the Subcommittee on Public Buildings and Grounds of the House Committee on Public Works on February 28 this year in support of an amendment to H. R. 4660 which provided ways and means for building better and more efficient public buildings. H. R. 4660 is now before the House as S. 2261 as amended.

It is my belief that the Federal Government should take as much care in building its public buildings as private industry does. I do not think that the same care and planning is going into Federal buildings as goes into, say, any of the great buildings being built in New York City and other cities throughout the country.

I have been concerned, as have others, about the lack of any building under the lease-purchase program. One hundred and forty-six buildings have been approved by the Public Works Committees of the Senate and House for construction under the lease-purchase program, yet today only 1 building is under construction after 3 years. Surely 3 years is long enough to demonstrate the worth of a program.

There has been a great deal of talk about economy, yet here is the administration recommending a construction program—the lease-purchase program—which costs the taxpayers at least 75 percent more per building than the same building would cost under the method of direct appropriation. This is due to the higher interest rate and the payment of taxes on Federal buildings constructed through lease purchase. This policy is unwise, unsound, and is a departure from all previous policy of the Federal Government.

The chairman of the Subcommittee on Public Buildings and Grounds, the gentleman from Alabama [Mr. JONES], pointed out in a speech he made on this floor on Friday, July 19, that—

An analysis made by the General Accounting Office at my request shows that the lease-purchase program for the 146 projects approved by the Congressional committees would cost more than $750 million—that is right; three-fourths of a billion dollars—in excess of what the cost would be under the direct appropriation method. Those are the GAO figures.

There has been a great deal of talk about economy by various Members of this body, but it seems to me that right here is one place to begin economizing and it is for this very reason of economy that I strongly support S. 2261 as reported by the Committee on Public Works of the House of Representatives.

I frankly do not see how we can go back to our districts and justify our support of a lease-purchase program that will cost such enormous and unjustified sums in interest.

The bill reported by the House Public Works Committee with amendments, S. 2261, provides that all of the projects approved under lease-purchase shall go forward under direct appropriation with the exception of six buildings in the District of Columbia and a post office building in Illinois. One of these six buildings, Federal Office Building No. 7, General Services Prospectus No. 3–DC–05, planned for the west side of Lafayette Park in the area bounded by 17th Street, Pennsylvania Avenue, Jackson Place, and H Street should, I think, be given much more thought than has been given it so far by the Executive agencies involved, particularly the General Services Administration and the President's Advisory Commission on Presidential Office Space. Many distinguished civic and cultural leaders, architects and others have suggested that this Federal office building be confined to the 17th Street, Pennsylvania Avenue, and H Street sides of Square 167 and I happen to think and believe that this is a really excellent solution of the matter, since it would leave historic Jackson Place undisturbed.

I am, therefore, considering offering the following amendments to S. 2261 when it is under active consideration on the floor of this House in the hope that it will lead to a second look and a more constructive—and less destructive—building plan being put forward by the General Services Administration. Especially, I feel, will this be so if the Public Works Committees of the Senate and House are given an opportunity to go over the plans for this building again.

AMENDMENTS TO S. 2261, AS REPORTED

Page 9, strike out the following: "Federal Office Building—FOB No. 7—(Veterans' Administration), 3–DC–05."

Page 12, line 3, after "1954," insert the following: "other than the project known as Federal Office Building—FOB No. 7—(Veterans' Administration) which has the General Services Administration Prospectus No. 3–DC–05."

Page 13, imediately after line 7, insert the following:

"SEC. 5. The Administrator of General Services shall make such improvements, alterations, additions, and repairs to the old State Department Building situated on the southeast corner of the intersection of Seventeenth Street and Pennsylvania Avenue NW., Washington, D. C., as may be necessary to make such building suitable for use as an office building by the President of the United States, except that no such improvements, alterations, or repairs shall materially alter the appearance of the exterior of such building. No appropriation shall be made for any improvement, alteration, addition, or repair authorized by this section if it has not been first approved by resolutions adopted by the Committee on Public Works of the Senate and of the House of Representatives, respectively, submitted in accordance with subsection (b) of the first section of the act entitled 'An act to provide for the construction of certain public buildings, and for other purposes,' approved May 5, 1926, as amended."

These amendments would remove this Federal office building—FOB No. 7—from the list of buildings which the reported bill S. 2261 would permit to be constructed under the lease-purchase program and exempts it from the provision approving for construction by direct appropriation all buildings heretofore approved for construction under the lease-purchase program. Further, they add a new section authorizing the Administrator of General Services Administration to alter, repair, and otherwise modernize the old State Department Building without altering its exterior appearance in order to make it suitable for an office building, and with the added requirement that the plans for such renovation and reconstruction be submitted to the Committees on Public Works of the Senate and House. This building can, of course, be built by the direct appropriation method under my amendments if it is resubmitted to the Public Works Committees of the Congress and approved by them.

Language was written into the independent offices appropriation bill preventing the General Services Administration from using any of its funds during the current fiscal year for the preparation of drawings and specifications, the acquisition of sites, or the design, planning, construction, or development of plans for a Federal office building at the west side of Lafayette Park which has been recommended to the Congress for housing an expanded White House office staff. The plans for this building have not been definitely formulated and it was felt that there was no need for the Government to take over at this time the national headquarters of the National Grange and otherwise proceed to take irretrievable steps to alter beyond recognition one of the historic sites of the Nation without giving thought to the many important values involved.

The expansion of the White House offices also calls for razing the historic State, War, Navy Building, and there is a blazing controversy going on over this proposal also. I would like to include at this point some newspaper articles which will delineate this controversy for us:

[From the Washington Post and Times Herald of March 2, 1957]

PLAN OFFERED TO SAVE HOMES OF LAFAYETTE SQUARE—NATIONAL TRUST SUGGESTS RESTORING HISTORIC SITES AS BLAIR HOUSE ANNEX

(By Jean White)

The Government was called upon yesterday to restore the old spirit of Lafayette Square when once-elegant homes along historic Jackson Place are razed.

To clear way for a $27.4 million office building, the Government has taken title to 9 parcels of property along the street flanking the west side of Lafayette Square. Decatur, Blair, and Blair-Lee Houses would be spared in the block, the Government said.

Yesterday Richard H. Howland, president of the National Trust for Historic Preservation, urged that several of the mid-19th-century mansions also be saved. These, he said, could be worked into the design of the new building.

If restored, several houses at the south end of Jackson Place, he wrote members of the group, could serve as a much-needed bedroom annex to Blair House, just around the corner on Pennsylvania Avenue.

And architecturaly, he emphasized, the restored mansions would be an effective counterpart to Decatur House, at the other end of the block, a generation earlier in style.

The trust decided earlier not to protest the Government plan since Jackson Place already had lost several of the mansions from its day of elegance as one of the Capital's great residential streets. Three houses were scheduled for demolition for a private office building.

Howland said the trust will urge that the new building's facade on Jackson Place reflect the original concept of Lafayette Square. This side, he said, should be comparable in height and texture to Decatur House.

The trust also has its own personal problems with the Government move, Howland pointed out. It will have to move from its headquarters at 712 Jackson Place by May 1 to escape paying Government rent retroactive to January 25.

"We would like to receive a well-located historic or architecturally significant property in the Capital as a gift," Howland wrote.

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[From the Washington Post and Times Herald of March 15, 1957]

LAFAYETTE SQUARE PLAN OFFERED

A Washington architect recommended yesterday that the residential aspect of Jackson Place NW. be preserved in planning Government office structures in the block.

Frederick Gutheim, of Dickerson, Md., writing in the current issue of Progressive Architecture, said this would be the best solution in trying to preserve the once fashionable street and yet answer pressing demands from the White House and its agencies for more working space.

Gutheim said "tall office buildings that have been allowed to intrude on Jackson Place could be replaced with structures in residential scale." However, he said, "suit-

able private organizations such as the National Trust for Historic Preservation, should be permitted to occupy these structures.

One such structure might serve as an official residence for the Vice President, he suggested.

The Government is planning to build a $27-million office building in a block bounded by Jackson, Pennsylvania Avenue, and 17th and H Streets NW. All existing buildings, except Blair and Blair-Lee House and Decatur House, would be torn down.

Gutheim said a "frankly utilitarian structure—about all we can expect of Federal building in these preoccupied and uninspired days—could be allowed" on the 17th Street side.

As Gutheim saw it the pressures for the Government office building stem from the White House organization and its vast expansion by the Eisenhower administration.

A staff expansion of unprecedented magnitude was required by the Eisenhower way of doing business at SHAEF headquarters during World War II and at NATO, according to Gutheim.

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[From the Washington Evening Star of May 27, 1957]

TWO SPEAK UP TO SAVE STATE-WAR BUILDING

The two House Members of a Presidential Commission named to find more White House office space are set against razing the old State-War-Navy Building.

Representatives SMITH, Democrat of Virginia, and MCGREGOR, Republican of Ohio, both oppose a majority report of the commission to replace the landmark.

They are bound to win powerful support in the economy-minded House, whose Speaker RAYBURN also has spoken out against any effort to obtain funds to tear down the building.

The Commission report is at the printers, Robert V. Fleming, who heads the 7-man group, said. It is expected to be made public by the White House next Monday.

OTHERS FAVOR DEMOLITION

All the other Commission members were understood to favor demolishing the 19th century structure at 17th Street and Pennsylvania Avenue, NW.

But the House Representatives signed the majority report only after razing was approved "when economically and financially feasible," it was learned.

"I feel that at this time it is not economically feasible to tear the building down," Representative MCGREGOR said. He estimated razing costs at $6 million.

Though he said he recognized the cramped quarters at the White House were deplorable, he also stressed that Congress must call a halt to expanding executive staffs.

"If we keep giving space to White House employees, I have the feeling that the executive branch will keep hunting people to fill it," he added.

HISTORICAL VALUE DEFENDED

Representative SMITH, interested in the historical value of the old building, said, "It would be a shame to tear it down."

Many architects defend the granite structure with its elaborate cornices and chimneys, while others scorn it, he noted. But he said it represented a period of American architecture that might well be maintained.

Mr. Fleming declined comment on the Commission report, or on his own personal view of the old State controversy.

But he was understood to favor replacement along with other Commission members, Senators CHAVEZ, Democrat of New Mexico; and HRUSKA, Republican of Nebraska; General Services Administrator Franklin G. Floete and Douglas William Orr, New Haven, Conn., architect.

What are the historic values involved, it may be asked? They are set forth in Public Law 292, 74th Congress, approved August 21, 1935, known as the Historic Sites Act, "That it is hereby declared that it is a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States."

These then are the values that are involved, and our national policy regarding them is clear.

I sponsored legislation in the 84th Congress appropriating funds to complete the historic buildings and sites survey authorized in the Historic Sites Act of 1935. Shortly thereafter Department of the Interior officials advised me they would request funds for this purpose in their budget if I would not insist on my own measures. They were true to their word and I am glad that the Congress appropriated $139,265 for the survey of historic American buildings, and $92,930 for a survey of historic sites as requested in the Interior Department appropriation bill for 1958.

The Director of the National Park Service, Conrad L. Wirth, advised me under date of July 19 as follows:

Now that the Department's request for funds for the current fiscal year has been approved, we are turning our attention to the immediate task of organizing personnel and procedures for the nationwide study (of historic buildings and sites). In view of the task ahead, and the great interest throughout the country in historical conservation, we are anxious to start the survey as soon as possible. We appreciate your interest in the preservation of our Nation's important historic sites.

I include at this point for the information of my colleagues some of the correspondence I have received as to the importance of the White House-Lafayette Park area:

UNITED STATES
DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
*Washington, D. C., April 1, 1957.*

Hon. FRANK THOMPSON, Jr.,
*House of Representatives,*
*Washington, D. C.*

DEAR MR. THOMPSON: We have read with interest the mimeographed statement issued from your office for release on April 21, bearing on the question of a new Federal office building in the vicinity of the White House for use of the executive department, which was enclosed with your letters of April 22 and 24.

Your efforts in behalf of historic preservation throughout the country and here in the Nation's Capital have been helpful and we appreciate your strong interest in this subject. We are taking cognizance of the fact that you are concerned over the prospect that the historic setting of the White House and its immediate environs may be drastically changed by the construction of new Federal office buildings.

As you know, the National Park Service plans to make a study under the Historic Sites Act of 1935 regarding the several sites you mention provided funds therefor are made available. It would therefore appear proper, as you have done, to call the attention of Mr. Fleming, Chairman of the Presidential Commission, to the act and to the policy it establishes.

With best wishes.

Sincerely yours,

CONRAD L. WIRTH,
*Director.*

UNITED STATES
DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, D. C., May 13, 1957.*

Hon. FRANK THOMPSON, Jr.,
*House of Representatives,*
*Washington, D. C.*

DEAR MR. THOMPSON: Two press releases issued from your office on April 21 and 26 have been reviewed as you requested.

Your continuing interest in the preservation of historic structures is appreciated. We note from the two releases that you have quite properly communicated your views regarding the problem of providing additional office space in the vicinity of the White House for use of the executive department to the President's Advisory Commission on Presidential Office Space.

As we advised you in our letter of April 8, 1957, the National Park Service shortly after July 1, 1957, proposes to undertake a study of the historical and architectural significance of buildings in the vicinity of the White House provided funds requested in the President's budget for the resumption of the Historic Sites Survey are appropriated by the Congress.

The proposed resumption of the Historic Sites Survey is an important facet of the comprehensive mission 66 program of the National Park Service which, as you know, was submitted to Congress last year with the strong support of the President and the Department of the Interior. This is but one indication of this administration's continuing interest in the conservation and protection of historic structures and areas throughout the Nation. Among the historic areas of the National Park system established since January 1953 are the Edison Laboratory National Monument and the Edison Home Historic Site in New Jersey; Chimney Rock National Historic Site, Nebraska; Fort Union National Monument, New Mexico; Cumberland Gap National Historical Park, Kentucky-Tennessee-Virginia; Fort Vancouver National Monument, Washington; Golden Spike National Historic Site, Utah; and Independence National Historical Park, Pennsylvania.

Sincerely yours,

HATFIELD CHILSON,
*Acting Secretary of the Interior.*

I think the Congress was thoroughly justified in denying funds to the General Services Administration to proceed with its plans for a great office building at the west side of Lafayette Park.

Clearly, the language of the Historic Sites Act of 1935 is explicit and requires the preservation of both historic buildings, and sites, and both buildings and sites are involved in the White House-Lafayette Park area.

The report of the President's Advisory Commission on Presidential Office Space makes no mention of the historic values involved in the area. The Chairman of the Commission, Robert V. Fleming, wrote me under date of May 14, 1957, in part as follows:

The Commission was informed that no historical survey of the area under discussion could be developed before June 2, 1957. Consequently, the only alternative to submitting a report when due would be to extend the date for the Commission's report.

As you have noted, the time for the Commission's report has once been extended. The purpose of the extension however was to permit all members of the Commission to participate in the deliberations.

Yet the report of the President's Advisory Commission on Presidential Office Space, which the President sent to

the Congress on July 17, calls for the building of a huge office building at the west end of Lafayette Park and thus supports the position of the General Services Administration.

At the same time, the Commission recommends the razing of the historic State, War, Navy building located on the northeast corner of 17th Street and Pennsylvania Avenue NW., and its replacement by a modern office building.

The Washington Post of June 4 reported that the distinguished Speaker of this House, the gentleman from Texas [Mr. RAYBURN] was one of the traditionalists who were rallying to defend the historic State, War, and Navy Building and that newspaper reported an interview which one of its reporters had with the Speaker on April 10. The Speaker was quoted as saying he was "very much opposed" to tearing this landmark down, and that if the State, War, Navy Building "doesn't suit them on the inside, then they can do as they did at the White House" and that he would oppose any efforts to obtain congressional funds for the purpose of building a replacement.

September 6 this year is being proclaimed as Lafayette Day, for it marks the 200th anniversary of the birth of the Marquis de Lafayette, the great French general who fought with the American colonists against the British in the War of Independence.

Americans will always remember Lafayette for the freedom he helped to bring to this country, and for the freedom he fought so ably to establish. He will be revered and remembered by all who cherish our country and have experienced its blessings of liberty and prosperity.

Now might be a singularly appropriate time to think of ways to preserve and maintain the historic park which is named in his honor.

Every city, but particularly the Nation's Capital, should set apart certain old houses, certain breathing spaces in the form of parks, and so on, to show the more impressionable teen-agers that American life does not consist merely of gasoline stations, the drive-in diner, and the second-hand car park.

Fifty million visits were made to historic sites and buildings open to the public in 1956. I am informed that officials of the National Park Service believe there will be at least 80 million such visits a year by 1966. This is the depth of the feeling Americans have for their historic past, and I am convinced that all reasonable steps must be taken to preserve our great heritage.

At the centennial convention of the American Institute of Architects the editor of the Atlantic Monthly magazine, Edward A. Weeks, Jr., spoke movingly of the need for the preservation of our historic past. He declared that—

> In a State like Virginia, preservation has become a fine art. In Williamsburg where every fence rail and Kleenex carries the arms of William and Mary; and in the gracious houses along the James; Westover, Stratford, Shirley, and Berkeley Hundred—it is so easy for the 20th century to imagine the grace and the quality of colonial America. One is grateful for the care which has kept these shrines alive.

Let us in this House be mindful of our heritage and be always careful to preserve it in order that our children and our children's children may be grateful for the care which we have taken to keep our shrines alive.

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## The Natural Gas Act

EXTENSION OF REMARKS
OF

### HON. WILL E. NEAL

OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, July 31, 1957*

Mr. NEAL. Mr. Speaker, as a means of acquainting Members of the House who have not had the benefit of hearings with conditions in the gas industry leading to Congressional effort to bring about legislation favorable to the producers and the consumers, I take this opportunity to offer the following comments.

Natural gas occupies a unique place among household fuels. Its adaptation to domestic and commercial heating has made remarkably rapid strides in the past quarter century. Many of the major cities and an innumerable number of small communities still clamor for gas supplies to serve their household uses. These demands can be met only by continued increased production and transportation facilities to bring this commodity to their city gates.

Until 1938 gas exploration, gathering, and transport was a free-for-all industry. In that year Congress passed the Natural Gas Act which provided that pipelines delivering gas to industries and to municipalities for resale should be placed under the control of the Federal Power Commission empowered to establish prices that pipelines might charge to utility companies making distribution to domestic users and to industrial users within the limits of their distribution system.

In order that cities and localities at great distances from the source of supply might contract with pipelines for domestic gas supplies, the FPC established a two-point price system—one for delivery of gas to the city gate, the other for interruptible and direct sales to industry. It is evident that this method was utilized for the purpose of giving the pipelines a source of outlet for their line capacity during seasons when domestic consumption was insufficient to use the pipelines' full quota. During this period FPC controlled the prices of all gas delivered to city gates for distribution by utilities, but with that portion of the line capacity which could not be delivered to the utilities during certain seasons the pipelines were left free to negotiate with industrial users for quantities of gas without any price supervision by the FPC. So that since 1938 the FPC control over the prices of gas was limited in that it controlled only the prices of that portion of the gas sold to utilities for resale.

Under the Supreme Court action in 1954 known as the Phillips' decision the powers of the FPC were extended to control the price of gas delivered to the pipelines direct from the source of supply. This decision, however, made no change in the authority of the pipelines to continue their two-price system. Hence, that part of the pipelines' freedom to distribute portions of their capacity to industrial users was left unchanged.

Production of gas in the field has always been looked upon as an industry carrying with it great risk. Due to the uncertainties connected with gas drilling, independent operators have objected to any control or price-fixing regulation, and were opposed to the regulations imposed by the Phillips' decision. In order to meet these objections and to encourage producers to take the risk essential to the development of new gas fields, a number of bills have been introduced in the Congress to restore more freedom for producers and to relieve them from FPC's power to control their prices of gas delivered to the pipelines.

During the committee hearings on the Harris bill, which may come before the House this session, it was revealed that known gas reserves are estimated on the basis of present consumption to last about 22 years. If the rate of consumption is to accelerate in the future as rapidly as it has in the past, it is essential that new fields and new reserves must be found in order that domestic consumers of natural gas may be saved the necessity of losing their investments in household facilities and fixtures in the event scarcity of gas makes it necessary for them to seek new sources of fuel.

It is admitted that two-thirds of the total gas delivered by pipelines in 1955 went to industrial consumers either through resale by the utilities or through direct and interruptible sales by the pipelines before reaching the utilities. It would seem that should the supply of gas materially decrease, supplies to the domestic consumers would either have to be limited or the direct and interruptible sales by the pipelines would have to be materially curtailed.

This brings up to the important factor of the gas industry which is of great concern to the householders throughout the Nation now using or anticipating the use of natural gas for household use. It is quite evident that the present custom of selling such a large portion of natural gas to industrialists is a potential means of materially cutting short the unknown future supply of gas and thereby deprive domestic consumers, for whom natural gas is so well suited for domestic uses, of adequate supplies at reasonable cost.

The Harris bill empowers the FPC to fix rates for gas delivered by the producers to the pipelines as well as rates the pipelines may charge to the utility distributors, but costs as a factor in making these rates cannot be considered by the FPC. While costs at the producers' level are difficult to assess, there is no apparent difficulty in establishing costs as a factor in rating prices charged to the utility distributors, except as they apply to the pipeline sales from their reserve holdings.

Eighty percent of known reserves are owned by pipeline companies, most of

which are also producers. These reserves are estimated to have cost the pipeline companies 1½ cents per thousand cubic feet. Whenever FPC approves an advance in a producer contract, the same advance automatically increases the sales value of their reserves. Should the FPC refuse to consider original costs in estimating a fair and reasonable price to the utility distributor and instead base its rates on the accelerated price of these reserves, the pipelines could reap considerable profit at the expense of the consuming public.

Since this bill gives FPC wide discretion to consider all relevant facts, except cost, as a basis for establishing gas rates, consumers may expect this agency to faithfully perform its legal function in the light of the consumers' best interests.

Since other fuels, coal for instance, exist in such unlimited quantities as compared to the future prospect of natural gas, it would certainly seem in the public interest to take such steps as may seem advisable to conserve the present and future supplies of natural gas for that segment of our economy for which it is best suited.

The authority given the pipelines to negotiate with users of coal at whatever price may be sufficiently low to induce the user of coal to turn to the use of natural gas is both unfair to the coal industry and exceedingly dangerous in its extravagant manner of rapidly depleting gas reserves.

The Harris bill, which we are considering, does provide some relief to the producers of natural gas. It relieves them of the necessity of appealing to FPC for a permit to sell their produced gas, yet places sufficient restraint on the industry to prevent any tendency to monopoly among the gas producers. Aside from laying down certain rules as a basis upon which the FPC can arrive at fair market prices for gas paid to producers, and sales charges allowable to the utility gates, it offers nothing to counteract the unpopular features of the operation of the industry as now prevails under the recent decision of the Supreme Court. It makes no attempt to correct the uneconomic exhaustion of gas supplies practiced under the present unregulated privilege of the pipelines to make interruptible and direct sales of gas to industrial users. As pipelines are extended and if the privilege of the pipelines is not curtailed, it is easy to see that natural gas will continue to be a direct and unfair competitor with coal and oil, and at the same time shorten the period during which natural gas will remain available for domestic use.

Unlike gas reserves which are supposed to last only 22 years, during which time continuous exploration must proceed in order to discover any new sources, coal reserves in this country are estimated to last at least a period of 2,000 years. Coal in the past has played a decisive part in the economy of the country during war periods, and to be able to continue its ability to meet future emergency needs, the industry must be permitted to keep their mining operations open, in order to be prepared to meet any future emergency. Coal mining not only employs many thousands of miners but a much larger number of men engaged in rail and water transportation, large investments in rail and water facilities, plus the required number of sales and delivery people to carry on. The investment in pipelines is in no way comparable to the coal-carrying portion of the railroads, nor is the cost of maintaining the pipelines to be in any way compared with the immense cost of rails and other means of transport engaged in carrying coal from the mines to market. The tax returns on coal property and coal production, and that portion of the transportation systems engaged in its transport, far exceed anything that is returned by the pipelines.

I bring these things to your attention for the purpose of showing that the unfair competition of gas with coal is of such magnitude as to gradually place the whole coal industry at a very great disadvantage. So practices uneconomical to the interests of coal producers and shippers can prove to be dangerous to the national economy.

For that reason I think it quite essential that the privilege of the pipelines to make sales to industrial consumers at prices below the price charged to the city gates, plus a reasonable allowance for transportation, should be denied and for that purpose I am endorsing the amendment to the Harris bill proposed by my colleague, Mr. STAGGERS, which would place control of the interruptible and direct sales by pipelines to industrial consumers under the power of the FPC. If pipelines are no longer able to negotiate the sale of gas to industrial users situated within easy distance of the reach of the interstate pipeline at prices much below or sufficiently low to induce the users of coal to substitute the cheaper fuel, then the damage to the coal industry which is essential and which our Nation must protect, would be greatly reduced.

As I see it, it is just as important for the Nation to preserve for domestic users a natural fuel that is so well suited to their purpose as it is to protect the coal industry's economic welfare for ready compliance to the Nation's demands in event of a national emergency.

The public interest, after all, should be the prime objective of any legislation designed to regulate the gas industry. These remarks are expressions of my own conclusions after several weeks of committee hearings and extended discussions.

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## Excess Lands on Kings River Project

EXTENSION OF REMARKS

OF

### HON. EARL CHUDOFF

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 31, 1957*

Mr. CHUDOFF. Ever since the Reclamation Project Act of 1902, a basic feature of the Federal reclamation law has been its excess land provisions, which limit the holding of lands entitled to project water to a maximum of 160 acres for any 1 landowner. These provisions might be called the very heart of the reclamation law. In the words of former Secretary of the Interior Oscar Chapman, they are a "reaffirmation of the historic American policy of widespread ownership of land and the family-size farm."

That policy has just survived a close brush with administrative emasculation in the Department of the Interior. This would have occurred had the Secretary of the Interior decided to approve the proposed irrigation repayment contract with the Kings River Conservation District of California. Previously, with the full assent and approval of Assistant Secretary Fred G. Aandahl and Secretary Douglas McKay, provisions had been built into this proposed contract which would have made it extremely easy for each and every holder of excess land in the district quickly and permanently to escape the restrictions of the 160 acre limitation of the reclamation law. When this proposed contract, in the form finally approved by the district, was forwarded to Secretary McKay in November of 1955, there was every indication that he was prepared to give his approval.

As a result of numerous complaints addressed both to the Department of the Interior and the Committee on Government Operations, the Secretary was informed on December 7, 1955, by the full Government Operations Committee and later by the Public Works and Resources Subcommittee concerning the committee's interest in the proposed contract and especially its effect on the acreage limitation provisions. In his reply to the chairman of the full committee, Acting Secretary Clarence A. Davis, on December 22, 1955, stated that the Department was making an additional analysis of the applicable law and departmental precedents in the matter and that these studies would include consideration of recent expressions of interest that had come to the Department. "Action on the negotiated contract," the Acting Secretary added, "will be deferred until this analysis is finished." The further review mentioned by Mr. Davis was transmitted to the chairman of the Public Works and Resources Subcommittee on May 25, 1956.

After taking office as Secretary in June of 1956, Mr. Fred A. Seaton apparently decided he ought to take a long look at the proposed Kings River contract left him by his predecessor, Mr. McKay. It was a look which took some 13 months.

Now, after more than 19 months of vacillation in the Interior Department, Mr. Seaton has made the decision to reject the proposed Kings River repayment contract, with its convenient escape hatch for all excess-land owners, and to uphold the letter and the spirit of the long-established acreage limitation provisions of the reclamation law.

More specifically, this proposed contract would have permitted any landowner irrigating with project water, whether individual or corporate, to relieve his irrigable lands from the 160-acre limitation simply by paying in advance the full amount of his pro rata

share of the district's total construction charge obligation to the United States.

It is interesting to contemplate what the effect of the approval of the proposed contract would have been in terms of excess lands in the Kings River project. With a total irrigable acreage within the district of about one million and a total irrigation construction charge for the district of $14,250,000, the per-acre share of this construction cost obligation would be about $14, assuming for all landowners uniform water rates and uniform water requirements per unit of land. Thus, an individual landowner with 1,160 irrigable acres could escape the restrictions of the excess land provisions for his 1,000 acres of excess land by paying either $1,400 in lump sum or $140 a year for 10 years, if he had executed a so-called recordable contract.[1] Likewise, a corporation owning, say, 10,160 irrigable acres could lift the acreage limitation from its lands by payment of a lump sum of $14,000, or instead, 10 annual installments of $1,400 with a recordable contract. Actually, excess lands within the district total over 266,000 acres. There are 132 landowners who hold more than 640 acres apiece. Fifty-two of these own more than 1,280 acres apiece. There are several corporations owning between 10,000 and 20,000 acres each.

Yet, out of a total of 6,260 landowners in that project, 5,472 of them have no excess lands. The combined acreage of these nonexcess owners is more than 50 percent of the total irrigable acreage on the project.

The net effect of the Secretary's recent decision is that release from the 160-acre limitation would be allowed to project lands only after the entire district obligation of $14,250,000 has been repaid. Under reclamation law this $14,250,000 obligation would be in the nature of an interest-free loan to the district for the entire maximum repayment period of 40 years. Whether a majority of the district's landowners would favor the borrowing of up to $14,250,000 at current interest rates in order to pay off all or any substantial part of the district's obligation to the United States seems problematical.

As late as 2 days before he left office, former Secretary of the Interior Chapman, in a letter to the senior Senator from Illinois, dated January 17, 1953, asserted plainly that he was opposed to a lump sum or accelerated payment of construction charges as a means of avoiding the acreage limitation provisions of the reclamation law.

However, the administration which succeeded Mr. Chapman in the Department quickly turned to a different policy. On November 9, 1953, the Department specifically authorized the Bureau of Reclamation to negotiate with the Kings River interests for a repayment contract which would provide, among other things, for repayment of the irrigation allocation in 40 years without interest, with the option on the part of the water users' organizations to make a lump sum payment in full of $14,250,000.

This authorization was reaffirmed early in 1954 by Secretary McKay.

Later, in a letter dated May 19, 1954, to Mr. William F. Docker, attorney for the Kings River District, Assistant Secretary Aandahl explicitly sanctioned contract negotiations by the Bureau of Reclamation along the lines of the crucial—and now finally rejected—provisions for prepayment by individual landowners as well as organizations of landowners in order to free their excess lands from the acreage limitation provisions of the reclamation law.

Secretary McKay himself recorded on October 20, 1955, his acquiescence in a policy of permissible payout by individual landowners to avoid the excess land provisions. This occurred in a letter to Mr. Eugene E. Marsh, attorney, McMinnville, Oreg. It is worthwhile to quote a portion of this letter:

> I am informed by the Bureau of Reclamation that the contract currently being considered by the Kings River Conservation District will permit water users' organizations, as well as individual landowners served by the Kings River project, to make lump-sum payments of the construction charge obligation. These lump-sum payments, which actually can be made in installments during the 10-year period provided in the recordable contracts, will permit existing large landowners to comply with the provisions of the reclamation law without disposing of their excess landholdings. The same provisions of the recordable contract allow a 10-year period for the large landowner to bring his holding into compliance with law if he should so decide. These principles, so I am informed, have been in effect by the Bureau for many years preceding this administration. Should the large landowner elect the lump-sum or advance payment route, we do not anticipate hardship in most cases, since the average repayment contract obligation for this million-acre project is very modest.

Within a month of this letter, Secretary McKay had such a proposed contract before him for his final approval. However, as has been mentioned, he was immediately confronted by numerous expressions of concern, including those of the chairman of the House Committee on Government Operations and the Public Works and Resources Subcommittee of that Committee; and the more than 19 months of indecision followed.

Secretary Seaton's eventual determination was announced in a letter dated July 12, 1957, to Mr. Philip A. Gordon, board president of the Kings River Conservation District. As chairman of the Public Works and Resources Subcommittee of the Committee on Government Operations, I wish to state that I find myself in wholehearted agreement with this pronouncement from the July 12 letter to Mr. Gordon:

> Where discretion may be vested in the Department or the Secretary, that discretion should be exercised to obtain compliance with the principles on which the legislation is enacted. What I am concerned about is a process by which inferences are based on inferences and there is a whittling away at a principle until all that is left is a pile of shavings.

It is my sincere hope that the Secretary will let this statement serve as his guide when consideration is given to other matters relating to the conservation, development, and utilization of the Nation's natural resources.

[1] Under Reclamation law, water may be delivered to excess land if the owner enters into a so-called recordable contract with the United States to dispose of the excess lands on terms established by the Secretary of the Interior (43 U. S. C. 423e). The recordable contract procedure set forth in the proposed Kings River contract would allow the landowner 10 years in which to dispose of his excess lands, during which time these excess lands would be entitled to project water.

## America, the Beautiful, Illustrated in Methodist National Publication

EXTENSION OF REMARKS
OF
### HON. HENRY S. REUSS
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, July 31, 1957*

Mr. REUSS. Mr. Speaker, America, the Beautiful, which is known as America's second national anthem, will be illustrated in an 8 page color spread of the August issue of Together. Announcement of this has been made by Lawrence Giese, Milwaukee, chairman of the Board of World Peace of the Wisconsin conference of the Methodist Church which has been active in promoting this hymn as an anthem portraying the peaceful aspects of our Nation.

The illustrations of America, the Beautiful, are the results of a nationwide contest which started last fall for colored pictures which would best illustrate the hymn. Over 7,000 persons submitted 13,000 transparencies in the biggest contest ever held in securing illustrations for a hymn. It is estimated that the entrants culled about a million transparencies to secure the choicest representations. One individual went through over 2,000 slides to select several that he would submit.

Printing of these color illustrations is creating a great deal of attention in both Methodist and non-Methodist groups. Together, the official Methodist publication, is a monthly 80-page magazine, having over 850,000 subscribers, nearly 40,000 from Wisconsin.

America, the Beautiful, was written as the result of an inspiration received by Miss Katharine Lee Bates as she made a journey up Pike's Peak by prairie wagon in 1893. The indelible impressions of a 3-week stay in Colorado Springs are embodied in the four stanzas of the hymn which were written before she left. The hymn was first published on July 4, 1895 with slight revisions during the next decade. When set to music to the tune of Materna, it became intensely popular at that time and the popularity continues to increase. It is sung at rallies, patriotic gatherings, and conventions. It is a favorite hymn of our service men and women all over the world—it is sung by people of all faiths.

It reflects the beauty and bountifulness of our Nation, it embraces the best of the major religions, each stanza ends with a prayer for a better nation. It is dedicated to the past, it concerns itself with the present, it is hopeful for that

which the future holds. It is no wonder then that the lead paragraph in Together states that—

> You can't see America without thanking God for the bountiess and beauties of our land—her fields in harvest, her deserts in bloom, teeming commerce, skyscraper cities, and above all, free men with the spirit and the strength to match our mountains.

Miss Bates in her private autobiography wrote:

> That the hymn has gained such a hold as it has upon our people, is clearly due to the fact that Americans are at heart idealists with a fundamental faith in human brotherhood.

Methodist congregations in the Wisconsin conference will be singing the hymn on Sunday, August 25. Many will be singing from Together with the 13 colored illustrations as a background for the words.

I hope all my fellow Members of Congress will have an opportunity to see this wonderful pictorial presentation.

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## Legislation Proposing Revision of Federal Sentencing Procedures

EXTENSION OF REMARKS
OF

### HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 31, 1957*

Mr. CELLER. Mr. Speaker, on July 29, 1957, I introduced three bills designed to improve Federal sentencing procedures. They were sent to me by the Bureau of Prisons of the Department of Justice. These bills, described more fully below, would, first, permit judges to waive present statutory requirements on parole eligibility; second, extend the Youth Corrections Act to persons of 25 years of age and under; and third, provide for a series of joint meetings or institutes attended by judges and other Government officials for the development of uniform standards in sentencing procedures. This legislation has been carefully considered and approved by the Advisory Corrections Council set up under section 5002 of title 18 of the United States Code. This Council is composed of a United States circuit judge, two district court judges, a member designated by the Attorney General, the Chairman of the Board of Parole and its Youth Division, the Director of the Bureau of Prisons and the Chief of Probation of the Administrative Office of the United States Courts. It is the duty of the Council to make recommendations to appropriate officials for the improvement of the administration of criminal justice, the integration of policies as to the disposition, treatment and correction of persons convicted of Federal offenses as to measures to promote the prevention of crime and delinquency, and to suggest appropriate studies in this field.

There are 94 United States district courts and some 330 district judges, each of whom at one time or another has the duty of imposing sentences upon persons convicted of Federal offenses. It is but natural with this number of judges that there should be some variance in the performance of the sentencing duty. The sentencing judge must necessarily have considerable discretion relative to the use of probation and sentencing the defendant under the several methods which Congress has made available, but the wide disparities presently found in sentences raises many problems connected with the treatment of offenders, the even-handed administration of justice and the control of crime.

One of the bills which I have introduced would provide for a series of institutes and joint councils under the auspices of the Judicial Conference—composed of the Chief Justice of the United States and the Chief Judge of each Federal court of appeals—for the study and formulation of standards for sentencing. The bill provides for the participation in these institutes and joint councils of district judges, United States attorneys, officials of the Department of Justices, criminologists, psychiatrists, penologists and other experts. These conferences could result in the development of standards and of uniformity in sentencing procedures.

Another bill would authorize the sentencing judge to fix the maximum release date and also the time when a prisoner would become eligible for parole provided the minimum date does not exceed one-third the maximum. The present statute, which is section 4202 of title 18 of the United States Code, provides that a prisoner may not be eligible for parole until he has served one-third of the sentence imposed. This is a purely arbitrary limitation and does not take into consideration the varying responses which individual prisoners make to the rehabilitation program carried on in our Federal penal and correctional institutions. It frequently happens that a prisoner is ready for release before the statutory minimum of eligibility is reached. The sentencing judge has the benefit of the presentence report, is familiar with local conditions, and any aggravating or mitigating circumstances involved. In cases where he believes the defendant might respond quickly to the rehabilitation program the proposed bill would give the judge the authority to fix an earlier eligibility date for release. The prisoner would not be released of course unless the Board of Parole felt that he met the other requirements of the statute. It would, however, obviate the need of keeping a prisoner after he has received the full benefit of the program. A prisoner kept beyond that time very often becomes discouraged and bitter, and when he is finally released the benefit of the program often has been lost.

The other bill increases the maximum age of those who might be sentenced under the Youth Corrections Act from those under 22 to those under 26 years. The Federal Youth Corrections Act was passed in 1950. This act set up a special procedure for the treatment and rehabilitation of defendants under the age of 22 years at the time of conviction. It is not mandatory that the court use the special procedure under this act, but the courts are taking increasing advantage of it and its operation has been so successful that it is thought the courts should be given the discretion of using it in the case of young offenders who fall in a somewhat older group and who at the same time are promising prospects for rehabilitation.

The present age group who might be sentenced under the Youth Corrections Act represents about 21 percent of the total commitments. Increasing the age limit to those who have not reached the age of 26 years would give the district courts the discretion to use it in approximately 39 percent of the total commitments. In this wider age group fall a great many young first offenders who are responsive to the special treatment provided in the Youth Corrections Act. In view of the success under the act with its present age limitation, it is felt that increasing the age limit will be fully justified and result in the salvage of a greater number of young offenders.

These three bills are designed to bring about a greater degree of uniformity in sentencing standards, to permit the release under supervision at an earlier date should a prisoner's response to the rehabilitation program justify it, and to broaden the field of the use of the special procedures provided in the Youth Corrections Act.

The bills would not impose any restriction upon the present jurisdiction of the sentencing courts, but would give the sentencing courts additional alternatives, make the sentencing procedure more flexible and provide machinery whereby time actually served for particular offenses can be made to conform more consistently with the needs of the particular offender. They would also assure greater uniformity of sentencing and improve the administration of criminal justice without infringing in any way upon present prerogatives of the courts.

Set out below is statistical data showing the wide disparity of sentencing among the courts throughout the United States with regard to offenses generally and for particular offenses. This data points up the need for uniformity in our sentencing and parole laws.

As to all offenders:

Average Federal sentences for all offenses in 1956 showed wide variations—from 8.6 months, Vermont, to 43.7 months, eastern Oklahoma, and 46.9 months, northern Indiana. Nationwide average 28.9 months.

Percent of convicted offenders admitted to probation likewise vary widely—from 84.2 percent, New Hampshire, to 5.5 percent, Arizona. If local influences eliminated: from 61.6 percent, Massachusetts, to 8.5 percent, western Tennessee.

As to particular offenders:

Average sentence for motor vehicle theft—from 52.3 months, northern Oklahoma, to 13.8 months, North Dakota. Nationwide average sentence 28.8 months.

Average sentence for liquor law violations range from 3.5 months, Connecticut, to 54 months, Michigan, but taking districts with comparable number of convictions, sentences vary from 7.7 months,

eastern Kentucky, or 9.3, Alabama, to 19.7 months, eastern Virginia. Nationwide average 12.0 months.

Average sentences for same offense often varied greatly in immediately adjoining districts:

Automobile theft—middle Pennsylvania 44.8 months, 24 cases; western Pennsylvania 20.5 months, 39 cases; northern Indiana 41 months, 44 cases; northern Illinois 23 months, 34 cases; northern Oklahoma 52.3 months, 35 cases; Kansas 25 months, 29 cases.

Liquor law violations—eastern South Carolina 17.2 months, 82 cases; western South Carolina 9.9 months, 64 cases; western Oklahoma 20 months, 22 cases; northern Oklahoma 8 months, 21 cases.

Forgery—New Jersey 24.3 months, 27 cases; eastern Pennsylvania 11.1 months, 18 cases; eastern Missouri 23.3 months, 36 cases; western Missouri 15.2 months, 46 cases.

Average sentences (fiscal year 1955 figures) varied even more widely between different judges:

For auto transportation—Judge Campbell, northern Illinois, 8.9 months, 8 cases; Judge Forman, New Jersey, 9.2 months, 5 cases; Judge Vogel, North Dakota 9.6 months, 8 cases; Judge Tolin, southern California 46.6 months, 15 cases; Judge Halbert, northern California 48.5 months, 11 cases; Judge Savage, northern Oklahoma 51.1 months, 31 cases.

Sentences vary for same offense between different judges in same district:

For auto transportation—northern California, Judge Murphy, 17.2 months; Judge Halbert, 48.5 months. Northern Illinois, Judge Campbell, 8.9 months; Judge Knoch, 27 months.

Time actually served by Federal offenders for certain offenses longer than for persons convicted of same offense in State courts:

Thus for auto theft—Federal offenders serve 19.3 months, State offenders serve 17 months.

For robbery—Federal offenders 108 months, State offenders 33 months.

Homicide, including murder—Federal offenders 200 months, State offenders 97 months.

Time actually served by Federal offenders for different offenses likewise varies widely thus: Burglary 32.8 months, embezzlement 9.1 months, counterfeiting 23.9 months, income tax 7.1 months, fraud (postal) 13.5 months, forgery (Government checks) 14.4 months.

Case histories also show wide variations in sentences for same offense where facts, motivation, previous record, and so forth, are substantially same. These disparities show most strikingly in cases involving acquisitive crimes such as embezzlement, income tax, fraud, and so forth.

The object of introducing these bills at this time is to provide for wider distribution of the proposals which will give all interested parties an opportunity to study them before the convening of the next session of Congress. I am setting out the alternative approaches to the disparity of sentences problem. These are offered for study only. I do not pass upon their merits or demerits.

Alternative approaches to the disparity of sentences problem:

First. Make sentences reviewable on appeal by the defendant.

Second. Establish a sentencing tribunal as in California and originally proposed for the Federal system supplemented by a diagnostic or classification center.

The sentence prescribed by the tribunal to be within the statutory maximum. This plan can be varied by requiring tribunal to inform court of its decisions within a prescribed time and give the court power to change the sentence to any amount but require court to state reasons for change in writing. Thus final decision as to sentence would remain in court.

Third. Enact an indeterminate sentence law for all Federal offenders providing that the minimum should in no case be more than one-third the maximum. This would involve a reconsideration of all present statutory penalties which would probably be helpful and constructive.

Fourth. Grant the executive branch as well as defendant right to ask for reconsideration of sentence at any time within 60 days after commitment.

Fifth. Grant parole board authority to petition court to remit or reduce sentence at any time.

Sixth. Make all prisoners eligible for parole at the expiration of 1 year.

Seventh. Extend the Youth Corrections Act to include all offenders up to age 25 which would make the flexible sentencing provisions of that act available to about 60 percent of all felony cases coming into Federal courts.

Eighth. Require the Government to make a definite recommendation as to sentence in each case and make these recommendations conform to certain previously established criteria. Make probation officer's presentence report available to United States attorney as well as court. When the court pronounces a sentence varying more than a certain fixed amount from sentence recommended require the court to state its reasons in writing. Final sentence determination to remain nevertheless in the courts in all cases.

A central clearing house for the Government's recommendation could be established.

The court would be required to commit the offender to an institution for observation and diagnosis whenever this requested by the Government. In such cases reports in writing would be furnished by diagnostic clinic to court and United States attorney.

Ninth. Establish an educational program on sentencing for all Federal court officials—judges, probation officers, United States attorneys, parole board members and correctional officers. The program to consist of a series of institutes conducted by a team or task force of carefully selected and respected judges, lawyers, psychiatrists, correctional officials, probation officers, et cetera.

The institute to include talks, illustrative materials, case histories and forums directed to:

Agreeing upon objectives, standards, and criteria for sentencing.

Establishing the content of presentence reports and standards for evaluating these.

Determining the factors to be used in selecting cases for special study and observation in prescribed diagnostic clinics.

Orientation in methods used to determine the importance of psychiatric, emotional and sociological factors involved in the crime and their importance in determining the potentialities of the offender.

Evaluating the importance of various psychological testing methods.

Discussing special sentencing problems involved in cases of treason, violation of public trust, subversion, abnormal sex behavior, indigency, the mentally and physically handicapped, habitual offenders, drug and alcohol addicts, et cetera.

Tenth. Circulating regularly information to all court officials on sentences pronounced generally and in specific cases with occasional comment.

Eleventh. Establish a permanent committee of lawyers, judges, Members of Congress, et cetera, to report from time to time on Federal sentencing policies.

The bills follow:

House Joint Resolution 424

Joint resolution to improve the administration of justice by authorizing the establishment of institutes and joint councils on sentencing for the development of objectives, standards, procedures and policies to be followed in the sentencing of persons convicted of offenses against the United States

Whereas there is now no agreement among Federal courts as to the objectives, standards, and policies to be followed in sentencing of Federal offenders which results in wide disparity in prison terms, fines, and the use of probation; and

Whereas the rehabilitation of Federal prisoners can be facilitated by the development of uniform standards and methods for determining the length of time required for their institutional treatment; and

Whereas a sharing of points of view with respect to factors to be taken into account in pronouncing sentences would improve the equal administration of Federal laws; and

Whereas present policies with respect to inviting and considering the recommendations of United States attorneys and other Federal officials as to sentences vary widely; and

Whereas law enforcement generally, the prevention of crime, and respect for the judicial process can be promoted through wider agreement on sentencing policies: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That chapter 15 of title 28, United States Code, is amended by adding the following section:

"SEC. 334. Institutes and joint councils on sentencing:

"(a) In the interest of uniformity in sentencing procedures, the Attorney General shall from time to time submit recommendations to the Director of the Administrative Office of the United States Courts for the consideration of the Judicial Conference of the United States for the establishment of institutes and joint councils on sentencing for the study, discussion and formulation of the objectives, policies, standards, and criteria for sentencing those convicted of criminal offenses in the courts of the United States including but not limited to: (1) the development of standards for the content and utilization of presentence re-

ports; (2) the establishment of factors to be used in selecting cases for special study and observation in prescribed diagnostic clinics; (3) the determination of the importance of psychiatric, emotional, and sociological factors involved in the crime and their value in diagnosing the potentialities of the offender; (4) the evaluation of various psychological testing methods; (5) the discussion of special sentencing problems involved in unusual cases such as treason, violation of public trust, subversion, abnormal sex behavior, indigency, the mentally and physically handicapped, habitual offenders, and drug and alcohol addicts; and (6) the formulation of such principles and criteria for sentencing as will assist in promoting the equal administration of the criminal laws of the United States.

"(b) Upon approval by the Judicial Conference of the time, place, participants, agenda and other arrangements for such institutes and joint councils, the chief judge of each United States courts of appeals is authorized in invite the attendance of district judges at said meetings for such time and under such conditions as he thinks proper and as will not unduly delay the work of the courts.

"(c) The Attorney General is also authorized to select and direct the attendance at such institutes and meetings appropriate United States attorneys and other officials of the Department of Justice and may also invite other interested Federal officers to participate. He may also invite specialists in sentencing methods, criminologists, psychiatrists, penologists, and other experts to attend the meetings and participate in its proceedings.

"(d) The expenses of United States judges shall be paid from applicable appropriations for the administration of United States courts. The expenses connected with the preparation of the plans and agenda for the conference and for the travel and other expenses incident to the attendance of officials and other participants invited by the Attorney General shall be paid from applicable appropriations of the Department of Justice."

SEC. 2. The chapter analysis of chapter 15 of title 28, United States Code, is amended by inserting before section 331 the following item:

"334. Institutes and joint councils on sentencing."

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House Joint Resolution 425

Joint resolution to authorize the court in sentencing a prisoner to fix an earlier date when the prisoner shall become eligible for parole or to except such prisoner from the statutory limitation as to eligibility for parole when in the judgment of the court it might reasonably be expected to facilitate the rehabilitation of the prisoner

Whereas experience in the operation of the program of the Bureau of Prisons for the rehabilitation of prisoners committed to the custody of the Attorney General has shown that many of such prisoners have received maximum benefits from such program prior to the time provided by statute when they may be paroled, and that there is reasonable probability that such prisoners would live and remain at liberty without further violating the laws, and that their release on parole would not be incompatible with the welfare of society; and

Whereas respect for the administration of the criminal laws of the United States and the protection of the public can be promoted by the fair and consistent sentencing of persons convicted of offenses against the United States punishable by imprisonment for more than 1 year; and

Whereas it is in the interest of the general welfare to provide procedures and methods for fixing terms of imprisonment for convicted felons that will deter others from similar acts, promote, wherever possible, the correction and rehabilitation of the offender, and safeguard the convicted person against excessive disproportionate or arbitrary punishment; and

Whereas the wide geographical distribution of the United States courts, the breadth of their jurisdiction, the complexity of the legal, scientific, and behavior problems with which they are confronted, and the speedy and equitable disposition of the business of the courts require that there be established special facilities and procedures for determining terms to be served by persons convicted of offenses punishable by imprisonment for more than 1 year: Therefore be it

*Resolved by the Senate and House of Representatives of America in Congress assembled*, That chapter 311 of title 18, United States Code, is amended by adding the following section:

"§ 4208. Fixing eligibility for parole at time of sentencing.

"(a) Upon entering a judgment of conviction, except where the death penalty is mandatory, if the court having jurisdiction to impose sentence is of the opinion that the ends of justice and best interest of the public require that the defendant be sentenced to imprisonment for a term exceeding 1 year, the court may designate in the sentence imposed a time when the prisoner may become eligible for parole, which time may not exceed the limitations now provided in section 4202 of this title, or the court may designate in such sentence that those provisions in the said section prescribing a minimum term of service before a prisoner becomes eligible for parole shall be inapplicable. In either event the prisoner may become eligible for release at the time fixed in the sentence or, if no such time is fixed, the prisoner may be released at such time as the Board may determine. The Board may reconsider its action at any time in fixing either the parole eligibility date or the date of discharge on parole.

"(b) Upon commitment of a prisoner sentenced under provisions of subsection (a), the Director of the Bureau of Prisons shall, under such regulations as the Attorney General may prescribe, cause a complete study to be made of the prisoner including a mental and physical examination to ascertain his personal traits, his capabilities, pertinent circumstances of his school and family life, any previous delinquency or criminal experience, and any mental or physical defect or other factor contributing to his delinquency. In the absence of exceptional circumstances, such studies shall be completed within a period of 60 days and shall be furnished by the Director of the Bureau of Prisons to the Board of Parole together with any recommendation he believes would be helpful in determining the disposition of the prisoner. The Board of Parole may make such other investigation as it may deem necessary.

"It shall be the duty of the various probation officers and other Government bureaus and agencies to furnish the Board of Parole information concerning the prisoner and, whenever not incompatible with the public interest, their views and recommendations with respect to the disposition of his case.

"(c) Under such regulations as the President may prescribe, the Board of Parole may discharge a paroled prisoner from further supervision and at any time before the expiration of the maximum sentence imposed may unconditionally discharge such parolee, which unconditional discharge shall automatically set aside the conviction and the Board shall issue to such parolee a certificate to that effect.

"(d) Nothing in this section shall limit or affect the power of any district court to suspend the imposition or execution of any sentence and place the offender on probation or be construed in anywise to amend, repeal, or affect the provisions of chapter 231 of this title relative to probation; the provisions of chapter 403 of this title (the Federal Juvenile Delinquency Act) or the provisions of chapter 402 of this title (the Youth Corrections Act).

"(e) Except as to the provisions of subsection (c) hereof, this section shall not apply to any offense committed before its enactment.

"(f) This section shall apply in the continental United States other than the District of Columbia and Alaska."

SEC. 2. The chapter analysis of chapter 311 of title 18 is amended by inserting before section 4201 the following item:

"4208. Fixing eligibility for parole at time of sentencing."

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H. R. 8923

A bill to amend the definition of a youth offender under the Federal Youth Corrections Act to include persons under the age of 26 years at the time of conviction

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 5006 (e) of the Federal Youth Corrections Act (18 U. S. C. 5006 (e)), is amended by striking out "22 years" and inserting in lieu thereof "26 years."

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# SENATE

## THURSDAY, AUGUST 1, 1957

*(Legislative day of Monday, July 8, 1957)*

The Senate met at 10:30 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal God, from every stormy wind that blows, to struggling pilgrims Thou hast been from generation to generation as the shadow of a great rock in a weary land.

So near is grandeur to our dust that Thou hast promised that they who wait upon Thee shall renew their strength, shall mount up with wings as eagles. They shall run and not be weary. They shall walk and not faint.

For the tasks of state committed to our hands we pray for wings of faith which shall remove mountains, for the strength which is swift to endure hardness, and, above all, for the courageous patience which can sustain us when the common road is dreary and long.

We ask it through Him who giveth strength to the faint. Amen.

### THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Wednesday, July 31, 1957, was approved, and its reading was dispensed with.

### ORDER FOR RECESS TO 10:30 A. M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today it stand in recess until 10:30 a. m. tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate convenes tomorrow, there be the usual morning hour, with statements limited to 3 minutes, and for the purpose of transaction of routine business only.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## CIVIL RIGHTS

Mr. JOHNSON of Texas. Mr. President, I have received a telegram which I should like to read into the RECORD at this point for the information of Senators. It reads as follows:

Senator LYNDON JOHNSON,
*Senate Office Building,*
*Washington, D. C.:*

The right to trial by jury has been recognized as an essential safeguard of liberty since the birth of Western democracy.

We therefore favor the enactment of an amendment to the civil-rights bill that would preserve or extend the right to trial by jury.

The telegram is signed by 12 presidents of railroad brotherhoods. Each man who signed the telegram is the president of a railroad brotherhood, and all except two are members of the AFL–CIO. Those two will be indicated when I read their names. Following are the names of signers of the telegram:

G. E. Leighty, president, the Order of Railroad Telegraphers; H. F. Gilbert, president, Brotherhood of Locomotive Firemen & Enginemen: Jesse Clark, president, Brotherhood of Railroad Signalmen of America; J. B. Springer, president, American Train Dispatchers' Association; William Calvin, president, International Brotherhood of Boilermakers & Blacksmiths; R. O. Hughes, president, the Order of Railway Conductors & Brakemen; W. P. Kennedy, president, Brotherhood of Railroad Trainmen; A. J. Bernhardt, president, Brotherhood Railway Carmen of America; W. A. Fleete, president, Switchmen's Union of North America; Robert Byron, president, Sheet Metal Workers' International Association; Anthony Matz, president, International Brotherhood of Firemen & Oilers; T. C. Carroll, president, Brotherhood of Maintenance of Way Employees.

Mr. Hughes and Mr. Kennedy are not members of the AFL–CIO.

I know that all Senators will be interested in giving consideration to the representations of these good Americans.

I wish to commend the distinguished Senator from Wyoming [Mr. O'MAHONEY], the Senator from New York [Mr. JAVITS], and my friend from Rhode Island [Mr. PASTORE] for the very fine debate which was conducted in the Senate last evening. I apologize to the Senate for not having given Senators advance notice of an evening session. I myself had no notice. However, in an attempt to accommodate the wishes of my friend, the minority leader [Mr. KNOWLAND], as expressed to me during the middle of the afternoon, I was glad to ask the Senate to remain in session until 10 o'clock last evening.

I expect to ask the Senate to remain in session late this evening. I am sorry, but at the moment I cannot tell how many Senators will be willing to speak at 9, 9:30, or 10 o'clock in the evening, but I shall attempt today to urge all Senators on both sides of the question to be available for speeches this evening. I give notice to Senators that, so far as I am concerned, the Senate will be kept in session.

I also give notice that there will be a Saturday session, and I express the hope that if we can get these speeches behind us, perhaps we can reach a vote on the pending amendment in the next few days.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Texas. I shall be glad to yield in a moment.

I am very pleased that the O'Mahoney amendment, as modified last evening, confers a very important new civil right on Americans. It shows the results of Senate debate. The modification of the amendment suggested by a number of Democrats and Republicans, and which the Senator from Wyoming accepted for himself, the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Idaho [Mr. CHURCH], would result in insuring that all Federal juries would be selected from all American citizens, instead of from a limited number, as may be the case in certain circumstances.

I now yield to the Senator from North Dakota.

Mr. LANGER. Did I correctly understand the Senator to say that the Senate would remain in session until 9:30 p. m. today?

Mr. JOHNSON of Texas. I hope it will remain in session until 10 o'clock, or even later, if Senators are present to speak. If they are not, I do not wish to have repeated quorum calls, and to take up the time of the staff.

We have not made arrangements for extra reporters. We have called upon our staff to come in at 10:30. If they remain here from 10:30 in the morning until 10 or 10:30 in the evening, that is a pretty long day. I am prepared to step up the schedule if there is any indication that by so doing we can make progress.

After conferring with my colleagues on both sides of the aisle—and, frankly, I spend more time talking with Senators on this side of the aisle, because they consult me to a greater extent about procedures—I see no indication that any Senator wishes to make an extended speech on the jury-trial amendment. I believe there are 15, 20, or 25 proponents of the amendment who desire to address themselves to it. Three or four of them have told me that they wish to speak for 5 minutes. Some Senators will speak for an hour and a half or 2 hours. I shall do all I can to expedite a vote.

Mr. KNOWLAND. Mr. President, the distinguished majority leader has just read a telegram from a number of leaders of the railroad brotherhoods. I should like to take occasion at this time to read into the RECORD the statement of the AFL–CIO executive committee on civil-rights legislation. It reads as follows:

STATEMENT BY THE AFL–CIO EXECUTIVE COMMITTEE ON CIVIL RIGHTS LEGISLATION, JULY 30, 1957

In its statement on May 21, the executive council of the AFL–CIO called upon the Congress to enact H. R. 6127 without crippling amendments. This the House of Representatives did on June 18. The Senate thereafter showed that the great majority of its Members supported civil-rights legislation when it decided by 4 to 1 to make the civil-rights bill the pending business.

Once again, unfortunately, the iron determination of the southern bloc in the Senate to resist any civil-rights legislation has threatened the passage of a meaningful bill. By threat of filibuster and by adroit raising of irrelevant issues, these civil-rights opponents have done everything possible to divide the forces who should remain united on behalf of civil rights. Already the bill has been seriously weakened by the elimination of part III which was aimed at the guaranty of equal protection of the law in the broad field of constitutional rights.

With the elimination of part III, H. R. 6127 would be primarily a right-to-vote bill. If it is to be a real right-to-vote bill, however, it must not be burdened with a crippling trial-by-jury amendment. Whatever arguments might be made for such an amendment in other types of proceedings, there is no reason why a Federal judge should not be empowered to take all steps necessary to assure compliance with his orders which are aimed at giving American citizens the precious constitutional right of franchise.

The trial-by-jury issue is extraneous to H. R. 6127. It was initially raised by opponents of the bill in order to attract support from labor and from traditional supporters of civil liberties. While the object of the southern Senators is to frustrate the purpose of the bill through the device of all-white juries, this is, of course, not true of some supporters of trial-by-jury amendments.

The pending O'Mahoney-Kefauver-Church amendment before the Senate is aimed not only at civil rights but at the whole range of laws which permit the use of Federal injunctions, including labor legislation. The AFL–CIO cannot and will not permit itself to judge the appropriateness of this proposed change in H. R. 6127 because of any possible advantages to organized labor. We believe the Congress would be better advised to handle separately and thoroughly the whole question of contempt proceedings and make whatever changes in the law which thorough study dictate.

The immediate objective of the Senate must be to pass a meaningful civil-rights bill. No changes in H. R. 6127 have been proposed to date which would not interfere with prompt and effective enforcement of the court's actions in voting cases. The AFL–CIO reaffirms its belief that there should be no crippling trial-by-jury amendment to the civil-rights bill.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield to the distinguished Senator from Texas.

Mr. JOHNSON of Texas. I hope the distinguished minority leader, in reading into the RECORD for the second time the statement of the AFL–CIO, did not mean to give the impression that there was anything in the communication which questioned the motives of any of his colleagues in the Senate.

Mr. KNOWLAND. No; the Senator from Texas had read the communication from the Railroad Brotherhoods, and I thought that I should show at the same time that there was a difference of opinion in regard to the advisability of adopting the pending amendment.

Mr. JOHNSON of Texas. There is nothing in the communication which questions the motives of any of my colleagues.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 42. An act to provide for the construction by the Secretary of the Interior of the San Angelo Federal reclamation project, Texas, and for other purposes; and

S. 1856. An act to provide for the development and modernization of the national system of navigation and traffic control facilities to serve present and future needs of civil and military aviation, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 232. An act to amend the Internal Revenue Code of 1954 with respect to the readjustment of tax in the case of certain amounts received for breach of contract;

H. R. 1944. An act to amend title II of the Social Security Act so as to make inapplicable, in the case of the survivors of certain members of the Armed Forces, the provisions which presently prevent the payment of benefits to aliens who are outside the United States;

H. R. 5658. An act to amend section 4021 of the Internal Revenue Code of 1954;

H. R. 6894. An act to amend the Tariff Act of 1930 as it relates to unmanufactured mica and mica films and splittings;

H. R. 7762. An act to amend section 223 of the Revenue Act of 1950 so that it will apply to taxable years ending in 1954 to which the Internal Revenue Code of 1939 applies;

H. R. 8560. An act to amend section 4141 of the Internal Revenue Code of 1954 for the purpose of repealing the manufacturers excise tax on children's phonograph records retailing for 25 cents or less;

H. R. 8599. An act to amend title II of the Social Security Act so as to provide that the exception from "wages" made by section 209 (i) of such act is not applicable to payments to employees of a State or a political subdivision thereof for employment covered under voluntary agreements pursuant to section 218 of such act;

H. R. 8628. An act to amend section 1321 of the Internal Revenue Code of 1954;

H. R. 8705. An act to permit articles imported from foreign countries for the purpose of exhibition at the St. Lawrence Seaway celebration, to be held at Chicago, Ill., to be admitted without payment of tariff, and for other purposes;

H. R. 8753. An act to amend title II of the Social Security Act to include California, Connecticut, and Rhode Island among the States which are permitted to divide their retirement systems into two parts so as to obtain social security coverage, under State agreement, for only those State and local employees who desire such coverage;

H. R. 8755. An act to amend title II of the Social Security Act to permit any instrumentality of two or more States to obtain social security coverage under its agreement separately for those of its employees who are covered by a retirement system and who desire such coverage; and

H. R. 8821. An act to amend title II of the Social Security Act to facilitate the provision of social security coverage for State and local employees under certain retirement systems.

## HOUSE BILLS REFERRED

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

H. R. 232. An act to amend the Internal Revenue Code of 1954 with respect to the readjustment of tax in the case of certain amounts received for breach of contract;

H. R. 1944. An act to amend title II of the Social Security Act so as to make inapplicable, in the case of the survivors of certain members of the Armed Forces, the provisions which presently prevent the payment of benefits to aliens who are outside the United States;

H. R. 5658. An act to amend section 4021 of the Internal Revenue Code of 1954;

H. R. 6894. An act to amend the Tariff Act of 1930 as it relates to unmanufactured mica and mica films and splittings;

H. R. 7762. An act to amend section 223 of the Revenue Act of 1950 so that it will apply to taxable years ending in 1954 to which the Internal Revenue Code of 1939 applies;

H. R. 8560. An act to amend section 4141 of the Internal Revenue Code of 1954 for the purpose of repealing the manufacturers excise tax on children's phonograph records retailing for 25 cents or less;

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H. R. 8821. An act to amend title II of the Social Security Act to facilitate the provision of social-security coverage for State and local employees under certain retirement systems.

## TRANSACTION OF ROUTINE BUSINESS

The PRESIDENT pro tempore. In accordance with the order entered on yesterday, providing a period for the transaction of routine morning business, with a limitation of 3 minutes on statements, morning business is now in order.

## EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Veterans' Administration for "Compensation and pensions," for the fiscal year 1958, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

PREVENTION OF LOSS OF PAY AND ALLOWANCES BY CERTAIN OFFICERS

A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to prevent the loss of pay and allowances by certain officers designated for the performance of duties of great importance and responsibility (with an accompanying paper); to the Committee on Armed Services.

AUDIT REPORT ON FEDERAL DEPOSIT INSURANCE CORPORATION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Federal Deposit Insurance Corporation, for the fiscal year ended June 30, 1956 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON MISSOURI RIVER BASIN WATER RESOURCES DEVELOPMENT PROGRAM

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Missouri River Basin water resources development program, Corps of Engineers (Civil Functions), Department of the Army, and Bureau of Reclamation, Department of the Interior, for the fiscal year ended June 30, 1956 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON REVIEW OF PROPERTY IMPROVEMENT LOAN INSURANCE PROGRAM

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the review of property improvement loan insurance program, Federal Housing Administration, Housing and Home Finance Agency, 1956 (with an accompanying report); to the Committee on Government Operations.

## PETITIONS

Petitions were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A petition signed by Ruth N. Holbrook and sundry other citizens of the State of Massachusetts, relating to the return of American fighting men captured and unaccounted for by the enemy in the war in Korea; to the Committee on Foreign Relations.

A resolution adopted by the Eveleth, Minn., Junior Chamber of Commerce, relative to naming one of the St. Lawrence Seaway locks in honor of Representative JOHN A. BLATNIK, of Minnesota; to the Committee on Public Works.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, with an amendment:

S. 1113. A bill to provide for the conveyance of certain lands of the United States

to the city of Gloucester, Mass. (Rept. No. 781).

By Mr. YARBOROUGH, from the Committee on Interstate and Foreign Commerce, with amendments:

S. 1552. A bill to authorize the Secretary of Agriculture to establish a program for the purpose of carrying on certain research and experimentation to develop methods for the commercial production of fish on flooded rice acreage in rotation with rice field crops, and for other purposes (Rept. No. 780).

By Mr. MONRONEY, from the Committee on Interstate and Foreign Commerce, with amendments:

S. 2229. A bill to provide for Government guaranty of private loans to certain air carriers for purchase of aircraft and equipment, and for other purposes (Rept. No. 782).

By Mr. ELLENDER, from the Committee on Agriculture and Forestry, without amendment;

H. R. 2259. An act to provide for the conveyance of all right, title, and interest of the United States to certain real property in Prairie County, Ark. (Rept. No. 783).

By Mr. ELLENDER, from the Committee on Agriculture and Forestry, with an amendment:

S. 1962. A bill to authorize the Secretary of Agriculture to convey a certain tract of land owned by the United States to the Perkins Chapel Methodist Church, Bowie, Md. (Rept. No. 784).

By Mr. ELLENDER, from the Committee on Agriculture and Forestry, with amendments:

S. 1696. A bill to amend the Agricultural Act of 1949 to provide for furnishing the Coast Guard Academy and the United States Merchant Marine Academy with surplus dairy products (Rept. No. 785).

By Mr. HUMPHREY, from the Committee on Agriculture and Forestry, with amendments:

S. 1805. A bill for the relief of persons and firms for the direct expenses incurred by them for fumigation of premises in the control and eradication of the khapra beetle (Rept. No. 786); and

S. 2007. A bill to amend the United States Grain Standards Act, 1916, as amended, to permit the Secretary of Agriculture to charge and collect for certain services performed and to deposit such collections to the credit of the appropriation available for administration of the act, and for other purposes (Rept. No. 787).

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, without amendment:

H. R. 6570. An act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes (Rept. No. 788).

## EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. BUSH. Mr. President, from the Committee on Armed Services I report favorably the nominations of 2 lieutenant generals of the Army to be placed on the retired list; 3 major generals and 11 brigadier generals for temporary appointment in the Army; 1 major general for appointment as Reserve commissioned officer in the Army; 3 major generals and 14 brigadier generals for promotion as Reserve commissioned officers in the Army; and 3 lieutenant generals to be placed on the retired list of the Air Force. I ask that these nominations be placed on the Executive Calendar.

The PRESIDENT pro tempore. The nominations will be placed on the Executive Calendar, as requested by the Senator from Connecticut.

The nominations referred to are as follows:

Lt. Gen. Charles Bertoddy Stone III, Lt. Gen. Patrick Weston Timberlake, and Lt. Gen. Earl Walter Barnes, to be placed on the retired list in the grade of lieutenant general;

Lt. Gen. Stanley Raymond Mickelsen, Army of the United States (major general, U. S. Army), and Lt. Gen. David Ayres Depue Ogden, Army of the United States (major general, U. S. Army), to be placed on the retired list in the grade of lieutenant general;

Brig. Gen. Frank McAdams Albrecht, United States Army, Brig. Gen. Ralph Joseph Butchers, United States Army, and Brig. Gen. Sidney Clay Wooten, Army of the United States (colonel, U. S. Army), for temporary appointment in the Army of the United States in the grade of major general;

Col. Carl Willard Tempel, and sundry other officers, for temporary appointment in the Army of the United States, in the rank of brigadier general;

Brig. Gen. Ansel Blakely Godfrey, National Guard of the United States, Brig. Gen. Charles William O'Bryant, United States Army Reserve, and Brig. Gen. James Earl Rudder, United States Army Reserve, for promotion as Reserve commissioned officers of the Army, in the grade of major general;

Col. Harry Moore Arthur, and sundry other officers, for promotion as Reserve commissioned officers of the Army, in the rank of brigadier general; and

Maj. Gen. Francis William Billado, National Guard of the United States, for appointment as Reserve commissioned officer of the Army, in the rank of major general.

Mr. BUSH. Mr. President, in addition to the above, I report favorably a group of 87 nominations for appointment in the Regular Army in the grade of colonel and below. In order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Vice President's desk for the information of any Senator.

The PRESIDENT pro tempore. Without objection, the nominations will lie on the desk, as requested by the Senator from Connecticut.

The nominations referred to are as follows:

Aubrey L. Bradford, for reappointment to the active list of the Regular Army of the United States, in the grade of colonel;

Michael J. Coffey, and sundry other persons, for appointment in the Regular Army of the United States; and

Fred H. Casey, and sundry other distinguished military students, for appointment in the Regular Army of the United States, in the grade of second lieutenant.

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BIBLE (for himself and Mr. MALONE):

S. 2675. A bill to provide for the disposal of certain Federal property in the Boulder City area, to provide assistance in the establishment of a municipality incorporated under the laws of Nevada, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. BIBLE when he introduced the above bill, which appear under a separate heading.)

By Mr. AIKEN:

S. 2676. A bill to authorize the Secretary of the Army to make a survey of a waterroute from Albany, N. Y., into Lake Champlain N. Y. and Vt., with ultimate connection with the St. Lawrence River; to the Committee on Public Works.

By Mr. BARRETT:

S. 2677. A bill for the relief of Christa Kern Walcher; to the Committee on the Judiciary.

By Mr. WATKINS (for himself, Mr. ALLOTT, and Mr. BARRETT):

S. 2678. A bill to validate certain mining claims in Utah; to the Committee on Interior and Insular Affairs.

## DISPOSAL OF CERTAIN FEDERAL PROPERTY IN BOULDER CITY AREA

Mr. BIBLE. Mr. President, on behalf of my colleague, the distinguished senior Senator from Nevada [Mr. MALONE], and myself, I introduce for appropriate reference a bill entitled "To provide for the disposal of certain Federal property in the Boulder City area, to provide assistance in the establishment of a municipality incorporated under the laws of Nevada, and for other purposes."

This draft was transmitted to the President of the Senate under date of July 24, 1957, by Hon. Fred G. Aandahl, Assistant Secretary of the Interior, with an accompanying letter, which I ask unanimous consent may be printed in the RECORD at the conclusion of my statement.

The bill we are introducing is identical in most major respects to Senate bill 514, 84th Congress, which was passed by the Senate on July 27, 1955, on the recommendation of the Committee on Interior and Insular Affairs. Senate bill 514, as amended, was reported favorably by the House committee counterpart on July 18, 1956, but was not acted upon by the House.

The draft of bill we are introducing, on the recommendation of the Department of the Interior, embodies certain changes of more or less minor importance from the text of S. 514 as approved by the Senate. The fundamental objective of the legislation remains unchanged, however.

My colleague and I are not prepared at this time to say that we would support the changes in the draft presented by the Department from those embodied in S. 514 as passed by the Senate in 1955. We shall consult with the citizens of Boulder City, obtain their views on the changes, and then give further consideration to our position on the measure.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 2675) to provide for the disposal of certain Federal property in the Boulder City area, to provide assistance in the establishment of a municipality incorporated under the laws of Nevada, and for other purposes, introduced by Mr. BIBLE (for himself and Mr. MALONE), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter presented by Mr. BIBLE is as follows:

UNITED STATES
DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, D. C., July 24, 1957.*

Hon. RICHARD NIXON,
*President, United States Senate,*
*Washington, D. C.*

DEAR MR. PRESIDENT: Enclosed is a draft of a bill entitled "To provide for the disposal of certain Federal property in the Boulder City area, to provide assistance in the establishment of a municipality incorporated under the laws of Nevada, and for other purposes."

We suggest that this draft of bill be referred to the appropriate committee for consideration and recommend that legislation be enacted along the lines of that here proposed.

Since 1931 Boulder City has been the operating headquarters for the construction and later the operation of the Hoover Dam and powerplant of the Boulder Canyon project. Subsequently other Federal activities have been established in Boulder City, namely, headquarters of region 3 of the Bureau of Reclamation (including the Office of River Control), the National Park Service, and the Bureau of Mines. At present Boulder City is a town of approximately 3,500 inhabitants. Latest figures show that living there now are about 550 Federal employees and 144 employees of the city of Los Angeles and the Southern California Edison Co., the agent of the United States for the operation of the Hoover Dam powerplant. In addition there are approximately 575 business and professional people living in the community and well over 1,000 children attending the public schools. There is attached a map showing the present and proposed Boulder City area.

The state of development of Boulder City has for some time been such that responsibility for local functions could be assumed at the local level. Accordingly, the proposed legislation has for its broad objective as complete a separation of Boulder City from the Federal Government as conditions will permit. Legislation similar to the proposed measure was embodied in S. 514 in the 84th Congress. In the course of consideration of S. 514, the need for certain minor changes became obvious. These changes are set forth in the measure submitted and will be apparent in a comparison. However, they do not change the fundamental purposes of the legislation. These purposes are:

1. To authorize the Secretary of the Interior to dispose of dwellings, facilities, and lands within the municipal area not needed in the administration, operation, and maintenance of Federal activities. This would mean the sale of approximately 175 Government-owned houses and the off-site disposal of a few remaining substandard temporary dwellings. Disposal would also be made of 700 residential leased lots on which privately owned houses are located and the lands with respect to which 128 commercial leases have been granted.

2. To open the way for the establishment of an incorporated municipality by making it possible for the municipality to have the assets and facilities necessary for an adequate community. Certain properties consisting of areas required for the operations of the Bureau of Reclamation, the Bureau of Mines, the National Park Service, as determined by the Secretary, are to be retained by the United States.

The sale of Government dwellings, including the lands on which they are situated, not needed in connection with Federal activities, would, under the proposed bill, be accomplished as follows: Persons employed by the Federal Government in the Boulder City area would have first priority to purchase the dwellings in which they reside at their appraised values, as determined by appraisers designated by the Administrator of Housing and Home Finance Agency. Any dwelling not then disposed of would be offered for sale at the appraised value among persons employed by the Federal Government in the Boulder City area. Dwellings not disposed of under the first two priorities would be offered for general public sale to the highest responsible bidder. Purchasers would be entitled to a reduction of 10 percent of the appraised value, provided that incorporation of the municipality shall be effected within 4 years after the date of enactment of the bill. The purpose of this discount is to encourage early incorporation, thus bringing about separation of the city from the project and establishment of a self-government community without undue delay. It is to be noted that the proposed bill amends paragraph 3 of subsection 223 (a) of the National Housing Act to authorize, in connection with the purchase of the Federal housing in Boulder City under the first and second priorities Federal mortgage insurance of a principal obligation not exceeding 90 percent of the appraised value.

The proposed bill also provides that upon incorporation title to lands within the Boulder City municipal area which are either unoccupied or subject to any existing leases granted by the United States shall be transferred to the municipality without cost. The leases would be administered by the incorporated community. However, if the holders of the leases should elect to purchase the leased lands, they would be able to do so at the appraised value after the date of incorporation. The same 10-percent reduction in the event of prompt incorporation afforded to purchasers of the Government-owned housing would be offered to the purchasers of the leased lands.

With respect to the matter of the establishment of a self-supporting municipality, it must be emphasized that Boulder City is not a normal community in numerous respects. No community having to exist on its own resources from its inception would have been developed in a location requiring the lifting of water some 1,400 feet through high-pressure lines for a distance of approximately 7 miles, particularly in a climate of extreme temperature and dryness where the water demand for air-conditioning and the growing of lawns and trees is abnormally high. Another problem is the limited availability of tax revenues. Such businesses as are established in Boulder City are relatively small, existing primarily to serve the permanent popuation, and the community has no private industrial or agricultural base from which to derive tax revenues. Furthermore, because of the tax-rate limitation in the Nevada State constitution, the municipality, upon incorporation under the proposed legislation, could probably expect at most about $95,000 from real-estate and personal-property taxes. Municipal sales or income taxes are not authorized under State law. It should be noted also that in spite of the large flow of tourists through the city, their contribution to Boulder City revenues is relatively small.

At the present time the estimated annual revenues from all sources to the municipality after incorporation would amount to approximately $512,000. It is further estimated that, based on anticipated municipal operations for the current year that the annual operating expenses would be approximately $571,000. This latter figure covers all phases of municipal operation except the cost of supplying the water to the Boulder City storage tank, which is estimated at $90,000 per year, including amortization and replacement. The cost of supplying filtered and treated water to the storage tank for fiscal year 1956 was approximately $135,000, of which some approximately $45,000 represents the cost of filtration and treatment. Under the proposed bill the cost of supplying water to the Boulder City storage tank would continue to be borne by the United States and the allottees. This cost would be limited to a maximum of $100,000 annually, inasmuch as the municipality would be required to assume the cost of filtration and treatment. The cost of distribution of water throughout the city and all other continuing municipal expenses would also be assumed by the municipality.

Consideration of matters relating to Boulder City's finances should appropriately be done against the background of present required procedure. Prior to 1948 the power allottees alone were assuming the full cost of amortization of Boulder City's accumulative investment costs as well as its annual operating deficits. However, as has been stated, the Government is involved in a number of important undertakings in Boulder City not directly related to operation of the project. It employs in those undertakings almost as many persons as are employed by the United States and the operating agents together in direct connection with project operations. To meet this situation a provision was included in the 1949 Interior Department Appropriation Act (Public Law 841, 80th Cong., 62 Stat. 1112, 1130) which required the Secretary to relieve the power allottes from such portion of Boulder City's investment costs and operating expenses as was not directly related to the project. The proposed bill would continue the principle of cost sharing embodied in the aforesaid appropriation act provision in the manner and to the extent described herein in other paragraphs. Since the proposed bill would supersede the 1949 appropriation act provision, and an identical provision in the 1950 Interior Department Appropriation Act, both provisions of law would be expressly repealed.

Section 6 (b) (2) of S. 514 as originally introduced in the 1st session of the 84th Congress provided authority for the appropriation of $245,000 from moneys in the Boulder City Municipal Fund for the replacement and rehabilitation of municipal facilities and utilities. However, some of the work contemplated in 1955 has been completed. The work remaining to be completed can be accomplished for approximately $75,000, and the sum authorized to be appropriated under section 6 (b) (2) (A) of the proposed bill has been reduced accordingly.

The sum of $75,000 provided for in section 6 (b) (2) (A) would be set aside in a special fund from the proceeds of sales of Federal property in the city. Expenditures for the above purposes would be subject to appropriation by the Congress. However, funds to meet expenses incidental to the disposal of the property would be available without further appropriation. The results of a preliminary appraisal indicate that the sales of the Federal housing might return as much as $2 million.

Attention is specifically directed to the provisions of section 10 of the proposed bill. Provision is therein made directing the Secretary of the Interior to include in all sales, grants, and transfers of Federal property certain restrictions which would prohibit the use of the property for various purposes, such use restrictions to expire upon incorporation of Boulder City as a municipality. Violations of these restrictions would result in reversion of the property to the United States.

The Department had previously proposed that such use restrictions should be for a period of 25 years and this provision appeared in S. 554 (84th Cong.) as reported by the House Committee on Interior and Insular Affairs July 18, 1956 (Rept. No. 2787). Upon submission of the proposed bill to the Bureau of the Budget the following advice has been received under date of July 16, 1957:

"While we appreciate the substantial Federal interest in a stable community environment in Boulder City, we do not agree that this interest should override the rights of the

community, once it becomes self-governing, to determine its future course. The Bureau of the Budget recommends, therefore, modification of section 10 to provide that any such use restrictions shall expire upon incorporation of Boulder City as a municipality."

Accordingly, section 10 has been changed to accord with the views of the Bureau of the Budget.

Sincerely yours,

FRED G. AANDAHL,
*Assistant Secretary of the Interior.*

## THE CIVIL-RIGHTS BILL—AMENDMENT

Mr. NEUBERGER. Mr. President, last evening the distinguished junior Senator from Idaho [Mr. CHURCH] submitted an excellent amendment to the O'Mahoney-Kefauver-Church amendment, which proposes jury trials in voting rights cases.

The Senator from Idaho quite rightly described his amendment as adding a new civil right—the right to have people of all creeds, colors, and religions represented on Federal court juries. In my speech in the Senate on July 29, I pointed out that the limitation of jury service in many States to eligible voters was a fatal flaw in the O'Mahoney amendment as then drafted. I am pleased that the Senator from Idaho has recognized the force of this argument, and has made his proposal to meet it.

However, Mr. President, this civil right of eligibility for jury service can stand on its own. If it has the support of the majority of the Senate, which it fully deserves, it can be included in the pending bill without reference to any unnecessary and undesirable provision for jury trials in cases of contempt of court orders under the civil-rights bill.

I believe it should be so included, and I therefore submit an amendment to H. R. 6127 which would be identical in language to that which the Senator from Idaho has offered to the O'Mahoney-Kefauver-Church amendment. After the defeat of the pending O'Mahoney amendment, I then expect to call up this amendment for the right of jury service in Federal courts, which on its own merits will be a welcome and helpful addition to the administration's civil-rights bill. I hope that all supporters of the O'Mahoney amendment, as now altered for the fourth time, will support my proposal to add the amendment of the Senator from Idaho as a separate section of the bill. I commend the Senator from Idaho for presenting to the Senate so enlightened a recommendation.

I wish to make it wholly clear, however, that this change in the O'Mahoney amendment would not meet the arguments which I presented on July 29 against adoption of this or any other jury trial amendment to the civil-rights bill. I am still opposed to any jury trial amendment. For, as I stated in my speech, the provision of a potential jury trial for ultimate resistance to a court order under the bill would put a great premium on such ultimate resistance. It would create social pressures toward noncompliance on those to whom the court order was directed. It would create an interest in noncompliance where otherwise none would exist. It would create an opportunity and a temptation for opponents of court orders to seek to make a political circus out of legal proceedings for enforcement of orders of the Federal courts. It might embarrass and undermine the Federal judiciary. And with all this, it would make more difficult, rather than easier, the position of local officials charged with the administration of the election laws.

For these reasons, I continue to urge that the O'Mahoney amendment be defeated. However, I also urge that the excellent amendment submitted by the Senator from Idaho then be added as a separate amendment to the bill, to protect the important civil right of eligibility to serve on juries in the Federal courts.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. NEUBERGER. I yield.

Mr. KEFAUVER. Does the Senator from Oregon feel, then, that the Church amendment gives and establishes a new and important civil right, and that it wipes out any possibility of discrimination, so far as service on Federal juries by virtue of the laws or the rules of a State is concerned?

Mr. NEUBERGER. I quite agree that the Church amendment, as explained by the Senator from Idaho himself last night, adds an important new civil right. However, as I myself have just said, I believe this proposal can stand on its own merits. I believe it can be added to the bill as a helpful inclusion without the jury trial amendment first having to be adopted.

Mr. KEFAUVER. Mr. President, will the Senator further yield?

Mr. NEUBERGER. Certainly.

Mr. KEFAUVER. I listened to most of the Senator's speech and read the rest of it. It is a very excellent presentation of one of his objections.

The PRESIDENT pro tempore. The time of the Senator from Oregon has expired.

Mr. KEFAUVER. Mr. President, I ask unanimous consent that the Senator from Oregon may have 1 more minute.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KEFAUVER. As I understood the burden of the Senator's argument against the jury amendment, it was that the laws and the practices of certain States, or in certain parts, anyway, of certain States, in keeping Negroes off the voting lists, meant that Negroes would not be selected for juries, and that therefore juries would not reflect a sufficient number of Negro citizens among their members. The Church amendment, I am certain the Senator from Oregon will concede, will eliminate that part of the Senator's argument against the jury amendment.

Mr. NEUBERGER. As I have already said, I think the Church amendment is an excellent addition. However, if I may make this one brief correction for the benefit of my good and able friend from Tennessee, it is that: the burden of my argument was that any jury trial amendment would create social pressure upon election officials, goading them to go to the ultimate step of a jury trial, because the Congress would have provided for a jury trial.

I think the Church amendment can stand on its own feet as an addition to the bill; that is why I have offered it separately as an amendment.

Mr. KEFAUVER. I thank the Senator from Oregon.

Mr. NEUBERGER. I thank the Senator from Tennessee.

The PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table.

## EXTENSION OF SMALL BUSINESS ACT OF 1953—AMENDMENT

Mr. THYE. Mr. President, I submit an amendment, intended to be proposed by me, to the bill (S. 2504) to amend and extend the Small Business Act of 1953, as amended. Of course that act died last evening, at midnight; and this amendment would permit the act to be revived.

The PRESIDENT pro tempore. The amendment will be received, printed, and will lie on the table.

## ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. BUTLER:

Letter addressed by him to the President and copies of a previous exchange of correspondence between Senator BUTLER and the Secretary of Commerce concerning merchant vessel construction subsidy funds.

## NOTICE OF HEARING ON INCORPORATION BILLS

Mr. O'MAHONEY. Mr. President, on behalf of the standing subcommittee on Federal charters, holidays, and celebrations of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, August 14, 1957, at 10 a. m., in room 424 Senate Office Building, on the following incorporation bills:

S. 1111, to incorporate the Sea Cadet Corps of America;

S. 1173, for the incorporation of the Ladies of the Grand Army of the Republic;

S. 1204, to provide for the incorporation of the National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic, organized 1883, 74 years old;

S. 1285, to incorporate the Military Order of the Purple Heart, a national organization of combat wounded composed solely of purple hearters;

S. 1407, to incorporate the Veterans of World War I of the United States of America;

S. 1440, to incorporate the Veterans of World War I of the United States of America; and

S. 1857, to authorize the incorporation of the Congressional Medal of Honor Society of the United States of America.

Prior to the above-mentioned date, all persons interested in the above bills should file with the subcommittee such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas [Mr. McCLELLAN], the Senator from Utah [Mr. WATKINS], and myself, chairman.

## CIVIL USES OF ATOMIC ENERGY—AGREEMENT FOR COOPERATION WITH GOVERNMENT OF BRAZIL

Mr. PASTORE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an agreement for cooperation with the Government of Brazil, together with accompanying correspondence. This agreement was signed on July 31 and was received at the Joint Committee on July 31. This is a standard power agreement but provides for the transfer of 550 kilograms of contained uranium 235.

There being no objection, the agreement was ordered to be printed in the RECORD, as follows:

UNITED STATES
ATOMIC ENERGY COMMISSION,
*Washington, D. C., July 31, 1957.*

Hon. CARL T. DURHAM,
*Chairman, Joint Committee on Atomic Energy, Congress of the United States.*

DEAR MR. DURHAM: Pursuant to section 123c of the Atomic Energy Act of 1954, as amended, there is submitted with this letter:

1. Three copies of an Agreement for Cooperation With the Government of the United States of Brazil;

2. Three copies of a letter from the Commission to the President recommending approval of the proposed agreement;

3. Three copies of a letter from the President to the Commission approving the agreement, containing his determination that it will promote and will not constitute an unreasonable risk to the common defense and security; and his authorization to execute the proposed agreement.

The Agreement for Cooperation submitted with this letter will remain in force for a period of 20 years, and it provides for cooperation on matters relating to the development, design, construction, operation, and use of experimental power, demonstration power and power reactors. The agreement also provides for cooperation on health and safety problems related to the operation and use of such reactors. No restricted data will be exchanged under the agreement.

Article VII of the agreement will permit the Commission to sell or lease, as may be agreed, to the Government of the United States of Brazil uranium, enriched up to a maximum of 20 percent in the isotope U–235, except as noted below, in such quantities as may be agreed, for fueling defined reactor projects in Brazil; provided, however, that the net amount of any uranium sold or leased during the period of the agreement does not exceed 550 kilograms of contained U–235. The Commission at its discretion may make a portion of the foregoing 550 kilograms available as material enriched up to 90 percent for use in a material testing reactor capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium. At the present time it is expected that the U–235 to be transferred to the United States of Brazil will be employed in a power reactor and a material testing reactor. As in the case of sale transactions, in the event of lease, the agreement would permit the retention by the Government of the United States of Brazil of special nuclear material produced in fuel elements obtained from the United States.

The quantity of uranium enriched in the isotope U–235 transferred to the Government of the United States of Brazil for use as fuel in reactors will not at any time be in excess of the amount of material necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling in Brazil or while fuel elements are in transit.

Article V would permit the transfer of limited amounts of special nuclear materials, including U–235, U–233, and plutonium, for defined research projects related to the peaceful uses of atomic energy.

The agreement provides that when any source or special nuclear material received from the United States requires reprocessing, such reprocessing will be performed in either Commission facilities or in facilities acceptable to the Commission. In addition, article IX of the agreement incorporates provisions designed to minimize the possibility that material or equipment transferred under the agreement would be diverted to nonpeaceful purposes. In article XI the parties affirm their common interest in the establishment of an international atomic energy agency to foster the peaceful uses of atomic energy and express their intention to reappraise the agreement in the event such an agency is established.

The agreement will enter into force when the two Governments have exchanged written notification that their respective statutory and constitutional requirements have been fulfilled.

Sincerely yours,

LEWIS L. STRAUSS,
*Chairman.*

Enclosures: (1) Agreement for cooperation with the Government of the United States of Brazil (3 certified copies); (2) Letter from Commission to President (3 certified copies); (3) Letter from President to Commission (3 certified copies).

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UNITED STATES
ATOMIC ENERGY COMMISSION,
*Washington, D. C.*

The PRESIDENT,
*The White House.*

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve this enclosed proposed agreement entitled "Agreement for Cooperation Between the Government of the United States of America and the Government of the United States of Brazil Concerning the Civil Uses of Atomic Energy," and authorize its execution.

The agreement has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, and is, in the opinion of the Commission, an important and desirable step in advancing the development of the peaceful uses of atomic energy in the United States of Brazil in accordance with the policy which you have established. The agreement, which will extend for a period of 20 years will broaden the scope of cooperation between Brazil and the United States in fields related to the peaceful utilization of atomic energy by providing for cooperation on matters relating to the development, design, construction, operation and use of experimental power, demonstration power and power reactors. It is expected that the parties will exchange information in other unclassified areas including health and safety problems related to the operation and use of such reactors.

The United States of Brazil, if it desires to do so, may engage United States companies to construct experimental power, demonstration power and power reactors, and private industry in the United States will be able, under the agreement, to render other assistance to the United States of Brazil. The agreement contains all of the guaranties prescribed by the Atomic Energy Act of 1954, as amended. No restricted data would be communicated under the agreement.

The agreement will permit the Commission to sell or lease, as may be agreed, to the Government of the United States of Brazil uranium enriched up to a maximum of 20 percent in the isotope U–235, except as noted below, in such quantities as may be agreed, for fueling defined reactor projects in the United States of Brazil: *Provided, however,* That the net amount of any uranium sold or leased during the period of the agreement does not exceed 550 kilograms of contained U–235. The Commission at its discretion, may make a portion of the foregoing 550 kilograms available as material enriched up to 90 percent for use in a material testing reactor capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium. At the present time it is expected that the U–235 to be transferred to the United States of Brazil will be employed in a power reactor and material testing reactor. As in the case of sale transactions, in the event of lease, the agreement would permit the retention by the Government of the United States of Brazil of special nuclear materials produced in fuel elements obtained from the United States.

The quantity of uranium enriched is the isotope U–235 transferred to the Government of the United States of Brazil for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling or, subject to Commission approval, are being reprocessed in the United States of Brazil.

Article V of the agreement would permit the transfer of limited amounts of special nuclear material, including U–235, U–233, and plutonium, for defined research projects related to the peaceful uses of atomic energy.

Article VII of the agreement provides that when any source of special nuclear material received from the United States requires reprocessing, such reprocessing will be performed either in Commission facilities or in facilities acceptable to the Commission. In addition, article IX of the agreement incorporates provisions which are designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to nonpeaceful purposes.

In article XI the parties affirm their common interest in the establishment of an international atomic energy agency to foster the peaceful uses of atomic energy and express their intention to reappraise the agreement in the event such an agency is established.

Following your approval and subject to the authorization requested, the agreement will be formally executed by the appropriate authorities of the Government of the United States of Brazil and the Government of the United States of America and placed before the Joint Committee on Atomic Energy in compliance with section 123c of the Atomic Energy Act of 1954, as amended.

Respectfully,

LEWIS L. STRAUSS,
*Chairman.*

(Enclosure: Agreement for cooperation with the Government of the United States of Brazil.)

I certify that this is a true and correct copy.

ERIC R. RUDE,
*Western Hemisphere Branch,*
*Division of International Affairs.*

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THE WHITE HOUSE,
*Washington, July 17, 1957.*

The Honorable LEWIS L. STRAUSS,
*Chairman, Atomic Energy Commission,*
*Washington, D. C.*

DEAR MR. STRAUSS: Under date of July 12, 1957, the Atomic Energy Commission recommended that I approve the proposed agreement entitled "Agreement for Cooperation Between the Government of the United States of America and the Government of

the United States of Brazil Concerning the Civil Uses of Atomic Energy."

The recommended agreement has been reviewed. It is noted that the agreement will extend for a period of 20 years and that no restricted data will be communicated under the proposed agreement.

The new agreement will broaden the scope of cooperation between Brazil and the United States in fields related to the peaceful utilization of atomic energy by providing for cooperation on matters relating to the development, design, construction, operation, and use of experimental power, demonstration power, and power reactors. The agreement also provides for the exchange of information in other unclassified areas including health and safety problems related to the operation and use of such reactors.

Brazil, if it desires to do so, may engage United States companies to construct experimental power, demonstration power, and power reactors, and private industry in the United States will be able, under the agreement, to render other assistance to the United States of Brazil.

The agreement will permit the Commission to sell or lease, as may be agreed, to the Government of the United States of Brazil uranium enriched up to a maximum of 20 percent in the isotope U–235, except as noted below, in such quantities as may be agreed, for fueling defined reactor projects in the United States of Brazil: *Provided, however,* That the net amount of any uranium sold or leased during the period of the agreement does not exceed 550 kilograms of contained U–235. It is expected that the U–235 to be transferred to the United States of Brazil will be employed in a power reactor and that the Commission at its discretion, may make a portion of the foregoing 550 kilograms available as material enriched up to 90 percent for use in a material testing reactor capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium. As in the case of sale transactions, in the event of lease, the agreement would permit the retention by the Government of the United States of Brazil of special nuclear materials produced in fuel elements obtained from the United States.

The quantity of uranium enriched in the isotope U–235 transferred to the Government of the United States of Brazil for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling or, subject to Commission approval, are being reprocessed in the United States of Brazil.

Article V of the agreement would permit the transfer of limited amounts of special nuclear material including U–235, U–233, and plutonium, for defined research projects related to the peaceful uses of atomic energy.

Article VII provides that when any source or special nuclear material received from the United States requires reprocessing, such reprocessing will be performed either in Commission facilities, or in facilities acceptable to the Commission. In addition, article IX of the agreement incorporates provisions which are designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to nonpeaceful purposes.

In article XI the parties affirm their common interest in the establishment of an international atomic energy agency to foster the peaceful uses of atomic energy and express their intention to reappraise the agreement in the event such an agency is established.

The Commission has expressed its opinion that the proposed agreement will be an important and desirable step in advancing the development of the peaceful uses of atomic energy in the United States of Brazil and the agreement contains all of the guaranties prescribed by the Atomic Energy Act of 1954, as amended.

Pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby—

(1) Determine that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States, and

(2) Approve the proposed agreement for cooperation between the Government of the United States of America and the Government of the United States of Brazil enclosed with your letter of July 12, 1957, and

(3) Authorize the execution of the proposed agreement for the Government of the United States of America by appropriate authorities of the United States Atomic Energy Commission and the Department of State.

Sincerely,

DWIGHT D. EISENHOWER.

I certify this to be a true and correct copy.

W. L. AVERILL.

JULY 30, 1957.

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AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED STATES OF BRAZIL CONCERNING THE CIVIL USES OF ATOMIC ENERGY

Whereas there is presently in existence between the Government of the United States of America and the Government of the United States of Brazil an agreement for cooperation concerning civil uses of atomic energy, signed at Rio de Janeiro August 3, 1955; and

Whereas such agreement provides that it is the hope and expectation of the parties that the initial agreement for cooperation will extend to consideration of further cooperation, extending to the design, construction, and operation of power-producing reactors; and

Whereas the Government of the United States of Brazil has advised the Government of the United States of America of its desire to pursue a research and development program with regard to the design, construction, and operation of power-producing reactors; and

Whereas the Government of the United States of America, represented by the United States Atomic Energy Commission, desires to cooperate with the Government of the United States of Brazil in such a program which may include the utilization of a nuclear fuel cycle based on the use of thorium and U–233; and

Whereas it is intended that this agreement for cooperation set out the agreement of the parties respecting this new area of cooperation;

The parties agree as follows:

ARTICLE I

For the purposes of this agreement:

(a) "United States Commission" means the United States Atomic Energy Commission of the Government of the United States of America.

(b) "Brazilian Commission" means the National Nuclear Energy Commission of the Government of the United States of Brazil or any successor agency.

(c) "Equipment and devices" and "equipment or device" means any instrument, apparatus, or facility and includes any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof.

(d) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency or Government corporation, but does not include the parties to this agreement.

(e) "Reactor" means an apparatus, other than an atomic weapon, in which a self-supporting fission chain reaction is maintained by utilizing uranium, plutonium, or thorium, or any combination of uranium, plutonium, or thorium.

(f) "Restricted data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear materials; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the category of restricted data by the appropriate authority.

(g) "Atomic weapon" means any device utilizing atomic energy exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(h) "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the United States Commission determines to be special nuclear material; or (2) any material artificially enriched by any of the foregoing.

(i) "Source material" means (1) uranium, thorium, or any other material which is determined by either party to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as either party may determine from time to time.

(j) "Parties" means the Government of the United States of America and the Government of the United States of Brazil and their duly authorized representatives, including the United States Commission on behalf of the Government of the United States of America and the Brazilian Commission on behalf of the Government of the United States of Brazil. "Party" means one of the above parties.

ARTICLE II

A. Restricted data shall not be communicated under this agreement, and no materials or equipment and devices shall be transferred and no services shall be furnished under this agreement if the transfer of any such materials or equipment and devices or the furnishing of any such service involves the communication of restricted data.

B. Subject to the provisions of this agreement, the availability of personnel and material, and the applicable laws, regulations and license requirements in force in their respective countries, the parties shall assist each other in the achievement of the use of atomic energy for peaceful purposes.

C. This agreement shall not require the exchange of any information which the parties are not permitted to communicate because the information is privately owned or has been received from another government.

ARTICLE III

Subject to the provisions of article II, unclassified information, including information in the specific fields set out below, shall be exchanged between the United States Commission and the Brazilian Commission with respect to the application of atomic energy to peaceful uses including research and development relating to such uses and problems of health and safety connected therewith:

(a) The development, design, construction, operation and use of experimental power, demonstration power and power reactors;

(b) Health and safety problems related to the operation and use of experimental power, demonstration power and power reactors.

ARTICLE IV

The application or use of any information (including design drawings and specifica-

tions) and any material, equipment, and devices, exchanged or transferred between the parties under this agreement, shall be the responsibility of the party receiving it, and the other party does not warrant the accuracy or completeness of such information and does not warrant the suitability of such information, materials, equipment, and devices for any particular use of application.

ARTICLE V

A. Research materials: Materials of interest in connection with defined research projects related to the peaceful uses of atomic energy as provided by article III and under the limitations set forth in article II, including source materials, special nuclear materials, byproduct material, other radioisotopes and stable isotopes, will be exchanged for research purposes in such quantities and under such terms and conditions as may be agreed when such materials are not available commercially. In no case, however, shall the quantity of special nuclear materials under the jurisdiction of either party, by reason of transfer under this article, be, at any one time, in excess of 100 grams of contained U–235, 10 grams of plutonium, and 10 grams of U–233.

B. Research facilities: Subject to the provisions of article II, and under such terms and conditions as may be agreed, and to the extent as may be agreed, specialized research facilities and reactor materials testing facilities of the parties shall be made available for mutual use consistent with the limits of space, facilities, and personnel conveniently available, when such facilities are not commercially available.

ARTICLE VI

It is contemplated that, as provided in this article, private individuals and private organizations in either the United States of America or the United States of Brazil may deal directly with private individuals and private organizations in the other country. Accordingly, with respect to the subjects of agreed exchange of information as provided in article III, persons under the jurisdiction of either the Government of the United States of America or the Government of the United States of Brazil will be permitted to make arrangements to transfer and export materials, including equipment and devices, to and perform services for the other government and such persons under its jurisdiction as are authorized by the other government to receive and possess such materials and utilize such services, subject to:

(a) The limitations in article II;

(b) Applicable laws, regulations, and license requirements of the Government of the United States of America and the Government of the United States of Brazil.

ARTICLE VII

A. The United States Commission will sell or lease as may be agreed to by the Government of the United States of Brazil uranium enriched up to a maximum of 20 percent in the isotope U–235, except as otherwise provided in paragraph C of this article, in such quantities as may be agreed in accordance with the terms, conditions and delivery schedules set forth in sales or lease contracts for fueling defined experimental power, demonstration power, and power reactors which the Government of the United States of Brazil, in consultation with the United States Commission, decides to construct or authorize private organizations to construct in the United States of Brazil and as required in experiments related thereto; provided, however, that the net amount of any uranium sold or leased hereunder during the period of this agreement shall not exceed 550 kilograms of contained U–235. This net amount shall be the gross quantity of contained U–235 in uranium sold or leased to the Government of the United States of Brazil during the period of this agreement less the quantity of contained U–235 in recoverable uranium which has been resold or otherwise returned to the Government of the United States of America during the period of this agreement or transferred to any other nation or international organization with the approval of the Government of the United States of America.

B. Within the limitations contained in paragraph A of this article, the quantity of uranium enriched in the isotope U–235 transferred by the United States Commission under this article and in the custody of the Government of the United States of Brazil shall not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project which the Government of the United States of Brazil or persons under its jurisdiction decide to construct and fuel with fuel obtained from the United States of America, as provided herein, plus such additional quantity as, in the opinion of the United States Commission, is necessary to permit the efficient and continuous operation of such reactor or reactors while replaced fuel elements are radioactively cooling or, subject to the provisions of paragraph E, are being reprocessed in the United States of Brazil, it being the intent of the United States Commission to make possible the maximum usefulness of the material so transferred.

C. The United States Commission may, upon request and in its discretion, make a portion of the foregoing special nuclear material available as material enriched up to a maximum of 90 percent for use in a materials testing reactor, capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium.

D. It is understood and agreed that although the Government of the United States of Brazil may distribute uranium enriched in the isotope U–235 to authorized users in Brazil, the Government of the United States of Brazil will retain title to any uranium enriched in the isotope U–235 which is purchased from the United States Commission at least until such time as private users in the United States of America are permitted to acquire title in the United States of America to uranium enriched in the isotope U–235.

E. It is agreed that when any source or special nuclear material received from the United States of America requires reprocessing, such reprocessing shall be performed in either United States Commission facilities or facilities acceptable to the United States Commission, on terms and conditions to be later agreed; and it is understood, except as may be otherwise agreed, that the form and content of any irradiated fuel elements shall not be altered after their removal from the reactor and prior to delivery to the United States Commission or the facilities acceptable to the United States Commission for reprocessing.

F. With respect to any special nuclear material not owned by the Government of the United States of America produced in reactors fueled with materials obtained from the United States of America, which is in excess of the United States of Brazil's need for such materials in its program for the peaceful uses of atomic energy, the Government of the United States of America shall have and is hereby granted:

(a) A first option to purchase such material at prices then prevailing in the United States of America for special nuclear material produced in reactors which are fueled pursuant to the terms of an agreement for cooperation with the Government of the United States of America, and

(b) The right to approve the transfer of such material to any other nation or international organization in the event the option to purchase is not exercised.

G. Special nuclear material produced in any part of fuel leased hereunder as a result of irradiation processes shall be for the account of the Government of the United States of Brazil and after reprocessing, as provided in paragraph E hereof, shall be returned to the Government of the United States of Brazil, at which time title to such material shall be transferred to that Government unless the Government of the United States of America shall exercise the option, which is hereby accorded, to retain, with appropriate credit to the Government of the United States of Brazil, any such special nuclear material which is in excess of the needs of the Government of the United States of Brazil for such material in its program for the peaceful uses of atomic energy.

H. Some atomic-energy materials which the Government of the United States of Brazil may request the United States Commission to provide in accordance with this agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials to the Government of the United States of Brazil, the Government of the United States of Brazil shall bear all responsibility insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any special nuclear materials or fuel elements which the United States Commission may, pursuant to this agreement, lease to the Government of the United States of Brazil or to any private individual or private organization under its jurisdiction, the Government of the United States of Brazil shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such special nuclear materials or fuel elements after delivery by the United States Commission to the Government of the United States of Brazil or to any authorized private individual or private organization under its jurisdiction.

ARTICLE VIII

As may be necessary and as may be mutually agreed in connection with the subjects of agreed exchange of information as provided in article III and under the limitations set forth in article II, and under such terms and conditions as may be mutually agreed, specific arrangements may be made from time to time between the parties for lease, or sale and purchase, of quantities of materials, other than special nuclear materials, greater than those required for research, when such materials are not available commercially.

ARTICLE IX

A. The Government of the United States of America and the Government of the United States of Brazil emphasize their common interest in assuring that any material, equipment or device made available to the Government of the United States of Brazil pursuant to this agreement shall be used solely for civil purposes.

B. Except to the extent that the safeguards provided for in this agreement are supplanted, by agreement of the parties as provided in article XI by safeguards of the proposed International Atomic Energy Agency, the Government of the United States of America, notwithstanding any other provisions of this agreement shall have the following rights:

1. With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards, to review the design of any—

(i) reactor and

(ii) other equipment and devices the design of which the United States Commission determines to be relevant to the effective application of safeguards, which are to be made available to the Government of the

United States of Brazil or any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction, or which are to use, fabricate or process any of the following materials so made available: source material, special nuclear material, moderator material, or other material designated by the United States Commission;

2. With respect to any source or special nuclear material made available to the Government of the United States of Brazil or any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction and any source or special nuclear material utilized in, recovered from or produced as a result of the use of any of the following materials, equipment or devices so made available:

(i) source material, special nuclear material, moderator material or other material designated by the United States Commission,

(ii) reactors,

(iii) any other equipment or device designated by the United States Commission as an item to be made available on the condition that the provisions of this subparagraph B2 will apply,

(a) to require the maintenance and production of operating records and to request and receive reports for the purpose of assisting in insuring accountability for such materials; and

(b) to require that any such material in the custody of the Government of the United States of Brazil or any person under its jurisdiction be subject to all of the safeguards provided for in this article and the guaranties set forth in article X;

3. To require the deposit in storage facilities designated by the United States Commission of any of the special nuclear material referred to in subparagraph B2 of this article which is not currently utilized for civil purposes in the United States of Brazil and which is not purchased pursuant to article VII, paragraph F (a), of this agreement, transferred pursuant to article VII, paragraph F (b) of this agreement, or otherwise disposed of pursuant to an arrangement mutually acceptable to the parties;

4. To designate, after consultation with the Government of the United States of Brazil, personnel who, accompanied, if either party so requests, by personnel designated by the Government of the United States of Brazil, shall have access in the United States of Brazil to all places and data necessary to account for the source and special nuclear materials which are subject to subparagraph B2 of this article to determine whether there is compliance with this agreement and to make such independent measurements as may be deemed necessary;

5. In the event of noncompliance with the provisions of this article or the guaranties set forth in article X and the failure of the Government of the United States of Brazil to carry out the provisions of this article within a reasonable time, to suspend or terminate this agreement and require the return of any materials, equipment, and devices referred to in subparagraph B2 of this article;

6. To consult with the Government of the United States of Brazil in the matter of health and safety.

C. The Government of the United States of Brazil undertakes to facilitate the application of the safeguards provided for in this article.

ARTICLE X

The Government of the United States of Brazil guarantees that—

(a) Safeguards provided in article IX shall be maintained.

(b) No material, including equipment and devices, transferred to the Government of the United States of Brazil or authorized persons under its jurisdiction pursuant to this agreement, by lease, sale, or otherwise, shall be used for atomic weapons or for research on or development of atomic weapons or for any other military purposes, and that no such material, including equipment and devices, will be transferred to unauthorized persons or beyond the jurisdiction of the Government of the United States of Brazil except as the United States Commission may agree to such transfer to another nation or international organization and then only if in the opinion of the United States Commission such transfer falls within the scope of an agreement for cooperation between the Government of the United States of America and the other nation or international organization.

ARTICLE XI

The Government of the United States of America and the Government of the United States of Brazil affirm their common interest in the establishment of an international atomic energy agency to foster the peaceful uses of atomic energy. In the event such an international agency is created:

(a) The parties will consult with each other to determine in what respects, if any, they desire to modify the provisions of this Agreement for Cooperation. In particular, the parties will consult with each other to determine in what respects and to what extent they desire to arrange for the administration by the international agency of those conditions, controls, and safeguards, including those relating to health and safety standards, required by the international agency in connection with similar assistance rendered to a cooperating nation under the aegis of the international agency.

(b) In the event the parties do not reach a mutually satisfactory agreement following the consultation provided in subparagraph (a) of this article, either party may by notification terminate this agreement. In the event this agreement is so terminated, the Government of the United States of Brazil shall return to the United States Commission all source and special nuclear materials received pursuant to this agreement and in its possession or in the possession of persons under its jurisdiction.

ARTICLE XII

This agreement shall enter into force on the day on which each Government shall receive from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such agreement and shall remain in force for a period of 20 years, subject to renewal as may be mutually agreed.

In witness whereof, the parties hereto have caused this agreement to be executed pursuant to duly constituted authority.

Done at Washington, in duplicate, in the English and Portuguese languages, this 31st day of July 1957.

For the Government of the United States of America:

R. R. RUBOTTOM Jr.
LEWIS L. STRAUSS.

For the Government of the United States of Brazil:

ERNANI DO AMARAL PEIXOTO.

Certified to be a true copy.

WILMOT L. AVERILL,
*USAEC, Division of International Affairs.*
JULY 31, 1957.

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## DEFENSE AGAINST ATOMIC WEAPONS—PORTIONS OF AGREEMENT FOR COOPERATION WITH AUSTRALIA

Mr. PASTORE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the unclassified portions of an agreement for cooperation with Australia, together with the accompanying correspondence. This agreement was signed on July 12 and was received at the Joint Committee on the same day. This agreement is identical with the agreement with Great Britain for the communication of restricted data to let Australia develop its defense plants and train its personnel in the employment of and defense against atomic weapons. It also permits transfer of information for the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

There being no objection, the unclassified portions of the agreement were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
*Washington, July 12, 1957.*

The Honorable CARL T. DURHAM,
*Chairman, Joint Committee on Atomic Energy, Washington, D. C.*

DEAR MR. DURHAM: Pursuant to section 123 of the Atomic Energy Act of 1954, I hereby submit to the Joint Committee on Atomic Energy a proposed agreement between the Governments of the United States and Australia for cooperation regarding communication of atomic information for mutual-defense purposes under section 144 (b) of the act.

Under the terms of the proposed agreement, the United States may exchange with Australia, so long as Australia pursuant to an international arrangement continues to make substantial and material contributions to the mutual-defense effort, atomic information which the United States considers necessary to

1. the development of defense plans;

2. the training of personnel in the employment of and defense against atomic weapons; and

3. the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

Australia will make atomic information available to the United States on the same basis.

Atomic information made available pursuant to the proposed agreement will not be transferred to unauthorized persons, or beyond the jurisdiction of the recipient Government except where that information is to be communicated to another nation or regional organization which has already been given the same information under an agreement similar to this and then only to the extent such transfer is specifically authorized by the originating Government.

Transfers of atomic information by the United States under the proposed agreement will be made only in accordance with the Atomic Energy Act of 1954 and will be safeguarded by the stringent security arrangements in effect between the United States and Australia when this agreement comes into force.

The agreement will remain in effect until terminated by agreement between the two Governments, but the actual exchange of atomic information is entirely discretionary.

The Department of Defense has strongly recommended approval of this agreement. It is my firm conviction that through the cooperative measures foreseen in this agreement we will have aided materially not only in strengthening our own defenses but also those of our Australian ally and will thereby contribute greatly to the mutual-defense efforts which are of such vital importance to the maintenance of our common freedom.

Accordingly, I hereby determine that the performance of this proposed agreement will promote and will not constitute an unreasonable risk to the common defense and secu-

rity, and approve this agreement. In addition, I hereby authorize, subject to the provisions of the Atomic Energy Act of 1954, the Secretary of State to execute the proposed agreement and the Department of Defense, with the assistance of the Atomic Energy Commission, to cooperate with Australia and to communicate restricted data to Australia under the agreement.

Sincerely,

DWIGHT D. EISENHOWER.

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THE SECRETARY OF DEFENSE,
*Washington, June 29, 1957.*

The PRESIDENT,
*The White House.*

DEAR MR. PRESIDENT: Section 144b of the Atomic Energy Act of 1954 empowers you to authorize the Department of Defense, with the assistance of the Atomic Energy Commission, to cooperate with another nation or regional defense organization to which the United States is a party and to communicate to that nation or organization such atomic information as is necessary to the development of defense plans, the training of personnel in the employment of, and defense against, atomic weapons, and the evaluation of the capabilities of potential enemies in the employment of atomic weapons. This cooperation and communication, however, may be undertaken only in accordance with the limitations imposed by the act and under an agreement entered into pursuant to section 123 thereof.

Agreements for cooperation regarding atomic information for mutual defense purposes have been executed with the North Atlantic Treaty Organization, Canada, and the United Kingdom. With the cooperation of the Department of State, an agreement has now been negotiated with Australia and recommended for signature. This proposed agreement is submitted herewith for your approval.

It is the view of this Department that this agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954. The execution of this agreement should do much to advance our mutual defense interests and will thereby aid materially in the defense of the United States. I therefore strongly recommend that you approve this proposed agreement as required by section 123 of the Atomic Energy Act and transmit the agreement to the Joint Committee on Atomic Energy together with your determinations and authorizations as to execution.

With great respect, I am,

Faithfully yours,

C. E. WILSON.

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AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA FOR COOPERATION REGARDING ATOMIC INFORMATION FOR MUTUAL DEFENSE PURPOSES

The Government of the United States of America and the Government of the Commonwealth of Australia,

Recognizing that their mutual security and defense requires that they be prepared to meet the contingencies of atomic warfare,

Recognizing that their common interests will be advanced by the exchange of information pertinent thereto,

Believing that the exchange of such information can be undertaken without threat to the security of either country, and

Taking into consideration the United States Atomic Energy Act of 1954, which was prepared with these purposes in mind,

Agree as follows:

ARTICLE I

1. While the United States and the Commonwealth of Australia are participating in international arrangements for their mutual defense and security and making substantial and material contribution thereto, each Government will from time to time make available to the other Government atomic information which the Government making such information available deems necessary to:

(a) the development of defense plans;

(b) the training of personnel in the employment of and defense against atomic weapons; and

(c) the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

2. Atomic information which is transferred by either Government pursuant to this Agreement shall be used by the other Government exclusively for the preparation and implementation of defense plans in the mutual interests of the two countries.

ARTICLE II

1. All transfers of atomic information to the Commonwealth of Australia by the United States pursuant to this agreement will be made in compliance with the provisions of the United States Atomic Energy Act of 1954 and any subsequent applicable United States legislation.

2. Under this agreement there will be no transfers by the United States or the Commonwealth of Australia of atomic weapons or special nuclear material, as these terms are defined in section 11d and section 11t of the United States Atomic Energy Act of 1954.

ARTICLE III

1. Atomic information made available pursuant to this agreement shall be accorded full security protection under applicable security arrangements between the United States and Commonwealth of Australia and applicable national legislation and regulations of the two countries. In no case shall either government maintain security standards for safeguarding atomic information made available pursuant to this agreement lower than those set forth in the applicable security arrangements in effect on the date this agreement comes into force.

2. Atomic information which is exchanged pursuant to this agreement will be made available through channels existing or hereafter agreed for the exchange of classified defense information between the two Governments.

3. Atomic information received pursuant to this agreement shall not be transferred by the recipient government to any unauthorized person or, except as provided in article V of this agreement, beyond the jurisdiction of that government. Each government may stipulate the degree to which any of the categories of information made available to the other government pursuant to this agreement may be disseminated, may specify the categories of persons who may have access to such information, and may impose such other restrictions on the dissemination of such information as it deems necessary.

ARTICLE IV

As used in this agreement, "atomic information" means:

(a) So far as concerns the information provided by the United States, restricted data, as defined in section 11 r of the United States Atomic Energy Act of 1954, which is permitted to be communicated pursuant to the provisions of section 144 b of that act, and information relating primarily to the military utilization of atomic weapons which has been removed from the restricted data category in accordance with the provisions of section 142 d of the United States Atomic Energy Act of 1954;

(b) So far as concerns the information provided by the Commonwealth of Australia, information exchanged under this agreement which is either classified atomic energy information or other Commonwealth of Australia defense information which it is decided to transfer to the United States in pursuance of article I of this agreement.

ARTICLE V

Nothing herein shall be interpreted or operate as a bar or restriction to consultation and cooperation by the United States or the Commonwealth of Australia with other nations or regional organizations in any fields of defense. Neither government, however, shall communicate atomic information made available by the other government pursuant to this agreement to any nation or regional organization unless the same information has been made available to that nation or regional organization by the other government in accordance with its own legislative requirements and except to the extent that such communication is expressly authorized by such other government.

ARTICLE VI

This agreement shall enter into force on the date on which each government shall receive from the other government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such an agreement, and shall remain in effect until terminated by mutual agreement of both governments.

Done at Washington this 12th day of July 1957 in two original texts.

For the United States of America:

HOWARD P. JONES,
*Deputy Assistant Secretary for Far Eastern Affairs.*

For Australia:

Sir PERCY SPENDER.

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## COMPARATIVE PRINT OF PERTINENT SECTIONS OF EXISTING LAW AND THE MODIFIED O'MAHONEY-KEFAUVER-CHURCH AMENDMENT

(In compliance with the order of the Senate of Wednesday, July 31 (CONGRESSIONAL RECORD, p. 13166), the comparative print showing pertinent sections of existing law, as they would be affected by the modified O'Mahoney-Kefauver-Church amendment, is printed in today's RECORD, as follows:)

COMPARATIVE PRINT SHOWING PERTINENT SECTIONS OF EXISTING LAW AND THOSE SECTIONS AS PROPOSED TO BE MODIFIED BY THE O'MAHONEY-KEFAUVER-CHURCH AMENDMENT DESIGNATED 7-31-57-B

| EXISTING LAW | O'MAHONEY-KEFAUVER-CHURCH AMENDMENT DESIGNATED 7-31-57-B |
|---|---|
| *Title 18, United States Code* | *Title 18, United States Code* |
| SEC. 402. Contempts constituting crimes. | SEC. 402. Criminal contempts. |
| Any person, corporation or association willfully disobeying any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein, or thereby forbidden, if the act or thing so done be of such character as to constitute also a criminal offense under | Any person, corporation, or association willfully disobeying or obstructing any lawful writ, process, order, rule, decree, or command of any court of the United States or any court of the District of Columbia shall be prosecuted for criminal contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or |

COMPARATIVE PRINT SHOWING PERTINENT SECTIONS OF EXISTING LAW AND THOSE SECTIONS AS PROPOSED TO BE MODIFIED BY THE O'MAHONEY-KEFAUVER-CHURCH AMENDMENT DESIGNATED 7-31-57-B—Continued

| EXISTING LAW—Continued | O'MAHONEY-KEFAUVER-CHURCH AMENDMENT DESIGNATED 7-31-57-B—Continued |
|---|---|
| *Title 18, United States Code*—Continued | *Title 18, United States Code*—Continued |
| any statute of the United States or under the laws of any State in which the act was committed, shall be prosecuted for such contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both.<br>Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000, nor shall such imprisonment exceed the term of 6 months. | both: *Provided, however,* That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall such imprisonment exceed the term of 6 months. |
| This section shall not be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States, but the same, and all other cases of contempt not specifically embraced in this section, may be punished in conformity to the prevailing usages at law. | This section shall not be construed to apply to contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court.<br>Nor shall anything herein or in any other provisions of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention. |
| SEC. 3691. Jury trial of criminal contempts<br>Whenever a contempt charged shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any Act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in other criminal cases.<br>This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States. | SEC. 3691. Jury trial of criminal contempt<br>In any proceeding for criminal contempt for willful disobedience of or obstruction to any lawful writ, process, order, rule, decree, or command of any court of the United States or any court of the District of Columbia, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in criminal cases.<br>This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court. |
| SEC. 1861. Qualifications<br>Any citizen of the United States who has attained the age of 21 years and resides within the judicial district, is competent to serve as a grand or petit juror unless:<br>(1) He has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than 1 year and his civil rights have not been restored by pardon or amnesty.<br>(2) He is unable to read, write, speak, and understand the English language.<br>(3) He is incapable, by reason of mental or physical infirmities to render efficient jury service.<br>(4) He is incompetent to serve as a grand or petit juror by the law of the State in which the district court is held. | SEC. 1861. Qualifications of Federal jurors<br>Any citizen of the United States who has attained the age of 21 years and who has resided for a period of 1 year within the judicial district, is competent to serve as a grand or petit juror unless:<br>(1) He has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than 1 year and his civil rights have not been restored by pardon or amnesty.<br>(2) He is unable to read, write, speak, and understand the English language.<br>(3) He is incapable, by reason of mental or physical infirmities to render efficient jury service. |

## VISIT TO THE SENATE OF HIS EXCELLENCY SAM NHEAN, OF CAMBODIA

Mr. MANSFIELD. Mr. President, the Senate is honored to have on the floor as its distinguished guest this morning His Excellency Sam Nhean, Vice President of the upper Chamber of the Cambodian Parliament, known as the Council of the King. The Prime Minister of the country is Mr. Sim Var.

Mr. Nhean, who is our honored guest today, is one of the outstanding representatives of this new country with an old culture. We are delighted that he has been able to visit us, and I should like to ask our distinguished visitor to stand so that the Senate can greet him and extend its best wishes.

[Mr. Nhean rose, and was greeted with applause, Senators rising.]

Mr. KNOWLAND. Mr. President, I should like to join with the distinguished Senator from Montana in welcoming to the Senate of the United States our distinguished visitor from Cambodia. I know in extending the welcome I speak for all Members of the Senate, regardless of party.

Mr. MANSFIELD. The distinguished minority leader is probably the first American Member of Congress to have visited Cambodia in the postwar period. He is well acquainted with the difficulties which confront that country and has proved himself to be a tried and true friend of that nation over the years since independence.

I ask unanimous consent that there may be printed in the RECORD at this point some vital information concerning the background of our distinguished guest.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL INFORMATION OF HIS EXCELLENCY SAM NHEAN, OF CAMBODIA, A PARTICIPANT IN THE FOREIGN LEADER EXCHANGE PROGRAM OF THE INTERNATIONAL EDUCATIONAL EXCHANGE SERVICE OF THE UNITED STATES DEPARTMENT OF STATE, WASHINGTON, D. C.

Vital information: Mr. Sam Nhean was born January 23, 1889, in Cambodia. He is married and has a family. The eldest of his sons is a member of the Council of the Kingdom (equivalent to the American Senate). Another son is a member of the High Council of the King, and the youngest is a provincial administrator. Mr. Sam Nhean's permanent address is: 210 Rukhak Vithei Preah Sihanouk, Phnom Penh, Cambodia.

Knowledge of English: Mr. Sam Nhean does not speak English.

Present position: Mr. Sam Nhean is vice president of the Council of the Kingdom (Senate).

Political editor of the newspaper Sangkum Reastr Niyum. President of the World Buddhist Association (Cambodian center).

Vice president of the Association for Medical Assistance to Buddhist Monks.

President of the Preah Moha Ksattreyani (Scouts of the Queen) Association.

Professional background: Mr. Sam Nhean was provincial administrator and governor from 1912 to 1945. In 1946 he became deputy and second vice president of the national assembly, and with the military rank of major was chief of psychological warfare branch of the army during the campaigns against the Vietminhs and Issaraks. From 1952 to 1954 he was founder and editor of the newspaper

Samleng Khmer (The Voice of Cambodia); founder and head of the former political party, the People's Party; and was minister of cults in two governments. His travels abroad include 2 months as a tourist in France and Switzerland in 1954, 2 weeks as a tourist in Thailand in 1955, 9 days in the Philippines in January of 1956 as a member of Prince Sihanouk's official party, 9 days in Red China in February of 1956 as a member of Prince Sihanouk's official party, 3 weeks in North Vietnam in July of 1956 as a member of the Cambodian delegation of journalists, 1 month in India in November 1956 as a tourist, and 9 days in Ceylon in 1957 as a member of Prince Sihanouk's official party.

Objectives of the United States visit: Mr. Sam Nhean is a Cambodian elder statesman who has occupied many important posts in government work. He is a personal and valued adviser of the Prime Minister, Prince Sihanouk. Mr. Sam Nhean is Cambodia's leading Buddhist layman and has been ordained a Venerable; he lived as a monk during the period of the celebration of the 2500th anniversity of the Buddhist era. Therefore, he is interested in seeing something of American spiritual life, but his prime interests are in the field of government and he wishes to observe American State and local governments and their methods of administering income tax legislation. He also wishes to observe American soil conservation, flood control, hydroelectric power systems, and fisheries. Furthermore, he is interested in American educational institutions, our Government and private welfare activities, and wishes to visit youth organizations.

Mr. Sam Nhean is a writer for the newspaper Sangkum Reastr Niyum and therefore wishes to visit American newspapers; his particular interest is to see for himself the extent of freedom enjoyed by American editors. Prince Sihanouk, the Prime Minister, has asked Mr. Sam Nhean to observe our democratic government in action, and Mr. Sam Nhean intends to write a book about America upon his return to Cambodia. He wishes, therefore, to see as many aspects of American life as is practicable for the few weeks that he will be here, including a look at our industrial and agricultural activities, as well as meeting Americans, visiting our museums, and observing our cultural life.

## AMBASSADOR TO CEYLON

Mr. CLARK. Mr. President, no one would dream of sending inexperienced civilians to command the United States Army, Navy, or Air Force in wartime. Least of all would such appointments be passed out on the basis of how much a given individual had contributed to a political campaign. Yet, in this critical period of American existence we continue our ancient system of passing out diplomatic posts as if they were political favors. This is no partisan issue. It has been done by every President. What is needed is a change. And perhaps impetus for such a change—to a system of appointments based on skill and experience—will be given by disclosure of the questioning by a Senate committee of Maxwell H. Gluck, recently appointed Ambassador to Ceylon. "Ceylon is aroused over the sending of a man who knows so little of the country that he never heard of its Prime Minister. Ceylon editors remark, pointedly, that Russia sends some of her ablest and most skillful diplomats to Asian countries such as Ceylon. They ask—rightly—Why don't we? The reason is a tradition, which ought to be scrapped."

Mr. President, the words I have just read are not my words. They appeared in an editorial in the Philadelphia Inquirer of this morning. I ask unanimous consent that the editorial to which I have just referred may be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OUR NEW AMBASSADOR TO CEYLON

No one would dream of sending inexperienced civilians to command the United States Army, Navy, or Air Force in wartime. Least of all would such appointments be passed out on the basis of how much a given individual had contributed to a political campaign.

Well, there's a cold war on. It is every bit as important as any hot war we ever fought. Our Nation's hope of peace depends upon its ability to keep the cold war from getting hot, and upon winning that cold war through diplomatic instead of military means.

Yet, in this critical period of American existence we continue our ancient system of passing out diplomatic posts as if they were political favors. This is no partisan issue. It has been done by every President.

What's needed is a change. And perhaps impetus for such a change—to a system of appointments based on skill and experience—will be given by disclosure of Senate questioning of Maxwell H. Gluck, recently appointed as Ambassador to Ceylon. After the hearing revealed that Gluck had contributed about $30,000 to the GOP in 1956 and 1952, it went as follows:

Senator FULBRIGHT. What are the problems in Ceylon you think you can deal with?

Mr. GLUCK. One of the problems are the people there, I believe I can—I think I can establish unless we—again, unless I run into something that I have not run into before—a good relationship and good feeling toward the United States.

Senator FULBRIGHT. Did you notice that recent report of the committee, sent by the United Nations on Hungary?

Mr. GLUCK. No; I did not.

Senator FULBRIGHT. Did you notice who was on the committee that made that report? (Ceylon was one of five countries represented.)

Mr. GLUCK. No, sir.

Senator FULBRIGHT. Do you know who the Prime Minister of Ceylon is? (Solomon Bandaranaike.)

Mr. GLUCK. His name is a bit unfamiliar now. But I have obtained from Ambassador Crowe (the outgoing Ambassador) a list of all the important people there.

Ceylon is aroused over the sending of a man who knows so little of the country that he never heard of its Prime Minister. Ceylon editors remark, pointedly, that Russia sends some of her ablest and most skillful diplomats to Asian countries such as Ceylon. They ask—rightly—why don't we?

The reason is a tradition, which ought to be scrapped.

Mr. CLARK. Mr. President, several months ago I had occasion to attempt to persuade the Senate, and was unsuccessful, that we should not send a similarly unqualified man as Ambassador to Ireland. I would suggest that, in the words of the Philadelphia Inquirer, a good way to scrap this practice would be for the President to fail to appoint men to ambassadorships entirely on the basis of the contributions they have made to the Republican campaign fund.

I am aware of the fact that the President yesterday, in his press conference, indicated he did no such thing. I would be the last one to suggest the President is not telling the truth. I am sure he is. I would suggest that if he is telling the truth, and I think he is telling the truth, he must be incredibly naive. I do not think anybody here thinks Mr. Gluck received his appointment because of his knowledge of the area of the world where Ceylon is situated and his great ability to serve in that field.

## THE CIVIL-RIGHTS BILL AND FAILURE TO CONSIDER OTHER MEASURES

Mr. JOHNSTON of South Carolina. Mr. President, weeks and weeks ago a majority of the United States Senate voted to bypass the Senate Judiciary Committee and to send the pending civil-rights bill to the calendar for consideration.

As a result, we have been debating that bill for weeks. Much of the debate has duplicated Judiciary Committee work. As each day drags on, new conflictions arise in interpreting the bill, and all this while critical legislation mounts on the calendar.

Last night a vitally important Government agency died on the vine for want of Senate action. Others are threatened, and millions of Government employees are not being paid—all resulting from bypassing the Judiciary Committee on this bill.

Some people blamed the Senator from Oregon [Mr. MORSE] for the death of the Small Business Administration by his objection yesterday. I do not hold to this view, and I think the blame should be placed where it belongs. The Senator from Oregon fought hard to get the Senate to follow its regular procedure and to send the civil-rights bill to the Senate Judiciary Committee, where all these questions now under debate would have been cleared up, and an amended, corrected, proper bill would have been reported. During the time the bill was before the committee important proposed legislation could have been acted upon by the Senate.

The fault for the predicament in which we find ourselves today lies not with the Senator from Oregon, but with those who forced the civil-rights bill on the Senate Calendar, and thereby disrupted Senate procedure. Anytime we divert from the rules prescribed for orderly procedure the result is disorderly procedure. A majority of the Senate followed the minority leader and voted for disorderly procedure, and that is what we obtained—disorder.

I think more blame lies with the President of the United States for the situation than anyone else in particular. He gave encouragement to those who wanted to bypass the orderly procedure of the Senate. In fact, we have heard he was instrumental, through his White House influence, in getting Members to vote for this procedure.

Mr. President, from now on each time a Government agency dies on the vine, each time some Government-loan program, aid program, health program, farm program, or other program dies on the vine and withers away for want of

Senate action, I hope the American people will fully realize that it is the fault of those who created this situation by voting for disorderly procedure.

I do not wish these agencies to die, nor do I want any Government function necessary for the American people to cease. I shall vote to continue these agencies. I personally shall vote to lay aside the civil-rights bill so that we can consider these measures.

But I feel that any Senator is within his right in objecting to any bill if he so wishes. It may be the lesson needed to prevent future bypassing of orderly procedure in the Senate.

## REMOVAL OF FEDERAL PRICE SUPPORTS FROM TOBACCO CROP

Mr. NEUBERGER. Mr. President, I am disturbed over the reported adverse and frivolous reaction from the Department of Agriculture to my bill proposing that tobacco be removed from the list of so-called basic crops qualifying for Federal price supports.

I presented this proposal to the Senate because I felt it was inconsistent for the Department of Agriculture to be subsidizing tobacco while the United States Public Health Service was warning that cigarettes might be a causative factor in the deadly disease known as cancer of the lung.

But now an anonymous individual identified as a spokesman for the Department of Agriculture has been quoted in the press as calling my bill completely unrealistic. This spokesman also has been quoted as follows:

> If we penalize tobacco because of a possible health danger, are we going to penalize corn because we make bourbon whisky out of that grain?

Mr. President, I regret that a spokesman for the great United States Department of Agriculture can discern no difference between tobacco, which is used almost wholly for cigarettes, and corn, which is used only fragmentarily for whisky.

I have learned from statistical sources available at the Library of Congress and the Department of Agriculture itself that approximtely 80 percent of the tobacco utilized in the United States each year is devoted to the production of cigarettes. By contrast, only about three-fourths of one percent of the yearly corn crop is used for the manufacture of distilled spirits. Is there any valid comparison between the two commodities?

Corn is primarily a food, to be eaten directly by human beings or to be fed as sileage to livestock animals, which in turn are processed into meat. Tobacco is not a food at all. It is never eaten. It contributes not at all to nutrition and health. It is solely a drug, to be smoked in cigarettes or other forms.

I certainly do not think that the Department of Agriculture, through its spokesman, has elevated its reputation or status by ridiculing my bill through this absurd comparison between tobacco and corn. I wonder what our millions of farmers who grow corn think of having their great food crop placed on the same status by the Department of Agriculture with a drug like tobacco?

So that Members of the Senate may have an opportunity to study in context this flimsy objection voiced by the Department of Agriculture spokesman, I ask unanimous consent to have printed at this point in the RECORD a news story from the Medford (Oreg.) Mail Tribune of July 18, 1957, entitled "Cancer Society Expert Says Smoking Causes Lung Cancer; Has Effect on Other Diseases."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Medford (Oreg.) Mail Tribune of July 18, 1957]

### CANCER SOCIETY EXPERT SAYS SMOKING CAUSES LUNG CANCER; HAS EFFECT ON OTHER DISEASES

WASHINGTON.—An American Cancer Society expert told congressional investigators today that cigarette smoking is a cause of lung cancer and has a severe effect on a number of other diseases.

Dr. E. Cuyler Hammond, the society's research director, said evidence that smoking is a serious health hazard has been accumulating slowly since about 1915.

#### OVERWHELMING EVIDENCE

He said recent studies have produced overwhelming evidence that cigarette smoking is causative factor of great importance in the occurrence of lung cancer.

He said there has been an alarming trend in the death rates from lung cancer, with the number of deaths rising from 2,500 in 1930 to an estimated 29,000 in 1956.

Hammond said cigarette smoking causes an increase in deaths from heart disease and has a severe effect on patients with peptic ulcers and Buerger's disease.

He also said there is evidence that smoking has an effect on death rates from respiratory diseases other than lung cancer.

Dr. Clarence Cook Little, chairman of the scientific advisory board to the tobacco industry's research committee, challenged the claims of a cause-and-effect relation between smoking and lung cancer.

In prepared testimony, Little said:

"Nonsmokers get lung cancer. The vast majority of heavy smokers never get lung cancer. Obviously there is no simple cause-and-effect mechanism resulting from cigarette smoking."

Earlier, Representative IRIS F. BLITCH (Democrat, Georgia), said Subcommittee Chairman JOHN BLATNIK (Democrat, Minnesota), has assured her that he is for the tobacco growers and has no wish to penalize them in any way. Mrs. BLITCH said BLATNIK told her his subcommittee hearings are not intended to affect tobacco price supports.

#### NEUBERGER OFFERS BILL

Senator RICHARD L. NEUBERGER (Democrat, Oregon), Wednesday introduced a bill that would cut off farm price supports and soil bank payments to tobacco growers. NEUBERGER, a nonsmoker, said it was ridiculous for the Government to warn Americans about alleged dangers of smoking while spending millions of dollars to support tobacco growing.

An Agriculture Department spokesman called NEUBERGER's bill "completely unrealistic."

#### SHOULD CORN BE PENALIZED

"If we penalize tobacco because of a possible health danger, are we going to penalize corn because we make bourbon whisky out of that grain?" he said.

BLATNIK said his subcommittee hopes to determine during 6 days of hearings whether the public is "being fooled" about the protection afforded to smokers by "filters."

He said the subcommittee wants to determine whether manufacturers have made "false and misleading advertising" about filter cigarettes and, if so, why Federal agencies haven't cracked down.

## FEED GRAIN PROGRAM

Mr. SYMINGTON. Mr. President, two weeks ago the Department of Agriculture submitted a report to the Senate entitled, "Possible Methods of Improving the Feed Grain Program." This was in response to Senate Resolution 125, adopted May 2, 1957.

In the past, feed grain legislation had been directed primarily at corn. The other substitute feed grains—oats, barley, and the sorghums—were relatively free of restrictions.

Partly as a result of this, and partly because of improved and higher yielding varieties, the production of these other feed grains has increased rapidly during the past few years. This has aggravated the feed grain-livestock balance and threatens to do so even more in the future unless some positive action is taken.

It has become increasingly clear that any program which deals only with corn cannot be effective.

This was the type of thinking that prompted the authors of the 1957 corn bill to include a section requiring a complete study of the possible methods of providing an overall feed grain program.

When that bill was defeated, it was felt that immediate action was necessary to work out a more comprehensive and effective feed grain program. The first step was to request the Department of Agriculture to make a study and to report to the Senate on the various approaches that could be taken.

It was intended that that report be studied and be used as a basis for hearings during the fall, in which all the proposals could be evaluated. Then early next January the Senate would be prepared to take positive action toward solving the feed grain-livestock problem.

The four feed grains and the associated livestock products provide the farmers of this Nation about 60 percent of their total cash receipts from farm marketings. Therefore, this is not a problem of the Midwest Corn Belt area alone. Every State produces some feed grain and some livestock products, and could therefore benefit from any new and effective legislation.

The report contains much valuable statistical and background information. A section is devoted to discussion of the past Government programs for corn and other feeds grains. Long-range prospects involved in the feed grain-livestock relationship are discussed.

Eight alternative proposals for a feed grain program are explored in the report. These range from a no-allotment, no-support plan to a Government price-insurance program.

Mr. President, I ask unanimous consent that the summary of these proposals, as presented by the Department of Agriculture, be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

### USDA SUMMARY OF POSSIBLE METHODS OF IMPROVING THE FEED-GRAIN PROGRAM

The current programs of acreage allotments for corn and price supports for all feed grains are designed to maintain prices and incomes of feed grain and livestock producers by means of support prices at levels

higher than would prevail under free market conditions. Acreage allotments on corn are provided in order to restrict production as necessary and prevent excessive buildup of stocks. Primary disadvantages are that the higher support prices stimulate use of resources other than land, thereby speeding technological increases in yields; and that acreage controls on corn are not very effective. It is possible that if the present program were continued to 1962, production and consumption of feed grains would be more nearly in balance than now but probably not entirely so, with carryovers large and support prices on corn near their minimum.

A program that established a total acreage allotment for all feed grains, compliance with which would be requisite for price support, would reduce production below what it would be in the current program. This would result because farmers would find it more attractive to comply with a total feed grain allotment than with a corn allotment alone. Corn allotments used by themselves become unattractively small because they must assume most of the adjustment for oversupply of all feed grains. In addition, a total feed-grain allotment could make it readily possible for all feed grains to come under the acreage reserve. While the acreage reserve is in force (1958 and 1959) production would be reduced enough to allow a substantial reduction in stocks of corn. Later, in about 1962, production and consumption would be virtually in balance. Price-support rates for all feed grains, including corn, under this program are assumed to be discretionary within a range specified by the Congress. Incomes to feed grain and livestock producers in 1962 might be slightly smaller than under the present program. This program would require more extensive controls and more administrative and acreage-reserve costs to the Government than the present program.

Another possible program would be moderate support prices for all feed grains, but without allotments. Support would be required for all feed grains, and the mechanism would resemble that now in use for the three grains other than corn. A support range of 60 to 70 percent of parity is assumed for this report. In such a program the acreage reserve would not apply to corn, or to any feed grain. A sizable acreage might go into the conservation reserve. This program would largely free producers of controls, would achieve a better balance between production and consumption of feed grains and livestock, and would reduce costs to the Government. Incomes of feed and livestock producers would be somewhat less than under the present program. At the same time, producers would have the protection of supports to prevent sharp drops in prices, to give some stabilization to supplies and prices of feed from year to year, and to facilitate orderly marketing.

No allotments and no support would subject producers to the risk of variable swings in price and income, without any protection. Adjustments, initially and in the intermediate future, might be drastic. Prices and incomes would not only be lower than under present programs, but would fluctuate greatly.

A number of programs to supplement prices or incomes by direct payments could be proposed. One discussed here is fixed-share base payment. In it payments would be made at a rate to bring combined prices and payments to a specified level, but they would be paid on a predetermined base quantity only. All production in excess of the base would be without supports. The limitation would help to restrict costs to the Government by preventing large expansion of production. Costs nevertheless would be very substantial. Consumers would benefit from lower prices of livestock products. Incomes to producers would vary with the level of support.

The soil bank program could be enlarged in two ways: (1) by extending the acreage reserve program to all feed grains or providing for a base acreage for corn; and (2) by expanding the conservation reserve program to have approximately 50 million acres under contract by 1962. Either program would be expected to reduce production of feed grains below disappearance, thereby allowing carryover stocks of feed grains to decline from their current high level.

Other proposals would provide Government-assisted insurance to farmers. Programs of this type could allow farmers to insure voluntarily against reductions in either (1) market prices, or (2) income. Premiums paid by producers would be a self-help feature, although it would probably be necessary for the Government to bear part of the costs.

Additional programs could be developed for further expansion of foreign and domestic markets for feed grains. For large new domestic industrial uses to be opened, intensive research would be necessary.

Mr. SYMINGTON. Mr. President, of the 8 proposals discussed, Secretary Benson recommended 1 which would result in lower feed-grain prices, with resultant lower livestock prices, and of course lower farm incomes to the several million farmers who produce feed grain and livestock products.

Instead of recommending a program which would bring the prices of the other feed grains up to the level of the price of corn, and thereby would protect livestock prices, his recommendation calls for reducing price supports on corn and giving him authority to establish the level of price support at any point between zero and 90 percent of parity.

Mr. Benson claims his recommended plan would give the farmer more freedom. It would do that; it would give the farmer the kind of freedom which results in agricultural bankruptcy, with a great many families leaving the farm, as 457,000 of them have done since Mr. Benson came into office.

The same kind of freedom results in a per capita farm income from all sources of $902 a year, while the national average for the nonfarm population is $2,018.

The PRESIDENT pro tempore. The time available to the Senator from Missouri has expired.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDENT pro tempore. Is there objection? Without objection, the Senator from Missouri may proceed.

Mr. SYMINGTON. Mr. President, it is difficult to understand why the present Secretary of Agriculture, who supposedly represents the American farmer, continues to make recommendations which would be so disastrous to great numbers of farmers.

During recent months, Mr. Benson has made a determined effort to junk the present farm programs and to substitute a plan whereby he would have complete authority to set price supports at any level he might see fit.

I sincerely hope Congress will never give to one man such dictatorial powers over the lives and fortunes of 22 million Americans—especially after the unfortunate record he has made in the past 4½ years.

## THE NEED TO DEFEAT THE NATURAL-GAS RATE INCREASE BILL

Mr. WILEY. Mr. President, the gas consumers of this Nation are about to be taken for another financial ride. They are about to be socked in the eye and in the pocketbook with another bill to gouge them on the natural-gas rates which they pay.

The reason is that, unfortunately, yesterday the House Rules Committee granted a rule to H. R. 8525 for price-boosting amendments to the Natural Gas Act. From all expectation, the vote in the House of Representatives will be close on this issue.

### DOES HOUSE REPRESENT 5 OR 48 STATES?

The amazing thing is that any bill whatsoever which will benefit but a handful of States is so close to passage in the House of Representatives, which is supposed to represent all 48 States.

Yes; the amazing fact is that there are five States in the Union—New Mexico, Kansas, Oklahoma, Texas, and Louisiana—with exports of more than 200 billion cubic feet of natural gas in 1955. Yet, there are no less than 25 million householders using natural gas, and 2 million industrial establishments.

How is it that 5 States can succeed in gouging 43 other States of the Union?

As a matter of fact, the consumers of all States are in effect harmed by this legislation. That includes the consumers of the producing States, as well.

### GAS INDUSTRY IS PROSPERING

Let me make it quite clear that, as I have repeatedly affirmed, the natural-gas industry has a perfect right to grow and expand. Fortunately, it is prospering. As a matter of fact, it is doing so well that it plans to spend no less than $2.1 billion this year, according to a national survey by the American Gas Association. Through the year 1960, it will spend $8.7 billion. I repeat—$8.7 billions.

Does this sound like an industry which is hard pressed? On the contrary, it is doing very well. But if the natural-gas rate increase bill shall be enacted, the industry's profits will soar even higher. Its underground reserves will soar still further in value. But so, too, American inflationary forces will soar. Or does anyone really care about inflation?

### PRESIDENT EISENHOWER SHOULD NOTE FAVORITISM

Last year, President Eisenhower vetoed the natural-gas rate increase bill. No one knows what he would do if the House should pass the bill this year and the Senate pass it next year, as the gas industry confidently predicts.

Surely, however, the President cannot help noting that the natural gas and petroleum industries have been having their way on far too many things recently.

For example, they have just succeeded in restricting the supply of foreign petroleum. Now, having been successful in throttling the oil supply, they propose to boost their own return on natural gas.

How long are the American people expected to tolerate one industry receiving such favoritism?

I repeat, the natural gas and oil industries are great industries. They demonstrate free enterprise at work. But there is another interest besides their self-interest, and that is the public interest.

CONSUMERS SHOULD FOLLOW HOUSE VOTE

I hope that the consumers of this Nation will be following the vote in the House of Representatives. I hope that they will note whether their particular Representatives vote for the interest of Texas, Louisiana, New Mexico, Oklahoma, and Kansas, or whether their Representatives vote for the interests of the consumers of this country.

CURRENT ANTITRUST INVESTIGATION MUST SUCCEED

I hope, too, that consumers will follow the current antitrust investigation, requested by the attorney general of Wisconsin against reported monopolistic activities in some elements trying to freeze Canadian natural gas out of the United States market.

Will this antitrust investigation in Milwaukee be pushed through vigorously to completion or will it be suppressed or stalled? That is what consumers wonder.

Will elements of the gas industry and the very friendly Federal Power Commission be successful in keeping up the no admission sign against imports of Canadian natural gas?

I hope not. I, for one, pledge my continued vigorous efforts to open more of the American market to Canadian natural gas. I think that the Senate Antitrust Subcommittee should look into this subject, and I am so advising the chairman, Senator KEFAUVER.

PIPELINE INDUSTRY COMPETITION ESSENTIAL

I pledge my efforts to help assure healthy competition within the oil, gas, and yes, the pipeline industry as well.

Pipelines are increasing in importance from Florida to Wisconsin to California. But unfortunately, according to evidence reported to me and conveyed to the Antitrust Subcommittee, pipelines are being used as the instruments, not of increasing competition, but of tightening monopoly.

This pattern must be curbed if consumers are to be protected.

AIR FORCE NEEDS COMPETITION IN FUEL CONTRACTS

And let me note too, that pipelines may be important in serving our United States military bases, especially our air bases of the Strategic Air Command and the Continental Air Defense Command. These bases must be fueled efficiently and economically. I would like small petroleum companies and pipelines to be given fair opportunity to fulfill these military fuel requirements, just as I would like small business generally to share fully in other Defense Department procurement contracts. Let us not allow fuel need contracts to be monopolized by a few big outfits, as may otherwise occur unless we are vigilant. Just this week, I received a protest against the reported squeezing out of one small business which is seeking to serve the Air Force's fuel needs. There must be no such unfair squeezing out of the "little fellow." I am now checking into this situation.

MEMORANDUM ANALYZING H. R. 8525

Mr. President, I return now to the issue of the natural gas rate increase bill itself. I ask unanimous consent that a memorandum I have prepared on the subject be printed in the RECORD at this point as a part of my remarks.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

DANGERS OF THE AMENDMENTS TO NATURAL GAS ACT

The natural gas bills—H. R. 6790, and H. R. 6791, and H. R. 8525—the epitome of "special interest" legislation—are a definite threat to both "home" and "industry" throughout the gas-consuming areas of the United Sates.

While pretending to establish regulations for the gas industry, the provisions, in effect, free the gas producing industry from control by, or consideration of, the public interest.

I cite a few examples of its weaknesses:

1. By freeing gas producers from Federal regulation, it paves the way for unlimited price hikes—resulting in higher prices to 30 million consumers.

2. If enacted, the bill, unfortunately, virtually sanctions a monopoly of the "end product" of the gas producers—since in many areas there is little, or no, competition.

3. It will provide methods and procedures for increasing prices paid to producers, but none to decrease prices.

4. Establishes procedural pattern making it very difficult for regulatory agencies and municipalities to protect against increases in prices paid to producers.

5. Gives FPC almost unlimited discretion to avoid or bypass the few procedural features included in the act for the protection of consumers.

6. Practically freezes all producer price increases prior to passage of the act, even to the extent of providing for summary dismissal of pending rate cases and full release of bonds in effect on rates subject to refund.

7. Provides a field day for lawyers due to litigation encouraged by complicated interlocking provisions which are subject to conflicting interpretations.

8. Places burden of proof in price disputes on natural gas company rather than the producer who is seeking the price increase. This is inconsistent with our procedural practice of civil law and regulatory practice.

9. Denies the consideration of "cost" determining the level of gas prices—this is completely contrary to long-established practice of price computation.

In conclusion, we must not overlook the fact that this "special interest" legislation—to "line the pocket" of gas producers at the expense of family and business budgets—would magnify our most critical economic problem—inflation.

Rarely in our legislative history have we been faced with decisions on a bill so flagrantly in violation of good principles and sound judgment; so costly in terms of "lobby dollars" spent in its behalf; so lacking in consideration of—in fact, contrary to—the public interest, since this could well cost our gas consumers up to $1 billion—and directly benefit a single industry.

MORE OIL AT REASONABLE PRICES FOR WISCONSIN AND THE NATION

Mr. WILEY. Mr. President, I was glad to note that a new oil pipeline and terminal project is being undertaken in the northwestern part of Wisconsin. The project will help satisfy the ever-increasing demand for petroleum products.

At this time Wisconsin consumes more than 1.9 billion gallons of major oil products a year. Approximately one-quarter million Wisconsin homes are heated by oil. Our farmers alone use 7 million gallons of oil in their cars and trucks. All told, every man, woman, and child in our State uses approximately 540 gallons per person a year. Naturally, the price they pay for that gas and oil is very important in determining the cost of living.

Oil and gas are no luxuries. They are necessities for a highly industrialized nation such as our own. We can be thankful for the great expansion of the petroleum and related industries.

As my colleagues will recall, I have long been deeply interested in the subject of still further expanding the availability of fuel in my State, and—I emphasize—at reasonable prices. What are some specific ways and means of doing so? Here are a few ways to get more fuel and at reasonable prices:

First. We must make sure of the vigorous enforcement of the antitrust laws in the petroleum, natural gas, and pipeline industries. Senators will note that I emphasize pipelines, too. The reason is that pipelines are increasingly significant, both inside and outside Wisconsin. But, contrary to our antitrust laws, it is very difficult for an independent pipeline company to exist, in view of the domination of the pipeline industry by large and medium-size oil companies. So I have urged the Senate Antitrust Subcommittee to make an investigation of monopolistic activities in the pipeline industry.

Second. Wisconsin must have access to natural gas, imported from Canada.

We must not be forced to rely on natural gas only from the southwestern part of our country.

In the north, Canada has enormous reserves of natural gas. This gas must not be frozen out of the United States market; 400,000 Wisconsin homes already receive natural gas for home heating. We need still more natural gas.

Third. America should enjoy continued importation of crude and residual oil from elsewhere in the Western Hemisphere. That means from Canada and Venezuela. The so-called voluntary restrictions against these foreign imports are very unfair and unwise. The net effect is to cause a still further price increase in the price which the consumer must pay. I regret these so-called voluntary restrictions and I would completely oppose as well any mandatory restrictions on imports.

The PRESIDING OFFICER (Mr. BIBLE in the chair). The time available to the Senator from Wisconsin has expired.

Mr. WILEY. Mr. President, I ask that I may be allowed to proceed for two additional minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Wisconsin is recognized for 2 additional minutes.

Mr. WILEY. Mr. President, I repeat that petroleum is not a luxury. It is a life or death necessity in operating the Nation's economy.

The American petroleum, gas, and pipeline industries are vital to all of us.

These industries have greatly expanded in recent years. They have prospered, and are entitled to prosper. They have provided improved products, thanks to scientific and technical advances.

But that is no excuse for a monopoly in these or in any other industries. On the contrary, they should be regulated by utility-type standards so as to protect American consumers. That is why the so-called O'Hara gas-rate increase bill must be defeated.

That, then, is the fourth step to protect the consumers of gas and oil. A little later on today, I shall have some further comments on this same subject of the gas-rate bill.

More fuel at reasonable prices is my aim. I know it is the aim of my colleagues as well.

The PRESIDING OFFICER. Is there further morning business?

## THE O'MAHONEY-KEFAUVER-CHURCH AMENDMENT TO THE CIVIL-RIGHTS BILL

Mr. LAUSCHE. Mr. President, as one of the cosponsors of the Church amendment, I gladly express my fervent support of that proposal.

While debate on the civil-rights bill has been in progress, opponents of the jury-trial amendment have constantly argued that in certain areas of the country it is impossible to procure a jury trial in which the members of the jury are peers of the wrongdoer. In my own mind, I found it impossible to give logical answer to that argument.

My understanding has always been that the great strength of the jury-trial system lay in the fact that an American citizen had judgment passed upon him in criminal prosecution by his peers. The philosophy of the proposition is beautiful. Hence, when the arguments were made that inasmuch as a person was not allowed to vote, he was incompetent to serve as a juror, it seemed to me that this amendment, if adopted, would remove that very potent argument advanced by those opposing the jury-trial amendment.

I hope the amendment will be adopted. My hope is that Senators who feel that the jury-trial system of the country ought not be applicable in a case of this particular type will review the matter and, I say hopefully, will come to the conclusion that if the Church amendment is adopted, those charged with violation of an injunction in a civil-rights case will have a trial by jury, as contemplated by the Constitution and the reasoning under which the jury-trial system was initiated in English law.

So, Mr. President, I urge my colleagues to give support to the amendment.

Mr. SALTONSTALL. Mr. President, will the Senator from Ohio yield for a question?

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. SALTONSTALL. Mr. President, I ask to be recognized in my own right.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. SALTONSTALL. I should like to ask the Senator from Ohio a question. Under section 1863 of title 28 of the United States Code, no citizen of the United States is to be excluded from service on a grand or petit jury in any court of the United States on account of race or color.

As I see it, what the amendment does is to establish a lower standard for service of jurors in Federal courts than exists in State courts. It eliminates a provision that persons who are incompetent to serve as jurors in State courts are incompetent to serve as jurors in Federal courts. That provision is stricken from the law. The amendment would have the law read that anyone can serve as a Federal juror who has not committed a crime, who can merely write or speak or read the English language, and who has been a resident of the district for a year. The amendment eliminates all other qualifications that a State may prescribe. By doing so, it seems to me there will be a different standard for jury service in a Federal court than in a State court, and that standard will necessarily be lower rather than higher.

Mr. LAUSCHE. I am very pleased the Senator from Massachusetts has asked the question. Those who argue that there should be no jury trial under prosecutions brought pursuant to the provisions of this bill do so on the grounds that under State law, by indirection, Negroes are prohibited from serving on juries. It is contended by the sponsors of the bill pending before the Senate that constitutional rights are a matter of national, and not only of State, concern. I subscribe to that argument. The Federal Government should concern itself with the preservation of constitutional rights. If Congress is to provide that the Attorney General shall prosecute violations of constitutional rights, it should also concern itself with the matter of preventing indirect frustrations of the achievement of justice. Under the present provision of the Federal law, States can absolutely circumvent the procurement of jurors who will be peers of the wrongdoer.

Mr. SALTONSTALL. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. SALTONSTALL. The amendment does not refer to race or color in any way.

Mr. LAUSCHE. But the Senator——

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Massachusetts may have an additional minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LAUSCHE. May I say to the Senator from Massachusetts that he has placed himself on the horns of a dilemma? The Church amendment seeks to give additional civil rights. Opposition to the Church amendment in effect tries to defeat the procurement of those rights.

I should like to say one additional word, and then I shall conclude.

In certain States, by indirection, juries of one's peers are made impossible of attainment. The proposal contemplates the elimination of the ability to exclude indirectly Negroes from serving on juries.

Mr. SALTONSTALL. The proposal fixes a different standard for jury service in the Federal courts than applies in State courts, and thereby provides an interference with the right of the individual States to determine, within their borders, persons whom they consider incompetent to serve as jurors. It seems to me this is another instance of a Federal bureaucracy interfering with States rights.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator may have an additional half minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LAUSCHE. The Senator from Massachusetts is now taking the position that the representatives of the Southern States are taking, namely, that the Federal Government should not impose itself in the administration of justice in Southern States. By taking that position, the opponents of the Church amendment are conceding the legitimacy and the propriety of the argument of those who do not want any Federal legislation.

Mr. NEUBERGER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The additional time which was allowed the Senator from Massachusetts has expired.

Is there further morning business?

Mr. JOHNSON of Texas. Mr. President, I remind Senators we are going to debate this question all day.

Mr. NEUBERGER. The Senator from Massachusetts requested additional time so a Senator who favors the pending amendment could speak. I have requested time to speak on the other side of the question.

Mr. JOHNSON of Texas. I thought the Senator from Oregon was one who wanted to keep debate within the time limitation. I asked for additional time so the Senator from Ohio could answer the Senator from Massachusetts.

Mr. President, I ask that the Senator from Oregon be given 1 minute. I remind Senators that we shall be debating this particular amendment all day today.

Mr. NEUBERGER. Therefore I shall not ask for additional time, although other Senators have received it. I will withdraw my request.

The PRESIDING OFFICER. Is there further morning business?

## ADDITIONAL STATUTES PROVIDING FOR ENFORCEMENT OR COMPLIANCE BY INJUNCTION IN SUITS BY THE UNITED STATES

Mr. DOUGLAS. Mr. President, on June 10 I placed in the RECORD a list of

28 statutes which provided for enforcement or compliance by injunction in suits by the United States Government along the lines provided by the present bill. The O'Mahoney amendment even in its fourth edition would provide jury trials in cases of criminal contempt where they are not provided in each one of those 28 statutes. Since then I have found 10 additional statutes, a list of which I shall ask to have printed in the RECORD, which provide an identical method, including the interstate transportation of petroleum products, the Natural Gas Act, the Labor-Management Relations Act, as well as the Labor-Management Relations Act dealing with emergency strikes, supplementary legislation dealing with the Interstate Commerce Act, the Interstate Commerce Act II—Motor Carriers, the Civil Aeronautics Act, the Defense Production Act of 1950, and others.

I ask unanimous consent that the list be printed in the RECORD at this point in my remarks, appropriate with the code citations.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ADDITIONAL STATUTES PROVIDING FOR ENFORCEMENT OR COMPLIANCE ACTION BY INJUNCTION IN SUITS BY UNITED STATES GOVERNMENT

1. Interstate Transportation of Petroleum Products (President, by the Attorney General) (15 U. S. C. 715 (i)).

2. Natural Gas Act (Federal Power Commission) (15 U. S. C. 717 (a)).

3. Labor Management Relations Act (Taft-Hartley) (National Labor Relations Board—to enforce orders) (29 U. S. C. 160 (e)).

4. Labor-Management Relations Act (Taft-Hartley) (Attorney General by direction of President—emergency strikes) (29 U. S. C. 178).

5. Interstate Commerce Act—Supplementary Legislation (Attorney General, on request of ICC) (49 U. S. C. 43).

6. Interstate Commerce Act II—Motor Carriers (Interstate Commerce Commission) (49 U. S. C. 322 (b)).

7. Civil Aeronautics Act (Civil Aeronautics Board, by Attorney General) (49 U. S. C. 647).

8. Defense Production Act of 1950 (President) (50 U. S. C. 2156).

9. Shipping Act of 1916 (Federal Maritime Board or the Attorney General) (46 U. S. C. 828).

10. Communications Act (FCC, or United States by the Attorney General) (47 U. S. C. 401).

Mr. DOUGLAS. Mr. President, it should be noted that the O'Mahoney amendment, therefore, will virtually revolutionize the whole system of dealing with these matters in at least 38 statutes. I shall probably submit an additional list very shortly.

Mr. President, I now ask unanimous consent that an article which appeared in the Butcher Workman for July 1957, dealing with civil rights and opposing the jury-trial amendment, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMALGAMATED IN FIGHT FOR CIVIL RIGHTS PASSAGE

WASHINGTON.—The Amalgamated was in the thick of the fight this month when civil-rights legislation was enacted by the House of Representatives. Our union's international and local officers and staff members joined in the 2-week battle to secure the passage of legislation which will principally protect the right to vote of all citizens.

The enactment of the civil rights bill by the House of Representatives was taken as a foregone conclusion. But whether that bill would have any teeth was a question. Southern Congressmen and their allies offered several dozen amendments to the bill. Any few of these—and even some individual ones—would have made the measure meaningless. To stop these amendments became the job of the civil rights forces, including the Amalgamated.

SOUTHERNERS FOUGHT

Most crucial of the amendments was one to assure jury trials for persons accused of depriving individuals of their right to vote, in violation of a court injunction. Southerners fought for this amendment and seemed to pick up strength from other areas on the false argument that the jury trial was a basic right in such cases.

Actually, the jury-trial argument was phony. There has never been a contempt case in Federal court in which the Federal Government was a party that a jury trial has been used. This is true in the courts of the Southern States, as well as in the Federal courts.

But the southern Congressmen knew that if the jury-trial amendment was added, the civil-rights bill would have no effect. Carefully chosen southern juries would probably acquit persons who had deprived Negroes of the right to vote.

The importance of this amendment was shown by the fact that most of the 7 days of consideration of the civil-rights bill centered on this point. Opponents of the bill would offer other amendments, but instead of debating these, would talk about the jury-trial move.

When the amendment was finally voted, it was defeated 199 to 167. It came up three times more in various forms, but was beaten at each instance. Two attempts were also made to add a right-to-wreck amendment to the bill, but each time the Parliamentarian ruled that the amendment was not germane to the bill, and, therefore, could not be brought up.

Altogether, only two amendments passed the House. One strengthened the bill and the other simply reaffirmed already existing law.

MANY AMENDMENTS

The consideration of the civil-rights bill began on June 3 and lasted until June 18—an unusually long time for any measure in the House of Representatives. During the first week, Congressmen engaged in general debate. During the second week, more than 100 amendments were voted. Final passage came by a 286 to 126 rollcall vote.

While the bill was still being considered by the Judiciary Committee, President Earl W. Jimerson and Secretary-Treasurer Patrick E. German told legislators in a statement that the bill was the absolute minimum to be expected from Congress on this legislation.

During the June debate, the Amalgamated joined with labor, civic, fraternal, and other organizations to urge Congressmen to vote for the legislation and, particularly, against crippling amendments. A canvass was made of all Congressmen during the debate to determine how they would vote on (1) the jury-trial amendment, (2) a right-to-wreck amendment, and (3) final passage of the bill. Not only the Amalgamated Washington staff but also some of the local legislative representatives worked on this canvass. Cliff Caldwell, of local 590, Joe Nettleton, of local 56, Sam Pollock, of local 427, and John Jurkanin, of local 500, for example, discussed the legislation with Congressmen from the areas of their locals. These areas had been considered among the crucial ones.

VOTED EN BLOC

These canvasses of Congressmen, in which more than a dozen organizations took part, showed that the civil-rights bill would go through the House of Representatives without crippling amendments.

When the votes were taken, the southern Members of Congress voted in a bloc for all crippling amendments. They were joined by many Congressmen from the border States and about 50 right-wing Republicans. On the jury-trial amendments, some more Congressmen, including a few liberals, voted with the southerners because they genuinely believed that jury trials should be extended.

The civil-rights victory went to a coalition of northern, middle-western, and western Democrats and the Eisenhower wing of the Republicans.

The bill has been sent to the Senate where it faces tough sledding. A filibuster of at least a month duration will probably occur there as the southern Senators attempt to prevent passage.

Mr. DOUGLAS. While I appreciate the good motives of the eminent Senators who sponsored the Church amendment last night, and while it is good so far as it goes in dealing with the question of competence to serve on juries, it goes only a tiny way. The procedure proposed by the junior Senator from Oregon will permit, once the O'Mahoney amendment has been voted down, the inclusion of the Church amendment directly in the bill.

I may say that there are certain weaknesses in the Church amendment. Although it removes the disqualification that those who are incompetent to serve on State grand and petit juries are incompentent to serve on Federal juries it is still a fact that the general procedure and practice of selecting Federal juries will not be changed, in all probability. Nothing in the amendment compels an affirmative change in the practice of selecting juries, so that the likelihood is that few Negroes will actually be called to serve on juries.

Second, we must deal with the possibility of peremptory challenges, which can be used to rule out such Negroes as may be on the panel.

Further community pressure on the few Negroes who might get through the obstacle course and are actually selected to serve on juries will be crushing.

Finally, any verdict of guilty would have to be unanimous, so that even if a Negro or white juror or two, voted for conviction for contempt, a hung jury would be nearly as good as an acquittal.

Therefore, although the Church amendment is an improvement, it should not be used to save the O'Mahoney jury-trial amendment, which is bad in itself. A further improvement of the Neuberger amendment which could be adopted after the O'Mahoney amendment is defeated may perhaps remove some of the difficulties which already exist.

Mr. President——

The PRESIDING OFFICER. The Senator from Illinois.

## COMPROMISE CAN KILL THE CIVIL-RIGHTS BILL—EDITORIAL FROM THE PROVIDENCE JOURNAL

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Compromise Can Kill the Civil-Rights Bill." The editorial was published in the Providence (R. I.) Journal of July 28, 1957.

The concluding paragraph of the editorial is very important, and I desire to call it to the attention of the Senate:

Last Wednesday, the civil-rightists were divided and routed in the Senate on the vote to kill part III, which would have permitted use of injunction to enforce civil rights in general. If the O'Mahoney amendment prevails, the anti-civil-rightists will have won the war and there might as well be no civil-rights bill at all.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Providence Sunday Journal of July 28, 1957]

COMPROMISE CAN KILL THE CIVIL-RIGHTS BILL

The civil-rights bloc in the next few days will face a second test that may well decide whether the Senate can pass a civil-rights bill worth the paper it's written on.

The test is in how the Senate disposes of the O'Mahoney amendment to part IV of the bill.

Part IV would enable the Department of Justice to intervene if election officials deprive, or threaten to deprive, a voter of his rights. The Department could step in, with or without the voter's consent, by seeking a Federal court order instructing officials to cease the act of deprivation; and, if the order were unheeded, the judge could fine or imprison the offending officials, without trial, for contempt.

The anti-civil-rights bloc contends that use of the injunction for a crime would deny the defendants their constitutional rights to trial by jury. Civil-rightists reply that the contempt citation is not to punish a crime but to enforce a court order.

The O'Mahoney compromise seeks to make both sides happy by attempting to draw a distinction between civil and criminal contempt. An assistant in drafting the amendment, incidentally, was Benjamin V. Cohen, a member of the advisory twosome of the late President Roosevelt whose other partner was Rhode Island's Thomas G. (Tommy the Cork) Corcoran.

The amendment would permit a judge sitting without a jury to punish in order to bring about compliance with his order in civil contempt cases. And it would permit a defendant to be judged by a jury in cases of criminal contempt; that is, wanton contempt.

The amendment, it seems to us, could destroy the purpose of part IV. It would encourage contumacy of the courts specifically to provoke an excuse for the defendant to claim the right to trial by jury. And in the South a jury conviction of an official for denying a Negro the right to vote should not be expected.

For instance, an election official declining to allow a qualified Negro to vote may be enjoined and held in civil contempt if he refuses to honor the court decree. He could be quickly freed from jail by agreeing to let the Negro vote. But, recanting once he is freed, the official could persist in his refusal to let the Negro vote and be subject to criminal contempt. At this point, he could demand—and get—a jury trial.

Thus the purpose of part IV, which is to enable Negroes to vote in the face of official obstacles, could be defeated.

Last Wednesday, the civil rightists were divided and routed in the Senate on the vote to kill part III, which would have permitted use of the injunction to enforce civil rights in general. If the O'Mahoney amendment prevails, the anti civil rightists will have won the war and there might as well be no civil-rights bill at all.

## COMMENDATION OF TEXAS SENATORS

Mr. MORSE. Mr. President, I ask unanimous consent that there may be printed in the body of the RECORD an article from the Amarillo Daily News of July 17, 1957, entitled "Texas Senators Make Civil Rights History."

Mr. President, with regard to the article, although I may disagree with the two Senators from Texas on certain procedural issues involved in the debate now in progress, they have my highest commendation for the outstanding statesmanship they have portrayed on the floor of the Senate in the historic civil rights debate.

I wish to add, Mr. President, that in the debate last night and this morning there has been involved a great constitutional issue, a very complicated procedural issue, and this is all the proof the public may need—although the majority of the Senate is not willing to consider the matter to be of the great importance the Senator from Oregon considers it—that we should have had the benefit of testimony before the Committee on the Judiciary of outstanding authorities in the field of constitutional law and legal procedure on exactly such amendments as the Church amendment, rather than try on the floor of the Senate to write a bill on such a complicated subject without the benefit of an authentic committee report to summarize and bring to bear on the subject testimony of real experts in the field.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TEXAS SENATORS MAKE CIVIL RIGHTS HISTORY

WASHINGTON, D. C., July 16.—Texas Senators made history today when Senators JOHNSON and YARBOROUGH voted to take up the Eisenhower civil rights bill. They were the first Texas Democratic Senators to cast such a vote.

The only two Texas Republican Senators—Morgan C. Hamilton and James W. Flanagan supported civil rights legislation during the restoration period, known as force bills. But beginning with the successors of Hamilton and Flanagan, Samuel B. Maxey, Richard Coke, and their Democratic successors, including John M. Reagan, Roger Q. Mills, Charles A. Culberson, Joseph W. Bailey, Morris Sheppard and Tom Connally either maneuvered or filibustered against the bills aimed at the South.

Both Texas Senators explained they did not intend to support the bill which their votes helped to bring before the Senate, but in even bringing it up they broke new grounds for a Texas Senator in even consenting to have it considered.

## APPALACHIAN COAL

Mr. MORTON. Mr. President, I was intrigued by the remarks of the senior Senator from Wisconsin [Mr. WILEY] in connection with fuel. I invite the Senator's attention to the fact that the price of Appalachian coal at the face of the mine is the same today as it was in 1948. It is the only fuel which has not advanced in price. Wages have risen considerably in the 9-year interim. Because of the ingenuity of the operators and the cooperation of the United Mine Workers, coal at the face of the mine, as I have said, sells today for the same price it brought in 1948. It is still the cheapest, most efficient fuel under a boiler. We are now working on plans to move Appalachian coal to fire the boilers of Florida, and I think we can move Appalachian coal to the great State of Wisconsin.

## FEED WHEAT PENALTIES IN OHIO

Mr. BRICKER. Mr. President, I have prepared a statement on the feed wheat penalties in the State of Ohio which have been levied against Ohio farmers, and in the statement I have suggested a remedy for the situation. Without taking the time of the Senate to read the statement, I ask unanimous consent that it be printed in the body of the RECORD, along with an article from the Cleveland Plain Dealer of June 21, 1957, a report from the Ohio State Agricultural Stabilization and Conservation Committee on the subject of the article, and an editorial from the Cleveland Plain Dealer of June 25, 1957.

There being no objection, the statement, article, report, and editorial were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BRICKER ON FEED WHEAT PENALTIES IN OHIO

The Senate will recall that on June 24 of this year it passed S. 959, which would abolish Government penalties on food, seed, and feed wheat used on the farm where grown. The bill also provides that penalties paid by farmers each year back to 1954 be refunded and that penalties levied, but not yet paid, be canceled.

At my request, the Ohio State Agricultural Stabilization and Conservation Committee has prepared a report that shows 209 farmers living in 47 of Ohio's 88 counties have been fined under the existing wheat penalty section of the Agricultural Adjustment Act. These fines were levied in 1954, 1955, and 1956 and totaled $59,263.97. Of that amount the Federal Government has collected $22,596.05, while $36,667.92 is pending in the form of liens. The report discloses that of the 209 farmers fined, 28 were penalized 2 of the 3 years, and 9 were penalized all 3 years.

Penalties totaling $37,393 were levied against 152 farmers in 43 counties in 1954. Penalties of $13,171.87 were levied against 57 in 27 counties in 1955, and fines of $8,699.10 were levied against 39 farmers in 17 counties in 1956. Individual amounts ranged from $61.60 to $1,451.52. Penalties were most frequent in Darke, Richland, Stark, Shelby, Columbiana, Fulton, Williams, and Brown Counties.

The penalties levied by the Federal Government in Ohio are primarily against farmers who use all of the wheat they grow on their own farms to feed their livestock and poultry. These farmers send no wheat to market to add to the glut in Government warehouses, nor do they receive Government subsidies of any sort. They grow penalty feed wheat for the single reason that it is cheaper than buying feed. I for one believe there is a revulsion among all farmers against this provision of the Agricultural Act. It is little understood among the public otherwise. I believe that most people think the farmer who is subjected to this penalty has failed to abide by an acreage

allotment on which he has been given a Government subsidy, compliments of the taxpayer. This is not the case. In most of these penalties in Ohio no Government benefits were accepted, either directly or indirectly. In fact, in several instances the farmer has refused to have any association whatsoever with the United States Department of Agriculture to the extent of posting his land specifically against the entry of any representative of the Department. In the commercial wheat area, the Government establishes a wheat acreage quota for each and every farm. No farmer may harvest more acres than allotted for any purpose whatever without threat of fine.

The lengths to which the agents of the Government go to impose the wheat penalty is demonstrated by three cases in Ohio. Suits have been brought in Federal court against a farmer from Holmes County, one from Darke County, and one from Columbiana County. They are suspected of having harvested excess-quota wheat. However, they refused to permit agents of the ASC committee to come on their land to measure wheat acreage. Here is the reason for the legal actions in the Government's own words:

"The amount of penalty is not known in cases of this nature inasmuch as the producer refused to permit ASC personnel to measure his wheat acreage. The suit by the Government is intended to compel the producer to file a report stating the amount of wheat harvested, and to pay any penalty which may be determined."

Is it any wonder that the farmer, or any other person for that matter, is outraged by the penalty provision on food, seed and feed wheat used on a farm where grown?

While it is illegal for our farmers to grow more than a certain amount for their own use, there is no restriction on the importation of such wheat. On June 8, the Canadian steamship, *Sir Thomas Shaughnessy*, unloaded at Huron, Ohio, 43,778 bushels of wheat imported for livestock and poultry-feed purposes. Such shipments are a regular occurrence. I am informed by the Grain Division of the Department of Agriculture that no law, regulation or international agreement, outside the pure food laws, restrict the importation of feed wheat. For the 1956–57 harvest year, 6.7 million bushels were imported. Importations for previous years during which the penalty provision has been in effect on domestic excess-quota feed wheat are 8.7 million bushels during 1955–56 and 2.9 million bushels for 1954–55.

The Department of Agriculture is authorized under section 22 of the Agriculture Act to seek import controls on feed wheat through the Tariff Commission, but it believes the importation rate of recent years does not justify such action. With that view I agree. But the fact that millions of bushels of feed wheat are imported each year further illustrates the absurdity of Government fines being imposed upon our own farmers who want no part of agricultural subsidies, but who want merely to grow enough wheat to feed their own stock.

The case of a penalty lodged against an Ohio farmer was recently called to my attention by a story in the Cleveland Plain Dealer. It typifies the insufferable situation the Senate sought to correct when it passed S. 959.

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[From the Cleveland Plain Dealer of June 21, 1957]

OHIOAN DEFIES UNITED STATES TO RUN HIS FARM—HOLDS CONSTITUTION GRANTS FREEDOM TO GROW CROPS

(By Robert J. Drake)

NEW LONDON, OHIO, June 21.—A poison ivy vine on a maple tree on the Fitchville River Road frames a placard no more inviting than the ivy. The sign reads:

"Notice: No tresspassing by any ASC Committeeman for Agricultural Purposes."

This is the farm of John Donaldson, whose great-great-grandfather got title to it for his part in routing the British. The present tenant, contending his right to farm his own land has been infringed, has taken on a more formidable adversary than British Redcoats in the shape of the United States Government.

Donaldson's defense against wheat marketing quotas has him in United States district court in Toledo, headed if necessary for the Supreme Court. Victory for Donaldson would invalidate the Federal farm act, all because of $205 and a big hunk of principle.

"ASC" on the sign signifies the Huron County Agricultural Stabilization and Conservation Committee, part of whose job is to assign wheat-acreage quotas, enforce them and penalize for violations.

BARLEYED IT UP

Donaldson set out 2 years ago to assert his right to plant, harvest, and dispose of as much wheat as he chose. With an allotment of 11 acres, he deliberately planted part of his wheat plot to barley to confuse the issue, then posted his farm to warn off ASC investigators.

By means unknown to Donaldson, the ASC determined his excess acreage at 8 acres and 192 bushels. His penalty, set by law at 45 percent of the wheat price, came to $205.45. He refused to pay and the ASC brought suit to collect through United States Attorney Sumner Canary in Cleveland.

Hearing on Donaldson's motion for a summary judgment in his favor is pending.

The Agricultural Adjustment Act in general and wheat marketing in particular has weathered other court storms. But Donaldson's new approach is that his constitutional rights to due process will be violated if the fine stands. He argues in his brief to the court:

"If the Constitution has given such power to Congress that it may prevent a farmer from sowing his fields, reaping his crops, and feeding it to his livestock, wherein does the rugged individualist, the American farmer, differ from the peasant on the collective farm of Russia?"

CAN'T FEED HIMSELF

Under the statute as it now reads, Mr. Donaldson cannot grind up his wheat with a coffee mill and feed himself and his family without being subjected to a penalty.

Defendant believes it is as much the duty of every citizen to resist in the courts the encroachment of creeping socialism on our Constitution in the form of collectivism of our farms as it is to bear arms in time of war.

If the Government attempts to take away his right to cultivate the land he no longer has a fee simple title, and has been deprived of his property without due process of law. If the farmers of 12 States can grow and harvest all the wheat they can produce and the Ohio farmer can only operate under an acreage allotment, the Ohio farmer is not afforded the equal protection of the laws.

On his 389-acre farm Donaldson now raises 100 sheep and general crops, including wheat. For his 1957 wheat, lacking a marketing card, he will have no market.

Continued wheat restrictions for the 1958 harvest were approved Thursday in the 36-State referendum. The light turnout of eligible voters in Ohio reflected a revolt against the farm program, in Donaldson's opinion.

BETTER TO MOONSHINE

"Four townships with 137 eligible voters turned in 23 votes at Clarksfield," he said. "The only way the farmer could protest was by staying away.

"The moonshiner stands a better chance than the wheat farmer. He can hide what he's doing. Besides, he's innocent until proven guilty. Before the ASC, I was guilty before they sent me a summons.

"They talk about dollar wheat without marketing quotas. It's worth dollar wheat to be free. Even if you're not a hot farm manager, you can still manage better than a bureaucrat in a county office."

Donaldson is secretary of the Associated Farmers of Huron County, Inc., which is backing his legal battle. A growing file of mail indicates the sympathy of 85 percent of farmers, Donaldson asserted.

His attorneys are Otto W. Hess and George A. Meekison of Napoleon.

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UNITED STATES DEPARTMENT OF AGRICULTURE,
OHIO STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE,
*Columbus, Ohio, June 28, 1957.*

Subject: Request for detailed report concerning the wheat marketing quota violation of John Donaldson, New London, Ohio.

Senator JOHN W. BRICKER,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR BRICKER: Receipt is acknowledged of your letter of June 26 requesting a detailed report in connection with the wheat marketing quota violation of John Donaldson, New London, Ohio. The following information is taken from our files in this case:

A reporter from the Huron County ASC office visited the farm of John Donaldson on December 8, 1955, for the purpose of measuring the 1955 wheat acreage. The John Donaldson farm was posted with a sign reading "No ASC people allowed on this property"; therefore, the reporter was unable to obtain the measurement. On June 15, 1956, two representatives of the Ohio ASC committee visited the vicinity of Mr. Donaldson's farm and determined the wheat acreage by viewing the wheat fields from the road, or other advantageous positions, and identifying the fields on an aerial photograph of the area, subsequent measurement of 19 acres being taken from the aerial photo in the county office. On June 19, 1956, Mr. Donaldson was furnished written notification of his excess wheat acreage by mail; however, no response was made by Donaldson.

On July 3, 1956, the county committee, in accordance with applicable instructions, established a normal yield of 24 bushels per acre for this farm. The 1956 wheat allotment for the farm was 11 acres, therefore, the penalty was computed on the basis of the excess acres (19 planted less allotment of 11 equals 8) times the normal yield per acre (24 times 8) which resulted in an excess of 192 bushels. The penalty rate for the 1956 marketing year being $1.07 per bushel, the total penalty (192 × $1.07) amounts to $205.44. John Donaldson was officially notified of the amount of wheat penalty due on September 18, 1956. This notification advised him also of his right to appeal for an adjustment by the Marketing Quota Review Committee or a downward adjustment of the penalty by the county committee. No such appeal was received.

On February 20, 1957, a case file was documented in connection with this violation and forwarded to the Office of the General Counsel with a recommendation that settlement be attempted through legal action. A complaint was subsequently prepared and filed in the United States district court, being civil No. 7745.

We are advised by the Huron County ASC Committee that Mr. Donaldson is highly antagonistic to any type of Federal crop control program. He is secretary of an organization composed of local farmers, the object of which is the repeal of the Agricultural

Adjustment Act of 1938, and he is actively engaged in promoting this organization.

The wheat marketing quota penalty in this case was determined in accordance with the provisions of the 1956 wheat marketing quota regulations and, in our opinion, Mr. Donaldson was afforded all the privileges of appeal as set forth therein; however, he did not avail himself of these opportunities and, in view of the fact that he is considered to be a ringleader in influencing others to defy the wheat program in Huron County, the county committee had no alternative other than the recommendation of settlement through legal action, in the best interests of the administration of the program.

Sincerely yours,

A. N. THARPE,
*Acting Administrative Officer.*

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[From the Cleveland Plain Dealer of June 25, 1957]

THE RIGHT TO PLANT

Once upon a time a farmer planted what he wished on his land. The prices he got for what he raised depended on the economic law of supply and demand. If crops were bountiful, he got less. If they were scarce, he got more. He tried not to plant what he figured there would be the most of, and he didn't feel that what he eventually determined to do was anybody's business but his own. Nobody came around telling him what he must do, and he liked it that way.

Then came so-called progress. The Government, seeking to cut down the vast agricultural surplus caused by better farming methods, better fertilizer, better tools, and greater know-how, limited acreage which could be planted to certain things, and figured out penalties for anyone who overplanted.

But there are in this country a good many farmers who want no part of these regulations, despite subsidies. One of them is John Donaldson, whose farm is near New London, Ohio, and who has taken on the Agricultural Adjustment Act, and wheat marketing in particular, in a knock-down, drag-out fight which may go all the way to the Supreme Court.

Two years ago, believing as he does that he has a right to plant, harvest, and dispose of as much wheat as he pleases, Donaldson deliberately overplanted his allotment of 11 acres, then posted his farm to warn off investigators for the Huron County Agricultural Stabilization and Conservation Committee.

However, the ASC people in some mysterious way figured his excess wheat acreage at 8 acres and 192 bushels, and fixed his penalty (set by law at 45 percent of the wheat price) at $205.45. Donaldson refused to pay. The ASC brought suit to collect. Hearing on Donaldson's motion for a summary judgment in his favor, is pending.

It required considerable courage to defy the Department of Agriculture. Lacking a marketing card, Donaldson will be unable to sell his wheat to any food-processing place, though he may be able to dispose of it elsewhere.

The most ridiculous thing in connection with wheatgrowing restrictions is that one cannot raise wheat, in excess of allotments, even to feed his own livestock. Such wheat would not add to the surplus, and adding to the surplus presumably is why there are restrictions in the first place.

This provision of the law has created an intolerable situation according to the American Farm Bureau Federation, which seeks passage of legislation to exempt farmers from marketing quotas on wheat harvested in 1957, under certain conditions, which would make such wheat available for feed on farms.

It seems to us that Farmer Donaldson, in his brief to the court, presents some pretty powerful arguments, such as:

"If the Constitution has given such power to Congress that it may prevent a farmer from sowing his fields, reaping his crops and feeding it to his livestock, wherein does the rugged individualist, the American farmer, differ from the peasant on the collective farms of Russia." And again:

"If the Government attempts to take away his right to cultivate the land, he no longer has a fee simple title, and has been deprived of his property without due process of law. If the farmers of 12 States can grow and harvest all the wheat they can produce and the Ohio farmer can only operate under an acreage allotment, the Ohio farmer is not afforded the equal protection of the laws."

This won't be the first legal fight against Government-controlled agriculture. But it is a new approach, and it's just possible it may be the last.

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## FIFTIETH ANNIVERSARY OF UNITED STATES AIR FORCE

Mr. JAVITS. Mr. President, this year marks the 50th anniversary of the Air Force. I take this opportunity to pay tribute to our Air Force as it reaches this golden milestone. I believe the Nation also will many times this year pay its tribute for the security of this country, and, indeed, of the whole Free World leaning so heavily upon the United States Air Force and airpower—airpower great enough for deterrence and to keep the peace.

The United States Air Force is the finest air force in the world today. A superior air force is not solely a matter of superior aircraft. The most technically advanced aircraft would be all but useless in the hands of poorly trained pilots. The fastest aircraft depend on skilled mechanics to maintain them. The most versatile aircraft need leaders to plan for and to control their deployment.

We may at times be inclined to be complacent about our airpower. We have a tendency to forget that we paid dearly in the past to achieve it, and we will continue to pay in the future if we are to keep it. Our airpower was not easily created. We had to overcome not only the forces of nature, but the combined forces of human ignorance, folly, and prejudice.

What kind of men were those airpower pioneers? What was demanded of them? Long and painstaking efforts were needed to solve the many natural and technical problems involved in human flight. Lofty courage was needed to face the formidable forces of the uncharted heavens. Even greater courage was needed to conquer those forces. Above all, those pioneers needed, and were endowed with, soaring imaginations; else they could not have foreseen the evolution of the airplane. From their beginnings, the flying machine has developed into the most precise and dreaded instrument of destruction and war and the most revolutionary vehicle of industry and peace.

Before the first flying machine was built, there were those who doubted not only the feasibility but even the propriety of human flight. One such example was a distinguished bishop of the church in Ohio in the 1870's. To the people of parishes he visited in the Midwest, he was a great and learned man. On one visit to a small denominational college, he was enthralling the faculty with his favorite theme—"the millenium is close at hand and judgment day is not far off." To support his theme, he argued that man had gone about as far as he could go in the field of inventions—everything which could be invented already had been invented.

After the bishop's presentation, the college president courageously took issue with him.

"I think," said the president, "there will be more discoveries and inventions in the next 50 years than in all previous history."

The bishop was indignant. He demanded that the educator explain himself. "Name one thing." With quick presence of mind, the college president said, "Within the next 50 years, men will learn how to fly like birds."

The bishop was truly shocked and told the college head that he was verging on blasphemy. "Don't you realize," he questioned in amazement, "that flight is reserved for the angels?"

The noteworthy point of this story is that the name of the bishop was Milton Wright. At his home in Dayton, he had two small sons named Orville and Wilbur.

The history which followed is well known: The epoch-making flight at Kitty Hawk; the formation of an Aeronautical Division in the Signal Corps of the Army to "study the flying machine and the possibility of adapting it to military purposes"; the rapid progress of aviation; the battles over doctrine in which, by World War II, the air-minded military men had triumphed; and the emergence of the airplane and airpower from World War II not merely as a most important weapon of modern war, but as a decisive weapon.

Even now we as a nation are not yet really adjusted to the imperatives and the implications of the jet-atomic age in which we live. We have traditionally relied upon the oceans as barriers guarding our shores. Those barriers are now dissolved, and North America's heartland could lie open and vulnerable to sudden and devastating air attack of unimaginably destructive force. I say "could" because I am assuming that we will not deny ourselves protection, and will devise an adequate defense.

I cannot talk about the Air Force without talking about the future. The kind of Air Force we will have tomorrow, or 10 years or more from now, depends upon what we do today. We can permit only actions which are wise, timely, and foresighted if we are to see the deterrent power of our Air Force flourish and grow.

The future, I believe it is safe to assume, will belong to those nations which have scientific brainpower in the greatest quantity, resources, and an effective population, moral strength and leadership to back it up. We dare not fall behind in this race even though it will be a hard race and a fast race. Greater numbers of people gifted in research

must be developed. And in airpower we must build a continuously increasing corps of skilled technicians in both the operational and maintenance fields.

These skilled people will not miraculously appear. They will appear only if we plan and act wisely and immediately toward that objective.

In one of his last public statements, Gen. "Hap" Arnold said:

> Most important of all, we will need an ably staffed, adequately financed, and properly equipped research and development program. I say, most important of all, because if we fail to keep, not merely abreast, but ahead of technological development, we need not bother to train any force and we need not make plans for emergency expansion. We will be totally defeated before any expansion could take place. All of this is expensive, of course, but it is one expense that we cannot now, or ever, skimp or stint. It is the price of security and the price of peace.

General Arnold, Gen. Billy Mitchell, Gen. Hoyt Vandenberg, and all of the men who built our airpower, would be proud of the Air Force in this year of its 50th anniversary. It is the world's finest because those men labored to make it so. It will remain the world's finest only if we bring to it the same enthusiasm, vision, hard work, wisdom, and, above all, the personal sacrifice those men gave to it. This is the responsibility of every American, and I am confident that every American will recognize and assume to maintain our Nation, under God, free, prosperous, and at peace.

## EDUCATION OF RETARDED CHILDREN IN PORTLAND, OREG.

Mr. NEUBERGER. Mr. President, there is perhaps no area in the field of education which has been so sadly neglected as the teaching of children who suffer from mental retardation. Only in comparatively recent times have there been serious efforts to provide training which will permit these youngsters to enjoy useful lives.

My wife, Maurine, and I have supported legislation for assistance of mentally retarded children at both the State and Federal level. Mrs. Neuberger led the successful struggle in the Oregon State Legislature to create a pilot program for such children in our State. I worked for increased appropriations in this area in the 84th Congress, and this year I have introduced a bill which would provide for expansion of teaching and research in the education of mentally retarded youth.

Because of this special interest, I was happy to note the enlightened plan for the schooling of retarded children which has been recently outlined by the public-school system in my own hometown, Portland, Oreg. The result of a 2-year study by committees of supervisors, teachers, and principals in cooperation with the Portland Association for Retarded Children and with the assistance of the State department of education, the plan calls for a realistic all-school program at the high-school level. The goal of the program is to equip the children to support themselves by doing work in which they can take pride and which will advance their community.

Portland and its citizens who worked to make this plan a reality deserve the highest commendation. The implementation of these recommendations can result only in benefit to the city and to the children. I believe that the plan proposed by Portland could well serve as an example to other municipalities as to what can be done to assist mentally retarded children; I therefore ask unanimous consent that an article from the July 28, 1957, issue of the Portland Oregonian, entitled "Plan for Schooling of Retarded Children Evolved by Committee in 2-Year Study," and written by Mrs. Wilma Morrison, be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLAN FOR SCHOOLING OF RETARDED CHILDREN EVOLVED BY COMMITTEE IN 2-YEAR STUDY

(By Wilma Morrison)

Portland schools which have, over the past 4 years, developed an extensive program for superior children, have laid out an expanded plan for the retarded in high schools.

The problem of the retarded in high schools—always a frustrating, tragic one for schools and children alike—has been handled pretty much on an expediency basis, since the segregation into the old Jane Addams for girls and Sabin School for boys was ended about 1948. There have been special classes in three or four schools the past 2 years and there has always been guidance of youngsters, as much as possible, into the less-demanding courses in the high schools.

But, not until the recent report of a 2-year study by two committees of supervisors, teachers, and principals has an all-school program—a realistic recognition of the needs of these children—been laid out.

STATE PROVIDES HELP

It has been done with cooperation from heads of the Portland Association for Retarded Children, and in accordance with the comparatively recent research and planning of the State department of education as encouraged by the legislature.

As recommended by the Portland school staff committee, the 1957–58 retarded program in high schools will expand the special half-day classes for them that have operated during the past 2 years. There will be, when school opens in September, special classes for 9th and 10th graders in 6 schools: Jefferson, Washington, Lincoln, Franklin, Roosevelt, and Grant. There will be an additional class for 11th graders at Washington. Students from other schools will be transferred to one of these.

Classes will be small—from 15 to 18 to a teacher—and in them the basic skills, reading, writing, arithmetic, social studies, will be taught. Each teacher—and special teachers for the retarded are in very scarce supply—will handle two of these half-day groups.

In the remainder of the day, these students will have varying schedules. Those who are capable will attend the regular activity classes of their high school, music, art, shop, home economics. Some will have jobs around the school, helping in cafeterias, carrying messages or something else they are able to do. Others will have jobs outside the school.

Since the aim of the whole educational process for these children is to equip them to support themselves and take pride in doing the work they can do in their communities, an important part of the plan will involve teacher liaison with employers.

Besides the seven teachers handling these special classes in the schools, there will be for the first time a consultant, Vernon Thomas, formerly head teacher at Highland School whose job will include work with parents, teachers, principals—and employers.

TEACHER'S WORK DEMANDING

Of all the areas of education for the handicapped, none is so loaded with—and so jeopardized by—emotion, as that of the mentally retarded. Which makes the special teacher's work with parents and the public and prospective employers more difficult and demanding than with the children themselves.

Miss Marie Van Slyke is consultant for the teaching of retarded in the elementary schools where the special classes have been in existence longer than in the high schools. For the next school year 16 classes are planned, in elementary schools, two more than in 1956–57. Limitation of these elementary classes is one of space and staff, particularly staff, according to William Oliver, assistant superintendent. To date there are 14 special teachers hired and hopes of getting 2 more.

Specific requirements for admission to the special high-school classes should be adopted and strictly enforced, according to the study committees who have outlined the program. The mental range is given as between 55 and 80 I. Q., with a reading achievement between third- and sixth-grade levels.

MANY FACTORS INVOLVED

This criteria lines up with that set by the State department of education and incorporated as basis for State reimbursement of special teaching costs to local districts. As described by Dr. Verne D. Bain, assistant superintendent, "It is really a zone because many things enter into the educability of a child—emotional balance, home background, personality."

The special education staff under Dr. Edgar Taylor, the elementary principal, the eighth-grade teacher, and a representative of the high school will determine the individual child's eligibility for the class.

The 55 to 80 I. Q. is considered to be the general area of mental capacity as measured on tests meant by the term "educable," as distinguished from the "trainable," who are below that I. Q. and below the third-grade reading level.

With launching of classes in six high schools, Dr. Bain said, there will be "pretty good coverage of the retarded in 9th and 10th grades." The one class for 11th graders will take some of the older eligible ones out of regular classrooms, but it is not intended that those in the upper two grades shall be forced into these classes. They will be allowed to finish as they are if their parents insist.

As the present 9th- and 10th-grade groups move upward, however, there will be special classes on the upper levels, and those who want to finish school will be expected to continue in them.

A necessary—and touchy—part of the committee's recommendation for the special retarded program has to do with report cards. The 1, 2, 3, 4, and 5, or flunk, achievement grades given in the high schools will not be used for these children.

They will, instead, be marked S for satisfactory or U for unsatisfactory. They are already familiar with that kind of a system in the lower grades, the committee pointed out, and on the regular high-school cards habits and attitudes are marked by S and U.

The mentally retarded pupil who remains in school 4 years and earns a sufficient number of credits will receive a special diploma which is in effect a certificate of attendance and of satisfactory citizenship.

COURTESY GRADES ELIMINATED

This change in the grading of those in the retarded classes will clarify the meaning of the numerical grades in regular classes, in that it will eliminate "courtesy" grades. It will eliminate the confusion that arises by using the grade four both as the lowest possible passing grade in the regular numerical

grading system, and as a courtesy grade for the mentally retarded.

Presumably, when all those retarded who are identified as eligible are enrolled in the special classes and are not forced to measure to the competitive achievement standards of the regular classroom, the numerical grades in the regular classes will stand for achievement only. They will, that is, within the inevitable variations of teacher judgment.

With something over 200 in these high-school classes next year, Dr. Bain said, most of those within the "educable" retarded definition in the secondary schools will be getting special and individualized teaching according to their ability. Not so with the elementary schools where lack of qualified teachers and rooms still leaves the need only about 50 percent filled, according to Oliver.

THREE PLANS USED

Portland's plan of special classes within most of the high schools (and added to others as numbers of eligibles indicate) is one of three ways schools over the country are meeting the demand of retarded children. Another is by segregating in a special school for retarded, and a third is the concentration of all the special classes in one of the city's regular high schools.

The school administration believes the keeping of small groups within the regular high-school environment is the best. Anything else would be academic in Portland now, anyway, they say, because there is no single building that could be given over to this use, nor is it feasible to set up space in one of the present high schools for a city-wide department for these special youngsters.

GROUP, SCHOOL AIM FOR SPECIAL CLASSES

Heads of the Portland Association for Retarded Children have worked with the public schools in the plan for special classes for retarded children to go into effect in the high schools in September.

John E. Crayne, president-elect of PARC, said the program represents not only immediate and realistic help for mentally handicapped youngsters, but is "indicative of betterment to come."

He said, "This shows the willingness of educators to join in the comparatively new attack on this age-old problem. It also indicates growing recognition and acceptance of the retarded by the general public. And that, on a very personal plane, is a bright ray of hope for parents. * * *

"It is felt that here is a great stride toward the ultimate goal of public education on all reasonable levels for all retarded children."

## RUFUS HOLMAN

Mr. MORSE. Mr. President, I wish to state, for the RECORD, that at this moment the Senate is highly honored by having on the floor of the Senate a distinguished public servant of the State of Oregon, a former United States Senator from Oregon, and, I am pleased to say, a personal friend of mine, the Honorable Rufus Holman.

Mr. President, Senator Holman has had many years of distinguished public service in our State. Throughout his political career he has placed what he considered to be convictions of principle above any partisan considerations. As every Member of the Senate knows, I admire that characteristic in any man.

Although he and I now belong to different political parties, I wish to say that I am honored to make this statement publicly about this distinguished citizen of Oregon; and I am pleased that he is with us today.

I wish for him a great, great many years of continued service to the people of the State of Oregon. Senator Holman has been a very effective supporter of the natural resource and electric power program for which Senator NEUBERGER and I have been fighting in the Senate. Senator Holman was one of the early backers of a high dam at Hells Canyon. He has been a vigorous critic of the privateering activities of the public utilities. Senator NEUBERGER and I appreciate Senator Holman's help and support in our advocacy of a high dam at Hells Canyon and I wish to thank him publicly on the floor of the Senate today for his stand on the public-power issue.

## APPOINTMENT OF DOUGLAS McKAY TO THE INTERNATIONAL JOINT COMMISSION

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an editorial, from the Salem (Oreg.) Capital Press of July 22, 1957, dealing with the appointment of Mr. Douglas McKay to the International Joint Commission.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PASSING IN REVIEW

(By Dewey Rand)

Even those who have disagreed with Douglas McKay from the time he was Governor of Oregon and especially when he was Secretary of the Interior, see a measure of justice in his appointment on the International Joint Commission by President Eisenhower last week. The $20,000 a year job is small compensation for one of the dirtiest deals in high level American politics.

McKay, both by his words and his deeds as Interior Secretary, proved himself a starry-eyed worshiper of the Republican President. There is little doubt that he was over his head as a member of the millionaire Cabinet. He was not on a par with the ironhard George Humphrey, the scheming, adroit Foster Dulles, the ruthless Herbert Brownell or the multimillionaires such as Wilson and Weeks. Nevertheless McKay did his considerable best to serve the interests of those the President favors, the giants of business and industry.

As McKay said with such astonishing frankness when he became a Cabinet member, "business is in the saddle," and what happened since has left no doubt of the correctness of this statement. Not only have the wealthy had the run of the White House since 1952, this fountain of profitable favors has been out of bounds to many who sought—not personal gain—but support for publicly beneficial enterprises. This has been particularly true of electric power. McKay, with the power of the Interior Department and the cooperation of the Federal Power Commission, ended the development of hydroelectric power in the Northwest that had previously given the region Coulee, Bonneville, McNary, and the other great Federal dams.

Whether the President and McKay ever believed in the phony partnership plan that was used to halt public power expansion in the Northwest may be questioned but there is no doubt that McKay played it for all it was worth. The private power interests could not have had a more steadfast frontman than McKay. Being out in front he became the symbol of private utility power in government and the target for those who had fought long, hard and successfully for the big Federal dams on the Columbia and its tributaries. The new program was Eisenhower's, but McKay, as Secretary of the Interior, took the blame.

McKay's complete and faithful service to the private power people who had the President committed to their plans was his undoing. A rebellion stirred in the Northwest as the people saw the dam sites of the Snake given to private ownership and plans for further Federal dams in the Columbia Basin blocked in Congress through the power of the private utilities teamed with the President. * * *

Although it is plain now that the administration had no intention of changing courses in regard to power, a sacrifice was needed to cool the revolt. McKay was the obvious choice. How many voters would stop to think that McKay had only done as the President had directed? Who but McKay and the President could be blamed for damage done this important region? And if McKay was served up as a sacrifice attention would be drawn from his boss. So McKay left the Cabinet to run against WAYNE MORSE for Senator with no possible chance to win, as the White House knew.

Such are the ways of politics when great financial and political stakes are at issue. Anyone may be expendable and McKay found no defense from political extinction in the fact he had followed orders with a blind obedience that could not have been more complete.

It is doubtful the administration was moved by shame, at its treatment of McKay, to name him to the Commission. It is more likely that a belated reward to McKay, for services rendered, is to show the other faithful in the administration they will be taken care of.

Whatever moved the President, practical politics or embarrassment, this payoff with a fat job is little enough. That the people of the Northwest have been damaged through McKay and that they still must pay their share of his $20,000 annual salary is another story.

## CIVIL RIGHTS ACT OF 1957

The PRESIDING OFFICER (Mr. BIBLE in the chair). Is there further morning business? If not, morning business is closed; and the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. JOHNSON of Texas. Mr. President, I first wish to thank the Senator from Oregon [Mr. MORSE] on behalf of myself and my colleague [Mr. YARBOROUGH] for his very kind personal reference.

I desire to announce to the Senate that I am about to move that the Senate proceed to the consideration of the conference report on H. R. 7665, the Department of Defense appropriation bill, and when the Chair puts the question I shall ask for the yeas and nays.

## DEPARTMENT OF DEFENSE APPROPRIATIONS — CONFERENCE REPORT

Mr. CHAVEZ. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7665) making appropriations for the Department of Defense for the fiscal year ending June 30, 1958, and for other purposes.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of July 24, 1957, pp. 12575–12576, CONGRESSIONAL RECORD.)

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, on that motion I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

The yeas and nays were ordered.

Mr. DWORSHAK. Mr. President, I should like to ask the chairman of the committee a question concerning the conference report.

The PRESIDING OFFICER. The Chair will state that the motion to consider the conference report is not debatable.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | |
|---|---|---|
| Aiken | Gore | Morse |
| Anderson | Green | Morton |
| Barrett | Hayden | Mundt |
| Beall | Hickenlooper | Murray |
| Bennett | Hill | Neuberger |
| Bible | Holland | O'Mahoney |
| Bricker | Hruska | Pastore |
| Bush | Humphrey | Potter |
| Byrd | Ives | Purtell |
| Capehart | Jackson | Revercomb |
| Carlson | Javits | Robertson |
| Carroll | Jenner | Russell |
| Case, N. J. | Johnson, Tex. | Saltonstall |
| Case, S. Dak. | Johnston, S. C. | Schoeppel |
| Chavez | Kefauver | Scott |
| Church | Kennedy | Smathers |
| Clark | Kerr | Smith, Maine |
| Cooper | Knowland | Smith, N. J. |
| Cotton | Kuchel | Sparkman |
| Curtis | Langer | Stennis |
| Dirksen | Lausche | Symington |
| Douglas | Long | Talmadge |
| Dworshak | Magnuson | Thurmond |
| Eastland | Malone | Thye |
| Ellender | Mansfield | Watkins |
| Ervin | Martin, Iowa | Wiley |
| Flanders | Martin, Pa. | Williams |
| Frear | McClellan | Yarborough |
| Fulbright | McNamara | Young |
| Goldwater | Monroney | |

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

The Senator from West Virginia [Mr. NEELY] is absent on official business.

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Maryland [Mr. BUTLER] are detained on official business.

The PRESIDING OFFICER. A quorum is present.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. As I understand, the question before the Senate is on agreeing to the motion to proceed to the consideration of the conference report on the Defense Department appropriation bill. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON of Texas. I also understand that the yeas and nays have been ordered on that motion.

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON of Texas. I understand that the motion is not debatable.

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON of Texas. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas that the Senate proceed to consider the conference report on the Defense appropriation bill. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness. The Senator from West Virginia [Mr. NEELY] is absent on official business.

I further announce that if present and voting, the Senator from Missouri [Mr. HENNINGS] and the Senator from West Virginia [Mr. NEELY] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Maryland [Mr. BUTLER] are detained on official business.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Maryland [Mr. BUTLER], and the Senator from Maine [Mr. PAYNE] would each vote "yea."

The result was announced—yeas 89, nays 0, as follows:

YEAS—89

| | | |
|---|---|---|
| Aiken | Gore | Morse |
| Anderson | Green | Morton |
| Barrett | Hayden | Mundt |
| Beall | Hickenlooper | Murray |
| Bennett | Hill | Neuberger |
| Bible | Holland | O'Mahoney |
| Bricker | Hruska | Pastore |
| Bush | Humphrey | Potter |
| Byrd | Ives | Purtell |
| Capehart | Jackson | Revercomb |
| Carlson | Javits | Robertson |
| Carroll | Jenner | Russell |
| Case, N. J. | Johnson, Tex. | Saltonstall |
| Case, S. Dak. | Johnston, S. C. | Schoeppel |
| Chavez | Kefauver | Scott |
| Church | Kennedy | Smathers |
| Clark | Kerr | Smith, Maine |
| Cooper | Knowland | Smith, N. J. |
| Cotton | Kuchel | Sparkman |
| Curtis | Langer | Stennis |
| Dirksen | Lausche | Symington |
| Douglas | Long | Talmadge |
| Dworshak | Magnuson | Thurmond |
| Eastland | Malone | Thye |
| Ellender | Mansfield | Watkins |
| Ervin | Martin, Iowa | Wiley |
| Flanders | Martin, Pa. | Williams |
| Frear | McClellan | Yarborough |
| Fulbright | McNamara | Young |
| Goldwater | Monroney | |

NOT VOTING—6

| | | |
|---|---|---|
| Allott | Butler | Neely |
| Bridges | Hennings | Payne |

So the motion of Mr. JOHNSON of Texas was agreed to; and the Senate proceeded to consider the report.

The PRESIDING OFFICER (Mr. BIBLE in the chair). The question is on agreeing to the conference report. The Chair recognizes the Senator from New Mexico [Mr. CHAVEZ]. Before the Senator from New Mexico proceeds the Chair will insist that the Senate be in order. The Senator will not proceed until the Senate is in order. Senators desiring to carry on conversations will please retire to the cloakrooms. The Senate will be in order.

Mr. CHAVEZ. Mr. President, the conference report carries an appropriation of $33,759,850,000 of American taxpayers' money. I hope that the Senate will be in order.

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order.

Mr. CHAVEZ. I have tried to explain why we need to have order.

The PRESIDING OFFICER. The Senator will suspend until the Chair succeeds in getting order in the Senate. The Senate will be in order.

Mr. CHAVEZ. Mr. President, the conference report before the Senate appropriates—I repeat—$33,759,850,000. This is $197,125,000 more than the House-approved amount of $33,562,725,000 and $774,379,000 below the Senate-approved amount of $34,534,229,000. It is a reduction from the budget estimate of $2,368,150,000. In addition, $600 million will be derived by transfer. The reductions include approximately $130 million which may be received from foreign credits.

For the Army, the bill as it is now before the Senate represents a net increase over the House bill of $25,125,000. This net increase adds $69,800,000 in "Operation and maintenance," of which $20 million is for National Guard and Reserve activities; $13,800,000 additional and above the budget estimate for the National Guard; $8 million additional for "Research ahd development"; $500,000 additional for the "Alaska Communications System"; and $25,000 additional for the "National Board for Promotion of Rifle Practice" in order to provide travel funds to the national rifle matches.

The House concurred in the Senate action of reducing $67 million from "Production and procurement," thus making the net increase for the Department of the Army a smaller figure than would otherwise be the case.

The conference report also provides that $1.5 million of the funds available for "Military personnel" shall be utilized for the aviation-training program. It further provides that for the National Guard and the Reserve programs sympathetic consideration will be given to a supplemental request should the amounts available be insufficient to provide for a minimum of 300,000 Reserves and 400,000 National Guard men.

For the Navy the conferees added a net total of $65 million. Increases totaling $85 million were made in "Aircraft and related procurement, "Shipbuilding and conversion," and "Research and de-

velopment." The House concurred in the Senate action in reducing Marine Corps procurement by $20 million.

For the Air Force, the conferees added $107 million to the House-approved amount. This included $40 million in "Aircraft and related procurement," $25 million in "Procurement other than aircraft," $12 million in "Research and development," and $30 million in "Operation and maintenance."

Certain provisions added to the bill on the floor of the Senate were deleted in conference. The language in the conference report will, I believe, provide a satisfactory explanation of each of these items.

I wish to express my deep appreciation to the members of the Subcommittee on the Defense Department Appropriations and to the members of the full Committee on Appropriations for the excellent cooperation they gave to the chairman of the subcommittee during the consideration of the bill. I never saw more devoted Senators. They tried earnestly to provide for the national security and, at the same time, tried not to appropriate funds which would be wasted or not otherwise needed.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. SALTONSTALL. I join with the Senator from New Mexico, the chairman of the subcommittee, in supporting the conference report. The chairman has been kind enough to commend the members of the committee for their attendance and for their interest in the bill. I simply say in reply, as one of those members, that the chairman was very faithful in his attendance; he was considerate in his leadership, and he supported the requirements asked for in the bill to the best of his ability.

Personally, I am somewhat disappointed in the results of the conference, considering the time which the committee took. But several difficulties were presented to the Senate members of the committee of conference because of various changes in the attitude of the Department of Defense and the Director of the Bureau of the Budget between the time the committee and the Senate considered the bill and the time we went into conference on it.

I think the chairman and I, as two members of the committee of conference, who were faithful in our attendance and followed the arguments, believe that this report is the best we can get from the House and is in the best interests of the Defense Establishment.

My personal feeling is that in certain places the amounts should be more, rather than less, if we want to do our utmost for the full security of our country. But that matter is now beyond our hands. However, it will come before us again next January, if there are any deficiencies in this very, very large appropriation.

I again express the hope that the conference report will be adopted. I know the chairman feels it is the best we can get. The chairman of the subcommittee, the Senator from New Mexico, was very faithful in his duties and very considerate of the requests which were made, and he did his best to have them granted.

Mr. President, with the permission of the chairman, I ask unanimous consent to have printed at the conclusion of my remarks a brief summary which a member of my staff prepared, which I believe explains very clearly, so far as figures are concerned, what was done in conference. I shall not bore the Senate with a reading of the figures at this time.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

*Action on H. R. 7665, defense appropriations, 1958*

| | *Totals* |
|---|---|
| Conference agreement | $33,759,850,000 |
| 1. Total increase over House bill | 234,125,000 |
| Total cuts under House bill | −87,000,000 |
| Net increase over House bill | +197,125,000 |
| 2. Reduction in President's original budget | −2,368,150,000 |
| 3. Reduction in revised Department of Defense request | −632,130,000 |
| President's original budget | 36,128,000,000 |
| House-passed bill | 33,562,725,000 |
| Senate-passed bill | 34,534,229,000 |
| Senate increase over House bill | +971,504,000 |
| Revised Department of Defense request ($829,255,000 over House bill) | 34,391,980,000 |

*Detail of conferees' action*

| Army: | *Million* |
|---|---|
| Operation and maintenance | $69.8 |
| National Guard | 13.8 |
| Research and development | 8.0 |
| National Board for Promotion of Rifle Practice | .025 |
| Alaska Communications System | .500 |
| Total increase made by conferees in House bill | +92.125 |
| Cut made in House bill: Procurement and production | −67.0 |
| Net increase over House bill | +25.125 |
| Navy: | |
| Aircraft and related procurement | 25.0 |
| Shipbuilding and conversion | 50.0 |
| Research and development | 10.0 |
| Total increase over House bill | +85.0 |
| Cuts made by conferees in House bill: Marine Corps procurement | −20.0 |
| Net increase over House bill | +65.0 |
| Air Force: | |
| Aircraft and related procurement | 40.0 |
| Procurement other than aircraft | 25.0 |
| Research and development | 12.0 |
| Operation and maintenance | 30.0 |
| Total increase over House bill | +107.0 |

Total increases over House bill for all services: $284,125,000.

Total cuts in House bill for all services: −$87,000,000.

Net increase over House bill for all services: +$197,125,000.

Mr. CHAVEZ. Mr. President, first I wish to thank the Senator from Massachusetts for his remarks. I appreciate them.

I may say to the Senate that I, too, was disappointed with the results of the conference. But I was more disappointed because the Department of Defense took a different kind of action than they had presented to the committee only a few days before we went to conference.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. MANSFIELD. I will support the conference report because I think the distinguished chairman of the subcommittee and his committee did the best they could under the circumstances. But reference has been made to the attitude of the Department of Defense and the Bureau of the Budget and to the sudden switch which was made by them.

I have in my hand an article from the daily press which states that the United States Army for the next fiscal year will be reduced from 1 million men to 950,000, a 5-percent cut totaling 50,000 men.

The United States Air Force is to be cut from 925,000 to 900,000, or 25,000 men, a cut of approximately 2.7 percent.

The United States Navy will be cut from 675,000 to 660,000 men, a total of 15,000, or 2.2 percent.

The Marine Corps will be cut from 200,000 to 190,000, or 10,000 men, a reduction of 5 percent.

It is my further understanding—I cannot verify this statement—that the Defense Department intends to make a total cut in the United States Army of 100,000 men, 50,000 in addition to the 50,000 reduction planned for the coming fiscal year; that in the United States Air Force the total cut will be between 50,000 and 60,000 men; that in the Navy the total cut will be 50,000 men, instead of 15,000; and that in the Marine Corps the cut will be 20,000 men, instead of 10,000, which had been planned for the coming fiscal year.

Can the distinguished chairman of the subcommittee assure the Senate, and the country that these cuts, if made, will not impair the legislative floor on which the Marine Corps rests, namely, 3 combat-size divisions and 3 combat air wings? Or is the cut so deep—as I think it is, although I may be wrong—that the cut of 10,000 men for the Marine Corps in the next fiscal year and a cut of an additional 10,000—or a total of 20,000—will bring the strength of the Marine Corps below the statutory floor set by the Congress?

Mr. CHAVEZ. Of course I would have been most happy if in conference it had been possible to agree to the figures voted by the Senate. But the day prior to the commencement of the conference, on July 17, I recieved from the Secretary of Defense a letter detailing and outlining more or less the same figures the Senator from Montana has just read.

Mr. MANSFIELD. The same total figures?

Mr. CHAVEZ. More or less. Having, as I do, great faith in the Marine Corps,

I believe that although, if the proposed cut is made, they might not be able to do what they would like to do, the efficiency or potential strength of the Marine Corps will not be greatly impaired if the cut is made.

Mr. MANSFIELD. Then am I to assume that the reductions do not encompass only the reduction of 100,000 which has already ben announced for the armed services?

Mr. CHAVEZ. Yes?

Mr. MANSFIELD. In effect they encompass a total reduction of 220,000 to 230,000, as contemplated for the future; is that correct?

Mr. CHAVEZ. No; the letter sets forth the following reductions: For the Army, 50,000; for the Navy, 15,000; for the Marine Corps, 10,000; for the Air Force, 25,000—making a total of 100,000.

The cut in the officer strength of the 4 services will amount to approximately 11,865. The enlisted strength will be cut the remainder.

As a result of making a cut of 100,000 in the personnel of the Army, the Navy, the Marine Corps, and the Air Force, including the cut of approximately 11,000 in the officer personnel, the revised authorized strength will be approximately 2,700,000 men.

Mr. MANSFIELD. I should like to suggest, respectfully, to the chairman of the Subcommittee on Defense Appropriations and to the chairman of the Armed Services Committee, the distinguished senior Senator from Georgia [Mr. RUSSELL], that the Defense Department be notified that the Congress enacted legislation placing under the Marine Corps a floor of three combat-size divisions and three air wings. I express the hope that no further cuts will be made, because if further cuts are made, then—although I do not know too much about the matter—I believe the Marine Corps will face the possibility of having its strength reduced to such an extent it may not be able to maintain its statutory floor.

Mr. RUSSELL. Mr. President, will the Senator from New Mexico yield to me?

Mr. CHAVEZ. Certainly.

Mr. RUSSELL. Mr. President, I have been very apprehensive about the reduction of 10,000 in the personnel of the Marine Corps, as envisioned in the money appropriated by this measure. Unfortunately, there was not a great deal Congress could do about it, for if Congress had appropriated funds for a larger force, Congress could hardly have compelled the executive branch of the Government to expend such funds.

It so happens that the Marine Corps is in a different position from that of the other branches of the armed services. All the others have ceilings which have been fixed by Congressional enactment, and their numbers cannot exceed those ceilings.

On the other hand, in the case of the Marine Corps, in order always to have available at an instant's notice a combat-ready organization of proven worth, the Congress placed a floor under that branch of the service, which is a part of the Department of the Navy, and ordered that three combat-ready divisions of the Marine Corps and three wings of the Marine Corps air arm should be maintained at all times. Congress has sought to activate and support that legislative enactment by appropriating funds for that purpose. It was within the scope of the constitutional responsibility of the legislative branch of the Government.

The Senator from New Mexico [Mr. CHAVEZ] and the Senator from Montana [Mr. MANSFIELD], of course, will recall that the Senate had a similar difficulty a year or two ago, when the Congress appropriated funds to maintain the Marine Corps at the strength fixed by the legislative branch of the Government, but was unable to convince the Department that it should carry out the mandate of Congress by maintaining the Marine Corps at that level. The Department of Defense simply refused to use the funds appropriated for the purpose of strengthening the Marine Corps.

It was noteworthy that at that time considerable numbers of men were being drafted into the other branches of the armed services, whereas the Marine Corps was filled with volunteers; and we had the rather paradoxical situation that men were being drafted, against their will, for service, particularly in the Army, whereas the Marine Corps was dismissing men who had volunteered for duty.

I am frank to say that this reduction of 10,000 men may in a way be absorbed, although it cannot be done without impairing the combat strength of the Marine Corps. But by skeletonizing the three divisions and by reducing the personnel of the components, including the air arm, there will at least be a sort of compliance with the legislative mandate, although I do not think it will be wholly in keeping with the legislative mandate of three divisions.

But surely if it is proposed to project another reduction into 1959, as I understood the Senator from Montana to say——

Mr. MANSFIELD. That is correct.

Mr. RUSSELL. Surely if that is proposed, it will mean that the executive branch of the Government will have circumvented and annulled the mandate expressed by the legislative act of the Congress, fixing the strength of the Marine Corps.

I deplore the reduction of 10,000 which it was necessary for the Senate to accept for this fiscal year.

I serve notice now that if I should happen, God willing, to be in the Senate when this matter comes up next year and world conditions are the same as now, I shall vigorously oppose any further skeletonizing of the most combat-ready military organization the United States has. I say that without any disparagement of the other branches of the armed services; I am speaking of the degree of combat worthiness overall, as compared with the total numbers employed, when weighed against that of the other armed services. The others have some fine combat organizations. However, taken as a whole, the Marines have a higher percentage ready to go at the sound of the gong than do any of the other services.

I hope and trust that the Department will be content with this slash, which results in stripping most of the meat off the Marine Corps; and I hope the Department will not insist on reducing it to the bare bones of a skeleton, because to do so would be contrary to the intent of Congress in passing the act.

Mr. MANSFIELD. Mr. President, I thank the Senator from Georgia and the Senator from New Mexico.

Mr. CHAVEZ. Mr. President, the Department of Defense appropriation subcommittee spent an entire month holding hearings on the bill, listening to the tales of woe of the Department of Defense, and having representatives of the Department tell the committee how mean the House of Representatives had been in reducing the budget of the Department of Defense by $2,500,000,000.

After representatives of the Department of Defense made a presentation which to some extent convinced the subcommittee that some of the reduction should be restored, the subcommittee recommended that approximately $971 million of the amount be restored. The full committee joined in that recommendation; and on that basis the bill was reported to the Senate.

After the committee reported the bill to the Senate, and after the Senate passed the bill, representatives of the Navy, the Army, and the Marine Corps wrote letters thanking the members of the subcommittee and the members of the full committee for their action.

On the day before we went to conference the Secretary of Defense wrote me a letter stating that a reduction could be made. He sent the same letter to the Chairman of the House subcommittee. Naturally, when the Senate conferees tried to uphold the Senate amendments, including those affecting the Marines, the letter was referred to conferees. So there was nothing else for us to do but recede.

Mr. DWORSHAK. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. DWORSHAK. The Senator will recall that when the bill was under consideration I offered an amendment to cut the total appropriation by approximately $182 million, so that the cut which had been previously recommended and incorporated in the bill by the committee, with the $182 million cut, would make a total cut of approximately 1 peroent of the appropriation for this year, as compared with the appropriation for the past fiscal year. When the amendment was debated it was maintained that a cut of that magnitude would jeopardize our national defense, so the amendment was decisively defeated. Now the conference report—

Mr. CHAVEZ. May I at that point ask the Senator a question? Who said the national security would be jeopardized if that cut were made?

Mr. DWORSHAK. Some of the Senators who opposed my amendment during the debate said so.

Mr. CHAVEZ. Did the committee have testimony from the Defense Department on that point?

Mr. DWORSHAK. I do not think so, because no one had advance notice in

the Defense Department that my amendment would be offered; but the conference report now provides for a cut of about $774 million. Recalling that the argument used in opposition to my amendment was that a large cut of $182 million would jeopardize our national defense, I want some assurance from the chairman of the subcommittee that a cut of $774 million will not jeopardize our safety, because that cut is more than four times as large as the cut which would have been effected by my amendment.

Mr. CHAVEZ. I recall the amendment of the Senator from Idaho. I did not agree with it, and I do not agree with the cut now recommended, but it was the best we could do, and we have to face it.

Mr. DWORSHAK. Will the Senator yield further?

Mr. CHAVEZ. Yes.

Mr. DWORSHAK. Serving with the distinguished Senator from New Mexico, I know he is acquainted with all the details of the appropriations required for our defense operations. In the light of that knowledge, I should like to have assurance that the cut which is recommended by the conference committee will not in any way impair our national defense, and that we can maintain the kind of preparedness which is essential in this atomic era.

Mr. CHAVEZ. I am an optimist by nature. The best I can say is that I hope it will not impair our national security.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. WILLIAMS. I notice that the conference report has deleted the provision for competitive bidding which was incorporated in the bill by the Senate. I was wondering if the Senator could tell us why this amendment was eliminated.

Mr. CHAVEZ. It was deleted because the House conferees were adamant about not including what they considered legislative language in an appropriation bill. They assured us that one of their standing committees, I believe the Armed Services Committee, was holding hearings on basic legislation on the subject. For that reason, the language was deleted.

Mr. WILLIAMS. Will the Senator yield further? He is well aware of the fact, is he not, that this appropriation bill did have other legislative proposals and that many appropriation bills, both as passed by the House and by the Senate, contain legislative language?

Mr. CHAVEZ. With the exception of amendments 35, 36, and 37, I do not know of any other major amendments in the bill that pertain to legislation.

Mr. WILLIAMS. Such amendments have been included in appropriation bills on various occasions. The point I desire to emphasize is that both in the Senate and in the House several speeches have been made in recent months criticizing the Defense Department for the alarming increase in the number of contracts which are being awarded on a negotiated basis rather than on a competitive-bid basis. In light of the criticism Congress has been making with respect to the Defense Department and now the action of the conference committee, I wonder if the elimination of the amendment will not in effect be to give a blank check or authority to the Defense Department to eliminate competitive bidding in its entirety and negotiate all contracts, if the Department so desires.

Mr. CHAVEZ. Any Senator could have made a point of order against the amendment when the bill itself was being considered, and the amendment would have been stricken from the bill. I think the Senator's amendment was a good one. I believe there should be competitive bidding. But it is a fact that we could not secure approval from the House conferees to include the language in this particular bill.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. SALTONSTALL. It will be recalled that this question was argued at considerable length in the committee of conference. The House conferees felt strongly that such language should not be included in the bill, for two reasons. First, it was legislation in an appropriation bill. Second, a legislative proposal on the subject was being considered by a subcommittee of the Committee on Armed Services of the House. So there was written into the conference report the following language:

> Amendment No. 36: Deletes provision of the Senate providing for competitive bidding. This matter also is now under study by the legislative committees. The committee of conference strongly feels that competitive bidding should be required whenever practicable for more effective and economical procurement.

That language was written into the conference report at the request of the chairman and the conferees on the part of the Senate, which was the best we felt we could do. Since the conference report had to go back to the House for a vote, and since the matter was being studied by the appropriate committee, we felt under those circumstances that would be the most satisfactory way to handle it.

Mr. WILLIAMS. Do we have reasonable assurance that such a proposal will be before the Senate and the House in the form of proposed legislation in the near future, whereby a vote may be had on the proposal?

Mr. CHAVEZ. The Senator from Delaware has been here a long time. What assurance can any Senator give that we are going to pass the civil-rights bill, or any other bill, for that matter? The Senator surely must realize that the conferees were concerned with the problem the Senator has in mind. We think the proposal is on the right track, and we mentioned it in the conference report and recommended that, whenever practicable, competitive bidding should be required for more effective and economical procurement. However, that is as far as we could go. We realized that we were confronted with a problem.

Mr. WILLIAMS. Mr. President, will the Senator yield further?

Mr. CHAVEZ. I yield.

Mr. WILLIAMS. I recognize the problem since the House would not accept the language of the Senate amendment. I am not unmindful, however, of the fact that in prior years similar provisions have been incorporated in Defense Department appropriation bills and the House accepted them. At that time there was a much higher percentage of contracts being awarded on a competitive bid basis. Last year a similar amendment was not taken to conference on the basis that the question was being studied. It was studied last year, and while it was under study the number of contracts being awarded on a negotiated basis rose very rapidly in comparison with the number being awarded on a competitive bid basis. Now the question is again to be studied, and I am wondering if, while it is under study, there will not be brought about the elimination of all competitive bidding.

I hope this will not be the end of the matter, because there have been called to my attention many instances of contracts not being awarded to the lowest competitive bidder. Bids are being solicited, but the award does not always go to the lowest responsible bidder. In some instances when bids were called for, there would later be negotiations with the high bidder whereby, by lowering his bid a few dollars, he was able to get the contract.

With that policy wherein somebody knows in advance "Perhaps if my bid is too high I can obtain a chance to renegotiate just a little lower than my competitor," we are not going to receive bona fide bids, and a great deal of money will be wasted. That fact has been emphasized by Members of both the Senate and the House.

With such a widespread endorsement of the competitive-bid proposal, I am very much disappointed by the failure to enact it, as we have done on at least two prior occasions, with regard to similar appropriation bills.

Mr. O'MAHONEY. Mr. President, will the Senator from New Mexico yield?

Mr. CHAVEZ. I yield.

Mr. O'MAHONEY. I should like to associate myself with everything the Senator from Delaware has said with respect to the rejection of the Senate amendment on competitive bidding.

I should like to raise a question about amendment No. 35, which was also deleted. The amendment was a Senate amendment, adopted on the floor. The statement in the report of the House managers, appearing on page 6 of the conference report, reads as follows with respect to amendment No. 35:

> Deletes provision of the Senate dealing with administration of noncombatant activities. The subject matter of the proposed amendment is currently under study by the legislative committees having jurisdiction, and it is expected that needed legislation will be proposed.

I note with respect to the amendment referred to by the Senator from Delaware, amendment No. 36, the statement of the House managers concluded with a much more effective sentence:

> The committee of conference strongly feels that competitive bidding should be required whenever practicable for more effective and economical procurement.

With that statement of course I agree. Unless competitive bidding is restored we shall continue to have in the Department of Defense a wide-open door for favoritism in the award of contracts by negotiation. It is a sluice through which millions of dollars have been lost and more will be lost.

I should like to inquire of the Senator from New Mexico if he believes the matter has been so discussed in the conference committee that there is a lively intention upon the part of the members of the conference to promote legislation of the kind for which I argued in presenting the amendment, endorsed by the Hoover Commission, to bring about big economies in the concentration and unification of the purchase of noncombatant items? What has the Senator to say for the RECORD upon that point?

Mr. CHAVEZ. I will say for the RECORD, for the general public, and for anyone interested, that I would not be reluctant to introduce a measure to that effect.

Mr. O'MAHONEY. The Senator then endorses legislative action to that effect?

Mr. CHAVEZ. I certainly do. I also endorse legislation to carry into effect the provisions of the amendment of the Senator from Delaware.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. YOUNG. I believe it is fair to say that every member of the Senate conferees, and I think every member of the House conferees, strongly believes in the amendment, and that as much as possible of the military materiel should be acquired on a competitive-bid basis; but the conferees felt the matter should be handled by the legislative committee. They all felt very strongly about it.

Mr. O'MAHONEY. May I have the testimony of the Senator from Massachusetts [Mr. SALTONSTALL]? We now have the testimony of 2 members of the conference, the Senator from New Mexico [Mr. CHAVEZ] and the Senator from North Dakota [Mr. YOUNG], with respect to the elimination of amendments No. 35 and No. 36; that both Senators favor positive legislation to carry out the purposes of the 2 Senate amendments, which were adopted when the bill was under consideration.

Mr. SALTONSTALL. Mr. President, will the Senator from New Mexico yield?

Mr. CHAVEZ. Certainly.

Mr. SALTONSTALL. I will simply say to the Senator from Wyoming, I agree 100 percent that there should be as much united buying as is possible. The question is, What is the best way to do it?

At the present time there are more than 200 facets and phases of the defense supply and distribution problem in carrying out the purposes of the original section 638—the section which the Senator mentions—of the Defense Appropriations Act of 1953. These cover such areas as the determination of requirements, inventory levels, supply purchasing, inspection, distribution, warehousing, transportation, depot utilization, port terminal facilities, traffic management utilization, disposal of surplus, cataloging, standardization, uniform reporting, and so forth. The program covers a realistic approach to the defense-supply operations and the establishment of procedures consistent with business practices to achieve minimum cost.

If the Department of Defense had to cease all these operations and have them conducted by a new supply agency, the Department would have to start all over again. Much of the progress which has been accomplished would be voided.

I agree with the purpose of what the Senator from Wyoming stated. I believe such practice should be carried out further than it is now carried out. The great question is as to whether the desired result can be better achieved by providing for a joint operation within the various departments of the Army, Navy, and Air Force, or by establishing a new supply division. On that subject there is a wide difference of opinion. On that subject, as the House managers said, the legislative Committee on Armed Services is studying whether a new system, or a continuation of the present method is the more feasible approach. That was the issue before the conference, and that was why the conference decided as it did.

Mr. O'MAHONEY. Mr. President, if the Senator from New Mexico will continue to indulge me for a moment, of course I recognize that the amendment is legislation on an appropriation bill, and that it would be much preferable to have legislation coming from the Armed Services Committee.

I note the Senator from Georgia [Mr. RUSSELL], the chairman of the Senate Armed Services Committee, is on the floor. I understand the Senator from Massachusetts [Mr. SALTONSTALL] is also a member of the Armed Services Committee.

I should like to invite their attention to the following statement made by the gentleman from Missouri, Representative CURTIS, which appears in the CONGRESSIONAL RECORD of July 29, on page 12932:

Mr. CURTIS of Missouri. Mr. Speaker, on Wednesday, July 24, 1957, I interrogated the gentleman from Texas [Mr. MAHON] at the time he presented the conference report on the Department of Defense appropriation bill for 1958. I was concerned to find out what had happened to the second O'Mahoney amendment which had to do with the unification of supply and procurement of common-use items for the three military services. The gentleman from Texas advised me as follows: He said that the conferees did not feel that with legislative proposals under study by the House Committee on Armed Services that they should go into this matter and it was his understanding that the Committee on Armed Services was holding hearings and studying them. I saw the chairman of the Committee on Armed Services, the gentleman from Georgia [Mr. VINSON] a little bit later and I asked him to state for the RECORD, whether his commitee was holding hearings on this matter and just what the House Armed Services Committee was doing if anything. The gentleman from Georgia [Mr. VINSON] has made no statement for the RECORD. Accordingly I will state for the RECORD, what he said to me. He said that the Armed Services Committee was not holding hearings, was not even studying this matter and did not intend to. In light of that fact, and in light of the statement made by the gentleman from Texas [Mr. MAHON] that the reason the conferees did not retain the new O'Mahoney amendment to bring about more unification in procurement, supply, and distribution of common-use items in the three military services was because the conferees were given to understand that the House Armed Services Committee was studying the matter. I hope the other body will not agree to this conference report and will keep in the second O'Mahoney amendment.

I do not intend to ask at this juncture that the Senate reject the conference report on this point. It would be idle and futile to do so. But I think it is most important that the Senate and the country should know that the evidence which has been adduced in the Armed Services Committee of the Senate and the Armed Services Committee of the House shows the abuses which have crept in by reason of neglect, by reason of the abandonment of competitive bidding in the purchase of common-use items, and by reason of the adoption of the pattern of negotiated bids.

Mr. CHAVEZ. Let me say to the Senator from Wyoming that the subject has also been of concern to the Appropriations Committee of the Senate—both the subcommittee and the full committee.

Mr. O'MAHONEY. I know that.

Mr. CHAVEZ. Otherwise we would not have agreed to include the provision in the bill. But we were faced with the dilemma that we were up against a legislative problem.

Mr. O'MAHONEY. I should like to have the assurance of the Senator from New Mexico, which I think we now have, that, so far as his committee services are concerned, he believes that reform is essential in these two particulars. Is that not the fact?

Mr. CHAVEZ. That is correct—reform which would be brought about by the amendment of the Senator from Delaware, and by what the Senator from Wyoming has in mind.

Mr. O'MAHONEY. In the Armed Services Committee of the Senate, under the activity of the Special Subcommittee on Preparedness, headed by the Senator from Texas [Mr. JOHNSON], there was revealed a considerable necessity for legislation of this kind. I say now, in the presence of the chairman of that committee, that I am hopeful the Senate Committee on Armed Services will give consideration to this problem, because if it is solved, its solution will undoubtedly go a long way toward making very substantial economies in the expenditure of the funds appropriated for the Department of Defense.

Mr. RUSSELL. Mr. President, will the Senator from New Mexico yield to me for a brief statement?

Mr. CHAVEZ. Certainly.

Mr. RUSSELL. I think anyone who is at all familiar with the operations of the Department of Defense will freely concede that revisions in the procurement policies, as well as in the administration of the activities of the Department, are desirable. I do not know of any particu-

lar legislation that is pending in the Armed Services Committee of the Senate dealing with these problems. The Subcommittee on Preparedness, as the Senator from Wyoming has well stated, has, of course, been investigating specific instances of procurement in which better practices would have been in the interest of the American taxpayer.

This is a very delicate field, and one which we should study with extreme care. Of course the executive branch of the Government now has all the powers it could possibly need to deal with this subject. The Secretary of Defense, under the original act creating the Department of Defense, has considerable powers.

Furthermore, the President has certain powers under the Reorganization Act which are very sweeping, and would enable him to make almost any reform in this field that he desired to make.

I have never been one who has advocated the vast delegation of such powers to the executive branch. I opposed the reorganization plans rather consistently, but they are on the books despite that fact. However, they have not been utilized in this field. Undoubtedly there is room for improvement in this area, both in the matter of letting bids and in the administration of the noncombatant areas of the Defense Department.

If any proposed legislation along this line is introduced, I assure the Senator from Wyoming that the Senate Committee on Armed Services will give it its very best consideration. There is great room for improvement.

Mr. O'MAHONEY. I am very happy to hear the Senator from Georgia make that statement. I am happy to give the assurance that, so far as I am concerned, I shall try to see to it that proposed legislation dealing with the subject is introduced, so that the Armed Services Committee may take up this problem which so sorely needs a remedy.

Mr. RUSSELL. Of course, I shall endeavor to have the committee give any such proposed legislation as expeditious consideration as possible, but under the present circumstances I think there might be a delay of a week or so.

Mr. O'MAHONEY. I understand the circumstances just referred to by the Senator from Georgia.

Mr. CHAVEZ. Mr. President, I thank the Senator from Wyoming for bringing up the subject. I believe that the debate and discussion of the subject matter will at least alert the people at the Pentagon to the fact that we are thinking about these matters, even if we have no pending legislation to that effect at the moment. I believe the Senator has made a valuable contribution toward bringing about the reform so badly needed.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. ELLENDER. As I recall, during the conference no opposition was expressed by the House Members to the O'Mahoney amendment or the Williams amendment. One reason why the Williams amendment was turned down was that some proposed legislation was pending before the Armed Services Committee of the House, and it was expected that the subject would be considered by that committee. So far as opposition is concerned, I know of none expressed by the House conferees.

Mr. CHAVEZ. I know that they insisted that legislation was necessary, and that proposed legislation was already pending.

Mr. ELLENDER. While I am on my feet, I should like to ask the distinguished Senator from New Mexico if it is not a fact that the Senate conferees were very fortunate in getting the House——

Mr. CHAVEZ. To agree to anything.

Mr. O'MAHONEY. The Senate conferees were very fortunate in getting the House conferees to agree to anything. The reason for that situation was that the new plan of the armed services was issued a day before the conferees met.

Mr. CHAVEZ. That is correct.

Mr. ELLENDER. Is it not a fact that the House conferees stated on 2 or 3 occasions that if they had known of the contemplated plan they would have cut the budget——

Mr. CHAVEZ. Further.

Mr. ELLENDER. Not by two and a half billion dollars, but by $1 billion more than the appropriation was cut when the bill was considered by the House.

Mr. CHAVEZ. That is correct.

Mr. ELLENDER. So, all in all, I believe the Senate conferees did a very good job in obtaining $197 million over and above the House figures.

Mr. CHAVEZ. I thank the Senator.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. WILLIAMS. Like the Senator from Wyoming [Mr. O'MAHONEY], I am disappointed that the conferees did not accept the competitive bidding amendment. I am, however, glad to receive the assurance of Senators that they are in favor of this amendment in principle and that they will support the necessary legislation to enforce competitive bidding in all circumstances in which it is practicable.

Mr. CHAVEZ. I thank the Senator.

The Defense Department Subcommittee spent a full month holding hearings on the bill. The action the subcommittee finally decided on was upheld by the full committee. Not a figure was changed. It was again upheld on the Senate floor. Not a dollar was changed.

However, on the day of the first conference with the House, we were informed by the Department of Defense that it was reducing the strength of the services by 100,000 officers and enlisted men, indicating a proposed reduction of $229,249,000 from the amounts provided by the Senate. The conferees agreed to this reduction.

Of the remaining amount in conference, the conferees agreed to $284,125,000 of the increases made by the Senate. This was done only after prolonged discussion and represents the best compromise the conferees were able to reach. It is not what the Senate conferees had hoped for, but it was the most satisfactory arrangement that could be made.

Both the Senate and the House conferees were desirous of approving the full amount necessary to provide an adequate defense for our country. It is intended and hoped that the funds provided will do this.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks a tabulation showing the action by the House, the Senate, and conference, on the budget estimates for the Department of Defense for the fiscal year 1958.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

*Department of Defense—Congressional action on fiscal year 1958 budget request, by appropriation title, H. R. 7665, regular Defense Department appropriation bill, military functions*

| Department and appropriation title | Appropriations, fiscal year 1957 | Budget estimate, 1958 | House action | Senate action | Conference |
|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) |
| TITLE I—OFFICE OF THE SECRETARY OF DEFENSE | | | | | |
| Salaries and expenses, Office of the Secretary of Defense | $14,500,000 | $16,700,000 | $15,900,000 | $15,900,000 | $15,900,000 |
| Salaries and expenses, Office of Public Affairs | 450,000 | 475,000 | 450,000 | 450,000 | 450,000 |
| Total, title I | 14,950,000 | 17,175,000 | 16,350,000 | 16,350,000 | 16,350,000 |
| TITLE II—INTERSERVICE ACTIVITIES | | | | | |
| Claims | 11,000,000 | 14,950,000 | 12,000,000 | 12,000,000 | 12,000,000 |
| Contingencies | 32,500,000 | 32,500,000 | 30,000,000 | 30,000,000 | 30,000,000 |
| Emergency fund | 85,000,000 | 85,000,000 | 85,000,000 | 85,000,000 | 85,000,000 |
| Retired pay | 515,000,000 | 555,000,000 | 555,000,000 | 555,000,000 | 555,000,000 |
| Salaries and expenses, Court of Military Appeals | 375,000 | 375,000 | 375,000 | 375,000 | 375,000 |
| Total, title II | 643,875,000 | 687,825,000 | 682,375,000 | 682,375,000 | 682,375,000 |

*Department of Defense—Congressional action on fiscal year 1958 budget request, by appropriation title, H. R. 7665, regular Defense Department appropriation bill, military functions*—Continued

| Department and appropriation title | Appropriations, fiscal year 1957 | Budget estimate, 1958 | House action | Senate action | Conference |
|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) |
| TITLE III—DEPARTMENT OF THE ARMY | | | | | |
| Military personnel | $[1] 3,566,704,000 | $3,549,000,000 | $[4] 3,113,000,000 | $[4] 3,123,000,000 | $[4] 2,113,000,000 |
| Operation and maintenance | 3,055,057,000 | 3,400,000,000 | 3,145,200,000 | 3,291,356,000 | 3,215,000,000 |
| Reserve personnel | 215,000,000 | 207,000,000 | [5] 197,000,000 | [6] 217,000,000 | [5] 197,000,000 |
| Army National Guard | 320,162,000 | 320,000,000 | 320,000,000 | 360,000,000 | 333,800,000 |
| Research and development | 410,000,000 | 400,000,000 | 392,000,000 | 400,000,000 | 400,000,000 |
| National Board for Promotion of Rifle Practice | 357,000 | 300,000 | 225,000 | 300,000 | 250,000 |
| Operation and maintenance, Alaska Communications System | 5,000,000 | 5,700,000 | 5,000,000 | 5,500,000 | 5,500,000 |
| Procurement and production | | 583,000,000 | 67,000,000 | | |
| Total, title III | [1] 7,572,280,000 | 8,465,000,000 | [4] 7,239,425,000 | [4] 7,397,156,000 | [4] 7,264,550,000 |
| TITLE IV—DEPARTMENT OF THE NAVY | | | | | |
| Military personnel, Navy | 2,478,316,000 | 2,503,000,000 | [4] 2,295,000,000 | [4] 2,307,000,000 | [4] 2,295,000,000 |
| Reserve personnel, Navy | 90,000,000 | 86,500,000 | 86,000,000 | 86,000,000 | 86,000,000 |
| Navy personnel, general expenses | 83,980,000 | 89,000,000 | 87,000,000 | 88,000,000 | 87,000,000 |
| Military personnel, Marine Corps | 644,100,000 | 634,600,000 | 630,000,000 | 634,600,000 | 630,000,000 |
| Reserve personnel, Marine Corps | 26,800,000 | 23,500,000 | 23,200,000 | 23,500,000 | 23,200,000 |
| Marine Corps procurement | 164,000,000 | 100,000,000 | 20,000,000 | | |
| Marine Corps troops and facilities | 171,820,000 | 184,200,000 | 178,000,000 | 182,500,000 | 178,000,000 |
| Aircraft and related procurement | 1,732,900,000 | 1,932,000,000 | 1,812,000,000 | 1,912,000,000 | 1,837,000,000 |
| Aircraft and facilities | 810,772,000 | 878,000,000 | 853,500,000 | 868,500,000 | 853,500,000 |
| Shipbuilding and conversion | 1,479,700,000 | 1,654,000,000 | 1,534,000,000 | 1,609,000,000 | 1,584,000,000 |
| Ships and facilities | 766,040,000 | 827,000,000 | 820,000,000 | 823,000,000 | 820,000,000 |
| Procurement of ordnance and ammunition | 294,000,000 | 256,000,000 | 176,000,000 | 211,000,000 | 176,000,000 |
| Ordnance and facilities | 163,680,000 | 167,000,000 | 164,000,000 | 166,000,000 | 164,000,000 |
| Medical care | [2] 61,323,000 | 87,200,000 | 85,200,000 | 86,700,000 | 85,200,000 |
| Civil engineering | 129,600,000 | 138,000,000 | 134,630,000 | 136,630,000 | 134,630,000 |
| Research and development | 492,000,000 | 505,000,000 | 496,000,000 | 505,000,000 | 505,000,000 |
| Servicewide supply and finance | 297,644,000 | 309,000,000 | 300,000,000 | 306,000,000 | 300,000,000 |
| Servicewide operations | 102,435,000 | 112,000,000 | 107,000,000 | 108,000,000 | 107,000,000 |
| Naval petroleum reserves | 683,000 | 1,000,000 | 825,000 | 825,000 | 825,000 |
| Total, title IV | [3] 9,989,793,000 | 10,487,000,000 | [4] 9,801,355,000 | [4] 10,054,255,000 | [4] 9,866,355,000 |
| TITLE V—DEPARTMENT OF THE AIR FORCE | | | | | |
| Aircraft and related procurement | 6,848,500,000 | 6,200,000,000 | 5,846,000,000 | 6,126,000,000 | 5,886,000,000 |
| Procurement other than aircraft | 1,140,000,000 | 1,225,000,000 | [6] 1,146,500,000 | [6] 1,246,500,000 | [6] 1,171,500,000 |
| Research and development | 710,000,000 | 661,000,000 | 649,000,000 | 661,000,000 | 661,000,000 |
| Operation and maintenance | 3,742,685,000 | 4,225,000,000 | 4,062,120,000 | 4,193,993,000 | 4,092,120,000 |
| Military personnel | [3] 3,718,440,000 | 3,840,000,000 | 3,801,600,000 | 3,836,600,000 | 3,801,600,000 |
| Reserve personnel | 59,300,000 | 57,000,000 | 55,000,000 | 57,000,000 | 55,000,000 |
| Air National Guard | 258,700,000 | 263,000,000 | 263,000,000 | 263,000,000 | 263,000,000 |
| Total, Title V | [3] 16,477,625,000 | 16,471,000,000 | [6] 15,823,220,000 | [6] 16,384,093,000 | [6] 15,930,220,000 |
| Total, Titles I, II, III, IV, and V | 34,698,523,000 | 36,128,000,000 | [4] 33,562,725,000 | [4] 34,534,229,000 | [4] 33,759,850,000 |

[1] In addition, $27,444,000 transferred in Third Supplemental Appropriation Act, 1957, from "Procurement and production, Army."

[2] In addition, $10,000,000 transferred in Third Supplemental Appropriation Act, 1957, from "Construction of ships."

[3] Includes $28,100,000 which was moved to fiscal year 1956 account by warrant action but excludes $30,335,000 in Third Supplemental Appropriation Act, 1957, transferred from "Military construction, Air Force" (H. R. 7221).

[4] In addition, the following amounts to be derived by transfer:

| | |
|---|---|
| Transfer to "Military personnel, Army" from "Army stock fund" ($350,000,000) and "Army industrial Fund" ($50,000,000) | $400,000,000 |
| Transfer to "Military personnel, Navy" from "Navy industrial fund" ($70,000,000), "Navy stock fund" ($100,000,000) and "Marine Corps stock fund" ($20,000,000) | 190,000,000 |

[5] In addition, $10,000,000 of the unobligated balance of the fiscal year 1957 appropriation shall remain available until June 30, 1958, and shall be merged with the fiscal year 1958 account.

[6] Includes $21,500,000 to be transferred to CAA for Department of Defense share of the cost of the 1958 program for the air navigation system known as VORTAC.

Mr. CHAVEZ. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point a statement showing the action by the House and the Senate committees from the time the President on January 16, 1957, submitted the Department of Defense budget of $36,128,000,000, until July 22, 1957, when the conferees agreed on a total of $33,759,850,000, a net increase over appropriations of the House bill of $197,125,000, but an actual increase over amounts of the House bill of $284,125,000 in the appropriations restored by the Senate.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CERTAIN ACTION ON THE DEFENSE DEPARTMENT APPROPRIATION BILL

January 16, 1957: The President submitted the budget for the Department of Defense of $36,128,000,000.

April 18, 1957: The President stated [1] that $516 million in Army "Procurement and production" can be withheld if the House so chooses.

May 22, 1957: The Secretary of Defense issued a memorandum to the Secretaries of the three Departments withholding $500 million of the funds available from obligational availability during the remainder of fiscal 1957.

May 29, 1957: The House passed the defense appropriation bill in the amount of $33,562,725,000.

June 11, 1957: Secretary Wilson wrote to the chairman of the Defense Department Subcommittee of the Senate Appropriations Committee requesting $1,220,171,000 be restored. In the letter Secretary Wilson stated: "I feel that these amounts should be restored in order that important programs of the services may not be unduly hampered because of lack of funds." [2]

May 23, 1957: Secretary of Defense Wilson testified before the Senate committee:

"We hope that your committee will see fit to restore most of the amounts of the proposed cuts in these areas, because they represent adjustments downward in our defense program of considerable magnitude and seriousness. If permitted to stand, I believe that reductions of the magnitude proposed would amount to gambling unwisely with the security of the Nation." [3]

* * * * *

"As is always the case, facts have been developed during the past 4 months indicating the possibility of minor adjustments, both plus and minus, in the numerous detailed activities incorporated in the Department of Defense budget.

"While we will continue to press for further savings and improvements, such savings cannot be counted upon to make possible a reduction in the budget or make money available for other purposes.

"I believe we will be fortunate indeed if the savings we can make during fiscal year 1958 will offset the added costs that are likely to be incurred in carrying out the military programs that are essential for the security of the country.

"Our 1958 budget program is both austere and carefully balanced—balanced as between maintenance of forces in being and development of new items for future strength; balanced as between retaliatory power and defensive power, and balanced as between the military services and in terms of the capability to deal with varying military threats." [4]

* * * * *

"The cut recommended by the committee in military personnel appropriations can be made only by personnel reductions below the budgeted ceilings. While some possible

[1] H. Doc. 155, 85th Cong., p. 4.

[2] Senate hearings, p. 979.

[3] Ibid., p. 3.

[4] Ibid., p. 4.

economies were cited, making these cuts would leave no flexibility for meeting new necessary undertakings, such as limited implementation of Cordiner Committee recommendations designed to retain in service skilled technical personnel." [5]

May 23, 1957: Admiral Radford, Chairman of the Joint Chiefs of Staff, stated to the Senate committee:

"We believe it to be a sound budget and a necessary one if we are to have the type of defense for this country which will insure the security of our people and institutions." [6]

* * * * *

"I merely wish to emphasize for the record that our 1958 budget program is as well balanced as the best military planning and thinking could devise. Large cuts in the budget would not only disturb that balance but, in the opinion of the Joint Chiefs of Staff, would risk the security of the Nation and the Free World." [7]

May 24, 1957: Secretary Brucker of the Army told the Senate committee:

"I am very much disturbed with the budget reductions proposed in the House bill, especially in view of the retrenchments we have already made in order to get along in fiscal year 1958 with less financing than we had in fiscal year 1957. We are proud of the Army record and we want to move forward. I feel the reductions indicated will have a severe impact on many of our activities." [8]

May 24, 1957: General Taylor, Chief of Staff of the Army, stated to the Senate committee:

"I assure the committee, as Chief of Staff, that the Army needs every dollar of the President's 1958 budget if it is to be able to field and fight the Army forces which are essential to our security." [9]

May 28, 1957: Secretary Gates of the Navy testified before the Senate committee:

"While it is too early to present to you any conclusions in detail at this time, it is evident that the Department of the Navy cannot absorb reductions of the magnitude recommended without seriously impairing certain programs and the proper balance which must be maintained between programs and appropriations." [10]

May 28, 1957: Admiral Burke, Chief of Naval Operations, said to the Senate committee:

"Our budget has been subjected to a most thorough and painstaking analysis over an extended period of time. It will provide for our most urgent needs. It will permit us to maintain mobile, versatile forces deployed on the spot in the western Pacific and the Mediterranean. It cannot be reduced without serious effect upon well-considered programs essential to our national security." [11]

May 29, 1957: Secretary Douglas of the Air Force said to the Senate committee:

"In my judgment our budget for fiscal year 1958 requests a minimum of funds to carry out our fiscal year 1958 Air Force program. * * * Although it is an austere budget, it will provide, with careful management, for combinations of delivery systems which will comprise the greatest air striking power the Air Force has ever had. It will give the Air Force the capability to perform its mission if called upon in any emergency." [12]

May 29, 1957: General Twining, as Chief of Staff of the Air Force, said to the Senate committee:

"Thus, the Air Force request which is being presented to you has actually been pared below what I considered minimum essential a few months ago. I have said before there is an element of risk in every Defense budget. I will speak even more plainly. The Air Force budget, as presented to you today, has already been reduced to a point which lies in what I consider to be a dangerous area.

"I fully subscribe to Secretary Douglas' comments concerning the effect upon the Air Force of the action taken by the House Committee on Appropriations on our budget estimates for fiscal year 1958. The President's budget for 1958 for the Air Force as it was submitted to the Congress was designed to support a minimum program, and the financing proposed was marginal.

"I cannot emphasize too strongly the necessity for appropriation of the total new obligating authority requested for the Air Force in the President's budget. Substantial reductions in those amounts mean a new and reduced Air Force program, which can only be measured in terms of disproportionately increased risk to our national security in the budget year, as well as in future years." [13]

June 10, 1957: Assistant Secretary Roderick of the Army told the Senate committee:

"Reductions of the type recommended by the House would cut into the bone and muscle of the Army and reduce its ability to execute its combat mission." [14]

June 24, 1957: The Defense Department Subcommittee, Senate Appropriations Committee, recommended an appropriation of $34,534,229,000.

June 28, 1957: The Senate Appropriations Committee approved an appropriation of the same amount.

July 2, 1957: The Senate approved an appropriation of the same amount.

July 17, 1957: First meeting of the conferees.

July 17, 1957: Letter from Secretary Wilson to the conferees indicates that the Department will reduce military personnel by 100,000. Tabulation furnished indicated that reductions of $229,249,000 were recommended in the restorations made by the Senate.

July 22, 1957: The conferees agreed on a total of $33,759,850,000, a net increase over the House of $197,125,000, but an actual increase over the House of $284,125,000 in the amounts restored by the Senate.

Mr. CHAVEZ. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated July 17, 1957, addressed to me by the Secretary of Defense, detailing what he had in mind by the reduction.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
*Washington, July 17, 1957.*

Hon. DENNIS CHAVEZ,
*Chairman, Department of Defense Subcommittee on Appropriations, United States Senate.*

DEAR MR. CHAIRMAN: There is enclosed, for your information, a copy of a letter I have just sent to the chairman of the Department of Defense Subcommittee of the House Committee on Appropriations, in response to his request for the Department of Defense requirements for new obligational authority for fiscal year 1958, in light of the House and Senate action on the appropriations bill and expenditure ceiling limitations for fiscal year 1958.

Sincerely,

C. E. WILSON.

THE SECRETARY OF DEFENSE,
*Washington, July 17, 1957.*

Hon. GEORGE MAHON,
*Chairman, Department of Defense Subcommittee, Committee on Appropriations, House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to the recent request of your committee to provide an analysis of the Department of Defense requirements for new obligational authority for fiscal year 1958 in light of the House and Senate action on the appropriation bill and the reported expenditure ceiling limitation of $38 billion for that year.

The budget request presented to your committee and the subsequent request for restoration made to the Senate were based upon approved programs related to the military strength figure of 2,800,000.

During my appearance before your committee on July 1, I indicated that some adjustment in military plans would probably be necessary to keep expenditures in the neighborhood of $38 billion. To maintain a balanced military program, the President yesterday approved a reduction, substantially to be achieved by January 1, 1958, in the number of military personnel, including a proportionate number of officers, from previously authorized levels as follows:

| | Reductions | | | Revised authorised strength |
|---|---|---|---|---|
| | Total | Enlisted | Officer | |
| Army | 50,000 | 44,470 | 5,530 | 950,000 |
| Navy | 15,000 | 13,365 | 1,635 | 660,000 |
| Marine Corps | 10,000 | 9,100 | 900 | 190,000 |
| Air Force | 25,000 | 21,200 | 3,800 | 900,000 |
| Total | 100,000 | 88,135 | 11,865 | 2,700,000 |

Because of the administrative problems involved in separation of officers, some of this officer reduction is expected to take place in the latter half of the fiscal year.

In addition, it is planned to effect a further reduction of 8,135 officers during the latter part of the fiscal year, with the total officer reduction amounting to 20,000. This second increment in the officer-reduction program, however, will be undertaken in connection with a final review of headquarters and supporting activities and a review of the entire personnel program made in the fall in relation to the determination of the fiscal year 1959 budget.

The House action on the portion of the Department of Defense appropriation request included in H. R. 7665 provided for appropriation of $33,562,725,000. The Department of Defense initially requested restoration totaling $1,220,171,000. Subsequently, this request for restoration was modified by requesting the addition of $13.8 million for the "Army National Guard" appropriation to permit an end strength of 400,000, provided this amount was within the total requested for restoration by the Department of the Army in its several appropriations. Senate action increased specific appropriation accounts by $1,058,504,000 over the House amount, and at the same time made reductions in other appropriation accounts of $87 million, making a net total increase of $971,504,000 over the House amount.

In the light of the military personnel plans approved yesterday by the President, no amounts need be provided for military personnel in excess of the amounts provided by the House. In addition, certain reductions may now be made in the "Operation and maintenance" accounts as restored by the Senate. After taking into account the adjustment in fund requirements resulting from the reduction in the number of military personnel, the balance of the funds in the maintenance and operation accounts are needed and can be utilized properly, without the earmarking of any specific sum in the

[5] Ibid., p. 5.
[6] Ibid., p. 9.
[7] Idem.
[8] Ibid., p. 91.
[9] Ibid., p. 147.
[10] Ibid., p. 173.
[11] Ibid., p. 237.
[12] Ibid., p. 281.
[13] Ibid., p. 334.
[14] Ibid., p. 601.

appropriation "Operation and maintenance, Army," for the support of the Army National Guard and the Army Reserves.

Restorations totaling $30 million were made by the Senate in the "Research and development" appropriations. We believe that these funds are needed and can be used effectively during fiscal year 1958 for research and development.

The amounts restored by the Senate to the Navy and Air Force procurement appropriations are needed and can be utilized to good effect by the Department of Defense to assure that the procurement programs are fully funded on the basis of realistic production lead times and realistic reorder times. A similar justification exists for the restoration of the $87 million reductions made by the Senate in the Army "Procurement and production" and the Marine Corps "Procurement" appropriations.

The Senate made an increase of $20 million in the appropriation "Reserve personnel, Army"; an increase of $40 million in the appropriation, "Army National Guard"; and earmarked $40 million of the restoration in the "Operation and maintenance" appropriation for support of increased strength for the Army National Guard and Organized Reserves. As outlined in a letter of June 24, 1957, to the chairman of the Senate Subcommittee on Appropriations, present plans contemplate utilization of only $13.8 million in excess of the amount approved by the House for the appropriation "Army National Guard," if such an amount were provided by the Congress.

The adjustments outlined above are indicated in detail on the attached statement.

Sincerely,

C. E. WILSON.

Mr. NEUBERGER. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. NEUBERGER. In the first place, I should like to associate myself with the comments made by the Senator from Delaware [Mr. WILLIAMS] and the Senator from Wyoming [Mr. O'MAHONEY] about the desirability of holding down, to as great an extent as possible, the profits made from armaments. At a time when the Government has eliminated practically all the educational benefits formerly provided under the GI bill of rights, it appears to me morally compelling on Congress and the President to hold down to as great a degree as reasonable the profits which are made by the manufacturers of military equipment and supplies. It seems to me we are further away than ever from the great principle of equality of sacrifice.

The purpose for which I rise, beyond my making this brief comment, is to ask the able Senator from New Mexico a question. When the conference report was printed in the CONGRESSIONAL RECORD a few days ago, after its adoption by the House of Representatives, the statement on the conference report, in connection with amendment No. 36, stated the following:

> However, it is realized that the procurement of commercial transportation must be made in accordance with existing law.

Since this particular language sounded to me like something we inevitably and invariably take for granted, I wonder whether the Senator from New Mexico can tell us precisely what that language means?

Mr. CHAVEZ. I understood that some Senators were interested in asking questions on that point, and I have therefore tried to prepare an answer to such an inquiry, so that there might be a clarification in the RECORD as to how the conferees understood that language.

By that clause the conferees meant to make it clear that the purchase of transportation by the Government should be in accord with transportation law and with the national transportation policy.

Under that law and policy, the fair and reasonable published tariff rates of carriers, required to insure the fair return to which they are entitled by law, are applicable alike to all shippers, including the United States Government, except to the extent to which Congress has specifically provided otherwise.

It was because of possible conflict with this principle, particularly in the field of air transportation, where no such provision exists, that the conferees agreed to the elimination of amendment 36, which, although not so intended when we adopted it, might be interpreted as imposing competitive bidding requirements on all transportation procurement.

Mr. NEUBERGER. I thank the Senator from New Mexico for the information he has provided.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. LAUSCHE. Does the bill now contain any direction to the Armed Forces with respect to their power to contract specifically for transportation services?

Mr. CHAVEZ. The statement on the conference report contains something about that. It refers to amendment 36. This is what the statement sets forth:

> Amendment No. 36: Deletes provision of the Senate pertaining to the procurement of commercial transportation. The committee of conference emphasizes the importance of the Senate committee report on Use of Commercial Carriers and calls on the Department of Defense to carry out the full intent. However, it is realized that the procurement of commercial transportation must be made in accordance with existing law.

Mr. LAUSCHE. Mr. President, there is now pending before the Committee on Interstate and Foreign Commerce a bill to compel the Government to pay carriers the tariff rates set forth in the schedules on file with the Interstate Commerce Commission. The added cost to the Government, if that bill were passed, would be $250 million a year. I can say, from the expressions made by members of the committee, that the consensus is that the Federal Government, being the huge hirer of transportation that it is, is justified in obtaining a rate lower than that paid by private shippers. To repeat, Mr. President, if that bill were enacted, it would cost the taxpayers of the Nation an additional $250 million.

May I ask the Senator from New Mexico whether that subject was under discussion at all in the conference?

Mr. CHAVEZ. That subject was under discussion. The House conferees would not agree to the Senate amendment whatsoever.

I should like to read to the Senator—I think probably it will be clearer if I do so—what the Senate committee, not the committee of conference, said about the matter?

As a result of the Senate committee amendment, we had heard complaints that the Department was not paying any attention to committee reports. We had called attention to this matter even last year. So this year we went further. We said:

> Last year in the conference committee on the Defense appropriations bill the Senate joined with the House in stating in a letter to the Secretary of Defense that the Government should, to the greatest extent practicable, adjust its use of air transportation so as to use existing unutilized capacity of United States air carriers.

Of course, that would apply to other kinds of transportation.

> This statement was based upon our position that maximum utilization by the Department of Defense of United States civil air carriers—

They were complaining about MATS more than anything else at that particular time—

> is essential both in the promotion of our free enterprise economy and in the provision of the necessary ready reserve civil airlift for national defense; and that Government operations of its own air transport facilities should be limited to that essential to military security.
>
> The committee reaffirms its position of last year that the Department of Defense should utilize the services of commercial transportation, in preference to Government-owned and Government-operated transportation, to the fullest extent possible when, upon using the same cost standards for both commercial and Government facilities, it is found to be more economical, and further, that in evaluating relative costs of transportation, the Department should recognize the specific monetary value of time saved as an important factor in the award of competitive bids in transportation.
>
> "It is the desire of the committee that all commercial carriers be given a fair and equal opportunity to offer their facilities on a bid basis to the Department of Defense, and be provided to the extent practical with equal access to information regarding commercial movements of cargo and personnel. The Department should make every effort to centralize the procurement of such transportation so as to consolidate movements in the interests of economy and to avoid the practice of arbitrarily dividing groups into such small units as to necessitate unwarranted additional expense.
>
> The committee desires that at installations where private carriers are permitted to offer their services for sale to individual personnel, representatives of all commercial carriers should be afforded equal access without discrimination.

Mr. LAUSCHE. I subscribe to the thoughts expressed by the Senator from Wyoming the Senator from Delaware, and the Senator from Oregon concerning the advisability of coordinating the purchasing activities as recommended by the Hoover Commission. I think that action is overdue.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. CLARK. I wish to commend my colleague, the distinguished Senator from New Mexico [Mr. CHAVEZ], for the magnificent piece of hard work and effective thinking he has put into the shepherding of this enormously compli-

cated bill through the Senate, through conference, and back to us.

For the record, I should like to state that, most reluctantly, I shall vote for the adoption of the conference report because, in my judgment, there is no practical alternative. I share the views so often expressed by the distinguished Senator from Missouri [Mr. SYMINGTON] that billions of dollars are being wasted through the ineffective organization of the Department of Defense. I share his views, also, that in all likelihood we are taking a chance on our national security by cutting back our Armed Forces in order to be sure that we balance the budget.

I want the record to show that next year, in my belief, a very earnest effort should be made to secure a more modern and up-to-date organization of the Department of Defense, and that we should resist to the best of our ability what appears to me to be a unilateral disarmament effort in advance of an agreement with Russia, which I fear is threatening our national security.

I appreciate the fact that the distinguished Senator from New Mexico and his colleagues on the Committee on Appropriations know far more about these matters than I, a junior Senator, who am not even on the Committee on Armed Services, do. But I feel an obligation to state my position for the RECORD on the basis of such facts as I am able to obtain, despite the fact that, as a junior Senator, I obviously do not have anything like the wide knowledge possessed by my very able colleague from New Mexico, and our distinguished colleague from Massachusetts [Mr. SALTONSTALL].

Mr. CHAVEZ. I simply ask my good friend from Pennsylvania to imagine the situation in which the conferees found themselves. The representatives of the Department had been before the Senate subcommittee and had made a showing for all these things. We agreed with them, the full committee agreed with them, and the Senate agreed with them. But on the day before the conference, the Department simply pulled the rug out from under us.

Mr. CLARK. I express my complete agreement with the Senator from New Mexico that the President of the United States pulled the rug from under the committee.

I thank the Senator for yielding.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. SYMINGTON. The Senator from Missouri joins his colleagues in congratulating the distinguished senior Senator from New Mexico, chairman of the subcommittee, upon the fine and constructive work he did on this bill. Now I ask the Senator if he noticed an article in a newspaper only yesterday which said that Secretary Wilson has ordered a further cut of $500 million more out of maintenance and operations expenditures of the three services. Has the Senator seen that latest story of further reduction?

Mr. CHAVEZ. I do not recall that I have seen it.

Mr. SYMINGTON. Would it be in order to have the article placed in the RECORD at the end of the able Senator's remarks?

Mr. CHAVEZ. Certainly. The Senator might comment on it, so that we can all be informed about it.

Mr. SYMINGTON. Mr. President, I ask unanimous consent to have printed in the RECORD at the end of the remarks of the Senator from New Mexico an article entitled "Wilson Sets Cut in Maintenance," written by John A. Giles, and published in the Washington Evening Star of July 31, 1957.

There being no objection, the article was ordered to be printed in the RECORD.

(See exhibit 1.)

Mr. SYMINGTON. It is true, is it not, that if the article is correct—and the information has been republished in the morning newspapers—it simply means there will be further fluctuations in the previous official position regarding the budget that was presented to the committee by the Secretaries and the Chiefs?

Mr. CHAVEZ. It would appear that way to me.

Mr. SYMINGTON. It is now apparent that Congress is rapidly losing control of the purse strings through such manipulations of expenditures. The department obtains our approval of appropriations, then obtains complete unilateral control of such manipulations of expenditures.

Mr. CHAVEZ. I have seen that happen, not only in one department, but in all departments.

Mr. SYMINGTON. This flouting of the Congress through the establishment of fiscal ceilings and controls without regard to the budget document, or regard for the testimony of Defense Department witnesses appearing before Congressional committees worries me a great deal. Apparently the administration is treating as equally unimportant the statements and testimony before the committee of the Secretaries and members of the Joint Chiefs of Staff with respect to what is necessary in the way of military requirements.

Would not the Senator from New Mexico agree with that statement?

Mr. CHAVEZ. We would not have given the Department $971 million more than the House bill provided, if those persons had not appeared before our committee. The Air Force appeared. The Army appeared, the Navy appeared, also the Secretary of Defense. Not only that, but they were grateful for being asked to appear.

Mr. SYMINGTON. Would not the able chairman also agree that inasmuch as the Senate rescissions were made primarily because of that letter, passed around from the Director of the Budget, and also the letter passed around from the Secretary of Defense, actually these further cuts were made without any analysis of their effect on our defense strength, or on the individual programs?

Mr. CHAVEZ. That gave the House conferees an opportunity to say, "No." We tried to retain some part of the Senate restorations, no matter how small or large, until they sprang the letters of the Budget Director and the Secretary of Defense.

Mr. SYMINGTON. There is a continuing lack of interest in proposals which would reduce tremendously the cost of defense, such as the Cordiner report; and also the points discussed by many Senators on the floor this morning with respect to the O'Mahoney amendment—less waste through increased unification of the services; and finally, the place where the most money can be saved, true weapons systems evaluation.

It is now obvious that fiscal considerations have been given priority by this administration over actual defense requirements. That, in effect, means that the United States is unilaterally disarming at the same time when it is telling the American people there is hope for success in the bipartisan negotiations on disarmament now going on in London.

Finally, Mr. President, knowing the great experience of the distinguished Senator from New Mexico [Mr. CHAVEZ] in the field of military appropriations, let me ask him this question: Is it not true that each time there is a modification of these programs, millions of cards in, say, inventory bins, have to be changed, millions of other records must be changed, millions of dollars are automatically lost? If a program for the production of, say, 300 airplanes, if subsequently reduced to one for the production of 200 planes and that is later increased by 100, and then subsequently reduced by 75, there is gigantic waste in time and dollars.

Mr. CHAVEZ. It seems to me that a business concern would not do that sort of thing. A business concern would consider the dollars and cents involved and would try to make as many savings as possible. However, once in a while I become a little discouraged in trying to get the Government to economize somewhere.

Mr. SYMINGTON. I thank the distinguished Senator from New Mexico.

Mr. CHAVEZ. I would not favor a reduction in the amount by even one penny, if that would result in jeopardizing the national security. But surely in connection with a bill appropriating approximately $34 billion, unless care is taken, there is bound to be considerable waste.

Mr. SYMINGTON. I thank the Senator.

Mr. President, as a former manufacturer, let me say that after cost estimates are established, including a profit, one major program change would be likely to wipe out all estimated profit.

I understand that in the past 12 months, in one service, there have been 17 major program changes.

There is no better way to plan waste.

Again let me congratulate the distinguished Senator from New Mexico for the able work he did on the committee; and express my appreciation to the very able junior Senator from Pennsylvania for his constructive thoughts on this matter.

Mr. CHAVEZ. I thank the Senator from Missouri.

Mr. SYMINGTON. Later, I expect to talk before the Senate about the way this

administration is now deliberately taking control of the purse strings away from the Congress, through arbitrary manipulation of the expenditures, after obtaining the appropriations.

I thank the Senator from New Mexico for yielding to me.

EXHIBIT 1

[From the Washington Evening Star of July 31, 1957]

WILSON SETS CUT IN MAINTENANCE

(By John A. Giles)

Defense Secretary Wilson's economy knife is being sharpened to prune upward of $500 million from the military maintenance and operations funds.

The funds, totaling nearly $10 billion, are used for everything from mowing of lawns on military installations and buying paper clips to operation and maintenance of jet aircraft.

Some activities under the funds may be cut 10 percent or more, but the overall goal is a 5 percent reduction. The increasingly painful Pentagon budget squeeze is necessary to bring spending within President Eisenhower's $38 billion ceiling.

The pinch is caused by spiraling costs of missile research and development of complex new electronic devices and of materials and labor generally.

This is the third move in the economy campaign. With White House blessing, Mr. Wilson earlier this month ordered the Armed Forces to slash their current strength—2,794,411 as of June 30—by 100,000, thereby saving $200 million.

Further manpower cuts may be made, but no firm decision on this move is expected before November or December.

The other economy drive has been in the procurement field. The Air Force's $500 million long-range Navaho missile has been scrapped to save the additional $1 billion it would have cost to make it operational, and production of the latest supersonic fighters has been stretched out. In addition, a number of small installations have been closed.

If applied with a meat ax technique, the cut in maintenance and operations money could be disastrous.

However, Mr. Wilson's economy experts have been told to concentrate on less vital aspects of maintenance and operations, including the cost of automobiles, travel, paper, desks, and redecorating.

The Air Force operations budget was set by Mr. Eisenhower at slightly in excess of $4 billion, compared with nearly $3 billion for the Army and nearly $2.5 billion for the Navy in the original estimates.

Mr. STENNIS. Mr. President, will the Senator from New Mexico yield briefly to me?

The PRESIDING OFFICER (Mr. MONRONEY in the chair). Does the Senator from New Mexico yield to the Senator from Mississippi?

Mr. CHAVEZ. I yield.

Mr. STENNIS. Mr. President, I am familiar with the long weeks and months of work, day and night, the chairman of the subcommittee, the Senator from New Mexico [Mr. CHAVEZ], devoted to this enormous bill, which sometimes seems to have neither a beginning nor an end. His fine patience not only with the other members of the subcommittee, but also with the witnesses and in connection with the problems involved, was extraordinary and highly commendable.

I desire to thank him, not only as a member of the subcommittee, but also as a Member of the Senate, for his excellent work, his patience, and his endurance. The burden on him has been a considerable one, but he has carried it without complaint; and he is entitled to the thanks of the entire Senate.

Let me say the burden was shared by the senior Senator from Massachusetts [Mr. SALTONSTALL], whose industry and diligence in connection with the subject matter were also manifested throughout the hearings; and I likewise also desire to commend him.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. MORSE. Mr. President, I shall vote for the report, although I am disappointed in some features of it. However, I do not think that is the fault in any way of the able chairman of the Senate subcommittee or the other Senate conferees. I suppose it represents somewhat a trend of false economy which has prevailed this year in the Congress—a trend for which I believe the administration must take the major responsibility.

Mr. President, as my colleagues know, it was some years ago that I authored in the Senate, upon the recommendation of the American Legion Post of Grants Pass, Oreg., a single-catalog purchasing system for the Military Establishment.

I spoke about this problem some weeks ago, on the floor of the Senate. I pointed out that although the Congress made that procedure the law of the land, the officials of the Pentagon have dragged their heels, have stalled, and have used one dilatory device after another, in an effort to prevent the saving to the taxpayers of the United States of the hundreds of millions of dollars which the testimony taken at the time of our hearings on my bill and which the expert opinion which has been had since the passage of the bill have uniformly shown would result from the application of that law.

I was glad to hear the Senator from Pennsylvania [Mr. CLARK] and my colleague from Oregon [Mr. NEUBERGER] and other Senators a few minutes ago refer again to this procurement policy problem. I would refresh their recollection by pointing out to them that the law is now on the statute books; and the Senate should see to it that the spirit and intent of the law are carried out by the Department of Defense, although that has not been the case to date.

Mr. President, I was also pleased to hear the Senator from Pennsylvania [Mr. CLARK] say that at the next session of Congress he intends to make that matter a major legislative objective of his. I join with him, but I respectfully say to him that he should insist that the law be carried out.

I was also pleased to hear the Senator from Wyoming [Mr. O'MAHONEY] speak on the same general subject matter.

I repeat what I have said in the past, Mr. President: In the Military Establishment, there is inexcusable waste to the extent of hundreds of millions of dollars, because of the procurement policy.

I completely reject the position taken some weeks ago by Mr. Wilson, when he tried to pooh-pooh the position we took, namely, that the program Congress has enacted into law should assiduously be followed by the Military Establishment.

I am also disappointed in the outcome in respect to the reduction in the strength of the Marine Corps. I share the views expressed by the distinguished senior Senator from Georgia [Mr. RUSSELL], the chairman of the Senate Committee on Armed Services.

I believe the Senate should never take any risks whatever in respect to the effective strength of a military force which could be sent immediately to provide military protection of American rights anywhere in the world.

Therefore, I am at a loss to understand the reason for what I consider to be the failure on the part of some military officials to provide the full support to which I believe the Marine Corps is entitled.

I wish more money were included in this conference report for the marines, and that the Senate recommendations had prevailed, but I fully appreciate the position of the Senator from New Mexico as chairman of the conferees, for, after all, he has to work within the framework of what is possible. I am satisfied that in the conference he did the best he could to carry out the instructions of the Senate as set forth in the action taken on the floor of the Senate.

I want the record to show that I share the position taken by the Senator from Missouri [Mr. SYMINGTON], who I understand at a later time, will present in greater detail some of the views he has already expressed in regard to what is happening in the United States Air Corps from the standpoint of failure on the part of the Eisenhower administration to give the Air Force adequate fiscal support.

I have consistently supported the position of the Senator from Missouri because, in my judgment, not only has he been the most expert witness available to us in view of his previous service as Secretary of the Air Force, but also because I think the data he has presented have stood up under the most scrutinizing analysis of his critics.

Again I wish to say I do not think we can afford, because of the Russian menace, to take any risks in regard to America's defensive and offensive airpower. Until we are able to work out a disarmament program, starting along the lines of the resolution I submitted in the Senate last night, I think we had better see to it that no question can be raised that we are superior to Russia in every possible branch of the Air Force.

For the reasons I have stated, I shall vote for the conference report, although I am disappointed in that I do not believe the conference report provides all the funds it should provide in the best interests of the security of America. I am satisfied that that is in no way the fault either of the chairman of the conference committee or of any of the Senate conferees. Therefore, I shall vote for the conference report.

SENATE PROCEDURES

Mr. President, I wish now to say a word for the RECORD about the parliamentary situation in which we find ourselves. I

do not say it because of any political wounds, for I am not bleeding politically, may I say, as a result of the position I have taken in the Senate. If I am, at least I have not found the wounds; but I have been interested in and amused by some of the comments from radio and television commentators, and some of the stories of some of the gentlemen in the press gallery, in the last couple of days.

I refer to the radio broadcasts, television broadcasts, and newspaper stories written by the members of the fourth estate who either do not understand the rules of the Senate or who are the servants of reactionary employers who did not think it was in keeping with the responsibilities of their profession to explain to their readers, and their listeners, and their viewers the rules of the Senate.

The stories and radio and television broadcasts to which I refer have originated with those who have not even sought to be fair enough to explain what the rule as to privileged business in the Senate is. The result of their open, and sometimes snide, attacks on the senior Senator from Oregon will only be to aline the people more with him. The reactionary forces are against him, anyway. So, Mr. President, I am not concerned at all about any political injury these hirelings of reactionary editors and radio and television owners may think they are doing to me.

However, I wish to point out, Mr. President, that the people are entitled to the facts. The fact is, as I pointed out yesterday, there never has been a time when the Defense Appropriations conference report and other conference reports which are ready for consideration could not have been brought to the floor of the Senate, in days gone by, by the chairmen of the conference committees. They are privileged reports. I have made clear that I shall always support the regular, orderly procedures of the Senate. There has never been a time when I would have voted against bringing up a privileged matter. This report, in my judgment—and I do not speak critically of anyone—could have been behind us days ago, as could have other conference reports, if those responsible for the reports had cared to bring them up. I do not know what they have been waiting for. However they are not going to succeed in trying to pass the buck to me by leaving the impression with the public that I have blocked a consideration of conference reports. The Washington Post know better even though they are not journalistically fair enough to tell their readers so. These two slanted newspapers are typical of more of the reactionary press of the Nation.

Now, Mr. President, for the record let me say again I do not intend to give unanimous consent to the handling of any unprivileged matters in the Senate. That is also in consonance with one of the rules of the Senate, which I recommend for the study of the gentlemen who sit in the radio, television, and press gallery. I suggest that when they write on Senate procedures they have the responsibility to tell their readers and viewers and listeners the facts about the rules. I thought I had made my position very clear yesterday, but I judge, from some of the radiocasts and televisioncasts and newspaper articles, that the newspapermen were elsewhere than in the press and radio and television gallery when this matter was discussed on the floor of the Senate. At least some of the reports would indicate that they were absent in mind if not in body.

When it comes to any unprivileged matter in the Senate, each Senator has a right to object to a unanimous-consent proposal that seeks temporarily to lay aside the business pending before the Senate in order to consider such unprivileged matter. So far as the Senator from Oregon is concerned, he will object to the consideration of any unprivileged matter.

What I have just said applies to the Small Business Administration bill. Some members of the press interviewed me this morning as to what my position was on the Small Business Administration bill. I have nothing to conceal about my view. That bill is not a privileged matter. It is subject to a point of order if it is brought up on this legislative day, because it was placed on the calendar in this legislative day. If a motion were made to adjourn the Senate, which would be required in order to bring up the bill, and thus to get around the point of order I unquestionably would raise, the bill would then have to be considered in the morning hour, which ends always at 2 o'clock. Until some concessions are made in regard to a time certain to vote on the pending civil rights amendment, I want to say for the benefit of the gentlemen in the press and radio and television gallery, that I will prevent a vote during any morning hour. I have a whole series of subject matters I am just waiting to discuss in the Senate, under the rules of the Senate, in the morning hour. When I do that in the morning hour, I shall be within the rules of the Senate, and I shall be following the orderly procedures of the Senate. I hope the editors of the Washington Post, and the Washington Star, for that matter, who need a refresher course, not only on Senate procedures, but on constitutional law, will start publishing the truth about the parliamentary situation in the Senate. It is time to place the blame where it belongs for the parliamentary situation in the Senate. That blame does not rest on the shoulders of the senior Senator from Oregon but on those that vote to put the civil-rights bill directly on the Senate Calendar without consideration by the Senate Judiciary Committee.

So, Mr. President, until in the parliamentary struggle in which we are now involved we can get some concessions with regard to the pending amendment, the Senator from Oregon repeats that every parliamentary right he has under the rules of the Senate will be exercised.

Let me say further, Mr. President, and respectfully, that I completely disagree with the position taken by a few of my liberal friends, and I understand that more and more of them are gradually coming around to my point of view, which does not surprise me, because I think I have been standing for the true liberal position with regard to this civil rights issue from the very beginning. I understand some of my liberal friends are beginning to see now that when in a parliamentary struggle negotiations are started to seek to provide a procedure for the handling of some emergency legislation, one ought to have at least a little understanding of the philosophy of David Harum.

My horse-trading propensities stand me in good stead. I do not trade away a good horse and get nothing back but a buggy whip that may be used on my own back. I at least try to get a horse of equal value.

In this particular situation, Mr. President, if there is any trade of parliamentary accommodations in this parliamentary struggle, I want a concession with regard to the jury trial amendment vote, with a time certain fixed to vote.

Oh, I know what the proponents of small business say. I hear from them, too. Let me say to them that as soon as we get through with the jury amendment and the entire civil rights issue I shall be one of the cosponsors of a bill, if someone beats me to offering the bill, to provide for the Small Business Administration. I shall be either the author or a cosponsor of a bill which will seek to reestablish the Small Business Administration, and I am sure within a few hours after we have disposed of the civil rights issue we will have the Small Business Administration back in operation.

In order to keep the record straight—I say this kindly but factually—although much blame from certain sources will be placed upon my shoulders for what has happened to the Small Business Administration bill, if certain people can get by with it, I say to them, as I said to the pear orchard spokesmen of Oregon yesterday, "What are you calling me for? Why do you not call the chairman of the conference committee regarding your subject matter? The conference report could have been brought up at any time after the conferees reached an agreement."

So, I say to those interested in the Small Business Administration bill, as I am, "What are you calling me for?"

I stood on the floor of the Senate not so many days ago and sought a 7-day period during which to handle emergency legislation. The speech was perfectly clear. I forewarned what would happen. I said in that speech that if we did not follow the course of action I suggested, other measures would be caught behind the logjam of the proposed civil-rights legislation. We needed an official committee report on the bill. But a majority of the Senate disagreed with me. They exercised their rights. They voted against my motion to refer the civil-rights bill to the Senate Judiciary Committee with instructions to report back in 7 days. All I am doing is exercising my rights.

I am perfectly willing to let the public judge where the responsibility should rest for nonaction by the Senate on unprivileged legislative matters.

I want to say, Mr. President, in closing, that the debates we have had on the

civil-rights bill—the debate of the past several days, the debate of last night, and the debate of this morning—show, in my opinion, how right I was in the position I took that there ought to be called before the Committee on the Judiciary outstanding witnesses, great constitutional law authorities, great scholars in the field of constitutional law, to give the Senate of the United States through its regular Committee on the Judiciary expert testimony, views, and opinions the Senate should have, on the basis of which to write legislation. Instead of that the Senate is trying to write a bill which is becoming more complicated with every amendment or every modification of an amendment proposed. We now have a bill which, so far as constitutional law is concerned, is not limited to the civil-rights issue. It has gone into many fields involving constitutional problems of our entire judicial system. In my judgment the bill will end up as a legislative monstrosity, and will plague the courts, which will not even have an official committee report on the basis of which to make an interpretation of the Congressional intent and purpose of the legislation.

I say these things, Mr. President, not because I want to be unpleasant, but because I think as a matter of right and duty I owe it to myself to keep the record straight.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

## MUTUAL SECURITY ACT OF 1954

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. I thank my friend, the Senator from California, for suggesting the absence of a quorum.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. Has the conference report on the Department of Defense appropriation bill been agreed to?

The PRESIDING OFFICER. It was agreed to unanimously.

Mr. JOHNSON of Texas. Mr. President, I ask that the Chair lay before the Senate a privileged matter, the House amendments to Senate bill 2130, the Mutual Security Act.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on Senate bill 2130, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
*July 22, 1957.*

*Resolved*, That the House insist upon its amendments to the bill (S. 2130) entitled "An act to amend further the Mutual Security Act of 1954, as amended, and for other purposes," and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

*Ordered*, That Mr. GORDON, Mr. MORGAN, Mr. CARNAHAN, Mr. VORYS, and Mr. JUDD be the managers of the conference on the part of the House.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate disagree with the House amendments and agree to the conference requested by the House, and that the Chair appoint conferees on the part of the Senate.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MORSE. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. This is a privileged matter, is it not?

The PRESIDING OFFICER. It is privileged under the precedents of the Senate.

Mr. MORSE. I simply want the record to show that the Senator from Oregon is following the rules of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Presiding Officer appointed Mr. GREEN, Mr. FULBRIGHT, Mr. SPARKMAN, Mr. HUMPHREY, Mr. MANSFIELD, Mr. WILEY, Mr. SMITH of New Jersey, Mr. HICKENLOOPER, and Mr. KNOWLAND conferees on the part of the Senate.

## DEPARTMENT OF AGRICULTURE AND FARM CREDIT ADMINISTRATION APPROPRIATIONS—CONFERENCE REPORT

Mr. JOHNSON of Texas. Mr. President, on behalf of the Senator from Georgia [Mr. RUSSELL], I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7441) making appropriations for the Department of Agriculture and Farm Credit Administration for the fiscal year ending June 30, 1958, and for other purposes.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of July 9, 1957, pp. 11102–11103, CONGRESSIONAL RECORD.)

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. The conference report is a privileged matter, is it not?

The PRESIDING OFFICER. It is a privileged matter.

The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the conference report.

Mr. JOHNSON of Texas. Mr. President, if there are no Senators who desire to make statements on any other subject now, I shall suggest the absence——

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield the floor to my friend, the Senator from California.

## STATUTES AUTHORIZING INJUNCTIVE RELIEF

Mr. KNOWLAND. Mr. President, I should like to read into the RECORD at this point the statutes authorizing the United States to seek injunctive relief as a means of law enforcement without jury trial for contempts. I will omit the citations, but will read the list of statutes for the information of the Senate:

Packers and Stockyards Act.
Associations of Agricultural Producers Restraining Trade.
Perishable Agricultural Commodities Act, 1930.
Agricultural Adjustment Act.
Federal Seed Act.
National Housing Act.
Sherman Act.
Clayton Act.
Federal Trade Commission re false advertising.
Wool Products Labeling Act.
Fur Products Labeling Act.
Securities Act of 1933.
Trust Indenture Act.
Securities Exchange Act of 1934.
Public Utilities Holding Company Act.
Investment Company Act.
Investment Advisers Act.
Associations Monopolizing Trade in Aquatic Products.
Interstate Transportation of Petroleum Products.
Natural Gas Act.
Flammable Fabrics Act.
Federal Power Act.
Federal Alcohol Administration Act.
National Labor Relations Board Orders.
National Emergency Strikes.
Fair Labor Standards Act.
Bridges Over Navigable Waters.
Longshoremen's and Harbor Workers' Compensation Act.
Atomic Energy Act.
Enclosures of Public Lands.
Shipping Act of 1916.
Landing Submarine Cables.
Communications Act of 1934.
Interstate Commerce Act.
Federal Motor Carrier Act.
Civil Aeronautics Act.
Water Carriers Act.
Freight Forwarders Act.
Defense Production Act.

Mr. President, I ask unanimous consent that the list of statutes and the citations be printed in the RECORD at this point.

There being no objection, the list of statutes and citations was ordered to be printed in the RECORD, as follows:

STATUTES AUTHORIZING THE UNITED STATES TO SEEK INJUNCTIVE RELIEF AS A MEANS OF LAW ENFORCEMENT WITHOUT JURY TRIAL FOR CONTEMPTS

Title 7, United States Code, section 216, Packers and Stockyards Act; section 292, Associations of Agriculture, Producers Restrain-

ing Trade; section 499h (d), Perishable Agricultural Commodities Act, 1930; section 608a (6), Agricultural Adjustment Act; section 1600, Federal Seed Act.

Title 12, United States Code, section 1731b, National Housing Act.

Title 15, United States Code, sections 4, 9, Sherman Act; section 25, Clayton Act; section 53, Federal Trade Commission, re False Advertising; section 68e, Wool Products Labeling Act; section 69g, Fur Products Labeling Act; section 77t (b), Securities Act of 1933; section 77uuu, Trust Indenture Act; section 78u (e), Securities Exchange Act of 1934; section 79r (f), Public Utilities Holding Company Act; sections 80a-34, 35, 41 (e), Investment Company Act; section 80b-9 (e), Investment Advisers Act; section 522, Associations monopolizing trade in aquatic products; section 715i, Interstate Transportation of Petroleum Products; section 717s, Natural Gas Act; section 1195 (a), Flammable Fabrics Act.

Title 16, United States Code, section 825m, Federal Power Act.

Title 27, United States Code, section 207, Federal Alcohol Administration Act.

Title 29, United States Code, section 160 (j) (1), National Labor Relations Board orders; section 178, National Emergency Strikes; section 217, Fair Labor Standards Act.

Title 33, United States Code, section 519, Bridges Over Navigable Waters; section 921, Longshoremen's and Harbor Workers' Compensation Act.

Title 42, United States Code, section 2280, Atomic Energy Act.

Title 43, United States Code, section 1062, Enclosures of Public Lands.

Title 46, United States Code, section 828, Shipping Act of 1916.

Title 47, United States Code, section 36, Landing Submarine Cables; section 401 (b), Communications Act of 1934; sections 5 (8), 16 (12), 43, Interstate Commerce Act.

Title 49, United States Code, section 322 (b), Federal Motor Carrier Act; section 647 (a), Civil Aeronautics Act; section 916 (b), Water Carriers Act; sections 1011, 1017 (b), Freight Forwarders Act.

Title 50, United States Code, Appended, section 2156, Defense Production Act.

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## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. CASE of South Dakota. Mr. President, when the historians review the record of our times, I feel there will be at least three outstanding things which will be mentioned as landmarks of the Eisenhower administration.

First, I think, will be the accomplishments in the field of foreign policy, resulting in the easing of world tensions. No President in our history has been better fitted to guide a restless world than Dwight D. Eisenhower and none has been more dedicated to the task.

Second, I think, will be the way in which the economy of the country has been developed, including the public works programs which embrace the expanded highway construction program.

Third, and high among the achievements of any administration, I believe, will be the enactment of a civil-rights bill, the bill now pending.

The civil-rights bill has made the progress that it has in this Congress, first of all, because the President gave it high priority upon his legislative program.

It is before the Senate today primarily, I think, because of the character and steel-like determination of the distinguished minority leader, the Senator from California [Mr. KNOWLAND].

Further credit for accomplishments in the field of civil rights might well extend to two other Californians, namely, the great Chief Justice of the United States and the distinguished Vice President of the United States.

The decisions of the United States Supreme Court under Chief Justice Warren have made clear that it is time for another step forward in the field of civil rights.

The ruling of the distinguished Vice President with respect to the adoption of rules has, I think, effectively dampened any practical application of a filibuster, not only for this session, but for the Congresses which remain while the former Senator from California, Mr. NIXON, is Vice President.

If the Senate rule on cloture is unconstitutional in the opinion of the presiding officer, the question could be decided by a majority vote since a constitutional question under the Vice President's statement would go to the floor for decision or could be sent there on appeal.

The pending bill is, I think, a good bill, and will be a landmark in legislative history generally. Whatever may be said about the pending amendment, whether it is adopted or not, I believe this will be a good bill.

The creation of the Civil Rights Commission, with the powers and duties it is to have to investigate, evaluate, and recommend, will mean a new acquaintance by the country as a whole with the problems of civil rights generally, and possible need for additional legislation.

The authorization for an additional Assistant Attorney General, who presumably will be assigned to the Section on Civil Rights in the Department of Justice, portends more effective application of whatever powers may be granted to the Attorney General.

The parts of the bill which seek to protect, safeguard, and advance the right to vote will enable the people who have perhaps been denied a civil right the opportunity to make their wishes felt. The right to vote carries power, the power to make Government responsive to the public will.

However, the problem immediately pending is that of the jury trial amendment. For me that is a very difficult problem. I have read and reread the speech by the able Senator from Ohio [Mr. BRICKER], and I am forced to conclude that he stated the situation accurately when he said:

> What we must seek to do is to strike a reasonable balance between the constitutional guaranties of jury trial and the right to vote. We cannot dispose of the problem by pretending it is not there. Neither can we dismiss responsibility for dealing with it by saying: "I shall not sacrifice one constitutional right to safeguard another." Our task is to insure to each citizen his maximum rights.

That reasonable balance, I am learning, is difficult to find. Some suggest it is found by dividing contempt into two classes—civil and criminal.

The problem for those of us who are not lawyers is complicated somewhat, I think, by the fact that this question has been said by some of the speakers to be the subject of a lawyer's argument. Regardless of whether or not we have the ability to analyze the question from a legal standpoint, the fact remains that the responsibility rests upon all of us, whether we are lawyers or not, to evaluate the effect of the amendment in relation to the implementation of the 15th amendment and the right to vote.

The Constitution of the United States provides in article III, section 2:

> The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed.

The sixth amendment to the Constitution provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.

And so forth. When I read those provisions as a layman, and when my people read them, they believe that the Constitution and the Bill of Rights provide a special guaranty of the right to trial by jury when a criminal offense is involved.

Coming from South Dakota, there is a special problem. The constitution of South Dakota goes even further than the Federal Constitution in spelling out the right of trial by jury. With the indulgence of the Senate I should like to read a few sentences from our State constitution.

Section 6 of article VI of the State constitution of South Dakota provides as follows:

> The right of trial by jury shall remain inviolate and shall extend to all cases at law without regard to the amount in controversy.

That goes further than the seventh amendment to the Federal Constitution, which provides for trial by jury when the amount at issue exceeds $20.

The same section also provides that—

> The legislature may provide for a jury of less than 12 in any court not a court of record and for the decision of civil cases by three-fourths of the jury in any court.

Then the State constitution contains a section with respect to the rights of people in trials for libel. I was formerly a newspaper publisher, and learned about this section through experience in court.

The South Dakota constitution provides in section 5 of article VI:

> Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right. In all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense. The jury shall have the right to determine the fact and the law under the direction of the court.

My understanding is that that is an unusual provision for State constitutions. In some States, and perhaps in most States, the jury has the right to determine the fact. However, under the provision of the South Dakota constitution, in trials for libel, both civil and

criminal, the jury determines not only the fact, but also the law. So, again the constitution of the State of South Dakota goes a long way in implementing the sanctity of the right of trial by jury.

Then there is a further provision in the South Dakota constitution, which I understand goes further than the constitution of many States. Section 3 of article V, dealing with the judicial department, reads as follows:

> The supreme court and the judges thereof shall have power to issue writs of habeas corpus. The supreme court shall also have power to issue writs of mandamus, quo warranto, certiorari, injunction and other original and remedial writs, with authority to hear and determine the same in such cases and under such regulations as may be prescribed by law: *Provided, however,* That no jury trials shall be allowed in said supreme court, but in proper cases questions of fact may be sent by said court to a circuit court for trial before a jury.

Therefore in at least three instances the constitution of my State places special safeguards around the right of trial by jury. It does so with respect to both civil and criminal libel, making the jury the judge of the law and the fact. It does so with respect to cases which can go before a jury regardless of the amount of dollars involved. It does so by providing that the supreme court of the State may refer cases to a circuit court for determination of questions of fact.

Therefore, the trial-by-jury issue is a difficult one for me to resolve, or has been, because by every personal inclination I should like to pass the pending bill as nearly as possible in the form in which it was presented to us, particularly now that the first section of part III, section 121, has been eliminated.

I have tried to determine how I could refrain—if I may put it that way—from voting to add a special assertion of the right to trial by jury. However, in the light of the provisions of the constitution of my own State, in the light of the feelings my people have about the right of trial by jury, and in view of the phraseology of the Constitution of the United States itself, I have been unable to come to any happy conclusion in the matter. The issue is here, however, and we have to meet it.

As I have said, I have read the speech of the able Senator from Ohio, I believe, 3 or 4 times. I heard a part of it, and I read it and reread it. I have read the speech of the able Senator from Wyoming [Mr. O'MAHONEY], in which he set forth a distinction between four kinds of contempt: the first, contempt in the presence of the court; the second, contempt by an officer of the court; the third, contempt expressed in failure by the person to whom an order is directed to carry out that order; and the fourth, which he characterized as that which would be classed as criminal contempt; namely, the willful disobedience of an order of the court and possible association by others in the act of disobedience.

I must say, after considering the whole matter, I could not, in justice to the people whom I have, in part, the responsibility of representing, deny to them the protection of the right of trial by jury for criminal contempt.

Mr. ROBERTSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Does the Senator from South Dakota yield to the Senator from Virginia?

Mr. CASE of South Dakota. I yield.

Mr. ROBERTSON. In commending the position taken by our distinguished colleague from South Dakota, I should like to ask three simple questions. The first question is this: As a layman, and not as a lawyer, does the Senator think that Congress has the power to repeal the three jury trial provisions of the Constitution to which he has referred?

Mr. CASE of South Dakota. Of course that question answers itself. I do not believe Congress alone can repeal any provision of the Constitution. However, the situation might arise that two provisions of the Constitution would seem to be in conflict, and people might reasonably wonder whether or not we could implement the 15th amendment on voting without bringing about some abridgement of the 6th amendment on jury trial. Then it would become a question of determination. I personally doubt that we ought to abridge the right of trial by jury in order to implement the other.

Mr. ROBERTSON. The second question is this: Is there any provision in the Constitution which indicates that Congress can draw a distinction between one type of criminal action and another type of criminal action with respect to the jury-trial right?

Mr. CASE of South Dakota. Of course, that is a lawyer's question, and perhaps I should not express an opinion on that point.

Mr. ROBERTSON. I am sure the Senator knows there is no distinction in the Constitution.

Mr. CASE of South Dakota. I did not find any in reading it.

Mr. ROBERTSON. The third question is this: Does the Senator believe that any court dedicated to the preservation of American constitutional liberty would condone doing by indirection what is prohibited to be done by direction?

Mr. CASE of South Dakota. No; I do not believe a court could do that.

Mr. ROBERTSON. The Senator from Virginia has no more questions to ask. I thank the Senator.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. CASE of South Dakota. I yield.

Mr. O'MAHONEY. Mr. President, I wish to tell the Senator from South Dakota how deeply I admire the position he has taken this afternoon. I know that the Senator from South Dakota operates in the Senate as he operated in the House, from a sense of conviction upon fundamental questions which rises above all partisan considerations. Sometimes it takes a great deal of courage to support one's convictions when great pressures are being exerted for the purpose of swaying a person from obeying his convictions.

Last night, the Senator was good enough to refer to the struggle which took place on the floor some 20 years ago, when there was sent to Congress from the White House a bill to expand the Supreme Court. I resisted that proposal from the very beginning. The administration in power at the time was one of great strength, with a great personal following throughout the country. I shall remember the time when the announcement was first made, because Mrs. O'Mahoney had been called from Washington by the illness of her father. The announcement came surprisingly to both of us that the Court expansion bill was to be sent to Congress. I called my wife, because of her visit by the bedside of her ailing father, and, after the first exchange, she spoke of the Court bill. She asked me what I thought of it. I said to her I felt it was wrong. She said that to her it seemed to be "full of guile." From that moment on, I endeavored in every way I could to persuade the administration from the inside that a mistake was being made. My efforts were fruitless.

I speak of it now only because I know how pressures can be applied. I know that when the Senator from South Dakota speaks here today in the manner in which he has spoken in behalf of the fundamental right of trial by jury, he is speaking from the heart. I congratulate him, and I am proud to have the opportunity to serve with him. His record, both in the House and in the Senate, has been one of great personal integrity and devotion to principle. I thank the Senator for what he has said.

Mr. CASE of South Dakota. Mr. President, I appreciate what the Senator from Wyoming has said. I made reference last night to his part in the court-packing plan because the Senator had said something about the period of time he had served in the Senate.

It was my privilege to be a Member of Congress at that time, when there were only 88 Members of the minority in the House of Representatives. I think there were only 23 Republicans in the Senate in the 75th Congress, and only 15 in the succeeding Congress. The minority then had a very difficult task in attempting to amend, much less stop, any proposed legislation which came to Congress as administration measures during the years following 1936.

At that time I know that we who were aware of the leadership of a distinguished Texan, Hatton Sumners, as chairman of the House Committee on the Judiciary, and of the distinguished Senator from Wyoming [Mr. O'MAHONEY], in alerting the people to the menace in the so-called court-packing bill were deeply appreciative of it then. We knew something of the courage that it took for them to take the position which they took.

As I said last night, I have never forgotten, if I may use a party term, that the Republicans of that day were shocked by the court-packing plan, and how deeply grateful they felt at that time for the independence of those in the majority through whose efforts that proposal was stopped.

This morning I took occasion to look up my own remarks in the House of Representatives with reference to that bill, and also the conclusion of the report submitted at that time by the

Senate Committee on the Judiciary, a report which was largely drafted and written, I have understood, by the Senator from Wyoming. This was the conclusion of the Senate report on the court-packing plan. I read this because I know that some Members of the Senate today are not aware of the contribution made by the Senator from Wyoming. I read:

It is needless, futile, and dangerous.

The report was speaking of the court-packing proposal—

It is a measure which should be so emphatically rejected that its parallel will never again be presented to the free representatives of the free people of America.

I read from the report, in part, because I want my colleagues on the Republican side to know that I personally do not regard the efforts of the distinguished Senator from Wyoming in his work to preserve the right to trial by jury as anything to which he has come lately. His battle for the independence of the judiciary, and his consistent work against the lodging of an arbitrary power in the executive branch of the Government have been characteristic of his service in this body.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. CASE of South Dakota. I yield.

Mr. RUSSELL. I have sat here and listened with avid interest to every word which was spoken by the distinguished Senator from South Dakota. I had hoped and with some faith, knowing of his devotion and independence in issues of constitutional government, that he would reach the conclusion he has just expressed. He and I, of course, do not see the proposed legislation alike in all its aspects. He strongly favors legislation of this type to be utilized in assuring a right which I feel already exists and which is already being exercised to cast suffrage. I think the procedures harsh and strange to our system.

But aside from that, it is most refreshing to me to see such a display of courage and independence by a great Senator.

I was privileged to know the junior Senator from South Dakota when he served as a Member of the House of Representatives. I think I first came to know him well in a very lengthy conference on a civil functions appropriation bill which dragged out over a period of several weeks. I was greatly impressed then by his knowledge of the details of the legislation, and by the openminded devotion with which he addressed himself to every project in the bill, without regard to where it might have been located.

I have also had the pleasure of being associated with him on the Senate Committee on Armed Services. There is no more diligent member of that committee; certainly there is no more valuable member, in studying proposed legislation, in exposing defects, and in bringing amendments forward to correct them.

The Senator has, indeed, spoken of a vital issue, a constitutional right enjoyed by all American citizens, the right of trial by jury. He has well said, in answering the question, that if every Member of the House of Representatives, 435 in number, and every Member of the Senate, 96 in number, were to pass a statute which sought to deny the right of trial by jury to a single person who committed a criminal act of any kind, whether in connection with the exercise of suffrage or anything else, such a statute, although it had the unanimous support of the 531 Members of Congress, would fall when it collided with the majesty of the Constitution. It would not be applied to any single citizen of the land, because the arms of the Constitution cannot be taken from around any citizen by simple statute. The protection which the Constitution assures cannot be denied any citizen by a statute, whether enacted unanimously or not.

I have often asked by what right Congress, elected by the people, would have the right, to deny a jury trial by a statute. I have wondered by what right Congress would derive the power to deny a jury trial to a citizen who committed a criminal offense, merely be delegating to an appointed official the power to say whether or not he wished to proceed in a criminal case or in a civil case against that citizen. We are reaching a strange stage when we assume that anything such as that can happen. It is a peculiar argument that Congress cannot deny any citizen a constitutional right by direct action but can strip him of the protection of the Constitution by delegating power to an appointed attorney general.

The integrity, the devotion, and the constitutional knowledge of the Senator from South Dakota has led him to conclude that it is not necessary to strike down and deny a basic constitutional right by statute, something which no one has ever contended until now could be done, in order to protect another right, the right of suffrage. I commend the Senator from South Dakota.

Mr. CASE of South Dakota. I appreciate the words of the distinguished Senator from Georgia, particularly since they come from the chairman of the committee on which I have the honor to serve.

I may say in comment, before I yield to the Senator from Ohio, that with respect to the problem of amending a bill like this, it seems to me that the Senate is proceeding more or less as a Committee of the Whole. If the bill were not being reviewed and amended on the floor of the Senate, it would not be amended; it came to the Senate floor in the same form in which it left the House. The Senate has a right to work its will on the bill. I voted to place the bill on the calendar. I felt it should not go to committee, in view of the history of similar bills before the committee to which this bill would have been referred. But in saying that, I feel that we ought to take upon ourselves the responsibility of scanning and studying the bill, as we would have done had we been members of a committee to which the bill had been referred.

The House of Representatives has what it calls the Committee of the Whole House on the State of the Union, in which bills are considered more or less informally, much more informally than they are when the House meets as the House. The Senate has been proceeding with the consideration of this civil rights bill substantially for the same purpose of examination and amendment.

Consequently, I have felt it was perfectly proper to consider amendments, and that the integrity of the bill was not injured. In fact, I have felt that the effective provisions of the bill would be strengthened by careful consideration here.

That is why I assert now, as I did earlier, that when the shouting is over and when the bill has become law, the greatest credit for it will go to those who have made it possible for the bill to come before the Senate to be considered, with credit also to those who have sought to improve the bill and strengthen it on the floor of the Senate.

This total legislative action will go down in history as one of the great achievements of this Congress and the present administration.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. CASE of South Dakota. I yield.

Mr. LAUSCHE. Mr. President, I should like to call to the attention of the Senate a statement contained in a lawbook written by Professor McClintock, of the University of Wisconsin. I do not know whether he is still living. He has written a textbook and casebook on the law of equity. I am happy to say that I used his books on equity at law school.

I wish to call the attention of the Members of the Senate to a statement made by him. In his textbook he discusses cases in which courts of equity will intervene. He discusses whether equity will intervene to prohibit a crime. He points out that whenever a crime is also a nuisance, equity will intervene. He ends with these words, to which I ask my colleagues to listen:

It would seem to be clear that an injunction ought not to issue merely to deprive the accused of the constitutional safeguards surrounding a trial for a crime. If those safeguards are no longer of value or are preventing effective prosecution of the guilty, without compensating protection of the innocent, they should be abolished for all criminal prosecutions, and not circumvented by resort to an injunction.

I say to my colleagues that statement was made by a professor learned in the law. It was made at a time when there was no contemplation that this subject would reach such significant proportions on the floor of the United States Senate.

Upon reflection, even without regard to what he has said, how paradoxical it is that, although throughout the entire history of the United States all speakers and all devoted public servants have extolled the institution of trial by jury, today the Senate by indirection is trying to circumvent this great safeguard of the innocent in our country.

I condemn the practices in the Southern States where, by indirection, Negroes are kept off juries. But I am obliged with equal force to condemn the efforts by indirection to circumvent the safeguards provided by the Constitution of the United States for all persons who are accused of crime.

As the Senator from Virginia said a moment ago, I submit to the Senate that

there is no justification for doing by indirection that which we would not dare do by direction.

The subject is of far greater importance than we understand. It is difficult to believe that in this period during which tyrants are ruling in the world, Senators are urging that we by circumvention eliminate trial by jury. They are in effect saying "Trial by jury is not sound. We have to abandon it."

Mr. President, I ask the Senate, What will the tyrants and the dictators say? They will say that America is eroding the institutions which for practically 200 years Americans have been pronouncing as the safeguards of the innocent.

I wish to add the foregoing words to what the Senator from South Dakota has said. I particularly ask for consideration of the statement made by that humble professor in the University of Wisconsin. I venture to say that if Senators will read the words on equity written by authors, they will find it said, "Do not by circumvention deny people their right of trial by jury."

Mr. O'MAHONEY. Mr. President, will the Senator from South Dakota yield to me for a moment?

Mr. CASE of South Dakota. I yield.

Mr. O'MAHONEY. Before the Senator from Ohio [Mr. LAUSCHE] leaves the floor, I should like to say to his colleagues, in his presence, that I have examined the 2-volume work by Professor McClintock which is the proud possession of the Senator from Ohio. I have gone over both volumes. I wish the Members of the Senate to know that every page of those two volumes bears inscriptions, notes, and comments in the handwriting of the present junior Senator from Ohio. Not only was he a student of equity; he was also a teacher of equity. I am proud that today, on the floor of the Senate, he has risen to join the great Senator from South Dakota in appealing to his colleagues for the preservation of this basic civil right, without which there can be no voting rights and no permanent freedom of the people, as against the Government.

Mr. LAUSCHE. Mr. President, will the Senator from South Dakota yield further to me, to permit me to say a further word, in answer to the Senator from Wyoming?

Mr. CASE of South Dakota. I yield for that purpose, if I may do so without losing the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LAUSCHE. Let me say that I think a modification should be made of the amendment proposed by the Senator from Wyoming, because it contemplates giving the right of jury trial in instances where the right of jury trial does not now exist. So I contemplate offering an amendment which will maintain the status quo with reference to jury trial, as follows: Trial by jury in all civil-contempt cases; trial by jury in all criminal-contempt cases, except those in which the underlying facts constitute a crime and in which, prior to the passage of this act, a jury trial would be justified. In the latter instance there shall be jury trial.

My amendment will keep the trial procedure as it is, and will give to the Attorney General of the United States the novel and unprecedented authority to go after public officials who deprive our citizens of the right to vote.

Mr. O'MAHONEY. Mr. President, when the Senator from Ohio, who acts in equity, in addition to having taught in equity in the past, and who speaks in equity here, talks about this proposed legislation or any other, I am bound to listen, because I know he is wise, courageous, and able.

Mr. LAUSCHE. Mr. President, will the Senator from South Dakota yield further to me, for only a moment?

Mr. CASE of South Dakota. I yield.

Mr. LAUSCHE. In reply to the Senator from Wyoming, I should like to speak of a judge who, when leaving the courthouse, saw a lovely lady. He looked at her and said, "What a lovely lady."

The lady replied, "What an excellent judge." [Laughter.]

Mr. CASE of South Dakota. Mr. President, in conclusion, I merely wish to assert that both the right to vote and the right of trial by jury are sacred rights to the people of South Dakota.

It is not generally known, perhaps, that in South Dakota we have a minority population; also, we have some thirty-odd-thousand Indians. In 1924, when the Federal citizenship bill relating to Indians was passed, we immediately provided for voting by Indians; and since that time they have consistently voted.

With respect to the right of trial by jury, let me say that what the able Senator from Ohio [Mr. LAUSCHE] read from the textbook written by his former professor illustrates, I believe, the deeply ingrained belief of the American people in trial by jury and the right to trial by jury.

Last weekend I was home for the anniversary celebration in my hometown known as Gold Discovery Day. When gold was discovered in the Black Hills, one of the first things the miners did was to establish a miner's court, which had a jury. In Deadwood, which is also in the Black Hills, when the United States marshal was shot, a jury was impaneled, without benefit of Territorial or State law. It may have been crudely formed, but the right of trial by jury was respected there. It was written deeply into our State constitution, as I have previously expressed, in three special ways.

Therefore I hope the right of trial by jury will not be abridged in an effort to maintain the right to vote. I hope that the pending bill, strengthened and improved to the best of our ability, may become law, because, as I said earlier, I think it will be a landmark in the history of civil rights and a measure of outstanding credit to this Congress and to the administration of President Dwight D. Eisenhower.

Mr. O'MAHONEY. Mr. President, I wonder if the Senator from Georgia is available. I should like to have him present.

## ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield.

Mr. JOHNSON of Texas. Mr. President, there is ready for consideration by the Senate the conference report on the agriculture appropriation bill. The Senator from Wyoming has a brief statement to make, and I must be away from the floor for a few minutes. I want to announce to the Senate that, in accordance with the plans we prepared somewhat hurriedly yesterday, the Senate will be in session until late this evening. I hope it will not be necessary for the Senate to recess until, say, 10:30, which is about the hour when it recessed last night. If there is any possibility of a vote on the pending amendment, the majority leader would be willing to have the Senate remain in session even later.

I urge all Senators who desire to address themselves to the pending amendment to get their remarks ready. We will stay in session until late this evening. I hope there will be enough speeches to keep us going until at least 10:30. If not, we will vote when we run out of statements. If we are not able to vote then, at any rate, the Senate will convene tomorrow morning at 10:30 and run late tomorrow evening.

It will be impossible for us to take up the Small Business Administration extension bill because of the parliamentary situation that confronts us. I think I shall ask the Senate to adjourn tomorrow evening, so we shall have a 2-hour morning hour the following day, and then move to take up the Small Business Administration bill in that period, in the hope that we may prevail upon a majority of the Senators to pass the bill, or at least prevail upon the minority not to talk it to death.

I have conferred with the minority leader. I know how anxious he is for an early vote. I want to say to all my colleagues that I am equally anxious to vote, after each Senator has had an opportunity to address himself to the bill. I do not condone any dilatory tactics. I have not observed any. I commend every Member of the Senate for his conduct. I express the hope we may be able to call the roll before the evening is over on the pending amendment.

I would assume that meets with the pleasure of my friend from California.

Mr. KNOWLAND. Yes.

Mr. THYE. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield to the Senator from Minnesota.

Mr. THYE. I should like to ask the majority leader if it is his intention to reach the Small Business Administration extension bill on Saturday.

Mr. JOHNSON of Texas. Yes. I intend to ask the Senate to adjourn tomorrow night, instead of recess.

Mr. THYE. Then we could reach the bill on Saturday.

Mr. JOHNSON of Texas. But early in this debate I indicated to my colleagues that I would not use the vehicle of adjournment to bring about a regular

morning hour each day, and that we would recess instead of adjourn, because I did not want anyone to charge the majority leader with using dilatory tactics.

In view of that announcement, I think I ought to give warning and make the announcement that tomorrow I expect to ask for an adjournment. I do not know that a majority of the Senate will agree, but if they do, tomorrow evening, when the Senate completes its business, it will adjourn until Saturday morning. Then the Senate will meet and have a morning hour under the rule. I shall try to appeal to my colleagues on both sides to save their insertions for the RECORD until after we dispose of the Small Business Administration extension bill which we shall move to take up.

Mr. THYE. I am indeed happy to have that information. However, the Small Business Administration came to a complete standstill last evening.

Mr. JOHNSON of Texas. The Senator from Texas is aware of that fact.

Mr. THYE. And all the applications and all the administrative functions with respect to disaster loans are at a complete standstill. Therefore, if we could proceed to a consideration of the bill this evening, action could be effected one day earlier.

Mr. JOHNSON of Texas. I am not sure that would be the case. I think when one breaks faith with his colleagues, he does not gain time; he loses time. I will say to the Senator it is not because of any action of mine that the Small Business Administration is not now in operation. I did all I could to get the authority extended. I had expressed the hope that we could dispose of two conference reports and other bills before we would return to the bill which is the unfinished business. I realize we could be here until January 1. I do not make any predictions that we shall be here when winter comes. I think we shall be through next month.

Mr. THYE. I do not think we shall be here when the snow commences to fly.

Mr. JOHNSON of Texas. I hope not. I thought it would have been the better course to have completed action on the Small Business Administration extension bill, the mutual aid bill, the Agriculture conference report, and the Defense conference report before taking up the pending measure. But the majority of the Senate did not feel that way. I always cheerfully abide by the wishes of the majority. In view of the decision of the Senate, I had to follow that course. I shall continue to do everything in my power to see that appropriation measures are passed as promptly as possible, that the Small Business Administration bill is acted on, and that the extension resolutions with reference to appropriations not as yet passed by this body are considered by the Senate. I cannot speak for anybody but myself, but I assure Senators of my complete cooperation in that regard.

Mr. KNOWLAND. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield to the Senator from California.

Mr. KNOWLAND. I wish to say that I am encouraged by the remarks of my good friend, the Senator from Texas, that he feels we may be approaching a time when we can get a vote on the pending amendment, after we have disposed of the privileged matters, which will be disposed of today, and we come back to the pending amendment.

Mr. JOHNSON of Texas. I do not predict that. I express the hope we can. I warn all Senators to get their speeches ready, because if there comes a time this evening when there is no one to speak, and no one on the floor except the majority leader and the minority leader, somebody may order the yeas and nays and we may have a vote.

Mr. KNOWLAND. I hope we have a tie vote at that time.

I will say to the distinguished Senator that I had in mind that the Senator would want to make inquiries of several Members on both sides, if it should appear later in the afternoon that we are approaching a time for a vote. I wonder if it might not be proper at that time to see if we could get a unanimous-consent agreement which would permit a vote at a certain time tomorrow, so that any Senators who are not present—and there are several who are temporarily hospitalized and otherwise engaged—might be extended the courtesy of knowing that an hour certain had been fixed when the vote would occur. It seems to me that would be fair to those on both sides of the aisle. We might have a limited amount of debate prior to the actual vote itself. That has been the customary practice on a matter of great concern to those on both sides of the aisle.

Mr. JOHNSON of Texas. Mr. President, I think there will be adequate notice before a vote is taken. We certainly will have a long quorum call and a slow vote. Any Senator who is at his home or in the hospital will have a chance to get here in time to vote, if he is anxious to vote, and comes promptly when notified.

I think the Senator from California is a realist. I believe he hears well. I think he can recall on yesterday an announcement was made by a Member of the Senate that he would not give unanimous consent to vote on the pending amendment. I know of nothing that has changed his mind.

I think perhaps, as the Senator from Oregon [Mr. MORSE] frequently says, we can save time by not trying to get a unanimous-consent agreement and by proceeding as we have done today. We have already completed action on one conference report without unanimous consent. We have already sent a very important bill to conference. Very shortly we shall complete action on another conference report, I hope. This will be a wonderful day for the Senate. We have had some excellent speeches already. We shall have more in the evening. I think if we simply forget about unanimous consent and all of us dedicate ourselves to the task of getting a vote, after each Senator has had an opportunity to express himself and is ready to vote, that will be the quickest way out of this dilemma.

Mr. KNOWLAND. I fully appreciate the remarks the Senator from Texas has made.

I see my good friend, the Senator from Oregon [Mr. MORSE], is back in the Chamber. I think the Senator was not present when I made the earlier statement that if it is the case we are approaching the point of voting on the pending amendment, after we dispose of all the privileged matters which are to be taken up today, perhaps the Senate would be willing to set a time certain for voting, as a matter of courtesy to Members of the Senate who may be in the hospital temporarily and may want an opportunity to vote, in fairness to their States and to the people they represent, as well as because of their own views on a great matter of constitutional and legal importance. That courtesy should be extended to them, and perhaps there can be a time certain set for a vote, so every Senator will be on notice.

Mr. JOHNSON of Texas. I will assure the Senator of this: I have seen the Senate cooperate while men flew over the Capitol and we waited for the plane to land and bring them from the airport, in order that they could be recorded on measures like the housing bill. I am sure if we reach the point where the Senate is ready to vote, we can have a quorum call. We can have a slow rollcall, and give adequate notice to anyone within the city who desires to come and be recorded. I assure my cooperation in that respect.

Mr. DOUGLAS. Mr. President, will the Senator from Texas yield to me?

The PRESIDING OFFICER. The Senator from Wyoming [Mr. O'MAHONEY] has the floor.

Mr. O'MAHONEY. I am glad to yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Wyoming yields to the Senator from Illinois.

Mr. DOUGLAS. The Senator from Texas is very generous. The Senator would permit a quorum call and then a slow rollcall. I think the average time consumed in a quorum call is approximately 8 minutes, and even a slow rollcall would probably not take more than 10 minutes. One of our Members, as we all know, is presently ill in Bethesda Hospital. It would take considerably more than 18 minutes for him to reach the Senate Chamber. Another Member of the Senate, the very distinguished senior Senator from Missouri [Mr. HENNINGS], who suffered a severe operation some weeks ago, is lying in bed at his home. It would take him certainly more than 18 minutes to reach the Senate. There may be some invalids on the other side of the aisle, who are moderately accessible, but who could not be expected to arrive in the Chamber in the short space of 18 minutes. I hope, therefore, our good friend, the Senator from Texas, will have some bowels of compassion in this matter, and will permit a vote at an hour certain, rather than having a vote suddenly sprung at a time when not all the Members will be able to get here.

Mr. JOHNSON of Texas. Mr. President, the Senator always questions the

motives of his colleagues, and particularly of his colleague from Texas.

Mr. DOUGLAS. I never do. I never question the motives of my colleagues.

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Texas?

Mr. O'MAHONEY. I do.

Mr. JOHNSON of Texas. I have not suddenly sprung anything. I have announced in advance that I hope we can reach a vote on the pending amendment tonight, tomorrow, or this week. I have no way of knowing how long the speeches will be. I do not predict we will have a vote this evening. I was told yesterday that unanimous consent would not be given to an agreement to vote at a time certain on the bill. The Senator is aware of that. The Senator from California is aware of it. I did not make that announcement. Another Senator made it. The Senator was within his rights when he did so.

I do not run a stopwatch on quorum calls or on rollcalls, but I would question the 18-minute figure which the expert from Illinois has outlined.

Mr. DOUGLAS. I thank the Senator from Texas for his courtesy.

Mr. JOHNSON of Texas. I have seen the Senate delayed longer than that many times in obtaining a quorum. I would say that, so far as the majority leader can control it, with the cooperation of the minority leader and any deputy leaders he may have available to him, we will give ample opportunity for anyone who wants to come from Bethesda, or within the city limits of Washington, to get here and to be recorded. I will assume that as a major part of my responsibility.

Mr. DOUGLAS. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield.

Mr. DOUGLAS. If I do not irritate my majority leader still further, may I say, subject to correction, I had understood that the Senator from Oregon did not object to fixing a time certain when we would vote on the pending amendment. The Senator from Oregon, as I understood him, was merely opposed to laying the bill aside——

Mr. JOHNSON of Texas. I have not quoted the Senator from Oregon in any respect.

Mr. DOUGLAS. May I finish? Is it permissible to finish? I thank the Senator.

The only Senator who made objection yesterday was the Senator from Oregon, so I assumed that the Senator from Texas was referring to him.

Mr. JOHNSON of Texas. Not at all.

Mr. DOUGLAS. My understanding was that, so far as the Senator from Oregon was concerned, he had not objected to fixing a definite date and hour to vote on the pending amendment. In fact, the Senator was urging that we fix a definite date and hour for voting on the pending amendment. The Senator merely objected to laying aside the pending amendment to deal with other matters, without any assurance we would come back to the civil-rights bill and the amendment for further consideration.

If I misunderstood the Senator from Oregon——

Mr. MORSE. Mr. President, will the Senator from Wyoming yield to me?

Mr. O'MAHONEY. I yield to the Senator from Oregon.

Mr. MORSE. I do not know how I got into this one, but here I am. [Laughter.]

Mr. O'MAHONEY. I will tell the Senator how he got in. He asked for it.

Mr. MORSE. Not on this one. On the contrary, I think my friend asked for what I did yesterday, because I understand that he joined in the program for the unanimous-consent agreement yesterday.

My objection yesterday, which would be the same today, tomorrow, or next week, is an objection to entering into any unanimous-consent agreement to take up any matter that is not privileged so long as the pending jury-trial amendment is before the Senate, until we can obtain a unanimous-consent agreement to fix a time certain to vote on the jury trial amendment.

Mr. DOUGLAS. That is precisely what I thought.

Mr. MORSE. I do not think the Senator from Texas was referring to me at all. He was referring to another Senator, and a very able and distinguished Senator. I am sure he will not object to my clearing up the record.

Yesterday the distinguished Senator from Georgia [Mr. RUSSELL] said he would object to any proposal for a unanimous-consent agreement to fix a time certain to vote on the jury-trial amendment. I thought that was the Senator to whom the Senator from Texas was referring.

Mr. JOHNSON of Texas. That was the Senator to whom I was referring. I had no intent of indicating that the Senator from Oregon had any objection to an agreement.

As often is the case, a mistake has been made by an uninformed Senator.

Mr. O'MAHONEY. Mr. President, I have been so impressed by the eloquent talks this afternoon of the distinguished Senator from South Dakota [Mr. CASE] and the distinguished junior Senator from Ohio [Mr. LAUSCHE] that I am prompted to say, not only because of what has been said this afternoon, but what was said yesterday in the debate, that the jury trial amendment stands before the Senate now as an even stronger and more compelling addition to the civil rights bill. It not only would preserve the right to trial by jury in criminal cases, but it would add a new Federal right, the right to serve on Federal juries, regardless of State law standards.

Apart from final passage, the vote on this amendment is definitely the most important decision remaining to be made on this measure. It is a decision which I shall not find it difficult to make.

What is the choice we face? To support this amendment is to secure and make more effective three basic civil rights, namely, the right to vote, the right to trial by jury in criminal cases, and the right to serve on Federal juries.

A vote against the amendment is a clear rejection of two of these rights; namely, the right to trial by jury and the right to serve on Federal juries.

Also, in my judgment, it would place in grave jeopardy the validity of the criminal enforcement provision of the right to vote. I do not believe the courts would sustain a statute which openly and deliberately converted criminal offenses into civil offenses for the sole purpose of depriving criminal defendants of their constitutional right to trial by jury.

This is no ordinary equity statute. No other Federal statute—not 28 of them, 38 of them, or 138 of them—has ever been enacted for this naked, dangerous, and unconstitutional purpose.

With this amendment I believe part IV would not only be made valid, but more fully effective. It would sacrifice no right in a vain effort to secure another, and it would confer a new and important right not at present provided for by the bill.

An appreciation of these facts seems to be spreading rapidly through the country. I hold in my hand a telegram which was delivered to me only a few moments ago. It reads as follows:

WASHINGTON, D. C., *August 1, 1957.*

Hon. JOSEPH C. O'MAHONEY,
*Senate Office Building,*
*Washington, D. C.*

The right to trial by jury has been recognized as an essential safeguard of liberty since the birth of western democracy. We therefore favor the enactment of an amendment to the civil-rights bill that would preserve or extend the right to trial by jury.

G. E. Leighty, president, Order of Railroad Telegraphers, AFL–CIO; H. E. Gilbert, president, Brotherhood of Locomotive Firemen and Enginemen, AFL–CIO; Jesse Clark, president, Brotherhood of Railroad Signalmen, AFL–CIO; J. B. Springer, president, American Train Dispatchers, AFL–CIO; William Calvin, president, International Brotherhood of Boilermakers and Blacksmiths, AFL–CIO; R. O. Hughes, president, the Order of Railway Conductors; W. P. Kennedy, president, Brotherhood of Railroad Trainmen; A. J. Bernhardt, president, Brotherhood Railway Carmen, AFL–CIO; W. A. Fleete, president, Switchmen's Union of North America, AFL–CIO; Robert Byron, president, Sheet Metal Workers International Association, AFL–CIO; Anthony Matz, president, International Brotherhood of Firemen and Oilers, AFL–CIO; T. C. Carroll, president, Brotherhood of Maintenance of Way Employees, AFL–CIO.

Yesterday the telegram from John L. Lewis, president of the United Mine Workers of America, was read into the RECORD.

In addition, I now have before me a series of telegrams and letters which have been procured by Members of the Senate from the Southern States, from the various Federal courts in the South.

One of the attacks which have been made upon the South in order to persuade Members of the Senate to vote for the bill without a trial-by-jury amendment has been that southern juries are not formed of both races. It has been repeated over, and over, and over again, that the jury system in the South has been maintained as an instrumentality for excluding Negroes from service upon juries.

I know that many newspaper editors, city editors, editorial writers, and publishers of magazines have been overlooking the fact that the pending bill proposes to send to the Federal courts cases which the Attorney General is to institute in civil proceedings. They believe, I think, that such actions will be filed in the State courts. That, of course, is not the case. Every single case initiated by the Attorney General, if this bill becomes law, will have to be brought in a Federal court.

So yesterday I went to my colleagues from the South and asked them if they would not make a survey, each in his own district, of what the judges say.

I do not intend to bring all these telegrams to the attention of the Senate at this moment, because I wish to be sure that the Senators from the various States who have received responses are on the floor. I do, however, wish to bring one particular message to the attention of the Senate at this moment. This is a message which comes from the judge of the United States District Court for the Middle District of Georgia. At my request, the Senator from Georgia [Mr. RUSSELL] was good enough to telegraph this judge and the other judges in his State. I shall read it now because of the significance of the individuality of the person concerned. This is a telegram from Judge W. A. Bootle, presiding judge of the United States District Court for the Middle District of Georgia. Judge Bootle was appointed United States attorney for this district by former President Herbert Hoover, and he was confirmed by the United States Senate at that time. He served in that capacity for several years. In 1953 he was nominated judge of this court by President Dwight D. Eisenhower. If the nomination made by the President followed its usual course, it was made only after the deepest scrutiny by the head of the Department of Justice, the Honorable Attorney General, Mr. Brownell. I read the telegram. Apparently Judge Bootle was in New York when he indited the message to the Senator from Georgia [Mr. RUSSELL].

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Georgia.

Mr. RUSSELL. I had heard that Judge Bootle is holding court in New York at the present time, sitting on the district bench.

Mr. O'MAHONEY. It is a common practice for judges to do that.

Mr. RUSSELL. I may say that President Eisenhower is to be congratulated on securing so outstanding a lawyer for appointment to that position. With the exception of the fact that he was born and bred and dedicated to the Republican Party, Judge Bootle is indeed an outstanding citizen. [Laughter.] He was one of the youngest district attorneys ever to serve in my State. When the tide of politics flowed in the other direction, under Franklin D. Roosevelt, he was succeeded by a Democrat. However, he is an outstanding lawyer and a man of sterling character, whose life and public service are beyond question or reproach. I only hope that all judges who have been appointed by this administration to serve as district judges throughout the United States measure up to the high standard of ability established by Judge Bootle.

Mr. O'MAHONEY. I thank the Senator. I wish to read the telegram into the RECORD. It is addressed to the Senator from Georgia [Mr. RUSSELL], and reads:

Retel: In the United States District Court of the Middle District of Georgia, Negro citizens serve regularly both on grand juries and trial juries. They were so serving but in lesser numbers in 1925 when I began practicing law.

Personal regards.

W. A. BOOTLE.

This is definite and explicit testimony, from a witness whose word cannot be doubted that Negroes are not now excluded from jury service, both grand and petit, in the middle district of Georgia.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Georgia.

Mr. RUSSELL. The Senator referred to the fact that the testimony of Judge Bootle could not be doubted. I have testimony from other judges, who happen to be judges who were not appointed by a Republican President, but, rather, by Democratic Presidents, both President Roosevelt and President Truman. I can assure the Senator that their testimony will measure up to the high standards he has set for Judge Bootle. There is no occasion to doubt the testimony of any of these judges. They are all men of incorruptible character and great judicial ability.

Mr. O'MAHONEY. I was about to say that it is my purpose, when I succeed in calling all the Senators from the South who have received these telegrams, to present the telegrams one by one, so that from Florida and north and west of Florida we shall have the testimony of sitting judges that Negroes are not excluded and that there has been a great public misconception of what the proposed legislation is all about.

What has been said today and the inquiries which are being received indicate clearly that people are realizing that one of the greatest of all our civil rights, the right to trial by jury, which alone protects the individual from conviction at the hands of an arbitrary government, is in grave danger. Later in the afternoon I shall seek an opportunity to present what the facts are.

Mr. GORE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Tennessee.

Mr. GORE. I should like to read the replies which I have received from Federal judges in the three districts in Tennessee. The first is from the senior judge, Judge Leslie R. Darr, who I believe is now in his early seventies, or thereabouts, and who has had a very distinguished career as a judge. His telegram reads:

In eastern district of Tennessee, jury commissioners place pro rata number of Negroes in jury box. So far as I can recall, we have not had court without Negroes on the jury. There is no discrimination in eastern district of Tennessee.

LESLIE R. DARR.

I should like to emphasize to the able Senator from Wyoming, that here is a man of long tenure who says he cannot recall when there has been court in his district without Negroes being on the jury.

I should like to read the next telegram, which is from a very distinguished judge, who was appointed by President Eisenhower. He is Judge William E. Miller, United States district judge in Nashville. His telegram reads:

Replying to your wire, insofar as the middle district of Tennessee is concerned, there has been no discrimination against members of the Negro race in the selection of jury panels.

I wish particularly to call to the attention of the able Senator from Wyoming the following sentence:

Nor, as far as I am aware, has anyone in this district ever claimed or charged such discrimination.

I should now like to read a telegram from Judge Robert L. Taylor, Knoxville, which reads:

Retel: There is no discrimination against Negroes in this court. Four of thirty-five prospective jurors were Negroes in the Clinton case. One excused for cause and three peremptorily challenged by defense.

ROBERT L. TAYLOR.

The remaining judge is Marion S. Boyd of Memphis, Tenn., one of the hardest working judges in the United States. His telegram reads:

Answering your telegram, members of the colored race have not in my memory been systematically excluded from jury duty in the western district of Tennessee. Many have served on grand and petit juries in both Memphis and Jackson divisions.

MARION S. BOYD.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. SPARKMAN. I should like very much to get Alabama into this rollcall. Following the Senator's suggestion, I sent telegrams yesterday to the four Federal district judges of my State. I may say to the Senator that Alabama has three districts, but one district has two judges. I have the replies this morning. My colleague, the senior Senator from Alabama [Mr. HILL], has received similar replies, but I do not see him on the floor at this time. I should like to have the privilege of reading the replies.

The first is from the senior Federal district judge in Alabama, Judge Seybourne H. Lynne, of Montgomery, who, while he is still a young man, has served as a Federal judge for almost 15 years. He says:

Jury box filled by scrupulous compliance with the spirit of the statute requiring that names included therein faithfully represent cross section of social, political, and economic factors in the entire district. Since January 1946—

I interpolate to say that I assume the reason why he gives that particular date is that probably that was the first time the jury box was refilled after he became a judge.

Since January 1946, Negroes have served on every grand and petit jury impaneled in the seven divisions of this district. In both civil and criminal cases as many as four Negroes have been accepted and served on petit juries. Women are not qualified as jurors in Alabama. Judge Grooms is out of district on vacation.

Judge Grooms is the second judge for that district. He was appointed only a couple of years ago by President Eisenhower. Judge Lynne is the senior judge.

The next judge in length of service is Daniel H. Thomas, of Mobile. He sent the following telegram:

MOBILE, ALA., *July 31, 1957.*

Senator JOHN SPARKMAN,
*Senate Office Building,*
*Washington, D. C.:*

Telegram received. Jury box filled by commissioner and clerk. Jury box made current 2 to 3 years ago to eliminate deceased, overaged and persons otherwise disqualified, and total number of names increased by approximately 60 percent. Clerk visited each county in district and obtained names of prospective jurors from bankers, court officials, postmasters, lawyers, grocery store operators, personnel directors, merchants, and the like. Each person visited asked to submit names of honorable persons, both white and Negro, qualified to serve as jurors. Clerk and commissioner filled box from list submitted. Both white and Negro jurors serve on grand and petit juries in this district. Unable to give percentage. In Mobile County, clerk and jury commissioner placed in box many Negroes personally known to them, also names furnished to them at their request by a prominent Negro citizen.

DANIEL H. THOMAS.

Mr. O'MAHONEY. Does the Senator from Alabama accept those statements as representing——

Mr. SPARKMAN. May I read the third reply and thus blanket them all into the RECORD?

Mr. O'MAHONEY. Very well.

Mr. SPARKMAN. The third reply is in the form of an airmail letter which was sent to my colleague, the senior Senator from Alabama [Mr. HILL]. I had received a telegram from Judge Frank M. Johnson, Jr., saying that he had asked that a copy of the letter be made available to me. This letter is addressed to my colleague, and reads as follows:

UNITED STATES DISTRICT
JUDGE'S CHAMBERS,
MIDDLE DISTRICT OF ALABAMA,
*Montgomery, Ala., July 31, 1957.*

Hon. LISTER HILL,
*United States Senator,*
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR HILL: This acknowledges your telegram to me sent this date, requesting that I advise you "if it is not a fact that Negroes serve on both grand and petit juries in your court." This is to advise you that Negroes are summoned to serve as grand and petit jurors in this district. The jury commission in this district, composed of the clerk of my court and Mr. William O. Baldwin, vice president of the First National Bank of Montgomery, Ala., appointed by me pursuant to the provisions of section 1864, title 28, of the United States Code, are under specific instructions from me that the jurors' names who are selected by them to go in the jury box shall be selected without reference to race or color—

Mr. O'MAHONEY. May I interrupt the Senator at that point?

Mr. SPARKMAN. Yes.

Mr. O'MAHONEY. The letter refers to the jury commissioner appointed under section 1861 of title 28 of the United States Code.

Mr. SPARKMAN. That is correct.

Mr. O'MAHONEY. Is not that the Federal Code about which we are speaking?

Mr. SPARKMAN. Oh, yes.

Mr. O'MAHONEY. That section gives to the judge the power to appoint a jury commissioner, does it not?

Mr. SPARKMAN. That is correct.

Mr. O'MAHONEY. The jury commissioner in the Federal court is not an employee or an officer of the State of Alabama, is he?

Mr. SPARKMAN. Not at all; he is appointed by the Federal judge, and works with the clerk of the court, who also is appointed by the Federal judge.

Mr. O'MAHONEY. Under the same statute?

Mr. SPARKMAN. Under the same statute. Judge Johnson states that the jury commission—

are under specific instructions from me that the jurors' names who are selected by them to go into the jury box shall be selected without reference to race or color and shall be selected strictly in accordance with the qualifications set out in section 1861 of title 28 of the United States Code and, as is required by the United States Code, the qualifications set up by the laws of the State of Alabama.

I have observed on the lists furnished me, after the clerk of this court and the marshal for this district have drawn from this jury box the names of persons to serve as jurors for the terms of court set by me, that the names of Negroes have appeared on every list.

That letter is signed by Frank M. Johnson, Jr., United States district judge. He is an appointee of President Eisenhower. He first served, I may say, as United States attorney, and then was appointed judge. Alabama has four United States district judges. Two are Democrats; two are Republicans. When I say "Republicans," I mean Republicans. They were born and bred as Republicans.

Mr. O'MAHONEY. And they were nominated by Republican Presidents?

Mr. SPARKMAN. That is true. All four of them are my personal friends. I know them well, and I have known them for many years. I vouch not only for their ability, but for their absolute integrity and reliability.

Mr. O'MAHONEY. I thank the Senator from Alabama. I promised to yield next to the Senator from North Carolina.

Mr. ERVIN. Mr. President, North Carolina has three Federal judicial districts—the eastern district, the middle district, and the western district. The judge of the eastern district is Don Gilliam, who has sent me the following telegram:

TARBORO, N. C., *July 30, 1957.*

Hon. SAM J. ERVIN, Jr.,
*United States Senate Chamber,*
*Washington, D. C.:*

Re your inquiry during my 12 years service as United States district judge for the eastern district of North Carolina. Negroes have served in substantial numbers on both grand and petit juries and am quite sure that this was true for several years before. Last week in the trial of a criminal tax fraud case five members of the jury panel were Negroes. About 2 years ago in the trial of a Negro for the rape of a white woman two members of the jury were Negroes. Several years ago in the trial of a rather serious case against a Negro seven members of the jury were Negroes.

DON GILLIAM.

The judge of the middle district of North Carolina is Johnson J. Hayes, who was appointed to that office by President Hoover in 1927, and who has made a most distinguished record on the bench. Judge Hayes has sent me the following telegram:

NORTH WILKESBORO, N. C.,
*July 30, 1957.*

Hon. SAM J. ERVIN,
*Senate Building,*
*Washington, D. C.:*

Replying to your inquiry Negroes have been represented in our juries in every court in this district since *Norris* v. *Alabama* (294 U. S. 587, title 18 U. S. C., sec. 243). Jury Commissioners endeavor to select names in proportion to population.

JOHNSON J. HAYES,
*United States District Judge.*

The judge of the western district of North Carolina is Wilson Warlick, who has sent me the following telegram:

ASHEVILLE, N. C., *July 30, 1957.*

Hon. SAM J. ERVIN Jr.,
*United States Senator,*
*Washington, D. C.:*

Negro men and women serve as jurors in all five divisions of the western district proportionate to the percentages of the races. We often have a jury composed of 5 or 6 colored men and women and I was surprised when I read that there were those who thought otherwise. This policy has been followed for many years. Letter follows.

WILSON WARLICK,
*United States District Court.*

Mr. President, I know all three of these gentlemen. I have known Judge Johnson J. Hayes and Judge Wilson Warlick for approximately 35 or 40 years. I can testify that there are no finer citizens in the United States than these three Federal district judges in North Carolina, whose word will not be questioned by a single human being who has the privilege of knowing them.

Mr. CLARK. Mr. President, will the Senator from Wyoming yield to me?

Mr. O'MAHONEY. I yield.

Mr. CLARK. With all deference and with the greatest humility, I wish to suggest to my distinguished colleagues who have been reading into the RECORD telegrams from those who, I am sure, are entirely honorable and able members of the Federal judiciary, that I believe they are laboring under some misapprehension as to the issue which divides Senators in the case of the jury-trial amendment.

Mr. O'MAHONEY. Mr. President, the Senator from Pennsylvania is mistaken. I am not laboring under a misapprehension. I have listened to his remarks, and I am under no illusions regarding their meaning.

Mr. CLARK. Mr. President, will the Senator from Wyoming yield further to me?

Mr. O'MAHONEY. I yield.

Mr. CLARK. Speaking for my colleagues who oppose this amendment, let me say we have never questioned the fact that Negroes serve on Federal juries. Indeed, we could not question that fact,

for the telegrams abundantly demonstrate it.

But with the exception of the telegram from the judge of the eastern district of Tennessee and the telegrams from the judges of the middle and western districts of North Carolina, all the other telegrams say no more than that Negroes do serve on Federal juries—which we are quite willing to admit.

I suggest to my good friend, the Senator from Wyoming, that the critical point is not whether Negroes occasionally serve on Federal court juries—as of course they do. Instead, the critical point is whether, in the light of the restriction now placed on jurors, by reason of their having to be qualified as State jurors before they can serve as jurors in the Federal courts, and by reason of the practices which exist in wide areas of the country, the number of Negro jurors in those areas, chosen without discrimination because of race or color, constitutes the same percentage of the total number of jurors chosen there as the total number of Negro citizens 21 years of age or over in those areas constitutes in respect to the total number of citizens 21 years of age or over.

Again, with deep humility, I respectfully suggest to my good friend, the Senator from Wyoming, that the telegrams, with the exception of the three on which I have just commented, miss the point.

Mr. ERVIN. Mr. President, will the Senator from Wyoming yield to me?

Mr. O'MAHONEY. I yield.

Mr. ERVIN. I fear that our distinguished friend, the Senator from Pennsylvania [Mr. CLARK], has not been listening to some of the speeches which have been made by Senators whose stand against the pending amendment is equally as strong as his.

The last speaker on the negative side of the question stated that the reason for opposing the right-of-trial-by-jury amendment was that all members of the juries would be white. That statement was made in the course of the speech delivered by the distinguished Senator from Connecticut [Mr. BUSH].

Mr. O'MAHONEY. Mr. President, I would also say to the Senator from Pennsylvania that I am not submitting this evidence particularly for the benefit of Members of the Senate, because I am aware that they—regardless of the position they take on the jury trial amendment—know that in the Federal courts of the South in which these cases will be tried, Negroes are not excluded from service as jurors, even though the Federal law, in the section dealing with the qualification of members of juries in Federal courts, at present provides that those who serve must be qualified to sit on grand or petit juries under State law.

But the amendment offered last night—and accepted as a modification of my amendment—by the Senator from Idaho [Mr. CHURCH], who was joined by quite an array of other Senators in the sponsorship of that amendment, eliminates that category from the qualifications for service on Federal juries.

So, Mr. President, when the bill is passed—as I expect it will be—with the jury trial amendment attached to it, there will be no possibility of citing any provision of any State law with respect to the service of United States citizens on grand or petit juries.

Mr. CLARK. Mr. President, will the Senator from Wyoming yield briefly at this point?

Mr. O'MAHONEY. I yield.

Mr. CLARK. I do not wish to interrupt further the remarks of my distinguished friend, the Senator from Wyoming. Later today I shall hope to have something to say on that subject in my own time; and I shall respectfully, and with the greatest feeling of warm friendship, disagree with my friend, the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I reciprocate in kind the Senator's expression of feelings; and I shall attentively listen to what he will have to say.

Mr. President, some of the Senators to whom telegrams were sent are not now on the floor. The Senator from Arkansas [Mr. MCCLELLAN] told me that he would be occupied in the operations of the committee of which he is chairman, in looking into alleged labor racketeering. So he asked me to read the telegrams which came to him. I shall do so gladly.

The following was sent on yesterday, July 31, from Texarkana, Tex., which of course is on the borderline between Texas and Arkansas:

TEXARKANA, TEX., *July 31, 1957.*
Hon. JOHN L. MCCLELLAN,
*United States Senate,*
*Senate Office Building,*
*Washington, D. C.:*

Reurtel July 31. Negroes regularly are selected and serve on both grand and petit juries in my courts in both eastern and western districts of Arkansas. As members of petit jury they sit as trial jurors without regard to the race or races of the litigants.

HARRY J. LEMLEY,
*United States District Judge,*
*Eastern and Western Districts of Arkansas.*

Mr. President, I hope the fact stated in that telegram will be brought to the attention of the misguided citizens of Northern States who are under the impression that no progress in racial relations has been made in the South for 90 years. We hear that phrase repeated almost as frequently as the question, "How many bubbles are there in a cake of soap?"—a question which was asked 30 years ago, and was publicized in an issue of the Nation magazine, thus showing how false propaganda, once initiated, flows on and on and on, like a giant river.

The next telegram comes from Fort Smith, Ark., and is dated July 31. It reads as follows:

FORT SMITH, ARK., *July 31, 1957.*
Hon. JOHN L. MCCLELLAN,
*United States Senate,*
*Washington, D. C.:*

Negroes are now and have been for many years regularly selected and impaneled on both petit and grand juries in the western district of Arkansas, and I am advised that the same procedure is followed in the eastern district of Arkansas. I have heard no complaint from anyone on the procedure followed in the selection of the juries in the western district of Arkansas.

JOHN E. MILLER,
*United States District Judge.*

Mr. President, if I am not mistaken, Judge Miller was at one time a Member of the House of Representatives, and later was a Member of this body. He is a witness whose testimony cannot be successfully challenged.

One of the judicial positions in the State of Arkansas is vacant. So the telegram which the Senator from Arkansas [Mr. MCCLELLAN] received from that district comes from the United States attorney for the eastern district of Arkansas. This telegram likewise is dated July 31. It comes from Little Rock, Ark., and reads as follows:

LITTLE ROCK, ARK., *July 31, 1957.*
Senator JOHN L. MCCLELLAN,
*United States Senate,*
*Washington, D. C.:*

Your wire this date received. Negro citizens have been selected and permitted to serve on all grand-jury panels and all petit-jury panels in the eastern district of Arkansas since I took office in January 1954 and the custom for such jury service had prevailed for many years prior thereto.

OSRO COBB,
*United States Attorney, Eastern District of Arkansas.*

Mr. President, inasmuch as Mr. Cobb was appointed district attorney and took office in 1954, he also is a Federal official who owes his appointment to the present President of the United States, and his appointment was made under the scrutiny of the head of the Department of Justice.

Mr. RUSSELL. Mr. President, I hope we may now resume consideration of the conference report on the agricultural appropriation bill.

Mr. O'MAHONEY. Mr. President, I shall be very happy to suspend the presentation of the letters and telegrams until other Senators who are busy elsewhere return to the floor.

I am sorry to have taken so much time from consideration of the conference report on the agricultural appropriation bill.

Mr. RUSSELL. Mr. President, I assure the Senator from Wyoming that the time of the Senate he took was probably used to better advantage than will be the time taken in connection with consideration of the conference report on the appropriation bill for the Department of Agriculture.

Mr. O'MAHONEY. Mr. President, I yield the floor.

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## DEPARTMENT OF AGRICULTURE AND FARM CREDIT ADMINISTRATION APPROPRIATIONS, 1958—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7441) making appropriations for the Department of Agriculture and Farm Credit Administration for the fiscal year ending June 30, 1958.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. RUSSELL. Mr. President, the pending business is the report of the

committee of conference on the appropriation bill for the Department of Agriculture for fiscal 1958.

I move the adoption of the conference report on H. R. 7441.

I shall make a very brief statement with respect to the conference report. This conference report is not noteworthy except in one respect. It happens to be an appropriation bill of large size. As it passed the House, it provided for $3,692,889,757. The Senate decreased the House amount by about $24 million, the exact amount of the bill as it passed the Senate being $3,668,732,157.

The conference report comes to the Senate and to the House in an amount $2,428,400 below the Senate figure. So when the conferees got together both sides yielded which enabled us to achieve the rather unusual result of having the conference report less in amount than either the figure contained in the bill as it passed the House or as it passed the Senate.

The Senate was compelled to make some concessions, as is always the case. We were compelled to make a concession of $150,000 in amendment No. 5, in payments to State experiment stations.

We were compelled to make a concession of $150,000 in the $1,764,000 increase over the House amount in the appropriation for extension payments to the States.

The net result of the conference report, I think, was to assure a workable bill, which totals about $300 million below the budget estimate.

I do not know of anything in the conference report which is particularly noteworthy. I desire, however, to call especial attention to the language which was used by the conferees with respect to the appropriation for the agricultural conservation program. The appropriation was made in the amount of $212 million, and there was a reappropriation of the sum of $38 million which was a carryover from the 1955 program. The fund that is available for the fiscal year, beginning July 1, 1957, is therefore, $250 million, which is the same amount that has been available for the agricultural conservation program for a number of years.

Subsequent to the first meetings of the conference committee reports were broadcast that there was likely to be a sharp curtailment in the agricultural conservation program. I wish to point out that when the representatives of the Department appeared before the committee of the Senate and of the body on the other side of the Capitol, they in no wise indicated that there were any plans whatsoever to change the program substantially from the form in which it was carried out in the last fiscal year, and in the preceding fiscal year. The conference committee, in filing its report, as a matter of legislative history, after relating the fact that $250 million was available, used this language:

> The conferees believe that the conservation reserve program should not be used to curtail existing programs, particularly the agricultural conservation program.

I interpolate at that point to say that rumors had been broadcast that, due to the fact that we had a conservation reserve program under the Soil Bank Act, drastic changes would be made in the agricultural conservation program. We strongly stated we did not believe that was any justification whatever for curtailing the program. I now resume reading from the statement on the conference report, in order that the legislative history of this proposal may be clear and specific:

> It is understood from the Department's justifications and testimony that the 1958 agricultural conservation program will be continued on the same basis as the 1957 program. In agreeing to the funds for this purpose in the accompanying bill, the conferees direct that no changes will be made in the 1958 agricultural conservation program to restrict eligibility requirements or delete cost-sharing practices included in the 1957 program. Floods and drought conditions in much of the Nation make it imperative that all 1957 program practices be continued in 1958.
>
> It is to be noted that the 1957 conservation reserve program is participated in by only 81,130 people at an estimated cost of $133 million, whereas the 1957 agricultural conservation program is participated in by 1,275,000 farmers at an estimated Federal cost of about $250 million.
>
> The conferees recommend that the Department revise its method of securing recommendations for practices covered by the proposed advance authorization for the 1959 agricultural conservation program by securing recommendations for cost-sharing practices from county and State committees at the time the 1958 program is formulated. This should result in economy of program administration, more timely recommendations for formulation of a national agricultural conservation program for 1959, and should enable the Department to present any changes proposed in the 1959 program to the Congress during appropriation hearings next year.

The purpose of that statement is to endeavor to keep this program in line with the needs of the specific areas where the program is in operation by obtaining from the various States recommendations as to the type of program that is most appropriate within the several States.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HUMPHREY. As a point of emphasis, I had understood, from reports I had read in the press, that the Department of Agriculture had indicated that there would be a rather substantial reduction in the operations of the agricultural conservation program. It is reassuring to me, of course, to see the specific and the precise language which is contained in the statement on the conference report requiring the Department of Agriculture to continue its program on the basis of the 1957 experience.

Mr. RUSSELL. The conference committee undertook to make its purpose in that regard crystal clear.

Mr. HUMPHREY. I am sure the Senator had heard that there had been some indication from the Department that there might be a reduction in the program.

Mr. RUSSELL. I do not know just how far it had gone, but there had undoubtedly been a proposal to revise drastically the existing program by eliminating a large number of practices that had been in effect for a number of years.

Mr. HUMPHREY. That is correct.

Mr. RUSSELL. And practices which are about the only ones that can be applied in some States of the Union.

Mr. HUMPHREY. Exactly.

Mr. RUSSELL. If this program had been revised as it was reported, these practices would have ceased in some of our States.

Mr. HUMPHREY. I want to call to the attention of the Senator the fact that on page 6, the final line of the conference report statement reads:

> Floods and drought conditions in much of the Nation make it imperative that all 1957 program practices be continued in 1958.

That sentence is of paramount importance.

Mr. RUSSELL. I think it is.

Mr. HUMPHREY. In my State we have serious problems. In fact, I had printed in the RECORD some time ago a statement as to the tremendous loss of topsoil as the result of flash floods in the State of Minnesota. Those floods have continued. The heavy rains have literally wrecked large areas of the State, at least so far as the immediate productivity of the soil is concerned.

As a matter of fact, I think we will need a supplemental appropriation for ACP later on. In fact, we may need it now, because the flood conditions in certain areas of the United States are very grave.

I should like to say that the junior Senator from Oklahoma [Mr. MONRONEY] and the senior Senator from Oklahoma [Mr. KERR] both talked to me about this matter earlier today. I hope they perhaps will come to the Chamber before this discussion has concluded, because I am sure they also feel additional funds are needed.

I hope the Department has indicated some interest in a supplemental appropriation to provide for relief in these conditions. Is the Senator aware of the interest of the Senators from Oklahoma?

Mr. RUSSELL. Oh, yes. Both of the distinguished Senators from Oklahoma, the senior Senator [Mr. KERR] and the junior Senator [Mr. MONRONEY], expressed a very great interest in the matter, and indicated it was vital that some amount of money be made available for that purpose in the State of Oklahoma alone, I believe it was $4 million.

To date no additional estimates have been received from the Bureau of the Budget in that regard. Of course, it is not too late. Undoubtedly another supplemental appropriation bill will come before Congress. If estimates can be secured from the Bureau of the Budget or from the Department of Agriculture as to the amount necessary to render some form of relief to those victimized by natural calamities, it will be possible to do something.

Mr. HUMPHREY. Let me ask one concluding question as to the program relating to floods and drought conditions.

Is there any limitation in the present program, as now provided for by the conference report, which would prevent

the Department of Agriculture from using all funds it now has in the appropriation for the relief of flood and drought conditions?

Mr. RUSSELL. No; I do not think there is any such limitation. I think it would be incumbent upon the State to provide a program for the State. The Senator realizes, of course, these funds are allotted on a State basis.

Mr. HUMPHREY. That is correct.

Mr. RUSSELL. The only other limitation would be the limitation as to the amount any one recipient under the program may receive, which is the sum of $2,500.

Mr. HUMPHREY. Yes. I noticed last year there was a balance of $38 million available from the 1955 program funds.

Mr. RUSSELL. Yes, but that was reappropriated this year for the 1958 program.

Mr. HUMPHREY. In other words, the 1956 program utilized the full appropriation?

Mr. RUSSELL. Approximately so.

Mr. HUMPHREY. So that there is no leeway for any extraordinary flood relief, or relief for drought conditions?

Mr. RUSSELL. There is not. In the absence of any additional authorization or appropriation, I would say it would be very difficult to squeeze any substantial sum for relief of this nature from the funds available to any State.

Mr. HUMPHREY. I hope the Senator will look with favor, upon the need for additional funds, if a report comes from the Department and the Bureau of the Budget. I know the Senator will give such request his friendly consideration, and I hope the request will be made.

Mr. RUSSELL. I am most sympathetic with the program to relieve the suffering indicated by the Senator. I should like very much to see the Department or the Bureau of the Budget give us some estimate of the overall national need in this field.

Mr. HUMPHREY. I thank the Senator.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Vermont.

Mr. AIKEN. First, Mr. President, I should like to compliment the conferees on the part of the Senate, and particularly the chairman [Mr. RUSSELL], for the good work they have done on the Agriculture Department appropriation bill.

Mr. RUSSELL. On behalf of the conferees, I thank the Senator from Vermont, who is a former distinguished chairman of the Committee on Agriculture and Forestry, and a very valuable member of the subcommittee, even though he was not a conferee.

Mr. AIKEN. I thank the Senator from Georgia. We did not get a bill exactly as we would have liked it. That is not the first time such a thing has happened, however.

Mr. RUSSELL. It would be most remarkable if we ever did get such a bill.

Mr. AIKEN. I particularly rose to emphasize what the chairman of the Agriculture Appropriations Subcommittee has said in regard to the appropriation for the ACP program. I think it is extremely important that the intent of the Congress be made perfectly clear, so that no officials in charge of carrying out the program can have any reason whatsoever for deviating from what the Congress intends.

The Senator from Georgia referred to a rumor that certain officials of the Department of Agriculture were planning to cut drastically the ACP program below what it has been in other years. I think I can help clear up that rumor for the RECORD.

I heard—and later it was verified—that on June 28 Assistant Secretary Peterson, who is in overall charge of the soil-conservation agencies, addressed a memorandum to Paul Koger, Administrator of the ACPS, the Agricultural Conservation Program Service. I was later handed what purported to be a copy of the memorandum. Upon reading it, I was rather amazed to find that it apparently eliminated a great many of the practices which were used successfully in most of the States in the 1957 program, last year's program. In fact, it eliminated a good share of those programs, except for the practices which normally come under the programs of the Soil Conservation Service. The proposal would have done away with, as I understood it, about 75 or 80 percent of the program in New England, and I believe about the same percentage in the State of Georgia.

Mr. RUSSELL. Not quite so high in Georgia but it would have been a serious blow.

Mr. AIKEN. It would have eliminated many of the practices used in the States east of the Missouri River.

I was quite disturbed about the matter. I realized that the 1957 program of ACP had been carried out in accordance with the desires of the States where it was applied, and that it was one of our most successful programs.

Assistant Secretary Peterson talked with me over the telephone, and at that time assured me that the States would be permitted to carry out the programs as they did last year, and in accordance with the intention of Congress, which was entirely satisfactory to me. Mr. Peterson also said he was addressing a letter to the chairman of the Senate Committee on Agriculture and Forestry [Mr. ELLENDER] and I think all members of the Committee on Agriculture and Forestry have received copies of that letter. I did not study the letter for several days. When I did read it, I was quite surprised.

The letter was sent to the Senator from Louisiana [Mr. ELLENDER] under date of July 15, and when I read it I was rather surprised to find that, so far as I could observe, it did not deviate from the memorandum which had been sent to Mr. Koger on June 28 to any appreciable extent. It would still have been possible to do away with a good share of our customary ACP program.

Therefore, on July 23, about 8 or 10 days ago, I wrote to Mr. Peterson, calling his attention to the fact that the letter to the Senator from Louisiana [Mr. ELLENDER] did not back away from the memorandum of June 28, and I pointed out some of the serious results which could come about should the program be changed to the extent the memorandum indicated it would be changed.

Let me read the last paragraph of my letter to Mr. Peterson:

> Referring once more to the memorandum from you to Mr. Koger, I will say that the program set forth therein would definitely not be in accord with the intent of the Congress, and it would be unfortunate if any attempt were made to radically change the ACP program without the approval of the Congress.

I think that is a perfectly true statement. Congress knows what it expects of an ACP program; and the memorandum which was sent to the Director of the ACP definitely deviated far from the program which the Congress intended. I have not as yet received a reply to my letter to Secretary Peterson.

Mr. RUSSELL. It also deviated from the program which was presented to the Congress when the agency requested the appropriations. The agency representatives said they did not expect to make any drastic changes.

Mr. AIKEN. Yes. What happened in the meantime to bring about such a program as was suggested in the memorandum to Mr. Koger, I do not know.

I do know that there is some duplication of effort among our agricultural agencies. I do know that the work of the Soil Conservation Service is very important; but so is the work of the Forest Service, the ACP program, the Extension Service, and the national forestry program, as well as the State forestry programs. They are all important. I do not believe one of them should be greatly dominant over the others.

We realize, of course, that some changes may be necessary to avoid duplication of effort, and that is the reason why the Senate Committee on Agriculture and Forestry has recommended extension of the life of the ACP for 4 years instead of permanently, and Congress has extended the life of the ACP for 4 years instead of permanently in order that we might have time to make a study of the situation.

What I think we should make clear here is that any radical changes in these programs should be made by the Congress, and not administratively. The Senator from Georgia has performed a real service in pointing out what the intent of the Congress is. I have tried to support him.

I think we know what the intent of the Congress is. The intent of the Congress is that the States, through the State committees, shall set up programs which are best adapted to those States, and should be permitted to carry them out, and not be required to abandon many of the practices which have proved to be of especial value to each particular State. They should try to carry on their programs with practices which have proved to be of value, and not with practices which may be good practices in some State a thousand miles away, but which do not fit their own local conditions.

Mr. RUSSELL. I now yield to the ranking member of the Subcommittee on Agricultural Appropriations of the Senate Committee on Appropriations. Sometimes I serve under his chairmanship as the ranking minority member. Pursuant to the vicissitudes of politics, he now serves as ranking member of the minority.

Mr. YOUNG. Mr. President, in that respect it makes no difference to me whether Democrats or Republicans are in control, because I think the Senator from Georgia represents my own thinking on farm matters and more ably than I myself could.

Mr. RUSSELL. If there were as little partisanship in the Congress as a whole as there has been in the agricultural subcommittee of the Committee on Appropriations for the past 14 years, there would be very little political identity here.

Mr. YOUNG. That is correct.

On the question of the agricultural conservation program, there is no difference of thinking between the Senator from Vermont [Mr. AIKEN], the Senator from Georgia [Mr. RUSSELL], and myself. We have had a problem with the Department of Agriculture, extending back several years. Some in the Department had tried to reduce the program to a much lower level than where it is now, and to change the practices considerably.

I should say, in justice to the Department of Agriculture, that it has a problem, involving a conflict of purposes at times between the soil conservation program and the ACP program. Under the soil bank program a great deal of money is spent in an effort to decrease production. So I think we should say, in justice to the Department, that it has a problem in trying to administer all the programs and do right by the taxpayers of the United States.

I think the language of the conference report should assure there will be no changes in this program for another year. The Department of Agriculture itself asked for $250 million for this program, as against some $140 million several years ago. So the USDA has come up to the $250 million level, which I believe all of us agree is necessary.

I believe that the bill now before the Senate is a workable one, and will give the Department most of the funds it needs to operate.

One of the big accomplishments on the Senate side in the conference was the restoration of the acreage reserve program. The House insisted on a limit of $2,500 that could be paid to any one operator, which I think is wrong, but we finally had to accept $3,000 as against the Senate action placing a limit of $5,000. That acreage reserve program is restored, and the Department of Agriculture will have an opportunity to try it out this year again to see if it can be of help in solving the surplus problem of the Nation. I firmly believe that without this program, without acreage controls and the Public Law 480 export program, our surplus problem would be immeasurably worse than it is now.

There was one other disappointment in connection with the conference report, and that was in connection with the utilization research funds. This year for the first time the Department of Agriculture asked for a sizable increase in these funds. The House had greatly reduced the funds for that purpose, and the Senate restored them, but in conference we were able to hold only a small portion of the increase in funds for utilization research, which to me is one of the most important things we could do to help solve our agricultural surplus problem.

Mr. RUSSELL. I thank the Senator from North Dakota.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. YARBOROUGH. I join my colleagues in commending the distinguished Senator from Georgia and other members of the committee for their thorough work. My inquiry is directed to a point which has been raised in part by the distinguished Senator from Minnesota [Mr. HUMPHREY]. Let me state some of the factual basis for the inquiry.

In the Southwest, including my own State of Texas, and several other States, there have been very disastrous floods this year. They followed 7 years of drought, and the 7 years of drought made the floods even more destructive. It rained for 60 or 70 days. Water stood on flatlands which normally hold no water. The uplands became waterlogged, and it was impossible to plant.

This condition was called to the attention of the highest ranking officials in the Department of Agriculture time after time, by representatives from my own State, by myself, and others, and in Oklahoma by the distinguished Senators from Oklahoma [Mr. KERR and Mr. MONRONEY].

The Department of Agriculture refused to extend the time for inclusion of the land within the soil-bank program. At the public hearings at which the distinguished Senator from Minnesota presided, representatives of the Department stated that there was no program under which those farmers could be paid anything, when their land was flooded out and they could not plant. The Department officials did not indicate their intention of recommending that there be any type of payment. They showed no sympathy whatever for or interest in those farmers whose lands had been flooded out and who were unable to plant.

My inquiry to the distinguished senior Senator from Georgia is whether or not the conference report would preclude payment to the farmers in the disaster areas, whose lands were ruined, and who were unable to plant this year, of some type of relief. As I understand, no such provision is included in the bill.

Mr. RUSSELL. There are no funds in the bill for that specific purpose. However, I will say to the distinguished junior Senator from Texas that there are ample legal provisions to support an appropriation for this purpose. As a matter of fact, a preliminary survey has been conducted by the Department in the States of Arkansas, Idaho, Illinois, Kansas—some with respect to tornadoes—Kentucky, Louisiana, Minnesota, Missouri, Oklahoma, Tennessee, and Texas, as to the nature of the damage and the needs to be met.

The estimate for the State of Texas is $5,203,000, and the statement adds that this is an incomplete survey for the State of Texas. However, no budget estimates have been submitted to implement this disaster law and to make funds available for those who have suffered damage from flood, tornado, or hurricane. The estimates could be sent forward for inclusion in a supplemental appropriation bill. I may say to the distinguished Senator from Texas that that bill would not be acted on by the Subcommittee on Agricultural Appropriations, but the overall supplemental bill, with the estimates for all the departments, would be considered by the full committee.

I can assure the Senator that if the budget estimates are submitted they will receive most careful consideration on the part of the entire Committee on Appropriations, because the members of that committee have been very generous in dealing with communities which have been visited by such awful catastrophes as flood and tornado and hurricane.

Mr. YARBOROUGH. I thank the Senator for the clarification. I have one other inquiry. Under the previous administration of the Department of Agriculture, with respect to the soil-conservation program, the Department participated in the eradication of noxious trees and brush, and built dams and tanks for the catching of water on particular ranches; and the Federal Government, under the previous administration, through the Agricultural Department, put up 75 percent of the cost of that very important improvement program, consisting of drilling wells, building tanks, and the eradication of noxious trees and brush. However, under the present administration, the Federal Government's participation has been reduced to 50 percent.

Am I correctly informed that that is only because of a departmental ruling, and that the law has not been changed? Furthermore, do I understand correctly that the adoption of the conference report would not preclude the Federal Government from returning to the standard of 75 percent participation, if it wished to do so?

Mr. RUSSELL. There is nothing in the law which would prevent the Department from doing it, if it desired to do so. I believe, however, that the programs vary in the different States.

It may be that they vary for that particular type of work. There is a variation with respect to the various practices in the several States. For example, it costs more to carry some practices out in one State than it does in another State.

Mr. YARBOROUGH. As the drought conditions became worse in the Southwestern States and in the Midwestern States, and as the citizens of those States became less able to save their land, the Federal participation went down, and they were even less able to save themselves.

Mr. RUSSELL. In the administration of any program under Public Law 875 of the 81st Congress, which is the disaster relief law, the Department of

Agriculture should certainly take note of the fact that the man with whom they are dealing has suffered great damages because of unusual conditions.

However, there is nothing in the law which would prevent the Department, in the administration of the ordinary agricultural conservation program, or, indeed, in connection with the conservation-reserve program under the soil bank, from making changes in the schedules.

Mr. YARBOROUGH. I thank the distinguished Senator for his very helpful clarification of the situation.

Mr. THYE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Minnesota.

Mr. THYE. First, as a member of the Committee on Agriculture and Forestry, and also of the Committee on Appropriations, I have endeavored to be present at all the important hearings of the subcommittee, and therefore I wish to join my colleagues, the Senator from Vermont [Mr. AIKEN], and the Senator from North Dakota [Mr. YOUNG], in the most emphatic statement that it was my understanding that no particular change was to be instituted in the agricultural conservation program.

Therefore I was surprised when I learned that a new policy was to be initiated within the Department of Agriculture. If such a policy had been made in the form of an official announcement, I would have opposed it. If in the future there is any departure from past practices in the program, I shall oppose it. The program has rendered a constructive service in affording soil protection to the Nation's fertile soil, thereby assuring to future generations a fertile soil for their use.

The other phase with which I am greatly concerned is the conservation aspect of the soil bank. The conservation phase of the program is certainly building up the fertility of the lands which need such aid. The acreage-reserve program is the only certain way of reducing the number of acres which are tilled and harvested annually. Unless an acreage reduction is brought about, no great reduction in the overall harvest will be effected; and we must reduce the total bushelage and total poundage of cotton and other crops if we are to bring about a reduction in the surpluses.

I may say also that agriculture has no greater friend than the distinguished senior Senator from Georgia.

Mr. RUSSELL. I thank the Senator.

Mr. THYE. As one who, in part, represents strictly an agricultural State, I have always taken much comfort from the knowledge that we have such a great leader, not only on the Committee on Appropriations but in the Senate itself, as the Senator from Georgia [Mr. RUSSELL]. I may say the same for the Senator from North Dakota [Mr. YOUNG], who serves as the ranking Republican member of the subcommittee which handles agricultural appropriations, and who also has watched and studied the needs of the Department of Agriculture, and who has at all times endeavored to obtain sufficient money with which to carry on the program of the Department.

I say the same for the distinguished ranking Republican member on the Committee on Agriculture and Forestry, the Senator from Vermont [Mr. AIKEN]. He likewise has been very thorough in all his studies of what the agricultural appropriations should be and what the needs of the Department of Agriculture are, because he serves as a member of the Committee on Appropriations in an ex officio capacity when that committee is considering agricultural appropriations.

Therefore I wish to commend the distinguished chairman and the other Senators I have mentioned for an exceedingly fine job.

Mr. RUSSELL. I thank the distinguished Senator from Minnesota. I thank him on my own behalf and on behalf also of the Senator from North Dakota and the Senator from Vermont.

Mr. YOUNG. I thank the Senator.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. STENNIS. As one who has heard the testimony before the subcommittee on the ACP program, I never dreamed that there would be any drastic change in the program, or that we would be appropriating money for anything other than the program as outlined in 1957.

I wish especially to commend the conferees for their positive statement in the report: "It is understood from the Department's justification and testimony that the 1958 agricultural conservation program will be continued on the same basis as the 1957 program."

After the bill is enacted, where will we be, in view of the letter which has been referred to by the Senator from Vermont [Mr. AIKEN], which I understand was addressed to the Senator from Louisiana [Mr. ELLENDER]?

Mr. RUSSELL. I think I can say to the distinguished Senator from Mississippi that the Department of Agriculture, whatever else may be its failings, generally undertakes to carry out the very positive mandates of the Appropriations Committee in its committee and conference reports. I expect the Department to follow the directive in the conference report. It has generally done so in the past, and I assume it will do so this year.

I believe the statement in the conference report has rendered that letter null and of no effect.

Mr. STENNIS. That is very good.

Mr. RUSSELL. It is null ab initio, because Congress has not completed its work on the appropriation bill.

Mr. STENNIS. The bill was approved by the conferees with that understanding, and I am sure the conference report will be approved by the Members of the Senate with the same understanding.

Mr. RUSSELL. I am sure it will be approved by the Senate with the same understanding. If any Senator has any views to the contrary, I hope he will express them. I understand I am expressing what I believe to be the unanimous will of the Senate in regard to this important agricultural conservation program, and I certainly do not expect the Department of Agriculture to do other than to be guided by the directive of Congress, which has provided funds for this program.

Mr. STENNIS. I thank the Senator.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Kentucky.

Mr. COOPER. I should like to join other Senators in saying that I was very happy to hear the distinguished Senator from Georgia announce that the conference committee had, in effect, directed the Department of Agriculture not to change any of the 1958 agricultural conservation programs in such a way as to restrict the eligibility requirements or to delete the cost sharing in the 1957 program. I take it that the Senator remembers that I also had this in mind on July 3, in a short speech I made on the floor of the Senate, when I protested against any changes, and urged the Secretary of Agriculture not to make such changes.

Mr. RUSSELL. I may say to the Senator from Kentucky that I heard his remarks on that occasion. The committee on conference had not at that time concluded its labors. The same news had reached me, and I brought it to the attention of the conferees. They unanimously agreed to the language which is contained in the conference report.

Mr. COOPER. There are two practices which are very important to my own State. I know the Senator from Georgia is familiar with those practices. One is the initial treatment of farmland to permit the use of legumes and grasses for soil improvement and protection. The Senator will remember that this practice is one in which the Government shares with the farmers the cost of applying lime, rock phosphate, and gypsum to their fields.

There is another practice, among others, which encourages the establishment of cover crops for winter or for summer protection from erosion, or for green manure.

I know the Senator from Georgia is familiar with both those practices. They are very important to my State, as I think they are also to most of the other Southern States.

Mr. RUSSELL. They are, indeed. The second practice which the Senator mentioned is more important to my State than is liming; but they are both very important.

Mr. COOPER. It is intended that those practices shall be continued?

Mr. RUSSELL. I would not even suspect that the Department of Agriculture would not conform to the very clear expression of the will of Congress.

Mr. COOPER. Mr. President, I ask unanimous consent that I may place a statement in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR COOPER

On July 3, I learned that the Department of Agriculture was considering eliminating or changing several of the cost-sharing practices under the agricultural conservation program. Among these practices was one

designated as practice A–4, which is entitled "Initial Treatment of Farmland To Permit the Use of Legumes and Grasses for Soil Improvement and Protection." This is the practice under which the Government shares with farmers the cost of applying lime, rock phosphate, and gypsum to their fields.

Among other cost-sharing practices which I understood were being questioned were those known as D–1, D–2, and D–3, to promote cover crops for protection against erosion, and for green manure. And there may have been other soil-conservation practices which were being questioned by the Department.

On the same day that I learned that there might be changes in the conservation program, July 3, I made a speech on the floor of the Senate protesting any changes in these practices, and urging the Secretary of Agriculture to see that these programs were continued.

I was glad to learn that, on July 5, the Senate and House members of the conference committee considering the conference report on the agricultural appropriation bill took notice of these proposed changes and some members have been kind enough to say of my speech on the Senate floor on July 3 against any changes, and write into the conference report, in connection with appropriation for the agricultural conservation program, these words:

"In agreeing to the fund for this purpose in the accompanying bill, the conferees direct that no change will be made in the 1958 agricultural conservation program to restrict eligibility requirements or delete cost-sharing practice included in the 1957 program."

At this point I insert as a part of my remarks the section from the conference report under the heading "Agricultural Conservation Program:"

"AGRICULTURAL CONSERVATION PROGRAM

"Amendment No. 21: Appropriates $212 million as proposed by the Senate, and limits amount to be received by any one participant to $2,500 as proposed by the House instead of $1,500 as proposed by the Senate. It is agreed by the conference committee that the change in this limitation should not affect present or future allocations under the basic formula governing the distribution of funds to States under this appropriation.

"The amount appropriated, together with the balance of $38 million available from the 1955 program, will provide the full $250 million authorized for the 1957 program.

"The conferees believe that the conservation reserve program should not be used to curtail existing programs, particularly the agricultural conservation program. It is understood from the Department's justifications and testimony that the 1958 agricultural conservation program will be continued on the same basis as the 1957 program. In agreeing to the funds for this purpose in the accompanying bill, the conferees direct that no changes will be made in the 1958 agricultural conservation program to restrict eligibility requirements or delete cost-sharing practices included in the 1957 program. Floods and drought conditions in much of the Nation make it imperative that all 1957 program practices be continued in 1958.

"It is to be noted that the 1957 conservation reserve program is participated in by only 81,130 people at an estimated cost of $133 million, whereas the 1957 agricultural conservation program is participated in by 1,275,000 farmers at an estimated Federal cost of about $250 million.

"The conferees recommend that the Department revise its method of securing recommendations for practices covered by the proposed advance authorization for the 1959 agricultural conservation program by securing recommendations for cost-sharing practices from county and State committees at the time the 1958 program is formulated. This should result in economy of program administration, more timely recommendations for formulation of a national agricultural conservation program for 1959, and should enable the Department to present any changes proposed in the 1959 program to the Congress during appropriation hearings next year."

I congratulate the Senate members of the conference committee, and the House members as well, for their prompt action to safeguard the conservation program during the coming year. This program is well administered by its officers in Washington, by our State committee, and county committees—as in my State of Kentucky—and it has been an invaluable help to farmers, particularly small farmers, in my State and thoughout the Nation.

I would like to speak briefly about conservation and the agricultural conservation program.

NEED FOR CONSERVATION

This country and all its 171 million people have a vital interest in the conservation of our agricultural resources.

The abundance of agricultural resources is the chief reason for our abundance of food, clothing, and shelter required by a steadily growing population for a high standard of living. And our croplands, grazing lands and forests furnish 70 percent of the raw materials going into our great industries.

But we have used those resources heavily and often recklessly. Most of our croplands and nonforested grazing lands need conservation treatment to protect and improve them. And we have used up most of our virgin forests. Evidence of a dwindling water supply is seen in most parts of our country.

We are told that our increasing population will need by 1975, a third more food and double the amount of water for industrial, irrigation, and domestic purposes.

To meet the increasing demands in the years ahead, we must assure ourselves that, in the national interest, the agricultural soil and water resources are protected and improved. However, as a national policy, we do not expect farmers to try to do the job alone. To help producers get the conservation job done, the Congress has established various conservation services.

All these services are important and badly needed. One of the most important and most needed is the agricultural conservation program. The agricultural conservation program and the farmers work together to get conservation work done.

THE ACP

Under the ACP, cost-sharing assistance is available to producers to help them carry out approved conservation practices. In general, the costs are shared on pretty much a 50–50 basis. In some counties, where the need for assistance is great, the ACP may supply a slightly higher percentage of the total cost. In all cases, the farmer pays the balance and installs or arranges for the installation of the practices.

The Congress has based this cost-sharing principle on the fact that conserving soil and water resources is just as important to city people as to farmers. And upon the fact that farmers cannot do alone all that's needed in the interest of themselves or city people.

Conservation practices cost money. Often producers just don't have the money needed to build a dam and pond to hold water or to do everything that's needed to establish or improve a conservation cover on the land. Some practices don't bring in immediate profits. Some practices are needed much more for the benefit of people other than the farmers who own the land where the practices are established.

RESEARCH

In this connection, a Department of Agriculture publication of June this year reports research in cooperation with the Iowa Agricultural Experiment Station that bears on this.

This research showed that it took 4 to 5 years for conservation work to pay off in higher income, on the farmers studied. And that large additional costs were required for related materials not included in the conservation practices themselves. Loans were needed to buy the materials required by the conservation treatment—but not a part of the conservation work—in order to maintain farm income.

On this very point, research by the Wisconsin College of Agriculture shows that southwestern Wisconsin farmers are not inclined to take out loans for conservation purposes.

There are many such examples that illustrate the fact that most farmers cannot carry through all the needed conservation work on their own.

The agricultural conservation program helps farmers along these lines through its cost-sharing provisions.

ACCOMPLISHMENTS OF 1955

More farmers requested cost-sharing under the 1955 program for conservation on their farms and ranches than under the 1954 program. Practices were carried out on 1,142,025 farms and ranches. Farms and ranches participating in the 1955 program constituted about 36 percent of the cropland and about 34 percent of the total farmland in the country.

The gross average ACP cost-sharing assistance for the farmers who participated in the 1955 program was $162 per farmer. This was an increase over the previous program by $33 per farmer.

Here are illustrations of the type and extent of conservation measures carried out by farmers under the 1955 ACP:

Establishment of permanent cover for soil protection, 1,002,693 acres.

Establishment of contour stripcropping for erosion control, 218,693 acres.

Increasing the acreage of winter or summer annual protective cover to prevent erosion, 684,047 acres.

Establishment of contour farming on nonterraced land for erosion control, 393,837 acres.

Emergency tillage of cropland to control wind erosion, 10,472,492 acres.

Planting, interplanting, or replanting trees or shrubs for erosion control or forestry purposes, 150,216 acres.

Improvement of a stand of trees for erosion control or forestry purposes, 133,244 acres.

Constructing terraces to control the flow of water and check erosion, 744,028 acres.

Constructing or improving water facilities to permit proper pasture and range management as a means of protecting established vegetative cover for soil protection, 74,089 structures.

Establishing permanent sod waterways to dispose of excess water without causing erosion, 1,549,124,000 square feet.

Constructing diversion and spreader terraces, ditches, or dikes to intercept and divert excess water to protected outlets and spread water for erosion control and water conservation, 5,111 miles.

Constructing or improving dams for erosion control, 11,825 structures.

Installing, enlarging, or improving farm drainage systems to dispose of excess water, 1,362,218 acres drained adequately.

Liming materials applied to farmland to permit the use of conservation crops for soil protection and erosion control, 15,154,798 tons.

PROGRAM COMMENTS

The ACP places a great deal of responsibilities on local committees for adapting

practices to accomplish the most conservation to best meet local needs and problems. This enabled counties to give more emphasis to practices most needed locally.

County farmer committees work hard to help farmers make needed land use adjustments to increase the amount of conservation accomplished. Committees have had authority to adjust rates of cost for some practices under certain conditions in order to reach desired levels of conservation performance.

Cost-sharing is available to farmers for most of the practices essential on individual farms for watershed improvement and flood prevention. Most practices in the ACP have direct value for flood prevention and proper watershed management.

The ACP emphasizes practices that give longtime benefits, but not to the exclusion of other needed conservation practices. The ACP encouraged farmers to follow conservation measures which will lead to sound systems of conservation farming, which give more enduring protection to the agricultural resources, and which improve their productive capacity. As an example of the trend, water practices are being established in many States at a much faster rate now than before.

CURRENT SITUATION

The costs of farm conservation are up. The costs of things that farmers have to buy are up. Net income from farming is low.

Under this situation farmers are less inclined to spend money (often money they would have to borrow) for conservation.

Therefore, there is a particularly urgent need for cost-sharing for agricultural conservation at the present time.

FACTS ABOUT THE ACP IN KENTUCKY

The other comments on ACP apply equally to Kentucky.

The program has been of untold benefit to Kentucky's farmers and resources. Much of our State is subject to serious erosion. It is rolling country. Our farms are pretty largely, small farms. Farm family income has not kept up with the income of the Nation as a whole.

ACP has helped our farmers keep their soil on our hillsides by providing financial help that has encouraged them to use grasses and legumes * * * the best kind of erosion control we can use. Those grasses and legumes need lime and phosphate to make them effective in holding our precious topsoil in place.

1955 is a fairly typical year for the program in the State. In that year, Kentucky farmers established a great amount of conservation under the ACP. For example:

They established or improved land cover for needed soil protection this much: 97,000 acres of permanent cover; 93,000 acres of rotation seedings increased; and 163,000 acres of annual cover.

They used 1.2 million tons of liming materials to permit the use of conservation cover for soil protection and erosion control.

They drained 14,000 acres of farmland to permit conservation farming.

They put in 5,900 new livestock water developments.

They controlled competitive shrubs on 20,710 acres.

These and many other ACP cost-sharing conservation practices helped Kentucky farmers to do a fine job of protecting and improving their agricultural resources. I support the program.

I am glad that the conferees on the agriculture appropriations bill have declared their support in clear terms.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MUNDT. I associate myself, as a member of the committee of conference, with the statement made on the floor in connection with the agricultural conservation program, and the expectation and the insistence of the committee of conference that it be carried out in conformity with the mandate of Congress. I wish to advert, however, to a slightly different phase of the conference report.

I think that one of the great results of the Senate action and the conference action was the continuation of the acreage-reserve program. In connection with that, there was a dispute between the position of the House and the position of the Senate. The Senate proposed a $5,000 limitation on the payments to a single producer, and the House proposed $2,500. The conference finally settled on $3,000. That amount was agreed upon as part of sort of a package arrangement through a series of compromises, so I do not want our colleagues to think that we tried to cut the melon in half and missed it as completely as it might appear.

Mr. RUSSELL. We had to save the conservation program and the soil bank.

Mr. MUNDT. That is correct. After a long series of negotiations, we arrived at this solution. However, I wish to establish a little legislative history on the floor in connection with one word which appears in the conference report, and which, if misinterpreted, could work tremendous injury to the tenant farmers of the country. On page 7 of the conference report is a statement which reads:

> The managers on the part of the House intend to offer a motion to recede and concur with an amendment limiting payments to any one producer to $3,000 instead of $2,500 as proposed by the House, and $5,000 as proposed by the Senate.

We ought to think a little about the word "producer." If "producer" were to be interpreted by the Department as a farm owner, for example, it would mean in a great many areas of the country direct discrimination against tenant farmers, because in my section of the country, and in other sections of the country, as well, a single farm owner, and not necessarily a very opulent one, may own two, three, or four different farms which he rents to two, three, or four different tenants.

If the word "producer" were to be interpreted as meaning a farm owner, it would mean that if he had a $3,000 payment on acreage reserve cooperation with tenant A, then tenants B, C, and D, to whom the owner also rents farms, would be precluded entirely from participating in the soil bank program. I am perfectly convinced that the conferees and the conference did not intend to discriminate as among tenants. What we were trying to do, both in the $2,500 and the $5,000 limitation, was to establish a ceiling to avoid unduly large payments to a single farm operation.

So I think it should be established in the RECORD here and now that what we had in mind in conference was really a $3,000 limitation on a single farm operation or on a single farm; that it is the producer we have in mind, rather than a farm owner who might own several farms. In my own State of South Dakota, frequently there are widows who support themselves from the income of two, three, or four pieces of property which they rent on shares to different tenants.

I should like to establish with the chairman of the Senate Subcommittee on Agriculture Appropriations the fact that we were not trying to discriminate among tenants; we were thinking in terms of the producer, as that word applies to the operator of a single farm, rather than to the individual who might own several farms, and thereby, by working out some acreage reserve contract with one tenant farmer, preclude himself from participating with other tenants on different farms to the disadvantage of those other tenants.

Mr. RUSSELL. We said that no one producer could get more than $3,000. It seems to me that that is perfectly clear. We did not say "one farmer." We said "one producer." We did not say "one landowner"; we said "one producer."

Mr. MUNDT. Yes; but the word "producer" lends itself to several definitions.

Mr. RUSSELL. To me it means a person working a farm somewhere.

Mr. MUNDT. That is what it means to me.

Mr. RUSSELL. Whether it be 1 acre or 4 acres. It means one farming operation on a single piece of land.

Mr. MUNDT. That is precisely correct. I wanted to establish that for the RECORD, in case some solicitor in the Department might have a second cousin who is a lexicographer, who might say that by "producer" is meant anyone who owns land from which crops are produced and thus preclude him from exceeding his personal $3,000 income from the acreage reserve by virtue of the fact he owns and rents several farms to several tenants.

Mr. RUSSELL. I think one producer could be a man who owned several farms and worked them all by self-help. But if he had a tenant on each farm, each tenant would be a producer.

Mr. MUNDT. I think that is correct. And our legislative history now clearly shows the intent of Congress to be precisely that.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. AIKEN. I endorse the interpretation of the meaning of a single producer. I also point out that I was rather disappointed when the Senate conferees could not get the House conferees to agree to any amount higher than the $3,000 limit. That will limit the effectiveness of the acreage reserve to some extent. I have no sympathy with $200,000 or $300,000 payments, but the limitation of $3,000 is too low for this type of program.

Mr. RUSSELL. I assure my friend from Vermont that we struggled violently, and the conference almost split on that very point. It came to a question of whether we were going to take $250 million for conservation reserve and a $4,000 limitation. Finally, we got $325 million for the conservation reserve and a $3,000 limitation. We did not succeed because of a lack of diligence, persistence, and endeavor. The House was

anxious to take that provision back to have a separate vote on it. We were trying desperately to keep them from doing so. I think that if the Senator from Vermont had been present, he would have thought we did very well, under the actual conditions which confronted us.

Mr. AIKEN. I have been a member of conferences with Members of the House myself, and I know how insistent the House conferees can be.

I realize that the Senate conferees fought, bled, and almost died in order to preserve the $5,000 minimum. I know that $3,000 was all we could possibly agree on in this particular program. We cannot expect to get quite as complete results from the acreage reserve as we would if we had the higher limitation.

Mr. MUNDT. What the Senator from Georgia has said is exactly correct. We tried every conceivable way to hold the figure closer to the $5,000 level, and not to recede to the extent to which we had to recede. But the House was adamant. At no other time in the present session of Congress have I found the process of compromise more difficult to negotiate, save only in the proposed civil-rights legislation with which the Senate is now concerned.

Mr. AIKEN. I have raised the question so that if the results from the acreage reserve are not what we hoped they would be, the limitation of payments at a low level will be shown to be a contributing factor.

Mr. RUSSELL. That is undoubtedly true. I think even the original Senate figure of $5,000 was perhaps somewhat low.

Mr. AIKEN. I agree with the Senator from Georgia on that. If the amount had been twice that figure it would probably have been more realistic.

Mr. CARLSON. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. CARLSON. I had not intended to get into the discussion of high payments. I think most Senators know that one of the highest payments in the Nation was made to a Kansas wheat farmer—$61,000. But I remind the Senate that in his farming activities 26 farm families were engaged and there were 26 farms. If it is proposed to reduce the $61,000 payments for this large operation to $3,000, we will not be carrying out the policy of getting acreage reductions or participation in the conservation reserve programs. No one wants to continue high payments; but if there is to be a program which will take crops out of production, it will be necessary to take care of large farms.

Mr. RUSSELL. Anyone who is familiar with the details of the acreage reserve soil bank programs knows the limitation on any one producer is not consistent with the purposes and policies of the act. The Senator from Kansas has been a Member of this body for a long time. He knows we are constantly confronted with conditions, not with theories, in matters of this kind. Every Senator has some agricultural interest in his State. It may be small in some cases, and paramount in others.

But there is another body which has to do with this bill, and as to about 200 Members of that body, the only farming carried on among their constituents is done in flowerpots and flower boxes. They approach these matters from a position somewhat different from that of a Senator who is trying to represent real farming areas.

Mr. CARLSON. Mr. President, I rose for the purpose of commending the Senator from Georgia. I have listened to the debate on the floor of the Senate regarding what I believe is the intent of the Senate insofar as carrying out the ACP program is concerned. I cannot conceive that the Department of Agriculture will not carry it out in the way the Senate expects it to be carried out.

I desire to commend the distinguished senior Senator from Georgia [Mr. RUSSELL]. I have never had any fear regarding agricultural programs or appropriations, so long as they were established or made under the leadership of the able Senator from Georgia.

Mr. RUSSELL. I thank the Senator from Kansas.

Mr. President, I move that the report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The legislative clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
UNITED STATES,
*July 9, 1957.*

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 12 to the bill (H. R. 7441) entitled "An act making appropriations for the Department of Agriculture and Farm Credit Administration for the fiscal year ending June 30, 1958, and for other purposes," and concur therein.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and concur therein with an amendment, as follows: In lieu of the sum of "$5,000" proposed in said amendment, insert "$3,000."

Mr. RUSSELL. Mr. President, I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate numbered 24.

The PRESIDING OFFICER. The question is on agreeing ot the motion of the Senator from Georgia.

The motion was agreed to.

Mr. RUSSELL. Mr. President, I ask unanimous consent to have printed at this point in the body of the RECORD a table on the agricultural appropriation bill, showing a comparative statement of the appropriations and authorizations for 1957 and the budget estimates and the amounts recommended in the bill for 1958, together with the conference allowances.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Comparative statement of appropriations and authorizations for 1957 and estimates and amounts recommended in bill for 1958 together with conference allowances*

REGULAR ACTIVITIES (TITLE I)

| Agency and item | Appropriation, 1957 | Estimates, 1958 | Amounts recommended in House bill | Amounts recommended in Senate bill | Conference allowance, 1958 |
|---|---|---|---|---|---|
| Agricultural Research Service: | | | | | |
| Salaries and expenses: | | | | | |
| Research | $53,786,000 | $60,875,000 | $48,994,890 | $58,794,890 | $57,794,890 |
| Plant and animal disease and pest control | 28,794,000 | 26,952,000 | 25,682,000 | 26,082,000 | 26,082,000 |
| Meat inspection | 15,650,000 | 18,718,000 | 16,586,000 | 16,826,000 | 16,826,000 |
| Total, salaries and expenses | 98,230,000 | 106,545,000 | 91,262,890 | 101,702,890 | 100,702,890 |
| State experiment stations: | | | | | |
| Payments to States, Hawaii, Alaska, and Puerto Rico | 29,503,708 | 34,003,708 | 29,503,708 | 30,503,708 | 30,353,708 |
| Penalty mail | [1] 250,000 | 250,000 | 250,000 | 250,000 | 250,000 |
| Total, State experiment stations | 29,753,708 | 34,253,708 | 29,753,708 | 30,753,708 | 30,603,708 |
| Animal disease laboratory facilities | 16,250,000 | 0 | | | |
| Total, Agricultural Research Service | 144,233,708 | 140,798,708 | 121,016,598 | 132,456,598 | 131,306,598 |
| Extension Service: | | | | | |
| Payments to States, Hawaii, Alaska, and Puerto Rico | [1] 49,101,000 | 54,365,000 | 49,101,000 | 50,865,000 | 50,715,000 |
| Retirement costs for extension agents | 0 | 5,260,000 | 5,260,000 | 5,260,000 | 5,260,000 |
| Penalty mail | [1] 2,164,000 | 2,164,000 | 2,164,000 | 2,164,000 | 2,164,000 |
| Federal Extension Service | 2,000,000 | 2,341,000 | 2,096,540 | 2,096,540 | 2,096,540 |
| Total, Extension Service | 53,265,000 | 64,130,000 | 58,621,540 | 60,385,540 | 60,235,540 |
| Farmer Cooperative Service | 550,000 | 578,000 | 578,000 | 578,000 | 578,000 |

[1] Third supplemental appropriation bill, 1957, now pending includes $250,000 for penalty, mail costs of State experiment stations and additional $514,000 for penalty mail for State extension services, to be derived by transfer from "Payments to States, etc.," Extension Service.

*Comparative statement of appropriations and authorizations for 1957 and estimates and amounts recommended in bill for 1958 together with conference allowances*—Continued

REGULAR ACTIVITIES (TITLE I)—Continued

| Agency and item | Appropriation, 1957 | Estimates, 1958 | Amounts recommended in House bill | Amounts recommended in Senate bill | Conference allowance, 1958 |
|---|---|---|---|---|---|
| Agricultural Marketing Service: | | | | | |
| Marketing research and service: | | | | | |
| Marketing research and agriculture estimates | $13,437,000 | $15,482,500 | $14,041,700 | $14,141,700 | $14,116,700 |
| Marketing services | 13,020,000 | 15,186,000 | 14,274,900 | 14,324,900 | 14,274,900 |
| Total, marketing research and service | 26,457,000 | 30,668,500 | 28,316,600 | 28,466,600 | 28,391,600 |
| Payments to States, Territories, and possessions | 1,160,000 | 1,260,000 | 1,160,000 | 1,160,000 | 1,160,000 |
| School-lunch program | 100,000,000 | 100,000,000 | 100,000,000 | 100,000,000 | 100,000,000 |
| Total, Agricultural Marketing Service | 127,617,000 | 131,928,500 | 129,476,600 | 129,626,600 | ---------- |
| Foreign Agricultural Service | 3,750,000 | 4,383,500 | 3,902,300 | 4,052,300 | 4,002,300 |
| Commodity Exchange Authority | 787,400 | 832,000 | 832,000 | 832,000 | 832,000 |
| Commodity Stabilization Service: | | | | | |
| Acreage allotments and marketing quotas | 40,963,000 | 43,000,000 | 40,715,000 | 40,715,000 | 40,715,000 |
| Sugar Act program | 67,600,000 | 72,200,000 | 67,662,500 | 67,662,500 | 67,662,500 |
| Total, Commodity Stabilization | 108,563,000 | 115,200,000 | 108,377,500 | 108,377,500 | 108,377,500 |
| Federal crop insurance | 6,210,000 | 7,300,000 | 6,376,700 | 6,376,700 | 6,376,700 |
| Rural Electrification Administration, salaries and expenses | 8,600,000 | 9,629,000 | 9,030,950 | 9,030,950 | 9,030,950 |
| Farmers' Home Administration, salaries and expenses | 27,750,000 | 30,000,000 | 29,089,500 | 29,089,500 | 29,089,500 |
| Office of General Counsel | 2,785,000 | 3,172,000 | 2,943,000 | 2,943,000 | 2,943,000 |
| Office of Secretary | 2,500,000 | 2,726,000 | 2,640,660 | 2,664,060 | 2,660,660 |
| Office of Information | 1,325,000 | 1,465,000 | 1,367,500 | 1,367,500 | 1,367,500 |
| Library | 735,000 | 824,000 | 772,000 | 772,000 | 772,000 |
| Soil and water conservation: | | | | | |
| Soil Conservation Service: | | | | | |
| Conservation operations | 67,500,000 | 73,545,000 | ---------- | 73,545,000 | 72,545,000 |
| Watershed protection | 17,500,000 | 25,500,000 | ---------- | 25,500,000 | 25,500,000 |
| Flood prevention | 12,000,000 | 13,220,000 | ---------- | 13,220,000 | 13,220,000 |
| Water conservation and utilization projects | 232,000 | 350,000 | ---------- | 350,000 | 350,000 |
| Total, Soil Conservation Service | 97,232,000 | 112,615,000 | ---------- | 112,615,000 | 111,615,000 |
| Great Plains program | ---------- | 20,000,000 | ---------- | 10,000,000 | 10,000,000 |
| Agricultural conservation program | 227,500,000 | 237,000,000 | ---------- | 212,000,000 | 212,000,000 |
| Conservation reserve program, soil bank | [2] (450,000,000) | 298,826,660 | ---------- | 162,940,000 | 162,940,000 |
| Total, soil and water conservation: | | | | | |
| On appropriation basis | 324,732,000 | 668,441,660 | 535,000,000 | 497,555,000 | 496,555,000 |
| On comparative basis | 774,732,000 | 668,441,660 | 535,000,000 | 497,555,000 | 496,555,000 |
| Acreage-reserve program, soil bank: | | | | | |
| On appropriation basis | ---------- | 701,173,340 | 600,000,000 | 600,000,000 | 600,000,000 |
| On comparative basis | [3] (750,000,000) | 701,173,340 | 600,000,000 | 600,000,000 | 600,000,000 |
| Total, regular activities (title I): | | | | | |
| On appropriation basis | 813,403,108 | 1,882,581,708 | 1,610,024,848 | 1,586,107,248 | 1,582,678,848 |
| On comparative basis | [3] 2,013,403,108 | 1,882,581,708 | 1,610,024,848 | 1,586,107,248 | 1,582,678,848 |

[2] 1st year's program authorized to be financed from Commodity Credit Corporation funds in lieu of direct appropriation, with subsequent reimbursement to CCC.

[3] Includes authorized spending from CCC for 1957 soil bank.

CORPORATIONS (TITLE II)

| | | | | | |
|---|---|---|---|---|---|
| Federal Crop Insurance Corp.: | | | | | |
| Subscription to capital stock | $13,000,000 | 0 | ---------- | ---------- | ---------- |
| Administrative expense limitation | (2,000,000) | ($2,000,000) | ($2,000,000) | ($2,000,000) | ($2,000,000) |
| Commodity Credit Corp.: | | | | | |
| Restoration of capital impairment | 929,287,178 | 1,239,788,671 | 1,239,788,671 | 1,239,788,671 | 1,239,788,671 |
| Administrative expense limitation | [4] (33,000,000) | (38,400,000) | (34,398,000) | (35,398,000) | (35,398,000) |
| Total, corporations | 942,287,178 | 1,239,788,671 | 1,239,788,671 | 1,239,788,671 | 1,239,788,671 |

[4] Third supplemental, 1957, provided $2,000,000 in addition to regular bill for 1957.

SPECIAL ACTIVITIES (TITLE III)

| | | | | | |
|---|---|---|---|---|---|
| Reimbursements to Commodity Credit Corporation: | | | | | |
| Animal disease eradication | $13,060,954 | $18,581,660 | $18,581,660 | $18,581,660 | $18,581,660 |
| Grading and classing | 367,740 | 80,449 | 80,449 | 80,449 | 80,449 |
| Special commodity disposal | 257,420,988 | 824,414,129 | 824,414,129 | 824,414,129 | 824,414,129 |
| Total, reimbursements to CCC | 270,849,682 | 843,076,238 | 843,076,238 | 843,076,238 | 843,076,238 |

RELATED AGENCIES (TITLE IV)

| | | | | | |
|---|---|---|---|---|---|
| Farm Credit Administration | ($2,230,000) | ($2,200,000) | ($2,200,000) | ($2,200,000) | ($2,200,000) |
| Federal Farm Mortgage Corporation | (550,000) | [5] | [5] | [5] | [5] |
| Federal intermediate credit banks | (1,932,000) | (3,375,000) | (3,375,000) | (3,375,000) | (3,375,000) |
| Production credit corporations | (1,644,000) | [6] | [6] | [6] | [6] |
| Total, Farm Credit Administration | (6,356,000) | (5,575,000) | (5,575,000) | (5,575,000) | (5,575,000) |
| Commission on increased use of agricultural products | 150,000 | ---------- | ---------- | ---------- | ---------- |
| Total, titles I through IV: | | | | | |
| On appropriation basis | 2,026,689,968 | 3,965,446,617 | 3,692,889,757 | 3,668,972,157 | 3,666,543,757 |
| On comparative basis | [7] 3,226,689,968 | 3,965,446,617 | 3,692,889,757 | 3,668,972,157 | 3,666,543,757 |

[5] Indefinite authorization proposed.

[6] Consolidated with "Administrative expenses, Federal intermediate credit banks."

[7] Includes authorized spending from CCC for 1957 soil bank.

LOAN AUTHORIZATIONS

| | Authorizations, 1957 | Estimates, 1958 | Amounts recommended in House bill | Amounts recommended in Senate bill | Conference allowance 1958 |
|---|---|---|---|---|---|
| Rural Electrification Administration: | | | | | |
| Electrification | [9] $414,000,000 | $179,000,000 | $179,000,000 | $179,000,000 | $179,000,000 |
| Telephone | 100,000,000 | 60,000,000 | 60,000,000 | 60,000,000 | 60,000,000 |
| Total, Rural Electrification Administration | 514,000,000 | 239,000,000 | 239,000,000 | 239,000,000 | 239,000,000 |
| Farmers' Home Administration: | | | | | |
| Farm ownership and farm housing | [10] 474,000,000 | 50,000,000 | 24,000,000 | 24,000,000 | 24,000,000 |
| Farm operation (production and subsistence) | 180,000,000 | 180,000,000 | 180,000,000 | 180,000,000 | 180,000,000 |
| Soil and water conservation | 5,500,000 | 5,500,000 | 5,500,000 | 5,500,000 | 5,500,000 |
| Total, Farmers' Home Administration | 659,500,000 | 235,500,000 | 209,500,000 | 209,500,000 | 209,500,000 |
| Total, loan authorization | 1,173,500,000 | 474,500,000 | 448,500,000 | 448,500,000 | 448,500,000 |

[9] Includes $200,000,000 additional authorized in Second Urgent Deficiency Appropriation Act, 1957.
[10] Includes $450,000,000 authorized in Public Law 1020 for farm housing loans for use during fiscal years 1957 to 1961, inclusive, of which $50,000,000 is programed for use in fiscal 1958. In addition to this amount, the third supplemental bill, 1957 includes $26,000,000 for farm ownership loans.

PERMANENT AUTHORIZATIONS

| | Authorizations, 1957 | Estimates, 1958 | Conference allowance [12] |
|---|---|---|---|
| Agricultural Marketing Service: | | | |
| Removal of surplus agricultural commodities [10] | $199,976,003 | $223,500,000 | [12] $223,500,000 |
| Perishable Agricultural Commodities Act fund [11] | 546,000 | 675,000 | [12] 675,000 |
| Total, Agricultural Marketing Service | 200,522,003 | 224,175,000 | [12] 224,175,000 |
| Commodity Stabilization Service: National Wool Act [11] | 2,020,975 | 35,000,000 | [12] 35,000,000 |
| Total, permanent appropriations | 202,542,978 | 259,175,000 | [12] 259,175,000 |

[10] General fund accounts.
[11] Special fund accounts.
[12] House and Senate approved estimates.

## EXPRESSION OF APPRECIATION

Mr. JOHNSON of Texas. Mr. President, I desire to express my appreciation of the cooperation of the Senate and, in particular, of the distinguished Senator from New Mexico [Mr. CHAVEZ], the distinguished Senator from Georgia [Mr. RUSSELL], and the distinguished Senator from Rhode Island [Mr. GREEN], for the handling of the various measures which have been before the Senate today. The Senate has disposed of two important conference reports—action which was very greatly needed—and the Senate has also sent the important mutual-aid bill to conference. All of us hope that it will soon be possible for the two Houses to reach agreement on that measure.

I want the Senate and the country to know that these three distinguished Senators, who have led their colleagues in these endeavors, are extremely deserving of the praise of all of us and of all the people; and I desire to express my gratitude to them.

## RECENT DECISIONS OF THE SUPREME COURT OF THE UNITED STATES

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD three newspaper articles which have come to my attention.

The first article is entitled "Self-Preservation: United States Bar Group Urges Legislation To Overcome Top Court Decisions." The article was published in the State, of Columbia, S. C.

The second article is entitled "Jurists Look at Supreme Court." The article was written by the noted writer, David Lawrence, and was published in the Washington Star of July 26, 1957.

The third article is entitled "Mallory Ruling Held Invitation to Crime," and was published in the Washington Star of July 25, 1957.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Columbia (S. C.) State of July 26, 1957]

SELF-PRESERVATION: UNITED STATES BAR GROUP URGES LEGISLATION TO OVERCOME TOP COURT DECISIONS

LONDON, July 25.—The American Bar Association's committee on communism called today for legislation to overcome the effect of recent United States Supreme Court decisions. It said mankind's first law, the right of self-preservation, is involved in the struggle against subversion.

The association's house of delegates applauded vigorously as it heard the chairman, former Democratic Senator Herbert R. O'Conor of Maryland, deliver the committee's warning to the courts against overzealous protection of theoretical individual rights.

No action was taken on the committee's recommendations, but it was instructed to continue its studies.

United States Chief Justice Earl Warren, who is attending the convention, was not present as O'Conor delivered the report. Warren and Justice John M. Harlan sat as observers today on the bench of the British Court of Appeals.

The committee put before the 3,000 delegates attending the London session of the association's 80th annual convention recommendations for legislation which would accomplish these things:

1. Safeguard the confidential nature of FBI files.

2. Give Congressional committees the same freedom to investigate communism as they have always had in investigating businessmen and labor leaders.

3. Sanction the right of the Federal Government to discharge security risks even if they hold nonsensitive posts.

4. Give the Department of Justice the right to question aliens awaiting deportation about any subversive associations.

5. Correct the impression that the Smith Act was not intended to prohibit advocacy and teaching of forcible overthrow as an abstract principle.

6. Permit schools, universities, bar associations, and other organizations to set standards that would exclude those who refuse to testify fully about their past Communist activities.

"It is traditional and right that our courts are zealous in protecting individual rights," the committee declared. "It is equally necessary that the executive and legislative branches take effective action to gird our country against Communist infiltration and aggression.

"If the courts lean too far backward in the maintenance of theoretical individual rights, it may be that we have tied the hands of our country and have rendered it incapable of carrying out the first law of mankind—the right of self-preservation. * * *

"Our committee concludes that legislation introduced to overcome the effect of Supreme Court decisions to be in the public interest."

A cardinal point in the committee's recommendations is that Government secrets on many matters, including those in FBI files, should not be opened wide to enable persons accused of crimes to prepare defenses.

O'Conor said the question was raised in connection with the Supreme Court decision of last month, which held an accused person is entitled to have access to pertinent statements that prosecution witnesses have made to the Government.

"We are in firm agreement with the Court's views that the accused's right to make an adequate defense must not be jeopardized by arbitrary withholding of pertinent documents by the prosecution," O'Conor said.

But the Court ruling, he added, raises the danger that secret files would be opened, having little or nothing to do with the case under consideration, and which might yield information important to national security.

The committee declared there is a need for legislation pinpointing information that a defendant might require.

"The desire to preserve liberty in all its forms, and the absolute necessity of protecting our countries and families from international communism pose a problem that is very difficult," O'Conor's committee said.

"England and the United States have for centuries cherished the ideal that uniformity of opinion among citizens is neither desirable nor obtainable. On the other hand, we are not so blind as to think communism is merely another shade of political opinion. The dilemma that confronts our two countries is monumental.

"The duty of the bar to play an important part in finding a solution of the dilemma is self-evident. We must strive to find the proper balance between liberty and authority."

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[From the Washington Evening Star of July 26, 1957]

JURISTS LOOK AT SUPREME COURT; CHIEF JUSTICES OF STATE HIGH TRIBUNALS REPORTED CRITICIZING TRANSGRESSIONS

(By David Lawrence)

Criticism from laymen and lawyers concerning recent decisions of the Supreme Court of the United States has lately been attracting much attention, but how do some of the judges throughout the country feel about the highest court?

There are not many opportunities for judges to discuss these matters publicly. But something that occurred the other day at the conference of the chief justices of the highest courts of each of the 48 States throws a light on this question. A substantial number of the State chief justices favored a resolution condemning in the severest terms some of the recent decisions of the Supreme Court of the United States.

Here is the full text of the resolution offered by Chief Justice Norman F. Arterburn of the Supreme Court of Indiana:

"*Be it resolved*, That it is our opinion that the United States Supreme Court has transgressed sound legal principles, and in particular, usurped factfinding functions in weighing the evidence in the recent cases of *Konigsberg* v. *State Bar of California* and *Schware* v. *Board of Bar Examiners of the State of New Mexico*.

"Moreover, the United States Supreme Court has encroached upon the jurisdiction of the State courts in holding, among other things, that applicants seeking admission to the bars of the State of California and New Mexico, in examination as to their character and fitness to practice law in those respective States, may refuse to answer questions or enlighten the examining board about their past connections and associations in particular with Communists and communistic organizations.

"We declare the past acts and associations of applicants do reflect directly upon their character and fitness and are matters relevant for consideration. Whether or not one who went through a long economic depression should have had the strength of character, moral fiber and stamina to withstand the emotional appeals of Communists—as most good citizens did—or whether as a weakling he succumbs to such propaganda, is relevant in the analysis and determination of the character of such individuals. The United States Supreme Court is wrong in holding that such acts are of no value in such determination.

"Decisions which are not founded on sound legal principles or commonsense tend to undermine confidence in the judicial system and respect for the courts.

"We further state that one who is unwilling to give freely all relevant information regarding his history and past associations casts doubts upon his moral character and fitness to practice law in any State of this Union; and such refusal is a relevant factor to be weighed and considered by a factfinding body on character and fitness. We further declare that although the United States Supreme Court has the authority to fix its own standards of character and fitness to practice in the Federal courts we do not recognize nor concede that it may do so for the courts of the several States of this Union."

While almost a majority favored immediate adoption of the resolution, there were a number of justices who were in sympathy with it but felt that the subject should await a further report. Accordingly, a motion was made to appoint a committee to report back to the conference next year, and the resolution which was finally adopted declared that the chief justices were very much concerned with what the Supreme Court of the United States had ruled.

As for the decision in the Konigsberg case to which reference was made, this was decided by the Supreme Court of the United States by a 6-to-3 vote. Justices Frankfurter, Clark and Harlan dissented. In fact, Justice Harlan, in his lengthy dissent, wound up with this observation: "For me, today's decision represents an unacceptable intrusion into a matter of State concern."

Many Americans of the present day do not realize that criticism of the Supreme Court has been frequently expressed in past history and that perhaps the most severe castigation the high court ever got came from the pen of Thomas Jefferson. In a letter to a friend in 1820, he wrote:

"Having found, from experience, that impeachment is an impracticable thing, a mere scarecrow, they consider themselves secure for life, they skulk from responsibility to public opinion * * * An opinion is huddled up in conclave, perhaps by a majority of one, delivered as if unanimous, and with the silent acquiescence of lazy or timid associates, by a crafty chief judge, who sophisticates the law to his mind, by the turn of his own reasoning."

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[From the Washington Evening Star of July 25, 1957]

MALLORY RULING HELD INVITATION TO CRIME—DEPUTY CHIEF SAYS POLICE MAY AS WELL GIVE UP

Washington Deputy Police Chief E. E. Scott today told a Congressional committee that if something isn't done about the Mallory decision, detectives might as well go back into uniform because the only criminals they will be able to convict will be the ones caught in the act.

The Washington detective chief joined Police Chief Robert V. Murray in warning that 90 percent of the professional criminals will escape unpunished under the restrictions imposed by the decision.

That decision by the Supreme Court held that Andrew Mallory, accused of raping a Washington woman, was held too long between arrest and arraignment. The decision has been interpreted as barring police questioning between arrest and arraignment.

A special House Judiciary Subcommittee headed by Representative WILLIS, Democrat, of Louisiana, resumed its hearings on the effects of the decision with testimony by Representative KEATING, Republican, of New York. Mr. KEATING testified on a bill he has introduced which provides that confessions or other evidence shall not be inadmissible in court solely because of delay in having the prisoner arraigned.

EMERGENCY SITUATION

Mr. KEATING said it would be desirable for Congress to clarify all the rules relating to arrest and arraignment but in the meantime he believes that the Mallory decision has created an emergency situation which calls for immediate action by Congress.

Terming his bill a very moderate proposal, Mr. KEATING warned that in safeguarding the interests of the individual, "we must not lose sight of the fact that the public also is entitled to adequate protection against the criminal element in society."

"The accused," Mr. KEATING declared, "can be adequately protected without erecting in the path of law enforcement technical traps and pitfalls which can allow dangerous criminals to walk freely among the innocent."

Chief Murray told the subcommittee that an overwhelming majority of Washington's serious crimes have been solved through interrogation and investigation between arrest and arraignment. He said hundreds of the most heinous crimes would have remained unsolved and unpunished if the investigating officers had been restricted by the Mallory decision.

PROBLEMS RAISED

To take away reasonable time for this questioning, he warned, would cause a complete breakdown in law enforcement here. He cited these problems raised by the Mallory decision:

1. Hundreds of innocent persons, according to police records, who had been positively identified as the perpetrator of a crime would have had to have been charged and arraigned immediately under the Mallory decision.

2. Because it will be practically a necessity to apprehend a criminal in the act or get eyewitnesses to the commission of the crime to convict under the Mallory decision the professional criminal who plans his crimes with the least possible chance of witnesses will be the one to benefit most by the Mallory decision.

3. A housebreaker caught in a home would have to be arraigned immediately without questioning about other housebreakings he may have committed. As a result the other cases, sometimes numerous, would remain unsolved and the chance of recovering property eliminated.

4. Where several criminals are involved in the same case the first one caught would have to be arraigned without giving police a chance to question him about his accomplices.

Chief Murray cited a murder case where the first suspect was arrested in the early morning and through close interrogation implicated a second suspect several hours later. This led to a third suspect being arrested in the early afternoon but it had taken 10 hours to conclude the investigation. The three men, he said, were all later convicted of murder.

5. The Mallory decision may prompt a flood of appeals and other criminals will be released to prey on the community.

Deputy Chief Scott cited other danger signals involved by the Mallory decision. He called attention to the case of the 10 saboteurs.

If the first had been arraigned as soon as he was caught, the FBI would never have gotten the others and they would have been free to use other instruments of destruction. He said the same applied to the codefendants who shot up Blair House on one occasion and Congress on another.

Mr. THURMOND. Mr. President, each of these newspaper articles emphasizes sharply the need for the placing of restrictions on the powers of the Supreme Court.

The first article describes the action of the American Bar Association's committee on communism in calling for the enactment of legislation to overcome the effect of recent Supreme Court decisions. The committee recommended enactment of legislation:

First. To protect confidential FBI files.

Second. To insure the freedom of Congressional committees to investigate communism.

Third. To approve the right of the Federal Government to discharge persons who are security risks from any position.

Fourth. To give the Justice Department the right to question aliens awaiting deportation about any subversive associations.

Fifth. To correct the impression that the Smith Act was not intended to prohibit the advocating and teaching of forcible overthrow of the Government as an abstract principle.

Sixth. To permit educational institutions to exclude persons who refused to testify fully about past Communist activities.

The article by Mr. Lawrence describes the action taken by a substantial number of the chief justices of State supreme courts in a recent meeting. They approved a resolution, offered by Chief Justice Norman F. Arterburn, of Indiana, which condemned usurpation by the United States Supreme Court of fact-finding functions. It also condemned the Supreme Court for encroachment upon the rights of State courts. The resolution declared:

> Decisions which are not founded on sound legal principles or commonsense tend to undermine confidence in the judicial system and respect for the courts.

The article on the Mallory case quotes Washington's Chief of Police as describing the ridiculous problems created by the Supreme Court's decision in the Mallory case. Police Chief Robert V. Murray cited four specific points to show the undue difficulties created by the decision.

Mr. President, I believe the gravity of the situation with reference to the recent decisions of the Supreme Court is clearly indicated by these criticisms coming from three distinct legal groups: The American Bar Association, the chief justices of the State courts, and the Chief of Police of Washington, D. C., All of them have vital stakes in protecting the public from ordinary criminals and from those who would destroy our very Government.

I have introduced a bill to limit the appellate power of the Supreme Court, and a number of other bills of similar nature have also been introduced. I hope the Congress will take action on this very important matter before adjournment. We should not permit the Court to continue on its present course uncurbed.

Mr. SMATHERS. Mr. President, will the Senator from South Carolina yield to me?

Mr. THURMOND. I yield.

Mr. SMATHERS. I wonder whether at this point the Senator from South Carolina will permit me to request unanimous consent to have printed in the RECORD An Editorial by Thomas Jefferson, which was published in the U. S. News & World Report, and which I believe in every respect buttresses the very fine argument the distinguished Senator from South Carolina has been making.

Mr. THURMOND. Mr. President, I shall be very glad to have the editorial printed in the RECORD.

Mr. SMATHERS. I so request, Mr. President.

The PRESIDING OFFICER. Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN EDITORIAL BY THOMAS JEFFERSON

(Thomas Jefferson saw our Government in operation for 37 years. He was Secretary of State, Vice President, and then President for two terms. He criticized the Supreme Court in many letters made public at the time. Here are extracts from some of them. They constitute today as timely an editorial expression as when they were first penned.—David Lawrence, editor.)

1804: But the opinion which gives to the Judges the right to decide what laws are constitutional, and what not, not only for themselves in their own sphere of action, but for the Legislature and Executive also, in their spheres, would make the judiciary a despotic branch.

1816: It has been thought that the people are not competent electors of judges learned in the law. But I do not know that this is true, and, if doubtful, we should follow principle. In this, as in many other elections, they would be guided by reputation, which would not err oftener, perhaps, than the present mode of appointment.

1820: The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric. They are construing our Constitution from a coordination of a general and special government to a general and supreme one alone. This will lay all things at their feet. * * * We shall see if they are bold enough to take the daring stride their five lawyers have lately taken. If they do, then * * * I will say, that "against this every man should raise his voice," and more, should uplift his arm. * * *

Having found, from experience, that impeachment is an impracticable thing, a mere scarecrow, they consider themselves secure for life; they sculk from responsibility to public opinion. * * * An opinion is huddled up in conclave, perhaps by a majority of one, delivered as if unanimous, and with the silent acquiescence of lazy or timid associates, by a crafty Chief Judge, who sophisticates the law to his mind, by the turn of his own reasoning.

1820: To consider the judges as the ultimate arbiters of all constitutional questions [is] a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps. * * * Their power [is] the more dangerous as they are in office for life * * * The Constitution has erected no such single tribunal, knowing that to whatever hands confided, with the corruptions of time and party, its members would become despots.

1821: It has long, however, been my opinion, and I have never shrunk from its expression, that the germ of dissolution of our Federal Government is in the Constitution of the Federal judiciary; an irresponsible body—for impeachment is scarcely a scarecrow—working like gravity by night and by day, gaining a little today and little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the Government of all be consolidated into one.

To this I am opposed; because, when all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government or another, and will become as venal and oppressive as the Government from which we separated.

1821: [For the] difficult task in curbing the judiciary in their enterprises on the Constitution * * * the best [remedy] I can devise would be to give future commissions to judges for 6 years [the senatorial term] with a reappointmentability by the President with the approbation of both Houses. If this would not be independence enough, I know not what would be * * *.

The judiciary perversions of the Constitution will forever be protected under the pretext of errors of judgment, which by principle are exempt from punishment. Impeachment therefore is a bugbear which they fear not at all. But they would be under some awe of the canvas of their conduct which would be open to both Houses regularly every sixth year.

It is a misnomer to call a government, republican, in which a branch of the supreme power is independent of the nation.

1822: Let the future appointments of judges be for 4 or 6 years, and renewable by the President and Senate. This will bring their conduct, at regular periods, under revision and probation, and may keep them in equipose between the general and special governments.

We have erred in this point, by copying England, where certainly it is a good thing to have the judges independent of the king. But we have omitted to copy their caution also, which makes a judge removable on the address of both legislative Houses. That there should be public functionaries independent of the nation, whatever may be their demerit, is a solecism in a republic, of the first order of absurdity and inconsistency.

## PRINTING OF REVIEW OF REPORTS ON CHEFUNCTE RIVER AND BOGUE FALIA, LA. (S. DOC. NO. 54)

Mr. CHAVEZ. Mr. President, I present a letter from the Acting Secretary of the Army, transmitting a report dated May 22, 1957, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations on a review of reports on Chefuncte River and Bogue Falia, La., requested by a resolution of the Committee on Public Works of July 14, 1953. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CIVIL RIGHTS ACT OF 1957

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from Wyoming (O'MAHONEY for himself and certain other Senators), inserting at the end of the bill a new part relating to jury trials.

Mr. CLARK. Mr. President, I turn now to the question before the Senate. I should like to state briefly the reasons why I am reluctantly compelled to oppose the O'Mahoney amendment.

Preliminarily, what are the questions before the Senate? I suggest there are only two. First, is it wise to permit jury trial in criminal contempt cases arising out of injunctions issued by Federal judges to protect the voting rights of citizens? I reiterate, is it wise? If the answer to this first question is "Yes," then a second question arises, whether this particular amendment is wise and is well drawn. Does it effectively provide a jury trial without destroying the main purpose of the bill, which is to protect the voting rights of citizens of the United States?

Mr. President, I think we should put this issue in perspective, and we should admit that it would be a very rare case indeed when a criminal contempt proceeding would have to be brought in a Federal court because a defendant had violated an injunction issued by a Federal judge to enforce the voting rights of citizens of the United States.

I find myself in complete agreement with practically all my colleagues on both sides of the controversy, who feel that the law is really made for individuals who intend to break the law and is made to prevent them from breaking it and getting away with it.

I agree that the overwhelming majority of American citizens will, after a Federal court decree is issued, obey the injunction. So we are talking about a relatively small number of cases, and we are talking about a relatively small number of individuals; but we are attempting to deal with a situation where hundreds of thousands, if not millions, of Americans who are otherwise qualified have been denied their constitutional right to vote by reason of their race or color.

So I suggest that when we approach the problem we should think in terms of the millions of citizens whom this bill, if properly drawn and properly administered, would aid, as opposed to the very small number who might conceivably be done a slight injustice if no jury-trial amendment were enacted.

I do not say for one moment that is conclusive of the whole situation. If the absence of a jury-trial amendment will result in substantial injustice toward as many as 5 or 6 or 10 American citizens, then we should not insist on having a no-jury-trial bill; but I think it is important to determine the perspective and the relative number of persons who would be affected one way or another by the action which the Senate will shortly take.

Before we consider the O'Mahoney amendment, or, indeed, any jury-trial amendment, I think we should be careful to lay aside arguments which, in my judgment, are irrelevant to the issue which is before the Senate.

Mr. President, there has been great eloquence on this floor in support of the O'Mahoney amendment, but no amount of rhetoric can, in my opinion, satisfy the Members of the Senate, first, that a failure to provide for jury trial violates constitutional rights. That argument I think has been completely exploded during the long and interesting debate on this bill since it first came before the Senate.

Secondly, no amount of rhetoric can establish that the failure to give a jury trial in these cases violates ancient principles of Anglo-Saxon law. On the contrary, it carries into effect principles of Anglo-Saxon law which have been the rule ever since equity first established itself several hundred years ago.

Thirdly, no amount of rhetoric can establish that the failure to provide a jury trial in contempt cases would violate the Declaration of Independence, the Constitution of the United States, or the Bill of Rights. Those basic charters of American freedom and liberty were in effect for more than 100 years prior to 1914, when, for the first time, a jury-trial amendment was provided in the Clayton Act to redress a specific evil, and, since that time, as we know from the exhaustive debate, that jury-trial right has pretty well disappeared.

Mr. President, no amount of rhetoric can convert the mild procedural remedy established by the pending bill into a force bill, nor can such rhetoric establish that if the amendment fails the right to vote will not last long for any citizen, as was contended on the floor of this Chamber last night.

In my judgment, no amount of rhetoric is going to persuade a majority of the Members of the Senate that organized labor favors the jury-trial amendment, the eloquent telegrams from certain railroad brotherhoods, with whom I have the most friendly relations and who supported me in my campaign last fall, to the contrary notwithstanding. It is clear that the overwhelming majority of the leadership of the AFL–CIO opposes the jury-trial amendment to the bill.

Mr. President, no amount of rhetoric is going to make it appear that throughout the Nation, Negroes are called for jury duty in the proportion their numbers bear to the total adult population. They simply are not, and I think the RECORD is clear to that effect.

No one has denied that in many areas of the South in the Federal courts Negroes do serve on juries. I for one certainly do not deny that in certain Federal districts in the South Negroes are called to serve on juries in the proportion their numbers bear to the total adult population. But, Mr. President, I do not think any Member of the Senate is so naive as to think that such a situation exists in many other districts in the South, and perhaps in the North as well, where the provisions of the bill are badly needed.

Mr. President, I suggest also that the discussion which has taken place in the Chamber at great length, as to whether the civil-rights bill takes away rights which already exist or merely establishes rights which already exist, is irrelevant to the consideration of this matter. I suggest that whether the onus is on the opponents or on the proponents of the bill, we will not get very far by arguing as to what is being taken away and what is being put back. I suggest that the only relevant question is whether the proposed amendment is wise and just.

A couple of weeks ago on the floor of the Senate I indicated that I would have supported a properly drawn jury trial amendment under part III of the pending bill. The pending amendment is not such an amendment, as I expect to demonstrate in a few minutes. I personally have never felt that it was possible to draw a wise, just, and effective jury trial amendment to part IV of the bill, although in my judgment it would have been possible to draw such an amendment to part III.

The reason for that statement is simple. In the ordinary case arising under part III there is no terminal date to the contempt, there is no cutoff period after which the case becomes moot. Whether one is talking about the integration of a school, the opening up of a recreational area on the basis of an absence of discrimination by reason of race or color, integrated transportation, or any other rights under the 14th amendment which were sought to be protected by part III, such circumstances would represent continuing failures to give the equal protection of the laws. If anybody violated rights in those regards and violated the court injunction, the civil contempt remedy would have been entirely adequate, because the contumacious defendant could have been kept in jail until he obeyed the court's order. The act complained of would continue to exist. There would be no terminal date, and therefore criminal contempt cases would be rare.

I felt that a carefully drawn amendment which would protect by a jury trial in the rare case of criminal contempt might well be justified in an earnest effort to find a way of accommodation, to relieve the tension under which we are all unhappily operating while this unpleasant argument continues, and to get through the Senate in quick order a bill for which an overwhelming majority of the Senate would be prepared to vote.

But, Mr. President, under part IV of the bill we have an entirely different situation. There is a terminal date with respect to every injunction issued under part IV to protect the voting rights of American citizens.

Once the terminal date has passed, it is impossible for any defendant to comply with the order of the court, because the case has become moot.

Mr. President, there are two kinds of contempts which would come up under part IV. One would be a contumacious refusal to register a duly qualified voter or a group or class of duly qualified voters. I admit, Mr. President, that the latest version of the O'Mahoney amendment would assist to some extent in that regard, because a registration period extends for 30, 60, or 90 days, and there would be cases in which, if application were made for registration during the earlier days of such a registration period and if there were prompt action by the Attorney General and prompt action by the court, perhaps there would

be an adequate time for a civil contempt remedy to take effect and bring about registration.

However, as the time draws near when the registration date is to terminate under State law, the effectiveness of the civil contempt remedy becomes less and less and less. When election day is reached, with the polls open ordinarily for perhaps 12 hours or at the most 14 hours, the effectiveness of a civil contempt remedy to prevent violation of voting rights of a duly qualified American citizen is, in my judgment practically nonexistent. The case has become moot when the polls close, just as it became moot when the time for registration expires.

All that will be left if the pending amendment shall be agreed to is provision for a jury trial for criminal contempt, and in many districts in the South—not all, but many—an inevitable acquittal.

Mr. President, I have read and reread the arguments made by my distinguished colleagues from Wyoming, North Carolina, and Georgia on the floor of the Senate last night. I have read also with keen interest the question posed to them by the distinguished minority leader, which appears at page 13159 of the RECORD. The distinguished minority leader asked what would happen in a registration situation such as I outlined a minute or two ago, when an effort was made to require registration, the issuance of an injunction followed, the injunction was disobeyed, and the registrar was called into court and was held in contempt. The judge, said the distinguished Senator from California at that point, would have no choice but to put the registrar in jail for civil contempt, until he complied. And then what would happen when the registration period had passed and the defendant has not complied?

In my judgment, that question was never satisfactorily answered on the floor of the Senate last night by any of the distinguished Senators who addressed themselves to it. The distinguished Senator from North Carolina [Mr. ERVIN] gave an excellent example of a case which had come before him while he was a judge, but that was clearly a case of civil contempt. That was clearly a case in which there was no terminal date. That was clearly a case in which there was no possibility of the civil contempt merging into criminal contempt, the end result being a jury trial, and, in all too many instances, as I shall indicate in a minute or two, the probable automatic acquittal of the defendant.

The Senator from Georgia [Mr. RUSSELL] spoke last night, and stated, on page 13158 of the RECORD, that he was amazed at the argument brought forward that a man who had refused to conform to a court order could, by some act of his, transform the civil contempt into a criminal contempt, and thereby obtain a jury trial. The Senator from Georgia stated that that claim was utterly fantastic.

With the greatest deference, and in all humility, realizing the wide experience, both at the bar and in the Senate, of our distinguished colleague from Georgia, I regretfully find myself completely unable to agree with him, because I submit that as the O'Mahoney-Kefauver-Church amendment is drawn at present, that would be the inevitable result in the case put by the Senator from California. The terminal date would arrive, the registration period would end, or, in the alternative, the polls would be closed, and, under the language of this amendment, it would be obligatory for the court to treat the case as criminal contempt, and to summon a jury.

The distinguished Senator from Wyoming [Mr. O'MAHONEY] took issue with that suggestion last night by the distinguished Senator from California, and he stated that under those circumstances—"those circumstances" being the ones outlined by the Senator from California—the judge would not only have the power incident to civil-contempt cases, but he would also have the power to deal with criminal contempt. At a later point in the colloquy he said, quoting from page 13161:

> Whatever may have been his former condition of servitude, the defendant—
>
> A defendant who refused to obey the order of the court until after the time had expired when he was able to do so, causing the case to become moot—
>
> can be sentenced by a judge for criminal contempt and can be kept in jail until he performs.

He cannot perform, because the time for performance has gone by.

I submit that a careful reading of the RECORD containing the speeches made last night by those of us who are earnestly trying to arrive at some way of accommodation with our friends, so that we can get a bill to which the overwhelming majority of the Senate can agree, forces those of us who oppose the amendment to the reluctant conclusion that the amendment would not make it possible for a defendant who defies the court after the terminal date, the date of registration or the date of voting, to be dealt with by the judge for contempt, without the interposition of a jury.

I submit that if this amendment is adopted, the right to vote can—and I am afraid will—be denied to many citizens through converting civil into criminal contempt proceedings, requiring a jury trial—a jury trial which, I am sure, in many areas of the South, although not all, where racial feelings run high, would result in either acquittal or a hung jury. I therefore conclude that a jury-trial amendment is both unwise and unjust.

If my view should not prevail, I should like to take a look at the fourth edition of the O'Mahoney amendment. I say to my good friend from Wyoming that I make that comment not in any sense of gibe. I appreciate the difficulty of drafting a perfect amendment on the floor of the Senate in connection with such a complicated matter as this. I think it is a very difficult thing to do. This is the kind of amendment which probably should have had the scrutiny of a large number of our colleagues and their legal staffs in the course of quiet consideration in committee. It is always difficult to do these things on the floor, as I have come to learn in my very brief experience here, and as my senior colleagues know so much better than I.

I also say to my good friend from Wyoming that practice makes perfect, and that this amendment is far better than the first version. I say that it is the best amendment which the Senator from Wyoming has yet proposed; but I also say that it is not yet good enough.

Let me say why. As we know, this amendment was offered last night by the distinguished junior Senator from Idaho [Mr. CHURCH], and it has been printed and placed on our desks. It also appears at page 13154 of the RECORD. What it does is to eliminate the fourth subsection of section 1861 of title 28 of the United States Code. The subsection proposed to be eliminated requires Federal jurors to meet the qualifications of a State juror before they can become eligible for service in the Federal court. To the extent that subsection 4 is stricken, this amendment is an improvement on its predecessors. But, Mr. President, I point out that section 1864 of the code, which is the section which tells the jury commissioner how to select his jurors in the Federal court, would not be affected by this amendment at all. So in effect, what we have is an elimination of a preexisting qualification, without any mandatory determination that the juror shall be selected without discrimination on account of race or color, from among the whole adult population of the Federal district, who have not been convicted of crime, and who are not unable, for physical or mental reasons, to serve on a jury.

Therefore my first objection to the pending amendment is that it is merely permissive, and that to be effective it must be mandatory. It should require the nondiscriminatory selection of jurors in proportion to the population within the district, without discrimination on account of race or color.

A little while ago a telegram was read on the floor of the Senate from a very distinguished southern Federal judge, who pointed with some pride to the fact that in his district jurors were selected on the basis of what the distinguished Senator from Illinois [Mr. DOUGLAS] has referred to as the blue-ribbon jury selection system, a system which has much in its favor, a system which is used in the eastern district of Pennsylvania, but a system which almost inevitably results in a discriminatory jury, so far as race and color are concerned.

What happens? As the distinguished Federal judge said in his telegram, the jury commissioner goes about the district and talks with bankers, merchants, professional people, and other leading citizens in the district, and he obtains a list of names of individuals, white and colored alike, who are then selected for the jury panel.

I am confident that as a result of the practical experience of all of us, we know very well that a jury selected on that basis will not be proportionately representative of the citizens of the district without regard to race or color. I suggest that unless strong mandatory language is written into the proposed jury-trial amendment, preferably in connection

with section 1864, we shall have done nothing more than to remove a qualification. That is good, but unless we put in place of that qualification a requirement for the equitable, fair, and just selection of jurors in proportion to their representation throughout the district, without concern for race or color, I fear that we shall have done very little to help the situation.

Mr. CARROLL. Mr. President, will the Senator yield, or would he prefer to conclude his speech?

Mr. CLARK. If the Senator will indulge me, I should like to hurry along and conclude my speech. After I have concluded my speech I shall be very happy to answer questions or engage in colloquy if my colleagues wish me to do so.

Mr. President, the second reason why I believe we should give pause to the adoption of the present version of the amendment is that it is encyclopedic. It is encyclopedic in that it deals not only with the civil-rights situation, with respect to which most of us, by dint of hard study and patient application, have to some extent become familiar; but it also deals, not with 28 or 30, but perhaps with 40 or even 50 other statutes. We do not know how many statutes it may affect.

Nevertheless, on the floor of the Senate, we are attempting, by an amendment, to amend such diverse laws as the Fair Labor Standards Act, the Antitrust Act, and the act which prohibits the manufacture and sale of flammable materials in violation of public safety standards.

Mr. President, we should think long and hard before we blindly amend legislation which we do not fully understand or, perhaps, are able even to identify.

I submit that the second criterion which would bring the amendment up to a minimum from the standpoint of qualification would be to confine it to the civil rights criminal contempt situation.

In the third place, even if these suggested safeguards should be included in the amendment, there would still be no reasonable assurance that unprejudiced verdicts would be rendered in criminal contempt cases in areas where racial feelings run high and where Negroes at this time have only token representation on juries and, in some districts, I fear, no representation at all.

Let me suggest that a distinguished southern Governor—and, I am sure, according to his lights, a fine American—Governor Coleman of Mississippi, has publicly stated that in his judgment Negroes are not as yet qualified to vote. He hopes they will be at a later date. I suggest, Mr. President, if that is the current view in that part of the country, it is also the feeling there that Negroes are not qualified to sit as jurors.

I see on the floor the distinguished senior Senator from Mississippi [Mr. EASTLAND]. I wish to assure him that I intend no offense and that I do not wish to single out his area——

Mr. EASTLAND. What was the statement the Senator made? The Senator mentioned my State.

Mr. CLARK. It is my understanding that the Governor of Mississippi has stated publicly—and the statement has been placed in the CONGRESSIONAL RECORD—that in his judgment Negroes have not as yet arrived at the point where they were entitled to vote.

Mr. EASTLAND. I did not hear that statement.

Mr. CLARK. I am sure the Senator did not hear it. I did not hear it, either, but it has been placed in the CONGRESSIONAL RECORD.

Mr. EASTLAND. Who made that statement?

Mr. CLARK. The Governor of Mississippi, Governor Coleman.

Mr. EASTLAND. The Senator stated that it had appeared in the CONGRESSIONAL RECORD. Who put the statement in the CONGRESSIONAL RECORD?

Mr. CLARK. My understanding is that it was put in twice, once by the distinguished junior Senator from New York [Mr. JAVITS] and once by the distinguished junior Senator from Illinois [Mr. DOUGLAS]. In any event, it has been referred to several times in the debates on the floor of the Senate and has been printed in the RECORD.

Mr. President, I fear that the inevitable result of the adoption of the pending amendment would be acquittals dictated by racial feelings in the community, and peremptory challenges which would automatically exclude jurors who might be of a different view with respect to a particular case than that entertained by other citizens in the community.

Let us not forget that a jury in a Federal court case must convict by a unanimous verdict. Therefore one juror could bring about a hung jury, which in turn would be just as effective as an acquittal.

A third point I should like to mention—and I glory in this, because I think it is a fundamental and important American liberty—is that once a defendant is acquitted by a jury, there can be no appeal by the prosecution. Therefore, in such instances there is not the safeguard of justice which is provided when there can be an appeal from the finding of a Federal judge, sitting in a case, where the record is kept. The judge's decree is subject to review by a higher court.

Mr. President, for the foregoing reasons I am reluctantly compelled to disagree with my distinguished colleague, the distinguished Senator from Idaho [Mr. CHURCH]. In my judgment the amendment does soften and does weaken and does emasculate the bill. It represents an unwarranted interference by the legislature with the constitutional prerogatives of the judiciary.

I should like to make this very clear. I do not say that the bill will become useless with a jury-trial amendment. I do say that it would be wiser to have a better jury-trial amendment than the one now pending.

Finally I say that we will have a still wiser and more just and a much better bill if the amendment is defeated and no substitute is adopted.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. CLARK. I shall yield first to the Senator from Wyoming. Then I shall yield to the Senator from Colorado.

Mr. O'MAHONEY. Because the Senator has made specific reference to the State of Mississippi, I should like to present for the RECORD a letter which was received by the Senator from Mississippi [Mr. EASTLAND] this morning from United States Judge Allen Cox, of the northern district of Mississippi.

Mr. CLARK. I would be happy to have the Senator from Wyoming ask unanimous consent to have it printed in the RECORD.

Mr. O'MAHONEY. With the permission of the Senator from Pennsylvania, I shall read it into he RECORD, because it deals with the subject matter of the presence of Negroes upon juries in the State of Mississippi, which is recognized to be a State in which the proportion of Negroes to whites is much larger than it is in any other State. The letter is dated July 31, 1957, at Oxford, Miss.

The letter reads:

DEAR SENATOR EASTLAND: Replying to your telegram of this date, I beg to say—

1. I have been United States District Judge since March 2, 1929.

2. To my personal knowledge, Negroes have sat on both grand and petit juries in this district since 1911. According to general information and report, this has been true since 1872.

I interrupt the reading of the letter to point out that what the judge says is that to his personal knowledge Negroes have sat on juries——

Mr. CLARK. I am quite sure they have.

Mr. O'MAHONEY. That is not the same as being on the panel. Therefore the question of challenging does not enter into the situation.

Mr. CLARK. If the Senator will permit me to reply at that point, in our colloquy of about an hour ago I did not contend that Negroes did not sit on juries in Federal courts. Certainly they do. I am saying that those are largely token cases. Until the Senator produces the kind of telegrams which have been produced by the distinguished Senator from Tennessee and the distinguished Senator from North Carolina, I say, with all due deference and humility, that that kind of letter does not bear on the point which I have been discussing.

Mr. O'MAHONEY. I continue to read from the letter:

3. The jury commissioners try to put in the jury boxes from which juries are drawn approximately 20 names of good citizens from each county. This is done without regard to color.

4. There is no policy of excluding Negroes from jury service on the part of the jury commissioners.

Mr. CLARK. I am sure that is correct. I think it is irrelevant, however.

Mr. O'MAHONEY. I continue to read.

5. I have never had any occasion to have to speak to the jury commissioners on the subject——

Mr. CLARK. I am sure that is correct.

Mr. O'MAHONEY. The letter continues:

but certainly would not have permitted any arbitrary exclusion of Negroes.

Mr. CLARK. I agree with that.

Mr. O'MAHONEY. I continue:

I do not think there ever has been any other practice in this district; and in holding court in the southern district of Mississippi, in Texas, Louisiana, Florida, and Alabama, I have frequently had Negroes serve on juries.

Trusting that this answers your questions,

Sincerely,

ALLEN COX,
*District Judge, Northern District of Mississippi.*

Mr. CLARK. I am confident that the letter answers the question which was addressed to the judge by the distinguished Senator from Mississippi and the question which was in the mind of the distinguished Senator from Wyoming. I merely point out that, in my humble opinion, I do not think it answers the relevant and pertinent question.

Mr. O'MAHONEY. I am sure, if the able Senator will permit me to say so, that no answer from any southern judge or from any United States attorney with respect to the actual service of Negroes upon Federal juries in the South would be a satisfactory answer to the Senator from Pennsylvania.

Mr. CLARK. I am sorry my distinguished colleague from Wyoming has such a poor view of my objectivity. I say again that the telegrams read by the distinguished junior Senator from Tennessee and the distinguished senior Senator from North Carolina satisfied me completely with respect to the eastern district of Tennessee and the middle and western districts of North Caroline.

All I can say to my friend from Wyoming is that I could not conscientiously place the letter of the judge in Mississippi in the same category.

Mr. O'MAHONEY. There are other letters which could be placed in the RECORD.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Pennsylvania yield briefly to me?

Mr. CLARK. I will yield provided I do not lose my right to the floor.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Pennsylvania may yield to me for a minute and a half without his losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, on yesterday the distinguished minority leader proposed the following unanimous-consent agreement:

*Ordered,* That on tomorrow, Thursday, August 1, 1957, when the consideration of H. R. 6127, the Civil Rights Act of 1957, is resumed, further debate upon the question of agreeing to the O'Mahoney-Kefauver-Church amendment, as modified, the so-called jury trial amendment, designated as 7-26-57-A, shall be limited to not exceeding 6 hours, to be equally divided and controlled by Mr. O'MAHONEY and the minority leader, respectively; and that upon any amendment that may be proposed thereto, which must be germane, debate shall be limited to not exceeding 1 hour, to be equally divided and controlled by the author of any such amendment and the minority leader.

*Ordered further,* That after action upon any amendment proposed to the said O'Mahoney-Kefauver-Church amendment, as modified, and the expiration of, or relinquishment of any remaining time on said latter amendment, a quorum call shall be had, to be followed immediately by a vote on the question of agreeing to said amendment.

That proposed unanimous-consent agreement was objected to. The Senate convened at 10:30 o'clock this morning. We have had some discussion on the merits of the bill today and have had a rather profitable day.

So at the conclusion of the remarks of the Senator from Pennsylvania I plan to offer the proposed unanimous-consent agreement offered on yesterday by the minority leader, amended only in the respect that I shall suggest 4 hours of debate to be equally divided.

I make this announcement so that all Senators who may have dinner engagements, who may be in the hospital, who may be in their homes, or who may be out of town will understand that we can have a definite time to vote, at either 9 o'clock, 10 o'clock, or 11 o'clock this evening, if that should suit the pleasure of all Senators.

Mr. THYE. Mr. President, I rise for the purpose of announcing that the minority leader, the Senator from California [Mr. KNOWLAND], was not on the floor at the time the majority leader made his announcement. I make this statement so that the RECORD will disclose why there was no comment made by the Senator from California.

Mr. JOHNSON of Texas. I have not yet proposed the agreement. Before I do so, I shall suggest the absence of a quorum. I shall propose the agreement at the conclusion of the quorum call.

Mr. THYE. The only reason why I rose was to state for the RECORD that the Senator from California happened to be absent from the floor at this time; otherwise he might possibly have commented on the statement by the Senator from Texas.

Mr. JOHNSON of Texas. I thank the Senator from Pennsylvania for his courtesy.

Mr. CLARK. Mr. President, I take it that I have now reacquired the floor. I yield to the Senator from Illinois.

Mr. DOUGLAS. Is it not a fact that on the floor of the other body, on June 10, 1957, at page 8645 of the CONGRESSIONAL RECORD, a distinguished member of the Mississippi Congressional delegation, namely, Representative WHITTEN, who was debating the jury-trial issue, remarked, as follows:

The chances would be one to a thousand of having a Negro on the jury unless you deliberately put him there.

Mr. CLARK. I am certain that the Senator from Illinois is correct. I observe that he has before him the comment in the CONGRESSIONAL RECORD to which he referred.

Mr. DOUGLAS. This is a true and very frank statement by a very able Representative from Mississippi, who was opposing the bill and was favoring the jury-trial amendment, but who at the same time said that under the system prevailing in Mississippi, of getting a Negro on a jury, the chances would be one in a thousand.

May I also point out that I, too, was pleased by the testimony from the eastern district of Tennessee and the middle and western districts of North Carolina, to the effect that the courts in those districts tried to take a proportionate number of Negroes on the juries.

It so happens that those are the sections of Tennessee and North Carolina, respectively, which have a relatively small percentage of Negroes. I see on the floor the distinguished junior Senator from Tennessee. I do not think he will deny the fact that the eastern district of Tennessee has the smallest percentage of Negroes, and that the major representation of Negroes lies in the western district, along the borders of Mississippi, in what is known as the Delta. Does the Senator from Tennessee deny that fact?

Mr. CLARK. Wait a minute. I think I have the floor.

Mr. GORE. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to the Senator from Tennessee to permit him to reply to the Senator from Illinois, if it be understood that I do not lose the floor.

Mr. GORE. The densest Negro population in Tennessee is in the western part of the State. However, there are several counties in what we call middle Tennessee, which have a large Negro population.

I call the attention of the able senior Senator from Illinois to the fact that I read a telegram from Judge William E. Miller, an appointee of President Eisenhower, who is now serving as a judge in the middle Tennessee district—the Nashville district. I have given the telegram to the Official Reporters, so I do not have the exact text of it before me, but I think I can state correctly what Judge Miller said. He said there is no discrimination against members of the Negro race in the middle district of Tennessee. He concluded by saying that no one in the district, to his knowledge, had ever made such a charge about the Federal court for the middle district of Tennessee.

Mr. CLARK. I am certain the Senator is correct, but I again say that does not answer the question in my mind, which is whether Negro jurors in the middle district of Tennessee are selected in due proportion to their membership in the total adult population.

Although the judge may be entirely correct, if the actual statistics as to the number of Negroes who are summoned for jury duty in the middle district of Tennessee were examined, I feel certain the Senator would be startled to learn the relatively small number of Negroes who are chosen.

Mr. GORE. I think, on the contrary, that the Senator from Pennsylvania might be surprised.

Mr. CLARK. It would not be the first time.

Mr. GORE. The junior Senator from Tennessee also frequently experiences surprise. I do not believe that in the middle district of Tennessee there is any discrimination whatsoever — certainly not consciously. I think instances can

be found of a larger percentage of the veniremen being Negroes than the Negro population represents as a percentage of the total population.

I point out, for instance, that Judge Taylor, of the Knoxville Federal district, in his telegram——

Mr. CLARK. Is that the middle district?

Mr. GORE. No; that is in east Tennessee. I point out that in that case Judge Taylor reported that 4 of the panel of 35 empaneled for the purpose of selecting the jury in the Clinton case were Negroes. That is a larger percentage than the Negro population in that area.

Mr. CLARK. Mr. President, I do not have the slightest doubt that everything my good friend, the Senator from Tennessee [Mr. GORE] has said is correct. It is obvious to everyone that he knows far more about Tennessee than I will ever know, even if I live to be 95 years of age.

I believe it would be desirable for us to obtain from the clerks of the courts of the middle and western districts some actual statistics as to the number of Negroes summoned as veniremen and placed on the panels, as compared with the total number of Negroes in those districts. In the absence of such statistics, I hope the Senator from Tennessee will not charge me with being narrow-minded if I do not accept as conclusive the telegrams thus far presented.

Mr. GORE. Mr. President, I do not charge the able Senator from Pennsylvania with anything of the sort. I do not have the percentage statistics which he desires. I wish I had. I think such facts would constitute a contribution to the debate.

Mr. CLARK. Can the Senator from Tennessee obtain them?

Mr. GORE. I think so; but that will take a little time, no doubt.

Mr. CLARK. If the vote is taken tonight, they will be too late.

Mr. GORE. I wish to say that I join the Senator from Pennsylvania wholeheartedly in the position that wherever discrimination exists as regards the right and duty to serve on grand juries and petit juries, such discrimination should be eliminated.

Mr. CLARK. I thank the Senator from Tennessee.

Mr. DOUGLAS. Mr. President, will the Senator from Pennsylvania yield to me?

The PRESIDING OFFICER (Mr. SCOTT in the chair). Does the Senator from Pennsylvania yield to the Senator from Illinois?

Mr. CLARK. I yield.

Mr. DOUGLAS. I do not wish to become involved in a prolonged discussion of this question; but I desire to point out that my good friend, the Senator from Tennessee, has been centering his remarks—inadvertently, no doubt—on the middle and eastern districts of Tennessee, and has not discussed in much detail the situation in the western district of Tennessee, which is the black belt of Tennessee.

Mr. GORE. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. CLARK. I am happy to yield to my friend, the Senator from Tennessee.

Mr. GORE. Earlier this afternoon I read into the RECORD a telegram from Judge Marion S. Boyd, although I do not have the telegram before me at this time. In the telegram he said many Negroes have served on the juries in west Tennessee—in both the Memphis division and the Jackson division. I did not mean to exclude western Tennessee.

The able junior Senator from Pennsylvania [Mr. CLARK] had asked a question, and I was undertaking to answer it and reply to it. In my remarks I have not yet spoken of the western district; but I assure the able Senator from Illinois that I was not consciously excluding a reference to the western district from the debate.

Mr. DOUGLAS. I am sure of that.

Mr. President, I, too, was greatly heartened by the telegrams which our good friend the senior Senator from North Carolina [Mr. ERVIN] read, setting forth that in the middle and western sections of North Carolina an attempt is made to have a proportionate number of Negroes placed on the panels. But in that case, too, I wish to point out that one district was not mentioned. It is in the eastern portion of North Carolina, along the seacoast, that the greatest proportion of Negroes live; and no such statement was made regarding the eastern district of North Carolina.

Furthermore, I should like to point out that it is one thing to put Negroes on a panel, and it is quite another thing to select them for jury service. It is possible to have token numbers of Negroes on the panels, but, for one reason or another, not to select them for service as jurors. Those reasons include—although of course this is not the only reason—the use of the right of peremptory challenge, to which the Senator from Pennsylvania has briefly referred.

Mr. STENNIS. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. CLARK. Mr. President, I shall be glad to yield to the Senator from Mississippi; but previously I promised to yield to the Senator from Colorado [Mr. CARROLL]. After I have yielded to him, I shall be glad to yield to the Senator from Mississippi.

Mr. STENNIS. Very well.

Mr. CLARK. I yield now to the Senator from Colorado.

Mr. CARROLL. Mr. President, the Senator from Pennsylvania has correctly described the situation as regards section 1861 of title 28, with reference to the Jackson-Church amendment, and also with reference to the situation prevailing under section 1864.

I believe I should state for the RECORD that I used to be a jury commissioner for a Federal court in Colorado. That is an honorary position; it pays only about $5 a meeting. I believe that law is still the same.

Let me say that section 1864 is very loosely drawn. The usual procedure is that the clerk of the court obtains the names from various groups of persons. I heard the telegram read in the Chamber today; and the procedure stated in the telegram is the usual one. Sometimes the clerk of the court will write to an adjoining county, to the clerk of the State court, to obtain the names; or, as has been stated in the telegram, as I understand, the judge may call upon some of his friends, to have them furnish a list of names. Of course that system of obtaining the names of prospective jurors is a very loose one.

It so happens that in Colorado the system operates very simply. Today, I telephoned the Federal district court, because I wished to ascertain whether the system has changed during the past 20 years. I find that they obtain the names from the telephone directory. They have a very fine system, but it is a very loose one.

When I consider what the situation could be in an area in which there was no intention to give certain persons a chance to vote and in which there was no intention to abide by the law, it is obvious that the system is so wide open that almost anything could be done.

It has been said that perhaps a few colored people would be included in the list. Let me say that normally the list of names is drawn up, and then a questionnaire is sent to each person whose name is on the list. After the answers to the questionnaire are received, either the clerk or the Federal judge makes the determination. Then the names go into the jury wheel. If there is no proportionate representation, it is not likely that many Negroes will be selected. It is proper for us to ask whether many Negroes will be selected unless some method of selection based on proportionate representation is used. Without such a method, Mr. President, how many Negroes are actually likely to serve on the juries?

Furthermore, although I am no great constitutional lawyer and although I am no great prophet, yet I say that if Senators constantly become drawn into the question of whether the inclusion of a provision for a jury trial will be good for the bill, in my opinion they will be led into a most serious constitutional question, because if Senators fall into the trap which has been laid in this case—and the trap has been baited; the bait is that it is said we are really trying to avoid criminal prosecution—then, speaking for myself, I wish to say that the question before us is not whether Negroes are selected for juries. In my opinion, that point is not germane to the pending issue. Neither is it germane to it to argue that if Negroes do not serve as jurors, there cannot be a fair criminal trial.

Mr. President, we are dealing with a civil action in equity. If we assume that the Attorney General of the United States cannot obtain a criminal conviction, and if we provide for use of the powers of equity, we render the whole bill unconstitutional; and I think I should issue that warning. I wish to make the RECORD very clear: It is my position that the question is not whether Negroes serve on the juries; the question is not whether a conviction can be had in a criminal court, for the violation of a criminal statute.

My position is that the Attorney General does not seek to supplant criminal prosecution by an equity proceeding, in order to punish. The Attorney General

says he wishes to have the power to go into a court of equity, so there will be no necessity for punishment. I have read the testimony given by the Attorney General, as it appears in the hearings. He said that in 1939 there was a Criminal Division for the enforcement of civil rights. He said that, recently, because of the Supreme Court decisions and the awakened interest in civil rights, the Department of Justice now has a staff which moves into the remedial field of civil rights.

I desire to point out very, very clearly that, so far as I am concerned, in all my participation in this debate I am not at all swayed by the fact that it is stated that convictions cannot be obtained from juries in the Southern States or by the fact that it is stated that American Negroes cannot serve on juries there.

The basic point here is that a civil suit in equity is involved. It never changes its character. It never becomes a criminal prosecution. If we do not adhere to that, if the Supreme Court should ever get the impression that we are trying to change the punishment under a criminal statute by resorting to equity, we could ruin the whole bill at this very time.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. CLARK. I shall be happy to yield to the Senator from Minnesota, but first I should like to comment briefly on the able argument made by the junior Senator from Colorado. As has been pointed out, the distinguished senior Senator from Missouri [Mr. HENNINGS], who was chairman of the subcommittee which held hearings on the pending bill month after month, was kind enough to ask me to introduce into the RECORD 2 days ago his legal views, as a distinguished member of the Missouri bar and as a Senator of great experience in this body. His views coincide with those of the Senator from Colorado in raising a grave constitutional question in reference to the particular amendment now pending, especially in view of the Michaelson case.

I should like to ram home, if I may, the point made by the Senator from Colorado, by repeating what I said toward the conclusion of my remarks a few minutes ago. This amendment, in my judgment, represents an unwarranted interference by the legislature with the constitutional prerogatives of the judiciary. I think when we have this kind of an amendment submitted in four separate drafts, the last of which was offered on the floor of the Senate as recently as 8:30 last night, the Members of this, the greatest deliberative body in the world, should think a long time before they agree to a unanimous-consent proposal to dispose of the amendment after a 2- or 3- or 4-hour debate.

I shall not object to any unanimous-consent agreement, but I hope some of my colleagues with greater experience in this body will give real and serious thought to whether the Church amendment, which was offered so recently is really understood by the Members of this august body who are being called upon to pass on it at this time.

Mr. CARROLL. I think the very point which the distinguished Senator from Pennsylvania is making is that this whole matter is so involved, as it relates to section 1861, and as it relates to section 1864, that it should be considered along with some of the other statutes which are mentioned in the O'Mahoney amendment. We are legislating in a very broad field, and, may I say, a field of which very few of the Members of this body have much knowledge.

Mr. CLARK. I do not care to be accused of filibustering, but I am certainly in favor of free debate on an amendment so important as this one, which was offered on such short notice.

I now yield to the Senator from Minnesota.

Mr. HUMPHREY. I wish to join with my colleague from Colorado in the statement he made relating to the question of jurisdiction in connection with the subject before the Senate. I think it is very important. Yesterday I attempted to make my position clear in this regard.

Mr. CLARK. The Senator did so, in an able address which was of great help to his colleagues in making up their minds.

Mr. HUMPHREY. I tried to point out in yesterday's debate that the question whether one would assume juries in the South would convict or not convict was of little consequence, that it was not a matter on which one should base his argument. I was speaking for myself.

I also pointed out, as the Senator from Colorado indicated, that there was involved a civil action. That is what is prescribed in part IV of the bill. The Attorney General may enter as a party in a civil suit. The enforcement procedure contemplated by the bill, if adopted, would be an injunction in a civil suit. The question of whether there is a criminal contempt is not geared to the act, but to the decision of the judge whether the remedy is to be one of persuasion to comply with the law or of punishment because of willful violation of the court order.

Mr. CLARK. After, I may say, the opportunity for compliance has passed.

Mr. HUMPHREY. After the opportunity for compliance has passed.

I mention this because, in examining the criminal code, one will find section 241, having to do with conspiracy against the rights of citizens, and section 242, having to do with deprivation of rights under color of law, and section 594, having to do with intimidation of voters. All those violations are crimes within the meaning of the law. Therefore, if the argument was to be made that the only reason—I repeat, the only reason—why we have proposed such legislation, and the only reason why we should adopt it, is that we cannot prosecute effectively under criminal statutes or that we cannot obtain convictions, or that we do not want to make the offense a crime, then, indeed, we prejudice our whole case. So I go back to what was pointed out by the Senator from Colorado who is a lawyer, and I am a student of the professor of law.

We could really bring about serious problems of constitutionality if we predicated our whole case strictly on the inability to gain convictions and thereby were trying to bypass what is a criminal statute. We are not doing that at all.

I have stated a dozen times in this debate that what we are seeking is an additional remedy, not a remedy which is exclusive, not a remedy which denies other means of prosecution, but an additional remedy, which seeks not to punish, but to secure compliance, which seeks not to enforce, but to bring about observance. I have emphasized this point in every single presentation I have made on civil rights. I have not pointed the finger of accusation. I have said it appeared to me it was much better to get law observance, which is exactly what an injunction in a civil suit does, rather than get enforcement or punishment. I have pointed out that there was a need for an additional remedy so that, without punishment, compliance could be gained.

Mr. CLARK. I find myself completely in accord with my distinguished colleague from Minnesota. That is really the gravamen of this particular bill.

Mr. CARROLL and Mr. ERVIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield, and if so, to whom?

Mr. CLARK. I yield first to the Senator from Colorado.

Mr. CARROLL. I should like to address my remarks to the distinguished Senator from Minnesota, and I want the Senator from Minnesota to follow them very carefully. We are now making a record. No matter where the debate has led us throughout these days, we are making a record indicating our intention. Certainly it is not my intention, and, from the remarks of the Senator from Minnesota, the Senator from Pennsylvania, and the Senator from Illinois, I do not think it is their intention, and we do not understand that it is the purpose of the bill, ever to supplant prosecutions that might take place under a criminal statute.

I wish to read now from page 573 of the House committee hearings. I have moved away, now, from the subcommittee hearings on the Senate side:

> The Congress would authorize the Attorney General to seek civil remedies in the civil courts for the enforcement of civil rights by an amendment to the United States Code.

Mr. CLARK. Is that the Attorney General speaking?

Mr. CARROLL. That is the Attorney General. I may say that this is why we have been drawn off the trail for days and weeks in the debate. What are we seeking? The Attorney General is seeking the power to go into a court of equity. How can he get into a court of equity? Only because there is no adequate remedy at law.

Mr. CLARK. And irreparable injury is threatened.

Mr. CARROLL. This is the power. Only Congress can give the Attorney General power to go into court. The Attorney General could not go into court without a statutory grant and without Congressional action.

After the Attorney General gets into court, he has to prove an equitable case.

When a court of equity once assumes jurisdiction of the case, the court has equitable jurisdiction, and that continues throughout the case. That is the Hornbook law of equity. If the case is of a civil nature in the beginning, and should become a criminal contempt, it is the character of the punishment, mostly, which determines whether it is civil or criminal. There is no decision which will say that the court of equity would lose its jurisdiction.

A court of equity has never had the power to punish in a criminal case.

I have told Senators about my experience as a jury commissioner under the Federal courts. That was only an honorary position, and did not pay anything. That experience occurred almost 25 years ago. I was also a former district attorney.

We all know we could never go into a court of equity to enjoin the operation of a criminal statute. The distinguished Senator from North Carolina [Mr. ERVIN] has very clearly given us the law. There is no question about that. The Senator and I agree upon the law. If the Supreme Court of the United States was of the belief and conviction that we were trying to supplant criminal prosecution for an equity procedure, they would render the bill unconstitutional as quickly as I can snap my fingers.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. HUMPHREY. What the Senator from Colorado is saying is that we are not trying to supplant, we are trying to supplement the remedies available to guarantee the right to vote.

Mr. CARROLL. To guarantee the consitutional right. We wish to use the court of equity. That is the point we should continue to emphasize.

There was a recent decision, in June of this year, by the Supreme Court. I will call it the Kingsley case. In that particular case there was a New York statute involved, and the statute had provided both injunctive power and appeal power. The statute dealt with the field of pornographic literature.

I want the RECORD to be very clear as to the Court decision in that case. Justice Frankfurter wrote the decision. The case was an injunction case. An injunction was brought to prohibit the publication of some magazines. Justice Frankfurter said, in substance, that the State could use all the weapons within its armory to protect the public interest. In substance that is what he said. But the question was so close, I will say for the RECORD, that Justice Brennan, Justice Black, and Justice Douglas talked about the right to trial by jury, although I know that question was never raised in the briefs, because I looked at the briefs. That subject must have come up in the oral argument somewhere.

This is a very close question. It ought to be perfectly clear what is the legislative intent of those who are proponents of the bill, so that it will be shown we are not concerned so much with jury trials in criminal cases and we are not concerned with the method of selecting jurors in criminal cases. What we are talking about is a function of a court of equity, and whether the Attorney General will be given the power to move into that court, and whether the court in the exercise of its equitable jurisdiction can protect the constitutional right to vote prior to a criminal violation.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator may yield to me for the purpose of my having a proposed unanimous-consent agreement read, of suggesting the absence of a quorum, and then of having the unanimous-consent agreement acted upon, with the understanding that the Senator from Pennsylvania does not lose the floor thereby.

Mr. CLARK. Mr. President, if I may say so, I am content to yield the floor if my friends from North Carolina and Ohio will permit me.

Mr. ERVIN. Mr. President, perhaps I can obtain the floor for about a minute to make a speech after this procedure is followed, so I will content myself with that, notwithstanding the fact that I am somewhat loquacious.

Mr. CLARK. Does the Senator from Ohio desire to interrogate me? If so, I will yield.

Mr. LAUSCHE. I wish to subscribe to the views expressed by the junior Senator from Pennsylvania, that it is extremely hazardous in this bill to deal with 40 other acts in which courts have been given the power in equity to issue injunctions.

Previously this afternoon I made a statement on the subject, and I desire at this time to send to the desk an amendment which will remove from the amendment previously offered by the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Idaho [Mr. CHURCH], the provisions of forty-some statutes. This amendment is a substitute for the O'Mahoney-Kefauver-Church amendment of July 26, 1957, as perfected on July 31, 1957.

Mr. CLARK. Mr. President, I am happy to yield to the Senator from Ohio for that purpose.

Mr. LAUSCHE. I have one further question.

I concur with what the Senator from Pennsylvania said about the ability of the court in a civil contempt proceeding to compel compliance for the benefit of the offended person. However, I should like to ask: Is it not a fact that in a civil contempt proceeding after the time for coercing obedience to serve the interest of the plaintiff has expired, and no imprisonment can be imposed, the court can award damages to the plaintiff because the defendant failed to comply with the order?

Mr. CLARK. Because the defendant failed to comply?

Mr. LAUSCHE. Yes, the defendant. In a civil-contempt proceeding would the court not be able to say, "I cannot send you to jail, because you will not be able to comply and thus have in your hands the key to the jail, but I can compel you to pay damages to the plaintiff from whom you stole the right to vote."

Mr. CLARK. I cannot answer my friend from Ohio, because I do not know.

Mr. LAUSCHE. I think the Senator can.

Mr. CLARK. I think it would be pretty hard to find an adequate measure of damages for depriving a citizen of his right to vote.

Mr. President, I have been trying hard to yield the floor.

Mr. JOHNSON of Texas. Senators will have an opportunity to debate this subject all evening, if we can enter into the agreement. I do not know if it is possible, but I should like to have all Senators be on notice. If the agreement is objected to, we can debate, and Senators can make their plans accordingly.

Mr. CLARK. Mr. President, in the absence of a strong dissent from my colleagues, I yield the floor.

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## VISIT TO THE SENATE BY MISS JUDITH QUALLS, PRESIDENT OF GIRLS NATION

During the delivery of Mr. CLARK's speech,

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield briefly. I understand the Senator from Tennessee wishes to introduce a distinguished guest. I yield with the understanding that I do not lose the floor.

Mr. KEFAUVER. I appreciate the courtesy of my friend, the distinguished Senator from Pennsylvania.

Mr. President, all Senators now present in the Chamber are aware of the fact that this week the American Legion Auxiliary-sponsored Girls Nation has been meeting in Washington. Their congressional meetings were held at the University of Maryland. The State of Tennessee has furnished the Nation three distinguished Presidents of the United States, and I am very happy that a charming young lady from Tennessee was elected president of Girls Nation. She is Miss Judith Qualls, she is sitting in the gallery, and I should like very much to have the privilege of introducing her to the Senate.

(Miss Qualls rose, and was greeted with applause, Senators rising.)

Mr. KEFAUVER. I know Senators are wondering whether they are looking on a mirrored reflection of Judith. The young lady with Judith is her twin sister, Miss Linda Qualls.

I thank my colleague, the Senator from Pennsylvania.

Mr. CLARK. Mr. President, I ask unanimous consent that the fine remarks made by my colleague, the Senator from Tennessee, may appear at the conclusion of the speech I am now making.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. JOHNSON of Texas. Mr. President, yesterday the distinguished minority leader offered a unanimous-consent agreement. I wish to offer the same agreement today, with two modifications.

In view of the fact that we have spent a good deal of time today on the bill, I am reducing the control hours from 6 to 4 and the time on amendments from 1 hour to 30 minutes.

I propose this unanimous-consent agreement, and I will ask the clerk to read it. After the clerk has read it I wish to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will state the proposed unanimous-consent agreement.

The legislative clerk, read as follows:

*Ordered,* that, effective upon the adoption of this order, debate upon the pending amendment, as further modified, proposed to H. R. 6127, the Civil Rights Act of 1957, by Mr. O'MAHONEY (for himself and certain other Senators) (designated as 7–31–57–B), shall be limited to not exceeding 4 hours, to be equally divided and controlled by Mr. O'MAHONEY and the minority leader, respectively; and that upon any amendment that may be proposed thereto, which must be germane, debate shall be limited to not exceeding 30 minutes, to be equally divided and controlled by the author of any such amendment and the minority leader.

*Ordered further,* That after action upon any amendment proposed to the said O'Mahoney-and-others amendment, as further modified, and the expiration of, or relinquishment of any remaining time on said latter amendment, a quorum call shall be had, to be followed immediately by a vote on the question of agreeing to said amendment.

Mr. JOHNSON of Texas. Mr. President, I want Members of the Senate to have a chance to consider the proposed unanimous consent agreement. I shall suggest the absence of a quorum. We will have the order reported again when a quorum is obtained. I had hoped to be able to propose the agreement about 10 minutes until 5 o'clock, but I could not get the floor at that time. Some have suggested that I propose it a little later. Since I have already obtained the floor, I think I should suggest the absence of a quorum, and give everyone due notice. I do suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MONRONEY in the chair). Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I modify the proposed unanimous-consent agreement so as to provide for 6 hours' debate instead of 4, and ask that the proposed unanimous-consent agreement be read.

The PRESIDING OFFICER. The Senator has the right to modify his proposed unanimous-consent agreement. The proposed agreement, as modified, will be read.

The proposed unanimous-consent agreement, as modified, was read by the legislative clerk, as follows:

*Ordered,* That, effective upon the adoption of this order, debate upon the pending amendment, as further modified, proposed to H. R. 6127, the Civil Rights Act of 1957, by Mr. O'MAHONEY (for himself and certain other Senators) (designated as 7–31–57–B), shall be limited to not exceeding 6 hours, to be equally divided and controlled by Mr. O'MAHONEY and the minority leader, respectively; and that upon any amendment that may be proposed thereto, which must be germane, debate shall be limited to not exceeding 30 minutes, to be equally divided and controlled by the author of any such amendment and the minority leader.

*Ordered further,* That after action upon any amendment proposed to the said O'Mahoney-and-others amendment, as further modified, and the expiration of, or relinquishment of any remaining time on said latter amendment, a quorum call shall be had, to be followed immediately by a vote on the question of agreeing to said amendment.

Mr. JOHNSON of Texas. Mr. President, I offer the unanimous-consent request on behalf of the distinguished minority leader, the Senator from California [Mr. KNOWLAND], and myself.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that I may make an announcement, without the time taken for it being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I should like to call attention to the fact that 30 minutes of debate is allowed on each amendment. So far as I know, there will probably be 1 or 2 amendments to be considered; perhaps there will be more. No one knows exactly how many there will be.

Six hours of debate are allowed on the O'Mahoney-Kefauver-Church amendment, as modified. Each side may yield back any part of the 6 hours if that is desired. In other words, the minority leader controls 3 hours and the Senator from Wyoming [Mr. O'MAHONEY] controls 3 hours of the debate. If at the end of 4 hours of debate each has consumed only 2 hours, and they decide to yield back the remainder of their time, that may be done.

I hope all Senators will be on notice that a vote could take place at any time during the evening. It is the intention of the leadership to remain here until a vote is had on the O'Mahoney-Kefauver-Church amendment.

Mr. IVES. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. IVES. When does the debate start? Does it start right now?

Mr. JOHNSON of Texas. Right now.

Mr. IVES. I thank the Senator.

Mr. JOHNSON of Texas. Does the Senator from Wyoming desire to yield any time now?

Mr. O'MAHONEY. I should like to have an indication from any supporter of the amendment as to how much time he would like to have yielded to him.

Mr. SMATHERS. Mr. President, I should like to have some time yielded to me.

Mr. O'MAHONEY. Does the Senator desire 30 minutes or 15 minutes? How much time does he desire?

Mr. SMATHERS. I should be glad to take 15 minutes now.

Mr. O'MAHONEY. I yield 15 minutes to the Senator from Florida.

Mr. JOHNSON of Texas. Mr. President, may we have order? The Senator from Wyoming has yielded 15 minutes to the junior Senator from Florida.

The PRESIDING OFFICER. The Chair was unable to hear the amount of time that is being yielded, due to the disorder on the floor of the Senate. Senators who must engage in conversation are requested to leave the Chamber. Those who are on the immediate left of the desk will please consider the fact that time has been yielded to the Senator from Florida so that he may address the Senate, and will therefore remain quiet or retire from the Chamber.

Mr. SMATHERS. Mr. President, surely an understanding of the long struggle man has waged to free himself from the tyranny of kings, and from the tyranny of the star chamber, and injunctive proceedings would cause any reasonable man who believes in individual rights to make every effort to preserve that basic right of trial by jury. For trial by jury has long been recognized as the genesis of democratic government and proceedings, and it is the cornerstone which men who love democracy, have erected against the threat of authoritarian government and the tyranny which goes with that type of government.

The PRESIDING OFFICER. The Senator from Florida will suspend. It is important that the Senator from Florida be given full opportunity to be heard. His time is limited. Senators who must converse will please retire to the cloakrooms.

Mr. SMATHERS. Mr. President, the people of the United States can take great hope from the fact that there have been men whose sincerity and devotion to the cause of true liberalism cannot be questioned have seen fit to make a stand against the Attorney General's proposal such as that embodied in H. R. 6127 which has for its purpose the diminution of the right of citizens to trial by jury. No one can, nor do I believe anyone does, question the sincere liberalism of the able Senator from Wyoming [Mr. O'MAHONEY], who has long been recognized as one of the ablest constitutional lawyers in this body, nor can anyone question the sincerity of belief in liberal causes of the senior Senator from Tennessee, [Mr. KEFAUVER], who on more than one occasion has evidenced a willingness to stand against even the popular opinion in his State, for the cause of liberalism. Nor, I am sure, would anyone question the dedication and belief in liberal causes of the young Senator from Idaho [Mr. CHURCH], who is already following in the footsteps of that great liberal Senator from his State, William E. Borah, who just a few years ago in this same forum

spoke out eloquently and persuasively in behalf of preserving trial by jury for all citizens. Where issues of fact were in doubt, I personally believe we all owe to these gentlemen a debt of gratitude for the position and leadership in this fight which is basic to all of us who believe in the protection of individual rights.

Mr. LAUSCHE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Florida will suspend until Members of the Senate and attaches who are conversing have retired from the Chamber. It is difficult for the Senator to be heard over the continuing conversation which is going on in 3 or 4 parts of the Senate Chamber.

Mr. SMATHERS. Mr. President, in the course of my study of this problem, I could not help but be profoundly impressed by the fact that great liberal Senators of another day attempted to preserve and broaden the right of trial by jury for the people of these United States, almost in the same form, and indeed in the same manner that Senators O'MAHONEY, KEFAUVER, and CHURCH are attempting to do with their proposed amendment. I refer, of course, to those immortals of the United States Senate, Senator William E. Borah, of Idaho; Senator George Norris, of Nebraska, and Senator Walsh, of Montana; each of whom was identified with truly liberal causes throughout his service in this body, and each of whom is today recognized as among the great men of American history. It will be recalled that in 1914 in connection with the enactment of the so-called Clayton Act, they fought a valiant fight on this very floor to extend the right of trial by jury to all persons charged with criminal contempt arising out of alleged violations of injunctions. It is historically significant that each of them lived to see the day of 1932, when Congress, by enacting the Norris-La Guardia Act, extended that protection, at least to persons charged with criminal contempt arising from alleged violations of injunctions issued in labor disputes. I do not hesitate, Mr. President, to say that were they with us today each of them would be in the forefront fighting for the enlightened effort of our distinguished colleagues, Senators O'MAHONEY, KEFAUVER, and CHURCH.

But on so important a subject one should not rely solely on the views of other men. I place my reliance upon and derive my guidance from the Constitution of the United States. This is the very fountainhead of all our legal rights and shall forever remain with the help of the Almighty, a beaconlight to guide our faltering footsteps whenever there is doubt on matters such as that which is now before us.

When I look at and examine this great document, the Constitution of the United States, what do I find? I find in it the written expression and command, if you please, of a tradition which is as old as the Nation itself—that you shall not take a man's freedom and liberty on a charge of criminal conduct that may be instituted by a powerful government except upon a finding of guilt by a jury of his peers.

Article III, section 2, of the Constitution, which applies exclusively to the judicial branch of our Government, contains a specific requirement that "the trial of all crimes, except in cases of impeachment, shall be by jury."

We all recall that before the basic Constitution was ratified, the people of the United States insisted upon the inclusion of 10 amendments known and cherished by us as the Bill of Rights. I find in the fifth amendment, the prohibition that—

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.

Again, in the sixth amendment, we find that—

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed * * * and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

The right of trial by jury was considered to be of such paramount value and transcending importance that the Founding Fathers in the seventh amendment provided for the right of trial by jury "in suits at common law, where the value in controversy shall exceed $20."

It is indisputable that the framers of our Constitution desired to—and endeavored in every way—to establish, preserve, and protect the right of trial by jury in criminal cases and in suits at common law for all citizens in this Nation. They did not want to see repeated the injustices which were then prevalent under the system of law in foreign lands from which they and their forebears had come. Thus the right of trial by jury is one of the most valued and cherished rights—a right which is vitally essential to the nourishment of our system of democracy.

Let us consider the sweeping power which would be conferred upon the Attorney General under part IV of the pending bill, without the adoption of the pending jury-trial amendment.

It would permit the Attorney General to sweep constitutional guaranties aside by utilizing the extraordinary remedy of equity injunctions to prosecute persons for alleged conduct which would also constitute a violation of existing Federal criminal statutes, namely sections 241, 242, and 243 of title 18, United States Code. Such prosecutions would be carried out in the form of criminal contempt proceedings, without according the accused not only his right of trial by jury, but also procedural due process of law. What do I mean by procedural due process of law? I mean the right of an accused to the presumption of innocence, his right not to be required to incriminate himself, and to have the case against him established beyond a reasonable doubt. All of these elements of procedural due process were specifically referred to in the famous case of *Gompers* v. *Buck's Stove and Range Co.* (221 US 418), a case with which all of us are familiar. That was a clear case of abuse by a court of the contempt power given to it under section 401 of title 18, United States Code. That which happened to the fearless champion of American labor, Samuel Gompers, and his brave associates, John Mitchell and Frank Morrison, could happen again to men who might become the targets of the Attorney General if the O'Mahoney-Kefauver-Church jury-trial amendment is not adopted. I say this for the reason that the provisions of part IV of the pending bill very cleverly, but patently and designedly, denies to anyone who might be accused of criminal contempt his right to a trial by jury. It is a sad day indeed when the Government's top legal officer, the Attorney General of the United States, by his endorsement of part IV of this bill in its present form, publicly confesses to this great deliberative body, and to the citizens of this Nation his distrust of the jury system, the pillar of strength upon which our system of justice is predicated.

By looking at a succession of statutes not directly mentioned in the proposed legislation, we discover that disturbing and dangerous evil—the denial of the right of trial by jury. Let us briefly examine these statutes.

The provisions of present law dealing with the right of trial by jury in contempt cases are set forth in sections 401, 402, 3691, and 3692 of title 18, United States Code.

Section 401 of title 18, United States Code, provides that a Federal court shall have power to punish contempt of its authority in instances where first, a person misbehaves in the presence of the court or so near thereto as to obstruct administration of justice; second, one of its officers misbehaves in his official transactions; or, third, a person disobeys or resists a lawful writ, process, order, rule, decree, or command of the court.

Section 402 provides that any person willfully disobeying any lawful writ of the court shall, if the act or thing done is of such a character as to constitute a criminal offense under the laws of the United States or under the laws of the State in which the act was committed, be prosecuted as provided in section 3691 of title 18, United States Code. This provision, however, does not apply to contempts committed in the presence of the court or so near thereto as to obstruct justice, nor does it apply to contempts committed in disobedience of any lawful writ entered in any suit brought or prosecuted in the name of or on behalf of the United States.

Section 3691 provides that whenever a contempt is charged consisting of the willful disobedience of a lawful writ and the act or thing in violation constitutes a criminal offense under the laws of the United States or under the laws of any State in which it was done or committed, the accused shall be entitled to a trial by jury which shall conform as near as may be to the practice in other criminal cases. This section also provides that it shall not apply to contempts committed in the presence of the

court or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ entered in any suit or action brought or prosecuted in the name of or on behalf of the United States.

There is, however, an exception to the provisions of section 3691 and this exception is contained in section 3692 in which a right of trial by jury is conferred in all cases of contempt arising under the laws of the United States governing the issuance of injunctions or restraining orders involving or growing out of labor disputes.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. SMATHERS. I shall be happy to yield to the very able and distinguished Senator from Montana with the understanding that I do not lose my right to the floor, and that I will be looked upon kindly when I make a request of the able junior Senator from Wyoming for additional time.

The PRESIDING OFFICER. Without objection, the Senator from Florida yields to the Senator from Montana.

Mr. MURRAY. Mr. President, a few days ago one of the leading newspapers of Montana published an excellent editorial entitled "What's Wrong With Trial by Jury?" The concluding paragraph of the editorial is as follows:

> We are convinced the so-called jury-trial amendment should be specifically included in this civil rights legislation, and we hope Montana's Washington delegation will support this reaffirmation of basic human rights.

Mr. President, for many years, I have felt there is only one weakness in our jury system. It is that the jurors in all parts of the country are not always selected impartially from the public at large.

I shall not pass judgment on the question of whether Negroes do or do not serve on juries in the South. That is beside the point.

The point is that by adopting the pending amendment we can be certain that Negroes will not be excluded from Federal juries. There is no other way we can do it.

Mr. President, the basic point of a jury system is that the jurors should represent the entire community. Thus and only thus can we be certain that justice will be done.

A vote against this amendment is not only a vote against the jury trial. It is also a vote against the rights of Negroes and other minorities to serve on our Federal juries.

I cannot cast a vote against two elementary civil rights. This is why I have joined in sponsoring the modification of the pending amendment.

Mr. President, I ask unanimous consent that the editorial from which I have read be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Lewistown (Mont.) Daily News of July 26, 1957]

WHAT'S WRONG WITH TRIAL BY JURY?

The rather decisive Senate vote to eliminate the controversial section 3 from the administration's civil-rights bill is being described as a victory for the South. In reality, it is a victory for commonsense. It is a victory for individual rights and freedom over the ever-increasing impulse toward Federal regulation, intervention, and power.

The Senate's prudent action removes the provision which would have empowered the Attorney General, on his own initiative, to seek Federal court injunctions against all kinds of civil-rights violations or even threats of violations wherein individuals indicted by the Federal Government could be charged with contempt of court and tried by Federal judges without jury.

Still in the bill is authority for the Attorney General to seek injunctions in voting-rights cases without trial by jury.

The next development in the civil-rights issue promises to be an all-out effort by the southerners and others to include a jury trial amendment to the law. And why not? What, we keep wondering as we read about the hue and cry in Washington, is wrong these days with the ancient Anglo-Saxon right of trial by jury?

Indeed, the convictions in the Clinton, Tenn., segregation case prove that white southern juries are willing to convict white violators of court decrees involving civil rights even though the issue runs against centuries-old southern tradition and, to a disturbing degree, involves thought control and suppression of the old American right of free speech.

Under the civil-rights bill as originally proposed, the defendants in the Clinton, Tenn., case would have been denied trial by jury. They would have been tried by the very same judge who cited them for violating his own injunction. Such a trial, when facts are in dispute, would amount to little more than Star Chamber proceedings.

No less an impartial voice than the great Washington Star, deeply disturbed over the civil-rights bill's denial of jury trial, stated recently: "It is incredible that one of the points under serious debate in the United States Senate now is whether to abandon the tradition (of jury trial) on the contention that some 40 million citizens of this country, who happen to live in the South cannot be trusted to exercise the high responsibility of citizenship which consists of jury service in cases involving civil rights."

In a great Senate address on this question the other day, Senator O'MAHONEY, of Wyoming, a man who favors the principle of civil rights and a man without bias, asked: "Shall we now, under color of civil action, break down this shield (trial by jury) which for centuries has been the only protection of living persons against the authority or the pretended authority of government?"

We are convinced the so-called jury trial amendment should be specifically included in this civil-rights legislation and we hope Montana's Washington delegation will support this reaffirmation of basic human rights.

I thank the distinguished Senator from Florida for yielding to me.

Mr. SMATHERS. It was a pleasure to yield to the Senator from Montana for the very fine expression of his views.

Mr. President, it has taken me some time to set forth a full picture of the statutes relating to contempt proceedings and the right of trial by jury in cases of contempt. Not one of these sections is referred to in the bill itself, but the bill contains a few relatively significant words which have the effect of taking away the right of trial by jury in contempt cases arising under its provisions.

In section 131 of part IV it is provided that the Attorney General may institute a civil action or other proper proceeding for injunctive relief for the United States or in the name of the United States. By deliberate design this language is included in part IV for no other reason than to circumvent constitutional and statutory guaranties of the right of trial by jury in criminal proceedings. If Senators will recall the language which I recited a moment ago, a right of trial by jury is authorized in certain cases where the contempt arises from an action between two or more private parties. But when the United States is involved, an exception is drawn, and the right of trial by jury is denied the accused except in cases involving labor disputes.

In discussing trial by jury in contempt cases, we are not without examples of the abuses that may ensue if there is no right of trial by jury. We saw in the development of the right of labor to organize and negotiate, the evils to which the power to punish for contempt may be used when there is no right of trial by jury. This is graphically pictured in the minority views submitted to the Committee on the Judiciary on S. 83, a similar bill, by the Senator from North Carolina [Mr. ERVIN] and the Senator from South Carolina [Mr. JOHNSTON]. It is not necessary for me to develop that point any further, inasmuch as others who have spoken on it have shed so much light on that dark period of our history. However, I think it only reasonable to believe that none of us can erase from our minds the injustices done to labor by the type of proceeding sought under the provisions of part IV of this bill. If we anticipate injustices, it is only because the lessons of history have taught us to expect that injustices are inevitable. Under this proposed type of proceeding we do not welcome the thought of a single judge having so much authority in his hands. The Senator from North Carolina [Mr. ERVIN] has well said that a good man should not want, and a bad man should not have, such power. For once an injunction is sought, the judge frames the injunction; he decides to whom it shall be applicable; he decides what persons are in disobedience; and he decides the term of incarceration of any persons whom he judges to be in violation of the order. And I should not fail to point out one other thing in this connection, Mr. President, and that is, that since any violations of the provisions of part IV of this bill would result from any actions brought by the United States there is no statutory limit upon the term of imprisonment imposed for violation of the order.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. O'MAHONEY. I yield 3 additional minutes to the Senator from Florida.

Mr. SMATHERS. May I ask the Senator from Wyoming if he will yield me 10 minutes?

Mr. O'MAHONEY. I yield 10 minutes to the Senator from Florida.

Mr. SMATHERS. I thank the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Florida is recognized for an additional 10 minutes.

Mr. SMATHERS. Section 402, of title 18, United States Code, provides that the punishment for contempt in cases in-

volving private individuals shall in no case exceed, if the accused is a natural person, the sum of $1,000 nor the imprisonment imposed exceed the term of 6 months. This, as I say, is inapplicable when the United States is a party, and research has developed that some courts have used this power to impose a sentence 8 times the length which is permitted by statute in cases of contempt arising out of an action between 2 private individuals.

This is the unlimited, unbridled power which would be conferred on the Attorney General—power which has no reasonable place in a nation which prides itself on a government of laws and not of men. That is the basic fault of this whole legislation—the creation of tremendous power and the granting of that power upon individuals, who despite their titles, their robes, their accouterments, still remain human and with all human frailties. Mr. President, this proposal as it now stands is not a move in the direction of presentative government; it is a move away from representative government. It is a procedure which exhibits basic distrust of the ordinary processes of law which are readily available in cases of violations of the rights of individuals, including the right to vote. We should have learned long before this that for the sake of political expediency the centralization of power is no panacea for any ills, real or contrived.

Mr. President, we should know only too well, from an examination even of modern history, that the centralization of power means the ultimate abolition of local governments; and when local governments are weakened, the seeds of totalitarianism flourish and grow.

In 1914, when the Clayton Act was before the Congress, Senator Borah wanted the right of trial by jury given to all persons in criminal contempt cases, irrespective of whether the United States was a party or not. In offering an amendment to that effect he said: "the effect of this amendment is to provide for jury trial in contempt cases in actions brought by the Government, the same as when actions are brought by private individuals"; that "every argument in favor of the right of trial by jury upon the part of one citizen of the United States is equally applicable to the right of trial by jury upon the part of every other citizen of the United States"; that "the right of the citizen to have his guilt or innocence determined by his peers cannot be changed by reason of the fact that a particular party happens to be a plaintiff in one case and another party a plaintiff in another case"; and that the provision denying persons charged with indirect contempts trial by jury, in case the injunction alleged to have been violated was issued in a suit brought by the United States, "offends every sense of justice and every principle of free institutions and equal rights."

The thought so eloquently expressed by Senator Borah was echoed recently in the case of Reid against Covert, decided by the Supreme Court on June 10, 1957, when the Court had this to say with respect to trial by jury:

> Trial by jury in a court of law and in accordance with traditional methods of procedure after an indictment by grand jury has served and remains one of our most vital barriers to governmental arbitrariness. These elemental procedural safeguards were imbedded in our Constitution to secure their inviolateness and sanctity against the passing demands of expediency or convenience.

The right of trial by jury is, as all of us know, afforded to an accused who is alleged to have committed crimes of violence such as rape, larceny, murder, and other heinous felonies. What is there to fear, then, by extending this right to individuals who may be accused of violating injunctions which may be obtained by the Attorney General in voting-right cases? What valid objections can there be, when all of us sincerely profess our belief in the jury system? It has worked well. It is not perfect; but nothing that is man made or humanly devised is perfect. Yet, surely we would not exchange it for any other system, however much we may personally disagree with some of the verdicts that juries, at times, have returned.

It is difficult for me to conceive how there could be any substantial objection to extending this right to all cases of criminal contempt. By extending this right, we demonstrate our faith and trust in our American system of justice.

It is axiomatic that "even the Devil can quote the Scriptures." Certainly in this "Sargasso Sea" of legal luminaries, precedents in the law, in the action of courts, can be cited to buttress almost any position.

For this reason I shall not longer delay the Senate or delay these deliberations by making citations from various court decisions of the past. Rather, I urge support for the O'Mahoney amendment for what I consider the clear dictates of commonsense.

The basic issue is whether in the incidents likely to arise out of this proposed legislation, individuals are to be entitled to a trial by jury, when charged with criminal intent, or whether they should be jailed, without trial by jury, by the authority and order of a judge whose injunction they will be presumed to have violated.

It seems to me that if anything is on trial today before the Senate of the United States, it is the jury system itself.

It seems incongruous for the American Bar Association to be dedicating a monument at Runnymede, England, honoring the signing of the Magna Carta, when at the same time the United States Senate is debating whether an individual charged with a criminal offense shall be entitled to a trial by jury.

The jury system was not established as a result of the efforts of monarchs or judges. The right to trial by jury was not a gift by government to the people. Rather, it was a privilege attained as a result of human sacrifices and suffering against the objections of those who preferred to act in the role of both accuser and judge.

One of the basic premises of free government is the right to trial by jury. I seriously doubt that any of my colleagues would disagree with this statement.

Trial by jury is a bulwark against tyranny and oppression. The right of a man to be tried by a group of his neighbors, when accused of the commission of a criminal action, conviction for which would result in his loss of freedom, is certainly a part of our priceless heritage.

Sometimes we become so enamored of titles that we forget where the power resides under our form of government. The legislative branch, the executive branch, and the judicial branch, though they be resplendent in their majesty, are but agencies of the people of the United States. In and of themselves, they are only what the people decide they should be.

From the wellsprings of the consent of the governed comes all the authority which ultimately resides in the various individuals to whom public offices are entrusted. The people of the United States, therefore, control the destiny of this Nation in all things.

There is no intellectual aristocracy, there is no landed gentry, there is no class or mass, which is beyond the pale of the authority of the general public.

It seems to me that these truths should be obvious to all who have any understanding of the fundamental foundations upon which this society has been erected.

It should be equally clear that in order to preserve their liberty, the people have to retain for themselves the right to determine the guilt or innocence of persons charged with criminal acts. This is the sacred right of trial by jury.

It is inconceivable to me that at this moment in world history the United States Senate should be debating whether an American citizen should be entitled to a trial by jury in all matters where questions of fact are involved.

It seems logical that in a republic of our type, if there were any doubt as to whether an individual should have a trial by jury, that doubt should be resolved by granting him the right to present his case before a representative group of our citizens.

It is difficult to maintain that democracy can possibly be injured by extending the right of trial by jury in any type of legal case involving criminal action. If we truly believe that the essence of democracy is contained in the jury system, the extension of jury trials would be but the extension of liberty and civil rights.

On the other hand, it is not difficult to conjure up visions as to what could occur with a limitation on the right to trial by jury, a principle for which our illustrious ancestors sacrificed so much. If the right of trial by jury can be denied in one instance, cannot it also be denied in another?

Obviously this issue is surcharged with a considerable amount of emotion. It seems apparent to me that many of the so-called liberals who object to this amendment are in reality attempting to abrogate the normal judicial process in an area of our country for purposes of political gain.

This is a serious statement. But many of the remarks made on the floor of the Senate in connection with this proposed legislation are based on false assumptions, not on facts.

It is an absurdity to maintain that the O'Mahoney amendment would cripple the courts. The court would still be allowed to exercise its authority when it was seeking compliance with its injunctions. The court would still be allowed to exercise its authority when acts of contempt were committed in the presence of the court or when such acts were interfering with the administrative procedures of the courts.

This amendment merely provides that when the court seeks punishment, not compliance, the constitutional guaranties under article III, section 2 of our Constitution, "The trial of all crimes, except in cases of impeachment, should be by jury" and under the sixth amendment, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury" shall be invoked.

If juries cannot be trusted in criminal contempt cases arising out of civil liberties, why should they be trusted in any other cases, either civil or criminal? If we are to restrict man's ability to govern himself in this area through arbitrary action of appointed officials, why should we not restrict him in other areas?

Why should we in the Senate debate, "How many angels can dance on the head of a pin"? Either the jury system is the best one thus far devised to guarantee justice in all instances, or it should be scrapped, and should give way to some other system which the all-seeing, all-knowing intellect of the Attorney General may invent.

It seems to me that when we ignore the legal semantics, therefore, the issue is fairly clear cut.

A person who violates a court injunction under this bill can be accused of criminal contempt. If he is convicted, his liberty can be taken away from him.

With human liberty at stake and with questions of fact to be decided, is it not in accordance with our traditions that the individual thus charged is entitled to trial by jury?

This, it seems to me, is the question before the Senate. This is the determination the Senate soon must make.

Mr. President, Senators who are reasonable, Senators who have confidence in people, Senators who believe in the worth of people, Senators who are not frightened by their judgments, Senators who believe in democratic government, will vote for the trial-by-jury amendment.

Mr. GORE. Mr. President, will the Senator from Florida yield to me?

Mr. SMATHERS. I am happy to yield.

The PRESIDING OFFICER. The time yielded to the Senator from Florida has expired.

Mr. SMATHERS. Mr. President, will the Senator from Wyoming yield 3 more minutes to me?

Mr. O'MAHONEY. I yield 3 more minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for an additional 3 minutes.

Mr. SMATHERS. Mr. President, I yield to the Senator from Tennessee.

Mr. GORE. Mr. President, the distinguished junior Senator from Florida has called attention to the fact that one may be sentenced to a term in prison, as a result of criminal contempt. I wonder what consolation the Senator from Florida thinks a person behind prison bars could take from the legalistic fact that the case against him might have originated in a court of equity, rather than from indictment by a grand jury?

Mr. SMATHERS. Of course that would be no consolation. Such a man probably would not even understand the difference between an action in equity and an action in law. The fact of the matter is—just as the late Senator Borah, the late Senator Norris, and the other great liberals believed—that in every case in which there is a dispute of fact, the defendant should have the right of trial by jury, and should have the benefit of the presumption of innocence until proven guilty, and should have the benefit of all the other safeguards which historically have been provided.

Mr. GORE. Does the Senator from Florida not agree that the imposition of a penal sentence punishes not alone the person who must serve the term in prison, but, in addition, stigmatizes his children and his grandchildren?

Mr. SMATHERS. There is no doubt of that. Undoubtedly it is the worst thing that can happen to any man, as regards his future life in his community. Not only is it a great burden upon him, but, as the Senator from Tennessee has so well pointed out, it places a brand upon his children and his grandchildren.

The PRESIDING OFFICER. The time of the Senator from Florida has again expired.

Mr. SMATHERS. Mr. President, I yield the floor.

Mr. BUSH. Mr. President, I yield 30 minutes to the junior Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 30 minutes.

Mr. JAVITS. Mr. President, we are now approaching the end of this debate, which has been called a historic debate, and I feel it necessary, in fairness to the issue, to address myself to one particular point which has been much discussed, and that is whether being for the amendment is the liberal point of view and being against it is the illiberal point of view, or vice versa.

It seems to me that view hinges upon a patent misunderstanding, which has amazed me by its persistence, that what is sought to be done is to take away a right which exists. So I should like to make it crystal clear, and perhaps this is the final opportunity I shall have to make it crystal clear, that what we who are opposing the O'Mahoney amendment are seeking to do is keep the law exactly as it is. We are not seeking to change it or take away any right which is now vested in any citizen of this country.

I respectfully submit that is the liberal position, and for this reason: The liberal position is premised not only upon new things and innovations. It is premised also upon a fidelity to proven safeguards and methods of justice which have stood the test of time and have protected citizens in their fundamental human and constitutional rights.

Our case is premised upon the fact that the present law upon this subject of punishment for contempt has stood the test of time, not only with respect to this particular area of law, but with respect to the area of law encompassed in the pending amendment, which goes far beyond the civil-rights bill. That, in my opinion, constitutes one of the fatal defects of the amendment.

Let us trace that viewpoint for a moment. Long before the United States was organized as a Nation, in the Colonial courts, going back to the English courts, contempts which were both criminal and civil were punished by the judge. I hope before I am through I shall have an opportunity to refer to a few of the cases which showed this was a wise and salutary thing and in the interest of justice, because it gave the courts the power to maintain their decrees and enforce their decrees, and did not transfer into the hands of a defendant the opportunity to play with the court, using the court's processes for the purpose of serving the defendant's aims to defy the court's decrees.

That went on until 1914, when the Clayton Act was passed. The Clayton Act gave a right to trial by jury in a criminal contempt case which was at one and the same time a crime under Federal or State law, if the plaintiff was an individual and not the Government of the United States, but if it was the Government of the United States, then no jury trial was afforded.

That provision of law has been in effect for 43 years, not only with respect to whatever case might arise under civil rights, because, as we know, and as has been established, an aggrieved individual whose civil rights have been denied him has the right to go into court to seek injunctive relief. In a minute or two I shall analyze, because I think it is pertinent to this discussion, some of those decrees. So we have had experience for 43 years, since 1914, not alone as to civil rights, but as to a whole range of other statutes. I mentioned them last night. They are in the RECORD. They range from the Communications Act to the Hot Oil Act, to the security laws, to the Fair Labor Standards Act, and, most markedly, to a host of cases having to do with the antitrust laws.

The amendment proposes what I consider to be really reckless legislation to change that whole course of procedure and make it different. Why? Because it is felt that by extending the net more widely, it is possible to interest more Senators who might otherwise not be ordinarily concerned in this proposal.

I understand the Senator from Ohio [Mr. LAUSCHE] will offer an amendment. I suggested to the Senator that I should like to ask him questions about that

amendment, which would at least restore to this measure some degree of responsibility and take away the element which I consider to be reckless. At least let us argue about the cases before us and the set of facts before us, and let us make our decision on those, but let us not deal with the amendment with a reckless disregard of the law and facts with respect to a host of other statutes which are not under consideration and which are the concern of every committee of the Senate, and not merely the committee charged with proposed legislation to which we felt inclined to refer the matter. I welcome the amendment which would take away the applicability of the provisions of the bill to other than the laws embraced in the bill. I hope the Senator from Ohio will offer his amendment, so it may be treated as a perfecting amendment to the pending amendment. While I oppose the O'Mahoney amendment, it seems to me the amendment of the Senator from Ohio would be but an elementary expression of responsibility.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LAUSCHE. My amendment deals only with the mode in which the trial shall be conducted when contempt proceedings are had. Trial shall be by a judge in all contempt proceedings, whether civil or criminal, except when the wrong is willful and the act on which the prosecution is based constitutes a violation of the criminal statutes. May I repeat? Trial in all criminal and civil contempts shall be by a judge except when the act upon which the prosecution is predicated constitutes a violation of a criminal statute. My trial provision deals only with one statute, not at all with the other statutes which are now in existence and have been for the past 25 or 30 years.

Mr. JAVITS. The Senator, then, would have a substitute for the whole O'Mahoney amendment. Is that correct?

Mr. LAUSCHE. Mine will be an amendment seeking to substitute for a part of the O'Mahoney amendment a provision dealing with trials in the manner that I have just described.

Mr. JAVITS. I will say to the Senator, so that my own views are clear, I do not agree with that statement in terms of an amendment for which I finally can vote, but I welcome the idea in terms of confining the provisions relating to jury trial to that type of case, and not extending then, as does the O'Mahoney amendment, to the whole network of statutes which are reached by the Clayton Act.

Mr. LAUSCHE. That is correct. I had two thoughts in mind. We have not been able to study the many acts to which the amendment would be applicable. Secondly, I was of the opinion that our thinking should be directed to this bill.

Mr. JAVITS. I agree with the Senator. I think it represents a measure of responsibility. We may not agree on our ultimate votes on the amendment, but we can agree on that measure of responsibility. I am very glad the Senator has taken that step. I may tell the Senator I would have done exactly the same thing once we had taken action upon the O'Mahoney amendment. If it had carried, I felt the Senator would go along with such a proposal when it had an opportunity, upon reflection, to understand what it was doing. The Senator is making that clear by his own proposal.

Mr. LAUSCHE. I shall speak later on the subject and make a further elucidation of my views.

Mr. JAVITS. I may say to the distinguished Senator that the reason why I invited the colloquy at this time is that I do not believe in making speeches about straw men. To my mind, this is a fatal defect in the O'Mahoney amendment. So long as the Senator was going to address himself to the matter, I felt it should be an essential part of my own speech in the Senate to have the Senator's assurance.

Mr. President, at times it seems interesting to me to note that as we have proceeded with the O'Mahoney amendment, despite the fact that when first offered it was perfect, there were no difficulties involved so far as the composition of juries was concerned, and no difficulties involved so far as the extension to other statutes was concerned, we have finally found some grave and serious defects, as evidenced by the move made last night to endeavor to meet a real and fundamental issue existing in 4 States and parts of 1 other State which, in practical effect, is that Negroes are not entitled to serve upon juries by force of statute.

Now we observe the presentation of the amendment by the Senator from Ohio [Mr. LAUSCHE], to cover the question of the network of statutes to which the O'Mahoney amendment would apply.

Mr. President, I again wish to speak to the question of being a liberal or not being a liberal. First, there is an experience which is a time-tested experience of living under and administering justice under a set of statutes which have been found satisfactory and a kind of practice which has been found satisfactory.

Secondly, and very importantly, as lawyers we know that in equity judges have always been the deciding factor. Again, this practice is centuries old, and has a very deep, philosophical basis. We have found that equitable procedures and equitable rights lend themselves more adequately to the adjudication of a judge than they do to the decision of a jury. They are more complicated. They are more nearly adapted to the rights of the individual in particular sets of circumstances. The remedies which are sought are not broad remedies such as are sought in an action for money damages, where one has a jury and the jury brings in a verdict for X dollars, or in a case of determining whether a man is or is not guilty of a particular crime. There are niceties, subtleties and complexities in equitable jurisdiction, where the judge has been able to do the greatest justice.

The experience of mankind has been that the judge in an equity case, subject to the rules of law and the right of appeal, has represented as much, at least, of an element of the defense of the rights of man as have the juries in the cases where the jury would do the best work.

I respectfully submit it is my deep conviction that in fighting to maintain what is in essence the equity jurisdiction of a court, we have every right to look with courage and confidence at the fact that we, also—as perhaps our opponents feel they are fighting for the jury trial, along a road which I think is not germane to the issue before us—have the right to feel that we are fighting for courts of equity and what they are able to accomplish in advancing and defending the rights of man. We are at least equally protecting those rights in the highest liberal spirit. I would say mankind's experience through generations in the deciding of cases is very definitely on our side in this struggle.

Finally, Mr. President, there is one other thing which I believe is determinative of this controversy. Speaking practically and realistically, applying our judgment not to the penalties and the fact that we like trial by jury—and surely we do like trial by jury, and there ought to be trial by jury in criminal cases—certainly it ought not to be our thought that trial by jury is always provided. The courts of practically every State have misdemeanor cases which are not tried by juries, yet the punishment is greater than the punishment which will be the maximum punishment permitted if we adopt the amendment of the Senator from Oregon [Mr. NEUBERGER], who has proposed an amendment to limit the punishment assessable even for criminal contempt under the bill.

Nevertheless, one can sympathize with, understand, and be in favor of the idea of the right to trial by jury. One must, however, at the same time, recognize what we are trying to do in this particular situation in its particular applicability to the sets of fact we are trying to meet. I think the weight of the argument is all on our side, for this reason: If it is true that an equitable remedy is needed, as I believe has been shown time and time again in the debate, for I think the vote to put the bill upon the calendar and bring it before the Senate, as well as the vote on part III, evidences very clearly an expression of the Members of the Senate, if there is a majority conviction that the equitable remedies are needed, then I think we should reject the amendment, because, Mr. President, as I hope to prove in the time which I have available, though I think we have proved it in the various debates which have heretofore occurred, the equity decree can be completely frustrated by the action of a defendant himself, the alleged contemnor, unless we give the power of both civil and criminal contempt to the court.

The reason for that is the nature of the cases to which we propose to apply the equitable remedies. Let us keep the equitable remedies in focus in terms of this controversy. For violations of civil rights there are criminal statutes, and those statutes certainly apply to

voting. As a matter of fact, they apply to voting most severely, because the right to vote has been held to be a Federal right for which, in a criminal case, there may be a proceeding not only against State officials acting under the cover of law, but also against individuals who conspire to defeat that right.

Voting represents a different situation from other types of civil rights. Without any question there is a criminal statute applicable to the situation. There is also an equitable right involved. An individual who is himself aggrieved can go into court either for himself, or indeed for a whole class of people similarly aggrieved, and obtain an injunction; and I shall develop some of the cases on that in a few moments. Both of those things can happen at present. The only thing which would be added by the bill is the opportunity for the Attorney General to proceed to secure injunctive relief.

There is hardly time now to reargue the whole network of subterfuges and evasions and conspiracies, with the backing and promotion of State officials and local communities in an official way, which have brought us to the situation where we cannot rely either upon the criminal remedies or upon the individual injunctive remedy, in order to obtain acceptance in broad areas of the country, particularly in the South, of the right to vote. So we need essentially the equitable remedy.

As I said a minute ago, unless we give the court the power to deal both with civil contempt and criminal contempt we will completely frustrate the very remedy we seek to give.

Mr. President, those who support the amendment virtually concede that contention, for this reason: They argue that the civil contempt remedy shall be in the hands of the court, but that such a remedy is adequate to deal with all the situations which will arise under the bill. Therefore, I believe if we can prove it is an inadequate remedy we have at one and the same time proved that the criminal contempt remedy should also lodge in the very same hands that have the civil contempt remedy.

Let us consider the facts. I have here some actual cases. There is no use dreaming of this thing in abstractions. We should consider some actual cases from Southern States in equity suits relating to voting rights. These cases demonstrate what has occurred, and what the court did. These cases show how the court could be frustrated if it had to proceed separately by civil and criminal contempt—civil contempt decided by the judge and criminal contempt by a jury.

I have three typical situations. The first case is that of Thornton versus Martin, decided in the middle district of Georgia, Civil 520, on November 23, 1955—certainly not a case which is hoary with age. Incidentally, it seems to me that date ought to again bring us back to the fundamental point which we have been making in this debate. What we have been doing up to now is chasing the individual instances of injustice and deprivation of voting rights, instead of attacking the problem with a broad statute vesting authority where it can be utilized in a general way in order to produce justice. I believe that those who are opposed to the bill essentially want us to chase every will-o'-the-wisp. There are many cases, but they do not result in bringing about measurable progress toward the attainment of broad civil and full voting rights, which is absolutely needed in this instance.

In Thornton versus Martin the plaintiffs, Negroes, brought a class action against the officials of Randolph County, Ga., alleging that their names had been illegally removed from the list of qualified voters on account of their race. The court held that the removal was based upon racial discrimination, and granted an injunction requiring reinstatement and prohibiting certain practices. The findings of fact and the conclusions of law were as I shall outline. I should like to read from the book, so that we may see the kind of evils we are trying to prevent.

What were the findings of fact in the middle district of Georgia, at the end of 1955—not a long time ago; this is not an ancient case—in respect to the denial of voting opportunities to Negroes?

FINDINGS OF FACT

I find the facts to be as follows:

1. All of the 22 named plaintiffs are Negro citizens of Randolph County, Ga., and all of them except Eugene Carter, Jr., Arie Thornton, and Lillie Mae Nichols were qualified voters in the Democratic primary and general election in 1952, their names appearing on the qualified voters' list in Randolph County for said year.

2. At the primary election held on September 8, 1954, the electors nominated candidates for the offices of United States Representative and United States Senator.

3. On or about July 15, 1954, Registrars C. C. Martin and R. S. Banks agreed and conspired to cause to be issued to approximately 525 Negro citizens of Randolph County, Ga., a notice requiring them to be and appear at the courthouse in Cuthbert, Ga., on July 21, 1954, at 9 o'clock a. m. to show cause why their names should not be stricken from the list of voters, said notice reading as follows:

"You are hereby notified that cause has been shown to the county registrars of Randolph County, Ga., to question your qualifications as a voter.

"You are hereby notified to be and appear at the courthouse in Cuthbert on July 21, 1954, at 9 a. m., and from day to day thereafter, to show cause why your name should not be stricken from the list of voters.

"BOARD OF REGISTRARS,
"R. S. BANKS, *Chairman.*"

Nearly all of the approximately 525 to whom said notices were sent were persons whose names appeared on the voters' list in 1952. A relatively small number of them were persons whose names did not appear on said list, but who had applied for registration subsequent to the promulgation of said list.

4. No cause had been shown to the county registrars to question the qualifications of said addressees.

5. The sending of said notices to said Negro citizens constituted an unlawful discrimination against them because of their race and color. Whereas approximately 525 notices were sent to Negro citizens, not over 30 were sent to white citizens. The 1952 voters' list contained approximately 700 or 800 Negro and approximately 3,600 white voters.

So this notice went to almost all the Negro voters:

6. Of the approximately 525 Negroes notified to appear, approximately 225 appeared, approximately 300 failing to appear. All of the 22 plaintiffs above listed appeared, except LeRoy Lightner and Johnnie Muse.

7. The same type of test or examination was applied by the registrars to all of the Negroes who appeared in response to said notices; namely, the two registrars who conducted said examination, C. C. Martin and R. S. Banks, requested each person so appearing to read and explain a section of the Constitution of the United States, that is to say, first, to read and then, to interpret it. After the reading, or interpretation, or whatever performance the person gave in response to such request, the two registrars would then excuse the examinee, advising him or her that he or she would receive a card.

8. Of the approximately 225 who appeared and were examined, 175 failed and, on or about August 3, 1954, each of the 175 received the following card:

"Upon the basis of your examination before the board of voting registrars for Randolph County, Ga., you were found to be unqualified as a voter.

"You are not qualified to cast a ballot in the forthcoming elections.

"(Signed) THE COUNTY VOTING REGISTRARS.

"By: C. C. Martin, R. S. Banks, J. W. Lay."

9. Of the 175 Negro citizens who appeared and failed to pass the examination, 134 of them were listed on the 1952 voters list and the names of those who were so listed are listed on exhibit A, attached hereto and made a part hereof.

Of the 175 who appeared and failed, 134 were listed on the 1942 voters' list:

10. Registrar J. W. Lay did not participate in any of the examinations, he having testified that he left the conduct of the office during this period very largely to C. C. Martin and R. S. Banks; that while he did not know in detail what they were doing he had authorized them to do whatever they thought best and that he would stand back of them, and also that he was not running out on them at the time of the trial.

11. Of the maximum of 30 white citizens notified to appear, only 5 or 6 appeared and of that number only 1 was rejected by reason of the examination.

12. At about the same time that these notices were issued, the registrars were in the process of purging their list by removing therefrom the names of persons who were deceased, or who had removed from the county, or who were insane, or who had been convicted of a felony or a crime involving moral turpitude. There was no connection, however, between this legal method of purging and the sending out of notices requiring addresses to come in and be examined.

There was no connection between this legal method of purging and the sending out of notices requiring the addressees to come in and be examined:

13. Subjecting said Negro citizens to the above mentioned type of examination constituted a legal discrimination against them on account of their race and color and was an unauthorized and illegal procedure in that, as will appear in the conclusions of law following, the registration laws of Georgia did not authorize such type of examination.

Then follow other findings of roughly similar character. What happened as a result of this particular proceeding before the court? The court issued an injunction. The court specifically found that it was necessary for plaintiffs to

pursue their appeal in the State courts before applying for Federal relief.

The decree prohibited the registrars generally from discriminating, and specifically required the names of 134 Negroes to be reinstated within 10 days from the date of the decree, with the provision that the reinstated voters should not be again removed without strict compliance with the State law or if there were any discriminations because of race or color.

I invite special attention to that later direction in the decree. The decree provided that the reinstated voters should not be again removed without strict compliance with the State law or if there were any discrimination because of race or color. I respectfully point out that there is no way in the world by which that decree could be enforced by a civil contempt proceeding, because there is no way in which such a person could be kept in jail until he did the act which he was directed to do, because the act was an act to be done in the future, and the only way to reach that person, if he violated the decree in that respect, was by a criminal contempt proceeding.

To continue, the decree directed the registrars to grant ample opportunity to Negro citizens to make application for registration by supplying them with cards at the tax collector's office.

Again, there was no way possible in which civil contempt procedures could be enforced in order to carry out that provision of the decree, because it operated in the future.

The decree provided that no Negro should be disqualified who could pass any one of the three tests provided by the laws of Georgia and specifically prohibited holding a Negro ineligible if any one of the tests was passed.

Again, there was no way of enforcing the decree except by criminal contempt, because it operated in the future.

The next provision of the decree, it seems to me, is especially pertinent to our consideration of this amendment. The court directed that the qualification hearings with respect to Negro citizens must be held in public. Again, there is no conceivable way of enforcing such a decree if the defendants are incarcerated for a hundred years, because this act had to be done with respect to any future applications for registration. The only way to punish such defendants would be by criminal contempt proceedings.

The decree required the registrars to meet during voting hours to consider qualifications of those whose names were omitted through inadvertence or mistake.

It clearly appears, it seems to me, that practically everyone of these provisions of an actual decree—and we are not imagining things now; we are dealing with an actual decree of the court—would have required a proceeding for criminal contempt. Hence, except for that provision of the decree which related to the registration of 134 who had to be registered, as to every other provision of the decree the court could have been completely frustrated if, in a contempt proceeding, the defendants had said, "You can hold us in criminal contempt with respect to the 134 we have already dealt with, but you cannot do anything to us in civil contempt. You must impanel a jury and have a completely separate proceeding, so far as the court is concerned, if you want to hold us to the other terms of the decree."

I respectfully submit that any court in that situation would not punish for contempt, either civil or criminal, but would impanel a jury, and feel that it was out of the case, and that the question was entirely left to the jury.

Now let us take another example.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. May I have an additional 5 minutes?

Mr. CASE of South Dakota. I yield 5 minutes to the junior Senator from New York.

Mr. JAVITS. I thank the Senator. I shall do my utmost to bring the matter to a conclusion. I have argued this whole situation many times. My second illustration is the case of *Byrd* v. *Brice* (104 F. Supp. 442, affirmed 201 F. 2d 644). It was decided in 1952 and involved the parish of Bossier, La. The 1950 census of the parish indicated approximately 26,000 whites and 14,000 colored. The court found there were 9,000 registered voters but not one was a Negro. It found a violation of the constitutional right in 2 ways. The registrar made registration favorable and easy for white applicants without according even remotely similar treatment to Negroes. The second discrimination involved section 37, title 18, of the Louisiana Revised Statutes, providing that the registering applicant must establish his identity. The section also provides that if the registrar has good reason to believe he is not the same person—he claims to be—he may require the applicant to produce two creditable registered voters of his precinct to make oath to that effect. This quoted provision was always applied to Negroes, with the result that for 31 years the registrar of Bossier had failed to be able to establish the identity of one single Negro, whereas she had no difficulty in 9 out of 10 times establishing the identity of white persons. The court stated that the registrar could easily identify thousands of white applicants without the requirement for the two witnesses but "we are yet to find one colored applicant who has been able to make proof of his identity. The unwavering, immediate, and persistent requirement has been that the colored applicant had to get two credible registered voters of his precinct to appear and make oath, and so forth. The record fails to disclose—and that includes the testimony of all parties—of a single instance of a colored applicant ever getting even a blank in his hands to fill out as is the custom."

Hence, how could the provisions of a decree in a situation of that character be enforced except by criminal contempt? Here again the decision resided in the discretion and judgment of the registrar.

I stated most vigorously last night during the debate that no Federal court injunction can do anything but apply State law. Hence, if the State law leaves the matter to the discretion of the registrar, the only thing the injunction can do is require the registrar to exercise his discretion without discrimination. That, I respectfully submit, cannot be compelled by civil conempt. Only criminal contempt can be effective.

Finally, Mr. President, I refer to the case of *Brown* v. *Baskin* (78 F. Supp 933, affirmed 174 F. 2d 391, district court, eastern district of South Carolina, 1948). The case involved injunctive relief where Negroes were prohibited from voting in the Democratic primary in South Carolina. A summary of the facts is very well set forth by Chief Judge Parker on appeal in which he states "this appeal presents another chapter in the effort to exclude Negro citizens from any effective participation in elections in South Carolina, where the vote in the Democratic primary controls, to all practical intents and purposes, the choice in general elections. Prior to the decision in *Smith* v. *Allwright* (321 U. S. 649,, 64 S. Ct. 757, 88 L. Ed. 987, 151 A. L. R. 1110), Negroes were excluded from voting in the Democratic primary in South Carolina, which was conducted pursuant to State law. Following the decision in that case, which upheld the right of Negroes to vote in primary elections, the Governor of South Carolina convened the legislature in special session and recommended that all primary laws of the State be repealed, with the avowed purpose of "preventing Negroes from participating in the Democratic primaries. Pursuant to this recommendation the primary laws were repealed and the Democratic primaries were conducted thereafter under rules prescribed by the Democratic Party of South Carolina, but in the same manner and in such way as to produce the same results as when conducted under State law, which had been stricken down by the Supreme Court.

It seems to me—dealing now with specific terms of injunctions in specific cases—any registrar can frustrate and can play off the civil contempt process of a court against the criminal contempt process of a court, and make a fool of the court, and thereby pervert the effort which we are trying to carry through.

I refer my colleagues to pages 12903 and 12904 of the CONGRESSIONAL RECORD of July 29 when I introduced the specific terms of the decrees which apply State law and require registrars to apply State law, to show that any court, by the exercise of the civil contempt remedy cannot possibly get such decrees enforced.

If those who favor the bill really mean what they say, and want to have an operative and effective statute, they must vote against the amendment, or they will frustrate completely the remedies which, by supporting the bill, they affirm, as Senators and responsible legislators, they must have.

The PRESIDING OFFICER. The time of the Senator from New York has again expired.

Mr. MANSFIELD. Mr. President, I yield 15 minutes to the Senator from West Virginia.

Mr. REVERCOMB. Mr. President, I appreciate the consideration of the acting majority leader in yielding me time

to make a statement on the pending question.

It is well known that I have long favored, and still favor, the protection of every right of every citizen of this country, whereby he may live free as a citizen.

During the course of the consideration of the subject, I have voted to bring the bill before the Senate, so that the problems which confront us on this wide and often-discussed subject might be solved.

However, in protecting the rights of citizens, I cannot believe it to be wise that a fundamental right and a fundamental protection of the liberties of the people must be surrrendered.

We have now reached the point of deciding the question of whether a jury trial should be provided where there is a charge of criminal contempt for a violation of a decree or order of a court.

The point arises on the amendment proposed by the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Idaho [Mr. CHURCH]. I will discuss briefly and in a summary way the subject of jury trial to which the amendment is pointed.

In doing so we ought to go back to the origin and fundamental laws of the country.

The provision of the original Constitution, adopted September 17, 1787, and the early amendments known as the Bill of Rights, adopted December 30, 1791, 4 years later, both declare firmly and clearly the right of trial by jury in the cases there expressed.

After long study and extended debate the Constitution was brought forth as the basic law of this land. It is apparent that the thought closest to the hearts of those who wrote the Constitution and the highest objective which motivated them, with the same feelings of those who, on behalf of the States, adopted the Constitution and the Bill of Rights, were to protect the people of this country against tyranny in any form—be it tyranny that did good or did harm. They well knew through their lives and experience the oppression that tyranny could bring upon the subjects of government. They themselves had felt oppression.

That there should not be the chance of tyranny in any form was their adamant and unquestionable purpose. It should still be ours, we who are entrusted with making the laws today for the same country. They knew and we know that tyranny can arise when any official is vested with too much power over the life and liberty of citizens. And that is so whether such power can be exercised by the executive in government, the robed judge upon the bench, or even the legislators, if they could enact laws without constitutional restraint.

It is not a matter of distrust of any official or individual who may occupy any office. It is a situation where there must be no doubt, where the protection is clear and strong and expressed. The point was so well made by Thomas Jefferson when he said:

> In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

Mr. President, let us have an end to this talk about piety and the goodness of those in government. Let us assure and secure the liberty of the people with laws that will tie the official to good laws and prevent tyranny.

Turning to basic provisions on the subject of jury trial, let us see what the Constitution says. Let us go to the fundamental source of government in this country. Article III, section 2, of the Constitution provides as follows:

> The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crime shall have been committed.

Not content with that provision on the subject, the great importance given to trial by jury was reemphasized and reimpressed in the sixth amendment, which is article VI of the Bill of Rights, as follows:

> Article VI: In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State or district wherein the crime shall have been committed.

There can be no question that, throughout the life of our Nation, trial by jury has been a bulwark of protection of the life and liberty of the citizen. When wrongdoing or violation of law is charged against him, no single person, however greatly clothed with authority or emminence, can take from him his freedom under law until his guilt has been ascertained by a jury of his peers, a jury composed of his fellow citizens.

There is an exception to the general right of trial by jury on disputed facts, and that is in the case of the power—which has been recognized as an inherent power of all courts—of a court to protect the court and the person of the judge against contempetuous acts directed against him or which would interfere with the court's proceedings.

There has been another exception to the right of trial by jury, variously limited by different statutes in different States, which has given to the chancery courts in the matter of injunctions the right to imprison for what is defined contempt for not obeying a decree or order enjoining a person from doing an act or requiring that he perform an act. I refer to the power of a judge to place a person in custody, to take his liberty from him.

Generally, a distinction is made between cases in which the chancellor enjoins that an act be done and places a person in jail until he performs the act. This we know as civil contempt. And in cases where there is the power vested in the chancellor to punish for failure to do what the court has ordered, by sentencing the person to a fixed term in jail, just as upon a conviction by a jury, after which a sentence is given, but without the verdict of a jury. This is known as criminal contempt.

For example, the trial in Clinton, Tenn., was an example of it. There a jury was used, because it was a criminal contempt case. I believe that is the most used rule throughout the country; and that is all that the pending amendment provides—that in criminal-contempt cases, a jury be impaneled.

However, the power of the courts on contempt, both civil and criminal, are different in the different States and jurisdictions. I believe that in most jurisdictions the power is generally recognized, in civil contempt cases, for the court to place a person in custody or in jail until he obeys the court's order. But in criminal contempt cases, where a fixed term of incarceration for an act is decreed by the court, the judge cannot summarily sentence a man to a term in jail. He must be found guilty by the verdict of a jury. There are other variances from this rule.

I believe it well here to point out the statutory provisions in my own State of West Virginia, it will illustrate the different methods of dealing with contempt in different jurisdictions. In West Virginia the distinction between criminal contempt and civil contempt, so far as the power of the judge is concerned, does not exist under the statutes dealing with this subject. However, the judge cannot summarily imprison anyone for longer than 10 days or impose a fine of more than $50 in certain cases, except upon conviction by a jury. The statute dealing with this subject in West Virginia is an old one, dating back as early as 1847, and amended no more recently than 1923. I believe it would be well at this point, in revealing my views on the subject of jury trial, for me to read that statute. It is as follows:

> Section 6024. (26) Contempt of court; what constitutes contempt; jury trial; presence of defendant: The courts and the judges thereof may issue attachment for contempt and punish them summarily only in the following cases: (a) Misbehavior in the presence of the court, or so near thereto as to obstruct or interrupt the administration of justice; (b) violence or threats of violence to a judge or officer of the court, or to a juror, witness, or party going to, attending, or returning from the court, for or in respect of any act or proceeding had, or to be had, in such court; (c) misbehavior of an officer of the court, in his official character; (d) disobedience to or resistance of any officer of the court, juror, witness, or other person, to any lawful process, judgment, decree, or order of the said court. No court shall, without a jury, for any such contempt as is mentioned in subdivision (a) of this section, impose a fine exceeding $50, or imprison more than 10 days. But in any such case the court may impanel a jury (without an indictment or any formal pleading) to ascertain the fine or imprisonment proper to be inflicted, and may give judgment according to the verdict. No court shall impose a fine for contempt, unless the defendant be present in court, or shall have been served with a rule of the court to show cause, on some certain day, and shall have failed to appear and show cause. (Code 1849, C. 194, secs. 24–26; code 1860, C. 194, secs. 24–26; code 1868, C. 147, secs. 27–29; code 1923, C. 147, secs. 27–29.)

Mr. President, the very content of that statute shows the respect in which trial by jury has so long been held among the people of my State, and the limitations it places upon a court in that State, if the court would exercise the great power of taking away a person's liberty for certain offenses of contempt.

This statute has been held to abolish distinctions in all classifications of contempt. Likewise it has been held that a proceeding for contempt is in the nature of a criminal trial and that the accused

must be proven guilty beyond all reasonable doubt.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. O'MAHONEY. Mr. President, I yield additional time to the Senator from West Virginia.

Mr. REVERCOMB. May I have 10 minutes?

Mr. O'MAHONEY. I yield 10 additional minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is yielded 10 additional minutes.

Mr. REVERCOMB. I must say that there is definitely an anomalous conclusion and a conflict of reasoning when the court holds it to be a criminal procedure based upon crime and then denies a trial by jury, even though it limits imprisonment in some instances to 10 days on the summary action of the judge. But be that as it may, this illustrates that throughout the country, procedures upon contempt, civil or criminal, are different in different jurisdictions. In my State, for example, the statute wipes out distinctions as to the power of the judge to act. We must, therefore, consider some course upon the subject with respect to procedures for contempt under the bill that we are here dealing with.

I have taken the position on this pending legislation consonant with my own beliefs, that the rights of every citizen, whoever he may be, and wherever he may be, must be protected by lawful processes.

The right to trial by jury, wherever the life or the liberty of a citizen is involved, is to my mind a basic right as great as any granted under the Constitution and laws of this land. No right that may be given, even the right to vote, is greater than the right of the protection of the lives and liberties of our people under the jury system of this country.

For many years there have been theorists in law who would do away with a trial by jury or who would limit its application. I believe on several occasions this subject has been before the American Bar Association. It has been debated and discussed, and some of the most eminent men in the country, and particularly theorists, teachers of law, have asked that jury trials be done away with.

I cannot subscribe to that view, Mr. President. I hold too dear the right of the individual, whoever he may be, to have the ajudication of a jury of his fellow citizens, selected with fairness, to pass upon his guilt or innocence. I would not give it up in protecting any other right that may exist in the land.

I believe that those who seek to have this Congress abandon this great fortress of human protection would be the first to cry out if charged with wrongdoing, and their guilt or innocence was to be determined by some one man sitting in authority over them. In their zeal to assure to some citizens the right to vote—and I firmly join them in that purpose—they would seem to overlook and abandon another fundamental right, fundamental to the protection of man's freedom under law.

The recent declaration about which we read in the newspapers, signed by law teachers, for most of whom I have a great respect, and by some lawyers, speaking against the preservation of the jury system, and objecting to the requirement for it in this bill, did not surprise me, because these theorists in law are prone to venture too often beyond even the highest ultimate purpose of law in this land—to preserve the liberty of the citizen.

Juries are not always satisfying to the practicing lawyer. To this I can well attest. We sometimes lose our causes, believing firmly that they should not have been lost. Juries have been known to convict the innocent, and at times have been known to free the guilty; but surely it is the best system that man has yet devised for the preservation of his freedom and the adjudication of his guilt or innocence when a charge of crime has been made against him.

At the present time there exist statutes which make it a crime to interfere with the votes of citizens, and anyone who does so is subject to indictment and trial for his crime. A jury trial is required in such cases.

Now, in furtherence of a proper effort to rightfully protect the citizens' privilege of voting, it is sought to bring in the use of an injunction under equity proceedings. Under this procedure, unless it is expressly stated that a trial by jury shall be required on citations of contempt for violations of the chancellor's injunctions, we know that punishment for contempt, both civil and criminal, will be by summary proceedings in a court, and that a jury will not be used. That situation is clear. Certainly that belief would exist after this long discussion on the floor of the Senate, if the record of this discussion were resorted to by the court. Therefore I cannot follow the line of reasoning, advanced here on the floor of the Senate, that nothing is being taken away from the citizens of the country by leaving out trial by jury. Surely, if under the present law a jury is required on an indictment for wrongdoing, and we seek to add another law for invokement of a method of procedure that does not require a jury, the right of trial by jury with respect to interference with the voting rights of another has been taken from the accused.

Senators may be sure that, after this extensive debate, unless the right of trial by jury is written into this bill, if it should be passed, a jury trial will not be used in proceedings instituted under this new section and new addition to the bill. This is the issue. And the decision here will be guiding to the courts—made crystal clear by our decision upon this point.

For my own part, I would require the use of a jury wherever there is any disputed state of facts, even in a contempt case, be the contempt classified either as criminal or civil. The one exception to this rule would be those cases of contempt directed against the court or the person of the judge, where there was an attempt to interfere with the courtroom procedure, or an offense against the judge who occupied the bench of the court. It would reach out to those who charged the court with wrongdoing unjustly.

I would go further in providing the use of a jury than the pending amendment requires. In fact, I would rather support, if I may say to the Senator from Wyoming, the first amendment which he offered, which would have required the use of a jury where facts are disputed; but I know that further amendments at this stage would only carry us into more involved discussion and greater division.

Believing that it is fundamental to the security of the liberty of every citizen, I shall cast my vote to require the use of a jury as provided in the amendment before the Senate; and I hope that, so long as I live, I shall stand firmly, unmoved, to protect the jury system in this country, in whatever court a case may arise, where the liberty or the life of a citizen is affected.

During the delivery of Mr. REVERCOMB's speech,

Mr. REVERCOMB. Mr. President, does the Senator from Massachusetts desire me to yield to him at this point?

Mr. KENNEDY. Mr. President, will the Senator from West Virginia yield to me now, with the understanding that he will not lose the floor by so doing?

Mr. REVERCOMB. Mr. President, I ask unanimous consent that I may yield to the Senator from Massachusetts at this point with the understanding that I do not lose my right to the floor.

Mr. KENNEDY. I ask unanimous consent also that my remarks may follow the remarks of the Senator from West Virginia.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I yield an additional 5 minutes to the Senator from West Virginia.

Mr. KENNEDY. Mr. President, I rise to speak briefly on the pending issue before the Senate: Whether in cases where there has been a violation or a deprivation of voting rights and where criminal contempt is involved, a jury trial should be required.

My position on the issue of preserving and strengthening the rights of all citizens is a matter of public record. Since I have been in Congress I have unceasingly supported legislation extending and enlarging civil rights. I have repeatedly made efforts to amend rule XXII to provide for a reasonable limitation on debate—a position, I regret to say, which has not been shared in the past by many of my colleagues across the aisle.

There is, I dare say, no Member of this body who seriously contests the right of every citizen to express himself on public issues through the exercise of the franchise. The critical question for us now is how best to protect this inviolable right without sacrificing the rights of other citizens to full and equitable treatment by public authorities who take the initiative in supporting voting rights. One group in this debate suggests that by interposing a jury trial efforts to protect voting rights will be effectively nullified, while the other side maintains that

without a jury trial serious injury to other citizens may follow.

My position on the measure, taken as a whole, is abundantly clear but I believe that in dealing with the specific question under consideration here we must be careful not to distort its intrinsic importance and forget our central purpose in enacting this legislation.

Although I did not agree with the unusual procedure of placing the bill before the Senate without prior consideration by committee because of the dangerous precedent this set, I did indicate firmly my commitment to an early discharge from the Judiciary Committee. I shared the view of those who voted to place the bill directly on the calendar that the bill must be considered before the adjournment of this session of Congress. I voted to call the bill from the calendar and resisted efforts to return the bill to committee. My vote was cast against the deletion of title III, which provided additional and substantial guaranties of existing civil rights. I am still concerned by the efforts of some States to prevent victims of intolerance from seeking representation by private agencies and public authority. Such forms of interposition might effectively have been barred under title III.

In short, I favor the proposed legislation because it represents a major and long-overdue step forward in assuring all of our citizens equal rights under the Constitution. I only regret that a majority of my colleagues did not share my view that the retention of the major elements of title III was desirable.

Nevertheless, we have before us a good bill and a strong bill, for which no friend of civil rights need apologize. There remains but one element of this bill which properly detains us by its discussion. If this issue is resolved reasonably, I am confident that we shall have an effective measure in which we can all conscientiously join. I refer, of course, to the jury-trial question.

I speak not as a lawyer, but as one interested in seeing to it that there is adequate protection for the voting rights of all citizens. I have followed in detail and with consuming interest the arguments of my colleagues in this body who are trained in the law. Moreover, I have consulted privately with a number of lawyers for whose competence I have the greatest respect, including several who have been notably identified with the fight for the extension of civil liberties. Each of them has given close study to this legislation and pending amendments. All of my studies and inquiries lead me to the conclusion that there is not a serious legal or constitutional problem raised by requiring a jury trial in criminal contempt cases. And I believe, too, there can be no doubt in the minds of anyone, North or South, that this country is determined that every qualified voter shall be enfranchised. What we must decide here is whether or not the requirement of a jury trial in criminal contempt cases poses a real obstacle to the guarantee of voting privileges, particularly in the South. I do not believe it does.

I have concluded, Mr. President, that the pending amendment, strengthened as it has been by the change suggested by the very able and distinguished Senator from Idaho [Mr. CHURCH] not only provides adequate means to protect voting rights of citizens but will yield considerable collateral benefits.

My reasons for holding this view can be briefly stated:

First, I am confident that the major protection afforded by this bill to citizens who desire to exercise the franchise will be accorded them by the civil contempt power of Federal judges. The major deprivations of voting rights have occurred in those cases where registrars and other public officials have refused to perform positive acts such as registering Negro voters. In these cases the civil remedy, I believe, is adequate, for few public officials will risk the penalties involved in flagrant violation of a court order. It is true that there are other situations, such as the intimidation of registered voters, which present a bar to the free exercise of the franchise. While these in general are not as appropriate for civil contempt proceedings as an order to perform an affirmative act, they nevertheless can be dealt with under the civil contempt power of the courts.

Second, even where it is necessary to resort to criminal contempt proceedings, I am confident that southern juries, presented with convincing evidence of restriction and ever mindful of the watching eyes of the Nation—and indeed the world—will convict those who dare to interfere with orderly legal processes.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I may speak for 3 more minutes.

Mr. O'MAHONEY. Mr. President, with the consent of the Senator from West Virginia, 3 more minutes will be allotted to the Senator from Massachusetts.

Mr. KENNEDY. I do not count myself among those who are cynical about the capacity of citizens in any section of the country to rise to the challenge of one of the highest responsibilities of free men—the preservation of law and a just social order.

If I wish to avoid cynicism, so also do I want to avoid the attitude of easy optimism. In this connection, I refer again to the most important action we have taken in adopting the amendment offered by the distinguished Senator from Idaho. The adoption of this amendment holds for me a double significance: not only does it insure that trials will be conducted before juries composed of talesmen selected from all citizens in the judicial district, but it enlarges the civil rights of citizens who may have heretofore been excluded from jury service under State laws.

Third, in passing this amendment we shall not have taken an irrevocable step. Our southern colleagues and many authorities in the North have expressed concern about the dangers inherent in the indiscriminate use of the criminal contempt power. We have accepted their arguments in good faith and acknowledged their expressed desire to approach our common problems reasonably and within the framework of the law. Reciprocally, we have every reason to expect that the provision of jury trials will not be used as a device to hamstring legitimate efforts to secure the voting rights of citizens. If, however, this confidence is misplaced, the option always remains for Congress in the future to reverse its action if time shows that the jury trial in criminal contempt cases is being abused. Rather, the weight of history and tradition falls in favor of a citizen having a trial by jury when he faces prison as a result of a crime. Though I do not anticipate the need to reverse the provisions of this amendment, if adopted, and though many of my northern colleagues and I freely extend our friendship and understanding with the acknowledgement that all is not perfect in many sections of the country, we do ask in return the good faith, acceptance, and implementation of the fundamental principle upon which the Nation rests—freedom and equality of all citizens before the law.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. KENNEDY. Mr. President, I ask for 2 more minutes; and that will be all.

Mr. O'MAHONEY. Mr. President, 2 more minutes will be allotted to the Senator from Massachusetts.

Mr. KENNEDY. After observing the course of debate during the past days, I am persuaded that if the O'Mahoney amendment is not accepted, the passage of the bill will be delayed for weeks and possibly indefinitely. Is this rigid insistence on a matter of procedural importance a good risk when weighed against the further exacerbation of feeling in the South and further contamination of the environment in which the rights must be enforced? I consider it a mistake to insist dogmatically on the purity of the original act at peril to its large objectives. If there were real question that, by taking this action, we were betraying fundamental principles of law or significantly cnfeebling the strength of this legislation, then I could not accept the O'Mahoney amendment. However, this fear is not confirmed by outstanding liberal attorneys whom I have consulted.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a memorandum which is the result of a telephone conversation with Prof. Mark De Wolfe Howe, professor of law, Harvard Law School. That conversation was held last night. He urged support of the O'Mahoney amendment, and he is one of the outstanding constitutional lawyers and foremost advocates of civil liberty in the Nation.

I also ask unanimous consent to have printed at this point in the RECORD an excerpt from a letter from Prof. Paul A. Freund of Harvard Law School, a noted liberal and student of constitutional law. In the letter he states that inclusion of the O'Mahoney amendment will not result in a lessening of the principle involved, but, rather, that inclusion of the O'Mahoney amendment can well make the results of the bill much more satisfactory.

There being no objection, the memorandum and the excerpt from the letter were ordered to be printed in the RECORD, as follows:

ABSTRACT OF TELEPHONE CONVERSATION WITH PROF. MARK DEW. HOWE, PROFESSOR OF LAW, HARVARD LAW SCHOOL, JULY 31, 1957

On the jury trial issue, I feel you should support the O'Mahoney amendment. The intrinsic legal argument on this matter does not cut too deeply; the issue has aroused more legal fuss than it deserves, and is certainly not a question which permits of too much dogmatic stubborness. I do think there is some merit in the jury trial position. From the standpoint of enforcement and getting acceptance in the South, a good deal is gained by the amendment. Certainly the O'Mahoney amendment constitutes no betrayal of principle or of fundamental justice.

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EXCERPT FROM LETTER TO SENATOR JOHN F. KENNEDY FROM PROF. PAUL A. FREUND, HARVARD LAW SCHOOL, JULY 26, 1957

The upshot is that there would be some sacrifice of effectiveness in limiting the power of the judge alone to cases of civil contempt. Against this loss must be weighed the value of a more receptive sentiment on the part of the original opponents of the bill, a sentiment which presumably would filter down to the press and populace of the South. In the long run that state of mind may be more important than the partial sacrifice of legal procedures involved in the compromise. This is a matter of judgment on which your own wisdom will yield a better answer than any I might venture. I can only say that to accept the jury trial for criminal contempt would not in my view constitute a betrayal of principle.

Mr. KENNEDY. Mr. President, I have also received the opinion of a former dean of the Harvard Law School supporting the merit and validity of the O'Mahoney amendment.

Finally, Mr. President, this debate, in the main, has been far more than an argument over legalities. It represents, in my opinion, a turning point in American social and political thought. It represents a confrontation of problems which have plagued us too long. It represents an almost universal acknowledgment that we cannot continue to command the respect of peoples everywhere, not to mention our own self-respect, while we ignore the fact that many of our citizens do not possess basic constitutional rights. However late, we have at last come to the point of a great decision. It is this fact which overshadows our deliberations. To this overarching achievement, history will bear witness.

Mr. President, I desire to thank the Senator from West Virginia for his very great generosity in yielding.

Mr. REVERCOMB. Mr. President, I have been very glad to yield to the Senator from Massachusetts; it has been a privilege to do so.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from Wyoming for himself, the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Idaho [Mr. CHURCH].

Mr. KNOWLAND. Mr. President, I yield 20 minutes to the distinguished Senator from Utah [Mr. WATKINS].

The PRESIDING OFFICER. The Senator from Utah is recognized for 20 minutes.

Mr. WATKINS. Mr. President, I think it will be conceded by most everyone that the right to vote is one of the most important of all of our constitutional rights. Indeed, as the Attorney General has said in his testimony before the House Judiciary Committee, the right to vote is the very lifeblood of our Constitutional Republic. Those who prevent qualified persons from exercising this right do more than injure the voter, they strike at the very operation of the Government itself. It is the protection of this vital constitutional right with which we are concerned in this bill.

Congress has passed statutes authorizing private individuals who allege deprivation of their federally protected voting rights to sue in the Federal courts seeking damages or preventive relief—title 42, United States Code, sections 1971, 1972, 1981–1986. Congress has also passed statutes making it a Federal crime to intimidate or coerce voters in an election for Federal officials—title 18, United States Code, section 594—and to deprive any person of rights, privileges, or immunities secured or protected by the Constitution and laws of the United States—title 18, United States Code, sections 241, 242.

Part IV of the civil-rights bill is designed to accomplish a simple purpose: to authorize the Attorney General to institute civil actions for preventive relief in voting cases. The bill does not extend the jurisdiction of the Federal courts or the reach of the Federal law. It does not authorize Federal interference in any matter not now reachable under Federal law.

It merely authorizes the Federal Government to utilize civil actions for preventive relief in situations where the Government might institute criminal prosecutions and where private individuals now may invoke the jurisdiction of the Federal courts to grant preventive relief. The truth is as simple as this: the sole purpose of part IV of the bill is and has been from the beginning simply to authorize the Attorney General to invoke a civil remedy for preventive relief as an additional method of enforcing, on behalf of the public, compliance with the Constitution and laws of the United States—to authorize the Attorney General to utilize a type of court proceeding which has been available to private plaintiffs for nearly a hundred years.

From time to time private individuals who have been deprived of the right to vote have, when able to secure the assistance of counsel, petitioned the Federal courts for injunctive relief. A good example of how colored citizens through private counsel have invoked the power of the Federal court after having their names purged by registrars of Randolph County, Ga., may be found in the case of *Charles W. Thornton et al.* v. *C. C. Martin et al.* (Civil Case No. 520), in the United States District Court for the Middle District of Georgia—case decided September 20, 1955.

In his case the board of registrars purged the voting lists of some 525 Negro citizens who had previously been permitted to vote by the device of notifying them to appear to take an examination by the registrar in which each person was required to read and explain a section of the Constitution of the United States; that is to say, read it and then interpret it to the satisfaction of the registrar. Of the 525 Negroes notified to appear, only 225 did appear and were examined. Of these 225, 175 failed to pass the examination and they were notified that they were not qualified to cast a ballot. Likewise, all those who did not appear and take the examination were stricken from the voting roles. Similarly some white citizens, 30 in number, were also notified to appear and take the test. Of those who appeared only one failed to pass the examination.

This crude attempt to purge colored voters from the registration lists resulted in a suit heard by Federal Judge Bootle, who found that the names had been removed from the lists of electors solely on the basis of race and enjoined the registrars from removing those names and ordered their restoration.

Here Negroes were able to obtain competent counsel and secure relief under existing law but many thousands of other colored citizens find themselves financially unable to secure adequate counsel to obtain relief in our courts. The relief here was obtained by private counsel, and fortunately these colored persons were able to find competent white counsel courageous enough to represent them in a Federal court in a matter of this kind.

In many other instances, however, private persons are not able to proceed in the Federal courts. They usually lack money. Competent counsel is not available. Community pressures may be such as to discourage a Negro from taking the step of going to court. Many obstacles exist and it is asking too much of any individual citizen that he hurdle them as a means of exercising his franchise. Instead Government should—and does in broad areas of the country—affirmatively encourage every qualified person to vote—not place obstacles in his path.

I might interpolate in my prepared statement to say that in my State of Utah we have, each election year, a regular crusade entered into by civic organizations of all kinds, chambers of commerce, and even churches, to encourage all who are eligible to vote.

It is an unfortunate fact that in many communities in our Nation every effort is made to discourage colored citizens from voting—even to the extent of redefining the boundaries of a city to exclude colored voters, as was recently done in Tuskegee, Ala. These actions are not purely local matters. The Federal Government has a vital interest in seeing that every qualified person has a full opportunity to vote for Federal officers. Under the 15th amendment to the Constitution the Federal Government has a duty to eliminate racial discrimination relating to voting, even in purely local elections.

Yet, under present law, the Federal Government is very limited in the action

it can take in the voting field. It may institute criminal prosecutions against local officials who take actions similar to that described above in Randolph County, Ga. But criminal prosecutions suffer from two major defects as a means of insuring voting rights. In the first place, as the Attorney General pointed out in his testimony before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, such prosecutions cannot be instituted until after the harm actually has been done. They cannot be used to test the legality of the action of the registrar and obtain an order which will permit the affected citizens to vote in the election next to come. In the second place, as the Attorney General also pointed out criminal prosecutions are unduly harsh. The local registrar may be a respected elderly citizen. Or he may be a polio victim with several children who is given the job as a partial means of support. What jury, North or South, is apt to convict such a person of a crime for carrying out a practice at least condoned and often affirmatively supported by community leaders?

This bill would authorize the Attorney General to institute a civil suit in such a situation on behalf of the United States. In such a suit it would often be possible to determine the legality of the conduct of the local official and obtain a court order in time to permit voting at the next election. In such a suit the registrar or any other local official, supported as he always would be by adequate local counsel, can secure a determination as to the legality of his conduct without the stigma of a criminal trial. Once this has been done, he can be expected in most instances to comply with the court order and the matter thus settled. Problems of punishment arise only when such an official willfully disobeys the court order. Then the court, through contempt proceedings, may take the necessary steps to insure compliance with the order.

The whole argument of jury trial with which we are now faced only becomes an issue in the situation where the person who has been enjoined is charged with willfully violating the order of the court. Historically, jury trials have not been utilized in contempt proceedings. They are almost unknown in the courts of the States, North and South. They were unknown in the Federal courts until the passage of the Clayton Act in 1914. That act extended jury trial in limited situations of contempt arising out of violations of court orders obtained in private litigation. It did not extend jury trial to violations of injunctions obtained in suits by the United States enforcing the public interest. In fact, Representative CLAYTON stated on the floor of the House that the bill was designed "to prevent one party litigant in a civil suit invoking this criminal process of the court to oppress his weaker neighbor. It does not intend to detract and does not detract one iota from the power, the majesty, and the dignity of the United States. The Government of the United States has under this bill every power, even when it becomes a law, to enforce its judgments and its demands that it has now. This bill is to prevent a man or, say, a corporation, rich and powerful, getting out a blanket injunction at midnight, broad as the canopy of heaven in its terms, and then oppressing the poor, humble laborer."

A jury trial provision for contempt of injunctions in labor-dispute cases was also written into the Norris-La Guardia Act. But when the Wagner Act in 1935 and the Taft-Hartley Act in 1947 authorized the Federal Government to seek injunctions in certain labor cases the jury trial requirement was specifically waived for such cases—again recognizing the distinction between enforcing court orders obtained by the United States in the public interest and those obtained in private litigation.

So it is the proponents of the jury-trial amendment who are seeking to impose new procedures. Despite their claim that the supporters of this bill are seeking to circumvent the right to jury trial, the fact remains that requiring jury trial in contempt cases instituted to enforce court orders obtained in suits by the United States would be an innovation—and a dangerous one—in our Federal practice.

I cannot emphasize that too strongly. Time will not permit me to comment further on that subject, except to say that I have a strong belief that it would endanger the powers of the courts of the country. They are now under attack, and if we are to take away from them their inherent powers to enforce their own orders, we leave them in a position in which they cannot function as the framers of the Constitution intended they should function.

For over half a century the Federal Government has used suits for injunctions as well as criminal prosecutions for the purpose of enforcing numerous Federal statutes. Under existing law contempt proceedings—civil or criminal—for violation of such injunctions are tried to the court without juries. Many examples can be cited of situations in which this process has been used to enforce rights far less important than civil rights which are guaranteed by the Constitution of the United States.

For example, the Securities Act of 1933 poses numerous restrictions on the issuance of securities. Where there is a violation of this act the Attorney General may institute a criminal prosecution pursuant to title 15, United States Code, section 77x. The Securities and Exchange Commission may also bring a suit for an injunction under title 15, United States Code, section 77t, which reads in part:

> Whenever it shall appear to the Commission that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this subchapter, or of any rule or regulation prescribed under authority thereof, it may in its discretion, bring an action in any district court of the United States, United States court of any Territory, or the United States District Court for the District of Columbia to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond.

An actual example will show how Federal injunctions are used to enforce the Securities Act. In 1936 the Securities and Exchange Commission filed an action seeking to enjoin several individuals and a corporation from obtaining memberships, applications, and subscriptions in and from financing a scheme called Plenocracy in violation of the Securities Act. After extended hearings and a trial an injunction was issued and the defendants appealed. The issuance of the injunction was affirmed by the court of appeals (*Securities and Exchange Commission* v. *Universal Service Association* (106 F. 2d 323)), and certiorari was denied by the United States Supreme Court in volume 308, United States Statutes, page 622.

The defendants were unwilling to abide by the court's injunction even though it bore approval of the court of appeals and the United States Supreme Court. They defied the injunction and the court issued a criminal contempt proceeding against one of the individual defendants and the corporation alleging that they had continued to use the mails to solicit contributions for Plenocracy without complying with the Securities Act. A trial was had before the court without a jury. The evidence included, among other things, a letter from the individual defendant containing the following statement:

> What do I care about the injunction being sustained all along the line? There is nothing under the heavens that man can do to stop Plenocracy and you should be able to see it by now.

The individual and the corporation were adjudged in contempt. Again an appeal was taken and the court of appeals affirmed the conviction of the individual defendant, but reversed as to the corporation on the ground that there was not sufficient evidence to show that it had violated the decree. *Davis* v. *Securities and Exchange Commission* (109 F. 2d 6, cert. den. 309 U. S. 687).

This procedure has been in effect since 1933, or for 24 years. Yet there is no trial by jury here, nor apparently was there any demand for a jury trial until the introduction of this bill.

An example of the use of injunctions to enforce Federal law appears in the antitrust laws which have provided for such enforcement for over 67 years, or since 1890. When there is a violation of the antitrust laws the Attorney General can, and often does, bring a criminal prosecution under title 15, United States Code, sections 1, 2, 3, 8, and 13a. In addition, the Attorney General may also bring a civil suit to prevent any further violations of the act under another section of the same law—title 15, United States Code, sections 4, 9, and 25. Private persons who are enjoined by violations of the Antitrust Act may also sue for damages under the same statute—title 15, United States Code, section 26. The Supreme Court of the United States recently made clear the distinction between Government suits to enjoin violations of the Antitrust Act and private suits for the same purpose. In *United States* v. *Borden Company* (347 U. S. 514), the Court held:

> The private injunction action, like the treble-damage action under section 4 of the act, supplements Government enforcement

of the antitrust laws; but it is the Attorney General and the United States district attorneys who are primarily charged by Congress with the duty of protecting the public interest under these laws. The Government seeks its injunctive remedies on behalf of the general public; the private plaintiff, though his remedy is made available pursuant to public policy as determined by Congress, may be expected to exercise it only when his personal interest will be served. These private and public actions were designed to be cumulative, not mutually exclusive. (S. Rept. No. 698, 63d Cong., 2d sess. 42; cf. *Federal Trade Commission* v. *Cement Institute* (333 U. S. 683, 694–695 (1948).)

Thus for over 67 years the Department of Justice has used this injunctive process to enforce the antitrust laws and numerous persons have been restrained from illegal activity and some punished for contempt of court without juries because they violated injunctions issued by the courts. But only now that we propose to protect the right to vote are we faced with a new and sudden interest in extending the right of trial by jury beyond its constitutional basis, indeed, we are now asked to confer this privilege on persons who contemptuously defy the courts.

Why should special consideration be given to individuals who deprive others of their right to vote? Why should we be more solicitous about the privileges extended to persons who deprive others of their right to vote than we are with persons who violate our antitrust laws?

Similar enforcement procedures are authorized under the Fair Labor Standards Act. If an employer, subject to the act, fails to pay the prescribed minimum wages, or works the employee beyond the prescribed law without overtime pay the following things may happen to him: First, the Attorney General may bring a criminal prosecution under title 29, United States Code, section 216 (a); or, second, on the same facts the Secretary of Labor may bring an action to enjoin violators of the statute under title 29, United States Code, section 217. In addition; third, the individual employees involved may bring civil suits for damages under title 29, United States Code, section 216 (b).

As can be seen by examining the annotations to title 29 United States code annotated section 217, the Secretary of Labor has brought many suits to enjoin violators of the Fair Labor Standards Act, and the courts have held that in contempt proceedings in violation of such injunctions the defendants are not entitled to a jury trial. See *United States* v. *Grand Flower and Ornament Co.* (47 F. Supp. 256).

These illustrations under the Antitrust Act, the Securities Exchange Act, and the Fair Labor Standards Act, are only a few examples of what is common practice under many types of Federal laws, and under each of these three statutes persons who violate the court's injunction act in direct defiance of the court's orders and are not extended the privilege of a jury trial. If persons who are in contempt of court are not deserving of a jury trial under these statutes why then should we be more tender and solicitous toward one who after having had the benefit of a trial nevertheless continues in direct defiance of the court's order, why, I repeat, should we give such a man privileges not accorded the persons found in contempt of court in other fields of the law.

Mr. President, because I do not feel we should give special treatment or special privileges to persons who would deprive others of their right to vote, and in addition defy Federal courts ordering them to cease such illegal conduct, I cannot support the proposed amendment. Surely this is not the time nor is this the legislative vehicle with which to grant special favors to that type of misconduct, and for that reason I shall vote against extending the right to jury trials to persons who deprive others of their right to vote, and contemptuously defy Federal courts ordering them to stop.

The present statutes which define contempt and authorize jury trial in certain limited instances have stood the test of time and even though they do not authorize jury trials in all instances are nevertheless constitutional. This to me is sufficient.

The United States Supreme Court has made it clear that a defendant in a criminal contempt case is entitled to the same procedural protections (other than jury trial) which he would have in an ordinary prosecution. He is presumed to be innocent, his guilt must be proved beyond a reasonable doubt, and he cannot be compelled to testify against himself—*Gompers* v. *Bucks Stove & Range Co.* (221 U. S. 418, 444 (1911); *Michaelson* v. *United States* (266 U. S. 42, 66 (1924)). Except when the act constituting contempt takes place in the presence of the court, the defendant is entitled to notice of and a reasonable opportunity to meet the charges against him, including the right to counsel and the right to present his own witnesses and cross-examine others—*Cooke* v. *United States* (267 U. S. 517, 537 (1925); Fed. R. Crim. P. 42 (b)). In addition any abuse by the judge of his authority in contempt proceedings is subject to review on appeal and the courts of appeal and the Supreme Court have a long record of vigorous action to protect the rights of defendants in contempt proceedings.

It seems to me these procedures are more than enough to protect the rights of contemptuous defendants. To whittle away the power of the courts to enforce their own orders is a serious step to take, particularly in behalf of persons who do not believe that colored persons should be permitted to vote.

I submit there are many of those in Southern States, although I think the situation has been misrepresented in many of the States. Yet there are enough who hold the opposite view to justify a law to protect the rights of our colored citizens in that part of the United States.

I wish to be counted on the side of those who cherish the right to vote and against those who would weaken and impair the power of the courts to protect that right.

For these reasons I shall vote against any amendment which interposes a jury trial between the court and enforcement of its own orders to protect the constitutional right of American citizens to vote.

Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has about 1 minute left.

Mr. WATKINS. In that 1 minute I should like to say that, in saying what I have said, I am taking what I think is an objective view. I come from a State where we do not have any problems with respect to voting. According to the last census, there are only about 2,700 Negroes in the State of Utah. There are about 2,500 Indians. All of them can vote freely, and they do vote freely. For a time we had an interpretation by one of our attorneys general that even white people living on a Federal reservation were not actual residents of the State; but that situation was taken care of by our last legislature.

What I am saying tonight I am saying objectively, as I understand the Constitution and the right to vote, and the right of people to trial by jury. We are not taking away any of the rights the people have always had to trial by jury. That is still their right, even under the terms of the pending bill. We are saying that in courts of equity, in connection with equity proceedings, that right has never existed under the Constitution, and there have been only a few instances in which the Congress has extended it. It is a matter of policy for the Congress; and the Congress can fix that policy in protecting one of the most basic rights.

The people who are the source of all power should have the right to vote freely without interference by State officials or any other persons acting in concert or conspiracy.

Mr. O'MAHONEY. Mr. President, I yield 15 minutes to the Senator from Washington [Mr. MAGNUSON].

Mr. MAGNUSON. Mr. President, I do not know whether I can add much to the debate. However, because the bill before the Senate is of a highly controversial nature, involving a great number of legal problems and a good deal of legal history, and because I suspect there are some people in my section of the country who might not agree with my reason for voting for the pending amendment, I was constrained to do what I believe was extensive research on the whole problem involved in the amendment.

All of us lawyers, who have been trained in the law and have been steeped in many of its traditions, probably feel very keenly the right to express our views on the subject, because it comes so close to home.

I am not sure that the debate has not been too much cluttered up with lawyers. I am reminded of a sentiment expressed in Richard III, when some great difficulty was being experienced about achieving some of the things we are discussing today, and the butcher came forward and suggested, "Let us kill all the lawyers and start all over again."

I am not sure that that might not be helpful in this situation. However, we

are confronted with a very serious constitutional and legal problem.

Mr. President, the problem we are debating is not new. It has come to us through the centuries. It arose from time to time over the years because the rulers in some cases—and the courts in others—became impatient with the slowness of justice. Yet in every such instance it was found necessary to curb those whose impatience led or threatened to lead only to despotism, tyranny, and loss of liberty.

When my good friend from Utah suggests that he cherishes the right of people to vote, I am sure all of us in the Senate entertain the same sentiment.

Mr. President, as a practical matter, the amendment now pending before the Senate will in the long run do more to insure the right to vote throughout the United States than any other amendment we could add to the bill. Ten years from now, in retrospect, it will be evident to all of us that the amendment will have done a great deal to establish what we are trying to do by way of protecting the rights of the people.

It is my understanding that the injunctive type of relief obtainable in the early English courts was a mere offshoot of the Roman system prevailing during the time of the Caesars. And what did they use it for, Mr. President? They used it to prevent usurpation of royal prerogative in matters of government. They used it so that the ruling 10 percent could control the remaining 90 percent.

In any event, this juryless system came from the Romans, to the Franks and Germans, and eventually was carried to England. There, legal history tells us, it became so obnoxious that the people of England beheaded hundreds of judges before the remainder saw the light and developed respect for the law and the courts.

This system of law without jury was brought to the United States, and it was not too long—sometime in the early nineties—before it developed characteristics of its birth under the Caesars. This period in our judicial history was well described by Senator Shipstead in 1932 when he said:

> This system of law was gradually increased and extended until its ugly tentacles spread over the land, displacing government by law with government by equity, doing away with trial by jury, ignoring or setting aside legislative remedies and constitutional guaranties. The creature of a people's government became so powerful as to threaten the very life of its creator.

Those are strong words, Mr. President, but they are a true description of what had happened. On at least two occasions in the past, Congress has had to discuss and debate the misuse of the injunctive process—each time when the system was used to punish criminal acts without the protection of a jury, a protection the civilized world knows is essential to our way of life.

Senator Walsh, in 1914, said:

> There is not an argument that can be advanced or thought of in opposition to trial by jury in contempt cases that is not equally an argument against the jury system as we know it.

On February 23, 1932, in his opening statement on the Norris-La Guardia Act, Senator Norris said:

> The writ of injunction is always a harsh remedy. It is one that should never be resorted to except in cases where irreparable injury will result unless a restraining hand is put forth to prevent it. It should never be issued except in cases where the law will afford no relief. But it is a remedy having application only to property rights. Whenever it is used to deny fundamental rights and privileges of free citizens—it becomes tyrannous and oppressive.

This debate has sent us all to the law books. For myself, I share the feeling of the distinguished Senator from Oregon [Mr. MORSE]. I should have preferred to have a committee report as an aid in making my way through this tangled web of legal history.

One of the most informative discussions of criminal contempt and jury trials I have found is contained in a University of Chicago law review note published in the spring of 1948.

The title of the note is "Trial by jury in indirect criminal contempt." Much of the note concerns the history of jury trials in all kinds of criminal contempt, including contempt arising out of the disobedience of court orders.

The note contains a general statement of the immemorial usage doctrine of summary contempt power. Briefly stated, this doctrine held that judges have always had the power to punish contempts of court without the benefit—or the encumbrance—of a jury trial. The doctrine found its first articulate expression in an opinion of Justice Wilmot, in 1765. The great Blackstone agreed with Wilmot and virtually quoted him in his Commentaries, published in 1769. Blackstone's Commentaries provided the courts with all the prestige of authority they required, but later Blackstone contridicted himself, and the doctrine of immemorial usage has found willing adherents down to modern times. In all its vague majesty it has been encompassed in a great many of the speeches we have heard in this Chamber during the past month.

The doctrine came under attack by Sir John Fox in 1927. In his book, The History of Contempt of Court, Fox revealed that Wilmot and Blackstone had strongly overstated the case for immemorial usage.

However, Blackstone, when writing of the vesting in 1 man, or in 1 body of men, both the making and the enforcing of laws, said:

> Wherever these two powers are united together there can be no public liberty.

Fox showed that criminal contempts which represented disobedience of court orders—and I call the attention of the Senate to this—for it is exactly these contempts which concern us in the pending amendments—were prosecuted solely in jury proceedings until the Star Chamber inaugurated the use of attachments and interrogatories.

But summary punishment of disobedience had become, by the time of the adoption of the United States Constitution, a usual practice of the courts, and this class of cases was not specifically included within the protection of the 6th amendment. There was, however, a strong feeling against the abuses of judge-made law. It reminds us of the outcry against judge-made labor law in the 1920's, which led eventually to the Norris-La Guardia jury-trial provision.

If I may be permitted to do so at this point, I should like to reminisce a little. Some 20 years ago I was a member of my State legislature. Congress had not yet taken up the abuse of contempt citations in labor cases, but the Legislature of the State of Washington had met to consider the question before Congress did. I was the author of a bill which eventually passed my State legislature. It was called an anti-injunction bill. It was passed overwhelmingly. I think it was the first such law in the United States. We used the same basis for our argument as is used in this amendment. Some time later Congress considered this matter, and it became the subject of the great Norris-La Guardia debates in this body. In that famous debate, Senator Norris said:

> The vilest criminal—under our legal system—would not be deprived of these fundamental rights and privileges. The common crook, the escaped convict, all are protected when they are charged with a crime by the right to have the matter settled by a jury, and they cannot, under the law, be found guilty unless the evidence shows they are guilty beyond a reasonable doubt.

We may remember that part of the Declaration of Independence where, among the various indictments of King George III, this charge is made.

> He has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws; giving his assent to their acts of pretended legislation * * * depriving us in many cases of the benefits of trial by jury.

All English history is replete with the same thing.

But, Mr. President, the old phrases, "inherent power" and "immemorial usage" were slow in dying. They served to invalidate many of the early legislative attempts to provide jury trials in cases of criminal contempt. Even the doctrine of separation of powers was invoked here. It was held that the Constitution provided the Federal courts with the power of summary punishment in all cases and that this power was unassailable by the Congress. Fortunately the Supreme Court of the United States in the Michaelson case consigned that argument to the oblivion it deserved.

The Michaelson case put to rest the fear that Congress could not legislate in this field. In his influential book, The Labor Injunction, Justice Felix Frankfurter says of the Michaelson decision:

> The United States Supreme Court has shown that in law also there is such a thing as adaptation of means to ends; that we need not choose between arbitrary limitation upon the power of courts to vindicate their authority and arbitrary restriction upon the forms of such vindication. In order to mitigate abuses of judicial power without attenuating its essential authority, new forms may be devised or old forms revived. Trial by jury in contempt proceedings is an innovation in modern practice, but it is a return to what is old in the history of English law.

"Taking away from the courts authority," that, Mr. President, was what the objections to the granting of a jury trial in contempt proceedings finally came down to: A judge to be free to issue an injunction; to decide whether it had been violated; to stand, in effect, as the lawgiver, as the injured party, as the jury, and as the sentencing authority.

I know of no clearer reply to this objection than one given by Judge Maxey of Pennsylvania in the case of *Pennsylvania Anthracite Mining Co.* v. *Anthracite Miners of Pennsylvania* (318 Pa. 401 (1935)). Judge Maxey wrote a concurring opinion in the case, which involved a Pennsylvania statute similar to the Norris-La Guardia jury-trial provision.

Judge Maxey said:

Another fallacy is that the act takes away from the court the right to punish for disobedience to its process. What is taken away is only the right of the judge whose order the respondent is accused of disobeying, to determine unaided by a jury the fact of disobedience. The word "court" and the word "judge" are not synonymous, and to require a judge to share with a jury the administration of justice does not take away power from a court.

The PRESIDING OFFICER. The Senator from Washington has exhausted his time.

Mr. MAGNUSON. May I have 2 more minutes?

Mr. O'MAHONEY. I yield 2 additional minutes to the Senator from Washington.

Mr. MAGNUSON. Mr. President, it was this dual burden of making law and determining its violation which Congress removed from the back of the Federal judge in the Norris-La Guardia Act. The great liberals of that day joined to provide a trial by jury for the cases of contempt—in the field of labor injunctions.

It is important to note that the Norris bill when it passed the Senate contained a provision for jury trials in all criminal contempt cases whether or not involving violations of labor injunctions. The La Guardia bill provided, on the other hand, for jury trial for both civil and criminal contempt, but only in the labor injunction field. The La Guardia bill's language was that finally adopted by the Congress.

Now let me pass briefly to the objection that criminal contempt is not a crime, and that to treat it as such by providing a jury trial would be to rewrite the Constitution. An argument of this kind was made by the Government in *Gompers* v. *United States* (233 U. S. 604 (1913)). It was met by Justice Holmes, who said:

The provisions of the Constitution are not mathematical formulas having their essence in their form; they are organic living institutions transplanted from English soil. Their significance is vital not formal; it is not to be gathered from a dictionary, but by considering their origin and the line of their growth. It does not follow that contempts of the class under consideration are not crimes, because trial by jury as it has been gradually worked out and fought out has been thought not to extend to them as a matter of constitutional right. These contempts are infractions of the law and visited with punishment as such. If such acts are not criminal, we are in error as to the most fundamental characteristic of crimes as that word has been understood in English speech. So truly are they crimes that it seems to be proved that in early law they were punished only by means of the usual criminal procedure, and that at least in England it seems that they still may be and preferably are tried in that way.

It has been said, Mr. President, that the Norris-La Guardia jury-trial provision has been repealed, or at least superseded, by the Taft-Hartley Act.

I think the opponents of the amendment might have been more industrious. They might have looked to the legislative precedents of the Taft-Hartley provision. What they would have found is an identical provision in the Wagner Act of 1935.

The Wagner Act created the National Labor Relations Board. It came into being 3 years after the Norris-La Guardia Act was passed.

Senator Norris was still here in 1935; it might be supposed that Senator Norris would have resisted to the limits of his power any legislative action which would have wiped out the great advance Congress had made in 1932. He did not do so. The record is bare of any objections raised by the men who had fought to provide a jury trial in the Norris-La Guardia Act.

It is clear why there were no objections raised. It is because altogether different procedures for disposing of labor disputes were provided in the Wagner Act. A Labor Board was to be set up. Complaints of unfair labor practice would be brought before that Board. A cease-and-desist order would be issued by the Board, if warranted. Violations of that order would be brought to the attention of a court, a court order issued, and punishment for contempt of the court's order would be had without a jury trial. At each stage of the proceedings the person charged with the unfair labor practice would have an opportunity to present his case.

I submit that this procedure is considerably more fair than the injunctive punishment which prevailed before the passage of the Norris-La Guardia Act.

Now the complaint is presented to an administrative board; it must be approved by that board; it is made the subject of a cease-and-desist order; and if that order is violated, it then becomes the foundation for an injunction.

Before the Norris-La Guardia and the Wagner Acts were passed, we had the situation I have spoken of earlier: A single judge as complainant, fact finder, prosecutor, and sentencing authority. The Wagner Act inaugurated an entirely different procedure. The Taft-Hartley Act adopted that procedure as applied to labor disputes.

So there was no sudden reversal of Congressional policy by which Congress threw out jury trials as unworkable or intrusive upon the power of the courts. We had instead a new method of handling labor disputes.

Mr. President, I want to preserve our government of laws rather than of men.

I want to preserve the rights of all of our citizens. The right to vote is precious. So is the right to the protection of a jury when one is charged with crime. By eliminating one, would we advance or strengthen the other?

I say we had better defend and preserve, to the last breath in our bodies, both of those rights and all of the things our forefathers fought to obtain for us. We must exercise eternal vigilance against encroachment from any quarter.

Let us look for a moment at section 131 (c) of the bill we are considering. It would authorize the Attorney General to institute, in the name of the United States, "A civil action or other proper proceedings for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order."

It is true that a person cited for contempt "shall be allowed" counsel learned in the law. But he will be facing a judge. He will be in court without jury; he will be before a judge trying him under a law made by the judge, who will fix what penalty he—that same judge—will devise on the spot, with no limitation except his own discretion.

Listen to the words of Senator Borah:

Unlimited discretion is the beginning of arbitrary power and ultimately the rendezvous with corruption.

In 1914 Representative Gardner, of Massachusetts, in debating the Clayton Act, had the following to say regarding the abuse of the injunctive process:

The fact is, I think, that some one or other made up his mind that a jury would not convict strikers. Yet a trial by jury under the terms of the Constitution is guaranteed to every man accused of crime. Some court somewhere—and I was under the impression that it was in my own State—devised the ingenious plan of converting a crime into a contempt of court by the simple process of ordering persons to refrain from acts which the statute had already declared to be crimes. Hence a practice arose under which a judge would step in and say "Not only does the State declare in the law that this act which you are perhaps going to commit is a crime, but, what is more to the point, I, the judge, also say that it is a crime." Now what was the object of that performance? Why, sometimes, doubtless, it was this: If the person enjoined went ahead and committed the forbidden act, the question of the court's dignity became involved and the accused got punished, not for a crime, but for contempt of court. I have very little patience with any device to deprive a striker or anyone else of his constitutional right to a jury trial by the issuance of an injunction designed to convert a crime into a contempt of court.

Suppose this bill were enacted with part IV the same as it passed the House. Suppose someone was intimidating, threatening, or coercing in an attempt to interfere with another's right to vote. Or suppose money was offered to one or more persons to withhold their vote or to vote a certain way. Could not the Attorney General, under this bill, institute a proceeding to enjoin such actions.

Of course he could. Yet those very acts are crimes today. They are crimes by statute, punishable by both fine and imprisonment.

Remember the words of Mr. Gardner, "Ingenious plan of converting a crime into contempt." So the judge could punish, and the punishment would not be limited by the criminal code so carefully considered by Congress when it was

enacted in 1948. The judge would be on his own, and the one facing him, denied jury and limitation of punishment, could only hope for an understanding judge whose last meal was digesting properly and not causing a sour outlook on life.

Remember the opening words of what I believe to be the greatest document ever devised by man. Let me read them.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

We the people, Mr. President, not one man, not a small group, not a judge, not a Government official. But we the people. All of the people. All of us.

I close, Mr. President, with an expression of support for this amendment. I think there can be no doubt that throughout our history men of great wisdom have fought to provide jury trials in cases of criminal contempt. They have seen that the best protection for free men lies in trial by jury. The Senate should carry this struggle to its fruition by adopting the amendment before us.

Many laymen do not understand much of a lawyer's interpretation of civil and criminal contempt injunctions and some of the other legal matters which are in the forefront today. Sometimes we have gone so deep into legal lore that we have forgotten that there is some simple language involved in the amendment. I shall place it in the RECORD at this point. People can understand the Constitution. The Constitution provides:

The trial of all crimes, except in cases of impeachment, shall be by jury.

I think every layman in the United States can understand that.

The PRESIDING OFFICER. The time of the Senator from Washington has again expired .

Mr. MAGNUSON. Mr. President, I ask for one more minute; then I shall have finished.

Mr. O'MAHONEY. I yield 1 more minute to the Senator from Washington.

Mr. MAGNUSON. Mr. President, a Senator remarked to me today as I was walking in the corridor, "I understand you are one of the moderates in this particular case, and that you are going to vote for the amendment."

I had said so about two weeks ago. I was intrigued by the word "moderate." I have been intrigued with the statements made in this debate that one is a liberal or is not a liberal because he is either for or against the amendment.

So far as this case is concerned, it involves a basic right which has been fought for by all liberals since the dawn of time. A denial of the right of trial by jury has always been the basis of political activity on the part of those who may be called conservatives or tories, or whatever the name was at a given time. It might have been a dictatorship in some cases in the political history of the world.

Mr. President, this is a liberal amendment. It makes the bill better. It insures the right to vote as a practical matter in all States of the Union.

Mr. President, I ask unanimous consent to have printed following my remarks an editorial entitled, "A labor leader remembers," published in today's Evening Star.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A LABOR LEADER REMEMBERS

John L. Lewis has a longer memory than some of his younger brethren in labor leadership today. He strongly supports a jury-trial amendment in civil-rights legislation, so glibly condemned by others in his field.

Mr. Lewis recalls that "The strong and harsh power of injunction has been in the past so often abused and indiscriminately used that enlargement thereof, even for worthy purposes, must carry with it reasonable protection to all citizens who may be charged with violation and therefore cited and tried for contempt." He looks on the O'Mahoney-Kefauver amendment, not as a weakening of the civil-rights bill, but as "a wise, prudent, and proper amendment, protective to the basic rights of all citizens wheresoever located and which * * * will strengthen the bill."

The jury trial issue would naturally remind Mr. Lewis of the Norris-La Guardia Act, a turning point in the history of organized labor, and the abuses is was designed to correct. The Senate debate on that issue of 25 years ago should be reread. For the Senate overwhelmingly approved, in that law, jury-trial provisions which went beyond the scope of the O'Mahoney amendment, with the Kefauver and Church additions. Senator Norris had argued that "any man charged with contempt of court, the punishment for which may be a term in jail, ought to be entitled to a jury trial." That was the way he wrote his bill, and that was the bill the Senate approved.

What happened then becomes more interesting in the light of current Senate debate. In conference with the House, the Senate bill was modified. That modification was strongly urged by the then politically powerful Anti-Saloon League, which argued that if jury trials were permitted in contempt resulting from violation of "padlock" injunctions, juries would not convict. Resulting modification of the Senate bill limited its jury-trial provisions to contempt arising under the Norris-La Guardia Act.

In return, the House made concessions, one being retention of a Senate provision nicknamed the "editors' section." Some of the editors who today so scornfully deride the jury-trial amendment in the civil-rights bill should remember it. For editors, as well as labor leaders, had been victims of punishment for contempt without jury trial. The "editors' section" never mentioned editors. But it gave them, with other citizens, the right of trial by jury if their out-of-court editorial criticism was found by a judge to be contemptuous, and provided that another judge, if requested, would sit in the case.

Senator Norris was a prohibitionist. In arguing for jury trial in all cases of contempt, he told the Senate he had felt the pressure of the Antisaloon League—just as Senators O'MAHONEY, KEFAUVER and other liberals who want jury trial feel the pressure from liberals who oppose jury trials. While agreeing to the conference report restricting jury trial provisions of the Norris-La Guardia Act to cases arising under that act, Senator Norris warned the Anti-Saloon League in words that are apt today:

"Prohibition has lost many of its best friends. We all have to concede that. In my judgment * * * if we follow you and say we want a different law, a different rule, applied to prohibition cases from what is applied to any other case we are going to lose the support of more good people in this country, who will take the other side of the question and demand the repeal of prohibition."

They did. And if the civil-rights bill is weakened by killing the reasonable and relatively narrow application of the jury trial principle as provided in pending amendments, needed enforcement of the right to vote may suffer more than it gains.

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the distinguished Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, we have before us proposed legislation which will make more secure the most precious, the most sacred, indeed, the most fundamental of all the rights that relate to a people's power to govern themselves—the right to vote.

The road of liberty, freedom, and justice which we as a people chose 189 years ago was built on the right of all our citizens to take part in our Government. No argument has been made that any citizen of this Nation entitled to vote should not be allowed to vote. The debate has been concerned, rather, with the procedure by which this basic right may be exercised and protected.

I voted to strike part III from the bill because, in my opinion, it would have caused too great an interference with self-government. It would have given officers of our Federal Government too much power, too vaguely defined, to interfere with local government.

Part IV concerns the right to vote for Federal officials. With that, the Federal Government is directly concerned.

I hope the Senate adopts part IV without an amendment to include a jury trial. I believe that if the Senate adopts such an amendment, it will clash directly with another great precept upon which our system was founded—the authority of our courts to enforce their decisions. If our courts are deprived of the necessary authority to enforce their decisions, then the respect for the decisions of the court will be gone and the confidence of the individual citizen in the judiciary will be weakened.

To deprive our courts of their traditional power to enforce their decrees against those who disregard those decrees will be to undermine the very foundation of our Government.

There is no historic right or constitutional right to trial by jury in contempt cases. So, Mr. President, part IV of the bill will deny us no rights, will deprive us of no privileges, and will limit no liberties that we now enjoy. Rather, it will preserve the traditional procedures which have been respected historically by Anglo-American jurisprudence.

The O'Mahoney amendment, as now drafted, has two parts. First, it seeks to define who is eligible to be selected as a juror; second, it seeks to require a jury trial in contempt cases, before a court can punish for a criminal contempt of court in a civil-rights case.

When the O'Mahoney amendment strikes out the provision, now in Federal statutes, that no person not eligible under State law can serve on a Federal

jury, the amendment constitutes one more encroachment on State responsibility, in that under the amendment a citizen who has been determined under State law to be ineligible to sit on a jury in a State court may be eligible to sit on a Federal jury. Furthermore, since the amendment does not extend to the operation by which the pool of potential jurors is initially selected, it will be ineffective.

If provision for a jury trial is now inserted in the bill, so that a jury trial will be required before a court can take requisite action to prevent an injustice to, or deprivation of, the right of a citizen to vote, such a provision may well delay action to such an extent that the decree of the court will be ineffective, even though the court may punish the person who disobeys the decree.

If there is no trial by jury, a person who believes he has been wrongly punished by a court has now, and will continue to have, a right to appeal from the order of the court or a right to petition for a writ of habeas corpus.

Our purpose in this bill is to secure to an individual additional opportunities to obtain his fundamental right in a democracy—the right to vote. But our purpose is thwarted if it is accomplished at the expense of weakening the authority and prestige of the courts. If that authority is weakened, then it is doubtful what the individual will gain. Very clear, however, is what all of us will lose—the respect for the authority of our judiciary to enforce its decrees.

Our Government derives its power from the consent of the governed. So it can be said that our Government depends for its strength and vitality upon having all persons who are entitled to vote collectively exercise that privilege. But that strength likewise may well be weakened if the authority for our judicial system is not maintained.

So, Mr. President, I shall vote to keep part IV, as it is now written, in the bill. I believe in so doing I shall be exercising my responsibility as a Member of Congress to give greater confidence in our system of life to citizens who today may not have that confidence because they cannot participate in our Government. But in giving that additional confidence to the individual citizen, I will not, by my vote, lessen by one whit the respect which we, as citizens, collectively have for one of the three great divisions of our system of government—the judiciary.

Mr. President, I hope part IV will remain in the bill, without the O'Mahoney amendment, or without the Lausche amendment, if the latter is substituted for the O'Mahoney amendment.

Mr. O'MAHONEY. Mr. President, I yield 5 minutes to the Senator from Nevada [Mr. MALONE].

The PRESIDING OFFICER (Mr. STENNIS in the chair). The Senator from Nevada is recognized for 5 minutes.

THE CIVIL-RIGHTS BILL—RIGHT TO VOTE REGARDLESS OF RACE, COLOR, OR CREED

Mr. MALONE. Mr. President, in my State of Nevada we are very careful to protect every citizen in his right to vote, regardless of race, color, or creed.

We are also careful to protect every citizen in his right to trial by jury.

On July 31, I joined in amending the O'Mahoney jury-trial amendment so as to make every 21-year-old citizen of the Nation eligible to serve as a grand or petit juror:

On page 3, a new section 153 was added, as follows:

SEC. 153. Section 1861, title 28, of the United States Code is hereby amended to read as follows:

"SEC. 1861. Qualifications of Federal jurors

"Any citizen of the United States who has attained the age of 21 years and who has resided for a period of 1 year within the judicial district, is competent to serve as a grand or petit juror unless:

"(1) He has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than 1 year and his civil rights have not been restored by pardon or amnesty.

"(2) He is unable to read, write, speak, and understand the English language.

"(3) He is incapable, by reason of mental or physical infirmities to render efficient jury service."

FEDERAL JURIES UNIFORM

This amendment makes uniform throughout the United States the law relating to Federal juries.

ATTORNEY GENERAL USURPING STATE OFFICIALS

Mr. President, I voted to delete section 3 from the civil-rights bill for the reason that I am opposed to having the United State attorney move into my State and usurp the responsibilities and duties of the responsible State officials.

It is always well for all of us to remember that any provision of law which can be used against another person can also be used against us.

DEBATE AND JURY TRIAL

Mr. President, the right of debate is the only protection of a minority.

The right of trial by jury is the final recourse of an American citizen when he is on trial for his life or liberty.

Mr. President, on July 22 I said:

I will never vote for cloture to stop debate, unless a war is imminent; and I shall never vote to preclude a jury trial for any man or woman accused of a criminal act in the United States of America.

The nationally known editor and columnist, David Lawrence, has written in an article published today:

The basic principles of justice do not change with the passage of time. Thomas Jefferson made the issue very plain. He wrote prophetically of the very problem that is rocking the Senate today in considering the so-called civil-rights bill. It was he who championed ardently the principle of trial by jury. He labored successfully to have the safeguards of jury trial inserted in the Bill of Rights. What Jefferson wrote in 1789 was this:

"We think, in America, that it is necessary to introduce the people into every department of Government, as far as they are capable of exercising it, and that this is the only way to insure a long-continued and honest administration of its powers.

"They (the people) are not qualified to judge questions of law, but they are very capable of judging questions of fact. In the form of juries, therefore, they determine all matters of fact, leaving to the permanent judges to decide the law resulting from those facts.

"But we all know that permanent judges acquire an esprit de corps; that being known, they are liable to be tempted by bribery; that they are misled by favor, by relationship, by a spirit of party, by a devotion to the executive or legislative power; that it is better to leave a cause to the decision of cross and pile (heads or tails) than to that of a judge biased to one side; and that the opinion of 12 honest jurymen gives still a better hope of right than cross and pile does."

Mr. President, I shall vote for the amendment, as amended, providing for a trial by jury.

Mr. KNOWLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from California wish recognition?

Mr. KNOWLAND. Yes. I yield to the Senator from Wyoming 3 minutes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 3 minutes.

Mr. BARRETT. Mr. President, I desire to speak very briefly on the bill. The general impression throughout the country, until the Senate started the debate on this bill, was that the civil rights proposed legislation was designed primarily to guarantee to every citizen of our country the right to vote regardless of race, color, or creed. That is a fundamental and basic right of the individual in a free government. A citizen cannot take part in his government if he is deprived of the right to vote.

Only if every citizen who possesses the necessary qualifications is assured and guaranteed the right to vote for the officials of his choice—then and then only—will we have a government that represents the people of our respective communities, our States, and our country. The Constitution by its express terms enjoins the Congress to exert every means within its power to secure and protect that right for every citizen of our country. However, Mr. President, the bill as it came from the House, did much more than that. Under part III, the Attorney General was empowered to go into court, on his own volition, in any State and seek an injunction wherever he felt that civil rights, of every kind or description, of any citizen were threatened or violated.

Two or more individuals were required to request such action, but it violated the cardinal principle upon which our country was founded—to secure a government by the people on a local level. I voted against part III of the bill, and I was pleased when it was eliminated. If title III had not been eliminated from the bill, I would have felt constrained to vote for the pending amendment. But with title III out, I shall vote against the pending amendment.

Mr. President, nowhere on earth do the common people enjoy the blessings of liberty as they do in our great land.

We cannot deny to any citizen any of the liberties upon which the structure of our constitutional system of government was founded. Freedom is the hardest system of government to operate. It has great rewards, but to protect them requires self-restraint. Only four countries—the United States, United Kingdom, Switzerland, and the Netherlands—out of 77 nations that have tried self-government in the past 150 years

have had an unbroken record of successful self-government. The desire of men to be free is virtually universal, but the determination to live with freedom and make the sacrifices required to make it work takes generations—sometimes centuries—to develop. It is the capacity of Americans to compromise, to give and take, to live and let live, that has enabled the United States to have the oldest continuous system of self-government in the world.

Mr. President, there was no provision for trial by jury in contempt cases under the common law. The Constitution of the United States does not provide for jury trial in contempt of court cases. I have had considerable difficulty, Mr. President, in resolving the provisions respecting the right to vote under the 15th amendment, and the jury clause of the Constitution. It seems to me, Mr. President, since the Senate has cut this bill down to a voting provision only, that we are dutybound to enact a strong and enforcible law that will insure to every citizen of our Republic the opportunity to enjoy that broad and fundamental basic right to vote as guaranteed to him under the Constitution. Under existing law, it is a criminal offense to interfere with the right to vote. Presently that is the only law the Federal authorities can invoke to protect that right. I am convinced that if we adopt the pending amendment the injunctive relief provided in the bill will prove as ineffectual as the penal statutes. In order to make certain that these basic and fundamental rights are safeguarded and protected, it seems to me that we must enact part IV as written. I shall vote against the pending amendment.

Mr. KNOWLAND. Mr. President, I yield 8 minutes to the junior Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 8 minutes.

Mr. McNAMARA. Mr. President, at this crucial stage of the debate on the civil-rights bill, I have one observation to make.

Passage of this bill with any real substance to it probably will be the greatest victory achieved in any Congress in history. It might even be called a miracle.

I say this because of all the obstacles which have been placed in the way of those of us in the Senate who have been fighting for meaningful civil-rights legislation.

These obstacles have been formidable ones.

We have had to exert some of our energies to demolish the phony and emotional arguments, raised by the opposition, to fog the real meaning of this bill, and the need for it.

This would not be so bad, ordinarily, since this is a head-on attack which we can meet effectively.

Many of the arguments against this bill may be good for home consumption, but they would stand little chance in the light of serious debate.

Various sources have informed us that this has been a high level debate.

I think this claim may be really in for serious deflation when historians take a close look at some of the statements which have been made against this bill.

I could give a few samples now, but I shall not take the time of the Senate to do so.

This head-on attack, as I said, could be easily met under ordinary conditions.

However, we have been forced to let the enemy go ahead of us virtually unchecked, while we spend most of our time protecting our flanks.

Hurting us on one flank has been the President of the United States, who has done the cause of civil rights vastly more harm than good, with his incomprehensible vacillation and equivocation.

I, personally, would much rather have him spend all his time on the golf course, and forget civil rights entirely, than continue his on-again off-again attitude in regard to this bill.

We were informed by his press conference yesterday that he has said his last word on civil rights.

At this stage of the game, I can say only: Thank God for that.

More serious, however, is the attack against us from the other flank.

This attack consists of a sort of fifth column, which the outright opposition to civil rights has used most effectively to undermine this bill.

This fifth column, I admit, is the hardest to combat.

It consists of many of those we had every right to believe were on the side of the people, and thus on the side of a good civil-rights bill.

Yet, through crippling amendments poorly disguised as compromise, they are achieving far more success in destroying this bill than the opposition dreamed of.

Some members of this group undoubtedly are in it because of a sincere desire to obtain a workable compromise, out of what may appear to them to be an otherwise hopeless issue.

They have fallen for a siren song, and some have eagerly grasped for the flimsiest of excuses so they will not have to stand up and be counted on the basic issues.

Others may be in this group for self-serving purposes. And, of course, still others may be outright handmaidens of the opposition—trojan horses, if you will.

I do not mean, Mr. President, to castigate those who do not vote as I do.

I do not even criticize those of the outright opposition who will vote against this bill, no matter how watered down it becomes by amendments.

I really feel sorry for them, because I believe that some really feel differently in their hearts than their words would evidence.

And I think they all know, Mr. President, that the fight against prejudice and bigotry will eventually be won.

But it is this middle group I am concerned about.

Never, in modern history, has an issue come before the Senate where right and wrong are more clearly defined.

I will say to those who will desert the cause of the people now, that I do not envy the heavy consciences they must endure in the months and years ahead.

They are helping to destroy the first opportunity in nearly 90 years to achieve legislative progress in the field of civil rights.

No matter what the personal reasons may be, the result is the same—a concerted effort to emasculate this bill.

I do not cite these obstacles to the cause of moral and legal justice as any reason for waving the white flag of surrender, Mr. President.

On the contrary, they give me strength to fight even harder for civil rights for all Americans.

In conclusion, I should like once again to invite attention to the fact that the House passed the civil-rights bill in its original form by a vote of 286 to 126. I do not suggest that the Senate must necessarily accept the will of the House, but when one-half of the Congress approves a measure in such an overwhelming fashion the Senate should do not less than preserve the basic provisions of the measure.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I assign 15 minutes to the Senator from Tennessee [Mr. GORE].

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 15 minutes.

Mr. GORE. Mr. President, the history of the administration of justice and the development of the jury trial among the English-speaking peoples is an interesting study, but one which I shall not take the time to pursue at the moment. Suffice it to say that as long as there were Star Chamber proceedings, ecclesiastical courts, and arbitrary arrest and confinement, there could be no real liberty. The long struggle by which the right of trial by jury was finally obtained is not something to be lightly brushed aside. The abolishment of the Star Chamber in 1641 truly marks a memorable milestone in man's long progress toward political enlightenment. The framers of our Constitution considered the jury trial to be of vital importance. The jury trial was so vital a part of the thinking of freemen, and its abrogation so repulsive, that there was no question of its inclusion in the Constitution when that instrument was drawn. And so we find in that document in article III, section 2, a provision that, "The trial of all crimes, except in cases of impeachment, shall be by jury."

In the ensuing debates throughout the 13 States of the then confederation, it was felt that this protection in criminal cases was not sufficient completely to safeguard the individual. It was recognized by these wise and farseeing men that a man could be stripped of property and denied economic independence, and that in such a condition personal and political freedom would be rendered less than sufficient, if not meaningless. It was, therefore, felt necessary to have additional safeguards surrounding the matter of jury trials. And so we find in the original Bill of Rights, in Article VII, a provision that suits at common law involving amounts of more than $20 should also be submitted to a jury. According to conditions then existing, these two provisions—Article III and Article VII in the Bill of Rights—would cover practically all legal proceedings. Equity

proceedings at that time were comparatively few, and were reserved for cases for which no remedy at law existed.

It is said by advocates of the pending bill that it creates no new rights, but that it merely affords new remedies. I agree that the bill creates no new rights. I agree that it is technically true that what the bill does, insofar as protecting the right to vote is concerned, is to create a new remedy. By creating this new remedy, Mr. President, the bill would grant to the Attorney General of the United States authority which he does not now have; it would grant to the Attorney General the authority to move to correct what, in his opinion, may constitute an abridgment of individual rights. It matters not whether the individual who allegedly has been discriminated against agrees or disagrees that his rights are or have been put in jeopardy.

As representatives of the people we must be ever vigilant against excesses in governmental authority. We must, therefore, examine carefully this proposed new remedy.

It has been said many times over in this debate that we already have laws protecting the right to vote. It has been asserted, however, that these laws are ineffective, because it is too difficult to enforce them. It is implied, if not openly stated, that in some areas plain citizens and local officials violate laws relating to voting with impunity because they know there will be no successful effort to punish them for such violations after the incident has occurred and after the election is over. Mr. President, if we accept the thesis that trial and conviction, after occurrence of a criminal act, is insufficient, we overturn the entire basis of Anglo-Saxon criminal jurisprudence.

Our criminal law procedures are based upon the theory that punishment of offenders shall not only visit retribution upon the guilty but shall, by example, serve as a deterrent to further crime and further violation of law.

Now, it is obvious that the philosophy of deterrence is not 100 percent effective; we still have crime, and I suppose we always shall, unfortunately. But to those who would seek to change this system, I would say that it seems reasonable to suppose that if there were any effective way to enjoin the violation of law, such a system would have been adopted long before 1957. Yet proponents of the pending bill contend that by some process the violation of law and the gross discriminations which are alleged to exist will cease, if we will but authorize the Attorney General of the United States to secure an injunction against them.

Now, Mr. President, if an election official or any citizen should violate the law, he knows that he is subject to punishment for that offense. If he is enjoined from violating the law, he knows that he is subject to punishment for violating the court order. There is no valid reason for believing that the threat of punishment will be a more effective deterrent if the punishment is to come from violation of a court order rather than as a result of a violation of the law itself. Indeed, the prescribed criminal punishment for violation of the law is in most cases more severe than that generally meted out in contempt of court proceedings. So, Mr. President, I doubt if many Senators believe that there is magic in the word injunction or that law enforcement by the injunctive process, in and of itself, offers a panacea.

The real issue here presented is not the use of the injunctive process in and of itself, but the use of the process by the Attorney General of the United States, thus abridging, under the terms of the bill, if unamended, the right of trial by jury. It is for precisely this reason that the issue of a jury trial is so vital.

If the Congress determines, in its wisdom, that it is necessary for the Federal Government, acting through the Attorney General of the United States, to use the extraordinary process of injunction to punish one citizen for interfering with or attempting to interfere with the right of franchise of another, then it seems to me essential that the hard-won right of trial by jury be written into the bill so as to preserve participation by individual citizens in the administration of justice in criminal-contempt proceedings.

I cannot accept the argument that the pending bill proposes no change in the law regarding jury trials in contempt cases, and that it is those of us who seek to preserve the jury trial by the pending amendment who seek to change the law. Opponents of the pending amendment point to the fact that under existing law there is no trial by jury in a contempt proceeding when the United States is the party plaintiff. This is true, but it is a specious argument, indeed, when applied to the pending bill.

What the bill seeks to do is to authorize the use by the Attorney General of the United States of the injunctive process—presumably to culminate in contempt proceedings if injunctions are violated—for a whole new category of cases.

It cannot be gainsaid that the objective of the pending bill is the enforcement of existing law. With this objective I heartily agree. Every qualified citizen has the constitutional right to vote. I wholeheartedly agree that every citizen is entitled to the protection of that right by the law. There is here sought, as I have said, a new procedure for such protection.

Under existing law, defendants charged with violation of law would be entitled to a jury trial. Such defendants would also be entitled to a jury trial in a criminal contempt proceeding, should they be enjoined from violating the law, as well they might be under existing law. But if an injunction were obtained by the Attorney General, as proposed in the bill, there would be no right to a jury trial.

The rules of procedure in Federal courts sometimes appear complicated. The court decisions involving contempt proceedings are not so clear as they might be, but one thing is clear and may be simply stated—the pending bill would permit punishment without a trial by jury for offenses with respect to which, under present law, defendants are granted that right. That is why those of us who believe that a desirable objective does not justify dangerous procedures are so concerned over this proposal. That is why we insist that unless the pending amendment is adopted, the right of trial by jury throughout the entire judicial process will have suffered a grievous setback.

Let us examine some of the arguments which have been advanced in support of the contention that a right of trial by jury should not be available to those accused of denying others the right to vote. It is implied that some juries would not convict, even though violation of and contempt of the court's order be clearly shown.

As for myself, Mr. President, the recent action of a jury of freemen in my own State, in a case involving the most sensitive of all so-called civil rights, is an eloquent answer to this argument.

It has also been argued that those who are the intended beneficiaries of this extraordinary new remedy would be denied its benefits, because they are arbitrarily and systematically excluded from service on juries in certain sections of our country.

I read to the Senate today telegrams from all four Federal judges in the State of Tennessee, which show that, so far as my State is concerned, this charge is not substantiated. The pending amendment, however, as modified by the Church amendment, would amend existing Federal law respecting the qualifications of citizens to serve on United States court juries, so as to eliminate the discriminations, wherever such exist, with respect to opportunity and duty in connection with service on Federal court juries.

The PRESIDING OFFICER. The Senator has exhausted his time.

Mr. GORE. Mr. President, may I have 1 minute additional?

Mr. O'MAHONEY. Mr. President, I yield 2 additional minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes.

Mr. GORE. It is said that jury trial in contempt cases would defeat the ends of justice in right-to-vote cases, because it would occasion delay. It is said that there will not be time to impanel a jury; that the election will be over before a jury trial can be held. It must be remembered, however, that a jury trial would not be required, under the amendment, in civil contempt proceedings.

Much has been said here about obtaining compliance. The procedure and the time required in any effort genuinely designed to secure compliance with a court order, as opposed to punishment of the offender, will be the same whether this amendment is adopted or not.

It has been said that the real objective is to secure compliance with the court order. It is denied that this is a punitive bill. I say in all candor that if the terms of the bill, if enacted into law, are not used to inflict punishment through criminal contempt proceedings, then the pending jury-trial amendment

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will be wholly inapplicable. If the proceedings are of the order of civil contempt, then the amendment provides no jury trial.

I think it would be highly improper to regard the injunction as the normal process rather than the exceptional process, which it traditionally has been, is now, and ought to remain. If the use of the injunction continues to be broadened, and particularly if it continues to be broadened without some safeguard such as a provision for jury trial in criminal contempt cases, we may well see a complete revolution in our judicial system. Should we arrive at a point where, as a general rule, punishment by a judge for violation of an injunction should replace indictment and trial by jury, we will have nullified any gains which might possibly have been achieved through a broadening of the franchise.

I have full confidence in the jury system and in the integrity of prospective jurors of my State and of other States. I hope this view is shared by my colleagues, for surely if we do not trust citizens to perform their duty, we have no right to expect that they will trust us to perform ours.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SALTONSTALL. Mr. President, as acting minority leader, I yield 8 minutes to the Senator from Oregon.

THE CHURCH AMENDMENT—AN ILLUSORY PROTECTION

Mr. MORSE. Mr. President, it is a matter of some significance that the proponents of a jury-trial amendment have changed their proposal many times as valid objections are made to each proposal in turn. The fact that they retreat, inch by inch, is no proof that the improvements they hold out remove the basic defect of the jury-trial proposal in criminal contempt cases.

Gilbert and Sullivan wrote in Pinafore:

> Things are seldom what they seem.
> Skim milk masquerades as cream.

In all good humor, I say to the Senate the Church amendment is very thin stuff indeed.

Last week on Tuesday and Friday I discussed the jury-trial issue as a matter of law and policy and I summarize the points I made:

First. There is no explicit requirement in the Constitution for a jury trial in contempt of court cases.

Second. There is no due process requirement of a jury trial in contempt of court cases.

Third. Juries are notoriously subject to local passion and prejudice.

Fourth. Juries have not in fact protected individual rights in many instances.

Fifth. If there is massive resistance to Federal court orders, the courts should not be hobbled in using their historic contempt powers to maintain their integrity as courts.

Sixth. If few contempts are expected and, as there is no constitutional requirement and no historic precedent for jury trial in contempt of court cases to which the United States is a party, there is no major problem presented and no pressing reason for jury trial.

Seventh. Violations of court orders are not necessarily violations of criminal statutes, valid orders may direct remedial action not themselves directly required by criminal statutes on the subject.

My chief argument was:

Eighth. The courts' power to punish for criminal, that is willful, contempt, is in vindication of their authority as governmental units, and no other agency should be permitted to intervene and be given the opportunity to defeat the exercise of that protective power.

The question involved in the issue, Mr. President, is whether American citizens are being deprived of constitutional rights. That is an issue which cannot be determined by a jury. That is an issue for the courts to determine. No jury can give or take away a constitutional right. Much of this debate has been completely irrelevant to the issue that is involved. The issue is whether the integrity of the American judicial process is being protected, and whether the courts, with their appeal procedure, which protects the people, are going to be allowed to determine my constutional rights and the constitutional rights of every other Senator, and of all citizens, or whether we are going to risk those rights to the determination by a jury which under our Constitution has no constitutional right to determine whether I have a civil right that is being taken away from me. That is the issue. Much has been said during the debate that has nothing to do with that issue. That is the core of the dispute.

INTEGRITY OF COURTS AT ISSUE

The issue in criminal contempt cases is whether orderly procedures will be observed or made a matter of conjecture.

In a society governed by law it is necessary that individuals subject to court orders not be permitted to take the law into their own hands. Their remedy for improper orders is appeal.

The authority of the courts of the United States must be preserved against willfully contemptuous conduct or else our system of law will break down.

Is this not obvious? Take this example: In a food and drug violation case the court issues a subpena for certain data; the defendant protests the order is too broad; the judge overrules the motion to quash or strike; and then the defendant refuses to produce. In a criminal contempt proceeding, should the defendant have a jury? Obviously not—yet I expect he would under this blunderbuss amendment.

Or suppose a divorced parent takes a child from its home and in an appropriate proceeding the judge orders the parent to produce the child, pending adjudication of the issues in the case. Should he have a jury trial when he refuses? I think not.

Let us take the United Mine Workers case itself (*U. S.* v. *U. M. W.*, 330 U. S. 258 (1947)).

It arose when the United States had seized the mines, under the War Labor Disputes Act. The union sought to have the Secretary of Interior change certain conditions of the Krug-Lewis agreement in force. The Secretary said he had no such power.

The union issued a strike call. The Government filed a suit for declaratory judgment on the issues of the power to change the Krug-Lewis agreement. It also asked for a temporary restraining order against the strike.

That order was issued to prevent action which would interfere with this court's jurisdiction or which would impair, obstruct, or render fruitless, the determination of this case by the court.

The union did not cancel the strike order. Without moving to vacate the short—9-day—temporary restraining order, the strike took place.

The union and its president were held to be in both civil and criminal contempt of court.

It is pertinent to note that the defendants waived an advisory jury in the contempt case trial, which was a full trial.

The Supreme Court upheld both the civil and criminal contempt counts. In doing so it pointed out that a court must be empowered to protect its processes even if it should turn out that it had no jurisdiction of the basic case.

It cited Justice Holmes in *U. S.* v. *Shipp* (203 U. S. 563 (1906)):

> Until its judgment declining jurisdiction should be announced, it (the lower court) had authority from the necessity of the case to make orders to preserve the existing conditions and the subject of the petition.

The criminal contempt conviction was upheld in that case even though the district court did not, as a matter of law, have jurisdiction of the subject matter.

The court cited the following language from the Buck Stove case:

> If a party can make himself a judge of the validity of orders which have been issued, and by his own act of disobedience set them aside, then are the courts impotent, and what the Constitution now calls the "judicial power of the United States" would be a mere mockery.

That is a clear case in support of the contention made during the debate by the senior Senator from Oregon that the great legal issue involved is whether the Senate shall walk out on the power of the courts under our judicial system to protect their own judicial integrity.

Again the Supreme Court said in the Mine Workers case:

> We find impressive authority for the proposition that an order issued by a court with jurisdiction over the subject matter and person must be obeyed by the parties until it is reversed by orderly and proper proceedings. This is true without regard even for the constitutionality of the act under which the order is issued.

Again:

> Sentences for criminal contempt are punitive in their nature and are imposed for the purpose of vindicating the authority of the court. The interests of orderly Government demand that respect and compliance be given to orders issued by courts possessed of jurisdiction of persons and subject matter. One who defies the public authority and willfully refuses his obedience, does so at his peril.

Justice Frankfurter concurred, observing:

I join the opinion of the Court insofar as it sustains the judgment for criminal contempt upon the broad ground of vindicating the process of law.

That is the purpose of the power to punish for criminal contempt. It is a power of the courts to protect and preserve lawful process. That power is exercised subject to appeal on the law and facts.

What place has a jury in this process? Juries have their utility, yes; but does not the interposition of a jury make possible the frustration of the policy upon which the criminal contempt power is based? I submit that it does.

Putting a jury between the court and the alleged offender creates the potentiality for emasculating the power of the courts to protect orderly process.

A jury may be swayed by the breadth of the order; sympathy for the defendant's point of view; the seemingly onerous duties imposed by the order; yes—even apparent defects in the order. All of these are not questions for a jury; they are questions for an appellate court on the underlying order which must be observed until set aside by orderly judicial process.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. Mr. President, may I have 3 additional minutes?

Mr. KNOWLAND. Mr. President, I yield 3 additional minutes to the Senator from Oregon.

Mr. MORSE. Mr. President, potential defendants may be encouraged to defy orders under the mistaken or correct impression that a jury will go easy with them.

So, in summary, I point out that as a matter of protecting the integrity of the courts, juries have no place in criminal contempt trials.

DISCRIMINATION IN CHOOSING JURIES

The Church amendment does not deal with this major defect.

It has been asserted in debate that one of the many objections to jury trial is that in certain States the bias against Negro voters leads to jury lists which are not properly representative of the community and weight juries with white persons who share the prejudices of a given locality.

The Church amendment does not cure that defect any more than does the existing law that it is a criminal offense to discriminate against Negroes in the selection of jurors.

The provision is not self-enforcing.

Mention has been made in the Senate and in the press of Supreme Court decisions condemning exclusion of Negroes from juries as a denial of due process. That is so. There are such cases.

In every one of them, it is the rights of the defendant that are in issue. It is he who has the power to object and claim denial of due process. It is an unsettled question as to whether the prosecutor in a criminal case has that right.

That is one defect of the Church amendment.

But, let us suppose some Negroes are put on juries in these cases. It still takes a unanimous jury to convict; prejudiced jurors can still frustrate orderly legal processes by refusing to vote for conviction. One such obstructor is enough. At best, there will be a hung jury in many cases.

Compromise is all very well. But, can we compromise the orderly administration of justice? Can we compromise the power of courts to vindicate their own authority?

I say no. As Fiorello La Guardia used to say: "There is no such thing as a little pregnancy."

There is no such thing, I submit, as a little weakening of the court's authority to protect orderly legal process.

DOUBLE JEOPARDY NOT INVOLVED

Yesterday the junior Senator from Wyoming [Mr. BARRETT] posed the question whether if a man is adjudged guilty of criminal contempt for violation of a court order and sentenced and later is indicted for the same action as a violation of a criminal statute, is this not double jeopardy. The junior Senator from Rhode Island [Mr. PASTORE] said this bothered him too—both indicating they thought two such convictions would be double jeopardy.

In the first place, the action violating the court order need not violate a criminal statute in the same subject, as I pointed out last Friday. But related action might. So, for example, a voting registrar may be refusing to register qualified Negroes. In a court proceeding, he is ordered to register certain individuals and also publish notices that he is changing his procedures. The refusal to abide by the order is punishable by contempt. The original discrimination is a violation of criminal statute. They are two separate, even if related, illegal acts. There is no double jeopardy if he is tried and convicted for both.

But I cite the junior Senators from Wyoming and Rhode Island to 15 American Jurisprudence, section 362, and the cases there discussed. It says:

In some jurisdictions the view is taken that a prosecution for contempt is not a criminal proceeding within the rule as to jeopardy.

The annotation cites *Gibson* v. *Hutchinson* (148 Iowa 139, 126 N. W. 790) and *State ex rel Duensing* v. *Roby* (142 Ind. 168, 41 N. E. 145).

Also section 366 points out that violation of an injunction against a criminal act and the commission of the criminal act "the rule as to former jeopardy cannot be invoked on the ground that the same act is punishable both as a contempt of court and as a crime. The two offenses are not the same."

In the famous Debs case, so often discussed in this debate, the Supreme Court said:

If any criminal prosecution be brought against them for the criminal offenses alleged in the bill of complaint (itemizing them), it will be no defense to such prosecution that they disobeyed the orders of injunction served upon them and have been punished for such disobedience.

If there is substantial doubt on this, one need only look at the reasoning of the court in the Mineworkers case. The offense in a contempt case is willful disregard of the court's orders; the offense in a criminal case is violation of a statute. It defies reason to support that the two different kinds of violation, even if by the same act, are not subject to separate punishment.

Clearly an acquittal of one does not vindicate the other. And the jeopardy clause has most utility after there has been an acquittal. The contempt is a separate offense against the court.

Let us lay that ghost to rest. The Chamber is full of them; it would take an army of lawyers to clear the Senate of such will-o'-the-wisps as we have heard on behalf of nonexistent rights to trial by jury.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. KNOWLAND. I yield a half minute more to the Senator from Oregon.

Mr. MORSE. Mr. President, it has been demonstrated clearly that the time has come to protect the integrity of the American courts by voting down the O'Mahoney-Kefauver-Case of South Dakota-Church amendment, because, in my judgment, it is irrelevant to the issue before the Senate, namely, the issue of protecting the constitutional civil rights of all persons.

Mr. KNOWLAND. Mr. President, I yield 10 minutes to the distinguished Senator from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. President, in briefly discussing the subject further, I shall address myself to my colleagues from the South, as I did the other day. At that time I pointed out that I was supporting the Anderson-Aiken amendment because I felt that part III should be eliminated from the bill.

The PRESIDING OFFICER (Mr. STENNIS in the chair). The Senator from New Jersey will suspend.

The Senate is being very materially interrupted in the discharge of its duties by the constant milling around of a number of persons who are not Members of the Senate. Those who are Members of the House have the special privilege of the floor. The clerks to committees and clerks to Senators do not have the privilege of the floor unless they are here on official business. But they do not have the privilege of the floor if they are disorderly or are in any way contributing to confusion; they forfeit all rights which they may otherwise have. The Chair will not sit here and yield to those conditions. The Chair will protect Senators who have the floor.

Let no one be embarrassed if the Chair asks the Sergeant at Arms to take care of persons who are conducting themselves in a disorderly fashion.

The Senator from New Jersey is recognized for 10 minutes.

Mr. SMITH of New Jersey. I appreciate the statement just made by the Chair. I shall speak briefly.

I am disturbed by the situation presented by this debate, because it seemed to me that after the vote on the Anderson-Aiken amendment the Senate had

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practically agreed to limit the discussion on the bill to the right to vote. I am profoundly interested in the right of everyone in the Nation to vote, regardless of race, creed, or color. But the debate has turned, it seems to me, to matters which have no immediate bearing on that right. The urge to add an amendment which seems to protect persons who may be preventing others from enjoying the right to vote is putting the emphasis in the wrong place.

I would welcome it with all my heart if one of my friends from the South—just one of them—would rise and defend the right to vote. I have not heard any such defense from the South—and some of my dearest friends come from there.

I have tried to take the position that I would not participate in any force bill. I have tried to take the position that we would get together and work out the problem of the right to vote, which is a fundamental right of every American citizen. Yet it seems to me that from the very day on which the Senate agreed to the Anderson-Aiken amendment we have been discussing ways and means to hinder the right to vote, or to encumber it, and not ways and means to strengthen and secure the right to vote.

I am perfectly free to say that if part III had been left in the bill, I would have been prepared to support some sort of jury amendment. I have heard many Senators deliver excellent speeches, but by every analysis I can make—and I do not admit to being a great lawyer—I can see no need for a jury trial in cases affecting the right to vote.

Unless we leave cases involving that right in the hands of the Federal courts, unless we make it possible to protect the right to vote by the kind of proceedings which part IV provides, it seems to me we will be moving backwards.

We have eliminated the concept of force, and we have moved to the position of trying to cooperate. The main principle we are attempting to insure is the right of every citizen to vote. But we know perfectly well—and I am not criticizing anyone—that the facts show that in some areas of the country the colored people—the Negroes—do not have the right to vote, and every possible encumbrance is placed against their doing so.

I would welcome an expression from the South—an expression from our southern friends—that they are interested in developing in the bill a real right to vote, and protection of that right.

Then we can move ahead to pass a bill containing parts I, II, and IV. We can pass a bill which will be a strong bill. It will be the first contribution since the Civil War to the enactment of a civil-rights bill in the passage of which there has been cooperation by both the North and the South in a friendly sense. I should like to see manifested an intense desire to cooperate, not an effort to separate the bill into parts, and not discussions about technical questions such as trial by jury and jury trial amendments, which, if adopted, would absolutely destroy the effectiveness of the bill.

I am sorry to have to come to this conclusion, but it seems to me that unless we concentrate on the right to vote and make that our objective, and get away from the proposed amendment, we will injure the bill irreparably.

The amendment has been broadened to include, so to speak, the waterfront. It covers many subjects, including labor and numerous other matters. Labor especially has been brought into the picture.

If it is necessary to pass a bill to protect persons charged with criminal contempt and to define that subject more accurately, let us introduce a bill for that purpose and have it referred to the Committee on the Judiciary. Then let the committee determine what limitations should be placed in it. But let us not encumber this bill which is designed to guarantee the right to vote with a legalistic jury-trial amendment which can only prevent the taking of an effective and a real, forward step toward the enactment of a civil-rights law at this session.

Mr. O'MAHONEY. Mr. President, I yield 10 minutes to the senior Senator from North Carolina.

Mr. ERVIN. Mr. President, Americans have fought and died that all Americans—North, South, East, and West—might have a Constitution containing the guaranty that the trial of all crimes shall be by jury.

All civil-rights violations, including violations of the right to vote, are crimes under Federal statutes. We are told by the opponents of this amendment that southern jurors will not obey their oaths to try cases covered by the bill according to the evidence, and that in consequence State and local officials in Southern States should be robbed of the constitutional right of trial by jury for which Americans fought and died. They offer no evidence to support this indictment of a whole people.

Mr. President, this is a good amendment. The amendment should be adopted because it will do away with injustices now existing under the Federal law governing contempt proceedings. Under existing law, the United States compels its citizens to litigate in contempt matters on one basis, but reserves to itself a preferential status.

The O'Mahoney amendment provides that all litigants, including the United States of America, shall litigate under the same procedural law in contempt cases. Furthermore, the amendment provides that all Americans shall stand equal before the law of contempt.

Under the Clayton Act, Americans do not stand equal before the law of contempt. If the United States sues a person for an injunction, such person is denied the right of trial by jury in a subsequent criminal contempt proceeding, whereas if an individual or corporation sues a person for an injunction, such person has a right of trial by jury in a subsequent criminal contempt proceeding. There is neither rhyme nor reason in this distinction. If a defendant is guilty of a criminal contempt under the Clayton Act in a suit instituted by an individual or corporation, he enjoys the benefit of limited punishment; he cannot be sent to jail for more than 6 months. On the other hand, if a defendant is guilty of a criminal contempt in a suit instituted by the United States, he can be sent to jail for years and years, until the judgment of the court conflicts with the nebulous provisions of the eighth amendment to the Constitution prohibiting cruel and unusual punishment. Incidentally, no human being knows exactly what that means. Under present law, a defendant is denied a trial by jury and subject to fine and imprisonment having no known or fixed limits if he violates an injunction forbidding and otherwise lawful act; whereas he has the right of trial by jury, and cannot be fined more than $1,000 or imprisoned more than 6 months if he violates an injunction forbidding a criminal act. There is likewise neither rhyme nor reason in this distinction.

Furthermore, Mr. President, if a person violates the voting rights of another contrary to section 594 of title 18 of the United States Code, and is convicted by a jury, he can be sent to jail for only a year. But if such person were convicted of criminal contempt under the provisions of the pending bill without the O'Mahoney amendment, he could be sent to jail for a term whose limits are not defined.

So, Mr. President, the O'Mahoney amendment should be agreed to. It will make everyone in the United States equal under the law of contempt; surely all men ought to stand equal before the law.

Mr. President, some of my colleagues have declared on the floor of the Senate, "We are not trying to rob anyone of the right of trial by jury." Of course, Mr. President, all Senators are presumed to intend the natural consequences of their votes, just as all sane persons are presumed to intend the natural consequences of their acts. If the pending bill is passed without the inclusion of the O'Mahoney amendment, then the Attorney General of the United States will be able to detour right around the constitutional rights of Southern States and local officials, and that is exactly what the bill is intended to accomplish.

Mr. President, when Members of the Senate stand on the floor of the Senate and say they do not intend the natural consequences of their acts and do not intend to rob anyone of the right of trial by jury, they remind me of the man who took a gun and deliberately shot a bullet through another man's brain, and killed him, and then said, "I didn't intend to kill him. I was just trying to cure his headache." [Laughter.]

Mr. President, when the shouting and the tumult are over and the captains and the kings depart, every Senator who votes for the O'Mahoney amendment to secure the right of trial by jury in criminal contempts will be able to say this: "I have kept the faith with all the men and women, both great and small, whose blood, sweat, tears, and prayers have made the America we love a living reality. I have kept the faith with all Americans of all generations and races who shall come after me by voting to preserve for them the American constitutional and legal systems."

Mr. KNOWLAND. Mr. President, I yield 5 minutes to my colleague from California [Mr. KUCHEL].

The PRESIDING OFFICER. The junior Senator from California is recognized for 5 minutes.

Mr. KUCHEL. Mr. President, the basic issue now confronting the Senate should be abundantly clear to all Members of the Senate.

It has been almost 80 years since the United States Constitution purported to give to all citizens of the United States the right to vote. The 15th amendment to the Constitution has been read again and again in this Chamber. It provides that—

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Mr. President, during the debate, it has never been asserted that part IV of the pending bill will take away or will add to the present responsibilities and jurisdiction of the Federal courts. All that is attempted to be done by means of part IV is to clothe the Government of the United States with an additional civil tool, in order to help Americans exercise their right to vote.

The right to vote is a precious American right. It is worth very little—indeed, it is worth nothing at all—if it cannot be exercised on election day.

Some of us have found shocking the testimony before the Senate Committee on the Judiciary and the House Committee on the Judiciary, as given by responsible public servants. It demonstrates, I think, far beyond cavil, that thousands and thousands of American citizens have been deprived of their right to vote.

Mr. President, under the Federal statutes it is a crime for one to prevent an American citizen from voting. But by reason of the fact that any person charged with a crime has the right to a trial by jury, convictions in that field have been few, if any.

So, Mr. President, as the Attorney General of the United States attempted to point out in a letter which has been read and reread in this Chamber, all that is attempted to be done by means of the pending bill is to give the Government of the United States the right to appear as a civil litigant before a Federal court and to demonstrate the facts by which the Government of the United States contends that a citizen of the United States is being deprived of his right to vote; and, when that has been demonstrated, the Federal court may then have the right to enjoin the individual who is attempting to prevent the exercise of the American right to vote. As has been asserted in the Senate again and again, in the exercise of judicial authority, a Federal court has the right to enforce its decree in the same fashion that Federal court decrees have always, in this land of ours, been enforced.

A few moments ago the Senator from North Carolina [Mr. ERVIN] stated that in bygone days men fought and died for the American system. That is true.

The PRESIDING OFFICER. The time yielded to the Senator from California has expired.

Mr. KUCHEL. Mr. President, let me ask whether I may have 2 additional minutes.

Mr. KNOWLAND. Mr. President, I yield 2 additional minutes to my colleague.

The PRESIDING OFFICER. The junior Senator from California is recognized for 2 additional minutes.

Mr. KUCHEL. I am proud, Mr. President, as you are proud of the constitutional rights that are guaranteed to us; but one of the most precious is the right to vote.

Our friend, the Senator from Missouri [Mr. HENNINGS], has suggested, and I think with a great deal of clarity, that the amendment offered by the Senator from Wyoming and other Senators is unconstitutional; but whether it is unconstitutional or not, it is unfair. What has been attempted to be done here again and again and again is to bring in an amendment which would attract votes in this Chamber. On No. 5, I am told, some people fear we may go down to defeat. I hope not. The rollcall is only about an hour or so away, but, Mr. President, for the first time in 80 years the Senate of the United States is debating the question of whether or not the Government of this country ought to protect an American citizen and give him the benefit of his right to vote. If this fight were to be lost tonight, which God forbid, it will go on in the years to come, and eventually we will win.

Mr. O'MAHONEY. Mr. President, I yield 10 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 10 minutes.

Mr. HOLLAND. Mr. President, under this proposed legislation, the Government of the United States, through the Attorney General, would be permitted to bring an injunction suit covering conduct in a field which is now covered by criminal law. There is no question about it. It is admitted by Senators on both sides of the aisle and on both sides of this controversy that persons who are now entitled to trial by jury, such as was given to the defendants in the so-called Clinton case just a few days ago at Knoxville, Tenn., could have been deprived of that right of trial by jury under the terms of the proposed legislation.

Mr. President, what does that mean? Who would be deprived of jury trials? I have heard several Senators talk about the simple case of where there is a registration officer in court, and the court, looking at him, tells him personally and through an injunction, "You must do this." Then they try to maneuver the facts along to a point where there would be a criminal contempt for violation of such an injunction. There would rarely, if ever, be a criminal contempt in such a case. Civil contempt action would be perfectly effective if there was an unwillingness to perform.

But, Mr. President, where does criminal contempt apply? I think it might be well to look at what Attorney General Brownell said in his testimony before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee, at pages 3 to 8, inclusive, of the printed record, to see what he is talking about and thinking when he proposes the legislation. He mentions three cases which he thinks illustrate proper occasions for the application of the new philosophy represented in this new legislation. The first I shall mention is the Clinton case, to which I have already referred. He states very clearly that that would have been a proper case in which this doctrine could be utilized.

I wonder if Senators who are tempted to vote for this bill, without the requirement of a trial by jury, understand how sweeping the Clinton case was? I hold part of the legal record of the case in my hand. Besides John Kasper and five other named defendants, the petition for temporary restraining order is brought against "others whose names are not known by the petitioners at this time." The temporary restraining order describes what these defendants were doing, and among other things, "They have formed and caused to be formed picket lines in front of Clinton High School."

Let us listen to what the court order says, not just as it applies to Kasper, the other-named defendants and to "others whose names are not known," but to countless others:

It is ordered and decreed by the court that that aforementioned persons, their agents, servants, representatives, attorneys, and all other persons who are acting or may act in concert with them be and they hereby are enjoined and prohibited from further hindering, obstructing, or in anywise interfering with the carrying out of the aforesaid order of this court—

And so forth. In the Clinton case, the 16 or 17 defendants included only 1, Kasper, who was named as a defendant in that injunction. All the others were citizens of the community who were not mentioned in the original petition or restraining order, but who were charged with being in the unlawful conspiracy on certain occasions acting in concert with Kasper and others.

I think what we have seen happen in Knoxville, is a perfect example of a group of people who were subjected to prosecution for criminal contempt, and who claimed and enjoyed their right of trial by jury. They were tried by a jury. Some were released by the court for lack of evidence, some were convicted, and some were acquitted, because the Federal Government had not made out a case against them.

Do we want to place the burden of trial without a jury upon unnamed persons all over the Nation? Do we want to have placed on them the burden of losing their right to be tried on a criminal charge by a jury?

The second case the Attorney General mentioned is the Hoxie case. I wish I had time to read it fully, but there again, among the defendants named, were White America, Inc., a corporation organized and operating under the laws of

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the State of Arkansas, Citizens Committee Representing Segregation in the Hoxie Schools, an unincorporated association, and White Citizens Council of Arkansas, an unincorporated association.

I do not have time to go in detail into that case. The findings of fact read, in part, that the defendants would see to it that a picketline composed of from 300 to 800 persons would be thrown around the schoolgrounds on the following Monday morning. In other words, a great many more persons were involved than the few named as defendants, including members of the organizations named. The court, in its conclusions, stated that jurisdiction was had not only over the individuals, but, "This includes jurisdiction over the defendant unincorporated associations." Then the order gives the names of these associations.

Then the court says in its conclusions:

> This court should make permanent its preliminary injunction enjoining all of the defendants, including the defendant James D. Johnson, their agents, and those in active concert or participation with them, from attempting trespassing or picketing on property of the plaintiff school district—

And so forth. Shall we say that the other hundreds not named, or those unknown, shall be brought into court, or those who are thought to be members of those organizations who may go to the schoolgrounds at an unusual time or perform any allegedly improper act shall be required to defend themselves without the right of a jury of their peers?

The third case cited by the Attorney General was a case in Louisiana, which appears on page 3 of the record. The Attorney General described that particular situation, in which he said it was shown that 3,420 persons, members of a citizens council had filed affidavits against persons registered on the registration rolls of Ouachita Parish, claiming they were unlawfully registered and were not entitled to vote. The Attorney General makes it clear that what he desires is the right to put them all in one package. Whether named or unnamed, whether hundreds or thousands are involved, makes no difference; they would all be charged as conspirators. He points out that as a perfect case in which this proposed procedure could have been invoked and "would have been of great assistance."

I do not believe that Senators in this Chamber who are thinking about voting against this amendment realize that they would be voting to deprive countless American citizens of the right of trial by jury, when they have never had their day in court or been before the judge earlier, but have been picked up under suspicious circumstances, and would be put to proof before the judge that they were not violating an injunction, of which they may have never heard.

I do not know how ridiculous we can get in the Senate. But here there are some who stand up and assert that the right of trial by jury should be snatched away from persons in various unnamed classifications—and that is the very warp and woof of this procedure. The Attorney General has picked out three situations as examples of the kind of problems in which the proposed legislation would be effectively used. Under these class suits, those who will vote for a proposal to take away the right of trial by jury would in effect put themselves in the position of wishing to deprive thousands of their countrymen and American citizens of the right of trial by jury some of them named, most of them unnamed—as was the case in the Clinton case. Senators would deprive such persons of the right of trial by jury when they never had their day in court and might not know about the injunction or know whether the contents of the injunction applied to them or not.

Mr. President, I never heard of a more ridiculous thing in an Anglo-Saxon speaking jurisdiction than this effort to deprive citizens of that precious thing, the right to trial by jury, which has always been so stoutly defended by our people. This is an effort to deprive countless thousands of our people who may be found in the unfortunate circumstances which I have pictured and which were clearly shown to be within the mind of the Attorney General, when he described on the pages of the hearing record I have mentioned—pages 3 to 8, inclusive—three typical cases in which the proposed statute could be used to deprive citizens of the United States of the right to trial by jury.

Mr. President, we cannot by the mere making of a crime into an equitable cause of action to be brought by the Attorney General, thereby depriving thousands of people of the right to trial by jury, proceed in the traditional Anglo-Saxon and the traditional American way. I hope the Senate will never give the support of its approving vote to the bill without affixing to it an amendment which clearly gives and preserves the right of trial by jury to those who may be charged with criminal contempt.

The PRESIDING OFFICER. The Senator from California.

Mr. KNOWLAND. Mr. President, I yield 10 minutes to the junior Senator from New Jersey [Mr. CASE].

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 10 minutes.

Mr. CASE of New Jersey. Mr. President, we are considering a bill to provide an additional remedy——

The PRESIDING OFFICER. Let the Senator suspend. The time of the Senate has been allotted. The Senator from New Jersey has been recognized. Those who have to converse please retire from the Chamber.

Mr. CASE of New Jersey. Mr. President, we are considering a bill to provide an additional remedy to secure for millions of Americans a substantive constitutional right which they are supposed to enjoy under the Constitution.

The Constitution provides, in amendment 15:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 of that amendment provides:

> The Congress shall have power to enforce this article by appropriate legislation.

Mr. President, is this constitutional right now being denied? Is an additional remedy necessary? That seems like a silly question, and yet we have been talking for weeks about everything except the people whose constitutional rights to vote have been denied.

I should like, in that connection, to quote a statement which appeared in the New York Times of July 28, written by Mr. James Reston. Among other things, he said:

> It cannot be argued that some—though not all—parts of the South are not guilty of mass denial of the Negro's right to vote or that the Negro gets equal treatment with whites by southern juries determining civil-rights cases.
>
> The Justice Department has documented this case in great detail. The record of disenfranchisement in some States—notably Mississippi and Louisiana—is known to every southerner in the Senate. So is the pitifully small Negro vote throughout the South.

Of course that is true. Again and again we have pointed out that less than a quarter of the 4.3 million Negroes of voting age in 9 Southern States are registered. Again the same condition prevails in Mississippi. In that State only 8,000 of about a half million Negroes of voting age are registered to vote.

I should like to mention a couple of cases to show how this situation occurs in particular areas.

There are two companion cases which went to the court of appeals, which used to be called the circuit court of appeals for the fifth circuit. One was Mitchell against Wright and the other Hall against Nagel, reported in 154 Federal Reporter, second series, at pages 924 and following. Both these cases involved appeals for declaratory judgments and injunctions by private Negro citizens alleging they had been deprived of the right to vote. In both cases the district court determined that the complaint was insufficient. The plaintiffs appealed, and the appeals were heard together.

The issue in both cases was the same. In one case there was a constitutional provision of the State of Louisiana requiring that anybody alleged to have been deprived of the right to vote should appeal to a jury under State law, the jury's verdict to be final. The other case involved a statute of the State of Alabama to the same effect, providing that the appeal was to a jury whose verdict was final.

In both cases the lower court held that since there had not been an allegation that recourse to the remedy under State law had been taken the complaint was insufficient. In both cases the court of appeals reversed the lower court on the ground that such a procedure provided a judicial rather than an administrative remedy, and that a State judicial remedy need not be exhausted before appeal to the Federal courts.

The point I wish to illustrate is this: These two States—one by statute and the other by constitutional provision—provided that appeals of this character had to be taken before a jury. We know how juries in those two States are constituted, Mr. President. And it was further provided that the verdict of the jury was not subject to appeal. No; the

verdict was final. That is the way the States in the South attempt to solve the problem, simply to state an example.

There is another case, Mr. President, I should like to cite. It is the case of *Sellers* v. *Wilson* (123 Fed. Supp. 917). This case arose in Alabama, when a suit was brought by several Negroes for a declaratory judgment, injunctive relief, and money damages, alleging they were denied registration on the ground of race or color. The court held they had been denied such registration.

Mr. President, I ask unanimous consent that the opinion in this case, which describes the facts, be printed in the RECORD at this point.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

ELECTIONS—REGISTRATION—ALABAMA

AARON SELLERS ET AL. VERSUS S. B. WILSON ET AL.—UNITED STATES DISTRICT COURT, MIDDLE DISTRICT, ALABAMA, SEPTEMBER 10, 1954, 123 F. SUPP. 917

(Summary: Negroes in Alabama brought a suit in the United States district court against members of the Board of Registrars of Bullock County, Ala., for a declaratory judgment, injunctive relief, and money damages, alleging that they were denied registration on the grounds of race or color. The court found that certain practices of the board amounted to discrimination and stated that injunctive relief would be granted should any of the defendants, all of whom had resigned as board members, again become members of the board. The claim for money damages was denied.)

Kennamer, district judge: This is a suit by the above-named plaintiffs, all Negroes, against the above-named defendants who constituted the Board of Registrars of Bullock County, Ala., for a declaratory judgment, declaring the policy, custom, or usage of the defendants in allegedly refusing to register as electors plaintiffs solely on account of their race or color, unlawful and in violation of Federal constitutional rights; and, too, that this court issue a permanent injunction forever restraining and enjoining the defendants and each of them, from allegedly subjecting Negroes to tests not required of white applicants as a prerequisite to register; and, also, for money damages which, by stipulation of the parties, if allowed, is to be for a nominal sum not in excess of $1.

The case is before the court, by stipulation, solely on depositions of the parties and without the intervention of a jury.

*Effort to register*

On three separate occasions: the first, January 18, 1954; the second, January 19, 1954; and the third, February 1, 1954, these plaintiffs appeared at the courthouse in Union Springs, Bullock County, Ala., for the purpose of making application to become registered voters. It is a prerequisite under Alabama law that such an applicant appear in person before the board of registrars, that the board furnish the applicant a written application blank or, as referred to in the statute, a questionnaire, to be answered by the applicant in writing in the presence of the board without assistance.

The three above-named defendants, at the time these plaintiffs appeared at the courthouse in Union Springs, Ala., for the purpose of making application to become registered voters, and at the time this action in this court was commenced, and up until their resignations were submitted on August 14, 1954, constituted the Board of Registrars of Bullock County, Ala. As such board of registrars they held regular sessions in the courthouse at Union Springs for the purpose of furnishing questionnaires to applicants who desired to become registered voters in Bullock County, and registering the applicants who were qualified to become registered voters.

On the three separate occasions when these plaintiffs appeared at the Bullock County Courthouse to make application to the board to be registered, the plaintiffs either appeared before the board in its entirety or before individual members of the board. When the plaintiffs appeared in the courtroom in the Bullock County Courthouse on January 18, 1954, the place where the board was then in session, all three members of the board were present and actively at work furnishing questionnaires to white applicants, having such questionnaires answered by white applicants, and registering white applicants.

These plaintiffs, on January 18, 1954, on this occasion, seated themselves in the courtroom to await their turn to be registered. In a few minutes, Mr. S. B. Wilson, chairman of the board and one of the named defendants in this suit, went over to where the plaintiffs were and made inquiry of them as to the nature of their visit. When told that they had come to see about getting registered he, Wilson, informed them that the board was busy that day and for them to come back the next day, January 19, 1954, and bring a registered voter with them as a voucher. The plaintiffs then departed; they returned the next day, January 19, 1954, with a registered voter to be a voucher.

The efforts of these plaintiffs from then on to make application to be registered as voters, were handicapped by what appears to be a sort of hide-and-seek policy on the part of the board of registrars. The plaintiffs, as seekers, were never able, after that first visit to the board on January 18, 1954, to find the entire membership of the board in session, or to catch a quorum present, functioning in its legal capacity as the Board of Registrars of Bullock County.

When the plaintiffs returned the next day, January 19, 1954, with a registered voter to act as voucher, as suggested to them by Mr. Wilson the day before, the following occurred according to board members and defendant W. B. Rainer, before the plaintiffs were frightened from the courtroom and away from the courthouse by a person named Allen B. Tucker, who is otherwise unidentified but who was not connected with the board of registrars in any official capacity:

"Question. Do you recall how long after the first time it was before they returned?

"Answer. The next day.

"Question. Do you recall what happened that day?

"Answer. I do.

"Question. Will you state for the record what happened that day?

"Answer. As far as the board is concerned, nothing happened because they never did approach me, and I was by myself and they never even approached me and asked for an application. Not a word was said to me. The board was not officially in session, since the law requires that two of us be there. They say that two constitutes a quorum and I was working on applications we had received the day before. I was working on those at the circuit solicitor's stand where the solicitor usually sits, and they came in the auditorium.

"Question. Did you inquire of them as to what they wanted?

"Answer. I did not."

The third and final effort of these plaintiffs to make application to the board for registration was on February 1, 1954, a statutory day for board sessions. As usual, the plaintiffs were at the courthouse that day around 9 a. m. They sought in vain to find the board. They did see Mr. Wilson around 11:30 a. m., but he told them he was going to dinner and for them to come back around 1 p. m., which they did. They did not see Mr. Wilson again until around 2:30 p. m. He was then going downstairs into the basement of the courthouse. These plaintiffs followed him into the basement. When Wilson was there confronted by a spokesman for these plaintiffs about the matter of their registration, Wilson stated to them that the board was not in session that afternoon; that he was there alone and could do nothing for them.

Mr. Wilson, as chairman of the Board of Registrars of Bullock County, and apparently speaking for the entire board, testified under oath on August 13, 1954, at the time his deposition was being taken in this case, that the next meeting of the board would be Monday, August 16, 1954, and at that time all Negroes who presented themselves for registration with a voucher, and who would be registered. Whether these plaintiffs would have been able to find the board in session on that Monday, and thereby secure proper application blanks, this court will never know, for the following day, August 14, 1954, these three defendants, Mr. Wilson, Mr. Chappell, and Mr. Rainer, constituting the Board of Registrars of Bullock County, resigned as members of the board, to be effective that day. There is at this time no board of registrars in Bullock County, Ala.

*Discrimination found*

These plaintiffs could not make proper application for registration without first securing application blanks. These blanks are furnished by the board of registrars to applicants. The acts of these plaintiffs amounted to a request for such application blanks. The acts of these defendants amounted to a denial of their request, a denial occasioned solely because the plaintiffs were members of the Negro race.

The court finds the action of these defendants on January 18 and 19, 1954, and on February 1, 1954, as relating to these plaintiffs, whenever the plaintiffs appeared before them as members of the Board of Registrars of Bullock County for the purpose of applying to be registered, discriminatory treatment not required or administered to white applicants.

The court finds the failure of the board members, the defendants, to supply the plaintiffs with application blanks, to be a policy, custom, or usage not required by the board of, or applied to, white applicants, and therefore it subjected Negroes to tests not required of white applicants.

The supreme law of this Republic is that no test can be required of a Negro applicant as a prerequisite to registration as a voter that is not required of a white applicant; therefore, let no board of registrars try to devise any scheme or artifice to do otherwise.

The plaintiffs have proven no money damages on account of the illegal and wrongful acts of these defendants and therefore no award of money damages is made.

By virtue of their resignations as members of the Board of Registrars of Bullock County, Ala., these defendants are now beyond the vale of an injunctive directive from this court in this matter; however, the court retains jurisdiction of the case and will grant the injunctive relief prayed for in plaintiffs' petition in the event either or all of these defendants again become members of this board.

The attorneys for the plaintiffs will prepare and submit to the court a proper judgment herein.

The defendants are taxed with cost, for which execution may issue.

Mr. CASE of New Jersey. Mr. President, the situation in this case indeed represented a travesty on justice. The Negroes appeared several times, and were denied by the registration board the

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right to register. The registration board said it was not able to handle their registration, though it was handling the registration of white citizens at the same time. The Negroes were told to come back the next day. The next day the Negroes did come back, and they were told they could not be heard, because only one member of the board was present. The next time the Negroes returned they received similar short shrift, so they brought suit, and the court found they had been denied the right of registration on the ground of their color.

But what happened, Mr. President? After the suit was started and while it was being tried, and after a member of the registration board told the court that on a certain day following the board would sit for registration of all citizens, including Negroes, the board resigned. All members of the board resigned. The court found, of course, that it was unable to grant the relief, because there was no one on whom its order could operate.

Mr. President, this is the type of thing we are talking about, stated in black and white in court decisions. It does not happen by accident that less than a quarter of the Negroes in the Southern States have the right to vote.

Not only are the existing remedies proved to be inadequate by the facts, but the States in the South are trying to make the existing remedies even harder to be availed of by the passage of barratry statutes, under which no person without a direct personal interest in a suit may in any way assist a plaintiff attempting to secure his legal rights to vote.

Mr. President, I suggest that the opponents of the pending legislation from those States do not come before the Senate with clean hands.

The remedy, already inadequate, is being made more so by the very people who oppose this mild, moderate, and reasonable bill. Mr. President, the additional remedy provided by this proposed legislation is absolutely essential.

Mr. President, the proposed remedy is by a suit in equity brought by the United States for preventive relief. Such a procedure is clearly constitutional.

The 15th amendment provides that the Congress may provide by appropriate legislation for the enforcement of the voting rights of citizens, under that amendment. And, as the Senator from Ohio [Mr. BRICKER] so well pointed out the other day, the power of Congress in this regard is plenary.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point, as a part of my remarks, an excerpt from Walter Wheeler Cook's book entitled "Cases on Equity," relating to injunctive enforcement of the criminal law.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

NOTE ON INJUNCTIVE ENFORCEMENT OF THE CRIMINAL LAW

During the past 60 years, the exercise by courts of equity of jurisdiction over crime, i. e., the enforcement of the criminal law by injunction, has undergone significant expansion. Statutes have increasingly authorized the injunction as an auxiliary remedy for the enforcement of regulatory and criminal legislation. Examples are the antitrust laws, public utility acts, blue-sky laws, zoning legislation, and statutes declaring gambling establishments, bawdy houses, and places where intoxicating liquors are illegally sold, to be public nuisances as well as criminal. And there has been a parallel tendency, without statutory authorization, to expand the judicial concept of public nuisance for similar purposes. See (note, 1932) 45 Harv. L. Rev. 1096; Simpson, Fifty Years of American Equity, 50 Harv. L. Rev. 171, 224–228, 1936; *People* v. *Lim* (18 Cal. 2d 872, 118 P. 2d 472), 1941, (notes, 1942) (15 So. Cal. L. Rev. 372, 26 Minn. L. Rev. 753).

Perhaps the leading case holding statutory authorization of injunctions against public nuisances to be constitutional, as against the attack that the defendant was indirectly deprived of jury trial, is *Carleton* v. *Rugg* (149 Mass. 550, 22 N. E. 55, 5 L. R. A. 193, 14 Am. St. Rep. 446, 1889 (illegal saloon)). In *Mugler* v. *Kansas* (123 U. S. 623, 8 St. Ct. 273, 31 L. Ed. 205, 1887) it was held that such statutes do not violate the United States Constitution. See, also, *People ex. rel. Lemon* v. *Elmore* (225 App. Div. 869, 233 N. Y. S. 40, 1929, (note, 1930) 15 Corn. L. Q. 269 (disorderly house)); *People* v. *Lim, supra,* (gambling establishment). There was much discussion of the constitutionality of the injunction provisions of the National Prohibition Act, as to itinerant bootlegging. See *United States* v. *Cunningham* (37 F. 2d 349, D. C. Nebr. 1929 (note, 1930) 43 Harv. L. Rev. 1159).

*Hedden* v. *Hand* (90 N. J. Eq. 583, 107 A. 285, 5 A. L. R. 1463, 1919) appears to be the only case holding statutory authorization of injunction against such public nuisances as houses of prostitution and illegal saloons to be unconstitutional. That decision rested in part, however, on the unique autonomy of the New Jersey Court of Chancery.

For an excellent discussion of the basic policies involved in the extension of injunctive enforcement of the criminal law, particularly where the unlawful conduct lies outside of the public nuisance concept, see *Simpson, supra,* ((note, 1932) 45 Harv. L. Rev. 1096), and *People* v. *Lim, supra.*

Mr. CASE of New Jersey. The proposed remedy is constitutional. It is clearly within the power of this body to provide relief for millions of citizens whose rights are denied.

Is the remedy appropriate? Of course it is. Damages or criminal prosecution cannot repair the loss suffered by one deprived of the right to vote. No amount of damages would be adequate.

Traditionally, the purpose of equity has been to provide a remedy where other remedies are inadequate. This is without question the only remedy a person deprived of the right to vote can have, that is in any way adequate. The only adequate remedy for a person who is being denied his right to vote is to have that right restored to him.

There is an additional reason, in this delicate area, why this remedy is appropriate. It does not make sense to deal with respected citizens, as most of the voting registrars are, people who are acting in accordance with the general usage of the community in denying these rights, by throwing them into jail. Such action would offend the community. It would be distasteful in the extreme to the people who would have to enforce the law. In this delicate area the right course is to provide an effective remedy in equity.

Thirty or more statutes provide this same kind of remedy and means of enforcement of Federal statutes. I ask unanimous consent that an excerpt from the remarks of the Senator from Illinois [Mr. DOUGLAS] on July 26, including a list of such statutes, be printed in the RECORD at this point as a part of my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Mr. DOUGLAS. Mr. President, what the third edition of the O'Mahoney proposal amounts to is a proposal in effect to amend over 30 Federal statutes. These statutes, which are enforced by injunctive proceedings instituted by the Attorney General or other Federal officials in a manner identical with that provided in the House bill, are as follows:

The antitrust laws.

The law relating to associations engaged in catching and marketing aquatic products.

The law relating to associations of producers of agricultural products.

The Atomic Energy Act.

The law relating to bridges over navigable waters.

Violations of the Clayton Act.

The law relating to electric utility companies.

The law relating to dissemination of false advertisements.

The law relating to freight forwarders.

The Fur Products Labeling Act.

The law relating to enclosure of public lands.

The law relating to investment advisers.

The law relating to gross misconduct and gross abuse of trust by investment companies.

The law on the use of a misleading name or title by investment companies.

Violation of statutes governing SEC by investment companies.

The Fair Labor Standards Act. That is most important.

The Longshoremen's and Harbor Workers' Compensation Act.

The law relating to the restraint of import trade.

The Wool Products Labeling Act.

The Securities Act.

The Securities Exchange Act.

The law relating to stockyards.

The law relating to submarine cables.

The law relating to the sugar quota.

The law relating to water carriers in interstate and foreign commerce.

The Flammable Fabrics Act.

The National Housing Act.

In addition, I am informed that there are eight more acts, which I shall make available in the RECORD when they are more fully identified.

Mr. CASE of New Jersey. Is the proposed remedy fair to those who might be accused of depriving others of their constitutional rights? Of course it is. As the Senator from Ohio pointed out, every person brought before the court in these matters has not 1, but 2 days in court; not 1, but 2 appeals.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks rule 65 of the Civil Rules of Procedure, which prescribes how a person will be treated when he is brought before the court in these matters.

There being no objection, the rule was ordered to be printed in the RECORD, as follows:

RULE 65. INJUNCTIONS

(a) Preliminary; notice: No preliminary injunction shall be issued without notice to the adverse party.

(b) Temporary restraining order; notice; hearing; duration: No temporary restraining order shall be granted without notice to the adverse party unless it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before notice can be served and a hearing had thereon. Every temporary restraining order granted without notice shall be endorsed with the date and hour of issuance; shall be filed forthwith in the clerk's office and entered of record; shall define the injury and state why it is irreparable and why the order was granted without notice; and shall expire by its terms within such time after entry, not to exceed 10 days, as the court fixes, unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the extension shall be entered of record. In case a temporary restraining order is granted without notice, the motion for a preliminary injunction shall be set down for hearing at the earliest possible time and takes precedence of all matters except older matters of the same character; and when the motion comes on for hearing the party who obtained the temporary restraining order shall proceed with the application for a preliminary injunction and, if he does not do so, the court shall dissolve the temporary restraining order. On 2 days' notice to the party who obtained the temporary restraining order without notice or on such shorter notice to that party as the court may prescribe, the adverse party may appear and move its dissolution or modification and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

(c) Security: No restraining order or preliminary injunction shall issue except upon the giving of security by the applicant, in such sum as the court deems proper, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained. No such security shall be required of the United States or of an officer or agency thereof.

A surety upon a bond or undertaking under this rule submits himself to the jurisdiction of the court and irrevocably appoints the clerk of the court as his agent upon whom any papers affecting his liability on the bond or undertaking may be served. His liability may be enforced on motion without the necessity of an independent action. The motion and such notice of the motion as the court prescribes may be served on the clerk of the court who shall forthwith mail copies to the persons giving the security if their addresses are known.

(d) Form and scope of injunction or restraining order: Every order granting an injunction and every restraining order shall set forth the reasons for its issuance; shall be specific in terms; shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

(e) Employer and employee; interpleader; constitutional cases: These rules do not modify any statute of the United States relating to temporary restraining orders and preliminary injunctions in actions affecting employer and employee; or the provisions of title 28, U. S. C., section 2361, relating to preliminary injunctions in actions of interpleader or in the nature of interpleader; or title 28, U. S. C., section 2284, relating to actions required by act of Congress to be heard and determined by a district court of three judges. As amended December 27, 1946; December 29, 1948, effective October 20, 1949.

Mr. CASE of New Jersey. Mr. President, first of all, the court cannot order any change in the registration picture until there has been a full hearing on the merits of the case. Until such a hearing can be held, the most a court can do is to order the registrar to maintain the status quo. During this period, the names of any Negroes or other voters who are already registered may not be stricken from the rolls, and of course none can be added to the rolls until after such a hearing.

When the hearing is held, the registrar or other defendant will receive all the benefits available in an ordinary civil case, including the opportunity to present his own witnesses, to show why a permanent injunction should not be issued. The defendant will therefore have his day in court before he can be ordered to take any affirmative action.

Mr. President, the defendant will have every civil right enjoyed by litigants in private litigation. He will have the right to counsel, and the right to cross-examine witnesses. The decision must be made by a preponderance of the evidence.

And, Mr. President, from any order issued by the court after such hearing the defendant may appeal, first to the court of appeals and, finally, to the Supreme Court.

The PRESIDING OFFICER. The Senator has exhausted his time.

Mr. CASE of New Jersey. Mr. President, may I have 2 additional minutes?

Mr. KNOWLAND. Mr. President, I yield 2 additional minutes to the Senator from New Jersey.

Mr. CASE of New Jersey. Not only is there a full trial at the outset, before any final order may be entered, with full right of appeal, but there is another trial if a man is brought in accused of violating an order.

The United States Supreme Court has made it clear that a defendant in a criminal contempt case is entitled to all the procedural protection, other than jury trial, which he would have in an ordinary criminal prosecution. He is presumed to be innocent. His guilt must be proved beyond a reasonable doubt; and he cannot be compelled to testify against himself. (*Gompers* v. *Buck's Stove and Range Co.*, 221 U. S. 418, p. 444; and *Michaelson* v. *United States*, 266 U. S. 42, p. 46.)

Except where the act constituting the contempt takes place in the presence of the court, the defendant is entitled to notice of, and a reasonable opportunity to meet, the charges against him, including the right to counsel and the right to present his own witnesses and cross-examine others (*Cook* v. *United States*, 267 U. S. 517; Federal Rules of Criminal Procedure, 42, subsec. (b)).

Furthermore, any abuse by the judge of his authority in contempt proceedings is subject to review on appeal; and the courts of appeal and the Supreme Court have a long record of vigorous action to protect the rights of defendants in contempt proceedings.

In spite of these two full trials and the two full appeals, the opponents say that that is not enough. They want a jury trial. They base this on a distinction, nebulous at best, and impossible to enforce in this area. They base their position on a technical distinction between civil and criminal contempt. They do not claim—no one claims—any constitutional right to such a jury trial. There is no such right. And there is no precedent except one in injunction suits brought by the United States in which a jury trial has ever been allowed, and that is in certain cases of contempt involving a labor dispute.

The Senator from Oregon has clearly pointed out that this is another day and another time, and that the abuses of the injunctive process which gave rise to the provision of a jury trial in that single class of cases could never exist again. There is no suggestion whatever—nor could there be—that southern judges would be guilty of such abuses, particularly in civil rights cases.

Why, then, is a jury trial asked in civil-rights cases if it is not necessary under the Constitution and if it is not necessary to protect the rights of defendants in such cases? Why should the defendants in such cases be entitled to have a jury trial?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CASE of New Jersey. Mr. President, may I have 1 additional minute?

Mr. KNOWLAND. I yield 1 additional minute to the Senator from New Jersey.

Mr. CASE of New Jersey. There is only one conclusion that any reasonable man can draw, and that is that it is sought by the opponents of the bill to make it impossible to enforce the law.

Mr. President, because of the time limit, I ask unanimous consent to insert at this point, as part of my remarks, certain remarks I made several days ago in speeches on this floor.

There being no objections, the excerpts were ordered to be printed in the RECORD, as follows:

The opponents of right-to-vote legislation have made no secret of the heavy reliance they place upon a jury as a means of upholding what the senior Senator from Georgia has candidly acknowledged to be the system of segregation of the races. Without seeking in any way to cast aspersions on those who would serve as jurors should any of these amendments be adopted, I do not envy the position in which they would be placed should the determination of these questions be taken from the courts and vested in petit juries.

The after effects of the recent jury trial in Clinton, Tenn., are illustrative. The jury in that case merits the respect and admiration of the entire Nation for the objective manner in which it conducted itself. However, as the New York Times reported yesterday, there are ominous rumblings of bitterness in the area following the convictions handed down in that case. The Times quoted one Clinton resident as saying:

"The Ku Klux are organized. They are not going to stop now. They mean business. Make no mistake about it."

Later in the same report, the Times quoted William Shaw, assistant attorney general

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of Louisiana, and a member of the defense counsel in the Clinton trial, as saying:

"There won't be any convictions by juries in segregation cases down South."

That is an interesting contrast with the statement which the attorney general of Louisiana made before the House Committee on the Judiciary last January, and included in the letter of the Assistant Attorney General, Mr. Olney, to Representative CELLER, dated February 21, which I have already inserted in the RECORD.

The attorney general of Louisiana, apparently the boss of Assistant Attorney General William Shaw, is named Jack P. F. Vermilion. He stated to the Committee on the Judiciary of the House last winter:

"I actually do not know anything, officially or unofficially about the activities of the citizens' council in my State. I am not a member, and I actually do not know; but I do know that up at Monroe they did have some difficulty with respect to voting. But that is definitely not a general rule throughout the State, and I think it is more or less an exception."

Of course, Mr. President, the fact that Clinton, Tenn., sought voluntarily to integrate its own school system suggests that the citizens in that area are not dedicated to the maintenance of the system of separation of the races, which has been so vigorously defended throughout this debate. Elsewhere we can hear echoes of the same sentiments attributed by the New York Times to Mr. Shaw, assistant attorney general of Louisiana.

For example, last fall, when the Assistant Attorney General of the United States, Warren Olney, reported to Congress on registration irregularities in the South, Gov. J. P. Coleman, of Mississippi, revealed what he expected from Mississippi jurors should the Justice Department prosecute any cases in his State. As quoted by the Jackson (Miss.) Clarion-Ledger of October 25, 1956, Mr. Coleman commented on Mr. Olney's report as follows:

"I have already discussed this fully with the attorney general of Mississippi, and we expect to appear personally in any Federal court where any Mississippian is indicted on these trumped-up charges, and we will defend them before a jury of Mississippians."

That is from the Governor of the State of Mississippi.

Mr. President, the distinguished and very able Senator from Oregon [Mr. MORSE] made a speech on the bill the other day, which was one of the finest speeches I have ever had the privilege of hearing in the Senate. It is useful with respect to many aspects and many of the questions involved in the proposed legislation. I should like to quote briefly from it:

"It gives me pause, in this regard, to read in the New York Times of May 31, 1957, that the Montgomery, Ala., trial of two white defendants on charges of bombing a Negro church:

" 'The defense appealed for a verdict that would give encouragement to every white man, every white woman, and every white child in the South who is looking to you to preserve our sacred traditions.' "

The Senator from Oregon continued:

"It is only partially pertinent that the defendants were acquitted. The appeal to prejudice, the force of community pressure, were there."

I should like to call attention to a report published in the New York Times of July 25, 1957, quoting an editorial from the News, of Jackson, Miss., headed "Not Southern Sentiment":

"NOT SOUTHERN SENTIMENT

"The conviction is understandable. First, the trial took place in Knoxville, which happens to be a hotbed of Republicans and always has been, even back in the days of the War Between the States. Second, Tennessee happens to be the State that elected ESTES KEFAUVER, traitor to the South, to a seat in the United States Senate. Third, Tennessee sentiment is not southern sentiment and we can thank God for that. The Knoxville verdict was a victory for the GOP, the NAACP, the AFL–CIO, the Civil Rights Congress, the ADA, and other scum and riffraff of the Nation. Finally, the verdict is a warning to the South of what vicious elements now in control of the Government intend to do to our section of the Nation."

Mr. CASE of New Jersey. And I should like to read certain significant portions of a recent United Press dispatch:

(By John Herbers, United Press staff correspondent)

Gov. J. P. Coleman said today he believes the South will defeat the controversial civil-rights bill in the Senate, but if it passes we will be able to meet it.

RIGHTS PROPAGANDA

Coleman called the civil-rights bill "just a new propaganda weapon that can be turned on the South," because the proposed Commission has investigative powers only and can go no further than Congressional committees and grand juries.

"This legislation is designed to conduct a war of nerves and break down the will of the South to resist infringement on the rights of the States," Coleman said. "But I don't think anybody in Mississippi will be frightened. I know I will not."

The Governor, who visited Washington during his stay at the National Governors' Conference in Virginia last week, predicted if the bill does pass it will call for jury trial. Then it especially would be a "fairly harmless proposition," Coleman said.

One last comment. If the right of trial by jury were to be applicable only to cases arising under this civil-rights bill, the amendment suggested by the Senator from Wyoming and his colleagues ought not to be adopted. It is not necessary under the Constitution. It is not necessary for the fair treatment of defendants. And its effect would be to make a travesty of the law, and make its enforcement impossible.

But, Mr. President, this amendment has now been broadened, in the last of its several manifestations, to cover all suits in equity, all contempt cases in equity in the Federal courts. I suggest that for us, at this late hour, without any hearing by any of the committees of this body, to make this drastic change in the rules affecting one coordinate branch of our Government, the courts of the United States, is utterly wrong, and unworthy of this body. I suggest that we must not do it.

Those who believe—and I think they are utterly wrong—that there should not be an injunctive remedy to protect the constitutional right of American citizens to vote, should vote if they must, against part IV of the bill or even against the bill itself. But they should never vote to strike down the courts of this country, as this amendment would do.

Mr. O'MAHONEY. Mr. President, I yield 20 minutes to the junior Senator from Idaho.

Mr. CHURCH. Mr. President, I speak today in support of the amendment which I am privileged to sponsor with the distinguished Senators from Wyoming and Tennessee. I endorse this amendment because I believe that it serves the long-term interests of civil rights for all the people.

In its present form, the bill before us impairs one right in order to better enforce another. It gives, but it also takes. It gives us a more effective method to enforce the right to vote; it takes away the right to a trial by jury in a field where this right has heretofore existed under Federal law. This bill will empower the National Government to initiate and prosecute suits for injunctive relief in voting-rights cases; it enables the National Government to obtain restraining orders from Federal courts directed toward protecting the right to vote. And, as now constituted, it provides that alleged violations of these restraining orders, in both civil and criminal contempt proceedings, shall be tried by the court without benefit of jury.

Mr. President, do we need to add new methods to better protect voting rights for all of our citizens, regardless of their race or color?

I think we do.

The 15th amendment to the Constitution was ratified in 1870. It established that the right of all citizens to vote "shall not be denied or abridged on account of race, color, or previous condition of servitude." Yet, after the lapse of nearly a century, such large numbers of colored citizens in parts of our country, still do not vote as to make it clear that further legislation, implementing the guaranty accorded by the 15th amendment, is not only needed, but long overdue.

Will the extension of the Government's use of the injunction, as authorized by the pending bill, provide a more effective means for protecting voting rights?

I think it will.

For this reason, as I have said previously in this debate, I shall vote for the pending bill, even though the jury-trial amendment be not adopted by the Senate. If I must choose between an impairment of the right to jury trial, and an extension of the right to vote, I shall choose the latter, for the right to vote is more fundamental to the processes of a free society. It is the only sure foundation upon which the whole structure of democracy can rest.

But, Mr. President, it is my purpose here to demonstrate that we need not impair the right to jury trial in order to better protect the right to vote. The sacrifice is unnecessary.

The pending amendment changes the provisions of the civil-rights bill in one respect only. It provides that the accused shall be entitled to a jury trial in criminal contempt proceedings. It eliminates the confusion now existent in Federal law, by clearly defining the difference between criminal contempt and civil contempt. The admendment modifies section 402 of title 18 of the United States Code to define a criminal contempt as the willful disobedience or obstruction of "any lawful writ, process, order, rule, decree, or command of any court of the United States or any court of the District of Columbia." It prescribes a definite penalty for those found

guilty of the crime—a fine not to exceed the sum of $1,000 and imprisonment not to exceed 6 months. Thus, consonant with the tradition of our criminal procedures, the crime is exactly defined and the punishment is exactly prescribed. One need only reflect upon the essential character of criminal contempt to see that it is, in its essence a criminal act, so that a man accused of having committed criminal contempt ought to be entitled to the traditional safeguards that our law provides for criminal prosecution; the most basic of which is the right to trial by jury.

On the other hand, under the terms of this amendment, where the purpose of the contempt action is to secure compliance with its order, the accused cannot claim a jury. This is civil contempt. To be sure, the accused may still be fined or imprisoned, and his punishment may even be more onerous than in the case of criminal contempt, but here he holds the keys to his own cell. To avoid the punishment, he need only comply with the court's order.

In the course of this debate, we have heard much concerning the concept of equal protection of the law. One of the cardinal virtues of this amendment, it seems to me, is that it reestablishes, through the whole fabric of the Federal law, equal treatment for those who stand accused of violating injunctions issued by Federal courts. Under the present law, a citizen charged with criminal contempt is generally entitled to trial by jury, unless the action is brought in the name of the United States. Why a man accused by any other party of criminal contempt should have the question of his guilt or innocence determined by a jury, while the same man, if accused by the Government of having committed the same act, should be deprived of his right to a jury trial has neither been explained nor justified, so far as I know, by any participant in this debate. Our legacy would suggest that all the reasons are on the other side—that if a jury trial is in order in cases where an individual is the plaintiff, then surely it should all the more be in order in cases where the powerful sovereign is the plaintiff. This amendment will provide equally for a jury trial, regardless of who the plaintiff may be.

Moreover, Mr. President, this amendment makes still another contribution toward equality before the law. Presently, the procedures for trial and punishment of a person charged with willful violation of a Federal court order, will differ, depending upon the particular law under which the original proceeding was brought. Under this amendment all persons accused of the act of criminal contempt will be entitled to equal treatment in our Federal courts.

Some have criticized this amendment upon the ground that it amends 16, 24, 28, or 32 Federal Statutes, the number depending upon who has made the count, and we are cautioned not to alter so many laws without benefit of extensive committee hearings. Now, Mr. President, if the issue before the Senate were the propriety of capital punishment, we would be concerned, not with the number of laws that would be modified if capital punishment were abolished, but with the need for capital punishment as an instrument of retribution for a malignant act, or as a deterrent to crime. Once we resolved these questions it would matter little whether the abolishment of capital punishment modified 2 or 20 laws. So here, Mr. President, we are concerned with the propriety of providing a trial by jury in criminal contempt proceedings to punish for the willful violation of the order of a court. If it is right that we do so, it does not matter how many laws are modified thereby, what is right in one case will be right in all.

Inscribed in the marble pediment of the United States Supreme Court Building, within view of the entrance of this very Chamber, is the lodestar of our jurisprudence: Equal justice under law.

This amendment moves us a great step forward toward that goal.

Mr. President, let us proceed to examine the arguments that have been urged against this amendment.

We have been told that the jury trial is superfluous to this bill because there is no constitutional right to a jury trial in cases of criminal contempt, and the statutory right has existed in our Federal law only since 1914. It is true that in a technical sense, there is no constitutional right to a jury trial in criminal contempt proceedings. It is true that the guaranties of jury trial in our Bill of Rights are confined to actions at law rather than suits in equity. But it is equally true, Mr. President, that when our Constitution was drafted, and the Bill of Rights added, suits in equity were limited to a narrow field of cases, and the injunction was regarded as an extraordinary remedy. Legislatures had not yet discovered the injunction as a device for the enforcement of the statutory law. By 1914, the use of the injunction had extended into so broadened a field that the Congress felt it requisite to accord to those accused of criminal contempt, the right of trial by jury. In short, as the contempt power began to grow outside of its historic bounds, it became apparent that jury safeguards should grow with it. Now we propose to extend again the injunctive power. I do not oppose the extension; but I do think we might continue to accord to defendants charged with willful violations of such injunctions the same fundamental right the Congress extended in 1914. We must remain vigilant, as Congress was in 1914, to prevent the circumvention of our traditional guaranties of jury trial by the device of withdrawing criminal acts from the province of the law and draping them in the cloak of equity.

Another argument that has been urged against this amendment is that jury trials ought not to be provided in criminal contempt cases because the act of contempt constitutes an affront to the dignity of the court. Therefore, the argument is that the court ought to be permitted to punish for the contempt of its order, without submitting the question of the guilt or innocence of the accused to a jury. I must say in all candor that this strikes me as pedantry. Our courts are merely instruments of our society. Whenever a crime is committed, it is an affront to the dignity of society. Yet, we provide trial by jury in criminal cases, and do not feel that by so doing we condone the affront. No more do we condone the affront to the dignity of a court, by providing jury trials in cases of criminal contempt. In both instances, whether in a straight criminal action or one of criminal contempt, the objective of the proceeding is punitive in nature. In both cases, the citizen accused is powerless to rectify the misdeed with which he is charged. It follows that in both cases the ends of justice require trial by jury.

Also, Mr. President, it is said that this amendment will soften the civil-rights bill now before us. It is said that this is a crippling amendment. I do not believe it, nor have I been shown how this can be so. The effectiveness of this law falls mainly on the action to be taken by Federal courts in issuing injunctive orders to protect voting rights, and in compelling compliance with these orders. Nothing in this amendment interferes in any way with the right of any Federal court, in civil contempt proceedings, to compel compliance with its injunctive orders. Nothing in this amendment requires a trial by jury, where the object of the action is to safeguard the civil rights in question by compelling compliance with the court's decree. This amendment does not weaken, does not cripple, does not emasculate this bill. To the contrary, it leaves unaffected the machinery established by this bill for securing voting rights, while preserving the institution of the jury trial as the means of determining guilt or innocence for the commission of crime.

Finally, Mr. President, we have been told that jury trials are inappropriate in civil rights cases, even in a proceeding for criminal contempt, because such cases concern relationships between the races, and in the South they would be tried by all-white juries. Whatever basis there may have been for this charge, under the original amendment, there is none for it under the amendment as now modified. For the modified amendment establishes reasonable and uniform qualifications for jurors serving in Federal courts, eliminating 48 different sets of qualifications which now obtain. This is in complete accord with the generally accepted principle that Federal rules should govern Federal practice. Thus, the selection of jurors has been placed entirely in the hands of the Federal judges, in accordance with the procedures established by Federal law, so that any practices under State law that may, in effect, systematically exclude citizens from jury duty in Federal courts on account of race or color, are avoided. It should be noted, too, that the modified amendment not only constitutes a safeguard against discrimination on the basis of race or color, in the selection of jurors who are to serve in Federal courts, but it also will result in conferring another civil right, the right to be tried by a representative jury, upon all citizens. I know that jury service is a duty, but to serve as a juror is also an important right, one that will be extended by this amendment to many citizens who now

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cannot serve as jurors in the Federal courts.

Mr. President, I have listened attentively to this historic debate, and it has grieved me to have heard many who are spokesmen for the cause of liberalism attack the pending amendment. It is my heartfelt belief, as an adherent to the cause of liberalism and an advocate of civil rights, that our progress will be no better than the procedures we adopt.

Civil-rights legislation is long overdue. But in no field of legislative endeavor must we build more carefully or more thoughtfully than here. This field bears the same relationship to other legislative fields, as the building of a cathedral bears to the building of a factory. In the field of civil rights, we give voice to the finest impulses of our humanity. Here we show the capability of our law for growth, wisdom, and an understanding heart. Our work-a-day structures, as our work-a-day laws, may be built with ordinary materials, always in the hope that we are building true, but in the realization that we may readily rebuild and rebuild again. But we must build our places of worship and our laws of liberty with the finest of materials and the greatest of care. These we build for the ages. If they are not adequate to encompass our changing needs, at least their foundation must be firm for future builders.

Mr. President, I submit that our work in safeguarding civil rights cannot be accomplished in a single stroke. This law, in whatever form it may take, is but a single step. It is a law confined to voting rights. It may well be, since there is no basis for differentiating among the civil rights conferred to our citizens by the Constitution, that in the future this bill may need to be enlarged to cover other civil rights that local law enforcement is failing to protect. If we provide proper procedures in this bill that accord with the timeless principles of our ancient law, then we will find it possible in the years to come to enlarge the scope of this civil-rights bill to meet the needs of the coming times. But if we depart from our traditional procedures in this bill, our departure will haunt us as a recurring barrier to enlarging the scope of protection to be given to civil rights in future years. That is why I am persuaded that this amendment is indispensable to the long-term interest of civil rights.

Liberals should know that proper procedure is the heart of liberty. We hearken to the Magna Carta, original charter of our liberties, and recall that it provided that no free man might be taken or distressed except by the judgment of his peers. This was the fountainhead of our jury system, but it was more. It placed the legal system of which we are the inheritors once and for all on the path of adherence to established procedure. Liberals will lose the right to that proud name if they throw over hallowed procedures in the interest of securing convictions. I cannot accept this as the true position for a liberal. We have long known that freedom is freedom for the thought we hate, or it is no freedom at all. We cannot, we must not, we dare not, fall into the easy reasoning that tells us that the end justifies the means. This, Mr. President, is the maxim of tyrants. This is the expediency of shifting sand upon which no lasting civil rights legislation can possibly be built. We must not squander this opportunity to enact a promising and prudent civil rights bill.

The PRESIDING OFFICER. The time of the Senator from Idaho has expired.

Mr. O'MAHONEY. I yield 1 more minute to the Senator from Idaho.

Mr. CHURCH. Mr. President, let us remember that this historic bill must be cast in the mold of the hard-won, long-fought-for procedures of Anglo-American law that made us the freest nation on earth, and the most stable monument in history to man's ability to govern himself and his fellow man.

Mr. President, if history has any meaning at all in the long chronicle of the effort of men who aspired to be free, it means that this is a good amendment which will stand the test of time.

Mr. KNOWLAND. Mr. President, I yield 10 minutes to the junior Senator from Indiana.

Mr. JENNER. Mr. President, when I was told a civil-rights bill was going to be put in the hopper I was also asked if I wanted to be a cosponsor. I said, "Yes, indeed I do. I am in favor of civil rights, and so are the people of my State. Indiana has no civil-rights problem."

This bill does not dictate to the various States what voting requirements they are to set. It merely reinforces constitutional amendments which are almost a hundred years old. These amendments say that American citizens who meet State eligibility requirements for voting cannot be denied the right to vote because of race, religion, or previous condition of servitude.

If Georgia thinks her 18-year-olds are old enough to vote if they are old enough to die in battle, then 18-year-olds can vote in Georgia. The 18th amendment gave women the right to vote. So 18-year-old girls can vote if they meet the other requirements. The 15th amendment makes it illegal to deprive citizens of their voting rights because of race or color, if they meet the requirements the State sets for other voters.

To my friends in States which, like my own Hoosier State, have no civil-rights problem, I want to say: We are lucky.

Our freedom from such problems is not due to any superiority on our part. It is because assimilation could be brought about gradually.

The States which give all their citizens equal civil rights make it easier for citizens to work together, live peacefully together, learn from one another, regardless of race or color.

To my friends in the South who oppose this bill, I want to say we understand how you feel. You know the Indian proverb, "Don't judge another man until you have walked in his moccasins for 1 month."

Gentlemen from the South, I ask you to understand that this bill is not infringing on the right of a State to decide its voting qualifications, except for enforcing the one prohibition which applies to all voting in all States, as laid down in our Constitution.

As a result of the splendid study and debate by Members in the highest tradition of the Senate, the present bill is now simply a guaranty of the right to vote established in the 15th amendment.

The only important issue remaining is how this new right is to be enforced. Shall we insist on jury trials in criminal-contempt cases, even where the United States Government is a party?

The Attorney General is to be authorized to intervene in these civil-rights cases, to make certain that every individual, no matter how poor or weak, shall be able to exercise his franchise. The Constitution gave him a right. This bill is to give him a remedy.

The Attorney General will be able to ask a Federal court to order a State or local official who willfully balks at, and obstructs an individual's right to vote, to behave—and to comply with the law.

If, then, that official disregards the order to stop obstructing the law, he is inviting the punishment specified—a contempt-of-court citation.

Any official who obstructs the policy knows he will get a warning, in the form of an injunction to stop whatever it was he was doing to destroy the policy.

Any official who refuses to obey the injunction knows he can be charged with contempt of court.

Why amend the bill to provide a jury trial for violation of a court order?

The question of whether a white, southern jury would reach a fair verdict is not relevant. The case in Clinton, Tenn., is irrelevant for the same reason.

Some southern juries would be fair; some would not. All, I am sure, would do what they thought was right.

All of us know that the weight of precedent is against jury trials in contempt cases. The Clayton Act provided no right to jury trials in criminal contempt.

Mr. President, I shall quote from the very helpful study made by the Library of Congress and inserted in the CONGRESSIONAL RECORD during this debate by the senior Senator from Colorado.

The classic reason for not using a jury trial in contempt cases is given in the Massachusetts case of *Walton Lunch Co. v. Kearney* (128 N. E. 429, 432) which says:

> Trial by jury of the question whether a contempt of court has been committed would be a serious limitation of the power of the courts. In order that a court may compel obedience to its orders, it must have the right to inquire whether there has been any disobedience thereof. To submit the question to another tribunal, be it a jury or another court, would operate to deprive the proceeding of half its efficiency.

Certainly no Member of this body is willing to do anything which might limit the power of the courts to secure obedience to their wishes.

We know that punishment for contempt is so completely separated from violation of the criminal law that a defendant may be punished for an act as a criminal offense, even though he has

already been prosecuted for it as contempt.

In my own State of Indiana the courts have held that a person accused of criminal contempt is entitled to the same rules of evidence and presumptions of innocence as in the case of criminal trials, provided such safeguards are consistent with the summary nature of the proceeding. The courts have ruled that—

The guaranty in the Indiana constitution of the right of trial by jury in all criminal prosecutions, does not include prosecutions for contempt of court (*State* v. *Shumaker* (164 N. E. 408)).

Mr. President, the bill before us has had the benefit of the best analysis and debate the Congress of the United States can give.

It is now a bill to do effectively what the Congress decided should be done nearly 100 years ago.

I urge the Members from various States to come together in as nearly complete national agreement as we can achieve. Let us try on each other's moccasins and walk in them for a while.

This bill will not end all discussion and debate on the matter. Congress will keep unimpaired all its rights to legislate. If the results of the bill are not good, Congress can add to the measure or can rescind sections which do not work. When the Commission reports, we can see whether it has brought forward any new evidence or new problems.

Let us agree that in the bill before us we have provided for one sound, constructive step. Let us take this one step, and see how it works, before we decide whether to expand or rescind the provisions of the bill.

This bill is needed, if we are to preserve the spirit of our laws. We have said we were going to give equality of voting rights to citizens of the United States, regardless of race or color. Now let us do it.

This is not an obligation we owe only to the Negro people; we owe it to all our people. We in Indiana do not favor full voting rights as a favor to Negroes; we favor full voting rights as the right of all Americans. We are not influenced, by pressure-group propaganda, to do what we have believed in for many years. We in Indiana do not like mass voting, bloc voting, or pressure-group voting. A man is a man, regardless of his wealth, position, power, or color. Citizens are individuals, with rights and duties as such. We look upon the Negroes as individuals. We grant them their rights as individuals. We believe that curtailing the rights and privileges of any citizens weakens the rights and privileges of all.

In that spirit of devotion to the principles of our Constitution, and in accordance with the specific mandate of the 15th amendment, I hope the Members of this body will approve, by a large vote, the bill as it now stands.

There will, of course, be some changes in the fabric of southern life, as more people exercise their right to vote.

But I believe the changes will not be as drastic as the opponents of the bill fear. And the changes will be gradual. These changes will inevitably take place. This bill makes it possible for the changes to evolve naturally.

I pay tribute to the splendid work of our Members from the Southern States who gave us the benefit of their legal learning and their acute awareness of the dangers of our Constitution in the world today. I ask them to join with us in this effort to enforce the Constitution, and I promise them that we of Indiana and of the other States agree to the full that our Constitution and our heritage of law must be preserved with no dilution of strength.

Just as the Senate decided by an overwhelming vote to support the Senator from Georgia and remove from the bill any vestiges of the force bill from postbellum days, so we are all always ready to stand with other Senators to support the rights which make our people free.

Americans believe in a government based on law, and I am sure they will comply with the law when this bill is enacted.

These lines from Henry IV, spoken just after the death of King Henry, illustrate our idea of law. As my colleagues probably recall, Prince Hal's companions were boisterous rowdies, full of spirit; and the Chief Justice once arrested the Prince and sentenced him to jail, with the rest, when they ran afoul of the law.

The Chief Justice was afraid that since the Prince was then King Henry V, he might not want a fearless judge who had invoked the law against him. But the new King answered:

So shall I live to speak my father's words:

"Happy am I, that have a man so bold,
That dares do justice on my proper son;
And not less happy, having such a son,
That would deliver up his greatness so
Into the hands of justice." You did commit me,
For which, I do commit into your hand
Th' unstained sword that you have used to bear;
With this remembrance, that you use the same
With the like bold, just, and impartial spirit,
As you have done 'gainst me. There is my hand.

Mr. KNOWLAND. Mr. President, I yield 2 minutes to the distinguished junior Senator from Oregon [Mr. NEUBERGER].

The PRESIDING OFFICER. The junior Senator from Oregon is recognized for 2 minutes.

Mr. NEUBERGER. Mr. President, the time for talk is largely past. The time for decision is at hand. There has been much talk of legality and even of constitutionality concerning this jury-trial amendment.

I doubt that that is the issue. To begin with, learned lawyers are on both sides of the question. We know that the Constitution does not require jury trials in these criminal contempt cases; neither does the Constitution forbid such jury trials. Whatever course is adopted by the Senate tonight will, in my opinion, be sustained by the courts.

Thus, we should base our verdict on what is right and wise, and not on narrow legal considerations; the latter have been tortured and tormented by able and learned attorneys, without finality or conclusive determination.

The cases involving voting rights are certain to arise in circumstances of tense and perhaps even inflamed public opinion. If provision for jury trials is included in the bill, there will be heavy pressure on local election officials to go all the way to jury trials. They will be told by their neighbors and constituents that "Our Senators in Washington, D. C., got jury trials for you in the bill. Why don't you get a jury trial?"

We know that many of the Southern States themselves do not provide for jury trials in contempt cases. Yet, suddenly, in connection with this bill, jury trials have become the ne plus ultra of desire, the open sesame to the only possible course which will be successful.

America has waited long for this hour. This great Nation has marked time for decades, in quest of a meaningful and effective civil-rights statute. With the abandonment of part II—and I opposed elimination of part III—this bill has become a voting-rights bill only. Let us retain that voting right, at least, in forceful and strong status. Let us not dilute the bill further. The only crucial vote to date on the substance of the measure has been won by the opponents of civil rights and by some of the Senators temporarily associated with them. Are they now to carry this vote, too? I trust not. I hope not.

What will America say to such a result? What will be said beyond the borders of America—out through the wide vistas of the globe where dwells a population who, through the mysterious workings of the Almighty, consists of people who, for the most part, have skins which are not white in color.

The PRESIDING OFFICER. The time yielded to the junior Senator from Oregon has expired.

Mr. NEUBERGER. Mr. President, will the Senator from California yield 1 additional minute to me?

Mr. KNOWLAND. I yield 1 additional minute to the junior Senator from Oregon.

The PRESIDING OFFICER. The junior Senator from Oregon is recognized for 1 additional minute.

Mr. NEUBERGER. I thank the Senator from California.

Mr. President, the stronger and more effective the voting-rights bill which the Senate passes, as a result of the vote tonight and those in the days and nights to come, the more will our Nation's prestige soar and advance among the teeming millions of mankind who, ultimately, will decide the epic struggle between the Free World and the Soviet world. That is another stake in the crucial questions that we of the Senate are deciding. It is an element which we cannot ignore.

I urge the rejection by the Senate of the pending jury-trial amendment.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the junior Senator from Connecticut [Mr. PURTELL].

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. PURTELL. Mr. President, after weeks of debate, after countless hours of



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legalistic meandering, the hour approaches for the Senate of the United States to stand up and be counted on one of the most momentous matters brought before it in generations. Never has an issue been more beclouded, and never has there been a more successful diversion of public interest and attention than has accompanied the consideration of the measure before us.

Tonight, by our votes, we shall decide what the Senate of the United States intends to do about discharging the obligation imposed upon it under the 14th and the 15th amendments to the Constitution of the United States—the Constitution that we are sworn to uphold and defend.

Mr. President, the language of both those amendments is clear, and their meaning is equally clear; they were so intended. The 14th amendment clearly states that—

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5 of the 14th amendment states—it has been stated here before, but I shall state it again—

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The 15th amendment is short and clear. It is simple, understandable language, as guaranties to the people should be. Let me quote again section 1:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Mr. President, strip away from this discussion, all the verbiage with which it has been almost embalmed, and what we have left is what we are voting on tonight—whether or not, in fact, and in practice, we believe in seeing that the rights guaranteed under those two amendments are not denied to any freeman and freewoman.

Mr. President, we are not tonight voting on a question of all civil rights. That has been buried in the grave of part III of the bill, and I am one of its mourners. The question before us is as clear as the 15th amendment, and nothing can be clearer.

The debate at times would have one believe that the purpose of the proponents of the bill, unamended, is to establish new rights. Mr. President, the bill unamended, establishes no new ones; it establishes only procedures to effectuate the 14th and 15th amendments to permit the courts to act, to stop persons who persist in denying a right guaranteed by the Constitution. How tragic it is, Mr. President, that in the year 1957 the Senate of the United States must address itself to whether and how rights guaranteed under the Constitution shall be secure to free men and women. Mr. President, nowhere in the Constitution has there been found a right to a jury trial in contempt cases, but there are rights which I as a Senator am sworn to see are not denied—and those are the rights guaranteed under the 14th and 15th amendments.

All we ask now, and the least we should ask, is that the pending bill, with part IV unamended, be passed, because it is not only pursuant to the Constitution, but it is, in fact, the Constitution itself.

What this proposed amendment would do to the dignity and the effectiveness of the Federal courts and Federal enforcement of the laws of the land—of the Union—has already been well covered by other Senators. As I said before, this is not a question now of school integration, of commingling, and it is not a question of segregation in the means of transportation, or any of the other issues raised to confuse and becloud the issue. This is not a Supreme Court decision that we are acting upon, or any court decision. This is not even an act of the legislative body. No, my friends, our action tonight will determine whether, in fact, we shall see that a clearly stated amendment to the Constitution of the United States—crystal clear in language—shall, or shall not, be given life, vitality, and meaning. There can be no choice, it seems to me, on the matter before us. The right to vote is a basic constitutional right; the right to jury trial in contempt cases, is not.

I remember reading hearings on civil rights, and it has caused me sleepless hours. I well remember the testimony of one Negro father who said his young son asked him, "Dad, you have lived here all of your life. Your father lived here before you, and your father's father. Why can't you vote, dad? Others can come to our shores from foreign lands, reside here for 5 years and become citizens, and cast a ballot like all other free men and free women. Why can't you dad, why can't you, in this United States of America?"

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired.

Mr. KNOWLAND. I yield 1 additional minute to the Senator from Connecticut.

Mr. PURTELL. If that question can still be asked—and I believe it could still be asked if we agreed to the pending amendment—I, for one, want to be able to answer, when it is asked, "Not because of any action of mine, son."

Mr. President, long after we are gone and forgotten, what we do, or fail to do, will have its impact on millions of citizens now and to be. I, for one, Mr. President, refuse to continue to deny rights which I inherited, and which every other free man is supposed to have inherited, and which are guaranteed by our Constitution. Rights without remedy, are no rights at all, all that we are asking tonight is that we not so dilute, change, deform, twist, or distort the remedy which will assure the rights guaranteed under the Constitution and denied to so many.

The PRESIDING OFFICER. The time of the Senator from Connecticut has again expired.

Mr. KNOWLAND. I yield 1 additional minute to the Senator from Connecticut.

Mr. PURTELL. I refuse to put my stamp of approval on a continued denial of the rights guaranteed to all free men by the Constitution, and I earnestly plead with my fellow Senators to vote down this amendment, and to let it be known that we mean what we say, and say what we mean, when we say we will support the Constitution of the United States.

Mr. O'MAHONEY. Mr. President, I yield 10 minutes to the Senator from Virginia [Mr. ROBERTSON].

Mr. ROBERTSON. Mr. President, the distinguished Senator from Idaho has presented his viewpoint with respect to part IV of the bill. Now I should like to present mine.

Part IV of H. R. 6127 is, in my opinion, unconstitutional. I am not alone in this position, for many eminent lawyers and judges are in agreement. In fact, it is more and more evident that the continued encroachment of equitable processes into the field of law is becoming one of the great problems of today's jurisprudence, and if permitted to continue, the ultimate end is government by judicial fiat—a system of government purely totalitarian in its aspects.

Part IV injects equitable processes into what are in reality criminal matters protected presently by actions at law. It gives the Attorney General the right to seek injunctions where there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive another person of his voting rights as declared in existing law—title 42, United States Code, section 1971—and as amended by H. R. 6127, enlarging the category of voting rights.

Violations of the injunctions are punishable by contempt actions resulting in fines and imprisonments—all without the benefits of jury trials as guaranteed by the Constitution, and without the benefit of limited fines—$1,000—and imprisonment—6 months—as protected by existing statutes.

The act enjoined under H. R. 6127—that is, a violation, or supposed one, of voting rights—thus becomes punishable via the contempt route without a jury trial. The same act constitutes a crime under both Federal and State laws, and if proceeded against criminally, the defendant has a right to jury trial. This is unconstitutional, in my opinion, for the very simple reason that no system of jurisprudence would permit the doing of anything by indirection which could not be done by direction.

The Constitution guarantees the right of trial by jury. Actions of law under this guaranty classify the actionable party as a defendant. By the use of an artifice whereby this defendant is classified as a contemnor, it is claimed the constitutional right has been eliminated. The situation is preposterous, and is a classic example of the attempt today to empower equity with dominion over crimes.

Criminal law is the function which the state discharges as the guardian of order, preventing and punishing all injuries and all disobedience to the rules it has laid down for the common good. Holland, Jurisprudence 322.

Civil law then would be the function which the state discharges in enforcing the right of the individual to security of person, reputation, and property, including therein the right of the state itself in its capacity as a property owner.

The very basis of equity jurisdiction today is the enforcement of civil law, not criminal law. However, where equity enjoins an act injurious to the community as well as to an individual, its writ will in fact enforce both public and private rights. When the Attorney General of the United States enjoins those who are about to engage in acts or practices which would violate a person's voting rights, he is protecting both the voter in his right to franchise and the Federal Government in its overall concern of the rights of its electors.

Obviously, that is a dual criminal and civil proceeding. How far it serves to enforce the criminal law depends on the nature and importance of the public right involved. And, to listen to the speeches of the proponents of this legislation, the nature and importance of the public right involved is of paramount concern. There is no question, therefore, that the court's jurisdiction in proceedings under H. R. 6127 is essentially criminal. Whatever the purpose of the Attorney General or district court may be, the injunctive decrees issuing out of part IV of H. R. 6127 enforce public rights of the community which overshadow the private rights involved.

Therein we see the basic unconstitutionality, for this bill substitutes one criminal action for another, and in doing so takes away the right of trial by jury guaranteed in three places by the Constitution.

Mr. President, although time prohibits my developing it here, this is also unconstitutional on two other grounds: First, it violates due process of law under the 14th amendment, and, second, where part IV applies in section 131 (c) to all persons—"no person, whether acting under color of law or otherwise shall" deny voting rights—it violates the limitation on the 14th amendment which, it is well known, applies only to State action and not to actions of individuals against individuals.

It behooves us to take a long, keen look at the past before engaging in precipitous present action. Originally, in chancery there was no distinction between criminal equity and civil equity. Chancery was in its inception, and the great need of its limitation to civil proceedings had not been forged on the anvil of broken liberties. Thus we see that in early use many of the suits, though involving property rights, in fact were instituted to preserve the peace and prevent crime.

This jurisdiction was always unpopular. As the government of that time became more stable and the courts of law more efficient, the need for a criminal equity gradually lessened, and little by little the chancellor's criminal jurisdiction fell off, until finally toward the end of the 15th century its exercise ceased entirely.

The King's council also had jurisdiction with the chancellor, and although its criminal jurisdiction was relinquished more slowly, it nevertheless relinquished it. The council known as the star chamber originally had a good name, for it established stability in the disorderly times of the War of the Roses. However, and this is inevitable in all governments and court hierarchies, its summary methods applied to the trial of crimes eventually became arbitrary and tyrannical, and the court became so odious that it was abolished by statute in 1645.

There is no doubt that the popular fear and dislike of the criminal jurisdiction of chancery contributed to the general distrust of the court. By the 18th century the jurisdiction of the court had jelled, and it no longer made any attempt to enforce the criminal laws.

This was the equity which was stabilized at the time of drafting of the Constitution—it was an equity that from two branches abhorred criminal proceedings and left them exclusively to law where a trial by jury was granted. The powers of the Constitution therefore etched in that document the famous provisions on jury trial and worried not about jury trials in equity, for its jurisdiction was limited to suits involving property rights where there was no adequate remedy at law.

H. R. 6127 is the fourth time in our history that an attempt was made to destroy or circumvent trial by jury. The first three were disastrous:

First. The Stamp and Sugar Acts bypassed jury trials contributing the spark to the revolution of the Colonies.

Second. The actions under prohibition whereby criminal equity tried to raise its head. From it came a constitutional amendment.

Third. The early proceedings against labor's attempts to secure proper working conditions and wages. From this came the statutory provisions in code whereby labor is granted a preferential position for jury trial over all other litigants.

There can be no doubt about the fact that by indirection title IV of the bill takes away the right of trial by jury in criminal cases.

It is a well-known maxim of the law that "No one can do that indirectly which cannot be done directly."

Under part IV, subsection (c), it is proposed to confer upon the Attorney General authority to seek an injunction whenever any person has engaged in an act or practice which would deprive any person of the right to vote. Thus, although the actionable wrong may already have occurred, the Attorney General is authorized to seek injunctive relief. No qualification is placed upon this right by the terms of the bill itself. This procedure is similar to that which was invoked in the prohibition statutes, whereby it was possible to obtain an injunction even though there was no showing of an intention on the part of the accused to continue such violation. In *United States* v. *Lot 29, Block 16, Highland Place, Omaha, Neb.* (296 Federal 729 (1924)) the court held that statute unconstitutional in that it attempted to extend the equity powers to include acts which were essentially criminal. The court in that case said as follows:

> If, to suppress the liquor traffic, this power can be conferred upon equity courts, it can also be conferred to suppress the drug traffic, and I can see no very sound reason why it could not be used to suppress any crime in the calendar of crimes. If it can be so used, then the constitutional provision that all crimes shall be tried by jury would have no force ex propria vigore, but only by grace of Congress. We would have jury trials where Congress permits, but need have none where a procedure by injunction is provided for. The fact is the limitation of equity powers is so fundamentally a part of the equity system that the equity system cannot exist in disregard of those limitations. The court of equity may, in certain cases, abate existing nuisances, even though the nuisance is made up of criminal acts, and where it is proven that nuisances will continue, unless enjoined, equity may issue injunctions, but there is the natural and necessary limit of equity powers. When it is sought to confer powers upon a court of equity contrary to these limitations, the attempt must fail, because neither directly nor indirectly can the constitutional safeguards against one-man power in criminal cases be erased.

Later, in another case involving the National Prohibition Act, the same judge in the case of *United States* v. *Cunningham* (37 F. (2d) 349 (1929)) observed, as follows:

> It is asserted there is analogy to be found in the equity powers of the courts granted by the Sherman Antitrust Act, the Clayton Act, and the Wilson Tariff Act. I find none. The purpose of the Sherman Act is to protect the national trade and commerce against unlawful restraints and monopolies, and strictly preventive powers to accomplish the purpose are lodged in the equity courts. Those courts are empowered at the instance of the Government to proceed according to the usage and practice of equity to determine whether the flow of trade and commerce is threatened with such unlawful restraints and to safeguard such flow of commerce against them with ordinary equity writs. Whether individual persons have or have not committed crimes at some time before the bill was filed are mere incidental inquiries.

At page 351, the judge continued:

> It is said the policy of the enactment is not for the courts. Of course no equity judge wants the privilege to jail his fellow men without jury trial. The implication is that we have to. That the universal respect for equity courts so laboriously built up and maintained could not survive the spectacle of wholesale jailings by its judges exasperated by conditions and unlimited as to their powers of punishment may be for the legislature alone to consider, but not so the constitutional guaranty of the jury trial. It merely happens that to save this constitutional provision and the dignity of the Federal courts of equity call for the same ruling in this case. That the Constitution forbids the judges to try and condemn for crime is enough. That they could not do it with dignity or effect is beside the mark. The Constitution forbids the attempt.

It is not in accordance with the intent and spirit of the Constitution that persons should be punished for violating general laws by a court acting without a jury under a sweeping edict or injunction issued against all persons who may violate the terms of a criminal statute—Ballantine, Expansion of Criminal Equity by Injunction, volume 98, Central Law Journal, page 5.

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Even with respect to the proposition that the Attorney General may seek an injunction in anticipation that a person may engage in a violation of the voting rights of another, the constitutionality of the provision is not free from doubt. While the power of equity courts was at the time of the Constitution largely concerned with the protection of property rights, there has been a considerable expansion of those equity powers in other cases. However, most of the expansion has been in the direction of the field of public nuisances. These are distinctly different offenses from those which are involved by the terms of part IV of this bill. However, even in those instances there was a case arising in the State of New Jersey in 1919—*Hedden* v. *Hand* (107 Atl. 285) where the Court of Errors and Appeals of New Jersey held that a legislative act permitting the issuance of an injunction in order to enjoin a place of business from selling intoxicating liquor was unconstitutional. The court in that instance pointed out:

> It is clear that if the legislature may bestow on the court of chancery jurisdiction to grant an injunction and abate a public nuisance of a purely criminal nature, then there can be no valid argument against the power of the legislature to confide the entire Criminal Code of this State to a court of equity for enforcement. It is apparent that such a court would render nugatory the provisions of the Constitution which guarantee the right of a presentment by a grand jury, and a trial by jury to one accused of crime.

Those cases which sustain statutes involving the abatement of a public nuisance are not sufficient authority to sustain the constitutionality of this proposal, when the act which is to be the subject of the injunction would likewise be a criminal act, in many cases even a felony, but certainly not involving what we would ordinarily characterize as a public nuisance. As was pointed out by the Federal district court in Nebraska, in the case cited earlier, if criminal acts, not of the character of public nuisances, may be enjoined by conferring such power upon equity courts, then it is difficult to anticipate why such authority could not be used "to suppress any crime in the calendar of crimes." Any such action would certainly bring directly in focus several provisions of the Constitution relating to trial by jury, such as appear in article III, section 2, and in the fifth, sixth, and seventh amendments to the Constitution.

In addition, it should be noted that in two cases involving direct criminal contempts which have been presented to the Supreme Court, two Justices of that Court have expressed their opinion that in order to satisfy the requirements of due process of law defendants in direct criminal contempts must be afforded all constitutional safeguards, including trial by jury. *Sacher* v. *U. S.* (343 U. S. 1) and *Offutt* v. *U. S.* (348 U. S. 11). Certainly, if persons accused of direct criminal contempts are to be afforded a trial by jury, persons accused of indirect criminal contempts such as those who might be involved under the amendment proposed by the Senator from Wyoming [Mr. O'MAHONEY] would likewise be entitled to a trial by jury as a constitutional right.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back 1 minute.

The Senator from California.

Mr. KNOWLAND. I yield 5 minutes to the Senator from Minnesota [Mr. HUMPHREY].

The PRESIDING OFFICER. Let us have quiet in the Chamber, please. Those who have to converse, please retire from the Chamber.

The Senator from Minnesota is recognized for 5 minutes.

Mr. HUMPHREY. Mr. President, first of all I wish to commend my colleagues who have participated in the debate on both sides of this question. I particularly desire to commend the distinguished Senator from Idaho [Mr. CHURCH] for his moving presentation.

Mr. President, we are engaged in a legislative process which I believe has exemplified some of the best traditions of the United States Senate. We have actually been writing law here in this Chamber. Whatever is the product of our discussions, that product will at least be one which was carefully thought out, at times fiercely debated, and at all times given the most considered discussion.

I wish to direct my comments tonight to other matters than the legal aspects of the debate. I discussed the legal aspects of the jury-trial amendment and section IV of the bill, yesterday and the day before.

I should like to join with my colleagues who support section IV of the civil-rights bill as it is written on another premise: This bill is essentially directed toward seeing to it that the American Negro is given the full right of citizenship. There is no room for second-class citizenship in America, because this Nation needs every citizen in the fullness of his capacity, in all the strength of his citizenship. I regret to say tonight that one of the weaknesses in the armorplate of American foreign policy is the discrimination in this Nation against some of the citizens who are of the oldest stock of this Republic.

I was moved by the argument of the Senator from Connecticut when he pointed out that some people come to this land as immigrants and in 5 years have the full right to vote. That is as it should be. It is so guaranteed under the law. We welcome from other shores immigrants who enrich our culture and strengthen our Nation.

Fellow Americans, I remind you the Negroes did not come by their own will—they were brought here by some of our forebears. The American Negro has contributed to the richness of this land—to its culture, to its music, to its literature, to its science, to its spirit, and to its religion. Yet the Negro tonight, in many areas of America, is being denied the opportunity for citizenship as most Americans know it to be.

I remind all Americans that the American Negro is as much a citizen, if not more so, than many of us. The first plantations saw him. He has been here since the 17th century. Yet tonight, in many areas of America, the facts reveal that the Negro has been denied again and again the privileges of the Constitution in his right to vote. What are we going to do about it?

Are we going to quibble, or are we going to say to him, "You have earned your right to vote, and we will protect it with a new remedy."

What kind of remedy? A civil remedy. I am surprised that so many of my colleagues wish to make everything a crime. We are not primarily interested in criminal proceedings or in criminal contempt. What we are seeking is to have civil actions to protect the civil right to vote, and I submit that that right is a precious one.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. KNOWLAND. Mr. President, I yield 2 additional minutes to the Senator from Minnesota.

Mr. HUMPHREY. There has been a great deal of talk in this Chamber about the violators of injunctions, and we worry about the violators of the law. But what about the victims of discrimination? Where are the tears for them in this Chamber? Where is the voice raised in behalf of those who were driven away from the polls, or denied the opportunity to register? Learned lawyers are accustomed to protecting, by the law, those who may be accused. What shall we do for those who were never even given an opportunity to cast their first ballot, in the country to which they gave their sons and daughters, in the country to which they have given their lifeblood? I think there is something woefully missing in this Chamber, when violators of injunctions are given more attention and more affection than are the victims of discrimination.

A cry has been raised in this Chamber to the effect that we are denying someone the right of trial by jury. I submit that there is no denial whatsoever. What has been happening is that those who have raised this issue are seeking to give the violators of injunctions the right of trial by jury, which the Constitution does not provide for or prescribe; and yet the very same people who insist upon trial by jury for such persons are not here insisting that the 15th amendment be adhered to, supported, and enforced as section 2 provides.

That is why I am on the side on which I am fighting. I, too, am interested in trial-by-jury, and I will say this for the Senator from Wyoming and his colleagues. They have perfected a jury-trial amendment and made it as good as it could be made. I am not here to chastise them.

But, somehow, this debate got off on the wrong foot. Somehow or other we have been more concerned about those who have abused the law, who have denied people the equal protection of the law, than we have been with those who have been victimized.

I want to hear some voices in this Chamber tonight saying that, for a few moments, at least, before we vote, we shall be concerned about those who are the victims of the law violators, who are the victims of public officials who will not perform their duty, who are the vic-

tims of prejudice, bigotry, and discrimination. Theirs is the predominant concern of the proponents of this legislation and of the conscience of the country.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the junior Senator from Colorado [Mr. CARROLL].

Mr. CARROLL. Mr. President, I commend the distinguished Senator from Minnesota for a very excellent speech.

In the very few minutes allotted to me, I shall have only a few words to say. I know that we should not talk politics on this great constitutional issue, but many years ago Franklin Roosevelt, in an Executive order, began the great movement forward toward economic and political democracy about which we are debating this evening. He issued an Executive order which created a Federal fair employment practice agency to enforce fair employment practices for work done under Government contracts. That was designed to benefit the very group of people we are talking about this evening.

Another great Democratic President, Harry Truman, by Executive order, for the first time in the history of America, abolished segregation in the military forces. Who was his Chief of Staff? The present President of the United States.

That Executive order was issued on July 26, 1948. So we Democrats have a great tradition to fulfill this evening. Over a period of 20 years it was the Democratic Party which brought economic democracy to the people of the southland, and I hope it will be the Democratic Party which will bring political democracy to the southland this evening.

As the distinguished Senator from Minnesota [Mr. HUMPHREY] has said, this is not a very difficult question, except for the smokescreen and the fog which has enshrouded it. What is the basic issue? Is there a need for this legislation? Every legislator here knows that there is such a need. Every Member of this body recognizes that the Attorney General ought to be given the power to go into a court of equity to bring not a criminal action, but a civil action to protect the constitutional right to vote. I think I can make this point without fear of contradiction. When equity once assumes jurisdiction for one purpose, it assumes it for all purposes. It never loses its equity jurisdiction.

When I returned from World War II and later came to Congress, I saw the tide of economic and political democracy running. There was a great change. We began moving into a new era, whether in the economic field, the field of housing, the social field, or the legal field. We should not criticize the Supreme Court for the decision it rendered in 1954. That decision was only the culmination of a great series of decisions emanating from the grassroots, which gave rise to the civil rights issue which confronts us today.

Although many of my great friends in the Democratic Party are sincerely advocating the jury-trial amendment, I say it is a subterfuge to block effective enforcement and administration in the very area where it is needed most.

I do not know that we can change votes at this time by speeches. But in the remaining minute or two I have, I want to speak to my colleagues with all sincerity and humility. This is a historic occasion, and I do not want to see this great deliberative body stand in the path of a great social, economic, and political tidal movement. That is what we would be doing this evening if we were to adopt this amendment.

It is not a question of whether we are going to protect the right to trial by jury. That is sheer nonsense. Never in the history of the Nation has such a right been granted in this type of case. This is a civil case, and not a criminal case; and the decisions throughout the land show the distinction.

I conclude by expressing the sincere hope that Democratic leaders, in view of the great tradition left to us by great leaders, by Roosevelt and Truman and other great progressive leaders of the Nation, will not become an obstructionist party in the path of a great forward movement. To do so would be a denial of the great liberal and progressive traditions of our party. To do so would turn the clock back on the hopes, the aspirations, and the ambitions of millions of Americans.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. KNOWLAND. I yield an additional minute to the Senator from Colorado.

Mr. CARROLL. I recognize that many sincere Members of this body have deep convictions on this issue. I recognize that there are involved deep legal questions. As the distinguished Senator from Minnesota has said, there has been too much legal talk about things which really concern simple fundamental constitutional rights. Those are the rights we are seeking to enforce. We can do it properly. We can give strength, purpose, and direction to what needs to be done now in this great field of constitutional rights. I hope that the amendment is defeated.

Mr. O'MAHONEY. Mr. President, I yield 10 minutes to the senior Senator from Tennessee, one of the authors of the amendment.

Mr. KEFAUVER. Mr. President, I have enjoyed the speeches of my two colleagues who have preceded me, as I have those of other Senators, and I agree with most of what the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Colorado [Mr. CARROLL] have said; that is, I agree with them that we in the Senate desire everyone to have the right to vote regardless of race, color, or religion.

I know we will have a stronger and a better Nation if we follow that course. I wish it to be clearly understood that I am not supporting the jury-trial amendment and cosponsoring it for the purpose of preventing any Negro or any other citizen of the United States from voting. The adoption of the amendment, together with the other provisions contained in the bill before us, will be a great forward step in securing the voting privilege for citizens of the United States, not only in the South, but in other parts of the Nation as well.

It is my sincere opinion that with the power of a Federal judge to enforce compliance with his order or decree without a jury, through civil contempt, plus his right to punish for a violation through criminal contempt, in which case the violator would be entitled to a jury trial, the right to vote will be extended, and all rights of every citizen in the United States will be protected.

I feel also that while most of our discussion has related to clearing up some uncertain and vague parts of the bill, the amendment the Senator from Idaho [Mr. CHURCH] and his associates have proposed and which we have accepted adds a new civil right, the right of having a jury selected on a Federal basis. It will insure to all the people the protection of their rights, and the opportunity of serving on a Federal jury. I believe the bill with the jury-trial amendment as now perfected will secure and protect the right to vote, and that it will do so without eliminating another great right for which our ancestors and forebears fought for generations—the right to a trial by jury before a criminal sentence.

Mr. President, the only thing that stands between oppression and arbitrary decisions of a Federal judge on the one hand, and the people on the other hand, is the right to have a jury trial before a person is sentenced for a violation of the law or for a criminal contempt.

Great liberals who have fought for civil rights have fought for the right of trial by jury for generations. In this bill as originally presented a shortcut method of enforcing criminal law was proposed. If it is enforced directly, the alleged violator is entitled to a jury trial. By placing the decision on enforcement in the hands of the Attorney General, permitting him to seek an injunction, thus depriving a person of his right to trial by jury, we are embarking upon another theory. I am unwilling to allow an attorney general, be he a Republican or a Democrat, to determine whether a person is to have the right of trial by jury or whether he will not have that right.

It is not often that I find myself in disagreement with my friend, the Senator from Illinois [Mr. DOUGLAS]. However, I believe that he has been looking at the forest too much, in connection with the jury trial amendment. It is time that we looked at a few of the trees.

I have reference to the assertion of the Senator from Illinois that the amendment affects a "forest" of 28 statutes. I have examined the Library of Congress brief prepared for the Senator from Illinois, listing and discussing these statutes, to which he has recently added other statutes.

Let me say, first of all, that the brief, dated March 29, was prepared before our amendment was even submitted. It was written with the thought in mind that the amendment would provide that if the act enjoined is a criminal act, then a jury trial would be called for in any trial for contempt of an injunction issued under that act. That is not the

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situation under the amendment before the Senate.

The amendment which we have offered separates criminal and civil contempt, according to the purpose of the judge. If his purpose is to secure compliance with his orders, it is civil. If his purpose is to criminally prosecute and punish for violation of his orders, it is criminal.

We call for no jury trial under the first. We do indeed provide for a jury under the second.

Now let us look at a few of the trees in the forest of the Senator from Illinois, to see if we can think of any reason why a jury trial should not be granted as we have proposed.

Title 15, United States Code, section 53 provides that whenever the Federal Trade Commission has reason to believe that anyone is engaged or is about to engage in the dissemination of false advertising likely to induce the purchase of food or drugs, for example, the Commission may bring suit to enjoin the advertising. How would our amendment affect that situation?

Let us suppose that a cigarette manufacturer advertised a filter which he claimed removed 99 percent of the nicotine from a cigarette. Let us suppose that the judge found that that was not the fact. The judge would order the manufacturer to desist in his advertising. He could keep the defendant in jail until he complied with the order. However, if later on the judge wanted to punish the defendant criminally under criminal contempt—in the event that his cigarettes have done a great deal of harm, for example—the defendant would be entitled to a trial by jury. I do not believe that under those circumstances the defendant should be denied the right of trial by jury.

I could go down the whole list of statutes mentioned by the Senator from Illinois, and what I have said is sound law with respect to every one of the statutes the Senator from Illinois has referred to.

I believe that the leaders of organized labor who fought for this great principle, along with the great liberals of the past, when labor's road was rough, were eternally right, and their words ought to be reread today.

I am thinking of Samuel Gompers, the founder of the American Federation of Labor, who said:

> Modern American courts assume the right to issue injunctions interfering with the personal rights of men in exercising free speech, free press, peaceable assemblage, and in their personal relationship with each other. The right of free speech, free press, and peaceable assemblage are specifically guaranteed by the Constitution. They are the fundamental safeguards of a free people, which neither court, king, nor cajolery should be permitted to destroy.

It is not necessary to go back to the labor leaders of years ago to learn what many thoughtful leaders of organized labor have said about the use of injunctions, and to note their insistence on jury trials. I refer to what Mr. John L. Lewis has said.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. O'MAHONEY. Mr. President, I yield 2 more minutes to the Senator from Tennessee.

Mr. KEFAUVER. Mr. President, I read with much interest the telegrams of Mr. Lewis and also of the presidents of most of the railway brotherhoods supporting the jury-trial amendment which we are now considering.

With the amendment proposed by the Senator from Idaho [Mr. CHURCH] and others of our colleagues, an amendment which the Senator from Wyoming [Mr. O'MAHONEY] and I have accepted, we have a good bill, a bill which I think will be well worth while, a bill which will assure the right to vote, a bill which will not take away from people another precious right, the right of trial by jury.

We ought not to sacrifice great principles for expediency. We have no need to do so in order to accomplish what this bill seeks to do, namely, to assure to all American citizens the right to vote.

I yield back the remainder of my time.

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## AMENDMENT AND EXTENSION OF THE SMALL BUSINESS ACT OF 1953, AS AMENDED—UNANIMOUS-CONSENT AGREEMENT

Mr. JOHNSON of Texas. Mr. President, will the Senator from Wyoming yield me 1 minute for the purpose of propounding a unanimous-consent request?

Mr. O'MAHONEY. Certainly.

Mr. JOHNSON of Texas. I desire to propound a unanimous-consent request with regard to the consideration of Senate bill 2504, and I ask unanimous consent that the rule which requires a quorum call before the fixing of the time to vote on the measure be waived.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that following the conclusion of routine morning business on tomorrow—Friday, August 2, 1957—the Senate proceed to the consideration of S. 2504—Calendar No. 611—a bill amending and extending the Small Business Act of 1953, as amended; that debate thereon be limited to not exceeding 1 hour, to be equally divided and controlled by the majority and minority leaders, respectively: *Provided*, That no amendment that is not germane to the bill shall be in order:

*Ordered further*, That at the expiration of the 1-hour period, if not earlier disposed of, the Senate shall proceed to vote upon the passage of the bill through its various parliamentary stages to and including final passage.

Mr. President, I wish to make it clear that the request which was submitted on yesterday met with objection on the part of the distinguished senior Senator from Oregon [Mr. MORSE]. He wanted to have a time certain fixed for voting on the pending amendment. That has now been done, and shortly the Senate will vote on the amendment.

I have conferred with the minority leader and the Senator from Oregon, and the proposal is agreeable to them. I think it is rather imperative that the Senate act on the measure extending the Small Business Administration. I hope the request will meet with the approval of my colleagues in the Senate.

The PRESIDING OFFICER. Let the Chair have an understanding about the time. The 1 minute which was requested has been exhausted.

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that the time consumed in propounding the request for unanimous consent to vote on the Small Business Administration bill be not charged to the time of either side on the pending amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. JAVITS. The only reason I have requested the right to be heard is that I represent the interests of both my senior colleague [Mr. IVES] and myself. We have been alert to a unanimous-consent request pertaining to any bill. We are deeply concerned with the exigencies which surround the problems relating to Niagara. We also appreciate the fact that in a technical sense the Small Business Administration has gone out of business, for all practical purposes, as of last night.

So I ask only of the majority leader whether his request, made in the course of the debate on the civil-rights bill, is being confined to the Small Business Administration and is not intended as a precedent.

Mr. JOHNSON of Texas. It is being confined to the Small Business Administration. I suppose it could constitute a precedent if some Senator wished to use it.

We shall have another privileged measure before us, the conference report amending Public Law 480. But, as I say, that is a privileged matter.

I approached the situation of the Small Business Administration from every angle I could conceive. Now that I have satisfied the Senator from Oregon, I hope I have satisfied the Senator from New York.

Mr. JAVITS. The Senator from Texas certainly has. The senior Senator from New York [Mr. IVES] and I feel deeply about the Niagara bill. We shall not object, but we wished to protect our rights.

Mr. JOHNSON of Texas. I thank the Senator from New York.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. MORSE. Reserving the right to object, I may say for the record that I took the position, when controversy over granting the unanimous-consent agreements first arose, that I would not agree to any unanimous-consent request for the consideration of any unprivileged matter until we first got some concession or agreement in regard to fixing a time to vote on the jury trial amendment.

I want the majority leader to know that I appreciate very much the cooperation which he has extended to the senior Senator from Oregon. Our conversation

off the floor has been as pleasant as our conversation on the floor in regard to the position which the senior Senator from Oregon has taken. I kept my word. I said if we could get an agreement to vote on the jury trial amendment, I then would agree to a unanimous-consent proposal to take up the Small Business Administration bill.

I want to make it perfectly clear that that was the extent and the full limit of my agreement. The unanimous-consent proposal limits itself to the Small Business Administration bill; therefore, I have no objection to the granting of unanimous consent.

Mr. JOHNSON of Texas. I thank the Senator from Oregon.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and the agreement is entered.

Mr. JOHNSON of Texas. Mr. President, I wish to make it clear that this agreement was proposed on behalf of the distinguished minority leader and myself.

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## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. KNOWLAND. Mr. President, I yield 4 minutes to the senior Senator from Colorado.

Mr. ALLOTT. Mr. President, for 3 weeks, more or less, we in the Senate have discussed the civil-rights bill proposed by the administration and, in fact, by many Members of the Senate. In those 3 weeks we have heard many of the arguments discussed and refined by many excellent lawyers and able Senators. Many of us who have not taken so much of the time of the Senate as others, and who also have the same legal background, feel that we, too, are qualified.

The PRESIDING OFFICER (Mr. STENNIS in the chair). Let the Senate be in order. The Chair will say again that the time is controlled and is then yielded to any Senator who is recognized. The Senator who has the floor is certainly entitled to the attention, or at least to the cooperation, of other Senators, and to the cooperation of the Chair.

Senators who feel compelled to converse should please retire from the Chamber. They are holding up the proceedings on the bill. The debate will not continue until there is quiet and order in the Chamber.

The Senator from Colorado may proceed.

Mr. ALLOTT. I thank the Chair.

As I said a few minutes ago, many Senators who have been engaged for many a year in the practice of law also feel that they are qualified to discuss the refinements of the legal situation which confronts the Senate.

On July 23 I placed in the RECORD a condensation of the law of every State with respect to the application of jury trials as they applied to contempt proceedings in those States.

A couple of days later two of my distinguished colleagues made some remarks with relation to that information, and on July 26 I brought all the original citations to the Chamber. They made a pile which reached a height of 2 feet upon my desk. I notified the two Senators and was prepared to confront them with the condensations which I had made. I must say, Mr. President, that those condensations stand today undisputed in the Senate.

The fact is that the unqualified preponderance of the law in the United States and in the common law of England, from whence we derive our law, is that jury trials have never been recognized in courts of chancery, in equity courts, or in injunctive proceedings.

The Senators who have proposed the pending amendment and the amendments to it still fail, by any criterion, to prove their case. Moreover, not only have they tried to put upon us the burden of endeavoring to establish new law, but they themselves are trying to establish new law which will be detrimental to our country.

Mr. President, the only real issue before the Senate tonight arises in connection with the 15th amendment to the Constitution, which provides that—

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The question before the Senate is this: We know that the right to vote has been denied. We know that for 100 years it has been denied. We know that for 100 years—yes, for 200 years—rights of people in this country have been denied, and they have been relegated to the status of second-class or third-class citizens.

I say to my friends on my side and to my friends on the other side that we in this country can no longer afford—and I say this on the basis of our national survival—to be placed in the position of putting any people, whatever their race, whatever their color, whatever their religion, in a second-class citizenship position.

The PRESIDING OFFICER. The time yielded to the Senator from Colorado has expired.

Mr. ALLOTT. Mr. President, I hope the Senator from California will yield to me an additional one-half minute.

Mr. KNOWLAND. I yield an additional one-half minute to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional one-half minute.

Mr. ALLOTT. Mr. President, the other day I quoted Albert Schweitzer, as follows:

Ethics consist therefore in my experiencing the compulsion to show to all who will to live, the same reverence as I do to my own. It is good to maintain and encourage life, it is bad to destroy life or to obstruct it.

I say to my colleagues that either we shall show to others who will to live the same reverence we show to ourselves, or we shall sell ourselves and the future of all Americans down the river.

The PRESIDING OFFICER. The time yielded to the Senator from Colorado has again expired.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the distinguished senior Senator from Illinois [Mr. DOUGLAS].

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. DOUGLAS. Mr. President, the issue before the Senate is very simple. It is whether the Senate of the United States will take effective steps to protect the constitutional right to vote.

This right is guaranteed on paper by the 15th amendment to the Constitution; but it is violated in certain States of the United States, particularly in the South, and particularly with respect to the Negro race.

In the State of Mississippi, only 4 percent of the 500,000 Negroes of voting age are registered to vote, and in the last election less than 2 percent voted.

In the State of Alabama, only 10 percent of the approximately half a million Negroes of voting age are registered to vote, and presumably even a small percentage actually vote.

In Virginia, only 20 percent of the Negroes of voting age are registered to vote, and a still smaller percentage actually vote.

This is not an accident, nor is it due primarily to the indifference of the Negroes.

It is also due to a whole series of cunning measures aimed at depriving them of the right to vote: poll taxes in 5 States; qualifications for registration ingeniously devised, so that if the Negroes misspell a word or, for example, when asked their color, say they are "Negroes" or "colored," their registration is thrown out, because, it is said, they should name an actual color, such as brown, blue, red, or green. That procedure was actually used to disqualify hundreds of voters in Bienville Parish, La.; and a whole series of other devices are ingeniously designed to disqualify large sections of the American people from voting.

When such devices fail, pressure is used; social pressure, operating upon the poorest groups in the community; economic pressure, as we see now used at Tuskegee; and—latent in many sections, but actually coming into the open in certain sections now—physical pressure.

Mr. President, the present protections of the right to vote are inadequate. The protection of criminal prosecution carries with it such heavy penalties that it is sparingly invoked, and it can generally be invoked only after the time for voting has passed.

Private lawsuits can be instituted, but they would cause heavy expense to be incurred by persons who have little or no money; and now, by means of the anti-barratry statutes, other persons are prevented from coming to their aid. Such aid is prevented either by imprisonment or by the imposition of heavy fines against those who proffer it.

All that the pending bill seeks to do is to permit the Government of the United States to come into the lists in defense

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of the poor, the weak, the disinherited, and the disfranchised, and to do so by means of injunctions in Federal courts. That is all that is proposed. All this is to be done in conformity with the procedure followed under no less than 33 separate statutes of the United States.

The proposal to inject a jury trial into these criminal-contempt proceedings against those who violate the courts' orders will, if adopted, nullify the law in most cases. The basic reason why it will be nullified in most cases will be the reluctance and, in many cases, the refusal of southern juries to convict white men of contempt of court in connection with offenses against Negroes seeking to vote.

Mr. President, let me make it clear that I do not assert that southern juries will never render justice. But it will be far more difficult for them to do so than it will be for the courts, which would have the power under this bill without this amendment to deal with contempts.

Mr. MORSE. Mr. President, will the Senator from Illinois yield at this point for a question?

Mr. DOUGLAS. I have only 5 minutes.

The PRESIDING OFFICER. The 5 minutes yielded to the Senator from Illinois have already been used by him.

Mr. KNOWLAND. Mr. President, I yield an additional minute to the Senator from Illinois, in order that he may yield for the purpose requested.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 additional minute.

Mr. DOUGLAS. I thank the Senator from California, and I yield now to the Senator from Oregon.

Mr. MORSE. Is it also not true that unanimous agreement on the part of all the members of a jury is required before the jury can return a verdict, and in such circumstances one member of the jury can "hang" the jury?

Mr. DOUGLAS. That is correct.

Furthermore, Mr. President, juries cannot insulate themselves from the passions and prejudices of those around them. Federal judges are partially insulated by means of life tenure.

If our aim is to obtain justice and give effective protection to the right to vote, under these circumstances I think we can obtain a greater degree of justice and protection for this constitutional right by putting these matters into the hands of judges, rather than by giving them to juries.

Mr. DOUGLAS subsequently said: Mr. President, I ask unanimous consent that a letter from Warren Olney, Assistant Attorney General, which a member of the Senate Committee on the Judiciary, at my request, obtained from him, be inserted in the RECORD at the conclusion of my remarks and prior to the final vote.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS OF THE COMMITTEE ON THE JUDICIARY,
*United States Senate,*
*Washington, D. C.*

DEAR SENATOR: In your letter of July 29, 1957, addressed to the Attorney General, you ask to be furnished the facts that prompted the Department of Justice to present to a United States grand jury certain complaints alleging violation of the constitutional rights of registered voters in five parishes of Louisiana.

These complaints, at the request of the Department of Justice, were investigated by the Federal Bureau of Investigation. As related in my letter to the Honorable EMMANUEL CELLER, chairman, Subcommittee No. 5 of the Committee on the Judiciary, House of Representatives, dated February 21, 1957, the evidence relating to the complaints arising from Caldwell, De Soto, and Grant Parishes was presented to the grand jury sitting in Monroe, La., during the period from January 4, 1956, to February 6, 1957. The evidence relating to the complaints arising from Bienville, Jackson, and Ouachita Parishes was outlined to the grand jury on February 12, 1957. Information relating to the Ouachita Parish complaints has previously been supplied in a statement to the Senate Subcommittee on Privileges and Elections. That statement appeared on pages 237 through 240 of the printed hearings before the Subcommittee on Constitutional Rights. The evidence developed by the Federal Bureau of Investigation with respect to the other five parishes, and upon which the presentation to the grand jury was predicated, may be outlined substantially as follows:

BIENVILLE PARISH

In September of 1956 a group of men associated with local citizens councils visited the office of the registrar of voters of Bienville Parish. There were at this time 5,284 white persons and 595 Negroes registered to vote in the parish. The men filed with the registrar purported affidavits challenging the legality of the registration of 560 of the 595 registered Negro voters and challenging the registration of 45 of the more than 5,000 registered white voters. The challenges were purportedly based upon errors which the registrants had made in filling out their registration cards. One of the blanks that applicants for registration were required to fill out was after the item: "My color is ———." Where an applicant used the word "Negro" or "colored" in this blank, the registration was challenged as irregular. The reason claimed was that an actual color, such as brown, blue, red, or green, would be the only appropriate response. Accordingly, a registrant who has responded with the word "white" would be properly registered but one responding with the word "Negro" or "colored" would not. Other spaces on the card required the registrant to state both his date of birth and his exact age in years, months, and days. An error in this computation by as much as 1 day would be used as a basis for challenge and this despite a ruling by the attorney general of Louisiana that such an error did not render a registration invalid, provided it appeared that the registrant was of legal voting age. On the basis of the challenging affidavits, notices were sent to the challenged voters requiring them to appear within 10 days to prove their qualifications as required by law. When the challenged voters appeared at the office of the registrar, they were told that they could not use as witnesses on their behalf registered voters who had, themselves, been challenged. Such requirement does not appear in the law of Louisiana and the State attorney general has in fact ruled that challenged voters may witness on behalf of other challenged voters. Challenged voters who sought to file affidavits in support of their qualifications were advised that the affidavits must not merely state in general terms that they were qualified, that they possessed the residence requirements, and were legally registered, but would have to include a statement that there were no errors on their original application for registration. Applying the tests used in making the challenges, such an answering affidavit was, of course, impossible. Among the registered Negro voters who were challenged and removed from the rolls were school teachers and other professional persons of the Negro race. It is interesting to note that with regard to two of the white voters who had been challenged but who objected on the grounds that they would lose their jobs if removed from the voting rolls, the challenges were withdrawn. With this exception, all of the challenged voters failed or were unable to meet the challenge to the satisfaction of the registrar and their names were removed from the roll of voters.

CALDWELL PARISH

Prior to June 1956 there were approximately 3,800 registered white voters and 450 registered Negro voters in Caldwell Parish. In May 1956 two men went to the office of the registrar of voters to examine the registration cards that were there on file. One of these men had recently been an unsuccessful candidate for the State legislature in a Democratic primary. He had stated he felt he lost the election because Negroes had voted against him. The 2 men were permitted by the registrar to file affidavits challenging the registration of 68 of the 89 Negro voters registered for 1 particular precinct. None of these affidavits were verified as required by Louisiana law. The registrar never published the list of the challenged voters in a local newspaper as required by Louisiana law. Notices of the challenges were sent to the challenged voters on June 2 and June 4. On June 12 a city election was held for the precinct in which the challenged voters resided. Although Louisiana law and the statement on the notices themselves allowed 10 days in which to respond to the challenge, and although the 10 days had not elapsed at the time of the election, none of the challenged Negro voters were permitted to vote. Although the registrar certified their names on the list of voters for the city election, the clerk refused to give them a ballot when they appeared at the polls. No white voters were challenged nor were prevented from voting. After the election the registrar, when interviewed, admitted that there were irregularities in the challenging of the Negro voters and that he intended to restore their names on the rolls. He did not, however, do so.

In September of 1956 the registrar of voters was summoned to appear before a joint meeting of the parish police jury and the local citizens council. At this meeting he was admonished regarding his manner of running the office of registrar. Shortly thereafter, the registrar, without any challenging affidavits having been filed, sent out citations challenging the qualifications of 266 registered Negro voters in the parish and 12 white voters. The Negro voters were challenged on the basis of supposed errors in their application cards, which cards had originally been accepted by this same registrar. The 12 white voters were challenged because of change of residence. White voters whose cards contained "errors" similar to those appearing on the cards of the challenged Negro voters, were not challenged by the registrar. Negroes who responded to the citations in an effort to prove their qualifications were advised that they would have to have as witnesses three registered Negro voters from the same precinct as the challenged Negro voters and that they would have to be accompanied by a local law enforcement officer to identify them. Challenged voters were unable to obtain a law enforcement officer who would agree to accompany them to the registrar's office for this purpose. One challenged Negro voter who was accompanied by three registered white voters to act as witnesses was told that these witnesses were not acceptable because they were not of the same race as the challenged voter. None of the challenged Negro

voters were successful in meeting the challenge. By the time of the general election in November 1956, only two of them had succeeded in reregistering.

DE SOTO PARISH

At the beginning of October 1956 there were 6,450 registered white voters in De Soto Parish, and 770 registered Negroes. In early October a group of men associated with the Citizens Council of De Soto Parish visited the office of registrar to examine the applications for voter registration which were there on file. These men drew up and filed with the registrar purported affidavits challenging the legality of the registration of 383 Negro voters, and of 4 white voters. The challenges claimed errors on the application cards. Such errors included miscomputation of the age of the applicant in years, months, and days; the misspelling of words, and the use of the word Negro as a designation for the applicant's color. The purported affidavits were not sworn to before the registrar, as required by Louisiana law. On the basis of the affidavits the registrar sent notices to the challenged voters requiring them to appear in his office within 10 days to prove their qualifications as voters in the manner provided by Louisiana law. The statutes of Louisiana set forth a form of affidavit to be used in answer to a challenge. These forms were printed up and supplied upon request to registrars of voters in the parishes. When challenged voters appeared in response to the challenge they were told by the registrar that they would have to file an affidavit stating that there were no errors in their original application cards and that they would have to see a private attorney to have such affidavit drawn up. In no case did he provide a challenged voter with the form of affidavit supplied by the State. Challenged voters of the Negro race who consulted attorneys in the locality were unable to engage their services. One of the challenged Negro voters did file with the registrar an affidavit in response to the challenge, which affidavit was substantially in the form required by Louisiana law. This affidavit had been signed by four white voters who were registered in the parish. Immediately after this affidavit was left with the registrar the president of the Citizens Council of De Soto Parish contacted the signers of the affidavit and two of them thereafter filed another affidavit withdrawing the affidavit which they had executed on behalf of the challenged Negro voter. One challenged white voter filed, in answer to the challenge, an affidavit substantially in the same form as that which the challenged Negro voter had filed. This affidavit was accepted by the registrar and the challenged white voters' name was retained on the voting rolls. All of the other challenged voters were unable to meet the challenge and their names were stricken from the roll of registered voters.

GRANT PARISH

At a meeting of the citizens council of Grant Parish on October 4, 1956, a resolution was adopted in favor of purging the vote registration rolls of the parish of unqualified voters. A committee was appointed for this purpose. On October 8 and 9 the members of the committee examined voter registration cards in the office of the registrar. They examined only the cards of Negro voters. On the basis of errors found in the cards, the citizens council members filed affidavits challenging the qualifications of 758 of the 768 registered Negro voters. No white voters were challenged. Most of the errors upon which the challenges were based related to the filling out of the line in the registration cards reading, "I am not now registered as a voter in any other ward or precinct of this State except ———." Failure to fill in the blank or the filling in of it by anything other than the single word "none" was taken as an error. Other claimed errors included the use of the initial "C" to indicated the registrant's color. On the basis of the challenging affidavits the registrar mailed citations of challenge to the challenged voters, allowing 10 days in which to respond to the challenge. In this instance the registrar acted with complete fairness and, in accordance with the law of Louisiana, all challenged registrants who appeared at the registrar's office with three registered voters to vouch for their qualifications were retained by the registrar on the roll of the registered voters. Thus, 489 of the 758 challenged voters were able to meet their challenge. Facts relating to this case appeared on the front page of the Colfax Chronicle of Friday, October 12, 1956, a copy of which is attached hereto.

JACKSON PARISH

In October of last year a group of men called at the office of the registrar of voters of Jackson Parish to examine the application cards of registered voters. Shortly thereafter, 2 of the men filed purported affidavits challenging the qualifications of 953 of the 1,122 Negro voters registered in the parish. They also filed affidavits challenging the qualifications of 13 of the 5,450 white voters registered in the parish. The affidavits were filed on the basis of supposed errors in the application card of each registrant. The same types of supposed errors were, on examination, found on the registration cards of white voters who were not challenged. On the basis of the affidavits, notices were sent to the challenged voters, allowing them 10 days in which to respond to the challenge.

Many of the challenged Negro voters appeared in the office of the registrar in response to the challenges. Many of them appeared with witnesses who offered to execute the precise form of affidavit that the Louisiana law provided should be executed in response to a challenge. The registrar refused to accept such affidavit, even though the attorney general of Louisiana has ruled that the execution of such form is sufficient to meet the challenge and entitles the challenged voter to have his name retained on the voting rolls. The registrar advised challenged voters that the answering affidavits would have to swear that there were no mistakes on the original application card. Reply affidavits on behalf of 2 of the 13 challenged white voters were, however, accepted. Affidavits of two Negro voters who had physical disabilities and therefore had not themselves filled out the original application card were also accepted. All others of 953 challenged Negro voters were unable to meet the challenge under the requirements laid down by the registrar. Their names were accordingly dropped from the roll of registered voters.

The United States grand jury sitting in Monroe, La., failed to return any indictments in connection with the cases that I have here reviewed. With regard to the Bienville and Jackson Parish cases, the grand jury, after the evidence developed by the Federal Bureau of Investigation had been outlined to it, expressed itself as not wishing to have any of the witnesses called as there was no real possibility of any indictments being returned.

Sincerely,

WARREN OLNEY III,
*Assistant Attorney General.*

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[From the Colfax (La.) Chronicle of October 12, 1956]

GRANT COLORED VOTERS PURGED FROM ROLLS—MEMBERS OF CITIZENS COUNCIL TAKE ACTION THIS WEEK

Members of the White Citizens Council of Grant Parish worked in the registrar's office this week in a frank attempt to disfranchise the parish's 750–800 Negro voters on the basis of color alone before the November 6 election.

Louis Earle Stevens, secretary of the council, estimates that at least 90 percent of the colored registrations were challenged on the basis of being incorrect or incomplete. Mrs. Horace Mosley, registrar, is sending the challenged registrants duplicate copies of the affidavits and citations requiring them to appear in person in 10 days to prove their right to remain on the rolls.

The action taken in "purging the rolls" followed a Citizens' Council meeting in Dry Prong at which Senator William Rainach of Homer, Representative John S. Garrett of Haynesville, State segregation leaders, and Raymond Masling, executive director of the Association of Citizens Councils of Louisiana, were present. (Fifty-two persons were present at the meeting, held last Thursday, Stevens says.)

According to W. J. B. Jones of Colfax, council president, the group voted unanimously to undertake to clear colored voters from the poll lists.

THEY WERE UNANIMOUS

The decision, if any, was supposed to be taken at a board meeting, Jones says, but when the board meeting was called, following the regular meeting, Rainach urged others attending the meeting to remain.

"They wanted to cut the vote," Jones told the the Chronicle, "and the board and the congregation voted unanimously to have it done." Members of the board at the meeting were Paul Haigler, ward 1, vice president; Ray Fuller and O. J. Lemoine, ward 6; H. B. Garlington, ward 3; J. F. and Cecil Cryer, ward 2; Johnny Kircher, ward 4; Aaron Capps, ward 5.

Stevens says that ward eight was represented by some members, although not by any board member; and that ward seven was the only ward not represented.

COMMITTEE APPOINTED

Pursuant to the vote to cut the rolls, Jones appointed the following committee to attend to the matter: Garlington, chairman; Stevens, Lemoine and Fuller; and Herschel Nugent, Jack Cameron and Virgil McNeely of ward one.

Stevens stresses, however, that the challenges were made by individuals, not by the council. (Most of the challenges being made out in the registrar's office are to be signed by Nugent and Lemoine; others are to be signed by Fuller and Lowe, Mrs. Mosley says.)

CHECKED ONLY COLORED

Monday afternoon and evening the committee members, assisted at various times by Masling, Jones, Frank Stewart of Aloha and Lanny Fletcher, a member of the Dry Prong school faculty, went through the registration cards, checking only those filled out by colored registrants.

In accordance with advice they had been given by the State segregation leaders, they principally relied on three points on the card.

INCORRECT, INCOMPLETE

One statement on the card reads "I am not now registered as a voter in any other ward or precinct of this State except ———." Told that the correct word to put in the blank is "None" the challengers pulled all cards where the blank was filled in with any other word (such as "Grant," which occurs most often) and certified them as incorrect. Where the blank was left blank, that application was certified as incomplete.

SOME WERE JUST "C"

Where, instead of writing out colored in the indicated space, the applicant simply put "C", the application was certified as incorrect.

If the application was all right up to here, the person's age in years, days, and months (which must be shown) was refigured and often found off by a day or so. (Other points were also checked in some instances.)

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ONLY VICTOR ADAMS

In a check made by the Chronicle on Tuesday, of the first 100 white registrants in ward one, only one card was found which would pass the above tests—that of Victor Adams. Ninety-five had the incorrect answer, or none, in the blank first referred to. Four (including School Superintendent C. C. Belgard) figured their ages incorrectly.

In a further check made by the Chronicle, not one member of the Citizens Council committee had a card which would pass the tests. Virgil McNeely stated that his color is "w," as did Nugent, Garlington, and Stevens. The others misfigured their ages or gave the wrong answer, or none, to the question about being registered in any other ward.

Lemoine, according to several acquaintances, lives in Colfax in ward 1 but votes in ward 6.

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COUNCIL OFFICERS IN DOUBT ON MOVE

"This is the third or fourth time they have pushed us about not doing something about checking illegal registration," W. J. B. Jones, president of the Citizens Council of Grant Parish, told the Chronicle this week.

"I've always managed to keep them off before. I thought the right way to do it was to wait until the first of the year, when everyone has to reregister, and I fought vigorously to do it that way. That way we could have the law complied with by everyone. But they voted unanimously to do it now and I could make no objection."

COULDN'T FIND OUT

Jones said he had been unable to find out why they were so anxious to clear the rolls before the November election. "In fact," he said, "I was on my feet talking about some of the amendments, some of which I think we ought to support, when Rainach took the floor away from me."

(EDITOR'S NOTE.—While nobody seems to be able to give an official answer as to why the rolls should be cleared before the November election, there is a general agreement that both State and National politics are involved. Opposition to Earl Long, opposition to the amendments he is sponsoring and opposition to Adlai Stevenson are all seen as forming at least part of the motive.)

HAIGLER DISAPPROVING

Council Vice President Paul Haigler asked the Chronicle to make it very clear that he had refused to be appointed on the purge committee; that he wanted nothing to do with it; and that he didn't approve of the method used.

Council Secretary Louis Earle Stevens noted that "Some cards were pulled that shouldn't have been—including some that had been filled out by the registrar." To wait for a new registration would have been "basically the best way," he said.

"I think some other organization, somebody that could have afforded to check both white and colored, should have done it," Stevens added. He said he did not know the reason for the hurry.

Mr. DOUGLAS subsequently said: Mr. President, I ask unanimous consent that there be printed, in small type, prior to the final vote, and following my remarks, an address which I had intended to deliver on the subject.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE DENIAL OF THE RIGHT TO VOTE

Everyone knows, or should know, that there are many areas, counties, and in some cases, almost entire States, where Negroes are effectively denied the right to vote. This is done in a variety of ways which I shall shortly outline and for which I shall give concrete and specific evidence of such denials.

THE GENERAL PICTURE

First, however, let us look at the general picture. In the 7 Southern States of Alabama, Arkansas, Georgia, Louisiana, Mississippi, South Carolina, and Virginia—and in 95 of the 254 counties in Texas where 90 percent of the Negroes reside—there is a potential Negro vote of 3.75 million. Of these, only 850,000 or 23 percent are even registered to vote. The numbers who actually vote are far fewer than those who are registered to vote.

Of course, the situation varies from place to place. In the 95 Texas counties, 38 percent of the potential Negro vote is eligible to vote. This compares to 4 percent who are registered in Mississippi. In Alabama, the figure is about 10 percent. In Virginia, it is 20 percent. In Georgia, the figure is approximately 25 percent. In South Carolina, it is 25 percent. In Arkansas, it is almost 30 percent. In Louisiana, it is 31 percent.

Mr. President, I ask unanimous consent to have inserted in the RECORD at this point a table giving these figures by States.

TABLE I.—*Percent of Negro registered voters of potential Negro voters in eight Southern States*

| State | 1950 census potential Negro voters | Registered Negroes | Percent |
|---|---|---|---|
| Alabama | 516,245 | 53,336 | 10.3 |
| Arkansas | 232,191 | 67,851 | 29.2 |
| Georgia | 633,697 | 163,389 | 25.6 |
| Louisiana | 510,090 | 161,410 | 31.6 |
| Mississippi | 497,354 | 19,367 | 4.0 |
| South Carolina | 390,024 | 98,890 | 25.3 |
| Virginia | 422,670 | 84,931 | 20.0 |
| Texas (95 of 254 counties) | 550,992 | 209,297 | 38.0 |
| Total | 3,753,263 | 858,471 | 22.8 |

That this situation is alarming can be quite clearly seen from a comparison with other areas of the country. In the 1956 presidential election, for example, 77.3 percent of the persons of voting age actually voted (not just were registered to vote) in Idaho. In Connecticut, 76.6 actually voted. In Utah, the figure was 76.1 percent, and in Massachusetts, 75.3 percent, in New Hampshire, 75.2 percent, and so forth. Therefore, we know or should know that there must be some reason or reasons for this vast discrepancy where in Idaho, 77.3 percent of those of voting age actually voted, while in Mississippi, of the almost one-half million Negroes, only 4 percent were registered to vote and a little more than 1 percent—or 8,000—actually voted in the 1955 gubernatorial election. I ask unanimous consent that a table showing the voter turnout (both white and Negro citizens) for the 1956 presidential election be inserted in the RECORD at this point.

TABLE II.—*Voter turnout for the 1956 presidential election*

| Rank | State | Number of voters per 100 persons of voting age |
|---|---|---|
| 1 | Idaho | 77.3 |
| 2 | Connecticut | 76.6 |
| 3 | Utah | 76.1 |
| 4 | Massachusetts | 75.3 |
| 5 | New Hampshire | 75.2 |
| 6 | Rhode Island | 74.5 |
| 7 | Iowa | 74.1 |
| 8 | Illinois | 72.5 |
| 9 | Indiana | 72.4 |
| 10 | West Virginia | 72.4 |
| 11 | Montana | 72.3 |
| 12 | South Dakota | 72.0 |
| 13 | Delaware | 71.5 |
| 14 | Washington | 71.4 |
| 15 | New Jersey | 70.1 |
| 16 | Colorado | 69.6 |
| 17 | Wyoming | 68.9 |
| 18 | Vermont | 68.6 |
| 19 | Oregon | 68.4 |
| 20 | Minnesota | 67.8 |
| 21 | Kansas | 67.6 |
| 22 | Missouri | 67.4 |
| 23 | Michigan | 67.1 |
| 24 | North Dakota | 67.0 |
| 25 | Wisconsin | 66.6 |
| 26 | Nebraska | 65.9 |
| 27 | New York | 65.5 |
| 28 | California | 65.0 |
| 29 | Ohio | 64.9 |
| 30 | Pennsylvania | 64.9 |
| 31 | Maine | 64.5 |
| 32 | Nevada | 64.5 |
| 33 | Oklahoma | 64.0 |
| 34 | New Mexico | 62.1 |
| 35 | Kentucky | 56.7 |
| 36 | Maryland | 54.8 |
| 37 | Arizona | 49.8 |
| 38 | Florida | 48.3 |
| 39 | North Carolina | 47.6 |
| 40 | Tennessee | 46.0 |
| 41 | Arkansas | 39.9 |
| 42 | Texas | 38.1 |
| 43 | Louisiana | 37.2 |
| 44 | Virginia | 34.2 |
| 45 | Georgia | 30.4 |
| 46 | Alabama | 28.5 |
| 47 | South Carolina | 24.6 |
| 48 | Mississippi | 22.1 |

Source: U. S. Department of Commerce, Current Population Reports, Oct. 5, 1956, p. 3, table 2; Estimate of Civilian Population of Voting Age for Nov. 1, 1956, and Statistics of the Presidential and Congressional Election of Nov. 6, 1956, U. S. Government Printing Office, Washington, 1957.

METHODS USED TO DEPRIVE NEGROES OF THE VOTE

Mr. President, a variety of methods are used to deprive or deny to the Negro his constitutional right to vote. These vary from place to place and from area to area. Among them are the poll tax in five States. Others include the inaccessibility of registrars. Still other methods include the requirement that Negroes interpret sections of the State or National Constitutional to the satisfaction of the registrar. In other areas, Negroes are given long lists of words to pronounce and/or spell. In some places, they are asked to identify obscure local officials by name and by office. In still other areas, they are given a so-called civics test, with questions which would tax the intellectual powers of even a Charles Van Doren. In other areas, such as Tuskegee, Ala., Negro districts have been gerrymandered so that Negro votes do not really count. In still other areas, the Negro votes are not counted at all. Finally, in some places, there is outright intimidation and coercion—and sometimes even violence—to keep the Negro from registering or, if he does register, from exercising his right to vote.

Now, let me turn to each of these and give some concrete examples of how these methods work.

THE POLL TAX

Mr. President, five States still have a poll tax as a requirement to vote. These States are Alabama, Arkansas, Mississippi, Texas, and Virginia. The amounts to be paid and those from whom such taxes are required vary from State to State.

*Alabama*

In Alabama, the amount of the poll tax is $1.50. It must be paid in person or by mail to the county tax collector. Delinquent taxes for the preceding 2 years must be paid for a person to actually vote. It must be paid by those between the ages of 21 and 45, except members of the Armed Forces and veterans. It can be paid from October 1 to February 1. In Alabama, the voter must also register in addition to paying his poll tax. Registration is permanent, although in 1956 there was a reidentification of voters in

Colbert, De Kalb, Elmore, Lauderdale, Talladega, and Walker Counties.

*Arkansas*

In Arkansas, all voters except those in the Armed Forces and those who have attained the age of 21 since the time the taxes were assessed, must pay a poll tax of $1. Apparently, back taxes need not be paid and there is no registration required except that a person must have satisfied the State's residence requirements and hold a current poll-tax receipt when he goes to vote.

*Mississippi*

In Mississippi a poll tax of $2 must be paid annually, in person, by another on his behalf, or by mail to the tax collector of the county of residence on or before February 1. This is 6½ months before the primary date and 9 months prior to the general election. Those over 60 are exempt as are those who are members of the Armed Forces or those who are deaf and dumb, or blind, or who are maimed by loss of hand or foot. These persons must obtain an exemption certificate from the circuit clerk of the county of residence.

A person must present his or her poll tax receipts for the 2 preceding years, or an exemption certificate, to the election manager before being allowed to vote in a primary election.

*Texas*

A poll tax of $1.75 annually must be paid either in person or by mail to the tax collector by every person between the ages of 21 and 60 who resided in the State on January 1 preceding the election. Some groups—Indians, disabled persons and veterans, members of the National Guard, etc.—must pay only $1 and are exempt from the 75 cent charge. However, they must pay the $1 and gain a certificate of exemption for the remainder. To have been eligible for the 1956 election, for example, the poll tax must have been paid between October 1, 1955 and January 31, 1956. The exemption certificate must have been obtained, also, before January 31, 1956 for a person to have voted in the 1956 elections.

There is no registration in Texas. Voting lists are compiled from the poll tax and exemption certificate lists.

*Virginia*

In Virginia a poll tax of $1.50 per year for each year or any part thereof for 3 preceding years must be paid to the tax collector of the county or city of address by all persons except members of the armed services.

In 1956 poll taxes must have been paid by May 5, 1956, or 6 months before the general election, to be eligible to have voted in the 1956 primary or general elections.

*Conclusion*

It can be seen from these facts that in most of these States the poll tax is a deterrent to voting. In those States where payment is required for 1, 2, or 3 preceding years, the amount of money itself is a deterrent. Another deterrent is the fact that in some of these States the tax must be paid many, many months before an election and at a time when there is little interest in an election. A further deterrent is the fact that one must make a sizable effort to comply with the laws, must produce the poll tax receipts at the time of registering or at the time he actually votes. Difficulties are encountered in gaining new receipts if the old ones are lost or mislaid. All of these factors deter voting while they provide very little revenue to the States. They should be abolished.

*Poll tax reversion bill in Alabama*

Mr. President, I have before me an editorial from the Montgomery, Ala., Advertiser of June 1, 1957, which opposes an effort by some forces in Alabama to revert to a previous law forcing voters to pay back poll taxes up to $36 in amount. Let me read certain portions of this editorial:

"Alabama's old cumulative poll tax law, deemed archaic and laid to rest by the voters in 1953, has been resurrected in the legislature under the guise that it will help preserve segregation.

"The sponsor of the proposed constitutional amendment, Senator Roland Cooper of the Black Belt's Wilcox County insists the restoration of the cumulative feature is a must if the southern way of life is to be preserved.

"And Macon Senator Sam Engelhardt has echoed with the observation that the reinstatement of the old plan will serve as a deterrent to Negro voter registration."

I now skip a paragraph and read further:

"What the proposal seeks to do is to repeal an amendment adopted by a comfortable 3 to 2 margin in 1953 which set a $3 maximum on the amount of poll tax a registered voter must pay to cast a ballot. Prior to that time the registrant was forced to pay any and all back poll taxes up to a maximum of $36 before being eligible to vote."

The editorial also states:

"What should be emphasized is the fact there is absolutely no connection between becoming a qualified voter and the payment of the poll tax. The payment of the poll tax does not automatically qualify any one to vote. The determination of who shall and who shall not have the right to vote is in the hands of the all-powerful county boards of registrars. These boards pass on the qualifications of applicants. And only after an applicant has been approved by the board does the poll tax enter the picture.

"As to the argument that the return of the cumulative law might deter Negro voters, this, too, is perhaps rebatable. There seems little likelihood that any Negro approved by the board of registrars would have any difficulty securing whatever amount that might be needed to pay his back poll taxes, be it $1.50 or $36."

Mr. President, I want to read that sentence again. This editorial states that:

"There seems little likelihood that any Negro approved by a board of registrars would have any difficulty securing whatever amount that might be needed to pay his back poll taxes, be it $1.50 or $36."

That certainly is an amazing statement. Personally, I can think of few greater deterrents to vote, apart from physical threats or pressures, than the payment of $36 in back taxes.

The editorial continues with yet another amazing paragraph:

"Negroes are too anxious for members of their own race to become voters to let a little thing like $36 or less stand in their way."

A little thing like $36 is a pretty important thing to thousands of poor and weak individuals who must first pass the rigid requirements of a board of registrars before even being allowed to vote.

Mr. President, I want to praise the Montgomery Advertiser for their stand against this poll tax reversion bill, even though some of their reasoning fails of its own weight when read aloud.

Mr. President, I ask unanimous consent that the full editorial appear in the RECORD at this point in my remarks.

"[From the Montgomery (Ala.) Advertiser of June 1, 1957]

"THE POLL TAX REVERSION BILL SHOULD BE KILLED

"Alabama's old cumulative poll tax law, deemed archaic and laid to rest by the voters in 1953, has been resurrected in the legislature under the guise that it will help preserve segregation.

The sponsor of the proposed constitutional amendment, Senator Roland Cooper of the Black Belt's Wilcox County, insists the restoration of the cumulative feature is a must if the southern way of life is to be preserved.

"And Macon Senator Sam Engelhardt has echoed with the observation that the reinstatement of the old plan will serve as a deterrent to Negro voter registration.

"Appealing though this argument may be, it is fallacious. The record does not justify the injection of the racial question, a fact which Engelhardt reluctantly admits.

"What the proposal seeks to do is repeal an amendment adopted by a comfortable 3 to 2 margin in 1953 which set a $3 maximum on the amount of poll tax a registered voter must pay to cast a ballot. Prior to that time the registrant was forced to pay any and all back poll taxes up to a maximum of $36 before being eligible to vote.

"Admittedly the repeal of the cumulative clause resulted in a tremendous upsurge of voter registration. But by and large the registrants were white voters, particularly white women. Negro registration increased, but it was more than offset by the big jump in white voter registration.

"What should be emphasized is the fact that there is absolutely no connection between becoming a qualified voter and the payment of the poll tax. The payment of the poll tax does not automatically qualify anyone to vote. The determination of who shall and who shall not have the right to vote is in the hands of the all-powerful county boards of registrars. These boards pass on the qualifications of applicants. And only after an applicant has been approved by the board does the poll tax enter the picture.

"As to the argument that the return of the cumulative law might deter Negro voters, this too is perhaps debatable. There seems little likelihood that any Negro approved by a board of regisrars would have any difficulty securing whatever amount that might be needed to pay his back poll taxes, be it $1.50 or $36.

"Negroes are too anxious for members of their own race to become voters to let a little thing like $36 or less stand in their way. In fact, there is a good chance the cumulative feature would create more of a hardship on whites than Negroes.

"And finally, the question might be asked as to who would be affected by this change. Persons over 45 years of age are exempt from any and all poll taxes; so are veterans. And most other persons who prior to 1953 had allowed their poll taxes to accumulate have since taken advantage of the new law and are now qualified, paid-in-full electors. Thus there would be but relatively few who would be affected by the bill one way or another.

"But its adoption by the legislature and ratification by the people would serve one purpose—it would give enemies of Alabama and the South both at home and abroad just one more weapon for use in their siege of ridicule.

"The Senate constitution committee will do well to kill the bill outright."

INTERPRETATION OF CONSTITUTION AND OTHER EDUCATIONAL TESTS

It appears to be true that in at least five Southern States, either by law or in practice, voters must satisfy registrars as to their ability to read and interpret the State or Federal Constitution, pass so-called civics tests, name obscure local officials, or pronounce a long list of words to the satisfaction of the registration officials. These States include Mississippi, Alabama, Louisiana, Georgia, and North Carolina.

I have previously placed in the RECORD, Mr. President, the questions which Mississippi requires its prospective voters to answer when they register. I now have before me an article which appeared in the Atlanta Journal Constitution for November 7, 1954, written by Mr. Kenneth Toler of the Mississippi bureau of that newspaper and filed

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from Jackson, Miss., which gives the background of this requirement at the time it was passed. Mr. Toler states that:

"A minority of voters (in Mississippi) has approved the test an eligible, but unregistered, majority of Mississippi citizens must pass in order to gain their franchise as qualified voters."

He points out that:

"The estimated 550,000 eligible citizens who have not become qualified electors must meet a rigid educations test. In addition to being able to read and write, the franchise applicant must satisfy the county registrar as to his knowledge of citizenship under a constitutional form of government and outline the essential facts and qualifications necessary to show that he is entitled to register and vote."

In the House hearings on the civil-rights bill, there was an example of one voter who was given this test. He was asked what form of government we lived under. He first replied, "A democratic form of government." That was said to be wrong. He then stated that we lived under a republican form of government. That, too, was said to be wrong. This provision, obviously, was designed to bar Negro voters.

Now, Mr. President, I am not the only one who claims that. This article by Mr. Toler also states it. It was written in 1954 when the law was passed. This is what Mr. Toler says in the Atlanta Journal-Constitution:

"Major factor in gaining the one-sided approval of the amendment is believed the recently organized Citizens Council composed of 'white males dedicated to the preservation of segregation.' Counties in which the councils have been organized—34 of the 32—cast heavy votes for the amendment after their members had been called on to go to the polls in anotherwise apathy-controlled, uncontested off-year election."

Mr. Toler further states:

"Proponents of the amendment admit it is aimed at a large Negro registration. It is those citizens who will be penalized under the upgraded educational qualifications for voting."

The article further says:

"Experience has shown that the test is seldom required of a white registrant."

Mr. President, I ask unanimous consent that this article from the Atlanta Journal-Constitution may be printed in the RECORD at this point.

"[From the Atlanta Journal-Constitution of November 7, 1954]

"MISSISSIPPI'S FUTURE VOTERS FACE RIGID EDUCATION TEST—MINORITY OF VOTERS GIVE APPROVAL TO AMENDMENT AFFECTING 550,000

"(By Kenneth Toler)

"JACKSON, MISS., November 6.—A minority of voters has approved the test an eligible, but unregistered, majority of Mississipi citizens must pass in order to gain their franchise as qualified electors.

"The new prerequisite to becoming a voter was ratified by less than one-third of the estimated 450,000 qualified electors out of an eligible 1 million.

"Under a constitutional amendment ratified in the general election, the estimated 550,000 eligible citizens who have not become qualified electors must meet a rigid educational test. In addition to being able to read and write, the franchise applicant must satisfy the county registrar as to his knowledge of citizenship under a constitutional form of government and outline the essential facts and qualifications necessary to show that he is entitled to register and vote.

"The less than 150,000 voting in the election also decreed that no longer can an applicant attempt to interpret any section of the State constitution pointed out by the registrar after it has been read to him, but he must read it himself and then satisfy the official.

"Major factor in gaining the one-sided approval of the amendment is believed the recently organized Citizens Councils composed of white males dedicated to the preservation of segregation. Counties in which the councils have been organized—34 of the 82—cast heavy votes for the amendment after their members had been called on to go to the polls in an otherwise apathy-controlled uncontested off-year election.

"COUNCILS AFFECT VOTE

"Giving credence to the part played by the councils is the fact that Sunflower County, where the first one was organized, cast a heavier than usual vote in a general election.

"Counties where local newspapers opposed the amendment likewise failed to follow the editorial suggestions of these editors and voted for the proposal.

"Gov. Hugh White, who voted for the amendment but without making any sort of an appeal in its behalf, said the vote is an indication that a proposal authorizing the legislature to abolish public schools as a last resort against their integration, will be approved in a special election December 21. However, in that case, there is strong statewide opposition to the school amendment, not in favor of integration, but use of other steps before giving that authority to the legislature.

"The tests in the amendment are in addition to requirements that the applicant be a resident of the State for 2 years, and to have paid his polltax for the 2 years preceding the election he seeks to participate in, and to have paid these assessments in the years for which they were assessed. Under the present rule, a voter cannot 'catch up' with back poll taxes.

"WILL PENALIZE NEGROES

"Proponents of the amendment admit it is aimed at a large Negro registration. It is those citizens who will be penalized under the upgraded educational qualifications for voting.

"Even though the racial issue was in the background, there was no campaign in behalf of the amendment other than mimeographed letters written to members of the Citizens Councils and a joint statement issued by the chairman of the House and Senate constitution committees which approved it for legislative submission to the voters. However, with the integration decision of the Supreme Court of the United States fresh in the minds of the voters, it was evident that also played a part in ratification.

"Some of the newspapers opposing the amendment pointed out that the present constitution-interpretation requirements were strong enough since only 22,000 Negroes have become qualified electors out of the State's estimated 450,000. Those newspapers said it would work a hardship on certain white citizens as well.

"However, experience has shown that the test is seldom required of a white registrant.

"WHAT APPLICANTS FACE

"Under the new prerequisite, an applicant can be required to interpret any section of the State constitution 'to the satisfaction' of the county registrar after the applicant has read it himself. The applicant can be called on to write that interpretation.

"Added weight to the 'undercover' campaign of the Citizens Councils is the fact that a similar amendment submitted in the 1952 presidential election was defeated when 32,807 of the 285,532 voting in that contest skipped the amendments on the ballots. As a result, they were recorded against, since it was required to receive a majority of all votes cast in the election, including those for the candidates.

"In the 1952 election, the amendment received a majority of the 202,725 votes cast 'for' and 'against' it, or 119,359 favorable and 83,366 against. These 82,807 skips are what defeated it then, because it needed 142,767 for ratification, or 23,408 short of a majority."

NINETEEN THOUSAND DENIED VOTE IN ONE MISSISSIPPI COUNTY

Mr. President, on October 13, 1955, there was an article in the Birmingham, Ala., News concerning the denial of the right to vote or even register to 19,000 Negroes in Tallahatchie County, Miss., under the new Mississippi requirement that a prospective registrant must interpret the Constitution and answer other questions.

The article was filed from Charleston, Miss., and states in part:

"Circuit Clerk Charlie Cox answered NAACP claims that none of the Tallahatchie County's 19,000 Negroes was allowed to vote by saying that only 4 or 5 applied and they were unqualified.

"None of the Negro applicants * * * was able to pass the test."

I ask unanimous consent, Mr. President, that this article from the Birmingham News appear in the RECORD at this point in my remarks.

"[From the Birmingham (Ala.) News of October 13, 1955]

"FOUR OR FIVE NEGROES SEEN VOTE, FAIL TEST, CLERK SAYS

"CHARLESTON, MISS., October 3.—Circuit Clerk Charlie Cox answered NAACP claims that none of Tallahatchie County's 19,000 Negroes 'was allowed to vote' by saying that 'only 4 or 5' applied and they were unqualified.

"Executive secretary, Roy Wilkins, of the National Association for the Advancement of Colored People, made the charge yesterday in New York at a Harlem rally protesting a resolution asking the United States Justice Department to investigate 'the intimidation and denial of the vote to Negroes' in Tallahatchie County.

"Wilkins said the vote was denied Negroes in Mississippi's August primaries for governor. All candidates were pledged to uphold segregation.

"Cox reminded that the Mississippi Legislature recently adopted new registration requirements under which applicants must demonstrate their knowledge of the Constitution to the satisfaction of the circuit clerk, who has charge of vote registration.

"None of the Negro applicants, he said, was able to pass the test.

"Most Negroes, he added, 'don't even pay their poll tax.' Mississippi has a $2 a year poll tax.

"The Harlem rally drew 3,000. Chairman Shad Polier of the national executive committee of the American Jewish Congress was main speaker.

" 'You can forget about the poll tax and discriminatory registration laws in Mississippi,' he said. 'The Negro is denied the vote by the simple method of fraud and intimidation, by corrupt election officials and by night riders.'

"The rally's vote complaints centered on Tallahatchie County, where white halfbrothers Roy Bryant and J. W. Milam were found innocent of murdering 14-year-old Till, the Chicago Negro who came south for a vacation.

"Both still face kidnap charges in neighboring Leflore County and will go before the grand jury in November. They are free on $10,000 bail each.

"In another development, the NAACP took a seven column ad in the New York Times asking contributions to 'help end racial tyranny in Mississippi.'

"The ad claimed three Negro murders have gone unpunished in Mississippi since May.

"The NAACP listed the victims as Till, the Reverend George W. Lee of Belzoni, Miss., 'shot and killed in his car after having refused under pressure to take his name off the voter registration list,' and Lamar Smith of Brookhaven, Miss., 'shot and killed in broad daylight in front of the courthouse after having made open efforts to get out the Negro vote in the coming primary election.'

"Another Negro protest rally drew 1,300 in St. Louis.

"Two State witnesses in the Till trial, Mrs. Mamie Bradley, the boy's mother, and 18-year-old Willie Reed, were in Chicago hospitals recovering from exhaustion.

"Mrs. Bradley was scheduled to address the Harlem rally.

"Reed, a field hand on the farm of J. W. Milam's brother, Leslie, testified he saw J. W. Milam with Till after the boy was abducted and heard licks and hollering come from a barn. He came to Chicago after the trial.

"The Chicago Defender, Negro newspaper, reported the whereabout of two other Negroes, who reportedly disappeared before being called to testify at the trial.

"Editor Enoch Waters said Leroy Collins was in the care of the Defender after being brought to Chicago by a reporter for the Tri-State Defender of Memphis, Tenn.

"The other was Henry Lee Loggin, who the paper said is now in Glendora, Miss.

"A Mississippi Negro leader, who would not be identified, claimed Saturday, that Loggin, a sleeping-car porter, was staying in St. Louis with friends. He said both Collins and Loggin were taken out of Mississippi for safekeeping.

"Mrs. Bradley once charged that Collins was held in the Charleston, Miss., jail along with another Negro, whom she did not identify, to keep them from testifying.

"During the trial, the State made no mention of missing witnesses and did not ask for a delay to find any."

Now, Mr. President, I turn to Alabama where similar requirements have been made on Negro voters. I have a copy of an article from the Birmingham News for March 26, 1956, telling of restrictions in Alabama similar to those in Mississippi with respect to requiring Negroes to interpret the Constitution and other questions.

GOOD CHARACTER REQUIRED

This article quotes Rufus Lewis, president of a Negro citizens' club, asking the right to vote:

"Complaining that members of his race have been systematically excluded from voting in Montgomery, Lewis predicted his committee's efforts will lead ultimately to a court suit.

"Prospective voters now must undergo a written examination and satisfy registration officials that they are of good character."

Note, Mr. President, that in Montgomery, not only is there a written examination, but prospective registrants must show that they are of good character. Under such restrictions, it might be very difficult indeed for a Negro who had voiced complaints about the voting system to find anyone who would vouch for his good character.

DELAYS IN REGISTRATION

The article further states:

"Lewis talking about the Negroes' complaints against the board here, said, 'It's a subtle sort of thing. When Negroes try to register they are told they will be notified if they are qualified. But white people sometimes get their certificates right then and there.

"Sometimes the Negroes are never notified and they have to go back some of them half a dozen times. If they finally do get registered, they have been delayed and delayed."

As can be seen, Mr. President, the delays and further delays involved in Negroes trying to register is another deterrent to their voting.

FAILURE OF REGISTRATION BOARDS TO MEET

This article also refers to a situation in Macon County, Ala., of which I shall mention more about later, where the county had no functioning board of registrars for many months—a rather effective method of denying registration to Negroes.

I ask unanimous consent that the full text of this article be placed in the RECORD at this point in my remarks.

"[From the Birmingham (Ala.) News of March 26, 1956]

"ALONG WITH BUS BOYCOTT—MONTGOMERY NEGRO LEADERS PLEDGE NEW OFFENSIVE ON VOTER REGISTRATION

"(By Rex Thomas)

"MONTGOMERY, ALA., March 26.—The birthplace of the Confederacy has become the battleground for a 'no surrender' fight for racial justice and equality.

"From the initial attack on segregated city bus facilities, Negro leaders have promised to launch another offensive directed at voter registration policies.

"A committee of the same Montgomery Improvement Association which was organized to support the 18-week-old bus boycott is already working on plans to strengthen the rolls of Negro voters or find out why that can't be done.

"The bus protest meanwhile is still functioning with renewed determination despite the prosecution of its leaders and the conviction of the first of 90 defendants called to trial, the Rev. Martin Luther King, Jr.

"King told a huge crowd of Negroes jammed into a church at a mass meeting several hours after his conviction and $500 fine, Thursday, that 'We are no longer content to accept second class citizenship. We are determined to struggle for justice and equality until we achieve it.'

"King meanwhile has appealed to higher courts.

"As president of the improvement association which was formed the day the bus boycott began last December 5, King testified during his trial that the organization's purpose is to 'improve the Negro's status in Montgomery.'

"Although its efforts thus far have been devoted mostly if not entirely to the bus protest, the 27-year-old Baptist minister disclosed later the MIA has a voter registration committee already at work.

"Its chairman is Rufus Lewis, president of the Citizens Club, an organization whose membership is restricted to Negro voters.

"Complaining that members of his race have been systematically excluded from voting in Montgomery, Lewis predicted his committee's efforts will lead ultimately to a court suit. But 'we haven't gone far enough yet to tell just what we can do,' he added.

"Neither would he say whether a court attack will be made on Alabama's registration qualifications written into the State constitution as a substitute for the outlawed Boswell amendment.

"Prospective voters now must undergo a written examination and satisfy registration officials that they are of good character.

"The Boswell amendment, held unconstitutional by the Supreme Court, required applicants to be able to understand and explain the Federal Constitution.

"Lewis, talking about the Negroes' complaints against the board here, said it's a subtle sort of thing.

" 'When Negroes try to register, they are told they will be notified if they are qualified. But white people sometimes get their certificates right then and there.'

" 'Sometimes the Negroes are never notified and they have to go back, some of them half a dozen times. If they finally do get registered, they have been delayed and delayed.'

"Lewis said difficulties have increased noticeably since the organization of the prosegregation Montgomery County Citizens Council. 'We get even less results now,' he explained. 'Fewer and fewer are registered.'

"Members of the county board of registrars declined to comment in the absence of the chairman, Mrs. C. B. Willis, who was out of the city.

"Montgomery's population is estimated at nearly 125,000, divided approximately 40 percent Negro and 60 percent white (the chamber of commerce figures 38 percent for the Negroes; Lewis said it is nearer 42 percent).

"Voter registration figures show a different pattern. Of the estimated 23,500 voters in Montgomery, only about 1,900, or 8 percent, are Negro.

"But there has been no suggestion, King and Lewis said, of economic reprisals like the recent threat in neighboring Macon County, home of famed Tuskegee Institute.

"A newsletter of the Negro Tuskegee Civic Association urged its readers to boycott white merchants who refused to help them in their fight for voter registration, but the association's president, Charles G. Gomillion, disclaimed any responsibility for the threat.

"Macon County has had no functioning board of registrars for several months when the second of the three members resigned. At one period in recent years, the county went for more than 18 months without a registration board.

"In Montgomery, King said his Negro organization has given no thought to other demands such as employment of Negroes in downtown stores. Nor have they taken any step to force the integration of Negro and white students in the schools.

"Besides the bus boycott, 'our main concern now,' the minister explained, is voter registration.' "

MUST NAME OBSCURE LOCAL OFFICIALS

Another method used to make it either difficult or impossible for Negroes to register and vote is that of asking them questions concerning minor local officials. Now, I know that the Senator from Georgia [Mr. RUSSELL] has stated on numerous occasions during this debate on the civil rights bill that Negroes have no difficulty in voting in Georgia and this is not a problem there. When one looks at the figures of Negro voting in Georgia, it certainly appears that in many places and counties Negroes are completely denied the right to vote. Further, because of the county unit system, the votes of Negroes in Atlanta, for example, are effectively minimized by granting to the relatively few voters in the smallest county in the State the same weight in nominating those for Federal offices, such as Senator of the United States, as the many times more numerous voters from the largest county.

I have here before me an article from the Atlanta Daily World for April 26, 1956, entitled "Register, Please, But Oh, What Price Questions." It is by Samuel L. Adams, a Negro reporter who checked into the problem of registration.

He points out, from personal experience, that "clerks are forcing those who want to register into lines segregated by race with lines nearest to convenient entrances and exits being used solely by white persons."

Mr. Adams tells of a question asked by a male clerk to a Negro woman, "What is the name of our ordinary?" (An ordinary is a local official.)

Mr. Adams writes:

"Certainly most people know the duties of officials, but how many know the ordinary's name? How important is that name to someone who has not voted before?

"Is memorizing the names of obscure public officials tantamount to exercising the voting franchise?

UNIVERSITY OF MICHIGAN LIBRARIES

"Why are Negroes shuttled to separate windows to register?"

Mr. President, I ask unanimous consent that the full text of this article be printed in the RECORD at this point in my remarks.

"[From the Atlanta Daily World of April 26 1956]

"NAME THE ORDINARY—REGISTER, PLEASE, BUT, OH, WHAT PRICE QUESTIONS

"(By Samuel L. Adams)

"There are no signs in the registration office, but clerks are forcing those who want to register into lines segregated by race, with lines nearest to convenient entrances and exits being used solely by white persons.

"This apparent change in policy—possibly affected by recent large numbers of Negroes becoming registered—was noticed yesterday, when this reporter attempted to gain information for a story, and was informed that he should step into a segregated line, although no signs designated this.

"While waiting unattended prior to being ordered to right-rear corner windows, the loud voice of a male clerk could be heard as he posed a question to a small settled Negro woman.

" 'What is the name of our ordinary?' he said.

"Although he was stationed nearly 60 feet away at 1 of 2 side windows where Negroes were directed, his voice could be heard over that of a woman registration examiner who was attempting to instruct this reporter that he should go to the side windows where eight Negroes stood in line.

"GO OVER THERE

"Reluctant to step from the area occupied only by whites apparently promoted the female clerk to repeat 'Go over to get waited on.'

"Seeing the white applicant ahead of him had completed her registration, the reporter countered: 'I only want some information.'

" 'Just a moment,' was the reply.

"This gave time for reflection and observation of what appeared to be average Negroes trying to answer questions similar to the one above.

"Realizing that he did not know many of the answers, the reporter felt chagrin and was glad that his business was not to register to vote.

"These thoughts struck me.

"Certainly most people know the duties of officials, but how many know the ordinary's name? How important is that name to someone who has not voted before? We aquaint ourselves with public officials as we begin to vote for office holders or do business with them, not before.

"Is memorizing the names of obscure public officials tantamount to exercising the voting franchise?

"Why are Negroes shuttled to separate windows to register?

"These questions leave the reporter perplexed.

"And in addition, why the sudden use of special windows for Negroes?"

SO-CALLED CIVICS TESTS

Now, Mr. President, I have an article from the Raleigh News and Observer for June 21, 1956. It is entitled, "Civics Test Flunks Voter." It refers to conditions in Halifax County, N. C. In that county, there were 14,350 Negroes aged 21 and over in the 1950 census. Of that number, approximately 950, or 7 percent, were registered to vote in the 1956 elections.

At this time, the North Carolina General Statutes specified that any citizen to qualify as a voter must be capable of reading or writing any section of the United States Constitution. This law was also embodied in the State constitution. A Negro minister brought a suit when he was denied the right to vote when he failed to answer a series of questions put to him by his precinct registrar. Listen to the questions:

"1. What is the total membership of the (United States) House of Representatives?

"2. What is the total membership of the (United States) Senate?

"3. What would be the total vote of two-thirds of the House and Senate?

"4. How many of the State legislatures must ratify an amendment to make it become a law?

"5. The 18th amendment prohibited the manufacture, sale and transportation of liquors. What was this act called? What year proclaimed?

"6. By what amendment was the 18th amendment rescinded?

"7. On what date each year does Congress convene?

"8. On what date every 4 years is the President of the United States inaugurated?"

I ask unanimous consent to have this article printed in the RECORD at this point in my remarks.

"[From the Raleigh (N. C.) News and Observer of June 21, 1956]

"SUES FOR $5,000—CIVICS TEST FLUNKS VOTER

"A citizen in Halifax County for 20 years was allegedly denied his right to vote when he failed to answer a series of questions put to him by his precinct registrar last May.

"The questions, as quoted in a suit filed in United States district court here yesterday, were:

" '1. What is the total membership of the [United States] House of Representatives?

" '2. What is the total membership of the [United States] Senate?

" '3. What would be the total vote of two-thirds of the House and Senate?

" '4. How many of the State legislatures must ratify an amendment to make it become a law?

" '5. The 18th amendment prohibited the manufacture, sale, and transportation of liquors. What was this act called? What year proclaimed?

" '6. By what amendment was the 18th amendment rescinded?

" '7. On what date each year does Congress convene?

" '8. On what date every 4 years is the President of the United States inaugurated?

" '(a) First term?

" '(b) Second term?

" '(c) Third term?'

"The suit, asking to recover $5,000 damages, was filed by Ernest Ivey, 62-year-old Negro preacher of Littleton, against T. W. Cole, registrar of the Littleton precinct in Halifax County. Attorney for the plaintiff is Herman Taylor of Raleigh.

"The complaint contended that the plaintiff can read and write sufficiently to meet voting requirements as specified in the North Carolina General Statutes of the State constitution.

"The plaintiff went three times to the registrar's office prior to the May 26, 1956 Democratic primary but was not allowed to register, according to court papers. The times that he appeared at the registrar's office were cited in court papers as April 28, May 5, and once between these two dates.

"The complaint alleged that the plaintiff was given an academic test by the defendant on matters pertaining to the Constitution, history and government. It was charged that the test was not a literacy test designed to test the plaintiff's ability to read and write any section of the State or United States Constitution and that the test was not even a token attempt at compliance with North Carolina law.

"The test, the plaintiff contended, was arbitrary and intended to deprive him of rights and privileges of franchise because of his race and color.

"The North Carolina General Statutes specify that any citizen to qualify as a voter must be capable of reading or writing any section of the United States Constitution. This law is also embodied in the State constitution.

"The complaint said the plaintiff has been a resident of Halifax County for 20 years and of the Littleton precinct for 10 years."

Now, Mr. President, I have before me an article from the Greensboro Daily News for June 22, 1956. It refers also to the situation which I have just mentioned but also includes references to other methods by which registration was denied or ballots not counted.

Alexander Faison, a student at North Carolina College at Durham complained that a Mrs. Taylor refused to register him because she was not satisfied with his answers to a literacy test.

THE "SINGLE SHOT" LAWS

The article further refers to the "single shot" laws which apply in 17 counties, according to the article, and says that a voter must vote for as many candidates as there are positions to be filled on the ballot. A Negro attorney complained that his ballot was thrown out because he voted for only 1 candidate for the 7-member county board of education.

Many people, Mr. President, have gone into the voting booths and have failed to vote for every office on the ballot. Sometimes, they are unfamiliar with the names. Sometimes, they may not like either or all of the candidates for the post. Other times, when 2 or more people are to be elected, they prefer to vote for only 1 person so that he may be certain of winning. This is a question of judgment and consicence. Yet, in 17 counties in North Carolina, according to this article, the "one-shot" law applies so that any ballot which is not fully marked may be thrown out. One can particularly sympathize with Negro voters in these areas for it may often be true that not one of their own race is on the ballot and that almost every candidate has, at one time or another, voiced sentiments which the Negro citizen may quite rightly feel are not in his own best interests. However, if given a choice between two segregationists, for a particular office, and he fails to vote for either one while at the same time voting for other offices, his ballot may be thrown out.

I ask unanimous consent that this article be inserted in the RECORD at this point in my remarks.

"[From the Greensboro (N. C.) Daily News of June 22, 1956]

"VOTING LAWS CHALLENGED BY NEGROES

"ROANOKE RAPIDS, June 22.—Eastern North Carolina Negroes have filed four court suits this week challenging the State's election laws and procedures for registering voters for the May 26 Democratic primary.

"The two latest court actions were filed yesterday in Halifax and Northampton superior courts.

"In Northampton, Alexander Faison of Seaboard, a student at North Carolina College in Durham, filed suit against Mrs. W. A. Taylor, Seaboard registrar, to test the laws on registering voters.

"In Halifax, Negro Attorney James R. Walker of Weldon challenged the so-called single-shot voting law which prohibits voting for only one candidate when there is more than one position to be filled.

"A similar suit against the "single-shot" law was filed by Fayetteville Negro Attorney Harry E. Groves in Cumberland superior court Wednesday.

"FEDERAL SUIT

"In Raleigh Wednesday the Reverend Ernest Ivey, 62, of Littleton, filed suit in Federal district court. He complained he was not allowed to register and filed suit for $5,000 against Registrar T. W. Cole. Ivey declared he could read and write well enough to meet the State constitutional requirement

which says a voter must be able to satisfy the registrar of his ability to read and write the Constitution.

"Faison made similar allegations. He said that Mrs. Taylor refused to register him because she was not satisfied with his answers to a literacy test.

"Walker, in his Halifax suit which was filed against the County Board of Elections, says his ballot was thrown out because he voted for only one candidate for the seven-member County Board of Education.

"The 'single-shot' law, which applies in 17 counties, says that a voter must vote for as many candidates as there are positions to be filled."

Now, Mr. President, I have also before me an article from the Norfolk Journal and Guide by Carl E. De Vane, which goes into the Halifax situation. He tells of the literacy test in the State and says that in Halifax County, "there is no known record of any white person being turned down by the accused registrar because of not being able to read and write sections of the constitution of the State."

Mr. De Vane also mentions the single-shot laws. He points out that in the city of Wilson there was a colored member of the city council. He was elected under the ward system for two terms. In 1955, the legislature changed the system to make candidates run at large and not from wards.

Then, the single-shot laws also made it difficult for the Negroes to vote only for their own candidate. The colored candidate had to bid for votes in white neighborhoods and had to compete with white candidates in his own neighborhood.

"[From the Norfolk (Va.) Journal and Guide of April 13, 1957]

"DENIAL OF VOTING RIGHTS AGAIN IN NORTH CAROLINA SPOTLIGHT

"(By Carl E. De Vane)

"RALEIGH, N. C.—The franchise is something in the news at present, especially as it pertains to colored people in our State. One case is now pending before the courts, contesting the literacy test for voters. The case originated in Halifax County. There is no known record of any white person being turned down by the accused registrar because of not being able to read and write sections of the constitution of the State. There is an age-old complaint amongst the colored people in Halifax County to the effect that registrars abuse their discretion and pull all kinds of tricks on the 'reading' requirements to keep colored people from getting on the books.

"Since the case of the constitutionality has been raised, a bill has been introduced in the legislature which will allow the aggrieved aspirant to appeal the registrar's denial decision to the local board of elections, and then to appeal the decision of the local board to superior court.

"If the bill passes it would reduce the dictatorial policies of many current registrars. These proposals have the backing of the Governor who stated in his last press conference that he felt they fitted into the moderate civil rights pattern of North Carolina.

"SINGLE-SHOT VOTE

"Other problems of a civic nature is the anti-single-shot law which several counties and cities have adopted. The city of Wilson for instance has a colored member on its city council. He was elected under a ward system for two terms. The 1955 legislature changed the system to make candidates run at large and not from wards.

"The legislation also made it possible to invalidate a ballot on which the voter does not vote for as many candidates as there are offices to be filled. Under this system, it will be very difficult to get a colored person to the Wilson city council. Now the colored candidate has to bid for votes in white neighborhoods, and he has to compete with white candidates in his own neighborhood, since the colored voter under the law is forced to vote for more than colored candidates.

"At one time there was some hope that a test case would be brought to question the constitutionality of a voting law which made a person vote for someone he does not want in order to vote for someone he does want.

"One thing that might help in situations like the one in Wilson (there are others by the way) would be to run as many colored candidates as there are positions to be filled and vote collectively for the colored candidates. One of them might pick up a few white votes and win.

"Such a procedure would keep from stacking up colored votes against the colored single candidate in white neighborhoods which are still very reluctant to do anything else than vote for white candidates. Some few whites, however, in all elections will support a colored candidate whom they feel is qualified."

REGISTRAR, NOT VOTER, CHOOSES CLAUSES TO BE INTERPRETED

Louisiana, also, is a State which has had literacy tests and tests of interpreting the Constitution. In an article in the New Orleans Times-Picayune for March 12, 1957, by the Associated Press, the attorney general of Louisiana is quoted as saying that the registrar, and not the voter, has the right to select the constitutional clauses to interpret.

I ask unanimous consent that this Associated Press article be included in the RECORD at this point in my remarks.

"[From the New Orleans Times-Picayune of March 12, 1957]

"OPINION IS GIVEN ON REGISTRATION—VOTE REGISTRAR MAY SELECT INTERPRETATIVE CLAUSE

"BATON ROUGE, March 11.—Attorney General Jack Gremillion said in an opinion made public Monday the registrar of voters—not the voter applicant—has the right to select the constitutional passage for interpretation.

"Correct interpretation of the Constitution has been one of the key factors in recent controversy over challenging of Negro voters.

"Civil-rights hearings have been conducted in Washington on President Eisenhower's program, which would permit the United States Attorney General to seek injunctions protecting voting rights and allowing the Justice Department to initiate civil suits where voting rights are denied.

"In his legal opinion, written for Registrar Woodrow W. Farrar, of Union Parish, Farmerville, Gremillion said the State constitution requires an applicant for registration to be able to read any clause in the constitution, or the Constitution of the United States, and 'give a reasonable interpretation thereof.'

"There is nothing said in the document about the registrar 'reading any clause of either Constiution,' Gremillion added, 'nor is it specifically stated that the registrar has the right to select such clauses; moreover * * * the section is silent on the question of whether the applicant can or cannot select such clauses of the Constitution to be read and interpreted.

" 'However,' Gremillion continued, 'since the registrar of voters is in charge of registration, it is our opinion that a correct interpretation * * * would be that the registrar alone can select the clauses in the Constitution to be read and interpreted by the applicant.'

"Under another constitutional section dealing with illiteracy, the attorney general said, 'although it is provided that an applicant who is not able to read and write shall be able to understand and give a reasonable interpretation of any section of the Constitution when read to him by the registrar, there is nothing specifically provided as to the choice of sections to be read by the registrar.

" 'Again, since the registrar is in charge of registration,' the attorney general said, 'it is our opinion that the law intends that this subsection means for such a selection to be made by the registrar and not the applicant.'

"Recently, Gremillion concluded, 'views contrary to the above were expressed by this office before careful consideration was given to the constitutional sections mentioned, 'but we have reached the conclusions herein set forth after going thoroughly into the matter.' "

MISPRONOUNCING WORDS

Another method of denying the vote to Negroes is by demanding that they pronounce a long list of words or spell a long list of words. I have here an ariticle from the Greensboro, N. C., Daily News for April 20, 1957, where an example of such a case is given.

This article concerns a case in which three Negro women and a man brought a case as to the constitutionality of the literacy tests for voters in North Carolina. The State of North Carolina, as represented by the attorney general, George B. Patton, argued that the tests were constitutional.

According to the article:

"Mrs. Louis Lassister said that when she tried to register, Mrs. Helen H. Taylor, the registrar, gave her a section of the State constitution to read.

" 'I read it,' she said, 'and was told I mispronounced a few words. I was not registered.' "

Two other women plaintiffs were denied registration. One said she tried to register six times and was rejected each time. She was refused for mispronouncing words or for failing to spell them correctly.

The other said that she was denied registration twice.

"[From the Greensboro (N. C.) Daily News of April 20, 1957]

"UNITED STATES JUDGES HEAR CASE ON VOTING

"RALEIGH, April 19.—A three-judge Federal court was told today that North Carolina's literacy test for voters is 'unconstitutional and arbitrary' and is applied to 'Negroes only.'

"The three Federal judges, hearing a case which may determine the constitutionality of the literacy tests, heard three Negro women and a man—a college student—testify that they were rejected when they tried to register in Northampton County's Seaboard precinct last year because they 'mispronounced a few words.'

"Besides hearing Negro lawyers argue that the literacy tests are unconstitutional, they heard Attorney General George B. Patton and other lawyers defending the Northampton registrar argue that the tests are constitutional.

"The three judges, John J. Parker of Charlotte, Wilson Warlick of Newton, and Don Gilliam of Tarboro, granted lawyers on both sides 20 days in which to file briefs containing their arguments and 10 days additional in which to answer the briefs.

"Mrs. Louise Lassiter said that when she tried to register, Mrs. Helen H. Taylor, the registrar, gave her a section of the State constitution to read.

"NOT REGISTERED

" 'I read it,' she said, 'and was told I mispronounced a few words. I was not registered.'

"While on the stand, Mrs. Lassiter was asked to read a part of the Constitution. She did so, somewhat haltingly. She was asked to spell 'charter,' but said 'I can't spell it.' In answer to other questions, she said she could not spell 'corporation' or 'reformatory.' She spelled 'charity' as 'charty.'

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"Another plaintiff in the case, Mrs. Mary Ellen Edwards, said she tried to register 6 times and was rejected each time. Several times, she said, Mrs. Taylor told her, 'I can't register you.' She also said Mrs. Taylor had rejected her at other times for mispronouncing words or for not explaining them correctly.

"Mrs. Edwards read through a section of the Constitution slowly when asked to do so for the court. Both she and Mrs. Lassiter said they had completed the eighth grade in school.

"The third plaintiff, Mrs. Sarah Harris, said she tried to register twice but was rejected. She was also asked, while on the stand, to read from the Constitution. She read more rapidly than the other two women.

"Alexander Faison, a student at North Carolina College at Durham, testified he was rejected for mispronouncing words when he tried to register.

"Mrs. Taylor told the three judges that she had been registrar of seaboard precinct since 1952 and had registered 49 Negroes. Last year she said, she registered 21 and rejected 20. She testified she administered literacy tests to all would-be voters and in 1952 rejected a white youth when he sought to register. Two white witnesses testified they had been given tests when they registered.

"Herman L. Taylor, Raleigh lawyer, argued that the literacy tests are unconstitutional because they are for 'Negroes only' and do not 'afford equal protection' of the laws.

"Vinson Bridges of Tarboro, representing Mrs. Taylor, defended the right of the legislature to pass laws setting educational qualifications for voters and pointed out that the United States Supreme Court had ruled such laws are constitutional.

"Defense lawyers also asked that the case be dismissed so that the plaintiffs might exhaust their remedies under the State law. They pointed out that the legislature last week enacted a law which gives persons rejected by voters the right to appeal to county boards of election.

"State Attorney General Patton told the judges the law was enacted to spell out administrative and judicial procedures governing registration.

"'I want everyone to know how to register and where to go from there,' Patton declared."

The fourth person involved, a student, Alexander Faison, whom I have mentioned earlier and who then attended North Carolina College at Durham, was rejected for mispronouncing words. We know that Faison lost his case when the jury found that (1) he was not a resident of the precinct from which he tried to vote, but also (2) that although he could read and write, he could not do so to the satisfaction of the registrar. I ask unanimous consent that an article from the Greensboro Daily News for January 31, 1957, be inserted in the RECORD at this point in my remarks:

"[From the Greensboro (N. C.) Daily News of January 31, 1957]

"NEGRO LOSES COURT TEST ON VOTING

"JACKSON, January 30.—A Northampton County Negro lost out today in his effort to have the State's literacy test for voters declared unconstitutional.

"Not only did Alexander Faison, 24, fail to convince the court that he could read and write to the satisfaction of the seaboard precinct registrar, but the jury also ruled that he was not a resident of the precinct in which he tried to register.

"In returning the verdict against Faison, the jury found he could read and write, but not to the satisfaction of the registrar when he tried to register last May 12 for the Democratic primary.

"Faison gave notice of an appeal of the case to the State supreme court.

"The jury of 3 Negroes and 9 whites deliberated for an hour yesterday after an all-day trial and resumed deliberation at 9:30 a. m. today. They returned to the courtroom around noon with their verdict.

"Civil action in the case was instituted by Faison against Mrs. W. H. Taylor, seaboard precinct registrar, in Northampton Superior Court last May 22 after Mrs. Taylor had refused to register Faison.

"Mrs. Taylor maintained in court yesterday that the North Carolina College sophomore lived on the Wiccacanee Township side of a road that is the boundary between that district and the seaboard precinct, in which Faison was attempting to register."

It was argued in this case that the tests were unconstitutional because they were for Negroes only.

LOUISIANA—DIFFICULTY IN WITNESSING REGISTRATION OF MORE THAN TWO VOTERS

Mr. President, we have all heard of the situation in Louisiana just before the May 1956 elections when many Negroes were thrown off the registration rolls. Some of them got back on, but two new problems arose with respect to getting them back on the registration lists. One was the requirement that voters must register 30 days in advance of the election. Some refused to reregister on grounds that the date of registration had closed and that if they then tried to reregister, they were admitting that they were not on the lists and would be ineligible by that fact alone.

In connection with this, there also arose the question of the identifying witnesses required of those who are trying to register in that State.

According to an article from the New Orleans Times Picayune of May 2, 1956, with a date-line from Monroe, La., the woman registrar was turning people away who had witnessed for more than two voters.

A Negro named McGlother Thompson, a man with a high school education and 3½ years of business college, was finding it difficult to register. A former Governor of the State, James Noe, was seeking to act as an identifying witness for this man. According to the article:

"Noe asked Mrs. Lucky if he could be a witness again after having witnessed twice for two people Monday.

"Mrs. Lucky said she had been turning people away who had witnessed for more than two persons. She said she was asking the attorney general for a ruling."

The article further states that the registration of some 3,000 voters in the Ouachita Parish are said to have been challenged and that this could influence the election for mayor and other officers in the May 22, 1956, election.

The article also mentions that a principal of Carroll High School—a man with a B. A. and an M. A. degree—and the principal of Tarver Elementary School had both been challenged.

I ask unanimous consent, Mr. President, that this article from the Times-Picayune be printed in the RECORD at this point in my remarks.

"[From the New Orleans Times-Picayune, May 2, 1956]

"NEGRO REFUSES TO REREGISTER—COURT ACTION LOOMS IN OUACHITA CONTROVERSY

"(Special to the Times-Picayune)

"MONROE, La., May 1.—Groundwork for court action in the voter disqualification controversy in Ouachita Parish was laid Tuesday when McGlother Thompson, 35, Monroe Negro officeworker, declined to fill out a new registration card after three witnesses had signed an official blank identifying him, as required by law.

"Thompson was advised by a Negro attorney that the effect of signing a new registration card would be a reregister and to register less than 30 days prior to an election would make him ineligible to vote.

"Mrs. Mae Lucky, registrar, told former Governor James A. Noe, who met Thompson in the clerk's office, 'I don't see anything wrong with his card.'

"She said there were no errors on the card, when questioned by Noe as to 'what's wrong with his registration?'

"Thompson said he was a high school graduate and had 3½ years as a business college student.

"Thompson said that he had gone to the registrar's office last week and was told by Mrs. Lucky that he had to 'fill out a new card and recite the Constitution.'

"Noe asked Mrs. Lucky if he could be a witness again after having witnessed twice for two people Monday.

"Mrs. Lucky said she had been turning people away who had witnessed for more than two persons. She said she was asking the attorney general for a ruling.

"Mrs. Lucky said she could not prove the exact law and Noe said, 'You are the registrar of voters and should know I want to know the law and for you to give me an opinion.'

"Registrations of more than 3,000 voters in Ouachita Parish are said to have been challenged in recent weeks and it was pointed out that this could influence the city election May 22, in which the offices of mayor, commissioner of finance and utilities, and commissioner of streets and parks are at issue.

"M. M. Carroll, principal of Carroll High School, said at noon Tuesday that his registration had been challenged. Carroll said that he held a bachelor of science degree from Southern University and an master of arts degree from Bishop College in Marshall, Tex. He has been principal of Carroll High School for the past 11 years, and coach at the school 10 years prior to assuming the principalship.

"D. H. Johnson, principal of Tarver Elementary School, also has been challenged, it was reported."

WOMEN REGISTRARS IN PRIVATE HOMES

One may have noticed that throughout the articles I have placed in the RECORD, most of the registrars appear to be women.

I have an article before me which was written by John J. O'Connor of the faculty of Georgetown University which was first printed in the Commonweal and which was reprinted in the St. Louis Post Dispatch for February 9, 1956.

In this article, J. J. O'Connor writes of his personal experiences in attempting to gather information on The Negro Voter in the South. He particularly mentions the question of inaccessible registrars and of women registrars. I wish to quote the following passages from that article:

"Consider the situation in Virginia, a State with a considerable historical stake in freedom's birth in this country. Although a registrar, it should be obvious, is essential to registration, what intrigues me is that in certain poll-tax Virginia counties registrars are virtually inaccessible. And when the identity and location of the registrar can be ascertained the registrar sometimes turns out to be a woman.

"The spectacle of Negroes prowling around a white woman's home for the plausible purpose of trying to exercise a constitutional right is so abhorrent and repugnant to the traditional southern way of life that no living Negro to my knowledge has thus far deemed it either prudent or practical to challenge a cultural lag that is considered by white people to be obviously in the best interests of both races."

Mr. President, I shall not comment further on this point but it is, of course, just another method of denying Negroes the right to the vote even though it is more subtle than many.

I ask unanimous consent that this article from the St. Louis Post Dispatch, which not

only mentions this problem but many others, be printed in the RECORD at this point in my remarks.

"[From the St. Louis Post-Dispatch of February 9, 1956]

"THE NEGRO VOTERS IN THE SOUTH

"(John J. O'Connor, of the faculty of Georgetown University in the Commonweal)

"In the 1920's the Negro vote in the South was estimated at 70,000. By 1940, according to Ralph Bunche, it was about 250,000, and by 1947 the Negro vote climbed to 645,000. In 1952, it was 1,100,000, or about 16 percent of the eligible Negro voters.

"A colleague in North Carolina warned me that I would find some difficulty in substantiating political trends since 1952. Up to that time, it appears, Negroes had been registering and voting in increased numbers. Since the Supreme Court decision on public school integration in 1954, however, there are signs indicating a reversal.

"Perhaps the fact that Negroes had been beaten up in his community, solely because they were Negroes, might properly be put down as a sign. But I am not sure.

"Consider the situation in Virginia, a State with a considerable historical stake in freedom's birth in this country. Although a registrar, it should be obvious, is essential to registration, what intrigues me is that in certain poll-tax Virginia counties registrars are virtually inaccessible. And when the identity and location of the registrar can be ascertained, the registrar sometimes turns out to be a woman.

"NEGROES ARE NOT PESSIMISTIC

"The spectacle of Negroes prowling around a white woman's home for the plausible purpose of trying to exercise a constitutional right is so abhorrent and repugnant to the traditional southern way of life that no living Negro, to my knowledge, has thus far deemed it either prudent or practical to challenge a cultural lag that is considered by white people to be obviously in the best interests of both races.

"As a result of tactics like this, I do not expect any rampaging upsurge of Negro voters in the poll-tax Old Dominion in 1956. Yet, Negroes are by no means pessimistic about the future. A Richmond friend says, 'In response to its potential, more and more candidates are seeking the support of Negro voters.'

"In Senator KEFAUVER'S State, a friend visited registration headquarters at my request and was informed that no separate list of Negro voters is kept in Tennessee. At the present time there is no poll tax as a requisite for voting.

"However, there are some three or four counties in the western section of the State in which Negroes are discouraged from voting.

"In South Carolina (no poll tax), Negro registration was estimated in 1952 to be 115,000. The current estimation is 132,000. Registration certificates are issued every 10 years. A certificate held today is good until 1958.

"GOVERNOR BYRNE'S DEFEAT IN 1952

"'All are welcome,' my friend writes, 'and in most counties politicians are anxious to have Negroes register and at voting time, candidates seek Negro votes. This was especially true when Senator JOHNSTON ran for Senator against STROM THURMOND. Negroes supported JOHNSTON and he won by only 25,000 votes; it is estimated that 77,500 Negroes voted.

This was true again in 1952 when Governor Byrnes tried to carry South Carolina for Eisenhower, and it was the Negro votes that retained the State in the Democratic Party.

"In Georgia (no poll tax), there are 145,000 registered Negro voters. Last September a Federal court jury listened to 22 plaintiffs who charged their names had been kept off the voting lists by two members of the Randolph County board of registrars as part of a deliberate attempt to cut down on the number of Negro voters. The jury found for the Negro plaintiffs.

"In poll-tax Alabama the number of registered Negro voters in 1952 was 50,000. Today the picture there adds up roughly to something like this:

"1. In 15 counties Negroes may register to vote without any resistance. They are even encouraged to register.

"2. There are approximately 15 counties where Negroes do not vote.

"3. The remaining 37 counties will register Negroes if they insist and have each between 500 and 1,500 on the list.

"4. Negroes sued the board of registrars for denying them the ballot in 1948 in Macon County and in 1954 in Bullock County.

"A recent newsletter of the Alabama Council on Human Relations states there are 40,177 registered Negro voters.

"MISSISSIPPI REGISTRATIONS DOWN

"From poll-tax Mississippi comes this word: 'The question of Negro voting is very spotty. The number of Negro voters was increasing rather rapidly until the decision of the Supreme Court and the demanding of integrated schools by local NAACP units, and the organization of white citizens' councils in the State.

"'Perhaps the NAACP is correct in its strategy but the immediate action did crystallize the opposition in Mississippi. Registration of Negro voters, I believe, is as a consequence now going downward. Not many Negroes here in Mississippi are independent of white people in an economic sense.'

"Roy Wilkins, executive of the NAACP, is authority for the statement that terrorist tactics have reduced the number of Negro voters in Mississippi from 22,000 in 1952 to about 8,000 in 1955. This is out of a potential Negro vote of 497,000. The immediate ambition of the citizens' councils is to see to it that 'no Negro who believes in equality has a job, gets credit, or is able to exist in our communities.'

"Terrorized Negroes in Mississippi have three generous alternatives: knuckle under, flee, or die. It is not strange that in such an atmosphere Rev. George W. Lee was murdered by a shotgun blast on May 7, 1955, in his hometown of Belzoni. Reverend Lee's crime was that he was the first Negro to register to vote in his county. He had been ordered to remove his name from the registration list and had refused to do so. No arrests have been made. The sheriff said the lead pellets in Reverend Lee's jaw and neck 'could have been fillings from his teeth.'

"IN A TERROR-RIDDEN WORLD

"In the Mississippi county where an all-white jury acquitted the suspected murderers of the Till boy in 1 hour and 7 minutes, only voters may serve on juries. Not one of the county's 19,000 Negroes is permitted to vote.

"In Louisiana even white people have a difficult time voting in some of the rural parishes. A correspondent there advised me to seek information about Louisiana conditions from NAACP headquarters in New York. In this terror-ridden world of ours, it has become customary, for reasons of health, to seek information about Manchester in Mobile, and to investigate conditions in Hoboken by spendng a weekend in Harlem.

"We can all hope my friend is right. But if I were to hazard a concluding observation, it would be that the Democrats have a lot to answer for in Dixie, particularly in Mississippi and Louisiana, and that all of us should take out a life membership in the National Association for the Advancement of Colored People."

FAILURE TO COUNT VOTES ONCE CAST

I have before me an article by Homer Bigart of the New York Herald Tribune News Service which appeared in the St. Petersburg (Fla.) Times on September 24, 1955. It is entitled, "Mississippi Negro Town's Ballots Just Don't Count." The article is by-lined by Bigart and is filed from Mound Bayou, Miss.

Bigart states that the town has the distinction of being "* * * the only town in the country where citizens vote in the knowledge that their ballots never will be counted."

He states that the white authorities in Cleveland, the capital of Bolivar County, "* * * did open the Mound Bayou ballot box after the Democratic runoff for governor in August. They found that the Negroes cast 88 votes for Paul Johnson and 8 for Attorney General J. P. Coleman, the man who won."

"But, as usual, these totals were not added to the totals from other precincts."

The article further cites an example from an adjoining county, Sunflower County, the home of the White Citizens' Councils.

The article states:

"In Indianaola, the county seat, Dr. Clinton Battle, Negro physician, said that when he tried to vote in last month's election his ballot was snatched away before he could drop it in the box. He said a white election official 'put the ballot in an envelope and sealed it.' He added, 'I knew it wasn't going to be counted. I didn't argue. At the slightest provocation they will pull a gun on you.'"

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD at this point and I draw attention to the fact that numerous other voting and other civil rights denials are mentioned in it.

"[From the St. Petersburg Times of September 24, 1955]

"MISSISSIPPI NEGRO TOWN'S BALLOTS JUST DON'T COUNT

"(By Homer Bigart)

"MOUND BAYOU, MISS.—This little town in the western part of Mississippi has two distinctions: It is the only all-Negro town in the United States and it is the only town in the country where citizens vote in the knowledge that their ballots never will be counted.

"Perhaps it is not quite correct to say that the ballots are completely ignored. Just for laughs, the white authorities in Cleveland, capital of Bolivar County, did open the Mound Bayou ballot box after the Democratic runoff for governor in August. They found that the Negroes cast 88 votes for Paul Johnson and 8 for Attorney General J. P. Coleman, the man who won.

"But as usual, these totals were not added to the totals from other precincts. The Democratic Party in Mississippi aspires to be lily white. Tom J. Tubb, chairman of the State Democratic executive committee, has told county committees to challenge Negro voters on the ground that they were not qualified members of the Democratic Party.

"Mississippi already had a restrictive amendment, passed last year, requiring voters to read, write, and interpret the Constitution.

"After taking this hurdle, Negroes at some polling places were confronted with questions such as: 'How long have you been a member of the Democratic Party?' and 'What does the Democratic Party mean to you.'"

"Economic pressure and threats of violence have been employed against Negroes who persist in voting. Three months ago, a Negro Baptist minister, the Reverend Walter Wesley Lee, who had urged Negroes to vote and also championed racial desegregation in the schools, was shot and killed at Belzoni. His widow is convinced he was slain by white men. The FBI investigated, but there has been no report as yet.



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"The second murder occurred just before the August runoff. The scene this time was Brookhaven, hometown of Circuit Judge Tom P. Brady, a leader of the White Citizens' Councils movement. The victim, a bird-dog trainer named Lamar Smith, was shot and killed in the Lincoln County courthouse yard. He had been active in soliciting absentee Negro votes for a white candidate in an embittered campaign for a local post. Two white farmers were arrested.

"The third and most outrageous murder of the season came a few weeks ago when a 14-year-old Negro youth from Chicago was brutally slain and tossed into the Tallahachie River near Greenwood, Miss. The boy, Emmitt Till, had had nothing to do with issues of Negroes voting or sending their children to white schools. His offense was whistling at a white woman.

"ALIEN MINORITY

"This state of violence highlights the harsh fact that, in Mississippi, the Negro is treated as an alien minority. Other racial minorities, including the Chinese, have 'crossed the color line.' There are said to be about 500 Chinese in the delta country, descendants of indentured servants, and they can sit up front instead of using the Jim Crow rear seats in buses. They can send their children to white schools and white playgrounds.

"Mound Bayou is no paradise. It is a straggling community built along both sides of the Illinois Central tracks and Highway 61. In summer it is glaring, hot, and dusty. This summer economic conditions were bad. 'The Government cut down on cotton acreage,' explained Will C. Strong, owner of the Jewel Grocery, 'and the average person has worked only 60 days this year.'

"But what rankles most in Mound Bayou is being cut off from effective suffrage. In Mississippi, the Democratic primary is the only election that matters. Of course in purely local affairs, the Negroes of Mound Bayou govern themselves. They have their own mayor, Ben Green, a Harvard graduate, their own fire department, and a three-story brick schoolhouse that is antiquated and overcrowded but a lot better than the average Negro school in Mississippi.

"The residents of Mound Bayou seemed a lot more relaxed than the Negroes in adjacent Sunflower County, where the White Citizens Councils were born.

"BALLOT SNATCHED

"In Indianola, the county seat, Dr. Clinton Battle, Negro physician, said that when he tried to vote in last month's election his ballot was snatched away before he could drop it in the box. He said a white election official 'put the ballot in an envelope and sealed it.' He added: 'I knew it wasn't going to be counted. I didn't argue. At the slightest provocation they will pull a gun on you.'

"In all Mississippi there are only 22,104 registered Negro voters, of whom considerably fewer than 10,000 are estimated to have voted in the runoff primary.

"With a Negro population of nearly a million, or about 46 percent of the total, Mississippi is extremely jittery about Negro voting strength. White Mississippians are resourceful and resolute in keeping Negroes from the polls."

GERRYMANDERING—TUSKEGEE

The recent gerrymandering incident at Tuskegee Institute in Alabama illustrates a variety of ways by which Negroes are denied the right to vote.

I have a series of newspaper articles on that subject from various newspapers and I do not believe the facts are in dispute.

REGISTRATION OFFICE CLOSED FOR LACK OF EQUIPMENT

The first article is from the Montgomery Advertiser for May 7, 1957. It points out that the Macon County Board of Registrars refused to receive applications today because it had no office equipment. The article continues:

"The board at full strength for the first time in 2 years met at the county courthouse here this morning but decided not to go into session after the members found a bare room for their use."

The article quotes one of the registrars as stating:

"'We've got to have our own furniture.'"

The article further states:

"The Macon County Board of Registrars has not met 'in about 6 months,' according to Rogers. Rogers was the only member of the board from December last year until March 6 when the other two men were appointed."

NO OFFICIALS

Thus, Mr. President, not only was there no office furniture, which furnished an excuse for the board of registrars to refuse to meet, but for "about 6 months" the board did not meet because two of its three posts were vacant. That provided another excuse to keep Negroes from registering and voting.

The article states that Macon County has a population of 27,500, of which 4,000 are white and the remainder Negro. It further states that there were about 3,900 registered voters in the county, of which 1,000 were Negroes. Thus, 2,900 of the total population of 4,000 whites were registered—which means that virtually all of the white population of voting age was registered, while only 1,000 of 23,500 Negroes were registered. Since about half the Negroes are of voting age, this means that one in 11, or one in 12 Negroes were registered in this predominantly Negro county which probably has a higher cultural level among the Negroes than any place in the South and perhaps in the country.

I ask unanimous consent that this article from the Montgomery Advertiser be placed at this point in the RECORD.

"[From the Montgomery Advertiser of May 7, 1957]

"NO EQUIPMENT IN MACON, APPLICANTS TURNED AWAY

"(By Don McKee)

"TUSKEGEE, ALA., May 6.—The Macon County Board of Registrars refused to receive applications today because it had no office equipment.

"The Board at full strength for the first time in 2 years met at the county courthouse here this morning, but decided not to go into session after the members found a bare room for their use.

* * * * *

"Small groups of Negroes trickled into, and back out of, the courthouse throughout the morning. However, no large crowd gathered as word of the board's inactive status apparently circulated quickly.

"Desks and filing equipment have been ordered by the county board of revenue on request of the registrars. The equipment was ordered April 24, according to records in the board of revenue office.

"The room Rogers said had been designated for the registrars was empty; however, an adjoining room contained several chairs and a table. The courtroom also had tables and chairs.

"'We've got to have our own furniture,' Rogers said.

"The Macon County Board of Registrars has not met in about 6 months, according to Rogers. Rogers was the only member of the board from December last year until March 6 when the other two men were appointed.

"The board was inoperable after the December death of W. H. Bentley, chairman.

"Rogers pledged that the board, once it gets it furniture, would register every man of any race, creed or color * * * if he qualifies.

"'But we're not going to slip in filled-in applications,' Livingston added, referring to applications not filed out in the presence of the registrars.

"Macon County has a population of 27,500, with 4,000 white and the balance Negro. There are approximately 3,900 registered voters in the county. About 1,000 voters are Negroes."

Next, I wish to quote from an article in the Montgomery Advertiser for June 6, 1957, which tells of the bill which was introduced to gerrymander Tuskegee. The salient point in the article is the last paragraph which points out that the bill is expected to sail through the State legislature under a courtesy rule in which members approve each other's local bills without dissent.

I ask unanimous consent that this article from the Montgomery Advertiser appear at this point in my remarks.

"[From the Montgomery Advertiser of June 8, 1957]

"BILL TO GERRYMANDER TUSKEGEE INTRODUCED

"Senator Sam Engelhardt, of Macon, yesterday introduced his already-announced bill to 'gerrymander' the city of Tuskegee, in order to reduce the city's Negro voting ranks.

"The bill would put most of the Negroes now living in Tuskegee outsides the corporate limits, therefore unable to vote in city elections. It would take the voting franchise from an estimated 400 Negroes who now vote in the city.

"Only about 10 Negroes would remain on city voting lists, although no white voters would be affected.

"Introduced as a local measure, the bill is expected to sail through the legislature because of the local courtesy rule, under which lawmakers approve each other's local bill without dissent."

The bill passed, Mr. President, by a vote of 81 to 0, and all but about 10 of the Negroes in Tuskegee were gerrymandered so that they could not vote in the city. This brought talk of a boycott which has now gone into effect.

I ask unanimous consent that three articles, one from the Montgomery Advertiser, one from the Columbia Record, and one from the Birmingham Post and Times Herald be printed at this point in my remarks.

"[From the Montgomery Advertiser of June 22, 1957]

"BILL TO SHRINK TUSKEGEE O. K.'D

"MACON.—Senator Sam Engelhardt's bill to shrink the city limits of Tuskegee to exclude virtually all Negro voters cleared the house by an 81 to 0 vote yesterday and was sent to the Governor for his signature.

"The bill is aimed at removing Negro voters as a factor in Tuskegee city elections. It is estimated that the measure, if signed into law, will remove some 400 Negro voters from the city with only about 10 Negroes remaining. Tuskegee has about 600 white voters.

"Removed entirely from the city limits is Tuskegee Institute."

"[From the Columbia Record of June 25, 1957]

"NEGROES THREATEN BOYCOTT—DENIED VOTE IN TUSKEGEE

"(By Rex Thomas)

"TUSKEGEE, ALA.—Passage of a legislative act excluding Negro voters from the city has brought threatening talk of a mass boycott of white merchants in Tuskegee.

"Said one Negro leader, William P. Mitchell, an employee of the Tuskegee Veterans' Administration Hospital:

"'I guess you could say our people feel that if they can't vote in Tuskegee they won't trade here either.'

"Mitchell and other Negro spokesmen said an undetermined number of their race have already begun to withhold patronage from the merchants in Tuskegee, but how extensive the boycott will become remains to be seen.

"A mass meeting has been called for tonight at a Negro church, presumably to discuss the impending new law. Handbills announcing the rally spoke of a 'crusade for citizenship.'

"Negroes outnumber white residents approximately 7 to 3 in Tuskegee, a city of 6,800 population. In the county where the trade territory extends the ratio is nearly 5 to 1 in the Negroes' favor.

"Consequently, a serious boycott could have a paralyzing effect on the city's commerce.

"White businessmen, for the most part, are reluctant to discuss the threat but Mayor Phil Lightfoot said, 'There is no evidence that I can see yet of any real boycott.'

"There has been widespread talk of a mass refusal to deal with Tuskegee business houses since an anti-Negro voting bill by Senator Sam Englehardt cleared the legislature in Montgomery Friday and went to Gov. James E. Folsom for his signature or disapproval.

"Englehardt is executive secretary of the prosegregation Alabama Association of Citizens' Councils. He declined comment.

"The bill reduces the city limits of Tuskegee to exclude all predominately Negro residential areas, including famed Tuskegee Institute.

"It leaves all except about 10 of Tuskegee's 420 Negro voters outside the city limits and makes them ineligible to vote in municipal elections. The 600 or so white voters in the city are unaffected.

"Charles G. Gomillion, a college professor and president of the Tuskegee Civic Association which called tonight's mass meeting, reported some Negroes 'are trading elsewhere, but how many I don't know.'

"Gomillion is dean of students at Tuskegee Institute.

"He said Negroes unwilling to trade in Tuskegee are buying their goods in nearby Auburn or Opelika, and some in Montgomery, 40 miles to the west."

"[From the Washington Post and Times Herald of June 26, 1957]

"OUSTER IRKS NEGRO VOTERS OF TUSKEGEE

"TUSKEGEE, ALA., June 25.—Passage of a legislative act excluding Negro voters from the city has brought threatening talk of a mass boycott of white merchants in Tuskegee.

"One Negro leader, William P. Mitchell, an employee of the Tuskegee Veterans' Administration Hospital, said 'I guess you could say our people feel that if they can't vote in Tuskegee they won't trade here either.'

"Negroes outnumber white residents approximately 7 to 3 in Tuskegee, a city of 6,800 population. In the county where the trade territory extends the ratio is nearly 5 to 1 in the Negroes' favor. Consequently, a serious boycott could have a paralyzing effect on the city's commerce.

"The bill reduces the city limits of Tuskegee to exclude all predominantly Negro residential areas, including famed Tuskegee Institute. It leaves all except about 10 of Tuskegee's 420 Negro voters outside the city limits."

Well, Mr. President, the Tuskegee story is not yet finished. On July 7—just a few weeks ago—the Atlanta Constitution carried an A. P. story telling of plans of the White Citizens' Council in Tuskegee to abolish the county in which it is a part. I ask unanimous consent that that article appear in the RECORD at this point in my remarks.

"[From the Atlanta Constitution of July 3, 1957]

"ABOLISH COUNTY TO STILL NEGROES, ALABAMAN ASKS

"MONTGOMERY, ALA., July 2.—A White Citizens' Council leader spoke today of plans to abolish Macon County where Negroes outnumber white residents almost 6 to 1.

"The disclosure came from State Senator Sam Engelhardt, whose legislative act to stop Negro voting in Tuskegee has touched off a Negro boycott of white merchants in the Macon County seat.

"Engelhardt, who represents Macon and adjoining Bullock Counties in the Senate, is executive secretary of the Alabama Citizens' Councils.

"His anti-Negro voting measure has cleared the senate and house and now awaits action by Gov. James E. Folsom.

"The measure rearranges the city boundaries of Tuskegee to exclude all predominantly Negro residential areas from the city limits. Thus virtually all of the 420 Negro voters in Tuskegee would be ineligible to take part in municipal elections.

"Englehardt said he is 'contemplating' a constitutional amendment to abolish Macon County and divide its landed area among five surrounding counties."

Now that the boycott of white merchants in Tuskegee has gone into effect, the attorney general of the State of Alabama has staged at least two raids on what he calls the headquarters to gather evidence of the boycott which the attorney general, John Patterson, said, "cannot be tolerated."

He claimed that the Tuskegee Negroes were violating the same law under which the Rev. Martin Luther King was convicted for leading the bus boycott in Montgomery.

Mr. President, I ask unanimous consent that an Associated Press story concerning these raids from the Washington Post of July 27—last Saturday—be printed at this point in my remarks.

"[From the Washington Post and Times Herald of July 27, 1957]

"TUSKEGEE NEGRO GROUP RAIDED TWICE

"TUSKEGEE, ALA., July 26.—Alabama's attorney general staged today the second raid in a row on the headquarters of a Negro organization, in an effort to crack a boycott against white merchants staged in retaliation for being gerrymandered out of voting in the city.

"The surprise raids against the Tuskegee Civic Organization were led by Attorney General John Patterson, who said he was gathering evidence to smash the boycott which 'cannot be tolerated.'

"C. G. Gomillion, president of the association and dean of men at Tuskegee Institute, said he had read some of the statements made by the attorney general, and I would like to answer them in court. I'd prefer it that way.

"'I don't know what the attorney general was looking for in the raids,' he added.

Patterson, who led raids on a printing shop and the offices of the association today and Thursday, said the Negroes were conducting an illegal, organized boycott. He said they were violating the same law under which Rev. Martin Luther King was convicted for leading the publicized bus boycott in Montgomery, Ala."

PRESSURES, THREATS, AND INTIMIDATIONS

Thus far, Mr. President, the information I have placed in the RECORD has dealt almost exclusively with the more subtle means of depriving Negroes of the right to vote. With the exception of the Tuskegee raids, which are for the purpose of breaking a boycott following the tragic gerrymandering of Tuskegee, these have dealt with incidents and situations where there has been no use of force or violence or intimidations.

Now, because of the many questions raised in this civil-rights debate, I believe that it is necessary to place in the RECORD now cases having to do with the denial of voting rights which are a good deal less subtle than those I have already mentioned.

I first want to quote from an article in the Delta (Miss.) Democrat-Times of June 7, 1955. It quotes members of the State Democratic central committee with respect to Negro voters in the State primaries.

The article first quotes one Tom Tubb, of West Point, Miss., chairman of the Mississippi Democratic executive committee.

"'I don't believe that the Negro ought to be allowed to vote in Democratic primaries,' Tubb said. 'The white man founded Mississippi and it ought to remain that way.'"

Two others agreed with Tubb but stated that:

"* * * they thought disfranchising could be done better on the local level."

The article makes the point that at the State convention:

"No one opposed his [Tubb's] position that Negroes should not be permitted to vote * * *."

The article states in the next to last paragraph:

"Edd Underwood, of Grenada, said, 'We're not letting Negroes vote in our county.' He said a number of Negroes withdrew their registrations after a committee of white people talked to them.

"He said several volunteered to withdraw their names to avoid trouble between the races."

Mr. President, I ask unanimous consent that this article appear at this point in my remarks.

"[From the Delta Democrat-Times of June 7, 1955]

"TUBB SAYS NEGROES SHOULD NOT VOTE IN STATE PRIMARIES

"JACKSON.—The chairman of the Mississippi Democratic executive committee suggested Monday the party consider doing something to keep Negroes from voting in State primaries.

"Tom Tubb, of West Point, told the committee the matter could be brought up at the State convention next summer.

"'I don't believe that the Negro ought to be allowed to vote in the Democratic primaries,' Tubb said. 'The white man founded Mississippi and it ought to remain that way.'

"Tubb said the party's efforts to bar Negroes ought to be extended only to State races because the Federal Government has jurisdiction in election of Congressmen and Senators.

"No one opposed his position that Negroes should not be permitted to vote, but Tom Garrett, of Tunica, and W. H. Sanford, of Philadelphia, said they thought disfranchising could be done better on the local level.

"Edd Underwood of Grenada said, 'We're not letting Negroes vote in our county.' He said a number of Negroes withdrew their registrations after a committee of white people talked to them.

"He said several volunteered to withdraw their names to avoid trouble between the races."

WHITE CITIZENS' COUNCILS PREVENT VOTE

Mr. President, I next wish to quote from an article in the Jackson, Miss., Clarion-Ledger for August 2, 1955, which was filed by Sam Johnson, Mississippi bureau chief of the Associated Press.

The article quotes the circuit clerk of Sunflower County:

"'No Negro voters' in Sunflower County,' snapped Circuit Clerk C. C. Campbell. 'This is the home of the citizens' council.'

"'We haven't had any (Negroes) come in to register since they've (councils) been active,' said Mrs. Martha T. Lamb, circuit clerk of Leflore County."

The article points out that:

"Citizen's councils were organized to keep segregation in all walks of life. They centered their campaign against Negro voting. The first council was organized in Sunflower County a year ago."

I ask unanimous consent that this article appear at this point in my remarks.

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"[From the Jackson (Miss.) Clarion Ledger of August 2, 1955]

"TUESDAY WILL SEE THINNER NEGRO VOTE

"(By Sam Johnson)

"White citizens' councils and a constitutional amendment have trimmed already thin Negro voting power as Mississippi votes tomorrow for a new governor.

"It's the first governor's race since the United States Supreme Court ruled segregation in public schools unconstitutional. All five candidates promise to keep segregation despite the decision.

" 'No Negro voters' in Sunflower County, snapped Circuit Clerk C. C. Campbell. 'This is the home of the citizens' councils.'

"A survey made for the Legal Educational Advisory Committee last year showed 114 qualified Negro voters in Sunflower County. The total was 398 in Leflore County.

" 'We haven't had any (Negroes) come in to register since they've (councils) been active,' said Mrs. Martha T. Lamb, circuit clerk of Leflore County.

" 'Two Negroes passed a written examination before the Greenwood Citizens' Council became active and were registered,' Mrs. Lamb said. She estimated not more than 250 Negroes are qualified this year in her county.

"Citizens' councils were organized to keep segregation in all walks of life. They centered their campaign against Negro voting. The first council was organized in Sunflower County a year ago.

"A constitutional amendment aimed at cutting down Negro votes requires a written examination for all persons wanting to register.

"Failure to pay poll taxes for 2 consecutive years also cuts into the number of Negro voters. It also eliminated many white voters.

"In tomorrow's first Democratic primary are: Former Gov. Fielding Wright, a founder of the 1948 States rights movement; Ross Barnett, an attorney making his second bid; Attorney General J. P. Coleman; Paul Johnson, son of a former governor and now making his third campaign; and Mrs. Mary Cain, peppery newspaperwoman."

Now, Mr. President, I wish to quote from an article in the Jackson Daily News of August 20, 1955, entitled "Did Someone Toy With Negro Votes?"

This article begins:

"Guntoting voters of the embittered Loyd Star community today awaited Gov. Hugh White's decision on whether to send National Guard men to police the polls at Tuesday's election."

This is the area where a Negro by the name of Lamar (Ditney) Smith was killed at the local courthouse; apparently because of his interest in a supervisor's race. Because of this, a petition was got up asking for National Guard protection. The article goes on:

"Meanwhile, Homer W. Smith, a leader in the petition move, said people would be 'scared to vote' if National Guard men are not at the polls.

" 'The Negroes would especially be afraid to vote after this killing,' he said."

The article also states:

"Friday, Hiram Smith, a notary public, who has notarized a number of absentee ballots, said he had been threatened.

" 'I was told I would end up like Ditney Smith if I didn't quit meddling with the Negro voting,' he said."

Mr. President, I ask unanimous consent that this article be printed at this point in my remarks.

"[From the Jackson Daily News of August 20, 1955]

"DID SOMEONE TOY WITH NEGRO VOTES?

"(By James Featherston)

"BROOKHAVEN, MISS.—Guntoting voters of the embittered Loyd Star community today awaited Gov. Hugh White's decision on whether to send national guardsmen to police the polls in Tuesday's election.

"A petition bearing about 450 names was presented Sheriff Robert Case Friday asking National Guard protection.

"Sheriff case said he believed some of the names were forgeries, but that he was going to talk to the governor and show him the petition.

"The sheriff, who has stoutly maintained that the broiling Lincoln County political situation can be handled on a local level, predicted that 'we're going to have a peaceful election Tuesday.'

" 'I'm going to take care of the situation and give the people adequate protection at the polls,' he said.

"Meanwhile, Constable Rivers Case of the Loyd Star community charged the sheriff is not investigating the killing of Negro Lamar (Ditney) Smith. The courthouse slaying of the Negro leader is believed to have resulted from the bitter supervisor's race in Loyd Star.

" 'I hate to be so bold about it but Sheriff Case is covering up everything he can. He hasn't even tried to investigate this case,' he said.

"A similar charge was made by District Attorney E. C. Barlow. Barlow charged that Sheriff Case 'has not turned up a single witness.'

"SCARED TO VOTE

"Meanwhile, Homer W. Smith, a leader in the petition move, said people would be 'scared to vote' if National Guard men are not at the polls.

" 'The Negroes would especially be afraid to vote after this killing,' he said.

"The petition was presented by W. H. Calcote, president of the Lincoln County economical league, Joe McNeil, Jr., and Robert Smith.

"Speculation is rife that the bitter fuel in District 5 (which comprises Loyd Star and Caseyville) was ignited when factions in the supervisor's race began to toy with the Negro vote. The murdered man was believed enlisting Negroes to vote absentee ballots.

"Supporters of Nelson Case, one of the candidates for supervisor, sparked the move for the petition. Case's opponent is J. Hughes James.

"Friday, Hiram Smith, a notary public who has notarized a number of absentee ballots, said he had been threatened.

" 'I was told I would end up like Ditney Smith if I didn't quit meddling with the Negro voting,' he said.

"The notary public denied he had 'been meddling with Negro voting' and said he was 'neutral' in the supervisor's race. He said he did not vote in District 5, but in District 4.

"John Prichard, who served as a baliff in the first primary elections and then resigned, said he encountered bitter arguments at his precinct and that he knew many of the voters were armed.

"Prichard said most of the altercations were between the election officials and men given by power of attorney to watch the boxes by the candidates.

"Prichard said the feud was not 'an old one. It's just a case of one man in and another wanting in.'

"Prichard would not say why he quit as baliff but said it 'was a pleasant step aside.'

" 'I didn't see the guns but I knew they were there, and I didn't have anything but a handkerchief. I didn't come there to kill anyone.' he said."

I now ask unanimous consent that another article, this one from the Atlanta Constitution with a Jackson, Miss., filing for August 31, 1955, and which states that Tom Tubb of West Point stated that "they (Negroes) perhaps played too large a part in the last election," be printed in the RECORD at this point in my remarks. It is entitled "Mississippi Seeking Way To Reduce Negro Voters" and tells of a Mississippi State Democratic executive meeting which appointed a committee to study ways of cutting down on the number of Negro voters.

"[From the Atlanta Constitution of August 31, 1955]

"MISSISSIPPI SEEKING WAY TO REDUCE NEGRO VOTERS

"JACKSON, MISS., August 30.—The Mississippi Democratic executive committee today reportedly named a committee to study ways of cutting down the number of Negro voters.

"The committee ousted the press as it discussed Negro voting.

"Committee Chairman Tom Tubb of West Point said 'I'm concerned about Negroes registering to vote.

" 'They perhaps played too large a part in the last election.' He referred to the August 2 and 23 Democratic primaries for virtually all State offices.

"A committee member interrupted him and made a motion to go into a closed session.

"The rest of the discussion was made behind closed doors.

"But newsmen learned the committee reportedly named a group to study voting laws and make recommendations on reducing the number of Negro voters.

"Mississippi had some 22,000 registered Negro voters last year. The number apparently was about the same for this summer's elections. No central figures are kept in Mississippi.

"In some counties in the recent elections, Negroes were challenged at the polls as not being members of the Democratic Party.

"In other counties they voted without trouble."

Now, Mr. President, I wish to refer to an incident in Liberty County, Fla., in April of 1956. I have an article from the Miami Herald here which was filed at Bristol, Fla., by the A. P. It states:

"Eleven Negroes who had registered to vote in this rural northwest Florida county withdrew their registration papers Friday."

The article continues:

"Mrs. Bessie Reese, registration supervisor, said the Negroes walked into her office and said they wanted their names taken off the list. They gave no reason."

The sheriff of the county said he was advised their action was voluntary.

The article further states:

"Their withdrawal left the name of only one Negro woman, who is now in New York, on the registration lists."

Liberty County in the 1950 census had 333 Negroes of voting age in that county. So, in that county there is now one of 333 Negroes of voting age who is registered to vote. That person was in New York.

The article further states:

"Robert Saunders, the NAACP representative at Miami, reported crosses were burned near the homes of two of the voters in the vicinity of Bristol and that one house was struck by shotgun fire."

Finally, the article points out that this was the first time Negroes had ever registered in Liberty County which is some 30 miles north of Tallahassee.

I ask unanimous consent that this article from the Miami Herald be placed in the RECORD at this point.

"[From the Miami Herald of April 7, 1956]

"TWELVE NEGROES WITHDRAW REGISTRATION

"BRISTOL, FLA.—Eleven Negroes who had registered to vote in this rural northwest Florida county withdrew their registration papers Friday.

"Mrs. Bessie Reese, registration supervisor, said the Negroes walked into her office and said they wanted their names taken off the list. They gave no explanation.

"Saturday is the deadline for registering for the May Democratic primaries in which State and county officers will be contested.

"Sheriff S. G. Revell said he was advised their action was voluntary.

"Their withdrawal left the name of only one Negro woman, who is now in New York, on the registration lists.

"Registration of the 12 Negroes early last February was followed by reports of acts of violence.

"Roberts Saunders, the NAACP representative at Miami, reported crosses were burned near the homes of two of the voters in the vicinity of Bristol, and that one house was struck by shotgun fire.

"It was the first time Negroes had registered in Liberty County, which is located some 30 miles west of Tallahassee."

Now, Mr. President, in fairness, I also wish to quote from a St. Petersburg Times article of February 14, 1956, which points out that Gov. LeRoy Collins, of Florida, asked for a full investigation of the charges that there were acts of violence in Liberty County. Governor Collins is an honorable man and I believe has done a reat deal to bring peace and harmony to his State in what is a most difficult situation.

The article from the St. Petersburg Times also reports the fact that the sheriff of the county had been unable to get any definite information about the shooting incident, and quotes him as follows:

"I talked to the Negro who lives there and he just said there was some shooting going on around his house and that it had been hit. He didn't know if it was deliberate."

Mr. President, I ask unanimous consent that the full text of this article be printed at this point in my remarks.

"[From the St. Petersburg Times of February 14, 1956]

"COLLINS WANTS ATTACKS ON NEGRO VOTERS PROBED

"TALLAHASSEE.—Gov. LeRoy Collins asked yesterday for a full investigation of charges that registration of the first Negro voters in a rural northwest Florida county was followed by acts of violence.

"Collins said that Sheriff S. G. Revell of Liberty County had assured him he was checking into the reports and would 'do everything in his power to prevent any recurrence.'

"A Miami representative of the National Association for the Advancement of Colored People reported that crosses were burned and a house was fired upon a week ago after the registration of 12 Negro voters.

"Mrs. Bessie Reese, supervisor of registration for Liberty County, said the 12 were the first Negroes ever to be registered in the county, which lies some 30 miles west of Tallahassee.

"Mrs. Reese said another Negro she identified as Jim Wesley Black, Jr., of Bristol also had registered on January 21, but came in the next week and asked that his name be taken off the list.

"The registrations were for the May Democratic and Republican primaries at which State and county offices will be contested.

"Sheriff Revell said he had been unable to verify the cross burnings, and had been unable to get any definite information about the shooting incident.

"'I talked to the Negro who lives there and he just said there was some shooting going on around his house and that it had been hit. He didn't know if it was deliberate.'"

PRESSURES ON VOTERS

I now wish to quote from an article in the Delta Democratic Times of May 6, 1956 which is headlined "Negro Voting in Mississippi Pressured Into Sharp Decline Now." The article states that:

"Negro groups urging greater use of the ballot have been overwhelmed by pressures brought from both the Government and prosegregation groups organized in the wake of the Supreme Court's antisegregation decision."

The article quotes a Negro, Percy Green, who is the head of the Mississippi State Negro Democratic Organization and an opponent of the NAACP. He is quoted as follows:

"'As far as voting is concerned,' Green said, 'the Negro has been completely demoralized.'

* * * * *

"'Their names remain on the books,' he said, 'but many have been afraid to pay their poll taxes, which must be done annually through the sheriff's office in order to remain qualified.'"

Mr. President, I ask unanimous consent that this article be placed in the RECORD at this point in my remarks.

"[From the Delta Democrat-Times of May 6, 1956]

"NEGRO VOTING IN MISSISSIPPI PRESSURED INTO SHARP DECLINE NOW

"(By John Herbers)

"JACKSON, MISS., May 5.—Negro voting in Mississippi, which showed an upsurge after World War II, appeared today to be undergoing a sharp decline.

"Negro groups urging greater use of the ballot have been overwhelmed by pressures brought from both the Government and prosegregation groups organized in the wake of the Supreme Court's antisegregation decision.

"Some white leaders feel that if the present trend continues, whites no longer need to fear that the Negro vote could be a balance of power in a close political race. Mississippi has almost one million Negroes.

No one knows how many qualified electors there are in the State—Negro or otherwise. Circuit clerks are not required to compile such information and all available figures are rough estimates.

"TWENTY-FIVE THOUSAND REGISTERED

"Educated guesses from several sources, however, indicate there are about 25,000 Negro names on the voter-registration books. In the elections of 1951 and 1952 a sizable majority of these voted or were eligible to vote.

"After the Supreme Court's school decision, however, the State amended its constitution to provide stiffer requirements for registration in a move legislators frankly said was to check Negro voting. This did not affect the ones already registered.

"But in many communities steps were taken by white leaders, members of the prosegregation citizens' councils, to discourage Negro voting.

"Percy Greene, Jackson newspaper editor, and head of the State's Negro Democratic organization, told United Press he recently made a tour of the State studying the problem and found the number of qualified Negro voters had 'declined very, very sharply' in tne last 2 years.

"Greene is considered a moderate Negro leader. He has no use for the NAACP nor does he go along with white groups who would deny the Negro basic rights. His political organization encourages voting.

"UNABLE TO VOTE

"'As far as voting is concerned,' Greene said, 'the Negro has been completely demoralized.'

"He predicted that only about half of those registered will be able to vote in this year's presidential election.

"'Their names remain on the books,' he said, 'but many have been afraid to pay their poll taxes, which must be done annually through the sheriff's office in order to remain qualified.'

"'Negro votes,' Greene said, 'are grouped largely in Jackson, Vicksburg, Meridian, Greenville, Clarksdale, and along the gulf coast. In some areas of heavy Negro population no Negroes are qualified.'

"'White leadership is frank in its opposition to Negro voting although leaders deny any illegal steps have been taken to bar them from the polls.

"Tom Tubb of West Point, chairman of the Democratic executive committee, has proposed a study of ways to keep down Negro balloting in primaries. He told a meeting last fall that Democratic primaries belonged to the white people 'who founded this country'."

NEGROES VOTE WHEN WHITES SAY ALL RIGHT

Mr. President, I wish to quote from an article in the Pittsburgh Courier of June 8, 1957, concerning a survey made by Dr. Emmet W. Bashful, professor of political science at Florida A. and M. University. He points out that in Gadsen County, Fla., only three Negroes were registered as of May 1957, even though 56.1 percent of the population of the county is Negro. There are 152 Negro teachers in this county, alone, who obviously would have the intellectual qualifications to vote. Professor Bashful is quoted as saying:

"Only a few Negroes vote in this county. They are those who were personally approached by a white person and informed that it was all right for him to vote. I think they should have refused until they allowed every Negro to vote. Because of these few Negro voters, our county passes as a full voting county for both races."

"[From the Pittsburgh Courier of June 8, 1957]

"THOUSANDS GO VOTELESS IN SOME FLORIDA COUNTIES

"(By Al Dunmore)

"TALLAHASSEE, FLA.—While State lawmakers are ranting and raving in the legislative sessions, little has been said about how thousands of citizens are being deprived of the right to vote.

"Probably the greatest disregard of the rights of a citizen to vote is being carried on right in the backyard of the State capitol. Gadsden County, of which Quincy is the major population center, has been long regarded as one of the sore spots of the State as far as granting civil rights is concerned. This county is adjacent to Leon County, in which Tallahassee is located.

"In a survey made by Dr. Emmett W. Bashful, professor of political science at Florida A. and M. University, it has been revealed that only three Negroes were registered to vote in May 1957, in Gadsden County. This in spite of the fact that 56.1 percent of the population of this community is Negro.

"Bashful points out that there are 152 Negro teachers alone who live in this county. According to a report to Bashful from one of these teachers, the following prevails:

"'Only a few Negroes vote in this county. They are those who were personally approached by a white person and informed that it was all right for him to vote. I think they should have refused until they allowed every Negro to vote. Because of these few Negro voters, our county passes as a full voting county for both races.'

"Another teacher reported to Bashful: 'Attempts were made previously to begin countywide voting for Negroes (two to my knowing). Each time the person was either threatened or attacked.'

"Several teachers appealed for suggestions as to how the barrier could be broken. 'We teachers know what would happen if we attempted to vote.'

"Statements obtained by Bashful from teachers throughout the State, particularly in the northern tier of counties which have continually fought for the maintenance of segregation at any cost, have indicated that pressures are being brought to bear by politicians to prevent Negroes from voting.

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"The recent occurrence in Liberty County where Negroes withdrew their names from the books after registering, was widely publicized throughout the Nation, but nothing was done about it.

"The Negroes themselves state their anxiety to vote, but they claim they cannot withstand the pressures brought to bear on them without some form of outside assistance.

"The Courier knows that both the State and Federal authorities have been informed that this situation exists, but nothing has been done about it. As a result Negroes are openly disfranchised through threats and at times have been actually beaten when they attempted to go to the polls."

THE NEW SOUTH CAROLINA REGISTRATION

In the middle of June of this year, South Carolina approved a reregistration law. Voters in that State will have to obtain a new voting registration certificate between September 1957 and May 1958 if they wish to vote in the 1958 primary and general elections.

The law requires that voters list their race.

In an editorial in the Charleston, S. C., News and Courier, there are some very interesting comments about this new law. The editorial praises the law and says that the requirement that voters should be listed by race is wise. The article comments on several phases of the situation, including the effort of the State junior chambers of commerce to spearhead a drive to register individuals. The editorial states:

"We hope that the Jaycees will spearhead a drive to register"

And then in bold-faced capital letters:

"All truly qualified South Carolinians."

The editorial continues:

"Let's not imagine, however, that registration of all South Carolinians is desirable. The Constitution disqualifies from registration and voting forgers, bigamists, wifebeaters, the insane, paupers, and several other classes of persons."

It then continues:

"But not everyone else is intellectually and morally qualified to vote."

The editorial then states:

"Because the basic law of South Carolina does not limit the ballot to responsible men and women, efforts to improve the quality of the electorate must be voluntary."

The editorial then gives its definition of those it thinks qualify under its definitions.

"We say, then, that every effort should be made from September to May to urge all able, intelligent, responsible property-owning South Carolinians to register."

It then goes on:

"Those who have no stake in their communities, who have only limited education or who might be herded to the polls should not be encouraged. To encourage the unfit would be to hurt the cause of good government in South Carolina.

"The need in South Carolina is not for more voters but for better qualified voters."

In the 1956 presidential election, only 24.6 percent of all persons of voting age voted in South Carolina. This was next to the poorest voter turnout of any State in the Union.

Mr. President, I ask unanimous consent that this editorial from the Charleston News and Courier be printed in full at this point in my remarks.

"[From the Charleston (S. C.) News and Courier of June 24, 1957]

"THE SIZE OF ELECTORATE HAS NOTHING TO DO WITH QUALITY OF GOVERNMENT

"Between September 1957 and May 1958 any South Carolinian who wants to vote in the primaries next June will have to obtain a new voting registration certificate.

"After outspoken opposition, the house of representatives approved a reregistration law last week. The State senate already has given its approval. Governor Timmerman is not expected to veto the measure.

"There are sound reasons for a reregistration law. In some areas of the State, the registration books are in a mess. Charges have been uttered in more than one county that some persons are improperly registered. The fact is that a State's registration books need a periodic cleaning up. With a fierce, battling campaign for the governorship forecast for next June, there should be no ground for challenges as to who was or was not qualified to vote.

"The requirement in the new law that voters list their race is wise. As Senator L. Marion Gressette, of Calhoun County, said, the question was designed to prove Negroes are not denied the right to vote in South Carolina. South Carolina has nothing to hide from Federal investigators. The new law will make that clear.

"Representative James P. Harrelson, of Colleton County, has charged that the measure 'is designed to disenfranchise masses of working people.' He maintained that 'laboring people won't have the opportunity to fill out the new application blanks and stand in long lines, waiting to be registered.'

"We say that any South Carolinian who hasn't the patience to stand in line to obtain a registration certificate, isn't fit to vote in an election for public officials.

"In this connection, we want to comment on the proposal of Representatives Walter B. Brown, of Fairfield County, and John T. Gentry, of Pickens County. They have urged that the Junior Chamber of Commerce spearhead the reregistration drive in this State. "We hope that the Jaycees will spearhead a drive to register all truly qualified South Carolinians.

"Let's not imagine, however, that registration of all South Carolinians is desirable. The Constitution disqualifies from registration and voting forgers, bigamists, wifebeaters, the insane, paupers, and several other classes of persons. But not everyone else is intellectually and morally qualified to vote.

"The News and Courier believes that the ballot should be given to persons likely to use it intelligently. We believe that it should be a reward for responsible citizens. Because the basic law of South Carolina does not limit the ballot to responsible men and women, efforts to improve the quality of the electorate must be voluntary.

"We say, then, that every effort should be made from September to May to urge all able, intelligent, responsible, property-owning South Carolinians to register. Those who have only limited education or who might be herded to the polls should not be encouraged. To encourage the unfit would be to hurt the cause of good government in South Carolina.

"The need in South Carolina is not for more voters but for better qualified voters."

CONCLUSIONS

We have seen, Mr. President, a variety of methods which are used to discourage voting in the South, especially among Negroes, and which account for the amazingly small percentage of Negroes who exercise the ballot in many of the Southern States. I believe that these methods, most of them of a subtle variety, can be listed and categorized. Among them are:

1. The poll tax in five States.
2. The requirement that back poll taxes must be paid.
3. The requirement that poll-tax receipts must be presented at the voting booth.
4. The poll-tax reversion bill attempt in one State.
5. The various laws requiring the interpretation of the State or Federal Constitution to the satisfaction of the registrar.
6. The literacy test requirements in various States, unevenly enforced.
7. The requirement for character references in some areas.
8. The civics test as in Halifax County, N. C.
9. The necessity to get witnesses to sign registration forms and the practice of not allowing any one witness to sign more than two forms.
10. The requirement of asking potential voters to name obscure local officials.
11. Various delays making it necessary for prospective registrants to come back again and again.
12. The single-shot laws whereby a ballot is thrown out if the voter fails to vote for all offices listed on the ballot.
13. Registration closing dates many months before an election when there is little interest.
14. The requirement that voters must pronounce and spell a long and complicated list of words.
15. Women registrars with offices in their private homes.
16. Failure to count votes when cast.
17. The lack of accessible registration offices.
18. The failure of registration boards to meet.
19. The failure to appoint registration officials.
20. Gerrymandering districts as in Tuskegee.
21. Reregistration laws as in South Carolina.
22. Pressure from White Citizen's Councils.
23. Other forms of pressures, threats, or intimidation.
24. The striking of hundreds of Negro voters from the registration lists just prior to an election.

Mr. KNOWLAND. Mr. President, I yield 4 minutes to the junior Senator from New Hampshire [Mr. COTTON].

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 4 minutes.

Mr. COTTON. Mr. President, as the Senate comes to the end of a historic debate, let us for a moment sweep from our minds the cobwebs which have accumulated by reason of long arguments dealing with civil contempt, criminal contempt, and the decisions of the courts of law; and at this time let us for a moment face the naked facts involved in the decision to be made by the Senate tonight.

Let Senators ask themselves this question: When we get down to the fundamentals of the matter, who is the individual who will suffer, who is the individual who will be deprived of rights, if part IV is left unimpaired in the bill? He will be a person who has deliberately, without being driven by the lash of want or need, defied the courts and also has defied the Constitution, and who seeks to deprive his fellow citizens of their voting rights.

Let us ask ourselves this further question: Who will perpetrate the wrong that has been talked about? It will be perpetrated, if any wrong is perpetrated, by the judges of the United States courts—men learned in the law; men familiar with the Constitution; men who, in most instances, have been appointed in States and communities in which they have lived all their lives; men whose nominations, after having been made by the President of the United States, have had to be confirmed by the Senate of the United States.

And, Mr. President, who will aid in perpetrating that wrong? The appellate courts of the Federal system, composed of men learned in the law and familiar with the Constitution.

And, Mr. President, in the last resort, who would be a party to this so-called injustice? The Supreme Court of the United States, which, whatever else may be said about it, certainly has leaned over backwards in protecting and guarding the rights of the individual citizen.

So, Mr. President, as one who voted to strip from the bill the section which would have injected the Federal Government into the States to enforce social rights, and perhaps rights which would have been anticipatory, as one who has insisted on the bill's being narrowed down to voting rights alone, I appeal, at this important hour, to the Senate to preserve the bill, and not emasculate it by an amendment which, in spite of all the glowing arguments in favor of it, fundamentally would strip the bill of its value and put us back many years.

Mr. KNOWLAND. Mr. President, I yield 4 minutes to the Senator from Kentucky [Mr. COOPER].

Mr. COOPER. Mr. President, the debate on this amendment has been of a high standard. It has brought before the Senate, and indeed the country, questions which go to the very bases of our system of government. Yet the debate has produced many misconceptions and mistaken ideas, and it is with those mistaken ideas that I should like to deal for a few moments.

It has been brought out during the debate that if part IV in its present form should become law, it would mark a strange departure from our established jurisprudence. It has been said again and again that the enactment of part IV would deprive individuals of a statutory right of trial by jury, and even a constitutional right of trial by jury.

Because of the insistence of this argument and the proper regard that people hold for trial by jury, many persons throughout the country undoubtedly have been led to believe that these arguments are correct. I say unhesitatingly that the arguments are incorrect.

As has been pointed out so often, part IV of the bill would authorize the United States to institute an equitable action in United States courts to assist individuals to secure their right to vote. I emphasize the simple fact that the action would be an equitable action to prevent a wrong—the wrong of depriving an individual of his vote. It would not be a criminal action to punish him after the crime had been committed.

I do not wish to elaborate the arguments which have been made, but I believe several constitutional principles have emerged from the debate. The first is that there is no constitutional right of a trial by jury in an equitable action where the plaintiff is an individual or the United States, and where either civil or criminal contempt may ensue.

The second point is that there is no statutory right of trial by jury granted to defendants in cases where the United States is a party. So it can be said, undoubtedly, that the proponents of the amendment cannot claim the bill, unamended, would result in the deprivation of the right of trial by jury. They are asking such a right be granted.

I should like to say, for myself, that I do not follow the arguments which have been made by some of my colleagues who oppose the jury-trial amendment, that the benefit of a jury trial should not be conferred upon individuals because Federal juries in the South may not convict those who disobey the orders of the court. I live in a border State, and I believe that juries will do their duty. I say that from my own experience as a lawyer, and also as a judge, and my belief in the people. But even if for a time juries should fail in their duty, I would not advocate taking away a right of trial by jury where one existed, and giving to the courts the authority to enforce their decrees. For, as has been truly said, if resort could be had to such an expedient in some types of cases, or in some areas of the country where juries might not convict, it could be adopted in other situations or areas of the country, if the Congress did not agree with the verdict of juries.

I base my opposition to the jury trial amendment on what I consider to be solid ground. If the Congress of the United States is willing to make the decision that the obstruction of the right to vote has continued throughout the years and has reached such proportions that it is necessary to pass a bill giving the United States the authority to intervene to assist in securing the equal right of voting for all citizens of the United States, then there is reason why we should keep the law as it is today, and when the United States is a party, preserve to the courts the power to enforce their authority. The right to vote is an actual constitutional right, and there is no constitutional right of trial by jury in such cases, as has been claimed. I repeat, if we believe that the right to vote is of sufficient importance to clothe the United States with the authority to assist in making it an actual right—and I assert it is of such importance—then there is nothing wrong——

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Mr. KNOWLAND. I yield 2 additional minutes to the Senator from Kentucky.

Mr. COOPER. I repeat—if we believe that the right to vote is of sufficient importance to clothe the United States with authority to assist in making it an actual and effective right, then there is nothing wrong, but, to the contrary, there is every reason to preserve to the courts of the United States the authority to see that their orders are carried out so as to effectuate the simple purpose of the bill, which is to assure at last the enforcement of the 15th amendment which guarantees the right to vote.

It is our duty to do our part to make true the promises of the Constitution and our system of free government, to all our people.

Mr. O'MAHONEY. Mr. President——

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LAUSCHE. I ask whether the amendment which I submitted this afternoon can now be called up for consideration.

The PRESIDING OFFICER. The custom, under the Senate procedure, is that it can be after the time on the pending question has been used or yielded back.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that it be in order for the Senator from Ohio to call up his amendment now.

The PRESIDING OFFICER. The Senator from Texas requests unanimous consent that it be in order for the Senator from Ohio to call up now his amendment. Is there objection?

Mr. O'MAHONEY. Mr. President, it is my understanding that the time taken under the unanimous consent, when granted, as I expect it will be granted, will not be out of the time remaining on the pending amendment.

The PRESIDING OFFICER. The Chair so understands. Is there objection to the unanimous-consent request?

Mr. KUCHEL. Mr. President, reserving the right to object, will the Chair indicate why it is necessary to ask for unanimous consent?

The PRESIDING OFFICER. Under the rulings of the Senate, in situations like this, the time on the primary amendment has to be used or yielded back.

Mr. KUCHEL. In other words, under the unanimous-consent request, the time is not available for a Senator to call up an amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct; until the time on the pending amendment has been used.

Mr. KUCHEL. I do not object.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

The Chair is advised that on the O'Mahoney-Kefauver-Church amendment, the Senator from Wyoming has 19 minutes remaining, and the Senator from California has 13 minutes remaining.

Mr. CLARK. Mr. President——

The PRESIDING OFFICER. The Senator from Ohio is the only one who can be recognized, under the unanimous-consent agreement.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. It is my understanding that the unanimous-consent agreement—perhaps I am wrong—included a provision that amendments to the pending amendment could be brought up and would be entitled to 30 minutes' time.

The PRESIDING OFFICER. The Senator is correct. The Senate is preparing to operate under that rule.

The Senator from Ohio is recognized. There is a time limitation on his amendment, under the unanimous-consent agreement. Does the Senator desire his amendment to be read?

Mr. LAUSCHE. I should like to have it read.

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The PRESIDING OFFICER. The amendment will be stated.

Mr. LAUSCHE. Mr. President, I shall read it.

The PRESIDING OFFICER. The Senator from Ohio is recognized. How much time does he yield to himself?

Mr. LAUSCHE. I yield 15 minutes to myself.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 15 minutes.

Mr. LAUSCHE. Mr. President, and my colleagues, while I listened to the debate tonight I pondered rather heavily whether at this late hour I ought to submit the amendment which is now before the Senate. In my meditation I concluded that unless I did so I would not be acting in accordance with my honest judgment. I decided that, when the deliberations were over and disposition was had of the bill now pending before the Senate, I would not be at ease with myself unless I gave expression to my true thoughts on the subject.

The amendment which I have offered deals only with the mode of trial. I favor a jury trial in criminal contempt cases, as I shall later define the phrase. If I may humbly say this to the Senate, throughout the length and breadth of this land, daily these words are spoken:

"Ladies and gentlemen, you have been summoned to this court to act as jurors in the case of the State of Ohio against John Brown. You are to act as judges as to whether John Brown is guilty or innocent of the charge contained in the indictment."

As a judge I uttered those words frequently. I believe the more often I repeated them, the greater was the significance they had in my mind. Those words represented a fellow citizen called by the dignified State of Ohio to act as a juror in determining whether a fellow citizen was guilty or innocent of a charge set forth in an indictment.

The Senator from West Virginia [Mr. REVERCOMB] this evening beautifully expressed the philosophy about the right of trial by jury.

My amendment, I will say to my colleagues, will accord a jury trial only in criminal contempt cases when the underlying facts constitute a criminal offense. In all other instances, the trial shall be by judge.

To repeat, the trial shall be by judge in all contempt proceedings, civil and criminal, except when the underlying facts constitute a violation of the criminal law of the United States Government or the State in which the criminal contempt proceeding is brought.

I wish to differentiate the provisions of my amendment from the provisions of the amendment pending before the Senate. Under the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] and his colleagues, trial by jury shall be had in all cases when the purpose is to impose punishment as distinguished from providing for the aggrieved party the benefits of the right to vote. In the amendment pending before the Senate the right of trial by jury has been expanded over and above that historically granted by equity courts. I do not think such procedure is sound. At this time, when we are contemplating assuring the Negro the right to vote I do not believe we should be expanding the field in which jury trials are accorded.

On the other hand, the proponents of the original bill by circumvention decided, "We will deny American citizens the right to trial by jury."

To summarize, on the one hand efforts are made to expand the right of trial by jury, and on the other hand efforts are made to deny the right of trial by jury.

My amendment contemplates keeping the trial by jury of civil and contempt cases in the identical status occupied before the bill is passed upon—trial by judge in all contempt proceedings except those which involve a violation of a criminal statute. My amendment contemplates practically the identical objective of the Clayton Act.

Mr. LONG. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Ohio yield for a question?

Mr. LAUSCHE. I think I have presented my views. I shall not take any further time. I shall be glad to yield to any Senator who wishes to ask a question.

I yield to the Senator from Louisiana.

Mr. LONG. Would it be possible under the Senator's amendment for a State merely to pass a law expanding its criminal law, whereby a person would in almost any case be entitled to a trial by jury?

Mr. LAUSCHE. My amendment provides that if there is a violation of a criminal statute either of the Federal Government or the State government the trial shall be by jury.

I may say that the very implications contained in the question put to me do not sound healthy.

[Laughter in the galleries.]

The PRESIDING OFFICER. Let the Senate be in order, please. The galleries will be in order.

Mr. CLARK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. LAUSCHE. I yield to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, I have in my hand the clerk's copy of the amendment offered by my distinguished colleague, the Senator from Ohio. I should like to ask the Senator a question. In addition to the amendment's providing what the Senator has explained, is it not also true that if the amendment is adopted, it will confine criminal contempt cases where jury trials would be granted to cases arising under this act, and therefore will not expand a jury-trial right to the 28, 36, 40, or perhaps 50 other statutes where the right of jury trial does not now exist when the United States is a party to the suit? In my judgment, the Senate is about to make a blind change in the law with respect to statutes we have not had under consideration.

Mr. LAUSCHE. I am very glad the Senator from Pennsylvania reminded me of that fact. One of the objectives in drawing the amendment was to avoid the great confusion which will result with regard to the many acts now on the books dealing with contempt, both civil and criminal.

Mr. REVERCOMB and Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and, if so, to whom?

Mr. LAUSCHE. I yield to the Senator from West Virginia, and then I shall yield to the Senator from New York.

Mr. REVERCOMB. Mr. President, I should like to say to the able Senator from Ohio that I appreciate very much the friendly and favorable remarks he made about the statement I made earlier in the day.

I am interested in the Senator's amendment. I think at this time, without infringing upon the time of the Senator from Ohio, the amendment should be read to the Senate. I ask, Mr. President, with the consent of the Senator from Ohio, that the clerk read the amendment.

Mr. LAUSCHE. The amendment would strike everything down to and including line 21 on page 3, and substitute the following:

Part V. Providing jury trial for certain criminal contempts and amending the Federal Judicial Code relating to Federal jury qualifications.

This is the language:

SEC. 151. In any proceeding for contempt of any injunction, restraining order, or other order issued by any court of the United States or of the District of Columbia in an action or proceeding instituted under this act, the court shall hear and determine all questions of law and fact without a jury.

That means that in all such proceedings the court shall act as the judge of both the facts and the law, without a jury.

*Provided*, That whenever a contempt charged shall consist in willful disobedience or obstruction to any lawful writ, process, order, rule, decree, or command of any court of the United States or of the District of Columbia, by doing or omitting any act or thing in violation thereof—

This is the significant part—

and the act or thing done or omitted also constitutes a criminal offense under any act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury which shall conform as near as may be to the practice in other criminal cases, and upon conviction, shall be punished by fine or imprisonment, or both, such fine, in case the accused is a natural person, not to exceed the sum of $1,000, and such imprisonment not to exceed the term of 6 months.

This section shall not be construed to apply to contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court.

That is the sum and substance of the amendment.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. LAUSCHE. I yield.

Mr. JAVITS. In order that we may understand the Senator's amendment in

the context of the debate, does the Senator agree with me that what the Senator from Ohio is seeking to do is to apply the present Clayton Act to the proposed statute alone, but to eliminate the exception, namely, a case in which the United States is a party plaintiff?

Mr. LAUSCHE. The Senator from Ohio is seeking to block Senators who are trying to eliminate the right of trial by jury in criminal cases, and he is trying to stop the expansion of the right of trial by jury in instances in which it has never been given in the State of Ohio or in the Nation; and he is trying to eliminate the speedy and impulsive action with respect to about 40 acts which no one has studied with sufficient accuracy to be able to formulate an intelligent judgment.

Mr. JAVITS. As I previously stated to the Senator—and I think I understood his amendment then, and understand it now—this is at least the path of responsibility. I still will vote against the O'Mahoney-Kefauver-Church amendment, for the many reasons which I and other Senators have stated. However, I feel that the path of responsibility is at least not to have the provision so broad as it would be if it were adopted as it stands.

Mr. LAUSCHE. The amendment does follow the present Clayton Act. It is an amendment to the O'Mahoney-Kefauver-Church amendment.

Mr. KNOWLAND. Mr. President, I yield 2 minutes to the distinguished Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I have the greatest admiration for the Senator from Ohio [Mr. LAUSCHE]. I know of no Member of the Senate who has spent more time in listening to the debates upon this subject since they first began than has the Senator from Ohio. I admire the learning in the law which he has exhibited. I certainly wish to praise him for the diligence which he has devoted to the study of this question.

However, I wish to state to the Senator from Ohio and to all other Senators the reason why, in drafting the pending amendment, we struck out the provision which the Senator from Ohio has written into his amendment, namely, the provision which he has just read, that the offense committed must be not only a willful disobedience of the order of the court, but also a criminal offense under some act of Congress or the laws of any State.

This is a voting rights bill, and because I want to make it a voting rights bill I do not wish to give any State legislator an invitation, by this amendment, to enact additional criminal laws which might have the effect of denying voting rights. That is why I say to the Senator from Ohio that I am not with him on this amendment. I wish I could be.

Mr. KNOWLAND. Mr. President, I yielded 2 minutes to myself.

For the reasons stated by the Senator from Wyoming, I shall vote against the amendment of the Senator from Ohio [Mr. LAUSCHE]; and for the reasons stated by the Senator from Ohio I shall subsequently vote against the amendment of the Senator from Wyoming.

Mr. President, I am ready to yield back the remainder of my time.

The VICE PRESIDENT. The Senator yields back the remainder of his time.

The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. LAUSCHE] to the so-called O'Mahoney-Kefauver-Church amendment, as modified.

The amendment to the amendment was rejected.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the Lausche amendment was rejected.

Mr. KNOWLAND. I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from California [Mr. KNOWLAND] to lay on the table the motion of the Senator from Texas to reconsider the vote by which the Lausche amendment was rejected.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. JOHNSON of Texas. How much time remains on each side?

The VICE PRESIDENT. The Senator from Wyoming has 19 minutes remaining. The Senator from California [Mr. KNOWLAND] has 13 minutes remaining.

Mr. O'MAHONEY. Mr. President, I shall try to be brief, and therefore I yield myself only 5 minutes.

First, however, I desire to ask that there be printed in the RECORD additional letters and telegrams which have been received by numerous Senators from United States district judges in Southern States, with respect to the service of Negroes upon southern juries.

There being no objection, the letters and telegrams were ordered to be printed in the RECORD, as follows:

MACON, GA., *August 1, 1957.*

Hon. RICHARD B. RUSSELL,
*Senate Office Building,*
*Washington, D. C.*

Retel colored jurors have served on both grand and trial juries in the middle district of Georgia and have so served during the entire 24 years I have been associated with this court. Colored women have served since 1954 when Georgia passed a law permitting women to serve on juries. Such service is usual at each term of court. White and colored jurors serve together in the trial of cases. During these years no incidents nor complaints have come to my attention by reason of mixed juries.

T. HOYT DAVIS,
*United States District Judge, Middle District of Georgia.*

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GAINESVILLE, GA., *July 31, 1957.*

Senator RICHARD B. RUSSELL,
*Senate Office Building,*
*Washington, D. C.*

For the past 6 years as Federal judge I know that Negro citizens have regularly served upon both grand and petit juries in Federal court in the northern district of Georgia. For the past 20 years as a practicing attorney and judge I have observed Negro citizens regularly serve on both grand and petit juries in Federal Court in the northern district of Georgia.

WILLIAM BOYD SLOAN,
*Northern District of Georgia.*

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ATLANTA, GA., *July 31, 1957.*

Senator RICHARD B. RUSSELL,
*Senate Office Building,*
*Washington, D. C.*

Your wire received. Glad to furnish you any facts available though I am taking no part of course in pending legislation. Recall Negroes serving on Federal juries here for some 25 years past. During my 7 years as judge there has always been a considerable number of each venire and their service on jury cases has been rather constant. One case last week had two Negroes on the jury. Kind regards.

FRANK A. HOOPER,
*Northern District of Georgia.*

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UNITED STATES DISTRICT COURT,
MIDDLE DISTRICT OF GEORGIA,
*Macon, Ga., July 29, 1957.*

Hon. RICHARD B. RUSSELL,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR: It has come to my attention through the press, radio, and television that it is being said in the Senate that Negroes are not permitted to serve on juries in the Southland.

In view of this, I thought that I would be amiss in failing to call to your attention the fact that Negroes have served on juries in the United States District Court for the Middle Judicial District of Georgia for a long number of years, dating back beyond my knowledge of the court, which would be prior to 1933.

As you know, I became an assistant United States attorney in this district in March of 1934, where I remained until I was appointed United States attorney on February 6, 1945. I served in that capacity until December 1, 1952, when I was appointed clerk by Judge T. Hoyt Davis and Judge A. B. Conger.

I can truthfully report to you that I do not recall a panel of petit jurors, consisting of some 40 or 50 names, that has been drawn from our jury boxes in any 1 of the 7 divisions of this district on which there were not a good number of Negroes present as jurors.

In 1954 when the laws of this State were changed so that women were permitted to serve as jurors, provided that they agreed to so serve, I personally added a large number of Negro women in each of the seven jury boxes in this district. Numerous of them have served as jurors, both on the grand and petit juries.

I recall recently at Columbus, Ga., Judge Hoyt Davis tried a civil case in which there were 10 Negro jurors, some of them women and some of them men in the panel of 12 in the box.

It is a usual thing, rather than an unusual occasion, for Negroes to serve on juries in the trial of civil and criminal cases throughout this district. And by serving I mean that they actually sit as jurors trying the cases. This is so in spite of the fact that in criminal cases both the Government attorney and the defense attorneys have sufficient peremptory challenges to eliminate any 16 jurors which they so desire.

I would like to call to your further attention that at the present time a grand jury is in session in the middle district, and I noticed this morning that there were two Negroes serving.

I am familiar with the jurors in the Bibb County superior and city courts and I know that Negroes serve there regularly.

I can truthfully say that within this district jurors are drawn without regard to race or color.

I write you this because it is my earnest desire that no partisan fight, such as that

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now being waged, be allowed to reflect discredit upon our courts which have always sought to protect the constitutional rights of all persons.

With kindest personal regards, I am,

Yours sincerely,

JOHN P. COWART, *Clerk.*

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ALEXANDRIA, VA., *July 31, 1957.*

Hon. A. WILLIS ROBERTSON,
*United States Senate,*
*Washington, D. C.:*

Your wire just received replying to your question advise that Negroes have, to my knowledge, been serving regularly during at least the last 10 years on grand juries, criminal juries, and civil juries, in this court, at every place it sits.

ALBERT V. BRYAN.

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UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF VIRGINIA,
*Richmond, Va., July 31, 1957.*

Hon. A. WILLIS ROBERTSON,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR ROBERTSON: Your telegram of today containing inquiry as to whether Negroes serve on Federal juries in this district has just been received. It is now after 5 o'clock. Therefore, instead of replying by telegram, I am writing as I am sure this will reach you early tomorrow morning.

Since I first became connected with the court in the capacity of United States attorney in November 1933, Negroes have been serving as members of both the grand and petit juries in this district. I am unable to give you information earlier than 1933 but if it is desired I am sure that I will be able to obtain it.

With kind regards, I am,

Sincerely yours,

STERLING HUTCHESON,
*District Judge.*

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CHARLESTON, S. C., *August 1, 1957.*

Hon. OLIN D. JOHNSTON,
*United States Senate,*
*Washington, D. C.:*

As requested by you, I am giving you information with reference to Negro jurors in Federal courts in the eastern district of South Carolina. Eighteen to twenty percent of our jurors are Negroes. This has been the case for many years. These Negroes have the reputation of being excellent jurors. I do not know of any jury in my time that has had no Negroes on it.

ASHTON H. WILLIAMS,
*United States District Judge, Eastern District of South Carolina.*

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BRUNSWICK, GA., *August 1, 1957.*

Hon. RICHARD B. RUSSELL,
*United States Senate,*
*Senate Office Building,*
*Washington, D. C.:*

As judge of the southern district of Georgia since 1946, and as a practicing attorney in Federal court since 1913, I know that Negroes serve regularly as grand and as petit jurors, in the southern district of Georgia, at all sessions of court, and have been so serving since, and prior to, 1937.

Regards.

F. M. SCARLETT,
*United States District Judge, Southern District.*

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UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF MISSISSIPPI,
*Gulfport, Miss., July 31, 1957.*

Hon. JAMES O. EASTLAND,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR EASTLAND: I have your wire of July 31 and in reply will say:

1. I have been on the bench since February 15, 1937.

2. During all of that time Negroes have been permitted to serve on juries in the Federal court in my district, and I might say that during the last grand jury, which was discharged about 30 days ago, there were 3 or 4 Negroes who served. The United States Attorney advises me that they made good, reliable, and sincere grand jurors.

3. The policy of the jury commission with respect to selection of prospective jurors is to choose good, honest, high-class men from various walks of life and to place the names of such men in the jury box. Of course, they must be citizens of this district, over the age of 21 years, qualified electors, and not convicted of the unlawful sale of intoxicating liquor within the past 5 years. The jury commission is composed of the clerk, who is a Democrat, and a commissioner appointed by me who is of the opposite party, that being, of course, a Republican. In choosing the names to be placed in the box it is my information from them that they go to the telephone directory, various civic clubs, various postmasters, rural mail carriers, clerks of the various State courts, and obtain information from these sources as to the qualifications of the prospective jurors. They endeavor to obtain a cross-section of the whole district and place in the box the names of men from various walks of life—businessmen, professional men, farmers, and laborers—and in my judgment they obtain a good cross-section.

4. There is no policy adopted by the commission of excluding Negroes from jury service because of their race. Certainly there is none known to me and I am quite sure there is none.

5. Most assuredly I would not permit such an exclusionary policy and it is my judgment that the other judges do not, but, of course, each judge would have to answer that for himself.

6. I do not have any recollection of any Federal judges in this district having any exclusionary policy. I began the practice of law in 1911 at a time when one Federal judge presided over both the northern and southern districts of Mississippi. That was Hon. Henry C. Niles, and I know that during his time Negroes served on juries. After his death Hon. E. R. Holmes was appointed judge for both districts and presided over both districts until about the year 1927 or 1928, when an act of Congress was passed authorizing the appointment of a judge for the northern district. After that time Judge Holmes served the southern district until he was elevated to the court of appeals. During his tenure as district judge he had no policy excluding Negroes from the jury box and, as a matter of fact, jurors of the Negro race were drawn for jury service during his tenure.

With kindest regards, I am,

Sincerely yours,

SIDNEY C. MIZE,
*District Judge.*

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UNITED STATES SENATE,
COMMITTEE ON APPROPRIATIONS,
*Washington, D. C., August 1, 1957.*

Hon. JOSEPH C. O'MAHONEY,
*United States Senate,*
*Washington, D. C.*

DEAR SENATOR O'MAHONEY: In response to your request with reference to colored citizens being summoned for jury service in the Federal courts of Mississippi, I have made a personal check with court officials in the two Federal court districts of the State, including the United States attorneys, the United States marshals, and the clerks of the court.

As the records do not indicate the race of the juror, it was impossible for them to give figures that could be considered statistics according to the record, but they did speak from their personal knowledge and by checking various incidental memorandums.

Among other things, they stated that all jury boxes used in all the Federal court districts of Mississippi contained the names of Negroes, and they were able to say definitely that the grand-jury and trial-jury panels throughout the State for many years had included both white and colored jurors.

At Meridian, Miss., they were able to definitely tabulate the following figures of service on the grand jury by colored citizens: September 1953, 4 colored members on grand jury; September 1954, 3 colored members on grand jury; September 1955, 4 colored members on grand jury; September 1956, 3 colored members on grand jury.

At Jackson, Miss., the figures for similar years were as follows: February 1955, 1 colored member on grand jury; April 1955, 2 colored members on grand jury; January 1956, 2 colored members on grand jury; January 1957, 4 colored members on grand jury.

At Jackson, Miss., in January 1957, at a special session of the grand jury, five Negroes were called for grand jury service. Four of them served and one asked to be excused.

These officials reported to me that not one of them could remember when there had been a term of court without Negroes serving on the juries, and some of these officials had served as long as 20 years.

One of these court officials recalled that at a Federal term of court at Vicksburg within the last few years, Jury No. 1 for the week was empaneled and contained 8 colored jurors and 4 whites. This jury panel served for the week.

He was unable to get an authoritative tabulation of the jurors serving for the northern district of Mississippi. A great part of the northern district is composed of an area where there are very few Negroes. The court official who serves the entire district informed me that the colored jurors have served in every term of court where he has served, and his services have been continuous for almost 20 years. His estimate was that there were at least 6 or 7 colored jurors at each term of court on the average, and perhaps the average would be more.

I am very glad to have supplied this information.

Your colleague,

JOHN STENNIS.

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NEW ORLEANS, LA., *August 1, 1957.*

Hon. ALLEN J. ELLENDER,
Hon. RUSSELL B. LONG,
*United States Senators,*
*Senate Office Building,*
*Washington, D. C.:*

Be assured there is no discrimination in this district because of race or color in the selection of grand or petit jurors. From my personal knowledge this has been true for the last 20 years.

Kindest regards,

HERBERT W. CHRISTENBERRY,
*Chief Judge, United States District Court, Eastern District of Louisiana.*

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MIAMI, FLA., *August 1, 1957.*

Hon. GEORGE SMATHERS,
*Senate Office Building,*
*Washington, D. C.:*

Retel was appointed to Federal bench October 1953. Clerk Sprigg advises Negroes served on both grand jury and petit jury for past 27 years. Method of selection of jurors has been jury commissioner and clerk prepare list of names taken from registration lists (from colored and white precincts) rosters of civic and church organizations, labor unions, and women's organizations, with both colored and white organizations included. No discrimination is made against colored jurors and, as a matter of fact, in almost every jury case tried by me there have been colored people on jury. There have

been colored people on grand juries, names of which are drawn from the same list. Since I have been judge, and I am sure that it was likewise the practice for many years before, there has been no attempt to discriminate in the selection of juries. In passing, there has never been any complaint by litigants or attorneys because of the presence of colored jurors on the panel or in the box. I am sure that all of the Federal judges in Florida insist, and have long insisted, that there be no attempt to eliminate Negroes in the selection of juries, and they, like we in Miami, actually encourage such service.

Regards.

EMETT C. CHOATE,
*United States District Judge.*

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UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF FLORIDA,
*Jacksonville, Fla., July 30, 1957.*

Hon. GEORGE A. SMATHERS,
*United States Senator from Florida,*
*Washington, D. C.*

DEAR SENATOR SMATHERS: Responding to your inquiry respecting the service of Negroes on Federal court juries in this district, I would say that we have had a considerable number of Negro names in the jury boxes in both the Jacksonville and Ocala divisions (the two divisions over which I customarily preside) continuously and uniformly since October 1950, when I became a United States district judge. This was true with respect to the names in the boxes when I succeeded Judge Strum, and is likewise true of the names placed in the two boxes when they have been refilled (once in Ocala, twice in Jacksonville) since I have been on the bench.

Under the law the jury commissioner is of the opposite political party from the clerk. Both Mr. Williams, who was clerk when I became a Federal judge, and Mr. Julian A. Blake, the present clerk, who succeeded Mr. Williams, are Democrats, so we have had Republican commissioners. Mr. Cyril C. Spades, of St. Augustine, former Republican national committeeman from Florida, was the jury commissioner for the Jacksonville division for several years after I became district judge. Because of his other duties, I accepted Mr. Spades' resignation, and at his suggestion appointed Mr. R. P. McCain, a prominent local Republican, to succeed him.

The Negro names selected for placing in the box have come from various sources, but usually from persons prominent in the Negro community. The percentage of Negro names placed in the box would usually be about 5 percent, which is under the Negro percentage of the population, but until recent heavier Negro registrations, represented about the percentage of Negro voters to white. The percentage used was probably higher in comparison with the proportion of responsible citizens of both races.

With respect to actual service on juries, it is the very rare exception that we do not have 1 or more Negroes, sometimes as many as 4 or 5, on a petit jury panel, and the same is true of grand-jury membership. These observations are true of Ocala, as well as Jacksonville, juries in this court.

Mr. Julian A. Blake has been clerk of this court since December 1952. His connection with the clerk's office began January 1, 1924, when he began work in the Tampa office. Thereafter, he was for many years deputy clerk in charge at Tampa, and the chief deputy clerk at Jacksonville. His experience of 33 years covers the entire district. He tells me that Negroes were serving on Federal grand and petit juries in Jacksonville, Tampa, and Miami by direction of Judge Call when he started work in the clerk's office. Over the years he has had occasion to superintend the filling of jury boxes, and to actually fill them, at all division points in the district except Orlando. He states unequivocally that, without exception, in each instance when he has had occasion to actually fill the boxes, or to superintend their filling, that roughly 5 percent of the names were those of Negroes.

Mr. Blake and I are unable to devise a method of checking past grand and petit jury panels for Negro names, since there is no way of distinguishing white names from colored. He reminds me, however, that the absence of any Negroes on the last petit jury panel here, the latter part of June, was singular enough to call forth comment from both him and me that we could not remember a panel without one or more Negroes present and serving.

With kind personal regards, I am,
Sincerely yours,

BRYAN SIMPSON,
Judge.

(Copy to Hon. SPESSARD L. HOLLAND, United States Senator from Florida, Washington, D. C.)

Mr. O'MAHONEY. Mr. President, my only comment upon this issue tonight is this: On Monday last, under the leadership of the Chief Justice of the United States and several of his Associate Justices, 2,400 members of the American Bar Association paid a visit to Runnymede, and there, with great dignity and much devotion, they paid their tribute to those who wrung the Magna Carta from the hands of King John, who fancied himself to be an absolute monarch.

The Magna Carta and its signature are honored in the history of this country, because it was the first written enunciation of the right of trial by jury.

Seven-hundred-odd years ago the people of England insisted that Englishmen should suffer judgment calling for imprisonment only at the hands of their peers.

We stand in this Chamber, which was first opened to Senators not yet 100 years ago. Around the walls are the busts of the Vice Presidents, beginning with John Adams and Thomas Jefferson, followed by the others. All during these 100 years or less that this Chamber has been open, American statesmen have proclaimed their belief in trial by jury.

The question I ask all Senators tonight is whether, in the fancied service of the right to vote, they desire to turn back the clock of time and defeat trial by jury. Let no one imagine that the defeat of the trial by jury amendment will hasten or help the development of the expansion of the right to vote in the United States anywhere. I have no hesitation in proclaiming my confident belief that when the Senate of the United States tonight votes for a jury-trial amendment, as I know it will, the Senate will be sending the message far and wide across the country that we stand for three rights—we stand for the right to vote, we stand for the right to trial by jury, and we stand for the right of Negroes to serve on juries in United States courts.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I am speaking under limited time. I wish to add a few more words. I have heard Senators here tonight say, "Oh, but times have changed. The age has changed."

Mr. President, when the age has changed and the time has changed so that we can give up trial by jury, we will be putting our feet upon the path to totalitarian government.

That is why I plead tonight with my colleagues on the floor to tell all the residents of America that we are standing for the right to vote and wish to perpetuate the right of trial by jury, the only means by which we can permanently protect the right of the individual against the Government, just as the individuals in England protected themselves against their absolute monarch 700 years ago.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, sometimes it is profitable and informative to summon history as a witness. Tonight I would first summon, within the limited time I have at my disposal, a statement made by a great leader who came out of the South long ago. His name was Henry W. Grady. When he was 36 years of age he stood before the New England Society in New York, 70 years ago, and delivered a great speech which all students of public speaking still pursue. In that speech he said:

> We have planted the schoolhouse on the hilltop and made it free to white and black. The Negro shares our school fund, has the fullest protection of our laws. To liberty and enfranchisement is as far as the law can carry the Negro.

Mr. President, it is that enfranchisement, the giving of the right to vote, with which we have been concerned all these years.

I need not labor history. Senators, particularly those from the Eastern and Southern States, can tell me firsthand about the days of the grandfather clause, about the word "white" in the State constitutions, about the use of the poll tax, and the interpretations of State constitutions, which, if not satisfactory to the registrar, would mean no registration and no voting.

The jury-trial amendment is the modern counterpart of what has gone before in the effort to frustrate the right to vote. I trust no one will be fooled. Let me remind Senators this evening of the naive distinctions which have been made between civil contempt and criminal contempt. I say every person who may be cited for contempt can, by inviting the punitive action of the judge, make himself guilty of criminal contempt and secure a jury trial. That is as easy and as understandable as it can be. It is said that the difference lies in the mind of the judge. That is true only in part. When a person outrages the dignity of the court, he is in criminal contempt, and he can do it easily; and then every trial will be a jury trial.

In seeking the enforcement of the voting right, it has been said that by this spurious jury-trial proposal, which is the intent of the amendment, a new right has been added.

The trouble is we have not thought about the most important civil right of all. What is it? It is the right of the individual, through the election of his representatives, to participate in the making of the laws under which he shall

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live. That is the greatest human right. That is the greatest civil right under God's canopy in this free Republic. Tonight this is a solemn occasion, for after 80 years of effort, and after the clarion phrases of Henry W. Grady and others have come ringing down the corridor of time, we are about to frustrate the voting right all over again. We will be doing that if we incorporate in the bill the jury-trial amendment, because the contemnor will always have it in his power to invite criminal contempt, and then there must be a jury trial. Then, how is the voting right to be enforced.

There have been a great many smokescreens laid down. Reference has been made to the Hoxie case and to the Clinton case. I listened to the distinguished Senator from Florida this evening as he read what was in the contempt citation. All that he gave us was what the judge under the law has to put in it. There were, however, a good many other factors and aspects in the case which place it in a different light.

There is no doubt about the discrimination. These [indicating] are the hearings before the House committee. These [indicating] are the hearings before the Senate committee. They speak for themselves. I hope that we shall prayerfully consider our act before frustrating the hope that has been incubating in the hearts of the citizens of the United States for more than fourscore years.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. KNOWLAND. I yield 2 additional minutes to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I, too, have been thinking of Runnymede. I have been thinking of that English meadow where the barons and the commons wrested from despotic King John the first right. That throbbing force has been vibrating down through the centuries since seven-hundred-and-fifty-odd years ago, when the barons and the commons stood in Runnymede meadow with their King.

About 180 years ago in our own country, when the voting right was tied to the property qualification, there were people who wrested their independence from an imperious King, and sought for themselves the right to vote and to participate in their Government.

Mr. President, that has been going on from that day to this. I ask my colleagues to make no mistake about it. There is a surge of color in the world which will manifest itself, and there is a brooding justice in the shadows that will get its own, notwithstanding the legalisms and notwithstanding the brittle distinctions which have been made on the floor of the Senate for 3 solid weeks.

Recently we entertained in the Senate a visitor from Vietnam, a young man who almost on his own had to wrest the independence of his country from French tutelage and exploitation. Why? Because there is a moving spirit in the world. Then came Bourguiba, in Tunisia, a small country which stands on the site of ancient Carthage, and which has become the newest republic in the world. Why? Because there is a surge in the hearts of people. It is in the hearts of people of color. Here in our own country, just as inevitably as the sun comes up in the East, this cause will prevail.

I only say, What a tragic message the adoption of this amendment, if it should be adopted, will convey to a billion people scattered in Asia, Africa, indeed all over the world, who look upon the prestige and influence of this great free Republic as the saving grace in a feverish world. Are we going to frustrate them? Let us mark well that Tass News Agency is sitting in the gallery, and the word will go to the Soviet Union, and then by every artifice of their propaganda it will be disseminated into all the corners of the earth.

Yes, my colleagues in the Senate, this is a fateful moment, not only in the history of the Senate, but in the history of the colored people of the world. They shall mark well and prayerfully what we shall do. I hope we will not fail them.

Mr. KNOWLAND. Mr. President, I yield myself 3 minutes.

The issue before the Senate is the constitutional right to vote. I sincerely believe that the effect of a vote for the pending O'Mahoney-Kefauver-Church amendment will be a vote to kill for this session of Congress an effective voting rights bill, which is, in fact, all that is left of the civil-rights bill, H. R. 6127, as passed by the House of Reprsentatives.

For almost 100 years we have had statutes to protect voting rights and jury rights, but they have been largely ineffective in some areas of our country. This bill was designed to make effective the constitutional guaranty of voting rights to all qualified American citizens, and the prior legislation for the protection of those rights. If there is no obstruction of voting rights, there will be no civil or no criminal contempt.

When part III was stricken by Senators on the other side of the question, they had a great opportunity to gain a compromise which the House might have accepted. They have the power; and whoever has the power must accept the responsibility.

If part IV is now emasculated, it makes certain that the bill will have to go to conference; and from that place, in my judgment, it will not likely emerge at this session, and perhaps not at the next.

This will be a historic rollcall. Let it come. Our successors and history will be able to judge the issues, even if for the moment there is confusion here tonight. If we do not succeed here tonight, it is inevitable that this issue will return again and again until justice is done. It cannot be delayed, and it will not be denied.

The VICE PRESIDENT. The time of the Senator from California has expired.

Mr. KNOWLAND. I yield myself 2 additional minutes.

The constitutional issue, as heretofore mentioned, is contained in the 15th amendment, which reads:

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on acount of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Mr. President, shall we implement that part of the Constitution of the United States, or shall we accept complacently its nullification, be it in a dozen States, a single State, a dozen counties, or a hundred precincts?

As for me, I shall oppose this crippling amendment. In the year 1957 we should willingly and overwhelmingly provide a remedy for those denied their voting rights which were guaranteed in 1870, 87 years ago.

I appeal to my colleagues on both sides of the aisle to support the 15th amendment to the Constitution, which guarantees voting rights.

I appeal to my colleagues on both sides of the aisle to support their party platforms, guaranteeing voting rights.

I appeal to Senators on this side of the aisle to support our first Republican President, Abraham Lincoln, and the great ideals he stood for, and to support our present President, Dwight D. Eisenhower.

Mr. O'MAHONEY. Mr. President, I yield the remainder of my time to the majority leader.

Mr. JOHNSON of Texas. Mr. President, I yield 1 minute to the distinguished senior Senator from Kansas.

Mr. SCHOEPPEL. Mr. President, I ask unanimous consent that a statement I have prepared, entitled "Trial by Jury: What It Means To Americans," be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TRIAL BY JURY: WHAT IT MEANS TO AMERICANS

(Statement by Senator SCHOEPPEL)

I have been extremely interested in the legislation now before us, namely, the civil rights matter.

I have some misgivings about the way some of these matters have been approached, and have tried to be constructive, fair, and objective in approaching the subject.

One important phase of this proposed legislation has been discussed at length, and that is the jury trial.

Many positive views have been expressed, alarms have been sounded, I think not without justification.

Because I feel strongly about this subject, I want to present today some of my own views on trial by jury, and what it means to America.

"The trial of all crimes, except in cases of impeachment, shall be by jury";—with these words, deeply embedded in the heart of the American Constitution, our Founding Fathers guaranteed to all succeeding generations the precious heritage of trial by jury.

It is important today, I think, when this right to trial by jury is being threatened from a wholly new angle, to consider what trial by jury meant to the men who wrote it into our Constitution, to consider exactly what Madison, Franklin, and their coworkers had in mind when they made the procedure an integral part of American government.

So important did these men consider the right to trial by jury that, interestingly enough, there was almost no debate in the Constitutional Convention on the subject. No one thought to question the right—not one of our Constitution makers even considered limiting it.

The reason for their unanimity on the subject is not hard to discover, however, for

one of the main grievances which the colonists had against the British was precisely the denial of trial by jury.

The British, in accordance with the technical organization of their judicial system, permitted courts of admiralty to judge violations of the smuggling regulations—and these admiralty courts dispensed with juries completely. Thus American colonists were sentenced by judges appointed far away in England—they were being deprived of the right, first mentioned in Magna Carta, to a trial by their own peers according to the law of the land.

Technically, the British were breaking no laws in setting up a separate procedure, with no juries, just as technically it is not unconstitutional for judges without juries to sentence offenders in various types of contempt cases.

But it was as clear to our Founding Fathers as it is to many people here today that British efforts to eliminate trial by jury, like the current ones, were in effect a deliberate attempt to eliminate through a technicality one of the cherished rights of the individual.

From this original emphasis in American history, trial by jury has always meant something more than just a judicial procedure.

To these early Americans, whose political thinking laid the foundation for our great Republic, trial by jury in a nearby court was in fact an integral part of local democracy and self-government.

Americans were, and of right ought to be, as Jefferson put it, their own rulers, judging and governing one another as peers, not merely the subjects of judges and governors from across the ocean. Local self-government, the independence and initiative of separate communities from Maine to California—that is the spirit which has guided American progress from the first birth pangs of colonial revolt to the present responsibilities of free world leadership.

Americans today are not unmindful of this, their heritage. Trial by jury is one of the most precious of individual liberties, and at the same time one of the most significant of local responsibilities. It is a privilege for which there is no substitute.

To an individual accused of a crime, any kind of crime, there can be no greater protection than the knowledge that he cannot be punished, fined, or imprisoned until the facts of his case have been put before a jury of 12 of his fellow men.

And even to the individual who has committed no crime and has no intention of committing any, the knowledge that his freedom cannot be seriously abridged except by a jury trial provides the fundamental guaranty of his own position as a free American citizen.

From the point of view of the community, trial by jury represents a basic principle of law enforcement—namely, that the community itself shall not be denied the right to consider the facts and situations which may arise and endanger it.

Juries are chosen from the lists of qualified citizens in any area—those people are quite rightly assumed to be people with a real interest in administering the law and in protecting the community from crime and injustice.

To assume, as some people are now suggesting, that the verdicts of certain juries in certain areas are not correct, is to say that those areas or those people are not capable of judging true from false, right from wrong.

In effect, it is to say that those areas are not capable of governing themselves, but should be put under the control of judges, who, like colonial governors, are supposed to know better than the citizens themselves what is good for them.

How can any American suggest that?

Moreover, the use of juries serves not only to administer justice, but also to spread enlightenment to all who come in contact with it. In this connection I should like to quote from one of the most astute observers of American institutions, a European who could appreciate the privileges which we have always taken for granted. The American jury, Alexis de Tocqueville wrote, "imbues all classes with a respect for the thing judged and with the notion of right. If these two elements be removed, the love of independence becomes a mere destructive passion. It teaches men to practice equity—every man learns to judge his neighbor as he would himself be judged." And this is especially true of the jury in civil cases for while the number of persons who have reasons to apprehend a criminal prosecution is small, every one is liable to have a lawsuit. The jury teaches every man not to recoil before the responsibility of his own actions and impresses him with that manly confidence without which no political virtue can exist.

"It invests each citizen with a kind of magistracy; it makes them all feel the duties which they are bound to discharge toward society and the part which they take in its government. By obliging men to turn their attention to other affairs than their own, it rubs off that private selfishness which is the rust of society. * * * I think that the practical intelligence and political good sense of the Americans are mainly attributable to the long use that they have made of the jury in civil causes."

This educational role that jury trials have played throughout American history is an added argument against any effort to abridge it. Changes have come in American society because people have been continually able to educate themselves to the needs of the times.

Certainly the present moment, when far-reaching social, political, and economic changes are being sought by the supporters of the civil-rights bill, is the worst of all possible times to eliminate such a potent educational influence.

There is another important consideration which we can also not afford to ignore. At the time when the Constitution was written, when our ancestors put such clear stress upon trial by jury, the individual States were small; the total American population was only about 3 million.

Today, American citizens number some 170 million strong.

Then the power of the Federal Government was not great—today it is perhaps the strongest organization in the whole world.

This growth in our country and in our Government has provided many persons with greater opportunities, politically, economically, and socially—but at the same time it has reduced the power of the individual against the Government, and indeed against all the other large organizations of the time.

It is, therefore, particularly urgent today that we should preserve and cherish the rights guaranteed in the Constitution and the Bill of Rights.

In a day when substantive rights are continually being refined and reduced, there is a greater necessity than ever to maintain the procedural rights outlined in the Bill of Rights.

To deprive citizens anywhere in the country of the right to trial by jury, even though the primary aim may be to preserve some other right or privilege by that means, is like burning down the barn to kill the rats. Or, to put it in other terms, the cure is simply worse than the disease. In no case can the limitation or elimination of jury trials serve the cause of democracy and individual freedom which we cherish.

Let us remember that no government can function when it is afraid to trust the careful and honest decisions of its citizens serving as jurors.

Let us realize that America has grown great and strong precisely because America has always valued the rights of the individual and the responsibilities of the community as the very source of all liberty.

That is what trial by jury has represented throughout the course of American history. That is what trial by jury means to every responsible citizen today.

It is a right that should not be sacrificed to any expediencies of our time, but should be handed on to our descendants as it was to us, a precious testimonial of our faith in individual liberty and human dignity.

To that end I am determined not to dispense with this important American right in this or any other type of legislation wherein it might be considered.

Mr. JOHNSON of Texas. Mr. President, sometimes in the course of debate we use loose language. But it is not speaking loosely to say that the Senate is approaching a truly historic vote.

By adopting this amendment, we can strengthen and preserve two important rights. One is the right to a trial by jury. The other is the right of all Americans to serve on juries, regardless of race, creed, or color.

But the adoption of this amendment means something even more important. It means the strengthening of the basic purpose of this bill, which is to provide strong guaranties for the right to vote.

I believe we all recognize the fact that in this bill we are stepping into a new field of law enforcement. I am aware of the legal arguments that this is a traditional exercise of the powers of equity.

Those arguments will not be very impressive to our people. No lawyer—no matter how learned—will ever convince them that it is traditional to bring Federal judges directly into the voting cases.

As the bill now stands, it is an effort to convert criminal acts into civil offenses so that they may be punished criminally without a jury trial.

In my opinion, our people will accept the necessity for bringing the Federal courts into the election picture. They realize that there is a question of speed involved if the right to vote is to be effective.

But I do not believe that our people will accept the concept that a man can be branded a criminal without a jury trial. That is stretching the processes of the law too far.

If we were to insist upon criminal contempt proceedings without a jury trial, we would be inviting the very violations we seek to avoid. In my opinion, we could make no greater mistake.

This amendment has been carefully drawn. It leaves the Federal courts with full power to enforce compliance with legitimate court orders. It does not touch, in any manner, the coercive authority the judiciary properly should have.

It says only that a man cannot be branded as a criminal, in the sight of his fellow man, without a trial by jury.

North, South, East, or West, our people will respond to laws that are enacted fairly after reasonable consideration. Those who will not respond can be handled under the ordinary proceedings of criminal contempt.

Mr. President, I believe in the right to vote. I believe in strengthening that right. I believe further that most of our people share my belief or are at least willing to accept it.

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And I reject—absolutely reject—the contention that we must concentrate on threats in advance of violation. That is not the way to resolve an issue; it is only the way to create new issues.

Mr. President, I am not going to engage, tonight, in a lengthy argument on the merits of this amendment. There are on this floor able Senators who have explored every aspect thoroughly. The hour is late, and many Senators are prepared to vote.

But, before the rollcall is had in the Senate tonight, I should like to call the roll of the great men of the past. I do so only because I believe it will indicate the strength of the jury-trial tradition among our people.

It was Thomas Jefferson who said:

> They [the juries] have been the firmest bulwark of English liberties.

It was Alexander Hamilton who said:

> The more the operation of the institution [trial by jury] has fallen under my observation, the more reason I have discovered for holding it in high estimation.

It was the late Senator Walsh, of Montana, who said:

> There is not an argument that can be advanced or thought of in opposition to trial by jury in contempt cases that is not equally an argument against the system as we now know it.

It was the late Senator George Norris, of Nebraska, who said:

> A procedure which violates this fundamental right of trial by jury in criminal cases, even though it be a case of contempt, violates every sense of common justice, of human freedom, and of personal liberty.

Mr. President, these quotations could be continued into the evening, but it would be pointless to do so. The tradition of trial by jury is deep within the heart of our liberty-loving people.

Repeal that right, and our laws will become ineffective, except to incite disobedience. Recognize that right, and we shall have one of the strongest and most effective laws in our history.

Mr. President, I do not presume—as the minority leader has—to pass judgment on the actions of the other body. All I know is that tonight we in the Senate must do our duty as we see it.

Mr. President, when the roll is called, I hope this amendment will be adopted by a substantial vote.

Mr. President, I yield back the remainder of the time under my control, on the condition that the minority leader will do likewise.

Mr. KNOWLAND. Mr. President, I yield back the remainder of the time under my control.

Mr. JOHNSON of Texas. Mr. President, on the question of agreeing to the amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | |
|---|---|---|
| Aiken | Beall | Bush |
| Allott | Bennett | Butler |
| Anderson | Bible | Byrd |
| Barrett | Bricker | Capehart |
| Carlson | Hruska | Murray |
| Carroll | Humphrey | Neuberger |
| Case, N. J. | Ives | O'Mahoney |
| Case, S. Dak. | Jackson | Pastore |
| Chavez | Javits | Payne |
| Church | Jenner | Potter |
| Clark | Johnson, Tex. | Purtell |
| Cooper | Johnston, S. C. | Revercomb |
| Cotton | Kefauver | Robertson |
| Curtis | Kennedy | Russell |
| Dirksen | Kerr | Saltonstall |
| Douglas | Knowland | Schoeppel |
| Dworshak | Kuchel | Scott |
| Eastland | Langer | Smathers |
| Ellender | Lausche | Smith, Maine |
| Ervin | Long | Smith, N. J. |
| Flanders | Magnuson | Sparkman |
| Frear | Malone | Stennis |
| Fulbright | Mansfield | Symington |
| Goldwater | Martin, Iowa | Talmadge |
| Gore | Martin, Pa. | Thurmond |
| Green | McClellan | Thye |
| Hayden | McNamara | Watkins |
| Hennings | Monroney | Wiley |
| Hickenlooper | Morse | Williams |
| Hill | Morton | Yarborough |
| Holland | Mundt | Young |

The VICE PRESIDENT. A quorum is present.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Texas will state it.

Mr. JOHNSON of Texas. The pending question is on agreeing to the O'Mahoney-Kefauver-Church amendment, as modified; a vote for the amendment will be a vote "yea"; and a vote against the amendment will be a vote "nay"; is that correct?

The VICE PRESIDENT. The Senator from Texas is correct.

On this question, the yeas and nays have been ordered, and the Secretary will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from West Virginia [Mr. NEELY] is absent on official business.

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The result was announced—yeas 51, nays 42, as follows:

YEAS—51

| | | |
|---|---|---|
| Anderson | Hayden | Murray |
| Bible | Hill | O'Mahoney |
| Butler | Holland | Pastore |
| Byrd | Jackson | Revercomb |
| Capehart | Johnson, Tex. | Robertson |
| Case, S. Dak. | Johnston, S. C. | Russell |
| Chavez | Kefauver | Schoeppel |
| Church | Kennedy | Scott |
| Curtis | Kerr | Smathers |
| Eastland | Lausche | Smith, Maine |
| Ellender | Long | Sparkman |
| Ervin | Magnuson | Stennis |
| Frear | Malone | Talmadge |
| Fulbright | Mansfield | Thurmond |
| Goldwater | McClellan | Williams |
| Gore | Monroney | Yarborough |
| Green | Mundt | Young |

NAYS—42

| | | |
|---|---|---|
| Aiken | Douglas | Martin, Pa. |
| Allott | Dworshak | McNamara |
| Barrett | Flanders | Morse |
| Beall | Hennings | Morton |
| Bennett | Hickenlooper | Neuberger |
| Bricker | Hruska | Payne |
| Bush | Humphrey | Potter |
| Carlson | Ives | Purtell |
| Carroll | Javits | Saltonstall |
| Case, N. J. | Jenner | Smith, N. J. |
| Clark | Knowland | Symington |
| Cooper | Kuchel | Thye |
| Cotton | Langer | Watkins |
| Dirksen | Martin, Iowa | Wiley |

NOT VOTING—2

| | |
|---|---|
| Bridges | Neely |

So the amendment was agreed to.

Mr. O'MAHONEY. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Wyoming.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The bill is open to further amendment.

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## ADDRESS BY GEN. DOUGLAS MACARTHUR

Mr. BYRD. Mr. President, it gives me great pleasure to ask unanimous consent to have printed in the body of the RECORD a very outstanding address delivered by Gen. Douglas MacArthur in New York City on July 30.

This speech is deserving of the study and careful attention of all those who believe in sound government.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Following are extracts from the remarks made by Gen. Douglas MacArthur, chairman of the board of directors, at the annual stockholders meeting of the Sperry Rand Corp., July 30, 1957, New York, N. Y.:

"The world is entering an age of evolution greater than it has ever before known. Never in the 2-billion year history of human life, in the 5 billion years in which the earth has spun through the black vacuum of space from the sun, has man's faculty for learning assumed such immense new scope and power. We are acquiring an ever greater degree of control and mastery over the processes of nature. We are now exploiting, not only scientifically but practically, the cosmic energy. We are graduating from earthly to universal dimensions. This evolution has happened so quietly and naturally—without ceremony or undue emphasis, without great debate or acid controversy—that we hardly know the exact instant that the change occurred. The tick of the clock sometimes sounds so softly we do not hear it; yet we now know the hour has struck. Vast panoramas will unfold before us, wave following wave, of a magnitude and diversity not as yet fully comprehended. Machines and mechanical devices will more and more operate other machines in an endless growing cycle, defined as automation, of labor-saving and multiple-production systems.

"To believe that this will be an evil, threatening mass unemployment and a consequent social upheaval somewhat similar to the disorders individual labor temporarily sustained in the industrial revolution of the 18th and 19th centuries, would be illogical. Such an attitude would manifestly discount completely the relative slowness of the development and the corollary and beneficent improvements which always accompany progress. There will be changes in jobs requiring adaptation of the labor force but nothing to cause a large volume of unemployment. Actually, the productivity of the economy can be expected to grow at the rate of 3 to 4 percent a year while the number of new workers, due to growth of population, will be only about 1.5 percent.

"Nuclear energy and electronic advances cannot fail to bring an age of relative plenty. For the first time there will be provided the tools which promise to mankind the satisfaction of his basic economic and material

needs. Some of you may well live to see the day when we will be drawing energy not only from the sun but from the tides and the winds; will be creating unheard of synthetic materials; will be purifying sea water; will be mining ocean floors for basic minerals; will be celebrating a life span of a hundred and more years; will be launching spaceships to reach the moon; will see poverty for the first time faced with possible extinction. Living standards will be the highest, scientific advances will be the most revolutionary, world affairs will be the most exciting in all history."

* * * * *

"If businessmen were to be allowed a wish, I am sure it would be unanimously for lower taxes. The tax burden now is so oppressive as to be almost confiscatory of venture capital. As Secretary of the Treasury Humphrey recently testified before a Congressional committee, '* * * the present heavy tax burden will seriously hamper necessary economic growth,' adding that, '* * * spending under existing Government programs will rise as fast as the increase in revenues resulting from economic growth unless Congress and the administration alter and reduce those programs.'

"Taxes for 1956 came to a staggering total of more than $100 billion. The Treasury received $70 billion and State and local governments the other $30 billion. This means that the cost of government consumes almost one-third of the national product which is the sum of all goods and services by the entire population of the United States. The Government's appetite for taxes has grown steadily and inordinately. In 1885 the per capita tax take was $1.98. In 1917 it was $7.92. During World War I it rose to $35.70. In 1932 there was a dropoff to $12.48. The high point of World War II was hit in 1945, at $312.86. Last year the fiscal year of 1956, was the costliest of all, $446.86 per head for every one of us. Such jet-propelled figures are difficult to comprehend. Much is hidden from direct view in the form of unseen nibbles at the paycheck after payment of the direct income tax. You never know you are paying because they appear as part of the purchase price of the items you buy. For example you pay in this indirect way: 20 percent of the cost of your food, $800 on a $3,000 automobile, half the cost of a package of cigarettes, nearly nine-tenths of the price of a bottle of whisky.

"Taxes have grown so rapidly in recent years that now they are the largest single item in the cost of living. Americans will pay for Government this year more than they will spend on food, clothing, medical care, and religious activities combined.

"Before you sit down to a meal, morning, noon, or night, this is what happens:

"The tax agent collects from the farmer who grew your food. He collects from the fertilizer companies and farm equipment manufacturers who supplied the farmer. He collects rail and truck transportation taxes, manufacturers' excise taxes, telephone taxes, property taxes, sales taxes, income taxes, social-security taxes, gasoline taxes, license fees, inspection fees, permit fees; all these—and so many others that nobody even knows what they are. When you buy a dozen eggs you pay at least 100 tiny taxes which do not appear on the bill. There are 151 taxes on a loaf of bread, at least as many and maybe more on a pound of beefsteak, a box of soap, a can of beans. Billions a year are drained off which should be invested in new or enlarged enterprises or spent on the products of these enterprises. I do not hesitate to predict that if Government continues to wrest from the people the basis for future industries and businesses our rapidly increasing population may eventually outgrow the number of jobs available and industrial labor will then face its greatest threat.

"There seems to be no restraint in this lust for taxes. It began with the Federal income tax law of 1914 which gave unlimited access to the people's wealth, and the power for the first time to levy taxes not for revenue only but for social purposes. Since then the sphere of Government has increased with a kind of explosive force. Thomas Jefferson's wise aphorism, 'That government is best which governs least,' has been tossed into the wastebasket with ridicule and sarcasm. Whether we want it or not, we pay now for almost unlimited government; a government which limits our lives by dictating how we are fed and clothed and housed; how to provide for old age; how the national income, which is the product of our labor, shall be divided among us; how we shall buy and sell; how long and how hard and under what circumstances we shall work. There is only scorn for the one who dares to say, 'The Government should not be infinite.'

"Actually, the national budget now governs the economy. Unfortunately, it is becoming more and more abnormal. For years we have been spending far beyond our means. Our indebtedness is now estimated to be nearly $700 billion, a sum greater than the combined debt of all the other nations of the world. And, it has been charged without challenge that our Government this year proposes to spend as much as all other governments put together.

"The Russian dictator, Lenin, that implacable foe of the free-enterprise system, predicted as early as 1920 that the United States would eventually spend itself into bankruptcy. How many of our leaders still hear the echo of Thomas Jefferson's voice when he warned with reference to the future of this country:

" 'I place economy among the most important virtues and public debt as the greatest of dangers to be feared. To preserve our independence, we must not let our leaders load us with perpetual debt. We must make our choice between economy with liberty, or profusion with servitude. The same prudence which in private life would forbid our paying our money, forbids it in the disposition of public money. We must endeavor to reduce the Government to the practice of rigid economy to avoid burdening the people and arming the magistrate with a patronage of money which might be used to corrupt the principle of government * * *. The multiplication of public offices, increase of expense beyond income, growth of the public debt, are indications soliciting the employment of the pruning knife * * *. It is incumbent on every generation to pay its own debt as it goes.'

"How incomparably different in philosophy from Karl Marx, that patron saint of communism, who 50 years later, while planning the destruction of all constitutional government, said:

" 'The surest way to overturn the social order is to debauch the currency.'

"He referred, of course, to the process of inflation, induced by extreme taxation; the process of 'planned economy'; the process of controlling economic conditions and thereby controlling the lives of individuals—a control of fiscal, monetary, and general economic forces which produces higher prices and a gradual devitalizing of the purchasing power of money. The continuing rise in the cost of living is due to our drift deeper and deeper into inflation until today our whole economic, social, and political system is infected by an inflationary mentality which approaches a point where the very foundations of our structure are threatened. 'Taxation,' with its offspring, inflation, said Lenin, in support of the basic thesis of Karl Marx, 'is the vital weapon to displace the system of free enterprise'—the system on which our Nation was founded—the system which has made us the most prosperous people of all history—the system which enabled us to produce over half of the world's goods with less than one-seventh of the world's area and population—the system which gave our people more liberty, privileges, and opportunities than any other nation ever gave its people in the long history of the world. No wonder Herbert Hoover recently exclaimed in reviewing our situation, 'The spirit of Karl Marx no doubt rejoices * * *. He recommended some such actions as the road to socialism.' And by socialism he meant the forcing of a centrally controlled economic life upon all persons in the nation, under an authoritarian monopoly that is politically managed.

"Chief Justice John Marshall warned as early as 1819 that '* * * the power to tax involves the power to destroy.' And he might have added that the road to destruction is the road of socialism. Its evidences which we see and talk about so much—the collectors and dispensers of socialistically used funds, the planning committees and enforcement bodies, the services they presume to render and the pyramids they build, the votes they coerce to maintain control—all these expressions of socialism are but the offspring of excessive taxation. If we want economic liberty, want to be free to work most productively and to have what we produce, our concern must focus on the tax roots to shut off the revenue which nourishes the disease. To work at the other end and merely bemoan the detailed projects of socialism or damn the persons who happen to be manning those projects at the moment, or even to change political personnel, would be about as effective in stopping socialism as changing undertakers would be to stop death.

"Excessive taxation produces results somewhat resembling the evils of slavery and serfdom in days of old. To illustrate: The Government takes in taxes over a third of the income of the average citizen each year. This means that he or she is required to work entirely for the Government from January 1 until May 10. This begins to resemble the Soviet forced-labor system. It practically reduces the citizen for protracted periods to what amounts almost to involuntary servitude. It is indeed the modern although humanized counterpart in the 20th century of the abandoned slavery and serfdom of the preceding centuries. We will be fortunate if it does not finally reduce individuals to the universal status of robots.

"The present tax structure is even now probably adequate eventually to socialize the United States. Our tax-take is already greater than that of the admitted national socialistic countries, whether on this or the other side of the Iron Curtain. The effects may not yet be fully evident to the superficial eye, but the erosion of incentive, ingenuity, and integrity that results will be as deadly as the hidden cancer is to life. It can in time change the basic character of this great Nation as it has every other nation where it has become indelibly affixed.

In the last two decades our tax system has resulted in a creeping inflation which has devitalized the American dollar to 40 percent of its previous purchasing power. If the present trend continues, the dollar may well sink to half its present value within another decade. Those who suffer most from such fiscal debasement are the men of small means—those living on fixed incomes, wages, annuities, or pensions—especially the workingman. But inflation does even more than debauch a nation's currency; it also debauches a nation's morals. It creates a false illusion of prosperity; it discourages thrift and honest effort; it encourages the kind of speculation that expects something for nothing. History shows how difficult it is for a nation to recover once it is in the sway of an irredeemably depreciating currency. The tendency is for prices to go higher and

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higher, the value of money to go lower and lower.

"The inflationary forces which undermine the Western World of today are the same forces which were at work 1,700 years ago during the decline of the Roman Empire. Just as in Rome, our civilization is living beyond its means. It is living more and more for the moment, trying to anticipate today the pleasures of tomorrow. Why save, asks the citizen, if savings are likely to be expropriated through taxes and inflation? Why wait for the day when we can afford a house, or a car, or a TV set, if we can buy those things today on credit? It is no longer enough that our economy grows annually faster than the increase in population; the call is for twice this growth. Wages must rise faster than productivity; the standard of living faster than income. This is the folly known as inflation; yet many prominent economists and innumerable others still preach the desirability of what they call 'limited inflation.' Few know that Lord Keynes, generally regarded as the modern apostle of inflation, because of his famous treatise on finance, is said to have remarked just before he died that he must write another book to warn the British people that, '* * * there is danger in inflation.' Even ex-President Truman, a main protagonist of high taxation and free spending, recently wrote:

"'I do not wish to minimize the serious consequences of the type of inflation we are now experiencing. It has already brought hardships to a large segment of our population, in the cities as well as on the farm, and especially to those who have to live on pensions and fixed incomes.' What a change there is, oh my countrymen. What a difference it would have made had it come at the zenith of his Presidential power rather than in the dismal aftermath of a paid newspaper column. But inflation is not a question of partisan politics. It can be controlled only if both political parties really wish to stop it; only if both parties are determined to limit spending so as to be within our means.

"If financial output has to be increased in one segment it must be correspondingly decreased in another. If defense spending has to go up, other spending, whether for housing, roads, schools, farm aid, or social benefits, must be curtailed accordingly. This is only common sense. But, even though tax receipts have doubled during the postwar era, total public spending continues to exceed revenues. Promises continue to be made to expand all sectors of the economy at the same time. Some are 42 percent larger than they were in 1953–54. Literally dozens of welfare projects little understood by the general public are hidden in the more than 1,000 pages of the budget which has grown so big that nobody has any clear idea how much waste it actually contains. Some almost incredible and fantastic falsities have been progressively foisted upon public opinion with reference to it. One is that it is a perfect example of scientific fact, that it is as true as 2 and 2 make 4, that it is arithmetically a perfect equation which cannot be disputed, that its preparation is rooted in such learned hands as to be quite beyond the comprehension of the ordinary citizen. This is all complete bosh and nonsense. The national budget is but the guesswork of a small group of individuals, temporarily gathered in Washington by administrative assignment, whose previous training and experience has little to do with acquiring any specific knowledge of the Nation's need. Each one, engrossed with the superimportance of his own function and power, estimates a maximum that he deems he can utilize, irrespective of extravagance. The sum of these, with some modification, becomes the budget unless someone at the top lowers the estimates to correspond with the actual resources expected to be available. The problem, a balanced budget, instead of being a mystic and untouchable phenomenon, is actually the commonest and most universal one in the world. It faces the head of every household every year of life. It is simply, how much can be spent safely on living expenses. The question is not what can be luxuriously used, not even what may be actually necessary, but what can be obtained with the money available without injudicious borrowing. If one's natural desires were followed they would always amount to much more than could be actually afforded. But the householder is forced to exercise prudent restraint and practice thrift or eventually he will face disaster. He must be able to say "No" to excess items when everything in him wants to say "Yes."

"It is exactly the same basic problem in government, with the vital difference that the money involved is not that of his own but that of others collected by taxation. But what a monumental difference this makes. Instead of being frugal, one becomes lavish. Instead of being careful, one becomes reckless. Instead of being conservative, one becomes radical. Temptation assails one from every angle. Ambition becomes very human indeed. The pressure of political currents, the blandishments of powerful lobbies, the allurements of expanding horizons, the disease of power, all play their potent part. At best, the result is but a guess: a speculative estimate with little or no controlling influences. How wrong it can be is testified to by the surpluses that have accumulated over the years. These surpluses, the overestimates in the national budgets of actual needs, glut our warehouses from coast to coast. They are not limited to agricultural products but exist in practically every field and every commodity. A member of the Hoover Commission, which studied the matter, estimated to me that in the last decade perhaps $100 billion worth of surplus had accumulated. A large portion of this, he said, could probably never be gainfully used. This is but one facet depicting the frailty, the inaccuracy and the extravagance of the casual budget. I know from actual experience these frailties. For 5 years I made up the budget for the Army and Air Corps when I was the Chief of Staff, and for 6 years supervised the Japanese budget when Supreme Commander for the Allied Powers in the Far East. The estimates submitted to me were astronomical compared to the moneys available without borrowing; but, it may interest you to know that the largest yearly budget I put in for the Army and Air Force, which were then combined, was approximately $400 million, and the highest for the entire Japanese nation of more than 80 million people was less than $2 billion. Yet, I can say confidently that the security of the United States was as relatively safe then as now, and that Japan's present prosperity, built on its postwar occupation budgets, has never been surpassed in modern times.

"Only a month ago, Senator BYRD, the most potent financial voice in Congress, warned that he feared the country would 'go over the precipice of financial disaster if the rise in Government spending were not curtailed.' He said the country faces a 'great potential danger because the Government has exhausted its power to tax and exhausted it power to borrow,' that it has no reserves.

"Our swollen budgets constantly have been misrepresented to the public. Our Government has kept us in a perpetual state of fear—kept us in a continuous stampede of patriotic fervor—with the cry of grave national emergency. Always there has been some terrible evil at home or some monstrous foreign power that was going to gobble us up if we did not blindly rally behind it by furnishing the exorbitant funds demanded. Yet, in retrospect, these disasters seem never to have happened, seem never to have been quite real.

"Another of the great illusions in that the Government gives the people free much of what they get from its services. I am convinced that the average citizen has no idea who pays for big Government and how much. The painful truth is this: the Government produces nothing of itself. Whatever it spends for people it must previously take from the people in the form of taxes. Moreover, whenever the Government gives a service to people, it must at the same time take away from the people the right to provide and decide for themselves. And the amount which Government doles back to the people or spends to promote welfare is always only a fraction of what it takes away, because of the excessive cost of governmental administration. It is the little people that pay the largest part of the bill. Eighty-five percent of all the billions of dollars paid in income taxes comes from the lowest rate—the 20 percent paid by all persons with taxable income. Only 15 percent is added by all the higher rates up to 91 percent. Indeed, it has been suggested that one reason for the steep graduation of the income tax is to make the public think that people with high incomes pay most of the taxes. It is another illusion to think that excessive rates of a graduated income tax tend to redistribute the wealth. It merely prevents its accumulation and thereby blocks expansion of the Nation's economic strength. The very source of new and better jobs thus disappears. This is economic folly based on the false proposition that growth can be maintained through continuous inflation.

"But, even greater issues are involved than any I have yet mentioned. Some years ago, the late President Woodrow Wilson made the following statement:

"'The history of liberty is the history of the limitation of governmental power, not the increase of it.'

"The contest for ages has been to rescue liberty from the constantly expanding grasp of governmental power. The great patriots of the American Revolution revolted not so much against the actual taxes imposed upon them by a British King but against the concept of government behind the taxes; the concept that government had unlimited power to do what government thought proper. They had a deep suspicion that government, if permitted, would waste the labors of the people and ultimately curtail the power of the people, always under the pretense of taking care of the people. That is why they tried to bind the government down with the modest restrictions of a constitution, limiting the government's powers to the performance of carefully specified responsibilities.

"Daniel Webster said on the floor of the United States Senate:

"'All republics, all governments of law, must impose numerous limitations and qualifications of authority; they must be subject to rule and regulation. This is the very essence of free political institutions. The spirit of liberty is a sharp-sighted spirit; it is a cautious, sagacious, discriminating, far-seeing intelligence; it is jealous of encroachment, jealous of power, jealous of man. It demands checks, it seeks for guards, it insists on securities; it fortifies with all possible care against the assaults of ambition and passion. It does not trust the amiable weaknesses of human nature, and therefore it will not permit power to overstep its prescribed limits, though benevolence, good intent, and patriotic purpose come along with it. Neither does it satisfy itself with flashy and temporary resistance to authority. Far otherwise, it seeks for

duration and permanence. It looks before and after; and, building on the experience of ages which are past, it labors diligently for the benefit of ages to come. This is the nature of constitutional liberty; and this is our liberty if we will rightly understand and preserve it. Our security is in our watchfulness of executive power. It was the constitution of this department, which was infinitely the most difficult part in the great work of creating our present Government. To give to the executive department such power as should make it useful, and yet not such as should render it dangerous; to make it efficient, independent, and strong, and yet to prevent it from sweeping away everything by its union of military and civil authority, by the influence of patronage, and office, and favor; this indeed was difficult.

"'I do not wish to impair the power of the President as it stands written down in the Constitution. But * * * I will not blindly confide, where all experience admonishes me to be jealous; I will not trust executive power, vested in the hands of a single magistrate, to keep the vigils of liberty.'

"He spoke those words 123 years ago; but they could as well have been spoken but yesterday.

"There are many who have lost faith in this early American ideal and believe in a form of socialistic, totalitarian rule, a sort of big-brother deity to run our lives for us. They no longer believe that free men can manage their own affairs. Their central thesis is to take your money away from you on the presumption that a handful of men, centered in Government, largely bureaucratic, not elected, can spend the proceeds of your toil and labor to greater advantage than you who create the money. Nowhere in the history of the human race is there justification for this reckless faith in political power. It is the oldest, most reactionary of all forms of social organization. It was tried out in ancient Babylon, ancient Greece, and ancient Rome; in Mussolini's Italy, in Hitler's Germany, and in all Communist countries. Wherever and whenever it has been attempted, it has failed utterly to provide economic security, and has generally ended in national disaster. It embraces an essential idiocy, that individuals who, as private citizens, are not able to manage the disposition of their own earnings, become in public office supermen who can manage the affairs of the world.

"The Soviets have tried to legislate the perfect society; and today the average Soviet citizen has little more freedom and less comfort than the inmates of American jails. The old American philosophy of government more effectively promoted the ideal of human freedom, with greater material abundance for more people, than any social system ever propounded; freedom to live under the minimum of restraint—freedom to make your own mistakes if you will. The fundamental and ultimate issue at stake therefore is not merely our money, it is liberty, itself; the excessive taxation of an overgrown government versus personal freedom; a least common denominator of mediocrity against the proven progress of pioneering individualism; the free enterprise system or the cult of blind conformity; the robot or the free man.

"On September 12, 1952, Senator Robert Taft conferred at Morningside Heights with his successful convention rival for the nomination for the Presidency of the United States, General Eisenhower. They later issued a manifesto containing the following statement:

"'There is and has been one great fundamental issue * * * it is the issue of liberty against the creeping socialization in every domestic field. Liberty was the foundation of our Government, the reason for our growth, the basis of our happiness and the hope of our future. The greatest threat to liberty today is internal, from the constant growth of big government through the constantly increasing power and spending of the Federal Government. * * * The essential thing is to keep our expenditures * * * at a percentage of our total income which will not destroy our free economy at home and further inflate our debt and our currency.'

"How I wish that instead of my feeble voice I could sound those words as though they were written in blazing rainbow colors on the very arch of the sky."



## MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 7441. An act making appropriations for the Department of Agriculture and Farm Credit Administration for the fiscal year ending June 30, 1958, and for other purposes; and

H. R. 7665. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1958, and for other purposes.

## TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

## ADDITIONAL EXECUTIVE REPORT OF A COMMITTEE

Mr. BRICKER. Mr. President, as in executive session, from the Committee on Interstate and Foreign Commerce, I report favorably the nomination of Jerome K. Kuykendall, of Washington, to be a member of the Federal Power Commission, and I submit a report (Ex. Rept. No. 11) thereon. I ask that the report be printed, together with minority and individual views.

The VICE PRESIDENT. The report will be received and printed, as requested by the Senator from Ohio; and the nomination will be placed on the Executive Calendar.

## ADDITIONAL BILL INTRODUCED

Mr. NEUBERGER (for himself and Mr. MORSE), by unanimous consent, introduced a bill (S. 2679) for the relief of Diann Marie Vesper, which was read twice by its title, and referred to the Committee on the Judiciary.

## RECESS TO 10:30 O'CLOCK A. M.

Mr. JOHNSON of Texas. Mr. President, pursuant to the order previously entered, I move that the Senate stand in recess until 10:30 o'clock a. m.

The motion was agreed to; and (at 12 o'clock and 19 minutes a. m.) Friday, August 2, 1957, the Senate took a recess, the recess being, under the order previously entered, until 10:30 o'clock a. m. the same day.

# HOUSE OF REPRESENTATIVES

THURSDAY, AUGUST 1, 1957

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Almighty God, inspire us during this day with a sense of the grandeur and glory of life and may the manifestation, which Thou hast made of the true, the beautiful, and the good, evoke within us the spirit of gladness and gratitude.

May all the barriers that prevent us from living the free and full life be broken down and may the freedom, which we are seeking to possess and enjoy, always be coordinated with self-discipline.

God forbid that we should ever harbor within our minds and hearts the wrongful feelings of pride and prejudice, of duplicity and dishonesty, of envy and jealousy, of ill will and hatred.

Grant that we may cherish and cultivate the nobler virtues and choose the more excellent ways of humility and self-denial, of kindness and sympathy, of love and service, of charity and considerateness.

To Thy name we ascribe all the praise. Amen.

The Journal of the proceedings of yesterday was read and approved.

## NIAGARA RIVER POWER PROJECT

Mr. ALGER. Mr. Speaker. I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to to the request of the gentleman from Texas?

There was no objection.

Mr. ALGER. Mr. Speaker, I wish to address the House on the matter on which yesterday I demanded a quorum call. It was my intention to address the House at that time. For the same reason I made the statement yesterday that I disapproved of the fact that only 99 Members were present when we were going to put the Niagara River into public power production for the first time in history. I disliked the way the matter was brought up and I shall vote against it. I weigh the merits of this bill in the same way that I studied the merits of the Texas appropriation bill yesterday and then voted against it, despite my high regard for the gentleman from Texas [Mr. FISHER]. Voting on a bill is not a personal matter as I see it. Now I simply want to inform you that you are voting to put the Niagara River under public power for the first time in history. I disapprove of it for my part. I hope some of you will join me in voting against the bill. Those opposed to public power development should oppose this socialistic project being sponsored by the New York power authorities.

## OKLAHOMA'S MOTHER OF THE YEAR

Mr. MORRIS. Mr. Speaker, I ask unanimous consent to address the House

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for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MORRIS. Mr. Speaker, just last weekend our distinguished and beloved colleague from Oklahoma [Mr. EDMONDSON] had the rare privilege of seeing his mother honored as the Mother of the Year of Eastern Oklahoma by her fellow citizens in Muskogee, Okla. It was a fitting and well-deserved tribute to one of the finest ladies Oklahoma has ever claimed.

We know the qualities of our colleague and we surely see mirrored in him the character of his dear mother. Someone once said: "Show me a good mother and I'll show you a good son." That has never been more true than in the Edmondson household.

Mrs. E. A. Edmondson was honored for her motherhood of two of the outstanding young men of our State—our colleague ED EDMONDSON, and his brother Howard Edmondson who is unquestionably one of the outstanding county attorneys in the history of our State.

Sophocles said that "Children are the anchors that hold a mother to life." Since the passing of their father some years ago, these splendid young men have in every respect lived up to the enviable reputation of their "dad" who was one of the most loved and respected men in Muskogee. The memory of his goodness has been immortalized in the lives of his two sons, and surely that must have been a great inspiration to their mother in recent years.

In his simple way, Abraham Lincoln paid history's great tribute to mother in these words: "All that I am, or hope to be, I owe to my angel mother."

As we watch the stars of these Edmondson brothers rise and shine daily brighter on the political scenes of our State, we pause to pay tribute to the wonderful mother who gave to us these men of such great character and ability. In so doing, we recognize that no honor we can possibly pay her can ever equal that which is reflected upon her by her own sons.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. MORRIS. I yield.

Mr. ALBERT. I desire to associate myself with the very appropriate remarks made by my colleague about Mrs. Edmondson. I know Mrs. Edmondson. She is the distinguished mother of two of Oklahoma's most distinguished sons. She is modest, charming, and beautiful. In her own right, and in every respect, she deserves the honor she has earned and merits the fine tribute which my colleague has paid her.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. MORRIS. I yield.

Mr. EDMONDSON. I would like to thank the gentleman from Oklahoma from the bottom of my heart for his gracious and graceful tribute to my mother.

## THE SO-CALLED CLAIMS OF THE REPUBLICAN ADMINISTRATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, like my colleagues who have preceded me, I have also seen the Republican campaign kit recently prepared for distribution. I note the Department of Agriculture is one of the agencies which comes in for bouquets from the authors of the kit. While the chairman of the Committee on Agriculture is present, I would like in advance of his statement to call attention to and to put in evidence excerpts from the August issue of Capper's Farmer, a magazine which carries the name of a former distinguished Republican United States Senator, Senator Capper, founder and for many years publisher of Capper's Farmer.

Let me quote the following from page 16:

> The administration is out to remove Government pricing as an income-supporting device. It wants supports only at disaster-protection levels. Beyond this, the administration has outlined no constructive program for the future.

Quoting further:

> Is Secretary Benson out to remove all supports if he can? After most surpluses are gone, yes. But while surpluses last, he wants to dwindle supports.
>
> Here's his record on supports:
>
> He asked for and got power to reduce basic support to 75 percent of parity. He has reduced props under "surplus" crops to about that level—77 percent of parity for corn and cotton this year, 75 percent for wheat in 1958. He now labels that step No. 1—in line with his policy of gradualism.
>
> The next step, Benson says, is to get almost blank check authority to lower supports to zero. * * *
>
> How is the rug being pulled from under public acceptance of supports? By relentless public education and calculated official action, as the record reveals it.
>
> USDA officials make speeches discrediting present programs without setting up any eventual goal except freedom. Thus the talks undercut supports, and make the farmer look like the country's conniving poor relation. * * *
>
> The shooting opened up as soon as Benson took office in 1953—when he publicly damned USDA as a swollen bureaucracy. (USDA now has 25 percent more employees, 100 percent more assistant secretaries, plus more programs, than when Benson took office.)

## SECRETARY BENSON

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COOLEY. Mr. Speaker, I have been really amazed by the statements which have been issued.

Mr. HOFFMAN. Mr. Speaker, I make the point of order that a quorum is not present. Everybody ought to hear this.

Mr. Speaker, if the Speaker does not want it and if my colleagues do not want it, I will withdraw it.

The SPEAKER. The point of order of no quorum is withdrawn.

Mr. COOLEY. Mr. Speaker, these conclusions reached by the Republican committee seem to me rather absurd. I know that Mr. Benson contends he inherited a bad program. I want to speak to you about that program, and about what has been happening since he began tearing down the parity principle that the farmers were so long in winning and which the country had come to regard as fair and just. Mr. Benson now proposes that he be given authority to destroy the farmers' price-support program completely. I challenge any Republican in this House to introduce Mr. Benson's bill which he left on the doorstep of our committee room on May 28 this year. There is not a Republican in this House that believes in Mr. Benson's philosophy, who is willing to sponsor Mr. Benson's bill, and it has been that way ever since Mr. Benson has been in office.

Mr. HOFFMAN. Mr. Speaker, if the gentleman will yield, drop it in for me. I do not care.

Mr. COOLEY. I do not care to drop it in. You may drop it in yourself. I do not wish to touch it.

Mr. Speaker, the Republican committee statement, which is in discussion here, opens with the assertion that

> When the Republican administration came into office in 1953, farm income and prices were falling * * * and crop surpluses bulged from storage bins and warehouses across the country.

It says:

> The first task of Secretary of Agriculture Ezra Taft Benson was to accomplish the long-delayed transition of the Nation's agricultural economy from a wartime to a peacetime basis.

Let me say first, Mr. Speaker, that transition from war to a peacetime economy has meant something different to Mr. Benson than to everybody else. While every other segment of our economy was striving to improve itself, Mr. Benson began his campaign to lower the prices of the things farmers produce and sell. It was a strange thing to see Mr. Benson in 1953 appealing to the Congress to cut down the farmers' price support program, from 90 percent of parity to 75 percent, at the same time that the Secretary of Labor was petitioning the Congress to increase labor's minimum wage from 75 cents an hour to 90 cents an hour. Mr. Benson got his way—75 percent for farmers. The minimum wage was set at $1 an hour.

Mr. Speaker, in this brief minute allotted to me, let me, on behalf of the farmers of America, give this House a short sketch of the situation in agriculture when Mr. Benson took office, and what the situation is today.

When Mr. Benson was sworn in in January 1953 farm prices had been at or above 100 percent of parity for 11 consecutive years—the most prosperous era in agriculture in all our history. Farm prices held at exactly 100 percent of parity in 1952. Under Mr. Benson they declined to 92 percent in 1953, to 89 percent in 1954, to 84 percent in 1955, and to 83 percent in 1956.

In 1956 the per capita income of farm people, from all sources, was down to $889, while the per capita income of all persons not living on farms rose to a record $2,010.

Farm income has dropped from $14,256,000,000 in 1952 to $11,800,000,000 in 1956.

Farm debt has risen from $6,600,000,000 in 1952 to approximately $10 billion today.

When Mr. Benson was sworn in, the Commodity Credit Corporation price supports for the basic crops actually showed a 20-year profit of $13 million. That profit has been turned into a $1,515,000,000 loss.

For the two pre-Benson decades the CCC program on basic crops, nonbasics, perishables and nonperishables, storables and nonstorables—potatoes, eggs, wool and everything else—amounted to only $1,064,000,000. During Mr. Benson's 4-year tenure total CCC losses have been more than 3 times the combined total of the previous 20 years—slightly over $1 billion in 20 years, and almost $3,500,000,000 in the last 4½ years.

Meanwhile, CCC investments in surpluses has increased from $2,452,000,000 in 1953 to $8,211,000,000 as of January 1, 1957.

Mr. Speaker, I think whoever wrote the story about Mr. Benson's accomplishments should consult with the farmers of America, and their families, and then admit to the facts, so that we can put partisanship aside and take action to relieve the present distress in agriculture.

## SECRETARY BENSON

Mr. POAGE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POAGE. Mr. Speaker, this morning I am filled with fear and trepidation. I am sorry that the farmers of this country are about to experience another disastrous drop in prices. The Secretary of Agriculture has, through the Republican National Committee, made another one of his tragic announcements that farm prices have been stabilized. Every time he makes such an announcement farm prices drop. I have noted 5 or 6 occasions in the past when the Republican Secretary has given us the same kind of cheery statement that is contained in the Republican Speech Sheet which was issued this morning. Here they are tabulated as to date, quotation, and how parity stood at the time of the statement.

| Date | Benson said— | Parity stood at— |
|---|---|---|
| | | *Percent* |
| Feb. 11, 1953 | "• • • analysis leads us to expect no major changes (in farm price) during the next several months." | 94 |
| Apr. 7, 1953 | "Our analysis • • • anticipate that prices of farm products during the spring and summer will be steady." | 92 |
| Oct. 21, 1953 | "It's my belief that the major price declines are behind us." | 90 |
| June 30, 1954 | "It (last month's 4-percent farm price decline) does not indicate a general weakening in the farm-price structure." | 88 |
| Jan. 7, 1955 | "I am convinced that for agriculture the road ahead will be smoother than the one we have been traveling." | 86 |
| June 15, 1955 | "I am confident that we have seen the worst of the transition which agriculture goes through following every major war." | 84 |

We can see that as Secretary Benson has talked up parity it has gone down and so on and on and on. Let us hope the experience is not repeated in August 1957.

This same speech sheet of the Republicans takes great credit for removal of crop surpluses. It lists "other actions taken by the Department" to help "restore the vital production-consumption balance necessary to a healthy farm economy." Included is "an aggressive attack on crop surpluses which moved some $9,200,000 out of storage bins and warehouses into domestic and foreign markets since 1952." Again, I am afraid of the record of the past. If this movement of which the Republicans brag today continues to be as successful in the future as it has in the past we are certain to wind up with unmanageable inventories. Here is the record for the first 4 years of the Republican disposal program:

*CCC investments (inventory and loans)*

| Crop | | Amount | Value |
|---|---|---|---|
| Cotton: | | | |
| Jan. 1 1953 | Bale | 1,097,000 | $166,779,000 |
| Jan. 1 1957 | do | 10,263,000 | 1,723,711,000 |
| Wheat: | | | |
| Jan. 1 1953 | Bushel | 467,847,000 | 1,081,545,000 |
| Jan. 1 1957 | do | 1,039,029,000 | 2,693,452,000 |
| Corn: | | | |
| Jan. 1 1953 | do | 368,349,000 | 587,274,000 |
| Jan. 1 1957 | do | 1,199,688,000 | 2,045,551,000 |
| Rice: | | | |
| Jan. 1 1953 | Hundredweight | 168,000 | 878,000 |
| Jan. 1 1957 | do | 22,372,000 | 173,848,000 |
| Peanuts: | | | |
| Jan. 1 1953 | Pound | 192,528,000 | 22,644,000 |
| Jan. 1 1957 | do | 336,435,000 | 35,664,000 |
| Tobacco: | | | |
| Jan. 1, 1953 | do | 544,067,000 | 250,373,000 |
| Jan. 1, 1957 | do | 1,075,660,000 | 673,584,000 |
| Dairy products: | | | |
| Jan. 1, 1953 | | | 8,445,000 |
| Jan. 1, 1957 | | | 111,031,000 |

In other words, cotton inventories went up 1,000 percent, wheat about 250 percent, corn about 300 percent. Rice went up more than 50 times, peanuts nearly doubled, tobacco just about doubled, and dairy products increased over 1,200 percent, and yet the Republican speech sheet has the brazen affrontery to submit this record as something in which Republicans can take pride. I am glad that Democrats can take pride in a more substantial record, a record of 11 years during which farm prices averaged more than 100 percent of parity and during which there was a total net profit to the Government in handling the price support program on the six basic commodities.

## THE REPUBLICAN SPEECH KIT

Mr. KARSTEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. KARSTEN. Mr. Speaker, the Republican speech kit, which is being distributed by the Republican Congressional Campaign Committee, is designed to charm our fiscal aches with air and cure our financial agonies with words. The Treasury Department does not need fiscal brains because the speech kit proves they operate on wind and noise.

Republican orators themselves are getting tired of the wind and noise. Two days ago in New York, Republican Douglas MacArthur declared that after 4 years of Republican rule:

Our swollen budgets constantly have been misrepresented to the public. Our Government has kept us in a perpetual state of fear.

Looking to the future, he said, if the Government's "lust for taxes" is not restrained, the United States may be taxed into socialistic slavery and perhaps decline and die as did the Roman empire.

Excessive taxation—

He concluded

produces results somewhat resembling the evils of slavery and serfdom in the days of old.

To illustrate, he pointed out that the average citizen is required to work entirely for Government taxes from January until May. This, he concluded, begins to resemble the Soviet forced-labor system.

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Instead of a lack of fiscal brains, the Republican Party should more properly be accused of a fiscal conspiracy against the working men and women of the United States. The millions of people who struggle with Republican high cost of living, Republican inflation, Republican tight money and Republican high interest will not again be beguiled by words and air. As Shakespeare put it, they have learned that:

Your hand, your tongue; look like the innocent flower,
But be the serpent under it.

## IKE'S RECORD OF IKE SUPPORT

Mr. REUSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. REUSS. Mr. Speaker, I speak on this question of the Republican position with some authority since, according to the Congressional Quarterly, I have an 88 percent record of Ike support, the highest on the Democratic side; and there are only 3 on the President's side that are higher than mine.

I am delighted to support the President when he is right, because he is a decent and congenial man. However, I wish the Congressional Quarterly would compile a support score for Ike on Ike-support. If they did, they would find that Ike does not support Ike enough. On the civil-rights bill, for which we fought on this side and Members fought on the other side, Ike, at his press conference, said that he had not read the bill and had not completely understood it. On the school bill, the White House announced on the eve of the crucial debate that Ike would not oppose the bill. On the natural gas bill, the President announced that consumer-protecting amendments were essential, but then he wrote the committee that he had no fixed conclusions about it. It is too bad that the President's conclusions come unfixed. I wish Ike would support Ike a little more.

## THE ACTION ON FEDERAL AID TO SCHOOL CONSTRUCTION

Mr. GAVIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GAVIN. Mr. Speaker, the fact is that it would take me at least 5 minutes to present my case. However, the time allotted will give me an opportunity to bring my thinking to your attention.

Mr. Speaker, to charge the President and the administration with lack of interest in not speaking out for the bill as the reason for the failure of passage of the Federal aid-to-school-construction legislation certainly does not make sense. The facts are, as we all know, that the bill would not have passed under any circumstances—at least in my opinion. However, the Members recognized that in voting against the Smith amendment to strike out the enacting clause would be a vote indicating to the folks back home that they favored the passage of the legislation and were supporting the President. Most of us know that they were hoping that the amendment to strike out the enacting clause would carry and finish the bill, which is exactly what happened.

Now, also, the Members know that the folks back home would be confused about what is meant by "striking out the enacting clause." Therefore, it was a good way to get rid of the bill without having a straight out-and-out vote on the issue.

I regret very much that it was not a straight vote either for or against Federal aid to school construction. The bill, I feel certain, would have been defeated by at least 50 votes rather than the differential of 5 votes. Let no one tell you otherwise. The Smith amendment gave the Members the out they were looking for.

So why charge the administration with the failure to enact this legislation. The method by which this legislation was rejected was no indication of how the membership would have voted on a straight Yes or No vote on Federal aid to school construction. The responsibility rests on the Congress and not on the President or the administration.

However, in adopting the Smith amendment by a close vote the administration is encouraged to bring out a new bill in the next session of the Congress; whereas, if a straight Yes or No vote had been permitted, it would have been decisively defeated ending further attempts to saddle the American taxpayer with a program they have indicated they do not want.

What has happened will give the advocates of this legislation an opportunity to build up and muster their strength in the interim period, and you will have another go around next year.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. GAVIN. I note my time has expired, in fact all time has expired, so the matter, Federal aid for school construction, will be laid on the table until the coming year.

## REPUBLICAN PROSPERITY

Mr. CEDERBERG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CEDERBERG. Mr. Speaker, I can appreciate how hearts are bleeding on the Democrat side of the aisle. Republican prosperity has been so great that it is hard for our Democratic friends to take it. The Democrats were in power for 20 years. They started with Roosevelt in the New Deal days, 1932, and they still had about 9 million unemployed until we went to war, World War II. Then after World War II, we had Democrat unemployment again. Then the Korean war came along. I can recall just a few years ago they were marching down the aisle here and predicting 4 million and 5 million unemployed by June of, I think it was, 1954 or 1955. But it never happened. It has been a little difficult for you because you are so used to having hard times and this prosperity just is too much for you. However, you may as well get used to it, because it is going to be here as long as the Republicans are in power. If the people of the country are stupid enough to put the Democrats back in 1960, we will go back to your unemployment and your wars which seem to be normal under the Democrats.

My advice to you is to relax and enjoy these Republican times. You have never had it so good.

## REPUBLICAN CONGRESSIONAL CAMPAIGN COMMITTEE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, as usual we are confused. Until my colleague from Michigan [Mr. CEDERBERG] said that we were in power, I thought our Democratic colleagues were running things. They have complete control of all committees of the Senate and of the House. I am surely grateful and highly appreciative of the comments of my friends on the other side of the aisle who have had a field day criticizing my party. I had not paid too much attention to the Republican Congressional Committee, but as they are doing an excellent job of advertising the accomplishments of our party I will distribute the reports as they come out.

I did notice that yesterday when there was a measure before the House calling for some $30 or $40 million of Federal money for a district in Texas, the Democrats being in power and it being a rather tight vote, with the opposition having an apparent majority, I noticed the Speaker going down on the floor talking earnestly to some of the members of his party, and then I observed 12 Members getting up and going down into the well and changing their votes on the motion to recommit from aye to nay—a change of 24 on the rollcall with the result that again Texas is in line for a Federal handout for 30 million, only one-half of which will ever be returned.

The motion to recommit was lost on a vote of 189 to 202—a majority of 13.

Who has been controlling and enacting legislation?

## NATIONAL DEFENSE

Mr. PRICE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, from their plush offices in the swank Congressional Hotel high-salaried public relations experts of the Republican Congressional Campaign Committee today released their latest work of fiction. It will not be among the best sellers, but if all sections of their work are as fantastic as the one relating to national defense it may well be cataloged as one of the leading fairy tales of the year.

The ghost writers responsible for the GOP opus are so fresh out of their Madison Avenue soap peddling duties that they may be excused for their lack of knowledge of defense facts. In fact, they are so new on their political job that they may be in for a reprimand from the Republican National Committee for a bit of honesty, perhaps accidental, in giving credit to the B–36 as the peace guardian for the past decade. Those of us who were around before the Republican press agents recall the Republican opposition to the B–36.

However, I suspect that even the most naive among them really knows that all the modern weapons; the atomic-powered submarines, the *Nautilus* and the *Sea Wolf;* the jet planes which today make our Air Force such a power in maintaining peace in the world; the Navy's supercarriers, the *Forrestal* and the *Saratoga;* and the whole family of guided missiles mentioned in the false Republican claims were all conceived, and development on them begun, before the start of the Eisenhower administration.

If they do not know, they should, of Republican aversion to basic research as reflected time after time in the official position of Defense Secretary Charles Wilson. Basic research under Democratic administrations brought forth the military strength of the Nation today. Under Wilson and Republican policies the future is not bright for continued progress.

Not one single item mentioned in the Republican document circulated for purely political purposes originated under the present Eisenhower Republican administration. And the paid writers of that document know it.

The main contribution of the Republican administration has been harmful cuts in our military program that in my opinion have weakened our position and prestige in the world and has been mainly responsible for many of the Eisenhower administration's appeasement policies toward the Soviets.

## DEMOCRATS VERSUS REPUBLICANS

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. As I listened to my good Democratic colleagues berate and bewail, with this series of prepared speeches about the Republican record of accomplishments factually set forth in the publication of our Congressional committee, it is quite apparent that they themselves were impressed by the record and out of fear of its political impact decided to launch this planned attack. We ought to put a wailing wall around here someplace for our Democratic colleagues. They are distressed and disturbed. They are hurt by the truth.

It also occurs to me that they should give consideration to increasing the salaries, or possibly provide a bonus, for the staff of the Democratic National Committee who prepared this propaganda attack. They must have worked day and night these past couple days to get you prepared.

Perhaps it would be a good idea if, out of mere courtesy, we hereafter furnish you with advance copies of such publications that your national committee staff will not have such an onus of preparing material in such a short time for such concerted action as we have today been witnessing.

Our record is there. It is outstanding. It speaks for itself. No amount of political propaganda can conceal it from the people. We are content to let the people decide.

## DEMOCRATIC PROSPERITY VERSUS HOOVER UNEMPLOYMENT

Mr. LONG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LONG. Mr. Speaker, I cannot resist reminiscing a bit into the history of a few decades ago. Our Republican friends are just a little shortsighted, for I remember when Republican Herbert Hoover was President, everybody was seeking employment, but no jobs could be found. We all remember so well that it was the Democrats who bailed the Republicans out at that time. When Mr. Hoover was a candidate for President of the United States, he talked about a chicken in every pot and two cars in every garage. Instead of that, we had soup lines, strong men walking highways and byways begging for a chance to earn an honest living. When we did cry about unemployment, Mr. Hoover would immediately say that prosperity was just around the corner. I for one did not know what he was talking about until Franklin D. Roosevelt was elected President. Then prosperity did roll around the corner. Jobs were available, and not only 1 but 2 chickens in the pot, and almost every garage had 2 automobiles.

I would just like to remind our Republican friends when you start talking about prosperity, that the prosperity you are enjoying today is merely the carryover from days as far back as 20 years ago when the Democrats came into power. In this connection, may I remind you that although the Republicans have had the executive branch of this Government for more than 5 years now, 2 of which also included control of the legislative branch, they have not repealed one Democratic law. If the Democrats are so bad, I ask my Republican colleagues, why do you keep the laws that the Democrats passed on the statute books, and why do you try to claim credit for having passed them?

## REPUBLICANS VERSUS DEMOCRATS

Mr. DEROUNIAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DEROUNIAN. Mr. Speaker, I was a bit startled to hear my colleagues on the right who preceded me, all of whom except one, signed the liberal manifesto in January of this year which would, if its program were enacted, cost the taxpayers an additional estimated $5 billion a year. That is their privilege. But, let us lay it on the table for all citizens to see. This same manifesto stated that the signers were not against adequate defense; that they would not reduce manpower by one man; and yet, you saw over 60 of these signers vote to reduce the defense appropriation for manpower that the President had requested. Concerning the gas bill, which my friend, the gentleman from Wisconsin [Mr. REUSS] mentioned, and on which he charges the President with indecision—I will give him a good suggestion. If the gentleman wants to prevent its passage, let him talk to our beloved Speaker and the leader of the other body, both of whom are rather influential men.

## WHAT IS THE EISENHOWER POLICY?

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I happen to be one of those unfortunates in this House of Representatives who got on the honor roll of the Congressional Quarterly recently for supporting the President of the United States—in my case, 82 percent, more than most of the coattail riders for whom he campaigned in the last election. I must say that I am a little bit ashamed of that, but I think I found out the reason why that is. The reason, Mr. Speaker, is that the President has never soundly and solidly assumed any position since he has been in office. Since he has been President he has been able to be on both sides of each and every issue that has risen. In every case—the gas bill, the school bill, the budget—he has been for, against, and neutral. I must confess that often when I voted I assumed that I was opposing him. Usually he crossed me up by switching his position.

But I really rise today to refer to one reason that the President may be so successful in being on all sides of all issues.

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I refer to one thing the President said in his news conference yesterday. He was asked by Mr. Edward T. Folliard, of the Washington Post, if he was aware of the fact that Democrats were already preparing to accept the Republican administration's school bill at the time that his colleagues in the Republican Party were killing that bill, and he said in answer, and I quote:

I have never heard that, Mr. Folliard. If that is true, why, you are telling me something I have never heard.

The answer may very well be that the President does not know and does not care what is going on. His own party has pulled the wool over his eyes.

Now, here is something further that Mr. Eisenhower said about the school bill:

I am getting to the point where I can't be too enthusiastic about something I think it is likely to fasten a sort of an albatross, another one, around the neck of the Federal Government. I do not believe it should be done, but I do believe we should take a look at this question of need honestly.

Mr. Eisenhower seems to be getting on both sides of this school issue, too.

## THE EISENHOWER POLICY

Mr. MARTIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN. Mr. Speaker, I want to give my sincere thanks to our Democratic brethren for calling to the attention of the Nation these vital and valuable facts that are in the Republican kit. I know that when the people read them they will better appreciate how valuable the Republican administration has been to the Nation and the great good that has been accomplished.

I want to say to the gentleman from Michigan [Mr. DINGELL], who just addressed the House, no one—no one, I repeat—knew that there was going to be a Democratic endorsement of the Eisenhower proposal for school aid until just before the Democrats belatedly saw they were to be defeated, and their members grasped it. There was no time for any one to know what would be the result. Of course, you can jeer. That is always the case when people are defeated, but I will tell you, my friends, you are not going to make political progress by these various unfair attacks upon the character, integrity, and honesty of the President of the United States. The people have faith in President Eisenhower.

## AMBASSADOR GLUCK

Mr. HAYS of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS of Ohio. Mr. Speaker, this is a nonpolitical speech. I am rising in defense of my State of Ohio. The new Ambassador to Ceylon claims to be a resident of Ohio. He admits he does not know the name of the Prime Minister of Ceylon. He admits he does not know the name of the Prime Minister of India. He admits he does not know there has been a revolution in Hungary.

I have lived in Ohio for 46 years and I admit I have never heard of Mr. Gluck. He claims to be from Ohio; Ohio claims he is not.

## AUTHORIZING CONSTRUCTION OF CERTAIN WORKS OF IMPROVEMENT ON THE NIAGARA RIVER FOR POWER

The SPEAKER. The unfinished business is the question on the passage of the bill H. R. 8643, to authorize the construction of certain works of improvement on the Niagara River for power, and for other purposes.

## CALL OF THE HOUSE

Mr. McGREGOR. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Evidently there is no quorum present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 163]

| | | |
|---|---|---|
| Anfuso | Gordon | O'Hara, Minn. |
| Barden | Gray | O'Konski |
| Bass, N. H. | Gubser | Powell |
| Beamer | Halleck | Preston |
| Berry | Holtzman | Prouty |
| Boykin | Jones, Mo. | Rivers |
| Brownson | Kearney | Thomson, Wyo. |
| Bush | Kilburn | Vorys |
| Carnahan | Landrum | Vursell |
| Coudert | McConnell | Walter |
| Dawson, Utah | McMillan | Watts |
| Fogarty | Mailliard | Zablocki |
| Frelinghuysen | Mason | |

The SPEAKER. On this roll call 391 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## NIAGARA RIVER POWER PROJECT

The SPEAKER. The question is on the passage of the bill (H. R. 8643) to authorize the construction of certain works of improvement in the Niagara River for power, and for other purposes.

Mr. LANHAM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 313, nays 75, answered "present" 2, not voting 42, as follows:

[Roll No. 164]

YEAS—313

| | | |
|---|---|---|
| Abbitt | Anderson, Mont. | Baring |
| Abernethy | Andrews | Barrett |
| Addonizio | Ashley | Bass, Tenn. |
| Albert | Ashmore | Bates |
| Alexander | Aspinall | Baumhart |
| Allen, Calif | Auchincloss | Becker |
| Allen, Ill | Baker | Beckworth |
| Andersen, H. Carl | Baldwin | Bennett, Fla. |
| Bentley | Hagen | O'Neill |
| Berry | Hale | Osmers |
| Betts | Haley | Ostertag |
| Blatnik | Hardy | Passman |
| Blitch | Harris | Patman |
| Boggs | Harrison, Nebr. | Patterson |
| Boland | Harrison, Va. | Pelly |
| Bolling | Harvey | Perkins |
| Bonner | Hays, Ark. | Pfost |
| Bosch | Hays, Ohio | Philbin |
| Boyle | Healey | Pilcher |
| Breeding | Hemphill | Pillion |
| Brooks, La. | Herlong | Poage |
| Brooks, Tex. | Heselton | Polk |
| Broomfield | Hill | Porter |
| Brown, Ga. | Hoeven | Price |
| Brown, Mo. | Holifield | Prouty |
| Broyhill | Holland | Radwan |
| Buckley | Holmes | Rains |
| Budge | Horan | Ray |
| Burdick | Hosmer | Reece, Tenn. |
| Burleson | Huddleston | Reed |
| Byrne, Pa. | Hull | Rees, Kans. |
| Canfield | Hyde | Reuss |
| Cannon | Ikard | Rhodes, Ariz. |
| Cederberg | Jarman | Rhodes, Pa. |
| Celler | Jennings | Riehlman |
| Chamberlain | Johnson | Riley |
| Chelf | Jonas | Roberts |
| Chenoweth | Jones, Ala. | Robeson, Va. |
| Chiperfield | Karsten | Robsion, Ky. |
| Christopher | Kean | Rodino |
| Chudoff | Keating | Rogers, Colo. |
| Clark | Keeney | Rogers, Fla. |
| Coad | Kelly, N. Y. | Rogers, Mass. |
| Coffin | Keogh | Rogers, Tex. |
| Cole | Kilday | Rooney |
| Cooley | Kilgore | Roosevelt |
| Cooper | King | Rutherford |
| Corbett | Kirwan | Sadlak |
| Cretella | Kitchin | Santangelo |
| Cunningham, Iowa | Kluczynski | St. George |
| | Knox | Saylor |
| Cunningham, Nebr. | Knutson | Schwengel |
| | Krueger | Scott, N. C. |
| Curtis, Mass. | Laird | Scudder |
| Davis, Ga. | Lane | Seely-Brown |
| Davis, Tenn. | Lanham | Selden |
| Dawson, Ill. | Lankford | Shuford |
| Delaney | Latham | Sieminski |
| Dellay | Lennon | Sikes |
| Dempsey | Lesinski | Simpson, Ill. |
| Denton | Long | Sisk |
| Derounian | Loser | Smith, Miss. |
| Devereux | McCormack | Smith, Va. |
| Dies | McCulloch | Spence |
| Diggs | McDonough | Sullivan |
| Dingell | McFall | Taber |
| Dixon | McGovern | Talle |
| Dollinger | McGregor | Teague, Tex. |
| Donohue | McIntire | Teller |
| Dooley | McIntosh | Tewes |
| Dorn, N. Y. | Macdonald | Thomas |
| Dorn, S. C. | Machrowicz | Thompson, La. |
| Dowdy | Mack, Ill. | Thompson, N. J. |
| Doyle | Mack, Wash. | Thompson, Tex. |
| Durham | Madden | Thomson, Wyo. |
| Dwyer | Magnuson | Thornberry |
| Eberharter | Mahon | Tollefson |
| Edmondson | Marshall | Trimble |
| Elliott | Martin | Udall |
| Engle | Matthews | Ullman |
| Evins | May | Vanik |
| Farbstein | Meader | Van Zandt |
| Fisher | Merrow | Vinson |
| Flynt | Metcalf | Vorys |
| Forand | Miller, Calif. | Vursell |
| Ford | Miller, Md. | Wainwright |
| Forrester | Miller, Nebr. | Weaver |
| Fountain | Miller, N. Y. | Westland |
| Frazier | Mills | Wharton |
| Friedel | Montoya | Whitener |
| Fulton | Morano | Whitten |
| Garmatz | Morris | Widnall |
| Gary | Morrison | Wier |
| Gathings | Moss | Wigglesworth |
| Gavin | Moulder | Williams, Miss. |
| Gordon | Multer | Williams, N. Y. |
| Granahan | Murray | Willis |
| Grant | Natcher | Winstead |
| Green, Oreg. | Nicholson | Withrow |
| Green, Pa. | Nimtz | Wolverton |
| Gregory | Norblad | Wright |
| Griffin | Norrell | Yates |
| Griffiths | O'Brien, Ill. | Young |
| Gross | O'Brien, N. Y. | Zelenko |
| Gubser | O'Hara, Ill. | |

NAYS—75

| | | |
|---|---|---|
| Adair | Bailey | Byrne, Ill. |
| Alger | Belcher | Byrnes, Wis. |
| Andresen, August H. | Bolton | Carrigg |
| | Bow | Church |
| Arends | Bray | Clevenger |
| Avery | Brown, Ohio | Collier |
| Ayres | Byrd | Cramer |

| | | |
|---|---|---|
| Curtin | Jensen | Scrivner |
| Curtis, Mo | Johansen | Sheehan |
| Dague | Judd | Siler |
| Dennison | Kearns | Simpson, Pa. |
| Fascell | Kee | Smith, Calif. |
| Fenton | Kelley, Pa. | Smith, Kans. |
| Fino | LeCompte | Smith, Wis. |
| Flood | Lipscomb | Springer |
| Gwinn | McVey | Staggers |
| Harden | Michel | Stauffer |
| Haskell | Minshall | Teague, Calif. |
| Hébert | Moore | Tuck |
| Henderson | Morgan | Utt |
| Hess | Mumma | Van Pelt |
| Hiestand | Neal | Wilson, Calif. |
| Hoffman | Poff | Wilson, Ind. |
| Holt | Schenck | Younger |
| Jackson | Scherer | |
| Jenkins | Scott, Pa. | |

ANSWERED "PRESENT"—2

Fallon George

NOT VOTING—42

| | | |
|---|---|---|
| Anfuso | Gray | O'Hara, Minn. |
| Barden | Halleck | O'Konski |
| Bass, N. H. | Hillings | Powell |
| Beamer | Holtzman | Preston |
| Boykin | James | Rabaut |
| Brownson | Jones, Mo. | Rivers |
| Bush | Kearney | Saund |
| Carnahan | Kilburn | Shelley |
| Colmer | Landrum | Sheppard |
| Coudert | McCarthy | Steed |
| Dawson, Utah | McConnell | Taylor |
| Feighan | McMillan | Walter |
| Fogarty | Mailliard | Watts |
| Frelinghuysen | Mason | Zablocki |

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Taylor for, with Mr. James against.

Until further notice:

Mr. Anfuso with Mr. Kearney.
Mr. Walter with Mr. Halleck.
Mr. Boykin with Mr. Hillings.
Mr. Rivers with Mr. Bass of New Hampshire.
Mr. Landrum with Mr. O'Konski.
Mr. Preston with Mr. Coudert.
Mr. McCarthy with Mr. Bush.
Mr. Carnahan with Mr. Brownson.
Mr. Holtzman with Mr. McConnell.
Mr. Shelley with Mr. Mason.
Mr. Sheppard with Mr. O'Hara of Minnesota.
Mr. Watts with Mr. Kilburn.
Mr. Zablocki with Mr. Beamer.
Mr. Fogarty with Mr. Dawson of Utah.
Mr. Feighan with Mr. Frelinghuysen.
Mr. Jones of Missouri with Mr. Mailliard.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PARLIAMENTARY INQUIRY

Mr. COLMER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COLMER. Mr. Speaker, I was downstairs at the time the rollcall started, but the bells did not ring. Could I qualify under the circumstances?

The SPEAKER. If the gentleman was not in the Hall and listening when his name was called, he would not qualify.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. McBride, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7665) entitled "An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1958, and for other purposes."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2130) entitled "An act to amend further the Mutual Security Act of 1954, as amended, and for other purposes," and agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GREEN, Mr. FULBRIGHT, Mr. SPARKMAN, Mr. HUMPHREY, Mr. MANSFIELD, Mr. WILEY, Mr. SMITH of New Jersey, Mr. HICKENLOOPER, and Mr. KNOWLAND to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7441) entitled "An act making appropriations for the Department of Agriculture and Farm Credit Administration for the fiscal year ending June 30, 1958, and for other purposes."

The message also announced that the Senate agrees to the House amendment to Senate amendment No. 24 to the foregoing bill.

The message also announced that the Vice President has appointed Mr. JOHNSTON of South Carolina, and Mr. CARLSON members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers referred to in the report of the Archivist of the United States No. 58–2.

## AUTHORIZING CONSTRUCTION OF BRIDGES OVER THE POTOMAC RIVER

Mr. SMITH of Virginia. Mr. Speaker, I call up House Resolution 375 and ask for its immediate consideration.

The Clerk read as follows:

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6763) to amend the act of August 30, 1954, entitled "An act to authorize and direct the construction of bridges over the Potomac River, and for other purposes," and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the District of Columbia, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Ohio [Mr. BROWN], and at this time I yield myself such time as I may require.

Mr. Speaker, this rule makes in order consideration of a bill to amend legislation to construct a bridge over the Potomac River in the vicinity of Constitution Avenue, close to the Memorial Bridge. This authorization was originally passed by the House and by the Senate, but there was some difference of opinion.

Now, this bill amends the original bill and provides for a four-lane tunnel instead of a bridge. The reason that it is here on the rule instead of on District Day is that it was scheduled for the last District Day, but owing to the postal employees pay bill, which was brought up on a discharge petition, the District Committee gave away its day for the consideration of that matter, and therefore, with the cooperation of the leadership, this rule has been granted so that we may have the day for the consideration of this bill.

As I say, the legislation has already been passed for a crossing at that point and has been authorized, but this is a change, because of the controversy in the matter, providing for a tunnel instead of a bridge.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Nebraska.

Mr. MILLER of Nebraska. The title of the bill says that it is for the construction of bridges over the Potomac River. That was the bill passed by the House, and the other body has passed a bill for a tunnel under the river. Of course, I think the gentleman must admit that there is quite a vast difference in an efficient overhead bridge and a tunnel. Did not the House pass a bridge bill?

Mr. SMITH of Virginia. The House passed a bridge bill.

Mr. MILLER of Nebraska. And the other body passed a tunnel bill.

Mr. SMITH of Virginia. I will have to ask the gentleman from Virginia [Mr. BROYHILL] to answer that question.

Mr. BROYHILL. As the result of the conference, legislation was passed authorizing the construction of a 6-lane bridge across the Potomac in 1954. That was signed by the President. But, the bridge was located improperly. It would have destroyed the esthetic effects of the area, and it would not have properly handled the traffic. We have been back here since 1954 to amend the act to make it acceptable to all parties concerned.

Mr. MILLER of Nebraska. The Congress determined at that time that a 6-lane bridge was the most efficient and proper method of handling the traffic across the Potomac River.

Mr. SMITH of Virginia. Well, I do not know that Congress made any determination. The Congress passed the bill that it had before it at the time.

Mr. MILLER of Nebraska. At least, they did not pass a tunnel bill.

Mr. SMITH of Virginia. Not at that time, no.

Mr. MILLER of Nebraska. Will the gentleman present some evidence to the Congress as to the efficiency of the tunnel and whether it will meet the demands?

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Mr. SMITH of Virginia. That evidence will be presented in the course of the discussion on the bill. I am seeking to save time now by bringing the rule before the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a question on the rule?

Mr. SMITH of Virginia. Yes.

Mr. GROSS. Will the gentleman state why points of order are waived on this bill?

Mr. SMITH of Virginia. I am sorry. I do not know why. Probably the Parliamentarian suggested that. I do not know why.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. FULTON. Can the gentleman tell me what the difference in cost is between a tunnel and a bridge? Has that been stated?

Mr. SMITH of Virginia. Perhaps the gentleman from Virginia [Mr. BROYHILL] could answer that.

Mr. BROYHILL. The difference in cost of a 6-lane bridge and a 4-lane tunnel is approximately a million dollars.

Mr. FULTON. Which way?

Mr. BROYHILL. Twenty-five and five-tenths million dollars, approximately, for the 4-lane tunnel, and $24.5 million for a 6-lane bridge.

Mr. SMITH of Virginia. Mr. Speaker, I yield to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I yield such time as he may desire to the gentleman from Delaware [Mr. HASKELL].

Mr. HASKELL. Mr. Speaker I ask unanimous consent to proceed out of order.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

CONGRESSIONAL CUTS IN AIR SAFETY

Mr. HASKELL. Mr. Speaker, Congressional reductions in the Civil Aeronautics Administration's—CAA—budget will mean critical delays in solving our serious air traffic problems. I have just learned what essential safety equipment will be denied this year by these appropriations cuts and how much the CAA will have to slow down its program to live with the reduced appropriations it has received. The importance of this matter makes it necessary for me to point out exactly what these cuts will mean to the safe and efficient handling of our mushrooming air traffic as we enter the high-speed jet age of commercial air transportation.

I want to use specific examples of cities which have been denied or delayed in getting short-range radar for their airports, and other cities which have been denied long-range radar to maintain visual contact with and safe separation between airplanes in the heavy traffic flying over those areas.

The seriousness of our air traffic problems is well documented. This evidence is contained in the report prepared by Edward P. Curtis, special assistant to President Eisenhower; in the Federal Airway Plan of the Civil Aeronautics Administration; in the reports of 783 near-collisions reported to the Civil Aeronautics Board—CAB—in a recent 7-month period; and in statements by military and commercial aviation officials. These air traffic problems involve safety, national defense, and economic loss to airlines, other operators, and twenty or thirty million passengers.

Three of the principal steps which must be taken to solve these problems are: First, Congress must provide the CAA with sufficient funds to buy more and better control equipment, especially radar, to maintain safe separation between airplanes; second, the CAA must exercise increased, direct control of aircraft above certain minimum altitudes in heavily congested areas and at high altitudes everywhere over the country; and third, we must take immediate steps to develop new techniques and consolidate responsibilities to handle the tremendous increase in the numbers and speed of aircraft that will occur in the future. All three of these steps involve action by the Congress.

Improvements in air safety are vitally important to the millions of men and women who travel by air. But this subject is of equal importance to the millions of people who live in our principal cities, over which there are at least three near midair collisions every day.

On May 13 I was able to make public for the first time the ground locations of 452 near-collisions reported to the Civil Aeronautics Board last fall and the grim details on other near-collisions contained in official reports from the CAA's files. These facts were part of the early information uncovered in a study of air safety which I started almost a year ago.

During the past month I have studied carefully the appropriations for the CAA. The money requested by the administration for the CAA would provide equipment to help improve the inadequate, manual traffic-control system which was put in operation in 1939 when our fastest commercial plane was a DC–3. Incredible as it may seem, with 600-mile-an-hour jet transports ready for operation next year, this 1939 system is basically the same today.

Budget cuts made by the Congress have hurt our air-safety program. Reductions in appropriations have cut deeply into the important radar program. These are the facts in detail which we have uncovered in an investigation of the budget situation:

First, the total budget this year for the CAA, which is responsible for the control of air traffic, was cut $44 million, 12 percent, by the Congress. Money for the establishment of air navigation facilities, which includes radar, was slashed $29 million, or 17 percent.

The request for research money to develop desperately needed automatic control equipment was chopped 25 percent. Funds for personnel and other administrative work was reduced $13 million. These sharp reductions in a program that should be moving ahead with all possible speed—perhaps even faster than it is now planned—are almost identical to the 25 percent cut made last year.

While it is true that more money was appropriated this year compared to last year, it still did not meet the Nation's air safety needs.

Second, appropriations were denied for 11 long-range radar units, out of 21 requested. This action resulted in a 52 percent cut in the program proposed by the CAA.

These units provide radar or visual contact with en route traffic flying under instrument flight rules within a 150-mile radius of the installation. These radars are designed to help provide safety for planes flying between two airports such as San Francisco and Los Angeles.

The 11 units cut from the budget by Congress were to be located at Goshen, Ind.; Hobbs, N. Mex.; Iowa City, Iowa; Klamath Falls, Oreg.; Knoxville, Tenn.; Nashville, Tenn.; Oklahoma City, Okla.; Paso Robles, Calif.; Roanoke, Va.; Selingsgrove, Pa.; and Shreveport, La. I am submitting for the records an exhibit listing the major cities over which these radars would have scanned the skies and would have helped separate heavy air traffic.

Further investigation uncovered the fact that during a 7-month period, there have been more than 105 near-collisions reported by experienced pilots in the areas that would be covered by these units for which there is, at the moment, no money. This amounts to 1 near-disaster every 2 days.

According to the committee, these important radars were cut out because of possible duplication of existing military units. The possibility of duplication in Government effort is certainly a matter which the Appropriations Committee members should study very carefully, and their efforts have helped reduce such occurrences. As a matter of fact, a joint Radar Planning Group, composed of the Air Defense Command and the CAA has been working to keep such duplication to a minimum.

Third, appropriations have been refused for airport surveillance radar units for airports at eight principal cities. These radars will watch planes up to 50 miles away from an airport and are used to separate traffic arriving at or departing from airports under instrument conditions. Actually, the CAA requested 23 of these units last year—fiscal year 1957—and everyone of them was cut out.

In the request this year, Congress voted to give these radars to 15 of the cities, and told the other 8 they would have to wait until next year to get the safety equipment they need. That represents a slash of 35 percent in this part of the CAA's air safety program .

The eight cities which have been denied this radar are: Detroit, Mich.—Detroit City Airport; Greenville, S. C.; Harrisburg, Pa.; Mobile, Ala.; Providence, R. I.; Richmond, Va.; Roanoke, Va., and Tulsa, Okla.

The 15 cities which have already been delayed a year in getting radar are: Akron, Ohio; Albany, N. Y.; Bedford, Mass.; Boise, Idaho; Charleston, S. C.; Charlotte, N. C.; Chattanooga, Tenn.; Fort Wayne, Ind.; Little Rock, Ark.; Orlando, Fla.; Rochester, N. Y.; Sacra-

mento, Calif.; Syracuse, N. Y.; Windsor Locks, Conn.; and Youngstown, Ohio.

Our study shows that in a 7-month period, there were 39 near-collisions over these 23 cities. Sacramento had 6 in 3 months alone.

Fourth, during the past 3 weeks, there have been 3 hair-raising near-collisions between aircraft, which demonstrate almost tragically, the urgent need for immediate improvements in our system of air traffic control. All three of these incidents indicate the need for radar installations and greater direct control of aircraft flying in heavily traveled airways.

On July 8 a United Air Lines DC–6B, with 44 persons aboard, was flying from Los Angeles to San Francisco. Over Oxnard, Calif., at 8,500 feet, the pilot suddenly saw a jet fighter diving at him head on. The airline pilot pulled the plane into a sharp climb, and the jet zoomed underneath him avoiding a head-on crash by 50 to 100 feet. In the maneuver, people were thrown to the floor of the plane, and several men and women were injured.

The second incident occurred on July 17, near El Paso, Tex. An American Airlines DC–6 was en route from Dallas to Los Angeles with 85 persons aboard. At 3:29 a. m. the pilot saw what appeared to be a plane the size of a B–47 jet bomber climbing directly at him. The pilot put his DC–6 in a sharp dive to avoid the second plane, missed a collision by an estimated 50 feet, and threw a number of the passengers out of their seats. Their injuries forced the pilot to land immediately at El Paso, and two people were taken to the hospital.

The third incident occurred on July 22, when a TWA Constellation, en route from New York to Phoenix, with 34 passengers, narrowly missed an unidentified aircraft at 20,000 feet over Amarillo, Tex. The pilot had to put his huge ship in a 500-foot dive to avoid the collision, and one passenger was so badly injured that the plane had to land immediately at Amarillo.

We have talked directly and at some length with the three pilots involved, and it appears that these incidents can be traced to the lack of direct ground control. I will have more to say about these incidents in a few days.

The fifth fact in this situation is that on July 1 this year, the Air Transport Association and the Air Line Pilots Association announced the adoption of new safety rules. These rules stated that all commercial airliners flying in the New York-Chicago-Washington triangle would henceforth fly on instrument flight rules when over 9,500 feet. This means that they would be under constant control of air-traffic personnel on the ground.

The ATA and the ALPA want to do this all over the country, and eventually make the rules apply to airliners flying over 5,000 feet to provide even greater air safety.

However, they cannot do it, because the CAA does not have the equipment or the personnel to handle the job. This is a fantastic situation. The airline companies and the pilots want to correct this dangerous situation for their passengers, but the CAA does not have the appropriations to get the program underway.

These are shocking facts. I have discussed them, because I think the people should know the serious air-traffic situation that exists, and because this body has the power and the opportunity to do something about it.

It must be remembered that it takes 18 months to secure radar units and to train the personnel to operate them, after the appropriations have been granted. Therefore, when the Congress fails to provide money for radar this year, it means at least 2½ years before these units can be put into use, and safety protection provided, even if funds are voted at the next session.

It seems to me we have to lay this matter on the line. The Civil Aeronautics Administration, the CAB, the military, commercial, and private aviation are doing the best possible job of providing air safety that can be done with the outmoded and inadequate air-traffic control equipment and techniques they have to work with. If our air-safety program is delayed, Congress must now accept the responsibility.

The President has asked for the necessary funds and in addition, has proposed a long-range plan to meet the problems created by the rapidly increasing volume and speed of our air traffic. I am not at all sure that the present 6-year program is moving fast enough, and I am already looking into the possibility of accomplishing it in less time. But this Congress is not even keeping up with that. We must act and act now. It is up to this Congress.

There are two specific things which can be done at once.

First, I believe the Congress should restore funds cut from the CAA budget. Yesterday, I sent a letter to the Secretary of Commerce, requesting that the Administration submit a supplemental request for these funds. I hope that this will be done and that the Congress will approve it.

Part of the President's long-range plan to build a safe air-traffic system contemplates some financing other than Federal appropriations from general revenues, and these ideas should be thoroughly studied for the future. But in the meantime, the Federal Government must shoulder the burden as it has in the past.

Second, a new Federal Aviation Agency, as recommended in the Curtis Committee report should be established as soon as possible. It is my understanding that legislation to accomplish this is now being prepared under the able and experienced successor to Mr. Curtis, Lt. Gen. E. R. Quesada, and it is hoped that it will be submitted to the Congress next year. This new agency would consolidate all of the present management functions in Government necessary to fill the common needs of military and civil aviation. It is my hope that Congress will study this proposal thoroughly next year and act on it without delay, because we have no time to lose in providing the best, safest, and most efficient air-traffic system.

The Airways Modernization Board Act which was passed this week will help bridge the gap in time between our present setup and the establishment of a new agency. It will take time after such an agency is established by law to accomplish the consolidation and to have a smooth working organization. The AMB is the means for moving ahead at once with essential improvement in air-traffic control, and eventually it will be absorbed in the Federal Aviation Agency.

We surely will be subject to censure by our constituents if we risk the safety of our people when it is in our power to do something about it. Let us cut out the delays and provide the money that is needed to do the job.

LOCATIONS OF LONG-RANGE RADAR UNITS IN CAA PROGRAM DENIED BY CONGRESSIONAL BUDGET CUTS AND LIST OF PRINCIPAL CITIES OVER WHICH THESE RADARS WOULD HAVE OFFERED SAFER AIR TRAFFIC CONTROL

1. Selinsgrove, Pa.
(a) Philadelphia, Pa.
(b) Harrisburg, Pa.
(c) Trenton, N. J.
(d) Wilmington, Del.
(e) Baltimore, Md.
(f) Washington, D. C.
(g) Pittsburgh, Pa.
2. Roanoke, Va.
(a) Richmond, Va.
(b) Durham, N. C.
(c) Raleigh, N. C.
(d) Winston-Salem, N. C.
(e) Charlotte, N. C.
(f) Rocky Mount, N. C.
3. Knoxville, Tenn.
(a) Atlanta, Ga.
(b) Chattanooga, Tenn.
(c) Lexington, Ky.
(d) Bristol, Tenn.
(e) Kingsport, Tenn.
(f) Johnson City, Tenn.
4. Nashville, Tenn.
(a) Evansville, Ind.
(b) Louisville, Ky.
(c) Owensboro, Ky.
(d) Paducah, Ky.
(e) Clarksville, Tenn.
(f) Fort Knox, Ky.
5. Shreveport, La.
(a) Monroe, La.
(b) Alexandria, La.
(c) Hot Springs, Ark.
(d) Pine Bluff, Ark.
(e) Paris, Tex.
(f) Texarkana, Tex.
6. Goshen, Ind.
(a) South Bend, Ind.
(b) Fort Wayne, Ind.
(c) Grand Rapids, Mich.
(d) Chicago, Ill.
(e) Milwaukee, Wis.
(f) Dayton, Ohio
7. Iowa City, Iowa
(a) Des Moines, Iowa
(b) Cedar Rapids, Iowa
(c) Madison, Wis.
(d) Peoria, Ill.
(e) Springfield, Ill.
(f) Bloomintgon, Ill.
8. Oklahoma City, Okla.
(a) Wichita, Kans.
(b) Wichita Falls, Tex.
(c) Bartlesville, Okla.
(d) Enid, Okla.
(e) Shawnee, Okla.
(f) Stillwater, Okla.
9. Hobbs, N. Mex.
(a) Roswell, N. Mex.
(b) Portales, N. Mex.
(c) Lubbock, Tex.
(d) Carlsbad, N. Mex.
(e) Clovis, N. Mex.
(f) Lamesa, Tex.

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10. Paso Robles, Calif.
(a) Bakersfield, Calif.
(b) Fresno, Calif.
(c) Santa Barbara, Calif.
(d) Modesto, Calif.
(e) San Jose, Calif.
(f) San Luis Obispo, Calif.
11. Klamath Falls, Oreg.
(a) Eugene, Oreg.
(b) Medford, Oreg.
(c) Bend, Oreg.
(d) Lakeview, Oreg.
(e) Ravensdale, Wash.
(f) Alturas, Calif.

NOTE.—The location of these radars are designed to cover heavily traveled airways and would be used to separate commercial, military, and private aircraft.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, there are very good reasons why points of order are waived on this bill and it is for those reasons that I hope the rule is not adopted. Points of order are waived because this bill appropriates money. Turn to page 4:

SEC. 106. There is hereby authorized to be expended from the appropriations available to the National Park Service the sum of $1 million for the preparation of plans, designs, and construction purposes.

That is money appropriated to the Department of Interior for other purposes and clearly subject to a point of order.

On page 5 we find:

SEC. 110. There shall be transferred to the Department of the Interior so much of the records, property, and funds of the District of Columbia as may be appropriate by reason of the enactment of the foregoing provisions of this act.

Those are funds appropriated to the District of Columbia for other purposes. I submit that these are two reasons why this bill is brought here under a rule waiving points of order. The rule ought not to be adopted, and we can dispose of the bill quickly by defeating the rule.

In the first place, the taxpayers of this country should not be saddled with the cost of building a tunnel under the Potomac River for the benefit, in part at least, of the State of Virginia. I understand that the State of Virginia will not spend 1 thin dime even to build the approaches on the Virginia side of the river. If I am incorrect in that, I should be glad to have someone tell me what Virginia proposes to do by way of providing the approaches to this tunnel.

I am just waiting for a second or two to hear somebody from Virginia say how much they are going to spend to build even the approaches to this tunnel, much less a foot of the tunnel itself.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. BROYHILL. The State of Virginia will widen Arlington Boulevard from four lanes to six lanes all the way back, which cost will run into several millions of dollars. The State of Virginia is providing for all of the approaches to the tunnel on the Virginia side.

Mr. GROSS. All the way back from where to where?

Mr. BROYHILL. It will make Arlington Boulevard a six-lane highway all the way through the northern Virginia area.

Mr. GROSS. That is just fine; is it not? How far over in Virginia does Arlington Boulevard run?

Mr. BROYHILL. Arlington Boulevard runs in northern Virginia, but I am referring to Route 50 throughout Virginia.

Mr. GROSS. But the State of Virginia is not building the approaches to this tunnel; there is no such provision in the bill.

Mr. BROYHILL. I just got through stating that the State of Virginia is providing for all of the approaches on the Virginia side.

Mr. GROSS. Up to this proposed tunnel?

Mr. BROYHILL. Up to the Federal property; that is the only portion they could provide funds for.

Mr. GROSS. What does the gentleman have to say about this provision of the bill?

The cost of construction, reconstruction, relocations, obliteration, and repair of all facilities and related works, including streets, if any, and park roads, which are changed or made necessary incident to the construction of said tunnel, approach ramps, and connecting roads, shall be paid out of funds allotted and made available for construction of said tunnel, approach ramps, and connecting roads.

Mr. BROYHILL. They are the ramps into the portals of the tunnel, which is on Federal land, and that is included in the cost of the bill.

Mr. GROSS. Yes, but the State of Virginia is not going to build anything up to the actual tunnel?

Mr. BROYHILL. What is the question?

Mr. GROSS. Why do you not write it into the bill that Virginia is not going to build the approaches? Why do you not say in this bill that the construction, landscaping, and everything else is going to be charged to all the taxpayers to the tune of $25½ million?

Mr. BROYHILL. That is a part of the construction of the tunnel. I just got through explaining that about the tunnel. The ramps into the portals of the tunnel, that part of the tunnel that is on Federal ground, will be paid for by the Federal Government. The approaches will be paid for by the State of Virginia.

Mr. GROSS. The contribution of the State of Virginia to this bill, if any, is absolutely unspecified in the bill.

Mr. BROYHILL. Of course not. This provides for the cost of the tunnel itself.

Mr. GROSS. You are going to unload it on the taxpayers of the country, just as you did with the Jones Point Bridge, the cost of this tunnel, the whole thing. That is what you propose to do and I am opposed to this raid.

Mr. BROWN of Ohio. Mr. Speaker, House Resolution 375 makes in order the consideration of the bill H. R. 6763. The resolution reads that it is for the construction of a bridge, but the bill itself whose consideration is made in order reads that it is for the construction of a tunnel in the vicinity of Constitution Avenue.

I personally want to listen to the debates on this bill very carefully because I am not at all certain in my own mind that a four-lane tunnel, if it is constructed at this point between the District of Columbia and Virginia, will not be obsolete and proven too small by the time it is completed. It seems to me commonsense would dictate that if we are to do this job, to furnish a route for transportation between the District and the fast-growing suburbs and Federal installations on the Virginia side of the river, we should make the connecting link, whether it be a bridge or a tunnel, of sufficient size as to serve not only our present traffic needs but the traffic needs of the future for some time to come.

It has been my experience in public life over a long period of time that too often we build too small too late, and that it is the better part of wisdom and economy when you do a job like this to do an adequate job with adequate space and adequate room so that you can take care of any expanded needs of the area affected. For that reason, I am not at all certain that I shall support the bill as it is written and, in fact, may very willingly support amendments to provide for a six-lane tunnel or at least a six-lane bridge.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Maryland.

Mr. HYDE. In partial answer to the gentleman from Ohio——

Mr. BROWN of Ohio. I have made a statement of my own views. I should be glad to have the gentleman comment on my views.

Mr. HYDE. In comment on the statement of the gentleman from Ohio, I have seen reports made by traffic engineers to the effect that they feel the four-lane bridge or tunnel would be preferable from a traffic-engineering standpoint, because while they need another way to get across the river at this point, nevertheless they feel that four lanes would be better than six because it appears that perhaps six lanes of traffic could not be handled adequately after it gets into the District of Columbia at that point.

Mr. BROWN of Ohio. I appreciate the gentleman's comment. I am just wondering if the gentleman will agree here and now in the presence of the House that there will be no legislation brought in in 2, 3, 4, or 5 years to build another bridge or another tunnel to solve the traffic problem that we seemingly may not solve today, if we adopt this limited method of getting the vehicles between the District of Columbia and Virginia. Can the gentleman assure me that there will be no more legislation coming in the near future?

Mr. HYDE. My ability to give any assurances with reference to any future legislation is no greater, if as great, as that of the gentleman from Ohio.

Mr. BROWN of Ohio. Well, the gentleman from Maryland can certainly assure the House and myself as to what his position on such legislation would be.

Mr. HYDE. Like the gentleman from Ohio, I take no position on legislation 2 years in advance.

Mr. BROWN of Ohio. What the gentleman is saying to the House in substance is that probably in 2 years we will be faced with the problem of doing something else about the transportation problem between the State of Virginia and the District of Columbia.

Mr. HYDE. The gentleman from Ohio is reading his own observations into the RECORD and not mine.

Mr. BROWN of Ohio. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. MILLER].

Mr. MILLER of Nebraska. Mr. Speaker, as a member of the Committee on the District of Columbia, I think I am fairly familiar with some of the arguments pro and con on the question of the bridge versus the tunnel. I believe the best evidence in my mind that was presented to the committee is the fact that a four-lane tunnel under the river would be obsolete and not adequate to handle the traffic as soon as it is finished. It may be adequate at this time, but certainly not after it is finshed in the next 5 years. The amount of travel that will be going on between Virginia and the District of Columbia is rapidly increasing. We now have bridges over the Potomac River and it fits the pattern we already have, you can build a six-lane bridge that would be adequate for the next 10 or 15 years at far less cost then you could build a tunnel. So I hope the House at the proper time will stay by their decision, which was adopted 2 years ago, and maintain that a six-lane bridge is a proper facility to build between the District of Columbia and Virginia. There is no question but what we need some new facilities for the increased traffic, but the tunnel is not the answer. If a tunnel is to be built it should be a six-lane tunnel and the cost then would be about $47 million as compared to about $18 million for a six-lane bridge.

Mr. BROWN of Ohio. Mr. Speaker, fearing that it will take too much of the time of the House for me to answer the question propounded by the gentleman from Nebraska, I will defer my answer until a later date. Now, Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. GAVIN].

Mr. GAVIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GAVIN. Mr. Speaker, since we are on the subject of transportation, I want to call the attention of the House to the fact that within the next several days, we are going to have an opportunity to vote on the appropriation for the proposed new Washington airport. I noted in a recent newspaper release where the President recommended the Burke site for the proposed airport. The newspaper release also referred to it as a boondoggling project. Now the word "boondoggling" is a tricky word, and certainly in my estimation it does not apply in this instance to this proposed Burke airport. Anyone with commonsense would know otherwise. The need for a new airport for Washington, the metropolitan center of the world, has been evident for the past several years. The need is very great. It would take several years to build a new airport and, yet, an additional airport is needed right now. The greatly increased traffic at the present airport necessitates the building of a new airport for Washington. The traffic and the facilities of the present airport have outgrown the present airport. If that is boondoggling to provide the public with a new airport, than I am in favor of boondoggling. If there has been any boondoggling, it has been on the part of the certain people here in Washington who have objected to the airport over the past several years. Let me say right now, this airport project is not a local problem to be haggled over by local politicians. It is a project to meet the needs and demands of the air-traveling public.

I wonder if those who are objecting have ever been up in the air during foul weather for an hour or so waiting to come in and are unable to land. They would think twice about what kind of a project it is, I am certain of that. It is mighty hazardous flying with the traffic over the present airport, but the question is, Who is to be satisfied in this matter? Several people locally, or the several millions of people in all parts of the world who come to Washington? I understand over 5 million people used the Washington airport last year. This project has been kicked around long enough. It has been hanging fire for the past 7 years. It is time for action. Traffic has increased at a terrific rate, and the air-traveling public is entitled to be considered as well as local interests.

Certainly it is a reflection upon us not to have adequate airport faciilties in so great a world center as Washington. Near misses are a common occurrence, and why continue to jeopardize the lives of people because of local political bickering?

From an article in the June 9, 1957, Washington Star, entitled "Thirty-three Near Misses in Air Reported," I quote:

> The Civil Aeronautics Board has records of 33 near-collisions of aircraft within a 30-mile radius of Washington National Airport between September of last year through March. Ten of the 33 reported their near misses between 100 and 500 feet. Six were in clear weather. Eight were in a holding pattern. Twenty were in daylight hours and 25 involved military aircraft.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. SMITH of Virginia. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. GAVIN. My sincere thanks to the very able and distinguished gentleman from Virginia, whom I greatly admire. Hundreds of people were involved in these aircraft. Any accident could have cost the lives of many people. This is a serious matter. This matter of an additional airport for Washington should not be delayed any further. The President is right. I am glad that he has definitely recommended that the Burke site be determined upon. This project is long overdue and the safety of the flying public is dependent upon it. I trust that the Congress, when this appropriation legislation is presented, will take favorable action, so that this project can be undertaken. It will take several years to build it. Let us get an airport that will meet the needs and demands of the millions of people who come to Washington.

The SPEAKER. The time of the gentleman from Pennsylvania has again expired.

Mr. SMITH of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. FLOOD].

Mr. FLOOD. Mr. Speaker, as most of you know, I am only half a "damn Yankee." We are originally from Virginia. I am not speaking in that sense at this minute, but the reason I am speaking on the rule at all is because at 2 o'clock my Appropriations Subcommittee for the Department of Commerce is going to vote on the President's request for funds for the Burke Airport. Personally, I will vote for the President's request, because I agree with the gentleman from Pennsylvania [Mr. GAVIN], we should have the Burke Airport, and we should have had it years ago. I have been advocating this for years in my committee and on this floor.

But I want to talk to you for a minute about this tunnel across the Potomac River. I served on the Subcommittee on Appropriations for the District of Columbia for several years and I am acquainted with that need. I do not believe this problem is one for Virginia or for Maryland alone; I am from Pennsylvania, and I am as much interested in the development of the Nation's Capital as any of my friends from the adjacent and contiguous States. I believe this tunnel is far superior to a six-lane bridge at that particular place.

The river for miles is cluttered up with costly bridges. I hope we build no more, but the need for some kind of additional crossing cannot be intelligently evaded any longer.

This is not alone a question of getting suburban residents back and forth across this river. I am a member of the Defense Subcommittee on Appropriations, and I know there are twenty or thirty thousand who must get to the Pentagon and to the Navy Annex Buildings every day. This tunnel is necessary and essential to our national defense and for the operation of these great defense agencies across the river.

This is not just a suburbanite luxury by any means. I would have you know that the Washington Society of Professional Engineers have unanimously endorsed the tunnel concept as against a bridge. There will be no need to acquire extra real estate on the District of Columbia side or on the Virginia side to build a tunnel, not a dime; but thousands and thousands of dollars will be necessary to acquire real estate to build approaches to the bridge. Keep that in mind.

In addition to that let me say I would like to see this great Potomac River cleaned up, and made navigable far beyond what it now is. I would like to see the Nation's Capital an additional port of ingress and egress to the fleets of the world. I would like to see it either at Georgetown or Alexandria, or wherever they wish to establish it.

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The condition of this river is a national disgrace. Certainly shipping interests from all over the world should have access to Washington, the capital of the world. The tunnel will lend itself to that kind of thing. It will expedite traffic. A draworidge across the great Potomac with river traffic will only delay traffic's being speeded between those areas.

As to the esthetic values, having in mind these pictures here, I take it for granted my friends from Virginia will develop that, but esthetic values are not to be ignored as conditions precedent to traffic control across this great river between these two great jurisdictions.

I believe, Mr. Speaker, that when it is clear to the people of this country that this lends itself to the beautification of the Capital the taxpayers will not object, for they come by the millions to see it.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

## CALL OF THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Evidently a quorum is not present.

Mr. TRIMBLE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 165]

| | | |
|---|---|---|
| Allen, Calif. | Frelinghuysen | O'Hara, Minn. |
| Anfuso | Gray | O'Konski |
| Barden | Halleck | O'Neill |
| Bass, N. H. | Hébert | Powell |
| Beamer | Hillings | Preston |
| Berry | Holtzman | Reece, Tenn. |
| Boykin | Johnson | Reed |
| Brownson | Jones, Mo. | Rivers |
| Buckley | Kearney | Shelley |
| Bush | Kilburn | Steed |
| Carnahan | Kirwan | Taylor |
| Celler | Landrum | Thompson, La. |
| Coudert | Latham | Tollefson |
| Dawson, Ill. | McCarthy | Vursell |
| Dawson, Utah | McConnell | Walter |
| Eberharter | McMillan | Watts |
| Fallon | Mailliard | Whitten |
| Feighan | Mason | Williams, N. Y. |
| Fogarty | Morrison | Zablocki |

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 366 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## AUTHORIZING CONSTRUCTION OF BRIDGES OVER THE POTOMAC RIVER

Mr. DAVIS of Georgia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6763) to amend the act of August 30, 1954, entitled "An act to authorize and direct the construction of bridges over the Potomac River, and for other purposes."

The SPEAKER pro tempore. The question is on the motion.

The question was taken; and on a division (demanded by Mr. TABER), there were—ayes 84, noes 22.

Mr. TABER. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that quorum is not present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and eighty-seven Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 297, nays 76, not voting 59, as follows:

[Roll No. 166]

YEAS—297

| | | |
|---|---|---|
| Abbitt | Dooley | Krueger |
| Abernethy | Dorn, N. Y. | Lane |
| Adair | Dorn, S. C. | Lanham |
| Albert | Dowdy | Lankford |
| Alexander | Doyle | Lennon |
| Allen, Calif. | Durham | Lesinski |
| Allen, Ill. | Dwyer | Long |
| Anderson, Mont. | Edmondson | Loser |
| Andresen, August H. | Elliott | McCormack |
| Andrews | Engle | McCulloch |
| Arends | Evins | McDonough |
| Ashmore | Fallon | McFall |
| Aspinall | Fascell | McGovern |
| Auchincloss | Feighan | McGregor |
| Avery | Fenton | McIntire |
| Baker | Fisher | McVey |
| Baldwin | Flood | Macdonald |
| Baring | Flynt | Machrowicz |
| Bass, Tenn. | Forand | Mack, Ill. |
| Bates | Ford | Mack, Wash. |
| Baumhart | Forrester | Madden |
| Beckworth | Fountain | Magnuson |
| Belcher | Frazier | Mahon |
| Bennett, Fla. | Friedel | Martin |
| Bennett, Mich. | Fulton | Matthews |
| Bentley | Garmatz | May |
| Blatnik | Gary | Meader |
| Blitch | Gathings | Merrow |
| Boggs | Gavin | Metcalf |
| Boland | George | Miller, Calif. |
| Bolling | Gordon | Miller, Md. |
| Bolton | Granahan | Miller, Nebr. |
| Boyle | Grant | Mills |
| Breeding | Gregory | Montoya |
| Brooks, La. | Griffiths | Moore |
| Brooks, Tex. | Gubser | Morano |
| Brown, Ga. | Hagen | Morgan |
| Brown, Mo. | Hale | Morris |
| Brown, Ohio | Harden | Moss |
| Broyhill | Hardy | Multer |
| Buckley | Harris | Mumma |
| Budge | Harrison, Va. | Murray |
| Burdick | Harvey | Neal |
| Burleson | Haskell | Nimtz |
| Byrd | Hays, Ark. | Norblad |
| Byrne, Ill. | Hays, Ohio | Norrell |
| Canfield | Healey | O'Brien, Ill. |
| Cannon | Hébert | O'Brien, N. Y. |
| Carrigg | Herlong | O'Hara, Ill. |
| Chelf | Heselton | O'Neill |
| Chenoweth | Hess | Osmers |
| Chiperfield | Hill | Ostertag |
| Christopher | Hoeven | Patman |
| Church | Holifield | Patterson |
| Clark | Holland | Perkins |
| Coad | Holmes | Philbin |
| Coffin | Holt | Pilcher |
| Cole | Huddleston | Poage |
| Colmer | Hull | Poff |
| Cooley | Hyde | Polk |
| Cooper | Ikard | Porter |
| Corbett | James | Price |
| Cramer | Jarman | Radwan |
| Cretella | Jenkins | Rains |
| Cunningham, Iowa | Jennings | Ray |
| Curtin | Jones, Ala. | Reuss |
| Dague | Judd | Rhodes, Ariz. |
| Davis, Ga. | Karsten | Rhodes, Pa. |
| Davis, Tenn. | Kean | Riehlman |
| Delaney | Kearns | Riley |
| Dellay | Kee | Roberts |
| Dempsey | Kelley, Pa. | Robeson, Va. |
| Dennison | Kelly, N. Y. | Rogers, Fla. |
| Denton | Keogh | Rogers, Mass. |
| Derounian | Kilday | Rogers, Tex. |
| Devereux | Kilgore | Roosevelt |
| Dies | King | Rutherford |
| Dingell | Kirwan | Sadlak |
| | Kitchin | Santangelo |
| | Knox | Saund |
| | Knutson | Saylor |
| | Schenck | Staggers |
| | Scott, N. C. | Stauffer |
| | Scott, Pa. | Sullivan |
| | Seely-Brown | Talle |
| | Selden | Teague, Tex. |
| | Sheehan | Teller |
| | Shuford | Tewes |
| | Sieminski | Thompson, Tex. |
| | Sikes | Thomson, Wyo. |
| | Siler | Thornberry |
| | Simpson, Ill. | Tollefson |
| | Simpson, Pa. | Trimble |
| | Sisk | Tuck |
| | Smith, Kans. | Udall |
| | Smith, Miss. | Ullman |
| | Smith, Va. | Vanik |
| | Smith, Wis. | Van Pelt |
| | Spence | Van Zandt |
| | Springer | Vorys |
| | | Vursell |
| | | Wainwright |
| | | Weaver |
| | | Westland |
| | | Whitener |
| | | Whitten |
| | | Widnall |
| | | Wier |
| | | Wigglesworth |
| | | Williams, Miss. |
| | | Williams, N. Y. |
| | | Willis |
| | | Winstead |
| | | Wolverton |
| | | Wright |
| | | Yates |
| | | Young |
| | | Younger |
| | | Zelenko |

NAYS—76

| | | |
|---|---|---|
| Addonizio | Green, Pa. | Natcher |
| Alger | Griffin | Nicholson |
| Andersen, H. Carl | Gross | Passman |
| Bailey | Gwinn | Pelly |
| Barrett | Haley | Pfost |
| Becker | Harrison, Nebr. | Pillion |
| Berry | Henderson | Prouty |
| Betts | Hiestand | Rabaut |
| Bosch | Hoffman | Rees, Kans. |
| Bow | Horan | Robsion, Ky. |
| Bray | Hosmer | Rodino |
| Broomfield | Jackson | Rogers, Colo. |
| Byrne, Pa. | Jensen | Rooney |
| Byrnes, Wis. | Johansen | St. George |
| Cederberg | Johnson | Scherer |
| Chamberlain | Jonas | Schwengel |
| Chudoff | Keating | Scrivner |
| Clevenger | Keeney | Scudder |
| Collier | Laird | Smith, Calif. |
| Cunningham, Nebr. | LeCompte | Taber |
| Curtis, Mo. | Lipscomb | Thomas |
| Diggs | McIntosh | Thompson, N. J. |
| Dixon | Marshall | Utt |
| Green, Oreg. | Michel | Wilson, Calif. |
| | Minshall | Wilson, Ind. |
| | Moulder | Withrow |

NOT VOTING—59

| | | |
|---|---|---|
| Anfuso | Fino | Morrison |
| Ashley | Fogarty | O'Hara, Minn. |
| Ayres | Frelinghuysen | O'Konski |
| Barden | Gray | Powell |
| Bass, N. H. | Halleck | Preston |
| Beamer | Hemphill | Reece, Tenn. |
| Bonner | Hillings | Reed |
| Boykin | Holtzman | Rivers |
| Brownson | Jones, Mo. | Shelley |
| Bush | Kearney | Sheppard |
| Carnahan | Kilburn | Steed |
| Celler | Kluczynski | Taylor |
| Coudert | Landrum | Teague, Calif. |
| Curtis, Mass. | Latham | Thompson, La. |
| Dawson, Ill. | McCarthy | Vinson |
| Dawson, Utah | McConnell | Walter |
| Dollinger | McMillan | Watts |
| Donohue | Mailliard | Wharton |
| Eberharter | Mason | Zablocki |
| Farbstein | Miller, N. Y. | |

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Holtzman with Mr. Taylor.
Mr. Walter with Mr. Kearney.
Mr. Dawson of Illinois with Mr. Ayres.
Mr. McCarthy with Mr. Fino.
Mr. Anfuso with Mr. Coudert.
Mr. Morrison with Mr. Mason.
Mr. Zablocki with Mr. McConnell.
Mr. Preston with Mr. Latham.
Mr. Landrum with Mr. Reece of Tennessee.
Mr. Kluczynski with Mr. Halleck.
Mr. Celler with Mr. Hillings.
Mr. Carnahan with Mr. Bass of New Hampshire.
Mr. Boykin with Mr. Beamer.
Mr. Rivers with Mr. Reed.
Mr. Hemphill with Mr. Bush.
Mr. Sheppard with Mr. Curtis of Massachusetts.
Mr. Shelley with Mr. Frelinghuysen.
Mr. Vinson with Mr. Kilburn.
Mr. Watts with Mr. Teague of California.
Mr. Farbstein with Mr. O'Konski.
Mr. Dollinger with Mr. Miller of New York.
Mr. Donohue with Mr. Brownson.
Mr. Fogarty with Mr. Dawson of Utah.
Mr. Bonner with Mr. Mailliard.
Mr. Jones of Missouri with Mr. Wharton.
Mr. Powell with Mr. O'Hara of Minnesota.

Mr. BROOKS of Texas changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H. R. 6763, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Georgia [Mr. DAVIS] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. SIMPSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Georgia [Mr. DAVIS].

Mr. DAVIS of Georgia. Mr. Chairman, I yield myself 10 minutes.

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Is either of the gentlemen mentioned by the Chair opposed to the bill?

The CHAIRMAN. The Chair will inform the gentleman that the rule provides for the distribution of time. The Chair is not in a position to answer the question. The Chair recognizes the gentleman from Georgia [Mr. DAVIS].

Mr. DAVIS of Georgia. Mr. Chairman, I yield myself 10 minutes.

This bill, H. R. 6763, is a bill to construct a four-lane tunnel at Constitution Avenue across the Potomac River to the Virginia side. The bill was introduced by the gentleman from Virginia [Mr. BROYHILL] who represents the district in Virginia where the Virginia end of this tunnel will be located.

The members of the Committee on the District of Columbia have dealt with this matter on a nonpartisan basis. The gentleman from Virginia [Mr. BROYHILL] who represents this district, has been very active in efforts to secure a very much needed crossing at this particular location. We on our side of the committee have supported him in his efforts as we are doing here today. This is a very much needed structure, as I shall undertake to point out from the evidence which we had before the committee.

To begin with some of the questions which were asked about this bill when the rule was under discussion were, why the bill was entitled a bill to direct the construction of bridges over the Potomac River. Well, it is not a bill to direct the construction of bridges over the Potomac River. It is a bill to amend the act of August 30, 1954, which act was entitled "An act to authorize and direct the construction of bridges over the Potomac River, and for other purposes."

In this bill we are amending that act. For your information that was an act which authorized the construction of a bridge across the Potomac River at or near this same location.

The act was approved August 30, 1954, and has been on the books all the time since that date. Not a move has been made yet toward the construction of this much-needed crossing.

In the last Congress we took this matter up again in the Committee on the District of Columbia and reported out a bill which passed the House authorizing the construction at this identical location of a six-lane bridge and a bascule span. That bill went to the Senate, which adopted some amendments to it. The bill went to conference and the conferees agreed on language in the bill, but when it went back to the Senate that body would not agree to the conference report. Therefore, that bill died with the last Congress.

The other body has taken the matter up again this year and the District of Columbia Committee over there has approved a bill to construct a four-lane tunnel at this location across the Potomac River. We took the matter up again in the House Committee on the District of Columbia and we heard all the witnesses on it. We heard witnesses who are well-informed on all the matters involved in this legislation. After the hearings were ended the subcommittee voted this bill out favorably; the full committee also voted it out favorably.

When the bill was under consideration we had before the subcommittee one of the recognized, most able tunnel engineers in the world, Mr. Ole Singstad. The testimony shows that he is the man who constructed the Holland Tunnel and operated that tunnel for quite a while. He is the engineer who now has charge of the construction of a traffic tunnel under Baltimore Harbor.

The information on which this bill is based, as far as the tunnel end of it is concerned, was very carefully gone into by this very able engineer, and we have all the testimony here. I will undertake to give you any information which you want about it.

Mr. MILLER of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. MILLER of Nebraska. Are printed copies of the hearings of the committee available to the Members?

Mr. DAVIS of Georgia. No, the hearings were not printed.

Mr. MILLER of Nebraska. I think that on a bill as important as this we ought to have hearings available to the membership.

Mr. DAVIS of Georgia. I am not in charge of the printing of the hearings. No one has asked me about seeing any hearings. They have been available in the committee all this time. The gentleman was present when the bill was under consideration in the full committee, was he not? It is my recollection that he was.

Some questions were asked during the progress of the debate on this rule as to the capacity of this tunnel and whether or not it would fill the needs. Questions were also asked about the cost of this tunnel and the cost of a bridge. I have that information and will give it to you.

As far as the capacity of the tunnel is concerned and the adequacy of the tunnel, our information showed that there is now a need for a traffic crossing capacity in this area which would serve the crossing of 47,000 vehicles per day.

It is estimated that by 1970, or within a period of 20 to 25 years, there will be needed a crossing capacity for 70,000 vehicles—not all at this point. The testimony of numerous people who are familiar with traffic conditions is to this effect: that it would be a mistake to funnel all of the traffic coming from the Virginia side into this one crossing. The engineers and the traffic experts state that by 1970 we will need 17 additional traffic lanes from the Virginia side over to the District of Columbia. Very careful plans have been made to provide these 17 traffic lanes. Two of them have already been provided by the widening of the Key Bridge and the adding of two lanes to the Key Bridge. One of them will be provided by the construction of the new outgoing 14th Street bridge, which now has three lanes and the new bridge will have four lanes. A bridge is planned at Roaches Run which will provide six lanes. This tunnel will provide four lanes. Another bridge at Three Sisters will provide four lanes also. There is a bridge under construction at Jones Point, a 6-lane bridge which is not included in this calculation of 17 needed traffic lanes in this program.

As to the capacity of this tunnel, I want to give you some information about the capacity of tunnels in general. The Holland Tunnel to which I have just referred has a 2-lane capacity in the peak hour, the maximum traffic hour, of 2,496 vehicles or 1,248 vhicles per lane.

The Lincoln Tunnel has a 2-lane capacity of 2,476 vehicles per hour, or 1,238 vehicles per lane.

The Sumner Tunnel has a capacity of 1,300 per lane, or 2,600 for 2 lanes.

The Queens Midtown Tunnel has a capacity of 2,970 for the 2 lanes, or a 1-lane capacity of 1,485.

I want to compare that with the bridge capacity. Judging from traffic over the bridges already existing, this tunnel will have adequate and ample carrying capacity. The seven lanes existing now, on the highway bridge; that is, the incoming and outgoing 14th Street bridges—the traffic has been counted on those lanes. The peak-hour traffic for all of the lanes is 5,549 and the traffic per day is 105,851 vehicles.

The Memorial Bridge, with 6 lanes, has a maximum peak-hour traffic of 4,568 vehicles and a daily traffic of 57,637 vehicles.

The Key Bridge, with its 4 lanes, has a maximum hour traffic of 2,705 vehicles and a daily traffic of 48,488.

The Chain Bridge, with 2 lanes, has an hourly traffic of 1,662 and a daily traffic of 15,179 vehicles.

The highway bridges which carry 50 percent of the traffic between Virginia and the District of Columbia, according to the figures given us which I have just given you, during the peak hour carry 792 vehicles per lane. These vehicles have been counted as they crossed there.

The Memorial Bridge, with its 6 lanes, carries 761 vehicles per lane.

So that you can see that the traffic-carrying capacity of this tunnel when in operation will be able to take care of all the traffic that ought to be funneled into Constitution Avenue from Virginia.

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These traffic engineers and experts who testified before our subcommittee testified that it would be a mistake to funnel more vehicles into the Constitution Avenue than could be carried through this tunnel. Mr. Conrad Wirth, who is one of the recognized authorities in this line, testified, and his testimony is available here, that a four-lane tunnel would provide crossing for the maximum number of vehicles which Constitution Avenue and the streets in that area should be called upon to handle. That same testimony was given by other experts. It is here for your inspection.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. GROSS. How did this bill dealing with these different bridges and tunnels which would ordinarily be handled by the Public Works Committee get to the District of Columbia Committee? Does the District of Columbia Committee handle all these bridges and roads?

Mr. DAVIS of Georgia. The gentleman knows the answer to that. It came to the committee because the Speaker referred it to the committee.

Mr. GROSS. But is it normal for the District of Columbia Committee to handle the building of bridges and tunnels and roads?

Mr. DAVIS of Georgia. It is for bridges in the District of Columbia. I have been here 11 years, and we handled the bill for the East Capitol Bridge. We have dealt with the 14th Street bridges and the Jones Point Bridge. There is nothing unusual about this bill.

Mr. GROSS. The gentleman mentioned the Jones Point Bridge. That bridge takes off on the Virginia side and the Maryland side. It does not cross the District of Columbia.

Mr. DAVIS of Georgia. Oh, yes; it crosses territory in the District of Columbia.

Mr. GROSS. It crosses territory in the District of Columbia, in midstream or part of the stream?

Mr. DAVIS of Georgia. I would not say whether it is in midstream or not.

Mr. GROSS. I wonder how the District of Columbia got hold of that bill.

Mr. DAVIS of Georgia. The Speaker referred it to the committee.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. ASPINALL. I wish to join with the distinguished gentleman from Georgia in support of this legislation. At the same time, I wish to commend the great services of the gentleman from Georgia and members of this Committee on the District of Columbia who serve this Congress and the people of the District so ably. My interest in this bill is because of appointment by the Speaker to the National Monument Commission. Three other Members of the House of Representatives serve on that Commission. As members of that Commission we have gone into the problem of building a national monument, which has been authorized, and which shall be built at the west end of the Mall, extending beyond the Potomac River. And if a bridge were built with all of the approaches that are necessary, the scenic value to the District of Columbia from that monument would be almost nil. A tunnel would serve so much better in the interests of the monument and more in the interest of these people who are interested in a monument to the Capital.

Mr. DAVIS of Georgia. I thank the gentleman very much.

Mr. MARSHALL. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. MARSHALL. I notice in section 6 of your bill there is section 106 that transfers $1 million from the National Park Service. The Congress recently passed an appropriation for the National Park Service. Does the gentleman feel that we were so overly generous with the Park Service that they have a million dollars that they do not have any use for?

Mr. DAVIS of Georgia. No. As a matter of fact, I am not prepared to discuss the appropriation to the Park Service this afternoon, because I do not recall at the moment how much you appropriated.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. DAVIS of Georgia. Mr. Chairman, I yield myself 2 additional minutes.

Something has been said about the grade of this tunnel. I want to give you a comparison of this tunnel with the Dupont Circle tunnel here in Washington, with which I am sure many of you are familiar. The testimony before our committee by Mr. Wirth was to this effect, and it is found on page 12 of the hearings. He said:

> I would like to call your attention to the tunnel under Dupont Circle. The length of the streetcar tunnel is approximately the length of the tunnel that will be built under the river. The grade on the road section of the tunnel at Dupont Circle is 7 percent. The grade of the tunnel under the river as planned is 5 percent.

So the grade of the tunnel under the river will be 2 percent less than the grade of the tunnel under Dupont Circle, and we are all familiar with the successful operation of that tunnel.

I am glad the gentleman from Colorado mentioned the esthetic value of the memorials on the Virginia side of the river. That is one of the great reasons why this crossing should be a tunnel instead of a bridge.

Mr. MILLER of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. MILLER of Nebraska. I notice General Lane, who was engineer-commissioner for the District says this about the plan:

> I think it is important at this point to know that the six-lane bridge has been approved by the Planning Commission as a thorough study by that body is required by law, and that the 4-lane tunnel has not been approved.

He, I believe, was the Chairman of the Planning Commission.

Mr. DAVIS of Georgia. What is the date of the testimony the gentleman is reading?

Mr. MILLER of Nebraska. This testimony was taken on February 21, 1957. It appears at page 82 of the transcript.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. DAVIS of Georgia. Mr. Chairman, I yield myself 5 additional minutes.

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. DAVIS of Georgia. Will the gentleman let me make this observation first?

You will see from page 7 of the report that 17 departments and agencies have approved this tunnel bridge beginning with the Department of the Interior and the National Capital Planning Commission.

Mr. MILLER of Nebraska. It also says on page 83, if the gentleman will yield:

> After extensive consideration of the evidence the Planning Commission recommended and the Commission approved on April 8, 1955, the acceptance of a 6-lane tunnel or 6-lane bridge at this location, but made no favorable recommendation on a 4-lane tunnel.

Mr. DAVIS of Georgia. Mr. Conrad Wirth, who is an officer of the Planning Commission, testified that the Planning Commission—I am informed by the Clerk that he is the representative of the Planning Commission who testified that the Planning Commission has given approval.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from New York.

Mr. TABER. I note in the original act which is supposed to be amended by this bill that appropriations for the construction of the bridge and other structures are authorized by this title, and amounts not exceeding $24,500,000 are authorized.

This bill provides for taking the money out of the Federal Treasury and it is a move in. It seems to me that is a very bad approach to legislation, that we ought to expect the District of Columbia and the State of Virginia to pay for this bridge just like the folks back in my territory and your territory have to pay for such structures at home.

Mr. DAVIS of Georgia. What the gentleman from New York has said regarding payment is correct. Existing law which this bill amends has been on the books since 1954, as the gentleman has said, with a provision in it that the District of Columbia shall pay the cost, yet not a lick has been hit towards constructing that bridge.

As I stated at the outset, we in the last Congress passed a bill through the committee and the House to build a six-lane bridge with a bascule span, and that bill ran onto the rocks over in the other body.

This crossing is badly needed. Our committee has made every effort to provide a bridge, and that effort has gotten nowhere. I think it has about reached this point now that it is a question either of passing this four-lane tunnel bill or we will not have any crossing across the river at that point.

Now I want to say something about cost before I conclude. A 6-lane bridge with a bascule span will cost approximately $24 million; in addition to that

there will have to be something like an acre and a half of land owned by private parties on the Virginia side purchased in order to construct the approaches and the secondary structures on the other side.

So that I would say the total cost of the 6-lane bridge with the bascule span and the purpose of the ground that has to be purchased for the approaches would cost as much as the 4-lane tunnel, the cost of which will be $25½ million. There is not enough difference in the cost of the 2 crossings, or the 2 structures to make any substantial difference.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from Michigan.

Mr. RABAUT. The reason, of course, for a bridge or a tunnel is to move traffic?

Mr. DAVIS of Georgia. Yes.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. DAVIS of Georgia. Mr. Chairman, I yield myself 2 additional minutes.

Mr. RABAUT. It is to move traffic. It certainly is apparent to anyone that on 6 lanes you are going to move more traffic than you are on 4. You are going to move two-thirds of the traffic on 4 lanes as you would move on 6 lanes. Is that true?

Mr. DAVIS of Georgia. In this case, "No." As I have undertaken to explain, the program is not to move all of the traffic on the Virginia side into Constitution Avenue. It must be dispersed up and down the area. There is an interloop expressway which is going to run all around the city of Washington and these experts have planned, as I stated before, to have traffic lanes beginning at Three Sisters, coming on down to the Constitution Avenue location, Roaches Run, and at one other location and including a 4-lane outgo on 14th Street. It must be dispersed. It must be brought in so that it will not congest the approaches to these various crossings, so that when it is delivered over into Washington it will not all be funneled into one point. One after the other of the traffic experts testified it would be a grave mistake to try to funnel all of this traffic into one place. It would congest the streets.

Mr. RABAUT. Nevertheless, you can only move two-thirds of the amount of traffic over 4 lanes as you can move over 6 lanes. That is just as apparent as arithmetic.

Mr. DAVIS of Georgia. I gave the gentleman the figures of the traffic now moving across Memorial Bridge, the 14th Street Bridge, Key Bridge, and Chain Bridge.

Mr. RABAUT. That is all well and good.

Mr. DAVIS of Georgia. This four-lane tunnel will have a capacity of nearly twice the traffic per lane which is being handled now by the Potomac bridges in the peak hours.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. KEARNS. Mr. Chairman, I yield 15 minutes to the gentleman from Virginia, the author of this bill [Mr. BROYHILL].

Mr. BROYHILL. Mr. Chairman, I would like to remind the membership once again that this subject which we have before us today is not a new one or a new problem in anywise. As has been stated here repeatedly, this measure is merely to amend the act of August 30, 1954, Public Law 704, which authorized the construction of a 6-lane bridge across the Potomac River in the vicinity of the Lincoln Memorial Bridge.

The location at which we authorized the construction of the bridge was not an acceptable location, both from the standpoint of general design of the area and the esthetic effect of the area, as well as being able to properly handle the traffic involved. Since that time we have been trying to amend that act by changing the location, changing the bridge from a fixed span to a drawspan and trying to get an agreement with all parties concerned. We have worked on it for several years.

We have had extensive hearings year after year on the subject. At this time I should like to commend the gentleman from Georgia [Mr. DAVIS], chairman of the subcommittee, for his patience and diligence in this matter and for the sacrifice he has made of his most valuable time in trying to work out this problem. I know of no subject affecting the national capital with which the committee has taken as much time in trying to work out an acceptable agreement as they have this particular problem here.

Now, I would also like to review some of the major aspects of this problem. First of all is the need. There is a very serious need for additional lanes crossing the Potomac River here in the Nation's Capital area. As has been pointed out by the gentleman from Georgia, experts have testified that we need 17 additional lanes across the Potomac River at this point. By 1970 it is anticipated that we will have over 325,000 vehicles crossing the Potomac River in this area every day. The fact of the matter is that back in 1955—and it is much greater today—river crossings over the Potomac River in this area were far greater than those over the Hudson between New York and New Jersey or any other crossing in a metropolitan area in the entire world. We recognized that problem back in 1954 when we authorized the construction of this 6-lane bridge.

The second major aspect of this problem is the objection on the part of some of the Members that this should be left up to the District of Columbia and the State of Virginia. I should like to submit that this is a Federal responsibility. This is the Nation's Capital, the Capital of all the people, and on both sides of the river, where this crossing will be constructed, the property is owned by the Federal Government. And, it is no different than the various national parks throughout this great country, which it is the province of the Federal Government to administer. Take the National Park Service. The Federal Government pays all of the cost of the repairs and the various facilities in those national parks. So, it is similar to many projects throughout the country. It is true that certain people of Maryland and the District of Columbia and Virginia will use these facilities, but since this is the Nation's Capital, it will be used by all the people of the country. And, I should like to point out further that a large percentage of the residents of Virginia and Maryland and the District of Columbia in this area are temporary residents. They are here for a period of time. They still maintain their voting residences back in the various States of the Union, and they are not here long enough, in many instances, to pay local taxes.

Regardless of whether we consider this a Federal project or not, highways are being constructed throughout the country with Federal contribution to the construction cost of 90 percent. Incidentally, in those construction costs we do not have to come back for Congressional approval, so the only thing we can argue about is 10 percent of the cost of construction. Since the Federal Government does make a contribution each year to the operation expenses of the District of Columbia, a large portion of that 10 percent would be paid for by the Federal Government whether it is a District of Columbia project or a Virginia project or not.

Insofar as the type of structure is concerned, I appreciate the fact that there is a great deal of confusion and uncertainty on the part of many of the Members as to whether or not this crossing should be a 4-lane tunnel or a 6-lane tunnel or a 6-lane bridge or a 4-lane bridge, fixed span or draw span. This problem we have sat with in the committee for a number of years. There is merit on all sides of this argument. No one can say that this is the only solution to the problem, but we on the committee sincerely believe that this is the best solution. It is a compromise, and we urge the members of the committee to go along with the recommendations of the Committee on the District of Columbia, with whom we have been making a sincere effort in trying to work out this problem over the last few years.

Mr. WESTLAND. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Washington.

Mr. WESTLAND. I want to take this opportunity to compliment the gentleman on the case he is presenting in connection with this very controversial question. It seems to me he has added considerably to the debate in this case. As a member of the National Monuments Commission, which was appointed by the Speaker of the House, I participated in some of the debates and controversies on this bridge-versus-tunnel matter. I realize there are many factors that enter into it. However, it seems to me that if one considers the cultural aspects of the question, the beauty of the District of Columbia, the beauty of the city of Washington and its surrounding areas, the tunnel which the gentleman supports would be the proper means of handling this problem. I shall certainly support the gentleman in this legislation.

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Mr. BROYHILL. I thank the gentleman for his observation.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman.

Mr. GROSS. Mr. Chairman, I, too, want to commend the gentleman from Virginia when it comes to tapping the Federal Treasury for the benefit of his people. He is always on the job. I want to commend him for that, and that is all.

Mr. BROYHILL. I thank the gentleman. I think all of us are equally concerned or should be equally concerned with the welfare of our Nation's Capital. That is my interest almost entirely, I can assure the gentleman.

A great deal has been said about the difference between the cost of a tunnel and a bridge and there has been a great deal of exaggeration of that difference. As has been pointed out by the gentleman from Georgia [Mr. DAVIS], we have the estimate of Ole Singstad, the foremost tunnel authority in the entire world. We have a detailed breakdown of his figures. In fact, his estimate was checked by the tunnel contractors who found that his estimate, if anything, was just a few percentage points higher. So we have all the assurance necessary that the $25½ million will construct a 4-lane tunnel. Under the act of 1954 there was authorized an expenditure of $24½ million for a 6-lane bridge. So we are talking about a difference in cost of only approximately $1 million.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. I overlooked mentioning in my statement the difference which the bridge will make in the appearance of the territory near these memorial structures on the Virginia side. I would like the gentleman, if he will, to point out that if a bridge should be built there would be 14 secondary structures and 5½ miles of approach roads, whereas if the tunnel is built, it will call only for 6 secondary structures, not nearly as high as those called for by the bridge, and only 4½ miles of approach roads.

Mr. BROYHILL. That is correct. That accounts for there being not as much difference in cost between the two structures as has been pointed out.

Mr. WILSON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman.

Mr. WILSON of Indiana. The gentleman made the remark a few moments ago that this was the people's capital, the people of Indiana, Illinois and everywhere.

Mr. BROYHILL. Does not the gentleman agree with that?

Mr. WILSON of Indiana. I agree with that, very much so. I congratulate the gentleman on that statement. But it is not only the people's capital when the bills are to be paid, but when it comes to home rule it is also the people's capital. I should like to remind the gentleman from Virginia that if we are going to pay the bills then certainly we are not going to vote away our people's control over our capital.

Mr. BROYHILL. There was some discussion about a 6-lane bridge taking care of one-third more traffic than a 4-lane tunnel would take care of. Obviously 6 lanes should take care of 50 percent more traffic. But it cannot take care of that much more if there are not sufficient facilities and arteries on either side of the river to handle the traffic after it crosses. And there are not, and there are not planned, sufficient facilities on either side to utilize a 6-lane facility to its full potential. But it would take care of more traffic than a 4-lane tunnel. But we maintain that a 4-lane tunnel will be sufficient, and in that connection I want to quote from the testimony of Wilbur Smith & Associates, also a nationally recognized engineering concern, where they stated that:

> We believe that it may not be necessary, or even desirable, to provide a six-lane capacity at the Constitution Avenue location, and that more thought might be given to the dispersal rather than the concentration of transriver crossings in order to better solve the approach road problem.

Mr. ROBSION of Kentucky. The gentleman makes the point that he feels the Federal Government should bear all the expense of this project on the theory that it is something like a national park. It would seem to me that 90 percent of the traffic over this bridge would consist of people who live in Virginia and work in the District of Columbia. I do not know on what theory the State of Virginia should be relieved of any responsibility for this expense, when they are getting taxes from the homes that are being built over there and from the people, yet they shift the entire responsibility to the Federal Government. It would seem to me that instead of this being truly comparable with a national park, it would be like the bridge between Louisville and New Albany, Ind. The State of Kentucky built that and charged the Indiana people for coming across it when it was paid for. We never came to the Federal Government for 90 percent or any of it. I just do not see how the State of Virginia could think that the people of the other 47 States should pay all this bill. I just cannot see it at all.

Mr. BROYHILL. There again the people of all 48 States do use the facility here, more so than the bridge at Louisville, providing transportation across the river from their residences in the District of Columbia for those who work on nontaxpaying Federal projects in the State of Virginia. So it is the extension of the Federal Government into that area through its nontaxpaying Federal installations that has caused the necessity for constructing this facility here in the District.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from New York.

Mr. TABER. The gentleman has told us that you had the services of a very high-grade engineering firm. I wonder how much the estimates of cost were on the part of that engineering firm for this project.

Mr. BROYHILL. To my knowledge, there was no estimate made whatever.

Mr. TABER. Does the gentleman mean they did not have anything like that before the committee? The committee comes up to us with a bill to authorize the spending of $25 million without knowing anything about the cost?

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield.

Mr. DAVIS of Georgia. That report was not made to our committee, it was prepared for the National Capital Planning Commission. They submitted it to us as part of our hearings.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Michigan.

Mr. RABAUT. I have here a photostat of the estimated cost of the proposed six-lane facility between the Memorial and Key Bridges. For a prestress bridge, 6 lanes, it is $15,550,000, with an annual upkeep of $10,000. For a steel bridge, $18,699,000, with an upkeep of $14,000 annually. For a six-lane tunnel, $47,842,000, with an annual upkeep of $310,000.

Mr. BROYHILL. We have several sets of figures that have been submitted to the committee. The figures the gentleman from Georgia and I have given you are the accurate figures on the total cost of the bridge and tunnel.

Let me make this further point. I should like to point out these two pictures we have on my right and left.

Mr. DAVIS of Georgia. If the gentleman will yield, as to the estimates which the gentleman from Michigan has there, I think there is an estimate of the cost of the approaches which runs up to some $10 million. That was not mentioned by the gentleman.

Mr. RABAUT. The gentleman is correct. The approaches are not here. I just quoted from what was before the committee.

Mr. TABER. That would make the cost of the job $57 million instead of $47 million.

Mr. BROYHILL. I should like to point out again that we give you the actual cost as estimated by these people.

Mr. DAVIS of Georgia. The gentleman from New York says it would cost $57 million instead of $47 million. There is no figure at all that is involved in this bill of $47 million or anything like it. There was an estimate made for a six-lane tunnel of $47 million, but that is not being considered.

Mr. BROYHILL. I should like to point out that on my right here is a design of the monument to be constructed on Theodore Roosevelt Island, a memorial to President Theodore Roosevelt. That has been authorized and it is planned to hold the cornerstone ceremonies in 1958. If a bridge is constructed across the island at that point, then it would not be permissible to construct that monument.

Here on my left is the Freedom Foundation Memorial which has been authorized. It is a monument to the Bill of Rights. That will be constructed near the Iwo Jima Monument there on

the Virginia shore. If a bridge is constructed across the Potomac at that point, then that monument would not be permissible.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield.

Mr. GROSS. Then that would be in that national park known as northern Virginia?

Mr. BROYHILL. That would be on Federal property over in northern Virginia. But, we have invested millions and millions of dollars here in this area. In fact, $60 million in recent years for various monuments and memorials in this particular area which the construction of a bridge would have an adverse effect on so far as the scenic beauty is concerned. Obviously, a bridge could be a beautiful structure, but we fear here that the construction of a bridge in this area would form somewhat of a shield over the Potomac in that area and would obstruct the view and the beauty of these various monuments that we have in this area.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. KEARNS. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. MILLER].

Mr. MILLER of Nebraska. Mr. Chairman, I was not a member of the subcommittee that heard most of the testimony on this matter, but I have just today taken the opportunity to review some of the testimony that was given before the subcommittee. I want to read from that testimony because there are some people, able men, who were opposed to the tunnel.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present. I think we ought to have someone to listen to the gentleman from Nebraska.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and seven Members are present, a quorum.

The gentleman from Nebraska [Mr. MILLER] is recognized.

Mr. MILLER of Nebraska. Mr. Chairman, General Lane, who, as the District engineer, had this to say when he testified before the committee on February 21, 1957:

I think it is important at this point to know that the 6-lane bridge has been approved by the Planning Commission after thorough study by that body as required by law, and that the 4-lane tunnel has not been approved.

He goes on further to say:

After extensive study, a committee of the Planning Commission recommended and the Commission approved the acceptance of a 6-lane tunnel or a 6-lane bridge at this location, but made no favorable recommendation of a 4-lane tunnel.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Nebraska. I yield.

Mr. DAVIS of Georgia. I would like to call the attention of the gentleman to this fact, that this witness is not an official of the Planning Commission and that Mr. Conrad L. Wirth is an official of the Planning Commission. I will give you his title in a moment.

Mr. MILLER of Nebraska. I know that.

Mr. DAVIS of Georgia. Let me give you his testimony.

Mr. MILLER of Nebraska. Mr. Lane is Engineer Commissioner for the District of Columbia, or was, at that time.

Mr. DAVIS of Georgia. Let me read you the testimony of Mr. Wirth, on page 14. He says:

Both of these plans have had the approval of the National Capital Planning Commission and have been accepted by the District Highway Department as being feasible in either case, depending on which one you build.

Mr. MILLER of Nebraska. Yes; for a 6-lane tunnel, not 4 lanes. The plan also calls for several other structures to make the plan efficient.

Mr. Lane further said:

I am surprised indeed to learn that the staff and some members of the Commission considered that the approval of a 6-lane tunnel constituted the approval of a 4-lane tunnel.

Then he goes on:

The proposal involved in this legislation should be submitted to the National Planning Commission for its examination and recommendation, and only after such action should such legislation be considered.

Also Engineer Lane said:

Moreover, it should be noted that the proposal for a 6-lane bridge is sponsored by the Board of Commissioners of the District of Columbia. It has the approval of the Highway Department of the District of Columbia and the approval of the Highway Commission of the State of Virginia, and the Bureau of Public Roads of the Department of Commerce.

He further said:

The proposal to construct a tunnel at this location has not received the approval of the highway departments concerned. The Board of Commissioners of the District of Columbia is opposed to the construction of a 4-lane tunnel as proposed in H. R. 4366, which would be certainly inadequate to handle the traffic for this location, because it has not received approval. The Commission would not be opposed to the construction of a 6-lane tunnel with adequate approaches at this point, provided the full cost of construction, maintenance, and operation should be a Federal responsibility.

General Lane further stated:

It has been suggested to you that a 4-lane tunnel would be desirable, because it would disperse traffic to other portions. In my opinion a 4-lane tunnel would simply create another bottleneck and not help the situation. It takes no proven traffic analysis to expose the inadequacy of a 4-lane tunnel. The Commissioners of the District of Columbia plan to build both approaches in Virginia and Maryland with the approval of the National Planning Commission.

Then, an interesting approach to the problem is testimony from a consulting engineer from New York who had this to say:

It is feasible to build a tunnel. However, there are certain features which Mr. Smiley has asked that I point out in connection with the tunnel versus a bridge. One of these is flood control. You have floods at the highest elevation of 21½ feet in this vicinity. In order to cope with these and keep the tunnel from getting flooded, it will be necessary to build walls on the District of Columbia side up to an elevation of 25 feet.

The United States Engineers wrote a letter to the committee, as I understand it, after we reported out the tunnel bill, saying it would be impossible to handle the flood-control situation as it relates to the tunnel. It would fill up with water and would be unusable at times. The testimony of the consulting engineer all the way through was opposed to the tunnel, even a 6-lane tunnel. He said the flood-control problem would require a wall 27 feet high in order to control the waters that run into it.

The CHAIRMAN. The time of the gentleman from Nebraska has again expired.

Mr. MILLER of Nebraska. I suggest that a 6-lane bridge is the best approach to the traffic problem. It is cheaper. It is more efficient. It fits in with the pattern of the other bridges.

Mr. KEARNS. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS. Mr. Chairman, I can corroborate much that has been said here this afternoon, because I have to cross the Potomac frequently as we go back and forth to Ohio. Make no mistake, the traffic is there. Terrific traffic, not only passenger cars but these big buses and trucks that go from north to south. This Congress has got to do for the people what must be done. Whether it should be a tunnel or a bridge does not make much difference to me, but I would say that I would take the word of these men who testified before the committee. In this list is the National Commission of Fine Arts, the National Capital Planning Commission, the National Park Service, the Theodore Roosevelt Centennial Commission, and several others of high standing. Whatever they say I accept as being right.

If you have any doubt about the urgency for this transportation facility just go down to Lincoln Memorial at any time of the day and see how difficult it is to get across the Potomac there. Really, it is dangerous, and something has to be done.

Here is the way I got into this. About 2 years ago they attempted to put a bridge to cross below the Lincoln Memorial and they found that would not do because most of that heavy traffic would have to come around up here through Washington and much of it might have to come up past the Capitol. That would not do at all, and they decided they would have to abandon that plan. There is not very much room down there below the Lincoln Memorial because there are already 4 or 5 bridges below here—some railroad and some highway bridges.

Another thing we ought to be interested in, and I had a chance to find out about it, is that the Government land on the upper side of the Lincoln Memorial is tremendously valuable. I asked one of the Government men why he thought this property was worth so much money. Then he said you have the Lincoln Memorial right here and the Washington Monument is right over there and the Capitol is within your sight. You have practically the whole city of Washington close near by. These Government men who plan our parks



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know values and they do not want to give them away.

Now, these men who make this recommendation have their responsibility and they have to measure up to it. Whether it ought to be a tunnel or a bridge does not matter to me. But since they say it ought to be a tunnel, then that is what I say. If they say it ought to be five lanes, then that is what I say.

Who is going to pay for it? Why, certainly, these thousands of people who live in Washington and those who pass through Washington. Who keeps up Washington? This city belongs to the Government. It belongs to these thousands and thousands of schoolchildren who come here week after week. This tunnel will belong to everybody and we have got to pay for it.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. JENKINS. I yield.

Mr. BAILEY. I would like to ask the gentleman from Ohio what has happened to the national debt in the last 10 days? About a week or so ago I was asking for some money to build classrooms and it could not be given because the public debt stood at $275 billion. Has something changed the situation in the meantime?

Mr. JENKINS. That is something we cannot help here now.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. JENKINS. I yield.

Mr. GROSS. The gentleman has traffic conditions out in Ohio, does he not?

Mr. JENKINS. Yes, plenty of them. But we are not ashamed of them.

Mr. GROSS. Very serious ones. I have driven through the State on Highway 30 and have never got into such bottlenecks as I have through some of those towns on that route. How did you correct that situation in Ohio? You built a turnpike and you charged me a cent and a half a mile to travel on it.

Mr. JENKINS. Certainly, you are using it and helping to pay the cost. We are progressive in Ohio and we build fine highways, and I am glad that you use them.

Mr. GROSS. And when I cross the Ohio River on a bridge I have to pay toll.

Mr. JENKINS. Certainly, we can't take you across.

Mr. WILSON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. JENKINS. I yield.

Mr. WILSON of Indiana. There is a place over there called Portsmouth, but every time I go across that bridge I have to pay a toll.

Mr. JENKINS. Yes, that is very true. Portsmouth is a fine large city. I live within about 25 miles of Portsmouth.

Mr. WILSON of Indiana. Out there we have to build the bridge and pay for it too, but we come down here and they want us to build the bridge for them.

Mr. JENKINS. Yes; after all, it belongs to all the country.

Mr. WILSON of Indiana. We have to pay for our bridges and then come down here and build bridges for the people here.

Washington is the Nation's Capital. It is a very large city. Every day thousands of visitors come to Washington. They pay their taxes. They have as much interest in Washington as those who live here all the time. We must build sufficient facilities for them to come and go, and we must pay for these facilities. When I go to Columbus, Ohio, or New York City I do not expect to pay to enter those cities. They furnish the bridges.

Mr. KEARNS. Mr. Chairman, I move to strike out the last word.

At this time, Mr. Chairman, I want to record that I think the tunnel probably is the best approach to our problem. I know that a lot of you have visited Pittsburgh, Pa. We call that the City of Bridges, and really it is not very sightly any more. After all, here we do not go through rocks; we go through perfectly soft ground. To construct this would not be too great, and I am inclined to feel that in our Nation's Capital there will be needed a few more tunnels in a few years. We cannot sit here in the Congress and say that people cannot come to Washington who live in Virginia, or the Maryland people. These people are entitled to live where they want to live. This is an obligation of the Members of Congress when we bring people to the Federal City.

This subcommittee I have served on has held exhaustive hearings on this bill. We heard everything we wanted to. I am not going to say much more except this: When we start reading the bill I have an amendment by which I want to make a toll tunnel out of it. Then nobody from Pennsylvania, Ohio, Utah, New Mexico, or any other State can say that we are building bridges for the people of Virginia. I am asking in this amendment for a 25-cent toll round trip. Then nobody can go home and be accused of favoritism or that they voted for a tunnel to take care of Virginia. I am seeking only a toll of 25 cents. We paid for the Holland tube in 7 years.

What have you done here in Maryland with the Bay Bridge? You charge $1.65 to go over it, and now it is paid for. They are going to continue the toll for a few years in order to build up a maintenance fund. I think that the Congress here has a reasonable challenge before we pass this bill involving a tunnel, and I think we should put a toll on.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. KEARNS. I yield to the gentleman from Illinois.

Mr. SPRINGER. I merely wanted to ask, without knowing what has transpired in the committee: Was there any vote to divide this expense between the District of Columbia and Virginia or was that considered to be not a fair division? Generally speaking, when there is a bridge between two States or two municipal bodies, the cost is borne in equal parts except where there is a toll. Was there any reason why the District of Columbia was called upon to pay all of this?

Mr. KEARNS. During the discussion we felt that if Virginia took care of the approaches and provided an ample number of approaches, probably that would be the answer, inasmuch as most of the people work in Washington and would go over the bridge or through the tunnel.

Mr. SPRINGER. I just read this report in which it is said that the whole cost is to be borne by the District of Columbia and the National Park Service.

Mr. TABER. That would be the United States Government.

Mr. SPRINGER. The United States Government would pay for it?

Mr. TABER. Would pay for it.

Mr. SPRINGER. There is one other question I would like to ask about the three other bridges, the 14th Street Bridge, Memorial Bridge, and Key Bridge. Can the gentleman inform the House as to who paid for those bridges?

Mr. DAVIS of Georgia. I am not prepared to say. I was present on the committee when we enacted legislation for the 14th Street Bridge and the Federal Government paid for it.

Mr. SPRINGER. Does the gentleman know who paid for the Key Bridge and the Memorial Bridge?

Mr. DAVIS of Georgia. The Federal Government.

Mr. BROYHILL. All of the bridges across the Potomac River between the District of Columbia and Virginia were paid for by the Federal Government.

Mr. TABER. But if the gentleman will look on page 1 of the act, he will see this language:

> Appropriations for the construction of the bridge and other structures authorized in this title payable from the Highway Fund of the District of Columbia in amounts not exceeding $24,500,000 are hereby authorized.

In other words, they set up the proposition that it is to be paid for by the District of Columbia. Now they are trying to amend it so that it will be paid for in another way, that is, by the Federal Government.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DAVIS of Georgia. Mr. Chairman, I yield myself 1 minute.

The gentleman from Nebraska [Mr. MILLER] made some comment that the National Capital Planning Commission had not approved this tunnel. I want to read from the testimony of Mr. Conrad L. Wirth, who is an official of the National Capital Planning Commission. On page 14 of the hearings he said this:

> Both of these plans—

And he was referring to the bridge and the tunnel—

> have had the approval of the National Capital Planning Commission and have been accepted by the Highway Department of the District of Columbia as being feasible in either case depending on which one you built.

The gentleman from Nebraska also read from the testimony of a Mr. R. F. Schaefer, consulting engineer, of Smiley & Griffin of New York, who testified on the bill in the last Congress, May 1, 1956, to the effect that it might be necessary to build the approaches up 25 percent.

Now, we had the testimony of Mr. Singstad, whom everyone concedes is an outstanding and the foremost tunnel

engineer, living or dead, and he testified on page 185 of the hearings as follows:

My estimate has always included and does include the construction of a tunnel up to what I consider the necessary elevation to make this tunnel immune to flooding at high tide, which is elevation 22 feet above sea level, above the normal stage of the river.

Mr. TABER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TABER. The way this bill is set up, I am a little in doubt as to how it is to be read. Is it to be read for amendment altogether in one bloc, or is it to be read section by section?

The CHAIRMAN. The bill consists of one title, the Chair will advise the gentleman, and it will be read in its entirety.

Mr. TABER. So that no amendment will be in order until the bill has been completely read?

The CHAIRMAN. That is correct.

The Clerk read as follows:

*Be it enacted, etc.*, That title I of the act of August 30, 1954 (68 Stat. 961), is amended to read as follows:

"TITLE I—TUNNEL IN VICINITY OF CONSTITUTION AVENUE

"SEC. 101. That the Secretary of the Interior is authorized and directed to construct, maintain, and operate a four-lane tunnel across the Potomac River from the vicinity of Constitution Avenue in the District of Columbia to the Virginia side of the Potomac River, such tunnel to be constructed north of the Arlington Memorial Bridge and south of, or under, Theodore Roosevelt Memorial Island, together with approaches and roads connecting such tunnel and approach ramps with streets and park roads in the District of Columbia and with streets and park roads on the Virginia side of the Potomac River, at a location and to a depth suitable to the requirements of present navigation as approved by the Chief of Engineers and authorized by the Secretary of the Army: *Provided*, That in planning such approach ramps and connecting roads, in the District of Columbia and the Commonwealth of Virginia, the Secretary of the Interior shall consult with the National Capital Planning Commission, the National Fine Arts Commission, the Commissioners of the District of Columbia, and the Bureau of Public Roads, Department of Commerce: *Provided further*, That the tunnel, approach ramps, interchanges, and connecting roads at both ends of the tunnel shall be constructed with a view to retaining as far as possible the memorial setting and the artistic design of the Lincoln Memorial, the Arlington Memorial Bridge, Theodore Roosevelt National Monument, the Marine Memorial to the Dead of All Wars, the Arlington National Cemetery, and other monumental structures, properties, and park lands of national significance in the general area.

"SEC. 102. Lands and facilities under the jurisdiction of other Federal agencies may be used for the approach ramps, related structures, and connecting roads. The closing, obliteration, construction, or relocation of facilities, including roads as a result of the use of the aforesaid Federal lands for the purposes of this act shall be accomplished in accordance with plans and procedures satisfactory to the head of the department having administrative jurisdiction over such properties.

"SEC. 103. The Secretary of the Interior is authorized to enter into an agreement or agreements with Arlington County and the State Highway Commission of Virginia, acting for and on behalf of the Commonwealth of Virginia, for the purpose of providing for cooperation by Arlington County and the State Highway Commission of Virginia, to such an extent as the Secretary of the Interior shall deem necessary in the construction of connecting roads, temporary or permanent closing of existing roads, and any other matters relating to the construction of said tunnel which the Secretary of the Interior shall consider appropriate.

"SEC. 104. The Secretary of the Interior is authorized and directed to route and reroute and to cause the routing and rerouting of traffic on, and to close or cause to be closed roads, streets, and highways under the jurisdiction of the Commissioners of the District of Columbia, by agreement or agreements with the Board of Commissioners of the District of Columbia to such an extent as the Secretary of the Interior shall deem necessary and appropriate.

"SEC. 105. The cost of construction, reconstruction, relocations, obliteration, and repair of all facilities and related works, including streets, if any, and park roads, which are changed or made necessary incident to the construction of said tunnel, approach ramps, and connecting roads, shall be paid out of funds allotted and made available for construction of said tunnel, approach ramps, and connecting roads: *Provided further*, That the cost of all necessary regrading and landscaping resulting upon the completion of said tunnel, approaches, and connecting roads also shall be paid out of funds allotted and made available for the purposes of this act.

"SEC. 106. There is hereby authorized to be expended from the appropriations available to the National Park Service the sum of $1 million for the preparation of plans, designs, and construction purposes.

"SEC. 107. The Secretary of the Interior, in his discretion, may employ, by negotiated contracts for personal or professional services, engineers, architects, landscape architects, or other expert consultants, or firms, partnerships, or associations thereof, including the facilities, service, travel, and other expenses of their respective organizations so far as employed upon work within the park system of the National Capital and environs in accordance with the usual customs of the several professions without reference to the civil service requirements or to the Classification Act of 1923, as amended, or any other act.

"SEC. 108. There is authorized to be appropriated the sum of $25,500,000 to carry out the provisions of this act.

"SEC. 109. The Secretary of the Interior is hereby granted authority to incur obligations and enter into contracts under such authorization, and his action in doing so shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and such funds shall be deemed to have been expended when so obligated.

"SEC. 110. There shall be transferred to the Department of the Interior so much of the records, property, and funds of the District of Columbia as may be appropriate by reason of the enactment of the foregoing provisions of this act. Such measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary to effectuate the said transfer shall be carried out in such manner as he shall direct."

Mr. KEARNS (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. TABER. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. TABER moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. TABER. Mr. Chairman, I take this method of trying to get the facts before the Committee, because it has been impossible to get any time that would permit anyone to cover it.

At the present time that law that was passed back in 1954 provides that if this bridge is built, it shall be paid for by the District of Columbia. Now, the bill that is before us today provides just the opposite; that it shall be paid for in full by the United States Government. On page 4 it takes away from the National Park Service $1 million for the preparation of plans, designs, and construction purposes. It authorizes to be appropriated the sum of $25,500,000 to carry out the provisions of the act.

The pictures and graphs, et cetera, that showed the cost of the different projects to be built under this proposal were brought out by the gentleman from Michigan [Mr. RABAUT], because the committee did not bring them out. And those pictures showed that the cost of this proposal would be at the very least $47 million to be paid for out of the Federal Treasury, but they are only authorizing enough to cover about half of it. That is a funny way to do business, to sort of sneak up under it. In that way perhaps you can get things through that ought not to go through; that is, by asking for a smaller amount to start with and not telling the people how much it is going to cost.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. RABAUT. I refer the gentleman to section 110 which says:

There shall be transferred to the Department of the Interior so much of the records, property, and funds of the District of Columbia as may be appropriate by reason of the enactment of the foregoing provisions of this act.

Is it that the committee that has charge of funds for the District of Columbia has given them so much money that they can now come along with a proposition to take such amounts running up to a figure of $25 million and use it for this purpose? What is it they are going to take? Is it the school-lunch program money they are to take? Is it the construction money for classrooms for children? Is it the payroll? Is it the fire department, the fireboat, the police department? What money is it?

Here is an appropriation bill pure and simple, coming from a different part of the Congress. We have all talked about having respect for committees. This is the biggest walkout we have had in a long time.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

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Mr. GROSS. That is the reason why points of order were waived under the rule making this bill in order.

Mr. RABAUT. That is correct.

Mr. TABER. There is nothing in this bill that would have been in order if it had not been for the rule. I think it is about time that we began to approach the affairs of the District of Columbia and its environs in the right way. By the way, I forgot to mention that the approaches to this tunnel would cost $10 million more, so that you would have a figure of $47 million plus $10 million or $57 million to come out of the Federal Treasury before you got through.

Mr. Chairman, this is all mixed up. Would part of it come out of the school-lunch program or the school education program, and programs of that kind? You cannot tell a single thing about what the bill does or what it means. It is just a mess.

Mr. RABAUT. If the gentleman would yield, what the procedure in this bill does is to throw a monkey wrench into the orderly processes of government.

Mr. TABER. And the only way to handle that kind of a bill is to vote to strike out the enacting clause and return the bill to the committee.

Mr. DAVIS of Georgia. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, there is no Member of this House for whom I have more respect and admiration than the gentleman from New York [Mr. TABER]. He is one of the ablest Members, and he has rendered valuable service to the taxpayers of this country. Usually I find that I am on safe ground when I follow him. But the gentleman is not an engineer and I do not think he would make any claim to being an engineer.

Just before he was seated he made the statement that in addition to the cost of construction of this tunnel the cost of the approaches would be some $10 million, which would run the total cost up to $47 million. I believe that was the figure he used. He is very much in error. I know he is honestly in error, but the detailed and itemized testimony before our subcommittee was that the tunnel with all of the approaches and all of the roads and all of the secondary structures would cost $25,500,000. That is the figure and it is an accurate figure. There can be no doubt about it.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from Michigan.

Mr. RABAUT. When we are talking about tunnels or bridges we must remember that we are going to build approaches. We are just simply not going to have a tunnel that is going to be perfect immediately without doing something about approaches.

Mr. DAVIS of Georgia. Well——

Mr. RABAUT. The gentleman has had a great deal of time. I am not for this bill and I want to give him my just reasons for it.

Mr. DAVIS of Georgia. Do not take it out of my time.

Mr. RABAUT. If the gentleman cannot give a person 4 or 5 minutes in a whole afternoon to oppose something, it is not much of a debate.

Mr. DAVIS of Georgia. I am not in charge of time now. We are under the 5-minute rule. I would have yielded the gentleman time if he had asked me when I was in charge of it.

They said that this bill is in confusion and that it is a mess. That is not true. We have given you the exact cost of it. We have given you in detail the testimony of the engineers. While, as I said, I have great respect for both of these gentlemen and would not say a word impugning their motives, we have had expert testimony on these matters and we have presented you here accurate testimony in all of these details.

Mr. WILSON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. WILSON of Indiana. The gentleman referred to them as exact estimates of the cost. That would be a precedent if we got an exact estimate of the cost of a bridge or anything else. We appropriated $7 million for two bridges. We had to appropriate a couple of million more to build 1 and $14 million more to build 2. By what stretch of the imagination can it be said that we would build a bridge for this $25 million under this bill? It would cost many millions more.

Mr. DAVIS of Georgia. The gentleman has brought up now the bill to construct two 14th Street bridges. I will ask the gentleman from Virginia [Mr. BROYHILL], when the bill was originally passed to construct the two bridges.

Mr. BROYHILL. 1945.

Mr. DAVIS of Georgia. They constructed one of them, but costs had gone up so much in the meantime before they got ready to construct the other that it became necessary to increase the authorization.

Mr. WILSON of Indiana. Will not the cost of this go up over the engineers' estimates? They make them low, they make them 50 percent of what they think the estimates should be, and then the cost goes up.

Mr. DAVIS of Georgia. No, the gentleman is entirely wrong. Mr. Singstad said he had given figures more than he believed it would cost, to be on the safe side.

Mr. WILSON of Indiana. I have precedent for my argument. Let the gentleman give me precedent for his argument.

Mr. DAVIS of Georgia. I am glad to say I am under no obligation to give the gentleman any precedent. I am giving facts.

Mr. WILSON of Indiana. They are not facts, they are just arguments.

Mr. DAVIS of Georgia. I have not undertaken to prognosticate, I am giving the gentleman facts.

Mr. WILSON of Indiana. What does the gentleman think I was giving him?

Mr. DAVIS of Georgia. I do not yield any further. The facts are that we have this accurate estimate of $25,500,000.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York [Mr. TABER].

The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 54, noes 49.

Mr. DAVIS of Georgia. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. TABER and Mr. DAVIS of Georgia.

The Committee again divided.

The CHAIRMAN. On this vote by tellers, the ayes are 63; noes, 62. The Chair votes "no."

So the motion was rejected.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 14, strike "National Fine Arts Commission" and insert in lieu thereof "Commission of Fine Arts."

Mr. KIRWAN. Mr. Chairman, I rise in opposition to the committee amendment.

Mr. Chairman, before I came to the floor I called Conrad Wirth, Director of Parks, and I asked him, "Did you have any hand in soliciting this $1 million or telling them you could give them a million dollars to start this bridge or tunnel?" Anybody that drives across the Potomac River knows that a tunnel is necessary. It is needed, and I am for a tunnel, but there is something more necessary in this United States. From the day I came to Congress I knew they did not appropriate enough money for the parks. I traveled over the parks many years ago. I saw women and children coming out of the bushes in the morning in the Smokies. Nowhere to go. I wrote to the Superintendent of Parks and then you see the audacity of the Congress today wanting to take a million dollars out of the parks to start this tunnel. That is not the way to do business. I repeat that I am for a tunnel. I am for the tunnel. I think anybody with intelligence would vote for a tunnel, but why take it out of the most essential thing in the United States today? Fifty million people go to the parks every year. There are no accommodations. Where do we have any money in the Park Department to give to this tunnel?

You all recall this mission 66. I had a hand in mission 66 in making an appropriation of $15 million before they ever thought of making it under mission 66. Now we come here today on the floor of this Congress and want to take a million dollars away from the Park Department to start a tunnel. I repeat I am for a tunnel, and I will vote for a tunnel, but I cannot cast a vote for a tunnel if you are going to take a million dollars out of something that is much more necessary.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. KIRWAN. I yield.

Mr. GAVIN. Where did this idea originate of taking a million dollars from the Park Service.

Mr. KIRWAN. I do not know.

Mr. DAVIS of Georgia. If the gentleman will yield, this bill provides that the Secretary of the Interior is to construct, maintain, and operate this tunnel. It is my understanding that he is in charge of the appropriation for the National Park Service. I understand that the author of this bill, the gentleman from Virginia [Mr. BROYHILL] took the matter up with the Secretary of the Interior, and these amendments were drawn with his approval. Is that correct?

Mr. KIRWAN. I do not know. I just called the Director of the Parks, and he said no; that he made no such request for a million dollars. I do not know of anybody who has done more or tried to do more for the parks than I have. I served notice on him then that "If we overgave you a million dollars this year for the Park Service, I will guarantee you will not get it again."

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. KIRWAN. I yield.

Mr. DAVIS of Georgia. We had Mr. Conrad Wirth, who is Director of the National Park Service, where these funds are to come from, before our committee, and he advocated every provision in this bill.

Mr. KIRWAN. He is advocating a tunnel. I am for it. I am for a tunnel, but I am not for taking a million dollars out of the Park Service.

Mr. DAVIS of Georgia. That gentleman is in charge of these funds. He was there.

Mr. KIRWAN. I do not care who was in charge; we appropriated money for the park program, not for the tunnel.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. KIRWAN. I yield.

Mr. GAVIN. There is another provision in this bill I believe the gentleman does not agree with and that is the one which would allow them to dip into the funds of the District of Columbia.

Mr. KIRWAN. Very definitely not. I tossed out or had a hand in tossing out such a provision in the Jones Point Bridge bill.

Mr. GAVIN. Is Mr. Wirth authorized to distribute this money or change its allocation?

Mr. KIRWAN. I asked him were we giving him too much money for his department or giving him so much that he could spare part of it for a tunnel, and he said, "No."

Mr. GAVIN. I call the gentleman's attention to the fact that in my district we have the Allegheny National Forest. Over a million and a half people visited that area last year where there are no facilities available, no roads, nothing.

Mr. KIRWAN. None whatsoever. I am sympathetic with the District of Columbia. I will vote for the tunnel.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ALBERT. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. KIRWAN] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. KIRWAN. I yield.

Mr. ALBERT. Would it be possible to clear this matter up by an amendment so we could proceed?

Mr. KIRWAN. Let me ask the majority whip why bills have to be reported out by committees in such fashion that at the first crack out of the box an amendment has to be offered to cure some defect in the bill.

Mr. ALBERT. As I understand, the bill is subject to amendment.

Mr. KIRWAN. I understand that it is subject to amendment, but I think the bill should have been reported out of committee in such form that an amendment would not be needed as soon as we start considering it.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. KIRWAN. I yield to the gentleman from Michigan.

Mr. HOFFMAN. I have an amendment to strike that section out of the bill.

Mr. KIRWAN. I am only trying to tell you that while I will vote for a tunnel, I will never vote to spend one dollar of park funds to be used to start the tunnel.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. KIRWAN. I yield.

Mr. GAVIN. What is the gentleman's recommendation? That the bill go back to the committee and go through regular channels?

Mr. KIRWAN. If I had my way about it the bill would never have been reported out until it had been perfected. I will vote for a tunnel, as I say, for if there ever was need for a tunnel anywhere a case has been made out for it here in this instance.

The CHAIRMAN. The question is on the committee amendment.

Mr. FORAND. Mr. Chairman, I ask unanimous consent that the Clerk again read the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The Clerk read as follows:

Committee amendment: Page 2, line 14, strike out "National Fine Arts Commission" and insert "Commission of Fine Arts."

The question was taken, and the Chair being in doubt, the Committee divided and there were—ayes 53, noes 9.

So the amendment was agreed to.

Mr. HAYS of Ohio. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HAYS of Ohio moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. HAYS of Ohio. Mr. Chairman, I am anxious to see some kind of a method of getting more people across the Potomac River adopted. I cross it every morning and every evening. But I cannot help but think I would be a little foolish to vote to build a tunnel that is going to cost more than the bridge and which the engineers say will be inadequate before they start digging on it.

As I understand it, it was agreed at one time to build a six-lane bridge. Now it has been decided to build a four-lane tunnel. If there is a choice between the 2, there is no question in my mind which is the more sensible, and that is the 6-lane bridge.

I understand that somebody says we are going to spoil the lower end of the island over there, we are going to spoil the beauty of it or something of that kind. I lived over there where I could see the end of that island for a year and a half, and I cannot see much there to spoil as far as aesthetic value is concerned.

There are several bridges crossing the Potomac now. If we are going to build something, either a tunnel or a bridge, we better build something that is going to be adequate.

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. HAYS of Ohio. I yield to the gentleman from Pennsylvania.

Mr. FULTON. Will not a 6-lane bridge accommodate more traffic than a tunnel and will be a million dollars cheaper?

Mr. HAYS of Ohio. It obviously will provide at least one-third more traffic, and I hope it will be $10 million cheaper. I do not know whose figures are right, but nobody denies it will be cheaper.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. HAYS of Ohio. I yield to the gentleman from Michigan.

Mr. RABAUT. If you have a 4-lane tunnel, it is going to cost $47,842,000 and about $300,000 annually to keep it up. The bridge would be $18,699,000 without the approaches.

Mr. HAYS of Ohio. In other words the gentleman's figures show a difference of $20 million. That would allow $10 million for the approaches, and still be $10 million cheaper.

Mr. MARSHALL. Mr. Chairman, will the gentleman yield?

Mr. HAYS of Ohio. I yield to the gentleman from Minnesota.

Mr. MARSHALL. I would like to say to the distinguished gentleman from Ohio that I join him in the proposition he has made. May I say further that I have consistently supported some sort of way of getting traffic across the Potomac River. I do hope, if this motion prevails and the bill is sent back to the committee, that the committee will review its method of financing, because I do not want to go home to my district and be accused of taking school-lunch money away from the children of the District of Columbia to build either a tunnel or bridge, nor do I want to have anybody tell me in my district that I am transferring money out of the Park Service to build a tunnel or bridge or whatever the conveyance might be across the Potomac River.

Mr. HAYS of Ohio. I thank the gentleman. I would not vote for either a tunnel or bridge that took money from the Park Service or the school-lunch fund.

Mr. AVERY. Mr. Chairman, will the gentleman yield?

Mr. HAYS of Ohio. I yield to the gentleman from Kansas.

Mr. AVERY. What would be the parliamentary situation if the gentleman's amendment carried and it prevails in the House? This amendment to the 1954 authority would be killed; is that right?

Mr. HAYS of Ohio. The parliamentary situation, as I see it, would be this: The proposal that is before us would kill the amendment. Then the committee can bring out something else or start all over again.

Mr. AVERY. Would not the authority the Congress passed in 1954 still prevail?

Mr. HAYS of Ohio. That is my understanding.

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Mr. AVERY. Would there be anything to preclude the going ahead with the construction of the bridge under the 1954 bill? I cannot see why we are faced with the situation we are, except that somebody wants to build a tunnel.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SMITH of Virginia. Mr. Chairman, I rise in opposition to the motion offered by the gentleman from Ohio [Mr. HAYS].

Mr. HOFFMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN. Is not a member of the minority entitled to recognition in opposition?

The CHAIRMAN. This is a preferential motion and the gentleman from Virginia is a member of the committee.

Mr. HOFFMAN. What difference does that make if the minority is entitled to offer the motion?

The CHAIRMAN. Under the practice, as the Chair understands it, the gentleman from Virginia is entitled to oppose the motion.

Mr. HOFFMAN. The ruling of the Chair is that in rising in opposition to the motion to strike the enacting clause the minority is not entitled to recognition in preference to a member of the committee?

The CHAIRMAN. The Chair will state to the gentleman from Michigan that he has just recognized the gentleman from Virginia to oppose the preferential motion.

Mr. HOFFMAN. My point was, Mr. Chairman, that somebody on the minority was entitled to rise in opposition to the preferential motion.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. SMITH of Virginia. Mr. Chairman, I do not want to enter into the controversy about who is entitled to recognition. I leave that to the Chair, and I do not want to get into that row at all.

However, I do want to say this. I think more misinformation has been spread around this thing in an effort to defeat a good bill than anything I have seen around here lately. The most absurd questions have been raised about this. Gentlemen get up and talk about using the money for school lunches, and they will have some people believe that that is true. It has nothing in the world to do with this bill. This is a bill to build a tunnel across the Potomac River. There has been a lot of confusion about it for about 3 years, and the legislative committees of both the House and the Senate have acted in this matter with the most studious care, with the sole desire of trying to get people back and forth across the Potomac River, where the condition is now deplorable as far as traffic is concerned. And you all know it. After those committees have done their work and have heard all of the witnesses, which you gentlemen have not heard, and knowing all the facts about it, they come in here with what they believe is the best solution of a difficult problem, and what they think, as between the Senate and the House, is the only solution to a difficult problem, and so we present it to you.

There are many sides to the problem. We have heard them all. This is our best judgment as to what ought to be done about it, and we submit it to you as such. I do not care to spend a day or two on a filibuster about this bill. If you want to strike out the enacting clause, go ahead and do it, and we will swim across the river if we have to.

Now, I would like the Members of this House to understand that this is not a bridge for Virginia. You can stand down here at the approaches to these bridges any day you want, and you will see cars from every State of the Union coming to the Nation's Capital, and you will see them clogged up sometimes for a half mile deep, four columns wide, trying to get across that river.

Now, if you want to throw this thing out of the window without any consideration, all right, but when you realize that the Navy Department and your Pentagon Building employ thousands and thousands of people who use these bridges every day, that it is not for Virginia, it is not for Maryland, it is not for the District of Columbia, but it is for the United States of America. And, all of you know it if you will stop for a moment and think. That is the situation. The Pentagon Building's thousands of employees, and the Navy Building's thousand of employees, all have to come across that river. Your Federal employees have to come across that river every morning and every night, coming and going to work, and that condition is getting bad.

Now, you heard this talk about a 6-lane tunnel or a 6-lane bridge. Just remember this, that when you get that traffic across the river, you have got to get it away from the river. And, if you have a 6-lane bridge at the Memorial and you put a 4-lane tunnel there, you have got together there in one area 10 lanes of traffic that are going to be turned in daily to the downtown area of Washington where the traffic is congested. Now, do you think you ought to make it any worse than we have to make it under this bill? If you put 12 lanes around the White House and the Jefferson Memorial into the business part of Washington, you just will not be able to handle it. All those factors entered into the deep consideration that these committees of the House and Senate gave to this bill. And upon all the facts and all the expert testimony we had, this is the conclusion that we reached. If our thoughts on it, if our work on it, if the time we have spent on it, if the work of the various and sundry engineers and other experts we brought here are worth anything, then let us go ahead and pass this bill. If you do not want to pass any bill, if you want to go home and say, "Yes, we would not let them build a bridge across the Potomac for the people of Virginia and Maryland and the District," if you want to demagog about this thing, then let us get through with it.

Mr. HOFFMAN. Mr. Chairman, a point of order. The gentleman is out of order on the demagog business.

Mr. SMITH of Virginia. If anybody is out of order on any occasion, on any bill, talking about demagoguery in this Chamber, I do not know him.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

The question is on the preferential motion of the gentleman from Ohio [Mr. HAYS].

The question was taken; and the Chair being in doubt, the committee divided, and there were—ayes 82, noes 75.

Mr. BROYHILL. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. HAYS of Ohio and Mr. DAVIS of Georgia.

The Committee again divided, and the tellers reported that there were—ayes 80, noes 83.

So the motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H. R. 6763) to amend the act of August 30, 1954, entitled "An act to authorize and direct the construction of bridges over the Potomac River, and for other purposes," had directed him to report the bill back to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is, Shall the enacting clause be stricken out?

Mr. DAVIS of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 175, nays 194, not voting, 63, as follows:

[Roll No. 167]

YEAS—175

| | | |
|---|---|---|
| Addonizio | Dennison | Laird |
| Alger | Denton | Lane |
| Andersen, H. Carl | Diggs | LeCompte |
| | Dingell | Lennon |
| Anderson, Mont. | Dixon | Lesinski |
| | Dwyer | Lipscomb |
| Andresen, August H. | Elliott | McDonough |
| | Evins | McFall |
| Andrews | Fallon | McGovern |
| Ashley | Fascell | McIntosh |
| Ashmore | Feighan | Macdonald |
| Bailey | Forand | Machrowicz |
| Baring | Gavin | Mack, Wash. |
| Barrett | Gordon | Marshall |
| Bass, Tenn. | Green, Oreg. | May |
| Bates | Green, Pa. | Metcalf |
| Baumhart | Griffin | Michel |
| Becker | Gross | Miller, Nebr. |
| Beckworth | Hagen | Mills |
| Bentley | Haley | Moore |
| Berry | Harrison, Nebr. | Moulder |
| Betts | Harvey | Mumma |
| Blatnik | Haskell | Natcher |
| Bosch | Hays, Ohio | Neal |
| Bow | Hemphill | Nicholson |
| Bray | Henderson | Nimtz |
| Brooks, Tex. | Heselton | Norblad |
| Broomfield | Hess | O'Hara, Ill. |
| Brown, Mo. | Hiestand | Ostertag |
| Budge | Hill | Passman |
| Byrd | Hoeven | Pelly |
| Byrne, Ill. | Hoffman | Pfost |
| Byrne, Pa. | Holifield | Pillion |
| Byrnes, Wis. | Horan | Poage |
| Cannon | Hosmer | Polk |
| Cederberg | Hull | Porter |
| Chamberlain | Jackson | Prouty |
| Chudoff | Jensen | Rabaut |
| Church | Johansen | Rains |
| Coad | Johnson | Ray |
| Collier | Jonas | Rees, Kans. |
| Cooper | Keating | Reuss |
| Cunningham, Iowa | Kee | Robsion, Ky. |
| | Keeney | Rodino |
| Cunningham, Nebr. | Kelley, Pa. | Rogers, Colo. |
| | Kelly, N. Y. | Rooney |
| Curtin | Kirwan | Sadlak |
| Curtis, Mo. | Knox | St. George |
| Delaney | Knutson | Saund |

| | | |
|---|---|---|
| Schenck | Smith, Calif. | Vanik |
| Scherer | Smith, Wis. | Van Pelt |
| Schwengel | Springer | Vursell |
| Scrivner | Sullivan | Weaver |
| Scudder | Taber | Whitten |
| Seely-Brown | Tewes | Wier |
| Selden | Thomas | Wilson, Ind. |
| Sheehan | Thompson, N. J. | Winstead |
| Sikes | Thomson, Wyo. | Withrow |
| Siler | Ullman | Young |
| Sisk | Utt | Younger |

NAYS—194

| | | |
|---|---|---|
| Abbitt | Ford | Moss |
| Abernethy | Forrester | Multer |
| Adair | Fountain | Murray |
| Albert | Frazier | Norrell |
| Alexander | Friedel | O'Brien, Ill. |
| Allen, Calif. | Fulton | O'Neill |
| Allen, Ill. | Garmatz | Osmers |
| Aspinall | Gary | Patman |
| Auchincloss | Gathings | Patterson |
| Avery | George | Perkins |
| Ayres | Granahan | Philbin |
| Baker | Grant | Pilcher |
| Baldwin | Gregory | Poff |
| Belcher | Griffiths | Price |
| Bennett, Fla. | Gubser | Radwan |
| Bennett, Mich. | Hale | Reece, Tenn. |
| Blitch | Harden | Rhodes, Ariz. |
| Boggs | Hardy | Rhodes, Pa. |
| Boland | Harris | Richlman |
| Bolling | Harrison, Va. | Riley |
| Bolton | Hays, Ark. | Roberts |
| Boyle | Hébert | Robeson, Va. |
| Breeding | Herlong | Rogers, Fla. |
| Brooks, La. | Holland | Rogers, Mass. |
| Brown, Ga. | Holmes | Rogers, Tex. |
| Brown, Ohio | Holt | Roosevelt |
| Brownson | Huddleston | Rutherford |
| Broyhill | Hyde | Santangelo |
| Burdick | Ikard | Saylor |
| Burleson | Jarman | Scott, N. C. |
| Canfield | Jenkins | Scott, Pa. |
| Carrigg | Jennings | Sheppard |
| Chelf | Jones, Ala. | Shuford |
| Chenoweth | Judd | Sieminski |
| Chiperfield | Karsten | Simpson, Ill. |
| Christopher | Kean | Simpson, Pa. |
| Clevenger | Kearns | Smith, Kans. |
| Coffin | Keogh | Smith, Miss. |
| Cole | Kilday | Smith, Va. |
| Colmer | Kilgore | Spence |
| Cooley | King | Staggers |
| Corbett | Kitchin | Stauffer |
| Cramer | Kluczynski | Talle |
| Cretella | Lanham | Teague, Calif. |
| Curtis, Mass. | Lankford | Thompson, La. |
| Dague | Long | Thompson, Tex. |
| Davis, Ga. | Loser | Thornberry |
| Davis, Tenn. | McCormack | Tollefson |
| Dellay | McCulloch | Trimble |
| Dempsey | McGregor | Tuck |
| Derounian | McIntire | Udall |
| Devereux | McVey | Van Zandt |
| Dies | Mack, Ill. | Vorys |
| Dooley | Madden | Westland |
| Dorn, N. Y. | Magnuson | Whitener |
| Dorn, S. C. | Mahon | Widnall |
| Dowdy | Martin | Wigglesworth |
| Doyle | Matthews | Williams, Miss. |
| Durham | Merrow | Williams, N. Y. |
| Edmondson | Miller, Calif. | Willis |
| Engle | Miller, Md. | Wilson, Calif. |
| Fenton | Montoya | Wolverton |
| Fisher | Morgan | Wright |
| Flood | Morris | Yates |
| Flynt | Morrison | |

NOT VOTING—63

| | | |
|---|---|---|
| Anfuso | Frelinghuysen | Minshall |
| Arends | Gray | Morano |
| Barden | Gwinn | O'Brien, N. Y. |
| Bass, N. H. | Halleck | O'Hara, Minn. |
| Beamer | Healey | O'Konski |
| Bonner | Hillings | Powell |
| Boykin | Holtzman | Preston |
| Buckley | James | Reed |
| Bush | Jones, Mo. | Rivers |
| Carnahan | Kearney | Shelley |
| Celler | Kilburn | Steed |
| Clark | Krueger | Taylor |
| Coudert | Landrum | Teague, Tex. |
| Dawson, Ill. | Latham | Teller |
| Dawson, Utah | McCarthy | Vinson |
| Dollinger | McConnell | Wainwright |
| Donohue | McMillan | Walter |
| Eberharter | Mailliard | Watts |
| Farbstein | Mason | Wharton |
| Fino | Meader | Zablocki |
| Fogarty | Miller, N. Y. | Zelenko |

So the enacting clause was not stricken out.

The Clerk announced the following pairs:

On this vote:

Mr. Fino for, with Mr. Dawson of Illinois against.
Mr. Minshall for, with Mr. Preston against.
Mr. Coudert for, with Mr. Vinson against.
Mr. Taylor for, with Mr. Landrum against.
Mr. Kearney for, with Mr. Walter against.
Mr. Wharton for, with Mr. Anfuso against.
Mr. Miller of New York for, with Mr. Buckley against.
Mr. Gwinn for, with Mr. Dollinger against.
Mr. Hillings for, with Mr. Farbstein against.
Mr. Shelley for, with Mr. Healey against.
Mr. Beamer for, with Mr. Zelenko against.
Mr. Mason for, with Mr. O'Brien of New York against.
Mr. Wainwright for, with Mr. Celler against.
Mr. Kilburn for, with Mr. Carnahan against.
Mr. Krueger for, with Mr. Donohue against.
Mr. Holtzman for, with Mr. Fogarty against.
Mr. McCarthy for, with Mr. Teller against.

Until further notice:

Mr. Powell with Mr. Arends.
Mr. Rivers with Mr. Halleck.
Mr. Boykin with Mr. Latham.
Mr. Bonner with Mr. Mailliard.
Mr. Barden with Mr. Meader.
Mr. Clark with Mr. Morano.
Mr. McMillan with Mr. Dawson of Utah.
Mr. Steed with Mr. Bush.
Mr. Teague of Texas with Mr. Frelinghuysen.
Mr. Watts with Mr. James.
Mr. Zablocki with Mr. Reed of New York.
Mr. Gray with Mr. O'Hara of Illinois.
Mr. Jones of Missouri with Mr. O'Konski.

Mr. LESINSKI and Mr. BROOMFIELD changed their votes from "nay" to "yea."

Mr. CHELF and Mr. AVERY changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The Committee resumed its sitting.

Mr. MILLER of Nebraska. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like, in the few minutes I have, to try to clear up some of the misunderstandings relative to the position of the Commissioners of the District of Columbia and Arlington County as to the differences between a 6-lane bridge and a 4-lane tunnel.

The record will show that both the Commissioners of the District and the Arlington officials oppose a four-lane tunnel under the river. They do favor a six-lane bridge. The authority exists now for the six-lane bridge—money has been appropriated; it ought to go forward.

Mr. Chairman, I want to quote from testimony taken on February 21, 1957, relative to the thinking of some officials on the merits of this proposal.

General Lane, who was the engineer for the District, said on February 21, 1957:

I think it is important at this point to know that the 6-lane bridge has been approved by the Planning Commission after thorough study by that body as required by law, and that the 4-lane tunnel has not been so approved.

He further said in his testimony:

After extensive consideration, a committee of the Planning Commission recommended, and the Commission approved on April 8, 1955, the acceptance of a 6-lane tunnel or a 6-lane bridge at this location but made no favorable recommendation on the 4-lane tunnel.

We are talking about a four-lane tunnel in this bill. It has not been approved by the Planning Commission or the District. He further said:

I am surprised indeed to learn that the staff and some members of the Commission consider that approval of a 6-lane tunnel constitutes approval of a 4-lane tunnel.

He further said:

In summary, the Board of Commissioners of the District of Columbia is opposed to the construction of a four-lane tunnel as proposed in H. R. 4366 because it would be a seriously inadequate traffic facility for this location and because it has not received the required clearance of the National Capital Planning Commission.

Mr. Chairman, I should like to go over to some of the testimony of Mr. Stoneburner. Who is Mr. Stoneburner? He is an engineer for Arlington County, Va., the chief engineer. He says:

The Arlington County Board has been on record for some time supporting a six-lane bridge structure in this location. They very strongly feel that any 4-lane facility, and particularly a 4-lane tunnel, would not be adequate. I think a 6-lane tunnel will be considered that they would not have as strong objection to that as the 4-lane tunnel.

That is my position. If you are going to build anything across this river, be it a tunnel or a bridge, it ought to be at least of six lanes. The tunnel, I think, has some disadvantages in that a 6-lane tunnel would cost some $46 million and a 6-lane bridge, comparable to other bridges now over the river, would cost probably $18 million. That is the difference in cost between those structures. There is far more upkeep to the tunnel than to the six-lane bridge.

Mr. Robertson, the Director of Highways for the District of Columbia, had this to say:

Exhaustive studies made by the District of Columbia and others have conclusively shown that the construction of a bridge at this location is more economical, will serve all traffic needs, and can be maintained at far less cost than any other type of crossing.

He further said:

Mr. Chairman, the District of Columbia favors the construction of a bridge at this location and urges you to report favorably upon the passage of this bill.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Nebraska. I yield to the gentleman from Michigan.

Mr. RABAUT. Suppose this language were inserted on page 5, line 7, "to be derived from the District of Columbia highway fund"?

I understand that with the disapproval of the Commissioners of the tunnel it would not be possible to change the language to read that way. Is that correct?

Mr. MILLER of Nebraska. I am not sure.

Mr. RABAUT. So the only thing that could be built under that situation would be a bridge.

Mr. MILLER of Nebraska. I think something ought to be built to handle

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the traffic, but I do not think a four-lane tunnel is the answer to that problem. The tunnel would be too small before its completion.

What did Mr. Brinkley, Chief Planning Engineer of the Department of Highways of the District of Columbia, have to say?

The Highway Department prefers to build the bridge, primarily because we do not believe we should pay $3 for a $1 article. It is just as important that we construct a full-capacity facility at this location and not such a half one as has been proposed; and we will show you later in our presentation that a 4-lane tunnel has only one-half of the capacity of a 6-lane bridge.

Mr. HYDE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we have been hearing this afternoon many of these arguments which start off with, "I am all for some new way to get across this river, but," and then they launch into all sorts of different arguments for this type of structure or that type of structure or another type of structure, and how it is financed or how it is not financed. The arguments that you are hearing on the floor this afternoon are the sum and substance of the arguments that have been going on back and forth for 3 or 4 years about how we should get across the river and what kind of a structure the new structure should be, how it should be financed, and how it should be paid for.

The quotations you have heard read here this afternoon from different experts on this subject have all been heard and argued back and forth for the last 3 or 4 years. What you have before you on the floor this afternoon is the best agreement we have been able to get on this subject. I do not say that I agree with everything that is in this bill. I do not say that I think a tunnel is necessarily better than a bridge, or that 4 lanes are better than 6, or 6 better than 4. But what we have before us here is the results of 3 or 4 years of debate and argument on this subject. It is the best that we have been able to get.

Everyone that comes before us says, "I am all for some way of getting across it, but." Now, sure, good arguments can be made for or against a bridge, for or against a tunnel, and for or against various ways of financing, but no one disagrees that we do need more ways, at least one more way in addition to the bridge we have already approved, of getting across this river.

So, Mr. Chairman, I plead with the Members this afternoon to bury the small differences of opinion you may have as to whether or not this particular compromise is the right one. We could argue all summer and still many of us would not agree on exactly what is the right answer to this problem. As I say, I am not admitting or saying that I think this is the best answer, but I do say that it is the best compromise we have been able to come up with. So I ask you to vote for this bill.

Mr. NICHOLSON. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Massachusetts?

Mr. NICHOLSON. How is this financed?

Mr. HYDE. By the Federal Government.

Mr. NICHOLSON. Entirely by the Federal Government?

Mr. HYDE. Yes.

Mr. THOMSON of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield.

Mr. THOMSON of Wyoming. Can the gentleman tell me just where this $1 million authorized to be expended from the appropriations available to the National Park Service is taken from? From what appropriation would that be taken?

Mr. HYDE. I am not familiar with that and hold no brief for that particular item one way or another.

Mr. THOMSON of Wyoming. That is the money to do the construction?

Mr. HYDE. No, that is just the planning money, the preparation, engineering, and so forth.

Mr. THOMPSON of Wyoming. There are a million dollars here for buildings and utilities and roads and so forth, and I would like to know where that is to come from.

Mr. HYDE. I do not know. The gentleman might ask that question of someone else. I am making no argument about that and I hold no brief for that particular part of it.

Mr. THOMSON of Wyoming. I thank the gentleman.

Mr. VURSELL. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield.

Mr. VURSELL. What would be the total cost of this tunnel?

Mr. HYDE. The figures that we were given amount to $25,500,000.

Mr. VURSELL. And what is the cost of the bridge, if it were built?

Mr. HYDE. That is $24,500,000. In other words, a $1 million difference.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOFFMAN. Mr. Chairman, I rise in support of the pro forma amendment offered by the gentleman from Nebraska [Mr. MILLER].

Mr. Chairman, what the argument of our distinguished colleague from Maryland amounts to is that inasmuch as the committee has had this matter under consideration and has heard these witnesses, we should just abandon any ideas that we may have and go along with the committee. Ordinarily, that is a pretty good argument but when a proposition as simple as this one appears to be comes up, I cannot accept it. The bill we have before us is a bill to construct a bridge. It has been turned into a bill to construct a tunnel. Let us see where we are at; and who is opposing a bridge and why? Most of us are familiar with this situation. We all admit, as the gentleman said, that we need some way of transportation across the river. Then he said we say "But" and refuse to accept the solution offered. Sure, there is a "but" in my mind. Why do I have this "but"? Because the evidence is, and it is not disputed, that the engineers came up, as I got it anyway, with a six-lane bridge and that will cost less than a four-lane tunnel. A bridge that will better carry more traffic. Then why do we not have a bridge recommended? Why did we not have a bridge? Is it because two private enterprises, an oil company and a gravel and sand company, for their own profit want a draw in any bridges that may be built? Is that it? Or is it because over in the other body they insisted that if they built a bridge, they have a draw on it and they could not get a bill without a draw in the Senate because of the opposition of a gentleman from Tennessee? Why did they not authorize a bridge without a draw? Well, two companies could not do business unless a draw was provided. Was that it?

Mr. DAVIS of Georgia. Mr. Chairman, is the gentleman asking me that question?

Mr. HOFFMAN. No. I am not asking any member of the committee that question. I am asking my colleagues here who are not on the committee to tell me why we cannot build a bridge without a draw. Is it because those two companies, the sand and gravel company and the oil company cannot get their boats up and down the river without a drawbridge; is that a fair assumption? Go up the river and see who uses the river past and through bridges and the draws. So we cannot have a six-lane bridge because in the other body they will not stand for a bridge with a draw in it. And the opposition will accept a bridge with a draw. And the House previously, as I understand the situation, wanted one without the draw. So not being able to get a six-lane bridge with a draw, it is now a four-lane tunnel to accommodate those two companies and we soak the taxpayers. I cannot accept it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Being again on good terms. Yes.

Mr. GROSS. So they just sent this bill in to try it on for size and see how it will fit, and maybe next year we will have another one.

Mr. HOFFMAN. You notice the bill says that they are going to build a tunnel across the river. I always thought a tunnel would go under a river, but maybe they have forgotten where they are at.

I cannot soak the taxpayers for a tunnel when a bridge will better serve the people at a far less cost.

Mr. AUCHINCLOSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am a member of this committee and I have listened to the testimony with a great deal of interest in the hearings. I have listened, too, to this debate here this afternoon. I think there is some misapprehension on the part of some of our fine Members about this and what this implies. First of all, let us remember, this bridge or this tunnel is a highway between the north and the south. If you want to go south, you have to go over the river and we have to have adequate access to do that. Another thing we want to remember is that we have a very practical situation before us, which the previous speaker has spoken about. But it is serious. It is not to be taken lightly. I believe in free enterprise. I believe in it very strongly. I believe in small business. There are

small businesses which have been in operation for a number of years situated in the upstream of this river. In order to conduct their business, they need a draw in the bridge. A bridge was thoroughly discussed by your subcommittee. In the other body there was violent opposition to a draw, because they claimed that a draw would back up the land traffic on either side. That is true. They determined to have a fixed bridge. What is a fair compromise? A fair compromise is the tunnel. There is another reason for the tunnel. It is generally assumed that a tunnel during all seasons of the year is easier in its upkeep. There is another thing that is to be considered. I think there is a misapprehension on the part of gentlemen who are members of the Appropriations Committee about the upkeep. I think the misapprehension could be covered if we could talk it over quietly. I hope that this body will consider this calmly and recognize the fact that the increasing traffic in this area is a great problem. Do not forget the 14th Street Bridge is assumed to last now only 2 years more. If that falls into the river we are going to have ever-increasing congestion for all the people of this country, because if people want to motor from the South to this area they have to cross the Potomac River.

Mr. SIEMINSKI. Mr. Chairman, will the gentleman yield?

Mr. AUCHINCLOSS. I yield.

Mr. SIEMINSKI. Would it not be advisable in the event of a national emergency to have an underground exit from Washington? We could not all leave by air, could we? Especially if our bridges are blown.

Mr. AUCHINCLOSS. I think that is true.

Mr. Chairman, I yield back the remainder of my time.

Mr. SAYLOR. Mr. Chairman, I offer an amendment which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: On page 4, strike out lines 16 through 19 and renumber the remaining sections.

Mr. SAYLOR. Mr. Chairman, one of the real bones of contention concerning this bill grows out of the fact that $1 million is appropriated from funds that have been given this year to the Interior Department for the Department of Parks and the National Park Service. There does not exist any $1 million in the National Park Service budget that can be taken out of funds that are already allocated for the building of roads, highways, and facilities in our national parks for planning and construction of this tunnel. The national parks, and I am sure all of their many friends are very grateful to the Committee on Appropriations for giving them the finest budget they have ever had to begin mission 66. If this $1 million is taken out of that budget, it actually means that some of the programs which the National Park Service has prepared and has under way, will have to be held in abeyance. I know that that is not the desire of the members of the Committee on the District of Columbia to attempt to purloin funds appropriated to another very worthy department of Government, and I urge that this section be stricken from the bill and that this money be restored to the National Park Service.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my distinguished colleague from Minnesota.

Mr. JUDD. Mr. Chairman, I compliment the gentleman on offering this amendment. This is the worst thing in the bill, from the standpoint of a great many of us. I am for this tunnel or some means of getting adequate transportation in and out of our city, but this business of reaching over into somebody else's pocket and taking money that was appropriated or planned for other purposes that are also equally worthy just does not go down. I think if this amendment is adopted a great many more will vote for the bill.

Mr. SAYLOR. I thank the gentleman.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague from Pennsylvania.

Mr. GAVIN. I heartily concur in what my colleague has said. I just wondered if you knew who conceived this idea of dipping into the National Park appropriation for this $1 million, for construction?

Mr. SAYLOR. I have no idea who originated it.

Mr. GAVIN. Can any member of the committee tell us?

Mr. BROYHILL. Yes; if the gentleman will yield.

Mr. SAYLOR. I yield to the gentleman from Virginia.

Mr. BROYHILL. The proposition was suggested by the Interior Department representative.

Mr. SAYLOR. By whom?

Mr. BROYHILL. By the Interior Department representative in order to proceed with the drawing of the plans and construction of this facility because of the emergency. They stated that they had funds they could transfer over for temporary use until funds were appropriated for the specific purpose later on.

Since there is so much controversy and disagreement about this language being in the bill, I, as one member of the committee will support the amendment to strike it out.

Mr. THOMSON of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague from Wyoming.

Mr. THOMSON of Wyoming. I commend the gentleman and support him in this amendment. My recollection is that something over $20 million was made available to the National Park Service to take care of buildings and other structures in the District of Columbia; and if the gentleman will further yield, I think there is only $16 million available from the road fund.

I commend the gentleman and join with him in supporting this amendment.

Mr. BALDWIN. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague from California.

Mr. BALDWIN. I congratulate the gentleman in offering the amendment and shall join him in supporting it. I hope the House will accept it.

Mr. SAYLOR. I thank the gentleman. I hope this amendment will be adopted.

Mr. DAVIS of Georgia. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Virginia, the author of the bill, has explained how this section was put in; that is, that the representatives of the Interior Department who under the terms of the bill will construct this tunnel, maintain it and operate it, suggested that this provision should be in there. It is my understanding as the gentleman has just stated that it was only a temporary transfer.

So far as I am concerned I do not believe it adds anything to the bill or takes anything from it. If the Committee wants to strike out this paragraph, so far as I am concerned I have no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SAYLOR].

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 1, strike all of lines 7 through 10, and on page 2, all of lines 1 through 16, and insert the following:

"SEC. 101. That the District of Columbia and the Commonwealth of Virginia is authorized to construct, maintain, and operate a 4-lane tunnel across the Potomac River from the vicinity of Constitution Avenue in the District of Columbia to the Virginia side of the Potomac River, such tunnel to be constructed north of Arlington Memorial Bridge and south of, or under, Theodore Roosevelt Memorial Island, together with approaches and roads connecting such tunnel and approach ramps with streets and park roads in the District of Columbia and with streets and park roads on the Virginia side of the Potomac River, at a location and to a depth suitable to the requirements of present navigation as approved by the Chief of Engineers and authorized by the Secretary of the Army: *Provided*, That in planning such approach ramps and connecting roads, in the District of Columbia and the Commonwealth of Virginia, there shall be consultation by the Commissioners of the District of Columbia and the State Highway Commission of Virginia, acting for and on behalf of the Commonwealth of Virginia, with the Bureau of Public Roads, Department of Commerce, and the Department of the Interior"——

Mr. HOFFMAN (interrupting the reading). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN. By unanimous consent cannot the reading of this amendment be dispensed with? It seems to be nothing more than to shift the burden from the Federal Government to Virginia and the District of Columbia.

The CHAIRMAN. The Clerk will continue reading unless such a consent request is made.

Mr. HOFFMAN. Mr. Chairman, I ask unanimous consent that the reading of the balance of the amendment be dispensed with.

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The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Iowa [Mr. GROSS] is recognized in support of his amendment.

Mr. GROSS. Mr. Chairman, a little while ago those of us who were opposed to this bill were accused of being demagogues. I do not know anything that smacks more of demagogery than to try to shift the building of all the bridges from Maryland and Virginia into the District of Columbia onto the taxpayers, all the taxpayers of this country, including those in Iowa.

It is only a year or so ago that a bridge across the Mississippi River, into the district of my colleague from Iowa [Mr. SCHWENGEL], collapsed and fell into the river.

He came to the House and asked for an authorization so that a new bridge might be built with private funds across the Mississippi River, a toll bridge, perhaps he made a mistake. If some of us practiced the kind of demagogery which we were accused of a while ago, we would have come to Congress demanding that all the taxpayers of the country replace that bridge across the Mississippi River that collapsed. The real demagogs are those who continually come in demanding that the taxpayers of all the country carry their special burdens.

My amendment would take the Secretary of the Interior out of this bill as a tunnel builder. Under the terms of this bill, he is no longer Secretary of the Interior; he is a tunnel builder and as such he becomes the fair haired boy for the State of Virginia and the District of Columbia.

My amendment would take him out of that role and provide that the State of Virginia share equally with the District of Columbia in the cost of building this tunnel.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. TABER. Did anybody ever hear of the Secretary of the Interior building a tunnel?

Mr. GROSS. I never heard of it before. Perhaps some members of the committee have, although they have had a difficult time telling us how in the world certain provisions got into this bill. I am surprised, I may say to the gentlemen on the District of Columbia Committee, that you do not seem to know what specific funds are to be robbed from the District of Columbia and the Department of Interior funds to build this tunnel. It is claimed that exhaustive hearings, and a great deal of time was spent by the committee on this bill, yet it is strange that no one has yet stated specifically what surplus funds of the Interior Department and District of Columbia are to be tapped.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. GAVIN. I was wondering how he could be authorized to build a tunnel, because here in Public Law 704, 83d Congress, section (c) states:

> The Secretary of the Interior is hereby authorized to construct, maintain, and operate a structure connecting the main body of Theodore Roosevelt Island and the aforesaid portions thereof referred to as the small island.

Mr. GROSS. The Secretary of the Interior and the taxpayers of this country in perpetuity will maintain this tunnel. According to the gentleman from Michigan [Mr. RABAUT] it will cost somewhere around $300,000 a year for maintenance alone.

I hope committee members will yield as readily to the acceptance of my amendment as you yielded a while ago. On the other hand, I get suspicious of committee members yielding so quickly when somebody offers an amendment, as in the case of the gentleman from Pennsylvania when he offered an amendment a little while ago.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. HOFFMAN. I think they should be commended for acknowledging it was wrong and they took it out. What is wrong with that? That is all right.

Mr. GROSS. I wish they would acknowledge that the rest of the bill is wrong.

Mr. HOFFMAN. They cannot take the whole thing at once.

Mr. SCHWENGEL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to my colleague from Iowa.

Mr. SCHWENGEL. I thank the gentleman for his reference to the State of Iowa. As he pointed out, we attempted to take care of our own problems. I would like to ask the question: Is it not true in the city of Des Moines, the capital of Iowa, we had a similar problem in crossing the river there. Our position was that we take care of our own bridges across that river to get to and from the State capital there. Is that not true?

Mr. GROSS. That gentleman is absolutely right. My own home city of Waterloo, Iowa, recently built a new bridge across the Cedar River. We did not ask Virginia to help pay for the bridge.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. The gentleman from Virginia, [Mr. BROYHILL], has been complaining about traffic and the impaction of his district. By building a tunnel or another bridge into his district, it will be still more impacted, and he will be not only asking for $97, or whatever it is, per pupil in Federal aid, but he will be wanting far more to take care of the increased population that will be fed into his district.

Mr. Chairman, I am surprised that some of the gentlemen from Maryland are for this proposition that takes population into Virginia and not into Maryland.

Mr. Chairman, I want Virginia, Maryland, and the District of Columbia, to have 10-lane tunnels if they want them. All I ask is that they pay for what they get.

Mr. BROYHILL. Mr. Chairman, I rise in opposition to the amendment.

Mr. WILSON of Indiana. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILSON of Indiana. Mr. Chairman, are other Members of this body going to have a chance to talk on this bill or are members of the committee only going to be given an opportunity to be heard?

The CHAIRMAN. The Chair will recognize any Member seeking recognition in the order usually followed, according to the practice of the House.

Mr. WILSON of Indiana. And committee members then will be recognized from now on until kingdom come or doomsday, if they rise; is that correct?

The CHAIRMAN. Under the procedure of the House, committee members are entitled to prior recognition.

Mr. BROYHILL. Mr. Chairman, I question whether the amendment, even as submitted, is in complete form.

Mr. WILSON of Indiana. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILSON of Indiana. I understand the Member who got the floor has precedence over me because he was a member of the committee. Now I understand he is not a member of the committee.

The CHAIRMAN. The gentleman is a member of the Committee on the District of Columbia.

Mr. GAVIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GAVIN. I was just going to say, in the event he was not a member of the committee, I was on my feet before the gentleman from Indiana, so I would be entitled to recognition.

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. BROYHILL. Mr. Chairman, as I tried to state before, I question whether the amendment as submitted is complete, because this area we are talking about here is a Federal area. The Federal Government owns the property on both sides and has jurisdiction over the various monuments around the area, and I question whether it would be proper, as well as desirable, that we return the jurisdiction or the control of that over to the State of Virginia and the District of Columbia. There is a constitutional question involved here in that the State of Virginia cannot and does not have the right or the authority to construct facilities over property or streams which it does not own or control.

As has been stated repeatedly here, this is a Federal province; it is Federal property on either side, and under the Park Service.

Again, this is the Nation's Capital. Just because Virginia is located on one side of the river and the District of Columbia and Maryland on the other does not make them responsible any more so than any other State of the Union. I confess that maybe more of our people in Virginia and Maryland will use this facility because of their close proximity than the people of the rest of the Nation, but again that does not relieve the Federal Government of its responsibility to maintain and develop and pay for the construction of these needed facilities in the Nation's Capital. These additional crossings are necessitated because of the great growth of the Federal Government in the area. Take, for instance, your tax-free institutions in the States of Virginia and Maryland. But wherever this facility would be built, whether it be built in Iowa or any other State of the Union, under existing law 90 percent of the expenses would be paid for by the Federal Government, and we would not have to come back to the Congress to get approval, whether it was a 4- or a 6-lane tunnel.

Mr. Chairman, I urge the defeat of this amendment.

Mr. WILSON of Indiana. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. WILSON of Indiana moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

Mr. GAVIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Indiana [Mr. WILSON] yield for a parliamentary inquiry?

Mr. WILSON of Indiana. Mr. Chairman, I do not yield.

Mr. GAVIN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GAVIN. My point of order is that the Chair recognized me before the gentleman offered his preferential motion and, therefore, I am entitled to be heard.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. WILSON].

Mr. WILSON of Indiana. Mr. Chairman, I agree with the gentleman from Maryland [Mr. HYDE] that all of us are for some additional means of getting across the Potomac River—as rapidly and as safely as possible. However, many of us have "buts." I have one. Mine is that I do not like to have my Indiana taxpayers build their own bridges over the Ohio and other rivers, and then have them contribute to building Potomac bridges too—bridges that many of my folks never will see.

I think that is a pretty good "but."

If you went back to your State and said, "Now here, you people of the great State of Pennsylvania, for instance, I want you to build your own bridges and pay for them, and I also want you to send money down to Washington for some more Potomac bridges"—well, I do not think the gentleman would be in this body very long. His constituents would not like that very much. I know mine would not.

When I cross the Ohio River into Kentucky at New Albany, I pay a toll. Last year I introduced a bill—and Mr. DENTON introduced a similar bill—seeking Federal permission to build bridges across the Ohio at Lawrenceburg and Cannelton, Ind. We got those bills approved in Congress, and the President vetoed them. This year we have tried again, rewording our bills in the hope of meeting approval of that great and all-powerful agency known as the Bureau of the Budget—but we are winding up emptyhanded again.

We cannot even get permission to build our own bridges and pay for them ourselves. So, can you blame us people in Indiana for not wanting to pay for Potomac bridges? I feel that taxpayers in Pennsylvania and elsewhere feel the same way. Now, one word to the members of the Committee on Appropriations. We have seen evidence here of the carelessness of our committee in dishing out the taxpayers' money. I do not know who are the members of the Interior Department Subcommittee on Appropriations, but they evidently have given the Interior Department too much money. Otherwise the Department would not have $1 million to shift over to this proposed Potomac project, which has not even been formally authorized. Maybe we should take another look at some of our appropriations.

Another thing concerning the original cost of this proposal—just in case some Members may be gullible or naive enough to believe that this bridge or this tunnel will be constructed for the amount that is asked, I challenge anyone here to point to one precedent, just one, where we have ever built a bridge or a Federal building in Washington with even 100 percent of the money originally sought. It has not been done—certainly not in the 17 years I have served in this Congress.

With respect to the Pentagon, I remember that the promoters of that sprawling edifice came before us and asked for $32 million to build the thing. They wound up spending $89 million.

Sure, if the proponents of a Federal building proposal can get us to give them enough money to get it started, they are going to make the estimate as low as possible. Low estimates intrigue us. Then comes the bad news, after a project is well under way and gobs of money have been spent. Who is going to stop a job—tunnel, bridge, monument, building, or what-have-you—when the thing is one-half or one-third built? Obviously, we are going to give them more money, and more money, and more money—and that money is coming from Illinois, Iowa, Indiana, Pennsylvania, and every other State in the Union.

I am for having another Potomac crossing, but I am not for having my fellow Hoosiers paying for it when they cannot even get permission to build and finance their own bridges at a cost to no one but themselves. I am for the users paying for Potomac bridges or tunnels. I will vote for all the bridges and tunnels they want across this river, providing they are paid for by the people who use them.

They could put a toll on the present Potomac bridges. In 2 years' time enough money would be raised to build a new tunnel or bridge. All they need do is slap a toll of 10 cents a car, or a 50-cent weekly pass, and the money would roll in.

That is the way we do things in Indiana, and that is the way I would like to have them done here.

Mr. GAVIN. Mr. Chairman, I move to strike out the last word.

Mr. HAYS of Ohio. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. HOFFMAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN. We have had so many points of order. This one is that unless the gentleman is opposed to this motion he is not entitled to recognition in opposition thereto.

The CHAIRMAN. The Chair will state that the gentleman said he rose in opposition to the motion.

Mr. HAYS of Ohio. At this moment I am in opposition, but I might change my mind before speaking.

Mr. HOFFMAN. I make the further point of order that in view of that statement——

Mr. HAYS of Ohio. At this time I am opposed to the motion, and I have a right to change my mind as rapidly as the gentleman from Michigan.

The CHAIRMAN. The gentleman has said he is opposed to the motion. The gentleman from Ohio is recognized.

Mr. HAYS of Ohio. Mr. Chairman, I should like to use just a minute of this time, if I may, to try to straighten out something the gentleman from Virginia said, and I am sure he said it inadvertently, when he said that if a bridge is built across the river anywhere else besides the Potomac the Federal Government automatically pays 90 percent of it, and that you do not even have to come into Washington. Of course that is not true at all. It could be true if the bridge were on one of the approved Federal interstate highways, and I have no accurate figures at hand to say how many bridges would be on those routes, but I would guess that of all the bridges across the rivers in the United States not more than perhaps 5 or 10 percent at the most would be on that kind of federally approved highway, whereby the Federal Government would pay 90 percent.

As I said earlier in the day, I am for some kind of way across the river, but the thing I should like someone on this committee to tell me, or two things, rather, and one of them is, I understand that the Army engineers were never even heard on this matter and that later on they sent up a letter saying that they did not approve of a tunnel.

The second thing I should like someone to tell me is, they keep saying the tunnel cost only a million dollars more, but they are talking about a 4-lane tunnel versus a 6-lane bridge. I should like them to tell me how much more a six-lane tunnel would cost, so I can talk about something that is on an equal basis. How much more is a 6-lane tunnel going to cost than a 6-lane bridge? The committee attitude apparently is

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that you are either going to take a tunnel or nothing.

I think the most sensible thing to do from a practical standpoint would be to build a 6-lane bridge, which people have said this afternoon could be built for $20 million less than to build a tunnel, which its very sponsors admit will be inadequate before the first shovelful of dirt is turned.

There has been a lot of talk about economy this year. Some of us have been accused of being spendthrifts. I do not challenge the sincerity of any Member in economizing. Although I felt like it, I did not oppose when the gentleman from Georgia offered an amendment to cut out $8,000 to buy trunks for the Members, but I have not heard any logical explanation of why he is so enthusiastically supporting this bill which people say will cost $20 million more to provide a comparable facility. I will vote for any kind of way to get people across the Potomac if I am convinced that it is the most economical way, that it is the way that will get the most people across for the least dollars. But I will be very frank with you, I have not heard anybody this afternoon tell me why or how a tunnel will do it better or cheaper than a bridge, and I just do not think it will.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. HAYS of Ohio. I yield to the gentleman from Michigan.

Mr. RABAUT. I quoted some figures this afternoon, and I said that I have here a photostat of the estimated cost of a proposed 6-lane facility between the Memorial and Key Bridges. For a pro stress bridge, 6 lanes, it is $15,550,000, with an annual upkeep of $10,000; for a steel bridge, $18,699,000 with an upkeep of $14,000 annually; for a 6-lane tunnel, $47,842,000, with an annual upkeep of $310,000. These were the figures that were handed me this afternoon in a photostatic copy that was set out before the committee. Now to be fair, the approaches to the bridge are not figured in these figures that I have quoted. The gentleman from Georgia [Mr. DAVIS] says approach figures are not necessary to be added to the tunnel figures; is that correct?

Mr. HAYS of Ohio. Certainly, no one would contend that the approach would cost anything like the difference between $18 million and $47 million.

Mr. RABAUT. Mr. Chairman, will the gentleman yield further?

Mr. HAYS of Ohio. I yield.

Mr. RABAUT. I cannot go along with the suggestion of a 4-lane tunnel or a 6-lane bridge. That argument is made simply to get the cost figures closer together.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GAVIN. Mr. Chairman, may I be recognized to speak on the pending motion.

The CHAIRMAN. All debate on the pending motion is now concluded and further debate is not in order until the pending motion is disposed of.

The question is on the motion offered by the gentleman from Indiana [Mr. WILSON].

The question was taken; and on a division (demanded by Mr. WILSON of Indiana) there were—ayes 32, noes 66.

So the motion was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 81, noes 62.

Mr. DAVIS of Georgia. Mr. Chairman, I demand tellers.

Tellers were ordered and the Chair appointed as tellers Mr. DAVIS of Georgia and Mr. GROSS.

The Committee again divided and the tellers reported that there were—ayes 90, noes 91.

So the amendment was rejected.

Mrs. CHURCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CHURCH: On page 3, line 20, after the words "shall consider appropriate," strike out the period insert a comma and the following: "except that no connecting road or tunnel approach shall be constructed through or under Arlington National Cemetery."

Mrs. CHURCH. Mr. Chairman, I think that the House will probably be as surprised as I was myself to discover that this amendment may be necessary.

Mr. Chairman, I am as much interested as anybody else in securing adequate transportation in and out of the District of Columbia. So 2 weeks ago when I first heard of this new plan, I made a careful study on the Virginia end and in the District of Columbia. I ran into rather amazing rumors, or what appeared to be more than rumors, that there has been some consideration given as for the future to possible approaches to this new tunnel that might necessitate a tunnel under Arlington National Cemetery. Where there is even a wisp of smoke—to quote the proverb—there should be suspicion of fire. I wish, therefore, to make sure that Arlington Cemetery not be invaded; that, if necessary, the whole plan for the tunnel be abandoned and return be made to the plan for the 6-lane bridge.

I would certainly hope that under no circumstances would any authority be given by this Congress, by any department or by any agency whatsoever for any tunnel under Arlington National Cemetery. I have introduced this amendment merely to make sure that this untoward circumstance would not even be considered.

Mr. DAVIS of Georgia. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Illinois [Mrs. CHURCH].

Mr. Chairman, I have the highest respect for the purposes of the gentlewoman from Illinois in offering this amendment; however, we had adequate, detailed testimony on where the construction of this tunnel would begin on the Virginia side and on the District of Columbia side. The testimony is that this tunnel would cross the channel there on the Virginia side and it will not even approach anywhere near the Arlington National Cemetery.

Mrs. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentlewoman from Illinois.

Mrs. CHURCH. I am very glad to have that statement by the chairman. I may say that on the floor this afternoon I mentioned this matter to one of the committee members who said, "Oh, well, I think that is just gossip." I wonder, if the gentleman is so sure that there is no necessity for the amendment, if he would not be willing to accept it? If there is no danger in it, why not accept the amendment?

Mr. DAVIS of Georgia. I think, really, it is not germane to the bill. The entrance to the tunnel will end there as it crosses the boundary channel. That is the end of the tunnel. It does not approach anywhere even close to Arlington Cemetery.

Mrs. CHURCH. I hope the gentleman will note that the amendment reads "approach or connecting link." The rumor came to me that the possible link might be to Route 50 or to one of the other through routes. It was not the actual approach to the tunnel with which I was concerned.

Mr. DAVIS of Georgia. This bill does not deal with highways other than approaches to the tunnel and none of them go anywhere near the Arlington Cemetery.

Mr. SMITH of Virginia. I wonder if the gentleman would agree with me that this amendment just illustrates the absurdities or the rumors that have floated around the House all day about this bill and what it will do, that are utterly unfounded. I wonder if the gentleman would agree with me if this is not comparable to the report that someone stated on the floor here a while ago that this bill would take away money provided for the children's school lunch program. Now, are we not reducing this thing to an absurdity that is somewhat below what should be the dignity of the House of Representatives?

Mrs. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentlewoman from Illinois.

Mrs. CHURCH. I would like to say to the gentleman from Georgia, and certainly to the gentleman from Virginia, who has my highest regard, that even though I hope the amendment will pass, I certainly will accept for my own satisfaction the statement of the gentleman from Virginia.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from Iowa.

Mr. GROSS. Would the gentleman tell me where the funds provided for in section 110 are to be taken from? What funds will be taken from the District of Columbia?

Mr. DAVIS of Georgia. My understanding is that under the bill which was passed in 1954 approximately $4 million was appropriated to the District of Columbia for bridge construction purposes, and that is the fund which is referred to in section 110. It has no relation whatsoever to school lunch money, the building of schoolhouses, highways, or anything else. There is a fund now in the hands of the District of Columbia

Commissioners for bridge construction purposes at this location, and that is what that section applies to.

Mr. GROSS. The gentleman will agree with me that there is not one word or line in section 110 alluding to any funds, highway funds, street funds, or otherwise. It merely says "fund," is that not correct?

Mr. DAVIS of Georgia. It says "appropriated for the purposes above mentioned." You can read the language in there.

Mr. GROSS. Yes. I have read the language.

Mr. DAVIS of Georgia. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois [Mrs. CHURCH].

The question was taken; and the Chairman being in doubt, the committee divided and there were—ayes 82, noes 64.

So the amendment was agreed to.

Mr. DAVIS of Georgia. Mr. Chairman, I move that the Committee do now rise.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H. R. 6763) to amend the act of August 30, 1954, entitled "An act to authorize and direct the construction of bridges over the Potomac River, and for other purposes," had come to no resolution thereon.

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## MANAGEMENT OF THE TREASURY DEPARTMENT UNDER GEORGE HUMPHREY

Mr. McCARTHY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. McCARTHY. Mr. Speaker, it appeared as though the passing of Mr. George Humphrey was going to go unnoticed in the House of Representatives, at least there was no notice taken of it on the Republican side. I had intended to let it go unnoticed on our side, but today there appeared a publication entitled "Republican Record of Accomplishment by Executive Departments." This was put out by the Republican Congressional Committee.

The publication declares that its material details the achievements of the executive agencies under the Eisenhower administration since 1953, and it goes on to say that it would be helpful—I assume that this is intended for Republicans only—"in your adjournment speeches, newsletters, or statements on the administration record."

In view of the fact that there are some inaccuracies in the publication, I think that it would be well for any Republican who intends to use the material to check it very carefully. In order to be helpful to my Republican friends, I am making these observations with regard to that section of the publication which deals with the Treasury Department.

Objective 1 of the Treasury Department, which it is indicated was satisfactorily achieved, was to reduce planned deficits and balance the budget, which means, the publication says, among other things reducing Federal expenditures to the safe minimum. For the sake of the record, it should be noted that the budget was not balanced in either of the fiscal years 1954 or 1955 for which the Republican 83d Congress was responsible. The deficit was $3.1 billion in 1954 and $4.1 billion in fiscal 1955. It was not balanced until the fiscal year 1956 in which the Congress was in control of the Democratic Party.

The Federal debt in 1952 was $259 billion. In 1957 after 5 years of Republican administration it was $270 billion.

The second objective set was that of meeting the huge cost of defense. There was never any question of our country being able to meet these costs.

The third objective was that of properly handling the burden of our inheritance of debt and obligations. Under this objective, the administration takes credit for increasing the rate of interest on Government bonds and creates the implication which clearly cannot be sustained that the administration has stretched out the debt in long-term issues. Interest rates on taxable Government bonds have gone up 30 percent under this administration. Federal debt has increased 4 percent, but interest payments by the Government are up 18 percent.

The fourth objective was that of checking the menace of inflation. The cost of living index has just reached a record high. It was 113.5 in 1952. It is 119.6 today. The Federal budget expenditures have averaged about $3 billion a year higher than the 1952 expenditures.

The fifth objective was that of the reduction of the tax burden. The tax take of the Government has been running about $4 billion a year higher during this administration than it was in 1952. In 1952 it was $61 billion. It has averaged about $65 billion a year since.

The sixth objective was that of encouragement of the initiative of our citizens. Success is claimed in this area in spite of the record failures of small businesses and the rapid decrease in farm population.

Republicans point to the increase in national income as evidence of the wisdom of Federal policy. National income has increased. It was $290 billion in 1952, and ran about $343 billion for 1956. Now this continued growth is encouraging, but the gross figure requires further examination. Two questions should be raised. First, has the rate of national income increase been fast enough, and second, have the components within these totals been growing at proper rates, and in balance?

From the time of the passage of the Employment Act of 1946, it has been accepted that Congress and the administration has the responsibility of setting goals to be attained by our economy and of carrying out policies which will aid in the attainment of these goals. Department of Commerce figures show that the GNP of our economy increased at an annual rate of 4.7 percent between 1947 and 1953. Between 1953 and 1957 the rate of increase has fallen to approximately 2.5 percent. This means that the actual output in the years 1947–53 is estimated by the Conference on Economic Progress to be nearly $30 billion below full production as contemplated by the Employment Act—according to this estimate the average annual production deficit is 4.2 billion. In the years 1953–56 the actual production has fallen about 60 billion below full production estimates, and the annual production deficit averages about $14.5 billion.

Labor Secretary Mitchell and other Republicans are happily reporting the high number of persons employed in our present economy, and modestly accepting credit for what they admit is a great accomplishment. Just as in the case of the national income, it is well to study these figures further before agreeing that the Republicans deserve the credit they are claiming.

Consider the figures on unemployment. The Census information on this subject shows that unemployment has risen from an annual average of 3.64 percent of the civilian labor force in the years 1947 to 1953 to 3.91 percent in the period 1953–56. This unemployment figure is usually modified in administration discussions of the problem by referring to the nearness of the present unemployment to an agreed upon irreducible minimum percentage for unemployed of 2.5 percent. So let us consider unemployment above that 2.5 percent level as excess unemployment and worthy of attention by the administration. We call this excess of unemployment an employment deficit in the same way we referred to a production deficit above. So defined, the employment deficit in 1956 is 43 percent higher than it was in the years 1947–53.

Thus the first general question about the state of the economy under the Republicans, has it expanded rapidly enough, cannot be answered with an unqualified "yes" as spokesmen for the administration would have us believe.

For an answer to the second question about the relative positions of the components of the American economy, let us look at some of the details. Net farm income has declined steadily from $15.1 billion in 1952 and is now running at an even lower rate of $11.7 billion, according to the latest Economic Indicator. Corporate profits after taxes have gone from $16.1 billion in 1952 to $21.5 at the present time. Net interest income was $7.4 billion in 1952, and is running at $12.5 billion today. Dividend income increased from $9.0 billion in 1952 to $12.4 billion today.

The changes since 1952 may be shown as follows: Gross National Product has increased 18 percent. Net interest payments are up over 65 percent. Dividends, up 38 percent. Corporate profits, up 34 percent. Farmers' income, down 25 percent.

No one can fairly expect that the economy will always operate at its full

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capacity. Adjustments within an economy as complex as is ours necessarily result in some slippage and lag. No one can reasonably demand that all components of the economy be in balance. David Lawrence, in commenting on the economic and fiscal policy of the Eisenhower administration, observed that the administration was doing as well as could be expected. In this observation he may have been too kind. It is certain that they were doing what might have been expected. The administration can be criticized for its hard money policy, for its tax policy, for its failure to acknowledge the complexity of the domestic economy, and for its international economic relationships.

In the spring of 1953 almost as soon as George Humphrey was settled in his office as Secretary of the Treasury, the Treasury began, with the concurrence of the Federal Reserve System, to take steps designed to tighten the economy. The most publicized move in this action was the issuance of long-term United States Government bonds with the interest rate set at 3¼ percent. This rate was 30 percent higher than the prevailing rate of 2½ percent. The issue was extremely popular, but what followed was not so popular. The value of all outstanding Government bonds dropped abruptly. In the 8 weeks more than $2 billion was lost in market value of these bonds. The increased cost in interest on this bond issue alone has been estimated at $200 million. The general increase in interest rates that followed not only increased the interest on the national debt, but also increased the cost of money to all borrowers. This action was hailed by Republicans as marking the turning of the tide. George Humphrey meant business. He had replaced the office picture of his predecessor, John Snyder, with the picture of Andrew Mellon. This, it was now evident, was not an empty gesture.

Objections to the new policy arose at once and from unexpected sources. Bankers protested because their losses in bond holdings were too large to be offset by higher interest rates. Borrowers of all kinds, both personal and commercial, cried out. Business Week observed critically:

> We are glad to know the brakes work, but we don't want to go through the windshield.

The administration then reversed its own highly publicized reversal. They turned to the theorists and the theories of John Maynard Keynes and of the New Deal. Federal Reserve requirements were liberalized as were mortgage requirements. A speedup of domestic procurements together with a speedup and expansion of Government construction projects was ordered. The decison was made to unbalance the budget and to incure what eventually amounted to a deficit of over $4 billion in the fiscal year 1955.

George Humphrey, to paraphrase Mr. Lawrence, in this situation did better than could have been expected. He should have turned Andrew Mellon's picture to the wall.

The error of the administration was not in its purpose—to control inflation—but in its judgment that inflation threatened, and in its choice of methods. The cost of living had been stable for nearly a year, and the Federal cash budget was nearly in balance. PAUL DOUGLAS, distinguished Senator from Illinois and former president of the American Economic Association, who warned the administration of the consequences of its action, was labeled a prophet of gloom and doom. The economy which was staggered did recover, although the production lost cannot be regained and there is no evidence that the economy has been purified or strengthened as a result of its having been given this strong medicine.

As applied to some segments of the economy, the hard money policy has had no significant effect. These businesses with large profits and other sources of funds for investment could finance their own operations or expansion. Smaller businesses, new business, and low-income borrowers for both production and consumption purposes bear the heavy burden.

Administration tax policies, too, have tended to have a depressing or slowing effect on the general economy and have failed to recognize or to take action to overcome the imbalances in the economy. There has been, of course, no general attack upon all taxation as was indicated there might be in the campaign of 1952. The direction of the policy, however, is indicated in the administration's position on major tax proposals. It supported the dividend exemption provision in the 1954 tax law. The administration urged that the dividend exemption be adopted on the grounds that this would eliminate double taxation. It is significant to note, however, that at the same time the administration was asking for an extension of the regular corporate profits tax. I think it fair to ask the question as to why, if the administration was concerned about double taxation, it did not simply recommend that the corporate profits tax be reduced and the complicated provisions with regard to dividend exemptions not be injected into the tax program. This would have been the simple way to eliminate so-called double taxation. As a matter of fact, however, the corporate profits tax is to a large extent a regressive tax which falls upon the purchaser of the corporation's products or services—therefore in the nature of a sales tax. Dividend exemption, however, gives tax advantage and tax relief to those who receive an income from investment in stock. Recent data on the subject indicates that 76 cents out of every dividend dollar are paid to the top 4 taxpayers out of every 100 taxpayers.

The Republican administration, led by the Secretary of the Treasury, was successful in defeating the $20 income-tax credit proposed by the Democratic majority of the House of Representatives in the first session of this Congress. The argument of the administration was that the condition of the Federal budget did not justify a reduction in taxes. The Secretary of the Treasury argued that this consideration was the primary one and that in view of the budget deficit expected, the tax rates should not be reduced. It is interesting to note, however, that when the Republican tax revision bill was under consideration in the 83d Congress, the administration argued that revenue was not the important consideration, but that the economic effects of taxes were to be given primary consideration. Approximately 1 year later in another issue the administration opposed as unsound a reduction in revenue of approximately $815 million, arguing that economic considerations were of secondary importance.

It can be said that the administration tax policy has favored investment income and encouraged investment, and investment has reacted although it has not necessarily grown too rapidly in an absolute sense. There are indications that it has grown too rapidly relative to consumption. The stock-market index has boomed from 196 in 1952 to 365 in July 1957. Profits have risen very rapidly in recent years in contrast with smaller increases in consumer incomes and outlays. Whereas the business investment average annual growth rate has been over 8 percent in the 4-year period, 1953–57, the annual increase in consumption has been only 4 percent. Consumption income has been supplemented by increased consumer loans which increased from $27 billion in 1952 to $41 billion today. Residential, nonfarm construction, really a consumer expenditure, has also been running at about 3.8 percent per year during this period. George does not intend to kill the goose that lays the golden eggs. He apparently believes in overfeeding it. The administration seems to proceed on the assumption that full employment and full production are inflationary and that economic slack is necessary in order to prevent inflation. People living on pensions continue to loose purchasing power.

The error of this opinion can be seen through consideration of some recent economic history. Price inflation in the United States in 1950 and 1951 was due largely to problems accompanying the outbreak of the Korean war. Detailed consideration of how this wartime inflation might have been prevented is of little use in the present discussion. However, the years 1951 and 1952 saw the wholesale price index for all commodities demonstrate a consistently downward trend. This in spite of near full prosperity. In the same way and under the same conditions, industrial prices declined and then leveled off during the entire period from early 1951 to nearly the middle of 1953. This conclusively demonstrates that general inflation was brought to a halt by early 1951, as distinguished from wartime inflation, and that full prosperity is not inflationary when the economy is in fair balance.

Government policy under the present administration has been concerned, and seemingly satisfied, with general indicators and has not paid enough attention to the many special problems that these general indicators can conceal, and to inflation. The administration pointed with pride to the relative stability of the Consumer's Price Index, although separate items going into that index were

far from stable. The continuing depression of farm prices served to offset the increased price of other items included in the index. Government policy has tended to inflate industrial and housing prices and interest costs already too high. These same policies have tended to depress farm income and have hurt small-business men and persons living on pensions.

During this time the Secretary of the Treasury was George Humphrey, reputedly the strongest and ablest member of the Cabinet.

Why did George, by his own established standards, fail? George was not, he declared, a politician nor an economist. He was not a banker nor the owner of a great enterprise. George was a practical man. A manager chosen by the owners of a great enterprise as a manager.

The function of the manager is not necessarily full production but profitable operation.

The law of diminishing returns is closely observed. Risk is calculated in view of anticipated profits, not of more employment for workers, or an increased supply of goods for customers.

"There is nothing more important for the future of America than to encourage widespread investment in American business," said Secretary Humphrey before the Senate Committee on Finance in 1954.

All of us would agree that investment in American business is important. But few would go so far as to say what George Humphrey said, even in 1954. We could not, for example, sacrifice necessary provision for defense in order to encourage investment in business. We could not neglect international problems, or sacrifice large numbers of our own people to extreme hardship, or poverty in the interest of George's objective.

We must remember the fundamental principle—

Said George Humphrey, on another occasion—

that the best government is the least government.

This is another oversimplification. If this principle, as he calls it, were accepted and carried to its full application, one would be left just short of anarchy.

"Taxation should be based only on consideration of revenue needs of the Government, not on considerations of social welfare," said George before the Ways and Means Committee.

Throughout all of George Humphrey's public statements runs the idea that he accepts basically the view of the primacy of economics or, as he would put it, business considerations above all others.

Woodrow Wilson perceived the weakness of George Humphrey's approach in 1913, when he said:

If my business covers not only the United States, but covers the world, it is to be presumed that I have a pretty wide scope in my vision of business. But the flaw is that it is my own business that I have a vision of, and not the business of the men who lie outside of the scope of the plans I have made for a profit out of the particular transactions I am connected with. And you can't by putting together a large number of men who understand their own business, no matter how large it is, make up a body of men who will understand the business of the Nation as contrasted with their own interest.

## EISENHOWER FISCAL POLICY

Mr. MULTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, if we could transport ourselves into the world of fantasy that our Republican friends, in and out of the administration, talk about, we could rest easy under the false illusion that all is well. Unfortunately, we, and all Government, must deal in realities.

In commenting upon the departure from Government of the President's top financial adviser, Secretary of the Treasury Humphrey, we have heard the words "invaluable" and "incalculable."

We must agree, Mr. Humphrey's services have been invaluable, that is, invaluable to himself and his big business-big bank friends. All of them have done well in the last 4 years and have prospered to a greater extent than ever before in the history of our country. But at the expense of the taxpayer and the little fellow.

Incalculable, indeed. The damage that he has done to our economy and to the Government is incalculable.

He leaves behind a heritage, a heritage of the greatest increase in Government debt ever experienced in our history.

Permit me to comment upon his last gift to his friends before leaving his office. Twenty-five billion dollars of Government bonds are about to mature. The average rate of interest is around 2½ percent. Almost $15 billion of those bonds are held by the Federal Reserve banks. These are not private banks. These are our banks—the Government's banks.

Mr. Humphrey has ordered that this 25 billion dollars worth of Government bonds, of which 15 billion dollars are owned by the Government and 9 billion dollars are privately owned, are to be redeemed with new 4 percent bonds.

His excuse was that the increased interest rate was demanded by the market. One would think that the demand of such a market would be determined by the holder of fifteen twenty-fourth's of the bonds and not the holders of nine twenty-fourth's of the bonds.

The fact of the matter is that there was no suggestion from the Federal Reserve banks for an increased interest rate. The Chairman of the Federal Reserve Board, Mr. Martin, so testified before the House Banking and Currency Committee this very week.

Mr. Humphrey's Under Secretary of the Treasury Burgess pretended before the Finance Committee of the Senate that 50 percent of that increased interest rate would be returned to the Government. I challenge the accuracy of that statement. But, if true, then why engage in the legerdemain of taking money from one pocket and putting it in the other, particularly when both pockets are owned by our Government?

Our Treasury Department, which prefers to deal in phantasmagoria rather than fact, also pretends that increased interest rates are not inflationary.

Here, too, they run into conflict with Chairman of the Federal Reserve Board Martin who testified before the House Banking and Currency Committee to an economic fact that cannot be disputed by anyone, to wit, every increase in interest rates is an increase in costs, and every increase in costs is inflationary.

No one can deny that this last increase in interest rates on Government bonds will cause an increase in interest rates from one end of the country to the other. Every bank and every lender will demand the right to follow the example set by the Government, a Government which talks one way and acts another.

It is also utter nonsense to pretend that the Government's tight money policy does not affect the small businessman. Permit me to quote from a letter dated July 29, 1957, written to me by Ben DuBois, secretary of the Independent Bankers Association. He says:

When the demand for loans is excessive, credit must be allocated and everyone should know that the best customers are served first. This, of course, puts the little fellow at a disadvantage.

## THE POST OFFICE RECORD REPUBLICANS WILL NOT BE REPORTING

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, the Republican Party has just made available to its Members in Congress a glowing list of accomplishments in the Post Office Department during the past 4 years—and some of the mechanical improvements cited in that list are probably worthy of mention.

To the list prepared by the Republican Party, Mr. Speaker, I would like to add a list which I believe will also merit attention by the American people—and I feel pretty sure this list includes at least six Republican postal accomplishments they will not be talking about in their reports to the people.

Unmentioned accomplishment No. 1 is the fact that Mr. Summerfield not only failed to live within his legal budget, but made unnecessary terminations of mail service to the people in order to blackjack additional funds out of the appropriations committee. Never before have we had the spectacle of rural mail carriers reporting in for work and being ordered to sit around the post office and not do their job—and no amount of bright new paint will gloss over the fact that this administration is the first in history to stop delivering the mail to the people in any kind of emergency.

Republican accomplishment No. 2 is the fact they have shut down many post offices in smaller communities across the country, thereby depriving residents of

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these small towns of many postal services.

No. 3, they have recommended the termination of the postal savings system which has been of great service to millions of Americans, which would compel those citizens to place their savings in private banks, or in a sock at home where no bank is available.

No. 4, they have forced the removal or resignation of thousands of postmasters whose only sin was being appointed by a Democratic administration.

No. 5, they have used up millions of buckets of red, white, and blue paint in a costly redecoration program which is strangely inconsistent with their repeated talk about economy.

Finally, they have talked and boasted for 3 years about their great new lease-purchase program to build new post offices, and wound up after 3 full years with a start on one small post office under this program.

In a somewhat lighter vein, there is one additional accomplishment which might be termed to their credit. In my own State, the Republican Post Office Department several years ago made a hero out of a fine citizen, but at that time a political unknown, named Cowboy Pink Williams, by refusing to accept for mailing post cards critical of Eisenhower farm policies. Mr. Williams was soon thereafter elected Oklahoma's Lieutenant Governor, and most newspapers in our State gave the Republican post office action most of the credit.

Mr. Speaker, in summary, I believe you could fairly call the post office record of this administration one long story of reduced service, post office shutdowns, and declining morale among many postal employees. That is not a very good record to take to the people.

## THE SO-CALLED CLAIMS OF THE REPUBLICAN ADMINISTRATION

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, my attention has been called to the report of the Republican National Committee, the bible of the Republican Party, which was released amid fanfare today.

While one might expect to find exaggerated claims in such a publication, the claims in this go beyond any expectation, nor can Republican fanfare and self congratulation effectively screen the fallacies and inconsistencies in it.

For instance—the claim is made that employment is expected to top 67 million this summer, for which I assume the Republican Party will take credit, come summer. Since employment has already topped 67 million, this could hardly be construed as a great accomplishment. Remember that it was this same Republican Party that hooted at Henry Wallace who thought in his day of an employment of 60 million.

"Unemployment is expected to dip well under 3 million" reports the Department of Labor. Actually, unemployment is well above 3½ million now, and responsible economists predict that unemployment will increase in the coming months. It is significant that no mention is made of steps that might be taken to counteract this trend.

The Department of Labor goes on to claim that it was that Department that pushed through legislation increasing the minimum wage, when everyone knows that it was Democratic leadership in Congress that fought for a minimum wage increase, that it was Democratic leadership which championed a minimum wage that was above the administration's bare bones figure, that it was Democratic leadership which would have raised the minimum wage to $1.25 an hour but for the violent opposition of the Department of Labor.

Yet another claim for Republican greatness is the claim that it was the Department of Labor that obtained pay increases for Federal civilian workers. How strange that there is no word of the bitter fight over pay increases to postal and classified civil-service employees. The Republican administration could evidently see no inconsistency in a position that would oppose these measures when at the same time it was bending every effort to saddle the taxpayer with increased postal rates.

In an extraordinary statement on the subject of the Department of Labor's enforcement of labor standards, we are told that that agency conducted approximately 94,000 investigations of firms which had violated the Fair Labor Standards Act, the Walsh-Healey Public Contract Act, and the Davis-Bacon Act. The report has not the fairness to indicate how many of these investigations resulted in conviction. Obviously not all firms were convicted of violations although the report says in excellent English that 94,000 had violated the acts. This is the kind of conduct that we have come to expect from the Justice Department. Now it appears that the Labor Department has joined the Republican ranks of those who would pervert a most fundamental truth, and judge the accused guilty until he is proven innocent.

But most amazing of all is this claim:

> In addition, the Department (of Labor) has placed increasing emphasis on close coordination with State and local communities to improve wages, hours, and working conditions. As a result, since 1953, more progress has been made in State legislatures in enacting good labor laws than in any comparable period.

It then goes on to point out that thanks to the Department of Labor 48 different States and 3 Territories have enacted State legislation of the kind which the Department thinks is so fine. We hear from all sides that we do not want the Federal Government to have anything to do with State legislation, but now you make the claim that you control the 48 State legislatures. I think that is highly inconsistent and will be so recognized. I think, too, it might be proper to comment that it was with rather extreme surprise that many of us noticed that the President had not been informed of the debate in the House and that the Democrats on this side of the aisle were prepared to accept the offer of Mr. AYRES of Ohio which would have put us directly in line with the President's program.

I must say that in the future I hope he will be better informed.

Despite pious statements of the Republican Party on the danger of encroaching Federal power, despite its pledge to exercise the specter of Federal control over States, we now read that the Republican administration proudly proclaims that they control and run as many as 48 States and 3 Territories on the subject of labor. This is so obviously not true that it is ludicrous, but it should be resented in each of the 48 States and 3 Territories.

Mr. Speaker, we are approaching the millenium. The Republican Party, through the Department of Labor or some other of its agencies may well soon take credit for the rising of the sun and the sinking of the moon.

## PROTECTION AND DEVELOPMENT OF NATURAL RESOURCES

Mr. METCALF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. METCALF. Mr. Speaker, according to the Republican record of accomplishments by executive departments, 1953–57, the President set this goal for the Department of the Interior when he assumed office:

> Come up with programs that will not only protect the Nation's natural resources but will develop them in pace with the Nation's needs.

One of the first policy statements of Secretary of Interior McKay leads to some doubt about this goal.

> We're here in the saddle as an administration representing business and industry—

Mr. McKay said.

One of the first acts of the new administration representing business and industry was to withdraw the support, stated by the previous administration, for Federal Hells Canyon Dam, which would have provided for comprehensive development of the greatest remaining natural dam site in the United States.

Instead, the new administration gave its blessings to commercial underdevelopment of this great natural resource by a private power company.

Then the administration set about bringing the public power program to a virtual standstill. The Director of the Budget, the President's fiscal spokesman, announced there would be no new starts on projects which included hydroelectric power facilities until arrangements had been made with local interests to install the generating facilities.

I put the word "local" in quotes because the administration rewrote the dictionary. It now means "absentee." In the case of Hells Canyon the "local" partner with this administration is the Idaho Power Co., a Maine corporation. About 7 percent of its stockholders live in the

mountain West. Of its 30 large stockholders, all except Harvard University and the Commonwealth Fund are insurance companies or investment trusts. All but 2 are east of the Mississippi, and those 2 are insurance companies.

In this administration's rewritten dictionary, an Idaho consumer cooperative, owned and operated by farmers unable to get electricity except by their own efforts, is not a local enterprise—but Idaho Power is.

Even though these representatives of business and industry were seated firmly in the administration saddle, they soon found out that they could not hold their policy of no new starts. So they pulled the upper Colorado River project out of a pigeonhole. It was politically safe, they figured, because no commercial utility was interested in building the dams.

The administration's concern over protecting this Nation's natural resources in the upper Colorado area was manifested by a recommendation that the project include Echo Park Dam, which was to have been built in Dinosaur National Monument. The dam would have destroyed the beauty of spectacular canyons of the Yampa and Green Rivers. Throughout the hearings it was the position of the Interior Department that the upper Colorado bill should not pass, and that the project would not be feasible unless it included Echo Park Dam.

When this administration took over, it manifested its concern over rehabilitating and modernizing the National Park System by slashing its requests for the money to rehabilitate and modernize them. And its vaunted mission 66, an accelerated program in which I believe, and for which I have worked since I came to Congress, included a request for less money than the appropriations voted by the Democratic Congress in the year the program was launched.

Mention of wildlife refuges reminds me of one of the sorriest chapters in the black book of Republican mismanagement of our resources.

Historically, this Nation's 264 refuges have been off limits to oil exploitation, with two exceptions—in cases where previous owners never did surrender their mineral rights to the refuge land; and in cases where the Government entered into cooperative agreements with oil companies which were drilling nearby to prevent them from sucking out all the oil from beneath the Government's own land.

Not long after he took office, Mr. McKay issued a stop order on further leasing, ostensibly to tighten up the regulations. In the fall of 1955, Mr. McKay said:

> I can tell you flatly that no new regulations will be authorized unless they give far more protection to our refuges than they did before the stop order.

There followed the kind of doubletalk we have come to expect from this administration.

Interior conceded that it granted some 274 leases between August 1953, when the stop order went into effect, and December 2, 1955, when it was revoked. Only a few more leases than that were granted in the preceding 34 years—when there was no such protection as a McKay stop order.

When the stop order was revoked, Mr. McKay issued new orders to protect the refuges in future leasing. Hereafter, he promised, 12 of the refuges would be inviolate from all leasing, and the others would be leased only under controlled conditions. The catch to this statement was that these 12 leases had always been inviolate—and the controlled conditions for the other 252 refuges are being supervised by people which this administration has made subject to political instead of career appointment.

The new regulation was inaugurated by issuance of a lease to the Frankfort Oil Co., of Bartlesville, Okla., a subsidiary of Seagram Distilleries. It got permission to seek oil on 12,000 acres of the Lacassine National Wildlife Refuge in Louisiana. Frankfort got the lease under noncompetitive terms at the minimum fee of 50 cents an acre and 12½ percent royalty. The lease was dated December 1, 1955, a day before McKay's new regulations permitting it had even gone into effect.

The House Committee on Merchant Marine and Fisheries went into this situation last year and was highly critical of the administration of wildlife refuge lands.

The unanimous committee report, concurred in by both Democratic and Republican members of the committee, states that hearings revealed a picture of extreme administrative confusion in the Department of Interior. It declares that the new oil leasing regulations for refugees, issued December 2, 1955, fall far short of providing the degree of protection to the refuges which the activities of recent years prove to be necessary.

Thus, even Republican Congressmen took action to halt the giveaway activities of this administration.

In view of this report, it looks as if the acquisition of nearly 100,000 acres of land in 25 States for use as wildlife refugees, claimed as a Republican accomplishment in the speech kit under discussion today, was originally intended to add to the private oil holdings of some of this administration's best friends.

The Republican record of accomplishments by executive departments includes a claim that it has promoted a program "to stabilize domestic lead and zinc markets." This program, of which the administration is so proud, has resulted in the closure of hundreds of lead and zinc mines.

In the State of Montana, one-fourth of our miners have lost their jobs since the first of the year. Lead and zinc are both selling for less than it costs to produce them. This recession in a basic industry, and in the business communities which serve them, was the subject of a hearing before the Committee on Ways and Means, before which I appeared today.

I can only comment that our lead and zinc miners cannot take much more of this kind of administration stability. A continuation of the present program will stabilize our domestic lead and zinc, and other mining industries, right out of existence.



## THE PRESIDENT'S FAILURES

Mr. KELLEY of Pennsylvania. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KELLEY of Pennsylvania. Mr. Speaker, ever since the moment he was reelected for a second term last November, President Eisenhower has been in the unprecedented position of an American Chief Executive of being—by constitutional mandate—a "lame duck" President, that is, one who cannot succeed himself another time. I said at the time that this inevitably would weaken his political strength among members of his own party in the Congress, since they knew he could not possibly be their next candidate.

The constitutional amendment limiting the President to two terms was bound to have this effect. But Dwight D. Eisenhower has now gone the full step of deliberately throwing away any political influence he might have had remaining among the Republicans in Congress.

The defeat of the Kelley school construction bill last week was the final step of a bored President peeling off his mantle of Republican leadership. To use a boxing expression, he "threw in the sponge" before the battle had even gotten under way.

### EISENHOWER KICKS AWAY REMAINING POLITICAL INFLUENCE

He went out of his way, it seems, to advise his party not to pay him any mind—to vote as they please on issues in which he was supposed to be intently interested. As a result, a majority of the President's party members in the House voted to kill the school bill Ike said was needed. And although the majority of the opposite party voted to save the bill, we could not pull it through without at least a 50–50 break from the President's so-called supporters. For the second consecutive year it was defeated by Republican strategy in which southern Democrats were happy to join.

The fiasco over the school bill came after Eisenhower had earlier scuttled his own defense budget, nearly wrecked his foreign program by talking both ways about it to his party leaders, and while he was pulling the rug out from under his Attorney General and his Senate leaders on the subject of civil rights.

He is rapidly setting things up so as to be able to go down in history as another Grant—an outstanding general who was apparently too bored or indifferent to work at the job of being President.

As a footnote to history, the scholars may one day compare an Eisenhower golf game at Gettysburg to Nero's recreation in fiddling while Rome burned.

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COST OF LIVING RISES IN STEADY SURGE

The Consumer Price Index, which is the tabulation used by the Bureau of Labor Statistics to measure changes in average prices of consumer goods, has been moving upward at a steady surge over the past 2 years after a period of relative stability. Month by month for the past year, it has been reaching new record highs. The Joint Economic Committee of the Congress, on which I serve along with 6 other House Members and 7 Senators, is planning a study to get at the basic causes of this tremendous rise.

The administration has paid little or no attention to the problem. It has even opposed bitterly modest wage increases to the postal employees, and other Government workers on fixed salaries who have had no increases to enable them to keep up with living costs. And even the retired on pensions and annuities have been denied any sympathy from the White House on their plea for help. This is utter cruelty.

One wonders what has happened to the sense of indignation of the American people. Small business is pushed to the wall for lack of credit and by monopolistic competition from the giants; the would-be home buyer cannot get mortgage funds to swing the purchase without paying a huge under-the-counter side payment in the financial gray market; the home builder is practically out of business; the banks alone sweep in all the benefits from the Eisenhower tight-money policy.

Harry Truman never took a nickel of anybody's money, yet he was smeared by charges of official corruption in his administration. Is there no indignation left for the big steals now going on?

## SWISS INDEPENDENCE DAY

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, today the Swiss celebrate their annual independence day in commemoration of their declaration of independence in 1291. On that date three forest cantons broke from the despotic rule of the Hapsburg monarchy and launched the tiny country on its independent course in the international firmament. Now, 666 years later, we proudly give tribute to the modern Swiss for centuries of contributions to democracy, justice, and humanitarianism.

Swiss democracy has always had a special significance in the world's political philosophies, because Switzerland was the birthplace of modern democratic government. In fact, the Swiss set the example for the rest of the world to emulate by establishing the framework for democracy in the United States, France, and elsewhere.

Humanitarians and philanthropists, too, always turn toward Switzerland for inspiration and guidance. The Red Cross and the World Health Organization even originated in that small Republic. And Switzerland's role as a peacemaker has earned her the distinction of being one of the most sought-after sites for international conferences. The League of Nations had its permanent headquarters in Geneva, and today Geneva is the permanent headquarters of another international organization designed to elevate international living standards, the International Labor Organization. The Swiss are famous for their sense of justice and impartiality, attested to by their international popularity.

Switzerland, a country poor in land resources and raw materials, has developed one of the most vigorous trade economies in the world. She particularly has specialized on precision instruments, confectionary products, watches, and textiles. The United States is her best customer; in fact, Switzerland has had 20 years of successful reciprocal trade relations with the United States.

In this country the Swiss immigrants assimilated quite rapidly, entering principally the hotel and restaurant business, dairying, silk industry, jewelry business, and textile industry—especially embroideries and laces. And the similarities of the people of Switzerland and of the United States also have helped this process. Each has a firm belief in individualism, industrial competence, and a keen competitive spirit.

Today, therefore, we are especially happy to congratulate the Swiss on their achievements over the centuries and on the celebration of their day of independence.

## PERSONAL EXPLANATION

Mr. RABAUT. Mr. Speaker, I should like to say for the RECORD that something went wrong with the bells in the House today. I was in the dining room when rollcall No. 164 was had. I had answered a quorum call just before that. I just wanted to make this report for the RECORD. The bells did not ring downstairs.

## REPORT OF THE SPECIAL COMMITTEE ON THE PROBLEM OF HUNGARY

Mr. BENTLEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include a letter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BENTLEY. Mr. Speaker, on July 19 I wrote to the Secretary of State inquiring concerning the proposed special session of the United Nations General Assembly to consider the report of the Special Committee on the Problem of Hungary. I also inquired as to what action might be contemplated by the American delegation at that time.

I have received the following letter dated July 29 from the Department of State. The text of the letter is as follows:

DEPARTMENT OF STATE,
*Washington, July 29, 1957.*

The Honorable ALVIN M. BENTLEY,
*House of Representatives.*

DEAR MR. BENTLEY: Reference is made to your letter of July 19, 1957, requesting information concerning the plan to reconvene the 11th General Assembly to consider the report prepared by the United Nations Special Committee on the Problem of Hungary (composed of representatives of Australia, Ceylon, Denmark, Uruguay, and Tunisia), established by the Assembly pursuant to its resolution of January 10, 1957.

At a meeting in New York on June 26, the 24 cosponsors of the latter resolution issued a statement expressing their unanimity that the report should be considered by the General Assembly as soon as it was practicable to do so. On June 27, Ambassador Lodge sent a communication to the President of the General Assembly requesting that the 11th General Assembly be reconvened as soon as possible to consider further the Hungarian question. The letter also referred to the conclusions of the Committee report confirming forcible Soviet suppression of legitimate efforts of the Hungarian people to achieve liberty and national independence and to the flagrant violation by the present Hungarian authorities of human rights and freedom guaranteed by the peace treaty with Hungary. The letter concluded with the statement that the Committee's findings together with current repressive actions in Hungary underscored the importance of further United Nations consideration of the situation in Hungary as soon as practicable.

Although the date for the reconvening of the 11th General Assembly has not yet been fixed, the President of the 11th General Assembly, Prince Wan, through the Secretary General of the United Nations, is consulting with member states as regards the fixing of the earliest practicable date for such a resumed 11th session. In the meanwhile, consideration is being given to every means of publicizing and maintaining public interest in the report of the United Nations Special Committee.

The United States delegation will make every effort to obtain broad and representative support in the General Assembly for the conclusions of the Special Committee's report.

Consultations are now being held with other friendly nations as to action which the General Assembly might effectively take on the Hungarian question after consideration of the report of the Special Committee has been concluded. Until these consultations have been completed, the Department is not in a position to say what action it will seek in the General Assembly.

Sincerely yours,

JOHN S. HOGHLAND II,
*Acting Assistant Secretary for Congressional Relations*
(For the Secretary of State).

It will be noted that, although Ambassador Lodge has requested that the 11th General Assembly be reconvened as soon as possible to consider further the Hungarian question, no date has yet been fixed. It is, of course, encouraging to note that the United States will make every effort to obtain broad and representative support in the General Assembly for the conclusions of the Special Committee's report."

Concerning the statement that consultations with other friendly nations must be completed before the State Department can say what action it will seek in the General Assembly, I can only say, Mr. Speaker, that I hope that the United States delegation will be instructed to press for the strongest possible action by the General Assembly on the Hungarian question. No other position would be consistent with our leadership of the Free World.

## NIAGARA POWER BILL

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HENDERSON. Mr. Speaker, the Niagara power bill with all its claims to its being a compromise measure, with all the soft-pedaling which has been applied to some of its more controversial aspects, is still a public power bill with all the socialistic, undemocratic implications and undertones which characterize such legislative excesses. I do not know what has happened behind the scenes and I don't believe the whole story will ever be revealed, but something radical has occurred which permits us to consider this agreed bill without hearing more protests from private enterprise. To my way of thinking, this is a TVA of the North. If private enterprise does not object, why then should I object? But I do object, Mr. Speaker, because of the philosophy behind this legislation.

I also object because of what it might do to the economy of my own district and to one of its basic industrial activities. Beneath the hills of southeastern Ohio, the Creator saw fit to permit a great wealth of coal to form and accumulate—coal suited to the generation of electricity. These coalfields have given employment and income to the people of my district in its developing years. In the 1920's changes in requirements for industrial fuels dealt a terrific blow to Ohio coal, but today that coal has found a new method of entering homes and factories. It comes in by way of an electrical transmission line.

I do not like to see hydroelectric power of a public authority two States away offering competition to the coal miners of southeastern Ohio. They remember full well their plight in the thirties and early forties. In fact, the good old days will never return for Ohio coal, but the coal miners do not wish to have their jobs taken away from them by their Government and its manipulation of the Niagara River.

## CALENDAR WEDNESDAY BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## NATURAL GAS ACT AMENDMENTS

Mr. HESELTON. Mr. Speaker, I have a special order for later this afternoon. I ask unanimous consent to vacate that order and to extend my remarks at this point in the RECORD and include therein a minority report and certain matters related thereto.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HESELTON. Mr. Speaker, since the hearings on the proposed amendments to the Natural Gas Act began on May 7, and particularly since July 19, when H. R. 8525 was reported by the House Committee on Interstate and Foreign Commerce by a vote of 15 to 13, I have been asked numerous questions by many of my colleagues, both as to the bill and as to the objections to it. These questions have increased since the Rules Committee reported a rule for the consideration of the bill.

I realize the tremendous and increasing responsibilities upon all Members of the House as any session draws to its conclusion. I also realize how difficult it is for any of us to obtain and study carefully the committee reports on the many legislative proposals which come to us for our decision in the closing days of a session.

I have also been receiving in recent days an increasing number of requests for copies of the minority report and I assume that others of my colleagues are receiving similar requests.

For these reasons, and particularly to make the brief minority report readily accessible to all in a convenient form, under permission I obtained in the House this afternoon, I am including here that minority report:

### MINORITY REPORT

Enactment of H. R. 8525 would cost natural-gas consumers approximately $1 billion annually and provide an unconscionable windfall to 3 percent of the producers who control 90 percent of our gas reserves.

The 29 million families using natural gas would pay higher prices because this bill would destroy effective regulation of prices. Consumers, who have $12 billion invested in equipment, would be caught in a price squeeze from which there could be no escape.

### AMPLE INCENTIVES TO PRODUCERS

The argument that we must pass this bill to provide incentives to producers is ridiculous. Not one additional cubic foot of gas would be made available to consumers by passage of this bill.

There is now an abundant supply of natural gas, sufficient to enable the industry to plan a multi-billion-dollar expansion program. The record shows that we have a 22-year supply of natural gas, excluding supplies available in Mexico, Canada, and offshore areas. This compares with a 12-year reserve of crude oil.

During the hearings, Mr. Joseph J. Hedrick, president, Independent Natural Gas Association of America, and a proponent of the legislation, told the committee:

"The natural-gas industry is poised for expansion so vast that by 1965 anticipated new transmission facilities will have cost an additional $8 billion (AGA Monthly, February 1957), an amount greater than today's investment in such facilities. This expansion is required to satisfy unprecedented consumer demands for natural gas." [1]

### PRODUCTION INCREASED SINCE SUPREME COURT DECISION

Despite the apprehension resulting from the 1954 Supreme Court decision, the facts are that production has actually increased since the Supreme Court decision. According to the drilling record from the Oil and Gas Journal, quoted in the hearings, during the first 16 weeks of 1957, the gas well completions in the United States totaled 1,216. For the first 16 weeks of 1956, they were 1,132 wells. In the first 16 weeks of 1955, they were 1,023.[2]

The gain in gas reserves in 1956 amounted to more than 14 trillion cubic feet, the greatest gain in any one year since World War II.

Here is an industry which not only is healthy, but also is booming. Profits are at an alltime high. Discoveries of new supplies are at an alltime high. Reserve supplies are at an alltime high.

Yet, 2 years ago we were told that unless controls were removed, producers would be compelled to cut back their operations.

The rapid expansion of the industry, plus the published figures on known reserves, would not indicate any lack of incentives.

Producers have a 27½ percent depletion allowance as an incentive. Furthermore, the Federal Power Commission has ample authority to grant rate increases needed to encourage exploration and development.

### BUILT-IN PRICE INCREASE PROVISIONS

The heart of this bill and the real threat to the consumer is that the legislation would substitute reasonable market price for the presently prescribed just and reasonable standard for determining the reasonableness of prices received for natural gas in the field. That standard would apply not only to the gas pipeline companies which buy from independent producers, but also that which they or their affiliates produce.

Adoption of this formula would increase consumer costs by as much as $1 billion per year.

Present natural-gas reserves, largely owned by a few giant companies, would be increased in value by as much as $30 billion.

Price increases would pave the way for further increases in the price of competing fuel oil and, in some cases, the cost of generating electricity, where gas is used for fuel.

How disastrous to the consumers of the Nation even a small increase in natural gas prices would be is amply documented by a table at page 1500 of the hearings showing the effect of increased field prices by States.

During the hearings, no convincing case was made for substituting reasonable market price for a just and reasonable price.

The term just and reasonable price is well defined, understood, and judicially sanctioned. To abandon that term in favor of reasonable market price will take us on a long trip into a legal wilderness.

The term "reasonable market price" has no established legal or economic meaning in the regulatory field. During the hearings, we found no one who could define "reasonable market price," or tell us how the Federal Power Commission could apply the formula.

### PIPELINES BID FOR GAS

With the increasing demands for gas cited above, pipelines are compelled by the pressure of competition to bid against each other for supplies. The huge expense involved in pipeline installations makes it impossible for a bidder to pick up his pipelines and go to another field to seek supplies.

The freedom of choice of the local distributor is severely limited. At best, he may have an opportunity to buy gas from one or two pipelines, although in most instances the choice is limited to one.

So, the consumer is caught in a vicious circle. Since he is without representation at the bargaining table, he is at the mercy of any one of the three groups which linked together produce, transport, and distribute the gas he burns.

For the most part, the pipelines have relatively little financial stake in the outcome of bargaining with producers so long as whatever price is paid for supplies is passed along to the distributors, and by the distributor to the ultimate consumer.

[1] Hearings, p. 1092.

[2] Hearings, p. 1324.

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In cases where the pipelines also are producers, the natural thing for the pipeline company to do is to hope for an increase in prices, thereby increasing the value of its property. A pipeline company in such a situation could not be expected to go to any great length to hold down prices. After all, the ultimate consumer will pay the bill, and no recognized consumer group was at any time consulted in the drafting of this legislation.

ANOTHER BIG LOOPHOLE

One large loophole in this bill which can add to the ultimate consumer's bill is found in the amendments to section 1 of the Natural Gas Act, proposed in section 101 of the bill. Sales by a producer to a gathering company which transports natural gas to a processing plant would be exempted from regulation by the bill, although the sales after completion of processing are covered.

COSTS SHOULD BE CONSIDERED

If the reasonable market price formula is adopted, in fairness to the consumers, some definite and concrete criteria should be established for determining the reasonable market price. This has not been done in the pending bill. The proposed amendments would tie the hands of the Commission in establishing a reasonable market price to make consumer protection difficult, if not impossible, because costs could not be considered in determining reasonable market price.

We see no good reason why the Commission should be denied the right to use cost as a test of reasonableness. To say that it is impossible to use costs in all cases is no answer. Figures on costs are available. In fact, oil and gas companies have appeared before our committee and cited increased costs to justify higher prices for crude oil.

To say that cost must not be used in any case is to limit severely the discretion of the Commission. The Commission is left without any definite yardstick. It is denied the use of any quantitative standard for determining reasonableness or the necessity for rate increases to stimulate production. If no one knows what it costs to produce natural gas, how can the Commission set any price figure which would stimulate production? The question answers itself.

An indication of how the exclusion of costs would affect a determination of the reasonable market price is given by a table submitted by the Federal Power Commission and appearing at page 165 of the hearings.

WINDFALL TO PIPELINES

Section 19 on page 18 provides for the application of the reasonable-market-price standard to pipeline-produced gas.

The objections to using the reasonable-market-price formula mentioned above apply with equal force to this provision.

This pipeline-owned gas already has been paid for by consumers. Revaluing these reserves on a reasonable market-price formula would put an added unwarranted burden on consumers. Several major pipelines would get millions of dollars in windfall profits for gas reserves which consumers have paid for. The cost factor should definitely be considered in any such revaluation, because the costs are readily and definitely discernible. There are no imponderables here. No incentives are needed. All that is needed is fair play.

There is another danger for the consumer in this section. Here we have a built-in price escalator.

It is to the advantage of pipelines owning their own gas supplies to pay higher prices to independent producers. Certainly, in this case, there is no incentive for the pipelines to bargain with the producers. In such cases the pipelines could not be expected to hold out for lower prices. Free competition is impossible under such circumstances.

An indication of the size of the windfalls possible for certain pipelines if this bill becomes law is shown by a table on page 1146 of the hearings listing production and purchases of major pipeline companies for 1955.

RESERVES OF PRODUCERS

Not only would pipelines who have their own reserves get a windfall, but so-called independent producers as well. According to the industry figures, reserves amount to over 237.8 trillion cubic feet. A field price increase averaging 15 cents would mean a boost of $30 billion in the value of these reserves.

How this would enrich certain large producers is shown by a table submitted by the Federal Power Commission at page 164 of the hearings.

AUTOMATIC PRICE INCREASES VALIDATED

Although this legislation would allow the Commission to disallow price increases resulting from indefinite pricing clauses in existing producer contracts, jurisdiction over contracts with definite price-increase clauses is denied. Thus, the Commission in these cases is helpless to protect the consumer, even though the definite price increases go above reasonable market prices.

NATURAL GAS AS A COMMODITY

Throughout the hearings, proponents of this legislation stressed their contention that application of public utility ratemaking procedures to producers of natural gas is impossible, because natural gas is a commodity.

There is no merit in this contention. Is gas any more of a commodity than water, which for centuries has been the subject of regulation? This entire issue is no more than a play on words.

SUMMARY

In conclusion, we are opposed to this legislation because it would—

1. Increase prices of natural gas to consumers approximately a billion dollars a year.
2. Unjustly enrich a few large oil companies which own 90 percent of the natural gas production of the country.
3. Provide a multi-billion-dollar windfall to a few pipeline companies which own their own gas reserves.

JOHN W. HESELTON, JOHN B. BENNETT, PETER F. MACK, JR., KENNETH A. ROBERTS, HARLEY O. STAGGERS, ISIDORE DOLLINGER, PAUL F. SCHENCK, SAMUEL N. FRIEDEL, TORBERT MACDONALD, GEORGE M. RHODES, JOHN E. MOSS, JOHN D. DINGELL, J. CARLTON LOSER.

## SHIRTTAIL DIPLOMACY

The SPEAKER. Under previous order of the House, the gentleman from California [Mr. JACKSON] is recognized for 60 minutes.

Mr. JACKSON. Mr. Speaker, shirttail diplomacy in a nation's foreign affairs consists of telling foreign listeners what one feels will titillate their fancies and gain their plaudits. Shirttail diplomacy takes no regard for policy direction, national treaties and commitments, collective agreements or the realities of international life. It is a blithe and carefree form of irresponsibility, unrestricted by any considerations other than those which occur on the spur of the moment. It is generally indulged in on a hit-and-run basis, and the resultant chaos and debris is left to be cleared up by those charged with the day-to-day conduct of international relationships between countries. At best, this precocious activity is a minor irritation to the implementation of a developed policy. At worst, it is catastrophic in its end results.

Shirttail diplomacy stems in major part from inexperience, naivete, and a human desire to win the acclaim of a given audience. Unfortunately, some of the best practitioners of the dubious practice are those who should know better, and whose official titles lend substance to their words. This is especially true where the statements are made in lands where the legislative and executive functions often include the same personalities, to say nothing of the many countries in which a legislator would be considered demented if he expressed himself at variance in any regard with the policies of the ruling clique.

The American Constitution extends to every Member of the United States Congress almost unlimited discretion as to what he may say in his official capacity, and guarantees him immunity against prosecution for those statements. This is a cherished prerogative of the Congress, and one which demonstrates again the foresight of the framers of the Constitution in assuring to succeeding generations of lawmakers the fullest measure of the freedom of speech. However, the principal ingredient of freedom is responsibility and a careful regard for the consequences of acts and words.

We are in an era of world revolution and, as a nation which achieved its own liberty and that of its people by violent and bloody revolution, we North Americans can understand and sympathize with those less fortunate as they seek to improve their national lives and insure a greater measure to all peoples of those things declared by our own Founding Fathers to be inalienable rights, and among which were life, liberty, and the pursuit of happiness. Every nation, including our own, has its revolutionaries; those who would change the existing order and re-create a new structure of government cut to a different pattern and dedicated to other courses of action than those presently pursued by the governments in power.

Not too many years ago this Nation expressed its sympathy for the aspirations of revolutionaries by the imposition of economic sanctions, nonrecognition of regimes of which we did not, as a people, approve, by armed might, and by other devices designed to bring down the tyrants and replace oppression with our own national concepts of justice and equity. We proceeded upon the assumption, since proven fallacious, that the observe side of the coin marked "oppression" is democracy. The history of Latin America is replete with instances of revolutions against one-man rule which resulted, not in the easing of the plight of a people, but in the installation of another strong man and an equally repugnant dictatorship under another name.

What is equally important is the historical fact that in our obsession with what we believed to be right and just, we made enemies instead of friends. Even those who ascended to power as a result of our intervention; political, economic, and military, were among the first to cry, "Yanks, go home," and to reinvoke the specter of Yankee imperialism from the Straits of Magellan to the Rio Grande.

The gentleman from California dislikes a personal reference to himself in a discussion of this kind, and he hopes that he may be forgiven this one. However, in assessing the testimony of a witness before any of the committees of the House, members quite rightfully inquire as to the background and experience of the witness who professes to speak with authority upon the subject of the inquiry. Experience, knowledge, and understanding of the subject matter are all-important factors in any searching inquiry, but how much more important they are when one enters an area so complex as the one presently under discussion. Too many North Americans are prone to consider the peoples of Latin America as cast in a common mold; of a single purpose, with a complete community of culture and a common personality. Of course nothing could be further from reality. The peoples of Latin America are as different in their respective outlooks on life, government, economics, and sociology as are those in different sections of our own country. Those who attempt to measure all Latino-americanos with a single rigid yardstick, are predestined to failure and frustration.

In 1927, during the period in our national history when we carried a big stick and swung it without regard for consequences when our neighbors to the south acted in a manner of which we disapproved, the gentleman from California enlisted in the United States Marine Corps as a private. During the succeeding 4 years most of his service was performed in Nicaragua, Panama, and Cuba. He came to know and admire the fine qualities of the Latin character, and to appreciate the volatile nature of political action south of the Rio Grande. It also gave him an opportunity to witness at firsthand the demonstrated fact that no matter how deep one's hatred of domestic tyranny may be, that for foreign interference is greater.

Following the election of the gentleman from California to the House in the 80th Congress, he was fortunate to be named to the House Committee on Foreign Affairs and to the subcommittee of that great committee charged with a continuing study of our relationships with the other Republics of the Western World. During the succeeding years he has been privileged to travel on a number of occasions to all of the countries of Central America, South America, and the Caribbean. He was an observer at the Ninth Conference of American States at Bogotá, Colombia, in 1948; at inauguration in several of the countries, including Uruguay and Costa Rica, and during these years his constant effort has been to strengthen the bonds of friendship and solidarity between the peoples to the south of us and our own. His travel with Democrats and Republicans alike from the executive and legislative branches, has been motivated always by a single purpose—to demonstrate that this Nation and its people sincerely and deeply desire the understanding and the friendship of those who, in the past, have had every reason to dislike and distrust the Colossus of the North.

Democracy is not a static force, nor does it exist in a vacuum. It ebbs and flows like waves upon a sandy beach. When the tide is high more people realize the benefits of freedom and self-determination. When the tide abates, fewer know the blessings of self-government and the privilege of full citizenship. One can stand upon the beachhead of life, as did King Canute, beside the sea, urging the waves to his will, but his lusty shouts will be lost in the song of the wind unless there is, within the sea itself, an urge to unfettered movement.

It is said that the great liberator, Simon Bolívar, embittered and frustrated at life's end, remarked that he who tries to instill democracy in Latin America plows the sea. From whatever Valhalla Bolívar, Lincoln, O'Higgins, and Jefferson today survey the course of events on the remote planet, Earth, those whose lives were dedicated to the freedom of man would have to agree that the liberator was wrong. The seeds of democracy have not only been planted in Latin America but the fruits of the harvest are self-evident.

In Montevideo the gentleman from California took a short trip in a taxi. The driver, refusing payment, explained that it was election day and he was donating his service and his vehicle for the purpose of taking voters to the polling places. He has mistakenly picked up a nonvoting visitor, but the ride was on the house, nonetheless.

In Bogotá, at the height of the rioting in April 1948 and with the downtown section of the city aflame, another driver, almost in tears, drove us by devious routes to the hotel in which a portion of the American delegation was housed for the conference. Refusing compensation the man said, "Senor, what you have seen today is a shameful thing. It is not Colombia; it is not the way of responsible men, and on behalf of my countrymen I apologize." The irresponsible mob that looted the city, freed the felons and burned the churches, was the antithesis to this man of the things for which he and his fellow citizens stood. Elsewhere throughout our sister Republics I have witnessed within the space of a decade, encouraging signs of progress.

It is of no avail, Mr. Speaker, to rail and rave because the seeds of the democratic state take so long to make themselves evident in some of the countries to the south of us. Rather, we should be grateful that the rule of law now guides the lives and destinies of so many of our friends.

We can, if we wish to pursue the course urged upon us last week by the gentleman from Oregon, a distinguished freshman member of the House Committee on Post Office and Civil Service, divide our hemisphere into two camps. One would be stigmatized dictatorial and the other as democratic. No aid or encouragement would be given the governments of the one, while every blessing of paternal interest would be showered upon the other. The gentleman appears to assume that by some magical formula or some miraculous alchemy, strong-man governments would then disappear from our midst, and the 350 million inhabitants of the Western World would beat the tyrants into something resembling biblical plowshares, and an era of light and tranquillity would thereafter prevail for all time to come.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. If the gentleman will let me proceed, I will be very happy to yield a little later.

Mr. PORTER. There are some inaccuracies there I should like to correct.

Mr. JACKSON. Very well; I shall be very happy to give the gentleman every opportunity to correct any inaccuracy.

Mr. PORTER. I have never appeared to assume, I want to make it clear, that there is any magical formula which overnight will accomplish these wonderful things. If the gentleman can point that out in anything I have said I would be glad to have him call it to my attention.

Mr. JACKSON. I am very happy to have the gentleman's comment.

If, by dividing our hemisphere in the manner advocated by the gentleman from Oregon, we might indeed rid the earth of the curse of one-man rule, then every Member of this great body would stand shoulder to shoulder with him in that effort.

Let me remind the distinguished gentleman that almost 200 years have passed since the founding of this Nation, but this week finds the United States Senate in a bitter debate over proposed implementation of certain constitutional rights relative to voting. We still have a long way to travel ourselves before the mantle of complete self-righteousness settles snugly over our national shoulders.

The position of the United States in the political and economic life of the Western Hemisphere is not that of a patriarch of the clan. We have no moral nor legal right to assume that we are anything more than a coequal partner in a common effort to a common goal. Time and time again, since the days of United States intervention in the internal affairs of our neighbors, we have reaffirmed that position and after 100 years of doubt and misunderstanding, we are today in a position where a majority of our sister Republics and their peoples believe our national word. While a few transient shouts of approval from a few revolutionaries; a few honest men, and a few self-serving rascals, might hail a decision by this country to again bring pressure upon this government or that, a tremor of misapprehension, doubt, and fear would again assail the minds of millions of our neighbors—of all political faiths.

During the uprising at Bogotá, when it appeared that the fury of the mob might be directed against members and staffs of foreign delegations in attendance, the then Secretary of State for the United States was approached by several members of one of the Latin American delegations with a request that the Secretary request Washington to dispatch American Armed Forces from the Panama Canal Zone to quell the uprising. The Secretary wisely took the position that if foreign troops were to be utilized, the forces would come from

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other countries. He pointed out that even under the stress of imminent peril, the presence of United States troops would inevitably conjure up in the mind of every Latin-Americano, vivid recollections of previous interventions by the United States.

Let us remember, Mr. Speaker, that whatever the present political situation in the 21 American Republics, each shares a common tradition in political orientation. That tradition is toward and for freedom. Some countries have achieved it, others are striving for it. A few have a long history of progress toward the ideal, others have retrogressed, but on the whole the continent which Bolívar felt offered no fertile ground for democracy, has produced some good gardens. If the United States, as a coequal partner, exercises restraint, patience, understanding, and tolerance, we can continue to make substantial contributions to the maintenance and expansion of human liberty in our hemisphere, but if we stand astride the continent like a fearful Colossus of Rhodes, we shall see friendship wither and hatred replace it among both those who espouse freedom and those who would destroy it.

While it is true that revolution may implement evolution, it may also paralyze progress and make even more difficult and prolonged the arrival of contending forces upon common ground. It is completely fallacious to contend that democracy is simply the absence of a dictator. What does it serve a people or a nation to topple the strong man if the people are not prepared by training and temperament to replace the tyrant with better men and a better order? Democracy is flexible and elusive. It is a national frame of mind, born of experience and bred of responsibility. As revolution is immature and violent, democracy is contemplative and vigilant. It is not constrained by the presence of oppression, and only the superficial expressions of it are silenced by egomania. Greece flowered into the Golden Age of Pericles in spite of tyranny, even as we found and nurtured national greatness because of it.

Recognizing these immutable facts albeit somewhat late, the policy of the United States for many years has been to recognize the existence and sovereignty of a sister Republic, whatever its origin, so long as it observes commitments undertaken jointly with the other Republics in the Organization of American States or other regional groupments. Here it might be well to point out again that the mere fact of recognition of a state does not imply in any way that the second party to recognition approves the internal organization of the first. As a matter of fact, it may disapprove strongly the conduct of the other's internal affairs. For what other reason could the Embassy of the Soviet Union continue to do business here in Washington?

Further, it continues to be the policy of the United States to assist in a modest manner unilateral and multilateral efforts to eliminate abject poverty in the Western World. We do this because of a national recognition that an empty belly is far more concerned with a promised meal than with a promised ballot, and that a strong man with a tortilla holds forth a greater lure than does a dedicated and thoughtful man with a fine speech on self-determination. Nor are the efforts of this country confined only to those nations in our hemisphere which have achieved an advanced state of political maturity. Actually, the need of those states might be said to be less than the need in some of the other lands. If men are ever to become effective instruments for the propagation and expansion of political freedoms, they must first of all be strengthened in mind and in body for the exercise and the assumption of the role of citizenship in a free order. It is to this end that the United States lends aid to technical and vocational education throughout the Republics, and for the same reason offers unusual educational opportunities to thousands of Latin students here in the United States each year. We expose these young people to the North American system and way of life, not with a demand that they, in turn, adopt it for themselves in their own homelands upon their return, but that they may relate it to other conflicting philosophies. Again, our efforts in education should not be confined to those countries in the hemisphere of whose political conduct we approve. The demonstrated need in this particular area of Federal aid to education is self-evident, and to follow the suggestion that the United States give the cold-shoulder treatment to some governments in Latin America would, in my opinion, serve only to defeat our honest and sincere efforts to resist the inroads of tyranny wherever they appear and in whatever form. Antivenom is for those suffering snakebite, not for those who never saw a reptile.

What I have said about the eradication of poverty and the assistance lent in the area of education extends with equal validity to our other efforts. In agriculture, health, and sanitation, public administration, fisheries, and a score of other related activities, our efforts in the Western Hemisphere are producing results of inestimable value to the future of our international neighborhood. Hope, linked with education and a sense of civic responsibility, forms the amalgam of intelligent individual and national action that will speed the day when justice, equity, and mutual regard replace injustice, inequity, and border guards in East and West alike.

The gentleman from Oregon dislikes tyranny. So does every other Member of the Congress. He deplores dictatorships. In this expression he is joined by all of his colleagues. But, in our efforts to reach the peoples of all nations, we must, of necessity, deal through de facto governments. Certainly the gentleman would not suggest that we could bypass the governments he suspicions and drop our largess in paper bags over the countryside with the fond hope that they would, in course of time, be discovered and put to proper use by the intended beneficiaries of our assistance?

Let me put the mind of the gentleman at ease on one important point. Our technical, economic, and educational assistance to Latin America is reaching the people, nor do I have knowledge of any instance where efforts have been made at government levels to prevent utilization of aid at the level of the villages and towns in which programs and projects have been instituted. It should also be stated that the majority of the costs involved in the programs generally are contributed by the participating country.

In all of our major cities we are harboring revolutionaries and malcontents from the countries of all our Latin neighbors. Many are Communists; others are fellow travelers, and a few unquestionably have a sincere regard for the people of a country from which they have voluntarily exiled themselves for political reasons. New York City and Miami, Fla., probably house more plotters per square mile than any other cities in the land, and if one wants a revolutionary audience with any of them, it can be arranged with little trouble. It is to be hoped that the Federal Bureau of Investigation is sitting in on the embryonic revolutions with the same quiet efficiency which has always marked its unwelcome but effective participation in the councils of the Communist Party itself.

The struggle for human freedom, unfortunately, will not be won in the bookshops, on the avenues, and in the intellectual seminars conducted by expatriate plotters here in the United States and elsewhere. That struggle will be terminated when national intelligence dictates it in any land, and the presence of army troops, loyal to an oppressive government, will have little effect upon the outcome, when knowledgeable men of integrity determine, as did the people of Colombia a few weeks ago, that it was time to put a stop to governmental practices and excesses of which they disapproved. A country is its people, and when the people arrive at substantial agreement that the breaking point has been reached, bayonets and cannon will be ineffective against the mass protest. Foreign troops may for a while frustrate the will of a united people, as is the case in Hungary today, but we could not believe sincerely in the essential and fundamental work of democratic processes unless we are prepared to acknowledge also that the voices of aroused freemen are stronger than those of individuals who would rule by their own laws and by methods of terror.

At Bogotá in 1948, following what might be considered by some as a probationary period of good behavior for us, the United States reaffirmed previous declarations agreed to at Chapultepec and Rio de Janeiro, and together with every other Republic in our hemisphere, became a signatory to the Charter of the Organization of American States. By this action we again renounced territorial ambitions throughout the hemisphere, and pledged our national word to refrain from intervention of any kind as an instrument of national policy in our relationships with the other countries of the Western World. We agreed at Bogotá to the principle of absolute equality under law, and in accordance with the terms of the charter there adopted, we agreed to-

gether with our neighbors that recognition of a given country by another was the recognition of the personality and sovereignty of the state. At Buenos Aires in 1936 we had previously adopted a commitment on nonintervention and accepted the principle of formal consultation among the American Republics for the purpose of dealing, by concerted action, with situations of common concern. Instruments necessary to the implementation of the earlier decisions were adopted in succeeding Inter-American gatherings.

Within the past 2 years the Organization of American States has demonstrated its utility as an instrument for maintaining the peace and resolving difficulties which arise from time to time between its own members. In the Costa Rica-Nicaragua dispute, and subsequently in the Nicaragua-Honduras controversy, the good offices of the Organization of American States were utilized to bring about cease-fires and pave the way for negotiations looking to settlements in both cases. Admittedly, there are still problems to be solved, but the OAS has shown not only a willingness to negotiate and compromise the differences, but a high order of statesmanship has been demonstrated in bringing together the parties to such controversies.

Like any other instrument developed by men for common usage in a complex cause, the OAS and its charter are not perfect. Much remains to be done before we can expect to see in this hemisphere a group of republics in which constitutional guaranties are assured all peoples, and force and violence laid aside as an instrument of domestic and international policy. The principal source of satisfaction to be derived from the accession of 21 Republics to the Charter of the Organization of American States, lies in the avowed dedication of all of the signatories to the stated principles of freedom and justice. It is true that implementation of the principles has, in a few instances, comprised only lipservice, but even that slight recognition implies that those who govern by strong-arm methods realize full well the tremendous reservoir of moral opinion in the Western Hemisphere represented by those lands and peoples who do practice what the charter lays upon each as a solemn obligation.

Thoughtful and dedicated men from one end of the hemisphere to the other are today giving dedicated service within their own lands to the realization of the ideal which every thoughtful citizen of the Americas seeks to achieve, and in pursuit of which patriots of every land have paid what Abraham Lincoln called the last full measure of devotion. For us to attempt, by any form of intervention or interference, to influence the immutable course of events in any of the Republics would serve only to compound existing difficulties and to make even more hazardous the efforts of those who seek to resolve these complex matters in their homelands through honest exploitation of democracy as a salable commodity.

Woodrow Wilson once said that democracy was a slow habit. The job to be done must necessarily be accomplished by men, who by virtue of intelligence, courage, and determination, lend strength and inspiration to others. Both Bolívar and Abraham Lincoln possessed a unique capacity to influence the minds and lives of their fellowmen toward a great ideal. They and others did this, not by arm waving, desk pounding or demagogic speeches in the public squares, but because the things they were and the things they represented lent dignity and luster to the things they talked about.

It would be impossible to visualize either of them lending themselves to attacks upon their own homelands in the presence of either foreign statesmen or foreign revolutionaries. Theirs was a quiet confidence in their fellowmen that gave to all who were touched by it a greater faith in themselves and the ultimate destiny of man.

Prehistoric convulsions of the earth's surface left the 21 American Republics of today as neighbors. Even if we or another of the Republics wished to pack up and leave the neighborhood, we would be unable to do so. The gentleman from California wishes to make it clear that for his part he prefers the latino-americanos next door. Except for the professional revolucionarios who infest every available sanctuary, we like and admire the fine qualities that go to make up the Latin character. It is true that the gentleman is sometimes confused by the nature of political action in Latin America, and always wary of involvement, in it, but in spite of this confusion and wariness, we value the many hundreds of friends we have acquired in the Republics, and whose sympathetic understanding has made it possible for us to weather two revolutions, a number of incidental political mayhems, and several assassinations. For instance, we have refrained from pointing out to our Latin friends that in the United States a political sign calling for the day-after-election death of a defeated candidate would be considered in bad taste, even in the political arena where almost any expression relative to an opponent is considered an understatement by the author.

We have been able to reconcile certain aspects of policy both United States and foreign, to our own satisfaction and that of friends in the other Republics. In so doing we have refrained from criticisms of our obvious shortcomings and those of our neighbors. We have found it possible to discuss calmly and dispassionately both sides of the Peru-Ecuador border dispute with nationals of each of the countries involved, in spite of the fact that the issue is one designed to involve participants in bitter controversy at the drop of a sombrero.

A few years ago one of our ambassadors was perturbed at the thought that a subcommittee headed by the gentleman from California, had accepted an invitation to dinner offered by the leader of the political opposition in the country to which the ambassador was accredited. We pointed out that the president of the country had honored all of us on the previous evening with a reception and dinner, and that we considered it an obligation to attend the second affair and perhaps obtain another viewpoint on the volatile situation then existing. We went with the reluctant approval of the ambassador, and enjoyed a very pleasant meeting with the opposition leader and his party whips. The sight of bulges under the dinner jackets of a few guards served to remind us that our host was not unaware that the lights were on and the windows open, but nothing untoward occurred to mar the occasion. On the day of our departure both the President of the Republic and the leader of the opposition did us the honor of seeing us off at the airport. The President in question was a so-called strong man, and his opponent representing the democratic forces, was no Juarez himself. But for a few moments, at least, while awaiting the plane, they were both affable and charming. The President fell before an assassin's gun and the pretender never achieved the executive mansion. A third man on horseback entered the political picture as the people's friend, won a rigged election, and settled himself comfortably in the saddle surrounded by the same set of guards who had graced the dinner table of our onetime host.

All of which indicates that democracy is difficult of exact definition in Latin America, and that the only policy that can keep this Nation out of boiling water in the hemisphere is one rigid enough to be principled and flexible enough to be practical. Nor is the problem one peculiar to United States relationships with its sister Republics. Each of the others are affected by economic, political and social pressures which militate in favor of, or in opposition to, other governmental forms and mores. Only under the umbrella of OAS is there a cohesive effort and an adhesive effect. The world would be less surprised by news that the representatives of France and Germany had agreed on a substantial point if the world realized that these near miracles were being worked day by day in the councils of the Organization of American States. Nor is the capacity of the Latin to sit sullenly and glower at an opponent the equal of that displayed by his European cousins. Latin American political action is abrupt, explosive and forthright, and charges are frequently exchanged in Latin legislative bodies that would have a Member of this House before the bar of the House on a point of personal privilege if indulged in here. This is not intended as a criticism, but rather to point out an essential difference in the modes and manners of political action here and elsewhere throughout the hemisphere.

Within the framework of the Organization of American States, and in expending a common effort toward fulfillment of the goal contemplated when the charter was drafted, the United States has an opportunity to contribute materially to the strengthening of human rights in the area of the world we share in common with the sister Republics. In consultation, in conferences, in planning economic developments and collective miiltary defenses, the United

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States will inevitably bring to bear upon our friends a significant pressure—that of example. By national dedication to the political principles of the inter-American system; by continued observance of our commitments; by faultless compliance with the letter and the spirit of the agreements on nonintervention we can stand before the world and, more specifically, before our contemporaries and partners in this vital area, as coequal and conscientious members of a family of friends and neighbors.

The Inter-American system is the oldest of its kind in the world. The charter of the organization is perhaps the most idealistic. In evaluating the language of the charter, it is a simple matter to follow 1 of 2 fallacies. The first is that of the idealist who, in his preoccupation to achieve the perfection of the ideal any time within the next 5 minutes, fails or forgets to apply critical judgment to the facts as they exist. The second fallacy is pursued by the cynic, who in his awareness that conduct does not always square with asserted principles, reaches the conclusion that principles do not count.

One need neither apologize for, nor over-emphasize the stated purposes and principles of the charter. Not all of them have been realized in fact. The important thing to be remembered is that the charter offers a standard by which the facts can be judged, and every transgression of the charter is a public fact, open to public scrutiny and subject to moral opprobrium. It is not sufficient to know only where one is. It is equally important to know where one is going, and the beacon light is the preamble of the charter which constitutes an eloquent expression of the common aspirations of the Americas, "to offer a man a land of liberty, and a favorable environment for the development of his personality and the realization of his just aspirations to live together in peace, and through mutual understanding and respect for the sovereignty of each one, to provide for the betterment of all, in independence, in equality, and under law."

The charter recognizes and stresses the principle of judicial equality of all member States, and makes an especial point that the internal organization of a State in no manner affects its equality with others in the judical complex. On this point article 6 states:

> States are juridically equal, enjoy equal rights and equal capacity to enjoy these rights, and have equal duties. The rights of each State depend not upon its power to secure the exercise thereof, but upon the mere fact of its existence as a person under international law.

This concept of juridical equality led, in the course of normal events and in the light of historical facts, to the adoption of the principle of nonintervention. If the charter can be said to labor any given principle, it is this most widely cherished precept against the application of any organized pressures against the person of a member state. It is precisely at this point that vocal practitioners of the shirttail diplomacy commence to make strange gurgling sounds.

The men who drafted the Charter of the Organization of American States were experienced men. Not only were they giving voice to the aspirations of the vast majority of the people of our hemisphere, but they were weighing considerations of a nature so vital that any miscalculation might destroy for all time the tortuous labors of all of the patriots who had succeeded them. These men knew then, as we know today, that one of the gravest problems to be resolved by them was the traditional penchant of many latino-americanos to follow a man instead of a law—an instinct instead of a firm principle. They knew, also, the history of the hemisphere, and of the bitterness and hatreds engendered by political, economic and military aggressions by one land against another. The decision they took was a sound one in point of law, of principle and of conscience.

In striking the balance between intervention on the one hand and the certainty of oppressive regimes on the other, their decision was unanimous. There could be no intervention permitted by any state against another if all were not to suffer eventually.

They knew that tyranny is transient, but that intervention propagates itself. With full knowledge of the consequences of their act, they penned article 15 and 16 of the charter.

> ART. 15. No state or group of states has the right to intervene directly or indirectly, for any reason whatever, in the internal or external affairs of any other state. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the state or against its political, economic and cultural elements.

To further emphasize the matter, article 16 states:

> No state may use or encourage the use of coercion measures of an economic or political character in order to force the sovereign will of another state and obtain from it advantages of any kind.

In 1945, a Foreign Minister of one of the member states suggested that the Republics should act in concert to correct violations of human rights by any other member. So opposed were the Republics to any form of intervention that the matter was dropped. In this instance the United States supported the minority view. From time to time it has been proposed that the American governments should agree to withhold recognition from governments established and maintained by force in violation of the principles subsequently enunciated in the charter. On each occasion the majority has adhered to the principle of nonintervention and has refused to take such collective action. The subject was finally resolved at Bogotá when resolution 35 was adopted, enunciating the policy of favoring the maintenance of diplomatic relations between all American states. The resolution declared that the maintenance of diplomatic relations did not involve judgments of the internal policies of another government, but that such relations were considered desirable in the interests of solidarity. Specifically, resolution 35 urged—

> That the right of maintaining, suspending, or renewing diplomatic relations with another government shall not be exercised as a means of individually obtaining unjustified advantages under international law.

It should be abundantly clear that the imposition of sanctions of any kind are prohibited to member states. This will probably not still the voices of shirttail diplomats, who will continue to urge the severance of diplomatic relations with several of the Republics, irrespective of the damage resultant from such an act.

Mr. FULTON. Mr. Speaker, will the gentleman yield,

Mr. JACKSON. I yield to the gentleman from Pennsylvania.

Mr. FULTON. I want to go on record as favoring the statement the gentleman is making. I believe he is making a remarkable statement of our longtime bipartisan United States policy toward our good neighbors, the Latin American peoples. We, who have been working for many years with the gentleman from California [Mr. JACKSON] on the Committee on Foreign Affairs of the House, know of his interest in Latin America and of his study of American official policies as well as his study trips to that area.

May I say, further, that I resent deeply, as a member of the Committee on Foreign Affairs of the House, the various former remarks of the gentleman from Oregon, a first-term Congressman on the Post Office and Civil Service Committee, who has inferred that in the Eisenhower, Truman, and Roosevelt administrations, those United States officials and representatives who have had and taken responsibility for our United States-Latin American policies, in some way have been concerned with or are somehow responsible for either the death or disappearance of a former constituent of his, because of these United States policies. This is completely ridiculous.

I would like to call the attention of the gentleman from Oregon to the fact that the former constituent, if that person's and the gentleman from Oregon's statements are to be taken as true, would be indicted by himself as one of the arch kidnapers of America. Possibly those actions of that constituent might have had something to do with his own troubles and his unexplained disappearance. We should not prejudge situations that are not based on facts developed by full investigation, and wild statements about many Americans as well as various officials of Latin American States do little to maintain the friendship and the needed solidarity of the peoples of the Western Hemisphere.

May I say further that I believe there is an explanation due the members of the Committee on Foreign Affairs of the House and some of us who have had the responsibility for the United States good neighbor policy in Latin America, as well as other Members on the floor who have had Latin American associations and whose position has been called into question, by various remarks of the gentleman from Oregon both on the House floor and through publicity statements and handouts. I believe an explana-

tion is really overdue. Without making any charges concerning the gentleman's statements, but simply stating my belief, he has certainly acted in haste without previous experience as a new Congressman in attacking so heatedly both at home and abroad our bipartisan Republican and Democratic Party policy, called the Good Neighbor Policy in Central and South America, and the many of us who have supported it.

Mr. JACKSON. I may say that the gentleman from Oregon has time and will undoubtedly speak to that point.

Mr. Speaker, the best hope for the future of the hemisphere is in the OAS. We should lend every support we can, and not complicate the labors of its members by irresponsible statements here in the Congress, nor by impromptu press conferences throughout the hemisphere, as it would be presumptuous for us to seek to go beyond the specific terms of the charter, and it would certainly be unwise for us to fail in our commitments to it.

Friends of the United States in Latin America continue to fall before the bullets of Communist assassins. Other revolutionaries hail the foul deeds and promise a continuation of the blood purge. Any Member of the Congress of the United States should guard his words and actions to insure that he does not lend encouragement to the advocates of terror and brutality.

One may also question the wisdom of accepting expense money from foreign sources for trips outside the United States. The Constitution, in article 1, section 9, clause 8, spells out a clear prohibition against such practices, as follows:

> No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

Clearly, the acceptance of expense money for travel and other purposes, outside the United States, constitutes an infringement of the constitutional prohibition. Beyond the legal question involved there is the further question of ethics. It is beside the point that the purpose of the journey or journeys may have been entirely meritorious in every regard. The implication of an obligation assumed by the recipient is too clear to be overlooked. As an officer of the United States and one whose statements carry an authoritative note, a Member of Congress should be overly punctilious in his choice of associations and words while abroad. While in Panama recently, the gentleman from Oregon is quoted as having pledged his support to Panama in seeking a seat on the Security Council of the United Nations. Three nations in the Organization of American States have bid for the expected vacancy, and the position of this country has been to await an agreement by all 20 of the Latin republics, and suport that decision when the proper time arrives. The question is one in the realm of policy and not one properly to be influenced by a representative of the legislative branch of the Government. Shirttail diplomacy renders even more difficult the complex task confronting our country in its sincere efforts to maintain cordial and proper relations with all of our friends and neighbors. Any 1 of the 3 countries selected by the republics for the Security Council seat would undoubtedly be supported by the United States after having reached agreement among themselves, but for a Member of Congress to interfere at this point by partisan statements on behalf of one or another serves no cause except that of mutual embarrassment.

In brief and in summary, Mr. Speaker, the gentleman's case has not been made here in the Congress. Last week his amendment to preclude aid to some countries was defeated by a vote of 171 to 4. In light of this expression from the House, will the gentleman now tell his foreign auditors that the House of Representatives has joined with the forces of dictatorship in the suppression of human liberty.

We contend, Mr. Speaker, that our own welfare, and that of all the Republics has been best served by the policy of nonintervention in the domestic affairs of others. If Mr. PORTER's audiences in the Latin Republics want to overthrow strongman rule, I would suggest that they form their own corps of troops and occupy themselves with the role that served to bring the United States into disrepute throughout the hemisphere.

Mr. Speaker, for the information of the Members of the House, I ask unanimous consent to extend at this point the Charter of the Organization of American States.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The charter is as follows:

CHARTER OF THE ORGANIZATION OF AMERICAN STATES SIGNED AT THE NINTH INTERNATIONAL CONFERENCE OF AMERICAN STATES, BOGOTÁ, MARCH 30–MAY 2, 1948

In the name of their peoples, the States represented at the Ninth International Conference of American States,

Convinced that the historic mission of America is to offer to man a land of liberty, and a favorable environment for the development of his personality and the realization of his just aspirations;

Conscious that that mission has already inspired numerous agreements, whose essential value lies in the desire of the American peoples to live together in peace, and, through their mutual understanding and respect for the sovereignty of each one, to provide for the betterment of all, in independence, in equality, and under law;

Confident that the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man;

Persuaded that their welfare and their contribution to the progress and the civilization of the world will increasingly require intensive continental cooperation;

Resolved to persevere in the noble undertaking that humanity has conferred upon the United Nations, whose principles and purposes they solemnly reaffirm;

Convinced that juridical organization is a necessary condition for security and peace founded on moral order and on justice; and

In accordance with resolution IX of the Inter-American Conference on Problems of War and Peace, held at Mexico City, have agreed upon the following Charter of the Organization of American States;

PART ONE

*Chapter I—Nature and purposes*

Article 1

The American states establish by this charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity and their independence. Within the United Nations, the Organization of American States is a regional agency.

Article 2

All American states that ratify the present charter are members of the Organization.

Article 3

Any new political entity that arises from the union of several member states and that, as such, ratifies the present charter, shall become a member of the Organization. The entry of the new political entity into the Organization shall result in the loss of membership of each one of the states which constitute it.

Article 4

The Organization of American States, in order to put into practice the principles on which it is founded and to fulfill its regional obligations under the Charter of the United Nations, proclaims the following essential purposes:

(a) To strengthen the peace and security of the continent;

(b) To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the member states;

(c) To provide for common action on the part of those states in the event of aggression;

(d) To seek the solution of political, juridical, and economic problems that may arise among them; and

(e) To promote, by cooperative action, their economic, social and cultural development.

*Chapter II—Principles*

Article 5

The American states reaffirm the following principles:

(a) International law is the standard of conduct of states in their reciprocal relations;

(b) International order consists essentially of respect for the personality, sovereignty and independence of states, and the faithful fulfillment of obligations derived from treaties and other sources of international law;

(c) Good faith shall govern the relations between states;

(d) The solidarity of the American states and the high aims which are sought through it require the political organization of those states on the basis of the effective exercise of representative democracy;

(e) The American states condemn war of aggression: victory does not give rights;

(f) An act of aggression against one American state is an act of aggression against all the other American states;

(g) Controversies of an international character arising between two or more American states shall be settled by peaceful procedures;

(h) Social justice and social security are bases of lasting peace;

(i) Economic cooperation is essential to the common welfare and prosperity of the peoples of the continent;

(j) The American states proclaim the fundamental rights of the individual without distinction as to race, nationality, creed, or sex;

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(k) The spiritual unity of the continent is based on respect for the cultural values of the American countries and requires their close cooperation for the high purposes of civilization;

(l) The education of peoples should be directed toward justice, freedom, and peace.

*Chapter III—Fundamental rights and duties of states*

Article 6

States are juridically equal, enjoy equal rights and equal capacity to exercise these rights, and have equal duties. The rights of each state depend not upon its power to ensure the exercise thereof, but upon the mere fact of its existence as a person under international law.

Article 7

Every American state has the duty to respect the rights enjoyed by every other state in accordance with international law.

Article 8

The fundamental rights of states may not be impaired in any manner whatsoever.

Article 9

The political existence of the state is independent of recognition by other states. Even before being recognized, the state has the right to defend its integrity and independence, to provide for its preservation and prosperity, and consequently to organize itself as it sees fit, to legislate concerning its interests, to administer its services, and to determine the jurisdiction and competence of its courts. The exercise of these rights is limited only by the exercise of the rights of other states in accordance with international law.

Article 10

Recognition implies that the state granting it accepts the personality of the new state, with all the rights and duties that international law prescribes for the two states.

Article 11

The right of each state to protect itself and to live its own life does not authorize it to commit unjust acts against another state.

Article 12

The jurisdiction of states within the limits of their national territory is exercised equally over all the inhabitants, whether nationals or aliens.

Article 13

Each state has the right to develop its cultural, political, and economic life freely and naturally. In this free development, the state shall respect the rights of the individual and the principles of universal morality.

Article 14

Respect for and the faithful observance of treaties constitute standards for the development of peaceful relations among states. International treaties and agreements should be public.

Article 15

No state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the state or against its political, economic, and cultural elements.

Article 16

No state may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.

Article 17

The territory of a state is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.

Article 18

The American states bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense in accordance with existing treaties or in fulfillment thereof.

Article 19

Measures adopted for the maintenance of peace and security in accordance with existing treaties do not constitute a violation of the principles set forth in articles 15 and 17.

*Chapter IV—Pacific settlement of disputes*

Article 20

All international disputes that may arise between American states shall be submitted to the peaceful procedures set forth in this charter, before being referred to the Security Council of the United Nations.

Article 21

The following are peaceful procedures: Direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and those which the parties to the dispute may especially agree upon at any time.

Article 22

In the event that a dispute arises between two or more American states which, in the opinion of one of them, cannot be settled through the usual diplomatic channels, the parties shall agree on some other peaceful procedure that will enable them to reach a solution.

Article 23

A special treaty will establish adequate procedures for the pacific settlement of disputes and will determine the appropriate means for their application, so that no dispute between American states shall fail of definitive settlement within a reasonable period.

*Chapter V—Collective security*

Article 24

Every act of aggression by a state against the territorial integrity or the inviolability of the territory or against the sovereignty or political independence of an American state shall be considered an act of aggression against the other American states.

Article 25

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American state should be affected by an armed attack or by an act of aggression that is not an armed attack, or by an extra-continental conflict, or by a conflict between two or more American states, or by any other fact or situation that might endanger the peace of America, the American states, in furtherance of the principles of continental solidarity or collective self-defense, shall apply the measures and procedures established in the special treaties on the subject.

*Chapter VI—Economic standards*

Article 26

The member states agree to cooperate with one another, as far as their resources may permit and their laws may provide, in the broadcast spirit of good neighborliness, in order to strengthen their economic structure, develop their agriculture and mining, promote their industry and increase their trade.

Article 27

If the economy of an American state is affected by serious conditions that cannot be satisfactorily remedied by its own unaided effort, such state may place its economic problems before the Inter-American Economic and Social Council to seek through consultation the most appropriate solution for such problems.

*Chapter VII—Social standards*

Article 28

The member states agree to cooperate with one another to achieve just and decent living conditions for their entire populations.

Article 29

The member states agree upon the desirability of developing their social legislation on the following bases:

(a) All human beings, without distinction as to race, nationality, sex, creed or social condition, have the right to attain material well-being and spiritual growth under circumstances of liberty, dignity, equality of opportunity, and economic security;

(b) Work is a right and a social duty; it shall not be considered as an article of commerce; it demands respect for freedom of association and for the dignity of the worker; and it is to be performed under conditions that ensure life, health and a decent standard of living, both during the working years and during old age, or when any circumstance deprives the individual of the possibility of working.

*Chapter VIII—Cultural standards*

Article 30

The member states agree to promote, in accordance with their constitutional provisions and their material resources, the exercise of the right to education, on the following bases:

(a) Elementary education shall be compulsory and, when provided by the state, shall be without cost;

(b) Higher education shall be available to all, without distinction as to race, nationality, sex, language, creed, or social condition.

Article 31

With due consideration for the national character of each state, the member states undertake to facilitate free cultural interchange by every medium of expression.

PART TWO

*Chapter IX—The organs*

Article 32

The Organization of American States accomplishes its purposes by means of:

(a) The Inter-American Conference;

(b) The meeting of consultation of Ministers of Foreign Affairs;

(c) The Council;

(d) The Pan American Union;

(e) The specialized conferences; and

(f) The specialized organizations.

*Chapter X—The Inter-American Conference*

Article 33

The Inter-American Conference is the supreme organ of the Organization of American States. It decides the general action and policy of the Organization and determines the structure and functions of its organs, and has the authority to consider any matter relating to friendly relations among the American states. These functions shall be carried out in accordance with the provisions of this charter and of other inter-American treaties.

Article 34

All member states have the right to be represented at the Inter-American Conference. Each state has the right to one vote.

Article 35

The conference shall convene every 5 years at the time fixed by the Council of the Or-

ganization, after consultation with the government of the country where the conference is to be held.

Article 36

In special circumstances and with the approval of two-thirds of the American Governments, a special Inter-American Conference may be held, or the date of the next regular conference may be changed.

Article 37

Each Inter-American Conference shall designate the place of meeting of the next conference. If for any unforeseen reason the conference cannot be held at the place designated, the Council of the Organization shall designate a new place.

Article 38

The program and regulations of the Inter-American Conference shall be prepared by the Council of the Organization and submitted to the member states for consideration.

*Chapter XI—The meeting of consultation of Ministers of Foreign Affairs*

Article 39

The meeting of consultation of Ministers of Foreign Affairs shall be held in order to consider problems of an urgent nature and of common interest to the American States, and to serve as the organ of consultation.

Article 40

Any member state may request that a meeting of consultation be called. The request shall be addressed to the Council of the Organization, which shall decide by an absolute majority whether a meeting should be held.

Article 41

The program and regulations of the meeting of consultation shall be prepared by the Council of the Organization and submitted to the member states for consideration.

Article 42

If, for exceptional reasons, a Minister of Foreign Affairs is unable to attend the meeting, he shall be represented by a special delegate.

Article 43

In case of an armed attack within the territory of an American state or within the region of security delimited by treaties in force, a meeting of consultation shall be held without delay. Such meeting shall be called immediately by the chairman of the Council of the Organization, who shall at the same time call a meeting of the Council itself.

Article 44

An Advisory Defense Committee shall be established to advise the organ of consultation on problems of military cooperation that may arise in connection with the application of existing special treaties on collective security.

Article 45

The Advisory Defense Committee shall be composed of the highest military authorities of the American States participating in the meeting of consultation. Under exceptional circumstances the governments may appoint substitutes. Each state shall be entitled to one vote.

Article 46

The Advisory Defense Committee shall be convoked under the same conditions as the organ of consultation, when the latter deals with matters relating to defense against aggression.

Article 47

The committee shall also meet when the conference or the meeting of consultation of the governments, by a two-thirds majority of the member states, assign to it technical studies or reports on specific subjects.

*Chapter XII—The Council*

Article 48

The Council of the Organization of American States is composed of one representative of each member state of the organization, especially appointed by the respective government, with the rank of Ambassador. The appointment may be given to the diplomatic representative accredited to the government of the country in which the council has its seat. During the absence of the titular representative, the government may appoint an interim representative.

Article 49

The Council shall elect a chairman and a vice chairman, who shall serve for 1 year and shall not be eligible for election to either of those positions for the term immediately following.

Article 50

The Council takes cognizance, within the limits of the present charter and inter-American treaties and agreements, of any matter referred to it by the Inter-American Conference or the meeting of consultation of ministers of foreign affairs.

Article 51

The Council shall be responsible for the proper discharge by the Pan American Union of the duties assigned to it.

Article 52

The Council shall serve provisionally as the organ of consultation when the circumstances contemplated in article 43 of this charter arise.

Article 53

It is also the duty of the Council:

(a) To draft and submit to the governments and to the Inter-American Conference proposals for the creation of new specialized organizations or for the combination, adaptation, or elimination of existing ones, including matters relating to the financing and support thereof;

(b) To draft recommendations to the governments, the Inter-American Conference, the specialized conferences, or the specialized organizations, for the coordination of the activities and programs of such organizations, after consultation with them;

(c) To conclude agreements with the Inter-American specialized organizations to determine the relations that shall exist between the respective agency and the organization;

(d) To conclude agreements or special arrangements for cooperation with other American organizations of recognized international standing;

(e) To promote and facilitate collaboration between the Organization of American States and the United Nations, as well as between Inter-American specialized organizations and similar international agencies;

(f) To adopt resolutions that will enable the Secretary General to perform the duties envisaged in article 84;

(g) To perform the other duties assigned to it by the present charter.

Article 54

The Council shall establish the bases for fixing the quota that each government is to contribute to the maintenance of the Pan American Union, taking into account the ability to pay of the respective countries and their determination to contribute in an equitable manner. The budget, after approval by the Council, shall be transmitted to the governments at least 6 months before the first day of the fiscal year, with a statement of the annual quota of each country. Decisions on budgetary matters require the approval of two-thirds of the members of the Council.

Article 55

The Council shall formulate its own regulations.

Article 56

The Council shall function at the seat of the Pan American Union.

Article 57

The following are organs of the Council of the Organization of American States:

(a) The Inter-American Economic and Social Council;

(b) The Inter-American Council of Jurists; and

(c) The Inter-American Cultural Council.

Article 58

The organs referred to in the preceding article shall have technical autonomy within the limits of this charter; but their decisions shall not encroach upon the sphere of action of the Council of the Organization.

Article 59

The organs of the Council of the Organization are composed of representatives of all the member states of the Organization.

Article 60

The organs of the Council of the Organization shall, as far as possible, render to the governments such technical services as the latter may request; and they shall advise the Council of the Organization on matters within their jurisdiction.

Article 61

The organs of the Council of the Organization shall, in agreement with the Council, establish cooperative relations with the corresponding organs of the United Nations and with the national or international agencies that function within their respective spheres of action.

Article 62

The Council of the Organization, with the advice of the appropriate bodies and after consultation with the governments, shall formulate the statutes of its organs in accordance with and in the execution of the provisions of this charter. The organs shall formulate their own regulations.

(A) The Inter-American Economic and Social Council

Article 63

The Inter-American Economic and Social Council has for its principal purpose the promotion of the economic and social welfare of the American nations through effective cooperation for the better utilization of their natural resources, the development of their agriculture and industry, and the raising of the standards of living of their peoples.

Article 64

To accomplish this purpose the Council shall:

(a) Propose the means by which the American nations may give each other technical assistance in making studies and formulating and executing plans to carry out the purposes referred to in article 26 and to develop and improve their social services;

(b) Act as coordinating agency for all official inter-American activities of an economic and social nature;

(c) Undertake studies on its own initiative or at the request of any member state;

(d) Assemble and prepare reports on economic and social matters for the use of the member states;

(e) Suggest to the Council of the Organization the advisability of holding specialized conferences on economic and social matters;

(f) Carry on such other activities as may be assigned to it by the Inter-American Conference, the meeting of consultation of Ministers of Foreign Affairs, or the Council of the Organization.

Article 65

The Inter-American Economic and Social Council, composed of technical delegates appointed by each member state, shall meet on

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its own initiative or on that of the Council of the Organization.

Article 66

The Inter-American Economic and Social Council shall function at the seat of the Pan American Union, but it may hold meetings in any American city by a majority decision of the member states.

(B) The Inter-American Council of Jurists

Article 67

The purpose of the Inter-American Council of Jurists is to serve as an advisory body on juridical matters; to promote the development and codification of public and private international law; and to study the possibility of attaining uniformity in the legislation of the various American countries, insofar as it may appear desirable.

Article 68

The Inter-American Juridical Committee of Rio de Janeiro shall be the permanent committee of the Inter-American Council of Jurists.

Article 69

The Juridical Committee shall be composed of jurists of the nine countries selected by the Inter-American Conference. The selection of the jurists shall be made by the Inter-American Council of Jurists from a panel submitted by each country chosen by the Conference. The members of the Juridical Committee represents all member states of the Organization. The Council of the Organization is empowered to fill any vacancies that occur during the intervals between inter-American conferences and between meetings of the Inter-American Council of Jurists.

Article 70

The Juridical Committee shall undertake such studies and preparatory work as are assigned to it by the Inter-American Council of Jurists, the Inter-American Conference, the meeting of consultation of Ministers of Foreign Affairs, or the Council of the Organization. It may also undertake those studies and projects which, on its own initiative, it considers advisable.

Article 71

The Inter-American Council of Jurists and the Juridical Committee should seek the corporation of national committees for the codification of international law, of institutes of international and comparative law, and of other specialized agencies.

Article 72

The Inter-American Council of Jurists shall meet when convened by the Council of the Organization, at the place determined by the Council of Jurists at its previous meeting.

(C) The Inter-American Cultural Council

Article 73

The purpose of the Inter-American Cultural Council is to promote friendly relations and mutual understanding among the American peoples, in order to strengthen the peaceful sentiments that have characterized the evolution of America, through the promotion of educational, scientific, and cultural exchange.

Article 74

To this end the principal functions of the Council shall be:

(a) To sponsor inter-American cultural activities;

(b) To collect and supply information on cultural activities carried on in and among the American States by private and official agencies both national and international in character;

(c) To promote the adoption of basic educational programs adapted to the needs of all population groups in the American countries;

(d) To promote, in addition, the adoption of special programs of training, education, and culture for the indigenous groups of the American countries;

(e) To cooperate in the protection, preservation and increase of the cultural heritage of the continent;

(f) To promote cooperation among the American nations in the fields of education, science, and culture, by means of the exchange of materials for research and study, as well as the exchange of teachers, students, specialists, and, in general, such other persons and materials as are useful for the realization of these ends;

(g) To encourage the education of the peoples for harmonious international relations;

(h) To carry on such other activities as may be assigned to it by the Inter-American Conference, the meeting of consultation of ministers of foreign affairs, or the Council of the Organization.

Article 75

The Inter-American Cultural Council shall determine the place of its next meeting and shall be convened by the council of the organization on the date chosen by the latter in agreement with the Government of the country selected as the seat of the meeting.

Article 76

There shall be a Committee for Cultural Action of which five States, chosen at each Inter-American Conference, shall be members. The individuals composing the Committee for Cultural Action shall be selected by the Inter-American Cultural Council from a panel submitted by each country chosen by the Conference, and they shall be specialists in education or cultural matters. When the Inter-American Cultural Council and the Inter-American Conference are not in session, the Council of the Organization may fill vacancies that arise and replace those countries that find it necessary to discontinue their cooperation.

Article 77

The Committee for Cultural Action shall function as the permanent committee of the Inter-American Cultural Council, for the purpose of preparing any studies that the latter may assign to it. With respect to these studies the Council shall have the final decision.

*Chapter XIII—The Pan American Union*

Article 78

The Pan American Union is the central and permanent organ of the Organization of American States and the General Secretariat of the organization. It shall perform the duties assigned to it in this charter and such other duties as may be assigned to it in other inter-American treaties and agreements.

Article 79

There shall be a Secretary General of the Organization, who shall be elected by the Council for a 10-year term and who may not be reelected or be succeeded by a person of the same nationality. In the event of a vacancy in the office of Secretary General, the Council shall, within the next 90 days, elect a successor to fill the office for the remainder of the term, who may be reelected if the vacancy occurs during the second half of the term.

Article 80

The Secretary General shall direct the Pan American Union and be the legal representative thereof.

Article 81

The Secretary General shall participate with voice, but without vote, in the deliberations of the Inter-American Conference, the meeting of consultation of ministers of foreign affairs, the specialized conferences, and the Council and its organs.

Article 82

The Pan American Union, through its technical and information offices, shall, under the direction of the Council, promote economic, social, juridical, and cultural relations among all the member states of the Organization.

Article 83

The Pan American Union shall also perform the following functions:

(a) Transmit ex officio to member states the convocation to the Inter-American Conference, the meeting of consultation of ministers of foreign affairs, and the specialized conferences;

(b) Advise the Council and its organs in the preparation of programs and regulations of the Inter-American Conference, the meeting of consultation of ministers of foreign affairs, and the specialized conferences.

(c) Place, to the extent of its ability, at the disposal of the government of the country where a conference is to be held, the technical aid and personnel which such government may request;

(d) Serve as custodian of the documents and archives of the Inter-American Conference, of the meeting of consultation of Ministers of Foreign Affairs, and, insofar as possible, of the specialized conferences;

(e) Serve as depository of the instruments of ratification of inter-American agreements;

(f) Perform the functions entrusted to it by the Inter-American Conference, and the meeting of consultation of Ministers of Foreign Affairs;

(g) Submit to the Council an annual report on the activities of the Organization;

(h) Submit to the Inter-American Conference a report on the work accomplished by the organs of the Organization since the previous conference.

Article 84

It is the duty of the Secretary General:

(a) To establish, with the approval of the Council, such technical and administrative offices of the Pan American Union as are necessary to accomplish its purposes;

(b) To determine the number of department heads, officers, and employees of the Pan American Union; to appoint them, regulate their powers and duties, and fix their compensation, in accordance with general standards established by the Council.

Article 85

There shall be an Assistant Secretary General, elected by the Council for a term of 10 years and eligible for reelection. In the event of a vacancy in the office of Assistant Secretary General, the Council shall, within the next 90 days, elect a successor to fill such office for the remainder of the term.

Article 86

The Assistant Secretary General shall be the Secretary of the Council. He shall perform the duties of the Secretary General during the temporary absence or disability of the latter, or during the 90-day vacancy referred to in article 79. He shall also serve as advisory officer to the Secretary General, with the power to act as his delegate in all matters that the Secretary General may entrust to him.

Article 87

The Council, by a two-thirds vote of its members, may remove the Secretary General or the Assistant Secretary General whenever the proper functioning of the organization so demands.

Article 88

The heads of the respective departments of the Pan American Union, appointed by the Secretary General, shall be the Executive Secretaries of the Inter-American Economic and Social Council, the Council of Jurists, and the Cultural Council.

Article 89

In the performance of their duties the personnel shall not seek or receive instructions from any government or from any authority outside the Pan American Union. They shall refrain from any action that might reflect upon their position as international officials responsible only to the Union.

Article 90

Every member of the Organization of American States pledges itself to respect the exclusively international character of the responsibilities of the Secretary General and the personnel, and not to seek to influence them in the discharge of their duties.

Article 91

In selecting its personnel the Pan American Union shall give first consideration to efficiency, competence, and integrity; but at the same time importance shall be given to the necessity of recruiting personnel on as broad a geographical basis as possible.

Article 92

The seat of the Pan American Union is the city of Washington.

*Chapter XIV—The specialized conferences*

Article 93

The specialized conferences shall meet to deal with special technical matters or to develop specific aspects of inter-American cooperation, when it is so decided by the Inter-American Conference or the Meeting of Consultation of Ministers of Foreign Affairs; when inter-American agreements so provide; or when the Council of the Organization considers it necessary, either on its own initiative or at the request of one of its organs or of one of the specialized organizations.

Article 94

The program and regulations of the specialized conferences shall be prepared by the organs of the Council of the Organization or by the specialized organizations concerned; they shall be submitted to the member governments for consideration and transmitted to the Council for its information.

*Chapter XV.—The specialized organizations*

Article 95

For the purposes of the present charter, inter-American specialized organizations are the intergovernmental organizations established by multilateral agreements and having specific functions with respect to technical matters of common interest to the American states.

Article 96

The Council shall, for the purposes stated in article 53, maintain a register of the organizations that fulfill the conditions set forth in the foregoing article.

Article 97

The specialized organizations shall enjoy the fullest technical autonomy and shall take into account the recommendations of the Council, in conformity with the provisions of the present charter.

Article 98

The specialized organizations shall submit to the Council periodic reports on the progress of their work and on their annual budgets and expenses.

Article 99

Agreements between the Council and the specialized organizations contemplated in paragraph (c) of article 53 may provide that such organizations transmit their budgets to the Council for approval. Arrangements may also be made for the Pan American Union to receive the quotas of the contributing countries and distribute them in accordance with the said agreements.

Article 100

The specialized organizations shall establish cooperative relations with world agencies of the same character in order to coordinate their activities. In concluding agreements with international agencies of a worldwide character, the inter-American specialized organizations shall preserve their identity and their status as integral parts of the Organization of American States, even when they perform regional functions of international agencies.

Article 101

In determining the geographic location of the specialized organizations the interests of all the American states shall be taken into account.

PART THREE

*Chapter XVI—The United Nations*

Article 102

None of the provisions of this charter shall be construed as impairing the rights and obligations of the member states under the Charter of the United Nations.

*Chapter XVII—Miscellaneous provisions*

Article 103

The Organization of American States shall enjoy in the territory of each member such legal capacity, privileges, and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes.

Article 104

The representatives of the government on the council of the Organization, the representatives on the organs of the council, the personnel of their delegations, as well as the Secretary General and the Assistant Secretary General of the Organization, shall enjoy the privileges and immunities necessary for the independent performance of their duties.

Article 105

The juridical status of the Inter-American Specialized Organizations and the privileges and immunities that should be granted to them and to their personnel, as well as to the officials of the Pan American Union, shall be determined in each case through agreements between the respective organizations and the governments concerned.

Article 106

Correspondence of the Organization of American States, including printed matter and parcels, bearing the frank thereof, shall be carried free of charge in the mails of the member states.

Article 107

The Organization of American States does not recognize any restriction on the eligibility of men and women to participate in the activities of the various organs and to hold positions therein.

*Chapter XVIII—Ratification and entry into force*

Article 108

The present charter shall remain open for signature by the American States and shall be ratified in accordance with their respective constitutional procedures. The original instrument, the Spanish, English, Portuguese, and French texts of which are equally authentic, shall be deposited with the Pan American Union, which shall transmit certified copies thereof to the governments for purposes of ratification. The instruments of ratification shall be deposited with the Pan American Union, which shall notify the signatory states of such deposit.

Article 109

The present charter shall enter into force among the ratifying states when two-thirds of the signatory states have deposited their ratifications. It shall enter into force with respect to the remaining states in the order in which they deposit their ratifications.

Article 110

The present charter shall be registered with the Secretariat of the United Nations through the Pan American Union.

Article 111

Amendments to the present charter may be adopted only at an Inter-American Conference convened for that purpose. Amendments shall enter into force in accordance with the terms and the procedure set forth in article 109.

Article 112

The present charter shall remain in force indefinitely, but may be denounced by any member state upon written notification to the Pan American Union, which shall communicate to all the others each notice of denunciation received. After 2 years from the date on which the Pan American Union receives a notice of denunciation, the present charter shall cease to be in force with respect to the denouncing state, which shall cease to belong to the organization after it has fulfilled the obligations arising from the present charter.

(Signed on April 30, 1948.)

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. I yield to the gentleman from Oregon.

Mr. PORTER. I should like to ask the gentleman if he favors the recognition of Red China.

Mr. JACKSON. I do not favor recognition of Red China for reasons which I think are adequate. Red China has been branded by the United Nations as an aggressor. It stands condemned before the court of world moral opinion. No such action has been taken with respect to any country in the Western Hemisphere.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. I am glad to yield to the gentleman from Michigan.

Mr. HOFFMAN. On my own behalf, I wish to thank the gentleman and to express appreciation of the wonderfully fine effort he has made. It has been not only entertaining and instructive, but his sentiments were most eloquently expressed.

Mr. JACKSON. I thank the gentleman.

Mr. LONG. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. I yield to the gentleman from Louisiana.

Mr. LONG. Mr. Speaker, I want to express my appreciation to the gentleman of his forthright statement and to say that we need people who have the understanding that he has expressed here of our Latin-American friends. We have too long neglected them and should cultivate their friendship.

Mr. JACKSON. I thank the gentleman and I agree with what he has said.

Mrs. BOLTON. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. I yield to the gentlewoman from Ohio.

Mrs. BOLTON. Mr. Speaker, I would like on my own behalf to express the great appreciation I feel of the service which the gentleman has done today for his country and mine.

Mr. JACKSON. I thank the gentlewoman.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

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Mr. JACKSON. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, I know from past experience and my conversations with the gentleman that there is no man in this House on either side of the aisle who is better informed than he on this very important subject. I want to congratulate him upon an informed and eloquent address covering in detail a great deal of what our policy should be toward our sister republics to the south.

Mr. Speaker, there is one further comment I should like to make. As I understand it, practically the whole basis of democratic policy during the time that the great Secretary of State, Cordell Hull was in charge of our policy—and I think he was one of the originators of that policy—was one of nonintervention and of hemispheric solidarity. I want to say that the gentleman from Oregon, in my estimation, has taken a basic position against a policy that was originated by his own party and which had bipartisan support at the time it did originate.

Mr. JACKSON. I thank the gentleman. And I would say that it is a policy which has proven its worth. Today, the gentleman from Arkansas [Mr. HAYS] had a luncheon for a number of Latin American journalists and without exception those gentlemen expressed their confidence in our policy. The gentleman from Illinois [Mr. O'HARA] was there; and, incidentally, he is himself a considerable expert on Latin America, having lived there for many years. But one after one they said that this is the policy which has rehabilitated the United States in this hemisphere and it is a policy which should and must be continued.

Mr. DEROUNIAN. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. I yield to the gentleman from New York.

Mr. DEROUNIAN. Mr. Speaker, I want to associate myself with the remarks of those Members who preceded me, in commenting upon the excellent dissertation of the gentleman from California. May I offer a few observations? I should think that the gentleman from Oregon [Mr. PORTER] would much better serve his constituents and his country, well intentioned as his activities may have been in this Latin American field, if he would try to exert his influence to get rid of the influence of some racketeers in labor in a few of the municipalities in Oregon. He might talk to his colleague on the other side of the Capitol and try to get him to retreat from his obstinacy, which is endangering the fiscal operations of our Government and the payrolls of many Government workers.

I might also suggest to the gentleman from Oregon that he could better take a pot shot at the dictator, Tito, who shot down some of our airmen. I understand the gentleman from Oregon is greatly in favor of continued aid to Tito. I trust the gentleman from Oregon will discontinue his course of diplomatic meddling which has caused our Government much embarrassment in the eyes of our friends in South and Central America.

Would the gentleman from California agree with some of these observations?

Mr. JACKSON. I do not want to enter into that discussion here. It was not my intention, I should like further to say to the gentleman from Oregon that this be considered—and I should hope that it will not be so considered—in terms of a personal attack. It is not meant to be that. I am confronted in my own conscience with having to make a choice between silence which lends consent and defense of a policy which I consider to be essential if the welfare of the United States and of all of the republics is to be maintained.

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## LATIN AMERICAN AFFAIRS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Oregon [Mr. PORTER] is recognized for 30 minutes.

Mr. PORTER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I will be glad to yield to my distinguished colleague from Oregon.

Mrs. GREEN of Oregon. It seems to me that the gentleman from New York [Mr. DEROUNIAN] made a rather sweeping statement about the racketeers who had taken over Oregon. I wonder if the gentleman from New York could point out one case, one individual, who could be classed as a racketeer who has taken over the State of Oregon?

Mr. DEROUNIAN. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from New York.

Mr. DEROUNIAN. If the gentlewoman heard my statement correctly, I said that some labor racketeers had had some influence on some segment of the municipal government of Oregon. All one has to do is read the testimony before the McClellan Committee currently in being.

Mrs. GREEN of Oregon. I heard the statement correctly. Can the gentleman give me one case?

Mr. DEROUNIAN. I do not know the gentleman's name, but it can be found readily. It has been admitted you have had some district attorneys under fire, some resignations, some sheriffs under fire. Certainly they are part of the municipal government of Oregon.

Mrs. GREEN of Oregon. I think the gentleman from New York should be advised that our mayor (Terry Schrunk), a former sheriff, and one of our labor leaders, who were called back here before the McClellan Committee and tried by headlines were both acquitted. In both cases where they have been given a fair chance to present their cases—to cross-examine the accusers—when the court cases were tried by juries, they have been acquitted. I again say the gentleman cannot give one instance of where a labor racketeer has moved in on the State of Oregon.

Mr. DEROUNIAN. I will let the record speak for itself.

Mr. PORTER. I thank my colleague from Oregon.

Mr. Speaker, this is the second time in recent days when, in speaking about Latin America, I have started to speak at this time of the evening.

I do not think we are as far apart as some of my colleagues across the aisle and on this side of the aisle believe. Certainly there are some misapprehensions about my position which I should like to clear up. I agree with a great many things which were said in the speech by the gentleman from California. At one point he said:

> The principal source of satisfaction to be derived from the accession of 21 republics to the Charter of the Organization of American States lies in the avowed dedication of all of the signatories to the stated principles of freedom and justice. It is true that implementation of the principles has, in a few instances, comprised only lip service, but even that slight recognition implies that those who govern by strong-arm methods realize full well the tremendous reservoir of moral opinion in the Western Hemisphere represented by those lands and peoples who do practice what the charter lays upon each as a solemn obligation.

I fully agree with that and I concur with much else that he has said here. I do make the point, however, that so far as intervention is concerned, we have been intervening both directly and indirectly in Latin America on the side of the despotisms. We are violating article XV of the OAS charter by our present policy. I am not in favor of armed intervention and I challenge the gentleman to show any place in any of my speeches where I have advocated intervention by force. I have not advocated any such thing indirectly by economic aid either, except so far as it means cutting off aid we are now giving the dictatorships, and I do not call that intervention.

Now, the gentleman did not say that he was calling me a shirt-tailed diplomat—and I do not know—I shall have to see how I am fixed in that respect—but he implies that very clearly—that I am just doing this to win foreign acclaim. The acclaim I want is the just acclaim of my colleagues here and the just acclaim of the people of my district back home for doing my duty as a Congressman. I do want to point out that I have received considerable acclaim in Latin America, and I say this very humbly. But I want to point out the acclaim that I have had has come from men who have had a great deal more experience in this field than the gentleman from California, with all respect to him, and certainly more experience than I myself have. These men are not irresponsible, volatile revolutionaries.

I mention to you Governor Luis Muñoz Marin, the Governor of Puerto Rico, a man who has done wonders for that commonwealth.

I mention to you Jose Figueres. He was the first man in this hemisphere to lead people in victorious armed battle against the Communists. He is the president of Costa Rica. Those men are standing with me. Those men are among the men who are acclaiming the position that I am taking.

Eduardo Santos—certainly if you want to talk about patriarchs—there is a patriarch. There is a man who has built up one of the leading democratic newspapers in this hemisphere—El Tiempo. He started it from nothing. He is the owner and publisher of that newspaper and for 4 years was president of Colombia. He is a very distinguished man. He is the man who invited me to come to Colombia. He is the man who is leading, if you like, the acclaim in Colombia for the position I am taking.

There are the newspaper editors in Puerto Rico. They acclaim the position I take. There are professors and journalists and others who have acclaimed the position I have taken. I have talked to many journalists who specialize in Latin American affairs. I have talked to many people in the Department of State. I have yet to find one below the post of Assistant Secretary for Inter-American Affairs who disagrees with the point that I am trying to make that now is the time to stop intervening on the side of despotism.

I refer you to a book written by Robert J. Alexander, a Rutgers professor, called Communism in Latin America. It was just published. It was published on this subject and it bears out my thesis.

There are many other items in the talk of the gentleman from California that attract me. He set up a series of strawmen, then knocked them down, all the while misstating my position in several vital respects. The hour is late. I think that is the best kind of answer to make. I want to explain, for the benefit of those Members here who have been so kind as to remain in the Chamber, exactly what I recommend and the point of view I am espousing.

I was going to start out—and when I revise my remarks I will put it all in—but I was going to tell you about Hamilton Fish. Twenty years ago he was in the House of Representatives. He came on this floor and denounced a dictator. That was on December 21. That was the last day of that session, incidently, that year. He denounced the Dominican dictator because of the Haitian massacre. I have here a colloquy which I will put in the RECORD but which I will not bother to read to you now, but it does tell about the butchering of 2,500 to 12,000 Haitians. That figure was put up by some other journalists later on. He was asked about the doctrine of intervention and he says:

> I do not believe we can take any concrete action. We can express our indignation.

Well, he did express his indignation and he hoped that there would be an impartial investigation and if necessary we would use our influence to obtain adequate apologies, compensation, and guaranties.

None of that was obtained. If you know the rest of the story, Mr. Fish went to the Dominican Republic about 18 months later. He came back and they found that he had $25,000 in his bank account which he admitted he received from Mr. Trujillo, but which he said he had to invest for him in oil stocks. and he was at that time praising the dictator. Time magazine has the story in detail, and I will put it in the RECORD for the benefit of the House.

The article, published under date of August 17, 1942, follows:

FISH'S $25,000

Tall, loudmouthed Congressman Ham Fish, New York's gift to the isolationist cause, has some explaining to do this week. He must tell the stony, fact-minded Internal Revenue Bureau why he did not include in his 1939 income-tax return a cool $25,000 he got from Rafael Léonidas Trujillo Molina, the bemedaled millionaire dictator of the Dominican Republic.

Story of the $25,000 was cracked by the Washington Post's ace newshawk Dillard Stokes[1] just 5 days before this week's New York primary election, in which Ham Fish faced the most serious opposition of his 22-year career as Congressman. Ham Fish shouted back: "Political smear." His story: He handled the money as agent for Trujillo in some Texas oil well speculation; he lost half of it, sent the other half back.

But the Washington Post recalled that Ham Fish's relations with the Caribbean dictator had taken some curious turns. In 1937 after several thousand Haitian farmers were massacred by Dictator Trujillo's soldiers on the Dominican side of the border, Ham Fish arose in Congress and said: "This is the most outrageous atrocity that has even been perpetrated on the American Continent."

Fifteen months later Ham Fish made a trip to the Dominican Republic. He stayed at the dictator's walled-in estate, ate at his lavish table, came back a changed man. When Trujillo visited the United States, Ham Fish spoke at a dinner for him: "General, you have created a golden age for your country * * *. You will go down in history * * * as a builder greater than all the Spanish conquistadores together." Shortly thereafter the $25,000 was deposited to Ham Fish's account in a New York bank.

The Revenue Bureau is not alone in its interest. Fish's $25,000 was first discovered by a Washington grand jury—the same jury which returned a perjury indictment against Fish's secretary, George Hill, after Hill lied about helping Nazi propagandist George Sylvester Viereck (Time, January 26). The jury plans to talk to Ham Fish again.

My policy, the change I am recommending, and I am doing this humbly, the change I am recommending in our foreign policy is simply stated in a single sentence: That our Government distinguish between the despotisms and the democracies and treat them accordingly. We already know who the despotisms are. Everybody in the State Department that I have talked to knows who they are. I am just saying that we should say so publicly and that we should frame our policies accordingly in accordance with those moral principles which the gentleman from California mentioned as being involved very closely in the charter of the OAS.

Before I describe more concretely our present policies, let me explain how I, a freshman member of the Post Office and Civil Service Committee, came to be involved so deeply in this situation. Gerry Murphy, a young fellow who lived in my State and district, disappeared in the so-called Dominican Republic, on December 4, 1956. His parents are respected residents of my hometown, Eugene, Oreg.

In my considered opinion Trujillo is criminally responsible for Gerry's death. Sweep aside all the hearsay, all the indications that point to this being the sort of thing Trujillo does. Look instead at the notes sent by our State Department to the Dominican Government, for those notes are based on evidence gathered by the FBI and weighed by the Department of Justice and the State Department.

We have rejected the official explanation of Gerry's death given to us by the Dominican Government, rejected it in whole and in specific parts. It is clear that the explanation Trujillo tried to give us was not only false but intentionally false and fantastically false. But he had reason to think we would accept it and I shall discuss this aspect presently.

Moreover, in two formal notes we have asked that Arturo Espaillat, former Consul General in New York for the so-called Dominican Republic, make himself "amenable for the usual processes of investigation and trial." This has been refused, even though Espaillat earlier loudly protested the innocence of himself and his country's Government and stated his wish to cooperate fully.

A high State Department official, who has an access to much of the evidence which the FBI has gathered, told me that the Department did not make its May 2 note public because, as a matter of judgment, he thought they might persuade Espaillat to enter the trap. Note, please, the word "trap." The evidence must be strong, indeed. Espaillat was too smart for them. He left the United States on May 4, 2 days after we sent the note and has not returned.

He is now Minister in Charge of Security for the so-called Dominican Republic. He had the advantage of a West Point education, just as Trujillo's crown prince, Rafael, Jr., is right now having the privilege and advantage of being a student in the United States Army's famous Command and General Staff School at Fort Leavenworth, Kans. I can understand the benefits to the United States in improving the military competence of men from other nations if those men will be of substantial assistance to us in time of national danger. I cannot understand or defend spending the taxpayers' money and sharing our military know-how with men like young Trujillo and General Espaillat who will use their training primarily to maintain their despotic government. In doing so, I want to add, they will be aided as much by their identification with the United States through such schooling as by the techniques they learn.

At present the Murphy case is in a diplomatic deadlock. They gave us an explanation. We rejected it. We asked for Espaillat to cooperate. They refused. The diplomatic channels have broken down and no arbitration is possible under the circumstances. What is the solution?

[1] Other recent Stokes scoops: the indictment of the "vermin press" (Time, August 3); the grand-jury investigation of George Sylvester Viereck, now in prison for failing to register as a Nazi agent; the story of how mailbags were removed from the office of Prescott Dennett (now under indictment for conspiracy to promote revolt in the Armed Forces) after a grand jury had subpenaed them.

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I put this question to Dr. Charles Fenwick, the international law expert for the Pan-American Union. He cited to me the Gondra Treaty signed by us and the so-called Dominican Republic along with most of the other nations in the hemisphere. He told me it provides the juridical basis for this situation and sets up a five member commission to investigate and report.

Another expert who concurs with Dr. Fenwick's opinion is the distinguished and able Alberto Lleras Camargo, former President of Colombia and for 7 years Secretary General of the Organization of American States, although our State Department refuses to invoke the Gondra Treaty.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. From the mail I have received and the newspaper articles which I have read from the State of Oregon, the people of the State of Oregon are deeply appreciative of the very conscientious way in which their Representative has served his constituents in the Fourth District. I think that the courage and the determination which he has displayed in seeing that justice is guaranteed every single person in his district deserves this praise from the people of his State.

Mr. PORTER. I thank the gentlewoman from Oregon for her comments. I wish to say that so far I have yet to hear from anyone in Oregon seriously raising question about my activity. They sent me to Congress to be on the side of freedom and justice, just as my colleagues are, and I regard that as a part of this duty.

It is clear that such a tribunal is far superior to the public relations firm hired by Trujillo to conduct an investigation. With all respect to Morris Ernst and Judge Munson, it is difficult to understand how they can achieve public acceptance for their conclusions since they are paid by the accused.

My hunch is that these distinguished men are being used to help gather information about the evidence and witnesses the Government has against Trujillo and his aids. A sort of expensive fishing expedition. The grand jury here in Washington is still hearing evidence on the Murphy-Galindez cases. How much better for Trujillo to know now or very soon, the names of the witnesses in the John Frank trial and other trials, rather than have to wait until 4 days before the trial as under the present rule under the Jencks case.

It would be most reassuring if Morris Ernst was able to tell us that the Dominican Government will not have access, directly or indirectly, to the findings of the ex-FBI agents Ernst is hiring to do the investigating. I recognize, however, the difficulty he might have in doing this, since he is admittedly an agent for the so-called Dominican Republic and Trujillo is his client.

To give you an idea of the approach the public-relations campaign will take, let me read you excerpts from reports recently received by the Dominican Ambassador from his Government. A distinguished radio news commentator, Jock Lawrence, interviewed Mr. De Moya, in an exclusive and unique session last Friday, and at that time Mr. De Moya gave these documents to him. The news commentator showed them to me. I think you will find them of interest. They are apparently from a report to Ambassador De Moya, but in the form of an article for public consumption.

The thesis of the report is that the Galindez-Murphy-De la Maza case is aimed at the United States by the Communists, not at the Dominican Republic, by those who believe in democracy.

It is insisted that Murphy's various statements were edited by Porter.

These statements were made by Murphy to the same sources that supplied information to the anti-Trujillo propaganda apparatus in the United States. What was presented for public consumption was, of course, carefully edited.

The report states:

Nevertheless, Porter and his associates will undoubtedly have this information in their files. We therefore submit: that if the grand jury investigating this case is sincerely interested in the truth—and not merely in convicting the Dominican Republic—it should subpena those records, all the records, from the very elements that have launched charges against us * * * we charge that there has been deliberate and malicious suppression of abundant evidence that Murphy habitually made little distinction between fact and fiction. We challenge the groups and individuals behind this smear campaign against Generalissimo Trujillo to make public all the Murphy statements.

They call Murphy a "confabulator." They talk about "the producers of the Murphy—kidnaped-Galindez scenario."

Certainly if he (Murphy) had been killed in Cuba, the crime would have been laid at the door of President Batista. It was our misfortune—to put it bluntly—that he was here.

We believe the opposition knew there would be incidents upon which they could capitalize. As Stanley Ross, former friend and editor of Galindez has reported, he alone has received more than a thousand letters from people claiming some connection with Galindez' disappearance. The opposition merely needed a publicity peg; they had already written the script.

Another reference, page 10, to "the anti-Trujillo script writers."

They make a big point that Murphy could not have crossed the radar screen on our shoreline, something that the CAA and the Air Force assure me presents no difficulties at all.

They make a big point about the various propaganda lines in connection with Operation Galindez-Murphy.

The predictions in this paper are for much unrest in various Latin American countries, and, as for the United States, "you are to be neutralized by the powerful smokescreen now being thrown up. You will be told that the chaos you are witnessing is nothing more than the labor pains of 'democracy.'" And in Puerto Rico, "Romulo Betancourt will throw off caution and emerge as the new Messiah, the Nasser of the Caribbean, and will set about the organization of a single apparatus aimed at the Dominican Republic and Venezuela, the last two solidly pro-American and anti-Communist nations between Florida and Brazil, and then it is your turn."

The report goes on to say:

Some public statement or open letter might be issued forth at this time, from here or the States, emphasizing the following:

1. That the new version discredits the fundamental basis of the Murphy-helped-kidnap-Galindez story. It makes a liar out of Murphy and is an insult to the intelligence of the public and the press. The only consistency remaining in the multiple accusations is that Trujillo is the target.

2. The "Great Guru" label can be fixed squarely on Romulo Betancourt. His relationship to the New York and Washington groups should be made clear. A few well-aimed shots at Mr. B. will probably sink him and his admirers will be discredited along with him.

Congratulations in your excellent efforts. From reports we are now getting I think we can smash this thing once and for all in the next few months.

I venture to say the congratulations are premature.

The Ambassador from the so-called Dominican Republic, Manuel de Moya, made a speech earlier this year before the Commonwealth Club in San Francisco. Besides insisting that Operation Murphy-Galindez was promoted and motivated by the Communists and really aimed at the United States, he answered a question from the floor as to whether his country was governed by a dictator as follows:

The Latin American countries are vastly different from the United States and different governmental techniques are needed. In our country we do not consider our leader as a dictator but as a great man who has sacrificed his life for the betterment of his people.

I call your attention to an article in Look magazine, which will be out on August 5. I received an advance copy of it. The article is by Fletcher Knebel, Look Washington Bureau correspondent and well-known writer, and is entitled "How Trujillo Spends a Million in the United States." The article reads as follows:

A formidable team of influential friends and registered agents in New York and Washington have not changed the wrong impression Americans have of the Dominican Republic's dictator.

The owner-operator of one of the world's smallest and tidiest dictatorships is behind what may be the most extraordinary of all the foreign lobbies that have operated in the United States.

He is wealthy, proud, tough, 65-year-old Rafael Leonidas Trujillo Molina. As generalissimo, chief and self-styled "benefactor" of the Dominican Republic, he dictates with an iron hand the affairs of a sugar-crop country that covers two-thirds of a Caribbean island—a nation about the size of West Virginia.

Friends of Trujillo or his regime include a former Truman Ambassador, a brother-in-law of Mrs. Dwight D. Eisenhower, a son-in-law of Secretary of State John Foster Dulles and the Democratic leader of the House. His registered agents have included a son of the late President Roosevelt. His tourism has been promoted by a former chief of United States military aid. In 1956 Trujillo spent almost $1 million in traceable funds in the United States chiefly to spread his fame and woo good will.

For all the action on behalf of the Dominican Republic, Trujillo fell on hard times

in the United States press recently. The bad publicity followed a series of murders and mysterious disappearances of his foes in the United States and Cuba and the killing of an American pilot, Gerald Murphy, on Dominican soil. But the effort still operates at full blast.

Many of the Americans who side with Trujillo are men of important reputation. William D. Pawley, United States Ambassador to Peru and Brazil in the Truman administration, serves as unpaid adviser to Trujillo's government on minerals and production. He also heads a mining exploration enterprise in the Dominican Republic. Pawley regards Trujillo as a genius and feels that a Communist campaign to destroy him has victimized the American press.

Robert Y. Hinshaw, son-in-law of Secretary of State Dulles, spent considerable time in the Dominican Republic at the invitation of Trujillo, although he later indicated doubt that the good in the Trujillo regime outweighed the bad.

Mamie Eisenhower's brother-in-law, Col. G. Gordon Moore, Jr., a retired Army officer, has had business dealings with the Dominican regime. His comments on the dictator add up on the plus side.

A bill pending in Congress would yield $80,000 to a Washington importer in a complicated Dominican sugar deal originated by Colonel Moore. The money would be refunded to Robert G. Lynch, who shares office space with Moore. The bill would make retroactive to June 30, 1955, a provision of the sugar law which refunds duties on sugar imported for animal feed.

Colonel Moore had arranged for the purchase of 7,000 tons of "green sugar" in the Dominican Republic in late 1955, acting as broker for Lynch. "I would in no way benefit from the bill," says Moore. "The only thing I did was go down there and get the sugar."

Maj. Gen. George H. Olmsted, United States Army, retired, a Des Moines insurance executive, was head of America's military-assistance program from late 1951 to early 1953. Several months before he left office, he entertained Trujillo at luncheon in the Pentagon. After he left the Government, General Olmsted visited the Dominican Republic and signed a contract to promote the country's tourist trade. Olmsted's International Services, Inc., was paid $24,000 by the Dominican Republic in 1954, $27,500 in 1955, and $270,000 last year.

Olmsted's firm also is a concessionaire in the free port of Ciudad Trujillo, chief city of the Dominican Republic, with an inventory varying between $20,000 and $50,000. Olmsted says of the dictator:

"I respect him for the many good things he has done for his country and ours. He has always been stanchly pro-United States and anti-Communist. I would be quick in condemning anyone for terrorism, kidnapping or murder, should guilt be established."

Franklin D. Roosevelt, Jr., served a hectic year as special counsel for the Dominican Republic in partnership with Charles Patrick Clark, $75,000-a-year lobbyist for Spain. The pair split a $60,000 fee from the Trujillo regime the first year. The contract had another year to run, but Roosevelt & Clark severed the connection on February 28 after a blizzard of protest which threatened to freeze young Roosevelt's political future.

In April of last year, Joseph G. Feeney, a White House legislative aide during the Truman administration, signed up with Maj. Gen. Manuel de Moya, Trujillo's top aide, to represent the Dominican Republic in matters of economic welfare at $1,500 a month. Feeney indicated he placed little stock in stories of Trujillo terror on United States soil, declaring nothing had been confirmed in a court of law.

The law firm of Brookhart, Becker & Dorsey represents the Dominican Government Sugar Commission and last year represented another Dominican Government arm, the Agencia Industrial, at a fee of $2,500 a month. Smith W. Brookhart is a son of the late Iowa Republican Senator. Ralph E. Becker is a former chairman of the National Federation of Young Republican Clubs and a good friend of Sherman Adams, assistant to President Eisenhower.

Cummings, Sellers, Reeves & Conner, another Washington law firm, represents the Dominican Embassy at $2,000 a month. Albert L. Reeves, Jr., a former Republican Congressman from Missouri, is the firm's chief contact with the Dominicans.

SUGAR QUOTA IS BOOSTED

During the big sugar-quota fight, Trujillo's government relied chiefly on the Washington law firm of Surrey, Karasik, Gould & Efron, which received payments from the Dominican Sugar Commission of $25,000 in 1954, $57,076 in 1955, and $38,612 in 1956. Walter S. Surrey and Monroe Karasik, both veterans of Government posts under the Democratic administrations, performed ably for Trujillo's regime. Congress doubled the Dominican Republic's sugar quota, from less than 30,000 tons to more than 60,000 tons annually.

Trujillo's asides made the firm's labors smoother by taking several members of the House Agriculture Committee on an all-expense trip to the Dominican Republic in the spring of 1955. As the sugar bill cleared the House, it allotted 80,000 tons to Trujilloland, but nontraveling Senators trimmed back the amount.

Other law firms registered as agents for the Dominican interests have included the Washington firm of Culbertson, Briggs & Pendleton ($31,000 from the Dominican Sugar Institute since 1950), the Washington firm of Davies, Richberg, Tydings, Beebe & Landa ($43,750 from the Bergantin Corp. for 1954 and 1955) and the New York firm of Townley, Updike, Carter & Rodgers ($5,145 from the Dominican Republic Information Center for 1956).

The Dominican Republic Information Center in New York City is the fountain of Trujillo's propaganda in the United States and is operated by Harry C. Klemfuss, former New York newspaperman. This institution used to operate on less than $26,000 a year, telling the story of the generalissimo's benevolences to this people, but expenditures vaulted to $174,000 in 1955 and have stayed at that level. Klemfuss admitted that press reports of unsolved crimes plaguing the Trujillo government provoked the counterburst of activity.

Two years ago, Klemfuss enlisted the literary talents of Stanley Walker, famous New York newspaperman now retired to Texas, to turn out a biography of Trujillo. Walker reported to the Justice Department's foreign-agents section that he had received $1,800 for the 7,800-word production. The Center paid for and distributed the work.

For a short time last year, the New York advertising firm of Albert Frank-Guenther Law, Inc., assisted the Information Center, for the sum of $55,000. One of the chores of the firm, according to its report to the Justice Department, was to prepare a letter to the New York Times, signed by seven prominent Dominican officials. The letter defended the Trujillo regime and blasted his detractors, a majority of whom were denounced as known or hidden Communists.

But Dominicans aren't satisfied that the "benefactor" has been properly glorified in the United States. The Dominican Embassy has contracted with Vantage Press, Inc., to bring out a reprint of Trujillo by Abelardo R. Nanita, published in the Dominican Republic in 1954. Former Dominican Ambassador Joaquin E. Salazar said the Embassy will foot the printing bill for the biography and buy up copies, just in case the volume doesn't leap into the best-seller list.

A more ambitious literary endeavor has been undertaken by John V. Hinkel, Washington public-relations man. He has contracted with the University of Santo Domingo to do a 20-chapter compendium on the Dominican Republic.

Hinkel advised the Justice Department that the volume will be devoid of political propaganda, but the foreign-agents section wants to see the final version before it decides whether Hinkel and his associate authors must register. Hinkel admits his chapter on the current government may be touchy, but feels safe on all other chapters, including one on the importance of the Dominican Republic to western defense by Gen. Lemuel C. Shepherd, Jr., chairman of the Inter-American Defense Board and former Marine Corps Commandant.

Jack Kofoed, Miami Herald columnist, received $30,000 for collaborating on an autobiography of Trujillo. The task came to an end before Kofoed touched a typewriter. Kofoed signed for the job in 1952. The checks flowed in, but Trujillo wouldn't sit still to be interviewed. "I think when they got the idea that I wanted the real story," says Kofoed, "they wouldn't go for it."

MEMBERS OF CONGRESS ARE HONORED

The Dominicans have been grateful to Members of Congress. Last winter, Ambassador Salazar bestowed the Order of Duarte-Sánchez-Mella on five Americans at a ceremony which took place under a portrait of Trujillo. Included were three Members of Congress—House Democratic leader JOHN W. MCCORMACK, of Massachusetts; Representative KATHARINE ST. GEORGE, Republican, New York; and Representative DONALD L. JACKSON, Republican, California. JACKSON got his award in absentia.

The decorations were conferred just a day before Representative CHARLES O. PORTER, Democrat, Oregon, unleashed a blistering House attack on Trujillo, accusing him of establishing a network of terror in the United States. PORTER sent a private note to MCCORMACK, suggesting that he might want to defer the ceremony until he had heard PORTER'S speech. MCCORMACK replied that the suggestion was presumptuous.

To date, about $6 million in military aid has flowed to Trujillo's armed forces. In the fiscal year just ended, the debt-free Republic received $237,000 in American economic assistance, chiefly for education, a Senate committee reported. Also in 1956, besides the doubling of the Dominican Republic's sugar quota on the United States market, an atomic-energy agreement was signed by which the Republic could negotiate for our uranium 235 to operate a research reactor.

Not everything has gone Trujillo's way recently. John J. Frank, Washington attorney and former agent for both the FBI and the Central Intelligence Agency, was indicted for allegedly accepting pay from the Republic without registering with the Justice Department as a foreign agent. The Inter-American Press Association condemned the Trujillo dictatorship for the unsolved killings of his foes and warned members against Trujillo's plan to appoint honorary consuls in American cities to gain prestige. Congressman PORTER launched a one-man crusade to deny further bestowal of American favors on Trujillo. The State Department rejected the Dominican explanation of the Murphy killing and investigated a speech by Trujillo aide de Moya (now Ambassador to the United States) which attacked pseudo-liberals opposing the regime. To cap Trujillo's troubles, a Federal grand jury probed the slayings and the status of his diplomatic agents.

For the first time, the little dictator has a fight on his hands in the United States. But he is a long way from giving up.



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Beneath the picture at the head of the article we find this: "Self-styled benefactor of the Dominican Republic, Trujillo last year spent almost $7 million in America chiefly to win good will. He has received $6 million in United States aid."

Now, that is how we intervene on the side of the dictators. That is what I want to see stopped so that dictators will not be emboldened to do what he did to my constituent, Gerry Murphy.

One might ask Mr. Moya why they keep "Republic" in the name of their country, why they pretend to hold elections for members of the Congress and administration. Indeed, the leaders of their respective Houses of Congress sent a protest about my activities to our very distinguished Speaker, which certainly indicates their profound misapprehension about this House and about our great Speaker who, by the way, has never mentioned the protest to me.

If anyone is in any doubt about the nature of the so-called Dominican Republic's Government, I refer them to Assistant Secretary Rubottom's testimony in a Senate hearing on June 10, 1957. He agreed, after some prodding by Senator MORSE, that the country's Government was generally regarded as being a certainly highly centralized dictatorial type of government and that Trujillo operates a totalitarian government.

Ask any American businessman who has tried to do business with Trujillo and you will hear a story of gangsterism and expropriation and bribes.

This brings us to present United States policy in Latin America.

I can sum it up as a perversion of nonintervention which has led to a sort of neutralism favoring the despotisms. A high State Department official told me that our policy of nonintervention in Latin America prevented the President from publicly praising Colombia when in May it heroically threw off 8 years of dictatorships. For the President to say "bravo Colombia" would have been, I was informed, intervention in Venezuela because the dictator there would be offended.

This seems ridiculous. We should be able to praise and help our friends publicly without running into the nonintervention policy.

Of course our chief aim in foreign policy is defense against the machination of international communism which has its general headquarters in the Soviet Union. In my opinion our present policy of placating the Latin American dictators because we feel we need them as allies against communism is gravely in error.

Several months ago the Dominicans signed a loran treaty with us and made much of their cooperation with us in hemispheric defense. The treaty had been pending for 8 months. Since its signing, nothing has been done by them to implement it.

Attack by the Soviet Union can come in two ways: Invasion or subversion. If they invade any part of this hemisphere, our forces will be the ones to cope with them, not the forces of any Latin American nation. Yet I have a letter from the Defense Department dated July 5, 1957, indicating otherwise:

> The T-33 aircraft were provided under section 102 of the Mutual Security Act of 1954, as amended, under the fiscal year 1956 grant Military Assistance Program, at a cost to the program of $483,400 for the four airplanes. This type of aircraft was provided on a grant basis to all countries of the Latin American area having fighter-bomber squadrons as Military Assistance Program force objectives. The squadrons were established as force objectives by the Joint Chiefs of Staff for the specific task of maintaining airlanes of communication in the area as a contribution to hemisphere defense. The provision of aircraft for this purpose to the Dominican Republic and to other Latin American countries is in consonance with the general courses of action established by the National Security Council.

Another gem from the Defense Department came to me in a letter dated July 18, 1957:

> The requirements of the defense effort of the United States for strategic raw materials and location of military facilities, in peace and war, bear no relation to the type of government which rules the nation capable of contributing to these requirements.

This is the same Defense Department that regards Venezuela as a model of private enterprise to serve as an example for other Latin American countries. It was Venezuela where very recently the leading Catholic clergyman issued a pastoral letter decrying in strong terms a prosperity that meant immense riches for a few and inhuman living conditions for many.

It is high time we stopped looking to the Defense Department for decisions in areas where it is not qualified.

The danger of Communist aggression in Latin America is from subversion. It came that way in Guatemala. The way you fight subversion is with economic aid and with encouragement of democratic processes. The dictatorships hold back social and economic progress, yet they centralize the government and the economy. The result is that they set the stages for communistic subversion and control.

We compound the situation by sending overly friendly ambassadors to these countries and by giving them military and economic aid. The oppressed people identify the United States with their oppressors, not with our traditions of democracy and individual rights.

Defense of the United States and the hemisphere against communism will best be served by our fostering democracy in Latin America. Certainly the Catholic Church, to which 95 percent of the Latin Americans belong, is an outstanding opponent of atheistic communism and has valiantly and effectively spoken up in many Latin American countries, among them Cuba, Colombia, and Venezuela.

Our apparent partiality to dictators is hurting us grieviously in Latin America, both in terms of developing our trade and in terms of making friends who will be of real assistance in time of war.

By way of concrete documentation I shall include here excerpts from two State Department external research papers by S. Walter Washington, retired foreign service officer, now lecturing at the University of Virginia. Under the heading, "A Study of the Causes of Hostility Toward the United States in Latin America," the pertinent portions are:

> The rise of totalitarianism in Argentina was challenged by Spruille Braden in 1945 and 1946, first as United States Ambassador, and then as Assistant Secretary of State. After Perón's election, Mr. George S. Messersmith was sent as Braden's successor to Buenos Aires. His orders were to make friends with the Perón regime. His personal efforts with Perón were completely successful. The two were on most friendly terms and when Messersmith left Buenos Aires after about a year, Perón went to see him off and waved him goodby. The desire of the United States military to obtain a hemispheric mutual defense treaty was an important factor in the policy of conciliation. Success for the conference at Quintadirba, Brazil, was also an aim of the changed policy. The Department of State continued a policy of appeasement in sending successively three businessmen as Ambassadors to Argentina: Mr. James Bruce, Mr. Stanton Griffiths, and Mr. Ellsworth Bunker. Despite these efforts on the part of the United States, the Argentine-United States trade situation became such that Peron stopped foreign-exchange payments in April 1948 with more than $250 million owed to United States exporters and investors. Peron had expected that he would make something out of the Marshall plan, but he had overestimated the importance of food purchases under the program. With economic disaster looming, Perón instructed his Ambassador in the United States, Jeronimo Remorino, to propose the establishment of a joint committee to study ways to increase trade. As a result of this, trade did increase until Argentina's debit position with the United States had been reduced to $120 million. Finally, no doubt as a result of pressure from United States exporters and military officials, and allegedly on Perón's agreement to ratify the Rio Pact Argentina was given an Export-Import Bank loan of $125 million, enabling it to pay off its United States creditors. This loan was widely criticized in other parts of Latin America, where the efforts of the United States to appease Perón had caused it to lose a great deal of prestige.
>
> It might be pointed out here that Argentina, having never considered herself an underdeveloped country, has never received any point 4 aid. In fact, point 4 is criticized in Argentina as an instrument of United States domination of the underdeveloped countries. Argentine efforts to get dollars, therefore, have been confined to selling her goods to the United States and charging as high prices as possible.
>
> • • • • •
>
> (C) ALLEGED UNITED STATES PARTIALITY FOR DICTATORS
>
> Resentment against the United States policies is not confined to the purely economic ones, but is extended to one that is political or at least political-economic in nature; namely, the alleged favoritism shown by the United States Government toward dictators in Latin America. One professor alleges that during the war the masses were converted to the United States cause by President Roosevelt, that they had hopes of being rid of dictators and that their disillusionment is the cause of much of the anti-Americanism in Latin America.
>
> Another authority has pointed out that Chile, like Uruguay and Costa Rica, is grounded in democracy, the press is free; and many Chileans feel that the United States has preached their kind of democracy but has not sustained it elsewhere.
>
> In addition to their common championship of democracy many Chileans feel that they and North Americans are alike as re-

gards racial homogeneity and general vigor and intelligence. They, therefore, expect the United States Government to treat them better than it treats the other countries of Latin America. They allege that the Export-Import Bank loaned money for a steel mill in Argentina without attaching conditions similar to those which accompanied the loan to Chile. It is reported that this argument was even used by some to try to persuade President Ibanez to make himself dictator, with the added point that only a strong government could satisfy the conditions which the United States lays down for giving help.

A favoritism for Perón of Argentina was first sensed by many Chileans and North American students of Latin America during the Democratic administration, when a loan of $125 million was made to the Argentine Government. Various statements and actions during the visit to Argentina of Dr. Milton Eisenhower, the President's brother, have accentuated that feeling. Support for the theory of the United States Government's weakness for dictators has also been given by its policies toward Trujillo of the Dominican Republic, Somoza of Nicaragua, Castillo Armas of Guatemala, and Odria of Peru. It is alleged that the United States recognized Batista in Cuba overnight but took 2 weeks to recognize the Bolivian democratic regime. Even such problems so far afield as those of Tunisia and Morocco have been used to show the United States insincerity in its alleged love for democracy and freedoms of the peoples.

Not all Chileans, however, are friendly toward the United States type of democracy any more than they are friendly toward the popular Chilean type of democracy. One American professor of Chilean origin has said that "The core of the United States problem is that the governing classes resent the implications of United States democracy while the lower classes are suspicious of the United States capitalism." The first part of the statement was more true several decades ago than it is now, while the last part now counts for more because the lower classes are providing the votes.

My proposals for fighting communism in Latin America and for improving our relationships there are simple and direct. Make a public distinction between the despotisms and the democracies, including those that are struggling to establish government by the consent of the governed and justice under law. Stop all economic and military aid to the despotisms in Latin America. Instruct our diplomats to maintain cool but courteous relationships. Help the democracies and emerging democracies with money, especially in the form of loans and technical know-how; by stepped-up student-exchange programs and visiting back and forth; conferences.

For a fancied military advantage we treated, and we now treat, Trujillo as though he was respectable. This has led him reasonably to believe he could get away with murdering my constituent, Gerry Murphy. Unless present policies are altered so that we loudly proclaim our deep and traditional allegiance to democracy, other citizens of the United States will fall victim to a tyrant's terroristic methods.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I gladly yield to the distinguished gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I merely wanted to observe to the gentleman, without passing judgment upon his recommended policies in Latin America, because I do not regard myself as sufficient of an expert on foreign affairs to pass judgment upon them, that I certainly believe the gentleman is to be commended for the determination and the courage with which he is fighting for the rights of his constituent and for the family of his constituent in this situation. I think if we had that same determination and that same courage on behalf of our Government down the line in protecting the interests of American citizens overseas wherever they might be, we might not today have soldiers in the hands of the Red Chinese, who are still languishing behind the Iron Curtain in the Far East. And we might have today also a greater respect for the United States flag throughout the different countries of the world.

Mr. PORTER. I thank my able friend from Oklahoma for his excellent statement.

In 50 years, Milton Eisenhower reported, Latin America's population will be double that of the anticipated total for the United States and Canada. We want and need the friendship of Latin America. They want and need our friendship. Our present policies are based on the plainly false premise that the despotisms must be wooed because the United States needs them to help defend the hemisphere against overt attack by international communism. The best answer to Communist subversion in Latin America is democracy and more democracy, freedom and more freedom, and enthusiastic encouragement by the greatest Nation in the world, greatest in power, in wealth, in government, and in solicitude for individual rights.

Mr. ANDERSON of Montana. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to my friend from Montana.

Mr. ANDERSON of Montana. I want to compliment the gentleman on his very courageous defense of the rights of his constituents. Since the gentleman from California [Mr. JACKSON] invited the gentleman from Oregon to continue the discussion of his talk during the 30 minutes for which the gentleman from Oregon asked, it seems to me that it is not out of order for me to make a comment with respect to that speech. Does the gentleman from Oregon remember that the gentleman from California said that we should do business with de facto governments?

Mr. PORTER. I remember he did say that.

Mr. ANDERSON of Montana. Would the gentleman from Oregon give me his estimate of who leads the present de facto government of China?

Mr. PORTER. Who leads it?

Mr. ANDERSON of Montana. Who heads the present government of China?

Mr. PORTER. It is a dictator; there is no question about it. Also dictators head the Soviet Union and we deal with them at arm's length.

Mr. ANDERSON of Montana. But if we may stick to China, would the gentleman not say that the present de facto government of Red China is a Communist government?

Mr. PORTER. Yes, indeed; there is no question about it.

Mr. ANDERSON of Montana. So we may judge that the gentleman from California was stating in his remarks that we should deal with the Red government of China?

Mr. PORTER. That is what I concluded. Now I have just one more comment to make. The constitutionality of what I did and my ethics were questioned in accepting expenses from the Costa Rican Government. I want to say that I have two legal memorandums on that, one from the Library of Congress, Section on American Law, stating that what I did was entirely legal.

Furthermore, the gentleman cited nothing to support his opinion that it was unconstitutional.

Finally, if accepting dinners or accepting things like that is unconstitutional or is unethical somehow, then I am sure many Members of the Congress who take a good many free meals and many who have traveled to other countries are equally in trouble.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Illinois.

Mr. SPRINGER. May I go back to the questions which were raised by the gentleman from Montana. In answer to the gentleman from Oregon the gentleman from California stated positively he would not recognize Red China, and he said the reason for his recognition of these governments which had been set out as being a part of the Western Hemisphere was that we had entered into a treaty at Chapultepec which defined the way in which we should recognize governments within our own hemisphere, that is, by a signature to a treaty by all of the countries of the Western Hemisphere as to under what conditions we should recognize those countries; and that is set out. His statement was he wanted to abide by that because that was our solemn agreement.

My question to the gentleman from Oregon is this. I am sure the gentleman has a great respect for Cordell Hull, in my estimation one of 2 or 3 great Secretaries of State of all time in this country. We are following at the present time, as nearly as I can find, the policy which Cordell Hull originated between 1936 and 1941, and that is one of nonintervention. It was due to the diplomacy of this man almost single-handed that our policy of nonintervention for peaceful hemisphere solidarity was originated. Does the gentleman believe that Cordell Hull, a Secretary of State of your own party, would interfere on the part of a dictator?

Mr. PORTER. May I say this to the gentleman, with respect for his historical knowledge and sincerity, that I would not follow the present policy of aid and comfort to dictators even if Cordell Hull had originated it. And I don't believe he did. I think the present policy of intervention by giving economic and military aid to dictatorships is against our traditional policy of nonintervention. This is my opinion regardless of what any Secretary of State advised. I know I am against such a policy for the reasons

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I have stated and for the effects I have seen in connection with my own constituents and in the minds of leading Latin American men and women.

Mr. SPRINGER. Let me say that during all of the time that he was Secretary of State we did give aid to all countries in South America indiscriminately, and that policy has been continued and is based upon solemn treaties between us for hemisphere solidarity and noninterference.

## THE GERRY MURPHY CASE

Mr. LONG. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LONG. Mr. Speaker, I had intended to ask the gentleman from Oregon some questions. I have been interested in his speech and in this case, and have given it a great deal of study. I do not wish to say anything against the gentleman's defense of his constituents. I think he has that perfect right. But there are some questions in my mind regarding the Gerry Murphy case that I believe in the next argument the gentleman presents to the House he can perhaps clear up.

I would like to know if Gerry Murphy was a licensed pilot in the United States and flying on a legal mission at the time Professor Galindez disappeared and believed to be a passenger in Murphy's plane. The facts are clear that three persons were engaged in the flight, one of them the drugged Professor Galindez and, of course, Murphy, the pilot. Now is it logical or even within the remotest bounds of reason to believe that Murphy would go to the trouble of renting a plane which I am sure the gentleman from Oregon knows he was not legally licensed to operate because of faulty eyesight, and take that plane to a point in New York, pick up two passengers, one of them obviously drugged, and make a flight apparently out of the United States with a last fueling stop in Miami without the details of who his passengers were and their purpose in making this type flight. In addition to the flight itself being unlawful, logic makes clear that the pilot was engaged in a kidnaping and further that Professor Galindez was known to have had a million dollars, one-half of which has been accounted for, the remaining $500,000 has never been accounted for and lends considerable credence to the kidnaping theory.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. LONG. I yield.

Mr. PORTER. I would like to tell my distinguished colleague from Louisiana that I do not know whether he had a license or not to fly the plane. I do not think his failure to have a license warrants his being disposed of by the Dominican Government. As for the question whether he was a kidnaper or not, it is my opinion from the evidence I have heard from a great many sources, he did not know the identity of his passenger or exactly what he was doing. As I understand, the passenger was drugged and he had no way of knowing whether he was sick or whether he was there of his own free will or was actually being taken home. He did find out later, the evidence shows, and he did boast in the bar in ——— Hotel to his girl—boast if you like or mentioned that he flew Galindez. That was after he read the papers. So if you want to take the worst possible theory and say, "Well, he was a kidnaper," I still say he should not have been killed at the order of Trujillo.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. LONG. I yield.

Mr. SPRINGER. May I say I think the gentleman from Louisiana and I are in accord. We both stand against despotism as I am sure do the other 433 Members of the House of Representatives.

Mr. LONG. Of course, that is right.

Through the years, 27 of them, the people of the Dominican Republic have chosen their President in free elections. It is regrettable but nevertheless true that the Latin American Republics have been torn by strife and revolution throughout their histories. The Dominican Republic is no different and at this time there is an active government in exile seizing every chance and promoting every opportunity to attempt to strengthen their stand and at the same time weaken the position of the lawful government.

We have spent billions upon billions of the taxpayers dollars and worked long and arduously in the task of cementing friendly relations with other nations and especially our sister republics in the Western Hemisphere. To me it is preposterous to consider that any sort of a bona fide case can be presented against a legitimate and properly constituted government by a set of vague, farfetched, and unsubstantiated circumstances surrounding a notorious character who admittedly engaged in unlawful practices and could have well been a kidnaper and murderer. The entire thing is completely out of proportion.

Mr. SPRINGER. Also, may I say I have admiration for the gentleman from Oregon for the stand that he is taking for his constituent, if he believes he is right. As his Congressman, he ought to give him that kind of representation. I think the division of sentiment in the House of Representatives which I think is overwhelmingly against the gentleman from Oregon is that he is trying to alter foreign policy which over a long period of time has proven successful for this country and has proved to be in the best interest of the countries of the Western Hemisphere—in other words, for us to be in a state of noninterference or nonintervention in the domestic and foreign affairs of other countries—sister republics with which we are united in this hemisphere. I think that is a fair statement more or less of where we stand; is that not right, may I ask my colleague, the gentleman from Louisiana?

Mr. LONG. If all that has been said regarding the Gerry Murphy case is true, then it is a clouded confession and really in my humble opinion has no place on the floor of the Congress. We are no doubt here dealing with a kidnaper and a murderer who himself met with the same fate that he probably caused others to meet. People who play with fire will undoubtedly someday themselves get burnt. According to his own confessions, the man Gerry Murphy had been engaged in many unlawful and cloudy cases. The fact that he had money does not mean that he had any connection with the Dominican Republic—it merely shows that he probably obtained money in other ways and not in an honorable manner.

Could the missing half million dollars of Professor Galindez be the cause of his death, and I might ask the question could it be possible that Gerry Murphy and his friend quarreled over this money? The man in his confession states that he did kill Gerry Murphy and then committed suicide. Is this not logical to any reasonable man? From where would the $50,000 sent to the Gerry Murphy family come, if not from this money? Under the law or any of the laws that I know anything about, you have to come into court with clean hands. You cannot come in with hands showing that a man took a drugged man and was interested in having him kidnaped and flown out of this country—a man who had been turned down for a license to fly an airplane because of his eyesight, you cannot then say that you come here with clean hands. That is the point I am making. I do not know anything about the guilt or innocence of Gerry Murphy. I am not interested in that at all. I think that our courts and the State Department are competent to handle these cases and I am willing to await their decision. The thing I am interested in is that I do not want to see a friendly government charged with having committed a crime, based on a set of circumstances involving a man who is in violation of the law himself, if he did fly the man down there. And if he did not fly the man down there, then you have no connection.

My colleague from Ohio says that what happened to Gerry Murphy is not pertinent to this case. I say that what happened to Gerry Murphy and his friend is the heart of this case and I say further that in all that I have read regarding this case I have never seen where the Dominican Republic is attempting in any way to cover up. There exists a note that this was murder and suicide yet some are not willing to believe it in the Gerry Murphy case. The note does explain how Murphy was killed but the Dominican Government in exile is endeavoring to overthrow the legally constituted government of the Dominican Republic and of course they want to twist the facts around in such a way to be most favorable to their case. I for one refuse to be hoodwinked by such a fantastic approach to this matter and shall continue in the future as I have in the past in doing all that I can to promote friendly relations with the Dominican Republic and all of the republics of Central and South America. These friendships, which are mutually shared are

vitally important to the freedom of all of us. I repeat it is farfetched for us here in the Congress of the United States to condemn a friendly country and its officials on such vague and unsubstantiated evidence involving a kidnaper, a law violator and very possibly a murderer. Actually the Dominican Government in exile is fighting a desperate battle to gain recognition and discredit the lawful Dominican Government and in so doing have engaged in rank propaganda and the utilization of lobbyists here in the United States.

Mr. Speaker, in my opinion it behooves us here in the House of Representatives to be counted and let the world know as we did a few days ago that we do not believe one word of the charges made against the President of the Dominican Republic. I repeat, the thing that I am primarily interested in, and I am sure each Member of Congress is likewise interested, is the defeat of this attempt to discredit a friendly government who is our neighbor.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. LONG. I yield.

Mr. PORTER. Of course, it is not what happened to Gerry Murphy or what the circumstances of his going there that I think are pertinent or the heart of this case. The heart of the case is that the Dominican Government gave to our Government an intentionally false explanation trying to cover up, many of us believe, their duplicity in the Galindez case. We are satisfied—we have a note down there that says it was a suicide and we are satisfied that the note is a forgery. The note was supposed to explain how Gerry Murphy was killed. It is a forgery. An official explanation of the Dominican Government has been rejected—rejected on the whole and part by part. They said Gerry Murphy had no money. Our people say he had plenty. They say he had no powerful friends. We say, and our evidence says, that the FBI and the State Department say that he had a good deal of money.

The SPEAKER pro tempore. The time of the gentleman from Louisiana has expired.

## LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. VINSON for 10 days, on account of important business.

Mr. FENTON, for Friday, August 2, 1957, on account of death in family.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. ROGERS of Massachusetts for 5 minutes today.

## EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. MULTER and to include extraneous matter.

Mr. HYDE.

Mr. HENDERSON and to include extraneous matter.

Mr. WRIGHT and include extraneous matter.

Mr. CANNON.

Mr. TRIMBLE.

Mr. MAGNUSON and to include extraneous matter.

Mr. METCALF in two instances and to include extraneous matter.

Mr. HAGEN and to include extraneous matter.

Mr. DEVEREUX.

Mr. PATTERSON and to include extraneous matter.

## ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 7441. An act making appropriations for the Department of Agriculture and Farm Credit Administration for the fiscal year ending June 30, 1958, and for other purposes; and

H. R. 7665. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1958, and for other purposes.

## ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 7 o'clock and 51 minutes p. m.) the House adjourned until tomorrow, Friday, August 2, 1957, at 12 o'clock noon.

## EXECUTIVE NOMINATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1096. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation entitled "A bill to prevent the loss of pay and allowances by certain officers designated for the performance of duties of great importance and responsibility"; to the Committee on Armed Services.

1097. A letter from the Comptroller General of the United States, transmitting a report on the audit of the activities of the Corps of Engineers (Civil Functions), Department of the Army, and the Bureau of Reclamation, Department of the Interior, in the Missouri River Basin for the fiscal year ended June 30, 1956; to the Committee on Government Operations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WILLIS: Committee on the Judiciary. H. R. 7151. A bill to fix the fees payable to the Patent Office and for other purposes; with amendment (Rept. No. 963). Referred to the Committee of the Whole House on the State of the Union.

Mr. LESINSKI: Committee on Post Office and Civil Service. H. R. 5558. A bill to provide that certain employees in the postal field service assigned to road duty, and rural carriers, shall receive the benefit of holidays created by Executive order, memorandum, or other administrative action by the President; without amendment (Rept. No. 964). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. S. 1417. An act relating to the affairs of the Osage Tribe of Indians in Oklahoma; without amendment (Rept. No. 965). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOPER: Committee on Ways and Means. H. R. 8892. A bill to amend the Internal Revenue Code of 1954 to extend the time within which a minister may elect coverage as a self-employed individual for social security purposes, and for other purposes; without amendment (Rept. No. 966). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. H. R. 6363. A bill to amend the act of May 24, 1928, providing for a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md., to provide for the construction of another bridge, and for other purposes; without amendment (Rept. No. 969). Referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. House Joint Resolution 430. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens; with amendment (Rept. No. 962). Referred to the Committee of the Whole House.

Mr. HYDE: Committee on the Judiciary. House Joint Resolution 429. Joint resolution to facilitate the admission into the United States of certain aliens; with amendment (Rept. No. 967). Referred to the Committee of the Whole House.

Mr. VINSON: Committee on Armed Services. H. R. 8763. A bill to authorize the appointment of Adm. Arthur W. Radford, United States Navy, to the permanent grade of admiral in the Navy; with amendment (Rept. No. 968). Referred to the Committee of the Whole House.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BATES:

H. R. 9019. A bill to authorize the provision of additional capital for the fisheries loan fund established by the Fish and Wildlife Act of 1956, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. COOLEY:

H. R. 9020. A bill to amend the Packers and Stockyards Act, 1921, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. HILL:

H. R. 9021. A bill to amend the Packers and Stockyards Act, 1921, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. CELLER:

H. R. 9022. A bill to amend title 10, United States Code, to authorize the Secretaries of

the military departments to settle certain claims in the amount of $5,000, or less, and to partially pay certain claims which are certified to Congress; to the Committee on the Judiciary.

By Mr. DEMPSEY:

H. R. 9023. A bill to amend the act of October 31, 1949, to extend until June 30, 1960, the authority of the Surgeon General to make certain payments to Bernalillo County, N. Mex., for furnishing hospital care to certain Indians; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOOD:

H. R. 9024. A bill to increase the personal income tax exemptions of a taxpayer for himself and his spouse, and the additional exemptions for old age or blindness, from $600 to $1,000, and to increase the exemption for a dependent from $600 to $800; to the Committee on Ways and Means.

H. R. 9025. A bill to authorize Federal grants to assist in the development and operation of studies and projects to help older persons, and for other purposes; to the Committee on Education and Labor.

By Mr. HAGEN:

H. R. 9026. A bill to amend the Tariff Act of 1930 to increase the duties imposed upon the importation of tungsten; to the Committee on Ways and Means.

H. R. 9027. A bill to authorize a 10-year program for acquiring national migratory-bird refuges and areas; to the Committee on Merchant Marine and Fisheries.

By Mr. KARSTEN:

H. R. 9028. A bill to discharge more effectively obligations of the United States under certain conventions and protocols relating to the institution of controls over the manufacture of narcotic drugs, and for other purposes; to the Committee on Ways and Means.

By Mr. MACHROWICZ:

H. R. 9029. A bill to amend the Tariff Act of 1930 to extend the privilege of substitution for the purpose of obtaining drawback upon reexportation to all classes of merchandise and for other purposes; to the Committee on Ways and Means.

By Mr. PORTER (by request):

H. R. 9030. A bill to provide for the development by the Secretary of the Army and the Secretary of the Interior of certain units of the Rogue River Basin project, Oregon, and for other purposes; to the Committee on Public Works.

By Mr. REECE of Tennessee:

H. R. 9031. A bill to amend the Pay Readjustment Act of 1942, as amended; to the Committee on Armed Services.

By Mr. REES of Kansas:

H. R. 9032. A bill to amend title II of the Social Security Act to reduce from 72 to 70 the age at which deductions on account of an individual's outside earnings will cease to be made from such individual's benefits thereunder; to the Committee on Ways and Means.

By Mr. BENNETT of Florida:

H. R. 9033. A bill to amend the Railroad Retirement Act of 1937 to provide that an individual's annuity for the month in which he dies or otherwise becomes disentitled shall be paid on a prorated basis up to the date of such death or disentitlement; to the Committee on Interstate and Foreign Commerce.

By Mr. SAUND:

H. R. 9034. A bill to amend the act of July 3, 1926, so as to restrict, under regulations of the Secretary of State, the travel from the United States of certain unaccompanied minors not possessing valid passports; to the Committee on Foreign Affairs.

By Mr. SIMPSON of Pennsylvania:

H. R. 9035. A bill to amend the Internal Revenue Code of 1954 with respect to the basis of stock acquired by the exercise of restricted stock options after the death of the employee; to the Committee on Ways and Means.

By Mr. KNOX:

H. R. 9036. A bill to amend the Internal Revenue Code of 1954 so as to provide accounting procedures whereby dealers in personal property may exclude from gross income amounts withheld by banks and finance companies on notes purchased from such dealers employing the accrual method of accounting; to the Committee on Ways and Means.

By Mr. PROUTY:

H. J. Res. 432. Joint resolution to authorize the Secretary of the Army to make a survey of a water route from Albany, N. Y., into Lake Champlain, N. Y. and Vt., with ultimate connection with the St. Lawrence River; to the Committee on Public Works.

By Mr. WITHROW:

H. Res. 383. Resolution authorizing the Committee on Foreign Affairs to study Communist efforts in the Caribbean and Latin Americas; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. KEENEY: Memorial of the Legislature of the State of Illinois, memorializing Congress of the United States in reference to Federal and State Government tax burdens; to the Committee on Appropriations.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDONIZIO:

H. R. 9037. A bill for the relief of Mr. Paolino Cubeta; to the Committee on the Judiciary.

H. R. 9038. A bill for the relief of Elise Hatchadourian; to the Committee on the Judiciary.

By Mr. ALLEN of California (by request):

H. R. 9039. A bill for the relief of Jung Hoo Chew; to the Committee on the Judiciary.

By Mr. AYRES:

H. R. 9040. A bill for the relief of Draga Djuricin; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H. R. 9041. A bill for the relief of Chiu Sung Lum; to the Committee on the Judiciary.

By Mr. GUBSER:

H. R. 9042. A bill for the relief of Ferdi Sahingil; to the Committee on the Judiciary.

By Mr. KEOGH:

H. R. 9043. A bill for the relief of Enrico DeMarco; to the Committee on the Judiciary.

By Mr. McFALL:

H. R. 9044. A bill for the relief of Mrs. Gloria Fojas Dawang; to the Committee on the Judiciary.

By Mr. SANTANGELO:

H. R. 9045. A bill for the relief of North American Manufacturers Export Associates, Inc.; to the Committee on the Judiciary.

H. R. 9046. A bill for the relief of Mario Antonio Comi; to the Committee on the Judiciary.

By Mr. SAUND (by request):

H. R. 9047. A bill for the relief of Natividad Perez; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

319. By Mr. DELLAY: Petition of the American Legion, Department of New Jersey, petitioning that the Congressional Medal of Honor be awarded to the four chaplains of the *Dorchester*, posthumously; to the Committee on Armed Services.

320. Also, petition of the American Legion, Department of New Jersey, petitioning that the Constitution of the United States be amended so that a treaty does not become the supreme law of the land; to the Committee on the Judiciary.

# EXTENSIONS OF REMARKS

## American Foreign Aid

EXTENSION OF REMARKS

OF

### HON. JAMES T. PATTERSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 1, 1957*

Mr. PATTERSON. Mr. Speaker, I am sure that all Members of this body receive complaints from constituents regarding the extent of American foreign aid, which many of them think is strengthening the hold of Communist Russia over satellite countries. Our colleague, Representative EARL WILSON, of the Indiana Ninth District, has discussed that matter in his current news letter to constituents. Believing his report is most worthy of thought, I am herewith submitting it for reproduction in the RECORD:

WASHINGTON NEWSLETTER

(By Congressman EARL WILSON)

PUBLIC ENEMY NO. 2

My last newsletter discussed the growing threat of inflation as American public enemy No. 1. I attempted to show that communism—Enemy No. 2—cannot take over the United States unless inflation first gets the best of us. A strong economy with full employment, stabilized money and sound government will keep us invincible.

I have much mail—and I am sure this is true with other Congressmen—urging drastic cutbacks in American foreign aid, particularly to those nations dominated by Soviet Russia. "Why," I was asked by one writer, "should we use American dollars to stabilize Soviet satellites and thus deaden the determination of these enslaved peoples to rise against their oppressor?"

It is indeed hard to justify such American aid, and I am not trying to do it. That whole field of American policy may well be in need of a searching Congressional inquiry.

If we are to turn the tide of international communism, shouldn't we enlist the active aid of the subject people in satellite countries? They are the ones to overthrow their Communist overlords. Yet, when we pour American aid to them we take from them the sense of urgency and we fortify the power of their rulers.

There are many Members of Congress and other thoughtful people throughout the

land who insist that our policy should be toward undermining—socially, politically, and economically—the outlaw regimes in the satellite nations. This can be done, they reason, through non-recognition, trade embargoes and through a ceaseless propaganda barrage against Soviet imperialism.

Whatever American aid that goes to Communist-dominated countries should proceed from the highest humanitarian principles—aid for food and medical supplies to stem or reduce human suffering. It should not be aid that would serve to bolster or stabilize, even slightly, the political overlords—for that would be aiding communism and not the subject people.

Such a stiffening of American policy would almost immediately force greater hardships on Soviet Russia itself and severely weaken the economic base of the entire Kremlin imperialist system. We now know that many crises exist behind the borders of Russia—a struggle for the reins among top Reds, a breakdown in the industrial and agricultural strength of the country, and a general dissatisfaction among the masses of the Russian people.

The latent power of enslaved satellites is feared more today by Russian rulers than is the military might of America and all the NATO countries combined.

This is a most critical period—it might well be the opportune period—in our dealings with communism. Let us avoid contributing toward the building of a communistic commonwealth of nations.

## Swiss Independence Day

EXTENSION OF REMARKS
OF
### HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 1, 1957*

Mr. MULTER. Mr. Speaker, the Swiss are today celebrating their independence day.

It is pleasant to think that, in the perpetual shifts and uncertainties of the international political scene, here is a country whose history of independence can be traced back for over 6½ centuries.

This history could offer many lessons to the contemporary world. It began with the famous "oath brotherhood" of 1291 which bound together the original 3 republics of the Swiss confederation. The members of these three communities held in common, beliefs in freedom and self-government based on individual initiative and self-reliance.

The principal purpose of the oath brotherhood was defense against aggression. For this a system of collective security was provided. But even in those relatively primitive times the Swiss were wise enough to go further: They pledged themselves at the same time to the peaceful settlement of disputes.

Through the intervening centuries the Swiss people have strengthened and enlarged their liberties. These liberties now have as their principal element a cherished individual freedom, protected by an intricate network of political and economic safeguards.

Another element in the Swiss brand of freedom is the ingrained tolerance which has been developed, sometimes through agonizing experience. Thus the French and German and Italian cultures have been blended into a unity, unique in its diversity. So, too, the Protestant, Catholic, and other religions, all thrive side by side.

May Swiss independence flourish in the long centuries of the future as it has in the past, and may its spirit live forever in the hearts of the Swiss people and give courageous inspiration to all mankind.

## Merchant Vessel Construction Subsidy Funds

EXTENSION OF REMARKS
OF
### HON. JOHN MARSHALL BUTLER
OF MARYLAND
IN THE SENATE OF THE UNITED STATES
*Thursday, August 1, 1957*

Mr. BUTLER. Mr. President, last week I wrote to President Eisenhower and urged him to initiate a supplemental budget request in the amount of $91,500,000 for merchant vessel construction subsidy funds. This supplemental appropriation is urgently needed now if our merchant vessel replacement program is not to founder on the rocks of false economy. Early this session, the administration requested these funds, but the House deleted them and no serious effort was made to restore them although everyone recognized we were saving nothing, merely deferring a vitally needed expenditure.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a copy of my letter to President Eisenhower and a copy of a previous exchange of correspondence between the Secretary of Commerce and me concerning this same matter.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

JULY 26, 1957.

THE PRESIDENT,
*The White House.*

DEAR MR. PRESIDENT: It would appear that a serious crisis is developing within your administration which would work irreparable damage to the American merchant vessel replacement program authorized by the Congress. Because this is a matter vitally affecting the health and future of our merchant marine, I am taking the liberty of bringing it to your personal attention.

The deletion of adequate funds from the fiscal 1958 Commerce Department budget has seriously injured the long-range vessel replacement program. Moreover, if reports reaching me are reliable, the Secretary of Commerce is contemplating omitting from his departmental budget for fiscal 1959 appropriation requests for new merchant vessel construction. Such a course of action would cripple our maritime industry and make the United States a second-rate maritime nation. It would also break faith with American shipowners who have already committed themselves to replace their fleets with vessels built in American yards.

From studies made by the Department of Commerce, the Department of Defense and the Congress, we know that in order for our shipyards to maintain their minimum defense potential, they must build at least 50 oceangoing ships each year. Since it costs between 30 percent and 50 percent more to construct such vessels in American yards than in foreign yards, the United States, under the Merchant Marine Act of 1936, has found it in the national interest to participate with private parties willing to build vessels here. The Government's part of the bargain necessitates direct appropriations to cover the cost differential and thus make it economically feasible for private construction in our shipyards.

Appearing before a House subcommittee on July 10, the Secretary of the Navy said that "a large, modern, and well-balanced American merchant marine is positively vital to our defense planning, as without it, in time of war neither the military effort nor the war economy of our Nation could be supported." I am certain you concur in this conclusion.

Any administration decision having the effect of breaking faith with the owners and operators of American-flag vessels—some of whom have committed themselves to build in American yards over 100 ships at a cost to them which will exceed $500 million—would advance the proposal for a Maritime Administration separated completely from the Department of Commerce.

It is my hope that you will personally survery this vital problem and I most respectfully urge that you give serious consideration at this time to initiating a supplemental appropriation request for at least the $91.5 million for the merchant ship construction funds Congress deleted from your fiscal 1958 budget. It is my considered opinion that the Congress will now look favorably on such a proposal and that it will be approved before the end of the current session.

As to the future, an examination of the entire situation, which I regard as crucial, should convince you that if we are to replace our aging merchant fleet with vessels built in American yards, annual ship construction funds must be budgeted by the Department of Commerce and appropriated by the Congress.

Respectfully,

JOHN MARSHALL BUTLER,
*United States Senator.*

JUNE 21, 1957.

The Honorable SINCLAIR WEEKS,
*Secretary of Commerce,*
*Washington, D. C.*

DEAR MR. SECRETARY: I am extremely disturbed by reports which have reached me to the effect that you are contemplating not including in your departmental budget for fiscal 1959 provisions for funds for new vessel construction. In view of the pressing replacement problems facing American shipowners, I was surprised that the Commerce Department and the Maritime Administration did not register sharp protests against the recent drastic cuts which Congress made in the vessel construction funds for fiscal 1958.

If the reports as to your intentions for fiscal 1959 are correct—and I sincerely hope they are not—it would be impossible for me to avoid concluding that your Department, and this administration, are closing their eyes to the very apparent danger of such a policy. With the increasing possibility that our national defense will become more and more dependent upon conventional armaments, the role of an up-to-date American merchant marine assumes greater importance with each passing day.

In my opinion, the Maritime Administration, through its phased program of vessel replacement, has met in most commendable fashion the serious threat of block obsolescence now facing American shipping. But, as you know, timing is an absolute essential in this program. To refuse the projected funds for fiscal 1959, after permitting a major cut from fiscal 1958 funds without protest, would pose a threat of serious proportions to the entire program.

UNIVERSITY OF MICHIGAN LIBRARIES

I urge you to give the fullest consideration to the dangers inherent in any further slash of ship-construction funds. If we do not begin now to replace our dry cargo fleet, all too soon we will find ourselves in a position where our shipyards and our financial resources will be unequal to the mammoth job before us.

Sincerely yours,

JOHN MARSHALL BUTLER,
*United States Senator.*

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THE SECRETARY OF COMMERCE,
*Washington, June 27, 1957.*

Hon. JOHN M. BUTLER,
*United States Senate,*
*Washington, D. C.*

DEAR JOHN: Just to set the record straight, the appropriation request of the Department of Commerce for fiscal year 1958 made provision for shipbuilding funds in the amount of $94,500,000. The House of Representatives allowed $3,000,000, all of which was earmarked either for research or for the acquisition of one traded-in vessel.

In spite of the House's action and in spite of the fact that no formal restoration request was made to the Senate, and at my direction, Under Secretary Rothschild and Maritime Administrator Morse presented the full maritime picture to the Senate Subcommittee on Appropriations. No change in the House allowance was made as a result of this presentation.

I am of the belief that this important segment of the American economy deserves to have a consistent policy on the part of the Government so that the industry may know how to plan its own affairs. We are now exploring at several levels of the executive branch every possibility which would lead toward such a program of consistency. No conclusions have as yet been reached.

Thank you for the complimentary words you had to say about the work of the Maritime Administration. I, too, believe that their program for overcoming the problem of block obsolescence is a good one.

Sincerely yours,

SINCLAIR WEEKS,
*Secretary of Commerce.*

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## Equal Rights for Women

EXTENSION OF REMARKS
OF
### HON. DeWITT S. HYDE
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 1, 1957*

Mr. HYDE. Mr. Speaker, I strongly urge that you use your good offices to prevail upon the chairman of the committee to hold hearings and report House Joint Resolution 127 which provides a constitutional amendment granting equal rights to women.

We are constantly amending Federal and State laws to remove inequities therein with respect to women. So far as I have been able to discover, there has never been any serious objection to such proposals. There seems to be no good reason why we should not take care of all such inequities with one stroke. The matter of discrimination against human beings in various areas of Government has been a subject of heated discussion in Congress this session. In all of these discussions, little or nothing has been said about discriminatory laws against the women.

Again, Mr. Speaker, may I respectfully urge your assistance in having House Joint Resolution 127 brought to the floor of the House before the adjournment of this session of the 85th Congress.

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## Destructive Forest Fires

EXTENSION OF REMARKS
OF
### HON. LEE METCALF
OF MONTANA
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 1, 1957*

Mr. METCALF. Mr. Speaker, each year millions of dollars' worth of public property goes up in smoke as forest fires take their toll.

Last year another 6½ million acres of United States woodland were gutted by fire. Assuming the timber on each acre was worth $40, the out-of-pocket loss was some $264 million.

In Alaska, forest fires burn an average of 1 million acres of public domain each year. Here are two clippings from recent issues of an Alaskan newspaper telling of immensely destructive fires.

SMOKE CLOUDS STOP FAIRBANKS FLIGHTS

FAIRBANKS.—Thick clouds of smoke rolled into this central Alaska city by 25-mile-an-hour westerly winds covered Fairbanks today and yesterday.

The smoke shut down all flights in and out of the city.

There was a ceiling of only 200 feet at the International Airport yesterday and visibility of only one-eighth of a mile at one time.

The Weather Bureau said smoke from the forest fires in the middle Yukon and Kuskokwin areas will continue with no relief until this afternoon.

Unless the wind changes, all flights will be canceled until then.

Juneau was on the fringe of the smoke haze traveling aloft on prevailing northwesterly winds this morning, the local Weather Bureau office reported.

Weather Bureau officials said the smoke haze was clearly visible from the Juneau Airport station in the clear skies of early morning hours. Its density permitted a direct look at the sun.

Airline pilots flying north from Ketchikan this morning reported the smoke haze clearly visible north from Juneau.

The Weather Bureau reports the smoke has traveled as far as Watson Lake, Yukon Territory, on the Alaska Highway route. It extends over the entire eastern half of interior Alaska and down the Alaska Highway. In the interior the smoke extends north to Bettles and Fort Yukon, west to Galena and Aniak and south to Anchorage and follows the coastal range to just north of Juneau.

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FIRE NEAR GALENA BURNS OVER 1½ MILLION ACRES

ANCHORAGE.—A 1,600,000-acre fire has been discovered near Galena, Alaska, about 450 miles northwest of Anchorage.

The fire, 85 miles long and about 30 miles wide, was discovered last week when thick smoke shrouding the area had lifted.

The clearing weather also uncovered other fires. Largest of them is a 700,000-acre fire near the mining community of Flat, about 350 miles northwest of Anchorage.

Numerous other large fires in the Territory continue to burn unchecked.

Mr. Speaker, huge as it is, the cash value of the timber burned is only a minor part of the loss to forest fires.

These forests protect our watersheds when a shortage of water already limits the growth and development of many communities. When these forests go, so does the watershed. And a forest fire does incalculable damage to soil, mining, grazing, recreation, fish, and wildlife.

These fires bring forest management to a standstill. Overnight there must be a shift from a long-term plan of harvesting of mature timber to immediate salvage logging. This upsets economic balances all the way from nurseryman to logger to consumer.

Fires are largely responsible for the lack of reproduction on the 73 million acres of United States forest land now poorly stocked. Fires often create conditions which lead to a build-up of insect or disease epidemics. And often, worthless species of trees replace desirable ones following fire.

The senior Senator from Montana [Mr. MURRAY], the junior Senator from Montana [Mr. MANSFIELD], and I have introduced companion bills to expand the Forest Service's research program for prevention and control of these forest fires. We would authorize a comprehensive forest-fire-research program and establish three regional laboratories. Such an investment would result in more effective fire control with material savings in fire-fighting costs.

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## The Sesquicentennial Year at Somerset, Ohio

EXTENSION OF REMARKS
OF
### HON. JOHN E. HENDERSON
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 1, 1957*

Mr. HENDERSON. Mr. Speaker, many of my colleagues who travel United States Route 22 through southeastern Ohio have been impressed with the attractive community of Somerset in Perry County. As with all visitors, however brief their stay may be, they recall the statue of Gen. Philip H. Sheridan, the Civil War hero, which dominates the village square. This statue of Somerset's most famous son reminds us of the legacy which this village holds from its illustrious past.

This is the sesquicentennial year at Somerset. During the week of September 22 through 28, the residents plan a celebration which will suitably mark this 150th year. These are the families of American pioneers whose forefathers found in the natural riches and scenic rolling hills of Perry County the site which succeeding generations have fashioned into a thriving and gracious village. Like the parents of Phil Sheridan who, as immigrants to America in the 1830's, found in Somerset the better place to live which they had sought, so it is today that the people of this com-

munity in the heart of our Nation, express their thankfulness for the blessings which are theirs.

I am sure that my colleagues here in Congress, from every State in the Union, join me in extending congratulations to this Ohio community, not only for having survived 150 years, but for having grown, prospered, and served as the birthplace for so many outstanding Americans, and a welcome home for all who have come there.

## Federal Water Storage Makes Local Public Dams Possible

EXTENSION OF REMARKS
OF
**HON. DON MAGNUSON**
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 1, 1957*

Mr. MAGNUSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following letter addressed to the editor of the Reader's Digest by Senators WARREN G. MAGNUSON and HENRY M. JACKSON and me concerning an article in the August 1957 edition of that publication entitled "Pacific Northwest Stands on Its Own Feet."

This is an extremely deceptive article that the Reader's Digest has published at a time when legislation to authorize Federal construction of a high dam at Hells Canyon on the Snake River is before the Congress. This article is deceptive, Mr. Speaker, as it reaches the totally illogical conclusion that since two State of Washington public-utility districts are building power dams on the Columbia River, Federal construction of such projects should be disregarded in the future. In my opinion, this article keynotes a new attack on vitally needed power projects in the Northwest such as the high Hells Canyon Dam. It seeks to mislead the public into believing that there no longer is a place in the hydroelectric power development of the Columbia River and its tributaries for Federal multipurpose projects, which, in fact, make the dams being constructed by various non-Federal entities possible.

The letter to the editor of the Reader's Digest follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D. C., July 31, 1957.*

EDITOR, THE READER'S DIGEST,
*Pleasantville, N. Y.*

DEAR SIR: This is in reference to the article in the August edition of your publication by Mr. William Hard, entitled "The Pacific Northwest Stands on Its Own Feet."

Mr. Hard does an excellent job in commending the two local public utility districts in the State of Washington, Chelan P. U. D. and Grant P. U. D., which are now undertaking the construction of two power projects on the Columbia River.

We support the efforts of these local utility districts to bring the benefits of the development of the resources of the Columbia to their local service areas. Under the Public Utility District Act of the State of Washington, these governmental groups are charged with the responsibility of developing these resources which lie within their county borders.

In the 83d Congress, the undersigned were sponsors of legislation in the House and the Senate which "deauthorized" the Priest Rapids-Wanapum project as a Federal development and permitted the Grant County Public Utility District to go ahead with construction of these dams. The Rocky Reach project did not require legislation by the Congress, never having been authorized as a Federal dam. These developments, however, were among projects in the Army 308 Report on comprehensive utilization of the resources of the Columbia and its tributaries.

We wish to emphasize a point entirely disregarded by Mr. Hard's article, in which he reaches a conclusion that these two public utility district projects prove that Federal development of the Columbia should be discarded in the future.

This point is that neither Rocky Reach nor Priest Rapids-Wanapum could have been built without the upstream water storage and river flow control provided by the Federal Grand Coulee, Albeni Falls, and Hungry Horse Dams.

Neither could such private utility dams as Cabinet Gorge, Thompson Falls, and Kerr in the upper reaches of the Columbia River system be feasible without the water storage and river flow control provided by Hungry Horse Federal Dam in Montana.

This combination of Federal multi-purpose projects plus largely power-only dams built by non-Federal entities is a working reality only because the water storage benefits exist through initial Federal development.

We feel that Mr. Hard's article, making the entirely illogical conclusion that the local utility districts should take over total development of the Columbia and its tributaries, is misleading and deceptive.

Just as Grand Coulee, Albeni Falls and Hungry Horse make downstream projects possible, so would the high Hells Canyon Dam utilize the river system's resources to the fullest. A high Hells Canyon Dam would provide 400,000 more kilowatts at site than the low dams proposed by the Idaho Power Co. In addition, and this is a point ignored by the opponents of high Hells Canyon Dam, such a project would provide an additional 436,000 kilowatts of generation at the dams downstream on the Snake and Columbia Rivers.

This is the crux of the fight for the high Hells Canyon project. Contrary to Mr. Hard's conclusion, the issue is not public versus private power development. The issue, instead, is the full development of these public resources as opposed to the partial utilization envisioned by the Idaho Power Co. projects.

Sincerely yours,
WARREN G. MAGNUSON,
*United States Senator.*
HENRY M. JACKSON,
*United States Senator.*
DON MAGNUSON,
*Member of Congress.*

## United States Savings Stamps Used as Trading Stamps

EXTENSION OF REMARKS
OF
**HON. JAMES P. S. DEVEREUX**
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 1, 1957*

Mr. DEVEREUX. Mr. Speaker, I would like to call to the attention of my colleagues in the House a unique use of United States savings stamps which have been used by a constituent of mine in place of the popular trading stamps, which are so well-known throughout the country.

A dry cleaner in my district by the name of Irvin Hackerman, of Pikesville, Md., has instituted a plan whereby he gives 60 cents in United States savings stamps to each customer who purchases $20 worth of dry-cleaning services from his establishment. Although the plan does not have the official backing of the United States Treasury Department, it has been done with their knowledge and approval.

I think Mr. Hackerman is to be commended for his originality and initiative. There are all kinds of stamp plans, but this is one that will help our Nation and will encourage thrift on the part of us all.

## H. R. 8002—A Delusion

EXTENSION OF REMARKS
OF
**HON. CLARENCE CANNON**
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 1, 1957*

Mr. CANNON. Mr. Speaker, the so-called accrued expenditure budget bill, H. R. 8002, is widely misunderstood. It will not bring about any of the beneficent results claimed in its behalf. It will confuse, not clarify the budget. It will not reduce unexpended carryover balances. It will not save money. It will result in more spending, not less spending.

Under leave to extend, I include a letter of July 30 to all Members of the House, signed by 38 members of the one committee of the House that would be chiefly affected by the plan. The letter follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
*Washington, D. C., July 30, 1957.*

DEAR COLLEAGUE: We are being urged by many well meaning people to pass H. R. 8002, the accrued expenditures budget bill. We think that the bill is bad and ought to be defeated—that the bill would tend to confuse the economy issue and increase Government spending, make it easier to get Congress to grant authority to obligate the Government.

The Appropriations Committee, the committee which would be chiefly affected by the measure, made a study of the accrued expenditures budget proposal (H. R. 8002) and issued a strong report in opposition to it on March 21, 1957. Please note page 5 of House Report 216 of this Congress.

The big argument for H. R. 8002 is that it would eliminate large unexpended carryover balances. It would not do this: It would merely substitute contract authority for appropriations. The Government would still be obligated for the completion of the long-range programs. It would put the Government into installment buying, a practice which in personal operations has led millions of families into overspending.

Under either system, of course, Congress could cancel the appropriation or the contract authority.

H. R. 8002 would delude the people for 1 year, and to some extent for 2 years, into thinking that a lot of money was being saved by the reduction of appropriations and the substitution of contract authority. Such a program would appear quite attractive and painless, but the day of rude awakening would of course come in confusion and frustration. Valuable time in the economy fight would have been lost.

It ought to be obvious to everyone that the only way to cut spending is to reduce appropriations and the granting of obligational authority. It cannot be done by shenanigans and bookkeeping schemes. Substituting contract authority won't get the job done. We tried it once and discarded it.

Generally, in appropriation bills we now fully finance long-range programs for aircraft, ships, and other long-lead-time items. Congress and the country know in advance just how big and expensive the programs are. Under H. R. 8002 we would follow the confusing process of changing the appropriation bills to provide the following: (a) funds to liquidate prior contract authority; (b) funds for the regular annual functions of the Government; and (c) additional contract authority for partially completed programs and for the initiation of new programs.

This would make less effective the work of the Appropriations Committee; it would be confusing to members of the committee and to Members of Congress generally, and it would tend to conceal from the people the fiscal action of Congress because the press would have difficulty in reporting to the people just what was happening to them under this installment-buying-dollar-down-contract-authority hodgepodge. There are other reasons why H. R. 8002 is bad legislation.

There is always room for improvement in any system, but we believe that H. R. 8002 would be a big step in the wrong direction, a step toward confusion and higher spending.

Sincerely,

CLARENCE CANNON; GEORGE H. MAHON; HARRY R. SHEPPARD; ALBERT THOMAS; MICHAEL J. KIRWAN; W. F. NORRELL; GEORGE W. ANDREWS; JOHN J. ROONEY; J. VAUGHAN GARY; ROBERT L. F. SIKES; PRINCE H. PRESTON; OTTO E. PASSMAN; LOUIS C. RABAUT; FRED MARSHALL; JOHN J. RILEY; ALFRED D. SIEMINSKI; JOE L. EVINS; HENDERSON LANHAM; JOHN F. SHELLEY; DON MAGNUSON; WILLIAM H. NATCHER; DANIEL J. FLOOD; WINFIELD K. DENTON; TOM STEED; JOHN TABER; BEN F. JENSEN; H. CARL ANDERSEN; WALT HORAN; IVOR D. FENTON; ERRETT P. SCRIVNER; CLIFF CLEVENGER; EARL WILSON; BENJAMIN F. JAMES; GERALD R. FORD, JR.; EDWARD T. MILLER; HAROLD C. OSTERTAG; FRANK T. BOW; MELVIN R. LAIRD.

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## Voluntary Retirement Assist for Self-Employed

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EXTENSION OF REMARKS

OF

### HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 1, 1957*

Mr. WRIGHT. Mr. Speaker, the self-employed people of our Nation are in many respects the forgotten people of our tax laws. The income tax law discriminates against the self-employed on several counts.

One highly significant aspect of this discrimination would be ended by the enactment of the Jenkins-Keogh bill or some substantially similar proposal. While literally millions of corporate employees, from corporation presidents on down, have enjoyed the benefits of tax-free retirement payments by their companies, the self-employed citizens of our country have been denied this privilege.

For several years, the basic Jenkins-Keogh proposal has been pending before our Congressional committees without action. It would permit a self-employed person to avail himself, within limits, of this same privilege which has been extended to executives and employees of corporate enterprises. We now are approaching the end of another session of Congress, and before we reconvene in January, I believe that very serious consideration should be given to the enactment of this legislation.

#### TEN MILLION AMERICANS

One out of every 17 Americans is self-employed. Ten million of our citizens are included in this category. This 6 percent of our population is in some respects the most crucial segment of the American economy today.

These are the individualists, the entrepreneurs, the modern prototypes of the yankee trader with his bundle of wares and the western pioneer with his dream of the future. The economy needs them if the type of capitalistic society we have known is to endure. They are the venturers, the risk takers, the planners of new enterprises.

#### WHO THEY ARE

Among their number is the farmer, the small independent businessman, the doctor and the lawyer and the dentist, the architect and the artist, the engineer, and the accountant—everyone who works for himself. The average one of them provides jobs for several others. They are indispensable to a vigorous, progressive and well-rounded society.

This group of our economy is dwindling. While 50 years ago, 1 of every 6 Americans was self-employed, a highly institutionalized society has left its mark upon their numbers. Today it is 1 in 17. There are fewer and fewer farms, and the average farm is bigger and bigger. The family farmer as a self-sustaining unit is slowly disappearing from the scene.

Recent years have taken a tragic toll of the ranks of our small-business men, the historic wellspring of our economy. It is a strange anamoly that in these times of unprecedented national prosperity, business failures this year will be almost twice the total number of only 5 years ago. Bankruptcies exceed any year since the depth of the depression. It is estimated that almost 90 percent of these failures have been among the small, independent businesses of our Nation.

Tragically, their ranks are not being replenished. Young professional men and graduates of our colleges today are seeking employment, rather than striking out on their own to rise or fall as their own bosses. Security has become a more effective lure than opportunity. Pension plans and fringe benefits are more attractive than borrowing from a bank and assuming the risks of being on their own.

#### VOLUNTARY RETIREMENT

What can be done about it? Well, at least a part of the answer may be found in the efforts of several of our colleagues to make it less difficult for the self-employed to establish voluntary retirement plans for themselves. This would be accomplished, under the Jenkins-Keogh proposal, by allowing such individuals a temporary tax deferment on a limited portion of their income when set aside for their own retirement.

Actually, this would be no more than is done for other classes of our society. Such tax deferments are permitted under existing law to employees whose employers have established company pension plans which meet the statutory requirements. Substantial tax concessions have been afforded by the Congress for employed people who avail themselves of stock options, retirement programs, and accident-and-health benefits. This has been a good thing. It is producing desirable results by permitting many hundreds of thousands of employees to lay aside something for their own future security.

Why should the same principle not apply with regard to a small independent businessman, a salesman, a professional man or woman? If such a person places money into an approved fund for retirement of an employee, this amount is allowed as a deduction on his income tax. Why, since he is his own employer, should he not be allowed to do this same thing, up to a reasonable limit, for himself? Taxes would be paid on the money in later years, when he draws the benefits—just as the employee pays taxes on that portion contributed by his employer when he actually receives it.

#### THE PROBLEM

More and more small, independent business and professional people are finding it harder and harder to lay something aside for their own later years. Unlike the larger corporate businesses, they have for the most part no reserves. Legally and from a practical standpoint, the average self-employed person has practically no opportunity whatever to establish any reserves recognized as legitimate by the Office of Internal Revenue.

Such a person is vulnerable to the tides of business. He has no cushion to fall back upon. Taxes take an ever larger share of his earnings. The mounting costs of doing business eat away at whatever profit he may make. If he is in one of the professions, long years of preparation are necessary, and he unavoidably gets a late start. Usually the self-employed person's earning power rises slowly in his first years as he struggles to establish himself. For a few years, if all goes well, he will be at the peak of his earning capacity, and then it will gradually decline. Yet the small-business man, the farmer, the artisan or professional person who markets his own skill cannot depreciate himself as a building or a machine can be depreciated. He can take no depletion allowance on his own waning energies.

The problem of how to plan any sort of protection for his family or retirement for his own later years is a growing

enigma of mounting frustration for an increasing number of self-employed Americans who are caught in this squeeze. While the tax laws happily have been written so as to help millions of their fellow citizens to achieve a dignified retirement, these laws incongruously work to discourage any such course on the part of the self-employed.

THE SOLUTION: HOW IT WORKS

The authors of the Jenkins-Keogh bills have proposed a solution. Here is the way it works:

First of all, a self-employed person would be permitted during his productive years to set aside a small portion of his own net income into a restricted retirement annuity or a restricted retirement fund and to exclude these premiums from his gross taxable income.

Second. A limit is placed upon the amount which may be deducted for this purpose in a given year. The bill provides that it may not exceed 10 percent of the person's earned net income, and in no case may it be more than $5,000.

Third. A lifetime limit also is established, providing that in no case may any individual deduct for these purposes more than 20 times his maximum annual contribution.

Fourth. A restricted retirement fund is defined as a trust or custodial account established under a retirement plan. Moneys held in such a fund could be invested only in Federal, State, and municipal securities, corporate stock or securities listed on a recognized exchange, or stock in a so-called regulated investment company meeting the requirements of section 851 of the Internal Revenue Code.

Restricted retirement policies in which a person could invest would include life insurance or annuity contracts except term insurance. This could include both newly issued policies and existing policies. In the case of life-insurance policies no deduction would be allowed for the portion of the premium attributable to the cost of life-insurance protection.

Fifth. Earnings realized from these systematic savings which the bill makes possible would be subject to income tax when distributed to the individual, either as lump-sum payments, annuities, or payments to beneficiaries upon the death of the insured.

Sixth. A special rule would be provided in the case of persons already having attained the age of 50 years when it goes into effect. Since they would be expected to have only a few years in which to build up a retirement fund, the allowable deduction in their case would be increased one-tenth for each year of age over 50 and under 70.

Seventh. The bill contemplates that generally retirement funds would be payable at age 65, with certain exceptions. Payments accruing before this age would be recognized in event of death or disability.

AS COMPARED TO SOCIAL SECURITY

An essential feature of this plan is that it encourages the establishment of pension plans by individuals on a wholly voluntary basis. There is no coercion. Independent business and professional men would be able to participate where they feel that the program is one which fills their own retirement needs.

I realize that many of these self-employed now are covered by social security, while some groups are not. Yet, as millions of pensionless employed people can testify from personal experience, social-security pensions are not in themselves adequate to afford the protection necessary to a dignified retirement. Many persons are ruled out on the ground that they continue to earn more than $100 a month after reaching the age of 65 and are therefore ineligible to receive OASI benefits. Retirement from the role of wage earner is not necessary under the regulations relating to private pension plans.

As a matter of fact, there is a very serious question as to whether indeed it is good for the economy to expect people to retire altogether upon becoming 65. Certainly it is highly questionable as to whether this is good for the individual. Huxley said, "The greatest shock which can be rendered to the nervous system of an individual is the feeling that one is useless," or that there are no longer constructive contributions for him to make to society.

With the gradual, steady increase of life expectancy, we need seriously to reexamine our concepts about retirement. A growing number of our senior citizens have been discovering that a sudden and abrupt retirement after many active years is the worst thing that can happen to them. They still have energies and ambitions and desires to contribute effectively in some productive, though less strenuous and less demanding, pursuit. What seems to be needed is not an abrupt enforced retirement, but a gradual tapering off in which the individual, with the benefit of supplemental retirement income, may still engage in somewhat less active but nonetheless satisfying creative work.

Many employed people coming under retirement plans set up through their companies are today enjoying the fruits of their own savings, matched by those of their employers, and are thus finding this type of retirement possible. This bill would provide the same possibility for self-employed and professional people, for whom there are no guaranties nor even any reasonable probability of escape from the vicissitudes of old age which afflict them in exactly the same way as their counterparts who have throughout their active careers been employed.

As a matter of fact, the social-security program is intended only to provide the minimum benefits necessary for a subsistence standard of living. This has been a blessing for countless thousands. Yet what we seek here is to provide a second layer of benefits for retirement and survivorship purposes which will permit recipients to lay aside for themselves an additional buffer, created by their own labors, which will mean the difference between a retirement in dignity and an existence at mere subsistence level.

TAX RELIEF FOR SMALL BUSINESS

We have heard a very great deal about tax relief for small business. Here is one, specific, concrete method by which some help can be extended to the small, independent business and professional people of the Nation, not by placing them in a favored position, but simply by removing the discriminatory provisions which present tax law imposes against them. Executives of our large corporations, technically as employees, can take advantage of the law permitting deductions of amounts set aside by the corporations for their retirement. They are, in fact, doing so. Yet the independent businessman, the sole proprietor or partner of a small business, cannot do this.

When you examine the specific proposals of the Cabinet Committee on the subject of tax relief for small business, you will discover that they are confined to tax relief for small corporations. I have no quarrel with offering tax relief to small corporations when and as we can afford it, but it should be emphatically pointed out that this does not by any stretch of the imagination meet the needs of the small-business men of our country.

The plain fact of the matter is that the vast majority of our small businesses are not corporations. Of the total businesses filing income tax returns, corporations constitute only a meager 7 percent. In the small-business category, corporations represent even a smaller percentage of the whole. At least 95 percent of those legitimately coming under the heading of small business are partnerships or individual proprietorships. Tax relief which was confined to small corporations, therefore, would certainly not reach those who need it the most.

REVENUE LOSS NEGLIGIBLE

Here is an opportunity to provide a service for these small, independent people, and to do so without appreciable net revenue loss to the Government. Taxes deferred while the saving is going on will be paid when the retirement benefits are drawn down. For a few, this will result in a loss to the Government, since the rates of taxation would be somewhat higher on the basis of their total incomes when they are at their peak earning capacity.

Yet the self-employed are not the rich. On the average, they are not even well off. The average income of all persons throughout the Nation is $4,696. Average income among the self-employed persons, surprisingly enough, averages less than half of that figure, or only $2,205. Less than 2 percent of the self-employed had adjusted gross incomes as high as $15,000. More than two-thirds of the people in this category are grossing less than $5,000 a year.

Therefore, it would be wholly illogical to assume that enactment of this bill would open the door to large-scale deductions. On the average, they would probably amount to $100 a month or less set aside by the independent business, farm or professional person for his own retirement in future years.

Without something of this kind, it is going to be increasingly difficult for such people to pursue any intelligent plans for their own futures. Without some such provision in law, and perhaps even with it, we shall continue to see young men and women seeking their futures in

increasing numbers with the large corporations.

There shall be a need for enterprising people in the future. There is a need to rekindle the spirit of opportunity in the youth of this country. There is need to make the venture of self-employment attractive, to the end that this Nation may continue to be the land of individual opportunity. I hope the Congress will give serious consideration to these matters at an early date, in order that the self-employed may not continue to be the forgotten people of our tax laws.

## Republican Record of Accomplishments by Executive Departments, 1953–57

EXTENSION OF REMARKS
OF
### HON. LEE METCALF
OF MONTANA
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 1, 1957*

Mr. METCALF. Mr. Speaker, in the Republican Record of Accomplishments by Executive Departments, 1953–57, we find these words:

> Coupled with the achievements of the Eisenhower administration, history demonstrates that the Republican Party laid the groundwork for much of the natural resources legislation now on the books. For example, the Republicans:
>
> Put through the first Reclamation Act in 1902 providing that all moneys received from the sale and disposal of public lands in 16 Western States should be set aside in a special Treasury fund for irrigation projects and reclamation uses.
>
> Provided for the first installation in 1906 of hydroelectric power in reclamation projects with preference in the sale of such power to public and municipal users.

It is true that the Republicans helped put through the first Reclamation Act, but the party has been of scant assistance in making it effective in the more than 50 years that it has been on the books.

It is true that the Republicans included a preference clause in the 1906 act. But for the past 20 years, and particularly in the Eisenhower administration, Republican policy has been to destroy preference.

The history of Federal preference acts is not one continuous stream, but similar threads run through. The early-preference clause—1906—was apparently based on the simple, but now challenged, belief that if and when electric power was generated from reclamation dams, nonprofit, public groups had first call on this nonprofit public power produced at publicly financed projects.

Later preferences such as those in the TVA Act, the Reclamation Act of 1939, the Flood Control Act of 1944, and the Bonneville Act of 1938, as well as the preference in the Atomic Energy Act of 1954, all stemmed from a later and more conscious use of preference as, first, in the 1906 act and, second, as an antimonopoly, competitive yardstick device to force the monopolistic private-power industry to look to its P's and Q's on costs, not unit profits, in other words, an abundance of power at low cost, and marketing policies designed to achieve this end. Moreover, in the later acts nonprofit cooperatives were given preference along with local and State governmental units and the Federal Government itself.

The passing years have made it more and more clear that a preference to purchase power is of limited value to small, nonprofit systems unless transmission lines are provided either to actually transmit the power out to the load centers of these small systems, or to serve as a bargaining lever to compel private-power companies to wheel—transmit—power over their lines at reasonable prices.

Another aspect, which was to result in controversy, was over whether preference was to be a continuing preference, that is, whether the increasing requirements of preference customers could be met by withdrawing power from nonpreference customers—after reasonable notice—or whether preference was a one-shot deal and once the power was marketed a right to its continued use became vested in the purchaser, preference or nonpreference.

Another complication has been related to the fact that in a great many hydropower installations the most economic use of the water is to install large capacity in terms of kilowatts with the result, especially where streamflow is erratic, that such capacity can be used for peaking purposes. Although this is the most economic use of hydro installations, it poses real problems for small nonprofit systems who do not have thermal capacity which will enable them to use the peaking capacity or to firm up the secondary energy which flows from the generators in periods of more than normal waterflow.

The attempts to negotiate reasonable contracts with private power companies, trading them valuable peaking power for firming or other capacity have been beset with sabotage, and efforts to get thermal power built by Federal agencies to firm up such power have been unsuccessful in every instance except in the case of TVA, due to the bitter opposition of the power companies.

A further aspect, which deserves consideration in any discussion of preference, is the manner in which Federal wholesale power rates are determined. Where power companies could get the power, they wanted it cheap. Where only the power companies had transmission lines into the dams, they wanted it cheap. But where preference customers had access to the power, the power companies and their numerous fronts have cried about subsidized power and have attempted to get the price of the power raised so high that it would in fact be unattractive to preference customers.

One means has been to jack up the allocations of joint costs of projects to power. Another has been to impose a purely artificial accounting system. Another has been to attempt to force power rates to be fixed on the basis of the cheapest alternative source, that is, private power company rates in the adjoining area.

Preference has no meaning if there is no new power coming on the line from Federal projects. Therefore, one way to harpoon this antimonopoly instrumentality is to dry up the source of new funds either by withholding appropriations, or by destroying feasibility on which authorizations must be based, or by instituting some kind of partnership scheme whereby control of the power produced is shifted to private interests.

Under the Eisenhower administration few stones have been left unturned to bulwark the private-power interests at the expense of their nonprofit, competitive yardsticks.

Basic to this achievement has been the attempt, so far unsuccessful, to establish a partnership between power companies and the Government.

The revised A–47 and the Executive orders under which Federal agencies such as the Corps of Engineers now carry out feasibility studies illustrate the extent to which the administration has gone in an effort to destroy feasibility, prevent authorization of new projects, and dry up Federal sources of power.

The Eisenhower partnership policy is designed to destroy preference and any real element of yardstick competition in the power industry by turning over the hydro resources of the country to the private-power companies.

By August 1953, the Department of Interior had abrogated the policy views of earlier administrations in a formal document full of doubletalk.

In September, Assistant Secretary Fred G. Aandahl in a speech at Fargo, N. Dak., announced the "reverse" yardstick. He said that within a few years the cost of Federal power would be so close to that of private-power companies that preference customers would have no advantage in getting Federal power.

In September 1953 the Department of Interior in its "marketing criteria for the Missouri Basin" sought to destroy the "continuing" nature of preference and contract away all Federal power not tied up in preference contracts to the private power companies. This criteria still exists—but the Langer-Kefauver hearings forced an abandonment of the contracting in fact.

In the Southwest the first Ike Republican Congress abrogated the contracts SPA had with the cooperatives. The cooperatives were saved from destruction only by the courageous investigations of Representative EARL CHUDOFF and the subsequent action of a Democratic Congress in repudiating this breach of faith.

In the Bonneville area (with Bonneville having the strongest, clearest, and most unequivocal preference provision of any Federal act) "Giveaway" McKay evaded preference by placing a 10,000-kilowatt limitation on new loads of preference customers, sold an important Oregon transmission line to private utilities, and in general did his best to destroy the rights of preference customers.

In Georgia, the Department of Interior attempted to force contracts on the rural electric systems which would have effectively eliminated their preference rights. This was so outrageous a violation of law that even Attorney General Brownell felt called upon to issue

an opinion stating that the contracts were illegal and "flouted the will of the Congress."

## Statement of Congressman Harlan F. Hagen

EXTENSION OF REMARKS
OF
### HON. HARLAN HAGEN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 1, 1957*

Mr. HAGEN. Mr. Speaker, I submit for consideration of the membership the statement which I will deliver tomorrow at an Internal Revenue Service hearing devoted to proposed new Service regulations dealing with firearms and ammunition sales.

The statement follows:

STATEMENT OF CONGRESSMAN HARLAN F. HAGEN CONCERNING PROPOSED REVISION OF INTERNAL REVENUE SERVICE REGULATIONS DEALING WITH INTERSTATE TRAFFIC IN FIREARMS AND AMMUNITION

My name is HARLAN F. HAGEN. I am United States Congressman from the 14th District of California. I wish to voice objections to certain sections of the proposed revision of the Federal Firearms Act regulations which are the subject of this hearing.

Specifically, these sections are:

1. Section 177.50, identification of firearms,
2. Section 177.51, firearms records.
3. Section 177.52, ammunition records.
4. Section 177.54, over-the-counter sales to individuals.
5. Section 177.55, authority to examine records.

At the outset, let me say that I do not believe that the Congress intended a law designed to assist police authorities in the general recording of traffic in firearms to be twisted into an instrument to harass legitimate traffic and discourage the private ownership and use of firearms. The philosophy of the police state control evident in these proposed revisions of regulations is nowhere supported in the legislative history of the Federal Firearms Act, or the National Firearms Act; to the contrary, Congress has, through the establishment of the National Board for the Promotion of Rifle Practice, consistently encouraged the private ownership and use of individual firearms and has appropriated millions of dollars toward this end over the last 40 years. I believe that it would be much more in keeping with the overall legislative intent of Congress if regulations were designed to encourage the lawful ownership of firearms rather than to place such extensive control upon their ownership and use as to discourage the average citizen from so doing.

With regard to specific objections to certain sections of the proposals, I wish to comment as follows:

SECTION 177.50, IDENTIFICATION OF FIREARMS

I believe that representatives of the domestic firearms industry and firearms importers have or will testify at this hearing that a large proportion, possibly as high as 30 percent, of firearms presently being manufactured do not carry serial numbers. This condition has existed ever since the manufacture of firearms began centuries ago, and even discounting, for the purpose of this discussion, those weapons which are obsolete or antiques, it is obvious that vast quantities of these firearms are presently in channels of trade or owned by individuals and have no serial numbers and which, if this regulation is adopted, could not be transported in interstate commerce. The intent of the Federal Firearms Act was to attach a penalty to the possession of a firearm from which the original manufacturer's serial number, when such existed, had been removed, altered, or obliterated, obviously for purpose of concealment of unsavory history pertaining to that individual weapon. Congress did not then and does not now intend that every firearm shall be serially numbered regardless of origin or condition.

SECTION 177.51, FIREARMS RECORDS

The proposal that dealers maintain permanent records is completely unrealistic from the standpoint of the taxpayer and the Government. Past regulations have required maintenance of regulations for 6 years, which is more than ample for any reasonable administration of the provisions of the Federal Firearms Act. Maintenance of records in perpetuity would result in enormous expense to serve no practical purpose.

SECTION 177.52, AMMUNITION RECORDS

This section proposes to record the sale of every round of pistol and revolver ammunition sold in the United States and would require evidence of the identity of the person to whom it is sold. The objectives to be aimed for the promulgation of such a regulation leave me completely mystified. Thousands upon thousands of small local hardware and general stores stock and sell such ammunition but only in intrastate trade. They are not subject to the provisions of the Federal Firearms Act and not required to be licensed; in addition, the Federal Government itself sells to members of rifle clubs and to rifle clubs, thousands of rounds of pistol ammunition from Government arsenals on which no record is kept as to the identity of the person finally receiving the ammunition.

SECTION 177.54, OVER-THE-COUNTER SALES TO INDIVIDUALS

This section is obviously designed with the philosophy of the police state in mind. It proposes to register the ownership of firearms, a concept that the Congress refused to incorporate in the National Firearms Act and in the Federal Firearms Act despite the urgings of the then Attorney General. This provision seeks to do by regulation what the Congress has refused to do by legislation.

Two further objections are: (1) That the law and the regulations are silent as to the fate of the millions of firearms presently owned, and (2) that it exceeds the interstate power of Congress because such transactions are wholly local in nature and if subject to regulation are subject to regulation by the State, not by the Federal Congress.

SECTION 177.55, AUTHORITY TO EXAMINE RECORDS

This section provides for the inspection of premises and stock, in addition to inspection of records. There is no objection to inspection of records at any reasonable time but inspection of premises and stock is another matter which should be done only under the authority of a search warrant issued for proper cause. There was and is no history of abuse by dealers or manufacturers which would make necessary such authority.

I hope that at the conclusion of these hearings the Internal Revenue Service will take under advisement the possibility of forming better contacts with the firearms industry and the public so that these pitfalls in proposed regulations may be avoided and the necessity for hearings such as these eliminated.

Speaking for myself, I have received a considerable volume of mail on this subject, and to my knowledge so have many other Members of Congress. I am confident this would have been avoided if those affected had been able to point out on an informal basis the expected difficulties.

There is nothing more provocative of spontaneous public wrath than interference with the constitutional right of our citizens to keep and bear arms. This reservoir of support for protection of a valuable right is not surprising.

An estimated 10 million persons in the United States keep and use firearms for peaceable purposes or for justified self-protection. In my State of California there are over a million hunters and fishermen. Most of them use and own firearms. It is estimated that persons engaged in wholesome target shooting alone spend over $800 million for that purpose.

It should be noted that in the face of this widespread usage of firearms by law-abiding citizens very few injuries are received therefrom. For example, in terms of per capita usage and injury, the automobile is a much more dangerous weapon.

Regulations such as those proposed seek their main justification in the desire to prevent and detect criminal use; however such regulations are quite ineffective for that purpose and have the disadvantage of burdening the rights of legitimate users and have their chief impact against such legitimate users. New York State has a rigorous law which, according to my understanding, bans the use of pistol-type weapons by all citizens. Yet New York has a high crime rate involving such weapons. On the other hand Switzerland requires every able-bodied citizen to own and maintain a firearm. Switzerland stands first among the nations in lack of incidents of crime. There may be other reasons entering into the comparative crime rates of New York State and Switzerland but this comparison certainly demonstrates that there is no provable connection between the private ownership of firearms and the occurrence of crime.

I would respectfully request that the proposed new regulations be abandoned forthwith.

## John L. McClellan

EXTENSION OF REMARKS
OF
### HON. JAMES W. TRIMBLE
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 1, 1957*

Mr. TRIMBLE. Mr. Speaker, at the State convention of the American Legion, Department of Arkansas, on July 26, Senator JOHN L. MCCLELLAN was given a most distinguished service citation. This is an honor well deserved by our senior Senator, who has brought honor not only to himself and his family but to all the rest of us by his work in the Congress and for our State.

I was not privileged to be at the convention. However, my good friend Ulys A. Lovell, of Springdale, Ark., retiring State commander, has sent me a copy of the citation, his remarks introducing Senator MCCLELLAN to the convention, and the Senator's address accepting the citation, all of which I insert in the RECORD:

Nationally the American Legion has for a number of years conferred on distinguished citizens of the United States a most distinguished service citation. These citations are based upon the contribution of the recipient to the principles of Americanism. Among the very first principles of the American Legion, as shown in its preamble following the words: "For God and country we

associate ourselves together for the following purposes" are:

1. To uphold and defend the Constitution of the United States of America.

2. To maintain law and order.

3. To foster and perpetuate 100 percent Americanism.

This distinguished service citation is given by the American Legion to that citizen, veteran or nonveteran, who the American Legion feels has contributed most to Americanism. Here in Arkansas we haven't as yet until tonight made an award of this nature. When I canvassed my policy committee and other distinguished Legionnaires in Arkansas as to the man on whom we should confer this citation, they were unanimous in recommending Senator JOHN L. MCCLELLAN.

Senator MCCLELLAN has a distinguished Legion background. He entered the service August 26, 1917, and was discharged February 4, 1919. He was commissioned after serving due time as a buck private and attended the Second Officers Training Camp, a first lieutenant in the Signal Corps of the United States Army.

Immediately after his discharge he organized the American Legion Post at Sheridan in 1919. When he moved to Malvern he transferred his membership in the American Legion to the post in that city. Since living in Camden he has been a member of Robert Jackson Post, No. 45, of Camden, continuously. He is a member of the 40 et 8 Voiture, at El Dorado. He has been continuously a member of the American Legion since organizing the post at Sheridan so that when his 1958 dues are paid he will be a 40-year member of the American Legion.

JOHN MCCLELLAN was born with a deep burning ambition. An ambition to make something of himself; an ambition to rise above the humble surroundings of his birth; not that there was anything wrong with those surroundings for there wasn't, but an ambition to achieve a status in the world whereby he could improve the lot of those in whose surroundings he was born. He was always interested in the law and politics; studious, with a sense of understanding far beyond his years of what was going on around him he passed the bar examination at the age of 17 and a special act of the legislature had to be passed so that he could be admitted to practice. He early became interested in politics as a natural implement of his legal education. He served his city, county, and district in various offices of those governing units and in 1934 was elected to the House of Representatives. In the House of Representatives that ambition to be of service to the people he served began to achieve fruition. He was the author of a great deal of constructive legislation of national interest dealing with schools, labor relations, Internal Revenue Code and budgeting procedure to effect substantial economies in governmental operation. In November 1942, he was elected to the high office of United States Senator and is now serving his third term as senior Senator from Arkansas. The willingness to work and a burning desire to do something for people still hasn't deserted Senator MCCLELLAN. He is a member of 3 standing committees; 2 special committees, and 13 subcommittees. His determined opposition for more than 20 years to totalitarian aggression has made him a leader of the Free World's fight against communism both in the United States and abroad. When it looked as though the liberals, wooly heads, and fuzzy thinkers in our Government might work out a plan whereby Communist China could be admitted to the U. N. JOHN MCCLELLAN grabbed the ball and put through the Senate a resolution stating that it was the sense of the United States Senate that those representing the United States at the United Nations, should do all they could to keep Communist China from being admitted to the United Nations. In a great many hearings his painstaking, thorough research has flushed from cover a number of Communists and the work that he has carried on has given to other committees and to their members, leads whereby they have been able to flush out Communists in our country.

Yet, with all his desire to flush out communism in Government or out, he has been meticulous in protecting the rights of individuals under our Constitution. He has no patience with those, however, who would attempt to use the Constitution to cover up their Communist ties. Senator MCCLELLAN'S thinking on Americanism is balanced. He is now engaged in the Senate in digging out corruption and graft as related to the labor movement and I am sure he will mention in his remarks the fine response he has gotten from the laboring people themselves. Senator MCCLELLAN has been one of the most ardent advocates of our public-school system and has used every effort to improve the free public-school system in this country and yet at the same time, keep the hand of bureaucracy off them.

Recently I came across a statement which I think sums up Senator MCCLELLAN'S public life better than any other:

"It is almost impossible to make a single-valued judgment of Senator MCCLELLAN'S kaleidoscopic activities. He is one of those rare gadflies who can keep the public intelligence from lethargy and its conscience from indifference."

Based then on Senator MCCLELLAN'S contribution to Americanism in the State of Arkansas, the United States, and the world as exemplified by his words and deeds in the Congress of the United States, it gives me a great deal of of pleasure to award to Senator JOHN L. MCCLELLAN, on behalf of the Arkansas Department of the American Legion, our first annual Most Distinguished Service Citation and plaque which accompanies it. The citation is as follows:

"MOST DISTINGUISHED SERVICE CITATION—HON. JOHN L. M'CLELLAN

"Whereas Senator MCCLELLAN has waged an unceasing and an unrelenting fight in the United States House and Senate against atheistic communism in all its forms; and

"Whereas Senator MCCLELLAN is an ardent advocate of the separation of powers as ordained by our Founding Fathers; and

"Whereas no public figure excels him in respect and admiration for the Constitution of these United States, and no public figure excels him in contempt, disdain, and ridicule of those who attempt to negate the Constitution; and

"Whereas Senator MCCLELLAN has by his untiring and herculean efforts on behalf of the common man, earned the approbation of all those who believe in the dignity of man; and

"Whereas Senator MCCLELLAN has, by his unselfish devotion and service to the peoples of Arkansas and these United States, fostered and helped to perpetuate a 100 percent Americanism; Now, therefore

"The American Legion, Department of Arkansas, is proud to award to JOHN L. MCCLELLAN, Arkansas' senior United States Senator, its first annual Distinguished Service Citation in recognition of his contribution to the American way of life and in recognition of his devotion to the principles of Americanism.

"This the 26th day of July 1957.

"THE AMERICAN LEGION,
DEPARTMENT OF ARKANSAS,
"By ULYS. A. LOVELL,
*"Department Commander.*

"Attest:

"JOEL A. BUNCH,
*"Acting Department Adjutant.*

REMARKS OF SENATOR JOHN L. MCCLELLAN, "ALL-STATE" BANQUET, AMERICAN LEGION AND AUXILIARY, LITTLE ROCK, ARK., JULY 26, 1957

Distinguished Legionnaires, members of the Legion Auxiliary, my friends and fellow citizens of Arkansas, the honor you have so graciously conferred upon me in the presentation of this citation award and plaque has aroused within me emotions of gratitude and sentiments of appreciation that mere words and beautiful phrases are inadequate to express. When I say that I am thankful, overjoyed, and happy, it comes from the depths of my heart.

This recognition I had not expected. It is one, I know, many others are more deserving to receive. The nature of the award, and your authorship of it, strike many tender feelings in my being. There is no other patriotic organization that could confer such an honor upon me from whom I would rather receive it. I shall always cherish it.

I accept this award and the honors associated with it with grateful appreciation and in profound humility. But I accept it not alone for myself, my wife, and family but also for and in the name of the fine citizens of our great State, whose quality of patriotism and Americanism I am proud to acclaim as being of the highest and best and unexcelled anywhere in the world.

I accept in that spirit because I want to give credit where credit is due—credit to you, the members of the American Legion and the Legion Auxiliary, and to all the people of Arkansas who have in the exercise of their franchise elected me to the high office of United States Senator and afforded me the opportunity to labor conscientiously—and I hope sometimes effectively—in the vineyard of service to our country.

So, I say to you tonight with all the emphasis I can command that my gratitude for the high privilege and honor of serving our wonderful State in the greatest and most majestic law-making body in the world deepens and increases with the passing years.

Each succeeding session of the Congress has thrust upon me new duties and added responsibilities. The workload of your Senators and Congressmen mounts higher and higher as the Federal Government grows bigger and its problems become more complex and complicated. This accelerated growth is only in part due to international commitments we have made and obligations we have assumed in the fight against the Communist, worldwide conspiracy and in our struggle to maintain and preserve peace.

This so-called cold war conflict has necessitated enormous expenditures for military preparedness here at home. We have generously assisted other countries for the purpose of aiding them to withstand and resist any totalitarian threat of aggression and conquest. Currently, the cost of our national defense program and foreign commitments is approximately $45 billion annually.

But there are many other contributing factors to the swollen cost and bigness of our Government. In response to popular demand, many new domestic programs have been, and are being, initiated and existing programs expanded and increased governmental services are being provided. All of these make for astronomical Federal expenditures and burdensome taxation of our people.

This huge spending by Government is generally acknowledged to be one of the causes of inflation, but there are other pressures in our economy that contribute mightily to the continuing rising prices and high cost of living.

The leapfrog process of large increase in wages, and then a corresponding increase in the cost of products to consumers keeps the spiral of inflation ascending upward and onward to new plateaus of greater danger.

This, in my judgment, is one of the gravest domestic problems we face.

Your Government has tried, and is trying, some measures to combat these forces, but none so far have proved to be adequate or very effective. Many ideas have been advanced and proposals made by leading economists, and by our best statesmen. Some of them may be worthy of application and if tried might prove helpful, but I regret to say as of now we have not found the answer to this most vexing and continuing problem.

Unless we do find a way to check these inflationary forces and stabilize our economy, we may have to pay a terrific price in unhappy consequences. Out of these consequences, many people will suffer the loss of their financial security.

If we are to avert those consequences, it may become necessary to apply some very harsh remedies, the nature and extent of which cannot now be foretold; but I do regard this problem of inflation and everrising cost of living as the gravest domestic problem and challenge that is facing our Government today.

So, it is no wonder that the Federal Government is today so big, so complicated, and so cumbersome that it is beyond the capacity of the finite mind of any one man to know and understand all of its ramifications, or to keep current with all aspects of its activities and administration.

On occasions like this when speaking at home, I find it impossible in a brief address to discuss all matters and subjects relating to Government, in which my audience may be interested. So, tonight I shall largely confine my remarks only to two other matters of current, major concern and of great national interest.

The first I shall speak of is presently referred to in Washington and by a large segment of the press as the big issue. It relates to the abominable so-called civil-rights bill, which passed the House of Representatives and is now being heatedly and extensively debated in the United States Senate.

Last year on 2 or 3 occasions in speeches to groups in Arkansas, I commented about a similar bill then under consideration before House and Senate committees, and I stated at that time that it was the most vicious piece of legislation that I had ever seen presented to the Congress. That was not an exaggerated statement, and it applies with equal emphasis to the bill now under consideration.

The language of the present bill was so cunningly contrived and arranged as to reflect that the intention of the author of it was to conceal rather than to reveal its true objectives and the results that it would achieve if enacted into law. The craftsmanship in drafting it definitely indicates the handiwork of an artful deceiver.

This measure was presented to the Congress as a moderate bill. The administration, through the Attorney General, and through congessional advocates of the bill, claimed that its principal objectives was to make secure the right to vote. Many among the very elect were at first deceived into believing that to be true. But they now know it was in fact grossly misrepresented to them.

If that were all the bill provided, there would not be strong opposition to it. It would be of little concern to us here in Arkansas, for I know of no qualified voter in Arkansas who is denied, or who is likely to be denied, the right to vote in elections in our State.

But the public did not know, and a majority of the Members of the Senate did not know, of the many evils the bill contains until southern Democrats began to expose them in Senate debate.

The public did not know, and were not told by the sponsors of the bill, that its primary purpose was to implement the Supreme Court's decision on segregation and thus force integration of the races in the public schools of the South.

The public did not know, and the proponents of the bill did not tell us, that the bill contained the hidden authority for the President of the United States, or for someone designated by him, to call out the Armed Forces of this country to force integration in our schools at the point of a bayonet.

The public did not know that this bill contained an infamous device that would destroy the right to trial by jury as guaranteed by the Constitution to everyone accused of crime.

The public did not know, and a few Members of the Senate seemed to know, that this bill was so cunningly contrived that it would substitute the injunctive processes in a court of equity and contempt proceedings thereon for our traditional system of indictment by a grand jury and by trial of the accused before a jury of his peers.

The public was not told, and did not realize, that this bill gives to the Attorney General the power, and makes it his duty, to file suits in the name of the United States, and at the expense of the taxpayers, against any citizen who someone may charge has deprived him of, or hindered him in securing, any of his so-called civil rights.

I could continue on and on to point out how this measure is a radical departure from our traditional constitutional system of jurisprudence and justice. I could point out that this bill would virtually set up a gestapo department in the Department of Justice, that it would establish a commission, at unlimited expense to the taxpayers, with authority for 2 years to hound, harass, and intimidate good law-abiding citizens of this country.

I could say much more about it, but the foregoing are just some of the evils we have already exposed. I can assure you that others will follow, but these exposures so far have been sufficient to shock the conscience of this Nation and to demonstrate that the bill was designed and intended as a punitive measure against the people of the South.

These exposures have been sufficient to cause many Senators to change their views, and with the happy result that part III, which contained some of the most vicious provisions of the bill, was stricken from it by a vote of 52 to 38 last Wednesday. Of course, what the Senate strikes from it could well be restored by the conferees, and I understand some of the leading proponents in the House are saying that in conference they will accept no Senate amendments. In other words, what has been stricken from the bill could again be restored, but I am encouraged to believe that unless the jury-trial amendment is adopted and the bill is reduced to a purely right-to-vote measure, it will never become a law.

I have taken the position that if the abolition of the process of grand-jury indictment for crime and trial of the accused by a jury, as guaranteed by the Constitution, is a necessary procedure to apply against a citizen of the South for alleged violation of someone's civil rights, then the same law should be made to apply to the Communist conspiracy in this country that would destroy the liberty and civil rights of us all.

Certainly, to organize, teach, and conspire to overthrow the Government of the United States by force and violence is a much graver crime than that of denying some individual the right to vote. Accordingly, I have offered an amendment to the bill that would apply the same procedure to the Smith Act and against the Communist conspirators. It is my opinion a vote on this amendment will be a test of the sincerity, good faith, and consistency of those who want to adopt this unorthodox—and in my opinion unconstitutional—procedure in so-called civil-rights cases.

If it is proper to apply such remedies against a good American citizen of a Southern State, then it is a thousand times good as a remedy against the Communists who are enemies of us all.

One of the added duties with increased responsibilities assigned to me at this session of Congress is that of chairman of the Senate Select Committee To Investigate Improper Activities in the Labor or Management Field. I am sure you already know something of this committee and its activities. I doubt, however, that the general public yet fully understands and appreciates the full scope of the committee's jurisdiction and the magnitude of the task assigned to it.

When the committee was created, it was given 1 year in which to carry out its mission, but it soon became apparent that it would be impossible to get the job done within that period of time.

During the past 6 months that this committee has been in existence we have received more than 50,000 letters and communications. Some 40,000 of them are from members, and from the wives of members, of labor unions. Of these, not just hundreds, but literally thousands of them, make complaints regarding the corruption in their union or improper practices that they know exist. To examine all of these, and to analyze and screen out those complaints that have little or no merit, requires meticulous work; and after doing that we find there are hundreds of them that do have sufficient merit as to warrant the committee's attention.

Since the committee began holding public hearings on the 26th of February, this year, it has had some 75 open sessions at which it has heard more than 125 different witnesses, with the result that much corruption, criminal and improper practices have already been exposed in a number of large unions, and some in local areas.

Presently major preliminary investigations are under way in 8 or 10 other States involving different unions and covering some new and different aspects of the problem to those heretofore disclosed by our inquiry. These include collusion and improper practices of management, racketeer control, and secondary boycotts.

Three of these separate areas and inquiries are now ready for public hearings. Others will soon be ready and this committee will continue to hold hearings from time to time during the rest of the year and throughout the recess period of the Congress. It will take the committee until December or January to process in public hearings the preliminary investigations that are now under way. Beyond that, there are complaints and charges in other areas and other unions that we have already determined will require committee action.

As I give you this report on the committee's activities, I want to emphasize again and again that there are many, many honest unions and honest union officials. It is not the purpose of this committee to destroy unionism. If the committee can carry out its true mission, and have its work and recommendations implemented by proper legislation, the result should be the elimination of the rats, the thieves, and racketeers that are now preying upon the honest working people by misappropriating and stealing their funds and by arbitrarily and dictatorily imposing practices that deny to the union members their constitutional right of democratic processes in the election of their officials and in determining union policy.

It is interesting to note that less than 2 percent of all the communications the committee has received are critical. The other 98 percent applaud and commend us in the work we are doing.

It is also extremely gratifying that Mr. George Meaney, president of the AFL–CIO, and many presidents and high officials of

other international unions are cooperating with the committee and have manifested a desire and purpose to help eradicate from unionism those undesirable elements and forces that the committee has been exposing and will continue to expose.

By its working cooperatively with the committee, we can aid the AFL–CIO in the implementation and making effective the excellent code of ethics it has adopted with the purpose of preventing improper practices and improving the standard of unionism.

I think most of you know that I have had a little previous experience in conducting investigations. This one, however, is the most difficult of any that I have heretofore experienced. We have found that we cannot get much cooperation from those who have misappropriated union funds and engaged in other improper practices. In fact, we encounter considerable obstruction and finally, in many instances, we are confronted with the fifth amendment device that is becoming so prevalent today among people who engage in wrongdoing or who use that as a pretext to keep from telling what they know on others.

Then, too, in exposing the racketeers, extortionists, and those who are preying on the innocent and hard-working, honest labor union members, those who are misappropriating union funds for their private gain, we are dealing with, in some instances, goon squad characters, hoodlums, and gangsters. They will do anything that they think they can get by with to obstruct or wreck the committee's efforts.

I knew this was a tough assignment when I took it. I knew the individual members of the committee would be sniped at, and possibly smeared, and that there would be those who would attempt to sow seeds of discord among us and stir up strife between us in the hope that they could disrupt the committee and impair its usefulness and the thoroughness of its work. I have seen some evidence of sniping at the committee from some minor segments of the press. I am happy to say, however, that both the press and the public generally have given us enthusiastic support and cooperation in this job that must be done.

I am also glad to report to you tonight that the committee is working harmoniously and that up to now we have been able to keep it truly bipartisan. There is no place in this job for partisan politics.

Those forces and elements of evil that are now operating in the labor-management field must be checked, and adequate and effective laws must be enacted to deal with them. We cannot be indifferent or complacent and do nothing and permit these forces to gain their objectives of a gangsterism economy in America. The committee will do its best and, with the overwhelming support and approval of all decent people in both management and unions, we will make America a better place in which to live.

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# SENATE

## FRIDAY, AUGUST 2, 1957

*Legislative day of Monday, July 8, 1957)*

The Senate met at 10:30 o'clock a. m., on the expiration of the recess.

Rev. Mark H. Richards, D. D., pastor, Alamo Heights Baptist Church, San Antonio, Tex., offered the following prayer:

Eternal spirit, high above us yet deep within us all, we come to this assemblage dedicated to liberty and justice for all, with a sense of commission. In a real sense we know that we are not our own. We are sent, and a great trust has been placed in us. Give, therefore, we pray, to these makers of law, great consciousness of Thy presence and guidance as they seek to make the laws of our land the true expression of Thy divine law of justice and freedom and brotherhood.

How we need depth and height and length and breadth in our lives. Give depth to our lives that we may have strong rootage and deep foundations. Grant height to our lives, we pray, for we need to see above the confusion that baffles us. Give us length of outlook and of vision beyond the immediacies of these present days. We pray for breadth in our lives; let us not be shut in by vindictiveness and irritations, but rather grant a penetrating eye for the rights and wrongs of today and a quick human sympathy that puts the brotherhood of men above selfish interests. So may these, our brothers, become the wise interpreters of Thine eternal law and brave spokesmen of Thy will. In the name of Him who said, "If ye abide in Me, ye shall know the truth; and the truth shall make you free." Amen.

### THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Thursday, August 1, 1957, was approved, and its reading was dispensed with.

### LEAVE OF ABSENCE

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Missouri [Mr. HENNINGS] be given further leave of absence because of illness.

The PRESIDENT pro tempore. Without objection, it is so ordered.

On his own request, and by unanimous consent, Mr. CAPEHART was excused from attendance on the sessions of the Senate until Tuesday next.

### CIVIL RIGHTS

Mr. JOHNSON of Texas. Mr. President, last night the Senate took an important step which will strengthen the right to vote provisions of the pending bill.

Reasonable men worked long and hard to produce a jury-trial amendment that is adequate. Their labors bore fruit in the form of a bipartisan vote of approval.

The Washington Post this morning places the situation in its true perspective. It says that the Senate action last night will prove to be a "boon" if it is "accepted in the proper spirit."

We have strengthened the bill and we have strengthened the confidence of the American people in its provisions. That alone would justify the action we took.

I think we should be able to dispose of the remaining sections of the bill within a reasonable time. There are still issues to be considered and to be debated. But I do not believe the discussion will take any considerable amount of time.

We should be able to continue the debate as reasonable men seeking to shape an effective and meaningful bill. And it will be an important step forward in protecting basic American liberties.

Mr. President, I ask unanimous consent that the editorial from the Washington Post be printed in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post of August 2, 1957]

THE STAKE IN CIVIL RIGHTS

Senate approval of the jury-trial amendment can prove a boon rather than a barrier to the protection of voting rights if it is accepted in the proper spirit. The amendment agreed to last night amounts to a very substantial concession to the sensibilities of the South. There is no excuse now for any further delaying tactics in final adoption of the civil-rights bill. At the same time, the bill as amended can materially advance the primary purpose of safeguarding the voting rights of all citizens in Federal elections.

Obviously the bill as it now stands is not all that many civil-rights champions wanted, and it is a good bit more than some southerners wanted. It has been divested of section III, which dealt with rights other than the right to vote, and it has been softened by the jury-trial amendment. Yet it still contains provisions for the creation of a Civil Rights Commission with subpena powers and for the appointment of an Assistant Attorney General for civil rights. The significance of these two provisions is not inconsiderable; and although most southern Senators, for political reasons, cannot afford to welcome them publicly, there are indications that the provisions will be tacitly accepted.

The adoption of the O'Mahoney-Kefauver-Church amendment providing for jury trials in cases of criminal contempt came about because honest men were sorely troubled. This newspaper groped along with Members of the Senate in the sheer complexity of the problem and the wish to find a reasonable accommodation. Unquestionably the issue of jury trials was used by opponents of the civil-rights bill in the beginning as a diversionary smokescreen. In the course of the debate, however, more persons began to have doubts. Was it desirable, they asked, to jeopardize one set of real or implied rights in order to secure others?

The whole reason for civil-rights legislation, of course, lies in the fact that the Constitution of the United States has not been fully accepted in parts of the South. The 14th and 15th amendments undertake to guarantee voting rights, and they are amplified by more specific laws forbidding interference or intimidation. These provisions have become dead letters in some areas because of the inability to persuade white juries to convict white defendants. But the problem was, and is, to bring about more general respect for voting rights without the sort of pyrrhic victory that would encourage political bitterness and divisions and stimulate a search for new evasions.

There is no such thing as a constitutional right of jury trial. Some 37 different statutes permit governmental agencies to enforce the law through equity proceedings rather than criminal trials. At the same time, a little-known provision of the Clayton Act of 1914 requires jury trials for criminal contempt if the contempt is a crime under other Federal or State laws, and unless the United States is a party to the suit.

The essential objective of the amended bill before the Senate is to make the United States automatically a party to suits—that is, to permit the Attorney General to sue on behalf of an individual who might be intimidated or financially unable to institute proceedings to protect his voting rights. The dilemma arose from the need, on the one hand, to insure to the courts the powers necessary to compel respect for and compliance with their orders; and the reluctance, on the other hand, to use the contempt power to punish a man summarily for actions which under laws already on the books were crimes in which defendants were entitled to jury trials.

This issue has been resolved by the amendment providing jury trials in all cases of criminal contempt, but leaving to judges summary powers to cope with civil contempt (including the power to imprison a defendant until he complies with a court order). The amendment was notably improved by a new section proposed by Senator CHURCH eliminating the provision now in Federal law that persons serving on Federal juries must satisfy requirements for State juries.

Actually this is a modification of the earlier effort by Senator NEUBERGER to deny application of the jury trial amendment to areas where Federal juries are drawn from voting lists rather than from the general population. If the amendment as approved carries out its intent, it will remove the totally unwarranted veto some States exercise against service of Negroes on Federal juries. Alert Federal judges should be able to see to it that the selection of jury panels is fair. Negroes serving on juries in contempt trials will by no means guarantee convictions even when convictions are warranted; but the breaking of this artificial restraint will enhance confidence in the jury trial amendment.

This newspaper is still troubled by the general application of the O'Mahoney-Kefauver-Church amendment as adopted. It will limit the powers of judges, not merely in voting cases, but in the entire range of Federal proceedings. This may seriously interfere with antitrust suits and similar litigation. Congress will want to appraise the results closely with a view toward narrowing the scope of the new provision if necessary.

One other question is whether the amendment, by providing a jury trial for criminal contempt, may encourage large instead of small contempt. A defendant might hope that if he defied a court order long enough and vigorously enough he would escape punishment via a jury trial. This is admittedly a danger, but we think it has been magnified. In all but a very few States voting registration is permanent. A recalcitrant registrar could be kept in jail indefinitely until he complied with a court order; and although this would not assure the voting rights of an individual in a particular election, it would most certainly be a consideration in the actions of the registrar. Moreover, under the revised method of selecting juries, a defendant could not count for sure on a sympathetic or all-white jury.

It also is important to recognize that criminal contempt is a sort of last-ditch proceeding. Means of dealing with it are necessary to give the bill teeth. But the real significance of the bill is in the equity route it provides. A person who deprived another of voting rights would be confronted with the authority and majesty of the United States. No one would relish the thought of fighting the United States; and there would in all likelihood be considerable pressure for compliance from law-abiding citizens in the community, whatever their views. It is a disservice to the South to think that there automatically would be disrespect for the courts and defiance of the law.

What has emerged is a compromise in the best tradition of dignified Senate deliberation. A filibuster has been avoided, in the initial instance, at least, by acceptance of a reasonable but less stringent measure which all but the most die-hard southern Senators should feel a moral obligation to uphold in practice. The need now is to keep the remaining debate in the same good temper and above considerations of mere partisan advantage. No attempt to guarantee civil rights against very possible abuse can succeed. But it is a plausible theory that respect for other rights stems from exercise of the ballot, and the Senate last night paved the way for new protection of the basic right to vote that should be far from meaningless.

Mr. JOHNSON of Texas. Mr. President, during the course of the debate there was some reference to the extent to which members of minority groups serve on juries. In my opinion, our action last night went a long way to eliminate any question. But I have queried two eminent judges of my State—Allen B. Haney, of Houston, and Ben C. Connally, also of Houston. I ask unanimous consent that their replies be printed in the RECORD as part of my remarks.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

HOUSTON, TEX., *August 1, 1957.*

Senator LYNDON B. JOHNSON,
*Senate Building, Washington, D. C.:*

Negroes serve on juries throughout the southern district of Texas and in my opinion in larger numbers than their percentage of population. They are in nowise discriminated against in the Federal courts of Texas so far as I am able to judge from sitting not only in this district but also in the eastern and western districts.

ALLEN B. HANNEY,
*Chief Judge, District Court.*

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HOUSTON, TEX., *August 1, 1957.*

Senator LYNDON JOHNSON,
*Senate Office Building,*
*Washington, D. C.:*

In reply to your inquiry as to the extent to which Negroes serve on petit and grand juries in this district please be advised that since my appointment in 1949 and I am confident prior to that date no distinction has been made in the selection of grand and petit jurors on the basis of race. Our jury lists do not distinguish between white and colored jurors and I cannot give you exact figures for comparsion but on the average approximately 25 percent of our jurors are colored. It is the rarest thing that a jury is impaneled which does not contain a few members of that race. The same is true percentagewise as to other minority groups.

BEN C. CONNALLY,
*United States District Judge.*

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to have printed in the RECORD two telegrams I have received with regard to Negroes serving on juries in district courts in Texas. The first is from Judge Joe W. Sheehy, chief judge of the eastern district of Texas, and the second from Judge Joe Ingraham, United States district judge for the southern district of Texas.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The telegrams are as follows:

HOUSTON, TEX.

Hon. LYNDON JOHNSON,
*United States Senate,*
*Washington, D. C.:*

This is to advise that Negroes serve as grand and petit jurors in this district without discrimination and have so served to my knowledge for a good many years. In a protracted trial which I finished recently, out of a total of 16, 12 jurors and 4 alternates, 5 were Negroes.

JOE INGRAHAM,
*United States District Judge, Southern District of Texas.*

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TYLER, TEX., *August 1, 1957.*

Hon. LYNDON B. JOHNSON,
*Majority Leader, United States Senate,*
*Washington D. C.:*

During 6 years I have been on bench Negroes have been on most, if not all, jury panels in eastern district of Texas. There is no discrimination on account of race or color in selecting jury panels.

JOE W. SHEEHY,
*Chief Judge, Eastern District of Texas.*

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## LEGISLATIVE PROGRAM—ORDER FOR RECESS TO MONDAY

Mr. JOHNSON of Texas. Mr. President I announce that following the morning hour, pursuant to an order entered yesterday, the Senate will proceed to the consideration of the bill for the extension of the Small Business Administration with 1 hour of debate, 30 minutes to a side. Then the Senate will resume discussion of the civil-rights bill.

I realize that Senators have had a long and hard week. Yesterday the Senate was in session from 10:30 in the morning until after midnight. The day before the Senate was in session from 10:30 in the morning until after 10:30 in the evening.

We have made a great deal of progress. We reached an agreement yesterday which we did not think we could reach when we started yesterday morning. We have passed the necessary appropriation bills. We think it will be possible to pass the Small Business Administration extension bill today.

Therefore I announce to the Senate that, as a result of the diligence and willingness of Senators to cooperate, it will not be necessary for the Senate to be in session on Saturday. We shall have a little reward for the achievements of yesterday.

I express appreciation to Senators on both sides of the aisle for the manner in which they conducted themselves all week, particularly for the manner in which they stood the strain of late hours last evening.

I express my personal gratitude to the staff of the Senate, including the official reporters of debates, the Parliamentarian, and the other members of the staff at the desk. I think we should have a day off.

If I may have the attention of the minority leader—because I do not wish to make a move without his knowledge and consent—I ask unanimous consent that when the Senate concludes its business today it stand in recess until noon on Monday next.

The PRESIDENT pro tempore. Is there objection?

Mr. KNOWLAND. Mr. President, the majority leader discussed this subject with me briefly yesterday. I told him that under the circumstances, and particularly if we could obtain an agreement with respect to the Small Business

Administration bill, I would have no objection to the Senate taking a recess from today until Monday.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. I do not know how late we will sit this evening. We will stay in session as late as Senators are available to address themselves to the pending subject. The Senate has made some very important decisions. I am very proud of the conclusions that have been reached. We still have some important decisions to make. However, I express the hope that perhaps by Tuesday or Wednesday we may complete action on the so-called civil-rights bill and send it to the House. I appeal to all Senators who have speeches to make on the subject, to prepare themselves. I do not believe that we are likely to have any votes early on Monday, although Senators should be on notice that there is always the possibility of a vote later in the day. I express the hope that perhaps we may be able to complete action on the bill on Tuesday or Wednesday. I appeal to all Senators, for their cooperation. I do not have any desire to put anyone off or to place anyone in a straitjacket.

The other body will have to give consideration to the bill, and we may have to consider it further before it is sent to the White House. Therefore, I think it is very important that we act as speedily as possible. I express the hope that we may be able to conclude action on the bill in the Senate by Tuesday or Wednesday.

I also express the hope that we may be able to take up the executive calendar, if it is agreeable with the minority leader. Perhaps we may be able to do that now.

Mr. KNOWLAND. Yes.

## ORDER FOR TRANSACTION OF ROUTINE BUSINESS ON MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that after the Senate convenes on Monday next at 12 o'clock there be the usual morning hour for the transaction of routine business only, with a limitation on statements of 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Tribbe, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H. R. 8643) to authorize the construction of certain works of improvement in the Niagara River for power, and for other purposes, in which it requested the concurrence of the Senate.

## HOUSE BILL PLACED ON CALENDAR

The bill (H. R. 8643) to authorize the construction of certain works of improvement in the Niagara River for power, and for other purposes, was read twice by its title and placed on the calendar.

## TRIBUTE TO SENATOR HENNINGS AND SENATOR PAYNE

Mr. NEUBERGER. Mr. President, I should like to pay a very brief tribute to the unselfish devotion which brought to the Senate floor last night the senior Senator from Missouri [Mr. HENNINGS] and the junior Senator from Maine [Mr. PAYNE].

The Senator from Maine came all the way from his home, some many hundreds of miles distant, where he has been convalescing from an illness which he has told some of us is going to require his retirement from the United States Senate next year.

The senior Senator from Missouri, who has been a leader in the cause of civil rights for many years, came to the Senate floor against the counsel and advice of his physician. We all know that the Senator from Missouri has been recovering from gall-bladder surgery.

I believe both of these Senators deserve commendation and the admiration of all Senators, regardless of which side we were on in the discussion of the jury-trial amendment. Political courage, after all, is relatively small indeed compared with the valor which will induce a person to risk his health and physical welfare for a cause to which he is dedicated.

I should like to have the record show that at least one Member of the Senate feels some tribute should be paid to the Senator from Maine [Mr. PAYNE] and the Senator from Missouri [Mr. HENNINGS] for coming here last night to the detriment or risk of their health, so that they could stand on the Senate floor to uphold a cause to which they are personally so devoted and so faithful. They deserve salute.

Mr. JAVITS. Mr. President, I desire to join with the Senator from Oregon in the expression of the sentiments he has just voiced. I feel it is not only two Senators who share that conviction, but I deeply feel every Senator here felt the same way.

Mr. NEUBERGER. I am certain the Senator from New York is correct in making the expression of admiration inclusive of all Senators.

## TRANSACTION OF ROUTINE BUSINESS

The PRESIDENT pro tempore. In accordance with the order entered on yesterday, providing a period for the transaction of routine morning business, with a limitation of 3 minutes on statements, morning business is now in order.

## EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

TRAINING OF CERTAIN EMPLOYEES AT PUBLIC OR PRIVATE FACILITIES

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the training of employees of the United States Department of the Interior at public or private facilities (with an accompanying paper); to the Committee on Interior and Insular Affairs.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Acting Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. JOHNSTON of South Carolina and Mr. CARLSON members of the committee on the part of the Senate.

## PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

The petition of Robert D. Allred, of Raleigh, N. C., relating to the establishment of an air youth program; to the Committee on Armed Services.

A resolution adopted by the commissioners of Washington County, Pa., relating to the construction of flood-control works on Chartiers Creek, Pa.; to the Committee on Public Works.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service, with an amendment:

H. R. 7910. An act to revise the laws relating to the handling of short paid and undeliverable mail, and for other purposes (Rept. No. 789).

By Mr. ANDERSON, from the Joint Committee on Atomic Energy, without amendment:

S. 2672. A bill to amend the Atomic Energy Act of 1954, as amended, to increase the salaries of certain executives of the Atomic Energy Commission, and for other purposes (Rept. No. 790); and

S. 2674. A bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 791).

## FEDERAL EMPLOYMENT AND PAY—ADDITIONAL REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES

Mr. BYRD. Mr. President as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit an additional report on Federal employment and pay for the month of June 1957, in accordance with the practice of several years standing. I ask unanimous consent to have the report printed in the RECORD, together with a statement by me which includes a summary of Federal employment during fiscal year 1956.

There being no objection, the report and statement were ordered to be printed in the RECORD.

FEDERAL PERSONNEL IN EXECUTIVE BRANCH, JUNE 1957 AND MAY 1957, AND PAY, MAY 1957 AND APRIL 1957

PERSONNEL AND PAY SUMMARY

(See table I)

Information in monthly personnel reports for June 1957 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures is summarized as follows:

| Total and major categories | Civilian personnel in executive branch | | | Payroll (in thousands) in executive branch | | |
|---|---|---|---|---|---|---|
| | In June, numbered— | In May numbered— | Increase (+) or decrease (−) | In May was— | In April was— | Increase (+) or decrease (−) |
| Total [1] | 2,401,292 | 2,393,292 | +8,000 | $963,787 | $903,746 | +$60,041 |
| Agencies exclusive of Department of Defense | 1,240,288 | 1,232,753 | +7,535 | 487,256 | 445,799 | +41,457 |
| Department of Defense | 1,161,004 | 1,160,539 | +465 | 476,531 | 457,947 | +18,584 |
| Inside continental United States | 2,196,503 | 2,187,795 | +8,708 | | | |
| Outside continental United States | 204,789 | 205,497 | −708 | | | |
| Industrial employment | 653,824 | 653,536 | +288 | | | |
| Foreign nationals | 267,823 | 269,666 | −1,843 | 29,260 | 30,139 | −879 |

[1] Exclusive of foreign nationals shown in the last line of this summary.

Table I, below, breaks down the above figures on employment and pay by agencies.

Table II, page 5, breaks down the above employment figures to show the number inside continental United States by agencies.

Table III, page 7, breaks down the above employment figures to show the number outside continental United States by agencies.

Table IV, page 8, breaks down the above employment figures to show the number in industrial-type activities by agencies.

Table V, page 9, shows foreign nationals by agencies not included in tables I, II, III, and IV.

TABLE I.—*Consolidated table of Federal personnel inside and outside continental United States employed by the executive agencies during June 1957, and comparison with May 1957, and pay for May 1957, and comparison with April 1957*

| Department or agency | Personnel | | | | Pay (in thousands) | | | |
|---|---|---|---|---|---|---|---|---|
| | June | May | Increase | Decrease | May | April | Increase | Decrease |
| Executive departments (except Department of Defense): | | | | | | | | |
| Agriculture | 96,019 | 87,147 | 8,872 | | $32,430 | $29,669 | $2,761 | |
| Commerce [1] | 52,290 | 49,965 | 2,325 | | 23,918 | 21,616 | 2,302 | |
| Health, Education, and Welfare | 52,592 | 51,735 | 857 | | 22,736 | 22,462 | 274 | |
| Interior | 56,051 | 52,409 | 3,642 | | 22,686 | 20,992 | 1,694 | |
| Justice | 30,613 | 30,231 | 382 | | 15,813 | 15,156 | 657 | |
| Labor | 5,937 | 5,974 | | 37 | 2,882 | 2,777 | 105 | |
| Post Office | 521,198 | 524,807 | | 3,609 | 194,341 | 168,366 | 25,975 | |
| State [2] | 33,965 | 33,642 | 323 | | 13,159 | 12,615 | 544 | |
| Treasury | 78,376 | 82,529 | | 4,153 | 37,597 | 35,487 | 2,110 | |
| Executive Office of the President: | | | | | | | | |
| White House Office | 389 | 386 | 3 | | 244 | 232 | 12 | |
| Bureau of the Budget | 442 | 447 | | 5 | 314 | 301 | 13 | |
| Council of Economic Advisers | 31 | 30 | 1 | | 23 | 22 | 1 | |
| Executive Mansion and Grounds | 72 | 70 | 2 | | 30 | 21 | 9 | |
| National Security Council [3] | 26 | 27 | | 1 | 19 | 19 | | |
| Office of Defense Mobilization | 273 | 260 | 13 | | 165 | 160 | 5 | |
| President's Advisory Committee on Government Organization | 6 | 6 | | | 3 | 3 | | |
| Independent agencies: | | | | | | | | |
| Advisory Committee on Weather Control | 9 | 9 | | | 4 | 6 | | $2 |
| Alexander Hamilton Bicentennial Commission | 9 | 9 | | | 6 | 7 | | 1 |
| American Battle Monuments Commission | 606 | 637 | | 31 | 101 | 95 | 6 | |
| Atomic Energy Commission | 6,910 | 6,724 | 186 | | 3,793 | 3,583 | 210 | |
| Board of Governors of the Federal Reserve System | 589 | 583 | 6 | | 320 | 310 | 10 | |
| Boston National Historic Sites Commission | 4 | 5 | | 1 | 1 | 1 | | |
| Civil Aeronautics Board | 602 | 594 | 8 | | 356 | 346 | 10 | |
| Civil Service Commission | 4,475 | 4,420 | 55 | | 2,181 | 2,020 | 161 | |
| Commission of Fine Arts | 4 | 4 | | | 2 | 2 | | |
| Corregidor Bataan Memorial Commission | 1 | 1 | | | 3 | 2 | 1 | |
| District of Columbia Auditorium Commission | 18 | 18 | | | 1 | 1 | | |
| Export-Import Bank of Washington | 185 | 187 | | 2 | 121 | 118 | 3 | |
| Farm Credit Administration | 950 | 944 | 6 | | 530 | 500 | 30 | |
| Federal Civil Defense Administration | 1,272 | 1,193 | 79 | | 606 | 569 | 37 | |
| Federal Coal Mine Safety Board of Review | 7 | 7 | | | 3 | 3 | | |
| Federal Communications Commission | 1,197 | 1,180 | 17 | | 654 | 620 | 34 | |
| Federal Deposit Insurance Corporation | 1,148 | 1,135 | 13 | | 610 | 576 | 34 | |
| Federal Home Loan Bank Board | 750 | 729 | 21 | | 374 | 356 | 18 | |
| Federal Mediation and Conciliation Service | 332 | 334 | | 2 | 249 | 238 | 11 | |
| Federal Power Commission | 758 | 713 | 45 | | 410 | 396 | 14 | |
| Federal Trade Commission | 744 | 747 | | 3 | 443 | 427 | 16 | |
| Foreign Claims Settlement Commission | 114 | 116 | | 2 | 66 | 59 | 7 | |
| General Accounting Office | 5,515 | 5,344 | 171 | | 2,634 | 2,553 | 81 | |
| General Services Administration | 27,412 | 27,401 | 11 | | 10,414 | 10,103 | 311 | |
| Government Contract Committee | 21 | 18 | 3 | | 11 | 12 | | 1 |
| Government Printing Office | 6,460 | 6,449 | 11 | | 3,183 | 3,010 | 173 | |
| Housing and Home Finance Agency | 9,893 | 9,998 | | 105 | 5,140 | 4,928 | 212 | |
| Indian Claims Commission | 14 | 14 | | | 11 | 11 | | |
| Interstate Commerce Commission | 2,188 | 2,170 | 18 | | 1,174 | 1,099 | 75 | |
| Jamestown-Williamsburg-Yorktown Celebration Commission | 5 | 5 | | | 3 | 3 | | |
| National Advisory Committee for Aeronautics | 7,992 | 7,722 | 270 | | 4,126 | 3,941 | 185 | |
| National Capital Housing Authority | 254 | 252 | 2 | | 111 | 97 | 14 | |
| National Capital Planning Commission | 36 | 33 | 3 | | 20 | 20 | | |
| National Gallery of Art | 333 | 328 | 5 | | 116 | 109 | 7 | |

[1] June figure includes 813 seamen on the rolls of the Maritime Administration and their pay.

[2] June figure includes 11,427 employees of the International Cooperation Administration as compared with 11,275 in May and their pay. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The June figure includes 2,780 of these trust fund employees and the May figure includes 2,736.

[3] Exclusive of personnel and pay of the Central Intelligence Agency.

TABLE I.—*Consolidated table of Federal personnel inside and outside continental United States employed by the executive agencies during June 1957, and comparison with May 1957, and pay for May 1957, and comparison with April 1957*—Continued

| Department or agency | Personnel | | | | Pay (in thousands) | | | |
|---|---|---|---|---|---|---|---|---|
| | June | May | Increase | Decrease | May | April | Increase | Decrease |
| Independent agencies—Continued | | | | | | | | |
| National Labor Relations Board | 1,151 | 1,125 | 26 | | $679 | $650 | $29 | |
| National Mediation Board | 109 | 110 | | 1 | 83 | 90 | | $7 |
| National Science Foundation | 323 | 300 | 23 | | 152 | 153 | | 1 |
| National Security Training Commission | 6 | 5 | 1 | | 2 | 2 | | |
| Panama Canal | 14,168 | 14,141 | 27 | | 3,669 | 3,589 | 80 | |
| Railroad Retirement Board | 2,431 | 2,361 | 70 | | 1,025 | 964 | 61 | |
| Renegotiation Board | 359 | 383 | | 24 | 275 | 271 | 4 | |
| St. Lawrence Seaway Development Corporation | 38 | 37 | 1 | | 27 | 24 | 3 | |
| Securities and Exchange Commission | 785 | 782 | 3 | | 456 | 441 | 15 | |
| Selective Service System | 6,856 | 6,963 | | 107 | 1,879 | 1,788 | 91 | |
| Small Business Administration | 1,161 | 1,111 | 50 | | 618 | 587 | 31 | |
| Smithsonian Institution | 878 | 784 | 94 | | 316 | 298 | 18 | |
| Soldiers' Home | 1,032 | 1,025 | 7 | | 260 | 245 | 15 | |
| Subversive Activities Control Board | 37 | 36 | 1 | | 26 | 26 | | |
| Tariff Commission | 217 | 213 | 4 | | 131 | 126 | 5 | |
| Tax Court of the United States | 145 | 143 | 2 | | 93 | 90 | 3 | |
| Tennessee Valley Authority | 15,651 | 15,423 | 228 | | 7,455 | 7,208 | 247 | |
| Theodore Roosevelt Centennial Commission | 8 | 8 | | | 4 | 3 | 1 | |
| United States Information Agency | 11,820 | 11,916 | | 96 | 3,555 | 3,382 | 173 | |
| Veterans' Administration | 174,022 | 176,195 | | 2,173 | 62,320 | 59,751 | 2,569 | |
| Woodrow Wilson Centennial Celebration Commission | 4 | 4 | | | 4 | 2 | 2 | |
| Total, excluding Department of Defense | 1,240,288 | 1,232,753 | 17,887 | 10,352 | 487,256 | 445,799 | 41,469 | 12 |
| Net increase, excluding Department of Defense | | | 7,535 | | | | 41,457 | |
| Department of Defense: | | | | | | | | |
| Office of the Secretary of Defense | 1,694 | 1,690 | 4 | | 1,094 | 1,054 | 40 | |
| Department of the Army | 429,236 | 428,310 | 926 | | 170,538 | 164,283 | 6,255 | |
| Department of the Navy | 389,725 | 389,022 | 703 | | 168,491 | 162,528 | 5,963 | |
| Department of the Air Force | 340,349 | 341,517 | | 1,168 | 136,408 | 130,082 | 6,326 | |
| Total, Department of Defense | 1,161,004 | 1,160,539 | 1,633 | 1,168 | 476,531 | 457,947 | 18,584 | |
| Net increase, Department of Defense | | | 465 | | | | 18,584 | |
| Grand total, including Department of Defense | 2,401,292 | 2,393,292 | 19,520 | 11,520 | 963,787 | 903,746 | 60,053 | 12 |
| Net increase, including Department of Defense | | | 8,000 | | | | 60,041 | |

TABLE II.—*Federal personnel inside continental United States employed by the executive agencies during June 1957, and comparison with May 1957*

| Department or agency | June | May | Increase | Decrease |
|---|---|---|---|---|
| Executive departments (except Department of Defense): | | | | |
| Agriculture | 94,665 | 85,762 | 8,903 | |
| Commerce [1] | 47,976 | 45,886 | 2,090 | |
| Health, Education, and Welfare | 50,740 | 49,919 | 821 | |
| Interior | 51,514 | 48,191 | 3,323 | |
| Justice | 30,069 | 29,690 | 379 | |
| Labor | 5,824 | 5,838 | | 14 |
| Post Office | 518,719 | 522,340 | | 3,621 |
| State [2] | 8,592 | 8,499 | 93 | |
| Treasury | 77,366 | 81,514 | | 4,148 |
| Executive Office of the President: | | | | |
| White House Office | 389 | 386 | 3 | |
| Bureau of the Budget | 442 | 447 | | 5 |
| Council of Economic Advisors | 31 | 30 | 1 | |
| Executive Mansion and Grounds | 72 | 70 | 2 | |
| National Security Council [3] | 26 | 27 | | 1 |
| Office of Defense Mobilization | 273 | 260 | 13 | |
| President's Advisory Committee on Government Organization | 6 | 6 | | |
| Independent agencies: | | | | |
| Advisory Committee on Weather Control | 9 | 9 | | |
| Alexander Hamilton Bicentennial Commission | 9 | 9 | | |
| American Battle Monuments Commission | 20 | 19 | 1 | |
| Atomic Energy Commission | 6,891 | 6,704 | 187 | |
| Board of Governors of the Federal Reserve System | 589 | 583 | 6 | |
| Boston National Historic Sites Commission | 4 | 5 | | 1 |
| Civil Aeronautics Board | 598 | 590 | 8 | |
| Civil Service Commission | 4,459 | 4,405 | 54 | |
| Commission of Fine Arts | 4 | 4 | | |
| Corregidor-Bataan Memorial Commission | 1 | 1 | | |
| District of Columbia Auditorium Commission | 18 | 18 | | |
| Export-Import Bank of Washington | 185 | 187 | | 2 |
| Farm Credit Administration | 940 | 934 | 6 | |
| Federal Civil Defense Administration | 1,272 | 1,193 | 79 | |
| Federal Coal Mine Safety Board of Review | 7 | 7 | | |
| Federal Communications Commission | 1,172 | 1,154 | 18 | |
| Federal Deposit Insurance Corporation | 1,146 | 1,133 | 13 | |
| Federal Home Loan Bank Board | 750 | 729 | 21 | |
| Federal Mediation and Conciliation Service | 332 | 334 | | 2 |
| Federal Power Commission | 758 | 713 | 45 | |
| Federal Trade Commission | 744 | 747 | | 3 |
| Foreign Claims Settlement Commission | 114 | 116 | | 2 |
| General Accounting Office | 5,441 | 5,269 | 172 | |
| General Services Administration | 27,313 | 27,301 | 12 | |
| Government Contract Committee | 21 | 18 | 3 | |
| Government Printing Office | 6,460 | 6,449 | 11 | |
| Housing and Home Finance Agency | 9,725 | 9,832 | | 107 |
| Independent agencies—Continued | | | | |
| Indian Claims Commission | 14 | 14 | | |
| Interstate Commerce Commission | 2,188 | 2,170 | 18 | |
| Jamestown-Williamsburg-Yorktown Celebration Commission | [4] | 5 | | |
| National Advisory Committee for Aeronautics | 7,992 | 7,722 | 270 | |
| National Capital Housing Authority | 254 | 252 | 2 | |
| National Capital Planning Commission | 36 | 33 | 3 | |
| National Gallery of Art | 333 | 328 | 5 | |
| National Labor Relations Board | 1,132 | 1,107 | 25 | |
| National Mediation Board | 109 | 110 | | 1 |
| National Science Foundation | 323 | 300 | 23 | |
| National Security Training Commission | 6 | 5 | 1 | |
| Panama Canal | 404 | 406 | | 2 |
| Railroad Retirement Board | 2,431 | 2,361 | 70 | |
| Renegotiation Board | 359 | 383 | | 24 |
| St. Lawrence Seaway Development Corporation | 38 | 37 | 1 | |
| Securities and Exchange Commission | 785 | 782 | 3 | |
| Selective Service System | 6,662 | 6,770 | | 108 |
| Small Business Administration | 1,149 | 1,101 | 48 | |
| Smithsonian Institution | 877 | 782 | 95 | |
| Soldiers' Home | 1,032 | 1,025 | 7 | |
| Subversive Activities Control Board | 37 | 36 | 1 | |
| Tariff Commission | 217 | 213 | 4 | |
| Tax Court of the United States | 145 | 143 | 2 | |
| Tennessee Valley Authority | 15,651 | 15,423 | 228 | |
| Theodore Roosevelt Centennial Commission | 8 | 8 | | |
| United States Information Agency | 2,776 | 2,774 | 2 | |
| Veterans' Administration | 172,780 | 174,957 | | 2,177 |
| Woodrow Wilson Centennial Celebration Commission | 4 | 4 | | |
| Total, excluding Department of Defense | 1,173,433 | 1,166,579 | 17,072 | 10,218 |
| Net increase, excluding Department of Defense | | | 6,854 | |
| Department of Defense: | | | | |
| Office of the Secretary of Defense | 1,650 | 1,645 | 5 | |
| Department of the Army | 366,731 | 365,197 | 1,534 | |
| Department of the Navy | 357,099 | 355,880 | 1,219 | |
| Department of the Air Force | 297,590 | 298,494 | | 904 |
| Total, Department of Defense | 1,023,070 | 1,021,216 | 2,758 | 904 |
| Net increase, Department of Defense | | | 1,854 | |
| Grand total, including Department of Defense | 2,196,503 | 2,187,795 | 19,830 | 11,122 |
| Net increase, including Department of Defense | | | 8,708 | |

[1] June figure includes 813 seamen on the rolls of the Maritime Administration.
[2] June figure includes 1,733 employees of the International Cooperation Administration as compared with 1,731 in May.
[3] Exclusive of personnel of the Central Intelligence Agency.

TABLE III.—*Federal personnel outside continental United States employed by the executive agencies during June 1957, and comparison with May 1957*

| Department or agency | June | May | Increase | Decrease |
|---|---|---|---|---|
| Executive departments (except Department of Defense): | | | | |
| Agriculture | 1,354 | 1,385 | | 31 |
| Commerce | 4,314 | 4,079 | 235 | |
| Health, Education, and Welfare | 1,852 | 1,816 | 36 | |
| Interior | 4,537 | 4,218 | 319 | |
| Justice | 544 | 541 | 3 | |
| Labor | 113 | 136 | | 23 |
| Post Office | 2,479 | 2,467 | 12 | |
| State [1] | 25,373 | 25,143 | 230 | |
| Treasury | 1,010 | 1,015 | | 5 |
| Independent agencies: | | | | |
| American Battle Monuments Commission | 586 | 618 | | 32 |
| Atomic Energy Commission | 19 | 20 | | 1 |
| Civil Aeronautics Board | 4 | 4 | | |
| Civil Service Commission | 16 | 15 | 1 | |
| Farm Credit Administration | 10 | 10 | | |
| Federal Communications Commission | 25 | 26 | | 1 |
| Federal Deposit Insurance Corporation | 2 | 2 | | |
| General Accounting Office | 74 | 75 | | 1 |
| General Services Administration | 99 | 100 | | 1 |
| Housing and Home Finance Agency | 168 | 166 | 2 | |
| National Labor Relations Board | 19 | 18 | 1 | |
| Panama Canal | 13,764 | 13,735 | 29 | |
| Selective Service System | 194 | 193 | 1 | |
| Small Business Administration | 12 | 10 | 2 | |
| Smithsonian Institution | 1 | 2 | | 1 |
| United States Information Agency | 9,044 | 9,142 | | 98 |
| Veterans' Administration | 1,242 | 1,238 | 4 | |
| Total, excluding Department of Defense | 66,855 | 66,174 | 875 | 194 |
| Net increase, excluding Department of Defense | | | 681 | |
| Department of Defense: | | | | |
| Office of the Secretary of Defense | 44 | 45 | | 1 |
| Department of the Army | 62,505 | 63,113 | | 608 |
| Department of the Navy | 32,626 | 33,142 | | 516 |
| Department of the Air Force | 42,759 | 43,023 | | 264 |
| Total, Department of Defense | 137,934 | 139,323 | | 1,389 |
| Net decrease, Department of Defense | | | 1,389 | |
| Grand total, including Department of Defense | 204,789 | 205,497 | 875 | 1,583 |
| Net decrease, including Department of Defense | | | 708 | |

[1] June figure includes 9,694 employees of the International Cooperation Administration as compared with 9,544 in May. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The June figure includes 2,780 of these trust fund employees and the May figure includes 2,736.

TABLE IV.—*Industrial employees of the Federal Government inside and outside continental United States employed by the executive agencies during June 1957, and comparison with May 1957*

| Department or agency | June | May | Increase | Decrease |
|---|---|---|---|---|
| Executive departments (except Department of Defense): | | | | |
| Agriculture | 3,125 | 3,220 | | 95 |
| Commerce | 2,448 | 2,729 | | 281 |
| Interior | 7,998 | 7,876 | 122 | |
| Treasury | 5,589 | 5,583 | 6 | |
| Independent agencies: | | | | |
| Atomic Energy Commission | 166 | 145 | 21 | |
| Federal Communications Commission | 14 | 14 | | |
| General Services Administration | 1,122 | 1,095 | 27 | |
| Government Printing Office | 6,460 | 6,449 | 11 | |
| National Advisory Committee for Aeronautics | 7,992 | 7,722 | 270 | |
| Panama Canal | 7,152 | 7,278 | | 126 |
| Tennessee Valley Authority | 12,805 | 12,589 | 216 | |
| Total, excluding Department of Defense | 54,871 | 54,700 | 673 | 502 |
| Net increase, excluding Department of Defense | | | 171 | |
| Department of Defense: | | | | |
| Department of the Army: | | | | |
| Inside continental United States | [1] 178,800 | [2] 179,549 | | 749 |
| Outside continental United States | [1] 23,150 | [2] 23,593 | | 443 |
| Department of the Navy: | | | | |
| Inside continental United States | 219,447 | 218,759 | 688 | |
| Outside continental United States | 5,680 | 5,886 | | 206 |
| Department of the Air Force: | | | | |
| Inside continental United States | 165,288 | 164,437 | 851 | |
| Outside continental United States | 6,588 | 6,612 | | 24 |
| Total, Department of Defense | 598,953 | 598,836 | 1,539 | 1,422 |
| Net increase, Department of Defense | | | 117 | |
| Grand total, including Department of Defense | 653,824 | 653,536 | 2,212 | 1,924 |
| Net increase, including Department of Defense | | | 288 | |

[1] Subject to revision.

[2] Revised on basis of later information.

TABLE V.—*Foreign nationals working under United States agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of June 1957 and comparison with May 1957*

| Country | Total | | Army | | Navy | | Air Force | |
|---|---|---|---|---|---|---|---|---|
| | June | May | June | May | June | May | June | May |
| Belgium | 6 | 6 | | | | | 6 | 6 |
| Denmark | 1 | 1 | | | | | 1 | 1 |
| England | 6,676 | 7,149 | | | 37 | 37 | 6,639 | 7,112 |
| France | 25,047 | 25,163 | 17,785 | 17,678 | | | 7,262 | 7,485 |
| French Morocco | 5,788 | 5,705 | 160 | 156 | 966 | 957 | 4,662 | 4,592 |
| Germany | 98,214 | 98,307 | 82,140 | 82,321 | [1] 421 | 421 | 15,653 | 15,565 |
| Japan | 126,487 | 127,725 | 65,349 | [2] 66,522 | [1] 19,165 | 19,172 | 41,973 | 42,031 |
| Korea | 4,888 | 4,881 | 4,888 | 4,881 | | | | |
| Malta | 118 | 116 | | | 118 | 116 | | |
| Netherlands | 41 | 41 | | | | | 41 | 41 |
| Norway | 22 | 23 | | | | | 22 | 23 |
| Trinidad | 535 | 549 | | | 535 | [2] 549 | | |
| Total | 267,823 | 269,666 | 170,322 | 171,558 | 21,242 | 21,252 | 76,259 | 76,856 |

[1] Subject to revision.

[2] Revised on the basis of later information.

NOTE.—The Germans are paid from funds provided by German Government. The French and English reported by the Army and Air Force are paid from funds appropriated for personal services. All other are paid from funds appropriated for other contractual services.

STATEMENT BY SENATOR BYRD

THE MONTH OF JUNE 1957

*Civilian employees*

Executive agencies of the Federal Government reported regular civilian employment in the month of June totaling 2,401,292. This was a net increase of 8,000 as compared with employment reported in the preceding month of May.

Civilian employment reported by the executive agencies of the Federal Government by months in fiscal year 1957, which began July 1, 1956, follows:

| Month | Employment | Increase | Decrease |
|---|---|---|---|
| 1956—July | 2,398,673 | 14,250 | |
| August | 2,400,493 | 1,820 | |
| September | 2,388,854 | | 11,639 |
| October | 2,396,163 | 7,309 | |
| November | 2,394,324 | | 1,839 |
| December | 2,389,788 | | 4,536 |
| 1957—January | 2,387,015 | | 2,773 |
| February | 2,390,517 | 3,502 | |
| March | 2,392,987 | 2,470 | |
| April | 2,395,764 | 2,777 | |
| May | 2,393,292 | | 2,472 |
| June | 2,401,292 | 8,000 | |

Total civilian employment in civilian agencies during the month of June was 1,240,288, an increase of 7,535 over the May total of 1,232,753. Total civilian employment in the military agencies in June was 1,161,004, an increase of 465 as compared with 1,160,539 in May.

Civilian agencies reporting the larger increeases were Department of Agriculture, up 8,872; Department of the Interior, up 3,642; Deparmtent of Commerce, up 2,325; and Department of Health, Education, and Welfare, up 857. Reductions were reported by Treasury Department with a decrease of 4,153;

Post Office Department with a decrease of 3,609; and Veterans' Administration with a decrease of 2,173.

In the Department of Defense increases in civilian employment were reported by the Department of the Army, up 926, and the Department of the Navy, up 703. The Department of the Air Force reported a decrease of 1,168 in civilian employment.

Inside continental United States civilian employment increased 8,708 and outside continental United States civilian employment decreased 708. Industrial employment by Federal agencies in June totaled 653,824, an increase of 288.

These figures are from reports certified by the agencies, as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

*Foreign nationals*

The total of 2,401,292 civilian employees certified to the Committee by the Federal agencies in their regular monthly personnel reports includes some foreign nationals employed in United States Government activities abroad, but in addition to these there were 267,823 foreign nationals working for United States military agencies during June who were not counted in the usual personnel reports. The number in May was 269,666. A breakdown of this employment for June follows:

| Country | Total | Army | Navy | Air Force |
|---|---|---|---|---|
| Belgium | 6 | | | 6 |
| Denmark | 1 | | | 1 |
| England | 6,676 | | 37 | 6,639 |
| France | 25,047 | 17,785 | | 7,262 |
| French Morocco | 5,788 | 160 | 966 | 4,662 |
| Germany | 98,214 | 82,140 | 421 | 15,653 |
| Japan | 126,487 | 65,349 | 19,165 | 41,973 |
| Korea | 4,888 | 4,888 | | |
| Malta | 118 | | 118 | |
| Netherlands | 41 | | | 41 |
| Norway | 22 | | | 22 |
| Trinidad | 535 | | 535 | |
| Total | 267,823 | 170,322 | 21,242 | 76,259 |

The regular monthly Federal civilian payroll in May totaled $963,787,000. United States pay for foreign nationals working under Federal agencies abroad totaled $19,366,000. Total May payroll for agencies of the executive branch of the Federal Government was $983,153,000.

These figures for the month were certified by executive agencies to the Joint Committee on Reduction of Nonessential Federal Expenditures. Payroll figures are on an actual basis and necessarily lag 1 month behind the personnel count.

Payroll for the first 11 months of fiscal year 1957, including United States funds for foreign nationals not on regular rolls, totaled $10.3 billion. This was a monthly average of $938 million, since fiscal year 1957 started July 1, 1956. These payroll figures by months follow:

[In millions]

| Month | Regular payrolls | Foreign nationals not on regular rolls (United States funds) | Total |
|---|---|---|---|
| 1956—July | $907 | $17 | $923 |
| August | 950 | 17 | 967 |
| September | 846 | 17 | 863 |
| October | 947 | 17 | 964 |
| November | 931 | 17 | 948 |
| December | 933 | 18 | 951 |
| 1957—January | 990 | 17 | 1,006 |
| February | 848 | 16 | 864 |
| March | 900 | 19 | 919 |
| April | 904 | 21 | 924 |
| May | 964 | 19 | 983 |
| Total, 11 months | 10,119 | 195 | 10,313 |

FISCAL YEAR 1957 SUMMARY (JULY 1, 1956–JUNE 30, 1957)

There was a net increase of 16,869 in civilian employment by executive branch agencies of the Federal Government during fiscal year 1957, which ended June 30, 1957. The total at the end of the year was 2,401,292 as compared with 2,384,423 in June 1956.

*Civilian and military agencies*

There was an increase during the year of 35,795 in employment by the civilian agencies of the Government and a decrease of 18,926 in civilian employment by military agencies. Employment by the civilian agencies at the year end totaled 1,240,288, as compared with 1,204,493 a year ago. Civilian employment by military agencies totaled 1,161,004 as compared with 1,179,930 in June of 1956.

*Inside and outside continental United States*

There was an increase of 17,565 in employment within the United States by the Federal executive agencies and a decrease of 696 in employment outside continental United States. Employment inside United States as of June 30, 1957, totaled 2,196,503 as compared with 2,178,938 a year ago. Employment outside the United States as of June 30, 1957, totaled 204,789 as compared with 205,485 a year ago.

## APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION—AUTHORIZATION FOR JOINT COMMITTEE ON ATOMIC ENERGY TO SUBMIT REPORT

Mr. ANDERSON. Mr. President, I ask unanimous consent that the Joint Committee on Atomic Energy may have until midnight tonight to submit a report, together with minority views, on the bill (S. 2674) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The PRESIDENT protempore. Without objection, it is so ordered.

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POTTER:

S. 2680. A bill for the relief of Suzann Kay Summitt; to the Committee on the Judiciary.

By Mr. KEFAUVER:

S. 2681. A bill for the relief of James Richard Scarlett; to the Committee on the Judiciary.

By Mr. BUTLER:

S. 2682. A bill for the relief of T. R. Mackie; to the Committee on the Judiciary.

By Mr. IVES:

S. 2683. A bill for the relief of Elias Michael Kaimakliotis; to the Committee on the Judiciary.

By Mr. JOHNSTON of South Carolina:

S. 2684. A bill to amend title 28, entitled "Judiciary and Judicial Procedure," of the United States Code to provide for the defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment, and for other purposes; to the Committee on the Judiciary.

S. 2685. A bill to provide for the procurement by the municipal government of the District of Columbia of insurance against risk to its employees of liability for personal injury or death, or for property damage, arising from the operation of motor vehicles in the performance of their official duties, and for other purposes; to the Committee on the District of Columbia.

(See the remarks of Mr. JOHNSTON of South Carolina when he introduced the above bills, which appear under a separate heading.)

By Mr. JACKSON:

S. 2686. A bill for the relief of Antonietta Ranildi Jacchea; to the Committee on the Judiciary.

## PROCUREMENT OF LIKENESSES OF SENATORS FOR PLACEMENT IN SENATE RECEPTION ROOM

Mr. KENNEDY. Mr. President, Senate Resolution 145, 84th Congress, as amended by Senate Resolution 297, 84th Congress, provided for the establishment of a special committee on the Senate reception room, consisting of five Members of the Senate, appointed by the President of the Senate, and provided for the selection by this special committee of five outstanding Senators of the past whose likenesses are to be placed in the five unfilled spaces in the Senate reception room, designed to contain medallion likenesses of outstanding Americans.

The special committee, of which I had the honor to be chairman, selected and recommended the following as the five outstanding Senators whose likenesses are to be placed in the Senate reception room:

Senator Henry Clay, of Kentucky.

Senator Daniel Webster, of Massachusetts.

Senator John C. Calhoun, of South Carolina.

Senator Robert M. La Follette, Sr., of Wisconsin.

Senator Robert A. Taft, of Ohio.

The findings of the special committee and the basis for such findings are set forth in Senate Report No. 279, 85th Congress, dated May 1, 1957, and are amplified in my remarks on the Senate floor May 1, 1957.

Since Senate Resolution 145, as amended, made no provision for the acquisition of portraits or other likenesses of these five Senators, by purchasing or otherwise, I am submitting at this time a resolution, establishing a Commission consisting of the Architect of the Capitol, the Director of the National Gallery of Art, and the Chairman of the Commission on Fine Arts, who shall, subject to the advice and approval of the Senate Committee on Rules and Administration, procure appropriate likenesses of the five outstanding Senators selected and have such likenesses placed in the Senate reception room. The resolution also provides that expenses of carrying out the provisions of the resolution shall be paid out of the contingent fund of the Senate on vouchers signed by the Architect of the Capitol and approved by the chairman of the Senate Committee on Rules and Administration.

With respect to the membership of the Commission, the Architect of the Capitol is proposed as a member because he is the officer who customarily represents the Congress in such matters; and the Director of the National Gallery of Art and the Chairman of the Commission on Fine Arts are proposed due to their expert knowledge in the field of art.

Hon. J. George Stewart is the Architect of the Capitol, Hon. John Walker is the

Director of the National Gallery of Art, and Hon. David E. Finley is the Chairman of the Commission on Fine Arts.

Mr. President, I ask that the resolution be referred to the appropriate committee.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 174) was referred to the Committee on Rules and Administration, as follows:

*Resolved*, That a commission to consist of the Architect of the Capitol, the Director of the National Gallery of Art, and the Chairman of the Commission of Fine Arts shall, subject to the advice and approval of the Senate Committee on Rules and Administration, procure appropriate likenesses of the five outstanding Senators who were selected pursuant to Senate Resolution 145, 84th Congress, as amended (S. Rept. No. 279, 85th Cong.), to have their likenesses placed in the reception room in the Capitol outside the Senate Chamber. Such likenesses may be procured either through the purchase, or acceptance as a gift or loan, of appropriate existing likenesses or through the execution of appropriate likenesses by a qualified artist or artists to be selected and employed for such purpose by the Commission.

SEC. 2. The expenses of carrying out the provisions of the first section of this resolution shall be paid out of the contingent fund of the Senate on vouchers signed by the Architect of the Capitol and approved by the chairman of the Senate Committee on Rules and Administration.

## OPERATION AND PRESERVATION OF FAMILY-SIZE FARMS

Mr. MONRONEY submitted the following resolution (S. Res. 175), which was referred to the Committee on Agriculture and Forestry:

Whereas the family-size farm provides a home and a livelihood for a substantial part of our population;

Whereas the operation of family-size farms has been the basis for the development, and is essential to the preservation, of our agricultural economy;

Whereas the maintenance of a sound agricultural economy is essential to the health, prosperity, and security of all of our people;

Whereas there are indications of trends in various parts of the country toward the establishment of large-scale corporate agricultural enterprises;

Whereas the establishment and operation of these large-scale corporate agricultural enterprises not only is inconsistent with and threatens the existence of the family-size farm system, but also introduces many new social problems such as large-scale part-time migratory farm labor, which uproots children from homes of their own and condemns them to a nomadic life spent without proper housing, schooling, or recreational benefits: Therefore be it

*Resolved*, That the Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete study and investigation with a view to ascertaining (1) the extent to which trends are developing toward larger firms, particularly those owned and operated by corporations, (2) the effects of such trends upon our agricultural economy and upon the economy of the Nation as a whole, (3) the special effects of displacement of farm families by the encroachment of corporate farming and of large farm units on urban areas, with attention to the dangers of unemployment in such centers, and (4) what steps should be taken to protect and preserve the family-size farm type of farming operation. The committee shall report to the Senate at the earliest practicable date the results of its study and investigation, together with such recommendations as it may deem desirable.

## PERSONAL LIABILITY IN SUITS FOR DAMAGES FOR CERTAIN FEDERAL AND DISTRICT EMPLOYEES

Mr. JOHNSTON of South Carolina. Mr. President, on January 9 of this year I introduced a bill (S. 384) designed to solve the problem of personal liability in suits for damages to which employees of the Government are subject as a result of their operation of motor vehicles in the performance of official duties.

Public hearings on the bill were held on May 29. The objective of the bill was fully endorsed by spokesmen representing the administration and various agencies. Necessity for action was voiced by representatives of employee groups. However, there was general agreement that the desired objective might best be obtained in a manner other than that proposed by the bill.

The approach which seemed most logical would require an amendment to the Federal Tort Claim Act in the case of Federal employees generally and separate legislation somewhat similar to S. 384 in the case of employees of the District of Columbia. Accordingly, I am sending to the desk for appropriate reference two bills designed to accomplish the objective desired. The first would amend the Federal Tort Claim Act. I think this proposed legislation should be referred to the Committee on the Judiciary.

The second bill, in my opinion, should be referred to the committee on the District of Columbia.

The PRESIDENT pro tempore. The bills will be received and appropriately referred.

The bills, introduced by Mr. JOHNSTON of South Carolina, were received, read twice by their titles, and referred, as indicated:

To the Committee on the Judiciary:

S. 2684. A bill to amend title 28, entitled "Judiciary and Judicial Procedure," of the United States Code to provide for the defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment, and for other purposes.

To the Committee on the District of Columbia:

S. 2685. A bill to provide for the procurement by the municipal government of the District of Columbia of insurance against risk to its employees of liability for personal injury or death, or for property damage, arising from the operation of motor vehicles in the performance of their official duties, and for other purposes.

## CIVIL RIGHTS—AMENDMENTS

Mr. ERVIN. Mr. President, on behalf of the distinguished senior Senator from South Carolina [Mr. JOHNSTON] and myself, I submit three amendments, intended to be proposed by us, to the pending civil-rights bill.

The first amendment provides that the Attorney General shall not institute any actions under the bill without the consent of the persons in whose behalf the actions are instituted.

The second amendment provides that there shall be no power to nullify State administrative remedies under the original provisions of part IV.

The third amendment provides that in cases where the defendant is financially unable to employ counsel, the Government will pay reasonable counsel fees in his behalf.

I ask unanimous consent that the amendments be printed and lie on the table.

The PRESIDENT pro tempore. The amendments will be received, printed, and will lie on the table.

## AMENDMENT OF TARIFF ACT OF 1930, RELATING TO UNMANUFACTURED MICA AND MICA FILMS AND SPLITTINGS—AMENDMENTS

Mr. KUCHEL submitted amendments, intended to be proposed by him to the bill (H. R. 6894) to amend the Tariff Act of 1930 as it relates to unmanufactured mica and mica films and splittings, which were referred to the Committee on Finance, and ordered to be printed.

## ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. SPARKMAN:

Letter dated August 1, 1957, addressed to the President, by himself and other Senators, relating to lower downpayment provisions of new housing law.

By Mr. KEFAUVER:

Memorandum, invitation, and editorial concerning competition between Colorado mountain-trout and Tennessee catfish luncheons.

## PROPOSED RENAMING OF CLEARWATER NATIONAL FOREST AS THE BERNARD DE VOTO NATIONAL FOREST

Mr. DWORSHAK. Mr. President, my attention has been called to the remarks of the junior Senator from Oregon, who from the floor of the Senate on Monday once again voiced determination to impose his will upon the people of my State. I quote from his remarks:

I believe it would be singularly appropriate and fitting to rename the Clearwater National Forest in memory of Mr. De Voto as the Bernard De Voto National Forest.

Mr. President, last year the junior Senator from Oregon introduced a bill, S. 3210, making such a proposal. At this point in my remarks, I wish to read a few excerpts from the many letters and telegrams which I received in opposition to that unrealistic measure.

From the chamber of commerce, Orofino, Idaho, in the heart of the Clearwater National Forest area, we ask that "you do all you can to oppose the passage of this bill."

From the Priest River Chamber of Commerce: "Resolution has been passed

by the Priest River Chamber of Commerce opposing Senate bill 3210, the bill to change the name of the Clearwater National Forest to Bernard De Voto National Forest."

A copy of a letter to the junior Senator from Oregon from Watermaster Lynn Crandall, Idaho Falls:

Mr. De Voto achieved some reputation among the literary intelligentsia, but as far as any of my contacts indicate, he had no particular standing among the general run of Idaho citizens * * * from numerous editorials and private conversations with individuals I have found only opposition to the proposal to change the name of the forest to the Bernard De Voto Forest.

From Lewiston, Idaho:

I presume that I am not very well read as it was necessary to do a little research on Bernard De Voto to determine the part he played in this area. My own vote is that it is not sufficiently important to change the name for the purpose of honoring him.

From a housewife in Moscow, Idaho:

No matter how much we appreciate the work and personality of Mr. De Voto, his name is neither attractive nor appropriate for the Clearwater National Forest.

From the operator of a small business in Orofino, Idaho:

I see no reason for changing the name.

From Pocatello, Idaho, a copy of a letter addressed to the junior Senator from Oregon:

I suggest that you submit a resolution to rename one of your Oregon forests and let the proud name of Clearwater be.

From a citizen in Clearwater County:

Of course we here in Clearwater County resent the attempted change, and more especially when it is advocated by representatives of the sister State which has national forests of its own if they care to work at renaming.

Mr. President, I submit that the overwhelming consensus of opinion among my constituents clearly indicates they would prefer that the junior Senator from Oregon concentrate his efforts at renaming national forests within the State of Oregon, thus leaving Idahoans free to enjoy the colorful names of Idaho areas that are often closely linked with historical events. The Clearwater is such a name.

Mr. NEUBERGER. Mr. President, will the Senator yield?

Mr. DWORSHAK. I yield.

Mr. NEUBERGER. The Senator from Idaho made the point in his remarks that the junior Senator from Oregon should have suggested that a national forest in the State of Oregon, rather than in the State of Idaho, be named in memory of Mr. Bernard De Voto. I wonder whether the Senator from Idaho is aware of the fact that, in accordance with the last request of Mr. De Voto, his ashes were recently scattered over the Lolo Trail in the Clearwater National Forest of Idaho. He made that request because the area lies along the Lolo Trail of Lewis and Clark, where Mr. De Voto did so much research on the book he wrote about that great expedition, and for which he won the Pulitzer prize.

I wish to say to the Senator from Idaho, and for the record, that had the ashes of Mr. De Voto been scattered in a national forest in my State, in a realm where Mr. De Voto had achieved such literary fame, I would have been very proud indeed to introduce a bill that a national forest in the State of Oregon be renamed in memory of Mr. De Voto.

Mr. DWORSHAK. The Senator from Idaho is fully aware of what the Senator from Oregon has mentioned. I should like to point out, however, that if an Idaho citizen requested that his ashes be placed in an appropriate receptacle in Portland, it would not necessarily follow that the name of Portland should be changed to that of the person whose ashes were buried there.

Mr. NEUBERGER. Mr. President——

Mr. WILEY. Mr. President——

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The time of the Senator from Idaho has expired. The Chair recognizes the Senator from Wisconsin.

Mr. NEUBERGER. Am I not to be permitted to reply to the statement of the Senator from Idaho?

The PRESIDING OFFICER. The Chair is merely trying to do what the Senator from Oregon has been suggesting with reference to statements by Senators being limited to 3 minutes. Of course, the Senator from Oregon may request an extension of the time.

Mr. NEUBERGER. I shall not do so at this point.

Mr. NEUBERGER subsequently said: Mr. President, the Senator from Idaho [Mr. DWORSHAK], in his criticism of my proposal that the Clearwater National Forest be renamed in memory of the late Bernard De Voto, asked me if I would be willing to have a place in Oregon renamed for a citizen of Idaho, merely because a citizen of Idaho made a request that his ashes be scattered in Oregon.

My reply—and I regret that the Senator from Idaho has now left the floor—is that if a resident of Idaho had achieved throughout the world great fame in literature, and had won many major literary prizes, especially one concerning some facet of Oregon's picturesque history, I would be proud to suggest that a particular place in Oregon be named in tribute to that person.

I regretted that the Senator from Idaho, in his remarks, made light of the fact that Mr. De Voto was a literary figure. Mr. De Voto exhibited gifted prowess in the field of literature, and his writing was a mark of distinction.

Thomas Jefferson, who wrote our Declaration of Independence, and who perhaps more than anyone else symbolized the real embodiment and creation of the American spirit, had great pride in his attainments in the field of literature.

In our own times, perhaps one of the greatest statesmen of our era is Sir Winston Churchill, who has achieved renown in the field of literature, and who likewise takes great pride in that fact.

## THE CIVIL-RIGHTS BILL—TRIBUTE TO SENATOR NEUBERGER

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a copy of a letter which the Senator from Illinois [Mr. DOUGLAS] has sent to a considerable number of citizens of Oregon, commending the record of my junior colleague in the field of civil rights.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON BANKING AND CURRENCY,
*July 16, 1957.*

I know you are one who has been long and deeply interested in the question of civil rights, and I am taking the liberty of writing to you about three things.

First, a meeting is going to be held in Portland on Sunday, July 21, to develop interest for the civil-rights bill which is now pending before the Senate. I know you are very much interested in this, but I hope you will forgive me if I take the liberty of urging you to do everything possible to make this meeting a success. We are having a series of meetings all over the country and hope to develop public opinion behind the movement.

Second, I think one of the best ways of carrying the issues to the people is through letters to the local newspapers which can be brief and to the point. We will try to develop such a campaign all over the country, and I hope that this will be done in Oregon. You can be of great assistance in this respect.

Finally, I want to tell you what a tower of strength Senator NEUBERGER has been throughout this whole battle. He has been one of the men we could depend upon in every emergency. He has been resolute in his courage, and diplomatic in his language, and highly honorable in every relationship on and off the floor. We are very proud to have him as a colleague.

Let us push on together in this great struggle to realize more fully the basic features of the American faith.

Faithfully yours,

PAUL H. DOUGLAS,
*United States Senator.*

## CIVIL RIGHTS

Mr. BYRD. Mr. President, in the past few days a great deal has been said on the floor of the Senate with regard to preventing Negroes from voting. I invite the attention of Senators to an article published in the Richmond (Va.) News Leader of August 1, 1957, containing a statement by W. Lester Banks, secretary of the State Conference of Branches of the National Association for the Advancement of Colored People. He makes the statement that in Virginia there has been no interference whatever with respect to the right of Negroes to vote. He states that there have been no complaints of intimidation or acts of violence to prevent voting.

He said:

We haven't had to do anything about irregularities except to call them to the attention of Mr. Davis.

Mr. Davis is the head of the State Board of Elections.

Usually things are straightened out pretty quickly.

I ask unanimous consent to have the article from the Richmond (Va.) News Leader of August 1, 1957, printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NAACP SAYS VIRGINIA VOTE ISN'T DENIED—PROTESTS CLEARED PROMPTLY

(By William B. Foster, Jr.)

No serious or effective efforts are made in Virginia to prevent Negroes from registering or voting, according to W. Lester Banks, secretary of the State conference of branches of the National Association for the Advancement of Colored People.

Banks was asked for comment today in light of charges and countercharges being aired in the Senate in debate over the pending civil-rights bill.

"Since 1951 and 1952," he said, "most complaints we have heard have been minor in nature." He added that all such complaints had been cleared up promptly by telephone calls either to individual registrars or to Levin Nock Davis, secretary of the State board of elections.

Banks cited as examples two complaints his organization had received in which disputes arose over the payment of poll taxes by Negroes applying for registration for the first time. In each case, he said, the applicant complained that a registrar was misinterpreting the law that permits registration without paying the tax in the case of a person becoming 21 years of age between January 1 and the November general election date.

LEGAL EXEMPTION

Banks said that Davis' office instructed the registrars as to the legal exemption and registration was effected. Banks said these cases may well have reflected a lack of knowledge of the law, rather than racial discrimination on the part of the registrars.

Banks said his organization hasn't had any complaints of intimidation or acts of violence to prevent Negroes from voting, but said there had been a few instances called to his attention in which election officials apparently tried to make it a little more difficult for Negroes than for whites.

These cases, he said, involved demands for production of poll-tax receipts by Negroes who had been regular voters for years. Banks acknowledged, however, that similar demands also are made of white persons and said he did not regard such challenges as serious efforts to interfere with voting rights of Negroes.

HELD RELUCTANT

Banks said he believed that the NAACP probably would be the agency to which most Negroes would turn for help if they felt that discriminatory practices were being attempted.

The NAACP secretary said some instances had been called to his attention in which Negroes in rural communities are reluctant to go alone to the residence of a white woman registrar to qualify themselves to vote.

"This isn't a discriminatory act on anybody's part," he said, "but it's a kind of psychological reluctance on the part of some Negroes to go to a big imposing house where a white woman is the registrar unless somebody else goes along with them."

Banks said this situation is being eliminated as more and more counties turn to centralized registration, where books are kept at a registrar's office, open for business at specified times, and operating under a uniform system of procedure.

IRREGULAR HOURS

In counties where this is not done, Banks said, some Negroes have complained about irregular hours for receiving registrants and some varieties in procedure from one registrar to another.

In such circumstances, Banks said, he is unwilling to say whether registration difficulties stem from racial discrimination, lack of knowledge of the law by the registrar, uncertainty on the part of prospective voters, or general laxness of the system.

Regardless of causes, he said: "We haven't had to do anything about irregularities except to call them to the attention of Mr. Davis. Usually, things are straightened out pretty quickly."

## JURY TRIALS AND THE CIVIL RIGHTS BILL

Mr. WILEY. Mr. President, as one who has been in the Senate for almost 19 years, I have always sought to understand the issues which were being debated. During the past 3 weeks of the civil rights debate I have sat on the sidelines and listened to the debate. I thought I knew what the issues were before the debate began. Having practiced law for about 30 years, I thought I knew what the issues were during the debate.

However, as I walked out of the Senate Chamber last night, a distinguished citizen said to me, "Well, I am grateful that we didn't repeal the right of trial by jury."

I said, "Where did you get that idea?"

He said, "Why, the majority leader, in his final statement, stated that if the Senate adopted this amendment we would not repeal the right of trial by jury."

Of course, all the amendment did was extend the right of trial by jury for criminal contempt. This man's statement showed the misunderstanding that is involved in connection with the amendment.

Even now, after 3 weeks, there is great misunderstanding as to what is involved in the amendment. What the amendment did was to give jurors everywhere the responsibility of trying the issues involved in criminal contempt. I explained this to him, and called his attention to an editorial published in the Milwaukee Journal, which, Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WILEY. This man then said to me, "You mean that it took away from the court the right to decide?"

I said, "Yes. It will now be up to the juries to prove by their verdict that this extension of the right of trial by jury—the same as was done in the Clayton Act—will be a sacred trust, not an opportunity to set at naught law and justice."

Then this individual said, "But why did they take it away from the judges? Didn't they trust the judges?"

I said, "I can't possibly judge my associates. Fifty-one of them, for reasons satisfactory to themselves, felt that the trial of criminal contempt should be by juries who, of course, would have to find the defendant guilty beyond a reasonable doubt under the instructions of the court."

"Well, Senator," this man said, "that, I think, clarifies something for me. I thought it was a fight over depriving or taking away the right of trial by jury that existed." Then he said, "Well, where do we go from here?"

I said, "If this should become law, it will be another one of those great experiments where the citizen becomes the judge of his fellow man in a court. The real issue will then be, will he measure up to his responsibility? Will he let the facts and the law govern him?"

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The time of the Senator from Wisconsin has expired.

Mr. WILEY. May I have 2 more minutes?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Wisconsin is recognized for 2 additional minutes.

Mr. WILEY. When I left, the individual said, "I do not know why the judges should not have retained their responsibilities."

The majority leader placed in the RECORD this morning an editorial entitled "The Stake in Civil Rights," published in the Washington Post and Times Herald of this morning, so I myself shall not offer it for the RECORD. But last night I discussed with some of my associates, after the vote had been taken, what the Washington Post says in one of its paragraphs. I read:

> This newspaper is still troubled by the general application of the O'Mahoney-Kefauver-Church amendment as adopted. It will limit the powers of judges, not merely in voting cases, but in the entire range of Federal proceedings. This may seriously interfere with antitrust suits and similar litigation. Congress will want to appraise the results closely with a view toward narrowing the scope of the new provision if necessary.

I had not seen this editorial at that time, but the thought expressed in it was uppermost in my mind. I discussed that point with several distinguished Senators on the floor.

I said at the beginning of my remarks that I had not engaged in this controversy. I only hope that the action the Senate has taken is not the beginning of an attack which will dissipate the Anglo-Saxon concept of the power of our courts. We are a nation of divided powers, operating under checks and balances. Through the years, this system has made ours really the oldest republican form of government on earth.

I trust that the suggestion which is contained in the editorial, which has been placed in the RECORD, will receive the earnest consideration of the Senate. Being one of the gray-haired Senators, I shall make no emotional appeal. I am interested in the maintenance of law, order, and justice.

Does the original bill change what has been established as a rule of law in contempt cases?

No. It would leave the law as it is.

Would the O'Mahoney-Kefauver-Church amendment change the rule of law and procedure that has been in vogue in this country, and previously thereto in Britain, in relation to contempt cases?

Yes.

Does the original bill interfere with the constitutional right of trial by jury?

No.

What does the amendment do?

It would take from the court the power in criminal contempt cases it has possessed throughout all the years. It would extend the rule of the Clayton Act to all criminal contempt cases, namely, right of jury trial in contempt cases.

Is there any basic reason for taking jurisdiction away from the courts and placing it in the hands of the jury in criminal contempt cases?

I cannot understand why our southern friends would suspect their own judges. It would seem that they would want their own kinfolks who are lawyers and learned in the law to decide the issues. Instead, they want a jury trial by citizens who do not comprehend the law or the issues.

Would the amendment interfere with the inherent power of the court to punish for contempt? Would the amendment do that?

I believe it would raise a very serious question in that respect, unless it can be said the extension is limited strictly to criminal contempt.

EXHIBIT 1

[From the Milwaukee Journal of July 26, 1957]

WHY SOUTH WANTS JURIES: SIMPLE WAY TO DEFY LAW

Opponents of the shrinking civil-rights bill are slamming away at section IV on the grounds that a jury trial is the right of every accused American.

In essence, section IV provides, among other things, that violators of a court injunction guaranteeing a man's right to vote can be tried and convicted by a judge without a jury trial.

Southern Senators profess to find this shocking. They ignore the fact that what is involved here is not a criminal case but a case of contempt of court. In 28 laws now on the Federal books, judges can try persons for contempt of their orders. The logic behind the laws is that a judge should be able to act when his legal orders are disregarded, and act in a way to insure obedience.

Here is the way the civil-rights procedure would work.

Assume a southern Negro was denied the right to register and vote by a registration official. The Attorney General could seek a court injunction to force registration. If the injunction were granted—which it would not be if it could be shown that the Negro in the case did not meet proper voting requirements—the registrar would be required to grant the Negro the right to vote. To refuse would be to stand in contempt of court. The defendant could be the judge of whether he went to jail or not, for he could purge himself of contempt by carrying out the court order.

To hold a jury trial in much of the South on a matter of fact already proved would be to invite not justice but findings based on prejudice.

As an example, take a column written 2 years ago in the Birmingham (Ala.) Post-Herald by John Temple Graves, as introduced in the CONGRESSIONAL RECORD by Senator DOUGLAS, Democrat of Illinois. Graves, DOUGLAS points out, is "regarded as the voice of the Deep South." Speaking of school integration, Graves said that the answer of the South to Federal law, as outlined by a prominent attorney, was a jury trial, and consistent jury findings of not guilty. He outlined what he called the plot in this way:

1. A Federal district judge would order a school board or principal to integrate a school.
2. The board or principal would refuse.
3. The court would cite for contempt.
4. A jury trial would be demanded.
5. The jury would hand down a not guilty verdict.
6. No recourse short of an act of Congress would suffice.
7. No act could be passed.

In other words, a general southern strike against convictions could negate Federal law, could withhold civil rights from Negroes and others forever. And there's little doubt that this lies behind the fervent pleas of some southerners for the sanctity of the jury trial, even in the type of contempt cases in which judges traditionally act without juries.

## ADMINISTRATION OPPOSITION TO PENSION INCREASES FOR WAR WIDOWS

Mr. NEUBERGER. Mr. President, the present administration has consistently maintained a double standard which denies benefits to ordinary people that are given in abundance to big business, bankers, stockholders and the like. Nowhere is this more evident than the example I now cite.

"Not in accord with the program of the President," is the way the report ends by Robert E. Merriam, Assistant Director of the Bureau of the Budget, who recommends against an increase in the widow's pension for the 5 remaining widows of Mexican War veterans and some 4,400 widows of Civil War veterans.

The Veterans' Administration estimates that it would cost the Federal Government $1,350 a year to increase the pension for Mexican War widows from $52.50 to $75 a month. The average age of the five remaining Mexican War widows is 87 years, and yet this proposed legislation is "not in accord with the program of the President."

The Mexican War kept the State of Texas in the Union, and Texas was the home State of our President. Texas is ably represented in the Senate of the United States by two distinguished Senators, the majority leader Mr. LYNDON B. JOHNSON, and Mr. RALPH YARBOROUGH. Yet a simple proposal to increase the pension for widows of Mexican War veterans from $52.50 to $75, which would cost only $1,350 for the first year, is "not in accord with the program of the President."

Under Secretary of the Treasury Randolph Burgess also made news recently when he testified on Monday before the Senate Finance Committee. It was indicated at the hearing that a refinancing of the national debt at the administration's high interest rate of 4 percent would increase the cost of debt service from $7 billion to $11 billion—an increase of $4 billion.

The Under Secretary of the Treasury called this situation "nature's way of correcting overuse of money," according to an article by Richard L. Strout which appeared in the Christian Science Monitor on July 30.

Thus, we have a program which costs all the taxpayers $4 billion and which means profits to bankers, stockholders, and others who collect interest on their money.

Yet, Mr. President, a program which costs $1,350 to increase the pensions for the 5 remaining Mexican War widows is opposed, in a report to the chairman of the Senate Finance Committee dated July 18, by the Assistant Director of the Bureau because it is "not in accord with the program of the President."

Mr. President, perhaps there is some consistency here, for the Administration may well feel that the additional cost of $1,350 a year would hurt nature's way of correcting overuse of money.

## THE CIVIL RIGHTS BILL

Mr. ERVIN. Mr. President, on behalf of the distinguished senior Senator from Louisiana [Mr. ELLENDER], I ask unanimous consent to have printed at this point in the RECORD telegrams which he has received from Federal Judges Ben C. Dawkins, Jr., J. Skelly Wright, and Edwin F. Hunter, Jr., of Louisiana. The judges state that there is no discrimination between the races in respect to grand and petit jurors in their respective districts.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

SHREVEPORT, LA., *August 1, 1957.*

Hon. ALLEN J. ELLENDER,
*United States Senator,*
*Senate Office Building,*
*Washington, D. C.:*

In reply to your telegram there is absolutely no discrimination in this court because of race or color in connection with jurors for either petit or grand juries. A fair proportion of the names in the grand petit jury boxes are those of Negroes, and practically every grand and petit jury venire since I have been judge has included Negro citizens. Our clerk and jury commissioners make every possible effort to insure that the Negro race has proportional representation on jury lists. If further information is desired please let me know.

BEN C. DAWKINS, Jr.,
*United States District Judge.*

NEW ORLEANS, LA., *August 1, 1957.*

The Honorable ALLEN ELLENDER,
*United States Senate,*
*Washington, D. C.:*

Retel. I know of no discrimination because of race or color in connection with selection of jurors for both petit and grand juries for this court.

J. SKELLY WRIGHT,
*United States District Judge, Eastern District of Louisiana.*

LAKE CHARLES, LA., *August 1, 1957.*

Senator ALLEN ELLENDER,
*Senate Office Building,*
*Washington, D. C.:*

To best of my knowledge there is absolutely no discrimination because of race or color in connection jurors for petit or grand juries of Federal courts in western district of Louisiana. Petit jury in most recent civil suit was composed of 9 members of white race and 3 members of colored race.

Respects,

EDWIN F. HUNTER, Jr.,
*United States District Judge.*

Mr. JAVITS. Mr. President, there is no question about the fact that the pending and properly called historic effort has suffered its second serious defeat. The so-called jury trial amendment will materially frustrate and weaken the intercession of the equity powers of the Federal courts invoked by the Attorney General to secure the equal protection of the laws on voting rights in many

States. Nor is there any question now about the formidable proof that these rights for Negro citizens by the millions have been denied for years, largely under color of law, but by the abuse of law—and with a range of subterfuge, evasion, and contrivance hardly conceivably for those who have not endured it or studied its evidences.

The two defeats notwithstanding, I have come to the conclusion that this historic hour is not lost, that it does give the opportunity to do something after 87 years during which the Congress has not acted, and that it is our duty to our people and our time to continue to fight for some meaningful civil rights bill to be passed by this body.

I feel I can still vote for the bill; but the danger even to what is left of the bill is by no means past, and those who are for a bill need now more than ever to be sustained by reflection on the vote of 45 to 39 which brought the bill before the Senate, and the vote of 71 to 18 which made it the pending business, for the strategy of its deeply dug-in opponents is clear, and I believe that is borne out by the amendments we have just heard submitted.

The battle is by no means over, and the bill will not now pass just automatically. The strategy of the opponents is to encompass a creeping defeat of the whole bill by capturing position after position of strength in the bill itself, as it came from the other body, through shifting coalitions in the Senate. Many taking part in these coalitions have expressed themselves as being for a meaningful right-to-vote bill. The responsibility resting upon them and upon their leaders is now very great, indeed.

The efforts of the opponents have thus far been crowned with two major successes, after having suffered two major defeats. But the successes are the most recent, and the tide could still roll on. The bill could be bled to death by amendments; it could be talked to death by extended debate or could be filibustered; or, finally, the bill could be negotiated to death in conference.

Senators who favor some meaningful civil-rights bill, as I do, have their work cut out for them. Although this is "the morning after," we must work and fight harder than ever to keep the bill in such shape that, in the end, we can vote for it.

Mr. JOHNSON of Texas. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. Of course I am glad to yield. However, my time, under the 3-minute limitation, will be used by what I wish to say, because I desire to speak briefly about the Niagara bill.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from New York may yield to me, and that I may use up to 3 minutes of the time available to me in the morning hour.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I wish to say to the Senator from New York what I have said to other Members of the Senate a little earlier: I am hopeful that the Senate can pass a meaningful civil-rights bill, and I do not believe the bill has been weakened. On the contrary, I think the bill has been strengthened. I do not believe that the Senate must accept the bill as it comes before it, and must pass it without dotting an "i" or crossing a "t." I believe we may be able to improve the bill, and I think that is what the Senate is for. If it were not possible for the Senate to adopt amendments, I believe there would be no need for the Senate. In that event, the Attorney General could write a bill and could put it into effect, without any action on the part of Congress.

I believe the Senate is composed of intelligent, reasonable Members.

The Senator from New York spoke of coalitions. I shall not go into that matter. No doubt the Senator is familiar with them.

But I desire to assure my friend, the Senator from New York, that so far as the Senator from Texas is concerned, he intends to apply himself to the business at hand, to the end that the United States Senate will pass a meaningful civil-rights bill.

I believe the Senate should spend more time talking about the positive in the bill, rather than spend so much time talking about how the bill has been diluted, because I cannot agree that it has been diluted. When the Senate finally acts upon the bill, I believe that our friends in the other body will be able to give consideration to the amendments the Senate has adopted; and I hope it will be possible for the Congress to send to the President a measure which will represent a great advance in this field.

I remind the Senator from New York what the great newspaper, the New York Times, published in his own State, has had to say: "This is a year of progress for America."

Mr. JAVITS. Mr. President, in reply to the majority leader—and I welcome very much his reassuring words—I would say that he is a welcome addition of very great strength to the coalition which has been fighting for a civil-rights bill, and I hope this marks his adherence to that other coalition.

Second, Mr. President, let me say that it seems to me to have been implied in the arguments which were made in favor of the so-called jury-trial amendment that that amendment, if adopted by the Senate, would enable the Senate to pass a civil-rights bill, but that if the jury-trial amendment were not adopted, the Senate would be unable to pass a civil-rights bill. So I think this will be the payoff time in which to make good on that at least implied assurance.

Mr. President, I should like to add, at this point, a tribute to the indefatigable, courageous, and magnificent leadership given to those of us who are for the bill, by the senior Senator from California [Mr. KNOWLAND], the minority leader.

Mr. President, I turn now to another matter.

The PRESIDING OFFICER. The Senator from New York has the floor.

## NIAGARA POWER BILL

Mr. JAVITS. Mr. President, the other body has passed by an overwhelming vote the bill which was developed and fought through the Senate committee by our distinguished colleague, the Senator from Oklahoma [Mr. KERR]. My colleague from New York [Mr. IVES] and I are cosponsors of the bill.

This morning, the New York Times, in an editorial, emphasizes a point which I should like to emphasize to the Senate, as follows:

> So it would be greatly appreciated by New York State if the Senate could, in an interruption of the debate on civil rights, put this bill on the White House desk.

Mr. President, I believe I can say for my senior colleague from New York [Mr. IVES] and myself that New York will consider it a great assist from the Senate of the United States if that can be done.

I ask unanimous consent that the editorial to which I have referred be printed at this point in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NIAGARA POWER, 313 TO 75

The House rollcall vote yesterday of 313 to 75 to permit New York State to develop electric power from the United States share of Niagara River waters was decisively overwhelming. It seems to foreshadow sure success in the Senate, which last spring passed a Lehman bill for public development of the power by 48 to 39. In the summer of 1953 the House had voted by 262 to 120 to allow private-company development of power from the falls, of which yesterday's vote is a beneficial reversal.

So, with President Eisenhower already having expressed a desire that a Niagara bill be put before him, the prospect for a satisfactory conclusion of this long-debated issue is greatly brightened. A recent Federal court of appeals decision holding, in effect, that the Federal Power Commission had the authority to issue a license for State development may have had an accelerating effect on Congress. For, while the Senate by reservation in a 1950 treaty with Canada had excepted Niagara waters from normal initiative by the FPC, it was evident that in time the New York Power Authority would probably get a license even if Congress did not act. The appeals court majority found the reservation dealt with a matter of purely domestic concern in an international compact and hence was not binding.

New York State has waited for 7 years to begin work at Niagara. The need to generate power, accentuated in June 1956 by a series of rockslides that irreparably damaged the Niagara Mohawk Co. plant at the falls, is more urgent now than at any previous time. So it would be greatly appreciated by New York State if the Senate could, in an interruption of debate on civil rights, put this bill on the White House desk.

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## RECEIPT OF GIFTS BY PUBLIC OFFICIALS

Mr. MORSE. Mr. President, I wish to ask unanimous consent to have printed in the body of the RECORD several recent news articles which were published in the Washington Post and the Evening Star. One of the articles relates to the President's latest press conference in which he is reported to have commented about the receipt of gifts and

pointed out that, being an elected official, he is not bound by any conflict-of-interest statute.

Another article shows that a proposal has been made to the President to accept his offer which he made at the press conference to sell his assets for $1 million.

Mr. President, it was not so long ago, during the Truman administration, that a great deal of furor was stirred up across the country about gifts of deepfreezes and hams. We remember there was some discussion to the effect that perhaps, as a matter of policy, gifts of hams should be limited to hams not in excess of 6 pounds.

No doubt my colleagues will remember that.

For a long time I have said that the Eisenhower administration would commit its acts of political immorality within the letter of the law. I think the statement made by the President at his press conference the other day to the effect that he is not bound by the conflict-of-interest law is further evidence that he and others in his administration look to the letter of the law, and think that if they stay within the letter of the law, then they are politically clean.

Mr. President, I happen to be one who believes that the acceptance of a $4,000 tractor with a cigarette lighter attached; the acceptance of a $1,000 bull, or one of even greater value; the acceptance of a large part of the rest of the livestock and the machinery for a farm; along with thousands of dollars' worth of other gifts for his farm cannot be regarded by the President as falling within the spirit and the intent of the conflict-of-interest policy, which the American people have a right to expect all Government officials to respect. It is my view that the acceptance of such gifts by the President, or any other Government official, is politically immoral. I believe the President of the United States sets a very bad example in regard to this matter. So far as I am concerned, the President is not going to acquit himself by saying he is within the letter of the law. If President Truman had been guilty of such a flagrant disregard of the proprieties in this matter the charge of political corruption would have been shouted from the Republican housetops. I do not say President Eisenhower is guilty of political corruption in accepting such gifts, but I do say he shows a lack of good judgment.

Mr. SPARKMAN. Mr. President, will the Senator yield for a question?

Mr. MORSE. I am glad to yield.

Mr. SPARKMAN. I wonder whether the Senator from Oregon recalls that a young man who was an employee of the RFC, and happened to be from Alabama, accepted a ham which weighed 12 pounds, and was discharged from his job because of it. Does the Senator remember that incident? The newspapers made much to do over it at the time.

Mr. MORSE. Yes; I remember it. But of course he was not the President. Apparently President Eisenhower would have the American people kowtow to the false premise "The king can do no wrong."

Mr. SPARKMAN. No; he was a humble employee from the State of Alabama who accepted a 12-pound ham, and was dismissed.

Mr. MORSE. Mr. President, let me say that the code of political immorality that is followed by the Eisenhower administration is a very shocking one.

I ask unanimous consent to have the articles to which I have referred printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

IKE SEES QUICK SALE IF OFFERED $1 MILLION

President Eisenhower said yesterday that anyone who offered him a million dollars for his personal holdings would "make a sale in hurry."

The question of how much Mr. Eisenhower is worth came up at his news conference. A reporter noted a recent series of articles (by Fletcher Knebel of the Cowles publications) putting the President's worth at about $1 million.

"If that man who knows so much about my business will offer me a million dollars to sell out, he is going to make a sale in a hurry," Mr. Eisenhower shot back.

After the hilarity evoked by the President's statement had died down, he noted that "I am an elected official and therefore the conflict-of-interest law does not apply to me."

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EISENHOWER AND HIS MONEY—MANY EXTRA BENEFITS AVAILABLE TO PRESIDENT

(By Fletcher Knebel)

The fringe benefits of the President of the United States, as those of other workingmen, have grown enormously in recent years.

President Eisenhower enjoys more than Harry Truman did. Mr. Truman had more than Franklin D. Roosevelt and Mr. Roosevelt had more than Herbert Hoover.

Mr. Eisenhower has at his command a panoply of convenience that only the Texas oil multimillionaires could afford under America's present tax structure.

Even among the monarchs, only a select few, such as King Saud of Saudi Arabia or Queen Elizabeth of Great Britain, can boast the range of consumer hardware at the disposal of the American President.

President Eisenhower has an entire presidential air fleet, a huge motor pool from air-conditioned limousines on down, a Navy cabin cruiser, a private railroad car, a 13-acre estate in downtown Washington, an historic mansion modernized at $5 million and a mountain lodge hideaway.

All these, of course, are merely loaned to the President for his use during his term of office, but they represent a capital investment of tens of millions of dollars and require a young industry with hundreds of employees to maintain.

The biggest expansion of these fringe benefits under the Eisenhower administration has been the presidential air fleet. It now includes five airplanes under the command of an Air Force colonel, Howard Kreidler.

The first new arrival was the super-Constellation, *Columbine III*, a plush 4-engine transport which became the chief Presidential plane in the fall of 1954.

It cost approximately $2 million, and many thousands more for the special appointments inside.

SIX SLEEPING BERTHS

The plane has 3 bathrooms, 2 telephones, 6 sleeping berths, 6 compartments, 2 easy chairs, 2 couches, a table, a galley with an electric stove and refrigerator, and a Presidential cabin painted in pale green and trimmed with blond woodwork.

Another, somewhat smaller and less plush Constellation stands by for Presidential use when the *Columbine III* is grounded.

In 1955 came the 2-engine, blue-and-white Aero Commander, a 4-seater, executive-type plane retailing for $70,000.

The President uses this primarily to commute between Washington and his farm at Gettysburg, Pa. As the *Columbine*, it is the property of the Government.

This year the White House air fleet expanded with the addition of 2 Bell H-47 helicopters at a cost of $201,000.

The President has made one flight from the White House lawn—in a recent civil defense operation. He plans to use the whirlybirds to fly to National Airport, saving about 15 minutes and the nerves of motorists caught in presidential traffic jams.

All this costs a large but indeterminate sum of money—indeterminate because it is entwined in the Air Force budget.

FLEET PERSONNEL

In addition to Colonel Kreidler and Col. William G. Draper, the President's chief pilot and Air Force aide, the fleet includes copilots, standby pilots, and now a special helicopter pilot, Maj. Joseph E. Barrett. Other personnel, such as maintenance crews and clerical help, run up the tab.

As a sample of the expense, it costs $2.75 a mile to charter a super-Constellation similar to the *Columbine*, or about $1,500 to fly to Augusta, Ga., the President's favorite wintering spot.

Two clerical people at the White House and two at the Military Air Transport Service terminal at National Airport are needed for the air fleet's paperwork, travel arrangements, et cetera.

It requires 23 men to nurture and fly the *Columbine*. The flight crew numbers 7, including 2 pilots and 2 stewards. The ground maintenance crew, so specialized that 1 man supervises each engine, numbers 8 men.

The security guard includes 8 enlisted men, 4 of whom fly with the plane and mount a guard over the craft at airports away from Washington.

Personnel costs alone for the *Columbine* run more than $100,000 a year.

FORTY CARS AND TRUCKS

The White House motor fleet has more than 40 autos and trucks, including 34 cars of the Ford Motor Co., 8 General Motors products, and 4 Chrysler Corp. vehicles.

Most of these are not used by the President personally. The fleet includes trucks and Mercury sedans for transport of White House staff officers.

Three cars are used customarily by the President himself, a "bubbletop" Lincoln, a Cadillac limousine, and a Chrysler Imperial with a sliding roof.

Mrs. Eisenhower prefers a second 1953 Chrysler Imperial for her use and when Mr. Eisenhower rides with her, they go in the 1953 model. Mrs. John S. Doud, Mamie's mother, uses a third four-door Imperial sedan.

When the President moves about the country by plane, one or more of these cars is apt to follow him.

Last year the Lincoln "bubbletop" was driven across the country by Secret Service men and was waiting at the San Francisco Airport when Mr. Eisenhower landed for the Republican Convention.

Last fall the slide-roof Imperial turned up in Philadelphia. It also had been driven to Thomasville, Ga., where the President vacationed at Treasury Secretary George H. Humphrey's quail estate.

YACHT WAS BEACHED

Mr. Eisenhower cut back Presidential travel accessories somewhat by beaching the yacht *Williamsburg*, which Harry Truman enjoyed.

However, to replace it, the Navy outfitted a de luxe cabin cruiser for President Eisenhower and named her the *Barbara Anne*, after his 8-year-old granddaughter. It is

docked at the Naval Gun Factory here. The President has used it but once.

He also has the private railroad car, the *Magellan*, but has hardly used it since taking office. He prefers the air.

Although the President has a travel and entertainment allowance of $40,000 a year, the flight bill for the planes and the gas, oil, and upkeep of the cars does not come out of the travel allowance. This is used to pay his hotel bills, meals, and other incidentals.

(Mr. Eisenhower also receives $50,000 for personal expenses, in addition to his $100,000-a-year salary.)

Since a President hasn't much occasion to spend money while traveling, Mr. Eisenhower actually never uses much for travel and other White House employees' travel is charged against the Presidential account.

ENTERTAINMENT COSTS

He does, however, do about $18,000 worth of official entertaining a year, the White House says. This comes out of the $40,000 expense fund.

The President makes the decision as to what is official and what is not. For instance, he paid for the recent five breakfasts for Republican Congressmen out of his own pocket.

Campaign items and political rallies are also different. When the President uses the *Columbine* for such a trip as that to the Republican Convention, the Republican National Committee pays the Treasury the normal charter fare for the aircraft.

Total cost of the White House establishment itself is about $2 million a year, of which about $400,000 is used for staffing the mansion and upkeep of the grounds. Exclusive of the administrative White House officers and clerks, the mansion staff numbers 72 persons.

The domestic staff includes a maitre d'hôtel, housekeeper, assistant housekeeper, 4 butlers, a chef, 5 cooks, a valet, 5 doormen, 5 housemen, a head laundress, a pantry woman and 8 maids. Average salary is $3,290.

The maintenance staff includes a chief operating engineer and 7 assistants, a carpentry foreman, 5 carpenters, a painter, an electrician foreman and 3 electricians, a plumber foreman and 2 plumbers, a gardener, 2 storekeepers and a clerk. Average salary is $4,244.

In addition to the 13-acre White House estate, the President has Camp David, a mountain retreat about 70 miles from Washington in Maryland.

He inherited this from Harry Truman, who didn't like it. Mr. Truman inherited it from Frankin Roosevelt, who did like it. Mr. Roosevelt had it built as a World War II hideaway and named it Shangri-La. Mr. Eisenhower renamed it after his grandson.

Camp David, hidden in Maryland's Catoctin Mountains 5 miles above the town of Thurmont, has rustic lodges, a swimming pool and good trout streams.

Manned as a military installation by Marines and many personnel, it is surrounded by a high barbed-wire fence, with overhanging wires.

The Navy refuses to say how many officers and enlisted men are on the post, because it is classed as a security post.

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EISENHOWER AND HIS MONEY—GIFTS FOR THE PRESIDENT FLOW IN CONTINUOUSLY

(By Fletcher Knebel)

Tens of thousands of dollars' worth of tax-free gifts have been showered on President and Mrs. Eisenhower since they entered the White House.

On the Gettysburg farm alone, the value of the gifts was estimated 18 months ago at $40,000 and the cascade of flora, fauna, and furniture has continued since at only slightly diminished volume.

Some of the shower consists of gadgets the Eisenhowers would just as soon do without, but others are items of value.

They range from a $2,300 Grandma Moses painting, given to the President by his Cabinet, to a recently bestowed Holstein calf, donated by the Minnesota Dairy Industries Committee.

Mr. Eisenhower's blooded cattle herd at Gettysburg came almost entirely through gift. Of about 25 cattle given him, some were valued as high as $1,500.

A GROWING HERD

The Brandywine Aberdeen Angus Breeders Association gave him a 1,300-pound Black Angus cow and a 150-pound calf.

The Montgomery County Fair Association of Maryland gave him a 13-month-old heifer. He got a year-old Aberdeen Angus, Fort Rock Mignonne, from New Hampshire citizens, who threw in a crate of chickens as a bonus.

At Rutland, Vt., in 1955, he got a Brown Swiss heifer, Mansninalass, together with $300 worth of fishing gear, including a split bamboo pole.

The Glenwood All Breed Swine Association, of Glenwood, Minn., gave him a Berkshire hog. The Women's National Press Club gave him Blue Bonnet, a black Angus calf.

A $4,000 tractor, equipped with radio and cigarette lighter (Mr. Eisenhower doesn't smoke), was given to him by farm State co-ops of Indiana, Ohio, and Pennsylvania.

The Professional Golf Association bestowed a $3,000 putting green on the President, installing it at the Gettysburg farm.

J. R. Lackey, of Asheville, N. C., gave him a 5-year-old pony for the grandchildren.

Dan Gainey, of Owatonna, Minn., a Republican noted for his largess, gave the President a black Arabian filly.

FLOWER GARDEN

Along the line, Mr. Eisenhower got a pig named Pansy, a 15-foot plywood skiff, 2 pearl-handled, police double-action .38-caliber revolvers, and a sorrel mare, the last given by the American Quarter Horse Association.

A group of Washington florists gave the farm a 60-foot wall and 2,000 flower bulbs, transporting the layout to Gettysburg from a display at a Washington flower show.

About 100 trees on the farm, including 48 tall Norway spruces, are gifts. Likewise given to the Eisenhowers was a greenhouse.

A three-wheel electric golf cart was donated by R. H. Amon, president of Cushman Motors, Lincoln, Nebr.

A sprinkling of antiques in the house came to Mamie via the gift route.

The American Legion Boys Nation gave the President a 2½-horsepower cultivator.

SOME CRITICISM

The White House staff gave the Eisenhowers a historic fireplace, used in the White House in the Chester Arthur administration and later taken out and sold at auction.

Some of the gifts have raised some eyebrows.

A farm co-op official denounced the tractor gift, implying Mr. Eisenhower had been no friend of the farmer.

A Detroit department store advertised an Italian provincial wing chair, as presented to President Eisenhower for his Gettysburg farm.

Some of the donors obviously have squeezed publicity out of the gifts, but aside from a few Democratic wisecracks, the river of gifts flowing over the Eisenhowers has not become a political issue.

In fact, each mention of the Black Angus gift herd at Gettysburg appears to provoke more offers of the same.

Nevertheless, in computing Mr. Eisenhower's financial status, the value of the gifts must be taken into account.

If the Gettysburg farm is ever sold, the price would be run up considerably by the presents.

Friends point out, however, that such a sale is highly unlikely. More probable is that the Eisenhowers would will the farm to a historical society.

USE HOUSE AT AUGUSTA

In addition to these outright gifts, the Eisenhowers have been given lifetime use of a 2-story, 6-room house built especially for them on the Augusta National Golf Club, Augusta, Ga.

The home, known as Mamie's cabin, was completed in the fall of 1953 as part of a series of club improvements financed by a reported $200,000 raised from members of the club.

The improvements included a new golf pro shack, stocked fish pond for the President's benefit, some minor construction work and a security fence around the property requested by the Secret Service.

"Since we let the contract on the whole kit and kaboodle, we don't honestly know how much the Eisenhower cabin cost," said Clifford Roberts, a founder of Augusta National and a close friend of President Eisenhower.

The white brick and clapboard home, complete with 2 living rooms and 4 bedrooms, was decorated by an Atlanta firm at club expense. The layout was built under a contract by which the builder was to forfeit $1,000 a day for tardiness; but he finished on time.

Other members of the club use the home when the Eisenhowers are not in residence, since the President stipulated that the residence not be reserved for his exclusive use.

The home stands on club property and is itself club property.

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PRESIDENT'S PAYCHECK INVOLVES MANY DETAILS

(By Fletcher Knebel)

At 9 a. m. on the last working day of each month, Lloyd J. Luehrs, 36, a thin, blond, bespectacled Treasury employee, telephones the White House.

He asks for Col. Robert L. Schulz, 49-year-old military aide to President Eisenhower. Colonel Schulz has been Mr. Eisenhower's aide and money man since 1947, when Mr. Eisenhower was Army Chief of Staff.

"The President's checks are ready," says Mr. Luehrs. "I'm on my way over."

Mr. Luehrs, Chief of the Treasury's Periodic Payments Branch, Division of Disbursement, walks to the fourth-floor office of Michael D. Fischette, regional disbursing officer. The building is the Treasury Annex on Pennsylvania Avenue, catercorner from the White House.

Mrs. Beth Debalski, secretary to Mr. Fischette, opens a gray, 2-by-4 safe, marked "D-8," and takes out a brown ledger book with a brown manila envelope tucked between the pages.

Inside the envelope are 2 checks—totaling $10,270—made out by typewriter to "Dwight D. Eisenhower, White House, Washington, D. C."

One is for $6,853.33, representing one-twelfth of the President's annual $100,000 salary minus withholding tax.

The other is for $3,416.67, representing one-twelfth of the President's $50,000 annual personal expense account, minus the withholding tax. The expense account is taxable but nonaccountable.

In effect, since the expenses do not have to be accounted for, the President receives $150,000-a-year compensation, all taxable.

THE WALK TO THE WHITE HOUSE

Mr. Luehrs takes the ledger holding the manila envelope and walks across Pennsylvania Avenue to the wing of the White House facing the main Treasury Department.

It is a walk of about 150 yards, through the traffic lights at Pennsylvania and Executive Avenues. Unless it is raining, Mr. Luehrs carries the book openly and does not pocket the checks.

"It would be pretty hard for anybody to cash a Presidential check," he says, "even if I should lose it."

Two minutes later, in the office of Colonel Schulz, Mr. Luehrs usually has a quip ready.

"We've decided to pay him one more time," or "same pay—no raise this month."

The colonel responds in kind, then signs the ledger, receipting for the checks. Sometimes his assistant Capt. Dale J. Crittenberger, signs in his stead.

RECORD CHECK NUMBERS

The first entry in this little book is May 31, 1951, for Treasury check No. 12515072, made out to Harry S. Truman, and signed for by William D. Simmons, veteran receptionist in the White House executive lobby.

Mr. Eisenhower's first check, signed for by Colonel Schulz on January 30, 1953, 10 days after the first inauguration, was numbered 18940195.

Mr. Luehrs walks back to the Treasury Annex, hands the ledger to Mrs. Debalski. She locks it in the safe for another month, Mr. Luehrs varies this procedure only once a year.

In January, he also carries a W–2 form, showing the amount paid the President in the preceding year and the amount withheld in taxes.

DETAILS BEHIND CHECKS

Behind this little scene, "the President's payday," lies a complicated but swiftly unrolling routine in preparing the President's checks for delivery.

About 5 days before the end of each month, Lionel R. Boucher, an employee of the General Accounting Office since 1931, makes out a "certificate of settlement" with Dwight Eisenhower for his month's pay.

This reads:

"Dwight D. Eisenhower, White House, Washington, D. C. This certifies there is due from the United States to the above-named claimant, payable from the appropriation indicated the sum of $12,500 on account of compensation as President of the United States, from May 1 to May 31, 1957."

This is sent by messenger to the desk of Mrs. Donna Pollack, chief of the administration accounts section of the Treasury. She makes out a voucher signed with the signature of Roger E. Smith, the budget officer.

"Pursuant to the authority vested in me, I certify that the items listed herein are correct and proper for payment from the appropriation designated."

RECORD FOR TAX SERVICE

Mrs. Pollack also records the payment and the tax withheld ($2,330) on a sheet for return annually to the Internal Revenue Service.

The voucher and schedule of payment is sent to the Treasury Annex, where a "progress sheet" with the symbol "9000" is pared. Mr. Eisenhower's checks then become two of the 1.5 million checks a month flowing through the Washington disbursing office.

The progress sheet is sent by pneumatic tube to the fourth floor. There index numbers are punched on two checks by an IBM machine. The checks go next to an "interpreter" machine, which translates the punch holes into amounts typed out on the checks.

THE CHECKS ARE TYPED

The President's checks then go to the desk of Mrs. Lutie R. Ford, a gray-haired, West Virginia-born lady of 68 years, 35 of them as a Government employee. She types carefully "Dwight D. Eisenhower, White House, Washington, D. C." on them.

Next they go to Miss Emma Sharpe, a verification clerk. By eye, she verifies name and amounts against the schedule of payment prepared earlier.

Next they go to Robert L. Winfield, operator of an IBM machine that tabulates daily check totals from the punchholes in thousands of checks.

Then the checks are balanced against the progress sheet as another safeguard. Next they go to the check-signing machine, operating at 250 checks a minute. This imprints the facsimile signature of Julian F. Cannon, chief disbursing officer.

Near the end of the day, Mr. Eisenhower's checks go to the microfilming machine, where, at 280 checks a minute, the checks are recorded for the Treasury archives.

Finally the checks are carried to the office of Michael Fischette, where Mrs. Debalski signs a register for them, places them in the "D–8" and waits for Mr. Luehrs to pick them up on the last working day of the month.

## WALTER JOHNSON

Mr. CARLSON. Mr. President, in the Washington Post this morning Shirley Povich, in his column entitled "This Morning," reminds us that 50 years ago today the Washington Post announced the "Idaho Phenom Will Pitch Today."

It was 50 years ago today that the Washington baseball fans were given an opportunity to take a first look at the 19-year-old Kansan, Walter Johnson, in his major debut.

Walter Johnson, who reached the Hall of Fame in baseball, is universally regarded as having been the greatest pitcher in the American League. He toiled many years for the Washington Senators without ever achieving the distinction of a no-hit game, despite the fact that he won many honors in the league. In fact, he had about all the pitching honors that can come to a baseball pitcher except a "no hitter." Finally, he made the no-hit game on July 1, 1920, while pitching at Boston Fenway Park.

Walter Johnson was born on a farm in Humboldt, Kans., on November 6, 1887. At the age of 14 the family, together with Walter, moved to California, where he became interested in baseball, a sport he had little chance to follow at his farm home in Kansas. During his early boyhood and youth he played with various kid teams. At the age of 16 he had a tryout with Tacoma, a team in the Northwestern League, but they decided he was too green—he was too young.

Truly, his real problem was to find a catcher that could hold him, because of the terrific speed of the ball he threw.

It was at Weiser, Idaho, where he obtained a job at $75 a month, that he was first discovered as a great baseball pitcher. According to information that has been pieced together at Weiser, Idaho, he is reported to have pitched 75 innings without allowing a run and he fanned 66 in 11 games. No doubt this might well have been so, because only a short time later Walter Johnson was pitching that kind of ball in the American League.

Among the virtues of Walter Johnson were his modesty and his decency. He never smoked or drank. He never beefed at an umpire or argued with a teammate. He did not swear, and he never had the faintest semblance of a swelled head.

For many years he was the hero of the youth of this Nation. His modesty, his decency, his ideals set an example at that time that can well be emulated today. He is truly one of Kansas' greats.

Mr. President, I ask unanimous consent that the article by Shirley Povich, published in this morning's Washington Post, be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THIS MORNING

(By Shirley Povich)

On this date 50 years ago a small headline in the Washington Post said "Idaho Phenom Will Pitch Today." Washington baseball fans and the Detroit Tigers finally were going to get a look at 19-year-old Walter Johnson in his major-league debut.

Young Johnson wasn't coming into the major leagues unheralded exactly. For a month Washington fans had been alerted to the tall boy Scout Cliff Blankenship had signed for the Senators on June 29, 1907, on a trip to Weiser, Idaho, where tales of Johnson's strikeouts in a semipro league were current.

In announcing the signing of Johnson, there was unqualified endorsement by the Washington club: "Manager Joe Cantillon has added a great young phenom to his pitching staff * * * the young man's name is Walter Johnson. Cantillon received word today from Blankenship telling of his capture. Johnson pitched 75 innings in the Idaho State League without allowing a run and had a strikeout record of 15 per game."

The Washington team was not in possession of all the details on young Johnson, however. The announcement added: "Scout Blankenship is very enthusiastic but fails to state whether the great phenom is left-handed or righthanded."

The Washington club was patient with Johnson despite its own position in eighth place. Not until a month after he reported did Cantillon let the rookie pitch in a game. Baseball writers, however, went far out on limbs to predict that the Senators had, as the baseball language of the day put it, "a phenom and a real find."

On the morning it was announced Johnson would be unveiled in the first game of a doubleheader with league-leading Detroit, the Post reported that Johnson the day before had pitched batting practice for both teams, as was the custom of that day. "Walter Johnson pitched from the rubber before the game yesterday," wrote Sports Editor Ed Grillo, "but he afforded little batting practice for the players of both teams, as his fast ball seemed unhittable."

There were 5,000 fans in the stands when Johnson took the mound, and their first sight of him was accompanied by gasps. This couldn't be the fastballer they'd heard about. He was pitching sidearm, almost underhand, with a long sweeping delivery and no great snap of the wrist. That's not what fastballers were made of. The Tigers soon could dispute them.

The Tigers learned that Johnson's smooth delivery was a disarming thing. The big country boy who didn't look as if he were throwing a fast ball was actually unleashing a pitch that hissed with danger. They didn't take their regular cuts, except for Sam Crawford. Ty Cobb found it expedient twice to lay down bunts.

They beat Johnson, 3 to 2. He left at the end of 8 innings, with the score 2 to 1 against him. For the first 6 innings Johnson allowed only 3 hits, and 2 of them were bunts in succession by Cobb and Rossman. Cobb streaked from first to third on Rossman's bunt. Johnson was green at fielding bunts. He lost, but the high promise he showed was not lost on the critics.

"His work proves beyond doubt he is the pitching find of the season," the Post reported. "His wonderful speed, perfect con-

trol and deceptive curve was nothing short of astonishing. He has more natural ability than any pitcher seen in these parts in many a moon, and it really seems Cantillon has picked up a real live phenom."

Johnson a curveballer? Seems that he was and, more than that, he threw a spitball, too. That last is the testimony of Wild Bill Donovan, the Detroit pitcher who told Cantillon, "If I were you, Joe, I'd tell that big kid of yours to quit fooling around with that spitter. He doesn't need it. He only needs that speed he's got. All spitballers except Ed Walsh are in-and-outers."

Not his strikeouts, of which were only six in Johnson's debut, but his control was the item that drew the most praise from Manager Cantillon. "His absolute control was the best part of his work," Cantillon said. "He has a great shoot to his fast ball, and, to tell the truth, he's the best raw pitcher I've ever seen. If nothing happens, that fellow will be a greater pitcher in 2 years than Mathewson ever dared to be."

Five days later Johnson ended his 1-game losing streak. In his second start he yielded 2 hits to Cleveland in the first inning and no others until they got 2 in the ninth.

He beat them 7–2, and, in its report of the game, the Post said: "His speed was so terrific that several Cleveland players acted as if they did not take particular delight in being at the plate. Once or twice Johnson shot fast balls close to the batter's head, and they usually swung at anything after that."

Mr. CASE of South Dakota. Mr. President, I wish to commend the distinguished Senator from Kansas [Mr. CARLSON] for having called attention to the fact that 50 years ago today Walter Johnson pitched his first game for the Washington Baseball Club.

It was my privilege to meet Walter Johnson shortly after I came to Washington. In fact, I had the fun and privilege of batting in a soft ball game in which Walter Johnson was the pitcher, at a Republican picnic in the State of Maryland. I do not know how many other Senators ever had the privilege of batting against Walter Johnson's pitching, but I assure Senators that it gave me a thrill.

Through the years Walter Johnson has symbolized a great ambition for many American boys. I think it is highly fitting that on the 50th anniversary of his joining the Washington Senators the Senator from Kansas should have called attention to that fact.

Mr. DOUGLAS. Mr. President, I never had the privilege of batting against Walter Johnson's pitching at a Republican picnic, but I did have the pleasure, as a small boy, of seeing Walter Johnson pitch in his first season with the Washington Baseball Club, in 1907.

He was an amazing man. He had tremendous speed. Also he was a man of the most gentlemanly behavior on the diamond in the history of American sports. He was a great inspiration to the youth of America.

The only flaw in his character that I know of was that he was a Republican; but in due course of time that fault will be forgiven at the throne of heavenly grace.

Mr. CASE of South Dakota. He was a great American. I may say that Walter Johnson did not use his maximum speed when he pitched to me.

Mr. BIBLE. Mr. President, I have listened with a great deal of interest to the wonderful things that have been said about Walter Johnson. He was one of the greatest pitchers of all time. I think that his most brilliant achievement was taking unto himself a bride from Reno, Nev. [Laughter.]

## HOW IMPORTANT IS THE UNITED NATIONS IN AMERICAN FOREIGN POLICY?—ADDRESS BY JAMES W. BARCO

Mr. SMITH of New Jersey. Mr. President, on July 1, Mr. James W. Barco, deputy United States representative on the United Nations Security Council, delivered an outstanding address at Ohio University, Athens, Ohio. He discussed the importance of the United Nations in the formulation and carrying out of American foreign policy. His analysis appears to be sound and penetrating. I recommend his address to the attention of all my colleagues.

Mr. President, I aks unanimous consent that the speech by Mr. Barco be printed in the body of the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

### HOW IMPORTANT IS THE UNITED NATIONS IN AMERICAN FOREIGN POLICY?

(Text of a convocation address by the Honorable James W. Barco, deputy United States representative on the United Nations Security Council, at Ohio University, Athens, Ohio, July 1, 1957)

It is not my intention to discuss the United Nations with you today from a legalistic or theoretical standpoint. It seems to me a mistake to examine living, growing organizations which deal with the real, immediate, and crucial political and economic problems of today's world in any abstract or—if you will excuse the word—academic fashion. The United Nations is a vital, going concern which must be taken account of as a reflection of the needs and problems, the hopes and aspirations of the world's and, indeed, our own, people. In looking at this organization from that standpoint, I must also of necessity focus particularly on how the United Nations—as a political organization—looks from the United States point of view—which is my point of view, officially as well as personally. In doing so, I hope that I shall be able to answer the question which I pose now: "How important is the United Nations in American foreign policy?"

The United Nations is now almost 12 years old and there is still much mystery about it in the public mind and, it might be fair to say, even some confusion in the minds of those who participate in its work. Much of this mystery comes from an understandable mood of utopianism generated by the tragic cost of victory in World War II and the determination—the same as we had after World War I—never to have another such blood bath. This gave rise to pictures in the minds of many people of a parliament of man which would bring about fundamental changes in the nature of things and result in peace for all time. What this boiled down to was a determination somehow or other to change human nature.

In that atmosphere of hope, and even of belief in the dawn of a new day, the United Nations was born. However, even though they may have sympathized with these boundless hopes, the men who actually wrote the charter were experienced diplomatists and statesmen who knew human nature very well. The charter they wrote was, in its main provisions, not a blueprint for heaven, but a clear-sighted plan for cooperation among the very durable human institutions called sovereign nations which these men represented. It was, in the main, a realistic document.

It was particularly realistic in giving a special position to the five great powers. Unless this had been done, the United Nations could not have come into existence and, unless this position is maintained, it is doubtful if it could endure. It was realistic also in that it did not give the United Nations any powers of government on its own; it did not attempt to create a world government or a superstate.

I say "in the main" it was realistic. There were exceptions. There were some powers of decision which the charter theoretically conferred on the United Nations but which, in the bright light of day, could not be exercised. Chief among these was the plan, requiring unanimous agreement of the great powers, to put at the disposition of the Security Council land, sea and air forces contributed by member states. Through that provision public opinion was permitted to hope that the United Nations would soon have its own armed forces and be able, if need be, to make war in its own right against any aggressor nation. But none of that ever came to pass, and it is 10 years since any serious attention was given to it. That is the path toward a world government, and the United Nations has taken an entirely different turning.

But before we forget about that untraveled path of world government, let's try to see clearly why it could not be traveled in our time. Leaving out all the innumerable practical obstacles, it could not be done even theoretically for this simple reason: World government, like any other government, is nothing but tyranny unless, in Jefferson's words, it "derives its just powers from the consent of the governed." There are in today's world several widely different and even profoundly conflicting ways of life. No single government could possibly fit them all.

The United Nations, as it functions today, recognizes these facts. It proclaims the profound truth that humanity is one, and yet it accepts as a fact that humanity is divided politically into a motley assortment of sovereignties and is likely to remain so for a long time to come. What it strives to do above all else is to prevent disputes among these sovereignties from erupting into war, and to prove in practice that nations can cooperate for the benefit of all concerned—rather than having to seek to gain always at one another's expense. The United Nations, then, strives not toward world government, but toward an ideal which surely is no less lofty—a peaceful community of sovereign nations.

Now, that United Nations ideal happens also to be the ideal of the United States of America—because it is precisely in a peaceful community of sovereign nations that the American values of life can best flourish, endure and spread.

It is no coincidence that the basic goals of the United Nations are also goals of the United States. American leaders of both major political parties were in at the birth of the United Nations; much of the language of the charter was written by those American leaders; the United Nations would probably never have been founded without us. We are the strongest free Nation and the wealthiest. We have as big a stake as any people in the world in preserving and developing that world community of sovereign nations in which we as a people have had so much success. Therefore, the success of the United Nations is bound to help the United States, as well as others.

Now I would like to say something about the place which the United Nations holds in the entire picture of international relations today.

First, obviously some international relations are carried on at the United Nations buildings in New York and others are not.

Outside the United Nations there is much traffic directly between the capitals of nations. There are also regional meetings, military alliances, economic groupings, and so forth, which form very important parts of the machinery of the community of nations and are likewise outside the United Nations. In terms of sheer volume, the amount of international work done in the United Nations must be only a fraction of the total—but in terms of importance that fraction ranks at the top, because it includes nearly every one of the leading international issues.

My second point is that there is no moral difference whatever between actions taken through the United Nations machinery and those taken outside it. The acts of nations are good or bad because of their intrinsic nature, not because of where they are taken. Often, when some problem is handled outside the United Nations, you read, in newspapers, charges that the United States or some other country has bypassed the United Nations—as if we had some moral obligation to do all our international business in those buildings in New York. Then at other times, when we do take an issue to the United Nations, you may read criticisms that we have passed the buck to the United Nations; whereas the truth is that when we bring an issue to the United Nations our United States task of leadership is just beginning.

Confusion on this score can be avoided if we remember that the United Nations is two things: first, a charter or code of conduct, and, second, a practical machine for helping sovereign nations to put that code into effect. Now, the heart of the charter is a set of moral principles; among them, that states will settle their disputes by peaceful means, in ways which do not endanger international peace or justice. A country which belongs to the United Nations and has ratified the charter is pledged to settle its disputes peacefully both within and outside the United Nations machinery. In fact, article 33 of the charter pledges nations in disputes with each other to use first of all the techniques of negotiation, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choosing. That is another way of saying, "Don't burden the United Nations with your disputes until you have tried every possible means of settling them outside the United Nations, without success."

And even when an issue is under debate in the United Nations, more often than not we are working also through regular diplomacy in various countries to help the United Nations achieve a solution.

What I am trying to make clear is that the United Nations as an institution—the headquarters buildings on the East River, the General Assembly, the councils and commissions, the Secretary General, and so on—all exist in the same world, with the same old-time relations and machinery between nations. When an issue is brought to the United Nations it is not thereby magically translated into some fourth dimension where the ordinary laws of international politics and national power and human nature cease to operate. The proceedings of the Security Council or the General Assembly, dealing with political issues such as Algeria, or disarmament, or Palestine, go on concurrently with very active contacts on the same subject between the governments most concerned. The United Nations debates themselves contain the same mixtures of statesmanship and demagoguery which you will find wherever human beings engage in political life. Such solutions as the United Nations achieves do not emerge from some magical cauldron but are put together with infinite care and much soul-searching, in innumerable public debates and private diplomatic meetings, by the very human and hard-working representatives of sovereign nations.

At this point you may ask—"Well, if that is all the United Nations is, what's the use of it? What does it add that we didn't have before?"

It adds at least four essential things.

First, it adds a charter, which contains the only agreed code of behavior which all nations—or almost all—have agreed to observe. The charter is not always lived up to by those who agreed to it, but it has incalculable value as a standard by which nations are morally obliged to shape their actions even when they are under great temptation to do otherwise. They know that any nation pays a high price in terms of its international standing and influence if it cannot justify its actions in the light of the charter's provisions. The Soviet Union is indeed paying such a price right now for its utter disregard of principle and morality in Hungary, and the Soviet Union is painfully aware of this.

The second new thing which the United Nations adds is a world meeting place, or, in the charter's phrase, a center for harmonizing the actions of nations. It is a neutral ground where representatives of nations in conflict can sometimes meet quietly to take important steps toward settling dangerous disputes. It is a year-round community of representatives of 81 countries who get to know each other's points of view and who report constantly to their governments. Their reports of how their countries' policies look in the eyes of the other members, can and often do, raise the standards of national conduct considerably, because the atmosphere of this harmonizing center is set to a large extent by the moral precepts of the charter. Thus at the United Nations, concrete and definite cooperative ventures can be worked out to prevent wars. The most striking such venture in recent years is the United Nations emergency force in the Near East which is making an indispensable contribution to peace in the Near East and which could never have been created except in the United Nations.

Third, the United Nations furnishes a uniquely valuable servant of international peace in the person of the Secretary General. Mr. Hammarskjold has earned great prestige for himself and for the office he occupies. He has performed services for the community of nations which would have been impossible for any representative of a single nation.

Fourth and finally, the United Nations makes a uniquely valuable contribution in the realm of public debate and public opinion. It has an enormous potential for mobilizing world opinion and bringing it to bear on a given issue. By doing this it can influence powerfully the actions of sovereign nations. This influence can do things which nothing else except war could do. For instance, it has saved India and Pakistan from a disastrous renewal of the war over Kashmir. It brought the United States and the Republic of Korea considerable military help and enormous moral backing in the war against Communist aggression in Korea. It successfully pressured Red China to release 15 American airmen who were being held back illegally after the Korean war. It virtually forced a reversal of Soviet opposition to President Eisenhower's proposal for a world atoms-for-peace agency. And, in the Near East last fall and winter, it brought about a cease-fire and a definite turn away from war at a moment of great peril to the entire world. It is no exaggeration to say that this could not have been done without the United Nations.

Those achievements all arose from the pressure of world public opinion, when that opinion had been brought to a focus by action in the United Nations.

Even with all these resources, of course, and with the loyal backing of many members, the United Nations is not all-powerful. The Soviet slaughter in Hungary, in complete defiance of the United Nations, was agonizing proof of how little the United Nations—or the free nations themselves, for that matter—can do peacefully to restrain a country which has very great power and no morals. But our efforts were not useless even so. The world-wide condemnation which the United Nations General Assembly voted against Moscow gave assurance that the Budapest freedom fighters did not die in vain. The fire of indignation which they lit was spread by the United Nations all over the world, and the Soviet Union will not be able to extinguish it for many years to come.

One cannot foresee fully the consequences for eastern Europe of the exposure by the United Nations of the true nature of the Soviet aggression in Hungary, but I predict that what the United Nations has done and will yet do in the case of Hungary will be regarded in the future as a turning point in Soviet world influence. This, in my opinion, may well be the beginning of the end as far as communism's appeal to the minds of man is concerned. If this proves to be true, the United Nations' contribution in the case of Hungary will have been very great, despite the obvious limits on the direct action it could take.

The United Nations record for the past year can perhaps be summed up in this way. There were two great crises in world politics, occurring at the same time, both threatening war. The United Nations dealt with both crises, up to the limits of peaceful action, and the United States was in the lead at the United Nations in shaping the General Assembly's action. One of the two crises, that in Hungary, ended without immediate, tangible success, but with perhaps more important, long-range consequences. In the other, in Egypt, disaster was forestalled and a new chance for peace was created. Without the United Nations it seems probable that none of this would have happened and that, from one of these situations or the other, war would have come to us all.

I would like to point out three conclusions about the handling in the General Assembly of the Near East crisis and its aftermath.

First, just as Hungary illustrates clearly and tragically what the United Nations cannot do tangibly, so the Near East illustrates what the United Nations can do tangibly. The General Assembly by its resolutions stopped massive military attacks on Egypt by three nations and brought about a cease-fire—all within a few days after the first shot was fired. The United Nations then created an emergency police force of troops from small nations, thereby enabling the attackers to withdraw and peaceful conditions to be restored. That is something the United States could not have done with its own troops without grave danger that Soviet forces would also step in, which was one of the chief things we were working to prevent.

Second, in achieving these results the United Nations made the fullest use of all four of its unique assets jointly and severally—the charter, the world meeting place, the Secretary General, and the capacity for mobilizing world opinion. What was done could not have been done by the United States acting alone.

Third and last: the stand which the United States took in the Near East crisis is a historic landmark in the growth of our country's foreign policy. It was a painful experience for us to find ourselves in opposition to three very close and influential friends. But that opposition has largely passed into history, whereas the positive results of the stand we took will be with us for a long time to come.

What are those positive results?

One is, as I said before, that the menace of war has receded and there is reason to hope that a new chance has been created to

try again for real and lasting peace in the Near East.

A second result is that the standing of the United States in Africa, the Middle East and Asia has increased. Even though we did not approve many of Egypt's actions and even though the attackers were our close friends and allies, we insisted that Egypt had as much right to the protection of the Charter as any other nation.

A third result, flowing from the second, is that countries in the Near and Middle East are more awake than ever before to the fact that Soviet colonial ambitions endanger their existence; and, as in Jordan, they are more than ever inclined to seek United States help to combat Communist penetration.

A fourth result is that Great Britain, France, and Israel, by heeding the call of world opinion expressed in the General Assembly, did themselves credit as civilized nations possessing a high degree of moral courage and self-discipline. Meanwhile the Soviet Union proved in Hungary that it was just the opposite.

The fifth result—and perhaps the most important in the long run—is that the United Nations is stronger and more influential than ever.

Let me explain why in my opinion this growth of United Nations influence is so important.

You will remember I said that the United States is dedicated to a goal which is basic to our American interest: the creation of a peaceful world community of sovereign nations. I will go even further. The United States can best fulfill its duty as the leader of the free world in the United Nations.

This duty of leadership is one which we did not seek. History thrust it upon us. Thus in one sense the United States takes its place in a long line of nations each of which, for a time, made the chief decisions which resulted in war or peace, justice or injustice for many other states. Virtually all of them, in the past, established their leadership by conquest and maintained it, at least in part, in the form of empire, holding weaker peoples in political subjection, and yet achieving many splendid things in the spread of law, education and the arts.

We Americans will never have an empire: economically we do not need one, temperamentally we do not want one, and historically we would be madmen, in this date and age, to try to get one. But we do have the power to lead—and, for our own security we must lead. The next question is: Since we are destined never to have an empire, what form and character should our leadership take?

That is where the United Nations comes in. The United Nations is many things, some of which I have mentioned; but no study of it is complete unless it is seen also as the place in which the United States of America carries out its responsibilities of world leadership.

At this point a sober question may be in order: Just how influential is the United States in the United Nations? I can give you a few rough indications. We are influential enough so that, in the 11 years since the United Nations began to operate, we have not been on the losing side of the vote in the General Assembly on a single question of really first-rate importance to us. We are influential enough so that a very large part of the initiative in the General Assembly on key political questions comes from us. Let me illustrate this.

Last fall and winter, in the General Assembly proceedings on the uprising in Hungary, 11 resolutions were adopted. Of these, 7 were introduced by the United States, either alone or with cosponsors. Many of these resolutions had as many as 24 countries as cosponsors, and they were written and rewritten in meetings of representatives of the sponsors. The chairman of all these meetings was the United States representative. In other words, on this question of Hungary, a European country, the main initiative lay not with any of Hungary's European neighbors, but with the United States as the acknowledged leader of the Free World.

Another illustration: The handling of the Middle East crisis in the General Assembly. Of the 16 resolutions which the General Assembly adopted on this crisis, 7 were introduced by the United States, and it was the United States delegation that was looked to by the vast majority for leadership at every stage of the debate. Other countries such as Canada, India, and Norway, made notable contributions for which we were very grateful, but the daily burden of shaping the strategy of the General Assembly fell mainly on the shoulders of the United States delegation.

It is important not to exaggerate this. Although we are the most influential single member, we do not by any means get everything our own way. We would not wish to do so. Yet it is quite wrong to say, as some people have said recently, that the leadership and power in the United Nations in the past 2 years have fallen into the hands of the countries from Asia and Africa, or, as they are often called, the Afro-Asian bloc. The Afro-Asian countries have never voted as a solid bloc, and they are less and less likely to do so as time goes by because of their great diversity.

Of course the Afro-Asian delegations do wield more influence than they once did, especially since the admission of 13 countries from that vast region of the world in the past 2 years. But there is nothing in that situation to frighten us, however much we may deplore the hypernationalism of one or another country from that area. Such differences as we have with them are manageable, just as our differences with countries in Europe and Latin America are manageable. The basic fact about that area is that over 600 million people of the Free World have emerged since World War II into independent nationhood and have taken a stake in the community of sovereign nations. They have eagerly joined the United Nations and have taken great pride in their contributions to its work. They are beginning to enjoy their political inheritance as free peoples. Most of them have yet to come into their economic inheritance, and often they want to develop their countries faster than sound practice would dictate; but that is a sign of vigor and health, not of dissatisfaction.

Of one thing we can be sure: Every one of the score of new nations belonging to the United Nations would pay a great price, if need be, to preserve its independence against any imperial threat, including that of world communism. Their spokesmen have made it clear repeatedly that their independence is the most precious thing they have.

The United States finds itself, in the United Nations, in a position familiar to leaders—in the middle. The job of reconciling opposing interests and cooling animosities often falls to us. The list of countries with which we consult on a regular basis grows continually longer—which simply reflects the fact that we try to lead in the United Nations and elsewhere by persuasion, not by coercion or dictation.

If we are to lead by persuasion, and not by dictation, we must be careful to understand and take account of the interests and sensibilities of others. This means that United States policy decisions are always much more difficult to reach, and usually more complicated when they are reached, than the decision of a country which has only itself to speak for. It means that we may also be targets of envy by peoples whose material standard of life is less than ours, and that this difference sets up from time to time a psychological barrier between us and such peoples.

Yet most representatives of free countries at the United Nations realize very clearly that the entire community of nations which today safeguards human freedom, however imperfectly, would be swept away if the power and resolution of the United States were taken out of the balance. Most of them know—often more clearly than their home opinion permits them to say in public—how profoundly the Soviet Union and its Chinese Communist ally are committed to the overthrow of that community of nations. There are some, of course, who still must learn those bitter truths, but the learning process is going on all the time.

But it would be quite wrong to say that the newly independent countries are the only learners at the United Nations, or that they are the pupils and we the teacher. Far from it. We are all learners at the United Nations, and we particularly must learn from others if we are to lead.

We must know how to reconcile the equal sovereign rights of all nations with the huge inequalities of national power.

We must know how to cope with the lingering distrust, which runs very deep in newly independent countries, against all Western Powers often incurring ourselves—an emotion which dies very slowly.

We must know how to respond to the new nations' tremendous urge for economic growth and yet not yield to ambitious economic schemes which we know will not work, and which might well kill the fabled goose without having received a single golden egg.

We must know how to live up to our liberating anticolonial principles without self-righteousness, and without slighting the vast achievements and vast practical problems of such a power as Great Britain, whose former dominions and colonies today make up about a seventh of the membership of the United Nations.

We must know how to deal in the United Nations with a Soviet Communist power which proclaims the end of our way of life as an article of faith and whose daily conduct, in the United Nations and out of it, is in violent, fundamental conflict with the charter—and yet, which by our efforts, in many years' trial of faith and endurance, may yet be brought into the fold of law-abiding sovereign States.

And finally, where problems cannot quickly be overcome, we must learn to be patient without being any less determined.

The epic struggle of our century, whose outline appears almost daily at the United Nations, is the struggle of a community of nations to come fully to life. With a very few exceptions the free nations which possess colonies seem determined that all subject peoples under their dominion shall before very long govern themselves, whether within the mother country or as independent nations. The subject peoples themselves, far from being at war with the community of free nations, are seeking with all their might to take up what they regard as their rightful places in that community. In that enormous transition there are tragic and bloody passages which we deplore—but the transition itself is one of the great human facts of the age.

Yet there is a third of mankind which is ruled by Soviet communism—a fundamentally different system which debases the individual and exalts the state, which with inexpressible gall claims an infallible scientific key to all human problems, and which still claims the whole world as its inheritance. The propagandists in Moscow often speak of a struggle between two systems—communism on one side and, in their picture, capitalism on the other. Well, half of that picture is mythology, because fortunately the Free World hasn't got and never

will have any system that is comparable to communism. The minute we adopted a world system we would cease to be free either politically or intellectually, and the nations among us would cease to be sovereign—just as they have under communism.

The real situation is that a community of sovereign nations—not a system but a community, striving all over the world to create ordered freedom and justice for the vast variety of human nature and human circumstance—is under attack by a political system which manacles freedom.

Fortunately there is a good deal of evidence that communism is losing its dynamic appeal in the world. These developments should strengthen our faith in the future. Meanwhile, with unceasing intellectual inquiry, our own Free-World horizons can continue to expand.

Given enough stamina and imagination and dedication in this and other free countries, we have reason to foresee a time when the peoples of Eastern Europe, of the Soviet Union and the mainland of China, will be welcomed as free peoples into a worldwide community of sovereign nations. That was, I believe, the vision which the fathers of the United Nations had in their minds. It is a noble enough vision to deserve the best efforts we, in this country, can muster.

## NECESSITY FOR CHANGE OF RULE XXII

The PRESIDING OFFICER. Is there further morning business?

Mr. DOUGLAS. Mr. President, in discussing the vote yesterday, I found that a number of Senators whom we had expected to be with us against the jury-trial amendment stated that while they would have liked to vote against it, they were nevertheless afraid that if the jury-trial amendment were defeated the southerners would then filibuster the bill and prevent any bill from being passed. I tried to disabuse my friends of this feeling, and said to them that the issue was sufficiently important to justify a long struggle, and that those of us who believe in civil rights should be as determined in our advocacy as were those who are opposed to civil rights. Nevertheless, this feeling was very powerful, and it contributed, I am sure, to the inclusion of the jury-trial amendment.

There is a moral to be drawn from that fact. There was no filibuster exercised in discussing the amendments, but the threat of a filibuster was always present, and it operated very powerfully to weaken and cripple the bill. The inevitable conclusion is that the case for modifying rule XXII to curb filibusters is greatly strengthened.

I said last January, when we were striving to modify rule XXII, that we would probably not be able to adopt a meaningful civil-rights bill unless rule XXII were changed. We were assured that this was not necessary. It has now turned out to be a fact. The vital features of the civil-rights bill have now been extracted by a coalition and by the threat of a filibuster. In my judgment, we must now move on as soon as possible to change rule XXII and to make it more possible for the will of a majority of the Senate to express itself and so that it will no longer be possible for a small but powerfully entrenched minority to dominate the Senate, and hence to flout the will of the people of the United States.

## EXTENSION OF SMALL BUSINESS ADMINISTRATION

The PRESIDING OFFICER. Is there further morning business in the morning hour? If not, the morning hour is completed, and the Chair lays before the Senate the pending business, which will be stated by title.

The CHIEF CLERK. A bill (S. 2504) to amend and extend the Small Business Act of 1953, as amended.

The Senate proceeded to consider the bill.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that, without the time being charged to either side under the unanimous consent agreement, there may be a quorum call, for the notification of all Senators.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | |
|---|---|---|
| Aiken | Gore | Morse |
| Allott | Green | Morton |
| Anderson | Hayden | Mundt |
| Barrett | Hickenlooper | Murray |
| Beall | Hill | Neuberger |
| Bennett | Holland | O'Mahoney |
| Bible | Hruska | Pastore |
| Bricker | Humphrey | Payne |
| Bush | Ives | Potter |
| Butler | Jackson | Purtell |
| Byrd | Javits | Revercomb |
| Carlson | Jenner | Robertson |
| Carroll | Johnson, Tex. | Russell |
| Case, N. J. | Johnston, S. C. | Saltonstall |
| Case, S. Dak. | Kefauver | Schoeppel |
| Chavez | Kennedy | Scott |
| Church | Kerr | Smathers |
| Clark | Knowland | Smith, Maine |
| Cooper | Kuchel | Smith, N. J. |
| Cotton | Langer | Sparkman |
| Curtis | Lausche | Stennis |
| Dirksen | Long | Symington |
| Douglas | Magnuson | Talmadge |
| Dworshak | Malone | Thurmond |
| Eastland | Mansfield | Thye |
| Ellender | Martin, Iowa | Watkins |
| Ervin | Martin, Pa. | Wiley |
| Flanders | McClellan | Williams |
| Frear | McNamara | Yarborough |
| Goldwater | Monroney | Young |

Mr. MANSFIELD. I announce that the Senator from Arkansas [Mr. FULBRIGHT] is absent because of illness.

The Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

The Senator from West Virginia [Mr. NEELY] is absent on official business.

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The PRESIDING OFFICER. A quorum is present.

Mr. KEFAUVER. Mr. President——

The PRESIDING OFFICER. Under the unanimous-consent order the time is controlled by the majority leader and the minority leader.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Does the Senator from Tennessee wish to speak with respect to the pending bill, or on some other subject?

Mr. KEFAUVER. I merely wish to make some insertions in the RECORD.

Mr. CLARK. Perhaps I should state that, on behalf of the Banking and Currency Committee, I expect to argue in support of the bill. If the Senator from Tennessee wishes to speak, I have not the slightest objection, but I do not want the time charged against the time allotted to the proponents of the bill.

The PRESIDING OFFICER. Who is representing the majority leader in control of the time.

Mr. CLARK. I am.

I yield myself 10 minutes.

Mr. President, Senate bill 2504 would extend the Small Business Administration for 1 year, and would increase the authorization for business loans by $75 million. This bill is in the nature of an emergency action by the Committee on Banking and Currency, and is so considered, because of the termination of the agency on July 31, 1957, day before yesterday. The committee held extensive hearings on many bills concerned with the extension and modification of the Small Business Act, and on several other proposals aimed at meeting the credit needs of small business.

One of the comprehensive bills considered by the committee was House bill 7963, which passed the House of Representatives on June 25, 1957. The committee had before it a great many bills in addition to the House bill, and there were numerous controversial questions with respect to which members of the committee were not entirely in accord.

Because of the pendency of the civil rights bill, and the inability of the committee to take the time to reach an agreement with respect to a number of relatively controversial matters which were before it, it was concluded that the subcommittee would make no definitive report to the full committee, but that we would try to find the least common denominator among all the members of the committee, and report a bill which could be quickly passed before the Small Business Administration expired pursuant to the terms of the act, day before yesterday.

The committee bill does two things. It extends the life of the Small Business Administration for 1 year. It provides an additional authorization of $75 million for business loans, which was felt by the committee and by the administration itself to be adequate for the next 12 months.

It is the hope of the committee to continue hearings, and to reach an agreement in committee on a much more comprehensive Small Business Administration bill. Speaking personally, as chairman of the subcommittee—and I know my views are shared by a number of my colleagues on this side of the aisle—we hope the Small Business Administration can be made permanent, under a charter which would give it a greater ability to perform its functions than it now has.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr CLARK. I am operating under a limitation of time, but I yield briefly for a question.

Mr. SALTONSTALL. The Senator has just said, speaking as a representative of the Committee on Banking and Cur-

rency, that the committee is in favor of the extension of the Small Business Administration, but because of the number of bills before the committee, and the number of proposals involved, and in view of the limited time remaining at this session, the committee is recommending an extension for 1 year, with the idea that in the next session of Congress plans can be made to make it permanent, and to carry out the various suggestions which have been made. Is that correct?

Mr. CLARK. I hope a majority of the Banking and Currency Committee will be in favor of making the agency permanent. That certainly is my view. I can give the Senator no assurance that a majority of the committee will so agree, although I hope it will, and in my judgment it will.

Mr. SALTONSTALL. Does the Senator believe that the Small Business Administration, under Mr. Barnes, is doing an excellent job to help small business throughout the country?

Mr. CLARK. It is certainly doing a good enough job to warrant its continuance for 1 year.

Mr. SALTONSTALL. As I understand, the Senator is not prejudiced against continuing it beyond that time. All he wants is time to study the problem next year.

Mr. CLARK. Personally I favor a longer continuation. I think the Small Business Administration should be made a permanent agency, but I cannot speak for the committee in that regard.

Mr. SALTONSTALL. I hope the Senator will continue to be optimistic, with a view to perfecting plans for a more permanent organization.

Mr. CLARK. I thank the Senator.

To recapitulate, the purpose of the bill is to do two things——

Mr. MORSE. Mr. President, will the Senator yield?

Mr. CLARK. I yield briefly for a question.

Mr. MORSE. The Senator controls the time, does he not, on his side?

Mr. CLARK. Yes; but several other Senators have asked me to yield time to them.

Mr. MORSE. I shall make my comments in my own time.

Mr. CLARK. The bill would accomplish two things. First, it would extend the life of the Administration for 1 year, from July 31; and second, it would provide an additional business loan authorization of $75 million to keep it going during that period.

Of course we were disappointed that we could not pass the bill in the Senate and send it to the House for prompt action, so that it might receive the President's signature before the agency expired on the 31st of July. That was a great disappointment, but I should like to point out that under existing law the President has authority to continue the Administration for 6 months after its terminal date. So that no one will have to go without being paid. The agency will not go out of existence because it has not been extended by Congress, in view of the 6 months provision, and certainly no chaos will exist in the Small Business Administration. It is unfortunate that for 48 hours or perhaps even for 72 hours the agency will have been unable to make any business loans. However, if we can get the bill through the Senate promptly and send it to the House, I am sure the situation will be remedied.

The Senator from Minnesota [Mr. THYE] has sent to the desk an amendment which would add section 3 to the bill, to alleviate a situation caused by our inability to pass the bill before July 31. The amendment would merely make the action which I hope we will take retroactive to July 31. The amendment is identical in wording with a committee amendment which has been approved by the committee and which I had intended to offer. Inasmuch as the amendment of the Senator from Minnesota is already available to us, I should like to call it up now, if it is agreeable to the Senator from Minnesota.

Mr. THYE. I certainly agree, because the mere fact that the expiration date of the act has passed should not have any effect on the situation of the Small Business Administration. The agency actually came to an end at midnight, July 31, and all loans made since then and which are in existence are unauthorized during the period of the time the agency's authority has lapsed.

I discussed the matter with the Parliamentarian, and I felt that the only course for us to follow was to submit an amendment to make our action retroactive to July 31, and in that way reestablish the life of the agency.

Mr. CLARK. I thank the Senator from Minnesota. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The Senator from Pennsylvania has used 7 minutes. He has 3 minutes remaining.

Mr. CLARK. I yield back to myself the remaining time I have not used, and I yield 5 minutes to the junior Senator from Florida.

Mr. SMATHERS. Mr. President, I wish to associate myself with the remarks of the able Senator from Pennsylvania and the other Senators who have expressed their interest in the pending bill. All of us must recognize that, while the Small Business Administration may not have done everything we would like to have it do, nevertheless it has done a good job. Since 1953, when the agency was first brought into existence, it has made more than 7,000 loans, totaling approximately $350 million.

Not only has the agency made loans to small businesses, and supplied technical and managerial advice to small businesses throughout the country, but, most important of all, it has filled a need in many disaster areas. Many of us forget that fact. The other day the Senator from Louisiana spoke of the great importance of that program of the agency to his State during the recent hurricane there, which caused so much suffering, left so many people dead, and caused many millions of dollars worth of damage.

Mr. President, it is vitally important that we pass the bill and that we keep the agency in being, particularly when we consider the fact that small business today probably is suffering more than it has ever suffered in the entire history of our country. The brankruptcy rate is higher than it has ever been in our history, and mergers and consolidations are continuing to gobble up small-business firms at a faster rate than ever before. Statistics which have been prepared by the Federal Trade Commission show the number of corporate mergers which have taken place in the last few years. The total has risen from 617 in 1934 to a high of 905 in 1956—a 46.6-percent increase. The record also shows that there were 411 corporate mergers in the first 5 months of 1957, as compared with 406 for the same period last year. Because of these mergers, the high interest rate, and the present tight-money policy of this administration, it is very difficult for small business to stay alive.

The Small Business Administration stresses cooperation with our banking facilities in making loans to small businesses and in that way does help to keep down the interest rate. This agency is doing a great service in keeping small business alive.

Mr. President, the bill should be passed by an overwhelming vote. I yield back the time remaining to me.

The PRESIDING OFFICER. The amendment of the Senator from Minnesota will be stated for the information of the Senate.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to add a new section:

SEC. 3. This act shall take effect as of the close of July 31, 1957.

Mr. CLARK. Mr. President, I yield 2 minutes to the Senator from Oregon.

Mr. MORSE. As a member of the Select Committee on Small Business, I do not share the view of the Senator from Pennsylvania, to the degree that he seems to express it, in approval of the work Mr. Barnes is doing as the head of the Small Business Administration. I think Mr. Barnes is not doing an outstanding job. However, I believe it is important to keep the Small Business Administration in operation, even though I share the doubts about the work of this agency that were expressed by the Senator from Georgia [Mr. RUSSELL] on the floor of the Senate the other day.

I have had too many unfortunate experiences with the Small Business Administration to stand on the floor of the Senate and give it a bunch of roses, except with the buds clipped off the bouquet. I think its record has been a thorny one. In my judgment the loans made by the Small Business Administration are too much controlled by the bankers of the various communities of this country.

However, the purpose of the Small Business Administration is sound. I wish to keep the Small Business Administration in existence, in the hope that in 1958 and 1960 there will be a mandate from the people which may result in our being able to have a more effective Small Business Administration in the Government.

My chief criticism of it is that Mr. Barnes and his associates in too many

cases do not recognize that what we desire to have the Small Business Administration do is to give aid and economic help to businesses which could survive with a little assistance, but on which bankers frown, because they do not believe them to be particularly good business risks.

There is a great job to be done for small business. There is a great job to be done in encouraging small-business men under the authority of the loaning policies of the Small Business Administration.

I join this morning in voting to extend the life of the Small Business Administration, but I hope—and I invite the attention of the Senator from Pennsylvania to what I now say—that I can get some support for legislation, now in the process of being drafted, which will revise the setup of the Small Business Administration and will seek to make it a permanent organization of effective service to the small-business men of America.

When I was a member of the Banking and Currency Committee, I was chairman of the Subcommittee on Small Business. On the basis of that experience I am convinced that a permanent Small Business Administration should be established.

Mr. President, one of the major difficulties of the Small Business Administration has been the temporary nature of its existence. For it to be a reliable aid to the small businesses of Oregon and the rest of the country, the SBA should be established permanently, through legislation that will also correct the deficiencies of the present law.

The House of Representatives has passed an excellent bill for this purpose, H. R. 7963. Its major provisions are to make the Small Business Administration a permanent agency; to increase the loan authorization of SBA; to fix the interest rate for SBA loans at 5 percent; to provide a more equitable share of Government procurement for small business by requiring use of a new definition of small business for procurement purposes; and to abolish the Loan Policy Board which has stymied effective help to small business and replace it with an advisory board more genuinely representative of small business.

It is my understanding that the pending bill, S. 2504, is intended by the Senate Banking and Currency Committee to be a stopgap measure to tide over the Small Business Administration until it can hold hearings on H. R. 7963 and give it the consideration and attention it deserves. I want to serve notice that I favor S. 2504 only as a stopgap measure. The SBA should be established permanently, and but for some of the undesirable features of the Small Business Act which should be changed, I would propose making the law permanent right now. But I am taking it for granted that the Senate Banking and Currency Committee intends to act expeditiously on H. R. 7963; the bill was referred to it from the House of Representatives only on June 26. I have no intention of bypassing this committee, and its many experts on business and financial affairs; but I do want its members to know that I am anxiously watching the progress of this House measure.

Senators will recall that I have been chairman of the Small Business Subcommittee of the Senate Banking and Currency Committee in previous years when the Small Business Act has been extended. On those occasions, I have tried to incorporate some of the changes in the Small Business Act contained in H. R. 7963, including permanent authorization. It was by my efforts that the Portland branch of the SBA was granted additional lending authority, and a contract procurement office set up there. So I have close personal experience with the operation of the law, the needs of small business, and the revisions needed for an effective program for small business and disaster loans.

The House bill is one I welcome enthusiastically; it was adopted there by a vote of 392 to 2. I hope that this is the last time the Senate will be called upon to pass a temporary extension bill, and that early next year we will have the opportunity to act upon H. R. 7963.

In closing, Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks a telegram addressed to me by Mr. George J. Burger, vice president of the National Federation of Independent Business.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *August 2, 1957.*

Hon. WAYNE MORSE,
*Senate Office Building,*
*Washington, D. C.:*

Refer to extension of Small Business Administration: Hearings before subcommittee, Committee on Banking and Currency, 84th Congress, 1st session, May 5–9, 11, 1955; pages 36 to 48 inclusive. Refer to colloquy of yourself, Senator Payne, and George J. Burger, starting pages 41 to 48.

Our position then, on direct vote of our members, was same position we took in behalf of small business before current hearings of subcommittee, House Small Business Committee, House Banking Committee, Senate Small Business Committee and subcommittee of Senate Banking Committee.

In other words, the House, by practically unanimous action, adopted a bill, in part similar to these recommendations, which we believe will serve the best interests of independent business of this Nation.

I feel certain that you will, without a quesof doubt, support the House action, and I repeat—it will serve the best interests of Nation's independent business and our sustaining membership in the State of Oregon. A precedent was set by the Senate itself when they bypassed your resolution on civil rights so in view of this, let the Senate set another precedent and vote the House bill, H. R. 7963, or at least make the Small Business Administration a permanent agency so that small business will know there can be no repetition of the situation such as has taken place in the Senate at this time. It's about time that small business of this Nation got a real break through permanent recognition to their problems.

Will you be kind enough to read this message on the floor of the Senate? I know it will be welcome news to our people, independent business in the State of Oregon.

GEORGE J. BURGER,
*Vice President, National Federation of Independent Business.*

Mr. KNOWLAND. Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point a statement prepared by the Senator from Maine [Mr. PAYNE] on S. 2504, the Small Business Administration Extension Act.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR PAYNE

The bill (S. 2504) presently under consideration by the Senate authorizes the Small Business Administration to continue in existence until July 31, 1958.

The value of the Small Business Administration is seldom questioned; it has proven its worth over the past 4 years. It has, during that period, developed strong bipartisan support as a result of its effective work in behalf of the millions of small-business concerns throughout the Nation. This agency has shown continuous improvement in its various programs for loans, procurement assistance, and technical assistance.

No one would argue the fact today that small business constitutes a vital part of our competitive economy. The future success of our free enterprise system depends upon the existence of a vigorous small business community. With the increasing pressures on business, a definite need exists for an agency to devote all of its efforts toward helping small business firms. The Small Business Administration has proven itself capable of meeting this challenge.

My colleagues and I on the Banking and Currency Committee's Small Business Subcommittee, under the chairmanship of the Senator from Pennsylvania [Mr. CLARK], held lengthy hearings on the several small business bills referred to the subcommittee. Among these were three omnibus bills establishing the Small Business Administration as a permanent agency of the Federal Government. Although each of these bills contained a few unique and perhaps questionable provisions, the subcommittee was in agreement on the desirability of reporting to the Senate an omnibus bill of some sort.

Time, however, ran out—the civil-rights debate commenced, and at this juncture the committee, in deference to the parliamentary situation in the Senate, felt that a 1-year extension of the agency would have the best chance of prompt passage. Thus, the bill before the Senate today is offered more as an expedient rather than as a complete piece of legislation. Realizing the problems facing the Senate, the Chairman of the House Banking and Currency Committee has indicated that he would support this bill when it reaches the House of Representatives. Obviously this solution is not completely satisfactory to any of the parties concerned; but it does offer a means of continuing the Small Business Administration and its very effective programs for the assistance of smaller business concerns.

Also included in this bill is an authorization for an additional $75 million in loan funds to be made available to the agency during the next year. This figure is based on estimates made by the Small Business Administration as to their needs during the current fiscal year.

All other small business bills considered by the Committee this year along with the testimony received on them will be reviewed early next year with the intention of reporting an omnibus bill to the Senate for consideration at the earliest possible date in the 2d session. The House of Representatives has already acted on legislation of this nature, and their bill will undoubtedly provide an outline for the deliberations of the Committee when it resumes consideration of small-business legislation next January. At that time I shall make every effort to have included in that omnibus bill the provisions of the two small-business bills, S. 244 and S. 246, which I introduced early this year. S. 246 would make SBA a permanent agency

while S. 244 proposes a new category of 3 percent loans to be made by SBA to small businesses in economically depressed areas. Inclusion of both provisions will substantially strengthen our small-business laws.

It is, indeed, unfortunate that circumstances prohibited the passage of a major small-business bill during this session and this fact is, of course, very disappointing to those of us who feel the need for more positive legislation in behalf of small business at this time.

Mr. KNOWLAND. Mr. President, I yield 10 minutes to the Senator from Minnesota.

Mr. THYE. Mr. President, the distinguished Senator from Pennsylvania has referred to the amendment I offered which is now the pending question before the Senate. The amendment would extend the life of the agency retroactively to the expiration date.

As the author of the Small Business Act of 1953, I have followed the work of the agency very closely. At the time I introduced the original bill, I stated that, under the Farmers' Home Administration it was possible to aid young people who desired to go into the business of farming but who did not have the financial means or credit to obtain loans necessary to undertake farm operations. The Farmers' Home Administration loans would oftentimes start a young farmer in business. The administration had a splendid record in helping young people to become farm operators and homeowners and substantial citizens in the various communities of our Nation.

I had something like that in mind in connection with the Small Business Act. I had in mind aiding those who needed financial assistance but who were unable to obtain such assistance, particularly young businessmen who had proved their ability by working in grocery stores or filling stations or some other establishment on the Main Streets of America. If such a man had proved his ability and was reliable and hard working, and perhaps a family man, then it might be advisable, since local banks were not permitted under the banking laws of the State or the Federal Government to make such loans, to help him get a loan through the cooperation of the Small Business Administration. In that way a young businessman could establish himself and operate in his own right.

That was the vision I had when I first introduced the bill. It is a vision I still have. Mr. President, you and I want to help young couples who are endeavoring to go into business, so as to make certain that they have a reasonable opportunity. Unless we do that, we will not have prosperous individual business operators on the main streets of the towns and cities throughout our land.

It is for that reason that I have been so close to the Small Business Administration. It is one reason, also, why I express disappointment that the bill provides for an extension of only 1 year. The bill I first introduced provided permanent status for the Small Business Administration.

Mr. President, I have prepared a statement concerning my views about the Small Business Administration. I shall not take the time of the Senate to read it, but because it refers to the number of loans and the amount of money outstanding, I ask unanimous consent that it be printed in the RECORD at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR THYE

I will support the recommendation to extend the life of the Small Business Administration for 1 year. However, I want the RECORD to clearly show that I am keenly disappointed in the action taken by the Senate Banking and Currency Committee in recommending a 1-year extension.

This action by the Senate will not enhance the position and prestige of this important Government agency designed to assist the small business firms of the Nation.

As the author of the original Small Business Act of 1953, I have followed the activities of this agency very closely. The agency has been effective in carrying out the responsibility placed upon it by Congress in 1953.

The Small Business Administration serves small businesses in three general categories. The agency through its financial assistance program has allowed many deserving small firms to remain in operation and to expand. During fiscal 1957, 3,536 loans were approved to small firms. The total dollar volume of these loans amounted to $159,095,000. The total number of loan applications increased during the past fiscal year by 68 percent. This demonstrates that small firms throughout the Nation have come to have confidence in the agency and that the agency is fulfilling a real need to small business concerns who need money and cannot find it in commercial channels.

Another area in which the agency has been effective is in the field of procurement assistance. The set-aside program, the various agreements which the agency has worked out with other agencies of Government, and the hard work on the part of the personnel has helped to carry out the intent of Congress that small business shall receive a fair share of Government procurement.

Another vital need which this agency meets is that of disaster assistance. During the recent floods in Minnesota the Small Business Administration moved into the stricken area of Marshall within hours of the first flood reports and is proceeding to process disaster loans to business firms and homeowners within the community.

During fiscal 1957 the agency approved 1,597 disaster loans for a total of $12,992,000.

I maintain that this constructive record in behalf of a major segment of our economy deserves more than Senate action which would extend its life for 1 year.

In January of this year I introduced a bill which called for the permanent extension of this agency. Approximately 30 Senators joined in cosponsoring this bill. Other members from both sides of the aisle introduced bills which called for the permanent extension of the Small Business Administration.

The House of Representatives has already passed a bill to make the agency permanent. The action which is proposed here today supports my arguments in behalf of a permanent agency.

Twice in the past 3 years the Senate has taken temporary action to extend the life of the Small Business Administration. This does not encourage banks to participate in a vast lending program. The local banks in every community throughout the Nation cannot be expected to participate in making loans with an agency whose existence is constantly in doubt. The agency cannot be expected to enlist and hold efficient personnel if employees do not know from 1 year to the next if the agency will remain in existence.

The Small Busness Administration cannot be expected to carry out effective programs of procurement assistance with other Government agencies when those agencies are not dealing with a permanent agency of Government.

I shall vote for the current resolution with the hope that in the next session of the Congress the Banking and Currency Committee will take immediate action to recommend the type of legislation which the small-business men throughout the Nation and the Small Business Administration deserve.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the distinguished senior Senator from North Dakota.

Mr. LANGER. Mr. President, a short time ago Fargo, N. Dak., suffered one of the worst tornadoes ever to have been experienced in the history of our State. Several hundred houses were completely destroyed, and much damage was done to a great many others. The work of the Red Cross has been good.

The city of Fargo has, I believe, one of the outstanding mayors in the entire United States, namely Herschel Lashkowitz. Because of his great courage and devotion to duty, much rehabilitation has been done in that area.

Unfortunately, one of the greatest handicaps has been the inability of the Small Business Administration to assist in establishing new homes.

I ask unanimous consent to have printed at this point in my remarks a letter that the distinguished mayor of Fargo, Herschel Lashkowitz, wrote to me in connection with the matter; and following the letter, I ask unanimous consent to have printed a statement he prepared for the Fargo Forum, and which was published in full.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

CITY OF FARGO, N. DAK.,
*July 23, 1957.*

Hon. WILLIAM LANGER,
*United States Senator,*
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR LANGER: I hope that this letter finds you in better health than ever and that you are taking good care of yourself during the hot, humid Washington summer.

I hesitate to write you because I have been mindful of your many responsibilities and problems. However, I deem it imperative that you be fully apprised of the tornado disaster rehabilitation work being undertaken here in Fargo.

Several weeks ago I had the opportunity of taking two of your colleagues on a tour of the devastated area during a brief stopover here in Fargo. I have reference to Senator HENRY JACKSON and Representative MAGNUSON, of the State of Washington. I have asked them to carry the picture of the devastation to their colleagues in the Congress for two reasons: (1) The present laws are plainly inadequate to bring the measure of desired assistance to disaster victims; and (2) it is too slow and, in the meantime, many disaster victims are obliged to avail themselves of desperation measures and are subject to exploitation. Therefore, it is the considered judgment of many that the Federal disaster-relief program needs a complete reexamination as to its adequacy to meet the increasing volume of disaster work.

I am enclosing herein a copy of a statement published in the Sunday Fargo Forum on July 21, 1957, which summarizes the prevailing situation here in Fargo. I sincerely

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hope that this letter together with the enclosure, can be read on the floor of the United States Senate and incorporated in the body of the CONGRESSIONAL RECORD for all of your colleagues to consider.

It occurs to me that the Congressional delegation of the State of Louisiana might well wish to join in the reexamination of the adequacy of the disaster-relief program. The personnel in charge of the administration of the Federal program are sincere and sympathetic people. However, the program is cumbersome, slow, and inadequate. I sincerely believe that the current session of Congress should review this program in its entirety before it adjourns because another section of the country might well benefit from such review.

Thanking you for your many past courtesies and hoping that this letter finds you enjoying the very best of health and with kindest personal regards, I remain

Respectfully yours,

HERSCHEL LASHKOWITZ,
*Mayor.*

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[From the Fargo (N. Dak.) Forum of July 21, 1957]

THE MAYOR'S STATEMENT ON DISASTER FUND

(Here is a statement from Fargo Mayor Herschel Lashkowitz on the purposes of the Fargo disaster contingency fund. This statement is made in reply to a request from the Fargo Forum and is not a voluntary statement.)

"The Fargo disaster contingency fund was formally established June 23, 1957, in order to accommodate the many people and organizations that expressed a desire to contribute directly to the city of Fargo, some of whom had already made contributions.

The moneys that have been pledged or received were placed in this special earmarked fund rather than placed in the general fund.

The city of Fargo had three choices facing it on June 23: One, to place money and pledges in the general fund of the city of Fargo (which meant using them for general city purposes); two, turning these funds over to other governmental or private agencies; or, three, to establish a special earmarked fund, the proceeds of which were to be used for tornado disaster relief.

Upon my recommendation, the city commission, adopted the third choice and has persisted in holding this position.

It has been stated repeatedly that the fund will be used for tornado disaster relief work and expenses incurred in meeting the needs of the disaster which had not been previously budgeted and could not have been anticipated.

On June 23 it was difficult, if not impossible, to anticipate how extensive the needs would be arising from the disaster and what precise role the city might play in the reconstruction program. The precise roles of the Federal and State governments had not been defined at that time and no formula had been developed as to the precise roles of the various private relief organizations. It was our considered belief that the city of Fargo had a continuing responsibility which exists 365 days of the year during normal times and during times of stress and that whatever role the other governments might play or whatever position taken by the private relief or charitable organizations, the city of Fargo would still have its obligations and responsibilities to the people and would endeavor to supplement these other efforts.

Since June 23 the following facts have been established: To date there has not been one cent of either Federal or State money spent in the city of Fargo for direct assistance to the city of Fargo or its inhabitants. It is still not clear as to how much, if any, Federal or State money might be forthcoming in the future. Insofar as the role of a certain highly publicized national organization is concerned, it has been stated by their representatives that they will endeavor to restore tornado disaster victims to a predisaster status. When these representatives have been questioned as to whether or not the predisaster condition is inadequate or insufficient housing, they have answered, and correctly, that that is a community problem. Therefore, many of us have felt that some of our efforts were geared to meet this community problem of inadequate housing. Of course, some of the relief work of this national organization will inevitably improve somewhat the condition of some of these people afflicted. However, there is still a vast community problem as it relates to Golden Ridge and College 2d additions to the city of Fargo. It is the thinking of many Fargoans that we have a community responsibility in the west end of our city to see to it that safe and adequate housing be constructed, that the tornado disaster victims be not further penalized by having to live in substandard dwellings today or 2 years hence.

No one has denied to date that during the tornado disaster and the period following that the city government has had primary responsibility for the maintenance of order, safety, health, and general welfare of the community. Accordingly, the city of Fargo has been faced in the past month with the huge task of clearing the streets and public thoroughfares so that police, fire ambulance and emergency vehicles could operate and normal traffic be restored as quickly as possible. The second huge task of the city of Fargo has been to take swift emergency measures, even to the extent of going on private property, to protect the community against contamination and disease which could well have followed during the hot and humid days after the tornado as the soggy debris rotted under the hot summer sun.

As the city of Fargo met these first two challenges largely without serious criticism, many of us in the city government felt that we could be entrusted with the third responsibility of participating actively in the rebuilding of Fargo. After all, we reason that if we could act swiftly and effectively during the period of potential panic and quickly restore order, should we not undertake the grave responsibility of helping to rebuild Fargo? Or, on the other hand, should we abdicate our public responsibility and sit back and relax? Some of us felt that we must continue to exert our energies in helping in the reconstruction program.

The city of Fargo disaster contingency fund may perhaps be called upon to defray some expenses incurred to date. That remains to be seen, and such decision will be made at meetings of the Fargo city commission in full public view. However, some of us feel, myself included, that this Fargo disaster contingency fund might well be used to supplement such assistance as has been rendered to the tornado disaster victims by the governmenal or private relief organizations in the field to enable these victims to build homes consistent with human needs.

In view of the fact that a tight money condition prevails and that it is difficult, if not impossible, for many of the impoverished tornado disaster victims to borrow money at local lending institutions, it has been the thinking of some of us in the city government that the city of Fargo itself might place such credit at the disposal of these people at cost and without profit to the city. The reasoning behind this is that those who have contributed to this fund had primarily in mind the impoverished tornado disaster victims and, secondly, it is the position of some of us in the city government that we have a moral responsibility to the entire city of Fargo, which includes the Golden Ridge and College 2d additions to the city of Fargo, to help reestablish any inhabitant who has suffered by virtue of the tornado.

We have waited for 30 days for Federal and State government and the local lending institutions to make this credit available. The builders, craftsmen, and tornado victims have been as patient as possible. It is not likely that as generous credit as we had hoped for might be available, so we have a continuing community responsibility which increases daily as public apathy and indifference to the plight of these people increase. Now, of course, there will be those who might challenge our position. However, the broad emergency police powers vested in the Government to protect its inhabitants justify our actions legally.

As stated right along, we welcome any and all agencies who wish to help and we have done our best to cooperate. At no time have we ever publicly criticized any other agency or individual, no matter how harsh and sometimes unjust their criticisms have been of us. We shall adhere to this policy of doing what we think is right.

In summary, the city's responsibilities have been to maintain and restore order, to protect private property, to prevent disease and contamination, and to assist wherever possible in making credit available on the most generous terms so that private reconstruction work might be undertaken, which includes the building of homes. In regard to the building of homes, we have tried to exert every moral persuasion upon private lending institutions and Government to make this credit available. If we do not succeed in this endeavor, then there is still the continuing responsibility as far as the city is concerned in assisting in making this credit available.

Lastly, there is the responsibility of the city to develop a utilities program for the devastated area, which includes hard-surfaced streets, sidewalks, curb, and gutter, and other sanitary facilities on as equitable and fair a basis as possible. This is a continuing obligation of the city to its inhabitants and in view of the fact that the city of Fargo, as a matter of policy, had begun to plan for an urban renewal program in the devasted area prior to the tornado, there is an even greater moral responsibility on the part of the city of Fargo to carry to a successful conclusion these plans.

Mr. LANGER. Mr. President, I agree with what Mayor Lashkowitz said about neither Federal or State agencies have made any loans. I have contacted the representatives of the Small Business Administration, asking for an explanation of the situation. There may be something wrong with the law. I am making an investigation, and I am sure I will have cooperation.

I wanted the RECORD to show that up to the present time, although the disaster occurred almost 2 months ago, not a single loan has meen made, I have been told.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. LANGER. I yield.

Mr. SPARKMAN. Since the distinguished Senator from North Dakota spoke to me a few minutes ago with reference to the paucity and even the lack of loans being made in North Dakota, I have called the Small Business Committee, and within a few minutes I expect the place in the Senator's hands a complete list of the loans made by the Small Business Administration. When the Senator receives the information, he may wish to check it to see if it truly portrays the situation.

Mr. LANGER. I thank the distinguished Senator from Alabama.

Mr. SPARKMAN subsequently said: Mr. President, when the bill to amend and extend the Small Business Act of 1953, as amended, was under consideration, the Senator from North Dakota [Mr. LANGER] raised some question about loans in North Dakota, and I promised to obtain some information on that subject.

I now have the information, and wish to read it into the RECORD and have it printed in the RECORD in connection with the debate on Senate bill 2504. I ask unanimous consent for that purpose, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I am informed that 24 applications for disaster loans have been received by the Small Business Administration from Fargo, N. Dak. I am informed that 18 of them have been approved; that in the case of two applications, more information is being prepared; that in the case of two other applications, new homes on a better scale than the old ones are being considered; that in the case of two other applications, it has been found that loans can probably be obtained privately. I am informed that all six of these are still pending.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, before the Senate votes on the bill, I should like to speak for a few minutes concerning the situation with respect to the Small Business Administration. Together with many other Senators, I sponsored proposed legislation to make the Small Business Administration a permanent agency. I have also sponsored proposed legislation to make the Special Committee on Small Business a regular and permanent committee of the Senate.

It has been my pleasure to work very closely with the Small Business Administration in my State of Colorado, and also, in some cases, in adjoining States.

On numerous occasions this spring I have taken the floor to compliment Mr. Harold Smethills, the Director of the Small Business Administration at Denver, who has done outstanding work in administering the agency in that area.

I wish the Senator from Oregon had not left the floor, because I should like to have him, particularly, hear these remarks.

I know there are inadequacies in the Small Business Administration. But I say to the Senator from Oregon and to my other colleagues that if there are inadequacies in the Small Business Administration, many of them can be charged to the failure of Congress to give the Small Business Administration the authority which it needs to cope with its work.

As an attorney I took part in the handling of many of these loans for clients, long before I ever came to the Senate. I have also seen many of those transactions since I have come to the Senate.

I know the limitations which are placed upon the employees of the SBA in an attempt to do a big job with very crippling limitations.

Let me suggest one proposal. One of the fine things which I think was done in the 1930's was the creation of the Federal Deposit Insurance Corporation. But when we placed the Government in the field of inspection of national banks, we also placed upon the bankers—and I am thinking in terms of small bankers; I am not thinking of the big-city bankers—many limitations with respect to their lending power. The small bankers do not have great freedom. They cannot always do business with a man whom they believe to be honest and deal with him forever, because the inspectors come along and say, "My friend, you must get rid of this paper." So it is necessary to take the disadvantages with the advantages.

The benefits of the FDIC are great, but also they have cut down the opportunities of the small banker to make loans to business people, especially small-business people who very often need them.

It is time to place the Small Business Administration upon a permanent basis. I say, moreover, that it is time to rewrite some of the fundamental powers which the Small Business Administration has, so that it can act with greater freedom and with not so many crippling restrictions with respect to its activities with the banks, as is now the case. It is almost impossible now for a small-business man to get financing; yet I believe this is the agency and this is the means by which we should go about helping the small-business people to get financial aid and backing.

Mr. CLARK. Mr. President, I yield 2 minutes to the Senator from Oklahoma.

Mr. MONRONEY. Mr. President, I support the bill to extend the life of the Small Business Administration. I am glad we are not trying to give it permanent life at this time, because I believe Congress has grossly underestimated the giant task of extending proper financing to the small-business community. We need more time to perfect permanent legislation. The capitalization of the Small Business Administration in the past has not been in sufficient amount, and it has not had adequate personnel with which to operate in a manner which would be of the greatest benefit to small business.

I think the failures—and there have been many in the field of Small Business Administration—to meet the needs within a reasonable time limit within which the needed financing must be extended to small business, before rigor mortis sets in, have been partly due to the administration of the act, and that the primary responsibility rests upon it.

At the time the Reconstruction Finance Corporation was killed deliberately by Congress, it had an adequate capitalization to make small-business loans. The RFC had a fine record of successful operation in that field.

The demise of the Reconstruction Finance Corporation greatly reduced, almost to an infinitesimal amount, the funds which had been available to the Small Business Administration for lending.

The bill before the Senate today authorizes $75 million more in lending authority. I call attention to the fact that scarcely a day goes by on the stock market when more than $75 million in debentures are not floated by our great corporations.

Yet this amount must serve for a year for all the small-business community. We offer only this meager amount to an element of American business which cannot hope to find adequate financing in the regular financial channels.

Mr. President, earlier I stated that the delay in approving loans is most disheartening to small-business men, who find it necessary to go from office to office and to have their applications for loans considered and reconsidered, transferred to the Washington office, and finally transferred back to the regional office, and so forth. So, Mr. President, I hope a definite change will be made in respect to that situation.

In the meantime, Mr. President, I join wholeheartedly in supporting the bill and urging its passage. It is an absolute necessity to act now so that at least some source of loans may be available.

The PRESIDING OFFICER. The time yielded to the Senator from Oklahoma has expired.

Mr. KNOWLAND. Mr. President, I yield 2 minutes to the junior Senator from New York [Mr. JAVITS].

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I am a new member of the Select Committee on Small Business. However, the problems relating to small business are ones with which I have concerned myself during my service in both bodies of the Congress.

Of course, the State of New York, as the greatest business community in the United States, especially in terms of small business, probably has more small business than is to be found in any other State of the United States.

Mr. President, I believe in a permanent Small Business Administration, although I understand and respect the reasons why there is to be only a 1-year extension at this time; and indeed I am grateful to the majority leader, the minority leader, and the Senator from Pennsylvania [Mr. CLARK], who is the floor leader in connection with this particular measure.

Mr. President, I am grateful for the following reasons: First of all, I do not think the problems of small business are primarily small. I believe that the Senator from Oklahoma is aware of that. Obviously the amount of loans granted to small business is small, when compared to the size of small business. All of us also realize that if there were a great outcry, Congress would provide the Small Business Administration with more funds, to enable it to make more loans. However, the fact that the amount of loans made thus far is small, demonstrates that loans do not constitute the key to the problem. The key to the problem is to be found, first, in

the provision of technical assistance in respect to warehousing, manufacturing research, and related problems. In those respects, small business needs to obtain some of the benefits had by big business and needs to be able to make plans similar to those made by big business. Second, and very important, Mr. President, small business needs to have consideration given in regard to enforcement of the antitrust laws. It is obvious that the same antitrust laws that are applied to big business cannot properly be applied to small business, inasmuch as it is desirable to have combinations of small businesses in many instances, whereas combinations of big business units threaten the American economic system.

So a permanent Small Business Administration would be helpful and useful: first, in the case of engineering and technical assistance on a cooperative basis; and, second, in the case of modification of enforcement of the antitrust laws, so as to serve the needs of small businesses, instead of having those laws enforced in ways opposed to their legitimate interests.

Mr. President, I hope the Select Committee on Small Business and the other Senate committees involved will apply themselves to these matters, in the interest of the small business community.

The PRESIDING OFFICER. The time yielded to the Senator from New York has expired.

Mr. JAVITS. Mr. President, I thank the Senator from California for yielding me this time.

Mr. CLARK. Mr. President, I yield 3 minutes to the Senator from South Carolina [Mr. THURMOND].

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, I want to urge the Senate to take immediate action on S. 2504 to extend the Small Business Act of 1953, as amended, for 1 year, and to increase the agency's lending authority by $75 million.

In my opinion, the record which has been established by the Small Business Administration since its inception in August 1953 is more than sufficient justification for the passage of S. 2504.

Since the Small Business Administration started actual operations in February 1954 it has approved 7,096 business loans in the total amount of $324,785,615. When the life of the agency expired at midnight on July 31, through failure of the Senate to act to extend it, 700 applications for business loans were pending. The aggregate amount of loans sought in these applications was $46 million.

In a period of tight credit, such as the United States is undergoing at the present time, I consider it of utmost importance that small business in the Nation be able to receive the assistance of the Small Business Administration.

Another phase of the agency's operations of which I most heartily approve is that of providing disaster loans to applicants from areas where disaster has struck. During the past 6 months approximately 120 counties in 20 States have been declared disaster areas. Applications for disaster loans totaling $2,034,000 were pending when the agency was forced to cease operations. From its beginning in 1953 through June 30, 1957, 6,149 disaster loans were made to businesses and homeowners who suffered damage as a result of hurricanes, tornadoes, or floods. These loans amounted to a total of $66,008,513.

The Small Business Administration has been charged with the responsibility of issuing certificates of competency to small businesses, to make them eligible for certain Government contracts. When the agency was forced to stop operations, 8 applications were pending for certificates of competency, involving contracts of more than $250,000. Unless the certificates can be issued soon, these contracts will be lost by the small-business concerns involved.

The PRESIDING OFFICER. The time yielded to the Senator from South Carolina has expired.

Mr. KNOWLAND. Mr. President, I yield an additional 2 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for an additional 2 minutes.

Mr. THURMOND. I thank the Senator from California.

Mr. President, the small-business man and the small farmer comprise the backbone of trade in this country. I hope the Senate will take prompt action to restore the Small Business Administration, so that the small-business man, in his sometimes desperate plight, will not be left without a helping hand in the event he needs it.

S. 2504 should be enacted at once.

Mr. CLARK. Mr. President, I yield 3 minutes to the Senator from Minnesota [Mr. HUMPHREY].

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. HUMPHREY. Mr. President, I rise to join the Senator from Pennsylvania [Mr. CLARK] and other Senators in support of extension of the life of the Small Business Administration. I regret that the extension is to be for only 1 year.

Personally, I believe that the Small Business Administration should be a permanent agency, and should be authorized by legislation of a permanent character.

I also believe the Select Committee on Small Business should be a permanent standing committee of the Senate.

Mr. President, this agency has its shortcomings, as do others; but in the main it has done a good job. I believe it has been of great help to many independent business establishments. I am confident that it has been of considerable help to independent small businesses that have been involved in Government contracts for the defense agencies.

Mr. President, some of the problems relating to small business are beyond the scope of the agency; for example, tax problems.

The Senator from Alabama [Mr. SPARKMAN] introduced, and brought up for consideration, bills relating to tax adjustments which would be helpful to small, independent business enterprises, for instance, in the case of tax schedules which would permit them to have reserves for expansion.

I believe passage of the pending bill is important, and I believe it must be passed. I commend the Senator from Alabama [Mr. SPARKMAN] and the Senator from Arkansas [Mr. FULBRIGHT] for their efforts. It has been my privilege to associate myself with them in those efforts.

Also, Mr. President, I must say that the interest policy and the tight credit policy and the high interest rates of the administration have made matters exceedingly difficult for independent small businesses. These problems cannot be handled by the Small Business Administration by itself. It has tried to alleviate some of the impact of the problems, by engaging in what we call participating loans with the banks. I wish to say that it is fitting and proper for a Government agency to work with the established institutions. We do not want a Government agency that attempts to take all the responsibilities; instead, we want it to cooperate with the established private credit facilities.

Finally, Mr. President, let me say the Small Business Administration has been a tower of strength in terms of disaster relief. In my own State of Minnesota, we are grateful for the effective and active service of the Small Business Administration in offering disaster relief to those who have been the victims of floods.

So the Small Business Administration has done a creditable job; and I rise today to thank the Small Business Administration, in behalf of the people of my State.

I hope the pending bill will be promptly passed and enacted into law. I hope that the next time the Senate deals with this subject, it may have the benefit of a recommendation from the Banking and Currency Committee to make the Small Business Administration a permanent agency.

Mr. CLARK. Mr. President, I yield 2 minutes to the Senator from Texas [Mr. YARBOROUGH].

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. YARBOROUGH. Mr. President, I desire to associate myself with the remarks made by the distinguished Senator from Pennsylvania [Mr. CLARK] and by the senior Senator and the junior Senator from Minnesota [Mr. THYE and Mr. HUMPHREY].

In my part of the country, in the Southwest, there are three reasons why we need an extension of the Small Business Administration. They are basic reasons for the need of this lending power. In addition to other factors, let me mention these three credit factors in respect to the financing of certain types of loans, for which bank credit is not available under existing laws.

In recent years we have had 7 years of drought in the Southwest, followed by 70 days of flood. Conditions caused by these disasters have been worsened by the hard-money, high-interest rate policy. In recent months those two adverse business factors have had a third

added to them, that of large importations of foreign oil, to bring about declining prosperity over the whole Southwest area.

The drought which lasted so long was not limited to one State, but its disastrous proportions extended over a great area in other States, embracing over 600,000 square miles in the Midwest and Southwest, more than twice the area of my home State. In those areas the farms and ranches were unproductive of money returns during the drought except in the limited irrigated areas. The depression extends not only to the farming and ranching industries, but to suppliers and to banks and businesses in that entire area.

The distinguished Senator from Minnesota has aptly described the small-business man as representative of Main Street, U. S. A. If his business was just in one county, one community, one State, he faced ruin, whereas a nationwide chain extending credit in one drought-ridden State could make up losses in the other 47 States. The effect was liquidation of the small-business man.

In my opinion, the small-business men, along with the family-type farmers, constitute the economic yeomen of our free-enterprise system.

I have heard a lot of criticism of slowness of loans by the Small Business Administration. I am not prepared to join in that criticism. I do not think there is enough money for the small loans needed. I think it is better to consider all loans, even though there is not enough money to make all, and even though some delay is caused. After all, hope of a loan has saved some businesses. The mere fact that there was an agency, even with a small amount of money, that could make loans, and gave hope has helped pull many businesses through for 2 or 3 months. That has meant survival for many small-business men, even before they get loans, or if they failed to get loans.

I think the Small Business Administration is one of the most important agencies of our Government. I think it is imperative that the power to grant loans be extended. We are hopeful that many of the conditions that have brought about the necessity for the existence of the SBA may terminate, and that the hard money, high interest rate policy may end. However, we see no termination of that policy in sight. The Small Business Agency is the hope of many businesses that may never have to secure loans there. It is a place of refuge for the small-business men.

This Agency in my State has made, as the Senator from Minnesota said was true in his State, many disaster loans, and has made them far more promptly than normal business loans would be made. Termination of the lending power of the Agency in disaster areas, particularly in the flood areas, would be disastrous.

I want to commend the Senate Select Committee on Small Business for the fine work it has done. I feel that the life of that committee should be extended. I hope the Small Business Administration is given more money than the $75 million this temporary law gives it. It is my hope that it will be made a permanent agency of our Government, although the bill presently before the Senate provides only an extension of the Agency for 1 year. The Small Business Administration needs more money, and more liberalized lending terms.

I want to commend the committee and those who worked on the bill for doing a very important piece of work.

Mr. KNOWLAND. Mr. President, I yield 3 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, the authorization for the operation of the Small Business Administration expired at midnight on July 31, which means that all small business loans and disaster loans have come to an abrupt halt. I am pleased that the Senate has given unanimous consent to have this important proposed legislation considered. The bill now under consideration simply increases small business loan authorization by $75 million and extends the act to July 31, 1958. This increase in authorization will not completely solve the problem of tight money for the small-business man, but it is a step in the right direction. I favor making this Agency permanent; however, the 1-year extension provided in S. 2504 will restore life to the Small Business Administration and give us a chance to go into needed changes more thoroughly next session.

Small businesses throughout the Nation are struggling to meet competition on a sound and profitable basis, and their need for guidance and loans provided through the Small Business Administration is more pressing today than ever before. I understand that there were over 700 loan applications pending before this Agency when the authorization expired Wednesday night. These loans are especially pressing in areas that have suffered recent disaster.

Mr. President, as of June 30, 1957, 81 small-business loans had been made in Mississippi, amounting to $4,765,000. These loans have greatly benefited the small-business man and the local economy. They have been made on a sound basis and their repayment record has been outstanding. Small business loans do not compete with private banks. In fact, banks participate in more than two-thirds of the small business loans made in the United States.

There is growing demand for Government programs to be shifted to give greater assistance to small, independent concerns. The Small Business Administration is making great progress in filling a part of this gap, and is making a real contribution in giving needed assistance to small businesses throughout the Nation.

I hope the bill will receive the full approval of the Senate as an expression of the general policy that the Agency should be continued on a sound business basis, because it is about the only agency that can fill the need when it cannot be taken care of solely by local and private financing.

I appreciate the time yielded to me, and I yield back any time I may have remaining.

Mr. CLARK. Mr. President, I yield 5 minutes to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, first I wish to pay my compliments to the distinguished Senator from Pennsylvania, who has served as chairman of the subcommittee of the Banking and Currency Committee handling small-business legislation. He held rather extensive hearings, during which many pieces of proposed legislation were considered. The hearings were most helpful, and he did an excellent job in developing the needs and exploring the programs of small business. I compliment him for it.

I wish to join him in urging that the Senate agree to the present proposed extension of the agency for 1 year. I, along with most of the other Senators who have spoken, believe there ought to be a permanent agency for the purpose of helping small business. I believe I was the first Member of the Senate who introduced proposed legislation seeking to make this Agency permanent. I have sought for several years to make it permanent, to expand its power, and to free it of some of the restrictions which are imposed on it at the present time.

I agree with the statements which have been made that we have not yet come to the point where there can be a meeting of the minds on just what needs to be done. Because of the urgency of the time factor, I think it is wise that we agree to the bill to extend the Agency for 1 year's time.

Among some of the measures the committee considered, and on which hearings were held, was a bill which I sponsored, along with some of my colleagues in the Senate, S. 2160, which sought to establish a central national bank system for making loans to small business. The objective has been approved by the Federal Reserve and by many other Government agencies, but Mr. Martin, the Chairman of the Federal Reserve Board, testifying before our committee, said he was not able to recommend details which were necessary at this time, and he thought the matter required additional study.

One reason why we did not report the bill was the desire to have time afforded for the additional study. Mr. Martin has given us fair assurance that the Federal Reserve Board will go into the matter most carefully, and will be ready to submit a report to us next spring.

The chairman of our committee, the Senator from Arkansas [Mr. FULBRIGHT], had a proposal whereby the Small Business Administration might be able to tie in its activities with the State or regional development corporations. If I recall correctly, the testimony was to the effect that today there are 15 of these corporations in different parts of the United States and that they are doing very fine work in their particular areas. There are being gradually developed many programs which lend promise in the small-business field.

We believe that perhaps with another year's time these programs may have crystallized to such a point that we will be able to suggest a very effective piece of legislation. For that reason we have felt it would be wise to extend this authority for the 1 year's time.

I should like to express my appreciation for what has been said about the Select Committee on Small Business of the Senate. The distinguished senior Senator from Minnesota [Mr. THYE] has served devotedly on the committee and was its chairman when the Senate was under Republican control. The Senator from Minnesota has been the ranking member of the committee during the time the committee has been in existence.

The Senator from Massachusetts, the junior Senator from Minnesota, the Senator from New York, and several other Senators have spoken about the work of this organization, and they, also, have been members of the committee.

The committee has worked very closely with the Small Business Administration. In some instances we criticize their operations, Mr. President. Every year we ask the Director of the Small Business Administration to come before our committee and give a full report. We cross-examine him. We criticize programs we do not like.

I will say, on behalf of Mr. Barnes, the present Administrator of the Small Business Administration, that in my opinion, he has sincerely tried to do a good job; but I think there are certain limitations within the law under which he operates which make it difficult for him to do so.

Mr. President, I hope the Senate will unanimously pass the bill to extend the Small Business Administration 1 year.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. KNOWLAND. Mr. President, I yield 2 minutes to the Senator from Kansas [Mr. CARLSON].

Mr. CARLSON. Mr. President, I do not want to let this opportunity pass without expressing appreciation to the members of the committee which brought in the report to extend the Small Business Administration. I should like to express again the appreciation of the people of Kansas for the work of this agency. In 1951 there was a very severe flood in the Kansas River Basin and the Missouri River Basin, one of the most damaging floods in the Nation's history. This Agency was very helpful at that time.

Since then we have had 4 years of drought. There have been some extremely difficult financial problems. This Agency has time and time again been of assistance to our businessmen and to small business generally.

I realize that the distinguished Senator from Alabama [Mr. SPARKMAN] has said there are times when we may have been critical of the Agency, but I think on the whole it has done a good job.

I also wish to pay tribute to Mr. Barnes and to the regional offices—especially the one in Kansas City, which takes care of our area. I commend them for the fine work they have done. I know our people appreciate their work greatly.

Mr. KNOWLAND. Mr. President, I yield 2 minutes to the junior Senator from Oregon [Mr. NEUBERGER].

The PRESIDING OFFICER. The Senator from Oregon is recognized for 2 minutes.

Mr. NEUBERGER. I thank the Senator from California.

Mr. President, I wish to concur in what has been said by the Senator from Kansas, the Senator from Alabama, and other Senators, in support of the Small Business Administration. It is my feeling that our governmental policies do not do enough for the comparatively small industries, small merchants, and other establishments which have difficulty competing with the great financial colossi which have so dominated our business institutions in recent years.

Mr. KNOWLAND. I yield 2 minutes to the Senator from Louisiana [Mr. LONG].

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. LONG. Mr. President, I wish to thank the majority leader and the minority leader for giving the Senate an opportunity to act on this proposed legislation. I am particularly grateful to the minority leader, for I know he is very anxious to proceed with consideration of civil-rights legislation, for which he has been fighting vigorously for many years.

It is very important that the Small Business Administration bill be passed. The Small Business Administration has now expired in accordance with the terms of the law.

I regret, Mr. President, that the extension provided is not for more than 1 year, because the Small Business Administration has much important work to do in the assistance of small business, by helping, advising and counseling those connected with the smaller concerns.

Furthermore, upon the loan program of the Small Business Administration small business across the Nation has come to depend. The banks also have come to rely heavily upon the Small Business Administration and its loans. The loans which the banks make are loans which would otherwise be inadequate in amount to serve the needs of small business, although those banks desire to assist to the greatest possible extent.

Furthermore, the Small Business Administration is needed not only for this year but for many years in the future, because the disaster-loan program of the Small Business Administration is completely indispensable. We in Louisiana have had an illustration of the need of that program as a result of Hurricane Audrey, which struck Louisiana last year. In that hurricane there was damage of more than $100 million. Vast numbers of people lost their homes. Almost all the cattle in a very broad area were killed. Many people lost all their earthly belongings, as well as their loved and cherished ones. In Cameron Parish, La., there were more than 500 deaths.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. LONG. Mr. President, will the Senator yield me one additional minute?

The PRESIDING OFFICER. Does the Senator from California yield one additional minute to the Senator from Louisiana?

Mr. KNOWLAND. I yield one additional minute to the Senator from Louisiana.

Mr. President, the Senator from Ohio [Mr. BRICKER] will handle the time from now on.

Mr. LONG. The emergency and disaster loans made possible by the Small Business Administration have been of the utmost urgency and necessity in Louisiana, and will be needed by others throughout the Nation.

I am delighted to support this bill, and happy to have a chance to vote for it at this time.

Mr. BRICKER. Mr. President, I am prepared to yield back the remainder of the time on our side.

Mr. CLARK. Mr. President, I yield myself the 1 minute remaining of my time.

In summary, the administration of the Small Business Act is not so effective as all of us would like it to be. However, within its limitations the Small Business Administration is doing a reasonably good job.

It is important that a far better bill shall be passed by the Congress next year. This is only a stopgap measure. In order to insure that such a better bill will receive careful consideration before the limited extension of time expires, it was the thought of the committee that the extension should be limited to 1 year. I say that in response to the comments of the Senator from Louisiana [Mr. LONG].

The chairman of our committee, the Senator from Arkansas [Mr. FULBRIGHT] unfortunately cannot be present because of illness. Otherwise he would have taken an important part in the debate.

I hope the Senate will unanimously pass the pending measure, to enable the Small Business Administration to continue its operations for another year, until we can draft and pass a far better bill.

Mr. BRICKER. Mr. President, I yield 1 minute to the Senator from Minnesota [Mr. THYE].

Mr. THYE. Mr. President, I am pleased that we have reached the point where we are ready to yield back the remaining time and to act on the pending bill.

The Small Business Administration has been in existence for only 4 years, but it has already won a place in the hearts of the businessmen of the Nation. Many a banker throughout the land has informed me that the participation of his bank with the Small Business Administration has aided in establishing many young people in business, and in preventing many financial difficulties.

I hope that in the coming year we can establish this Administration as a permanent agency, because it will then be able to attract the very best employees.

When the Administration is operating on a temporary basis, there is always a question whether an able, qualified technician or expert in the financial field is willing to enter the service of this Agency, when he might well take what would be permanent employment in an agency having a permanent status.

That illustrates the importance of a permanent status for the Small Business Administration.

Mr. BRICKER. Mr. President, I yield 1 minute to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I should like to congratulate the able Senator from Ohio [Mr. BRICKER] and the able junior Senator from Pennsylvania [Mr. CLARK] for their effective presentation this morning of the bill to extend the life of the Small Business Administration. In my opinion the passage of the bill is essential to the future security and future prosperity of the United States. We cannot be a strong country unless we maintain small business in America.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. THYE].

Mr. BRICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FREAR in the chair). Without objection, it is so ordered.

## THE CIVIL-RIGHTS BILL—PROPOSED AGREEMENT ON CONSIDERATION OF FURTHER AMENDMENTS.

Mr. JOHNSON of Texas. Mr. President, I send to the desk a proposed unanimous-consent agreement which is submitted on behalf of myself and the minority leader [Mr. KNOWLAND], and ask that it be read for the information of the Senate.

The PRESIDING OFFICER. The proposed unanimous-consent agreement will be read.

The legislative clerk read as follows:

*Ordered*, That beginning on the adoption of this order, and during the further consideration of House bill 6127, the Civil Rights Act of 1957, the offering of amendments, including amendments to amendments and modifications thereof, shall be limited to those that have been ordered to lie on the table and be printed; and debate upon any such amendment, if and when proposed, shall be limited to not exceeding 80 minutes, to be equally divided and controlled by the author of any such amendment and the minority leader, respectively.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. JOHNSON of Texas. Mr. President, I withdraw the request temporarily.

## EXTENSION OF SMALL BUSINESS ADMINISTRATION

The Senate resumed the consideration of the bill (S. 2504) to amend and extend the Small Business Act of 1953, as amended.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KNOWLAND. Is the pending question on agreeing to the amendment of the Senator from Minnesota [Mr. THYE]?

The PRESIDING OFFICER. That is correct.

Mr. KNOWLAND. Do I correctly understand that the amendment merely covers the period from the expiration on July 31 to the effective date of the act, so there will be no hiatus in the operations?

Mr. THYE. The understanding of the Senator from California is correct.

Mr. KNOWLAND. Mr. President, I know of no objection to the amendment.

Mr. THYE. There is no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota [Mr. THYE].

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2504) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That section 204 (b) of the Small Business Act of 1953 is amended (1) by striking out "$455,000,000" wherever it appears and inserting in lieu thereof "$530,000,000", and (2) by striking out "$230,000,000" and inserting in lieu thereof "$305,000,000."

SEC. 2. Section 221 (a) of the Small Business Act of 1953 is amended by striking out "1957" and inserting in lieu thereof "1958."

SEC. 3. This act shall take effect as of the close of July 31, 1957.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 469) to authorize the United States to defray the cost of assisting the Klamath Tribe of Indians to prepare for termination of Federal supervision, to defer sales of tribal property, and for other purposes.

## CIVIL RIGHTS ACT OF 1957

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. KNOWLAND. Mr. President, I call up my amendments dealing with voluntary help for the proposed Commission.

The PRESIDING OFFICER. The amendments will be stated.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. Was the unanimous-consent request propounded by the Senator from Texas agreed to or not?

Mr. KNOWLAND. No, it was not agreed to. The Senate has just passed the bill amending and extending the Small Business Act of 1953, as amended.

Mr. HOLLAND. I so understand. But I did not hear what was done with respect to the proposed unanimous-consent agreement regarding amendments to House bill 6127.

Mr. KNOWLAND. The majority leader temporarily withdraw the request; and, according to my understanding, it has not been agreed to.

The PRESIDING OFFICER. That is correct.

The Senator from California has called up his amendments identified as "7-19-57-B," and they will be stated at this time.

The LEGISLATIVE CLERK. On page 6, in line 5, before the words "at such times" it is proposed to insert "and to the Congress."

On page 6, line 7, before "a final" insert "and to the Congress."

On page 6, line 13, after "(a)" insert the following:

There shall be a full-time staff director for the Commission who shall be appointed by the President by and with the advice and consent of the Senate and who shall receive compensation at a rate, to be fixed by the President, not in excess of $22,500 a year. The President shall consult with the Commission before submitting the nomination of any person for appointment to the position of staff director.

On page 6, lines 14 and 15, strike out "a full-time staff director and."

On page 6, beginning with line 20, strike out all through line 2, on page 7, and insert the following:

(b) The Commission shall not accept or utilize services of voluntary or uncompensated personnel.

On page 7, line 4, after the word "committees", insert "within States composed of citizens of that State."

On page 7, lines 7, 8, and 9, strike out "voluntary and uncompensated personnel whose services are accepted pursuant to subsection (b) of this section."

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I renew my request that the proposed unanimous-consent agreement be agreed to.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. JAVITS. Mr. President, I send to the desk an amendment to the pending measure, and ask that it be printed and lie on the table.

Mr. JOHNSON of Texas. I wish to make it clear that the amendment submitted by the Senator from New York is included within the terms of the unanimous-consent agreement.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Is there objection to the unanimous-consent request of the Senator from Texas?

Mr. WATKINS. Mr. President, reserving the right to object, I should like to hear the unanimous-consent request read.

The PRESIDING OFFICER. The clerk will read the unanimous-consent request.

Mr. JOHNSON of Texas. I shall be glad to read it.

It reads as follows:

*Ordered*, That beginning on the adoption of this order, and during the further consideration of House bill 6127, the Civil Rights Act of 1957, the offering of amendments, including amendments to amendments, and including modifications thereof, shall be limited to those that have been ordered to lie on the table and to be printed—

That included the amendment submitted by the Senator from New York [Mr. JAVITS]—

and debate upon any such amendment, if and when proposed, shall be limited to not exceeding 30 minutes, to be equally divided, and controlled by the author of any such amendment and the minority leader, respectively.

Mr. WATKINS. Mr. President, it seems to me that a limitation as to any future amendments is unwise. We may think of one during the discussion of the subject and may wish to submit one during the debate. For that reason I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WATKINS. If it is possible to modify the unanimous-consent request along the lines I have indicated, I shall not object.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. What is the pending question?

Mr. KNOWLAND. It is on my amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from California.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the time for debate on the pending amendments be limited to 20 minutes, to be equally divided, and controlled by the author of the amendments, the Senator from California, and the majority leader, respectively.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KNOWLAND. Mr. President, I yield myself 5 minutes. The amendments are identified as 7-19-57-B. On page 6, line 5, before "at such times" it is proposed to insert "and to the Congress."

On page 6, line 7, before "a final" it is proposed to insert "and to the Congress."

The intent of the amendment is to make sure that the reports, which under the bill are to be submitted to the President of the United States, shall also be submitted to Congress.

On page 6, line 13, after "(a)" it is proposed to insert the following:

There shall be a full-time staff director for the Commission who shall be appointed by the President by and with the advice and consent of the Senate and who shall receive compensation at a rate, to be fixed by the President, not in excess of $22,500 a year. The President shall consult with the Commission before submitting the nomination of any person for appointment to the position of staff director.

The intent of that amendment is to make certain that the staff director will be appointed by the President after consultation with the Commission, and shall be subject to Senate confirmation.

On page 6, lines 14 and 15, it is proposed to strike out "a full-time staff director and."

That amendment would take care of the situation which would exist under the previous amendment, in that the staff director would be appointed by the President subject to confirmation by the Senate, instead of being appointed by the Commission.

On page 6, beginning with line 20, it is proposed to strike out all through line 2 on page 7, and to insert the following:

(b) The Commission shall not accept or utilize services of voluntary or uncompensated personnel.

The intent of that amendment is to make sure persons who might have a particular interest in some phase of the problem—who may be members of citizens councils or the NAACP, or similar organization—will not be employed by the Commission on a voluntary basis in connection with something that should be impartial, and that any persons employed on a voluntary basis will carry on their work on an impartial basis. That is the reason for that amendment.

On page 7, line 4, after the word "committees" it is proposed to insert "within States composed of citizens of that State."

The purpose of that language is to make certain that when the advisory committees are appointed the people who know the problems best will be selected to make up the committees. The committees will be made up of citizens of the States in which the committees are expected to function.

On page 7, lines 7, 8, and 9, it is proposed to strike out "voluntary and uncompensated personnel whose services are accepted pursuant to subsection (b) of this section."

This language will make it possible for the Commission to employ people who will not be prejudiced on one side or the other.

Mr. JOHNSON of Texas. Mr. President, under the agreement I control the time in opposition. If any Senator wishes to speak in opposition, I shall be glad to yield time to him. I believe the amendment proposed by the distinguished minority leader is an excellent one. It will be a great improvement in the bill. I hope it will be adopted unanimously. I shall yield back the remainder of my time if the Senator from California will do likewise.

Mr. KNOWLAND. I shall be glad to do so, unless a Senator wishes to speak in behalf of the amendment.

Mr. RUSSELL. Mr. President, will the Senator yield to me?

Mr. KNOWLAND. I yield.

Mr. RUSSELL. I, too, would like to see the amendment adopted unanimously. If the Commission is to do its job it must certainly be free from any suspicion of bias, and I think the amendment proposed by the distinguished minority leader is calculated to make the Commission responsible and will inspire general confidence in its operations.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from Tennessee.

Mr. KEFAUVER. As Senators may know, I have an amendment pending which I expect to offer. I do not intend to cast any reflection upon the President in connection with the appointment of the Commission, but it seems to me that since the Commission is to gather facts for legislative purposes, it should be a legislative Commission. The Senator from California in offering his amendment and in requiring reports to be sent to Congress as well as to the President, recognizes at least to some extent that that is true.

I should like to make a parliamentary inquiry. Since my amendment deals with some of the subject matter which is dealt with in the amendments of the Senator from California, would it be in order to offer it at a later time, or must it be offered at this time.

The PRESIDING OFFICER. Will the Senator from Tennessee please restate his parliamentary inquiry?

Mr. KEFAUVER. The amendment I shall offer deals with a part of the same language, or with some parts of section 1, dealt with by the amendments of the Senator from California. My inquiry is whether after the adoption of the amendments of the Senator from California it will be in order, notwithstanding that fact, to offer and to secure consideration of my amendment.

The PRESIDING OFFICER. Is there a copy of the Senator's amendment at the desk?

Mr. KEFAUVER. It is designated as 7-27-57-D.

The PRESIDING OFFICER. The Chair advises the Senator from Tennessee that his amendment can be offered. Whether it is consistent or inconsistent will be a question to be determined by the Senate.

Mr. JOHNSON of Texas. Mr. President, may we have a vote on the amendments offered by the Senator from California?

The PRESIDING OFFICER. Without objection, the amendments of the Senator from California are agreed to en bloc.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the amendments of the Senator from California were agreed to.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. CASE of South Dakota. Mr. President, I call up my amendment designated "7-31-57-A" and ask that it be read.

The PRESIDING OFFICER. The amendment will be read for the information of the Senate.

The LEGISLATIVE CLERK. On page 12, line 7, it is proposed to strike out the word "shall" and in lieu thereof insert "may."

Mr. CASE of South Dakota. I have no objection to limiting the time.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the debate on the amendment of the Senator from South Dakota be limited to 5 minutes to each side.

Mr. CASE of South Dakota. Mr. President, it simply occurred to me that it would be better draftsmanship in this instance to use "may" instead of "shall" particularly since under the law when one asks for an injunction, the court, first of all, wants to know whether or not the applicant has exercised every affirmative administrative procedure which is provided by law.

The language of the paragraph which it is proposed to amend, as it appears on page 12, reads:

> The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

The change I propose would make the actions of the courts permissive, so that the district courts "may exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law."

To the extent that I have been able to confer with other Members of the Senate, particularly with those who are lawyers, it is their thought that the proposed language would be clearer, because it would not destroy the right of a court to exercise its function or to grant an injunction without regard to whether other remedies had been used; but the court would be relieved from the mandate that it must consider an injunction regardless of the fact that there might be a simpler and better way to achieve the relief desired.

Mr. JOHNSON of Texas. Mr. President, I am prepared to yield back my time.

Mr. KNOWLAND. Mr. President, there is some opposition to the amendment, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I yield 5 minutes to the Senator from Illinois [Mr. DIRKSEN].

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. DIRKSEN. Mr. President, I wish to express some opposition to the amendment which has been submitted by the distinguished Senator from South Dakota [Mr. CASE]. He proposes that on page 12, in line 7 of the bill, the word "shall" be changed to "may," so that the language would, in effect, then confer upon the district courts permissive authority to entertain jurisdiction if they felt they wished to do so.

In my judgment that would be an amazing situation, particularly in dealing with a constitutional right. If a district judge could undertake, in such a grave circumstance, to determine for himself—after proceedings had ben instituted by the Attorney General—whether he would take jurisdiction, in my opinion that would be a most astonishing situation and, first of all, would frustrate the entire proceedings, and also would confer an amazing power upon a judge at the district court level—the power to determine whether in a constitutional issue he would or would not accept jurisdiction.

I know that the Department of Justice is vigorously opposed to this proposal; and I hope the amendment will be rejected.

Mr. RUSSELL. Mr. President, is any limitation of time in effect at present?

Mr. JOHNSON of Texas. Yes; there is a limitation of 5 minutes to a side; and I have agreed to yield to the Senator from Georgia [Mr. TALMADGE].

The PRESIDING OFFICER. The Senator from Texas has 3 minutes remaining under his control.

Mr. JOHNSON of Texas. Mr. President, I now yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, I appreciate the courtesy of the Senator from Texas in yielding to me.

I should like to ask a question: If the unanimous-consent agreement proposed by the Senator from Texas is entered into, will I have an opportunity to offer amendments?

Mr. JOHNSON of Texas. The agreement has not been entered into; instead, it has been withdrawn. As a result, at the present time any Senator has a right to offer any amendment he may desire to offer.

Of course, many amendments have been offered over a period of weeks; and I thought that if an agreement could be obtained regarding a limitation to apply to the consideration of further amendments, perhaps it would be possible to speed up the action of the Senate on the bill.

However, objection was made, and at the present time there is no such agreement or limitation.

Mr. TALMADGE. I thank the Senator from Texas.

Mr. CASE of South Dakota. Mr. President——

The PRESIDING OFFICER. The Senator from South Dakota has 2 minutes remaining.

Mr. CASE of South Dakota. Mr. President, I am surprised that there is any opposition to the amendment. It does not provide that the district court shall not have jurisdiction. It merely provides that the district court shall have jurisdiction and may exercise it without regard to whether the party aggrieved has exhausted any other remedies.

I am surprised that any lawyer would object to the amendment, because the matter was brought to my attention by other lawyers, who pointed out that the normal rule of court is that other remedies must be exhausted first.

I yield now to the Senator from Georgia.

Mr. RUSSELL. Mr. President, I rise in support of the amendment. It is fair, just, and equitable, and will assist in the administration of the bill.

The bill provides for unusual procedure; the Attorney General would be permitted to bring proceedings, regardless of whether the person concerned wished to have them brought or not. Suppose the Attorney General filed a petition, stating that 100 persons had not been permitted to vote, and suppose the court proceeded to cite the registrar. Suppose the registrar then came into court, and said to the court, "If Your Honor please, these people have not presented themselves to ask to be registered to vote." In such a case, should not the judge say that such persons should present themselves and ask to be registered, before the registrar could be cited for contempt?

This amendment will expedite the orderly administration of the bill, Mr. President.

The PRESIDING OFFICER. The time under the control of the Senator from South Dakota has expired.

Mr. JOHNSON of Texas. Mr. President, I should like to renew my request for a time limitation in regard to the consideration of amendments to the bill.

The minority leader has informed me that the Senator from Utah [Mr. WATKINS] has withdrawn his objection. So if there is a chance to have the agreement entered, I should like to have the Chair put the question again.

Mr. RUSSELL. Mr. President, I think that in all fairness I should say that I have submitted two amendments to be printed, since the original request was made.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Georgia forego those, and let me attempt to obtain consent at this time?

Mr. RUSSELL. I am willing to do so.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. RUSSELL. Mr. President, let me ask what other amendments have been offered in the interim.

The PRESIDING OFFICER. The Senator from Michigan [Mr. POTTER] has offered an amendment, and the

Senator from North Carolina [Mr. ERVIN] has offered an amendment.

Mr. RUSSELL. Have any other amendments been offered?

Mr. JAVITS. I have offered an amendment.

Mr. WATKINS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Utah will state it.

Mr. WATKINS. If the proposed order is entered, will it mean that amendments may not be proposed to the amendments which now are pending and at the desk?

The PRESIDING OFFICER. Amendments could be submitted to those which are pending, but the only amendments which could be considered would be those which are printed and lying at the desk.

Mr. WATKINS. Could those amendments be amended?

The PRESIDING OFFICER. They could be offered as amendments to other pending amendments, and they would have to be lying at the desk.

Mr. WATKINS. For instance, I have an amendment lying at the desk. If I wish to offer an amendment to it, would that be in order, under the proposed agreement?

Mr. JOHNSON of Texas. No, Mr. President; it would not. I wish to make that clear.

The PRESIDING OFFICER. Only amendments lying at the desk could be considered.

Mr. WATKINS. Yes; but would it be in order to offer amendments to them?

The PRESIDING OFFICER. They could not be amended except by language included in amendments already lying at the desk.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KNOWLAND. Is not the situation that except for the amendments which already are at the desk or the amendments which already have been printed, no other amendments could be considered, under the terms of the proposed agreement? An amendment to such an amendment could be considered, provided it was already at the desk. But once the proposed agreement has been entered into, there can be no further modifications of any amendments, other than those that are at the desk, as I understand.

Mr. WATKINS. That was my question.

Mr. KNOWLAND. I wanted the Senator from Utah to be certain of the proposed agreement, as I understand it.

Mr. WATKINS. I wish to ascertain whether it would be possible for a Senator to offer an amendment to an amendment which already is at the desk.

The PRESIDING OFFICER. If it were in language appearing in amendments already lying at the desk, it could be submitted.

Mr. WATKINS. Obviously it is probable that the language would not be the same as that of an amendment already at the desk.

The PRESIDING OFFICER. In that event such an amendment would not be in order.

Mr. WATKINS. I should like to know about that situation. If we cannot propose language different from that included in amendments already at the desk, what good is to be gained by being told that such an amendment can be amended.

The PRESIDING OFFICER. If the proposed agreement is entered into, no amendment that is——

Mr. JOHNSON of Texas. Mr. President, I withdraw the proposed unanimous-consent agreement. I was informed that the Senator from Utah had approved it.

Mr. WATKINS. I wish to find out just what it means.

Mr. JOHNSON of Texas. Mr. President, I withdraw it; and then we can discuss it further.

The PRESIDING OFFICER. All available time on the amendment of the Senator from South Dakota [Mr. CASE] has expired.

Mr. JOHNSON of Texas. Mr. President, the question is on agreeing to the amendment of the Senator from South Dakota, is it not?

The PRESIDING OFFICER. That is correct.

The question is on agreeing to the amendment of the Senator from South Dakota [Mr. CASE]. [Putting the question.]

The "ayes" seem to have it.

Mr. KNOWLAND. Mr. President, I ask for a division.

The Senate proceeded to divide.

Mr. DOUGLAS. Mr. President, I ask for the yeas and nays on this question.

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. The Senator from Utah and I had a misunderstanding, and I renew my request for the unanimous-consent agreement. I understand he is agreeable to it now.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement proposed by the Senator from Texas?

The Chair hears none, and the agreement is entered.

The agreement, as entered, is as follows:

*Ordered*, That effective upon the adoption of this order, during the further consideration of H. R. 6127, the Civil Rights Act of 1957, the offering of amendments, including amendments to amendments or modification thereof, shall be limited to those that have been heretofore ordered to lie on the table and to be printed, and debate on any such amendment if and when proposed shall be limited to not exceeding 30 minutes, to be equally divided and controlled by the author of any such amendment and the minority leader, respectively.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from South Dakota [Mr. CASE].

Mr. DOUGLAS. Mr. President, I ask for the yeas and nays on the question.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Arkansas [Mr. FULBRIGHT] is absent because of illness.

The Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

The Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Montana [Mr. MURRAY], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

On this vote, the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from Indiana [Mr. CAPEHART] If present and voting, the Senator from Arkansas would vote "yea," and the Senator from Indiana would vote "nay."

I further announce that if present and voting, the Senator from Missouri [Mr. HENNINGS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Montana [Mr. MURRAY], and the Senator from West Virginia [Mr. NEELY] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from Maryland [Mr. BEALL] and the Senator from Utah [Mr. BENNETT] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Pennsylvania [Mr. MARTIN] is absent on official business.

The Senator from Connecticut [Mr. BUSH], the Senator from Maine [Mr. PAYNE], and the Senator from Kansas [Mr. SCHOEPPEL] are detained on official business.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Connecticut [Mr. BUSH], the Senator from Pennsylvania [Mr. MARTIN], the Senator from Maine [Mr. PAYNE], and the Senator from Kansas [Mr. SCHOEPPEL] would each vote "nay."

On this vote, the Senator from Indiana [Mr. CAPEHART] is paired with the Senator from Arkansas [Mr. FULBRIGHT]. If present and voting, the Senator from Indiana would vote "nay," and the Senator from Arkansas would vote "yea."

The result was announced—yeas 34, nays 47, not voting 14, as follows:

YEAS—34

| | | |
|---|---|---|
| Anderson | Hill | Robertson |
| Bible | Holland | Russell |
| Byrd | Johnson, Tex. | Scott |
| Case, S. Dak. | Johnston, S. C. | Smathers |
| Chavez | Kerr | Sparkman |
| Eastland | Long | Stennis |
| Ellender | Malone | Talmadge |
| Ervin | Mansfield | Thurmond |
| Frear | McClellan | Yarborough |
| Gore | Monroney | Young |
| Green | Mundt | |
| Hayden | O'Mahoney | |

NAYS—47

| | | |
|---|---|---|
| Aiken | Bricker | Carroll |
| Allott | Butler | Case, N. J. |
| Barrett | Carlson | Church |

| | | |
|---|---|---|
| Clark | Javits | Pastore |
| Cooper | Jenner | Potter |
| Cotton | Kefauver | Purtell |
| Curtis | Knowland | Revercomb |
| Dirksen | Kuchel | Saltonstall |
| Douglas | Langer | Smith, Maine |
| Dworshak | Lausche | Smith, N. J. |
| Flanders | Magnuson | Symington |
| Goldwater | Martin, Iowa | Thye |
| Hickenlooper | McNamara | Watkins |
| Hruska | Morse | Wiley |
| Ives | Morton | Williams |
| Jackson | Neuberger | |

NOT VOTING—14

| | | |
|---|---|---|
| Beall | Fulbright | Murray |
| Bennett | Hennings | Neely |
| Bridges | Humphrey | Payne |
| Bush | Kennedy | Schoeppel |
| Capehart | Martin, Pa. | |

So the amendment of Mr. CASE of South Dakota was rejected.

Mr. SALTONSTALL. Mr. President, I move that the vote by which the Case amendment was rejected be reconsidered.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California, to lay on the table the motion of the Senator from Massachusetts to reconsider the vote by which the Case amendment was rejected.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ERVIN. Mr. President, on behalf of the senior Senator from South Carolina [Mr. JOHNSTON] and myself, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 12, line 23, change the period and quotation marks at the end of subsection (e) to a comma, and add thereafter the following: "who shall receive reasonable fees for their services to be fixed by the court and paid out of any unexpended appropriations available to the Department of Justice."

The PRESIDING OFFICER. How much time does the Senator wish?

Mr. ERVIN. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 5 minutes.

Mr. ERVIN. This amendment would merely complete the last sentence on page 12, so as to read as follows, if amended:

If such person—

That is, the person charged with contempt of court—

shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel, who shall receive reasonable fees for their services to be fixed by the court and paid out of any unexpended appropriations available to the Department of Justice.

In my State election officials receive a total compensation, on the average, of about $80 every other year, that is, during election years. Some of these officials may be cited for contempt of court merely because they disagree with the Government as to whether certain citizens possess the qualifications prescribed for electors of the most numerous branch of the State legislature.

It seems to me that we ought not to array all the legal and financial might of the United States against local officials who are performing essential governmental services at the local level, out of a sense of public duty, and who receive virtually no compensation for their services, without insuring that such officials as may be indigent have adequate means of defense.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. DIRKSEN. What is the custom in the Senator's State when it becomes necessary for the court to assign counsel. Are counsel reimbursed?

Mr. ERVIN. So far as North Carolina is concerned, the only instance in which there is authority of law for reimbursement is when counsel are appointed by the court to defend persons in capital cases.

Mr. DIRKSEN. But in a case comparable to what we have in mind, there would be no reimbursement if counsel were assigned, and there would be no fund from which counsel could be paid.

Mr. ERVIN. That is a fact. But the fact that under the law of a State an injustice would be done in a similar case should not justify us, as national legislators, in doing an injustice on a national level.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. KNOWLAND. I feel somewhat at a disadvantage in confronting the able Senator, with his long judicial and legal background, but my impression is that in my own State when a person cannot afford counsel the court assigns counsel. Such counsel are not compensated.

Mr. ERVIN. The Senator may be correct as to California. I do not know. At any rate, it seems to me that fundamental justice would require that when the financial and legal might of the United States is arrayed against a poor little local official whose total compensation does not exceed more than a few dollars a year, such official ought to have his counsel compensated by the Government in case he is financially unable to pay them. I have always stood for that principle in my State. I have not succeeded in having my views enacted into law there, but I think that is a just principle, and it should be adopted.

Mr. KNOWLAND. It seems to me that there is already an adequate provision in the bill which is now before the Senate. It reads as follows:

If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel.

It seems to me that we might very well operate under that provision. This amendment comes in rather late. It has not even been printed. It covers one subject which the proposed commission might very well examine. If an injustice is being done, or if it is found that voluntary counsel cannot be provided, and it is desirable to make an appropriation of public funds for that purpose, I think that is something to which the Congress would wish to give its attention. But I respectfully say to the Senator that under the circumstances we do not know what would be involved in the way of appropriations. We do not know how the situation would develop.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. KNOWLAND. I yield myself 1 more minute.

Mr. President, it seems to me that it might be more advisable to stand on the bill as it is now written.

Mr. ERVIN. There is a difference between a contempt proceeding under this bill and an ordinary case. In the great majority of instances the defendants in contempt proceedings under this bill will be local officials who perform essential governmental services at the local level, for little or no compensation. I think they fall in a somewhat different class from an ordinary case.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KNOWLAND. Mr. President, I yield myself 2 additional minutes.

If these people are largely local officials, is there not some responsibility on the part of the local government, which has denied the right to vote, and whose policies the official is carrying out, to see that counsel is provided?

Mr. ERVIN. I should say that the duty rests upon us, as Federal legislators, to see that means are provided for accomplishing justice, rather than depending upon the States, for which we are not legislators.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. PASTORE. Is not the provision for counsel in part IV applicable only in cases in which an order has been issued, and the order has been violated, and the individual is brought before the court for contempt?

Mr. ERVIN. That is correct.

Mr. PASTORE. In other words, we are talking about people who stand before the court because they have violated an order of the court.

Mr. ERVIN. Not because they have violated an order of the court, but because they have been charged with violation of the order.

Mr. PASTORE. That is correct.

Mr. ERVIN. They may be innocent.

Mr. PASTORE. That is correct. They are before the court because the Attorney General has filed a petition calling upon them to show cause why they should not be held in contempt of court. The petition has been granted by the court.

Mr. ERVIN. That is correct.

Mr. PASTORE. The individual comes before the court, which will pass sentence, or cause the individual to be incarcerated until such time as he shall purge himself.

Mr. ERVIN. The Senator is correct.

Mr. PASTORE. As I understand, if an individual does not have means of his own, he will be supplied with counsel, and counsel will be paid out of funds of the United States. I cannot understand what is bothering the Senator from North Carolina.

Mr. ERVIN. The problem is this: This proposal was voted on in the House, but the House struck from the amendment the provision that counsel shall be furnished at Government expense. I am merely offering an amendment to provide that counsel appointed by the court shall receive reasonable fees to be fixed by the court and paid by the Government in the case of indigent respondents.

Mr. PASTORE. It is my understanding——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. May I have 1 additional minute?

Mr. KNOWLAND. I yield 1 additional minute to the Senator from Rhode Island.

Mr. PASTORE. I have gone over to the opposition, but I may still vote the other way. [Laughter.] What I am trying to find out is what the question is all about. Apparently the Senator is fearful of the fact that the provision is not clear as to who is to pay the bill. Is that correct?

Mr. ERVIN. Yes; because the House struck out the part of the amendment providing that the Government shall pay the bill.

Mr. PASTORE. All the amendment does is to make clear that if the court assigns counsel because a respondent cannot afford to engage counsel, the United States Government will pay the fee. Is that correct?

Mr. ERVIN. The Senator is correct.

Mr. PASTORE. I shall vote for the amendment.

Mr. JOHNSON of Texas. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KNOWLAND. Mr. President, I yield 3 minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I believe we ought to take into consideration the present law relating to the ability of the Federal courts, under authority granted by Congress and with moneys appropriated by Congress, to pay for counsel appointed for indigent persons. It is my understanding that no such authority now exists, and no such fees are paid. At least so far as the United States district court located in Cleveland is concerned, I know that when counsel is appointed to represent a defendant who is not financially able to engage counsel, counsel's services are uncompensated so far as the United States Government is concerned. I do not believe that in connection with this subject we ought to be creating a new law and a new precedent. If this matter is to be handled differently in connection with civil-rights cases, I believe it ought to be taken up at a time when the whole subject can be explored and properly disposed of.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. ROBERTSON. Is it not a fact that as of now an individual who complains of a civil right being violated by another individual does not have his counsel fee paid by the Government; whereas under the proposed amendment the fee would be paid? Why should we have one law for one person and another law for another person?

Mr. LAUSCHE. I am not sure that I follow the Senator's question.

Mr. ROBERTSON. The question is this. We have no such law now. The proposed law would give an individual the right to go to the Attorney General and say, "You pay my counsel fees," and have the Attorney General say, "All right, I will do it."

Then the Attorney General hauls the registrar into court and he says to him, "If you cannot pay for counsel, the law says we will assign one to you and the Government will pay your counsel fee too." All we are doing is adding what the House struck out, and providing that the Government will pay for counsel on both sides.

Mr. LAUSCHE. I do not think the parallel is proper. The Federal Government indicts a person. An indictment may be procured through the request of the citizen who has been wronged. The Federal Government——

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. LAUSCHE. Mr. President, may I have 2 additional minutes?

Mr. KNOWLAND. I yield 2 additional minutes to the Senator from Ohio.

Mr. LAUSCHE. When a defendant is brought into court, he must hire his own counsel. If counsel is appointed in a Federal court, he is not paid, under present law.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. LAUSCHE. I wish someone would challenge me on the statement I have made.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. ANDERSON. I wonder if this is not true. If a man is charged with murder and he does not have counsel and cannot afford one, the court assigns an attorney to him. That attorney is not paid by the court. Why should an attorney be paid in this situation? Why do we not survey the whole subject before we take action on it?

Mr. LAUSCHE. In our State courts, assigned counsel is paid; but the Federal Government has not adopted that policy, and I do not believe we should adopt it in connection with this highly disputed subject.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. PASTORE. It is absolutely correct to say that the statement made by the distinguished Senator from Ohio cannot be challenged. The situation today in connection with a criminal case in a Federal court, when the court appoints an attorney to represent an indigent defendant, is that the attorney is an officer of the court, and he serves as a favor to the court in that particular case, and he is not compensated for his services.

In this case, however, I submit that we have an entirely different situation. This is a new law. This is a procedure which is quite unorthodox. An indigent respondent who cannot afford an attorney should at least be given his choice as to whom he will hire as an attorney. He should not be limited to someone the court might appoint for him. We are concerned with an extraordinary procedure. We should permit a respondent in this case to say to the court, "Your Honor, I should like to have Mr. LAUSCHE represent me, if he will." The court would say, "Very well, Mr. LAUSCHE may represent you and be reasonably paid for his services." In other words, we should not leave the choice completely to the court, but we should give the defendant a reasonable opportunity to make his own choice, because we are providing in the bill that "competent counsel" shall be appointed. The respondent, therefore, ought to have some opportunity to decide competency for himself.

Mr. LAUSCHE. I believe I still have the floor. The philosophy expressed by the Senator from Rhode Island is beautiful——

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. LAUSCHE. Mr. President, may I have 1 more minute?

Mr. KNOWLAND. I yield 1 more minute to the Senator from Ohio.

Mr. LAUSCHE. The philosophy expressed by the distinguished Senator from Rhode Island is beautiful, but it is completely novel. It has never been practiced. I do not believe that in connection with this subject we ought to undertake to establish that kind of precedent.

Mr. KNOWLAND. Mr. President, I yield 3 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, the Senator from Rhode Island and the Senator from Ohio have stated the law as I understand it to be with respect to the Federal courts. We recently had a situation in Colorado where a group of attorneys served for some indigent defendants and probably gave them services which would have a reasonable value of $50,000.

What the amendment would do would be to give a preference in these cases. If we had to define a new crime with relation, for example, to the handling of uranium, a justification might be sought to be made by reason of what we would have done in this case. It seems to me that the logical thing to do is to go into this whole area and study it. If we are going to pay counsel, then counsel should be paid whenever they are appointed by the Federal courts. I should like to call to the attention of the Senator from Rhode Island that there is language in the bill which provides "as he may desire." In other words, the defendant himself has the essential right of selection. The Senator from Rhode Island is a very eminent lawyer. I know, and I am sure he knows, that it is considered a part of an attorney's duties to serve as defense counsel for indigent defendants when appointed by the Federal court.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLOTT. I am happy to yield.

Mr. PASTORE. While it may be a part of the attorney's duty to comply with the request at the invitation of the court, it would not be unethical or contrary to the canons of law for the attorney to refuse to so serve. There is no compulsion.

Mr. ALLOTT. Let me say——

Mr. PASTORE. May I finish my statement?

Mr. ALLOTT. I have the floor. I am glad to yield for a question.

Mr. PASTORE. The Senator mentioned me, and I should like to state my position.

Mr. ALLOTT. The Senator can do it on his own time. I will answer questions. I say if we do it in this case, we will have to do it in other cases also, and there are thousands of cases in Federal courts in which attorneys are assigned to serve without pay.

Mr. ERVIN. Mr. President, I believe I have 9 minutes remaining. I yield 2 minutes to the Senator from Rhode Island, 2 minutes to the Senator from Florida, and the remaining 5 minutes to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. BIBLE in the chair). The Senator from Rhode Island is recognized for 2 minutes. The Senator will suspend until the Senate is in order. The time will not be taken out of the Senator's 2 minutes. The Senate will be in order.

Mr. PASTORE. I have a very strong conviction about civil rights. I think every Member of the Senate knows it. We are not now talking about civil rights. We are talking about a novel situation under what will be a very novel law, and we have to admit that it will be a novel law. At present we are under a different law. Now we are proposing to have the full power, prestige, and influence of the United States Government, through the Attorney General, in an equity case reach a respondent. With that I absolutely agree.

I only say, therefore, that if a respondent under this proposed law is entitled to counsel, he ought to have a right to make a choice, if he has no money with which to hire counsel. Once he has made his choice, he should feel that the person who is serving him is being paid for his services, and that he is not acting as an accommodation or as a favor to the court who will pass upon his sentence for contempt.

I think this is a novel situation. It is worthy of exception. I realize it is an exception. I do not think it will get us into any trouble at all, but it will make the bill very understandable and will make it fair.

Mr. HOLLAND. Mr. President, I first call attention to something that has not yet been mentioned, namely, that this amendment applies not only to defense for criminal contempt, but also to defense for civil contempt, because it applies to every person brought before the court under a charge of contempt of any kind who is financially unable to provide counsel.

One comment, and then I shall sit down. If the proponents of the proposed legislation want to force defendants, whether they are guilty or not, and whether they have any connection or not with groups who are trying to obstruct greater participation in voting—to force such persons into the arms of such obstructive groups the best way to do it is to force them to avail themselves of counsel from those sources.

If the court is going to appoint counsel—as this section of the bill requires—it seems to me we must provide that the court shall go further and compensate counsel reasonably.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. ROBERTSON. Is it not true that in the hearings it was disclosed that up to the time Attorney General Clark retired from that office—we never could get statistics beyond that time—there was one year in which the NAACP made 14,000 complaints. All of them had to be investigated and only 12 were found in which it was necessary to start prosecutions. If that has happened in the past, how many thousands of innocent persons might be brought into court after this bill is passed?

Mr. KNOWLAND. Mr. President, I yield 1 minute to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I should like to ask a question of the minority leader. As I understand the explanation of the amendment, a defendant will be given a right to choose his own counsel. What would prevent a lawyer from developing a shyster practice on that basis, so that more than one defendant—in fact, a great many defendants—would go to the same lawyer, who would be engaged in developing this type of practice? Can the Senator answer that question?

Mr. KNOWLAND. I think that could be done. Theoretically, the case mentioned by the Senator from Montana could happen. Whether it would be done, neither of us know. But certainly it is a possibility.

Mr. MANSFIELD. In other words, a type of ambulance-chasing practice could be developed, particularly in a case of this kind.

Mr. KNOWLAND. Yes; and with full knowledge that he would be compensated, an attorney could develop a number of cases.

Mr. HUMPHREY. Mr. President, will the Senator yield 1 minute to me, on another matter?

Mr. KNOWLAND. I yield 1 minute to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, when the amendment of the Senator from South Dakota [Mr. CASE] was under consideration, I was called to the District of Columbia room, where I was visiting with some 45 teachers from Minnesota. I regret to say that I received no notice of the vote. No one informed me that the yea and nay vote was in progress. I did not come to the Chamber because I had no notice of the vote. The bells did not ring in the District of Columbia Committee room. I suggest that an inspection be made of them.

Had I been present to vote, I would have voted against the Case amendment. I would have voted "nay." I am very much pleased to know that the amendment was rejected.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. MAGNUSON. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. MAGNUSON. I think the Senator from North Carolina and the Senator from South Carolina should clarify one point. Several persons have asked me what the compensation would be in this particular kind of case. I understand the amount would be fixed by the court itself.

Mr. JOHNSTON of South Carolina. It would be fixed by the court itself. If Senators will read the section which is being amended, they will note that the defendant before the court has a right to choose his counsel.

I have been in courts and have many times observed the choosing of counsel, but the attorneys refused to serve, and the judge would have to select someone else. In almost every instance it would be necessary to get a young lawyer, one who did not know the procedures in the court and did not know how to defend the person who was before the court.

But if a defendant has the right to choose his counsel, and that right is written into the law, then the judge will have the authority to appoint and to pay the attorney a reasonable fee for his services. The judge will fix the amount. Then I think the defendant will be properly protected.

I have heard much talk about the trials defendants receive in South Carolina, and in the South generally. The great trouble today is that the defendant does not have money when he comes into court. Many times the attorneys whom judges appoint to defend in cases of crime get no pay; and so the defendant has assigned to represent him a lawyer who is worth just about nothing, because he is not being paid.

A great many defendants are being convicted who would be acquitted if there were some such law as that which is proposed by the amendment.

The PRESIDING OFFICER. The Senator from South Carolina will suspend until there is order in the Chamber. There will be no deduction from his time granted under the unanimous-consent agreement until the Senate is in order.

Senators who are not participating in the debate should retire to the cloakroom. Attachés who are not needed on the floor will likewise retire from the Senate Chamber.

The Senator from South Carolina may now proceed.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. KEFAUVER. I feel that a lawyer who is selected to represent an indigent defendant, one who himself cannot afford to pay a lawyer, ought to receive some compensation. That certainly is true in this kind of case, in which the court itself may have an interest.

Does not the Senator think that if we grant such a right in these cases it may have a wholesome effect upon changing the general laws, so that there can be a public defender, or at least a system of compensation to be followed in other Federal cases, for the benefit of lawyers who represent indigent defendants?

Mr. JOHNSTON of South Carolina. First, I think we should insure having that take place. Then defendants would get more justice than they now get in court, not because the court does not want to award justice, not because the jury does not want to award justice, but simply because the facts are not properly presented to the court and jury in many instances. Under the present practice, all the witnesses are paid and everything is ready for the trial of the defendant, who is not able to pay for an attorney. But he is told that he must proceed with his trial anyway.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. PASTORE. Is it not true that this procedure is somewhat different from the existing procedure in criminal cases, with respect to counsel for indigent defendants, for the reason that in a criminal case, when a defendant is indigent, the court usually assigns competent counsel to defend the rights of the accused.

But here we are saying in one breath that the respondent himself shall have the right to choose. How can he choose if he has to accept as counsel a person who is going to end by serving as an accommodation to the court? Naturally, the defendant will have to go down the scale of competency until he gets someone who perhaps either wants a little publicity of who feels that the chances are he may ingratiate himself with the court if he accommodates the court.

Here we are providing that if the respondent is given the right of choice, he will have to be fortified by the law, so that he can say to his counsel, when the counsel calls for an interview, "You will receive reasonable compensation from the court for what you do for me."

That will put the defendant in the position, usually, of getting the man of his first choice. But if he is in no position to guarantee fair compensation, I am afraid that the result will be in every case that the court will have to appoint counsel, and that would not be fair—not in this type of case, which involves civil contempt and criminal contempt.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. DIRKSEN. It occurs to me that we are assuming that the courts will be dealing with indigents. There are two provisions in this particular part, one relating to those who are operating under color of law, and the other to those who are interfering with the voting rights. Those involved are not going to be indigents, I can assure the Senate. So the proposal cannot be made on that basis.

Mr. JOHNSTON of South Carolina. Then their counsel will not be paid for them. Counsel would be paid only "If such person shall be found by the court to be financially unable to provide for such counsel."

Mr. DIRKSEN. Yes; but who are those people? How will it be known that they are not operating under color of law?

Mr. JOHNSTON of South Carolina. That is the condition which confronts the courts at present.

Mr. DIRKSEN. Indeed, so.

Mr. PASTORE. Mr. President, will the Senator from South Carolina yield to me?

Mr. JOHNSTON of South Carolina. I yield.

Mr. PASTORE. Mr. President, if we are talking about respondents who can afford to pay for counsel, we are simply aruging in a vacuum, for this provision applies only in cases in which the respondents are unable to engage competent counsel. If they are able to engage competent counsel, this provision will not enter into the situation.

Mr. DIRKSEN. Who are the respondents?

Mr. PASTORE. Mr. President, will the Senator from South Carolina yield further to me?

Mr. JOHNSTON of South Carolina. I yield.

Mr. PASTORE. Let me say to the distinguished Senator from Illinois, in answer to his question, that no one is wise enough to answer that question.

The PRESIDING OFFICER. All time yielded to the Senator from South Carolina has expired.

No further time remains to the proponents of the amendment.

One minute remains under the control of the Senator from California.

Mr. KNOWLAND. Mr. President, I yield 1 minute to the Senator from Colorado [Mr. CARROLL].

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

Mr. CARROLL. Mr. President, it seems to me that the Senate must consider that this proposal would establish a precedent.

I would be very happy to support the amendment if I thought the Judiciary Committee would change the old, antiquated system. Today, in most of the States there is provision for paying counsel appointed by the court. Under the Federal system, there is no provision for paying such counsel.

This amendment, if adopted, would establish a precedent. Would it be meaningful? I suggest that the Judiciary Committee report a bill embodying a proper amendment on this subject, and then the Senate can vote on the bill.

Mr. JOHNSTON of South Carolina. Mr. President——

Mr. CARROLL. Mr. President, only 1 minute has been yielded to me, so I cannot yield.

Mr. President, the Senate can act properly in connection with this matter. The House has rejected this proposal. I suggest that, under the proper procedure, this proposal be brought forward in the form of a bill coming from the Senate Judiciary Committee. In that event, I will vote for it.

The PRESIDING OFFICER. The time yielded to the Senator from Colorado has expired.

All time available on the amendment has expired.

The question is on agreeing to the amendment of the Senator from North Carolina [Mr. ERVIN]. [Putting the question.]

Mr. ERVIN. Mr. President, I ask for a division.

On a division, the amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KEFAUVER. Mr. President, I call up my amendment identified as "7-23-57—D," and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated, for the information of the Senate.

The LEGISLATIVE CLERK. On page 1, it is proposed to strike out section 101 of part I, and to substitute therefor, as follows:

SEC. 101. (a) There is created in the legislative branch of the Government a Commission on Civil Rights (hereinafter called the "Commission").

(b) The Commission shall be composed of six members who shall be appointed by and with the consent of the Senate as follows: One member by the Vice President of the United States; one member by the Speaker of the House of Representatives; one member by the leader of the majority party in the Senate; one member by the leader of the minority party in the Senate; one member by the leader of the majority party in the House of Representatives; and one member by the leader of the minority party in the House of Representatives.

(c) The members of the Commission shall elect and designate one of its members as Chairman and one of its members as Vice Chairman. The Vice Chairman shall not be of the same political party as the Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman.

(d) Any vacancy in the Commission shall not affect its powers and shall be filled by the same appointing authority as the original appointment.

(e) Four members of the Commission shall constitute a quorum.

On page 6, strike out subsection (b) of section 104 of part I, and substitute the following:

(b) The Commission shall submit interim reports to the President of the Senate and to the Speaker of the House of Representatives as either the President of the Senate or the Speaker of the House of Representatives shall deem advisable and shall submit to the President of the Senate and to the Speaker of the House of Representatives a final and comprehensive report of its activities, findings, and recommendations not later than 2 years from the date of the enactment of this act.

On page 6, strike out subsection (a) of section 105, of part I, and substitute the following:

SEC. 105. (a) The Commission shall, by and with the advice and consent of the Senate, appoint a full-time staff director, and may, within the limitations of its appropriations, appoint such other personnel as it deems advisable.

Mr. KEFAUVER. Mr. President——

The PRESIDING OFFICER. For how long does the Senator from Tennessee desire to be recognized?

Mr. KEFAUVER. For 5 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. KEFAUVER. Mr. President, the purpose of this amendment is not to imply any lack of confidence in the President of the United States, for I feel certain that under the provisions of the bill, as it now stands, the President would try to appoint six capable men, of both political parties, who would perform the functions set forth in part I of the bill. The purpose of the proposed Commission is to secure facts upon which to base legislation. The Congress of the United States, not the President, legislates.

When it comes to describing what the purposes of the proposed Commission are, we find, by reading the text on page 5, that the Commission shall investigate certain allegations, and so forth.

On pages 5 and 6, we also find the following:

(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

I submit that the duties there set forth are legislative. If they are legislative duties, I submit that the Commission should be a legislative, not an executive, commission.

I desire to point out to those who are very much interested in an effective civil-rights bill that this amendment will make the bill more effective. In the first place, a legislative commission carries more authority, receives more notice and more publicity, and is more highly respected, in my opinion, than is an executive commission appointed by the President.

In the second place, the recommendations of a legislative commission—if its members were appointed by the responsible heads of the legislative branch of the Government—would carry more weight, when the time came to legislate upon its recommendations. Recommendations in regard to laws which need to be changed or amended and recommendations for the enactment of new laws to protect the voting rights or civil rights of people will be likely to receive greater consideration by the Congress if the commission is a legislative commission, a commission of the Congress itself.

Mr. HUMPHREY. Mr. President, will the Senator from Tennessee yield to me?

Mr. KEFAUVER. I yield.

Mr. HUMPHREY. Do I correctly understand that the amendment of the Senator from Tennessee would substitute a legislative commission for the proposed executive commission?

Mr. KEFAUVER. That is the purpose. The number of members of the commission would be the same. Under my proposal, one member of the commission would be appointed by the Vice President of the United States, and thus to some extent the executive branch would be brought into the situation. One member would be appointed by the Speaker of the House of Representatives; 1 member would be appointed by the majority leader of the Senate; 1 member would be appointed by minority leader of the Senate; 1 member would be appointed by the leader of the majority party in the House of Representatives; and 1 member would be appointed by the leader of the minority party in the House of Representatives.

Mr. HUMPHREY. I had thought that the amendment called for an additional commission, perhaps as a supplement to the commission already provided for by the bill. But now I understand that the amendment of the Senator from Tennessee calls for a commission established by the legislative branch, through the officers of the Congress.

Mr. KEFAUVER. Yes. I insist that since the commission is to be established for legislative purposes—in other words, to ascertain facts and to make recommendations with respect to changes in laws or with respect to additional laws—it should properly be appointed by, and should be under the supervision of, and should report to, the Congress of the United States, instead of the President. I say this not in disparagement of the President, but simply to indicate the reason for the amendment.

I believe the appointment as provided in the bill is lodged in the wrong place. We have had great experience with committees or commissions which are appointed by Congress. We remember the commission that was appointed to make a study of salaries of legislators, which was composed partly of members appointed partly by the Speaker and partly by the Vice President. We have had other examples of such commissions, and they have always been effective.

Mr. HUMPHREY. Mr. President, will the Senator yield further?

Mr. KEFAUVER. I yield.

Mr. HUMPHREY. The Senator has indicated that part I of the bill as now written provides that the Commission shall make recommendations, not only to the President, but to the Congress—that is, the recommendations are for public notice, and are not necessarily exclusively for the executive branch.

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired.

Mr. KEFAUVER. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 3 additional minutes.

Mr. KEFAUVER. The bill as originally written provided for a report by the Commission to the President. Under the amendments submitted by the Senator from California [Mr. KNOWLAND], the Congress would at least get reports from the Commission.

For a number of years, not only in this administration, but in other administrations, we have seen a great many of the legislative powers taken away from the legislative branch and assumed by the executive. We have seen various arms of Congress established, such as the Securities and Exchange Commission and the Federal Communications Commission. Those agencies are supposed to administer and carry out the laws enacted by Congress, because Congress is not in a position, of course, to administer the details of laws it enacts. Yet we find that more and more such commissions are coming under the domination of the executive. More and more they consider themselves arms of the executive, and Congress is being pushed out of the picture.

No doubt, in the years to come, in the next session of Congress, and in sessions following, other civil-rights proposals will be made. I submit that the Nation would be more interested in them, and they would certainly have greater weight with the Members of Congress, who, after all, must legislate on these proposals, if the facts were secured from and if the recommendations were made by a legislative commission appointed in the fashion I have suggested, rather than one which was in the executive department, and in which the Congress had no part except by way of the confirmation of the nominations of its members.

Mr. President, I had prepared an argument on this point, which time will not permit me to give in more detail, and I ask unanimous consent to have it printed in the RECORD at this point as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KEFAUVER

The Commission itself would be primarily a factfinding body, investigating, first, individual deprivations of the right to vote; second, legal developments constituting a denial of equal protection of the laws; and, third, the laws and policies of the Federal Government with respect to equal protection. There is very clearly the need for such a commission of inquiry upon this whole subject. One has only to look at the history of recent attempts to enact civil-rights legislation in order to be aware of the confusion that exists in Congress on the factual, the legal, and even the policy level.

(a) Factual disagreements in the present debate alone, for instance, have ranged over such vital points as exactly how many potential voters have been deprived of their rights by irregular qualification requirements, what specific evidence is there of southern juries violating their spirit of their mandate, what is the percentage of Negro voters across the whole Nation in relation to the number of those eligible. Where can the Congress turn for information of this sort that can be effectively gathered only by on-the-spot observers? Congress is in effect being forced to rely for its basic information upon various organizations with strong biases of one kind or another. Individual Members do not know except after lengthy personal research which sources are reliable and which are not. If only in this one area of factual research, a Commission on Civil Rights in the legislative branch would be invaluable.

(b) Legal disagreements have occupied an even more prominent position in the present debates. What would the effect of including or denying jury trials in contempt cases actually be? How would the proposed bill compare with State laws on similar cases? To what extent are old reconstruction statutes still in force which might affect current proposals? What can the Attorney General actually do under present law in civil rights or related cases? And, most important of all, what are the civil rights as distinct from voting rights that some legislators are

prepared to guarantee without any more precise definition? Innumerable other legal points arise that could best be answered by a commission with a specific mandate to study and appraise just these areas.

(c) Policy level disputes are also evident in the history of civil-rights legislation over the past generation. During the twenties and thirties, the standard form of civil rights advocated was a Federal antilynching bill. During the forties, attention was focused alternately upon fair employment practices legislation and anti-poll-tax bill. In 1948 the President's Committee with little legislative support undertook a study and recommended sweeping legislation. This demand has been echoed up to the present, but each suggested bill has varied somewhat from previous ones. The 1957 civil-rights bill, for example, is a completely different sort of measure from the 1956 one. This continuing disparity suggests that even among those who are eager supporters of civil-rights legislation there is much doubt as to where the greatest abuses exist and how best to remedy them. Although a Commission in the legislative branch could never resolve all of the different points of view behind these approaches, it could at least provide an authoritative guide for legislators as to which field, if any, would benefit most by new legislation.

B. In its role as watchdog over the executive and other branches of the Government: This role, which has traditionally been exercised by Congress since the first investigation in 1792 of General St. Clair's rout by the Indians, was reemphasized in the Legislative Reorganization Act of 1946 which specifically provided: "Each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee."

1. The field of civil rights, which would require much on-the-spot investigation, would certainly be better covered by a separate commission, responsible to the legislature, than by an already busy committee. But it is clear that the watchfulness prescribed for the legislative branch should not be omitted in the field of civil-rights enforcement merely because the field offers a challenge and requires on-the-spot surveillance.

(a) The proposed measure in its present form is giving new and unprecedented powers to the Attorney General in bringing civil suits. The power of the executive is being considerably increased by this innovation. A Civil Rights Commission in the legislative branch would be wise not only to balance this growth of the executive, but also to watch over the exercise of this power by the Justice Department, a power which is very clearly subject to political or other abuse.

(b) As has been mentioned, both the executive and the judiciary have throughout American history and even to the present day been guilty of some of the most flagrant disregard of individual rights. The abuses involved in the trial of civilians in military courts during the Civil War and in the mass deportation of citizens during World War II are two instances of executive guilt in these matters. The Debs injunction case and the Girard case show the judiciary at fault. It would benefit Congress very much to have a commission which over the next 2 years could keep a watchful eye on just such instances and perhaps prevent them or mitigate their effects.

(c) The independent commissions, appointed by the President by and with the consent of the Senate, have shown themselves more and more dependent upon the executive, and not in a real sense fair arbiters of national needs. There is no need to create another commission on these lines, or, as proposed, directly in the executive branch, for such bodies frequently do not provide the Congress with the impartial information required for an adequate supervision of executive policies.

2. The establishment of the Commission with a life of approximately 2 years would recognize the continuing concern which Congress feels in this area. It would fulfill Congress' desire for a real long-term answer to these problems, problems that must be gradually settled and cannot be cleared away in one fell swoop.

C. In its role as a forum focusing attention upon national issues.

1. It is clear from the present debate alone that the problem of civil rights can be better debated and more thoroughly publicized by Congress than by any other branch of the Government. National attention has been more thoroughly focused upon the pros and cons of this type of legislation today than at any time since the Civil War. The Congressional debates have pointed up how unclear even the President is as to the full implications of this policy. Since civil rights has become a national issue, it is only reasonable that Congress, which must discuss and possibly legislate upon the issue, should have direct access to the most complete and most reliable information on the subject—information such as would be supplied by a Commission on Civil Rights in the legislative branch.

D. In its role as an expression of public opinion.

1. It is equally clear that on an issue where the feelings of the country are as sharply divided as on this question, Congress is uniquely fitted to discuss the whole problem and to reflect the opinions not only of all the legislators themselves, but also of all the constituents or local organizations who are interested. Thus it is the duty of Congress, more than of any other branch of the Government, to maintain a commission to study civil rights in order that it may give a more complete and better informed picture of the situation than would be possible from executive agencies alone.

III. Benefits to be derived by the proposed Commission on Civil Rights from a position in the legislative branch:

A. More support:

1. Throughout the country, a commission appointed by legislators from different parts of the country and both political parties would unquestionably meet with more cooperation than would a less representative executive body. Having the support of the whole Congress behind it, it will naturally receive more support from whatever area or group it is investigating. Its members will be more accessible to public opinion, too, through the influence that Members of Congress may exert in behalf of their constituents; and being more accessible, it will probably also be more acceptable.

2. In the Government itself, a commission attached to the legislative branch would probably be more effective in winning cooperation and assistance from the rest of the Government than would an executive group. The success of the two Small Business Committees of Congress is a case in point. These committees have succeeded in more or less guaranteeing a fair share on military contracts to small businesses; they have prevented discrimination by the Fair Trade Commission; and in general they have provided an excellent clearinghouse in touch with small businesses and the Government at important points. Another example of a fact-finding group under Congress which has achieved a significant place is the Joint Economic Committee. The staff of this committee, four professional economists, has filled a very necessary gap in studying the condition of the whole economy and presenting authoritative studies and recommendations. Business Week evaluates the work of this group in comparison with the parallel executive organ as follows: "Where the Council of Economic Advisers—for example—has withdrawn more and more from controversial subjects, limiting its role to that of the President's confidential adviser, the Economic Committee staff plunges energetically into one sensitive subject after another—wherever the orders of the committee lead. * * * Always in the glare of political controversy, * * * the staff has been eminently successful, raising economic analysis to the most respected position it has ever held in Congress."[1]

B. Greater publicity: By the uniqueness of its position, by the backing of Congress, the Commission would probably receive more publicity in the legislative branch than it would as merely another adjunct to the executive bureaucracy. This publicity would represent one of the most effective methods of developing the national awareness and responsibility required on an issue of this nature.

C. Greater independence: A commission that would be selected by various individuals and that would select its own chairman, would possess a far greater degree of independence than a commission under the Executive which might be severely pressured by the Executive to reach preordained conclusions. The Joint Economic Committee again is an example.

D. Greater authority: A report coming from a commission selected and authorized by the Congress would carry far more weight, both in the country as a whole and in the legislative councils of the Congress, than a report from a purely executive agency. Congress would be far more likely to act upon the recommendations of a commission selected by and responsible to the legislature—if further action were to be necessary—than upon those of an Executive commission, most particularly in a field that directly concerns legislation.

IV. Particular advantages to be derived from the proposed method of appointment:

A. Both the executive and the legislature would be represented. The choice of one member of the commission by the Vice President would afford representation to the executive branch, yet most of the appointments would rest with the Congress in an area where most of the action should come from Congress.

B. Both houses of the legislature would be represented. This might be very useful in insuring a proper balance between the rights of the States and those of individual citizens.

C. Both parties would be fairly represented in making and thus presumably in holding the appointments. There would be no danger of so-called Eisenhower Democrats being appointed instead of genuine Democrats. There is every reason to suppose that there would be a wide geographic range in the choice of commissioners, as there is in the choice of men to appoint them.

D. The men who currently hold the positions that would have the appointing power are known for their fairness, moderation, and experience. Moreover, these are the men who would be called upon to carry through whatever legislative program might be needed to meet the national needs. It is therefore only reasonable to allow them some voice in the selection of the Commission.

E. The provision that the Commission should select its own chairman rather than accept a Presidential appointee permits far greater independence on the part of the Commission from the very start and suggests very pointedly the dangerous degree of Executive control which might be applied to a commission in the executive branch.

Although the amendment providing for a commission in the legislative rather than executive branch to be appointed by the

[1] Congress Own Brain Trust. Business Week, July 20, 1957: 97.

Vice President, Speaker of the House, and majority and minority leaders of both Houses, has no direct precedents, it is admirably suited to the needs of the Congress. The issue of civil rights ought to be handled, if at all, by the Congress. Congress could benefit from a commission with the proposed powers in its functions of legislating, of supervising the administration, of airing national problems, and of expressing public opinion. The authority and effectiveness of the commission would be enhanced by direct relationship with Congress rather than the Executive. And the results would be a more equitable presentation of the vexatious civil-rights issue for the whole country.

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired. The Senator has 7 minutes remaining to him.

Mr. DIRKSEN. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. DIRKSEN. There are many reasons why the pending amendment ought to be roundly defeated on both sides of the aisle. If the Senator from Tennessee wants such a legislative commission, there is nothing to inhibit him from submitting a resolution which could come before the Senate for its approval.

In the second place, I ask, How objective would such a legislative commission be at this time? We have had 6 months of turbulence on this subject. Without demeaning any Senator, if we can be objective about the selection of a commission—that I would like to see.

In the third place, the executive commission is limited in tenure. It will be in existence for only a 2-year period.

In the fourth place, the situation is safeguarded because the nominations of not only the members of the Commission, but of the staff director, must be confirmed by the Senate. That would make it a truly objective commission. From it I think we could secure really worthwhile information. But if the distinguished Senator from Tennessee wants to have a legislative commission, let him introduce a bill providing for it. The bill will go to the Judiciary Committee, along with others. We shall be quick to give it consideration, we shall pass judgment on it, and then determine what shall be done.

So there is no reason under the sun why the amendment should be adopted. In fact, it should be roundly and soundly defeated except for one vote, and that is the vote of the author of the amendment.

Mr. KEFAUVER. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes.

Mr. KEFAUVER. Mr. President, if the Senator from Illinois wishes further to give away the legislative powers of the Congress of the United States, if the Senator from Illinois wants to have facts which are for the benefit of the Congress, upon which to base legislation, gathered and collected by a commission over which the Congress has no power, that is his prerogative; but, so far as I am concerned I know Congress will enact better laws and will have more confidence in the evidence gathered if the information and the recommendations come from a commission which is composed of outstanding men—not Members of Congress. It is not intended that its members should be Members of the House and the Senate, but outstanding men who would be appointed by the Vice President and the Speaker and the majority leader and the minority leader, for whom they would feel responsible. They would also feel responsible for seeing that the recommendations made by their appointees received consideration. I think the dignity and the standing and the power of the Congress would be furthered and sustained by this kind of approach.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Illinois yield back the remainder of his time?

Mr. DIRKSEN. First I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

Mr. DIRKSEN. I point out to Senators that in the administration of Franklin Roosevelt and in the administration of Harry Truman there were a great many executive commissions. In fact, in the Truman administration there was an executive commission dealing with this very subject matter, which made a very excellent report, which I had occasion to examine only a few days ago. There is no precedent involved by the creation of such a commission as is provided for by the bill. What is proposed is very common. It would be amazing indeed if the Chief Executive's opinions or findings could not be implemented and fortified by reports from an objective commission, on a factfinding basis, whereby there could be obtained all the facts and data necessary for a determination of the very delicate problem we are facing.

Mr. KNOWLAND. Mr. President, I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, I should like to support what the Senator from Illinois has said and to point out what we have been through in the consideration of the pending bill.

Do we want a legislative commission which can be the focal point and lightning rod of the cockpit of emotions that exist in this particular field? I think it is a blessing that we have a Presidency, and that we can have an executive commission.

Mr. KEFAUVER. Mr. President——

The PRESIDING OFFICER. The remainder of the time on the amendment is under the control of the Senator from California.

Mr. KNOWLAND. I yield 1 additional minute to the Senator from Tennessee, so he may address an inquiry to the Senator from New York.

Mr. KEFAUVER. I wish to say to the Senator from New York that I am not talking about a joint commission or committee of the House and Senate. The Judiciary Committees have jurisdiction of such questions, and if Congress wants to have a special joint committee, that is another matter which could be considered. What I am suggesting by my proposal is a commission composed of qualified citizens who would represent a cross section of the United States, because they would be appointed by eminent men who come from all sections of the Nation. The fact that 3 Republicans and 3 Democrats would do the appointing would assure us that the Commission would not be partisan, and that they would be men of distinction, of whom Congress would be proud, and to whom the Congress could look for recommendations.

Mr. JAVITS. I wish to point out that in my argument——

The PRESIDING OFFICER. Does the Senator from California yield any additional time to the Senator from New York?

Mr. JAVITS. May I have 30 seconds?

Mr. KNOWLAND. I yield one-half a minute to the Senator from New York.

Mr. JAVITS. I point out that the names would be subject to the approval of the majority and minority leaders. The Commission would be under the control of the Congress. We understand how such commissions would operate. I am sure we do not want a Commission which can do the things we have seen done heretofore. We are all anxious to have the bill put behind us.

The PRESIDING OFFICER. Does the Senator from California yield back the balance of his time?

Mr. KNOWLAND. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Tennessee [Mr. KEFAUVER] has yielded back all his time. The Senator from California now has 10 minutes remaining.

Mr. KNOWLAND. Mr. President, I yield myself 1 minute, and then I shall be prepared to yield back the time remaining to me.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mr. KNOWLAND. Mr. President, I hope the amendment will not be agreed to. We have gone along this far with an executive commission. I think the Senator from Illinois [Mr. DIRKSEN] and the Senator from New York [Mr. JAVITS] have amply pointed out the reasons why it would be a mistake to involve the matter in a legislative type of commission. I hope the amendment will be defeated.

The PRESIDING OFFICER. Does the Senator from California yield back the remainder of his time?

Mr. KNOWLAND. I yield back my remaining time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from Tennessee [Mr. KEFAUVER].

The amendment was rejected.

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## VISIT TO THE SENATE BY MEMBERS OF THE JAPANESE DIET

Mr. WILEY. Mr. President and Senators, what the world is looking for is understanding. We are privileged today to have five members of the Japanese Diet on the floor of the Senate as our visitors. We are happy to know that

these gentlemen from another parliamentary body have seen fit to come to the United States Senate to become better acquainted with us. We hope that from this contact they will know us better and that we will know them better.

Mr. President, I should like to introduce Councilor Shokichi Uehara, Councilor Tsunesuke Muto, Councilor Hideo Aoyagi, Councilor Seiji Uchimura, Councilor Kan Kase, and their secretary, Saburo Kikui.

I ask the Senate to extend to them a warm welcome.

[The distinguished visitors were greeted with applause, Senators rising.]

The PRESIDING OFFICER (Mr. BIBLE in the chair). The Chair wishes to join the distinguished Senator from Wisconsin in welcoming our visitors from overseas to the Senate Chamber, and to express the hope that their visit to our shores will afford them pleasure and benefit.

Mr. WILEY. Mr. President, I ask unanimous consent that the Senate stand in recess briefly, for about 3 minutes, so that Senators may personally greet and shake the hands of the Japanese councilors.

The PRESIDING OFFICER (Mr. BIBLE in the chair). Is there objection to the unanimous-consent request of the Senator from Wisconsin that the Senate stand in recess for 3 minutes? The Chair hears none, and it is so ordered. The Senate will stand in recess for 3 minutes.

Thereupon (at 3 o'clock and 24 minutes p. m.), the Senate took a recess until 3 o'clock and 27 minutes p. m.

During the recess the Members of the House of Councilors of the Japanese Diet were greeted by Members of the Senate, who were presented by Mr. WILEY.

On the expiration of the recess, the Senate reassembled, and was called to order by the Presiding Officer.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2504) to amend and extend the Small Business Act of 1953, as amended.

## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. JOHNSTON of South Carolina. Mr. President, I should like to call up at this time amendment 7-10-57-C and amendment 7-10-57-D, since both amendments deal with the same subject.

The PRESIDING OFFICER. The clerk will state the amendments for the information of the Senate.

The CHIEF CLERK. On page 5, line 5, before the comma it is proposed to insert "when away from his usual place of residence".

On page 5, line 12, before the comma it is proposed to insert "when away from his usual place of residence".

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina [Mr. JOHNSTON] and asks the Senator how much time he yields himself.

Mr. JOHNSTON of South Carolina. Mr. President, I yield myself 3 minutes. I do not think it will be necessary to use all the time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. JOHNSTON of South Carolina. The two amendments before the Senate at this time are both clarifying amendments, since all Federal employees now are permitted to be paid per diem in lieu of expenses only when they are away from their usual places of residence. Clarification of the provisions of the bill would be accomplished by the two amendments. The Senator from Kansas [Mr. CARLSON] and the other members of the committee agree.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from South Carolina yield, and if so, to whom?

Mr. JOHNSTON of South Carolina. I yield to the Senator from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. President, I wish to associate myself in support of the two amendments, which are in fact one amendment. If we dare set a precedent of permitting an appointee to draw $12 per diem for expenses while at home, there will be a demand to modify the general law, and permit all Federal employees to enjoy this added windfall.

Mr. JOHNSTON of South Carolina. That is true. That is the only reason why the amendments are proposed.

Mr. MONRONEY. This is the uniform status of the law at the present time.

Mr. JOHNSTON of South Carolina. The Senator is correct. It is uniform law now for all Federal employees.

Mr. CARLSON and Mr. DIRKSEN addressed the Chair.

Mr. JOHNSTON of South Carolina. I yield to the Senator from Kansas.

Mr. CARLSON. Mr. President, I sincerely hope the amendments will be adopted. Otherwise we will upset the entire civil service pay system as it relates to taking care of expenses away from home. The provision in the bill would permit payment while at home, and I do not think we intend to permit that.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. KNOWLAND. Perhaps the Senator has explained the point—I had to be out of the Chamber for a few moments—but, as I understand, the amendments would not interfere with the per diem payments of compensation to the members of the Commission?

Mr. JOHNSTON of South Carolina. Not at all. Commission members would be paid travel and subsistence expenses only when they were away from their usual places of residence.

Mr. KNOWLAND. The Senator refers to the payment for expenses over and above the per diem, does he not?

Mr. JOHNSTON of South Carolina. That is correct.

Mr. KNOWLAND. When the members of the Commission are away.

Mr. JOHNSTON of South Carolina. If the Senator will read the amendments, he will find they say "when away from his usual place of residence."

Mr. KNOWLAND. They will still be paid the $50 per diem?

Mr. JOHNSTON of South Carolina. The $50, as well as the $12 when away from the usual place of residence.

Mr. KNOWLAND. It is only the latter payment which is under consideration?

Mr. JOHNSTON of South Carolina. The Senator is correct. At home the members of the Commission will not receive the $12. That is the situation as it relates to other Federal employees.

Mr. MAGNUSON. Mr. President, will the Senator yield me 2 minutes?

Mr. JOHNSTON of South Carolina. I yield the Senator from Washington 2 minutes.

Mr. MAGNUSON. I should like to ask a question of either the distinguished Senator from Illinois [Mr. DIRKSEN] or the distinguished Senator from California [Mr. KNOWLAND].

I do not know who wrote the bill, but I am quite concerned about it. I might submit an amendment, but I believe the matter can be clarified. The bill provides for the appointment of six commissioners. I am wondering what was the reason for having an even number. How will the Commission be able to arrive at any conclusions if there are 3 votes one way and 3 votes the other?

Mr. DIRKSEN. It would be impossible to have a truly bipartisan Commission unless the number were even.

Mr. MAGNUSON. I am not talking about partisan votes. I am talking about questions such as may arise in any commission.

Mr. DIRKSEN. First, nominations of the members must be confirmed by the Senate; and if we do not get objective, competent members, it will be the fault of the Senate rather than of the appointing power.

Mr. MAGNUSON. I understand that. They could be competent and objective, but there might be some question upon which they would disagree. There might be a tie vote. It would not necessarily be a partisan vote. There might be 3 votes one way and 3 another, and the Commission would be stymied. Why not a commission of 7 or 5?

Mr. KNOWLAND. The reason was that it was attempted to make this a bipartisan Commission. It cannot very well be a bipartisan Commission unless there are the same number of Republicans as Democrats. If the number were seven, there would have to be 4 Democrats and 3 Republicans, or 4 Republicans and 3 Democrats. I think there was an attempt to lean over backward in preserving a Commission equally balanced as between the two parties, so that the Commission would not be partisan in nature, but bipartisan.

Mr. MAGNUSON. That is a partial explanation. Many persons have asked me the question.

Mr. KNOWLAND. It is a good question, but I think that is probably the answer as to why the number is even. It would have to be some even number in order to preserve a balance. The number might have been 8, or 12, or 4. I suppose the number six was agreed upon as a reasonable number.

Mr. MAGNUSON. Everyone hopes the Commission will be bipartisan. There is no such thing as a nonpartisan body.

I wanted the RECORD to show the explanation. I have been asked the question several times as to why the provision was made for an even number, and whether it might not be possible for the Commission to get into a stalemate.

The PRESIDING OFFICER. Are Senators prepared to yield back the remainder of the time?

Mr. JOHNSTON of South Carolina. I yield back the remainder of my time.

Mr. KNOWLAND. I yield back all the time remaining to me.

The PRESIDING OFFICER. All time has been exhausted or yielded back.

The question is on agreeing en bloc to the amendments of the Senator from South Carolina [Mr. JOHNSTON].

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. McNAMARA. Mr. President, I call up my amendment which I sent to the desk and ask to have it stated.

The PRESIDING OFFICER. Does the Senator from Michigan desire that the entire amendment, which is in the nature of a substitute, be read, or merely printed in the RECORD?

Mr. McNAMARA. There is no necessity for reading it.

The PRESIDING OFFICER. Without objection, the amendment may be printed in the RECORD at this point.

Mr. McNAMARA's amendment is as follows:

On page 12, after line 23, insert the following new part:

"PART V—REDUCTION OF CONGRESSIONAL REPRESENTATION OF STATES DENYING OR ABRIDGING THE RIGHT OF ITS INHABITANTS TO VOTE

*"Establishment of a Joint Committee on Congressional Representation*

"SEC. 141. There is hereby established a Joint Committee on Congressional Representation (hereinafter in this part referred to as the Joint Committee) to be composed of 9 Members of the Senate to be appointed by the President of the Senate, and 9 Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In each instance not more than five members shall be members of the same political party.

*"Functions of the Joint Committee*

"SEC. 142. (a) The Joint Committee shall, as soon as practicable following the date of each biennial election for Rrepesentatives in Congress in the several States as established by section 25 of the Revised Statutes, but not later than May 1 of the year following such election—

"(1) determine whether any State has, in violation of section 2 of the 14th amendment to the Constitution, denied or abridged the right of inhabitants of such State to vote in any election prescribed in such section since the preceding biennial election for Representatives in Congress; and

"(2) calculate, in the manner prescribed in section 2 of the 14th amendment to the Constitution and in section 22 of the Revised Statutes, the number (if any) by which the Representatives in Congress of each State which the Joint Committee determines has so denied or abridged the right of its inhabitants to vote shall be reduced as the result of such denial or abridgment.

"(b) The Joint Committee shall, on or before May 1 of the year following each biennial election for Representatives in Congress, submit to the Congress a statement indicating, with respect to each State, the number (if any) by which such State's Representatives in Congress shall be reduced under section 150 (a) for the Congress which commences after the date of such statement. The Joint Committee shall submit with such statement a full and complete report of the facts upon which such statement is based. A copy of such statement shall be transmitted to the Clerk of the House of Representatives.

*"Time reductions become effective*

"SEC. 143. The reductions prescribed in such statement shall become effective, with respect to the Congress which commences after the date of submission of such statement, upon the expiration of the first period of 30 calendar days of continuous session of the Congress following the date of submission of such statement, but only if between the date of submission and the expiration of such 30-day period the Congress has not passed a concurrent resolution stating in substance that the Congress does not approve the statement. For the purposes of this subsection, continuity of session shall be considered as broken only by an adjournment of the Congress sine die, but, in the computation of the 30-day period, there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days to a day certain.

*"Disapproval of Joint Comittee's action*

"SEC. 144. (a) This section is enacted by the Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in subsection (b)); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

"(b) As used in this subsection, the term 'resolution' means only a concurrent resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not approve the statement relating to representation in the Congress submitted to the Congress by the Joint Committee on Congressional Representation on , 19 .', the blank spaces therein being appropriately filled.

"(c) A resolution with respect to a statement shall be referred to a committee (and all resolutions with respect to the same statement shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

"(d) (1) If the committee to which has been referred a resolution with respect to a statement has not reported it before the expiration of 10 calendar days after its introduction (or, in the case of a resolution received from the other House, 10 calendar days after its receipt), it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such statement which has been referred to the committee.

"(2) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to such statement), and debate thereon shall be limited to not to exceed 1 hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

"(3) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to such statement.

"(e) (1) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a statement, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

"(2) Debate on the resolution shall be limited to not to exceed 10 hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(f) (1) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a statement, and all motions to proceed to the consideration of other business, shall be decided without debate.

"(2) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a statement shall be decided without debate.

"(g) If, prior to the passage by one House of a resolution of that House with respect to a statement, such House receives from the other House a resolution with respect to such statement, then—

"(1) if no resolution of the first House with respect to such statement has been referred to committee, no other resolution with respect to such statement may be reported or (despite the provisions of paragraph (d) (1)) be made the subject of a motion to discharge; and

"(2) if a resolution of the first House with respect to such statement has been referred to committee—

"(A) the procedure with respect to that or other resolutions of such House with respect to such statement which have been referred to committee shall be the same as if no resolution from the other House with respect to such statement had been reeceived; but

"(B) on any vote on final passage of a resolution of the first House with respect to such statement the resolution from the other House with respect to such statement shall be automatically substituted for the resolution of the first House.

*"Vacancies; selection of chairman and vice chairman*

"SEC. 145. (a) Vacancies in the membership of the Joint Committee shall not, except as provided in section 147, affect the power of the remaining members to execute the functions of the Joint Committee, and shall be filled in the same manner as in the case of the original selection.

"(b) The Joint Committee shall select a chairman and vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship shall alternate between the Senate and the House of Representatives with each Congress, and the chairman shall be selected by the members from that House entitled to the chairmanship. The vice chairman shall be chosen from the House other than that of the chairman by the members from that House.

*"Powers of the Joint Committee*

"SEC. 146. (a) In carrying out its functions, the Joint Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings and investigations, to sit and act at such places and times, to require by subpena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

"(b) Subpenas may be issued over the signature of the chairman of the Joint Committee or by any member designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Joint Committee or any member thereof may administer oaths to witnesses.

"(c) The provisions of sections 102 to 104 inclusive, of the Revised Statutes, as amended, shall apply in the case of the failure of any witness to comply with a subpena or to testify when summoned under authority of this section.

*"Organization and procedures*

"SEC. 147. The Joint Committee may make such rules respecting its organization and procedures as it deems necessary, but no statement shall be submitted to the Congress pursuant to subsection (b) of section 142 unless it shall have been agreed to by a majority of the authorized membership of the Joint Committee.

*"Expenses*

"SEC. 148. (a) Members of the Joint Committee, and its employees and consultants, shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties of the Joint Committee.

"(b) The cost of stenographic services to report hearings shall not be in excess of the amounts prescribed by law for reporting the hearings of standing committees of the Senate.

"(c) The expenses of the Joint Committee shall be paid from the contingent fund of the Senate from funds appropriated for the Joint Committee upon vouchers approved by the chairman.

*"Staff and assistance*

"SEC. 149. The Joint Committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable. The Joint Committee is authorized to utilize the service, information, facilities, and personnel of the departments and establishments of the Government.

*"Notice to the States of reductions in congressional representation*

"SEC. 150. (a) Effective for the 87th Congress and each succeeding Congress, the number of Representatives to which each State is entitled under section 22 of the act entitled 'An act to provide for the 15th and subsequent decennial censuses and to provide for appointment of Representatives in Congress,' approved June 18, 1929, as amended, is hereby reduced by the number of Representatives shown in the statement submitted for such Congress under subsection (b) of section 142, if such statement has not been disapproved by the Congress as provided in sections 143 and 144. Any reduction under this subsection in the number of Representatives to which a State is entitled shall be effective only with respect to the Congress for which such statement is submitted.

"(b) It shall be the duty of the Clerk of the House of Representatives, or if there be no Clerk, such other official of the House of Representatives as the Joint Committee may designate, within 15 calendar days, after a statement submitted under subsection (b) of section 142 has become effective, to transmit to the executives of those States whose Representatives in Congress are reduced pursuant to section 2 of the 14th article of amendment to the Constitution and section 22 of the Revised Statutes for the Congress which commences after the date of submission of such statement a certificate specifying the number by which such State's Representatives in Congress is reduced for such Congress.

"(c) The provisions of subsection (c) of section 22 of the act entitled 'An act to provide for the 15th and subsequent decennial censuses and to provide for appointment of Representatives in Congress,' approved June 18, 1929, as amended, shall be effective with respect to any State whose congressional representation is reduced pursuant to the provisions of this part.

"(d) No State's representation in the House of Representatives shall be reduced below one Representative."

On page 13, line 1, strike out "SEC. 141.", and insert in lieu thereof "SEC. 151."

The PRESIDING OFFICER. How much time does the Senator from Michigan desire?

Mr. McNAMARA. How much time have I?

The PRESIDING OFFICER. The Senator has 15 minutes, under the unanimous-consent agreement.

Mr. McNAMARA. I shall take such time as may be required to explain the amendment, within that time.

The PRESIDING OFFICER. The Senator from Michigan is recognized under those conditions.

Mr. McNAMARA. Mr. President, House bill 6127——

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

Mr. McNAMARA. I shall be happy to yield for that purpose.

The PRESIDING OFFICER. The Chair is advised that that is not possible under the unanimous-consent agreement until all time has been used or yielded back.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection?

Mr. KNOWLAND. Mr. President, I shall be compelled to object. We can have a quorum call, if necessary, before the vote on the bill.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 15 minutes. The suggestion of the absence of a quorum is not in order.

Mr. McNAMARA. Mr. President, H. R. 6127 came to the Senate as a true civil-rights bill.

Perhaps it was not as broad and inclusive of all civil rights as some of us might have wished. Nevertheless, it was a moderate step in the right direction.

Before long, however, part III—a section which would have meant a great deal to the cause of civil rights—was stripped from the bill.

The measure then became limited almost entirely to voting rights—and protection and enforcement procedures were spelled out in part IV.

Had we been able to keep the spirit of part IV intact, we still might have emerged with a really meaningful civil-rights bill.

However, as the result of the addition of a jury trial amendment, the bill has become more ineffective even in the protection of the right to vote.

But since this measure appears destined to be simply a voting-rights bill, I believe that it should be a strong one.

My amendment would accomplish the vital need of affording all American citizens their rights under the Constitution.

It would place the responsibility for the enforcement of this constitutional right squarely in the hands of Congress.

My amendment relates particularly to the second section of the 14th amendment to the Constitution.

It adds nothing to the Constitution. It twists nothing that is already written in the Constitution.

Let us look at the section to which I am referring.

The 14th amendment became a part of that document on July 28, 1868.

Section 2 provides:

> Representatives shall be apportioned among the several States according to their respective numbers; counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, "is denied to any of the inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime," the basis of representation therein shall be reduced in the proportion which the number of such citizens shall bear to the whole number of citizens 21 years of age in such State.

That is section 2 of the 14th amendment, Mr. President.

The punishment for those States which deny or abridge the right to vote is rather graphically spelled out.

Section 5 of the same amendment provides:

> The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Unfortunately, this enforcement has been sadly lacking.

As a part of an act of February 2, 1872, Congress passed a provision substantially repeating the words of section 2—but without enforcement or procedural provisions.

Thus, we are told by Corwin's "The Constitution of the United States" that "no serious attempt has been made by

Congress to enforce the mandate of the second section of the 14th amendment.

But the 14th amendment still is a part of the Constitution. The voting rights of many of our citizens are still being denied or abridged.

My amendment seeks to supply the enforcement of this section of the Constitution.

It would do it in the fairest way possible, I believe, through a joint committee on Congressional representation.

This committee, to be composed of nine members each from the Senate and the House, would meet following each biennial election for Representatives.

The committee would have the authority to conduct investigations, hold hearings, and to issue subpenas.

By May 1 following each such election, the committee would be required to report to the Congress whether it has found that any State has violated section 2 of the 14th amendment.

It would calculate whether such violations were sufficient in any State to reduce the number of Representatives as provided by the 14th amendment.

Section 144 (a), beginning on page 4 of my proposed amendment then spells out how Congress, if it wishes, may disapprove the joint committee's action.

It further details, however, how any such disapproval by Congress must be accomplished within a certain specified time.

Should the joint committee find that a State should have its representation reduced—and lacking disapproval by Congress within the specified period—the reductions in representation would be effective for the next Congress.

And the reductions would apply only to that Congress. In no case would a State's representation be reduced below one.

I believe this amendment to be very fair, Mr. President.

It keeps the major responsibility for protecting the right to vote with the Congress.

We cannot be selective about enforcing our constitutional rights and duties. If we are to accept any of the constitutional provisions, we must accept all of them.

Many of my colleagues were successful in somewhat distorting the constitutional right to trial by jury, and I am sorry for that.

However, there is no way to distort the meaning of section 2 of the 14th amendment.

All it needs is enforcement.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. McNAMARA. I am happy to yield to the Senator from Oregon.

Mr. MORSE. First I should like to commend the Senator from Michigan for offering his amendment. I stand in support of it. For purposes of clarification I should like to ask him some questions. Is the Senator concerned, as I am, about Supreme Court decisions, such as one rendered in 1950, with the great dissenting opinions of Mr. Justice Douglas and Mr. Justice Black in one decision pointing out that in some places, for example, the vote of a person in a southern city may be one-twentieth of the vote of a person in a rural area? Does that give the Senator concern?

Mr. McNAMARA. I assure the Senate that I share his concern.

Mr. MORSE. Does the Senator from Michigan know that there was discussion among some Members of the Senate during the last few days about offering an amendment which would deal with this problem directly in connection with the pending bill, but that we thought it would be fairer to our colleagues in the Senate from the areas of the country concerned if we first had a study and investigation made and a report submitted, before taking action?

Mr. McNAMARA. I agree that was the situation, and that that was the consideration shown.

Mr. MORSE. As I understand, the amendment provides for that kind of investigation and for future action if the facts warrant, and that it seeks to give true equality in the voting privilege, in that each vote would be of equal value, no matter where cast. Is that correct?

Mr. McNAMARA. That is the intent of the amendment.

Mr. MORSE. I wish to say for that reason, and for the other reasons set forth by the Senator from Michigan, I am happy to support the amendment.

Mr. McNAMARA. I thank the Senator.

Mr. MORSE. Mr. President, will the Senator permit me to ask unanimous consent to have printed as a part of the RECORD at this point the Supreme Court decision in South against Peters, which includes the dissenting opinion of Justices Douglas and Black?

Mr. McNAMARA. I shall be glad to have the Senator do so.

Mr. MORSE. Mr. President, I ask unanimous consent that the Supreme Court decision I have referred to be printed in the RECORD at this point.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

SOUTH ET AL. v. PETERS, CHAIRMAN OF THE GEORGIA STATE DEMOCRATIC EXECUTIVE COMMITTEE, ET AL.

The District Court dismissed a suit to restrain adherence to the county unit system prescribed by Georgia Code Annotated, sections 34–3212 and the following, in the forthcoming Democratic Party primary for United States Senator, governor, and other State offices (89 F. Supp. 672). On appeal to this court, affirmed, page 277.

Hamilton Douglas, Jr., for appellants.

Eugene Cook, attorney general of Georgia; M. H. Blackshear, assistant attorney general; M. F. Goldstein and B. D. Murphy for appellees.

Per curiam.

The Georgia statute which appellants attack as violative of the 14th and 17th amendments provides that county unit votes shall determine the outcome of a primary election.[1] Each county is allotted a number of unit votes, ranging from 6 for the 8 most populous counties, to 2 for most of the counties. The candidate who receives the highest popular vote in the county is awarded the appropriate number of unit votes. Appellants, residents of the most populous county in the State, contend that their votes and those of all other voters in that county have on the average but one-tenth the weight of those in the other counties. Urging that this amounts to an unconstitutional discrimination against them, appellants brought this suit to restrain adherence to the statute in the forthcoming Democratic Party primary for United States Senator, governor, and other State offices.

The Court below dismissed appellants' petition (89 F. Supp. 672). We affirm. Federal courts consistently refuse to exercise their equity powers in cases posing political issues arising from a State's geographical distribution of electoral strength among its political subdivisions. See *MacDougall* v. *Green* (335 U. S. 281 (1948)); *Colegrove* v. *Green* (328 U. S. 549 (1946)); *Wood* v. *Broom* (287 U. S. 1, 8 (1932)); cf. *Johnson* v. *Stevenson* (170 F. 2d 108 (C. A. 5th Cir., 1948)).

Affirmed.

Mr. Justice Douglas, with whom Mr. Justice Black concurs, dissenting.

I suppose that if a State reduced the vote of Negroes, Catholics, or Jews so that each got only one-tenth of a vote, we would strike the law down. The right to vote in a primary was held in *Nixon* v. *Herndon* (273 U. S. 536), to be covered by the equal protection clause of the 14th amendment. And where, as in Georgia, a party primary election is an integral part of the State election machinery, the right to vote in it is protected by the 15th amendment. *Smith* v. *Allwright* (321 U. S. 649). And see *United States* v. *Classic* (313 U. S. 299). Under both amendments discriminations based on race, creed or color fall beyond the pale.

Yet there is evidence in this case showing that Georgia's county unit system of consolidating votes in primary elections makes an equally invidious discrimination. Under this primary law the nomination does not go to the candidate who gets the majority or plurality of votes. Votes are counted county by county. The winner in each county gets a designated number of votes—6 in the most populous counties, 4 in the next most populous, 2 in each of the rest.

Plaintiffs are registered voters in Georgia's most populous county—Fulton County. They complain that their votes will be counted so as drastically to reduce their voting strength.

They show that a vote in one county will be worth over 120 times each of their votes. They show that in 45 counties a vote will be given 20 times the weight of each of theirs. They show that on a Statewide average each vote outside Fulton County will have over 11 times the weight of each vote of the plaintiffs.

Population figures show that there is a heavy Negro population in the large cities. There is testimony in the record that only in those areas have Negroes been able to vote in important numbers. Yet the county-unit system heavily disenfranchises that urban Negro population. The county-unit system has indeed been called the last loophole around our decisions holding that there must be no discrimination because of race in primary as well as in general elections.

The racial angle of the case only emphasizes the bite of the decision which sustains the county-unit system of voting. The discrimination against citizens in the more populous counties of Georgia is plain. Because they are city folks, their voting power is only an eleventh or a hundred and twentieth of the voting power of other citizens. I can see no way to save that classification under the equal-protection clause. The creation by law of favored groups of citizens and the grant to them of preferred political rights is the worst of all discriminations under a democratic system of government.

The county-unit system has other constitutional infirmities. Article I, section 2 of the Constitution provides that Members of

[1] Georgia Code Annotated (secs. 34–3212 et seq. (1936)). Although this particular statute was enacted in 1917, the county unit has been basic in the State electoral scheme since Georgia's first constitution in 1777.

the House of Representatives shall be "chosen" by the people. And the 17th amendment provides that Senators shall be "elected by the people." These constitutional rights extend to the primary where that election is an integral part of the procedure of choosing Representatives or Senators, or where in fact the primary effectively controls the choice. *United States* v. *Classic*, supra. In Georgia's primary to be held on June 28, 1950, a United States Senator will be nominated. Certainly in a State like Georgia, where the Democratic nomination is equivalent to election, it would be a travesty to say that the true election in the constitutional sense comes later.

There is more to the right to vote than the right to mark a piece of paper and drop it in a box or the right to pull a lever in a voting booth. The right to vote includes the right to have the ballot counted. *United States* v. *Classic, supra; Ex parte Yarbrough* (110 U. S. 651). It also includes the right to have the vote counted at full value without dilution or discount. *United States* v. *Saylor* (322 U. S. 385). That federally protected right suffers substantial dilution in this case. The favored group has full voting strength. The groups not in favor have their votes discounted.

*In Colegrove* v. *Green* (328 U. S. 549), we had before us a case involving the division of Illinois into congressional districts in such a way that gross inequalities in voting resulted. Citizens of heavily populated districts sued to enjoin State officials from holding an election under the Illinois law governing congressional districts. There was an argument, persuasive to three members of the Court, that the issue presented was of a political nature and not justiciable, that it was an effort to get the Federal courts "to reconstruct the electoral process of Illinois in order that it may be adequately represented in the councils of the Nation" (328 U. S. 552). And in *MacDougall* v. *Green* (325 U. S. 281), the Court on a closely divided vote refused to interfere with the provisions of the Illinois law governing the formation of a new political party. There is no such force in the argument that the question in the present case is political and not justiciable.

Plaintiffs sue as individuals to enforce rights political in origin and relating to political action. But as Mr. Justice Holmes said of the same argument in *Nixon* v. *Herndon, supra*, page 540, it is "little more than a play upon words" to call it a political suit and therefore a nonjusticiable one. The rights they seek to enforce are personal and individual. Moreover, no decree which we need enter would collide either with Congress or with the election. Georgia need not be remapped politically. The Georgia Legislature need not take new action after our decree. There is no necessity that we supervise an election. There need be no change or alteration in the place of the election, its time, the ballots that are used, or the regulations that govern its conduct. The wrong done by the county unit system takes place not only after the ballots are in the box but also after they have been counted. The impact of the decree would be on the tallying of votes and the determination of what names go on the general election ballot. The interference with the political processes of the State is no greater here than it is when ballot boxes are stuffed or other tampering with the votes occurs and we take action to correct the practice. And related considerations, which led Mr. Justice Rutledge to conclude in *Colegrove* v. *Green* that the Court should not exercise its equity powers in that election, are lacking here. There is time to act, since the State primary is called for June 28, 1950. Relief can be certain. No conflict with any policy of Congress is possible. There is no overhauling of the State's electoral process.

The case is of greater importance than the rights of plaintiffs in this next election may appear to be. We have here a system of discrimination in primary voting that undermines the advances made by the Nixon, Classic, and Allwright cases. Those decisions are defeated by a device as deeply rooted in discrimination as the practice which keeps a man from the voting booth because of his race, creed, or color, or which fails to count his vote after it has been cast.

It is said that the dilution of plaintiffs' votes in the present case is justified because equality of voting is unnecessary in the nomination of United States Senators. Thus it is pointed out that in some States nomination is by conventions. But that proves too much. If that premise is allowed, then the whole ground is cut from under our primary cases since *Nixon* v. *Herndon*, which have insisted that where there is voting there be equality. Indeed, the only tenable premise under the 14th, 15th, and 17th amendments is that where nominations are made in primary elections, there shall be no inequality in voting power by reason of race, creed, color, or other invidious discrimination.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. McNAMARA. I am happy to yield.

Mr. CASE of New Jersey. I wish to associate myself with the Senator from Michigan and the Senator from Oregon in connection with the pending amendment. It has been a long time since we should have done what the Senator from Michigan now attempts to do. I, myself, have been interested in one phase of this particular question on several occasions; first in the House of Representatives and, more recently, in the Senate, when bills to change the method of electing the President of the United States were considered. Both in the House, when I was a Member of that body, and in the Senate, I offered to those bills amendments which would have had substantially the same effect, insofar as the selection of presidential electors is concerned, as the amendment proposed by the Senator from Michigan would have.

I wish to commend him. It is a matter concerning which Congress has always had the duty to take action. Congress has always shirked its responsibility and duty. I am glad the Senator gives us an opportunity to again express our views upon this most important question.

Mr. McNAMARA. I thank the Senator.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. McNAMARA. I yield.

Mr. DOUGLAS. I, too, wish to associate myself with the position of the Senator from Michigan. We have apparently not taken any steps to enforce the 15th amendment. Nevertheless, I think it would be a very good thing if we acted to enforce the provisions of the 14th amendment.

Mr. McNAMARA. I thank the Senator and I express my appreciation to him.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. McNAMARA. I yield.

Mr. JAVITS. I should like to associate myself with the views expressed by the Senator from Michigan, and to compliment him for offering his amendment. I also wish to associate myself with the views expressed by my colleague from New Jersey [Mr. CASE], whom I heard in the other body lead this fight years ago for the same reason. I should like to point out also that it is our duty to vindicate the Constitution of the United States. That is what the Senator's amendment would do.

Mr. McNAMARA. I thank the Senator, and I appreciate his contribution.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. McNAMARA. I yield.

Mr. CLARK. I, too, would like to associate myself with the amendment offered by the Senator from Michigan. I think it is no more than simple justice. It is an effort which has been delayed for perhaps some 90 years, and is certainly long overdue. I hope it will be possible to have the yeas and nays ordered on the amendment when it comes to a vote. We should have a yea-and-nay vote on the amendment. In that way I hope we will be able to determine whether the amendment meets the conscience of the Senate. I think it does.

Mr. McNAMARA. I thank the Senator.

Mr. NEUBERGER. Mr. President, will the Senator yield?

Mr. McNAMARA. I yield.

Mr. NEUBERGER. I wish to join the other Members of the Senate who have commended the Senator from Michigan for offering his amendment. It is a very much merited proposal. I should like to ask the Senator several questions, if I may be permitted to do so. I gather that the amendment is designed to prevent any State from having seats in the House of Representatives based upon the residence of persons in those States who are not able to exercise their right to vote. Is that correct?

Mr. McNAMARA. The Senator is correct. As long as the representation is based on the census, it is proper that their representation should be reduced proportionately, if that is the situation.

Mr. NEUBERGER. As I understand, the operation of the Senator's amendment would be applied equally whether it be an urban area, a rural area, or a metropolitan area; in other words, it would be applied similarly in relation to any State where a person who is included in the census is not permitted to go to the polls and freely take part in an election. Is that correct?

Mr. McNAMARA. The Senator is correct.

Mr. NEUBERGER. I thank the Senator for offering his amendment.

The PRESIDING OFFICER. All time of the Senator from Michigan has expired.

Mr. McNAMARA. Mr. President, I do not wish to dispute the timekeeper, but I do not believe I have used quite 15 minutes. Has the Chair charged to me the time he used in seeking order in the Senate? I should like to yield to the Senator from Michigan [Mr. POTTER] for a question.

Mr. RUSSELL. Mr. President, I ask unanimous consent that that may be done.

Mr. McNAMARA. I thank the Senator.

The PRESIDING OFFICER. Without objection, the junior Senator from Michigan may yield to his colleague for a question.

Mr. POTTER. I wish to commend my distinguished colleague for offering his amendment. It is characteristic of his endeavor to make certain that all people be treated equally. In other words, if some people within a State are denied the right to vote, the State should not have representation for those citizens. I hope the Senate will adopt the amendment.

Mr. McNAMARA. I thank the Senator for his generosity.

The PRESIDING OFFICER. The time in opposition to the amendment is under the control of the minority leader, who has 15 minutes.

Mr. KNOWLAND. Mr. President, do any Senators desire time in opposition? If not, I yield myself 2 minutes.

While the amendment might be worthy of consideration if it were offered as a separate piece of proposed legislation, I myself question very much the advisability of its being made a part of the bill at this time.

Under the circumstances, I shall vote against the amendment of the Senator from Michigan.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan.

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | |
|---|---|---|
| Aiken | Green | Mundt |
| Allott | Hayden | Murray |
| Anderson | Hickenlooper | Neuberger |
| Barrett | Hill | O'Mahoney |
| Bible | Holland | Pastore |
| Bricker | Hruska | Payne |
| Bush | Humphrey | Potter |
| Butler | Ives | Purtell |
| Byrd | Jackson | Revercomb |
| Carlson | Javits | Robertson |
| Carroll | Jenner | Russell |
| Case, N. J. | Johnson, Tex. | Saltonstall |
| Case, S. Dak. | Johnston, S. C. | Schoeppel |
| Chavez | Kefauver | Scott |
| Church | Kerr | Smathers |
| Clark | Knowland | Smith, Maine |
| Cooper | Kuchel | Smith, N. J. |
| Cotton | Langer | Sparkman |
| Curtis | Lausche | Stennis |
| Dirksen | Long | Symington |
| Douglas | Magnuson | Talmadge |
| Dworshak | Malone | Thurmond |
| Eastland | Mansfield | Thye |
| Ellender | Martin, Iowa | Watkins |
| Ervin | McClellan | Wiley |
| Flanders | McNamara | Williams |
| Frear | Monroney | Yarborough |
| Goldwater | Morse | Young |
| Gore | Morton | |

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment of the Senator from Michigan.

Mr. McNAMARA. Mr. President, on this question, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan [putting the question.]

The "noes" have it, and the amendment is rejected.

The bill is open to further amendment.

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. McNAMARA. Mr. President, on the question of agreeing to my amendment, I ask for a division.

The PRESIDING OFFICER. The Senator from Texas has been recognized.

Mr. JOHNSON of Texas. Mr. President I have no objection to having a division on the question of agreeing to the amendment of the Senator from Michigan; in fact, I have no objection to even 3 or 4 divisions.

Mr. McNAMARA. Perhaps in some cases I would be glad to have 3 or 4 divisions; but in this case I ask for only 1.

The PRESIDING OFFICER. On the question of agreeing to the amendment of the Senator from Michigan [Mr. McNAMARA]. A division has been requested, and the Senate will proceed to divide.

On a division, the amendment was rejected.

Mr. JAVITS. Mr. President, I call up the amendment which I have sent to the desk, and ask that it be stated. I submit the amendment on behalf of myself, the Senator from Illinois [Mr. DIRKSEN], the Senator from New Jersey [Mr. CASE], and the Senator from Wisconsin [Mr. WILEY].

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. After section 153 it is proposed to insert the following:

SEC. 154. Sections 402 and 3691 of title 18 of the United States Code, as amended by sections 151 and 152, respectively, of this act, shall apply only to contempt proceedings for disobedience of, or resistance or obstruction to, any lawful writ, process, order, rule, decree or command issued in actions or proceedings instituted by the Attorney General under section 2004 of the Revised Statutes. Any other proceeding for contempt of any court of the United States shall be heard and determined in accordance with the provisions of sections 402 and 3691 of title 18 of the United States Code as such sections were in effect on the day before the date of the enactment of this act and in accordance with the usages and customs of law and equity prevailing on such day.

The PRESIDING OFFICER. For how long a time does the Senator from New York seek recognition?

Mr. JAVITS. Mr. President, I should like to be recognized for 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, what the amendment proposes to do is to apply the present provisions of the Clayton Act with respect to trials in criminal-contempt cases to all the statutes of the United States to which they apply today, and to apply the amendment which the Senate adopted last night to this particular civil-rights statute only.

The difference between the amendment I have proposed and the amendment proposed last night by the distinguished Senator from Ohio [Mr. LAUSCHE] is only in one respect, and it is a minor respect. In a moment I shall explain why I have called up the amendment. Under my amendment, I do not attempt to equate a criminal contempt with a crime under Federal or State law, whereas under the amendment of the Senator from Ohio, that attempt was made, in practical effect, by incorporating the exact text of the provision of the Clayton Act, as it now stands, which would have been applicable.

Let me state my reason for bringing up this amendment. I spoke last night of the path of responsibility, regardless of the feelings of any of us. For example, I voted against the Taft-Hartley bill. By the pending bill, a change will be made in the Taft-Hartley Act, if the amendment stands as it is. If one wanted to be very cute about this, he could say, "Let it be." That is not the way to run the affairs of this country or of the Congress. I think the Senator from Ohio referred to that. Had I had time, when the unanimous consent agreement was proposed, I would have sought the adherence of the Senator from Ohio to the amendment, in which I have had the support of the Senator from New Jersey [Mr. CASE], the Senator from Wisconsin [Mr. WILEY], and the Senator from Illinois [Mr. DIRKSEN], but I am sure the Senator from Ohio will understand my inability to reach him in time.

The fundamental problem involved is a very real one. Overnight I made some inquiry about what the amendment which was adopted would mean in respect of other statutes. We are now beyond the point where Senators are trying to attract some of their colleagues who are interested in having the language made applicable to other statutes. We are talking about getting a bill to conference. I find that the bill as it stands would, if enacted, have a very, very materially adverse effect on other statutes.

Let me give two examples of what it would do to other statutes if the amendment should be enacted. First, in respect to the anti-trust laws, the language which was adopted would be applicable to contempt proceedings under antitrust laws. The limitation of fine which is contained in the amendment which the Senate adopted last night would also obtain in anti-trust proceedings. Every Senator will remember there have been antitrust decrees in criminal contempts in which very extensive fines have been imposed. Often, a criminal contempt case is for the benefit of an individual, and in such a case the court can levy a very large fine, which the court feels can be devoted to the aggrieved individual.

One of the cases to which I have referred is United States against Schine, decided in the District Court for the Western District of New York, criminal 2679–C, December 27, 1956. Not only did

that case involve a very large business enterprise, but the decree was an extremely complex one under the antitrust laws. If a jury were impaneled in such a case, the jury could properly, under the rules of germaneness, go into the details of the facts and circumstances which resulted in the decree itself. I think we have had enough experience to know we could hardly expect juries to deal with the complexities of antitrust decrees. In fact, in many antitrust cases in which there have been juries many of them have broken down because of the length of time of the trial and the complexity of the situation. Such procedures have proved to be very unsatisfactory.

That is one aspect of the question. I shall not detain the Senate too long, but another case is that of Federal Trade Commission cease and desist orders which go to the court of appeals. They are taken to the circuit court of appeals either by the Commission or by defendants. In such cases the decrees become decrees of the circuit court of appeals. Those decrees may be violated, and they are violated. I cite one such case to the Senate, the case of the Dolcin Corp., Circuit Court of Appeals, miscellaneous No. 648, decided December 18, 1956. In such a case the decree becomes the decree of the circuit court of appeals. If it is violated and there is a criminal contempt proceeding, the criminal contempt trial must be held in the circuit court of appeals; and the circuit court of appeals has no machinery, no mechanics, no procedure for empaneling a jury. Permitting the matter to be submitted to a jury under those circumstances would be a completely new approach to the law, and would involve a completely new body of law which does not exist today.

Mr. KNOWLAND. Mr. President, if the Senator will permit me, at this point, I yield myself 2 minutes.

I should like to say to the Senator I think he has performed a very useful service to the Senate, but particularly to the conference, in pointing out some of the problems which may arise under the language of the amendment which was adopted last night. I must say to the Senator that I personally have some doubt that the Senate at this time will adopt the Senator's amendment, because there may be other problems involved which the conference will meet when the bill is before it.

However, I think this issue very definitely needed to be raised. The amendment adopted last night may go far beyond what even some of its proponents intended it to go. I urgently hope the conferees will study not only the remarks of the Senator from New York, but any memorandums he might place in the RECORD in regard to this matter, so that in conference this very real problem may be straightened out, and if a jury trial is to be provided, it may be limited to the question of voting rights as contained in the bill.

Mr. JAVITS. I thank the majority leader.

Mr. SALTONSTALL rose.

Mr. JAVITS. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. I think the majority leader covered the point I had in mind.

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. O'MAHONEY. I should like to know how the unanimous-consent agreement applies to the amendment under discussion. Who has control of the time—the proponent of the amendment and the minority leader, who is also supporting the amendment?

Mr. KNOWLAND. No. The minority leader said he could not support it, but he said the Senator from New York was performing a useful service, because the amendment adopted last night went far beyond where it was expected to go.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 additional minutes.

Mr. JAVITS. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Last night the Senate adopted an amendment to protect the right of jury trials in cases of criminal contempt in civil-rights cases. As I understand, it is the purpose of the Senator's amendment to confine jury-trials to cases of that character, and not have jury trials provided in other criminal contempts, such as in the cases he has cited.

Mr. JAVITS. Exactly. Someone calculated that 38 statutes would be effected, including security laws, antitrust laws, hot oil laws, the communications laws, and so forth. As a matter of fact, at page 62 of the record which all Senators have before them there is a list of 28 statutes furnished by the Attorney General.

There is one correction which I should like to make in the statement of the Senator from Massachusetts. The amendment which was agreed to last night applied the jury-trial provision to all the statutes, rather than, as the Senator said, only to the civil-rights bill. If the amendment had applied only to the civil-rights bill, I would not be offering the amendment.

Mr. SALTONSTALL. The purpose of the Senator is to confine jury trials to this one issue. Is that correct?

Mr. JAVITS. Yes. I am under no illusions as to the fate of the amendment, but when the unanimous-consent request was propounded which would cut off all possible amendments which were not at the desk, I thought that bringing up this point was an essential service to ourselves, so that we might have it before us when we went to conference, instead of having the discussion lost in the parliamentary situation of last night, when Senators did not want to stop to deliberate this matter, and when they wanted to push on to the conclusion of action on the jury-trial amendment. I felt the question should be raised, and some of the arguments should be put in the RECORD, and if the amendment were rejected, which seems to be the prevailing fashion, it would be markedly and sharply brought up for the benefit of those who would have to confer on the bill.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Ohio. I say to him I would welcome being joined in this amendment by him, if he should be so disposed.

Mr. LAUSCHE. Mr. President, I am very grateful that the Senator from New York has made a study of a number of the statutes which are involved in the class of about 28 to 40 affected by the O'Mahoney-Kefauver-Church amendment. I think in due time the impact of that amendment will have to be corrected. I have no doubt about my judgment in that matter.

I wish to invite the attention of my colleagues to the very interesting disclosure made by the Senator from New York, that antitrust cases have always belonged to the jurisdiction of equity. Such cases involve complicated matters not triable by juries.

In a measure this fact casts a reflection on the argument which was made that the principle affecting jury trials which was sought to be applied in the bill pending before the Senate did not genuinely have application to the 28 or 40 statutes.

If I may make the suggestion, though the subject has been concluded, cases under statutes properly come within the jurisdiction of equity. I think the Senator from New York has pointed that out. There are some cases which might not properly have come under equity originally; but that is a collateral matter, and is now disposed of.

I shall be glad to collaborate with the Senator from New York in a further study of this subject.

Mr. JAVITS. I thank the Senator.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to my colleague, the Senator from Pennsylvania.

Mr. CLARK. Mr. President, I should like to associate myself with the amendment proposed by the Senator from New York. I hope my colleagues will give careful thought to reversing what to me is clearly a mistake we made yesterday by legislating in the dark with respect to 28, 36, or 40 statutes about which we know nothing, and changing the present judicial procedures affecting those statutes.

The PRESIDING OFFICER. The time of the Senator from New York has expired. The Senator has 5 additional minutes.

Mr. JAVITS. Mr. President, I yield myself an additional 2 minutes, and I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional 2 minutes.

Mr. CLARK. The end result of this procedure will be that by legislating in the dark we will have put on the statute books an amendment to 40 statutes, the provisions of most of which we do not know.

Mr. President, with all humility I say such a course of action represents irresponsible legislation, and we should not

indulge in it. The amendment proposed by the Senator from New York should be adopted. It would confine criminal contempt jury trials to cases under consideration in civil-rights matters and would not apply across the board to statutes which would be affected we know not how.

Mr. JAVITS. I thank the Senator from Pennsylvania.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to my colleague, the Senator from New Jersey.

Mr. CASE of New Jersey. I thank the Senator from New York.

The issue here is very clear. It was made clear during the debate of the days past as to the jury-trial amendment, and was emphasized again last night. Summed up by the Senator from New York, the issue is simply this: As the Senator from Pennsylvania indicated, and as the Senator from Missouri [Mr. HENNINGS] indicated in the memorandum which he sent to the Senator from Pennsylvania, which was printed in the RECORD, it is almost irresponsible for this body to apply the sort of provision contemplated to the courts of this country, without any kind of consideration adequate to the subject. We should not take an action which would seriously undermine the prestige of the courts not only with regard to particular statutes in respect to which the injunctive remedy is now available to the United States, but with regard to all matters to which conceivably in the future it may be thought to have application.

The PRESIDING OFFICER. The additional 2 minutes of the Senator from New York has expired. The Senator has 3 minutes remaining.

Mr. JAVITS. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. I yield to the Senator from New Jersey.

Mr. CASE of New Jersey. The case of the mine workers is in the minds of all Senators. I should like my colleagues to think of what would have happened if the court in that case had been faced with the law as it would be if the amendment of the Senator from Wyoming should be finally made a part of the law of the land by the enactment of the civil rights bill as it now stands.

Mr. JAVITS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The time in opposition to the amendment is under the control of the Senator from California [Mr. KNOWLAND].

Mr. KNOWLAND. Mr. President, I yield the Senator from Wyoming [Mr. O'MAHONEY] 5 minutes.

Mr. O'MAHONEY. I thank the Senator from California.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. O'MAHONEY. Mr. President, the subject matter of the proposal now made by the Senator from New York has been discussed at length during the entire period in which the jury trial amendment has been under consideration. The amendment was adopted last night by an overwhelming vote of the Senate.

When the motion of the Senator from Ohio [Mr. LAUSCHE] was made and I asked the Senate to reject that motion, I gave the Senator my personal assurance that the problem which he desired to have presented would receive every consideration which I had in my power to give. I shall certainly be glad to ask the conferees to consider the matter. I make that same statement to the Senator from New York.

The amendment of the Senator from New York has not been printed. Members of the Senate have not had the opportunity to read it. If the amendment were adopted the situation would be very confusing. It is not necessary to adopt the amendment. I feel that the interests of all concerned will be taken care of by such consideration as will be given to the matter when the bill goes to conference.

I hope the amendment will be rejected.

SEVERAL SENATORS. Vote! Vote! Vote!

The PRESIDING OFFICER. The Senator from California.

Mr. KNOWLAND. I am prepared to yield back the remainder of my time, whenever the Senator from New York is prepared to yield back the time remaining to him.

The PRESIDING OFFICER. Does the Senator from New York yield back his remaining time?

Mr. JAVITS. Mr. President, I yield myself the time remaining to me.

The PRESIDING OFFICER. The Senator from New York has 2 minutes remaining. The Senator is recognized for that time.

Mr. JAVITS. I thank the Chair.

I should like to explain to the Senate that my reason for not having the amendment printed is solely attributable to the unanimous-consent request which was agreed to today, immediately after the vote of last night. I thought I would have ample opportunity to have the amendment printed. I approve of the unanimous-consent request. Had it not been for that circumstance I would have shown the courtesy to all of my colleagues of having the amendment printed.

Mr. President, I ask unanimous consent that there may be printed in the RECORD a memorandum on the subject, which deals with some factual cases and the law and emphasizes the very great seriousness of what we are considering at this time. As the days go by we will discover more and more instances where the shoe pinches very hard.

I deeply appreciate the words of the distinguished Senator from Wyoming. The real urgency of what is necessary to be done constructively in the interest of all of us, to prevent the amendment adopted last night covering a wide gamut of cases, which I think is unintended and can be very damaging, is what we face.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

Requiring a jury trial in all criminal contempt cases might seriously interfere with effective enforcement of both the antitrust laws and regulatory statutes enforced by administrative agencies.

1. Civil suits brought by the United States to "prevent and restrain" violations of the antitrust laws are heard and decided by a single United States district judge (or, in certain exceptional cases, by a specially constituted court of 3 judges, at least 1 of whom is a court of appeals judge) sitting without a jury. These cases usually involve complex and difficult factual and legal questions, may require the introduction of a large amount of documentary and testimonial evidence, and often result in a decree which causes far-reaching changes in the organization and operation of an entire industry.[1] The determination of the appropriate relief frequently is one of the most difficult and bitterly contested, as well as one of the most important, issues in the case. For, as the Supreme Court has pointed out (*International Salt Co.* v. *United States* (332 U. S. 392, 401)), if the Government fails to obtain relief which is adequate "effectively [to] pry open to competition a market that has been closed by defendants' illegal restraints * * * the Government has won a lawsuit and lost a cause."

While in most cases the defendants comply with the decree in good faith, there are a sufficient number of instances of noncompliance to make it vital to proper enforcement that adequate sanctions be available to deal effectively with recalcitrant violators. In the event of violation, the only remedy available to the Government is a civil or a criminal contempt proceeding, or both. Criminal contempt may often be the more effective sanction, since a civil contempt proceeding does no more than give the defendant, upon pain of punishment, another chance to comply with the court's order. (See *Penfield Company* v. *Securities & Exchange Commission* (330 U. S. 585, 590).) Criminal contempt, on the other hand, not only vindicates the judicial authority by punishing disobedience of the court's order in a particular case, but also serves as an effective deterrent sanction against noncompliance with antitrust decrees.[2]

It would be anomalous, we think, to require that, after a district judge himself has decided the case and formulated the decree, a jury should be called upon to determine whether the decree has been violated. The determination of such violation may involve questions of extreme complexity, often as difficult to decide as the original issue of violation. Furthermore, decision of the contempt question frequently requires considerable knowledge of the facts and issues in the original antitrust case. This was true, for example, in the recent proceeding in which J. Myer Schine and other defendants in a prior Government antitrust case were convicted of criminal contempt for willful violation of the decree entered against them in that case. (*United States* v. *J. Myer Schine, et al.* (W. D. N. Y., Criminal No. 6279–C), decided Dec. 27, 1956.)

Thus, the complexity of issues in an antitrust contempt case is such that, if a jury were required to decide them, it might be necessary to introduce major portions of the evidence in the original proceeding. The result inevitably would be unduly to protract and delay the contempt proceedings, which, indeed, might become of even greater complexity than the original case. Furthermore, the question of contempt may turn to a considerable extent on what the intent of the

[1] For example, in the Government's suit against the motion picture industry, the final decree provided for the separation of the production and distribution phases of the industry into separate businesses, and completely changed the method by which films were distributed to exhibitors.

[2] The Government has filed 17 criminal contempt cases for violation of Sherman Act decrees, 6 of which have been filed since 1952.

judgment was. That is a question which the judge seems far better able to decide than the jury, particularly if, as sometimes happens, the judge hearing the contempt case is the same individual who decided the original case.

"[P]unishment for contempt does not restore the competition which has been eliminated" (*United States* v. *Crescent Amusement Co.* (323 U. S. 173, 186)) by violation of the decree. A fortiori, the efficiency that contempt has as a means of insuring compliance with the decree should not be weakened by making contempt proceedings less effective.

2. A jury trial in all criminal contempt cases would also create serious problems in connection with the enforcement of cease-and-desist and similar orders of regulatory agencies. Most statutes which provide for the issuance of such orders (which are designed to eliminate practices which Congress has determined are contrary to the public interest), provide for their enforcement by courts of appeals. Thus, section 5 of the Federal Trade Commission Act (15 U. S. C. 45) provides that a court of appeals, upon review of a cease-and-desist order issued by the Federal Trade Commission against unfair methods of competition, or unfair or deceptive acts or practices, "shall, [t]o the extent that the order of the Commission is affirmed * * * thereupon issue its own order commanding obedience to the terms of such order of the Commission."

If a person subject to such a judicially enforced order willfully violates it, the violator is subject to appropriate punishment in a criminal contempt proceeding in the court of appeals. Such a case recently arose in the Court of Appeals for the District of Columbia Circuit in connection with an order issued by the Federal Trade Commission against the Dolcin Corp. and three of its officers directing them to cease and desist misrepresenting the therapeutic properties of a drug they were manufacturing and selling. Judicial review was had of that order, and the court of appeals, upon affirming the order, entered a judgment providing that the order, as modified by the court, "be, and it is hereby, ordered enforced and the petitioners herein are hereby commanded to obey the terms thereof." The company and its officials did not obey the order, and the court of appeals, after hearing (on the pleadings and affidavits, together with oral argument of counsel), found that the company and its officers had willfully and knowingly violated the judgment. As punishment for the criminal contempt, the court imposed a fine of $15,000 on the corporation and $2,500 on the individual. *In re Dolcin Corporation, et al.* (C. A. D. C., Misc. No. 648), decided December 18, 1956, certiorari denied June 3, 1957, No. 965, October term, 1956.

If, in such a case, a jury were required to determine the question of contempt, the result, to say the least, would be to create a number of serious problems. In the first place, no machinery exists for a court of appeals to convene a jury. Since the contempt involved is of the court of appeals, it would hardly be appropriate, if valid, to utilize a jury under the control of the district court for determination of that issue. Permitting the matter to be submitted to a jury also would result in complicating and delaying the proceedings, since the jury would have to consider, and therefore receive evidence with respect to, a number of issues connected with the original enforcement case, and perhaps even with the Commission proceedings. Finally, determination whether there has been a willful violation of an order of the court of appeals enforcing an administrative order, is not the kind of question the decision of which, under our system of jurisprudence, has ever been viewed as the proper function of the jury. To the best of our knowledge, there has been no serious objection made to the court determining that question, as an appropriate incident to its inherent power to vindicate its authority.

The PRESIDING OFFICER. Does the Senator from California yield back the remainder of his time?

Mr. KNOWLAND. I yield back the remaining time to me, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. JAVITS].

The amendment was rejected.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina [Mr. ERVIN].

Mr. ERVIN. Mr. President, I call up on behalf of myself and the Senator from South Carolina [Mr. JOHNSTON] my amendment No. 2, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. At the end of subsection (c) on page 12, line 4, it is proposed to add the following:

The Attorney General shall not institute or prosecute any action or proceeding under the provisions of this section for the benefit of any person unless he files with the district court with the pleading relating to such person written authority to do so executed by such person.

The Chair recognizes the Senator from North Carolina. How much time does the Senator wish?

Mr. ERVIN. I yield myself 5 minutes.

Mr. President, I wish to call the attention of the Senate to the fact that the persons for whom the Attorney General will bring actions or proceedings under this bill in every case will be persons who are adults, in the possession of all of their faculties.

We have been talking a great deal about civil rights during the past several weeks. It seems to me that if there is any civil right which ought to be recognized by everyone, under all circumstances, it is the civil right not to be embroiled in a lawsuit in the capacity of a supposed beneficiary, without one's consent.

This amendment would merely make it plain that the Attorney General could not bring suit in behalf of any person under the proposed law unless he did so with that person's written consent. I respectfully submit that it is a wise proposal, in that it attempts to remove from the proposed legislation a proposition which has never been advanced before, so far as I can determine, in any Anglo-Saxon jurisdiction, namely, that a public officer, or any other person, can bring a suit for an adult in possession of all his mental faculties without the consent of that adult.

That is all my amendment does, and I respectfully submit that it ought to be adopted.

I may state that this amendment is offered on behalf of the distinguished senior Senator from South Carolina [Mr. JOHNSTON] as well as myself.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. JOHNSTON of South Carolina. Is it not also true that this amendment was before the Judiciary Committee, and was discussed thoroughly by the committee?

Mr. ERVIN. The Senator is correct.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the Senator from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. President, I was greatly pleased today to note that both the Washington Post and the Washington Evening Star carried editorials commendatory of the action which the Senate has thus far taken with respect to the bill, particularly their comments with respect to the amendment adopted last night.

However, in the comment of the Star there is a section which relates directly to the issue which has been raised by the Senator from North Carolina. Therefore, I should like to read it at this time, as well as to place both editorials in the RECORD when I shall have concluded.

The Star editorial begins:

The Senate strengthened the civil-rights bill early today by its approval of the O'Mahoney-Fefauver-Church amendment, providing jury trials in criminal contempt and establishing new safeguards against exclusion of Negroes from jury service in Federal courts.

Further along in the editorial says:

The bill as it passed the House derived no strength from bypassing jury trials. That was a fundamental source of weakness. This bill derives its real strength from new powers conferred on the Attorney General to initiate, independently or with others, civil actions for the relief of those injured by deprivation of their voting rights.

I digress at this point to note that the editorial friendly to the amendment adopted yesterday points out that the bill derives its real strength from new powers conferred on the Attorney General to initiate, independently or with others, civil actions for relief of those injured by deprivation of their voting rights.

If that is the real strength of this bill—and I feel that the bill does represent an advance in the field of civil rights generally, as well as in the field of voting rights—it seems to me that it would be unwise to add the amendment which the Senator from North Carolina has suggested.

I read further:

That is a tremendously potent extension of Federal power, both executive and judicial, in a complex field. And as a practical matter it remains undiminished by the relatively minor safeguard interposed by the right of jury in the narrow field of punishment for criminal contempt.

I wish to follow that by a few sentences from the editorial in the Washington Post. I particularly commend these editorials to those who felt that all was lost last night when the O'Mahoney-Kefauver-Church amendment was adopted.

The Washington Post editorial of this morning says:

Senate approval of the jury-trial amendment can prove a boon rather than a barrier to the protection of voting rights if it is accepted in the proper spirit. The amendment agreed to last night amounts to a very substantial concession to the sensibilities of the South. There is no excuse now for any further delaying tactics in final adoption of the

civil-rights bill. At the same time, the bill, as amended can materially advance the primary purpose of safeguarding the voting rights of all citizens in Federal elections.

Obviously the bill as it now stands is not all that many civil rights champions wanted, and it is a good bit more than some southerners wanted. It has been divested of section III, which dealt with rights other than the right to vote, and it has been softened by the jury-trial amendment. Yet it still contains provisions for the creation of a civil rights commission with subpena powers and for the appointment of an Assistant Attorney General for civil rights. The significance of these two provisions is not inconsiderable; and although most Southern Senators, for political reasons, cannot afford to welcome them publicly, there are indications that the provisions will be tacitly accepted.

In conclusion the Post editorial says:

It also is important to recognize that criminal contempt is a sort of last-ditch proceeding. Means of dealing with it are necessary to give the bill teeth. But the real significance of the bill is in the equity route it provides. A person who deprived another of voting rights would be confronted with the authority and majesty of the United States.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CASE of South Dakota. Mr. President, may I have 3 additional minutes?

Mr. KNOWLAND. I yield 3 additional minutes to the Senator from South Dakota.

Mr. CASE of South Dakota. The Post editorial continues:

No one would relish the thought of fighting the United States; and there would in all likelihood be considerable pressure for compliance from law-abiding citizens in the community, whatever their views. It is a disservice to the South to think that there automatically would be disrespect for the courts and defiance of the law.

I should like to interject that in my own State, if there were a precinct where some local prejudice existed against Indians or other voting, if those holding such prejudice were confronted by an order of the court, served by the United States marshal, I am sure the tendency of the average citizen would be to comply with the order. Even though he might consider the possibility of converting the case in some way into a criminal contempt case, his natural inclination would be to respect an order of the United States court when it came to him from the hands of the United States marshal.

The Post editorial concludes:

What has emerged is a compromise in the best tradition of dignified Senate deliberation. A filibuster has been avoided, in the initial instance at least, by acceptance of a reasonable but less stringent measure which all but the most diehard southern Senators should feel a moral obligation to uphold in practice. The need now is to keep the remaining debate in the same good temper and above considerations of mere partisan advantage. No attempt to guarantee civil rights against every possible abuse can succeed. But it is a plausible theory that respect for other rights stems from exercise of the ballot, and the Senate last night paved the way for new protection of the basic right to vote that should be far from meaningless.

I commend the two editorials, from the two leading Washington newspapers, which have been more or less at opposite poles on this question. I commend the editorials to Senators because I think they say, better than I said yesterday, that if the proposed legislation becomes law it will become a landmark in our better implementation of civil rights. It will be a credit to the Congress and a credit to the administration which sponsored it.

I ask unanimous consent to have the two editorials printed in the RECORD at this point as a part of my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star of August 2, 1957]

TRIUMPH OF PRINCIPLE

The Senate strengthened the civil rights bill early today by its approval of the O'Mahoney-Kefauver-Church amendment, providing jury trials in criminal contempt and establishing new safeguards against exclusion of Negroes from jury service in Federal courts.

A few other changes may be made in the bill, with particular reference to the makeup and procedures of the Federal Civil Rights Commission established under the legislation. But to all intents and purposes, adoption of the amendment has cleared the way for Senate passage of a genuine civil rights bill—the first one that has got so far since Reconstruction days.

We hope the disposition of the House, and of the administration which sent the bill to Congress, will be to speed its final enactment as perfected in the Senate. That will be done if its supporters want to see the great power and influence of the Federal Government directed to the effective removal of discrimination in the exercise of voting rights. It will not be done if they wish to retain civil rights as a political football to kick around in election campaigns. If the same order of statesmanship displayed by the Senate prevails in the House, a good civil rights bill will become law.

Many things have been said on and off the Senate floor in recent weeks to ridicule and otherwise to discredit the principle of jury trial and its advocates. The most misleading has been the repeated contention that preservation of that principle in civil-rights legislation would weaken the legislation and the inherent power of the courts to enforce their orders. The bill as it passed the House derived no strength from bypassing jury trials. That was a fundamental source of weakness. This bill derives its real strength from new powers conferred on the Attorney General to initiate, independently or with others, civil actions for the relief of those injured by deprivation of their voting rights. That is a tremendously potent extension of Federal power, both executive and judicial, in a complex field. And as a practical matter it remains undiminished by the relatively minor safeguard interposed by the right of jury trial in the narrow field of punishment for criminal contempt.

A minor safeguard it is. But it represents a cardinal principle, the importance of which has fortunately not been undermined by the astonishing resistance to it displayed by men in high places. It is they, not those who voted for the amendment, who sought to weaken not only this bill but one of the great traditions of a free society.

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[From the Washington Post of August 2, 1957]

THE STAKE IN CIVIL RIGHTS

Senate approval of the jury-trial amendment can prove a boon rather than a barrier to the protection of voting rights if it is accepted in the proper spirit. The amendment agreed to last night amounts to a very substantial concession to the sensibilities of the South. There is no excuse now for any further delaying tactics in final adoption of the civil-rights bill. At the same time, the bill as amended can materially advance the primary purpose of safeguarding the voting rights of all citizens in Federal elections.

Obviously the bill as it now stands is not all that many civil-rights champions wanted, and it is a good bit more than some southerns wanted. It has been divested of section III, which dealth with rights other than the right to vote, and it has been softened by the jury-trial amendment. Yet it still contains provisions for the creation of a civil-rights Commission with subpena powers and for the appointment of an Assistant Attorney General for civil rights. The significance of these two provisions is not inconsiderable; and although most southern Senators, for political reasons, cannot afford to welcome them publicly, there are indications that the provisions will be tacitly accepted.

The adoption of the O'Mahoney-Kefauver-Church amendment providing for jury trials in cases of criminal contempt came about because honest men were sorely troubled. This newspaper groped along with Members of the Senate in the sheer complexity of the problem and the wish to find a reasonable accommodation. Unquestionably the issue of jury trials was used by opponents of the civil-rights bill in the beginning as a diversionary smokescreen. In the course of the debate, however, more persons began to have doubts. Was it desirable, they asked, to jeopardize one set of real or implied rights in order to secure others?

The whole reason for civil-rights legislation, of course, lies in the fact that the Constitution of the United States has not been fully accepted in parts of the South. The 14th and 15th amendments undertake to guarantee voting rights, and they are amplified by more specific laws forbidding interference or intimidation. These provisions have become dead letters in some areas because of the inability to persuade white juries to convict white defendants. But the problem was, and is, to bring about more general respect for voting rights without the sort of pyrrhic victory that would encourage political bitterness and divisions and stimulate a search for new evasions.

There is no such thing as a constitutional right of jury trial. Some 37 different statutes permit governmental agencies to enforce the law through equity proceedings rather than criminal trials. At the same time, a little-known provision of the Clayton Act of 1914 requires jury trials for criminal contempt if the contempt is a crime under other Federal or State laws, and unless the United States is a party to the suit.

The essential objective of the amended bill before the Senate is to make the United States automatically a party to suits—that is, to permit the Attorney General to sue on behalf of an individual who might be intimidated or financially unable to institute proceedings to protect his voting rights. The dilemma arose from the need, on the one hand, to insure to the courts the powers necessary to compel respect for and compliance with their orders; and the reluctance, on the other hand, to use the contempt power to punish a man summarily for actions which under laws already on the books were crimes in which defendants were entitled to jury trials.

This issue has been resolved by the amendment providing jury trials in all cases of criminal contempt, but leaving to judges summary powers to cope with civil contempt (including the power to imprison a defendant until he complies with a court order). The amendment was notably improved by a new section proposed by Senator CHURCH eliminating the provision now in Federal law that persons serving on Federal juries must satisfy requirements for State juries.

Actually this is a modification of the earlier effort by Senator NEUBERGER to deny application of the jury-trial amendment to areas where Federal juries are drawn from voting lists rather than from the general population. If the amendment as approved carries out its intent, it will remove the totally unwarranted veto some States exercise against service of Negroes on Federal juries. Alert Federal judges should be able to see to it that the selection of jury panels is fair. Negroes serving on juries in contempt trials will by no means guarantee convictions even when convictions are warranted; but the breaking of this artificial restraint will enhance confidence in the jury-trial amendment.

This newspaper is still troubled by the general application of the O'Mahoney-Kefauver-Church amendment as adopted. It will limit the powers of judges, not merely in voting cases, but in the entire range of Federal proceedings. This may seriously interfere with antitrust suits and similar litigation. Congress will want to appraise the results closely with a view toward narrowing the scope of the new provision if necessary.

One other question is whether the amendment, by providing a jury trial for criminal contempt, may encourage large instead of small contempt. A defendant might hope that if he defied a court order long enough and vigorously enough he would escape punishment via a jury trial. This is admittedly a danger, but we think it has been magnified. In all but a very few States voting registration is permanent. A recalcitrant registrar could be kept in jail indefinitely until he complied with a court order; and although this would not assure the voting rights of an individual in a particular election, it would most certainly be a consideration in the actions of the registrar. Moreover, under the revised method of selecting juries, a defendant could not count for sure on a sympathetic or all-white jury.

It also is important to recognize that criminal contempt is a sort of last-ditch proceeding. Means of dealing with it are necessary to give the bill teeth. But the real significance of the bill is in the equity route it provides. A person who deprived another of voting rights would be confronted with the authority and majesty of the United States. No one would relish the thought of fighting the United States; and there would in all likelihood be considerable pressure for compliance from law-abiding citizens in the community, whatever their views. It is a disservice to the South to think that there automatically would be disrespect for the courts and defiance of the law.

What has emerged is a compromise in the best tradition of dignified Senate deliberation. A filibuster has been avoided, in the initial instance at least, by acceptance of a reasonable but less stringent measure which all but the most die-hard southern Senators should feel a moral obligation to uphold in practice. The need now is to keep the remaining debate in the same good temper and above considerations of mere partisan advantage. No attempt to guarantee civil rights against every possible abuse can succeed. But it is a plausible theory that respect for other rights stems from exercise of the ballot, and the Senate last night paved the way for new protection of the basic right to vote that should be far from meaningless.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CASE of South Dakota. I shall be glad to yield, if I have the time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KNOWLAND. Mr. President, I hope the amendment will be defeated. I shall yield back the remainder of my time if the proponent of the amendment is prepared to yield back the time remaining to him.

Mr. ERVIN. I am glad to yield back the remainder of my time, notwithstanding the fact that I still do not believe that the Attorney General should be appointed the guardian of every adult citizen in the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. ERVIN] for himself and the Senator from South Carolina [Mr. JOHNSTON]. [Putting the question.] The "noes" appear to have it.

Several Senators requested a division.

On a division the amendment was rejected.

Mr. POTTER. Mr. President, I offer my amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. POTTER. Mr. President, I ask unanimous consent that the clerk not state the amendment, but that it be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. POTTER's amendment is as follows:

On page 12, after line 23, insert the following:

"SEC. 132. (a) If the Attorney General finds, in the manner prescribed by this section, that the right of any person to vote in a Federal election held in any State or Territory has been denied or abridged, such person shall not be required, without his consent, to perform service in the Armed Forces of the United States under any requirement of the Universal Military Training and Service Act for a period of 2 years from the date on which the Attorney General certifies such finding under subsection (c) of this section. As used in this section, the term Federal election means any general, special, or primary election held in any State or Territory solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of (or Delegate to) the House of Representatives.

"(b) Any person who claims that his right to vote in a Federal election held in any State or Territory has been denied or abridged may file a complaint with the Attorney General. Such complaint must be filed within 30 days after the date of the Federal election with respect to which such person claims his right to vote was denied or abridged. Such complaint shall be under oath and shall set forth the facts claimed which would establish that such person—

"(1) was a qualified voter under the laws of his State on the date of the Federal election with respect to which he claims his right to vote was denied or abridged, but was prevented from voting, or from voting as he chose, in such Federal election, or

"(2) met all of the valid qualifications prescribed by the laws of his State for becoming a qualified voter in the Federal election with respect to which he claims his right to vote was denied or abridged, but was prevented from becoming a qualified voter and, for such reason, was prevented from voting in such Federal election.

As used in this subsection, the term 'State' includes the Territories of the United States.

"(c) The Attorney General shall make a thorough and expeditious investigation of each complaint filed with him under subsection (b). If he finds that the right to vote in a Federal election of the person filing the complaint has been denied or abridged, he shall so notify such person and shall immediately certify such finding to the Director of Selective Service and the Secretary of Defense. If he finds that the right to vote in a Federal election of the person filing the complaint has not been denied or abridged, he shall so notify such person. The findings of the Attorney General with respect to any complaint shall, for purposes of this section, be final and conclusive.

"(d) (1) If, on the date of any certification under subsection (c), the person with respect to whom the certification is made has not been inducted into the Armed Forces of the United States under the Universal Military Training and Service Act, such person shall not, without his consent, be inducted under such act for a period of 2 years from the date of such certification.

"(2) If on the date of any certification under subsection (c), the person with respect to whom the certification is made has been inducted into the Armed Forces of the United States under the Universal Military Training and Service Act, such person shall, if he so elects, be released from any obligation to perform service in the Armed Forces of the United States under such act for a period of 2 years from the date of such certification. During the time such person is released from such obligation, such person shall not be considered to be a member of the Armed Forces, but such time shall be counted in computing the period for which such person is obliged to perform service in the Armed Forces under the Universal Military Training and Service Act.

"(e) Nothing in this section shall be construed to exempt any person from induction under the Universal Military Training and Service Act, or to entitle any person to a deferment under such act, or to release any person from his obligation to perform service in the Armed Forces under such act solely by reason of the fact that such person has filed a complaint under subsection (b) unless the Attorney General has made a certification under subsection (c) with respect to such complaint."

Mr. POTTER. I should like to explain my amendment, and for that purpose I yield myself 3 minutes.

The amendment is offered on the basis that persons who are denied the right to vote or have their right to vote infringed upon—and all of us agree that the right to vote is a privilege of citizenship which everyone should take pride in enjoying—should not be called upon to perform the more onerous duties of citizenship, such as service in the military forces of the country against their will.

All that I seek to do by the amendment I have offered is this: If an American citizen is denied his right to vote, he can submit his statement under oath to the Attorney General of the United States, setting forth the circumstances of such denial, and the Attorney General must then investigate the situation and determine whether the allegations are true. If they are found to be true, the Attorney General will issue a certificate to the head of Selective Service Board and to the Secretary of Defense certifying that that person has been deprived of his right to vote and therefore shall be deferred from military service, if he so desires. It is as simple as that.

The Attorney General's decision is final, and the citizen who claims his voting rights were denied or infringed upon, if he establishes that fact through the investigation of the Attorney General,

will be free from the citizenship responsibility of serving in the Armed Forces of the country.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. POTTER. I yield.

Mr. HICKENLOOPER. Would the Senator consider expanding that privilege to include exclusion from the payment of taxes?

Mr. POTTER. The same argument could be applied.

Mr. HICKENLOOPER. I am afraid that such a provision would be rather far reaching.

Mr. POTTER. If we believe in the Constitution, and if we believe in the rights of citizens under the Constitution, it makes a great deal of sense to excuse him from military service if his right to vote is denied.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. POTTER. I yield.

Mr. MORTON. If the amendment is to be effective, it should be amended so as to provide for the lowering of the voting age—such as has been done in the great States of Georgia and Kentucky—because otherwise persons affected will be out of the armed service before they will be eligible to vote.

Mr. POTTER. That is a possibility. A young man who is asked to assume the responsibility of citizenship to the extent of serving in the Armed Forces should not be denied his right to vote.

The PRESIDING OFFICER. The Senator from California controls the time in opposition to the amendment.

Mr. KNOWLAND. Mr. President, I yield back my time.

The PRESIDING OFFICER. Does the Senator from Michigan yield back the remainder of his time?

Mr. POTTER. I yield back the time remaining to me.

The PRESIDING OFFICER. All time for debate on the amendment has been yielded back. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. POTTER].

The amendment was rejected.

Mr. ERVIN. Mr. President, I call up the amendment which has been submitted on behalf of myself and the Senator from South Carolina [Mr. JOHNSTON].

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 12, lines 5 to 9, both inclusive, it is proposed to strike out subsection (d) in its entirety, and insert in lieu thereof the following:

(d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section.

Mr. ERVIN. Mr. President, I yield myself 5 minutes. This is a very simple amendment. It proposes to eliminate from the bill the provision which authorizes the bypassing of State administrative remedies. Under the first article of the Constitution and the 17th amendment to the Constitution, the States of the Union have the power to prescribe the qualifications of voters for the most numerous branch of the State legislature under the Constitution these are the persons entitled to vote for Federal elective officials.

I respectfully submit that every State in the Union has enacted election laws for determining the qualifications of such voters, that these election laws were enacted by the States in the undoubted exercise of the legislative power reserved to them by the 10th amendment, and that it is unconstitutional for Congress to pass a statute which would delegate to a single Federal executive officer, namely, the Attorney General, uncontrolled power in his discretion to nullify these laws.

Mr. KNOWLAND. Mr. President, I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I deeply and sincerely believe that the amendment should be rejected, if for no other reason than in pursuance of the argument which had so much to do with carrying the jury-trial amendment.

What this amendment means, if I understand it, is that the administrative remedies which are available in a particular State, to wit, appeal to the board of elections and then on up beyond that board, must be completed before the Attorney General can start his injunction suit.

We would get into the very situation which those of us who opposed the jury-trial amendment argued against so devotedly. There would be given to the registrar the power to wait and wait and wait, and the right of appeal, until the point would be reached where the civil-contempt procedure would be useless, and only criminal contempt would remain.

Secondly, as to constitutionality, the statement made by my friend, who is a very distinguished lawyer in North Carolina, never ceases to amaze me on this point. I am amazed, Mr. President, that he constantly should want to make it. He speaks constantly of the "uncontrolled power" of the Attorney General, without regard to the fact that he knows and I know and everyone else knows that we are dealing with courts, not with the Attorney General.

As a matter of fact, subsection (d) is set forth in the bill, and we can refer to it. It states clearly:

The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section.

In short, it leaves within the discretion of the courts, and the whole hierarchy of the courts, the question whether administrative remedies could or could not be pursued.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. What the Senator from North Carolina would have us do is strike out the provision which enables the Attorney General to step in, and get us back into the State registrar situation, which has been the cause of so much complaint.

Mr. KNOWLAND. Mr. President, I am prepared to yield back the remainder of my time if the Senator from North Carolina is prepared to do likewise.

Mr. ERVIN. Mr. President, I yield myself 2 minutes.

I disagree with the distinguished Senator from New York. The courts are not permitted to determine this question. Under the bill if the Attorney General elects to bring one of these proceedings, the State statutes will be nullified and cease to operate. But if the Attorney General elects not to bring the proceeding, the State statutes will remain in full force and effect. This certainly produces a peculiar situation.

We have heard much talk about the equal protection of the laws. The equal protection of the laws demands that every person shall have the right to resort to the remedies available to all other persons in like circumstances.

If the Attorney General elects to bring suit, the State laws will cease to operate. But if the Attorney General elects not to bring suit, the State laws will continue to operate.

The Attorney General is the only person on earth, or in the heavens above, or in the waters beneath the earth, who has any authority to make that election.

I yield back the remainder of my time.

Mr. KNOWLAND. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment offered by the Senator from North Carolina for himself and on behalf of the Senator from South Carolina [Mr. JOHNSTON].

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

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## ORDER OF BUSINESS—ORDER FOR CALL OF CALENDAR ON MONDAY

Mr. JOHNSON of Texas. Mr. President, in view of the very fine record which the Senate has made in connection with the bill this week, particularly yesterday and today, and in view of the fact that we have had the third reading of the bill, the question now is on the passage of the bill.

We have agreed not to have a Saturday session. I am about to move that the Senate proceed to the consideration of the privileged conference report on Public Law 480. We will not discuss that report today, but it will be taken up on Monday.

On Monday it is planned to call the Executive Calendar.

Mr. President, I ask unanimous consent that it be in order on Monday to have a call of all bills on the regular calendar to which there is no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

## EXTENSION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954—CONFERENCE REPORT

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Texas. I yield.

Mr. HOLLAND. What is the plan of the distinguished Senator from Texas with reference to the time at which the conference report on the extension of Public Law 480 will come up?

Mr. JOHNSON of Texas. After the Senate convenes on Monday I propose to place that matter ahead of the call of the calendar, if that is agreeable to the Senator from Florida. I would want that to be agreeable to Senators who are interested in the report.

Mr. HOLLAND. The Senator from Louisiana is in charge of the conference report.

Mr. JOHNSON of Texas. It is agreeable to him.

Mr. HOLLAND. I thank the Senator.

Mr. JOHNSON of Texas. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1314) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BIBLE in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of July 9, 1957, pp. 11153–11154, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

## MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 2504) to amend and extend the Small Business Act of 1953, as amended, and it was signed by the President pro tempore.

## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. JOHNSON of Texas. Mr. President, I desire to make a brief statement, if the Senate will indulge me. After I have made it, I will yield to any Senator who may desire to address himself to the Senate before we recess until noon on Monday.

I am today as proud of this great body, the United States Senate, as I have ever been. It has operated in its finest deliberative traditions. We have had the third reading of what I consider to be a meaningful and effective civil-rights bill. In my judgment, the bill will be accepted by most Americans.

The bill is no longer open to amendment. Now it must be voted up or down. I am hopeful that early next week the Senate can vote on final passage.

What does the bill before us do? First, it provides effective machinery to secure for all American citizens the right to vote.

Second, it establishes a new principle—a new civil right for all citizens—the right to trial by jury in all criminal contempt cases. I may say that I am not concerned that it applies to all Federal statutes. I believe it should.

When our Constitution was written, the right to trial by jury was created for all criminal cases, and there was not a single Federal criminal statute on the books. These have all come subsequently.

Third, the bill creates a commission. I hope the President, when he appoints the commission, will select the ablest, most patriotic Americans within our borders.

Fourth, the bill creates a new division in the Department of Justice.

Fifth, it confers a new right for all citizens to serve on Federal juries and insures that all Americans will have that opportunity.

There have been predictions that the Senate could not legislate in this field. There have been warnings that we would be here all winter with the proposed legislation. The Senate has effectively answered those predictions.

I hope that when the Senate convenes on Monday, we can proceed with the consideration of the conference report and the call of the calendar, and then have further discussion on the final passage of this bill. I hope we can continue the discussion on Tuesday, and that perhaps on Wednesday, we will have concluded our deliberations and be able to call the roll on final passage.

I thank all my colleagues for their indulgence and their understanding. There have been moments when we were all exhausted and when we were irritated. But I am thankful to my State for giving me the honor of serving in the greatest deliberative body in the world in these significant times. I am thankful to my colleagues for the patience, tolerance, and understanding they have displayed toward me.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from California.

Mr. KNOWLAND. Mr. President, as the majority leader has said, we have now had the third reading of the bill. I hope we shall reach the final vote on the bill sometime next week, perhaps by Wednesday.

I shall vote for the final passage of the bill. I shall vote for it, regretting that a number of sections were eliminated from the bill, and that a number of amendments were added. I shall vote for the bill, however, in the hope that in the legislative process which will soon occur between the Senate and the House of Representatives, where very likely a conference will be held, certain aspects of the bill can be modified and can be strengthened. I believe that if that can be done, an effective bill can be reported by the conference, and that the conference report can then be adopted by both Houses of Congress. I am very hopeful that when that has been done, an effective civil-rights bill will be sent to the President for his consideration.

No one knows how long that process may take. No one knows exactly in what form the conference report may come back to this body. No one can predict at this time how long the discussion may take on the conference report, if, indeed, one comes back.

I join with the distinguished majority leader, however, in the hope that if we come to that process at this session of Congress—and I sincerely hope we do—the Senate then may be prepared, after a reasonable amount of debate on agreeing to the conference report, to send the bill on to its final stage in the process of legislation under the Constitution.

Mr. JOHNSON of Texas subsequently said,

Mr. President, I should like to add a statement, in view of what the minority leader has said.

I was very pleased to hear what the distinguished minority leader [Mr. KNOWLAND] had to say when he announced that he would join me in support of this measure when the roll is called on the question of final passage.

Some have chosen to call the bill an emasculated, watered-down bill, and indicated they could not vote for it. I am sure there will be other Senators who will feel that the bill is too strong, and that, therefore, they cannot vote for it.

I hope all Members of the Senate will examine the bill and will examine their consciences and will reach their decisions accordingly.

I believe that on the day we take the final rollcall, an overwhelming majority of the Members of this body will join the majority leader and the minority leader in passing the bill. I do not invite further trouble. I do not predict further trouble. I am hopeful that the notable improvements we have made in the bill; the strength we have given to the bill; the features that we have added, that have made it more acceptable, will make it acceptable to our colleagues in the House.

While I do not want to recommend action to them, or predict what their action will be, I do express the hope that all those persons who sincerely and earnestly want a civil rights bill will work to that end, and perhaps be able to concur in the amendments the Senate has added, and send this bill to the President, where I hope it will meet with his approval. If that is done, Mr. President, I concur in the thought expressed by one of our great newspapers the other day when it said, "When and if this bill is passed, we can then say that this has been a year of progress and a year of advancement for America."

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have the civil-rights bill, with all the amendments adopted by the Senate—that is to say, the bill in its present form—printed in today's RECORD, so Senators may have

an opportunity to examine it over the weekend. It seems to me that will be very helpful to all Senators.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill with the amendments was ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.*

PART I—ESTABLISHMENT OF THE COMMISSION ON CIVIL RIGHTS

SEC. 101. (a) There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the Commission).

(b) The Commission shall be composed of six members who shall be appointed by the President by and with the advice and consent of the Senate. Not more than three of the members shall at any one time be of the same political party.

(c) The President shall designate 1 of the members of the Commission as Chairman and 1 as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations as the original appointment was made.

(e) Four members of the Commission shall constitute a quorum.

*Rules of procedure of the Commission*

SEC. 102. (a) The Chairman or one designated by him to act as Chairman at a hearing of the Commission shall announce in an opening statement the subject of the hearing.

(b) A copy of the Commission's rules shall be made available to the witness before the Commission.

(c) Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(d) The Chairman or Acting Chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall (1) receive such evidence or testimony in executive session; (2) afford such person an opportunity voluntarily to appear as a witness; and (3) receive and dispose of requests from such person to subpena additional witnesses.

(f) Except as provided in sections 102 and 105 (f) of this act, the Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses.

(g) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than 1 year.

(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission is the sole judge of the pertinency of testimony and evidence adducted at its hearings.

(i) Upon payment of the cost thereof, a witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Commission.

(j) A witness attending any session of the Commission shall receive $4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $12 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereof.

(k) The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside of the State, wherein the witness is found or resides or transacts business.

*Compensation of members of the Commission*

SEC. 103. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $50 per day for each day spent in the work of the Commission, shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of $12 in lieu of actual expenses for subsistence when away from his usual place of residence, inclusive of fees or tips to porters and stewards.

(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of $12 in lieu of actual expenses for subsistence when away from his usual place of residence, inclusive of fees or tips to porters and stewards.

*Duties of the Commission*

SEC. 104. (a) The Commission shall—

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

(b) The Commission shall submit interim reports to the President and to the Congress at such times as either the Commission or the President shall deem desirable, and shall submit to the President and to the Congress a final and comprehensive report of its activities, findings, and recommendations not later than 2 years from the date of the enactment of this act.

(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist.

*Powers of the Commission*

SEC. 105. (a) There shall be a full-time staff director for the Commission who shall be appointed by the President by and with the advice and consent of the Senate and who shall receive compensation at a rate, to be fixed by the President, not in excess of $22,500 a year. The President shall consult with the Commission before submitting the nomination of any person for appointment to the position of staff director. Within the limitations of its appropriations, the Commission may appoint such other personnel as it deems advisable, in accordance with the civil service and classification laws, and may procure services as authorized by section 15 of the act of August 2, 1946 (60 Stat. 810; 5 U. S. C. 55a), but at rates for individuals not in excess of $50 per diem.

(b) The Commission shall not accept or utilize services of voluntary or uncompensated personnel.

(c) The Commission may constitute such advisory committees within States composed of citizens of that State and may consult with governors, attorneys general, and other representatives of State and local governments, and private organizations, as it deems advisable.

(d) Members of the Commission, and members of advisory committees constituted pursuant to subsection (c) of this section, shall be exempt from the operation of sections 281, 283, 284, 434, and 1914 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99).

(e) All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(f) The Commission, or on the authorization of the Commission any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 102 (j) and (k) of this act, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman.

(g) In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

*Appropriations*

SEC. 106. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this act.

PART II—TO PROVIDE FOR AN ADDITIONAL ASSISTANT ATTORNEY GENERAL

SEC. 111. There shall be in the Department of Justice one additional Assistant Attorney General, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall assist the Attorney General in the performance of his duties, and who shall receive compensation at the rate prescribed by law for other Assistant Attorneys General.

PART III—TO STRENGTHEN THE CIVIL RIGHTS STATUTES, AND FOR OTHER PURPOSES

SEC. 121. Section 1343 of title 28, United States Code, is amended as follows:

(a) Amend the catchline of said section to read, "§ 1343. Civil rights and elective franchise".

(b) Delete the period at the end of paragraph (3) and insert in lieu thereof a semicolon.

(c) Add a paragraph as follows:

"(4) To recover damages or to secure equitable or other relief under any act of Congress providing for the protection of civil rights, including the right to vote."

SEC. 122. Section 1989 of the Revised Statutes (42 U. S. C. 1993) is hereby repealed.

PART IV—TO PROVIDE MEANS OF FURTHER SECURING AND PROTECTING THE RIGHT TO VOTE

SEC. 131. Section 2004 of the Revised Statutes (42 U. S. C. 1971), is amended as follows:

(a) Amend the catchline of said section to read, "Voting rights".

(b) Designate its present text with the subsection symbol "(a)".

(c) Add, immediately following the present text, four new subsections to read as follows:

"(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

"(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

"(d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

"(e) Any person cited for an alleged contempt under this act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel."

SEC. 141. This act may be cited as the "Civil Rights Act of 1957."

PART V—AMENDMENT TO THE FEDERAL CRIMINAL CODE TO PROVIDE TRIAL BY JURY FOR PROCEEDINGS TO PUNISH CRIMINAL CONTEMPTS IN CASES IN FEDERAL COURTS

SEC. 151. Section 402 of title 18 of the United States Code is hereby amended to read as follows:

"SEC. 402. Criminal contempts

"Any person, corporation, or association willfully disobeying or obstructing any lawful writ, process, order, rule, decree, or command of any court of the United States or any court of the District of Columbia shall be prosecuted for criminal contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both: *Provided, however,* That in case the accused is a natural person, the fine to be paid shall not exceed the sum of $1,000, nor shall such imprisonment exceed the term of 6 months.

"This section shall not be construed to apply to contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court.

"Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil-contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention."

SEC. 152. Section 3691 of title 18 of the United States Code is hereby amended to read as follows:

"SEC. 3691. Jury trial of criminal contempt

"In any proceeding for criminal contempt for willful disobedience of or obstruction to any lawful writ, process, order, rule, decree, or command of any court of the United States or any court of the District of Columbia, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in criminal cases.

"This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court.

"Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention."

SEC. 153. Section 1861, title 28, of the United States Code is hereby amended to read as follows:

"SEC. 1851. Qualifications of Federal jurors

"Any citizen of the United States who has attained the age of twenty-one years and who has resided for a period of one year within the judicial district, is competent to serve as a grand or petit juror unless:

"(1) He has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

"(2) He is unable to read, write, speak, and understand the English language.

"(3) He is incapable, by reason of mental or physical infirmities to render efficient jury service."

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## JOSEPH P. CHAMBERLAIN AWARD CONFERRED UPON JOHN THOMAS

Mr. HUMPHREY. Mr. President——

Mr. JOHNSON of Texas. Mr. President. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, one of our Minnesota citizens of whom we are very proud, and from whom the world is hearing in an ever-increasing degree, is John Thomas, currently Deputy Chief of Operations for the 27-nation Intergovernmental Committee for European Migration (ICEM).

Mr. Thomas is an old and cherished friend of mine. He has had a long career in the relief and welfare activities in Minnesota, and we rejoice that his talents are now being made available to the international community.

During the desperate days of the Hungarian crisis last winter, John Thomas was in the front lines of the humanitarian effort to rescue Hungarian refugees. His activities became a legend to foreign diplomats, newspaper correspondents, and refugees themselves, who had an opportunity to view on the spot his work in Austria.

It was no surprise, Mr. President, when we received the news that Mr. Thomas was selected to receive the Joseph P. Chamberlain award, established by the New York State Committee on Refugees. No honor was ever better deserved, and all Minnesotans share his pride in receiving this merited recognition.

I ask unanimous consent that a resolution concerning the Joseph P. Chamberlain award, as well as a press release about Mr. Thomas' selection, be printed at this point in the RECORD.

There being no objection, the resolution and release were ordered to be printed in the RECORD, as follows:

THE JOSEPH P. CHAMBERLAIN AWARD

Whereas when the New York State Committee on Refugees was reconstituted by Gov. Averell Harriman on April 21, 1955, its purpose was to "guide and aid the resettlement of refugees and others admitted into the United States * * * who wish to establish themselves in the State of New York so that such newcomers may be most effectively absorbed in the economic and social life of our community." In order to express its appreciation for the noble and humanitarian efforts performed by persons or organizations who have voluntarily, under adverse conditions, made outstanding contributions in assisting this committee in the above endeavor, particularly during the Hungarian refugee emergency; and

Whereas Joseph P. Chamberlain, former professor emeritus of public law at Columbia University, was one of the outstanding leaders in the immigration and refugee fields and was a person who devoted much of his time and energy to the work of official and voluntary agencies concerned with the problem of the immigrant, particularly the refugee and displaced person. He continually worked toward reconciling seemingly divergent views of various groups and organizations interested in the same humanitarian goal. Over the years Professor Chamberlain was an active member and often the principal officer of the American Council of Voluntary Agencies for the Foreign Service; American Branch of the International Social Service; United Service for New Americans and the Advisory Committee on Voluntary Foreign Aid, Department of State. Other organizations in the immigration and nationality field in which he played an important part included the governing body of the High Commission for Refugees coming from Germany; President's Advisory Committee on Political Refugees; League of Nations Committee of Experts on Assistance of Indigent Foreigners; Ellis Island Committee, appointed by the Secretary to recommend legislation. His experience, wise counsel and active aid had been associated for many years with most efforts to improve immigration legislation and to advance humanitarian goals in the immigration and nationality field. He fully deserved the feelings ex-

pressed in a New York Times editorial at his death, which in part reads "No one who experienced even in the most casual manner the gentle friendship of this kindly man could fail to be impressed by the depth of his sincerity, the breadth of his vision, the warm firmness of his purpose. He will be greatly missed and deeply mourned by the great company of those who have benefited from his labor and his wisdom": Now, therefore, be it

*Resolved*, That an award shall be established by the New York State Committee on Refugees to be entitled "The Annual Joseph P. Chamberlain Award" and that this award will be presented each year to those individuals or organizations which have contributed outstanding service to refugee resettlement activities during the year prior to the award; and be it further

*Resolved*, That a copy of this resolution be immediately dispatched to Governor Harriman's office for the purpose of having him proclaim a Joseph P. Chamberlain Day upon which date the award would be presented.

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JOHN THOMAS—ICEM'S "MR. AMERICA"

A key figure in the remarkable accomplishment of moving westward out of Austria more than 100,000 Hungarian escapees within the short space of 10 weeks is John Thomas of Minneapolis, Minn., Deputy Chief of Operations for the 27-nation Intergovernmental Committee for European Migration (ICEM).

Mr. Thomas has been helping to solve the problem of Europe's homeless since he served as a United States Army officer in Germany during World War II.

Dispatched to Vienna during the first days of November when Hungarian escapees began streaming across the border, Thomas helped set up resettlement machinery overnight—registration of the refugees, presenting Hungarians to consular officials of receiving countries, completing arrangements for their movement out of Austria by train and plane to the 23 nations which offered asylum to the revolt victims.

Thomas virtually shepherded many of the Hungarian refugees through the complex business of qualifying for admission to the United States, from the initial registration right up to departure by plane from Vienna's Schwechat Airport.

For thousands of the refugees and for many of the newsmen at Vienna he quickly became identified as Mr. America, ready to step into any crisis to smooth the road to speedy settlement.

His long experience in the field helped him to cut through miles of redtape, get the refugee flow started to the United States and keep it going. When an ugly anti-Semitic incident occurred in one camp, Thomas rushed to the scene and delivered an effective "Americanism" speech that healed the breach before it could infect the whole camp. Refugees, officials, and newsmen looked to him for an honest briefing on the problems that threatened to slow movements.

Prior to the crash assignment in Vienna, Thomas served as chief of the United States program of ICEM at world headquarters in Geneva.

In this work, he organized a program which has resulted in the movement of more than 140,000 refugees to this country during the past 5 years.

Mr. Thomas joined ICEM headquarters staff at its inception in February 1952 upon completion of his assignment as chief of resettlement in the United States Zone of Germany for the International Refugee Organization.

Married and the father of two children, the Thomases make their home in Geneva. John Thomas is a graduate of the University of Minnesota and prior to World War II was active in relief and welfare activities in his home State of Minnesota.

## IMPORTANCE OF CANADIAN OIL IMPORTS

Mr. HUMPHREY. Mr. President——

Mr. JOHNSON of Texas. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, some time ago, following the President's announcement of a program of voluntary restrictions on the importation of crude oil, I made a statement which reflected my views in regard to that action. In the statement I called for a watchful eye, to see that the prices of gasoline and oil are not driven upward, and to see that small-business refineries using Canadian crude oil are not blocked from their normal expansion to at least a minimum operating level.

In our part of the country, in the upper Midwest, several oil refineries have been developed, and they are completely dependent upon the importations of Canadian crude oil. We have a very fine relationship with our Canadian neighbor to the north, and it would be unfortunate if that relationship were in any way marred by the imposition of any kind of quota or import restriction on oil imported into the United States from Canada.

I ask unanimous consent that a statement which I released at the time of the President's announcement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR HUMPHREY CALLS FOR WATCHFUL EYE ON EFFECT OF CANADIAN OIL IMPORT RESTRICTIONS

Senator HUBERT H. HUMPHREY, Democrat, of Minnesota, today commented that the President's announcement of a program of voluntary restrictions on the importation of crude oil "calls for a watchful eye to see that prices of gasoline and oil are not driven upward, and to see that small-business refineries using Canadian crude oil are not blocked from a normal expansion to a minimum economic operating level."

"It appears that our midwestern refiners dependent on Canadian crude have been given quotas based on their estimates of a year ago," Senator HUMPHREY commented on the President's Memorandum on Crude Oil Imports. "However, these small refiners have a right to expand their operating capacity up to the 30,000–35,000 barrels per day level, which they feel to be the level at which they can survive competitively in the refining industry."

"The President's Special Cabinet Committee should study this small business problem, to make sure that a Government policy designed to protect American oil producers does not seriously harm the small business segment of the oil refining industry, as well as consumers in the upper Midwest who are dependent on Canadian crude oil to offset the cost imposed by long-distance transportation of petroleum products from the Southwest," Senator HUMPHREY said.

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## COMPULSORY INSPECTION OF POULTRY AND POULTRY PRODUCTS

The PRESIDING OFFICER (Mr. HOLLAND in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1747) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, which was, to strike out all after the enacting clause and insert:

That this act may be cited as the "Poultry Products Inspection Act."

LEGISLATIVE FINDING

SEC. 2. Wholesome poultry products are an important source of the Nation's total supply of food. Such products are consumed throughout the Nation and substantial quantities thereof move in interstate and foreign commerce. Unwholesome poultry products in the channels of interstate or foreign commerce are injurious to the public welfare, adversely affect the marketing of wholesome poultry products, result in sundry losses to producers, and destroy markets for wholesome poultry products. The marketing of wholesome poultry products is affected with the public interest and directly affects the welfare of the people. All poultry and poultry products which have or are required to have inspection under this act are either in the current of interstate or foreign commerce or directly affect such commerce. That part that enters directly into the current of interstate or foreign commerce cannot be effectively inspected and regulated without also inspecting and regulating all poultry and poultry products processed or handled in the same establishment.

The great volume of poultry products required as an article of food for the inhabitants of large centers of population directly affects the movement of poultry and poultry products in interstate commerce. To protect interstate commerce in poultry and poultry products inspected for wholesomeness, from being adversely burdened, obstructed, or affected by uninspected poultry or poultry products, the Secretary of Agriculture is authorized, pursuant to the provisions of this act, to designate major consuming areas where poultry or poultry products are handled or consumed in such volume as to affect the movement of inspected poultry or poultry products in interstate commerce.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of Congress to provide for the inspection of poultry and poultry products by the inspection service as herein provided to prevent the movement in interstate or foreign commerce or in a designated major consuming area of poultry products which are unwholesome or otherwise unfit for human food.

DESIGNATION

SEC. 4. Upon application by the appropriate governing official or body of a substantial portion of any major consuming area or upon application by an appropriate local poultry industry group in such an area, where the Secretary has reason to believe that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in interstate commerce, the Secretary shall conduct a public hearing to ascertain whether or not it will tend to effectuate the purposes of this act for such area to be subject to the provisions of this act. If after public hearing the Secretary finds that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in commerce and that the designation of such area will tend to effectuate the purposes of this act, he shall by order designate such area and prescribe the provisions of this act which shall be applicable thereto and grant such exemptions therefrom as he determines practicable. Such designation shall not become effective until 6 months after the notice thereof is published in the Federal Register. On and after the effective date of such designation, all poultry and

poultry products processed, sold, received, or delivered in any such area shall be subject to the provisions of this act.

ANTE MORTEM AND POST MORTEM INSPECTION, REINSPECTION AND QUARANTINE

SEC. 5. (a) For the purpose of preventing the entry into or flow or movement in commerce or a designated major consuming area of any poultry product which is unwholesome or adulterated, the Secretary shall, where and to the extent considered by him necessary, cause to be made by inspectors ante mortem inspection of poultry in any official establishment processing poultry or poultry products for commerce or in, or for marketing in a designated city or area.

(b) The Secretary, whenever processing operations are being conducted, shall cause to be made by inspectors post mortem inspection of the carcass of each bird processed, and such quarantine, segregation, reinspection as he deems necessary of poultry and poultry products in each official establishment processing such poultry or poultry products for commerce or in, or for marketing in a designated city or area.

(c) All poultry carcasses and parts thereof and poultry products found to be unwholesome or adulterated shall be condemned and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector: *Provided*, That carcasses, parts, and products, which may by reprocessing be made not unwholesome and not adulterated, need not be so condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not unwholesome and not adulterated. If an appeal be taken from such determination, the product shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained the product shall be destroyed for human food purposes under the supervision of an inspector.

(d) The Secretary shall refuse to render inspection to any establishment whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of section 6 of this act.

SANITATION, FACILITIES, AND PRACTICES

SEC. 6. Each official establishment slaughtering poultry or processing poultry products for commerce or in or for marketing in a designated major consuming area shall have such premises, facilities, and equipment, and be operated in accordance with such sanitary practices, as are required and approved by the Secretary for the purpose of preventing the entry into or flow or movement in commerce or in a designated city or area, of poultry products which are unwholesome or adulterated.

LABELING

SEC. 7. (a) Each shipping container of any poultry product inspected under the authority of this act and found to be wholesome and not adulterated, shall at the time such product leaves the official establishment bear, in distinctly legible form, the official inspection mark and the approved plant number of the official establishment in which the contents were processed. Each immediate container of any poultry product inspected under the authority of this act and found to be wholesome and not adulterated shall at the time such product leaves the official establishment bear, in addition to official inspection mark, in distinctly legible form, the name of the product, a statement of ingredients if fabricated from two or more ingredients including a declaration as to artificial flavors, colors, or preservatives, if any, the net weight or other appropriate measure of the contents, the name and address of the processor and the approved plant number of the official establishment in which the contents were processed. The name and address of the distributor may be used in lieu of the name and address of the processor if the approved plant number is used to identify the official establishment in which the poultry product was prepared and packed.

(b) The use of any written, printed or graphic matter upon or accompanying any poultry product inspected or required to be inspected pursuant to the provisions of this act or the container thereof which is false or misleading is prohibited. No poultry products inspected or required to be inspected pursuant to the provisions of this act shall be sold or offered for sale by any person, firm, or corporation under any false or deceptive name; but established trade name or names which are usual to such products and which are not false and deceptive and which shall be approved by the Secretary are permitted. If the Secretary has reason to believe that any label in use or prepared for use is false or misleading, he may direct that the use of the label be withheld unless it is modified in such manner as the Secretary may prescribe so that it will not be false or misleading. If the person using or proposing to use the label does not accept the determination of the Secretary, he may request a hearing, but the use of the label shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless within 30 days after the receipt of notice of such final determination the person adversely affected thereby appeals to the United States court of appeals for the circuit in which he has his principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

PROHIBITED ACTS

SEC. 8. The following acts or the causing thereof are hereby prohibited:

(a) The processing, sale or offering for sale, transportation, or delivery or receiving for transportation, in commerce or in a designated major consuming area of any poultry product, unless such poultry product has been inspected for wholesomeness and unless the shipping container, if any, and the immediate container are marked in accordance with the provisions of this act.

(b) The sale or other disposition for human food of any poultry or poultry product which has been inspected and declared to be unwholesome or adulterated under this act.

(c) Falsely making or issuing, altering, forging, simulating, or counterfeiting any official inspection certificate, memorandum, mark, or other identification or device for making such mark or identification, used in connection with the inspection of poultry, or poultry products under this act, or causing, procuring, aiding, assisting in, or being a party to, such false making, issuing, altering, forging, simulating, or counterfeiting, or knowingly possessing, without promptly notifying the Secretary of Agriculture or his representative, uttering, publishing, or using as true, or causing to be uttered, published, or used as true, any such falsely made or issued, altered, forged, simulated, or counterfeited official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification, or representing that any poultry or poultry product has been officially inspected under the authority of this act when such poultry or poultry product has in fact not been so inspected.

(d) Using in commerce, or in a designated city or area, a false or misleading label on any poultry product.

(e) The use of any container bearing an official inspection mark except for the poultry product in the original form in which it was inspected and covered by said mark unless the mark is removed, obliterated, or otherwise destroyed.

(f) The refusal to permit access by any duly authorized representative of the Secretary, at all reasonable times, to the premises of an establishment engaged in processing poultry or poultry products for commerce, or in or for marketing in a designated city or area, upon presentation of appropriate credentials.

(g) The refusal to permit access to and the copying of any record as authorized by section 10 of this act.

(h) The using by any person to his own advantage, or revealing, other than to the authorized representatives of the Government in their official capacity, or to the courts when relevant in any judicial proceeding under this act, any information acquired under the authority of this act, concerning any matter which as a trade secret is entitled to protection.

(i) Delivering, receiving, transporting, selling, or offering for sale or transport for human consumption any slaughtered poultry or any part thereof, separately or in combination with other ingredients (other than poultry products as defined in this act), in commerce or from an official establishment or in a designated major consuming area, except that such poultry may be permitted to be transported between official establishments and to foreign countries pursuant to rules and regulations prescribed by the Secretary.

SEC. 9. No establishment processing poultry or poultry products for commerce or in or for marketing in a designated city or area shall process any poultry or poultry product except in compliance with the requirements of this act.

RECORDS OF INTERSTATE SHIPMENT

SEC. 10. For the purpose of enforcing the provisions of this act, persons engaged in the business of processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce or in a designated major consuming area, or holding such products so received shall maintain records showing, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, or disposition of poultry and poultry products and shall, upon the request of a duly authorized representative of the Secretary, permit him at reasonable times to have access to and to copy all records. Nothing in this section shall be construed as requiring the maintenance of a record for a period longer than 2 years after the transaction, which is the subject of such record, has taken place.

PENALTIES

SEC. 11. (a) Any person who violates the provisions of section 8, 9, 10, or 17, shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than 6 months, or a fine of not more than $3,000, or both such imprisonment and fine; but if such violation is committed after one conviction of such person under this section has become final such person shall be subject to imprisonment for not more than 1 year, or a fine of not more than $5,000, or both such imprisonment and fine; but if such violation is committed after 2 or more convictions of such person under this section have become final such person shall be subject to imprisonment for not more than 2 years, or a fine of not more than $10,000, or both such imprisonment and fine. When construing or enforcing the provisions of said sections the act, omission, or failure of any person act-

ing for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(b) No carrier shall be subject to the penalties of this section for a violation of the provisions of section 8 or 17 by reason of his receipt, carriage, holding or delivery, in the usual course of business as a carrier of slaughtered poultry or poultry products, owned by another person unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe that such slaughtered poultry or poultry products were not inspected or marked in accordance with the provisions of this act or were not eligible for transportation under this act. Any carrier who with or without knowledge violated section 10 of this act shall be subject to the penalties of this section.

SEC. 12. Before any violation of this act is reported by the Secretary to any United States attorney for institution of a criminal proceeding the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this act shall be construed as requiring the Secretary to report for criminal prosecution or for the institution of injunction proceedings violations of this act whenever he believes that the public interest will be adequately served and compliance with the act obtained by a suitable written notice or warning.

REGULATIONS

SEC. 13. The Secretary shall promulgate such rules and regulations as are necessary to carry out the provisions of this act.

EXEMPTIONS

SEC. 14. (a) The Secretary shall, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this act—

(1) poultry producers with respect to poultry of their own raising on their own farms which they sell directly to household consumers or restaurants, hotels and boarding houses for use in their own dining rooms in the preparation of meals for sales direct to consumers only: *Provided*, That such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms.

(2) retail dealers with respect to poultry products sold directly to consumers in individual retail stores: *Provided*, That the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises in which such sales to consumers are made;

(3) for such period of time as the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this act, any person engaged in the processing of poultry or poultry products for commerce and the poultry or poultry products processed by such person: *Provided, however*, That no such exemption shall continue in effect on and after July 1, 1960.

(4) persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent that the Secretary determines necessary to avoid conflict with such requirements while still effectuating the purposes of this act.

(b) The Secretary may by order suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this act.

VIOLATIONS BY EXEMPTED PERSONS

SEC. 15. Any person who sells, delivers, transports, or offers for sale or transportation in commerce or in a designated major consuming area any poultry products which are exempt under section 15, knowing that such products are unwholesome and are intended for human consumption, shall be guilty of a misdemeanor and shall on conviction thereof be subject to the penalties set forth in section 12.

IMPORTS

SEC. 16. (a) No slaughtered poultry, or parts or products thereof, of any kind shall be imported into the United States unless they are healthful, wholesome, and fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and unless they also comply with the rules and regulations made by the Secretary of Agriculture to assure that imported poultry or poultry products comply with the standards provided for in this act. All imported slaughtered poultry, or parts or products thereof, shall after entry into the United States in compliance with such rules and regulations be deemed and treated as domestic slaughtered poultry, or parts or products thereof, within the meaning and subject to the provisions of this act and the Federal Food, Drug, and Cosmetic Act, and acts amendatory of, supplemental to, or in substitution for such acts.

(b) The Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this section and in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all slaughtered poultry, or parts or products thereof, offered for entry and refused admission into the United States unless such slaughtered poultry, or parts or products thereof, be exported by the consignee within the time fixed therefor in such rules and regulations.

(c) All charges for storage, cartage, and labor with respect to any product which is refused admission pursuant to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any other products imported thereafter by or for such owner or consignee.

GENERAL PROVISIONS

SEC. 17. (a) For the purpose of preventing and eliminating burdens on commerce in poultry and poultry products, the jurisdiction of the Secretary within the scope of this act shall be exclusive and poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act, as amended, to the extent of the application or the extension thereto of the provisions of this act.

(b) In carrying out the provisions of this act, the Secretary may cooperate with other branches of Government and with State agencies and may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of a State commissioned by the Secretary for such purpose.

COST OF INSPECTION

SEC. 18. The cost of inspection rendered under the requirements of this act shall be borne by the United States. The Secretary of Agriculture is authorized in his discretion to pay employees of the Department of Agriculture, employed in establishments subject to the provisions of this act, for overtime or holiday work performed at such establishments at such rates as he may determine and to accept from such establishments wherein such premium pay work is performed reimbursement for any sums paid out by him for such work such reimbursement to be available without fiscal year limitation to carry out the purposes of this section.

APPROPRIATIONS

SEC. 19. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this act.

SEPARABILITY OF PROVISIONS

SEC. 20. If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

DEFINITIONS

SEC. 21. For purposes of this act—

(a) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State or the District of Columbia, but through any place outside thereof; or within the District of Columbia.

(b) The term "Secretary" means the Secretary of Agriculture.

(c) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(d) The term "poultry" means any live or slaughtered domesticated bird.

(e) The term "poultry product" means any poultry which has been slaughtered for human food from which the blood, feathers, feet, head, and viscera have been removed in accordance with rules and regulations promulgated by the Secretary, any edible part of poultry, or, unless exempted by the Secretary, any human food product consisting of any edible part of poultry separately or in combination with other ingredients.

(f) The term "wholesome" means sound, healthful, clean, and otherwise fit for human food.

(g) The term "unwholesome" means:

(1) Unsound, injurious to health, or otherwise rendered unfit for human food.

(2) Consisting in whole or in part of any filthy, putrid, or decomposed substance.

(3) Processed, prepared, packed, or held under unsanitary conditions whereby a poultry carcass or parts thereof or any poultry product may have become contaminated with filth or whereby a poultry product may have been rendered injurious to health.

(4) Produced in whole or in part from poultry which has died otherwise than by slaughter.

(5) Packaged in a container composed of any poisonous or deleterious substance which may render the contents injurious to health.

(h) The term "adulterated" shall apply to poultry and poultry products under one or more of the following circumstances:

(1) If they bear or contain any poisonous or deleterious substance which may render them injurious to health; but, in case the substance is not an added substance, such poultry and poultry products shall not be considered adulterated under this clause if the quantity of such substance in such poultry and poultry products does not ordinarily render them injurious to health.

(2) If they bear or contain any added poisonous or added deleterious substance, unless such substance is permitted in their production or unavoidable under good manufacturing practices as may be determined by rules and regulations hereunder prescribed by the Secretary or other provisions of Federal law limiting or tolerating the quantity of such added substance on or in such poultry and poultry products: *Provided*, That any quantity of such added substance exceeding the limits so fixed shall also be deemed to constitute adulteration.

(3) If any substance has been substituted, wholly or in part, therefor.

(4) If damage or inferiority has been concealed in any manner.

(5) If any valuable constituent has been in whole or in part omitted or abstracted therefrom.

(6) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(i) The term "inspector" means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this act, or (2) any employee or official of any State government authorized by the Secretary to inspect poultry and poultry products under authority of this act, under an agreement entered into between the Secretary and the appropriate State agency.

(j) The term "official inspection mark" means the symbol, formulated pursuant to rules and regulations prescribed by the Secretary, stating that the product was inspected.

(k) The term "inspection service" means the official Government service within the Department of Agriculture, designated by the Secretary as having the responsibility for carrying out the provisions of this act.

(l) The terms "container" or "package" include any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover.

(m) The term "official establishment" means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this act.

(n) The term "label" means any written, printed, or graphic material on the shipping container, if any, or upon the immediate container, including but not limited to an individual consumer package, or the poultry product, or accompanying such product.

(o) The term "shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

(p) The term "immediate container" includes any consumer package; or any carton, box, barrel, or other receptacle in which poultry carcasses or poultry products, not consumer packaged, are packed.

EFFECTIVE DATE

SEC. 22. This act shall take effect upon enactment, except that no person shall be subject to the provisions of this act prior to January 1, 1959, unless such person after January 1, 1958, applies for and receives inspection for poultry or poultry products in accordance with the provisions of this act and pursuant to regulations promulgated by the Secretary hereunder, in any establishment processing poultry or poultry products in commerce or in a designated major consuming area. Any person who voluntarily applies for and receives such inspection after January 1, 1958, shall be subject, on and after the date he commences to receive such inspection, to all of the provisions and penalties provided for in this act with respect to all poultry or poultry products handled in the establishment for which said application for inspection is made.

SEC. 23. This act shall not be construed as invalidating any provision of State law which could be valid in the absence of this act unless there is a direct and positive conflict between an express provision of this act and such provision of State law so that the two cannot be reconciled or consistently stand together.

Mr. ELLENDER. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives, request a conference thereon with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. HUMPHREY, Mr. TALMADGE, Mr. AIKEN, and Mr. WILLIAMS conferees on the part of the Senate.

Mr. ELLENDER. Mr. President, I ask unanimous consent that House bill 6814, to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUPERVISION OF THE KLAMATH INDIANS

Mr. NEUBERGER. Mr. President——

Mr. JOHNSON of Texas. I yield to the Senator from Oregon.

Mr. NEUBERGER. Mr. President, as chairman of the Indian Affairs Subcommittee of the Committee on Interior and Insular Affairs, I should like to ask the distinguished majority leader about the conference report on Senate bill 469, an Indian bill, in connection with which, time is of the essence.

I understand that the House has already acted on the conference report. I wonder whether it will be possible for the Senate to act on the conference report some time during the session on the coming Monday?

Mr. JOHNSON of Texas. Mr. President, I had not previously had this matter brought to my attention. I see that it is listed on the calendar. If the Senator from Oregon will permit me to study it over the weekend, I shall try to have action taken on it on Monday, if possible.

Mr. NEUBERGER. I appreciate very much the consideration given by my friend, the Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I always appreciate the characteristic courtesy of the Senator from Oregon.

## MISSIONARY OF DEMOCRACY

Mr. JOHNSON of Texas. Mr. President, if there is no objection, I ask unanimous consent that the Senator from Montana [Mr. MANSFIELD] be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Montana is recognized.

Mr. HUMPHREY. Mr. President——

Mr. MANSFIELD. Mr. President, I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, all of us have a tremendous stake in the type of Americans representing us abroad, in any capacity. That is particularly true in the case of those working directly with people of other lands, in connection with our technical-assistance programs. The success or failure of those programs often depends upon, and is determined by, the attitudes and thinking of the persons we send abroad to carry on our foreign-aid programs. Recently, a letter from one of our career workers who is serving us abroad in the field of agriculture, came to my attention; and it impressed me so deeply that I wish to call it to the attention of my colleagues. The letter was not sent to me. I do not know the writer personally, and he has no knowledge that I have even been shown his letter by another friend. However, the letter gives such a graphic description of the experiences of a technical-assistance worker abroad—and reflects such a dedication and understanding of the importance of the work he is doing—that I am sure others will enjoy reading it.

The letter is from William Green, now working among the hill people of Taiwan. He is in charge of agricultural extension in Taiwan. I have learned that he has served as an agricultural representative of this country in many areas of the world. He is an Oklahoman, a graduate of the former Oklahoma A. and M. College, and has served our country usefully in Guam, the Virgin Islands, the China mainland, Burma, Peru, Bolivia, and Haiti. After reading his interesting letter, I am convinced he is a man who holds high the banner of freedom and democracy, and that his work is a fine example of what technical assistance should be.

Mr. President, I ask unanimous consent that his letter describing his work be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BILL'S FAR EAST LETTERS, MAY 11, 1957
T'AI-PEI, TAIWAN

Last night I returned from a week's trip into more of the areas inhabited by the aborigine tribes. It was most interesting, one that I would not have missed for anything. With Austin Shu, one of the members of the extension division of JCRR, I made a trip that took us into 5 aborigine townships in 3 of the mountain areas of the island; a trip that carried us down the west coast, across the Tropic of Cancer and almost to the south end of the island; then out of the plains into some of the most rugged and beautiful mountain country that I have ever seen. It took us up over winding, breathtaking roads, some of them hewed out of the sides of unbelievably steep mountains. On one side there would be a solid wall of rock, on the other a drop of 1,000 feet or more. These roads reminded me very much of the road to the Yungas, in Bolivia, or the road to Tinga Maria, in Peru, both of them on the rainy side of the Andes. The trip took us into places where a stranger would not have dared to go at one time on account of the wild head hunters who lived on the heavily forested mountainsides and along the beautiful mountain streams. It took us into the villages and into the homes of the descendants of these headhunters, many of whom still tattoo their faces according to ancient tribal custom.

The aboriginal people of Taiwan are divided into eight tribes, each with a different language. We first visited the Panwan Tribe in the mountains above Pingtung near the south end of the island. If I am not mistaken, this was the tribe that gave Formosa such a bad reputation a few centuries ago by killing anyone who was shipwrecked on the southern end of the island. They were driven back into the mountains by the early Chinese settlers and later by the Japanese. They are now a friendly people. To get to their head village in one township, we followed the paved road out of Pingtung for a short distance, then turned into a gravel road that led straight into the mountains. After entering the foothills, we followed a river for some time, then zigzagged our way up the side of a steep mountain. Before that, however, we came to a station where we had to show the passes that permitted us to enter the aborigine area. I suppose that the government requires these passes so as to keep out persons who might stir up trouble among the tribesmen. At any rate, at every place where we entered the

land of these primitive people we had to show our passes.

When we reached the village near the top of the mountain, we found the chief and some of his staff waiting to welcome us. We had been delayed in starting that morning, so they had been waiting for us for more than an hour. JCRR helps to finance an agricultural extension worker in this township. He is an aborigine who is a graduate of one of the vocational schools in the lowlands. We went to the township office where we had the chief and his assistants tell us about conditions in the township, and then discussed some of their special problems. The extension man gave us a report on what was being done to meet some of these problems. Afterward we visited three of the villages and saw some of the demonstrations in rice growing, compost making, hog raising, and other things being carried on by native farmers under the guidance of the extension man.

Our next visit was to another township of the same tribe. We did not have an extension worker in that one, but we learned about conditions from the chief and his helpers. They are interested in having an extension worker like the one in the first township. In both of these townships, the big problem is the scarcity of suitable land for farming. Most of it is so steep that the soil soon washes away if all the trees and underbrush are cleared away. Another serious problem is water for producing crops, because this area is one with comparatively light rainfall.

After visiting these two townships, we drove back down to the lowlands and on to Chiayi where we spent the night. The next day we drove through more of the low country, then up into the mountains to the village of Jenai, the headquarters of the township of the same name. The aboriginal people of this area are of the Taiyalu tribe and speak another language. JCRR does not support an extension worker in this township, but has been giving assistance to an agricultural school for aborigines. We spent almost 2 days in this township, discussing problems with the chief and his staff and with the vocational school principal, and visiting villages. I might explain that the aborigines all live in villages, each of which is governed by a village chief. We visited families in their homes and saw their methods of farming. I took many colored pictures. I hope that they turn out all right so that I can show them to you some day. They will tell the story of these mountain people much better than I can do in this letter.

We spent the night in a guesthouse in an isolated area. To get there, we drove for several miles over a narrow, rocky mountain road to a place where we had to leave our jeep station wagon for the night. We then followed a narrow, steep footpath down the side of a gorge with a river far below us. As we went down, the afternoon sun sank behind a mountain to the west of us. After what seemed to me like quite a long time, we came to a suspension bridge across the river. It was a narrow footbridge suspended across the gorge by two wire cables. I was the first to cross. If you have never had the experience of walking over a foaming mountain river on one of these bridges, you don't know what you have missed.

The bridge was about 600 feet long. It was no doubt perfectly safe; but I couldn't keep from wishing that I had never read The Bridge of San Luis Rey. As you may recall that story was about a similar bridge over a river very like this one, but in faraway Peru. One day it collapsed and sent five persons to their deaths. Well, this one did not collapse; but when I got about halfway across, it did a lot of swaying back and forth, and jumping up and down. I looked down at the river, more than 100 feet below me, and decided that the queer feeling in the pit of my stomach might ease up a bit if I would keep my eyes fixed on the mountain on the other side of the stream. Greatly to my relief, and somewhat to my surprise, I arrived at the end of the bridge without any mishap. Later that evening, when one of the men complimented me on not showing any fear when crossing the bridge, I smiled and acted as if I were an old hand at that sort of thing. It is a good thing that he was unable to read my thoughts on the way across.

After a short climb we came to the guesthouse on a level piece of land at the foot of a high mountain. It is located near a hot spring, the water from which runs through a bathroom. After a hot bath and a good supper prepared by the caretaker, who is also the cook, I had a wonderful night's sleep. It was a quiet, peaceful place, far from the honking automobiles, jangling podicab and bicycle bells, and the other street noises of Taipei. Up there at about 6,000 feet the air was comfortably cool. (I can hear some of you in La Paz who read this letter say, "Why, that is almost down to sea level".)

I said that everything was quiet and peaceful there; but it had not always been that way. In my last letter I told about the aborigines resisting the Japanese; and that as late as 1930 the latter were attacking them with field pieces, land mines, and planes. The mountain at the back of the place where the guesthouse now stands was where the Tailayu warriors made their last stand. For 6 months the Japanese were unable to drive them from their jungle-covered stronghold. Only after bombing and strafing them with planes were they able to defeat them. At last, 900 of the survivors surrendered and laid down their arms. Perhaps it would have been better if they had been killed in battle, because the Japanese tied the prisoners hand and foot, beat them, and finally killed everyone of them. No wonder the hatred for their former rulers still burns so strongly in the breasts of the Tailayu people. Near Jenai I was taken to see a memorial to those brave men who held out so long on that mountain. At the back of it is a concrete pit holding the bones of those heroes. I know that they are there, because someone raised the lid so that I could see the bones for myself.

Although some of the tribes were headhunters until comparatively recent times, the Tailayu stopped the practice a long time ago. The story of how that happened is a very interesting one. Back in the days before Japan took Taiwan away from China a magistrate by the name of Wu Feng was the representative of the Imperial Chinese Government in the land of the Tailayu. He held that position for many years. He was so fair and so kind to the primitive mountain people that they came to love as well as respect him. There was one thing they would not do for him, however. They would not give up the practice of making raids into the lowlands for the purpose of bringing back prisoners for use in the head-taking ceremonies.

Wu Feng grew to be an old man, but he was a very discouraged man because he could not get the people to stop their ancient custom. Finally one day he called a meeting of the chiefs of the tribe. He had a plan to present to them. He explained once more that the Emperor in far away Peiping was angry because his people would not give up the practice of head hunting and that they would have to stop it. He said that he knew it was difficult to stop an old custom, so proposed that they take one more head and hold their last ceremony. If they would agree, he said that on the night of the next day, before the moon came up over the mountain, a man dressed in white would approach from the west a certain crossroads not far from a nearby village. They would take the head of that man on condition that it would be the last. The chiefs agreed. Elaborate preparations were made for the head-taking rites.

At the appointed time the next night, a selected group of the chiefs were hidden in the bamboos near the crossroads. In the darkness, a man dressed in white walked slowly down the path from the west. When he reached the designated spot, the hidden men darted out from their hiding places yelling the war cries of their ancestors. One of the chiefs quickly cut off the head of the stranger; and they rushed back with it to the place where the ceremony was to be held. A big feast had been prepared. A huge bonfire had been built on the beach of a lake. Around it were gathered the people of the tribe. There was much rejoicing.

At the appointed time the top chief advanced into the firelight with a head on a pole. The people crowded around him to see it. Then suddenly a hush fell upon the crowd. The merrymaking turned into shocked silence. The head was that of their beloved magistrate Wu. He had given his life to get them to stop their head hunting. It is said that the tribe never took another head.

Whether the story is true in every detail, or whether it is partly legendary, I cannot say. But I do know that a town and township in Chiayi hsien are named for magistrate Wu Feng; and I am told that in many places high up in the mountains, small shrines built to him keep his memory fresh in the minds of the people of the tribe he loved so much.

At the risk of making this letter too long, I must tell one more story about the mountain people. At the first township we visited in the third area, the extension man had invited a group of the tribes people to come in to meet with the new chief of the extension division of JCRR. The meeting place was in a building partly financed by our organization. About 40 men and women were there. Some of them were fairly well dressed in western clothes. Some wore shoes, others were barefooted. Some of the older ones, both men and women, had their faces tattooed. I was called upon to tell about JCRR and what it could do for them and the other members of their tribe. I talked in English; Austin Shu translated it into Mandarin; and the chief, who understood Mandarin, translated it into Tailayu.

After I had finished my talk, I said that I would like for them to tell me about some of their problems, especially those relating to their farms and homes. That part of the meeting was the most interesting to me. The men expressed themselves very freely, and the problems that they presented were very practical ones. Here are some of them; the need to build small reservoirs to impound water during the rains so that it could be used for irrigation during the dry season; the difficulty in clearing away the rocks in order to bring more land into cultivation; the need of producing more compost for fertilizers; the need of better education for their children; insect damage to crops; and frost damage to vegetable crops.

One young fellow presented a problem that to him was very serious. He said that he had been down into the plains country, but the people there looked down upon him because he was an aborigine. He wondered if they would quit doing so if the tribes people would wear better clothes. Another young fellow said that they worked hard, but had no amusements. If they had electricity in the villages, they might have movies like they do in the lowlands. A school principal suggested that they might get small electric generators to be run by waterpower from the mountain streams that are near most villages. One man with tattoo marks on his face said they did not get a good price for their tea because of its poor quality. He said that they needed

small tea processing machinery so that they could put out a product that would bring a better price.

During all this time the women in the crowd had kept quiet. Finally, I asked if any of the ladies present had any problems. It was a very unusual thing for women to attend a meeting of this kind, and an unheard thing for one of them to talk at the meeting. This time, the wife of one of the leading aborigine farmers made history by getting up and presenting two problems and suggesting how they be solved. The first was the fact that all the women worked outdoors, and there was the problem of what to do with the babies and young children. She suggested that each village have a nursery where the mother could leave the youngsters when she went to the field or to the forest. The second was that the women of the tribe did not know much about better methods of cooking, sewing and homemaking. The men had an extension man to show them better ways to farm; and she wondered if the women could have someone to help them with their home problems. When she sat down, a precedent had been set—an aborigine woman had talked at a meeting. Mentally I resolved that before I left Taiwan, we would somewhere, somehow, find a woman with the necessary training and language requirements to serve as home demonstration agent for these tribal women who wanted help and who needed it so much.

I had intended to tell you about the reception given by President and Madam Chiang Kai-shek on May 1, but this letter has become so long, that I shall merely mention the fact that 12 years had passed since I last saw the Generalissimo. His hair has turned white in the meantime, but he appears to be just as spry and active as he was then.

I must draw this letter to a close. Please write.

Sincerely,

BILL.

## TRIBUTE TO SENATOR MORSE FOR LEADERSHIP IN HELLS CANYON FIGHT

Mr. NEUBERGER. Mr. President——

Mr. MANSFIELD. I yield to the Senator from Oregon.

Mr. NEUBERGER. Mr. President, I ask unanimous consent to include in the CONGRESSIONAL RECORD an item from the June, 1957, issue of the interesting newsletter prepared regularly by Representative EDITH S. GREEN, of the Third Oregon District.

This particular item gives credit to the senior Senator from Oregon [Mr. MORSE] for his outstanding leadership in the Hells Canyon fight, and hails as a great tribute to him the passage by the Senate last month of the Hells Canyon high dam bill (S. 555).

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

[From the June 1957 Newsletter by Representative EDITH GREEN, of Oregon]

YOUR CONGRESSWOMAN REPORTS

HELLS CANYON

By now, of course, you know that the Senate passed the bill for a high Hells Canyon Dam by the welcome margin of seven votes. The Senate victory is a great tribute to Senator MORSE, who has so effectively and courageously led this fight for so long against terrific odds.

You know also about the last-minute maneuver of the Idaho Power Co. in sending back—in a dramatic gesture—its fast tax writeoff certificates. New votes were won for the high dam because of these questionable maneuvers. One question raised in the minds of many was: If they send these certificates back on the day of the vote, what is to prevent their getting them back right after the vote? Another question raised was whether officers of the company alone could refuse the fast tax writeoff or whether ultimately it would be forced either by the stockholders or by the Idaho Public Utilities Commission to claim the writeoff.

The fight for the high Hells Canyon Dam now shifts to the House Interior Committee. How fortunate we are to have our own capable Congressman AL ULLMAN, formerly president of National Hells Canyon Association, to take the lead as a member of that committee. He is joined by the fighting GRACIE PFOST of Idaho and LEE METCALF of Montana of Interior Committee. We're betting on them to get the bill over those first tough hurdles—a favorable vote in subcommittee and then full committee. Next hurdle is the Rules Committee—that's even tougher. Then we have a fighting chance on the floor of the House.

If you believe in this, why don't you write your friends and relatives in other States urging them to write to their Representatives. Time is of the essence.

## BAITING RHODE ISLAND WATERS IN ANTICIPATION OF PRESIDENT EISENHOWER'S VISIT

Mr. NEUBERGER. Mr. President——

Mr. MANSFIELD. I yield.

Mr. NEUBERGER. Mr. President, I should like to read to the Senate, if I may, an Associated Press dispatch, as carried on the news ticker. It reads as follows:

NEWPORT, R. I.—The Rhode Island League of Salt Water Anglers is angry because Newport waters are being baited to insure good fishing prospects for President Eisenhower during his vacation visit.

The league, a 3,000-member organization dedicated to the preservation of the State's salt water resources, wired the President today asking him to intervene in the chumming of Newport waters.

The telegram resulted from Newport councilman George W. Lawton's disclosure that minced fish is being scattered in the waters to attract striped bass and bluefish to spots where the President is expected to drop his line.

In the telegram the salt water anglers said "the effect of this baiting action is the loading of commercial traps in the area and causing further slaughter and depletion of game fish in Rhode Island waters."

I should like to add that I am hopeful President Eisenhower himself has no knowledge of the baiting of the waters of Narragansett Bay, in order to make his fishing visit more successful.

All of us who are familiar with the outdoors know that such baiting is unsportsmanlike and contrary to the best conservation practices. I trust that the baiting has been done entirely without the knowledge and approval of the President.

I am extremely hopeful that the President, upon receiving the telegram from the conservationists and sportsmen in the State of Rhode Island, will himself urge that the process and practice stop.

I believe it is significant for us to note, however, that this is not the first time that so-called baiting—I do not use the word in the political sense but, to the contrary, in the wildlife sense—has occurred with respect to this administration. When President Eisenhower took office, the long-time career head of the United States Fish and Wildlife Service, Dr. Albert L. Day, was demoted. His successor—who was not a career servant of the Government but was a political appointee—thereupon was involved in condoning the so-called baiting of duck blinds, to attract waterfowl in the State of California, by very wealthy sportsmen's clubs who were indulging in game shooting in the State of California.

Furthermore, there has been, under this administration, the unsavory opening up of wildlife refuges to indiscriminate and thoroughly unjustified oil drilling; there has been the surrender of national-forest timber, under the guise of mining claims; the construction of commercial reservoirs has been recommended to invade wilderness solitudes and sanctuaries; and great water-power sites have been surrendered for piecemeal exploitation.

So it is my very fervent and earnest hope—and I am sure the hope is justified—that the President of the United States has not authorized this practice in the waters of Narragansett Bay, and that he will use his great influence and prestige to see that it stops.

## APPROVAL BY PRESIDENT OF RECOMMENDATION THAT NORTHWEST AIRLINES FLY THE GREAT CIRCLE ROUTE FROM SEATTLE TO TOKYO

Mr. THYE and several other Senators addressed the Chair.

Mr. MANSFIELD. I yield to the Senator from Minnesota first.

Mr. THYE. Mr. President, I have just received word that the President has approved a recommendation by the Civil Aeronautics Board that Northwest Airlines be granted permanent certification to fly the Great Circle Route from Seattle to Tokyo. This is of major significance to all citizens in the Midwest and upper Northwest regions of the United States.

Northwest Airlines is what we in the Midwest term a local airline. It has its main base of operation at Wold Chamberlain Field in Minneapolis-St. Paul. Northwest has established itself as an integral part of the economic development and growth of the Midwest and upper Northwest. It forms a link for our people between the Middle West, the east coast, the west coast, and the Orient. Its employees are contributing every day to the social and economic growth of the Nation.

The President's decision is a tribute to Northwest Airlines for its pioneering of the Great Circle Route against great odds. Northwest has sought and worked for this permanent certification for many years. It has been off Government subsidy since late in 1954. President Eisenhower's decision is in accord with his previous announcement that permanent certificates would be granted when carriers went off subsidies.

The decision by President Eisenhower is welcome news to those of us who understand its importance to the people of the Middle West.

## SUPPLIES OF ENERGY

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Tennessee.

Mr. KEFAUVER. I suppose all Members of the Senate today received a copy of a little booklet entitled "Future Growth of the Natural Gas Industry," published by the Chase Manhattan Bank. The booklet reprints a study presented to the American Gas Association by Lyon F. Terry, vice president, and John G. Winger, petroleum economist, for the bank.

I find this study to be significant, because of a table appearing on page 8. This table lists the sources of energy supply in the United States, shows the amount supplied in 1946 and in 1956 of each of these sources of energy, and projects the increase for each in 1946.

The table is brief and to the point, and I ask that it be placed in my remarks at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Sources of energy supply in United States*

| | Quadrillion B.t.u. | | | Percent change 1966 from 1956 |
|---|---|---|---|---|
| | 1946 | 1956 | 1966 | |
| Natural gas | 4.1 | 9.9 | 15.6 | +57.6 |
| Coal | 14.5 | 12.0 | 13.8 | +15.0 |
| Waterpower | 1.4 | 1.8 | 1.8 | 0.0 |
| Petroleum | 10.5 | 18.4 | 30.1 | +63.6 |
| Total energy | 30.5 | 42.1 | 61.3 | +45.6 |

Mr. KEFAUVER. What strikes one as significant about that table? Of all the increase in energy, there is none predicted for waterpower; and I dare say the people who prepared this study had good grounds to make that assumption. There will be large percentage increases in natural gas and petroleum, and a smaller one for coal—in other words, large percentage increases in the higher cost fuels, but nothing at all in the low cost source of energy, waterpower.

I recall that when Harry Truman dedicated Hungry Horse Dam in Montana during the 1952 presidential campaign, he told the people to take a good look at it because if Eisenhower were elected they would not see another one.

He was laughed at then, but he has been proven right since.

The bankers, in my opinion, know what they are talking about in this study, unless the Democratic Congress can somehow get this banker-dominated, big business, Eisenhower administration to look again at the great rivers and streams of this Nation which are rolling to the sea with their great store of energy unharnessed.

In this period of great inflation, and ever increasing living costs, we ought to look again at the cheaper supplies of energy.

## TOBACCO PRICE SUPPORTS

Mr. COOPER. Mr. President, I have learned that the Senate Agriculture Committee has acted to postpone indefinitely consideration of S. 2569, introduced last month by the junior Senator from Oregon [Mr. NEUBERGER], and which, if it became law, would remove tobacco from the list of basic agricultural commodities and deprive tobacco of price support.

As I understand, the action of the Senate Agriculture Committee in postponing indefinitely Senator NEUBERGER's bill kills the bill for this session and for the foreseeable future. I never had any doubt that the committee would quickly reject the bill. Nevertheless, I am glad the Agriculture Committee acted so promptly to refuse this discriminatory measure. The bill directly attacked the livelihood of three-quarters of a million farm families—thousands of them in Kentucky. Its net effect would have been nothing less than to reduce the income and reduce the standard of living of farmers who must depend on their tobacco crop as a principal source of their income.

The principal danger of Senator NEUBERGER's bill was that it tended to give currency and publicity to the mistaken notion that tobacco is subsidized, or that the Government "spends million of dollars to underwrite the growing of tobacco."

The truth of the matter is that tobacco is not subsidized. Among all our farm programs, the tobacco program is unique in that it has neither resulted in burdensome Government-owned stocks, nor has it cost the Government or the taxpayers money.

Credit for this remarkable achievement belongs to the hundreds of thousands of tobacco growers who have the sacrifices necessary to keep their program sound, and who have consistently faced up to the realities of the law of supply and demand. Through realistic production controls these farmers have made 90 percent of parity work—as an annual achievement as well as a goal. That program, which farmers operate in cooperation with their Department of Agriculture, gives each tobacco grower a fair share of the market, and a fair price for his product. Its outstanding record of continued success over many years deserves better than uninformed criticism, sniping, or punitive proposals such as S. 2569.

I shall continue to support our tobacco program. I welcome this action of the committee.

## RESTRICTIONS ON VOTING

Mr. CASE of South Dakota. Mr. President, in view of the importance of the subject of voting, I ask unanimous consent that a résumé of restrictions on voting in the several States, which was prepared for me by the Library of Congress, be printed in the RECORD.

There being no objection, the résumé was ordered to be printed in the RECORD, as follows:

RESTRICTIONS ON VOTING

This report is based on State legislation touching on restrictions on voting, including qualifications of voters, registration for voting, categories of persons disqualified, and penalties for offenses connected with these provisions.

Several States whose legislatures have held recent sessions have not yet made available to us the laws enacted at such sessions, and any consequent changes in the election laws made by such recent laws, are therefore not included in this study. Where this is the case, a note to that effect is contained in the introductory statement to the report of that State.

A comparison was made between the provisions of law of the State of Oregon and that of the other States, concerning restrictions on voting, with the following results:

Age: The minimum age for voting in 46 States is 21 years. Georgia and Kentucky allow voting at 18 years.

Citizenship: All States require voter to be a citizen of the United States. However, while most of the States, including Oregon, require that the qualifications for voting be attained by the day of the election for which applicant is registering, the following States require that applicant shall have been a citizen of the United States for at least 90 days prior to the election: California, Minnesota, New York, Utah. Pennsylvania requires United States citizenship at least 1 month before election.

Residence: Eleven States require a residence of 6 months in the State immediately preceding election: Idaho, Indiana, Iowa, Kansas, Maine, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, and Oregon.

Thirty-two States require a residence period of 1 year, immediately preceding the election: Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Kentucky, Maryland, Massachusetts, Missouri, Montana, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

Five States require a residence of 2 years immediately preceding the election: Alabama, Louisiana, Mississippi, Rhode Island (only 1 year is required if person pays a real or personal property tax), South Carolina.

South Dakota is the only State which requires a residence of 5 years in the United States in order to qualify a voter.

Wisconsin allows new residents of the State to vote for presidential and vice presidential electors without the required residence of 1 year, provided that they were qualified voters in another State immediately prior to removal to Wisconsin, or would have been so qualified had they remained there until election, and but for residence would be qualified to vote in Wisconsin.

Literacy: 18 States have some form of literary test: Alabama, Arizona, California, Connecticut, Delaware, Georgia, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, New York, North Carolina, Oklahoma, Oregon, Rhode Island, Washington, Wyoming. In two of these States, Georgia and Louisiana, if a person is illiterate he may still be qualified as a voter if he is a person of good character and understands the duties and obligations of citizenship under a republican form of government. Oregon requires that a voter be able to read and write English. Louisiana also requires that he understand any section of the Constitution which may be read to him and be able to give a reasonable interpretation thereof. South Carolina exempts a voter from literary requirement if he can show that he owns and has paid all taxes collectible during previous year, on property in State assessed at $300 or more. Two of these States, North Carolina and Oklahoma, have what is known as the "grandfather clause" whereby a lineal descendent of an old voter in any State (dates specified) shall not be disqualified because of illiteracy.

Twenty-seven States do not have any literacy requirement: Arkansas, Colorado, Florida, Idaho, Illinois, Indiana, Iowa,

Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, New Jersey, New Mexico, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, West Virginia, and Wisconsin.

Nebraska only requires that applicant for registration sign his name in the register, and Virginia requires that applicant shall make application in his own handwriting, in the presence of the registrar. However, both these States provide a penalty for "deceiving an illiterate elector" (in Nebraska) and for deceiving an elector who cannot read the language in which the ballot is printed or written (in Virginia).

Nevada, by a law of 1953, has inserted on the registration form, a question (No. 8) as to whether or not (a) applicant can read the Constitution in English, (b) can write his name, (c) is entitled to vote by reason of having been an elector, (d) he can mark his ballot (state physical disability, if any). However, the same law makes provision for the registration of electors who are unable to sign their names.

Poll tax: Five States provide for payment of a poll tax as prerequisite to voting: Alabama, Arkansas, Mississippi, Texas, Virginia. Mississippi provides for payment of all taxes legally required of him and which he has had opportunity to pay according to law.

DISQUALIFIED FOR VOTING

Idiots and insane persons: All the States, including Oregon, have provisions disqualifying persons of unsound mind from voting, except Illinois, Indiana, Michigan, New Hampshire, Pennsylvania, Tennessee, and Vermont. In Illinois, the Supreme Court has rendered a decision that the vote of persons non compos mentis, ought not to be received. Indiana has a provision that an oath shall not be administered to insane persons, and since the registration application contains an affidavit, it would appear that such persons could not be registered.

Commission of felony or infamous crime: Forty-one States, including Oregon, provide for disfranchisement for commission of a felony or infamous crime: Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, Wyoming.

Colorado disfranchises persons confined in public prisons, while so confined; and West Virginia disfranchises persons "under conviction" of a felony. Pennsylvania disfranchises for 4 years, persons who were convicted of violating any provision of the election code. Massachusetts disfranchises for 3 years persons convicted of corrupt practices in elections, and Alabama disfranchises such persons permanently.

Paupers: Nine States disfranchise paupers: Delaware, Maine, Massachusetts, New Hampshire, Rhode Island, South Carolina, Texas, Virginia, West Virginia. Missouri and Oklahoma disfranchise persons while in poorhouse or other asylum at public expense. Louisiana disfranchises inmates of charitable institutions except inmates of the soldiers home and United States Marine Hospital.

Dishonorable discharge: Kansas and Louisiana disfranchise persons who received a dishonorable discharge from the Armed Forces of the United States.

Duels: Virginia and Wisconsin disfranchise persons who take any part in a duel.

Subversive activity: Washington disfranchises persons convicted of subversive activities or of membership in a subversive organization after June 1, 1951.

Soldiers: Texas does not allow persons to vote while in the Regular service of the Army or Navy of the United States. This does not apply to persons in the National Guard of Texas at any time.

Oath: Seven States require a loyalty oath: Alabama, Connecticut, Florida, Idaho, Mississippi, North Carolina, Vermont.

Thirty-four States, including Oregon, require an oath that applicant is qualified: Arizona, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

Six States require an oath only in certain cases or merely authorize an oath: Delaware, Maine, New York, North Dakota, South Dakota, Texas. Arkansas has no provision for an oath.

The oath required in Alabama contains a disavowal of belief in or affiliation with an organization which advocates the overthrow of the Federal or State government by unlawful means.

Registration: Registration is not required in four States: Arkansas, North Dakota, Texas, and Vermont.

In the States that require registration, the registration is generally permanent, subject to cancellation in most States, for failure to vote in a 2-year or 4-year period, and must be made in person. Of the States that require registration, most States either exempt armed service voters from registration requirements, or provide for absent registration of such voters. Only four States, which require registration, make no provision for absent registration of military voters: Alabama, Florida, Louisiana, and Virginia.

Registration applications—contents: Although the provisions of some of the States are more detailed than others, all States which require registration provide for questioning of the applicant for registration in such a manner as to elicit information covering the requirements for qualification of voters.

Penalties: Oregon, as most other States, provides penalties for (1) false swearing, (2) impersonation of a voter, (3) voting under fictitious name, (4) voting more than once at the same election, (5) fraudulent registration, (6) illegal voting, either when not qualified or in a precinct other than that in which voter is qualified.

Most stringent: Alabama appears to be one of the States which have the most stringent requirements, requiring 2 years' residence, a literacy test, good character, the payment of a poll tax, a loyalty oath containing a disavowal of affiliation with any group which advocates overthrow of the Federal or State government by unlawful means. It has a system of permanent registration, requiring applicant to appear in person, and makes no provision for absent registration of voters in the armed services. The registration form contains all questions necessary to establish the qualifications of the applicant; and the penalties provided for offenses pertaining to registration and qualification of voters are about the same as in most States, except that Alabama's maximum penalty for such offenses is 5 years' imprisonment, while Oregon sets such maximum at 3 years' imprisonment. Alabama disfranchises, as do most States including Oregon, persons of unsound mind, persons convicted of felony and persons convicted of a crime involving moral turpitude, and also disfranchises persons convicted as tramps or vagrants, and persons convicted of corrupt election offenses.

Most lenient: Vermont appears to be one of the States that has the most lenient requirements. In order to qualify as a voter a person of the required age and residence need but take the freeman's oath that he will vote in the best interests of the State of Vermont. No registration application is required. Absent voters in the Armed Forces may take the freeman's oath outside the United States. No literacy test and no payment of a poll tax is required. The penalties for offenses connected with registration and qualification of voters are lighter in general, being mostly limited to a fine of not more than $100, except for impersonation of a voter or use of a fictitious name, the maximum penalty for which is 1 year's imprisonment, and except for taking a false oath, the penalty for which is imprisonment in the State prison for not more than 15 years, and a fine of not more than $1,000. The only persons disqualified from voting are those convicted of bribery in an election, and the disfranchisement is only for that election.

INDIAN VOTING PRIVILEGES

The Law and Order Division of the Bureau of Indian Affairs reports that Indians have the same voting privileges as whites in all States with the exception of Mississippi.

Mississippi has an exclusion clause, "idiots, * * * Indians not taxed may not vote. (Apparently means land tax or personal property, if they have it).

Utah removed their restriction that Indians living on reservations could not vote in the last meeting of the legislature.

Arizona and New Mexico recently removed their restriction. About 1948 to 1950.

VOTING RIGHTS OF INDIANS ON RESERVATIONS

This memorandum is in reply to your request of October 4, 1956, in behalf of a constituent, for information on the above subject matter.

A person born in the United States to member of an Indian tribe shall be a national and citizen of the United States at birth (8 U. S. C. 1401 (a) (2)). However, when the 14th amendment to the Constitution conferred citizenship upon all persons born or naturalized in the United States, it did not necessarily confer the right of suffrage. The power was left with the States to determine the qualifications of its voters. Thus, for example, a State may establish a literacy test as a prerequisite for voting. (*Guinn* v. *United States* (1915) (238 U. S. 347, 362).)

The exclusion from voting, of Indians on a reservation in certain States, is generally the result of provisions in the State constitutions disqualifying persons not taxed or persons under guardianship, since Indians on reservations are generally considered wards of the Federal Government, and receive certain benefits as such. Since this is not a discrimination against persons because of their race or color, it does not violate the 15th amendment of the United States Constitution.

Most of the States have by now removed restrictions against the enfranchisement of Indians, the last two States to do so recently, Arizona and New Mexico, doing so by court interpretation.

By a decision rendered in 1948 (*Harrison* v. *Laveen* (67 Ariz. 337; 196 p. (2d) 456)) the courts of Arizona have construed the provision of article 7, section 2 of the State constitution, denying the franchise to persons under guardianship, as applicable only to persons whose guardianship has been established by judicial decree and as no longer including Indians living on reservations.

On August 11, 1948, the United States District Court for New Mexico declared unconstitutional the provision of article VII, section 1 of the constitution of New Mexico, which disqualified for voting "Indians not taxed." (*Trujillo* v. *Garley* (Civil File No. 1353 (not reported)).

Although a few States still have provisions in their constitutions and election codes, specifically disqualifying Indians on reservations from voting (Mississippi, North Dakota, and Washington) the present trend in most of the States appears to be, that where Indians are denied the right to vote, this de-

nial is not under circumstances in which non-Indians would be permitted to vote.

The voting rights of Indians on a reservation would depend upon the law of the State in which the reservation is situated.

## WALTER JOHNSON

Mr. DWORSHAK. Mr. President, 50 years ago today Walter Johnson, a 19-year-old youth from Weiser, Idaho, made his debut as a pitcher for the Washington Senators. Johnson literally had burned up the Idaho State League before signing the contract with the Senators. At one time he pitched 75 innings without allowing a run, and had a strikeout record of 15 per game.

Walter Johnson, a legend during his lifetime, is now immortalized in Baseball's Hall of Fame at Cooperstown, N. Y. One of the provisions of Johnson's contract with the Senators which he insisted upon was that he be given a return trip ticket to Idaho in case he failed as a major league pitcher.

The highlights of Johnson's career include the winning of 414 major league games. Over half of these games were won when Washington was a second division team.

He established the alltime major league strikeout record, 3,497.

In 1908 Walter Johnson pitched three shutouts.

At another point in his major league career, he pitched 56 consecutive innings.

Mr. President, I had intended to ask unanimous consent that Shirley Povich's column, "This Morning" from today's Washington Post, reviewing Johnson's exceptional baseball achievements, be printed in the RECORD, but I understand it was placed in the RECORD earlier today by the Senator from Kansas [Mr. CARLSON].

## THE SECRETARY OF THE TREASURY

Mr. MORSE. Mr. President, we in the Senate who follow the activities of our colleagues in the course of their committee work come to have a very high regard for the thoroughness with which they pursue the investigations they are undertaking for the benefit of us all.

We should not forget, however, that in many cases these efforts go largely unreported in the daily press, or if reported, the references are necessarily curtailed for reasons not only of space, but, and more importantly, for reasons that have to do wtih the difficulty of making sound evaluations of the import of statements under the pressure of wire-service deadlines. The events crowd in upon the public as successive waves move up on the beach, each with its white boiling crest of controversy, to be succeeded by another foaming, curling, rushing mass of turbulent waters. In such cases, Mr. President, it is very helpful to the public in their understanding and interpretation of the significance of the longer-range ebb and flow of the tides and currents of affairs to have published from time to time the background articles that through selection and emphasis lay bare the underlying story, that through analysis permit a better understanding of what has happened and that which is happening.

Such an article is one which may be found in the August 8, 1957, issue of the Reporter magazine. It was written by Mr. Sidney Hyman, and is entitled "George M. Humphrey Had a Great Fall." It is not an unkind article, but it is a frank and devastating one. Because of its honesty, and because it details in such an admirable manner the brilliant work of many of our Senatorial colleagues, who in this instance, as in so many, deserve the highest praise, I ask unanimous consent, Mr. President, that this article be printed in the body of the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GEORGE M. HUMPHREY HAD A GREAT FALL

(By Sidney Hyman)

During Mr. Eisenhower's first term, Secretary of the Treasury George M. Humphrey was often called "the strong man" of the administration—the source of the "Yes" or "No" by which the President would decide many crucial questions whether foreign or domestic. This role, it has been explained, was prearranged. Mr. Humphrey agreed to a place in the Cabinet only on condition that he would be heard in any matter bearing a dollar sign—which meant almost everything.

In the early years, Mr. Humphrey's Republican friends could be expected to embroider the legends about the good use to which he put his power as the President's favorite privy councilor. After all, as the first Republican Secretary of the Treasury in 20 years he held the Cabinet position that had most concerned them while the Democrats were in power. And it was all too natural for them to exalt Mr. Humphrey's reputation outside the Cabinet in order to enlarge his influence within it. Yet the striking fact was that even the professional Democrats spoke well of him. He was "an A–1 executive," "intelligent," "sincere," and, above all, a man "who knows exactly where he stands and lets you know it."

Of course—so the Democrats would conclude—we've got to be against Humphrey. Politics, you know. But he was still the one bright spot in the administration.

Over the years Mr. Humphrey's personal qualities seemed as solid as ever. He remained very much a town and country man—urbane, wryly humorous, muscular, masterful. The effect, in composite, had a "Here I am and here I stand" aura of great appeal.

AN ERRATIC COURSE

But if this was the man, the Secretary of the Treasury, representing a sum total of legal powers and responsibilities, was something else again. Here the passing years unveiled a Cabinet, official with a marked tendency to zigzag.

Item: In his view, the people who shook confidence—the prophets of gloom and doom—were guilty of original sin. Yet, somehow it was not the sin of shaking confidence but a great public service when he himself spoke about a depression that will curl your hair.

Item: There was a time when he was eloquent with proof that the 1953–54 recession didn't exist: All talk about it was just politics. Yet later on he led the chorus of praise for his having cured something whose presence he had previously denied.

Item: He often talked about the mess in Washington and about the need to halt the policy of drift. Yet he himself committed a breach of executive discipline, responsibility, and loyalty almost without precedent for an incumbent Secretary of the Treasury. His invitation to the Congress to make war on the President's budget made him the precipitating agent for that great mess and that windstorm drift known as the battle of the budget.

Item: The motto he brought from Cleveland in January 1953, was "Never complain, never explain." Yet every ray of sunshine was due to sound management, and when the rains came, it was all because of the natural laws of supply and demand in the market.

Given the central role he has been playing, "When George talks, we all listen," said President Eisenhower in a springtime burst of enthusiasm for the team, Mr. Humphery's retirement to private life is an event of great importance. In the turn of events, its importance has been doubly underscored by the nature of his two last acts as Secretary of the Treasury.

To state them in the reverse order, his last act (July 22–24) involved him in a $23.9 billion refinancing of the Federal debt—one of the largest operations of the kind on record. But more important, the interest rates offered by the Treasury in the refinancing are not only higher than those on the securities they replace; the new rates—3⅝ percent on a 4-month certificate, 4 percent on a 1-year certificate, and 4 percent on a 4-year note that can be redeemed in 2—are the highest the Government has offered since the bank holiday of 1933.

For reasons that need not be detailed, it will be some time before the results of the operation can be judged accurately. It is enough to say here that success or failure will depend on the response of banks and nonbank corporations that now hold the major share of about $9 billion in maturing securities; more particularly, it will depend on whether they demand cash or accept the new securities in trade, and whether they prefer the short-term or the long-term issues.

Yet these details, when determined, will have far-reaching significance . Is the Treasury itself by conscious intent the architect of the higher interest rates it has to pay for money? Or in setting its rates is it merely following the market? Is the higher interest-rate cost to the Government of a tight-money policy more than offset by the checkmate such a policy gives to inflationary pressures? Or has such a policy served only to inflate what needs curbing while deflating what needs buoying up?

On the assumption that there is inflation, is it a nationwide situation in which demand for goods and services exceeds the available supply, including the supply of money? Or is the inflation an arbitrary one, limited to industries that are in a position to outbid anyone else for money or to fix their own prices? And with respect to these price increases, are they, in the case of basic industries, due to wage increases extorted by entrenched union labor without regard to labor productivity? Or are the wage increases being used by the industries as a propaganda device by which labor is blamed for industry price increases unrelated in motive to any labor factors?

THE VALEDICTORY

As these questions give form and focus to the controversy over the Treasury's $23.9 billion refinancing, they also give form and focus to the second of Mr. Humphrey's parting acts, second in the order here but first in the order of actual occurrence.

This was his testimony as the first witness in the Senate Finance Committee's investigation of the financial condition of the United States. (The investigation was begun on June 18 and was suspended on July 13 so that the next scheduled witness, Under Secretary of the Treasury W. Randolph Burgess, the technical manager of the public debt, could give his undivided attention to the $23.9 billion refinancing operation.)

Mr. Humphrey's 14-day testimony was meant to be wide ranging, for this was his valedictory as the embodiment of General Eisenhower's 1952 campaign promise "to bring into Government the best kind of business management that the business brains of the country can provide." Yet it was even more than that. It was the inventory of the legacy he leaves to Robert B. Anderson, his successor as head of the Treasury. It was his parting gift to the polemical cause of the Republican Party in the impending 1958 Congressional elections. And as things turned out, it was also a painful and sorry revelation, even for his one-time Wall Street admirers.

He began bravely enough. "The record of our accomplishments in the past 4 years * * * is a record of a prospering America with new high levels of employment, rising income, and increasing purchasing power." It is also a record of "increased leisure * * * unequaled investment * * * the growth of the supply of goods * * * the return to free markets * * *" and to "individual freedom of choice." Behold. "We first reduced and then entirely eliminated planned deficits * * * balanced the budget * * * reduced Federal expenditures * * * reduced the public debt * * * reduced the floating debt * * * shifted some of the debt away from the banks * * * created a more favorable climate for enterprise."

Then the questioners began to zero in. To be sure, he stood up to them as an intelligent millionaire should: quick in doing sums in his head, quick to detect a misplaced decimal point, self-depreciating in small details, ready to exchange half-humorous sallies, always reasonable—up to a point. Up to the point where the dialectic through which he had been led plainly pointed to a conclusion the opposite of the one he wanted to hold or felt he had to hold. At that point, he retreated into a half-muttered "I've dealt with that question before," or "You are asking some rather technical questions here which I think should be answered by the technicians rather than myself."

The supreme example of this came early in the hearing. Senator ROBERT KERR, Democrat, of Oklahoma, had asked Secretary Humphrey the key question: To what did he attribute the inflationary rise in prices that the Secretary himself had admitted? (The current rise stands at 4.6 percent above the level a year ago.)

"The reason these inflationary pressures are upon us now," said Mr. Humphrey as he laid down his basic doctrinal line, "is because of the great prosperity which the country is enjoying at the present time. It is the demand for building, it is the demand for goods, it is the demand for all sorts of things that are exceeding supply, and that is what is putting the pressures, the inflationary pressures, on us today."

"Well," said Senator KERR, "would the Secretary indicate what goods in fact were in short supply?" He noticed, for example, that the steel industry was only operating at 86 percent of capacity. In rejoinder to KERR's challenge, Mr. Humphrey cited the shortage of oil-line pipe.

Senator KERR. "You said that this inflation was caused by a bigger demand than productive capacity could supply."

Secretary HUMPHREY. "That is right."

Senator KERR. "And the only one you have told me so far was line pipe."

Secretary HUMPHREY. "That is right."

Senator KERR. "What others?"

Secretary HUMPHREY. "I will get you a list."

Senator KERR. "Do you know of any other Mr. Secretary?"

Secretary HUMPHREY. "I will get you a list."

Senator KERR. "Do you know of any other?"

Secretary HUMPHREY. "I will get you a list."

Senator KERR. "Do you know of any other at this moment?"

Secretary Humphrey. "I will bring a list which will have the statistics to back it up."

And so on for a total of 22 exchanges that ended with Humphrey still promising to cite other items in short supply.

Here was the nub of the argument: What kind of inflation were we in? Two days before the issue was joined on this point, Senator HARRY F. BYRD, Democrat, Virginia, chairman of the committee, had raked Secretary Humphrey fore and aft about different matters. Yet although this was humanly interesting as an attack from the right, BYRD's fire was aimed only at the secondary targets Humphrey had left exposed.

### RAKED FORE AND AFT

Yes; the budget was in balance but only by a hair wrapped around accounting gimmicks. Federal spending had been reduced but it was still at the highest peacetime level in American history. Yes; a few billion dollars had been paid on the national debt, but taking the 4 years as a whole, the aggregate size of the debt had increased to a point where it was pressing hard against the statutory limit. Yes; there had been some tax reductions back in 1954, but in the main those taxes were a result of the Korean war and were due to expire automatically at a stated time. Nor were there any prospects for a really new and meaningful tax cut in sight.

As for the Treasury's claim that it shifted the debt structure from a basis of short-term vulnerability requiring constant refinancing to a long-term basis, the very opposite occurred. The short-term proportion of the public debt has increased since 1953, while the long-term proportion has decreased. Moreover, the two memorable efforts by the Treasury to refinance the debt by means of long-term issues had led to grim results.

The first, issued shortly after the Eisenhower administration came into office, bore a radical and arbitrary increase in interest rates—on the theory that the Nation was in a dangerous inflationary situation that needed curbing by monetary restraints. In point of fact, despite the Korean war prices had been relatively stable from December 1951 to March 1953. Thus, by undertaking to curb a nonexistent inflation, all the initial long-term high-rate issue did was to soak up so much capital as to create a near panic in the money markets, followed by the recession of 1953–54. As for the second long-term issue of significance—the one issued in May 1957—it was subscribed to by only 72 percent, and was pronounced a distinct flop in financial circles. Indeed, in describing the general operations of the Treasury during the spring and early summer of this year, the Wall Street Journal used a reminiscent phrase: "the mess in the Treasury."

### ARE WE OR AREN'T WE?

Yet all this, to repeat, was of secondary importance. The main issue was inflation—not whether it is good or bad in principle but simply what kind of inflation are we in?

If it corresponds to Secretary Humphrey's version—namely, a great and uniform expansion in the economy in which demand for goods and services everywhere exceeds supply (including the supply of money)—then the administration's across-the-board hard-money policy as an instrument of control is both defensible and supportable. For to accept the fact of creeping inflation as the price of full employment and full production is to accept the fact that many millions of elderly or disabled Americans who live on fixed pensions and annuities will be pauperized. It also means that additional millions who work on low and inflexible salaries will have their standard of living sharply reduced. In the circumstances, strict monetary controls on credit expansion are far less onerous than the two alternative anti-inflationary devices—direct controls on wages and prices or deliberately induced unemployment to check rising costs.

But there is impressive testimony from many quarters that the kind of inflation we now have is not the kind Mr. Humphrey talks about, the kind that might have justified the whole of his hard-money policy.

At the turn of the year, in a scathing attack on the administration's conduct of monetary and fiscal policies, the highly respected Business Week stated flatly: "We are not in the midst of a runaway inflation or even on the edge of one." This publication cannot be accused of anti-Republican bias. It is edited by Elliott V. Bell, a major figure in the entourage of former Gov. Thomas E. Dewey, and a leader in the internationalist wing of the Republican Party.

In antiadministration circles, meanwhile, ROBERT KERR, RUSSELL LONG, CLINTON ANDERSON, and ALBERT GORE—four Democrats on the Senate Finance Committee—have also been questioning the Humphrey views on inflation.

In the case of the four Democrats, many of their facts are traceable to Leon Keyserling, who was Chairman of the Council of Economic Advisers under Truman. In early April of 1957, Keyserling in the course of testifying before the Senate Finance Committee against an increase in interest rates on savings bonds launched an all-out assault on the administration's hard-money policy.

Stripped to the essentials, here are his facts:

1. In an economy that must keep expanding merely to stand still, our annual average growth rate had declined by the end of 1956 to less than half of what it was in 1947–53.

2. This slowdown in turn increased the deficiencies in total potential production from an annual average rate of $5 billion in 1947–53 to an annual rate of more than $21 billion in the fourth quarter of 1956.

3. Unemployment for the first quarter of 1957, standing at 6.4 percent of the civilian labor force, was more than 40 percent higher than it was in 1953.

4. After taxes, the ratio of small-business profit rates to big-business profit rates had dropped (by 1955) to 50 percent.

5. For the period of 1953–56 as a whole, dividends increased at an average annual rate of 6.6 percent, and personal interest income increased at an average annual rate of 6.8 percent. But labor income increased at an average annual rate of only 3.2 percent; small business and professional income increased at an average annual rate of only 2.3 percent; and net farm operators' income declined at an average annual rate of 5.4 percent.

6. While investment in heavy machinery and durable equipment grew by about 12.7 percent from 1955 to 1956 and investment in new construction (other than housing) grew by about 6 percent, consumption grew by only 1.6 percent.

Nor was this all. In the first 4 years of the Eisenhower Presidency, the total debt structure of the United States—Federal, State, local, corporate, and private—increased $200 billion to a total of $793 billion, or about 33 percent higher than it was in 1953. And the annual interest being paid on this total debt is about $3.3 billion higher than it would be if the 1952 interest rates had been maintained.

These facts portray not a booming economy but one that is slowing down generally—an economy in which an arbitrary hard-money policy is wrongheaded. It is wrongheaded because it comes at a time when there is an underutilization of capacities instead of an excessive demand for them, and because it merely transfers income from the people who borrow money and need money most to the people who have money to lend and thus have less need for supplemented income. It is wrongheaded because it has failed to curb industries like steel from shoving prices upward

in order to reap profits that can pay for plant expansion even before the plant is built.

The only thing the indiscriminate application of the hard-money policy has curbed is investment in inventory financing and general operations by small business. It has raised interest on the money cities and States borrow, and thus increased the costs of building such things as schools. It has raised the interest cost severely on the very frequent refinancing that the farmer has had to do. It has tremendously increased costs on homeownership and home construction. And, finally, in various combinations of the foregoing facts lies the real reason why people of small means are cashing in their savings bonds at a rate in excess of what they are buying. It is not because they want to take advantage of better interest rates offered elsewhere. They are cashing them in because they need the money to help meet their current living costs, which have been rising steadily for a year.

AN ECONOMY IN DISARRAY

The echo of these Keyserling arguments provides the common element of what Senators KERR, LONG, ANDERSON, and GORE had to say to Secretary Humphrey. What they added was drawn from the whole climate of the Eisenhower administration. Its special incentives to business, its fast tax write-offs, its giveaways, its Hoover Commission reports, its dismantling of vital Government-sponsored programs, its packing of the regulatory commissions—all these have created a psychological state of mind among the great captains of industry that now is the time to get in there, grab, and get out; that now is the time to divert from the consuming power of the Nation the funds that can go into the durable capital goods where the captains have their equities.

The great captains of whom George Humphrey is certainly one, have yet to observe the axiom that mass production requires mass consumption, and that mass consumption requires effective mass purchasing power to absorb the output of mass production; if the elements of this equation are out of kilter, the whole economy goes out of kilter. It is that kind of economy in disarray which Secretary of the Treasury George M. Humphrey leaves to his successor.

In the world of big business, Mr. Humphrey's views will continue to command respectful attention. But in more sophisticated financial circles, his valedictory was read as a confession of failure.

## THE CIVIL-RIGHTS BILL

Mr. MORSE. Mr. President, I was very much interested in the enthusiastic statement of the majority leader expressing his approval of the pending legislation. As everybody knows, I have the greatest of respect for the majority leader and for the sincerity of his views. As I have told him privately, I now tell him publicly: I have the highest regard for the great leadership and generalship he has exercised in putting the civil-rights bill through the Senate to its present position—a horizontal one in the coffin it now occupies.

I disagree with my majority leader on the nature of the bill. I consider it a corpse. I was ready, Mr. President, to hear the funeral sermons and eulogies over its dead body tonight. I think it is a mistake to wait over the weekend for the funeral because the odor of the corpse is going to be pretty strong on Monday. This corpse already stinks, Mr. President.

I think this so-called civil-rights bill shows that civil rights for the time being for millions of colored people are dead, so far as effective protection of their right to vote is concerned. If I vote for the bill Monday, in the Senate session devoted to the bill's funeral services, or whenever the final ritual is held, it will only be out of respect for the memory of the title of the bill "Civil Rights." I shall vote for it hoping someday there really will be a resurrection of civil rights in the United States through the passage of a true civil-rights bill that will implement the 14th and 15th amendments.

## COMPLIMENTARY REFERENCES TO DEBATE ON CIVIL-RIGHTS BILL

Mr. MANSFIELD. Mr. President, we have just witnessed the end of a great debate. I think the past 4 weeks will prove to be historic in the annals of this country. I think the Senate has earned a vote of thanks for reasonableness, consideration, tolerance, and understanding. It has, collectively, exhibited a high sense of statesmanship.

There are many Senators who could be picked out for special praise.

First, I might mention the Senator from Wyoming [Mr. O'MAHONEY], the latest of a great line of constitutional lawyers, starting with Senator Walsh of Montana, and continuing with Senator Borah of Idaho, and Senator Norris of Nebraska. The Senator from Wyoming was the contemporary of those great men. He has upheld the tradition of the jury-trial system in this country, and the seeds which he has nourished in this particular garden will live long after all of us in this Chamber are gone.

The Senator from Wyoming was aided tremendously by the distinguished Senator from Tennessee [Mr. KEFAUVER], and also by the outstanding young Senator from Idaho [Mr. CHURCH]. Several other Senators, in opposition, also contributed brilliantly, such as the Senator from Illinois [Mr. DOUGLAS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Michigan [Mr. MCNAMARA], the Senator from Pennsylvania [Mr. CLARK], and other Senators who were well versed and capable of taking care of themselves during the debate.

Mention must also be made of the Senator from New York [Mr. JAVITS], and the Senator from New Jersey [Mr. CASE], both of whom fought for their cause with all the weapons at their command.

Certainly by no means the least important is our distinguished minority leader, the Senator from California [Mr. KNOWLAND], who contributed a great deal to the debate. His integrity, his consideration, and his ability were outstanding.

Also important were the Senator from Georgia [Mr. RUSSELL]; the present occupant of the Chair, the Senator from Florida [Mr. HOLLAND]; and other Senators who contributed of their tremendous knowledge and energies.

We must not fail to mention the distinguished Senator from North Carolina [Mr. ERVIN] who was on the floor constantly and who was prepared and willing to answer all questions and all arguments raised.

Mr. President, there were 95 Senators who indicated an active interest in this proposal. The great majority of them participated in one way or another.

Mr. President, there was no filibuster, as everybody anticipated. There was an air of reason, an air of understanding, an air of tolerance and a desire to complete a task, once started.

Regardless of what anyone may say, the bill which the Senate has now brought up to its third reading is a better bill and a stronger bill than when it came from the House.

I think also the representatives of the press, radio, and TV of this Nation are entitled to a great deal of credit for their comprehensive coverage, and for the knowledge which they achieved as to what was contained within the bill, and which they so freely gave to the public of the Nation. I think they accomplished a real and distinct service, and they typified in the best sense of the term the meaning of the fourth estate.

Mr. President, I would be remiss in my duty if I did not mention our distinguished majority leader, the Senator from Texas [Mr. JOHNSON] who was able to bring the various elements on both sides of the aisle together to finally bring forth a reasonable bill, a bill which everyone can live with, and a bill which everyone can understand.

So in the last hours of the debate, Mr. President, I wish to take this means of adding my words of praise for all the Members of the Senate—those for the bill and those against the bill—who have contributed so much to the solution. For the first time, this body has brought a civil rights bill to a third reading, and in my opinion great history has been made in the last 4 weeks of the debate.

The Senate collectively and all Senators individually have distinguished themselves. Once again, this body has proved to the country the importance of a forum where free, open, and unlimited debate can be used to discuss, to analyze and, finally, to decide.

## THE CIVIL-RIGHTS BILL

Mr. NEUBERGER. Mr. President, because there have been some observations made on the floor of the Senate this afternoon with respect to the civil-rights bill, which has now reached a third reading, I should like to add a few brief contributions to the discussion. I think the participation which I have had in the various yea and nay votes will indicate that I am to some degree disappointed by what has happened. I personally feel that the bill, as it came from the House, has been weakened by the addition of the jury trial amendment and by the elimination of part III.

To me the granting of civil rights is the most important obligation of a Member of this legislative body. That is one reason why I have valued the opportunity to serve as chairman of the Indian Affairs Subcommittee, because we are concerned in our consideration there not with protection of the civil rights of racial groups, but of the civil rights of the oldest minority of all, the

descendants of the original inhabitants and owners of this North American Continent.

Both my wife and I in the Oregon State Legislature were active in bringing about the adoption there of fair employment practices legislation and State legislation to assure the equal access to public accommodations of people of all races, creeds, religions and colors.

However, I feel that it is the obligation of a person who is dedicated to a cause to support any advance or any gain which is made toward an ultimate goal. It is my thought that as mankind struggles upward toward a better, brighter day, those who seek the sunlight do not always get so close at each step as they had originally hoped.

The civil-rights bill is not all I had hoped for. It is not all that some of my colleagues had hoped for. But I feel that it is a gain. It is an advance. Therefore I wish to state for the RECORD that it is my intention next week to vote for passage of the bill when it comes before the Senate on a yea-and-nay vote.

Mr. MANSFIELD. Mr. President, the Senator from Oregon [Mr. NEUBERGER] and his colleague [Mr. MORSE] certainly are men of great integrity, understanding, and tolerance. No one could have worked harder than they did in behalf of the measure as it came over from the House to the Senate. I rank them with other Senators in the forefront because of their unrelenting, unstinting efforts to carry forward the kind of program in which they believed so completely and so honestly.

Mr. NEUBERGER. The Senator from Montana is very kind in his remarks.

Mr. ERVIN. Mr. President, I wish to thank the able and distinguished junior Senator from Montana for his generous remarks concerning myself, and to say that I think it is impossible to appraise at its full value the great service which the able and distinguished junior Senator from Montana, as assistant to the majority leader, has rendered to the Senate since he was elected to that position.

I do not know anyone who has contributed more sanity, more wisdom, more tact, more toleration, and more fidelity to the ultimate interests of his country in his senatorial service than has the junior Senator from Montana.

Mr. MANSFIELD. I thank the Senator from North Carolina.

Mr. JOHNSON of Texas. Mr. President, I thank the Senator from Montana for his very generous references to me. Except for those references, I wish to associate myself with everything he had to say about my colleagues on both sides of the aisle.

I think the RECORD should show that a great contribution was made by the distinguished Democratic whip, the junior Senator from Montana. Day after day and night after night he worked with men of differing views. He worked diligently and effectively. No one is entitled to more credit for the achievement of the Senate than is the junior Senator from Montana.

Mr. MANSFIELD. I thank the Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that House bill 6127, the civil-rights bill, be reprinted, showing all Senate amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FEDERAL ELECTIONS ACT OF 1957—REPORT OF A COMMITTEE (S. REPT. NO. 792)

Mr. HAYDEN. Mr. President, from the Committee on Rules and Administration, I submit a report, together with the individual views of the Senator from Georgia [Mr. TALMADGE] and the Senator from Nebraska [Mr. CURTIS], to accompany the bill (S. 2150) to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes, which was reported on July 3, 1957. I ask that the report, together with the individual views, may be printed.

The PRESIDING OFFICER (Mr. HOLLAND) in the chair. The report will be received and printed, as requested by the Senator from Arizona.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, August 2, 1957, he presented to the President of the United States the enrolled bill (S. 2504) to amend and extend the Small Business Act of 1953, as amended.

## RECESS TO MONDAY

Mr. JOHNSON of Texas. Mr. President, pursuant to the order previously entered, I move that the Senate stand in recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 34 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until Monday, August 5, 1957, at 12 o'clock meridian.

## NOMINATIONS

Executive nominations received by the Senate August 2 (legislative day of July 8), 1957:

### COAST AND GEODETIC SURVEY

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the Coast and Geodetic Survey:

*To be captain*

| | |
|---|---|
| A. Newton Stewart | Robert A. Earle |
| Max G. Ricketts | Harry F. Garber |
| Clarence A. George | Karl B. Jeffers |

### POSTMASTERS

#### ALABAMA

William J. Dobson, Tuscumbia, Ala., in place of H. G. Sockwell, removed.

Hughie J. McInnish, Union Springs, Ala., in place of F. W. Rainer, retired.

#### ARIZONA

Ruth M. Despain, Bagdad, Ariz., in place of J. S. Story, resigned.

Opal V. Chambers, Cashion, Ariz., in place of A. D. Zihlman, retired.

#### ARKANSAS

Bart M. Price, Cove, Ark., in place of J. C. Allen, retired.

Elbert R. Upshaw, Turrell, Ark., in place of D. H. Stalls, deceased.

Lewis A. J. Booth, Williford, Ark., in place of L. D. Kerr, transferred.

#### CALIFORNIA

Jay C. Andes, Biggs, Calif., in place of A. L. Fenton, retired.

Alfred E. Rider, Burney, Calif., in place of Salve Bue, retired.

Eldrude E. Case, Butte City, Calif., in place of L. G. Squire, retired.

Marguerite I. Wilson, Dutch Flat, Calif., in place of E. B. Quinn, retired.

Richard L. Bernard, Gonzales, Calif., in place of W. R. Bernard, retired.

Evelyn O. Pedroia, Monte Rio, Calif., in place of O. W. Richardson, resigned.

#### COLORADO

Ben H. Cox, Springfield, Colo., in place of L. Y. Cook, transferred.

#### CONNECTICUT

John Shanaghan, East Haddam, Conn., in place of R. M. Smith, retired.

Raffaele A. DePanfilis, South Norwalk, Conn., in place of T. P. Horan, deceased.

Helen L. Clough, Tolland, Conn., in place of B. M. Place, retired.

Dorothy B. Tuller, West Simsbury, Conn., in place of J. E. Scheidel, transferred.

#### FLORIDA

Helen N. Kelly, Fort Walton Beach, Fla., in place of H. T. Stewart, resigned.

Charles H. Watson, Homosassa Springs, Fla., in place of M. V. Lindsey, deceased.

Carl David Lippincott, Jr., Zephyrhills, Fla., in place of L. D. Gall, retired.

#### GEORGIA

Martha W. Sanders, Jeffersonville, Ga., in place of Ralph Smith, removed.

Mittie F. Jones, Lavonia, Ga., in place of P. R. Bradford, deceased.

William Avery Bryant, Lexington, Ga., in place of E. S. Maxwell, retired.

Dennis R. DeLoach, Statesboro, Ga., in place of A. C. Turner, retired.

Bertha C. Taylor, Tallulah Falls, Ga., in place of Calvo Lee, removed.

#### ILLINOIS

William T. Keenan, Alexander, Ill., in place of F. W. Neal, deceased.

Emil Serpe, Algonquin, Ill., in place of M. W. Struwing, removed.

Carl M. Crowder, Bethany, Ill., in place of W. A. Goetz, resigned.

William C. Newton, Golconda, Ill., in place of M. W. Volle, resigned.

Anthony J. Zucco, Mount Zion, Ill., in place of A. M. Tate, retired.

Roy George Fraser, Roxana, Ill., in place of M. E. Schnell, removed.

Dwight S. Leverton, Winslow, Ill., in place of B. E. Reck, retired.

Cyril L. Chaon, West Brooklyn, Ill., in place of J. H. Michel, retired.

#### INDIANA

Lela E. Neptune, Brooklyn, Ind., in place of M. G. Rothrock, deceased.

Leonard E. Taylor, Fairland, Ind., in place of DeAnvie Griner, retired.

Virgil R. McVay, Fortville, Ind., in place of Q. J. Van Laningham, resigned.

John S. Solomon, Manilla, Ind., in place of M. F. Woods, deceased.

Orlyn J. Clawson, San Pierre, Ind., in place of P. A. Tannehill, retired.

Max E. Martin, Windfall, Ind., in place of F. M. Plummer, transferred.

#### IOWA

Francis Darwin Smith, Cleghorn, Iowa, in place of R. M. Brooks, retired.

Joseph E. Link, Farley, Iowa, in place of E. P. Kelly, removed.

Kenneth D. Cunningham, Rippey, Iowa, in place of H. E. Munson, retired.

Richard A. Chancellor, Saint Ansgar, Iowa, in place of C. E. Miller, deceased.

LeRoy E. Larson, Saint Olaf, Iowa, in place of Ervey Elvers, resigned.

Ross G. Hauser, Union, Iowa, in place of A. J. Tisdale, retired.

KANSAS

Velma M. Peters, Lorraine, Kans., in place of G. H. Diggs, retired.

James W. Brown, Strong City, Kans., in place of H. B. Iliff, deceased.

KENTUCKY

Shirley H. Ashby, Auburn, Ky., in place of J. R. Wilson, resigned.

William T. Brooks, Jr., Buffalo, Ky., in place of M. E. Chaudoin, retired.

Glenn House, East Bernstadt, Ky., in place of Ernest Muster, retired.

Eleanor R. Millis, Russell, Ky., in place of E. C. Williams, resigned.

Walton W. Buckman, Simpsonville, Ky., in place of R. A. McDowell, retired.

LOUISIANA

Clarence A. Rousse, Sr., Buras, La., in place of Bernard Buras, removed.

James E. Fogleman, Morrow, La., in place of J. E. Hicks, resigned.

MARYLAND

Reginald E. Wolfe, Freeland, Md., in place of H. T. Robinson, retired.

MASSACHUSETTS

John S. Conway, Nantucket, Mass., in place of F. L. Hardy, removed.

Dorthy E. Strong, Stow, Mass., in place of F. L. Strong, deceased.

MICHIGAN

Dualne E. Murphy, Eagle, Mich., in place of R. E. Van Driesen, removed.

Charles H. Pratt, Flint, Mich, in place of W. O. Kelly, resigned.

Benjamin E. Voorhees, Jr., Midland, Mich., in place of B. F. Bailey, resigned.

Leon B. Crofoot, Mikado, Mich., in place of Mamie Deford, resigned.

Roy J. Murray, Port Huron, Mich., in place of R. J. McIntosh, resigned.

Merle Jean Fester, Riverside, Mich., in place of Lester Kittell, retired.

Eugenie A. Westhauser, Sawyer, Mich., in place of E. O. Samuelson, retired.

MINNESOTA

Gustav A. Marohn, Annandale, Minn., in place of H. S. Heasley, retired.

William A. Larson, Crookston, Minn., in place of O. G. Brustad, retired.

Bertha H. Swenson, Dawson, Minn., in place of P. M. Swenson, deceased.

Standley F. Drips, Rochester, Minn., in place of G. B. Burbach, retired.

Vernon R. Flint, St. Charles, Minn., in place of E. E. Watson, resigned.

MISSISSIPPI

Henry W. Jones, Brandon, Miss., in place of O. L. Stubblefield, retired.

John H. Hobdy, Waynesboro, Miss., in place of A. F. Holcomb, deceased.

MISSOURI

Otto W. Buescher, Columbia, Mo., in place of A. W. Sapp, removed.

NEBRASKA

John H. Dueker, Bayard, Nebr., in place of J. E. Hunt, removed.

NEW HAMPSHIRE

Herbert N. Smith, Mount Sunapee, N. H., in place of M. B. Perkins, retired.

Winburn T. Dudley, Union, N. H., in place of J. A. Reed, retired.

NEW MEXICO

William D. Reams, Silver City, N. Mex., in place of J. L. Turner, resigned.

NEW YORK

Alton G. Snyder, Atlanta, N. Y., in place of A. J. Webber, retired.

Alden Francis Matt, Canajoharie, N. Y., in place of Warren Scott, retired.

Robert J. Gardner, Croghan, N. Y., in place of E. A. Andre, deceased.

Francis B. Crowley, East Rockaway, N. Y., in place of P. E. Carrigan, deceased.

Francis W. Robinson, Fort Edward, N. Y., in place of E. J. Blackall, deceased.

Harold E. Coyne, Remsen, N. Y., in place of Roy Bryant, retired.

Dorothy E. Forsman, Rhinecliff, N. Y., in place of L. C. Trowbridge, retired.

Margaret M. Cutler, Upper Jay, N. Y., in place of D. A. Roberts, resigned.

Harry C. Hager, Watertown, N. Y., in place of W. L. Farley, removed.

Charles J. Ryemiller, Jr., West Sand Lake, N. Y., in place of C. J. Ryemiller, deceased.

Howard V. Galer, Worcester, N. Y., in place of G. M. Allen, retired.

Dalton H. Newton, Yorkshire, N. Y., in place of M. P. Sampson, retired.

NORTH CAROLINA

Thaddeus H. Pope, Dunn, N. C., in place of Ralph Wade, retired.

Carroll Owen Jenkins, Robbinsville, N. C., in place of W. G. Carver, removed.

NORTH DAKOTA

Gertrude E. Anderson, Epping, N. Dak., in place of E. L. Pretzer, resigned.

OHIO

Robert C. Anderson, Clarksburg, Ohio, in place of C. H. Steinhauser, resigned.

Fern L. Graver, Lindsey, Ohio, in place of C. E. Hesselbart, retired.

Ned J. Reynolds, Sterling, Ohio, in place of W. A. Barnhart, retired.

Hoyt G. Whitney, Sunbury, Ohio, in place of Carroll Williamson, retired.

Vera Gail Slater, The Plains, Ohio, in place of L. V. Topton, retired.

OKLAHOMA

John W. Henderson, Tulsa, Okla., in place of G. L. Watkins, retired.

George L. Wood, Union, Okla., in place of M. K. Richardson, deceased.

PENNSYLVANIA

Louis C. Schultz, Blossburg, Pa., in place of J. R. Stratton, removed.

Doris G. Blue, Brave, Pa., in place of Gail Wood, retired.

Harry S. Kolva, Lykens, Pa., in place of C. M. Golden, resigned.

Robert B. Woodring, Milesburg, Pa., in place of M. C. Adams, retired.

Frank W. Hill, New Castle, Pa., in place of W. R. Hanna, deceased.

Mary D. Bacha, Rixford, Pa., in place of W. F. Shuman, retired.

SOUTH CAROLINA

Linder Lee Ray, St. Matthews, S. C., in place of J. B. Taylor, deceased.

Arace M. Crouch, Wallace, S. C. Office established September 1, 1950.

TENNESSEE

David A. Weaver, Persia, Tenn., in place of L. E. Hagood, transferred.

John E. Carter, Sparta, Tenn., in place of P. B. Andrews, deceased.

TEXAS

Walter K. Wood, Albany, Tex., in place of B. W. Bray, transferred.

Albert A. Hubbard, Alvarado, Tex., in place of E. P. Robinson, retired.

Marion B. Bone, Colleyville, Tex., in place of T. Y. Stephens, resigned.

Holman R. Lee, Graham, Tex., in place of W. E. Simpson, removed.

Janet F. Young, Mabank, Tex., in place of W. M. Covey, retired.

Dollie O. Ryon, Seadrift, Tex., in place of L. R. Ryon, retired.

Herman W. Hawker, Teague, Tex., in place of W. J. Springer, retired.

Thomas N. Fair, Walnut Springs, Tex., in place of W. F. Sellers, deceased.

VERMONT

Ralph W. Reirden, Richford, Vt., in place of A. G. Restivo, resigned.

VIRGINIA

Alexander D. Smith, Fort Eustis, Va., in place of G. H. Fletcher, resigned.

WASHINGTON

Marguerite H. Riggs, Marblemount, Wash., in place of Mabel Pressentin, retired.

Pauline G. Stewart, Milton, Wash., in place of H. M. Mildon, removed.

Robert E. Olney, Redmond, Wash., in place of L. B. Reed, deceased.

WEST VIRGINIA

Verla O. Eary, Fayetteville, W. Va., in place of B. K. Hesse, removed.

Ruth J. Cochran, Mona, W. Va., in place of E. A. Trevillian, resigned.

WISCONSIN

Lars J. Peterson, Durand, Wis., in place of N. W. Helgoe, removed.

Alice R. Pietrykowski, Eden, Wis., in place of N. A. Braun, retired.

# HOUSE OF REPRESENTATIVES

## FRIDAY, AUGUST 2, 1957

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Eternal God, whose presence and power are here and everywhere, may our spirits now be brought into a complete harmony and oneness with Thy spirit.

May we be inspired to choose what Thou dost desire and will to do what Thou dost command.

Bless Thy servants who are daily engaged in considering affairs of great moment and concern in the life of our Nation and the world.

Grant unto them vigor and strength of body and mind as they confront difficult decisions and seek to perform faithfully and diligently the duties of their high calling.

May they have a clear vision of Thy truth, a fearless faith in Thy divine sovereignty, and a confident assurance that righteousness and justice shall prevail.

Hear us in the name of the King of kings and Lord of lords. Amen.

The Journal of the proceedings of yesterday was read and approved.

## OKLAHOMANS DO WELL IN THE AIR FORCE

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to adress the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, the Air Force Association is this week honoring the 21 outstanding airmen in the United States Air Force, and I want to salute this great association for this action in recognizing the important role which our airmen are playing in the maintenance of a great Air Force and the

preservation of our national military security.

It is a source of special pride to us in Oklahoma that 3 of the 21 airmen so recognized are natives of our State. The honored airmen include: T. Sgt. L. C. Long, Bokoshe; M. Sgt. C. L. Jackson, of Tulsa; and M. Sgt. R. C. Evans, Jr., of Oklahoma City. I have had the pleasure of meeting all three of these men and they are a real credit to the Air Force as well as their State and Nation.

I know that the parents of these fine airmen share our pride in their achievement and in the honor which is being paid them, and I want to wish to all three of these splendid Oklahomans even greater success in their future military career.

## THE KLAMATH TRIBE OF INDIANS

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 469) to authorize the United States to defray the cost of assisting the Klamath Tribe of Indians to prepare for termination of Federal supervision, to defer sales of tribal property, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 946)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 469) to authorize the United States to defray the cost of assisting the Klamath Tribe of Indians to prepare for termination of Federal supervision, to defer sales of tribal property, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 3.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 5, 6, 7, 8, 9, and 10.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: Page 3, line 7, strike out "member;" " and insert "member: *Provided, however,* That any member, or any heir or any devisee of any deceased member, for whom the Secretary has so designated a representative may (on his own behalf, through his natural guardian, or next friend) within one hundred and twenty days after receipt of written notice of such secretarial designation, contest the secretarial designation in any naturalization court for the area in which such member resides, by filing of a petition therein requesting designation of a named person other than the secretarial designee, and the burden shall thereupon devolve upon the Secretary to show cause why the member-designated representative should not represent the interests of such member, and the decision of such court shall be final and conclusive;"; and the House agree to the same.

CLAIR ENGLE,
WAYNE N. ASPINALL,
JAMES A. HALEY,
E. Y. BERRY,
JACK WESTLAND,
*Managers on the Part of the House.*

RICHARD L. NEUBERGER,
CLINTON P. ANDERSON,
FRANK CHURCH,
ARTHUR V. WATKINS,
BARRY GOLDWATER,
*Managers on the Part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 469) to authorize the United States to defray the cost of assisting the Klamath Tribe of Indians to prepare for termination of Federal supervision, to defer sales of tribal property, and for other purposes, submit the following statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report:

The language agreed upon by the conference committee and recommended for favorable action by the House is identical to that contained in S. 469 as originally approved by the House with two exceptions:

First, the words "or deceased" would be reinserted in subsection (d) where they were stricken by House floor action. Following action by the House, the Portland area office of the Bureau of Indian Affairs, through the Department of the Interior, advised the House Interior and Insular Affairs Committee of the problem posed by deletion of the language authorizing a designee of the Secretary of the Interior to elect withdrawal from, or remainder in, the tribal organization, for the estate of a deceased person. As of June 13, 1957, there were 86 deceased Klamaths who will be on the final roll. Nine of these died between August 13, 1954, the date of enactment of the Klamath termination law, and February 13, 1955, the cutoff date for probate of decedents' estates by the Federal examiner of inheritance. Seventy-seven have died since February 13, 1955, and their estates will be probated under State law. The Bureau of Indian Affairs is of the opinion that there should be an opportunity for election of every pro rata share of members on the final roll, and that because of the complex heirship situation presented by the numerous estates involved it would be next to impossible for the management specialists under the original House language to determine the pro rata shares withdrawn and those remaining—which determination the specialists are required to make under terms of their contract. In view of this position taken by the Federal agency responsible for the welfare of the Indians, and with the assurance and understanding that the person designated to make the decision will, in a majority of the cases involved, be the estate's administrator, the conference committee agreed to recommend restoration of the language in question.

Finally, and in light of the restoration of the words "or deceased" in subsection (d), the conference committee agreed to an amendment to the House-adopted proviso added to that subsection, which amendment would insert, following the word "member" where it first occurs, a comma, and the words "or any heir or devisee of any deceased member,". The purpose of the proviso inserted on the House floor was to afford an opportunity for minors or persons declared incompetent for whom the Secretary has designated a representative to appeal the secretarial designation. The amendment to the proviso recommended by the conference committee would make available to "any heir or any devisee of any deceased member" the same right of appeal from secretarial designations as is available to the other two classes of persons affected by subsection (d) of S. 469, namely, "minors" and "persons declared incompetent by judicial proceedings."

In all other respects the Senate conferees agreed to the language in S. 469 as it passed the House.

CLAIR ENGLE,
WAYNE N. ASPINALL,
JAMES A. HALEY,
E. Y. BERRY,
JACK WESTLAND,
*Managers on the Part of the House.*

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

## SCHOOL-CONSTRUCTION BILL

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HENDERSON. Mr. Speaker, considerable heat has been generated on the matter of the death of the school-construction bill. Both sides are claiming that the opposite party killed the school bill—some suggest that the President killed it by not applying the thumbscrews to Members of Congress.

I would just like to suggest that the school bill was defeated by the people of this Nation, by their determination that the Federal Government not get into the business of building schools or controlling education. And this feeling was transmitted to the Members of Congress. Those Members who were responsive to the will and the determination of the people back home to conduct education at local levels voted against the bill.

The will of the people decided this issue. The democratic principles of government prevailed. Let us hope that this is establishing a precedent.

## NATIONAL GRANGE PROPERTY

Mr. MACK of Washington. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MACK of Washington. Mr. Speaker, I, today, have introduced a bill in the House of Representatives that would prohibit the General Services Administration from acquiring the property of the National Grange in Jackson Square.

The facts are these. The GSA desires to build a new Federal building in Jackson Square. As part of the site for that new Federal building GSA proposes to acquire the National Grange property which is a 7-story office building that occupies a landed area of 50 by 70 feet—3,500 square feet.

Plans for the proposed new office building to be erected in Jackson Square do not show that this new building will occupy any of the land now owned by the Grange. These plans show only that the Grange building will be torn down and the 3,500 square feet this Grange building now occupies made into a lawn.

It is generally admitted that the Federal Government will have to pay $500,000 or more for the Grange property if it is acquired by GSA by condemnation. In addition to this half a million dollars that will be paid for the property the taxpayers will be put to the expense of tearing down the present building, clearing its site and then sowing this 3,500 square feet of land to lawn and planting it to garden. This means a cost of as much as $150 to $200 a square foot for a lawn. Some lawn.

Since the acquiring at great cost of the Grange property will add no more feet of extra space to the office space in the efficiency of the proposed new building, my bill would prohibit the acquiring of the Grange property as part of a building site without the expressed authorization of Congress.

The bill also would direct the Administrator of the GSA to withdraw the declaration of taking of the Grange property filed by him in the United States District Court for the District of Columbia.

If other Members of the House agree with me that this legislation is sound and just, I invite them to join with me in introducing similar bills.

## CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 168]

| | | |
|---|---|---|
| Addonizio | Frelinghuysen | Morano |
| Allen, Calif. | Gray | Morrison |
| Anfuso | Griffths | O'Brien, N. Y. |
| Barden | Gwinn | O'Hara, Minn. |
| Bass, N. H. | Halleck | O'Konski |
| Beamer | Hays, Ark. | Patterson |
| Becker | Healey | Perkins |
| Boykin | Hemphill | Philbin |
| Breeding | Hess | Powell |
| Buckley | Hiestand | Preston |
| Bush | Hillings | Reece, Tenn. |
| Carnahan | Holifield | Reed |
| Celler | Holt | Rivers |
| Chudoff | Holtzman | Rodino |
| Clark | James | Roosevelt |
| Coffin | Kearney | Scott, N. C. |
| Coudert | Keating | Shelley |
| Dawson, Ill. | Kelly, N. Y. | Steed |
| Dawson, Utah | Keogh | Taylor |
| Delaney | Kilburn | Teague, Tex. |
| Diggs | Landrum | Teller |
| Dollinger | Latham | Van Pelt |
| Donohue | Loser | Vinson |
| Dorn, N. Y. | McCarthy | Vursell |
| Dorn, S. C. | McConnell | Wainwright |
| Elliott | McMillan | Walter |
| Engle | Mailliard | Watts |
| Farbstein | Mason | Yates |
| Fenton | May | Zablocki |
| Fino | Miller, N. Y. | Zelenko |
| Fogarty | Moore | |

The SPEAKER. On this rollcall 340 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## COMMITTEE ON ATOMIC ENERGY

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the Joint Committee on Atomic Energy may have until midnight tonight to file a report on the bill H. R. 8996, to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; and H. R. 8994, to amend the Atomic Energy Act of 1954, as amended, to increase the salaries of certain executives of the Atomic Energy Commission, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COLE. Mr. Speaker, I ask unanimous consent that I may have permission to file minority views on the bill H. R. 8996, to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

## AUTHORIZING CONSTRUCTION OF BRIDGES OVER THE POTOMAC RIVER.

Mr. DAVIS of Georgia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 6763) to amend the act of August 30, 1954, entitled "An act to authorize and direct the construction of bridges over the Potomac River, and for other purposes."

The SPEAKER. The question is on the motion.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 90, noes 20.

Mr. GROSS: Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 275, nays 59, answered "present" 1, not voting 97, as follows:

[Roll No. 169]

YEAS—275

| | | |
|---|---|---|
| Abbitt | Andresen, August H. | Avery |
| Abernethy | Andrews | Baker |
| Adair | Arends | Baldwin |
| Albert | Ashley | Baring |
| Alexander | Ashmore | Barrett |
| Allen, Calif. | Aspinall | Bass, Tenn. |
| Anderson, Mont. | Auchincloss | Bates |
| Belcher | Gordon | Neal |
| Bennett, Fla. | Granahan | Nicholson |
| Bennett, Mich. | Grant | Nimtz |
| Bentley | Gray | Norblad |
| Berry | Gregory | Norrell |
| Blatnik | Gubser | O'Brien, Ill. |
| Boggs | Hagen | O'Hara, Ill. |
| Boland | Hale | O'Neill |
| Bolling | Haley | Osmers |
| Bolton | Harden | Ostertag |
| Bonner | Hardy | Passman |
| Boyle | Harris | Patman |
| Bray | Harrison, Nebr. | Pelly |
| Brooks, La. | Harrison, Va. | Pilcher |
| Brooks, Tex. | Harvey | Poage |
| Brown, Ga. | Hébert | Poff |
| Brown, Ohio | Hemphill | Polk |
| Brownson | Herlong | Porter |
| Broyhill | Heselton | Price |
| Burdick | Hill | Prouty |
| Burleson | Hoeven | Radwan |
| Byrd | Hoffman | Rains |
| Byrne, Ill. | Holifield | Ray |
| Byrne, Pa. | Holland | Rhodes, Ariz. |
| Canfield | Holmes | Rhodes, Pa. |
| Cannon | Horan | Riehlman |
| Carrigg | Huddleston | Riley |
| Cederberg | Hull | Roberts |
| Chelf | Hyde | Robeson, Va. |
| Chenoweth | Ikard | Rogers, Fla. |
| Chiperfield | Jarman | Rogers, Mass. |
| Christopher | Jenkins | Rogers, Tex. |
| Church | Jennings | Rutherford |
| Clevenger | Jensen | Sadlak |
| Cole | Jonas | St. George |
| Colmer | Jones, Ala. | Saund |
| Cooley | Jones, Mo. | Saylor |
| Cooper | Karsten | Scott, Pa. |
| Corbett | Kean | Seely-Brown |
| Cramer | Kearns | Selden |
| Cretella | Kee | Sheehan |
| Cunningham, Iowa | Kelley, Pa. | Shuford |
| | Kilday | Sieminski |
| Cunningham, Nebr. | Kilgore | Sikes |
| | King | Simpson, Ill. |
| Curtin | Kitchin | Sisk |
| Curtis, Mass. | Kluczynski | Smith, Calif. |
| Curtis, Mo. | Knox | Smith, Kans. |
| Dague | Knutson | Smith, Miss. |
| Davis, Ga. | Krueger | Smith, Va. |
| Davis, Tenn. | Lane | Spence |
| Dellay | Lanham | Springer |
| Dempsey | Lankford | Staggers |
| Dennison | LeCompte | Stauffer |
| Denton | Lennon | Sullivan |
| Derounian | Lipscomb | Talle |
| Devereux | Long | Teague, Calif. |
| Dies | McCormack | Tewes |
| Dingell | McCulloch | Thompson, La. |
| Dixon | McDonough | Thompson, Tex. |
| Dooley | McFall | Thomson, Wyo. |
| Dorn, N. Y. | McGovern | Thornberry |
| Dorn, S. C. | McGregor | Tollefson |
| Dowdy | Mack, Ill. | Trimble |
| Doyle | Mack, Wash. | Tuck |
| Dwyer | Madden | Udall |
| Edmondson | Magnuson | Ullman |
| Evins | Mahon | Vanik |
| Fallon | Martin | Van Zandt |
| Fascell | Matthews | Vorys |
| Feighan | Meader | Westland |
| Fisher | Merrow | Wharton |
| Flood | Metcalf | Whitener |
| Flynt | Miller, Calif. | Whitten |
| Forand | Miller, Md. | Widnall |
| Ford | Miller, Nebr. | Wier |
| Forrester | Miller, N. Y. | Wigglesworth |
| Fountain | Mills | Williams, Miss. |
| Frazier | Montoya | Willis |
| Friedel | Morgan | Wilson, Calif. |
| Fulton | Morris | Winstead |
| Garmatz | Moss | Withrow |
| Gathings | Multer | Wolverton |
| Gavin | Mumma | Wright |
| George | Murray | Younger |

NAYS—59

| | | |
|---|---|---|
| Allen, Ill. | Griffin | Michel |
| Andersen, H. Carl | Gross | Moulder |
| | Hays, Ohio | Natcher |
| Baumhart | Henderson | Pfost |
| Betts | Hosmer | Rabaut |
| Bosch | Jackson | Rees, Kans. |
| Bow | Johansen | Reuss |
| Broomfield | Johnson | Robsion, Ky. |
| Brown, Mo. | Keeney | Rogers, Colo. |
| Budge | Kirwan | Rooney |
| Byrnes, Wis. | Laird | Santangelo |
| Chamberlain | Lesinski | Schenck |
| Coad | McIntosh | Scherer |
| Collier | McVey | Schwengel |
| Gary | Macdonald | Scrivner |
| Green, Oreg. | Machrowicz | Scudder |
| Green, Pa. | Marshall | Sheppard |

| | | |
|---|---|---|
| Siler | Thompson, N. J. | Williams, N. Y. |
| Taber | Utt | Wilson, Ind. |
| Thomas | Weaver | Young |

ANSWERED "PRESENT"—1

Ayres

NOT VOTING—97

| | | |
|---|---|---|
| Addonizio | Frelinghuysen | O'Brien, N. Y. |
| Alger | Griffiths | O'Hara, Minn. |
| Anfuso | Gwinn | O'Konski |
| Bailey | Halleck | Patterson |
| Barden | Haskell | Perkins |
| Bass, N. H. | Hays, Ark. | Philbin |
| Beamer | Healey | Pillion |
| Becker | Hess | Powell |
| Blitch | Hiestand | Preston |
| Boykin | Hillings | Reece, Tenn. |
| Breeding | Holt | Reed |
| Buckley | Holtzman | Rivers |
| Bush | James | Rodino |
| Carnahan | Judd | Roosevelt |
| Celler | Kearney | Scott, N. C. |
| Chudoff | Keating | Shelley |
| Clark | Kelly, N. Y. | Simpson, Pa. |
| Coffin | Keogh | Smith, Wis. |
| Coudert | Kilburn | Steed |
| Dawson, Ill. | Landrum | Taylor |
| Dawson, Utah | Latham | Teague, Tex. |
| Delaney | Loser | Teller |
| Diggs | McCarthy | Van Pelt |
| Dollinger | McConnell | Vinson |
| Donohue | McIntire | Vursell |
| Durham | McMillan | Wainwright |
| Eberharter | Mailliard | Walter |
| Elliott | Mason | Watts |
| Engle | May | Yates |
| Farbstein | Minshall | Zablocki |
| Fenton | Moore | Zelenko |
| Fino | Morano | |
| Fogarty | Morrison | |

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Addonizio with Mr. Halleck.
Mr. Rodino with Mr. Simpson of Pennsylvania.
Mr. Preston with Mr. Coudert.
Mr. Landrum with Mr. Taylor.
Mr. Vinson with Mr. Fino.
Mr. Bailey with Mr. Patterson.
Mrs. Griffiths with Mr. Holt.
Mr. Morrison with Mr. Judd.
Mr. Elliott with Mr. Alger.
Mr. Engle with Mr. Becker.
Mr. Philbin with Mr. Hess.
Mr. Donohue with Mr. Hiestand.
Mr. Fogarty with Mr. Kearney.
Mr. McCarthy with Mr. Keating.
Mr. Rivers with Mr. Wainwright.
Mr. Boykin with Mr. Frelinghuysen.
Mr. Loser with Mr. O'Hara of Minnesota.
Mr. Walter with Mr. Moore.
Mr. Chudoff with Mr. May.
Mr. Coffin with Mr. Fenton.
Mr. McMillan with Mr. Gwinn.
Mr. Dawson of Illinois with Mr. Bass of New Hampshire.
Mr. Yates with Mr. Beamer.
Mr. Zablocki with Mr. Van Pelt.
Mr. Keogh with Mr. Reece of Tennessee.
Mr. Buckley with Mr. Bush.
Mr. Anfuso with Mr. McIntire.
Mr. Farbstein with Mr. Mason.
Mr. Dollinger with Mr. Haskell.
Mr. Zelenko with Mr. James.
Mr. Delaney with Mr. Smith of Wisconsin.
Mr. Healey with Mr. Latham.
Mrs. Kelly of New York with Mr. Kilburn.
Mr. Holtzman with Mr. Reed.
Mr. Celler with Mr. Dawson of Utah.
Mr. O'Brien of New York with Mr. McConnell.
Mr. Powell with Mr. O'Konski.
Mr. Roosevelt with Mr. Morano.
Mr. Scott of North Carolina with Mr. Minshall.
Mr. Shelley with Mr. Mailliard.
Mr. Watts with Mr. Vursell.
Mr. Teller with Mr. Pillion.
Mr. Carnahan with Mr. Hillings.

Mr. HAYS of Ohio changed his vote from "yea" to "nay."

Mr. CRETELLA changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 6763, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the bill was considered as having been read and open for amendment at any point.

For what purpose does the gentleman from Georgia rise?

Mr. DAVIS of Georgia. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have certain information which I would like to give to the membership, and I would ask unanimous consent that I be permitted to speak for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DAVIS of Georgia. Mr. Chairman, while this bill is before the Committee, I would like to give the Committee the benefit of all the information which the subcommittee had in these hearings. Of course, with 1 hour of general debate divided between the two sides, it is not possible to go into all of the detail and give verbatim the testimony which covered some 200 pages in these hearings. I undertook on yesterday to give what I thought were the highlights of that testimony before the subcommittee, and this morning I would like to call your attention to the traffic capacity of the bridges which are already over the Potomac River from Virginia to the District. I gave you the traffic capacity of several tunnels which are already in operation. You will find that information on page 13371 of yesterday's RECORD, beginning in the third column. Many Members were not here yesterday and probably did not get this information. I respectfully refer you to that information now, on page 13371.

Some of the Members seem to have some apprehension as to whether or not a four-lane tunnel would be adequate to take care of the traffic coming from Virginia and going from the District out to Virginia at the Constitution Avenue location. I had the Planning Commission, who do favor this bill, furnish me today with this diagram, which shows the overall program which these planners are going to put into operation. The red line is the innerloop expressway.

Mr. MILLER of Nebraska. Before the gentleman goes into that, will he yield?

Mr. DAVIS of Georgia. I yield.

Mr. MILLER of Nebraska. I wish the gentleman from Georgia would cite in the testimony where the Planning Commission approved a four-lane tunnel. They approved a six-lane tunnel, but General Lane, the Engineer for the District of Columbia, says that at no time did they approve a four-lane tunnel. Has the gentleman specific information on that subject? I would like to have it cleared up.

Mr. DAVIS of Georgia. Yes. I am glad to point the gentleman to that testimony. Mr. Bartholomew, who is Chairman of the National Capital Planning Commission, as the gentleman knows, and who is one of the recognized city planners in the United States, and who is now, I understand, devoting his entire time to the duties as chairman of this Planning Commission, testified in favor of this bill for a four-lane tunnel. His testimony begins on page 43 of the hearings, and it was on February 19 of this year. He stated that the Planning Commission favors this bill and believes that it is the proper river crossing for this location.

Mr. MILLER of Nebraska. Will the gentleman yield further?

Mr. DAVIS of Georgia. I yield.

Mr. MILLER of Nebraska. On page 34 of the hearings on February 21, this year, General Lane had this to say:

I am surprised indeed to learn that the staff and some members of the Commission consider that approval of a six-lane tunnel constitutes approval of a four-lane tunnel.

Mr. DAVIS of Georgia. General Lane, of course, is opposed to the tunnel, but Mr. Bartholomew, as I said, testified, and his testimony begins on page 43, and he emphatically endorses this legislation and pointed out in quite a lengthy statement the many advantages which would accrue to the District if this bill should be passed.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. KEARNS. I wish to state for the record that General Lane is retiring, and the new Commissioner, who is an engineer, is very much in favor of the tunnel.

Mr. DAVIS of Georgia. I thank the gentleman for that observation.

For the benefit of the gentleman from Nebraska [Mr. MILLER] I will give a portion of Mr. Bartholomew's testimony, beginning on the bottom of page 48:

The river-crossing problem will not be solved by a bridge or tunnel at Constitution Avenue per se, the point being that our demonstrated need is for 14 river-traffic accommodations.

So that this matter we are considering now is not by any means the full solution to the problem.

This matter that we are considering now, therefore, is by no means the sole solution to the problem.

He said:

This means a program of construction as differentiated from a piecemeal approach.

I emphasize that, a program as differentiated from a piecemeal approach.

Once this fact is understood and accepted it is believed that the controversy of a bridge versus a tunnel at Constitution Avenue will fall into its proper perspective and the overall need more quickly and satisfactorily accepted and provided for by the Congress. Without such a program of river-crossing facilities there will be continued debate and a continually growing traffic-congestion problem.

The second factor of which I speak, traffic congestion, is increased, not reduced, by overconcentration of facilities. The maximum relief for traffic congestion is by providing the means for dispersal. That is why the National Capital Planning Commission has approved a bridge at Roaches Run, a bridge

at Three Sisters, and a bridge or tunnel at Constitution Avenue.

In connection with that, this is only a part of the overall program of dispersing traffic between Virginia and the District of Columbia, as Mr. Bartholomew says. Three Sisters Island is just a short distance above Key Bridge, then there will be this tunnel here, the Cabin John Bridge, and then farther down the river the Jones Point Bridge, and then with 2 lanes at Key Bridge which have already been provided for and the addition of 1 lane on the outgoing 14th Street bridge, makes a total of 14 additional traffic lanes which this Planning Commission says will be needed by 1970.

Let me call your attention to the fact that the outgoing 14th Street bridge is now in a state of dilapidation and we had testimony earlier in the year, which was called to our attention yesterday by the gentleman from New Jersey [Mr. AUCHINCLOSS], that in 2 years the outgoing 14th Street bridge will have to be scrapped. There are no other crossings under construction.

It is imperative if you are going to do anything about the traffic between Virginia and the District of Columbia, to get to work on it now, and we in committee have had this problem under consideration for the last 3 years. We have tried to get a six-lane bridge through, we have tried to get a bridge crossing there that the other body would concur in and we have been unable to do it.

I also call attention to the fact that the other body on July 3 passed a four-lane tunnel bill, and if we pass a four-lane tunnel bill we can coordinate the two bills, go ahead and move, and solve this traffic problem.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. HOFFMAN. Last night I spent an hour in the other body visiting around and I asked: "What do you want a tunnel bill for when we sent you over a bridge bill?" And the answer from everywhere was that they understood that the House would not build a bridge but had to have a tunnel. That is what they told me, eight of them anyway.

Mr. DAVIS of Georgia. Let me answer the gentleman's observation. The gentleman well knows, of course, that you cannot enact legislation by messages transmitted by note or word of mouth from one body to the other; it must be done in an orderly way. We passed the bridge bill and sent it to the other body; they amended it. We appointed a conference committee, the conference committee agreed but the other body would not accept the conference report.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. DAVIS of Georgia. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

Mr. HOFFMAN. Reserving the right to object, what is the gentleman's idea about what is going to happen later in the day when we get along to the point of voting? Will other Members be recognized?

Mr. DAVIS of Georgia. May I ask the gentleman in what respect?

Mr. HOFFMAN. Will we get recognition? Of course, I have had a lot of time but some Members have not. The gentleman has had 15 minutes.

Mr. DAVIS of Georgia. Will the gentleman let me point out to him——

Mr. HOFFMAN. Mr. Chairman, I withdraw my reservation of objection.

Mr. NICHOLSON. Mr. Chairman, reserving the right to object, as far as the gentleman from Georgia is concerned, I do not care how long he talks, but from now on 5 minutes is the limit.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia [Mr. DAVIS]?

Mr. TABER. Mr. Chairman, I object.

Mr. HOFFMAN. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HOFFMAN, of Michigan, moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. WILLIAMS of Mississippi. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS of Mississippi. Mr. Chairman, it is my understanding that the bill has not been changed since the last motion to strike the enacting clause was considered, and I make the point of order on that basis.

The CHAIRMAN. The Chair will say that subsequent to the offering of the last similar motion an amendment offered by the gentlewoman from Illinois [Mrs. CHURCH] was adopted.

Mr. HOFFMAN. Mr. Chairman, on page 13380 of the RECORD I find the following statement by our distinguished colleague from Virginia [Mr. SMITH]:

If you do not want to pass any bill, if you want to go home and say, "Yes, we would not let them build a bridge across the Potomac for the people of Virginia and Maryland and the District," if you want to demagog about this thing, then let us get through with it.

Well, now, my feelings are not very easily hurt, and I am not sure they were hurt at that time, but they should have been. When the vote is taken the gentleman will have an opportunity to demonstrate by his vote whether he wants a bridge or has something else in mind. That charge of demagoguery hurled at everyone who opposes the position the gentleman takes on his bill is in no way justified and it is unworthy of him. The committee yesterday took the gentleman at his word, it recommended that the bill be sent back to the House with a recommendation the enacting clause be stricken. But on a rollcall vote in the House by a majority of 19 the House rejected the action of the committee in attempting to kill the bill. That is all right, too.

The gentleman from Maryland [Mr. HYDE] suggested here the other day that we were all in favor of some sort of a crossing of the Potomac River, but they always have a "but." That is true. I have one this morning. I do not want a tunnel—when a bridge is better and far cheaper. Of course, I am for striking the enacting clause now, but I have not much hope the motion will be adopted.

My suggestion is an amendment something like this: Strike out on the first page of the bill the word "tunnel" and substitute the word "bridge." That amendment will be offered in good faith, I may say to the gentleman from Virginia [Mr. BROYHILL], who is all hot and bothered about a bridge but cannot see his way clear to say anything about another airport. And we will see before the day is over how he will vote when we reach the place where the chips are down and he is given the chance to vote for a bridge. That is just as important as is another bridge. Nobody will be killed waiting to go across the river. But some folks may be needlessly sacrificed at the airport because of our lack of action. The gentlemen from Maryland and Virginia both have the location of an airport on their minds, but cannot get any action on the real issue because they disagree on the place to locate it.

The amendment to which I referred will strike the word "tunnel" all the way through the bill that is now pending and substitute the word "bridge." There is a fair and square offer giving you across-the-river facilities if that is what you really want. The amendment does not say anything about a drawbridge, it does not say anything about four lanes; it just simply says "bridge." That means a way to get across. I assume there will never be sufficient facilities to take care of the traffic. At Sault Sainte Marie, Mich., we have a similar situation. But the folks there just build another bridge whenever it is needed. We can do the same thing here.

WHY A TUNNEL?

Better facilities for crossing the Potomac in the vicinity of Washington being necessary if the best interests of our nearby and faraway citizens are to be served, the Congress should adopt the procedure which will most economically and efficiently bring about that result.

The foregoing is self-evident.

Cost of four-lane tunnel plus rights-of-way and channel clearance—Interior Department and District of Columbia Highway Department estimates, $29,382,000.

Vehicle per hour capacity of four-lane tunnel, 2,200.

Cost of six-lane bridge, Highway Department estimate: Prestressed concrete, $15,550,000; steel, $18,699,000.

Vehicle per hour capacity of six-lane bridge, 4,500.

Saving in cost of six-lane bridge over four-lane tunnel: Prestressed concrete, $13,832,000; steel, $10,683,000.

Capacity of bridge more than twice that of tunnel—yet tunnel costs almost twice as much as bridge.

Annual operation and maintenance cost of: Four-lane tunnel, $125,000.

Annual operation and cost of six-lane bridge: Prestressed concrete, $10,000; steel, $14,000.

Saving in annual operation and maintenance cost of six-lane bridge over four-lane tunnel: Prestressed concrete, $115,000; steel, $111,000.

Highway Department estimates that operation and maintenance per year of

a six-lane draw span steel bridge is $51,000 less than four-lane tunnel. If the bridge is of prestressed concrete, the operation and maintenance per year would be $55,000 less than a four-lane tunnel.

For verification of above figures, see Senate report No. 477—majority and minority views—Senate Committee on the District of Columbia.

Just whose best interests are being served at the expense of the taxpayers?

For whom are we legislating?

This tunnel proposal has an odor, and it is rank.

Again, here is the point: Why build a tunnel with four lanes which will cost almost twice as much as a six-lane bridge and yet carry only half as much traffic? That is the question. Why? Who is back of this? Will you not tell us? I would like to know. Here is a proposal that will give you a way of getting across the river which is what the gentleman has been yelling about.

Is it the sand and gravel company and the oil company and a few people who are afraid a bridge will interfere with the view?

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Yes. Tell me why you cannot take a bridge.

What I said a while ago, while the gentleman from Georgia was on the floor, let me repeat. Last night I went over to the Senate and fooled around an hour trying to learn what had been going on in connection with this bridge business. And, what the gentleman says is all right, but the Senators I talked to said "We understood that the House just would not take a bridge, and we wanted the people to have some way of getting across the river." Now, who conveyed that idea to them I do not know, but that is the information I got. And one of them was the gentleman from Tennessee, Senator GORE. And, I did not know their political affiliations; in fact, I did not personally know some of the Senators I talked to. I just butted in.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Michigan.

Mr. RABAUT. If we would recommit this bill, would we not return to Public Law 704, which this House passed?

Mr. HOFFMAN. Which authorized it.

Mr. RABAUT. Which authorized a six-lane bridge. No agency having anything to do with traffic either in the District of Columbia or the Federal agencies or the agency of the State across the river, Virginia, is favorable or has approved any four-lane tunnel.

Mr. HOFFMAN. I just want to say this in conclusion, and I beg your pardon for talking so loud. If you gentlemen want a way of getting across the river, this amendment which will be proposed will give it to you and give it to you now. I have no doubt at all but that the other body will take a bill of that kind.

Mr. DAVIS of Georgia. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I want to say this to the members of the committee, that I do not intend to prolong this discussion. I want the committee and the House to work its will on this legislation, whatever that may be.

As I stated before, this is the third year that our committee has wrestled with this problem, and we have come up with this bill which I believe is the best that we are going to be able to get. So, I want to get through with it, and the delay is not going to be on account of anything that I shall say. And, it has not been on account of anything I have said in the past.

I want to say a few words more which I think will give some information to the Members on this legislation as to the capacity of this tunnel.

Now, I have read you the testimony of Mr. Bartholomew who says that this is the proper crossing, at this location, because of dispersal of traffic. We cannot funnel all of the traffic from Virginia into Washington at one point. Dispersal is one of the primary features of this overall program.

Now, people who are familiar with tunnels tell me this, that a tunnel lane will move traffic faster than a bridge lane, particularly in a location like this, for two reasons: One is that this being in the memorial section of Virginia and Washington, the tourists who come across the bridges naturally want to look at the monuments, and for that reason they drive slowly across the bridges. The second is that the lanes are marked off by paint, and the cars weave in and out, and that slows down the traffic, whereas in a tunnel the lanes are separted by a fence so that there can be no weaving in and out, and if a vehicle gets into a lane it stays there and goes right on through.

I think these traffic engineers who came before our committee and gave all of the detailed information about it know what they are talking about. We had the very best to be had.

This is testimony that I do not think can be refuted. Also, I want to point out again that the testimony as to the cost was given to us in the greatest detail. For instance, on page 191 of the testimony of Mr. Singstad, the tunnel engineer, he was asked the question what the figure of $11,800,000 represented. He said:

> The figure of $11,800,000 is itemized on this page, which I will furnish.
>
> * * * * *
>
> That is the construction from this portal to this portal and from this portal to this portal, the rough construction, not the tiling and not the paving and not the light fixtures.
>
> Mr. DAVIS. Where does the other $11 million come in that makes that figure $22 million?
>
> Mr. SINGSTAD. That comes in—we have a sump; we have open ramps from the portals up to the elevation 22; I have an item of $3,830,000 for the rough construction up the ramps. Then I have tunnel finished, that is, the tile on the walls and on the ceiling, of $450,000. I have portal finished, that is, cut granite at the portals, $80,000.
>
> I have tunnel paving, $102,000, and I have open-ramp paving, that is, on these ramps, and, believe it or not, the paving on the ramps I have estimated at more than the paving in the tunnel, $108,000.
>
> I have four underground ventilating chambers.

Then he gives the cost of those, which is $1,630,000. And he describes the fans, motors, and so forth, for $304,000, and the electrical installation for $750,000.

He goes into these details and gives the items which make up the figure $22,500,000. Then he adds the difference between that and the authorized figures in this bill just for a safety margin.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. DAVIS] has expired.

The question is on the preferential motion.

The motion was rejected.

Mr. BROYHILL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia.

Mr. GAVIN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. GAVIN. Mr. Chairman, I ask unanimous consent to withdraw the point of order.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BROYHILL. Mr. Chairman, I yield back my time.

Mr. GAVIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

Mr. LONG. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred twenty-five Members are present, a quorum.

The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. GAVIN: On page 1, line 3, strike out everything after the enacting clause and insert the following: "There is authorized to be appropriated the sum of $25,500,000 to carry out that portion of section C, title I, Public Law 704, 83d Congress, which reads as follows: 'The Secretary of the Interior is hereby authorized to construct, maintain, and operate a structure connecting the main body of Theodore Roosevelt Island and the aforesaid portion thereof referred to as "Small Island" to provide pedestrian access between such islands.'"

Mr. GAVIN. Mr. Chairman, it seems that everything that occurs here in Washington or the District of Columbia on public works projects is decided by a certain few individuals who always, in my estimation, at least, base their conclusions and decisions on advantages received by their respective areas, so it is about time that the Members become interested in affairs concerning the District of Columbia and this great metropolitan city of the world, Washington.

When these matters periodically arise there is a lot of political bickering and haggling back and forth about location of bridges and airports. Because of dilatory tactics, the millions of American people who come to Washington are frustrated in their efforts to secure relief from terrific traffic conditions existing, whether air, highway, or bridges.

For 7 years we have been trying to develop a new airport. Five million people used the airport last year, with 33 near-miss collisions which involved several hundred people. Any accident which might have occurred would have cost the lives of many people. The local interests it would appear just simply cannot seem to make up their minds what they want to do as to location of the proposed new airport, which is so greatly needed.

Now about the bridge proposal. In the 83d Congress we passed a bill, Public Law 704, to build a bridge. Then someone conceived the idea that we should have a tunnel highway rather than a bridge; so, even though a bridge was authorized, the project is in a snarl with the result nothing is done and the public suffers. The bridge, as I pointed out, is already authorized by the Congress in Public Law 704 of the 83d Congress.

This amendment at least will separate the bridgers from the tunnelers. We seem to be unable to get a clear-cut vote whether it is to be a bridge or tunnel. We are in a confused state. At least we will determine who is for a bridge by this amendment, or who wants a tunnel. All this amendment does is strike out everything after the enacting clause, leaving the appropriation in and instructing the Interior Department to follow out that portion of section C, title I, Public Law 704 of the 83d Congress, which reads:

> The Secretary of the Interior is hereby authorized to construct, maintain, and operate a structure connecting the main body of Theodore Roosevelt Island and the aforesaid portion thereof referred to as "Small Island" to provide pedestrian access between such islands.

So if you are for a bridge, vote for the amendment. The public have been waiting patiently for Congress to take action to have this bridge or tunnel highway resolved. Let us afford the traveling public some relief. Either approve the tunnel or approve the bridge. Do something. This matter has been bantered around long enough. My amendment would construct a bridge. Therefore, this is an opportunity for each Member in view of the fact that nobody seems to know what he wants, to indicate whether he wants a tunnel or whether he wants a bridge. This amendment will help him reach a decision. The same situation applies to the proposed airport. Nobody seems able to make up his mind where it should be located. We need an airport badly. The present airport is overtaxed. I trust early action will be taken on this airport project by the Appropriations Committee. We need the airport and we need the bridge, however, if you are going to leave it to the local interests it will be haggled over for several more years. It is time for definite action on the part of the Congress. It appears every time a project is approved and authorized someone comes up with a new proposal. We passed legislation for a bridge. It is now authorized. All you have to do is to appropriate the money and a bridge will be constructed. I hope that the bridgers will support the amendment. It will at least determine who wants a bridge and who wants a tunnel.

Mr. BROYHILL. Mr. Chairman, I rise in opposition to the amendment.

Mr. MILLER of Nebraska. Mr. Chairman, will the gentleman yield for a question?

Mr. BROYHILL. I yield.

Mr. MILLER of Nebraska. I want to ask if this legislation is not passed, is there not legislation on the books now with $4½ million appropriated for a six-lane highway that if they simply get going, you could get started on the bridge?

Mr. BROYHILL. The gentleman is absolutely correct and he took the words right out of my mouth. I was going to state that the amendment is superfluous. If you do not want a four-lane tunnel constructed across the Potomac River at this point, all you have to do is to vote against the bill itself. There has been authorized a six-lane bridge to be constructed across the Potomac at that point. As far as the people in the area of Washington are concerned, it makes no difference to us whether it is a six-lane bridge or a six-lane tunnel or whatever it is as long as we are able to move the traffic across the river. We have already approved that and appropriated, I believe, approximately $6 million toward the construction of a six-lane bridge. What we are back here for is to try to reconcile the difference between the various bodies responsible for the preservation of the beauty and esthetic features of this area in which we have invested millions of dollars over a period of years since the founding of our Nation's Capital. There has been more confusion and more misunderstanding and more misstatements about this legislation than I have heard in all of my 5 short years as a Member of this body. I know that a lot of Members who like to refer to themselves as conservatives have been trying to kill this bill right along under the impression that this might save the taxpayers of the Nation some money. I would like to repeat again that that question is not before the House at this time. You have already acted on that question. You have authorized the construction of a crossing over the Potomac River. You have already appropriated an amount of $6 million of that fund. So if you vote against this tunnel, you will get a crossing anyway and the cost of construction will be approximately the same amount. We have quoted figures over and over again here. We have quoted accurate figures and in spite of that we have had inaccurate figures quoted here just as many times. I cannot understand why a Member of this body would be confused as to what is the true story concerning this legislation. We are only here trying to work out a compromise so that these people whom we have charged with the responsibility of preserving these beautiful areas around our Nation's Capital can work out this problem. So far as paying the cost of construction is concerned, you have already answered that question before in the approval of Public Law 704.

Mrs. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield.

Mrs. BOLTON. I would like to ask the gentleman whether it was brought up on the floor and if any consideration was given as to the possibility that the tunnel would provide a way across the river in case we were bombed.

Mr. BROYHILL. I thank the gentlewoman for her question. That was brought out here on the floor yesterday, and, just like so many other things, possibly it fell on some deaf ears. It was brought out in our hearings. It is a very important factor. It would give us one crossing over the Potomac River to the south which would be protected in the event of a bombing of this area. The gentlewoman from Illinois [Mrs. CHURCH] brought up a very good point yesterday in her amendment. She was concerned about what a tunnel would do to the Arlington National Cemetery. That is the reason for the tunnel bill itself. There was concern as to what a bridge crossing would do to Roosevelt Island and the Iwo Jima Memorial Monument and the Lincoln Memorial and the Freedom Foundation Monument. The Freedom Monument has already been approved and they are ready to go ahead and raise $25 million by public subscription. That is the reason why we are here with a tunnel bill now so that we can preserve that beautiful area, the area which the gentlewoman from Illinois was so concerned about in her amendment. So if you want a bridge, you can vote against this entire bill and we will proceed with the one which is already authorized and for which you have already appropriated the money, but it will have an adverse effect on the beauty of the Nation's Capital in that area. So far as the people of the State of Virginia are concerned, they have a crossing anyway and we are here compromising and trying to maintain the beauty of the Nation's Capital.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield.

Mr. GAVIN. If you want a bridge, vote for my amendment. You are saying "Kill the bill." If you want a bridge, the bridge is authorized, and if you will appropriate the money the Interior Department will build the bridge.

Mr. BROYHILL. I refuse to yield further. The gentleman's amendment is not properly drawn. Public Law 704 is properly drawn. The gentleman's amendment is superfluous. If you want to go along with the act of 1954 vote against the bill itself and we will give you something which is already authorized and approved but will not be as desirable, as far as the Nation's Capital beauty is concerned.

Mr. GAVIN. What about the appropriations?

Mr. BROYHILL. Appropriations have already been made: $6 million. It is in the Interstate Highway Act. It is a continuing proposition.

Mr. GAVIN. Why did they not proceed to do it, then, and build the bridge?

The CHAIRMAN. The time of the gentleman from Virginia [Mr. BROYHILL] has expired.

Mr. RABAUT. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 5 additional minutes, as I have some information.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan to proceed for 5 additional minutes?

There was no objection.

Mr. RABAUT. Mr. Chairman, Public Law 704, 83d Congress, authorized construction of a six-lane bridge at Constitution Avenue, just south of Theodore Roosevelt Island. In compliance with the requirements of this act, the Commissioners of the District of Columbia presented the plans for the bridge to the Commission of Fine Arts which, together with other groups including the National Park Service, urged that the location of the bridge be shifted upstream slightly. To comply with this request, the District Commissioners on July 16, 1955, agreed to propose an amendment to provide for the shift in location. The Senate District Committee approved the change, but that session of Congress ended before action could be taken in the House.

In 1956 both the Senate and the House agreed on a six-lane bridge at the upstream location, but the Congress adjourned again without taking any action.

Now, in 1957, with precisely the same issues and facts involved, the Senate has reversed the decision it made for 3 consecutive years and has approved the construction of a four-lane tunnel instead of a six-lane bridge. The House is now faced with the same problem, with the same issues and facts involved, of whether it shall reverse the position it took in 1954 and 1956 favoring a six-lane bridge and now substitute a four-lane tunnel.

There are four basic issues involved in this problem: Traffic, costs, esthetics, and navigation.

As to traffic first and foremost is the fact that traffic needs constitute the sole reason for the proposal to construct a crossing at this location.

Every traffic study made in this area, regardless of the agency making the study, has undisputably shown an absolute need for six lanes at this crossing. A four-lane tunnel will be filled to capacity the very day it opens and will create a traffic bottleneck rather than an adequate addition to the highway system. A six-lane bridge at this location will have twice the capacity of a four-lane tunnel.

That is a decision, not of mine, but of the engineers; there is a slowup process to a tunnel because of grades, and so on.

Tunnel advocates say this: In complete disregard of all traffic studies made in the area, tunnel advocates maintain, from general observations of existing rather than proposed traffic conditions, that no more than four additional lanes of traffic should be allowed in the area. It might also be noted that there is no agency having the responsibility for solving traffic problems in the area which has approved a four-lane crossing, not one. These agencies include the District of Columbia Department of Highways, the Virginia Department of Highways, the Bureau of Public Roads, and the National Capital Planning Commission. They are all against it.

Now, as to comparative costs of the tunnel and the bridge: A six-lane fixed-span bridge will cost $15,550,000, with an annual operation and maintenance expense of $10,000.

A six-lane draw-span bridge will cost $17,450,000, with an annual operation and maintenance expense of $56,000.

A six-lane tunnel—and there is not one in the United States, not one, will cost $47,842,000, with an annual operation and maintenance cost of $310,000.

A four-lane tunnel will cost $25,500,000, and the expense of operation and maintenance would not be much different than the six-lane tunnel, because most of the expense is caused by the need for ventilating the tunnel.

Now we come to esthetics. The bridge advocates say that a bridge could be built here which would not detract from the present esthetic qualities of the area but which would instead constitute a desirable addition to the landscape. This concept seems to be borne out by the fact that the Congress, as well as the President, decided in 1954 that a bridge would be acceptable at this location. The Senate in 1955 and 1956 and the House of Representatives in 1956 again approved a bridge.

Tunnel advocates contend that a tunnel would result in a minimum of damage to the memorial character of the area. But at what price?

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. RABAUT. I yield to the distinguished gentleman from New York.

Mr. TABER. Is it not a fact that at the present time, without any legislation whatever, there is authority for the six-lane bridge?

Mr. RABAUT. There is.

Mr. TABER. Then why do we need any bill?

Mr. RABAUT. That is why we are giving the facts here.

Now, as to navigation: The District of Columbia made application to the Corps of Engineers for approval of the construction of a fixed-span bridge in the vicinity of Constitution Avenue.

After appropriate public hearings, the Corps of Engineers, the Government agency having control over such matters decided it is to be in the best interest of the general public to construct a fixed-span bridge and that the use of the river for navigation purposes did not justify a movable span.

The advocates of the tunnel maintain that the Potomac River should be kept open for the benefit of two commercial interests now located upstream from the proposed crossing—Smoot Sand and Gravel Co. and the American Oil Co. At what price, I ask you?

Mr. GAVIN. Two companies the gentleman said?

Mr. RABAUT. Yes. I ask again, at what price in this economy-minded body?

A tunnel at Constitution Avenue will in no way solve the problem of a fixed span versus a drawspan at the 14th Street crossing, for which legislation is now being considered for a replacement of the old truss structure. Will this be a reason for a second tunnel?

In the legislation now being considered for a replacement of the old truss structure, will this be a reason for a second tunnel?

Another issue is whether the construction of a four-lane crossing fulfills the intent of Public Law 627, known as the Federal Highway Act of 1956. This act governing the construction of the National System of Interstate and Defense Highways establishes standards to which this system of highways must be constructed. It specifically states that such standards shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. RABAUT. Mr. Chairman, I ask unanimous consent to proceed for an additional 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. RABAUT. Mr. Chairman, in September 1955 the Bureau of Public Roads, Department of Commerce, designated a river crossing at the Constitution Avenue site as a part of the interstate system. Therefore, any crossing constructed at this site should fulfill the conditions cited above. Representatives of the Bureau of Public Roads have stated that a four-lane tunnel, or any four-lane facility at this location, would not adequately provide the capacity to serve the needs based on 1975 traffic volumes.

A four-lane tunnel does not in any way fulfill the intent of Public Law 627. Furthermore, there is serious doubt as to whether the District of Columbia could qualify for Federal-aid funds in connection with the construction of connecting approaches and ramps to the tunnel on the basis of the 1975 traffic-capacity requirement.

Should a four-lane tunnel be authorized at this location, it may be necessary that the interstate system in the Washington metropolitan area be redesignated. In that event, it is extremely important that allocated Federal-aid funds available to the District of Columbia be held for use on those projects conforming to interstate requirements. In no event should such funds be expended on projects which do not comply with these standards.

If this tunnel is to be financed from District highway funds, the proposed District highway program for the fiscal years 1958, 1959, and a part of 1960 which is now in an advanced planning stage, would have to be scrapped, since a tunnel would not qualify for Federal-aid highway funds and would take a tremendous bite into the District finances. No interruption, however, will take place if the bridge is approved.

After consultation with representatives of the District Highway Department this day, I now recommend to the committee the defeat of this tunnel bill which will automatically authorize the construction of a six-lane bridge across the Potomac River which was author-

ized by the Congress when it enacted Public Law 704 of the 84th Congress.

Mr. DAVIS of Georgia. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not intend to take any more time than appears to be necessary to discuss the issues in this legislation, but I feel impelled to correct some erroneous statements just made by the gentleman from Michigan [Mr. RABAUT].

Mr. John Robertson, who is the director of the Highway Department of the District of Columbia, also sent us copies in the committee of this treatise which the gentleman from Michigan just read to you. I followed his reading of it with interest. Some of it is correct and some of it is not, and I could not sit quietly by and let his statement go that there is no agency having the responsibility for solving the traffic problems in the area which has approved a four-lane tunnel crossing. He mentions among those who have not approved it the National Capital Planning Commission. Well, now, I read you when I first took the floor this morning the testimony of Mr. Harlan Bartholomew, who is the Chairman of the National Capital Planning Commission, who testified on February 24 in favor of this four-lane tunnel bill. And, that is a mistake, but I am satisfied the gentleman believes what he read, but it is not correct.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from Michigan.

Mr. RABAUT. Well, now, this information was sent to the committee, and there sat the people representing the people of the District of Columbia. It deals with the whole program, and every word of this they saw and approved.

Mr. DAVIS of Georgia. Was this not prepared by Mr. Robertson, the director of the highway system of the District of Columbia?

Mr. RABAUT. I do not know who prepared it. I asked for some information from the highway department and a representative of that department—not Mr. Robertson—brought this information to me.

Mr. DAVIS of Georgia. He sent five copies to the committee.

Mr. RABAUT. We revised it somewhat this morning for use on the floor today.

Mr. DAVIS of Georgia. I noticed you left out some of it as you were reading it.

Mr. RABAUT. No. The only thing I left out was the detail of the figures and some of the extraneous language.

Mr. DAVIS of Georgia. There were other parts, but I would not quarrel with the gentleman about that.

Mr. RABAUT. I do not think I left out a word that would change the meaning of the statement.

Mr. DAVIS of Georgia. Well, I would not quarrel with the gentleman about that, either.

Now, he also read from Mr. Robertson's statement that the operation of this tunnel would cost $310,000 a year, which is another incorrect statement. Here are the detailed figures on what it will cost. And Mr. Singstad and other people even gave the cost of the electric current per month and per year for operating the fans in the ventilators and all of the details.

He said it would cost $125,000 a year for operation. It will cost to operate a bascule span 6-lane bridge $56,000 per year. That is the difference in the operating cost as between a tunnel and a bascule span bridge, some $60,000.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. TABER. Where do those figures come from?

Mr. DAVIS of Georgia. They come from this source. The bascule span bridge is now costing that figure to operate. That is the incoming 14th Street Bridge.

Mr. TABER. A new bridge would not have the same estimate of cost, would it?

Mr. DAVIS of Georgia. If it is a 6-lane bascule span bridge I assume it will cost substantially the same. I do not think the gentleman would say otherwise.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman.

Mr. MEADER. I would like to ask the gentleman what testimony he had about the advantage of an underriver crossing from the point of view of access to the Pentagon and the airport and other places across the river in the event a bridge were sabotaged or destroyed by a bomb.

Mr. DAVIS of Georgia. Mr. Singstad told us in the committee that he had discussed this matter with engineers in London, England, and they told him that a tunnel was much harder to destroy by the dropping of bombs than a bridge. That was another reason why the tunnel would be more advantageous.

Mr. MEADER. What testimony did he have from people in the Department of Defense or the executive branch of the Government about the desirability of having at least one crossing which was not above ground?

Mr. DAVIS of Georgia. We did not have anybody from the Pentagon who spoke specifically on that issue. But we had witnesses who were asked questions about it, and that was the answer, that they favored it and that was one of the reasons why.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. HOFFMAN. That authority was an English authority, the gentleman said. And I assume the expert got his information from the last war from bombings. But that was before we had these other bombs from which, when they are dropped, the gas settles down into the tunnels and stays there.

Mr. DAVIS of Georgia. The gentleman is as familiar with the dropping of bombs as I am, in London and I presume in Washington, also.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. GROSS. The gentleman is not saying that a tunnel cannot be sabotaged or bombed out of usefulness, is he?

The CHAIRMAN. The time of the gentleman from Georgia [Mr. DAVIS] has expired.

Mr. DAVIS of Georgia. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DAVIS of Georgia. Mr. Chairman, I wanted to yield to anyone who desired to ask me a question, because I want the Members to have the facts about this proposed legislation and then let the committee work its will on it.

Mr. HAYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. HAYS of Ohio. Does not the gentleman feel that if an atomic bomb were dropped on Washington, the question of crossing the Potomac would become academic, anyway?

Mr. DAVIS of Georgia. It would be for most of the people. There may be a few left who could go through the tunnel, and I presume that they would be glad to have one, if such were the case.

Mr. MEADER. Mr. Chairman, would the gentleman yield further to me?

Mr. DAVIS of Georgia. I yield.

Mr. MEADER. I would like to ask a question about the amendment offered by the gentleman from Pennsylvania. As I understood the reading of the amendment of the gentleman from Pennsylvania, it would strike out the tunnel and provide for a foot bridge between Roosevelt Island and Small Island.

Mr. DAVIS of Georgia. That is my understanding of it. It would authorize the spending of $25,500,000 to construct a foot bridge from a six-lane bridge down to Roosevelt Island. That is my understanding.

Mr. Chairman, I want to point out one other thing. The gentleman from Michigan [Mr. RABAUT] in reading this treatise from Mr. Robinson said in one part of it that it specifically states that such standards shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975; and said that the Bureau of Public Roads had not O. K.'d this tunnel and probably would not O. K. it.

I talked to Mr. Harry Thompson this morning, the Associate Superintendent of the National Park Service, who, as such, would be in charge of this operation and he said that the Bureau of Public Roads have agreed, in case this legislation passes, to furnish 90 percent of the cost, under the provisions of the highway bill that we passed.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr DAVIS of Georgia. I yield.

Mr. HOFFMAN. Now the gentleman is doing the same thing he admonished me not to do about 5 minutes ago.

Mr. DAVIS of Georgia. What is that?

Mr. HOFFMAN. About the way to legislate. I was telling the gentleman what some Senators told me and now the gentleman is telling me what some fellow down in the department has been telling him.

Mr. DAVIS of Georgia. This man was a witness before the committee. I reviewed his testimony with him this morning and was given that information by him. I think this information should be given to the committee and that is the reason I rose in opposition to the amendment.

Mr. GAVIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GAVIN. Mr. Chairman, it has been called to my attention by my very distinguished friend from New York [Mr. TABER] that in my amendment I referred to a certain section of Public Law 704, 83d Congress. I ask unanimous consent to modify my amendment to refer to title I of that law, the first section, (a), which reads as follows:

That the Commissioners of the District of Columbia are authorized and directed to construct, maintain, and operate a low-level bridge over the Potomac River from the vicinity of Constitution Avenue in the District of Columbia to the Virginia side of the Potomac River, such bridge to be constructed north of the Memorial Bridge and south of the southern portion of Theodore Roosevelt Island sometimes referred to as "Small Island," together with bridge approaches and roads connecting such bridge and approaches with streets and park roads in the District of Columbia and with streets and park roads on the Virginia side of the Potomac River: *Provided*, That in planning such bridge approaches and connecting roads, the Commissioners shall consult with the National Capital Planning Commission.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BROYHILL. I object, Mr. Chairman.

Mr. MILLER of Nebraska. Mr. Chairman, I rise in opposition to the amendment because this amendment is not necessary, since Public Law 704 authorized the construction of a six-lane bridge from Constitution Avenue. The money has been appropriated to start such a bridge. The amendment offered by the gentleman from Pennsylvania merely beclouds the issue and adds nothing to the law presently on the books. So I hope the amendment is defeated.

Mr. Chairman, I do want to clear up one matter, and on this I hope I have the attention of the gentleman from Georgia [Mr. DAVIS], who has worked hard on this bill. There has been some difference of opinion relative to the position of the Commission. As I have stated, General Lane stated several times that no department had approved the four-lane tunnel. Mr. Bartholomew, who is the head of the Planning Committee, said this:

This committee found that either a bridge or tunnel at this location would be feasible.

I can find no place in his testimony in which he says outright that he wants a four-lane bridge. I do find on page 51 of the hearings of February 19 of this year where the gentleman from Virginia [Mr. SMITH] said this to Mr. Bartholomew:

I do not know that I follow you closely enough, but I have not understood yet on this particular phase of the controversy whether you want a tunnel or a bridge or no crossing at that point.

Mr. BARTHOLOMEW. The Planning Commission has approved a crossing at Constitution Avenue either in the form of a bridge or a tunnel.

Looking through his testimony I find further that the testimony that he gave relates to some 14 different structures that they are recommending over the Potomac River if the traffic is to be properly handled. Mr. Bartholomew said on page 48 of the hearings of February 19, 1957:

The river-crossing problem will not be solved by a bridge or a tunnel at Constitution Avenue per se, the point being that our demonstrated need is for 14 traffic river-crossing accommodations.

The tunnel that we are considering now is not by any means a full solution to the problem. In looking through Mr. Bartholomew's testimony, I cannot find a place he actually recommends a 4-lane tunnel. He has no objection to a six-lane bridge. I do find where he said to the gentleman from Virginia [Mr. SMITH], although he did not make a direct reply when he was asked whether he preferred a bridge crossing here, replied:

Either form, a bridge or a tunnel.

As I understand the engineers and all the departments that are reporting to us, that they prefer a six-lane bridge.

I expect when we reach the proper place in the proceedings to offer a motion to recommit the bill. The executive department of Government can then proceed, as they should, under Public Law 704. Some $6 million has been appropriated to start a six-lane bridge. I think that will take care of it.

Something has been said about the tunnel protecting people in time of war. Mr. Masters, the consulting engineer from Harrisburg, Pa., who helped construct the Chain Bridge in 1926, gave testimony on May 1, 1957, and spoke about the protection:

It is difficult to sabotage a bridge. It is easy to sabotage a tunnel in wartime. A single time bomb dropped from a car in a tunnel could put it out of commission for a great length of time. It is very, very hard to repair. Even though they would destroy a little section of a bridge, you can always make temporary repairs and restore traffic in a minimum length of time. I think that is something in a situation where a bridge itself becomes a key to a transportation system, the only belt loop in the District of Columbia. So actually your tunnel with bombs dropping on them, you get cracks in a tunnel and leaks in a tunnel which put them out of commission so they are unusable at all so far as traffic is concerned.

I hope the amendment of the gentleman from Pennsylvania is defeated and that we go forward with the consideration of this bill and then consent to the motion to recommit to carry out the provisions passed by the other body on 2 occasions and by this House on 3 occasions, which provided for a 6-lane bridge over the Potomac River.

Mr. GAVIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GAVIN. Mr. Chairman, to save further debate on this particular amendment and in view of the fact that the sentiment seems to indicate that the bill will be recommitted and revert back to Public Law 704, therefore at this time I am willing to withdraw the amendment.

The CHAIRMAN. Is there objection that the amendment offered by the gentleman from Pennsylvania be withdrawn?

Mr. GROSS. Mr. Chairman, I object.

Mr. KEARNS. Mr. Chairman, I would like to inquire of the gentleman from Georgia if we could agree on some kind of time here for the consideration of all the amendments and possibly to agree on a time to end the consideration of the bill. I think everybody is pretty well informed about it.

Mr. TABER. Mr. Chairman, I have an amendment which I intend to offer and I must have 5 minutes to speak on my amendment.

Mr. KEARNS. That is right and I have one too, sir, and I was just inquiring of the gentleman, the chairman of the committee, as to what he might be able to do on this.

Mr. DAVIS of Georgia. In order that we may get the sentiment of the Members of the Committee of the Whole, Mr. Chairman, I will submit a unanimous-consent request. I will ask unanimous consent that all debate on all amendments conclude at 3 o'clock.

Mr. HOFFMAN. Mr. Chairman, reserving the right to object, as I said before, I have an amendment to strike the word "tunnel" in this present bill and it is right along the line that was advocated by the Member on your side, the gentleman from Michigan [Mr. RABAUT] and I want at least 10 minutes on that.

Mr. DAVIS of Georgia. I want to follow the wishes of the Committee and I have submitted the request to test the sentiment of the membership.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. HOFFMAN. Mr. Chairman, further reserving the right to object, and I have not withdrawn my reservation of objection—I hear some Members suggesting that the gentleman make a motion to that effect. The gentleman can make a motion if he wants to, but how are you going to get a vote on this bill today if someone does not want it?

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. GROSS. Mr. Chairman, reserving the right to object, I will say to the gentleman from Georgia [Mr. DAVIS] that I have the greatest respect for him. The gentleman has had 15 or 20 minutes on this bill.

Mr. GAVIN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and thirteen Members are present, a quorum.

Is there objection to the request of the gentleman from Georgia [Mr. DAVIS]?

Mr. GROSS. Reserving the right to object, Mr. Chairman, I have 4 or 5 amendments to offer to this bill, depending on what is done to it in the meantime. I do not think the gentleman ought to put a severe limitation of time on debate, in view of the fact that members of the committee have taken most of the time up to this time. I do not know how much time will be necessary.

Mr. DAVIS of Georgia. Mr. Chairman, I move that all debate on all amendments to the bill close in not less than 1 hour.

The CHAIRMAN. The question is on the motion, offered by the gentleman from Georgia [Mr. DAVIS].

The question was taken; and on a division (demanded by Mr. GROSS), there were—ayes 105; noes 4.

So the motion was agreed to.

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. As I understand it, the motion made by the gentleman from Georgia [Mr. DAVIS] provided "in not less than 1 hour."

Mr. DAVIS of Georgia. That was a slip of the tongue, Mr. Chairman. I meant not more than 1 hour.

Mr. TABER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is it an amendment to the pending amendment?

Mr. TABER. No, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GAVIN].

Mr. GAVIN. Mr. Chairman, I withdrew it.

The CHAIRMAN. But objection was raised to the gentleman's request.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GAVIN].

The amendment was rejected.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 5, strike out sections 109 and 110, including all of lines 8 to 22, inclusive.

Mr. TABER. Mr. Chairman, this amendment would strike the contract authority that is provided in section 109, the authority to use District appropriated funds, not limited at all.

This section 109 provides for contract authorization absolutely unlimited. The Secretary of Interior, under that language could enter into contracts involving enormous sums of money. That is not any exaggeration. That is the way it reads. That is the way it stands; absolutely no limit. It might be more, it might be less, but there is absolutely no control.

That is the example of the kind of thing we would be struggling with every day in the House of Representatives, if bill H. R. 8002 providing for the accrued expenditure business were up. It would be absolutely impossible to have any orderly government or provide any economy whatever if we had that kind of language in authorization bills. It seems to me it is about time we stopped legislating in this wild way. It is just absolutely impossible for members of the Appropriations Committee to be on the floor when every bill is under consideration and protect the House against itself.

The gentleman from Michigan [Mr. RABAUT], and I have felt impelled to be here today; it was not because we wanted to come here and fight over this bridge or tunnel authorization, but because it was our bounden duty to come here and tell the membership exactly what such a provision would do and how dangerous it is to have that kind of legislation.

As far as section 110 goes, that is a smaller item. That refers to District funds only. I have forgotten what the appropriation was for 1958, but it was above $150 million.

Mr. RABAUT. It was $192 million.

Mr. TABER. One hundred and ninety-two million dollars. They could transfer what there was of that and use all of that without any restraint.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. GAVIN. In the event this bill were recommitted we return to Public Law 704 where the bridge is already authorized. I understand it will be possible to use funds from the Highway Assistance Act, funds that have already been appropriated, in part payment. Will the gentleman explain what funds will be used?

Mr. TABER. If I might have 5 additional minutes. I ask unanimous consent that I be granted 5 additional minutes, Mr. Chairman.

The CHAIRMAN. The Chair reminds the gentleman that the committee is operating under a limitation of debate and the Chair cannot entertain such a request.

Mr. TABER. To State it briefly, if this bill is recommitted, or if it is wiped off the boards altogether, there still exists authority under Public Law 704 for going ahead with a six-lane bridge; and there is no reason why we should not do it. We would not need $25 million. I think the figure runs somewhere around $18 million or $19 million for a 6-lane bridge. There is already $6 million appropriated.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Virginia.

Mr. BROYHILL. I think there is precedent for the language in section 109. It was taken verbatim from the Highway Act, Public Law 607 of the 84th Congress, section 106, wherein it gives authorization. Now, this is a situation we have been arguing about for 4 or 5 years. Under that provision the Secretary of the Interior is given the right to enter into these contractual obligations.

Mr. FALLON. Mr. Chairman, if the gentleman will yield, the reason it is not necessary in this bill is because this is for 1 bridge dealing with 1 department, whereas, in the Federal-aid highway bill, it was necessary to have contractual authority because the States have to plan for the future, and in the case of most States the legislatures meet only once in 2 years.

Mr. TABER. Mr. Chairman, I hope that this amendment will be adopted and that the House will show some sense of responsibility.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. GAVIN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and six Members are present, a quorum.

Mr. GROSS. Mr. Chairman, I offer an amendment.

Mr. DAVIS of Georgia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DAVIS of Georgia. Will the Chairman state how much time each Member will have?

The CHAIRMAN. About 4½ minutes apiece.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 4, strike out all of lines 4 through 15 and insert the following:

"SEC. 105. The cost of construction, reconstruction, relocations, obliteration, and repair of all facilities and related works, including streets, if any, and roads, which are changed or made necessary incident to the construction of said tunnel, approach ramps and connecting roads, shall be paid out of funds made available for the construction of said tunnel, approach ramps and connecting roads for all of which the State of Virginia shall pay the full costs on the Virginia side of the Potomac River and the District of Columbia shall pay the full costs on the District of Columbia side of the Potomac River: *Provided further*, That the cost of all necessary regrading and landscaping resulting from the completion of said tunnel, approaches, and connecting roads also shall be paid out of funds made available in furtherance of this act, and of which the State of Virginia shall bear its full share of the costs on the Virginia side of the Potomac River and the District of Columbia shall bear its full share of the costs on the District of Columbia side of the Potomac River."

Mr. SMITH of Virginia. Mr. Chairman, I make the point of order against the amendment offered by the gentleman from Iowa on the ground it is not germane to the bill. I do not know anyone in this body who happens to be a member of the General Assembly of Virginia and therefore can tell the Virginia Assembly how much money it can appropriate for anything.

The CHAIRMAN. Does the gentleman from Iowa [Mr. GROSS] desire to be heard?

Mr. GROSS. Mr. Chairman, the amendment deals with language contained in the bill, section 101, on page 2, wherein there are designated certain duties and responsibilities on the part of the State of Virginia on the Virginia side of the Potomac River, and so forth.

The CHAIRMAN. The Chair is ready to rule. It would appear to the Chair that the language of the amendment offered by the gentleman from Iowa is germane to the subject matter of the bill and, therefore, overrules the point of order.

Mr. GROSS. Mr. Chairman, a while ago the gentleman from Virginia [Mr.

BROYHILL] said, "We do not care whether you put up a bridge, tunnel, or what it is." Of course, he might have added: "Just as long as the taxpayers of the rest of the country pay for it we do not care what you do." I imagine he would accept a pontoon bridge across the river or a fleet of ferry boats if the taxpayers of the rest of the country would pay the bill.

Mr. Chairman, my amendment simply provides that the State of Virginia shall take care of its share of the cost of this venture, including the cost of construction of part of the tunnel, the approaches, the ramps and the landscaping. Under the terms of this bill the taxpayers of the entire country are going to pay for even the landscaping on the connecting roads and so on and so forth. My amendment simply provides that the people of Virginia, the good people of Virginia—and I know they do not want to unload on all the taxpayers of the country the burdens of expenses that they know they ought to carry—should pay their just proportion of the costs. They are fine people over in Virginia, and they have some fine Representatives in Congress. But, I just cannot believe that the people of Virginia want the people of Kentucky, Iowa, Massachusetts, Illinois, Ohio and everywhere else to pick up the burdens of expenses that they themselves know they ought to carry.

That is all my amendment does, Mr. Chairman, and I hope it is adopted. I reserve the balance of my time, because I have other amendments.

Mr. SMITH of Virginia. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not want to take up any undue time. We have had a lot of ridiculous amendments on this bill, and I will only take a moment, since Virginia has been mentioned in connection with this project to be undertaken and that somebody from Virginia should say something about it.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Pennsylvania.

Mr. GAVIN. It was my intention to defend Virginia's position rather than have the gentleman do it if he had permitted me to do so.

Mr. SMITH of Virginia. Well, I would have permitted the gentleman, and I am always glad to have the gentleman heard, but I happened to be standing on my feet and I happened to be recognized. I certainly appreciate the gentleman's solicitude for Virginia. I know he would always be fair, too, and support Virginia in every proper way. But, I just want to point out the rather inadequacy of such an amendment. Under the constitution of Virginia we would not be permitted, if we wanted to, to spend any money on any bridge or highway outside of the Commonwealth of Virginia. As most of you know, the Potomac River is entirely to the high-water mark in the District of Columbia, and all of this bridge is on District waters, so that under the constitution of Virginia, Virginia simply could not, if they wanted to, appropriate any money for that purpose.

Now, I am wondering if we have not spent enough time on this bill so that perhaps we could get down to some sensible amendments and let us wind this thing up. If you want to kill this bill, go on and kill it, but we have spent a lot of time on it, and I just wish we would go along with it and see what we are going to do with it in the end.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Iowa.

Mr. GROSS. Would not the State of Virginia like to amend its constitution so that it could take care of some of its responsibilities to its citizens in getting back and forth into the District of Columbia, where they are employed?

Mr. SMITH of Virginia. I do not want to get into a discussion with my good friend from Iowa, because I agree with him so many times that I hate to disagree with him. I know he has my welfare at heart, and I have his welfare at heart, and I want to get across the river without having to swim. And, I know that the gentleman has had a hard session here and he needs a rest, and I hope that after this bill is passed, he will take a much-needed vacation. I really think it would be a desirable thing to the national welfare for him to preserve his health by going on and taking a little rest, because he has had a strenuous session.

Mr. GROSS. I want to tell the gentleman how much I appreciate his solicitude for my physical and spiritual welfare.

Mr. SMITH of Virginia. The solicitude is sincere. Now, you go on and take your vacation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

Mr. HOFFMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: On page 1, line 9, strike out the words "4-lane tunnel" and insert in lieu thereof "6-lane fixed-span bridge."

Mr. HOFFMAN. Mr. Chairman, I have four other amendments having the same purpose. I ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the amendments as follows:

Page 2, line 7, strike out the words "to a depth" and insert in lieu thereof "at a height."

Page 2, line 17, strike out the word "tunnel" and insert in lieu thereof "bridge."

Page 3, line 19, strike out the word "tunnel" and insert in lieu thereof "bridge."

Page 4, lines 8, 10, and 12, strike out the word "tunnel" and insert in lieu thereof "bridge."

Mr. HOFFMAN. Mr. Chairman, I agree with the gentleman from Virginia [Mr. SMITH]. He left out the word "demagogery" this time, when he was talking, so maybe we can forget that from now on. He wants a bridge. He advised the gentleman from Iowa [Mr. GROSS] to go home, to go on his vacation. I join in that. I would be glad to get out, too, because the gentleman from Virginia [Mr. SMITH] fixes it so that we have to pay 3 or 4 cents a quart more for milk, and cannot get milk from Michigan, Illinois and the other States here in Washington, because our civil rights to sell and buy milk are denied us because of legislation which limits the free market to the dairymen of Maryland and Virginia. And the way they are polluting the Potomac River, we may be able to walk across it soon and may not need a bridge. Slightly exaggerated, perhaps?

But getting back to the amendment, the gentleman from Maryland, and the gentleman from Virginia [Mr. BROYHILL] a while ago said that there was no disposition, so far as I could ascertain, to keep the people not only of Maryland and Virginia, but of the rest of the country, from getting facilities to freely travel across the river. The various amendments I have offered merely change the present bill which came out of the committee and which calls for a tunnel to a bill providing a bridge, for a 6-lane bridge, if you will. What is wrong with that, I ask the gentleman from Virginia [Mr. BROYHILL]? Just change the tunnel to a 6-lane bridge in this bill as it would be if amended.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Yes. Does not the gentleman want a 6-lane bridge?

Mr. BROYHILL. I would like to have a crossing; that is true. But if the gentleman is not for a tunnel, why not vote against the tunnel bill? We have already authorized a 6-lane bridge across the Potomac and have appropriated $4 million of funds to that purpose.

Mr. HOFFMAN. Then why not see that it is built? Call for the ousting of the bureaucrats who defy the Congress. Cut off their compensation. Refuse to give them funds to operate. Who are they? Where do they get their power? If the gentlemen will take this amendment, it would give us a bridge at a cost of practically half of the cost of a tunnel with twice or more the capacity to handle traffic. That was conclusively pointed out by the gentleman from Michigan [Mr. RABAUT]. And no one can dispute the figures. If you want a bridge, you can get it by taking these amendments now. Moreover, we will save from 51 to 55 thousand dollars each year in operating costs.

Mr. DAVIS of Georgia. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. DAVIS].

Mr. DAVIS of Georgia. Mr. Chairman, I yield to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, the amendment now offered raises a very fundamental question. That is the question whether there shall be a bridge or a tunnel. Underlying the question of the bridge is the question of the use of the Potomac River by transportation. At Georgetown there is one of the oldest ports in the United States. There

is important business there now. There is a movement on now to improve the ports of Alexandria and Washington for international shipping. If the amendment passes in its present state, there is no provision for a bascule span to permit traffic to go up and down the river.

The Committee on the District of Columbia when this matter was considered in the committee was unanimously of the belief and the opinion that the river should not be closed. Every bridge there now has a bascule span. You have 4 bridges there with bascule spans and if you put one in without such a span, you close up the oldest port in America.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I am sorry, I am talking on someone else's time.

I am suggesting an amendment to the gentleman's amendment so that if it does pass, after the word "bridge" wherever it occurs there will be inserted the words "with a bascule span".

Mr. HOFFMAN. I have no objection to that amendment and accept it as far as I am concerned.

Mr. DAVIS of Georgia. Mr. Chairman, I yield back the balance of my time.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I do not have any time. The time belonged to the gentleman from Georgia.

Mr. HOFFMAN. Then, Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HOFFMAN moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. HOFFMAN. Mr. Chairman, this would not have been necessary if the gentleman from Georgia had yielded me just a minute or two.

The cat is out of the bag now exposed by what the gentleman from Virginia [Mr. SMITH] said. And it is a sorry looking alley cat. Navigation. Navigation. Sometime in the future we are to have a seaport up the river in Georgetown.

I have no objection. I cannot stop you if you insist the taxpayers pay for the creation of a span to help out a couple of boatowners and oil company and a sand and gravel company. I will take it if we must, and maybe others will. But give us the names of the lucky ones who will profit. In 1953 the 14th Street Bridge was opened 450 times. In 1956 the Memorial Bridge was opened only 186 times. In this year, 1957, so far it has been opened 150 times.

Who used it? Two boat lines? Two boat lines? Oh, no—an oil company, plenty of oil; a sand and gravel company. Who are the stockholders whose businesses we make profitable? We have these figures about bridge clearance this afternoon. The gentleman from Ohio [Mr. Bow] got them for me. The sand and gravel company and the oil company, their officers, their stockholders, their employees stand to profit—not the folks who want to cross the river.

We have, after all, this 2 days of debate, at last gotten the reason for the tunnel. We are to build this tunnel to pay a less cost for these two companies, private industries to operate. That is what we are doing it for, and here is the admission on the record. Figure that one out for yourself. Do we need an investigation to learn why officials refuse to build a needed bridge and what kind of, and who is doing the lobbying for a tunnel instead of a bridge.

Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Michigan [Mr. HOFFMAN].

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia to the amendment offered by Mr. HOFFMAN: After the word "bridge" insert "with bascule span."

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan, as amended.

The question was taken; and on a division (demanded by Mr. DAVIS of Georgia) there were—ayes 51, noes 40.

Mr. DAVIS of Georgia. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. HOFFMAN and Mr. DAVIS of Georgia.

The Committee again divided, and the tellers reported that there were—ayes 75, noes 45.

So the amendments were agreed to.

Mr. WILSON of Indiana. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WILSON of Indiana: On page 4, line 20, strike out all of section 107.

Mr. WILSON of Indiana. Mr. Chairman, this will only take a minute. The sole purpose of this amendment is to prevent the transfer of funds. The subcommittee and the full Committee on Appropriations appropriated funds for the Interior Department for Park Service and its operations. We did not appropriate money for the Department to transfer over for unbudgeted bridge purposes. My amendment would prevent the transferring of funds for purposes.

The section says:

SEC. 107. The Secretary of the Interior, in his discretion, may employ, by negotiated contracts for personal or professional services, engineers, architects, landscape architects, or other expert consultants, or firms, partnerships, or associations thereof, including the facilities, service, travel, and other expenses of their respective organizations so far as employed upon work within the park system of the National Capital and environs in accordance with the usual customs of the several professions without reference to the civil service requirements or to the Classification Act of 1923, as amended, or any other act.

This prohibits the Department from using funds to hire people and bring them here for purposes for which these funds were not intended. We must guard our appropriations. We must make departments live up to their justifications. We must vote this section out so that these funds will be used for their intended purposes.

Mr. THOMSON of Wyoming. Mr. Chairman, I rise in support of the amendment.

Yesterday there was considerable contention about this question of the availability of funds within the Park Service from present appropriations to prepare the plans and initiate construction of this tunnel or bridge as the case may be. Section 106 of the bill provided for the expenditure of $1 million from the appropriations available to the National Park Service for the preparation of plans, designs, and construction purposes. That section was stricken from the bill. Section 107, which the pending motion proposes to strike, could be interpreted as suggesting to the Secretary of the Interior that he should accomplish the same purposes as far as planning is concerned by transfer of funds and personnel. On the basis of the will of the committee as expressed yesterday, this motion should be adopted.

In the debate yesterday it was indicated that the provision for the expenditure of $1 million from presently appropriated National Park Service funds was put in at the suggestion of the Interior Department and on the basis that the arrangement would be temporary and the funds would be restored to the Park Service appropriation at a later date. This caused the gentleman from Indiana, who has just spoken, to say:

Now, one word to the members of the Committee on Appropriations. We have seen evidence here of the carelessness of our committee in dishing out the taxpayers' money. I do not know who are the members of the Interior Department Subcommittee on Appropriations, but they evidently have given the Interior Department too much money. Otherwise the Department would not have $1 million to shift over to this proposed Potomac project, which has not even been formally authorized. Maybe we should take another look at some of our appropriations.

This concerned me very much. During the years of World War II and following, up to 1956, our national parks had been deteriorating into a state of disrepair and we had failed to provide the additional facilities needed to take care of the sharp rise in visitations. Since then, through the hard work on the part of many of us and with the sympathetic understanding and support of the administration and the President, and the fine cooperation and assistance by the Appropriations Committee and of the House as well as the other body, we have undertaken and have provided the appropriations for a most worthwhile program to correct this situation. The program is known as mission 66. Even with the appropriations provided it will take 10 years to bring our parks up to the point where they will take care of the needs of the millions of people of this country that visit them each year.

This year we have appropriated $75,430,000 to take care of not only construction of new facilities, of roads and trails and parkways, but also for management and protection, maintenance and rehabilitation, and administrative expenses for the National Park Service and all of the parks and monuments in the system. This will not take care of all of the things that many of us would like to see done, and many necessary and worthwhile improvements have to be deferred to future years. It is, though, recognized as the maximum amount that we can make available for these purposes during the coming year, and if similar amounts are made available as far as the construction, maintenance, and rehabilitation is concerned for future years, it will accomplish the purpose of mission 66. Certainly, however, none of this money should be spent in any other manner.

Mr. GAVIN. That section was deleted yesterday.

Mr. THOMSON of Wyoming. Yes, section 106 was deleted yesterday and I think this section, 107, should also be deleted. Furthermore, I want to clear up the apparent misunderstanding.

Knowing the necessity of using these funds for the purposes for which they were appropriated, if we were to carry out our national parks program, I was very much concerned by the statements of the gentleman from Indiana, also a member of the Appropriations Committee, as made yesterday and which I have previously quoted. As a result I checked into the situation as thoroughly as time would permit with responsible people in the Department of the Interior. As a result of that check I am convinced that any conclusion that the Department was suggesting that funds be made available from present National Park Service appropriations was a complete misunderstanding.

The Department has never reported upon this particular bill. It did report favorably on S. 944, but as I understand it that bill did not provide for the use of any National Park Service funds.

The Director of the National Park Service informed me that all of the funds appropriated to the National Park Service are programed for specific projects, all of which are needed. He states that none of these funds could be made available for the purpose of this bill without eliminating or cutting back some of those specific projects, and that he did not recommend that this be done. I am convinced that any thought that the Park Service or any responsible representative of the Department of the Interior was suggesting the use of National Park Service funds for this bill from appropriations already made was a complete misunderstanding. The Interior Subcommittee on Appropriations considered this bill very carefully, and I assure the gentleman from Indiana that as usual they have provided only essential and well-justified funds.

The amount provided for roads and trails in all of our national parks and other areas administered by the Park Service is $16 million. I know that work is being deferred in both Yellowstone and the Grand Teton National Parks until later years. I know that this appropriation cannot be tapped for $1 million or any lesser amount without doing serious damage to the program.

The amount provided for parkways is $15 million. I am advised that they are all committed. I cite these figures because these are the appropriations most similar to the purposes of this bill, and to show the impact that any substantial diversion would have on these programs.

I assure the gentleman from Indiana that the Interior Subcommittee of the Appropriations Committee has not been lax in any respect and has not provided any funds which are not needed. Every cent appropriated for park improvements is needed for that purpose and should not be encroached upon for this bridge or tunnel as the case may be, or for any other purpose. I know that the gentleman from Indiana really appreciates this to be the fact. I commend him for offering this amendment. I urge the committee to favorably consider and adopt it.

Mr. DAVIS of Georgia. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair will state to the gentleman from Georgia that he has consumed the time available to him.

Mr. DAVIS of Georgia. I thought I had reserved some.

The CHAIRMAN. The gentleman is correct; the gentleman does have some time remaining; he has 2 minutes.

The gentleman is recognized.

Mr. DAVIS of Georgia. I will not use the 2 minutes, Mr. Chairman. I merely want to say that the contents of this paragraph were quoted by the author of the bill, the gentleman from Virginia [Mr. BROYHILL], as being necessary to the construction of this crossing. I think that is correct, and I think that if this is taken out it would handicap the Secretary of the Interior in constructing whatever he may undertake to construct if this bill passes in any form.

I urge that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. WILSON of Indiana) there were—ayes 39, noes 30.

So the amendment was agreed to.

Mr. PELLY. Mr. Chairman, I move to strike out the last word and ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Chairman, one thing above all others that Dwight D. Eisenhower has contributed to the office of President is integrity. The American people may not always agree with his views or actions, but they recognize his inherent, absolute honesty. This quality has been good for us. It is good that we hold the occupant of the highest office of the land in high regard. It is good that we trust and honor our leader.

The strength of America lies in the fact that people can be outspoken in their differences as to policies and viewpoints, even as to the ability with which an office is conducted. But at the same time such partisanship, out of respect for high office, never results in license for character assassination. Indeed, any such disrespect would offend the American people.

In this connection let me suggest that the future of this country, the future of the boys and girls of America, is linked with respect, decency, and good taste with reference to our President. Public respect for Government and Government officials is the basis of the future of America, and the basis of good education.

So, Mr. Chairman, I felt heartened in the cause of good government and education to read a denial today by one of our colleagues that he had used insulting language about the President. Not that I think the prestige of President Eisenhower would have suffered, because, as I said, the people trust him and hold him above political attack, but rather the prestige of the House of Representatives would have suffered, and did when the press first alleged that one of the Members of the House referred to the President as a "lousy liar."

Mr. Chairman, I would rather the children of our country learn respect for government in crowded, inadequate school buildings, than disrespect in modern, well-lighted, and uncongested classrooms built with Federal financial assistance. The young people of America should never believe that a Member of this House and a so-called champion of education used a coarse and completely insulting and disrespectful epithet in describing the President of the United States. These children would gain the impression, unfortunately, that all Members of Congress, not just one, have no respect for high office. And in our children's eyes this legislative body, it seems to me, could suffer greatly. Indeed, any such statement would hurt our country at home and abroad. Also such undisciplined and unbridled language being attributed to one of our Members would greatly hurt the cause of education. But above everything else, the House of Representatives, the greatest legislative body in the world, would go down a peg in public reputation and esteem.

With admiration the gentleman from Washington [Mr. PELLY] has observed in the past the pride with which our Speaker has by word and deed emphasized the importance of maintaining public respect for this body. The Speaker has on more than one occasion pointed up the fact that he never doubts the word of a Member, meaning that to challenge an individual Member's veracity would reflect on the House as a whole in the eyes of the people. By the same token, Mr. Chairman, a remark made by a Member inside or outside this Chamber, such as is alleged to have been used in reference to our President yesterday, I feel would lower the opinion of every man, woman, and child in America, not for the President but for the House of Representatives and the Congress of the United States.

Censure, according to Jefferson's Manual, was inflicted by the House on an offending Member in debate for declaring the words of another Member "a base lie." Our rules of conduct, of course, only apply to our acts inside this Chamber with reference to words about and as to impugning motives of our colleagues. There would be no breach of rules in the reported reference to the President in this instance, but in my opinion self-imposed self-discipline and restraint should rule any Member's language anywhere.

Thus, Mr. Chairman, I for one am pleased that a colleague has emphatically stated he did not make the remark attributed to him.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 3, line 20, after the word "appropriate," strike the period, insert a colon, and add the following: *"Provided further*, That for the purpose of construction of said tunnel, approach ramps and connecting roads on the Virginia side of the Potomac River, the Secretary of the Interior shall offer for sale to the State of Virginia, at a fair appraised value, such lands and other property held by the Federal Government as may be necessary for construction of the said tunnel and approach ramps."

Mr. SMITH of Virginia. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Virginia. Mr. Chairman, this is no longer a tunnel bill. The last amendment made it a bridge bill and I therefore make a point of order against the gentleman's amendment.

The CHAIRMAN. The Chair will state that there may be an inconsistency in the amendment, but that is not a question for the Chair to decide.

The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 5, strike out all of lines 6 through 22 and insert the following:

"SEC. 108. There is hereby authorized the sum of $25,500,000, one-half of which shall be contributed by the District of Columbia and one-half of which shall be contributed by the State of Virginia, to carry out the provisions of this act."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

Mr. HOFFMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: Strike out the word "tunnel," wherever it appears in the bill, and insert the word "bridge."

Mr. HOFFMAN. Mr. Chairman, this is what might be termed a perfecting amendment. The Clerk advises me that I skipped "tunnel" one or twice.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. HOFFMAN].

The amendment was agreed to.

Mr. KEARNS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEARNS. Do I understand now that the question of the tunnel has been eliminated from further consideration by the committee?

The CHAIRMAN. The Chair will state to the gentleman that the bill, with a number of amendments, is still before the House. The Chair is not prepared to interpret the effect of all the amendments.

Mr. KEARNS. In other words, then, the concept of the tunnel is not entirely eliminated yet.

The CHAIRMAN. The Chair is not sufficiently advised to answer that.

Mr. KEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEARNS: Page 1, line 9, after "four-lane" insert the word "toll."

Page 4, add section 107, as follows: "The cost of this tunnel shall be paid by those using the facility for transportation. The toll fare shall be set under the provisions of this act for 25 cents a round trip (to and from). One way transportation would carry a levy of 25 cents.

Mr. KEARNS. Mr. Chairman, I do not expect to take all of my time. I personally feel that the Congress is mistaken in eliminating the idea of a tunnel. I think that is what we must come to. As you will recall, I reiterated in the time allowed for debate that in New York City we built the Holland Tunnel and paid for it in 7 years at a cost of 50 cents per car. According to the figures given by Mr. ROBERTSON as to the traffic going to and coming from Virginia, we could amortize this tunnel in 10 years, and I think if we could keep the toll on for another 10 or 11 years, we would have sufficient money for maintenance for 25 years.

Let us be honest about this thing of bridges over the Potomac. Every time a bridge bill comes up we have this same argument about it. This holds true whether it is a bridge bill or a tunnel bill—the argument that a year from now there will be another bridge or tunnel needed. It has been rightly said that we have enough bridges over the river; in my opinion, we must go to tunnels eventually. They are more consistent.

Mr. Chairman, I ask favorable consideration of my amendment.

Mr. BROYHILL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not question the sincerity of the gentleman's amendment, but I think it is a rather superfluous one because as the bill is written now, unless we can get the amendment for the bridge taken out on a rollcall, I do not think the bill as presently written has a chance of becoming law. But, I would compare the toll proposition to that of a football stadium wherein all of the entrances to the stadium with the exception of 1 permitted entry free of charge and 1 entrance having a charge for admission. Quite obviously everyone would use the free admission entrance. Here across the Potomac, coming to the National Capital, there are several bridges right at this particular location. There is the Lincoln Memorial Bridge about 1,000 feet away and Key Bridge about 2,000 feet away.

Certainly any traffic coming down from Arlington Boulevard on the Virginia side or Constitution Avenue on the Washington side, having a choice of 3 crossings, if 1 crossing charges a toll, obviously they would use the structures that are free of charge. So I believe if such a crossing were built it would not be used up to 10 percent of its capacity. It would certainly be a foolish thing for the Federal Government to do to the entrance to our Nation's Capital.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman.

Mr. KEARNS. If the amount were different, would the gentleman still be opposed to it?

Mr. BROYHILL. I would say this. As the bill is presently written—and I do not know anyone who knows how it is written with all these amendments in it—it is a superfluous bill. We have a law on the statute books now with certain funds appropriated for a six-lane bridge. The way this bill is now written we might just as well vote the whole thing down, because we already have a law to permit the building of a bridge.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman.

Mr. GAVIN. If this bill is recommitted, it is quite evident that the sentiment of the House is to have a bridge.

Mr. BROYHILL. I could not answer that question. I think there will be a rollcall on the amendment.

Mr. GAVIN. I should like to direct a question to the distinguished gentleman from the Committee on Appropriations. Let us assume the bill is recommitted and we revert to Public Law 704. How long is it going to take the Committee on Appropriations to act so that the Congress can take some action on this question at this session of Congress?

Can the gentleman from New York [Mr. TABER] answer that question?

Mr. BROYHILL. I yield to the gentleman from New York to answer the question.

Mr. TABER. As I understood the discussion here today, from Mr. RABAUT—I do not remember exactly what the picture is, but, as I understand it, there is already six or eight million dollars available for contract right now. They would not have to wait 10 minutes.

Mr. BROYHILL. I might say that the language was stricken out of the bill which would permit the transfer of those funds to the Department of the Interior.

Mr. TABER. Nothing is stricken out as the bill stands today.

Mr. BROYHILL. As the bill stands today practically everything has been stricken out.

Mr. TABER. The money is there and they would be ready to go.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

The CHAIRMAN. Are there any further amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 6763) to amend the act of August 30, 1954, entitled "An act to authorize and direct the construction of bridges over the Potomac River, and for other purposes," pursuant to House Resolution 375, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. DAVIS of Georgia. Mr. Speaker, I ask for a separate vote on the Hoffman amendment as amended by the Smith amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

On page 1, line 9, strike out the words "four-lane tunnel" and insert in lieu thereof "six-lane fixed span bridge with bascule span."

On page 2, line 7, strike out the words "to a depth" and insert in lieu thereof "at a height."

Page 2, line 17, strike out the word "tunnel" and insert in lieu thereof "bridge with bascule span."

Page 3, line 19, strike out the word "tunnel" and insert in lieu thereof "bridge with bascule span."

Page 4, lines 8, 10, and 12, strike out the word "tunnel" and insert in lieu thereof "bridge with bascule span."

The SPEAKER. The question is on the amendment.

Mr. DAVIS of Georgia. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were refused.

Mr. DAVIS of Georgia. Then, Mr. Speaker, I demand a division.

The House divided, and there were—yeas 97, noes 42.

Mr. DAVIS of Georgia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 226, nays 109, not voting 97, as follows:

[Roll No. 170]

YEAS—226

| | | |
|---|---|---|
| Abernethy | Andersen, H. Carl | Andresen, August H. |
| Adair | Anderson, Mont. | Andrews |
| Alger | | Ashley |
| Allen, Ill. | | |
| Ashmore | Gavin | Natcher |
| Avery | George | Neal |
| Ayres | Gordon | Nimtz |
| Baring | Grant | Norblad |
| Barrett | Green, Oreg. | Norrell |
| Bass, Tenn. | Green, Pa. | O'Brien, Ill. |
| Bates | Griffin | O'Hara, Ill. |
| Baumhart | Gross | Henderson |
| Beckworth | Gwinn | Ostertag |
| Bentley | Haley | Passman |
| Berry | Harden | Patman |
| Betts | Harrison, Nebr. | Pelly |
| Boland | Harvey | Pfost |
| Bonner | Haskell | Pilcher |
| Bosch | Hays, Ohio | Pillion |
| Bow | Heselton | Poage |
| Boyle | Hill | Porter |
| Bray | Hoeven | Prouty |
| Breeding | Hoffman | Rabaut |
| Brooks, La. | Holifield | Rains |
| Brooks, Tex. | Holland | Rees, Kans. |
| Broomfield | Horan | Reuss |
| Brown, Mo. | Hosmer | Riehlman |
| Brown, Ohio | Huddleston | Riley |
| Brownson | Hull | Roberts |
| Burleson | Ikard | Robsion, Ky. |
| Byrd | Jackson | Rogers, Colo. |
| Byrne, Ill. | Jenkins | Rooney |
| Byrne, Pa. | Jennings | Rutherford |
| Byrnes, Wis. | Jensen | Santangelo |
| Cannon | Johansen | St. George |
| Carrigg | Johnson | Saund |
| Cederberg | Jonas | Schenck |
| Chamberlain | Jones, Mo. | Scherer |
| Chelf | Karsten | Scrivner |
| Chiperfield | Kee | Scudder |
| Christopher | Keeney | Seely-Brown |
| Church | Kelley, Pa. | Selden |
| Clevenger | Kilday | Sheehan |
| Coad | Kilgore | Sheppard |
| Collier | King | Shuford |
| Cooper | Kirwan | Siler |
| Cramer | Kitchin | Simpson, Pa. |
| Cunningham, Iowa | Knutson | Sisk |
| | Krueger | Smith, Calif. |
| Cunningham, Nebr. | Laird | Smith, Miss. |
| | Lane | Smith, Wis. |
| Curtin | Lanham | Spence |
| Curtis, Mo. | LeCompte | Staggers |
| Dennison | Lennon | Sullivan |
| Denton | Lesinski | Taber |
| Dies | Lipscomb | Talle |
| Dingell | McCulloch | Tewes |
| Dixon | McFall | Thomas |
| Dorn, S. C. | McGovern | Thompson, N. J. |
| Dowdy | McIntosh | Thomson, Wyo. |
| Doyle | McVey | Thornberry |
| Durham | Macdonald | Tollefson |
| Dwyer | Machrowicz | Ullman |
| Eberharter | Mack, Ill. | Utt |
| Edmondson | Mack, Wash. | Vanik |
| Evins | Madden | Vursell |
| Fallon | Magnuson | Weaver |
| Fascell | Mahon | Wharton |
| Feighan | Marshall | Whitener |
| Fisher | Michel | Whitten |
| Forand | Miller, Nebr. | Williams, Miss. |
| Ford | Miller, N. Y. | Williams, N. Y. |
| Fountain | Mills | Wilson, Ind. |
| Frazier | Morgan | Winstead |
| Friedel | Moss | Withrow |
| Garmatz | Moulder | Wright |
| Gathings | Mumma | Younger |

NAYS—109

| | | |
|---|---|---|
| Abbitt | Dooley | Matthews |
| Albert | Flood | Meader |
| Arends | Flynt | Merrow |
| Aspinall | Forrester | Metcalf |
| Auchincloss | Fulton | Miller, Calif. |
| Baker | Gary | Miller, Md. |
| Baldwin | Granahan | Montoya |
| Belcher | Gregory | Morris |
| Bennett, Fla. | Gubser | Murray |
| Bennett, Mich. | Hagen | Nicholson |
| Blitch | Hale | O'Neill |
| Boggs | Hardy | Osmers |
| Bolling | Harris | Poff |
| Bolton | Harrison, Va. | Polk |
| Brown, Ga. | Hébert | Price |
| Broyhill | Herlong | Radwan |
| Budge | Holmes | Ray |
| Burdick | Hyde | Rhodes, Ariz. |
| Canfield | Jarman | Rhodes, Pa. |
| Chenoweth | Jones, Ala. | Robeson, Va. |
| Cole | Judd | Rogers, Fla. |
| Colmer | Kean | Rogers, Mass. |
| Cooley | Kearns | Rogers, Tex. |
| Corbett | Knox | Sadlak |
| Curtis, Mass. | Lankford | Saylor |
| Dague | Long | Sieminski |
| Davis, Ga. | McCormack | Sikes |
| Davis, Tenn. | McDonough | Simpson, Ill. |
| Dempsey | McGregor | Smith, Kans. |
| Derounian | McIntire | Smith, Va. |
| Devereux | Martin | Springer |
| Stauffer | Udall | Wigglesworth |
| Teague, Calif. | Van Zandt | Willis |
| Thompson, La. | Vorys | Wilson, Calif. |
| Thompson, Tex. | Westland | Wolverton |
| Trimble | Widnall | |
| Tuck | Wier | |

NOT VOTING—97

| | | |
|---|---|---|
| Addonizio | Fogarty | Multer |
| Alexander | Frelinghuysen | O'Brien, N. Y. |
| Allen, Calif. | Gray | O'Hara, Minn. |
| Anfuso | Griffiths | O'Konski |
| Bailey | Halleck | Patterson |
| Barden | Hays, Ark. | Perkins |
| Bass, N. H. | Healey | Philbin |
| Beamer | Hemphill | Powell |
| Becker | Hess | Preston |
| Blatnik | Hiestand | Reece, Tenn. |
| Boykin | Hillings | Reed |
| Buckley | Holt | Rivers |
| Bush | Holtzman | Rodino |
| Carnahan | James | Roosevelt |
| Celler | Kearney | Schwengel |
| Chudoff | Keating | Scott, N. C. |
| Clark | Kelly, N. Y. | Scott, Pa. |
| Coffin | Keogh | Shelley |
| Coudert | Kilburn | Steed |
| Cretella | Kluczynski | Taylor |
| Dawson, Ill. | Landrum | Teague, Tex. |
| Dawson, Utah | Latham | Teller |
| Delaney | Loser | Van Pelt |
| Dellay | McCarthy | Vinson |
| Diggs | McConnell | Wainwright |
| Dollinger | McMillan | Walter |
| Donohue | Mailliard | Watts |
| Dorn, N. Y. | Mason | Yates |
| Elliott | May | Young |
| Engle | Minshall | Zablocki |
| Farbstein | Moore | Zelenko |
| Fenton | Morano | |
| Fino | Morrison | |

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. May for, with Mr. Dellay against.

Mr. Keating for, with Mr. Cretella against.

Mr. Minshall for, with Mr. Reece of Tennessee against.

Mr. Hess for, with Mr. Scott of North Carolina against.

Mr. Becker for, with Mr. Loser against.

Mr. Taylor for, with Mr. Elliott against.

Mr. Coudert for, with Mr. Coffin against.

Mr. Allen of California for, with Mr. Keogh against.

Mr. Bass of New Hampshire for, with Mr. Anfuso against.

Mr. Delaney for, with Mr. Buckley against.

Mr. Holtzman for, with Mr. Farbstein against.

Mr. Hillings for, with Mr. Dollinger against.

Mr. Hiestand for, with Mr. Teller against.

Mr. Holt for, with Mr. Powell against.

Mr. Carnahan for, with Mr. Healey against.

Mr. McCarthy for, with Mr. Multer against.

Mr. Young for, with Mr. Celler against.

Mr. Bailey for, with Mr. Fogarty against.

Mr. Addonizio for, with Mr. Yates against.

Mr. Rodino for, with Mr. Walter against.

Mr. Dawson of Illinois for, with Mr. Zelenko against.

Mr. Shelley for, with Mr. Kluczynski against.

Mrs. Kelly of New York for, with Mr. Engel against.

Mr. Kearney for, with Mr. Roosevelt against.

Mr. Chudoff for, with Mr. Morrison against.

Mr. Diggs for, with Mr. Donohue against.

Mr. Blatnik for, with Mr. Philbin against.

Until further notice:

Mrs. Griffiths with Mr. Beamer.

Mr. Rivers with Mr. Halleck.

Mr. Boykin with Mr. Kilburn.

Mr. Landrum with Mr. James.

Mr. Preston with Mr. Wainwright.

Mr. Zablocki with Mr. Bush.

Mr. Watts with Mr. Latham.

Mr. Teague of Texas with Mr. Mailliard.

Mr. Hemphill with Mr. Morano.

Mr. Hayes of Arkansas with Mr. O'Hara of Minnesota.

Mr. Alexander with Mr. Patterson.

Mr. Gray with Mr. Scott of Pennsylvania.

Mr. Clark with Mr. Fino.
Mr. McMillan with Mr. Frelinghuysen.
Mr. O'Brien of New York with Mrs. Dwyer.
Mr. Perkins with Mr. Van Pelt.
Mr. Steed with Mr. Fenton.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. MILLER of Nebraska. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MILLER of Nebraska. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MILLER of Nebraska moves to recommit the bill H. R. 6763 to the District of Columbia Committee.

The SPEAKER. The question is on the motion to recommit.

The motion was agreed to.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. McBride, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2504. A bill to amend and extend the Small Business Act of 1953, as amended.

## SUPPLEMENTAL APPROPRIATION BILL

Mr. CANNON. Mr. Speaker, I ask unanimous consent that it may be in order on Tuesday next to call up for consideration the supplemental appropriation bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. TABER. Mr. Speaker, reserving the right to object, as I understand, the items in the bill relate almost entirely to the military construction bill which came out of the subcommittee with a unanimous report.

Mr. CANNON. That is a major item in the bill.

Mr. TABER. And is it not also true that the other items in the bill are rather small and not of a controversial character?

Mr. CANNON. They are reported out by the unanimous vote of the several subcommittees.

Mr. TABER. And it will go to the full committee on Tuesday; is that right?

Mr. CANNON. The gentleman is correct.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## SMALL BUSINESS ACT OF 1953

Mr. SPENCE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2504) to amend and extend the Small Business Act of 1953, as amended.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MARTIN. Mr. Speaker, reserving the right to object, what is the request?

Mr. SPENCE. That S. 2504, extending the Small Business Act, be taken from the Speaker's table and passed.

Mr. MARTIN. It already passed the House and the Senate amended it.

Mr. SPENCE. No. We passed the bill in the House. It went to the Senate. The Senate thought they would amend it, but we suggested to them that there was no time to amend it and have a conference. We suggested if they would pass an extending resolution, which they have done, it could go through the House without opposition immediately and the Small Business Administration would not die. It is dead now. This bill revives it from the date of its expiration and authorizes an increase in its authority of $75 million for its functions during the coming year. It extends it for 1 year.

Mr. MARTIN. It is merely a continuation of the present Administration?

Mr. SPENCE. That is all it is.

Mr. MARTIN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. TALLE. Mr. Speaker, reserving the right to object, and I shall not object, I ask unanimous consent to revise and extend my remarks so that I may point out some unfortunate results that would follow in the event that the House failed to take positive action.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TALLE. Mr. Speaker, failure to enact the pending resolution would mean that no action could be taken on disaster loan applications aggregating $2,034,000, involving many States.

Likewise, no action could be taken on business loan applications. There are 700 applications for such loans now pending in the aggregate amount of more than $46 million in the SBA.

Furthermore, no action would be taken by the Congress to provide appropriation for the Small Business Administration.

I am wholeheartedly in favor of the extending resolution. Mr. Speaker, I withdraw my reservation of objection and urge adoption of the resolution.

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois.

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, I am supporting this bill because as it is there is little enough that the small-business man has in the way of assistance from his Government. It would be shameful to permit the Small Business Administration to pass out, inadequate as it has been and at times bitterly disappointing to the small-business man confronted with many problems of which the difficulty of obtaining necessary credit lines in a narrowing money market has been but one. The small-business man has not been receiving anything like his share of defense orders. I trust that the Small Business Administration, with the experience it has acquired, and with its resources increased to some extent, will give itself to its task with real dedication. The small-business man needs help, and it is to the national interest that he should be given it.

George Murphy is one of my constituents. I think his story as told in an article by the always delightful Jack Mabley in the Chicago Daily News of August 1, 1957, is pertinent to the discussion on the pending bill. Mr. Mabley's story, which follows, is printed under a headline reading "He's Got a Lot To Tell Ike—But Will He Get His Ear?"

HE'S GOT A LOT TO TELL IKE—BUT WILL HE GET HIS EAR?

(By Jack Mabley)

I finally found a small-business man who's going to see the President. Or he found me.

George Murphy, 31, owner of the Chicago Mutual Investment Co., 8157 Cottage Grove (employee: one bookkeeper) on July 9 received by airmail an engraved invitation from the White House.

"The President of the United States invites Mr. Murphy to participate in the Conference on Technical and Distribution Research for the Benefit of Small Business," read the raised letters.

Mr. Murphy, who voted for Adlai Stevenson, accepted.

It would be nice to speculate that Mr. Murphy's name was picked out of a hat or chosen by a man sticking a pin in a list of small-business men.

But he happens to be secretary-treasurer of the Businessmen's League of the United States, which used to be the Little Businessmen's League. The President invited a title, rather than an individual.

But he's getting an individual.

CREDIT REALLY "GOOFED UP"

"I hear they've invited a thousand people to this thing," said Murphy. "But I certainly expect to talk to the President personally. They'll have a reception or something like that, I should think.

"What will I tell him? Boy, I've got plenty.

"Credit. The little-business man can't get credit. Ask for a GI business loan, and they'll laugh at you. The credit situation is really goofed up for the small-business man.

"We're harassed by the Federal Government. Most of the time you can't even understand what the Government is talking about in those forms they send out.

"Big businesses can hire lawyers who specialize in every paragraph of Government regulation. The little guy would go broke getting that kind of legal help.

"I've got a few thoughts for the President on inflation, too.

"Ike appeals to businessmen to restrain themselves, and look what he does with the budget. The dollar is going down and down because of Federal spending.

LITTLE FELLOW'S GETTING WHACKED

"And because of the credit situation and the fight the little guy has with regulations, the big fellows get bigger and the little-business man gets whacked."

Murphy is an Irish bachelor. His personal life leaves him time and the freedom to fight for survival as a small-business man.

His business is making investments for small investors.

He has about 1,000 clients.

He says trying to keep a small business going is butting your head against a wall.

"I get a lot of offers from big companies to take a desk with them, but I'm just stubborn enough to stick with this thing."

Now all he has to do is get the President's ear.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 204 (b) of the Small Business Act of 1953 is amended (1) by striking out "$455,000,000" wherever it appears and inserting in lieu thereof "$530,000,000", and (2) by striking out "$230,000,000" and inserting in lieu thereof "$305,000,000."

SEC. 2. Section 221 (a) of the Small Business Act of 1953 is amended by striking out "1957" and inserting in lieu thereof "1958."

SEC. 3. This act shall take effect as of the close of July 31, 1957.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

## COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file reports on the bills, H. R. 5822 and H. R. 7993.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

## SUBCOMMITTEE ON THE POST OFFICE AND CIVIL SERVICE

Mrs. PFOST. Mr. Speaker, I ask unanimous consent that the subcommittee on the Post Office and Civil Service be allowed to sit Monday afternoon during general debate in the House.

The SPEAKER. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

## WHEAT FOR ON-FARM CONSUMPTION

Mr. SMITH of Virginia. Mr. Speaker, I call up House Resolution 363 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8456) to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN]; and pending that, I yield myself such time as I may consume.

Mr. Speaker, I think this is a bill that will not arouse—at least I hope it will not arouse—as much controversy as the bill which we have just concluded.

This is an amendment to the Agricultural Adjustment Act to correct a situation which has caused a good deal of dissatisfaction and difficulty among the smaller farmers of the country. Under the Agricultural Adjustment Act as it now is, as you know, people are not permitted to raise wheat except on a quota system. There are a great many people in the country who raise a small quantity of wheat for the purpose of feeding their own livestock on their own farm and they never market any wheat at all. It is difficult for people to understand why they cannot raise any commodity they want on their own property. It is more difficult for anyone to understand why a person who is raising food for his livestock should be prevented from doing so or penalized for doing so.

A number of cases have arisen, some in my own district, where a farmer has raised wheat and cut it to put in the silo. Or, he has raised wheat to feed his cattle or his pigs, and the Government has sued him for a violation of the Agricultural Adjustment Act. Under the law as it now stands those cases have been won by the Government and people have been made to pay fines for raising wheat which never went off their farm.

That is the substance of the wheat-allotment provisions of this bill, and I believe that is generally agreed to. I do not think now there is any objection to it. But what it does is this: The law as it now stands permits any farmer to raise 15 acres of wheat without having an allotment. This permits him to raise 30 acres of wheat if he is not going to sell it off his own farm but is going to use it for feed purposes.

That is the substance of it except that he has to get some kind of permit from the Secretary of Agriculture, which I wish was not in the bill. I think he ought to be able to raise all the wheat he wants if he is going to use it on his own farm to feed it to livestock. But that is the substance of the bill as far as that feature is concerned.

There are two other features in the bill that affect other provisions of the Agricultural Adjustment Act. Section 3 amends section 335 of the Agricultural Adjustment Act and provides that the Secretary of Agriculture may designate a State producting less than 25,000 acres of wheat as a noncommercial area. These States are free to produce all the wheat they want without respect to acreage allotments but are not eligible for any price support.

A further amendment provides that a farmer will not be ruled ineligible to participate in the soil-bank acreage by reason of his not participating in the wheat acreage.

That is the substance, as I understand it.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Iowa.

Mr. JENSEN. The purpose of the bill is to provide that a farmer shall not be penalized for feeding wheat which is grown on his own farm, but this is my question: Does this raise the allotted acres up to 30 acres which any farmer can produce? Subsection (1) states:

That the total wheat acreage on the farm does not exceed 30 acres: *Provided, however*, That this condition shall not apply to farms operated by and as part of State institutions or religious or eleemosynary institutions.

Is there not a provision in law now which provides for just a 15-acre allotment?

Mr. SMITH of Virginia. I so understand that there is. I would prefer that the chairman of the Committee on Agriculture answer that question.

Mr. COOLEY. I do not think the law refers to the 15 acres as an allotment. It exempts a farmer who does not produce more than 15 acres. This provision would permit the farmer to grow up to 30 acres, provided he did not sell or barter or exchange any of the wheat produced on his premises, but consumed it all.

Mr. JENSEN. The gentleman knows, of course, that the wheat that is raised on that extra 15 acres is going to be fed and it will replace other feed grains such as corn, so that we will have a greater supply of corn, a surplus of corn. It appears to me that that provision would be detrimental to the corn farmer.

Mr. COOLEY. Under existing law a farmer who grows up to 15 acres can either feed that wheat or sell it in a commercial market.

Mr. JENSEN. I understand that.

Mr. COOLEY. Now under the provision about to be presented to us, although you would increase his allowance from 15 acres to 30 acres, you restrict the use of it to feeding on the farm. I might say there are about a dozen Members of Congress who have introduced bills similar to the bill we now have before us. There is a great deal of interest in this matter, particularly on the eastern seaboard. I can agree with my friend, the gentleman from Iowa, that this will tend to increase the burdens, perhaps, of the commercial wheat producers under the marketing quota program.

Mr. JENSEN. And it is going to be a detriment to the corn farmer in spite of anything anyone says.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. MILLER of Nebraska. I would like to have the gentleman, the head of the Committee on Agriculture, to answer the question as to whether the allotment of 30 acres for each of these farmers takes away from the wheat farmer his allotted acreage now allocated to him.

Mr. COOLEY. No; it has no effect on the acreage allotted to him. It has no effect on the allotted acreage of the wheat farmers.

Mr. MILLER of Nebraska. And the 15-acre provision which applied in the past is still applicable?

Mr. COOLEY. Yes.

Mr. SMITH of Virginia. This raises it to 30 acres.

Mr. GAVIN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. GAVIN. I am most pleased that this legislation is being presented for consideration of the House. This legislation is long overdue. For the past several years I have called this matter to the attention of the Committee on Agriculture and no action was taken; therefore it is timely. It will afford relief for a small farmer to permit him to grow such grain as he may need for his own use. This matter has been before the House Committee on Agriculture for a number of years and I know the small farmer will be grateful for action taken. He is now permitted up to 30 acres which will help the small farmer greatly.

One farmer in my district 2 years ago, if I recall correctly, was fined $450 because he did not comply with the regulation. This increases the small farmer's opportunity to plant up to 30 acres. It takes out the restriction of planting only 15 acres; that is, providing that it is used on his own farm for his own use. I think it is a very fine piece of legislation and I wholeheartedly support it. The committee deserves our sincere thanks for action taken.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. ALBERT. Mr. Speaker, with reference to the question raised by the gentleman from Nebraska [Mr. MILLER], if I understood the question correctly, in this bill the 15-acre provision remains in the law intact except in this particular: Hereafter in counting the acreage for future history purposes, only that portion which is involved in the allotment can be counted. In other words, if a farmer plants 15 acres, having a 10-acre allotment, he can plant 15 acres as heretofore, but only 10 acres or the amount of his allotment, will be considered in determining future allotments.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield for one more question?

Mr. SMITH of Virginia. I yield.

Mr. MILLER of Nebraska. Then the addition of 15 acres—or the 30 acres allowed here—does not affect the allotments?

Mr. ALBERT. The 30-acre provision does not affect the allotment. If a farmer takes advantage of the 30-acre provision, he cannot take advantage of the 15-acre provision or his allotment. Under the 30-acre provision, he cannot count for historical purposes any amount used for that purpose above his allotment.

Mr. MILLER of Nebraska. That was my understanding.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. GUBSER. So that it will be perfectly clear in my mind, would it be possible for a man who has an allotment of 300 acres to raise his acreage to 330 acres with this bill providing for 30 acres and feed it to his own livestock.

Mr. SMITH of Virginia. No, no, 30 acres is the limit.

Mr. GUBSER. I thank the gentleman.

LEGISLATIVE PROGRAM FOR NEXT WEEK

Mr. MARTIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN. Mr. Speaker, I take this time to inquire of the majority leader the program for next week.

Mr. McCORMACK. After disposition of this bill today, we will go over until Monday. The remaining bill from the Committee on Agriculture will be taken up next week as I will announce the program in response to the gentleman's question.

Monday is Consent Calendar day, and there will be 14 bills under suspension.

H. R. 17, from the Ways and Means Committee, relating to the cabaret-tax reduction.

H. R. 4770, the social-security coverage, policemen and firemen.

H. R. 8216, alcohol and tobacco refund of taxes.

H. R. 8531, appointment of cadets to United States Air Force Academy.

H. R. 2816, conveyance of Esler Field, La.

S. 1482, to amend the Columbia Basin Project Act. That is to allow 2 farm benefits where in the past 1 farm only was allowed.

House Joint Resolution 370, to extend the time for the sale of war-built vessels.

H. R. 6709, relating to the Treaty Agreement with Panama.

H. R. 8795, relating to the operation of the Franklin D. Roosevelt Library.

H. R. 6535, relating to the repair of lock and dam at Little Kanawha River, W. Va.

H. R. 5930, education benefits for totally disabled veterans.

H. R. 6908, hospitalization of veterans in the Philippines.

H. R. 8850, to amend the Universal Military Training and Service Act.

H. R. 8772, a bill relating to military records and discharges of the Armed Forces.

On Tuesday the Private Calendar.

And a supplemental appropriation bill for 1958.

Then thereafter:

H. R. 7244, the meat-promotion bill from the Committee on Agriculture.

If rules are reported, the following bills may be brought up:

H. R. 8996, relating to the Atomic Energy Commission.

H. R. 8992, International Atomic Energy Agency.

H. R. 2462, salary increase, Federal employees.

H. R. 5836, postal readjustments and policy.

The usual reservations that any further program will be announced later and conference reports may be brought up at any time.

I will confer with the gentleman from Massachusetts [Mr. MARTIN] if the District of Columbia Committee has some bills that they may want to bring up for consideration some time next week.

Mr. MARTIN. We can take it for granted that the so-called gas bill will not be taken up?

Mr. McCORMACK. It is not programed.

Mr. MARTIN. What does that mean?

Mr. McCORMACK. It is not on the program.

Mr. MARTIN. Then it would not come up?

Mr. McCORMACK. It is my understanding that it will not be brought up next week. All I can say is that it is not on the program.

Mr. BROWN of Ohio. Mr. Speaker, I yield such time as he may desire to the gentleman from Ohio.

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I expect to make in Committee of the Whole this afternoon and to include extraneous matter.

The SPEAKER. Is there objection?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Virginia [Mr. POFF].

Mr. POFF. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. POFF. Mr. Speaker, on May 4, 1955, I introduced H. R. 6019, and on January 3, 1957, I introduced the same bill, H. R. 879, which is one of a number of bills of similar import introduced this year. H. R. 8456 now under debate is one of them. I am not so much interested in the passage of the bill which bears my name as I am interested in the passage of legislation which will effectuate the principle involved.

The farmers of the District which I represent are small farmers. Most of their farms are small in acreage but they are fertile, well-managed, and productive. While most of the farms are diversified and self-contained units, much of our farm income is derived from the sale of beef, pork, poultry, and dairy products.

Insofar as possible, with limited acreage, our farmers try to raise their own feed supply. What they cannot raise, they are forced to buy at a price greatly inflated by the Government subsidy on grains produced in the West.

Few, if any, of our small farmers raise enough wheat for sale on the open market, and still fewer raise enough to participate in the benefits of the price-support program. Indeed, farmers in the State of Virginia annually receive less than four-tenths of 1 percent of the wheat benefits under this program.

Ordinarily, our farmers consume their entire wheat crop on the farm in the form of food, feed, and seed. In spite of this fact, and in spite of the fact that they receive no price-support benefits, they are nevertheless subjected to acreage allotments and to the marketing penalties under the Agricultural Adjustment Act. This strikes me as grossly unjust.

The Congress has the power to restrict acreage and impose marketing penalties on agricultural production only by virtue of the interstate commerce clause of the Constitution. The purpose of the act, as an essential corollary to the price-support program, is to regulate the production of grain which has an impact upon supply and price as affected by interstate commerce. While I realize that there are Supreme Court decisions which hold to the contrary, I have never been able to understand how the production of wheat which is consumed by the producer and never sold has any effect whatever upon or any relation to interstate commerce. How can it affect either interstate or intrastate commerce when it never enters the channels of commerce or reaches the market place?

If this legislation becomes law, as I earnestly trust it will, a little farmer who consumes all of his wheat crop as food, feed, or seed will be able to harvest as much wheat as he chooses, without regard to allotments or penalties, subject to the conditions and limitations stated in the bill. For my own part, I interpret the legislation to include not only wheat for seed and feed for livestock, but also wheat for flour for human consumption on the farm.

It is becoming more and more apparent to our little farmers that the price support program is geared to the productive capacity of the big western farmer who tills thousands of acres of flat land with highly mechanized equipment and produces tremendous volumes of grain subsidized by the Government. When our little farmers buy this grain for feed and seed, they are, by paying these high subsidized prices, actually furnishing the "support" in the price support program. Here, by the passage of this legislation, the Congress has an opportunity in some small measure to rectify this inequity and relieve the small farmer of the restrictions and penalties of the program from which he gets no benefits.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Michigan [Mr. BENTLEY].

Mr. BENTLEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BENTLEY. Mr. Speaker, I am supporting H. R. 8456, a bill to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes.

In both the 84th and 85th Congresses, I had introduced legislation similar in nature to section 1 of the bill and had also testified before the House Agriculture Committee on both occasions. My legislation, however, would have exempted all wheat producers from marketing quotas who otherwise complied with the terms of the bill and regardless of the total wheat acreage involved. I cannot, therefore, endorse the provision of H. R. 8456 which provides that the total wheat acreage on the farm cannot exceed 30 acres, but I accept it as a step in the right direction. Likewise, I cannot endorse the provision of section 1 that no wheat producer who is hereby exempted is eligible to vote in the next wheat referendum but I accept it for the purpose of getting favorable action on the basic facts of this legislation. With these two exceptions, section 1 of the pending bill is identical with my bill, H. R. 4361.

Section 2 of this bill provides that wheat planted in excess of acreage allotments will not be counted for the purposes of marketing quotas, acreage allotments or price support levels, except where a State is reclassified from noncommercial to commercial. I think this provision will be helpful in preventing or lessening undesirable shifts in State and county wheat acreage allotments and I support its adoption. Likewise, section 3, which has no real applicability to Michigan, is evidently designed to stabilize the commercial wheat-producing area and is also worthy of support. Finally, I support section 4 which permits farmers who might obtain an exemption under section 1 by using their entire wheat production on their farms to participate in the acreage reserve program on exactly the same basis as those who use the 15-acre exemption.

Mr. Speaker, I have been interested in this type of legislation for several years. It has been supported by the administration likewise for several years. I regard this legislation as another step toward permitting farmers to operate their farms with a maximum of freedom and I think further that it will remove the dissatisfaction of many small wheat producers with the wheat program under present legislation. It will certainly benefit the many small farmers in Michigan who grow wheat almost entirely for feed purposes on their own farms. I hope that the House will adopt H. R. 8456.

Mr. BROWN of Ohio. Mr. Speaker, I agree with that which has been said by the gentleman from Virginia [Mr. SMITH] as to the importance of this resolution, which makes in order the consideration of H. R. 8456 under an open rule, with 1 hour of general debate.

The bill is designed to correct an inequity and a condition which has caused considerable concern to many of us in the Midwest especially, for a long time, where we have many small farms which are producing but a relatively small amount of feed for consumption on the farm itself, either as feedstuff or foodstuff.

I might add that a somewhat similar piece of legislation has been either approved by the Senate Committee on Agriculture and is now awaiting action or has been approved by the Senate itself. However, the Senate bill, as I understand, extends to all acreage planted in wheat providing it is all consumed on the farm; while this particular House bill limits the wheat acreage exempt from regulation to 30 acres, providing the wheat is consumed on the farm. But it is also provided that it can be taken off the farm only for processing purposes and then returned to the farm for consumption.

It is a very important measure, and one I believe that has been delayed too long. I hope and believe the House will approve the bill unanimously.

Mr. McCULLOCH. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Speaker, I am very happy that at long last the Committee on Agriculture has reported favorably such a bill.

In the Great Miami Valley of Ohio the farmers are among the most law-abiding people of this great country of ours, yet in the last 3 years in my congressional district alone at least 44 people have run afoul of this law which has been gall and wormwood to so many people all these years.

Mr. Speaker, the details show that 44 good, dependable, hard-working farmers in the Fourth District of Ohio were fined or otherwise penalized, in the last 3 years, the sum of $14,486.40 for doing what they and their forefathers had been doing on their farms since they were carved from a wilderness, more than a century ago. The record by counties is as follows:

| County | Farmers fined or penalized | Amount |
|---|---|---|
| Allen County | 1 | $404.54 |
| Auglaize County | 1 | 728.00 |
| Darke County | 21 | 5,163.86 |
| Mercer County | 3 | 3,481.00 |
| Miami County | 2 | 1,354.00 |
| Shelby County | 16 | 3,355.00 |

This matter was discussed at length most ably, as he discusses every matter, and many statistics were given by the senior Senator from Ohio, in the other body on yesterday. I would like to refer the Members of the House to page 13251 and the following pages of the RECORD, to get the import of that very able discussion.

Again, Mr. Speaker, I am happy indeed that this matter is up for determination in the House. I am sure the rule will be adopted, and that the bill will be passed, and that the people will be able under the law to proceed in accordance with best American tradition.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Michigan [Mr. KNOX] for a consent request.

Mr. KNOX. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KNOX. Mr. Speaker, I heartily endorse the rule presented by the Committee on Rules for the consideration of H. R. 8456.

This bill is in accord with my principle on civil-rights guaranty to the American farmer under the Constitution, and that is the right to produce wheat for consumption by livestock on the farm. This legislation should have been enacted 4 or 5 years ago.

Under the laws in my State of Michigan, a farmer that would have livestock

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or poultry that were not properly housed or fed, would be hailed into court to answer to charges of cruelty. Farmers in my district have been ordered by the Federal courts to make restitution to the Government for the planting of wheat for livestock feed, when there was no allocation of acreage made to their respective farms.

This legislation is highly desirable but rather late in coming before the Congress. It is my candid opinion that we have too many Congressmen who are willing and eager to farm the farmers. With less regimentation the farmers of this great Nation would have greater opportunities to govern their own farms without the interference of government.

I wholeheartedly support the legislation and hope that the rule of this bill submitted by the Committee on Rules be somewhat conformative with the provisions set forth in legislation passed by the Senate. It is urgent that this legislation be enacted into law so the farmers of the Nation may have restored to them their just constitutional rights.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. ARENDS].

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, for the benefits of the House, and this is not on the subject matter immediately before us, I called the gentleman from West Virginia this morning to advise him I was going to take the floor of the House this afternoon to comment on some remarks he made on yesterday. Unfortunately, he had already left for his home in West Virginia and therefore was not available.

Mr. Speaker, the Washington Post of this morning, on page 2, gives prominence to an article quoting the gentleman from West Viriginia [Mr. BAILEY] as saying that the President of the United States was "a lousy liar" when he disclaimed responsibility for the defeat of the school construction bill. I assume the gentleman was correctly quoted.

I do not rise to defend the President. He needs no defense from me or anyone else. I rise to express regret that a responsible Member of this body, of which I am proud to be a Member, should use such intemperate language with respect to the President of all of us. I have served here for over 20 years and during this period our Presidents have been of a different political faith than my own. During this period there have been many controversial questions arise on which there was bitter disagreement and various times I found myself taking issues with the position taken by our Presidents.

Never once, Mr. Speaker, have I, nor do I recall that any other Member of this body upon any occasion, ever used such language with respect to what the President may have done, said, or not done.

Aside from that, Mr. Speaker, the gentleman from West Virginia does not know whereof he speaks. I happen to know that the President repeatedly urged the enactment of such school legislation. I happen to know that he endeavored to use whatever influence he possessed in its behalf. No; he did not threaten to purge from Congress those of us who did not agree. Is that what the gentleman from West Virginia believes he should have done? Mr. Speaker, we do not have that kind of a man in the White House. President Eisenhower recommended his program on several occasions and made many appeals for its adoption. To be sure, he made no attempt to dictate, not even to demand, as he respects the right of Congress to speak for the people regardless of what he, as President, may wish to be done.

The memory of the gentleman from West Virginia is indeed a short one. I, and many others on this side of the aisle, voted against this same type of legislation in July of last year; and I voted against it again this year. Does the gentleman from West Virginia believe that President Eisenhower would want to persuade us to compromise our own convictions? Is that what the gentleman wants or desires? If the gentleman from West Virginia is really interested in school-construction legislation, why does he not help the Education Committee to report the President's own bill as requested last year?

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes out of order.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. SMITH of Virginia. Mr. Speaker, I regret very much that the subject mentioned by the gentleman from Illinois should come up in the absence of the gentleman from West Virginia. Evidently the gentleman from Illinois is not aware of the fact that the gentleman from West Virginia has publicly stated in very vehement terms that no such statement was made by him.

Those gentlemen who have served here for many years with the gentleman from West Virginia know that it would not be in his nature to make such a statement.

I hope that this matter may be considered concluded. I am sorry the gentleman from West Virginia is not here, I am not authorized to make any statement for him, but I do know he has publicly renounced the statement and denounced the persons who published it in the paper.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Illinois.

Mr. ARENDS. Did the gentleman hear me when I said I had inquired at the office of the gentleman from West Virginia this morning and also that I very carefully mentioned that I assumed the report as quoted was erroneous, and I quoted exactly what appeared on the ticker tape and in the paper, so that I would not be accused of trespassing upon anyone who had not made such a remark.

Mr. NEAL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from West Virginia.

Mr. NEAL. Mr. Speaker, in reference to the purported remarks made by my colleague from West Virginia, I am sorry that the matter has ever come up. I sincerely hope that Mr. BAILEY's quoted remark will be proven to be unfounded. I am quite certain that down in his heart Mr. BAILEY—who has worked for things that he thought were just in this Congress—would not, at least wilfully, make such a remark as has been accorded to him.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, my question on this occasion is directed to the chairman of the Committee on Agriculture, if it is proper at this point. Has any estimate been made of the number of bushels of wheat that this bill will increase over what it would be under the present law?

Mr. COOLEY. I think our information was to the effect that it would be impossible to estimate the amount of the increase.

Mr. SPRINGER. And there is no kind of an estimate that you could give the House at all?

Mr. COOLEY. I do not think so.

Mr. SPRINGER. Well, this will be rather widely used in certain areas of the country, to increase it to 30 acres, will it not?

Mr. COOLEY. Probably it will. But, there has been a great demand for this legislation for many, many years. I think at least a dozen bills have been introduced by Members of the Congress, mostly from the eastern seaboard, and we have had extensive hearings. The Department of Agriculture has been complaining constantly ever since Mr. Benson has been in office about this restrictive legislation, and he refers to it even as punitive legislation. So, the committee, after considering it very carefully under the chairmanship of the gentleman from Oklahoma [Mr. ALBERT], concluded that 30 acres was a fair and reasonable limitation, together with the other limitations involved.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Speaker, with reference to the statement made by our Republican whip, the Speaker has several times ruled that at least in the House the statement of a Member would be accepted as true. Perhaps that rule should be extended so as to cover statements made outside the House Chamber. Under that rule we should accept the statement of the gentleman from West Virginia [Mr. BAILEY] that he was misquoted. But, even if we do not accept that, we certainly ought to remember that most of us one time or another say things that we do not mean that do not express our convictions. We cannot be too critical when subject to the same fault. Forget it.

But, back to this bill which is before us and the rule. In my district two very consistent supporters, unmarried sisters,

who for the past 30 years have been operating a farm, have been complaining about this situation with reference to the use of the wheat which they grow on the farm they own. They have asked me—and it has caused considerable trouble in the office in our search for a satisfying answer—whether or not the right to grow wheat on a farm which they have owned for years and to feed it to their poultry was not a civil right. I told them that under the Constitution and the Court decisions I thought, Mr. Speaker, that it was. Then they asked me if I could not do something to protect them in the exercise of and enjoyment of that right. I said I would try and I would appeal to the Committee on Agriculture. I did. It is my hope that this bill gives the answer. Then they suggested—they are not dumb by any means—that I might ask for an amendment to the civil rights bill, they being denied enjoyment of a civil right—that is—the right to grow wheat and feed it to their stock on the farm. I should have proposed an amendment to the civil rights bill, but, of course, I was afraid it would be ruled out as not germane, so I did not suggest it then. The protection of the right to vote is important—especially as upon its exercise may depend the ability to eat.

This bill here may soften their request that the Congress enact a bill to enable them to use the land which they own in fee simple, as they wish, to use the crops which they grow on it to feed to their chickens, their hogs, and cattle.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from New York [Mr. OSTERTAG] for a unanimous consent request.

Mr. OSTERTAG. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KEATING] may extend his remarks at this point in the RECORD on the bill H. R. 8456.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEATING. Mr. Speaker, I rise in support of H. R. 8456, albeit with certain reservations. This bill is similar, in many respects, to a measure I have sponsored for several years in an effort to exempt our smaller wheat producers from liability where all their crop is used on the farm where it is produced. The only trouble with the measure before us today is that it does not go far enough.

As I understand it, H. R. 8456 represents a compromise which was worked out in order to provide a limited exemption for our smaller farmers, while at the same time providing protection for the regular wheat program by minimizing the effect of the exemptions.

But perhaps because it is a compromise, this bill leaves out two essential elements which are needed to make the present law more just and acceptable. In the first place, this bill limits the exemption to 30 acres. I do not feel we should have to limit this exemption to any set amount, for so long as the wheat is kept on the farm and does not enter the regular commercial channels, there will be no appreciable effect on the regular wheat program.

In the second place, I feel the great inequities of the present law make it essential that any amendment allowing exemptions should be retroactive, in order to take care of those people who have already been penalized. I believe we should provide refunds for those who have been assessed. Only by making this law retroactive to 1954 and providing refunds, as the Department of Agriculture has recommended, can we insure that justice is served for these farmers.

Mr. Speaker, I should like to emphasize that the Department of Agriculture has specifically endorsed legislation which would make this exemption unlimited and make it retroactive to 1954, and that the Department has endorsed refunds. Since the Department is, after all, the administrator of the wheat-acreage program, it would seem we should ratify their recommendation in this matter.

In any case, it is certain the present law needs revision. I have received numerous well-merited complaints from farmers who have been forced to pay fines simply because they overstepped limits set by the present statute.

It seems to me contrary to all we have been brought up to believe in, when a man is stopped from raising enough wheat merely for his own use, and if he raises above a certain amount, he is subjected to a fine by the Federal Government.

While I concede there may be merit in the principle of the wheat-marketing quota, it seems to me that here the idea has been carried to a harsh extreme. Wheat used exclusively on the small farms does not enter any marketing channels. It follows, therefore, that it does not have any appreciable impact on the factors which govern the price paid for wheat to those farmers who produce it as a cash crop. As I understand the purpose of the act this bill proposes to amend, it is to protect the wheat producers who make their livelihood from such production. But I do not believe it was the original intent of Congress to make the market-quota provisions so restrictive as to tamper with the fundamental right of a man to raise enough to take care of his own needs.

As I have indicated, the general principle of enforcing compliance of these minority groups of producers with a program determined by the majority may very well be the only sound way of making the marketing quota system work. But surely, Congress should act to correct this law if it is needlessly regimenting operation of small farms which produce only for self-consumption.

It has always seemed to me that a man's right to use the product of his own property as he sees fit is a fundamental one in the American way of life. So long as he does not interfere with the rights of his neighbors or other property owners, and so long as he does not use the right in an improper manner, his rights should not be infringed.

I am sure all of us want to see as little governmental interference with the operation of individual farms as possible. We want the maximum of freedom which is possible and still make the overall programs of the Agriculture Department work.

By removing this unfair restriction on our smaller wheat producers who use the wheat for their own use, we will not only be cutting down Government interference with their operations, we will be removing a roadblock in the way of efficient and equitable management of their own farms. By letting these farmers run their own show, we will be relying on the traditional American doctrine of giving every man an opportunity to help himself.

Because H. R. 8456 is a step toward removing the present inequities from the statute books, I support it. If it were drawn to allow unlimited exemption, made retroactive to 1954, and provided for refunds, I would support it with much more enthusiasm. But at least, it deserves the support of the membership of the House.

I think this present law is all wrong when it says a man should be subject to a penalty if he raises too much wheat—even if it is solely for on-farm consumption. It is time we took this tyrannical law off the backs of our farmers, and we can take a significant step in that direction today by approving this measure.

Mr. OSTERTAG. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York [Mrs. ST. GEORGE] may extend her remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mrs. ST. GEORGE. Mr. Speaker, I would like to say that in my district the farmers are dairy and poultry farmers, and very few, if any—in fact, I would be safe in saying 98 percent of them—do not raise enough feed on their own farms to feed their stock.

In other words, they have to buy feed from the West or from wherever they can get it to the best advantage. It is the feeling of the farmers in my district that such a ruling should not be on our statutes. They consider it un-American. They do not like any part of it, and for that reason I am happy to go along with them, and express their feelings.

We do not have the kind of country where we can raise anything like the amount of wheat we need.

Now, I am not in favor of increasing that acreage or of decreasing the acreage. I think under the act that where all the wheat is fed or used for seed on the farm, and I say "on the farm" advisedly, there should be no penalties.

The 30-acre provision in the present bill before us would satisfy the farmers of my district, although in principle I would prefer no limitation at all.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Speaker, perhaps it is out of order, but I would like to ask the gentleman from Massachusetts a question. I understand that the Philippines hospitalization bill will come up on Monday under suspension of the rules. I should like to express my great approval of that program. I am very sure that he will con-

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firm my impression. I was at the telephone talking to the Navy Department at the time. All of us know that the Philippines are the best friends we have. They have fought our mutual foes side by side with us as they now fight the Communists side by side with us.

Mr. McCORMACK. H. R. 6908 has been programed for suspension on Monday.

Mr. Speaker, may I say that the gentlewoman from Massachusetts spoke to me on several occasions this week about trying to have that bill programed under suspension of the rules, and I am very happy that we are able to do it for her.

Mrs. ROGERS of Massachusetts. We are all very grateful to the Philippines. I know the bill will go through unanimously.

A significant feature of this bill is the increased control the VA would have over admissions. At present VA determines service-connection but the Philippine Government determines medical need and actually admits. Under H. R. 6908 VA would make all determinations.

Some of those now hospitalized undoubtedly could have their medical needs met by outpatient treatment at a lesser expense if such were available. This would be provided for 5 years by H. R. 6908 for Philippine Army and guerrilla veterans.

Philippine Scouts—except those recruited under Public Law 190, 79th Congress for occupation duty—and other United States veterans with World War II service would be provided hospitalization and outpatient treatment for service-connected disabilities regardless of nature of residence or citizenship. The Scouts in this group served in regular United States Army by voluntary enlistment while the Philippines were a possession of the United States. They suffered heavy casualties on Bataan in 1942 and only about 7,500 of the 12,000 serving in 1941 survived the fighting and the Japanese occupation.

The provision of medical care for the Scouts and other United States veterans residing in the Philippines would only restore benefits available before 1946 when the Philippines became independent and provisions restricting care in foreign countries to United States citizens temporarily residing there for service-connected disabilities applied.

A further significant feature of the bill is that the Philippine Government would be permitted to use for other purposes—at their expense—those beds in the veterans' hospital not required for the service-connected disability cases. Admission of such patients would afford a wider variety of clinical material and such utilization of the presently vacated beds should improve medical care through attraction of the best medical talent.

The bill contains a limitation of $2 million a year for hospitalization of the Philippine veterans presently eligible for treatment. The cost of this part of the bill for the first year and a half would be partially offset by the present authorization of $1,750,000 for reimbursement of the Philippine Government between July 1, 1958, and December 31, 1959.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. WIDNALL].

Mr. WIDNALL. Mr. Speaker, as one of the Members who offered a bill similar to this one, I would like to urge its prompt adoption by the House. The people who are involved in the poultry and dairy business in my district are very much in favor of it. The small farmers particularly need it. I urge its prompt passage.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Michigan [Mr. CHAMBERLAIN] for a unanimous consent request.

Mr. CHAMBERLAIN. Mr. Speaker, as the author of a bill similar to H. R. 8456, I would like to express my approval of the legislation which is before us today. Although my bill differs from the committee version in that it does not limit total wheat acreage on any one private farm to 30 acres, I believe the purposes of my bill are served by this proposal.

I have received many letters from responsible farmers in my District protesting penalties for growing wheat in small quantities strictly for their own use above the present marketing quota. I recognize the need for production controls where commodities are under minimum price support programs, but it is difficult to understand why a farmer is fined for growing wheat on his own farm as feed for his own livestock. Farm experts have objected to this penalty for years, and releasing the farmer from such a penalty will bring great relief to owners of small farms who are beset with rules, regulations and restrictions.

The bill contains adequate safeguards to protect the wheat marketing quotas, including the requirements that the entire crop be retained and stored on the farm and consumed on the farm within the cropyear. There is also a stipulation against exchanging any of the crop for goods or services such as "toll-milling" operations in which the miller retains a portion of the product for his own use.

I know I speak for the many farmers in central Michigan when I urge the enactment of this legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. SCHENCK].

Mr. SCHENCK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SCHENCK. Mr. Speaker, the farmers of our important Third District of Ohio are law-abiding citizens who make every effort to comply to all the laws, rules, and regulations passed by the Congress governing the operations of their farms.

They have been quite irritated at times because they have felt they were being required to comply with regulations they were prevented from voting on personally. They have also felt they should be able to operate their farms without interference. Many of them resent benefits offered to them and have refused to accept them.

Two farmers in my district inadvertently erred and were fined a total of $952 for their unintentional mistakes.

It is my sincere belief, Mr. Speaker, that H. R. 8456 is a step in the right direction and it is my hope that further legislation along these lines will be approved in the not too distant future.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. NEAL].

Mr. NEAL. Mr. Speaker, I am quite sure that the small farmers of West Virginia would welcome the passage of this bill. These are all small farmers, dairymen, poultry raisers, and meat growers. They rarely, if ever, produce any more corn or wheat on their own farms than enough to feed to their stock. This would be a welcome bill to them and I urge its passage.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time. I yield back the balance of my time.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

Mr. COOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8456) to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H. R. 8456, with Mr. MACK of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dipensed with.

Mr. COOLEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, perhaps never before in the history of the Republic has a Member of Congress from the city of Brooklyn, N. Y., been the author of an important farm bill. The distinguished gentleman from Brooklyn, Congressman VICTOR ANFUSO, in whose district there is not a single farm, is the author of this bill. Mr. ANFUSO, although living in the city, is a devoted friend of the farmers of America. Since becoming a member of our committee, he has been a student of the problems of agriculture. He is likewise interested in the consumers of the country. He is chairman of the Consumers Study Subcommittee and as chairman of that committee is trying to narrow the wide spread between the producers and the consumers of our country.

Extensive hearings have been held. Numerous bills have been considered. The bill before you is the finished product. The distinglished gentleman from Oklahoma [Mr. ALBERT] is chairman of the subcommittee. I now yield to Mr. ALBERT such time as he may desire.

Mr. ALBERT. Mr. Chairman, the principal purpose of House Resolution 8456 is to provide certain exemptions

from marketing penalties of wheat produced for feed, food, or seed on the farm. The general exemption is 30 acres. In the case of State, religious, or charitable institutions the exemption is unlimited.

This is a matter which has been before the House for several years. There is widespread interest in this legislation particularly in the feed deficit areas of the East. A number of bills have been introduced in this and previous Congresses to exempt from marketing quota penalties all wheat produced and consumed on the farm. Such a bill, S. 959, has passed the Senate during the present session and is pending before the Committee on Agriculture.

Commercial wheat producers have with considerable justification opposed bills which would authorize unlimited production of wheat for feed, seed, and human food. Such producers have taken heavy cuts in their allotments over the years in order to try to maintain a price stabilization program. Wheat is the only basic commodity which provides any exemptions or exceptions from the marketing quota laws.

This bill is an attempt on the part of the author, our distinguished colleague from New York [Mr. ANFUSO], and of the committee, to reach a compromise on this legislation. The gentleman from New York [Mr. ANFUSO] has been interested in this matter for several years. He has spoken to me many times about the possibility of working out a compromise such as that incorporated in the pending bill. He is to be commended for the active and intelligent interest he has shown in this matter. Although he comes from a great metropolitan district, the gentleman from New York has interested himself in the subject of agriculture and has done much to bring the problems of farmers and consumers together. While the present bill is not of direct concern to his own district, it is of vital importance to his own State of New York. Much of the interest shown in this legislation has come from small farmers in upstate New York. More than that, the bill is important to our agricultural program generally and is consequently a matter of national interest. I compliment my colleague on bringing forth a measure on which nearly all of the divergent interests have been able to compromise. I am sure the farmers of his State are most appreciative of his efforts in their behalf.

The gentleman from New York [Mr. ANFUSO] first became interested in this matter several years ago when he received a letter from a religious institution stating that its members would have to change their diet unless the law was relaxed to permit them to raise wheat for their own food. Several instances of this kind have been called to the committee's attention. Certainly no such result as this was intended when the Agricultural Adjustment Act of 1938 was enacted. The committee has taken the lid off so far as public, religious, and charitable institutions are concerned. I am sure that I express the views of the entire committee when I say that the committee hopes that this exemption will be liberally construed to include all religious and charitable organizations. It is meant also to include not only all institutions operating under the direct authority of the States, such as State hospitals, schools, orphanages, and penitentiaries, but also institutions operating under the authority of any and all of the subdivisions of State governments, such as county and municipal farms.

The bill, H. R. 8456, as reported by the committee, embraces the provisions of H. R. 6784 with committee amendments. The Department of Agriculture reported and testified favorably on H. R. 6784 and recommended amendments which have been incorporated in the pending bill.

In addition to providing exemptions to producers of wheat used on the farm, the bill seeks to provide a compensating factor for commercial growers in that it provides that no farmer who plants in excess of his allotment will be entitled to vote in the referendums or to include his excess acreage in determining future farm acreage allotments. The bill changes the 15 acre exemption to this extent but otherwise does not affect it. In setting up this exemption of 30 acres, it makes it impossible for a farmer to take advantage of both the 30 acre and the 15 acre exemption. The provisions are mutually exclusive.

Section 4 of the bill contains a provision which is necessary to make those taking advantage of the exemption eligible to participate in the Soil Bank program. Under the Soil Bank Act farmers may participate in the acreage reserve program only if they are in compliance with respect to all other acreage allotments. Under Section 4 of the bill farmers who take advantage of this exemption would be eligible to participate in acreage reserve programs on other basic crops but, of course, not on wheat.

The committee did not set the 30-acre limitation arbitrarily. This question was considered thoroughly. It was the subject of considerable testimony before the committee. It was the opinion of most of those appearing before the committee that an exemption of 30 acres would take care of the overwhelming number of cases of small farmers who have complained about the existing limitations against planting wheat for use on the farm. Most of the instances brought to the committee's attention were those of small farmers who desired to feed their wheat and to plant wheat as a part of their rotation programs. Serious objections have been raised to subjecting these farmers to penalties for planting a few acres in excess of their allotments.

The bill contains a provision designed to stabilize commercial and noncommercial areas. Under existing law, if the allotment of a State is less than 25,000 acres the State is automatically taken out of the commercial wheat area. This bill amends the law to provide that if the acreage planted to wheat for harvest as grain in a State exceeds 35,000 acres per year for 3 years in succession the State shall remain in the commercial wheat area regardless of its allotment until the plantings in the State drop to less than 25,000 acres per year for 3 successive years. In the latter event, if the Secretary determines that it would permit more efficient administration of the wheat program, such State may again be removed from the commercial category.

The committee has held exhaustive hearings on this subject. It has heard Department of Agriculture officials and all authors of bills who desired to be heard, all grain and farm organizations desiring to be heard, and all others who appeared to testify. The bill represents a compromise of many different views. Those who oppose the idea of exemptions have insisted that if exemptions were established they should be kept to the minimum and that the wheat produced from exempt acreages should not interfere with the commercial wheat program. Those representing this point of view have insisted that both the provision limiting the exemption to 30 acres and the provision which removed the authority to include acreage in excess of allotments in determining future farm allotments should be retained in the bill. Those expressing the viewpoint of farmers in the deficit feed areas have wanted unlimited production for on-the-farm uses but have supported this bill on the theory that it is an acceptable compromise and a step in the right direction. We hope that the House will support the committee in its effort to resolve this matter in the best interest of all concerned and in the overall best interests of the wheat program and the agricultural program generally.

Mr. BENTLEY. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield.

Mr. BENTLEY. I am very much in favor of this legislation but I would like to ask the gentleman a question relating to a statement in the committee report.

On page 3, at the end of the third paragraph, the report says:

> Paragraph (3) also means that the entire crop must be consumed on the farm within the crop year.

I have read the legislation carefully and I cannot find in paragraph (3), which is on page 2 of the bill, anything that requires the farmer to consume that entire crop within 1 year.

Mr. ALBERT. The gentleman is correct. There is no specific language to that effect. It is in the spirit of this legislation that this wheat be produced and fed as a part of the farm operation; not to be piled up year after year in storage. I think this is a matter that can be worked out on a reasonable basis by the Department.

Mr. BENTLEY. I just wanted to inform myself, if the farmer was unable for one reason or another to consume that entire crop, and thereupon would carry over a portion, he would not forfeit his exemption, would he?

Mr. ALBERT. That is not one of the limitations contained on page 2 of the bill.

Mr. BENTLEY. In other words, the language in the committee report does not have to be taken literally? It is merely an expression of hope that the wheat used for this purpose will be consumed within 1 year.

Mr. ALBERT. That is my opinion, speaking for myself, and I think it is the opinion of the committee.

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Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield.

Mr. GROSS. Did the gentleman state in his previous remarks how much additional wheat production this would mean?

Mr. ALBERT. No. There is no reliable estimate of the additional wheat production under this bill.

Mr. GROSS. Either as to acres or bushels?

Mr. ALBERT. We do not know how many farmers will take advantage of this exemption.

Mr. BETTS. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield.

Mr. BETTS. Was there any discussion in the committee concerning the possibility of retroactive provisions, so far as this provision was concerned.

Mr. ALBERT. There was discussion of that matter, but the committee decided that if we started that, there would be no end to it. It might cost the Government hundreds of millions of dollars, because we might throw open the whole question of penalties on all crops that have been paid over the years. In the interest of sound legislation, we thought we should start with the present and work toward the future.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield.

Mr. RHODES of Arizona. I would like to ask the gentleman about section 3. As I understand it, if any State grows over 35,000 acres of wheat for 3 years, that State then becomes a commercial State.

When would the time begin to run on such determination? Will they upon the passage of this bill look at the history of the State for the last 3 years and perhaps immediately determine that that State is a commercial wheat-producing State? Will the time begin as of the date the bill is passed?

Mr. ALBERT. The time will begin as of now; in other words, Arizona having grown more than 35,000 acres per year for the past 3 years would be subject to the provisions of this bill in the next succeeding crop year.

Mr. RHODES of Arizona. And will become, presumably, a commercial wheat-producing State.

Now may I ask the gentleman further: On the basis of the law as it now stands how many acres would Arizona be allotted for wheat land for the next crop year?

Mr. ALBERT. I think the figures show that Arizona has an allotment of 21,401 acres for wheat for 1958. Being less than 25,000 acres, under the present law Arizona is excluded from the commercial area.

Mr. RHODES of Arizona. Under the present law?

Mr. ALBERT. Yes.

Mr. BASS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield.

Mr. BASS of Tennessee. There is one statement which I think might be corrected if you read section 2. At the bottom of page 3 the report states:

"It is to be noted that the exemption authorized by this section does not change in any way the existing provisions of law with respect to the 15-acre exemption."

I think it should be pointed out, however, that under this bill the 15-acre provision is changed to the extent that no farmer can now build up an allotment by planting the 15-acre exemption as it exists under the law at the present time.

Mr. ALBERT. The gentleman is correct. The only acreage that can be counted under the 15-acre exemption for future allotment purposes is that portion of the 15-acres which does not exceed the farm acreage allotment. In other words, if a producer has a 10-acre allotment but plants 15 acres, only 10 acres can count in his future history, not the full 15 acres.

Mr. BREEDING. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield.

Mr. BREEDING. In regard to this 35,000 acres under section 3, what is the present law in regard to it?

Mr. ALBERT. The present law is this: Each year when the national allotment is fixed, the State acreage allotments are factored on a historical basis. The allotments for all the States are determined, and all of those States which come out with an allotment of less than 25,000 acres are exempt from the commercial area.

Mr. BREEDING. This one sets it up to 35,000; is that not right?

Mr. ALBERT. No, the 25,000 acres is the allotment of the State. If the State has an allotment of 25,000 acres or less it is no longer in the commercial zone. Under this amendment in this bill if 35,000 acres are planted for 3 years in a row, regardless of what the allotment is, the State comes within the commercial area.

Mr. BREEDING. What I am trying to get at is what it has been in the past. If you do not plant 35,000 acres the State is a noncommercial area.

Mr. ALBERT. Every year the allotment for every State is figured. Whenever the allotment for any State is less than 25,000 acres for the next year that State is outside the commercial zone and the farmers of that State plant all the wheat they want to plant.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield.

Mr. BELCHER. I think the gentleman is incorrect in connection with that allotment. I think the gentleman will find that if it is below 25,000 acres the Secretary may in his discretion declare it a noncommercial wheat area which in every instance so far he has done. But the mere fact that the allotment is below 25,000 acres does not exactly mean that that is not a commercial planted State.

Mr. ALBERT. The gentleman has correctly stated the law. The fact of the matter is that the Department, I believe, has construed this law to mean that it should eliminate a State from the commercial area where its allotment is less than 25,000 acres. I think personally the Secretary should have placed some of these States in the commercial area where their wheat growers have planted 35,000 or 40,000 or even more than 100,000 acres of wheat and are selling it in commercial markets.

I think the Department should have done that, but they have treated the matter otherwise.

Mr. BELCHER. So far, however, those States that have an allotment below 25,000 acres have always been declared noncommercial areas so far as the Department of Agriculture is concerned.

Mr. ALBERT. That is correct.

Mr. BELCHER. That does not bind the Secretary to declare them a noncommercial area?

Mr. ALBERT. I think the gentleman is stating the law correctly, although the practice is as I have stated it previously.

Mr. HOEVEN. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Iowa.

Mr. HOEVEN. This 30-acre exemption is a substitute for the present exemption of 15 acres and 200 bushels?

Mr. ALBERT. The 30-acre exemption is entirely separate from and exclusive of the 15-acre exemption, the 2 provisions being mutually exclusive.

Mr. HOEVEN. In other words, he can either have 15 acres or the 30 acres, but not both?

Mr. ALBERT. The gentleman has correctly stated the language and the purpose of the bill.

Mr. HOEVEN. If the producer chooses to take the 15 acres that can be sold in commercial channels, but if he takes the 30 acres that is restricted to use on the farm?

Mr. ALBERT. That is correct. If any farmer plants more than 15 acres and more than his allotment he must either come under the 30-acre exemption or be subject to penalties. On page 2, the first subsection provides that the total wheat acreage on the farm shall not exceed 30 acres. So the maximum is 30 acres. A farmer cannot take advantage of both the 30-acre and the 15-acre exemption. There is no question about that.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from West Virginia.

Mr. NEAL. My information is that the State of West Virginia has 31,000 acres of wheat planted this year, the smallest acreage in some time. Only a small portion of that is planted on the basis of allotments, the balance being small farmers who use everything practically they raise for feed. Under those conditions, would the State of West Virginia be affected by the terms of this law at all?

Mr. ALBERT. The only way West Virginia would be affected by this is that the farmers of West Virginia who desire to take advantage of the 30-acre provision could do so. West Virginia is a commercial wheat State, and, therefore, the farmers of that State could take advantage of this exemption.

Mr. NEAL. Is West Virginia a commercial wheat State? It has a small allotment.

Mr. ALBERT. I have a list of all the noncommercial wheat States and West Virginia is not included in the list.

Mr. NEAL. It is a commercial wheat State?

Mr. ALBERT. That is correct.

Mr. McGREGOR. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Ohio.

Mr. McGREGOR. I appreciate the gentleman yielding to me. I am sure he is acquainted with the penalty problem we are faced with in Ohio. In face of the Senate some weeks ago passing a Senate bill, 959, relative to the exemptions of penalties, I wonder if the gentleman would take a minute and give us a comparison of what this bill does with penalties under what the Senate bill does? Is this statement correct, that the Senate bill cancels the penalties and makes it retroactive?

Mr. ALBERT. That is correct.

Mr. McGREGOR. How far, may I inquire?

Mr. ALBERT. I have a copy of the Senate bill. I think it is back to 1954.

Mr. McGREGOR. Then do I understand the gentleman to say in this bill it is not retroactive to 1954 but takes into consideration the acreage and penalties from 1957 on?

Mr. ALBERT. This bill applies only to the future.

Mr. McGREGOR. I thank the gentleman.

Mr. OSTERTAG. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from New York.

Mr. OSTERTAG. Will the gentleman state whether this bill will apply to all kinds of wheat, including winter wheat?

Mr. ALBERT. This will apply to any kind of wheat. There is no limitation.

Mr. OSTERTAG. Will it apply to this year's crop?

Mr. ALBERT. No. It will be effective next year. It cannot apply to the 1957 crop. It is already harvested.

Mr. BASS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Tennessee.

Mr. BASS of Tennessee. I was under the impression that this bill does not apply to durum wheat.

Mr. ALBERT. Durum wheat has a special statutory status, which I do not think is material to the question of the gentleman from New York.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Texas.

Mr. POAGE. Durum wheat gets a special allotment based on his regular allotment, so that it does not change his regular allotment in the least nor does it change the durum wheat law in any manner.

Mr. ALBERT. No. And, I will say to the gentleman if a farmer plants 30 acres under the exemption, the fact that durum wheat was planted would make no difference.

Mr. BREEDING. Mr. Chairman, will the gentleman yield further?

Mr. ALBERT. I yield.

Mr. BREEDING. If a man had not been raising wheat and then decided to take advantage of this law and plant 30 acres every year for 3 years, would he be able to establish himself on a wheat-allotment basis?

Mr. ALBERT. The gentleman's answer is found on page 3. "No acreage planted to wheat in excess of the farm acreage allotment for a crop covered by an exemption hereunder shall be considered in determining any subsequent wheat acreage allotment or marketing quota for such farm."

The answer is no.

Mr. HARRISON of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Nebraska.

Mr. HARRISON of Nebraska. Whenever a 10-year average becomes 25,000 acres or more, that automatically becomes a commercial wheat area.

Mr. ALBERT. The gentleman is correct.

Mr. HARRISON of Nebraska. Under present law.

Mr. ALBERT. The 10-year average is used to determine State allotments. If the allotment of a State is 25,000 acres or more, the State is a commercial wheat State.

Mr. HARRISON of Virginia. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HARRISON of Virginia. Mr. Chairman, it is heartening to be given the opportunity to vote on a measure intended to give the family farmer a little relief from the stifling regulation and regimentation which presses in on him. Over a period of years, I have contended that it is unjust, unreasonable, and arrogant for a government to tell a man how much grain he may produce on his own soil, in cooperation with nature, for consumption by his family, his livestock and his poultry on the farm, or for use as seed. Probably nothing in the rickety structure of agricultural controls has produced so much resentment among the operators of small farms as the limitation on production for use on one's own place.

This is justified resentment. The family farmer has been forced to take up the study of accountancy and law in the struggle to avoid heavy fines and the threat of jail for violations, often inadvertent, of regulations which he finds not only complex but ridiculous. The hard-working farmer who has retained his spirit of independence in continuing adversity has found that he may not even tell his Government he does not want any "help" in running his farm. His Government will help him with allotments, quotas, and restrictions anyway.

The present bill is hardly an excuse for dancing in the barnyard. It does not knock the shackles from the farmer. It merely loosens one slightly. At present, a farmer may grow up to 15 acres of wheat for home consumption without penalty. The bill will permit him to grow 30 acres of wheat for family use. Even so, some redtape remains, as the farmer will have to apply for an exemption certificate from his county ASC committee if he wants to take advantage of the change. He will have to use the wheat on his place during the crop year in which it is grown—he may not carry over any. He will not be able to trade any of this wheat for milling or other processing services.

We should pass this bill, Mr. Speaker, though it be but a tiny step in the right direction, as an expression of the determination of this House to reverse the trend of agricultural regimentation.

Mr. BROWN of Missouri. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BROWN of Missouri. Mr. Chairman, this legislation has been long awaited in our section of Missouri. We need it; and we do not want anything to interfere with its speedy passage.

Now what does this bill do? Well, it lets a man grow some feed on his own farm without being subjected to a despicable form of Government policing that is repugnant to any independent American. It should eventually cut down on some wasteful, unprofitable administrative expense in the Department of Agriculture. It could get rid of some Government inspectors flying around taking aerial photographs, checking up on farmers, and lets a man grow more of what he wants to grow as long as he uses it on his own farm. Now what could make more sense than that?

It is one thing to control acreage on commodities that are sold for cash through regular market channels. American farmers have patiently obeyed allotments and restrictions for years in an attempt to stabilize production and prices. But when you extend those controls down to something a man grows for his own use inside the confines of his own domain, that is overdoing it. One or two steps further and you are into a police state.

And from an economic standpoint, you are sending dollars after pennies.

Now we know what the thinking was behind this severe form of regulation in the first place. The country was producing too much wheat; and it did not sound right to cut back wheat production on commercial wheat farms and then let every Tom, Dick and Harry outside the big wheat areas grow all the wheat he could grow. Logic dictated that there should be some restrictions on everybody.

But there is a difference between reasoning something out in theory and putting it into practice. First, there was a matter of human nature. The minute the Government announced that no one could grow more than 15 acres of wheat, here is what happened in our section. Almost everybody—even people who had never planted wheat in their lives—felt they had to put in 15 acres of wheat. The Government had spoken; and the maximum acreage allowable became a

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sort of quota that people thought they had to live up to. That was not the way it was supposed to work out in theory; but that is the way it worked in practice. This regulation backfired psychologically.

Second, it is almost impossible to write rigid regulations that are fair and just for everybody under all situations. Wheat's common usages are for human consumption and for feed grain. But we make another use of it in our section. We use wheat for pasture and silage.

In recent years in the Ozarks, droughts have become the rule instead of the exception. So, in order to have ample spring pasture, we plant wheat and turn the stock in on it the minute it gets big enough for grazing.

We plant more acres than the 15 minimum allowable. But, of course, we never intend to sell any of the excess, and could not if we wanted to, because the Government can and does check that very carefully. But always, at the cutoff date—prescribed by Department regulation—we cut whatever wheat is left after grazing and throw it in the silo for winter roughage.

Now that has worked all right in past years; but the trouble with regulations is that there is always an exception to the rule. And with Mr. Benson as Secretary of Agriculture, it is like pulling teeth to get any slight changes in administrative procedure to cover any emergency condition.

This year, strangely enough, torrential rains came to the Ozarks. The fields were wet. Our farmers could not get in to cut the wheat by the stipulated cutoff date. The Department of Agriculture extended it 15 days or so; but in the official memorandum, they included a Government order that any excess beyond 15 acres had to be plowed under.

Now nobody can explain why Mr. Benson issued that order. Whether you cut wheat for silage on June 1 or June 15, does not make any difference. Even Mr. Benson knows that. This was not adding 1 ounce to the commercial wheat market. This was wheat for roughage. We had been doing it every year for years. But the bureaucrats wrote a memorandum and cost our farmers a chunk of their winter roughage supply.

The more regulations you have, the more you are at the mercy of the administrators; and right through this gap, we are getting some strange administrative orders out of the Department of Agriculture. So let us fix it so they can not foul it up, at least on 30 acres of wheat grown by a farmer for use on his own farm.

Now I realize that commercial wheat farmers—and we have some good ones in our Ozarks area—may have some worries about this legislation. But I honestly believe that they have nothing to fear.

I do not believe this bill will lose them any substantial number of customers. The man who will plant a few more acres of wheat when exemptions are raised will plant it on ground that is now being planted in oats or milo or some other feed crop. Chances are, he was not going to be a customer for wheat in the open market anyway. So, I cannot see where it will do any real harm.

Remember: Even under this legislation, no one can sell any more wheat than he can sell now. You are not putting more wheat into marketing channels. This applies to wheat produced on a man's own farm for his own use.

I have said many times to many people since I got to Washington that this one bill will do more to remove the most irritating, the most despisable form of government regulating and policing that now plagues the American farmer than any bill yet considered by the House.

No one likes to be told what he can and cannot do with something he produces himself for his own use on his own farm. No one likes to see the planes flying over taking aerial photographs to police the number of acres that a man plants in one crop. A man's farm is first and foremost a man's home. This is a step toward giving a small farmer back his home.

Let us pass this bill now. It has already been too long in coming.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. HILL].

Mr. HILL. Mr. Chairman, I ask unanimous consent that my colleague, the gentleman from New York [Mr. RIEHLMAN] may extend his remarks immediately following mine.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HILL. Mr. Chairman, first of all, I think we should say, No. 1, that any farmer in these United States—and we have had a hard time getting it understood—can grow 15 acres of wheat on his farm and feed it all regardless of whether he got 20 bushels to the acre or 40. So, that is where we start. But it is only 15 acres. Now, if he is mixing feed and needs more wheat than that, this bill is a real relief. It doubles the amount of acres of wheat that he can grow and consume on the farm. In other words, this bill provides—and it is very simple and not difficult to understand—that he can now grow 30 acres under practically the same conditions that he could grow 15. That is all this legislation assumes to do.

There are some other things it does, but at this particular time we are not so much concerned about that.

The next thing I would like to explain is the difference between our bill and the Senate bill. The Senate bill provides that any farmer on any farm anywhere in any State can grow as many acres of wheat as he wishes as long as he feeds it on the farm. Now, the interesting thing about that is that the Farm Bureau supports that position, and I will ask when we get back in the House that I may put their statement in the RECORD. It states that they have had a resolution time and time again supporting that position presented at the Farm Bureau annual meeting. They have supported the idea that, if a farmer fed all his wheat, he should not come under this complicated agricultural legislation concerning the wheat acreage or marketing controls.

The American Farm Bureau resolution reads:

We recommend legislation to exempt farms from wheat-growing quotas if all wheat produced thereon is used only as food, feed, or seed on the farm where grown or on farms under the same operation.

I shall put their statement in the RECORD, Mr. Chairman; I include a statement by Walter C. Berger, Administrator, Commodity Stabilization Service; before the Wheat Subcommittee of the House Agriculture Committee, June 19, 1957, 10 a. m. on H. R. 6784, a bill to exempt certain wheat producers from liability under the Agricultural Adjustment Act of 1938 where all the wheat crop is fed or used for seed or food on the farm, and for other purposes.

Mr. Chairman, members of the committee, we have reviewed this proposed bill, H. R. 6784, and find that it has three major purposes.

1. To permit the growing of up to 30 acres of wheat on any farm under an exemption from the wheat marketing quota provisions provided all of the wheat produced is used on the farm for feed, seed, or human food. An exemption is provided from the 30 acre limitation on the farms operated by and as part of State institutions or religious or charitable institutions.

2. The acreage seeded to wheat for harvest in 1958 or thereafter in excess of acreage allotments shall not be considered in the establishment of future State, county, and farm acreage allotments. Also, the planting on the farm of wheat for 1958 and thereafter for which no farm allotment is established shall not make the farm eligible as an old wheat farm. If allotments are desired for such farms they must be considered as new wheat farms.

3. Any State in which for 3 successive years the wheat planted exceeds 35,000 acres shall generally become a commercial wheat producing State.

I should like to discuss each of these provisions in order.

First, with respect to the exemption from the marketing quota penalty or storage requirements for the farm marketing excess, on farms growing up to 30 acres of wheat, all of which is fed, or used for seed or food on the farm where produced, this provision is to a certain extent in line with the Department's recommendations. Bills on this general subject have been recommended by the Department of Agriculture but have in the past failed of enactment.

In the President's message to the Congress of January 9, 1956, he stated as follows:

"Legislation already has passed the Senate and is pending in the House of Representatives which would exempt from marketing quotas those producers who use for feed, food, or seed on their own farms all the wheat they raise. Because of the failure to pass this legislation last year, the Department of Agriculture has been compelled by law to hail before the courts farmers whose only offense was to raise and feed wheat outside their quotas. Again the administration urges prompt enactment of this legislation. Correction of this problem should be delayed no longer."

We believe that the proposed bill, although a step in the right direction, does not go far enough. We recommend that the exemption of wheat producers from liability under the act where all of the wheat crop is fed or used for seed or food on the farm be applicable without limitation in the same manner as is provided in the proposed legislation for State, religious or charitable institutions. However, in the absence of obtaining the greater exemption which we request, we would favor the enactment of H. R. 6784.

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The purpose of this bill is to correct a situation which has arisen in connection with marketing quota operations for certain wheat producers who desire to use their entire output for feed and seed on the farm where produced, and who do not want to participate in the wheat price support program.

Under the Agricultural Adjustment Act of 1938, as amended, wheat producers subject to marketing quotas who harvest wheat in excess of their acreage allotment are subject to a marketing penalty on their farm marketing excess (unless they avoid or postpone the penalty by storage or delivery to the Secretary), whether they sell their wheat on the market or whether they feed it on their farms. The law is clear on this point and its constitutionality was upheld in *Wickard* v. *Filburn* (317 U. S. 111). Thus, farmers subject to quotas who produce wheat only for feed and seed and do not want price support on their crop are forced to curtail their operations or pay the penalty if they fail to do so.

Production of wheat for feed is, in general, confined to small farms in the feed deficit areas.

Existing legislation exempts certain of these farms from marketing quota restrictions. For example, quotas are not applicable to any farm on which the wheat acreage does not exceed 15 acres or on which the normal production of the wheat acreage is less than 200 bushels. Also, marketing quotas are not applicable to any farm in any State which has been designated by the Secretary as outside the commercial wheat-producing area. Any State for which the wheat acreage allotment is 25,000 acres or less, may be so designated by the Secretary.

H. R. 6784 broadens these existing exemptions to include those farmers in the commercial wheat-producing area who harvest not more than 30 acres, who use all their wheat on the farm where grown for feed and seed, and who do not desire wheat price support. We believe that no maximum acreage limitation should be established for this type of wheat utilization. Insofar as this latter group of farmers is concerned, wheat marketing quota restrictions impose special hardships.

Although the consumption of wheat on farms where grown does affect interstate commerce, the exemption relating only to farms on which no wheat is removed would appear to be desirable. Such farms constitute only a small portion of all farms which produce wheat and the proposed exemption, although creating some new problems, would not unduly hamper the administration of the wheat marketing quota and price-support programs with respect to farms from which wheat is removed.

Enactment of this bill would be another step toward achievement of our objective—that farmers be permitted to operate their farms with a maximum of freedom. At the same time, it would remove the dissatisfaction of some small wheat producers with the program as it must be operated under present legislation.

The bill, if enacted, would become effective with the 1958 and subsequent crops of wheat. It would in no way relieve or otherwise affect the liability for marketing penalties incurred by farmers under past wheat marketing quota programs who fed or used for seed on the farms where produced their entire wheat crops.

Section 114 of the Soil Bank Act provides that as a condition of eligibility for participation in the acreage-reserve program under that act the wheat acreage on any farm must not exceed the larger of the farm wheat acreage allotment or 15 acres. In order to clarify the matter of eligibility for participation in the acreage-reserve program of any farm for which an exemption from marketing quota penalties might be obtained under the bill, we believe it highly desirable that such bill be supplemented by a new section containing an amendment to the Soil Bank Act which would make it clear that any farm for which an exemption from marketing quota penalties was obtained under the proposed bill would not be required to comply with the larger of the farm wheat acreage allotment or 15 acres to be eligible for participation in the acreage-reserve program.

We believe that farmers who might obtain an exemption from wheat marketing quota penalties because their entire wheat production is used on the farm where produced should be entitled to participate in the acreage reserve program on exactly the same basis as those farmers who avail themselves of the 15-acre exemption. We shall be glad to submit to you the legal language to make this effective.

As indicated above it is recognized that there will be certain administrative difficulties in putting the provisions of the bill into operation, but we believe it will be possible to develop adequate safeguards.

Additional administrative expenses would be incurred in carrying out the provisions of the bill, if enacted. It is believed that such increases might be absorbed from funds appropriated for administering the wheat quota program.

Section 2 of the bill would prohibit the use of excess wheat acreage in 1958 and subsequent years for history purposes in determining future State, county, and farm acreage allotments and prohibit farms planting wheat without an allotment in 1953 and subsequent years from becoming eligible for an allotment in succeeding years as old wheat farms. Each of these proposed provisions now applies to tobacco and the first provision now applies to all basic crops except corn and wheat. Enactment of this section of the bill would do much toward minimizing undesirable shifts in State and county wheat acreage allotments which are prevalent under existing programs. By limiting allotment credits to 1958 and subsequent years to the acreage seeded to wheat within the farm allotment, State and county allotments for succeeding years will become more stable.

Although the acreage-allotment and marketing-quota programs for wheat have generally been effective in holding down the production of wheat, there are problems under the present provisions of law which are inherently contributing to the instability of State and county allotments. Foremost among them is the provision of law which exempts from marketing-quota penalties farms seeding not more than 15 acres of wheat for harvest as grain. In 1956 there were 562,643 farms in the commercial wheat-producing area, or 34 percent of all wheat farms in such area, on which the acreage seeded to wheat for harvest as grain was in excess of the farm allotment. The total allotment on these excess farms was 4,559,317 acres, but the acreage seeded to wheat on such farms for harvest as grain was 8,991,601 acres. Thus, the total wheat acreage on such farms was 97 percent above the total allotted acreage.

An analysis of the 1956 wheat performance reports submitted by all applicable State ASC offices indicate that overplanting of allotments was prevalent on larger farms in some of the important wheat-producing States such as Kansas, Nebraska, Colorado, Wyoming, Montana, Idaho, and Washington. If these States, together with North Dakota and South Dakota in which the number of noncomplying wheat farms were relatively small, are disregarded, a true picture of overplanting wheat allotments on small farms becomes more apparent. Outside these States within the 1956 commercial wheat-producing area, there were 498,088 farms, or 39 percent of all wheat farms, on which the acreage seeded to wheat for harvest as grain in 1956 was in excess of the farm allotment. In the States of truly small wheat farms, the total acreage seeded to wheat for harvest as grain in 1956 on excess farms was about 2½ times larger than the total allotment assigned to such farms.

The permitting of excess wheat acreage to be used for history purposes in determining allotments is causing some radical shifts in State, county, and farm allotments even though the national wheat-acreage allotment remains constant at 55 million acres. The result is that a State such as North Dakota, with only 1.2 percent of the wheat farms overplanting the farm allotment, loses allotment to Missouri and other States where overplanting is exceptionally heavy on small farms. The impact on county allotments is even greater. For example, the 1958 State allotment for Kansas is about the same as for 1957, but because of excess planting on small farms in counties of eastern Kansas, a considerable shift of allotment from the Wheat Belt of western Kansas will be necessary to provide allotments for the increased acreage in the eastern part of the State. Nebraska, another important wheat-producing State, has still another problem resulting from the overplanting of allotments. The overplanting of wheat allotments in this State has, for the most part, been on large farms in certain counties of the high plains area. This overplanting on large wheat farms, although deliberate in the face of marketing quota penalties or under the provisions of law which permits storing the farm marketing excess, is building up excessive wheat acreage history which can only be covered in subsequent years by shifting allotment acreage from other States or from other counties in Nebraska. To illustrate, in Cheyenne County, Nebr., 914 farms, 68.6 percent of all wheat farms in the county, had an acreage of wheat for harvest as grain in 1956 in excess of the farm allotment. The total acreage of wheat on these noncomplying farms was 43.4 percent larger than the total allotment acreage on such farms. Other important wheat-producing counties of Nebraska in which there was considerable overplanting of allotments include Banner, with 64.3 percent of farms overplanting, Deuel with 40.6 percent, and Kimball with 68.9 percent.

The shifting of allotment acreage from one State to another and from county to county within a State as the result of overplanting of farm wheat-acreage allotments is a matter of grave concern to complying producers. Even within counties complying farms must, under existing legislation, give up allotment acreage to cover the excess acreage on noncomplying farms. Unless legislative action is taken to alter this situation, the problem will become greater as we move into the future. We strongly urge the enactment of this section of the bill.

Section 3 of the bill was, no doubt, designed to stabilize the commercial wheat-producing area by preventing certain States from moving in and out of such area from one year to the next. Only four States, Alabama, Arizona, Louisiana, and Mississippi would likely be affected in subsequent years, by the provisions of this section. Based on the latest available statistics of the Department of Agriculture, the acreage seeded to wheat for harvest as grain in each of these States during the last 3 years was as follows:

*Acreage for harvest as grain*

| State | 1955 | 1956 | 1957 |
|---|---|---|---|
| Alabama | 50,000 | 80,000 | 120,000 |
| Arizona | 43,000 | 58,000 | 55,000 |
| Louisiana | 17,000 | 35,000 | 90,000 |
| Mississippi | 18,300 | 18,000 | 150,000 |

The computed 1958 State wheat-acreage allotments for these States were: Alabama, 23,240 acres; Arizona, 21,401 acres; Louisiana, 6,302 acres; and Mississippi, 16,256 acres.

Since existing legislation gives the Secretary discretionary authority to designate a State as outside the commercial wheat-producing area if the allotment for such States is 25,000 acres or less, each of the 4 States were so designated for the 1958 crop. An analysis of the wheat seedings in these States indicates that the 1959 State wheat-acreage allotment for both Alabama and Arizona will likely be in excess of 25,000 acres and thereby could not, under the present provisions of law, be excluded from the commercial wheat-producing area for 1959. Under the provisions of section 3 of H. R. 6784 both of these States would definitely be in the commercial area in 1959 and would have to remain therein for a period of at least 3 years before they could again become eligible to be excluded from such area.

We believe that the provisions of section 3 of the bill are necessary in order to stabilize the commercial wheat-producing area in future years and to implement the effective administration of the wheat-production adjustment program. It is recommended, however, that section 3 be modified before its enactment as follows: (1) Insert on line 24 of page 3 the words "for harvest as grain" immediately following the words "planted to wheat"; (2) insert on line 3 of page 4, the words "for harvest as grain" immediately following the words "acreage planted to wheat"; and (3) insert on line 8 of page 4, the words "for harvest as grain" immediately following the words "annual acreage planted to wheat."

In summary may I say that subject to the suggested changes we feel that this proposed bill is a step in the right direction.

Then John A. Baker, of the National Farmers Union, supported this legislation in a statement to our committee. I include a part of it:

In our opinion, H. R. 6784 is a bill which delicately balances these various interests in wheat marketing quota legislation. The special provisions that Mr. ANFUSO has worked out through consultation with representatives of both commercial and noncommercial wheat producers appear to us to provide:

1. Appropriate and needed adjustments required to meet the special problems of noncommercial wheat farmers;

2. But still protects the essential integrity and effectiveness of the wheat marketing quota program in its general application.

Section 1 of H. R 6784 prevents the use of this special authority for a large-scale feeding operation by restricting the exempted acres to 30 per farm. Nor does the bill eliminate the 15-acre minimum in existing law as has been suggested by some.

This section, and section 2, also, provides that acreage exempted from operation of the quota program shall not be used to build up the historical base for future quotas. This closes an unfair loophole that would otherwise be opened up.

Fundamentally we are opposed to requirements that so-called commercial corn and wheat acres be called upon to carry the entire burden of needed market supply adjustments. While H. R. 6784 does not go as far as we would like in reducing the size of the noncommercial wheat area, section 3 of the bill is, in our opinion, a step in the right direction. It is, also, a needed precaution for commercial areas against the expansion of the loophole created by exemption of certain wheat production from operation of quotas.

Mr. Chairman, in net we believe that adoption of H. R. 6784 will strengthen rather than weaken the wheat marketing quota law. Therefore, we urge your favorable consideration.

Then, Mr. Chairman, I include a statement of the American Farm Bureau, presented to our committee by Frank K. Woolley, legislative counsel of the federation:

The American Farm Bureau Federation appreciates this opportunity to present its views with respect to nearly a score of bills introduced in the House this year to exempt wheat fed or used on the farm marketing quota penalties and restrictions.

We understand the situation to be as follows: (1) Many farmers who have customarily grown wheat for feed, seed, or home consumption on the farm where produced have been prohibited by Federal law since the passage of the Agricultural Adjustment Act of 1938 from doing so unless they pay a severe penalty; (2) the foregoing is true even though the farmer does not desire price support on any other feed grain or, for that matter, any other commodity or product produced on the farm; (3) the law denying farmers permission to grow wheat for feed on their farm has been carried to the Supreme Court of the United States and in the case of *Wickard* v. *Filburn* (317 U. S. 111 (1942)), it was held constitutional; (4) thousands of farmers have been penalized and many suits have been filed by United States attorneys to collect these penalties. Legal action is pending against many farmers and administrative action is being pressed to make other collections before suit is filed.

The American Farm Bureau Federation feels this is an intolerable situation that Congress should not permit to exist. The American Farm Bureau Federation has passed resolutions on the subject of feed wheat a number of times and at our last annual meeting in December 1956 the following resolution was adopted by the elected voting delegates of the member State farm bureaus:

"We recommend legislation to exempt farms from wheat marketing quotas if all wheat produced thereon is used only as food, feed, or seed on the farm where grown or on farms under the same operation. Producers taking advantage of this exemption should not be eligible to participate in any price-support program for wheat or other feed grains and all wheat producers affected by marketing quotas should be eligible to vote thereon. Such legislation should be substituted for the present 15-acre and 200-bushel wheat marketing quota exemptions."

In order to carry out this resolution we would suggest that the bill finally reported by this committee read as follows:

"That section 335 of the Agricultural Adjustment Act of 1938, as amended, is further amended by adding at the end thereof the following new subsection:

"(f) The Secretary, upon application made pursuant to regulations prescribed by him, shall exempt producers from any obligation under this act to pay the penalty on, deliver to the Secretary, or store the farm marketing excess with respect to any farm for any crop of wheat harvested in 1957 or subsequent years on the following conditions:

"(1) That none of such crop of wheat is removed from such farm except to be processed for use as human food or livestock feed on such farm;

"(2) That such entire crop of wheat is used on such farm for seed, human food, or feed for livestock, including poultry, owned by any such producer, or a subsequent owner or operator of the farm; and

"(3) That the producer receiving an exemption from marketing quota penalties on the farm marketing excess of wheat under the provisions of this subsection shall agree to forgo price support on corn, oats, barley, and grain sorghums produced on the same farm, or farms under the same control, for the marketing year for which the exemption from marketing quota penalties on excess wheat is obtained.

"(4) That such producers and their successors comply with all regulations prescribed by the Secretary for the purpose of determining compliance with the foregoing conditions.

"Failure to comply with any of the foregoing conditions shall cause the exemption to become immediately null and void unless such failure is due to circumstances beyond the control of such producers as determined by the Secretary. In the event an exemption becomes null and void the provisions of this act shall become applicable to the same extent as if such exemption had not been granted. No acreage planted to wheat in excess of the farm acreage allotment for a crop covered by an exemption hereunder shall be considered in determining any subsequent wheat acreage allotment or marketing quota for such farm.

"SEC. 2. Subsection 335 (d) of the Agricultural Adjustment Act of 1938, as amended, and paragraph (7) of Public Law 74 of the 77th Congress are hereby repealed."

The Senate of the United States has passed legislation a number of times involving the fundamental principle of exempting farmers from wheat penalties who use wheat on the farms where produced for feed, seed, or food. There is undoubtedly widespread support for this legislation in the House and the administration has indicated its desire to be relieved of the responsibility of carrying out a law which obviously unfairly invades the right of a farmer to farm his land as he sees fit.

The free market has been roundly condemned by some people as being cruel. What could be more cruel than the Government forcing farmers to pay a penalty for producing a crop when those farmers are not producing or marketing a commodity in a manner which injures other farmers? This is not only cruel but is the kind of governmental tyranny that is deeply resented and may ultimately result in the farm program being discredited.

We strongly urge that the House Agriculture Committee favorably report the bill at this time.

Mr. BASS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield to the gentleman from Tennessee.

Mr. BASS of Tennessee. If a man grows more than 30 acres of wheat on his farm, he is a commercial wheat grower and a big feeder as such. Would not the gentleman agree with that? That was the thought of the committee in this legislation.

Mr. HILL. Yes. I think the committee had in mind this. If you let your mind think over the number of acres of land in the United States on which wheat is produced, then if you permit everyone to grow 50 acres or 100 acres, you would be in difficulty. That is what we had in mind.

Mr. Chairman, also I should like to include in my remarks, and shall ask permission to do so when we go back into the House, a report from John A. Baker of the legislative service of the National Farmers Union. He and his organization, so he says, support this bill we have before us today.

I shall also ask to have included in my remarks testimony from Walter C. Berger, Administrator of the Commodity Stabilization Services before our committee in June, 1957.

Mr. Chairman, I should be glad to answer any questions I am able to answer.

Mr. HARRISON of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield.

Mr. HARRISON of Nebraska. It it the gentleman's understanding that if a man plants 30 acres of wheat and he has an allotment of 10 acres, that he loses his allotment of 10 acres by sowing the 30 acres?

Mr. HILL. That is exactly what this bill does. In other words, he is either in one program or the other. If he wants to grow 15 acres and his county committee permits him to grow 15 acres he could not continue to grow the 15 acres and then grow 30 acres under this bill.

Mr. HARRISON of Nebraska. He could retain a history of a 10-acre allotment?

Mr. HILL. But he could not grow 30 acres. He would have to stay out of one program.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield to the gentleman.

Mr. CEDERBERG. I should like to associate myself with the gentleman from Colorado in the position he has taken on this bill. This legislation has been needed for a long time. I hope its enactment will bring about the needed relief for the small farmer who grows these acres of wheat.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield to the gentleman from Pennsylvania.

Mr. GAVIN. Could the gentleman tell us what happens to these farmers who have been penalized or fined but who have not paid their fine if this bill becomes law? Are their cases automatically dismissed?

Mr. HILL. I think the gentleman from Oklahoma discussed that. We discussed that in the committee but we did not see how we could make this retroactive. If I am wrong, I should be glad to have the gentleman from Oklahoma correct me.

Mr. ALBERT. The gentleman is correct. That was the opinion of the subcommittee and of the committee.

Mr. GAVIN. The gentleman will recall that there was a case in his district where a farmer was fined and the court threw out the case.

Mr. HILL. I do not know whether it was in my district, but it was in the wheat-growing section.

Mr. GAVIN. The court did dismiss the case?

Mr. HILL. Other judges may not throw out such cases and we would not have any uniformity in the decisions of the judges. But we do not in the Supreme Court itself, so why bring that up?

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield to the gentleman.

Mr. FULTON. I favor the position of the American Farm Bureau Federation. I do not believe any farmer should be restricted when he feeds the wheat on his own farm.

I strongly defend the right of the small farmer to raise on his own farm whatever feed he needs for his own livestock and poultry. It is an outrage against the free-enterprise system to have prosecution by Federal agents against farmers who are only engaged in raising feed on their own farms for their own needs.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield to the gentleman.

Mr. McCULLOCH. It is my understanding that the other body passed a bill which in effect would make retroactive the proposal for the calendar years 1955 and 1956; is that right?

Hr. HILL. That is correct.

Mr. McCULLOCH. And the House Committee came to the conclusion that that was not proper?

Mr. HILL. I do not think we came to the conclusion that it was not proper. But we felt that we were in no position to take a position antagonistic to the law as it had been interpreted in various States of the United States. That is what we thought.

Mr. McCULLOCH. Mr. Chairman, I hope an appropriate amendment will be offered at the proper time and that it will be adopted.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield to the gentleman from Utah.

Mr. DIXON. This legislation is long overdue. All of our small farmers and producers are asking for it, are they not?

Mr. HILL. They are.

Mr. DIXON. It will be a big relief. I hope the bill passes.

Mr. HILL. In the committee conference we will try to iron out the differences, so that when we come back to the House we can have unanimous support.

Mr. RIEHLMAN. Mr. Chairman, I want to take only a moment to commend the Committee on Agriculture for taking a most constructive step in relation to on-the-farm consumption of wheat. Legislation to exempt up to 30 acres of wheat from marketing quotas when such wheat is used on the farm is vitally necessary.

This legislation will be of benefit to farmers throughout the country who carry on diversified operations. In my own State of New York, and within my district, livestock and poultry producers will be aided immeasureably. Yet, in my opinion, benefits which may result from this bill, will not in turn cause any damage to the marketing-quota programs for the great wheat producing areas of the Nation.

Adoption of this legislation will again express the belief in the American principles of freedom of choice and freedom of opportunity. We are removing restrictions from the farmer who grows wheat for consumption on his own farm—restrictions actually designed for the commercial wheat producer.

A most important segment of agriculture—the family-type farmer—will be the greatest beneficiary of this legislation, and that is as it should be.

The Committee on Agriculture is deserving of praise for reporting out this most worthwhile bill.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield myself such time as I may need.

Mr. Chairman, the provision of the law which we are repealing by the terms of this bill is desirable and vital to our American form of Government. The provision assessing penalties against a producer for feeding his own family and his livestock on the products of his own farm should never have been written into the law 20 years ago. I opposed it then. I therefore favor the enactment of this bill, which repeals the penalty on a farmer who produces his own wheat on the farm and feeds it to his family and to his livestock and poultry on the farm.

Mr. Chairman, I hope there will not be any material opposition to this bill. The time is getting late. I have several requests for time, and in order to accommodate those who want to speak briefly on the bill I shall conclude my remarks at this time.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. HENDERSON].

Mr. HENDERSON. Mr. Chairman, I would like to say at the very beginning of my remarks that this is not the wheat bill that I had hoped would be presented to the House. It has been my hope that legislation could be considered which would completely eliminate an evil and unfair situation which plagues thousands of small growers of wheat today.

In a free America, in a land in which the people have flourished and prospered because of freedom from controls, we find that the group of people who have been the very backbone of this desire for freedom are those who are most completely fettered by controls today. I refer to the American farmer.

At every turn, as the farmer attempts to manage his affairs, he is subject to the scrutiny and restriction of some government program. Such restrictions are most evident when it comes to the matter of marketing. Production controls hold him in an iron mask of a planned economy for agriculture.

I am sure that the Members are aware of the extent of acreage controls that the program involves in some way or another nearly every farmer. In Ohio alone there are 158,000 acreage allotments for wheat. It is universally believed that the farmers have submitted to controls in exchange for benefits. I would like to point out the extent of benefits by way of loans which the people of southeastern Ohio received in 1956 in return for regimentation. In Guernsey County there were no wheat loans, 1 oat loan, and of the 4 corn loans, the largest was $406. In Monroe County there were no loans. In Morgan County there were no wheat or oat loans. Of the eight corn loans the largest was $3,697. In Muskingum County there were 15 wheat loans, the largest being $1,702, and 38 corn loans with the largest being $10,923. Noble County had one corn loan. Perry County had 19 wheat loans and 18 corn loans. The largest wheat loan was $2,824 and the top corn loan was $4,063. In Washington County there was 1 wheat loan and 4 corn loans. The largest corn loan was $741. In all, 109 farmers received benefits under this program which regimented thousands of farmers.

It is only when the farmer stays within the confines of his own quarter section and does not attempt to compete in the market that there is some hope that he will find himself a free agent. And yet, while he is quietly minding his own busi-

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ness, not attempting to raise a controlled crop for sale in the market, he finds himself held in the jaws of controls. I refer to the application of the present law regulating the raising of wheat when farmers intend to use their crop for feed and seed on their own premises. One would have thought that here, surely, this is an area in which the farmer might be left alone to make his own decisions without thought of the Government men looking over his shoulder reminding him that unless he conforms to specified Government requirements he will be subject to prosecution. But, he has discovered to his great dismay, if he dares to raise a crop of wheat for use on his own farm in excess of 15 acres, he has violated the law of the United States, even though not one gram of that wheat ever passes beyond the boundary lines of his farm. This has been the case in great numbers of cases where individual farmers who do not produce wheat for the market have no acreage authorization in excess of 15 acres.

I do not have before me national statistics which would disclose the number of farmers who have been subjected to the embarrassment and loss which has come as a result of such a program, but I have been informed that they involve many hundreds of America's small farmers. I know of instances which have occurred in my own 15th District of Ohio. A great many more have occurred in other Congressional Districts of my State. Only recently our senior Senator from Ohio, the Honorable JOHN BRICKER, obtained and assembled statistics from the Ohio State Agricultural Stabilization and Conservation Committee which show the following:

Two hundred and nine farmers living in 47 of Ohio's 88 counties have been fined under the existing wheat penalty section of the Agricultural Adjustment Act. These fines were levied in 1954, 1955 and 1956 and totaled $59,263.97. Of that amount the Federal Government has collected $22,596.05, while $36,667.92 is pending in the form of liens. The report discloses that of the 209 farmers fined, 28 were penalized 2 of the 3 years, and 9 were penalized all 3 years.

Penalties totaling $37,393 were levied against 152 farmers in 43 counties in 1954. Penalties of $13,171.87 were levied against 57 in 27 counties in 1955, and fines of $8,699.10 were levied against 39 farmers in 17 counties in 1956. Individual amounts ranged from $61.60 to $1,451.52. Penalties were most frequent in Darke, Richland, Stark, Shelby, Columbiana, Fulton, Williams, and Brown Counties.

I will not mention the specific cases with which I am familiar lest it cause embarrassment to those who have been subjected to such indignities. Yet, I would like to mention one specific category of cases where particular hardship has resulted. In the State of Ohio there are farms, maintained and owned by the counties, where indigent, elderly citizens have come to live as public charges. Some of the residents of such farms are able to pay for a portion of their maintenance through meager private funds, old-age assistance, social security or income from retirement plans. The balance of the expense of maintaining and operating such institutions rests upon the county. As a consequence, not only is economy a necessary ingredient of such an operation, but it is absolutely essential that such farms sustain themselves by producing a maximum quantity of the food, seed, and the feed for poultry and livestock needed by the institution. With cattle and swine and poultry and flour and seed for next year's crop required, a great amount of wheat is needed to be raised on such a farm and yet, when one of the county farms in southeastern Ohio exceeded the 15-acre limitation in the raising of wheat, authorities not only considered measures against the superintendent of the institution, but presented a statement of penalty of several hundred dollars to the county commissioners and demanded payment. Not only has this law been a source of intimidation of small farmers, but it also has been directed against the indigent and the helpless and against the local governments of this Nation. Hence, I had hoped that legislation could be enacted by this Congress which would have completely wiped from the books this agricultural straitjacket.

Not only are we regimenting our own farmers but we are in the absurd position of permitting unlimited feed wheat to be imported into this country from abroad. Nearly 7 million bushels were imported last year, 8.7 million bushels the year before and 2.9 million bushels the year before that. We permit importers to do with impunity those things which will bring prison walls to American farmers.

In the 84th Congress, I introduced H. R. 4570, which would have eliminated the restriction on the production of wheat used for seed and feed on the premises of the producing farmer. A similar bill was approved by the Senate of the 84th Congress, but although several hearings were held in the House Agriculture Committee, no bill was brought to the floor. The Department of Agriculture unhesitatingly approved such legislation and the President has repeatedly called for its enactment.

In the 85th Congress, I again introduced my wheat bill, which was numbered H. R. 1144. Other Members of Congress have introduced similar bills and we were hopeful that they would receive favorable attention.

I do not wish my statements on this subject to be regarded as opposition to H. R. 8456, the bill which is presently before us. Instead, I want to emphasize that I do favor it—not the philosophy which is behind it, but because it will offer some measure of relief to the small farmers in raising wheat for seed and feed for their own use. This bill will not, however, remove the manacles of governmental control, which I feel strongly should be removed from this aspect of the present law.

This is a compromise measure. It maintains the philosophy of controls. However, it loosens the restrictions and provides greater freedom than is now possible. The bill before us provides that a farmer may raise up to 30 acres of wheat, so long as this production is used for feed or seed on his farm. It might be said that as a result of this legislation the farmer's position in this regard would be twice as good as it was before because the amount of grain which he can raise has been doubled. Nevertheless, I would like to suggest that the hands of the small farmer would still be tied in many ways as a result of this legislation.

Let us see now just what it does. First, the farmer who contemplates raising more than 15 and less than 30 acres of wheat for feed or seed upon his own premises must make an application to the county ASC committee to obtain exemption from the penalty provisions of the wheat-marketing-quota laws. This is a positive action which the producer must take. He must make application. If he does not file, he is in serious trouble and entitled to no exemption. None of the wheat which is produced under the exemption may be removed from the farm except for processing as human food or livestock feed and the entire crop of wheat produced or processed must be consumed on the farm within the crop year by the producer claiming the exemption or subsequent owner or operator of the farm. None of the wheat can be exchanged for services in processing the wheat for feed. None of the wheat may be sold under any circumstances and all that is grown must be consumed on the farm within the crop year. Any surplus cannot be stored or carried over into a new crop year. There are two restrictions right there. In the event of failure to comply with any of the regulations, the exemption certificate will become immediately null and void and the producer will then become liable for payment of marketing-quota penalties.

I want to make it crystal clear that if a farmer wants to raise more than 15 acres of wheat and obtains the exemption certificate, he must comply with all of the regulations. He is not at all in the same situation as the farmer who raises less than 15 acres of wheat and does not need to apply for an exemption certificate. In other words, under this bill it is an oversimplification to stress that acreage is merely doubled. Whereas the farmer who raises 15 acres of wheat or less need not apply for an exemption certificate and can do anything that he wants to with the wheat that he raises, the farmer who raises more than 15 acres of wheat and applies for an exemption certificate is subject to all of the regulations that I have enumerated, not on the surplus of the wheat over 15 acres, but upon the entire crop.

Mr. Chairman, I do favor the legislation which is before us because it will provide a small measure of increased freedom for the American farmer, but I do not approve the philosophy behind this practice of the restriction of acres of crops that American farmers may produce when that product is completely used upon the premises of the farmer.

I believe that Congress should give careful consideration to the elimination of all agricultural controls as soon as possible, so that the fetters of regimentation can be removed.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield.

Mr. AUGUST H. ANDRESEN. Apparently, these farmers who were fined $59,000 marketed their wheat.

Mr. HENDERSON. The farmers I am referring to are farmers who used the wheat completely within the confines of their own property for feed or for seed.

Mr. AUGUST H. ANDRESEN. Now this bill eliminates that to the extent of the 30 acre provision.

Mr. HENDERSON. Yes; this eliminates that. That is correct. I will not mention any specific cases in my own district, Mr. Chairman, because it might embarrass people who have been caught in the intricacies of this regimentation, but I would like to point out there is one field of endeavor that has been restricted which we might not have thought of, and that is our county homes. The county home in my own county of Guernsey which has as its objective the caring for indigent people was brought under the regimentation of our agricultural laws because it had raised too much wheat to feed to the livestock and other animals necessary to care for the indigent people of Guernsey County.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. OSTERTAG].

Mr. OSTERTAG. Mr. Chairman, I rise in support of this bill, H. R. 8456 to exempt certain wheat producers from liability where all of the farmer's wheat crop is fed or used for seed or feed on his own farm.

For some time, I have been urging exemption from liability of farmers who feed their own wheat to their own livestock and poultry. There is something obnoxious about this prohibition that has existed on the statute books for a number of years. I might say there is something un-American about it. This restriction is wrong in principle and I am happy to support this move on the part of the House to take this important step. As I understand it, this bill does not permit unlimited feeding or use of a farmer's wheat on his farm but rather permits such use where the total wheat acreage on the farm does not exceed 30 acres.

Mr. Chairman, I introduced a bill last year and again this year, to provide for exemptions of the use of wheat on the farm where grown without the 30-acre limitation. While I prefer such a change to the bill before us, I applaud this step and heartily concur in support of it. I hope it will pass without delay.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. BOW].

Mr. BOW. Mr. Chairman, I am glad to note the Agriculture Committee has recognized at last the inequity of penalizing a farmer for growing crops that he needs for himself and his stock.

I will support the pending bill, even though it is only a slight step in the right direction, because it will help those of my constituents who may satisfy their on-farm need of wheat with 30 acres.

For the past several years I have supported legislation to remove all penalties on wheat grown for use on the farm. Last year I offered an amendment to stop the prosecution of farmers who had been unjustly penalized. I believe with the Secretary of Agriculture that they should not be penalized if they need and grow any amount of wheat for their own use.

Mr. Chairman, I think that the entire farm program is being discredited by the controls, penalties, permits, and downright interference that is supposed to be required to carry out its purposes.

The light vote in the recent wheat referendum—only a handful voted in my district—can be interpreted as a combination of disgust, indifference, and outright opposition to the entire program. I had hoped that those opposed would vote in numbers sufficient to impress the Congress. But many of them tell me they prefer to have no part of the program. They will not participate even to the extent of voting against it.

The requirements imposed by this bill will be odious to many of these good Americans, but it may be helpful to those who can satisfy their needs for feed and seed with 30 acres of wheat.

I am glad that we are making at least this much progress.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LECOMPTE].

Mr. LECOMPTE. Mr. Chairman, I think there is no doubt this bill will result in increased production of feed grains. In Iowa, we are more of a corn producing State than a wheat State. There is not a big production of wheat in southern Iowa, the region I have the honor to represent at the present time. Yet, I do find there are a number of small farmers who would like to have the opportunity to raise and produce enough wheat on their own farms to satisfy their needs, especially for poultry, chickens, turkeys, and such as that. I am inclined to think that the danger which some Members feel with respect to this bill is greatly exaggerated. I do not believe the increase in the production of feed grain will be as great as some Members anticipate because the man who puts 30 acres in wheat has certainly got to take that acreage out of the production of corn or some other grain unless it was already lying idle, which is not the case very much of the time in my part of the country. For that reason, I am in favor of giving this bill a trial. I have had a great deal of correspondence with farmers and small farmers who want a chance to produce enough wheat for their own needs for their livestock and poultry. I wonder if there is any estimate on either side of the aisle as to how much the increase in feed grain will result from this bill.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. LECOMPTE. I yield.

Mr. ALBERT. We have not been able to get an estimate except that we have had statements from various sources on this subject. It is not believed that this will increase the supply of feed grains materially because the chicken and dairy farmers who will plant wheat for feed have heretofore been planting corn or oats or other grains for feed.

Mr. LECOMPTE. That is what I thought, Mr. Chairman.

I believe, in conclusion, we had better encourage the small farmers and give them a chance to stay on their farms and produce what little feed grain they need for their poultry.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. MCGREGOR].

Mr. MCGREGOR. Mr. Chairman, I first want to compliment the Committee on Agriculture for bringing this bill H. R. 8456 before us for consideration. Yet, I do feel that it does not go far enough to give material and necessary relief to the large segment of the farm group. Many of us in the House feel that possibly the Senate bill, S. 959, which has retroactive features is a much better bill—more equitable and really gives consideration to the one-crop farmers. It especially gives recognition to the unfair penalties that have been imposed upon farmers in various areas. Some of us feel very sincere about the argument that these penalties should not be absorbed by our farmers. I have discussed this subject at length with the leaders and those in charge of this legislation in an endeavor to get an amendment that might be considered to be germane, that would carry some of the provisions of the Senate bill and would cancel the penalties imposed and be retroactive. Our Ohio Members, Congressmen MCCULLOCH, BAUMHART, BETTS, BROWN, HENDERSON, BOW and others, however, recognize just exactly what we are up against as far as procedure is concerned, and we do not want to jeopardize this bill that is before us for consideration. It at least gives some relief and recognizes that the penalties as applied, are unfair. We sincerely hope that when the conferees go into session they will keep in mind the request of many of us from the Midwest where we have penalties established. We appreciate the intent of those handling this bill and we really hope we will get some definite relief. We certainly would like to see some retroactive features put in. So, reluctantly, we are going to vote favorably and hope that this bill will be passed and that the conferees will give serious consideration to the question of retroactive features and penalty repeals.

This is legislation long past due. We find many farmers who are charged with breaking the law. That certainly is very questionable and I am sure the courts will so hold.

Mr. Chairman, on January 3, 1957, over 7 months ago, I introduced H. R. 334, a bill to exempt certain wheat producers from liability, a copy of which I include in my remarks at this point:

H. R. 334

A bill to further amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed on the farm, and for other purposes

*Be it enacted, etc.*, That section 335 of the Agricultural Adjustment Act of 1938, as amended, is further amended by adding a new subsection (f) after subsection (e)

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to read as follows: "(f) The Secretary, upon application made pursuant to regulations prescribed by him, shall exempt producers from any obligation under this act to pay the penalty on, deliver to the Secretary, or store the farm marketing excess with respect to any farm for any crop of wheat harvested in 1955 or subsequent years on the following conditions:

"(1) That none of such crop of wheat is removed from such farm;

"(2) That such entire crop of wheat is used for seed on such farm, or is fed on such farm to livestock, including poultry, owned by any such producer, or a subsequent owner, or operator of the farm;

"(3) That such producers and their successors comply with all regulations prescribed by the Secretary for the purpose of determining compliance with the foregoing conditions.

"Failure to comply with any of the foregoing conditions shall cause the exemption to become immediately null and void unless such failure is due to circumstances beyond the control of such producers as determined by the Secretary. In the event an exemption becomes null and void the provisions of this act shall become applicable to the same extent as if such exemption had not been granted. No acreage planted to wheat in excess of the farm acreage allotment for a crop covered by an exemption hereunder shall be considered in determining any subsequent wheat acreage allotment or marketing quota for such farm."

I also include, Mr. Chairman, a statement I made before the Agriculture Committee of the Congress on June 19, in behalf of my bill:

STATEMENT OF CONGRESSMAN J. HARRY MCGREGOR BEFORE THE HOUSE AGRICULTURE COMMITTEE RELATIVE TO H. R. 334, EXEMPTING CERTAIN PRODUCTS FROM LIABILITY UNDER THE AGRICULTURE ACT

Mr. Chairman, I am glad to have the opportunity of appearing before your committee, the Agriculture Committee of the House of Representatives, relative to a bill I have introduced, H. R. 334, which is to further amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop if fed or used for seed on the farm, and for other purposes.

First, may I say that I am not a farmer and I hope I am not one who tries to make people believe I am an expert in this field and one who knows all the answers concerning the agriculture program. I am somewhat like one of our colleagues, Mr. Chairman, who appeared before the Public Works Committee, of which I am a member, a few weeks ago relative to a flood control project. The witness asked permission of the chairman to read a prepared statement. It was granted and for about 15 minutes we listened to a very fine explanation of his particular project. Then without hesitating a moment after he had finished his prepared statement, he said, "Mr. Chairman, there is no use for you or any member of the committee to ask me any questions because this morning I do not have my hearing aid and I could not hear a word you say." I am not in that position but I do admit I cannot answer technical questions and that my views are those of a layman. I want to join with you in this committee in helping to solve a very difficult, and in my opinion, a very technical problem, namely, the agriculture problem.

Each year I make a tour of the seven counties in my district and hold meetings at the courthouses of the respective counties. I invite any and all to come in and give me their views. Last year great emphasis was placed on the subject that the farmers were not allowed to grow crops on their farm, which were essential and necessary for feed and seed. Mr. Chairman, in this great land of freedom, it seems to me that a farmer should be entitled to grow on his farm the crops which are necessary for feed and seed. As said above, I do not know of the technicalities involved but certainly the philosophy as set forth in this bill is the philosophy of all.

Mr. Chairman, in the legislation, I specifically stated that the crop isn't to be removed from such farm; that such entire crop is to be used for seed on such farm, or is fed on such farm to livestock, including poultry, owned by any such producer, or a subsequent owner, or operator of the farm. May I repeat, certainly the requests made in this legislation, H. R. 334, simply gives to the farmer some of the freedoms that many of us have fought for. I recognize that my recommendation as contained in the bill possibly would be an experiment; however, I am sure we all agree that the farm program that we have had for many years would come under the same category and may I say, I don't think the experiment is working out very well.

This legislation, I think, will give some relief to our rotation farmer and to those who do not come under the category of the "big one crop farmer." I honestly believe that this will be of some assistance to the farmer who finds that the price of the product he raises is going down, or at least it is not comparable with the increased costs of living or comparable with the costs of the products the farmers have to buy.

Mr. Chairman, I think this is one of the big problems and I hope you will agree with me that this little assistance given to the farm group will bring closer together the prices the farmers receive and the prices they have to pay. I appreciate your consideration and knowing you all as I do, I am sure that this recommendation will be given every consideration. Thank you.

Mr. Chairman, many of the farmers in our district have had penalties assessed against them because they have produced more than their allotted acreage. At this point I would like to include an editorial from the Plymouth Advertiser entitled "Wheat Controls" and what is being done to one of our farmers, Mr. John Donaldson:

WHEAT CONTROLS

It is rare that the farmer presents his case against governmental regulation with the erudition that characterizes the efforts of John Donaldson.

This Huron County farmer argues well and, we think, conclusively against the principle of crop controls. He lays his arguments upon what he believes to be abrogated in administrative enforcement of the law approved by the Congress.

In doing so, he has gathered the strong support of many groups of farmers and others interested in agriculture. And important editorial support has been given by metropolitan daily newspapers.

It is clear to us, at least, that Mr. Donaldson's arguments will fall upon deaf ears. He won't get anywhere in his fight to upset the Agricultural Adjustment Act, any more than the late Henry H. Fackler did.

A long time ago, we urged Representative J. HARRY MCGREGOR to use his influence to relieve Huron and Richland County farmers from the onerous provisions of the wheat and corn acreage control laws. Soft red winter wheat grown, for the most part, in this section of Ohio is not primarily a bread grain. It does not affect world markets to any serious extent. There is no reason, we think, why it shouldn't be removed from the wheat crop acreage controls.

Then Mr. Donaldson and other farmers like him could go back to farming their land, a job that's hard enough in these times. As it is, they've devolved into Philadelphia lawyers who don't stand a chance in a league that's anti-Philadelphia.

Mr. Chairman, the records will show that 209 farmers living in 47 of Ohio's 48 counties have been fined under the existing wheat penalty section of the Agricultural Adjustment Act. These fines were levied in 1954, 1955, and 1956, and totaled $59,263.97. Of that amount the Federal Government has collected $22,596.05, while $36,667 is pending in the form of liens. The report discloses that of the 209 farmers fined, 28 were penalized 2 of the 3 years, and 9 were penalized all 3 years.

Mr. Chairman, it certainly is the belief of many of us that we are living in a free country. All of us should be entitled to fair and equitable treatment. These farmers who have been penalized, in most of the cases, have accepted no Government benefits, either directly or indirectly. In several instances the farmer has refused to have any association whatsoever with the United States Department of Agriculture to the extent of posting his lands specifically against the entry of any representative of the Department. It certainly is no wonder that the farmer, or any other person for that matter, is outraged by the penalty provision on food, seed and feed wheat used on his farm. In my mind this raises the question as to the legality of the act; on June 8, the Canadian steamship, *Sir Thomas Shaughnessy*, unloaded at Huron, Ohio, 43,778 bushels of wheat imported for livestock and poultry feed purposes. Upon checking I learned from the Grain Division of the Department of Agriculture that no law, regulation or international agreement, outside the pure food laws, restrict the importation of feed wheat.

But I repeat, the provisions contained in S. 959 should be included so that these penalties can be canceled or adjusted in a fair and equitable manner.

Mr. ALBERT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, on this matter of retroactive penalties, men who have worked with the wheat program for years have told me that thousands of farmers have plowed up wheat, have foregone planting wheat to keep within the law. We in the committee feel that, first of all, we would be giving those who did not comply with the law an unfair advantage; and secondly, that we would be starting a precedent that might in the end cost the Government millions of dollars, because those who have overplanted deliberately and paid the penalties willingly, might come in for legislation or for court action for refunds.

We hope the House will support the committee on this proposal.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. BETTS].

Mr. BETTS. Mr. Chairman, I rise in support of this legislation. I am sure that the passage of this bill will be welcome news to all the farmers in the Eighth District as well as the whole State of Ohio. I had hoped, with others, that we might have some retroactive features in this bill. I regret the fact that there are not. I honestly believe there are many farmers in Ohio that have been

unjustly charged with these penalties. I share the same hope as the gentleman from Ohio [Mr. McGREGOR], that somewhere this retroactive feature may be added.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I have no further requests for time.

Mr. ALBERT. Mr. Chairman, I have no further requests.

The CHAIRMAN. The Clerk will read.

Mr. ALBERT. Mr. Chairman, I ask unanimous consent that the bill be considered as read, and printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma [Mr. ALBERT]?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That section 335 of the Agricultural Adjustment Act of 1938, as amended, is further amended by adding at the end thereof the following new subsection:

"(f) The Secretary, upon application made pursuant to regulations prescribed by him, shall exempt producers from any obligation under this act to pay the penalty on, deliver to the Secretary, or store the farm marketing excess with respect to any farm for any crop of wheat harvested in 1958 or subsequent year on the following conditions:

"(1) That the total wheat acreage on the farm does not exceed 30 acres: *Provided, however,* That this condition shall not apply to farms operated by and as part of State institutions or religious or eleemosynary institutions;

"(2) That none of such crop of wheat is removed from such farm except to be processed for use as human food or livestock feed on such farm and none of such crop is sold or exchanged for goods or services;

"(3) That such entire crop of wheat is used on such farm for seed, human food, or feed for livestock, including poultry, owned by any such producer, or a subsequent owner or operator of the farm; and

"(4) That such producers and their successors comply with all regulations prescribed by the Secretary for the purpose of determining compliance with the foregoing conditions.

"Failure to comply with any of the foregoing conditions shall cause the exemption to become immediately null and void unless such failure is due to circumstances beyond the control of such producers as determined by the Secretary. In the event an exemption becomes null and void the provisions of this act shall become applicable to the same extent as if such exemption had not been granted. No acreage planted to wheat in excess of the farm acreage allotment for a crop covered by an exemption hereunder shall be considered in determining any subsequent wheat acreage allotment or marketing quota for such farm. No producer exempted under this section shall be eligible to vote in the referendum under section 336 with respect to the next subsequent crop of wheat."

SEC. 2. Section 334 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding any other provision of law, except as provided in section 335 (e) of this act, no acreage seeded to wheat for harvest as grain in 1958 or thereafter in excess of acreage allotments and no wheat produced from such acreage shall be considered in establishing future National, State, county, and farm acreage allotments or marketing quotas and the production of wheat from such acreage shall not be considered in determining the level of price support. The planting on a farm of wheat of the 1958 or any subsequent crop for which no farm wheat acreage allotment was established shall not make the farm eligible for an allotment as an old farm pursuant to the first sentence of subsection (c) of this section nor shall such farm by reason of such planting be considered ineligible for an allotment as a new farm under the second sentence of such subsection."

SEC. 3. Section 335 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the period at the end of the first sentence of subsection (e) and inserting a colon and the following: "*Provided, however,* That any State in which for three successive years the annual acreage planted to wheat for harvest as grain exceeds 35,000 acres, as determined by the Secretary, shall be deemed, beginning with the marketing year which begins in the second calendar year thereafter, to be within the commercial wheat producing area and the acreage planted to wheat for harvest as grain in such State in such three years shall be taken into consideration in establishing State, county, and farm acreage allotments: *Provided further,* That any State placed in the commercial wheat producing area under the foregoing proviso shall remain therein except that if thereafter the annual acreage planted to wheat for harvest as grain in such State is less than 25,000 acres for three consecutive years the Secretary may, at his discretion, designate such State as being outside the commercial wheat producing area if he determines that such designation would permit more efficient administration of this act and the Agricultural Act of 1949."

SEC. 4. Section 114 of the Soil Bank Act (70 Stat. 196) is amended by changing clause (2) in the first sentence thereof to read as follows: "(2) in the case of a farm which is not exempted from marketing quota penalties under section 335 (f) of the Agricultural Adjustment Act of 1938, as amended, the wheat acreage on the farm exceeds the larger of the farm wheat acreage allotment under such title or 15 acres, or".

Mr. GRANT of Alabama. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. GRANT: On page 4, beginning on line 4, strike out all of section 3 and renumber section 4 as "SEC. 3."

Mr. GRANT. Mr. Chairman, I feel that this amendment will not jeopardize the bill but will greatly improve it. It certainly will save a lot of misunderstanding. Many Members here have introduced bills to carry out the purpose of this bill, which is to exempt certain wheat producers from liability under the act, where all the wheat grown is used for seed or feed on the farm. Section 3 does not do that. This section is put in for other purposes, and this amendment, if adopted, will carry out the objective of the bill. My amendment affects the bill only to that extent. This has been discussed with a majority of the members of the Committee on Agriculture. Personally, I see no reason in the consideration of this bill to get into any misunderstanding about allotments or any other thing. We should devote ourselves to carrying out the objectives for which the bill was introduced.

Mr. McGREGOR. Mr. Chairman, will the gentleman yield?

Mr. GRANT. I yield.

Mr. McGREGOR. I am wondering if the gentleman has any information as to what States are covered. Would it include Ohio?

Mr. GRANT. I do not have that. The chairman of the subcommittee, the gentleman from Oklahoma [Mr. ALBERT], does.

Mr. ALBERT. I will say to the gentleman that Ohio is a commercial State. The adoption or rejection of this amendment will have nothing whatever to do with the situation in Ohio.

Mr. McGREGOR. I thank the gentleman.

Mr. JENSEN. How about Iowa?

Mr. ALBERT. Iowa is also a commercial wheat State.

Mr. JENSEN. And this amendment would have no effect on Iowa; is that right?

Mr. ALBERT. The gentleman is correct.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. GRANT. I yield to the gentleman from Oklahoma.

Mr. BELCHER. I may say to the gentleman, of course, that I am violently opposed to this spreadout of these various basic crops. We find the situation in almost every one of these crops where we curtail the operation in one State and it breaks out somewhere else. That is exactly what has happened in wheat; and in the State that the gentleman represents, Alabama, I see where they have jumped up about 120,000 acres the past year. Arizona has jumped up quite a ways. Louisiana has jumped up from 35,000 to 110,000; Mississippi from 17,000 to 164,000.

In that respect I agree with the gentleman that this portion of the bill is not completely germane to the rest of the bill. The rest of the bill attempted to correct an evil that has existed for a long time and while this also attempts to correct that evil it is not the same type of evil that was attempted to be corrected by the original bill.

Furthermore, if areas like Mississippi, Alabama, and these other States continue with this increased acreage it is only going to be a short period of time until they will become commercial States anyway. For that reason although I intended to oppose this amendment because I thought it was unfair to the commercial producing areas, I do not believe it is going to make enough difference for us to argue over and try to tie onto this bill, a very meritorious bill, and for that reason I shall not oppose the gentleman's amendment.

Mr. GRANT. I thank the gentleman.

Mr. ALBERT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Oklahoma, my colleague, comes from one of the great wheat-producing districts of the country. He has stated the case accurately as far as I am concerned. The wheat-producing States of this country, the commercial wheat-pro-

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ducing States, have given up millions of acres trying to make a stabilization program work. Their allotments have been reduced year after year until they are down now to the statutory minimum. If these great wheat-producing States had not gone along with the farm program there is no telling what the price of wheat would be. By cutting their own production they have made it possible for the noncommercial States to get a good price, or a fairly good price, for their wheat.

We thought, and the Department agreed, that if we passed this bill we could stabilize these commercial areas and keep them from being commercial States one year and noncommercial the next, and that we might thereby aid in the effective administration of the program.

I agree with the gentleman from Oklahoma and with my colleague from Alabama that this is not material to the primary purpose of this legislation. It is not material to the basic purpose of exempting wheat producers from liability where wheat is consumed on the farm. For that reason I express my views and the views of others on the committee I believe when I say we will not oppose the amendment.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Oklahoma.

Mr. BELCHER. We have helped to correct one evil in that we do not permit this excess acreage to be granted on the allotment.

Mr. ALBERT. The gentleman is correct. It will only be a matter of time, either under this amendment or under the law as it now exists, when these States where a great increase in production is being experienced will also be brought into the commercial area.

Mr. BELCHER. The real thing that is causing all the trouble has been the 15-acre exemption. This bill does not touch that in any respect anyway.

Mr. ALBERT. This bill does help the commercial wheat producer as far as the 15-acre exemption is concerned because hereafter instead of counting the whole 15 acres for future allotment purposes the producer may count only that portion which constitutes his allotment.

Mr. BELCHER. That is correct. This bill does help correct some of the evils.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Iowa.

Mr. GROSS. I want to commend the statement of both the gentlemen from Oklahoma and share their concern with respect to what will happen if we keep breaking down the barriers to control the production of feed or feed grains.

Mr. ALBERT. I thank the gentleman.

Mr. BREEDING. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Kansas.

Mr. BREEDING. I join with the gentleman from Kansas as well as with the gentlemen from Oklahoma in their statements. Nobody realizes any more than I do, since I come from one of the largest wheat-producing areas in the United States, that the statements they made are pertinent to my district and I join the gentlemen and commend them for their remarks.

Mr. ALBERT. I thank the gentleman.

Mr. AVERY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to reemphasize to the House, and I will not infringe on the patience of the Members at this late hour, that there are two very definite subjects treated in this bill. They are related in that they both take something away from the historic wheat producing region of the United States. You cannot interpret it in any other way as far as section 3 is concerned. The amendment pending before the House to delete section 3 I am not going to oppose largely because of the legislative situation which I am convinced exists between this House and the other body.

The hypocrisy in the situation as far as the commercial wheat areas are concerned developed in the amendments to the 1938 act at which time it was written into the amendments to section 335 that any State with less than 25,000 acres of wheat production would not come under the act and not be subject to the marketing penalties, nor would they be subject to an acreage allotment. Look what has happened. The damage is already done. That is why I am a little unhappy about it. We are going to ride along with these States that have increased their wheat acreage. All we have left are the only ones it can hurt that are not commercial wheat States, and they are these: The State of New Hampshire, 160 acres of wheat in 1956. I am not much concerned about what the State of New Hampshire is going to do. The State of Rhode Island, not a very big threat in the situation to the commercial wheat States, produced 878 acres. But moving down to the Southern States and most of the Members from the Southern States that have created the biggest offense are on the floor, we have Alabama going from 15,000 acres in 1952 to 100,000 acres in 1956. Some of these figures have already been given. Mississippi 27,000 acres in 1952, 44,000 acres in 1956. I understand it is well over 100,000 acres in 1957. Louisiana 2,000 acres in 1952, 60,000 acres in 1956. And so on down the line.

That is the thing that makes me unhappy, coming from the greatest wheat-producing State in the Union. I wonder if these States would be willing to divide their tobacco allotment? Historically our tobacco allotment in Kansas is about the same proportion as the wheat allotment was, shall we say, of South Carolina. Or would the State of Mississippi be willing to give us as much sugar allotment as they have taken away from us in wheat? Those are questions that are posed to us in the Middle West. Of course, you would not want to give that up.

But, we are asked here today to concede two things. We are asked to concede an extra 15 acres of wheat for every small farmer in the United States. I represent a lot of small farmers. The other thing we are asked to do is to ride along for another year which will allow many of these people to build up to the maximum amount so that when the boom days come about everybody will have the maximum of 25,000 acres of wheat for their respective States.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. AVERY. I yield to the gentleman from Oklahoma.

Mr. ALBERT. We cannot disassociate the agricultural program from the general economy of the country, and we cannot disassociate the agricultural wheat program from the general economy of the country. There is growing opposition to the agricultural program because of these restrictions in the feed deficit areas, and we have brought this legislation out trying to help the overall agricultural picture by trying to show all sections that we are trying to solve or help solve their local problems along with our own.

Mr. AVERY. I think the gentleman is absolutely correct. I would like to ask the gentleman from Oklahoma if he does not agree with me that it was a tragic error some 15 or 20 years ago when there was a line drawn between a commercial producing area and a nonproducing area, be it wheat or corn, or what have you.

Mr. ALBERT. That was just a few years ago; 1954, I think it was.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. AVERY. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. Of course, it was just in recent years that the noncommercial wheat area was created. It was back in 1937 when they had a commercial and noncommercial corn program, and that went the same way. There were about 500 counties in the commercial corn program and now there are nearly 1,000 counties in the commercial program.

Mr. AVERY. I think that is correct.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. AVERY. I yield to the gentleman from Oklahoma.

Mr. BELCHER. I would like to make it clear that we in the wheat producing area are not giving up anything in the first section of this bill which provides for the 30 acres, because not one-fifth of a bushel of that will compete with commercial wheat. There is not a bushel goes into the market in any way to affect the price of commercial wheat. So, if we were yielding anything in that respect, I would certainly be against this bill, but I do not see that it will hurt any commodity, corn, feed grains, or wheat, or anything else, and that is why I think the 30-acre provision in the bill is a good one. But, I do not think that your problem is so much with the commercial and noncommercial States. It is the 15-acre limitation even in the commercial States that has produced these surpluses.

Mr. AVERY. I thank the gentleman.

*Seeded wheat acres, 1952–56 for noncommercial wheat States*

| States | 1952 | 1953 | 1954 | 1955 | 1956 |
|---|---|---|---|---|---|
| Maine [1] | 1,812 | 2,420 | 830 | 1,600 | 1,760 |
| New Hampshire [1] | 146 | 107 | 53 | 150 | 160 |
| Vermont [1] | 433 | 581 | 769 | 1,060 | 1,160 |
| Massachusetts [1] | 1,137 | 1,084 | 578 | 1,500 | 1,800 |
| Rhode Island [1] | 959 | 1,017 | 575 | 870 | 870 |
| Connecticut [1] | 1,132 | 950 | 576 | 2,300 | 2,150 |
| Florida [1] | 489 | 1,389 | 3,361 | 12,000 | 18,000 |
| Alabama | 15,000 | 26,000 | 30,000 | 88,000 | 100,000 |
| Mississippi | 27,000 | 66,000 | 45,000 | 32,000 | 44,000 |
| Louisiana | 2,242 | 7,948 | 3,856 | 35,000 | 60,000 |
| Arizona | 25,000 | 25,000 | 18,000 | 44,000 | 64,000 |
| Nevada | 20,000 | 19,000 | 14,000 | 9,000 | 14,000 |
| Total | 95,350 | 151,496 | 117,598 | 227,480 | 307,900 |

[1] Unofficial estimates for these States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. GRANT].

The amendment was agreed to.

Mr. HENDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HENDERSON: On page 2, line 6, after the word "State" insert "or county."

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the gentleman from Oklahoma.

Mr. ALBERT. In my statement on this bill I stated specifically that it was the intention of the committee to include counties, institutions, or institutions of any of the subdivisions of State governments, and I have no objection to the amendment. I assume there is no member of the committee that has any objection to the amendment.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, if the gentleman will yield, we have no objection to the amendment.

Mr. HENDERSON. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. HENDERSON].

The amendment was agreed to.

Mr. EDMONDSON. Mr. Chairman, I am pleased to support this bill in support of wheat production for on-farm consumption, and feel this will be very helpful to the small farmers, in particular, in Oklahoma.

I want to commend the gentleman from Oklahoma [Mr. ALBERT] for his leadership in bringing this bill before the House, and to compliment the Committee on Agriculture for reporting this legislation.

Mr. RHODES of Pennsylvania. Mr. Chairman, it is my pleasure to support H. R. 8456, permitting farmers to grow up to 30 acres of wheat for use on the farm for feed, seed, or human food without being subject to penalty payments under the wheat acreage allotment program.

Like many of my colleagues, I have had a number of cases involving penalty payments called to my attention by farmers in my district. It is grossly unfair to deny farmers the right to grow enough wheat on their own farms to feed their livestock. As one Berks County farmer states in a letter:

It is against democratic principles to hamper such farm operations when the products does not directly affect public markets. It may even be compared to a monopoly since a farmer can raise grains cheaper than he can purchase them on a controlled market.

A Berks County official of the State grange writes:

If you can help us get a minimum 30-acre allotment for farmers in this State, you will have done us a good service. I have an allotment of 26½ acres on 290 acres in 2 farms which does not reach to feed my chickens.

Another farmer remarks:

I have heard discussion of this problem for a number of years. The answer has always been to permit a farmer to raise what he needs for seed, feed, or human use on his own farm without penalties. I think raising the acreage to 30 acres for above uses will remove any farmer in Berks County from penalties.

A farm organization official writes:

This bill is in line with the policies of the Pennsylvania Farmers' Association and also with the Berks County Farmers' Association; anything you could do to pass this bill would be greatly appreciated by the association.

A Berks County chicken farmer states:

I feed 2,000 layers and 2,400 replacement pullets every year. Since the wheat quota went into effect, I am only allowed to grow 15 acres of wheat on this 175-acre farm, so in order to get enough wheat to feed my poultry, I must go out and rent land from neighbors to raise wheat even though I would have enough land at home to raise my wheat if the quota system was raised, or still better abolished completely. Please support this bill H. R. 8456.

Mr. Chairman, while this legislation does not go as far as far as many of us feel is justified, I am convinced that it is an important step in the right direction. The objectives of this bill are sound and in the best interests of the farmers of my district and State. H. R. 8456 corrects an injustice in existing law which has cost many farmers hard-earned dollars in discriminatory penalty payments.

It is my hope that the section of S. 959, a similar bill on this subject passed by the Senate, providing retroactive cancellation of penalties imposed since 1954 may be included in the final version of the measure enacted into law.

I congratulate the sponsor of the bill, my friend, the gentleman from New York [Mr. ANFUSO] and the members of the House Committee on Agriculture for approving the measure and sending it to the House floor.

Mr. BREEDING. Mr. Chairman, this legislation which affects my area of the country very much, is not what I had hoped for.

While I have never been against a farmer growing wheat for feed or seed, I do object to the growing of wheat in new areas, without restrictions, where it seriously jeopardizes the economic stability of the wheat-producing areas which are under acreage controls and marketing penalties.

This is the effect it has had in recent years on the section of the country which I represent. Not only have we had to cope with the rising costs of production, reduced acreage, allotments, lower supports, and extremes of weather, but we have had to suffer from the ever-increasing production of wheat from the noncommercial areas as well as increased numbers of 15-acre farms in the commercial area.

Wheat growers have increased in numbers because of the acreage restrictions on some of our basic crops such as corn, cotton, tobacco, and so forth. Without exception this new producing area of wheat can and does grow other crops better suited to their climatic conditions.

Wheat is the only agricultural crop that is grown universally in all our 48 States.

When corn acres are controlled what does the corn farmer do—he plants 15 acres of wheat. When cotton acres are cut back they plant wheat.

Some Southern States that have no wheat allotment at all will rank at near the top of the list in numbers of wheat farms in the United States today. Even farmers in the corn country who grow not over 15 acres of wheat can do so without any penalties. All the wheat grown in the noncommercial area can be grown without any acreage controls or penalties, yet both of these classes of farmers can sell their production in direct competition with the wheat producers in the commercial area.

However, my people in the commercial area, and many others who must depend on wheat as our major farm income, are restricted in acreage plantings and must pay a heavy penalty if we overseed.

It is well known that the Great Plains area is best suited for wheat production. It is the one crop that they grow best. It is the crop that has built our communities, sent our children to school, and paid our taxes.

It is the one crop that supported our Nation so abundantly in two world wars and has helped so materially since the war in feeding many of our allies all over the world.

June 6, 1957, I introduced H. R. 7952 to put every acre of wheat grown in the United States under the same controls and restrictions. I thought that this would only be fair. I was encouraged by many from the real wheat-producing area of our country. However, I ran into objections from the more diversified areas.

Today we are debating the bill, H. R. 8456, which, as I understand it, will permit anyone to grow up to 30 acres of wheat providing it is used for feed and seed on the farm.

I hope that this legislation will benefit everyone who wants to produce some feed and seed, but also give some relief to the farmer producing wheat under controls and for sale.

I cannot emphasize too strongly my beliefs with respect to this matter.

Something must be done and soon to protect this great wheat-producing area by eliminating the inequalities that now exist.

Mr. BAUMHART. Mr. Chairman, we have taken a short but at least progressive step in approving H. R. 8456—S. 959—which will exempt certain wheat producers from liability under the Agricultural Adjustment Act where all their wheat crop is fed or used for seed or food on the farm.

This bill has special significance for many farmers within my own district. Like so many others, they have been se-

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verely hampered over the years by their inability to grow in excess of 15 acres of wheat without penalty, even though every bushel of wheat produced has been consumed on the premises and has never been diverted to the open market.

If nothing else, our remedial bill is likely, in the words of Secretary Benson, to "remove the dissatisfaction of many small wheat producers with the program as it must be operated under present legislation."

However, the bill we have just passed is far from ideal. It gives the farmer only a fraction more of the operating freedom he should have. Regrettably, he has been given an exemption only up to 30 acres of wheat production and even so he must apply to his county ASC committee for the exemption or become subject to penalty.

Further, he cannot turn any portion of his grain over to a miller in exchange for milling services. Every grain of wheat sent off the farm for milling or other processing must be returned for consumption on the farm.

On top of this, no surplus wheat may be stored on the farm at the end of the crop year; every bit of it must be consumed on the farm if a penalty is to be avoided.

I feel, too, that there has been a grievous omission in our failure to adopt a retroactive forgiveness clause already approved by the Senate. In the words of Senate Report 458 on S. 959:

> If exemptions were obtained on the 1954, 1955, or 1956 crops, penalties paid on such crops would be refunded; wheat stored to avoid such penalties would be released from storage; and the Secretary would pay producers the value of any wheat delivered to him to avoid such penalties.

The Department of Agriculture has been subjected to much criticism for the way it has handled wheat penalty cases, but in fairness to that Agency we should not lose sight of the fact that it endorsed the principle of retroactive forgiveness at least as early as January 1956 and did so again in January of this year.

It is my personal hope—and I am sure it is shared by many of my colleagues—that retroactive wiping out of penalties will prevail in the final version of S. 959 which is to become public law.

Recognition and correction of the patent injustice which has been forced upon small wheat producers through the exactment of penalties, will go a long way toward making S. 959 a vastly more constructive piece of farm legislation.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MACK of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 8456) to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes, pursuant to House Resolution 363, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 959) to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 335 of the Agricultural Adjustment Act of 1938, as amended, is further amended by adding a new subsection (f) after subsection (e) to read as follows:

"(f) The Secretary, upon application made pursuant to regulations prescribed by him, shall exempt producers from any obligation under this act to pay the penalty on, deliver to the Secretary, or store the farm marketing excess with respect to any farm for any crop of wheat harvested in 1954 or subsequent years on the following conditions:

"(1) That none of such crop of wheat is removed from such farm except to be processed for use as human food on such farm or with respect to wheat of the 1954, 1955, or 1956 crop to be placed in off-farm storage or delivered to the Secretary in accordance with applicable regulations in order to avoid or postpone the payment of any penalty due under the provisions of this act;

"(2) That such entire crop of wheat is used on such farm for seed, human food, or feed for livestock, including poultry, owned by any such producers, or a subsequent owner or operator of the farm; and

"(3) That such producers and their successors comply with all regulations prescribed by the Secretary for the purpose of determining compliance with the foregoing conditions."

Failure to comply with any of the foregoing conditions shall cause the exemption to become immediately null and void unless such failure is due to circumstances beyond the control of such producers as determined by the Secretary. In the event an exemption becomes null and void the provisions of this act shall become applicable to the same extent as if such exemption had not been granted. No acreage planted to wheat in excess of the farm-acreage allotment for a crop covered by an exemption hereunder shall be considered in determining any subsequent wheat-acreage allotment or marketing quota for such farm.

In accordance with regulations issued by the Secretary in the case of wheat of the 1954, 1955, or 1956 crop upon which the producer obtains an exemption as herein provided, such producer shall be entitled to a refund of any penalty paid by him under the act with respect to such wheat, or of the value, as determined by the Secretary, of any such wheat delivered to the Secretary in accordance with applicable regulations in order to avoid or postpone payment of the penalty, and shall be authorized to remove from storage any such wheat stored under applicable regulations to avoid or postpone payment of the penalty under this act for use on the farm for any purpose authorized by the exemption hereunder. There is hereby authorized to be appropriated sums necessary for the payment of the refunds provided for herein, and in addition sums collected as wheat penalties which are on special deposit for refund of excess collections, may be used to make the refunds provided for herein.

If any producer on the farm votes in any referendum under section 336, beginning with the referendum applicable to the 1959 crop, no producer on the farm shall be eligible for exemption under this section with respect to the crop to which such referendum is applicable.

SEC. 2. Section 114 of the Soil Bank Act (70 Stat. 196) is amended by changing clause (2) in the first sentence thereof to read as follows: "(2) in the case of a farm which is not exempted from marketing quota penalties under section 335 (f) of the Agricultural Adjustment Act of 1938, as amended, the wheat acreage on the farm exceeds the larger of the farm wheat-acreage allotment under such title or 15 acres, or".

Mr. ALBERT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALBERT, of Oklahoma:

Strike out all after the enacting clause and insert "That section 335 of the Agricultural Adjustment Act of 1938, as amended, is further amended by adding at the end thereof the following new subsection:

"'(f) The Secretary, upon application made pursuant to regulations prescribed by him, shall exempt producers from any obligation under this act to pay the penalty on, deliver to the Secretary, or store the farm marketing excess with respect to any farm for any crop of wheat harvested in 1958 or subsequent year on the following conditions:

"'(1) That the total wheat acreage on the farm does not exceed 30 acres: *Provided, however*, That this condition shall not apply to farms operated by and as part of State or county institutions or religious or eleemosynary institutions;

"'(2) That none of such crop of wheat is removed from such farm except to be processed for use as human food or livestock feed on such farm and none of such crop is sold or exchanged for goods or services;

"'(3) That such entire crop of wheat is used on such farm for seed, human food, or feed for livestock, including poultry, owned by any such producer, or a subsequent owner or operator of the farm; and

"'(4) That such producers and their successors comply with all regulations prescribed by the Secretary for the purpose of determining compliance with the foregoing conditions.

"'Failure to comply with any of the foregoing conditions shall cause the exemption to become immediately null and void unless such failure is due to circumstances beyond the control of such producers as determined by the Secretary. In the event an exemption becomes null and void the provisions of this act shall become applicable to the same extent as if such exemption had not been granted. No acreage planted to wheat in excess of the farm acreage allotment for a crop covered by an exemption hereunder shall be considered in determining any subsequent wheat acreage allotment or marketing quota for such farm. No producer exempted under this section shall be eligible to vote in the referendum under section 336

with respect to the next subsequent crop of wheat.'

"SEC. 2. Section 334 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following new subsection:

"'(h) Notwithstanding any other provision of law, except as provided in section 335 (e) of this act, no acreage seeded to wheat for harvest as grain in 1958 or thereafter in excess of acreage allotments and no wheat produced from such acreage shall be considered in establishing future national, State, county, and farm acreage allotments or marketing quotas and the production of wheat from such acreage shall not be considered in determining the level of price support. The planting on a farm of wheat of the 1958 or any subsequent crop for which no farm wheat acreage allotment was established shall not make the farm eligible for an allotment as an old farm pursuant to the first sentence of subsection (c) of this section nor shall such farm by reason of such planting be considered ineligible for an allotment as a new farm under the second sentence of such subsection.'

"SEC. 3. Section 114 of the Soil Bank Act (70 Stat. 196) is amended by changing clause (2) in the first sentence thereof to read as follows: '(2) in the case of a farm which is not exempted from marketing quota penalties under section 335 (f) of the Agricultural Adjustment Act of 1938, as amended, the wheat acreage on the farm exceeds the larger of the farm wheat acreage allotment under such title or 15 acres, or' ".

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

The proceedings whereby the House bill (H. R. 8456) was passed were vacated and that bill was laid on the table.

## GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members who spoke on the bill just passed may revise and extend their remarks, and that all Members may have 5 legislative days in which to extend their remarks on the same bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## COMMITTEE ON WAYS AND MEANS

Mr. COOPER. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Saturday, August 3, 1957, to file reports on the following bills:

H. R. 4952, to amend the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954 with respect to foreign tax credit for United Kingdom income tax paid with respect to royalties;

H. R. 8887, to amend the Internal Revenue Code of 1939 to provide a credit against the estate tax for Federal estate taxes paid on certain prior transfers in the case of decedents dying after December 31, 1947;

H. R. 8881, to amend section 812 of the Internal Revenue Code of 1939; and

H. R. 5938, to amend section 812 (e) (1) (D) of the Internal Revenue Code of 1939 with respect to certain decedents who were adjudged incompetent before April 2, 1948.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## COMMITTEE ON PUBLIC WORKS

Mr. SMITH of Mississippi. Mr. Speaker, I ask unanimous consent that the Committee on Public Works have until midnight Saturday, August 3, to file a report on the bill H. R. 6535.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, what bill is that?

Mr. SMITH of Mississippi. It is a bill providing for the ceding of a dam in West Virginia to the State.

Mr. BROWN of Ohio. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## MINIMUM-WAGE EXEMPTIONS

Mr. TEAGUE of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD and include a resolution adopted by the Committee on Agriculture.

The SPEAKER. Is there objection?

There was no objection.

Mr. TEAGUE of California. The resolution is as follows:

*Resolved*, That the House Committee on Agriculture favors and recommends that farm workers engaged in the packing of fruits and vegetables in the field or orchard into shipping containers should continue to be exempt from the minimum-wage and hour provisions of sections 6 and 7 of the Fair Labor Standards Act.

The exemption from minimum wage and hour legislation intended to be provided for farmer employers in the Fair Labor Standards Act is all-inclusive. This exemption is set forth in section 13 (a) (6) of the act, which provides that "any employee employed in agriculture should not be subject to the minimum wage and overtime provisions of sections 6 and 7 of the act." "Agriculture" is defined in section 3 of the act in the following language: "Farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, furbearing animals, or poultry, and any practice (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market."

This language makes it quite clear that the exemption covers not only the production operations on the farm but also the performance on the farm of operations for the purpose of getting the product in such shape or condition as to be marketed.

Our concern in this respect arises from the report that the Labor Department may be giving consideration to classifying field packing of vegetables as a nonagricultural operation, and therefore subject to the Fair Labor Standards Act. We do not see how such a determination could be made in view of the clear and specific language of the statute defining "agriculture."

The consideration with respect to the classification of field packing of vegetables arises, we understand, out of the fact that in some areas and for some commodities a substantial portion of such commodities which was once placed in containers in packing sheds is now packed in the field as part of harvesting operations.

We submit that this is not a valid consideration and wish to point out in this connection two developments in agriculture that are constantly taking place.

The more common development is that an operation heretofore performed on the farm is transferred from the farm to a central processing or handling plant. For example, most potatoes are now graded and washed after harvest and commonly by someone other than the farmer. The bottling of milk is less commonly performed on the farm than heretofore. Very few farmers make butter or even separate out cream on the farm as compared with times past. The number of farmers who slaughter poultry or hogs or smoke hams on their farms is declining.

The other and opposite development is that occasionally some handling operation which was once performed in a nonfarm location is transferred to the farm.

Both of these changes may occur at the same time for the same commodity on different farms and areas, for a wide variety of reasons. In each instance the primary factor involved is the economy of performing the operation. The economics of doing things a particular way may change from time to time as a result of technological factors affecting production, processing, handling and marketing operations.

If in a particular instance an operation heretofore performed in a packing shed but now performed on a farm is to be classified as a nonagricultural operation because it was originally performed in a packing shed; it would follow with equal logic that in a particular instance an operation which was once performed on a farm, but which has been moved from the farm to a nonfarm location, should continue to be classified as an agricultural operation.

This, needless to say, would create an impossible and confused situation. We submit that the only fair test which can and should be applied in specific instances is the location in which the operation is now being performed; and that what has been done in the past in a particular instance, has no relationship to the classification which should be given to a particular operation; and that, in fact, the statute provides no basis for such consideration of prior conditions.

It is further submitted that it is not ordinarily practical to separate the labor performed on a farm into two categories—one covered by the exemption and one not. Most workers on a farm do a variety of things during the course of a day, or a week, or a year. It is impractical to separate these operations into two categories, one of which would be subject to the application of the Fair Labor Standards Act and the other not. The production, harvesting and preparation for market operations are all part and parcel of a total operation and should be so considered.

This resolution adopted by the House Committee on Agriculture in executive session August 2, 1957.

## HAZARDOUS SUBSTANCES LABELING ACT

Mr. WILLIAMS of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I have introduced a bill today which proposes the enactment of a new Federal Hazardous Substances Labeling Act. The purpose of this bill is to provide nationally uniform requirements for the adequate labeling of potentially hazardous substances which are sold in interstate commerce for household use.

In recent years rapid advances have been made in the field of applied chemistry, and these advances, although generally beneficial to the public at large, have posed new problems which can be adequately dealt with only through public education and Government regulation.

There is a need for better public understanding of the fact that many chemicals can be hazardous if not properly handled, and that therefore such substances must be handled with intelligence and care. Most of us possess great respect for sharp tools and electrical devices. Chemicals, however, usually are innocent-appearing substances, and their properties and potential dangers often cannot be recognized merely by visual inspection. On the other hand, even potentially dangerous chemicals may be used again and again without hazard if the prescribed safety precautions regarding their use are observed.

Modern developments have increased the possibilities of physical injury from the careless handling of household chemical compounds. At the time of passage of the Federal Caustic Poisons Act in 1927, for example, the number of household chemical compounds in use was extremely limited. That act called for the labeling of only 12 caustic and corrosive alkalis and acids. Other laws—the Federal Food, Drug and Cosmetic Act and the Federal Insecticide, Fungicide, and Rodenticide Act—include requirements for certain descriptive labeling; but, in the aggregate, the standards and scope of these acts do not appear sufficient today.

Voluntary agreements which were developed by the Surgeon General of the United States and a chemical industry committee in 1934, calling for the protective labeling of six chemicals, were very helpful in coping with the problems of that time. These agreements, however, were discontinued by the United States Public Health Service in 1952 because there were coming into existence many new chemical compounds for household use, and the Public Health Service had confidence in the voluntary labeling program being followed by chemical manufacturers. Expansion in the chemical industry has been even more accelerated since that time, and recently many additional useful household products have been formulated and manufactured. Today, there appears to be a need for supplementing the chemical industry's voluntary program by enacting new labeling legislation.

I believe that nationwide uniformity in the labeling of chemicals which can be hazardous would be advantageous to everybody. Such a labeling program would facilitate the education of the public in general. Informative, uniform labels would enable physicians to administer antidotes immediately, rather than waste precious time in determining the active ingredients of products. And, an enlightened labeling program would help to familiarize adults as well as children with the cautions which need to be observed in order to prevent the totally unnecessary and deplorable accidents which are reported so graphically in the public press from time to time.

In addition to other benefits to be derived from Federal legislation dealing with this subject, it is likely that its enactment would help toward the establishment of uniform, adequate, modern labeling requirements by the various States. Such uniformity now exists to a certain degree in some States which have labeling laws and regulations. Among these are California, Connecticut, Illinois, New Jersey, New York, Oregon, Texas, and the Territory of Hawaii. A few additional States have enacted enabling legislation but have not as yet issued regulations to supplement their statutes. There is a possibility that diverse labeling regulations will be enacted by the States, leading to a multiplicity of requirements and creating unnecessary confusion in labeling, to the detriment of the public.

While I am interested in adequate labeling, I also believe it is wise to avoid requirements for overlabeling—which can confuse rather than protect the consumers of beneficial products, as well as place an unnecessary burden on the manufacturers of such products.

The bill I have introduced today has been drafted in such a manner as to avoid requirements for overlabeling which serves no useful purpose. It provides for a reasonable gradation of descriptive words and phrases for adequately conveying the directions for proper handling and use, without exaggerations which could becloud the warning message on the label.

Indications are that most manufacturers of household chemical products are fully aware of the hazards inherent in the chemicals they make and sell. There are, however, some manufacturers and processors who do not have the resources to develop and maintain adequate labeling programs on their own. The legislation I am introducing would, I believe, remedy this situation by prescribing a program which could provide reasonable, safe guidance for all.

It is heartening to note that a number of chemical firms and professional organizations would welcome the prospect of Federal legislation in this relatively neglected field. The American Conference of Governmental Industrial Hygienists approved the principle of label uniformity at its 1952 meeting. The International Association of Governmental Labor Officials has proposed a set of model labeling requirements. It is my understanding that the Manufacturing Chemists' Association, a private organization which represents many of our leading chemical companies, has been working for years to establish fundamental concepts for adequate, safe labeling procedures and to encourage their use. The Chemical Specialties Manufacturers' Association has also done constructive work in this field. Also, I understand that the American Medical Association is interested in this subject.

The bill I have introduced is identical with H. R. 7388, introduced by the gentleman from Missouri [Mr. CURTIS], and S. 1900, now pending in the other body. It is doubtful that time will permit consideration of these bills prior to the adjournment of the present session of Congress. It is my hope, however, that all who have an interest in legislation of this type will review the pending bills, and be prepared to give the committee the benefit of their ideas at the next session of Congress, when I hope the Health and Science Subcommittee will have an opportunity to hold hearings on Federal labeling legislation.

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## PANAMA CANAL PROBLEM: MUST BE EVALUATED FROM ALL ANGLES

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, I have the honor of membership on the Committee on Appropirations with assignments to the subcommittee for the Departments of Defense, and also for the Department of Commerce and related agencies. Among the last are the Canal Zone Government and the Panama Canal Company.

During the latter part of April 1957, I visited the isthmus on official business and had the extraordinary experience of inspecting the Panama Canal from end to end from a helicopter in company with a canal engineer and an experienced canal pilot.

In the course of that stay on the isthmus, I also had the opportunity of discussing canal questions with many leaders in the Republic of Panama and the Canal Zone. The latter included Panama Canal, Army, Navy and Air Force officials, and experienced canal pilots and lock personnel.

After return to Washington, I summarized my views and observations in an address to the House on May 29, 1957. That, however, by no means exhausts the complex subject of the Panama Canal, which for a number of years has been featured by successive crises affecting its operations.

These include the threatened closure of the canal in 1954 by a serious movement of Contractors Hill, which required emergency action and expenditure of millions of dollars; an attempt on the part of Panama Canal officials and the treaty power of the government to liquidate the Panama Railroad, which was overruled by the Congress; a marked increase in the number of vessels requiring clear channel navigation in Gaillard cut, thereby reducing capacity or causing delays in transit; the

largest volume of traffic in canal history—8,579 transits in fiscal years 1956–57; and the current severe drought lowering the water level of Gatun Lake, thereby forcing restrictions on the draft of certain types of vessels—large tankers and ore carriers.

All of these facts together emphasize the point that I have repeatedly made that the time is rapidly approaching when major improvements in the Panama Canal will have to be made. Also, it has become abundantly clear that the canal question, despite the voluminous and expensive studies already made, has not been evaluated from all angles. The last official study made in 1946–47 under Public Law 280, 79th Congress, is patently out of date and outmoded. A realistic reappraisal of the problem in the light of the latest developments is urgently required.

It is thus with genuine interest that I have read an admirable editorial summary of the canal question in an issue of Marine Engineering Log, which obviously reflects the considered views of thoughtful merchant marine, engineering, and other leaders with special knowledge of the canal subject.

To make the indicated editorial available to the proper committees of the Congress and other agencies of Government, under leave granted to extend, I include its text:

[From Marine Engineering Log for May 1957]

THE "BATTLE OF THE LEVELS"—PANAMA CANAL

The Panama Canal was inaugurated to world shipping in August 1914. This event marked the culmination of an immense engineering-construction effort and vast expenditures of money covering a period of 30 years, representing both the work of the 2 French canal companies, 1880–1904, and the 10 years covering the American period, 1904–14. The money expenditures during these 3 decades were $700 million—a huge sum for the periods under review.

The Panamat Canal now has been efficiently and successfully operated for over 42 years. A great deal of study has been given in recent years to its enlargement and improvement, and there now has arisen the old and highly controversial issue which faced DeLesseps and the French in 1879 and again confronted the United States Government in 1905—sea-level or lock canal? Thus once again the "battle of the levels" has been joined.

Assistant Army Secretary George H. Roderick, who also is Chairman of the Board of Directors of the Panama Canal Company, recently ordered an immediate and extensive study of all proposals for increasing the capacity of the Panama Canal. The reason for this note of urgency is that the Board foresees the possibility that in 10 to 15 years a critical need for expanded canal facilities may arise.

The improvements, as Mr. Roderick sees them, may be effected a little at a time or, as the Board is thinking, in big figures, as any large changes in the present canal would be costly.

WHAT IS "COSTLY" AND WHAT DOES IT MEAN TO THE SHIP OPERATOR?

Any fundamental changes in the Panama Canal will cost a great deal of money. Of the two plans put forth for canal improvements one, the sea level plan, has been estimated at $4.875 billion. Using this as a base figure and history as a guide to costs of such projects (St. Lawrence Seaway project as the most recent), an estimate of $8 billion would be more realistic.

The Terminal Lake-Third Locks project has had a price tag of $1,125 million put on it as of 1946.

Keeping this relationship of costs in mind—7 to 1—the act of September 26, 1950, Public Law 841 of the 81st Congress states:

"The Panama Canal Company is required to be self-supporting, to reimburse the United States Treasury annually for the net cost of operation of the Canal Zone Government and the basic annuity payment to the Republic of Panama, and to pay interest to the Treasury on the net investment of the United States Government in the corporation."

At the end of fiscal year 1956 the net investment in the canal was $408,505,000. The Canal Company has to pay interest on this amount at 2.485 percent for the fiscal year 1957.

For the fiscal year 1956, approximately 78.6 percent of the total revenue of the Panama Canal was derived from tolls. The receipts from tolls from commercial vessels and credits from Government vessels for fiscal 1956 were $34,450,951. The amount paid the Treasury was $22,300,000 of which approximately $10,131,000 was for interest.

Thus by simple arithmetic it can be seen that any improvements will add to the ship operator's cost considerably. If only one-tenth of the cost of the sea-level project was charged against tolls, it would increase the present toll rate by 163 percent. The Terminal Lake-Third Locks plan would triple the toll rate if charged completely against tolls, while on a full-charge basis the sea-level plan would raise rates 20 times.

IMPROVEMENTS FOR NATIONAL DEFENSE OR COMMERCIAL TRAFFIC?

A natural assumption is that the Government would be improving the canal for reasons of national defense. But would this be the reason and so charged to the American taxpayer?

The 1956 report of the Panama Canal Company stated that the canal enterprise operates entirely from earnings, requiring no contribution from the American taxpayer. At present, the various steamship lines and associations are carrying on a legal battle to get tolls reduced so that the canal tolls do not pay for maintaining a defense establishment, steamship line, railroad, and related facilities. This attitude of the Canal Company may be altered by the courts.

The instructions under which the special canal committee that Mr. Roderick said was to investigate the projects was required to judge any improvement on expected traffic increase and the increasing size of ore ships and tankers. No mention was made of aircraft carriers and other large naval vessels. In fact, all planning of the Navy is based on a two-ocean Navy without thought of using the canal.

What has been the Government's attitude on the other projects that bear on national security—or that national security was used as a lever to get the projects approved? While tolls have not been set on the St. Lawrence seaway as yet, it has been definitely established that tolls must amortize the project. The national highway program is another and the possible users of these highways now are paying for them through higher gasoline taxes.

Learning from current history then, it must be assumed as a fact that the users of the canal will be required to pay most or all of the costs of improvements.

DOES THE CANAL NEED MAJOR IMPROVEMENTS?

Quoting from the paper Isthmian Canal Policy—An Evaluation by Capt. Miles P. DuVal, United States Navy (retired), former captain of the port, Balboa, in charge of marine operations in the Pacific sector of the canal given in the United States Naval Institute Proceedings of March 1955.

"The Panama Canal is now entering its 5th decade of operations. Its navigational inadequacies have been established. The canal as completed contains fundamental errors in operational design centered on the location of the Pedro Miguel locks. * * * Commercial traffic through the canal has reached the highest volume in history. The Navy has vessels that cannot transit. Issues raised by questions of security and national defense have been formally submitted but never accepted. The principle of economic operation of the canal has been embodied in law. Yet, in a physical sense, the shipway is still essentially what it was in 1914. Thus, the time has come to provide, without further delay, the additional interoceanic transit capacity and operational improvements to meet present and future needs."

The February 1, 1957, issue of the Panama Canal Review gives the viewpoint of the Panama Canal Company. It states: "The subject of increasing the capacity of the Panama Canal is no new one. Indeed, it was considered while the canal was under construction. It has been the subject of intensive studies from time to time since, notably during the late 1920's when traffic was increasing at a tremendous pace, again after the close of World War II, and during the past few years. The Board has had it under continuing study for the past 5 years since the canal operations were incorporated.

"Today, transit charts trace a rapidly climbing line while bigger and bigger ships are being built.

"Too much emphasis on these two factors leads to an unwarranted conclusion that the Panama Canal is outmoded and obsolete. Actually, its dependable capacity is greater today than ever before and the amount of traffic still leaves a comfortable margin under its capacity even without further improvements.

"If a 24-hour operating schedule were adopted, the canal could accommodate as many as 40 ships a day under optimum conditions. With additional crews and relay lockages, 50 ships could transit in 24 hours except during overhaul periods. No competent analyst has predicted such a high level of traffic for many decades. The 1947 report predicted an average of 46 ships a day in the year 2000, with daily peaks up to 90.

"These figures are all subject to drastic modification when the factor of clear-cut ships is brought into the picture. While the delays incident to clear-cut transits vary widely, the canal's capacity may be cut to 18 to 25 transits a day with 5 clear-cut ships. With 24-hour operation, this number of clear-cut ships would diminish capacity to about 30 transits a day, without giving considerations to fog, overhaul periods, or other limiting factors. These figures clearly indicate the importance of clear-cut ships in traffic capacity. * * *

"In a 4-month period in 1946 there were only 58 clear-cut transits, or 2 percent of the total ocean-going traffic. * * *

Using the 2-percent yardstick, there would have been only 165 clear-cut transits in the past fiscal year. Compare this figure with the actual 706 clear-cut transits. In the last 6 months of the calendar year 1956, there were 455 clear-cut transits more than the number estimated for the year 2000."

In the CONGRESSIONAL RECORD of January 17, 1957, appears a statement to the Senate by Senator T. E. MARTIN quoting an article by William R. McCann, E. Sydney Randolph, Edward C. Sherman, and William G. B. Thompson, engineers, all formerly with the Isthmian Canal Commission, which summarizes the marine operational problems as follows:

1. Bottleneck at Pedro Miguel and lack of a Pacific summit anchorage.

2. Double handling of vessels at separated Pacific locks.

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3. Effect of fog in Culebra (Gaillard) Cut on canal capacity and operations.

4. Lockage surges in Culebra Cut caused by operation of the Pedro Miguel locks (3-foot maximum amplitude).

5. Limited operating range of Gatun Lake water level (87 to 82 feet).

6. Navigational hazards in the restricted channel of Culebra Cut (300-foot minimum width).

7. Inadequate dimensions of present locks (100 by 1,000 feet).

WHAT PROPOSALS HAVE BEEN MADE FOR CANAL IMPROVEMENTS?

As stated earlier in this article there are only two major proposals for improving the connection between the Atlantic and Pacific Oceans.

Sea level plan—This proposal is essentially for a ditch with its bottom 60 feet below mean sea level at the Atlantic end and 70 feet below mean sea level at the Pacific end. It would be 500 feet wide at a depth of 55 feet. For the regulation of currents at the Pacific end in order to promote the safety of navigation it is proposed to locate a tidal lock and a navigation pass, where the tidal action has a range of 22½ feet from extreme low to extreme high. The tidal range at the Atlantic entrance is 3 feet from extreme low to extreme high.

This canal would follow the general course of the present canal and would lie directly in the same location for 3½ miles and partly in for 2½ miles. Estimates, without taking into account unforeseen difficulties, state that the construction would take about 10 years.

Terminal lake-third locks plan: This plan covers several steps of improvement as follows:

1. Removal of the bottleneck Pedro Miguel locks.

2. Construction of all Pacific locks in continuous steps near Miraflores.

3 and 4. Elevation of the intermediate Miraflores Lake water level (54 feet) to that of Gatun Lake to serve as an anchorage during fog periods and to dampen surges.

5. Raising the summit water level to its optimum height (approximately 92 feet).

6. Widening Culebra cut.

7. Construction of a set of larger locks.

CLAIMED ADVANTAGES

*Sea-level plan*

1. Improved security. Locks and Gatun Dam are vulnerable to complete destruction by nuclear weapons or sabotage.

2. Faster passage for commercial ships of all sizes.

*Terminal lake—third locks plan*

1. Far less expensive than sea-level plan. Part of the improvements started during the war on third locks could be used.

2. No unknown geological problems.

3. Terminal lakes at each end would provide for maneuvering or anchoring, ameliorate the effects of fog, clear-cut operations on canal capacity, and easier navigation.

4. No diplomatic problems involved.

APPARENT DISADVANTAGES

*Sea-level plan*

1. Unknown geological problems of unpredictable consequences.

2. Tremendous first cost.

3. Most certain closure of canal for long periods during construction.

4. Requires new treaty with Panama.

5. Extreme limitation of navigation.

6. Heavy silting.

7. Is equally vulnerable with the lock canal to nuclear attack and partial destruction.

*Terminal lake—third locks plan*

1. Maintenance of locks and crew for operating 2 locks as compared to 1 for the sea-level project.

WHAT ARE THE ENGINEERING PROBLEMS?

The engineering problems at the isthmus are entirely different from those encountered anywhere else in the world where a canal is concerned. The Panama Canal involves a passage through the Continental Divide. There is an uncertainty created by the instability of the geologic strata extending for some miles in the vicinity of the divide.

This instability of the geologic strata is evidenced by slides during the construction period and at intervals during the operating period up to 1955. Contractor's Hill fissure, and the presently threatened Gold Hill slide, was created by the excavation of the present canal channel through the divide. The slides due to the instability thus created increased in number and volume as the cut was deepened.

The proposed sea-level project involves the deepening of the canal by from 100 feet at the Atlantic end to 110 feet at the Pacific end below the present canal bottom. It is impossible for engineers to predetermine what the results would be.

In constructing the sea-level canal as planned, it would be necessary to dredge in a depth of 155 feet of water. This would require an unprecedented dredge. It would stop all, or seriously interfere with, canal traffic. The design and successful operation of such a dredge is a matter of conjecture.

In order to maintain the present watershed it would be necessary to build dams along the sea-level canal between Gamboa and the Atlantic for a distance of 24 miles and 90 feet above the canal for the purpose of diversion of the Rio Chagres and other streams.

In other words, the sea-level plan offers many engineering problems only hinted at above and also diplomatic problems that could be explosive in nature. The terminal lake-third lock plan does not present these problems.

S. Sydney Randolph, the designing and building engineer of the Madden Dam project and for many years the leading civilian engineer of the Panama Canal, in the April 1956 issue of the United States Naval Institute Proceedings mentions the "relation between the depth of cut and security against refilling from the sliding of banks." He warned that the "insecurely poised banks of any economically feasible sea-level cut (at Panama) would be susceptible to atomic bombing so as to close the canal to traffic for an indefinite period, possibly years." In view of this, the sea-level canal would be more vulnerable to nuclear attack than the terminal lake-third locks design.

DOES EITHER PLAN PRESENT A SAFEGUARD AGAINST COMPLETE CLOSURE IN TIME OF WAR?

The argument for the sea-level canal is that it would not be permanently closed in case of a nuclear-bombing attack while any other type of canal would be.

The experts have wide and varying opinions on this problem. A special committee of the National Rivers and Harbors Congress which is not an official body but a registered lobby, reported that "It is an established fact that the existing Panama Canal, as a reasonably assured element in the defense of the Nation in any future war, ceased to exist when the first hydrogen bomb was exploded."

This same committee reporting on the sea-level plan stated: "Despite the radiation effects that may be expected from a nuclear burst, the essential damaging results of such would be to cast earth and rock into the channel. This would in all probability block the passage of vessels until it was removed. It is believed that this might require, at most, a matter of weeks, provided that proper emergency equipment were available. After-radiation would present problems in shielding of personnel. These do not appear as major difficulties."

The opponents of the sea-level plan, who include experienced engineers and nuclear-warfare experts, disagree with this contention. They contend that either type of canal is sufficiently vulnerable to be effectively put out of commission for the duration of such war. The general premise of this contention is that not only would its navigational service be blocked but also the supply and repair activities paralyzed and there would be neither personnel, equipment, nor material or supplies available.

The hydrogen bomb dropped at Bikini created a crater approximately 1 mile in diameter and of a depth far greater than the bottom of the proposed sea-level canal. The assertion that the closure of the canal by earth and rock resulting from an atomic explosion could be corrected in a matter of weeks is utterly fallacious to anyone familiar with the Panama Canal and the time required for such work. In 1915 the canal was blocked by a slide in the Culebra Cut, and traffic was not resumed until the expiration of months.

In contrast, advocates of the sea-level project never fail to stress the vulnerability of lock-and-dam structures of the existing high-level canal; they either ignore or minimize the vulnerability of Culebra Cut. This section of the canal, if lowered more than 100 feet as required in the sea-level project, would obviously offer a far more inviting target of far greater vulnerability than at present.

WHAT CAN AND SHOULD BE DONE TO GET THE BEST ANSWER?

A number of persons and organizations have contributed sound advice and timely comment on the canal matters, some in generalization and others in more detail. What appears to be essential now to prevent the launching of an extravagant program for increasing the capacity of the Panama Canal is an organized, fulltime, group of engineers, marinemen, and others, with some outside consultants where part-time services will be satisfactory.

Similar bills have been submitted to the Congress on this subject by Senator THOMAS E. MARTIN of Iowa, S. 611; Representative CLARK W. THOMPSON of Texas, H. R. 3258; Representative DANIEL J. FLOOD of Pennsylvania, H. R. 4774, and Representative FRANCIS E. DORN of New York, H. R. 6008.

They call for the creation of a broadly constituted and independent commission to be known as the Interoceanic Canals Commission, and to be composed of 11 members to be appointed by the President. The actual makeup of the Commission would be an officer, each, of the line of the Army, the Navy, and the Air Force and 8 members from civil life, with 1 of the civilians as chairman.

The bills specify the studying of both the terminal lake-third locks and sea-level plans, the construction of another canal, the operation and protection of the canal, treaty and territorial rights and estimates of the respective costs. Within 2 years such Commission must report its findings.

The passage of these bills will fill a need which has been called for many times without success.

## RECORD OF THE EISENHOWER ADMINISTRATION

Mr. HILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HILL. Mr. Speaker, I was very interested in yesterday's discussion by my colleagues across the aisle regarding the record of the Eisenhower Administration which was prepared by the Republican Congressional Committee. If my Democrat colleagues had done their homework on the prepared statements they read, they would not have gotten themselves out on a limb.

I refer in particular, Mr. Speaker, to comments about the present farm situation. To set the RECORD straight, the farm outlook at present shows great improvement and much evidence of progress.

Let me cite a few statistics.

Last year, net realized farm income was 4 percent above 1955—the first peacetime year in which such net farm income increased since 1947. Computed on a per farm basis, the increase amounts to 7 percent.

For the first half of this year, realized net farm income was at the rate of about $12.1 billion, 2½ percent higher than in the first half of 1956.

Prices farmers received for crops and livestock in the month ending July 15 rose 1 percent. At the same time, farmers' costs of production and living supplies fell one-third of 1 percent during the same month.

Market prices for cattle and hogs have been running $2 to $3 per 100 pounds above a year ago. Only yesterday, the Associated Press reported that butcher hogs advanced to the highest level in 3 years for the second consecutive day.

Meat consumption last year averaged 167 pounds per person, the highest in more than 50 years.

Milk prices received by farmers are averaging a little above a year earlier for the third consecutive year.

Exports of farm commodities in fiscal 1957 were an alltime high—estimated at $4.7 billion.

Government-owned surpluses are being reduced. Commodity Credit Corporation investments in price support were about $7.6 billion on May 31, 1957, a net reduction of about $900 million since May 31, 1956, and a reduction of about $1.3 billion below the peak holdings of February 1956.

An alltime high of $176 billion in total agricultural assets was again set January 1, 1957. Farmers have only about $12 in debts for each $100 of assets they own.

A new alltime high in farm values per acre was again set in March 1957, up 7 percent over the previous year.

Only about 1 farm of each 3 has a mortgage. Farm ownership is at an alltime high. There are fewer tenants as compared to owners than ever before.

Over 94 percent of farms have electricity.

Family farms continue to dominate. Large-scale farms are about 4 percent of all commercial farms—about the same as 30 years ago.

For the Nation as a whole the total of businesses and services pushed above the $400 billion mark during the latter part of 1955. It went on up to $424 billion in 1956 and is moving on up to even higher levels this year. This prosperity gives stronger markets for farm products.

In short, Mr. Speaker, strength in American agriculture is being developed throughout the country in an era of peace. The figures I have just cited are merely a few examples to offset the "doom and gloom" forecasts of my Democrat colleague.

## COLE'S EXPRESS

Mr. McINTIRE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. McINTIRE. Mr. Speaker, I am including as a part of my remarks an article appearing in the Bangor, Maine, Daily News of August 1, 1957, which tells the story of the founding of Cole's Express. It is an outstanding example of human initiative and endeavor in the true American tradition. I am interested in placing this account in the RECORD to pay some measure of tribute to Allie Cole, the founder of Cole's Express and an outstanding Maine citizen, and also to make this story of typical Yankee ingenuity and determination a matter of record. It was my pleasure to know Allie Cole personally in his lifetime, as well as members of his family who are now carrying on the business. The article follows:

COLE'S FIRM GREW FROM MAN, TWO HORSES TO 185 VEHICLES, 125 PEOPLE IN 40 YEARS

Starting with one man and a pair of horses, Cole's Express, celebrating its 40th anniversary today, has grown to 125 employees and 185 vehicles in that time.

The company today operates the largest trucking terminal in the State in Bangor and in addition has terminals in Portland, Houlton, Presque Isle, and Fort Kent.

FOUNDER OF FIRM

The company's history and progress is tied up with the life of the founder, Albert J. Cole, a well-known citizen of Maine, who died in 1955. The business is now carried on by his four sons, Galen L., Gerald A., Chesley R., and Vaughn L. Cole.

Albert J. Cole had a colorful career and has become a legendery figure in the history of trucking, not only in Maine but in New England and the Nation.

Allie Cole, as he was better known, was orphaned at 8 and was bound out to a farmer in his hometown of Lowell. Allie didn't care for the arrangement and one night he ran away.

That night Allie walked 19 miles to the town of Enfield. Arriving just about midnight he stopped for water at the farmhouse of Willis Preble and stayed there for about 9 years.

STABLE JOB

Horses came first in Allie's life and so it was only natural that at 14 he got a job in a livery stable. Salaries were based on how many horses a man could drive—2 horses drew $20 a month and board, while 4 horses paid $22 plus board—Allie drove 4 horses. In the years that followed, Allie literally lived with the horses, he knew how much work they could do and he knew how to train them his way.

All the time he worked at the livery stable, he never drew a salary. He had a lot of good ideas and he knew it would take plenty of money to set them working. At the end of each year, the accumulated 12 months' salary was placed in the bank for him and, meantime, Allie lived on whatever tips he got at the stable.

His next job was at the Enfield railroad station as baggage master. Starting out in the morning at 4:45, Allie would work straight through until 7:45 o'clock and for this full day's work he received the large sum of $1.40. He also managed to keep his job at the livery stables which brought in that little extra cash to help pay for the horses he had started to purchase.

WORLD WAR I

As Allie went from baggage master to telegrapher and ticket agent, the rest of the country was thrust into World War I. Unable to enter the service because of deficient eyesight, Allie realized he had no future as a telegrapher if his eyesight was poor and consequently, he resigned.

It was then that he returned to his horses and with the aid of some friends went into teaming with a horse and wagon. Aroostook's forests were deep and plentiful, providing the much needed lumber that the war had created such a demand for. Allie hauled equipment and supplies deep into the lumber camps and in order to make the trip worthwhile, he would transport the lumbermen into town on his way back.

On August 1, 1917, Cole's Express started its highway service to the public, a horse-drawn pickup and delivery freight and passenger service between the Enfield railroad station and the towns of Lowell and Burlington, some 15 miles distant.

FIRST TRUCK

A year later the first truck was purchased and service expanded from Enfield to Bangor, picking up goods and passengers in both directions. Soon afterward, other trucks were added to carry the run through to Lincoln and eventually Houlton.

For many years it was necessary to abandon the north run to Houlton during the winter, because snow on the roads was packed by horse-drawn rollers for the convenience of sleighs, making truck traffic impossible.

In 1929, and again in 1930, Cole's Express experimented with plowing the roads in early March. Frequently it was necessary to use dynamite to loosen the winter accumulation and sometimes it took as many as six teams of horses to get the plows through the huge drifts.

ROADS OPEN

During the winter of 1931 and 1932, the company kept the roads open north of Lincoln for the first time in history. This snowplowing operation started out from Bangor with a load of freight behind 3 company plows and nearly a week later the freight was delivered in Houlton 115 miles away, a feat then thought impossible by the farmers along the route.

Since those days the company has continued its steady growth to the point of where the company proudly boasts that it serves more of Maine than any other common carrier.

## ROLLCALLS AND VOTING RECORD

Mr. FULTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FULTON. Mr. Speaker, on rollcall No. 6 on February 5, 1957, which occurred when I was out of the city, I would have voted "no" if present. This vote was on the Lanham amendment to H. R. 4249 covering current funds appro-

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priated to the Social Security Administration, which would reduce grants to States for the current fiscal year for public assistance from $17,728,000 to $15,728,000. This amendment in effect limits the States for the fiscal year 1957 to matching funds of $99 million, instead of the $101 million for State and local administration which is stated to be required to match the money which the States are spending for this purpose. I am against this cut of public assistance matching funds for the States who are spending an equal amount for this purpose. This is a blow to our older and dependent citizens whose welfare, and yes, very existence depends on these social security programs that they are entitled to, as a matter of payments under social security, and not as a matter of charity either from the Federal or the State Governments. I strongly oppose such a shortsighted economy move.

On rollcall No. 7 which occurred on February 6, 1957, when I was likewise out of the city, I would have voted yea on final passage. This was the final passage vote on the bill to establish a deferred grazing program as part of the relief available to drought-stricken areas under Public Law 875, 81st Congress. Our farmers need such sympathetic consideration by the Federal Government in the face of drought and catastrophe. These are real people, families and children in distress and this is no place for false and severe economy.

On rollcalls Nos. 37, 38, and 39 on April 4, 1957, the CONGRESSIONAL RECORD will show that I had live pairs against these amendments. Because of the air-traffic conditions at the Washington Airport, a plane which was duly scheduled to arrive on the morning of April 4, 1957, was subject to considerable unexpected delay. It should be noted I voted in person on rollcalls Nos. 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, and 50 on that day, and was returning from my Congressional district where I had official business.

On rollcall No. 52 on April 8, 1957, which was final passage of House Resolution 6306, a bill to construct modern 4-lane bridges in the District of Columbia, to replace the present inadequate Fourteenth Street Highway Bridge across the Potomac River, I would have voted yea if present. On August 1 and 2, 1957, I have voted for adequate funds for modern traffic access to Washington, D. C. in furthering the general purposes of this bill.

On rollcall No. 124 on June 26, 1957, on the motion to recommit House Resolution 6287, the bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1958, I would have voted nay. This was an unexpected legislative attempt to impair the Health, Education, and Welfare Department appropriation for the current fiscal year, which failed. Just a few minutes previously, I had answered rollcall No. 123 which was a quorum call of the House, but I was called from the floor for a conference on official business and could not be present for rollcall No. 124, which was almost uncontested. The motion to recommit was defeated by an overwhelming margin of nays 321 to yeas 73, and I would have assisted further in this strong support of the Health, Education, and Welfare Department to provide these necessary services to the workers and families of our good country.

## ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## SIGNING OF ENROLLED BILLS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday next, the Clerk be authorized to receive messages from the Senate, and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## LAFAYETTE PARK

The SPEAKER. Under previous order of the House, the gentleman from Montana [Mr. METCALF] is recognized for 30 minutes.

Mr. METCALF. Mr. Speaker, the New York Times of July 20, 1957, reported that Gov. Averell Harriman has proclaimed September 6 this year as Lafayette Day in the State of New York. The date marks the 200th anniversary of the birth of the Marquis de Lafayette, the great French general who fought with the American colonists against the British in the War of Independence.

Governor Harriman signed the proclamation in his office and presented the document to the French consul general in New York, Jacques Baeyens. In signing the proclamation Governor Harriman said that Americans would always remember Lafayette for the freedom he helped to bring to this country and that he would be revered wherever freedom was cherished.

Sometimes our fine words come easy. I remember reading the other day about a monument dedicated to the Czech patriots of World War II, which had to be reclaimed when the townspeople in Lidice, Ill., were using its site for a city dump.

This was after only a few years had passed.

Lafayette's birthday suggests to me that it now would be a fine time to pause for a while, and to rededicate ourselves to the cause for which he was willing to offer up his life if need be—the cause of American independence so imperishably written in the noble words of the Declaration of Independence.

These days, we seem often to be running behind in the struggle for men's minds, often running a poor second to the Communist bloc of nations.

What was it that inspired General Lafayette, Tom Paine, General Von Steuben, General Kosciusko to leave their homes in Europe and the comfortable life that was theirs and come to our shores to fight and die for our great cause?

Certainly we had less to offer such valiant fighters then we have now that we have enjoyed the blessings of liberty and prosperity for all these years.

In thinking of General Lafayette and those others who shared our cause and the crust of bread we had to offer at that time it occurred to me that perhaps we should do more than Governor Harriman has done.

It occurred to me that we might take this occasion of the 200th anniversary of the birth of General Lafayette to rededicate Lafayette Park, which was named in his honor.

With this thought in mind I am today introducing a bill to make the park named in honor of General Lafayette a national historical park.

My bill was drafted by the experts at the National Park Service, and draws its authority from the Historic Sites Act of 1935.

Among the historic areas of the National Park System established since January 1953 are the Edison Laboratory National Monument and the Edison Home Historic Site in New Jersey; Chimney Rock National Historic Site, Nebraska; Fort Union National Monument, New Mexico; Cumberland Gap National Historical Park, Kentucky-Tennessee-Virginia; Fort Vancouver National Monument, Washington; Golden Spike National Historic Site, Utah; and Independence National Historical Park, Pennsylvania.

I hope that on September 6, this year, we can have some appropriate ceremonies and festivities marking the 200th anniversary of General Lafayette's birth.

I would like to see leaders of our Government and representatives of the great French nation gather together for this occasion.

At that time I hope we will summon up those other memories of our great and historic past which are represented in Lafayette Park.

Commodore Stephen Decatur who fought against the barbary pirates, and whose home remains standing overlooking the Lafayette Park as it did in his day.

Dolly Madison whose house is across the park from the home of Commodore Decatur.

There are the statues to General Von Steuben, to General Kosciusko.

This should indeed be a great occasion for these great spirits summon up in all of us the sense of our living past, of our sacrifices, of our establishment as a Nation.

The need for the measure I am introducing today is a crying one.

The historic value of Lafayette Park has been forgotten by the very people who should be most zealous of defending those values and preserving the great park that marks them in our Nation's Capital.

The President and other officials of this purblind administration are actively pushing for the razing of what few great buildings front on Lafayette Park.

The need is for office space, and before this expansive growth of the Office of President all values must give way, our history must be defiled and forgotten.

The buildings on Jackson Place must come down.

We need space, the President tells us, so the buildings on the west side of Lafayete Park must be destroyed for a monster office building.

What about the east side of the park, where the Dolly Madison home, or what remains of it, stands today? Is the President thinking about restoration or reconstruction of that historic home which belonged to the fourth President, James Madison?

Indeed not. Congressman FRANK THOMPSON, JR., has made available to me a letter he received from Robert E. Merriam, Assistant Director, Bureau of the Budget which plainly shows that the Dolly Madison House and the Benjamin Tayloe House are scheduled to come down in 1960–65. Mr. Merriam writes: "Furthermore, we understand that the Treasury expansion for which the property was purchased is planned for 1960–65."

Many of the historic buildings which once stood on Jackson Place and Madison place from the earliest days have come down in recent years particularly in the 20th century.

The AFL–CIO had the good sense to turn the brownstone building on Lafayette Park over to parishioners of St. John's Church so that it will be maintained and they placed their new headquarters building down 16th Street and away from Lafayette Park.

Certainly historic preservation is not the field of the AFL–CIO, and they do not maintain a group of experts on historic preservation, yet they took this step.

It is too bad that the President and this administration which has such a group of experts, pays no attention to them and pushes plans which their experts on preservation oppose.

In his March 14 press conference President Eisenhower spoke of the vast staffs in the Congress and the Senate Office Building.

He conveniently forgot to mention that he is urging the destruction of the historic State, War, Navy Building and its replacement by a new, modern office building.

He also failed to mention that he is recommending to the Congress the razing of the buildings on the west side of Lafayette Park and their replacement with an office building for use of the expanded White House staff.

The Washington Star of May 27, 1957, reported that—

"I feel that at this time it is not economically feasible to tear the building (old State, War, Navy Building) down," Representative MCGREGOR said. He estimated razing costs at $6 million. Though he said he recognized the cramped quarters at the White House were deplorable, he also stressed that Congress must call a halt to expanding executive staffs.

"If we keep giving space to White House employees, I have the feeling that the executive branch will keep hunting people to fill it," he added.

The Star was reporting the comments of the gentleman from Ohio [Mr. MCGREGOR].

I include here an excerpt from the New York Times report of the President's March 14, 1957, press conference.

I include also an article by Drew Pearson from the Washington Post and Times Herald of May 31, 1957, concerning the expansion of the White House office staff since 1953 and despite the promises of economy in the campaign in 1952.

Also I include some information on General Lafayette and the park named in his honor which was furnished me by the Library of Congress.

[From the Washington Post and Times Herald of May 31, 1957]

BUDGET GREATER FOR WHITE HOUSE

(By Drew Pearson)

There's been a lot in the papers about different departmental budgets, not much about the President's own White House budget.

During the 1952 campaign, Ike used to stand on the rear platform of his special train and tell how, when he was a boy in Kansas, he and his brothers dropped a nickel. It slipped through the cracks of the porch, and they got down on hands and knees to fish it out.

General Eisenhower told the story over and over again—until newsmen knew it by heart—as an illustration of how he would save every nickel if elected.

The year that Ike was elected—1952, the last year under Truman—the cost of running the White House was $1,883,000. This year Ike is asking $2,051,000 for servants, gardeners, food, and other housekeeping expenses for the 1958 budget.

The cost of his office has increased even more.

The last year of Truman, the executive office cost $8,166,000. Eisenhower's first year it was $8,725,000. This year, 1957, it is $10,715,000, and for next year the President is asking $12,047,000.

This does not include his two helicopters which are charged to the Defense Department, his private plane which is charged to the Air Force, his military aides and staffs which are charged to the Pentagon, nor his chauffeurs which are charged to the Secret Service. The telegraphers and code room cryptographers were civilians under FDR and Truman but were put under the Army by Ike. It now takes double the number of Army personnel for the jobs civilians once held.

Figures on the total White House staff are not available, but it's estimated that the overall figure has about doubled, though this does not show in the budget, because so much personnel is borrowed from other departments.

The White House has grown under each succeeding President so that it now occupies the building which once housed the entire State, War, and Navy Departments, adjacent to the White House. Plans are even under discussion to tear this building down and replace it with a modern office building in order to house the ever-growing White House offices.

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[From the New York Times of March 14, 1957]

PRESIDENT EISENHOWER'S NEWS CONFERENCE, MARCH 13, 1957

Mrs. May Craig of the Portland (Maine) Press Herald: "Sir, have you not by your own description of the complexity of the budget, of the way it is built up, made it clear that Congress, without a vast staff such as you have, cannot cut it?"

Answer: "Well, I think if you would take the sum total of the staffs of these committees, you would find that they have vast staffs in Congress. As a matter of fact, they are building a new building. What I am getting at is, each one of them has a special subject, and they develop quite effective staff on that line, and this is the first time that I have heard of such a thing as this being done, that is, that they ask the Executive to reexamine the budget. They have usually cut with great abandon and great, great liberality."

Question: "Sir, in my experience, it is the first time that the President, the Secretary of the Treasury ever asked the Congress to cut their budget."

Answer: "I didn't say, I didn't ask them to cut. I said if they could find places in that budget where their judgment disagreed with mine, and they were the final appropriating authority in this case, if they found such instances, to go ahead and cut, and I would do my very best to get along with it. I didn't say that I can find these—that I know where these places are except for the one I told you about, this budget deficit."

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[From the Library of Congress Legislative Reference Service]

GENERAL LAFAYETTE: AWARD FROM CONGRESS IN 1824

Lafayette arrived in New York in August 1824 and President Monroe in his Eighth Annual Message, December 7, 1824, spoke at length about his visit to this country. Among other things, he said: "His high claims on our Union are felt, and the sentiment universal that they should be met in a generous spirit. Under these impressions I invite your attention to the subject, with a view that, regarding his very important services, losses, and sacrifices, a provision may be made and tendered to him which shall correspond with the sentiments and be worthy of the character of the American people."

Brand Whitlock, in his life of Lafayette, states that "The propriety of such a gift had been discussed ever since his arrival," and adds, "Jefferson was in favor of the donation, and had urged it upon his friends in Congress" (vol. II, p. 246).

Gales and Seaton's Register of Debates in Congress for December 20 to 23, 1824, relates the discussion on the bill to reward Lafayette. Senator Hayne, from the committee to which was referred the subject of making provision for General Lafayette, reported to the Senate a bill providing for a grant of $200,000 and an entire township of land. This passed the Senate the next day, December 21. On December 22 a similar bill passed the House, but with minor differences on how the sum of $200,000 was to be paid to the general. On December 23 the Senate accepted the House version of the bill.

In a volume of Lafayette Letters, edited by Edward Everett Dale (Oklahoma City, 1925), the following footnote appears on pages 54–55:

"By a special act of Congress Lafayette was given a township of land to be selected by him from any part of the public domain. The lands chosen were in Florida. All were eventually sold, or otherwise disposed of, by Lafayette and his heirs.

"(Statement of the land commissioner of Florida.)"

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[From the Dictionary of American Biography, vol. 10]

LAFAYETTE, MARIE JOSEPH PAUL YVES ROCH GILBERT DU MOTIER

Marquis de (September 6, 1757–May 20, 1834), French statesman and soldier, was

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born in the chateau of Chavaniac, between Brionde and Le Puy, in Auvergne, France, the son of Gilbert, Marquis de Lafayette, colonel in the French grenadiers, and Marie Louise Julie de la Riviere, both of notable and ancient French families. His father was killed at the battle of Minden, August 1, 1759. The boy was brought to Paris in 1768 and entered the fourth form at the Collège du Plessis, where he remained 4 years. His mother died April 3, 1770, and his grandfather several weeks later. Lafayette inherited the fortune of the latter and found himself, at the age of 13, possessed of an income of 120,000 livres. He yearned for a military career, agreeable to the strong tradition in his family, and on April 9, 1771, he was entered in the second company of the King's Musketeers, from which he was transferred, April 7, 1773, to the regiment commanded by Noailles, where he became a second lieutenant. A marriage between Lafayette and Marie Adrienne Françoise de Noailles had already been arranged; this took place April 11, 1774, and henceforth the fortunes of the shy, awkward youth, not yet 17, were allied to those of one of the most powerful French families of the old regime. Shortly after his marriage he was promoted to a captaincy and joined his regiment at Metz, returning in September to participate in the court life at Versailles. Here he suffered considerable mortification, since he drank poorly and danced so badly that he provoked Marie Antoinette to laughter.

During the summer of 1775 he returned to barracks at Metz; on August 8 he attended a dinner given by the Comte de Broglie to the Duke of Gloucester. Here the Duke spoke freely and sympathetically of the American insurgents and Lafayette's enthusiasm and imagination were first stirred. During the weeks that followed, vague aspirations slowly crystallized. By aiding the insurgents he saw the possibility of crushing perfidious Albion and avenging the defeat of the Seven Years' War, in which his country had been humiliated and his father had lost his life. He partook of that current romantic enthusiasm for a regenerated world which had been engendered by the writings of Rousseau and Raynal, and saw himself in the garb of a modern Plutarch's hero, a role proper to satisfy his own love of la gloire. Thus motivated, he made the first and most important decision of his life, to aid the American colonists. Concealing his plans from his family, he confided in the Comte de Broglie, who tried to dissuade him, but who later introduced him to John Kalb [q. v.]. Lafayette withdrew from active service in the French Army, June 11, 1776, and after the announcement of the Declaration of Independence he entered into relations with Silas Deane and Arthur Lee [qq. v.]. Two agreements were signed, during December 1776 and February 1777, between them. Kalb and Lafayette were promised commissions, and the latter agreed to serve the Colonies with the greatest zeal without compensation, reserving only the right to return to France, if called by his King or family. He sent Du Boismartin, a friend, to purchase and fit out a vessel for the passage to America. To allay all suspicions Lafayette spent several weeks in London with the French Ambassador, the Marquis de Noailles, his uncle. Returning to Bordeaux he embarked with Kalb in *La Victoire*. The vessel put in at Los Pasajes, where Lafayette was ordered by Louis XVI to accompany the Duc d'Ayen on a tour in Italy. Lafayette hesitated and Kalb thought that the venture was given up. To satisfy the British Ambassador a lettre de cachet had been launched against Lafayette. News of this determined him and, having rejoined Kalb at Los Pasajes, he sailed for the United States, April 20, 1777. The commotion created by his departure was excellent publicity for the cause of the Americans.

On June 13 they disembarked near Georgetown, S. C., where they were entertained by Maj. Benjamin Huger. Within a week Lafayette wrote his wife a letter of boyish enthusiasm relating many impressions that he had already formed of men and affairs in America. After 6 weeks of arduous travel he and his companions arrived in Philadelphia, where he presented his credentials to a committee of Congress. Congress was weary of foreign adventurers and his first reception was more like a dismissal than a welcome. Undaunted, he wrote a petition requesting two things: to serve at his own expense, and to begin as a volunteer. This modest and unusual proposal secured attention; his credentials were examined, and on July 31 Congress voted him the rank and commission of major general, but gave him no active command. The situation was one that Lafayette never completely understood. On August 1 he met General Washington in Philadelphia. This was the beginning of a historic friendship. The young major general, not yet 20, was virtually adopted by Washington, whose staff he joined as a volunteer. He received his baptism of fire in the Battle of the Brandywine, September 11, when he was slightly wounded in the leg. Kalb called this an excellent bit of good fortune, for it established Lafayette in the eyes of his American comrades. He recuperated at the Moravian settlement at Bethlehem, Pa., and in October rejoined Washington in camp at Whitemarsh. At Gloucester he led a successful skirmishing party against the Hessians. Partly because of his personal qualities and partly from political considerations, Congress on December 1 voted him command of the division of Virginia light troops with full authority as major general. During the winter he remained at Valley Forge, sharing hardships and privations and earning the title of "the soldier's friend." He warned Washington of the Conway cabal and urged him to protect himself. At the end of January 1778, the Board of War placed Lafayette in command of the proposed irruption into Canada, a fantastic scheme to capture Canada with a handful of men in the dead of winter. He immediately had visions of restoring the lost provinces of France and wrote to his friends in Europe of his glorious anticipations. When, on February 19, he arrived at Albany and understood that nothing had been done he was humiliated and enraged. He wrote to Washington denouncing those who had led him astray, adding: "I well know that you, my dear general, will do everything possible to get me the one thing for which I thirst: glory" (Charaya, p. 29). Other letters to Washington and Laurens described his "painful and ridiculous situation" (Sedgwick, p. 61) in what Laurens called that indigested romantic scheme (E. C. Burnett, Letters of Members of the Continental Congress, III, 1926, p. 124). By April, Lafayette, chagrined and disappointed, was back at Valley Forge. Bitter memories were forgotten during the celebrations which followed the arrival, May 1, of the news of the French alliance; Lafayette was again a center of attention. On May 18 at Barren Hill, by skillful maneuvering, he escaped capture by a larger force commanded by Sir Henry Clinton. He participated in the Battle of Monmouth, June 28, with distinction but without success. He was active in preparations for the combined land and sea attack against Newport, R. I., to be carried out with the aid of the French fleet under D'Estaing. He was valuable as a liaison officer between the two armies, and, following the wretched failure of the expedition early in August, he did much to calm the jealousies and recriminations of both French and Americans.

In October 1778, Congress granted him a furlough that he might return to France, voted him an elegant sword, and wrote a letter to Louis XVI extolling his merits. He sailed January 11, 1779, in the *Alliance*, manned by British prisoners and deserters, whose mutiny he later subdued. In Paris and Versailles he was welcomed and acclaimed, received by the King and Queen, consulted by all the ministers, and kissed by all the ladies. He was discussed, toasted, entertained; meanwhile he proposed to Vergennes an invasion of Great Britain, a descent upon Ireland, a conquest of Canada, and other projects having a common end, for, he declared, "the thought of seeing England humiliated and crushed makes me tremble with joy" (Whitlock, I, 194). He advocated hiring part of the Swedish navy for service in America; tried to float an American loan in Holland; and urged a French army for expeditionary service in the United States, proposing himself as commander of it. He acquiesced in the appointment of the Comte de Rochambeau as commander and, early in March 1780, sailed on the *Hermione* to prepare for the arrival of the French army. Arriving at Boston, April 28, he was given a triumphal welcome at Governor Hancock's house. After considerable delay he found Washington at Morristown, in great need of troops and money. He visited Congress to discuss the necessary measures to be taken to cooperate with the French fleet, and was restored to his old command of the Virginia light troops. The French fleet arrived at Newport, R. I., during July, and Lafayette met Rochambeau July 25 to advocate an offensive campaign, which was declined by Rochambeau. When, during September, Washington first conferred with Rochambeau, Lafayette was invaluable as an intermediary. He returned with Washington to West Point, where they learned of Arnold's treason. As a member of the court-martial at Tappan he voted for the death penalty for André. Following this he went into winter headquarters at Philadelphia.

Meanwhile, Washington planned a combined land and sea attack to capture Gen. Benedict Arnold who was at Hampton Roads. For this purpose he entrusted 1,200 New England troops to Lafayette, who marched to Head of Elk, on Chesapeake Bay, where he arrived March 3, 1781. The French fleet did not arrive and the opportunity of capturing Arnold was lost. Early in April he received orders to join General Greene in the Carolinas. Rallying his men by a personal appeal, he marched southward, reaching Richmond on April 29, just in time to prevent its occupation and destruction by the British army under General Phillips. Lafayette now asked assistance from General Wayne and Pennsylvania troops. When Lord Cornwallis marched northward and was joined by the troops formerly under Phillips, Lafayette, with his thousand effective troops, slowly retreated before the advance of the superior forces of the British. "The boy cannot escape me," wrote Cornwallis (Whitlock, I, 236). Lafayette retired until he met Wayne at the Rapidan River, then returned to harass Cornwallis. The latter slowly retired to the sea, finally reaching Portsmouth, where he dispatched some of his troops to New York. Washington now told Lafayette of the proposed concerted action with De Grasse and the French fleet and ordered him to prevent the escape of Cornwallis to the southward. With the arrival of De Grasse, of Rochambeau's army, and Washington's Continental Army, Cornwallis was besieged at Yorktown, where he capitulated, October 19. "The play is over," Lafayette wrote the Comte de Maurepas, "the fifth act is just ended." (Ibid., I, 260). During all the Virginia campaign, Lafayette had demonstrated tact, caution, and a superior knowledge of military tactics.

Lafayette sailed for France in the *Alliance* in December. He was enthusiastically received by populace and court. Incessantly feted and consulted, he basked in the thunderous acclaim. Meanwhile, he aided the American agents in seeking supplies and a

loan. He was at Cadiz, ready to sail with a new expedition, when news of the signing of the preliminary articles of peace reached him. He now returned to his ancestral estates in Auvergne, where he won great popularity with the peasants by his distribution of grain. He then established himself at his hotel in Paris, rue de Bourbon, where he held salon and discoursed on American and republican principles. He was made a member of the Society of the Cincinnati. He returned to America in August 1784, arriving at New York, where he received a tremendous ovation. During the following 6 months he visited his old colleagues in arms and was affectionately welcomed from Mount Vernon to Boston. On December 8 Congress gave him a distinguished reception at Trenton and on the 21st he sailed from New York on *La Nymphe*.

Lafayette returned to France with a renewed enthusiasm and a new vision. He would give France her charter of liberties and would establish them. In his salon and his utterances his ardent republicanism asserted itself; he engaged in various philanthropic and humanitarian enterprises, for the manumission of Negro slaves and the abolition of slavery, and for the restoration of the civil rights of the French Protestants. With Jefferson [q. v.], now Minister to France, he labored for the readjustment of American frontiers with Spain. During 1785–89, his services to the United States, while not dramatic, were invaluable. He attacked the tobacco monopoly of the farmers-general in an effort to eliminate the middle profits of the British merchants; he sought to find a large French market for the New England fisheries, for the United States, a debtor nation, could pay the French debt only by building up credits from an excess of exports. Through the activity of Jefferson and Lafayette, the United States was gaining the position of the most favored nation in the French market. When Jefferson, in 1786, contemplated a combined blockade of the Barbary pirates, Lafayette at once offered his services as chief of operations. He urged upon the French Government the postponement of the first payments of the American debt that the United States might first care for its internal finances. Early in 1789, he was instrumental in securing the recall of De Moustier, who, although he had been sent to America as French Minister at Jefferson's request, had made himself obnoxious to the American Government. In 1787, Lafayette had been a member of the Assembly of Notables; his enthusiastic republicanism had alarmed Jefferson, who suggested the British constitution rather than the American as a model for the French. When Jefferson left France in October 1789, Lafayette was already well launched in that revolution in which he became a prominent figure.

His activities, his successes, and his blunders in that movement belong to French rather than to American history. In 1790 he was the most popular figure in France; from 1792 to 1797 he was incarcerated in foreign prisons, from which Congress, Washington, and Gouverneur Morris vainly sought to effect his release. Liberated at length through French influence, he and his family remained in exile until late in 1799, when they returned and settled at La Grange, about 40 miles from Paris. The Revolution had shattered his fortune. Congress had, in 1794, voted him $24,424, his emoluments as a brigadier general, which he had refused to accept during the American Revolution. It was estimated that he spent more than $200,000 of his private funds in assisting the Colonies; he never solicited repayment, but in 1803 Congress voted him a grant of 11,520 acres. These lands were eventually located in Louisiana, but it was a dozen years before he realized any financial assistance from them. Lafayette remained aloof from politics, cultivating his lands at La Grange. He acknowledged Napoleon, though he later broke with him; he remained a liberal, upheld by faith in the ultimate triumph of representative government. He never ceased to hold up the United States as an example and promise to mankind; he was a good friend and counselor of the American Legation in Paris.

In 1824 President Monroe invited him to visit the United States; he arrived at Staten Island August 15 and began an epochal tour which Charles Sumner said "belongs to the poetry of history." "The Marquis," "the soldiers' friend," had returned, the venerable symbol of a past heroic age. For more than a year his triumphal tour of the United States provoked demonstrations of frenzied enthusiasm without precedent or parallel in American history. This was one of the happiest years of his life, for he had never lost his one great foible, as Jefferson had described it, "a canine appetite for popularity and fame" (The Writings of Thomas Jefferson, 1903, VI, 70). On September 8, 1825, he sailed for France and on October 9 reached La Grange, where he was given a brilliant fete attended by 4,000 people. He reentered politics and played a conspicuous part in the July Revolution of 1830, but by his indecision lost the opportunity of establishing the republic of which he had long dreamed. One of his last speeches in the Chamber was in 1833, favoring ratification of the Franco-American treaty signed July 4, 1831. His last speech was one attacking the reactionary policies of Louis-Philippe, whom he had assisted to power. He died May 20, 1834, and was buried in Picpus Cemetery in Paris. His grave was covered with earth from Bunker Hill.

(For the extensive materials concerning Lafayette, consult Stuart W. Jackson, La Fayette; a Bibliography (1930), detailed but uncritical, and Louis R. Gottschalk's critical bibliographical article in Jour. of Mod. Hist., June 1930, pp. 281–287. The best source for his life is the Mémoires * * * du général La Fayette * * * (6 vols., Paris, 1837–38), of which the first 3 volumes have been translated into English (London, 1837), B. F. Stevens, Facsimiles * * * (25 vols., London, 1889–98), Henri Doniol, Histoire de la participation de la France à l'établissement des Etats-Unis d'Amerique (5 vols., Paris, 1886), and Charlemagne Tower, The Marquis de La Fayette in the Am. Revolution * * * (2 vols., 1895), are the best sources for his activities in the American Revolution. The Letters of Lafayette and Jefferson (1929), ed. by Gilbert Chinard, reveal his services to the United States after his return to France. Etienne Charavay, Le général Lafayette * * * (Paris, 1898), the best biography, has never been translated into English. Brand Whitlock, La Fayette (2 vols., 1929), is the most complete biography in English, but see Bernard Fay's review, Saturday Rev. of Lit., October 19, 1929. A. Levasseur, La Fayette in America in 1824 and 1825 (2 vols., 1829), is a detailed history of his last American visit. Lida Rose McCabe, Ardent Adrienne * * * (1930), is an interesting biography of Madame de Lafayette. Louis R. Gottschalk has in preparation a volume of unpublished letters of Lafayette.)

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[From the Library of Congress, Legislative Reference Service]

IMPORTANT DATA IN THE LIFE OF LAFAYETTE RELATIVE TO AMERICAN HISTORY

Born: September 6, 1757, in Auvergne, France.

June 13, 1777: First visit to the United States. Landed near Georgetown, S. C.

July 31, 1777: Appointed a major-general in the Revolutionary Army by the Continental Congress.

September 11, 1777: Wounded at Battle of Brandywine.

June 28, 1778: Participated in the Battle of Monmouth.

January 11, 1779: Returned to France on furlough.

April 26, 1780: Second visit to the United States. Arrived at Boston.

October 1–19, 1781: The siege of Yorktown.

December 23, 1781: Sailed for France on board the *Alliance*.

August 4, 1784: The third visit to the United States. Arrived at New York.

December 21, 1784: Returned to France.

August 14, 1824[1]: Fourth visit to the United States. Arrived in New York.

September 8, 1825: Returned to France.

May 20, 1834: Died in Paris.

Sources: The Dictionary of American Biography, vol. 10, pp. 535–539 (Scribner's, New York, 1933. E176 .D56.) Nolan, J. Bennett, Lafayette in America Day by Day (The Johns Hopkins Press, Baltimore, 1934. E207 .L2N74). Tower, Charlemagne, The Marquis de LaFayette in the American Revolution, 2 vols. (J. B. Lippincott Co., Philadelphia, 1895).

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[From Hans P. Caemmerer, A Manual on the Origin and Development of Washington, Washington, 1939]

LAFAYETTE PARK

The L'Enfant plan shows the ground now known as Lafayette Park, or Lafayette Square, comprising about 7 acres, to have been a part of the President's Park, extending on the north side from H Street southward to the Monument Grounds, between 15th and 17 Streets. Similarly, the subsequent Ellicott plan and the Dermott plan make provision for such a spacious park to surround the President's house. These plans show no street dividing Lafayette Park from the White House Grounds.

When L'Enfant prepared his plan this was a neglected area, a common without trees. A race course was laid out, in 1797, on the west side of the grounds, extending westward to 20th Street. Huts for workmen who helped build the President's House were erected on the grounds, and when these were removed a market was established there. This was later relocated farther to the center of the town, on Pennsylvania Avenue, between Seventh and Ninth Streets. Thomas Jefferson first undertook really to improve the grounds and marked the east and west limits as they are today, called Madison Place and Jackson Place, respectively.

Until 1816 the only important building that had been erected adjacent to Lafayette Park was St. John's Church. Then, in 1818, the Dolly Madison House was built, and in 1819 the Decatur House. From then on and for more than 50 years following Lafayette Park became the center of social life in Washington. Nearly every house surrounding it became noted for its historical associations. However, the park seems to have been neglected the greater part of this period. In 1840 there was an ordinary fence around it.

Just when this park area took the name of Lafayette Park is not definitely known. As has been said, originally this area was a part of the President's Park, and D. B. Warden, in his volume entitled "Description of the District of Columbia," published in 1816, refers to it as such by saying, in connection with rates of fare for hackney carriages:

"From the President's Square to Greenleaf's Point, and also to Hamburg Wharf, or to the western limits of the city, the rate is but 25 cents, and half the distance one-half that sum."

In his voluminous history of Lafayette Square, Gist Blair states:

"Its name has come from the people and arose after this visit of Lafayette to the city in 1824."

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[1] The Dictionary of American Biography, vol. 10, p. 538 gives August 15, 1824. (M. H. Nipe, January 10, 1939.)

UNIVERSITY OF MICHIGAN DIGITIZED

Again, speaking of the many social events held in Washington during this visit of Lafayette, Mr. Blair says:

"Socially, the season of 1824–25 was the most brilliant Washington had seen, so it is natural to understand how everyone at this time may have started to call this square Lafayette Square."

In the office of the National Park Service, Department of the Interior, there is a map dated 1852, on which Lafayette Park is shown to be separated from the White House Grounds. The first printed report of the Commissioner of Public Buildings, on file in that office, is of the year 1857. In that report there is a reference to Lafayette Square with an account of certain work being done there in that year.

During more than a quarter of a century past the grounds have been properly maintained as a park. Today there are five notable monuments in Lafayette Park; namely, the Jackson, Lafayette, Rochambeau, Von Steuben, and the Kosciuszko.

Mr. METCALF. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include an article from the Washington Post and various information compiled by the Library of Congress on the life of Lafayette.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOSMER, for 5 days, commencing August 3, 1957, on account of official business in constituency.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HOLIFIELD for 30 minutes on Monday next.

Mr. METCALF for 30 minutes today.

Mr. SHEEHAN for 30 minutes on August 5.

Mrs. ROGERS of Massachusetts for 5 minutes today.

Mrs. ROGERS of Massachusetts for 5 minutes on Monday next.

## EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. MACHROWICZ.

Mr. PELLY and to include extraneous matter.

Mr. MCGOVERN.

Mr. BOW and to include extraneous matter.

Mr. HILL, his remarks in Committee of the Whole today and to include extraneous matter.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2504. An act to amend and extend the Small Business Act of 1953, as amended.

## BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 7441. An act making appropriations for the Department of Agriculture and Farm Credit Administration for the fiscal year ending June 30, 1958, and for other purposes; and

H. R. 7665. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1958, and for other purposes.

## ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 31 minutes p. m.), under its previous order, the House adjourned until Monday, August 5, 1957, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1098. A letter from the Administrative Assistant, Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to authorize the training of employees of the United States Department of the Interior at public or private facilities"; to the Committee on Interior and Insular Affairs.

1099. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation entitled "A bill to provide a uniform premium-pay system for Federal employees engaged in inspectional services, to authorize a uniform system of fees and charges for such services, and for other purposes"; to the Committee on Post Office and Civil Service.

1100. A letter from the Acting Secretary of the Treasury, transmitting the annual report of the Federal Bureau of Narcotics, prepared by the Commissioner of Narcotics, for the calendar year ended December 31, 1956, pursuant to section I of the act of June 14, 1930; to the Committee on Ways and Means.

1101. A letter from the Acting Archivist of the United States, transmitting a report on lists or schedules covering records proposed for disposal by certain Government agencies, pursuant to the act approved July 6, 1945 (59 Stat. 434); to the Committee on House Administration.

1102. A letter from the Chairman, United States Civil Service Commission, transmitting a draft of proposed legislation entitled "A bill to amend the Classification Act of 1949, as amended, to facilitate proper classification of positions in grades GS–16, GS–17, and GS–18, and for other purposes"; to the Committee on Post Office and Civil Service.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HARRIS: Committee on Interstate and Foreign Commerce. H. R. 8825. A bill to revise the definition of contract carrier by motor vehicle as set forth in section 203 (a) (15) of the Interstate Commerce Act, and for other purposes; without amendment (Rept. No. 970). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAVIS of Tennessee: Committee on Public Works. H. R. 3770. A bill to rename the Strawn Dam and Reservoir project in the State of Kansas, as the John Redmond Dam and Reservoir; without amendment (Rept. No. 971). Referred to the House Calendar.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 5894. A bill to amend the laws relating to the endorsement of masters on vessel documents; with amendment (Rept. No. 972). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H. R. 6660. A bill to provide that the lock and dam referred to as the Tuscaloosa lock and dam on the Black Warrior River, Ala., shall hereafter be known and designated as the William Bacon Oliver lock and dam; without amedment (Rept. No. 973). Referred to the House Calendar.

Mr. COOPER: Committee on Ways and Means. H. R. 38. A bill to amend the Tariff Act of 1930 to provide for the temporary free importation of casein; without amendment (Rept. No. 974). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOPER: Committee on Ways and Means. H. R. 5924. A bill relating to the International Convention To Facilitate the Importation of Commercial Samples and Advertising Matter; without amendment (Rept. No. 975). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOPER: Committee on Ways and Means. H. R. 7096. A bill to amend paragraph 1684 of the Tariff Act of 1930 with respect to istle or Tampico fiber; with amendment (Rept. No. 976). Referred to the Committee of the Whole House on the State of the Union.

Mr. DURHAM: Joint Committee on Atomic Energy. H. R. 8994. A bill to amend the Atomic Energy Act of 1954, as amended, to increase the salaries of certain executives of the Atomic Energy Commission, and for other purposes; without amendment (Rept. No. 977). Referred to the Committee of the Whole House on the State of the Union.

Mr. DURHAM: Joint Committee on Atomic Energy. H. R. 8996. A bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; without amendment (Rept. No. 978). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOPER: Committee on Ways and Means. H. R. 2842. A bill to amend the Tariff Act by including tanning material extracts on the duty-free list; with amendment (Rept. No. 979). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLYNT: Committee on Interstate and Foreign Commerce. H. R. 5822. A bill to amend section 406 (b) of the Civil Aeronautics Act of 1938 with respect to the reinvestment by air carriers of the proceeds from the sale or other disposition of certain operating property and equipment; with amendment (Rept. No. 980). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Texas: Committee on Interstate and Foreign Commerce. H. R. 7993. A bill to provide for Government guaranty of private loans to certain air carriers for purchase of aircraft and equipment, and for other purposes; with amendment (Rept. No. 981). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H. R. 6535. A bill to amend an act entitled "An act to provide for the disposal of federally owned property at obsolescent canalized waterways, and for other purposes"; with amendment (Rept. No. 983). Referred to the Committee of the Whole House on the State of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAVIS of Tennessee: Committee on Public Works. H. R. 8576. A bill to authorize the conveyance of certain lands within the Old Hickory lock and dam project, Cumberland River, Tenn., to Middle Tennessee Council, Inc., Boy Scouts of America, for recreation and camping purposes; with amendment (Rept. No. 982). Referred to the Committee of the Whole House.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT of Michigan:

H. R. 9048. A bill to amend the Tariff Act of 1930 by transferring wood charcoal from the free list to the dutiable list; to the Committee on Ways and Means.

By Mr. BOGGS:

H. R. 9049. A bill to amend section 503 of the Internal Revenue Code of 1954 with respect to certain loans made by employee trusts; to the Committee on Ways and Means.

By Mr. BOYLE:

H. R. 9050. A bill to provide for payment of pension to the widows and children of Spanish-American War veterans who served 70 days or more in the military service during that war; to the Committee on Veterans' Affairs.

By Mr. BURNS of Hawaii:

H. R. 9051. A bill to amend Public Law 874, 81st Congress, relating to Federal assistance for the operation of schools in federally affected areas, as such law affects the Territory of Hawaii; to the Committee on Education and Labor.

By Mr. DAWSON of Illinois (by request):

H. R. 9052. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to lease space for Federal agencies for periods not exceeding 15 years, and for other purposes; to the Committee on Government Operations.

By Mr. DIXON:

H. R. 9053. A bill to amend the act entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes," approved March 10, 1934, as amended, known as the Coordination Act; to the Committee on Merchant Marine and Fisheries.

H. R. 9054. A bill to amend sections 2275 and 2276 of the Revised Statutes with respect to certain lands granted to States and Territories for public purposes; to the Committee on Interior and Insular Affairs.

By Mr. ELLIOTT:

H. R. 9055. A bill to establish a temporary Presidential commission to study and report on the problems relating to blindness and the needs of blind persons, and for other purposes, to the Committee on Education and Labor.

By Mr. HAGEN:

H. R. 9056. A bill to amend section 8e of the Agricultural Adjustment Act (of 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, so as to provide for the extension of the restrictions on imported commodities imposed by such section to all imported citrus fruits, and to sliced figs, dried figs, fig paste, and shelled walnuts; to the Committee on Agriculture.

By Mr. HERLONG:

H. R. 9057. A bill to amend the Internal Revenue Code of 1954 to provide for amortization deductions with respect to housing facilities for farmworkers; to the Committee on Ways and Means.

By Mr. HORAN:

H. R. 9058. A bill to amend the Internal Revenue Code of 1954 with respect to the income-tax treatment of dividends paid by certain corporations which hold the obligations of States and local governments; to the Committee on Ways and Means.

By Mr. MACDONALD:

H. R. 9059. A bill to provide for improved methods of stating budget estimates and estimates for deficiency and supplemental appropriations; to the Committee on Government Operations.

By Mr. METCALF:

H. R. 9060. A bill to designate as national historic sites Lafayette Square and certain buildings in the vicinity thereof, in the city of Washington, District of Columbia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RABAUT:

H. R. 9061. A bill to amend the Internal Revenue Code of 1954 to provide that interest on series E United States savings bonds shall be excluded from gross income, and to amend the Second Liberty Bond Act to limit the amount of such bonds which may be purchased by an individual in any year; to the Committee on Ways and Means.

By Mr. THOMPSON of Louisiana:

H. R. 9062. A bill to amend the Annual and Sick Leave Act of 1951 to provide additional opportunity to employees to use their annual leave in certain cases, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WILLIAMS of Mississippi:

H. R. 9063. A bill to regulate the interstate distribution and sale of packages of hazardous substances intended for household use; to the Committee on Interstate and Foreign Commerce.

By Mr. SADLAK:

H. R. 9064. A bill to amend paragraphs 1530 and 1537 of the Tariff Act of 1930 with respect to footwear; to the Committee on Ways and Means.

By Mr. FORAND:

H. R. 9065. A bill to amend paragraphs 1530 and 1537 of the Tariff Act of 1930 with respect to footwear; to the Committee on Ways and Means.

By Mr. MACK of Washington:

H. R. 9066. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. McGREGOR:

H. R. 9067. A bil to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. WESTLAND:

H. R. 9068. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. ADAIR:

H. R. 9069. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. AUGUST H. ANDRESEN:

H. R. 9070. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. BAUMHART:

H. R. 9071. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. BUDGE:

H. R. 9072. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. CHENOWETH:

H. R. 9073. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. COFFIN:

H. R. 9074. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. GROSS:

H. R. 9075. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. HALE:

H. R. 9076. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. HARVEY:

H. R. 9077. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. HOLMES:

H. R. 9078. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. HORAN:

H. R. 9079. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. JENSEN:

H. R. 9080. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. McCULLOCH:

H. R. 9081. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. McINTIRE:

H. R. 9082. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. MICHEL:

H. R. 9083. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. MILLER of New York:

H. R. 9084. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. NIMTZ:

H. R. 9085. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific

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Congressional approval; to the Committee on Public Works.

By Mr. NORBLAD:

H. R. 9086. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site; to the Committee on Public Works.

By Mr. OSTERTAG:

H. R. 9087. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public works.

By Mr. PELLY:

H. R. 9088. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. RIEHLMAN:

H. R. 9089. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mrs. ST. GEORGE:

H. R. 9090. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. SCHWENGEL:

H. R. 9091. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. SCUDDER:

H. R. 9092. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. STAUFFER:

H. R. 9093. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. TEAGUE of California:

H. R. 9094. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. THOMSON of Wyoming:

H. R. 9095. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. TOLLEFSON:

H. R. 9096. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. TRIMBLE:

H. R. 9097. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. VAN ZANDT:

H. R. 9098. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. TALLE:

H. R. 9099. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. CRAMER:

H. R. 9100. A bill to establish rules of interpretation governing questions of the effect of acts of Congress on State laws; to the Committee on the Judiciary.

By Mr. GUBSER:

H. R. 9101. A bill to provide for the confirmation of conveyances made by railroads of lands located in right-of-way grants; to the Committee on Interior and Insular Affairs.

By Mr. JONES of Missouri:

H. R. 9102. A bill to increase farm income and to expand markets for cotton by enabling cotton to be sold competitively in domestic and foreign markets; to the Committee on Agriculture.

By Mr. GATHINGS:

H. R. 9103. A bill to increase farm income and to expand markets for cotton by enabling cotton to be sold competitively in domestic and foreign markets; to the Committee on Agriculture.

By Mr. ABERNETHY:

H. R. 9104. A bill to increase farm income and to expand markets for cotton by enabling cotton to be sold competitively in domestic and foreign markets; to the Committee on Agriculture.

By Mr. HAGEN:

H. R. 9105. A bill authorizing additional appropriations for the prosecution of projects in the Kaweah and Tule River Basins, Calif.; to the Committee on Public Works.

By Mr. BENNETT of Florida:

H. J. Res. 433. Joint resolution to authorize the President to proclaim annually the week including June 30 as Colonial Forefathers Week; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BETTS:

H. R. 9106. A bill for the relief of the estate of Cletus E. Lowery; to the Committee on the Judiciary.

By Mr. BOYLE:

H. R. 9107. A bill for the relief of Leonardo Anello; to the Committee on the Judiciary.

By Mr. BYRNE of Illinois:

H. R. 9108. A bill for the relief of Romke J. Sloot; to the Committee on the Judiciary.

By Mr. HYDE:

H. R. 9109. A bill for the relief of John A. Tierney; to the Committee on the Judiciary.

By Mr. McFALL:

H. R. 9110. A bill for the relief of Jose Mariscal Avina; to the Committee on the Judiciary.

By Mr. REUSS:

H. R. 9111. A bill for the relief of Adalbert Franz; to the Committee on the Judiciary.

By Mr. VANIK:

H. R. 9112. A bill for the relief of Dr. Ildefonzo M. De La Rosa; to the Committee on the Judiciary.

H. R. 9113. A bill for the relief of Dr. Conrado G. Paragas; to the Committee on the Judiciary.

H. R. 9114. A bill for the relief of Dr. Banyai M. Ramos; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

321. Mr. SMITH of Wisconsin presented a resolution adopted by the Common Council of the City of Milwaukee on July 23, 1957, memorializing Congress in the matter of naming a St. Lawrence Seaway lock after Senator ALEXANDER WILEY and former Congressman George A. Dondero, which was referred to the Committee on Public Works.

# EXTENSIONS OF REMARKS

## Status of Forces

EXTENSION OF REMARKS

OF

## HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 2, 1957*

Mr. BOW. Mr. Speaker, in a hearing before the House Armed Services Committee recently, the legal adviser of the State Department appeared in opposition to a bill under consideration that sought to pinpoint the responsibility of the administration for any future decision made to surrender one of our servicemen to a foreign nation for prosecution for an alleged offense while on duty. Legal Adviser Becker said "even if you tell us that we will get a bill, we propose to go down fighting."

Such determination would be very laudable if it was directed toward seeking a modification of existing agreements with foreign nations that would restore to the United States criminal jurisdiction over our servicemen on duty abroad. It would have been even more laudable if the State Department had shown similar determination when the first status of forces agreements were being negotiated and had determined to adhere to the principle of international law which our Government had followed for 150 years and had expressed in other negotiations with foreign governments. When our Armed Forces entered another country and were stationed there with the consent of such country, we claimed complete jurisdiction over them for all purposes.

Characteristically, however, the State Department will not admit error, and the determination only goes to defending its actions rather than correcting them.

Mr. Becker's testimony, generally, follows the line of other witnesses appearing for the executive departments, which is the scare argument being employed by defenders of the status agreements. One would think that the only reason we are allowed to have troops in other countries is that those nations want to try our erring servicemen in their courts.

Do anything to deprive our friends of the right to prosecute our boys, they say, and all our foreign alliances will disintegrate. This is absurd, of course, but the defenders of the agreements do not care how contradictory their arguments may be. They will continue to repeat misrepresentations and half truths. They mean to go down fighting.

Fighting against a restoration of the rights of the United States. Fighting against restoring the rights of our servicemen and the protection of our Constitution.

## New Legislation To Aid Industry in Obtaining a Larger Share of Foreign Business

EXTENSION OF REMARKS
OF
### HON. THADDEUS M. MACHROWICZ
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
*Friday, August 2, 1957*

Mr. MACHROWICZ. Mr. Speaker, I have yesterday introduced H. R. 9029, as an amendment to section 313 (b) of the Tariff Act of 1930. The purpose of this bill is to make it possible for American industry and labor to obtain a larger share of foreign business.

For many years the Tariff Act has provided that duty paid upon imported merchandise used in the manufacture of articles in the United States may be refunded when such articles are exported. This makes it possible for American manufacturers and their employees to compete in foreign markets for business which they could not obtain if they were to be penalized by domestic duty on the imported material as well as by foreign duty on the exported product.

In many cases in which the same product is sold both domestically and abroad, of which the automobile industry furnishes numerous examples, it is impractical or even impossible under today's complicated industrial procedures to segregate imported materials in such a way as to be able to identify them positively in the finished product. The Congress recognized this in 1930 and provided in section 313 (b) of the Tariff Act that year that drawback would be available with respect to products of nonferrous metals or sugar, to the extent of duty paid upon importation of such materials for the account of the manufacturer, even though the materials used in the exported product were not the identical lots imported.

The restriction to nonferrous metals and sugar was stated at the time to be for test purposes, it being contemplated that the privilege would later be extended to other merchandise if the procedure proved feasible and advantageous. In 1949 ferrous metals, flaxseed, and linseed oil were added to the list, and in 1956 certain printing papers. These additions have caused no difficulties and have greatly benefited both employers and employees in the automobile and other steel-consuming industries, and in the paint manufacturing and magazine industries.

Accordingly it appears that the background of experience in the Bureau of Customs and among exporters has now developed to the point at which the privilege of substitution may be safely extended to all merchandise, thus broadening the benefits to manufacturers and workers in the industries already affected and opening the door to numerous other industrial groups heretofore excluded.

This is accomplished by substituting the single word merchandise for the enumeration of materials in the present statute.

The bill provides also three other minor amendments. One of these makes it clear that the duty to be drawn back is limited to a maximum of 99 percent of the duty actually paid. Another replaces the text of same kind and quality which has proven burdensome to exporters and the Bureau of Customs alike, with the simple and objective text that the materials must be interchangeable in the exporting manufacturer's operations, thus placing upon him the entire burden of establishing eligibility. Finally, to make it clear that the drawback merchandise must be used as a constituent of the product, and not merely consumed in its manufacture—as a tool or fuel—it is specified that it must become a part thereof. This, of course, does not, and is not intended to, exclude from eligibility volatile and similar materials, such as paints and paint thinners, which are applied to the product but may largely disappear in the process.

I seek the support of the Members of this House in this constructive effort to facilitate the exportation to foreign markets of the product of American labor.

## Secretary Benson's Policies Are Hurting the American Farmer

EXTENSION OF REMARKS
OF
### HON. GEORGE S. McGOVERN
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
*Friday, August 2, 1957*

Mr. McGOVERN. Mr. Speaker, late this spring the Secretary of Agriculture Mr. Ezra Taft Benson, said in his annual report that the big news in farming during 1956 was that "Agriculture seems to have turned the corner." Presumably, this meant that the economic picture, which has grown darker with each passing year under Mr. Benson, would become brighter.

In light of this statement, I think it is well that we pause at this juncture in the year 1957, to note that the parity ratio on farm prices received in the month ending July 15, was still 1 percent under that of a year ago on the same date.

Mr. Speaker, the farmers of America have lost more than $4 billion in net farm income since 1952 as the result of Secretary Benson's policies. The rural areas have been deprived of less and less purchasing power and the Federal Treasury has received less and less tax revenue from our agriculturists.

In 1952 prices received by farmers averaged 100 percent of parity. And farm people on that year's income paid $1,365 million in personal income taxes to the Federal Government.

Farm prices in the year 1956 averaged 82 percent of parity and farm people will pay only $1,100 million in income tax. In other words, the economic hardship that has been forced on the people who till our land for their living, has brought about a reduction of $265 million in tax revenues that the Government receives from farmers, figuring it on an annual basis over that 4-year period. This is more than twice the Federal cost of the price support program in 1952.

## The Issue of Civil-Rights Legislation

EXTENSION OF REMARKS
OF
### HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
*Friday, August 2, 1957*

Mr. PELLY. Mr. Speaker, the civil-rights bill, as amended at the other end of the Capitol, has come back and is languishing on the Speaker's table.

This measure as it reads now is not just a watered-down version of the bill that passed the House some time ago. Instead, stripped of its confusing legal subtleties, it no longer provides for the needed protection of the right to vote of southern Negroes. And to accomplish this negative effect, it introduces a complete reversal of our system of jurisprudence, substituting a new and dangerous doctrine of government by men for our historic constitutional concept of government by law. That is the result of interposing a jury between the judge and the enforcement of his injunction.

I will not comment as to whether support of the jury-trial amendment in the other body was politically motivated. The press and the public are competent to decide that issue more effectively than the gentleman from Washington [Mr. PELLY].

But I will say I would respect the 18 Members of the other body who voted against final passage of this bill more than I would respect any who supported the bill knowing its enactment was sabotaging its objectives.

Also, Mr. Speaker, I can understand those who are against civil rights saying the bill in its present form is acceptable and therefore it should be considered now without an attempt to obtain a stronger bill. Certainly I can understand that attitude because, in effect, this measure as now written would afford no protection at all to those it seeks to protect. As written the bill would only serve to stir up racial animosity and create disturbances.

Having succeeded in the passage through both Houses of the first civil-rights bill in more than 80 years let us not capitulate. If need be we can stay and face a filibuster. A patient effort should be made to resolve the differences between the House and Senate. Even though the Democratic leadership says this is a satisfactory bill, let us acknowledge that acceptance of the jury-trial

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amendment represents absolute defeat to the southern Democrats.

Not only the right of every citizen to vote is at stake, but now we must decide if, as our forefathers provided, we shall remain a Government of law or if we are to change to a system of government by men. With either issue there must be no compromise.

## Competition Between Colorado Mountain Trout and Tennessee Catfish Luncheons

EXTENSION OF REMARKS
OF
**HON. ESTES KEFAUVER**
OF TENNESSEE
IN THE SENATE OF THE UNITED STATES
*Friday, August 2, 1957*

Mr. KEFAUVER. Mr. President, I ask unanimous consent that there be printed in the CONGRESSIONAL RECORD several items concerning an event that has aroused a great deal of anticipation, both here at the Capitol and in my home State of Tennessee. It is the much-heralded fried catfish luncheon which will feature Tennessee blue cats specially flown up from Savannah, Tenn., the catfish capital of the world. This will be the first round of a competition between this tasty delicacy and a later meal of Colorado mountain trout, to be hosted by my esteemed colleague from that State [Mr. CARROLL].

Mr. President, I ask unanimous consent that there be printed a memorandum to the press, a general invitation to all Members of the Senate, a personal invitation to the Vice President, and an editorial concerning the competition from the Chattanooga Times.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the office of Senator ESTES KEFAUVER, Democrat, of Tennessee, for release Friday, August 2]

Y'ALL COME TO A FISH FRY—WITH HUSHPUPPIES, YET

Senator ESTES KEFAUVER, Democrat, of Tennessee, announced today a bilateral agreement with Senator JOHN A. CARROLL, Democrat, of Colorado, to bring their long feud to an end. The Tennessee Senator revealed that he had made arrangements to end their battle in the Senate dining room, with Members of the Senate and the press corps acting as referees to pass on the relative merits of the Tennessee blue catfish and the Colorado mountain trout.

The month-long senatorial dispute stemmed from a challenge hurled by Senator KEFAUVER at his colleague from Colorado on the occasion last month of the National Catfish Derby at Savannah, Tenn. At that time Senator KEFAUVER expressed his disdain for the bragging claims of the trout proponents. "They make their unwarranted assertions sound," he said, "like a cigarette commercial."

On his return from the Savannah festival Senator KEFAUVER reiterated his claim that Tennessee blue cats outflavor mountain trout fins down.

"The only reason President Eisenhower occasionally fishes the Colorado streams," explained the Senator, "is that he hasn't yet been introduced to the catfish. One taste—and Denver will never see him again."

Due to the doctrine of the separation of powers, the President will not partake of the feast prepared for luncheon on August 6. But all Senators and Vice President NIXON have received copies of the attached letter inviting them to the senatorial dining room on that day. Senator KEFAUVER also extended his invitation to members of the nonpartisan Senate press corps.

"The decision of the Senate and the press will establish for all time the obvious superiority of the catfish over the trout. On Tuesday we will serve the blue cats, along with homemade southern hushpuppies. On the following Friday, Senator CARROLL will offer his trout. I am so confident of the outcome of the competition that I am willing to spot Senator CARROLL the vote of Senator ALLOTT."

The piscatorial tidbits will be shipped by air to Washington from the catfish capital of the world at Savannah, Tenn., courtesy of the Hardin County Boosters Club and the directors of the annual National Catfish Derby. Miss Linda Gail Stamps, newly crowned queen of the catfish derby, will bring along her own delicious recipe for homemade hushpuppies. She will supervise the preparation and serving of the delicacies in the Senate dining room.

The decision of the judges will be final unless it is obviously so prejudiced as to favor Colorado trout.

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[From the office of Senator ESTES KEFAUVER, Democrat, of Tennessee]

AUGUST 1, 1957.

DEAR SENATOR: It is my distinct pleasure to invite you to take part in a competition which will determine the relative merits of the Colorado mountain trout and the Tennessee catfish.

Though I sincerely do not expect the culinary qualities of the trout to approach that of the catfish, Senator CARROLL of Colorado and I have reached unanimous agreement between us to hold a taste contest in which the Members of the Senate will be the final judges.

The first phase of this one-sided competition will begin at lunchtime on Tuesday, August 6, in the main dining room of the Capitol. There you will be served a succulent, meaty, and toothsome treat of deep-fried Tennessee catfish, provided by the Hardin County Boosters Club and the National Catfish Derby people. Miss Linda Gail Stamps, of Cookeville, Tenn., who was recently chosen Queen of the Catfish Derby at Savannah, Tenn., will be on hand to supervise personally the service of the tastiest entree you will ever have the pleasure of eating. Miss Stamps will also provide individual servings of those celebrated delicious homemade hushpuppies, a most necessary accessory to the complete enjoyment of this fabulous meal.

It is my understanding that on August 9 Senator CARROLL will apologetically undertake the obviously impossible task of equalling the feast offered by our delightful catfish with a few game trout, imported, no doubt, from Idaho.

You will be expected to form an impartial opinion from the evidence presented of the relative tastiness of the two dishes—though Heaven only know how you can remain impartial after assaying a sweet, delectable blue cat, accompanied by the delicacy of a hushpuppy or two.

Not the least of the merits of this contest lies in the fact that in this time of inflation it provides 2 free meals for you, although I must point out that only 1 of them will be truly worthy of its distinguished judges.

We shall await your attendance at this feast with great anticipation, although, of course, your decision will be a foregone conclusion.

Sincerely yours,

ESTES KEFAUVER.

UNITED STATES SENATE,
*Washington, D. C., August 1, 1957.*

The Honorable RICHARD M. NIXON,
*Vice President of the United States,*
*Senate Office Building,*
*Washington, D. C.*

DEAR DICK: We would very much like to have you present at this occasion. Aside from the free meal we are offering, there is a very remote possibility that a tie vote may result from the competition. In that event, your ballot as Presiding Officer of the Senate would be the deciding one.

I'm sure that you would not want to miss this rare opportunity—one that occurs most infrequently in the life of a Vice President.

We are looking forward to seeing you there and hearing your personal comment on the superiority of catfish over trout.

With warm regards,

Sincerely,

ESTES.

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[From the Chattanooga Times of July 31, 1957]

UNEVEN "TASTE TEST"

The Colorado Senators have climbed out on a limb. They have consented to match Colorado trout against Tennessee blue catfish in a fishfry in the Senate dining room on August 6. The challenge was issued by Senator KEFAUVER.

Miss Linda Stamps, national catfish queen, of Cookeville, Tenn., will serve the fish in this "taste test."

The Colorado Senators do not know that the people who live on the shores of Reelfoot Lake, in Tennessee, will throw back trout and bass in order to save room for catfish. The Reelfoot people certainly ought to know and they say that hot cat is the best eating fish in the world.

A hundred and fifty blue catfish will be snared in Savannah's famous "catfish hole" at Pickwick Dam and Senator CARROLL, of Colorado, will provide 150 trout from Colorado's streams.

The catfish will be served with hushpuppies. The Chattanooga Times' seal has never been awarded hushpuppies, but we go, go, go for hot cat.

## Lower Downpayments for Home Purchasers

EXTENSION OF REMARKS
OF
**HON. JOHN J. SPARKMAN**
OF ALABAMA
IN THE SENATE OF THE UNITED STATES
*Friday, August 2, 1957*

Mr. SPARKMAN. Mr. President, recently Congress adopted amendments to the Housing Act, and in them it provided for lower downpayments in the purchase of homes built under the FHA homebuilding program. All through the debate in the Senate and in the House on the submission of the conference report, it was made quite apparent that it was the intent of Congress that lower downpayments should apply now because of the terribly depressed condition of home building in this country, when the need is as great as ever.

The administration has declined to put into effect lower downpayments. On yesterday a letter was sent to the President, signed by the following Senators: Mr. CLARK, of Pennsylvania; Mr. COOPER, of Kentucky; Mr. HUMPHREY of Minnesota; Mr. IVES, of New York; Mr. JAVITS,

of New York; Mr. MORTON, of Kentucky; Mr. NEUBERGER, of Oregon; Mr. SMATHERS, of Florida; Mr. YARBOROUGH, of Texas; and myself. In that letter we urged the President to put the lower downpayment schedule into effect immediately. I ask unanimous consent that the letter be printed in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR MR. PRESIDENT: We respectfully call to your attention the importance of putting into effect without delay the lower downpayment provisions of the new housing law as a vital stimulus to a key American industry and an indispensable aid to millions of our citizens wishing to purchase homes.

The home building industry is one of the Nation's largest, both in terms of annual dollar volume and in the number of persons it employs. Its effects on other industries such as lumbering and manufacturing and on the whole economy of the country are vast. Yet this industry may now be permitted to sink deeper and deeper into a recession and perhaps a depression.

The alarm and consternation among builders seems to be fully warranted by the facts.

Last year home construction fell off more than 20 percent. This year so far it is off an additional 16 percent. The present figures indicate that home building is now proceeding at an annual rate of only 970,000 units. This is the first time in over 8 years that the production level fell below the million mark, and at the very time when home building should be expanded, not cut back, to meet the need.

When the Housing Act of 1957 was pending in the Congress, all the testimony and debate led to the conclusion that the level of home building activity would continue to decline even beyond the current low level unless some measure of relief was promptly granted; and that almost any action the Government took would require a year to have any practical effect, because the supply of housing can't be turned on and off like a faucet.

An adequate supply of new housing is a vital necessity to meet the needs of our growing population. But the restrictive pressures on the home building industry, which the new housing law was intended to relieve, raises again the spectre of a housing shortage which so unsettled the Nation a decade ago. A Washington newspaper reported last week, as a straw in the wind, official Government findings that fewer apartments are vacant now than at any time since the vacancy-rate studies were started in 1950.

We want to impress upon you our sincere belief of the need to put in the lower downpayments, not just as a measure to stimulate a vital but depressed segment of our economy, but as a means of affording home ownership to many thousands of American families.

The plight of the veteran is a vital element in this matter. The VA housing program is for practical purposes nonexistent, certainly impotent, from the point of view of a veteran who wants to buy a house. The law says he can get a loan at 4½ percent interest, but it is very difficult to obtain one. His only recourse is to buy under FHA and one major intent of the new housing law was to bring the FHA schedule of downpayments more in line with VA schedules to fill this need, an intent which now must be implemented by executive action to be made effective.

The lower downpayment schedule contemplated by Congress and written into the Housing Act of 1957 was also intended to make home buying easier for families in moderate circumstances who have not accumulated large amounts of cash. Under the new law, the cash downpayment on a $10,000 home would be $300 as against the $700 required now; on a $12,000 home, it would be $600 as against the $1,200 required now. Certainly, it is logical to pay proper attention to a family's earnings as a yardstick for home ownership, rather than savings alone.

To sum up, it is our belief that lowered downpayments on FHA-insured home building were contemplated by the Congress to revive the home-building industry, to help to prevent a more stringent new housing shortage, to prove of special benefit to veterans, and to make it more possible for families in moderate circumstances to enjoy the status of homeowners.

We sincerely believe that it was the expectation of Congress that the downpayment schedules of the Housing Act of 1957 would be put into effect as soon as possible, and we wish again, with all due respect, to urge that you undertake to put these provisions of the law into effect promptly.

Sincerely.

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# SENATE

## MONDAY, AUGUST 5, 1957

*(Legislative day of Monday, July 8, 1957)*

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rabbi Manfred M. Rechtschaffen, spiritual leader, Congregation Degel Israel, Lancaster, Pa., offered the following prayer:

Creator of the universe, Thou who hast arranged the stars in their course in the heavens according to Thy will, Thou guidest the destiny of every creature.

Help us to be grateful for Thy many bounties that have made America great.

Help us to be able to acknowledge Thy presence in international affairs, local problems, and personal matters.

The Senators who assemble here are fully aware that the attention of the entire globe is focused on this Chamber.

Decisions made here resound from the mountains to the prairies. Friend and foe examine every word.

Support the hands of these men, so they may reach far-reaching conclusions.

Not easy is the task Thou hast appointed to them. Illuminate the path of these leaders of a nation. Assist the majority and minority of every discussion unanimously to seek Thy will.

Cause Thy wisdom to reign supremely in all their deliberations. Grant peace, happiness, blessing, wisdom, grace, kindness, and mercy to those who share and bear the hallowed trust of legislating.

Reward them with confidence in the faith placed in their keen judgment.

May their resolves inspired by Thee meet with the sincere approbation of a loyal, enlightened, and grateful constituency.

America has suffered the loss of a statesman. Walter Franklin George, of Georgia, is gone. He served his State and this Nation loyally. He was a southern gentleman. He had the respect and confidence of his colleagues in the Senate. His words and deeds inspired the confidence of nations. "Is it constitutional and wise?" were his criteria for legislation. Party lines fell away before this great American.

Father, full of compassion, grant rest beneath the wings of Thy presence among the holy and pure to Walter Franklin George.

May the Lord be his possession, and may his repose be peace. Amen.

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### THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Friday, August 2, 1957, was approved, and its reading was dispensed with.

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### WALTER F. GEORGE

Mr. JOHNSON of Texas. Mr. President, I understand that the senior Senator from Georgia [Mr. RUSSELL], and the junior Senator from Georgia [Mr. TALMADGE] have a resolution which they wish to offer at this time. I yield for that purpose.

Mr. RUSSELL. Mr. President, for myself and my distinguished colleague [Mr. TALMADGE], I send to the desk a privileged resolution, and request its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. Walter F. George, a Senator from the State of Georgia from November 22, 1922, until January 2, 1957, and a former President of the Senate pro tempore.

*Resolved*, That the Secretary communicate these resolutions to the family of the deceased.

*Resolved*, That, as a further mark of respect to the memory of the deceased, the Senate, at the conclusion of its business today, take a recess until 11 o'clock a. m. tomorrow.

The Senate, by unanimous consent, proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

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### LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, for the information of the Senate, I should like to announce that at the conclusion of the morning hour, there will be a call of the Executive Calendar.

At the conclusion of the Executive Calendar, there will be a call of the bills and other measures on the Legislative Calendar to which there is no objection.

At the conclusion of the call of the Legislative Calendar, the conference report on Senate bill 1314, to amend Public Law 480, will be called up.

After action is taken on the conference report, any Senators who may care

UNIVERSITY OF MICHIGAN DIGITIZED

to address themselves to the civil-rights bill will have an opportunity to do so.

It is not expected that there will be any yea-and-nay votes today on the civil-rights bill.

On tomorrow, the Senate will convene at 11 o'clock. The Senate will remain in session as late tomorrow evening as Senators may desire.

On Wednesday, the Senate will convene at 11 o'clock, and will remain in session late in the evening, in the hope that it will be possible to take final action on the civil-rights bill either Wednesday or Thursday.

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## THE CIVIL-RIGHTS BILL

Mr. JOHNSON of Texas. Mr. President, over the weekend, there has been considerable press discussion of the civil-rights bill in the form in which it is now before the Senate.

Unfortunately, a considerable part of the discussion has centered around the politics of the measure. And frequently when people are debating politics, there is a tendency for the merits to become obscured.

It is my belief that the bill in its present form represents an important advance in the field of civil rights. It is progress—progress that will be significant for the future of our country.

It would be unfortunate if important rights should be withheld from our people on the curious theory that no progress is better than some progress.

Mr. President, I believe there should be more discussion of the merits of the bill. I am sure there will be. I believe it will be established to the satisfaction of cooler heads that the bill is sound proposed legislation.

A member of my staff has prepared a memorandum discussing the substantive provisions of the civil-rights bill as it is now before us. I ask unanimous consent that the memorandum may be printed in the RECORD, as a part of my remarks.

I also ask unanimous consent to have printed in the RECORD, as a part of my remarks, editorials from the Washington Post and the Baltimore Sun and an article by David Lawrence, the distinguished columnist.

There being no objection, the memorandum, editorials, and article were ordered to be printed in the RECORD, as follows:

H. R. 6127, THE PROPOSED CIVIL-RIGHTS BILL

The civil-rights bill in the form presently before the Senate (with the changes made from the House-passed version) is a strong and significant, as well as enforceable, bill. Because of the changes, some have chosen to call it an emasculated and meaningless bill, and even a bill that would destroy our judicial system.

These political excesses do not serve the ends of obtaining at this time an advance in the field of civil-rights legislation. They must be answered. They can be answered by an honest and objective appraisal of what the bill before the Senate for passage actually does.

When the bill came from the House it had four parts. It provided for a Civil Rights Commission, a new Assistant Attorney General in charge of the Civil Rights Division, an injunctive-contempt provision to enforce section 1985 of title 42 of the United States Code, and injunctive-contempt enforcement techniques for the protection of the right to vote.

The Senate very properly eliminated part III of the bill. This provision of the bill may have had strength in the sense that strong language is considered strength; and in the sense that great force and power are considered strength. But the alleged strength was, in fact, a weakness in terms of an appropriate legislative approach to the protection of civil rights. When it was analyzed and understood, its weaknesses, its dangers, its more than questionable constitutionality, its clear provocation to the incitement of bitter resistance and even violence compelled reasonable men to remove it from the bill.

The other major change made by the Senate was the jury-trial amendment. This amendment has been accused, without basis, of two things. It is claimed that it destroys the voting-rights provisions of the bill. Because it establishes the right to trial by jury in all cases where Federal courts choose to proceed by criminal contempt to punish acts of willful disobedience to equity decrees, its critics charge that it destroys our judicial system. Neither claim is supported by the facts.

Under the provisions of the Senate amendment, even where willful disobedience or obstruction of a court order occurs, the Federal judge can elect whether to exercise his civil or his criminal contempt power, or both. When he seeks to secure compliance rather than punish violators there is no right to a jury trial. The civil-contempt power traditionally lodged in judges remains unimpaired by the Senate amendment.

When the purpose of the court is to enforce its orders protecting the right to vote, it can imprison, it can fine, it can award compensatory civil damages, all without a jury trial. Because registration and election days are deemed to have terminal dates, it has been argued that efforts to secure compliance will be frustrated after the time has passed for legal registration or the casting of a vote in an election. This is simply not true. Federal judges are not powerless to prevent State officials from using State laws to frustrate the lawful orders of Federal courts.

In election cases where time for compliance may be short, the judge can require the posting of substantial bonds, which automatically become forfeited if the court order is violated. In addition, where necessary, the judges can imprison violators under their civil powers until they receive compliance and obedience. If the facts warrant it, this could include retaining custody of an individual until after election day to insure that another's right to vote is fully protected.

In addition to all this, it should be pointed out that punitive power has not been removed by this amendment. American juries, whether North, South, East, or West, should not be presumed to be so insensitive to law and order as to be incapable of properly determining the simple question of whether or not an order of a court has been willfully violated. The power of punishment in criminal contempts is no different from the power of punishment in other criminal cases. Certainly no one will seriously advance the argument that our Constitution should be amended to eliminate the requirement of the right to jury trial in criminal cases at law.

It is totally unrealistic to assume that a Federal statute which permits the Attorney General to initiate an action to obtain a Federal court injunction or other order, fully enforceable by all of the civil contempt powers of the court, will be rendered utterly ineffective simply because in those rare cases where the judge may choose to add to these powers the power of punishment, he must grant to the accused the right to trial by jury.

Far from weakening the provisions of this civil-rights bill, the Senate jury trial amendment further strengthens and perfects the basic civil right to trial by jury in crminal cases. Because it confers this right, it is claimed that it destroys the judicial system. It would be just about as true to claim that the constitutional right to trial by jury now applicable to criminal cases at law destroys our judicial system.

None of the Federal statutes containing equity enforcement powers will in any way be weakened because of this amendment whch requires that in the rare cases where the court wishes to add to its civil contempt enforcement power criminal punishment for violations it will have to accord defendants a right to trial by jury. Enforcement of Federal court orders is almost universally secured by civil contempt penalties, which are just as effective, if not more so, than criminal punishments.

To summarize, the jury-trial amendment strengthens rather than weakens the bill. It adds new and important rights—the right to jury trial in all criminal cases, and the right to serve on Federal juries, without discriminations.

The bill now before the Senate can effectively accomplish these objectives:

1. Create a civil-rights Commission to study the problems of discrimination and make legislative recommendations.

2. Create a new Assistant Attorney General to head up a Civil Rights Division in the Department of Justice to handle the cases in the field of civil rights.

3. Repeal a reconstruction period force statute, which permits court orders to be enforced by troops.

4. Expand the jurisdiction of Federal courts to make more effective the efforts of individuals to secure remedial protections for their civil rights.

5. Effectively protect the right of all citizens to vote in Federal elections.

6. Guarantee to defendants in criminal contempt proceedings for violations occurring out of the presence of the court the basic right to trial by jury.

7. Secure without discrimination the right to serve on Federal juries.

These are important advancements in the field of civil rights. They are obtainable unless the passage of the bill is obstructed for political purposes by those who claim to be interested in advancing the protection of civil rights of American citizens.

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[From the Washington Post of August 3, 1957]

THREE-FOURTHS OF A LOAF

It really was absurd for Senator KNOWLAND to talk as if the civil-rights bill were dead because it is not all that the President and other civil-rights supporters wanted. Mr. Eisenhower's distress over the jury-trial amendment is understandable, but we believe that he has much overstated its significance. No doubt some Republicans are disappointed that passage of the jury-trial amendment has deprived them of the spectacle of the Democratic Party tearing itself apart in the Senate. They are entitled to make whatever hay they can over the deficiencies of the measure that has emerged in the Senate. But Republicans in the House would be very foolish, from a political standpoint as well as out of genuine concern for the advancement of civil rights, to resist a compromise with the Senate bill.

Politics, it has often been said, is the art of the possible. Acceptance of the jury-trial amendment, even though it may have some less than desirable features, has made possible the passage through the Senate of a bill that can have very real practical and moral meaning in protecting the right to vote. The fact that voting rights are in a

separate category from the integration-segregation controversy can actually be a virtue so far as respect for and acceptance of the voting safeguards in parts of the South are concerned.

The House can reasonably ask to clarify some points in the bill and to narrow the scope of the jury-trial amendment so as to apply only to voting-right cases. But any talk of killing the bill ought to be ended here and now. Republicans would take upon themselves a terrible responsibility—and, we think, a monumental political liability as well—if they were to seek to bury the civil-rights bill on the curious pretext that some progress is worse than none.

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[From the Baltimore Sun of August 3, 1957]

WARNING

We do not agree with the President that adoption of the jury-trial amendment to the civil-rights bill is bitterly disappointing. In fact, it is a real step forward. But when he expresses fear that this action will weaken our whole judicial system and particularly the prestige of the Federal judiciary, he utters a warning that all must take seriously. The fact is that the terms of the amendment are much broader than they need to be to accomplish their purpose, and that this unnecessary broadness may have unexpected and unwanted results. The amendment requires the use of juries not only for criminal contempt in voting-rights cases, but in all criminal contempt cases in Federal courts no matter what the substance.

In our view, resort to jury trials in the narrow field of criminal contempt having to do with denial of voting rights is not only justifiable but highly desirable. This is a very special and potentially explosive area of jurisdiction where the wisdom of an exception to the general and traditional practice in contempt cases has been debated carefully and at length. But it does not follow that the arguments which have force in this narrow field have equal force in other fields—say, labor cases and antitrust cases. The implications of resort to jury trial in criminal contempt cases generally have not been fully explored by means of hearings or otherwise. The amendment was so broadened not on the basis of merit but for the expedient purpose of raising votes.

Generally speaking, the evolution of the civil-rights bill in Congress has been from undue broadness toward a carefully limited application of its provisions to voting rights. The only broadening out that has taken place has been in the terms of this jury-trial amendment. If or when the Senate finally passes the whole bill, Senate-House conferees might well consider cutting back the terms of the jury-trial amendment to make it apply to voting-rights cases only. Should they not, the workings of this provision beyond that narrow field will have to be watched closely for signs of that weakening of the judicial authority which the President fears.

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[From the New York Herald Tribune of August 5, 1957]

SENATE RIGHTS BILL VERSION FAVORED AS STEP FORWARD

(By David Lawrence)

WASHINGTON, August 4.—All the talk about the Senate's civil-rights bill being weak and as likely to be rejected by the House or possibly vetoed at the White House seems to have been largely the result of emotional pique or hasty judgment.

For if the House now accepted the measure—even without any changes—it would represent the biggest single victory in nearly a century for the proponents of a so-called right-to-vote bill.

It could, on the other hand, prove virtually the last chance to get such a bill into law. For opposition to the attempt to coerce the States in their handling of local problems is mounting everywhere. It is becoming apparent also to some of the labor union strategists that civil-rights legislation can become a two-edged sword and legally inhibit many of the previous practices of labor unions. It can, for instance, add momentum to the crusade in behalf of right-to-work laws so vigorously fought by the unions because it would break up their monopoly. For the right to keep a job without joining a union is as much entitled to the protection of the Constitution as is the right to vote.

There is one feature of the pending Senate bill, moreover, which transcends everything else in advantages to its sponsors. It is really worth more than a victory in the technical squabble over whether jury trials should or should not be granted in criminal contempt cases. It is to be found in the section of the bill which provides for the establishment of a national commission on civil rights with the power of pitiless publicity. If the cause of the proponents is what they say it is and, if by subterfuge citizens of any race who are really eligible to vote are being prevented from doing so on a large scale, the open hearings of the national commission over a period of only a couple years would build up such a public opinion as would quickly bring about a legislative remedy of some kind. The so-called liberals of the North have more to gain than lose by getting the House to approve a bill that the Senate will not filibuster against but will accept now.

The reported plan of House leaders to drop the measure at this session and try again next January is a piece of mistaken judgment which they some day will regret. For education on the trial-by-jury issue is increasing throughout the country, and the next bill may extend even further the scope of jury trials in criminal contempt cases.

There is no logical reason, for example, why juries should be limited merely to questions of fact in contempt cases when there are vital questions of law as well to be decided. Also, to argue, as some of the critics are doing, that the language of the Senate bill invades the antitrust field, is to concede that, in the highly complicated matters of economic strife, a businessman can be sent to jail without a trial by jury for a technical violation of an injunction.

ALLIANCE PREDICTED

Businessmen, when the issue is fully explained, will protest that they are citizens, too, and deserving of the benefits of the so-called civil-rights legislation. Business hitherto hasn't understood the issue, and if the debate can be extended through the next session of Congress, opponents of judge-made law may find a strong alliance of business and labor groups fighting them to insure jury trials in injunction cases.

Politically, the Republicans are attributing an exaggerated value to the civil rights issue. They are thinking only of Negro votes to be won over from the Democrats in the North, forgetting that the votes of most Negroes, like those of most everybody else, are influenced largely by economic issues. What goes into the pay envelope 52 times a year is likely to remain uppermost on election day rather than gratitude over some abstract issues related to the voting privilege itself.

There are many ramifications of the voting problem on the whole still untouched by the pending legislation. Actually each year about 20 million citizens of all races are believed to be deprived of the right to vote in America because they have not lived long enough in the precinct where they would be expected to register.

It might be persuasively argued that a citizen shouldn't be deprived of his right to vote just because he changes residence. Yet various States place this and other restrictions on voting. The job of the National Commission, if the pending bill becomes law, may interestingly enough be devoted to finding out not only why some people don't vote but why they don't even take the trouble to register.

The pending bill makes a start, and those who want to wait for the perfect law before tackling this far-reaching problem are only playing into the hands of those Members of Congress who prefer to kill all legislation on the subject.

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## INTEGRATED FEDERAL WATER PROGRAM FOR TEXAS

Mr. JOHNSON of Texas. Mr. President, on July 17, I addressed a memorandum jointly to the Chief, Army Corps of Engineers, and the Commissioner of the Bureau of Reclamation, in which I asked for collaboration between these two agencies down to the field level in formulating an integrated Federal water program for Texas. As a matter of information to Congress, I had the text of this memorandum inserted in the RECORD on July 24.

The program I envision must be so designed that Texas will receive maximum benefits from its water and the Federal Government will get maximum return on its water investment in Texas.

The State government of Texas will be requested to coordinate its efforts with those of the Corps of Engineers and the Bureau of Reclamation. Texas is, of course, totally sovereign over its water resources. State officials and Texas river authorities will determine how they can best line up their efforts with the work of the Engineers and the Bureau of Reclamation.

Mr. President, replies to my memorandum have now been received from Maj. Gen. E. C. Itschner, Chief of Engineers, and Mr. W. A. Dexheimer, Commissioner of the Bureau of Reclamation.

Both have pledged their full cooperation in the program that is needed to insure that Texas will not run out of water and that necessary flood protection will be provided.

Mr. Dexheimer writes me: "You may be assured that the Bureau of Reclamation will be glad to collaborate with the Corps of Engineers at all organizational levels and to coordinate its activities with the efforts of the State officials toward that end."

General Itschner says in his letter to me: "The Corps of Engineers is in full agreement with your conviction that water supply is the key to the economic future of Texas. We will be glad to collaborate in the development of a realistic and integrated water-control plan that embraces water supply, flood control and related water resources, uses and problems."

Mr. President, this development represents a major breakthrough toward solution of the No. 1 problem of Texas.

I ask unanimous consent that there be appended to my remarks in the RECORD the letters from Commissioner Dexheimer and General Itschner, along with a report from the engineers on the status of the civil-works program in Texas.

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There being no objection, the letters and report were ordered to be printed in the RECORD, as follows:

UNITED STATES
DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
*Washington, D. C., July 25, 1957.*

Hon. LYNDON B. JOHNSON,
*United States Senate,*
*Washington, D. C.*

DEAR SENATOR JOHNSON: A copy of your memorandum addressed jointly to General Itschner, Chief of Engineers, and to me was received via riding page on July 17.

We are fully aware of the water problem in Texas and can appreciate your desire for close collaboration of our two Federal agencies in establishing and carrying out a program of water conservation and flood protection. We are also pleased to note that the State government of Texas is being requested to coordinate its efforts with those of our agencies.

You may be assured that the Bureau of Reclamation will be glad to collaborate with the Corps of Engineers at all organizational levels and to coordinate its activities with the efforts of the State officials toward that end. The Reclamation field staff is being directed accordingly to initiate the necessary discussions and to collaborate in such manner that a coordinated mockup program might be submitted to you not later than April 30, 1958. That program will also include our thoughts on a basin-account system. We firmly believe that if the Texas water program you have outlined is to be achieved, it must encompass the basin-account principle. Regardless of what agency might be responsible for actual disposition of water from federally constructed reservoirs, that disposal must be in accord with the basin-account principle if your total objectives are to be gained.

Copies of the memorandum setting forth your objectives in the statewide water program are being made available to our field offices.

Sincerely yours,
W. A. DEXHEIMER,
*Commissioner.*

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JULY 29, 1957.

Hon. LYNDON B. JOHNSON,
*United States Senate,*
*Washington, D. C.*

DEAR SENATOR JOHNSON: On July 17, 1957, Brigadier General Person of my staff met with you and the Commissioner of Reclamation to discuss collaboration between the Corps of Engineers and Bureau of Reclamation in development of a water plan for the State of Texas. The next day I received your memorandum setting forth in further detail your views on development of an integrated water plan, and inviting our comments.

In your memorandum you specifically request the following action:

(a) That the corps and Bureau, working together, devise and submit to you, not later than April 30, 1958, a mockup of a Texas statewide water program.

(b) That the corps and Bureau provide you with proposals on a basin account system for water sales from Federal reservoirs concerned with interbasin plans to support irrigation; and initiate discussions for established in Texas a uniform policy for disposal of conservation space in Federal reservoirs to the appropriate State agency.

(c) That directives be issued to Corps and Bureau field offices for immediate collaboration; reappraisal of proposed reservoirs in accordance with the realities of water supply requirements now established; and for complete field level agreement on space allocations prior to the interagency review process.

As General Person has indicated to you, the Corps of Engineers is in full agreement with your conviction that water supply is the key to the economic future of Texas. We will be glad to collaborate in the development of a realistic and integrated water-control plan that embraces water supply, flood control and related water resources uses and problems.

In my opinion, the engineering aspects of the study and of the plan you desire will not be as difficult as the political and economic problems that must be resolved. From our experience with water problems in the State of Texas we anticipate that serious conflicts of interest may be involved in determining the uses to be made of the limited water supply available. The physical and engineering plan must to a large extent be tailored to fit the water needs and uses which will control the economic future of Texas.

Federal agencies concerned with water resource development can be of great assistance to the State of Texas in defining water supply requirements; in advising on water use; in devising an adequate engineering plan; and in recommending to Congress Federal participation in the necessary construction. But only the State of Texas can finally determine how its available water should be used. This fact leads me to suggest that our objective is the development of a State water-control plan, with Texas taking the lead in coordinating the necessary studies, rather than a Federal plan.

The Federal agencies concerned with water-resources development should cooperate fully with the State in a coordinated effort in developing the water-control plan within their respective authorities, and must collaborate fully, as you point out, at both field and Washington level. I have instructed my people to cooperate fully in that effort. There should be no duplication of effort or conflict of interest. You indicate that the Bureau of Reclamation has already gone far toward defining water needs by areas for agricultural, municipal, and industrial use and is engaged in formulating a statewide plan. We would wish to review this information and make full use of it in reappraising existing and authorized reservoirs under our jurisdiction and in preparing further plans in coordination with the Bureau, so that we may all work toward a common objective. On the other hand, the Corps of Engineers has, during its studies and from experience with project operation during the drought years and recent floods, amassed a great deal of information which we feel would be useful to the Bureau of Reclamation in the development of a coordinated program. It is probable that other Federal agencies may also be able to contribute materially. The potential effect on the problem of small upstream-storage reservoirs would indicate a need for collaboration by the Department of Agriculture in the study.

In your discussion of this problem and in your memorandum you indicated a desire to proceed as rapidly as possible. I agree that early positive action is essential. The prolonged drought and recent floods have clearly shown that present facilities for water storage are inadequate. In a report last spring on drought conditions we pointed out the general possibilities of modifying existing projects to afford greater water supply storage and stated that as a regular procedure we intended to reexamine authorized projects in this light as they reached the design stage and funds were made available for preconstruction planning. We also warned at that time against any general conversion of existing flood storage capacity to water supply use, in view of the possibility that the drought might be broken by a period of heavy rainfall. The events of recent months have amply demonstrated the need for a much larger flood storage capacity.

I suggest therefore that as an initial phase of the overall investigation you have proposed, we review our already authorized projects in the light of overall requirements and objectives. Since it appears a practical certainty that these projects are now, or can be modified to be, key elements of any overall integrated program which may be developed, this would appear to be a practicable first step which would provide the basis for prompt action on any additional authorization by Congress that might be necessary, and would pave the way for early appropriations for construction. Under the authority now available to us and with funds which the Senate is now considering for appropriation for fiscal year 1958, I believe that we can complete by April 30, 1958, a reappraisal of the nine reservoirs which are now authorized but not started.

We would at the same time, of course, continue working with the State of Texas, the Bureau of Reclamation, and other Federal agencies toward the development of an integrated water-control plan. While we will make every effort to present a mockup of such an overall plan by the date you suggest, I am unable to make a firm commitment on this point without more complete knowledge of the status of studies by the Bureau of Reclamation and the State of Texas.

With reference to your request for a proposal on a "basin account" system for water sales from Federal reservoirs to support irrigation, it may not be possible at an early stage to anticipate what might be acceptable to the various conflicting interests in Texas. This is a highly controversial matter which basically should be resolved by the State and the several interests involved since in the final analysis the success of and repayment plan will depend upon its acceptance by the many interests concerned—urban, industrial, and rural—who will be required to enter into the cost-sharing arrangements. The decisions involving the use and distribution of the increased water supplies as between municipalities, industries, and irrigation interests are matters primarily of State and local concern. Discussions of this matter with representatives of the State and affected interests would, of course, be a basic necessity.

I am enclosing for your information a brief statement giving the status of the authorized civil-works program in Texas and an appraisal of our present ability to proceed with these improvements based upon anticipated appropriations for fiscal year 1958.

I appreciate the opportunity you have given me to comment on your proposal. While my suggestions as to procedure differ in some degree from the general outline of your memorandum I feel that they recognize the primary interest of the State of Texas in planning for its water resources and that they provide a sound basis for participation and collaboration by the Federal agencies concerned, and they afford the opportunity for early positive action on key elements of an overall plan. It is my intention to discuss further details of procedure with the Commissioner of Reclamation, if you concur with the suggestions contained herein. It would also be desirable at an early date to enlist the interest and leadership of the State of Texas in this undertaking.

Sincerely yours,
E. C. ITSCHNER,
*Major General, United States Army*
*Chief of Engineers.*

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STATUS OF CIVIL WORKS PROGRAM IN TEXAS

The Corps of Engineers has already completed 13 multiple-purpose reservoir projects in the State, including Denison Dam on the Texas-Oklahoma border, at a total cost of $242.1 million. These projects include over 1 million acre-feet of storage capacity specifically for water supply purposes and, in addition, two of the projects provide a regulated stream flow in downstream areas as the result of hydroelectric power production. At present we have three additional reservoir projects under construction with a total

estimated cost of $74.4 million. Two of these new projects will include 618,000 acre-feet of storage specifically for water supply purposes, and the third will provide a large dependable water supply in the downstream area through regulation of stream flows for hydroelectric power generation. Nine additional reservoir projects costing an estimated $167 million have been authorized by Congress, but construction work has not, as yet, been initiated. A total of 485,100 acre-feet of storage capacity is presently proposed for water supply purposes in these future projects.

Both the Senate and House Appropriations Committees recommended the following funds for planning of Texas reservoir projects in fiscal year 1958: Cooper Reservoir, $275,000; Proctor Reservoir, $100,000; and Waco Reservoir, $150,000. In addition, the Senate committee recommended $100,000 for Lampasas Reservoir, and both the Senate and House committees expressed no objection to acceptance by the Corps of Engineers of an advance of $250,000 from local interests against their ultimate contribution to Waco Reservoir if this will permit the corps to proceed with a construction contract award in fiscal year 1958. If favorable action is taken by the Congress on all of these recommendations, we would have planning funds available for 4 of the 9 authorized projects, and be in a position to consider the acceptance of initial construction funds from local interests for 1 project.

In addition the Corps of Engineers has outstanding authorities for review studies on all of the major rivers of Texas, and it will be possible for us to proceed with these studies if adequate funds are appropriated for that purpose. These study authorities are broad enough to enable the corps to consider water supply as well as flood control and other related water uses and problems.

A list of reservoirs in Texas under the jurisdiction of the Corps of Engineers is attached.

*Status of Corps of Engineers' reservoir projects in the State of Texas*

| Name and status | Estimated cost | Water supply storage (acre-feet) | Power draw-down storage (acre-feet) |
|---|---|---|---|
| Completed: | | | |
| Denison | [1] $74,265,000 | 21,300 | 1,730,000 |
| Texarkana | 33,800,000 | 13,400 | 0 |
| Benbrook | 10,940,000 | 72,500 | 0 |
| Grapevine | 8,167,000 | 161,250 | 0 |
| Lavon | 11,160,000 | 100,000 | 0 |
| Lewisville | 17,800,000 | 436,000 | 0 |
| Whitney | 40,620,000 | 0 | 131,700 |
| Belton | 13,400,000 | 125,700 | 0 |
| Dam B | 5,970,000 | 77,600 | 0 |
| Hords Creek | 2,175,000 | 5,780 | 0 |
| San Angelo | 14,810,000 | 80,400 | 0 |
| Addicks | 4,879,000 | 0 | 0 |
| Barker | 4,130,000 | 0 | 0 |
| Total | 242,116,000 | 1,093,930 | 1,861,700 |
| Under construction: | | | |
| Ferrells Bridge | 11,800,000 | 251,000 | 0 |
| McGee Bend | 48,600,000 | 0 | 1,383,500 |
| Canyon | 14,000,000 | 366,400 | 0 |
| Total | 74,400,000 | 618,000 | 1,383,500 |
| Authorized: | | | |
| Cooper | 12,500,000 | 10,000 | 0 |
| Navarro Mills | 5,000,000 | 53,200 | 0 |
| Ferguson | 16,300,000 | 62,200 | 0 |
| Lampasas | 26,300,000 | 56,200 | 0 |
| Laneport | 21,500,000 | 28,400 | 0 |
| Proctor | 14,600,000 | 31,400 | 0 |
| Somerville | 10,200,000 | 38,800 | 0 |
| Waco | 37,700,000 | 104,100 | 0 |
| Gonzales | 15,600,000 | 100,800 | 0 |
| Total | 159,700,000 | 485,100 | 0 |
| Grand total | 476,216,000 | 2,197,030 | 3,245,200 |

[1] Includes 3d power unit and Willis crossing not yet constructed.

## MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on August 3, 1957, the President had approved and signed the act (S. 2504) to amend and extend the Small Business Act of 1953, as amended.

## REPORT ON PROMOTION OF PEACE AND STABILITY IN THE MIDDLE EAST—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Foreign Relations:

*To the Congress of the United States:*

I am transmitting herewith the first report to the Congress covering activities through June 30, 1957, in furtherance of the purposes of the joint resolution to promote peace and stability in the Middle East.

The resolution is an important milestone in our foreign policy as it relates to the Middle East. Since its approval on March 9, 1957, the resolution has played a major role in our cooperation with nations of the area to build strength against the threat of international communism. Furthermore, it has served as an unmistakable warning to international communism against all forms of aggression. The contribution of the resolution to international peace and stability in the Middle East will continue to grow as long as the purposes and principles it sets forth are maintained.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *July 31, 1957.*

## REPORT ON ACTIVITIES OF CORREGIDOR BATAAN MEMORIAL COMMISSION — MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States which was referred to the Committee on Foreign relations:

*To the Congress of the United States:*

Pursuant to the provisions of Public Law 193, 83d Congress, as amended, I hereby transmit to the Congress of the United States a report of the activities of the Corregidor Bataan Memorial Commission for the fiscal year ending June 30, 1957.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *August 5, 1957.*

(NOTE.—Only copy of report transmitted to the House of Representatives on August 5, 1957.)

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its readings clerks, announced that the House had passed the bill (S. 959) to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

## TRANSACTION OF ROUTINE BUSINESS

The VICE PRESIDENT. In accordance with the order entered on Friday last, providing a period for the transaction of routine morning business, with a limitation of 3 minutes on statements, morning business is now in order.

## EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF FEDERAL BUREAU OF NARCOTICS

A letter from the Acting Secretary of the Treasury, transmitting, pursuant to law, a report of the Federal Bureau of Narcotics, for the calendar year ended December 31, 1956 (with an accompanying report); to the Committee on Finance.

REPORT ON TORT CLAIMS PAID BY FEDERAL CIVIL DEFENSE ADMINISTRATION

A letter from the Administrator, Federal Civil Defense Administration, Battle Creek, Mich., reporting, pursuant to law, that no tort claims were paid by that Administration during the fiscal year 1957; to the Committee on the Judiciary.

RESCISSION OF ADJUSTMENT OF STATUS OF TAN TAT GEEN

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a copy of an order relative to the rescission of adjustment of status granted Tan Tat Geen (with an accompanying paper); to the Committee on the Judiciary.

GRANTING OF STATUS OF PERMANENT RESIDENCE TO CERTAIN ALIEN

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a copy of order granting the application for permanent residence filed by King Fong Sheng, together with a statement of the facts and pertinent provisions of law as to the subject, and the reasons for granting such application (with accompanying papers); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Three letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

UNIFORM PAY SYSTEM FOR CERTAIN FEDERAL EMPLOYEES

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to provide a uniform premium pay system for Federal employees engaged in inspectional services, to authorize a uniform system of fees and charges for such services, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

UNIVERSITY OF MICHIGAN LIBRARIES

AMENDMENT OF CLASSIFICATION ACT OF 1949, AS AMENDED RELATING TO CLASSIFICATION OF CERTAIN POSITIONS

A letter from the Chairman, United States Civil Service Commission, Washington, D. C., transmitting a draft of proposed legislation to amend the Classification Act of 1949, as amended, to facilitate proper classification of positions in grades GS–16, GS–17, and GS–18, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

## RESOLUTION OF WEST RIVER MUTUAL AID TELEPHONE CORP., OF HAZEN, N. DAK.

Mr. LANGER. Mr. President, I present a resolution adopted by the West River Mutual Aid Telephone Corp., of Hazen, N. Dak., relating to the lack of adequate rural telephone communication in America. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas there is a lack of adequate rural telephone communication in America; and

Whereas the lack of adequate rural telephone communication in America is in large part due to the marginal financial feasibility of constructing and operating such rural telephone systems; and

Whereas private industry and private capital has not seen fit to invest in and fully develop the rural telephone program in America; and

Whereas the Congress of the United States has amended the Rural Electrification Act of 1936 in order that rural America might have telephone service; and

Whereas there are many rural areas where any increased cost in establishing telephone service would result in loan applications proving unfeasible; and

Whereas an increase in the interest rates on REA loans would adversely affect the attainment of the objective of Congress in establishing and amending the Rural Electrification Act of 1936: Now, therefore, be it

*Resolved*, That West River Mutual Aid Telephone Corp., go on record opposing any increase in the interest rate charged on REA loans; and be it further

*Resolved*, That copies of this resolution be forwarded to the President of the United States; to the North Dakota Congressional delegation; and to the Administrator of the Rural Electrification Act.

## RESOLUTIONS OF NORTH DAKOTA RURAL ELECTRIC COOPERATIVE ASSOCIATION

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD a series of resolutions adopted by the North Dakota Rural Electric Cooperative Association, at Grand Forks, N. Dak.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

INTEREST RATES

Whereas an increase in interest rates on loans to rural electric cooperatives has been proposed, despite the fact that the Government has shown a profit of some $47 million on the lending operations to date of the Rural Electrification Administration; and

Whereas the present high cost of money to the Government is caused by an artificially induced tight-money policy and is not expected to be permanent; and

Whereas REA loans are on the usual long-term basis, over years of fluctuations in economic conditions; and

Whereas it would be unjust and inequitable to increase interest rates in view of the probability of future fluctuations in economic conditions, as has happened in past years: Be it therefore

*Resolved*, That we do hereby urge the Congress of the United States to resist any increase in interest rates to REA borrowers.

HELLS CANYON

Whereas the Senate of the United States has already favored the construction of a high Hells Canyon Dam on the Snake River; and

Whereas we believe that the construction of a high Hells Canyon multiple-purpose dam is highly economically preferable to the general public as compared with small low-head dams; and

Whereas we deem it essential that all remaining public natural resources be preserved for the public benefit: Therefore be it

*Resolved*, That we do hereby commend those Members of the Senate of the United States who voted for the high Hells Canyon bill; and that it be further

*Resolved*, That we urgently petition the favorable consideration of the high Hells Canyon bill by the Members of the United States House of Representatives, and that we do hereby urge the President of the United States to sign into law the high Hells Canyon bill, if presented to him.

GENERATION AND TRANSMISSION LOAN FUNDS

Whereas anticipated power demands of the great Middle West greatly exceed present existing generation and transmission facilities available to the REA cooperatives located here; and

Whereas we readily recognize that more power generation and transmission will be urgently needed in the very near future: Therefore be it

*Resolved*, That the Congress of the United States make available to the Rural Electrification Administration sufficient and adequate funds for the construction of such adequate and sufficient power generation and transmission facilities.

PREFERENCE CONCEPT

Whereas water power resources belong inevitably to the people of the United States and not to private individuals or corporations; and

Whereas it is of the utmost importance to the general public that the historic attitude of Congress of the United States with reference to power preference be maintained: Therefore be it

*Resolved*, That we do hereby commend the Congress of the United States for its preservation of the preference concept, and do further urge that the Congress of the United States continue to support and maintain preference for rural electric cooperatives and other consumer-owned electric systems.

TRIMBLE BILL

Whereas we are of the opinion that the cost of construction and operation of multiple-purpose dams should be borne in direct relation to benefits received by individual purposes such as flood control, irrigation, power generation, recreation, and wildlife, etc., and be repaid on a period recognizing the life expectancy of these facilities: Therefore be it

*Resolved*, That we do urgently request the favorable consideration by the Congress of the United States of the Trimble bill, H. R. 965.

TENNESSEE VALLEY AUTHORITY

Whereas we recognize the Tennessee Valley Authority as being the outstanding yardstick on power cost; and

Whereas we believe it imperative that this yardstick be maintained: Therefore be it

*Resolved*, That we do urge the passage of bills to permit TVA to issue and sell bonds, notes, and other evidence of indebtedness to assist in financing its power expansion program, and do further urge the passage of all other measures which will preserve TVA's existence.

YELLOWTAIL DEVELOPMENT

Whereas the continually increasing demand for low cost electric power makes it necessary that the potentialities of the Yellowtail project be integrated with the Missouri Basin power development program; and

Whereas we reject the partnership concept of development of public power resources: Now, therefore

We urge the immediate and expeditious development of the Yellowtail project in the State of Montana on the Big Horn River, as a self-liquidating Federal project; and

We further request, that the Bureau of Reclamation be empowered to construct necessary transmission lines and facilities to integrate this project with the other Missouri Basin projects.

FEDERAL ACCOUNTING SYSTEM

Whereas the Federal accounting and budgetary system makes no distinction between wealth-creating investments and ordinary operating costs, and as such is misleading to Congress, our members and the public in general: Therefore be it

*Resolved*, That proper laws be enacted to establish a "capital budget" and accounting system; and be it further

*Resolved*, That our local cooperatives and statewide association of rural electric cooperatives, take proper measures to educate the public on the importance of this change.

POWER COMPANY PROPAGANDA EXPENSE

Whereas we are unalterably opposed to the private power companies spending rate-paying consumers money for propaganda purposes aimed at destroying rural electric cooperatives and public-power development, charging the costs of such propaganda as a legitimate operational expense, and thereby gaining unwarranted exemption for Federal corporation taxes as to those amounts: Therefore be it

*Resolved*, That we urge the Congress of the United States to enact appropriate measures to curb this insidious practice.

USE OF MISSOURI BASIN WATER

Whereas the time has come when the so-called abundant supply of water in the Missouri River Basin is no longer adequate to supply all the demands for water of the Missouri Basin as well as demands for water for navigation and other purposes downstream to the gulf; and

Whereas the amount of water stored behind all main stem dams on the Missouri River at June 1 this year was less than the amount stored behind Fort Peck Dam alone 2 years ago, indicating a serious depletion of our water supply apparently to take care of navigation and other downstream requirements; and

Whereas this matter is of such concern to the people of the Missouri Basin that the State Legislatures of Montana, South Dakota, and North Dakota all memorialized Congress earlier this year to study this problem, giving careful consideration to the present uses of our water resources, in relation to compliance with the O'Mahoney-Millikin amendment: Now, therefore, be it

*Resolved,* That we the members of the North Dakota Association of Rural Electric Cooperatives, respectfully request Congress to continue studies and hearings on this problem, and that they take steps necessary to see that the O'Mahoney-Milliken amendment be adhered to, and we further urge Congress to reexamine the whole area of Missouri Basin planning and management to determine whether it would not be better to substitute one agency with overall authority and responsibility rather than the numerous inefficient agencies and bureaus which we now have.

SAFETY AND JOB TRAINING

Whereas safety and job training has been and we hope will continue to be an important part of rural electric and telephone cooperative development; and

Whereas valuable contributions have been made by the State of North Dakota and the Federal Government with George-Barden Act funds; and

Whereas there is a need for continuance of these needed services: Therefore be it

*Resolved,* That we highly commend the personnel and program of our safety and job training department; and be it further

*Resolved,* That we urge the continuation of George-Barden Act funds.

COMMENDING ADMINISTRATOR HAMIL

Whereas 1 year ago REA Administrator David A. Hamil appeared before the annual meeting of this association in Dickinson, N. Dak., as one of his first official acts as REA Administrator; and

Whereas the favorable impression made by him on the group assembled has since been borne out by his commendable record: Therefore be it

*Resolved,* That we do hereby express our most grateful appreciation and respect for the fine and capable administration which David Hamil has displayed as REA Administrator since taking office.

COMMENDATION

Whereas Senators WILLIAM LANGER and MILTON R. YOUNG, and Representative USHER L. BURDICK, have long been friends of REA, evidenced by their early and lasting support of REA legislation: Therefore be it

*Resolved,* That we do once more commend each of them for this untiring and unfailing support of the cause of rural electrification.

APPRECIATION

We congratulate the National Association of Rural Electric Cooperatives on its new headquarters building and commend Clyde Ellis and his staff for the increasingly valuable services which they are providing the member cooperatives.

APPRECIATION

Whereas the city of Grand Forks, Nodak Electric Cooperative, Inc., Minnkota Electric Cooperative, Inc., the North Dakota State Extension Department and others have contributed to the success of the 1957 annual meeting of the North Dakota Cooperative Association: Therefore be it

*Resolved,* That the association extend its sincere thanks and appreciation to these bodies and the individuals associated therewith.

DR. C. H. HOFSTRAND

Whereas we have all been very much saddened at the news of the untimely passing of our good friend and fellow director and president of Baker Electric Cooperative, Dr. C. H. Hofstrand; and

Whereas Dr. Hofstrand has for many years been an active booster and an ardent supporter of REA, both on the national level and within our State, where he accomplished much for REA, particularly in his capacity as a veteran Member of the House of Representatives; and

Whereas we shall greatly miss his wise counsel and his untiring labors: Now, therefore, be it

*Resolved by the North Dakota Association of REA Cooperatives in annual meeting assembled in Grand Forks, N. Dak., these 11th and 12th days of July 1957,* That we hereby express our deepest sympathy to the family of Dr. Hofstrand; and further

*Resolved,* That we hereby order a copy of this resolution to be sent to his family and a copy be spread upon the minutes of our organization as a tribute to the memory of Dr. Hofstrand.

G. H. PACE

Whereas we regret the untimely passing of Glenn Pace, vice president of Verendrye Electric Cooperative, and we will miss his untiring efforts for REA on both a local and statewide level: Now, therefore, be it

*Resolved,* That the North Dakota Association of Rural Electric Cooperatives express their regret to his family, and that a copy of this resolution be attached to the minutes of this meeting.

## REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1110. A bill for the relief of Sono Hoshi (Rept. No. 793);

S. 1456. A bill for the relief of Refugio Guerrero Monje (Rept. No. 794);

S. 1467. A bill for the relief of Itsumi Kasahara (Rept. No. 795);

S. 1867. A bill for the relief of Hiroko Miyazaki (Rept. No. 796);

S. 1929. A bill for the relief of Stephen James Meier (Rept. No. 797);

S. 1930. A bill for the relief of Todd Gene Biedermann (Rept. No. 798);

S. 1931. A bill for the relief of Jon Frederick Corder (Rept. No. 799);

S. 1993. A bill for the relief of Inge Gertraud Pursel (Rept. No. 800);

S. 2111. A bill for the relief of Yuko Shiba (Rept. No. 801);

S. 2498. A bill for the relief of Matthew M. Epstein (Rept. No. 802);

H. R. 1473. An act for the relief of Richardson Corp. (Rept. No. 810);

H. R. 1861. An act for the relief of George W. Arnold (Rept. No. 811);

H. R. 2264. An act for the relief of Donald F. Thompson (Rept. No. 812);

H. R. 2674. An act for the relief of Morris B. Wallach (Rept No. 813);

H. R. 2740. An act for the relief of Mrs. Harriet Sakayo Hamamoto Dewa (Rept. No. 814);

H. R. 2928. An act for the relief of Harry and Sadie Woonteiler (Rept. No. 815);

H. R. 2937. An act for the relief of Clarence L. Harris (Rept. No. 816);

H. R. 2985. An act for the relief of Alton B. York (Rept. No. 817);

H. R. 3723. An act for the relief of Major General Julius Klein (Rept. No. 818); and

H. R. 6527. An act for the relief of Horace Collier (Rept. No. 819).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 527. A bill for the relief of Achille Aquino Fu' Giovanni (Rept. No. 803);

S. 1284. A bill for the relief of Josef Salamon (Rept. No. 804);

S. 1660. A bill for the relief of Karin Tittel Taylor (Rept. No. 805);

S. 2018. A bill for the relief of Erika Haberl Sain (Rept. No. 806);

H. R. 3028. An act to provide for the relief of certain female members of the Air Force, and for other purposes (Rept. No. 820); and

H. J. Res. 339. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens (Rept. No. 809).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 1649. A bill for the relief of certain aliens (Rept. No. 807); and

S. 2040. A bill for the relief of Ramon Notario Boytell (Rept. No. 808).

## BILLS INTRODUCED

Bill were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAVEZ:

S. 2687. A bill for the relief of Mrs. Young Chong How and her daughter, Chu Fung Lau; to the Committee on the Judiciary.

By Mr. CHAVEZ (for himself and Mr. HRUSKA):

S. 2688. A bill to provide for a Commission on Presidential Office Space; to the Committee on Public Works.

By Mr. LANGER:

S. 2689. A bill for the relief of Walter Troxel; to the Committee on the Judiciary.

By Mr. NEUBERGER (for himself and Mr. MORSE):

S. 2690. A bill for the relief of Yvonne Cypert (Tomoko Tsujiki); to the Committee on the Judiciary.

By Mr. GOLDWATER:

S. 2691. A bill for the relief of Hiroko Ozaki; to the Committee on the Judiciary.

By Mr. MALONE:

S. 2692. A bill to impose a tax on the importation of tungsten; to the Committee on Finance.

S. 2693. A bill to provide for a national labor-management policy, to repeal the Labor-Management Relations Act, 1947, and the National Labor Relations Act, as amended, and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. MALONE when he introduced the first above-mentioned bill, which appear under a separate heading.)

By Mr. MALONE (for himself and Mr. CASE of South Dakota):

S. 2694. A bill to amend section 613 of the Internal Revenue Code of 1954 to change the percentage depletion allowance for silver mines; to the Committee on Finance.

By Mr. ALLOTT:

S. 2695. A bill for the relief of Clara McGinness; to the Committee on the Judiciary.

By Mr. POTTER:

S. 2696. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

(See the remarks of Mr. POTTER when he introduced the above bill, which appear under a separate heading.)

By Mr. CASE of New Jersey:

S. 2697. A bill for the relief of Nancy Ok Soon; and

S. 2698. A bill for the relief of Cindy Tina Wann (Sung Sook Kang); to the Committee on the Judiciary.

By Mr. CARROLL:

S. 2699. A bill to provide that the Secretary of the Interior shall investigate and report to the Congress as to the advisability of establishing a national monument on the site of Old Bent's Fort near La Junta, Colo.; to the Committee on Interior and Insular Affairs.

By Mr. ERVIN:

S. 2700. A bill to provide for the appointment of a district judge for the eastern, middle, and western districts of North Carolina; to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 2701. A bill to provide for the appointment of an additional district judge for the southern district of Mississippi; to the Committee on the Judiciary.

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By Mr. WATKINS:

S. 2702. A bill to make permanent the temporary judgeship for the district of Utah; to the Committee on the Judiciary.

By Mr. LANGER:

S. 2703. A bill to provide for the redistricting of the judicial district of North Dakota, and for other purposes; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 2704. A bill to amend section 201 (a) of the United States Information and Educational Exchange Act of 1948 so as to permit the waiver of fingerprinting requirements with respect to persons admitted into the United States pursuant to such act; to the Committee on Foreign Relations.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

## CONCURRENT RESOLUTIONS—INVESTIGATION OF CATTLE AND LAMB PRICES

Mr. MALONE submitted the following concurrent resolution (S. Con. Res. 43); which was referred to the Committee on Agriculture and Forestry:

*Resolved by the Senate (the House of Representatives concurring)*, That there is hereby established a joint Congressional committee to be composed of 5 members of the Senate to be appointed by the President of the Senate, and 5 members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members. A quorum of the joint committee shall consist of six members, except that the joint committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

SEC. 2. The joint committee shall make a full and complete investigation and study in order to determine the reason or reasons for the great difference in the price of cattle and lambs as paid to the farmer or livestock raiser for such products and the price received for the same products in retail sales to consumers. The joint committee shall as soon as possible during the 85th Congress report to the Senate and the House of Representatives the results of such investigation together with any recommendations for remedial action it may have. Upon the submission of such report, the joint committee shall cease to exist and all authority conferred by this resolution shall terminate.

SEC. 3. The joint committeee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the 85th Congress, to hold such hearings, to require by subpena or otherwise the attendance of such witnesses and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable.

SEC. 4. The joint committee shall have power to employ and fix the compensation of such experts, consultants, and other employees as it deems necessary in the performance of its duties.

SEC. 5. The expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers signed by the chairman of the joint committee.

Mr. JAVITS submitted a concurrent resolution (S. Con. Res. 44) to express the sense of Congress relative to interchange on a reciprocal basis of persons with Russia and other Eastern European countries under the United States Information and Educational Exchange Act, which was referred to the Committee on Foreign Relations.

(See concurrent resolution printed in full when presented by Mr. JAVITS, which appears later in today's RECORD under a separate heading.)

## RESOLUTION

Mr. RUSSELL submitted Senate Resolution 176, relating to the death of former Senator Walter F. George, of Georgia, which was considered and agreed to.

(See resolution printed in full when submitted by Mr. RUSSELL, which appears under a separate heading.)

## TAX ON IMPORTATION OF TUNGSTEN

Mr. MALONE. Mr. President, I introduce, for appropriate reference, a bill to impose a tax on the importation of tungsten. I ask unanimous consent that the bill lie on the desk until the close of business on tomorrow, August 6, 1957, so that any Senator who may wish to do so may join me as cosponsor.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk as requested by the Senator from Nevada.

The bill (S. 2692) to impose a tax on the importation of tungsten, introduced by Mr. MALONE, was received, read twice by its title, and referred to the Committee on Finance.

## PROHIBITION OF ACQUISITION OF CERTAIN PROPERTY BY GOVERNMENT AGENCIES

Mr. POTTER. Mr. President, I introduce, for appropriate reference, a bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval.

The bill provides that no portion of lot 816, square 167, in the District of Columbia, the headquarters and property of the National Grange of the Patrons of Husbandry, shall be acquired for or used by any agency of the Federal Government.

It directs the Administrator of the General Services Administration to withdraw the declaration announcing the taking of said lot, heretofore filed by him in the United States District Court for the District of Columbia, and to take such other action as may be necessary to restore title to said lot to the National Grange of the Patrons of Husbandry.

As all of us know, there has been a great deal of interest on behalf of the National Grange to retain the historic site. This is a bill which would implement their interest in the case.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2696) to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval, introduced by Mr. POTTER, was received, read twice by its title, and referred to the Committee on Public Works.

## EXPRESSION OF SYMPATHY TO PEOPLE OF GUATEMALA

Mr. CHAVEZ. Mr. President, on July 30, I submitted Senate Resolution 172. Because of my lack of experience, I did not request that the resolution be acted upon on that day.

I now ask unanimous consent that the resolution be considered and agreed to.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

*Be it resolved*, That the Senate of the United States is shocked and saddened at the murder of Col. Carlos Castillo Armas, President of the Republic of Guatemala, by a political assassin, a most wanton and despicable act that not only has robbed the people of Guatemala of their great leader, but which also has deprived the cause of freedom throughout the world, of one of its most valiant champions; be it further

*Resolved*, That, the Senate of the United States hereby extends its deepest sympathy to the people of Guatemala and to the widow, Senora Odilia Palomo de Castillo Armas, for their tragic loss; be it further

*Resolved*, That the Secretary of the Senate is hereby directed to request the Department of State to forward copies of this resolution as expeditiously as possible to the United States Embassy in Guatemala, to be officially presented to the President of the Republic, the Presiding Officer of National Congress, and to Senora Castillo Armas.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Mexico for the immediate consideration of the resolution?

There being no objection, the resolution (S. Res. 172) was considered and agreed to.

## TIGHT CREDIT AND LOWER PRICES

Mr. BUSH. Mr. President, I ask unanimous consent to have printed in the RECORD an article published today in the New York Times. The article was written by Edwin L. Dale, Jr., and is entitled "Federal Reserve Sees Tight Credit Lowering Prices." The article is based on recent testimony by William McChesney Martin, Jr., Chairman of the Federal Reserve Board, and throws considerable light on this interesting phase of the subject of inflation, interest rates, and so forth.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times of August 5, 1957]

FEDERAL RESERVE SEES TIGHT CREDIT LOWERING PRICES—MARTIN LOOKS FOR A DECLINE AS BORROWING BECOMES DIFFICULT FOR SELLERS

(By Edwin L. Dale Jr.)

WASHINGTON, August 4.—The Federal Reserve Board has developed a theory to justify the use of credit restraints as a weapon to fight the current, seemingly nonclassic, inflation.

Normally the aim of a tight-money policy is to reduce demand, on the theory that inflation is caused by too much demand for the available supply of goods and services. This is classic inflation.

The Federal Reserve is now willing to concede that there are no shortages in the economy, and that there is even a temporary overcapacity and thus no clear evidence of excessive demand.

But the Board still believes tight money is an essential, and effective, weapon for fighting the puzzling inflation that is going on in the face of a generally sluggish demand.

The new theory was elaborated in recent days before the House Banking Committee by William McChesney Martin Jr., chairman of the Reserve Board.

The committee is considering a technical bill to revise banking laws, but members asked Mr. Martin about the inflation and the tight-money policy.

HINTS AT LOWER PRICES

In elaborating the theory, Mr. Martin also made plain his belief that at least some prices were going to have to be adjusted downward to break the inflation. He indicated, but did not say outright, that the alternative would be loss of sales and perhaps some unemployment.

The theory, in brief, is this:

A key method by which sellers have been able to maintain or even increase prices in the face of slow demand has been to hold goods off the market.

Because general operating costs continue while sales are reduced, such a method requires financing—that is, borrowed money. Thus restraints on bank lending reduce the ability of sellers to use this device, and ultimately they must cut prices to make sales.

Mr. Martin puts it in these words:

"As temporary overcapacity develops, people say: 'We would like to borrow more money because we don't want to sell our product at the present time."

WOULD PASS ON INCREASE

" 'We may not be able to get our price, and we have just had an increase in wages and costs and we want to put the price up to the consumer, even though the consumer doesn't seem particularly anxious to buy.'

"Under these circumstances, borrowed money is just deferring an adjustment that at some point has to be made."

Mr. Martin made plain his belief that supply and demand would work in the end, that is, if demand continued sluggish, prices would start coming down.

He defended tight money, both as a way of keeping demand within bounds and as a way of preventing an artificial escape by sellers from the inevitable adjustments.

Current conditions in the economy, he said, cannot be sustained, and borrowed money should not be a means of sustaining them. The adjustments "will ultimately be made," he asserted.

Asked if he believed this was a new type of inflation Mr. Martin answered:

"I just don't agree with the people who say that this inflation is a different type of inflation. It is still inflation. And we have got to stop it."

Over a "short period of time," he said, "you may have administered prices or you may have means of keeping items off the market, but in the long run supply and demand operate."

Mr. Martin emphasized that he did not want a recession in the economy. But he continued, "When business gets an unbalance in its cost-price relationship and is trying to pass that cost price along to the consumer, at some point the consumer balks."

Federal Reserve officials have made plain that they have no intention of easing credit restraints merely because there is some sluggishness in general business conditions, at least not until prices stop rising.

Mr. BUSH. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD an article by Edward H. Collins, financial editor of the New York Times. The article is entitled "Speedup of Money." It deals with the question of the velocity of money and its effect on the economy, inflation, and interest rates. It will be of substantial assistance to those who are interested in this subject, in understanding the difficulties involved.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times of August 5, 1957]

SPEEDUP OF MONEY (II)—A FURTHER EXAMINATION INTO WHY TIGHT CREDIT TENDS TO GO FASTER

(By Edward H. Collins)

In last week's piece here the writer sought to stress the importance of distinguishing, at any given time, between the country's money supply, on the one hand, and on the other its effective money supply, which is to say the volume of money outstanding multiplied by its rate of activity.

When we speak of the money supply we usually have in mind the sum of (1) demand deposits adjusted and (2) currency outside the banks. The most recent figures show these, in round figures, at $107 billion and $28 billion, respectively, a total of $135 billion.

Strictly speaking, it should be pointed out, perhaps, that there are no figures available showing the velocity of the money supply as here defined. Since there is no way of measuring the activity of the currency component, figures on velocity must necessarily be based upon the behavior of the 80 percent of the total represented by demand deposits.

So far as the regularly published figures on velocity are concerned, no attempt is made to cover all of this 80 percent. Three series of figures appear each month in the Federal Reserve Bulletin. One is confined to New York City banks, a second covers the banks in 6 other leading financial centers of the Nation, and the third covers the banks in 337 other centers. Unless otherwise indicated, the series usually referred to, officially and unofficially, is the last-named, which is, of course, the most comprehensive, geographically, of the three. The activity, or velocity, of demand deposits is the ratio of debits to deposits after deducting interbank and Government accounts.

MONEY AND JOBS

Perhaps as simple a way as any to picture the role played by velocity in determining the effectiveness on the economy and the price level of a given volume of money is to place the statistics on money side by side with those on employment.

The most recent figure available show total civilian employment standing at 66.5 million. This is a high level of employment, but for certain purposes, such as potential production, personal income, consumer purchasing power or Federal revenues, it is important to know whether the average workweek of these 66.5 million gainfully employed is, let us say, 36.4 hours, or 41 hours. An increase from the lower of these two figures to the higher would represent an increase of more than 12½ percent in the Nation's labor input.

For purposes of rough comparison the 66.5 million figure for civilian employment might be likened to the $135 billion in money outstanding. Since the second quarter of 1955, when the monetary authorities introduced their restrictive credit policy, the expansion of the Nation's money supply has been held to $2.4 billion, or about 1.8 percent. As a percentage of the gross national debt it has actually declined from 34.6 percent to 31 percent.

But if the figure on the supply of money may be compared with that of civilian employment, then the velocity of circulation may be said to be a rough counterpart of the length of the work week. And while the money supply has risen by only 1.8 percent over the past 2 years, its rate of activity has risen by no less than 13.6 percent. The net result of these two changes has been to expand the effective money supply by nearly 15½ percent, a figure exceeding by almost one-quarter the amount by which the national economy has expanded in the same period.

SQUEEZE LIFTS VELOCITY

At first glance it might seem paradoxical that at the very time when the monetary authorities are directing their policies to halting a further increase in the available supply of credit, the velocity of circulation should decide to rise sharply, thus seeming to defeat the whole purpose of the so-called tight-money policy. Actually, as the annual review of the Bank for International Settlements observes, such a development follows quite logically from any central bank policy that seeks to contain the money supply and increase interest rates.

That is why such policies, though usually successful in the long run, frequently have only a modest effect on the volume of spending (and hence the price level) in their early stages, and find their first real response in a rising velocity of circulation. This seeming contradiction is explained by the fact that they bring into play the phenomenon Keynes has defined as liquidity preference.

When the rates on short-term paper rise sharply, as they have during the past 2 years, for example, this fact has a marked effect on the form in which business keeps its liquid assets. In such a situation the tendency is for business firms to reduce that part of their reserves kept in the form of demand deposits to an absolute minimum, and to put these reserves partly on time deposit and partly in Treasury bills or other short-term paper.

This means that the issuers of such paper come into possession of funds that had hitherto consisted of dormant demand deposits. The related shift to time deposits has a similar effect, inasmuch as the now reduced supply of demand deposits must be used more actively in order to finance the same, or an increased, volume of business.

Only as idle deposits are absorbed into active circulation can the restrictive policies of the monetary authorities be expected to achieve their full effectiveness.

Mr. BUSH. Mr. President, I also ask unanimous consent to have printed in the RECORD an editorial entitled "Refuting Some 'Nonsense,'" which was published on August 3 in the Washington Evening Star.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star of August 3, 1957]

REFUTING SOME "NONSENSE"

Economists and political spokesmen alike have joined in the vigorous debate of recent months over the wisdom and effectiveness of administration tight-money policies as a weapon against inflation. There have been persuasiveness and sincerity on both sides, as well as exaggeration and misrepresentation. It is a fact that the inflationary pressures are continuing, despite the credit restraints. It may also be a fact, however, that the pressures would be worse and perhaps become uncontrollable if the restraints were removed in favor of easier money.

Senator BUSH, Connecticut Republican, has been one of the foremost defenders of administration fiscal policies in Congressional debate. He was an investment banker of

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long experience before his election to the Senate in 1952, and he is now a member of the Banking and Currency Committee. Recently, Mr. BUSH offered an answer to the particular charge that administration policies resulting in higher interest rates have been of direct benefit only to banking institutions. His answer is a convincing one.

Citing official Government (nonpartisan) statistics, the Connecticut Senator shows the impact of interest rate changes between 1952 and 1956 on three major classes of lending institutions—commercial banks, mutual savings banks, and savings and loan associations. For commercial banks, interest received rose by 46.7 percent but interest paid out rose by 75.9 percent. For the mutual banks, interest received rose by 58 percent but interest paid increased by 66.7 percent. For the savings and loan associations, interest received rose by 108 percent but that paid out increased by 126 percent. There are, of course, millions of depositors in these institutions who have shared in these higher returns on their money. In Mr. BUSH's opinion, and the statistics support that opinion, "the charge that only bankers gain from higher interest rates is nonsense."

## RISING AUTOMOBILE PRICES AND THE MARKET FOR SMALLER AUTOMOBILES

Mr. BUSH. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from a special dispatch by Joseph C. Ingraham, from Detroit, which was published in the New York Times of today, August 5; and I also ask unanimous consent to have printed at this point in the RECORD an excerpt from a special dispatch by Damon Stetson, from Detroit, which was published in the New York Times of today.

There being no objection, the excerpts from the articles were ordered to be printed in the RECORD, as follows:

[Excerpt from special dispatch from Detroit to the New York Times of August 5 by Joseph C. Ingraham]

American Motors Corporation is pinning its hopes for 1958 on its economy Rambler. The comany's so-called senior cars, Nash and Hudson, are fast disappearing from the scene. The models ended their year's run last month with a total production of slightly under 5,000.

NEW RAMBLER PLANNED

Rambler also will offer late this year a new smaller version on a 100-inch wheelbase. This will try to counter the growing inroads of the small foreign-built economy cars. American Motors plans a new name for this car to distinguish it from the larger 116-inch wheelbase Rambler.

The Studebaker-Packard Corp. will offer a face-lifted line that will emphasize its Scotsman, an austere Studebaker in the economy class, and, at the other end of the scale, its sport series of Hawk cars.

[Excerpt from special dispatch from Detroit to the New York Times of August 5 by Damon Stetson]

General Motors also is about to inject a new competitive factor in the small-car field. It will do this by bringing its Vauxhall Victor, made in Britain, and the Opel Rekord, made in Germany, into the American market.

FOREIGN CARS GAIN

General Motors' decision to import its Victor and Rekord cars showed recognition of the increasing importance of foreign cars in the American market. Ford has been importing British-made Fords for several years and American Motors has been gratified by the response to its British-made Metropolitan. Chrysler is also reported to be considering getting into the foreign car field.

Behind the new interest in foreign makes is a realization, perhaps belated, that a lot of American car buyers are bothered by the high prices and high operating costs of today's American cars. Foreign car sales this year emphasize this point.

During the first 5 month of this year 66,692 foreign cars were sold in this country, just about double the number for the same period in 1956. Leading the list in popularity is the Volkswagen. In this 5-month period 26,556 of them were sold, compared with 20,323 for the same period last year.

In 1956 total sales of foreign cars in the United States were 98,187. The industry's observers would not be surprised if 200,000 were sold this year. That is a sizable slice of auto business in which the American producers would like to share.

Mr. BUSH. Mr. President, these two excerpts from the dispatches deal with the question of small automobiles. They comment that price rises are planned for the new models to be placed on the market by American manufacturers. According to Mr. Ingraham, it is expected that automobile prices for the new models will rise, and this will make it more difficult for persons of low or medium incomes to purchase modern automobiles.

Once again this points up the necessity of increasing availability of the small car. The importers of these cars are selling all they can buy. They have big unfilled order books.

Many persons want small cars. They need them. The present "dinosaurs" are too big for garages, parking spaces, and family incomes.

Again I plead with American automobile manufacturers to meet the demand for a small car. If they do not do it, I fear they will be coming to Washington asking for some sort of tariff or import quota protection before long; and they have been the archproponents of free or freer trade.

## CONFLICT OF INTEREST STATUTES AND ELECTED OFFICIALS OF GOVERNMENT

Mr. NEUBERGER. Mr. President, at his July 31 press conference, President Eisenhower was asked about news stories relating to his personal wealth. The President replied, in part, "I am an elected official and therefore the conflict-of-interest law does not apply to me."

President Eisenhower, of course, was quite correct and accurate about the law to which he referred. Yet, is it not absurd that the conflict-of-interest statute applies to lesser officials of government, but not to the highest officials? It applies to appointive officials who carry out the policies of the President and the Congress, but neither to the President himself nor to Members of Congress.

If it is wise not to allow a financial conflict-of-interest in government, then it should apply at the highest levels of government—or not at all. The present inconsistent policy means that the little folks have got to live up to high ethical standards, but there are no holds barred at the top of the heap.

At the start of their careers, some Cabinet members in President Dwight D. Eisenhower's Cabinet were questioned and assailed because they owned stock in companies with which their departments might deal. But what about stock ownership by Senators or Representatives—yes, and Presidents and Vice Presidents—in companies which are regulated, affected, or influenced by policies of Congress and the executive branch of government?

And this issue cannot realistically be limited to the narrow question of personal financial gain. How can we divorce it from the campaign contributions by which we finance the great and growing costs of modern elections?

What about Senators who have had trade-union funds in their campaigns voting on labor policies? What about Senators with oil or natural-gas funds in their campaigns voting on such matters as tidelands oil and regulation of gas rates? What about Senators with funds from big lumber companies voting on national forest regulations? What about Senators with funds from private utility executives voting on Hells Canyon or Niagara power or TVA? What about Senators with campaign contributions from owners of breweries or distilleries voting on legislation involving regulation of the liquor industry? What about Senators who retain their legal or corporate connections? And the same questions apply, of course, to Presidents, Congressmen, and all elected officials.

When I have raised these questions in the past, Senators have said that the acceptance of such campaign contributions implies no obligation to the donors, no suspension of independent judgment by the recipient, certainly no loss of integrity. I agree. But when we are so confident of the integrity of public officials whose election compaigns must be financed by contributions from private sources and interests with a stake in government, how can we challenge the equal integrity, disinterestedness, and independence of judgment of public officials whose personal financial status might be affected by their public acts? That is why, in and out of the Senate, I have questioned our system which punishes, accompanied by great public scandal, a minor bureaucrat who benefits from his position to the extent of a ham at Christmas, a watch for his wife, or an inside tip on a few shares of stock, but which simultaneously accepts as wholly natural that huge sums should be contributed by private interests to the election of the top officials who make the policies administered by that minor bureaucrat.

Mr. President, is not the whole absurd double standard of our present ethical concepts of government illuminated by that recent statement of President Eisenhower, when he told the press that "I am an elected official and therefore the conflict-of-interest law does not apply to me"?

If ever reform was called for, it is called for here. I do not criticize Mr. Eisenhower. He is not to blame for this situation. He is merely conforming to a system which existed long before he entered politics—but a system which becomes less defensible with each passing day.

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## JURY TRIAL AMENDMENT

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point a very interesting article, which appeared in the Washington Post and Times Herald of this morning, written by Mr. Stewart Alsop, entitled "Who Really Won?"

I do not wholly agree with Mr. Alsop that the only issue involved in the jury-trial amendment, which was voted on last Thursday, was the political consequences of that vote, because I believe that there were also involved real moral issues, which swayed many of the Members of the Senate. Nevertheless, the predictions which Mr. Alsop makes about possible consequences are extremely interesting, and I commend them to my colleagues on this side of the aisle.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post and Times Herald of August 5, 1957]

### WHO REALLY WON?

(By Stewart Alsop)

There are times—they are very rare—when a scene worth remembering, a moment of real drama and meaning, occurs on the Senate floor. There was such a moment last week, when the Senate, in the small hours of the morning, passed the jury-trial amendment to the civil-rights bill—a vote which will surely affect the political balance of power for a long time to come.

It was a scene of a sort that occurs only once or twice in a decade—every fit Senator on the floor, and the galleries choked with spectators, as the hands of the big Senate clock crept on past midnight. All present, spectators and Senators alike, were caught up in the excitement of the great Senate game.

A man's pulse can be quickened, after all, by a close contest at chess, or on the golf course. But there is nothing quite like the Senate game, in which great issues can be decided by a sudden parliamentary maneuver, or a quick, sure sensing of the Senate mood.

The game that was played out on the Senate floor last week was, moreover, a peculiarly personal contest. There were many speakers, but the floor was wholly dominated by two big men, stationed cheek by jowl on the center aisle—big, chunky, earnest Minority Leader WILLIAM KNOWLAND, and lanky Majority Leader LYNDON JOHNSON, the shrewdest Congressional leader of this generation.

They made a fascinating contrast. KNOWLAND sat stolidly, like a great cornered bull, his enormous forehead furrowed in parallel wrinkles, foretasting defeat. JOHNSON sat back easily, his long legs negligently crossed, when he was not moving restlessly about. Once, when EVERETT DIRKSEN of Illinois rose to support KNOWLAND with his special brand of empty grandiloquence ("I have been thinking much of Runnymede"), JOHNSON half yawned, and lazily scratched his chest, in a magnificent gesture of casual confidence.

Only a few hours before, KNOWLAND thought he had won the game. He had the votes to beat off the crucial amendment, and everybody knew it. But KNOWLAND, like an overanxious golf player on the last hole of a close match, began to press too hard.

By insisting on 12-hour sessions, and by other means, he brought pressure on the Senate for a quick vote. The Senate, a leisurely body, does not like being subjected to pressure. JOHNSON, the master player of the Senate game, sniffed the Senate air, and played his hole card—a further amendment carefully tailored to attract the last of the waverers.

In the atmosphere of irritation created by KNOWLAND's pressure, this was enough. JOHNSON soon knew that he, and not KNOWLAND, had the votes. With brilliant timing, JOHNSON turned the tables on KNOWLAND, when he rose to support KNOWLAND's own motion for limited debate and an immediate vote. KNOWLAND was checkmated, and there was nothing to do.

JOHNSON had predicted 50 votes for the jury-trial amendment.

He got 51. On an issue which had divided his party as no other issue, he held all but 9 Democrats, while KNOWLAND lost 12 Republicans. The vote was a tribute to an authentic legislative genius, and for JOHNSON a moment of supreme triumph.

And yet, how solid was the triumph? Who really won?

JOHNSON won the great Senate game hands down. Yet in terms of national politics, it seems quite possible that JOHNSON, in winning, lost, and KNOWLAND, in losing, won.

For those who become caught up in the excitement of the Senate game, it is easy to forget what the civil rights fight is all about. In hard political terms, the civil-rights fight is all about the Negro vote in the key northern industrial States, where that vote can be absolutely decisive.

Negro voters interest themselves no more than white voters in the subtleties of parliamentary maneuver, or the complex legal and moral issues involved in the jury trial amendment. And yet, as a result of LYNDON JOHNSON's triumph, they have been treated to a spectacle which they are likely to interpret in only one way—the spectacle of the great bulk of the Senate Democrats siding with the bitter-end southerners, while a heavy majority of Republicans went down to defeat against them.

The Negro vote is the swing vote in a whole series of big States—New York, Pennsylvania, Illinois, Michigan, California, to name a few. That is why one cynical observer remarked as the vote was counted, "The Democrats may elect a President again in 1980—but not before," and that could be the real meaning of the midnight scene on the Senate floor last week, and the real measure of JOHNSON's triumph and KNOWLAND's defeat.

Mr. DOUGLAS. I ask unanimous consent that there also may be printed at this point in the RECORD an editorial from the New York Times of August 3 entitled "The Senate Says 'No,'" and I call attention to the last sentence of that editorial, namely:

In the interests of our own security, we need the friendship of nations largely populated by people whose skins are not as white as those of the men who voted early Friday morning for the jury-trial amendment to the civil-rights bill.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times of August 3, 1957]

### THE SENATE SAYS "NO"

It seems today that the Senate has said "No" to any real extension of civil rights at this session. It did this after 4 weeks of maneuvering in which a nucleus of 18 southern Senators distinguished themselves for their parliamentary genius, if not for their sense of democracy. It did this in its vote of 51 to 42 on the jury-trial amendment, with some highly respected northern Senators inexplicably voting with the majority.

In so doing the Senate majority, we believe, ignored the majority of the American people. That majority was reflected in two House votes on June 18: In one a southern motion to write in a jury-trial provision was turned down by a vote of 251 to 158 and in the other the bill as sent to the Senate was passed by a vote of 286 to 126.

Among those Senators who voted for the jury-trial amendment there were doubtless some who believed that any civil-rights bill this year would represent an improvement, and who therefore had been making concession after concession to a minority of the Senate and a minority of the American people.

President Eisenhower is not given to making sharp statements, but he did make a few cutting remarks yesterday. "Rarely in our entire legislative history," he said, "have so many extraneous issues been introduced into the debate in order to confuse both legislators and the public." He spoke with the "utmost concern" of the attempt "to introduce a jury trial between a Federal judge and his legal orders." He reminded the Senate that "during our history as a nation great Americans have pointed out that such a procedure would weaken our whole judicial system, and particularly the prestige of the Federal judiciary."

He said, furthermore, that such a procedure would also "make largely ineffective the basic purpose of the bill—that of protecting promptly and effectively every American in his right to vote." It would do this by interposing a jury between a court order directed to a public official and the willful and defiant refusal of such an official individual to obey such an order.

The fact is that the basic purpose of the bill, as it has been gerrymandered by the southern minority with the willing or unwilling assistance of enough northerners to make a majority, is not at this moment to protect any American in his right to vote. The basic purpose of the bill in its present form is to seem to do something without doing anything.

Or to be scrupulously fair, the purpose of the bill as it now stands is to investigate violations of civil rights, to endow the Department of Justice with a Civil Rights Division, to enable an individual to ask a Federal court for an injunction to protect his voting rights, and to give the Department of Justice authority to intervene—but with the practical certainty that nothing thereafter will happen—to protect individuals against unlawful deprivation of their voting rights.

It seemed yesterday that the House would not and consistently could not agree with what the Senate has done to this bill. If this theory is correct, the 15th amendment will remain where it has been for two generations or so, gathering dust on the shelves. We do not believe this will be good for the South, or for the internal affairs of the United States, or for our place in the world. For, in the interests of our own security, we need the friendship of nations largely populated by people whose skins are not as white as those of the men who voted early Friday morning for the jury-trial amendment to the civil-rights bill.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that an editorial which appeared in the Christian Science Monitor for Wednesday, June 12, 1957, be included at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor of June 12, 1957]

### CIVIL RIGHTS AND JURY TRIALS

More than 80 years ago the 15th amendment declared:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account

of race, color, or previous condition of servitude."

It was widely assumed that this insured the franchise for Negroes. It did not. For many States set up literacy and other tests which excluded most of the Negroes.

When fairly applied these were not discriminatory on a racial basis. Also there is much to be said for protecting the ballot box from being swamped by ignorance. But there have been increasing complaints that Negroes were being kept from the polls by intimidation or by unfair practices of election officials.

Before the last election there were repeated and specific charges that registration lists were being purged of Negro voters. The Justice Department, finding that efforts to deal with such violations of the 15th amendment after the event were ineffective, has proposed that it be permitted to proceed by the injunction process to prevent denial of rights. It is part of the Eisenhower civil-rights program now in Congress.

The procedure proposed is the same as that regularly used to enforce antitrust laws and to safeguard atomic secrets. It permits the granting of a temporary restraining order or injunction. Before a permanent order can be obtained hearings must be held with full opportunity for the presentation of evidence and cross-examination of witnesses. But if an individual disobeys the court decision then reached, he can be punished for contempt.

Opponents of civil-rights legislation have raised the objection that this procedure denies the right of trial by jury. In the Senate an amendment providing for jury trial in place of the contempt proceedings has been attached to the bill. Advocates of the legislation declare this is simply a device for nullifying it. They contend that jury trials would permit delays that would deny effective remedies against the denial of the right to vote. And there is wide belief that juries would repeat the history of the Emmett Till case.

Now the right to trial by jury is one Americans cherish and should vigorously safeguard. But it is not provided in the Constitution for this type of litigation. The States whose Representatives are pressing for a jury-trial amendment make no such provision themselves in the same type of court action. There is even some question whether it would be constitutional to deprive the courts of power to protect themselves by contempt action—as Congress protects itself. The ends of justice would not be served if in an effort to insure a jury trial for individuals who had flouted a court order both the authority of the courts and the right to vote were destroyed.

Continued nullification of the 15th amendment either by the arbitrary action of local officials or intimidation by majority groups, can evoke drastic remedies. Those objecting to the present civil-rights program might have cause to complain if Congress provided for criminal suits and a change of venue to take cases out of areas where a fair trial could not be expected—or if Federal troops were sent in to enforce court orders. But the current proposals are not of that type.

We trust that misconceptions on that score will not lead to resistance that could evoke demands for something far stiffer.

## ANTIBARRATRY LAWS

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed at this point in the body of the RECORD an editorial from the New York Post for Monday, July 22, appraising the development of the antibarratry laws in 5 Southern States, which make it almost impossible for outside friends to come to the assistance of those carrying on civil-rights legal fights in the South.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Post of Monday, July 22, 1957]

TRICKS OF THE TRADE

During the course of the Senate debate on civil rights last week some highly interesting material was read into the CONGRESSIONAL RECORD by Senator DOUGLAS, Democrat, of Illinois. It received little attention in the press, though it has an important bearing on why liberal forces are holding out against compromise with the South.

The subject was barratry. According to Webster's Unabridged, barratry, in law, is the "practice of exciting and encouraging or maintaining lawsuits or quarrels; persistent incitement of litigation."

Using this as a cover, five Southern States within the last year or two have passed antibarratry laws whose purpose and effect is to hamstring the efforts of such organizations as the NAACP to protect the civil rights of individual Negroes. These States are Georgia, Mississippi, South Carolina, Virginia, and Tennessee. Alabama is preparing a similar law.

Senator DOUGLAS read into the record the various State statutes along with some interpretive paragraph from a pamphlet called An Assault Upon Freedom of Association, prepared by the American Jewish Congress.

What these laws do is to raise so many obstacles to outside assistance that in the State of Virginia, for example, anyone who takes up a collection to pay the legal expenses of a plaintiff in a suit first has to register with the State and give all sorts of detailed information which could easily be used to make things tough for him.

Moreover, any lawyer who took the case and received payment from funds so collected or from persons not connected by blood or by direct pecuniary interest in the case could be found guilty of barratry and be disbarred.

This, obviously, leaves most Negroes who might want to make a fight for their rights dependent entirely on their own financial resources, and in the South this isn't likely to be much.

No wonder the southern Senators oppose a civil-rights bill that would permit the Attorney General to institute action for those whose rights are in danger.

The South has succeeded in blocking the rescue work of the NAACP and is now seeking to block the rescue plans of the Government. When the southern Senators get everything blocked off and have the Negroes isolated from legal aid, they'll be ready to buy the civil-rights law.

This is an example of what they mean by compromise. And this is what some confused supporters of civil rights think is reasonable. We don't.

## POTOMAC RIVER CROSSING

Mr. BIBLE. Mr. President, on Thursday and Friday of last week, the House of Representatives once again debated the question as to the type of crossing that should be constructed across the Potomac River in the vicinity of Constitution Avenue. The House Committee on the District of Columbia favorably reported a tunnel bill. The CONGRESSIONAL RECORD for Friday, August 2, 1957, shows that, by a vote of 225 to 107, an amendment was adopted substituting a bridge for a tunnel; then a motion to recommit was agreed to.

Since the Senate has considered the matter in the 83d, 84th, and 85th Congresses, and bearing in mind the latest House action, it is apparent to me that it is now an appropriate time to urge the District of Columbia Commissioners to reexamine the problem. Under existing law, Public Law 704 of the 83d Congress, the Commissioners are authorized to construct, maintain, and operate a low-level bridge over the Potomac River from the vicinity of Constitution Avenue in the District of Columbia to the Virginia side of the Potomac River, such bridge to be constructed north of the Memorial Bridge and south of the southern portion of Theodore Roosevelt Island. Under authority contained in the act, the District submitted to and received the approval of its plans for the construction of a six-lane fixed-span bridge across the navigable channel by the Chief of Engineers and the Secretary of the Army.

The distance from the present Memorial Bridge to that authorized in said Public Law 704 is as follows:

District of Columbia side, 1,350 feet; center line, 1,270 feet; Virginia side, 1,300 feet.

The distance from the presently authorized bridge to that proposed in S. 1707, which was considered earlier this year, is as follows:

| | *Feet* |
|---|---|
| District of Columbia side | 550 |
| Center line | 930 |
| Virginia side | 1,200 |

These distances are pointed out to show that in regard to location the question reduced itself to whether or not the island should be crossed, and that there is no great difference in existing law and other bridge proposals as to distances from Memorial Bridge.

While I wish to emphasize that I am now expressing my individual views on the problem, I am advised that the Commissioners would be quite happy to receive an indication from Congress to proceed under existing law. As a matter of fact, Congress on a fiscal year basis, has appropriated the following sums for this project:

| | |
|---|---|
| 1955 | $200,000 |
| 1956 | 1,500,000 |
| 1957 | 3,000,000 |
| 1958 | 350,000 |
| Total | 5,050,000 |

Of this total amount appropriated, only about $50,000 has been expended for consultant service.

The above-quoted figures need further explanation because of the delay in commencing the construction of the bridge. Of the total amount appropriated, only $350,000 has been retained by the District government, which represents 10 percent of its share, and there is available from Federal aid $3,150,000—interstate allocation—which means there is presently available to the District government $3,500,000 toward the construction of the bridge. The previous appropriations have now been authorized to be used on other projects within the District of Columbia.

The District of Columbia government has the money and the authority to proceed with the bridge, and to do so would

eliminate the fixed versus drawspan controversy that has plagued both Houses for several years. It would also solve the same dispute as to what type span should be constructed in the 14th Street replacement bridge.

It is my hope that in view of the recent Congressional action on this matter, that the District officials will proceed at once to make a reexamination of all the factors, bearing in mind the authority contained in existing law.

Traffic conditions alone dictate that a bridge is needed now, without further delay.

Mr. ALLOTT. Mr. President, before the Senator from Nevada [Mr. BIBLE] leaves the floor, I should like to associate myself with what I believe to be the consensus of his remarks.

For a long time now Congress has been considering some means of crossing the Potomac River in addition to the means now available. Unless Congress faces up to this issue, no more progress will be made to provide an additional crossing than that indicated by the proverbial picture of George Washington standing in the stern of a boat.

I have been a member of the District of Columbia Committee for 2 years, and I was very happy to associate myself and to study this matter with my distinguished colleague, the Senator from Nevada. I also have the honor to serve as a member of the National Monument Commission, and as such have up to the present time been very much interested in securing the passage of a bill which would enable a tunnel to be built under the Potomac River.

I wish to make this statement at this time: I have come to the conclusion the tunnel is no longer a feasible project; first, because it will cost substantial millions of dollars more than a bridge; and, second, because the largest tunnel which can be built is a four-lane tunnel, which I do not believe will be adequate for future needs. As a matter of fact, a tunnel would be obsolete when built.

As a member of the National Monument Commission, I am torn between two loyalties. I want to see all possible land preserved upon the west side of the Potomac River for the creation of what I hope some day will be a great monument to the five freedoms erected by the American people. However, I join with my colleague from Nevada in saying it is time for Congress to act, and that we should start to build, and build quickly a low-level bridge across the Potomac River to ease the traffic burdens and the dangers which accompany them in this city and in Virginia.

Mr. BIBLE. Mr. President, I appreciate the expression of the sentiments of my good and distinguished friend, the Senator from Colorado. I believe the RECORD is abundantly clear that an act now on the books authorizes the construction of a fixed-span bridge at the proposed location. I again urge that the bridge be built without further delay.

## LAST CHANCE ON BILLBOARDS

Mr. NEUBERGER. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an editorial from the Washington Post and Times-Herald editorial page of August 4, 1957, entitled "Last Chance on Billboards."

This editorial urges early action by the Senate on S. 963, my bill to control signboards along the new Interstate Highway System. In this connection, I am pleased to report that the distinguished chairman of the Senate Committee on Public Works [Mr. CHAVEZ] has just called a meeting of our committee for Friday, August 9, to consider the report of the Roads and Highways Subcommittee under the distinguished junior Senator from Tennessee [Mr. GORE]. That report deals with S. 963, and signboard-control legislation.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LAST CHANCE ON BILLBOARDS

The Senate Public Works Committee has a last chance to redeem itself on the billboard issue in this session of Congress. The Public Roads Subcommittee meets the first of next week and the full committee a few days later, affording ample opportunity for reconsideration of the badly watered-down legislation designed to prevent an unconscionable cluttering up of the new 41,000-mile Interstate Highway System.

As it stands, States would be offered so slight an inducement to meet proposed Federal standards regulating these roadside nuisances that the legislation might be altogether ineffective. The inducement ought to be made more attractive, or outright prohibitions against excessive roadside abuses enacted.

In addition, the bill will stand no chance whatever in the full Senate or the House so long as it is linked with the 7,000-mile expansion of the interstate network proposed by Senator CASE of South Dakota. If the Senator is insistent upon going against the advice of the Bureau of Public Roads on this point and wants to try to revise the whole interstate program before it is barely under way, let him have his fun on his own. The billboard-control bill is a separate question and faces enough difficulties without being encumbered by altogether unnecessary diversion.

## POSTAL AND FEDERAL EMPLOYEES PAY BILLS

Mr. YARBOROUGH. Mr. President, I have been shocked to read a report published in the newspapers in the past few days to the effect that the junior Senator from Kansas [Mr. CARLSON] has predicted the President will veto any postal pay raise bill. I predict that the postal pay raise bill will pass the Congress, and I call on the President of the United States to sign the measure into law. The President should sign it out of a sense of justice and fairness, as well as for efficiency in the postal service.

Mr. President, I hope the bill for the general Federal employee pay raise will pass also, and it should likewise be signed into law.

It is inconceivable that we should keep the postmen trapped in a low, fixed income during this runaway Republican inflation. This administration has felt no qualms about raising the interest rates, to give the moneylenders even bigger profits. Since the administration has seen fit to raise the interest rates for the big money, it should raise the postal pay for the workers of the Government. Surely the postmen who are walking the rounds these blistering hot August days, with 35-pound packs on their backs and snapping dogs at their heels, deserve a raise as much as the moneylenders, who are beneficiaries of the higher interest rates.

I wish to take exception to the statement attributed to the junior Senator from Kansas, that the Democrats in Congress are pushing the postal pay bill in an effort to embarrass the President. This charge is unfair to Congress. The postal pay bill is being given consideration because of a sense of justice to postal employees, and the other Federal pay bill is being pushed because of a sense of justice to all Federal employees. To say these bills are being urged in an endeavor to embarrass the President is to attribute base motives to a high-minded drive to better conditions for loyal Government employees.

I think the President is interested in the people who work for the Government having shelter over their heads, clothes on their backs, food to eat, and their children in school. If he is, he will sign the postal pay bill and the Government employees pay bill. Biscuits are as important as golf balls in our economy.

Congress has cut the proposed budget $3½ billion, the pay raises can be granted without upsetting the tax structure.

I wish to state again that the present Presiding Officer, the distinguished Senator from Oregon [Mr. NEUBERGER], has had a notable part in this proposed legislation, as chairman of the subcommittee having charge of the measures, and has helped a great deal to have the pay bills reported from the Post Office and Civil Service Committee. I commend him and the entire committee, and again express the hope that the bills will be passed, I hope this week, and that they will be signed by the President as an evidence of the interest of the administration in the welfare of all people, and to indicate that it is not interested alone in the welfare of the big money lenders.

The PRESIDING OFFICER (Mr. NEUBERGER in the chair). Is there further morning business? If not, morning business is closed.

## EXECUTIVE SESSION

Mr. BIBLE. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to consider executive business.

## EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

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## EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. EASTLAND, from the Committee on the Judiciary.

James L. Guilmartin, of Florida, to be United States attorney for the southern district of Florida.

The PRESIDING OFFICER. If there be no further reports of committees, the Executive Calendar is in order.

## TREATIES PASSED OVER

Mr. BIBLE. Mr. President, I ask unanimous consent that the treaties on the Executive Calendar be passed over.

The PRESIDING OFFICER. Without objection, the treaties will be passed over.

## UNITED STATES ATTORNEYS

The Chief Clerk proceeded to read sundry nominations of United States attorneys.

Mr. BIBLE. I ask that the nominations of United States attorneys be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

## UNITED STATES MARSHALS

The Chief Clerk proceeded to read sundry nominations of United States marshals.

Mr. BIBLE. I ask unanimous consent that the nominations of the United States marshals be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

## SECURITIES AND EXCHANGE COMMISSION

The Chief Clerk read the nomination of Edward N. Gadsby to be a member of the Securities and Exchange Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## FEDERAL DEPOSIT INSURANCE CORPORATION

The Chief Clerk read the nomination of Erle Cocke, Sr., to be a member of the Board of Directors of the Federal Deposit Insurance Corporation.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## INTERNATIONAL MONETARY FUND

The Chief Clerk read the nomination of Frank A. Southard, Jr., to be United States Executive Director of the International Monetary Fund.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## DIPLOMATIC AND FOREIGN SERVICE—ROUTINE APPOINTMENTS

The Chief Clerk proceeded to read sundry nominations for routine appointments in the Diplomatic and Foreign Service.

Mr. BIBLE. I ask unanimous consent that the routine nominations in the Diplomatic and Foreign Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the routine nominations in the Diplomatic and Foreign Service are confirmed en bloc.

## DEPARTMENT OF COMMERCE

The Chief Clerk read the nomination of Henry Kearns to be Assistant Secretary of Commerce.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## COAST AND GEODETIC SURVEY

The Chief Clerk read the nomination of Charles Pierce to be Assistant Director of the Coast and Geodetic Survey.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## MISSISSIPPI RIVER COMMISSION

The Chief Clerk read the nomination of Brig. Gen. William A. Carter (colonel, Corps of Engineers) to be a member and president of the Mississippi River Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## DIPLOMATIC AND FOREIGN SERVICE—FOREIGN SERVICE OFFICERS

The Chief Clerk proceeded to read sundry nominations of Foreign Service officers in the Diplomatic and Foreign Service.

Mr. BIBLE. I ask that the nominations of Foreign Service officers in the Diplomatic and Foreign Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

## UNITED STATES JUDGES

The Chief Clerk proceeded to read sundry nominations of United States judges.

Mr. BIBLE. I ask that the nominations of United States judges be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

## COLLECTORS OF CUSTOMS

The Chief Clerk proceeded to read sundry nominations of collectors of customs.

Mr. BIBLE. I ask unanimous consent that the nominations of collectors of customs be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

## POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. BIBLE. Mr. President, I ask unanimous consent that the nominations of postmaster, beginning on page 7 of the Executive Calendar and extending to page 13, be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. CHAVEZ. Mr. President, I am very happy that the Senate has confirmed the nomination of Margaret U. Lucero to be postmaster at Los Alamos, N. Mex., where the activities of the Atomic Energy Commission are centered. People do not come any nicer than Margaret Lucero. There is only one handicap; she is a Republican. [Laughter.]

## THE ARMY—CHIEF, NATIONAL GUARD BUREAU

The Chief Clerk read the nomination of Maj. Gen. Edgar Carl Erickson, to be Chief of the National Guard Bureau.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## UNITED STATES AIR FORCE—TEMPORARY APPOINTMENTS

The Chief Clerk proceeded to read sundry nominations for temporary appointment in the United States Air Force.

Mr. BIBLE. Mr. President, I ask unanimous consent that the nominations for temporary appointment in the United States Air Force be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

## THE NAVY

The Chief Clerk read the nomination of Adm. Arthur W. Radford, to be an admiral on the retired list of the Navy.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk proceeded to read sundry further nominations in the Diplomatic and Foreign Service.

Mr. BIBLE. I ask unanimous consent that the further nominations in the Diplomatic and Foreign Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

## THE FEDERAL COAL MINE SAFETY BOARD OF REVIEW

The Chief Clerk read the nomination of Charles R. Ferguson to be a member of the Federal Coal Mine Safety Board of Review.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## THE PUBLIC HEALTH SERVICE

The Chief Clerk proceeded to read sundry nominations in the Public Health Service.

Mr. BIBLE. I ask unanimous consent that the nominations in the Public Health Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

### FEDERAL COMMUNICATIONS COMMISSION

The Chief Clerk read the nomination of Frederick W. Ford to be a member of the Federal Communications Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

### DEPARTMENT OF THE TREASURY

The Chief Clerk read the nomination of Fred C. Scribner, Jr., to be Under Secretary of the Treasury.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

### COMPTROLLER OF CUSTOMS

The Chief Clerk read the nomination of Edwin A. Leland, Jr., to be Comptroller of Customs, with headquarters at New Orleans, La.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

### COLLECTORS OF CUSTOMS

The Chief Clerk proceeded to read sundry further nominations of collectors of customs.

Mr. BIBLE. I ask unanimous consent that the further nominations of collectors of customs be confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

### UNITED STATES DISTRICT JUDGE

The Chief Clerk read the nomination of Alfred A. Arraj to be United States district judge for the District of Colorado.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

### UNITED STATES ATTORNEYS

The Chief Clerk proceeded to read sundry further nominations of United States attorneys.

Mr. BIBLE. I ask unanimous consent that the further nominations of United States attorneys be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

### UNITED STATES MARSHALS

The Chief Clerk proceeded to read sundry further nominations of United States marshals.

Mr. BIBLE. I ask unanimous consent that the further nominations of United States marshals be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

### POSTMASTER NOMINATION PASSED OVER

The Chief Clerk read the nomination of Victor R. Milligan to be postmaster at Ketchikan, Alaska.

Mr. BIBLE. Mr. President, I ask that the nomination be passed over.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

The Chief Clerk proceeded to read sundry further nominations of postmasters.

Mr. BIBLE. I ask unanimous consent that the further nominations of postmasters, with the exception of the one passed over, be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

### THE ARMY

The Chief Clerk proceeded to read sundry nominations of officers to be placed on the retired list.

Mr. BIBLE. Mr. President, I ask unanimous consent that the nominations of officers to be placed on the retired list of the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

The Chief Clerk proceeded to read sundry nominations of officers for temporary appointment in the Army of the United States.

Mr. BIBLE. I ask unanimous consent that the nominations of officers for temporary appointment in the Army of the United States be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

The Chief Clerk proceeded to read sundry nominations of officers for promotion as Reserve commissioned officers of the Army.

Mr. BIBLE. I ask unanimous consent that the nominations of officers for promotion as Reserve commissioned officers of the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

The Chief Clerk read the nomination of Maj. Gen. Francis William Billado to be a major general in the Reserve of the Army.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

### THE AIR FORCE

The Chief Clerk proceeded to read sundry nominations of officers to be placed on the retired list in the Air Force.

Mr. BIBLE. I ask unanimous consent that the nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

### FEDERAL POWER COMMISSION—NOMINATION PASSED OVER

The Chief Clerk read the nomination of Jerome K. Kuykendall to be a member of the Federal Power Commission.

Mr. BIBLE. Mr. President, I ask that the nomination be passed over.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

### NOMINATIONS IN THE ARMED SERVICES, ON THE VICE PRESIDENT'S DESK—FIRST GROUP

The Chief Clerk proceeded to read sundry nominations in the armed services which had been placed on the Vice President's desk.

Mr. BIBLE. I ask that the nominations in this group, which are on the Vice President's desk, be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

### SECOND GROUP OF ARMY NOMINATIONS ON THE VICE PRESIDENT'S DESK

The Chief Clerk proceeded to read sundry nominations for appointment or reappointment in the Regular Army which had been placed on the Vice President's desk.

Mr. BIBLE. I ask unanimous consent that this group of nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. BIBLE. Mr. President, I ask unanimous consent that the President be immediately notified of all nominations confirmed this day.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

### LEGISLATIVE SESSION

Mr. BIBLE. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

### THE CALENDAR

Mr. BIBLE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of bills on the calendar to which there is no objection, commencing with Order No. 11.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BIBLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MONRONEY in the chair). Is there objection?

Mr. McNAMARA. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the roll.

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The legislative clerk resumed the call of the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will proceed with the call of the calendar.

## BILLS PASSED OVER

Mr. CLARK. Mr. President, I ask that all bills and resolutions beginning with Calendar No. 11 through Calendar No. 302 be passed over.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The bills and resolutions passed over are as follows:

Senate Concurrent Resolution 2, to create a joint Congressional committee to make a full and complete study and investigation of all matters connected with the election, succession, and duties of the President and Vice President.

Senate Resolution 24, to amend rule XIV of the Standing Rules of the Senate.

S. 913, to provide permanent authority for the Postmaster General to establish postal stations at camps, posts, or stations of the Armed Forces, and at defense or other strategic installations and for other purposes.

H. R. 4815, to provide permanent authority for the Postmaster General to establish postal stations at camps, posts, or stations of the Armed Forces, and at defense or other strategic installations, and for other purposes.

Senate Concurrent Resolution 20, authorizing an investigation by the Federal Trade Commission into the activities and practices of companies engaged in the production, distribution, or sale of newsprint in interstate commerce.

S. 495, to authorize the acquisition of the remaining property in square 725 in the District of Columbia and the construction thereon of additional facilities for the United States Senate.

S. 728, to authorize the acquisition of the remaining property in squares 725 and 724 in the District of Columbia for the purpose of extension of the site of the additional office building for the United States Senate.

S. 1164, to make the evaluation of recreational benefits resulting from the construction of any flood-control, navigation, or reclamation project an integral part of project planning, and for other purposes.

S. 1639, to provide for the suspension of the vesting of alien property and the liquidation of vested property, under the Trading With the Enemy Act.

S. 864, to provide for the transfer of certain lands to the State of Minnesota.

S. 2051, to amend the Atomic Energy Act of 1954, as amended, and for other purposes.

## BILLS AND RESOLUTIONS PASSED OVER

The bill (S. 377) to establish the finality of contracts between the Government and common carriers of passengers and freight subject to the Interstate Commerce Act was announced as next in order.

Mr. BARRETT. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 25) relating to effective dates of increases in compensation granted to wage board employees was announced as next in order.

Mr. BARRETT. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 931) to provide for the reorganization of the safety functions of the Federal Government and for other purposes was announced as next in order.

Mr. BARRETT. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1873) to amend section 401 (e) of the Civil Aeronautics Act of 1938 in order to authorize permanent certification for certain air carriers operating between the United States and Alaska was announced as next in order.

Mr. HRUSKA. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The concurrent resolution (S. Con. Res. 28) to print a compilation of materials relating to the development of the water resources of the Columbia River and its tributaries was announced as next in order.

Mr. HRUSKA. Over, by request.

The PRESIDING OFFICER. The resolution will be passed over.

## RELIEF OF CERTAIN ALIENS—BILL RECOMMITTED TO COMMITTEE ON THE JUDICIARY

The bill (S. 1310) for the relief of certain aliens was announced as next in order.

Mr. EASTLAND. Mr. President, on June 10, 1957, Senate bill 1310 was reported favorably by the Committee on the Judiciary and was placed on the calendar. Subsequent to this action, information was received that an administrative remedy appears to be available. I ask unanimous consent that Senate bill 1310 be recommitted to the Committee on the Judiciary.

The PRESIDING OFFICER. Is there objection to recommittal of the bill? The Chair hears none, and it is so ordered.

## BILLS PASSED OVER

The bill (H. R. 4602) to encourage new residential construction for veterans' housing in rural areas by raising the maximum amount in which direct loans may be made, and for other purposes, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 98) to provide for the establishment and operation of a mining and metallurgical research establishment in the State of Minnesota was announced as next in order.

Mr. BARRETT. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States was announced as next in order.

The PRESIDING OFFICER. H. R. 6127 is the unfinished business, and will be passed over.

The bill (S. 1730) to implement a treaty and agreement with the Republic of Panama, and for other purposes, was announced as next in order.

Mr. BARRETT. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 807) for the relief of Jackson School Township, Indiana, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2406) to authorize the construction of certain works of improvement in the Niagara River for power and other purposes was announced as next in order.

Mr. CLARK. Over.

The PRESIDENT OFFICER. The bill will be passed over.

## RELIEF OF CERTAIN ALIENS

The joint resolution (H. J. Res. 322) for the relief of certain aliens was announced as next in order.

Mr. ALLOTT. Over.

The PRESIDING OFFICER. The resolution will be passed over.

Mr. ALLOTT subsequently said: Mr. President, I ask unanimous consent that the Senate return to Calendar No. 572, House Joint Resolution 322, and proceed with its consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado?

There being no objection, the joint resolution (H. J. Res. 322) for the relief of certain aliens was considered, ordered to a third reading, read the third time, and passed.

## BILLS PASSED OVER

The bill (S. 1386) to authorize the Interstate Commerce Commission to prescribe rules, standards, and instructions for the installation, inspection, maintenance, and repair of power on train brakes was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2377) to amend chapter 223, title 18, United States Code, to provide for the production of statements and reports of witnesses, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4830) to authorize revision of the tribal roll of the Eastern Band of Cherokee Indians, North Carolina, and for other purposes, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7383) to amend the Atomic Energy Act of 1954, as amended, and for other purposes, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1869) to amend the Tennessee Valley Authority Act of 1933, as amended, and for other purposes, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2150) to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

## INSPECTION AND CERTIFICATION OF CERTAIN VESSELS

The bill (S. 1866) to amend the act entitled "An act to require the inspection and certification of certain vessels" in order to provide adequate time for the formulation of rules and regulations to be prescribed under such act was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That section 8 of the act entitled "An act to require the inspection and certification of certain vessels carrying passengers," approved May 10, 1956, is amended by striking out "January 1, 1957" and inserting in lieu thereof "January 1, 1959."

## SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The concurrent resolution (S. Con. Res. 40) favoring the suspension of deportation in the cases of certain aliens was considered and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation for more than 6 months:

A-1750750, Ali, Mohamid.
A-6678456, Alvear, Leonicia Garcia De.
A-9764546, Baizer, Herbert Paul.
A-5554927, Bliznakoff, Vasil.
A-3124105, Cassimis, John.
A-5886946, Cho, Tse.
A-8057140, Chu, Lek.
A-10255258, Chu, Li Yih Ai.
A-5993801, Li, Sue Ling.
A-10255250, Li, Sue Loo.
A-10255047, Li, Ruth Wu.
A-5531810, Darmanin, John.
A-6921218, Epstein, Zofia.
A-6958010, Escobar-Gonzalez, Victor Manuel.
A-9527785, Fong, Wong.
A-3049549, Gama-Reyes, Manuel.
A-4590908, Glick, Adolf.
A-1432407, Hahn, Soon Kyo.
0900-57150, Hahn, Tai Chin.
A-4359142, Herrara-Jiminez, Samuel.
A-9726671, Hidick, Massoad Abdul.
A-7356652, Hroncich, Leonardo.
A-2678095, Hsu, Rose Fung.
A-3667758, Kepraios, Stavros Stelianos.
A-1551550, Khan, Ali.
A-10255537, Kwan, Kwang Pei.
A-3209149, Lee, Poo.
A-8259493, Liadis, Panagiotis Dimitriou.
A-8189299, Liu, Tsong Won.
A-5449221, Lottrup, Jorgen S.
A-9770877, Mahmoud, Mohamed.
A-4043565, Maillet, Andre Pierre.
A-5148487, Mann, Mina.
A-1121179, Messina, Stellario G.
A-9709248, Nam, Tsu Hau.
A-4421186, Napoli, Michael.
A-9511407, On, Lee.
A-6242520, Ortiz-Zamorano, Rosendo.
A-4067578, Papagiarnis, John.
A-10139255, Rodriguez, Camelia Dreyfous.
A-10255544, Rodriguez, Manuel Joaquim.
A-4543718, Aurin, Dietrich.
A-7544210, Chu, Chen-Fu.
A-5970130, Contreras, Pablo.
A-7301220, Epstein, Zalman.
A-7866953, Herrera-Melquiades, Adalberto.
A-4962216, Gonzales, Eluteria.
A-9647371, Jung, Kai.
A-9654171, Lefas, Zacharias.
A-1961443, Roknich, Daniel.
A-9777001, Ryan, Michael.
A-6062026, Salazar-Gallegos, Roberto.
A-3429897, Sanchez-Poveda, Candido.
A-1177218, Secondo, Michele.
A-5877615, Sztulman, Berek.
A-9777191, Trillo, Manuel.
A-6933837, Tsai, Juin-Ping.
A-10139010, Tsai, Shuenn, Jeou.
A-8890267, Vasquez, Carlos.
A-10060080, Way, Tow.
A-10236971, Wing, Chin.
A-6708345, Wood, Jim Varley.
A-7388556, Yong, Sun Shin.
A-6817533, Greenhalgh, Richard James.
A-1239918, Kouyios, Nikitas.
A-6733979, Gerber, Golda.

## JOSE RAMIREZ-MORENO

The bill (S. 441) for the relief of Jose Ramirez-Moreno was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Jose Ramirez-Moreno. From and after the date of enactment of this act, the said Jose Ramirez-Moreno shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

## MILENKO KRNJAJICH

The bill (S. 1365) for the relief of Milenko Krnjajich was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Milenko Krnjajich, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Joseph Krnjajich, citizens of the United States.

SEC. 2. Notwithstanding the provisions of paragraph (25) of section 212 (a) of the Immigration and Nationality Act, Milenko Krnjajich may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such act: *Provided*, That this act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

## NICHOLAS DILLES

The bill (S. 1815) for the relief of Nicholas Dilles was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Nicholas Dilles shall be held and considered to be the natural-born alien son of Mr. and Mrs. Louis Dilles, citizens of the United States.

## MARIA WEST

The bill (S. 1896) for the relief of Maria West was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Maria West, shall be held and considered to be the natural-born alien child of Victor L. West, Jr., and Callie S. West, citizens of the United States.

## STAVROS GEORGAS

The Senate proceeded to consider the bill (S. 1227) for the relief of Stavros Georgas, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 4, after the name "Georgas", to strike out the comma and "who was a survivor of a marine disaster which occurred on the Atlantic Ocean and who was rescued and left in the United States by a Swedish vessel,", so as to make the bill read:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Stavros Georgas shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## WANDA WAWRZYCZEK

The Senate proceeded to consider the bill (S. 1370) for the relief of Wanda Wawrzyczek, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 7, after the word "act", to strike out the comma and "upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available" and insert a colon and "*Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.", so as to make the bill read:

*Be it enacted etc.*, That, for the purposes of the Immigration and Nationality Act, Wanda Wawrzyczek shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

The amendment was agreed to.

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The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## EILEEN SHEILA DHANDA

The Senate proceeded to consider the bill (S. 1767) for the relief of Eileen Sheila Dhanda, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 7, after the word "fee", to insert a colon and *"Provided,* That, if applicable, the conditions required by section 247 (b) of the Immigration and Nationality Act are complied with.", so as to make the bill read:

*Be it enacted, etc.,* That, for the purposes of the Immigration and Nationality Act, Eileen Sheila Dhanda shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee: *Provided,* That, if applicable, the conditions required by section 247 (b) of the Immigration and Nationality Act are complied with. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MRS. JYTTE STAREL SYNODIS

The Senate proceeded to consider the bill (S. 2009) for the relief of Mrs. Jytte Starel Synodis, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Mrs. Jytte Starel Synodis may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act: *Provided,* That this exemption shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## RELIEF OF CERTAIN KOREAN WAR ORPHANS

The Senate proceeded to consider the bill (S. 366) for the relief of certain Korean war orphans, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Kim Yung Bok (Peter Garner) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Kim Kil Won (Michael Garner) shall be deemed to be the normal-born alien child of Mr. and Mrs. Murl Garner, citizens of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Kim Yung Bok (Peter Garner) and Kim Kil Won (Michael Garner)."

## REBECCA JEAN LUNDY

The Senate proceeded to consider the bill (S. 1387) for the relief of Rebecca Jean Lundy, which had been reported from the Committee on the Judiciary with amendments on page 1, line 7, after the word "be", to insert "issued a visa and be", and, in line 10, after the word "States", to insert "Public Health Service, Department of Health, Education, and Welfare,", so as to make the bill read:

*Be it enacted, etc.,* That, notwithstanding the provisions of paragraph (6) of section 212 (a) of the Immigration and Nationality Act, Rebecca Jean Lundy (Helen Choy) may, if she is found to be otherwise admissible under the provisions of such act, be issued a visa and be admitted to the United States for permanent residence, under such conditions and controls as the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, deems necessary to impose: *Provided,* That a suitable or proper bond or undertaking, approved by the Attorney General, shall be given by or on behalf of the said Rebecca Jean Lundy (Helen Choy) in the same manner and subject to the same conditions as bonds or undertakings given under section 213 of such act: *Provided further,* That this act shall apply only to grounds for exclusions under paragraph (6) of section 212 (a) of such act known to the Secretary of State or to the Attorney General prior to the date of enactment of this act.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Rebecca Jean Lundy (Helen Choy) shall be held and considered to be the natural-born alien child of Mr. and Mrs. Eli Lundy, citizens of the United States.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## SIC GUN CHAU (TSE) AND HING MAN CHAU

The Senate proceeded to consider the bill (S. 1685) for the relief of Sic Gun Chau (Tse) and Hing Man Chau, which had been reported from the Committee on the Juidiciary with amendments on page 1, line 7, after the word "be", to insert "issued visas and be", and, in line 10, after the word "States", to insert "Public Health Service, Department of Health, Education, and Welfare,", so as to make the bill read:

*Be it enacted, etc.,* That, notwithstanding the provisions of paragraph (6) of section 212 (a) of the Immigration and Nationality Act, Sic Gun Chau (Tse) and Hing Man Chau may, if they are found to be otherwise admissible under the provisions of such act, be issued visas and be admitted to the United States for permanent residence, under such conditions and controls as the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, deems necessary to impose. A suitable or proper bond or undertaking, approved by the Attorney General, shall be given by or on behalf of the said Sic Gun Chau (Tse) and Hing Man Chau in the same manner and subject to the same conditions as bonds or undertakings given under section 213 of such act. This act shall apply only to grounds for exclusion under paragraph (6) of section 212 (a) of such act known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## ROSA SIGL

The Senate proceeded to consider the bill (S. 1736) for the relief of Rosa Sigl, which had been reported from the Committee on the Judiciary with amendments on page 1, at the beginning of line 5, to insert "issued a visa and be"; in line 9, after the word "Justice," to strike out "have" and insert "has", and, in line 10, after the word "act," to insert a colon and *"And provided further,* That the marriage to her United States citizen fiance, Sgt. Dewey Kocherhans, shall occur not later than 6 months following the date of the enactment of this act."; so as to make the bill read:

*Be it enacted, etc.,* That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Rosa Sigl may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act: *And provided further,* That the marriage to her United States citizen fiance, Sgt. Dewey Kocherhans, shall occur not later than 6 months following the date of the enactment of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

The Senate proceeded to consider the joint resolution (H. J. Res. 323) to facilitate the admission into the United States of certain aliens, which had been reported from the Committee on the Judiciary with an amendment on page 2, line 3, after "SEC. 3.", to strike out "For the purposes of the Immigration and Nationality Act, Sofia Kavadias shall be deemed to be a nonquota immigrant" and insert "For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Sofia Kavadias shall be held and considered to be the natural-born alien child of Mr. and Mrs. Georgios Kavadias, lawful permanent residents of the United States."

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read the third time.

The joint resolution was read the third time, and passed.

## REMOVAL OF TIMBER FROM LANDS ACQUIRED BY THE UNITED STATES

The bill (H. R. 7522) to authorize the extension of certain rights to remove timber from lands acquired by the United States was considered, ordered to a third reading, read the third time, and passed.

## JOHN J. FARRELLY

The Senate proceeded to consider the bill (H. R. 5341) for the relief of John J. Farrelly, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 4, after the name "Missouri", to insert "or his assignees"; in line 9, after the figures "053934", to strike out "057169,", and, in line 11, after the word "act", to insert "but no extension shall be granted by this act with respect to any lease on which rental payments due on the date of approval of this act are not paid within 90 days thereafter."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

## FARTICIPATION BY THE UNITED STATES IN THE INTERPARLIAMENTARY UNION

The bill (S. 2515) to amend the act of June 28, 1935, entitled "An act to authorize participation by the United States in the Interparliamentary Union" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That section 1 of the act of June 28, 1935, as amended (49 Stat. 425; 22 U. S. C. 276) is hereby amended to read as follows: "An appropriation of $33,000 annually is hereby authorized, $18,000 of which shall be for the annual contribution of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration; and $15,000, or so much thereof as may be necessary, to assist in meeting the expenses of the American group of the Interparliamentary Union for each fiscal year for which an appropriation is made, such appropriation to be disbursed on vouchers to be approved by the President and the executive secretary of the American group."

## AMENDMENT OF DISTRICT OF COLUMBIA HOSPITAL CENTER ACT—BILL PASSED OVER

The bill (S. 1908) to amend the District of Columbia Hospital Center Act in order to extend the time and increase the authorization for appropriations under such act, was announced as next in order.

Mr. CHAVEZ. Over.

The PRESIDING OFFICER. The bill will be passed over.

## INTERNATIONAL COUNCIL OF SCIENTIFIC UNIONS

The Senate proceeded to consider the joint resolution (S. J. Res. 85) to amend the act of Congress approved August 7, 1935, covering United States contributions to the International Council of Scientific Unions and certain associated unions, which had been reported from the Committee on Foreign Relations with an amendment in line 3, after the word "Law", to strike out "255" and insert "253", so as to make the joint resolution read:

*Resolved, etc.*, That Public Law 253, 74th Congress, is hereby amended by striking out the figure "$9,000" in the section dealing with the International Council of Scientific Unions and inserting in lieu thereof the figure "$65,000."

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

## RIO GRANDE REHABILITATION PROJECT, TEXAS—BILL PASSED OVER

The bill (S. 2120) to authorize the Secretary of the Interior to construct, rehabilitate, operate and maintain the lower Rio Grande rehabilitation project, Texas, Mercedes division, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

## APPOINTMENT OF MEMBERS OF THE SENATE TO ATTEND MEETING OF COMMONWEALTH PARLIAMENTARY ASSOCIATION

The resolution (S. Res. 160) authorizing the appointment of four Members of the Senate to attend the next general meeting of the Commonwealth Parliamentary Association to be held in India was considered and agreed to, as follows:

*Resolved*, That the Vice President is authorized to appoint four Members of the Senate to attend the next general meeting of the Commonwealth Parliamentary Association to be held in India on the invitation of the Indian branch of the association, and to designate the chairman of the delegation. The expenses incurred by the members of the delegation and staff appointed for the purpose of carrying out this resolution shall not exceed $15,000 and shall be reimbursed to them from the contingent fund of the Senate upon submission of vouchers approved by the chairman of the delegation.

## MEETING OF COMMONWEALTH PARLIAMENTARY ASSOCIATION IN INDIA

The concurrent resolution (S. Con. Res. 36) authorizing the appointment of 4 Members each of the 2 Houses to attend general meeting of the Commonwealth Parliamentary Association to be held in India was considered and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the Vice President and the Speaker of the House of Representatives are authorized to appoint 4 Members of the Senate and 4 Members of the House of Representatives, respectively, to attend the next general meeting of the Commonwealth Parliamentary Association to be held in India on the invitation of the Indian branch of the association and to designate the chairmen of the delegations from each of the Houses to be present at such a meeting. The expenses incurred by the members of the delegations and staff appointed for the purpose of carrying out this concurrent resolution shall not exceed $15,000 for each delegation and shall be reimbursed to them from the contingent fund of the House of which they are Members, upon submission of vouchers approved by the chairman of the delegation of which they are members.

## INCREASE OF FEES CHARGED ON TRANSACTIONS ON NATIONALLY RECOGNIZED EXCHANGES—BILL PASSED OVER

The bill (S. 2520) to amend section 31 of the Securities and Exchange Act of 1934, was announced as next in order.

Mr. BARRETT. Over.

The PRESIDING OFFICER. The bill will be passed over.

## NEWPORT IRRIGATION DISTRICT, NEBRASKA

The bill (H. R. 3071) to authorize the Secretary of the Interior to enter into and to execute amendatory contract with the Newport Irrigation District, Nebraska, was considered, ordered to a third reading, read the third time, and passed.

## RESEARCH PROGRAM IN CLOUD MODIFICATION

The Senate proceeded to consider the bill (S. 86) to provide for an experimental research program in cloud modification, which had been reported from the Committee on Interstate and Foreign Commerce with an amendment to strike out all after the enacting clause and insert:

The National Science Foundation is authorized and directed to initiate and support a program of study, research, and evaluation in the field of weather modification, giving particular attention to areas that have experienced floods, drought, hail, lightning, fog, tornadoes, or other weather phenomena, and to report annually to the President and the Congress thereon. In conducting such studies, the Foundation shall consult with meteorologists and scientists in private life and with agencies of Government interested in, or affected by, experimental research in the field of weather control. Research programs to carry out the purposes of this act by the National Science Foundation, and by other Government agencies or departments, may be accomplished through contract with, or grants to, private or public institutions or agencies, including but not limited to cooperative programs with any State through such instrumentalities as may be designated by the governor of such State.

SEC. 2. For the purposes of this act, the Foundation is authorized to accept as a gift, money, material, or services: *Provided*, That any such gift may, if the donor so specifies, be restricted or limited for use in connection with certain projects or area. Other agencies of the Government are authorized to loan, without reimbursement, and the Foundation is authorized to receive, such property and personnel as may be deemed useful, with

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the approval of the Director of the Bureau of the Budget. In addition to the authority contained herein, the National Science Foundation, for the purposes of this act, may utilize any of the powers granted by the National Science Foundation Act of 1950 (42 U. S. C. 1861–1875).

SEC. 3. The Advisory Committee on Weather Control is abolished effective December 31, 1957, and its functions, duties, and records and any unexpended funds are transferred to the National Science Foundation and there is authorized to be appropriated to the National Science Foundation such amounts as are necessary to carry out the purposes of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to provide for a research program in the field of weather modification to be conducted by the National Science Foundation, and for other purposes."

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that I may place at this point in the RECORD a statement relative to the bill just passed.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR FRANCIS CASE OF SOUTH DAKOTA

Mr. President, this bill authorizes the National Science Foundation to complete the evaluation work of the Advisory Committee on Weather Control and to undertake an orderly research program in weather modification.

As I had introduced the bill, the program would have been carried on by the advisory committee. The majority of the Federal agencies concerned with potentialities of the program, however, recommended that the research program be assigned to the agency which now coordinates and conducts governmental research—the National Science Foundation. The Chairman of the Advisory Committee, Capt. Howard Orville, concurred in this thought, and the bill was appropriately amended.

The possible importance of this bill to the Nation is tremendous. We spend hundreds of millions of dollars to counteract and alleviate weather-caused disasters. Individuals and businesses spend and suffer even more.

To give some idea of the possibilities of cloud modification, I quote these sentences from a statement issued by the Council of the American Meteorological Society on April 30, 1957:

"1. The seeding of a supercooled cloud with dry ice will usually convert at least a portion of the cloud to ice crystals. Under appropriate conditions, such seeding may release variable amounts of precipitation. * * * Holes or valleys may be produced in supercooled clouds or supercooled fogs by seeding them with dry ice.

"2. The injection of water drops or hydroscopic salt particles into active, warm (non-supercooled) cumulus clouds may release some rain. * * *

"3. In some cases warm fog and stratus may be dissipated in restricted regions by the use of certain hygroscopic materials.

"4. At temperatures below about −5° centigrade silver iodide crystals are known to affect supercooled clouds in much the same way as dry ice. * * *

"5. Cloud seeding acts only to trigger the release of precipitation from existing clouds. * * *

"6. No convincing evidence has been presented which indicates that ground-based silver iodide seeding affects the amount or character of precipitation over flat country. (Mountain country is different.)

"7. * * *

"8. * * *

"9. All cloud-seeding operations should be considered as experiments since the techniques are still under development and there is no sound basis for the quantitative estimation of the results in advance of the operation. * * * There is good reason to believe that improved returns from cloud seeding will result from a sound experimental approach and this should be fostered by all concerned."

This bill, S. 86, Mr. President, is designed to provide that "sound experimental approach" which the American Meteorological Society states "should be fostered by all concerned."

It is the result of extensive hearings and careful deliberation by the Senate Committee on Interstate and Foreign Commerce.

I urge all those interested to get a copy of Report No. 607, on this bill, S. 86, and a copy of the hearings if they have not been exhausted.

When a great deal of today's legislation has been passed and forgotten, it is my earnest conviction that what this Congress does to authorize this orderly experimentation and evaluation of efforts in cloud modification will have lasting significance for conditions of fog, smog, drought, floods, and hurricanes. What this would mean for the welfare of agriculture, commerce, industry, defense, and other material and human concerns is beyond our power today to estimate. I thank the Committee and all who have helped in consideration and passage of the bill.

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## MINING CLAIMS ON FEDERAL LANDS

The bill (S. 2039) to clarify the requirements with respect to the performance of labor imposed as a condition for the holding of mining claims on Federal lands pending the issuance of patents therefor was announced as next in order.

Mr. BARRETT. Mr. President, reserving the right to object, may we have an explanation of the bill.

Mr. BIBLE. The purpose of the bill is to broaden the type of labor that can be considered for the performance of the annual assessment work on mining claims. Great advances have been made in modern-day mineral exploration through geophysical and geochemical means. My bill, S. 2039, would give recognition to these scientific advances by permitting their use to be considered as labor, for the fulfillment of the annual assessment work on mining claims. Geophysical and geochemical explorations are now on a scientific basis and are well established and well recognized in the mining world.

It is not contemplated that the new type of work be used to supplant the historic requirement for a bona fide discovery. A discovery of a mineral of such quantity and quality as to warrant its development by a prudent man would still be necessary for the location of mining claims if S. 2039 becomes law. A bona fide discovery of that nature is inherent in our mining law, and this requirement would not be changed by the measure under discussion. The bill goes only to the requirement that at least $100 worth of labor and materials must be expended annually in the development of a mining claim, once a discovery has been made, in order that the locator may maintain property rights in it. The measure was introduced and was reported by the Committee on Interior and Insular Affairs solely for the purpose of taking into account modern-day methods of proving up mining claims.

Mr. BARRETT. Mr. President, will the Senator from Nevada yield?

Mr. BIBLE. I am delighted to yield.

Mr. BARRETT. I do not intend to object to consideration of the bill. But my attention has been called to the fact that there is no definition in the bill of what constitutes the geophysical work or the geological work which may be done in order to comply with the law under this measure. Perhaps the House committee in its report may outline precisely what type of work is intended to be included.

Mr. BIBLE. Mr. President, I think the suggestion of the Senator from Wyoming is a good one. In my bill, no attempt was made to spell out precise definitions of those terms, because they are so well recognized in the mining world.

The Senator from Wyoming will recall that in the committee there was a discussion of the scientific terms and what they included.

We concluded that persons in the mining world well understand their meaning and scope. However, I think the Senator's suggestion is a good one.

Mr. BARRETT. Mr. President, under the circumstances, I withdraw the objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to the consideration of the bill (S. 2039) to clarify the requirements with respect to the performance of labor imposed as a condition for the holding of mining claims on Federal lands pending the issuance of patents therefor, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 7, after the word "to", to strike out "the making of"; in line 8, after the word "surveys", to strike out the comma and "exploratory drilling," and insert "made by credited technicians employing generally recognized equipment and methods"; on page 2, line 5, after the word "the", to strike out "fiscal" and insert "assessment"; in line 6, after the word "commencing", to insert "at 12 o'clock meridian on", and, in line 7, after the word "succeeding", to strike out "fiscal" and insert "assessment"; so as to make the bill read:

*Be it enacted, etc.*, That section 2324 of the Revised Statutes of the United States (30 U. S. C. 28) is amended by inserting immediately after the third sentence thereof the following new sentence: "The term 'labor,' as used in the preceding sentence, shall include, but not be limited to, geological, geochemical, or geophysical surveys made by credited technicians employing generally recognized equipment and methods, or other recognized means of determining the existence, extent of concentration, or accessibility of minerals on the claim."

SEC. 2. The amendment made by the first section of this act shall be effective with respect to the assessment year commencing at

12 o'clock meridian on July 1, 1957, and all succeeding assessment years.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS PASSED OVER

The bill (H. R. 4520) to amend section 401 (e) of the Civil Aeronautics Act of 1938 in order to authorize permanent certification for certain air carriers operating between the United States and Alaska, was announced as next in order.

Mr. BARRETT. Over.

Mr. MAGNUSON. Mr. President, is the request that the bill be passed over made by request?

Mr. BARRETT. We have two objections on our side to the present consideration of the bill. The committee is not objecting to consideration of the bill, but certain Senators on this side have objection.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

The bill (H. R. 8090) making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1958, and for other purposes, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3775) to amend section 20b of the Interstate Commerce Act in order to require the Interstate Commerce Commission to consider, in stock modification plans, the assets of controlled or controlling stockholders, and for other purposes, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

## PREVENTION OF USE OF ARBITRARY STOCK PAR VALUES

The Senate proceeded to consider the bill (H. R. 3625) to amend section 214 of the Interstate Commerce Act, as amended, to prevent the use of arbitrary stock par values to evade Interstate Commerce Commission jurisdiction, which had been reported from the Committee on Interstate and Foreign Commerce with an amendment on page 1, after line 5, to strike out:

(1) striking out "par value" wherever it appears in the proviso in the first sentence and inserting in lieu thereof "value of capital stock or principal amount of indebtedness"; and

And in lieu thereof, to insert:

(1) changing the proviso in the first sentence to read "*Provided, however,* That said provisions shall not apply to such carriers or corporations where the value of capital stock or principal amount of other securities to be issued together with the value of capital stock and principal amount of other securities then outstanding, does not exceed $1 million, nor to the issuance of notes of a maturity of 2 years or less and aggregating not more than $200,000, which notes aggregating such amount including all outstanding obligations maturing in 2 years or less may be issued without reference to the percentage which said amounts bear to the total amount of outstanding securities"; and

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

## AMENDMENT OF INTERNATIONAL CLAIMS SETTLEMENT ACT

The Senate proceeded to consider the bill (S. 979) to amend the International Claims Settlement Act of 1949, as amended, and for other purposes, which had been reported from the Committee on Foreign Relations with amendments on page 1, line 8, after the word "than", to strike out "March 1, 1957" and insert "the date of enactment of this act"; on page 2, line 6, after the word "from", to strike out "war loss" and insert "any"; in line 14, after the word "amended", to insert "or subtitle A of the Internal Revenue Code of 1954, as amended," and, in line 15, after the word "decreased", to strike out "by reason of the application of the provisions of section 127 of such code with respect to such loss or losses. Any payment of an award reduced by reason of this subsection, to the extent such payment represents a war loss recovery under section 127 of such code, or under section 1331 through section 1337 of the Internal Revenue Code of 1954, shall be exempt from Federal income taxes."; so as to make the bill read:

*Be it enacted, etc.,* That (a), section 306 of the International Claims Settlement Act of 1949, as amended, is amended at the end thereof by striking out the words "not be more than 1 year after such publication, except that with respect to claims under section 305 this limit shall not exceed 6 months." and inserting "in no event be later than the date of enactment of this act."

(b) The International Claims Settlement Act of 1949, as amended, is further amended by designating section 308 thereof as subsection (a) of section 308 and adding the following:

"(b) Any proposed award under subsection (a) of this section shall be reduced by an amount equal to the aggregate amount of Federal tax benefits derived by the claimant in any prior taxable year or years resulting from any deduction or deductions claimed for the loss or losses with respect to which such proposed award is made, except that such an award shall not be reduced to an amount less than $5,000 by reason of this subsection. Such Federal tax benefits shall be the aggregate of the amounts by which the claimant's taxes for such year or years under chapters 1, 2A, 2B, 2D, and 2E of the Internal Revenue Code of 1939, as amended, or subtitle A of the Internal Revenue Code of 1954, as amended, were decreased.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## RESOLUTION PASSED OVER

The resolution (S. Res. 15) to express the sense of the Senate on the establishment of the United Nations force was announced as next in order.

Mr. BARRETT. Over.

Mr. CLARK. Over.

The PRESIDING OFFICER. The resolution will be passed over.

## ADDITIONAL EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS

The resolution (S. Res. 154) authorizing additional expenditures by the Committee on Appropriations was considered and agreed to, as follows:

*Resolved,* That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the 85th Congress, $10,000, in addition to the amounts, and for the same purposes, specified in section 134 (a) of the Legislative Reorganization Act, approved August 2, 1946.

## VIRGINIA MAY CHRISTIAN AND OTHERS

The resolution (S. Res. 164) to pay a gratuity to Virginia May Christian and others was considered and agreed to, as follows:

*Resolved,* That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Virginia May Christian and Margaret G. Devaney, daughters, and to Samuel Percy Griffin, Jr., Edward W. Griffin, and William P. Griffin, sons of Samuel P. Griffin, an employee of the Senate at the time of his death, a sum to each equal to one-fifth of a year's compensation at the rate he was receiving by law at the time of his death, said sums to be considered inclusive of funeral expenses and other allowances.

## PRINTING AS HOUSE DOCUMENT THE PUBLICATION GUIDE TO SUBVERSIVE ORGANIZATIONS AND PUBLICATIONS

The concurrent resolution (H. Con. Res. 135) to print as a House document the publication Guide to Subversive Organizations and Publications was considered and agreed to.

## PRINTING AS HOUSE DOCUMENT VOLUMES I AND II OF PUBLICATION SOVIET TOTAL WAR

The concurrent resolution (H. Con. Res. 136) to print as a House document volumes I and II of the publication Soviet Total War was considered and agreed to.

## MEMORIAL TO THE DEAD OF THE SECOND INFANTRY DIVISION

The joint resolution (H. J. Res. 345) authorizing the erection on public grounds in the city of Washington, District of Columbia, of a memorial to the dead of the 2d Infantry Division, United States Forces, World War II and the Korean conflict, was considered, ordered to a third reading, read the third time, and passed.

## MICROFILMING OF PAPERS OF PRESIDENTS OF THE UNITED STATES

The bill (H. R. 7813) to organize and microfilm the papers of Presidents of the United States in the collections of the

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Library of Congress was considered, ordered to a third reading, read the third time, and passed.

Mr. ELLENDER subsequently said: Mr. President, I should like to inquire what disposition has been made of Calendar No. 635, H. R. 7813.

The PRESIDING OFFICER. The bill, H. R. 7813, Calendar No. 635, to organize and microfirm the papers of Presidents of the United States in the collection of the Library of Congress, was passed.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which the bill was passed and that the bill be placed on the calendar. I am informed that an amendment is to be submitted to the bill. It may be possible to do that this afternoon. If not, we can take up the bill at the next call of the calendar.

The PRESIDING OFFICER. The Senator from Louisiana [Mr. ELLENDER] asks unanimous consent that the Senate reconsider the vote by which it passed Order No. 635, H. R. 7813, and that the bill be returned to the calendar. Is there objection to the request of the Senator from Louisiana?

Mr. STENNIS. Does the Senator from Louisiana request that the bill go to the foot of the calendar, for the purpose of having an amendment submitted to it later in the day?

Mr. ELLENDER. The amendment may not be ready this afternoon.

Mr. STENNIS. The Senator, then, requests that the bill go over to the next call of the calendar. Is that correct?

Mr. ELLENDER. The Senator is correct. I ask that the bill be passed over to the next call of the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

## SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The concurrent resolution (S. Con. Res. 41) favoring the suspension of deportation of certain aliens was considered and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244 (a) (5) of the Immigration and Nationality Act (66 Stat. 214; 8 U. S. C. 1254 (c)):

A-4158392, Adelkis, Stanley Michael.
A-2885127, Aksomaitis, Vincas.
A-5396880, Asano, Katsu.
A-5026507, Beltran, Adolfo.
A-2830514, Beltran, David.
A-5342432, Berezovsky, Philip.
A-10249801, Berger, Hyman.
A-3996493, Cardozo, Manuel Soares.
A-5126546, Castaneda-Cardoza, Alfonso.
A-5453601, Collazo-Gomez, Ernesto.
A-4322851, Cuilla, Serafano.
A-2375195, Ding-Gomez, Loreto.
A-2368539, Fiori, Francesco.
A-3279005, Freiman, John.
A-4621249, Genco, Salvatore.
A-5740870, Gergieff, Mogomet.
A-3607094, Giardina, John.
A-10519582, Gonzalez-Rodriguez, Jose Guadalupe.
A-3234931, Hagig, Jurius Bahounes.
A-3092077, Hanna, Asef.
A-2753717, Hernandez, Raymond.
A-5457310, Holm, Henning.
A-5817785, Imbelli, Joseph.
A-8890652, Johnson, John Christian.
A-2369307, Kaplan, Anna.
A-4493473, Kessler, Max.
A-5014088, Klymczak, Wojciech.
A-5405700, Kotchkowsky, Anthony.
A-3569890, Kozlowski, Edward.
A-2836648, Kubiejewski, John.
A-5974494, Mannert, Anna.
A-8979815, Martinez-Torres, Juan.
A-3299593, Mellin, Otto Hammes.
A-10116646, Milwood, Orville.
A-5140141, Mirarchi, Mosario Joseph.
A-3245080, Nevarrez-Garcia, Manuel Angelo.
A-8938342, Palacio, Manuel.
A-3584143, Aldana, Sara Barbosa De.
A-4195208, Cariozzi, James.
A-3692261, D'Elena, Celeste.
A-5156681, Dicroff, Robert Ernst.
A-1899752, Elashik, Sava.
A-5622659, Favorito, Thomas Vincent.
A-4619627, Kagan, Irving.
A-5949135, Kaminski, Leon.
A-5547409, Kognoski, Peter.
A-5158358, Latina, Salvatore.
A-3166512, Lewandowski, Felix.
A-3331252, Parrillo, Pasquale.
A-10421865, Pawlak, Stanley.
A-5231537, Pecoraro, Girolamo.
A-5768942, Peltz, Max.
A-4893229, Perez, Regina Escobar.
A-8862238, Pidalo, Barbara.
A-2772408, Pilaia, Sam.
A-8582019, Radke, Victor John.
A-3810815, Romanovich, John.
A-2397876, Sabolovich, Mike.
A-3524451, Salazar-Ruiz, Andres.
A-5643343, Saledonis, Joseph John.
A-4146663, Schwartz, Isadore.
A-4571662, Siuba, Antonette.
A-3212351, Spear, Max.
A-5655850, Storz, Siegfried Herman.
A-4492568, Takeda, Shiro.
A-3490481, Tepper, Joseph Bernard.
A-2777783, Vallone, Felice.
A-2231701, Varela, Guadalupe Alvarez De.
A-5733817, Vargo, John.
A-3838689, Vega, Ramon.
A-5437973, Videll, Carl Ragner Frederick.
A-2582384, Villagomez-Anguiano, Jose.
A-2675965, Woo, Nye Yen.
A-4566433, Zalaski, Myron Stanley.
A-2720389, Bielick, Lukian.
A-3290571, Do Souto, Jose.
A-7089013, Limon-Acosta, Felix.
A-1582711, Lutsky, Isadore.
A-4446802, Ptasienski, Joseph.
A-2705430, De Hernandez, Manuela Triana.

## LUCRECIA ZUCKERMANN PODESTA

The bill (S. 144) for the relief of Lucrecia Zuckermann Podesta was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted etc.*, That, for the purposes of the Immigration and Nationality Act, Lucrecia Zuckermann Podesta shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

## LOCK TING KING

The bill (S. 396) for the relief of Lock Ting King, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Lock Ting King shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

## WILLEM WOERAS

The bill (S. 397) for the relief of Willem Woeras was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That for the purposes of the Immigration and Nationality Act, Willem Woeras shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

## ROBERT F. GROSS

The bill (S. 524) for the relief of Robert F. Gross was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That Robert F. Gross of Harrisonburg, Pa., is hereby relieved of all liability to refund to the United States the sum of $1,047.42, representing the amount of the overpayment received by him at the time of his final separation from employment with the Department of Labor as compensation for unused annual leave.

SEC. 2. All disbursing officers, or other responsible officers, who made or authorized the overpayment referred to in the first section of this Act, are relieved of all liability for such overpayment and their accounts shall be credited with the amount of such overpayment.

## VIDA DJENICH

The bill (S. 567) for the relief of Vida Djenich was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Vida Djenich shall be held and considered to be the minor alien child of Cvetko Djenich, a citizen of the United States.

## ZACHAROULA PAPOULIA MATSA

The bill (S. 796) for the relief of Zacharoula Papoulia Matsa was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Zacharoula Papoulia Matsa shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required

visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

### MRS. AHSAPET GAMITYAN

The bill (S. 1049) for the relief of Mrs. Ahsapet Gamityan was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Mrs. Ahsapet Gamityan shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

### MARIO BELLICH

The bill (S. 1142) for the relief of Mario Bellich was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Mario Bellich shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

### ZDENKA SNELER

The bill (S. 1153) for the relief of Zdenka Sneler was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Zdenka Sneler shall be held and considered to be the natural-born minor alien child of Mr. and Mrs. John Grisnik, citizens of the United States.

### EILEEN TEAHAN

The bill (S. 1155) for the relief of Eileen Teahan was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Eileen Teahan shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

### HELENE CORDERY HALL

The bill (S. 1175) for the relief of Helene Cordery Hall was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purpose of the Immigration and Nationality Act, Helene Cordery Hall shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to this alien as provided for in this act, if such alien was classifiable as a quota immigrant at the time of the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to reduce by one the quota for the quota area to which the alien is chargeable for the first year that such quota is available.

### EDWARD MARTIN HINSBERGER

The bill (S. 1241) for the relief of Edward Martin Hinsberger was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That Edward Martin Hinsberger, who lost United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, may be naturalized by taking, prior to 1 year after the date of the enactment of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, an oath as prescribed by section 337 of such act. From and after naturalization under this act, the said Edward Martin Hinsberger shall have the same citizenship status as that which existed immediately prior to its loss.

### LEE-ANA ROBERTS

The bill (S. 1290) for the relief of Lee-Ana Roberts was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Lee-Ana Roberts shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

### PAO-WEI YUNG

The bill (S. 1306) for the relief of Pao-Wei Yung was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Pao-Wei Yung shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

### TORIBIA BASTERRECHEA (ARROLA)

The bill (S. 1307 for the relief of Toribia Basterrechea (Arrola) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Toribia Basterrechea (Arrola) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year such quota is available.

### ANSIS LUIZ DARZINS

The bill (S. 1421) for the relief of Anzis Luiz Darzins was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Ansis Luiz Darzins shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

### JAMIL G. NASSAR

The bill (S. 1579) for the relief of Jamil G. Nassar was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Jamil G. Nassar shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

### STEPHEN PETER DEMOGIANNIS (STAVROS PANTELLIS DEMOGIANNIS)

The bill (S. 1914) for the relief of Stephen Peter Demogiannis (Stavros Pantellis Demogiannis) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Stephen Peter Demogiannis (Stavros Pantellis Demogiannis), shall be held and considered to be the natural born alien child of Peter Thomas Koines and Marie Poulos Koines, his wife, citizens of the United States.

### GERTRUD MEZGER

The bill (S. 2165) for the relief of Gertrud Mezger was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, in the administration of the Immigration and Nationality Act, Gertrud Mezger, the fiance of Albert Lee Klingelhofer, a citizen of the United States and an honorably discharged veteran of the Armed Forces, shall be eligible for

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a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided*, That the administrative authorities find that the said Gertrud Mezger is coming to the United States with a bona fide intention of being married to the said Albert Lee Klingelhofer and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Gertrud Mezger, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Gertrud Mezger, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Gertrude Mezger as of the date of the payment by her of the required visa fee.

## REIMBURSEMENT OF MEADOW SCHOOL DISTRICT, UPHAM, N. DAK.—BILL PLACED AT FOOT OF CALENDAR

The Senate proceeded to consider the bill (S. 212) to provide for the reimbursement of Meadow School District, Upham, N. Dak., for loss of revenue resulting from the acquisition of certain lands, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 7, after the word "act", to strike out "in excess of 10 percent thereof," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Meadow School District No. 29, Upham, N. Dak., the sum of $5,197.56 in full satisfaction of such school district's claim against the United States for reimbursement of loss of revenue resulting from the acquisition by the United States Department of the Interior of approximately 30 percent of the lands within such school district for a wildlife refuge, such amount representing the equitable share of such school district's bonded indebtedness remaining due against such lands acquired by the Department of the Interior at the time of such acquisition: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CHAVEZ. Mr. President, I wish to discuss this bill with the senior Senator from North Dakota and the junior Senator from North Dakota [Mr. LANGER and Mr. YOUNG]. Therefore, I ask unanimous consent that the action by which the bill has just been passed be rescinded, and that the bill go to the foot of the calendar, so that I can inquire about it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico?

Mr. BARRETT. I have no objection.

The PRESIDING OFFICER. Without objection, the action of the Senate in passing the bill is reconsidered, and the bill will be placed at the foot of the calendar, to be called when the foot of the calendar is reached.

## AGAPITO JOROLAN

The Senate proceeded to consider the bill (S. 280) for the relief of Agapito Jorolan, which had been reported from the Committee on the Judiciary with an amendment on page 1, at the beginning of line 3, to strike out "That Agapito Jorolan, of Orlando, Fla., is hereby relieved of all liability to repay to the United States the sum of $6,200 which sum was erroneously paid him during the period from April 1952 to November" and insert "That, on the date of enactment of this act, Agapito Jorolan, of Orlando, Fla., is relieved of any liability to repay to the United States the remaining unpaid balance of the sum which was erroneously paid him during the period from April 1952 to August", so as to make the bill read:

*Be it enacted, etc.*, That, on the date of enactment of this Act, Agapito Jorolan, of Orlando, Fla., is relieved of any liability to repay to the United States the remaining unpaid balance of the sum which was erroneously paid him during the period from April 1952 to August 1955 by the Military Sea Transportation Service, Department of the Navy, as the result of the failure of such Service to deduct from his salary (pursuant to sec. 2 (b) of the Civil Service Retirement Act of May 29, 1930, as amended, 5 U. S. C. 715 (b)) an amount equal to the amount he was entitled to receive in civil service retirement annuity payments during such period, the said Agapito Jorolan having been reemployed by such Service subsequent to his retirement on March 31, 1952, under the Civil Service Retirement Act of May 29, 1930, as amended.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## BENJAMIN WACHTFOGEL

The Senate proceeded to consider the bill (S. 398) for the relief of Benjamin Wachtfogel, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 7, after the word "act", to strike out the comma and "upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available," and insert a colon and "*Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.", so as to make the bill read:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Benjamin Wachtfogel shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## LUIGI LINO TUREL

The Senate proceeded to consider the bill (S. 485) for the relief of Luigi Lino Turel, which had been reported from the Committee on the Judiciary with an amendment in line 7, after the word "fee", to strike out "Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available," so as to make the bill read:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Luigi Lino Turel shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## BILL PASSED OVER

The bill (S. 491) for the relief of Joanne Lea (Buffington) Lybarger was announced as next in order.

Mr. BARRETT. Mr. President, I ask that the bill be passed over, and go over to the next call of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be passed over to the next call of the calendar.

## CECYLE D. SMACK

The Senate proceeded to consider the bill (S. 878) for the relief of Cecyle D. Smack, which had been reported from the Committee on the Judiciary with an amendment in line 9, after the name "Smack", to strike out the semicolon and "but no benefits shall be held to have accrued by reason of this act prior to its enactment", so as to make the bill read:

*Be it enacted, etc.*, That, for the purposes of any laws conferring rights, privileges, or benefits upon widows of veterans of World War I, Cecyle D. Smack, of Salt Lake City, Utah, shall be held and considered to have been married to Lemuel Edward Smack, a veteran of World War I, from June 14, 1946 (instead of June 29, 1946), to June 14, 1956, the date of death of the said Lemuel Edward Smack.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## ANNA ADORA JENSEN

The Senate proceeded to consider the bill (S. 879) for the relief of Anna Adora Jensen, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 5, after

the word "of", to strike out "Saint", so as to make the bill read:

*Be it enacted, etc.*, That, for the purposes of any laws conferring rights, privileges, or benefits upon widows of veterans of World War I, Anna Adora Jensen, of Sandy, Utah, shall be held and considered to have been lawfully married to Earl Jensen (deceased), a veteran of World War I, during the period from April 19, 1933, the date the said Anna Adora Jensen and Earl Jensen entered into a marriage ceremony in the State of Nevada (which ceremony was invalid because a divorce decree dissolving a prior marriage of the said Earl Jensen had not become final), to July 30, 1948, the date on which the said persons entered into a valid marriage contract in the State of Washington.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## NECMETTIN CENGIZ

The Senate proceeded to consider the bill (S. 880) for the relief of Necmettin Cengiz, which had been reported from the Committee on the Judiciary with an amendment in line 7, after the word "fee", to strike out "Upon the granting of permanent residence to such aliens as provided for in the Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available", so as to make the bill read:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Necmettin Cengiz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## HRYGORY (HARRY) MYDLAK

The Senate proceeded to consider the bill (S. 1050) for the relief of Hrygory (Harry) Mydlak, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 7, after the word "fee", to strike out the period and "Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available" and insert a colon and "*Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.", so as to make the bill read:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Hrygory (Harry) Mydlak shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## ELIA ZELICH

The Senate proceeded to consider the bill (S. 1101) for the relief of Elia Zelich, which had been reported from the Committee on the Judiciary with an amendment in line 7, after the word "fee", to strike out "Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.", so as to make the bill read:

*Be it enacted etc.*, That, for the purposes of the Immigration and Nationality Act, Elia Zelich shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the enactment of this act upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## JOYCE TRUEMAN WATSON

The Senate proceeded to consider the bill (S. 1329) for the relief of Joyce Trueman Watson, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Law, Joyce Trueman Watson may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MARJETA WINKLE BROWN

The Senate proceeded to consider the bill (S. 1804) for the relief of Marjeta Winkle Brown, which had been reported from the Committee on the Judiciary with an amendment in line 3, after the letter "(a)", to strike out "(a7)" and insert "(27)", so as to make the bill read:

*Be it enacted, etc.*, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Marjeta Winkle Brown, shall be held and considered to be the natural-born alien child of Harold Darrel Brown, a citizen of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## LOUIS G. WHITCOMB

The Senate proceeded to consider the bill (S. 1877) for the relief of Louis G. Whitcomb, which had been reported from the Committee on the Judiciary with an amendment in line 10, after the word "to", to strike out "October" and insert "August", so as to make the bill read:

*Be it enacted, etc.*, That the Comptroller General of the United States is authorized and directed to credit the accounts of Louis G. Whitcomb, United States attorney for the State of Vermont, in the sum of $2,185.50 paid to himself as per diem in lieu of subsistence for time spent in Burlington, Vt., on official business, and including certain per diem in lieu of subsistence for fractional days while in a travel status during the period November 23, 1953, to August 31, 1955, and no repayment of that amount shall be required.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## GUY H. DAVANT

The Senate proceeded to consider the bill (S. 2063) for the relief of Guy H. Davant, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 9, after the word "ticket", to strike out "to" and insert "from", so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $156.55, to Guy H. Davant, of 1014 East Fortification Street, Jackson, Miss., in full settlement of all claims of said Guy H. Davant against the United States, such sum being the amount of his return transportation ticket from the Panama Canal Zone for which he paid prior to the cancellation of his employment there by the Bureau of Public Roads: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## ANTONIA MASSOROTTO TELARA

The Senate proceeded to consider the bill (S. 2398) for the relief of Antonia Massorotto Telara, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That Antonia Massorotto Telara shall be considered a first preference quota immigrant under the provisions of section 203 (a) (1) (B) of the Immigration and Nationality Act if she is issued an immigrant visa and admitted into the United States within 12 months from the date of the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

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### THOMAS CRUSE MINING AND DEVELOPMENT CO.

The Senate proceeded to consider the bill (S. 652) for the relief of the Thomas Cruse Mining & Development Co., which had been reported from the Committee on the Judiciary with amendments on page 1, at the beginning of line 7, to strike out "$10,800" and insert "$7,500", and, on page 2, line 3, after the word "act", to strike out "in excess of 10 percent thereof", so as to make the bill read:

*Be it enacted etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the Thomas Cruse Mining & Development Co., of Helena, Mont., the sum of $7,500. Payment of such sum shall be in full settlement of all claims of such company against the United States arising when, on October 8, 1942, its mining mill located near Marysville, Mont., and the machinery and equipment therein, were extensively damaged as a result of demolition operations carried on by personnel of the United States Army: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### RALPH LANDOLFI

The bill (H. R. 1288) for the relief of Ralph Landolfi was considered, ordered to a third reading, read the third time, and passed.

### MRS. BERTHA K. MARTENSEN

The bill (H. R. 1325) for the relief of Mrs. Bertha K. Martensen was considered, ordered to a third reading, read the third time, and passed.

### FRANK E. GALLAGHER, JR.

The bill (H. R. 1348) for the relief of Frank E. Gallagher, Jr., was considered, ordered to a third reading, read the third time, and passed.

### PHILIP J. DENTON

The bill (H. R. 1446) for the relief of Philip J. Denton was considered, ordered to a third reading, read the third time, and passed.

### ANNA L. DE ANGELIS

The bill (H. R. 1472) for the relief of Anna L. De Angelis was considered, ordered to a third reading, read the third time, and passed.

### MRS. FUSAKO TAKAI AND THOMAS TAKAI

The bill (H. R. 1520) for the relief of Mrs. Fusako Takai and Thomas Takai was considered, ordered to a third reading, read the third time, and passed.

### ALLISON B. CLEMENS

The bill (H. R. 1536) for the relief of Allison B. Clemens was considered, ordered to a third reading, read the third time, and passed.

### JACOB BARONIAN

The bill (H. R. 1537) for the relief of Jacob Baronian was considered, ordered to a third reading, read the third time, and passed.

### WILLIAM H. BARNEY

The bill (H. R. 1552) for the relief of William H. Barney was considered, ordered to a third reading, read the third time, and passed.

### FRED G. NAGLE CO.

The bill (H. R. 1667) for the relief of Fred G. Nagle Co. was considered, ordered to a third reading, read the third time, and passed.

### IRMGARD S. KING

The bill (H. R. 2346) for the relief of Irmgard S. King was considered, ordered to a third reading, read the third time, and passed.

### ROBERT M. DECKARD

The bill (H. R. 2347) for the relief of Robert M. Deckard was considered, ordered to a third reading, read the third time, and passed.

### LEONA C. NASH

The bill (H. R. 2678) for the relief of Leona C. Nash was considered, ordered to a third reading, read the third time, and passed.

### EDWIN K. FERNANDEZ

The bill (H. R. 3276) for the relief of Edwin K. Fernandez was considered, ordered to a third reading, read the third time, and passed.

### MRS. MARY JANE RUSSELL

The bill (H. R. 3572) for the relief of Mrs. Mary Jane Russell was considered, ordered to a third reading, read the third time, and passed.

### MRS. M. E. SHELTON PRUITT

The bill (H. R. 4851) for the relief of Mrs. M. E. Shelton Pruitt was considered, ordered to a third reading, read the third time, and passed.

### CAPT. THOMAS C. CURTIS AND CAPT. GEORGE L. LANE

The bill (H. R. 5081) for the relief of Capt. Thomas C. Curtis and Capt. George L. Lane was considered, ordered to a third reading, read the third time, and passed.

### ESTATE OF HIGA KENSAI

The bill (H. R. 5220) for the relief of the estate of Higa Kensai was considered, ordered to a third reading, read the third time, and passed.

### MRS. JANE BARNES

The bill (H. R. 6621) for the relief of Mrs. Jane Barnes was considered, ordered to a third reading, read the third time, and passed.

### LEGAL GUARDIAN OF FREDERICK REDMOND

The Senate proceeded to consider the bill (H. R. 1672) for the relief of the legal guardian of Frederick Redmond, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provisions of section 2401 (b) of title 28, United States Code, jurisdiction is hereby conferred upon the United States District Court for the Eastern District of New York to hear, determine, and render judgment on the tort claims of Frederick Redmond, an infant, and Ruth Redmond, his mother and natural guardian, of Staten Island, Richmond County, N. Y., against the United States on account of personal injuries sustained on March 16, 1945, allegedly as a result of the negligence of a driver of a United States mail truck.

SEC. 2. Suit upon such claims may be instituted hereunder not later than 6 months after the date of enactment of this act: *Provided, however*, That nothing contained in this act shall be construed as an inference of liability on the part of the United States Government.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### EDWARD J. MOSKOT

The Senate proceeded to consider the bill (H. R. 1682) for the relief of Edward J. Moskot, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 7, after the numerals "1954", to insert "and from November 1, 1954, to November 15, 1954,".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### ROBERT D. MILLER

The Senate proceeded to consider the bill (H. R. 2045) for the relief of Robert D. Miller of Juneau, Alaska, which had been reported from the Committee on the Judiciary with an amendment on page 2, line 2, after the word "act", to strike out "in excess of 10 percent thereof."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### LT. COL. EMERY A. COOK

The Senate proceeded to consider the bill (H. R. 2950) for the relief of Lt. Col. Emery A. Cook, which had been reported from the Committee on the Judiciary with an amendment on page 2 line 14, after the word "act", to strike out "in excess of 10 percent thereof."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### WILLIAM V. STEPP, JR.

The Senate proceeded to consider the bill (H. R. 2973) for the relief of William V. Stepp, Jr., which had been reported from the Committee on the Judiciary with an amendment on page 2, line 2, after the word "act", to strike out "in excess of 10 percent thereof."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

### HOWARD S. GAY

The Senate proceeded to consider the bill (H. R. 3281) for the relief of Howard S. Gay, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 11, after the word "act", to strike out "in excess of 10 percent thereof."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### OSWALD N. SMITH

The Senate proceeded to consider the bill (H. R. 4023) for the relief of Oswald N. Smith, which had been reported from the Committee on the Judiciary with an amendment on page 2, line 4, after the word "act", to strike out "in excess of 10 percent thereof."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### LEGAL GUARDIAN OF THOMAS BRAINARD, A MINOR

The Senate proceeded to consider the bill (H. R. 4154) for the relief of the legal guardian of Thomas Brainard, a minor, which had been reported from the Committee on the Judiciary with an amendment on page 2, line 2, after the word "of", to strike out "10 per centum thereof" and insert "$500."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### MRS. EMMA HANKEL

The Senate proceeded to consider the bill (H. R. 5627) for the relief of Mrs. Emma Hankel, which had been reported from the Committee on the Judiciary with an amendment on page 2, line 1, after the word "act", to strike out "in excess of 10 percent thereof."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### TOM R. HICKMAN AND OTHERS

The Senate proceeded to consider the bill (H. R. 1460) for the relief of Tom R. Hickman and Nannie Conley and husband, Jack Conley, which had been reported from the Committee on the Judiciary with amendments on page 1, line 5, after the initial "R.", to strike out "Hickman and" and insert "Hickman"; in line 6, after the name "Conley", where it appears the second time, to insert "Tina M. Hickman, Ray Conley, Mike Conley, W. B. Conley, Rebecca Conley, Louise Conley, Mary Frances Hickman, David B. Hickman, Tom R. Hickman, Jr., Ruth Conley, Willett J. Hickman, Jr., Martha Hickman, Ruth Hickman, and Rolland Hickman,", and, in line 11, after the State "Texas", to insert "as their interests may appear,".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act for the relief of Tom R. Hickman and others."

### MAJ. JOHN P. RUPPERT

The Senate proceeded to consider the bill (H. R. 1562) for the relief of Maj. John P. Ruppert, which had been reported from the Committee on the Judiciary with amendments on page 1, line 3, after the word "of", to strike out "the Treasury" and insert "Defense"; in line 4, after the word "of", to strike out "any money in the Treasury not otherwise appropriated" and insert "funds currently available to the Department of the Army", and on page 2, line 9, after the word "act", to strike out "in excess of 10 percent thereof".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### MRS. BLANCHE HOUSER

The Senate proceeded to consider the bill (H. R. 2049) for the relief of Mrs. Blanche Houser, which had been reported from the Committee on the Judiciary with amendments on page 1, line 3, after the numeral "15", to strike out "and" and insert "to", and in line 9, after the word "act", to insert "as made applicable to employees of the Civil Works Administration."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### FILING OF CLAIMS BY FORMER PRISONERS OF WAR

The bill (S. 883) to extend for 1 year the time for filing of claims by former prisoners of war under section 6 (e) of the War Claims Act of 1948 was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. COOPER. Mr. President, may we have an explanation of the bill?

The PRESIDING OFFICER. An explanation of Calendar No. 703, S. 883, is requested.

Mr. EASTLAND. Mr. President, the purpose of the proposed legislation is to extend to August 21, 1956, the time for filing claims by former prisoners of war under section 6 (e) of the War Claims Act of 1948, as amended.

Public Law 615, 83d Congress, approved August 21, 1954, extended to American prisoners of war captured during the Korean hostilities benefits similar to those granted to prisoners of war during World War II under the War Claims Act of 1948. Section 6 (e) provided 1 year from the date of enactment for the filing of claims. The final date for filing was accordingly August 21, 1955.

The Foreign Claims Settlement Commission has advised the committee that it has received 25 informal and formal applications from apparently eligible claimants which have been filed subsequent to the August 21, 1955, date. These applications would become valid claims upon the enactment of the proposed legislation. The Commission has further advised the committee that the total of all valid claims under the proposed legislation to extend the filing date would probably not exceed 50.

Mr. COOPER. May I ask from what funds these claims are paid?

Mr. EASTLAND. They are paid from various moneys that are placed with the Foreign Claims Settlement Commission.

Mr. COOPER. Do they come from German assets?

Mr. EASTLAND. From foreign assets, yes, German or Japanese.

Mr. COOPER. I ask the question for information. I shall not object to the consideration of the bill. In 1948 I was chairman of the subcommittee which drew the particular section of the law in question; providing for the payment of claims of veterans of World War II. Their claims were to be paid out of German and Japanese assets. I know at the time it was asked whether the enactment of the bill would establish a precedent, and whether in the future all veterans would seek payment of claims from the funds received from German and Japanese assets. I assume that is now correct. Is it?

Mr. EASTLAND. From enemy alien property, yes.

Mr. COOPER. I have no objection.

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The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 883) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That paragraph (5) (A) of section 6 (e) of the War Claims Act of 1948 is hereby amended to read as follows:

"(A) August 21, 1955;".

## BEULAH I. REICH

The Senate proceeded to consider the bill (H. R. 1501) for the relief of Beulah I. Reich, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 5, after the word "of", to strike out "$10,000" and insert "$5,000".

Mr. CLARK. Mr. President, I ask that the amendment be rejected and that the bill be passed without amendment, as it came from the House of Representatives.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President, may we have an explanation of the situation.

Mr. CLARK. The bill is for the relief of Beulah Reich, the wife of a United States Air Force officer, who was struck by pieces of cast iron which fell from an overhanging balcony as she entered a hotel requisitioned by the United States Army in Bad Nauheim, Germany.

The report of the Department of the Army states that the iron fell because of the negligence of an employee of the Army. Mrs. Reich was knocked unconscious and taken to a military medical dispensary for treatment of her injuries, which included a deep laceration of the scalp and a puncture wound in her left thigh. She was hospitalized at the Army General Hospital, Frankfurt, Germany, and received further treatment at Army medical facilities in Germany on an outpatient basis.

Mrs. Reich's civilian doctor presented his bill to the committee, which showed that as of March 2, 1957, the cost of his medical services was $3,500, and the estimate of future medical expense, including medicines and drugs, was $5,000. Therefore, if these medical bills were to be honored the total would be $8,500.

The House allowed $10,000 in the bill which it passed. The Senate committee tentatively cut the award to $5,000, and the Senate committee, as I understand—the chairman of the committee is present in the Chamber—has now, on reconsideration, concluded that the amount was unjust and unfair to Mrs. Reich, and that the House amount should be reinserted in the bill.

Mr. ALLOTT. Which would be $10,000?

Mr. CLARK. Which would be $10,000.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was rejected.

Mr. CLARK. Mr. President, I amend my remarks by withdrawing the reference to the Senate committee, which has taken no formal action. I wish to say it was the view of the calendar committee, endorsed by the leadership, that the higher amount as provided in the House bill should be reinstated.

Mr. ALLOTT. Mr. President, the Senator from Pennsylvania wants the Senate to reject the House amendment?

Mr. CLARK. The Senator is correct.

Mr. ALLOTT. I shall have to object to the passage of the bill at this time.

Mr. CLARK. My request was that the Senate committee amendment be rejected.

The PRESIDING OFFICER. That action in rejecting the amendment restores the bill to the terms carried when the bill passed the House.

Mr. PURTELL. Mr. President, the Republican calendar committee has reviewed the bill, and concurs in the decision arrived at by the calendar committee of the other side. We feel that the restoration of the $5,000 is justified. We certainly offer no objection.

Mr. ALLOTT. Mr. President, I will withdraw my objection.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

## VIRGIN ISLANDS NATIONAL PARK

The bill (S. 2183) to amend the act of August 2, 1956 (70 Stat. 940), providing for the establishment of the Virgin Islands National Park, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the act of August 2, 1956 (70 Stat. 940), entitled "An act to authorize the establishment of the Virgin Islands National Park, and for other purposes" is hereby amended by striking section 3 therefrom.

## BILLS PASSED OVER

The bill (S. 1356) to amend the antitrust laws by vesting in the Federal Trade Commission jurisdiction to prevent monopolistic acts by certain persons engaged in commerce in meat and meat products, and for other purposes, was announced as next in order.

Mr. PURTELL. Mr. President, over by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1411) to amend the act of August 26, 1950, relating to the suspension of employment of civilian personnel of the United States in the interest of national security, was announced as next in order.

Mr. PURTELL. Mr. President, while the committee feels this is a very good bill, we consider that it is not proper consent calendar business, and therefore—and for that reason only—we suggest it not be passed on the call of the consent calendar, and I object.

The PRESIDING OFFICER. The bill will be passed over.

## AMENDMENT OF FEDERAL EMPLOYEES PAY ACT OF 1945

The bill (S. 1901) to amend section 401 of the Federal Employees Pay Act of 1945, as amended, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That section 401, paragraph (1), of the Federal Employees Pay Act of 1945, as amended (5 U. S. C. 926), is amended by inserting before the period at the end of the first sentence a comma and the words, "except for irregular, unscheduled overtime duty in excess of his regularly scheduled weekly tour."

## BILL PASSED OVER

The bill (S. 2127) to amend section 3 (d) of the Federal Employees' Group Life Insurance Act of 1954 relating to the reduction in amounts of insurance of persons over the age of 65, was announced as next in order.

Mr. PURTELL. Over, by request, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

## HOLIDAY WORK BY RURAL CARRIERS

The Senate proceeded to consider the bill (S. 919) relating to holiday work by rural carriers, which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

That hereafter when the President of the United States by Executive order, memorandum, or other administrative action authorizes Federal employees generally to be excused from duty on a workday—

(1) employees in the Postal Transportation Service or in the Motor Vehicle Service who are assigned to road duty and are required to work on such day shall be granted a day off, with pay and without charge thereof to their earned annual leave, within 1 year thereafter; and

(2) rural carriers who are required to work on such day shall be granted a day off, with pay and without charge thereof to their earned annual leave, within 1 year thereafter.

Mr. LAUSCHE. Mr. President, may I inquire as to what the provisions of the bill are?

The PRESIDING OFFICER. The Senator inquires as to the provisions of Calendar 710, S. 919?

Mr. LAUSCHE. The Chair is correct.

Mr. CHAVEZ. Over, Mr. President. There is no member of the committee present to answer the question.

Mr. CLARK. Mr. President, will the Senator from New Mexico withhold his objection and yield to me?

Mr. CHAVEZ. I yield.

Mr. CLARK. I am a member of the committee, and I believe I can give an explanation.

Mr. CHAVEZ. I withhold my objection.

The PRESIDING OFFICER. The Senator from Pennsylvania will explain the bill.

Mr. CLARK. Mr. President, this bill, as introduced, related only to work performed by rural carriers on a day designated by Executive order as a holiday for Federal employees generally. The bill, as amended, would clarify the authority of the Post Office Department

with respect to road duty employees of the postal transportation and motor vehicle services in addition to providing compensatory time for work performed on Executive order holidays for rural carriers.

Section 603 of Public Law 68, 84th Congress, provides that employees in the postal field service below certain salary levels shall either be granted compensatory time or paid overtime for work performed on holidays or on days designated as holidays for Federal employees generally by Executive order.

Section 605 of this same public law, however, exempts rural carriers and road duty employees of the postal transportation and motor vehicle services from the application of section 603.

Rural carriers do not serve their routes on days when post offices are not open for the delivery of mail. This occurs on eight regular established holidays throughout the course of a year. For the purpose of giving rural carriers the benefit of these holidays, there has been no need to make the provisions of section 603 applicable to them.

Employees in the postal transportation and motor vehicle services who are assigned to road duty are exempt from the provisions of section 603 for an entirely different reason. Section 607 of Public Law 68 requires that these employees be so scheduled that they will not be required to work more than 252 8-hour days in each year. This required scheduling gives them the benefit of the eight regular established holidays.

The need for legislation of this type was pointed up during the Christmas season of 1956 when December 24 was declared a holiday for Federal employees. Post offices remained open on that day and employees working therein pursuant to law were entitled to overtime. However, rural carriers were not under the law entitled to similar treatment.

The purpose of the bill is merely to rectify an injustice in the present law for rural carriers, so that they will receive the same overtime their city brothers receive when they work on a holiday established by executive order.

Mr. LAUSCHE. What is the position of the Post Office Department, officially, concerning the bill?

Mr. CLARK. The Post Office Department, with the concurrence of the Bureau of the Budget, has approved the bill as proposed to be amended.

Mr. PURTELL. Mr. President, I should like to join with my colleague, the Senator from Pennsylvania, in urging the passage of the bill. The bill would if enacted correct an inequity which ought not exist.

As was pointed out by the Senator from Pennsylvania, the matter was brought to our attention last Christmas when these men were denied compensatory time while all the other employees of the Post Office Department received it. I think it is only fair and just that the bill be enacted, and I urge that it be passed.

Mr. CLARK. I thank my friend, the Senator from Connecticut.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to provide that certain employees in the postal field service assigned to road duty, and rural carriers, shall receive the benefit of holidays created by Executive order, memorandum, or other administrative action by the President."

## EMPLOYMENT IN THE DISTRICT OF COLUMBIA OF RETIRED TEACHERS AS SUBSTITUTES

The bill (S. 1841) to authorize the District of Columbia Board of Education to employ retired teachers as substitute teachers was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That persons who have retired as teachers under the provisions of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920 (sec. 31–701, and the following, D. C. Code), as amended; or the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved August 7, 1946 (sec. 31–721, and the following, D. C. Code), as amended; or the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920 (title 5, sec. 691, U. S. C.), as amended; may be employed as substitute teachers in the public schools of the District of Columbia when it is not practicable otherwise to secure qualified and competent persons. Any such persons granted temporary employment under authority of this act shall continue to receive their annuities during such employment and no deduction shall be made from the compensation of such persons for retirement benefits. The service rendered by such retired teachers employed as substitute teachers shall not be used to recompute their annuities.

## COMPENSATION OF DIRECTOR OF METROPOLITAN POLICE FORCE BAND

The bill (H. R. 4932) to amend the act of July 11, 1947, to increase the maximum rate of compensation which the director of the Metropolitan Police force band may be paid was considered, ordered to a third reading, read the third time, and passed.

## CONSTRUCTION OF STADIUM IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H. R. 1937) to authorize the construction, maintenance, and operation by the Armory Board of the District of Columbia of a stadium in the District of Columbia, and for other purposes, which had been reported from the Committee on District of Columbia with amendments on page 3, line 1, after the word "such", to strike out "stadium, including the land upon which said stadium is located" and insert "stadium", and, in line 4, after the word "than", to strike out "to be approved by the Secretary of the Treasury" and insert "6 per centum per annum."

Mr. PURTELL. Mr. President, reserving the right to object, may we have an explanation of the bill?

Mr. BIBLE. Mr. President, the purpose of this bill is to authorize the District of Columbia Armory Board to construct, maintain, and operate a stadium, including parking facilities, with a seating capacity of not to exceed 50,000, in the District of Columbia, suitable for holding athletic and other events. The overall cost including interest, engineering, legal, financial, architectural, and other incidental expenses shall not exceed $6 million. The Secretary of the Interior is directed and authorized to acquire by gift, purchase, condemnation, or otherwise, all real property within the boundary of the East Capitol Street site contained in the National Capital Planning Commission report on the National Memorial Stadium dated November 8, 1956, and to transfer to the Board all real property within the boundaries of such East Capitol Street site.

The bill further authorizes the Board to issue 6 percent 30-year bonds secured by a mortgage on the stadium on conditions determined by the Board calculated to produce the cost of the stadium. The bill authorizes the Board to enter into a trust agreement with any bank or trust company covering the financial arrangements; provides that bonds are to be sold at not less than par; authorizes the issuance of temporary bonds and interim certificates exchangeable for definitive bonds when such bonds are executed and available.

Enactment of this legislation would permit the Armory Board to apply to the Housing and Home Finance Agency for an advance of $35,000 to cover preliminary planning of the proposed stadium. It has been brought to the attention of the committee that before a bonding company would undertake to underwrite a bond issue authorized by the bill, it would be necessary to secure a preliminary economic and engineering survey to determine whether or not such a stadium would be practicable and provide sufficient revenue to maintain itself.

Such a survey would include the economics of the entire stadium proposal, the uses to which the stadium might be put, possible sources of income, special revenue from parking, special revenue from concessions, and other related items, and a recommendation for an economic maintenance plan.

The Armory Board made application for an advance of $35,000 to the Housing and Home Finance Agency for such a preliminary planning study, but was advised by letter dated April 12, 1957, that—

> We are not in a position to contract for advances to the Armory Board until it is vested with authority to proceed with the preparation of plans either in preliminary or final form. However, it may be possible to approve the application and make an offer to the Armory Board contingent upon the enactment into law of H. R. 1937.

The enactment of this bill is necessary in order that funds may be obtained to cover the preliminary planning and survey of the proposed stadium.

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This bill has the approval of the National Memorial Stadium Commission and the Board of Commissioners of the District of Columbia.

It is for the purpose of facilitating procurement of the sum of $35,000 for the preliminary survey that the bill is new before the Senate.

Mr. PURTELL. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. PURTELL. The bill as it came from the House was amended by the Senate committee. Were the amendments to cover the means by which additional revenue should be obtained?

Mr. BIBLE. The District of Columbia Committee made three amendments. The first amendment, which is in section 4 (a), was to eliminate the requirement that the Armory Board pay for the land on which the stadium is to be located. The Department of the Interior advised the committee that approximately 180 acres of park land would be affected by the proposal. This land was stated to have an estimated value of $2 million. If the Armory Board were required to reimburse the Government for the cost of the land, it was felt that there would be insufficient funds from the $6 million bond issue with which to construct the stadium.

The second committee amendment was to the same section, 4 (a), to eliminate the requirement that the rate of interest on the bonds be approved by the Secretary of the Treasury. The amendment now in the bill would restore the original language suggested by the Commissioners. Testimony before the committee was to the effect that if the bonds bore interest at a rate of not more than 6 percent, they would be more easily negotiable, and would find readier buyers in the bond market.

The third amendment made to the bill by the Senate District Committee was to section 5, subparagraph (6), which permits the Armory Board to have discretionary powers in determining the types of beverages to be sold at the stadium.

The committee felt that, inasmuch as the stadium is to be in the nature of a private venture, it was more desirable that the Board be vested with the authority to make its own decisions as to the letting of the concessions, without placing restrictions upon the Armory Board.

The House language provided that the Board could let no concessions for the sale of alcoholic beverages. The word "nonalcoholic," was stricken out, so as to vest authority with the Armory Board, rather than placing a restriction upon it by an act of Congress.

Mr. PURTELL. I thank the distinguished Senator for his explanation.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. CASE of South Dakota. The able Senator from Nevada has already made an explanation.

Perhaps nothing further is required.

I should like to observe that members of the Stadium Commission went into the question at considerable length. The Commission held several hearings during the fall and early part of the year. I think the action of the Stadium Commission was unanimous in making its recommendation to the District Commissioners and in its report to Congress.

The proposed site for a stadium capitalizes, so to speak, to the maximum extent, on investments heretobefore made by the District of Columbia and by the Federal Government. The site proposed to be used would utilize existing facilities in a better way than would any other site that was suggested.

I note the presence in the Chamber of the distinguished Senator from Mississippi [Mr. STENNIS]. He is chairman of the Stadium Commission. I think he will agree that the Stadium Commission was unanimous in support of this proposal, and of the bill designed to get the project under way.

Mr. BIBLE. I am grateful to the Senator from South Dakota. The distinguished Senator from Mississippi is on his feet. Help given to the committee by the Stadium Commission was of immeasurable value. We followed the recommendations made by the Commission, as I stated in my earlier presentation on the bill.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. STENNIS. I think the RECORD should show, that, as already stated by the Senator from South Dakota [Mr. CASE], the Commission appointed by the Congress to look into this subject held several meetings. It is composed of Members of the House, Members of the Senate, and three prominent business men in the city. After acting independently and holding separate hearings, it reached conclusions which were largely in accord with the bill which is now before the Senate, which bill was introduced in the House.

So in a spirit of complete cooperation and unanimity of opinion on all major matters, the Commission gave its support to the bill.

We particularly gave attention to the site. Although there was a slight difference of opinion, the general concensus was that the site recommended was very appropriate. The space could be utilized in connection with the Armory. We are not trying to rush the bill through Congress, but we think Congress should act on it, and I hope it will be possible to have the bill acted upon at this session, so that the program may go forward.

Mr. LAUSCHE. Mr. President, the argument constantly being made is that one of the menaces to the country is inflation. The President and others have recommended that in connection with construction throughout the country, items which can be delayed, and which are not essential, should not go forward.

It may be that the District of Columbia needs a stadium. The query is whether it is so essential that it ought to go forward in this period of inflation. I think the subject should be investigated; and I object.

Mr. CLARK. Mr. President, will the Senator withhold his objection momentarily?

Mr. LAUSCHE. I am happy to do so.

Mr. CLARK. I should like to say to the Senator from Ohio that the bill does not authorize the construction of a stadium. It merely authorizes the expenditure of $35,000 in order to permit a study to be made, to determine whether a stadium can be built on a self-supporting basis. Of course, a self-supporting stadium would not be inflationary, because revenue would come in from fees paid by those who entered the stadium, which revenue could be applied to the retirement of the bonds.

Moreover, by the time the $35,000 is spent, and an authorization for a stadium goes through the legislative process, we may well be in a period of deflation, rather than inflation. So I hope the Senator will not press his objection to the bill, which cannot possibly result in any inflation for a year or two.

Mr. LAUSCHE. I respect the views of the Senator from Pennsylvania, but too frequently have I seen statements made about an innocuous initial expenditure, with the claim that it does not tie us down, only to learn later that it is the wedge, the spike, by virtue of which eventually the project goes forward.

The city of Cleveland was granted $100,000 by the Congress to build a stadium for the pan-American games.

When the $100,000 was granted, it was used in furtherance of the argument, "We have already spent $100,000; we might as well go forward and spend the $5 million."

Mr. President, this subject is of sufficient importance that we should not go forward with it at this time.

Mr. BARRETT. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. BARRETT. Does the Senator understand that under the provisions of the bill the construction would be carried out by the sale of bonds, and would not call for an appropriation by the United States Government?

Mr. LAUSCHE. I thoroughly understand that that is supposed to be the fact, and that this is supposed to be a self-liquidating project. However, that does not alter the fact that the effect of the construction will be felt by the building trades, and that competition will result for labor and craftsmen. This may very well be a project which is not essentially or immediately needed. Therefore, it seems to me it can wait.

Mr. BARRETT. It is not a Federal project in the sense that Congress will appropriate money for it.

Mr. BIBLE. Mr. President, will the Senator yield to me?

Mr. LAUSCHE. I yield.

Mr. BIBLE. I respect the Senator's right to object to the consideration of the bill. However, I should like to say to him that the bill has had the very careful consideration of our committee. The bill in no way requires Federal participation, with the exception of the original borrowing of $35,000 for the economic survey. Even that is merely a loan, which is to be repaid out of the sale of the bonds to be issued, which will be retired by revenues collected by the stadium. This is not a Federal project.

Mr. LAUSCHE. I understand that we will donate to the project 188 acres of

land, and we will not become obligated in connection with the cost of the construction of it. However, the fact remains that we must provide for the project the vehicle through which it will operate. The basic question is, "Shall we in Congress, charged with protecting the stability of the dollars invested by our citizens in annuities and in retirement funds and in Government bonds, and in the face of inflation, go forward with this construction?

I may later change my views on it, but at the present time I must object.

Mr. CASE of South Dakota. Mr. President——

The PRESIDING OFFICER (Mr. COTTON in the chair). Objection is heard.

Mr. PURTELL. Mr. President, will the Senator withhold his objection and yield to me?

Mr. CASE of South Dakota. Mr. President, will the Senator from Ohio withhold his objection for the moment?

Mr. LAUSCHE. I withhold it for the moment.

Mr. CASE of South Dakota. Mr. President, while it is true that the bill contemplates using some Federal lands, which are park lands, those lands would be devoted to the purpose for which the lands have been heretofore held by the Government.

There are two other facts about the bill which I should like to have in the RECORD. One is that the Secretary of the Treasury is not authorized to subscribe for any bonds. The bonds will be sold in the open market, and neither the Treasury nor the Government of the District of Columbia is given any authority to subscribe for the bonds.

Furthermore, section 7 of the bill provides:

> After payment of the bonds and interest or after a sinking fund sufficient for such purpose shall have been provided and shall be held solely for that purpose, but in any event not later than 50 years from the date of enactment of this act, the board shall deliver deeds or other suitable instruments of conveyance to the interest of the board in and to the stadium to the Board of Commissioners of the District of Columbia, for the District of Columbia and the stadium shall thereafter be properly operated, maintained, and repaired by the District of Columbia.

In other words, although public land will be used for recreational purposes, that land is a part of the park land today, and there will be no public investment or consideration.

Furthermore, after the stadium has been operated sufficiently long to retire the bonds and pay the interest, but in any event not later than 50 years from the date of the passage of the law, the entire property will be turned over to the District of Columbia. Therefore the District of Columbia will have presented to it the stadium, paid off in full by its own bonds.

Mr. LAUSCHE. May I ask whether the President of the United States is correct in maintaining that, for the purpose of removing competition for labor and craftsmen, and in controlling inflation, we should defer the construction of projects which are not essential? My question is: If this project is essential, can anyone point out to me one project which is not essential?

The PRESIDING OFFICER. The Chair must confine Senators to the 5-minute rule.

Mr. LAUSCHE. I wish that question would be answered.

The PRESIDING OFFICER. The Chair must hold, under the rule, that the time of the Senator from Ohio has expired. Does the Senator from Ohio desire additional time?

Mr. PURTELL. Mr. President——

Mr. LAUSCHE. I ask for 3 minutes more, so that my question may be answered.

Mr. PURTELL. May I be recognized for 3 minutes?

The PRESIDING OFFICER. If the Senator from Ohio desires to retain his right to object, and insists on his objection——

Mr. PURTELL. Mr. President, speaking on my own time, and not in an effort to try to persuade the able Senator from Ohio to change his position, which he has already indicated he will insist on taking with respect to H. R. 1937, I believe I owe it to the Senate to explain why I had indicated that I reserve my right to object. I did not do so because I felt this is not a meritorious bill. To the contrary, I believe it proposes very much needed legislation for the benefit of the District of Columbia.

I said I reserved my right to object because three amendments had been appended to H. R. 1937 by the District Committee after the bill came to the Senate. I felt it might be better, in the interest of my colleagues and in the interest of the District of Columbia to have those amendments explained.

It is the opinion of the junior Senator from Connecticut that this is not only a very meritorious proposal, but will be very helpful to the District of Columbia and to the people residing therein. It is not my desire to debate the point, but I hope, in the light of the fact that both the House and Senate committees have studied the bill very carefully, the Senator from Ohio will consider the statements of the junior Senator from Connecticut in regard to the passage of the bill.

Mr. LAUSCHE. I should like to ask a question of the distinguished Senator from Connecticut. If the bill calling for the construction of a stadium in the District of Columbia is essential and absolutely needed, and must go forward in spite of the inflation from which we are suffering, will the Senator point out to me one governmental project that is nonessential?

Mr. PURTELL. I should like to point out to the Senator from Ohio that today much complaint is being heard about the fact that construction work has been reduced, and that there are—I am not sure that this situation prevails in the District of Columbia—people in the building industry who need employment. I am not sure that that situation applies to the District of Columbia, as I say, but it is my opinion that that is the situation generally in the building trades.

Mr. CASE of South Dakota. Mr. President, since the question was originally addressed to me, I should like an opportunity to answer it, so that the RECORD will not indicate that I failed to answer it, or that there will be any implication that I did not intend to answer it. I should like to make the point that the purpose of the bill is to make it possible to have a survey and study made, and that there will be no immediate construction, even if the bill should become law, and that the construction will depend on the outcome of the study and survey.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CHAVEZ. I should like to make an observation. It is not my purpose to object. I believe this project would help the District of Columbia. However, we have our responsibility. I wish it were proper and legal for the people of the District of Columbia to conduct their own affairs. However, the Senator from Ohio, the Senator from Nevada, the Senator from Connecticut, the Senator from South Dakota, the Senator from Colorado, and the Senator from New Mexico, have a certain responsibility in the matter. Since we do not let the people of the District of Columbia manage their own affairs, we have a responsibility in connection with this project. We should do something in this instance, it seems to me, and that is why I will not object to the passage of the bill. If we do not like that situation, and if we wish to attend merely to national matters and international matters, well and good. In that case we should give the people of the District of Columbia the right to conduct their own affairs. If we did that, we would not have this trouble. I will not object to the consideration of the bill, or to its passage.

The PRESIDING OFFICER. Is there objection to the present consideration of H. R. 1937?

Mr. LAUSCHE. Mr. President, I am objecting.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

## CORNELIA S. ROBERTS—BILL PASSED OVER

The bill (H. R. 4240) for the relief of Cornelia S. Roberts was announced as next in order.

Mr. PURTELL. Mr. President, reserving the right to object—and I shall object, although not on the merits of the bill—the bill has to do with a matter of internal-revenue payments. Therefore, I think it is precedent-setting. For that reason, and for that reason only, I object to its passage on the unanimous-consent calendar. I hope it will be called up on motion, so that it may be debated, and not be passed by unanimous consent on a subsequent call of the calendar.

The PRESIDING OFFICER. The bill will be passed over.

## BILLS PASSED OVER

The bill (S. 1903) to amend section 7 of the Administrative Expenses Act of

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1947, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States was announced as next in order.

Mr. BARRETT. Mr. President, I ask that the bill go over until the next call of the calendar.

The PRESIDING OFFICER. The bill will be passed over until the next call of the calendar.

The bill (S. 27) to increase the rates of basic compensation of officers and employees in the field service of the Post Office Department was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 52) to provide increases in service-connected disability compensation and to increase dependency allowances was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6508) to modify the Code of Law for the District of Columbia to provide for a uniform succession of real and personal property in case of intestacy, to abolish dower and curtesy, and for other purposes was announced as next in order.

Mr. CHAVEZ. Mr. President, I ask that the bill go over.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CHAVEZ. Certainly.

Mr. CLARK. The bill received a full hearing before the Committee on the District of Columbia. At the hearing it was pointed out by members of the Bar Association of the District of Columbia that the bill was merely a codification of the laws of intestacy and inheritance and to eliminate curtesy and dower, as has been done in almost every State.

I wonder whether the Senator from New Mexico has a particular objection to the bill, which seems to be so noncontroversial.

Mr. CHAVEZ. Possibly the bill is not controversial to many persons in the District of Columbia, but again I emphasize the fact that Congress has a responsibility to all the citizens of the District. I know many legitimate citizens of the District of Columbia, and I have not heard from anyone concerning the bill. I do not know anything about the bill, and I should like to examine it. Therefore, I ask that it be passed over at this time.

The PRESIDING OFFICER. The bill will be passed over.

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## AMENDMENT OF CERTAIN SECTIONS OF TITLE 13 OF THE UNITED STATES CODE, ENTITLED "CENSUS"

The Senate proceeded to consider the bill (S. 1631) to amend certain sections of title 13 of the United States Code, entitled "Census" which had been reported from the Committee on Post Office and Civil Service with amendments on page 4, line 16, after the word "States", to strike out "or" and insert "of"; on page 7, line 9, after the word "in", to strike out "cooperation" and insert "conjunction"; on page 8, at the beginning of line 6, to insert "(other than censuses of population)", and, in line 11, after the word "sovereignty", insert "Censuses of population shall include all geographic areas referred to in the preceding sentence."; so as to make the bill read:

*Be it enacted etc.*, That the analysis of chapter 1 of title 13, United States Code, immediately preceding section 1 of such title, is amended—

(a) by striking out all of item 6 in such analysis and in lieu thereof inserting:

"6. Requests to other departments and offices for information, acquisition of reports from governmental and other sources."

(b) by adding immediately after and underneath item 11 in such analysis the following two items:

"12. Mechanical and electronic development.

"13. Procurement of professional services."

(c) by adding immediately after and underneath item 25 of such analysis the following new item:

"26. Transportation by contract."

SEC. 2. Section 3 of title 13, United States Code, is amended by adding at the end thereof the following new sentence: "Judicial notice shall be taken of the seal."

SEC. 3. Section 6 of title 13, United States Code, is amended to read as follows:

"§ 6. Requests to other departments and offices for information, acquisition of reports from governmental and other sources

"(a) The Secretary, whenever he deems it advisable, may call upon any other department or office of the Government for information pertinent to the work provided for in this title.

"(b) The Secretary may acquire by purchase or otherwise from States, counties, cities, or other units of government, or their instrumentalities, or from private persons and agencies such copies of records, reports, and other material as may be required for the efficient and economical conduct of the censuses and surveys provided for in this title."

SEC. 4. (a) Subsection (b) of section 8 of title 13, United States Code, is amended by adding at the end thereof the following:

"In the case of nonprofit organizations or agencies the Secretary may engage in joint statistical projects, the cost of which shall be shared equitably as determined by the Secretary and provided that the purposes are otherwise authorized by law."

(b) Subsection (d) of section 8 of title 13, United States Code, is amended to read as follows:

"(d) All moneys received in payment for work or services enumerated under this section shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary."

SEC. 5. Title 13, United States Code, is further amended by inserting in chapter 1 of such title immediately following section 11 the following two new sections:

"§ 12. Mechanical and electronic development

"The Secretary is authorized to have conducted mechanical and electronic development work as he determines is needed to further the functions and duties of carrying out the purposes of this title and may enter into such developmental contracts as he may determine to be in the best interest of the Government.

"§ 13. Procurement of professional services

"The Secretary shall have authority to contract with educational and other research organizations for the preparation of monographs and other reports and materials of a similar nature."

SEC. 6. Title 13, United States Code, is further amended by inserting in chapter 1 of such title immediately following section 25 the following new section:

"§ 26. Transportation by contract

"The Secretary may contract with field employees for the rental and use within the continental limits of the United States of means of transportation, other than motorcycle, automobile, or airplane, and for the rental and use outside of the continental United States of any means of transporation, which means may be owned by the field employee. Such rental contracts shall be made without regard to section 4 of the Travel Expense Act of 1949, as amended (5 U. S. C. 837). The rentals shall be at rates equivalent to the prevailing rental rates of the locality. The rental contracts within the continental United States may be entered into only when the use by the field employee of such other means of transporation is safer, more economical, or more advantageous to the Government than use of his motorcycle, automobile, or airplane in conducting the census."

SEC. 7. The analysis of chapter 5 of title 13, United States Code, immediately preceding section 131 of such title, is amended to read as follows:

"CHAPTER 5—CENSUSES

*"Subchapter I—Manuactures, mineral industrials, and other businesses*

Sec.

"131. Collection and publication; 5-year periods.

"132. Controlling law; effect on other agencies.

*"Subchapter II—Population, housing, agriculture, irrigation, drainage, and unemployment*

"141. Population, unemployment, and housing.

"142. Agriculture, irrigation, and drainage.

*"Subchapter III—Governments*

"161. Quinquennial censuses; inclusion of certain data.

*"Subchapter IV—Interim current data*

"181. Surveys.

*"Subchapter V—Geographic scope, preliminary and supplemental statistics, and use of sampling*

"191. Geographic scope of censuses.

"193. Preliminary and supplemental statistics.

"195. Use of sampling."

SEC. 8. Section 131 of title 13, United States Code, is amended to read as follows:

"§ 131. Collection and publication; 5-year periods

"The Secretary shall take, compile, and publish censuses of manufactures, of mineral industries, and of other businesses, including the distributive trades, service establishments, and transportation (exclusive of means of transportation for which statistics are required by law to be filed with, and are compiled and published by, a designated regulatory body), in the year 1954 and every fifth year thereafter, and each such census shall relate to the year immediately preceding the taking thereof: *Provided*, That the censuses of manufactures, of mineral industries, and of other businesses, including the distributive trades and service establishments, directed to be taken in the year 1954 relating to the year 1953, shall be taken instead in the year 1955 relating to year 1954."

SEC. 9. Section 141 of title 13, United States Code, is amended to read as follows:

"§141. Population, unemployment, and housing

"(a) The Secretary shall, in the year 1960 and every 10 years thereafter, take a census of population, unemployment, and housing (including utilities and equipment) as of the 1st day of April, which shall be known as the census date.

"(b) The tabulation of total population by States as required for the apportionment of Representatives shall be completed within 8 months of the census date and reported by the Secretary to the President of the United States."

SEC. 10. Section 142 of title 13, United States Code, is amended to read as follows:

"§ 142. Agriculture, irrigation, and drainage

"(a) The Secretary shall, beginning in the month of October 1959, and in the same month of every fifth year thereafter, take a census of agriculture, provided that the censuses directed to be taken in October 1959 and each tenth year thereafter, may, when and where deemed advisable by the Secretary, be taken instead in conjunction with the censuses provided in section 141 of this title.

"(b) The Secretary shall, in conjunction with the census of agriculture directed to be taken in October 1959 and each tenth year thereafter, take a census of irrigation and drainage."

SEC. 11. Sections 143, 144, 145, and 146 of title 13, United States Code, are hereby repealed.

SEC. 12. The last sentence of section 161 of title 13, United States Code, is amended to read as follows: "Each such census shall include, but shall not be limited to, data on taxes and tax valuations, governmental receipts, expenditures, indebtedness, and employees of States, counties, cities, and other governmental units."

SEC. 13. Section 162 of title 13, United States Code, is hereby repealed.

SEC. 14. Chapter 5 of title 13 of the United States Code is further amended by inserting immediately after section 181 the following new subchapter:

"SUBCHAPTER V—GEOGRAPHIC SCOPE, PRELIMINARY AND SUPPLEMENTAL STATISTICS, AND USE OF SAMPLING

"§ 191. Geographic scope of censuses

"(a) Each of the censuses authorized by this chapter (other than censuses of population) shall include each State, the District of Columbia, Alaska, Hawaii, the Virgin Islands, Guam, and the Commonwealth of Puerto Rico, and as may be determined by the Secretary, such other possessions and areas over which the United States exercises jurisdiction, control, or sovereignty. Censuses of population shall include all geographic areas referred to in the preceding sentence. Inclusion of other areas over which the United States exercises jurisdiction or control shall be subject to the concurrence of the Secretary of State.

"(b) For censuses taken in the Virgin Islands, Guam, or any possession or area not specifically designated in (a) above, the Secretary may utilize or adopt census data collected by the governor or highest ranking Federal official, when such data are obtained in accordance with plans prescribed or approved by the Secretary.

"(c) When, under determination by the Secretary as provided in paragraph (a) above, any census is not taken in a possession or area over which the United States exercises jurisdiction, control, or sovereignty, the Secretary may include in the census report data obtained from other Federal agencies or Government sources. Any data obtained from foreign governments shall be obtained through the Secretary of State."

"§ 193. Preliminary and supplemental statistics

"In advance of, in conjunction with, or after the taking of each census provided for by this chapter, the Secretary may make surveys and collect such preliminary and supplementary statistics related to the main topic of the census as are necessary to the initiation, taking, or completion thereof."

"§ 195. Use of sampling

"Except for the determination of population for apportionment purposes, the Secretary may, where he deems it appropriate, authorize the use of the statistical method known as 'sampling' in carrying out the provisions of this title."

SEC. 15. Section 221 (a) of chapter 7 of title 13, United States Code, is amended by striking "I, II, and IV" and inserting in lieu thereof "I, II, IV, and V."

SEC. 16. Section 222 of title 13, United States Code, is amended by striking "II or IV" and inserting in lieu thereof "II, IV, or V."

SEC. 17. Section 223 of title 13, United States Code, is amended by the insertion of "or V" immediately following the numeral "IV."

SEC. 18. Section 224 of title 13, United States Code, is amended by inserting the words "by certified mail," immediately following the words "by registered mail."

SEC. 19. Section 241 of title 13, United States Code, is amended by inserting the words "or certified" after the word "registered."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS PASSED OVER

The bill (H. R. 2474) to increase the rates of basic salary of employees in the postal field service was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6517) to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, and for other purposes, was announced as next in order.

Mr. PURTELL. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1168) to amend the Securities and Exchange Act, as amended, was announced as next in order.

Mr. PURTELL. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

## DOCUMENTS EVIDENCING LEASE, MORTGAGE, ETC., OF MOTOR VEHICLES

The bill (S. 375) to amend the Interstate Commerce Act to provide for filing of document evidencing the lease, mortgage, conditional sale, or bailment of motor vehicles sold to or owned by certain carriers subject to such act was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Interstate Commerce Act is amended as follows: After section 212 insert the following new section:

"VALIDITY OF CERTAIN CREDIT INSTRUMENTS

"SEC. 213. (a) As used in this section the term 'purchaser' means any mortgagor, lessee, bailee, buyer, or person holding a motor vehicle under a title retaining contract, mortgage, lease agreement, bailment, trust indenture, or other instrument having the effect thereof.

"(b) Any mortgage, lease, equipment trust agreement, conditional sale agreement, or other instrument evidencing the lease, conditional sale, or bailment of one or more motor vehicles owned by, or the use and possession of which has by such instrument been transferred to, a motor, rail, express, or water carrier subject to any provision of this act shall be valid and enforcible without filing or recording in any State against any person to the same extent that such instrument would be enforcible against such person if the filing and recording statutes of such State, if any, applicable to such documents had been complied with, if

'(1) such instrument has been recorded or filed in the State in which the purchaser resides, or if a corporation or other business legal entity has its principal place of business, and/or

"(2) such instrument is valid or enforcible against creditors of the purchaser and against subsequent purchasers from the first purchaser named in such instrument in the State in which the purchaser resides, or if a corporation or other business legal entity has its principal place of business."

## EXTENSION OF AUTHORITY OF INTERSTATE COMMERCE COMMISSION UNDER CLAYTON ANTITRUST ACT

The bill (S. 1385) to amend section 11 of the Clayton Antitrust Act to extend the authority of the Interstate Commerce Commission thereunder to contract carriers subject to the Interstate Commerce Act was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That section 11 of the Clayton Antitrust Act, as amended (15 U. S. C. 21), is amended by eliminating the word "common" from the first clause of the first paragraph thereof.

## BILL PASSED OVER

The bill (S. 1384) to revise the definition of contract carrier by motor vehicle as set forth in section 203 (a) (15) of the Interstate Commerce Act, and for other purposes was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

## REQUIREMENT OF COMMITTEE REPORTS SHOWING COSTS OF MEASURES INVOLVING EXPENDITURE OF PUBLIC FUNDS—RESOLUTION PASSED OVER

The resolution (S. Res. 118) to amend rule XXVI so as to require committee reports proposing legislation or ratification of treaties, involving expenditure of public funds, to show the estimated costs thereof was considered and agreed to, as follows:

*Resolved,* That rule XXVI of the Standing Rules of the Senate is amended by adding

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at the end thereof a new paragraph as follows:

"3. Whenever any committee (other than the Committee on Appropriations) reports a bill or joint resolution proposing legislation which if enacted, or a treaty which, if ratified, will authorize or require the expenditure of public funds, such committee shall include in its report a statement of the initial and projected costs of such legislation or treaty, as estimated by the committee, including any portion of such costs to be borne by the States or any subdivisions thereof."

Mr. MAGNUSON subsequently said: Mr. President, when Calendar 726, Senate Resolution 118, was agreed to, I was engaged in a discussion with the Senator from Florida and the Senator from Missouri. I ask unanimous consent that the action by which the Senate agreed to the resolution be rescinded, because several committee chairmen have been concerned about the practicality of making the reports called for. If my request is granted, I shall ask that the resolution be passed over.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered; and the resolution is passed over.

## BILL PASSED OVER

The bill (S. 72) to increase annuities payable to certain annuitants from the civil service retirement and disability fund, and for other purposes, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

## GENERAL BOX CO.

The Senate proceeded to consider the bill (S. 118) for the relief of the General Box Co. which had been reported from the Committee on the Judiciary with an amendment on page 2, line 2, after the word "Division", to insert a colon and "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered, in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000", so as to make the bill read:

*Be it enacted etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the General Box Co., of Des Plaines, Ill., the sum of $13,143.10. Such sum shall be in full satisfaction of all claims of such company against the United States for the destruction by the United States in 1947 of certain timber which was owned by such company in the State of Louisiana and for the loss of which such company brought suit against the United States in civil cases Nos. 2536 and 2804 in the United States District Court for the Western District of Louisiana, Alexandria Division: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

Mr. CHAVEZ. Mr. President, may we have an explanation of why the bill provides for $13,143.10?

Mr. EASTLAND. Mr. President, the bill, as amended, would pay to the claimant the sum of $13,143.10 for the destruction of its timber in connection with the building of a levee on the Louisiana side of the Mississippi River in 1947.

The timber rights to a tract of land acquired by the claimant in 1946 were reserved for 20 years when the land was sold, and in 1947 the claimant company purchased for 10 years all timber rights to the other property in question.

In May of 1947, a project was proposed to enlarge two levees south of Vidalia, La., and, after negotiations, the United States was granted a right-of-entry by the State of Louisiana to prosecute the work.

The timber was located between the existing levee, or high-water mark, and the low-water mark of the banks of the Mississippi, which lands are known in Louisiana as "batture," and are subject to special treatment under the constitution of that State. Pursuant to the program initiated in connection with the construction of these levees, the local tax assessor furnished the levee board with a list of the property owners in the area affected, but the name of the claimant company did not appear thereon, since his property right was limited to the timber only. As a result thereof, it was some 40 days after the Government's contractor began to clear the land by bulldozing down the trees that the claimant company learned of the partial destruction of its property and requested that these operations be discontinued and the company be allowed to cut the remaining timber. This request was refused by the contractor for the reason that its bid was on the basis of bulldozing the trees and additional expense would be incurred if the trees were cut and the stumps then had to be removed.

After the destruction of the timber, the company brought suit in the United States district court and ultimately obtained a judgment against the United States for $10,801, plus interest. The United States and the claimant both appealed to the court of appeals, the former on the merits and the latter on the ground that the judgment allowed only 4 percent interest from the date of judgment. The case was reversed and, finally, the Supreme Court upheld the decision of the court of appeals, two Justices dissenting. In the dissenting opinion it was stated:

> The United States cannot rely on the State-created servitude to justify its own action, which borders on the wanton destruction of the property interests of the private owners of the timber. For all that appears General Box was prepared to remove the timber without additional expense or delay to the United States.

The Department of the Army, in its report on the bill, states:

> The General Box Co. has not been compensated for the damage to its property, * * *. In this situation, the Department of the Army would have no objection to the payment of compensation to the General Box Co. for the loss it has incurred. * * * The only practicable existing means of payment is via the enactment of private relief legislation by the Congress.

The committee has given careful consideration to all aspects of this claim and agrees with the statement contained in a memorandum presented by the attorney for the claimant that "the Nation at large benefits more than the bordering States under the flood-control program of the entire Mississippi Valley Basin, and particularly the lower portion thereof."

Mr. CHAVEZ. I have no objection.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## LOUIS S. THOMAS AND D. GRACE THOMAS

The bill (S. 565) for the relief of Louis S. Thomas and D. Grace Thomas was announced as next in order.

Mr. PURTELL. Mr. President, inasmuch as a similar bill, H. R. 7213, for the relief of Louis S. Thomas and D. Grace Thomas, is now pending in the Senate Committee on the Judiciary, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of H. R. 7213, and that H. R. 7213 be considered in lieu of S. 565, as proposed to be amended.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and the Committee on the Judiciary is discharged from the further consideration of H. R. 7213. Is there objection to the present consideration of H. R. 7213?

There being no objection, the bill (H. R. 7213) was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 565 is indefinitely postponed.

## JOHN P. SOUVALDZIS

The Senate proceeded to consider the bill (S. 1331) for the relief of John P. Souvaldzis which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

> That the requirements of section 15 through 20 of the Federal Employees' Compensation Act with respect to timely filing of notice of injury and claim for compensation are hereby waived in favor of John P. Souvaldzis and his claim for compensation for disability alleged to have resulted from an injury sustained while in the performance of his duties on January 29, 1951, as a civilian employee of the United States at an Army Ordnance Depot at Ankara, Turkey, shall be considered and acted upon under the remaining provisions of such act in the same manner as if such notice and claim had been timely filed, if such claim is filed within 6 months after the date of the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## PAUL GUSTIN

The Senate proceeded to consider the bill (S. 285) for the relief of Paul Gustin which had been reported from the Committee on the Judiciary with amendments on page 1, line 5, after the word "to", to insert "the legal guardian of"; in line 7, after the word "of", to strike out "$50,000" and insert "$26,000"; in line 10, after the word "the", to strike out "right hand" and insert "left hand, part of the left forearm"; on page 2, line 5, after the name "Germany", to insert "on September 14, 1955", and, in line 7, after the word "of", to strike out "10 percent thereof" and insert "$1,000"; so as to make the bill read:

*Be it enacted etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Paul Gustin, the minor child of Technical Sergeant and Mrs. Roger W. Gustin, the sum of $26,000. Such sum shall be in full satisfaction of the claim of the said Paul Gustin against the United States for compensation for permanent personal injuries, including loss of the left hand, part of the left forearm, and four toes of the left foot, pain and suffering, medical expenses, and future loss of earnings sustained as the result of the said Paul Gustin touching live electrical contacts inside an unguarded high voltage transformer building located near family housing quarters on Rhein-Main Air Force Base, Frankfurt, Germany, on September 14, 1955: *Provided*, That no part of the amount appropriated in this act in excess of $1,000 shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## VILLAGE OF WAUNETA, NEBR.

The Senate proceeded to consider the bill (S. 364) for the relief of the village of Wauneta, Nebr., which had been reported from the Committee on the Judiciary with amendments on page 1, line 3, after the word "is", to insert "authorized and"; in line 4, after the word "pay", to insert "out of any money in the Treasury not otherwise appropriated"; in line 6, after the word "of", to strike out "$82,500" and insert "$76,750", and, on page 2, line 23, after the word "these", to strike out "costs" and insert "salaries and expenses"; so as to make the bill read:

*Be it enacted*, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the trustees of the village of Wauneta, Nebr., the sum of $76,750 or so much thereof as a board of 3 competent engineers (1 of whom shall be named by the Secretary of the Interior, 1 by said trustees, and 1 by the other 2 jointly or, if they fail to agree, by the chief judge of the United States Court of Appeals for the Eighth Circuit) shall determine is necessary to rectify the adverse effects of the demolition by the United States of the Wauneta Light & Power Co. dam on Frenchman Creek on the serviceability of the water supply and storm and sanitary sewer facilities of the village, to compensate said village for any abnormal costs which were occasioned by said demolition and reasonably incurred to maintain such facilities in service from the time of said demolition to the present, and to compensate said village for such like costs as the board finds it may reasonably be expected to incur hereafter during the useful life of the facilities as they existed prior to said demolition or 50 years, whichever is shorter. Said payment shall be made only upon execution by the trustees of a release of the United States from any claim for damages arising from said demolition or from the construction, operation, and maintenance of Enders Dam and Reservoir, which release shall be satisfactory in form and content to the Secretary of the Interior. Each party shall pay the salary and expenses of its member of the board of engineers and one-half the salary and expenses of the third member of said board. Appropriations made to the Bureau of Reclamation, Department of the Interior, shall be available for the Government's portion of these salaries and expenses. Nothing contained in this act shall be construed as an admission by the United States of any liability on its part to the village of Wauneta or to any inhabitant or landowner therein.

SEC. 2. No amount in excess of 10 percent of the amount paid to the village of Wauneta pursuant to this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with its claim, and any such excess payment shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The amendments were agreed to.

Mr. GOLDWATER. Mr. President, reserving the right to object, may we have a brief explanation of the bill?

Mr. EASTLAND. Mr. President, the bill, as amended, would pay the sum of $76,750, or such part of that amount as is determined by a board of 3 competent engineers to be necessary to indemnify the village for past and future expenditures made in connection with its water supply and storm and sanitary sewer facilities, insofar as those expenditures were caused by the Government's demolition of a dam on Frenchman Creek which it had acquired from the Wauneta Light & Power Co. The bill has been amended so as to make clear that appropriations made to the Bureau of Reclamation shall be available for the Government's portion of the salaries and expenses.

The Wauneta, Nebr., Light & Power Co. dam was acquired by the United States in 1949 as a part of its program for constructing Enders Dam and Reservoir, which is a feature of the Missouri River Basin project authorized by the Congress in the Flood Control Act of 1944 to be constructed, operated, and maintained by the Interior Department under the Federal reclamation laws. The dam stores water for irrigation and for flood control and is located on Frenchman Creek, upstream from the power company dam. The creek flows through the village of Wauneta, and the major portion of the village and business district lie in a flat area south and west of the creek. The Bureau of Reclamation demolished the dam on this creek, causing silt and sand which had accumulated behind the dam to move downstream, which, in turn, resulted in the lowering of the normal water surface of the creek near the business district and the raising of it adjacent to the residential district. All attempts to flush this deposition have failed, with the result that the water supply and storm and sewer facilities of the village have been damaged, and it has been necessary for the village to install additional line and pumping facilities, at considerable cost. On the basis of the latest figures presented to the committee, the bill has been amended from the original amount of $82,500 to $76,750 as the maximum amount to be paid the village, which figure is arrived at as follows:

| | |
|---|---|
| Costs incurred (additional line, pumping facilities, etc.) to June 1955 | $10,133 |
| Estimated cost permanent installations (storm and sanitary closures) | 9,175 |
| Estimate of present value of annuity at interest rate of 1½ percent for annual operating costs over 50 years | 51,800 |
| Additional expense caused by flood in 1956 | 5,642 |
| Total | 76,750 |

The Department of the Interior advises that there is no substantial dispute with respect to the facts giving rise to this claim nor with respect to the reasonableness of the Government's compensating the village for costs arising out of the Government's activities, notwithstanding lack of legal liability therefor.

In view of the fact that an attorney has rendered substantial services in connection with this claim, the provision for an attorney's fee not to exceed 10 percent of the amount of the award has been retained in the bill.

In view of the undisputed fact that it has suffered damages occasioned by the Government's activities, the committee feels that the village is equitably entitled to relief and, therefore, recommends that the bill, as amended, be favorably considered.

Mr. GOLDWATER. I have no objection.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## BILL PASSED OVER

The bill (H. R. 1733) for the relief of Philip Cooperman and others was announced as next in order.

Mr. PURTELL. Mr. President, reserving the right to object—and I do object—let me say that the bill appears to have great merit. But since it relates to an income-tax case, in the opinion of the minority calendar committee it is not

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proper consent-calendar business, but, instead, should be brought up by motion.

For that reason, and that reason only, I object.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

## SERGEANT BLUFF CONSOLIDATED SCHOOL DISTRICT

The bill (H. R. 1942) for the relief of the Sergeant Bluff Consolidated School District was considered, ordered to a third reading, read the third time, and passed.

## JOHN R. HILL

The bill (H. R. 3588) for the relief of John R. Hill was considered, ordered to a third reading, read the third time, and passed.

## MRS. JENNIE B. PRESCOTT

The bill (H. R. 4730) for the relief of Mrs. Jennie B. Prescott was considered, ordered to a third reading, read the third time, and passed.

## JUANITA GIBSON LEWIS

The bill (H. R. 5718) for the relief of Juanita Gibson Lewis was considered, ordered to a third reading, read the third time, and passed.

## MRS. LIDIE KAMMAUF

The Senate proceeded to consider the bill (H. R. 1864) for the relief of Mrs. Lidie Kammauf which had been reported from the Committee on the Judiciary with an amendment on page 2, line 6, after the word "jurisdiction", to strike out "upon" and insert "under".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

## LILLIAN SCHLOSSBERG

The Senate proceeded to consider the bill (H. R. 3440) for the relief of Lillian Schlossberg which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provisions of section 2401 (b) of title 28, United States Code, jurisdiction is hereby conferred on the United States District Court for the Eastern District of New York to hear, determine, and render judgment on the tort claim of Mr. and Mrs. Allan Schlossberg, of Brooklyn, N. Y., arising out of an accident involving a United States Army vehicle on December 8, 1945, in the vicinity of Canal Street and West Broadway, New York, N. Y.

SEC. 2. Suit upon such claim may be instituted hereunder not later than 6 months after the date of the enactment of this act: *Provided, however,* That nothing contained in this act shall be constructed as an inference of liability on the part of the United States Government.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act for the relief of Mr. and Mrs. Allan Schlossberg."

## BILL PASSED OVER

The bill (S. 734) to revise the basic compensation schedules of the Classification Act of 1949, as amended, and for other purposes, was announced as next in order.

Mr. PURTELL. Reserving the right to object, I wish to make it clear that the minority calendar committee is very much in favor of the proposed legislation. But because of the amount involved, which is roughly $328 million, we feel this measure is not proper consent-calendar business. For that reason, and that reason only, we object to consideration of the bill during the call of the consent calendar, but hope the bill will be passed when it is brought up by way of motion.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

## BUFFALO AND FORT ERIE PUBLIC BRIDGE AUTHORITY

The resolution (S. J. Res. 95) granting the consent of Congress to an agreement between the State of New York and Canada, for the continued existence of the Buffalo and Fort Erie Public Bridge Authority was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Resolved, etc.,* That the consent of Congress is given to the State of New York to enter into the agreement or compact with the Government of Canada, which is set forth in chapter 259 of the laws of New York, 1957, and provides for the continuation of the Buffalo and Fort Erie Public Bridge Authority as a municipal instrumentality of such State with power to maintain and operate the highway bridge over the Niagara River between the city of Buffalo in such State and the city of Fort Erie, Ontario, Canada.

SEC. 2. The joint resolution entitled "Joint resolution granting the consent of Congress to the State of New York to negotiate and enter into an agreement or compact with the Government of Canada for the establishment of the Niagara Frontier Port Authority with power to take over, maintain, and operate the present highway bridge over the Niagara River between the city of Buffalo, N. Y., and the city of Fort Erie, Ontario, Canada," approved July 27, 1956 (70 Stat. 701) is repealed.

SEC. 3. The right to alter, amend, or repeal this joint resolution is expressly reserved.

## CORREGIDOR-BATAAN MEMORIAL COMMISSION

The Senate proceeded to consider the bill (S. 538) to amend Public Law 298, 84th Congress, relating to the Corregidor-Bataan Memorial Commission, and for other purposes, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

That the act entitled "An act to create a Commission to be known as the Corregidor-Bataan Memorial Commission," approved August 5, 1953 (67 Stat. 366), as amended, is amended as follows: By inserting immediately after the subparagraph "(f)" of the new third paragraph in Public Law 298 the following additional subparagraphs:

"(g) Notwithstanding section 2 of the act of July 31, 1894, as amended (5 U. S. C. 62), section 212 of the act of June 30, 1932, as amended (5 U. S. C. 59a) or any other Federal law, one retired officer of the services mentioned in the Career Compensation Act of 1949 may be appointed to any civilian office or position in the Corregidor-Bataan Memorial Commission created by the act of August 5, 1953, as amended (36 U. S. C. 426), for a period of not to exceed 5 years, and receive retired pay as a retired officer and civilian compensation concurrently. The retired status, office, rank, or grade such retired officer may occupy or hold, or any emolument, prerequisite, right, privilege, or benefit, incident or arising out of such status, office, rank, or grade, shall be in no way affected by reason of such appointment to or employment in such Commission.

"(h) The Commission may employ, for a period of not to exceed 5 years, without regard to the civil service laws or the Classification Act of 1949, such employees as may be necessary in carrying out its functions."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## TRANSFER OF OWNERSHIP OF BRIDGE TO ALLEGANY COUNTY, MD.

The bill (S. 620) to transfer ownership to Allegany County, Md., of a bridge loaned to such county by the Bureau of Public Roads was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted etc.,* That all right, title, and interest of the United States to the Bailey bridge at Corriganville, Md., which was loaned to Allegany County, Md., in 1946 by the Bureau of Public Roads of the Department of Commerce, is hereby transferred to such county.

## NAMING OF BUILDINGS UNDER CUSTODY AND CONTROL OF GENERAL SERVICES ADMINISTRATION

The bill (S. 2108) to amend the Public Buildings Act of 1949, to authorize the Administrator of General Services to name, rename, or otherwise designate any building under the custody and control of the General Services Administration was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That section 410 of the Public Buildings Act of 1949, as amended (40 U. S. C. 298d), is hereby amended to read as follows:

"SEC. 410. The Administrator of General Services is authorized, notwithstanding any other provision of law, to name, rename, or otherwise designate any building under the custody and control of the General Services Administration, regardless of whether it was previously named by statute."

## EXTENSION OF AUTHORIZED TAKING AREA FOR PUBLIC BUILDING

The bill (S. 2109) to amend an act extending the authorized taking area for public building construction under the Public Buildings Act of 1926, as amended, to exclude therefrom within E and F Streets and 19th Street and Virginia Avenue NW., in the District of Columbia, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the act of March 31, 1938 (ch. 58 (52 Stat. 149)) is amended by deleting, following the term "squares", the numbers "122, 104, 81, 58."

## SALE OF CERTAIN LANDS AT THE McNARY LOCK AND DAM PROJECT

The bill (S. 2217) to authorize the Secretary of the Army to sell certain lands at the McNary lock and dam project, Oregon and Washington, to the port of Walla Walla, Wash., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Army is authorized to convey to the port of Walla, Walla, Wash., subject to the provisions in section 2 of this act, all of the right, title, and interest of the United States in and to three parcels of real property comprising a part of the McNary lock and dam project on the Columbia River, Oreg., and Wash., containing in the aggregate approximately 441.62 acres of land which is currently being utilized by the port of Walla Walla, Wash., under lease from the Secretary of the Army.

SEC. 2. The conveyance herein authorized shall be made at the fair market value of the property as determined by the Secretary of the Army, and upon such terms, conditions, reservations, and restrictions as he shall deem necessary in the public interest and to assure that the use of the land will not interfere with the operation of the McNary lock and dam project.

Mr. CLARK. Mr. President, I ask unanimous consent that the senior Senator from Oregon [Mr. MORSE] may be allowed to file a statement explaining his views on the bill which has just been passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT OF SENATOR MORSE ON S. 2217

This bill would authorize the Secretary of the Army to convey to the Port of Walla Walla, Wash., approximately 442 acres of land located on the Washington side of the McNary Dam project.

The conveyance would be made upon payment of the "fair market value of the property as determined by the Secretary of the Army, and upon such terms, conditions, reservations, and restrictions as he shall deem necessary in the public interest and to assure that the use of the land will not interfere with the operation of the McNary lock and dam project."

In view of the requirement for the payment of the full market value of the land in question, the transfer is not objectionable under the so-called Morse formula.

## EMERGENCY FLOOD-CONTROL WORK

The bill (S. 2228) to amend section 5 of the Flood Control Act of August 18, 1941, as amended, pertaining to emergency flood-control work was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That section 5 of the Flood Control Act of August 18, 1941, as amended by act of June 28, 1955 (33 U. S. C. 701n), is hereby further amended to read as follows:

"That there is hereby authorized an emergency fund in the amount of $15 million to be expended in (a) planning, administrative, and supply activities in preparation for flood fighting and rescue operations, (b) emergency repair of any flood-control work threatened by an imminent flood, including such strengthening, raising, extending or other modification thereof as may be necessary in the discretion of the Chief of Engineers for the adequate functioning of the work of flood control during the anticipated flood, (c) flood fighting and rescue operations, and (d) the restoration of preflood condition of flood protection, with any minor improvements considered necessary, of any flood-control work destroyed by flood or damaged sufficiently that destruction, in the opinion of the Chief of Engineers, might occur during a flood for which it was designed to provide protection, or (e) the removal of debris and deposits from waterways to the extent necessary, in the discretion of the Chief of Engineers, to restore their preflood capacity for carrying flood flows. The Chief of Engineers is hereby authorized to determine requirements of local participation in aforementioned work and may accomplish at local expense such additional work as he may consider advantageous to the interest of flood control, and further is hereby authorized to receive from local interests the required contributed funds: *And provided further*, That when contributions made by local interests are in excess of the actual cost of the work contemplated and properly chargeable to such contributions, such excess contributions may, with the approval of the Chief of Engineers, be returned to the proper representative of the contributing interests. The appropriation of such moneys as may be necessary for the initial establishment of this fund and for its replenishment is hereby authorized: *Provided*, That pending the appropriation to or replenishment of said fund, the Secretary of the Army may allot, from existing flood-control appropirations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such appropriations to be reimbursed from the appropriation herein authorized when made. The Chief of Engineers is authorized, in the prosecution of work in connection with rescue operations, or in conducting other flood emergency work, to acquire on a rental basis such motor vehicles, including passenger cars and buses, as in his discretion are deemed necessary."

## RATES OF TOLL FOR USE OF BRIDGE ACROSS THE MISSOURI RIVER NEAR RULO, NEBR.

The bill (S. 2441) to amend the act of March 4, 1933, to extend by 10 years the period prescribed for determining rates of toll to be charged for use of the bridge across the Missouri River near Rulo, Nebr., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That subsection (e) of section 5 of the act entitled "An act to authorize the construction of certain bridges and to extend the times for commencing and/or completing the construction of other bridges over the navigable waters of the United States," approved March 4, 1933 (47 Stat. 1556), as amended by the act of June 19, 1948 (62 Stat. 497), is further amended (1) by striking out "and financing" and inserting ", financing, and refinancing", and (2) by striking out "30 years" and inserting "40 years."

## ALBENI FALLS RESERVOIR PROJECT, IDAHO

The bill (S. 1003) to provide for adjustments in the lands or interests therein acquired for the Albeni Falls Reservoir project, Idaho, by the reconveyance of certain lands or interests therein to the former owners thereof, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That (a), in order to provide for adjustments in the lands or interests in land heretofore acquired for the Albeni Falls Reservoir project to conform such acquisition to a lesser estate in lands now being acquired to complete the real estate requirements of the project, the Secretary of the Army is authorized to reconvey any such land or interests in land heretofore acquired to the former owners thereof whenever (1) he shall be determined that such land or interest is not required for project purposes, (2) he shall have received a written statement from such agency or person as may be designated by the Governor of the State of Idaho that the reconveyance of such property is in the best interest of the State, and (3) he shall have received an application for reconveyance as hereinafter provided.

(b) Any such reconveyance of any such land or interest shall be made only after the Secretary (1) has given notice in such manner (including publication) as he shall by regulation prescribe, to the former owner of such land or interest, and (2) has received an application for the reconveyance of such land or interest from such former owner, in such form as he shall by regulation prescribe, within a period of 90 days following the date of issuance of such notice.

(c) Any reconveyance of land or interest therein made under this act shall be subject to such exceptions, restrictions, and reservations (including a reservation to the United States of flowage rights) as the Secretary may determine are in the public interest.

(d) Any land or interest therein reconveyed under this act shall be sold for an amount determined by the Secretary to be equal to the price for which the land was acquired by the United States, adjusted to reflect (1) any increase in the value thereof resulting from improvements to the land made by the United States, and (2) any decrease in the value thereof resulting from (A) any reservation, exception, restriction, and condition to which the reconveyance is made subject, and (B) any damage to the land or interest therein caused by the United States. In addition, the cost of any surveys necessary as an incident of such reconveyance shall be borne by the grantee.

(e) The requirements of this section shall not be applicable with respect to the disposition of any land, or interest therein, described in subsection (a) if the Secretary shall certify (1) that notice has been given to the former owner of such land or interest as provided in subsection (b), and that no qualified applicant has made timely application for the reconveyance of such land or interest, or (2) that within a reasonable time after receipt of a proper application for reconveyance of such land or interest the parties have been unable to reach a satisfactory agreement with respect to the reconveyance of such land or interest.

(f) As used in this section, the term "former owner" means the person for whom any land, or interest therein, was acquired by the United States, or if such person is de-

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ceased, his spouse, or if such spouse is deceased, his children.

SEC. 2. The Secretary of the Army may delegate any authority conferred upon him by this act to any officer or employee of the Department of the Army. Any such officer or employee shall exercise the authority so delegated under rules and regulations approved by the Secretary.

SEC. 3. Any proceeds from reconveyances made under this act shall be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 4. This act shall terminate 3 years after the date of its enactment.

Mr. CLARK. Mr. President, I ask unanimous consent that the senior Senator from Oregon [Mr. MORSE] may be permitted to file an explanation with reference to Calendar No. 749.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT OF SENATOR MORSE ON S. 1003

This bill would authorize the Secretary of the Army to reconvey to any former owner, or the surviving spouse, or if such spouse is deceased, his children, any lands or interest in the Albeni Falls Reservoir project, Idaho, no longer required for project purposes.

Such reconveyance would be conditioned upon payment to the United States of original acquisition cost, plus the value of any improvements placed thereon by the Government, less any damage caused by the Government.

This bill is similar to Public Law 300 and Public Law 312 of the 84th Congress relative to the Jim Woodruff and Demopolis Dams. In view of the similarity of this bill to the 1955 legislation involved in Public Law 300 and Public Law 312, the same type of action would appear to be warranted in this case.

## LAKE TSCHIDA, N. DAK.

The Senate proceeded to consider the bill (S. 1785) designating the reservoir located above Heart Butte Dam in Morton County, N. Dak., as Lake Tschida, and for other purposes, which had been reported from the Committee on Public Works with an amendment at the beginning of line 4, to strike out "Morton" and insert "Grant", so as to make the bill read:

*Be it enacted, etc.*, That the reservoir located above the Heart-Butte Dam in Grant County, N. Dak., shall hereafter be known as Lake Tschida, and any law, regulation, document, or record of the United States in which such reservoir is designated or referred to shall be held to refer to such reservoir under and by the name of Lake Tschida.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill designating the reservoir located above Heart-Butte Dam in Grant County, N. Dak., as Lake Tschida, and for other purposes."

## WATER SUPPLY FOR THE CITY OF SHERMAN, TEX.

The bill (H. R. 3996) to authorize the utilization of a limited amount of storage space in Lake Texoma for the purpose of water supply for the city of Sherman, Tex., was considered, ordered to a third reading, read the third time, and passed.

## CHANGING THE NAME OF JIM WOODRUFF DAM TO LAKE SEMINOLE, FLA.

The bill (H. R. 3077) that the lake created by the Jim Woodruff Dam on the Apalachicola River located at the confluence of the Flint and Chattahoochee Rivers be known as Lake Seminole was considered, ordered to a third reading, read the third time, and passed.

## CHARLES A. SIDAWI

The bill (S. 976) for the relief of Charles A. Sidawi was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Charles A. Sidawi shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

## EITHANIAHU (ETON) YELLIN

The bill (S. 1293) for the relief of Eithaniahu (Eton) Yellin was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Eithaniahu (Eton) Yellin, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

## LOUIS GLAROS

The bill (S. 1435) for the relief of Louis Glaros was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Louis Glaros shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

## ANGELOS KARYDIS AND WIFE

The bill (S. 1861) for the relief of Angelos Karydis and his wife, Maria Karydis, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Angelos Karydis and his wife, Maria Karydis, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

## BELIA RODRIGUEZ TERNOIR

The bill (S. 1902) for the relief of Belia Rodriguez Ternoir was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, notwithstanding the provisions of section 212 (a) (12) of the Immigration and Nationality Act, Belia Rodriguez Ternoir, wife of an American citizen, may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act: *Provided*, That the exemption provided for in this act shall apply only to the grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

## JOZICE MATANA KOULIS AND DAVORKO MATANA KOULIS

The bill (S. 2003) for the relief of Jozice Matana Koulis and Davorko Matana Koulis was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Jozice Matana Koulis and Davorko Matana Koulis, shall be held and considered to be the natural-born alien children of Pauline Roduj Koulis, a citizen of the United States.

## NOBUKO HAMASAKI FAWCETT

The Senate proceeded to consider the bill (S. 66) for the relief of Nobuko Hamasaki Fawcett which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provisions of section 212 (a) (6) of the Immigration and Nationality Act, Nobuko Hamasaki Fawcett may be issued a visa and be admitted to the United States for permanent residence if otherwise admissible under the provisions of that act under such conditions and controls as the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, deems necessary to impose: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of that act: *And provided further*, That this exemption shall apply only to grounds for exclusion known to the Department of State or the Department of Justice prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## HANS PAUL LANGE

The Senate proceeded to consider the bill (S. 137) for the relief of Hans Paul

Lange which had been reported from the Committee on the Judiciary with an amendment in line 5, after the word "be", to insert "issued a visa and be", so as to make the bill read:

*Be it enacted, etc.*, That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Hans Paul Lange may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MARTHA HUBER VAVRA

The Senate proceeded to consider the bill (S. 402) for the relief of Martha Huber Vavra which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Martha Huber Vavra may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of Justice or the Department of State has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## HOWARD I. BUCHBINDER

The Senate proceeded to consider the bill (S. 662) for the relief of Howard I. Buchbinder which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Howard I. Buchbinder shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## THERESA GLOEBL CLARK

The Senate proceeded to consider the bill (S. 1154) for the relief of Theresa Gloebl Clark which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationality Act, Theresa Gloebl Clark may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare may deem necessary to impose: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act: *Provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## DANIEL ALCIDE CHARLEBOIS

The Senate proceeded to consider the bill (S. 1271) for the relief of Daniel Alcide Charlebois which had been reported from the Committee on the Judiciary with an amendment in line 7, after the word "fee", to strike out "Upon granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available", so as to make the bill read:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Daniel Alcide Charlebois shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## CARMEN JEANNE LAUNOIS JOHNSON

The Senate proceeded to consider the bill (S. 1308) for the relief of Carmen Jeanne Launois Johnson which had been reported from the Committee on the Judiciary with an amendment in line 5, after the word "be", to insert "issued a visa and be", so as to make the bill read:

*Be it enacted, etc.*, That, notwithstanding the provisions of paragraph (12) of section 212 (a) of the Immigration and Nationality Act, Carmen Jeanne Launois Johnson may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act. This act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## WOLFGANG JOCHIM HERMAN SCHMIEDCHEN

The Senate proceeded to consider the bill (S. 1414) for the relief of Wolfgang Jochim Herman Schmiedchen which had been reported from the Committee on the Judiciary with an amendment in line 7, after the word "act", to strike out the comma and "upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available", so as to make the bill read:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Wolfgang Jochim Herman Schmiedchen shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## XAVIER ARREGUIN (BLANCO)

The Senate proceeded to consider the bill (S. 1617) for the relief of Xavier Arreguin (Blanco) which had been reported from the Committee on the Judiciary with an amendment in line 5, after the word "be", to insert "issued a visa and be", so as to make the bill read:

*Be it enacted, etc.*, That, notwithstanding the provisions of paragraph (19) of section 212 (a) of the Immigration and Nationality Act, Xavier Arreguin (Blanco) may be issued a visa and be admitted to the United States for permanent residence is he is found to be otherwise admissible under the provisions of such Act. This Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## RENEE JULIETTE DUBUC WHITBREAD

The Senate proceeded to consider the bill (S. 1625) for the relief of Renee Juliette Dubuc Whitbread which had been reported from the Committee on the Judiciary with an amendment in line 5, after the word "be", to insert "issued a visa and be", so as to make the bill read:

*Be it enacted etc.*, That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Renee Juliette Dubuc Whitbread may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MARY E. TRANTOW

The Senate proceeded to consider the bill (S. 1654) for the relief of Mary E. Trantow which had been reported from the Committee on the Judiciary with an amendment in line 5, after the word "be", to insert "issued a visa and be", so as to make the bill read:

*Be it enacted, etc.*, That, notwithstanding the provisions of paragraph (9) of section 212 (a) of the Immigration and Nationality Act, Mary E. Trantow may be issued a visa and be admitted to the United States for

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permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided*, That this Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## BARBARA WOODWARD LUCKETT

The Senate proceeded to consider the bill (S. 1934) for the relief of Barbara Woodward Luckett which had been reported from the Committee on the Judiciary with an amendment in line 5, after the word "be," to insert "issued a visa and be", so as to make the bill read:

*Be it enacted, etc.*, That, notwithstanding the provisions of paragraph (9) of section 212 (a) of the Immigration and Nationality Act, Barbara Woodward Luckett may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act. This Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## LETIZIA MARIA ARINI

The Senate proceeded to consider the bill (S. 1972) for the relief of Letizia Maria Arini which had been reported from the Committee on the Judiciary with an amendment in line 5, after the word "be", to insert "issued a visa and be", so as to make the bill read:

*Be it enacted etc.*, That, notwithstanding the provisions of paragraph (12) of section 212 (a) of the Immigration and Nationality Act, Letizia Maria Arini may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act. This Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## FOR THE RELIEF OF CERTAIN ALIENS

The bill (S. 2095) for the relief of certain aliens was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Vaclav Uhlik, Marta Uhlik, Vaclav Uhlik, Jr., and Eva Uhlik."

## VISIT TO SENATE BY OFFICIAL DELEGATION FROM PARLIAMENT OF GREAT BRITAIN TO JAMESTOWN CELEBRATION

Mr. KEFAUVER. Mr. President, the House of Representatives and the Senate, as do all the American people, always welcome our friends from Great Britain. The Senate is indeed privileged and honored to have as our guests today members of the delegation from the House of Parliament to the Jamestown celebration.

I ask that the business of the Senate be suspended long enough to introduce the members of this distinguished delegation and to give the Members of the Senate an opportunity of meeting them.

Mr. President, the head of the delegation is the Right Honorable James Stuart, M. V. O., M. C., M. P., whom I should like to present at this time, and the other visitors are the Right Honorable G. A. Isaacs; M. P.

The Earl of Dundee, J. P., Member of the House of Lords;

The Earl of Lucan, M. C., Member of the House of Lords;

The Honorable Sir Cyril Osborne, M. P.;

Mr. J. E. MacColl, J. P., M. P.;

Mr. J. S. Arbuthnot, M. B. E., T. D., M. P.; and

Sir Lynn Ungoed-Thomas, Q. C., M. P.

[As their names were read the distinguished visitors rose in their places in the seats of Senators to the left of the center of the aisle, and were greeted with applause.]

Mr. ALLOTT. Mr. President, I wish to take this opportunity, when very sad circumstances have kept our minority leader from being with us today, to welcome our distinguished friends, not only to this country but to this body of the Congress. A recent debate which has occurred in the Senate has reminded us again, very forcefully, of the many ties of long standing and the many common interests between Great Britain and the United States, not only in the past but which we hope will continue in the days to come. Therefore, on behalf of the Members of the Senate on this side of the aisle, I welcome you all. I hope you have found inspiration and enjoyment in your visit to Jamestown and to our country.

Mr. ROBERTSON. Mr. President, at the outset I express the regret of the senior Senator from Virginia [Mr. BYRD] that he could not be present to join with me in extending greetings to a distinguished group of statesmen from Great Britain who have come to this country primarily to join in a celebration at Jamestown of the anniversary on July 30 of the first meeting of a legislative body, in 1619, ever held on the North American Continent.

The junior Senator from Virginia was interested to read that the distinguished Chief Justice of the United States last week, in response to the gracious reception accorded in Great Britain to American lawyers, expressed his deep appreciation of the gift of Great Britain of English jurisprudence, which he said went to Plymouth Rock with the Pilgrim Fathers. Of course, we are glad the Pilgrim Fathers brought over the English language and the English jurisprudence, but we are just a little proud that the delegation visiting the Senate today came to our country to celebrate the fact that the first settlement took place before the landing at Plymouth Rock, and the first legislative assembly took place on this continent before the celebrated Pilgrim Fathers ever reached our shores.

Our distinguished visitors, whether they represent the Labor Party or the Conservative Party, whether from the House of Lords or the House of Commons, represent Great Britain. I can assure them that, whatever party they belong to, we in the United States appreciate the friendship which has existed between our two countries for such a long period. We in Virginia still call Great Britain the mother country. We are grateful for the friendship which has existed, not only between the mother country and our country but between us and all English-speaking people, because we feel such friendship promotes the perpetuity of free institutions in the world.

Even though we may occasionally have our disagreements, for example, over who is to get oil from the Middle East, how it is to be carried through the Suez Canal, who is to pay for it; whether we place a high tariff on English woolen goods, whether we engage in trade in a spirit of trade, and not aid, I want our distinguished guests to know that, basically, we appreciate their friendship, and we do not intend to permit anything to break up or weaken our friendship not only with the people of the British Isles, but those of our wonderful neighbor to the north, Canada, and with the remarkably fine and brave people of Australia and New Zealand. We knew them as Allies in World War I. We knew them as Allies in World War II. We knew them as Allies in the Korean hostilities. We know that their attitude toward the encroachment of communism is the same as ours. We speak the same language, and that is a great help. We have the same concept of the dignity of man. We have the same legal institutions.

In recent days I have been pleased to make reference on the floor of the Senate to Magna Carta, a great instrument going back to 1215, a copy of which is now at Jamestown, not the first one, but the second or third one. I read that it was said that King John never signed the Magna Carta. It was written in Latin, and he could not read Latin. That is one factor. Secondly, it was said King John could not read or write, anyway. But he placed his seal on it. He tried to back away from it; he tried to induce the Pope to support his position; but those who wanted the right to be tried by juries of their peers were determined not to let the King retreat. The principle of having those charged with offenses tried by juries of their peers was handed down to us and was adopted in this country as a part of our Constitution. That was the principle involved in the fight recently made on the floor of the Senate. We said it was a cherished English right which we did not intend to give up.

I say to our friends that we are richly indebted to their country for many things. We are proud to have you here. One or two of our colleagues wish to speak in appreciation of your visit to the

Senate. The distinguished Senator from New Mexico [Mr. CHAVEZ] has said he cannot claim to be English or Scotch, as I can claim to be a little English and Scotch. He does not claim to be anything but pure Spanish, but he is all American, and he is friendly toward the English. After all, this country has been pretty much of a melting pot. We do not follow religious or racial trends. We are all good Americans. After your friends here have expressed their appreciation of your presence, I will ask you to approach the Vice President's desk, so that all Members of the Senate present may have the pleasure of greeting you.

Mr. CHAVEZ. Mr. President, I am very happy that the Senator from Virginia [Mr. ROBERTSON], a descendent of the original Britishers in our country, was able to welcome our good friends from England.

Let me say also, Mr. President—may there always be an England. I do not say that because I have any British background whatsoever, but because I believe in the English idea of liberty. None of my ancestors came from England or Scotland. My ancestry is entirely Spanish. But, by the grace of God, I am an American first, before I am of Spanish descent. I want everyone to realize that.

We love England. We love the English idea of liberty and ways of thinking. We will always love England. Throughout the years we want everyone to know that England will always be free, and that sooner or later all the other nations of the world will be free.

I ask our distinguished guests: Is that not what you are here for? You are not here to extol England as such. I am sure you are not here for that purpose. You are here to represent England as a great freedom-loving nation.

May God bless England, and may she continue to be our friend.

Mr. STENNIS. Mr. President, as acting majority leader, speaking for the majority leader, who regrets very much that because of the death of an esteemed former Member of the Senate he could not be here today, I, too, wish to add a special word of welcome to our friends. There is never a half hour of debate or thought on this floor when we are not very pleasantly reminded of the great bonds between our country and Great Britain, and the fact that our heritage in large part comes from England.

We unanimously passed a short time ago a bill to authorize four Members of our body to attend the general meeting of the Commonwealth Parliamentary Association, to be held this year in India. I once had the honor of attendance with that group. It was one of the great experiences of my life to attend the meeting of that association held in Canada.

I do not believe there is any significance to be found in the fact that all of you gentlemen happen to be sitting on the same side of the aisle today.

We are very glad indeed to have you here. We hope you will come again. You will find the same bonds here then that you find now.

Mr. President, if I am in order, I suggest that our distinguished guests stand in the well of the Senate so that Senators may greet them.

The PRESIDING OFFICER. There is one more Senator who desires to say a word.

Mr. STENNIS. I thank the Chair very much.

Mr. PURTELL. Mr. President, as a Senator, of course I am delighted to have the opportunity to say "welcome" to our friends, the distinguished members of the Parliament of Great Britain. I am also delighted to know that in their midst is one member of Parliament who traveled with me through Russia, Poland, East Germany, and Finland. Since this opportunity has been granted me, I deem it only proper that I thank the British delegation to the Interparliamentary Union, through Sir Cyril Osborne, for the marvelous help they have extended to us in our meetings, wherever they have been held.

I think it is significant, Mr. President, that while the esteemed gentlemen visiting from the Parliament of England were brought into the Chamber by a member of the majority, he felt it proper in making the seating arrangement to have these distinguished gentlemen placed on the minority side.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. PURTELL. I am happy to yield.

Mr. KEFAUVER. I do not want any Member of the Senate or occupant of the gallery to feel that, because all these gentlemen happen to sit on the minority side of the Chamber, they are Conservatives in the Parliament of Great Britain.

As a matter of fact, as is right and proper, 4 of 7 Members—Lord Lucan, Mr. MacColl, Sir Lynn Ungoed-Thomas, and Mr. Isaacs—are members of the Labor Party. By right, they should be seated on this side of the Chamber. This demonstrates that, when referring to our friends in England, we know no party lines in the Congress of the United States.

Mr. PURTELL. I am sure that is correct, but I think it also demonstrates that the Senator from Tennessee recognized he could show our visitors no greater honor than to put them on the Republican side. [Laughter.]

It is indeed a happy occasion when I can again say "Hello," to Sir Cyril Osborne. I think I left him in East Berlin last year. I wish again to say that I hope, Sir Cyril, you will extend to your fellow members of the Interparliamentary Union our deep appreciation for the great help and understanding they have manifested toward us and the purpose of the Interparliamentary Union.

Mr. ROBERTSON. Mr. President, I wish to explain to our guests, who perhaps do not know the names and the States of the Senators who have spoken, that they have heard from all sections of our country in this brief period of time.

As the acting host, so to speak, coming from Virginia, I can speak for the Middle Atlantic States. Our friend, the Senator from Colorado [Mr. ALLOTT], spoke for the Rocky Mountain States. Our friend, the Senator from New Mexico [Mr. CHAVEZ], spoke for the Southwestern States. Our friend, the Senator from Mississippi [Mr. STENNIS], spoke for the Deep South. And our friend, the Senator from Connecticut [Mr. PURTELL], spoke for New England. Therefore, you gentlemen have heard from and been welcomed by Senators from all parts of the United States.

Mr. KEFAUVER. Mr. President, after we have given the members of our distinguished visiting delegation an opportunity to meet the Members of the Senate, they are invited to repair to the Vice President's office. I state that for the information of Senators who wish to talk in more detail with any members of the delegation, or any members of the press who wish to meet with the delegation.

The PRESIDING OFFICER (Mr. COTTON in the chair). The Chair will state to the distinguished visitors that they doubtless know that today the Senate is engaged in routine business. During the routine business the Chair is temporarily occupied by one of the less important Members of the Senate.

The President of the Senate is the distinguished Vice President of the United States. I regret that he is not occupying the chair today to welcome officially our distinguished guests.

The Chair knows the President pro tempore of the Senate, the distinguished Senator from Arizona [Mr. HAYDEN], will equally regret that he was not occupying the chair at this time.

In the absence of the Vice President and the President pro tempore, the present occupant of the chair joins in bidding our distinguished guests welcome. Without objection the Senate will stand in recess subject to the call of the Chair, while the Members of the Senate have the opportunity to meet our visitors, who will be introduced by the distinguished Senator from Virginia [Mr. ROBERTSON] and the Senator from Tennessee [Mr. KEFAUVER].

Mr. ROBERTSON. Mr. President, I will ask the delegation to assemble according to its own protocol.

Thereupon (at 2 o'clock and 28 minutes p. m.) the Senate took a recess subject to the call of the Chair.

During the recess the members of the visiting delegation from the British Parliament were greeted by Members of the Senate, who were presented by Mr. ROBERTSON and Mr. KEFAUVER.

On the expiration of the recess, at 2 o'clock and 33 minutes p. m., the Senate reassembled, and was called to order by the Presiding Officer (Mr. COTTON in the chair).

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 236. An act to amend section 6 of the act of June 20, 1918, as amended, relating to the retirement pay of certain members of the former Lighthouse Service;

S. 334. An act to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended (30 U. S. C. 184), in order to promote the development of phosphate on the public domain;

S. 943. An act to amend section 218 (a) of the Interstate Commerce Act, as amended, to require contract carriers by motor vehicle

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to file with the Interstate Commerce Commission their actual rates or charges for transportation services;

S. 1063. An act vesting in the American Battle Monuments Commission the care and maintenance of the Surrender Tree site in Santiago, Cuba;

S. 1489. An act to amend title 14, United States Code, entitled "Coast Guard", with respect to warrant officers' rank on retirement, and for other purposes;

S. 1492. An act increasing penalties for violation of certain safety and other statutes administered by the Interstate Commerce Commission;

S. 1773. An act to validate a certain conveyance heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, to the State of Nevada, involving certain portions of right-of-way in the city of Reno, county of Washoe, State of Nevada, acquired by the Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356);

S. 1884. An act to amend section 505 of the Classification Act of 1949, as amended; and

S. 1941. An act to authorize the payment by the Bureau of Public Roads of transportation and subsistence costs to temporary employees on direct Federal highway projects.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 32) favoring Congressional recognition of the National Cowboy Hall of Fame and Museum to be located at Oklahoma City, Okla.

## JAIME CABRERA BERNAL

The PRESIDING OFFICER. The clerk will state the next order of business on the calendar.

The Senate proceeded to consider the bill (S. 1477) for the relief of Jaime Cabrera Bernal, which had been reported from the Committee on the Judiciary with amendments, in line 5, after the word "be", to insert "issued a visa and be", and, in line 10, after the word "Justice", to strike out "have" and insert "has", so as to make the bill read:

*Be it enacted, etc.*, That, notwithstanding the provisions of section 212 (a) (9) and (19) of the Immigration and Nationality Act, Jaime Cabrera Bernal may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## SALVATORE SALERNO

The Senate proceeded to consider the bill (S. 1910) for the relief of Salvatore Salerno, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 5, after the word "be", to insert "issued a visa and be"; in line 9, after the word "section", to strike out "313" and insert "213", and, in line 10, after the word "act", to insert a colon and "*And provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act"; so as to make the bill read:

*Be it enacted, etc.*, That, notwithstanding the provision of section 212 (a) (4) of the Immigration and Nationality Act, Salvatore Salerno may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act: *And provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## GRANTING STATUS OF PERMANENT RESIDENCE TO CERTAIN ALIENS

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 171) favoring the granting of the status of permanent residence to certain aliens, which had been reported from the Committee on the Judiciary with amendments on page 4, line 24, after the name "Boyan", to strike out "Petroff" and insert "Petkoff", and, on page 5, after line 11, to insert:

A–7863025, Dzirkalis, Nadina.
A–6460780, Gralewska, Alicja Iwanska.
A–7983406, Jong, Siaw Kia.
A–8091312, Kwong, Wong.
A–8039679, Yen, Her Dah.
A–10290659, Wah, Lok.

The amendments were agreed to.

The concurrent resolution, as amended, was agreed to.

## ABRAM VAN HEYNINGEN HARTENDORP

The bill (H. R. 1701) for the relief of Abram van Heyningen Hartendorp, was considered, ordered to a third reading, read the third time, and passed.

## MARIAN DIANE DELPHINE SACHS

The bill (H. R. 5721) for the relief of Marian Diane Delphine Sachs, was considered, ordered to a third reading, read the third time, and passed.

## KENNETH F. AILES

The bill (H. R. 3344) for the relief of Kenneth F. Ailes, was considered, ordered to a third reading, read the third time, and passed.

## ROBERT B. PETERMAN

The bill (H. R. 5365) for the relief of Robert B. Peterman was considered, ordered to a third reading, read the third time, and passed.

## BILL PASSED OVER

The bill (H. R. 6282) for the relief of the former shareholders and debenture note holders of the Goshen Veneer Co., an Indiana corporation, was announced as next in order.

Mr. CLARK. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

## WALTER H. BERRY

The bill (H. R. 6961) for the relief of Walter H. Berry was considered, ordered to a third reading, read the third time, and passed.

## PROCLAMATION OF CENTENNIAL OF BIRTH OF THEODORE ROOSEVELT

The joint resolution (S. J. Res. 18) to authorize and request the President to issue a proclamation in connection with the centennial of the birth of Theodore Roosevelt was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Resolved, etc.*, That the joint resolution entitled, "Joint resolution to establish a commission for the celebration of the 100th anniversary of the birth of Theodore Roosevelt," approved July 28, 1955 (69 Stat. 348), is amended by adding at the end thereof the following new section:

"SEC. 9. The President is authorized and requested to issue a proclamation, inviting the people of the United States to observe the centennial anniversary of the birth of Theodore Roosevelt, which will occur in 1958, with appropriate ceremonies and activities during that year."

## COMMEMORATION OF THE QUADRICENTENNIAL ANNIVERSARY OF THE ESTABLISHMENT OF FIRST SETTLEMENT IN FLORIDA

The concurrent resolution (H. Con. Res. 117) to commemorate the quadricentennial anniversary of the establishment of the first settlement in Florida was considered and agreed to.

## REGULATIONS RESPECTING VESSELS CARRYING FREIGHT FOR HIRE ON CERTAIN ALASKAN INLAND WATERS

The Senate proceeded to consider the bill (S. 1798) to amend section 4462 of the Revised Statutes, as amended, with respect to certain vessels carrying freight for hire on the inland waters of southeastern Alaska, which had been reported from the Committee on Interstate and Foreign Commerce with an amendment to strike out all after the enacting clause and insert:

That the third sentence of section 4426 of the Revised Statutes, as amended (34 Stat. 193; 46 U. S. C. 404), is hereby amended by adding the following proviso at the end thereof: "*Provided, further*, That no vessel under 150 gross tons, owned by or demise chartered to any cooperative or association, shall be deemed to be carrying freight for hire within the meaning of this section, if such vessel is engaged solely in transporting cargo owned by any one or more of the members of such cooperative or association on a nonprofit basis (1) to or from places within the inland waters of southeastern Alaska, as defined pursuant to section 2 of

the Act of February 19, 1895, as amended (28 Stat. 672; 33 U. S. C. 151), and Prince Rupert, British Columbia; or (2) to or from places within said inland waters of southeastern Alaska not receiving weekly transportation service on an annual basis from any part of the United States by an established common carrier by water and places within the inland waters of the State of Washington, as also defined pursuant to such Act of February 19, 1895, as amended, via sheltered waters, as defined in article I, of the treaty between United States and Canada defining certain waters of the west coast of North America as sheltered waters, dated December 9, 1933; or (3) from all places located within said inland waters of southeastern Alaska to places within the said inland waters of the State of Washington via said sheltered waters with respect to cargo of a character not accepted for transportation by an established common carrier by water thereat."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to amend section 4426 of the Revised Statutes, as amended, with respect to certain small vessels operated by cooperatives or associations in transporting merchandise of members on a nonprofit basis to or from places within the inland waters of southeastern Alaska and Prince Rupert, British Columbia, or to or from places within said inland waters and places within the inland waters of the State of Washington."

## RELIEF OF SURGEONS GENERAL OF CERTAIN RESPONSIBILITIES OUTSIDE DEPARTMENT OF DEFENSE

The bill (S. 2006) to relieve the Surgeons General of the Army and Navy of certain responsibilities outside the Department of Defense was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That (a) section 4818 (a) of the Internal Revenue Code of 1954 is amended by striking out the designation "(a)" in the first line thereof.

(b) Subsections (b) and (c) of section 4818 of the Internal Revenue Code of 1954 are repealed.

(c) Section 4835 of the Internal Revenue Code of 1954 is repealed.

SEC. 2. Section 351 (d) of the Public Health Service Act (58 Stat. 702; 42 U. S. C. 262 (d)) is amended by striking out the words "made jointly by the Surgeon General, the Surgeon General of the Army, and the Surgeon General of the Navy, and approved by the Administrator."

## CONSTRUCTION OF SEWER AND WATER FACILITIES FOR THE ELKO INDIAN COLONY, NEVADA

The bill H. R. 5953) to provide for the construction of sewer and water facilities for the Elko Indian colony, Nevada, was considered, ordered to a third reading, read the third time, and passed.

## BILL PASSED OVER

The bill (H. R. 7540) to amend Public Law 815, 81st Congress, relating to school construction in federally affected areas, to make its provisions applicable to Wake Island was announced as next in order.

Mr. ALLOTT. Over.

The PRESIDING OFFICER. The bill will be passed over.

## EVALUATION AND WAIVER OF COLLECTION OF CERTAIN FINANCIAL ASSISTANCE LOANS

The bill (S. 747) to authorize the Secretary of State to evaluate and to waive collection of certain financial assistance loans, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of State is authorized, upon the approval of the Comptroller General, to evaluate claims of the United States, and, where necessary, to waive collection of all or part of such claims, arising as a result of loans heretofore granted for financial assistance, repatriation and other approved purposes, made from funds available to the Department of State for emergencies in the diplomatic and consular service.

Mr. JAVITS. Mr. President, with respect to the bill just passed, Calendar 788, Senate bill 747, I hope the Secretary of State will give attention to the statement I find in the report, which relates to a certain amount of increase in these loans by virtue of what are alleged to be inequitable rates of exchange fixed by the Japanese Government during the war, under which we spent a great deal of money in order to help those being held in confinement at that time.

In settling our claims with the Japanese Government, I hope very much the Secretary of State will give that item consideration.

The PRESIDING OFFICER. The clerk will state the next order of business on the calendar.

## BACK COVE, PORTLAND, MAINE

The bill (H. R. 4511) to declare a certain portion of Back Cove at Portland, Maine, to be nonnavigable water of the United States was considered, ordered to a third reading, read the third time, and passed.

## CONSTRUCTION OF INDIAN HEALTH FACILITIES

The bill (H. R. 8053) to authorize funds available for construction of Indian health facilities to be used to assist in the construction of community hospitals which will serve Indians and non-Indians was considered, ordered to a third reading, read the third time, and passed.

Mr. CASE of South Dakota subsequently said: Mr. President, I temporarily left the Chamber at the time of the reception——

The PRESIDING OFFICER. The Chair is unable to hear Senators. The Senate will be in order. Senators will cease their conversations.

Mr. CASE of South Dakota. At the time of the recess, when we received our guests from the British Parliament, I went into the lobby with the distinguished guests. By the time I returned to the Chamber, the clerk had called Calendar 790, H. R. 8053. I had desired to ask a question or two relative to the bill. Therefore, I ask unanimous consent that the Senate reconsider the vote by which the bill was passed.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the Senate reconsider the vote by which it passed order No. 790, H. R. 8053.

The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 8053) to authorize funds available for construction of Indian health facilities to be used to assist in the construction of community hospitals which will serve Indians and non-Indians.

Mr. CASE of South Dakota. Mr. President, reserving the right to object to the consideration of the bill, I should like to address an inquiry to Senators on the objectors' committee, or to whoever may be in a position to answer.

The bill on its face, and according to the memorandum which I understand was prepared for the objectors, indicates that it was the intent of the bill to make it possible to use funds available for the construction of Indian health facilities for the assistance of Indians in community hospitals which serve Indians and non-Indians in nearby communities. However, the bill contains a proviso which might defeat the alleged purpose of the bill. I refer to the proviso beginning on line 9 of page 2:

*Provided*, That in determining, for the purposes of this Act, the portion of the cost of the construction project attributable to Indian health needs, the Surgeon General shall take into account only those categories of Indians for which hospital and medical care, including outpatient care and field-health services, is being provided by or at the expense of the Public Health Service on the date of enactment of this Act.

It has been my experience and observation that the Indians who go into communities adjacent to reservations to seek employment and to get "on their own," so to speak, and thus to relieve the Government of the various services which are provided—rations and other assistance on the reservations—find they can get hospital service only if they return to the reservation or if they obtain advance authorization for the incurment of expenses at community hospitals in case of emergency.

The difficulty is that if a true emergency arises, there is no time to get an advance authorization; and the practice of the Public Health Service and the Indian Bureau has been to say to the hospitals in the adjacent communities, "We will not honor your bills unless there is advance authorization," and to say to the Indians, "You must return to the reservation." The result is a tendency to defeat the rehabilitation of the Indian himself.

I have in mind a bill which is pending before the Committee on the Judiciary to cover the cost to the hospital of an Indian patient who has been crippled. His case was a severe one, and was considered an emergency situation. It has continued for some time, and the hos-

pital is out of pocket several thousand dollars incurred in the care of the Indian.

I think the bill is intended to take care of such situations as that, and to save money, eventually, for the Government by permitting Indians to share in the use of private hospital facilities in adjacent communities.

Mr. BARRETT. As I understand the Senator, he has no objection to providing authorization for the hospitalization of Indians who live on reservations in nearby communities, and where hospitalization is not afforded on the reservation. Is that correct?

Mr. CASE of South Dakota. That certainly is correct. I think I am in sympathy with the purpose of the bill. I am simply fearful that the proviso which I read may defeat the intent of the bill.

If the Senator from Wyoming can assure me that the proviso, taking into account only those categories presently provided for, will not foreclose the taking care of Indians who leave the reservation in quest of employment and locate in nearby communities, I certainly will have no objection.

Mr. BARRETT. I am not a member of the committee which considered the bill, but I am very much interested in it. It seems to me that the Indians whom the Senator from South Dakota has in mind could certainly come within the provisions of the bill by returning to the reservation or to the community in which the services are available.

Mr. CASE of South Dakota. The Indian can. If he goes back to his reservation, he can get hospitalization. I think it is the intent of the bill to make it possible for the hospital expense or cost to be transferred or recognized by sharing the cost of private hospital facilities in nearby communities. But as the regulations are interpreted at present, that cannot be done unless the Indian goes back to the reservation.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CASE of South Dakota. I yield.

Mr. CLARK. Like the Senator from Wyoming, I am not a member of the committee which considered the bill. Therefore, I speak with some diffidence. But as a lawyer attempting to interpret the proviso, I think it has to do, as indeed the section to which the proviso is attached has to do, merely with the cost of building the hospital, to which are attributable Indian funds, in the case of the Surgeon General, and would have nothing whatsoever to do with the qualifications for admission to the hospital once the hospital was built.

Mr. CASE of South Dakota. That is true; but if the Senator will note Public Law 568, which the bill would supplement, there is a provision that the Attorney General can contract for hospital service. It is true that the bill goes to the matter of credit of construction costs of hospitals; but Public Law 568 permits contracts for the services to be provided.

Mr. CLARK. I still feel that the particular proviso, with respect to which the Senator from South Dakota expresses a quite legitimate concern, could not very well or very reasonably be construed so as to exclude the Indians for whom the Senator expresses his concern.

The PRESIDING OFFICER. The Chair is compelled to state that the Senator from South Dakota has used his 5 minutes under the rule.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CASE of South Dakota. Will the Senator from Pennsylvania agree with me that the categories of Indians presently provided for, as referred to in section 2, include the Indians who could receive hospitalization if they returned to the reservation?

Mr. CLARK. Yes, but as I construe section 2 it has nothing to do with the categories of Indians, but merely with the allocation of cost for the capital construction of the hospital, as between two funds. Therefore, it is purely a matter of capital cost and has nothing to do with the categories of individuals who may be served in a hospital when it is built.

Mr. BARRETT. Mr. President——

The PRESIDING OFFICER. The time of the Senator from South Dokata has again expired.

Mr. CHAVEZ. Mr. President, I ask unanimous consent that the Senator from South Daokta be granted 3 minutes more.

Mr. STENNIS. Mr. President, I want the Senator from South Dakota to have as much additional time as he needs; but other Senators are waiting for the consideration of other bills. We must keep that fact in mind. If the Senator from South Dakota wishes to debate the bill extensively, the bill might be placed at the foot of the calendar for today, and then be taken up automatically later.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico that the Senator from South Dakota be accorded 3 additional minutes?

Mr. GOLDWATER. Mr. President, reserving the right to object, I thank the Senator from Mississippi for his statement. I have been sitting here since 1 o'clock. I am 1 hour late for a committee meeting. Many other bills have been passed over.

I shall not object to this request, but I shall object to any further delay in the consideration of the calendar. When we are asked to consider important measures which have been previously called up, I believe Senators should be present at the time they are reached.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico that the Senator from South Dakota be granted 3 additional minutes?

Mr. ALLOTT. Mr. President, I call for the regular order.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that the bill go to the foot of the calendar.

The PRESIDING OFFICER. The vote on the passage of the bill has not been reconsidered. The Senator from South Dakota requested that the Senate return to the bill in order that he might ask questions. The action in passing of the bill has not been rescinded.

Mr. CASE of South Dakota. When we returned to the——

The PRESIDING OFFICER. Does the Senator from South Dakota move to reconsider the vote by which the bill was passed?

Mr. CASE of South Dakota. I thought I asked that that be done when we returned to the bill.

The PRESIDING OFFICER. The Chair understood the Senator from South Dakota to request that the Senate return to the bill in order that he might make some observations and ask some questions. The Senate returned to the bill. The Chair advises the Senator from South Dakota that if he wishes to have the Senate reconsider the vote by which the bill was passed, he must make such a motion.

Mr. CASE of South Dakota. Mr. President, I ask that we return to the bill for the purpose of reconsideration, and that the bill be placed at the foot of the calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the bill will go to the foot of the calendar.

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## A. C. ISRAEL COMMODITY CO., INC.

The Senate proceeded to consider the bill (H. R. 5707) for the relief of the A. C. Israel Commodity Co., Inc., which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, subject to the provisions of section 2, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the A. C. Israel Commodity Co., Inc., New York, N. Y., the sum of $7,582.57. The payment of such sum shall be in full settlement of all claims of the said company against the United States for reimbursement of the amount paid (under protest) by such company on December 13, 1945, as damages for alleged violation, in connection with the sale by such company of imported chocolate bars, of price regulations established by the Office of Price Administration.

SEC. 2. (a) No payment may be made under this act until the Secretary of the Treasury determines, upon evidence satisfactory to him furnished by the A. C. Israel Commodity Co., Inc., that the action filed by the A. C. Israel Commodity Co., Inc., against the United States of America in the District Court of the United States for the Southern District of New York, civil action No. 46–622, has been dismissed by the plaintiff therein with prejudice.

(b) Nothing contained in this act shall be construed as any evidence of liability on the part of the United States in such civil action, and no evidence as to the enactment of this act, or any legislative action taken with respect thereto, may be received in evidence in such civil action.

(c) No part of the amount appropriated by section 1 of this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction

thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

## JOINT RESOLUTION PASSED OVER

The joint resolution (H. J. Res. 426) amending a joint resolution making temporary appropriations for the fiscal year 1958, and for other purposes, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The joint resolution will be passed over.

## IMPLEMENTATION OF THE GENEVA RED CROSS CONVENTIONS

The Senate proceeded to consider the bill (S. 1779) to give effect to certain obligations of the United States under the Geneva Conventions for the Protection of War Victims of 1949 by regulating use of the Red Cross and other emblems, and for other purposes, which had been reported from the Committee on Foreign Relations with an amendment on page 4, line 13, after the word "conventions", to insert "for the Protection of War Victims", and, in line 14, after the numerals "1949", to strike out the comma and "for the protection of war victims", so as to make the bill read:

*Be it enacted, etc.,* That section 706 of chapter 33, title 18, United States Code, is hereby amended to read as follows:

"SEC. 706. Protective emblems under the Geneva conventions

"(a) Whoever wears or displays the sign of the Red Cross or any insignia in colorable imitation thereof for the fraudulent purpose of inducing the belief that he is a member of or an agent for the American National Red Cross; or

"Whoever, whether a corporation, association or person, other than a person authorized by the Geneva Conventions for the Protection of War Victims of August 12, 1949, including the American National Red Cross and its duly authorized employees and agents, the medical units and establishments of the Armed Forces of the United States and their duly authorized personnel, chaplains attached to the Armed Forces of the United States, the Red Cross societies of neutral countries and the international Red Cross organizations and their duly authorized personnel, uses the emblem of the Greek red cross on a white ground, or any sign or insignia in colorable imitation thereof or the words 'Red Cross' or 'Geneva Cross' or any combination of these words—

"Shall be fined not more than $250 or imprisoned not more than 6 months, or both.

"This subsection shall not make unlawful the use of such emblem, sign or insignia (1) to mark civilian hospitals, convoys of vehicles, hospital trains, ships and aircraft carrying wounded, infirm or sick civilians, or medical personnel and equipment, when permitted under regulations and orders which the President is hereby authorized to issue in accordance with articles 18, 21, and 22 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949; (2) to mark ambulances and the location of first-aid stations when permitted under regulations and orders which the President is hereby authorized to issue in accordance with article 44 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949; or (3) on armlets to identify the personnel of civilian hospitals where permitted under regulations and orders which the President is hereby authorized to issue in accordance with article 20 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949.

"This subsection shall not make unlawful such use of any such emblem, sign, insignia, or words for the same purpose and for the same class of goods as was lawful on the date of enactment of this title, provided that such use shall not extend to the placing of the Red Cross emblem, sign, or insignia upon aircraft, vessels, vehicles, buildings or other structures, or upon the ground, except as otherwise permitted by this subsection or by the Geneva Conventions for the Protection of War Victims of August 12, 1949.

"(b) Whoever, whether a corporation, association, or person, other than a person authorized by the Geneva Conventions for the Protection of War Victims of August 12, 1949, uses the emblem of the red crescent on a white ground or a red lion and sun on a white ground, or any sign or insignia in colorable imitation thereof—

"Shall be fined not more than $250 or imprisoned not more than 6 months, or both.

"This subsection shall not be deemed to prohibit a corporation, association, or person that actually used such emblem, sign, or insignia prior to February 2, 1956, from continuing such use for the same purpose and for the same class of goods, provided that such use shall not extend to the placing of the emblems described in this subsection upon aircraft, vessels, vehicles, buildings or other structures, or upon the ground, except as otherwise permitted by this subsection or by the Geneva conventions for the Protection of War Victims of August 12, 1949.

"(c) Whoever, whether a corporation, association, or person, following a proclamation by the President in time of war or national emergency that application of this subsection is necessary, shall use in such location and size as to be recognizable from the air, whether by visual or photographic means, the letters 'PW' or 'PG' for any purpose except marking the location of a prisoner of war camp, or the letters 'IC' for any purpose except marking the location of an internment camp, or any other marking, sign, emblem, or insignia agreed upon by the United States and any other country and proclaimed by the President for marking the location of such camps—

"Shall, unless such use or placing conforms to such regulations as may have been issued under authority of the President, be fined not more than $250 or imprisoned not more than 6 months, or both."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## PRINTING OF REPORT ON FEED-GRAIN PROGRAM

The resolution (S. Res. 168) relative to printing the report of the Acting Secretary of Agriculture on the feed-grain program was considered and agreed to, as follows:

*Resolved,* That there be printed as a Senate document the report from the Acting Secretary of Agriculture on possible methods of improving the feed-grain program, pursuant to Senate Resolution 125, 85th Congress, 1st session, and that 2,500 copies be printed for the use of the Senate Committee on Agriculture and Forestry.

## PRINTING OF SURVEY ENTITLED "NATIONAL POLICIES ON FEDERAL LANDOWNERSHIP

The resolution (S. Res. 169) to print a survey entitled "National Policies on Federal Landownership" was considered and agreed to, as follows:

*Resolved,* That there be printed with an illustration, as a Senate document, a survey entitled "National Policies on Federal Landownership," compiled by Dr. John K. Rose, of the Library of Congress, and that 3,000 additional copies be printed for the use of the Committee on Interior and Insular Affairs.

## BOOKS FOR ADULT BLIND

The bill (S. 2434) to amend the act entitled "An act to provide books for the adult blind," was announced as next in order.

Mr. BARRETT. Mr. President, reserving the right to object, may we have an explanation of this bill?

Mr. CLARK. Mr. President, the bill would amend the present law relating to the service of the Library of Congress to the blind, in only two particulars.

First, it would remove the present limitation of $1,125,000 on the amount authorized to be appropriated annually for the Library's service to the blind.

Second, it would remove the present limitation of $200,000 on the amount of appropriated funds which may be expended annually for books in raised characters.

Mr. BARRETT. Mr. President, will the Senator yield to me?

Mr. CLARK. I am happy to yield.

Mr. BARRETT. Mr. President, I have no objection to the bill. The practice, however, of removing a limitation without replacing it with another limitation seems to be an unwise procedure. As I understand, the bill in that respect is left as an open-end bill, and no limitation whatever is placed on the item we are discussing, except that which the Committee on Appropriations itself might see fit to impose. Is that correct?

Mr. CLARK. The Senator is correct. The thought is that before any money at all could be expended by the Library of Congress for this program it would be necessary to obtain an appropriation, which would have to clear the Committee on Appropriations.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BARRETT. Mr. President, will the Senator yield further?

Mr. CLARK. I yield.

Mr. BARRETT. It seems to me it would be to the advantage of the Committee on Appropriations itself if a limitation were placed on the amount, which limitation could serve as a guide for the committee. It seems to me a rather unwise practice is being suggested.

Mr. CLARK. Mr. President, will the Senator withhold his objection briefly?

Mr. BARRETT. I withhold it for the time being.

Mr. CLARK. The Librarian was called before the Committee on Rules and Administration and was asked to state an amount which could be placed in the bill as a new ceiling. It was his testimony

that it was impossible to estimate such a figure, on the ground that the services for the blind in connection with the books program was growing at so rapid a rate he was not able to state any fixed amount.

Mr. BARRETT. It seems to me that perhaps when the bill goes to the House the Librarian may at that time go before the House committee and give some testimony which will serve to help put a limitation on the amount.

Mr. CLARK. I am sure with the legislative history in the RECORD, that will be done.

Mr. BARRETT. I withhold my objection.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. JAVITS. I was present at the hearing of the Committee on Rules and Administration on the bill. This is a very meritorious bill and I am sure has the sympathetic support of every Member. I am very grateful to the Senator from Wyoming for withholding his objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2434) to amend the act entitled "An act to provide books for the adult blind" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That section 1 of the act entitled "An act to provide books for the adult blind," approved March 3, 1931, as amended, is amended to read as follows:

"That there is authorized to be appropriated annually to the Library of Congress, in addition to appropriations otherwise made to said Library, such sums for expenditure under the direction of the Librarian of Congress as may be necessary to provide books published either in raised characters, on sound-reproduction recordings, or in any other form, and for the purchase, maintenance, and replacement of reproducers for such sound-reproduction recordings, for the use of the blind residents of the United States, including the several States, Territories, insular possessions, and the District of Columbia, all of which books, recordings, and reproducers will remain the property of the Library of Congress but will be loaned to blind readers under regulations prescribed by the Librarian of Congress for this service. In the purchase of books in either raised characters or in sound-reproduction recordings the Librarian of Congress, without reference to the provisions of section 3709 of the Revised Statutes of the United States (41 U. S. C. 5), as amended, shall give preference to non-profit-making institutions or agencies whose activities are primarily concerned with the blind, in all cases where the prices or bids submitted by such institutions or agencies are, by said Librarian, under all the circumstances and needs involved, determined to be fair and reasonable."

SEC. 2. This act shall be applicable with respect to the fiscal year ending June 30, 1958, and for each fiscal year thereafter.

## CONDITIONS OF EMPLOYMENT IN DEPARTMENTS OR AGENCIES OF THE CANAL ZONE

The bill (S. 1850) to adjust conditions of employment in departments or agencies in the Canal Zone was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MARTIN of Iowa. Mr. President, with reference to the bill announced as next in order, I should like to clarify a question which has been raised privately. The committee does not believe, nor did it intend, that the pay of Panama Canal pilots should be affected by the bill.

The Classification Act of 1949, as amended, currently does not apply to, among others, the following:

Officers and members of crews of vessels, whose compensation shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry.

It is the understanding of the committee that this provision of existing law will continue in full force and effect, and that in the future, as in the past, the pay of Panama Canal pilots will be fixed in accordance with prevailing rates and practices in the maritime industry. It is my view that S. 1850 makes no change in this respect.

Mr. CLARK. Mr. President, the statement of the Senator from Iowa correctly reflects the situation with reference to Panama Canal pilots. The Senator from Massachusetts [Mr. KENNEDY] had raised the same question, as to whether the bill affected the compensation of Panama Canal pilots. The answer to his question is "No"; it does not, for the reasons so ably stated by our friend from Iowa.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with amendments on page 2, line 4, after the word "by", to strike out "repealing paragraph (32) and by"; in line 12, after "(chapter 560, 65 Stat. 637).", to strike out "and section 804 of the Postal Field Service Compensation Act of 1955 (69 Stat. 130), are hereby repealed" and insert "is amended by striking out the word 'firemen' and inserting in lieu thereof the words 'fire officers'", and on page 3, line 8, after the word "receive", to insert "a rate not less than"; so as to make the bill read:

*Be it enacted, etc.*, That each agency of of the United States Government in the Canal Zone is hereby authorized to conform its wage practices in the Canal Zone to the principles established by item 1 of the memorandum of understandings reached between the United States of America and the Republic of Panama signed on January 25, 1955, subject to such regulations as the President may prescribe.

SEC. 2. Section 202 of the Classification Act of 1949 (ch. 782, 63 Stat. 954), as amended by the act of June 16, 1950 (ch. 269, 64 Stat. 232), and by the act of September 26, 1950 (ch. 1049, 64 Stat. 1038), is hereby further amended by amending paragraph (21) thereof to read as follows:

"(21) employees of a department stationed in the Canal Zone and, at the discretion of the Civil Service Commission upon the request of a department, employees stationed in the Republic of Panama if employed by a department having employees stationed both in the Republic and in the Zone."

SEC. 3. Paragraph (c) of section 1 of the act of October 25, 1951 (ch. 560, 65 Stat. 637), is amended by striking out the word "firemen" and inserting in lieu thereof the words "'fire officers".

SEC. 4. For purposes of laws and regulations pertaining to retirement, overtime pay, insurance, injury and death compensation, leave and the commutation thereof, and other similar employee benefits, the basic compensation of United States citizens employed by departments or agencies of the Government of the United States in the Canal Zone shall include any overseas pay differential or other increment over the rate applicable to a non-United States citizen in the same position.

SEC. 5. Whenever the basic compensation of an employee of a department or agency of the United States in the Canal Zone, which is fixed with reference to rates for similar employment in continental United States, is converted to another base, the employee shall, pending transfer to a position the basic compensation of which is fixed with reference to rates prevailing in the continental United States, continue to receive a rate not less than the rate paid immediately prior to such conversion so long as he remains in the same position or a position of equal or higher grade.

SEC. 6. The act of July 8, 1937 (ch. 443, 50 Stat. 478), as amended by the act of February 20, 1954 (ch. 12, 68 Stat. 17), is hereby modified, effective the first day of the first pay period beginning in the third month following the month of approval of this act, in such manner as to apply only to the continued payment thereunder of cash relief awarded to employees whose employment terminated prior to said effective date.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MRS. WILLIAM A. CURRAN

The bill (S. 243) for the relief of Mrs. William A. Curran was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted etc.*, That the Civil Service Commission is authorized and directed to pay, out of any money in the civil-service retirement and disability fund, to Mrs. William A. Curran, of Bangor, Maine, the widow of William A. Curran, formerly an employee of the Internal Revenue Service, an annuity equal to the annuity which she would have been entitled to receive had the said William A. Curran elected, at the time of his retirement, under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, to receive a reduced annuity payable to him during his life, and an annuity equal to one-half of such reduced annuity payable after his death to the said Mrs. William A. Curran, as surviving beneficiary, the said William A. Curran having been unable because of physical and mental condition resulting from serious illness to exercise his best judgment in the selection of the most beneficial type of annuity.

SEC. 2. There shall be deducted and withheld from the annuity authorized under the first section of this act an amount equal to the amount of any refund of contributions which shall have been made on account of the death of the said William A. Curran, plus an amount equal to 5 percent of the amount received by the said William A. Curran in annuity payments under the Civil Service Retirement Act of May 29, 1930, as amended, prior to his death.

SEC. 3. No part of the annuity authorized under the first section of this act shall be paid or delivered to or received by any agent

or attorney on account of services rendered in connection with obtaining such annuity, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. BARRETT subsequently said: Mr. President, may I inquire what action was taken on Calendar 798, S. 243 for the relief of Mrs. William A. Curran?

The PRESIDING OFFICER. The bill was passed.

## UNIFORM TERMINATION OF THE USE OF OFFICIAL FRANKS BY FORMER MEMBERS OF CONGRESS

The bill (S. 2500) to make uniform the termination date for the use of official franks by former Members of Congress, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the second sentence of section 7 of the act of March 3, 1875 (39 U. S. C. 329), is amended by striking out the words "for the period of 9 months after", and by inserting in lieu thereof "until the 30th day of June following."

## TRANSFER OF CERTAIN ARCHIVES TO THE COMMONWEALTH OF PUERTO RICO—JOINT RESOLUTION PASSED OVER

The joint resolution (H. J. Res. 275) transferring to the Commonwealth of Puerto Rico certain archives and records in possession of the National Archives was announced as next in order.

Mr. CHAVEZ. Mr. President, I ask for an explanation of the resolution.

Mr. CLARK. Mr. President, the joint resolution provides for the transfer of certain historical records to the Commonwealth of Puerto Rico. When Puerto Rico ceded its sovereignty to the United States in 1898, its records, including a number of colonial Spanish records, were brought to the United States.

The purpose of the joint resolution is to return them to Puerto Rico, where it is now felt they could be even more appropriately housed and kept than in this country.

Mr. CHAVEZ. Mr. President, I have no objection whatever to having that done.

Let me say that I love the United States of America, including Puerto Rico. The joint resolution is for the purpose of transferring to the Commonwealth of Puerto Rico—a part of the United States of America, though having a Commonwealth status—certain archives and records in the possession of the National Archives. Mr. President, they should be kept where they originated. I favor having that done. But I wish the Senate to know today that I believe Puerto Rico is a part of the United States, not an independent Commonwealth. I do not know what other Senators may think. But I still want to feel that Puerto Rico is a part of the Union, and not a Commonwealth of the Union.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. GOLDWATER. Mr. President, reserving the right to object, let me say there is a great deal in what the Senator from New Mexico has said. We in the southwestern part of the United States have practically no reserves or archives of our own historical documents; they are either in Cuba or in Puerto Rico or in Mexico City or in Spain.

I believe this is a rather important matter to those of us who are proud of the history of the southwestern part of the United States. I believe these documents should remain in the National Archives. Therefore, I object.

The PRESIDING OFFICER. Objection is heard, and the joint resolution will be passed over.

## BILL PASSED OVER

The bill (S. 2673) to provide for the appointment of representatives of the United States in the organs of the International Atomic Energy Agency and to make other provisions with respect to the participation of the United States in that Agency, and for other purposes, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

## WIDOW AND CHILDREN OF JOHN E. DONAHUE

The bill (H. R. 4986) for the relief of the widow and children of John E. Donahue was considered, ordered to a third reading, read the third time, and passed.

## PROGRAM OF RESEARCH FOR DEVELOPMENT OF COMMERCIAL PRODUCTION OF FISH

The bill (S. 1552) to authorize the Secretary of Agriculture to establish a program for the purpose of carrying on certain research and experimentation to develop methods for the commercial production of fish on flooded rice acreage in rotation with rice field crops, and for other purposes, was announced as next in order.

Mr. CHAVEZ. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. CLARK subsequently said,

Mr. President, there is a bill as to which there was an agreement between me, as a member of the Calendar Committee, and the junior Senator from Texas that we would ask unanimous consent to have it considered. I refer to Calendar No. 803, S. 1552.

It is my understanding that objection has been withdrawn, and I ask unanimous consent that the bill may be considered and passed, without objection.

The PRESIDING OFFICER. Is there objection to the consideration of Calendar No. 803, S. 1552?

There being no objection, the Senate proceeded to consider the bill (S. 1552), which had been reported from the Committee on Interstate and Foreign Commerce with amendments on page 1, line 3, after the word "of", to strike out "Agriculture" and insert "the Interior"; in line 4, after the word "to", to strike out "contract with the University of Arkansas for the establishment of" and insert "establish"; in line 6, after the word "stations", to strike out "within the State of Arkansas"; on page 2, line 20, after the word "of", where it appears the second time, to strike out "Agriculture" and insert "the Interior"; on page 3, line 5, after the word "the", to strike out "United States Fish and Wildlife Service of the Department of the Interior" and insert "Department of Agriculture"; and in line 9, after the word "of", to strike out "Agriculture" and insert "the Interior"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior is authorized and directed to establish an experiment station or stations for the purpose of carrying on a program of research and experimentation—

(1) to determine species of fishes most suitable for culture on a commercial basis in shallow reserviors and flooded rice lands;

(2) to determine methods for production of fingerling fishes for stocking in commercial reservoirs;

(3) to develop methods for the control of parasites and diseases of brood fishes and of fingerlings prior to stocking;

(4) to develop economical methods for raising the more desirable species of fishes to a marketable size;

(5) to determine the effects of fish-rice rotations, including crops other than rice commonly grown on rice farms, upon both the fish and other crops;

(6) to develop methods for the control of obnoxious weeds developing in the fish-rice rotation; and

(7) to develop suitable methods for harvesting the fish crop and preparing it for marketing, including a study of sport fishing as a means of such harvest.

SEC. 2. For the purpose of carrying out the provisions of this act, the Secretary of the Interior is authorized (1) to acquire by purchase, condemnation, or otherwise such suitable lands, to construct such buildings, to acquire such equipment and apparatus, and to employ such officers and employees as he deems necessary; (2) to cooperate with State and other institutions and agencies upon such terms and conditions as he determines to be appropriate; and (3) to make public the results of such research and experiments conducted pursuant to the first section of this act.

SEC. 3. The Department of Agriculture is authorized to cooperate in carrying out the provisions of this act by furnishing such information and assistance as may be requested by the Secretary of the Interior.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to authorize the Secretary of the Interior to establish a program for the purpose of carrying on certain research and experimentation to develop methods for the commercial production of fish on flooded rice acreage in rotation with rice field crops, and for other purposes."

## BILLS PASSED OVER

The bill (S. 1113) for the conveyance of certain lands of the United States to the city of Gloucester, Mass., was announced as next in order.

Mr. CLARK. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2229) to provide for Government guaranty of private loans to certain air carriers for the purchase of aircraft and equipment, and for other purposes, was announced as next in order.

Mr. CLARK. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

## CONVEYANCE OF CERTAIN REAL PROPERTY IN PRAIRIE COUNTY, ARK.

The bill (H. R. 2259) to provide for the conveyance of all right, title, and interest of the United States to certain real property in Prairie County, Ark., was considered, order to a third reading, read the third time, and passed.

Mr. CLARK. Mr. President, I ask unanimous consent that the senior Senator from Oregon [Mr. MORSE] may be permitted to file an explanation with reference to Calendar 806.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR MORSE ON H. R. 2259

This bill would authorize a conveyance of the United States interest in approximately 2 acres of land in Arkansas, to certain named individuals upon the payment of $175.

Its sole purpose is to clear title to this tract which was conveyed to the Government through error in 1936, and in which the Government claims no interest.

The so-called Morse formula can have no application to the facts of this case. Obviously the transfer is designed to prevent the working of an injustice.

## CONVEYANCE OF CERTAIN LAND TO THE PERKINS CHAPEL METHODIST CHURCH, BOWIE, MD.

The Senate proceeded to consider the bill (S. 1962) to authorize the Secretary of Agriculture to convey a certain tract of land owned by the United States to the Perkins Chapel Methodist Church, Bowie, Md., which had been reported from the Committee on Agriculture and Forestry with an amendment on page 2, line 13, after the word "conveyed", to strike out "to", so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of Agriculture is authorized and directed to convey by quitclaim deed to the Perkins Chapel Methodist Church, Bowie, Md., any right, title, and interest of the United States in and to a certain tract of land situated in Bowie, Prince Georges County, Md., described as follows:

Beginning at an iron pipe set on the south side of Fairland-Springfield Road, formerly known as the Springfield Hill Road, being at the northeast corner of the land now owned by the Perkins Chapel Methodist Church, running south 36 degrees 30 minutes west 328.75 feet; thence south 53 degrees 30 minutes east to the north boundary of Telegraph Road; thence northeasterly to the intersection of the north side of Telegraph Road and the south side of Fairland-Springfield Road; thence continuing in a northwesterly direction following the south side of Fairland-Springfield Road to the point of beginning, containing 5.5 acres more or less.

SEC. 2. The conveyance authorized by this act shall be subject to the condition that the Perkins Chapel Methodist Church pay to the Secretary of Agriculture as consideration for the land conveyed the fair market value of such land as determined by the Secretary after appraisal of such land.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CLARK. Mr. President, I ask unanimous consent that the senior Senator from Oregon [Mr. MORSE] may be permitted to file an explanation with reference to Calendar 807.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR MORSE ON S. 1962

This bill would authorize a conveyance of 5½ acres of federally owned land to the Perkins Chapel Methodist Church in order that the church may proceed with expansion of its facilities.

There is no objection to this proposed legislation under the so-called Morse formula because the bill provides for the payment of full value.

## FURNISHING OF SURPLUS DAIRY PRODUCTS TO THE COAST GUARD ACADEMY AND THE UNITED STATES MERCHANT MARINE ACADEMY

The Senate proceeded to consider the bill (S. 1696) to amend the Agricultural Act of 1949, to provide for furnishing the Coast Guard Academy and the United States Merchant Marine Academy with surplus dairy products which had been reported from the Committee on Agriculture and Forestry with amendments on page 1, line 5, after the word "and", where it appears the first time, to insert "as a part of the ration", and, in line 7, after the word "end", to insert "of the first sentence."

The amendments were agreed to.

Mr. MAGNUSON. Mr. President, I submit a further amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 6, it is proposed to strike out "or Air Force" and insert in lieu thereof "Air Force, or Coast Guard."

On page 2, line 3, it is proposed to strike out "the Coast Guard Academy and."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1696) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That subsection (b) of section 202 of the Agricultural Act of 1949 is amended by striking out "of the Army, Navy, or Air Force, and as a part of the ration" and inserting in lieu thereof "(1) of the Army, Navy, Air Force, or Coast Guard, (2)" and by inserting before the period at the end of the first sentence of such subsection the following: ", and (3) of cadets and midshipmen at, and other personnel assigned to, the United States Merchant Marine Academy."

## CONTROL AND ERADICATION OF THE KHAPRA BEETLE

The bill (S. 1805) for the relief of persons and firms for the direct expenses incurred by them for the fumigation of premises in the control and eradication of the khapra beetle was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CLARK. Mr. President, reserving the right to object, although for the moment I do not object, let me say that I see the distinguished Senator from Arizona [Mr. GOLDWATER] on the floor. It is my understanding that the bill would commit the United States to an expenditure of $172,000. I should like to ask the Senator from Arizona for a brief explanation.

Mr. GOLDWATER. Mr. President, I shall be very happy to given an explanation.

In the first place, the actual amount, when corrected because of a typographical error, is $143,145.

I believe it was in 1953, or it might have been in 1952, that the Department of Agriculture discovered in wheat which was stored in granaries in Arizona a beetle which was identified by the Department as the khapra beetle. The Department of Agriculture forced those who stored the wheat completely to fumigate the wheat which was in the granaries, even thought there might have been only 1 or 2 of the khapra beetles in it.

I may say that so far as we have been able to ascertain the khapra beetle entered the United States in wheat imported from Mexico and stored an Arizona and in adjoining States.

The Department of Agriculture required 60 firms in Arizona to wrap their bins in canvas or in other types of tarpaulin, and then to fumigate the bins completely.

Subsequently, my senior colleague [Mr. HAYDEN] introduced, in the last Congress, a bill, which became Public Law 533, which recognized that the Department of Agriculture and the States had a joint responsibility in connection with this matter, and provided that subsequent to the passage of the act, the Department of Agriculture would pay for the fumigation.

Inasmuch as the 60 firms had already expended $143,145, we believe it is only proper that they be repaid for the work done, because it was done partially on a voluntary basis, but more on an involuntary basis, because these persons, who are engaged in the grain business, can see no particular harm in the khapra beetle. It has never been demonstrated that it destroys wheat to any extent. It

has never been shown that it is particularly dangerous to human life. These persons were out of pocket that much money because of that decision by the Department of Agriculture.

In view of the fact that the Department of Agriculture has now assumed the responsibility and states in its report that this matter will require no additional appropriation, I believe the Senate should look favorably upon the bill.

Mr. STENNIS. Mr. President, will the Senator from Arizona yield to me?

Mr. GOLDWATER. I am glad to yield.

Mr. STENNIS. Was the program in the nature of an experiment, to the extent that an effort was being made to ascertain what should be done about the matter?

Mr. GOLDWATER. That is substantially correct.

I believe it was more in the nature of an experiment than because of any belief that they could get rid of the beetle. That effort has been made in California and in other States; but, to date, there has been no notable success in the attempts to eliminate the khapra beetle from the stored wheat.

Mr. ELLENDER. Mr. President, will the Senator from Arizona yield to me?

Mr. GOLDWATER. I am happy to yield to the Senator from Louisiana.

Mr. ELLENDER. Is it not a fact that the justification for paying the amount which is requested in this case is that if the State of Arizona had not taken the position it did take, it might have cost the Federal Government millions of dollars to get rid of the beetle?

Mr. GOLDWATER. Certainly. If the storers of the wheat had been adamant in refusing, and had forced the Federal Government to take action—which is probably what the Federal Government would have done in that case—it would have cost 10 times that amount, because the Federal Government's expenditures usually run in that ratio, as compared to private expenditures in connection with such matters.

Mr. STENNIS. Mr. President, will the Senator from Arizona yield to me?

Mr. GOLDWATER. I yield.

Mr. STENNIS. I should like to say that an item in connection with this matter came before the Appropriations Committee.

I believe the bill is meritorious, and that the amount called for should be paid. But I believe the action in this connection should not be regarded as establishing a precedent, for in this instance the payment is being made because the work was largely experimental, in an effort to find a way, in pioneer work, rather than simply an attempt to reimburse certain persons for losses sustained.

Mr. GOLDWATER. No precedent will be established in this case because the reimbursement to these 60 firms will wrap up the whole thing.

Mr. STENNIS. I thank the Senator from Arizona.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have an explanation printed at this point in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION OF S. 1805

This bill provides relief for those persons who went ahead and fumigated their premises under the khapra beetle eradication program prior to the enactment of legislation under which the Department of Agriculture and cooperating States assumed part of the expenses of such fumigation. By acting promptly before legislation could be passed they prevented the beetle from spreading, contributed greatly to the eradication program, and kept its cost down. As a result, the program has been very effective.

The senior Senator from Arizona, Senator HAYDEN, wrote to the committee while it had this bill under consideration, advising that he held an interest in two corporations which will receive benefits under the bill, and requesting that the bill be amended to prevent any benefit from inuring to him. Accordingly, the committee recommendations have included an amendment to carry out this request. The other committee amendments make technical corrections suggested by the Department to include other entitled to relief and provide for payment of the correct amount.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 1805), which had been reported from the Committee on Agriculture and Forestry with amendments on page 3, line 4, after the word "Arizona", to strike out "$54,000" and insert "$54"; in line 13, after the figures "$50.23", to insert "Hayden, Flour Mills, Tempe, Ariz., $11,100; A. W. Johnson, Yuma, Ariz., $209.42;"; on page 4, line 10, after the figures "$72.60", to insert "Southwest Flour & Feed Co., Glendale, Ariz., $13,632;", and on page 5, after line 7, to insert:

SEC. 3. No payment shall be made under this act to the Hayden Flour Mills or the Southwest Flour & Feed Co. unless each such corporation and any Member of Congress who holds stock in either of such corporations at the time such payment is made has made a written agreement with the Secretary of Agriculture that from any funds thereafter payable to any such Member of Congress as dividends (ordinary or liquidating) on such stock there will be repaid to the Secretary of the Treasury to be covered into miscellaneous receipts a sum which bears the same ratio to the aggregate payments made under this act to such corporations by the Secretary of Agriculture as the number of shares of stock so held by such Member of Congress at the time such payment is made bears to the total number of shares of stock of the corporation outstanding at the time such payment is made.

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of Agriculture is authorized and directed to pay, out of the unobligated balance of funds appropriated for the fiscal year 1956 in the Department of Agriculture and Farm Credit Appropriation Act, 1956 (Public Law 40), under the appropriation Salaries and Expenses, Agricultural Research Service, Plant and Animal Disease and Pest Control, the following persons or firms in the amounts set out after their names to reimburse said persons or firms the direct expenses incurred during fiscal years 1955 and 1956 for fumigation of premises under the quarantine and supervision of the Agricultural Research Service and appropriate State agencies for the eradication of the khapra beetle and thereby provide equitable treatment to said persons or firms who were required to bear these costs prior to the policy established through the enactment of the Second Supplemental Appropriation Act, 1956 (Public Law 533):

Acme Bag & Burlap Co., and Delinting & Seed Treating Co., Phoenix, Ariz., $1,200; Advance Seed & Grain Co., Phoenix, Ariz., $9,445.88; Arizona Flour Mills Co., Casa Grande, Ariz., $7,548; Arizona Flour Mills Co., Glendale, Ariz., $3,092.20; Arizona Flour Mills Co., Phoenix, Ariz., $12,645; Arizona Flour Mills Co., Tucson, Ariz., $8,100; Arizona Grain & Storage Co., Chandler, Ariz., $5,400; Boyd & Kuhn, Brawley, Calif., $300; Browns Farm Store, Phoenix, Ariz., $95; Buckeye Feed & Seed Co., Inc., Buckeye, Ariz., $6,400; Capital Feed & Seed Co., Coolidge, Ariz., $1,825; Capital Feed & Seed, Gilbert, Ariz., $2,449.90; Capital Feed & Seed Co., Phoenix, Ariz., $11,051; Casey Seed Co., Phoenix, Ariz., $912; Neal Collins Farm, Yuma, Ariz., $75.50; Curry County Grain & Elevator Co., Clovis, N. Mex., $919.80; Desert Feed Store, Phoenix, Ariz., $28.50; Edward Beals Feed Lot, San Luis, Ariz., $54; Farm Equipment & Supply Co., Parker, Ariz., $647.26; Farmers Cooperative Marketing Association, Roll, Ariz., $1,175; Farmers Marketing Corp., Yuma, Ariz., $1,210; Farmers Marketing Corporation Mill, Yuma, Ariz., $5,675.40; Feeder's Supply Co., Mesa, Ariz., $225; H. P. Fites Ranch, Yuma, Ariz., $116; Henry Frauenfelder Farm, Somerton, Ariz., $147.14 Grubbs Hatchery, Yuma, Ariz., $143.47; Hafley's Market Warehouse, Kingman, Ariz., $50.23; Hayden Flour Mills, Tempe, Ariz., $11,100; A. W. Johnson, Yuma, Ariz., $209.42; C. A. Johnson Farm, Somerton, Ariz., $112.50; Dave Johnson Farm, Somerton, Ariz., $152; Frank Kornegay Farm, Yuma, Ariz., $231; Henry Leivas Farm, Parker, Ariz., $245.50; R. W. Livingston Farm, Yuma, Ariz., $73.14; Long's Dairy, Buckeye, Ariz., $280; Arthur McCoy Ranch, Yuma, Ariz., $50; Pearl McCreary Ranch, Gilbert, Ariz., $64.43; R. H. McElhaney Ranch, Wellton, Ariz., $953; Northrup-King Co., Phoenix, Ariz., $2,731.50; Northrup-King Seed Co., Yuma, Ariz., $60; Pablo Ortiz Farm, Yuma, Ariz., $16; Phoenix Hay & Feed Co., Phoenix, Ariz., $460; Pratt Feed & Supply Co., Phoenix, Ariz., $675; Quick Seed & Feed Co., Phoenix, Ariz., $1,829; R. F. Richter Feed Store, Parker, Ariz., $131.51; Robert Seed Co., Texico, N. Mex.; $964.46; St. Anthony's Ranch, Mecca, Calif., $200; Shank Brothers Imperial Co., Brawley, Calif., $300; Slone Grain Co., Portales, N. Mex., $891.10; Arthur Jannusch, Phoenix, Ariz., $72.60; Southwest Flour & Seed Co., Glendale, Ariz., $13,632; Sterner Farm, Goodyear, Ariz., $65.50; Strange's Market Warehouse, Ajo, Ariz., $45.50; Jesse P. Stump Farm, Tolleson, Ariz., $675; Hubert Thacker Farm, Yuma, Ariz., $38.25; Valley Feed & Seed Co., Phoenix, Ariz., $9,385.88; Western Grain Elevator Co., Mesa, Ariz., $10,042; Whitman Seed Co., Yuma, Ariz., $4,718.40; Worley Mills, Inc., Portales, N. Mex., $1,664; and Yuma County Feed & Seed Co., Yuma, Ariz., $154.16: *Provided*, That before payment is made these persons and firms shall submit certified vouchers in support of such claims for reimbursement of direct fumigation costs incurred by them.

SEC. 2. No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the receipt of any such sum in excess of said 10 percent shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 3. No payment shall be made under this act to the Hayden Flour Mills or the Southwest Flour & Feed Co. unless each such

corporation and any Member of Congress who holds stock in either of such corporations at the time such payment is made has made a written agreement with the Secretary of Agriculture that from any funds thereafter payable to any such Member of Congress as dividends (ordinary or liquidating) on such stock there will be repaid to the Secretary of the Treasury to be covered into miscellaneous receipts a sum which bears the same ratio to the aggregate payments made under this act to such corporations by the Secretary of Agriculture as the number of shares of stock so held by such Member of Congress at the time such payment is made bears to the total number of shares of stock of the corporation outstanding at the time such payment is made.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STENNIS. Mr. President, we are near the end of the calendar. May I request that before going back to measures which have been passed over, Senators who have been waiting for an opportunity to have considered bills in which they are interested be heard? I make that as an observation, if we could proceed in that way. There are a few measures at the foot of the calendar to be taken up.

## CHARGES FOR OVERTIME GRAIN INSPECTION APPEALS

The Senate proceeded to consider the bill (S. 2007) to amend the United States Grain Standards Act, 1916, as amended, to permit the Secretary of Agriculture to charge and collect for certain services performed and to deposit such collections to the credit of the appropriation available for administration of the act, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with amendments on page 1, line 3, after the word "Standards", to strike out "act, 1916" and insert "act"; on page 2, line 22, after the word "overtime", to insert "night, or holiday", and, on page 3, at the beginning of line 3, to insert "night, or holiday"; so as to make the bill read:

*Be it enacted, etc.*, That section 6 of the United States Grain Standards Act (39 Stat. 484; 7 U. S. C. 78) is hereby amended to read as follows:

"SEC. 6. Whenever standards shall have been fixed and established under this act for any grain and any quantity of such grain sold, offered for sale, or consigned for sale, or which has been shipped, or delivered for shipment in interstate or foreign commerce shall have been inspected and a dispute arises as to whether the grade as determined by such inspection of any such grain in fact conforms to the standard of the specified grade, any interested party may, either with or without reinspection, appeal the question to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine the true grade: *Provided*, That any appeal from such inspection and grading to the Secretary of Agriculture shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Secretary of Agriculture shall prescribe. Whenever an appeal shall be taken or a dispute referred to the Secretary of Agriculture under this Act, he shall charge and assess, and cause to be collected, a reasonable fee, in amount to be fixed by him, and such charges as may be necessary to cover cost of travel and pay of assigned employees and such other items of expense as the Secretary of Agriculture may deem necessary, in connection with overtime, night, or holiday work on appeal inspection. The fee, in case of an appeal, shall be refunded if the appeal is sustained. All such fees, not so refunded, shall be deposited and covered into the Treasury as miscellaneous receipts. All such charges for travel, pay, and other items of expense in connection with overtime, night, or holiday work on appeal inspections shall be deposited to the credit of the appropriation available for the administration of the United States Grain Standards Act. The findings of the Secretary of Agriculture as to grade, signed by him or by such officer or officers, agent or agents, of the Department of Agriculture as he may designate, made after the parties in interest have had opportunity to be heard, shall be accepted in the courts of the United States as prima facie evidence of the true grade of the grain determined by him at the time and place specified in the findings."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ELLENDER. Mr. President, I ask unanimous consent that an explanation of S. 2007 may be printed in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION OF S. 2007

This bill provides for assessing the costs of overtime appeal inspection work under the Grain Standards Act against the appellant in all cases. Such charges are now authorized only in the case of grain for export.

The Grain Standards Act provides for inspection and grading of grain by inspectors licensed by the Secretary of Agriculture and for appeals of disputes regarding the licensee's grade.

The Government now makes a charge for this appeal inspection, in only two cases. First, if the original grade is sustained on appeal, and second, if overtime work is required in the case of grain for export. This bill would authorize making charges for all overtime work on appeal inspections, whether at ports or at inland points.

The amount of funds required to defray the costs of overtime work on appeal inspections is extremely difficult to determine in advance, because the number of the appeals to be made is unpredictable and because the timing of these appeals is such that considerable overtime, holiday, and nightwork at premium rates of compensation is required. As no authority currently exists for reimbursement for overtime costs at inland points, it has been necessary to deny many requests for appeal inspections. An even greater number of applications have not been filed when the interested parties learned that their appeals could not be handled within a reasonable time. In making charges for overtime work applicable to all users of the service and reimbursable to the appropriation regardless of location of the work, the Department could more nearly respond to all requests for appeal inspections.

The committee amendments would (1) correct the reference to the title of the act being amended, and (2) make the bill specifically applicable to night and holiday work, as well as overtime work, since the act of August 28, 1950, is now so applicable and it is the purpose of the bill to accord to all inspection appeals the same treatment as that provided by the act of August 28, 1950, for export inspection appeals.

## PEANUT MARKETING QUOTA PROVISIONS

The bill (H. R. 6570) to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. ELLENDER. Mr. President, I ask unanimous consent that an explanation of Calendar No. 811 (H. R. 6570) may be printed in the RECORD at this point.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION OF H. R. 6570

This bill would exempt peanuts marketed for consumption as boiled peanuts from acreage allotments and marketing quotas. They would have to be marketed in green form, without drying, in order to be exempt. It would be effective only for the 1957, 1958, and 1959 crops. Green peanuts marketed for boiling purposes do not compete with dry peanuts which move in regular commercial channels. Boiled peanuts are handled in exactly the same manner as a fresh vegetable. They are usually delivered to produce houses in bushel baskets the same day they are harvested. The produce companies sell them to local grocery stores and they are placed on the produce counters in these stores alongside of fresh corn, beans, and like products. The large majority of green peanuts are sold exclusively for table use.

Green peanuts cannot be harvested satisfactorily by mechanical means. The nuts must be removed from the vines by hand, so that the only farmers who can economically raise green peanuts for market are those who have large families, and even then the acreage on any one farm is relatively small. This bill will permit farm families to make a little additional income producing a commodity which is now in short supply and which in no way competes with the type of peanut usually marketed.

## BILLS PASSED OVER

The bill (H. R. 8643) to authorize the construction of certain works of improvement in the Niagara River for power, and for other purposes, was announced as next in order.

Mr. BARRETT. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7910) to revise laws relating to the handling of short paid and undeliverable mail, and for other purposes, was announced as next in order.

Mr. BARRETT. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2672) to amend the Atomic Energy Act of 1954, as amended, to increase the salaries of certain executives of the Atomic Energy Commission, and for other purposes, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2674) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, was announced as next in order.

Mr. CLARK. Over.

The PRESIDING OFFICER. The bill will be passed over. That completes the regular call of the calendar.

The clerk will state the bills which were placed at the foot of the calendar.

## REIMBURSEMENT OF MEADOW SCHOOL DISTRICT, UPHAM, N. DAK.

The bill (S. 212) to provide for the reimbursement of Meadow School District, Upham, N. Dak., for loss of revenue resulting from the acquisition of certain lands was announced as next in order.

Mr. STENNIS. Mr. President, is that a bill which had been placed at the foot of the calendar?

The PRESIDING OFFICER. It is. Is there objection to the present consideration of the bill?

Mr. CHAVEZ. Mr. President, I had heretofore objected to order No. 656, S. 212, but, after investigation, I have no objection to the passage of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment on page 2, line 7, after the word "Act", to strike out "in excess of 10 percent thereof", so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Meadow School District No. 29, Upham, N. Dak., the sum of $5,197.56 in full satisfaction of such school district's claim against the United States for reimbursement of loss of revenue resulting from the acquisition by the United States Department of the Interior of approximately 30 percent of the lands within such school district for a wildlife refuge, such amount representing the equitable share of such school district's bonded indebtedness remaining due against such lands acquired by the Department of the Interior at the time of such acquisition: *Provided,* That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## CONSTRUCTION OF INDIAN HEALTH FACILITIES

Mr. STENNIS. Mr. President, there are certain conference reports that are really a part of the calendar—

The PRESIDING OFFICER. The Chair will state to the Senator that the pending business is a conference report—the pending business, not the unfinished business.

Mr. STENNIS. Very well.

The PRESIDING OFFICER. The next bill passed to the foot of the calendar is Calendar No. 790, H. R. 8053. Is there objection to its present consideration?

There being no objection, the Senate proceeded to consider the bill (H. R. 8053) to authorize funds available for construction of Indian health facilities to be used to assist in the construction of community hospitals which will serve Indians and non-Indians.

Mr. CASE of South Dakota. Mr. President, I desire to offer an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed on page 2, line 13, to strike out the words "for which," and insert in lieu thereof the words "eligible for"; and in lines 14 and 15, to strike out the words "is being provided by or," and insert in lieu thereof the words "within the same State."

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CASE of South Dakota. I yield.

Mr. CLARK. Will the Senator give a brief explanation of the purpose of the amendment?

Mr. CASE of South Dakota. It is for the purpose of clarifying the question which was raised earlier in the discussion. I think the amendment clears up the intent of the bill. It clarifies the bill, so as to make it clear that the provision will not defeat the purpose of the bill. I discussed the matter with the Senator from Wyoming [Mr. BARRETT]. I see he is on his feet. I shall be glad to answer any question he may have.

Mr. CLARK. Mr. President, will the Senator yield to me first?

Mr. CASE of South Dakota. I yield to the Senator from Pennsylvania.

Mr. CLARK. I should like to say, with some regret, that since the chairman of the committee is not on the floor, and since none of the other members of the committee are present, I am unable to accept the amendment at this time and will have to ask that the bill go over.

Mr. BARRETT. Mr. President, will the Senator yield?

Mr. CASE of South Dakota. I yield.

Mr. BARRETT. I call attention to the language in the report on page 2, at the end of the third paragraph:

This limitation is not intended to restrict or limit in any way the exercise of the general authority of the Surgeon General (transferrer to him by Public Law 568 of August 5, 1954) to determine the Indians to whom health and medical services are to be provided.

It seems to me the language in the report makes abundantly clear the authority which is granted to the Surgeon General to take care of the particular patients mentioned by the Senator earlier this afternoon. I hope the Senator will withdraw his amendment, so we can have the bill passed by the Senate today. I call attention to the fact that we are in the closing days of the session. At least, we hope so. It seems to me if there is any necessity for revision of the language or for an amendment it can be done in the other body. I hope the Senator will not press his amendment and that the Senate will pass the bill at this time.

Mr. CASE of South Dakota. This is a House bill. Of course, if the bill is passed without amendment, it will go directly to the White House. That is what I would like to see happen if the bill does what the Senator from Wyoming says it does. However, there seems to be a limitation in the proviso which restricts hospital and medical care to those categories of Indians for whom service is being provided for by or at the expense of the Public Health Service on the date of its enactment. I should like to say Indians living on reservations today, where there are no hospitals, but where a contract exists for hospital service in some adjacent or community hospital, are clearly entitled to the services. The question arises only with respect to Indians who live on reservations where there is a hospital, and who leave the reservation in search of work in a nearby community.

If it can be agreed that it is the intent of the bill that their eligibility is not destroyed by such Indians moving to nearby communities, I would be willing to see the bill passed without amendment, and will withdraw my amendment, if I can have some assurance by Senators on the floor that that is the intent of the bill as it is now written.

Mr. BARRETT. I think the clear intent is to vest in the Surgeon General discretion to interpret the language of the bill itself. Certainly, after the discussion, I feel it should be very clear that Congress intends that the Indians referred to by the Senator from South Dakota, will be provided hospitalization under the circumstances mentioned by him.

Mr. CASE of South Dakota. And if they are eligible for hospitalization today, the Surgeon General may take into consideration their number, so to speak, in determining the hospital costs in a nearby community when the Indians have moved to a nearby community.

Mr. BARRETT. I am sure the Surgeon General will respect the intentions expressed on the floor of the Senate by the Senator from South Dakota and other Senators. It seems to me that is precisely what he would do in any event.

Mr. CASE of South Dakota. Mr. President, I thank the Senator, and I withdraw the amendment.

The PRESIDING OFFICER. The Senator from South Dakota withdraws his amendment.

The question is on the third reading of the bill.

The bill (H. R. 8053) was ordered to a third reading, read the third time, and passed.

## ORDER OF BUSINESS

Mr. STENNIS. Mr. President, if I may so state, there are ready certain conference reports which I really consider to be a part of the calendar, and which the Senator from Mississippi [Mr. EASTLAND] wishes to dispose of before we go back the second time to the bills on the calendar.

Mr. ELLENDER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi ask unanimous

consent that certain conference reports be considered before the pending business is taken up?

Mr. EASTLAND. Mr. President, I ask unanimous consent that that be done.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent to consider what conference report?

Mr. GOLDWATER. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senate will be in order, so that the Chair can hear the colloquy.

THE CIVIL-RIGHTS BILL

Mr. GOLDWATER. Mr. President, reserving the right to object—and I shall not object—I do not desire to engage the Senate for longer than 1 minute, and I hope less than that.

I read in the newspapers and heard on the radio over the weekend that the distinguished Representative of Massachusetts [Mr. MARTIN], and our distinguished minority leader, the Senator from California [Mr. KNOWLAND] made the statement that civil-rights legislation is now dead for this session.

Mr. President, I cannot agree to that. I cannot agree that reasonable, intelligent, honest Members of the House and the Senate cannot get together and iron out their differences, to the end that a civil-rights bill will become law. I believe they can get together and confine the jury trial provision, if that is necessary, to the subject of voting.

Mr. President, let us not take a defeatist attitude that the civil-rights bill is dead for the session. It is not the bill which some proponents of civil rights wanted, but nevertheless I do not wish to be a party to any accusation of death before the blow is delivered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Let the Chair attempt to clear up the situation. As the Chair understands the Senator from Mississippi [Mr. EASTLAND] desires to make unanimous-consent request.

Mr. NEUBERGER. I should like to make an observation on the unanimous-consent request, if I may.

The PRESIDING OFFICER. The unanimous-consent request has not been stated as yet. The Chair desires to know whether the Senator from Mississippi is seeking unanimous consent to take up a certain House bill.

Mr. EASTLAND. Mr. President, I should like to move concurrence of the Senate in certain House amendments.

The PRESIDING OFFICER. House amendments to Senate bills?

Mr. EASTLAND. That is correct.

Mr. CASE of South Dakota. Mr. President, I think we ought to know which bills are involved.

Mr. EASTLAND. They have been cleared all down the line. There are 10 of them.

Mr. CASE of South Dakota. Mr. President, I have a memorandum which was left with me on that subject.

The PRESIDING OFFICER. These are privileged matters.

Mr. NEUBERGER. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon.

Mr. NEUBERGER. Reserving the right to object, I make an observation on the unanimous-consent request?

Perhaps the acting majority leader can clear up a matter of interest to me. There is now pending on the Senate Calendar a conference report of the Indian Affairs Subcommittee, of which I am chairman, relating to Senate bill 469, in which the House made certain changes. The conference committee has met, agreed on a report, and the House has adopted the conference report.

The assurance I should like to have relates to the situation at present. This involves a matter where time is of the essence. Would it be possible to have the conference report considered tomorrow by the Senate?

Mr. STENNIS. The acting majority leader will have to advise the Senator from Oregon later about that, after looking into the matter. I think the list is already made up and it would hardly be possible to change. That is my impression.

Mr. NEUBERGER. I hope that assurance can be given, because we do not have too much time before the Senate should act on it.

Mr. STENNIS. I appreciate the Senator's position. I will look into it further.

Mr. NEUBERGER. I thank the Senator.

I have no objection to the unanimous-consent request.

The PRESIDING OFFICER. Will the Senator from Mississippi please indicate the bills with respect to which he is requesting unanimous consent?

Mr. EASTLAND S. 525, S. 650, S. 701, S. 827, S. 833, S. 874, S. 988, S. 1112, S. 1171, and S. 1251

The PRESIDING OFFICER. The Chair will state that the Senate will consider these matters one at a time.

Mr. EASTLAND. Very well.

## RHODA ELIZABETH GRAUBART

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 525) for the relief of Rhoda Elizabeth Graubart, which was, in line 7, after "fee" insert ", and upon compliance with such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That, unless the beneficiary is entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act."

Mr. EASTLAND. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

## ISABELLA ABRAHAMS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 650) for the relief of Isabella Abrahams, which was to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to cancel any outstanding order and warrant of deportation, warrant of arrest, and bonds, which may have issued in the case of Isabella Abrahams. From and after the date of the enactment of this act, the said Isabella Abrahams shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

Mr. EASTLAND. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

## KARL EIGIL ENGEDAL HANSEN ET AL.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 701) for the relief of Karl Eigil Engedal Hansen and his wife, Else Viola Agnethe Hansen, and their minor child, Jessie Engedal Hansen, which were, to strike out all after the enacting clause and insert:

That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Karl Eigil Engedal Hansen may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to grounds for exclusion of which the Department of State and the Department of Justice had knowledge prior to the enactment of this act.

And to amend the title so as to read: "An act for the relief of Karl Eigil Engedal Hansen."

Mr. EASTLAND. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

## GUILLERMO B. RIGONAN

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 827) for the relief of Guillermo B. Rigonan, which was, in line 7, to strike out all after "fee." down through line 12.

Mr. EASTLAND. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

## VIDA LETITIA BAKER

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 833) for the relief of Vida Letitia Baker, which was, to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to cancel any outstanding order and warrant of deportation, warrant of arrest, and bonds, which may have issued in the case of Vida Letitia Baker. From and after the date of the enactment of this act, the said Vida Letitia Baker shall not again be subject to deportation by reason of the

same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

Mr. EASTLAND. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

## CORNELIS VANDER HOEK

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 874) for the relief of Cornelis Vander Hoek, which was, to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to cancel any outstanding order and warrant of deportation, warrant of arrest, and bonds, which may have issued in the case of Cornelis Vander Hoek. From and after the date of the enactment of this act, the said Cornelis Vander Hoek shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

Mr. EASTLAND. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

## SATOE YAMAKAGE LANGLEY

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 988) for the relief of Satoe Yamakage Langley, which were, in line 3, to strike out "paragraph" and insert "paragraphs (9) and"; in line 5, after "be" to insert "issued a visa and", and in line 9, to strike out "paragraph" and to insert "paragraphs."

Mr. EASTLAND. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

## MATSUE HARADA

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1112) for the relief of Matsue Harada, which was, to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to cancel any outstanding order and warrant of deportation, warrant of arrest, and bonds, which may have issued in the case of Matsue Harada. From and after the date of the enactment of this act, the said Matsue Harada shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

Mr. EASTLAND. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

## HARRY SIEGBERT SCHMIDT

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1171) for the relief of Harry Siegbert Schmidt, which were, in line 3, strike out "provision" and insert "provisions"; in line 3, after "(1)" insert "and (4)"; in line 8, strike out "this exemption" and insert "these exemptions", and in line 8, strike out "a ground" and insert "grounds".

Mr. EASTLAND. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

## FLORINDA MELLONE GARCIA

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1251) for the relief of Florinda Mellone Garcia, which were, in line 3, to strike out "paragraph" and to insert "paragraphs (9) and", and in line 9, to strike out "paragraph" and to insert "paragraphs."

Mr. EASTLAND. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

The STENNIS. Mr. President, so far as the acting majority leader is advised, that completes the call of the calendar. I am advised that the pending order of business is the conference report on Public Law 480.

## AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1314) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. ELLENDER obtained the floor.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from South Dakota.

## TVA AND NIAGARA POWER BILLS

Mr. CASE of South Dakota. I desire to address an inquiry to the acting majority leader. I should like to know whether he can advise the Members of the Senate the plans for considering the so-called Tennessee Valley Authority and the Niagara power bills. Have they been indicated for scheduling?

Mr. STENNIS. The acting majority leader is advised that there will be a conference with the policy committee by the majority leader regarding those bills during the continuation of debate on the civil-rights bill, and we expect to have an announcement soon, certainly before that bill is disposed of.

Mr. CASE of South Dakota. Mr. President, I think it is generally desirable that both of those bills receive consideration before the Congress adjourns, or completes its work. It is also desirable that Members of the Senate have as much advance notice as possible with respect to both bills.

Mr. STENNIS. Mr. President, I heartily agree with the Senator in his expression of a desire that the bills referred to be considered. I believe there will be a forthcoming announcement.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. KEFAUVER. I join in the sentiments expressed by the distinguished Senator from South Dakota relative particularly to the urgency of action on the TVA bill. As the acting majority leader knows, we shall be presented with a very desperate situation in the Tennessee Valley for electricity unless some action can be taken during this Congress.

It is my understanding that the tentative plan was, when the civil-rights bill was out of the way, to bring up the Niagara and Tennessee Valley Authority bills.

Mr. STENNIS. As the acting majority leader recalls, the Niagara bill was pending, and was superseded by the civil-rights bill. I agree with the Senator that the bills referred to should be considered.

## EXTENSION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1314) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes.

Mr. ELLENDER. Mr. President, at the outset I wish to state that the conferees on Senate bill 1314, extending Public Law 480, were unanimous in the agreement which was reached.

The bill as it comes from the conference does not differ in substance from the Senate bill, with the exception of two amendments, one proposed by Representative COOLEY and the other by Representative WHITTEN.

As we all know, the purpose of the Senate in providing for the repeal of section 304 of Public Law 480 was to provide authority for barter transaction with, and section 416 donations to, European satellites of the Soviet Union on a selective basis. The House felt that it was best to spell out the countries with whom such barter and donation arrangements could be made. This was done by excluding from such arrangements only the U. S. S. R. and the satellites connected with Red China.

The so-called Cooley amendment, which was agreed to by the conferees after some modification, provides that a certain percentage, not in excess of 25 percent, of the funds obtained shall be used for loans to American firms for business development and trade expansion and to American and foreign firms for purposes related to the development of markets for United States agricultural products. One of the modifications made in this proposal by the conferees provides assurance that none of these funds should be used for the production of commodities to be marketed in competition with agricultural commodities produced in the United States or products thereof.

The so-called Whitten amendment merely provides that reports on these sales shall be made to the Congress within 60 days after each agreement is made.

That is about the sum and substance of the conference report. I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a further explanation of the conference report in detail, with particular reference to the amendments which we eliminated, and those which were incorporated in the conference substitute.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE CONFERENCE REPORT ON S. 1314

The provisions of the Senate bill extending titles I and II of Public Law 480 to June 30, 1958, increasing the amount authorized for title I by $1 billion, and increasing the amount authorized for title II by $300 million, were also contained in the House amendment and were, therefore, not in conference. The only provision of the Senate bill which was not also contained in the House amendment was the provision repealing section 304 of Public Law 480; and the conference substitute contains a provision amending section 304 to accomplish the substance of the Senate provision. The so-called Rooney and Smith amendments contained in the House amendment have been omitted from the conference substitute. The so-called Cooley (or Humphrey) and Whitten amendments are included in the conference substitute, the former with some modification.

DIFFERENCES BETWEEN S. 1314, AS PASSED BY THE SENATE, AND THE CONFERENCE SUBSTITUTE THEREFOR

The conference substitute differs from S. 1314, as passed by the Senate, in the following respects:

First, the Senate bill would have repealed section 304 of Public Law 480. The purpose of such repeal was to permit barter transactions with Iron Curtain countries and donations to such countries under section 416 of the Agricultural Act of 1949. The Department of Agriculture, in recommending such repeal, advanced as the reason for repeal that it would make barter transactions with European satellites possible. The conference substitute, in lieu of repealing section 304, amends it to permit barter transactions with, and section 416 donations to, Iron Curtain countries, except Russia and areas controlled by the Communist regime in China. It therefore carried out the purpose of the Senate bill and permits the transactions which it was contemplated might be made under the Senate bill.

Second, the conference substitute amends section 104 (e) of Public Law 480 to encourage the use of foreign currencies generated under title I of Public Law 480 for loans to United States firms for business development and trade expansion and for loans to either United States or foreign firms for the establishment of facilities designed to increase the market for United States agricultural products. The provision includes safeguards against loans which would create competition with United States commodities and products. All loans under this provision would have to be agreeable to the country with which the agreement is made. This provision of the conference substitute represents a slight modification of the so-called Cooley (or Humphrey) amendment. The modifications accomplished two purposes. They enlarge the provision to provide for loans to foreign firms for the establishment of facilities to increase markets for United States agricultural products; and they prohibit loans being made under this provision for the production of any commodity to be marketed in competition with United States agricultural commodities or their products.

Third, the conference substitute includes the so-called Whitten amendment which provides for reports to Congress within 60 days after each agreement is entered into.

PROVISIONS OF THE HOUSE AMENDMENT OMITTED FROM THE CONFERENCE SUBSTITUTE

Two provisions contained in the House amendment to S. 1314 are not included in the conference substitute.

One of these, the so-called Rooney amendment, would have prevented the use of foreign currencies generated under title I of Public Law 480 for educational exchange activities and the translation, publication, and distribution of books and periodicals, unless such use was authorized by appropriation act. At the time that the agreement for the sale of the surplus agricultural commodities is made neither the United States nor the foreign country can know what action may subsequently be taken by Congress with respect to the appropriation of funds. This provision would, therefore, have made it impossible for the United States to make a firm commitment with respect to the use of the foreign currencies to be generated by the agreement and, to that extent, would have hampered the making of the agreement. Congress, in subsequently appropriating funds for these activities, is fully advised of the amount of foreign currencies generated under title I which are committed to such purposes and is able to limit the appropriation of additional funds from the Treasury accordingly.

The other provision of the House amendment, which has been omitted from the conference substitute, is the so-called Smith amendment, which would have provided for the donation of surplus food commodities to additional penal and correctional institutions. The Department of Agriculture has advised that present outlets for surplus foods are adequate to absorb remaining stocks in Government hands, as well as stocks which may reasonably be anticipated in the future.

Mr. CASE of South Dakota. Mr. President, did I correctly understand the chairman of the Senate conferees to state that the conference report was agreed to unanimously?

Mr. ELLENDER. The Senator is correct.

Mr. CASE of South Dakota. Does that apply to all the conferees on the minority side, in both the House and the Senate?

Mr. ELLENDER. The Senator is correct.

Mr. COOPER. Mr. President, I wish to congratulate the distinguished Senator from Louisiana for his leadership, both in the Senate and in the conference committee, in bringing before the Senate this conference report. I know it will be agreed to unanimously, and I do not wish to delay its consideration for any length of time. But I should like to make a few remarks on the Public Law 480 program. To my mind it comes close to achieving the position of being the ideal foreign-aid program. I am glad that I had the opportunity in 1954 to vote for the establishment of the program. I remember the leadership which the distinguished Senator from Louisiana [Mr. ELLENDER], the Senator from Mississippi [Mr. STENNIS], and the Senator from Arkansas [Mr. MCCLELLAN] on the minority side at that time, as well as the Senator from Vermont [Mr. AIKEN], the Senator from South Dakota [Mr. CASE], his colleague [Mr. MUNDT], the Senator from North Dakota [Mr. YOUNG], the Senator from Minnesota [Mr. THYE], and others on this side afforded in establishing that program. And I remember, of course, the great interest which the Senator from Minnesota [Mr. HUMPHREY] has taken.

One reason I wish to make a few remarks today is that, in addition to having the opportunity to vote for the establishment of the program, I had the opportunity later, when I was serving as a representative of the United States in India, to assist in the negotiation of a Public Law 480 agreement with that country, and to observe something of its operation. That is the reason I wished to say today that I believe it comes very close to achieving the position of an ideal foreign-aid program.

While I was in India I saw the conditions in that country which made this agreement so very valuable, and I watched some of the results accomplished with the assistance of this program. I believe that the circumstances which made it important in that country, and the results which I saw, are typical of the situation in other countries.

I believe that several aspects of the Public Law 480 program deserve greater emphasis than they may have received.

When the United States sells its surplus agricultural products to foreign countries in return for local currencies we are doing more than supplying the fundamental requirements for human existence—that is, food and clothing—as important as this alone would be; we are also contributing to the industrial development of countries struggling to secure economic independence and a higher standard of living for their people.

First, however, we should not underestimate the crucial importance of food to countries which have seldom had enough to feed their people. In the newly independent countries of the world. Governments are faced with sharp and insistent demands by their people for more food and clothing—simple things, which we take for granted—the first demands which the achievement of political freedom has permitted them to voice. If the democratic governments of these countries cannot meet this first and basic need, their people will question democratic methods and may in time look for other systems of government.

By supplying large quantities of food and fiber, the United States can help fill the inevitable gap in domestic supplies of countries only recently embarked on intensive agricultural development programs—a gap which will continue until their new agricultural programs bear fruit.

The collateral effects of supplying food, I think, are very important and less widely appreciated.

First, countries buying our surplus commodities for local currencies are provided with a new source of revenue for local economic development purposes. As the Senate knows, one of the major handicaps of underdeveloped countries is the lack of available capital. Taxes,

savings, and deficit financing have often been insufficient to provide necessary amounts of local currencies. Under Public Law 480, however, the local currencies paid for American agricultural products become a new fund for local economic development. This is money—paid by the people of their food supplies—which would otherwise be unavailable for investment purposes. But by lending this money to governments, the United States creates new sources of local investment capital.

Second, our sales of surpluses under the Public Law 480 program acts as a strong check on the inflationary forces of countries expanding their industrial economies. A common cause of inflation in these countries is the inability of agricultural production to keep up with the increased purchasing power created by industrial development, however meager the advance in purchasing power may be. For instance, an annual increase of $2 to $5 per person in income will ordinarily go toward the purchase of food and clothing, since the first demand of the people is for these necessities of life. But this slightly increased income may be more than consumed by the artificially higher prices paid for the short supplies of food and clothing.

Our Public Law 480 programs, by making available supplementary supplies of food and fiber, help supply the increased demand and in effect, balance the supply-demand equation. Public Law 480 is, therefore, a valuable instrument in the fight against inflation—which is one of the most destructive forces at work in newly developing economies.

Third, countries buying our food under Public Law 480 save, to that extent, the drain on their scarce supplies of foreign currencies. This foreign exchange can be saved, instead, to purchase the capital goods, machinery, and other supplies on which their industrial development depends, and which can be obtained in no other way.

Progress is made, therefore, by permitting countries to use their foreign exchange as much as possible for wealth-producing facilities instead of the necessary, but non-wealth-generating, supplies of food.

This program is also of great psychological importance to the people of the recipient countries. It provides a means—through the purchase of food for which payment is made to the treasury of the country—whereby a whole nation, all the people, contribute directly to the development efforts of their government. The money they spend for food thus, in turn, helps to stimulate greater agricultural and industrial production to advance further their own and their countrymen's standard of living.

As I have indicated, however, there are benefits under this program for us as well as for the countries receiving our agricultural surpluses.

The first and most obvious benefit is the reduction in stocks of agricultural surpluses each time we sell them abroad. We have learned that surpluses depress prices which our farmers receive, and they require vast and expensive storage facilities. Public Law 480 helps relieve both burdens.

The degree of this relief is indicated by the latest figures showing the approximate quantities of agricultural commodities involved in agreements signed from the beginning of the program through June 30, 1957:

Wheat and flour, 453,951,000 bushels.
Feed grains, 75,048,000 bushels.
Rice, 22,733,000 hundredweight.
Cotton, 2,682,400 bales.
Tobacco, 160,426,000 pounds.
Dairy products, 116,438,000 pounds.
Fats and oils, 1,774,617,000 pounds.
Poultry, 3 million pounds.
Dry edible beans, 44,000 hundredweight.
Fruits and vegetables, 123,932,000 pounds.
Meat, 156,125,000 pounds.
Hay and pasture seeds, 55,000 hundredweight.

Mr. President, I am sure the Senate will agree that it is much more profitable to sell these crops for local currencies under Public Law 480 than to be forced again to further restrict our agricultural production or to pay our farmers for not producing the food which the rest of the world needs so desperately.

Other benefits are important, too: for instance, the development of overseas markets for American producers—markets with great potential for the future, which can be started now with the experience of this program; the payment of United States obligations in foreign countries; and the procurement of strategic materials.

But the most underrated or overlooked effects of our Public Law 480 programs—in terms of United States interests—are in the field of foreign policy. I would especially emphasize two of them.

The first is the fact that the United States, alone among the nations of the world, can afford to export large quantities of food on terms which the poorest countries can afford, and that fact is of revolutionary importance.

It gains significance if we contrast our own foreign-aid activities with those of Soviet Russia. Russia can and does make loans to underdeveloped countries on easy terms; supplies a certain amount of capital goods for development purposes; and trains personnel in technological processes. I interject to say that Russia makes loans on easier terms than does the United States, and that Russia is training many more people from underdeveloped countries in technology than is the United States.

The United States can do and has done all of these things.

But, in addition, we can do something Russia cannot do. We can help supply the most basic need of all peoples—food. And we can do so without prejudicing the independence or integrity of the countries accepting our food.

One of the principal objectives of United States foreign policy is the maintenance by democratic countries throughout the world of their sovereignty and independence. Most of the newly independent countries have chosen freely to adopt the institutions and the system of democratic government. But it will be difficult for their governments to hold the support of their people for this unfamiliar system unless they can succeed in securing a minimum economic stability and in advancing the living standards of the people.

And food is the first requirement.

It would not be out of place here to remind ourselves that our people and our Nation—which have been blessed with a great abundance of food and other material necessities—have some spiritual and moral obligation to make available at least a share of our riches to those who need and who struggle for advancement.

Our Public Law 480 programs represent a part of this obligation, and one opportunity for making a great contribution to the peace and well-being of the world.

I hope this important program can be expanded and developed to make even greater contributions in the future. We are in the unique position of being able to do something no other country can do, and of being able to say to the peoples of the world struggling for their material and spiritual needs: "There can be both food and freedom."

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. CASE of South Dakota. Mr. President, I wish to commend the distinguished Senator from Kentucky, who speaks with authority from personal experience on the utilization of our surplus foods under the so-called Public Law 480 program.

As the Senator from Kentucky knows, the idea of selling our surplus food for foreign currency had its origin very humbly in a suggestion which was brought to the attention of the Committee on Armed Services, of which he was a member, when General Van Fleet returned from Korea and told us about the situation there.

It has had two expressions. The first bill I introduced was devoted solely to Korea, and it had the twofold purpose the Senator has mentioned; first, as a contribution to the solution of our surplus food program, and second, on the constructive side to which the Senator has devoted his address, namely, the utilization of the food for the benefit of the people of foreign countries in exchange for their currencies. It occurs to me it would be appropriate for Congress to set up a special committee or commission to consider the resources which have been established, both by way of counterpart funds under the foreign aid program and in the form of foreign currencies which have been generated by the sale of surplus commodities; and to determine how they have been applied up to the present time, and the purposes to which they might be applied.

As the distinguished Senator from Mississippi [Mr. STENNIS] knows, a special application of this idea was made in the military construction bill in 1953 and 1954, so as to make surplus commodities available for the acquirement of credits in foreign countries, credits which could be used for the procurement of military housing for our military per-

sonnel overseas. That program subsequently was expanded to make the foreign credits so generated available for other military procurement. But that is a specialized field.

The utilization of such credits for scholarship purposes, for the exchange of students, for the acquisition of strategic materials, for the payment of embassy expenses, for the establishment of loan funds for the development of some underprivileged countries—all of these are purposes for which credits, which I suppose now amount to about $3 billion, could be well surveyed, to see whether we are making the best use of the foreign credits.

I think the Senator from Kentucky has performed a special service this afternoon in drawing attention to the constructive aspects of the use of our surplus foods for these purposes.

Mr. COOPER. I thank the Senator from South Dakota. I remember his interest at the time of the initiation of the program.

I wanted to speak of it briefly today, because, as I said, I had an opportunity to see the program in operation. I think of its many aspects of value to the countries to which we send food. I think of its aspects of value to our own country. I have come to the conclusion that in many respects it is our best balanced program of aid.

Although many persons decry, or express concern about, the surpluses which the farmers produce in the United States, I think we are very fortunate to have such surpluses at this time, when so much is at stake in many other countries, especially as concerns their need for food.

I point out, without repeating in detail what I said in my brief remarks, that this program has many values and I think it must be seen in operation in order to be appreciated. I am glad I had the opportunity to see the workings of this great program which Congress, including many Senators who are on the floor today, helped to initiate.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. JAVITS. I have seen the results of the work of the Senator from Kentucky in India, having been there myself not too many months ago. I think the Senator from Kentucky made one of the most outstanding contributions ever made by an American serving abroad.

The Senator from Kentucky succeeded Mr. Chester Bowles, who was a very popular Ambassador. It was expected by some persons that when the Senator from Kentucky went to India as Ambassador he would suffer by comparison; it was hard to understand how he could prosper under it.

Yet I found when I was in India that, in his own way, the Senator from Kentucky was the equal of Mr. Bowles, in the eyes of many persons, and had done better in some ways, although I do not in any way wish to deprecate the great services rendered by Ambassador Bowles.

The Senator from Kentucky made a remarkable record, and he made it because he understood exactly subjects like the one to which he has addressed himself.

When I was a Member of the House I sponsored the grain bill for India and the grain bill for Pakistan. I found when I was in India some 5 or 6 months ago with my wife that the heritage of gratification and satisfaction which those two enactments had left was tremendous.

I also found—and I think this is something which we in Congress must understand—that the classic Communist approach is to starve people in order to build industry. That is the way in which the Communists have been successful in many areas, including Communist China, and also in the Soviet Union itself.

If we want to do a better job of raising living standards, we must find a way in which to prevent the starving or dragooning of people while they build their industry, in the way in which they have been treated in the Communist countries, and as they are being treated now in Communist China, where tens of thousands of executions have taken place in order to repress anyone who might think he would like to eat a few morsels, instead of having industry build up quite so fast.

We have in the surpluses of American agriculture, one of the greatest means of assisting humanity in other lands. If we use them well, we will bear out what has been said on the floor concerning how the need for food and other resources can be of great value to America in the struggle abroad.

I am grateful to the Senator from Kentucky, in addition to the outstanding work which he did in India, for his participation in and understanding of American foreign policy, which he has shown in his address. I can only hope that by legislative action and by action in the Department of State, through the President of the United States, we can show a similar understanding of the world mission which this bill and the policy which it carries out will enable us better to perform.

Mr. COOPER. I thank the Senator from New York for his remarks. So far as my services are concerned, I was very fortunate to follow such men as Mr. Bowles, Mr. George Allen, Mr. Loy Henderson, Mr. Grady, and others. I did not mean to call attention to that. I simply wanted to focus attention on the great opportunity we have to help countries in the great field of supplying food and fiber and lending them the means for economic development.

Mr. STENNIS. Mr. President, I first wish to commend the senior Senator from Louisiana [Mr. ELLENDER] for his fine work not only on the bill and the conference report, but also for his efforts throughout the years on this subject. It is all characteristic of the splendid work he does in the Senate and of the great contribution he makes—and very modestly makes, because his real achievements are buried in the books. But it is a long, fine story when it is all brought out and made public.

I was very much impressed with the comments of the Senator from Kentucky, especially with his emphasis upon this program and its possibilities. I think it is of particular value to the Senate and to the country to have his testimony and his verdict upon this timely subject, because he speaks from experience—an experience gained not only in this Chamber, but also as an Ambassador having knowledge of world conditions. I appreciate greatly his leadership and his pointing out the very excellent possibilities of this program.

The distinguished Senator from South Dakota [Mr. CASE] pioneered some of this legislation, which is now more or less permanent, when he was the chairman of the Subcommittee on Military Construction of the Committee on Armed Services. That program was initiated as a real infant and has grown, perhaps not so rapidly as it should, but it has continued to grow and is a part of the entire program now. It holds very fine possibilities.

Mr. President, the primary objective of the Trade Development and Assistance Act of 1954, Public Law 480, was to reduce surplus agricultural commodities. I have been greatly impressed with the effective operations of this program in moving surplus agricultural commodities through private trade channels, with primary emphasis on trade rather than aid and giveaways.

Mr. President, for the past several years, along with the Senator from South Dakota [Mr. CASE] and the Senator from Washington [Mr. JACKSON], I have sponsored legislation in our Military Construction Subcommittee designed to use more foreign currencies in the construction of overseas military housing. In the military housing construction program of the Department of Defense, contracts have already been consummated in the following countries:

| Country | Number of units | Cost (dollar equivalent) |
|---|---|---|
| United Kingdom (14 locations) | 1,483 | $15,000,000 |
| France (20 locations) | 2,700 | 50,000,000 |
| Japan (22 locations) | 1,691 | 17,000,000 |
| Total | 5,874 | 82,000,000 |

The following additional projects have been approved and will be placed under contract as soon as designing work has been completed and bids taken:

| Country | Number of units | Cost (dollar equivalent) |
|---|---|---|
| Spain (5 locations) | 426 | $6,400,000 |
| Italy (3 locations) | 616 | 8,500,000 |
| United Kingdom (22 locations) | 960 | 12,000,000 |
| Philippine Islands (Clark Air Force Base) | 900 | 18,000,000 |
| Bermuda (Kindley Air Force Base) | 600 | 12,000,000 |
| Morocco (3 locations) | 500 | 8,000,000 |
| Total | 4,002 | 64,900,000 |

Still further projects are in the early stages of development for installation in Saudi Arabia, Morocco, Spain, Iceland, and other countries. All of these projects except those in the Philippines and Bermuda will be financed from existing United States-owned balances of local currency acquired through the sale of surplus agricultural commodities pursuant to title I, Public Law 480, 83d Congress.

Our Military Construction Subcommittee has also granted authority making possible barter-type operations under the CCC Charter Act. The barter program would enable countries who have not heretofore been interested in surplus commodities to negotiate for use of CCC stocks in construction of military housing. France recently contracted for $50 million for the construction of 2,700 housing units. The Defense Department has also been negotiating for barter contracts with the Philippines, Bermuda, and Libya. Barter programs could also be used to good advantage for 400 to 500 military-housing units in Saudi Arabia, 600 units in Morocco, and possibly additional projects in France.

Unfortunately, the Department of Agriculture has notified the Defense Department that they are not interested in entering into additional contracts for barter transactions. Such barter transactions offer an additional means of disposing of surplus agricultural commodities in countries which would not otherwise purchase them. It is my understanding that the Department's primary objection is based on a claim that surplus commodities moved by this means would displace cash sales for United States dollars, and the transactions would be entered on the CCC books as a loss to the agricultural program. This certainly appears to be a minor technical point which can be cleared up through legislation, and I strongly urge the Department of Agriculture to reconsider their position with the objective of continuing the barter program until such time as Congress can clarify this point.

Mr. President, I wish also to reaffirm my special interest in and support for an expanded use of foreign currencies in market development projects. This program is a move in the right direction and will be of lasting benefit in building strong markets for United States agricultural commodities in years to come. Such projects are already underway in 20 countries and involve the equivalent of about $5 million. About $32 million is earmarked for this purpose under existing agreements. This program has special merit from the standpoint of marketing studies, advertising, and sales promotion for increased markets for American cotton, and I hope that greater emphasis will be given to expanding the use of foreign currencies for this purpose.

This public law could and should become a major part of our foreign policy, as well as a major factor in our commercial dealings and relations with foreign countries. Most of our aid program could and should be built around and channeled through the policy reflected by this law, which should be further emphasized and pushed. It should become a permanent part of the structure of our dealings and relations with other countries.

During the 12-month period closing June 30, 1957, we actually spent $2.2 billion for military aid, and $1.6 billion for economic and other aid, a total of $3.8 billion. A great percentage of this huge cash outlay could have been channeled more effectively through this program. This is just one example of the great possibilities under title I of Public Law 480, which has moved sizable quantities of our surplus cotton and other agricultural commodities in an orderly and business-like way. I fully support extending this act for 1 year and increasing the authorization by $1 billion. I hope the Senate will give full approval to the conference report on S. 1314.

Mr. President, that is the bright spot I see in this program, as it progresses. It is necessary to continue such a program with friendly nations. It is necessary in aid of our policies and for the maintenance of our position among the friendly nations.

I believe that through this channel, in which the most constructive advance has been made, it will be possible to make permanent a really constructive development.

Mr. ALLOTT. Mr. President, at this time I should like to join the Senator from Kentucky [Mr. COOPER] and the Senator from Mississippi [Mr. STENNIS] in the remarks which they have made.

It seems to me that the Senator from Kentucky has a peculiar contribution to make here. Not only was he a Member of this body at the time when this legislation was being formulated, but as the United States Ambassador to India he has had an opportunity to see how the legislation works in one of the greatest, most populous countries of the world, and one which needs help and assistance in resisting communism probably as much as does any other country. Now, upon the return of the Senator from Kentucky to this body, he again assumes responsibility for the people of his State and for the people of the entire United States for this program and for other programs along the same line which may come later.

So it seems to me that his views regarding this matter have a peculiar significance and make a contribution which no other Member of this body is capable of making. I do not believe that any other Member of this body is capable of giving his own views the color and the weight which the Senator from Kentucky has given his views, in connection with his discussion in the Senate of this matter.

The statement of the Senator from Kentucky now, in supporting this program, after having seen how it works, should weigh heavily with all who question the possibilities and the significance of trading our commodities for the various benefits derived and for currency with which to purchase them.

I desire to compliment the Senator from Kentucky. I hope many persons will read his remarks, and, particularly, will read them in the light of his changing responsibilities, which in my opinion place a very great weight and a completely different color upon his views.

Mr. NEUBERGER. Mr. President, the extension of Public Law 480 is of special importance to my State, particularly the great vistas of eastern Oregon, which constitute one of the major wheat-producing areas of our Nation.

No organization has made a more serious or concerted effort to take advantage of the beneficial and forward-looking features of Public Law 480 than the Oregon Wheat Growers League. I believe something of their story should be told, as we of the Senate act to extend Public Law 480—at least, Mr. President, I trust that is to be our action on the Senate floor today.

The senior Senator from Louisiana [Mr ELLENDER] deserves great credit to his leadership in bringing this conference report before the Senate this afternoon, in his capacity as chairman of the Senate Committee on Agriculture.

Those who were present at the Public Law 480 hearings of Senator HUMPHREY's Subcommittee on Agricultural Research and General Legislation, Friday, July 19, were generally agreed that they had heard a presentation of tremendous importance when Richard K. Baum, secretary-treasurer of the Oregon Wheat League, gave the fascinating account of how his organization has developed a market for wheat in Japan, India, and South Korea by using the machinery provided in Public Law 480. I believe every person in the hearing room was informed by Mr. Baum's report. If an anthology of the most significant committee statements were being assembled, I would enthusiastically recommend the inclusion of the report on activities of the Oregon Wheat League in the Orient. Here was information deserving of the widest circulation. Here were the facts and figures which described graphically the operation of a U. S. Government program on foreign soil.

If I may, Mr. President, I would like to call attention to some of the more salient details which Mr. Baum presented to the Senate Agriculture Committee. The Oregon Wheat Growers League was organized in 1926 and today has over 1,500 life members. At the request of the League, a State wheat commission was established 10 years ago to finance a self-help program. This was done by levying one-half cent per bushel on all wheat which members sold into commercial channels. As a member of the Oregon State senate, I voted for various State laws which aided in organization of the Oregon Wheat League.

#### OREGON GROWERS DEPEND ON EXPORT

Because of the vast distances separating the Pacific Northwest from the great population centers, freight rates have been restrictive, and the wheatgrowers have to rely in substantial degree on the export market. Exports for the region have averaged 68 percent of production since World War II, as compared to 34 percent for the other wheat-producing areas of the United States.

The administrator of the Oregon Wheat Commission was one of a three-man Government team which explored market opportunities in the Orient in 1949. In 1952 the commission joined with the Millers' National Federation to initiate a project of teaching the nutritional value of wheat foods at the Women's Christian College at Madras, India.

With this experience as a guide, the wheatgrowers were prepared to move fast when Congress passed Public Law

480 near the end of the 1954 session. The signing of the law by President Eisenhower was the go signal to Dick Baum, of the wheat league, Earl Pollock, grain marketing specialist for the Foreign Agriculture Service, and Gordon Boals, director of exports for the Millers' Federation. These men explored Asiatic markets for opportunities to use Public Law 480 to promote wheat and wheat products. As a result, a year later the Japanese had signed to purchase $85 million worth of farm products from the United States. It was recognized that the expansion of wheat consumption would be greatest in Japan, where, for reasons of economy and nutrition, official policy favored an increased use of such wheat foods.

Pollock and Baum returned again in 1955 to work out specific projects for promoting greater consumption of wheat foods. Mr. President, I should like to quote Mr. Baum directly at this point:

> We immediately were confronted with many problems, including the language barrier. There was also a misunderstanding on who was going to supervise the spending of the local currency funds and on what type of projects the money could be used. The Japanese industry groups, which produced wheat foods, were disorganized and competing among themselves for use of local currency. After almost 5 weeks, we achieved a coordination of the Japanese industry associations which are now working harmoniously to promote their products on a national basis. These groups include the bread bakers association, the dry noodle makers, the wet noodle makers, the biscuit makers and the macaroni makers.

It was a difficult job, this overcoming a centuries-old habit of dependence on rice. Education and promotion were the weapons chosen to effect a change in dietary habits. Many communities in Japan have no bakery, and transportation from baking centers is often inadequate. Many children had never before tasted wheat products of any sort. This was the task that faced the leaders of the Oregon Wheat Commission and the Oregon Wheat Growers League when they decided to send Joe Spiruta, a graduate of Oregon State College and a market analyst, to Japan to operate as their Far East representative.

Spiruta's first task was to prepare an exhibit for the International Trade Fair at Osaka, April 19 to 22, 1956. The exhibit proved tremendously successful. Three Japanese bakers worked at top speed to provide, from American prepared mixes, cakes, scones, rolls, and specialty products for the endless lines of curious Japanese who found the products novel, and by all reports gastronomically satisfying.

TRADE FAIRS HERALD SURPLUS AMERICAN FOODS

I should like to repeat Dick Baum's statement in regard to trade fairs, which he offered parenthetically:

> Trade fairs are proving to be an effective way to promote American agricultural commodities. Consideration should be given to establishing permanent United States agricultural trade centers in such important world markets as Tokyo. In effect, these centers would be permanent exhibits similar to what are used temporarily at trade fairs.

I hasten on, Mr. President, to mention briefly other projects reported on by Mr. Baum, in which the Oregon Wheat Growers League engaged in carrying on their educational and promotional campaign in the interest of greater consumption of Northwest wheat. Eight kitchen demonstration buses staffed by Japanese nutritionists travel throughout the country showing housewives how to prepare low-cost nutritious meals, including wheat foods. Since beginning this project, 2,514 demonstrations have been performed before 258,967 homemakers. The reaction of a typical Japanese homemaker, as reported in one of their leading newspapers, is indicated by this quotation:

> The materials they used were such that one could find in any shop around the corner, like fish meat sausage, whale meat, lamen (noodles), and the recipes that we could put to immediate use. While we were happily looking on, in no time these were finished—e. g., a dish of Chinese noodles, attractively garnished with chopped egg, ginger, string beans—sandwiches made with whalemeat, apple, and peanut butter dressing. These foods were divided among us and we all enjoyed the taste. What an up-to-date and splendid idea is the kitchen car.

Over 300,000 pieces of literature featuring the theme of a balanced diet, including wheat foods, were distributed as another project of the league's operation under Public Law 480.

One of the most impressive projects described by Mr. Baum is the establishment of a bakers' training school, located at the Japan Institute of Baking in Tokyo; the school trains 30 to 40 bakers in a 3 months course. When graduated, these bakers return to their home prefectures to train others in the art of baking wheat products. By this system of training, it is estimated that, in June, classes were held in 200 locations with approximately 10,000 students in attendance. This is similar to the training plan that enabled the United States to develop skilled workers so rapidly during World War II. If every baker who is trained can also interest his cousins and his aunts in wheat foods, it alone would develop a respectable new market.

Of coordinate importance is another project reported on at the hearing which is concerned with training home improvement extension workers to increase per capita consumption of wheat foods in the rural areas. Let me again quote directly from the report of Mr. Baum, if I may, Mr. President:

> Generally speaking, the agricultural segment of Japan is the poorest fed portion of the nation because they try to sell as much as possible from their tiny 2- and 3-acre farms, keeping barely enough food to get by. Also, due to their extremely low-income level, they fail to buy off-farm foods to vary their diet. In the rural areas, the per capita consumption of wheat foods is only about 8½ percent of the diet compared to about 35 percent for the Tokyo adult. One home improvement extension worker from each of the 46 prefectures received two courses of 10 days' training, each, during the past year in Tokyo. Following this training, the workers conducted courses at the district level for other home improvement workers.

The league has found the exchange of qualified United States and foreign personnel to be one of the best methods under their Public Law 480 operation for profoundly influencing the leaders of Far Eastern countries. A 5-man delegation of top Japanese Government officials and industry representatives paid a 5-week visit to the United States last summer under this project. It is hoped that they will see the United States as a stable source of supply of quality wheat at reasonable prices. Just this past May a team of four from the United States visited Japan and South Korea. Raphael Raymond, president of the league was one of the quarter. He has reported on this trip in the June issue of the Wheat Field, monthly bulletin of the Wheat League. I ask unanimous consent, Mr. President, to have Mr. Raymond's short, but excellent article included at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RAYMOND PRAISES JAPANESE WHEAT MARKETING PROJECTS

"The wheat market development projects in Japan are paying off for Oregon's growers," according to Raphael Raymond, Helix, president of the league. Raymond just returned from a wheat mission to Japan and South Korea.

In summarizing his impressions, Raymond said: "As a wheat rancher, I sincerely feel that we have hit upon an excellent way to promote the sale of our wheat products and expand our markets as well as building good will with our Japanese and Korean neighbors.

"Our present movement of wheat to oriental markets is the payoff for years of intensive Far Eastern market development work by the Oregon Wheat League and Commission, in cooperation with the United States Department of Agriculture and the Millers National Federation."

The Japanese have discovered, Raymond reported, that children are much larger since they have been getting wheat foods in a balanced meal under the school-lunch program. Children in rural areas formerly were larger than those of the same age in cities, but now that city children have the school-lunch program and more wheat foods instead of rice in their diets, the size situation has reversed.

A new wheat promotion project, financed with funds derived from foreign currency sales of United States wheat, has been approved to expand the school-lunch program in rural areas.

Raymond also reported outstanding results from other promotional projects the league is carrying out in Japan, including kitchen demonstration buses and bakers' schools.

Raymond said increasing industrial activity is giving Japan the dollars needed to buy wheat, which he believes the Japanese will import in large quantities for many years to come. Per capita rice consumption has declined 20 percent, with wheat replacing the rice. Japan can import wheat cheaper than it can be raised on the small hand-labor farms.

Excellent prospects for developing a market in Korea for bulgur wheat—a processed wheat being produced by a Seattle mill—were reported by Raymond. An initial shipment of 1,200 tons is scheduled next month, and a group of importers have formed an association to promote bulgur wheat in Korea.

Raymond said Korea needs our wheat badly, but because of lagging industrial development, lacks the means to purchase it.

The mission included three farmers—R. Raymond, representing Oregon; Glen L. Bayne, Ritzville, Wash., representing the

Washington Association Wheat Growers, and Bob Wittman, Lapwai, Idaho, representing the Idaho Wheat Growers Association. Fourth member was Earl Corey, Portland, regional director of the United States Department of Agriculture Commodity Stabilization Service, who was representing the export trade.

The trade mission is one of many projects being carried out cooperatively by the League and the United States Department of Agriculture to expand export sales of Pacific Northwest wheat. The expenses of the trip were paid from local currency funds which the league obtained under agreement from the Foreign Agricultural Service, United States Department of Agriculture.

Mr. NEUBERGER. There have been other visitors from Japan, such as Dr. Oiso, who came as a guest of the league last December. Dr. Oiso, it should be noted, is the head of the nutrition section of the Ministry of Health and Welfare in Japan. In the month that he was here, Dr. Oiso studied our public-health program, school-lunch program, institutional feeding, methods of baking and preparation of wheat foods, and the use of wheat foods in the home. While in this country, Dr. Oiso was a speaker at the 29th annual meeting of the Oregon Wheat Growers League in Portland, where he addressed the members on the subject of "Wheat Foods in the Japanese Diet." Dr. Oiso told his audience that 6,877,359 children in 8,923 Japanese schools have a daily school lunch containing bread made of 100 grams of wheat flour.

Mr. President, I have touched on the more extensive projects which were the substance of Mr. Baum's report to Senator HUMPHREY's subcommittee. There was one in which the league cooperated indirectly with FAO and WHO in a nutrition conference that affected people of south and east Asia. There were other distributions of literature. There was the introduction of bulgur. This is wheat which has been cooked, dried very hard, and cracked, and is produced by a mill on the west coast. Mrs. Neuberger finds it a wonderful substitute for wild rice. Twelve hundred tons of this bulgur was scheduled for shipment to Korea during July and August. Japanese industry groups utilizing wheat have begun to cooperate in their own promotional activities by preparing pamphlets and exhibiting together at the Tokyo Trade Fair.

Additional projects have been planned, and Mr. Baum told the subcommittee hearing that a major project will be the expansion of the school-lunch program into rural areas. It is hoped to reach approximately half a million more primary school children in this way. But, first, there will be a series of educational meetings in rural areas to create a desire among the parents to bring these benefits to their children.

It is most encouraging to learn that the Oregon Wheat League and the Millers' National Federation signed a Far East area project involving seven countries: Japan, Taiwan, Thailand, Burma, Indonesia, India, and Pakistan. Mr. Baum and a representative of the Foreign Agriculture Service will leave soon in mid-August to join Joe Spiruta in Japan, and will continue on to develop specific projects in all these countries. With the expansion of projects, the Washington Association of Wheat Growers is participating by subcontracting the Japanese school lunch project. One of the officials from the Washington Association was among the group who visited Japan this spring.

Mr. Baum, in concluding his remarks to the subcommittee, was very modest in his estimate of accomplishments. Just let me quote his final paragraph:

The wheat market development projects have not been underway long enough for a judgment to be made on their effectiveness in expanding markets. In Japan, however, the evidence is encouraging. Before the war, the average per capita consumption of rice was 330 pounds. Today, it has declined to 264 pounds. In contrast, consumption of wheat before the war was only 30 pounds, while at present, in urban areas, it has increased to over 90 pounds. Rice is still the primary food but consumption of wheat has increased 300 percent during the past 12 years.

In concluding this report, I want to emphasize the importance of the 480 program to our Nation's wheat growers. There are unlimited opportunities for market development projects with local currency in foreign countries. These funds make possible a unique cooperative effort between agriculture, industry, and government. The tremendous export movement during this past year has been no freak of the market. In countries of underconsumption, millions of people for the first time have had the money to buy wheat and other foods which they need. Public Law 480 has been referred to as a temporary program, but why should this be the case when it is a program that works? May I suggest to this committee that serious consideration be given to development of a permanent program incorporating the features of Public Law 480, which make it possible to sell United States agricultural commodities to people who need them.

It strikes me that, here, Dick Baum has offered a challenging and constructive suggestion. I am sure the subcommittee of the Senator from Minnesota [Mr. HUMPHREY] will investigate and evaluate its possibilities.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of these remarks, project tables submitted at the hearing, a news release issued by the Far East office of the Oregon Wheat Growers League, in Tokyo, and received in my office on July 12 and a special release from Seoul, Korea, which appeared in the Pendleton East Oregonian, Monday, July 29, 1957.

There being no objection, the releases and tables were ordered to be printed in the RECORD, as follows:

*Market development projects of Oregon Wheat Growers League*

| Description of activity | Foreign currency in dollar equivalents (FAS) | United States dollars (League) | Foreign currency in dollar equivalents (local associations) | Total |
|---|---|---|---|---|
| Japan projects: | | | | |
| 1. Osaka Fair, Apr. 9, 1956, to Apr. 22, 1956 [1] | $5,000 | $920 | ---------- | $5,920 |
| 2. Kitchen buses, May 18, 1956, to Nov. 30, 1957 | 145,622 | 13,000 | $22,000 | 180,622 |
| 3. Educational materials, May 18, 1956, to May 18, 1957 [1] | 11,447 | 600 | 3,255 | 15,302 |
| 4. Bakers school, May 25, 1956, to Sept. 30, 1957 | 108,210 | 8,000 | 36,380 | 152,590 |
| 5. Training extension agents, May 25, 1956, to May 25, 1957 [1] | 61,539 | 5,000 | 10,420 | 76,959 |
| 6. United States wheat cup, July 25, 1956 [1] | ---------- | 152 | ---------- | 152 |
| 7. Japanese mission to United States, Aug. 12, 1956, to Sept. 15, 1956 [1] | 7,507 | 4,180 | ---------- | 11,687 |
| 8. Southeast Asia Conference, Aug. 25, 1956, to Aug. 30, 1956 [1] | 3,000 | 200 | 300 | 3,500 |
| 9. United States mission to Japan and South Korea, Apr. 27, 1957, to May 20, 1957 [1] | 6,988 | 900 | ---------- | 7,888 |
| 10. Advertising and promotion, Mar. 18, 1957, to Mar. 18, 1958 | 204,000 | 10,500 | 26,700 | 241,200 |
| 11. Administration expense, Mar. 18, 1957, to Mar. 18, 1959 | 37,163 | 2,500 | ---------- | 39,663 |
| 12. School lunch, Mar. 18, 1957, to Mar. 18, 1959 | 118,604 | 7,000 | 22,273 | 147,877 |
| 13. United States flour brochure (10,000 copies), Apr. 1, 1957, to May 30, 1957 [1] | 4,500 | 300 | ---------- | 4,800 |
| 14. Bulgur promotion, Apr. 22–27, 1957 [1] | 1,253 | 500 | 11,666 | 13,419 |
| 15. Tokyo Fair, May 5 to 19, 1957 [1] | 5,500 | 600 | ---------- | 6,100 |
| Subtotals for Japanese projects | 720,333 | 54,352 | 132,994 | 907,679 |
| COOPERATIVE PROGRAM BETWEEN LEAGUE AND MILLERS' NATIONAL FEDERATION | | | | |
| South Korea, Oct. 11, 1956, to Oct. 11, 1957 | $25,000 | $1,300 | ---------- | $26,300 |
| Thailand, Oct. 11, 1956, to Oct. 11, 1957 | 10,000 | 700 | ---------- | 10,700 |
| Subtotal for Korea and Thailand | 35,000 | 2,000 | ---------- | 37,000 |
| Far East area project: Japan, Taiwan, Thailand, Burma, Indonesia, India, and Pakistan, June 24, 1957, to June 24, 1959 | [2] 100,000 | 5,500 | ---------- | 105,500 |
| PROJECTS BEING SUBCONTRACTED BY LEAGUE TO WASHINGTON ASSOCIATION OF WHEAT GROWERS | | | | |
| Japan school lunch (included above). | | | | |
| Koreans to United States, Apr. 30 to Dec. 31, 1957 | $6,000 | $2,500 | ---------- | $8,500 |
| Bulgur in Korea (pending) | 13,000 | 700 | $1,338 | 15,038 |
| Subtotal of projects subcontracted | 19,000 | 3,200 | 1,338 | 23,538 |
| Totals of all league projects | 874,333 | 65,052 | 134,332 | 1,073,717 |

[1] Projects or activities which have been concluded.
[2] Approximately.

NEWS ABOUT WHEAT

TOKYO.—Unique evidence that wheat market development programs in Japan pay high dividends for Northwest wheat growers is shown in official Japanese Government reports listing noodlemakers here as a substantial, ever-growing market for American soft wheat.

Supporting this Japanese report, the United States Department of Agriculture's Foreign Service branch states that this Asian nation's annual consumption of domestic and imported wheat flour has risen to 2.1 million metric ton total, with 42 percent used by noodlemakers as against 58 percent divided up by bread, macaroni, and cracker makers. And of the 882,000 tons of noodles consumed each year, 30 percent are eaten in distinctively Japanese dishes—wet, and 70 percent in Chinese and Japanese style dishes—dry.

Japan's wet noodle industry uses some 140,000 tons of United States soft wheat flour each year, the dry noodle even more, at a 430,000-ton average annual rate.

Americans stationed in Japan join Japanese in a liking for what the latter call Udon—a popular wheat dish for all, regardless of age or sex. Udon retail shops are everywhere and the tasty noodles furnish quick lunch at train stops, curbside stalls, even from wooden carts that trundle down the busiest city thoroughfares, heralded by the distinctive creaking wheels.

Two considerations, apart from tradition, account for the vast popularity: the simple, delicious taste, and the low price. The Udon, soaked in soy sauce, retails for a mere 7 cents, and the more varied types, dished up with eggs, fried bean curd, ham hocks, strips of beef or chicken, and boiled fish paste range between 8 and 16 cents.

One or two bowls can even satisfy a hungry American.

A colorful, characteristically Japanese sight is the restaurant boy riding his bicycle, using one hand to steer through heavy traffic, the other balancing 3 to 5 tiers of trays and 30 to 40 bowls of the steaming wheat dish. This feat Americans have called "the eighth wonder of the world."

Under the wheat publicity market development projects, approved by the United States Department of Agriculture this March, and signed between the Oregon Wheat Growers League and the Japanese National Food Life Improvement Association, $200,000 equivalent yen obtained from surplus agricultural products under Public Law 480 has been earmarked to boost sales of wheat foods in Japan, and to expand American wheat markets here.

To the Wet Noodle Federation, major consumers of United States soft wheat, $40,000 equivalent yen has been given, and to this has been added $10,000 equivalent Japanese yen contributed by the more than 10,000 Udon retailers in this country.

The federation, assisted by Joseph J. Spiruta, Far East representative of the Oregon Wheat Growers League, will open a nationwide sales campaign of their products this fall.

"Such a campaign," said Mr. Spiruta, "will serve the mutual interests of the Japanese people, in nutritional improvement, and the American wheat growers, in market development and expansion."

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[From the Pendleton (Oreg.) East Oregonian of July 29, 1957]

KOREAN WHEAT DELEGATION TO VISIT IN UNITED STATES

SEOUL.—The long-awaited exchange of wheat missions between Korea and the United States will be realized with the departure on August 2 of a six-man Korean wheat delegation. The group consists of four representatives of private industry and officials from the ROK Ministries of Agriculture and Health.

A four-man American wheat mission, comprising representatives of the Pacific Northwest States, visited Korea in May.

Announcement of the imminent departure of the Korean delegation was made at Seoul by Joseph J. Spiruta, Far East representative of the Oregon Association of Wheat Growers, who is currently in the ROK capitol making arrangements.

Mission members are Han Ki Myong, chief, grain administration bureau, ministry of agriculture and forestry; Jung Sun Sohn, chief, social affairs section, ministry of health and social welfare; Lee Chun Won, representing Korean Flour Mills Industrial Association; and Cho Gun Sil, representing Seoul Wheat Flour Merchants Guild and the Korean Society for the Promotion of Bulgour Wheat. Unofficial observers accompanying the mission are Chung E. Sik, president, Dayong Flour Mills Co., and Chun Hwa Soon, vice president, Chosun Flour Mills Co.

TWO WEEKS IN NORTHWEST

The Korean wheat team will spend approximately 2 weeks in the Pacific Northwest, primarily in Washington, but also in Idaho and Oregon, before flying on to Washington, D. C., for conferences with key officials of the Foreign Agricultural Service, USDA.

This first ROK wheat group ever to tour the United States will see wheatgrowing, harvesting, transportation, and shipping facilities at firsthand.

The primary objectives of the wheat mission exchange is to determine the possibilities for expanding usage of wheat products through market-development programs.

"But, in addition," Spiruta explained, "the group will be able to foster mutual understanding and develop personal across-the-desk contacts with wheat men in the Pacific Northwest and Government officials in Washington that will be invaluable in future trans-Pacific relationships."

LONG EFFORTS NOTED

The departure of this group climaxes long-standing efforts on the part of Dr. Henry Buckhardt, agricultural attaché, United States Embassy, Korea, and Spiruta.

Korea, though primarily a rice and coarse-grain-eating nation, ranks third—after India and Japan—in the quantity of wheat imported and, during 1957, will receive at least 270,000 metric tons of wheat brought in from the Pacific Northwest under provisions defined in section 402 and Public Law 480 programs.

Wheat imports this year will thus register a marked advance over imports from the Pacific Northwest in 1956, when a total of 169,556 metric tons arrived at Korean ports.

Imports have been broadened year after year, since the Korean war period and show every indication of continuing their advance.

Mr. NEUBERGER. I should like to add, with reference to the extension of Public Law 480, that besides the benefits which the law will provide—not only for our friendly nations overseas, but also for the wheatgrowers, whom I have mentioned—the extension is important to many growers of various orchard fruits.

In recent years some of those orchardists have experienced great difficulties because of climatic irregularities and because of very abnormal weather conditions which we have had in some parts of the United States, and because of premature and unseasonal freeze and cold snaps that have occurred in the Milton-Freewater district of Oregon. Furthermore, aggravating surpluses have clogged fruit markets.

By using some of the canned fruits under the provisions of S. 1314, which extends Public Law 480, we will not only achieve the improvements in foreign relations which were mentioned so informatively by the Senator from Kentucky [Mr. COOPER], but we shall also be assisting the orchardists whom I have mentioned, who have been suffering adverse economic and agricultural conditions.

I should like to thank the distinguished chairman of the Senate Committee on Agriculture and Forestry for the time and attention which he and his colleagues have devoted to extending this most enlightened and forward-looking farm program and international program. This undertaking, Mr. President, is not only important in the field of agriculture, but it is vital in the realm of our international diplomacy.

In conclusion, Mr. President, I ask unanimous consent to have printed in the RECORD five telegrams I have received from agricultural leaders in my State and elsewhere in the West urging support of Senate bill 1314, which acts to extend the very beneficial Public Law 480. They refer particularly to the potential favorable effect on orchard fruits.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

SAN FRANCISCO, CALIF., *August 1, 1957.*

Hon. Senator RICHARD L. NEUBERGER,
*Senate Office Building,*
*Washington, D. C.:*

Domestic consumption of canned bartlett pears insufficient to utilize production of 1957 from California, Oregon, and Washington. Export markets essential to Pacific coast growers. Immediate passage of 480 bill will provide necessary stimulus to canning industry. Section 104 funds will aid all Pacific coast canning and fruit grower interests.

JOS. GREEN,
*Chairman.*
E. R. JOHNS,
*Secretary-Manager, Program Committee Marketing Program for Canning Bartlett Pears.*

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SALEM, OREG., *August 1, 1957.*

Hon. Senator RICHARD L. NEUBERGER,
*Senate Office Building,*
*Washington, D. C.:*

Fruit growers in southern Oregon are keenly interested in passage of S. 1314 which amends Public Law 480 to stimulate foreign sales of surplus fruits resulting from extremely heavy crop plus carryover of 1956 canned pack. Please airmail copy of S. 1314 and any committee report now available. Thanks and regards.

ROBERT J. STEWARD,
*Director, Oregon Department of Agriculture.*

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YAKIMA, WASH., *July 31, 1957.*

Hon. Senator RICHARD L. NEUBERGER,
*Senate Office Building,*
*Washington, D. C.:*

Passage of S. 1314 extremely important to Oregon and Washington fruit growers who need export outlets for proper marketing. Proposed British fruit package stalled until legislation passed. Time running out. Urge your every effort bringing conference report on S. 1314 onto floor.

ERNEST FALK,
*Northwest Horticultural Council.*

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UKIAH, CALIF., *July 31, 1957.*

Senator RICHARD NEUBERGER,
*Senate Office Building,*
*Washington, D. C.:*

Peargrowers Oregon, Washington, California urgently request promp Senate action

480 bill being delayed by civil-rights legislation debate. Unsold pears now being dropped. Lack cannery demand, but approval 480 should encourage canner confidence and financing in current pear and fruit cocktail packs, since European pear crop disastrously reduced by freeze.

RUEL R. STICKENY,
*President, Pacific States Canning Pear Marketing Association.*

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MEDFORD, OREG., *July 31, 1957.*

HON. RICHARD NEUBERGER,
*United States Senator from Oregon, Senate Building, Washington, D. C.:*

S. 1314 amends Public Law 480 to provide certain foreign countries with fruit, chiefly from California, Oregon, and Washington. Due to the extremely heavy crop plus carryover of 1956 canned fruits in canneries on hand at this time, it is very important that S. 1314 be enacted at the earliest possible date. The first beneficiaries of the passage of this act will be California growers who are in peak of harvest at present time. Next will be Oregon growers and then Washington growers. Both Oregon and Washington growers will also benefit on their apple crops, and this aid is needed and will continue to be needed throughout the balance of this year. We respectfully urge your assistance and cooperation with others in the earliest possible passage of this bill.

Respectfully yours,
FRUIT GROWERS LEAGUE OF JACKSON COUNTY,
MEDFORD PEAR SHIPPERS ASSOCIATION,
FRED MORLAN,
*Secretary of both Associations.*

The PRESIDING OFFICER (Mr. CASE, of South Dakota, in the Chair). The question is on agreeing to the conference report.

Mr. STENNIS. Mr. President, I understand the Senator from Texas [Mr. YARBOROUGH] desires to address the Senate on the report.

Mr. YARBOROUGH. Mr. President, I do not desire to make a speech on the subject. I merely wish to commend the junior Senator from Oregon [Mr. NEUBERGER], the junior Senator from Mississippi [Mr. STENNIS], the Senator from Kentucky [Mr. COOPER], and other Senators for the fine remarks they have made, and to also commend the work of the conference committee as to this bill.

I particularly appreciate the statement in the report about the aid it is intended to give to surplus cotton, which has piled up. I think this is a step in the right direction, and that the extension of the law, with the amendments and corrections made, will be a forward step for American agriculture.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

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## RECIPROCAL CULTURAL EXCHANGE PROGRAM BETWEEN THE UNITED STATES AND THE NATIONS OF EASTERN EUROPE AND WAIVING OF FINGERPRINTING REQUIREMENTS—SUBMISSION OF CONCURRENT RESOLUTION AND INTRODUCTION OF BILL

Mr. JAVITS. Mr. President, I submit a concurrent resolution and introduce a bill for appropriate reference.

The concurrent resolution (S. Con. Res. 44) to express the sense of Congress relative to interchange on a reciprocal basis of persons with Russia and other eastern European countries under the United States Information and Educational Exchange Act, submitted by Mr. JAVITS, was received and referred to the Committee on Foreign Relations, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of the Congress that the Secretary of State, in administering the provisions of section 201 of the United States Information and Educational Exchange Act of 1948, as amended (62 Stat. 7, 22 U. S. C. 1446) should also interchange on a reciprocal basis persons described therein in substantial number with the Union of Soviet Socialist Republics or other eastern European countries under the following conditions:

(a) the United States will defray the living expenses not to exceed an amount found by the Secretary of State to be reasonable and proper for a period not to exceed 6 months with respect to any individual, a national of the Union of Soviet Socialist Republics or other eastern European countries (1) who is transported to the United States at the expense or under the auspices of the country of which such person is a national for the purpose of visiting the United States, and (2) who is a student, trainee, teacher, or professor or a leader in a field of specialized knowledge and skill of the country of which such person is a national; and

(b) the Union of Soviet Socialist Republics or other European Communist country, as the case may be, will defray for equal periods of time the living expenses of a reciprocal number of nationals of the United States (1) who are transported to the Union of Soviet Socialist Republics or other eastern European countries, as the case may be, at the expense or under the auspices of the United States for the purpose of visiting the Union of Soviet Socialist Republics or other eastern European countries, as the case may be, and (2) who are students, trainees, teachers, or professors or leaders in a field of specialized knowledge and skill in the United States.

SEC. 2. The Secretary of State is requested to permit nationals of the Union of Soviet Socialist Republics or other eastern European countries, as the case may be, who enter the United States in pursuance of this concurrent resolution the same degree of freedom to travel and observe within the United States as that permitted by the Union of Soviet Socialist Republics or other eastern European countries, as the case may be, to nationals of the United States who enter the Union of Soviet Socialist Republics or other eastern European countries, as the case may be, to travel and observe within the Union of Soviet Socialist Republics or other eastern European countries, as the case may be, in pursuance of this resolution, and the Secretary of State is requested on the basis of reciprocity to waive the requirement of subsection (b), section 221 and section 262 of the Immigration and Nationality Act (66 Stat. 191; 8 U. S. C. 2101) relating to fingerprinting as authorized by the fourth sentence of section 201 (a) of the United States Information and Educational Exchange Act of 1948, as amended.

The bill (S. 2704) to amend section 201 (a) of the United States Information and Educational Exchange Act of 1948 so as to permit the waiver of fingerprinting requirements with respect to persons admitted into the United States pursuant to such act, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Foreign Relations.

Mr. JAVITS. Mr. President, these measures are designed to implement the reciprocal cultural exchange program between the United States and the nations of Eastern Europe, commonly called the Communist-bloc nations—a program which I believe can be a key factor in our struggle to achieve lasting peace.

The first is a concurrent resolution which provides for the interchange of persons, on a fully reciprocal basis, between the United States and the Communist countries of Europe under the provisions of the United States Information and Educational Exchange Act. The other measure is a bill amending that act so as to authorize the Secretary of State and the Attorney General to waive the fingerprinting requirement which has seriously impeded all efforts to negotiate such a reciprocal program. Identical proposed legislation will be submitted in the other body by Representative A. S. J. CARNAHAN of Missouri.

The proposed legislation which I am submitting or introducing deals primarily with student exchanges, and proposes that each of the affected governments shall pay the cost of transportation, but that the cost of maintenance shall be paid by the host country, and that the student exchanges shall be reciprocal to such an extent that the privileges of travel—that is to say, travel of an extensive character through the countries, and an opportunity to see various things—shall be based solely upon reciprocity between the two nations concerned.

Mr. President, as a part of my remarks, I ask unanimous consent to have printed at this point in the RECORD an article entitled, "Should We Fingerprint Foreign Visitors," which was published in the Washington Star of July 21, 1957.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star of July 21, 1957]

SHOULD WE FINGERPRINT FOREIGN VISITORS?

(By Earl H. Voss)

For some years now the United States has been taking a propaganda flogging from the Soviet Union over the law requiring visiting aliens to be fingerprinted.

In one of his more effective cocktail-party statements, Nikita Khrushchev, the Kremlin's first among unequals, asserted the Soviet Union could never overlook the American fingerprinting requirement. He told one of the few American idols in Russia, violinist Isaac Stern, "It is a requirement for criminals. It is degrading. It is a shame. None of our people will ever go to the United States if they have to be fingerprinted."

Last January, President Eisenhower told Congress, in a special immigration message:

"One of the obstacles to travel and a hindrance to the free exchange of ideas and commerce is the requirement in the present law that every alien who applies for a visa or who comes to the United States without a visa but remains for as much as 30 days be fingerprinted. In some foreign countries fingerprinting is regarded with disfavor. Lacking any significant contribution to our national safety and security, the law should be amended to eliminate the requirement of fingerprinting for aliens coming to the United States for temporary periods."

After this plea, the House Immigration Subcommittee voted to continue the fingerprinting proviso for nationals of Communist countries. There is some hope, however, that proadministration forces may be able to get a new batch of immigration amendments, including one dealing with fingerprinting, out onto the floor this session.

THE REASONS FOR IT

Why do some Congressmen want to continue fingerprinting?

First, Justice Department and State Department security officials concede that fingerprinting does provide one additional check on an individual, and thus somewhat reduces the chance that an alien dangerous to our security might be admitted to the country.

Second, the fingerprinting requirement reduces the influx of aliens by an undetermined amount. And there are those on Capitol Hill who think this is all to the good.

Third, Uncle Sam would lose a certain amount of face by giving in on the fingerprinting requirement. Such a move could be taken as an admission of a past error.

Why does the administration want to stop fingerprinting?

First, the national security would be little affected. President Eisenhower says fingerprinting make no significant contribution to our national safety and security. It is said that fingerprints of visiting aliens usually don't get to the Justice Department for checking until long after the visitors have toured the country and left.

A GAIN IN STATURE

Second, a discontinuance of fingerprinting would have propaganda value. Far from losing face, it is said, the United States would gain stature for admitting a mistake, and making a reasonable adjustment. The Soviet Union would be deprived of a valuable propaganda item.

Third, the Soviet subterfuge in using our fingerprint requirements as a device to regulate travel of its nationals to the United States would be unmasked. The State Department is convinced the Kremlin wants to keep a tight rein on the broadening of East-West contacts. Moscow would be forced to admit that fingerprinting is not the principal obstacle for travel of Soviet citizens in this country.

Fourth, the controls over Communists would not be entirely lifted. Other regulations still provide for a thorough check on visitors. Tourist visa applications require listing of past arrests, Communist Party membership, and other details which Moscow would have to ask Soviet citizens to falsify or to list frankly. Either way, State Department officials believe the Kremlin would lose and the West would win.

Fifth, several of the United States European and Asian allies would be pleased if the fingerprinting requirement were lifted. France, Norway, and Nationalist China in particular are known to resent it but go along because it is to their advantage to do so.

Sixth, a certain modest expansion in East-West contacts would result, and this would be an important gain for the United States. As one high American official puts it. "We can't lose from exchanges. We have the most to sell."

BOLSHOI AN EXAMPLE

The Soviet Ambassador in Washington, Georgi Zaroubin, has been pressing the State Department to admit the Bolshoi ballet to the United States for a nationwide tour.

The Soviet Union might benefit first, by a certain amount of peripheral intelligence material; second, by development of a new admiration for the Soviet arts among the American people.

On the other hand, the United States would stand to gain, too. One of its larger cultural groups could tour the Soviet Union in return with greater advantages, both intelligencewise and popularitywise, than Bolshoi could gain here. Why? The United States has more to learn about the Soviet Union than Moscow about this country; and the Soviet peoples know less about American artists than the American people know about Bolshoi.

COMPROMISE IS FRAMED

House and Senate Judiciary Committees have agreed on a compromise wording of a new fingerprinting provision which is believed to be noncontroversial.

It provides that the Attorney General and Secretary of State shall have discretionary power to waive the fingerprinting requirement for nonimmigrant visitors, where this would be in the best interests of the United States.

It also provides that the waiving should be done on a reciprocal basis. This is largely a protection against any future action abroad, since few if any foreign countries now require visiting aliens to be fingerprinted.

Representative WALTER of the House Judiciary Committee, co-author of the Immigration and Nationalization Act, has been the principal foe of changing the fingerprinting regulations. He insisted that the fingerprinting provision be retained, but now is understood to have approved the waiver amendments.

The fate of the fingerprinting provisions, however, is still tied to that of the entire package of amendments to the Immigration and Nationality Act.

TWO BILLS CONSIDERED

Representative WALTER has worked with Senator DIRKSEN, of Illinois, and Senator KENNEDY, of Massachusetts, on standardizing the amendments. About five-sixths of a bill introduced by Senator DIRKSEN and about three-fourths of one by Senator KENNEDY are identical with Mr. WALTER'S version.

First action in Congress is to be taken in the Senate. Whether the Judiciary Committee will report out the Dirksen or Kennedy bill—or a third version—or none at all, is still to be decided.

The biggest bone of contention—which might slow up or stop the whole package of amendments—is the question of redistributing unused quotas for immigrants.

If the Senators cannot agree among themselves, or if the House and Senate cannot agree, the Immigration Act amendments might be put over for another year.

That would impede the East-West cultural exchange program on which the administration has pinned great hopes for easing tensions with the Soviet Union and bringing about a gradual transformation of the aggressive Soviet foreign policy.

Mr. JAVITS. Mr. President, the question of fingerprinting is apparently one of the major blocks to this type of exchange. At least, it has been so invoked, primarily by the Soviet Union. The President has already stated that this kind of activity need not be susceptible of the fingerprinting requirement. It seems to me that where there is negotiation—as there undoubtedly will be—to effectuate this exchange between governmental bodies that gives an added check, in terms of security, which makes fingerprinting unnecessary.

Let me also point out that the definition of the word "official," in connection with the authority of the State Department to exclude fingerprinting in the case of officials, has been very much stretched in order to afford such exchanges as we have been able to work out with countries behind the Iron Curtain, and there is no reason why the State Department should be put to this necessity.

Hence, as a supplement to the concurrent resolution which I submit, which will apply equally to all student exchanges, no matter from what sources, the State Department, on the basis of reciprocity, will have the capability of waiving the fingerprinting requirement.

In that respect, with regard to the extension of our reciprocal arrangements with countries behind the Iron Curtain and the impediment which represents the fingerprinting requirement, I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, an article entitled "United States Is Expanding Its Cultural Ties With Soviet Bloc," which was published in the New York Times of July 21, 1957, as well as an editorial entitled "United States-Soviet Exchange," which was published in the New York Times on the following day.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the New York Times of July 21, 1957]

UNITED STATES IS EXPANDING ITS CULTURAL TIES WITH SOVIET BLOC—FROM NOW UNTIL NOVEMBER EXCHANGE OF DELEGATIONS WILL BE MULTIPLIED—LAW TO BE STRETCHED—FINGERPRINTING TO BE AVOIDED BY ALLOWING MANY REDS TO ENTER AS "OFFICIALS"

(By Dana Adams Schmidt)

WASHINGTON, July 20.—The United States Government is working on an expanding program of cultural, technical, and scientific exchanges with the Soviet Union and other eastern European countries.

After coming to a stop in the wake of the Soviet Union's bloody suppression of Hungarian freedom last November, the program has been getting under way again slowly since April.

Groups of mass-feeding experts, public health officials, and experts in the use of peat have visited the Soviet Union. Steel industry executives will go there in August. Similar Soviet groups have visited or will visit this country.

From now until mid-November exchanges will multiply rapidly. Under consideration for that period are exchanges of 12 technical delegations with the Soviet Union, 4 with Poland, and 1 each with Rumania and Czechoslovakia.

INVITED TO MANY MEETINGS

Citizens of the Soviet Union and other Communist countries in Europe may be invited to 37 technical, scientific, and scholarly conferences while Americans may attend 7 conferences in Eastern Europe and the Soviet Union.

In addition 12 different types of visits of technical specialists, scholars, and artists from behind the Iron Curtain are being studied in exchange for similar visits by Americans to the Communist world.

Except for the Poles, and sometimes the Hungarians, all the visitors from behind the Iron Curtain refuse to be fingerprinted. Therefore, under the McCarran-Walter Immigration Act, they can be admitted only as officials.

The State Department is willing to stretch the law to certify individuals and small groups of technicians, scholars, and artists as officials. In a sense everyone in a Communist country is an official, it contends.

LAW MAY BE MODIFIED

But the East-West Exchange Office, directed by William S. B. Lacy, draws the line at ballet troupes and orchestras, which commonly number 100 members or more. Hence it has turned down a Soviet request

to exchange the Bolshoi Theater ballet for the Philadelphia Symphony.

The State Department is helping to finance a European tour of the Philadelphia orchestra but will not contribute to its movement behind the Iron Curtain.

The State Department hopes legislation will ease the fingerprinting requirement. The legislation has been introduced by Senator EVERETT DIRKSEN, Republican, of Illinois. As part of a general revision of the Immigration Act it would authorize the Secretary of State and the Attorney General to waive the fingerprinting requirement at their discretion.

Under one of the proposed exchanges, sponsored by Harvard University, several Soviet economists would attend the semiannual meeting of the National Economic Association. They would be classed as officials.

The State Department understands that the Rockefeller and Ford Foundations would be willing to sponsor a number of students from behind the Iron Curtain for periods of study in this country. As long as the fingerprinting requirement prevails, however, only Polish students who are willing to be fingerprinted, will come in for practical consideration. The State Department will not class students as "officials."

Emil Gilels, the Soviet pianist who toured this country last year, will probably be back again along with Leonid Kogan, violinist.

Among projects for return visits by Americans are the following: Visits to Russia by a commercial pharmaceutical team, and by a library official who will try to further private exchanges of publications; concert tours of Poland by Jan Kiepura, Jacques Abram and Isaac Stern, and a visit by David Hollander, former president of the Union of Orthodox Jewish Organizations of the United States, to the Jewish Community of Warsaw.

The next conferences in the United States to which Soviet or other Communist visitors have been invited are these: The International Prestressed Concrete meeting at San Francisco from July 29 to August 2; the conference on low temperature physics and chemistry at the University of Wisconsin beginning August 26, and the Twelfth General Assembly of the International Scientific Radio Union, at Boulder, Colo., in late August and early September.

Some other meetings that may be attended by Communists before mid-November are the Special Summer Conference on Digital Computers and Data Processors at the University of Michigan; the Gordon Conference on Nuclear Chemistry at Meriden, N. H., and the Assembly of the Lutheran World Federation, at Minneapolis.

Americans will probably attend the Origin of Life Symposium in Moscow from August 19 to 24; the International Symposium on Macromolecular Chemistry in Prague in September; meetings at later dates in Moscow dealing with the properties of steam, with Slavic languages, treatment of tuberculosis, and metallurgy, and a meeting on Continuous Culture Methods of Microorganisms, in Prague.

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[From the New York Times of July 22, 1957]

UNITED STATES-SOVIET EXCHANGE

The subject of exchange of persons between the United States and the Soviet Union is very much in the news these days. At the level of visits by high-ranking persons, President Eisenhower reacted favorably at his last press conference to the notion of a meeting between Soviet Marshal Zhukov and his opposite number here, Defense Secretary Wilson. At the level of cultural and technical exchange, a revival is now planned of Soviet-American technical and cultural exchanges. A State Department announcement last week end indicated that the program of such exchanges, which largely ceased after the bloody Soviet repression in Hungary last fall, will expand once more to a modest scale the remainder of this year. At still a third level of activity, a small number of American young people are planning to attend this summer's so-called World Youth Festival in Moscow.

These different kinds of exchanges raise different kinds of problems. In commenting on the Zhukov-Wilson meeting idea, for example, the President warned against holding meetings which might arouse exaggerated expectations. Certainly the so-called Summit Conference in Geneva 2 years ago produced little despite the fact that it brought together the chief figures in the United States, the Soviet Union, Great Britain and France. A Zhukov-Wilson meeting, if it took place, could hardly hope to solve any key problems. Moreover, many Americans are keenly aware that Marshal Zhukov commands the Soviet Army which slaughtered Hungarian freedom fighters less than a year ago.

Cultural and technical exchanges fall into a different category. They have limited, realizable aims, and do not arouse unwarranted expectations. The cultures of the Soviet peoples should certainly be more available to us than they have been, and we can certainly gain in some areas from knowing more about Soviet technical development. Conversely, it is all to the good if Soviet citizens get a chance to see and hear more of our cultural achievements, and in many technical fields—as the Soviet Union now admits—the Soviet Union is anxious to learn from us. So long as there is genuine reciprocity, we may hope that such contacts will increase.

The most difficult problems arise in the area of arranging exchanges of ordinary people. We have only gains to anticipate from having large numbers of Americans see the Soviet Union and large numbers of Soviet citizens see our civilization at first hand. Unfortunately, our present legislation is not based on that premise. In particular, our legal requirement that foreign visitors be fingerprinted, except in the case of official visitors, has been cleverly used by the Soviet Government as a pretext for prohibiting the visits of Soviet tourists here. Since limited numbers of American tourists have been admitted into the Soviet Union, the comparison has permitted Soviet propaganda to make dishonest, but not entirely ineffective, charges of a United States "Iron Curtain." All this has been further complicated by the Soviet effort to use American travelers to the Soviet Union for propaganda purposes, as in the case of the World Youth Festival.

We need not have any exaggerated notions about the contributions of any presently foreseeable exchange of Soviet and American tourists to see that the present situation requires correction. Senator DIRKSEN has introduced a bill which would ease the fingerprinting requirement. That bill would seem the very minimum we need to do to disarm the Soviet propagandists.

But beyond that it would seem desirable that we adopt a much more imaginative approach to the subject. We must realize that the Soviet people have been raised on a diet of lies about our way of life. Anything which will contribute to permitting Soviet people to see that what they have been told about us is false should be encouraged. The United States is the world's mightiest piece of evidence as to what freedom and free enterprise can achieve, and it is in our interest that those living under socialism should get a chance to compare what our and their systems can accomplish for the great mass of the people.

Mr. JAVITS. Mr. President, a fully reciprocal cultural-exchange program could be one of the key factors in easing the tension between the free world and communism. Our foreign policy, and particularly the foreign aid aspects of it, are directed at resolving this conflict short of world war III. Cultural interchange is a key factor in the achievement of this goal.

It is my belief that the measure I have submitted can be an important step forward in that regard. I call attention to the fact that it excludes Communist China. That is done because I do not believe we should compromise our present nonrecognition policy toward Communist China.

The State Department has made clear the interest of the United States, however, in expanding cultural ties with the Soviet bloc in Europe. It is my hope that the proposed legislation which I have submitted will be an implementing means in helping to step up the program.

The bill I have introduced, Mr. President, will allow a substantial number of students, trainees, teachers, professors, or leaders in a field of specialized knowledge or skill, to be exchanged on a reciprocal basis with the Soviet Union and the Eastern European countries. As I have said before, the host country will defray the minimum living expenses, while the sponsoring country will cover the cost of transportation.

Mr. President, the latest report at this time on this program—as of May—shows that a total of 1,704 foreign students came to the United States for study, while 936 United States students went abroad for that purpose. In addition, 487 teachers from abroad were studying here, and 327 United States teachers were studying abroad; 549 research scholars and lecturers came here from abroad, as against 494 from the United States who went abroad; and 259 foreign specialists came here, and 163 of ours went abroad. Furthermore, it is reported that from these modest beginnings the program is being stepped up, with more applications for technical exchange groups under consideration, and with very considerable exchanges with relation to technical and scientific conferences.

Mr. President, it seems to me that we have very much to gain by means of the program; and the International Geophysical Year provides an excellent opportunity for marking this gain.

The fingerprinting requirement, I think, must give way; and certainly we have the reassurance of the President of the United States as to the lack of need for it as regards "any significant contribution to our national security." In short, it is apparent that the fingerprinting requirement ought to give way to the most desirable cultural exchanges of the sort I have proposed.

To sum up, Mr. President, we must remember that those who have been brought up behind the Iron Curtain have been nourished on many falsehoods and deceptions regarding our way of life, and that nothing can better attest to the mighty achievements of constitutional government and our free society than a firsthand opportunity to observe our system in action. It is time that we realized the great impact that a reciprocal, cultural-exchange program, especially as it relates to students from the countries of

Eastern Europe, would have in helping to bring the light of truth to bear on the many Soviet propaganda claims which are part of its aggressive foreign policy.

Mr. President, as to our own students who go abroad on a reciprocal-exchange basis, I think we have the right to have complete confidence that they will return to the United States even more fortified in their belief in our institutions, and, more than that, with a knowledge and comprehension of the Communist system indispensable to their usefulness to our country in the epic struggle between communism and freedom.

Mr. President, it has been said many times that the Iron Curtain is perhaps the greatest incitement to some kind of an armed struggle between the Soviet Union and the United States that exists. This curtain can be rung down, of course, by them; but it also can be rung down by us; and mainly it can be rung down by the demonstration that we are sincerely anxious to let their people see what we have, if they will, on a reciprocal basis—which is the only mature way of proceeding—and let ours see what they have. In that kind of an exchange I think we would really be calling the Soviet Union's bluff, if that is what it is; but let us hope and pray it is not, and that they will take advantage of the exchange.

I think it represents real confidence in ourselves to take such a position. I hope the State Department will go forward to implement what can be done toward ringing down the Iron Curtain, and using such efforts as it can from our side to do so, as we devoutly hope and pray the people of the Communist countries will do on their side. Even though their governments are totalitarian, there exists a public opinion favorable to doing that which is necessary to accomplish the great human objectives.

## DEDICATION OF GILSONITE PLANT IN GRAND JUNCTION, COLO.

Mr. ALLOTT. Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks a very excellent speech by the Honorable Fred A. Seaton, Secretary of the Interior, delivered at Grand Junction, Colo., August 2, at the dedication of the new gilsonite plant.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SECRETARY OF THE INTERIOR FRED A. SEATON AT THE DEDICATION OF GILSONITE PLANT IN GRAND JUNCTION, COLO., AUGUST 2, 1957

Surely, no one here today needs to be reminded of the vital importance of this Nation's mineral and fuel industries.

They are essential to our production of missiles and ships, trucks and plows, lathes and generators, factories and homes. An indispensable component of our defenses—and the free world's defenses—against aggression, these industries are a bulwark of the entire economy of the United States—an economy today turning out for peacetime living an unparalleled abundance of goods and services.

In 1956 our gross national product was $415 billion. On the basis of the first 6 months of 1957, the Department of Commerce just last week estimated it at an annual rate of $431 billion. In a few years we shall have a gross national product of $500 billion. The rate of expansion is incredible—certainly to those who a year ago were predicting another recession and ultimately a depression.

For the minerals industries the implication of this expansion is unmistakable: as our population continues to grow, and as our economy continues to soar upward, so will the demand become increasingly insistent for the products of American mines.

Clearly, the national interest requires that the United States keep its domestic mining industries healthy and vigorous.

Keeping them strong will require, again and again, the kind of cooperation which went into the development of gilsonite—cooperation involving private business organizations, research and educational institutions, and the Federal Government. It is a genuine pleasure to join with all of you in recognition of the achievements which this cooperation has produced: the use of high-pressure water jets to tear loose the gilsonite ore, a method which makes mining both safer and more productive; the transportation of the ore through the 72-mile pipeline; and the conversion of a nonpetroleum product—gilsonite—into high high-octane gasoline, fuel oil, and high-purity coke.

With every such development, American mining becomes stronger—stronger in its ability to meet the mounting demands of the future, stronger in its capacity to contribute to the productive power of the entire American economy.

The Federal Government has assisted, and will continue to assist, in this national strengthening process. Consider, for example, what it has helped accomplish right here on the Colorado Plateau.

In 1947, 179 mines on the plateau produced 70,000 tons of uranium ore. Last year, as a result of teamwork between private operators and the Atomic Energy Commission, about 1,000 mines produced 3 million tons—almost 45 times as much. In the near future even this production is expected to double. And I shall not venture to predict what the demand for uranium will be when, in 20 years or so, commercial nuclear electric power comes of age.

The maps of the Geological Survey of the United States Department of the Interior have helped prospectors everywhere, including those searching for uranium here on the plateau. The survey's mapping activities have also helped oil and gas drillers make the Four Corners area south of here one of the most active in the country.

The Interior Department's Bureau of Land Management has issued 120,000 oil and gas leases now in effect on Federal lands—lands which yield one-third of all the oil and gas produced in Colorado, Utah, Wyoming, and New Mexico.

For nearly half a century, the Federal Government has conducted research on oil shale—research aimed at the development of this gigantic latent mineral resource. Today private enterprise is investigating the feasibility of producing shale oil commercially. In time—much sooner, I believe, than some have predicted—a competitive shale oil industry will surely come into being in this country. When it does, we shall have a great new source of power, of employment, and of personal income, both here in Colorado and elsewhere in the Nation.

Where does the Federal Government stand today with respect to the minerals industries? One thing is perfectly clear to me: The Federal Government, in teamwork with private enterprise, does have a responsibility in helping to assure the continuing progress of American mining. And the two working together have had a remarkable record of success.

Today the American minerals industries face problems of increasing complexity. If the Federal Government is to continue the discharge of its proper degree of responsibility for the growth of the entire economy, it must lend a helping hand in finding the answers to these problems. On the record, the administration stands ready to do just that.

The need for minerals research is increasing; the administration believes the Federal Government must now intensify its support of such research.

The hazards of minerals exploration are becoming greater; the administration believes the Federal Government must now strengthen its work to help assure that these hazards do not impede the progress of the Nation.

The lead and zinc industry requires assistance if it is to avoid serious injury as the result of a high level of imports. Production of beryl, columbium-tantalum, and chromite—so essential to our national security—requires Federal encouragement if exploration and development are to be possible; and if, in the long run, these industries are to become competitive with those abroad. The administration believes the Federal Government must now take new steps to provide such assistance and encouragement.

Two months ago the administration submitted a long-range minerals program to the Congress. As we are gathered here today, hearings on this program are taking place. The administration is urging that the Congress take action, in this session, to enable the Department to put the plan into effect.

Minerals cannot be renewed. With every ton of ore we take from the earth, we reduce by that much an irreplaceable supply. Moreover, we seem almost to have reached the end of the road in our efforts to find new mineral sources by traditional prospecting methods. In recent years very few major outcrops have been found in the United States.

We must turn more and more to other means.

To find mineral resources not readily discoverable, we need, for one thing, more and better geological maps. Only 15 square miles out of every 100 in the continental United States are now adequately mapped; one part of the administration's program would permit the Geological Survey to speed up this vitally needed work.

Under the program the Survey would also be able, far more rapidly than heretofore, to develop new geochemical, geophysical, and geological techniques, and to learn more about applying them in the search for additional deposits, now hidden deep in the earth. With new instruments of science, we acquire new sight. We must develop such instruments if we are to locate the additional workable reserves which this country will need in the years ahead.

The program also intensifies research on economical extraction from low-grade ores. Suppose, for example, we knew how to use profitably our very large low-grade deposits of manganese. Then the necessary supplies of this mineral vital to the steel industry would, under any foreseeable conditions, be assured.

Of tremendous significance to our national welfare is that part of the program which will enable us to find uses for minerals newly discovered, as well as new uses for minerals now commonly known and relatively easy to obtain. From this kind of research in the past, scientists learned how to use zirconium in atomic reactors. One specific application is in the atomic-powered submarine, the *Nautilus*.

Another reason for commencing the administration's long-range minerals program

is to encourage private initiative and investment in exploration and development. As it becomes increasingly difficult and costly to find new ore deposits, the hazards of exploration increase.

The administration therefore believes it is in the national interest that the Federal Government now more extensively help private enterprise reduce these hazards. Roughly, here's how that portion of the program would work. An individual or organization interested in investigating a site and unable to obtain private financing for the full amount needed could get Federal financial assistance, provided the site looked promising to Government experts. If exploration should be successful and ore should be mined, the company would pay the Government back, with interest. If not, the two would share the loss.

Since 1951 a similar program, conducted by the Defense Minerals Exploration Administration, has been of particular interest to small-business men. Nearly 60 percent of the DMEA contracts have been for projects involving less than $25,000. Another 16 percent have been for projects between $25,000 and $50,000.

There are other compelling reasons for putting the Administration's long-range program into effect. It will enable the Government to provide special assistance to the lead and zinc industry, which is threatened by a high level of imports. It will also enable the Government to give special encouragement through production bonuses to producers of beryl, columbium-tantalum, and chromite. These minerals are in short supply here and abroad. They must be transported great distances. They stand some chance of becoming competitive with foreign industries. And they are essential to our national defense.

A sound long-range minerals program depends on considerations other than just a decision on whether ore should be taken from the earth or left there. Rather, it requires encouraging the maximum amount of scientific research on the discovery and use of minerals and keeping the Federal Government's policy in line with scientific findings. Science, an organized approach to discovery, of necessity brings changes. Who knows what minerals we shall discover within the next decade? Who knows how we shall be able to use them, or even use those which are old and familiar? Not so many years ago, one of the primary uses of uranium was to color pottery. There was once a time when no one knew it was possible to make plastics out of coal. We cannot write indelible prescriptions today to cure all the problems of tomorrow.

It is true also that a long-range minerals program cannot be expected to please everybody. In fact, I should be concerned if the extremists were satisfied. Some people have already said that the administration wants to go too far in strengthening domestic mining industries and in participating in development, research, and exploration work. Others have said that the program doesn't assist the industries enough.

It is my conviction that the administration's program would carry out proper responsibilities of the Federal Government without saddling the taxpayers with an unconscionable burden, making the minerals industries completely dependent on the Federal Government, and putting them, in consequence, under the heavy hand of Federal control. The miners have made it clear to me, through resolution after resolution in their congresses, that they do not want to depend upon outright subsidies to maintain themselves. They want their industries to be able to prosper and grow through free enterprise.

Certainly if the Government were to subsidize every mine and miner in the United States, nothing worse could befall the mining industries or the workers they employ. This conviction, however, did not lead the administration to say: "Well, let's stand by and let the minerals industries shift for themselves in the face of problems beyond their control." Such an attitude morally wrong, would jeopardize both our national security and our economic progress.

The administration's program is one of sensible moderation—the result of a careful weighing of the facts. Of course, solutions to such complex problems as those which the industries face cannot be arbitrary and inflexible. With a continuing review the program must be kept abreast of changing economic conditions and national needs. Just such a review is now taking place, for example, in the hearings being conducted before committees of the House and Senate.

We must get started now. The Government's program is a sound one. And it has an additional virtue; it can, I believe, be enacted into law. To advocates of a more expensive and extensive program, I can only say this: such a program would almost certainly fail before this Congress. As a result nothing would be done. Nothing would be accomplished. We must have results, not endless debates and finally failure.

It is time to abandon makeshift minerals legislation. I therefore earnestly hope that the Members of Congress, regardless of party, will rally behind the administration's program and put it on the statute books during the current session. I might say, incidentally, that what we need now is the kind of bipartisan cooperation that has gone into support of the Paonia project here in Colorado—the kind that ought to support every good measure for conserving our natural resources. The battle for the Paonia project has been led by the senior Senator from Colorado, GORDON ALLOTT, a Republican; the chief supporters in the House of Representatives have been Congressman WAYNE ASPINALL, a Democrat, and Congressman EDGAR CHENOWETH, a Republican.

With wise and prompt action by the Congress, and with continuing teamwork between the Federal Government and private industry in the years ahead, I feel certain that the future of the minerals industries in this country will be a bright one, marked by many more magnificent milestones such as the one we recognize here today.

## CIVIL RIGHTS ACT OF 1957

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

## ANNOUNCEMENT REGARDING EULOGIES FOR LATE SENATOR GEORGE—RECESS TO 11 A. M. TOMORROW

Mr. STENNIS. Mr. President, before the Senate stands in recess, out of respect to the late Senator George, I should like to inform the Senate that time will be available next Monday, August 12, at noon, for the purpose of paying tribute to our departed former colleague.

Mr. President, if no other Senator desires to address the Senate, as a further mark of respect to the memory of the deceased Senator, as provided in the resolution unanimously agreed to early today, I move that the Senate now stand in recess until 11 o'clock tomorrow.

The motion was unanimously agreed to; and (at 4 o'clock and 23 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, August 6, 1957, at 11 o'clock a. m., the recess being taken in accordance with Senate Resolution 176, as a further mark of respect to the memory of the late Walter F. George, formerly a Senator from the State of Georgia.

## NOMINATIONS

Executive nominations received by the Senate August 5 (legislative day of July 8), 1957:

### IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3307:

*To be major generals*

Maj. Gen. Ira Kenneth Evans, O16215, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. William Preston Corderman, O16367, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. Harry Purnell Storke, O16468, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. Herbert Butler Powell, O16684, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. Frank Sayles Bowen, Jr., O16434, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. James Francis Collins, O16819, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. Conrad Stanton Babcock, O16104, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. Henry Randolph Westphalinger, O16130, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. William Clyde Baker, Jr., O16371, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. Keith Richard Barney, O16377, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. Clerin Rodney Smith, O16388, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. Ralph Morris Osborne, O16399, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. Lewis Sherrill Griffing, O16413, Army of the United States (brigadier general U. S. Army).

Maj. Gen. Holger Nelson Toftoy, O16422, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. William Peirce Ennis, Jr., O16436, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. John Lawrence Ryan, Jr., O16451, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. Edward Harold McDaniel, O16497, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. John Gibson Van Houten, O16569, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. Max Sherred Johnson, O16745, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. Frederic Joseph Brown, O16761, Army of the United States (brigadier general, U. S. Army).

Maj. Gen. Willis Small Matthews, O16932, Army of the United States (brigadier general, U. S. Army).

The following-named officers for temporary appointment in the Army of the

United States to the grades indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

*To be major general*

Brig. Gen. Lloyd Roosevelt Moses, O29362, United States Army.

Brig. Gen. Archibald William Stuart, O18130, United States Army.

*To be brigadier general*

Col. Thomas James Hartford, O18330, Medical Corps, United States Army.

Col. Austin Wortham Betts, O19373, Army of the United States (lieutenant colonel, U. S. Army).

The officers named herein for promotion as Reserve commissioned officers of the Army under the provisions of the Reserve Officer Personnel Act of 1954, Public Law 773, 83d Congress:

*To be major general*

Brig. Gen. Robert Ernest Frankland, O277098, National Guard of the United States.

*To be brigadier general*

Col. Clarence Birnie Johnson, Jr., O268791, National Guard of the United States.

## CONFIRMATIONS

Executive nominations confirmed by the Senate August 5 (legislative day of July 8), 1957:

INTERNATIONAL MONETARY FUND

Frank A. Southard, Jr., of New York, to be United States Executive Director of the International Monetary Fund for a term of 2 years.

DIPLOMATIC AND FOREIGN SERVICE

H. Freeman Matthews, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Austria.

Walter C. Ploeser, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Paraguay.

DIPLOMATIC AND FOREIGN SERVICE

ROUTINE APPOINTMENTS

The following-named Foreign Service officers for promotion to the class of career minister:

Cecil Wayne Gray, of Tennessee.
Henry E. Stebbins, of Massachusetts.
Walter N. Walmsley, Jr., of Maryland.

*To be consuls general of the United States of America*

Avery F. Peterson, of Idaho.
H. Francis Cunningham, Jr., of Nebraska.
Leo G. Cyr, of Maine.
Albert B. Franklin, of Massachusetts.
William L. Wight, Jr., of Virginia.

Ernest J. Colantonio, of Massachusetts, for appointment as a Foreign Service officer of class 3, a consul, and a secretary in the diplomatic service of the United States of America.

*To be Foreign Service officer of class 4, a consul, and a secretary in the diplomatic service of the United States of America*

Albert N. Abajian, of New York.

*To be Foreign Service officers of class 5, consuls, and secretaries in the diplomatic service of the United States of America*

J. Fred Doyle, Jr., of Colorado.
Arthur A. Hartman, of New Jersey.
Roswell M. Parrott, of New York.

*To be consuls of the United States of America*

Henry E. Dumas, of California.
E. Paul Taylor, of California.

*To be Foreign Service officers of class 6, vice consuls of career, and secretaries in the diplomatic service of the United States of America*

Miss Helene A. Batjer, of Nevada.
Miss Joan M. Clark, of New York.
Theodore T. Franzen, of New Jersey.
Grenfall L. Penhollow, of Nebraska.
J. Leopoldo Romero, of California.
Alfred Schelp, of Missouri.
Michael Smolik, of Oregon.
John Quincy White, of Minnesota.

*To be Foreign Service officers of class 8, vice consuls of career, and secretaries in the diplomatic service of the United States of America*

Madison M. Adams, Jr., of Florida.
Dexter Anderson, of New Jersey.
Stanley Baldinger, of Minnesota.
Edward C. Bittner, of Pennsylvania.
Richard C. Bialock, of Oklahoma.
James E. Briggs, of North Carolina.
Clive Chandler, of Washington.
Vincent J. Cherry, of New York.
Paul M. Cleveland, of Virginia.
William M. Clevenger, of New Jersey.
Raymond C. Collins, Jr., of New Jersey.
James F. Coovelis, of California.
Miss Winifred Dana, of California.
Miss Claudette Ann Dartsch, of Illinois.
Robert E. Doran, III, of New York.
Ernest A. Duff, of Virginia.
Charles E. Duffy, of Iowa.
James M. Ealum, of Oklahoma.
Miss Mary L. Eysenbach, of Connecticut.
Charles E. Finan, of Washington.
Richard H. Flanagan, of Massachusetts.
Jay R. Goldberg, of New York.
John M. Gregory, Jr., of New York.
Miss Ange Belle Hassinger, of Louisiana.
Richard S. Hawley, of Michigan.
John P. Heimann, of Illinois.
Sean M. Holly, of New York.
John W. Holmes, of Massachusetts.
Harold E. Horan, of Texas.
Alton L. Jenkens, of Massachusetts.
Warren Mark Johnson, of California.
Peter E. Juge, of Louisiana.
George L. Kinter, of New York.
Donald A. Kruse, of Pennsylvania.
Robert Kurlander, of New York.
John J. LaMazza, of New York.
Girard C. Lane, of New York.
George Q. Lumsden, Jr., of New Jersey.
John D. McAlpine, of Illinois.
Donald F. Meyers, of Wisconsin.
Herbert T. Mitchell, Jr., of North Carolina.
John H. Moore, of Tennessee.
Donald R. Morris, of New York.
Robert B. Oakley, of Louisiana.
Daniel A. O'Donohue, of Michigan.
Miss Martha Ann Orahood, of Ohio.
Sydney E. Paulson, of Michigan.
Gerald S. Pierce, of Oklahoma.
Dale M. Povenmire, of Ohio.
Henry E. Powell, Jr., of Virginia.
Miss Rozanne L. Ridgway, of Minnesota.
Edward G. Ruoff, of Virginia.
James Sartorius, of New Jersey.
Leslie Andrew Scott, of New York.
Robert S. Steven, Jr., of Rhode Island.
Louis A. Tananbaum, of Colorado.
Thomas A. Thoreson, of Illinois.
Ronald A. Webb, of California.
Kenneth D. Whitehead, of Utah.
Thomas F. Wilson, of Michigan.
Edward C. Woltman, Jr., of Indiana.
Michael Van Breda Yohn, of Connecticut.

*To be consuls of the United States of America*

Leland C. Altaffer, of Ohio.
William S. Harrington, of Florida.
Albert W. Hennig, of Massachusetts.
Daniel J. Herget, of Maryland.
Keith E. Adamson, of Kansas.
Robert T. Shaw, of Virginia.

*To be vice consuls of the United States of America*

Robert C. Pierson, Jr., of West Virginia.
Graham D. Renner, of the District of Columbia.

*To be secretaries in the diplomatic service of the United States of America*

Richard H. Dale, of the District of Columbia.
Grant A. Fielden, of Michigan.
Charles T. Katsainos, of Massachusetts.
Harry A. Rositzke, of Virginia.
Winston M. Scott, of Virginia.
Richard H. Webster, of Virginia.

DEPARTMENT OF THE TREASURY

Fred C. Scribner, Jr., of Maine, to be Under Secretary of the Treasury.

DEPARTMENT OF COMMERCE

Henry Kearns, of California, to be Assistant Secretary of Commerce.

FEDERAL COMMUNICATIONS COMMISSION

Frederick W. Ford, of West Virginia, to be a member, Federal Communications Commission for a term of 7 years from July 1, 1957.

SECURITIES AND EXCHANGE COMMISSION

Edward N. Gadsby, of Massachusetts, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1958.

FEDERAL DEPOSIT INSURANCE CORPORATION

Erle Cocke, Sr., of Georgia, to be a member, Board of Directors, Federal Deposit Insurance Corporation, term of 6 years.

THE FEDERAL COAL MINE SAFETY BOARD OF REVIEW

Charles R. Ferguson, of Pennsylvania, to be a member of the Federal Coal Mine Safety Board of Review for the term expiring July 15, 1960.

MISSISSIPPI RIVER COMMISSION

Brig. Gen. William A. Carter (colonel, Corps of Engineers), to be a member and President of the Mississippi River Commission.

UNITED STATES DISTRICT JUDGES

Alfred A. Arraj, of Colorado, to be United State district judge for the district of Colorado.

Clifford O'Sullivan, of Michigan, to be United States district judge for the eastern district of Michigan.

Joseph C. Zavatt, of New York, to be United States district judge for the eastern district of New York.

UNITED STATES ATTORNEYS

George Harrold Carswell, of Florida, to be United States attorney for the northern district of Florida for a term of 4 years.

Charles P. Moriarty, of Washington, to be United States attorney for the western district of Washington for a term of 4 years.

Charles W. Atkinson, of Arkansas, to be United States attorney for the western district of Arkansas for a term of 4 years.

Hugh K. Martin, of Ohio, to be United States attorney for the southern district of Ohio for a term of 4 years.

Frank D. McSherry, of Oklahoma, to be United States attorney for the eastern district of Oklahoma for a term of 4 years.

UNITED STATES MARSHALS

Thomas J. Lunney, of New York, to be United States marshal for the southern district of New York for a term of 4 years.

Dallas A. Gardner, Jr., of South Carolina, to be United States marshal for the eastern district of South Carolina for a term of 4 years.

Emerson Ferrell Ridgeway, of Florida, to be United States marshal for the northern district of Florida for a term of 4 years.

James Y. Victor, of Oklahoma, to be United States marshal for the northern district of Oklahoma for a term of 4 years.

Roy A. Harmon, of North Carolina, to be United States marshal for the western district of North Carolina for a term of 4 years.

COMPTROLLER OF CUSTOMS

Edwin A. Leland, Jr., of New Orleans, to be comptroller of customs with headquarters at New Orleans, La.

COLLECTORS OF CUSTOMS

Jeremiah A. McGimsey, of Nogales, Ariz., to be collector of customs for customs collection

district No. 26, with headquarters at Nogales, Ariz.

Carl F. White, of Santa Monica, Calif., to be collector of customs for customs collection district No. 27, with headquarters at Los Angeles, Calif.

Chester R. MacPhee, of California, to be collector of customs for customs collection district No. 28, with headquarters at San Francisco, Calif.

Charles F. Brown, Jr., of Louisville, Ky., to be collector of customs for customs collection district No. 42, with headquarters at Louisville, Ky.

Theodore H. Lyons, of New Orleans, La., to be collector of customs for customs collection district No. 20, with headquarters at New Orleans, La.

Frank Abelman, of Marquette, Mich., to be collector of customs for customs collection district No. 38, with headquarters at Detroit, Mich.

Cleta M. Smith, of St. Louis, Mo., to be collector of customs for customs collection district No. 45, with headquarters at St. Louis, Mo.

George F. Jameson, of Portland, Oreg., to be collector of customs for customs collection district No. 29, with headquarters at Portland, Oreg.

COAST AND GEODETIC SURVEY

Charles Pierce, of Washington, to be Assistant Director of the Coast and Geodetic Survey, with the rank of rear admiral for a term of 4 years.

THE PUBLIC HEALTH SERVICE

The following candidates for appointment or promotion in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

APPOINTMENTS

*To be surgeon*

Philippe V. Cardon, Jr.

*To be senior assistant surgeons*

George M. Berg
Philip S. Brachman
Charles A. Davis, Jr.
John P. Doyle
Jerome G. Green
Joseph P. Mardesich
Norbert J. Matzinger
Gene E. Meger
Bernard R. Shochet
James H. Tuthill
Adolph J. Urban
Daniel I. Yale

*To be assistant surgeon*

Robert W. Kirtley

*To be senior assistant dental surgeons*

Selvin Sonken
Charles W. Taylor, Jr.

*To be assistant dental surgeons*

Darwin F. Davis, Jr.
Christopher E. Kennemer
Charles P. Wollschlager

*To be senior sanitary engineer*

Jerome H. Svore

*To be senior assistant sanitary engineer*

Joseph P. Schock

*To be assistant sanitary engineers*

Richard S. Brief
Herbert R. Pahren

*To be senior assistant pharmacist*

Salvatore D. Gasdia

*To be assistant pharmacists*

Gene G. Knapp
M. Thomas Wagner, Jr.

*To be senior scientist*

Herbert F. Schoof

*To be scientist*

Joseph B. Margolin

*To be sanitarians*

Mary C. Gillis
William C. Miller, Jr.

*To be assistant veterinarian*

Paul Arnstein

*To be nurse officer*

Tirzah M. Morgan

*To be senior assistant nurse officers*

Verna B. Grimm
Helen Solomon
Lena F. Turner

*To be therapist*

Corinne Q. Way

PERMANENT PROMOTIONS

*To be surgeon*

Charles A. Monroe

*To be senior assistant pharmacist*

James E. Bleadingheiser

*To be assistant pharmacists*

William H. Briner
Robert E. McKay

*To be senior therapist*

Eleanor G. Loomis

IN THE ARMY

CHIEF, NATIONAL GUARD BUREAU

Maj. Gen. Edgar Carl Erickson, O171317, a Reserve commissioned officer of the Army, a member of the National Guard of the United States, to be chief of the National Guard Bureau, for a period of 4 years to date from June 23, 1957, under the provisions of title 10, United States Code, section 3015.

The following-named officers to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 3962:

*To be lieutenant generals*

Lt. Gen. Stanley Raymond Mickelsen, O7042.

Lt. Gen. David Tyres Depue Ogden, O12051.

The following-named officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

*To be major generals*

Brig. Gen. Frank McAdams Albrecht, O15131.

Brig. Gen. Ralph Joseph Butchers, O17242.

Brig. Gen. Sidney Clay Wooten, O18126.

*To be brigadier generals*

Col. Carl Willard Tempel, O18284, MC.
Col. John Barclay Sullivan, O18363.
Col. George Wilson Power, O18691.
Col. James Abner Richardson 3d, O29906.
Col. Charles Golding Dunn, O18996.
Col. Edward Spalding Ehlen, O19286.
Col. Edward Francis Penaat, O29598.
Col. James Dyce Alger, O19848.
Col. Autrey Joseph Maroun, O19865.
Col. Clifton Ferdinand von Kann, O21371.
Col. Frederick Grant Waite, O30358.

The officers named herein for promotion as Reserve commissioned officers of the Army under the provisions of the Reserve Officer Personnel Act of 1954, Public Law 773, 83d Congress:

*To be major generals*

Brig. Gen. Ansel Blakely Godfrey, O163566.
Brig. Gen. Charles William O'Bryant, O328896.
Brig. Gen. James Earl Rudder, O294916.

*To be brigadier generals*

Col. Harry Moore Arthur, O148758.
Col. Max Krause Bitts, O342244.
Maj. William Edwards Blake, O295362.
Col. Edwin Rufus Bodey, O271852.
Col. Joseph Marvin Bosworth, Jr., O330885.
Col. Thomas Patrick Fox, O230823.
Lt. Col. Jacob Hawley Herzog, O293320.
Col. William John Lange, O1175482.
Col. Sam Lyman Marshall, O102920.
Col. Frank McCarthy, O304373.
Col. John Worley McConnell, O1048490.
Col. Clarence Harris Pease, O355161.
Col. Frank Richards, O329568.
Col. Frank Price Williams, O309461.

The officer named herein for appointment as Reserve commissioned officer of the Army under the provisions of title 10, United States Code, section 593 (a):

*To be major general*

Maj. Gen. Francis William Billado, O311562.

ADDITIONAL CONFIRMATIONS IN THE ARMY

The nominations of John S. Dwinell and 204 other officers for reappointment, transfer, or appointment in the Regular Army, which were today confirmed, were received by the Senate on June 27, 1957, and may be found in the Senate proceedings of the CONGRESSIONAL RECORD, under the caption "Nominations," beginning with the name of John S. Dwinell, which appears on page 10497.

The nominations of Sterling H. Abernathy and, 2,440 other officers for promotion in the Regular Army of the United States, which were confirmed today, were received by the Senate on July 1, 1957, and may be found in full in the Senate proceedings of the CONGRESSIONAL RECORD for that date, under the caption "Nominations," beginning with the name of Sterling H. Abernathy, which is shown on page 10681.

The nominations of Rowland Chrisler Adams and 1,001 other officers for appointment in the Army, which were today confirmed, were received by the Senate on July 3, 1957, and appear in full in the Senate proceedings of the CONGRESSIONAL RECORD for that day.

The nominations of Aubrey L. Bradford and 85 other officers for appointment or reappointment in the Regular Army, which were confirmed today, were received by the Senate on July 16, 1957, and may be found in full in the Senate proceedings of the CONGRESSIONAL RECORD for that date under the caption "Nominations."

IN THE AIR FORCE

The following officers to be placed on the retired list in the grade indicated under the provisions of section 89621, title 10, United States Code:

*To be lieutenant generals*

Lt. Gen. Charles Bertoddy Stone III, 66A.
Lt. Gen. Patrick Weston Timberlake, 83A.
Lt. Gen. Earl Walter Barnes, 67A.

The following-named officers for temporary appointment in the United States Air Force under the provisions of chapter 839, title 10, United States Code:

*To be major generals*

Brig. Gen. Edward Willis Suarez, 633A.
Brig. Gen. Oliver Kunze Niess, 19022A.
Brig. Gen. Daniel Webster Jenkins, 528A.
Brig. Gen. Daniel Stone Campbell, 615A.
Brig. Gen. John Williams Persons, 418A.
Brig. Gen. Thomas Ludwell Bryan, Jr., 452A.
Brig. Gen. John Jackson O'Hara, 463A.
Brig. Gen. Pearl Harvey Robey, 473A.
Brig. Gen. Norman Delbert Sillin, 501A.
Brig. Gen. John Hiett Ives, 544A.
Brig. Gen. Alfred Frederick Kalberer, 607A.
Brig. Gen. Thomas Connell Darcy, 629A.
Brig. Gen. Eugene Porter Mussett, 632A.
Brig. Gen. Romulus Wright Puryear, 637A.
Brig. Gen. Harold Cooper Donnelly, 647A.
Brig. Gen. Donald Robert Hutchinson, 664A.
Brig. Gen. Charles Wesley Schott, 949A.
Brig. Gen. Benjamin Jepson Webster, 974A.
Brig. Gen. William Taylor Thurman, 1034A.
Brig. Gen. James Clifford Jensen, 1042A.
Brig. Gen. Joseph D. Croft Caldara, 1048A.
Brig. Gen. William Monte Canterbury, 1071A.
Brig. Gen. Arno Herman Luehman, 1080A.
Brig. Gen. Stanley Joseph Donovan, 1089A.
Brig. Gen. Turner Clifton Rogers, 1232A.
Brig. Gen. Augustus Maine Minton, 1301A.
Brig. Gen. Bruce Keener Holloway, 1336A.
Brig. Gen. Maurice Arthur Preston, 1337A.
Brig. Gen. John Spencer Hardy, 1502A.

Brig. Gen. Thomas Alan Bennett, 1513A.
Brig. Gen. David Wade 1582A.

*To be brigadier generals*

Col. George Eldridge Keeler, Jr., 466A.
Col. Travis Monroe Hetherington, 646A.
Col. Theodore Gourdin Kershaw, AO239295.
Col. Frank Pickering Corbin, Jr. 929A.
Col. Paul Lawrence Barton, 1081A.
Col. John Knox Cullen, 19068A.
Col. Dwight Oliver Monteith, 1205A.
Col. Conrad Francis Necrason, 1246A.
Col. Bernard M. Wootton, 1253A.
Col. Homer Astley Boushey, 1269A.
Col. Sheldon Seymour Brownton, 19083A.
Col. Jack Norman Donohew, 1319A.
Col. Curtis Raymond Low, 1349A.
Col. Willard Wright Smith, 1374A.
Col. Robert Joseph Friedman, 1397A.
Col. Robert Allen Breitweiser, 1406A.
Col. William Kenneth Skaer, 1412A.
Col. Prescott Miner Spicer, 1413A.
Col. Virgil Lee Zoller, 1440A.
Col. Henry Garfield Thorne, Jr., 1514A.
Col. William Brewer Keese, 1531A.
Col. Frederick John Sutterlin, 1585A.
Col. Delmar Edmond Wilson, 1587A.
Col. Glen Robbins Birchard, 1623A.
Col. John Wilson Carpenter 3d, 1647A.
Col. John Brereton Bestic, 1682A.
Col. Jack Gordon Merrell, 1687A.
Col. George Benjamin Greene, Jr., 1736A.
Col. James Crawford McGehee, 1746A.
Col. Don Coupland, 1766A.
Col. Edgar Wade Hampton, 1805A.
Col. Philip Henry Greasley, 1821A.
Col. John Eugene Dougherty, 1852A.
Col. Charles Rankin Bond, Jr., 1937A.
Col. Charles Marion Eisenhart, 1957A.
Col. Austin James Russell, 1980A.
Col. Robert Hamilton Warren, 1987A.
Col. Francis Clare Gideon, 1993A.
Col. Theodore Ross Milton, 2026A.

IN THE NAVY

Adm. Arthur W. Radford, United States Navy, for appointment to the grade of admiral on the retired list of the Navy.

The nominations of David L. Armstrong and 2,014 other officers for appointment in the Navy, which were confirmed this day, were received by the Senate on July 10, 1957, and a complete list thereof may be found in the Senate procedings of the CONGRESSIONAL RECORD for that day, under the caption "Nominations" beginning with the name of David L. Armstrong, appearing on page 11239 and ending with the name of Richard T. Upton which is shown on page 11243.

POSTMASTERS

ALABAMA

Jesse B. McCollum, Dawson.
Lewis L. Buttram, Goodwater.
Jonas Jackson Nance, Mount Hope.
Fred Clardy, Roanoke.

ALASKA

William Newman, Holy Cross.

ARIZONA

Ramona V. McPherson, Payson.

ARKANSAS

Alma K. May, Booneville.
Ralph Wayland Ruff, Center Ridge.
Hubert E. Holland, Dardanelle.
Alvin M. Bridwell, Dumas.
Sam D. Lieblong, Greenbrier.
Alex J. Howard, Morrilton.
Robert L. Nailling, Osceola.
Elouise H. Craig, Proctor.

CALIFORNIA

George A. Floyd, Acampo.
Kathryn Jean Long, Alcatraz.
Marshall N. McFie, Anaheim.
Calvin E. Tremper, Clearlake Highlands.
Other M. Parker, Cuyama.
Evelyn L. Hash, Fields Landing.
Frances V. Viele, Gilman Hot Springs.
Manuel George Sousa, Half Moon Bay.
Arthur R. Olson, Hilmar.
Roy A. Hubbell, Hollister.
Delpha P. Furgeson, Indio.
Madeline B. Hord, Johannesburg.
George R. Jahnel, Lodi.
Lester T. Lane, Lynwood.
Mary Frank Donau, Manzanita Lake.
George S. Bringle, McCloud.
John R. Hann, Merced.
Robert A. Best, Olive View.
Wilma F. Hayes, Pinedale.
Clarence W. Needham, Plymouth.
Raymond E. Caudill, Port Chicago.
James T. Walter, St. Helena.
Kennieth B. Johnson, Salinas.
Loren Burns Kirby, San Fernando.
Marguerite M. Brown, San Luis Rey.
Naomi G. Ledbetter, Sloughhouse.
Jesse J. Parks, Jr., Tustin.

COLORADO

Beulah B. Mays, Briggsdale.
Francis M. Connett, Littleton.
Lloyd E. Simpson, Paonia.
Bruce N. Cramb, Wiley.

CONNECTICUT

Walter A. Rollinson, Dayville.
Arthur L. Pepin, Jewett City.
Alden E. Bailey, Manchester.
Jeanne H. Wright, New Preston.
Willard C. Huntley, Old Lyme.

DELAWARE

Edward G. P. Jones, Jr., Delmar.
Elwood H. Webb, Ellendale.
August Frederick Walz, Wilmington.

FLORIDA

Grace M. Davis, Alturas.
Orlue E. Hendrickson, Crawfordville.
William J. Durrance, Fort Meade.
George E. Jordan, Indiantown.

GEORGIA

Burl F. Sanders, Atlanta.
Ava L. O'Dillon, Bishop.
Opal McKoon, Luthersville.
Doris B. Lawrence, Molena.
George M. Freedman, Quitman.
William A. Garner, Ray City.
Virginia G. Callaway, Stockbridge.
Robert Green Holley, Stone Mountain.

IDAHO

Joseph A. Gillett, Declo.

ILLINOIS

Cecil L. Emery, Amboy.
Wesley Harmon Myers, Assumption.
Lawrence H. Carr, Jr., Blue Mound.
George L. Wall, Bridgeport.
Kenneth B. Westray, Clinton.
Francis J. Aydt, Dahlgren.
John E. Parker, Deer Creek.
Kenneth W. Tyner, Elkville.
Milton H. Lacey, Farma.
Thomas M. Balk, Franklin Park.
Herbert O. E. Baltz, Freeburg.
Francis D. Ballerine, Granville.
Arthur W. Latham, Hebron.
Donald J. Fenn, Lena.
Chestley E. Miller, Ludlow.
Charles La Verne Keith, Mendon.
Marvin C. Tervelt, Morrison.
Joseph Knuth, Mount Prospect.
Merlyn H. Reatherford, Moweaqua.
Warren S. Plant, National Stock Yards.
Gilbert H. Abraham, Orangeville.
Elmer P. Hatter, Ottawa.
Charles E. Turvey, Pana.
Howard H. Mumm, Philo.
Homer F. Mounger, Pocahontas.
Clarence R. Bonnell, Sidney.
James Ruzicka, Warrenville.
Glenn V. Mitchell, Waverly.
Horace Roscoe Bradbury, West Point.
Harry L. Crawford, Yorkville.

INDIANA

Harlan C. Pedlow, Bridgeport.
Raymond P. Steele, Connersville.
Rex F. Harris, Farmersburg.
Henry E. Rippe, Hobart.
Paul R. Wadsworth, Rising Sun.
Victor J. Hubers, St. Meinrad.
Alfred L. Howe, Star City.
Ernest E. Bushong, Syracuse.
Gerald J. McCarty, Union Mills.
S. Maurice Souder, Woodburn.
Inez T. Kasler, Zanesville.

IOWA

Frank W. Knoll, Adel.
Allen Frank Bideaux, Argyle.
Kenneth L. Shaw, Camanche.
Melvin C. Boose, Elk Horn.
Henry Junior Stoffer, Sheffield.
Richard F. Messier, Rockford.

KANSAS

Virgil B. Umbarger, Ada.
Herbert G. Ham, Atchison.
Rosalind Metzler, Carbondale.
Glenn O. Tarrant, El Dorado.
Hubert C. Holloway, Greensburg.
Ernest R. Dicks, Hutchinson.
Edgar L. Brinkworth, Mankato.
Billy C. Kaltenbach, Mullinville.
Edgar L. Wiltse, Paola.
Virgil L. Smith, Pawnee Rock.
Glenn M. Carter, St. Paul.
Eugene A. Hoppe, Syracuse.
Burl D. Prussing, Shawnee.
Gailen R. Braden, Wakefield.

KENTUCKY

Robert S. Smallwood, Beattyville.
Mattie L. Riley, Benton.
Buron R. Elrod, Bowling Green.
Mary E. Wilson, Bypro.
Richard D. Spaulding, Clay City.
Bethel G. Hall, Clearfield.
Robert E. Latta, Clinton.
Earl M. Spangler, Highsplint.
William R. Parker, Hodgenville.
Charles E. Sullivan, Horse Cave.
William H. Cecil, Lexington.
Bernice M. Combs, Lothair.
Charles P. Williams, Middletown.
Sister Mary Kevin Egan, Nazareth.
Nathan I. Clements, Union.

LOUISIANA

Marie T. Taliancich, Triumph.

MAINE

Emery S. Dickey, Brooks.
Marvel W. Harshaw, Brownville Junction.
Gordon Gould, Hinckley.
Donald H. Miller, Kennebunkport.

MARYLAND

Luther V. Winstead, Clinton.
Richard E. Howard, Funkstown.
John R. Byers, Westminster.

MASSACHUSETTS

Susan G. Rowe, Bolton.
Russell G. McPhee, East Orleans.
Marion J. Wilson, Hathorne.
Joseph L. Homans, Hubbardston.
Cyrus I. Dennis, Leominster.
Arthur H. Despard, Millbury.
Carroll A. Strysko, Montague.
Eldon H. Johnson, Southwick.

MICHIGAN

Frank B. Sheridan, Allendale.
Joseph B. Woodrow, Jr., Augusta.
Harold R. Snater, Breckenridge.
Marie Norris, Casnovia.
Glenn E. Eddy, Cheboygan.
Frederick M. Davenport, Constantine.
Lyle H. Van Etten, Jasper.
Walter L. Parrott, Jr., Kingston.
Denver D. Young, Lambertville.
Justin A. Mitchell, Leonidas.
Clyle Y. Ryan, Marne.
Myron L. Newman, Martin.
Donald M. Plain, Mayville.
George P. Liebeck, Munith.
Phyllis E. Simpson, North Street.
Daniel C. Stanchina, Norway.
Guy R. Van Nortwick, Pentwater.
Jean F. Richards, Perrinton.
Clark E. Nogle, Plainwell.
Benedict A. Hunsanger, Ruth.
Ivan L. Groner, Sand Lake.

Barbara J. Miller, Sanford.
Kenneth W. Walker, Shepherd.
Clifton J. Demerest, West Branch.
Milton E. Fairbank, Wheeler.
Clarence A. Broemer, White Pine.

MINNESOTA

Emmet H. Beckman, Bird Island.
Lawrence D. Murphy, Circle Pines.
James M. Hugues, Collegeville.
Arthur L. Erickson, Hastings.
Leonard W. Endreson, Montrose.
Chester L. LesSard, Rush City.
Lee M. Fagerness, Rushmore.
Jay F. Aykens, Steen.
Alexander E. Rathmanner, Winsted.

MISSISSIPPI

Philip M. Catchings, Jackson.
Abram C. Abraham, Leland.

MISSOURI

John C. Ferguson, Willow Springs.
William H. Thomason, Mountain View.

MONTANA

Howard A. Robinson, Hamilton.
Elizabeth L. Calvert, Lima.

NEBRASKA

Paul O. Davidson, Alexandria.
Donald E. Adams, Cody.
Stanley J. Smith, Daykin.
Dean J. Rocke, Hallam.
Norman W. Steinacher, Milligan.
Helen E. Sirrs, Palmyra.
James J. Fuchs, Platte Center.
LeRoy T. Sumner, Rogers.

NEW HAMPSHIRE

George J. Martin, Andover.
Herbert R. Seldon, Gossville.
Mary E. Nichols, Lincoln.
Helen C. Sleeper, North Haverhill.
Henry F. Stapleton, Pittsfield.
Delwyn E. Philbrick, Rye Beach.

NEW JERSEY

Lynwood A. Harby, Bloomingdale.
Caroline K. Sheets, Bloomsbury.
William E. Stevens, Broadway.
William Schmidt, Jr., Cologne.
Robert Crater DeRemer, Glen Gardner.
Charles R. Allaire, Jr., Middletown.
John V. Zoppel, North Bergen.
Claude M. Larned, Sr., Pleasantville.
John D. Roosa, Ramsey.
Wesley H. Beekman, River Edge.
Ralph B. Speier, Seaside Heights.
Joseph E. Mott, Tuckerton.

NEW MEXICO

Louise V. Maestas, Fairview.
Margaret U. Lucero, Los Alamos.
Arthur J. Meiering, Roswell.

NEW YORK

Henry A. Goetz, Albany.
Harry F. Sackinger, Bolivar.
Fred Hoffman, Jr., Brockport.
Merlin G. Ham, Claverack.
Walter A. Labuda, Climax.
Laverne Robert Staebell, East Pembroke.
Rex L. Steele, Elizaville.
Raymond W. Delaney, Endicott.
Sherman G. Peterson, Falconer.
Edward J. Birmingham, Floral Park.
Kenneth A. Muehleck, Fort Plain.
Alice A. Holvik, Great River.
Dorris S. Beaney, Hamlin.
John A. Baugh, Jr., Middle Grove.
Charles P. Stephenson, Morristown.
Elsie C. Nolin, Ocean Beach.
Daniel V. Walker, Oyster Bay.
Chester H. Fullagar, Penn Yan.
Genevieve Watkins, Richford.
John J. Beattie, Salem.
Rudolph A. Sangiacomo, Savannah.
Helen S. Record, Sherburne.
Richard C. Dedell, Sherrill.
Francis M. Landau, Shirley.
Robert W. Collins, Spring Brook.
Willard C. Schmitt, Westbury.

NORTH CAROLINA

Nelwyn F. Carawan, Bridgeton.
Charles Michael Crawford, Erwin.
Dexter G. Oakley, Lawsonville.
John B. McLaughlin, Newell.

NORTH DAKOTA

Edward A. Herrick, Abercrombie.
Otto W. Chapek, Anamoose.
Randolph O. Oppegard, Dazey.
Norman J. Dahl, Hillsboro.
Terry Lawler, Linton.
Gerald D. Davis, Mooreton.
Floyd I. Ferguson, Oakes.
Melvin R. Iverson, Wildrose.

OHIO

Lawrence R. Hazen, Ashland.
Robert J. Reese, Belpre.
Ralph T. Stearns, Bluffton.
Thomas Royal Gatton, Butler.
Francis T. Kristenak, Clay Center.
Howard M. Nicol, Cuyahoga Falls.
Joseph D. Hallock, Diamond.
Herman L. Kruse, Edgerton.
Nick C. Marrale, Leroy.
Elvah Davis, Lockwood.
Nora Bell A. Might, McCutchenville.
Fred A. Stanley, Newton Falls.
Alice R. Smith, Parkman.
Gene C. Alexander, Rarden.
Victor Ferrari, Sr., Smithfield.
Oliver T. Van Sickle, Somerset.
Hugh F. McPhee, Struthers.
Walter M. Guthrie, Stryker.
Ila M. Porter, Vincent.
Robert L. Meese, Wilmot.
Adam J. Reay, Windham.

OKLAHOMA

Lulu M. Klein, Butler.
Edwin Coyle, Marlow.
Hope M. Conrad, Reydon.

OREGON

Clara T. Lane, Wheeler.

PENNSYLVANIA

Georgia A. Oplinger, Adamsburg.
Rita C. Steigerwalt, Andreas.
Henry J. Fabry, Carrolltown.
John J. Lynch, Cheltenham.
Henry Ralph Graber, Collegeville.
Francis P. Golden, Coudersport.
Wilmer E. Hinish, Curryville.
Frank L. Bender, Enola.
William C. Wademan, Factoryville.
George A. Wildauer, Falls Creek.
Thomas P. Janosky, Grassflat.
Edith M. Isakson, Greenock.
Howard R. Byham, Guys Mills.
Gregg L. Johnson, Lewisburg.
Elba I. Coder, Mapleton Depot.
Frank K. Seaman, Sr., Marietta.
Louis K. Weintz, Matamoras.
Edward M. Crawford, Milton.
Hugh R. Saxton, Nicholson.
Ernest T. Thomas, Red Hill.
Walter J. Gardner, Rockwood.
Earl C. Glotfelty, Salisbury.
Wilbur Ray Kline, Shadygrove.
Thaddeus G. Sharer, Saylorsburg.
Elmer C. Bentz, Scottdale.
Virjean C. Stuckey, Summerdale.
Marcellus J. Heppe, Wayne.
John G. Butler, Williamsburg.

SOUTH DAKOTA

Gilbert M. Ruden, Hurley.
Bernard M. Montagne, Jefferson.
Winfield T. Wilt, Mitchell.
Robert G. Chase, Parker.

TENNESSEE

Charles Edwin Graves, Knoxville.
George L. Bowman, Lenoir City.
Willie H. Cook, Liberty.
Lewis C. Drinnon, Morristown.
Luther L. Martin, Silver Point.

TEXAS

Aubrey A. Dunwody, Anson.
Ethel T. Bledsoe, Archer City.
Elmer E. Cryer, Bartlett.
Mauricio Gonzalez, Benavides.
Lottie Annie Parson, Blanket.
Thomas H. Todd, Canton.
John E. Clanton, Channing.
Charles Edgar Rittersbacher, Corsicana.
Joseph A. Campbell, Covington.
Harry E. Conner, Dalhart.
Hargrove Smith, Eagle Lake.
Justus J. Urbish, East Bernard.
Marene J. Johnson, Eastland.
Willie C. Anthis, El Campo.
Buster Fleming, Emory.
Ernest A. Mullen, Florence.
Richard Thomas Cowan, Fort Worth.
Argus D. Smith, Godley.
Jewel A. Atkinson, Goldsmith.
Tom Y. Stephens, Grapevine.
Eugene S. Wade, Groom.
Thelma O. Houtchens, Harrold.
Thomas D. Sexton, Hawkins.
Pearl L. Stone, Hunt.
Mixon C. Stamper, Jacksboro.
Billy P. Berry, Kerens.
Ruey F. McCarty, Lawn.
Clinton E. Spragins, Martindale.
Annie E. Kain, Matagorda.
Hugh Spinks, Menard.
Schuyler C. Moore, Mineral Wells.
Norine C. Hazlewood, Newark.
Harry L. Muenzler, New Ulm.
Herbert W. Havemann, Orange Grove.
Elton J. Mueller, Richmond.
Raymond T. Hargrove, Rockwall.
Clarence W. Wagner, Round Top.
Joseph C. Hammond, Terrell.
Gladys E. Moore, Westbrook.

UTAH

Clark E. Blake, St. George.

VERMONT

Clifford L. Greene, Pawlet.
Glenn T. Foster, Weston.

VIRGINIA

Sarah C. Lowry, Beaverdam.
Arthur B. Chard, Fieldale.
Kenton H. McCoy, Lexington.
Owen K. Blackburne, Lynchburg.
Louis A. McVey, Meadowview.
Warren P. Harris, Midlothian.

WASHINGTON

Mabel P. Rayback, Des Moines.

WEST VIRGINIA

Elizabeth R. Wyant, Alloy.
Bulow J. Snyder, Bartow.
Earl W. Rogers, Big Chimney.
Michael Hando, Cassville.
Evelyn Wolford, Edgarton.
Ruby Cobb, Glasgow.
Martha W. Burdette, Glen Ferris.
Conrad A. Graham, Hinton.
John Samuel Steward, Hundred.
Andrew J. Stacy, Iaeger.
Myrtle H. McCane, Mallory.
Clarence R. Roberts, Mannington.
Kenneth B. Crockett, Matewan.
Ernest A. Grim, Paden City.
Lacy A. Meadows, Rhodell.
John C. Kennedy, Sr., Rupert.
Dorothy L. Porterfield, Shenandoah Junction.
Harold G. Whitt, Switzer.
Erma J. Compton, Volga.
Dewain M. Canterbury, Walton.
Samuel J. Rees, Weirton.
Carrie M. Little, Wilcoe.

WISCONSIN

Bernice A. Bechard, Bear Creek.
George C. Drews, Hortonville.
George M. Hetherington, La Crosse.
Patrick H. Peterson, Valders.
Felix F. Neider, Wabeno.

WYOMING

Rex V. Nelson, Moorcroft.

# HOUSE OF REPRESENTATIVES

MONDAY, AUGUST 5, 1957

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Eternal and ever-present God, Thou art with us in the stillness of the night and the struggles of the day, in the shadows and weariness of the evening, and the sunshine and freshness of the morning.

May Thy holy spirit enter our minds and hearts in this moment of prayer to inspire and direct our thoughts and feelings throughout the entire day in the ways of truth and righteousness.

Help us to know and understand that we do not face our tasks and responsibilities alone, for Thou art always at our side waiting to fortify and strengthen us with Thy grace.

We rejoice that Thou art willing and able to take and use our finite human wisdom in achieving Thy great and gracious purposes for the welfare of humanity.

Hear us in Christ's name. Amen.

The Journal of the proceedings of Friday, August 2, 1957, was read and approved.

## MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Tribbe, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On July 23, 1957:

H. R. 632. An act to amend the Federal Crop Insurance Act, as amended.

On July 26, 1957:

H. J. Res. 324. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

On August 2, 1957:

H. R. 192. An act to provide that members of the Board of Education of the District of Columbia may be removed for cause;

H. R. 441. An act making appropriations for the Department of Agriculture and Farm Credit Administration for the fiscal year ending June 30, 1958, and for other purposes; and

H. R. 7665. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1958, and for other purposes.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. McBride, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 1747) entitled "An act to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. HUMPHREY, Mr. TALMADGE, Mr. AIKEN, and Mr. WILLIAMS to be the conferees on the part of the Senate.

## THE LATE HONORABLE WALTER F. GEORGE

The SPEAKER. The Chair recognizes the gentleman from Georgia [Mr. BROWN].

Mr. BROWN of Georgia. Mr. Speaker, it is with deep regret and profound sorrow that I announce to the House the death of Hon. Walter F. George at his home in Vienna, Ga., in the early hours of yesterday morning.

Senator George was one of the most outstanding statesmen of all time and is so recognized not only by the leading men of every State of our country but throughout the world.

He served his State and the Nation with great credit and distinction for half a century, as a lawyer, prosecuting attorney, judge of superior court of the State, on the State court of appeals, as judge of the Supreme Court of the State of Georgia, as United States Senator for 34 years, and as special ambassador to NATO.

No one has done more to promote international understanding and world peace than Senator George. As a member and chairman of the Senate Foreign Relations Committee he had a deep understanding of foreign policies and wielded great influence in all foreign capitals. At the same time he always upheld the traditions cherished by his own people.

Senator George was equally well known as an authority on taxes and other fiscal matters, having served as chairman of the Senate Finance Committee for many years.

I never heard Senator George say an unkind word about anyone. He was uniformly kind, courteous, and considerate and one of the most unselfish men I ever knew in public life.

He was a devoted husband and father, and I know the Members of the House join me in extending sympathy to his beloved wife, Miss Lucy, and to all the family.

Mr. Speaker, I ask unanimous consent that all Members who desire to do so may extend their remarks on the life, character, and public service of the late Senator Walter F. George at this point in the RECORD and that all Members may have 5 legislative days in which to extend their remarks on this subject.

The SPEAKER. Is there objection?

There was no objection.

Mr. BROWN of Georgia. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD an editorial from today's Washington Post paying tribute to the late Senator Walter F. George.

The SPEAKER. Is there objection?

There was no objection.

(The matter referred to is as follows:)

WALTER F. GEORGE

It is something of a paradox that former Senator Walter Franklin George, who in his day became the most powerful man in the Senate, was so little known as a personality. From the beginning of his career the Senator had made a practice of letting his work speak for him. He shunned both society and publicity, and demagoguery was foreign to his nature. The son of a tenant farmer and a man of simple tastes, he never exploited his homespun qualities for political purposes, except when his opponents portrayed him as a tool of wealth. Though he never attained the status of a popular hero, his solid achievements are prominently woven into the fabric of history for a quarter of a century.

The most dramatic event in his long career came in 1938 when President Roosevelt sought to defeat him for renomination because he had courageously fought the President's attempt to pack the Supreme Court the year before. Sitting on the platform at Barnesville, Ga., from which the President called for his defeat, Senator George accepted the challenge and carried his case to the voters. He had supported most of the New Deal; he was not an anti-Roosevelt Democrat; but he ripped into F. D. R.'s efforts to purge him without restraint and won two-thirds of the counties in Georgia.

It is significant that after his return to the Senate observers could detect no vindictiveness in his voting record. Much of the respect that he acquired among his colleagues stemmed from his habit of voting his convictions, and his convictions usually reflected careful study of the issues rather than mere partisan affiliation. In 1941 he gave powerful support to F. D. R.'s Lend-Lease Act and other prewar and wartime measures. In more recent years he became the anchor of the administration's strength in the Senate.

There is nothing to indicate that Senator George's political affiliations wavered when he aided the Republican administration as ardently as he had previously supported Presidents of his own party in foreign policy. He was no political opportunist. Rather, he threw his influence behind the administration in both instances because he believed that the policy being pursued was right. The policy itself had changed but little with the shift from Democratic to Republican control, and Senator George insisted that it was as important to support the President in one instance as in the other.

This basic sincerity in the man accounts for much of the power he wielded in the Senate. His colleagues came to realize that George, as they often called him in recognition of his stature, could be relied on to vote what he believed to be the national interest with little regard for political pressures, local interests, or popular slogans. In the finest sense of the word, he was an authentic bipartisan in foreign affairs, and on domestic issues he was more likely to be influenced by what he believed to be constitutional and wise than by partisan considerations.

In his general outlook Senator George was conservative without being reactionary. Though his name is linked closely with the pay-as-you-go system of collecting the income tax, he was not an innovator. His largest contribution to the legislation of his day was that of judgment—a steadying influence. Many Senators came to rely upon him to sift out the facts with fine objectivity and draw a seasoned conclusion which would make their own decisions easier.

He took to the Senate genuine dignity without arrogance or pretense. The characterization of him as "a typical Southern aristocrat" is far wide of the mark. His demeanor can more accurately be described as that of a judge, and indeed he did sit in three different courts of his native Georgia. His courtesy and simple manner plus his habit of knowing his business and speaking his mind when the right occasion arose brought him eminence that had no taint of aristocracy.

The Senator's brief service as the President's personal ambassador to the North American Treaty Organization is significant chiefly as an indication of his willingness to continue serving his country after age, ill

health, and changing political currents had made it advisable to give up his original plan of seeking another term in the Senate last year. It is typical of him that he remained in harness to the end. His 34 years in the Senate will be gratefully remembered as an unfolding of statesmanship of the type that democracy sorely needs.

Mr. VINSON. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Georgia. I yield.

Mr. VINSON. Mr. Speaker, in each generation there are a few men who stand out above all others. Walter F. George was one of those individuals.

Elected to the United States Senate on November 7, 1922, he served continuously with great honor and distinction in that body until January 3, 1957.

But even after having earned the undying respect of a grateful Nation for his outstanding contributions in State, national, and world affairs, he accepted an appointment from the President of the United States as his special ambassador to the North Atlantic Treaty Organization.

Mr. Speaker, words are so inadequate to describe the countless contributions that Senator George made not only to Georgia and the American people, but to the Free World.

He was a man of high principle, a man of rare courage, a man of brilliance, a man of integrity, and a man of great determination. He believed in the separation of powers in the Government; he believed that the legislative branch of the Government had to be completely independent of the executive branch of the Government. He believed this so strongly that at one time he became the target for political liquidation. But the people of Georgia—true to their faith, and recognizing in Senator George a stalwart champion of constitutional government—returned him to the United States Senate in a glorious victory for the people of Georgia and for the people of America.

Mr. Speaker, I know of no American whose record of contribution to the American people can surpass that of Senator Walter George: Solicitor general, circuit court judge, justice of the Georgia Supreme Court, United States Senator, chairman of the Senate Foreign Relations Committee, President pro tempore of the United States Senate, and finally, special ambassador to the North Atlantic Treaty Organization.

His life was one of selfless devotion to representative government. As chairman of the Foreign Relations Committee of the Senate, his nonpartisan approach to all matters affecting our international affairs greatly strengthened our national security.

He was a statesman in every sense of the word; a great orator, and an outstanding lawyer. He firmly believed that there was no room in the legislative process for demagoguery, but always room for the full development of the facts.

Mr. Speaker, I shall always feel that because of Senator Walter George, America is a better place in which to live.

My heartfelt sympathy goes out to his family. But they, I know, will take courage from the fact that he has established himself in the history of America and will forevermore be held before the eyes of Georgians and Americans, as a giant among men.

Not only does Georgia mourn his passing, but the entire Nation. And as the years go by the Free World will discover, if it has not already done so, that Senator Walter Franklin George was a man of the world, dedicated to freedom and democracy.

Mr. Speaker, Georgia has always pointed with pride to its United States Senators. Georgia has contributed many great Americans in the past, in the present, and, I am sure, will continue to do so in the future. But I am also sure that none have been, or ever will be, greater than Walter F. George.

I can only say that the world itself is better because the Great Supreme Being saw fit to place Walter George in the passing scene for the past 79 years. For most people, greatness is but a passing moment—for Walter Franklin George it will be in perpetuity.

Mr. FLYNT. Mr. Speaker, will the gentleman from Georgia [Mr. BROWN] yield to me?

Mr. BROWN. I yield to my colleague from Georgia [Mr. FLYNT].

Mr. FLYNT. Mr. Speaker, I wish to associate myself with the remarks of my distinguished colleague from Georgia [Mr. BROWN] in his tribute to the life and memory of a beloved Georgian, the late Honorable Walter Franklin George, formerly a United States Senator from Georgia, and who, at the time of his passing on yesterday morning, was the personal representative of the President of the United States to the North Atlantic Treaty Organization with the rank of ambassador.

When the sad news of Senator George's death reached us yesterday morning it was received with regret and sorrow. Until a few short weeks ago his health had been good and his strength had been remarkable. When he recently became ill we expressed the hope and prayer that he might soon recover and for a time it looked as if he would regain his strength and his health. Even until a few hours before he expired on Sunday morning hope was held out that he might get well.

Our State of Georgia, indeed our Nation, has lost one of its most distinguished citizens who throughout a long and useful life reflected credit upon our State and its people. He was respected, admired and loved by countless thousands, and those who knew him best loved him most.

He was a kind and loving husband and father; an honorable and respected citizen; a distinguished and useful public servant; an able leader, and a skilled lawmaker.

Walter Franklin George was born in Preston, Webster County, Ga., on January 29, 1878. He attended the public schools of his home community and attended and graduated from Mercer University, first from the College of Arts and Sciences in 1900 and from its law department in 1901. He commenced the practice of law in Vienna, Dooly County, Ga., in 1901, and there maintained a home and an office for the balance of his life. In 1906 he first became a candidate for public office; in that year he was elected solicitor general of the Cordele Judicial Circuit in which office he served from January 1, 1907, until 1912. In 1912 he became judge of the superior courts of that judicial circuit and served in that capacity until 1917. On January 1, 1917, he became judge of the court of appeals of Georgia and there served until October 1, 1917, when he became associate justice of the supreme court of Georgia. He continued to serve as associate justice of Georgia's supreme court until he resigned in November 1922, to assume the office of United States Senator on November 22, 1922, to fill the unexpired term of the late Senator Thomas E. Watson. He was reelected to the United States Senate in 1926, 1932, 1938, 1944, and 1950. In 1956 he did not seek renomination to the Senate and retired from the United States Senate on January 3, 1957.

When the Democrats organized the Senate in the 84th Congress, on January 3, 1955, Walter F. George was elected President pro tempore of that body, a position last held by a Georgian in 1913 when the then Senator Augustus O. Bacon so served.

During his service in the United States Senate he served as chairman of the Finance Committee of that body, and subsequently as chairman of the Committee on Foreign Relations. During his service as chairman of those two important and powerful committees, he could speak authoritatively and accurately to the most minute detail on matters of finance, taxation, social security, and foreign affairs without a note or a written reference. He was possessed of a photographic memory, indeed, more than that—he possessed the unusual attribute and ability to remember accurately not only that which he had previously seen and read, but also and equally well that which he had heard. I well remember watching and listening to him speak on one occasion for nearly 2 hours on a difficult and technical subject without a note or reference. I thought that an amazing accomplishment, the amazing part of which was magnified when I later learned that a statistician had checked every figure and date which appeared in the transcription of that speech and found it to be accurate in every particular.

In 1928 he was Georgia's choice for the Democratic nomination for President of the United States. On the final tally at the 1928 Democratic National Convention he had received the second highest number of votes of all the candidates for the Democratic nomination that year. And after the convention was over he helped heal the wounds that intraparty bitterness and rancor had caused and campaigned actively and ably in Georgia and in many other States for the then Democratic nominees, Gov. Alfred E. Smith, of New York, and Senator Joseph T. Robinson, of Arkansas. As a young boy less than 14 years of age, I especially remember that campaign and I remember Senator George

and my father speaking jointly and working together to help carry Georgia for the Democratic Party in the most bitter and closely contested presidential election Georgia has ever known. It was from them during that campaign that I first learned my lessons in party loyalty; I have never forgotten those lessons and never have I deviated from them.

When I was first elected to Congress, the first mail which brought letters of congratulations brought me one handwritten by Senator George from his home or office in Vienna, Ga. When I first came to Washington to assume my duties as a Member of Congress, one of the first to greet me was Senator Walter F. George, and from him I received a warm and cordial welcome. I was proud to be associated with him as a member of the delegation from Georgia in Congress.

In his early young manhood he married the lovely and charming Miss Lucy Heard, who was his life's companion and his gracious hostess throughout more than 50 years of beautiful home life and official public life in Georgia and in Washington. That marriage was blessed by two fine sons, Heard Franklin George and Joseph Marcus George. The elder son, Heard Franklin, served as his father's administrative assistant and confidante for many years and was at his father's side on yesterday morning when the Supreme Guardian of us all called home one of his faithful servants. Senator and Mrs. George's younger son, Joseph Marcus George, a naval aviator, was lost at sea in the service of his country during World War II. Mrs. George and their son, Heard, both survive Senator George.

Walter F. George devoted full time to his duties as ambassador to NATO from the time of his retirement from the United States Senate in January 1957 until the beginning of his last illness.

Senator George left a firm and lasting imprint on the structure of government of our country. Not only during his 34 years of service as a United States Senator from Georgia, but during his entire public service, he was universally regarded as a man of knowledge, strength of character, integrity, and leadership. His life was a long and useful one, an abundant life filled with many contributions to Georgia and America. His life was complete with achievement and strength.

He was a distinguished public official; and kind and loving husband and father; a lovable Christian gentleman; and a warm personal friend.

I sincerely mourn his passing and Mrs. Flynt and I extend our heartfelt sympathy to Mrs. George and their son, Heard.

Mr. LANHAM. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Georgia. I yield to the gentleman from Georgia.

Mr. LANHAM. Mr. Speaker, I want to associate myself with and approve of the tribute paid to the late Senator Walter F. George by my colleague, the Honorable PAUL BROWN. True it is that nothing I say can add to the luster of his fame or add one cubit to his stature as a statesman. His life and his works speak eloquently for themselves. The word "great" is a much abused word. Because of this fact, it is not really adequate to describe the life and work of Senator Walter F. George. He was great in the truest sense of the word. He has left his footprints upon the sands of time.

Undoubtedly, Senator George was one of the few outstanding personalities of our time. An able and conscientious judge, a statesman in the truest sense of that term and a man who in his later years asserted a tremendous influence not only in our own country but throughout the world as he worked for peace among the nations, first as the bipartisan leader of foreign affairs in the Senate and later as the President's special ambassador to NATO. A man of deep conviction, he was ever ready to fight for what he believed to be right.

Yet with all, he was an humble man, never too busy to see constituents and others who needed his help. His door was always open to the Members of Congress from his own State and he was ever ready to lend a helping hand with our problems.

It goes without saying that his passing is a tremendous loss to his country and to the world. His going is truly a personal loss to me.

To his wife—affectionately known in Georgia as well as here in Washington as "Miss Lucy"—and to his son and other members of the family, I offer my condolence and my sincere sympathy in their great loss.

Mr. FORRESTER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Georgia. I yield to the gentleman from Georgia.

Mr. FORRESTER. Mr. Speaker, our Almighty God, the giver of every good and perfect gift, has ushered in a beautiful, radiant, and sunshiny day today, and no wonder. For down in the little city of Vienna, Ga., a part of the great district I have the privilege to represent, the mortal remains of one of His most humble and choicest servants shall be laid to rest.

At 4 o'clock this afternoon, the funeral of Georgia's greatest and most distinguished son, Hon. Walter F. George, will be conducted by two of God's own elect. It is a stupendous fact that God in His infinite justice, has provided two of His own elect to perform these rites. One of those servants is the Senator's own pastor, Dr. L. C. Cutts, a man who has walked and talked with God over the years. The other, a lifelong friend of the Senator, Dr. T. W. Tibbett, a man who knows God as intimately as he does his own family. Those are the type men that God has chosen to lay to rest the remains of a servant who was faithful in all things, and one in whom God is well pleased.

In a sense, truly it will be a sad occasion, but in the deeper sense, it will be a joyous one. Senator George believed in God, he knew God, and God knew him. On this beautiful day, I am completely persuaded that Moses and Elijah, representing the law and the prophets, together with the one that they both prophesied of, the lowly Nazarene, will be there today, mixing and mingling with the thousands of friends, rich and poor, white and black, all gathered there for the single purpose of expressing to some degree the great love which they held in their hearts for the noble and humble man who served them so faithfully, so unstintingly, so efficiently, for more than half a century. Yes, Mr. Speaker, I am supremely confident that God's own spirit will move mightily those who assemble there today and will soothe and sustain the Senator's lifelong companion, the beloved Miss Lucy, the son, Heard, and all the other members of that illustrious family, and cause them to say, "All is well, because God doest all things well."

Mr. Speaker, naturally I speak with feeling, Senator George was my dear friend. Hanging on the walls of my office, and in an honored and special place, is his photograph, and in his own handwriting, amongst other things can be read: "To my own personal Congressman." He was not only my genuine friend, he was my guide and my counselor. He was particularly interested in me, and perhaps for several reasons. One, I know, is that he loved our Congressional District with all of his heart, with all of his soul, and with all of his being, and he wanted to be of any and every service that he could to the one that those people had chosen to represent them in the House. Another, I am sure, is that we came from the same kind of soil, and from the same kind of people. I was born and reared in the same judicial circuit that he was born and reared in. My peope knew his people, and I practiced law in later years at the same bench and bar, which he practiced in some years before. I will never forget his kindnesses, and the personal interest he exhibited in me. Undoubtedly, he was the humblest public servant I have ever had the privilege to know. Undoubtedly, he was the easiest man to see that I have ever known in public life, and the easiest public servant to enlist his personal aid that I ever had the privilege of being associated with. I well recall one occasion, Mr. Speaker, when a matter of some importance arose in our district. I needed the Senator's aid, and I went over to his office, and said to him, "Judge, are you busy this morning?" He responded, "Well, Tic, I am just writing a tax law for the United States." I said, "Well, I will come back later, because I have about 2 hours' work that I wanted you to assist me with." He responded by calling his son, Heard, and saying, "Get my coat and hat, Heard, I'm going off with Tic."

Mr. Speaker, I have known Senator George all of my life. He has always been my ideal. He has always typified to me all of the great things that have been said about America. Senator George was born in a rural section and amongst rural people. He was born in the fine little county of Webster, in the southwestern judicial circuit of Georgia. Senator George was born in the Reconstruction era of poor but Christian parents, and parents who knew only poverty from a material standpoint, because they were rich in resolute character and in the traditions of our country. He had the privilege of

being reared in that small rural community amongst people who knew poverty from a financial standpoint, but who never suffered with poverty of the soul. Senator George well remembered that Reconstruction era and the trials and vicissitudes visited upon his people. He knew suffering in the fullest and deepest sense as a boy. But instead of that hardening him, it only made him greater and more determined to bring order where there was chaos, happiness where there was fear, plenty where there was want, and to bring the people of the four corners of this Nation into the permanent bonds of brotherly love and affection. It was extremely hard to obtain an education then, and somehow, Mr. Speaker, I am inclined to think it is hard now. One simply cannot obtain an education, although it may be offered free, unless the person desires with his heart and soul to obtain it. In that rural atmosphere, Senator George learned of God and His goodnesses, and he was nurtured with the doctrines of Christianity from his mother's knee. It was hard, it required work, it required sacrifice, but he was able to go to Mercer University, a small Baptist college at Macon, Ga., and there he pursued his studies with such zealousness that he was graduated in the law at that institution, and although that Baptist college has produced many outstanding men, he is the No. 1 alumnus of that fine institution of learning, and the law school of that college is known as the Walter George School of Law.

After his admission to the bar, he settled down at Vienna, Ga., and in a matter of months was known as the brightest young star that had emblazoned the legal horizon of our State. It has been said, and I believe, that he never took a case because of a fee, but because of the facts that cried out for remedial justice. This quiet and unassuming man never sought any public office. He was never impressed with his ability; he never had the slightest idea that he was great. But a grateful people knew. Public office sought him. In his youth he was honored with the high office of prosecuting attorney of his judicial circuit and he established a record in that office that will endure through the ages. In just a short time he was elevated to the office of judge of superior court of his circuit, and his innate justice, his even disposition, his remarkable knowledge of the law demanded that he be called to our appellate courts. He served with distinction in the Court of Appeals of Georgia, and thereafter as a justice of the Supreme Court of the State of Georgia indelibly stamped himself as one of the greatest jurists this country has ever had. When a vacancy occurred in the United States Senate, virtually all of Georgia agreed that Walter F. George was the man for that position. Everyone knows the distinguished service and the labor of love that he bestowed upon a grateful people.

Mr. Speaker, no finer or greater Senator ever served in the most deliberative body upon the face of the earth than Senator Walter F. George. Surely, there was none more nonpartisan than he. None sought the truth more diligently than he, and none discovered the truth with more clarity. None worked harder to bind up the wounds of the people. None made a greater contribution to humanity. He made life a little easier for the entire human race. Certainly, he was one of the most gifted orators this country has ever produced, but even that was not his greatest asset. It was that innate fairness, that consuming love, that passionate desire for justice that his colleagues respected him as few have ever been respected. It was an unanswerable logic that he advanced that swayed good servants of the people, and caused them to follow his judgment. I will not attempt to enumerate the great things that he did as our Senator, but somehow, some way, I believe he obtained more pride in the knowledge that he had made provision for worthy boys and girls throughout this land to obtain an education, to equip boys and girls so that they could respond to the challenge of the times, and to make the twilight of life more pleasant and happy for our elders, and to be the chief architect for peace, than in other things that he did.

On this day I am sure everyone will join me in this statement: "Blessed are the peacemakers, for they shall see God." Yes, that great peacemaker has laid down the working tools of life, to take up another greater and more noble work in the kingdom of God.

To Miss Lucy and to Heard, and to the members of that family, we say, "How lucky was the human race to have had a man like him." May God bless and keep his faithful and devoted companion, his loving, tried and trusted son, Heard, and all of his dear family in as full and ample a measure as he kept Walter F. George throughout all of his days, is our earnest prayer.

Mr. JENKINS. Mr. Speaker, it was my privilege to know Senator George intimately; and inasmuch as we lived on the same floor in the same hotel for years we were together very frequently. In addition to that he was a member of a Senate committee which met with a similar committee of the House on financial matters. The thing I want to say about him in addition to all the things have been said is that Senator George was a man of strong mental capacity. He had a very discerning mind, and he had the capacity to handle the deepest and most complicated financial matters that the Senate and House had to contend with.

I want to bring my testimony here to say that I appraise him highly because of his capacity as a public official.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Georgia. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Speaker, in the death of our late friend Senator Walter F. George, the country has lost not only one of its greatest citizens of all time, but one of its greatest legislators. One could talk for hours about Walter George, the man, his brilliance, his kindness, his greatness, his goodness, the wonderful things he symbolized, the beauty of his mind and the nobility of his character; all those things I have in mind as I am making these few remarks on this sad occasion.

When the historians of tomorrow write the history of this trying period that we are undergoing and when godless communism has been rolled back and Russian imperialism has been defeated, one of the most prominent figures the historians of tomorrow will write about in that contribution will be our late friend, Senator Walter F. George.

To Mrs. George, to her son, and to the Members of the Georgia delegation, their friends, I extend my deep sympathy and join with them in the feeling of deep sorrow they have. I particularly extend to Mrs. George and her loved ones my profound sympathy in their bereavement.

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Georgia. I yield.

Mr. MARTIN. I join in this tribute to the great statesman and great American, Senator George, who died in his Georgia home yesterday. He was a lovable, kindly man and in my long associations with him I never knew him to harm a single individual. His ability and statesmanship was universally recognized. Without doubt he was one of the ablest statesmen of this generation. His grasp of tax and economic problems was remarkable, and in the foreign field he was sound and farseeing. The entire country is poorer for his departure. To his good wife and family I extend my sincere regrets.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Georgia. I yield to the gentleman from Tennessee.

Mr. COOPER. Mr. Speaker, I could not fail to embrace this opportunity to raise my voice in brief but very sincere tribute to the life, character, and public service of the distinguished late Senator Walter F. George of the great State of Georgia.

It was my privilege to work with him very closely during his long service as a member and as chairman of the Committee on Finance of the Senate and to know his devotion to the welfare and interest of the people of this country. He was a man who possessed the highest attributes of Christian character and all of the sterling qualities of manhood. He was, indeed, a great, outstanding, and patriotic public servant.

I extend to his family my deepest sympathy in the time of their greatest bereavement.

Mr. RAYBURN. Mr. Speaker, in the passing of Senator Walter F. George our own country and the world have lost an outstanding citizen and a legislator of the highest type. We see his like too seldom. To his lovely helpmate, Miss Lucy, and all his loved ones my deepest sympathy.

Mrs. BLITCH. Mr. Speaker, it was with a very heavy heart that I learned Sunday morning of the death of Senator Walter George. It is with overwhelming sadness, that I today join my colleagues to participate in these tributes to his memory.

Senator George has been on the political scene of Georgia ever since I can remember. As a young girl in school,

with an intense interest in political science, I looked on him as an ideal.

Senator George was a man of many virtues. Rarely in public life, do we see a figure of such great eminence and accomplishment retain so much humility and modesty. He was devoted to his wife, "Miss Lucy." He loved his fellowmen, and he gave the fullness of his life in service to his country.

He will be missed in the world of government and remembered as a wise and able man; a man of integrity; a man of principle; a man who put duty above all else. I am sure that future generations will look back through time and recognize him as one of America's noblest statesmen.

Throughout his long and fruitful years as a public servant, he gave of his best to the people of Georgia and the Nation. His greatest monument will be the record that he leaves behind of service, loyalty, and devotion to duty as he felt it within his heart.

He was a southern gentleman in the finest tradition. I am proud that he was a Georgian. I am proud that he was my friend.

Mr. SIKES. Mr. Speaker, young men, and women have always looked to their elders for inspirations of character, belief and success. A shining example of one of the finest inspirations was the late Senator Walter F. George of Georgia.

My admiration for the late Senator began in my college days when every impression that is a good impression makes a lasting imprint. I formed a great admiration for the distinguished gentleman from Georgia. Years later after coming to Washington as a Representative of the people of northwest Florida, that admiration for Senator George continued to grow, not only for his great ability as a legislator, but for his personal friendliness, helpfulness, and constant cooperation as well. Walter F. George knew and recognized the need for good sound government and by his actions he was a living symbol for good government. Until the last, he was willing to forget his personal well-being and to place his service to his country above all else.

He was not a man eager for wide acclaim and for recognition for the great work he did, but his record of statesmanship and personal dignity will be remembered and admired by many generations to come.

I hold the deepest sympathy for Mrs. George and the other loved ones of the late Senator; however, I am confident this great sorrow is softened through the knowledge that the people of the United States share in this grief. While his death is a great loss to us all, his lifetime work is a gain that will last throughout the days of this Nation.

Mr. Speaker, many wonderful things can be said of the late Senator, but as I look back through the years and recall my own experiences I feel that one of his greatest contributions has been the inspiration of his life and work to the youth of America for good government, fair play, and humble service for all men and women.

Mr. KEOGH. Mr. Speaker, the passing of the Honorable Walter F. George removes from public life one of the most widely respected national and international figures of our time. After a third of a century of service to State and Nation in the other body, Senator George, at 79, was continuing in the role of devoted servant of the people as special ambassador to the North Atlantic Treaty Organization. A public office was truly a public trust to Walter George. In his painstaking search for the right, he comported himself always with dignity, courtesy, and respect for honest differences of opinion. Unreasoning partisanship was abhorrent to him. As one of the architects of the bipartisan foreign policy of the United States, he spent his energies freely, despite advancing years, in behalf of the security of his country and peace in the world.

So long as citizens of the intellect and perception of this distinguished Georgian are willing to devote their lives to the public business, the Republic will be in competent and dedicated hands. May his sterling standards serve to inspire others to a continuing solicitude for the common weal.

Mr. Speaker, under leave to extend my remarks in the RECORD, I would like to include the following editorial of tribute which appeared in the New York Times of Monday, August 5, 1957:

WALTER FRANKLIN GEORGE

A majestic decency, a civilized faith in a genteel, but steel-hard, political conservatism of a kind that is now all but gone into memory; a devotion to a true internationalism that has done no little in these past 30 years to shape the world's affairs, all these qualities are lessened now with the death of Walter Franklin George.

His last mission was as a foreign policy adviser to President Eisenhower; and in this he served with a faithfulness and a small private sense of irony, both of which his friends knew always lived in him.

But his real mark upon our public affairs, and upon the pilgrim's progress toward unity and safety of the Western World, was made as George of Georgia. George of Georgia was, of course, Senator George, the former chairman of the Senate Foreign Relations Committee, the former chairman of the Senate Finance Committee, the dean and patriarch of all the Senate.

His melancholy thunders from the floor left no man unmoved; he was the greatest Senate debater of many years. He was the greatest Senator, southern style, of this century, to say the very least.

Certain aspects of what is called economic democracy were not for him; he was safe and he was proud of it, and he closed his eyes in pain at the economic heresies of the last two Democratic Presidents. These he supported magnificently beyond the water's edge; from them he turned in aristocratic horror when they dealt with matters like labor and civil rights.

But, in the last and highest sense, he served nothing less noble than honorable strength and honorable peace, warring first upon Hitler and his confederates and last upon Stalin and those who have followed him in the darkness of the Kremlin.

Well done, George of Georgia—and farewell.

Mr. PILCHER. Mr. Speaker, I want to associate myself with, and approve of the tributes paid the late Senator Walter F. George by my colleagues. I have never known a man in my life, in any walk of life, that I thought had more integrity, courage, and ability than Walter F. George. With all of his greatness, he was one of the most humble, gracious, and kind men I have ever known. He loved people; he loved his State; he loved his Nation.

On any question, politics never entered his mind. His country came ahead of Democrats or Republicans. He shunned both society and publicity, and demagoguery just was not in his book.

Walter George was never too busy to answer his phone when one of his colleagues called, or to see them in his office and lend a helping hand with their problems.

The Nation has lost a great man, the family has lost a wonderful husband and father, and I have lost one of the truest friends I have ever had. To Miss Lucy, Heard, and members of the family, I offer my condolences and sympathy in their great loss.

Mr. DAVIS of Georgia. Mr. Speaker, it was with much sadness that I learned Sunday of the passing of Senator George. The news brought a flood of memories of this beloved Georgian during a lifetime of public service, and treasured recollections of my association with him personally.

I knew and appreciated Senator George before he came to Washington, while he served as an appellate judge in the Georgia courts. He built for himself there a deserved reputation for ability, learning, and integrity. When a vacancy in the Senate was created by the death of another great Georgian, Senator Thomas E. Watson, it was logical that Judge George should be chosen to represent Georgia in this office of such great responsibility. The diligence and fidelity with which he served in the Senate have written his laudable record there far better than I could ever recount it. His life was a living example of the fact that in America a citizen has the opportunity to rise as fast and as high as his ability and energy qualify him to go.

I came to know Senator George better and more intimately than ever before when I came to Congress in 1947. I had occasion many times during my service here to confer with him regarding legislative matters, and regarding personal problems of constitutents. I found him always the soul of kindness, generosity, and helpfulness. I never called upon him for assistance of any kind that he did not respond promptly and helpfully. The weighty matters of Government with which he was always concerned never caused him to be abrupt, and never interferred with his genial and friendly manner.

It was indeed a high privilege to know Senator George and count myself as one of his friends.

In Senator George's passing the free world has sustained a tremendous loss. His life and his activities have ended, but his public service will for many years to come influence the destiny of America and the world.

I extend deepest sympathy to Mrs. George and the members of the family.

Mr. MILLS. Mr. Speaker, I join in tribute to Walter F. George. Senator George was the most outstanding Senator of his time. He devoted his entire life to service to his country. He was

an authority in all legislative fields and particularly in the fields of taxes, social security, and foreign affairs. His monument will be his contributions to these many fields.

His advice was sought by Presidents and other high Government officials and all of those who were privileged to serve with him in the Congress of the United States. Even before his death he had already earned a place in history as one of the most respected and most beloved public officials of his time.

It was my extreme good fortune to have worked very closely with him in recent years in legislative matters. I often sought his counsel and advice and he very kindly gave it freely despite his busy life.

His loss is one which our Nation can ill afford in these troubled times. Our only consolation is to pattern our efforts after the example which he set for the highest in integrity, patriotism, devotion to duty, and country.

I extend my heartfelt sympathy to the members of his family.

## CORREGIDOR BATAAN MEMORIAL COMMISSION — MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 221)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed with illustration:

*To the Congress of the United States:*

Pursuant to the provisions of Public Law 193, 83d Congress, as amended, I hereby transmit to the Congress of the United States a report of the activities of the Corregidor Bataan Memorial Commission for the fiscal year ending June 30, 1957.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *August 5, 1957.*

## JOINT RESOLUTION TO PROMOTE PEACE AND STABILITY IN THE MIDDLE EAST—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 220)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

I am transmitting herewith the first report to the Congress covering activities through June 30, 1957, in furtherance of the purposes of the Joint Resolution to Promote Peace and Stability in the Middle East.

The resolution is an important milestone in our foreign policy as it relates to the Middle East. Since its approval on March 9, 1957, the resolution has played a major role in our cooperation with nations of the area to build strength against the threat of international communism. Furthermore, it has served as an unmistakable warning to international communism against all forms of aggression. The contribution of the resolution to international peace and stability in the Middle East will continue to grow as long as the purposes and principles it sets forth are maintained.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *July 31, 1957.*

## PERSONAL EXPLANATION

Mr. KEATING. Mr. Speaker, on roll No. 169 I was listed as not voting, due to unavoidable absence from the Chamber. Since I feel that no convincing case had been made for the passage of H. R. 6763, if I had been present, I would have voted nay.

## CONSENT CALENDAR

The SPEAKER. The Chair desires to make a statement. We have one of the heaviest calendars we have ever had in the House of Representatives in many, many years and the Chair desires to get at the business of the day.

The first thing on the program is call of bills on the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

## COMMEMORATING THE 100TH ANNIVERSARY OF THE CIVIL WAR

The Clerk called the first bill on the Consent Calendar, House Joint Resolution 253, to establish a commission to commemorate the 100th anniversary of the Civil War, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the House joint resolution?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I understand from the author that the bill will require the expenditure of $100,000?

Mr. TUCK. Mr. Speaker, I understood the chairman of the subcommittee would be here to reply to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa.

There was no objection.

## AUTHORIZING SECRETARY OF THE INTERIOR TO REIMBURSE OWNERS OF LAND ACQUIRED UNDER FEDERAL RECLAMATION LAWS FOR THEIR MOVING EXPENSES

The Clerk called the bill (H. R. 6940) to authorize the Secretary of the Interior to reimburse owners of lands acquired under the Federal reclamation laws for their moving expenses, and for other purposes.

Mr. CUNNINGHAM of Iowa. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## AMENDING NAVY RATION STATUTE TO PROVIDE FOR SERVING OLEOMARGARINE OR MARGARINE

The Clerk called the bill (H. R. 912) to amend the Navy ration statute so as to provide for the serving of oleomargarine or margarine.

The SPEAKER. Is there objection to the present consideration of the bill?

Messrs. AUGUST H. ANDRESEN, MARSHALL, and BASS of Tennessee objected and under the rule the bill was stricken from the calendar.

## AUTHORIZING CERTAIN PERSONS TO WEAR THE UNIFORM OF A RESERVE OFFICERS' TRAINING CORPS

The Clerk called the bill (H. R. 7696) to authorize certain persons to wear the uniform of a reserve officers' training corps.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 773 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(c) Under such regulations as the Secretary of the military department concerned may prescribe, any person who is permitted to attend a course of instruction prescribed for members of a reserve officers' training corps, and who is not a member of that corps, may, while attending that course of instruction, wear the uniform of that corps."

The bill was ordered to be engrossed read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## ESTABLISHING OFFICE OF DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY

The Clerk called the bill (H. R. 8121) to establish the Office of the Deputy Judge Advocate General of the Navy, and for other purposes.

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

## LEASING OF OIL AND GAS DEPOSITS IN LANDS BENEATH INLAND NAVIGABLE WATERS IN TERRITORY OF ALASKA

The Clerk called the bill (H. R. 8054) to provide for the leasing of oil and gas deposits in lands beneath inland navigable waters in the Territory of Alaska.

There being no objection, the Clerk read the bill, as follows:

DEFINITIONS

SECTION 1. That, when used in this act—

(a) The term "lands beneath inland navigable waters in the Territory of Alaska" means (1) all lands within the boundaries of the Territory of Alaska which are covered by nontidal waters that are navigable under the laws of the United States, up to the ordinary high-water mark as heretofore

or hereafter modified by accretion, erosion, and reliction, and (2) all lands within the boundaries of the Territory of Alaska which are permanently or periodically covered by tidal waters and which lie landward of the coastline, up to but not above the line of mean high tide.

(b) The term "coastline" means the line of ordinary low water along that portion of the coast of the Territory of Alaska which is in direct contact with the open sea and the line marking the seaward limit of inland waters.

(c) The term "Mineral Leasing Act" means the act of February 25, 1920 (41 Stat. 437; 30 U. S. C. 181, et seq.), and all acts heretofore or hereafter enacted which are amendatory thereof or supplementary thereto.

(d) The term "Secretary" means the Secretary of the Interior.

SEC. 2. All deposits of oil and gas owned or hereafter acquired by the United States in lands beneath inland navigable waters in the Territory of Alaska, together with the lands containing those deposits, may be leased and otherwise administered, treated, and dealt with by the Secretary under and pursuant to the provisions of the Mineral Leasing Act which are applicable to oil and gas deposits generally and the lands containing such deposits owned by the United States in the Territory of Alaska and all such provisions of the Mineral Leasing Act shall be applicable to deposits of oil and gas owned or hereafter acquired by the United States in lands beneath inland navigable waters in the Territory of Alaska, except as otherwise provided in this act.

SEC. 3. All moneys received from the sale of, or as bonus, royalty, and rental under, any lease issued pursuant to this act shall be paid into the Treasury of the United States. As soon as practicable after December 31 and June 30 of each year the Secretary of the Treasury shall pay 90 percent of such moneys to the Territory of Alaska, 37½ percent to be used for the construction and maintenance of public roads or for the support of public schools or other public educational institutions in such manner as the Legislature of the Territory of Alaska may direct, and 52½ percent to be used for such purposes as the Legislature of the Territory of Alaska may direct.

SEC. 4. Upon written application from any lessee or applicant or offeror for lease hereunder, the Secretary, unless a final determination has been previously made by a court of competent jurisdiction, shall determine whether and to what extent any body of water is inland navigable waters in the Territory of Alaska as referred to in this act, and shall determine and designate the line marking the seaward limit of any such inland navigable waters.

SEC. 5. Nothing in this act shall be construed as affecting existing rights, or rights acquired in the future, under existing laws, executive withdrawals, or reservations, to take natural resources, including fish and wild game, from the waters above lands beneath inland navigable waters in the Territory of Alaska, nor shall anything in this act interfere with the free and unimpeded navigation of those waters or navigational servitudes therein, but the existence of such rights, withdrawals, or reservations shall not preclude simultaneous and unimpeded operations under any lease issued pursuant to this act. All operations under leases issued pursuant to this act shall be subject to such rules and regulations as the Secretary of the Interior may prescribe for the prevention of injury to fish and game.

SEC. 6. If any oil and gas lease issued for public land pursuant to the Mineral Leasing Act which was in effect on January 1, 1957 (or any application or offer for such a lease of such land, which was pending on that date and subsequently became or becomes effective), embraces within the boundaries described in the lease (or application or offer) any lands beneath inland navigable waters in the Territory of Alaska not within any known geological structure of a producing oil or gas field, the lessee (or applicant or offeror) shall, upon application filed while such lease (or application or offer) is still in effect but not more than 1 year after the date of approval of this act and under regulations to be prescribed by the Secretary, have a preference right to a lease, to be issued pursuant to this act, covering such lands beneath inland navigable waters in the Territory of Alaska, without regard to acreage limitations, except that the provisions of this section shall not entitle any party, with respect to any one lease, application, or offer effective or pending on January 1, 1957, to a preference right to lease more than 640 acres of land beneath any single body of inland navigable waters in the Territory of Alaska.

SEC. 7. Upon the transfer to the Territory of Alaska or to any future State or States erected out of the Territory of Alaska of title to any of the lands beneath inland navigable waters in the Territory of Alaska, the provisions of this act shall cease to apply to any lands which are so transferred: *Provided, however,* That any lease issued pursuant to this act (or application or offer for such a lease) or unitization or other agreement approved or prescribed by the Secretary as to any of the lands covered by any such lease which is in effect at the time of such transfer of title to any of the lands beneath inland navigable waters in the Territory of Alaska shall not be terminated or otherwise affected by such transfer of title; but all the right, title, and interest of the United States under such lease (or application or offer for lease) or unitization or other agreement, including any authority to modify its terms and conditons that may have been retained by the United States, and all obligations thereunder shall vest in the Territory of Alaska or the State to which title to those lands beneath inland navigable waters in the Territory of Alaska covered by the lease (or application or offer for lease) or unitization or other agreement is transferred.

SEC. 8. Nothing in this act shall be deemed to repeal or modify any provision of the act of August 8, 1947 (61 Stat. 916), entitled "An act to amend section 26, title I, chapter 1, of the act entitled 'An act making further provision for a civil government for Alaska, and for other purposes' ", permitting exploration and mining for gold and other precious metals in beds of navigable tidal and nontidal waters of Alaska, but nothing in said act of August 8, 1947, nor any rights acquired thereunder shall preclude simultaneous and unimpeded operations under any lease issued pursuant to this act.

SEC. 9. Any proceeding affecting any lease issued pursuant to this act may be brought in the United States District Court for the District of Alaska or in any United States district court for the district in which the defendant resides or has his principal place of business.

SEC. 10. The Secretary shall have authority to issue such rules and regulations as are appropriate and necessary to carry out the purposes of this act.

With the following committee amendment:

On page 3, line 19, strike out "and to what extent any body of water" and insert "any body of water, or any part of any body of water."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## TRANSFERRING SHELBY COUNTY FROM THE BEAUMONT DIVISION TO THE TYLER DIVISION (TEXAS)

The Clerk called the bill (H. R. 2136) to amend section 124 (c) of title 28 of the United States Code so as to transfer Shelby County from the Beaumont to the Tyler division of the eastern district of Texas.

Mr. BERRY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

## INCREASING BENEFITS PAYABLE TO WIDOWS OF CERTAIN EMPLOYEES OF THE LIGHTHOUSE SERVICE

The Clerk called the bill (S. 235) to increase from $50 to $75 per month the amount of benefits payable to widows of certain former employees of the Lighthouse Service.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## RETIREMENT PAY BY LIGHTHOUSE SERVICE EMPLOYEES

The Clerk called the bill (S. 236) to amend section 6 of the act of June 20, 1918, as amended, relating to the retirement pay of certain members of the former Lighthouse Service.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 6 of the act entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," approved June 20, 1918, as amended and supplemented (33 U. S. C. 763), is amended by adding at the end thereof the following: "Any person entitled to retirement pay under this section may decline to accept all or any part of such retirement pay by a waiver signed and filed with the Secretary of the Treasury. Such waiver may be revoked in writing at any time, but no payment of the retirement pay waived shall be made covering the period during which such waiver was in effect."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## LANDS FOR CEMETERY PURPOSES IN NORTH CAROLINA

The Clerk called the bill (H. R. 1262) to authorize and direct the Administrator of Veterans' Affairs to accept certain land in Buncombe County, N. C., for cemetery purposes.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

## FORWARDING OF VETERANS' BENEFIT CHECKS

The Clerk called the bill (H. R. 1953) to provide for benefits provided by laws administered by the Administrator of Veterans' Affairs may be forwarded to the addressee in certain cases.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That (a) the first paragraph of section 3 of the act entitled "An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes," approved August 17, 1912, as amended (38 U. S. C., sec. 50), is hereby amended to read as follows:

"SEC. 3. Pensions, compensation, insurance, or other allowances or benefits provided for by laws administered by the Veterans' Administration shall be paid by checks drawn, pursuant to certification by the Administrator of Veterans' Affairs, by the Secretary of the Treasury in such form as to protect the United States against loss, without separate vouchers or receipts, and payable by the Treasurer of the United States, except in any case in which the Administrator of Veterans' Affairs may consider a voucher necessary for the protection of the Government. Such checks shall be transmitted by mail to the payee thereof at his last known address and, if he has moved and filed a regular change of address notice with the Post Office Department, shall be forwarded to him. The envelope or cover of each such check shall bear on the face thereof the following notice: 'Postmaster: Please forward if addressee has moved and filed a regular change of address notice. If addressee is deceased, return the letter with date of death, if known.'"

(b) The second paragraph of such section 3 is hereby amended by striking out "or removed."

SEC. 2. Sections 4764, 4765, and 4767 of the Revised Statutes of the United States are hereby repealed.

With the following committee amendment:

Strike out all after the enacting clause and insert "That (a) the third sentence of section 920 (a) of the Veterans' Benefits Act of 1957 is amended to read as follows: 'Such checks shall be transmitted by mail to the payee thereof at his last known address and, if he has moved and filed a regular change of address notice with the Post Office Department, shall be forwarded to him. The envelope or cover of each such check shall bear on the face thereof the following notice: 'Postmaster: Please forward if addressee has moved and filed a regular change-of-address notice. If addressee is deceased, return the letter with date of death, if known'."

"(b) Section 920 (b) of such act is amended by striking out 'or moved'."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## TRANSFER OF LAND AT JOHNSON CITY, TENN.

The Clerk called the bill (H. R. 2237) authorizing the transfer of certain property of the Veterans' Administration, in Johnson City, Tenn., to Johnson City National Farm Loan Association and the East Tennessee Production Credit Association, local units of the Farm Credit Administration.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Administrator of Veterans' Affairs be, and he is hereby, authorized to transfer to Johnson City National Farm Loan Association and the East Tennessee Production Credit Association, local units of the Farm Credit Administration to allow property line at right angle to United States Highway 11–E and as adjoining the property of the two associations certain property of the Veterans' Administration situated in Johnson City, Tenn., and described as follows:

A triangular tract beinning at an iron pin on the south margin of United States Highway 11–3, present corner of Veterans' Administration property and corner to Claude Pierce, thence with the right-of-way of said highway south 74 degrees west 50 feet to an iron pin in said right-of-way, thence with a new line leaving the highway at a 90-degree angle, south 16 degrees 30 minutes east 130 feet to an iron pin in the original property line of the Soldiers Home and in the Pierce line, thence with the original line and Pierce north 5 degrees east 140 feet to the beginning and containing .0746 acres, more or less.

With the following committee amendments:

Page 1, line 3, immediately following the word "That", insert a comma and "subject to section 2 of this act."

Beginning with the word "certain" in line 9, page 1, strike the remainder of the bill and insert in lieu thereof a comma and the following:

"a parcel of land containing approximately 0.0746 acre, situated in the reservation of the Veterans' Administration Center, Mountain Home (Johnson City), Tenn., an exact legal description of which, satisfactory to the Administrator or his designate, shall be furnished by the associations.

"SEC. 2. In consideration for the conveyance authorized by this act, the associations shall pay the fair market value of the land to be transferred, as determined jointly by the Administrator, or his designate, and the associations. The deed of conveyance may contain such conditions, reservations, and restrictions as the Administrator, or his designate, determines to be necessary to protect the interests of the United States."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## TRANSFER OF LAND IN CALIFORNIA

The Clerk called the bill (H. R. 4098) to provide for the conveyance to the State of California a portion of the property known as Veterans' Administration Center Reservation, Los Angeles, Calif., to be used for National Guard purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FULTON. Mr. Speaker, reserving the right to object, is there any consideration involved in the transfer of the property?

Mr. FORD. Mr. Speaker, if the gentleman will yield, for the information of the gentleman, I think the facts are that there is no consideration.

Mr. DOYLE. There is no consideration. The State pays all the expenses. The Federal Government is not putting up any money.

Mr. FULTON. Does the State buy it? Does the local government buy it, or is it just a free transfer?

Mr. DOYLE. This is one-third of a total of 15 acres. The other two-thirds have already been conveyed for other purposes.

Mr. FULTON. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Administrator of the Veterans' Administration is authorized and directed to convey to the State of California all right, title, and interest of the United States in and to a parcel of land comprising 3 85/100ths acres, more or less, being that parcel of land fronting approximately 419 52/100ths feet on Federal Avenue set aside for a proposed National Guard Armory and now a portion of the Veterans' Administration Reservation, Los Angeles, Calif., subject, however, to the conditions and restrictions set forth in section 2 of this act.

SEC. 2. The conveyance authorized by this act shall be made without monetary consideration therefor but upon condition that the property shall be used for training of the National Guard and for other military purposes, and in the event it shall not be used for such purposes title thereto shall immediately revert to the United States, and, in addition, title to all improvements made by the State of California during its occupancy shall vest in the United States without payment of compensation therefor. The deed of conveyance shall reserve to the United States all mineral rights, including gas and oil, and contain the further provision that whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency, and upon determination by the Secretary of Defense that the property conveyed is useful or necessary for military, air, or naval purposes, or in the interest of national defense, the United States shall have the right, without obligation to make payment of any kind, to reenter upon the property and use the same or any part thereof, including any and all improvements made by the State of California, for a period not to exceed the duration of such state of war or national emergency plus 6 months, and upon cessation of such use the property shall revert to the State of California, together with any or all improvements thereon and appurtenances appertaining thereto.

SEC. 3. The cost of any surveys necessary as an incident to the conveyance authorized herein shall be borne by the grantee.

With the following committee amendments:

On page 1, line 3, strike out "the Veterans' Administration" and insert "General Services."

On page 2, line 11, immediately after "improvements," insert the following: "(except those improvements which the State of California removes at its own expense within a reasonable time after title to such property has reverted to the United States)."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## INCREASING AMOUNT PAYABLE FOR SHIPPING CHARGES

The Clerk called the bill (H. R. 5757) to increase the maximum amount payable by the Veterans' Administration for mailing or shipping charges of personal property left by any deceased veteran on Veterans' Administration property.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 7 of the act of June 25, 1938 (52 Stat. 1192; 38 U. S. C. 16f) is amended by striking out "$10" and inserting in lieu thereof "$25."

With the following committee amendment:

Strike out all after the enacting clause and insert: "That section 1907 of the Veterans' Benefits Act of 1957 is amended by striking out '$10' and inserting '$25'."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## REDEFINING TERM "STATE"

The Clerk called the bill (H. R. 7251) to amend the definition of the term "State" in the Veterans' Readjustment Assistance Act and the War Orphans' Educational Assistance Act to clarify the question of whether the benefits of those acts may be afforded to persons pursuing a program of education or training in the Panama Canal Zone.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## TERMINATION OF VETERANS' EDUCATIONAL APPEALS BOARD

The Clerk called the bill (H. R. 8076) to provide for the termination of the Veterans' Education Appeals Board established to review certain determinations and actions of the Administrator of Veterans' Affairs in connection with education and training for World War II veterans.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That paragraph 11 (d) of part VIII of Veterans Regulation No. 1 (a) is amended by adding at the end thereof the following new subparagraph:

"The Veterans' Education Appeals Board established by this paragraph shall cease to exist 60 days after the date of enactment of this subparagraph, and the records of the Board shall thereupon be transferred to the National Archives and Records Service of the General Services Administration, for retention to the extent warranted, or otherwise for disposition according to law. The Board shall not receive or act upon any application for review filed after the date of enactment of this subparagraph."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.



## EXPENDITURES FOR RECREATION AND WELFARE OF COAST GUARD

The Clerk called the bill (H. R. 3018) to amend title 14, United States Code, entitled "Coast Guard," to authorize expenditures for recreation and welfare of Coast Guard personnel and the schooling of their dependent children.

Mr. CUNNINGHAM of Iowa. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## CONVEYANCE OF LANDS TO GLOUCESTER, MASS.

The Clerk called the bill (H. R. 3748) to provide for the conveyance of certain lands of the United States to the city of Gloucester, Mass.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

## WARRANT OFFICERS' RANK ON RETIREMENT

The Clerk called the bill (H. R. 5806) to amend title 14, United States Code, entitled "Coast Guard," with respect to warrant officers' rank on retirement, and for other purposes.

The SPEAKER. It there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, may I ask the chairman or someone on the committee, does this legislation make any changes which would make the setup any different in respect to the Army, the Navy, and the Air Force personnel?

Mr. BONNER. No, it does not.

Mr. FORD. In other words, the situation would coincide rather than differ?

Mr. BONNER. That is correct.

Mr. FORD. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BONNER. Mr. Speaker, I ask unanimous consent that similar Senate bill, S. 1489, be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That section 243 of title 14, United States Code, entitled "Coast Guard", be amended to read as follows:

"§ 243. Retirement in cases where higher grade has been held

"(a) Any commissioned officer, other than a commissioned warrant officer, who is retired under any provision of section 230, 231, 232, or 234 of this title, or that provision of section 235 of this title which provides for retirement of officers after 30 years' service, shall be retired from active service with the highest grade held by him while on active duty in which, as determined by the Secretary, his performance of duty was satisfactory, but not lower than his permanent grade, with retired pay of the grade with which retired.

"(b) Any commissioned warrant officer who is retired under any provision of section 564, 1263, 1293, or 1305 of title 10, shall be retired from active service with the highest commissioned grade above chief warrant officer, W–4, held by him on active duty in which, as determined by the secretary, his performance of duty was satisfactory, with retired pay of the grade with which retired. However, when the rate of pay of such highest grade is less than the pay of the warrant grade with which the officer would otherwise be retired under section 1371 of title 10, the retired pay shall be based on the higher rate of pay."

SEC. 2. (a) Title 14, United States Code, is amended by inserting the following new section after section 312:

"313a. Retirement in cases where higher grade has been held

"Any warrant officer, W–1, who is retired under any provisions of sections 564, 1263, 1293, or 1305 of title 10 shall be retired with the highest commissioned grade above chief warrant officer, W–4, held by him on active duty in which, as determined by the Secretary, his performance of duty was satisfactory, with retired pay of the grade with which retired. However, when the rate of pay of such highest grade is less than the pay of the warrant grade with which the officer would otherwise be retired under section 1371 of title 10, the retired pay shall be based on the higher rate of pay."

(b) The analysis of chapter 11, title 14, United States Code, is amended by inserting the following item:

"313a. Retirement in cases where higher grade has been held."

SEC. 3. The analysis of chapter 11, title 14, United States Code, is amended by deleting the following items:

"303. Compulsory retirement at age 62.",

"304. Voluntary retirement after 30 years' service.",

"305. Voluntary retirement after 20 years' service.",

"307. Retirement upon recommendation of Personnel Board.",

"308. Pay upon involuntary retirement after 30 years' service,"; and

"313. Retirement in cases where higher grade has been held."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 5806) was laid on the table.

## DEVELOPMENT OF PHOSPHATE ON THE PUBLIC DOMAIN

The Clerk called the bill (S. 334) to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended (30 U. S. C. 184), in order to promote the development of phosphate on the public domain.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the second sentence of section 27 of the act of February 25, 1920, as amended (30 U. S. C. 184), is amended by the deletion of the words "or permits exceeding in the aggregate 5,120 acres in any one State. and",

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## RETIREMENT OF FORMER MEMBERS OF COAST GUARD RESERVE

The Clerk called the bill (S. 1446) to amend title 14, United States Code, so as to provide for retirement of certain former members of the Coast Guard Reserve.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 755 of title 14, United States Code, is amended by adding thereto a new subsection (f) to read as follows:

"(f) Any former member of the Coast Guard Reserve, other than a temporary member, honorably discharged or discharged under honorable conditions from the Coast Guard Reserve after February 18, 1941, and before January 1, 1949, who at the time of his discharge had completed at least 30 years of active service in the Armed Forces other than active duty for training, or who had completed at least 20 years of active service other than active duty for training the last 10 of which he served in the 11-year period immediately preceding his discharge, shall upon his request be placed on the retired list of the Coast Guard Reserve and shall be entitled to pay, only after being placed on the retired list, at the rate of 50 percent of his active-duty rate of pay at the time of discharge.

With the following committee amendment:

On page 2, srike out lines 6, 7, and 8, and add the following: "shall be entitled to receive the same retired pay, only after being placed on the retired list, that he would be entitled to receive had he been retired as a member of the Naval Reserve under the Naval Reserve Act of 1938 instead of being discharged."

The committee amendment was agreed to.

The bill was ordered to be read a third time was read the third time, and passed, and a motion to reconsider was laid on the table.

## DISPOSAL OF CERTAIN FEDERAL PROPERTY

The Clerk called the bill (S. 1574) to provide for the disposal of certain Federal property in the Coulee Dam and Grand Coulee areas, to provide assistance in the establishment of a municipality incorporated under the laws of Washington, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CUNNINGHAM of Iowa. Mr. Speaker, at the request of my colleague, the gentleman from Iowa [Mr. JENSEN], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## INTERSTATE COMPACTS DEALING WITH JUVENILES AND DELINQUENT JUVENILES

The Clerk called the joint resolution (H. J. Res. 10) to give the consent of the Congress to interstate compacts or agreements dealing with juveniles and delinquent juveniles, and for other purposes.

There being no objection, the Clerk read the joint resolution, as follows:

*Resolved, etc.*, That title 4 of the United States Code is amended by adding after section 111, the following section:

"§ 112. Compacts between States for cooperation in dealing with juveniles and delinquent juveniles; consent of Congress

"The consent of Congress is hereby given to any two or more States, including the Territories or possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, to enter into agreements or compacts dealing with—

"(a) the supervision by the authorities of one State of juveniles who have been placed on probation or parole by the authorities of another State, and for the detention and return of such juveniles;

"(b) the detention and return of juveniles who have run away from one State into another without the consent of their parents or guardian, or who have run away from one State into another and are charged with being delinquent by reason of a violation of any criminal law;

"(c) the detention and return of juveniles who have been found to be delinquent by a court in one State, who are placed on probation or parole or whose legal custody is vested in an agency or institution of that State, and who, while still on probation or parole or while their legal custody is still vested in such agency or institution, run away without permission to another State; and

"(d) the joint or cooperative care, treatment, and rehabilitation of juveniles, who have been found to be delinquent by a court in one State, in specialized institutions for juveniles in another State."

SEC. 2. The right to withdraw the consent given herein and the right to alter, amend, or repeal this act, is expressly reserved.

SEC. 3. The analysis of chapter 4 immediately preceding section 101, title 4, of the United States Code, is amended by inserting after item 111 the following new item:

"112. Compacts between States for cooperating in dealing with juveniles and delinquent juveniles; consent of Congress."

With the following committee amendments:

Page 1, lines 8 and 9, strike out "two or more States, including" and insert "combination or combinations of the following States: Arkansas, California, Colorado, Connecticut, Florida, Indiana, Maine, Massachusetts, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Utah, Virginia, Washington, Wisconsin, Wyoming, to."

Page 2, line 2, after "compacts" insert "among themselves."

Page 2, lines 10 to 12 strike out "charged with being delinquent by reason of a violation of any criminal law" and insert "alleged to be delinquent by reason of committing an act which would be a felony if committed by an adult."

Page 2, line 19 strike out "and" and insert "or."

The committee amendments were agreed to.

Mr. KEATING. Mr. SPEAKER, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEATING. Mr. Speaker, the purpose of House Joint Resolution 10 is to give the consent of Congress to interstate compacts dealing with juveniles and delinquent juveniles.

This country today is faced with a tremendous problem in the handling of crimes committed by juveniles and in the rehabilitation of children who become involved in such crimes. It is a problem which is common to all of the States and there are many instances in which the States must cooperate in handling the problem of any one juvenile. For that reason a number of our States have entered into compacts with respect to the supervision, by the authorities of one State, over juveniles placed on probation or on parole by the authorities of another. These compacts also govern procedures for the retention and return of juveniles who have crossed State lines and who are alleged to be delinquent because they have committed an act which would have been a felony if committed by an adult. They also represent an effort on the part of the States to cooperate in the care, treatment, and rehabilitation of juveniles, found delinquent in one State, in specialized institutions for juveniles in another State.

Compacts and agreements such as these among the several States certainly constitute a progressive and constructive forward step in the solution of the problem of juvenile delinquency in the country. What House Joint Resolution 10 would do is put the stamp of Congressional approval upon this effort on the part of States.

While this legislation limits Congressional consent to those States which have already enacted laws adopting interstate compacts, it does not prevent other States from becoming parties to these compacts. It merely requires that other States adopt, in the future, legislation embodying a compact or agreement which would conform generally to this act, in order to gain Congressional consent.

I strongly urge the passage of this resolution, and it is my hope that, within the next few years, those States which have not already entered into such a compact will see fit to do so.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## PRESERVATION OF UNUSED ACREAGE ALLOTMENTS

The Clerk called the bill (H. R. 8030) to amend the Agricultural Adjustment Act of 1938 with respect to acreage history.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 377 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

"SEC. 377. In any case in which, during any year within the period 1957 to 1959, inclusive, for which acreage planted to a commodity on any farm (including the

acreage regarded as planted to the commodity under the provisions of this title for releasing unused farm allotments and by reason of participation in the soil bank programs) is less than the acreage allotment for such farm, the entire acreage allotment for such farm (excluding any allotment released from the farm or reapportioned to the farm) shall be considered for purposes of future State, county, and farm acreage allotments to have been planted to such commodity in such year on such farm. Acreage history credits for released or reapportioned acreage shall be governed by the applicable provisions of this title pertaining to the release and reapportionment of acreage allotments. This section shall not be applicable in any case in which the amount of wheat or rice required to be stored to postpone or avoid payment of penalty has been reduced because the allotment was not fully planted."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## SUPERGRADE POSITIONS IN NATIONAL SECURITY COUNCIL

The Clerk called the bill (S. 1884) to amend section 505 of the Classification Act of 1949, as amended.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 505 of the Classification Act of 1949, as amended, is amended by adding at the end thereof a new subsection as follows:

"(f) The National Security Council is authorized, subject to the procedures prescribed by this section, to place two additional positions in grade 18, one additional position in grade 17, and two additional positions in grade 16 of the general schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b)."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## REMOVAL OF EMPLOYMENT INEQUITIES FOR POSTAL FIELD SERVICE EMPLOYEES

The Clerk called the bill (H. R. 7930) to correct certain inequities resulting from the involuntary conversion of salaries of certain employees to the postal field service schedule under the Postal Field Service Compensation Act of 1955.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That each employee—

(1) who is in the postal field service on the date of enactment of this section,

(2) whose basic salary was adjusted under section 304 of the Postal Field Service Compensation Act of 1955 (Public Law 68, 84th Cong.) and, immediately prior to such adjustment, was paid under the Classification Act of 1949, as amended, or under a prevailing wage schedule,

(3) who, prior to such adjustment of salary, had performed service which was creditable toward his next within-grade step-increase under section 701 (a) of the Classification Act of 1949, as amended, or under such prevailing wage schedule, and

(4) whose amount of increase in basic salary received upon adjustment of his basic salary under section 304 of the Postal Field Service Compensaiton Act of 1955 was less than the difference between the salary for that step of the grade of his position under the Classification Act of 1949, as amended, or of his position under such prevailing wage schedule, which he occupied immediately prior to such adjustment of salary and the salary at such time for the next higher step of such grade,

shall, for purposes of the first advancement by step-increase under and in accordance with section 401 of the Postal Field Service Compensation Act of 1955,

(A) have his anniversary date adjusted to the first day of his first pay period under such act which begins on or after the date on which he would have earned a within-grade step-increase under the Classification Act of 1949, as amended, or a within-grade step-increase under such prevailing wage schedule, if his position had remained subject to the Classification Act of 1949, as amended, or subject to such schedule, as the case may be, unless his anniversary date under the Postal Field Service Compensation Act of 1955 which is in effect on the date of enactment of this section occurs earlier than such adjusted anniversary date, and

(B) be paid, for all periods of service performed by him under the Postal Field Service Compensation Act of 1955 beginning on or after such adjusted anniversary date, the additional basic salary to which he becomes entitled under such act by reason of this section,

subject to and in accordance with the following requirements:

(i) that any advancement of such employee by step-increase under section 401 of such act which such employee may have received prior to the date of enactment of this section shall not be regarded as an equivalent increase in basic salary for purposes of such act, and

(ii) that the amount of additional basic salary to which such employee is entitled under clause (B) of this section is appropriately reduced by the amount of additional basic salary attributable to any advancement of such employee by step-increase under section 401 of such act prior to the date of enactment of this section.

With the following committee amendment:

Page 4, after line 2, add the following sections:

"SEC. 2. Section 404 (c) (1) of the Postal Field Service Compensation Act of 1955 (69 Stat. 123; Public Law 68, 84th Congress; 39 U. S. C. 984 (c) (1)) is amended—

"(1) by striking out the word "and" immediately following the semicolon at the end of subparagraph (C) thereof;

"(2) by striking out the period at the end of subparagraph (D) thereof and inserting in lieu of such period a semicolon and the word "and"; and

"(3) by adding at the end of such section 404 (c) (1) the following new subparagraph:

"'(E) all time on the rolls under the Postal Accounts Division (including time on the rolls under the former Post Office Department Division) in the General Accounting Office continuous to the date of the transfer of the employee to the Post Office Department in accordance with section 7 (a) of the Post Office Department Financial Control Act of 1950 (39 U. S. C. 794e (a)).'

"SEC. 3. (a) The amendment made by section 2 of this act shall take effect as of December 3, 1955.

"(b) No payment of longevity compensation shall be made, by reason of the amendment made by section 2 of this act and the provisions of subsection (a) of this section, for any period prior to the date of enactment of this section, to any person who is not an employee in the post field service on such date of enactment."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to correct certain inequities with respect to automatic step-increase anniversary dates and longevity step increases of postal field service employees."

A motion to reconsider was laid on the table.

## RATES OF TOLL ON BRIDGE ACROSS MISSOURI RIVER NEAR RULO, NEBR.

The Clerk called the bill (H. R. 988) to amend the act of March 4, 1933, to extend by 10 years the period prescribed for determining the rates of toll to be charged for use of the bridge across the Missouri River near Rulo, Nebr.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That subsection (e) of section 5 of the act entitled "An act to authorize the construction of certain bridges and to extend the times for commencing and/or completing the construction of other bridges over the navigable waters of the United States," approved March 4, 1933 (47 Stat. 1556), as amended by the act of June 19, 1948 (62 Stat. 497), is further amended (1) by striking out "and financing" and inserting ", financing, and refinancing," and (2) by striking out "30 years" and inserting "40 years."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## ABBREVIATED RECORDS IN REVIEWING ADMINISTRATIVE AGENCY PROCEEDINGS

The Clerk called the bill (H. R. 6788) to authorize the abbreviation of the record on the review or enforcement of orders of administrative agencies by the courts of appeals and the review or enforcement of such orders on the original papers and to make uniform the law relating to the record on review or enforcement of such orders, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the analysis of chapter 133 of title 28 of the United States Code, immediately preceding section 2101 of such title, is amended by inserting at the end thereof the following additional item:

"2112. Record on review and enforcement of agency orders

"SEC. 2. Chapter 133 of title 28 of the United States Code is amended by inserting at the end of such chapter immediately following section 2111 an additional section, as follows:

"§ 2112. Record on review and enforcement of agency orders

"(a) The several courts of appeals shall have power to adopt, with the approval of the Judicial Conference of the United States, rules prescribing the time and manner of filing and the contents of the record in all proceedings instituted in the courts of appeals to enjoin, set aside, suspend, modify, or otherwise review or enforce orders of administrative agencies, boards, commissions, and officers, in which the applicable statute does not specifically prescribe such time or manner of filing or

contents of the record. Such rules may authorize the agency, board, commission, or officer to file in the court a certified list of the materials comprising the record and retain and hold for the court all such materials and transmit the same or any part thereof to the court, when and as required by it, at any time prior to the final determination of the proceeding. The record in such proceedings shall be certified and filed in or held for the court of appeals by the agency, board, commission, or officer concerned within the time and in the manner prescribed by such rules. If proceedings have been instituted in two or more courts of appeals with respect to the same order the agency, board, commission, or officer concerned shall file the record in that one of such courts in which in its judgment the proceedings may be carried on with the greatest convenience to all the parties involved. The other courts in which such proceedings are pending shall thereupon transfer them to the court of appeals in which the record has been filed.

"(b) The record to be filed in the court of appeals in such a proceeding shall consist of the order sought to be reviewed or enforced, the findings or report upon which it is based, and the pleadings, evidence, and proceedings before the agency, board, commission, or officer concerned, or such portions thereof (1) as the said rules of the court of appeals may require to be included therein, or (2) as the agency, board, commission, or officer concerned, the petitioner for review or respondent in enforcement, as the case may be, and any intervenor in the court proceeding by written stipulation filed with the agency, board, commission, or officer concerned or in the court in any such proceeding may consistently with the rules of such court designate to be included therein, or (3) as the court upon motion of a party or, after a prehearing conference, upon its own motion may by order in any such proceeding designate to be included therein. Such a stipulation or order may provide in an appropriate case that no record need be filed in the court of appeals. If, however, the correctness of a finding of fact by the agency, board, commission, or officer is in question all of the evidence before the agency, board, commission, or officer shall be included in the record except such as the agency, board, commission, or officer concerned, the petitioner for review or respondent in enforcement, as the case may be, and any intervenor in the court proceeding by written stipulation filed with the agency, board, commission, or officer concerned or in the court agree to omit as wholly immaterial to the questioned finding. If there is omitted from the record any portion of the proceedings before the agency, board, commission, or officer which the court subsequently determines to be necessary for it to consider to enable it to review or enforce the order in question the court may direct that such additional portion of the proceedings be filed as a supplement to the record. If the rules of the court of appeals in which a proceeding is pending do not require the printing of the entire record in that court the agency, board, commission, or officer concerned may, at its option and without regard to the foregoing provisions of this subsection, file in the court the entire record of the proceedings before it without abbreviation.

"(c) The agency, board, commission, or officer concerned may transmit to the court of appeals the original papers comprising the whole or any part of the record or any supplemental record, otherwise true copies of such papers certified by an authorized officer or deputy of the agency, board, commission, or officer concerned shall be transmitted. Any original papers thus transmitted to the court of appeals shall be returned to the agency, board, commission, or officer concerned upon the final determination of the review or enforcement proceeding. Pending such final determination any such papers may be returned by the court temporarily to the custody of the agency, board, commission, or officer concerned if needed for the transaction of the public business. Certified copies of any papers included in the record or any supplemental record may also be returned to the agency, board, commission, or officer concerned upon the final determination of review proceedings."

SEC. 3. (a) The sixth sentence of subsection (b) of section 5 of the Federal Trade Commission Act, as amended (52 Stat. 112), is amended to read as follows: "Until the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time, or, if a petition for review has been filed within such time then until the record in the proceeding has been filed in a court of appeals of the United States, as hereinafter provided, the Commission may at any time, upon such notice and in such manner as it shall deem proper, modify, or set aside, in whole or in part, any report or any order made or issued by it under this section."

(b) The second and third sentences of subsection (c) of section 5 of the Federal Trade Commission Act, as amended (52 Stat. 112–113), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission, and thereupon the Commission shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon such filing of the petition the court shall have jurisdiction of the proceeding and of the question determined therein and shall have power to make and enter a decree affirming, modifying, or setting aside the order of the Commission, and enforcing the same to the extent that such order is affirmed and to issue such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent injury to the public or to competitors pendente lite.."

(c) Subsection (d) of section 5 of the Federal Trade Commission Act, as amended (52 Stat. 113), is amended to read as follows:

"(d) Upon the filing of the record with it the jurisdiction of the court of appeals of the United States to affirm, enforce, modify, or set aside orders of the Commission shall be exclusive."

SEC. 4. (a) The sixth sentence of the second paragraph of section 11 of the act of October 15, 1914, as amended (64 Stat. 1127), is amended to read as follows: "Until the record in such hearing shall have been filed in a United States court of appeals, as hereinafter provided, the Commission or Board may at any time, upon such notice, and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section."

(b) The first and second sentences of the third paragraph of section 11 of the act of October 15, 1914, as amended (64 Stat. 1127), are amended to read as follows: "If such person fails or neglects to obey such order of the Commission or Board while the same is in effect, the Commission or Board may apply to the United States court of appeals, within any circuit where the violation complained of was or is being committed or where such person resides or carries on business, for the enforcement of its order, and shall file the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon such filing of the application the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to make and enter a decree affirming, modifying, or setting aside the order of the Commission or Board."

(c) The second and third sentences of the fourth paragraph of section 11 of the act of October 15, 1914, as amended (64 Stat. 1128), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission or Board and thereupon the Commission or Board shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have the same jurisdiction to affirm, set aside, or modify the order of the Commission or Board as in the case of an application by the Commission or Board for the enforcement of its order, and the findings of the Commission or Board as to the facts, if supported by substantial evidence, determined as provided in section 10 (e) of the Administrative Procedure Act, shall in like manner be conclusive."

(d) The fifth paragraph of section 11 of the act of October 15, 1914, as amended (64 Stat. 1128), is amended to read as follows:

"Upon the filing of the record with it the jurisdiction of the United States court of appeals to enforce, set aside, or modify orders of the Commission or Board shall be exclusive."

SEC. 5. The fourth and fifth sentences of the first paragraph of section 2 of the act of July 28, 1916 (39 Stat. 425), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to the Post Office Department and thereupon the said Department shall file in the court the record, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction to affirm, set aside or modify the order of the Department."

SEC. 6. (a) Subsection (c) of section 203 of the Packers and Stockyards Act 1921 (42 Stat. 162) is amended to read as follows:

"(c) Until the record in such hearing has been filed in a court of appeals of the United States as provided in section 204 the Secretary at any time upon such notice and in such manner as he deems proper but only after reasonable opportunity to the packer to be heard may amend or set aside the report or order in whole or in part."

(b) Subsections (b) and (c) of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162), are amended to read as follows:

"(b) The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall thereupon file in the court the record in such proceedings, as provided in section 2112 of title 28, United States Code. If before such record is filed the Secretary amends or sets aside his report or order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary.

"(c) At any time after such petition is filed, the court, on application of the Secretary, may issue a temporary injunction, restraining, to the extent it deems proper, the packer and his officers, directors, agents, and employees, from violating any of the provisions of the order pending the final determination of the appeal."

(c) The first sentence of subsection (h) of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162), is amended to read as follows:

"(h) The court of appeals shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to review, and to affirm, set aside, or modify, such orders of the Secretary, and the decree of such court shall be final except that it shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 1254 of title 28, if such writ is duly applied for within 60 days after entry of the decree."

SEC. 7. (a) The third sentence of paragraph (a) of section 6 of the Commodity Exchange Act (42 Stat. 1001), is amended

to read as follows: "The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Secretary of Agriculture, Chairman of said Commission, or any member thereof, and the said Commission shall thereupon file in the court the record in such proceedings, as provided in section 2112 of title 28, United States Code.

(b) The seventh and eighth sentences of paragraph (b) of section 6 of the Commodity Exchange Act (42 Stat. 1002), as amended, are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary of Agriculture and thereupon the Secretary of Agriculture shall file in the court the record theretofore made, as provided in section 2112 of title 28, United State Code. Upon the filing of the petition the court shall have jurisdiction to affirm, to set aside, or modify the order of the Secretary of Agriculture, and the findings of the Secretary of Agriculture as to the facts, if supported by the weight of evidence, shall in like manner be conclusive."

SEC. 8. The third and fourth sentences of the second paragraph of subsection (b) of section 641 of the Tariff Act of 1930, as amended (49 Stat. 865), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary of the Treasury, or any officer designated by him for that purpose, and thereupon the Secretary of the Treasury shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part."

SEC. 9. The second sentence of subsection (a) of section 9 of the Securities Act of 1933 (48 Stat. 80) is amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission, and thereupon the Commission shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code."

SEC. 10. The second and third sentences of subsection (a) of section 25 of the Securities Exchange Act of 1934 (48 Stat. 901) are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to any member of the Commission, and thereupon the Commission shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction, to affirm, modify, and enforce or set aside such order, in whole or in part."

SEC. 11. The third sentence of subsection (c) of section 18 of the act of June 18, 1934 (48 Stat. 1002), is amended to read as follows: "The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Board and it shall thereupon file in the court the record in the proceedings held before it under this section, as provided in section 2112 of title 28, United States Code."

SEC. 12. The second sentence of subsection (d) of section 402 of the Communications Act of 1934, as amended (66 Stat. 719), is amended to read as follows: "Within 30 days after the filing of an appeal, the Commission shall file with the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code."

SEC. 13. (a) Subsection (d) of section 10 of the National Labor Relations Act, as amended (61 Stat. 147), is amended to read as follows:

"(d) Until the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it."

(b) The first, second, fifth, and seventh sentences of subsection (e) of section 10 of the National Labor Relations Act, as amended (61 Stat. 147), are amended to read as follows:

"(e) The Board shall have power to petition any court of appeals of the United States, or if all the courts of appeals to which application may be made are in vacation, any district court of the United States, within any circuit or district, respectively, wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall file in the court the record in the proceedings, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. * * * If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its members, agent, or agency, the court may order such additional evidence to be taken before the Board, its members, agent, or agency, and to be made a part of the record. * * * Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals if application was made to the district court as hereinafter provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28."

(c) The second and third sentences of subsection (f) of section 10 of the National Labor Relations Act, as amended (61 Stat. 148), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the aggrieved party shall file in the court the record in the proceeding, certified by the Board, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e) of this section, and shall have the same jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board; the findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall in like manner be conclusive."

SEC. 14. The third and fourth sentences of subsection (h) of section 4 of the Federal Alcohol Administration Act (49 Stat. 980), as amended, are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose, and thereupon the Secretary shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part."

SEC. 15. The second and third sentences of subsection (a) of section 24 of the Public Utility Holding Company Act of 1935 (49 Stat. 834), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to any member of the Commission, or any officer thereof designated by the Commission for that purpose, and thereupon the Commission shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part."

SEC. 16. (a) Subsection (a) of section 313 of the Federal Power Act, as amended (49 Stat. 860), is amended by inserting at the end thereof an additional sentence reading as follows: "Until the record in a proceeding shall have been filed in a court of appeals, as provided in subsection (b), the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify, or set aside, in whole or in part, any find or order made or issued by it."

(b) The second and third sentences of subsection (b) of section 313 of the Federal Power Act, as amended (49 Stat. 860), are amended to read as follows: "A copy of such petition shall forthwith be transmitted by the clerk of the court to any member of the Commission and thereupon the Commission shall file with the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to affirm, modify, or set aside such order in whole or in part."

SEC. 17. The second and third sentences of subsection (b) of section 611 of the Merchant Marine Act, 1936, as amended (52 Stat. 961), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to any member of the Board, or any officer thereof designated by the Board for that purpose, and thereupon the Board shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction to determine whether such cancellation or default was without just cause, and to affirm or set aside such order."

SEC. 18. Subsection (c) of section 1006 of the Civil Aeronautics Act of 1938 (52 Stat. 1024), is amended to read as follows:

"(c) A copy of the petition shall, upon filing, be forthwith transmitted to the Board by the clerk of the court; and the Board shall thereupon file in the court the record, if any, upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code."

SEC. 19. (a) Subsection (a) of section 19 of the Natural Gas Act (52 Stat. 831), is amended by inserting at the end thereof an additional sentence reading as follows: "Until the record in a proceeding shall have been filed in a court of appeals, as provided in subsection (b), the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it."

(b) The second and third sentences of subsection (b) of section 19 of the Natural Gas Act (52 Stat. 831), are amended to read as follows: "A copy of such petition shall forthwith be transmitted by the clerk of the court to any member of the Commission and thereupon the Commission shall file

with the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to affirm, modify, or set aside such order in whole or in part."

SEC. 20. (a) The first and second sentences of paragraph (2) of subsection (1) of section 408 of the Federal Food, Drug, and Cosmetic Act, as added by the act of July 22, 1954 (ch. 559, 68 Stat. 515), are amended to read as follows:

"(2) In the case of a petition with respect to an order under subsection (d) (5) or (e), a copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose, and thereupon the Secretary shall file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part."

(b) The first and second sentences of paragraph (3) of subsection (1) of section 408 of the Federal Food, Drug, and Cosmetic Act, as added by the act of July 22, 1954 (ch. 559, 68 Stat. 515), are amended to read as follows:

"(3) In the case of a petition with respect to an order under subsection (1), a copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary of Agriculture, or any officer designated by him for that purpose, and thereupon the Secretary shall file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part."

SEC. 21. The third sentence of paragraph (1) of subsection (f) of section 701 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1055), as amended, is amended to read as follows: "The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his order, as provided in section 2112 of title 28, United States Code."

SEC. 22. The second and third sentences of subsection (a) of section 10 of the Fair Labor Standards Act of 1938 (52 Stat. 1065), as amended, are amended to read as follows: "A copy of such petition shall forthwith be transmitted by the clerk of the court to the Secretary, and thereupon the Secretary shall file in the court the record of the industry committee upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction to affirm, modify, or set aside such order in whole or in part, so far as it is applicable to the petitioner."

SEC. 23. The fourth, fifth, sixth, and eighth sentences of subsection (f) of section 5 of the Railroad Unemployment Insurance Act, as amended (52 Stat. 1100), are amended to read as follows: "Within 15 days after receipt of service, or within such additional time as the court may allow, the Board shall file with the court in which such petition has been filed the record upon which the findings and decision complained of are based, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have exclusive jurisdiction of the proceeding and of the question determined therein, and shall give precedence in the adjudication thereof over all other civil cases not otherwise entitled by law to precedence. It shall have power to enter a decree affirming, modifying, or reversing the decision of the Board, with or without remanding the cause for rehearing. * * * No additional evidence shall be received by the court, but the court may order additional evidence to be taken before the Board, and the Board may, after hearing such additional evidence, modify its findings of fact and conclusions and file such additional or modified findings and conclusions with the court, and the Board shall file with the court the additional record."

SEC. 24. (a) Subsection (c) of section 409 of the Federal Seed Act (53 Stat. 1287), is amended to read as follows:

"(c) Until the record in such hearing has been filed in a court of appeals as provided in section 410, the Secretary of Agriculture at any time, upon such notice and in such manner as he deems proper, but only after reasonable opportunity to the person to be heard, may amend or set aside the report or order, in whole or in a part."

(b) The second and third paragraphs of section 410 of the Federal Seed Act (53 Stat. 1288), are amended to read as follows:

"The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall thereupon file in the court the record in such proceedings, as provided in section 2112 of title 28, United States Code. If before such record is filed, the Secretary amends or sets aside his report or order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary.

"At any time after such petition is filed the court, on application of the Secretary, may issue a temporary injunction restraining, to the extent it deems proper, the person and his officers, directors, agents, and employees from violating any of the provisions of the order pending the final determination of the appeal."

(c) The first and second sentences of section 411 of the Federal Seed Act (53 Stat. 1288), are amended to read as follows:

"SEC. 411. If any person against whom an order is issued under section 409 fails to obey the order, the Secretary of Agriculture, or the United States, by its Attorney General, may apply to the court of appeals of the United States, within the circuit where the person against whom the order was issued resides or has his principal place of business, for the enforcement of the order, and shall file the record in such proceedings, as provided in section 2112 of title 28, United States Code. Upon such filing of the application the court shall cause notice thereof to be served upon the person against whom the order was issued."

SEC. 25. The second and third sentences of subsection (a) of section 43 of the Investment Company Act of 1940, as amended (54 Stat. 844), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to any member of the Commission or any officer thereof designated by the Commission for that purpose, and thereupon the Commission shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction, to affirm, modify, or set aside such order, in whole or in part."

SEC. 26. The second and third sentences of subsection (a) of section 213 of the Investment Advisers Act of 1940, as amended (54 Stat. 855), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to any member of the Commission, or any officer thereof designated by the Commission for that purpose, and thereupon the Commission shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part."

SEC. 27. (a) The third sentence of paragraph (1) of subsection (b) of section 632 of the act of July 1, 1944, as added by the Hospital Survey and Construction Act (60 Stat. 1048), is amended to read as follows:

"The Surgeon General shall thereupon file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code."

(b) The first sentence of paragraph (2) of subsection (b) of section 632 of the act of July 1, 1944, as added by the Hospital Survey and Construction Act (60 Stat. 1048), is amended to read as follows:

"(2) The findings of fact by the Surgeon General, unless substantially contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Surgeon General to take further evidence, and the Surgeon General may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings."

SEC. 28. The fourth sentence of subsection (c) of section 205 of the Sugar Act of 1948 (61 Stat. 927), is amended to read as follows: "Within 30 days after the filing of said appeal the Secretary shall file with the court the record upon which the decision complained of was entered, as provided in section 2112 of title 28, United States Code, and a list of all interested persons to whom he has mailed or otherwise delivered a copy of said notice of appeal."

SEC. 29. The second and third sentences of subsection (a) of section 14 of the Internal Security Act of 1950 (64 Stat. 1001), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the Board shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction of the proceeding and shall have power to affirm or set aside the order of the Board; but the court may in its discretion and upon its own motion transfer any action so commenced to the United States Court of Appeals for the circuit wherein the petitioner resides."

SEC. 30. (a) Subsection (e) of section 110 of the Internal Security Act of 1950 (64 Stat. 1028), is amended to read as follows:

"(e) Until the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it."

(b) The third and fifth sentences of subsection (c) of section 111 of the Internal Security Act of 1950 (64 Stat. 1028), are amended to read as follows: "The Board shall thereupon file in the court the record of the proceedings before the Board with respect to the matter concerning which judicial review is sought, as provided in section 2112 of title 28, United States Code. * * * Upon the filing of such petition the court shall have jurisdiction of the proceeding, which upon the filing of the record with it shall be exclusive, and shall have power to affirm, modify, or set aside, or to enforce or enforce as modified the order of the Board."

(c) The first sentence of subsection (d) of section 111 of the Internal Security Act of 1950 (60 Stat. 1029), is amended to read as follows:

"(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board or its hearing examiner, the court may order such additional evidence to be taken before the

Board or its hearing examiner and to be made a part of the record."

SEC. 31. (a) Section 6 of the act of December 29, 1950 (64 Stat. 1130), is amended to read as follows:

"SEC. 6. Unless the proceeding has been terminated on a motion to dismiss the petition, the agency shall file in the office of the clerk of the court of appeals in which the proceeding is pending the record on review, as provided in section 2112 of title 28, United States Code."

(b) The second sentence of subsection (c) of section 7 of the act of December 29, 1950 (64 Stat. 1131), is amended to read as follows: "The agency may modify its findings of fact, or make new findings, by reason of the additional evidence so taken and may modify or set aside its order and shall file in the court such additional evidence, such modified findings or new findings, and such modified order or the order setting aside the original order."

SEC. 32. The second and third sentences of subsection (b) of section 208 of the Federal Coal Mine Safety Act, as amended (66 Stat. 702), are amended to read as follows: "Upon receipt of such copy of a notice of appeal the Board shall file in such court the record upon which the order complained of was made, as provided in section 2112 of title 28, United States Code. The costs of certifying and filing such record shall be paid by the party making such appeal."

SEC. 33. The fifth and sixth sentences of subsection (b) of section 207 of the International Claims Settlement Act of 1949, as amended (69 Stat. 564), are amended to read as follows: "Such petition for review must be filed within 60 days after the date of mailing of the final order of denial by said designee and a copy shall forthwith be transmitted to the said designee by the clerk of the court. Within 45 days after receipt of such petition for review, or within such further time as the court may grant for good cause shown, said designee shall file an answer thereto, and shall file with the court the record of the proceedings with respect to such claim, as provided in section 2112 of title 28, United States Code."

SEC. 34. The second and third sentences of section 9 of the Bank Holding Company Act of 1956 (70 Stat. 138) are amended to read as follows: "A copy of such petition shall be forthwith transmitted to the Board by the clerk of the court, and thereupon the Board shall file in the court the record made before the Board, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction to affirm, set aside, or modify the order of the Board and to require the Board to take such action with regard to the matter under review as the court deems proper."

SEC. 35. This act shall not be construed to repeal or modify any provision of the Administrative Procedure Act.

With the following committee amendments:

Page 2, line 8, strike out "rules" and insert "rules, which so far as practicable shall be uniform in all such courts."

Page 2, line 12, strike out "in which" and insert "to the extent that."

Page 2, line 20, after "proceeding," change the period to a comma and add "and such filing of such certified list of the materials comprising the record and such subsequent transmittal of any such materials when and as required shall be deemed full compliance with any provision of law requiring the filing of the record in the court."

Page 2, line 21, after "for", add "and transmitted to".

Page 3, line 2, after "which", strike out "in its judgment the proceedings may be carried on with the greatest convenience to all the parties involved" and insert "a proceeding with respect to such order was first instituted".

Page 3, line 6, after "filed.", add "For the convenience of the parties in the interest of justice such court may thereafter transfer all the proceedings with respect to such order to any other court of appeals."

Page 4, line 11, strike "necessary" and insert "proper."

Page 4, line 15, strike "If the rules of the court of appeals in which a proceeding is pending do not require the printing of the entire record in that court the" and insert "The".

Page 4, line 19, after "subsection" insert "and if so requested by the petitioner for review or respondent in enforcement shall,".

Page 5, line 13, at the end of the line strike "proceedings" and insert "or enforcement proceedings."

Page 5, between lines 13 and 14, insert a new subsection:

"(d) The provisions of this section are not applicable to proceedings to review decisions of the Tax Court of the United States or to proceedings to review or enforce these orders of administrative agencies, boards, commissions, or officers which are by law reviewable or enforceable by the district courts."

Page 6, line 10, after "therein", insert "concurrently with the Commission until the filing of the record,".

Page 7, line 21, after "therein", strike the comma and insert "concurrently with the Commission or Board until the filing of the record,".

Page 9, line 16, after "Subsections", strike "(b) and (c)" and insert "(b), (c), and (d)".

Page 10, between lines 8 and 9, insert a new subsection:

"(d) The evidence so taken or admitted, and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the court of appeals shall be made a preferred cause and shall be expedited in every way."

Page 10, line 20, strike "third sentence" and insert "third and fourth sentences."

Page 10, line 21, strike out "is" and insert "are".

Page 11, line 3, after "Code.," add "The testimony and evidence taken or submitted before the said Commission, duly filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case."

Page 12, lines 18 and 19, strike "exclusive jurisdiction," and insert "jurisdiction, which upon the filing of the record shall be exclusive,".

Page 14, line 21, strike "members" and insert "member".

Page 14, line 23, strike "members" and insert "member".

Page 16, line 21, strike "exclusive jurisdiction" and insert "jurisdiction, which upon the filing of the record shall be exclusive,".

Page 17, line 5, strike "find" and insert "finding".

Page 17, line 6, after "it," strike the period and insert "under the provisions of this act."

Page 17, line 22, strike "Board" and insert "Commission."

Page 17, line 23, strike "Board" and insert "Commission."

Page 17, line 24, strike "Board" and insert "Commission."

Page 18, line 22, after "it", strike the period and insert "under the provisions of this act."

Page 19, line 18, after "in," insert "the court."

Page 20, line 13, strike "The third sentence" and insert "(a) The second and third sentences."

Page 20, line 15, strike "is" and insert "are."

Page 20, line 16, after "follows:", insert "A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose."

Page 20, between lines 19 and 20 insert the following paragraph:

"(b) The first sentence of paragraph (3) of subsection (f) of section 701 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1055), as amended, is amended to read as follows: 'Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to affirm the order, or to set it aside in whole or in part, tempararily or permanently'."

Page 22, line 13, after "The" strike "second and third" and insert "second, third, and fourth."

Page 23, between lines 4 and 5, insert a new paragraph as follows:

"The evidence so taken or admitted and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the court of appeals shall be made a preferred cause and shall be expedited in every way."

Page 24, line 4, strike "exclusive jurisdiction" and insert "jurisdiction, which upon the filing of the record shall be exclusive,".

Page 24, lines 15 and 16, strike "exclusive jurisdiction" and insert "jurisdiction, which upon the filing of the record shall be exclusive,".

Page 24, line 18, after "(a)" strike "The third sentence of paragraph" and insert "Paragraph."

Page 24, line 21, after the colon insert the following subsection:

"(b) (1) If the Surgeon General refuses to approve any application under section 625 or section 654, the State agency through which the application was submitted, or if any State is dissatisfied with the Surgeon General's action under subsection (a) of this section, such State may appeal to the United States court of appeals for the circuit in which such State is located by filing with such court a notice of appeal. The jurisdiction of the court shall attach upon the filing of such notice. A copy of the notice of appeal shall be forthwith transmitted by the clerk of the court to the Surgeon General, or any officer designated by him for that purpose."

Page 28, line 4, strike out all of section 32 and insert in lieu thereof:

"Subsection (b) of section 207 of the act of September 23, 1950, as amended (64 Stat. 974), is amended by adding at the end of that subsection three additional sentences reading as follows: 'The local educational agency affected may file with the court a petition to review such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. Upon the filing of the petition the court shall have jurisdiction to affirm or set aside the action of the Commissioner in whole or in part'."

Page 20, line 4, strike the figure "(1)" and insert the letter "(1)."

Page 22, line 12, strike "a" immediately before "part."

Page 26, line 23, insert a period immediately after "Code."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## CONVEYANCE OF ESLER FIELD TO RAPIDES, LA.

The Clerk called the bill (H. R. 2816) to provide for the conveyance of Esler Field, La., to the Parish of Rapides in the

State of Louisiana, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, subject to sections 2 and 3, the Secretary of the Army shall convey, without monetary consideration, to the parish of Rapides in the State of Louisiana, all the right, title, and interest of the United States in and to the real property comprising Esler Field, La., described as a tract of land situated in the parish of Rapides, State of Louisiana, and being part of sections 21, 22, and 24 and part of fractional sections 23 and 38, township 5 north, range 2 east of the Louisiana meridian, and being more particularly described as follows:

Beginning at the southwest corner of said fractional section 23; thence north along the west line of said fractional section 23 and the west line of said section 22 to the west quarter corner thereof; thence east along the east and west quarter line of said section 22 and the east and west quarter line of said section 21 to the east quarter corner of said section 21; thence south along the east line of said section 21 and the east line of said section 24 to the southeast corner thereof; thence west along the south line of said section 24 and the south line of said fractional section 23 to its intersection with the east line of said fractional section 38; thence in the southeasterly direction along the east line of said fractional section 38 to a point on the north bank of the Bayou Flagon; thence in a general westerly direction along the said north bank of Bayou Flagon to its intersection with the west line of said fractional section 38; thence in a northwesterly direction along said west line of fractional section 38 to a point on the aforesaid south line of fractional section 23; thence west along the south line of said fractional section 23 to the point of beginning, containing 1,991.43 acres, more or less, together with all improvements thereon and appurtenances thereunto belonging.

SEC. 2. The conveyance authorized by this act shall—

(1) reserve to the United States all mineral rights, including gas and oil, in the property authorized to be conveyed by this act; and

(2) contain such other reservations, restrictions, terms, and conditions as the Secretary of the Army determines to be necessary to properly protect the interests of the United States.

SEC. 3. The conveyance authorized by this act shall be upon conditions that—

(1) such property shall be used as a public civil airport, and, if the parish of Rapides in the State of Louisiana, shall cease to use such property as a public airport for a period of 2 successive years, or more, then all the right, title, and interest in and to such real property shall revert to and become the property of the United States which shall have the immediate right of reentry thereon; and

(2) whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency, and upon the determination by the Secretary of Defense that the property conveyed under this act is useful or necessary for military, air, or naval purposes, or in the interest of national defense, the United States shall have the right, without obligation to make payment of any kind, to reenter upon the property and use the same or any part thereof, including any and all improvements made thereon by the parish of Rapides, for the duration of such state of war or of such emergency. Upon the termination of such state of war or of such emergency, plus 6 months, such property shall revert to the parish of Rapides.

SEC. 4. The first action of the act entitled "An act to provide for the conveyance of Camp Livingston, Camp Beauregard, and Esler Field, La., to the State of Louisiana, and for other purposes," approved May 14, 1956 (70 Stat. 156; Public Law No. 521, 84th Cong.) is amended by striking out "Camp Livingston, Camp Beauregard, and Esler Field, La." and inserting in lieu thereof "Camp Livingston and Camp Beauregard, La."

With the following committee amendments:

Delete the period at the end of line 7, page 3, insert a comma and delete lines 11 through 16, and at the end of line 7 insert the following language: 'including (a) the nonexclusive use of the airport by transient military aircraft without charge; (b) the nonexclusive use of the airport by military aircraft without charge during periods of maneuvers in Louisiana; (c) the continued nonexclusive use of the airport, without charge, by the Louisiana National Guard; and (d) the continued use of space at the airport, without charge, by the Louisiana National Guard.

"(3) provide for a reverter to the United States at the election of the Secretary of the Army, for the breach of any of the terms and conditions by the parish of Rapides, its successors and assigns."

On page 3, line 10, delete the word "public" and insert in lieu thereof the word "civil."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AMENDING SECTION 1552, TITLE 10, UNITED STATES CODE, AND SECTION 301 OF THE SERVICEMEN'S READJUSTMENT ACT OF 1944

The Clerk called the bill (H. R. 8772) to amend section 1552, title 10, United States Code and section 301 of the Servicemen's Readjustment Act of 1944 to provide that the Board for the Correction of Military or Naval Records and the Boards of Review, Discharges, and Dismissals shall give consideration to satisfactory evidence relating to good character and exemplary conduct in civilian life after discharge or dismissal in determining whether or not to correct certain discharges and dismissals, and for other purposes.

Mr. CUNNINGHAM of Iowa. Mr. Speaker, I am advised by the leadership that this bill is scheduled for consideration under suspension. Therefore, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## DISPOSAL OF CERTAIN UNCOMPLETED NAVAL VESSELS

The Clerk called the bill (H. R. 8547) to authorize the disposal of certain uncompleted vessels.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

## CLARIFYING REEMPLOYMENT PROVISIONS OF UNIVERSAL MILITARY TRAINING AND SERVICE ACT

The Clerk called the bill (H. R. 8522) to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 9 of the Universal Military Training and Service Act, as amended (50 U. S. C. App. 459), is amended as follows:

(1) By adding the following words at the end of paragraph (A) of subsection (b): "unless his restoration under subparagraph (i) or (ii) of this paragraph would require the separation of an employee with a higher standing for reduction in force purposes."

(2) By adding the following new paragraph at the end of subsection (e):

"(4) Any person who is restored to a position in accordance with the provisions of paragraph (A) of subsection (b) may be included in a reduction in force at any time in accordance with rules applicable to all other employees."

(3) By inserting in paragraph (2) of subsection (g) the words "and other than for training" after the words "physical fitness" in the parenthetical phrase thereof.

(4) By amending paragraph (3) of subsection (g) to read as follows:

"(3) Any member of a reserve component of the Armed Forces of the United States who is ordered to an initial period of active duty for training of not less than 3 consecutive months shall, upon application for reemployment within 60 days after (A) his release from that active duty for training after satisfactory service, or (B) his discharge from hospitalization incident to that active duty for training, or 1 year after his scheduled release from that training, whichever is earlier, be entitled to all reemployment rights and benefits provided by this section for persons inducted under the provisions of this title, except that (A) any person restored to a position in accordance with the provisions of this paragraph shall not be discharged from such position without cause within 6 months after that restoration, and (B) no reemployment rights granted by this paragraph shall entitle any person to retention, preference, or displacement rights over any veteran with a superior claim under the Veterans' Preference Act of 1944, as amended (5 U. S. C. 851 and the following)."

(5) By adding the following new paragraphs at the end of subsection (g):

"(4) Any employee not covered by paragraph (3) of this subsection who holds a position described in paragraph (A) or (B) of subsection (b) of this section shall be permitted by his employer to report for the purpose of being inducted into, entering, determining his physical fitness to enter, or performing active duty for training or inactive-duty training in the Armed Forces of the United States. Upon his release from a period of such active duty for training or inactive-duty training, or upon his rejection, or upon his discharge from hospitalization incident to that training or rejection, such employee shall be reinstated in his position with such seniority, status, pay, and vacation as he would have had if he had not been absent for such purposes, if he applies for reinstatement at the beginning of his next regularly scheduled working period after expiration of the time necessary to travel from the place of rejection or training to the place of employment following his rejection or release, or within a reasonable time thereafter. If that employee is hospitalized incident to active duty for training, inactive-duty training, or rejection, he shall be required to apply for reinstatement within a reasonable time

after the expiration of the time necessary to travel from the place of discharge from hospitalization to the place of employment, or within one year after his rejection or release from active duty for training or inactive-duty training, whichever is earlier. If an employee covered by this paragraph is not qualified to perform the duties of his position by reason of disability sustained during active duty for training or inactive-duty training, but is qualified to perform the duties of any other position in the employ of the employer or his successor in interest, he shall be restored by that employer or his successor in interest to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay or the nearest approximation thereof consistent with the circumstances in his case.

"(5) For the purposes of paragraphs (3) and (4), full-time training or other full-time duty performed by a member of the National Guard under sections 316, 503, 504, or 505 of title 32, United States Code, is considered active duty for training; and for the purpose of paragraph (4), inactive-duty training performed by that member under section 502 of title 32, or section 301 of title 37, United States Code, is considered inactive-duty training."

(6) By redesignating subsections (i) and (j) as "(j)" "(k)", respectively, and by inserting a new subsection "(i)", as follows:

"(i) No rights or remedies which would otherwise be available under this section shall be denied solely because a person has left or leaves a position in employment on probation."

SEC. 2. Section 262 (f) of the Armed Forces Reserve Act of 1952, as amended (50 U. S. C. 1013 (f)), is repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## SURRENDER TREE SITE, SANTIAGO, CUBA

The Clerk called the bill (S. 1063) vesting in the American Battle Monuments Commission the care and maintenance of the Surrender Tree site in Santiago, Cuba.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the American Battle Monuments Commission is responsible for the care and maintenance of the Surrender Tree site in Santiago, Cuba. This act takes effect on the next July 1 after the date of its enactment.

Mr. O'HARA of Illinois. Mr. Speaker, all this bill does is to transfer responsibility for the care and maintenance of the Surrender Tree site near Santiago, Cuba, from the Department of the Army to the American Battle Monuments Commission. The American Battle Monuments Commission is willing to accept responsibility for the maintenance of this memorial provided specific legislative authority be given. It is estimated that the enactment of this bill would result in an annual reduction of $1,000 of the Department of the Army's civil functions appropriation.

In 1905 and in 1907 Congress appropriated funds to erect memorials marking the places where American soldiers fell and were temporarily interred in Cuba and in China. One of the memorials stands near Santiago, Cuba, at a place known as the Surrender Tree site, and this memorial marks the spot where the preliminary surrender of the Spanish Army occurred on July 17, 1398. The 33d Michigan Volunteer Infantry was the second volunteer outfit to land in Cuba, following Roosevelt's Rough Riders by a matter of 2 or 3 days. It landed from small boats on the beach at Siboney, was engaged in scrimmaging during the last days of June 1898 and on July 1 and July 2 was heavily engaged at Auguadoras, on Shafter's extreme left, in the major frontal attack upon Santiago, which resulted in the city's surrender.

Yet when I returned in December of 1955 to the site of the fighting in which I as a boy of 16 had participated I found little record of the 33d Michigan Volunteer Infantry, and was shocked to find inscribed on a memorial tablet at Siboney a minor mention of the 33d Michigan Volunteers as having landed in Cuba on July 1, 1898. I was told that that memorial tablet had been standing at Siboney for many years. No one responsible for it had apparently taken the time and trouble to get the real facts and the real landing date of the first volunteer regiment next to the Rough Riders that landed in Cuba and was actively engaged during the entire period of combat.

Early in the morning of July 1, 1898, some of my buddies in the 33d Michigan, and they like myself were just boys from high school, were killed in action at the siege of Santiago, and I do not like a little bit the inscription on this memorial tablet at Siboney that they with others of the regiment at the time they were dying were just landing on Cuban soil.

Nor do I think it is a proper recognition of the 33d Michigan that among all of the monuments and memorials on San Juan Hill is none erected in memory of the first volunteer regiment next to the Rough Riders to land in Cuba. There are monuments there to other fine regiments, regiments that suffered heavy casualties because of disease, but which did not land in Cuba until after the hardest fighting was over and Santiago was about ready to surrender. But there is no monument for the 33d Michigan, and to me that is not just fair to the members of that regiment, most of whom now have passed on. The record of history at least should be accurate, and war memorials should be authentic.

The American Battle Monuments Commission has the statutory duty of erecting and maintaining memorials where the American Armed Forces have served, and it is the hope of this surviving veteran of the 33d Michigan that when the Commission takes over the care of the Surrender Tree site it will undertake a survey of the entire memorial situation in the Santiago area.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## INCREASING PENALTIES FOR VIOLATION OF CERTAIN STATUTES ADMINISTERED BY THE ICC

The Clerk called the bill (S. 1492) increasing penalties for violation of certain safety and other statutes administered by the Interstate Commerce Commission.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, I wonder if I may have the attention of the chairman of the Committee on Interstate and Foreign Commerce. This bill and the bills on Calendar No. 173 and Calendar No. 174 all deal with subjects that relate to the Interstate Commerce Commission Act. I notice also in the report that there was registered before the committee some opposition to the bills by different interests that come under the control of the Interstate Commerce Commission. I am wondering whether the chairman of the committee feels that these bills should be considered on the Consent Calendar.

Mr. HARRIS. I fully realize the questions that will arise in the minds of Members when any amendment to the Interstate Commerce Act is considered. However, as to the bill now under consideration, after hearings and consideration we found that there was no opposition to it. It merely refers to a matter of increasing penalties with reference to safety compliance in the operation of common-carrier transportation.

Mr. BYRNES of Wisconsin. In the report there is a statement that the Association of American Railroads, the American Short Line Railroad Association, and the American Trucking Association, are opposed to the bill. That is the information I have.

Mr. HARRIS. The bill as introduced would have increased the penalty from the present $100 provision to a maximum of $500. During the course of the consideration of the bill that was compromised to $250, which I understood eliminated much of the objections to it.

Mr. BYRNES of Wisconsin. It was unanimously reported by the committee?

Mr. HARRIS. It was unanimously reported by the committee on that basis.

Mr. BYRNES of Wisconsin. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Safety Appliance Acts, as amended (45 U. S. C. 1–16), are amended as follows:

(1) By striking in the first clause of section 6 of the Act of March 2, 1893 (27 Stat. 532), as amended (45 U. S. C. 6), the words "one hundred dollars" and substituting in lieu thereof the words "two hundred and fifty dollars"; and

(2) By striking in the first clause of section 4 of the Act of April 14, 1910 (36 Stat. 299; 45 U. S. C. 13), the words "one hundred dollars" and substituting in lieu thereof the words "two hundred and fifty dollars."

SEC. 2. Section 3 of the Hours of Service Act (34 Stat. 1416), as amended (45 U. S. C. 63), is amended by striking in the first clause of the first sentence thereof the amount of "$100" and substituting therefor the amount of "$200."

SEC. 3. Section 9 of the Locomotive Inspection Act (36 Stat. 916), as amended (45 U. S. C. 34), is amended by striking in the first clause thereof the words "one hundred dollars" and substituting therefor the words "two hundred and fifty dollars."

SEC. 4. Section 222 of the Interstate Commerce Act (49 Stat. 564), as amended (49 U. S. C. 322), is amended as follows:

(1) By striking in the first sentence of subsection (a) thereof the words "not more than $100 for the first offense and not more than $500 for any subsequent offense.", and substituting therefor the words "not less than $100 nor more than $500 for the first offense and not less than $200 nor more than $500 for any subsequent offense.", and

(2) By striking in subsection (c) thereof the words "not more than $500 for the first offense and not more than $2,000 for any subsequent offense." and substituting therefor the words "not less than $200 nor more than $500 for the first offense and not less than $250 nor more than $2,000 for any subsequent offense."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## PRESERVATION OF COMPETITIVE THROUGH ROUTES FOR RAIL CARRIERS

The Clerk called the bill (H. R. 5384) to amend the Interstate Commerce Act to provide for the preservation of competitive through routes for rail carriers.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BYRNES of Wisconsin. Reserving the right to object, Mr. Speaker, I wonder if the chairman could advise me whether or not the Interstate Commerce Commission and the Association of American Railroads are still opposed to this bill.

Mr. HARRIS. There is a division of thinking with reference to this legislation.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

## FREIGHT FORWARDER PERMITS

The Clerk called the bill (S. 1383) amending section 410 of the Interstate Commerce Act, to change the requirements for obtaining a freight forwarder permit.

Mr. CUNNINGHAM of Iowa. Mr. Speaker, at the request of my colleague, the gentleman from Virginia [Mr. BROYHILL], I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## VESSELS IN GREAT LAKES SHIPYARDS

The Clerk called the bill (H. R. 2397) to amend section 702 of the Merchant Marine Act, 1936, in order to authorize the construction, reconditioning, or remodeling of vessels under the provisions of such section in shipyards in the continental United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. O'NEILL. I object, Mr. Speaker.

Mr. BONNER. Mr. Speaker, will the gentleman withhold his objection so that I may explain it?

Mr. O'NEILL. Yes.

Mr. BONNER. This bill is merely to grant to shipyards on the Great Lakes a privilege that now exists in connection with shipyards on the coasts.

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## INSPECTION AND CERTIFICATION OF CERTAIN VESSELS CARRYING PASSENGERS

The Clerk called the bill (H. R. 7494) to amend the act entitled "An act to require the inspection and certification of certain vessels carrying passengers," approved May 10, 1956, in order to provide adequate time for the formulation and consideration of rules and regulations to be prescribed under such act.

Mr. CUNNINGHAM of Iowa. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## SALE OF CERTAIN WAR-BUILT VESSELS

The Clerk called the joint resolution (H. J. Res. 370) to extend the time limit for the Secretary of Commerce to sell certain war-built vessels for utilization on essential trade routes 3 and 4.

There being no objection, the Clerk read the joint resolution, as follows:

*Resolved, etc.*, That the first sentence of Public Law 938, 84th Congress, chapter 904, 2d session, is amended by striking out the words "within one year after the enactment of this joint resolution" and substituting the following words "within two years after the enactment of this joint resolution."

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## UNITED STATES AIR FORCE ACADEMY

The Clerk called the bill (H. R. 8531 to provide an interim system for appointment of cadets to the United States Air Force Academy for an additional period of 4 years.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BYRNES of Wisconsin. Reserving the right to object, Mr. Speaker, I do this primarily for the purpose of asking some member of the Committee on Armed Forces to explain the bill. I am sure the Members of the House will be interested in the provisions of this bill.

Mr. BROOKS of Louisiana. I shall be glad to explain the bill.

The Air Force Academy is being built in Colorado, as you know. We presently have a system of nominating appointees to the Academy which is an interim system; that is, each Congressman and Senator are allowed the privilege of nominating 10 names. These 10 nominees are required to take an examination in the States and a statewide list is made from which names are taken. A selection is made of the number eligible to go to the Academy from those nominees presented by each Member.

The bill now under consideration will last for 4 years. The idea of the present bill is to give the Members during this 4-year period a better control of the situation and to let us move to the time when the permanent system which is used in the Naval and Military Academies takes over. In this 4-year period of time, a Member will still be allowed to submit 10 names. Each Member of the House of Representatives and each Senator will be allowed to nominate one principal appointee. The principal appointee may make it, and if he does not, then the selection must be made from 1 of the 10 nominees. Each Member during this 4-year period will be allowed to appoint one person for a year. In other words, there will not be 4 members appointed initially. The Academy could not take care of them. There will be one man appointed each year from each Congressional district. In the event your principal appointee fails, then the selection will be made from 1 of the 10 whose names have been submitted by the Member.

Mr. BYRNES of Wisconsin. Will the gentleman state when this system is going to start?

Mr. BROOKS of Louisiana. Yes; it will begin in the year 1959. In 1958, you will actually make the nominations as indicated in this bill. So the bill will guarantee each Member one principal. Heretofore, each Member has not been guaranteed any person or one representative in the Academy. This will guarantee that each Member of Congress each year has one member in the Academy.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FULTON. Mr. Speaker, I object.

## CORREGIDOR-BATAAN MEMORIAL COMMISSION

The Clerk called the bill (H. R. 7535) to amend Public Law 298, 84th Congress, relating to the Corregidor-Bataan Memorial Commission, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## AMENDING SECTION 218 (A) OF INTERSTATE COMMERCE ACT

The Clerk called the bill (S. 943) to amend section 218 (a) of the Interstate Commerce Act, as amended, to require carriers by motor vehicle to file with the

Interstate Commerce Commission their actual rates or charges for transportation services.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 218 (a) of the Interstate Commerce Act, as amended (49 U. S. C. 318 (a)), is further amended as follows:

(1) By striking from the second sentence thereof the words "the minimum rates or charges of such carrier actually maintained and charged" and substituting therefor the words "the actual rates or charges of such carrier," and by striking out the period at the end of such sentence and inserting in lieu thereof a colon and the following: "*Provided*, That any contract carrier serving but one shipper having rendered continuous service to such shipper for not less than one year may file reasonable minimum rates and charges unless the Commission in any individual case, after hearing, finds it in the public interest to require the filing of actual rates and charges.";

(2) By striking from the third sentence the words "minimum charges" and substituting in lieu thereof the words "actual rates or charges";

(3) By striking out the fourth sentence up to the semicolon and inserting in lieu thereof the following: "Nothing herein provided shall be so construed as to require such carriers to maintain the same rates, rules, and regulations for the same services for all shippers served. No reduction shall be made in any such charge either directly or by means of any change in any rule, regulation, or practice affecting such charge or the value of the service thereunder, nor shall any new charge be established, except after thirty days' notice of the proposed change or new charge filed in the aforesaid form and manner".

(4) By changing the sixth sentence up to the proviso to read as follows: "No such carrier shall demand, charge, or collect compensation for such transportation different from the charges filed in accordance with this paragraph, as affected by any rule, regulation, or practice so filed, or less than the minimum rate or charge as may be prescribed by the Commission from time to time, and it shall be unlawful for any such carrier, by the furnishing of special services, facilities, or privileges, or by any other device whatsoever, to charge, accept, or receive compensation different from the actual rates and charges so filed, or less than the minimum charges so prescribed:"

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AMENDING TITLES 10, 14, AND 32 UNITED STATES CODE

The Clerk called the bill (H. R. 8943) to amend titles 10, 14, and 32, United States Code, to codify recent military law, and to improve the code.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

(By unanimous consent (at the request of Mr. WILLIS), the printing of the bill was dispensed with.)

Mr. WILLIS. Mr. Speaker, I have several amendments to offer. I ask unanimous consent that they be considered en bloc.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. WILLIS: Page 44, line 17, strike out "(4) be recommended for appointment of the Surgeon General," and insert "(4) have such other qualifications as the Secretary of the Army prescribes after considering the recommendation, if any, of the Surgeon General."

Page 81, line 28, strike out "(4) be recommended for appointment by the Chief of the Bureau of Medicine," and insert "(4) have such other qualifications as the Secretary of the Navy prescribes after considering the recommendation, if any, of the Chief of the Bureau of Medicine and Surgery."

Page 85, line 35, strike out "date upon which he graduated from medical, or dental osteopathic", and insert "date upon which he graduated from medical, osteopathic, or dental."

Page 116, line 34, strike out "(4) be recommended for appointment by the Surgeon General", and insert "(4) have such other qualifications as the Secretary of the Air Force prescribes after considering the recommendation, if any, of the Surgeon General."

Page 125, line 20, strike out "officers who has been considered by a selection board for promotion for the first time under this chapter to the next grade higher than his", and insert "officers who has been considered, for the first time under this chapter, by a selection board for promotion to the next grade higher than his."

Mr. McCORMACK. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I would like to ask the gentleman one question. Are these amendments committee amendments?

Mr. WILLIS. No, they are amendments which have been suggested by the Committee on Armed Services and have been cleared with our committee.

Mr. McCORMACK. In other words, the amendments have been cleared and while they are not an expression of the action of the committee, they are for all practical purposes committee amendments.

Mr. WILLIS. That is correct.

The SPEAKER. The question is on the amendments offered by the gentleman from Louisiana [Mr. WILLIS].

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## SECOND WORLD METALLURGICAL CONGRESS

The Clerk called the joint resolution (H. J. Res. 404) providing for the recognition and endorsement of the second World Metallurgical Congress.

There being no objection, the Clerk read the joint resolution, as follows:

Whereas the growing demand upon the metal resources of the world presents a problem prompting the most serious consideration among nations; and

Whereas a broader acquaintanceship with present day mineral resources and the means for conserving these diminishing resources is essential to the well-being of mankind; and

Whereas our own mineral resources being deficient in several vital minerals, the United States is faced with continued dependence upon overseas and other sources; and

Whereas the outlook for improvement in basic resources is not encouraging, there is need for broad scientific research and wide-scale exploration to effect discovery of new metals and metal resources; and

Whereas the free exchange of scientific information among the world's metallurgists will contribute to the betterment of this deficiency at home and abroad; and

Whereas the United States has a responsibility and an opportunity to provide vigorous leadership in the search for substitutes for critical resources in order to preserve these resources from complete exhaustion; and

Whereas the metal scientist is today accepting this challenge in good spirit and with efficient performance, contributing actively to the mastery of new wonder metals and the peacetime uses of the atom; and

Whereas the economic health of the world will be enhanced if the United States nurtures a friendly attitude toward worldwide scientific and industrial efforts; and

Whereas several hundred distinguished metal scientists from twoscore countries throughout the world will visit our shores in October and November of 1957 to participate in deliberations on metal resources and operations: Now, therefore, be it

*Resolved, etc.*, That the Congress hereby extends its official welcome to the overseas metal scientists who will visit major American production centers and attend the World Metallurgical Congress, November 2, to 8, 1957, under the sponsorship of the American Society for Metals. The President is authorized and requested, by proclamation, or in such manner as he may deem proper, to grant recognition to the World Metallurgical Congress and the American Society for Metals for its instigation and sponsorship of this second world gathering of metal scientists, calling upon officials and agencies of the Government to assist and cooperate with such congress as occasion may warrant.

With the following committee amendment:

On page 2, lines 4 and 5, after the word "will" strike out the words "visit major American production centers and".

The committee amendment was agreed to.

The resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

## AMENDING SECTION 304 (D) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

The Clerk called the bill (H. R. 6456) to amend section 304 (d) of the Federal Food, Drug, and Cosmetic Act, with respect to the disposition of certain imported articles which have been seized and condemned.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That subsection (d) of section 304 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 334 (d)), is hereby amended by inserting immediately before the last sentence thereof a new sentence as follows: "If the article was imported into the United States and the person seeking its release establishes (1) that the adulteration, misbranding, or violation did not occur after the article was imported, and (2) that he had no cause for believing that it was adulterated, misbranded, or in violation before it was released from customs custody, the court may permit the article to be delivered to the owner for exportation in lieu of destruction upon a showing by the owner that all of the conditions of section 801 (d) can and will be met: *Provided, however*, That the provisions of this sentence shall not apply where condemnation is based

upon violation of section 402 (a) (1), (2), or (6), section 501 (a) (3), section 502 (j), or section 601 (a) or (d): *And provided further*, That where such exportation is made to the original foreign supplier, then clauses (1) and (2) of section 801 (d) and the foregoing proviso shall not be applicable; and in all cases of exportation the bond shall be conditioned that the article shall not be sold or disposed of until the applicable conditions of section 801 (d) have been met."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## ST. LAWRENCE SEAWAY CELEBRATION

The Clerk called the joint resolution (H. J. Res. 408) authorizing the President to invite the States of the Union and foreign countries to participate in the St. Lawrence Seaway Celebration to be held in Chicago, Ill., from January 1, 1959, to December 31, 1959.

There being no objection, the Clerk read the resolution, as follows:

*Resolved, etc.*, That the President of the United States is authorized, by proclamation or in such other manner as he may deem proper, to invite the States of the Union and foreign countries to participate in the St. Lawrence Seaway Celebration, to be held in Chicago, Illinois, from January 1 to December 31, 1959, inclusive, for the purpose of promoting foreign and domestic commerce and of fostering good will among nations.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## CONTINUED EXISTENCE OF BUFFALO AND FORT ERIE PUBLIC BRIDGE AUTHORITY

The Clerk called the joint resolution (H. J. Res. 342) granting the consent of Congress to an agreement or compact between the State of New York and the Government of Canada providing for the continued existence of the Buffalo and Fort Erie Public Bridge Authority, and for other purposes.

The Clerk read the title of the joint resolution.

There being no objection, the Clerk read the resolution, as follows:

*Resolved, etc.*, That the consent of Congress is given to the State of New York to enter into the agreement or compact with the Government of Canada, which is set forth in chapter 259 of the laws of New York, 1957, and provides for the continuation of the Buffalo and Fort Erie Public Bridge Authority as a municipal instrumentality of such State, with power to maintain and operate the highway bridge over the Niagara River between the city of Buffalo in such State and the city of Fort Erie, Ontario, Canada.

SEC. 2. The joint resolution entitled "Joint resolution granting the consent of Congress to the State of New York to negotiate and enter into an agreement or compact with the Government of Canada for the establishment of the Niagara Frontier Port Authority with power to take over, maintain, and operate the present highway bridge over the Niagara River between the city of Buffalo, New York, and the city of Fort Erie, Ontario, Canada," approved July 27, 1956 (70 Stat. 701), is repealed.

SEC. 3. The right to alter, amend, or repeal this joint resolution is expressly reserved.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## OWNERSHIP TO ALLEGANY COUNTY, MD., OF BRIDGE LOANED BY BUREAU OF PUBLIC ROADS

The Clerk called the bill (H. R. 5264) to transfer ownership to Allegany County, Md., of a bridge loaned to such county by the Bureau of Public Roads.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

## AUTHORIZING PAYMENT OF TRANSPORTATION AND SUBSISTENCE COSTS TO TEMPORARY EMPLOYEES ON DIRECT FEDERAL HIGHWAY PROJECTS

The Clerk called the bill (S. 1941) to authorize the payment by the Bureau of Public Roads of transportation and subsistence costs to temporary employees on direct Federal highway projects.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That funds authorized to be appropriated under the Federal-Aid Road Act approved July 11, 1916, as amended and supplemented, for direct Federal highway projects, and funds made available to the Bureau of Public Roads from other Federal agencies for such Federal projects shall be available, under regulations approved by the Secretary of Commerce, for payment of transportation expenses and per diem in lieu of subsistence expenses, in accordance with the Travel Expense Act of 1949, and the Standardized Travel Regulations insofar as consistent with this act, for travel of seasonable employees between points of hire and project locations and while performing duty at project locations.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AMENDING BANKRUPTCY ACT

The Clerk called the bill (H. R. 7671) to amend section 116 (4) of chapter 10 of the Federal Bankruptcy Act, to make certain equipment trust provisions applicable to aircraft and aircraft equipment of air carriers.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I note in the information at my disposal that there are no departmental reports on this proposed legislation. Can some member of the committee tell me why this does not appear?

Mr. DOWDY. Mr. Speaker, the CAB did not have time to make a formal report, but they came before our subcommittee and stated they were in favor of the enactment of this provision.

Mr. FORD. Did the CAB appear and testify favorably for this legislation?

Mr. DOWDY. No. They did not come over at the hearing, but they gave us the indication that they did favor it.

Mr. FORD. Does the gentleman have any idea how much is involved? You know we have certain dollar limitations on bills that can be considered on the Consent Calendar.

Mr. DOWDY. As far as the cost to the Government or taxpayers is concerned, there is nothing like that involved here. You probably know that the railroads have a provision in the law where they have equipment trusts. This gives the same thing to these little airways.

Mr. FORD. I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection.

There was no objection.

## PERMITTING THE DISPOSAL OF CERTAIN LANDS TO ALIENS

The Clerk called the bill (H. R. 8929) to amend the act of August 27, 1935, as amended, to permit the disposal of lands and interests in lands by the Secretary of State to aliens.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, this is not a bill which in any way provides for the general disposal of land to aliens? This applies to a specific case, does it not?

Mr. KILGORE. No. This is an amendment of the basic general law. The general law will permit the disposal of excess lands, limiting that disposal to citizens only.

Mr. GROSS. But this is a specific case?

Mr. KILGORE. This arose out of a specific case. But under the authority disposal could be made to an alien in other instances.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. BYRNES of Wisconsin. It is a special case as it relates to the International Boundary and Water Commission operation. Generally speaking, on other lands there is not this prohibition. This bill simply removes those restrictions.

Mr. GROSS. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Act of August 27, 1935 (49 Stat. 906), as amended by the Act of June 19, 1939 (53 Stat. 841), and as further amended October 31, 1951 (56 Stat. 707), be, and the same is hereby, amended to read as follows:

"That the Secretary of State be, and he is hereby, authorized to lease any land heretofore or hereafter acquired under any Act,

Executive order, or treaty, in connection with projects, in whole or in part, constructed or administered by the Secretary of State through the said American Commissioner, or to dispose of such lands when no longer needed, subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended, by sale at public auction, after 30 days' advertisement, at a price not less than that which may be fixed by three disinterested appraisers, to be designated by the Secretary of State, or by private sale, or otherwise, at not less than such appraised value: *Provided*, That any of such land as shall have been donated to the United States and which is no longer needed may be reconveyed, without cost, to the grantor or his heirs: *Provided further*, That the lease or disposal of any land pursuant hereto may, in the discretion of the Secretary of State, be subject to reservations in favor of the United States for rights-of-way for irrigation, drainage, river work, and other purposes, and any such disposal may be conditioned upon and made subject to inclusion of such lands in any existing irrigation district in the vicinity of such lands, the proceeds of any such lease or sale to be covered into the Treasury of the United States: *And provided further*, That in the discretion of the Secretary of State, and subject to such conditions as he may deem appropriate, conveyances of any other of such lands not needed by the United States may be made to the State to which they lie adjacent or to any similarly situated county, city, or other governmental subdivision of such State, without cost, for use for public purposes.

"The Secretary of State is further authorized to issue revokable licenses for public or private use for irrigation or other structures or uses not inconsistent with the use of such lands made, or to be made, by the United States, across any lands retained by the United States, and to execute all necessary leases, title instruments, and conveyances, in order to carry out the provisions of this Act.

"Whenever the construction of any project or works undertaken or administered by the Secretary of State through the International Boundary and Water Commission, United States and Mexico, results in the interference with or necessitates the alteration or restoration of constructed and existing irrigation or water-supply structures, sanitary or sewage disposal works, or other structures, or physical property belonging to any municipal or private corporation, company, association, or individual, the Secretary of State may cause the restoration or reconstruction of such works, structures, or physical property or the construction of others in lieu thereof or he may compensate the owners thereof to the extent of the reasonable value thereof as the same may be agreed upon by the Amelcan Commissioner with such owner.

"The Secretary of State, acting through such officers as he may designate, is further authorized to consider, adjust, and pay from funds appropriated for the project, the construction of which resulted in damages, any claim for damages accruing after March 31, 1937, caused to owners of lands or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of any project constructed or administered through the American Commissioner, International Boundary and Water Commission, United States and Mexico, if such claim for damages does not exceed $1,000 and has been filed with the American Commissioner within one year after the damage is alleged to have occurred, and when in the opinion of the American Commissioner such claim is substantiated by a report of a board appointed by the said Commissioner."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## TRANSFERRING CERTAIN LAND TO THE STATE OF NORTH DAKOTA FOR USE AND BENEFIT OF NORTH DAKOTA STATE SCHOOL OF SCIENCE

The Clerk called the bill (S. 999) authorizing the Secretary of the Interior to convey certain land to the State of North Dakota for the use and benefit of the North Dakota State School of Science.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BYRNES of Wisconsin. Reserving the right to object, Mr. Speaker, I wonder if there is somebody on the committee who can advise if the committee accepted the recommendation of the Department of the Interior that free tuition be given to the Indian students for 20 years rather than 10 years?

Mr. KRUEGER. The price would be too high.

It was agreed in the beginning that the Indian Bureau would convey this property to the North Dakota State School of Science for a consideration of 10 Indian students for a period of 10 years would be given a scholarship to attend the school. The Bureau conveyed only 70 acres instead of 80 acres and the State of North Dakota agreed to accept the offer.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is authorized and directed to convey by quitclaim deed to the State of North Dakota, for the use and benefit of the North Dakota State School of Science, all right, title, and interest of the United States to the following described land, located in Richland County, North Dakota, together with any buildings or other improvements thereon: The southwest quarter of the northwest quarter, lot 3 and the west 19 rods of lot 2 of section 5 in township 132 north of range 47 west of the fifth principal meridian; the said description also being known as the southwest quarter of the northwest quarter, the northwest quarter of the northwest quarter, and the west 19 rods of the northeast quarter of the northwest quarter of section 5 in township 132 north of range 47 west of the fifth principal meridian, containing 80.0637 acres more or less according to the United States Government survey thereof after allowing a deduction of 5.61 acres now occupied by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company as a right-of-way, formerly known as the Chicago, Milwaukee and St. Paul Railway Company, being that portion of said land conveyed to the Fargo Southern Railroad Company in a certain warranty deed recorded in book J of deeds on page 171 in the office of the register of deeds of Richland County, North Dakota: *Provided*, That title to the land described in this section shall revert to the United States if, at any time within twenty-five years after conveyance by the Secretary of the Interior, the land is used for other than educational purposes.

SEC. 2. (a) As consideration for the transfer of the property referred to in the first section of this Act, the North Dakota State School of Science shall make available for each of its school years, for a period of ten school years, free tuition to ten qualified Indians who wish to attend such school during such school year.

(b) To qualify for free tuition under this act any such prospective students shall (1) be seventeen years of age or over, (2) be a high-school graduate, (3) be recommended by the Bureau of Indian Affairs, and (4) meet the entrance standards of the North Dakota State School of Science.

(c) The period of ten school years during which free tuition shall be made available under this act shall commence not later than two years after the date of the enactment of this Act.

SEC. 3. The Secretary of the Interior shall reserve to the United States all mineral interests in land conveyed under this Act, and the right to mine and remove the same under applicable laws and regulations to be established by him.

With the following committee amendments:

Page 1, line 9, following the word "The" insert "north half of the southwest quarter of the northwest quarter, the north half of the south half of the."

Page 2, line 2, following the words "known as the" insert "north half of the southwest quarter of the northwest quarter, the north half of the south half of the."

Page 2, line 3, following the words "northwest quarter" where they first appear, insert a comma.

Page 2, line 4, following the words "northwest quarter" insert a comma.

Page 2, line 7, strike the figure "80.0637" and insert "70.0637."

Page 2, line 9, following the words "5.61 acres" insert "more or less."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## STATES COMPACT OF WATERS OF LITTLE MISSOURI RIVER

The Clerk called the bill (S. 1556) granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to their interest in, and the apportionment of, the waters of the Little Missouri River and its tributaries as they affect such States, and for related purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the consent of the Congress is hereby given to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to the interests of such States in the development, protection from pollution, and the use of the water resources of the Little Missouri River and its tributaries, and providing for an equitable apportionment among them of the waters of the Little Missouri River and its tributaries, and for matters incidental thereto, upon the condition that one qualified person appointed by the President of the United States shall participate in such negotiations as chairman, representing the United States, and shall make a report to the President of the United

States and the Congress of the proceedings and of any compact entered into. Such compact shall not be binding or obligatory upon any of the parties thereto unless or until the same shall have been ratified by the legislature of each of the respective States, and consented to by the Congress of the United States.

SEC. 2. (a) The Federal representative shall be appointed by the President, and shall report to the President either directly or through such agency or official of the Government as the President may specify.

(b) The Federal representative shall receive compensation and shall be entitled to travel expenses, including per diem in lieu of subsistence, in the same manner as provided for experts and consultants under sections 5 and 15 of the Administrative Expenses Act of 1946 and the Travel Expense Act of 1949, except (1) that his term of service shall be governed by the terms of this act and shall not be affected by the time limitations of said section 15, and (2) his per-diem rate of compensation shall be in such amount, not in excess of $100, as the President shall specify, but the total amount of compensation payable in any one calendar year shall not exceed $15,000: *Provided*, That if the Federal representative be an employee of the United States he shall serve without additional compensation: *Provided further*, That a retired military officer, or a retired Federal civilian officer or employee, may be appointed as such representative without prejudice to his retired status, and he shall receive compensation as authorized herein in addition to his retired pay or annuity, but the sum of his retired pay or annuity and such compensation as may be payable hereunder shall not exceed $15,000 in any one calendar year.

(c) The Federal representative shall be provided with office space, consulting, engineering, and stenographic service, and other necessary administrative services.

(d) The compensation of the Federal representative shall be paid from the current appropriation for salaries in the White House Office. Travel and other expenses provided for in subsections (b) and (c) of this section shall be paid from any current appropriation or appropriations selected by the head of such agency or agencies as may be designated by the President to provide for such expenses.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 4, line 4, strike out all of section 3 and insert in lieu thereof the following:

"SEC. 3. The authority granted in this act shall expire 4 years from the date of enactment."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## VALIDATING PORTIONS OF RIGHT-OF-WAY IN RENO, NEV.

The Clerk called the bill (S. 1773) to validate a certain conveyance heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, to the State of Nevada, involving certain portions of right-of-way in the city of Reno, county of Washoe, State of Nevada, acquired by the Central Pacific Railway Co. under the Act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356).

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the conveyance in the form of a quitclaim deed executed by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, as grantors, to the State of Nevada, as grantee, under date of January 12, 1953, for the use and benefit of the Nevada State Hospital for Mental Diseases, and recorded in the office of the county recorder of Washoe County, State of Nevada, on the 21st day of March 1953, in book numbered 318 of deeds, page 300, official records of said county, involving certain lands or interests therein in the city of Reno, county of Washoe, State of Nevada, and forming a part of the right-of-way of said Central Pacific Railway Co. granted by the Government of the United States of America by an act of Congress approved July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes" (12 Stat. L. 489), and by said act as amended by Act of Congress approved July 2, 1864, entitled "An Act to amend an Act entitled 'An Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862" (13 Stat. L. 356), is hereby legalized, validated, and confirmed with the same force and effect as if the land involved therein had been held at the time of such conveyance by the above-named grantors making the same under absolute fee-simple title: *Provided*, That such legislation, validation, and confirmation shall not diminish said right-of-way to a width less than fifty feet on either side of the center of the main track or tracks of said Central Pacific Railway Co. as now established: *Provided further*, That nothing herein contained is intended or shall be construed to legalize, validate, or confirm any rights, titles, or interests based upon or arising out of adverse possession, prescription, or abandonment and not confirmed by conveyance heretofore made by Central Pacific Railway Co. and its lessee, Southern Pacific Co.: *And provided further*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GRANTING ALASKA TITLE TO CERTAIN LANDS

The Clerk called the bill (H. R. 6760) to grant to the Territory of Alaska title to certain lands beneath tidal waters, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That as used in this act—

(a) The term "natural resources" includes, without limiting the generality thereof, oil, gas, and all other minerals, but does not include fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life, or waterpower, or the use of water for the production of power; and

(b) The term "pierhead line" means a pierhead line established, now or in the future, by the Corps of Engineers of the Department of the Army as the outer limit to which manmade facilities may be permitted to extend into Federal waters: *Provided*, That the determination of the location of a pierhead line by the Corps of Engineers shall be conclusive.

SEC. 2. (a) Except as provided in section 3, there is granted to the Territory of Alaska (hereinafter called the "Territory") all the right, title, and interest of the United States in and to all lands, including improvements thereon and natural resources thereof, lying offshore of surveyed townsites in the Territory, between the line of mean high tide and the pierhead line. Upon the acceptance by the Secretary of the Interior (hereinafter called the "Secretary") at any future time of the survey of any other townsite in the Territory, all the right, title, and interest of the United States in and to the lands, including improvements thereon and natural resources thereof, lying offshore of that surveyed townsite, between the line of mean high tide and the pierhead line, shall pass to the Territory.

(b) The Territory may manage and dispose of any tract of land acquired by it under subsection (a) of this section, and of any revenues or proceeds therefrom, in such manner as the legislature of the Territory may direct, except that in the disposition, by sale, lease, or otherwise, of any tract which is occupied or developed for municipal, business, residential, or other beneficial purposes on the date of approval of this act, the Territory shall afford a preference right to the occupant thereof on the date of approval of this act, or his successor in interest, or, if the Territory deems it more advisable, shall dispose of the tract to the incorporated town or independent school district to which it is adjacent. If such an occupied or developed tract is conveyed to an incorporated town or school district, the town or district shall, in its disposition of the tract, afford a similar preference right to the occupant of the tract. Where the tract is occupied by a person other than the owner of the improvements thereon, the owner of the improvements shall, for the purposes of this subsection, be considered the occupant of the tract.

(c) The Territory shall not be authorized to manage or dispose of any tract of land granted to the Territory under this act until the Secretary of the Army has submitted to the Secretary of the Interior and the Governor of the Territory maps showing the pierhead line established by the Corps of Engineers with respect to the tract so granted.

(d) Nothing in this act shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of such lands and waters for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power.

SEC. 3. There are excepted from the operation of subsection (a) of section 2 of this act—

(a) all tracts or parcels of land together with all accretions thereto, resources therein, or improvements thereon, title to which has been lawfully and expressly acquired by the United States from the Territory of Alaska or from any party in whom title has vested under the laws applicable to the Territory, or the law of the United States, all lands expressly retained by or ceded to the United States, all lands acquired by the United States by gift or by proceedings under eminent domain, all lands filled in, built up, or otherwise reclaimed by the United States for its own use as long as so used, and any rights the United States has in lands presently and actually occupied by the United States under claim of rights;

(b) the lands underlying war-housing project ALASKA-50083 located in Juneau,

Alaska, together with such easements in, over, through, and upon the adjacent tidal flats as may be necessary to continue the existing main sewer line to deep water;

(c) any land which, on the date of approval of this act, is held, or any land in which, on the date of approval of this act, any interest is held, by the United States for the benefit of any tribe, band, or group of Indians, Aleuts, and Eskimos or for individual Indians, Aleuts, and Eskimos;

(d) all oil and gas deposits located in the submerged lands along the Arctic coast of naval petroleum reserve numbered 4 between the line of mean high tide and the pierhead line; and

(e) all structures and improvements, constructed by the United States in the exercise of its navigational servitude.

SEC. 4. (a) The United States retains all its navigational servitude and rights in and powers of regulation and control of the waters over and lands transferred under subsection (a) of section 2 for the constitutional purposes of commerce, navigation, national defense, and interntaional affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, disposition, use, and development of the lands and natural resources which are specifically vested in the Territory by subsection (a) of section 2 of this act.

(b) In time of war or when necessary for national defense, and when the Congress or the President shall so prescribe, the United States shall have the right of first refusal to purchase at the prevailing market price, all or any portion of the natural resources granted under subsection (a) of section 2, or to acquire and use any portion of the lands granted thereby, by proceeding in accordance with due process of law and paying just compensation therefor.

SEC. 5. Nothing contained in this act shall affect any right which may have been acquired under any law of the United States in lands subject to this act and such rights, if any, shall be governed by the law in effect at the time at which they were acquired: *Provided, however,* That nothing contained in this act is intended or shall be construed as a finding, interpretation, or construction by the Congress that the law under which such rights may be claimed in fact or in law applies to the lands subject to this act, or authorizes or compels the granting of such rights in such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything contained in this act.

SEC. 6. (a) The Secretary is hereby authorized to survey for the purposes of this act the exterior boundaries of any area in the Territory which is occupied as a town, village, or city, notwithstanding the fact that the lands within that area may not be subject to disposal under the public land laws, and upon his acceptance of a survey for such area, the area shall be deemed a surveyed townsite for the purposes of this act.

(b) The Secretary of the Army is authorized and directed to cause such pierhead lines, beyond which no man-made facilities may be permitted to extend into Federal waters, to be established as may be requested by the Secretary of the Interior as necessary to carry out the terms of this act.

With the following committee amendment:

Page 2, line 8, following the word "lands" insert "within the Territory of Alaska."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AMENDING SECTIONS 22 AND 24 OF THE ORGANIC ACT OF GUAM

The Clerk called the bill (H. R. 4215) amending sections 22 and 24 of the Organic Act of Guam.

Mr. O'HARA of Illinois. Mr. Speaker, reserving the right to object, may I inquire what this bill does?

Mr. ASPINALL. This bill would raise the salary of the district judge at Guam to correspond in amount with the salaries of other Federal judges in the United States.

Mr. O'HARA of Illinois. I notice it makes some changes of a jurisdictional nature in the courts of Guam. Have those changes met the approval of the Legislature of Guam? I presume they have. I do know that we in the House have great respect for the Legislature of Guam, heightened by the visits with us of the distinguished speaker, the Honorable A. J. Won Pat, and several of his colleagues in the law-making body of Guam.

Mr. ASPINALL. Yes, they have. The request came with approval from the legislative body of Guam, if my colleague will permit me to say so.

Mr. O'HARA of Illinois. Mr. Speaker, I withdraw my objection.

Mr. GROSS. Mr. Speaker, reserving the right to object, I ask the gentleman from Colorado [Mr. ASPINALL]: Is this judge furnished a residence on Guam?

Mr. ASPINALL. No, it is my understanding that this judge pays for his own residence the same as every other Federal judge.

Mr. GROSS. He is not furnished a residence; he is not furnished transportation or anything of that nature?

Mr. ASPINALL. He is furnished traveling expenses when he is going about the trust territory as he takes care of his duties; but as far as transportation back and forth from the mainland to the island, it is my understanding that he is not reimbursed unless it is on a judicial assignment.

Mr. GROSS. And the gentleman tells me that this judge maintains his own residence; the residence is not provided for him on the island of Guam?

Mr. ASPINALL. That is my understanding. He is a Federal judge in Guam. When I was there three years ago I was advised that he was paying rent on his domicile.

Mr. GROSS. The increase in salary is more than $9,000 a year.

Mr. ASPINALL. The increase would bring the salary of the Federal judge at Guam in line with the salaries of Federal judges elsewhere in the United States.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## NATIONAL COWBOY HALL OF FAME AT OKLAHOMA CITY

The Clerk called the concurrent resolution (S. Con. Res. 32) favoring Congressional recognition of the National Cowboy Hall of Fame and Museum to be located at Oklahoma City, Okla.

There being no objection, the Clerk read the resolution, as follows:

Whereas citizens of 17 Western States where the cattle trade contributed a colorful chapter to the whole history of the United States and particularly to that of the grasslands on which the cattle trade flourished, have cooperated in the establishment at Oklahoma City, Okla., of the National Cowboy Hall of Fame and Museum; and

Whereas it is the purpose of the National Cowboy Hall of Fame and Museum to honor past and present cowboys, stockmen, and ranchers who have contributed to the initial development of the West; and

Whereas in order to perpetuate the contributions by acts and deeds of these men and women, the National Cowboy Hall of Fame and Museum proposes to erect such buildings or monuments as may be deemed appropriate to be a lasting memorial to those pioneers; and

Whereas the preservation of historical and present-day documents, mementos, personal effects, and relics of these pioneers is of national interest and will be a valuable contribution to the folklore of America: Therefore be it

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress hereby recognizes the National Cowboy Hall of Fame and Museum as a memorial to individuals who have made outstanding contributions in the opening and development of the West and as a fitting and valuable institution for the collection and preservation of artifacts and other evidences and data relating to the role the West has played in enriching our American historical heritage.

The resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## MIRAGE FLATS IRRIGATION DISTRICT, NEBRASKA

The Clerk called the bill (H. R. 5679) to authorize amendment of the irrigation repayment contract of December 28, 1950, between the United States and the Mirage Flats Irrigation District, Nebraska.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is authorized to enter into an agreement with the Mirage Flats Irrigation District, Nebraska, amending the contract between the United States and said district dated December 28, 1950 (a) to provide for the application of $12,642 of accumulated development period credits to reduction of presently delinquent construction charge payments, (b) to reduce the 38th annual construction charge installment under said contract to $24,890, (c) to schedule for payment in the 39th year any balance of the construction charge obligation, and (d) to include a provision whereby the scheduled annual payments will be increased or decreased in accordance with a formula reflecting economic factors pertinent to the ability of the organization to pay and the number of years allowed for full repayment will vary accordingly.

With the following committee amendment:

Page 1, line 9, strike out the word "payments," and insert "payments and accumulated penalties thereon."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AMENDATORY REPAYMENT CONTRACTS UNDER FEDERAL RECLAMATION LAWS

The Clerk called the bill (H. R. 5492) to amend the act of August 31, 1954 (68 Stat. 1044) to extend the time during which the Secretary of the Interior may enter into amendatory repayment contracts under the Federal reclamation laws, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the act of August 31, 1954 (68 Stat. 1044), is hereby amended by striking out the year "1957," and inserting in lieu thereof the year "1960."

The bill was ordered to be engrossed, and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AMENDING SECTION 507 AND SUBSECTION 602 (A) OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

The Clerk called the bill (H. R. 8795) to amend section 507 and subsection 602 (a) of the Federal Property and Administrative Services Act of 1949, as amended.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 507 and subsection 602 (a) of the Federal Property and Administrative Services Act of 1949, as amended, are hereby further amended as follows:

(1) (a) By redesignating present subsections (g), (h), and (i) of section 507 as subsections (h), (i), and (j), respectively; and

(b) By inserting, immediately after paragraph (7) of subsection (f) of section 507 the following new subsection:

"(g) The Franklin D. Roosevelt Library shall be considered a 'Presidential archival depository' within the meaning of this section, and it and its contents shall be administered in accordance with the applicable provisions of the Federal Property and Administrative Services Act, as amended, subject to section 401 of Reorganization Plan No. 3 of 1946 (60 Stat. 1097; 5 U. S. C. 133y-16) transferring certain functions with respect to the Franklin D. Roosevelt Library to the Secretary of the Interior."

(2) By adding a paragraph (34) to subsection 602 (a) to read as follows:

"(34) Sections 1 (c); 205 (a), (b), (c), (d), (e), and (f); 206, 207, 208, and 209; and the second proviso, contained in section 203 of the joint resolution of July 18, 1939 (53 Stat. 1062)."

With the following committee amendment:

Page 2, line 5, after "act," insert "of 1949."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## REFUNDS OF ALCOHOL AND TOBACCO TAXES

Mr. COOPER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8216) to amend the Internal Revenue Code of 1954 to prevent unjust enrichment by precluding refunds of alcohol and tobacco taxes to persons who have not borne the ultimate burden of the tax, with the committee amendments printed in the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That subchapter B of chapter 65 of the Internal Revenue Code of 1954 (relating to rules of special application for abatements, credits, and refunds) is amended by adding at the end thereof the following new section:

"SEC. 6423. Conditions to allowance in the case of alcohol and tobacco taxes.

"(a) Conditions: No credit or refund shall be allowed or made, in pursuant of a court decision or otherwise, of any amount paid or collected as an alcohol or tobacco tax unless the claimant establishes (under regulations prescribed by the Secretary or his delegate)—

"(1) that he bore the ultimate burden of the amount claimed; or

"(2) that he has unconditionally repaid the amount claimed to the person who bore the ultimate burden of such amount; or

"(3) that (A) the owner of the commodity furnished him the amount claimed for payment of the tax, (B) he has filed with the Secretary or his delegate the written consent of such owner to the allowance to the claimant of the credit or refund, and (C) such owner satisfies the requirements of paragraph (1) or (2).

"(b) Filing of claims: No credit or refund of any amount to which subsection (a) applies shall be allowed or made unless a claim therefor has been filed by the person who paid the amount claimed, and, except as hereinafter provided in this subsection, unless such claim is filed after September 30, 1957, and within the time prescribed by law, and in accordance with regulations prescribed by the Secretary or his delegate. All evidence relied upon in support of such claim shall be clearly set forth and submitted with the claim. Any claimant who has on or before September 30, 1957, filed a claim for any amount to which subsection (a) applies may, if such claim was not barred from allowance on September 30, 1957, file a superseding claim after September 30, 1957, and on or before September 30, 1958, conforming to the requirements of this section and covering the amount (or any part thereof) claimed in such prior claim. No claim filed before October 1, 1957, for the credit or refund of any amount to which subsection (a) applies shall be held to constitute a claim for refund or credit within the meaning of, or for purposes of section 7422 (a); except that any claimant who instituted a suit before June 15, 1957, for recovery of any amount to which subsection (a) applies shall not be barred by this subsection from the maintenance of such suit as to any amount claimed in such suit on such date if in such suit he establishes the conditions to allowance required under subsection (a) with respect to such amount.

"(c) Period not extended: Any suit or proceeding, with respect to any amount to which subsection (a) applies, which is barred on September 30, 1957, shall remain barred. No claim for credit or refund of any such amount which is barred from allowance on September 30, 1957, shall be allowed after such date in any amount.

"(d) Application of section: This section shall apply only if the credit or refund is claimed on the grounds that an amount of alcohol or tobacco tax was assessed or collected erroneously, illegally, without authority, or in any manner wrongfully, or on the grounds that such amount was excessive. This section shall not apply to—

"(1) any claim for drawback,

"(2) any claim made in accordance with any law expressly providing for credit or refund where a commodity is withdrawn from the market, returned to bond, or lost or destroyed, and

"(3) any amount claimed with respect to a commodity which has been lost, where a suit or proceeding was instituted before June 15, 1957.

"(e) Meaning of terms: For purposes of this section—

"(1) Alcohol or tobacco tax: The term 'alcohol or tobacco tax' means—

"(A) any tax imposed by chapter 51 (other than part II of subchapter A, relating to occupational taxes) or by chapter 52 or by any corresponding provision of prior internal revenue laws, and

"(B) in the case of any commodity of a kind subject to a tax described in subparagraph (A), any tax equal to any such tax, any additional tax, or any floor stocks tax.

"(2) Tax: The term 'tax' includes a tax and an exaction denominated a 'tax,' and any penalty, addition to tax, additional amount, or interest applicable to any such tax.

"(3) Ultimate burden: The claimant shall be treated as having borne the ultimate burden of an amount of an alcohol or tobacco tax for purposes of subsection (a) (1), and the owner referred to in subsection (a) (3) shall be treated as having borne such burden for purposes of such subsection, only if—

"(A) he has not, directly or indirectly, been relieved of such burden or shifted such burden to any other person,

"(B) no understanding or agreement exists for any such relief or shifting, and

"(C) if he has neither sold nor contracted to sell the commodities involved in such claim, he agrees that there will be no such relief or shifting, and furnishes such bond as the Secretary or his delegate may require to insure faithful compliance with his agreement."

SEC. 2. The table of sections for subchapter B of chapter 65 of such code is amended by adding at the end thereof the following:

"Sec. 6423. Conditions to allowance in the case of alcohol and tobacco taxes."

SEC. 3. The amendments made by this act shall not apply to any credit or refund allowed or made before October 1, 1957.

The SPEAKER. Is a second demanded?

Mr. JENKINS. Mr. Speaker, I demand a second so that the matter might be explained.

Mr. COOPER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COOPER. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, existing law provides rules requiring a taxpayer who overpays a Federal retailers or manufacturers excise tax to show that he bore the ultimate burden of the tax, that he has repaid the amount of the tax to the purchaser or ultimate purchaser, or that

he has obtained the consent of the purchaser or ultimate purchaser to refund, before any refund of the tax will be allowed. Similar conditions to refund are imposed in the case of the excise taxes on admissions, club dues, communications, and transportation. These conditions to refund are designed to prevent the taxpayer from realizing a windfall; from being unjustly enriched by the amount of the tax which has in fact been borne by the ultimate purchaser of a taxed article or service.

At the present time no similar conditions to refund are imposed in the case of the excise taxes on alcohol or tobacco. Recently claims in the amount of around $830 million have been filed with the Internal Revenue Service premised upon the unconstitutionality of provisions of the Internal Revenue Code relating to the alcohol and tobacco taxes. Principally these claims arise around the additional tax of $1.50 per gallon which was imposed upon distilled spirits in bond on November 1, 1951, and involve cases in which the tax has been passed on to the ultimate consumer of the products involved. Accordingly, a situation has arisen, in connection with the alcohol and tobacco taxes, comparable to that dealt with in other excise tax areas by the imposition of conditions to refund. The conditions to refund provided by H. R. 8216 will require the claimant of a refund for alcohol or tobacco taxes to show that he bore the ultimate burden of tax or has repaid the amount of the tax to the person who in fact bore the ultimate burden. These conditions will not, however, apply to claims for drawback, for credit or refund where commodities are withdrawn from the market and returned to bond, or lost or destroyed, or for amounts claimed where a commodity has been lost, where suit has been filed before June 15, 1957.

Precedent for your committee's bill lies in title VII of the Revenue Act of 1936 where an unjust enrichment tax was imposed, predicated upon conditions similar to those contained in the bill, to prevent windfall to taxpayers after the provisions of the Agricultural Adjustment Act of 1933 were declared unconstitutional.

As amended H. R. 8216 will not require taxpayers who are already litigating the validity of their claims to refile and begin their proceedings anew. Instead they will be permitted to amend their claims to allege that they have complied with the conditions to refund which will be imposed by the bill.

I urge the House to take favorable action on the bill.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Kansas.

Mr. REES of Kansas. How much money will be refunded to the liquor people and the tobacco people?

Mr. COOPER. Just the contrary is the case. This is to protect the revenue.

Mr. REES of Kansas. It will prevent repayment?

Mr. COOPER. It will prevent windfalls and loss of revenue. This is to protect the revenue.



Mr. REES of Kansas. The gentleman referred to an item of $800 million.

Mr. COOPER. That is, where they have made claims for refunds. This is to protect the revenue to prevent these windfalls.

Mr. REES of Kansas. Will it cancel out those claims? It would not cancel those claims, would it?

Mr. COOPER. No. Those claims are still pending.

Mr. REES of Kansas. I thank the distinguished chairman of the great Committee on Ways and Means. If it prevents windfalls to people not entitled to them then, of course, the legislation should be approved.

Mr. JENKINS. Mr. Speaker, existing law provides that a taxpayer who is not the ultimate purchaser and who overpays a retailer's or manufacturer's excise tax must show that he assumed the ultimate burden of the tax, that he refunded the tax to his consumer, or that he obtained the consent to the refund from his customer before such taxpayer is eligible for a credit or refund with respect to the overpayment of tax. However, such a provision is not applicable with respect to certain refunds of alcohol and tobacco taxes. H. R. 8216 would correct this oversight in the Internal Revenue Code so that a taxpayer seeking to obtain a refund or credit would be required to demonstrate either that he bore the burden of the tax or that he has made refund of such taxes to his customer. By approving this legislation the Congress will have taken an important step to establish a safeguard in our tax structure against unjust enrichment through the device of taxpayers claiming a credit or refund where such taxpayers did not bear the burden of tax either directly or indirectly. All this legislation would do is to place taxpayers subject to the alcohol and tobacco Federal excise taxes in the same position under the law as taxpayers who are subject to the other manufacturers and retailers excises.

The SPEAKER pro tempore (Mr. HARRIS). The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

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## REDUCTION OF CABARET TAX

Mr. FORAND. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17) to repeal the cabaret tax, as amended.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That paragraph (6) of section 4231 of the Internal Revenue Code of 1954 (relating to imposition of tax with respect to roof gardens, cabarets, and other similar places) is amended by striking out "20 percent" and inserting in lieu thereof "10 percent."

Sec. 2. The amendment made by the first section of this act shall apply only with respect to periods after 10 antemeridian on the first day of the first month which begins more than 10 days after the date of the enactment of this act.

The SPEAKER pro tempore. Is a second demanded?

Mr. BYRNES of Wisconsin. Mr. Speaker, I demand a second.

Mr. FORAND. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. FORAND. Mr. Speaker, H. R. 17 as introduced was comparable in objective with 16 other bills that have been introduced thus far in the 85th Congress, namely, the repeal of the so-called cabaret tax of 20 percent. The introduction of 17 bills with the same aim certainly demonstrates a widespread recognition of the unfairness of permitting the cabaret tax to remain at its present basis.

The introduction of H. R. 17 was prompted by two primary considerations. One of these affects the economic welfare of a substantial number of citizens. The other involves the basic principle of tax equality and fairness.

With respect to the first consideration, a wealth of public testimony before the Subcommittee on Excise Taxes, of which I have the honor to be chairman, has convincingly demonstrated that the 20-percent cabaret tax acts as a serious depressant to the entertainment industry and to those types of establishments that virtually are compelled to provide some form of entertainment in addition to dining and refreshment facilities. Public places that offer food or beverages along with refreshing diversion in the form of dancing, singing, music and humor are traditional on the American scene. They comprise an integral and necessary part of the varous entertainment facilities that provide the relaxation and amusement necessary for well balanced living, and should not be discouraged. It is evident, however, that this type of business has been discouraged by the cabaret tax. This is true not only of hotel dining rooms and supper clubs, but applies as well to more modest establishments that cater to persons in the middle and lower income groups.

The public testimony shows that this distressing condition has in turn accelerated the steady decline in the employment of professional musicians, singers, and other entertainers. If places which otherwise would employ them find the 20 percent tax too great a burden to permit the furnishing of entertainment, these talented people must either be completely or partially jobless, or, if they are fortunate enough, must obtain employment at lower paying tasks than those for which their ability and training fit them. Legislative action surely is needed when a tax has such adverse consequences for thousands of our citizens. This need has been recognized by responsible officials of the present administration. In the course of a radio interview on May 20, 1957, the Honorable James P. Mitchell, Secretary of Labor, expressed the view that the cabaret tax is discriminatory and should be repealed. With this particular view I wholeheartedly concur.

The cabaret tax is discriminatory not only in its prejudicial effect on many individuals and businesses, but in the rate of tax itself. It is one of the very few excise taxes that still carries a rate of 20 percent. This rate has been in effect since 1944. Before that time the rate was only 5 percent. A number of other excise taxes which were increased in 1944 have since been reduced to their former rate. Most of these reductions took effect April 1, 1954, as the result of the Excise Tax Reduction Act of 1954. This measure as it passed the House established a ceiling rate of 10 percent for ad valorem excise taxes. The report of the Committee on Ways and Means with respect to the 1954 bill stated that the rates above 10 percent were reduced to that level in order to stimulate business and employment and to provide a more equitable tax system by leveling down those rates which were excessively high. Unfortunately, the 1954 bill as finally enacted departed from the ceiling rate of 10 percent approved by the House, in that higher rates were continued with respect to cabaret tax and a very few other taxes.

Cabaret tax is classed in the Internal Revenue Code under the general heading of admissions tax. Another category under this heading is the tax on general admissions which was cut by the 1954 act from a rate equivalent to 20 percent down to a rate equivalent to 10 percent. Subsequent Congressional action provided an exemption from tax for admissions of 90 cents or less. By an earlier amendment to the law, establishments qualifying as ballrooms, dance halls, or similar establishments are excluded from a definition of places subject to the cabaret tax, even though there is incidental selling of food and refreshment in conjunction with the operation. These various actions have resulted in an inconguous situation. Payments for admission to a ballroom or dance hall either are not taxed or are taxed at a rate equivalent to 10 percent, depending on the charge, while payments by patrons for food and refreshment are not taxed at all. In contrast, an establishment where the selling of food and beverages is more than incidental, but which provides dancing facilities similar to that of a ballroom is subjected to a tax of 20 percent on all receipts whether for admission, food or beverage. This is an obvious inequity.

While many of us believe that repeal of the cabaret tax would be desirable, the Subcommittee on Excise Taxes and the Committee on Ways and Means concluded that repeal of the cabaret tax at this time without repeal of some other excise taxes would, in a sense, be discriminatory to those commodities and services which now enjoy the advantage of a lower rate. Therefore, the bill as introduced has been amended to provide for a reduction in the rate of tax to 10 percent. Although this action will not completely remedy the adverse economic effects referred to, it is anticipated that the partial relief will do much to relieve unemployment distress among musicians and entertainers, aid existing businesses, and encourage the establishment and growth of new businesses.

I urge my fellow Members of the House to vote favorably for this measure so that these beneficial results may be realized.

Mr. LANE. Mr. Speaker, will the gentleman yield?

Mr. FORAND. I yield to the gentleman from Massachusetts.

Mr. LANE. Mr. Speaker, I rise to associate myself with the gentleman from Rhode Island on this bill and to compliment him on the amount of work and effort he has put into the study of this bill and into bringing it to the attention of the Congress.

Mr. Speaker, the 20-percent tax on cabarets is punitive.

It has seriously affected the operators of these establishments, and has curtailed employment.

The entertainers and the servers of food and beverages have witnessed their source of employment dry up as customer resistance to this tax has induced them to cut down on their patronage.

The description cabaret is somewhat misleading. It conjures up a mental picture of an occasional nightspot. But hundreds of thousands of conservative businesses that cater to the mobile millions of Americans who frequently eat out come under this general category. Both the job opportunities and the incomes of the substantial number of Americans who depend for their livelihood upon this service industry are severely restricted by this confiscatory tax.

We propose to give them some relief by reducing the cabaret tax from 20 percent to 10 percent.

Experience proves that tax reduction, where feasible; stimulates business and brings in larger revenues from the reduced levy.

In the tax under discussion the coverage is not so extensive and the revenues received from it so large that we dare not change it.

It will provide relief to a business that is definitely suffering from an excessive tax; it will take up the slack of unemployment in that service; and it will increase consumer patronage.

It is no secret that the American people and American business are becoming restless under the general tax load that they are compelled to bear.

The present bill is one instance where we can begin to reverse this trend in a small but practical way, and as a sign of our intention to provide some income-tax relief for all next year.

I have received many complaints from my district concerning the oppressive nature of this tax. As profit margins have narrowed, this has become a critical factor for many. It has driven some out of business and will force others to fail if we do not reduce the tax.

I am confident that the proposed cut in the cabaret tax authorized by H. R. 17, will benefit all concerned, including the United States Government.

Mr. FORAND. I thank the gentleman.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. FORAND. I yield to the gentleman from Louisiana.

Mr. BOGGS. As the gentleman knows, I am one of those authors of the 16 bills to which the gentleman referred. I believe the gentleman emphasized in his statement, did he not, that this is the only tax which we now have levied at 20 percent; is that not correct?

Mr. FORAND. Practically the only one. There still remains the 20 percent tax on dog races, horse races, and club dues. Other than those I know of none.

Mr. BOGGS. Substantially, this is a tax upon people, upon musicians, and upon entertainers; is that not correct?

Mr. FORAND. That is absolutely true. Since 1930 the employment of musicians has been cut by 40 percent.

Mr. BOGGS. Is it not a fact that the beverage feature of the tax is almost incidental, that the tax is levied on food, also?

Mr. FORAND. Very definitely so. There is another point that many people fail to realize. They seem to think that the word cabaret applies only to places where drinks are served. They fail to realize that there are 13 States in this Union where the serving of liquor by the drink is prohibited. Yet the cabaret tax applies in those States just as it applies everywhere else.

Mr. BOGGS. As a matter of fact, there are two States where the selling of alcoholic beverages is prohibited—Mississippi and Oklahoma, I believe.

Mr. FORAND. I believe that is correct.

Mr. BOGGS. I thank the gentleman.

Mrs. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. FORAND. I yield to the gentlewoman from Illinois.

Mrs. CHURCH. I thank the gentleman for bringing this legislation to the House. I think this reduction has been long needed. Indeed, I might have hoped at one time to make the reduction even greater. I am sure that the musicians, small-restaurant owners and employees in the Chicago area in particular will welcome this reduction.

Mr. FORAND. I thank the gentlewoman for her contribution. I may say to her that just about 10 years ago the revenue from the cabaret tax was running at the rate of $72 million a year. It is now down to $42 million. As the result of this tax, the business tax is dropping, as well as the income tax from musicians, waiters, and what have you.

Mrs. CHURCH. I am sure that is true.

Mr. BALDWIN. Mr. Speaker, will the gentleman yield?

Mr. FORAND. I yield to the gentleman from California.

Mr. BALDWIN. Is it not true that under the 20-percent tax many waitresses and cooks have actually lost employment because people just would not pay the additional 20 percent for food charged after the hour this tax went into effect?

Mr. FORAND. That is absolutely true. The American Hotel Association informed our subcommittee that the number of dining facilities that were subject to the cabaret tax has decreased from 700 a few years back to less than 250 today, because of this very tax.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. FORAND. I yield.

Mr. REES of Kansas. Is this your first tax-reduction bill?

Mr. FORAND. No, it is not.

Mr. REES of Kansas. Where have you reduced taxes otherwise recently?

Mr. FORAND. There were several tax-reduction items in the bill we passed here just recently, H. R. 7125.

Mr. REES of Kansas. About $42 million is involved in the cabaret tax?

Mr. FORAND. For complete repeal. This bill as amended provides only for a reduction to 10 percent in order to bring the tax on cabarets in line with the other taxes as we reduced them in 1954.

Mr. REES of Kansas. I surely appreciate the gentleman's statement, because he is so sincere and so convincing, but if this is such a wonderful bill and so good, why have any cabaret taxes at all?

Mr. FORAND. I am ready and willing to go along with that, but again, the charge of discrimination would have been brought in if we were to have eliminated this tax completely and not eliminated some of the others. This tax was discriminated against in 1954, when we left it at 20 percent and brought the others down to 10 percent. The committee decided to bring it down to the same level as the others. The original bill provided for an outright repeal.

Mr. REES of Kansas. I would not be in favor of that at all. There are a good many other ways to relieve the taxpayers of the country rather than by reducing the tax on cabarets.

Mr. FORAND. I know the gentleman's views on this subject from way, way back. I respect his views, but fail to agree with him on this matter.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. FORAND. I yield to the gentleman from Pennsylvania.

Mr. KEARNS. I want to compliment the gentleman on this fine piece of legislation. I know the American Federation of Musicians throughout the country will be highly grateful to the gentleman and the committee.

Mr. FORAND. Coming from my colleague, a great musician himself, I know he speaks from the heart.

Mr. RABAUT. Mr. Speaker, will the gentleman yield?

Mr. FORAND. I yield to the gentleman from Michigan.

Mr. RABAUT. This tax is a discimination against the entertainment world. ASCAP has been very much interested in the reduction of this tax. For my part I would cut it out entirely. Recently the Members of this House received the music records of the pledge of allegiance to the flag. They were the voluntary contributions of ASCAP. If you think entertainment is wrong and should be suppressed, vote against it. If you think it is correct, vote for it. But let us do justice to the entertainment world, so necessary in a troubled world

Mr. FORAND. I thank the gentleman for his contribution.

Before I yield further, if you will all pardon me, I have one thought I want to bring to your attention. We talk about American culture, and of course music comes within that category. This is what Prof. Alvin H. Hansen, of Harvard University, one of the leading economists, in his own report to a joint committee of this Congress, in expressing his viewpoint, said:

> We place too much stress on brick, mortar, and machines when we plan for long-term growth. * * * Have we not by now reached in the United States a degree of plenty with respect to the physical necessities which would permit greater attention to education, health, recreation, and the necessary, varied range of cultural activity in general? * * * Twenty years hence * * * a larger proportion of our population should be teachers, doctors, musicians, actors, artists, and leaders in recreation, youth, and community activities. Music is a major element of the Nation's cultural life, and to have music we must have musicians. To have fine music we must have fine musicians. And to have fine musicians, we must have an economic breeding ground for musicians of all kinds.

Mr. SCUDDER. Mr. Speaker, will the gentleman yield?

Mr. FORAND. I yield.

Mr. SCUDDER. Was it not the intention of the people who are involved in this issue to have a repeal of the cabaret taxes in the first place, that they then reconsidered and thought it would be better for them to ask for a lower tax to bring their tax down to the level of other excise taxes? I know I have had visitations from people who were interested in this tax reduction. I told them the only practicable way to accomplish their desire was to bring their tax down to the level of other excise taxes and that then they would be more likely to receive the favorable consideration of the Congress.

Mr. FORAND. The original request was for outright repeal of the taxes. But, after the committee went into the question and realized the charges now being made of discrimination against the cabaret tax because other taxes were 10 percent, the committee felt we would just consider them in line with the others rather than to discriminate.

Mr. SCUDDER. And that would equalize the various excise taxes which would in turn be beneficial to the amusement industry. I am in sympathy with this legislation and shall support the same.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. FORAND. I yield.

Mr. O'HARA of Illinois. The Illinois delegation, especially the Members from Chicago, in congratulating the committee on bringing out this splendid legislation are very proud of the fact that the dean of our Illinois delegation, Hon. THOMAS J. O'BRIEN, is a member of that committee and is one of the champions of this fine legislation.

Mr. FORAND. I will say that not only is Mr. O'BRIEN a member, but a distinguished, respected, and highly efficient member of the committee.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. FORAND. I yield.

Mr. THOMPSON of New Jersey. Does not the gentleman agree that this will, in fact, bring greater revenue to the Federal Treasury?

Mr. FORAND. That is absolutely true. I think we will more than recoup the amount of loss involved.

Mr. THOMPSON of New Jersey. I thank the gentleman.

Mr. Speaker, I would like to commend the distinguished gentleman from Rhode Island.

I think this is an historic occasion when this House is concerned enough about the livelihood of American musicians to take affirmative steps to remove an unjust and discriminatory tax, the cabaret tax.

I want to add my voice in support of the splendid position taken by the Ways and Means Committee in recommending that the tax be reduced from 20 to 10 percent.

I want to state my reasons for urging that this House vote in favor of H. R. 17.

Testimony was offered before the Ways and Means Committee that this cabaret tax is a tax of no-return when the income resulting from it is compared with accruals from substantial gains in employment for musicians, other entertainers and service employees.

This excise tax is a glaring inequality in our Federal tax structure. It was first levied by the Congress in the period of World War I, and the promise was made then that after the emergency had passed it would be repealed.

It is as hard to get rid of temporary and emergency taxes as it is to get rid of temporary buildings to house Government employees for as you look around this Capital City you find many of these so-called temporary buildings still standing.

This tax has been shown to be responsible for fully half of the unemployment that besets the instrumental music profession today. This lack of employment is so pronounced as to threaten the very existence of music in our country.

When we permit an unwise tax policy to strike at the vitals of a basic culture we are indeed surrendering the main redoubts of our free world.

It is wholly unrealistic to support cultural programs for winning the minds and loyalty of peoples in distant lands while taxing out of existence three-fourths of the businesses which support music employment here at home.

A survey of New Jersey showed that 208 establishments in the area covered by the survey have either closed their doors, dispensed with musicians entirely or cut down the employment time of musicians. Nine hundred and forty-eight musicians were affected by this curtailment of earnings possibilities as well as about six times that number of service employees.

Mr. Speaker, these places did not discontinue the sale of liquor; they only discontinued the employment of live musicians.

Until the cabaret tax forced so many of them out of business, hotel dine-and-dance rooms provided our young people with safe, sane places to dance. Now they frequent other places that should be out of bounds.

I would like to point out that reduction or removal of this tax is supported

by the National Federation of Music Clubs, the Music Educators National Conference of the National Education Association, the National Music Council, the American Federation of Musicians and other substantial groups of citizens.

I include here some of the recent messages I have received urging support of H. R. 17:

NEWARK, N. J., *August 2, 1957.*
Hon. FRANK THOMPSON, Jr.,
*House Office Building, Washington, D. C.:*

H. R. 17 which modifies the 20-percent amusement tax may come up for consideration on Monday, August 5. As a resident of New Jersey, would appreciate your being present and voting in favor. This would result in considerable employment for the musicians of the United States.

LEO CLUESMANN,
*Secretary, American Federation of Musicians.*

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ATLANTIC CITY HOTEL ASSOCIATION,
*Atlantic City, N. J., August 3, 1957.*
Hon. FRANK THOMPSON, Jr.,
*House of Representatives,*
*Washington, D. C.*

MY DEAR MR. CONGRESSMAN: We are very much interested in the prompt passage of H. R. 17, introduced by Representative FORAND.

This bill would, through a 50-percent reduction in the present cabaret tax, provide for long-delayed relief for our guests now penalized 20 percent on food and beverage charges in our entertainment rooms.

Public resistance to this excessive levy has been responsible for closing at least 70 to 80 percent of hotel entertainment rooms throughout the country with a serious loss in employment, as well as income to the operators.

We feel justified in urging your support of this measure inasmuch as Congress has already reduced all other admission taxes to 10 percent, leaving only the cabaret tax at the 20-percent level.

Your influence in bringing this bill on the floor of the House for a vote, and your support in passing this important legislation, will be most sincerely appreciated.

Cordially,

MICHAEL J. FIORE,
*President, Atlantic City Hotel Association.*

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UNITED TAVERN OWNERS ASSOCIATION OF NEW JERSEY,
*Newark, N. J., August 1, 1957.*
Hon. FRANK THOMPSON, Jr.,
*House Office Building,*
*Washington, D. C.*

DEAR CONGRESSMAN: It has been brought to my attention that bill H. R. 17, designed to reduce the cabaret tax to 10 percent will soon be brought up for consideration.

It has always been my contention that this tax penalizes the small-tavern owner and especially his customers by not permitting them to enjoy themselves because of this excessive and oppressive tax.

I sincerely hope that this bill will find your favorable consideration.

I want to thank you for your past cooperation and I hope that I may have the opportunity of seeing you soon.

My best personal regards,

Sincerely yours,

ANDREW ZIOMEK,
*National Director.*

CLEMENTON, N. J.

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TRENTON, N. J., *August 1, 1957.*
Congressman FRANK THOMPSON, Jr.,
*House of Representatives,*
*Washington, D. C.:*

Congressman AIME J. FORAND, August 5, to House bill 17, reducing cabaret tax from 20 percent to 10 percent. Your support will be greatly appreciated by New Jersey hotelmen and myself.

ROBERT K. MCPHERSON,
*Hotel Hildebrecht.*

*Trenton, N. J.*

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PATERSON, N. J., *August 1, 1957.*
Hon. FRANK THOMPSON, Jr.,
*House Office Building,*
*Washington, D. C.:*

New Jersey Council of Bartenders, Culinary and Service Employees, representing 21 local unions with more than 10,000 members throughout New Jersey, urge you to act favorably on H. R. 17 calling for reduction in cabaret tax of H. R. 17. Will help a business that needs assistance and put many additional people to work.

WILLIAM S. MCDONALD,
*President.*

SAM SKELLY,
*Secretary-Treasurer, New Jersey State Council of Bartenders Culinary and Service Employees.*

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NEWARK, N. J., *August 2, 1957.*
Hon. FRANK THOMPSON, Jr.,
*House Office Building,*
*Washington, D. C.:*

We expect H. R. 17, which has for its purpose to reduce the cabaret and entertainment tax to 10 percent, will come up before House of Representatives for vote under suspension of rules on Monday morning, August 5. As a resident of the State of New Jersey and on behalf of the 250,000 professional musicians in this country, I respectfully request you to be present at the session in order to give us your affirmative vote and thus materially assist in greatly increasing employment for our people and all others affected in the entertainment field.

GEO. V. CLANCY,
*Treasurer, American Federation of Musicians.*

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent to include certain letters and telegrams.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FORAND. Mr. Speaker, since my time is running short and many Members are interested in this legislation and want to speak on it, I ask unanimous consent that all Members may be permitted to insert their remarks in the RECORD at this point and before the vote.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island.

There was no objection.

Mr. FORAND. Mr. Speaker, I reserve the balance of my time.

Mr. HOLT. Mr. Speaker, I support H. R. 17, which reduces by 10 percent the entertainment tax, or so-called cabaret tax. I believe this is a most unfair tax and is punitive in nature and should be eliminated entirely. I would support legislation which eliminates completely this tax and it is my hope next year the Ways and Means Committee will report a bill out that does just that. More members and families of Local 47 of the American Federation of Musicians live in my district than any other congressional district. This legislation will benefit their profession greatly and it is my hope we can give them additional assistance next year by the elimination of this tax.

Following are two communications from local 47:

Congressman JOE HOLT,
*House of Representatives:*

The board of directors of Local 47, American Federation of Musicians, representing 16,000 musicians in the Los Angeles area who are vitally affected by cabaret tax H. R. 17 earnestly urge your attendance when bill comes up for vote on Monday and request your yes vote.

BOARD OF DIRECTORS, LOCAL 47,
AMERICAN FEDERATION OF MUSICIANS.

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Congressman JOE HOLT,
*House of Representatives:*

We understand that bill H. R. 17 re cabaret tax to be acted upon Monday, August 5. Earnestly solicit your attendance at this session and request your yes vote on same.

ELIOT DANIEL,
*President, Local 47, American Federation of Musicians.*

Mr. BURNS of Hawaii. Mr. Speaker, the extremely able gentleman from Rhode Island, the Honorable AIME J. FORAND, has presented a very lucid explanation of H. R. 17 and the arguments in its favor.

It is a privilege to join with him in urging adoption of H. R. 17 so that the cabaret tax may be at least placed on the same basis as the other luxury taxes which were reduced from 20 percent to 10 percent some time ago.

Because of our increasing tourist trade, this particular tax adds to the costs of a pleasant vacation in Hawaii. People spending an evening relaxing in the cool breeze and enjoying the tropical atmosphere want to have a little Polynesian music to make their evening complete.

The president of our local of the American Federation of Musicians, Mr. Buddy Peterson, has been in communication with me on this matter and urged my support of it. Though as a matter of fact I had indicated that support to the kindly and gracious gentlemen from Rhode Island prior to this message, I am happy indeed to join my many colleagues urging support for this legislation.

Mr. BYRNE of Illinois. Mr. Speaker, I think it mandatory that the House give its serious consideration to H. R. 17 which will reduce the cabaret tax to 10 percent. I believe this reduction is not only fair but necessary. I come from an area where there are many persons who have been subject to this 20-percent tax which has been in effect for a number of years. Prior to the 20-percent tax it was 30 percent.

My constituents have urged that they be given relief from this unjust tax. Favorable action by the House will inure to the benefit of employees and management.

I understand a nationwide survey conducted by the Research Company of America indicated that one of the main causes for unemployment of musicians is due to this unjust tax. If this tax is repealed or at least reduced to 10 percent, it will result in the reopening of a large number of rooms which will provide employment for thousands of musicians and service workers. This will also

produce greater revenue in the form of income and corporate taxes.

The Chicago Federation of Musicians and the American Federation of Musicians have asked that I lend my support to repealing this tax. I have advised them that I am in agreement with them as to the need for favorable action on this measure.

Chicago is well known for its entertainment world and I want to do all I can to see that our great city remains on top. Many great musicians started out in Chicago. We will continue contributing to this part of American life if our hotels and other places of entertainment are given this needed relief so that they can offer employment to musicians and other artists in the entertainment world.

Mr. DELLAY. Mr. Speaker, I would like to go on record in favor of abolishing the discrimination of the Federal 20-percent cabaret tax. Many of my friends back home are seriously affected by this tax and have called my attention to its inequity. It is recognized with increasing alarm that this tax jeopardizes a basic art—music, and represents a very real threat to an important part of the cultural heritage of our people. I am told this tax, in existence since World War I, permits less than one-third of the professional musicians in the United States to earn all or part of their livelihood from music.

Public resistance to this excessive levy has been responsible for closing at least 70 to 80 percent of hotel entertainment rooms throughout the country. The closing of these establishments has resulted in a serious loss of employment to thousands of citizens as well as income to the operators, with resultant loss of revenue to the Treasury.

All other admission taxes have been reduced to 10 percent, leaving only the cabaret tax at the 20-percent level. H. R. 17, the bill before us today, would, through a 50-percent reduction in the present cabaret tax, provide for some long-delayed relief. I heartily endorse it as a step in the right direction.

Mrs. GREEN of Oregon. Mr. Speaker, I rise in support of H. R. 17 which would reduce the cabaret tax from 20 percent to 10 percent.

This tax has worked unfairly and unjustly to hurt a large segment of our population. It has singled out musicians and other entertainers and has made for many of them the earning of a decent livelihood in their chosen fields of endeavor, well-nigh impossible. These are gifted men and women who should be given the opportunity they have worked for, trained for, and for which many of them are so talented.

Since the early thirties, the entertainment business has suffered a drastic decline due to technological changes.

Since that time, that business has suffered blow after blow. Beginning with the passing of the silent movies and vaudeville, and continuing through the development of the radio and television, the trend has been away from live entertainment.

There is no logic in saying that if a concern can provide only entertainment it pays an admission tax of 10 percent—that if it serves food only it pays no tax—but that if it serves food and provides entertainment, then it pays a 20-percent tax.

I urge a favorable vote on H. R. 17.

Mr. ZABLOCKI. Mr. Speaker, in past Congresses, as in this Congress, I have introduced legislation which would repeal the discriminatory 20-percent tax on amounts paid for admission, refreshment, service, or merchandise, at any roof garden, cabaret, or other similar place.

The House of Representatives realized, when it voted to pass the Excise Tax Reduction Act of 1954, that excise-tax rates above 10 percent were excessively high. Therefore, a ceiling of 10 percent was placed on ad valorem excise taxes. Unfortunately, this legislation when enacted did not apply the 10-percent ceiling to the cabaret tax and a few others. Of course, this proved to be neither fair nor wise.

As you know, the 20-percent tax on roof gardens and similar establishments had a very serious effect on the employment of entertainers. Where food and beverages alone were served, there was, in most cases, no tax at all. However, if the owner were to combine food, beverages, and entertainment, a tax of 20 percent was imposed. This tax rate applied not only to admissions but also to amounts paid for refreshments, services, and merchandise. The proprietor, of course, was discouraged from hiring entertainment of any kind.

I would like to call to my colleagues attention to the figures compiled by the Committee on Ways and Means which pointed out that the employment of musicians has declined about 56 percent, in terms of man-hours, since the cabaret tax was increased from 5 to 20 percent. There is no doubt that the discriminatory cabaret tax was a major cause for this decline.

In addition, cooks, bartenders, waiters and other classifications of employees required to service this important industry were affected.

This is one excise tax which surely has been continued to the serious detriment of all four interests concerned—the public, labor, management and the Federal Government. I understand there has been a continuing decline in cabaret tax collections which reflect the closing and curtailment of establishments affected by this tax. There can certainly be no justification for charging this wartime tax on dinners served in a room where dancing is permitted.

Since I have long advocated either an outright repeal or a substantial reduction in this particular tax, I am pleased that H. R. 17 now gives us an opportunity to reduce the cabaret tax to 10 percent. While I would prefer to repeal the tax entirely or to reduce it to 5 percent, I feel that we have an opportunity to take a much needed step forward.

Mr. JENKINS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, it will be recalled that the Excise Tax Reduction Act of 1954 in its House-passed version provided a 10 percent maximum with respect to ad valorem excise taxes imposed under our Federal Internal Revenue Code. The Senate in acting on that legislation restored the 20 percent rate contained in then existing law with respect to the cabaret tax and certain other taxes. The purpose of H. R. 17 is to make the Federal excise tax applicable to cabarets at 10 percent in lieu of its existing 20 percent level.

It has been brought to the attention of the Committee on Ways and Means and I am sure to many of you as individual Members of Congress that the 20 percent rate applicable to so-called cabarets is particularly onerous and has had a stifling economic impact on the affected segment of our domestic economy. As a member of the Subcommittee on Excise Taxes of the Committee on Ways and Means I heard testimony presented to the subcommittee that this 20 percent rate was adversely affecting the employment of musicians and entertainers as well as those service employees generally finding jobs in the cabaret type of establishment.

Representatives of the industries appearing before the Subcommittee on Excise Taxes of the Committee on Ways and Means urged the abolition of the cabaret tax. In approving the legislation before the House today the Committee on Ways and Means has merely reduced to 10 percent this tax so as to make the rate comparable to the ad valorem taxes generally applicable under our Federal excise tax structure.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. BYRNES].

Mr. BYRNES of Wisconsin. Mr. Speaker, I think there are two points to remember about this bill. First, when we speak of it as a cabaret tax, I think really that is a misnomer. I do not think it gives the proper implication of exactly what we are taxing in connection with this particular excise tax. Fundamentally, this is a tax upon employment. It is a tax upon the employment of musicians or entertainers in a place where food is also served. Rather than being like our normal excise taxes, here we have a tax that is designed fundamentally to discourage the employment of a particular class of our people, namely, entertainers and musicians.

On that basis, Mr. Speaker, I think the tax is bad as such. As far as I am concerned, I would vote for the complete elimination of the tax. However, I think there is something to be said for the position taken by the committee as expressed by the gentleman from Rhode Island, [Mr. FORAND] that if we eliminate it completely there might be a charge that we discriminated in the case of those activities as against amusement houses or theaters, or some other activity of that kind, so that probably this bill is a happy compromise.

The other point I would like to make is that this House did in 1954 vote to reduce this tax from 20 percent to 10 percent, just as is provided in this legislation. We did it when we were reducing all excise taxes that were above 20 percent. We brought them down to the 10 percent level. Unfortunately, the Senate did not go along with the action of the House. So what we are asking you to do is to reenact the provision that this House passed in 1954.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Connecticut, who I know has been very active and interested in this legislation.

Mr. MAY. I would like to compliment the gentleman from Wisconsin and the members of the committee for their action on this bill. I am one of those who sought repeal of this tax, however, I am most happy that the committee came out with a 10-percent reduction. I have worked quite closely with the musicians in my district in Hartford, Conn., and had the Secretary of Labor, Mr. Mitchell on my radio program when he came out for repeal of such tax. I strongly urge support of this bill and join with my colleagues who have stated the case for reduction so clearly here today.

Historically speaking, the cabaret tax has never been intended by Congress to serve any purpose other than to provide revenue to defray war expenses. To provide for this tax, the 65th Congress passed the act of October 1917. The rate then was 10 percent. The tax was stubborn and hung on over the years, varying from 3 percent in 1924 to as high as 30 percent at the end of World War II. In 1944 the tax was reduced to its present rate of 20 percent. While every war-conceived excise tax designed specifically to raise wartime revenues has either been reduced or repealed, the discriminatory cabaret tax remains.

What is the effect of this tax today? Annually it provides the Federal Government with approximately $40 million. This appears indeed to be a very concrete economic contribution. Actually, it is insignificant when compared with the overall detrimental effect produced by the continuation of this tax.

First. The tax has been a primary factor in creating economic depression among musicians. Thousands of them have been thrown out of jobs because the public is unwilling to add 20 percent to their entertainment bill. Not only musicians, but thousands of busboys and waiters are also jobless.

Second. As musicians are unable to find employment, there is a corresponding reduction in the desire on the part of talented young people to become musicians. It is a sad commentary that a Nation which can boast proudly of its high intellectual and cultural achievement allows a law to remain on the books which is constantly contributing to the downgrading of one of our most important forms of culture.

Third. The administrative cost of collecting this tax is becoming more prohibitive as the revenue has continued to decrease.

Fourth. There is no reason why Congress should continue to condone unjust economic discrimination against such an important economic and cultural group as the musicians.

What will repeal or reduction accomplish?

First. There is a potential of 252,000 musicians throughout the country that can be put to work.

Second. Cabarets, hotels, and so forth, will be able to attract larger crowds. Many new places of entertainment will open.

Third. Over a period of time, a large number of musicians employed full time in their chosen profession will pay, in income tax, what is lost by repeal or reduction of this excise tax.

Fourth. Repeal or reduction will provide a proper stimulus to cultural achievement in the field of music. This will enable America to maintain and increase its contribution to the level of the world's culture. Today our major symphonies and studio orchestras are pitifully short of qualified musicians. The passage or repeal will, in the long run, remedy this situation by interesting more young people in studying music and eventually following music as a career.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield to the gentleman from New York [Mr. KEATING].

Mr. KEATING. Mr. Speaker, I want to associate myself with the statements made by the gentleman from Wisconsin [Mr. BYRNES] who has set forth such convincing reasons for supporting this legislation.

Mr. Speaker, H. R. 17 is a sound measure which will wipe out the present discriminatory cabaret tax rate which, in many instances, has caused real hardships among our musicians and smaller taverns and restaurants.

It is important in considering this measure to remember that the cabaret tax is completely out of line with other ad valorem excise taxes, which in most instances do not exceed 10 percent. The evidence clearly indicates this discrimination is having serious repercussions among significant segments of our labor force. For example, it is estimated that 250,000 entertainers—many of them in New York State—have been affected by this unnecessary and unfair tax.

The present rate makes things doubly hard on places of business which provide a combination of entertainment and beverages or food, since they are subject to a 20-percent tariff on the total bill. On the other hand, places where entertainment alone is offered are subject to only a 10-percent tax, and in places where only food and beverages are served, there is often no tax at all.

This double "whammy" for our smaller taverns and restaurants has intensified the decline in demand for entertainers, already hard pressed to find jobs due to technological advances and the concomitant increase in home entertainment. Surely, there is no equitable reason why the problems of our musicians and entertainers should be increased by an unduly prejudicial tax.

It is argued by some that there will be a decline in tax receipts resulting from this reduction in the cabaret tax rate. On the contrary, there are distinct indications that the loss of revenue from this particular tax source may well be made up by increased tax receipts which are bound to result from increased employment of musicians and greater profits in places of business now being hurt by this tax.

Because wiping the present discriminatory tax rate off the statute books will help and will encourage many smaller places of business, and will encourage the hiring of musicians and other entertainers without seriously impairing Federal tax receipts, I am happy to join in urging support of H. R. 17.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield to the gentleman from Ohio [Mr. AYRES].

Mr. AYRES. Mr. Speaker, I wish to associate myself with the remarks made by the gentleman from Wisconsin. I have appreciated his interest in this matter. I am quite certain that this will help those persons who are employed in a very honorable profession.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield to the gentleman from Indiana [Mr. NIMTZ].

Mr. NIMTZ. Mr. Speaker, I wish to associate myself with the remarks made by the gentleman from Wisconsin [Mr. BYRNES], the gentleman from Rhode Island [Mr. FORAND], the gentlewoman from Illinois [Mrs. CHURCH] and my other colleagues who have spoken in favor of this legislation.

My distinguished colleague from Wisconsin [Mr. BYRNES] and the gentleman from Rhode Island [Mr. FORAND] have given in their respective explanations clear and cogent reasons for the passage of this legislation to obliterate the inequities caused by this so-called cabaret tax, which I believe is misnamed. We will bring employment to the musicians and entertainers of the country and will aid restaurants, hotels, and other places that serve food and who would like to provide entertainment for their patrons but now find it inequitable to do so because of this tax. I urge its passage.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield to the gentleman from California [Mr. SCUDDER].

Mr. SCUDDER. Mr. Speaker, I wish to associate myself with the remarks made by the gentleman from Wisconsin. I think he has made a very fine statement, and I wish to assure him of my cooperation on this legislation. I believe it was wrong and without foundation that the cabaret tax was not adjusted several years ago when there was a general downward revision in the various forms of excise tax. However, we today have the opportunity to make an adjustment at this time and I shall support the committee recommendation and trust this body in its wisdom gives a "do pass" to this bill. The passage of this legislation should be of great benefit to the musicians of our country.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield to the gentleman from Illinois [Mr. SHEEHAN].

Mr. SHEEHAN. Mr. Speaker, I want to compliment the members of this committee for the work they have done on H. R. 17 which bill would reduce the cabaret tax to 10 percent instead of the present 20 percent. I think they should have stricken out the whole tax, but at least half a loaf is better than no loaf at all, and I feel sure that the reduction of this tax will make for greater employment in the entertainment industry. The present amusement tax of 20 percent is discriminatory in that practically all other ad valorem excise taxes do not exceed 10 percent. Secondly, this tax

has acted as a deterrent to the employment of musicians and entertainers, and testimony before the committee proved that this tax was a heavy contributing factor to the unemployment in the entertainment field.

It is my observation that this is not a luxury tax because as I observe the type of people who like to enjoy their food and their entertainment are not the wealthy people, but mainly consist of the rank and file of American citizens. Therefore, I support the reduction of these taxes as contained in H. R. 17.

Mr. JENKINS. I yield such time as he may desire to the gentleman from Illinois [Mr. ARENDS].

Mr. ARENDS. Mr. Speaker, under leave to revise and extend my remarks, I am inserting in the RECORD a very informative article published by the Hamilton Manufacturing Co., Two Rivers, Wis.

The article is entitled "Who's To Blame?" It deals with the inflation spiral, which is a matter of grave concern to all of us.

WHO'S TO BLAME?

Most of us took advantage of the recent vacation period by doing some traveling. When it came to paying the bills for the goods and services we bought while away, we probably made some comments about prices being higher than last year. Some of us may have got into an argument about inflation or the wage-price spiral. What is causing it, and what can be done about it?

We probably ran across people in different walks of life—all affected in different degrees by the increased cost of living. Those we talked to who had received recent increases in wage rates were probably not too concerned. The thoughts going through their heads were "If more inflation comes, we'll simply demand higher wages so why should I worry?" Others who were unemployed, or were having to live on a fixed income or pension were very much more concerned about the upward trend of prices at a time when their incomes had not gone up proportionately.

WHY THE WAGE-PRICE SPIRAL?

The answers to this question usually follow a distinct pattern of confusion. When we are on the buying end of a transaction we say the other fellow's prices are too high in relation to our ability to buy. Those on the selling end of the transaction say their costs of making and selling the product are too high for the price they can get.

The confusion comes about because most of us fail to realize we are buyers of other people's wages and services, and are also sellers, at the same time, of our own services. The market place determines the real value of those services, which in turn determines the amounts of work and pay that can be furnished.

Union leaders insist that employers can pay the increased wages demanded and still not increase prices. Their formula: take the wage increases out of profits.

Employers, at the same time, insist that profits are not large enough to meet the needs of industry for new capital and to provide investors with a reasonable return on their money. Pay increases which cannot be met out of increases in efficiency of production must, they say, be covered by higher prices.

The arguments resemble the old question: "Which came first—the chicken or the egg?"

Actually, there are facts and figures that help to answer the question of responsibility for the continuing wage-price spiral. Government figures furnish those facts.

Over the last 6 years, the amount of goods the average worker turned out in an hour's time—his output per hour—has increased about 11 percent, or less than 2 percent a year. That gain is traced largely to new machinery, better methods, and the stimulating effect of the boom, which has enabled most industry to operate at near peak efficiency much of the time.

Wages in the same period, have gone up faster so that labor cost of each unit of output is estimated at 22 percent higher than in 1950.

That means that most workers in industry have been getting more increases in pay than the increase in product-output appears to justify.

Other factors that enter into prices—raw materials, pay of management, equipment, taxes, profits—when lumped together—show an increase of 11 percent, or half as much increase as labor costs. In that sense, the Government study lends support to the view that wages have the major responsibility for keeping prices on the rise.

It isn't so much a question as to whether prices cause wage increases or whether wage increases cause price increases. Rather it is the fact that compensation has increased twice as fast as greater output.

Official figures show that compensation of employees claimed 64 percent of the national income in 1950 and nearly 70 percent in 1956. In the same period, dividends paid to stockholders, the owners of industry, dropped from 3.8 percent to 3.5 percent of the national income. Industry's profits, after taxes and dividends decreased from 3.4 percent to 2.1 percent of sales—a reduction of 38 percent.

Thus, official studies suggest that the big gainers in the boom have been the workers, not the companies or the stockholders. The workers' gains, apparently, have been far in excess of the gains in output per hour, so that the cost of labor in goods and services offered to the public has been pushed up and up. Those companies able to do so are passing their rise in labor cost along in the form of higher prices. Prices on the whole, however, have not risen as fast as wages.

That picture seems to hold true for most of the period since 1939. There is no sign that it is changing. In the last year or so, the rise in wages has speeded up. Prices continue to advance.

The inference by labor leaders is that there is still room to give wage increases out of corporation past profits, even if not out of present profits. This possibility is not borne out by the facts either. The total increase in corporation net profits from 1946–52 was $2.7 billion. During that same period total compensation of employees increased by $77.6 billion. They do not explain to their followers how $77.6 billion can be paid out of $2.7 billion. For most corporations, it was a choice between higher prices or going out of business, resulting in loss of employment to millions of men and women employed in industry.

How long can the wage-price spiral go on? The question is being asked by many businessmen. People whose income lags in the race find their purchasing power reduced. If enough are forced to curtail their buying, then production will suffer, unemployment may result. That fear, expressed by more and more economists today, is giving a sharpness to the debate over wages and prices.

WE MUST PROSPER TOGETHER

Industrial workers represent a small portion of total employment in our country. But they are dependent on the services of many other groups who are caught in this wage-price spiral.

Whereas it is possible to raise wages in manufacturing by increasing the ability of employees to produce, there is very little opportunity to increase the output of, for example, a policeman, or a manicurist, or an elevator operator. However, those people want a rising standard of living, too. When industrial wages are rising, people in the service industries tend to go into industrial jobs. The only way to get and keep people for the necessary service jobs in our society is to offer wages reasonably comparable with those of industrial workers.

Management men and business economists have been saying for a long time that the way to avoid a steady rise in prices and continuing inflation is to share the fruits of increasing industrial efficiency three ways: with employees for their additional output; with investors for the newer and more efficient machinery their money provides; and with the public through lower prices for the goods this machinery produces. If these shares are balanced properly, the service worker also will benefit from rising prosperity without any undue rise in the cost of the services he provides.

If any one group, through monopoly power, or otherwise, prevents a balanced sharing of increasing industrial efficiency we cannot have prosperity without further inflation. If one group continues to stretch the rubber band in its favor, to see just how far it will stretch before a break occurs, the loss to all groups can be sudden and long-lasting. That is a gamble we cannot afford to take.

A DELICATE MECHANISM

To realize how delicate the machinery is adjusted and how easily a single person—manager, worker, seller, buyer—can throw it out of gear, consider the following vicious circle. The circle can start anywhere from one to five.

1. When someone stops buying, someone stops selling.
2. When someone stops selling, someone stops making.
3. When someone stops making, someone stops working.
4. When someone stops working, someone stops earning.
5. When someone stops earning, someone stops buying.

The Hamilton Manufacturing Co. is not immune from the operation of this vicious circle. You have, of course, realized there has been less product "making" during the past 6 months compared with a year ago. That is because quite a few "somebodies" have been doing "less buying" of our products.

During the first half of the present year our shipments were 15 percent below those of the first half of last year. During the same time the company's earnings showed a drop of 22½ percent.

Obviously, we should all be concerned about the further effect of the recent wage increases and the higher prices we will have to pay for materials and supplies used in the business in the future. What effect will they have on the willingness of buyers, who have similar problems, to buy our products?

Have we reached a point where labor in our country has priced itself out of the market? Have we reached a point where labor can no longer safely say "If more inflation comes, we'll simply demand higher wages?" Actually, when higher wage rates mean less work can be provided, it also means that rubber band I referred to has been stretched too far.

But it will then do no good to argue about "Who's to blame?"

Mr. JENKINS. Mr. Speaker, I yield such time as he may desire to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Speaker, I urge that the rule be suspended and H. R. 17 be passed. This would reduce the so-called 20-percent cabaret tax to 10 percent.

The enactment of H. R. 17 would eliminate a discriminatory tax rate on top of the customer's check for food and

beverages consumed in any place offering entertainment. It has been a deterrent which effect resulted in the failure to obtain employment of more than 250,000 professional musicians, and likewise in addition the tax has cost the jobs of thousands of waiters, waitresses, and culinary workers.

As for my own views, I would prefer outright repeal to modification of this amusement tax. It is, in my opinion, an uneconomic tax. I am convinced the tax costs the Treasury a net loss, because, as previous research of independent economists indicated, if repealed there would be a gain in other revenue to the Government from presently operating entertainment places, plus the personal taxes of the musicians and other workers from their earnings. There is no doubt, too, that there would be reopenings of dining-with-entertainment rooms if the emergency tax to discourage such entertainment was curtailed.

As far as I know I introduced the first cabaret tax repeal measure, which was H. R. 8153, introduced in the House of Representatives on January 5, 1956, in the 84th Congress. I introduced H. R. 858, a similar bill, on January 3, 1957, the first day of the 85th Congress.

During all the intervening period I have consistently urged action on my bill or on companion measures introduced by other Members since my first bill was introduced. This compromise action in H. R. 17 is gratifying, although as I said outright repeal would be preferable.

Of course, the Treasury Department opposes the reduction or elimination of any excise taxes at this time. Its position is firm against opening the door to a reduction in overall Federal revenue. I understand that and the administration's not wanting the subject opened up. But in the reduction in this legislation the principle of tax equality and fairness is involved as well as the argumentative aspects of whether resulting increased entertainment will offset any loss of Federal revenue. The net dollar effect cannot be predicted, but any immediate loss should in time turn into a gain. In any event as to this fiscal year, any loss or gain would be negligible and there certainly will be increased employment and a highly desirable stimulation of business in this field.

Mr. Speaker, I wish to congratulate the Committee on Ways and Means on bringing H. R. 17 to the floor of this House, and strongly urge its enactment to correct a longstanding and misguided Federal tax policy that has caused substantial unemployment of musicians', and others' jobs in the field of recreation.

Mr. JENKINS. Mr. Speaker, I yield such time as he may desire to the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Speaker, I rise in support of this legislation. It is much needed, and I believe it will increase the revenues coming to the Federal Treasury because of increased employment in the entertainment professions. I have supported this legislation before the Ways and Means Committee and I urge others to support it on the floor of the House today.

Mr. JENKINS. Mr. Speaker, I yield such time as he may desire to the gentleman from Connecticut [Mr. MORANO].

Mr. MORANO. Mr. Speaker, I ask unanimous consent to extend my remarks immediately following the passage of this bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. JENKINS. Mr. Speaker, I yield such time as he may desire to the gentleman from New Jersey [Mr. CANFIELD].

Mr. CANFIELD. Mr. Speaker, I am very proud of our Secretary of Labor, the Honorable James P. Mitchell, of my home State of New Jersey, who, respected by both labor and management, has turned in the best performance of any Secretary of Labor I have known in my 34 years of service on Capitol Hill.

Jim Mitchell has a ready and forthright answer to any fair question in his field, and on a recent radio program our very able colleague, the gentleman from Connecticut [Mr. MAY], asked him to comment on the present cabaret tax. The Secretary said:

> I think the cabaret tax is discriminatory legislation and I think it should be repealed because it is not conducive to employment in the musicians' field.

The report of the House Ways and Means Committee reads in part:

> Employment of musicians and entertainers as a class has been at a relatively low level as a result of drastic technological changes which have occurred in the entertainment business. The decline in employment begun with the passing of the silent movies and vaudeville in the early thirties, has continued as first radio and then television has increased the emphasis on home entertainment. The trend away from "live" entertainment also has been accelerated by the increase in the use of records in the home and places of entertainment.

Orchestras and bands in the Paterson and Passaic, N. J., area I am priviledged to represent, have contributed many thousands of dollars worth of free time in playing for patriotic and civic events, for churches, for bond drives, and they have suffered the effects of growing unemployment in their type of work. Some of these musicians have found employment in other industries and it has been well pointed out that their return to their chosen profession would open up jobs for others seeking employment.

It is apparent that the committee reviewing the problem of these workers feels that excise collections will offset to some degree the $21 million reduction provided in the bill before us. There are many who contend they will far exceed any reduction, all because of increased employment. I think there is real merit in this argument and I strongly support the bill.

Mr. JENKINS. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I should like to ask the gentleman from Rhode Island [Mr. FORAND]: Do I understand this bill will cut Federal tax revenues by $21 million a year?

Mr. FORAND. Approximately, but the committee feels that it will be recouped in other ways.

Mr. GROSS. Is this the report on the bill?

Mr. FORAND. That is the report on the bill.

Mr. GROSS. And it contains no statement from the Treasury Department or from the Bureau of the Budget.

Mr. FORAND. No, there is no report from those agencies.

Mr. GROSS. Are these agencies opposed to the bill?

Mr. FORAND. On general principles the Treasury is opposed to the loss of even a nickel, regardless of the merits of the question.

Mr. GROSS. Then we will put it this way: The Treasury Department is opposed.

Mr. FORAND. That is their traditional position.

Mr. GROSS. With the Bureau of the Budget and the Treasury both opposed to the bill, I take it, therefore, the administration is opposed to the bill.

Mr. FORAND. The Department of Labor, through its Secretary, is not opposed to it; he favors it.

Mr. GROSS. I wonder if any gentleman on the Republican side can tell me whether the administration is for or against the bill.

Mr. JENKINS. I cannot speak for the administration.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. BOGGS. Does anybody ever know what the administration's position is on anything?

Mr. GROSS. I hoped that someone could enlighten me on this bill.

Mr. JENKINS. If the gentleman will yield, the administration knows what it is doing all the time but I personally do not know what the administration position is on this.

Mr. GROSS. But I assume the administration is opposed to the bill. I have a rather low support record according to Congressional Quarterly and perhaps my opposition to this bill will help my batting average.

I can see no reason why this luxury tax should be reduced to an equal basis with the telephone tax, the tax on luggage, and many other necessities. Could the gentleman from Pennsylvania, Mr. SIMPSON, enumerate some of the present excise taxes and what they are?

Mr. SIMPSON of Pennsylvania. I would rather put it in this way because there are so many hundreds of items: The 20-percent excise tax applies to the cabaret tax, to horseracing, to dog racing, and to club dues. This bill singles out one from the group, namely, the cabaret tax, and reduces it from 20 percent to 10 percent. The 20-percent cabaret tax was a wartime imposition because we felt that was a place where we could cut down waste, if you please. Today that reason no longer exists and there is great unemployment. That is the first reason for the reduction of this tax, it will bring about some reemployment among musicians. The second is

to bring it in line with the other excise taxes which are 10 percent.

Mr. GROSS. If this tax is reduced you would be putting a luxury tax upon an equality with a tax upon necessities. Is not that correct?

Mr. SIMPSON of Pennsylvania. My answer to that is that it would put the cabaret tax on an equality with other luxury taxes.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. HOFFMAN. If we cut this cabaret tax, will the Federal Government have enough money to dig this tunnel under the Potomac River here that we heard about last week, and provide money for other nations? How will that be affected?

Mr. GROSS. I am voting against all those propositions.

Mr. HOFFMAN. So am I.

Mr. GROSS. Of course, some of the people who want to reduce this tax vote for those big spending measures. As far as the gentleman from Iowa is concerned, I am willing to tax luxuries in order to pay these big bills that some of you vote through all the time.

Mr. HOFFMAN. How in any way will this affect, say, the gentleman from Minnesota [Mr. JUDD] and his foreign-aid program. Will this give him less money?

Mr. GROSS. No, I do not think it will make any difference in that respect.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Washington.

Mr. PELLY. I would like to say to the gentleman from Iowa that I am convinced this legislation will open up new places of business, it will increase employment, and it will result in a net gain in revenue to the Treasury.

Mr. GROSS. I may say to the gentleman from Washington that I cannot think of any tax that ought to be kept where it is more than this one right here until all other excise taxes are reduced or wiped off the books. That is my position. Let us leave these taxes upon luxury items until those upon the necessities of life are either further reduced or repealed. On no other basis will you have taxes based upon ability to pay.

Mr. JENKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Speaker, this bill, reducing taxes on cabarets by one-half is described by the author of the bill as a tax-relief measure. It is also stated the relief will amount to approximately $21 million. That will have to be made up from other sources paid by our taxpayers. I am in favor of a tax reduction program when the country can afford it. I hardly think the place to start your tax relief program is to do it on a luxury of this kind. I realize people have a legal right to spend their money in this fashion, including liquor and the things that go with it, if they desire to do so. Why relieve an expenditure that is a real luxury and neglect necessities that are presently taxed?

Something has been said about this tax helping to increase the demand for labor. That is pretty difficult to figure out when you realize the average taxpayer will make up the deficit of $21 million. It is the person who wants the luxury who really gets the relief under this bill. He is in better shape to pay the tax than so many others who cannot afford to make up the deficit.

Mr. NICHOLSON. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Massachusetts.

Mr. NICHOLSON. What is the gentleman's idea about cabarets?

Mr. REES of Kansas. I do not know much more about cabarets than does the gentleman from Massachusetts except I know that cabarets are luxuries. I certainly have nothing against cabarets as such. The gentleman from Rhode Island describes cabarets as places of relaxation and of entertainment, and a place where people can have food and drink and dance and watch others dance if they like to do so. My feeling, and I repeat, is that since they are really a luxury, I feel that a person who can afford to pay the prices that are required in such places, then they are in a position to pay a little more share of the taxes. I mean luxury taxes.

It is suggested by some of those who have spoken on this measure that if taxes are reduced, more people would be employed. I think it may be possible that a few additional entertainers could be employed, but I cannot see a great rush of reemployment by reducing taxes amounting to over $20 million and charging this amount to other taxpayers. If you would reduce taxes on necessities in the place of this kind of luxury item, it would come nearer being a step in the right direction.

Mr. Speaker, I would like to remind Members of the House this proposed legislation does not carry a recommendation from the Secretary of the Treasury or the Bureau of the Budget, not that it is necessary, but if we had their views, it could be helpful.

Mr. FORAND. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Rhode Isand, for whom I have great respect. He is one of the distinguished Members of this House.

Mr. FORAND. I am sure the gentleman realizes that in reducing this tax we are putting to work lots of people who have been thrown out of employment and who cannot get employment at their trade or profession.

Mr. REES of Kansas. That is strange, indeed. Of course, I do not know. I assume the gentleman does not know.

Mr. FORAND. Does the gentleman deny that?

Mr. REES of Kansas. Of course, I do not want to be in a position of denying the gentleman's statement. I do have an opinion there may be other causes or reasons for unemployment in the group he describes. It is the man or woman who buys the luxury who pays the tax.

Mr. FORAND. Is the gentleman willing to help put people to work?

Mr. REES of Kansas. Oh, yes, I want everyone to have work if he wants it. Every workingman in this country is entitled to have a chance for employment. No one would deny that.

If you are in earnest about helping the working people of this country, I think you would do well to consider bringing in a tax-reduction bill on a number of necessities—things people are required to buy—rather than start tax reduction in this fashion.

Mr. JENKINS. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS of Missouri. Mr. Speaker, I would like to call the attention of the Members of the House to the fact we are not beginning to cut taxes in this area. As a matter of fact what we are doing is equalizing what we previously did in cutting all excise taxes to 10 percent. The House did that, but when the bill, in 1955 I believe it was, went across to the other body, that body increased this one item back to 20 percent.

So, what we are doing here is moving in to equalize this area of excise taxation so that it will be like all other excise taxes on luxuries. I might state that the unfortunate thing about this tax is that it has a bad name. In other words, it was called a cabaret tax, and that conveys a certain implication to many people. Actually "cabaret" is not the complete name at all. It is any place where music or any sort of entertainment goes along with the selling of food, merchandise, or refreshments. And, there has been no question about the fact that there has been unemployment in the field of musicians to a large degree because of this tax.

Now, to those who are concerned about revenue, the statement that actually the Federal Treasury will probably gain in revenue rather than lose is well taken, because we have reached the point of diminishing returns in this area. If we reduce the tax from 20 percent to 10 percent, we probably will find that we will be collecting a great deal more in revenue from the tax itself, completely disregarding the other area, which is a very important area, the employment that it would give to many of our unemployed musicians.

As to the administration's position on this matter or the Treasury's position, the Treasury takes a rigid position that any loss in revenue, as they see it, from the immediate effect of applying the tax, they oppose. But, the Treasury also says and recognizes the equity of reducing this tax to 10 percent like all other excises on luxuries. So I would say, in my judgment, essentially the administration is behind this bill, and if the gentleman from Iowa is disturbed about an administration vote, this certainly would not be voting against the administration. There is a technical position that the Treasury takes on all items of reduction of tax rates.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from Iowa.

Mr. GROSS. In view of the fact that the administration has not spoken out in any way and the fact that the report does not contain one word from the Treasury Department endorsing this bill, I think we might label this as the "Democrat Tax Reduction Act of 1957."

Mr. CURTIS of Missouri. No. That would be very unfair. It would do an injustice to the Republican members of the committee. The Treasury Department officials appeared before our committee, and this matter was gone into quite thoroughly, and I might say they recognize the equity of these arguments but for technical reasons, as I previously said, they have opposed it.

Mr. SIMPSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from Pennsylvania.

Mr. SIMPSON of Pennsylvania. I think it would be well to consider for just a moment the tax in this instance that is levied upon the food that a person buys, but in addition to eating it, listening to music or dancing, and you can certainly justify a reduction in this program because you can go into a restaurant next door, drink and eat exactly the same food and not have to pay the tax. The same holds true in a hotel dining room or a restaurant. So, what we are doing here is taking a tax off the food and avoiding a tax simply because there happens to be music in a place where you eat and drink.

Mr. CURTIS of Missouri. I think the gentleman is very right.

Mr. CANFIELD. Mr. Speaker, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from New Jersey.

Mr. CANFIELD. I understand the committee was almost unanimous in reporting this bill out to the House.

Mr. CURTIS of Missouri. I believe it was almost unanimous.

I might say in closing that this is in line with bringing down all luxury taxes to 10 percent. We were really doing an injustice when this one tax was levied at 20 percent when the Congress decided that all excise taxes ought to be at the rate of 10 percent.

Mr. DAWSON of Utah. Mr. Speaker, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from Utah.

Mr. DAWSON of Utah. Then, I assume the next step will be to reduce the tax on horseracing and dog racing. Can the gentleman tell us how much the total overall loss will be on horseracing, dog racing, and the cabaret tax, all together?

Mr. CURTIS of Missouri. No, I cannot, but I will say this: I think the gentleman is presumptuous in thinking that the tax on horseracing and dog racing would be lowered. There has been no indication nor has anyone that I know of urged that particular course. I doubt whether that excise tax is beyond the point of diminishing returns, and this is.

Mr. DAWSON of Utah. There are logical reasons for reducing the tax as it is now applied to nightclubs and I intend to support this measure but I have fears it will also be urged on behalf of horseracing.

Mr. CURTIS of Missouri. I do not agree with the gentleman.

Mr. JENKINS. Mr. Speaker, I yield such time as he may require to the gentleman from New York [Mr. DOOLEY].

Mr. DOOLEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DOOLEY. I rise, Mr. Speaker, in support of H. R. 17 and wish to commend the committee for coming forth with this bill. I think that this measure is a meritorious and long overdue piece of legislation.

The cabaret tax is basically unfair because it is not a normal excise tax in the true meaning of the word but rather a tax which discourages the employment of musicians and entertainers. It is a vestige of the war days when every effort was being made to conserve all resources. This tax was reduced once before by the House from 20 percent to 10 percent, and in reenacting this legislation passed in 1954, I hope that we are more successful. Thousands of musicians and entertainers are unemployed in New York State today because cabarets throughout that State have had to close down due largely to the imposition of this 20-percent tax.

It has been established by those familiar with the problem that more revenue will ultimately go to the Treasury with a 10-percent tax than with a 20-percent tax because more cabarets—as these businesses are called—will go into operation and production in tax revenue.

I support this legislation strongly and hope for its passage by the House.

Mr. JENKINS. Mr. Speaker, I yield such time as he may desire to the gentleman from Illinois [Mr. MCVEY].

Mr. MCVEY. Mr. Speaker, I wish to associate myself with those who are in favor of this bill. I think this measure should be supported.

Mr. FORAND. Mr. Speaker, I yield such time as he may require to the gentleman from Indiana [Mr. BOGGS].

Mr. BOGGS. Mr. Speaker, I concur in the comprehensive and splendid statement made by my colleague, the gentleman from Rhode Island [Mr. FORAND]. I trust that this bill will be adopted. It is a bill which should promote employment. I am quite sure that it will result in no net loss of revenue.

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include a statement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Mr. Speaker, I include the following statement:

ORAL TESTIMONY OF DR. ROBERT C. SHOOK, ON BEHALF OF 20 PERCENT TAX RELIEF COMMITTEE, AMERICAN FEDERATION OF MUSICIANS, BEFORE THE SUBCOMMITTEE ON EXCISE TAXES OF THE COMMITTEE ON WAYS AND MEANS

Mr. Chairman and members of the committee, my name is Robert C. Shook. I am vice president of International Statistical Bureau, Inc., and have been director of research for that organization for some 20 years. I reside in New York, and am appearing today on behalf of the 20 percent tax relief committee of the American Federation of Musicians, to present testimony on the extent to which musicians suffer a hardship, and on the reasons for this hardship.

My organization, in cooperation with Research Co. of America, participated in an extensive investigation of the musicians' position, and of the factors which have affected it, which was completed in 1955.

This investigation involved intensive field work in 33 cities; 23,289 questionnaires mailed to individual musicians; 30,450 questionnaires mailed to members of the Licensed Beverage Association; and reports from 83 local unions having a total membership of 105,648 musicians, or 41.2 percent of the national membership. The study was truly national in scope and its result, combined with other information, provides the first and only case history of the musicians.

The purpose of my testimony is to support the following contentions, on which the American Federation of Musicians bases its plea for relief from the 20-percent cabaret tax:

1. That musicians as a group are in a depressed condition.

2. That establishments subject to the 20-percent cabaret tax still provide substantial job opportunities for musicians; that these job opportunities have declined sharply since this tax was established at the high rate of 20 percent in 1944; and that job opportunities will increase if this tax is repealed.

3. That although the tax is only one of three factors which have created hardships for the musicians, it has had considerable responsibility for their present distress; and further, of these three depressing factors the 20-percent tax is the only one from which it is within the power of Congress to grant relief.

MUSICIANS ARE A DEPRESSED CLASS

There are relatively few jobs for instrumentalists or leaders that are full time in the double sense that (a) the job itself requires the services of a musician full time during the course of the year; and (b) a single musician fills the same job throughout the course of the year.

Most of the musicians who work full time, therefore (and they are in the minority) do so only because they are able to line up enough part-time jobs to keep them busy full time.

The hardship this situation causes for the musician is demonstrated by the job surveys undertaken each year by the American Federation of Musicians. The survey for 1954 lists some 25,864 jobs for musicians. This includes symphony orchestras, theatrical, motion picture production, and radio and television broadcasting, but excludes 18,167 hours in recording and 7,373 hours in electrical transcription. But, except for 303 contract jobs in Hollywood, 1,581 staff jobs in radio and television broadcasting, and a few hundred jobs with the few symphony orchestras that play not only a regular and a summer season but have other engagements as well, all of these jobs were part-time jobs. Furthermore, these 25,864 jobs, plus the available hours in recording and electrical transcription, were enough to provide full-time employment for less than 10,000 musicians. There is no way of knowing how many musicians actually held one or more of these part-time jobs. But it would have been impossible for more than 10,000 musicians to have made a full-time living from them.

AVERAGE EARNINGS LOW

The Census Bureau, in its count of occupations in 1950, reported some 154,000 musicians and music teachers combined. Median earnings were $3,189 a year.

We found, in our study of musicians' earnings in 1954, that the average for those who depend solely on musical activity for their livelihood was $3,454. The median income for musicians in our own sample was slightly less than their average income. I therefore feel safe in saying that there has been little or no improvement in the musicians position from the depressed state reported by the Bureau of the Census in 1954.

EMPLOYMENT OF MUSICIANS LOW

It was stated above that the Bureau of the Census reported a total of approximately 154,000 musicians and music teachers in 1950. The American Federation of Musicians in 1954 reports a membership of 252,512. However, the membership of the federation contains many individuals who are musicians in name only. More than 88,000 members, or 35 percent of the membership, report no musical activities whatsoever. Another 22,000 members are retired and slightly more than 1,000 are arrangers and copyists. About 16,000 of the members are music teachers.

Out of a total membership of slightly more than 252,000, therefore, only 125,000, or slightly less than half, can be described as active musicians in the sense that they report some earnings from musical activity. Only about 83,000 of these are estimated to make more than a half of their living from musical activities, and would qualify as musicians under the census definition.

TWENTY-PERCENT PLACES IMPORTANT TO MUSICIANS

In our survey, we obtained detailed reports from 560 establishments, both on their cabaret-tax payments and on their employment of musicians. Based on this sample, which accounted for $9,068,390 in cabaret-tax payments in 1954, or 23.1 percent of the total, employment of musicians in establishments subject to this tax is estimated at 26,865 man-years. The many part-time jobs were translated into man-years on the basis of 5 days a week, 52 weeks a year.

The great importance of these 20-percent places, in relation to total employment of musicians, is indicated both by reports from individual musicians and by reports from local unions on the employment of their members. Reports from individual musicians indicate that 48.6 percent of their jobs are provided by these establishments and the reports from local unions indicate that some 42.7 percent of their members' employment is in 20-percent places.

JOB LOSSES SINCE 1943 IN 20-PERCENT PLACES

In our interviews with establishments now subject to the 20-percent cabaret tax, there were 159 which were in business in 1943, when the tax was only 5 percent, and which could provide comparisons of employment policy in 1943 and 1954. These establishments in 1954 paid a total cabaret tax of $4.5 million, or 11.5 percent of total cabaret tax collections.

Between 1943, when the tax rate was 5 percent, and 1954, when the tax rate was 20 percent, the decline in the employment of musicians in these places amounted to 45.5 percent when measured in man-days; and 56.5 percent when measured in man-hours.

It is not claimed that the increased tax rate is the sole factor responsible for this sharp decline in employment. The presumption that it was the major cause of unemployment, however, will be discussed under the next heading.

FACTORS CONTRIBUTING TO THE DISTRESSED CONDITION OF MUSICIANS

Three factors have been chiefly responsible for the distress now experienced by musicians.

One is technical in nature. The very same advances in technology that have made it more possible for a growing audience to hear music, have made it less possible for musicians as a class to earn their living by playing music.

The first big blow dealt to musicians by technical progress came in the early thirties, when within a 3-year span more than 13,000 movie houses were wired for sound; the number of silent movie houses was reduced from 22,544 in 1929 to 4,835 in 1932.

These drastic changes in the entertainment business—the passing of silent movies and vaudeville—caused a loss of about 25,000 jobs for musicians, most of them good jobs that provided regular employment. This number of lost jobs, in fact, was enough to take care of about 20,000 musicians on a 100-percent full-time basis.

Technological change created some new jobs, as well as eliminating many old ones. Radio broadcasting, and later on television, were technical changes that helped to a very minor degree to offset technological job losses by creating new jobs for musicians. Combined, however, these new jobs represented employment for only about 3,500 musicians on a full-time basis.

There were also a limited number of further job increases for musicians, chiefly during the postwar years, due to the high level of income. The great expansion in canned music and entertainment, through radio, television, and the juke box, had not killed the public's interest in live music and entertainment. The increase of jobs in opera and ballet, in dramatic and musical plays, and in symphony orchestras, was enough to provide jobs for an additional 1,500 musicians on a full-time basis.

Two other factors, apart from technological change, have caused distress for musicians.

One of these has been the 20-percent tax. Job losses in establishments subject to the cabaret tax, during the period in which the tax has been at the high rate of 20 percent, have amounted to approximately 25,000 man-years.

During this same period, of course, other factors existed, which could be expected to have an adverse effect on the businesses of these establishments and on their employment of musicians.

One of these was the development of television as a mass medium of home entertainment. The other was the sociological phenomenon associated with the high marriage and birth rates and the expansion of Suburbia as the Nation's dwelling place; the public not only had television available as a means of home entertainment, but was unusually receptive to the whole idea of home entertainment. But to what extent were these social changes responsible for job losses in 20-percent places between 1943 and 1954, and to what extent was the high rate of the tax responsible? The following calculations throw a great deal of light on this question.

Consumer expenditures in eating and drinking places are reported by the Department of Commerce. Consumer expenditures in similar places, during hours when there is dancing or live music and entertainment, and the 20-percent tax applies, can be calculated directly from the cabaret tax receipts. Now it seems to me that, if it had been primarily the social changes which kept people out of eating and drinking places during the prosperous postwar period, all such places would have suffered equally. But this is not the case. Total consumer expenditures in eating and drinking places, taxed and tax-free combined, showed an increase of 102 percent between 1943 and 1945. I am therefore compelled to believe that the high tax rate of 20 percent has been chiefly responsible for the decline of 40 percent which took place, between fiscal 1943 and fiscal 1955, in consumer expenditures for meals and beverages which were subject to this tax.

TWENTY-PERCENT TAX DEPRESSES BUSINESS

The American Federation of Musicians is asking this Committee for relief from this tax, which has so plainly had major responsibility for the loss of some 25,000 jobs for musicians, in establishments which still provide 45.6 percent of the employment opportunities now open to musicians.

To what extent will the repeal of this tax help relieve the hardships which musicians now experience?

We have two sorts of evidence to present with regard to this question.

One is based on carefully conducted interviews with 159 owners and managers of establishments who did business in 1943 under a 5-percent-tax rate, who were still in business at the time of this survey, and who paid 11.5 percent of the total cabaret tax collected under the 20-percent rate in 1954. These establishments have managed, by cutting down taxable time by 40.6 percent, and man-hours of employment for musicians by 56.5 percent, to remain in business.

These proprietors tell us without qualification that, upon repeal of the 20-percent tax, there will be an immediate increase in days per week, and in hours per day, for the musicians they now employ, back to the 1943 level. This would result in an immediate increase in job opportunities for musicians in these establishments of some 51 percent. These proprietors also expect to increase the number of musicians they employ. This, combined with the increase in days per week and hours per day, would increase employment in these establishments by some 68 percent.

These estimates express the intentions of proprietors themselves. Is it reasonable to believe that these intentions will be carried out if the tax is repealed? My second point is a commonsense point, which deals with this question.

BETTER RETURN ON CAPITAL INVESTMENT

These establishments have a capital investment in entertainment facilities. The use of these facilities has been reduced greatly since the tax was increased to 20 percent. An immediate lengthening of days per week for musicians, and hours per day, would represent no more than a natural attempt by these essentially small-business men to obtain a better return on investment. It is entirely believable, therefore, that there will be a very rapid and substantial expansion in total entertainment and dancing hours, and in the employment of musicians, if the 20-percent tax is repealed.

This testimony can be summed up briefly.

1. An extensive study has been conducted of the economic position of musicians. The results of this study show that musicians as a group now experience great hardships. There have been job losses caused by technological change, and there have been job losses in establishments subject to the cabaret tax during the period in which this tax has remained at the high rate of 20 percent. Since consumer spending in similar establishments not subject to this tax has risen sharply throughout the postwar period, the high rate of this tax, in our opinion, must bear a substantial part of the responsibility for the job losses in these establishments.

2. If the committee grants that musicians, wherever they may find employment, are important to our cultural development and leadership, then we appeal to the committee to consider this 20-percent tax in human, rather than revenue, terms. The revenue is a pittance—some $40 million annually. The human and cultural loss is incalculable. In my own interviews in many cities, I met not one musician who wanted his own son or daughter to pursue music as a career.

COST OF ENFORCEMENT HIGH

3. The administration and interpretation of this tax are difficult and vexing. The

costs of administering and collecting this tax must be high.

4. This tax is discriminatory. Almost all other emergency excise taxes have been eliminated or substantially reduced. Food and beverages are taxed only when dancing and/or entertainment are provided simultaneously, and no other form of entertainment is now taxed at the 20-percent rate.

5. We do not claim that repeal of the 20-percent tax will solve all problems of the musical artist. Repeal of this tax, however, is the only alleviating action which is within the power of the Congress to undertake. And we have, we believe, presented strong evidence that such repeal will result in a very substantial improvement in employment opportunities for musicians as a group. In human and cultural terms, this will be a great gain.

Thank you, Mr. Chairman and gentlemen of the committee.

Mr. FORAND. Mr. Speaker, I yield such time as he may require to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include certain communications.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, I wish to join my colleagues in commending the gentleman from Rhode Island [Mr. FORAND] for his excellent explanation of the advantages of this bill. It clearly will result in more employment; it will harm no one, and the committee obviously feels it will ultimately result in greater revenues for the Federal Treasury.

Many of my valued constituents have written to me in support of H. R. 17, and I am happy to quote their views below. I strongly hope the bill will pass.

LOS ANGELES, CALIF., *August 1, 1957.*
Congressman JAMES ROOSEVELT,
*Washington, D. C.:*

For and on behalf of 3,600 members of Waiters Union Local No. 17, Los Angeles, we respectfully urge you to support and vote for bill H. R. 17, which would reduce the entertainment tax to 10 percent on cabarets. This would encourage many of the cabarets to reopen and give employment to many members in the restaurant industry and also aid many employers who are suffering under the present 20-percent-tax burden.

EDWARD SIMPSON,
*President.*
CHARLES STIRNER,
*Secretary-Treasurer.*

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HOLLYWOOD, CALIF., *August 2, 1957.*
Congressman JAMES ROOSEVELT,
*District No. 26, California,*
*House of Representatives,*
*Washington, D. C.:*

We understand that H. R. 17, re cabaret tax, is to be acted upon Monday, August 5. Earnestly solicit your attendance at this session and request your "yes" vote on same.

ELIOT DANIEL,
*President, Local 47, American Federation of Musicians.*

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LOS ANGELES, CALIF., *August 1, 1957.*
JAMES ROOSEVELT,
*Twenty-sixth District, House of Representatives, Washington, D. C.:*

On behalf of the 21,000 members in the city of Los Angeles, we request a "yes" vote immediately on H. R. 17 because it is of vital interest to hotel, club, and restaurant employees. As you know, this will encourage the reopening of several hundred entertaining spots throughout the State and aid employment to several thousand members of our craft.

Very truly yours,

PAUL E. GREENWOOD,
*Secretary-Treasurer, Los Angeles Joint Board of Hotel and Restaurant Employees Union, AFL–CIO.*

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HOLLYWOOD, CALIF., *August 2, 1957.*
Congressman JAMES ROOSEVELT,
*District No. 26, California, House of Representatives, Washington, D. C.*

The board of directors of Local 47, American Federation Musicians, representing 16,000 musicians in the Los Angeles area who are vitally affected by cabaret tax bill H. R. 17 earnestly urge your attention when bill comes up for vote on Monday and request your yes vote.

BOARD OF DIRECTORS, LOCAL 47, AMERICAN FEDERATION MUSICIANS.

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LONG BEACH, CALIF., *August 3, 1957.*
Hon. JAMES ROOSEVELT,
*Washington, D. C.:*

We understand H. R. 17 will come up before Congress on Monday, August 5th under suspension of rules. We sincerely hope you are able to be present and give us your support on this bill. Kindest regards and hope to see you when you return to the Southland.

MARY E. DICKINSON,
*Secretary, Musicians Association, Long Beach, Calif.*

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LOS ANGELES, CALIF., *August 2, 1957.*
Hon. JAMES ROOSEVELT,
*House of Representatives,*
*Washington, D. C.:*

Will greatly appreciate your favorable consideration of H. R. 17 which I understand will be voted on August 5. Regards.

J. C. MEACHAM,
*General Manager, Hotel Statler.*

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LOS ANGELES, CALIF., *August 2, 1957.*
Congressman JAMES ROOSEVELT,
*House of Representatives,*
*Washington, D. C.:*

We urge you to support H. R. 17 and seek an early vote on it before the summer vacation.

Your friend,

BILL POLLARD.

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LOS ANGELES, CALIF., *August 2, 1957.*
Hon. JAMES ROOSEVELT,
*House of Representatives,*
*Washington, D. C.:*

We urge your favorable consideration of H. R. 17, which is expected to be voted on August 5.

C. W. HUDGENS,
*Manager, Mayfair Hotel.*

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CALIFORNIA STATE
HOTEL ASSOCIATION, LTD.,
*Los Angeles, July 31, 1957.*
Hon. JAMES ROOSEVELT,
*House of Representatives,*
*Washington, D. C.*

DEAR CONGRESSMAN ROOSEVELT: H. R. 817, introduced by Representative AIME J. FORAND, Democrat, of Rhode Island, and calling for 50-percent reduction in the cabaret tax, is expected to come before the House for a vote on August 5. The hotel industry is very much interested in the passage of this bill, as we have long felt the squeeze of this excessive levy. Representative FORAND, and I am sure, yourself, knows that the public resistance to the 20-percent tax has been responsible for the closing of entertainment rooms far and wide. Back in 1940 there were an estimated 700 rooms in hotels, alone, in this country, where entertainment was offered and where the tax was applicable. This number has now shrunk to approximately 175.

Congress has already reduced all admission taxes to 10 percent, leaving only the cabaret tax at the 20-percent level. As you know, the tax covers food and other services besides liquor. There are 13 States where legal liquor may not be served, but where this tax has made it impractical to offer entertainment in the hotel dining room.

With a 50-percent reduction in the cabaret tax, we feel sure that public resistance would be overcome and many entertainment rooms reopened. This would recoup the employment losses occasioned by the culinary and musicians unions, and in the end produce far greater revenue to the Government from the various tax sources.

Your favorable consideration and support of H. R. 17 will be appreciated by the members of the California State Hotel Association.

Thanking you, I remain,

Respectfully yours,
Bill R.,
WILLIAM C. ROBINSON,
*Managing Director.*

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SOUTHERN CALIFORNIA
HOTEL ASSOCIATION,
*Los Angeles, Calif., July 30, 1957.*
The Honorable JAMES ROOSEVELT,
*House of Representatives,*
*Washington, D. C.*

MY DEAR MR. ROOSEVELT: During the Second World War a number of nuisance taxes were invoked to slow spending, such as the admission tax and cabaret tax. Practically all admission taxes have been reduced to 10 percent. We believe if the cabaret tax was abolished or reduced, the Government would benefit by other taxes.

The employment of musicians, waiters, cooks, etc., in these eating establishments should increase greatly as the number of rooms with entertainment and where tax is applicable, has shrunk 25 percent of the number that existed before this tax was levied.

We hope you will give every consideration to H. R. 17, which calls for 50-percent reduction in the cabaret tax.

Sincerely yours,

SOUTHERN CALIFORNIA HOTEL ASSOCIATION.
CHESTER B. CALDWELL,
*Executive Vice President.*

Mr. FORAND. Mr. Speaker, I yield such time as he may require to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I want to commend the Committee on Ways and Means for bringing this legislation in. I have received numerous letters through the years from restaurants and dining halls in my district asking for the repeal of this special tax. Over half the so-called cabarets and restaurants in my district have closed their doors during the last few years because of this exorbitant tax. Let me say further, it has reduced the tax that the Government at one time collected from these restaurants in my district by over 50 percent. If this tax is lowered from 20 percent to 10 percent the return which the Government receives will be greatly increased. Furthermore, it has brought about a situation in my district where these honky-tonk music box places are getting the business that legitimate restaurants, dining halls, and cabarets previously had. This unjust tax has caused tens of thousands of musicians, waiters, and

other workers to have been thrown out of employment during the last 10 years.

This legislation should be enacted into law and restore a tax equality to an industry which has been subjected to an unfair and unjust tax burden.

Mr. FORAND. Mr. Speaker, I yield such time as he may desire to the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Speaker, this bill conforms to the Constitution of the United States which provides that all taxes shall be uniform. Therefore I favor the bill.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds having voted in favor thereof, the rules are suspended and the bill is passed.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Two hundred and thirty-seven Members are present, a quorum.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The title was amended so as to read: "A bill to reduce the cabaret tax from 20 percent to 10 percent."

A motion to reconsider was laid on the table.

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## H. R. 8002

Mr. MORANO. Mr. Speaker, adoption of H. R. 8002 by the Congress would in effect serve notice that the Congress will henceforth dispose of appropriations in a sound and businesslike way.

This bill, incorporating the economy proposals of the Hoover Commission, would establish Congressional control over the budget, it would require an annual account of spending by Government agencies, and would keep Congress informed each year as to how the appropriated funds were being spent.

It is incredible that such a bill had not been made the law of the land many, many years ago. Surely, it is long overdue.

This measure has been endorsed by the President, by the bipartisan Hoover Commission, the Budget Director, the Comptroller General, and fiscal experts of every persuasion.

Despite this strong endorsement, backed by the pleas of countless thousands of economy-minded citizens, this bill is opposed by some well-informed members and now by Secretary of Defense Wilson, even after the administration's strong approval.

The objections of the opponents, in the clear right of reason, fail to convince me that this legislation is not necessary and not prudent.

I earnestly hope that the leadership will program this bill for action. Certainly the House should be given the opportunity to debate and vote this measure—which was unanimously approved by the Senate—up or down on its merits.

## SOCIAL SECURITY COVERAGE UNDER STATE AGREEMENT FOR POLICEMEN AND FIREMEN

Mr. COOPER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 4770) to amend title II of the Social Security Act to permit policemen and firemen in positions covered by retirement systems to obtain social security coverage on the same basis as other State and local employees, with the committee amendments as printed in the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That subparagraph (A) of section 218 (d) (5) of the Social Security Act is amended to read as follows:

"(A) For purposes of this subsection, a retirement system which covers—

"(i) positions of policemen and firemen, or

"(ii) positions of policemen or firemen, or both, and other positions,

shall, if the State concerned so desires, be deemed to be a separate retirement system with respect to the positions of such policemen or firemen, or both, as the case may be."

SEC. 2. (a) Section 218 (d) (1) of the Social Scurity Act is amended—

(1) by striking out ", and except in the case of positions excluded by paragraph (5) (A)" in the first sentence; and

(2) by striking out "(other than a position excluded by paragraph (5) (A))" in the second sentence.

(b) Section 218 (d) (3) of such act is amended by striking out "excluded by or pursuant to paragraph (5)" each place it appears and inserting in lieu thereof "excluded pursuant to paragraph (5)."

SEC. 3. Subsection (p) of section 218 of the Social Security Act is repealed.

SEC. 4. Notwithstanding subsection (f) of section 218 of the Social Security Act, any agreement, or modification of an agreement, with any State under such section may, if such agreement or modification is agreed to prior to 1959, be made effective with respect to services performed in positions covered by a retirement system which covers positions of policemen or firemen, or both, which are performed after an effective date specified in the agreement or modification, except that in no case may such date be earlier than December 31, 1955.

The SPEAKER pro tempore. Is a second demanded?

Mr. JENKINS. Mr. Speaker, I demand a second.

Mr. COOPER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COOPER. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, the purpose of H. R. 4770 is to amend the Social Security Act to permit policemen and firemen in positions covered by retirement systems to obtain coverage under the Social Security Act. I should like to emphasize at the outset that this bill merely extends to all of the States the same option which was extended in the 1956 amendments to five specific States. It is not mandatory, but extends an option.

As may be recalled, prior to the 1956 amendments there was a provision in the Social Security Act which prevented coverage of policemen's and firemen's positions under old-age and survivors insurance. In the 1956 amendments, a provision, which was added by the other body, made an exception to this exclusion in the case of five specific States, thus making it possible for policemen and firemen in those five States to be covered under old-age and survivors insurance.

Since that time, policemen and firemen in many other States have indicated their desire to be included. The Committee on Ways and Means, at the time of considering H. R. 4770, had pending before it some 31 bills which would have extended coverage either to policemen and firemen in all of the States or to them in specific additional States. As I recall, at least some nine specific States were involved in these pending bills. The committee considered it a sounder approach to this matter to deal with it through general legislation rather than to continue the practice from time to time of adding specific States to those named in the 1956 amendments.

As is pointed out in the report, the Committee on Ways and Means believes that existing law provides adequate assurance that old-age and survivors insurance coverage will be extended only to groups of policemen and firemen who want such coverage. Under the present referendum provisions of the Social Security Act, members of a State or local government retirement system group have a voice in any decision to cover them under old-age and survivors insurance. In general, no retirement system group may be covered unless a majority of the members of the group, not just a majority of those voting, vote in favor of coverage in a referendum. The law also lays down requirements with respect to the conduct of the referendum to insure that all members of a retirement system will be accorded opportunity to participate and register their desires.

In those cases where policemen and firemen are in systems with other classes of employees, coverage can be extended to the policemen alone, to the firemen alone, or to both the policemen and the firemen under this legislation, at the option of the State concerned. The local political subdivision, for all practical purposes, decides whether its employees will be covered by old-age and survivors insurance, subject of course to the referendum and other requirements of the act.

Mr. Speaker, I urge adoption of H. R. 4770.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Louisiana, a member of the committee.

Mr. BOGGS. Is it not a fact that the committee adopted this approach to the bill that our distinguished chairman is now discussing in order to prevent the necessity for the passage of a whole flock of individual bills affecting the individual States?

Mr. COOPER. The gentleman is correct. There were, as I remember it now, nine additional States requesting the same type of permissive legislation that

had been previously granted to five States. My State of Tennessee was one of those requesting permission. New York, Pennsylvania, and quite a number of other States were requesting the same permissive legislation that had previously been passed for the five States.

Mr. BOGGS. So that if this bill is passed the only difference will be that any State can qualify, rather than five States that are expressly designated in the law?

Mr. COOPER. The gentleman is correct.

Mr. BOGGS. Insofar as the permissive authorization is concerned and the voluntary aspects of it, this proposal changes nothing?

Mr. COOPER. That is correct.

Mr. LANHAM. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Georgia.

Mr. LANHAM. I want to commend the chairman of the committee and the committee for reporting this bill. My own State wants this legislation, and I introduced such a bill to apply only to the State of Georgia. I think it is much wiser to have it apply to all States, and I urge the membership to vote for the bill. It is entirely voluntary, and I cannot see how anyone could object to it.

Mr. COOPER. I appreciate the gentleman's remarks. I had introduced such a bill and the gentleman from Tennessee [Mr. REECE] had introduced such a bill for the State of Tennessee. We found all these other States wanting the same permission provision provided for them, so we thought in all fairness that the permission should be granted to all the States of the Union, if they wanted it. If they do not want it, they do not have to take it.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I yield.

Mr. ROGERS of Colorado. I understand that no hearings were had on this legislation by the committee. That is, no hearings were had as to the legislation now being considered. Is that correct?

Mr. COOPER. No public hearings were held. It was not necessary.

Mr. ROGERS of Colorado. Does the gentleman feel that it is not necessary in view of the history in connection with the extension heretofore granted to firemen and policemen, as is indicated by the strong Senate committee report in 1950, which said that the people were overwhelmingly opposed; that is, the policemen and firemen were opposed to this legislation?

Mr. COOPER. That is not the information we have received. I cannot yield further.

Mr. MORANO. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I yield.

Mr. MORANO. The gentleman has made a statement in which he says the local firefighting unit by local referendum can elect, by a majority vote of its members, to come in or to stay out?

Mr. COOPER. That is correct.

Mr. MORANO. Why would the Stratford, Conn., fire-fighters oppose this legislation?

Mr. COOPER. I am unable to tell the gentleman. The local governing body can vote to take them in or leave them out after they have a referendum of the people themselves and a majority of those eligible have decided if they want to come in.

Mr. MORANO. Will the gentleman yield further?

Mr. COOPER. I cannot yield further at this time.

Mr. DENTON. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Indiana.

Mr. DENTON. The firemen in the district I represent are very much opposed to this legislation. They say that they have a pension fund of their own and they have paid into it for a number of years. Their duties are very hazardous, much more so than most other people, and the benefits they receive under this pension act of theirs is more beneficial to them than social security. What they are afraid of is that if this social security amendment is passed, as new members come in the fire department, these new members will cause their rights which they have under their firemen's pension to be lost or impaired. They object very bitterly because they were not given a hearing before the Ways and Means Committee. They wanted to present their point of view.

Mr. COOPER. I do not yield further.

I invite the gentleman's attention to this statement on page 3 of the committee report on the pending bill:

> In addition, existing law contains a declaration that it is the policy of the Congress that the protection afforded members of a State or local government retirement system not be impaired as a result of the extension of old-age and survivors' insurance coverage to members of the system.

Mr. TRIMBLE. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I yield.

Mr. TRIMBLE. Many policemen and firemen, especially from Fort Smith in my district, are opposed to this legislation because they feel that if they should go under it the retirement system they now have would be jeopardized. I believe the gentleman from Tennessee just now stated in answer to a question by the gentleman from Indiana that it is entirely up to the local people as to whether or not they come under.

Mr. COOPER. That is correct.

Mr. TRIMBLE. And if they do come under they can elect whether they go under social security and if they go under social security they can have both.

Mr. COOPER. Absolutely.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I yield to the gentleman from West Virginia.

Mr. BAILEY. Will the distinguished gentleman answer a question for me? Suppose my firemen in the city of Clarksburg, W. Va., sign a petition in opposition and yet the council of the City of Clarksburg went into it and found that the social-security payments are less, and the city wanted to take them into social security when the firemen and policemen think their own pension-fund plan is better. What is there in the legislation to make that possible?

Mr. COOPER. The City Council of Clarksburg, W. Va., cannot decide the matter. It is not whether they go in or stay out, there has to be a referendum by all the people affected.

Mr. BAILEY. The particular point that I wanted to be sure of was that there is a referendum provision in the legislation that permits a majority of those affected to decide before going in.

Mr. COOPER. Not only a majority of those voting, but a majority of the people affected have to vote in favor of it before they go in.

Mr. BAILEY. I thank the gentleman.

Mr. LANE. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I yield.

Mr. LANE. First I want to thank the gentleman for yielding to me and to say to him that we in Massachusetts are proud of our retirement system for our firemen and policemen. These groups are opposed to the bill, first, because they have not had an opportunity to be represented and to be heard before the gentleman's committee at public hearings on this bill since no hearings were scheduled; and, second, they are fearful their own retirement system may be lost in the maze of social-security legislation and system. However, I thank the gentleman for his kind explanation of the voting procedure in the bill, but my constituents still feel this legislation will be injurious to their retirement rights. In spite of all the assurances advanced by you, the firemen and policemen I represent back home are not for this bill; and, for that reason, I shall oppose the gentleman in this matter and hope that the bill will be killed.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Can the gentleman show me where the policemen and firemen have in any way been injured under this bill?

Mr. COOPER. I cannot.

Mr. BOLAND. Is it not a fact that if the police and firemen have their own system they can still stay in it; that the vote is entirely in those groups alone?

Mr. COOPER. That is correct.

Mr. BOLAND. And if they are members of another system, let us say, and all the city employees are combined into one retirement group, is it not a fact that under this bill the firemen and policemen can vote independently?

Mr. COOPER. Yes; that is correct.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I yield.

Mr. WRIGHT. I am inclined to favor the bill because many firemen and policemen need both a local retirement system and social security to provide a worthwhile retirement. Yet I should not want to see existing retirement plans abolished. I want to ask the gentleman how effective is this language in the existing law in prohibiting the thing that some of the firemen and policemen have feared, that coverage under social security might be used locally as a means

to deprive them of their own individual program and its retirement pension?

Mr. COOPER. I invite the gentleman's attention to the statement I read from page 3 of the committee report. I am sorry I cannot yield further. I have only 4 minutes left.

Mr. CRETELLA. Mr. Speaker, will the gentleman yield for one brief question?

Mr. COOPER. I yield briefly.

Mr. CRETELLA. Is the matter of coverage decided at the city, the county, or the local level?

Mr. COOPER. The local government can decide and make application to the State to be included.

Mr. CRETELLA. Then one municipality can be for it and the other against it?

Mr. COOPER. Each can decide for itself.

Mr. CRETELLA. One can be covered and the other not?

Mr. COOPER. That is correct. I am sorry, but I cannot yield further.

Mr. JENKINS. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, H. R. 4770 would provide under certain safeguards an opportunity to obtain old-age and survivors insurance coverage to policemen and firemen who are covered by a State or local retirement system. Under present law such individuals are mandatorily excluded from participation in the program.

Mr. Speaker, I would stress the fact that this legislation would merely accord policemen and firemen an opportunity to come under OASI coverage and does not make coverage compulsory. I believe it important to stress this fact because many Members of Congress have spoken to me about communications they had received from their districts, some of them expressing an interest in such coverage, some of them expressing opposition to such coverage. This bill will let each retirement group work its own will with respect to whether or not they will come into the social-security program.

It is important that social security be available to those policemen and firemen who work in communities where there is not an actuarily sound and a funded retirement system in operation. The legislation is not so important in the larger communities in our Nation where an actuarily sound retirement system is in existence. The referendum procedure and the necessity for obtaining State consent will provide the necessary safeguards to assure that those coverage groups who do not want to come under the bill will not be forced to do so.

Mr. JENKINS. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I have asked for this time in order that I might ask one or two questions. The gentleman from Tennessee has made a very splendid explanation of the purpose and content of this bill, yet I want to pin down for my own information and that of my constituents in Ohio some of the sections and provisions of this measure so that there will be no misunderstanding about them.

We have had in Ohio for a great many years under State law some very excellent retirement plans or programs for our policemen and firemen as well as for school teachers and State employees. If I understood this bill correctly, this is purely a permissible plan that is carried in this measure which will permit State and local benefit funds and plans to come under social security, is that correct?

Mr. COOPER. The gentleman is correct, and it is in response to a widespread request from States and from Members of this House. There were 31 bills introduced by Members of the House requesting this.

Mr. BROWN of Ohio. No benefit plan or pension plan, either State or local, would come under this legislation unless the State itself would give its consent, is that correct?

Mr. COOPER. That is correct.

Mr. BROWN of Ohio. What State authority would give the consent? Who would you expect to give that consent? Would it be the State legislature or the State welfare director or someone of that sort?

Mr. COOPER. Well, of course, whoever is the proper authority in the State.

Mr. BROWN of Ohio. It is not spelled out in the bill and I do not know that we spell it out in our State law that somebody has authority to do something that the Federal law does not provide they might do.

Mr. COOPER. It would take enabling legislation in the State legislature.

Mr. BROWN of Ohio. The State legislature would have to approve these various State and local funds?

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. There is a big question here. The State legislature and the municipality and the group would have to agree. The thing I want to point out to the gentleman from Ohio and the members of the committee is this: Suppose you have a system where you have 6,000 civilian employees and 2,000 firemen and policemen. They are all under one system. They say that the policemen and firemen cannot be compelled to come under this. Under the authority given to the Governor or to the State they would say to that city, "Well, now, the employees can come in and vote" and the 6,000 employees do vote to come in under it, and the 2,000 policemen and firemen vote against them, the majority would control and the firemen and policemen would be under against their will.

Mr. COOPER. I invite attention to this statement on page 3 of the report:

> Moreover, under the bill, where policemen and firemen are in a retirement system with other classes of employees, the policemen or firemen (or both together) may be treated as if they were members of a separate retirement system.

Mr. BROWN of Ohio. That is permissible and may be; but will it? That is the question. Is that definite agreement or assurance given?

Mr. COOPER. It is at the option of the States.

Mr. BROWN of Ohio. In other words, if the State officials, whoever they may be and you do not spell that out, whether it is the welfare director, the legislature, or the Governor, agree to make a policeman's retirement fund subject to social security, you would still have to go back and get the consent of the majority of the members of your policemen's benefit association or organization?

Mr. COOPER. The gentleman is correct. Bear in mind, your great State of Ohio and my State of Tennessee have to make application to the Federal Government for their employees to be included under social security. They have to initiate it.

Mr. BROWN of Ohio. Then, after that is done, it is still up to the individual members or a majority of them to vote for it.

Mr. COOPER. That is right.

Mr. BROWN of Ohio. If they should refuse it, they cannot come under even if the State employees have it?

Mr. COOPER. There has to be a referendum.

Mr. BROWN of Ohio. Now, what becomes of the funds that are already paid in to these retirement systems and plans under State law such, we will say, as the local city police funds, police retirement fund, or firemen's retirement fund, or State funds? What becomes of those? Do those go into the social security fund and do they get credit for the years they spent in the service?

Mr. COOPER. I cannot do more than again invite attention to the statement on page 3 of the report:

> In addition, existing law contains a declaration that it is the policy of the Congress that the protection afforded members of a State or local government retirement system not be impaired as a result of the extension of old age and survivors insurance coverage to members of the system.

Mr. BROWN of Ohio. The gentleman can understand what I am trying to do here. I am trying to get a statement of the chairman of the Committee on Ways and Means to buttress and support whatever action may be taken on this bill today as we answer our queries from home.

Mr. COOPER. I appreciate the gentleman's contribution.

Mr. BROWN of Ohio. Then, under this system, as you have suggested in the statement you have just made, no policeman, or fireman, should he be taken into the Social Security System, would lose any benefits that he would have received if he had remained under his other system.

Mr. COOPER. We cannot tell a State what it has to do.

Mr. BROWN of Ohio. The State system or local system now provides certain benefits. By being brought under this Social Security System, you say his rights would not be impaired. That means, does it not, that he would be guaranteed at least what he would have received if he had not entered the Social Security System but instead had stayed under the State system or the local system?

Mr. COOPER. That is exactly what we mean in the existing law.

Mr. BROWN of Ohio. That is the gentleman's understanding of the law?

Mr. COOPER. Yes.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Iowa.

Mr. GROSS. I want to compliment the gentleman from Ohio for the very pertinent questions he has raised. My concern with this bill is the same as his, that this not be the entering wedge to force police and firemen under the Social Security System who want no part of it as a substitute for their own pension programs.

Mr. BROWN of Ohio. I thank the gentleman.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Kentucky.

Mr. PERKINS. I do not feel that any of the Members would want to vote for a piece of legislation that would disrupt existing retirement systems in the various States.

Mr. BROWN of Ohio. Well, I certainly do not want to do that.

Mr. PERKINS. As I understand, this is only permissive to give them additional coverage, if they see fit, in addition to the present retirement system.

Mr. BROWN of Ohio. I do not think it is in addition to the other, but it is a substitute for it.

Mr. JENKINS. Mr. Speaker, I yield such time as he may desire to the gentleman from Kansas [Mr. SCRIVNER].

Mr. SCRIVNER. Mr. Speaker, there may be some misunderstanding as to the import and the purpose of this bill, which misunderstanding may have arisen because there were no public hearings and the representatives of the local police and fire departments were not given an opportunity to express their views or get a full and complete understanding of the purpose of this measure. There should have been hearings. Firemen and policemen the people to be affected, should have had an opportunity to express their views, desires, and objections. I have a letter here received from the secretary of the Police Relief Association from my home city of Kansas City, Kans., and they tell me that the entire membership of the police department of Kansas City is on record as opposed to the passage of this bill and asking my efforts to defeat it:

CITY OF KANSAS CITY, KANS.,
DEPARTMENT OF POLICE,
*August 2, 1957.*

Representative E. P. SCRIVNER,
*House Office Building,*
*Washington, D. C.*

DEAR SIR: It has been called to our attention that a bill was recently introduced by Representative HERMAN B. EBERHARTER (H. R. 4770) that would include all police and fire departments under the Social Security Act.

We are writing you in behalf of the entire police department of this city, who feel that if this bill were passed it would eventually be detrimental to and conflict with our present pension plan which we have worked so hard through the years to obtain.

The entire membership of this department want to go on record as being opposed to the passage of this bill and want to ask your help in defeating it.

Sincerely,

Capt. JESS BORING,
*Secretary, Police Relief Association.*

Mrs. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. SCRIVNER. I yield to the gentlewoman from Illinois.

Mrs. CHURCH. May I say to the gentleman that I have in my hand correspondence from those belonging to a similar association in the State of Illinois, from which I quote as follows:

Police officer, Downers Grove, Ill.:

We as police officers of the State of Illinois feel that we do have a just and adequate pension plan, and bitterly oppose being placed under social security. I therefore strongly urge you to vote against House bill 4770.

Police officer, Oak Park, Ill.:

The security of the Illinois police plan is what I want for my family, which social security could not give.

Secretary, unit No. 62, Policeman's Benevolent and Protective Association of Illinois, Monmouth, Ill.:

I polled the members of this department, and to a man they have voted "no" against social security. We have bitterly opposed all measures in the past that would place us under social security, and shall continue to oppose such.

Police officer, Brookfield, Ill.:

I humbly beg that you strenuously oppose H. R. 4770.

Lieutenant of police, North Chicago, Ill.:

It is the urgent desire of this police association that this bill be opposed (H. R. 4770), and we solicit your support to oppose this bill.

President, Waukegan, Ill., Police Association:

The members of the Waukegan Police Association are opposed to House bill 4770. * * * Please act in our behalf to see that Illinois police officers remain exempt from any social-security status.

Police officer, Alton, Ill.:

The Policemen's Benevolent and Protective Association of Illinois, representing 4,500 downstate police officers, are opposed to House bill 4770.

Both in the city of Chicago and downstate there is strong opposition to this bill. They are unalterably opposed to the legislation and urge that it be at least held over until hearings can be held. I shall vote against the bill.

Mr. SCRIVNER. I thank the gentlewoman.

Mr. JENKINS. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. KNOX].

Mr. KNOX. Mr. Speaker, I believe many of the questions I had in mind relative to this legislation have been answered by the chairman of the Committee on Ways and Means. However, I go back to 1954, when the legislation was first proposed and delegations of firemen and policemen appeared before the Committee on Ways and Means in direct opposition to being covered under social security. It is my understanding that the greatest resentment on the part of the policemen and firemen is expressed in their great fear that they are going to lose some of the retirement benefits they now have under the retirement system at the age of 50. Under the social-security law there is no provision whereby any payments could be made to any recipients until they reach the age of 65; may I ask is that correct?

Mr. COOPER. That is correct, for retirement benefits; 62 for women under the legislation passed last year.

Mr. KNOX. Then there is a possibility that policemen and firemen may lose some benefits because of the age limitation; is that true?

Mr. COOPER. They would have to be treated just like any other State and local employees under a plan submitted by the State.

Mr. KNOX. Would the Social Security Administration cover these employees if the States should decide that they could retire at the age of 50 or 55, and would their benefits be paid to them?

Mr. COOPER. Yes; that is true. Of course, under the social security part of it, they would have to wait until they reached the retirement age.

Mr. KNOX. Of 65.

Mr. COOPER. That is correct.

Mr. KNOX. Referring to the report of the committee on page 2, the last paragraph, it is stated:

Your committee believes that existing law provides adequate assurance that old-age and survivors insurance coverage will be extended only to groups of policemen or firemen who want such coverage.

I am quite sure in my own mind that the Committee on Ways and Means have searched existing law and have determined that there would be no possibility of a conspiracy on the part of a few people within the organization to put over this proposal which would cover additional members of policemen's or firemen's groups.

Mr. COOPER. There has to be a majority of the people in the system; not just a majority of those voting, but a majority of the people in the system. Let me make this further statement to the gentleman from Michigan, who was a distinguished member of the Committee on Ways and Means, and we regret losing his valuable services. No case has been brought to our attention where a local retirement system has in any way been impaired.

Mr. KNOX. I should like to ask the distinguished chairman of the committee this question—the intent of the act passed in 1954 in the revision of the Internal Revenue Code which extended this coverage to State groups: The State legislature must pass the enabling legislation which would make it permissible for a municipality to bring its employees within the provisions of the act; is that true?

Mr. COOPER. The State must designate some local official to enter into the agreement.

Mr. KNOX. Would there have to be enabling legislation by the State legislature prior to anything taking place at the local level?

Mr. COOPER. If the State does not already have it, there will have to be State enabling legislation and the State will have to make application.

Mr. KNOX. I thank the gentleman.

Mr. JENKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. SCHENCK].

Mr. SCHENCK. Mr. Speaker, I take this time to ask the chairman of the committee, the gentleman from Tennessee, some questions.

In Ohio the statewide pension system for policemen and firemen provides that because of the hazardous occupation they may retire after 25 years of service provided their retirement has been approved by a retirement board. If a man had gone into his vocation when he was young, then he might retire, for instance, at the age of 45 or 50. After such retirement time he might then take other employment because his retirement is not contingent upon his disability but upon having served 25 years. As I understand it, under social security he cannot do that. If he does retire under disability at 50, he can have no other gainful occupation. Therefore, if he were to be under social security, he would have to serve until 65. Will the gentleman comment on that?

Mr. COOPER. The two systems operate separately. He would still get the benefits he is entitled to under his local retirement program. This simply makes it possible for the State to allow additional benefits to the policeman and fireman by coming under social security if a majority of those in the system by referendum decide they want it.

Mr. SCHENCK. If the State and those in the system by referendum decide to do that, then would he not have to make double contributions?

Mr. COOPER. That is up to the State, as to what it wants to provide.

Mr. SCHENCK. Or would the State as the employer be required to make the normal contribution to social security?

Mr. COOPER. That is correct. It is necessary to have the money to have the fund to pay the benefits when they become due.

Mr. JENKINS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. GUBSER].

Mr. GUBSER. Mr. Speaker, there is not the slightest doubt in my mind that the Committee on Ways and Means has made an honest effort to avoid piecemeal legislation and has tried to resolve this question with one overall bill. However, the fact still remains that this bill has become controversial. Perhaps the controversy is due to a misunderstanding.

Nevertheless, every fire-fighter group in my district is opposed to it. I think that points clearly, that as long as there is misunderstanding and controversy this bill should be defeated and should be returned to the committee, where hearings can be held and the misunderstandings can be ironed out.

Mr. MORANO. Mr. Speaker, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Connecticut.

Mr. MORANO. If they had held hearings, perhaps all of this misunderstanding would have been resolved.

Mr. GUBSER. That is true. However, I am confident the Committee on Ways and Means acted in good faith. I assume they did not consider this bill as controversial at the time, and, therefore, decided not to hold hearings.

Mr. JENKINS. Mr. Speaker, I yield 1 minute to the gentleman from Wyoming [Mr. THOMSON].

Mr. THOMSON of Wyoming. Mr. Speaker, I take this time to ask a question of the chairman of the committee with reference to these State plans. Am I correct in my understanding that what this does is make it possible for the firemen and policemen of the States to come under social security and at the same time have a supplementary State plan which would be an additional payment to them?

Mr. COOPER. The gentleman is correct.

Mr. THOMSON of Wyoming. I believe that has been so in connection with several teachers' retirement systems, has it not?

Mr. COOPER. The gentleman is absolutely correct.

Mr. THOMSON of Wyoming. With regard to this age problem, which we also happen to have in the State I represent, if they could retire at 60 under the State retirement system and with the age for social security being 65 for men, then under the overall State plan, they could retire at age 60 and payment for that retirement between age 60 and age 65 could be taken from the State portion as provided in the State plan. That is, payment for retirement benefits from age 60 to 65 would be from the State portion and that would be all according to the State plan, approved at the local level and submitted here for approval at the national level; is that correct?

Mr. COOPER. The gentleman is correct.

Mr. THOMPSON of Wyoming. I thank the gentleman.

Mr. JENKINS. Mr. Speaker, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. VAN ZANDT].

Mr. VAN ZANDT. Mr. Speaker, I arise in opposition to H. R. 4770, a bill that would expand social security coverage to include policemen and firemen.

According to the current debate it is my opinion that the opposition of many police and firemen's organizations to the bill stems from the failure of the House Ways and Means Committee to hold hearings, thus affording them an opportunity to have their day in court.

The police and firemen in my Congressional district are opposed to this legislation and one of their principal objections is that no hearings were held.

In support of my statement let me read to you the following letter dated July 23, 1957, from John T. Marshall of Altoona, Pa., a trustee of the Pennsylvania Lodge, Fraternal Order of Police.

PENNSYLVANIA LODGE,
FRATERNAL ORDER OF POLICE,
*Altoona, Pa., July 23, 1957.*

Hon. JAMES E. VAN ZANDT,
*Congressman, 20th District of Pennsylvania, New House Office Building, Washington, D. C.*

MY DEAR CONGRESSMAN: Referring to yours of the 20th instant, I hereby thank you for your kind and prompt consideration granted my telegram of July 19 and many thanks for the copies of H. R. 4770 enclosed.

Replying to your wish set forth in the second paragraph of your letter as to reasons for the protest against H. R. 4770—as I recall, the objections of the police dates back a number of years. In fact, during the month of June 1956, delegates of the National or Grand Lodge of the Fraternal Order of Police attended and participated in the annual meeting of the National Conference on Public Employees Retirement System in the city of Washington, D. C., at which time discussions were held on the social-security question and this conference adopted a resolution petitioning Congress not to consider any amendment to section 218 (d) (this section provides for exclusion of police and firemen from social security) of the Social Security Act unless and until such time as adequate and complete public hearings are held for all interested groups.

To date, to my knowledge, there has been no such hearing or hearings held for the voicing of opinions of those interested groups, therefore, my good friend Jimmie, this is the prime objection to this pending legislation affecting our established police pensions.

Thanking you kindly for your cooperation in this matter and with kind personal regards, I am

Sincerely yours,
JOHN T. MARSHALL, Sr.

Mr. Speaker, Mr. Marshall's letter speaks for itself. Therefore I hope H. R. 4770 will be returned to the House Ways and Means Committee for further consideration including open hearings so that the policemen and firemen of the Nation will be enabled to voice their opinions of the legislation.

Mr. JENKINS. Mr. Speaker, I yield such time as he may desire to the gentleman from West Virginia [Mr. NEAL].

Mr. NEAL. Mr. Speaker, there are features of this legislation that leave considerable doubt as to whether retirees from local municipal retirement plans would be entitled to their full retirements after reaching the age of 65, and in addition thereto, be entitled to their social-security benefits.

For this reason I think the bill should be recommitted to the committee for further study.

Mr. JENKINS. Mr. Speaker, I yield such time as he may desire to the gentleman from California [Mr. SCUDDER].

Mr. SCUDDER. Mr. Speaker, I desire to ask the chairman of the committee to reaffirm the statement which I know has been previously made. I have had a great number of telegrams from firemen and policemen organizations to the effect that they feel they would not be permitted to retire under the provisions of this act unless they have reached the age of 65 and in accordance with the rules and regulations of the Social Security Act. Under the provisions of their retirement system, they have been able to retire at an earlier age. The report of the committee seems to be quite conclusive. It would not interfere with the local pension plan; is that correct?

Mr. COOPER. The gentleman is absolutely correct. On page 3 of the committee report, I invite the attention of the committeee again, as I have several times heretofore, to the statement which I think covers the point fully.

Mr. SCUDDER. I appreciate the gentleman's explanation. However, as a former fire chief and the author of much of the legislation enacted in the State

of California for the benefit of the fireman, I would not desire to support legislation that might conflict with the fine program now in effect in my home State. I would rather that this bill be defeated or postponed until we are certain of our ground. I shall vote against the passage of this bill.

Mr. NEAL. I thank the gentleman.

Mr. COOPER. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Speaker, I rise in opposition to this legislation. My opposition is based on the proposition that when the House of Representatives considered the legislation in 1950, as it relates to firemen and policemen, the House adopted it. It went to the other body and the other body in their report on this bill came forward with the explanation that there was great opposition to the inclusion of policemen and firemen at that time. As a result, that provision was taken out of the bill passed by the House and the policemen and firemen were exempted from the provisions of the bill. The conference report was adopted on the basis of the stand taken by the Senate side of this controversy. Then, without any notice whatsoever to any of us, and without any hearings whatsoever, the Committee on Ways and Means report this legislation without hearing, while all of the members of solid and sound pension systems of the firemen and policemen throughout the United States are definitely opposed to it.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. ROGERS of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROGERS of Colorado. Mr. Speaker, is a motion to strike out the enacting clause in order at this time?

The SPEAKER. A motion to strike out the enacting clause is not in order under a motion to suspend the rules.

Mr. COOPER. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. WIER].

Mr. WIER. Mr. Speaker, I wish I had more time. I regret to find a limitation of 1 minute on this bill that I must oppose. I have had some experience in the past with the retirement fund covering the fire fighters and policemen of the State of Minnesota. I can readily understand why they have great fears about this bill. And I do not think that has been touched upon. The firemen and policemen of my State can always do a better job with their retirement funds and with the State legislature than they can with the Congress and the social-security system. I think that is proven by experience. In my State firemen and policemen, because of their hazardous positions, because of their importance to insurance, governing fires, theft, and burglary, they always get all the help and support from the insurance companies in my State in adjusting increases in the retirement benefits by legislating on the State level; increasing millage in those communities where retirement funds are low. So they prefer to deal with this at the State level and they feel that this legislation is a threat.

Mr. WIER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a letter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

(The letter is as follows:)

FIRE FIGHTERS ASSOCIATION OF MINNEAPOLIS, NO. 82,
*Minneapolis, Minn., July 30, 1957.*

Hon. ROY WIER,
*House of Representatives,*
*Washington, D. C.*

DEAR MR. WIER: We have been advised that H. R. 4770 introduced by Representative EBERHARTER of Pennsylvania was reported out of the House Ways and Means Committee for passage on July 15, 1957.

This was indeed most distressing news since this bill (we understand no hearings were held)—repeals the protective section of OASI which excludes the extension of Social Security to firemen and policemen now covered by pension, annuity, and retirement systems.

We have every reason to believe that passage of this measure by Congress will sound the eventual destruction of these systems through future legislation on a State and local level. Fire fighters here are unanimously opposed to repeal of this protective feature which safeguards their pension security established in the year 1885.

Therefore, in fairness to all concerned, we urgently appeal to you, Congressman WIER, to oppose passage of H. R. 4770 and support instead the return of this bill to the Ways and Means Committee for a full and complete hearing and enable us to present our side of the story.

Respectfully yours,

BURT N. FLAKNE,
*Secretary, Minneapolis Fire Fighters Association, Local No. 82.*

Mr. COOPER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Speaker, I am authorized by the dean of the Illinois delegation, the Honorable THOMAS J. O'BRIEN, to state that he voted against this bill in committee and that the entire Democratic delegation from Chicago is standing with Congressman O'BRIEN in stout opposition. The firemen and policemen in Chicago are overwhelmingly opposed to the proposed legislation. To them it would mean inevitably the end of retirement funds that they have built up for future security. There would be nothing voluntary in their acceptance of social security coverage in lieu of the protection of their own funds if the State or municipality should end contributions to pension funds on the excuse that the policemen and firemen had social security available that would amount to coercion and that the Chicago policemen and firemen will not tolerate. Congressman O'BRIEN and our solid delegation urge the overwhelming defeat of the bill.

Mr. COOPER. Mr. Speaker, I yield the remainder of my time to the gentleman from New York [Mr. O'BRIEN].

I ask unanimous consent, Mr. Speaker, that all Members may have permission to extend their remarks immediately following the remarks of the gentleman from New York [Mr. O'BRIEN].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. O'BRIEN of New York. Mr. Speaker, approximately 100,000 policemen and firemen in the State of New York will be affected by this legislation. I can say flatly and firmly that they are overwhelmingly in favor of this legislation. They regard this as an addition to and not as a substitute for pensions. We have excellent pension systems in the State of New York, our State police and our city police. They would not favor this legislation if they thought they were going to lose those pensions and have social security only as a substitute. I think it is rather silly performance in any city to say that the ash collector, who belongs to a State retirement system, can be eligible for social security and not the fireman; that a meat cutter can be eligible for social security and not the fireman or policeman. I think that regardless of the telegrams from leaders of these men in certain places, the great majority of policemen and firemen in this country favor this legislation.

Mr. RAINS. Mr. Speaker, I urge the adoption of the pending bill, H. R. 4770.

Early in the session, I introduced a bill similar to this, which would have been applicable to my State of Alabama only. It is my information that the Ways and Means Committee had so many requests from Members from various States for the passage of legislation which would allow policemen and firemen to be covered by social security, that it was considered wise by the Committee on Ways and Means to present a general bill.

This legislation provides adequate safeguards that old age and survivors coverage will be extended only to groups of policemen and firemen who want such coverage. Further, it is to be noted from the report accompanying the bill that it is the intent of Congress that "existing law contains a declaration that it is the policy of the Congress that the protection afforded members of a State-local government retirement system not be impaired as a result of the extension of old-age and survivors insurance coverage to members of the system."

It is clear from a careful reading of the bill, and the committee report, as well as from the distinguished chairman of the Ways and Means Committee, who has preceded me in a discussion of this legislation, that the program is a voluntary one. For that reason, and in the light of the benefits which would accrue to members of the police and fire departments who are not covered by a retirement system, and the opportunity for social-security benefits to accrue to policemen and firemen who are members of a police and firemen's retirement system, it is difficult to see how anyone can oppose this bill.

Mr. WRIGHT. Mr. Speaker, I believe the purpose of this legislation is good. I believe it would be extremely helpful to permit policemen and firemen to enjoy the benefits of social-security participation in addition to their individual retirement systems. As a former mayor

of a municipality, I have seen at first hand the need for additional retirement benefits to allow these groups of public servants, at the conclusion of their active careers, to retire in dignity.

I can see no reason whatever for discriminating against policemen and firemen. The present law does discriminate against them. While the law allows other municipal employees to have their own retirement systems and social security also, it singles out our policemen and firemen by denying this same right to them.

Let me make it perfectly clear that I would not support this bill if I thought it would result in the destruction of existing retirement plans for police and firemen. They need both, their own programs plus social security, if a worthwhile retirement is to be theirs in this time of high living costs.

Opposition to the bill has been voiced on the ground that some local governing bodies might seize upon social security as a means of doing away with local systems and avoiding their responsibilities toward those systems. After discussing this matter carefully with members of the committee and the committee staff, I have come to the conclusion that this will not happen.

In the first place, it would be a clear violation of legislative intent. As pointed out on page 3 of the committee report, existing law contains a declaration that the protection afforded members of a State or local government retirement system not be impaired as a result of the extension of social-security coverage to members of the system.

In the second place, members of the committee and of the staff advise me that there have been no instances brought to their attention wherein such a thing has ever happened with regard to other muncipal employees. They have kept their own retirement systems, where such systems existed, and have enjoyed the protection of social security in addition.

Last year, we passed a bill extending this additional coverage to the policemen and firemen in five specific States which had requested it—Florida, North Carolina, Oregon, South Carolina, and South Dakota. I am informed that, in those States, the extension of social security to cover policemen and firemen has not resulted in the destruction of any of their individual retirement systems.

Finally, there would seem to be protection against such a result in the referendum. Before a group of firemen or policemen in a given city can come under social security, a majority of their own eligible members must vote for this inclusion. Unless they are assured and convinced that their action will not result locally in the destruction of their own individual retirement program, they can simply vote against coming into social security coverage.

Social security coverage should be offered, not in place of their own retirement systems, but in addition to those systems. Whatever protection we can give to insure that result should be given. The police and firemen of your town and of mine are among the unsung heroes of our society. Because of them, we sleep better at night. Because of them, our investments are safer. Because of them, we feel free to let our children walk on the public sidewalks and play in the sunshine. Usually they are underpaid, and more often than not, we show them too little appreciation. The least we can do is to see that, after a lifetime of labors and hazards endured in our behalf, they are rewarded by a dignified existence—security in their old age.

Mr. BURNS of Hawaii. Mr. Speaker, I support H. R. 4770. It is a good bill of great benefit to those with whom it is concerned. The able and distinguished chairman and the capable members of the great Ways and Means Committee are to be complimented for reporting H. R. 4770, a bill to allow policemen and firemen social-security coverage, if they so desire, to the House for passage.

Present law permits employees of State and local governments to secure the additional coverage of social security provided State legislation is effected and provided that these employees, by a majority vote, decide to join the social-security system. Policemen and firemen are excluded from this coverage.

As a former police officer—I served with the Honolulu police department for more than 11 years—I am aware of the concern every policeman has for those who may, by the fortunes of duty, become his survivors. Most police departments have a widows and orphans fund which is built up by solicitation from the community served by that police department.

Fire departments likewise have funds for the same purpose. Policemen and firemen willingly accept the risks they face in their dedication to the cause of protection of life and property.

The rightfully appraised hazards of their vocations make the purchase of additional insurance coverage too costly for them to carry extra insurance on their own. The coverage given to them by the governments employing them and the communities-supported funds are in most cases relatively small and in most cases grossly inadequate for those left behind.

In addition, though they are permitted in some political entities to retire earlier than other Government or civilian employees in recognition of the hazards of their occupation, the amount which they obtain on retirement is insufficient to properly maintain a family which, at the age at which they retire, is making its heaviest demands.

The income which they earn when they are retired is generally income which is in occupations which are covered by social security. Like other insurance programs, social security gives a better rate and better survivor benefits according to the amounts contributed.

I have personally known of a number of cases of policemen and firemen not retiring when they had an opportunity to do so because of the grave disparity in take-home pay and the necessity therefore imposed of obtaining a job by which to supplement their retired pay. This action has kept on duty in an admittedly hazardous occupation men whose reflexes had slowed and whose physical ability had been worn in years of service. The admitted hazards were, to the community and to themselves, increased.

The knowledgeable chairman has made a very excellent explanation of the bill. He has pointed out very clearly that the bill does not intend at all to replace the present retirement system or voluntary coverages. I want to point out that this is the fact and that the intention is that the social-security system should be a supplement to that already enjoyed by the policemen and firemen.

As a matter of fact, under present law, they are discriminated against—as the policemen of those five States presently under social security can tell you.

In this regard I want to include for the information of the membership, the declaration of policy from Act 284 of the Hawaiian Legislature of 1957:

> In order to extend to employees of the Territory and its political subdivisions, and to the dependents and survivors of such employees, the basic protection accorded to others by the old-age and survivors insurance system embodied in the Social Security Act, it is hereby declared to be the policy of the legislature, subject to the limitation of this act, that such steps be taken as to provide such protection to employees of the Territory and its political subdivisions on as broad a basis as is permitted under the Social Security Act.
>
> It is also the policy of the legislature that the protection afforded employees in positions covered by a retirement system on the date of their agreement under this act is made applicable to service performed in such positions, or receiving periodic benefits under such retirement system at such time, will not be impaired as a result of making the agreement so applicable or as a result of legislative enactment in anticipation thereof.

Mr. Speaker, I know I speak for the policemen and firemen of Hawaii when I join the very able and distinguished chairman of the Ways and Means Committee in urging passage of H. R. 4770.

Mr. KEATING. Mr. Speaker, I am happy to join in support of H. R. 4770. This measure has the backing and vigorous approval of numerous policemen's and firemen's organizations in New York State, which have indicated to me their overwhelming desire for the extension of social-security coverage.

Since the 1954 social-security amendments made such coverage available to most other members of State or local government retirement systems, it is time we included the protectors of our homes and persons, our firemen and policemen. They are not required to accept this coverage, but they should have the option to do so.

Certainly, there are no finer groups of public servants than these two. Day in and day out they are on the job, safeguarding all of us from the twin enemies of flame and crime. Without their dedicated vigilance, our lives and property would be in constant jeopardy.

There is indication that the already high level of competence and ability achieved by these two callings can be improved even more when they are able to offer retirement benefits to prospective recruits.

Our firemen and policemen are doing a grand job. They deserve the very best. A vote for this measure is a vote to give them the security they deserve.

Mr. CUNNINGHAM of Nebraska. Mr. Speaker, I favor the passage of H. R. 4770 for the reason that it would be of great benefit to our firemen and policemen. Keep in mind the fact that this legislation makes social security benefits available to firemen and policemen only if they themselves vote in favor of it. In other words, they themselves determine by their own vote whether or not they wish to receive additional retirement benefits under the Social Security Act. Keep in mind also that if they do vote to receive these benefits, they will be in addition to any other benefits to which they are entitled. In other words they will continue to receive retirement benefits under their existing plans as well as the benefits of the Social Security Act should they vote to participate in it.

Mr. Speaker, this is good legislation and will be of great help to our hard-working firemen and policemen, and I strongly urge that the Members of the House vote in favor of it.

Mr. COOPER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill, H. R. 4770?

The question was taken; and on a division (demanded by Mr. ROGERS of Colorado) there were—ayes 120, noes, 64.

So (two-thirds not having voted in favor thereof) the motion was rejected.

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## APPOINTMENT OF CADETS TO AIR FORCE ACADEMY

The SPEAKER. The Chair recognizes the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS of Louisiana. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8531) to provide an interim system for appointment of cadets to the United States Air Force Academy for an additional period of 4 years.

Mr. Speaker, the purpose of this bill is to provide an interim system for appointment of cadets to the Air Force Academy for a period of 4 years.

Section 6, Public Law 325, 83d Congress, provides that to permit an orderly increase in the number of Air Force cadets during the period ending not more than 4 years after the entrance of the initial class at the Academy, the Secretary of the Air Force may limit the number to be appointed each year during that period in the following manner:

(a) Each Senator and Representative shall nominate not to exceed 10 persons, who shall be eligible to take a competitive examination which shall be held annually. The number of vacancies allocated to each State shall be proportional to the representation in Congress from that State. Appointments from each State shall be made from among qualified candidates nominated from that State in the order of merit established by the examinations.

(b) Vacancies allocated to other sources shall be filled from among qualified candidates in each category in order of merit established by similar competitive examinations and shall not exceed 15 percent of the total number of appointments authorized.

The Academy has been located at its temporary facilities at Lowry Air Force Base, Denver, Colo., since the latter part of 1954. Without an additional expensive construction program, the present billeting, classroom, and messing facilities at Lowry restrict the total cadet strength at Lowry to approximately 800 cadets. The first class of 306 entered the Academy in July 1955; the second class of 300 entered in July 1956; and the third class of 307 will enter in July 1957. Due to attrition, there are now approximately 500 cadets remaining of the first 2 classes. In July 1958 it is expected that there will be an entering class of 448. The latter figure can be accommodated as the Academy is programed to move to its permanent facilities at Colorado Springs, Colo., in late summer of 1958.

Section 6 of Public Law 325 is due to expire following the admission of the 1958 class. Upon its expiration, the appointment of cadets to the United States Air Force Academy, beginning in 1959, would be governed by the same system which is presently in effect for the United States Military Academy; for example, each Member of Congress could then have 4 cadets at the Academy at any one time, with the total enrollment of the Academy being 2,496. These cumulative appointment features of the West Point system could result in an entering class at the Air Force Academy in July 1959 of approximately 1,640 cadets. The class entering in 1959 would then be almost twice the size of the entire three upper classes then at the Academy. This outside class would subsequently result in classes of approximately 458, 372, and 463 entering for the next 3 years; and again in 1963, because of the cumulative effect of the outsize class in 1959, a similar situation would then take place with a class of 1,425 entering that year.

This serious imbalance in the cadet structure would create many problems in the successful operation of the Academy. In particular, such a fluctuation in the size of classes would produce a like fluctuation in training requirements, both personnel and equipment. For example, a substantial temporary increase in freshman faculty personnel would be needed upon entrance of the outsize class. In its second year a large freshman faculty would not be needed, but an equally large sophomore faculty would have to be obtained and so on as the outsize class moved through each of its 4 successive years. The same type of extreme fluctuations would occur in all training facilities, including classrooms, laboratory equipment, navigation trainers, and other physical equipment proper for the training of a particular class. The creation of such a serious imbalance in classes would be manifestly impractical, as well as uneconomical, and would serve as a serious impairment to the quality of the training received by the cadets.

The Department proposal would have merely extended the interim system of appointments for an additional 4 years. However, the committee finds that, under this system, many Members of Congress have not been able to have one of their nominees selected for the Air Force Academy since it began operating. On the other hand, it appears that some Members of Congress have had many appointments to the Air Force Academy. The committee believes that some interim method for appointment of cadets to the Air Force Academy, whereby all Members of Congress will be authorized appointments, must be provided, until such time as the permanent law can go into effect.

The committee bill will continue an interim system of appointments for a 4-year period following the expiration of section 6, Public Law 325, 83d Congress, in 1958. It will allow one appointment each year for each Member of Congress, including the Delegates and Resident Commissioner of Puerto Rico. In addition, each Member will be authorized 10 alternates. Since these appointments are on the basis of one-fourth of the number to which a Member would be entitled under permanent law all other appointing authorities would also be allowed one-fourth of the number which they could appoint. For instance, the President is authorized 89 appointments under permanent law, and under the committee bill, he would be allowed 22. Under permanent law 40 appointments to go to honor graduates of schools designated as honor military or naval schools. The bill would authorize 10 such students to be appointed. Therefore, under the committee bill all appointing authorities would be allowed one-fourth of the number they would otherwise be allowed if permanent law was in effect.

Under the committee bill a total of 624 cadets would be appointed each year. However, once in its permanent site the Air Force would like to have approximately 712 cadets in the Academy annually. Since the additional 88 cadets could not be distributed equally among all appointing authorities the committee bill provides that the Secretary of the Air Force may appoint these approximately 88 cadets each year, but he must select them from Congressional alternates, and further, no more than 1 qualified alternate nominated by any 1 Member of Congress might be appointed under this provision.

It is apparent, therefore, that under the committee bill each Member of Congress will be entitled to one principal appointment each year for the next 4 years. In addition, since he is entitled to appoint 10 alternates, he may receive an additional appointment because one of his alternates might be selected by the Secretary of the Air Force in order to fill up the Academy. However, under the terms of the committee bill, he could not expect to receive more than one appointment selected from the alternates by the Secretary of the Air Force.

Mr. Speaker, I believe the bill now before the House is one every Member will want to support. Its enactment will cause no increase in the budgetary requirements of the Department of Defense, and I might also add that the Department of the Air Force approves the committee bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 52 (b) of the act of August 10, 1956, chapter 1041 (70A Stat. 641), is amended by adding the following new sentences at the end thereof: "However, for the 4-year period beginning with the class of cadets entering in July 1959, not more than—

"(1) one quarter of the number of cadets authorized by clause (1), (2), (3), (4), (7), or (8) of that section may be appointed in any one academic year;

"(2) two of the number of cadets authorized by clause (5) of that section may be appointed in the first and third years of that 4-year period, and not more than one of the number authorized by it may be appointed in the second and fourth years of that period; and

"(3) one cadet authorized by clause (6) of that section may be appointed in the first 2 years of that 4-year period, and not more than one of the number authorized by it may be appointed in the second 2 years of that period.

In addition, during that 4-year period, the nominating authority named in clauses (1)–(6) of that section may select for each cadet allocated to him for the year concerned a principal candidate and not more than 10 alternate candidates, or he may nominate as many candidates as the Secretary may prescribe and authorize the Secretary to select the principal candidates in order of merit as determined by competitive examination. In carrying out section 9343 of title 10, United States Code, during that 4-year period, only qualified alternates who are nominated by the authorities named in clauses (1)–(4) of section 9342 (a) may be nominated for appointment as cadets. Not more than one qualified alternate nominated by any one authority named in those classes may be appointed as a cadet, after nomination under section 9343, during each year of that 4-year period."

The SPEAKER. The gentleman from Louisiana moves to suspend the rules and pass the bill. Is a second demanded? [After a pause.] If not, the question is on the motion to suspend the rules and pass the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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## AMENDING COLUMBIA BASIN PROJECT ACT

The SPEAKER. The Chair recognizes the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1482) to amend certain provisions of the Columbia Basin Project Act, and for other purposes, with an amendment.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That (a) in subdivisions (iii) and (iv) of section 2, subsection (b) of the Columbia Basin Project Act (57 Stat. 14), as amended, the expression "one farm unit", wherever it occurs, is repealed and the expression "two farm units" is substituted therefor.

(b) Section 2 (b) (v) of the Columbia Basin Project Act is hereby amended by adding thereto a new sentence reading as follows: "Lands held in trust for any person shall, for the purpose of this act, be deemed to be held both by that person and, if the trustee derives any profit or advantage from the trust other than a moderate fixed fee for the management of the same, by the trustee." This amendment shall not be deemed to affect any irrevocable trust for the benefit of a child under 18 created prior to this amendment, which would then have been held to be consistent with the provisions and intent of the Columbia Basin Project Act or to excuse any violation or evasion of that act, or of the rules and regulations issued, pursuant to it or of contracts entered into under it, by the creation or purported creation of a trust prior to this amendment, which would then have been held to be inconsistent with said provisions and intent.

SEC. 2. The Secretary of the Interior is authorized to amend any contract, which has been entered into prior to the date of enactment of this act, or any existing deed or other document to conform with the provisions of the first section of this act. The consent of the United States is hereby given to the recording, at the expense of the party benefited thereby, of any such amendment.

Mr. GROSS. Mr. Speaker, I demand a second.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, the question involved in this legislation is whether the farmers of the Columbia Basin project are to be given some relief from the present rigid ownership limitations in the Columbia Basin Project Act. The legislation we are considering permits an individual or family to own and get project water for 2 farm units instead of 1 as provided in the original act. The legislation has the approval of the Department of the Interior, the State of Washington, and most of the people in the area.

The Columbia Basin project was authorized in 1943. The principal purpose of the Columbia Basin development was to provide settlement opportunities for individual farm operators, especially veterans of World Wars I and II. The project was originally planned to contain about 1 million acres. However, of this total, only 635,000 acres are now available for project development. At the present time, water can be furnished to about 300,000 acres consisting of about 4,000 family-size farms. The program for developing additional farm units up to the 635,000 acres is continuing. The average size of the farm units which have been laid out to date is about 78 acres. The farm units are laid out to contain sufficient acreage for the support of an average-size family at a suitable living level, taking into account the character of the soil, topography, and so forth. Under present repayment contracts the project water users are required to repay $85 per irrigable acre toward the project construction costs. The remaining portion of the construction cost is to be repaid through application of power revenues of Grand Coulee power operations.

After thorough study and consideration, our committee took a middle-ground position between the provisions of the bill as introduced and passed by the other body and the present limitations in the act. The committee modified the existing act to permit delivery of water to 2 farm units in a single ownership instead of 1 as presently provided in the existing act. In comparison, the bill as it passed the other body would have permitted delivery of water to 320 acres in a single ownership. In addition, our committee added language which prohibits the creation of a trust as a means of exceeding the 2-unit ownership limitation for a family.

The preponderance of testimony given the committee favored modification of existing ownership limitations to permit ownership of more than one farm unit to which water could be delivered. The basic justifications given the committee in support of modification were these:

First. Agricultural and economic conditions in the Pacific Northwest have materially changed since the Columbia Basin Project Act of 1943 was enacted.

Second. A complement of modern farm machinery is sufficient for efficient operation of more than one farm unit.

Third. The income from one unit is not sufficient to supply reasonable modern needs of a family at recognized high living standards prevailing generally today.

Fourth. Local banks and the Farmers' Home Administration are somewhat reluctant to make loans to 1-unit operators because of the question as to whether the income from 1 farm unit is sufficient to provide a reasonable margin of safety in repayment.

Fifth. Existing limitations foster leasing of units to larger operators rather than encourage owner-operated farms.

Sixth. The existing rigid acreage limitation deprives settlers of initiative and leaves little hope for improvement in the future. Many of the 1-unit operators have 1 or more members of their family working away from the farm to bring in supplementary incomes.

Seventh. More land is needed for diversified farming which is essential to good soil management, especially for livestock farming, which is considered to be one of the most dependable farm enterprises.

Eighth. The ownership limitations are more rigid for the Columbia Basin project than for other reclamation projects.

Ninth. The project area farmers, based on representations at public hearings held by the Department, are predominantly in favor of modification of the acreage limitation provisions.

The Columbia Basin project has its problems and probably the most serious one at the present time is the large portion of the farm units being leased. This is an indication that the original objectives of the Columbia Basin Act are not being met. In 1956, 58 percent of all the farm units were farmed under lease. It is our hope that if this legislation is enacted, the number of farm

units being leased will be reduced and there will be an incerase in the number of individual farm operators.

While the committee, by its favorable action on this legislation, approved modification of the existing rigid ownership restrictions, we made certain suggestions for administering this change in order to retain consistency with general reclamation purposes and principles. First, since repayment by the water users toward construction costs is based upon their repayment ability and since two-unit owners could pay more per acre than one-unit owners, we suggest that the Secretary of the Interior make a redetermination of repayment ability for two-unit ownerships and adjust construction charges accordingly. Second, we suggest that no individual or family be allowed to acquire more than one farm unit from the Federal Government because of the extensive Federal subsidy involved.

In closing, may I say that I believe that some modification of the rigid ownership provisions in the Columbia Basin Project Act is needed to provide additional opportunities in order that there be no curb on local initiative and those who are able may better their financial position. I believe this bill provides the needed modification and that it can be administered consistent with longstanding reclamation purposes and principles in such a way as to prevent individual enrichment at the expense of the Federal Government.

Now, if you will look through your report on this bill, you will find that there were some minority views expressed by the chairman of our committee. I am authorized at this time to state to the Members of the House that Chairman ENGEL has removed his objections to the present consideration of this legislation; that he is favorable to the passage of the legislation at this time and that any objections he may have he is desirous of taking up in the committee of conference. The gentleman from California [Mr. ENGLE] is necessarily absent from today's meeting, but he gave this authorization before he left.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. JENSEN. I want to compliment the gentleman for his fine explanation of this bill and the problems that the farmers are now faced with, that is, the farmers who are operating on the Columbia River Basin project. As the gentleman knows, I have been interested in this project ever since its inception.

Mr. ASPINALL. The gentleman has been a friend of the project since its inception.

Mr. JENSEN. And I have on several occasions visited that area, and I know what the gentleman says is correct. I can well understand the purpose of this bill because, as the gentleman has just explained, farming has undergone a great change since the inception of this project.

Now, let me ask this question: What kind of crops are now being raised on this project.

Mr. ASPINALL. The gentleman from Colorado would like to yield to the sponsors of the bill for an accurate statement at this time. The gentleman from Colorado has part of the answer, but he would like to have the gentlemen who sponsored the bill here in the House, the gentleman from Washington [Mr. MAGNUSON] and the gentleman from Washington [Mr. HOLMES], answer the question directly.

Mr. MAGNUSON. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Washington.

Mr. MAGNUSON. The crops raised on the Columbia River Basin project are fairly typical of reclamation projects. There are many row crops, sugar beets, various varieties of beans, potatoes, hay, and there is quite a bit of cattle raising, incidentally.

Mr. JENSEN. In fact, no crop raised on the Columbia River Basin project is in surplus at the present time; is that right?

Mr. MAGNUSON. That is correct.

Mr. HOLMES. That is correct, may I say to the gentleman.

Mr. JENSEN. I want to say that the gentleman from Washington [Mr. HOLMES] has explained the problem to me which those farmers are now faced with, and he is very much in favor of this bill. The gentleman from Washington [Mr. MAGNUSON] has also explained the purpose of the bill. And, I want to say again that I think it is a good bill, I think it is a fair bill, and I think it is a very-much-needed bill for the benefit not only of the veterans who went there by the hundreds to take up homesteads and have struggled with this problem, but also the other good farmers that have taken up residences on those farms. I think it is a very necessary bill, and I hope it will pass.

Mr. ASPINALL. The gentleman from Colorado thanks his colleague.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I would like to compliment the gentleman from Colorado, who is chairman of the irrigation subcommittee, and who is one of the outstanding subcommittee chairmen of any committee I have ever had the pleasure of working with, for the wonderful job he has done in explaining this bill and the factors behind it. Would the gentleman agree with me that the major and the primary problem that we face today in our farm economy is the problem of providing sufficient farm income to the family that is on the farm to keep them operating and in business as farmers?

Mr. ASPINALL. The gentleman is perfectly correct and that is the reason why so much off-the-farm employment is necessary on these projects.

Mr. EDMONDSON. Would the gentleman agree with me—I am sure he has in the statement he has already made—that we have large numbers of people on those farms who are finding it necessary to work off the farm in order to stay in business and to hold on to what they have in that area, as well as in other farming parts of the country?

Mr. ASPINALL. The gentleman is correct, and most of these are veterans of World Wars I and II.

Mr. EDMONDSON. So this bill really represents an effort on the part of the committee in which the Department fully concurs to make it possible for these families to make ends meet and to stay in business on the farm?

Mr. ASPINALL. The gentleman is correct.

Mr. MAGNUSON. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my colleague, one of the sponsors of the bill.

Mr. MAGNUSON. Mr. Speaker, I wish to thank the gentleman from Colorado, the chairman of the subcommittee, for handling this bill and for his able presentation of the facts surrounding the bill and for his handling of it in committee.

I rise in support of S. 1482, a bill to liberalize the land ownership limitations on the Columbia Basin project in the State of Washington. I sponsored companion legislation in this body and have been most interested in the progress of this measure.

The Columbia Basin Project Act was enacted in 1943. Under that act, the project land is platted by the Bureau of Reclamation into farm units, which may be not less than 10 acres and not more than 160 acres of irrigable land. At the present time these units average approximately 75 acres, although the more recently platted units average somewhat larger. Water has been brought to some 300,000 acres of the approximately 1 million acres ultimately contemplated for the project.

Under the law as it now stands an individual cannot own more than 1 farm unit, nor can the members of a family group own more than 1 farm unit. S. 1482, as reported by the House Committee on Interior and Insular Affairs, would raise this ownership limit to 2 units, so that a family or an individual could own 2 units instead of 1.

Mr. Speaker, I believe that passage of this legislation is of critical importance to the success of the Columbia Basin project. Experience has demonstrated that one 75-acre unit is not sufficient to support a family operation under the conditions and requirements for farming on the Columbia Basin. There are a number of farm families on the project today who are hanging on by the skin of their teeth. If they can acquire a second unit, which will permit them to obtain adequate financing from sources which will not extend credit on the basis of single-unit ownership, and which will permit them to spread their fixed costs over the additional land, I believe they will be able to survive. If not, I am afraid many will go under.

One of the clear signs of the inadequacy of the present farm units is the fact that 60 percent of the farm units on the project today are operated under lease. I stress that figure—60 percent. So far as I know, this is the highest percentage of absentee ownership on any Federal reclamation project in the country.

I think the reason for the high ratio of leased acres is clear: One farm unit under present farming conditions just is not enough land to support an economic family farm operation. The person or family who owns one unit and cannot farm it profitably has no choice but to lease it out to someone who can farm it in conjunction with one or more additional farm units. I think this high ratio of absentee ownership is going to continue unless this legislation is passed. Even if an absentee owner wants to sell out today, he cannot find a buyer, because an outsider will not come in to farm only the 1 unit, and because a farmer on the project who already owns 1 unit and who might be interested in acquiring the additional unit so as to make an economical operation is prevented from doing so by the existing law.

For these same reasons, development of the project has slowed down. For example, there are 17 units which were put on the market 3 years ago, in 1954, which still have not been sold, and there are 42 units from the 1955 land-sale program which remain unsold. I do not believe that these units will be sold and developed unless and until S. 1432 becomes law.

Passage of S. 1482 will promote the objective of this and all Federal reclamation projects—the development of family-size farms. Experience has demonstrated that the farm units as laid out to date by the Bureau of Reclamation are too small and too inflexible to permit stable family-farm operations. There are a number of reasons for this. One is that the original planning was done with the idea that the units would be laid out to support a near-subsistence level of farm living. Since the time when the first units on the project were platted, costs have shot up, and new farming methods require a heavier investment in farm machinery than originally was contemplated. These changing conditions in farming operations require greater acreage over which to spread the more or less fixed machinery and operating costs. Farmers on the project are unable to obtain credit against the ownership of only one unit.

Another reason why the units laid out by the Bureau have not proved to be adequate is the simple human explanation that the planners did not have all of the information necessary to make decisions which would be correct for all time. The soil included within the project boundaries falls into eight major soil classifications, with several variations within each class. The effort was made to lay out each unit so that the acreage of class I land or its equivalent in each unit would be equal to the class I equivalent in every other unit. Subsequent experience has shown that this goal was not achieved. For example, the Bureau now has reclassified the land in eight of the blocks on the project. Originally, the Bureau found that 17,251 acres in these 8 blocks was class I land, but on reclassification the total class I land was reduced to 11,191 acres. This is a reduction of one-third. This experience demonstrates why additional acreage and additional flexibility in farm size are necessary.

The Bureau itself has recognized that the first units laid out were too small, and each year has increased the average size of the units and the average class I equivalent of the units. Thus, the average irrigable acreage per unit has increased from 67.7 acres for those units brought under water in 1948 to 75.9 acres for those brought under water in 1956. Similarly, the average class I equivalent of the units has increased from 53.4 acres in 1948 to 67.0 acres in 1956, an increase of 25 percent.

The 2-unit formula contained in S. 1482, amended, will give a much-needed flexibility in the size of the farm operations, and within this 2-unit limit will allow the farmers themselves to decide how much land each feels he needs to carry out an economical operation.

Mr. Speaker, this legislation has widespread support, both locally and nationally. On January 3, 4, and 5 of this year the Department of the Interior held hearings at Mesa, Moses Lake, and Quincy within the project area. More than a thousand people attended these hearings. More than 130 testified in person, and the overwhelming sentiment favored an increase in the land-holding limitations. Most speakers urged application of the standard 160-acre limitation of the 1902 Reclamation Act. It was stated repeatedly that the present land units are not large enough to support the typical family under present-day farming methods and costs, and that they discourage initiative by the settlers.

This legislation is supported by the National Grange and by the National Reclamation Association. It is supported by the Columbia Basin Commission, the Joint Boards of Columbia Basin Irrigation Districts, the Washington State Soil Conservation Committee, the Columbia Basin Association of Farmers, the Washington State Farm Bureau, and by chambers of commerce in Seattle, Spokane, Quincy, Ephrata, and elsewhere. The Washington State legislature has passed legislation amending the concurrent state law so as to permit the provisions of S. 1482 to become effective immediately when signed into law.

Mr. Speaker, there is an emergency need for this legislation, and I hope it can be enacted without further delay.

Mr. HOLMES. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to the gentleman from Washington, who is the sponsor of a companion bill.

Mr. HOLMES. Mr. Speaker, I thank the gentleman for bringing this bill to the floor and the very able explanation he has given it. Legislation is asked for and is wanted by the farmers of the Columbia Basin. I was happy to be a sponsor of legislation of a similar type to that of the gentleman from Washington, Mr. MAGNUSON. I do hope the House will approve this bill today as there is emergency need for liberalizing legislation.

Again I extend my thanks to the gentleman for bringing the bill out and for the fine explanation of it that he has offered to the House.

Mr. ASPINALL. Mr. Speaker, I reserve the balance of my time.

Mr. GROSS. Mr. Speaker, I yield myself 3 minutes.

Mr. GROSS. Mr. Speaker, I take this time to ask the gentleman from Colorado [Mr. ASPINALL], what is the present limitation with reference to the size of a farm?

Mr. ASPINALL. The present limitation, as stated in the report, is whatever the Department of the Interior finds to be an economical unit for the operation of a family-sized farm.

Mr. GROSS. Can the gentleman tell me what that average is?

Mr. ASPINALL. Approximately 78 acres in this project.

Mr. GROSS. And this bill would increase it to how much?

Mr. ASPINALL. This would permit a single ownership to have two farm units; whether that single ownership is by one individual or a man and his wife and a family if they have children.

Mr. GROSS. That would go up to what—two half sections, quarter sections, or what?

Mr. ASPINALL. They could go up to 160 acres.

Mr. GROSS. In each unit?

Mr. ASPINALL. Up to 160 acres providing the Department of Interior would find that to be an economical unit for a family-size farm operation. Farm units will more than likely stay in the approximate acreage units that they are at the present time.

Mr. GROSS. And the rate of repayment at present is $85 per irrigable acre?

Mr. ASPINALL. What the gentleman from Colorado said was that the water user at the present time was required by contract to pay at the rate of $85 per acre of the cost of construction, and the balance of the per acre cost allocative is to be paid from the power revenues of the Grand Coulee power project. In the case of the 2-unit operation we suggested in the report to the Department of the Interior that if the repaying ability of the operator is increased because of a 2-unit operation, then the operator should accept an additional responsibility for repayment.

Mr. GROSS. That is, increase the amount of repayment?

Mr. ASPINALL. That is right.

Mr. GROSS. Per year?

Mr. ASPINALL. That is correct.

Mr. GROSS. I thank the gentleman.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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## IMPLEMENTING A TREATY AND AGREEMENT WITH THE REPUBLIC OF PANAMA

Mr. BONNER. Mr. Speaker, I move to suspend the rules and pass the bill (H .R. 6709) to implement a treaty and agreement with the Republic of Panama, and for other purposes.

The Clerk read as follows:

*Be it enacted, etc.*, That it is hereby declared to be the purpose of this act—

(1) to authorize and direct the fulfillment of those provisions of the Treaty of Mutual Understanding and Cooperation Between the United States of America and the Republic of Panama signed on January 25, 1955, and of the Memorandum of Understandings Reached signed on the same date, which contemplate, subject to authorization by the Congress, the conveyance of various lands and improvements to the Republic of Panama, including, but not limited to, conveyance of the lands and improvements in, and simultaneous relinquishment of all right, power, and authority in, the area known as Paitilla Point, and including the removal of the railway terminal operations of the Panama Canal Company from the city of Panama and the conveyance of the lands and improvements known as Panama Railroad Yard in the city of Panama; and

(2) to authorize and provide for the adjustments in the fiscal obligations of the Panama Canal Company necessitated by the aforesaid conveyances.

(a) In accordance with and subject to the provisions of article V of the Treaty of Mutual Understanding and Cooperation Between the United States of America and the Republic of Panama signed on January 25, 1955, and item 2 of the Memorandum of Understandings Reached signed on same date—

(1) the Secretary of State is authorized and directed to convey to the Republic of Panama free of cost all the right, title, and interest held by the United States of America or its agencies in and to the land and improvements in the area known as Paitilla Point and in the areas designated in paragraphs 1, 2, and 3 of paragraph (a) of said item 2; and

(2) the Panama Canal Company is authorized and directed to remove its operations and withdraw from the other lands and improvements designated in said item 2, and to convey to the Republic of Panama free of cost all the right, title, and interest held by the Panama Canal Company and the United States of America in and to said other lands and improvements.

(b) The market value of the property of the Panama Canal Company conveyed under this directive or by operation of articles VI or VII of the treaty and the net capital loss, if any, as established by the Panama Canal Company and approved by the Director of the Bureau of the Budget, sustained in the disposal, relocation, or reutilization of any facility or other property of the Panama Canal Company rendered excess, wholly or in part, by operation of articles V or XII of the treaty or items 2, 6, 9, or 10 of the Memorandum of Understanding Reached shall be treated as extraordinary expenditures and losses incurred through directives based on national policy and not related to the operations of the corporation, within the meaning of section 246 (d) of title 2 of the Canal Zone Code, as added by the act of June 29, 1948 (ch. 706, 62 Stat. 1075). The market value of Canal Zone Government property conveyed under this directive shall be removed from the capital investment of the United States in the Canal Zone Government without charge to the costs of operation of that agency. There are hereby authorized to be appropriated such amounts as may be required for the necessary replacement of property or facilities of the Panama Canal Company or Canal Zone Government conveyed or rendered excess as the result of the treaty or memorandum, which amounts shall be charged to the Panama Canal Company or Canal Zone Government.

The SPEAKER. Is a second demanded?

Mr. SHEEHAN. I demand a second, Mr. Speaker.

The SPEAKER. Without objection, a second is considered as ordered.

There was no objection.

Mr. BONNER. Mr. Speaker, I yield 5 minutes to the gentlewoman from Missouri [Mrs. SULLIVAN], chairman of the Subcommittee on the Panama Canal.

Mrs. SULLIVAN. Mr. Speaker, there is nothing in the bill itself that can be considered particularly controversial. The only question might be about something left out of the bill.

As the chairman of the subcommittee which conducted hearings on this legislation, I can say that we tried very sincerely to handle this matter in such a way as to be sure we caused no embarrassment for our Government or any incidents which would weaken our relations with the Republic of Panama. It must be remembered that at the time we were going into this matter the Suez Canal issue had been very much in the public eye and we attempted to handle this matter of the Panama Canal with restraint and the utmost care.

Following the subcommittee's hearings—rather, they were more in the nature of discussions with the State Department and other officials directly involved—the subcommittee reported the bill to the full committee with minor changes. But I felt, and I think the other members of the subcommittee felt, that on the question of the increased annuity to the Republic of Panama, as provided for in the 1955 treaty of mutual understanding and cooperation with Panama, we were getting literally into some deep water that called for extreme caution.

Let me say this: The treaty itself was drafted and agreed to by the top officials of our Government and the Republic of Panama in 1955, and was duly ratified by the Senate of the United States, and is in effect. This bill does not disturb that treaty in any way at all—in fact, as the title of the bill makes clear, this bill is a measure to implement that treaty in a number of respects.

The subcommittee, as I said, reported the original bill to the full committee unchanged on this question of annuity payment, but we did so not because we thought the original bill was the best way to proceed but rather because on a matter of such importance to the House of Representatives and to the country as a whole, we believed the full committee should discuss and consider the question of the allocation of the annuity payment.

As the Members know, we had been paying the Republic of Panama $430,000 a year in perpetuity under the terms of the original agreement of 1903 as amended by the 1936 treaty. Several years ago, as the Members also know, the President was entertaining the President of the Republic of Panama. As the two sat and talked and exchanged pleasantries, as I understand it, the guest suggested we should be paying a whole lot more each year for the privilege of using the canal. President Eisenhower then turned to one of the State Department officials present at this social affair and suggested he see what could be worked out at the staff level.

As we receive the background information, the representatives of the Republic of Panama began suggesting all sorts of new deals on the arrangement which had been in effect since 1903, ranging all the way up to a proposal for a flat 20 percent of all tolls. Our Government's representatives turned down these proposals as representing a completely unrealistic approach.

In any event, the President's representatives finally agreed with the Republic of Panama to an increase of $1,500,000 a year in the amount which we pay to Panama. The treaty was signed, and, as I said, later ratified by the Senate. The House of Representatives up to now has had no part in any of this, except to provide the money through the State Department appropriation bill for the added payment of $1,500,000 a year to Panama. The original amount of $430,000 meanwhile continues to be paid out of the resources of the Panama Canal Company.

The bill as proposed to us by the administration would have shifted the whole amount of $1,930,000 to the Panama Canal Company's books. We have not included that provision in the bill which we have reported. Our reason has been that we believe this question deserves a whole lot more study.

There is no urgency whatsoever about determining now how that money shall be listed in our Government's books. The money has been provided and is being paid to Panama as provided for in the treaty. What we were asked by the administration to do was to shift this new and additional expense of $1,500,000 a year from the State Department's appropriation to the books of the Panama Canal Company.

The argument is made that if we leave things the way they are now, the taxpayers of the United States would be paying this additional amount each year rather than the users of the Panama Canal. I have looked into that very carefully.

The Panama Canal tolls are not raised or lowered each year or even periodically to reflect larger or smaller expenses. The Panama Canal Company has regularly been returning a surplus to the Treasury. If the new charge of $1,500,000 is made against the Panama Canal Company, it will not be added to any tolls which ships now pay in using the canal; instead, it will be taken out of the surplus which the Canal Company would otherwise return to the Treasury. So whichever way the bookkeeping is handled, the taxpayers of the United States will in truth and in fact be paying this increased assessment, not the users of the canal. The last time the rate of tolls on the canal was changed was in 1938. It is rather an involved and complicated process and is not done overnight in response to every little change in canal operating revenues or expenses.

What worries me about assessing this charge to the Panama Canal Company is that it might very well establish a precedent we will find most uncomfort-

able in the future. Are we using this Panama Canal by suffrance of the current Government of the Republic of Panama? Do we face even the remote possibility of an action by the Republic of Panama at some future time in the style of Nasser's action in Egypt in seizing the Suez?

Now, of course, none of us really believes the current Government of the Republic of Panama is anything but a good friend to the United States. But we must remember that we are dealing here with a long-time proposition. We operate this canal in perpetuity.

But do we face the possibility of having to, in effect, buy it back every once in a while? I do not know.

I think this added payment of $1,500,000 was agreed to by our President and State Department and also by the Senate of the United States primarily as a gesture of goodwill to a friendly power, under our foreign policy. It is, in effect, foreign aid, to the people and Government of the Republic of Panama.

As long as we leave the payment of this additional money where it is now assessed—on the State Department—there would appear to be no reason to doubt the purpose of the added payment. It would be easily identifiable as a diplomatic payment.

But the moment we assess it to the Panama Canal Company, we are, it seems to me, running the risk of announcing, or acknowledging, that this is rental we pay on the canal. As everyone knows, rents can always be renegotiated.

True, the treaty of 1955 says that both parties "recognize the absence of any obligation on the part of either party to alter the amount of the annuity."

But that does not preclude the Republic of Panama from asking again soon for another change. It does not preclude the next President of the United States from having a social visit with the then President of Panama and the two coming up with a new treaty agreement. That is perfectly all right. The President conducts foreign affairs under our Constitution and the Senate must ratify his treaties, and the House gets into it through implementing legislation such as this bill and through the appropriation process. There are enough checks and balances from that standpoint.

But I do not want to give some future Government or President of the Republic of Panama a precedent to go on through this legislation to lead them to think that the annual contribution we make is to be regarded as a rental charge subject to periodic renegotiation and assessment against the costs of operating the canal.

Hence, our action in the committee in striking out of the bill any reference to the increased annuity of $1,930,000. Our action leaves things just the way they are now; that is, the Panama Canal Company continues to pay $430,000 a year for the express purpose of the payment to the Republic of Panama, and the State Department, through its appropriation pays the added $1,500,000.

Let no one seek to persuade the membership here, Mr. Speaker, that by handling this matter in such fashion we are in some way running out on the 1955 treaty, or failing to implement it, or embarrassing our Government or insulting a friendly power or anything of the sort.

We are just postponing any change in our bookkeeping arrangements, in the assessment of this money. We are required to pay it to Panama. We are paying it now. But we should take a much longer look and a more careful look at any possible unfortunate repercussions from placing this charge on the Panama Canal Company, rather than on the State Department as a cost of our diplomacy and foreign policy in helping a friendly neighbor.

Mr. SHEEHAN. Mr. Speaker, I yield myself 8 minutes, and I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. SHEEHAN. Mr. Speaker, I am opposed to the passage of H. R. 6709 in its present form. This bill implements a treaty and an agreement with the Republic of Panama signed on January 25, 1955.

My reason for opposing the bill in its present form is due to the fact that when the recommendations to be implemented under the treaty were sent up to the Congress, it consisted of two parts under section I of the bill. The meat in the second part under section I was stricken out by the Merchant Marine Committee when they met to consider the recommendations of the Subcommittee on the Panama Canal.

It seems to me that we should consider both aspects of the recommendations by the State Department and by the administration at the same time rather than do it piecemeal.

The bill as originally sent up and recommended by the administration is to give effect to the provisions of the 1955 Treaty of Mutual Understanding and Cooperation with Panama and to specify the method of distributing the impact upon the Panama Canal Company and the Canal Zone Government.

The committee had to consider, under the treaty provisions, two main things:

First. The values of property given to the Republic of Panama; and

Second. The authorization by the Congress of the additional payments as annuities.

The legislation as originally drafted and submitted to the committee is as drafted by the administration to which statement Governor Potter of the Panama Canal Government agreed.

Under the first part of the treaty provision, the Congress has to decide what valuation to give to the assets which were transferred and which are as follows:

The area known as Paitilla Point, and including the removal of the railway terminal operations of the Panama Canal Company from the city of Panama and the conveyance of the lands and improvements known as Panama Railroad Yard in the city of Panama.

The Merchant Marine Subcommittee agreed to transfer these values out at their fair market value. According to Governor Potter in his testimony, the Panama Canal Company had one other similar previous experience. In 1943, the assets were turned over to Panama at their fair market value which transaction was agreed and advised by the General Accounting Office. At that time, the book value of the properties was approximately $1.5 million and the market value was $11 million.

The problem that the subcommittee had to consider dealt with the effects of the accounting transaction or bookkeeping transaction.

The total book value of the property now to be transferred is $4,300,000. The total market value is $24,300,000 showing a net increase in the fair market value of $20 million. By giving the Panama Canal Company $20 million extra value over the book value, this will affect two things:

First. The amount of interest that is paid yearly into the United States Treasury; and

Second. The tolls for the use of the Panama Canal.

By giving the $20 million of fair market value, the net investment of the Panama Canal Company is decreased by $20 million and, therefore, the yearly charge for interest payable into the United States Treasury would be reduced because there would be $20 million less of principal on which interest is paid.

In figuring the tolls of the Panama Canal, one of the charges is for interest payable to the United States on the total investment into the Panama Canal Company. This interest charge would be reduced because of the $20 million decrease in the investment account. Therefore, the yearly interest charge to the operations of the Panama Canal would be reduced.

There may be some question that this would save money for the American citizens but Governor Potter stated in the hearings that the payment of tolls by our Defense Department is in the neighborhood of $39 million or 2 percent of the total tolls of the Panama Canal which is, as Governor Potter stated, "a very small amount."

I personally have no quarrel with this method of arriving at the market value except as it relates to the second part of the treaty provision.

The other important provision of the bill is that:

The remaining provision of the bill had to do with the allocation of the increase in the annuity payments to the Republic of Panama. The committee struck out all reference to the annuity in order to permit further consideration of that subject in connection with other fiscal policies affecting the operation of the canal.

However, it appears to me that both provisions of the bill are dependent on each other. When we determined this issue in the subcommittee, we agreed to the fair market value on the disposal of the assets after taking into consideration the fact that the new "annuity" should be charged to the operations of the Panama Canal. When this full committee

met and several of us on the Panama Canal Subcommittee unfortunately were not there because of other committee business, the Merchant Marine Committee struck out this second provision on annuities. Under article XIV of the convention of November 18, 1903 between the United States of America and the Republic of Panama, it was agreed that the Canal Zone Government would pay yearly into the United States Treasury an amount sufficient to reimburse the Treasury for a yearly annuity payment agreed between the two nations. This amount was originally agreed to be paid in balboas, the value of which was based upon a gold dollar. With the devaluation of the American dollar, article VII of the 1936 general treaty (53 Stat. 1807) it was agreed that the annuity payment would be increased to $430,000 a year in order to equalize the United States dollar with the gold balboa dollar.

Under the new agreements reached in the 1955 treaty, the Republic of Panama has asked for an additional $1,500,000 so that the annuity payments will be $1,930,000 per year.

Under article I, section 9, of our Constitution which states that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law; it was universally agreed that Congress must be applied to if the treaty provisions alluded to were to be put into execution." Madison, in the House of Representatives, firmly established this policy when he maintained that on all treaties requiring the payments of money, the House of Representatives must act.

The treaty we are now considering calls for a payment of $1,500,000 additional. This amount is reimbursed to the Treasury by the Panama Canal Company under provisions of the 1903 treaty and as such is considered a cost of operation in arriving at the tolls charged for use of the Panama Canal. Due to the fact that the committee has struck out this portion of the bill there will be no recovery by the taxpayers of this additional payment to the Republic of Panama unless it is included in this legislation or in future legislation. As this provision was contained in the bill sent us by the administration, I feel that if we fail to act upon it at the same time that we act upon the other provisions of the bill, there is great danger that it will never be enacted and the taxpayers of the country will be forced to pay an additional $1,500,000 out of their own pockets. I will not attempt to cover the normal and regular aspect of this new levy on the United States taxpayers by the Government of Panama.

Therefore, I oppose the enactment of H. R. 6709 until such time as both of the provisions asked by the administration are acted upon at the same time.

The Department of State approved and concurred in the wording of H. R. 6709 as submitted, and recommended no change. The Secretary of the Treasury had no objection to its original form. Mr. Joseph Campbell, Comptroller General of the United States, recommended the passage of the bill and further recommended some clarifications. He said that he is in full agreement with the provision which was eventually struck out by the committee, and in effect, asked for further clarification when he stated:

> However, we suggest that this section be amended to clearly reflect that the increases in the annuity payments which were paid after the ratification on July 29, 1955, of the treaty of January 25, 1955, but prior to the date of enactment of the proposed legislation, are to be included in the amounts to be reimbursed to the United States Treasury.

In other words, the Comptroller General wants to make sure these additional payments will be reimbursed to the United States Treasury. With the passage of the bill in its present form, these payments will not be reimbursable and the taxpayers will have to foot the bill.

Mr. BONNER. Mr. Speaker, may I ask the gentleman from Illinois if he will yield such time as he cares to yield to those opposed to the bill so I can close the debate on this side?

Mr. SHEEHAN. I am sorry, Mr. Speaker; I have had requests for ny full 20 minutes and have allocated the time.

Mr. BONNER. Will the gentleman yield now to someone who is opposed to the bill?

Mr. SHEEHAN. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. FLOOD].

Mr. FLOOD. Mr. Speaker, for 150 years this House has been trying to obtain a right to act upon the ratification of treaties. The gentleman from New Hampshire [Mr. MERROW] and I have introduced such a bill for the last 13 years.

What should be done here, believe me is this: I ask you only to send this bill back so that my distinguished friend and his great committee will come in with a rule permitting we who are concerned and interested, and there are many here, to participate in hearings and full debate on a statute to implement a treaty with a friendly and a sister sovereign state. I assure my friends here, if you send this bill back, believe me, in no way can it be construed to reflect upon our relations with Panama. Please understand that. I do not want to do that for a minute and you know that.

Secondly, you heard my friend from Illinois [Mr SHEEHAN] tell us that there has been removed from the bill the consideration of a fiscal policy that should be before this House in full debate on this bill and it should be put back in the bill.

Let me tell you this, and I want you to hear me: In the Department of Defense we found it necessary in our committee to prevent the railroad from being given away. Many of you have been down there. That railroad is essential to our national defense. They wanted to give the railroad away. The State Department was prepared to give the railroad away. We prevented that with the aid of the gentleman from North Carolina [Mr. BONNER] and his great committee. They went down there and said: "Do not do that, we will not let you do that." The gentleman from Maryland [Mr. GARMATZ] chaired that committee and they prevented the railroad from being given away. But do you know what happened? While the gentleman from Maryland, the gentlewoman from Missouri [Mrs. SULLIVAN] and the gentleman from North Carolina [Mr. BONNER] were preventing the State Department from giving away the railroad, they did give away the terminal buildings. Now we have a railroad and no terminal buildings. Both terminals have been given in the treaty to Panama. You cannot imagine anything more ridiculous.

But we are beyond that. I ask you in the name of the right of this House, I ask you in the name of all of us who are concerned with our relations with Panama that you just do not on a suspension pass this bill. You are here on suspension of the rules with this bill. That should not be, Mr. Speaker. This bill is of great importance, it permits the House to exercise its will on the implementation of a treaty. There is no provision for appropriations here under the Constitution. This money is being spent as authorized by a treaty through the State Department and the Senate, ignoring the House and ignoring the appropriation provisions and I say to you, Mr. Speaker, that all that should be done today is not pass judgment upon an intricate, a complicated and an important matter of prestige, constitutional law and appropriations. Just send the bill back to the committee. Do not give this two-thirds vote, and, believe me, you and I and the Nation and Panama will benefit by the development of our proper relations under this law when it is properly before us.

Mr. BONNER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I am sympathetic to the position taken by my good friend the gentleman from Pennsylvania [Mr. FLOOD], but the matter of whether this body should participate in treaty making is an academic one. It is not before us in this bill. If he wants that, why, let him bring in a bill proposing such legislation changing the Constitution, and I will support him. But here you are confronted with the proposition of placing on the backs of the shippers the added rental for the Panama Canal arbitrarily established by the State Department. As Mr. SHEEHAN told you and as the gentleman from North Carolina, Mr. BONNER, told you, we accepted the thesis that the value of gold having been devalued, we should raise the annual rental of Panama to $400,000 a year; when it was fixed it was to be for all times. Now, without consulting the shippers or without consulting the people who use this canal the State Department comes in and raises the ante $1.5 million, and that is the thing to which we object. Remember, the Panama Canal has 2 functions: 1 for our shipping and the other, national defense. If it is necessary in the interest of national defense to subsidize Panama to protect our interest and make a 1-ocean Navy a 2-ocean

Navy, that is one thing, but do not put this extra burden on American shipping where it has no opportunity to appeal such decision and no one to whom to appeal.

Mr. SHEEHAN. Mr. Speaker, I yield 2 minutes to the gentleman from Washington, Mr. TOLLEFSON.

Mr. BONNER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington, Mr. TOLLEFSON.

Mr. TOLLEFSON. Mr. Speaker, this bill was reported out of our committee by a unanimous vote. There were three members of the committee who were not present at that meeting, and as I understand, those three members are opposed to the bill. But, the rest of the members of the committee are unanimously in support of it.

The bill simply implements a treaty which we entered into with the Republic of Panama in 1955. The bill which originally was sent down, contained a provision to the effect that the annuities which we paid to the Republic of Panama should be increased from $430,000 a year to $1,930,000; in other words, an increase of $1.5 million per year. Now, the bill provided that the annuity should be charged to the Panama Canal Company. The full committee deleted that provision of the bill simply because they felt, although there was some opposition to it, that there was not sufficient information before the committee upon which to act. They felt that the item ought to be taken up at a later time, and if we approve the bill today, that item can still be considered by the committee at the beginning of next year. I would urge the House to vote favorably upon the bill, the prime object of which is simply to implement the treaty entered into in 1955.

Mr. MORANO. Mr. Speaker, will the gentleman yield?

Mr. TOLLEFSON. I yield to the gentleman from Connecticut.

Mr. MORANO. What would be the situation if the House failed to pass this bill that we have before us now?

Mr. TOLLEFSON. Well, then the treaty would not be implemented. Of course, the treaty has been ratified by the Senate, but pursuant to the treaty there were some things that our country agreed to do. First of all, we agreed to transfer to the Republic of Panama certain lands and buildings which were really outside of the Canal Zone and within the boundaries of the Republic of Panama. We agreed to transfer those holdings.

Mr. MORANO. How much would our annuity be annually if the bill failed to pass?

Mr. TOLLEFSON. Well, we would continue to pay the same amount of annuity, because the treaty has committed us to pay the additional $1.5 million in annuities, although the treaty as it existed prior to that time bound us in no way to make any increased payments. Both parties to the negotiations in the 1955 treaty admitted that we were under no compulsion or obligation to increase the annuities, and the State Department saw fit, for reasons of its own—and they were probably good reasons—to increase the annuity.

Mr. MORANO. In other words, if we do not pass this bill, we still have to pay $1,930,000?

Mr. TOLLEFSON. Absolutely. What we are seeking to do here is simply to implement the treaty and to do what the United States agreed to do with respect to the transfer of the property.

Mr. MORANO. In other words, you want to do everything that the treaty provides except to agree to pay the $1,930,000?

Mr. TOLLEFSON. We leave that open, because the State Department is obligated to pay the $1.5 million extra no matter what we do with the bill.

Mr. MORANO. Does the gentleman mean that if we pass the bill we would still have to pay the $1,930,000?

Mr. TOLLEFSON. That is correct.

Mr. MORANO. Even though you delete that provision?

Mr. TOLLEFSON. That is correct.

Mr. MORANO. I do not understand it.

Mr. TOLLEFSON. The point of disagreement is simply this. The provision in the bill that was sent down by the State Department provided that the additional $1.5 million should be charged to the Panama Canal Company. Many members of our committee felt that that should not be a charge upon the Panama Canal Company because the Panama Canal Company had nothing whatsoever to do with the increase in the annuity. It was a State Department transaction. Furthermore, many Members believe that to saddle the additional annuity upon the Panama Canal Company would be contrary to provisions of the Canal Zone Act, which provide that expenses incurred by directives based on national policy shall not be added to the capitalization of the Panama Canal Company. This additional annunity resulted from a foreign policy decision of the State Department and should therefore not be saddled upon the Canal Company.

Mr. SHEEHAN. Mr. Speaker, will the gentleman yield?

Mr. TOLLEFSON. I yield to the gentleman from Illinois.

Mr. SHEEHAN. This bill before us is not the same bill that was passed by the Senate, is it?

Mr. TOLLEFSON. With the exception of the provision that we deleted. I have mentioned that.

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. BONNER. Mr. Speaker, I yield such time as he may require to the gentleman from California, Mr. ROOSEVELT.

Mr. ROOSEVELT. Mr. Speaker, in support of my colleague from California [Mr. MILLER], I ask unanimous consent to introduce in the RECORD at this point three letters from steamship associations and a foreign trade association who are users of the Canal.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

(The matter referred to is as follows:)

FOREIGN TRADE ASSOCIATION OF SOUTHERN CALIFORNIA,
*Los Angeles, Calif., August 2, 1957.*

Hon. JAMES ROOSEVELT,
*House Office Building,*
*Washington, D. C.*

DEAR CONGRESSMAN ROOSEVELT: It is our understanding that H. R. 6709 will be on the House floor Monday, August 5, under a suspension of rules.

We sincerely urge that you make every effort to be present when this vital measure is discussed. The fact that a suspension of rules will require a two-thirds vote stresses the importance of your presence for the limited debate that day.

H. R. 6709 deserves your support. It will be presented by Congressman BONNER for the Merchant Marine Committee. We are satisfied that this bill should be passed in its full committee version.

It is supported in southern California by chambers of commerce, port authorities, steamship operators, labor groups, importers and exporters. Representatives of these groups feel that the full committee version of H. R. 6709 is equitable legislation and should be adopted.

In addition, management of Panama Canal, labor and tolls payers are equally strong in their support of this bill. So far as we can determine, the only resistance to the bill comes from the GAO, and it is opposed to just one portion of it.

Passage of H. R. 6709 (the full committee version) is important to the California Merchant Marine, and we will be most appreciative of your interest in our problem.

Certainly, we trust that, if at all possible, you will be present when this bill is presented.

Very truly yours,

MAX J. LINDER, Jr.,
*President.*

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LOS ANGELES STEAMSHIP ASSOCIATION,
*Los Angeles, Calif., August 2, 1957.*

The Honorable JAMES ROOSEVELT,
*House Office Building,*
*Washington, D. C.*

DEAR SIR: We respectfully urge that you make every effort to be present on the House floor Monday, August 5, when H. R. 6709 will be debated under a suspension of rules. As you know, a suspension of rules will require a two-thirds vote, a point which emphasizes the importance of your presence on the floor that day.

H. R. 6709, we believe, warrants your support when the matter is presented by Congressman Bonner for the Merchant Marine Committee. It is important that this bill be passed in its full committee version. It is supported in southern California by chambers of commerce, steamship operators, port authorities, labor groups, importers and exporters. Representatives of these groups believe that the full committee version of H. R. 6709 is equitable legislation and should be adopted.

The management of the Panama Canal, labor, and the toll payers are also in strong support of this bill. As far as we can determine, the only opposition to the bill is from the GAO, and this government agency is opposed to one portion only.

Certainly, we are most hopeful that it will be possible for you to be on hand when this bill is presented and shall appreciate your support in the passage of the full committee version of H. R. 6709, as it is of vital importance to your California Merchant Marine.

Yours very truly,

L. C. MUNSON, *President.*

PACIFIC AMERICAN
STEAMSHIP ASSOCIATION,
*Los Angeles, Calif., August 2, 1957.*

Hon. JAMES ROOSEVELT,
*House Office Building,*
*Washington, D. C.*

DEAR CONGRESSMAN ROOSEVELT: I am advised that H. R. 6709 will be taken up on the House floor on Monday, August 5, under a suspension of rules. I respectfully urge you to make every effort to be present when this important measure is discussed.

The fact that a suspension of rules will require a two-thirds vote emphasizes the importance of your presence for the limited debate.

H. R. 6709 deserves your wholehearted support as you will quickly realize when the matter is presented by Congressman BONNER for the Merchant Marine Committee.

We consider it important that this bill be passed in its full committee version. It is supported in southern California by the chambers of commerce, port authorities, steamship operators, labor groups, importers, and exporters. In fact, representatives of all of these groups feel that the full committee version of H. R. 6709 is equitable legislation and should be adopted.

The management of the Panama Canal, labor and the toll payers are equally strong in their support of this bill. To the best of my knowledge, its only resistance will be expressed through the GAO who are opposed to one portion of it.

Passage of the full committee version of H. R. 6709 is important to your California merchant marine. I will appreciate your interest in our problem and most certainly trust that it will be possible for you to be on hand when this bill is presented.

Very truly yours,
RALPH J. CHANDLER,
*Vice President.*

Mr. SHEEHAN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ALLEN].

Mr. BONNER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ALLEN].

Mr. ALLEN of California. Mr. Speaker, if the Members of the House will go back over the last 10 years, they will recall that there has been a succession of bills changing the organization of the Panama Canal Company and the Panama Canal Government. In the 80th Congress, if I remember correctly, we were faced with the problem of trying to determine what the tolls should be and it was found that there was no system of accounting which would give us a basis for determining how much money was required to compensate the government for the use of the canal, how much money we had invested, who were getting the benefits or who was paying the bill.

Over a period of years those activities have been reorganized and during the last few years we have been able to tell from the accounts what properties were properly charged to the canal operation and what to the government and what to other agencies. So now, Mr. Speaker, we are finally in a pretty good position to look at the fiscal affairs of the Panama Canal Company and the Canal Zone Government and come to a conclusion as to how the charges should be fixed, what taxes there should be and how they should be used, what the tolls should be and for what burdens the tolls should pay in the operation of the canal.

We have this treaty which has been agreed to and we must implement the treaty. If the bill as recommended under the motion to suspend is passed, we will implement that treaty. The other matters concerning the internal fiscal affairs should properly, in my opinion, be all considered together and can be so considered early in the next session. I believe we should take at one time the matter of the payments to the Republic of Panama, the charges that should be made against the employees of the Panama Canal Zone and the Panama Canal Company for the government of the Canal Zone, and the properties that should be attributed to the Canal Company business operations, the charges that should be made against the shippers, and the burdens that the tolls should support.

These two things can be done. The treaty can be implemented if this bill as presented is passed, and the entire fiscal problem of the Panama Canal Company and the Panama Canal Zone government can be settled in an orderly fashion when the whole fiscal problem is considered at once.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of California. I yield to the gentleman from Washington.

Mr. PELLY. May I say to the gentleman from California that I have studied this matter and I am in agreement with his views. I hope very much this part of the legislation can go through now. As a member of the Committee on Merchant Marine and Fisheries, I hope that later we can take up the rest of the bill.

Mr. ALLEN of California. I thank the gentleman.

Mr. MAILLIARD. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of California. I yield to the gentleman from California.

Mr. MAILLIARD. I should like to associate myself with the stand taken by the gentlewoman from Missouri and the gentleman from California, with particular emphasis on my thought that our committee ought to take up these basic questions of fiscal management in the Panama Canal Zone all at one time, and not tack this one isolated item onto what is really a treaty-implementation bill.

Mr. SHEEHAN. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. DORN].

Mr. DORN of New York. Mr. Speaker, the crux of this debate is whether $1,500,000 is going to be saddled onto the backs of the taxpayers rather than paid by the Canal Company. That is the sole question. If you will send this bill back to the committee it will be reported back to you just the way it came from the Senate and the taxpayers freed of a $1,500,000, burden. The Senate bill contains the provision providing that the canal users pay this money in tolls. All the users—Russia, Japan, Great Britain, and the maritime nations of the world—should pay their fair share of the cost of running the canal. This $1,500,000 is a part of the running of the canal. The Governor of the Canal Zone was asked in the subcommittee hearings:

Do you think that this treaty would have been entered into if the canal was not there?

He answered:

Oh, no; of course it would not be.

This $1,500,000 should be paid by the canal users. That is the way the Panama Canal Subcommittee of the Merchant Marine Committee reported the bill, just the same as it came out of the Senate. Neither the Panama Canal subcommittee nor the Senate wanted the taxpayers to be additionally burdened. But the Merchant Marine Committee changed the bill. The provision directing the payment to be made by the Canal Company was stricken out. As a result, who will pay this $1,500,000? The taxpayers of the United States.

The burden of this payment should be on all of the shippers of the world. If you want, so to speak, to give a subsidy to Russian shipping, and Japanese shipping, as well as the shipping of Great Britain, this is the way to do it. Pass this bill as it is now, and you have in it a hidden subsidy to all the foreign countries of the world, who use the canal even more than do we.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DORN of New York. I yield.

Mr. GROSS. The gentleman from New York has put his finger squarely upon the issue. Certainly this is implementation of a treaty but at the expense of the taxpayers of the United States when the people who use the canal ought to be paying the bill. If we go along with this, it will set a precedent and a bad precedent. This bill ought to be defeated.

Mr. DORN of New York. I thank and agree with the gentleman. I want to call the attention of the House most particularly in opposing this bill that it has in it a hidden subsidy for foreign shipping. I would vote for a bill providing for free use of the canal for all United States shipping or support a bill for free transit for coastwise shipping of all nations because I believe in aiding the United States Merchant Marine, but I do not believe in subsidizing the world merchant marine.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. DORN of New York. I yield to the distinguished gentlewoman, the chairman of our subcommittee.

Mrs. SULLIVAN. Will not the gentleman agree with me that if we place the burden of this $1,500,000 on the Panama Canal Company that it would set a precedent and that in the future the Government of the Republic of Panama might come back and say, "Well, we got the money once—the taxpayers of the United States are just paying it out in a different manner through the Panama Canal Company so we can rely on that precedent and have negotiations again in the future and perhaps ask for a great deal more money?"

Mr. DORN of New York. No, no, not at all. Whether or not it is paid by the taxpayers or by the Canal Zone makes no difference as to what the Republic of Panama might claim in the future.

Mr. BONNER. Mr. Speaker, I yield myself 5 minutes.

Mr. MORANO. Mr. Speaker, will the gentleman yield for a brief question?

Mr. BONNER. I yield.

Mr. MORANO. Would the gentleman tell us the percentage of tonnage that

goes through the canal which is foreign tonnage, and the percentage which is American tonnage?

Mr. BONNER. We will not go into the tonnage matter on this.

Mr. Speaker, this is strictly a business matter. The State Department, as I said before, sent this bill down. It is an administration bill. The other body approved the treaty with Panama. When the bill came down, the committee tried to get information from the State Department as to just how it was agreed to that we would pay the $1,500,000. The gentlewoman from Missouri has put her finger squarely on the issue: Is this going to go on forever and forever—are these negotiations going to come up again and again that you up the ante every year or so? It must be remembered that the Panama Canal Company is a Government corporation. It is down there to do business and to carry on the affairs of the United States Government in a businesslike way. Referring to the first part of the bill, in transferring the property—would any corporation in the world that had bought property this many years ago sell it today at book value or transfer it and give it away and not take credit for the market value? Well, that answers that part of this arrangement. The company is entitled to that and any businessman within the sound of my voice cannot do otherwise than to say that the Panama Canal Company is entitled to the market value of their property. If anybody can say otherwise about that, then they have a funny way of doing business.

With respect to this increased annuity. It is true that when we built the Panama Canal, we agreed to pay so much a year to the Panama Government so long as we operated the canal. We changed the amount of the payment once, as the gentleman [Mr. SHEEHAN] has explained, to keep the dollar in balance with the Balboa—that is, with the gold value. When we questioned the State Department as to why this $1,500,000 was thrown in again here recently, the State Department had this to say to the Foreign Relations Committee:

> I believe that both sides recognize the absence of any obligation on the part of the United States to increase the amount of the annuity.

The State Department themselves say there is no reason to increase this annuity. Further, the State Department says:

> The increase of $1,500,000 was simply the result of long conferences and negotiations with respect to the amount.

In other words the amount of increased annuity is questionable. But they did not give any reason why they increased this amount. Then the State Department finally said it was to pacify South America. If they wanted to pacify South America, why do they want to burden the Panama Canal Company with the pacifier? The pacifier in this case is $1,500,000. Now just think of it as a business matter. Would you do business this way if you were in private business, or would you do business as this committee has in a businesslike manner in solving the question?

I yield to the gentlewoman from Oregon [Mrs. GREEN].

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include letters received from my district.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, I rise in support of H. R. 6709.

This is a measure which has the support of both labor and management in my district.

As Thomas J. White, secretary of the Oregon State Public Port Authorities Association, wired me:

> Oregon's huge maritime commerce with east coast via intercoastal lines and with Europe and South America is directly affected because canal tolls affect ocean freight rates and therefore ability of Oregon shippers to compete in those markets.

From ILWU, Local 8, of Portland, Oreg., Mr. D. L. Sidall, secretary:

> Portland longshoremen are concerned about H. R. 6707 pertaining to Panama Canal tolls. Request your presence when it is debated and that you vote favorably for the full committee's version of the bill as the most fair and equitable method of settlement.

I have also received indications of strong support for this measure from the commission of public docks of the city of Portland, and from many more business and labor leaders both within and without my district.

Mr. Lueddemann, of Pope & Talbot, in Portland writes:

> We can assure you that responsible organizations in all major Pacific coast ports have considered this question and that the full committee version, as it will be presented probably by Chairman BONNER of the Merchant Marine Committee, is the only version that will do justice to the Panama Canal Company, its employees, and the cargoes that go through the canal that must bear the burden of financing it.

I hope that this measure will receive the necessary two-thirds vote to assure its passage.

Mr. BONNER. I yield to the gentleman from California [Mr. SHELLEY].

Mr. SHELLEY. Mr. Speaker, I join in defense of this bill, and associate myself with the remarks of the gentleman from North Carolina [Mr. BONNER] and the gentleman from California [Mr. ALLEN].

I think the reference to Russia, attempting to compare seven Russian ships through the Panama Canal in a year, is an attempt to mislead and create prejudice in the minds of the Members. If we succumb to this appeal we are then in the same position as Egypt whom we are presently criticizing because she is denying the right of passage to Israeli ships in the Suez Canal. We cannot draw any such lines as a Nation with control over the Panama Canal. The amount of tolls which could be collected from Russian vessels or vessels under satellite flags during any 1 year is so small in relation to the total tolls collected that it would be only a drop in the bucket even if this bill were amended to add the costs involved here to the tolls base. I am sure that all Members read the newspaper accounts regarding these Soviet vessels which indicated that they were diverted to the Panama Canal only because of the Suez crisis. We need not fear any large increase in Soviet or satellite use of the Canal simply because their normal trade routes do not require them to use it. If the time comes when use of the Panama Canal by Communist vessels becomes a major problem then Congress can move in and take whatever steps may seem necessary. But in relation to H. R. 6709 the question of Soviet use of the Canal just does not enter into the picture. What we are concerned with is whether the ship operators are going to be forced to pay the additional costs involved as the result of the revision of the treaty with Panama or whether such costs should be more properly charged to the Government, as H. R. 6709 provides in general.

This increase should not be placed on the vessel operator because it is a national affair, negotiated by the State Department to protect the general interests of the United States in their relationship with Panama. The Panama Canal was built originally not only for traffic purposes but for the defense of the United States of America. In recent years there has been a growing tendency to feel that the shipping lines should bear the entire cost of the operation and to discount the value of the Canal to the country as a whole as a vital part of our national defense. It has long been my feeling that the capital structure of the Canal Company is already weighted far too heavily against the strictly commercial shipping operations and far too lightly against the Government and the people of the United States for the other factors involved in maintaining the Canal. If we vote to add practically the whole of the cost of this treaty revision to the capitalization upon which tolls are based we will only distort the structure further in the wrong direction.

Let us remember that the toll income from the canal comes largely out of the pockets of American taxpayers, customers of the shipping lines, in the first place. Figures presented to the Appropriations Committee this year show that net operating revenues for fiscal 1956 were almost $41 million, of which over $36 million came from tolls. Net operating expenses were only $16.1 million. The revenue will be larger for fiscal 1957 and 1958. The balance of almost $25 million from the fiscal 1956 operations went to pay the cost of the Canal Zone Government, to pay interest charges on the capital investment charged against commercial operations, and to pay to the Treasury a return of a part of the original investment. It is obvious that shippers are already bearing a load out of all proportion to their just share when we consider the incalculable value of the canal and our military bases there to the defense of the country.

Certainly the agreement our State Department reached with Panama was not negotiated for the benefit of the shipping companies primarily. It was negotiated to prevent jeopardizing the United States position in that area from a defense point of view and from the point of view

of our relations with Latin American countries. It was negotiated also to forestall just such charges as precipitated Egypt's action in taking over at Suez. The arrangement is a matter of national policy and the payment of increased costs should come from the national pocketbook rather than from the shipping companies which are having a hard enough time already.

Mr. Speaker, I submit that H. R. 6709 should be passed as presented to us by the Committee on Merchant Marine, which has studied all phases of this whole matter and knows what it is doing.

Mr. BONNER. I yield to the gentleman from Maryland [Mr. GARMATZ] who has given a great deal of time and attention to this matter.

Mr. GARMATZ. As a member of the Panama Canal Committee, I want to associate myself with the remarks of the gentleman from North Carolina in favor of this legislation.

Mr. BONNER. Mr. Speaker, I yield to the gentleman from Washington, the ranking member of the Committee on Merchant Marine and Fisheries [Mr. TOLLEFSON].

Mr. TOLLEFSON. I would like to ask the gentleman if it is not true that the basic Canal Zone Act provides that any expenditures based on directives of the national policy shall not be charged to the operation of the canal?

Mr. BONNER. That has a great deal of bearing on this decision as to this $1,500,000. It does not mean that the door is closed.

If the State Department would give us as much information as they give to the other body, in all probability we could legislate with more expedition on this matter and know where we were going. So when the next session of Congress convenes, it will be my purpose to bring this matter to the attention of the committee to see if we can find out, since the State Department has already told us they could not advise us, how they reached the figure of $1,500,000. Perhaps we can get it by next session. I urge that the House pass this bill.

In the meantime, the Merchant Marine and Fisheries Committee will send a select advisory group of engineers, contractors, and ship operators to study the Panama Canal for improvement in operation-expansion and an alternate route via some other location outside the Panama area.

We expect to have information on the alternate route to report to Congress during the 2d session of the 85th Congress.

The SPEAKER. The time of the gentleman has expired.

All time has expired.

The question is, Will the House suspend the rules and pass the bill as amended?

The question was taken; and on a division (demanded by GROSS) there were—ayes 81, noes 26.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 279, nays 91, not voting 62, as follows:

[Roll No. 171]

YEAS—279

| | | |
|---|---|---|
| Addonizio | Forand | Morrison |
| Alexander | Ford | Moss |
| Alger | Forrester | Moulder |
| Allen, Calif. | Fountain | Multer |
| Allen, Ill. | Frazier | Murray |
| Anderson, Mont. | Friedel | Neal |
| | Fulton | Nicholson |
| Andresen, August H. | Garmatz | Nimtz |
| | Gary | Norblad |
| Andrews | Gathings | O'Brien, N. Y. |
| Arends | Gordon | O'Hara, Ill. |
| Ashley | Grant | O'Hara, Minn. |
| Ashmore | Gray | O'Neill |
| Aspinall | Green, Oreg. | Passman |
| Auchincloss | Green, Pa. | Patman |
| Avery | Gregory | Pelly |
| Ayres | Griffin | Perkins |
| Bailey | Griffiths | Pfost |
| Baker | Gubser | Philbin |
| Baldwin | Hagen | Pilcher |
| Barden | Haley | Poage |
| Baring | Halleck | Poff |
| Barrett | Harden | Polk |
| Bass, Tenn. | Hardy | Porter |
| Bates | Harris | Price |
| Baumhart | Harrison, Nebr. | Rabaut |
| Becker | Harrison, Va. | Rains |
| Beckworth | Harvey | Ray |
| Bennett, Fla. | Haskell | Reuss |
| Bennett, Mich. | Hays, Ark. | Rhodes, Pa. |
| Berry | Hays, Ohio | Riehlman |
| Boggs | Healey | Riley |
| Boland | Hébert | Roberts |
| Bolling | Hemphill | Robeson, Va. |
| Bonner | Herlong | Robsion, Ky. |
| Boyle | Hiestand | Rodino |
| Bray | Hill | Rogers, Colo. |
| Brooks, La. | Hoeven | Rogers, Fla. |
| Brooks, Tex. | Holifield | Rogers, Mass. |
| Broomfield | Holland | Rogers, Tex. |
| Brown, Ga. | Holmes | Roosevelt |
| Brownson | Holt | Rutherford |
| Broyhill | Huddleston | Sadlak |
| Burdick | Hull | Saylor |
| Burleson | Hyde | Scott, N. C. |
| Byrd | Ikard | Scudder |
| Byrne, Pa. | Jackson | Seely-Brown |
| Byrnes, Wis. | Jarman | Selden |
| Canfield | Jenkins | Shelley |
| Cederberg | Jennings | Sheppard |
| Chamberlain | Johnson | Shuford |
| Chenoweth | Jonas | Sieminski |
| Christopher | Jones, Ala. | Sikes |
| Chudoff | Jones, Mo. | Simpson, Ill. |
| Coad | Karsten | Sisk |
| Coffin | Kean | Smith, Calif. |
| Cole | Kee | Smith, Miss. |
| Cooley | Kelly, N. Y. | Smith, Va. |
| Cooper | Keogh | Spence |
| Corbett | Kilday | Springer |
| Cramer | Kilgore | Staggers |
| Cretella | King | Steed |
| Cunningham, Nebr. | Kitchin | Sullivan |
| | Kluczynski | Talle |
| Curtin | Knutson | Teague, Calif. |
| Curtis, Mass. | Laird | Teague, Tex. |
| Curtis, Mo. | Lane | Teller |
| Davis, Tenn. | Lanham | Tewes |
| Dawson, Utah | Lankford | Thomas |
| Delaney | Lesinski | Thompson, N. J. |
| Dellay | Lipscomb | Thompson, Tex. |
| Dempsey | Long | Thomson, Wyo. |
| Dennison | Loser | Thornberry |
| Denton | McCarthy | Tollefson |
| Devereux | McCormack | Trimble |
| Dies | McDonough | Tuck |
| Dingell | McFall | Udall |
| Dixon | McGovern | Ullman |
| Dollinger | McMillan | Van Zandt |
| Donohue | Mack, Wash. | Vorys |
| Dooley | Madden | Vursell |
| Dorn, S. C. | Magnuson | Westland |
| Dowdy | Mahon | Widnall |
| Doyle | Mailliard | Wier |
| Dwyer | Martin | Wigglesworth |
| Eberharter | Matthews | Williams, Miss. |
| Edmondson | May | Willis |
| Elliott | Merrow | Wolverton |
| Evins | Metcalf | Wright |
| Fallon | Miller, Calif. | Yates |
| Farbstein | Miller, Nebr. | Young |
| Fascell | Montoya | Younger |
| Feighan | Morgan | Zablocki |
| Fisher | Morris | Zelenko |

NAYS—91

| | | |
|---|---|---|
| Abernethy | Gross | Morano |
| Adair | Gwinn | Mumma |
| Andersen, H. Carl | Henderson | Natcher |
| | Heselton | Norrell |
| Bolton | Hess | O'Brien, Ill. |
| Bosch | Hoffman | Ostertag |
| Bow | Horan | Patterson |
| Brown, Ohio | James | Pillion |
| Budge | Jensen | Prouty |
| Bush | Johansen | Radwan |
| Byrne, Ill. | Judd | Rees, Kans. |
| Cannon | Keating | Rhodes, Ariz. |
| Carrigg | Keeney | Rooney |
| Chelf | Kelley, Pa. | Schenck |
| Chiperfield | Knox | Scherer |
| Church | Krueger | Schwengel |
| Clevenger | Latham | Scrivner |
| Collier | LeCompte | Sheehan |
| Colmer | McCulloch | Siler |
| Cunningham, Iowa | McGregor | Smith, Kans. |
| | McIntire | Smith, Wis. |
| Dague | McIntosh | Stauffer |
| Derounian | McVey | Taber |
| Dorn, N. Y. | Marshall | Vanik |
| Fenton | Meader | Wainwright |
| Fino | Michel | Weaver |
| Flood | Miller, Md. | Whitten |
| Fogarty | Miller, N. Y. | Williams, N. Y. |
| Gavin | Mills | Wilson, Ind. |
| George | Minshall | Winstead |
| Granahan | Moore | Withrow |

NOT VOTING—62

| | | |
|---|---|---|
| Abbitt | Durham | Powell |
| Albert | Engle | Preston |
| Anfuso | Flynt | Reece, Tenn. |
| Bass, N. H. | Frelinghuysen | Reed |
| Beamer | Hale | Rivers |
| Belcher | Hillings | Santangelo |
| Bentley | Holtzman | St. George |
| Betts | Hosmer | Saund |
| Blatnik | Kearney | Scott, Pa. |
| Blitch | Kearns | Simpson, Pa. |
| Boykin | Kilburn | Taylor |
| Breeding | Kirwan | Thompson, La. |
| Brown, Mo. | Landrum | Utt |
| Buckley | Lennon | Van Pelt |
| Carnahan | McConnell | Vinson |
| Celler | Macdonald | Walter |
| Clark | Machrowicz | Watts |
| Coudert | Mack, Ill. | Wharton |
| Davis, Ga. | Mason | Whitener |
| Dawson, Ill. | O'Konski | Wilson, Calif. |
| Diggs | Osmers | |

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Celler with Mr. Coudert.

Mr. Holtzman with Mrs. St. George.

Mr. Preston with Mr. Bass of New Hampshire.

Mr. Vinson with Mr. Taylor.

Mr. Walter with Mr. Simpson of Pennsylvania.

Mr. Flynt with Mr. Frelinghuysen.

Mr. Landrum with Mr. Mason.

Mr. Davis of Georgia with Mr. Betts.

Mr. Dawson of Illinois with Mr. Bentley.

Mr. Anfuso with Mr. Scott of Pennsylvania.

Mr. Buckley with Mr. Osmers.

Mr. Brown of Missouri with Mr. McConnell.

Mr. Kirwan with Mr. Hillings.

Mr. Carnahan with Mr. Beamer.

Mr. Rivers with Mr. Belcher.

Mr. Boykin with Mr. Kearns.

Mr. Albert with Mr. Utt.

Mr. Machrowicz with Mr. Van Pelt.

Mr. Blatnik with Mr. Kilburn.

Mr. Engle with Mr. Hosmer.

Mr. Mack of Illinois with Mr. Reece of Tennessee.

Mr. Santangelo with Mr. Reed of New York.

Mr. Macdonald with Mr. Kearney.

Mr. Thompson of Louisiana with Mr. Wharton.

Mr. Abbitt with Mr. O'Konski.

Mr. Lennon with Mr. Wilson of California.

Messrs. MONTOYA and VANIK changed their votes from "nay" to "yea."

Messrs. HENDERSON and COLLIER changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

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## LOCK AND DAM NO. 3, LITTLE KANAWHA RIVER, W. VA.

Mr. DAVIS of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 6535) to amend an act entitled "An act to provide for the disposal of federally owned property at obsolescent canalized waterways, and for other purposes," as amended.

The Clerk read the bill, as follows:

*Be it enacted etc.*, That section 2 of the act approved August 6, 1956, entitled "An act to provide for the disposal of federally owned property at obsolescent canalized waterways, and for other purposes", Public Law 996, 84th Congress, 2d session, is hereby amended by adding the following: "*And provided further*, That in lieu of preparing dam No. 3 on the Little Kanawha River, W. Va., for abandoning, such funds may be expended for modification of the lock and restoration for said dam either as a movable or fixed type dam, but not to exceed $50,000, contingent upon local interests furnishing such additional funds as may be necessary and agreeing to accept the property and take over operation and maintenance of said structure."

The SPEAKER. Is a second demanded?

Mr. McGREGOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield such time as he may find necessary to the gentleman from West Virginia [Mr. BAILEY] to explain this bill.

Mr. BAILEY. Mr. Speaker, the story back of this legislation today began in 1876 when a private concern or an association of individuals constructed a series of five locks on the Little Kanawha River in West Virginia. They operated it as a private concern until 1905, when the Congress appropriated money and the Army engineers took over control of it. It was operated as a Government operation under the Army engineers until approximately 1947, at which time it ceased to be used for any navigation purposes. In the meantime, one of these severe flash floods in the Little Kanawha Valley caused a section of the locks to break through and did some considerable damage to property. It washed out the means of water supply for the town of Elizabeth. The water wells for the town were located along the river in quicksand territory. They are now going dry. Even their million-dollar high school on the banks of the river just about where the dam is located. Other damage was done. The State owned a fish hatchery about a mile above the dam. When the legislation was up that resulted in the passage of Public Law 996 2 years ago, the State conservation agency supplied me with figures that showed it would cost $96,000 to construct the necessary walls to protect the State fish hatchery. I submitted that to the Committee on Public Works. At that time my former colleague, Mr. Burnside, was a member of the Public Works Committee. It was submitted, but instead of the amount claimed by the State conservation commission, it was passed by the House 2 years ago at $50,000 and sent to the other body. Some kind of a compromise was reached and it was cut down to $20,000. So the State refused to accept the locks and be responsible for them, and the Government never made any offer to pay the $20,000 to the State conservation commission. So at the beginning of this Congress Senator REVERCOMB of our State introduced Senate bill 1520 which called for $150,000 to cover the expense of making the repairs to lock No. 3 near the city of Elizabeth, with the understanding that the city or town would take over the maintenance costs in the future. The House passed H. R. 6535, which is exactly the same as the bill passed by the Senate, except the House took the figure submitted by the Army engineers and limited the amount to $50,000, whereas the Senate had passed the same legislation for $150,000.

The idea is to get this legislation by if possible, so that we can work out a conference and try to agree on a proper figure.

If there are any questions, I will be glad to answer them at this time.

Mr. NEAL. Mr. Speaker, will the gentleman yield?

Mr. BAILEY. I yield.

Mr. NEAL. I would like to join with my colleague from West Virginia in requesting the passage of this bill. This proposed reconstructed dam is just outside of my district but adjoins the district represented by the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. I believe it was in the gentleman's district at one time.

Mr. NEAL. Yes. Now this bill is important for this particular reason: Aside from the guarantee of protection from the upstream floods, there is great need for the industrial area below this point. The conservation of industrial water for the purpose of developing the area down in the Little Kanawha Valley is very important.

I agree that the bill as it came back from the Senate is more likely to be a proper amount than that which is asked for in this bill, so I heartily agree that this bill should be passed.

Mr. BAILEY. I thank my colleague from West Virginia; and may I say in conclusion, that when the Army engineers decided to abandon these locks for navigation purposes they made repairs on lock No. 1 at the city of Parkersburg, and entered into an agreement with the American Viscose Co. to take over maintenance on it.

We are asking no more here in this instance of the Army engineers than what they did for a private concern, when they made repairs to lock No. 1 at Parkersburg for a private concern, that they make repairs to lock No. 3 at the city of Elizabeth.

I might add that several individuals have been very greatly injured by the change in the stream by the breaking of the lock; and in addition to damage claims by the State conservation commission, there will probably be 8 or 10 lawsuits by individuals. It will eventually cost the Government 10 times as much as we are asking for in this legislation.

Mr. NEAL. Mr. Speaker, will the gentleman yield?

Mr. BAILEY. I yield.

Mr. NEAL. I may say that I passed through the area mentioned by the gentleman, visited these locks, and I can say that what the gentleman mentioned is a very great possibility.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. BAILEY. I yield.

Mr. GUBSER. I wonder if the gentleman can inform me if it is his belief that President Eisenhower supports this legislation?

Mr. BAILEY. I could not say about that. I appeared before the Public Works Committee the other day. I thought that was the group that handled this type of legislation. I asked them to pass the bill the same as the Senate passed it, as sponsored by the Republican Senator from West Virginia, Senator REVERCOMB; but instead of making it $150,000 they reported it out for $50,000. I have no idea why they reported it out for a lesser figure from the House committee than it was passed by the Senate.

Mr. McGREGOR. Mr. Speaker, in reply to the distinguished gentleman from West Virginia [Mr. BAILEY], I may say that when the bill was presented to the Committee on Public Works it called for an authorization of $150,000. The committee very carefully went into every detail and learned that the Army engineers had made a recommendation of $50,000.

The Bureau of the Budget had made a recommendation of $20,000.

We gave a great deal of consideration to the gentleman from West Virginia [Mr. BAILEY], and the gentleman from West Virginia [Mr. NEAL], but at no place could we find any requirement where $150,000 was needed.

So on the basis of the facts presented, the committee accepted an amendment for $50,000 instead of $150,000, and that was the recommendation of the Army engineers for the needed repair. Although we recognized that the budget had recommended only $20,000, we were willing to go along with the $50,000 as recommended by the Army engineers and the committee amended the legislation from $150,000 to $50,000. In the face of that, and the recommendation, and the statement which has been made I recommend that the bill be passed as reported out by the committee for $50,000.

Mr. Speaker, I have no further requests for time.

Mr. DAVIS of Tennessee. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Tennessee that the rules be suspended and the bill be passed.

The question was taken and (two-thirds having voted in favor thereof) the

rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. DAVIS of Tennessee. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1520) to amend an act entitled "An act to provide for the disposal of federally owned property at obsolescent canalized waterways and for other purposes."

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That section 2 of the act approved August 6, 1956, entitled "an act to provide for the disposal of federally owned property at obsolescent canalized waterways and for other purposes," Public Law 996, 84th Congress, second session, is hereby amended by adding the following: "*And provided further*, That in lieu of preparing dam numbered 3 on the Little Kanawha River, W. Va., for abandoning, such funds may be expended for modification of the lock and restoration for said dam either as a movable or fixed type dam, but not to exceed $150,000, contingent upon local interests furnishing such additional funds as may be necessary and agreeing to accept the property and take over operation and maintenance of said structure."

Mr. DAVIS of Tennessee. Mr. Speaker, I offer an amendment to strike out all after the enacting clause and to substitute the House bill just passed.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Tennessee: Strike out all after the enacting clause of S. 1520 and insert the provisions of H. R. 6535 as passed by the House.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The proceedings by which the bill, H. R. 6535, was passed were vacated and the House bill laid on the table.

A motion to reconsider was laid on the table.

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## AMENDING THE UNIVERSAL MILITARY TRAINING AND SERVICE ACT TO AUTHORIZE ADDITIONAL DEFERMENTS

Mr. BROOKS of Louisiana. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8850) to amend the Universal Military Training and Service Act to authorize additional deferments in certain cases.

The Clerk read as follows:

*Be it enacted, etc.*, That section 4 (a) of the Universal Military Training and Service Act (50 U. S. C. App. 454), as amended, is amended by substituting a colon for the period at the end of the third paragraph and adding the following: "*And provided further*, That except in time of war or national emergency declared by the Congress the standards and requirements fixed by the preceding two provisos may be modified by the President under such rules and regulations as he may prescribe."

The SPEAKER. Is a second demanded?

Mr. ARENDS. Mr. Speaker, I demand a second.

Mr. BROOKS of Louisiana. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BROOKS of Louisiana. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, H. R. 8850 is a bill to amend the Universal Military Training and Service Act to authorize additional deferments in certain cases.

As you will recall, the Universal Military Training and Service Act provides in section 4 (a) "that the minimum standards for physical acceptability shall not be higher than those applied to persons inducted between the age of 18 and 26 in January of 1945: *Provided further*, That the passing requirement for the Armed Forces qualification test shall be fixed at a percentile score of 10 points."

The physical standards that were in effect in January of 1945 were the lowest that prevailed during World War II.

The percentile score of 10, established by law in 1951 as the lowest passing score for the Armed Forces qualification test, was based on the theory that of each 100 persons in the United States, 10 would be of no value to the armed services, with the thought that those with a score of between 10 and 30 might be of some value in limited areas.

Now under the proposed legislation the President would be given authority, except in time of war or national emergency declared by the Congress, to defer from training and service in the Armed Forces persons whose induction would tend to produce an excess of persons with similar qualifications in certain categories. The President would be allowed to do this by being given the authority, except in time of war or national emergency, to modify the standards which I have just read.

Now we all know that the complexities of our modern weapons developed during recent years requires a much higher quality of personnel than ever before in the history of our Nation. The simple fact of the matter is that the Army, under existing physical and mental standards, has been required to take too many men with low mentality to perform the highly complex and extremely important assignments that have been imposed upon the Army.

You might be interested to know that the Army divides its personnel among four mental groups.

Group 4 is the lowest I. Q. group.

In 1954, 27.6 percent of the enlistees in the Army were mental group 4 individuals, whereas 31.8 percent were group 4 inductees; but in the first 9 months of fiscal 1957 the group 4 enlistees had dropped to 17.6 percent of the total enlistees, while the group 4 inductees had increased to 34.2 percent.

In fact, in June of 1957, 39.5 percent of the total individuals inducted into the Army were in mental group 4, contrasted with 16.8 percent of the enlistees.

I might also mention 1 additional fact: 28.2 percent of the entire enlisted men of the Army are in mental group 4. Of the total number of enlisted personnel of the Army serving in detention barracks or Federal prisons, 53.9 percent of them came from mental group 4, and the remainder from the other 3 groups.

In other words, while a little over one-quarter of the Army enlisted personnel are in mental group 4, more than one-half of the Army prison population is made up of mental group 4 individuals.

Now if this legislation is enacted into law, inductees will be accepted for induction with no further screening if they achieve a percentile score of 31 points or higher on the Armed Forces qualification test.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield to the gentleman from Iowa.

Mr. GROSS. To be right frank and honest, this bill will put a premium upon the boy who has some mental ability.

Mr. BROOKS of Louisiana. Well, I will put it this way, that it will raise the I. Q. standards of the services, for the Army especially.

Mr. GROSS. It will put the obligation to serve on the boy who has some grey matter working for him.

Mr. BROOKS of Louisiana. As I conclude my statement I will come to it a little more forcefully than that.

If they score 10 to 31 points, they will be given an Army Classification Battery.

Those who fail to make a satisfactory score in 2 of the aptitude areas will be rejected; those who receive satisfactory scores in 2 of the areas will be accepted.

The Army hopes to reduce its mental group 4 inductees to approximately 19 percent of the entire group inducted.

This is all being done with the thought in mind that there are individuals in these lower mentality groups who just cannot be trained. And even those who can be trained for some types of work involve costly expenditures because of the high basic training costs.

Mr. WIER. Mr. Speaker, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield to the gentleman from Minnesota.

Mr. WIER. I am really very proud to be here today representing the great State of Minnesota. This bill alarms me a little bit following the question by the gentleman from Iowa. As you perhaps know, Minnesota and Oregon rank as the 2 highest States as far as mental and physical tests are concerned in the military. Now, that would mean that Minnesota and the States up in the higher categories of mental and physical tests would be the ones heaviest drawn from.

Mr. BROOKS of Louisiana. I want to say that Minnesota should be proud of the manpower that it has furnished to the Nation, the fine type of manhood it has given to the services, you should be proud of them. This bill does not change the quota one bit. The quota will remain the same for Minnesota or Louisiana or any other State.

And it would naturally follow that the separations for inaptitude and unsuitability from among this group would be very high.

As a matter of fact, between June 30, 1956, and December 31, 1956, there were 8,600 administrative separations—5,200 of these were mental group 4 personnel.

The Army estimates that each one of these individuals has cost the taxpayers about $1,600, or a total of $8 million, and yet they have not given any useful service to the Army.

Now it just makes good common sense in this day and age, when we are attempting to improve the caliber of our Armed Forces, that we should give the Army, who are using these inductees, an opportunity to select men on somewhat higher standards than those that now prevail.

Of course, these individuals will be deferred, so they will remain liable for induction up to age 35 in the same manner as all other individuals who are deferred for any reason.

This amendment to the law which is proposed in this bill will not apply in time of war or national emergency declared by the Congress.

But in a period of relative stability, as we are experiencing today, it certainly is ridiculous to insist that the Army induct individuals, many of whom cannot perform any useful service to the Army, with the resultant increase in training costs, and reduced efficiency, as well as the fact that these individuals constitute, by far, the greater disciplinary problem in the Army.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I want to comment on the statement of the gentleman from Minnesota [Mr. WIER]. Iowa does not take a back seat either to Minnesota or Oregon in the caliber of the young people it contributes to the service.

Mr. BROOKS of Louisiana. Of course not. But the quota of Iowa and the quota of Minnesota need not be raised at all. The quota of Louisiana, of Mississippi, of New York and California and Oregon and all the other States will remain the same. The same relative percentage will hold for the armed services.

Mr. GROSS. Yes; but the gentleman will agree that it puts a premium upon the young man who has some intelligence, it puts a premium of service upon him?

Mr. BROOKS of Louisiana. It does this. When you cannot train a man, it allows the Army to release him and then to induct another man into the service who does have the I. Q. sufficient to carry on, to take orders, to learn the plans and program of the Army and to handle them efficiently.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield to the gentleman.

Mr. VANIK. We have a great many people who avoid their obligation of jury duty sometimes by merely stating that they are opposed to capital punishment. Has the committee learned anything about the attitude of some young men who deliberately fail an examination?

Mr. BROOKS of Louisiana. The gentleman makes a good point; but this is nothing new. We are merely going back to the old law which operated very well. There was nothing wrong with it. The reason for the change was that at the end of World War II we began to scrape the bottom of the barrel. We had no large reserve in the manpower pool and we lowered the I. Q. when we knew that in doing so we may have been doing the wrong thing. We had to have the manpower regardless of the I. Q.; we had to have so many individuals, so many bodies to put into service. We took men whom normally we would not have taken. Now we are merely going back to the old law that worked and with which there was nothing wrong.

Mr. VANIK. I thank the gentleman.

Mr. LONG. Mr. Speaker, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield to the gentleman.

Mr. LONG. Mr. Speaker, I want to compliment my colleague for the splendid statement he has made and repeat a question which he has already answered, but so that everybody will understand it. We are merely going back to where we were toward the end of World War II, is not that right?

Mr. BROOKS of Louisiana. That is correct.

Mr. LONG. In fact, this was the way we took them in up to that time, but when we needed men so badly we went to the bottom of the barrel.

Mr. BROOKS of Louisiana. At the end of World War II we were scraping the bottom of the barrel. We changed the law. Now we have a huge manpower pool, yet we are in effect forcing the military to take in and attempt to train men who they know before they take them in cannot be properly trained. They are giving them special discharges to get them out of the service, and we are having a cost to the taxpayers for men who we know in advance cannot be properly trained.

I thank my colleage for bringing up that point.

Mr. LONG. I am trying to emphasize that this is nothing new.

Mr. BROOKS of Louisiana. As I said a moment ago, in a 6-month period it cost us $8 million to take into the service men who we know at the time could not properly receive the training, and then released them under special discharges. When those men are released they are not happy because they do not necessarily have honorable discharges but special discharges because the service cannot use their services.

Mr. GEORGE. Mr. Speaker, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield to the gentleman from Kansas.

Mr. GEORGE. If we raise the I. Q. of the Army, do you think you will do something for this special report which will base the pay on the abiilty of a man to serve his country? Does the gentleman's committee intend to do anything with that?

Mr. BROOKS of Louisiana. The gentleman is referring to the Cordiner report?

Mr. GEORGE. That is right.

Mr. BROOKS of Louisiana. I am familiar with the Cordiner report. We have not taken it up and probably will not before adjournment, but personally I think very kindly of the Cordiner report. It has a lot of good points in it and our committee certainly ought to consider it.

Mr. GEORGE. I hope you go into it thoroughly next year.

Mr. BROOKS of Louisiana. I thank the gentleman very much.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Is not this situation the fault of the local draft board?

Mr. BROOKS. Perhaps so, but who are we to point the accusing finger at those who serve without pay? So I do not do it. I much prefer to do this. If we gave the Army a little higher I. Q. we would not have the problem.

Mr. HOFFMAN. The gentleman was here and remembers back when we wrote an exemption into the law as to farm labor, agricultural employees. Does the gentleman remember that?

Mr. BROOKS of Louisiana. Yes.

Mr. HOFFMAN. Right out of Hershey's office came an order to the local draft boards to take these men in regardless of our exemption. Why does not the Army drop them out? Why does not Hershey follow instructions?

Mr. BROOKS of Louisiana. We do not want the Army acting arbitrarily. We would far rather give the Army authority than to say, "We will just refuse to take men into service that the draft board sends us."

Mr. HOFFMAN. The Congress wrote that exemption for agricultural employees.

Mr. BROOKS of Louisiana. At one time the State of Michigan led the Nation in the number of exemptions for agriculture, as I remember.

Mr. HOFFMAN. We wrote that law, and Hershey came out and told our boards—if the gentleman recalls, our former colleague, Earl Michener, took the floor against it—to take them anyway; and they did.

Mr. BROOKS of Louisiana. We want to give the services a law they can follow and do not have to flout.

Mr. HOFFMAN. You cannot make the drafting services follow the law, and they have not.

Mr. ARENDS. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, there is little that I can add to the very complete and splendid explanation of the necessity for the proposed legislation as presented to the House by the distinguished gentleman from Louisiana [Mr. BROOKS].

When the Congress inserted in the Universal Military Training and Service Act the present provision of law that the passing requirement for the Armed Forces Qualification Test was to be fixed at a percentile score of 10 points, our Armed Forces were undergoing a rapid expansion and the manpower pool available for service under the existing draft law at that time, in June of 1951, had been reduced to a very low level.

Thus, Congress established this very low minimum mental standard to enable the Armed Forces to expand and maintain the increased strength required by the Korean hostilities.

You will recall that our Armed Forces attained a strength of almost 3,700,000 during the Korean period. Of this number, the Army consisted of 1,600,000.

Today our strength figures are somewhat under 2,800,000, and by December 31, 1957, the Army strength will be approximately 950,000.

Thus, our requirement for manpower has decreased, although our requirement for men of a higher mental level has substantially increased.

When we consider the fact that the modern army today is made up of complex electronic devices, guided missiles, atomic weapons, intricate communication systems, and exceedingly mobile transportation methods, together with the substantially higher requirements for individual initiative in smaller unit operations, it becomes quite apparent that the Army's needs for higher quality inductees increases almost daily.

Enactment of the proposed legislation will not only increase the quality of our armed services, but also the combat effectiveness of the Army.

Likewise, it will save a considerable amount of money, since inductees with a higher level of mentality will not require the special rudimentary training now necessary just to make these individuals capable of performing the simplest assignments.

I think it is only necessary for me to repeat these figures to give you an idea of the importance of this legislation.

Twenty-eight and two-tenths percent of the enlisted personnel of the Army are in the lowest mental group, group IV, but 53.9 percent of the enlisted men serving sentences for offenses committed under the Uniform Code of Miliary Justice come from this mental group. In other words, while slightly over one-quarter of the Army's enlisted personnel are in the low mental group IV, more than one-half of the disciplinary problems come from this group.

And, finally, let me again repeat that during the 6 months' period from June 1956 until December 1956, when 8,600 men were discharged from the Army administratively, 5,200 were in mental group IV. At an approximate cost of $1,600 per man, this representated a nonproductive expenditure, or total loss, of $8 million.

Mr. Speaker, I sincerely hope that the House will pass the proposed legislation, H. R. 8850, and that it will receive prompt and quick approval in the other body.

The SPEAKER. The question is: Will the House suspend the rules and pass the bill as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## AMENDING SECTION 1552, TITLE 10, UNITED STATES CODE, AND SECTION 301 OF THE SERVICEMEN'S READJUSTMENT ACT OF 1944

Mr. DOYLE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8772) to amend section 1552, title 10, United States Code, and section 301 of the Servicemen's Readjustment Act of 1944 to provide that the Board for the Correction of Military or Naval Records and the Boards of Review, Discharges and Dismissals shall give consideration to satisfactory evidence relating to good character and exemplary conduct in civilian life after discharge or dismissal in determining whether or not to correct certain discharges and dismissals, and for other purposes.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That subtitle (a) of title 10, United States Code, is amended as follows:

"§ 1552. Correction of military records: claims incident thereto

"(a) The Secretary of the military department, under uniform procedures established by and approved by the Secretary of Defense, and acting through boards of civilians of the executive part of that military department, may correct any military record of that department when he considers it necessary to correct an error or remove an injustice. Under procedures prescribed by him, the Secretary of the Treasury may in the same manner correct any military record of the Coast Guard. Except when procured by fraud, a correction under this section is final and conclusive on all officers of the United States. When considering the case of any individual heretofore or hereafter discharged or dismissed from any of the Armed Forces under conditions other than honorable, the board shall take into consideration in each case the reasons for the type of the original discharge or dismissal, including, but not limited to:

"(i) The conditions that prevailed at the time of the incident, statement, attitude, or act which led to the original discharge or dismissal;

"(ii) the age of the individual at the time of the incident, statement, attitude, or act which led to the original discharge or dismissal;

"(iii) the normal punishment that might have been adjudged had the act or incident been committed in civilian life; and

"(iv) the moral turpitude, if any, involved in the incident, statement, attitude, or act which led to the discharge or dismissal.

"(b) No correction may be made under subsection (a) unless the claimant or his heir or legal representative files a request therefor before October 26, 1961, or within 3 years after he discovers the error or injustice whichever is later. However, a board established under subsection (a) may excuse a failure to file within 3 years after discovery if it finds it to be in the interest of justice.

"(c) The department concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army, Navy, Air Force, Marine Corps, or Coast Guard, as the case may be. If the claimant is dead, the money shall be paid, upon demand, to his legal representative. However, if no demand for payment is made by a legal representative, the money shall be paid—

"(1) to the surviving spouse, heir, or beneficiaries, in the order prescribed by the law applicable to that kind of payment;

"(2) if there is no such law covering order of payment, in the order set forth in section 2771 of this title; or

"(3) as otherwise prescribed by the law applicable to that kind of payment.

A claimant's acceptance of a settlement under this section fully satisfies the claim concerned. This section does not authorize the payment of any claim compensated by private law before October 25, 1951.

"(d) Applicable current appropriations are available to continue the pay, allowances, compensation, emoluments, and other pecuniary benefits of any person who was paid under subsection (c), and who, because of the correction of his military record, is entitled to those benefits, but for not longer than 1 year after the date when his record is corrected under this section if he is not reenlisted in, or appointed or reappointed to, the grade to which those payments relate. Without regard to qualifications for reenlistment, or appointment or reappointment, the Secretary concerned may reenlist a person in, or appoint or reappoint him to, the grade to which payments under this section relate.

"(e) No payment may be made under this section for a benefit to which the claimant might later become entitled under the laws and regulations administered by the Administrator of Veterans' Affairs.

"(f) The Secretary of Defense for the military departments, and the Secretary of the Treasury for the Coast Guard, shall report to Congress every 6 months on claims paid under this section during the period covered by the report. The report shall include for each claim the name of the claimant, a brief description of the claim, and a statement of the amount paid.

"(g) In the case of any individual heretofore or hereafter discharged or dismissed from any of the Armed Forces under conditions other than honorable, the appropriate board shall with the approval of the appropriate Secretary issue to such individual a general discharge (limited) dated as of the date it is issued by the board, if, after taking into consideration in each case the reasons for the nature of the original discharge or dismissal, including, but not limited to:

"(i) The conditions that prevailed at the time of the incident, statement, attitude, or act which led to the original discharge or dismissal;

"(ii) the age of the individual at the time of the incident, statement, attitude, or act which led to the original discharge or dismissal;

"(iii) the normal punishment that might have been adjudged had the act or incident been committed in civilian life; and

"(iv) the moral turpitude, if any, involved in the incident, statement, attitude, or act which led to the discharge or dismissal,

it is established to the satisfaction of the board by oral or written evidence, or both, including, but not limited to:

"(1) a notarized statement from the chief law enforcement officer of the city, town, or county in which the individual resides attesting to the individual's general reputation insofar as police and court records are concerned;

"(2) a notarized statement from the individual's employer, if employed, attesting to the individual's general reputation and employment record;

"(3) notarized statements from not less than 5 persons, attesting to the fact that they have personally known the individual for not less than 3 years as a person of good reputation and exemplary conduct, and further attesting as to the actual extent of personal contact with the individual concerned,

and by such independent investigation as the board may make, that such individual has rehabilitated himself, that his character is good, and that his conduct, activities and habits since he was granted his original discharge (or since originally dismissed) have been exemplary for a reasonable period of time, and in any event for not less than 3 years.

"Applications and reapplications for correction of records under this subsection may be filed at any time, but not before 3 years has elapsed following the original discharge or dismissal.

"No benefits under any laws of the United States (including, but not limited to, pension, compensation, hospitalization, military pay and allowances, education, loan guaranty, retired pay, and other benefits) shall be afforded any individual issued a general discharge (limited) under this subsection unless he would be entitled to such benefits under his original discharge or dismissal. Except as otherwise provided in this act, no general discharge (limited) shall be issued except pursuant to the provisions of this subsection, and after a specific finding by the board that such a discharge is issued pursuant to the provisions of this subsection.

"(h) The Secretary of Defense for the military departments and the Secretary of the Treasury for the Coast Guard shall submit to the Congress not later than January 15 of each year, a report stating the number of cases reviewed by each board under the provisions of subsection (g), and the number of general discharges (limited) issued pursuant to subsection (g) of this section."

SEC. 2. Section 301 of the Servicemen's Readjustment Act of 1944 (38 U. S. C. 693) is amended to read as follows:

"SEC. 301. (a) The secretary of a military department, and the Secretary of the Treasury for the Coast Guard, under uniform procedures established by and approved by the Secretary of Defense, and after conference with the Administrator of Veterans' Affairs, is authorized and directed to establish in his military department, respectively, boards of review composed of five members each, whose duties shall be to review, on their own motion or upon the request of a former officer or enlisted man or woman or, if deceased, by the surviving spouse, next of kin, or legal representative, the type of his discharge or dismissal. Such review shall be based upon all available records of the service department relating to the person requesting such review taking into consideration in each case the reasons for the type of the original discharge or dismissal, including, but not limited to:

"(i) the conditions that prevailed at the time of the incident, statement, attitude, or act which led to the original discharge or dismissal;

"(ii) the age of the individual at the time of the incident, statement, attitude, or act which led to the original discharge or dismissal;

"(iii) the normal punishment that might have been adjudged had the act or incident been committed in civilian life; and

"(iv) the moral turpitude, if any, involved in the incident, statement, attitude, or act which led to the discharge or dismissal. Witnesses shall be permitted to present testimony either in person or by affidavit and the person requesting review shall be allowed to appear before such board in person or by counsel: *Provided*, That the term 'counsel' as used in this section shall be construed to include, among others, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (Public Law No. 844, 74th Cong.). Such board shall have authority, except in the case of a discharge or dismissal by reason of the sentence of a general court-martial, to change, correct, or modify any discharge or dismissal, and to issue a new discharge in accord with the facts presented to the board. The Uniform Code of Military Justice is hereby amended to authorize the secretary of each military department to establish such boards of review, the findings thereof to be final subject only to review by the respective Secretary: *Provided further*, That no request for review by such board of a discharge or dismissal under the provisions of this subsection shall be valid unless filed within 15 years after such discharge or dismissal or within 15 years after the effective date of this act whichever be the later: *And provided further*, That the authority conferred upon the Secretary of the Army and the Secretary of the Navy by this section shall vest in and be exercised by the Secretary of the Treasury, at such times as the Coast Guard is operating under the Treasury Department, with respect to the discharge or dismissal of former personnel of the Coast Guard, and that the findings of boards established pursuant to such authority shall be final subject only to review by the Secretary of the Treasury.

"(b) In the case of any individual heretofore or hereafter discharged or dismissed from any of the Armed Forces under conditions other than honorable the appropriate board shall with the approval of the appropriate Secretary issue to such individual a general discharge (limited) dated as of the date it is issued by the board, if, after taking into consideration in each case the reasons for the nature of the original discharge or dismissal, including, but not limited to:

"(i) the conditions that prevailed at the time of the incident, statement, attitude, or act which led to the original discharge or dismissal;

"(ii) the age of the individual at the time of the incident, statement, attitude, or act which led to the original discharge or dismissal;

"(iii) the normal punishment that might have been adjudged had the act or incident been committed in civilian life; and

"(iv) the moral turpitude, if any, involved in the incident, statement, attitude, or act which led to the discharge or dismissal, it is established to the satisfaction of the board by oral or written evidence, or both, including, but not limited to:

"(1) a notarized statement from the chief law enforcement officer of the city, town, or county in which the individual resides attesting to the individual's general reputation insofar as police and court records are concerned;

"(2) a notarized statement from the individual's employer, if employed, attesting to the individual's general reputation and employment record;

"(3) notarized statements from not less than five persons, attesting to the fact that they have personally known the individual for not less than 3 years as a person of good reputation and exemplary conduct, and further attesting as to the actual extent of personal contact with the individual concerned; and by such independent investigation as the board may make, that such individual has rehabilitated himself, that his character is good and that his conduct, activities, and habits since he was granted his original discharge (or since originally dismissed) have been exemplary for a reasonable period of time, and in any event for not less than 3 years.

"Applications and reapplications for correction of records under this subsection may be filed at any time, but not before 3 years have elapsed following the original discharge or dismissal.

"No benefits under any laws of the United States (including, but not limited to, pension, compensation, hospitalization, military pay and allowances, education, loan guaranty, retired pay, and other benefits) shall be afforded any individual issued a general discharge (limited) under this subsection unless he would be entitled to such benefits under his original discharge or dismissal. Except as otherwise provided in this act, no general discharge (limited) shall be issued except pursuant to the provisions of this subject, and after a specific finding by the board that such a discharge is issued pursuant to the provisions of this subsection.

"(c) The Secretary of Defense for the military departments and the Secretary of the Treasury for the Coast Guard shall submit to the Congress not later than January 15 of each year, a report stating the number of cases reviewed by each board under the provisions of subsection (b) of this section, and the number of general discharges (limited) issued pursuant to subsection (b) of this section."

The SPEAKER pro tempore (Mr. MILLS). Is a second demanded?

Mr. DEVEREUX. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DOYLE. Mr. Speaker, I yield myself such time as may be necessary.

Mr. Speaker, this bill comes from the Committee on Armed Services with almost a unanimous vote. That vote followed a week of public hearings by a special committee of five members of the Committee on Armed Services, appointed by the Honorable CARL VINSON. That special committee consisted of WILLIAM G. BRAY, of Indiana; Mr. GEORGE HUDDLESTON, of Alabama; Mr. CHARLES S. GUBSER, of California; Mr. A. PAUL KITCHIN, of North Carolina; and myself as chairman. The record will show it was a working committee. The special subcommittee held several executive meetings before we went into public sessions. Then, after hearing the military in a public session, and after hearing many witnesses during the week in public session, we again held executive meetings to consider what the final text of this recommendation should be that we would make to you today. I wish to say that while the gentleman from Georgia [Mr. VINSON] is not on the floor today, being away from Washington, he strongly approved the bill in public session of the Committee on Armed Services, and spoke out in the Armed Services Committee in cordial support of this very bill and directed that the special subcommittee ask that the bill be placed upon the suspension calendar. The special subcommittee report to the full Armed Services Committee was considered for over 30 minutes.

I wish to thank the members of the special subcommittee for their faithful work and likewise we of the committee thank our subcommittee counsel, Russ Blandford.

The purpose of H. R. 8772 is to amend that part of the Servicemen's Readjustment Act of 1944 which deals with the Boards of Review, Discharges and Dismissals, as well as that portion of the United States Code which pertains to the Boards for the Correction of Military, Navy, and Air Force Records.

I have tried to keep all the Members of the House informed of the progress that has been made in the development of this bill, and I hope you have had the benefit of reading the insertions in the CONGRESSIONAL RECORD that I have heretofore made; the first one on February 18,

1957, at pages 2184–2185, and pages 129–132. The second one on March 14, 1957, at pages 3757–3760.

The bill before the House today does not go as far as some Members would like it to go, but on the other hand, it may go too far for others. This bill is designed to be a commencement study of a very vital area relating to hundreds and thousands of veterans who made mistakes in their temporary military experiences, but who were nevertheless not bad at heart nor intent on crime.

No Government benefit would go to the recipients of the type of discharge provided for in this bill. Stated briefly, the proposed legislation requires the boards now authorized to review discharges and dismissals to take into consideration in these reviews the post-service exemplary conduct of applicants for review and then to award a "General Discharge, Limited," but, permissibly and in those cases where the board feels that the factors leading to the discharge and the later exemplary conduct of applicant for a period of not less than 3 years following separation justifies such action. The bill is retroactive. It will benefit many hundreds already discharged and who have already led exemplary lives for over 3 years.

Now, I want to make it clear at the outset that the "General Discharge, Limited" is not a discharge under honorable conditions. It was difficult to arrive at a suitable designation for what the committee had in mind. It does not set aside the facts which led to the original discharge, and it does not act as a substitute for the original discharge, because it will be dated as of the date the board issues the new discharge, "General Discharge, Limited." It does not in any manner whatsoever change the original discharge received by the veteran. It does not change the military records of military service. It does not pretend to supplant the military service discharge. It is limited to civilian conduct. But, it will help remove unearned stigma and will help deserving men and women.

The whole purpose of the proposed legislation is to give the young men and women of this country who have less than honorable discharges of any type an opportunity to present their cases before these constituted boards and authorities, at the Pentagon, and to authorize these boards not new or different boards to give these individuals something better than the undesirable, dishonorable, or bad conduct discharge which they originally received upon separation, provided however, the boards find in their sole judgment that these persons are entitled thereto by reason of all the factors they are required to consider. This bill adds the factor of exemplary conduct for not less than 3 years.

We have gone into this matter very thoroughly. We have set out in detail the criteria to be considered by reason of the terms of this bill. On pages 10, 11, and 12 of the bill it provides:

"(b) In the case of any individual heretofore or hereafter discharged or dismissed from any of the Armed Forces under conditions other than honorable the appropriate board shall with the approval of the appropriate Secretary issue to such individual a general discharge (limited) dated as of the date it is issued by the board, if, after taking into consideration in each case the reasons for the nature of the original discharge or dismissal, including, but not limited to:

"(i) the conditions that prevailed at the time of the incident, statement, attitude, or act which led to the original discharge or dismissal;

"(ii) the age of the individual at the time of the incident, statement, attitude, or act which led to the original discharge or dismissal;

"(iii) the normal punishment that might have been adjudged had the act or incident been committed in civilian life; and

"(iv) the moral turpitude, if any, involved in the incident, statement, attitude, or act which led to the discharge or dismissal,

it is established to the satisfaction of the board by oral or written evidence, or both, including, but not limited to:

"(1) a notarized statement from the chief law enforcement officer of the city, town, or county in which the individual resides attesting to the individual's general reputation insofar as police and court records are concerned;

"(2) a notarized statement from the individual's employer, if employed, attesting to the individual's general reputation and employment record;

"(3) notarized statements from not less than five persons, attesting to the fact that they have personally known the individual for not less than 3 years as a person of good reputation and exemplary conduct, and further attesting as to the actual extent of personal contact with the individual concerned;

and by such independent investigation as the board may make, that such individual has rehabilitated himself, that his character is good and that his conduct, activities, and habits since he was granted his original discharge (or since originally dismissed) have been exemplary for a reasonable period of time, and in any event for not less than 3 years.

"Applications and reapplications for correction of records under this subsection may be filed at any time, but not before 3 years have elapsed following the original discharge or dismissal.

"No benefits under any laws of the United States (including, but not limited to, pension, compensation, hospitalization, military pay and allowances, education, loan guaranty, retired pay, and other benefits) shall be afforded any individual issued a general discharge (limited) under this subsection unless he would be entitled to such benefits under his original discharge or dismissal. Except as otherwise provided in this act, no general discharge (limited) shall be issued except pursuant to the provisions of this subject, and after a specific finding by the board that such a discharge is issued pursuant to the provisions of this subsection.

Mr. Speaker, I know for a fact, every committee member studying this difficult and imperative problem has been guided by the basic principle that must prevail in our Armed Services to the effect that the maintenance of discipline is fundamental to our Armed Forces. We have been aware of this and our military has reminded us of it frequently.

We all know that all young men and women who get into trouble are not always bad and not always necessarily undesirable or bad, as we accept those terms. It is these thousands in our military, who make bad mistakes against military rules and regulations. But our bad mistake should not condemn for a lifetime. Humanitarian instinct cries out against such a policy. It is an unnecessary policy as well as being unsound and without cause. Its results are destructive and disastrous to thousands of young Americans who find that their temporary military career in the service of their country has affixed a ton of lead about their feet for all their lives. We believe the military will like this bill. We depend upon them to give it every fair opportunity to bless those intended.

What they did may have been undesirable and their conduct may have been bad, but very many of them do not deserve a life sentence which such discharge hangs around them. All the veterans organizations at the national level testified before our special committee. They did not have this final committee print before them. Some of them opposed the original H. R. 1108.

There are ample provisions of law now in existence which authorize the review of discharges where errors or injustices are alleged. Under existing law there is no method now by which an individual can request another discharge, based upon his post service conduct, taken into consideration with the factors that led to his original discharge. This bill H. R. 8772, resulting from a diligent, and a fair consideration of this difficult and very important area of experience by many thousands of American youth, is an effort to enact legislation to meet an existing necessity. It is not intended to be a final treatment in this field of study.

The hearings before the special subcommittee appointed by Chairman CARL VINSON, of the full Armed Services Committee, to make a study of my original bill, H. R. 1108, proved very helpful to our study. For instance, our reason given for this bill being here before us today is the common knowledge and experience that a discharge less than honorable from our military fixes an indelible stigma upon the recipient thereof. Also, that such a discharge, less than honorable, sharply increases the handicap of either social acceptance or dignified gainful employment.

So, let us read from the subcommittee hearings just our question and our answer on this very point.

I, as subcommittee chairman, asked Deputy Assistant Secretary of Defense Jackson, on page 2370 of the hearings:

Mr. DOYLE. May I ask a couple of questions? There is no question in your mind, then, Mr. Secretary, but that any discharge less than honorable, does, as you say in your fine statement, and in your answers to questions, leave the holder or the recipient thereof with a stigmatized condition. Is that true?

Mr. JACKSON. That is correct, sir.

Mr. DOYLE. Both as to the social standing in the community and as to ready ability to obtain dignified and commensurate employment? Would you agree with me?

Mr. DOUGLAS. Yes, sir.

I would like to mention one additional determining factor which we must not overlook. Since 1940, more than 189,000 servicemen have received bad conduct or dishonorable discharges; while more than 248,000 have received undesirable discharges. An undesirable discharge can be issued administratively; a bad conduct or dishonorable discharge can

only be issued pursuant to a sentence of court-martial.

We have strongly recommended in our report, that uniform procedures be established throughout the armed services for the handling of administrative undesirable discharges. Now there will be some who will argue that no person should be discharged from the armed services under less than honorable conditions, except pursuant to the action of a court-martial. These people argue that everyone is entitled to a trial. I was first inclined toward that view, but I changed my mind when I discovered that there are many cases in the armed services in which individuals admit to having undesirable habits, but cannot possibly be legally convicted by court-martial proceedings. For example, there is no way by which an individual can be legally convicted, as an admitted user of narcotics, based solely on his own confession, particularly if that individual claims he did not use narcotics before entering the service. The same is true of homosexuals. The same situation exists with respect to individuals who are convicted by civilian authorities and sentenced to prison. So there must be some method by which individuals can be discharged administratively. Many Members of this body have related to me cases in their own Congressional districts where they believed men were entitled to have their exemplary civilian conduct considered as a factor looking to a type of discharge which would at least help to remove some of the stigma attaching by reason of the original discharge received by the veteran, which had become an indelible life sentence and a ton of lead to many thousands of former military personnel when it came to such veterans trying for a decent employment status commensurate with their ability, ambition, and their admitted rehabilitation. I invite you to read the committee hearings and report.

The implementation of this bill will not require any appropriation of funds.

I urge the House to suspend the rules and pass H. R. 8772. I will include in the CONGRESSIONAL RECORD copies of certain pertinent correspondence and reports to our committee from the military.

ASSISTANT SECRETARY OF DEFENSE,
MANPOWER, PERSONNEL, AND RESERVE,
*Washington, D. C., June 28, 1957.*

Hon. CLYDE DOYLE,
*House of Representatives.*

DEAR MR. DOYLE: In your letter of May 17, you requested certain additional information concerning less than honorable discharges issued by the military services. On May 28 members of my staff discussed with Mr. Russell Blandford of your office the difficulties in supplying the data you requested.

As pointed out to Mr. Blandford, the 1,000-case sample submitted to you on May 13 was a random sample from the four services. There is no way that we can reconstruct this sample for final analysis, since the data were extracted from records not maintained as a separate identifiable group but now filed with several million records of ex-service personnel.

I am informed that the records of all personnel separated or discharged since September 1945 are filed alphabetically by the Army and the Air Force. To sort these records for undesirable discharge cases by specific reason for discharge would require an estimated 1 million man-hours and $2.4 million in the Army. Air Force estimated time and cost is comparable.

In view of the above, Mr. Blandford suggested that any sampling of cases of undesirable discharge which would indicate the relative frequency of specific reasons for separation would be acceptable in lieu of the data you requested. Each of the services was able to assemble information on approximately 100 cases without excessive costs or workload. Analysis of these samples is attached. These figures constitute the maximum accessible within time and resources available.

With reference to the questions contained in the third paragraph of your letter of May 17, discharges for unfitness and misconduct are undesirable discharges. This is an administrative type of discharge as contrasted with the bad conduct discharge and the dishonorable discharge, both of which are punitive discharges resulting from the actions of courts-martial. Undesirable discharges are never given as a result of court-martial, but result from formal board proceedings. I am attaching a brief summary of the procedures followed by the four services in giving and reviewing administrative discharges.

I trust that you will find the attached reports helpful to you and to your committee in your deliberations on H. R. 1108.

Sincerely yours,

STEPHEN S. JACKSON,
*Deputy Assistant Secretary.*

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DATA ON SAMPLE OF APPROXIMATELY 100 ADMINISTRATIVE DISCHARGES—UNDESIRABLE DISCHARGES IN EACH OF THE FOUR SERVICES

Army: 97 undesirable discharges.

Seventy-three appeared before a board, 24 did not. Reasons for the discharges are as follows:

| | |
|---|---|
| Unfitness (habits or traits of character manifested by antisocial or amoral trends; chronic alcoholism; drug addiction; pathological lying or misconduct; unclean habits, etc.) | 74 |
| Fraudulent enlistment | 6 |
| Convicted by civil court | 7 |
| AWOL—trial waived | 3 |
| Homosexuality | 7 |

Navy: 106 undesirable discharges.

All were given warning and permitted to submit a statement. All considered by board in Washington in the Bureau of Naval Personnel. Reasons for the discharges are as follows:

| | |
|---|---|
| Repeated offenders | 31 |
| Civil conviction | 25 |
| Homosexuality | 39 |
| Desertion (without trial—statute of limitations) | 1 |
| Repeated venereal disease | 7 |
| Fraudulent enlistment | 3 |

Marine Corps: 104 undesirable discharges.

All undesirable discharges are predicated on a hearing held by board of officers before whom the individual appears if available, and in any event to whom the individual is afforded the opportunity to make a statement. All proceedings are reviewed at Marine Corps headquarters. Reasons for the discharges are as follows:

| | |
|---|---|
| Repeated military offenses | 8 |
| Conviction by civil authorities | 56 |
| Homosexuality | 40 |

Air Force: 100 undesirable discharges.

Sixty-five did not appear before the board, 35 did. None resigned in lieu of court-martial or board action. Reasons for the discharges are as follows:

| | |
|---|---|
| AWOL and series of petty offenses | 23 |
| Drunkenness | 16 |
| Bad debts | 7 |
| Habitual shirkers | 7 |
| Drug addiction | 1 |
| Bad checks | 1 |
| Numerous courts-martial (3 or more) | 45 |

ASSISTANT SECRETARY OF DEFENSE,
MANPOWER, PERSONNEL AND RESERVE,
*Washington, D. C., May 13, 1957.*

Mr. JOHN R. BLANDFORD,
*Counsel, Armed Services Committee,*
*House of Representatives.*

DEAR MR. BLANDFORD: In response to your telephone request on April 17 to Captain Adams, United States Navy, Director, Office of Legislative Liaison, regarding additional statistics concerning actions of the Discharge Review Boards and Boards for the Correction of Military Records, the following information is furnished:

| | Army | | Navy and Marine | | Air Force | |
|---|---|---|---|---|---|---|
| | Discharge Review Boards | Boards for the Correction of Military Records | Discharge Review Boards | Boards for the Correction of Military Records | Discharge Review Boards | Boards for the Correction of Military Records |
| Total number of discharge cases reviewed since inception | 54,983 | 8,927 | 41,609 | 6,279 | 15,779 | 1,374 |
| Number of discharges changed | 8,855 | 786 | 9,337 | 826 | 1,093 | 102 |
| Number of changes of less than honorable conditions to honorable conditions or better | 8,855 | 178 | 3,454 | 733 | 844 | 87 |
| Remarks: Statistics for period as indicated | (1) | (2) | (3) | (4) | (5) | (6) |

[1] October 1944, through February 1957.
[2] June 1947 to Mar. 31, 1957.
[3] January 1946, through March 1957.
[4] April 1947, through April 1957.
[5] June 14, 1948 to Apr. 17, 1957.
[6] June 1, 1950 to Apr. 17, 1957. Statistics not available prior to June 1, 1950.

I trust that the above meets your request. If I can be of any further assistance, please do not hesitate to call on me.

Sincerely yours,

STEPHEN S. JACKSON,
*Deputy Assistant Secretary.*

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DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
*Washington, July 8, 1957.*

Hon. CARL VINSON,
*Chairman, Committee on Armed Services,*
*House of Representatives.*

DEAR MR. CHAIRMAN: In accord with a request made by Mr. John R. Blandford, counsel, I am forwarding a compilation of figures relating to H. R. 1108, 85th Congress, a bill to amend section 207 of the Legislative Reorganization Act of 1946, to provide that the Boards for the Correction of Military or Naval Records shall give consideration to satisfactory evidence relating to good character and conduct in civilian life after discharge or dismissal in determining whether or not to correct certain discharges and dismissals, and for other purposes.

The following figures have been obtained from the different services and the forwarding of them to you has been approved by

the Office of the Secretary of Defense, General Counsel. It should be noted that the figures relating to discharges extend back over a considerable number of years and consequently are not precise. They are the best available totals and do not purport to be exact, however they can be utilized as general accounting figures.

*Services discharges*

(Fiscal-year dates)

*Army*

| | | |
|---|---|---|
| Dishonorable discharges | 65,000 | (1940–56) |
| Bad-conduct discharges | 9,900 | (1950–56) |
| Undesirable discharges | 164,000 | (1940–56) |

*Navy*

| | | |
|---|---|---|
| Dishonorable discharges | 8,063 | (1940–56) |
| Bad-conduct discharges | 70,290 | (1940–56) |
| Undesirable discharges | 38,157 | (1940–56) |

*Marine Corps*

| | | |
|---|---|---|
| Dishonorable discharges | 1,961 | (1946–56) |
| (Dishonorable discharges; bad-conduct discharges combined) | 4,519 | (1940–45) |
| Bad-conduct discharges | 13,886 | (1946–56) |
| Undesirable discharges | 13,536 | (1940–56) |

*Air Force*

| | | |
|---|---|---|
| Dishonorable discharges | 5,300 | (1949–56) |
| Bad-conduct discharges | 12,050 | (1949–56) |
| Undesirable discharges | 32,750 | (1949–56) |

Sincerely yours,

V. J. Adduci,

*Colonel, USAF, Assistant Director, for and in the Absence of Joe W. Kelly, Major General, USAF, Director, Legislative Liaison.*

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Assistant Secretary of Defense,
Manpower, Personnel, and Reserve,
*Washington, D. C., June 19, 1957.*

Hon. Clyde Doyle,
*Chairman, Special Subcommittee on Military Discharges, Committee on Armed Services, House of Representatives.*

Dear Chairman Doyle: This supplements my letter of May 10, 1957, and is in further reply to your letter of April 30, 1957, in which you requested detailed information concerning 36 discharge cases of 6-month trainees.

Attached are copies of the information you requested pertaining to 32 of the 36 cases discharged under conditions other than honorable.

The Department of the Army was unable to provide information on 4 cases due to the excessive administration involved, as indicated per attached copy of memorandum dated June 1, 1957.

Sincerely yours,

Stephen S. Jackson,
*Deputy Assistant Secretary.*

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Department of the Army,
Office of the Assistant Secretary,
*Washington, D. C., June 1, 1957.*

Memorandum for: Deputy Assistant Secretary of Defense (MP&R).

Subject: Discharges of 6-month trainees under conditions less than honorable.

1. Reference is made to memorandum from your office dated May 10, 1957, on the above subject transmitting a request from Congressman Doyle for further information concerning 6-month trainees discharged under conditions less than honorable.

2. Available data is attached at enclosure 1 for 19 administrative, and at enclosure 2 for 9 punitive discharge cases. Identification of the 4 remaining cases would require manual search of all separations since September 1945, which is precluded within the time available.

Franklin L. Orth,
*Deputy Assistant Secretary of the Army, Department of the Army*
(For Hugh M. Milton II,
Assistant Secretary of the Army).

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Undesirable Discharges

(a) Unfit:

(1) September 26, 1956: An 18-year-old trainee. Habitual shirker.

(2) July 9, 1956: A 19-year-old trainee. Undesirable habits and traits. Special court-martial, article 86 (a. w. o. l.) and 134 (breach of restriction). Sentence: Forfeiture $30 per month for 5 months. Confinement: Five months, sentence remitted after 3 months.

(3) September 14, 1956: An 18-year-old trainee. Undesirable habits and traits.

(4) November 21, 1956: A 17-year-old trainee. Adjudicated youthful offender.

(5) August 8, 1956: An 18-year-old trainee. Homosexual. Summary court-martial, article 92 (failure to obey lawful order). Sentence: Forfeiture $50. Confinement: 30 days.

(6) November 16, 1956: An 18-year-old trainee. Undesirable habits and traits. Summary court-martial, article 86 (a. w. o. l.). Sentence: Forfeiture $30 per month for 6 months. Confinement: Six months.

(7) November 26, 1956: An 18-year-old trainee. Undesirable habits and traits. Special court-martial, article 86 (a. w. o. l.). Sentence: Forfeiture $55 per month for 6 months. Confinement: Six months (served 3 months).

(8) August 29, 1956: A 19-year-old trainee. Undesirable habits and traits. Summary court-martial, article 86 (a. w. o. l.). Sentence: Forfeiture $33. Confinement: One month (suspended). Summary court-martial, article 86 (a. w. o. l.) and 91 (disobedience to orders). Sentence: Forfeiture $33. Confinement: None (30 days hard labor). Special court-martial, article 86 (a. w. o. l.). Sentence: Forfeiture $52 per month for 6 months. Confinement: Six months (served 45 days).

(9) July 20, 1956: A 17-year-old trainee. Undesirable habits and traits. Summary court-martial, article 86 (a. w. o. l.). Sentence: Forfeiture $30. One month hard labor without confinement. Special court-martial, article 86 (a. w. o. l.). Sentence: Forfeiture $25 per month for 6 months. Confinement: Three months (suspended) and 3 months hard labor without confinement. Special court-martial, article 86 (a. w. o. l.). Sentence: Forfeiture $52 per month for 6 months. Confinement: Six months (served 16 days, sentence remitted).

(10) November 29, 1956: A 17-year-old trainee. Undesirable habits and traits. Summary court-martial, article 134 (breach of restriction). Sentence: Forfeiture $30. Confinement: 30 days.

(11) November 14, 1956: A 17-year-old trainee. Undesirable habits and traits. Summary court-martial, article 86 (a. w. o. l.). Sentence: Forfeiture $50. Confinement: 20 days restriction. Special court-martial, article 86 (a. w. o. l.). Sentence: Forfeiture $50 per month for 2 months. Confinement: Two months.

(12) July 20, 1956: A 19-year-old trainee. Undesirable habits and traits. Special court-martial, article 86 (a. w. o. l.) Sentence: Forfeiture $33 per month for 6 months. Confinement: Six months.

(13) December 21, 1956: A 19-year-old trainee. Undesirable habits and traits. Special court-martial, article 86 (a. w. o. l.). Sentence: Forfeiture $50. Confinement: Thirty days (served 1 month). Summary court-martial, article 86 (a. w. o. l.). Sentence: Twenty-two days hard labor without confinement and 30 days restriction to post. Special court-martial, article 86 (a. w. o. l.) and 134 (breach of restriction). Sentence: Forfeiture $50 per month for 5 months. Confinement: Four months (served 3 months).

(14) December 28, 1956: A 17-year-old trainee. Homosexual.

(b) Misconduct:

(1) October 12, 1956: A 17-year-old trainee. Misconduct. Special court-martial, article 128 (assault). Sentence: Forfeiture $50 per month for 6 months. Confinement: Six months (served 1 month, sentence remitted).

(2) December 10, 1956: An 18-year-old trainee. Conviction by civil authorities.

(3) December 28, 1956: A 19-year-old trainee. Conviction by civil authorities.

(4) July 31, 1956: A 19-year-old trainee. Homosexual.

(5) December 4, 1956: A 17-year-old trainee. Fraudulent entry (concealed prior medical discharge from USMC).

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Discharges of 6-Month Trainees Under Conditions Less Than Honorable

(a) Dishonorable discharges:

(1) July 12, 1956: A 17-year-old trainee. Dishonorable discharge, total forfeitures, confinement at hard labor 3 years for 2 specifications of a. w. o. l., larceny of auto, and breaking restriction; sentence cut by convening authority to dishonorable discharge, total forfeitures, and confinement at hard labor 2 years; Board of Review affirmed.

(2) May 15, 1956: A 17-year-old trainee. Sentenced to dishonorable discharge, total forfeitures, confinement at hard labor 5 years for larceny and housebreaking; one previous a. w. o. l. conviction; convening authority cut sentence to dishonorable discharge, total forfeitures, confinement at hard labor 6 months; Board of Review affirmed.

(3) August 13, 1956: A 17-year-old trainee. Sentenced to dishonorable discharge, total forfeitures, confinement at hard labor 1 year for sodomy; one previous conviction of disrespect to noncommissioned officer; sentence approved by convening authority and Board of Review.

(4) December 6, 1956: A 17-year-old trainee. Sentenced to dishonorable discharge, total forfeitures, confinement at hard labor 2½ years for a. w. o. l. and larceny convening authority cut sentence to dishonorable discharge, total forfeitures, confinement at hard labor 1 year; Board of Review affirmed.

(5) April 7, 1956: A 17-year-old trainee. Sentenced to dishonorable discharge, total forfeitures, confinement at hard labor 1 year for larceny, breaking restriction, and a. w. o. l.; convening authority and Board of Review approved.

(6) April 6, 1956: An 18-year-old trainee. Sentenced to dishonorable discharge, total forfeitures, confinement at hard labor 1 year for escape from confinement, larceny, and wrongful appropriation of motor vehicle; previous convictions for a. w. o. l. and leaving post without authority; convening authority and Board of Review approved.

(b) Bad conduct discharges:

(1) August 27, 1956: A 19-year-old trainee. Sentenced to bad conduct discharge, total forfeitures, confinement at hard labor 1 year for wrongfully using provoking words and communicating a threat to injure; sentence approved by convening authority and Board of Review.

(2) September 11, 1956: A 17-year-old trainee. Sentenced to bad conduct discharge, total forfeitures, confinement at hard labor 1 year for larceny; convening authority reduced sentence to bad conduct discharge, total forfeitures, confinement at hard labor 9 months; Board of Review affirmed.

(3) August 10, 1956: An 18-year-old trainee. Sentenced to bad conduct discharge, total forfeitures, confinement at hard labor 1 year for larceny; sentence approved by convening authority and Board of Review.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
*Washington, D. C., June 1, 1957.*

Memorandum for the Assistant Secretary of Defense (M. P. and R.):

Subject: Discharge of certain 6-month trainees under conditions less than honorable.

Reference: (a) AstSecDef (M. P. and R.) memo for AstSecNav (P. and R. F.) same subject, of May 10, 1957.

1. Reference (a) requested additional information concerning 6-month trainee discharges under conditions less than honorable for the period August 9, 1955 through December 31, 1956.

2. The following information is furnished concerning 2 undesirable and 2 bad conduct discharges occurring in the Marine Corps during the period mentioned in paragraph 1.

(a) Undesirable discharge:

(1) June 22, 1956: A 17-year-old trainee, discharged by reason of misconduct resulting from conviction by civil authorities for violation of T18USC2312 (interstate transportation of a stolen motor vehicle) and 5031 (juvenile delinquency). On May 8, 1956, the man was sentenced to 18 months' imprisonment by the United States District Court for the Western District of North Carolina, Charlotte Division.

(2) November 2, 1956: An 18-year-old trainee discharged by reason of misconduct for fraudulent enlistment. The trainee failed to reveal five prior arrests and a probationary sentence when he was enlisted. The five arrests included housebreaking and larceny and larceny of an automobile.

(b) Bad conduct discharge:

(1) July 3, 1956: A 17-year-old trainee convicted by a special court martial for violation of Uniform Code of Military Justice Article 121 (larceny) and Article 81 (conspiracy). In addition to the bad conduct discharge, the trainee was sentenced to confinement at hard labor for 3 months and a forfeiture of $32 per month for 3 months.

(2) July 31, 1956: An 18-year-old trainee convicted by a special court martial for violation of the Uniform Code of Military Justice Article 121 (larceny). In addition to the bad conduct discharge, the trainee was sentenced to confinement at hard labor for 4 months and a forfeiture of $32 per month for 4 months.

W. B. FRANKE,
*Under Secretary of the Navy.*

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ASSISTANT SECRETARY OF DEFENSE,
*Washington, D. C., May 13, 1957.*

Hon. CLYDE DOYLE,
*House of Representatives.*

DEAR MR. DOYLE: This is in further reply to your letters of March 6 and April 22 requesting certain data from the Military Services in connection with H. R. 1108. As you will recall, your original request was modified, as a result of conversation between you and Capt. Carleton Adams, so as to cover those data regarding undesirable and bad conduct discharges which could be furnished in time to be useful in your preliminary public study of this bill.

We are looking forward to this study for the mutual benefit of the Congress and the Department of Defense, and hope that the following information will be helpful:

(a) Average age of individuals involved at time of discharge:

| | 1950 | 1955 |
|---|---|---|
| Army | 23.1 | 24.3 |
| Navy | 21.8 | 23.4 |
| Air Force | 23.3 | 22.6 |
| Marine Corps | 22.3 | 22.0 |

(b) Average length of service of the individual discharged:

| | 1950 | 1955 |
|---|---|---|
| Army | 2.7 | 3.2 |
| Navy | 3.7 | 5.3 |
| Air Force | 1.7 | 1.9 |
| Marine Corps | 3.5 | 3.2 |

(c) Average age of individual upon enlistment or induction:

| | 1950 | 1955 |
|---|---|---|
| Army | 20.4 | 21.1 |
| Navy | 18.1 | 18.1 |
| Air Force | 21.6 | 20.7 |
| Marine Corps | 19.3 | 19.3 |

(d) Distribution by type and reason for discharge:

| | Army | Navy | Marine Corps | Air Force | Department of Defense |
|---|---|---|---|---|---|
| 1950 | | | | | |
| Undesirable | 360 | 70 | 53 | 201 | 684 |
| Unfitness (percent) | (72) | (84) | (30) | (64) | (68) |
| Misconduct (percent) | (28) | (16) | (70) | (36) | (32) |
| Bad conduct discharge | 40 | 130 | 47 | 99 | 316 |
| Total | 400 | 200 | 100 | 300 | 1,000 |
| 1955 | | | | | |
| Undesirable | 399 | 118 | 54 | 198 | 769 |
| Unfitness (percent) | (76) | (83) | (55) | (61) | (72) |
| Misconduct (percent) | (24) | (17) | (45) | (39) | (28) |
| Bad conduct discharge | 1 | 82 | 46 | 102 | 231 |
| Total | 400 | 200 | 100 | 300 | 1,000 |

(e) Number of individuals who have been enlisted in the armed services who were previously discharged from the same branch of the armed services with other than honorable discharge:

*For calendar year 1956*

| | |
|---|---|
| Army | 4 |
| Navy | 7 |
| Air Force | 1 |
| Marine Corps | 7 |

The above figures are based on a sample of 1,000 cases for each of the years selected. Distribution of the 1,000 among the 4 services was made on the basis of their relative strengths. (Army, 40 percent; Navy, 20 percent; Air Force, 30 percent; Marine Corps, 10 percent.) Approximately these same proportions, incidentally, are also reflected in the total number of bad-conduct discharges and undesirable discharges issued in the selected years.

A negative answer is given to your question, "How many exceptions to policy have been made to permit enlistment of an individual in a branch of the service other than the one from which he was previously discharged with less than honorable discharge?"

I trust that this information satisfies your request. I will be most happy to be of any further assistance that you may require in your study.

Sincerely yours,

STEPHEN S. JACKSON,
*Deputy Assistant Secretary.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
*Washington, D. C., June 18, 1957.*

Memorandum for members of the Special Subcommittee on Military Discharges:

The original bill, H. R. 1108, amended the Legislative Reorganization Act of 1946 (dealing with Boards for the Correction of Military or Naval Records), as well as the Servicemen's Readjustment Act of 1944 (dealing with boards of review). H. R. 1108, as originally introduced, permitted individuals heretofore or hereafter discharged or dismissed from any of the armed services under conditions other than honorable, to have their discharges changed to discharges under honorable conditions if they could establish to the satisfaction of the board, by oral or written evidence, that they had rehabilitated themselves and that their character for not less than 3 years following discharge had been good. A person who had a discharge changed under this provision would not be entitled to any benefits under laws administered by the United States unless otherwise entitled to them under the original discharge.

The original H. R. 1108 applied to both the boards of review and the correction boards, but a discharge issued pursuant to a general court-martial was not reviewable.

The objection of the military departments to H. R. 1108, as originally introduced, is that under the terms of H. R. 1108 the board is required to grant a discharge under honorable conditions if a person proves conclusively that he has rehabilitated himself and that his conduct has been good for 3 years following discharge. The only question of decision for the board is whether or not the period of time of good conduct is a reasonable period of time, though this gives the board considerable leeway in view of the fact that the board could delay changing a discharge indefinitely if in its opinion a reasonable period of time had not elapsed.

Several changes were made in the committee print. The first fundamental change is that the committee print allows the boards of review and the correction boards to review all discharges and dismissals including those issued pursuant to a general court martial.

In addition, the committee print sets up criteria for the correction boards for all future reviews of discharges, including those that will be changed to honorable or under honorable conditions. If an applicant, however, files for review under subsection (g) (starting on page 7 of the committee print) and presents evidence of his post-service conduct, the board may then grant a general discharge, limited, which carries with it no benefits. This same concept is applicable to the boards of review established under the Servicemen's Readjustment Act. A new subsection (b), starting on page 12 of the committee print, gives the Board of Review the same authority.

The basic difference between the original bill and the subcommittee print is that the original bill provided for a discharge under honorable conditions based solely upon post-service conduct. The committee print grants an individual a general discharge, limited, based not only on the conditions that prevailed at the time of the original discharge, the individual's age, the moral turpitude involved, et cetera, but also directs the board to take into consideration post-service conduct.

Thus, the boards under the committee print retain complete jurisdiction over the cases and will merely be required to give consideration to post-service conduct.

This constitutes the real difference between the committee print and the original bill, except for the additional fact that the committee print authorizes reviews of general courts-martial.

J. R. BLANDFORD,
*Counsel.*

Now it is my pleasure to yield to the distinguished gentleman from Texas [Mr. KILDAY] 4 minutes.

Mr. KILDAY. Mr. Speaker, this is a most difficult situation and one that

needs some action taken to correct it. Of course, the situation is not improved any by the demand position of the military department that nothing be done. As the gentleman from California [Mr. DOYLE] said, there are hundreds of thousands of young men in the Nation who have been released from military service with discharges other than honorable. We should remember that hundreds of thousands of those have been issued by purely administrative action of some military officer or group of military officers, without any judicial proceedings of any kind to sustain it. Many others were issued during the time of war when it was urgent to get troops into combat shape to be sent overseas, when a little sympathy should have been given to those who would not cooperate and make themselves soldiers to participate in that act. A system should be provided under which those cases can be reviewed and some relief given from the opprobrium which is attached to the discharges which they now have.

If a man is convicted of a felony in a Federal court in the United States and serves his time, and comes out and behaves himself, he can file an application for pardon and a restoration of citizenship; and it is almost the common routine practice that when the application comes in and the report of the FBI indicates that the man has properly demeaned himself for approximately the period of time after the termination of his sentence as constituted his sentence, he is granted a pardon and his rights of citizenship are restored. That is in a case where there has been indictment by a civil grand jury, trial in a criminal court, sentence, and imprisonment; still, if a man serves his time, properly demeans himself afterward, there is relief as far as properly can be given and his citizenship is restored.

But in these cases, hundreds of thousands, there is no effective means of accomplishing that end.

This bill is the best the committee has been able to report out based on its study. I hope the rules will be suspended and the bill passed.

Mr. DEVEREUX. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Speaker, I find it very difficult to oppose my long and very good friend, the gentleman from California [Mr. DOYLE], and I am heartily in sympathy with what he is trying to do through the legislation which he proposes; but I would like to point out that the legislation which he originally introduced was not in any way the legislation which is now before us.

## CALL OF THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. MILLS). The Chair will count. [After counting.] One hundred and six Members are present, not a quorum.

Mr. DOYLE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 172]

| | | |
|---|---|---|
| Abbitt | Frelinghuysen | Reed |
| Anfuso | Gregory | Rivers |
| Bailey | Hillings | Santangelo |
| Baker | Holtzman | St. George |
| Barden | Hosmer | Saund |
| Bass, N. H. | Kearney | Scott, Pa. |
| Beamer | Kearns | Smith, Miss. |
| Bentley | Kilburn | Smith, Wis. |
| Betts | Kluczynski | Spence |
| Blatnik | Knutson | Steed |
| Blitch | Krueger | Taylor |
| Boland | Landrum | Teague, Tex. |
| Boykin | Lennon | Thompson, La. |
| Buckley | McConnell | Utt |
| Burdick | Machrowicz | Van Pelt |
| Carnahan | Mack, Ill. | Vinson |
| Celler | Magnuson | Vursell |
| Chiperfield | Mason | Walter |
| Clark | O'Konski | Watts |
| Coudert | O'Neill | Wharton |
| Davis, Ga. | Osmers | Whitener |
| Dawson, Ill. | Powell | Wilson, Calif. |
| Diggs | Preston | Withrow |
| Eberharter | Prouty | |
| Engle | Reece, Tenn. | |

The SPEAKER. On this rollcall 357 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## AMENDING SECTION 1552, TITLE 10, UNITED STATES CODE, AND SECTION 301 OF THE SERVICEMEN'S READJUSTMENT ACT OF 1944

The SPEAKER. The gentleman from California [Mr. ROOSEVELT] is recognized.

Mr. ROOSEVELT. Mr. Speaker, the fundamental purposes of the authors of this bill are, of course, sound and just, and all of us want to help those who would like to have their records corrected, but I do not think anybody in this House wants to pass under suspension of the rules a bill which in my humble judgment is a booby trap and one which could do incalculable harm and which, incidentally, I think, could only add confusion to confusion.

Let me be specific. On page 2 of the bill you will find that one of the boards concerned is specifically set up to correct an error or remove an injustice. Now there is added to the power of this board the right to give this new kind of discharge called a general discharge, limited. If that is given, it takes away all of the veteran's benefits of an individual who might otherwise have received an honorable discharge and with it his veteran's benefit rights. If you were on that board, and you were perhaps inclined to have some doubt about where justice, lay, you could duck the issue via this new general discharge, limited. I foresee many who would otherwise get a deserved correction receiving this meaningless correction if for no other reason than just to save the Government from having to pay the veteran his just benefits.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. ROOSEVELT. I yield.

Mr. HUDDLESTON. I would like to advise the gentleman from California with reference to his statement that the "General Discharge, Limited" to ex-servicemen and that any benefits that a veteran has would be taken away from him under this bill, the veteran will receive no additional benefits than he would have been entitled to before nor will any benefits be taken away from him by the awarding of this particular type of discharge.

Mr. ROOSEVELT. But, I think the gentleman will agree that if he gets this new kind of discharge, he would not get the benefits that he might have gotten if he had received an honorable discharge, as a result of this correction.

Mr. HUDDLESTON. That is correct.

Mr. ROOSEVELT. Yes, we think, and it is very obvious to me, that what the board would do in any borderline case is to give this new discharge and then the veteran would not get the justice to which he is entitled. A very simple amendment could be made to this bill which simply states that in order to get this discharge, the veteran should ask for that type of discharge and that would save his rights and then it would overcome that sort of situation. But under this rule, no Member except the author of the bill, the mover of this resolution, can offer any amendment of any kind. Therefore, the bill has to be taken exactly as it is with all of the further booby traps, which I wish I had the time to talk about.

Mr. PRICE. Mr. Speaker, will the gentleman yield?

Mr. ROOSEVELT. I yield.

Mr. PRICE. I want to join with the gentleman from California in expressing concern about what this bill might possibly do. I was among those who were very enthusiastic about the original bill, which the gentleman from California introduced in the House. Many Members joined in sponsoring that bill. But I do not feel that the committee has come out with the same objective that the original bill had when it was dropped in the hopper. My fear here is that there will be a tendency on the part of these boards not to delve sufficiently into individual cases to bring about corrections in these discharges less than honorable, but that they will just automatically begin to issue this new type of discharge and, as a result, none of these cases will be satisfactorily cleared up.

Mr. ROOSEVELT. The gentleman who is a member of the committee has stated exactly what I believe is the case.

Mr. MULTER. Mr. Speaker, will the gentleman yield?

Mr. ROOSEVELT. I yield.

Mr. MULTER. The fact of the matter is that while many people may have the idea that this sets up a board of pardons, it does no such thing. It sets up no new board and does not give a man a pardon if he is entitled to one; am I not right?

Mr. ROOSEVELT. The gentleman is absolutely correct. I am simply pointing out that we are not against passage of this kind of bill, but we think the committee should go to the Committee on Rules and obtain a rule and come back to the House and let those of us who want a clear cut piece of legislation, which will not do injustice to any veteran, have an opportunity to offer amendments on the floor of the House.

Mr. PRICE. Mr. Speaker, will the gentleman yield further.

Mr. ROOSEVELT. I yield.

Mr. PRICE. It has been stated that this bill was almost unanimously approved by the Committee on Armed Services. By a rollcall vote that may be true. However, it was considered about 10 minutes in full committee and any effort to have it satisfactorily explained was rapped down.

Mr. ROOSEVELT. I thank the gentleman for that interesting information. My time is about up but I would refer my colleagues to the fuller views expressed by me in the RECORD of Tuesday, July 30.

The SPEAKER. The time of the gentleman has expired.

Mr. DEVEREUX. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana [Mr. BRAY].

Mr. BRAY. Mr. Speaker, I was a member of this subcommittee which was especially appointed to consider this bill. We met, I suppose, a score of times and we went into this matter very thoroughly. Frankly, it is not as strong a bill as I would like to have seen. I have been interested in this matter for many years from the time that I was in the service and continuing until the present time. I have appeared before these boards on these discharge matters. Yet, we felt we could not give a person who had a bad discharge an honorable discharge. Two boards are set up with reference to this matter—one civilian and one military. All this bill does, and I realize it does not go very far, but it is, in my opinion, very definitely a step in the right direction—all this bill does is to give these boards the right to give a different discharge. It does not give any veterans' rights, that he does not already have.

The gentleman from California [Mr. ROOSEVELT] appeared before our committee and he did make some suggestions regarding this bill, although at the time he praised this bill very highly. It may be necessary later, if we pass this bill and see how it operates, to see whether the various military services or boards of review act in an honest and sincere manner. I say that advisedly, because I have been critical of these boards in the past. If they do not act on these matters in the spirit in which the Congress intended, I will certainly back a much stronger bill. I hope further, if I am a member of the subcommittee at next session, to take up any amendments to this bill and go into some of the defects that have been mentioned. It was very difficult to get the cooperation of the Defense Department in this matter, in any way to help these ex-servicemen with undesirable discharges.

Mr. MULTER. Mr. Speaker, will the gentleman yield?

Mr. BRAY. I yield.

Mr. MULTER. Does not the gentleman think it would be better to bring this bill before the House under an open rule and let us all be heard? We are not going to get the Defense Department to go along with you for any change.

Mr. BRAY. But since we have been working on this bill the armed services have shown a remarkable change of attitude. I think if this bill is passed at this time it will be a distinct step in the right direction to do something worth while. I am a member of the Armed Services Committee, and I assure you I will be happy to give careful consideration to any bill on this subject that is referred to us. It is not as strong a bill as I would like, but if this bill is turned down the attitude will be that we are not interested in protecting certain rights of these men.

Mr. MULTER. None of us is asking that the bill be turned down. All we are asking is that you bring it in under a rule and let us try to improve it.

Mr. BRAY. It will have no opportunity this late in the session.

Mr. MULTER. We can do it in January.

Mr. BRAY. All right. There is no reason why an amendment to this cannot be made at that time. I have fought bitterly all the way through with the Defense Department to get any understanding on this matter. Frankly, I was very happy when the gentleman from California [Mr. ROOSEVELT] gave his testimony before the committee. I do not have time to go into the matters he discussed at that time. However, the gentleman knows the matters to which I refer. What I am trying to say is that to turn down this bill at this time would show a lack of interest on the part of the House in these veterans and would encourage the armed services to pay no attention to the desire of Congress. I will back any reasonable bill to take care of the changes which I know the gentleman from California is interested in.

Mr. ROOSEVELT. May I say to the gentleman that I have, which I doubt that very many Members have, letters from veterans' organizations in my district, asking that this bill be more carefully considered than being rushed through under suspension of the rules. I agree with the gentleman we should do more, but we certainly should not do something which is undoubtedly going to make this muddled situation worse.

Mr. BRAY. No. I do not think it will make a muddled situation worse. It will be a distinct help. It is a step in the right direction. I believe if the gentleman from California had served on this committee and saw how hard we did work to bring out this one step in the right direction, he would have backed the bill.

The SPEAKER. The time of the gentleman from Indiana [Mr. BRAY] has expired.

Mr. DOYLE. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. DURHAM].

Mr. DURHAM. Mr. Speaker, this, of course, is a subject which is very important and very extensive and today touches the lives of many American boys who have served their country with honor and true patriotism. I doubt if very many Members of the House who are present here today recall the difficulty we faced in World War II with respect to the problem of discharges. The old Military Affairs Committee, of which I was a member, during World War II made quite an extensive investigation and study of discharges, beginning in 1940. We were advised at that time that this was no time to make a study of this important matter; but I felt, as did many other members of the committee, that we were asking many American boys to serve their country and were imposing upon them a compulsory military duty, and that they should be guaranteed fair treatment and justice under our military system, as is the case in our civilian personnel.

I was chairman of a subcommittee which made a very extensive study at many posts throughout the United States and also spent some time in England, where there had been much complaint in the matter of types of discharges being issued. The old Military Code of Justice provided that a commanding officer at any post could issue almost any type of discharge he preferred, and much abuse was evident at practically every post that we investigated. We finally prevailed upon the War Department to set up a review board; and, as I recall, there were some 86,000 discharges brought before this board. After the review, some 36,000 corrections were made. Immediately the members of the subcommittee and I voiced the opinion that something was wrong with the military justice system, in the Departments of the Army, Navy, and other forces. I believe that the hearings and the facts developed will verify my statement here today. The Military Affairs Committee completed quite an extensive study during World War II of this subject and out of that came later the development and enactment into law of the present Military Code of Justice Act, which is a great improvement over the old Military Code of Justice, which had not been revised, as I recall, in some 50 years or more.

This bill before you today does not correct all of the problems and probably does not go as far as some of you Members would like to go. But it is my definite opinion, based on past experience, that it is a step in the right direction. If you have read the report on the bill, you will see that the Department of Defense is studying this problem. That was the obstacle that I faced during World War II. They were studying it then and did not agree that any action should be taken. I believe that if we had set up a sensible and workable discharge system in the early days of World War II, we would not have to be here today debating this problem. It is always difficult to convince people, especially a department of the Government, that a change is necessary. But I still believe that the Defense Department made one of its gravest blunders in the beginning of World War II when it did not adopt a policy that discharges should be either honorable or dishonorable. I have never encountered as much opposition to any study of a problem as I did in trying to improve the Military Code of Justice, using my 19 years of serving in the Congress. But finally, out of it all came what I believe to be a good bill under which we operate today—a bill which I insisted at all times should be

in line with our own civil courts procedure, and I do not believe that today anybody in the Armed Forces believes that it is not a far advanced improvement over our old system where the commanding officer could act as judge, jury, and prosecutor. So here today we are faced with the same situation. The Department of Defense is still studying the problem and cannot make up its mind. Human beings cannot have their lives jeopardized by such procedure, nor should they. It is up to Congress to correct such a situation, and I hope the Congress today will adopt this bill; at least it will go far along the way toward correcting the present situation with which loyal and patriotic boys find themselves faced.

Mr. DOYLE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. HARDY].

Mr. HARDY. Mr. Speaker, I think it is important that we pass this legislation at this time. It does not go as far as most of us would like, but it is a step we need to take at this time; and I personally believe that unless we do something pretty soon we are going to see the problem aggravated.

I am sure most of you, like myself, have had a number of these cases of administrative discharges where serious hardships have been imposed and we have not been able to do a blessed thing about it. I would like to give you one case as an illustration of one aggravated situation that came to my attention. A young man—a constituent of mine—enlisted in the Army, falsified his age in order to get in, saying that he was 18 when he was only 17. He enlisted in the Army. The Army found out about it pretty soon and kicked him out on an administrative discharge, an undesirable discharge, because he had falsified his application to start with.

A few months later he wanted to correct that, so he applied for enlistment in the Air Force. He changed his first name in order to get in hoping after a creditable period of enlistment, he could get an honorable discharge. He did not want to go through the rest of his life with this undesirable discharge which barred him from employment. He wanted to serve his country. He succeeded in enlisting in the Air Force but after about a year the Air Force found out that he had made a false statement in regard to his name. Again administrative action followed and now he has two undesirable discharges.

It is important, I think, that we try to do something to make it possible for young men in this situation to get relief and not go through life with such a stigma hanging over them. It is time we did something; we should take this action today. Join me in voting for this bill.

Mr. DOYLE. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. MCCORMACK. Mr. Speaker, it happens that I am familiar with this legislation, because many years ago I was the first Member of Congress ever to introduce legislation along this line. I think I can justifiably lay claim to being the first Member to have introduced such legislation. In those days we had the Department of the Army, the Department of the Navy, and the Department of the Air Force. The bill, after some years, became law, although not as I originally introduced it.

Why did I introduce that legislation? Just like everyone of us, I got 10, 20, or 40 letters each year from young men who had been discharged, young men asking for a correction of their records. I knew that the committee would not report a bill out because the policy was not to approve legislation of that kind until many, many years had elapsed after a war, and the President, regardless of what party, would not sign such a bill. Oftentimes 30 to 35 years after a war was over would elapse before a correction took place.

I would write back to everyone who wrote me in reference to this matter: I will introduce a bill for you, but I cannot do anything. The committee will not report it out. It is not the policy of the administration to sign such bills at this time, and it may be some years before the policy is changed.

I was honest, I was frank, but I could not explain it to someone else. Introduce a bill, and you cannot do any more. I said that I would try to get legislation through to create a board, and in my original bill I provided for the consideration of the good character of a man after he was discharged. It has not gone as far as I would like to see it go, but this bill is another step in that direction. Further legislation might be necessary.

Mr. Speaker, even those who oppose considering this under suspension of the rules are in favor of the objective of the legislation. There is no one who says they are opposed to it. They ask, What about a rule? Well, in the closing days of a session you are not going to get a rule to consider or to bring this legislation up. Everyone knows that. That is why it is up under suspension of the rules.

This represents progress. Every man who has other than an honorable discharge has a punishment which will follow him to the grave. This will enable some of them to get some kind of humane consideration. I, therefore, hope the rules will be suspended and this bill passed.

Mr. DEVEREUX. Mr. Speaker, I yield such time as he may desire to the gentleman from New York [Mr. KEATING].

Mr. KEATING. Mr. Speaker, H. R. 8772 goes to the heart of a problem which has troubled me and a number of my constituents for many years. By permitting our veterans—and particularly this affects the younger men—to wipe the stigma of a less-than-honorable discharge off their records, we can give these men a big boost in their adjustment to civilian life.

This measure will go a long way toward helping these young men who, through some minor inadvertency during their service years, incurred a black mark which can hamper greatly their finding civilian jobs. I have received letters from constituents who have experienced great hardships in obtaining employment because employers have magnified these minor offenses into reasons for refusing to hire.

It seems to me to be in keeping with the American way of doing things that we should allow these young men, if they prove a good adjustment to civilian life, to erase these black marks which can prove such a detriment to their civilian activities.

Although H. R. 8772 may not contain precisely all the provisions some of us might like to see in this legislation, it certainly will help a lot of deserving veterans to readjust to civilian life. It contains adequate safeguards to protect against abuse of the privilege offered. It deserves wide support of the membership.

Mr. DEVEREUX. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. GUBSER].

Mr. GUBSER. Mr. Speaker, I think the distinguished majority leader very aptly pointed out that those who are today opposing this suspension of rules are not opposed to the purpose of this bill. I assume that their purpose in wanting to request a rule is so that they may offer amendments.

My distinguished colleague from California [Mr. ROOSEVELT] caused the amendments he favors to be circulated to the offices of subcommittee members.

First of all, before I discuss the proposed amendments, I would like to address myself to his remark that this "general discharge—limited" might deprive veterans of certain benefits who would otherwise be entitled to them. That is not true, because this bill would only amount to an addition to a discharge which did not entitle that man to veteran's benefits in the first place. In no case could this bill deprive a veteran of benefits to which he was otherwise entitled.

Now let us consider the amendments which Mr. ROOSEVELT wishes to propose. One of them is that all involuntary discharges should be by court-martial only. Can you imagine how little time would be left to fight a war if every discharge, including an administrative discharge, had to be by court-martial? Under the gentleman's proposal an admitted user of narcotics, for example, could not be discharged from the service. In the court-martial, required by the gentleman's proposal, his own admission could not be used as evidence against him.

Another amendment which I understand he wanted to propose was that all preservice conduct should not be considered in a court-martial case. Suppose you have the case of a Communist in the armed services and you required that he be discharged by court-martial, and you cannot consider any preservice conduct in that court-martial. You cannot consider the fact that he was a Communist, so you go on with a Communist or a former Communist in the armed services of the United States.

Now, let us look at what this bill does not do. It does not require the military to do a single thing that they are not doing today. Every representative of all of the services admitted that in the hearings. It does not even require the board

to consider a case. It only tells them that if you do consider it, you shall take into account the post-service conduct of the individual involved.

This is not a substitute for the previous discharge. It is dated as of the date of issuance. It does not change the original discharge at all. All it does is give the serviceman a piece of paper which certifies to the world and his potential employers that his conduct has been exemplary since his discharge.

Today we have cases where admitted homosexuals and admitted users of narcotic drugs are discharged by administrative discharge, and they are placed in exactly the same category in a prospective employer's eyes as would be the young kid just out of high school who got a little bit inebriated and went over the hill 5 times in a row.

I submit to you that there is a difference between such people and that it is wrong for them to have to go through life lumped in the same category with the admitted homosexual and the admitted user of narcotic drugs. Now, perhaps this bill should go further, and undoubtedly it should, but we walk before we run. Everyone says this is a step in the right direction. Let us take it.

Mr. DEVEREUX. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. ARENDS].

Mr. ARENDS. Mr. Chairman, as a member of the Committee on Armed Services, I did not sit on the subcommittee, but I heard the presentation before the full committee and came to the conclusion, as did the majority of our committee, that this is a step in the right direction. The distinguished majority leader covered the ground very thoroughly. The gentleman from California made a statement here in which both sides of the aisle should concur. We are trying to do something here that will be of benefit to the unfortunate serviceman who did not perchance receive the type of discharge to which he might be entitled. We must always bear in mind that whatever type of discharge a serviceman is given will definitely affect him for all time. The type of discharge a serviceman receives is a very serious matter and under no circumstances should be treated lightly.

This bill may not be the answer to the problem. It may not embody what all of us want. Nonetheless, it is an attempt in the right direction for the protection of our servicemen.

Mr. DOYLE. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks at this point in the RECORD and include related matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANE. Mr. Speaker, we readily agree that discipline is essential to the maintenance of an effective military force. When a man in uniform violates military law he should be punished.

We do question, however, the rigid policy of the Armed Forces in returning such a man to civilian life with a discharge other than honorable, and denying him the opportunity to clear his name by subsequent good behavior.

This runs counter to all our concepts of justice.

It closes the door to rehabilitation.

It hurts a man's chances to secure employment, wherever he turns, and for the whole of his life.

It drives some veterans to discouragement, despair, and crime, for it leaves them no alternative.

This inexorable policy has the effect of continuing military punishment throughout the veteran's civilian life.

When he looks for a job, he is asked to produce his discharge from military service. There is nothing on the undesirable discharge to differentiate among major and minor offenses. The employer has no way of knowing whether the veteran committed a relatively minor offense while in military service, or committed such a serious crime that he could not possibly take a chance on hiring him. Although otherwise satisfied as to the veteran's qualifications, he is scared off by this one vague factor alone, and rejects the applicant. Wherever he seeks employment, the veteran who committed a misdemeanor while in military service, suffers from this ignorance and this prejudice. With nothing on the discharge to show the nature of the offense, the employer generally imagines it to be the worst.

In any large group of people, in or out of military service, there is always a small, hard core of criminals. In civilian life, we are most careful to separate those who commit misdemeanors, from those who commit crimes.

The military lump them all together, insofar as the public understanding is concerned. This is a serious injustice toward those who have established an honorable reputation in civilian life, but who are given no sympathetic hearing in their efforts to remove the cloud from their names.

The purpose of H. R. 8772 is not to wipe the slate clean, but to make certain that postservice conduct is taken into consideration when discharges of individuals who have been separated from service are being reviewed.

All we ask is for fair play.

These men would still pay for their offenses, by the denial to them of the benefits that are granted to those who hold honorable discharges.

As the report of the Committee on Armed Services states:

> The committee is well aware of the strenuous efforts that have recently been instituted by the military services to rehabilitate servicemen involved in misconduct cases. The Air Force, in particular, with its so-called Amarillo plan, which envisions a rehabilitation program without a prison environment, has been highly successful. This program should not only be continued but should be expanded. * * * On the other hand, the committee is seriously concerned about the many thousands of individuals who must go through life with a dishonorable, bad-conduct, or undesirable discharge. Many of these individuals find it difficult to obtain employment because of the nature of their discharges. * * * There should be some method by which an individual who has successfully rehabilitated himself in civilian life may at least be awarded a type of discharge which carries with it a connotation more acceptable to the general public than that of undesirable, bad conduct, or dishonorable.

We believe that the normal punishment that might have been adjudged had the act or incident been committed in civilian life, should guide the review boards, as well as the age of the individual, the conditions that prevailed at the time, and the moral turpitude, if any, involved.

This bill will authorize the award of a general discharge—limited, in those cases where the individual requesting a review of his discharge or dismissal, introduces evidence of not less than 3 years of postservice conduct in justification of his request for a review of his discharge or dismissal. The same criteria will be applicable in these cases as in all other cases reviewed by the boards. But under the proposed legislation, the boards will be required to take into consideration, as a factor, postservice conduct indicating that the individual has rehabilitated himself, that his character is good, and that has conduct, activities, and habits since discharge have been exemplary for a period of not less than 3 years following discharge.

This bill provides relief in many cases where the veteran has clearly rehabilitated himself, and has earned the right to have the onus of "dishonorable," "bad conduct," or "undesirable" removed from his discharge.

He is not placed in the same status as a man with an honorable discharge.

But the unfair burden of a lifetime stigma is removed from his shoulders, and his rights as a citizen are not prejudiced.

Previously, he was branded for life. Now he is given an opportunity where the facts warrant it, to show to society a new type of discharge which reflects his exemplary conduct following separation.

All of the hundreds of thousands of men and women, who have received discharges less than honorable, are not criminals.

Perhaps most of them are deserving of the opportunity to remove the stain from their discharge papers.

The support for this bill indicates the widespread belief that postservice good conduct should give a veteran the chance to clear his name and face his family, neighbors, friends, and prospective employer without shame.

Mr. ASHLEY. Mr. Speaker, I rise in support of H. R. 8772 which provides that the Board for the Correction of Military or Naval Records and the boards of review, discharges and dismissals shall give consideration to satisfactory evidence relating to good character and exemplary conduct in civilian life after discharge or dismissal from service in determining whether or not to correct such discharges and dismissals.

I am aware, Mr. Speaker, that the Department of Defense opposes this legislation because of their fear that it might have a detrimental effect upon the maintenance of discipline in our Armed Forces today.

But I give greater weight, Mr. Speaker, to the fact that this legislation authorizes the Boards which I have just mentioned to merely take into consideration postservice conduct when reviewing the discharges of individuals who have been separated from the service.

The bill, as I understand it, does not require any Board to grant a discharge under honorable conditions or to change a discharge solely on the basis of exemplary postservice conduct. It merely authorizes these Boards to treat postservice conduct as one of many factors in determining whether a different type of discharge or separation should be awarded.

We all know, Mr. Speaker, how difficult it is to get and keep a steady job and establish a reputable position in society if one has received an other-than-honorable discharge. We also know that human values and human behavior can change considerably from the years of adolescence and immaturity during which many of our youth fulfill their service obligations. To be sure, there are technical objections to this legislation, but its purpose has not yet been attacked nor, I think, can it be. It is for this reason, Mr. Speaker, and because the technical considerations can and will be taken care of, that I support the measure before us. While it does not achieve all of the purposes of the bill which I introduced on this subject, it takes a long and humane first step, and I therefore urge its adoption this afternoon.

Mr. BERRY. Mr. Speaker, I wish to commend the Armed Services Committee upon having favorably reported H. R. 8772, the provisions of which are similar to a bill introduced by me, H. R. 5455. The purpose is to correct a situation that has caused and will continue to cause, grievous injustice.

The bill authorizes existing boards whose duty it is to review discharges and dismissals to take into consideration in considering these reviews the postservice rehabilitation and exemplary conduct of applicants for review, and then if warranted, to issue a general discharge—limited. It authorizes, but does not require, the boards to issue such discharge in those cases where the board feels that the facts leading to the discharge have been offset by later good conduct and rehabilitation on the part of the ex-serviceman for the period of not less than 3 years following his separation.

The bill will benefit many thousands already discharged who have already lead exemplary lives over a period of more than 3 years from their discharge.

We all appreciate the fact that there must be in the armed services an effective discharge law in order to maintain discipline in the armed services, but we also know that there are many thousands of young men and women who got into difficulty, frequently in a thoughtless manner, and who are now condemned for a lifetime because of their act. What they did may have been undesirable and their conduct may have been bad, but many of them do not deserve a life sentence because of such conduct.

If a man is convicted of a felony in Federal court and serves his time and then comes out and is rehabilitated, he can file an application for pardon and restoration of his citizenship. In the armed services this is not possible. The only authority the services now have is a review of the discharge where errors or injustice are alleged. There is no provision for postservice rehabilitation. The bill simply gives the boards the right to review and pardon, if you please, a veteran who has been rehabilitated, a veteran who has exemplary postservice. It does not give any veterans' rights that the veteran does not now have.

It should be remembered that hundreds of thousands of less than honorable discharges have been issued not by court-martial, but by some military officer or group of military officers without any judicial proceedings of any kind to sustain them.

One instance that has come to my attention is a young man who left high school and entered the Navy when he was 16 by falsifying his age. His true age was known to the officer in command, because as they crossed the international date line on his 17th birthday the crew gave him a real birthday celebration. He served well and was cited a couple of times, but because he was only a boy and inclined to be a boy when off duty, neglected on 4 to 5 occasions to return after leave and was several days late. As punishment he was given an undesirable discharge about 3 months before he was eligible for release.

After getting out of the service, he has assumed the position of a man and has done a very commendable job of providing for his family and in taking part in community activities and so forth. I assisted in an effort to have his discharge changed. Under existing law it cannot be done. His advancement in life is blighted because as a boy he acted as a boy when his officers felt he should act as a grown man.

I am convinced that the normal punishment that might have been adjudged had the act or incident been committed in civil life, should guide the review boards, as well as the age of the individual, and the conditions that prevailed at the time, and that the board should be able to take into account, postservice life as an indication of service maladjustment, or service irresponsibility. Under this bill postservice conduct indicating that the individual has rehabilitated himself, that his character is good, and that his conduct, activities, and his habits since discharge have been exemplary for a period of not less than 3 years following such discharge, may be taken into consideration.

The bill provides relief in many occasions where the veteran has clearly rehabilitated himself and has earned a "pardon," so to speak, from the stigma of "dishonorable," "bad conduct," or "undesirable," removed from his status.

He is not placed in the same status as a man with an honorable discharge, but the stigma may be removed by proof of his future good conduct. He is in this legislation given an opportunity where the facts warrant, to show to society a new type of discharge which reflects not only service, but postservice conduct.

Mr. DOYLE. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS of Louisiana. Mr. Speaker, the gentleman from California [Mr. DOYLE] and his subcommittee worked hard and worked very conscientiously in bringing about this measure. They brought to us a bill that is a step forward, and I hope it passes this afternoon.

I rise at this point to tell you that I was chairman of the subcommmittee that worked for 4 or 5 months to build up the Uniform Code of Military Justice that we have at the present time. When we came to this particular provision, section 10 of the United States Code, we debated long and hard on it. We knew that something should be done in reference to these administrative discharges. I personally thought and still think that every man who receives other than an honorable discharge should have an opportunity of a hearing and a trial before he received anything but an honorable discharge. I did not have my way then, but this bill does come along now and gives these people who have other than an honorable discharge an opportunity for a hearing.

You say, "What does that mean? It gives these young men who do not have an honorable discharge an opportunity to correct that discharge and then to get a piece of paper which they can use and go out and try to get a job. You have had men come to your office and tell you that they could not get a job because they did not have an honorable discharge, and they asked you for help to correct the record. This particular bill will permit that to be done. Thousands upon thousands of these young men who have been in the service have been discharged upon the will and the caprice of some commanding officer, rightfully or wrongfully, and they will have an opportunity to go back for a hearing and get the discharge corrected to some extent so that they can then use that means of going out and getting a job. They can then go out and use that as a means of getting employment, getting a job.

The SPEAKER. The time of the gentleman from Louisiana has expired.

Mr. DEVEREUX. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Speaker, I should like to congratulate the Committee on Armed Services for bringing this legislation to the House. Along with practically everybody in the House, I have received numerous letters from young men who, at an early age, spent a couple of years or more in the armed services, and for some misstep that they took inadvertently they came out with a dishonorable or administrative discharge. I think it is unfortunate for these young men to be saddled for life with a penalty of that kind, without the possibility of changing it, because it affects their future employment and affects the chances of their family, to have their wage earner without the same opportunity for employment as someone else. I am glad

that it has been recognized that there is a need for an opportunity to correct these discharges, which recognition has been given by the committee through this bill. I hope the bill will pass.

Mr. DEVEREUX. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. CUNNINGHAM].

Mr. CUNNINGHAM of Iowa. Mr. Speaker, as one who served as a trial judge advocate for some time during World War I and who also served at different times as counsel for the defense during World War I in general court-martial trials, I came out of the service with the firm belief that there should be just two kinds of discharges, honorable or dishonorable; nothing in between. My experiences brought me to that belief. However, today, as a result of experiences during World War II and testimony before our committee, I realize that that is not the fact. We do have discharges that are neither honorable nor dishonorable. We have before us a bill that will help a board correct some of those in-between discharges.

I should like at this moment to make reference to an experience I had, an actual experience, and I do this because of a remark of someone about narcotic addicts. We had two men who were admitted narcotics addicts. The question was whether to try them by a general court-martial. The decision was not to try them. They were given an honorable discharge, for this reason. They were addicts by their own admission before they came into the service. Nothing that they did in the service changed that. Therefore they were not entitled to a dishonorable discharge. Now I find that men have come into the service and because of what they were before they were accepted under the draft or otherwise, they are given a discharge that is neither honorable nor dishonorable. This bill before us will enable a review board to take into consideration their conduct in the community in which they live from the time of their discharge under a bad conduct or a not honorable discharge, something between honorable and dishonorable; how they are regarded by their fellow men in their home community, what they have done afterward, and apply that at the hearing in determining whether or not to give some relief in the matter of the kind of discharge that they shall have. That is all this bill does.

My only objection to this bill is that it does not go far enough. That would be an argument in favor of the position of the two gentlemen from New York who think that we should postpone this, have more hearings, and bring in a bill that we could amend. My argument against that is, as was stated by the gentleman from Massachusetts, the majority leader, that we will not get any bill at all in that case. Let us pass this bill even though it is not as good as it ought to be. It is a step in the right direction, and then next year, or whenever the proper time comes, correct it and make it as it should be.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM of Iowa. I yield to the gentleman from California.

Mr. ROOSEVELT. Let us not kid ourselves. The other body has not even held hearings on this bill. They are not going to put this bill into law at this time. Therefore, there is no reason why we should not deliberate on this bill in January and pass a thoroughgoing, sound bill.

Mr. CUNNINGHAM of Iowa. I have been here 17 years and I know that the other body can act in a hurry, when it wants to.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill?

The question was taken and on a division (demanded by Mr. FULTON) there were—ayes 226, noes 8.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## DISTRICT OF COLUMBIA BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to consider District of Columbia business on Wednesday next, August 7.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## PROGRAM OF DISTRICT OF COLUMBIA BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I am informed that there will be six bills from the District of Columbia to come up on Wednesday next.

First is the bill H. R. 8918, relating to the Sibley Memorial Hospital, a bill which I had the pleasure of introducing.

Second, H. R. 7863, to amend the District of Columbia Alcoholic Beverage Control Act.

Third, H. R. 7563, to amend the District of Columbia Police and Firemen's Salary Act of 1953 to provide that service in the grade of inspector and the grade of private in the Fire Department of the District of Columbia shall be deemed to be service in the same grade for the purpose of longevity increases.

Fourth, H. R. 7450, to amend section 4 of the act entitled "Policemen and Firemen's Retirement and Disability Act Amendments of 1957."

Fifth, H. R. 7349, to amend the act regulating the business of executing bonds for compensation in criminal cases in the District of Columbia.

Sixth, H. R. 7825, to exempt from taxation certain property of the B'nai B'rith Henry Monsky Foundation, in the District of Columbia.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Iowa.

Mr. GROSS. No bridges or tunnels coming up?

Mr. McCORMACK. No.

## TEMPORARY FREE IMPORTATION OF CASEIN

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 38) to amend the Tariff Act of 1930 to provide for the temporary free importation of casein, which has been unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.,* That the import duty imposed under paragraph 19 of title I of the Tariff Act of 1930, as amended, shall be suspended with respect to imports entered for consumption or withdrawn from warehouse for consumption during the period beginning with the day following the date of enactment of this act and ending with the close of March 31, 1960.

Mr. COOPER. Mr. Speaker, H. R. 38 is to suspend the import duty under paragraph 19 of title I of the Tariff Act of 1930, as amended, until March 31, 1960, on casein or lactarene.

Casein is derived from skim milk and is used principally in the manufacture of various types of coated papers and as a basic raw material for production of water-resistant glue which is used in making exterior and other plywood products.

Your committee is advised that according to available official statistics the domestic production of casein consists almost entirely of edible casein while imports consist almost entirely of inedible casein. The Department of Commerce estimates that the 1956 production of casein was less than 1½ percent of the total domestic supply. Thus, the great bulk of the domestic consumption is being supplied by imports. Domestic production of casein has not risen or fallen with demand in recent years because the raw material from which casein is made (skim milk) is more profitably converted into other products, such as dry skim milk.

H. R. 38 suspends the duty on this product for a period of approximately 3 years, until March 31, 1960, thus providing an adequate safeguard in the event developments should make a change in policy desirable at that time.

The Committee on Ways and Means unanimously reported this bill.

Mr. JENKINS. Mr. Speaker, I have joined with my distinguished chairman and beloved colleague in supporting favorable House consideration of H. R. 38. This legislation has as its purpose the suspension until March 31, 1960, of the existing import duty on casein.

The enactment of this legislation will do injury to no domestic industry and will significantly benefit domestic consumers of casein. There is virtually no domestic production of this commodity. The consumption of casein is an important raw material to our domestic

paper industry and in addition to our domestic building supply industry.

The Secretary of Agriculture has advised the Committee on Ways and Means that the enactment of this legislation could be expected to bring about a reduction in the price of casein imports to the benefit of our domestic economy.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## INTERNATIONAL CONVENTION TO FACILITATE THE IMPORTATION OF COMMERCIAL SAMPLES AND ADVERTISING MATTER

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 5924) relating to the International Convention To Facilitate the Importation of Commercial Samples and Advertising Matter, which has been unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.*, That paragraph 1629 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1201, par. 1629), is amended by adding at the end thereof the following new subparagraph:

"(c) Any catalog, pricelist, or trade notice relating to offers, by a person whose principal place of business or bona fide residence is in a foreign country, to sell or rent products of a foreign country or to furnish foreign or international transportation or commercial insurance services."

SEC. 2. Section 201 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1201), is amended by adding at the end thereof the following new paragraph:

"PAR. 1821. (a) Except as provided in subparagraphs (b), (c), and (d), any sample to be used in the United States only for soliciting orders for products of foreign countries.

"(b) Subparagraph (a) shall apply to a sample only if its value does not except $1, except that this limitation shall not apply to (1) any sample which is marked, torn, perforated, or otherwise treated, in such a manner that such sample is unsuitable for sale or for use otherwise than as a sample, or (2) any sample which is covered by subparagraph (c) or (d).

"(c) In the case of samples of alcoholic beverages, subparagraph (a) shall apply only to samples for the use of persons importing alcoholic beverages in commercial quantities. In no case shall subparagraph (a) apply to more than one sample of each alcoholic beverage product admitted during any calendar quarter for the use of each such person. No sample of a malt beverage shall contain more than 8 ounces, no sample of wine shall contain more than 4 ounces, and no sample of any other alcoholic beverage shall contain more than 2 ounces.

"(d) In the case of samples of tobacco products, and cigarette papers and tubes, subparagraph (a) shall apply only to samples for the use of persons importing any such article in commercial quantities. In no case shall subparagraph (a) apply to more than one sample of each tobacco product, cigarette paper, or cigarette tube, admitted during any calendar quarter for the use of each such person. No such sample shall contain more than (1) 3 cigars, (2) 3 cigarettes, (3) one-eighth of an ounce of tobacco, (4) one-eighth of an ounce of snuff, (5) 3 cigarette tubes, or (6) 25 cigarette papers.

"(e) Any article which is exempted by this paragraph from the payment of duty shall also be exempt from the payment of any internal revenue tax imposed on or by reason of importation and from the labeling requirements of the Federal Alcohol Administration Act and chapter 52 of the Internal Revenue Code of 1954.

"(f) The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out the provisions of this paragraph."

SEC. 3. Section 308 (3) of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1308 (3)), is amended by inserting "and motion-picture advertising films;" after "reproduction;".

SEC. 4. The amendments made by this act shall apply to articles entered for consumption or withdrawn from warehouse for consumption on or after the date on which the International Convention To Facilitate the Importation of Commercial Samples and Advertising Material comes into force for the United States.

Mr. COOPER. Mr. Speaker, the purpose of H. R. 5924 is to amend the Tariff Act of 1930 to provide for the importation of advertising materials, samples, and advertising films so as to implement an international convention. The convention was dated at Geneva November 7, 1952, and was signed on behalf of the United States on May 28, 1953. The Senate gave its advice and consent to the ratification of the convention on February 22, 1956.

This bill would provide duty-free entry for import of catalogs, price lists, and trade notices relating to the sale or rental of foreign goods or services to United States residents; of certain samples to be used in the United States only for soliciting orders for products of foreign countries; and of motion-picture advertising films under bond.

The United States customs treatment of imports of advertising matter and samples has not been an appreciable barrier to foreign concerns opening or maintaining sales operations in this country and the enactment of the bill will not involve important changes in the tariff treatment of the imports involved. Nevertheless, enactment of the bill is necessary to bring such tariff treatment precisely into accord with that contemplated by the convention. Your committee is informed that United States exporting interests place considerable importance on certain foreign countries accepting the convention, since it is believed that its provisions will facilitate the entry of samples and advertising matter into these countries from the United States.

The Committee on Ways and Means is unanimous in reporting this bill.

Mr. JENKINS. Mr. Speaker, as the chairman of the Committee on Ways and Means has indicated, the committee has unanimously acted to report favorably to the House, H. R. 5924 providing for the importation of advertising materials, samples, and advertising films so as to implement international convention. This legislation would provide duty-free entry for imports of catalogues, price lists, and trade notices relating to the sale or rental of foreign goods and services to United States residents. The legislation as approved by the committee contains numerous safeguards so as to prevent abuses and the Bureau of Customs in the Department of the Treasury has advised the Committee on Ways and Means that no administrative difficulties are anticipated from the favorable consideration of this legislation.

Because of the action by the committee in unanimously approving this legislation, I have joined with the chairman of my committee in urging the House to approve H. R. 5924.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## TARIFF TREATMENT OF ISTLE OR TAMPICO FIBER

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7096) to amend paragraph 1684 of the Tariff Act of 1930 with respect to istle or Tampico fiber, which has been unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That paragraph 1684 of section 201 of the Tariff Act of 1930 is amended as follows: (1) After the paragraph number insert "(a)"; (2) strike out "istle or Tampico fiber,"; and (3) add a new subparagraph as follows:

"(b) Istle or Tampico fiber, whether or not dressed or manufactured in any manner."

With the following committee amendment: Page 1, line 8, strike out "in any manner."

The committee amendment was agreed to.

Mr. COOPER. Mr. Speaker, H. R. 7096, as reported, will transfer dressed or manufactured istle or Tampico from the dutiable to the free list of the Tariff Act of 1930.

Istle or Tampico fiber is derived from several species of the agave plant which is indigenous to Mexico. It is one of the best known and most widely used of all vegetable brush fibers. Its principal use in the United States is in the manufacture of brushes. There is no domestic production of this raw fiber.

Your committee has been informed that good grades of the raw fiber are in short supply and that prices of the dressed fiber have risen with resulting increases in the cost of production and in the prices of the finished products.

Istle or Tampico fiber, not dressed or manufactured in any manner, is specifically enumerated in paragraph 1684 of the free list of the Tariff Act of 1930. Imports of dressed istle fiber are dutiable at the rate of 20 percent ad valorem. Pursuant to a trade agreement with Mexico, the rate of duty was reduced to 10 percent ad valorem, effective January 30, 1943, but the rate reverted to 20 percent upon termination of the trade agreement on January 1, 1951. This bill will

transfer istle or Tampico fiber to the free list of the Tariff Act of 1930.

The Committee on Ways and Means is unanimous in reporting this bill.

Mr. JENKINS. Mr. Speaker, it is my privilege to be the author of this legislation. In that capacity I express my sincere appreciation to the chairman of the Committee on Ways and Means for presenting this legislation to the House and to my colleagues in the House of Representatives for their favorable action that they have just taken.

H. R. 7096 would transfer to the free list of the Tariff Act of 1930 dressed or manufactured istle or tampico. This commodity is widely used in the United States in the manufacture of brushes. It is expected that the enactment of H. R. 7096 will improve the competitive position of our domestic brush industry. The executive departments reported favorably to the Committee on Ways and Means on this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## TEMPORARY FREE IMPORTATION OF CERTAIN TANNING EXTRACTS

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 2842) to amend the Tariff Act by including tanning material extracts on the duty-free list, which has been unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.*, That the Tariff Act of 1930 be hereby amended in the following particulars:

(1) Removing from paragraph 38, title I, Tariff Act of 1930, tanning material extracts including chestnut, cutch, divi divi, hemlock, mangrove, myrobalans, oak, quebracho, sumac, valonia, wattle, and other extracts, decoctions, and preparations of vegetable origin used for tanning not specifically provided for, and combinations and mixtures of the foregoing articles.

(2) Inserting in paragraph 1670, title II, Tariff Act of 1930, the following language: "Tanning material extracts including chestnut, cutch, divi divi, hemlock, mangrove, myrobalans, oak, quebracho, sumac, valonia, wattle, and other extracts, decoctions, and preparations of vegetable origin used for tanning not specifically provided for, and combinations and mixtures of the foregoing articles."

With the following committee amendments:

Strike out all after the enacting clause and insert "That (a) so much of paragraph 38 of the Tariff Act of 1930 (19 U. S. C., sec. 1001, par. 38) as precedes 'not specially provided for' is amended to read as follows:

"'Par. 38. Extracts, dyeing: Chlorophyll, fustic, logwood, Persian berry, saffron, safflower, saffron cake, and other extracts, decoctions, and preparations of vegetable origin used for dyeing, coloring, or staining,'

"(b) Paragraph 1670 of the Tariff Act of 1930 (19 U. S. C., sec. 1201, par. 1670) is amended by inserting '(a)' after 'Par. 1670', and by adding at the end thereof the following new subparagraph:

"'(b) Extracts, tanning: Chestnut, cutch, divi-divi, hemlock, mangrove, myrobalan, oak, quebracho, sumac, valonia, wattle, and other extracts, decoctions, and preparations of vegetable origin used for tanning, and combinations and mixtures of the foregoing; all the foregoing not containing alcohol and not specially provided for.'

"SEC. 2. The amendments made by the first section of this Act shall apply only in the case of articles entered for consumption, or withdrawn from warehouse for consumption, during the 3-year period beginning on the 30th day after the date of the enactment of this Act."

The committee amendment was agreed to.

Mr. COOPER. Mr. Speaker, H. R. 2842, as amended, would provide for a suspension of duty for a period of 3 years on imports of tanning-material extracts which are now dutiable under paragraph 38 of the Tariff Act of 1930 at reduced trade agreements rates ranging from 3¾ to 7½ percent ad valorem.

Your committee is informed by the Department of Commerce that the domestic tanning-extract industry has been dependent upon domestic chestnut wood and bark for the domestic production of chestnut tanning extract, the only vegetable tanning material which has been produced in the United States in significant quantity. Your committee is further informed that since the Japanese blight virtually wiped out the chestnut trees along the Appalachian Range, domestic firms producing tanning extracts have been unable to secure raw materials for production of the extract and that, as a result, the domestic availability has steadily declined and the firms which produced the extract have largely gone into other fields of activity.

The Committee on Ways and Means unanimously reports this bill.

Mr. JENKINS. Mr. Speaker, the Committee on Ways and Means has unanimously approved H. R. 2842 with amendments to provide a 3-year suspension of duties applicable to certain tanning material extracts. The executive departments reporting to the Committee on Ways and Means on this legislation all expressed a favorable attitude with respect to the legislative enactment. It is expected that this legislation will be of direct benefit to the domestic tanning extract industry and will be of indirect benefit to our economy generally.

Accordingly, Mr. Speaker, I have joined with the chairman of the Committee on Ways and Means in supporting this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill to amend the Tariff Act of 1930 to provide for the temporary free importation of certain tanning extracts."

A motion to reconsider was laid on the table.

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## AMENDING SECTION 812 (e) (1) (D) OF THE INTERNAL REVENUE CODE OF 1939

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 5938) to amend section 812 (e) (1) (D) of the Internal Revenue Code of 1939 with respect to certain decedents who were adjudged incompetent before April 2, 1948, which has been unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.*, That section 812 (e) (1) (D) of the Internal Revenue Code of 1939 (relating to bequests of an interest to a surviving spouse conditional on survival for a limited period) is amended by adding at the end thereof the following:

"For the purposes of subparagraph (B), an event or contingency shall not be considered an event or contingency upon the occurrence of which an interest passing to the surviving spouse will terminate or fail if—

"(iii) within 6 months after the date of the decedent's death, such event or contingency becomes impossible of occurrence; and

"(iv) the decedent was adjudged incompetent before April 2, 1948, and was not restored to competency before his death."

SEC. 2. The amendment made by this Act shall apply with respect to decedents dying after April 2, 1948.

SEC. 3. No interest shall be allowed or paid on any overpayment resulting from the amendment made by this Act.

Mr. COOPER. Mr. Speaker, Members of the House will recall that as a part of the general program of equalizing taxes between residents of community property and common law States, the Revenue Act of 1948 provided a marital deduction limited to 50 percent of a decedent's gross estate. The marital deduction provided by the Revenue Act of 1948 is available only where property will vest under the decedent's will in the surviving spouse within 6 months after the death of decedent, and only if the transfer actually occurs. As a result of this 6-month rule, wills containing the usual clause requiring a spouse to survive administration of the decedent's estate as a precedent to taking under the will were redrafted to eliminate the clause. However, it has come to the attention of the committee that because of incompetency, mental or otherwise, some wills were not changed, with the result that the testator's estate was denied the benefits of the marital deduction.

H. R. 5938 provides an exception to the 6-month rule in the case of terminable interest passing to a surviving spouse where the event which could terminate the interest becomes impossible of occurrence within 6 months of the decedent's death. This bill was unanimously ordered reported by the Committee on Ways and Means.

Mr. JENKINS. Mr. Speaker, H. R. 5938 would amend section 812 of the Internal Revenue Code of 1939 so as to correct a hardship situation that has arisen with respect to estates of mentally or otherwise incompetent individuals. The Revenue Act of 1948 provided that the marital deduction was available with respect to a surviving spouse if the property would go to the surviving spouse within 6 months after the death of the decedent and only then

if the transfer actually occurred. Prior to the 1948 Revenue Act it was quite common for wills to require a spouse to survive the administration of a decedent's estate in order to receive specified property. The change in law made by the 1948 Revenue Act prompted many individuals to change the terms of their wills so as to be eligible for the marital deduction. However, such changes could not be made by individuals who were regarded as incompetent and incapable of a testamentary act before the passage of the 1948 Revenue Act. The legislation now under consideration would have the effect of making the marital deduction available with respect to the estates of such incompetent individuals.

Mr. Speaker, I have joined with the chairman of the Committee on Ways and Means in urging that this legislation receive the favorable consideration of the House.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## EXTENSION OF PERIOD WITHIN WHICH MINISTERS MAY ELECT SOCIAL-SECURITY COVERAGE AS SELF-EMPLOYED INDIVIDUALS

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8892) to amend the Internal Revenue Code of 1954 to extend the time within which a minister may elect coverage as a self-employed individual for social-security purposes, and for other purposes, which has been unanimously approved favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That (a) section 1402 (e) (2) of the Internal Revenue Code of 1954 (relating to time for filing waiver certificates in the case of ministers, members of religious orders, and Christian Science practitioners) is amended (1) by inserting "whichever of the following dates is later: (A)" after "on or before", and (2) by inserting "; or (B) the due date of the return (including any extension thereof) for his second taxable year ending after 1956" before the final period.

(b) Section 1402 (e) (3) of such code (relating to effective date of certificate) is amended by adding at the end thereof the following: "Notwithstanding the first sentence of this paragraph:

"(A) A certificate filed by an individual after the date of the enactment of this subparagraph but on or before the due date of the return (including any extension thereof) for his second taxable year ending after 1956 shall be effective for the first taxable year ending after 1955 and all succeeding taxable years.

"(B) If an individual filed a certificate on or before the date of the enactment of this subparagraph which (but for this subparagraph) is effective only for the third or fourth taxable year ending after 1954 and all succeeding taxable years, such certificate shall be effective for his first taxable year ending after 1955 and all succeeding taxable years if such individual files a supplemental certificate after the date of the enactment of this subparagraph and on or before the due date of the return (including any extension thereof) for his second taxable year ending after 1956.

"(C) A certificate filed by an individual after the due date of the return (including any extension thereof) for his second taxable year ending after 1956 shall be effective for the taxable year immediately preceding the taxable year with respect to which it is filed and all succeeding taxable years."

(c) If a certificate filed pursuant to section 1402 (e) (3) (A) or (B) of the Internal Revenue Code of 1954 after the due date of the return (including any extension thereof) for any taxable year is effective for such taxable year or for any preceding taxable year, then—

(1) for purposes of computing interest, the due date for the payment of the increase in tax for such taxable year or years resulting from the filing of such certificate shall be the last day of the sixth month following the month in which such certificate is filed;

(2) the statutory period for the assessment of any deficiency attributable to such increase in tax shall not expire before the expiration of 3 years from such due date; and

(3) for purposes of section 6651 of such code (relating to addition to tax for failure to file tax return), the amount of tax required to be shown on the return shall not include such increase in tax.

SEC. 2. Section 1402 (e) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new paragraph:

"(4) Treatment of certain remuneration paid in 1955 and 1956 as wages.—If—

"(A) in 1955 or 1956 an individual was paid remuneration for service described in section 3121 (b) (8) (A) which was erroneously treated by the organization employing him (under a certificate filed by such organization pursuant to section 3121 (k) or the corresponding section of prior law) as employment (within the meaning of chapter 21), and

"(B) on or before the date of the enactment of this paragraph the taxes imposed by sections 3101 and 3111 were paid (in good faith and upon the assumption that the insurance system established by title II of the Social Security Act had been extended to such service) with respect to any part of the remuneration paid to such individual for such service,

then the remuneration with respect to which such taxes were paid, and with respect to which no credit or refund of such taxes (other than a credit or refund which would be allowable if such service had constituted employment) has been obtained on or before the date of the enactment of this paragraph, shall be deemed (for purposes of this chapter and chapter 21) to constitute remuneration paid for employment and not net earnings from self-employment."

SEC. 3. Remuneration which is deemed under section 1402 (e) (4) of the Internal Revenue Code of 1954 to constitute remuneration for employment shall also be deemed, notwithstanding sections 210 (a) (8) (A) and 211 (c) of the Social Security Act, to constitute remuneration for employment (and not net earnings from self-employment) for purposes of title II of such Act.

SEC. 4. (a) Section 3, and the amendments made by the first section of this Act, shall apply with respect to monthly insurance benefits under title II of the Social Security Act for months beginning after, and lump sum death payments under such title in the case of deaths occurring after, the date of the enactment of this Act.

(b) Notwithstanding subsection (a), in the case of any individual who—

(1) (A) has remuneration which is deemed, by reason of section 3, to constitute remuneration for employment for purposes of title II of the Social Security Act, or

(B) has income which constitutes net earnings from self-employment under such title by reason of the filing of a certificate pursuant to section 1402 (e) (3) (A) or (B) of the Internal Revenue Code of 1954, and

(2) was entitled to monthly insurance benefits under title II of the Social Security Act for the month in which this Act is enacted,

section 3 and the amendments made by the first section of this Act shall apply with respect to monthly insurance benefits under such title based on his wages and self-employment income only if he, or any other person entitled to monthly insurance benefits under such title on the basis of such wages and self-employment income, files, on or after the date of enactment of this Act, an application for recomputation by reason of this Act. Such recomputation shall be made in the manner provided in title II of the Social Security Act as in effect at the time of the last previous computation or recomputation of such individual's primary insurance amount and as though the application therefor was filed in the month in which the application for such last previous computation or recomputation was filed. No recomputation under this subsection shall be regarded as a recomputation under section 215 (f) of the Social Security Act. Any such recomputation shall be effective for and after the twelfth month before the month in which the application therefor is filed, but in no case for any month which begins on or prior to the date of the enactment of this Act. Any such recomputation shall be effective only if it results in a higher primary insurance amount.

(c) The preceding provisions of this section shall not render erroneous any monthly insurance benefits under title II of the Social Security Act for the month in which this Act is enacted or any prior month.

Mr. COOPER. Mr. Speaker, the purpose of H. R. 8892 is to amend the Internal Revenue Code of 1954 to extend for 2 years the time within which ministers may file waiver certificates to elect coverage under the old-age, survivors, and disability insurance program as self-employed persons. Each minister who files a waiver certificate during the extended period would be covered under old-age, survivors, and disability insurance for each year, beginning with his first taxable year ending after 1955, in which he had net earnings from self-employment of $400 or more.

H. R. 8892 would not change the deadline presently prescribed for the filing of waiver certificates when that deadline is later than the one provided in the bill, as in the case of a person who becomes a minister in the future or a minister who did not have—and will not have—net earnings from self-employment of $400 or more, some portion of which was from the exercise of the ministry, in two or more of the taxable years 1955, 1956, 1957, and 1958. However, it would amend the existing provisions to make a waiver certificate filed after the extended period provided in the bill effective with the taxable year preceding the one for which it was filed—assuming this preceding year meets the $400 earnings requirement.

Finally, the bill would provide, both for tax purposes under the Internal Revenue Code and benefit purposes under title II of the Social Security Act, for

treatment as remuneration for employment, instead of as net earnings from self-employment, of remuneration paid in 1955 and 1956 to ministers and erroneously reported as wages, in good faith, by certain nonprofit organizations—to the extent of the unrefunded social security taxes paid.

In order to state the matter as simply as possible, H. R. 8892 is designed to give an opportunity to ministers who, because of failure to receive information as to the filing deadline, or who because of other circumstances were unable to meet the deadline, or who because of being erroneously considered along with lay employees by nonprofit institutions, to elect coverage.

Your committee was unanimous in reporting this bill.

Mr. JENKINS. Mr. Speaker, this meritorious legislation would extend for 2 years the time within which ministers may elect to obtain OASI coverage under the provisions of the existing social-security law. Present law requires a minister to elect OASI coverage on or before the due date of the tax return for the second taxable year after 1954. For most individuals affected by this requirement the termination date of the coverage privilege was April 15, 1957. It was brought to the attention of the Committee on Ways and Means that many ministers had not been adequately informed as to their rights to obtain OASI coverage and the procedures they were required to follow to that end. Accordingly, the Committee on Ways and Means has approved H. R. 8892 to provide an additional period for ministers to act in making an election for coverage. This legislation is necessary to take care of situations where ministers have not acted at all to obtain coverage and to take care of situations where ministers have erroneously been treated as employees for social-security purposes for the years 1955 and 1956.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## THE TWO SURPLUSES

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. McGOVERN. Mr. Speaker, there are two surpluses confronting the American people today. One is the surplus of food—the so-called farm surplus. The other is the surplus of hungry human beings in every corner of the globe. The demands of true statesmanship will not have been met until we find a way for these two surpluses to cancel out each other.

We are not using very much of our intelligence and imagination when we wring our hands in despair over our bursting granaries, while all around us we are confronted by the grim specter of human starvation.

If we would turn even a fraction of the brainpower that we use perfecting weapons of death to the constructive use of food, we would have to increase farm production instead of worrying about surpluses.

Studies by the United States Department of Agriculture have demonstrated conclusively that if low-income families in the United States were enjoying the same diets as moderate-income American families, we would have to increase our farm production just to feed our own population.

At a time of great national prosperity, it is easy to forget that millions of American families are subsisting on inadequate diets. Many a resident of the Nation's Capital was shocked last winter when the local press disclosed conditions of malnutrition and outright hunger among schoolchildren within the shadow of the United States Capitol.

The Washington Daily News of July 30, 1957, carries a story of a 76-year-old widow of the District of Columbia, Mrs. Mary Frances Richards. Mrs. Richards is engaged in a life-and-death struggle trying to make a $31.21 monthly public welfare allowance pay for all her food, clothing, medicine, transportation, and household needs. Her diet consists of cheap oatmeal, skim milk, overripe apples, chicken wings, stale toast, an egg and part of a medium-sized potato.

To Mrs. Richards and thousands of other aged citizens, hunger is a constant companion to the other insecurities of their old age.

It has always seemed especially tragic to me when hunger strikes a little child, or when it is added to the afflictions of the aged. Yet, even in abundant America, millions of our youngsters and our aging citizens are blighted by malnutrition.

Only one-fourth of the Nation's schools are participating in the school lunch and milk programs. Yet, an appalling number of schoolchildren are hampered by meager, inadequate diets.

At the other end of the age scale, our elder citizens are trying painfully to stretch social security checks, modest savings or annuities over the inflationary gap that separates them from decent diets and adequate medical care.

The problem of hunger in the United States is as nothing, however, compared to the grinding hunger that is the curse of two out of three people in the rest of the world.

I have believed for a long time that aside from any moral considerations involved, our surplus food can be our greatest asset in our global competition with Soviet communism.

The one American asset which the Russians envy above all others is our agricultural productivity. Certainly, the Russian leaders would not regard a food surplus as a handicap in their efforts to convert the world to communism.

The Russians know that food is more powerful than guns in building friendships with the depressed nations of the world.

I have no doubt that, wisely used, food will win more hearts in the battle against tyranny than will guns and bombs.

It is still true that bread cast upon the waters will return manyfold.

The constructive use of food will not only be a boon to American agriculture and a helpful ingredient in American foreign policy; it will help us discharge one of the great moral responsibilities entailed in world leadership.

Providence has blessed America with vast quantities of fertile soil and sweet water. We cannot consider ourselves faithful stewards of this abundance unless we heed the cry for bread of others who are less fortunate.

I suggest that we develop and expand the following five programs as steps toward a better utilization of food surpluses:

First. A simple food-stamp plan designed to make food surpluses available to needy American families;

Second. An expanded school-lunch and school-milk program;

Third. Greater exchange of American farm surpluses for foreign currencies under the principle of Public Law 480. This program enables countries with a dollar shortage to buy American farm surpluses with their own currencies. We, in turn, use the national currency for constructive purpose in the country involved. In addition to the United States Government, religious and charitable organizations are now participating in this program. They distributed over a billion and a quarter pounds of surplus foodstuffs last year;

Fourth. An expanded use of farm surpluses in needy countries through the Food and Agriculture Organization of the United Nations; and

Fifth. A national food reserve to protect us against famine, pestilence, and war. This should be supplemented with a world food bank under the auspices of the United Nations.

These are only a few of the steps that we might take in utilizing the surplus of food to decrease the surplus of hungry stomachs.

The time has come when we have both the ability and the responsibility to convert food abundance into a telling attack on the ancient evil of hunger. Let us attack, then, with the same vigor and clear purpose that has sent us into battle against less-challenging enemies in the past.

## SMALL BUSINESS ADMINISTRATION ACT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, Congress has just extended the Small Business Administration Act for 1 year. The next session of the 85th Congress, which convenes January 3, will consider the question of making the act permanent and other amendments.

The Small Business Administration can do a wonderful job if given the power and the money, and if it has officials in charge who are sympathetic to the general idea of helping the small-business man get a loan if such a loan is not available in his locality at a reasonable price of interest.

I know that the Small Business Administration has done a better job the last year than before. However, it only averaged making two business loans per Congressional district the first 3½ years after it was established or up until February 1957. It has a much better record as a procurer of business loans for the banks than it has for direct loans to the needy small-business man. I am not against the banks making the loans; in fact, I wish they would make all the loans, but since the banks have turned the applicants down in the first place, and that is the reason the applicant goes to the Small Business Administration, I do not see too much reason why the Government should spend a lot of money to get the loan application in fine shape just to turn it over to the bank that has declined it, although I am sure there are deserving cases that will justify this course.

It is my judgment that Congress cannot afford to enact a permanent Small Business Administration Act without providing more substantial benefits to small business, at least making possible more and greater opportunities for small business to survive and compete.

Under the present act, a small-business concern cannot obtain a loan of more than $250,000. I doubt that any Member of Congress would want this restriction to represent his feeling and appreciation of the 4 million small-business concerns in the United States. It looks too much like Congress is willing to permit a small concern to get a small loan, not exceeding $250,000 to compete with other small-business concerns, but is unwilling to provide enough credit to permit a small-business concern credit to compete with a big-business concern. In other words, I do not believe that any Member of Congress wants to put himself in the position of saying that he is willing to let small-business men have small loans to fight among themselves but not under any circumstances to permit a small concern to get enough money to go into competition with a big concern.

I am not opposing big concerns because they are big. They have their place in our economy, and it is a very important place. It is my belief that neither big business nor little business should be discriminated against. My contention is that small business be given equal opportunities with big business and not be discriminated against by big business. An equal chance only is desired for small business.

Specifically, there are thousands of gadgets and appliances that can be made by small-business concerns that are necessary in the national-defense program. Under present restrictions, if a small man in his ambition to expand discovers a gadget that is being made under the direction or instructions of the Secretary of Defense, he can make arrangements to produce such a device only to the extent of his existing assets and his ability to borrow up to $250,000 from the Small Business Administration. If, however, he discovers that he can make a gadget that is now being made by one of the two or three big concerns, but that he will need a million dollars in credit or $5 million in credit, he is unable to make such an arrangement because there is no agency that will receive an application from him for such an amount. In this particular case, it is possible that the Government would save a considerable sum if the small man were allowed to produce the gadget, and at the same time it would be of great benefit to the small-business man and to the small-business economy. But there is no agency sponsored by our Government that is permitted to accommodate him. He is restricted to a loan of $250,000, only enough to compete with other small concerns but not enough to enable him to step on the toes of the big concern.

The extension of the Small Business Administration Act should carry with it permission under unusual and extraordinary cases to make loans without restrictions, as long as the loans are in the small-business field, using the words "small business" in a relative sense. For instance, small business in the making of cement, steel, and many other commodities, requires financing involving millions of dollars. This is still small business in a relative sense and permits the little man under proper circumstances to become a competitor of the big man. The definition of small business will keep the amounts down to reasonable.

There is no place in the United States today where a small concern can get enough money in the form of a loan to build a cement plant. The banks and insurance companies have on their boards of directors representatives of the cement industry, and a loan application through either of these would not have any chance at all.

It is rather ironical that our Government is sponsoring three agencies that will help business—large, medium, or small—in any country of the world except here; in the United States they will not help a small concern. I refer to the International Bank, in which we have a considerable investment; the Export-Import Bank, which makes loans involving billions sponsored wholly by the United States and uses United States dollars; and the International Finance Corporation, one-third of the stock being owned by the United States Government.

A concern in any other country in the world except the United States has an opportunity to obtain financing for a cement mill or a small or large steel mill from either of these agencies. A concern just south of the Rio Grande in Mexico has an opportunity to secure financing for a cement mill within a stone's throw of the United States, but a concern in the United States just across the Rio Grande in Texas does not have any place to go to get consideration of financing of any kind for a project involving more than $250,000.

The same illustration could be given for Canada. So the point is we are perfectly willing to help take care of small business in all other countries of the world, but actually discriminating against our own people and our own small concerns. I am inserting herewith an article that appeared in the New York Times on Saturday, August 3, 1957. It is as follows:

JAPANESE IRON CONCERN GETS $10,300,000 LOAN

WASHINGTON, August 2.—The Export-Import Bank announced today a $10,300,000 loan to the Fuji Iron & Steel Co., Ltd., of Japan to finance the purchase of heavy rolling machines.

It was the first credit by the bank to a steel mill in the Far East and the first to heavy industry in Japan.

The loan is to assist the company in an $89 million expansion of its major plant, the Hirohata works. The expansion is part of a $160 million modernization program being undertaken in the company's plants between 1955 and 1960.

The Export-Import Bank said Fuji Iron & Steel would buy in the United States an 80-inch, 4-inch reversing cold mill, a 160-inch, 4-high reversing plate mill, and a continuous annealing furnace. The cold strip and plate mills will be manufactured by the United Engineering & Foundry Co., of Pittsburgh, and the annealing furnace by the Wean Engineering Co., Inc., of Warren, Ohio.

It will be noticed that the Export-Import Bank is putting up the money for this steel plant. It is all United States money. A concern in the United States wanting to build a steel plant would not have a chance of getting money for that purpose.

There are dozens of different manufacturing plants that could be established by small concerns if they had a reasonable amount of credit. Why are they denied this credit? Is it because we are afraid that they will step on the toes of the big man by becoming a competitor of the big man and causing prices to be kept lower?

Another question, why should we discriminate against our own people by denying our own people the same opportunities to get credit that we so anxiously give to people in other countries? Under the foreign-aid bill recently passed by the House, another financial project, referred to as loan development, will be available for loans to people in other countries, but not in the United States.

Just recently, the Export-Import Bank made possible an $87 million loan to Bogotá to help out the powerful Colombian Coffee Growers' Association. The financial weekly, Barron's, states in its July 29, 1957, issue concerning this loan:

Repayment of the loan is far from certain. In short, a deal benefiting relatively few merchants will drain money needlessly both from the United States Treasury and from the pockets of consumers.

Barron's also points out that in the latest fiscal year, the Export-Import Bank has made an unprecedented 182 loans totaling more than a billion dollars to 36 countries. Barron's also stated:

In the past year, to illustrate, it [Export-Import Bank] extended a $100 million loan to Argentina, a country whose credit standing is hardly AAA.

It is further pointed out that during the past year, 18 loans have been made by the Export-Import Bank for nearly $200 million to Brazil.

It is interesting, although disappointing, to any American citizen to read the list of the many loans that are made

with our money to foreign countries and small concerns in foreign countries for purposes for which such loans are denied here in the United States. To me, this does not make sense—either common, book, or horse.

## REPUBLICAN PRICE-SUPPORT OPERATIONS

Mr. HARVEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HARVEY. Mr. Speaker, during the discussion by my Democrat colleagues the other day on the record of the Republican administration some very misleading information was passed out about the extent of farm price-support operations and the success of programs to move accumulated surpluses out of Government inventory. An obvious effort was made to confuse issues and make it appear that policies of the present administration were responsible for surplus problems which were really inherited from the Democrats.

Let us review a few basic facts to set the record straight.

Long after it should have been apparent that demand was falling off and surplus trouble was just ahead, the previous administration refused to use the production controls which were available. As late as 1952 they failed to order acreage allotments for 1953 crops of leading basic commodities—and, in fact, issued a call for continued all-out production.

As a result, farmers in 1953 grew the third largest cotton crop of record, the fourth largest wheat crop, and well over 3 billion bushels of corn.

When the present administration came into office it called for reinstatement of adjustment programs, but they, of course, could not be effective until 1954. In the meantime, the great surplus buildup was already out of hand.

We have had plenty of surplus troubles, but let us never forget that they stemmed from the unsound programs and policies of the Democrats.

The other side of the picture shows what the present administration has been doing in a constructive way to reverse trends and overcome the obstacles left on its doorstep.

We have used fully the production adjustment machinery already available. We have initiated the soil-bank program as an emergency measure to cut down the inherited accumulation of surplus. We have adjusted price-support levels more realistically in line with the supply situation. We have taken aggressive action to move inventory surpluses into useful consumption—instead of letting them deteriorate in storage.

Since 1953, the Department of Agriculture has disposed of inventories costing about $10 billion. Chief emphasis has been on dollar sales, supplemented by special export and other distribution programs as needed to get the job done. We are proud of these programs, and their results. American agriculture has benefited greatly.

Proof of the success of these combined efforts is found in the record. From peak inventory and loan holdings valued at nearly $9 billion in February of 1956, the total has been reduced to a little over $7½ billion by the end of this past May.

We are moving in the right direction, Mr. Speaker. Sound policies are beginning to pay off. Let us not be confused by those who try to pin the mistakes of the past on the present.

## THE COMMUNIST SECURITY SYSTEM—THE SYSTEM OF THE INVISIBLE GOVERNMENT

The SPEAKER. Under the previous order of the House, the gentleman from Illinois [Mr. SHEEHAN] is recognized for 30 minutes.)

Mr. SHEEHAN. Mr. Speaker, the German people have long been known for their intense opposition to the Communist tyranny. One of the groups who have always fought this tyranny is represented by the Sudeten German National Expellee Association—Sudetendeutsche Landsmannschaft—of which Dr. Walter Beecher is the secretary general. This association has certainly been pro-American and is lending every effort possible to fight against the Russian Communist invaders of their homeland.

This organization has had in its possession a document outlining the structure and the working methods of the Communist Security System—CSS—the invisible hierarchy that governs the Communist apparatus, and have made it available to me. It is interesting to note that this exposé has been available to certain Western governments and private agencies who could have taken action on it and by its publication could have enabled the Free World to have a better understanding of the real dangers of the Communist conspiracy. Nonetheless, as far as the Sudetendeutsche Landsmannschaft knows, the revelations embodied in this document have never been exposed to world scrutiny. Believing it their duty to contribute to the Free World struggle against international communism, and considering it their moral obligation to help the enslaved nations regain their sovereignty, they have therefore appealed to me to present this document detailing the Machiavellian Communist cunning to the American public.

In their relentless fight against communism the Sudeten Germans suffered great hardships. Their quest for self-determination was the most important reason for the expulsion of 3½ million German compatriots from their ancestral homesteads in the border region of Bohemia, Moravia, and Austrian Silesia after World War II.

It is hoped that the disclosures contained in this hitherto suppressed document will help to put in its proper perspective many of the newspaper articles and radio broadcasts which reveal Communist intrigues but do not enlighten the Free World about the basic inner workings of the immoral Communist system.

The Sudetendeutsche Landsmannschaft document follows:

THE MAKEUP OF THE COMMUNIST SECURITY SYSTEM

The Communist Security System (CSS) is a system of the invisible government which controls the nations dominated by communism as a philosophy and system of governing a country.

Since the coming to power of communism in Russia, right after World War I, the Western experts and journalists have conveyed to the free peoples of the world that the Communist system is the system of the known Communist Party members, and of the Politburo, which is supposed to guide the destinies of communism in Russia, and ostensibly, in the world. These experts and journalists have been occupied with defining many of the various phases which communism has undergone, such as the individual evolutions and trends within the Communist Party, the developments toward a hard and a soft course, a pro-Moscow and anti-Moscow course, national communism, de-Stalinization, and, from time to time, have advised the free peoples that the power and the control of the Communist Party in Russia will eventually shift to the army.

We are witnessing another rebirth of this line of reasoning in today's emphasis on the role of Zhukov and the army in controlling the Communist Party. Yet, all of the time, the peoples of the Free World are given the picture that the Communist system is the system of the visible, open and known Communist functionaries, party members and officeholders.

Perhaps the first break in exploding this fallacy to the free peoples of the world occurred in America when the investigations of the Congress brought out the realization that the known Communists in America were, in most cases, puppets who like many of the Russian officials, to wit, Malenkov Molotov, and Beria, could be disposed of or brought back on the stage like puppets on a string.

The visible party organization of the Communists in the free countries can be likened to the tops of icebergs, which merely represent a small visible part of the Communist secret conspiracy in the free world—whereas the greatest part of the system is hidden below the surface.

The unknown and guiding members of the Communist Security System—consisting of spies, agents, fellow travelers, rich financiers and secret Communist Party members everywhere in the many strata of society, including the press and radio, are immeasurably more dangerous and more effective than the recognized and known party members. Within the Communist-controlled parties in the nations dominated by communism, neither the known members of the Communist Party, nor the army, are the real wielders of power in the Communist states. The men directing Communist Party philosophy and policy in both the known Communist Party functionaries and in the army, constitute the secret organization known as the Communist Security System (CSS).

It is our belief that this is the first time that the Free World has been in possession of a document describing the workings of the Communist Security System. The facts in this document have been available to many agencies of the free nations for quite some time, and yet all these government agencies did with the vital revelations of the Communist Security System was to keep the workings of the CSS secret. The following description of the operations of the inner and secret Communist Security System are for the first time publicly published in this document, and it is readily understandable why the members of the invisible government making up the CSS prefer that the

free peoples of the world remain uninformed about the inner workings of their organization.

Although the members of the CSS are for the most part secret, in that they are not openly known, a certain number of them are officially known and usually are members of the so-called secret police or security police. These latter members, as a rule, work openly through the offices of the secret or state police in all the districts and provincial towns in the Communist country. The membership consists of agents who are not compelled to wear uniforms and those who are uniformed agents. Both classes are issued special identity cards which entitle them, when they wish to make use of same, to free transportation, free entry to public places and, in general, serve as a pass to any function they might want to attend.

The top echelon of the CSS are the real directors of the management of the state organization of a country and is divided into three sections:

1. The internal information section.
2. The economic section.
3. The foreign information section.

MILITARY INTELLIGENCE AND COUNTER-INTELLIGENCE SYSTEMS

The military intelligence and counterintelligence systems do not officially constitute a section of the CSS but are separate. Their agents wear civilian clothes and supervise the "inner secret troops" whose soldiers wear a special military uniform and carry special arms. The key positions in the country, strategic centers and security guards for officials are entrusted to the military intelligence and counterintelligence systems. The arrests of soldiers are exclusively carried out by members of this unit. Attached to it is a special school where students—after proper training—are sent into the regular army units as simple soldiers in order to carry out the security control intelligence activities, and these special agents are unknown, even to the officers of the units to which they are stationed. They carry out various functions and at all times have permission to use their arms, should the occasion warrant, even against the commander of their regiment.

The regular police force, or corps of national security, both uniformed and nonuniformed, which deals with civilian laws and regulations, is independent of the CSS in the sense that although the normal police force is watched and supervised by members of the invisible government, it is not normally used in carrying out Communist policy.

In the greatest majority of the cases, when the CSS decides that a person should be arrested, action is taken by the regular police force, which usually is the corps of national security. All questioning and methods of extracting confessions or admissions from the arrested victims are carried out by the CSS agents. The police or corps of national security are only entrusted with the custody of the persons arrested upon the initiative or orders of the CSS, and this police is not authorized to question or talk with the arrestees. Policemen or police officials who do not respect this policy are subject to prison sentences and/or concentration camps, depending upon the seriousness of their attempts to secure information from the arrested people.

The visible part of the CSS has its offices and its known officials in every district and province. Each particular office is directed by a security system chief who is a civilian. He has the power to investigate magistrates who are answerable to him. The CSS office in each district as a rule does not exercise administrative services but always has the power to intervene in all fields of life such as the schools, factories, armies, et cetera. The visible part of the CSS in each province is not concerned with the ordinary criminal or police cases in its district because these problems fall under the province of the domestic police force—unless, of course, these cases should involve sabotage, political problems or such criminal actions as might affect the security of the CSS itself.

A most important function of the CSS is the control of the admission of students to the universities. Approval of local officials of the CSS, both secret and known, is required before students can be admitted to the university. If a member of the Youth Organization has refused to cooperate and collaborate with the agents of the CSS, it follows that he will not be given an O. K. for admission to the university. On the other hand, it must always be remembered that certain persons, who seem opposed to the Communist regime in a limited way, manage to be admitted to the university because secretly they are members of the CSS and serve as counteragents to trip the unwary and unsuspecting.

The key personnel or top policy and administrative membership of the local CSS is comprised of tried and true members of the Communist Party. It should be understood that in all cases, these people have become involved in the past in either criminal or political offenses. The guiding principle in controlling members of the CSS is the ready availability of their past criminal record, which method will be further developed later; so that, in the event of any hesitation in carrying out party discipline, they can be summarily and publicly chastised or jailed. Of course, this particular group of the CSS is probably comprised of people known under their correct names. The unknown members of the CSS, in their travels or on missions for the party, assume false names and are usually sent to parts of the country where they are not known.

INTERNAL INFORMATION SECTION

The duties and functions of the internal information section are to discover the enemies "of the people" and the "class enemies," and to watch over the loyalty of the administrative officials of the party functionaries and key personnel in the country.

ECONOMIC SECTION

The economic section is concerned with discovering those who deal in the black market and in economic sabotage, and to make sure that the farmers and business groups who deliver their crops and products regularly do not withhold anything for their personal use.

FOREIGN INFORMATION SECTION

The foreign information section is mainly concerned with the discovery of spies and foreign agents, anti-Communist plots within the country, and the direction and supervision of foreign intelligence agents and programs in the capitalist countries.

THE CSS WORKING BEHIND THE SCENES

The CSS secures its agents from among either the general populace or the official card-carrying members of the Communist Party without any interference from other organizations or persons outside the actual members of the CSS. Frequently, there are conflicts between the members of the CSS and the card-carrying members of the Communist Party because of the manner in which certain individuals are secured as secret agents or collaborators. In all such conflicts, the decisions of the members and/or ruling members of the CSS are final. The known or official collaborators of the CSS are all card-carrying members of the Communist Party and in most cases are employees of the Government.

This is the formula or scheme of action advocated by the card-carrying members of the Communist Party which serves to justify the actions toward non-Communist people. Discipline upon card-carrying Communist Party members is maintained by making it mandatory for any party member who hears anyone attack or talk against the Communist regime to denounce his fellow citizens or party members to the CSS, i. e., to the members of the CSS who are the known members in charge of security matters. This denouncement must be made regardless of what the relationship of the party member is to the person denounced. The loyalty of card-carrying members is often tested, since a card-carrying member does not know that the individual denouncing the Communist System is a secret member of the CSS. If the card-carrying member fails to denounce this secret member, naturally the individuals or unknown members of the CSS know that he, the card-carrying person, cannot be relied upon and his loyalty or membership in the Communist Party is then open to question. Frequently this takes the form of a public attack during open meetings of the Communist Party by accusing the card-carrying party member of "collaboration with a class enemy." In every phase of life there are card-carrying members of the Communist Party who are in direct contact with the CSS and who must constantly inform the CSS of all activities which may endanger the cause of communism. When a card-carrying member of the Communist Party is judged guilty in the eyes of the CSS, he is often punished by having secret agents attack or denounce him in the schools or factories on the occasion of party meetings. It is the intention of the CSS to give the workers and employees the impression that the criticism or the attack is merely a personal affair between the unknown secret agent or collaborator and the card-carrying member in the former's guise as a plain citizen rather than as an attack by an agent of the CSS. The CSS does this in order to remain behind the scenes and yet be able to effectively punish any deviationists. In a similar manner, certain people in the CSS have the power to order a Government employee, journalist or party member to write or express whatever views the CSS wants known. Many times they are tolerated for criticizing the Government or party members in order to give a semblance of individuality within a community or within the country.

KNOWN ORGANIZATIONS OF THE CSS

1. General chief of the security system.
2. Section chiefs of the central management.
3. State security chiefs in the towns or provinces.
4. Group chiefs in the towns.
5. Section chiefs attached to various groups among schools, workers, government employees, administrative personnel and inspectors.

BENEFITS OF MEMBERSHIP IN THE CSS

The monetary rewards to the top members in the CSS are such that their living conditions are the best, much higher than members of the army or of the state officers. They also enjoy special travel privileges and bonuses, and are always able to purchase material needs at discounts from the State stores. They enjoy special ration privileges and frequently can buy items that are strictly rationed to ordinary members of the party. All officials and top members of the CSS who are not publicly known as being of the first four classes listed in the organizational chart are secret agents and have regular salary in addition to the salary and bonus which they derive as secret or undercover members of the CSS. The rate of wages or salary of these members varies and is dependent upon the type of service they render and the office they hold in the secret hierarchy. Bonuses and extra compensation are also paid to all members of the CSS upon exposing organized plots against the state or party. It is an inflexible rule that at all times receipts must be signed for such payments.

### CSS COLLABORATORS

The CSS makes extensive use of collaborators. They help the CSS in the work of discovering enemies of the state and party; although such collaborators have no official duties in the CSS, and they may or may not be card-carrying members of the Communist Party. In most instances, these individuals are forced to become collaborators because the CSS has them at their mercy due to known weaknesses or crimes. Whether an individual has committed a crime against the civil laws or against the state, the CSS makes use of these weaknesses or crimes to get the individual to collaborate with them in carrying out orders. They are especially interested in recruiting from the ranks of former anti-Communists and religious organizations and military personnel; so that, beside their own secret and known members, they can count on collaborating members who are not in the official membership of the CSS.

A collaborator is often obtained through arrest by Government officials who accuse the prospective collaborator of serious offenses against the party or Government. Although this accusation may be entirely faked, it is supported by documents, facts, and witnesses which when shown to a judge, would cause the accused to be found guilty and confined to a jail or be sent away. This work also involves all of the refinements that the CSS has perfected in forcing witnesses to confess their guilt. In most cases, the proof of these accusations would bring on a death sentence, but the CSS then makes it clear to the defendant that he can avoid sentence and remain alive if he makes himself useful to the Communist Party, and in that way pay for his crime. In other words, the suggestion is made to him to join in the work of the CSS and assist in discovering the enemies of the people. Once he agrees to this, the collaborator must sign a statement to the effect that he will carry out the orders of the CSS and in the event of nonfulfillment, be willing to forfeit his life. Since the community residents have knowledge of his transgression, the accused is many times given a prison sentence and pardoned shortly afterward. His training for the new job is immediately begun. While he is in prison, the CSS gives him certain duties to perform such as reporting on other prisoners. In this manner, the collaborator soon proves his trustworthiness. From the local jail he is usually given a further sentence in a concentration camp and he continues the duties of a collaborator until such time as he is removed to another part of the country where he is not known. There he must continue his work as a collaborator and carry out his assignment for the CSS. Should he fail to collaborate with the CSS, he is rearrested, the trial reopened, his confessions and transgressions revealed and, except in rare cases, he is immediately sentenced to death because of his unreliability. The forced collaborator knows that in the event any of his relatives or companions learn of his connections, it would also result in his death.

The CSS awards bonuses to those secret collaborators. It will also offer bonuses to people for collaboration—even though these people have no connection with the Communist Party or the CSS. Of course, a dedicated and loyal member of the CSS would never take such a bonus or outright bribe because he knows too well that any knowledge of such action would immediately hurt his standing with the CSS.

Many people become collaborators in the CSS without having any thought or idea in the beginning that they would become involved in the Communist system. There are certain procedures which are used by the CSS to recruit collaborators and the following are some of the standard operating procedures.

### HUMAN WEAKNESSES AND AMBITIONS

The personal relationships of people are constantly being watched so that the CSS can exploit their passions and weaknesses. They know when a man is having marital troubles and desires to get rid of his wife. An agent approaches the man and leads him to believe that if he can come to some agreement with the CSS and is willing to render "a few services" to the party, he will then win his divorce or separation. In the beginning these "services" are very small and inoffensive, such as being asked to detail the conversations that took place at a wedding party, covering the people who attended, and whether or not there was any derogatory conversation against the state or against members of the party. Once it is determined that prospective collaborator can be of service, the divorce from his wife becomes easy.

In a similar manner the sentimental relationships among young people are exploited to the extent that when a young man wants to marry a girl, and her parents have serious objections, the agents of the CSS persuade the man or girl to follow certain trivial orders and, in return for these "small services" to the state, the collaborator is promised that his marriage will be made possible. If the prospective collaborator proves reliable, the parents would be either deported to a concentration camp or sent to another part of the country, which action enables the young couple to get married. The Russian concentration camps have been filled with people who have become victims of this sort of tyranny.

A definite effort is made to study the vices or passions of people so as to make them serve as collaborators. A man who is very fond of ladies is offered a pretty girl; a drinker has quantities of liquor made available to him; a gambler is given sufficient money so that he can spend it in that fashion, and the ambitious person who wants to get ahead is promised certain fulfillments if he will but give some of his services to the state. Students who are particularly desirous of continuing their education and who have the real talent for studying are particularly suited for this purpose. It is safe to say that there is not a single student at the universities in Russia who has not "rendered" services of some kind to the CSS in order to be granted permission to enter schools of higher learning. At the present time, in the Communist-dominated countries, almost 85 percent of the students have a scholarship of some kind which comes as a direct compensation for collaborating with the CSS. As outlined before, scholarships and admission to the Russian universities and colleges are only possible with the approval of the CSS, but not so for any person lacking interest in politics. In their role as collaborators, the students serve a double purpose; one, to always inform the CSS of the teachings of the professors as this affects the Communist apparatus, and, two, to inform on the Russian people, because, in a great many instances, while attending the university, students live in Russian homes and can report all conversations to the CSS. During 1952 some students who had refused to collaborate with the CSS in Russia were expelled from the university. Today only those young people who are "appreciated" by the CSS, and who collaborate with them, are able to attend these universities.

Where members of the family find themselves out of work or seriously ill or in debt, the CSS agent plays the role of the benefactor, promising all kinds of assistance in return for willingness to collaborate on "minor" matters. This, of course, has a tremendous appeal to the social strata whose living standards are lowest, such as is the case in the villages and mountain towns. As has been pointed out, once the collaborator gets involved, each assignment makes it more difficult for him to back out, until he is finally at the complete mercy of the CSS agents and cannot turn back.

Probably the most despicable and criminal system for the recruitment of collaborators is the one followed in recruiting children. They are unknowingly the innocent denunciators of their own family. Between these children and the CSS are the teachers, who represent, without any doubt, a vital link in supporting the CSS activities. No teacher is allowed to exercise his profession without a full and complete indoctrination into the principles of the Communist Party. In the classroom activities the children are asked to write essays and make reports on the opinions of their parents regarding the Communist Party, the Russian state, and their views on the high officials of the party—so that the unsuspecting child, in thinking he is merely writing his language composition, is actually reporting on the innermost conversation and thoughts of his family. In examining these compositions, the teachers can immediately pinpoint the people who are opposed to the state, the party, and/or important officials, which information is immediately brought to the attention of the proper party agent.

It is easy to understand why the CSS is always so well informed, when it has the help of collaborators who have been selected from various occupations and who dare not refuse to continue collaborating for fear of disgrace, being sent to prison or concentration camps, or being executed as betrayers of the state. This powerful network of collaborators enables the CSS to stamp out, forthwith, any action against the Communist Party and to stage popular demonstrations of agitation, such as riots and strikes, in the event the CSS feels it necessary to go to such lengths. Such demonstrations are usually staged at the headquarters, which gives the CSS the added opportunity of pinpointing those people who take part, or refuse to take part, in them. Direct orders for these activities come from the MWD in Moscow, and even the satellite authorities, under specific instructions from Moscow, do not undertake such staged events unless Miscow directs them to do so. The system is so designed that the spies of the CSS can keep the members of the innermost Communist councils, members of the central committee, and even the head of the Communist state, under surveillance, as well as every member of the party. This continuous spying often times produces "staged" results. For instance, if the CSS headquarters issues orders that in a certain city or village the enemies of the state must be made an example of, a campaign is launched against these class enemies and if none are available, the spies and collaborators will manufacture them from innocent people in order to keep themselves in good standing with the CSS headquarters.

The CSS has set up a scheme of operation in the event that communism is destroyed through an uprising of the people or in an adverse election. This scheme provides for setting up in Russia and all the satellite countries a group of known anti-Communists who are in reality collaborators to be used to keep the CSS in the background so that after the upsetting of a Communist regime, the CSS will still remain the hidden power. This is being accomplished by way of having the CSS collect a considerable amount of compromising evidence on collaborators, showing their close connection with the CSS, and then having these collaborators appear to be free in their criticism of communism and Communist officials. In this way the CSS is preparing its setup in the event a Communist regime is overthrown.

Should it become necessary for political reasons and/or because of revolts among the peoples, to modify the present regime in Russia or in the satellite countries, or because

of aggression by the capitalist countries, the CSS organization will still carry on because the chances are extremely good that the new leaders of a country will be collaborators of the CSS, who have the appearance of being independent because of their previous criticism of the Communist regime. With the new regime, the collaborators, in the guise of anti-Communists, will still be subservient to the inner circle of the CSS because the CSS has the factual evidence which can expose the new officials or rulers as nothing but former Communist spies.

The hold that the CSS has on a country it has once taken over is far greater than anyone realizes. This occurs because the agents, spies, and collaborators must continuously turn over to the CSS a list of all their acquaintances whom they know or suspect of being opposed to the Communist principles, and these people are always liquidated. As a net result, there are no leaders left in a country where revolutions may take place and upset the regime. Therefore, the collaborators and agents who have been assigned the task of posing as anti-Communists, and at times criticizing the Communist Party, are the natural people to head any new government. It follows then, that even if collaborators, through revolts or otherwise, are cut off from the control of the CSS, they still are under compulsion to carry out orders because of the danger that their past association with the Communist movement will be revealed to the citizens of the country.

In their interests of continuity for the future, the CSS has perfected an organization will be useful in the event communism is eliminated in a satellite country. These certain collaborators will be allowed the luxury of manifesting courage among the population in order to create for themselves the reputation of being against communism. In this way they would certainly obtain prominent positions in any new government organized against the Communist regime and will continue to serve as secret agents in the cause of communism. With all the accumulated past evidence maintained up to date on its collaborators, the CSS can readily dispose of anyone who refuses to cooperate with its corresponding branch in a rebellious country. This can be done by forcing other collaborators to yield documentary evidence showing that a particular collaborator was a former secret agent of the CSS or of the Communist Party. Upon the unmasking and the presentation of such evidence, the person desirous of extricating himself from CSS control is put in the precarious position of having all of his fellow citizens know that at one time he was a collaborator, certainly an untenable position with the new government.

The basic organization of the CSS exists in every Communist-controlled country. In Bulgaria, it is known as Derzavna Sigurnost; in Romania, Securiate Statului; in Czechoslovakia, Statni Bezpecnost; in Hungary, AVO, and in Russia, MWD. This is the basic system which provides for the broad outline of the invisible government behind the scenes. Within this organization is a special ruling group which we will not elaborate on at this time but which will be revealed in the future.

The entire membership of the CSS represents a priviledged super-party class in control of the government and of the Communist Party itself. It is hoped that the revelations contained in this document give some inkling of the power possessed by the members of the special ruling group in the CSS. It explains the absence of any organized underground group against the Communist system and should provide everyone with the key to the difficulties involved in doing away with the system once it takes hold in a country.

The CSS needs no special title or head for the system. The establishment or abolition of any organization that seems to appear to the public to be the special ruling group behind the CSS is but window-dressing, because this special ruling group controlling the CSS always operates behind the scenes in all Communist states.

This report should fully illustrate that in the Communist-controlled, as well as in the non-Communist countries, the Communist system consists of the front men and those who are the true special ruling group behind the scenes; that the system is one of the kingmaker and not one of the king; that being a member of the party, or a high functionary, or a head of the state, still does not mean that any of these people are members of the special ruling group of the CSS. Malenkov, Bulganin, Khrushchev, Gomulka, and Kadar are all front men, and the special ruling group controlling the CSS can easily remove any of them and substitute others. Many examples, past and present, can be cited to further prove this point. Indeed, purges in a Communist state mean nothing, even if entire groups of Communists are removed, because the power remains irrevocably in the hands of the special ruling group of the CSS.

The revelations of the inner operations of the CSS contained in this report show how the CSS, itself, can start anti-Communist riots, either for or against communism, anti-Stalinism, anti-Semitism and Democratic outcries, and how it can install or remove men like Malenkov, Molotov and Gomulka. It is so flexible that it can undertake any course of action to fool its enemies. These revelations also show the economic help for the "suffering people" of the Communist-controlled nations only serve to further support the special ruling group of the CSS. This report should prove that the present tendencies to make for an "evolution toward freedom and independence" within Communist countries, must be viewed most carefully because of the seeming invincibility of the CSS under present conditions.

This report should also prove that the real horrors and dangers in the philosophy of communism are due to the fact that the doctrine of communism is being upheld by the most immoral, abnormal, and criminal elements of the nation, who terrorize the citizens by keeping them in both spiritual and material concentration camps. It is a system which exploits the bad and weak characters of men and nations, a diabolical system which seeks to instill terror, apathy, and despair in the souls of white Christian men subjected to this system, and has, as its basic concept, the philosophy of the Asiatic mentality, a dedication to the progressive liquidation of the white Christian race. The system is designed to cause terror in the minds of men that any physical torture could ever cause and systematically uses fear as a means of controlling the individual, his friends, and his relatives so that eventually mankind would be led by the Communists with a carrot in one hand and a stick in the other.

This report should show to all men the basic differences between the CSS and the simple intelligence and secret-service systems of the non-Communist countries. It highlights the basic differences between the Communist system and others, such as nazism and fascism, showing that the latter two systems place the real power in the hands of the visible heads of the party, whereas the Communist system, places the real power in the invisible special ruling group operating behind the scenes.

The revelations herein contained should bring to light the fallacy of the Western journalists and writers who are leading us to believe that there could be an evolution in the satellite states toward a national communism by individual Communist nations. On this assumption the present soft policy of the Free World against Communist states is being built up, which is exactly what the Communists desire. There can be no evolution of this kind in the satellite states. Witness the recent flareup in Hungary when, through a natural revolution, the citizens came close to upsetting the CSS, and the armed forces of Russia stepped in to help the hard-core Communists overthrow the new government. Poland has been permitted a certain amount of freedom, including anti-Communist writings and speeches, but everyone knows that Poland is guardedly cautious not to overstep and cause the Russian troops to help the CSS destroy any real democrat or anti-Communist action.

The CSS knows that it can call on Russia and other satellite nations to help crush revolts in any of the satellite states because the CSS realizes that the free nations will never step in and help the anti-Communist forces within the satellite nations.

As long as the CSS is not attacked in Western radio programs, and in Western propaganda, the childish name-calling against the front men of Communist-dominated countries will just cause the special ruling group controlling the CSS to smile at the naivete of the Free World. The present radio programs of the Free World, especially Radio Free Europe, help to protect the real rulers of the Communist hierarchy by superficially attacking the front or known men in the system, while failing to reveal to the people of the Communist-controlled world, the real workings of the CSS. By failing to let the people of a Communist-dominated country know about the CSS, as it actually exists and operates, with secret agents and informers, collaborators, teachers, and university students, and by using a philosophy of appealing to the baser side of the nature of man, these Western radio operators and newspapermen fail to reveal the true nature of the Communist conspiracy. By concealing the truth about the system, its secret agents, informers, and collaborators who control each other; by not revealing the entire invisible government behind every facet of Communist life, and by failing to mention the existence of the real character of the CSS, they but blind the people behind the Iron Curtain to the real danger they face. There does not seem to be any basis for the thought of a possible evolution in the Communist-controlled states toward independence and democracy.

Although the information contained in this article is, and has been available to many governments outside the Iron Curtain, we know that Radio Free Europe, the press and the free governments have not attempted to divulge it to the Free World or to the people behind the Iron Curtain. From the knowledge we have of Communist agents already found within the free governments, there is a suspicion that a secret organization or invisible government is working within the free nations. In 1951, General MacArthur referred to this intelligence and warned us about it.

BASIC RECOGNITION

The basic premise on which the Free World must operate should be predicated on the realization that the Communist system is not that of the known visible Communist Party, but is the system of the invisible CSS which is practically unknown to the Free World. The present approach of the Western writers, newspapers, and radio commentators helps the invisible Communist apparatus by continuing to picture the Communist conspiracy as that of the known front protagonists of communism. A case in point of this unwitting Western help is that of Communist editor, John Gates, who spoke at Columbia University. In this instance, he was featured in the newspaper accounts, but the editors failed to give the American public the background knowledge that men like

Gates are merely puppets at the beck and call of the secret CSS.

IS THE COMMUNIST SECURITY SYSTEM INVINCIBLE?

In spite of the clandestine and seemingly invincible nature of the secret invisible government which has been set up under the Communist security system, the Free World, if it will but begin to expose and attack this system of invisible government and also attack the people who are upholding it in both the free and Iron Curtain countries, progress can be made in helping to destroy this system. If the people in the Free World will continue to point out to both the free and satellite countries the dangers of giving economic aid to the Communist states, and that the Free World believes only in full liberation and freedom, then, the people who are now the unwilling captives of the secret Communist conspiracy will begin to lose their fear, apathy, and subservience to the Communist security system. With this policy, which would take into account the true nature of the Communist system and its invisible and immoral forces, the people now held in bondage would begin to have hope, as well as the desire to destroy this barbaric system, without having to recourse to war.

The Communists throughout the world feel that the free peoples may become acquainted with their methods of degrading the nature of men and of destroying man's free will. Such knowledge will hasten the end of the secret Communist conspiracy—but only if the newspapers, radio stations, and free governments reveal and describe this secret conspiracy as it really is, and not keep the true facts hidden, as the Free World has been doing up to the present time.

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## REVIEW OF ATOMIC ENERGY PROGRAM, AND LATEST AUTHORIZATION BILL (H. R. 8996)

The SPEAKER. Under the previous order of the House, the gentleman from California [Mr. HOLIFIELD] is recognized for 30 minutes.

Mr. HOLIFIELD. Mr. Speaker, the Joint Committee on Atomic Energy will bring to the House for consideration in a few days the 1958 atomic energy authorization bill.

The bill will be controversial, as it was reported out favorably by an 11-to-7 lineup of the committee members.

The majority and minority report (H. Rept. 978) and the hearings are available to the Members.

Before I discuss some of the controversial items in the bill, I will review briefly the joint committee's record of stewardship in relation to leadership in the atomic program. It is a record of vision and direction, by persuasion, and advocacy of needed programs which time and events have proven to be courageous and, I believe, wise.

Congress set up the joint committee bypassing the McMahon Act in July 1946. We were to function as a watchdog committee over this new and important field. We were to be kept fully informed by the Atomic Energy Commission on all phases of the program, and to exercise legislative jurisdiction in the atomic energy field.

I hope the House will keep this fact in mind.

Most of the members of the joint committee have been on the committee for 8 or 10 years.

The present Commission's chairman, Mr. Strauss, has served a total of 7 years. Dr. Libby has been on the Commission about 3 years. Mr. Vance, the only other Commissioner, has been on the Commission 14 months.

The Congressional members, therefore, of the joint committee have by far the greatest individual and collective continuity of Government experience in the atomic energy field.

As the chairman of the Atomic Energy Commission recently suggested, the joint committee has acted as a board of directors.

Therefore, acting as a board of directors, your Congressional members have, time after time, decided that the Atomic Energy Commission, under both Democratic and Republican executives, was failing to initiate programs vital to the national welfare. We necessarily took the initiative in recommending and supporting expansion of weapons stockpile; building of the atomic submarine, *Nautilus*, and additional nuclear vessels; starting on the hydrogen bomb; starting a second weapons laboratory at Livermore, Calif.; building the Shippingport power reactor; building the great production plants at Portsmouth, Paducah, and Savannah River; the first 5-year reactor program; the building of an aircraft propelled by nuclear power; and many other programs of lesser magnitude.

During this time, our committee could only watch the program, and persuade the Atomic Energy Commission to embark on these efforts. We succeeded because our committee was on the job, meeting on the average of three times per week while Congress was in session. It was our vision that pointed out the goals for a great atomic program.

We had little real authorization power under the 1946 act. Under the 1954 act, however, Congress gave to the joint committee the power of authorization over construction of facilities.

On April 16, 1957, Mr. CANNON, chairman of the Appropriations Committee of the House, made an extensive speech on the floor in which he criticized the Atomic Energy Commission for not including many of their activities in the authorization budget, refusing to consider blank authorization for unauthorized projects.

On June 24, 1957, Congress passed H. R. 7992 and the President signed the bill on July 3, 1957.

Under that enlarged authorization, the joint committee has scrutinized carefully the reactor development program of the Commission. A majority of the committee found the Commission's program seriously deficient.

We have recommended a very modest program to accelerate the power reactor program.

We have added to the Commission's requested program $58 million for the following purposes:

First. We have authorized $3 million as the estimated cost of firming up engineering and design for a reactor to be built as soon as practicable, for the increase of our plutonium production. The majority of the committee has been convinced for some time that additional plutonium facilities will be necessary if we are to expand the small nuclear weapons program which will give us flexibility of choice in brush-fire war situations, relieving us of major dependence on large strategic nuclear weapons. Such a facility would also provide a hedge against the failure of present plutonium-producing reactors, some of which are 14 years old.

Second. We have also authorized $40 million for a natural uranium power reactor of medium size. All of our present reactors use enriched uranium fuel. It takes 10 percent of all the electric power generated in the United States to make our enriched uranium. The British, on the other hand are building their system of reactors for use at home and for export abroad on the basis of using natural uranium as a fuel.

If we are to compete in the world export market, many of our reactor experts feel that we must be in a position to sell reactors which offer a choice of either natural or enriched uranium as a fuel. The majority report offers more detail on this point.

Third. Our third authorization is for $15 million to start immediate designing and construction of a small pilot plant for the purpose of learning how to burn as a fuel the element plutonium, which is now exclusively a bomb material. This is a most important objective in the event that we reach the ceiling of desired weapon inventory or if an armistice should happily occur in the cold war.

In such an event, plutonium now being produced for weapons could be converted into peacetime reactor fuel in electric generating plants. The Atomic Energy Commission has partially recognized the desirability of this project and has already spent over $2 million in research and development for this purpose. The Hanford scientists who conducted this study have testified before the committee that they are ready to go to work on the plutonium recycle reactor.

The minority has attacked this program on the grounds of favoritism to particular contractors or scientific groups. Let us look at the facts.

From the very first days of the Atomic Energy Commission and the Manhattan Engineering District, the Government's production centers and laboratories have been operated by private groups. The magnitude of the work required that, in most instances, the work be done by large industrial companies since only they had the personnel for large undertakings of this type.

Union Carbide, DuPont, General Electric, Monsanto, Westinghouse, Western Electric, and the major universities operate important atomic sites for the Government. In fact, the list is a veritable blue book of American industry.

I have previously described how the Congress has taken the lead in advocating expansion in many atomic areas. On each occasion there was a resultant expansion in the scope of the work of the operating contractor. In every case, the criteria has been the need for expansion and the capability and availability of qualified groups, rather than the end contracting result. In fact, most of these contractors receive only modest

fees for operating the Government's laboratories.

In the present recommendation of the committee, there has arisen an allegation of favoritism toward the companies who operate the Government facilities which would be affected. This allegation is as untrue as if it had been made at any period in the past when expansion of any Federal atomic activity was suggested.

The large companies who operate the atomic laboratories for the Government are not free to purchase reactor components or any other item within their corporations' orbits. They must go out for competitive bids. The base of the United States atomic energy program has been built in this fashion with thousands of small suppliers acting as suppliers ot the Government centers.

It is anticipated that these reactors would be built at available Government facilities where available qualified scientific and engineering personnel are situated. The committee has no hesitation in exercising its collective majority judgment in this field after the personal visits to laboratories, the interviews with enthusiastic reactor experts, and the testimony received on these subjects during the hearings.

The minority criticizes the Westinghouse people—page 53, paragraph 6—for turning to the Congress. This criticism is unwarranted. At no time have the Westinghouse people volunteered their advice to the committee. Their advice, and testimony has been requested many times, as has been the case with other industrial groups, by the committee. It is to their credit that their answers to questions have been frank and responsive, without evasion or fear of retaliation.

Most of the minority report is given to a discussion of the Atomic Energy Commission's program of partnership arrangements with five electric cooperative groups. The minority report creates the bogey man of public versus private power which is not an issue in this legislation, unless the minority is opposed to the Atomic Energy Commission's own program of cooperation with publicly owned groups. If they are opposed to the Atomic Energy Commission program, they have the privilege, of course, to offer an amendment to strike out this part of the Atomic Energy Commission's program.

The majority of the joint committee want it clearly understood that they have not proposed to the Atomic Energy Commission in any way, the development of the present Atomic Energy Commission cooperative program, for which they have requested cash authorization of $129,915,000. This program is the Commission's program. The Atomic Energy Commission is responsible for it and they asked for every dollar of the above sum plus the right to waive fuel-use charges in the amount of $20 million, making a total of $149,915,000.

I repeat, every dollar of the $149,915,000 in section 111 of the bill has been asked for by the Atomic Energy Commission. The minority report labels this program—page 60 of the report—as "atomic power federalism and socialism."

If this be true, then, my friends, it is the Atomic Energy Commission's program of atomic power federalism and socialism.

The joint committee did not increase the amount asked for by the Atomic Energy Commission for this cooperative program. As a matter of fact, we authorized $2,706,000 less than their final request—July 5 letter of R. W. Cook pages 653 and 654 of hearings, final request $132,621,000.

Now let us have the facts about the Atomic Energy Commission's program of assistance to the cooperatives and publicly owned electric power groups.

The Atomic Energy Commission asked for proposals for joint participation of non-Government power groups with the Atomic Energy Commission under three separate announcements, called "rounds."

Under the first round, negotiations developed between the Atomic Energy Commission and two private utility groups and one publicly owned group:

The Yankee Atomic Electric Co.—private utility group.

The Power Reactor Development Co.—private utility group.

The Consumers Public Power District of Nebraska—State chartered cooperative.

Under the second round, negotiations developed between the Atomic Energy Commission and four publicly owned utility groups. No private utility responded:

Chugash Electric Association of Alaska.

Rural Cooperative Power Association, Elk River, Minn.

Wolverine Electric Cooperative Association, Hersey, Mich.

City of Piqua, Ohio—municipally owned.

The third round is pending and responses have been received from two private utility groups:

The Florida Nuclear Power Group, Florida.

The Northern States Power Co., Minnesota.

The Atomic Energy Commission has asked for $30 million to be authorized in anticipation of need for third round respondents, announced and prospective. Although, as is the case in the second round, no firm contracts are at present in existence, the joint committee has nevertheless included in section 111 authorization of this $30 million item for possible use.

We therefore find the balance of the fund in section 111 amounts to $99,915,000. This amount is requested for assistance to the five cooperative and publicly owned power groups which responded in the first and second round invitation of Atomic Energy Commission.

The Atomic Energy Commission has been negotiating with these 5 cooperatives from 17 months to 27 months and for some reason no contract has been signed. There has been no satisfactory meeting of the minds.

The Atomic Energy Commission is not satisfied with the cooperative's proposals. The cooperatives are not satisfied with the Atomic Energy Commission's counter proposals.

No contracts have been signed—only talk, talk, talk, since January 1955.

In the meantime, the cooperatives have spent thousands of dollars from their meager funds. The rosy blush of atomic power romance is fading.

I doubt if the marriage will occur. It may well be the suitors are incompatible.

Now another fact—under the Atomic Energy Commission cooperative proposals, the Federal Government will own the five reactors. The Federal Government puts up the money for building the reactors. The Federal Government furnishes the atomic fuel free for 5 years. It processes the fuel free by subterfuge. The Federal Government proposes to subsidize the operation of the reactor for a maximum period of 5 years by subterfuge.

You, of course, want to know what I mean by "subterfuge." Well, here it is.

The Atomic Energy Commission proposes to pay the co-op for plutonium produced in the Government's own reactor from its own atomic fuel, which it must process in its own fuel-processing plants.

The AEC proposes to pay the co-ops for postconstruction scientific data or "unusual maintenance" during the postconstruction operating period, although it is entitled to such information on the basis of preoperation assistance—Mr. Diamond's testimony, pages 566–567.

That is what I mean by "subterfuge."

Why does the Atomic Energy Commission insist on this method of complicated negotiation?

The Atomic Energy Commission, in my opinion, finds its reactor program stalled on dead center. Private money has not come forth to develop a power reactor program adequate to the economic and international need.

The Atomic Energy Commission will not admit the above facts which are so abundantly clear to scientists, reactor experts, and many Members of Congress.

The Atomic Energy Commission must create the illusion of non-Federal private money participation in the power reactor development program to save face. This is very hard to do, because the expenditure of Federal funds must undergo Congressional scrutiny. Government dollars can be traced through second and third parties and their actual use disclosed. If their use is for subsidized operating purposes and not for research and development in the proper and legal sense, then they clearly violate section 169 of the Atomic Energy Act.

This is not the first time the Atomic Energy Commission has tried to use their administrative powers to confuse the Congress. This is not the first time the Atomic Energy Commission has used a complicated, circuitous contractual device to accomplish an ideological objective.

This is the same clever legal juggling that got the AEC into trouble on the 3-way Dixon-Yates-TVA-AEC type of contract. I warn the Atomic Energy Commission and I warn the cooperatives that they are on dangerous ground.

The Atomic Energy Commission had better face up to the statutory requirements and make an open, honest arrangement similar to the direct con-

tracts of AEC to Westinghouse and to Duquesne, Shippingport, Pa.; also, AEC to North American and to Southern California Edison Co., Santa Susana, Calif.

The authorization hearings have revealed this dangerous situation which rests on the Atomic Energy Commission's first and second round proposals and the negotiations to date with the respondents.

Remember, these negotiations are a result of the Atomic Energy Commission's reactor development program, and are not due to suggestions of the joint committee. The responsibility of the final arrangements rests on the Atomic Energy Commission.

The joint committee, by an 11 to 7 majority—almost 2 to 1—has indicated its approval of funds on the basis of an honest, open and direct contract method of cooperation between the Government and the co-ops as outlined in section 111 of the committee bill. If the minority strikes out the honest, open formula of direct Government funding of its own reactors and succeeds in reverting to the hidden-subsidy formula of the Commission, they will have to take the responsibility of imperiling the Atomic Energy Commission's reactor program.

The joint committee has not directed the AEC to proceed nor to cancel the co-op arrangements. The Atomic Energy Commission must make that decision—it is their responsibility.

But if it makes the decision to go ahead on a phony, circuitous contractual basis, using subterfuge to create the illusion of nongovernmental participation and using tricky and indirect contracts to cover actual subsidies prohibited by law, then I hope the appropriations committee will take a good look at the history of this problem.

The minority criticizes the majority for its refusal to authorize the Atomic Energy Commission's request for $4,206,000 to be used for research and assistance to the Power Reactor Development Co.—page 57. The majority report is adequate response to this criticism.

I might call the attention of the minority Members, however, to section 107 (1) on page 45 of the report. This item provides $29,100,000 for the construction of a fast breeder pilot facility, EBR–II. Also, there is an item of approximately $10 million in the operating budget for fast breeder research and development. Also, there is an item of $1,500,000 in section 111 of the pending bill to be used for fast breeder research and development.

The totals of the above items are $40,600,000 for the advancement of the fast breeder technology. All of the information obtained from the expenditure of these funds will be available to the Power Reactor Development Co. as it will be to industry generally. I refer the minority Members to Aesop's fable of the dog with bone in mouth who, while crossing over a stream, saw his reflection in the water below. The bone in the reflection looked so desirable that the dog opened his mouth to snap at the larger-looking bone. Alas. He dropped the real bone into the stream and departed hungry because of his greed.

Need I say more?

## ATOMIC ENERGY AUTHORIZATION

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. PRICE] is recognized for 30 minutes.

Mr. PRICE. Mr. Speaker, I would also like to say a few words concerning the Atomic Energy Commission authorization bill which will be up for consideration in the House shortly.

First, I would like to point out that the funds authorized for capital expenditures are substantially less than for last year. Last year, $319 million was authorized as against $268 million reported out by the Joint Committee.

Moreover the amounts added by the Joint Committee for atomic reactors are considerably less than requested by AEC for authorization from the Bureau of the Budget. The Joint Committee added a net amount of $58 million for reactors, whereas AEC originally requested $150 million of the Budget Bureau.

I should also like to point out that substantial funds and financial inducements for private power company reactors are authorized in this bill, with over $50 million in total program authorized. This was all that AEC asked for in 1958.

In reporting out this bill, the Joint Committee acted in line with its great tradition of leadership in the field of atomic energy. As you know, the Congress with no opposition from AEC or the administration enlarged the legislative review of the atomic power program by its recent amendment to section 261 of the Atomic Energy Act.

But the moment the Joint Committee voted in accordance with this congressional mandate, we began to hear cries and organized opposition declaring that the Joint Committee and Congress are going outside their appropriate role. I can only say that we have been hearing those cries in one way or another for 10 years, and in spite of them we have spurred on such great efforts as the H-bomb, the *Nautilus*, and the Shippingport project, our first and only prototype power reactor. I fervently hope and believe we will not stop our pioneering efforts at this crucial juncture.

The main point of contention here is, of course, the atomic-power program. Now, this program is carried on in three types of ways: First, by wholly privately financed projects as by Commonwealth Edison and Consolidated; second, by Government-owned and sponsored reactors for experimental or demonstration purposes, as at Argonne or Shippingport; and, third, by privately sponsored projects with some research and development assistance, as, for example, the Yankee project.

All of these reactors are being built for research and development purposes. All are admittedly uneconomic. All are costing more money and taking more time to build than originally estimated or predicted. It should not be surprising that the program is lagging and bogging down.

I believe the Congress should encourage all three of these types of development at this stage of the program. However, some of my colleagues on the other side, and the AEC, have a blind spot about admitting publicly that the Government must provide the leadership and funds to get the show on the road.

Now, in order for the first approach to work, there is great need for private insurance and Government indemnity for reactor hazards. The bill, H. R. 7383, which I introduced, provides a Government indemnity up to $500 million. It passed the House and awaits Senate action.

Now, I also believe that approach No. 2—of Government-sponsored reactor development—should also be followed. The joint committee has reported a modest program for the consideration of the House. This program consists of, first, the design of a plutonium reactor; second, the development and construction of a gas-cooled reactor prototype; and, third, the development and construction of a plutonium recycle experimental reactor. All these reactors would be built under contract with private firms with the power absorbed at AEC installations.

Finally, I believe that approach No. 3—that of private development with Government financial assistance should also be encouraged, and indeed augmented. However, it should be open and aboveboard. And where, as in the case of cooperatives, the Government puts up most of the money the development and construction of the reactor should be supervised directly by AEC. The Joint Committee has required this in the authorization bill.

Unfortunately, there has developed opposition to the Joint Committee's proposals on additional reactors and cooperative arrangements. Cries of favoritism and public power have been raised.

It would be unfortunate indeed if this opposition confused issues to the extent that the entire legislative program on atomic power were imperiled. We have only a short time to accomplish our constructive work, and any diversionary attempts could impede our efforts all along the line.

Now, as I see the picture, AEC is not opposed in principle to what the Joint Committee is sponsoring. It is apparently opposed to it because the Joint Committee is sponsoring it. I want to take as an example the arrangements with cooperatives, and ask you gentlemen what else could the Joint Committee do when the AEC has abdicated its leadership.

In our hearings, at which I happened to preside, we developed a great deal of information on how AEC has bogged down its negotiations with cooperatives and publicly owned organizations, taking from 16 months to 2¼ years and still no contracts. Testimony by the Rural Electrification Administration and AEC both indicated that substantial problems remain to be solved. Thus, for example, AEC has "closed end" arrangements with fixed amounts of funds to cover the cooperatives' increased costs of running a reactor. This puts a risk of financial loss on the cooperative if its expenses

exceed this allowance. In this connection, REA top officials gave the following testimony:

Question. In other words, would it be correct to paraphrase your policy and say you are willing to make the loans to the Association if they can make arrangements that the cost to them will be no more than the cost of operating a conventional plant?

Mr. EDMUNDS. That is right.

Question. And if the costs are higher than that, which everybody recognized they will be, they have to make arrangements for the AEC or the reactor manufacturer to pick up the difference?

Mr. MYNATT. That is right; yes, sir.

Chairman DURHAM. It does not take much of a loss to wipe out the capital structure, and that, of course, would not be endangered because you expect this loss to come from some other Government funds?

Mr. FOREMAN. We will answer the question this way: When the contract comes to the administrator for final approval, that is what we attempt to approve, a contract which will do exactly the thing that you mention.

How could AEC enter into a closed end contract in view of this REA policy? For this and other reasons outlined in the Joint Committee's report, the AEC Director of Reactor Development admitted that AEC right now has serious problems. On July 9, he stated as follows in response to a question:

We have been struggling to find some way to do this where we could leave with the cooperatives involved the maximum amount of their own direct participation to try to achieve as near a commercial situation as possible, recognizing that these small plants and in their initial operations, as first plants, were not going to be economic.

So what we have attempted to do, and it has been a very difficult struggle obviously, is to find some formula by which we could retain this participation and retain such value as we could from these people who had made proposals and had made the proposals to undertake the projects and work out a satisfactory arrangement.

Now, we would still like to see this done to the greatest extent possible, but I think we all agree that there certainly are some very serious problems in just exactly how to set these up. If there weren't, we would have gotten these contracts negotiated long ago.

It was in the above context that inquiry was made of the AEC chairman as to whether AEC approved the joint committee's proposal to require direct contracts between AEC and the equipment manufacturer for the reactor and direct contract between AEC and the Co-ops for operation of the plant on a more flexible basis:

Senator GORE. Mr. Chairman, I appreciate Dr. Davis' restatement of that which he has already told us. The subcommittee likewise has carefully considered and has undertaken to bring forward a program which would do what the chairman of the Commission has just stated the Commission would like to do, to find some way to go forward with the construction of demonstration reactors or prototype commercial reactors utilizing the public power agencies that have responded to round No. 2.

If the Commission gave its reaction, either support or opposition to what the subcommittee has not formally presented but which is now before you, I was on the telephone.

If you have not, I would love to know just your reaction. Maybe the Commission has not formally acted on this either, but if you have a position on it, I would like to know it and I am sure the other members of the subcommittee would.

Mr. STRAUSS. We have not acted on it, but our informal view which, in the absence of a quorum, is the best that we can give you is that we would rather go ahead with it on this basis than to drop these projects because we feel that these five projects are important to be explored in this manner.

Representative COLE. To clarify that, you would like to go ahead on this basis?

Mr. STRAUSS. On the basis provided in this draft.

Representative COLE. If this draft is not adopted, does that mean that the project will be abandoned?

Mr. STRAUSS. No; it means that we will be continuing to try to help these people find some method of financing. We have not yet ourselves talked to the REA. At least I have not. Whether there is some persuasion still left in us or not, I do not know. But Dr. Davis is not optimistic.

We had not asked for this assistance and, therefore, to that extent in this measure it is gratuitious, but I would hope that it would be adopted. I would like to see it adopted with respect to these plants.

I understand that AEC may not be in sympathy with the Joint Committee's provision which is identical to that commented on.

In any event, it should be clear that the majority on the Joint Committee were interested in advancing the reactor technology by providing for direct AEC supervision over the development and construction of the reactor, and in protecting cooperatives and publicly owned organizations against risk of loss in the development phase of operations. Only in this way can contracts be negotiated and approved, and work undertaken expeditiously.

In conclusion, allow me to endorse the recommendation made by the Joint Committee that after we get our modest authorization enacted we need to develop an overall realistic and balanced atomic power program which will utilize both private and Government initiative, funds, and leadership.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HOFFMAN for 30 minutes on Thursday next.

Mr. BAILEY, on Wednesday for 20 minutes, and his special order for today was vacated.

Mr. PRICE, for 30 minutes today.

Mr. BYRD for 5 minutes on August 6.

Mr. HESELTON for 30 minutes on Wednesday and 30 Minutes on Friday.

Mrs. ROGERS of Massachusetts to vacate the special order allotted to her today and to address the House for 5 minutes tomorrow.

Mr. KEAN for 15 minutes on Wednesday, August 7.

Mr. COAD for 1 hour on Monday, August 12.

## EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. SCRIVNER and to include extraneous matter.

Mr. HUDDLESTON.

Mr. EDMONDSON and to include extraneous matter.

Mr. ALGER.

Mr. ROGERS of Florida (at the request of Mr. BAILEY) and include extraneous matter.

Mrs. CHURCH to revise and extend the remarks she made in the House today on the inclusion of policemen and firemen in social security and to include extraneous matter.

Mr. DIXON and to include extraneous matter.

Mr. BROYHILL and to include extraneous matter.

Mr. DAVIS of Georgia in two instances.

## ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 1 minute p. m.), the House adjourned until tomorrow, August 6, 1957, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1103. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Government Printing Office for the fiscal year ended June 30, 1956; to the Committee on Government Operations.

1104. A letter from the Administrator, Federal Civil Defense Administration, transmitting a report stating that no claims were paid by the Federal Civil Defense Administration during the fiscal year 1957, pursuant to the Federal Tort Claims Act of 1946, as amended; to the Committee on the Judiciary.

1105. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the Immigration and Nationality Act of 1952 (8 U. S. C. 1254 (a) (5)); to the Committee on the Judiciary.

1106. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a copy of the order granting the application for permanent residence filed by King Fong Sheng, pursuant to the Refugee Relief Act of 1953; to the Committee on the Judiciary.

1107. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a copy of an order entered in the case of Tan Tat Geen, A-9097795, relative to rescission of adjustment of status granted this individual, pursuant to the Immigration and Nationality Act (8 U. S. C. 1256 (a)); to the Committee on the Judiciary.

1108. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the Immigration and Nationality Act of 1952, (8 U. S. C. 1254 (a) (1)); to the Committee on the Judiciary.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of August 2, 1957, the following bill was reported on August 3, 1957:

Mr. COOPER: Committee on Ways and Means. H. R. 5938. A bill to amend section

812 (e) (1) (D) of the Internal Revenue Code of 1939 with respect to certain decedents who were adjudged incompetent before April 2, 1948; without amendment (Rept. No. 984). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted August 5, 1957*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KILDAY: Committee on Armed Services. H. R. 8704. A bill to prohibit the delivery of members of the armed services of the United States to the jurisdiction of any foreign nation; with amendment (Rept. No. 985). Referred to the Committee of the Whole House on the State of the Union.

Mr. MACK of Illinois: Committee on Interstate and Foreign Commerce. H. R. 469. A bill to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes; with amendment (Rept. No. 986). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H. R. 8171. A bill to authorize the Secretary of the Army to sell certain lands at the McNary lock and dam project, Oregon and Washington, to the port of Walla Walla, Wash.; without amendment (Rept. No. 987). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRAZIER: Committee on the Judiciary. Senate Joint Resolution 35. Joint resolution to provide for the observance and commemoration of the 50th anniversary of the first conference of State governors for the protection, in the public interest, of the natural resources of the United States; with amendment (Rept. No. 988). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. H. R. 580. A bill to authorize the exchange of certain land in the State of Missouri; with amendment (Rept. No. 989). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. H. R. 5497. A bill to amend the Watershed Protection and Flood Prevention Act; with amendment (Rept. No. 990). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. H. R. 6765. A bill to provide for reports on the acreage planted to cotton, to repeal the prohibitions against cotton acreage reports based on farmers' planting intentions, and for other purposes; without amendment (Rept. No. 991). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAVIS of Tennessee: Committee on Public Works. H. R. 2580. A bill to increase the storage capacity of the Whitney Dam and Reservoir and to make available 50,000 acre-feet of water from the reservoir for domestic and industrial use; with amendment (Rept. No. 992). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 6785. A bill to amend section 26, title I, chapter 1, of the act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900 (48 U. S. C. 381); without amendment (Rept. No. 993). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. H. R. 8508. A bill to provide that there shall be two county committees elected under the Soil Conservation and Domestic Allotment Act for certain counties; with amendment (Rept. No. 994). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 8646. A bill to amend the Alaska Public Works Act (63 Stat. 627; 48 U. S. C. 486, and the foollowing) to clarify the authority of the Secretary of the Interior to convey federally owned land utilized in the furnishing of public works; without amendment (Rept. No. 995). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H. R. 7349. A bill to amend the act regulating the business of executing bonds for compensation in criminal cases in the District of Columbia; without amendment (Rept. No. 997). Referred to the House Calendar.

Mr. DAVIS of Tennessee: Committee on Public Works. S. 1823. An act to authorize the conveyance of Bunker Hill Island in Lake Cumberland near Burnside, Ky, to the Commonwealth of Kentucky for public park purposes; without amendment (Rept. No. 998). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 1394. A bill to authorize the sale of certain keys in the State of Florida by the Secretary of the Interior; with amendment (Rept. No. 999). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURRAY: Committee on Post Office and Civil Service. H. R. 4640. A bill to amend the Civil Service Retirement Act with respect to payments from voluntary contributions accounts; with amendment (Rept. No. 1000). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAVIS of Tennessee: Committee on Public Works. H. R. 4683. A bill to authorize adjustment, in the public interest, of rentals under leases entered into for the provision of commercial recreational facilities at the Lake Greeson Reservoir, Narrows Dam; without amendment (Rept. No. 1001). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 5309. A bill to authorize the Secretary of the Interior to construct, rehabilitate, operate, and maintain the lower Rio Grande rehabilitation project, Texas, Mercedes division; with amendment (Rept. No. 1002). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 7051. A bill to stimulate industrial development near Indian reservations; without amendment (Rept. No. 1003). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H. R. 7568. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1953, to provide that service in grade of inspector and the grade of private in the Fire Department of the District of Columbia shall be deemed to be service in the same grade for the purpose of longevity increases; without amendment (Rept. No. 1004). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H. R. 7863. A bill to amend the District of Columbia Alcoholic Beverage Control Act; without amendment (Rept. No. 1005). Referred to the Committee of the Whole House of the State of the Union.

Mr. COOPER: Committee on Ways and Means. H. R. 8865. A bill relating to the administration of certain collected taxes; with amendment (Rept. No. 1006). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOPER: Committee on Ways and Means. H. R. 8887. A bill to amend the Internal Revenue Code of 1939 to provide a credit against the estate tax for Federal estate taxes paid on certain prior transfers in the case of decedents dying after December 31, 1947; without amendment (Rept. No. 1007). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 8673. A bill to amend section 69 of the Hawaiian Organic Act; without amendment (Rept. No. 1008). Referred to the Committee of the Whole House on the State of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MULTER: Committee on the District of Columbia. H. R. 7825; a bill to exempt from taxation certain property of the B'nai B'rith Henry Monsky Foundation, in the District of Columbia; without amendment (Rept. No. 996). Referred to the Committee of the Whole House.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHELF:

H. R. 9115. A bill to prevent the unauthorized censorship by broadcasting, television, telephone, telegraph, and all similar companies or networks, of songs, tunes, words, lyrics, and other material and things; and providing certain procedure to be followed in such cases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CEDERBERG:

H. R. 9116. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. CHENOWETH:

H. R. 9117. A bill to amend title III of the Servicemen's and Veterans' Survivor Benefits Act to provide for payment of the death gratuity in certain cases involving deaths after June 27, 1950, and before January 1, 1957; to the Committee on Veterans' Affairs.

By Mr. HENDERSON:

H. R. 9118. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. HERLONG:

H. R. 9119. A bill to amend the Internal Revenue Code of 1954 so as to provide for scheduled personal and corporate income-tax reductions and for other purposes; to the Committee on Ways and Means.

By Mr. SCHWENGEL:

H. R. 9120. A bill to amend the Legislative Reorganization Act of 1946 to provide a method for the appointment, housing, education, and supervision of pages in the service of the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. BURNS of Hawaii:

H. R. 9121. A bill to provide for the construction of a geophysical institute in the Territory of Hawaii; to the Committee on Interior and Insular Affairs.

By Mr. GWINN:

H. R. 9122. A bill to amend section 1 (e) of title 17 of the United States Code with regard to the rendition of musical compositions on coin-operated machines; to the Committee on the Judiciary.

By Mr. SIKES:

H. J. Res. 434. Joint resolution to provide that the Secretary of the Interior shall take

no further action to carry out the agreement to exchange certain lands entered into between the Department of the Interior and certain owners of Mash's Island, Fla.; to the Committee on Interior and Insular Affairs.

By Mr. FRELINGHUYSEN:

H. Con. Res. 221. Concurrent resolution to authorize the President to proclaim the week beginning on the 3d day and ending on the 9th day of November 1957 as World Travel Week; to the Committee on the Judiciary.

By Mr. VURSELL:

H. Con. Res. 222. Concurrent resolution calling on all labor officials, the National Association of Manufacturers, the National Chamber of Commerce, the State chambers of commerce, and all businessmen of the Nation to cooperate in efforts to stop inflation and the constant rise in the cost of living; to the Committee on Banking and Currency.

By Mr. BOGGS:

H. Res. 384. Resolution to amend House Resolution 104 of the 85th Congress; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Wisconsin, memorializing the President and the Congress of the United States relating to the interest of the State of Wisconsin in the regulation of prices of natural gas; to the Committee on Interstate and Foreign Commerce.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AVERY:

H. R. 9123. A bill for the relief of Mrs. James S. Carpenter; to the Committee on the Judiciary.

By Mr. BYRNE of Pennsylvania:

H. R. 9124. A bill to authorize the Secretary of the Interior to permit the Library Company of Philadelphia to occupy the building known as the Second Bank of the United States Building, Philadelphia, Pa.; to the Committee on Interior and Insular Affairs.

By Mr. FINO:

H. R. 9125. A bill for the relief of Riki Levi; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H. R. 9126. A bill for the relief of Stefanos John Moschos; to the Committee on the Judiciary.

By Mr. JARMAN:

H. R. 9127. A bill for the relief of H. W. Cullers; to the Committee on the Judiciary.

By Mrs. KELLY of New York:

H. R. 9128. A bill for the relief of Fotini Thomas; to the Committee on the Judiciary.

H. R. 9129. A bill for the relief of Tonia Zanger; to the Committee on the Judiciary.

By Mr. ZELENKO:

H. R. 9130. A bill for the relief of Alberto Wong, Jr., and May Loh Wong; to the Committee on the Judiciary.

# EXTENSIONS OF REMARKS

## H. R. 8002

EXTENSION OF REMARKS
OF

### HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 5, 1957*

Mr. ROGERS of Florida. Mr. Speaker, under leave to extend my remarks in the RECORD, I would like to point out that the Government Operations Committee of the House of Representatives has favorably reported H. R. 8002 without objection after a study of of 2 years. The Rules Committee has given a rule on this legislation which has been endorsed by President Eisenhower on six different occasions. Enactment of the measure has been recommended by the Comptroller General of the United States, the Secretary of the Treasury, the Bureau of the Budget, and the bipartisan Hoover Commission, which made this recommendation. Similar legislation, S. 434, cosponsored by 50 Members of the United States Senate, passed that body unanimously on June 5.

For the information of the House a fact sheet follows which sets forth the pertinent points of this legislation:

FACTS ABOUT H. R. 8002

Will provide a means for Congressional control over the annual rate of Government expenditures. Agencies will request appropriations each year in the amount required to pay for the goods and services estimated to be received during such year and for other authorized payments.

Will minimize carryover balances of appropriations given in one year and expended in later years. When an appropriation is made on the annual accrued expenditure basis, any unaccrued balance at the end of the budget year is automatically terminated.

Will require an annual review with positive action to be taken each year by the Congress on both existing and proposed programs. Under the present budgetary method, no further positive Congressional action is required on entire programs or portions of programs for which appropriations were granted in prior years but on which work is presently being performed.

Will provide authority to enter into contracts and orders, for work to be performed in future years, as necessary for orderly procurement. Such grants of contracting authority, however, are not appropriations of funds and must be financed during the future years in which the work will be performed.

Will minimize confusion over the size of each year's budget. Now we have two budgets—the obligation budget and the expenditures estimates. Congressional appropriations are presently geared to the obligation budget. Congressional appropriation action on the 1958 budget relates to agency obligation budgets totaling $73.3 billion and not to the $71.8 billion estimated expenditures. The 1958 estimated budget surplus is based on the $71.8 billion expenditures.

Provides that the annual accrued expenditure basis for stating appropriations be on a trial basis until July 1, 1961. Any problems encountered during this period which cannot be solved through administrative procedures can be considered for legislation when extension of the authority beyond July 1, 1961, is being considered.

## Keep Your Guard Up!

EXTENSION OF REMARKS
OF

### HON. ERRETT P. SCRIVNER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 5, 1957*

Mr. SCRIVNER. Mr. Speaker, 40 years ago, on August 5, 1917, a day I shall never forget, 400,000 young American volunteers were mustered into the Federal service in the National Guard of the United States.

Our National Guard units, such as my division, the 35th, a Kansas-Missouri organization, helped win World War I. Again, when the call came in World War II, National Guard units performed gallantly and successfully just as they did more recently in Korea.

Although those 40 years have taken a heavy toll, dimmed the eyes, greyed the hair, and slowed the steps, those 40 years have not decreased, in any way, our justifiable pride in our National Guard service.

Mr. Speaker, the value of the National Guard as part and parcel of our national defense has been proven by its valiant service.

One motto which will continue to contribute to the safety and security of this great Republic is:

"Keep Your Guard Up."

## Elton Layton

EXTENSION OF REMARKS
OF

### HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 5, 1957*

Mr. BROYHILL. Mr. Speaker, under leave to extend my remarks, I should like to pause and pay tribute to Mr. Elton Layton upon his resignation as clerk of the House Committee on Interstate and Foreign Commerce.

Congressman CARRIGG, of Pennsylvania, claims Mr. Layton as his No. 1 constituent. He comes from Matamoras, Pa., in Pike County; however, Mr. and Mrs. Layton now reside at 4730 Arlington Boulevard, Arlington, Va., and have lived in Arlington County for over 17 years. They have been my constituents since I was first elected to Congress from the newly created 10th Virginia District in the 83d Congress.

Mr. Layton has continuously been clerk of the House Interstate and Foreign Commerce Committee for over 36 years and is a member of the bar entitled to practice in the highest courts in Virginia, Maryland, and the District of Columbia and the United States Supreme Court.

I have had many occasions to consult with Mr. Layton and to observe his fine work. I am sure that he will be very much missed here on Capitol Hill.

## Washington Report, August 3, 1957

EXTENSION OF REMARKS
OF
### HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
*Monday, August 5, 1957*

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following Washington Report of August 3, 1957, my weekly newsletter to constituents:

The temper of Congress as the normal adjournment time approaches is edgy, good-natured, or argumentative by turn, certainly unpredictable—not conducive to producing good legislation. The Senate (the "other body") is so far behind the House that a House recess is possible. House Members rightfully conclude that some or much of the House legislation may stay shelved until next year should the Senate elect not to match the House effort. And so it now stands. Some Members will even go home at a fixed date as they traditionally do. Meanwhile, there's much to be said for the country being better off if we passed less, not more, legislation.

The old dilemma facing a Congressman hit me squarely this week and through me each constituent of Dallas' Fifth District, whose tax money is involved. Should $32.2 million (or more) be spent for a questionable Texas project—"to construct the San Angelo Federal reclamation project for irrigation, for municipal and industrial water supply, for flood control, for the protection and enhancement of fish and wildlife and for recreation"? Arguments for: It is needed for flood control, drinking water, and the other stated purposes. Arguments against: It has not the degree of reclamation it claims to have, and $11 million is going into 10,000 acres (costs too much), also $14 million is not reimbursable to Uncle Sam. Besides various other specific criticisms, I concluded it was asking too much Federal aid and not enough State and local "do it yourself"—the old raid on the Federal grab bag. Having so ruled against the bill on its merits, which is solely a Congressman's responsibility, I was confronted by the dilemma. The project sponsor, who sincerely believes it necessary and worthwhile for his district, is an esteemed and admired fellow Texas colleague and after all, this is a Texas project, an opportunity to get back some of the money we send to Washington. Should I please my colleague and help get this project for Texas, regardless of my better judgment? Many voted for the bill because they liked the Congressman, even though they disapproved the project. For my part, having disapproved the project on its demerits over its merits, I opposed the bill. Speaker SAM RAYBURN succeeded in carrying the day by getting 12 Members to change their votes, and the bill passed 189 to 202. As one Member put it, "It being a rather tight vote, with the opposition having an apparent majority, I noted the Speaker going down on the floor talking earnestly to some of the members of his party, and then I observed 12 Members getting up and going down into the well and changing their votes on the motion to recommit from aye to nay—a change of 24 on the roll call, with the result that again Texas is in line for a Federal handout for $30 million, only one-half of which will ever be returned." Now the Speaker and all the bill's supporters must open the grab bag for everyone else if they would be consistent. Where now is Government economy and "cut the budget"? Well, that's how it's done in Washington. What would you have done in my place?

The Niagara power developing bill was the week's crowning blow to me. For the first time in history the Niagara Falls will be developed by public power instead of the private enterprise of the past. The debate brought out many arguments why it was necessary now to authorize the New York State Power Authority to do the job—all except the real one—namely, that the New York State authorities had determined that the State would take over this power development and that was that. In the testimony before the Public Works Committee this position was made very clear.

To my questions of why private enterprise couldn't do the job, the 1971 license-expiration was cited. Conveniently overlooked was the fact that the license could be renewed, and that New York State would oppose this renewal, and then when the private power companies admitted they couldn't go ahead without the license, the New York sponsors point out that they are unable to do the job and that New York State would and could develop this power.

Failing to get the answers and observing only 99 Members of the 435 present, I objected, and so temporarily stopped proceedings. However, the bill passed. I predict we will live to regret this further socialization of our Nation's power production facilities, and I condemn the manner in which the bill was railroaded through the committee hastily and solely by political pressure.

Mathematics: Did you know we will spend more dollars in foreign aid this year than there are seconds of time in a century? Or that to measure our $275 billion national debt at $1 per second, we must go back through all time from the year 6758 B. C. to today?

## M. Sgt. John N. Edenfield Is Most Outstanding Airman in Air Proving Ground Command

EXTENSION OF REMARKS
OF
### HON. GEORGE HUDDLESTON, JR.
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
*Monday, August 5, 1957*

Mr. HUDDLESTON. Mr. Speaker, it was my privilege and honor last week to officially greet M. Sgt. John N. Edenfield, who was in Washington as one of the Air Force's most outstanding enlisted men. A former resident of Birmingham, Ala., Sergeant Edenfield was selected outstanding airman in the 16,000-member Air Proving Ground Command.

He was 1 of 19 airmen, representing the Air Force's 950,000 enlisted men, who were special guests of the Air Force Association last week for the golden anniversary of this Nation's air arm. While in Washington for the week-long ceremonies, these airmen were rightly given "red carpet" treatment.

Sergeant Edenfield, a veteran of 18 years' service, began his military career in the Infantry and switched to aviation cadet training 2 years later. During World War II he completed 17 combat missions with the 41st Bombardment Group. Prior to his present assignment, Sergeant Edenfield performed duties as chief of entertainment with Headquarters Allied Air Forces Central Europe at Fontainebleau, France, and as recruiting noncommissioned officer in the Alabama Military District, Birmingham.

He served in Birmingham from 1947 until 1951, taking part in many civic activities in addition to his recruiting duties.

Now stationed at Eglin Air Force Base, Fla., Sergeant Edenfield has made an outstanding contribution to the internal information program in the Air Proving Ground Command, in addition to working on many special projects. He has been awarded the Air Medal and the Commendation Ribbon for his work.

It is entirely proper that Sergeant Edenfield, as well as the outstanding airmen from other commands, should be highly honored. By rewarding their many contributions to the service, the Air Force Association is fostering the personal incentive which has made our country great, and which undoubtedly will benefit our Air Force many times again.

## Action on Lead-Zinc Crisis Imperative

EXTENSION OF REMARKS
OF
### HON. HENRY ALDOUS DIXON
OF UTAH
IN THE HOUSE OF REPRESENTATIVES
*Monday, August 5, 1957*

Mr. DIXON. Mr. Speaker, last week the House Ways and Means Committee conducted hearings on the Secretary of Interior's proposal to impose an import excise tax on lead and zinc. In conjunction with those hearings I appeared before the committee and offered testimony on the subject as did other members of this House, the Senate, and leaders of the industry.

The situation is critical and unless the Congress acts during this session I fear that what is left of our domestic lead-zinc industry will not be left when we reconvene. Of 21 lead-zinc mines in the State of Utah operating in 1947 there are only three major producers still operative. This is being repeated in all of the 27 States affected directly by the lead-zinc industry. I hope that we can act on this important legislation soon.

The following is the text of my statement last Thursday before the committee:

TESTIMONY OF REPRESENTATIVE H. A. DIXON, REPUBLICAN OF UTAH, BEFORE HOUSE WAYS AND MEANS COMMITTEE ON PROPOSAL SUBMITTED TO THE CONGRESS TO IMPOSE AN IMPORT EXCISE TAX ON LEAD AND ZINC AUGUST 1, 1957

Mr. Chairman and members of the committee, I am happy to appear in support of the proposal submitted to the Congress by Secretary of Interior Fred A. Seaton, to impose an import excise tax on lead and zinc, but to ask for such modification in the mechanics of the bill that will accomplish the original intent of the program; namely,

to prevent the price of lead and zinc from dropping below the peril points (17 cents per pound for lead and 14½ cents per pound for zinc).

The hearings before your committee are crucial because I believe that the future of this industry, so essential to our defense, will be in a great measure determined by the action of this committee.

There are five major points I should like to make. They are as follows:

1. Action should not be delayed until the next session of Congress because lead-zinc mines are closing so rapidly that there will be few left by the time Congress reconvenes.

2. The shutdown of our domestic lead-zinc mines will threaten national security, result in a shock to America's economy, a loss of taxes, and a loss of employment to hundreds of fine mining families.

3. Domestic mines cannot compete with foreign producers unless cost differentials are recognized in some protective measures.

4. The Government has the responsibility to protect our strategic mining industry.

5. The administration program is a big step in the right direction. First, our domestic mining companies are ceasing operations due to the disastrous effect of the drop in metals prices for lead and zinc. In my own State, Utah, the records of the State tax commission indicate that in 1947 there were a total of 21 mines producing lead-zinc ore. The latest figures available indicate that there are now only three major producers and possibly three or four minor operations still in production. In less than 10 years there have been approximately 14 lead-zinc producing mines cease operation in Utah alone. Two-thirds of Utah's producers have felt the squeeze to such an extent that they have ceased all operations.

Unfortunately this same story is being told in every other State which has mines. The latest issue of Management Digest (July 9, 1957, published by the Utah Mining Association) listed for shutdown before August 1, two mines in Washington, one in Colorado, two operations in New Mexico, one in Nevada, and one in Idaho. Curtailments were also ordered at one other Nevada mine and a 2,700 ton per month (30 percent) reduction was ordered in a Texas zinc smelter. These are all in addition to the literally dozens of domestic operations that have already closed and more are closing each month. It is encumbent upon us in Congress to take speedy action or be responsible for widespread economic disaster to the American mining industry.

These closed mines are not something that can be opened and shut like a water faucet. In some instances it takes a considerable expenditure to close a mine. In most instances it takes many times that to reopen it. After prolonged disuse many mine workings fill with water or become unsafe in numerous obvious ways. Then, too, those of you from mining States know that when you shut a mine down for a year or two the reorganization of a labor force is a major problem aggravated even more so by a mine that has been shut down previously.

My second point is that these mine closures have serious ramifications for our country in at least three major areas: defense, tax loss, and the plight of the miners and their families.

Charles E. Schwab, Chairman of the Emergency Lead-Zinc Committee estimates that the value of lead-zinc mines in the United States, including smelters and refineries, is about $1 billion and they contribute importantly to the economy of this entire Nation and more specifically, to the economy of the 27 States in which they are located. In Utah for example, our lead-zinc mines had an assessed valuation of nearly $11 million in 1949, but due to closures only $6½ in 1955. This decreased valuation meant a tax loss of $175,000 in local and State property taxes and in addition more than $350,000 in other taxes to the State and local governments. The tax loss if computed for the Federal Government, and the host of other indirect taxes would be staggering. These mines, while operating are helping pay their share in the American economy. This is not the case with foreign producers.

The defense values in having a healthy domestic industry which frees this Nation of reliance upon the whimsey of foreign producers seems obvious and I shall not dwell at great lengths upon it.

It appears also that a detailed world-portrait of the heartache and misery involved in each and every mine closure for the numerous families involved is unnecessary. In my Congressional District a historic mine that had been operating continuously in a rather remote area since 1909 announced that it was suspending operations last month. Announced on the financial page in a Salt Lake City newspaper, the story did little to mention the problems faced by the 70 Utah families quite tragically affected. Many of the miners were working in the same mines their fathers before them had labored in. That area is their home and mining is their business and now for the workers of Chief-Consolidated, there can be neither home nor business.

My third point is that we cannot expect to retain our domestic mining industry and have it compete against foreign producers without reasonable protection. In a speech I delivered on the House floor on June 14, I referred to the abundance of technical reports and statements from American mining engineers which show that a high grade miner in India is paid from 12 cents to 15 cents per hour for a 12-hour day. In other instances the pay ranges as little as 10 cents or 12 cents per day for inexperienced miners and women. In Korea a good day's pay is a cup of rice. In Bolivia miners are paid on a wage scale ranging from $1.00 to $1.50 per day and the average daily wage for mining in Mexico in 1956 was $1.68. Contrast this the recent report of the Tri-State Lead Producers Association which shows that the average hourly wage for an American miner, including fringe benefits is something like $2.09 per hour. One company which operates mines in both the United States and Mexico pays only 10 percent of the amount for labor costs in its Mexican operation which it must pay in the United States.

We cannot expect American mines and miners to uphold our own wage scales and standards of living and freely compete with foreign producers.

My fourth point is that the Government has a responsibility to protect our strategic domestic mining industry. I firmly contend that we cannot allow ourselves to become more dependent upon foreign sources of supply than we are now. Further, a paradoxical situation exists in the fact that during World War II and during the Korean war, when our Government desperately needed domestic lead-zinc production and when these domestic producers could have made substantial profits had the market sought its natural level, the Government imposed price ceilings on both metals. To be specific, during the Korean war, foreign producers in Mexico, Australia, Africa, and elsewhere were able to sell their products at around 23 cents per pound for lead and more than 30 cents per pound for zinc. In contrast, our Government stepped in and controlled domestic prices at 17½ cents to 19½ cents for zinc and 17 cents and 19 cents for lead. Aside from placing the American miner under strict price controls, he was not allowed even to export his tonnage to take advantage of the high world market price. By keeping America off the world market production in other countries was overstimulated and our industry now is the victim. Now the situation is reversed. These producers helped the Government and now they look to us for protection from foreign mines and miners that are putting them out of business. A continuation of the present trend will leave us at the mercy of the shifting winds of international politics. The lead-zinc industry is not asking us for a dole or a handout or a subsidy. They are asking for pure and simple protection from low-priced foreign metals.

Finally, today I would like to say that adoption of the administration program is a step in the right direction. The sliding scale it establishes will help stabilize domestic prices but this program should go further. The import taxes to be applied when prices for lead and zinc fall below the peril points of 17 cents for lead and 14½ cents for zinc should effectively serve to maintain domestic prices at about the peril point levels. I recommend the consideration by this committee of the import tax applications presented in the testimony of industry witnesses. It is my hope that this committee in view of the problem will develop a program which will take cognizance of the losses sustained by the industry in recent years and enact legislation enabling it to operate as a healthy member of our great American industrial team.

I am not a mining expert myself nor am I aware of the intricacies of tariffs or world economics, but I am aware of the damages being wrought in this industry throughout the mining States. By adding my voice to those who plead with you to evolve a fair solution, perhaps a contribution has been made.

We have confidence in your ability and your judgment. Thank you.

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## American Miners Facing Real Crisis

EXTENSION OF REMARKS

OF

### HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 5, 1957*

Mr. EDMONDSON. Mr. Speaker, on August 1 the Committee on Ways and Means began hearings on legislation of vital importance to American miners, particularly in the lead and zinc mining industry.

There is no doubt about the fact that this basic industry, so vital to our national security, is today facing a crisis in terms of a surging flood of uncontrolled foreign imports, with steadily declining price levels which make domestic mining operations impossible at our higher cost and wage levels.

One of the most persuasive arguments in favor of action by our Government to relieve this grave situation was given before the Ways and Means Committee by our colleague from the Seventh District in Missouri, the Honorable CHARLES H. BROWN.

Congressman BROWN's clear and penetrating statement in support of a better break for our American metals producer and miner is all the more remarkable in view of the fact that the gentleman from Missouri is serving his first term in this body, and first came to grips with this problem only a few months ago.

America's miners have an eloquent new champion in the House, and CHARLES BROWN's argument in their behalf is sure

to command attention in the committee and in this body:

STATEMENT BY REPRESENTATIVE CHARLES H. BROWN, SEVENTH DISTRICT, MISSOURI, BEFORE THE COMMITTEE ON WAYS AND MEANS, AUGUST 1, 1957.

Mr. Chairman, I want to thank you and the members of this distinguished committee for letting me join this discussion. We of southwest Missouri are a part of the Missouri-Oklahoma-Kansas tri-State mining area and are vitally interested in this problem. We've been living with it, day after day; and we submit that there's a matter of a moral obligation here, in addition to the economic considerations.

Suppose during the wartime automobile shortage, you just had to have a new car. You went to a good friend who worked around and got you one. Then, when automobiles got plentiful again, you got ready for another new car. And because somebody else offered you one for $50 less, you turned your back on your old friend.

Just 15 years ago during World War II, you didn't see many lead and zinc miners in Washington. Washington was out looking for miners, begging them to pump stagnant water out of any hole in the ground that even resembled a mine, pleading with them to get ore to the kilns. The Nation was fighting for its life; and with many foreign sources untouchable for the duration, it was up to American miners to produce.

It's a matter of history that they did produce. At controlled prices without profiteering. And the Nation was lavish in its gratitude.

Now there are certain raw materials that are more or less wartime products. You gear up to produce them while the fight's going on; and the minute it's over, you lock the door and shut them till the next emergency.

But now, lead and zinc aren't in that category. These metals have an important place in peacetime industry. And even during those brief years between the end of World War II and the Korean conflict, our United States mines did not produce as much lead and zinc as the United States used. We imported substantial quantities each year.

Each year imports increased. In 1952, when we started "laying in" strategic metals for defense against communism, imports reached a 161 percent ratio to domestic mine production and have continued to be the lion's share ever since.

Now, there have been some valid reasons for importing. It's just "playing it safe" to conserve your own raw materials in the ground and stockpile some foreign supplies when you're expecting war.

And there was the other selling point that importing a percentage of cheaper foreign ores meant cheaper prices for consumer goods. It looked like a happy combination.

But the longer this thing goes on, the unhappier this combination gets, because it's out of balance. Some lead and zinc imports may be good business, but too much is not good business, because the Nation then gets in the position of turning its back on its best friends—its own lead and zinc producers.

Torrential imports have driven the price of lead down to 14 cents and zinc to 10 cents. And while you might look on those prices as a bargain in the short run, I wonder how cheap it really is for the long run. Our United States miners can't produce it for that. And remember, when the chips are down, our own miners may be the only ones we'll have.

Aren't we, as consumers, or—more to the point—are not American manufacturers driving too hard a bargain here? Can't there be a better balance between domestic output and imports? Surely it is worth something to have a dependable source of supply.

That's all the lead and zinc industry wants. They're not asking us to build a high wall and lock out all lead and zinc imports. They're not asking us to protect them with a price that would guarantee a lead-pipe cinch profit to any and all comers who want to call themselves mining companies.

All they're asking is that the government help get a better balance in this import ratio picture—protection at a peril point level—so we don't kill off too many of these mining companies that we were praising so loudly just a few years back.

Now I think that's a fair request. The Nation—we consumers—have a moral obligation to stick by our own miners who stuck by us. And actually, we'll be surprised at just how little the consumer price increases will be, if they're legitimate. The big cost in merchandise today is at the manufacturing or processing level.

And don't forget, when you talk about consumers, people who produce raw materials are consumers, too. They haven't been the purchasers they should have been in recent years, because we're living in an era that I call the manufacturers age. Processors and fabricators sit at the head of the table and keep rooting out defenseless raw material producers and distributors. But miners buy consumer goods, too. If they can stay in business, they'll buy something from somebody else.

And one more thing, a better balance on imports of lead and zinc poses no real problem for those who look forward to the day when the nations of the world can trade together without trade barriers, or who have always supported reciprocal agreements, trade not aid, and other similar ideals.

The direct route to an objective—the shortest distance between two points—is not always the straight line. Sometimes, it is wise to veer aside a step or two to avoid an open manhole.

These are abnormal times. Maybe some people are tired of hearing about it; but there's still a worldwide Communist conspiracy afoot that hates the United States and everything it stands for.

Under those circumstances, it's just plain shortsighted to import too much lead and zinc into this country and place in jeopardy a part of our own mining industry.

One of these days, we may again need every American miner we can get and you can expand a going concern into high gear production much faster and more economically than you can start a new concern from scratch.

Mr. Chairman, I sincerely hope the Ways and Means Committee will report this legislation to the House. I know the President could do it now. I know there is ample authority on the books. But let's make sure it's done. Let's fix it so we'll be sure.

Surely, it is a reasonable request and one the Nation can honor in good conscience.

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## Constitutional Government and States Rights

EXTENSION OF REMARKS

OF

## HON. JAMES C. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 5, 1957*

Mr. DAVIS of Georgia. Mr. Speaker, my distinguished colleague, Hon. E. L. FORRESTER, was invited to address the Georgia Prison Wardens Association at its annual convention held on July 29 in Savannah, Ga.

Congressman FORRESTER spoke to the association on the subject of the civil-rights legislation which is now pending before Congress.

Congressman FORRESTER, a member of the House Judiciary Committee, was one of the leaders in the fight against this legislation. He explained and brought to the attention of the committee and the Congress the dangerous and pernicious provisions which had been cleverly and adroitly concealed in the drafting of the bill.

In his speech on July 29 Congressman FORRESTER ably and logically presented this vicious legislation in its true light, stripped of its camouflage.

This address deserves the thoughtful consideration of all who are interested in preserving constitutional government and States' rights, and I insert it herewith:

SPEECH OF E. L. (TIC) FORRESTER BEFORE THE GEORGIA PRISON WARDENS ASSOCIATION, JULY 29, 1957, SAVANNAH, GA.

Mr. President, Mr. Chairman, distinguished guests, my good friends, it is a high privilege to be permitted to speak to the county wardens of the various counties of Georgia.

For 13 years I was the solicitor of the city court of Leesburg, and for 14 years served as solicitor general of the southwestern judicial circuit. Over those pleasant years I had the fine privilege of knowing many of you intimately, and our associations have been pleasant indeed. I know how carefully you are selected and of your high standing in your communities. I know your patriotism, your love for law, order, and decency, and I know the fine influences you exert in every county in our great State. You, of course, know that with leadership there is an accompanying responsibility at all times, and coupled with that responsibility are the indispensable ingredients: honesty, courage, and truth. Never in my lifetime has real leadership been such a necessity. Never in that time has truth been more indispensable, and honesty and courage required. If I can possibly be of the slightest assistance to you in bringing you the truth concerning these evil days which threaten to completely engulf us, then I will deem it a rare pleasure indeed.

Your program chairman, Hon. Robert J. Carter, suggested that I discuss with you the civil-rights legislation now pending before Congress. I think his suggestion was exceedingly timely, and that I shall try to do. I know that proposed legislation. I know its background; I know its sponsors; I know its motives; I know what it will do.

I am a member of the House Committee on the Judiciary, the only member of that committee from our Georgia delegation. I have been since I entered Congress in January 1951. That is the committee that has handled this legislation. Seven years of service on that committee have afforded me opportunities for knowing this legislation, and I tell you that I do know it. Humbly, I know this legislation as well as Herbert Brownell knows it, and I know it far better than President Eisenhower knows or ever will know it. I tell you I know it, and I tell you that I realize that the responsibility is upon me to acquaint you and to acquaint every good American to the very best of my ability with the facts concerning this legislation which, if enacted by Congress, will for all intents and purposes be a complete invasion of the South, whether President Eisenhower or any future president ever avails himself of that law written during the reconstruction days providing that the President can send the Army, Navy, and militia into the States to enforce civil-rights legislation. I owe you the duty. I owe our State the duty. I owe our country and the

human race the duty to talk plainly to you, without any evasion or equivocation whatsoever, and to tell you the undiluted truth, letting the chips fall where they will, and that I propose to do. To the best of my ability, I propose to discharge my obligation to the good people that I represent, and to the country that I love, and to the future generations.

When I think of this proposed legislation, I cannot help but think of that unfortunate era immediately preceding the War Between the States and the era referred to by Bowers as "the tragic era," which was the Reconstruction Era. The War Between the States did not hastily come. Every historian knows that there were gallant men on both sides of that horrible conflict that tried their dead level best to solve the problems that threatened to engulf them into a gigantic war, and array brother against brother, and they pleaded for reason, justice, and a meeting of minds; but they pleaded in vain. That prevailing situation is so analogous to the situation today that it is utterly alarming to any well-thinking individual.

To the well-disposed, to those who desire no conflict, to those who realize that never has it been so necessary that we be united, this day is indeed a tragic era for America and the entire world. Additionally, it is utterly bewildering to those who love their country, and to those who realize that living in atomic age and when freedom, justice, constitutional government, Christianity, morality, and common decency have all become the common enemy of the atheistic and brutal communistic theory, good men simply cannot understand how reason, justice, and mercy can be ruthlessly cast aside with a shrug, and our good people be hopelessly divided, when just an ounce of common sense and common concern for the people of the four sections of this great country could bring peace, love, understanding, and unity. Yes, any historian must let his mind go back and review that fratricidal war, that reconstruction period, the civil-rights legislation, the force bills, the 40 acres and the mule provision enforced upon the prostrate South, when our lands were taken through confiscation and given away, and when our States' governments were made a shambles, and when Federal troops with Federal bayonets took charge of our schools, our election processes, and even the rights of the sovereign States.

When that historian's mind dwells upon those tragic circumstances I have just related, like the bursting of the morning sun, or the brilliant rainbow in the sky, that historian must find comfort in the fact that in just a few short years, when the graves had claimed the agitators and when hot blood had cooled and reason had had opportunity to assert itself, the Congress of the United States and the United States Supreme Court annulled the force acts, wiped out the 40 acres and the mule legislation, and voluntarily either annulled or held unconstitutional legislation which is now being sought to bring back to life, and that there were better and happier days for the people of this country. To the historian, to the man and woman of good will, there must be the high and firm resolve that they must do everything within their power and must invoke the blessing of Almighty God, in their determination to see that justice, constitutional government, Christianity, morality, and decency must be preserved.

Surely, surely one must ponder seriously and with great interest how after peace had prevailed for so many years, and how after 1875 not another piece of civil-rights legislation was enacted by Congress or spread upon the law books of this land, how this fury and flame has grown to such proportions, when we all thought that the good people of this country, the people who made this country, the people who have kept this country, and the people who will fight for this country with love, loyalty, and devotion, when the chips are down, were walking together with unity and love. That is the question that I am going to attempt to answer.

In the closing years of World War I, Russia fell because of internal dissension, and was taken over by a Communist regime. That regime came into power dripping with blood, with bloodshed a way of life, arrogantly denouncing God as a myth, having no patience whatever with Christianity, morality, common decency, and was veritably an anti-Christ regime, possessed of a most zealous desire for world domination, complete subjection of the human race, to destroy everything that was good, noble, and pure, to eradicate even the word "sin" and to bring every human being in this world to utter subjection. From their birth, world domination was and has remained their objective. From its commencement, it has been their plan to operate upon the word "tolerance" and through the preaching of tolerance, ensnare the agitator, good people, government leaders, church leaders, school leaders, labor leaders, and every worthwhile organization into their spurious preachments, although they were the most intolerant people that God Almightly ever permitted to live, and when they had gained their end, with only a few exceptions, those unsuspecting dupes would face firing squads, and their children would be confined to slavery, degradation, and shame that could not be visualized.

Nevertheless, representatives of that ungodly scheme came into America and immediately and through every possible means started their organization. It wormed its way into our body politic, into our finest and noblest institutions, and I say that without any fear whatsoever, although I say it with respect. I hope I shall offend no one, because I speak only the truth, but if I do, I do not retract one single word I have said, because the destiny of this Nation and the destiny of this world hangs in the balance, and good men and women who have been duped must realize that while there is yet time, or there is no hope for the human race.

I pause to observe here that good men and women do not insult easily and actually welcome truth and when they learn the truth, they accept the truth. To those who do not want to know the truth, and who bruise easily when the searchlight of truth is thrust upon them, they may be sure that I will not hesitate to condemn them and they may be sure that I will fight them every step of the way. After all, it is high time that some of our people are waking up. The hour is late, the destiny of this country hangs in the balance.

Through the twenties, the Communists were steadily building strength in this country, and in 1928, they had a candidate for the office of President of the United States. At that time they laid down their party platform. Following their pattern designed to divide our people, it devoted much space to the alleged "oppression of the Negroes". It declared war on the Ku Klux Klan while it was steadily creating, fostering, and edging into Communist and pinko organizations, all of which were advocating theories far more vicious than the Ku Klux Klan had ever dreamed of. Here is the platform of the Communist Party in 1928, relating to racial discrimination, quoted verbatim from the Daily Worker, May 26, 1928, to-wit:

1. Abolition of the whole system of race discrimination. Full racial equality.

2. Abolition of all laws which result in segregation of Negroes. Abolition of all Jim Crow laws. The law shall forbid all discrimination against Negroes in selling or renting houses.

3. Abolition of all laws which disenfranchise the Negroes on the ground of color.

4. Abolition of laws forbidding intermarriage of persons of different races.

5. Abolition of all laws and public administration measures which prohibit, or in practice prevent, Negro children or youth from attending general public schools or universities.

6. Full and equal admittance of Negroes to all railway station waiting rooms, restaurants, hotels, and theatres.

7. The War and Navy Departments of the United States Government should abolish all Jim Crow distinctions in the Army and Navy.

8. Immediate removal of all restrictions in all trade unions against the membership of Negro workers.

9. Equal opportunity for employment, wages, hours, and working conditions for Negro and white workers.

Now, I ask the do-gooders and the uninformed, and those that were duped, what do you think of those demands, made in 1928, when you realize that each and every one of those demands has been fulfilled by decisions of the United States Supreme Court, by executive decree, administrative orders, by the trade unions, and by some churches, with the sole exception of the abolition of laws forbidding intermarriage of persons of different races. I pause to tell you that laws forbidding intermarriage of persons of different races have been declared illegal by the United Nations Charter and the Universal Declaration of Human Rights, and that a case involving that principle is now before the United States Supreme Court, and I predict as a certainty that the Supreme Court will declare those laws illegal and void.

Some people, in Georgia at least, well remember the case of Angelo Herndon, reported in 178 Georgia Supreme Court, pages 832-869. This case arose during the early days when communism was not to any extent known as communism now is known or should be known. Anyway, Herndon, a Negro and a Communist, came into Fulton County advocating the violent overthrow of our country by force and the division of the Southern States into a territory to be known as the black belt. In his pamphlets, the area of the black belt was fully described, and according to those pamphlets, it was to be the property of the Negro race exclusively, and would not even be a part of the United States, unless the Negroes elected for it to be. The House Committee on Un-American Activities thoroughly documented this astounding fact and its records show that the Communists had planned and continue to plan to take over the South and to make of it a black belt. Herndon was convicted by a Fulton County jury, of the offense of an attempt to commit insurrection, and the Supreme Court of Georgia affirmed that conviction. The United States Supreme Court reversed that conviction, although admitting that the evidence showed a conspiracy to overthrow the Government, but held that the evidence failed to show that there was a "present" danger of violent overthrow of the Government. As a matter of grave concern, I point out that not even the United States Supreme Court was willing during that era to hold as it did a short time ago, in the case of *Nelson* v. *State of Pennsylvania*, that a State could not prosecute and convict for sedition or insurrection, and that it was the sole prerogative of the Federal Government under the preemption doctrine established by that Court. Had the United States Supreme Court affirmed the conviction of Herndon, doubtless communism would have been stopped in its tracks.

Instead of communism being stopped, instead of any effort being made to stop it, it was permitted to flourish, to bloom, to blossom, and to produce its deadly fruit.

Later, and unfortunately, the great Democratic Party, in which the South had a voice which must be heard, the two-thirds rule was abrogated, and since that time the doctrine of States rights was denounced in its platforms and the South and the southern viewpoint has been a matter of almost scorn in that party. That great party which had been the champion of States rights and which had battled the Republican Party for years over that issue, became thoroughly centralized, as the Republican Party had been centralized throughout the history of that party. And, from that time to this date, both of those major parties have been running a footrace to see which one can outpromise the other in service to minority groups and pressure groups, and at the expense of the South and at the expense of constitutional government and the sovereignty of the various States, the very life's blood of this nation. To the discredit of both of those parties, we have now arrived at the state where if you even protest, no matter how feebly, you are labeled "un-American" and the arch enemy of minority groups.

Now, in what was free America, you are not permitted to refer to a colored person as a Negro. Last year in a speech which I was making on the floor of the House of Representatives, I was chastised by another Congressman about the way I pronounced that word, and was told that it was N-e-e-g-r-o. It happens to be a fact that I have never had any trouble with a plain Negro in my life, and neither have you, but this world has had a lot of trouble which was aroused by the N-e-e-g-r-o, inspired by groups who have cases to make, and who are not now and never will be friends of the colored race. A few years ago, it was my great pleasure to assist that great American, Hon. Chester McMillan, Clearwater, Fla., in memorializing the Swanee River and to set up Florida's Stephen Foster Memorial. McMillan was the author of that legislation, and it came before my committee, and I led the fight in that committee for a favorable report, and helped steer it to passage. Now, in a matter of 3 or 4 years, it is my understanding that the radio and television networks say that they have been forced by minority pressure groups to refuse to permit any songs or any language such as darkies and Old Black Joe and that the word Negro is taboo.

It is my understanding that now it is considered an unpardonable sin for anyone to tell a joke in which any of the minority races are principals in that joke. According to the Amsterdam News, a Negro newspaper, 20th Century-Fox contends that they have made a picture that was really it, that Bill Marshall was starred with a pretty white girl and that it was it when it came to depicting Negro and white relations on the screen. Also, that MGM had a picture which was an adaptation from the TV play entitled A Man Is Ten Feet Tall. You of course know the picture Island in the Sun depicting the mixing of the races, and that according to a newspaper article, this picture has been banned in the Bahamas, on the ground that "it would not be in the public's interest for the film to be shown in the Bahamas." No wonder we read in the Columbus Enquirer, July 10, 1957, issue, page 3, an article from Tuskegee, Ala., quoting a Negro educator there as saying the boycott of white merchants "means something to us—it makes us 10 feet tall." Certainly we catch the significance of the phrase "10 feet tall" when we consider the picture that I have just described. No wonder we are advised that in the desegregated public schools in the city of Washington, D. C., there is a group referred to as junior mothers consisting of junior high-school girls under 16 years of age that are unwed mothers and during the last year 129 of these girls became pregnant, 119 of those being Negro girls, and that since desegregation, unwed high-school mothers had increased 1,000 percent.

No wonder, though it is utterly disgusting and revolting to us, that we find these do-gooders not only advocating but demanding that all of our public schools be desegregated, despite the fact that they know that the schools in the District of Columbia have been literally ruined. No wonder, though it is absolutely ghastly to contemplate, that these same groups are demanding desegregation in all phases of our public life.

No wonder that New York City, which is actually the capital city for these civil-rights boys, is having its troubles. The mayor and the city counsel of New York have been following the suggestion that many more schools be built to spur integration efforts, and to outlaw segregation in most of their apartment houses in New York. Of course, many people are leaving New York City, but actually they should have read the Communist booklet The Negroes in a Soviet America, pages 38–39, and they would have known what had been promised to the Negroes there.

Naturally, from what I have previously said, you can understand the clamor and the demands for wicked, iniquitous, and highly punitive legislation regarding so-called civil rights.

One of the most unfortunate decisions ever rendered by the United States Supreme Court was the case of *Missouri* v. *Holland*. There the Court ruled that treaties overruled and overrode the Constitution of the United States. For the past 25 or 30 years, the Democratic and the Republican Parties have been battling each other for the votes of the minority groups to such an extent that both parties have virtually forgotten the old-fashioned southerner and the old-fashioned Yankee, and those who made America great, and those who are expected to maintain America. We of course remember that President Truman kowtowed to these minority groups, appointing his Committee on Civil Rights. We further know that not one southerner was a member of that Commission. In 1947, that Committee said:

"It is true that the Federal Government does not possess broad, clearly defined delegated powers to protect civil rights which it may exercise at its discretion. A detailed examination of the constitutional aspects of the civil rights problem makes clear that very real difficulties lie in the way of Federal action in certain areas."

But, let us continue reading; they gleefully say:

"In its recent decision in *Missouri* v. *Holland* in 1920, the Supreme Court ruled that Congress may enact statutes that carry out treaty obligations, even where in the absence of a treaty, it has no other power to pass such a statute. This doctrine has an obvious importance as a possible basis for civil-rights legislation."

But, read on:

"The Human Rights Commission of the United Nations is at present working on a detailed international bill of rights designed to give more specific meaning to the general principle announced in Article 55 of the Charter. If this document is accepted by the United States as a member State, an even stronger basis for Congressional action under the treaty power may be established."

In 1949, Attorney General Tom Clark, now a Justice of the Supreme Court of the United States, made a statement before the House Committee on the Judiciary, advocating an omnibus bill encompassing civil rights legislation or proposals in every field the human mind could conceive of, and in that statement Mr. Clark made some amazing comments. Mr. Clark virtually admitted there were serious questions of constitutionality of his proposed legislation. But, he pointed out that upon proper Congressional findings, that his proposals could be made constitutional, under the treaty powers under the United Nations Charter. In fact, he said that his proposed legislation would "bring about a greater awareness of the obligations of this Nation as a member of the United Nations." At that time, Mr. Clark said that his department had aided the office of the Assistant Solicitor General in cooperating with State Department in connection with United States participation in the preparation by the United Nations of the Universal Declaration of Human Rights and of a proposed covenant to enforce some of these rights. How Mr. Clark ever got consent to propose legislation which was unconstitutional and which would need the United Nations Charter to override our Constitution and to assist in the preparation of the Universal Declaration of Human Rights, I can never understand, and I doubt that you can. It is high time, however, that the American public reads the United Nations Charter and the Universal Declaration of Human Rights. If you will read those two instruments, then you can understand the deplorable and completely erroneous decisions that have been rendered by the United States Supreme Court. Then and only then can you understand the famous school cases decisions of 1954. Only then can you understand decisions that passports must be issued to suspected communists. Only then can you understand how the Supreme Court held that California must admit a suspected Communist to the practice of law in that State. Only then can you understand how the United Nations is now spending taxpayers' money to develop the theory that all races are equal, that there are no biological differences, and that there is no justification for prohibiting marriage between persons of different races. Then you can understand how communism is treated only as a political idea.

As a member of the House Committee on the Judiciary, fighting civil-rights legislation every step of the way, I am thoroughly familiar with the proposals of the then Attorney General Tom Clark, and I tell you unreservedly and unequivocally that he recommended civil-rights legislation covering every field that Attorney General Brownell recommended in the 84th and 85th Congresses, and which is now pending in Congress. In other words, there is nothing new whatsoever in the Brownell version, and on the other hand, it is the same old garbage dressed up in different clothing and designed for the same purposes and for the benefit of the same people.

In the 84th Congress, so-called hearings were conducted. Those hearings were absolutely one sided, and only the proponents were heard. This was done over my vigorous protest, and over my demand that the opposition be permitted to be heard. Though it is shocking to you, I am going to tell you just who those groups were, and who those persons were that were permitted to testify, and upon whose testimony H. R. 627 was reported out of the 84th Congress. I submit the list in detail, to wit:

Chairman of the National Civil Rights Committee, Anti-Defamation League of B'nai B'rith, accompanied by the director, Anti-Defamation League of B'nai B'rith, Washington, D. C.; executive secretary of the NAACP, New York, accompanied by the director of the Washington bureau and counsel for the bureau; general counsel, American Jewish Congress; executive director, American Veterans Committee; secretary-treasurer, International Union of Electrical, Radio, and Machine Workers, CIO; codirector of the fair practices and antidiscrimination department, UAW–CIO, accompanied by national representative, UAW–CIO; legislative representative, Americans for Democratic Action; director, American Council on Human Rights; W. Astor Kirk, who said

he was appearing as a private witness, although a professor of government at Huston-Tillatson College, Austin, Tex.; Washington representative, Japanese-American Citizens League; statement of the National Community Relations Advisory Council, the statement reciting that it represented the combined and joint views of the constituent organizations as shown on pages 360–361 of hearings; also, statement by the National Lawyers Guild, National Council of Jewish Women, Inc., Women's International League for Peace and Freedom, and the American Civil Liberties Union.

With the exception of certain Congressmen who introduced civil-rights legislation and the testimony of Attorney General Brownell, those are the groups that caused Congress to rush pellmell into passage of that legislation in the House of Representatives last year.

The FBI did not testify, no State official in any of our 48 States testified, or were invited to testify. Apparently all the testimony that was wanted was the testimony from those minority groups.

The truth is, the Brownell civil-rights proposal, which is reflected in H. R. 1151, introduced by the gentleman from New York [Mr. KEATING] was simply an effort on the part of the administration and on the part of the Republican Party to take this legislation from the Democrats and to be able to say to the minority groups, "Look what we have done for you."

The Brownell version consists of four parts. Mr. Brownell contends that this proposed legislation was his own inspiration. It so happens, however, that the National Lawyers Guild, which guild, by the way, Attorney General Brownell is trying to have listed as subversive, by letters written to the chairman of Subcommittee No. 2, House Committee on the Judiciary, and to members of the House Committee on the Judiciary, on July 27, 1955, and April 23, 1956, proudly stated that they wrote or drafted the model civil-rights statute. As a member of Subcommittee No. 2 and a member of the House Committee on the Judiciary, I received those letters, and I have those letters in my possession, and they are available to anyone who desires to see them. The National Lawyers Guild, in a resolution passed at their 1956 convention, said that their proposed legislation on this subject was introduced in Congress, and identified it as H. R. 389. An examination of H. R. 389 shows that its provisions were strikingly similar to the legislation that Mr. Brownell says he wrote, and which he so proudly claims. How he receives any pride out of that proposal, I never will know, and will never understand. How any man, trained in the law to any appreciable extent, could ever suggest such legislation is beyond understanding.

Part I provided for a commission, to be appointed by the President, to investigate allegations that certain persons are being deprived of their right to vote, or are being subjected to unwarranted economic pressures by reason of their color, race, religion, or national origin; to study and collect information concerning economic, social, and legal developments constituting a denial of equal protection of the laws under the Constitution; appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

We went to work on that provision in part I in the House Committee on the Judiciary. Bear in mind that not a single southerner was a member of the subcommittee considering this legislation this year. These do-gooders and pressure groups screamed to high heaven against Senator Eastland of Mississippi even being a member of the Judiciary Committee in the Senate. Those same do-gooders and minority groups saw nothing wrong, in fact thought it was exceedingly proper that not one southerner served on the subcommittee in the 85th Congress considering civil-rights legislation. That of course is their idea of tolerance.

There is utterly no excuse for this commission. If Mr. Brownell had had his way, that commission would investigate allegations made by irresponsible people, not under oath, not subject to any penalty whatever for lying and that commission would have caused confusion throughout this land. What unwarranted economic pressure means, no one knows, but I did know what the proponents had in mind that that phrase meant. It simply meant that anything that was done by an old-fashioned southerner or an old-fashioned Yankee, where a member of a minority group was involved, those actions would be subjected to the scrutiny of the commission, absolutely handpicked, having the services of the FBI to such an extent that searches for Communists seeking to overthrow our Government by force and violence would be left free to do their dirty work without interruption, and would have brought so much dissension that actually good and loyal Americans would have been afraid to do business with people of different races. It would have meant that any transaction that you had would be investigated to see if you had committed a wrong against a person of color, or a person of another religion, or a person of another national origin. I wonder if you see where this Government is drifting? Here, you see an Attorney General of the United States advocating things that are thoroughly unconstitutional, absolutely despicable to the American way of life, and you hear the President of the United States saying that this was model legislation, temperate legislation, "must" legislation, and that this particular legislation was the number one legislation in his program. I have repeatedly said, and proudly said on the floor of Congress, that the people that I have the honor and privilege of representing are freer of prejudice than any people in the 48 States. I endeavored to point out that there is absolutely no religious prejudice abounding in our great State. I have, and have had over the years, innumerable friends amongst all of the different races in our State, and amongst all of the religious groups. I have welcomed that friendship, I cherish that friendship, and I will never do anything whatever to merit the loss of that friendship, and I resent anyone else trying to do so.

The Constitution of the United States guarantees the free exercise of religion, and that guaranty carries with it the right to discriminate. Were that not so, there would be no basis for religious groups such as Catholic, Episcopal, Baptist, Methodist, Seventh-day Adventists, and so forth. That constitutional amendment was for the purpose of conferring upon each and every one of us the right to be different in our religious faith, so as to protect against the very tyrannies that churches in Europe had practiced upon our ancestors by requiring them to conform. The American Civil Liberties Union approves this proposed civil-rights legislation. But, they tipped their hand. They said: "Free censorship of books, magazines, and motion pictures is rapidly disappearing," but criticized boycotts where religious and other groups not only exercise their right to guard their membership from material believed objectionable, but also may keep other people from exercising their judgment. Also, "That the Roman Catholic Church was one of the religious groups that had moved in that direction." Your church, my church, or any other church, thank God, under the Constitution of the United States, has a right to criticize motion pictures, books, magazines, and material that they think are or should be, objectionable to their membership. Then too, thank God, under our Constitution, any member of any church has the right to disregard the admonitions of that church. Strange, isn't it, that an Attorney General and the President of the United States would be willing to make religion a matter of controversy. You wonder how that crept in? I think I can tell you how it happened. You had better read the United Nations Charter and the Declaration of Human Rights, and see what they have cooked up for you in that package.

I demanded, and the Georgia delegation demanded that we be permitted to bring up witnesses this year against this proposed legislation. I asked for and obtained the services of our attorney general and Hon. Charles Bloch. They appeared before the subcommittee this year, and they did a magnificent job. We were able to strike out the phrase "or being subjected to unwarranted economic pressures" by reason of their color, religion, etc., and restricted to such investigations to deprivation of the right to vote by reason of color, race, etc. That was a great victory, it was obtained by fighting, but all of those provisions should have been stricken out. These pressure groups immediately started their agitation, and the word "religion" was placed again in the legislation, but only so far as deprivation of the right to vote on account of religion was concerned. Those groups simply demanded the right, some way, somehow, to interfere in the field of religion. Today, this legislation stands so that this commission is going to be appointed, and they are going to go up and down this land investigating as to whether or not anyone has been discriminated against in his right to vote because of color, race, religion, or national origin. Additionally, however, they are going to study the economic, social, and legal developments constituting a denial of equal protection of the laws. Those words "economic, social, and legal developments" come from the United Nations Charter and the Universal Declaration of Human Rights. The idea of making a study of social developments should be utterly abhorrent to any decent individual, and that is as plain as I can make it. The Brownell version also provided that the commission would have the right to have voluntary and uncompensated personnel, which of course, and there can be no doubt of it, would be composed of persons from the leftwing organizations and the pressure groups advocating that legislation, and only for such purposes. Stacking the jury is wrong. Thank God, the Senate struck that particular provision.

Part II provides for an additional Assistant Attorney General. The trouble is, though, it did not tell how many assistants to the Assistant Attorney General would be required. We tried to get the Department of Justice to tell us, but they never would. Will Maslow, general counsel, American Jewish Congress, testified that it ought to have at least 50 lawyers in it. I think his estimate was conservative. That alone would cost a half million dollars a year from the taxpayers' pocket, for the purpose of destroying our Constitution and our freedom. The cost of this Commission we could not ascertain, although we tried, and although we asked the Department, and although we asked the authors. I can safely tell you, however, that this civil-rights legislation will cost the taxpayers at least two to three million dollars for the 2 years it is supposed to operate, and a million dollars a year for the assistants to the Assistant Attorney General. Then, of course, with all of these additional assistants, they will be screaming for additional Federal court judges, to a degree that you cannot imagine. You might be inter-

sted in knowing that the Department of Justice has over 1,700 lawyers now under its command and direction. Indeed, it is the largest law firm in all this world, and no defendant, no matter how rich, can possibly hope to obtain such representation, even if he has the money to pay for it.

Part III would amend section 1985 (42 U. S. C.) by adding two additional paragraphs. The effect of part III would be that in every imaginable conspiracy, the United States, at the taxpayers' expense, would throw the entire Justice Department against our school officials, our registrars, the judges, and prosecutors, sheriffs, peace officers, grand and petit jurors, and all public officials, free of cost to the alleged aggrieved, while the defendants would have such representation and assistance as their own pocketbooks would permit. How an Attorney General could ask for such power, I will never know. How the President of the United States could countenance such a suggestion, I am at a loss to understand. This is the iniquitous provision that Senator RUSSELL went down to the White House and discussed with President Eisenhower. This is the provision under which Senator RUSSELL told the President he would be endowed with the power to call out the Army, Navy, and militia, and invade our States. It was after that discussion, that the President winked and blinked and said that he had understood that this legislation was a voters' bill. That he so understood, I do not deny. I do say, however, that he owed to the people of the United States the duty to know what that bill contained, since he had said that it was a moderate bill, a "must" bill, and the No. 1 legislation in his administration's program.

I say he ought to have known. He ought to have known what he was doing, because when this bill was upon the floor of the House, I tell you honestly, that we had enough votes to adopt the jury trial amendment and to water down some of these pernicious proposals and we lost those votes because the White House had Congressmen called out and told the supposed political facts of life.

There is no doubt about it, an attempt was made to sell this legislation on the theory that it only pertained to voting. That was said on the floor of the House, and in my speech against this legislation on June 10, I said: "Do you think that just applies to voting? If you do, you believe in fairies. Parts III and IV are so broad that they cover every civil right, every last one of them. It gives them the right to go into all these school cases. Mr. Brownell admitted it. You will find it in the record. Yes, you are touching every facet of your national life. Now, listen: elections; do you think it refers only to Congressional elections? It refers to all primaries; it refers to every election, State, county, municipal, township, school district; it applies to the election of a justice of the peace. Does anyone want to challenge that? I say it does. I am telling you, if you pass this bill, you will have rung the death knell of your State and your county election laws. Do not kid yourselves."

Never has anything more vicious been proposed than part III of the Brownell legislation. I am a temperate man, I am a patient man, but I cannot begin to express my deep sorrow over the fact that a national administration and the two major political parties endorsed and were willing to place that crown of thorns upon my people. I told them on the floor that I knew who that gun was aimed at, and that I resented it with every ounce of my soul. Part III was designed to make the life of my people miserable. Actually, the southern people are the only people in all this world that such legislation would have been suggested against. Thank God, the United States Senate struck section 121 from part III, which would have given the Attorney General the dictatorial power to hunt our people like partridges, and the power to utterly destroy State government in our land.

Part IV substantially provides, "Whenever any person has engaged in or is about to engage in any act depriving any person of the right of any privilege secured by subsection (a) or (b), the Attorney General, in the name of the United States, for the benefit of the real party, may institute a civil action or other proceeding for preventive relief, including permanent or temporary injunction, restraining order, or other order;" and that the district court shall exercise jurisdiction without regard to whether the party aggrieved has exhausted any administrative or other remedies provided by law.

Make no mistake, the Federal courts would be required to entertain suits arising by virtue of any kind of election—general, special, or primary—for the purpose of selecting candidates down to the lowest local level, including trustees of schools, county surveyor, and so forth. Further, under the ruling in the Cloverleaf Butter case and the Steve Nelson case, dealing with preemption of the field by the Federal Government, and in view of the ruling in *U. S.* v. *Classic*, part IV will destroy our electoral processes. It is actually unconstitutional, but of course I would not be fool enough to say that the United States Supreme Court would so hold. Actually, a person has the right to go to court, or to stay out of court, and under no constitutional provision can the great Brownell or any other Attorney General take that person into court because of a violation of some private right of that individual, not criminal in nature, without the consent of that individual. I am certain, however, that the United States Supreme Court can sidestep that salutary principle. One of the purposes for this proposed part IV, although they would not admit it, is to apply the ruling in *U. S.* v. *Classic* to the effect that the right to vote for Representatives in Congress is a right derived from the States only in the sense that the States are authorized by the Constitution to legislate on the subject, as provided by section 2 of article I, to the extent that Congress has not restricted State action by the exercise of its power to regulate elections under section 4, and its more general power under article I, section 8, clause 18, to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.

Yes, it is for the purpose of applying section 4 and article I, section 8, clause 18, as construed by the United States Supreme Court in that case.

Under the powers provided in part IV, the Federal courts would have the right to grant ex parte injunctions upon the petition of an all-powerful government, with such an extensive staff that they could grind out overnight thousands of affidavits, perjurous or not, and the judge then having established manmade law, whether right or wrong, could punish the defendant for contempt and sentence him to prison, the judge being the legislator, prosecuting attorney, judge, and executioner. In other words, deliberately the Attorney General wants to deny the defendants the right of trial by jury in criminal contempt cases. When he inserted the language "in the name of the United States" into that power to institute proceedings, he deliberately, designedly, and dictatorially asked for the right to destroy the right of trial by jury. He says that southern juries might not convict. To that, thank God, I agree. After all, there are some innocent defendants. I like the jury system, and I am afraid of an experienced lawyer that does not like the jury system. The present law kills the right of trial by jury in criminal contempt proceedings.

It happens to be the law, and has been the law since 1932, that in labor disputes, the right of trial by jury is provided for in all classes of contempt, even where the United States is a party. For some reason Mr. Brownell has not tried to change those laws. Consequently, it is crystal clear that he wants the denial of the right of trial by jury to apply only to the South.

The Senate is presently considering an amendment providing for the right of trial by jury in criminal contempt cases. Thus, so far as they are concerned, demonstrating that perhaps they are not willing to go along with the Attorney General in his theory that southern juries cannot be trusted. Irrespective, however, of the right of trial by jury, this provision permitted the Attorney General, in the name of the United States, to interfere with the electoral processes in the various States, proving that the Republicans never learned anything from history. Let me hasten to say that a lot of the northern and eastern Democrats also refuse to let history make any impression upon them.

This same method was tried in the Reconstruction Era, and it did not work. Federal troops armed with guns and bayonets stood at the polls in all of the election precincts in the South, preventing loyal citizens from voting, and subjecting loyal citizens to cruel indignities and suffering. This method played into the hands of the crooked and corrupt, because the crooked and corrupt were the only ones who would do business with such people. Should the Attorney General ever possess the power to exercise the provisions in part IV hereof, then State government is no more.

So, my friends, I stand before you today, telling you that we are facing our most serious hour. I denounce any violence, for I am a law-abiding man. On the other hand, I tell you it is our duty to God and man to do everything in our power to prevent the destruction of our way of life and our Government. If we ever lose this Government, we will never have another. The chips are down and we must have what it takes, unless we are willing for future generations to brand us as the weakest generation heretofore endowed with responsibilities of a public nature. We must assert ourselves in a lawful manner, and that I intend to do. Whatever is necessary in a legal way, that we shall do. We have permitted some in the Democratic Party to believe that they can with impunity deal with us as they have never dealt with the Japanese or with the Communist. The Republicans have made it a life-long habit to grind us into the dust.

No matter what the Senate does, and I take my hat off to the great leaders of the South in that body, there must be a conference held beween conferees from the House and the Senate. I am informed that the chairman of the House Committee on the Judiciary, a Democrat, and the leading minority member of that committee, a Republican, say they do not intend to budge one inch from the bill passed by the House. Whether that is true, I do not know. If it is true, it must be premised on the belief that next year being an election year, it will be easier to make the South a whipping boy again. The truth is none of this legislation should be passed. It is your duty and mine to fight it every step of the way. So far as I am concerned, I am against anybody who is for it, no matter to what political party he belongs, what church he belongs, or to anything else to which he belongs. I have fought this iniquitous legislation for 3 long years, and I will fight it as long as life remains in my body. This is the time when we must separate the men from the boys, and the hour is late, but I promise you that the Georgia delegation will stand firm for God, for country, and our way of life, and count it a privilege to do so.

# SENATE

TUESDAY, AUGUST 6, 1957

*(Legislative day of Monday, July 8, 1957)*

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Dr. John R. McLaughlin, general secretary, commission on chaplains of the Methodist Church, Washington, D. C., offered the following prayer:

Eternal and everlasting God, whose nature it is to love both the privileged and the lowly, the errant soul and the pure in heart, but who hath set us in a world of natural and moral law which may not be broken with immunity: We give Thee thanks for this, another day, in which to serve. Thy name is on many lips today; spoken simply by the faithful, but at times by those who with pious unction would use it to gain advantage. Help us not to take it in vain, but lead us into a new understanding of Thy concern for the people.

We pause in the quiet majesty of this honored Chamber to invoke Thy divine blessing upon this, our Nation.

We pray for the President and all the departments of Government: executive, judicial, and legislative. We pray for this, the Senate, as a body politic, and the Senators as individuals.

Remember the Members of this body as persons, with families and friends; with problems so intimate as to be known to few; with sorrows and joys which are difficult to lay aside for the work of the day. Be Thou to them as a shepherd who knows and loves each member of his flock. If a place of leadership has meant personal sacrifice, sustain them in that which they must, in conscience, do.

Remember them as Senators; and as the people have cast the mantle of leadership upon their shoulders, so wilt Thou lay Thy hand of benediction upon them as they face the problems before them.

Direct them as they map the path of peace and right in an uncharted age that is fraught with danger, yet filled with a promise of untold richness; and unite us with them as we follow their leadership with confidence. Teach us to walk in this path as true children in a family of which Thou art the Father, and not as orphans in a wilderness. Hold us up by our armpits if Thou must, as we take our first feeble steps, and then empower us by Thy spirit to walk boldly in the confidence of those who know the right and do it.

In making decisions, teach us the difference between careful judgment and fearfulness; courage and foolhardiness. Help us to distinguish between the welfare of the Nation and willful desire or personal ambition; between true pride in national leadership and the arrogance of the strong, the powerful, and the influential. Help us to walk in the strength befitting our responsibilities, yet aware of our morality—in humility, conscious of the holy chariots which ride to defend that which our poor armor cannot endure, much less conquer.

Forgive us if in our selfishness we forget Thee, if in pride we disown Thee, or if in error we dishonor Thee. In our weakness give us strength; in our insecurity give us confidence; in darkness, light.

And as the evening brings us one day nearer to Thy sure judgment, may we be able to say with faith, Thine is the glory and the majesty and the power, forever and ever. Amen.

## THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Monday, August 5, 1957, was approved, and its reading was dispensed with.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry, over which the Senator from Florida [Mr. HOLLAND] is presiding, be permitted to sit during the session of the Senate today.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Immigration and Naturalization Subcommittee of the Committee on the Judiciary be permitted to sit during the session of the Senate today.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

## THE CIVIL-RIGHTS BILL

Mr. JOHNSON of Texas. Mr. President, in the course of public discussion of the civil-rights bill, one fact is emerging clearly. It is that the bill shaped by the Senate in the past few weeks is a measure of strength and substance. If passed, it will be a law that will confer positive rights upon our people, and will back those rights with effective enforcement powers.

There are those, of course, who prefer a political issue to an effective bill. There are those who are more interested in votes in 1960 than in the right to vote in 1957 and in all the years to come. These are the people who seek to use a large group of our fellow Americans as dupes in a political shell game.

I can well recall a political campaign which took place just 3 years ago. In the course of that campaign, some of our most patriotic Americans were accused—without any evidence at all—of what amounted to monstrous crimes. That technique was denounced—properly—as the technique of "guilt by accusation."

Mr. President, the technique of guilt by accusation apparently has been revived. This time, however, the guilt by accusation involves a bill, instead of individuals. But the objective is still the same—to win a political campaign.

Mr. President, there are always thoughtful men—prudent men—who refuse to accept accusations without evidence. Those men insist upon knowing the facts and presenting those facts to their fellow Americans.

There is, for example, the distinguished commentator, Mr. James R. Reston, of the New York Times. He has insisted upon hearing the story of both sides and presenting the story of both sides.

In his column this morning, Mr. Reston forcefully makes a point. It is that we have our choice between a bill and a political issue.

I wish to compliment Mr. Reston upon the care and precision with which he has gathered his facts. I also wish to compliment him on his ability to resist the temptation to indulge in catch phrases as a substitute for concrete evidence.

Mr. President, I ask unanimous consent that Mr. Reston's article be printed at this point in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times of August 6, 1957]

A BILL OR AN ISSUE?—AN ANALYSIS OF POLITICAL REALINEMENT IN WAKE OF SENATE VOTE ON CIVIL RIGHTS

(By James Reston)

WASHINGTON, August 5.—There has been a substantial reevaluation of the civil-rights bill among northern liberals of both parties over the weekend.

The men who condemned the compromise jury amendment in the Senate during the last fortnight are now saying that they are going to vote for the bill. Some are even saying that it may greatly increase the Negro's chances of voting in the South after all.

"I'm disappointed in the bill as it is," Senator JACOB K. JAVITS, of New York, said this afternoon, "but I want a bill and not a campaign issue."

There are others who would rather have the campaign issue, who want to blame the Democrats in the 1958 election for scuttling the administration's right-to-vote legislation, and who believe with some reason, that they could dramatize the split in the Democratic Party by fighting the voting issue all over again before next year's election.

THE POLITICAL MILEAGE

The Democratic liberals are quite conscious of the political mileage in this strategy, and for this, among other reasons, PAUL H. DOUGLAS of Illinois, JOSEPH S. CLARK of Pennsylvania, and WAYNE MORSE and RICHARD L. NEUBERGER of Oregon, to mention a few of the antijury Senators, are going to vote for the bill as it now is.

This, however, is not the only reason for today's second thoughts. In the legislative struggle of the last month, the northern

liberals have been concentrating on getting a bill that, in their judgment, could not be evaded by legal means or delaying tactics in the South. Now that the heat has gone out of the battle in the Senate, some of them are looking at the more positive aspects of the compromise the southern Senators have accepted.

Under the compromise, while there must be jury trials in criminal contempt prosecutions, the Attorney General would be free to seek injunctions in Federal courts against anyone interfering with any qualified citizen's right to vote.

The Federal judge would have power to issue a cease-and-desist order and to put in jail for contempt anyone who defied his order. Also, he could insist that his order hold not only for the election at hand but for the next election, and not only for the particular registrar who happened to have defied the court's order, but for his successor as well.

BILL BELIEVED EFFECTIVE

Finally, it is argued by some legal authorities here that if an election were held in which Negroes were disenfranchised in defiance of a Federal court injunction, the Federal judge would have the power to order the ballot boxes held until his orders were carried out.

These new powers still do not impress some of the northerners who wanted the Federal judges to have more sweeping authority, but the more the bill is studied, the more objective observers are inclined to believe that it would be effective.

It is interesting and significant, for example, as an indication of how some liberal Democrats feel about this legislation, that the compromise jury trial amendment now in the bill was worked out in great detail by Dean Acheson, former Secretary of State, and Benjamin Cohen, in consultation with the Democratic majority leader, Senator LYNDON B. JOHNSTON of Texas.

It is also of some significance that despite appeals from northern liberals in Congress, former President Harry S Truman, Adlai E. Stevenson, former Democratic presidential nominee, and Mrs. Franklin D. Roosevelt did not get into the public fight alongside those who went all-out against the jury trial compromise.

Thus, well-informed opinion here feels that it would be wrong to see the present bill as a trick promise which the South has accepted in bad faith and with intent to evade. On the contrary, many northern liberals, including Senators Joseph O'Mahoney and Mike Mansfield, and Mr. Acheson regard it as the most meaningful step toward the enfranchisement of the Negro since the Emancipation Proclamation.

Nevertheless, President Eisenhower has come out so strongly against the present bill that the question now is what he will urge the Republicans in the House and Senate to do in dealing with it from here on.

The Department of Justice is extremely pessimistic about the value of the bill as it stands. It regards the bill as a monstrosity that would not be a powerful weapon for improving the Negro's right to vote and would interfere with a wide range of Federal Government powers in the antitrust and other fields.

A POSSIBLE PROCEDURE

There is, however, the possibility of dealing with this latter point. Unanimous consent could be sought in the Senate to amend that part of the bill that deals with other than civil-rights cases and to knock out the punitive section, now passed by both House and Senate, that reporters be fined $1,000 or thrown in jail for a year if they published information received in secret by the proposed Civil Rights Commission without the Commission's consent.

Failing this, these aspects of the bill could be corrected in conference between the House and Senate, but this presupposes a willingness by the administration in general and the President in particular to compromise.

The practical question now is the one raised by Senator JAVITS: Do officials and legislators want a civil-rights bill—one on which admittedly there is room for sincere differences of opinion—or do any substantial number of them want a campaign issue?

If they want a bill the chances seemed better tonight that they could get on other deals with voting rights and only voting rights, but if the administration insists on its original bill or even on its original no-jury-trial section, the general feeling here is it will get a campaign issue and nothing more.

Mr. JOHNSON of Texas. Mr. President, another thoughtful man who has carefully examined the facts in the civil-rights debate is the eminent commentator—the former Rhodes scholar—Ernest K. Lindley.

I ask unanimous consent that his fine article be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsweek of August 12, 1957]

STATESMANLIKE

(By Ernest K. Lindley)

The civil-rights bill shaped by the Senate reflects primarily the considered judgment of legislators who are not prisoners of their constituencies. It is less than most of the northern Senators with large numbers of Negro constituents wanted or felt that they must strive for. It is more than most of the southerners want—which is no bill at all. It is a compromise wrought chiefly by Senators who on this issue have some measure of political latitude.

This compromise was not struck by vote trading. Doubtless many practical considerations entered into the decisions of the Senators who held the balance of power. But they were not seeking an evasive or empty compromise. They were seeking a reasonable and effective way to further an objective in which they believe: The enfranchisement of the southern Negro. Moreover, it is a practical certainty that this legislation, if finally adopted in the form approved by the Senate, would serve that end.

The Senate debate revealed that the bill, as drafted by the administration and passed by the House, was much more comprehensive than most people, including the President, had supposed. Many civil-rights backers in the Senate thought, as did the President, that the wise course was to concentrate on the protection of voting rights. The southerners contributed to this end by their public dissection of the far-ranging potentialities of part 3. Its elimination was, in one sense, a clear-cut victory for them. But it was won entirely by persuasion, and the result was to make it harder for them to prevent enactment of any civil-rights legislation.

TANGLED ISSUE

The Senate debate also gradually disclosed that the question of jury trials in contempt cases was not so simple as many had supposed. Many northern civil-rights supporters had thought of the southern demand for jury trials simply as a device to make the proposed legislation ineffective. The issue at first appeared to be beyond compromise. And probably no considerations of political expediency would have led to a compromise if the case for jury trials had been hollow. The thoughtful analyses of Senators O'MAHONEY and KEFAUVER—both of whom are thoroughly accredited liberals as well as lawyers—caused many supporters of the bill to examine anew the merits of the jury-trial question. The resultant amendment has drawn a line which satisfies at least some troubled minds in the Senate and elsewhere.

The temptation to reject the bill in the Senate form may be strong among some ardent civil-rights advocates. There are always politicians who would rather keep an issue unblunted than to make a start toward dissolving it. The President's inflexible position on jury trials undoubtedly reflects a strong conviction. But a lively interest in future elections is discernible in some of the advisers who have briefed him on this question. If the bill as revised by the Senate were a fraud, genuine friends of civil rights would be justified in voting against it. But it is not fraudulent, either in intent or actuality.

SOME GAIN

Effective legislation to enfranchise the Negro must have some degree of acceptance in the South. As Senator LONG reminded the Senate, there are many legal devices by which a determined majority can keep a minority disenfranchised. The bill shaped by the Senate seems certain of the support of the Senators from three States of the old Confederacy. And it is reasonable enough to be tacitly acceptable to influential elements in many other Southern States.

In a letter to Senator KENNEDY, Prof. Mark DeW. Howe of Harvard Law School wrote of the jury-trial amendment: "From the standpoint of enforcement and getting acceptance in the South, a good deal is gained by the amendment. Certainly the O'Mahoney amendment constitutes no betrayal of principle or of fundamental justice."

Southerners who want no civil-rights legislation and northerners who want all or nothing can combine to defeat this legislation. The bill shaped in the Senate is a practical effort to further enfranchisement of the Negro. Its rejection would be a setback to constructive statesmanship.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to have printed at the conclusion of my previous statement on the civil-rights bill an editorial from the Washington Evening Star of today, entitled "Factual and Political Issues."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FACTUAL AND POLITICAL ISSUES

If the issue now before Congress were one of fact, that issue might be described as follows: Is it true or false that the Senate's jury-trial amendment makes the civil-rights bill ineffective, and weakens our whole Federal judiciary system?

A jury of 12 unprejudiced citizens, listening to the evidence pro and con as developed in Senate debate, would be most apt to hold that the jury-trial amendment is not guilty. One of the most convincing pieces of evidence in that respect would be the extraordinary new powers and implements conferred by the Senate bill upon the Attorney General and the Federal courts in enforcement of the right to vote—powers thus given being far more significant than powers withheld.

Proceeding on that theory, and considering the price of further delay, Congress would enact the Senate bill and study the results. The executive and judicial branches of the Government would be newly armed with the strongest weapons ever available for enforcement of voting rights—granting, of course, that bayonets are to be kept in their scabbards.

Unfortunately, the issue is not a factual issue. It is a political issue. That issue might be described as follows: Where does the greatest political advantage lie? (1) In delaying the showdown on the Senate bill

until the 2d session of the 85th Congress next year, a campaign year; (2) yielding on the Senate bill, with some compromise, and seeking its enactment now; or (3) killing the bill, placing the blame on the jury-trial amendment and its supporters, and starting out on some new tack in 1958?

No predictions are offered here on the decisions soon to be revealed. But if the real objective of Congress is to seek by available legislation the removal of discrimination against qualified Negro voters in the South, the Senate bill—a bird in the hand—would be enacted now. Experience would soon determine the facts as to jury trials as well as the effectiveness of many other provisions of the bill in working for the solution of a problem as tragic as it is complex. The nub of the issue is whether search for a solution of that problem is as important to the powers that be as a search for votes.

## REDUCTION IN FHA DOWNPAYMENTS ON HOMES

Mr. JOHNSON of Texas. Mr. President, it is good news that the Federal Housing Administration, after some hesitation and delay, has lowered downpayments on homes financed with mortgages insured by the Agency.

Authority to do this was contained in the housing bill we passed earlier during this session.

Exercise of this authority has not come any too soon. Private home building starts have been declining. They had gone down to a seasonally adjusted annual rate of 970,000. Not in any year since 1949 have private housing starts fallen below the million mark.

A healthy home-building industry is essential to a healthy economy. Our population continues to grow. The need of our people for new housing must be met, and fortunately we have a home-building industry that is fully equipped to meet it.

Mr. President, I am gratified that the views of those individuals in this administration who apparently are afraid of an expanding economy did not prevail with respect to this matter.

More Americans will have homes of their own as a result of yesterday's action by the Federal Housing Administration. More people will be given employment in the home-building industry. More construction materials will be put tc use.

In addition to all these benefits, there will be the great, if intangible, good that will come from our being to an increasing extent a Nation of homeowners.

The action of the FHA was wise. It was justified. It was in the best interests of our people as a whole.

## THE CIVIL RIGHTS BILL

Mr. MANSFIELD. Mr. President, there has been a good deal of talk pro and con about the civil-rights bill, now before us for final passage. There are those who say it does not go far enough, and others contend that it goes too far. In my opinion, the Senate is to be commended for analyzing this measure in its entirety and finally coming up with a bill which is workable and marks sound progress in the field of civil voting rights. This is what the President asked for; this is what the President is getting. The bill offers neither resurrection nor reconstruction; but it will tighten up and make more emphatic the right of all Americans to vote, the right of all Americans to trial by jury in criminal cases, and the right of all Americans to serve on Federal juries. It is a bill which even yet contains some hindrances relative to the position of the press and penalties which can be imposed for an alleged violation of secrecy. If it were possible at this late date, I should like to offer an amendment to correct this dangerous precedent. However, we are down to the third reading; and in view of the agreement unanimously assented to, there is no further opportunity for amendments.

There has been no split in the Democratic Party because of this measure. We can take credit that the gimmicks and the angles have to a large degree been obliterated; we can take credit that the American people as a whole have a greater understanding of this bill than when it came to us from the House; we can be thankful that there has been no filibuster, and we can be grateful that the right of unlimited debate has been maintained and its worth proven through the analysis which the bill has received over the past 5 weeks.

I hope sincerely that no one on either side will attempt to play politics with this measure. It is my fervent wish that the high level of debate which has marked our consideration of this proposed legislation will translate itself into a better understanding of the measure before us. This is a good bill; it is a strong bill; it is a better bill than the measure passed by the House and sent to us for our consideration. The President, in this measure, has the kind of a bill which he has consistently maintained he wanted. The right of trial by jury has been emphasized, broadened, and made more secure than ever before in the annals of American jurisprudence. This is as it should be.

The question before us is, Do we want a civil-rights bill to be enacted? As for me, my answer is in the affirmative, because the measure before us is a long step forward and is in the right direction. I hope it will pass the Senate by an overwhelming majority. I hope the House will agree to a conference, and I hope the conferees will forgo politics and will work out a solution which will meet with the approval of both Houses and will be signed by the President.

I ask unanimous consent that an editorial from the Christian Science Monitor of Saturday, August 3, 1957, entitled "Solid Gains for Civil Rights," be printed in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### SOLID GAINS FOR CIVIL RIGHTS

Civil-rights legislation has reached its high-water mark so far in this century. In our opinion, Senate adoption of the jury trial amendment has enhanced rather than curtailed hopes for genuine advances in Federal protection of Negro suffrage. Advocates who are describing the action as a death blow to the Eisenhower program are as mistaken as opponents who have been picturing that program as resurrecting reconstruction.

Here are a few reasons for our judgment: Under the bill as amended the Federal Government will possess new power to intervene through the injunctive process (without jury trials) where contempt proceedings are intended only to prevent rather than to punish infringement of voting rights.

Any such action will be spotlighted with publicity. Where civil contempt does not succeed in halting abuses and judges resort to criminal contempt (with jury trial), juries themselves will be on trial before the Nation to prove that Negroes will be treated fairly.

By an amendment added to the jury trial provision Negroes will be eligible to serve on Federal juries even where barred in State courts.

Two other sections of the bill (providing for a commission to investigate civil-rights problems and for a special civil-rights division in the Department of Justice) supplement the section amended by the Senate.

States righters will doubtless fight these provisions and the section to which they attached the jury-trial amendment, but so many concessions have now been made to them that they are unlikely to find much support outside the Deep South. Even a filibuster wouldn't serve now.

The House of Representatives may reasonably be expected to accept the Senate's half-loaf rather than insist on no civil-rights bread. That is its choice for this year, and probably for several years. The fact that the House defeated a stiffer jury-trial amendment by only eight votes reinforces expectations that it will not balk at the Senate compromise.

For these reasons we believe effective civil-rights legislation is close to realization. The bill as it stands is unsatisfactory to many on both sides of the argument. But in our opinion it is more reasonable, more practicable, and more likely to obtain solid results than any of the plans discarded by the Senate.

Those who oppose any Federal intervention will not accept the bill. Neither will southerners who see it as a step toward social changes. But there is no such emotional resistance to voting rights as to integration. Moderate legislation will not only stand a better chance of adoption; it will stand a better chance of winning a vital measure of cooperation from southerners whose conscience and commonsense alike tell them that denying legally qualified Negroes the right to vote is poor ground for fighting.

Mr. CHURCH subsequently said:

Mr. President, I should like to commend the distinguished majority leader and the distinguished Senator from Montana [Mr. MANSFIELD] for the splendid remarks they made today addressed to the pending civil rights bill, and to say it was my intention to have printed in the RECORD this morning the forceful and penetrating analysis of that bill made by James Reston, of the New York Times. However, inasmuch as the majority leader has already included the article in the RECORD, I will only say, that as the article demonstrates, the pending bill, as amended by the Senate, provides an effective weapon for the right to vote and constitutes the most meaningful step toward the enfranchisement of the Negro since the Emancipation Proclamation. This bill will manifestly help to heal an old sickness, rather than open a new wound. In view of the charges which have been made against the bill, it is time for Senators on both sides of the aisle who are interested in advancing the cause of civil rights, rather than making a political issue, to lay the facts before the people.

## CIVIL RIGHTS FOR GYPSIES: THE DEPRIVATIONS OF A MINORITY GROUP

Mr. RUSSELL. Mr. President, most of the discussion in the Senate of the past few days has centered about the voting and jury-trial provisions of the so-called civil rights bill. It has almost been overlooked that part I of the bill provides for the creation of a commission to investigate the entire field of civil rights and violations of civil rights which may have occurred and suggest remedial action.

A gentleman from Almont, Mich., has called my attention to two newspaper articles appearing in the newspapers of that State describing the treatment accorded a large group of gypsies by the police officers of Michigan. In my own reading I have found newspaper references from our press associations appearing in the Evening Star of Washington and in the Atlanta Journal describing these violations of civil rights of a minority group.

If these articles are to be believed—and there is no reason to doubt the accuracy of these press associations—about 100 American citizens have been denied all their civil rights in the most callous manner, merely because they are gypsies. The newspaper articles do not reveal that they were convicted of any offense, other than being charged with being gypsies. They undertook to hold a conference of some kind in the State of Michigan and rented facilities for that purpose.

The events which followed make their experience a modern day "Trail of Tears." They were rounded up, taken across the State and escorted to the State of Indiana. When they reached the Indiana State line they found there to greet them a large delegation of the police of that State, who carried them, as they say, in "convoy"—that is a nice word for being forcibly exiled—and they were driven across the State of Indiana toward the State of Illinois. One of the policemen was reported as saying he hoped they could keep the group together until they could pass them along to the State of Illinois.

I have not been able to determine from the press reports what happened to this group of oppressed people when they arrived in Illinois. One police officer stated they wished to break up into small groups, so that as they approached the State of Illinois they might escape detection. They evidently hoped to be able to find some place to eat, rest, and recuperate from this very harassing experience.

Mr. President, I do not offer these articles for the RECORD in an attempt to be critical of any State or the officials of any State, but I deem it my duty to have this information available for the study of the Civil Rights Commission when and if this bill shall ever be enacted into law. I do not know whether or not the Commission will give it any attention. I do not know whether or not gypsies vote in elections. Certainly these gypsies had no chance even to register, because they were in custody of police as they were carried across two States. But if they are prohibited from even resting on ground they rented within a State, certainly they would have no opportunity to register to vote or enjoy any of the other civil rights of all persons supposed to be guaranteed equal protection of the law under the clause of the 14th amendment.

I doubt whether there are a sufficient number of gypsies in any one of the doubtful States to greatly impress any candidate who might be seeking office and cause him to put on a great drive to assure the civil rights of gypsies.

The tragedy reflected in these articles has opened the well springs of compassion of my heart and caused me to hope that the Civil Rights Commission will go into this matter and make some recommendation which will assure that these unfortunate, oppressed, and hard-driven people shall at least have a right to stop and rest along the road and find something to eat. If minority groups are to be protected this incident should appeal to any fairminded, nonpolitical commission.

Mr. President, I ask unanimous consent that the letter written to me by the citizen of Michigan to which I referred be printed in the RECORD at this juncture. I ask that his name not appear, because I do not wish to get him in trouble. He might someday seek to be nominated for deputy marshal or postmaster in that State and his concern for the rights of nonvoting gypsies might deter him.

I also ask unanimous consent that the four articles to which I have referred may likewise be printed in the RECORD at this point.

There being no objection, the letter and articles were ordered to be printed in the RECORD, as follows:

ALMONT, MICH., *July 30, 1957.*

DEAR SENATOR: Enclosed are two clippings from Detroit newspapers relating how a large settlement of gypsies were driven out of Michigan by local sheriffs and State police and were forced to keep moving by Indiana police until they had left that State. This was done without due process of law, and is, I believe, of great social significance. Had it happened to a Negro tribe in South Africa it would perhaps be pictured in Life magazine and attract the notice of the United Nations. Here it did not make front-page news. It is all the more remarkable that this could happen in these Northern States whose Senators and Representatives are at this moment trying to force integration on the Southern States. Think of it. The South is merely seeking equal but separate facilities for part of its people, but here in our States a group of unpopular people are herded about as Jews were driven into ghettos in the Middle Ages.

I hope that this information will be of use to you and that you can give it the publicity it deserves.

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[From the Washington Star of July 27, 1957]

MICHIGAN EXPELS BAND OF GYPSIES

COLDWATER, MICH., July 27.—Sheriff's deputies ran a caravan of gypsies out of Michigan today after herding them 150 miles across southeastern counties to the Indiana line above Angola.

Branch County deputies met the group at the Calhoun (Battle Creek) County line at dawn and escorted it down United States Highway 27 to the State border.

The caravan of trucks, cars, and trailers containing 100 people, was herded across 7 counties by relays of deputies yesterday and last night. The trek started when Lapeer County deputies refused to let the gypsies hold a convention on a farm where they had rented trailer space.

Only after pleading with Calhoun County deputies were they permitted last night to rest a few hours in a State park at Tekonsha.

Lapeer County Sheriff William Porter held the Gerald Bond farm near Brown City was lacking in facilities for such a group and ordered it out. He said chickens had been disappearing, too, from neighboring farms since the gypsies moved in.

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[From the Detroit News of July 28, 1957]

ONE HUNDRED GYPSIES HERDED OUT OF MICHIGAN

LAGRANGE, IND., July 27.—Harassed by police of 2 States, a caravan of about 100 gypsies found a temporary haven near here today but had little hope of expecting a welcome.

Herded 180 miles through 7 Michigan counties into Indiana, the gypsies parked their 23 trailers in a trailer camp between Angola and Lagrange, where they say they hope to have enough time to hold a convention.

STARTED FROM FARM

Their trek started Friday morning from a farm near Lapeer, where they rented trailer space from farmer Gerald Bond.

Sheriff William Porter of Lapeer County, arrived at the farm and told the gypsies to move out of the county.

Porter said the gypsies were driven from the county on the grounds that they were patronizing an unlicensed trailer camp.

He said he had not obtained warrants charging the farmer with operating an unlicensed camp or any warrants against the gypsies, however.

Porter and his deputies herded the trailers to the Macomb County line. Macomb officers said they were unaware that the gypsies had passed through their county but their trail was picked up in Oakland County.

Oakland County sheriff's Sgt. Paul Carpenter said he was uncertain under what law the gypsies were being forced to move.

"We're just doing it, that's all," he said. "We don't let them light."

From Oakland County, the caravan was passed on—relay fashion—to sheriff's officers in Livingston, Jackson, and Calhoun Counties, finally stopping for a few hours' rest at a State park near Tekonsha, in Calhoun County.

POLICE DENY HERDING

State police who cruised along with the exodus said they were not herding the gypsies but just checking on their behavior.

The gypsies left Michigan via U. S. 27, through Branch County, under escort by Branch deputies. At the border they were met by sheriff's deputies from Indiana's Stecker County, and were kept moving west along Indiana Highway 120 until they reached the Lagrange trailer camp.

In Lansing, Stanton S. Favill, chief assistant attorney general, said Sheriff Porter had authority to arrest any of the gypsies on complaints they were violating a law.

But he added there is no law in Michigan permitting a sheriff to order persons out of his county.

SUMMER ARRIVALS

State police said the gypsies are members of the Mitchell clan, a group which moves to Michigan every summer from winter quarters in Missouri.

Where the caravan would finally come to rest no one knew, but Indiana officers said they were hopeful the caravan would be in Illinois soon.

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[From the Atlanta Journal of July 29, 1957]

THE OLD HEAVE-HO—MICHIGAN'S BOOT FELT BY GYPSIES

LAGRANGE, IND., July 28.—Some 100 gypsies, escorted out of Michigan at dawn Saturday set up camp and settled down in Indiana.

An Indiana State police spokesman said, "This is nothing unusual. We observe gypsies every day."

Apparently Michigan State police had a different view on the travelers. They were hustled 180 miles, through 8 Michigan counties, in 18 hours, before being funneled into the northeast corner of the Hoosier State.

Indiana State police headquarters at Ligonier, reported the caravan had been moving westward along State Highway 120, which parallels the Indiana toll road.

Police said they had no units assigned to "convoy" the gypsies, but individual patrolmen had been "keeping them under observation."

Michigan authorities couldn't prove any lawbreaking against the band, but a Branch County (Michigan) deputy sheriff said, "We wanted to make sure they turned up missing before people reported their property missing."

The gypsy caravan began moving Friday when Lapeer County Sheriff William Porter uprooted the gypsies from the Gerald Bond farm near Brown City, Mich.

Porter said the travelers had rented camping ground from Bond, but that they tramped off in all directions heading for small surrounding towns and stores.

Porter said he began to get complaints about missing goods and poultry. He also said he suspected the gypsy men of working a fake barn painting racket. He declared the camp site unfit and the band was gathered up and moved out.

Their travels led them through Macomb, Livingston, Ingham, Jackson, Hillsdale and Branch Counties before crossing the State line into Indiana. At some points, Michigan State police joined the caravan.

Keeping 100 gypsies and some 25 to 50 vehicles rounded up proved to be a full-time job for the Michigan patrolmen, but as one deputy put it, "you've got to keep 'em bunched up. Two weeks ago we let a bunch get camped and it took a whole day to round them up and put them on their way again."

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[From the Detroit Free Press of July 29, 1957]

TO KEEP THEM MOVING—INDIANA SHERIFFS HUNT FOR GYPSIES

ELKHART, IND.—Officials in Elkhart County, Ind., had an eye open Sunday for a band of wandering gypsies reported headed westward at the request of sheriffs to the east.

The caravan of Romany tribesmen was in the third day of travels which started Friday when Michigan authorities began pushing them southward.

A sheriff's office spokesman said he heard Sunday morning that gypsies were crossing into the county but none had been sighted by deputies.

If they were found, he said, they would be herded out of the county in whatever direction the gypsies selected.

Twenty-three house trailers and about 100 tribesmen passed into Indiana early Saturday. Michigan officials had pushed them southward over 150 miles. Indiana officials of Steuben County met them at the line and ordered them westward.

Saturday night they settled in Brighton in Lagrange County.

They packed up and departed Sunday, headed in various directions.

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## TRANSACTION OF ROUTINE BUSINESS

The PRESIDENT pro tempore. In accordance with the usual custom of having a period for the transaction of routine morning business, morning business is now in order.

## DEATH OF FORMER SENATOR WALTER F. GEORGE, OF GEORGIA—TELEGRAM

The PRESIDENT pro tempore laid before the Senate the following telegram from Miguel Angel Campa, Ambassador from Cuba, which was ordered to lie on the table:

WASHINGTON, D. C., *August 5, 1957.*

Hon. RICHARD M. NIXON,
*Vice President of the United States and President of the Senate, Capitol, Washington, D. C.:*

On behalf of the Government of Cuba and on my own, I wish to express to you our profound sympathy in the death of Senator Walter F. George, whose passing is an irreparable loss to his country and to the world.

MIGUEL ANGEL CAMPA,
*Ambassador of Cuba.*

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## REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

The PRESIDENT pro tempore laid before the Senate a letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Health, Education, and Welfare for "Grants to States for public assistance", for the fiscal years 1958, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, which was referred to the Committee on Appropriations.

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## PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

The memorial of John J. Strader, Jr., of Cincinnati, Ohio, remonstrating against the enactment of Senate bill 1176, the so-called wilderness preservation bill; to the Committee on Interior and Insular Affairs.

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## RESOLUTION OF ASSOCIATION OF MIDWEST FISH AND GAME COMMISSIONERS

Mr. HUMPHREY. Mr. President, I have just received a resolution which was unanimously adopted by the Association of Midwest Fish and Game Commissioners at their annual meeting on July 10 and 11, 1957, at Itasca State Park, Minn., relating to the eligibility of wetlands for conservation payments.

I ask unanimous consent that this resolution be printed in the RECORD, and appropriately referred.

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

STATE OF MINNESOTA,
DEPARTMENT OF CONSERVATION,
*St. Paul, Minn., July 30, 1957.*

Hon. HUBERT H. HUMPHREY,
*United States Senate, Washington, D. C.*

DEAR SENATOR HUMPHREY: The following is a resolution passed unanimously by the Association of Midwest Fish and Game Commissioners at their annual meeting on July 10th and 11th, 1957, at Itasca State Park.

*"Resolved,* That the Midwest Association of Game and Fish Commissioners go on record favoring the amendment to the Agricultural Act of 1956 introduced by Senator MILTON YOUNG which will provide that wetlands be made eligible for conservation payments irrespective of past crop history; be it further

*"Resolved,* That the various representatives in attendance at this meeting contact their respective Congressional delegations to support this amendment; be it further

*"Resolved,* That we oppose the use of Federal funds and services for the drainage of wetlands areas of value to wildlife."

Your assistance in this matter will be greatly appreciated.

Very truly yours,

JAMES W. KIMBALL,
*Director, Division of Game and Fish.*

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## RESOLUTION OF JUNIOR CHAMBER OF COMMERCE, ELY, MINN.

Mr. HUMPHREY. Mr. President, I present a resolution adopted by the junior chamber of commerce of Ely, Minn., commending Congressman JOHN A. BLATNIK, of the Eighth District. No one in Congress needs to be reminded of Congressman BLATNIK's instrumental work in the fruition of the St. Lawrence Seaway.

The resolution I refer to asks that one of the locks in the St. Lawrence Seaway system be named the John A. Blatnik lock.

I ask unanimous consent that the resolution be printed in the RECORD, and appropriately referred.

There being no objection, the resolution was referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

RESOLUTION COMMENDING CONGRESSMAN JOHN A. BLATNIK

Whereas the junior chamber of commerce believes that individuals should receive recognition for outstanding leadership, particularly when such leadership represents progress, provides the means for economic expansion, and in general affects the economics and well-being of a vast area; and

Whereas Representative JOHN A. BLATNIK, of Chisholm, provided continuous and diligent leadership in promoting Federal legislation in connection with the St. Lawrence Waterway; and

Whereas the St. Lawrence Waterway is expected to increase the trade, commerce, and industry of Minnesota and the surrounding States and the States encompassing the Great Lakes region; and

Whereas Congressman BLATNIK has worked for a number of years in an unselfish and nonpartisan basis to promote the St. Lawrence Waterway legislation; and

Whereas the naming of one of the locks in the St. Lawrence Seaway system in honor of Congressmen BLATNIK would be proper and appropriate recognition for his outstanding work: Now, therefore, be it

*Resolved,* That the Eveleth Junior Chamber of Commerce go on record as favoring and encouraging the naming of one of the locks in the St. Lawrence Waterway system as the John A. Blatnik lock; be it further

*Resolved,* That copies of this resolution be sent to the President, the Honorable Dwight D. Eisenhower, the United States Senate, the United States House of Representatives, and Congressman BLATNIK, and that the proper officers are empowered to do all that which is necessary to carry out the intents and purposes of this resolution.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, with amendments:

H. R. 1058. An act to preserve the Key deer and other wildlife resources in the Florida Keys by the establishment of a National Key Deer Refuge in the State of Florida (Rept. No. 821).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 1118. A bill to facilitate the administration and development of the Whitman National Monument, in the State of Washington, by authorizing the acquisition of additional land for the monument, and for other purposes (Rept. No. 822).

By Mr. KUCHEL, from the Committee on Interior and Insular Affairs, without amendment:

H. R. 3473. An act to authorize and direct the Secretary of the Interior to sell certain public lands in the State of California (Rept. No. 823).

By Mr. SCOTT, from the Committee on Post Office and Civil Service, with an amendment.

S. 821. A bill to amend the Civil Service Retirement Act with respect to annuities of Panama Canal ship pilots (Rept. No. 824).

## EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports were submitted:

By Mr. GREEN, from the Committee on Foreign Relations:

Executive A, 85th Congress, 1st session. Convention with the Republic of Austria, signed on October 25, 1956, relating to taxes on income; without reservation (Executive Report No. 12);

Executive B, 85th Congress, 1st session. Convention with Canada, signed on August 8, 1956, further modifying and supplementing the income-tax convention and protocol of March 4, 1942, as modified by the supplementary convention of June 12, 1950; without reservation (Executive Report No. 12); and

Executive K, 85th Congress, 1st session. Protocol with Japan, signed on March 23, 1957, supplementing the convention of April 16, 1954, relating to taxes on income; without reservation (Executive Report No. 12).

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of New Jersey:

S. 2705. A bill for the relief of Stephanos Moschos; to the Committee on the Judiciary.

By Mr. IVES:

S. 2706. A bill for the relief of Felicia Wanda Leonard; to the Committee on the Judiciary.

By Mr. NEUBERGER (for himself and Mr. MORSE):

S. 2707. A bill for the relief of Gerald Richard Frost (Gerald Richard Medford); and

S. 2708. A bill for the relief of Sterling Keith Polson (Choo, Sang Il) and Dawn LaVerne Polson (Choo, Kye Hyang); to the Committee on the Judiciary.

By Mr. McNAMARA:

S. 2709. A bill providing for the reduction of the Congressional representation of States denying or abridging the right of its inhabitants to vote, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. MCNAMARA when he introduced the above bill, which appear under a separate heading.)

By Mr. GORE:

S. 2710. A bill for the relief of Otto F. Hoch; and

S. 2711. A bill for the relief of Larry Allen Ferguson (Kim Chul); to the Committee on the Judiciary.

By Mr. LAUSCHE (by request):

S. 2712. A bill for the relief of Milosav Mares; and

S. 2713. A bill for the relief of Abbas Mohammad Awad; to the Committee on the Judiciary.

By Mr. BIBLE (for himself and Mr. MALONE):

S. 2714. A bill to provide for the appointment of a district judge for the District of Nevada; to the Committee on the Judiciary.

By Mr. MURRAY (by request):

S. 2715. A bill to disestablish the Balls Bluff National Cemetery, Loudoun County, Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BARRETT:

S. 2716. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. CLARK:

S. 2717. A bill for the relief of Donald George Loomis (Joji Nagakura) and Cynthia Ann Loomis (Machiko Kawakami); and

S. 2718. A bill for the relief of Haseep Milhem Esper; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 2719. A bill to provide for the payment of bounties for the control of certain predators on salmon and halibut of the Pacific coast and Alaska; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (for himself and Mr. PAYNE):

S. 2720. A bill to amend the Fish and Wildlife Act of 1956 in order to increase the authorization for the fisheries loan fund established under such act; to the Committee on Interstate and Foreign Commerce.

By Mr. KUCHEL:

S. 2721. A bill for the relief of Builders Corporation of America, Herlong-Sierra Homes, Inc., and Landis Building and Investment Co.; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2722. A bill to amend the laws relating to the endorsement of masters on vessel documents and to provide certain additional penalties for failure to exhibit vessel documents or other papers when required by enforcement officers; to the Committee on Interstate and Foreign Commerce.

By Mr. WATKINS (for himself and Mr. BENNETT):

S. 2723. A bill for the relief of George Kazuso Tohinaka; to the Committee on the Judiciary.

## CONGRESSIONAL REPRESENTATION ACT OF 1957

Mr. McNAMARA. Mr. President, I introduce, for appropriate reference, a bill providing for the reduction of the Congressional representation of States denying or abridging the right of its inhabitants to vote, and for other purposes.

This bill contains the same provisions which were in the amendment I offered to the civil rights bill, H. R. 6127, last week.

As my colleagues may recall, the amendment sought to implement section 2 of the 14th amendment to the Constitution. This section of the Constitution provides that any State which denies or abridges the right to vote of any of its citizens shall have its representation in Congress proportionately reduced.

Even though my amendment was rejected by the Senate last Friday, I think it is a wholly sound proposition, worthy of further consideration. Therefore, I have made it into a bill.

As I said last Friday, Mr. President, we cannot be selective about which parts of the Constitution we will enforce. The intent of section 2 of the 14th amendment could not be more clear, and I feel that action by Congress in seeking to implement it is long overdue.

I shall not take the time of the Senate to discuss the bill in detail at this time. Explanations will be found on pages 12519–12520 of the RECORD of July 24 and on pages 13461–13462 of the RECORD of August 2.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2709) providing for the reduction of the Congressional representation of States denying or abridging the right of its inhabitants to vote, and for other purposes, introduced by Mr. MCNAMARA, was received, read twice by its title, and referred to the Committee on the Judiciary.

## PAYMENT OF BOUNTIES FOR CONTROL OF CERTAIN PREDATORS ON SALMON AND HALIBUT, PACIFIC COAST AND ALASKA

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to provide for the payment of bounties for the control of certain predators on salmon and halibut of the Pacific coast and Alaska. I ask unanimous consent to have printed in the RECORD a statement explaining the purposes of the bill.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 2719) to provide for the payment of bounties for the control of certain predators on salmon and halibut of the Pacific coast and Alaska, introduced by Mr. MAGNUSON, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The statement presented by Mr. MAGNUSON is as follows:

DOGFISH SHARKS MENACE FISHERIES ON THE PACIFIC COAST

Increasing numbers of dogfish sharks occurring on Pacific coast commercial fishing grounds from California to Alaska are destroying valuable recreational and food fish resources.

During the period 1941 to 1949 when from 50 to 135 million pounds of dogfish were landed annually this shark was held in check; however since 1950 the fishery has become virtually nonexistent. The abandonment of these fisheries in recent years

has resulted from imported concentrated fish oils and the development of low-priced synthetic vitamin A.

During the years when the dogfish fishery was highly exploited, populations of many commercial species of food fish appeared to be increasing. The near absence of the fishery in recent years has, however, allowed dogfish populations to greatly increase in numbers. As a result, this predatory shark has overrun many traditional bottom fish and salmon fishing grounds. These sharks have become so numerous that they are destructive and a nuisance to all segments of the salmon fisheries of the Pacific Northwest operating in salt water. Fishermen setting their nets off the Washington coast have had their costly nets disappear beneath the surface of the sea overloaded with dogfish sharks. In many instances, seiners and gill netters have had such an abundance of sharks in their nets that they have been unable to bring them aboard. Salmon trollers fishing on the Columbia River to northern Vancouver Island, Canada, have also reported the dogfish menace, and claim their lines are hardly in the water before a dogfish has taken the hook.

With trawl fishermen, who must fish their nets along the bottom of the ocean to capture schools of food fish, the problem is even more serious. Dogfish have become so abundant during the summer months on the once-productive Swiftsure and 40 Mile Banks (off the Washington and Vancouver Island coasts) that fishermen at times are forced to abandon these regions. A trawler making a short 30-minute haul on either of these grounds may catch close to 30,000 pounds of dogfish per set. Because of the abrasive nature of the skin of the dogfish and the difficulties encountered in bringing this pest aboard, considerable gear loss and damage is encountered by trawl fishermen.

The dogfish menace is by no means confined to the commercial fishermen but has also overrun popular sport-fishing localities. Since the end of World War II the Puget Sound area has become one of the most popular sport fishing and recreational areas on the Pacific coast. The numbers of anglers fishing this area is estimated to have increased threefold since 1950. In 1956 alone, over 750,000 angler trips were reported in the Puget Sound region. Hundreds of boathouses, resorts, and other contingent enterprises have developed to accommodate the sport-fishing enthusiasts. The dogfish problem, however, has brought increasing complaints by sports fishermen and boathouse operators that they are constantly bothered by dogfish taking their bait and fouling their gear. The numbers and weights of dogfish inhabiting fishing grounds off the Pacific Northwest have reached tremendous proportions in recent years and the weight of fish on these grounds may be conservatively estimated to exceed 1 million tons. These fish are voracious predators on herring, smelt, crab, cod, numerous small forage fish, and at times on salmon. They also compete with salmon and other food fish for the available feed and may at times force the more desirable food fishes from the better fishing grounds. To illustrate the economic loss the dogfish may incur, a million tons of this shark will consume at least 20 times their own weight in 1 year. The value of the fish consumed by these predators might easily exceed $20 per ton. Thus, a million tons of dogfish may reduce the potential annual harvest of fishes by $400 million each year. If these fish were allowed to grow and the stocks prosper, through reduced predation and competition, our fisheries would greatly benefit. This monetary loss does not include the value of commercial gear lost while fishing, the fishing time lost while clearing nets of dogfish, or in mending fishing gear. The ultimate effect and loss these dogfish may incur on our sport fishing and recreational facilities of Puget Sound could be even more drastic. The situation is somewhat analogous to the introduction to lamprey eels to the Great Lakes regions of the United States. When the lamprey eels got out of control they destroyed both the sport and commercial fisheries in this region.

For the past several years, fishermen have complained to the Government, to the Congress, and to State agencies for help in controlling this menace and other predators such as sea lions, hair seals, fish-eating ducks, lamprey eels, and Dolly Varden trout. Senator WARREN G. MAGNUSON, chairman of the Senate Interstate and Foreign Commerce Committee, has repeatedly called to the attention of the United States Fish and Wildlife Service the need for an overall program of predator control to aid fisheries in Alaska. So far the Federal fishery agencies have refused to comment on the merits of such a plan.

Sport fishermen and commercial fishermen alike have studied the problem and believe that a national program in cooperation with Canada should be carried out for the eradication of dogfish sharks and other predators. They have proposed Congressional legislation to provide the following bounties and subsidies for the elimination of predators threatening our fisheries resources. Proper legislation would provide the necessary initiative for fishermen to again harvest the dogfish shark and thus revitalize the Pacific coast fisheries. The following bounties are therefore recommended:

1. A bounty on dogfish shark carcasses (unlivered) of $10 per ton delivered to reduction plants.

2. A bounty of 10 cents per pound for dogfish shark livers delivered to rendering plants.

3. A bounty of $20 per ton for lamprey eels taken from the Columbia River and other rivers of the Pacific coast.

4. A bounty of $40 per ton for hair seals and sea lions.

The payments of bounties with respect to dogfish sharks, lamprey eels, hair seals, and sea lions shall be made to domestic fish producers or otherwise as the Secretary of the Interior shall determine. The Secretary of the Interior shall be authorized to initiate such programs of control as he deems to be desirable in the public interest with respect to beluga whales and other predators on the salmon resources of Alaska, including such fish-eating birds as he determines to be destructive to such resources.

## INCREASES IN SERVICE-CONNECTED DISABILITY COMPENSATION — AMENDMENTS

Mr. LANGER submitted amendments, intended to be proposed by him, to the bill (H. R. 52) to provide increases in service-connected disability compensation and to increase dependency allowances, which were ordered to lie on the table and to be printed.

## ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. BUSH:

Statement by Senator PAYNE on the death of Kenneth Roberts, noted American author.

Statement by Senator PAYNE on the 100th anniversary of the birth of Lillian Nordica.

Statement by Senator PAYNE on the 350th anniversary of shipbuilding in America.

Statement by Senator PAYNE on the retirement of Secretary of the Treasury George M. Humphrey.

By Mr. MAGNUSON:

Statement prepared by him concerning vessel replacement funds.

## WILLIAM McCHESNEY MARTIN, JR., CHAIRMAN, FEDERAL RESERVE BOARD

Mr. BUSH. Mr. President——

The PRESIDING OFFICER (Mr. CHURCH in the chair). The Senator from Connecticut.

Mr. BUSH. Mr. President, I wish to speak at the moment of William McChesney Martin, Jr., the Chairman of the Federal Reserve Board.

Mr. Martin was appointed by President Truman, and later reappointed by President Eisenhower. He carries a very heavy responsibility as Chairman of the Federal Reserve Board. Particularly in the last year he has been under very considerable pressure to change the policies, or we might even say soften the policies of the Federal Reserve Board, with respect to the matter of controlling credit.

Mr. Martin has shown a great deal of imagination, a great deal of intelligence, a great deal of determination, and real courage in resisting the pressure, largely from irresponsible sources—or perhaps those who do not understand the situation fully—to change the policies of the Federal Reserve Board and make money and credit much more easy thus adding to the fires of inflation.

Mr. Martin's policies have resulted in holding in check to a very large extent the inflationary forces. He has stuck to his guns with determination and with a large measure of success.

Today in the New York Times, Mr. President, there is an excellent editorial which speaks of Mr. Martin. The title of the editorial is "Inflation is Inflation." Becaues it throws additional light on the very important subject of inflation control, which is becoming somewhat of a national issue, not to say a political issue, I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

INFLATION IS INFLATION

We are happy, though completely unsurprised, to note that William McChesney Martin, Jr., Chairman of the Federal Reserve Board, numbers himself among those who still believe that in a free economy the person who thinks he can set the price for his product—whether it be goods, services, or labor—without reference to the law of demand and supply is living in a false paradise.

Mr. Martin has been watching prices, in the process of being made on one front or another, since he served as a very young man as reform president of the New York Stock Exchange. To him inflation is inflation, and it doesn't become something different because it makes its appearance in a different area from the one in which it appeared last, or because someone, confusing the source which feeds a particular inflationary episode with that time-honored phenomenon itself, promptly concludes that we are standing in the presence of inflation of an unprecedented kind.

The Bank for International Settlements, whose annual review covers developments in the entire Western World, notes as a simple matter of fact that "the main channels through which the inflationary movement of 1956 was fed were (1) budget deficits, (2) business investment, and (3) increased costs, due to higher wage rates."

Whether there is an overall excess of consumer demand for the products of industry at the moment is not necessarily a decisive question here. The fact is, that though the monetary authorities have held the expansion of the money supply to about 2 percent in the past 2 years, that supply of money has been so actively used that it has financed an expansion in production of goods and services of about 12½ percent, with prices advancing most of the time. This, as Mr. Martin would say, is inflation, and it is the same old inflation we have always had whether you call it classical inflation, wage inflation, or administered price inflation.

The basic remedy being applied by the monetary authorities, even after one has noted all its minor defects, is still the closest thing to a specific for this disease that man has yet discovered. That is to refuse to provide the credit to finance further excessive demands upon the Nation's resources, whether these demands are consumer demands or whether they are speculative in their origins, as long as prices continue to rise.

## THE HOUSING ACT OF 1957

Mr. YARBOROUGH. Mr. President, the Congress passed the Housing Bill of 1957 and the President signed it on July 12. This law was designed to make it possible for people to buy new homes with small downpayments, and thereby stimulate home-building and home-ownership.

To bring about this desired home-ownership and construction of new homes, the downpayment required of the law was changed so that a new $10,000 home could be bought with a downpayment of $300 and a new $12,000 home could be bought with a downpayment of $600, and so on.

This administration failed to put the law into effect on July 12, as it should have done, and has since failed to put it into effect, despite repeated demands that it do so by the distinguished senior Senator from South Carolina [Mr. JOHNSTON], the junior Senator from Oregon [Mr. NEUBERGER], both Senators from New York, by many other Senators, and by me.

Now the whole purpose of this stalling tactic has been uncovered. The administration announces that it is raising interest rates on FHA insured loans. These loans are insured and their payment is thus guaranteed by law. Despite this absence of risk, the money lenders who are running this administration are reaching their long fingers out again for a bigger share in the home buyers' pocketbook.

The good intentions of this Congress to aid home buyers are being thwarted by the administration. Moneylenders are in the saddle. The people are the losers.

Mr. President, if the people are to have any relief from this usury-practicing administration, that relief must come from the Congress. This administration has demonstrated again, by raising the interest rates on the FHA insured loans, that it is an administration for money, and not for men.

Mr. President, the Congress should act before adjournment to stop this runaway interest raising before the burden of high interest stagnates American business.

## DEATH OF RALPH W. HARDY

Mr. BENNETT. Mr. President, on yesterday the Senate, represented by some of its Members, joined in expressing tribute to the memory of a man who had completed a wonderful career in this body, a man whose service to his country will be universally recognized, and the effects of which will extend for many, many years to come.

We frequently have Members rise in this Chamber, as my colleague, the Senator from Connecticut, did on behalf of the Senator from Maine [Mr. PAYNE], to note the passing of men who have had long and illustrious careers.

Today I would be remiss in my duty to the citizens of my State if I did not rise to note a contrasting situation. Yesterday a heart attack claimed a young man, Ralph W. Hardy. He was only 41, but he had already carved out an illustrious career for himself. He has represented the broadcasting industry before committees of the Congress for a number of years, and during the past 2 or 3 years has represented this Nation as a member of its UNESCO delegation. I think it is tragic when a man of his ability is stricken down at the age of 41.

I have speculated, since this news came, as to where Mr. Hardy's previous training and ability might have carried him if he had been granted the privilege of living so long and serving so fully as did our colleague, Senator George.

The people of Utah are today greatly saddened by the realization that this promising career has been brought to a sudden and tragic close.

## WALTER F. GEORGE

Mr. JAVITS. Mr. President, I wish to join so many of my colleagues in paying my tribute to the memory of the late Senator Walter F. George, the distinguished Senator from Georgia, a great citizen of the United States.

I met Senator George many years ago in the course of my service in the House of Representatives, while he was serving in the Senate as a most distinguished Member. I was always impressed with his wonderfully warm personality, especially communicated to newer and younger Members of Congress, and his tremendous interest in and understanding of the foreign policy of the United States. He was a great servant of our country in this field, even unto his last days, when he served the President of another party in the spirit, which he typified, of the bipartisan foreign policy to which I and so many others who came newly to Congress were deeply devoted.

Mr. President, I express my deepest sympathy and condolences to the members of his family and to his host of friends, to the States which gave him birth, and indeed to our own people, who have lost such a valued and wonderful servant in their highest interest.

Mr. President, I ask unanimous consent that an article from my hometown newspaper, the New York Times, be printed in the RECORD, as a part of my remarks.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). Is there objection to the request of the Senator from New York?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GEORGE IS BURIED IN SIMPLE RITES—OVERFLOW CROWD AT SERVICE IN GEORGIA CHURCH—FLAGS IN NATION AT HALF-STAFF

VIENNA, GA., August 5.—Flags across the Nation and on ships at sea flew at half-staff today while former Senator Walter F. George was laid to rest in a sun-dappled cemetery.

Fellow citizens heard him eulogized as a just man with a heart full of sympathy and humility before God.

The First Baptist Church of Vienna was full to overflowing during the simple funeral service conducted by the Reverend L. C. Cutts. Mr. Cutts based his message on the Old Testament Book of Micah, which says in the eighth verse of the sixth chapter:

"He hath shewed thee, O man what is good. And what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?"

"That passage," said Mr. Cutts, "aptly describes Senator George." The pastor said Mr. George was a man with "integrity of character, sympathy of heart, and an appreciation of the spiritual measures of life."

Henry Cabot Lodge, United States Ambassador to the United Nations, attended as President Eisenhower's personal representative, along with 25 Senators and 2 Representatives who came from Washington.

Gov. Marvin Griffin, of Georgia and other State officials also attended, along with many of Mr. George's friends and neighbors in this south-central Georgia town of 2,000.

President Eisenhower himself directed that flags be flown at half-staff on all Government buildings and naval vessels in memory of the 79-year-old special Ambassador to the North Atlantic Treaty Organization, who died in his sleep here Sunday of a heart ailment.

Governor Griffin issued an executive order closing the State Capitol at noon in honor of the man who served the State for 34 years in the Senate. State flags also were lowered to half-staff. Vienna townsfolk closed their shops at 2 p. m. on orders from Mayor J. T. DeLiesseline.

The funeral service began with the combined choirs of the Vienna Baptist and Methodist churches singing In the Garden. Then the Reverend W. E. Dennis, pastor of the Methodist church, read a portion of scripture, and the Reverend Dr. T. W. Tippett, former pastor of the Baptist church, led the prayer. Burial was in the Vienna cemetery.

## MID-EASTERN BALANCE SHEET

Mr. JAVITS. Mr. President, the first report of the operation of the Mid-East resolution, House Joint Resolution 117, signed March 9, 1957, is now in hand. The significant statements in this report are the following:

In making this offer the United States has assumed a new responsibility toward the nations of the Middle East. * * * First, international communism has been put on notice regarding the consequences of aggressive action. As Secretary Dulles stated: "It leaves no possibility of miscalculation by potential armed aggressors." Second, the nations of

the area are encouraged to help themselves through confidence that they will not be left alone to face overwhelming strength and through the offer of material assistance to supplement their own efforts.

To these are added the expenditure of $174,200,000 thus far under the Eisenhower doctrine.

My interest in this area is well known to Members of this body. The Mid-East remains a powder keg and the most immediate threat to international peace anywhere by virtue of the continuing drive for dominance of President Nasser, of Egypt, acting in close alliance with the objectives there of the Soviet Union and Communist China. It is vital that the American people understand our new responsibility toward the nations of the Middle East. It includes direct concern in the revolt going on in the tiny sultanate of Oman and Muscat, which, despite its size, represents an element in the survival of the United Kingdom, our most powerful ally in the Free World to this day. It includes also a calm steadiness in respect of Israel-Arab relations; and wise handling of the French-Algerian troubles.

The understanding support of the people of the United States for the very actions which these policies dictate is indispensable, and the main thing is that our people should realize that the principles together make one unity, which is United States bipartisan foreign policy. These are the responsibilities of the leadership of the Free World, and it takes understanding and maturity on the part of the people who support them. It is our duty to contribute by information and debate to this understanding and maturity. The decisive force of public opinion in our country could make the Government impotent on occasion in facing great policy decisions like these. But it can and does also make the Government unbelievably stronger than the Communist or any other totalitarian state. The real challenge is to the people of the United States and to us as their representatives. The first report on the operation of the Eisenhower doctrine in the Middle East points it up most sharply.

I ask unanimous consent to have printed in the RECORD as a part of my remarks an editorial entitled "Mideastern Balance Sheet," from today's New York Times.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MIDEASTERN BALANCE SHEET

In a report sent to Congress yesterday President Eisenhower states that, at a cost of $174,200,000 thus far, the Eisenhower doctrine for the protection of the Middle East against Communist aggression has played a central role in improving the prospects of peace in this vital area. This statement undoubtedly conforms to the facts. The doctrine has not only alined most of the Middle Eastern states on the side of the West and has thereby checked President Nasser's Soviet-backed ambition to build an antiwestern pan-Arabic and ultimately pan-Islamic empire; it has also averted a major conflict centering around Jordan, that could have brought Soviet Russia onto the scene.

To that extent both the doctrine and the cost of it have been eminently worth while, and the President is right in asking further support for it. In doing so he also makes clear that the quietest policy hinted at by Secretary Dulles in his suggestion that other countries might take a more prominent part in this troubled region does not mean an American withdrawal from it.

Unfortunately, the President's statement is true only in respect to the doctrine's own specific objective of aiding Middle Eastern states to resist armed aggresison from any country controlled by international communism. It does not apply to the many cross currents, rivalries, and conflicts which rend the area from within. These continue not only to invite further Soviet penetration but also to maintain the Middle East as a powder keg, with irresponsible elements ready to light the fuse for an explosion.

The most active and dangerous of these elements are led by President Nasser, of Egypt. Having won a boasted diplomatic victory over the Western "imperialists" over the Suez Canal issue, but having been frustrated in his crusade to wipe out Israel as a step toward empire, he is now obviously attempting to woo or browbeat all Arab States into uniting with him to further his designs. He is certainly the main factor behind the tribal revolt against the Sultan of Muscat and Oman—a revolt of which the Iman of Oman is the titular leader but which has its headquarters in Cairo. This revolt has done everything to serve Nasser's ends.

It has compelled Britain, which has longstanding treaty relations with the Sultan, to intervene with air and ground forces to save both his and other pro-British principalities along the southern Arabian coast. As the revolt is fed with arms smuggled from or through Saudi Arabia, this intervention threatens to bring Britain into conflict with King Saud, who sides with the United States against Nasser on the Communist issue but could now be forced back into Nasser's arms. This in turn could again strain relations between Britain and the United States, which American oil strikes in the sultanate might further aggravate.

Finally, the revolt has provided an opportunity for the Arab League, dominated by Nasser and working hand in hand with the Imam, to appeal to all Arab States, to Soviet Russia and the United States, to the 29 Bandung nations including Communist China, and, finally, to the United Nations, for help against British imperialism and colonialism. This appeal will not be without propagandistic effect.

But Nasser's hand, revealed in the court-martial in Jordan, is equally behind the continued friction between that country and the pro-Egyptian and procommunistic ruling clique in Syria, which is likewise backed by Soviet arms and now boasts of a Soviet guaranty of its security.

It will take high statesmanship and good diplomacy to put out the brush fires before they spread into a conflagration. In such an effort the United States must inevitably take the lead.

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## MERGERS IN THE LUMBER AND PAPER MANUFACTURING INDUSTRIES

Mr. NEUBERGER. Mr. President, the increase in concentration of corporate holdings during recent years has been cause for concern among persons interested in maintaining balanced competitive forces in our national economy.

Last year the International Paper Co. and the Long-Bell Lumber Co. merged their assets, and this amalgamation of two industrial giants caused me to inquire into possible violations of antimonopoly statutes. Partisan opponents in my home State criticized my decision to ask the Federal Trade Commission for a factual investigation of the merger. It was my belief that a union of the world's largest paper company with the second largest lumber company in the Nation would tend to deter competition in both the lumber and paper manufacturing industries of my home State. The dominant position of the companies nationally did not create an improved climate for long-range growth of either industry, in my opinion.

Subsequently, the Federal Trade Commission worked out a consent agreement with International Paper Co., an action which vindicated my own reservations about the merger. The action involved in this situation has been described in a recent editorial in the Coos Bay Times of July 30, by Mr. George B. Holcomb, the Washington correspondent of that Oregon newspaper. I ask consent to have the editorial printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DUNCAN FACES TWO DIRECTIONS

(By George B. Holcomb)

The lumber industry is one of the few which is still competitive enough to be affected by the so-called law of supply and demand. This "law" has been repealed by oligopoly in several major sectors of the economy, particularly steel.

The trend in lumber, as elsewhere, however, is toward concentration of power in fewer hands. Every major merger is an example of such. The antitrust laws were passed years ago to try to prevent dangerous power concentrations.

It is our impression that some Socialists approve of economic power concentrations, believing this to be a short cut to nationalization of industry, which many of them still believe to be panacea despite unhappy examples in the Fascist states of Nazi Germany and imperialist U. S. S. R.

Thus it was more than passing strange when David C. Duncan, president of the Portland Chamber of Commerce, recently attacked Oregon Senators WAYNE L. MORSE and RICHARD L. NEUBERGER for asking the Federal Trade Commission to check details of the proposed merger of the International Paper Co. and Long-Bell Lumber Co.

This merger, now being completed under slightly revised terms requested by the FTC, brings together the world's largest paper company and the Nation's second largest lumber company.

MORSE and NEUBERGER, by their action, indicated they oppose monopoly. The fact that the Eisenhower administration's FTC called for a revision of the merger plan suggests the original proposal was at odds with antimonopoly laws.

Duncan, however, said the MORSE-NEUBERGER action "appears definitely inimical to the interests of the people of Oregon." He said they were "requiring International Paper Co. to hurdle a costly barrier before starting business in Oregon * * *."

Duncan said that "as I see it, there is no possibility of monopoly in this issue." The FTC apparently saw it from a different viewpoint.

If Mr. Duncan ever comes across this, perhaps he will explain how the antitrust laws set up costly barriers to business and discuss how it would be better for the people of Oregon to have done with such laws.

Such a discussion would be of particular interest to the sawmill operator who re-

cently wrote to Senator NEUBERGER the following:

"We are in the sawmill business, as you can tell from this letterhead, and have done well in it, but we cannot grow much because of trying to compete with these giants of the industry, not so much the lumber industry as the paper industry.

"We do think there should be a halt called in the growth of these people. We have been stanch supporters of government not meddling in business; but, when they become so large that there is a monopoly in it, then I think it is time they should be curbed."

This should have some significance in itself. The real clincher on the idea that there is a growing concentration of power even in the lumber industry, however, was this additional sentence in the letter from the anonymous sawmill operator:

"I would ask that this matter be kept confidential with you, because, should our name come out as opposing International, we would be unable to sell our pulpwood and would lose a market for it."

IPC has around 16 pulp and paper mills in the United States and 6 in Canada, over a dozen shipping container plants, some 19 milk container plants, plus other facilities—plus about as much timberland as any other single company on the continent, according to one of NEUBERGER's researchers.

Long-Bell has nearly 250,000 acres of timberland in the Northwest, and some 70 various kinds of mills and lumber operations in Washington, Oregon, California, Arkansas, Louisiana, and Missouri, and possibly elsewhere. It has about 100 retail yards and 5 jobbing houses. It has oil and timberland in other States than those mentioned.

When two Senators ask the Eisenhower administration to find out whether plans for the merger of these two giants would promote monopoly, however, the president of the Portland Chamber of Commerce cries, "Foul!"

Information to the Senators' offices indicates the FTC wouldn't have intervened if they hadn't made the request.

Business makes strange bedfellows sometimes. Duncan, we'll bet, is an antisocialist. In this case, however, he is also being anticompetitive enterprise. A man who can face in two directions at once should go further than the presidency of a big-town chamber of commerce.

Mr. NEUBERGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I understand that morning business has not been concluded. After it is concluded, I intend to call up two conference reports. One, in which the Senator from Oregon [Mr. NEUBERGER] is interested, is the conference report on S. 469, relating to the supervision of the Klamath Indians; the other is the conference report on House Concurrent Resolution 204, relating to the problems of Hungary, in which the Senator from California [Mr. KNOWLAND] is interested.

I make the announcement so that all Senators may know of my intentions.

In addition, I hope to ask the Senate to concur in some House amendments to S. 42, relating to a reclamation project in Texas. I am trying to get clearance from the majority and minority members of the committee.

The PRESIDING OFFICER. Is there further morning business?

## DENIAL OF VOTING RIGHTS—EDITORIAL FROM OREGON DAILY JOURNAL OF PORTLAND

Mr. NEUBERGER. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an effective editorial from the Oregon Daily Journal of Portland, of July 29, 1957, entitled "'Rights' and 14th Amendment."

This editorial pertinently asks why States which deny full voting rights to all citizens should be allowed seats in the National House of Representatives based on a census enumeration which includes those citizens. In other words, why should a State benefit politically from the residency of men and women who fail to receive the full rights of American citizenship?

This editorial was called to my attention by Mr. Phil Reynolds, of Portland, who is president of the Portland branch of the National Association for the Advancement of Colored People. I am pleased to include the editorial in the CONGRESSIONAL RECORD, as Mr. Reynolds suggests, because it follows closely the proposal recently voiced in the Senate by the able junior Senator from Michigan [Mr. MCNAMARA].

It will be recalled that the Senator from Michigan offered an amendment to H. R. 6127 that would have achieved the results sought in this editorial—it would have premised House seats on voting participation rather than the census. Unfortunately, the amendment was defeated, although Senator MCNAMARA's proposal received the support of such Senators as Mr. DOUGLAS, Mr. MORSE, Mr. CLARK, Mr. POTTER, Mr. HUMPHREY, and myself.

Now, the Senator from Michigan [Mr. MCNAMARA] has introduced a separate bill to carry out his objective. That bill is S. 2709. I ask that this editorial, which describes similar purposes and goals, appear in the body of the RECORD, so that Members of the Senate may have further knowledge of this crucial and urgent situation.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"RIGHTS" AND 14TH AMENDMENT

So much attention has been given the fifth amendment to the Constitution that many persons have lost sight of the fact that any other amendments exist. In this group apparently are many Members of Congress.

Take the 14th amendment, for example. What has happened to potential Congressional enforcement of article 2, which is concerned with penalizing any State that deprives its citizens of the right to vote? Wouldn't its enforcement virtually dispose of the involved and controversial civil-rights bill now engrossing attention of the Senate?

Let us quote the article:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of such male citizens 21 years of age in such State."

(Amendment 19, conferring suffrage on women, makes the 14th amendment apply as well to female Negroes as male Negroes, of course.)

The sole question then is: Are Negroes being deprived of their constitutional right to vote in any States of the Union? Yes, of course.

Newsweek for July 15 prints a map of the Nation with two sets of figures for each State: One set shows Negroes of voting age based on the 1950 census updated and the other estimated Negro voters.

Here are the figures for the heavily populated Negro States in these categories: Texas, 550,992 and 209,297; Arkansas, 232,191 and 67,851; Louisiana, 510,000 and 161,410; Mississippi, 497,350 and 18,000; Alabama, 516,245 and 53,336; Georgia, 633,690 and 165,380; South Carolina, 390,020 and 98,890; Florida, 366,797 and 148,703; North Carolina, 549,740 and 102,000; Virginia, 422,670 and 84,931; Tennessee 371,480 and 148,592. (These are the 11 States that composed the Confederacy.)

Now, conceding that Negroes for different reasons vote in lower proportions than whites in the Northern States, still one must be attracted by the scanty Negro vote in Georgia, Mississippi, Alabama, the Carolinas, and even Virginia. Intimidation, coercion, grandfather clauses, and other restrictive registration practices (repeatedly outlawed by the Supreme Court and lesser Federal courts) have taken their toll.

If Congress means business on civil rights, a threat to enforce article 2 of the 14th amendment could turn the trick speedily, it appears to us.

If anyone knows why this constitutional ban on racial discrimination is not being enforced, we should like to hear the explanation. Obviously, it is not a new law that is needed to obtain the right to vote, as the amendment puts it; it is enforcement of a constitutional law on the books since July 28, 1868—a mighty long time.

## CIVIL RIGHTS—THE ST. LOUIS POST-DISPATCH

Mr. MORSE. Mr. President, shortly, within the 3-minute rule, I shall ask unanimous consent to have printed in the RECORD an editorial published in the St. Louis Post-Dispatch on Wednesday, July 31.

First, I wish to make this comment about the St. Louis Post-Dispatch. I believe it is the greatest newspaper in America. It lives up to the highest standards of journalistic ethics. The platform of the Post-Dispatch, which appears on its editorial page each morning, is worthy of being read into the RECORD, and to have the attention of the reactionary press of America called to it. I wish that more of the reactionary editors would reread this profound statement of journalistic ethics, written by

the great Joseph Pulitzer, as it appears each day in the St. Louis Post-Dispatch. It reads as follows:

THE POST-DISPATCH PLATFORM

I know that my retirement will make no difference in its cardinal principles; that it will always fight for progress and reform, never tolerate injustice or corruption, always fight demagogs of all parties, never belong to any party, always oppose privileged classes and public plunderers, never lack sympathy with the poor, always remain devoted to the public welfare; never be satisfied with merely printing news; always be drastically independent; never be afraid to attack wrong, whether by predatory plutocracy or predatory poverty.

JOSEPH PULITZER.

APRIL 10, 1907.

Mr. President, I recommend a reading of this platform to the reactionary press of America and suggest that they print the same tenets of journalism under their mastheads.

Mr. President, I now ask unanimous consent to have printed at this point in my remarks the editorial entitled "Time To Stand Fast," published in the St. Louis Post-Dispatch of Wednesday, July 31, 1957.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TIME TO STAND FAST

As the senatorial lines tighten on the jury-trial amendment to the civil-rights bill, it is good news that President Eisenhower still opposes any such amendment. He made that very clear at his news conference and we hope no backing and filling will occur this time.

The President's confusion and uncertainty over the earlier proposal to chop out of the bill everything except the protection of voting rights unquestionably helped pass that amendment. If the jury-trial amendment is to be beaten, it is essential that the White House not only stand firm against it but exert unmistakable influence to dissuade the Senate from adopting it.

The jury-trial amendment is calculated to confuse just such men of good will as President Eisenhower. It seems so plausible. Is not jury trial a hard-won right of the people? Is it not proper that, in enforcing the right to vote, criminal contempt proceedings, at least, should be subject to jury trial, since they carry criminal penalties?

What those who make this specious argument neglect to point out is that they are seeking to protect persons who by definition are both violators of Federal law and violators of Federal court orders. In order to be cited for contempt, a person would have had to commit some act intended to deprive another person of his right to vote, and then would have had to defy a Federal court injunction against the commission of that act. Quite clearly, jury trial for such a double offender is meant not to guarantee justice but to enable a man's neighbors to help him escape justice.

Senator MORSE of Oregon, who differed with other liberals on the procedure of considering the civil-rights bill but is now taking a leading part in the fight for a meaningful and comprehensive measure, put the argument well last week. This former law school dean said:

"There is not, and never has been, a right of trial by jury in contempt proceedings, either civil or criminal.

"Civil contempt is action by the court to require compliance, and it may be purged by compliance. Criminal contempt is in aid or vindication of the court's authority as a court to punish willful disobedience. To interpose a jury between the court and the defendant would be to deprive the courts of their historic power to preserve their own integrity.

"If a defendant believes a decree to be wrong, his remedy is appeal—not to take the law into his own hands."

Senator MORSE, by objecting to the leadership's plan for a recess of the civil-rights battle, has kept the Senate's nose to the grindstone. No doubt he made himself unpopular thereby, but the issue might just as well be carried through to a showdown. If the President would throw himself wholeheartedly into the battle, he could come closer to getting a meaningful bill passed.

## CIVIL RIGHTS—RESOLUTION BY PORTLAND, OREG., BRANCH, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a resolution adopted by those in attendance at a civil-rights mass meeting at the Vancouver Avenue First Baptist Church, Portland, Oreg., on July 28, 1957. The resolution is signed by Phil Reynolds, president, Portland branch, National Association for the Advancement of Colored People.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the proposed civil-rights bill now before the Congress is meeting with the usual opposition from those who are ever opposed to full freedom for minority citizens of the United States; and

Whereas all manner of duplicity and trickery are being resorted to by scheming enemies of civil rights to emasculate the bill, thereby stripping it of effective enforcement powers; and

Whereas the bill now before the Congress bears the minimum guaranties to a long-suffering group of citizens: Therefore be it

*Resolved*, That we here assembled in this mass meeting reaffirm our sacred faith in democracy and commend our Congressional delegation for their support of civil-rights legislation on past occasions, and urge our Members of the United States Senate and House of Representatives, elected by the State of Oregon, as well as all other Members of the United States Senate and House of Representatives sympathetic to the cause of civil rights, to stand firm in their determination to lend support to and vote for the passage of this civil-rights bill under consideration as presented with adequate enforcement clauses and without the attachment of crippling and compromising amendments designed to neutralize or destroy its effectiveness from whatever source or for any reason.

*Resolved*, That a copy of this resolution be sent to all sympathetic fraternal, religious, civic, and labor organizations urging them to support us in our fight to attain full citizenship for all Americans.

## CONSIDERATION OF TREATIES ON THE EXECUTIVE CALENDAR

Mr. KNOWLAND. Mr. President, while the majority leader is on the floor, I should like to address an inquiry to him relative to the Executive Calendar, purely as a matter of information. We have had some informal discussions on the subject heretofore.

A number of executive treaties are now on the Executive Calendar. I understand the majority leader intends to discuss with the chairman of the Committee on Foreign Relations the question of the setting a time for their consideration which will be agreeable to him and to the Senate. Because of the customary practice of having yea-and-nay votes on treaties, Senators should have ample notice so as to be certain when the votes will be taken.

Has the Senator from Texas as yet been able to set a time when the treaties may be called up?

Mr. JOHNSON of Texas. I hope it will be possible to dispose of the unfinished business by Thursday. Therefore, after consulting with the chairman of the Committee on Foreign Relations, I should like to inform the Senate that if we have completed the unfinished business by the time the Senate convenes on Friday, it will be my purpose to ask that the Senate go into executive session and have a yea-and-nay vote on each of the six treaties. That will mean six yea-and-nay votes on Friday. I should like all Senators to be on notice that there will be yea-and-nay votes.

I am informed that the treaties are noncontroversial; nevertheless, in accordance with the practice which has been followed for many years—since I have been in the position of leadership, and since the Senator from California has been in a similar position—there have always been yea-and-nay votes on treaties. So we will have them on Friday, if the Senate has concluded with the unfinished business. If the Senate has not concluded action on the civil rights bill, I shall make a further announcement as to when the treaties will be taken up.

Mr. KNOWLAND. I thank the Senator from Texas for his usual courtesy.

Mr. JOHNSON of Texas. I thank my friend from California for his cooperation.

Mr. GREEN subsequently said: Mr. President, in addition to the six treaties which the majority leader has announced will be taken up on Friday, three other treaties will be ready for consideration by that time. They all relate to the subject of double taxation. One is a convention with Canada, one is with Austria, and the third is with Japan. They are all noncontroversial.

I should like to give notice that they will be taken up at the same time as the other six treaties which have been alluded to.

Mr. JOHNSON of Texas. I appreciate the notice which the Senator from Rhode Island has given. I hope all Senators will observe it.

## NOMINATION OF JEROME K. KUYKENDALL TO THE FEDERAL POWER COMMISSION

Mr. KNOWLAND. Mr. President, I wish also to invite the attention of the distinguished majority leader to page 2 of the Executive Calendar, also. Three nominations are on the calendar. One is a new report, which has just come to the calendar.

I call the attention of the Senator from Texas, however, particularly to the

nomination of Jerome K. Kuykendall, of Washington, to be a member of the Federal Power Commission. Mr. Kuykendall's nomination was reported to the Senate under date of August 1. The report of the Committee on Interstate and Foreign Commerce has been available to all Senators since that time.

It is my information that Mr. Kuykendall is at present serving without compensation. It seems to me that in fairness to the appointee and to the President of the United States, who made the appointment, and to all others concerned, the nomination should at least come before the Senate, so that the Senate may have a chance to discuss it and to vote on the question of confirming it.

Can the Senator from Texas state when we may get to the nomination of Mr. Kuykendall?

Mr. JOHNSON of Texas. I have had very strong objection raised to the nomination of Mr. Kuykendall. I was informed by certain of my colleagues on this side of the aisle that they desire to oppose the confirmation of the nomination, and that there will be lengthy speeches in connection with it.

I do not want to delay the unfinished business. Therefore I have not moved that the Senate go into executive session for the purpose of considering the nomination.

I will speak with my colleagues on this side of the aisle today and tomorrow, and as soon as the Senate has finished the pending business, I will attempt to fix a a date certain for the consideration of the Kuykendall nomination.

Mr. KNOWLAND. The Senator is very courteous in connection with this matter. The President has again mentioned this nomination to me. As the minority leader, I am very desirous to have the nomination brought before the Senate, because I think the Senate is entitled to consider a matter of this importance and to vote on it.

I shall deeply appreciate it if the nomination can be taken up at an early date, and not have to wait until the closing days of the session, whenever they may be.

Mr. JOHNSON of Texas. I shall attempt to work out a day certain which will be agreeable to my colleagues, and I hope will be agreeable to the minority leader. I do not think the minority leader would want me to arrange to have the nomination considered while the Senate is considering the unfinished business.

Mr. KNOWLAND. No. I fully agree with the judgment of the Senator from Texas in that regard.

Mr. JOHNSON of Texas. During that time, I shall consult with my colleagues on this side of the aisle and attempt to set a date certain, when all Senators will be on notice. Then we can proceed to the consideration of the nomination.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. MORSE. Since the question has been raised as to when the Kuykendall nomination will be considered, I think it is only right for me to say that a majority of the Senators from the Pacific Northwest strenuously object to it.

We see in the Kuykendall nomination a symbolism of what we consider to be a betrayal of the people's interest in the full river basin development of their natural resources. We see in it a symbolism of the very unwise Eisenhower program in the field of natural resources. We see in it a further giveaway of the heritage of the American people in their own natural resources.

We intend to resist the nomination vigorously. We are still in consultation among ourselves as to the course of action to be followed concerning this very unfortunate nomination. We shall be very glad to consult with the majority leader in regard to the problem; but I would be less than honest with the Senate if I did not say that we intend to oppose this nomination to the extent of our parliamentary rights.

## AMBASSADOR MAXWELL GLUCK

Mr. CLARK. Mr. President, I am glad to observe the presence on the floor of the distinguished chairman of the Committee on Foreign Relations [Mr. GREEN] and also at least two other members of that committee.

I should be the last to endeavor to continue the public embarrassment of the new Ambassador to Ceylon, but before we turn that page finally—and this will be my last word on the subject—I should like to express the hope to my colleagues that in connection with future nominations for ambassadorships more thought will be given to a rule which I hope will be adopted as a result of the unfortunate Gluck controversy, namely, that the burden of proof is on the President of the United States, when he goes outside the career service for an ambassador. It is up to the President to prove that although his nominee is not a professional diplomat, he is a man of demonstrated ability in public life.

It is not enough that he has made money, it is not enough that he has been cleared by the FBI; it is not enough that he has been certified by the Republican National Committee.

These views were expressed so forcefully and ably in an article entitled "Mr. Gluck's Quiz Test," written by the distinguished columnist, Walter Lippmann, and published in today's Washington Post and Times Herald, that I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MR. GLUCK'S QUIZ TEST

(By Walter Lippmann)

Mr. Maxwell Gluck, our new and unfortunate Ambassador to Ceylon, is the victim of a certain blindness in high quarters. It is the notion that to have been a success in business is to have the quality and the necessary experience for being a success in public life. Indeed, there is if anything a prejudice against those who make a career in politics and in Government affairs. There is little sympathy with those who regard government as a calling, and as an art that has to be learned.

So the President took it for granted that Mr. Gluck would be a competent Ambassador in a sensitive post in a critical region of the world. Why did he take this for granted? Because, said the President, at his press conference, Mr. Gluck was recommended by "a number of people I respect." If the people who recommended him were aware that Mr. Gluck was a big campaign contributor, they had the tact to refrain from mentioning such a sordid consideration to the President. What then did they tell the President about Mr. Gluck? They told him that they had examined Mr. Gluck's business career, and that it was successful, that they had studied the FBI reports, which were good. That was enough to qualify Mr. Gluck. For it could be assumed that he would learn about Ceylon, with which he was not yet thoroughly familiar, as he had learned how to run his stores and how to breed horses in Kentucky.

Why, then, did Senator FULBRIGHT's little quiz test produce such an uproar? Because it revealed so sharply that Mr. Gluck, however estimable as a person and however successful in business, had never taken any interest, not any interest, in the affairs of South Asia where he is to be a principal representative of the United States.

When he was asked who is the Prime Minister of India—India being the nearest neighbor of Ceylon—Mr. Gluck said he knew who he was but could not pronounce the name. This was the crucial question and answer, and the result was a complete giveaway. For while the Prime Minister of India has the given name of Jawaharlal, which is indeed difficult to pronounce, he is known to all of literate mankind as Nehru.

As Nehru, he is as well known as Churchill, Stalin, or Eisenhower. As it is impossible to suppose that Mr. Gluck had never heard the name of Nehru pronounced, the presumption is that he did not know that Nehru is the Prime Minister of India. If anyone thinks that this is not significant, let him imagine how he would feel if Nehru appointed as Indian Ambassador to Mexico or to Cuba one who said he could not pronounce the fairly difficult name of Eisenhower.

Such a man would not be regarded as a good prospect to play a useful part in the affairs of the North American Continent. For while he could no doubt be briefed—even to knowing President Eisenhower's middle name—what he would really need in order to qualify would be to be born again with an interest in public affairs and with a capacity to realize that the world is round.

Embarrassing as it all is to Mr. Gluck, to the President, to the Foreign Service officers who labor in south Asia, to the Ceylonese, and to Americans concerned for the dignity of their country, there is something to be learned from it. The case throws a sharp light on the problem of the appointment of nonprofessionals to embassies.

It demonstrates a basic rule, that the burden of proof is on the President when he goes outside the career service. What the President has to prove is that his appointee, though he is not a professional diplomat, though he is not familiar with the country to which he is going, is a man of demonstrated ability in public life. It is not enough that he has made money, that there are no black marks against him in the FBI reports, and that he has been certified by the Republican National Committee. He is to occupy a very public place in the affairs of the world, and he should already have distinction himself in public life.

This is not too austere a standard. Many of our noncareer Ambassadors would qualify readily enough under it—for example, in the big posts, Mr. Whitney in London, Mr. Bruce in Bonn, Mrs. Luce and Mr. Zellerbach in Rome, Mr. Bowles, Mr. Cooper, and Mr. Bunker in New Delhi. The common qualification of all of them is that, while they have not had a career in the Foreign

Service, some considerable part of their careers has been spent with distinction in public service.

Always, however, an appointment outside the career service should be regarded as the exception which has to be justified by the special quality and the proved distinction of the candidate. Furthermore, it ought to be an unwritten rule that at least one of the major West European embassies—including now and then the highly honorific Embassy at the Court of St. James's—should always be filled by a career officer.

For it should never be said that the highest and most desired posts are closed to the members of the Foreign Service.

Mr. CLARK. Mr. President, I also hope that next year, when we come to consider budgets, we shall be able to increase representation allowances and salaries in key diplomatic spots, so that members of the permanent Foreign Service can compete on a basis of equality with those who come outside that Service for the consideration of the President when he sends nominations to the Senate; and that when the nominations come to the Foreign Relations Committee, they will be considered in line with the rule I have just suggested, with great deference to my senior colleagues, as one which might well be followed in the future.

Mr. GREEN. Mr. President, it has been a great satisfaction to hear the remarks of the distinguished Senator from Pennsylvania about the responsibility of the President to select good men to serve as ambassadors for the United States. Because his position conforms with the position I took in a letter to the same effect sent some 3 or 4 months ago to the Secretary of State; namely, that it is not the province of the Foreign Relations Committee to make these selections—it must act on the selections made by the President himself—I am very grateful for this confirmation of that point of view.

Mr. CLARK. I thank my friend, the Senator from Rhode Island.

## THE CIVIL-RIGHTS BILL

Mr. IVES. Mr. President, in commenting upon the unfinished business, the so-called civil-rights bill, I would first pay tribute to a number of those who have been so active in its progress and formulation.

First, I feel that the Vice President and our distinguished minority leader [Mr. KNOWLAND] are most deserving of praise for the effective part they have played in making it possible for us to vote on any kind of civil-rights bill at all. Without their effort and persistence, this bill, as it passed the House, would never have come before the Senate for debate.

In the next place, I would pay particular tribute to our distinguished majority leader [Mr. JOHNSON of Texas], whose efforts to make the bill palatable to a majority, and thereby thus far to avoid a filibuster, have been so masterful. Over the years, I have seen great leadership in legislative bodies, but never have I seen anything to compare with the adroitness and the techniques employed by our exceedingly able majority leader in his determination to have this bill so altered that it can be passed by the Senate. I heartily congratulate him upon his success.

But what do we have before us? One of our colleagues has termed it a corpse.

At the outset of the debate, when the bill was first taken up, I called it puny. By degrees, through bloodletting amendments, it has been made more and more feeble, until now not even a respectable corpse remains.

As a matter of fact, what we have before us is a ghost—and a very real ghost which will come back to haunt us if the bill is finally enacted in its present form.

The jury-trial amendment would open a Pandora's box of trouble where a multitude of statutes are concerned. Several of these statutes have been mentioned in the course of the debate. I am particularly disturbed about one of them.

This is the provision in the Taft-Hartley Act which pertains to strikes that cause national emergencies. I realize that this provision in its present form is not perfect, and some of us have been working to devise a satisfactory substitute for it, but thus far our efforts have not met with success. For the foreseeable future, all we have to rely on is the emergency provision as it now stands.

In the light of threatened mergers on the part of workers in the transportation field, where a strike of even moderate proportions might paralyze large areas of the Nation, it is most essential that the national emergency provision in the Taft-Hartley Act should remain intact and should not be crippled or made ineffective for any reason.

Therefore, were it not that I have faith that the House conferees will never stand for part IV of this bill, as it has been revised by the Senate, I should vote against its final passage. As it is, I believe that the House conferees will insist upon a suitable revision of part IV, or, failing in this attempt, will stand adamant in their refusal to accept the bill in its present form.

If the bill is finally passed by both Houses, with part IV appropriately revised, it will still be no more than a ghost of what I consider an honest-to-goodness civil-rights bill. Nevertheless, the only ones it would haunt in such circumstances would be those who promised that it would provide great assistance for the unfortunate Americans whom it is supposed to benefit.

However, I am told that its passage will mean a "toe in the door," a "camel's head in the tent," and "a step in the right direction." All of this advice is supposed to comfort me, but I must confess that it does not remove my apprehension. Be all this as it may, because of my hope and faith in what the conferees may be able to accomplish, I shall vote for the bill.

Mr. MORSE. Mr. President, the remarks of the Senator from New York cause me to rise to comment upon them, and to say that I find myself in agreement with much that he has said. I rise at this time because I happen to be the one to whom he alluded when he said the bill had been described as a corpse.

Mr. President, I wish to say that for many of the reasons my friend, the Senator from New York, has advanced—and his views on any subject always have great weight with me—my present intention, however, is to reach just the opposite tentative conclusion from the one I think the Senator from New York has reached.

I have studied this matter further over the weekend. I believe it would be very difficult for me—unless some Senator can show, in the ensuing debate, that I am mistaken—to vote for a bill which I believe should be deeply buried until the dawning of the day when in the Congress we can proceed anew with a bill which will truly give, for the first time, first-class citizenship to the Negroes of America.

So, Mr. President, it is my present intention—unless debate can show me that I am wrong—to vote against the bill, because I believe it would be better for us to start anew with a true civil rights bill passed by the Senate, than for us, acting in hope, to place reliance upon the possibility of an improvement in conference.

I happen to be one who believes that the nature of the civil-rights bill which is finally sent from the Senate to any conference at any time will determine very largely the final civil-rights bill which the Congress adopts.

Therefore, unless some Senator can show me a good reason why I should change my present point of view, I shall vote against the bill, because I think it is not even a civil-rights bill in name, but is such only in label.

## SECRECY BY THE ADMINISTRATION

Mr. MONRONEY. Mr. President, it becomes harder and harder to keep up with the huggermuggery of this administration. In July, 7 of the 10 Cabinet members held no press conferences, according to the Washington Post of Sunday. The three who saw the press, in addition to the President, were Secretary of State Dulles, on July 2 and 16; Secretary Seaton, July 12 and 30; and Secretary Folsom, July 22. Secretary Weeks held no meeting with the press in general, although he did speak to the National Press Club. Secretary of Labor Mitchell held no Washington press conference, but he did see the press on trips away from the capital.

The other five Cabinet members held no press conferences, so that the news involving them reached the public in handout form, revealing only what they desired to reveal, without an opportunity for questioning by a press bent on prying for the public.

I suppose we should eliminate former Secretary of the Treasury Humphrey from this category, because although he held no press conference, he did face some rather stern questioning by our own Senate Finance Committee.

The question of whether this administration has adopted a policy of secrecy through silence also was raised over the weekend by Representative JOHN E. Moss, of California, chairman of a House information subcommittee. I share his curiosity about why the Department of Justice classified as secret or confidential a report filed by Immigration Commissioner, Gen. J. M. Swing,

on alleged wrongdoing by the United States border patrol.

As we see members of the executive department keeping their doings secret, it is somewhat reassuring to find that the freedom of information committee of the Associated Press Managing Editors Association finds that the wall of secrecy around the public's right to know has at least cracked in 14 State governments. I ask unanimous consent to insert in the CONGRESSIONAL RECORD a Washington Post story giving details of the committee's findings.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post and Times Herald of August 3, 1957]

FOURTEEN STATES WIDEN WINDOW ON GOVERNMENT PROCESS

(By Robert E. Ford)

DALLAS, August 3.—How much do you know about the every-day business of your Government? More than you did a year ago, possibly, in at least 14 States.

These States have this year recognized in some degree the public's right to know, says Mason Walsh, chairman of the freedom of information committee of the Associated Press Managing Editors Association. It is one of a number of organizations and individuals seeking to open meetings and records to the public, all the way from local school boards to Federal agencies.

You couldn't always say that the wall of secrecy was breached, Walsh concedes. In fact, all that you could detect sometimes was a tiny crack.

"But at least they recognized the principle of the public's right to know," he added. "This is some progress. More will be made in the future, I believe."

Walsh, managing editor of the Dallas Times Herald, pointed to South Dakota, where traffic officers formerly could not reveal certain facts about traffic accidents. Even the courts couldn't force them to talk. Under the new law, officers can testify freely in court and can tell newsmen what happened.

In other States, under laws passed this year, local governmental bodies are required for the first time to open their records to the public and to hold public meetings.

Walsh's committee acts as a clearing house for information on Government coverup by officials. It also seeks to help solve specific problems wherever possible. Other organizations working on the problem are State newspaper associations, the American Society of Newspaper Editors, and Sigma Delta Chi, the professional journalism fraternity.

One front in the battle is with State legislatures. Legislatures which have taken positive action this year includes those of California, New York, North Dakota, Wisconsin, Pennsylvania, Connecticut, Tennessee, Kansas, Illinois, South Dakota, South Carolina, Colorado, Texas, and Vermont.

In some of these, the progress was small. In others, greater strides were made, Walsh reported.

Legislatures which turned down proposals to permit more public information or allowed them to die included New Hampshire, Florida, New Mexico, Wisconsin, Wyoming, and Ohio. Alaska voted more secrecy.

"A great many citizens are unaware," Walsh said, "that in some places citizens cannot find out how their tax money is being spent. Financial books are closed to the public. And they cannot find out how their local governments are being operated.

"Some city councils, school boards, legislative committees, and other elected groups hold secret meetings, reach decisions affecting the public, and act on the decisions with the public knowing nothing of what is happening."

"Some others use trickery to rob the people of the right to know.

"What these governing bodies do, what the executive branches do, is the peoples' business because they spend our millions of dollars. It is not unreasonable to feel that we have a right to know what is being done with our money."

## REDUCED FHA DOWNPAYMENT SCHEDULE ON HOMES

Mr. SPARKMAN. Mr. President, I am pleased that the administration has seen fit to put into effect the new lower downpayment schedule on homes, as was provided for in the recently enacted housing law. However, Mr. President, at the same time the administration increased the FHA interest rate to 5¼ percent, thus playing once more into the hands of the moneylenders by giving them an additional $5 million yearly windfall on FHA-insured mortgages.

This new profit is in addition to the $10 million yearly bonanza resulting from action taken by the administration last December when the interest rate was raised from 4½ percent to 5 percent. Thus, in the short period of 9 months the actions of the administration have resulted in a cost of an additional $15 million a year to the American home buyer.

By lowering downpayments and at the same time increasing interest rates, the administration has accomplished absolutely nothing toward helping the rapidly declining housing production in the Nation. After exhaustive inquiry and consideration, the Congress, in the Housing Act of 1957, established a lower downpayment schedule which would permit many families needing adequate housing to obtain it through the medium of FHA financing. The action taken by the administration tends to negate the intent of Congress in its attempt to boost housing production through lower downpayments.

By the latest action of the administration, the cost to the consumer of a Government-insured mortgage is made as high as the cost of the conventional mortgage without Government support. When one adds to the 5¼ percent interest rate a one-half of 1 percent premium charge, and makes an allowance for an average of a 2½ point discount consumers are forced to pay to obtain an FHA loan, the consumer finds himself paying a charge of 6 percent.

I have made a calculation to the effect that, based on the volume of FHA mortgages estimated for 1957, amounting to $3 billion, this increase in interest rate will amount to $5,400,000 a year. If we assume that the average mortgage runs for 25 years, the additional cost will be $135 million. That amount will have to be added to year after year as new mortgages are placed. It shows what an increase of one-quarter of 1 percent in interest means to homeowners in its cumulative cost.

Mr. NEUBERGER. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. NEUBERGER. The Senator from Alabama has been a leader in the effort to work out a fair and adequate program which will result in an increase in housing units in our country. I should like to ask the Senator if the action of the FHA in simultaneously taking advantage of the lower downpayments authorized by Congress, but also boosting the interest rate, is not a perfect illustration of the quotation from Matthew, "Let not thy left hand know what thy right hand doeth"?

Mr. SPARKMAN. I think that is a rather apt application of the quotation.

Mr. NEUBERGER. Is this not a situation where the average person, the wage earner who buys a home, will pay a substantially larger portion of his total payment not for lumber, bricks, mortar, wallpaper, chandeliers, the property, and other tangible features of the home, but merely for the use of the money to the moneylender?

Mr. SPARKMAN. That is correct.

Mr. NEUBERGER. That means an addition to the cost of virtually every home—or certainly a great proportion of the homes—bought in the United States, but not for the home itself; simply for the use of the money.

Mr. SPARKMAN. It is simply a boost in the cost of the use of the money.

Mr. NEUBERGER. And therefore this law may not act as a pump-priming move to restore the housing industry, as might have been done if the lower downpayments authorized by Congress were put in effect without an increase in the interest rate.

Mr. SPARKMAN. What it amounts to is that the incentive which Congress wrote into the law particularly to help persons in the lower income levels buy homes is applied with one hand, and then the agency turns around and applies what might be thought of as a braking action with the other, by increasing the amount of interest to be paid.

Mr. NEUBERGER. The administration giveth and the administration also taketh away. Is that correct?

Mr. SPARKMAN. The Senator has well stated the situation.

The PRESIDING OFFICER. Is there further morning business?

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PASTORE in the chair). Without objection, it is so ordered.

## EXPRESSION OF THE SENSE OF CONGRESS ON THE PROBLEM OF HUNGARY—CONFERENCE REPORT

Mr. JOHNSON of Texas. Mr. President, the minority leader desires recognition at this time, to call up a conference report that is not controversial.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. KNOWLAND. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the concurrent resolution (H. Con. Res. 204), expressing the sense of the Congress on the problem of Hungary. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the concurrent resolution (H. Con. Res. 204) expressing the sense of the Congress on the problem of Hungary, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the resolution and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That it is the sense of the Congress that the President, through the United States representatives to the United Nations at the forthcoming special reconvening of the General Assembly of the United Nations, should take every appropriate action toward the immediate consideration and adoption of the report of the United Nations Special Committee on the Problem of Hungary and toward the immediate consideration of other available information on the brutal action of the Soviet Union in Hungary. It is further the sense of the Congress that the President, through such United States representatives, should at such reconvened session join actively in seeking the most effective way of dealing with the report of the United Nations Special Committee in order to advance the objectives of the United Nations regarding the situation in Hungary, to prevent further repressive action by the Soviet Union, and to seek all practical redress of the wrong which has been committed in violation of the principles of the United Nations and the elemental requirements of humanity.

"SEC. 2. It is the sense of the Congress that the United States should implement policies, through the United Nations or in cooperation with the peoples of the Free World, that will work toward the freedom and independence of the captive nations, and will effectively utilize the position of the United States through all proper means, to the end that the Hungarian tragedy shall not be repeated anywhere."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the preamble of the resolution and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Whereas the Hungarian freedom revolution which broke out October 23, 1956, was catastrophic in nature, and subsequent events shocked the conscience of the free peoples of the world; and

"Whereas the barbaric action of the Soviet Union in Hungary demonstrates that the Soviet Union is determined to go to any and all lengths to maintain its empire of enslaved peoples by the most brutal forms of armed subjugation and repression; and

"Whereas the Special Committee on the Problem of Hungary, created by the General Assembly of the United Nations under its resolution 1131 (XI) adopted at its six hundred and thirty-sixth plenary meeting on January 10, 1957, has established that what took place in Hungary in the latter part of 1956 was a spontaneous national uprising caused by longstanding grievances engendered by the oppressive way of life under Communist rule and by the state of captivity of Hungary under control of the Union of Soviet Socialist Republics; and

"Whereas the crisis and foment created by developments in the satellite nations require a continued reevaluation by the United States and the United Nations of strategic policy to meet changing conditions: Now, therefore, be it"

And the Senate agree to the same.

THEODORE FRANCIS GREEN,
WILLIAM F. KNOWLAND,
*Managers on the Part of the Senate.*

EDNA F. KELLY,
WAYNE L. HAYS,
ARMISTEAD I. SELDEN, Jr.,
JAMES G. FULTON,
*Managers on the Part of the House.*

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. SMITH of New Jersey. Mr. President, will the Senator yield for a question?

Mr. KNOWLAND. Yes. I intend to make a brief explanation of the report, if I may.

Mr. SMITH of New Jersey. That will be fine.

Mr. KNOWLAND. The resolution adopted by the Senate was, with some difference in language, similar to the resolution adopted by the House dealing with the Hungarian situation.

Senators will recall that some weeks ago the special United Nations Commission, which considered the situation in Hungary, rendered a unanimous report to the United Nations. A special meeting of the 11th General Assembly has been called for September, a little prior to the meeting of the 12th General Assembly, which will meet a week or so later.

The two versions of the resolution were slightly different. There were several conferences as to the language. The distinguished Senator from Rhode Island [Mr. GREEN], the chairman of the Committee on Foreign Relations, served on the conference committee. The distinguished Senator from Arkansas [Mr. FULBRIGHT] was a member of the conference committee, but he was not able to attend the meeting yesterday. The Senator from Arkansas did attend an earlier meeting. I represented the minority.

Both of the Senate conferees attending the meeting yesterday—the Senator from Rhode Island [Mr. GREEN] and I were present—were in agreement, and all the House Members who were present were in agreement on the language, though one House Member was absent.

I should like to read the language for the information of the Senate:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That it is the sense of the Congress that the President, through the United States representatives to the United Nations at the forthcoming special reconvening of the General Assembly of the United Nations, should take every appropriate action toward the immediate consideration and adoption of the report of the United Nations Special Committee on the Problem of Hungary and toward the immediate consideration of other available information on the brutal action of the Soviet Union in Hungary. It is further the sense of the Congress that the President, through such United States representatives, should at such reconvened session join actively in seeking the most effective way of dealing with the report of the United Nations Special Committee in order to advance the objectives of the United Nations regarding the situation in Hungary, to prevent further repressive action by the Soviet Union, and to seek all practical redress of the wrong which has been committed in violation of the principles of the United Nations and the elemental requirements of humanity.

"SEC. 2. It is the sense of the Congress that the United States should implement policies, through the United Nations or in cooperation with the peoples of the Free World, that will work toward the freedom and independence of the captive nations, and will effectively utilize the position of the United States through all proper means, to the end that the Hungarian tragedy shall not be repeated anywhere."

The only other changes, Mr. President, were in the preamble, which is shown in the copy of the conference committee print of the House conferees. I ask unanimous consent that the preamble as changed be printed in the RECORD as a part of my remarks.

There being no objection, the preamble, as altered, was ordered to be printed in the RECORD, as follows:

Whereas the Hungarian freedom revolution which broke out October 23, 1956, was catastrophic in nature, and subsequent events shocked the conscience of the free peoples of the world; and

Whereas the barbaric action of the Soviet Union in Hungary demonstrates that the Soviet Union is determined to go to any and all lengths to maintain its empire of enslaved peoples by the most brutal forms of armed subjugation and repression; and

Whereas the Special Committee on the Problem of Hungary, created by the General Assembly of the United Nations under its resolution 1131 (XI) adopted at its 636th plenary meeting on January 10, 1957, has established that what took place in Hungary in the latter part of 1956 was a spontaneous national uprising caused by longstanding grievances engendered by the oppressive way of life under Communist rule and by the state of captivity of Hungary under control of the Union of Soviet Socialist Republics; and

Whereas the crisis and foment created by developments in the satellite nations require a continued reevaluation by the United States and the United Nations of strategic policy to meet changing conditions: Now, therefore, be it

Mr. SMITH of New Jersey. Mr. President, will the Senator yield for a question?

Mr. KNOWLAND. I yield to the distinguished Senator from New Jersey, who is also a member of the Committee on Foreign Relations, but who was not a member of the conference committee.

Mr. SMITH of New Jersey. My question is this: Am I correct in my understanding that the Assembly will meet on the 10th of September, 1 week before its regular meeting, to consider the entire subject?

Mr. KNOWLAND. The Senator is correct. That meeting has been scheduled. I understand that the reason it

was delayed until the 10th of September was that it had been the hope both of the Senate and House, in connection with the original resolution, that the General Assembly might be immediately reconvened; and in view of the fact that a number of foreign ministers were to attend the regular session, it was felt that there would be some advantage in having the special meeting close enough so that the top level foreign ministers would be present, as well as delegates who would normally attend.

Mr. SMITH of New Jersey. Is it the Senator's belief that we can expect immediate action?

Mr. KNOWLAND. I certainly hope so. Of course, we cannot underwrite what the United Nations may do; but in view of the unanimous report of the special committee, which included representatives of nations from the Middle East, the Far East, and Europe, as well as the Americas, I hope that the United Nations will take very prompt action, in view of that unanimous and devastating report.

Mr. SMITH of New Jersey. I agree that it was a devastating report, and it came from a source which must convince everyone of its real sincerity.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

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## CONSTRUCTION OF THE SAN ANGELO FEDERAL RECLAMATION PROJECT, TEXAS

The PRESIDING OFFICER (Mr. PASTORE in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 42) to provide for the construction by the Secretary of the Interior of the San Angelo Federal reclamation project, Texas, and for other purposes, which was, to strike out all after the enacting clause and insert:

That the Secretary of the Interior is authorized to construct, operate, and maintain the San Angelo Federal reclamation project, Texas, for the principal purposes of furnishing water for the irrigation of approximately 10,000 acres of land in Tom Green County and municipal, domestic, and industrial use, controlling floods, providing recreation and fish and wildlife benefits, and controlling silt. The principal engineering features of said project shall be a dam and reservoir at or near the Twin Buttes site, outlet works at the existing Nasworthy Dam, and necessary canals, drains, and related works.

SEC. 2. (a) In constructing, operating, and maintaining the San Angelo project, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), except as is otherwise provided in this Act.

(b) Actual construction of the project shall not be commenced, and no construction contract therefor shall be awarded, until a contract or contracts complying with the provisions of this Act have been entered into for payment of those portions of the construction cost of the project which are allocated to irrigation and to municipal, domestic, and industrial water.

(c) In furnishing water for irrigation and for municipal, domestic, and industrial uses from the project, the Secretary shall charge rates with the object of returning to the United States over a period of not more than forty years, exclusive of any development period for irrigation, all of the costs incurred by it in constructing, operating, and maintaining the project which the Secretary finds to be properly allocable to the purposes aforesaid and of interest on the unamortized balance of the portion of the construction cost which is allocated to municipal, domestic, and industrial water. Said interest shall be at the average rate, which rate shall be certified by the Secretary of the Treasury, paid by the United States on its marketable long-term securities outstanding on the date of this Act. When all of the said costs allocable to said purpose incurred by the United States in constructing, operating, and maintaining the project, together with said interest on the said unamortized balance, have been returned to the United States, the contracting organization or organizations which have thus reimbursed the United States shall have a permanent right to use that portion of the storage space in the project thus allocable to said uses.

(d) Any contract entered into under section 9, subsection (d), of the Reclamation Project Act of 1939 (53 Stat. 1197, 1193; 43 U. S. C., sec. 485h (d)) for payment of those portions of the costs of constructing, operating, and maintaining the project which are allocated to irrigation and assigned to be paid by the contracting organization may provide for repayment of the portion of the construction cost of the project assigned to any project contract unit or, if the contract unit be divided into two or more irrigation blocks, to any such block over the period specified in said section 9, subsection (d), or as near thereto as is consistent with the adoption and operation of a variable payment formula which, being based on full repayment within said period under normal conditions, permits variance in the required annual payments in the light of economic factors pertinent to the ability of the irrigators to pay: *Provided*, That for a period of ten years from the date of enactment of this act, no water from the project shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301 (b) (10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

(e) Contracts relating to municipal, domestic, and industrial water supply may be entered into without regard to the last sentence of section 9, subsection (c), of the Reclamation Project Act of 1939, and such contracts may recognize the relative priorities of domestic, municipal, industrial, and irrigational uses.

(f) Upon request of a contracting organization, the Secretary may at any time and shall, after payment of the reimbursable cost of the project has been completed, transfer to the requesting organization, or to another organization designated by it and satisfactory to him, the care, operation, and maintenance of any project works which serve the requesting oragnization and do not serve any other contracting organization. The care, operation, and maintenance of project works which serve two or more contracting organizations may or shall, as the case may be, be transferred in like circumstances to an organization satisfactory to all of said organizations and to the Secretary. Any transfer made pursuant to the authority of this section shall be upon terms and conditions satisfactory to the Secretary, and the works transferred shall be operated and maintained without further expense to the United States. If the transferred works serve a flood control or fish and wildlife function, they shall be operated and maintained in accordance with regulations with respect thereto prescribed by the Secretary of the Army and the Secretary of the Interior, respectively, and upon failure so to operate or maintain them they shall, upon demand, be returned immediately to the Secretary of the Interior.

SEC. 3. The Secretary is authorized to construct minimum basic recreational facilities at the Twin Buttes Reservoir and to operate and maintain or arrange for the operation and maintenance of the same. The costs of constructing, operating, and maintaining such facilities, and like costs of the San Angelo project allocated to flood control and to the preservation and propagation of fish and wildlife shall, except as is otherwise provided in this act, be nonreimbursable and nonreturnable under the reclamation laws. The Secretary shall, upon conclusion of a suitable agreement with a qualified agency and subject to such conditions as may be set forth in the repayment contracts, permit said agency to construct, operate, and maintain additional public recreational facilities and parks in connection with the project to the extent determined by the Secretary to be consistent with its primary purposes and subject to terms and conditions satisfactory to him.

SEC. 4. There are hereby authorized to be appropriated for construction of the works authorized by this act $32,220,000 plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said works.

Mr. JOHNSON of Texas. Mr. President Senate bill 42 was passed by the Senate on March 29, and by the House of Representatives on July 31. The House adopted two changes in the bill. These changes are acceptable.

S. 42 provides for the construction of the San Angelo reclamation project. In the language of the Senate report, "based on benefit-cost ratios, the feasibility of the San Angelo project is among the highest of any reclamation project proposed for authorization by the Congress."

This project will materially aid in storing the waters of the Concho River, which flows through the progressive city of San Angelo. It is a multiple-purpose development, providing irrigation for lands which have, in the past decade, been hard hit by drought; providing flood-control protection; providing a stable source of water supply for the city during critical periods of drought; and providing substantial recreation and wildlife benefits.

Mr. President, this is the kind of project every Senator may be proud to support.

I now move that the Senate concur in the House amendment to S. 42.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

Mr. KNOWLAND. Mr. President, the distinguished majority leader discussed this subject with me. Members of our staff have consulted members of the Committee on Interior and Insular Affairs on our side of the aisle who could be reached, and I have no objection to Senate concurrence in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas [Mr. JOHNSON].

The motion was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move that the vote by which the Senate concurred in the House amendment be reconsidered.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## OUR CONSERVATION POLICY SHOULD BE IN ONE PACKAGE

Mr. CARLSON. Mr. President, I should like to call to the attention of the Senate an editorial which appeared in the Saturday Evening Post, issue of August 3, entitled "Our Conservation Policy Should Be in One Package."

It was this thought I had in mind when I introduced Senate bill 1019 on February 17 of this year.

The recent Hoover Commission Task Force on Water Resources and Power stated that there were possibly 25 different agencies in the Federal Government that now deal with these problems. Everyone must agree that a coordinated program should be developed for dealing with long-range questions arising from the utilization of our natural resources.

Our lands, our water, our forests, and our other natural resources are the natural resources on which depend the continued growth, development, and economic prosperity of our Nation.

It is my contention that we must have not merely a short-range program, but a program looking toward the future.

Senate bill 1019, which I introduced in February, authorized the establishment of a commission known as the Commission on Renewable Natural Resources, which when created would make a thorough study not only of the future utilization of our natural resources, but also recommend a program whereby the Federal and State Governments would cooperatively deal with this problem.

It is my intention to request early hearings by the Committee on Interior and Insular Affairs at the beginning of the next session of Congress, with the hope that we may get action next year.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks the editorial which appeared in the Saturday Evening Post.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OUR CONSERVATION POLICY SHOULD BE IN ONE PACKAGE

The House Appropriations Committee recently made a creditable try to bring some order into the governmental confusion in the natural-resources field. It combined the various soil-and-water-conservation activities of the Department of Agriculture in a single appropriation. This brought together, at least so far as funds were concerned, the new soil bank conservation reserve and Great Plains program, the soil-conservation districts, the agricultural conservation program—carryover of the old Triple A—and the water-utilization programs.

This is only a small step toward clearing the jungle of disconnected programs and projects and scattered authority that now exists. As the second Hoover Commission's Task Force on Water Resources and Power observed, 25 different agencies strewn among six Federal departments plus five independent establishments have something to do with water alone.

This administrative disorder is largely due to the Congressional practice of adopting measures in response to emergencies. Most of the laws are enacted for a single purpose and are seldom coordinated with existing programs. Also, the legislators have neglected to pay heed to the laws of nature. Water, soil, forests and the wildlife that lives in and upon them are inseparably bound up together. As conservationists have learned the hard way, it is impossible to manage one resource independently of the others.

The object of a bill introduced by Senator FRANK CARLSON, of Kansas, is to establish the conservation, orderly development and sustained use of the Nation's renewable natural resources as a declared policy of Congress and the joint responsibility of the Federal Government, the States, their subdivisions and the public, and provide that the policy should be carried out on a cooperative basis. A 12-member commission would be set up to study the present condition of these resources and the probable future demands on them, and then to recommend a comprehensive long-range program to carry out the policy.

Some definite arrangement by which the Federal Government, the States and local divisions can work together in common programs could be worked out under the terms of Senator CARLSON'S proposal.

## ASSISTANCE TO KLAMATH TRIBE OF INDIANS—CONFERENCE REPORT

Mr. NEUBERGER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 469) to authorize the United States to defray the cost of assisting the Klamath Tribe of Indians to prepare for termination of Federal supervision, to defer sales of tribal property, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of August 2, 1957, p. 13488, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. NEUBERGER. Mr. President, in connection with the program of terminating the Klamath Indians of Oregon, I should like to make a few brief comments with respect to my own position on this controversial matter. The original act was passed in 1954, prior to my election to the Senate. I did not participate in the formulation of the legislation, and in fact I was opposed to it at the time as being ill-considered and too hastily enacted. Events in the intervening years have only served to confirm my fears of the unsoundness of Public Law 587.

Thus, the difficult situation that has developed is one in which I have only lately had an opportunity to act. The actions leading up to this situation were taken when others, who certainly had reason to know what was at stake for the Indians of the Klamath Reservation and for the people of Oregon, were in responsible public office—the former Secretary of the Interior, Douglas McKay, and the former Senator from Oregon, Guy Cordon, who served as chairman of the Senate Committee on Interior and Insular Affairs.

Now, however, there has been placed on me, as chairman of the Indian Affairs Subcommittee, the responsibility of trying to salvage something from the wreckage, and this I am attempting to accomplish to the utmost of my ability and energy.

Mr. President, early in March of this year the Senate passed S. 469. The bill was designed as a stopgap measure to prevent the sales of tribal property, and make other desirable changes in Public Law 587, 83d Congress, the Klamath Termination Act. When the bill was acted on by the House, several amendments were adopted which changed substantially the Senate version and necessitated a conference.

The most important changes made by the House concerned the provision to reimburse the Klamath Tribe for the cost of terminating Federal supervision over the Indians, and the proposal to extend the length of time in which the termination would be completed. The Senate provided a sum of $1,100,000 to pay the termination cost, and extended the final termination date to August 1961. The House cut the money authorization to $550,000, and the final date to August 1960.

KLAMATH TRIBE DESERVES EQUAL TREATMENT WITH MENOMINEES

On July 25, the Senate and House conferees met to resolve their differences on the bill. I, for one, was not content to accept the action of the other body because I considered it totally inadequate and discriminatory to deal with the Klamaths on a basis different from that which we had used in 1956 for the Menominee Indians of Wisconsin. I may say that I used every power of persuasion at my command to convince the House conferees that we should allow the total amount of $1,100,000 to pay the termination costs of the reservation, and that the final termination date should be extended to August 1961, in order to provide sufficient time to dispose of the tribal assets in a manner that would be least harmful to the Klamath Basin, and most advantageous to the Indians.

However, the House conferees were unwilling to yield or to compromise our differences, and the distinguished Senator from Utah [Mr. WATKINS] agreed with their position. In order to save any legislation at all, it was necessary to recede from our disagreement with the House amendments and accept their language. I wish to make it very clear that I am not satisfied with this arrangement because it is something substantially less than our Klamath Indians are entitled to. On the other hand, it is imperative

that we have some legislation this year to stop the liquidation of tribal assets, so that we can review the entire program before the end of the 85th Congress—and come up with constructive solutions to the many problems confronting the Indians and the community in which they live.

In an effort to save the vast natural resources of the Klamath Indian Reservation, and, at the same time, to do equity and justice to the Indians involved, the senior Senator from Oregon [Mr. MORSE] and I have introduced a bill, S. 2047, which provides for the acquisition of the tribal lands by the Federal Government. While this may not be the only solution, it seems to me the best way in which to conserve this magnificent stand of ponderosa pine for future generations, and still provide full payment to the Indians for their property.

RESOURCES OF TIMBER AND WILDLIFE MUST BE PRESERVED

It is my intention, as chairman of the Indian Subcommittee, to call early hearings on this proposal and to do all in my power to assure its passage.

In conclusion, I wish to express my profound thanks to a few of the people who have cooperated with me in bringing this legislation thus far, Mr. President, even in its present imperfect form.

The distinguished chairman of the Senate Committee on Interior and Insular Affairs [Mr. MURRAY] was constantly ready to lend his prestige and assistance to the holding of the necessary hearings, subcommittee meetings and full committee meetings. He could not have been more cooperative. I also desire to thank the junior Senator from Arizona [Mr. GOLDWATER] for his faithful attendance at hearings which did not involve an issue of special significance to his home State. Both these Members of the Senate help to represent States with large and important Indian populations, and I have been grateful for their presence at my side in consideration and study of the Klamath termination question.

In the House of Representatives, no Member could have been more helpfully of real value in working on this bill than ALBERT C. ULLMAN, of the Second Oregon District, where the Klamath Reservation is geographically located. I know that Congressman ULLMAN shares my disappointment over some of the conclusions reached in the conference report. Had he and I prevailed, the final terms of the bill would be different with respect to termination dates and total sums available for reimbursement of the tribe. I also want to express my appreciation to Congresswoman EDITH S. GREEN, of the Third Oregon District, for valuable suggestions with respect to provisions which will safeguard the assets of individual Indian families and of minor wards of the Klamath Tribe.

Now, with the limited time afforded us, we must seek a solution which will simultaneously do justice to the Klamath Indian Tribe and also preserve the economy and natural resources of southeastern Oregon. It is a difficult task but also a challenging one.

With that short explanation, Mr. President, I move, reluctantly, and with full knowledge that the amendments to the original act are not adequate, that the Senate agree to the conference report on S. 469.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. GOLDWATER. Mr. President, I thank the distinguished Senator from Oregon for his generous remarks concerning the junior Senator from Arizona. The Indians of Arizona are no different from the Indians of Oregon. They have their problems. I am always grateful for the help which the junior Senator from Oregon gives me in the problems involving the Indians of Arizona.

Mr. NEUBERGER. I thank the Senator.

Mr. MORSE subsequently said: I wish to commend my colleague for the exceptionally able job that he has done on carrying through the Senate his bill, S. 469, of which I am a cosponsor. I sincerely hope that this bill achieves the objective we sought at the outset, namely, the protection of the Klamath Indian Reservation assets during a period of orderly termination of Federal supervision.

I agree with my colleague that under the circumstances, and in light of all the problems that confronted us, the conference report on the bill is the best that could be obtained. I am sure that had it not been for his very able work in committee and on the floor of the Senate, and his leadership as chairman of the Senate conference, the bill would have died in the legislative process.

S. 469 has a threefold purpose. It seeks to protect the interests of the Indians, the people of the Klamath Basin area and the Government.

Public Law 587 of the 83d Congress called for liquidation of the tribal assets upon acceptance by the Secretary of the Interior of the Management Specialists' appraisal. Subsequent to the enactment of Public Law 587, it became apparent that hasty disposal of the timber and other natural resources of the reservation would be costly to the Indians through the drastically reduced payments they would receive. It also became evident that the termination, as originally scheduled, would create difficult problems with respect to minors, the aged, and others who might need assistance in the management of their affairs. By delaying until August 1960, the effective date of the termination of Federal supervision, we shall be in a far better position to cope with these difficulties.

It would have been preferable, of course, if the termination date could have been 1961, as provided in the Senate bill, but the present legislation is a step forward. On the House side, Congressman AL ULLMAN, Congresswoman EDITH GREEN, and Congressman CHARLES PORTER worked vigorously to preserve the best features of the Senate bill, and they too are to be complimented highly for their fine work.

The conference bill assures the people of the Klamath Basin protection against disposal action which might imperil the water resources and the great stands of timber so essential to the economy of the area. Hasty disposal might be followed by excessive cutting of timber, land erosion, and flood damage. Extension of the termination date will enhance opportunities for working out a program to protect these values.

So far as the Government is concerned, the extension will tend to stabilize the economy of the area and to protect the tax dollars that come to the Federal and State treasuries through the preservation of these natural resources.

I repeat, great credit is due my colleague for long hours spent on a legislative program which will prevent what could have been an era of "boom and bust" for the people of the region. My colleague's action puts into active practice the policy that has long been proclaimed by the United States in the field of Indian legislation. It constitutes a recognition of the obligation assumed by the Federal Government to guarantee the fullest possible protection to the rights of the Indians. In this respect, it also protects the interests of the local community and the Government in a matter that is of enormous importance to all of us.

## CIVIL RIGHTS

Mr. DOUGLAS. Mr. President, the Senate and the country should take cognizance of the comments of a number of responsible newspapers on the adoption by the Senate of the crippling amendments to the civil-rights bill. For example, the Chicago Sun-Times, on August 4, stated in an editorial:

> The Senate version of the Eisenhower administration's civil-rights bill is a disappointingly far cry from what the sponsors wanted it to be. And the blame for vitiating this important legislation lies squarely with northern and western Democrats who joined forces in the showdown with their southern colleagues.

The St. Louis Post-Dispatch, of Saturday, August 3, said:

> A combination of western Democrats and the most conservative Republicans made possible the South's victory against the civil-rights bill in the Senate Thursday night.
>
> That the passage of a jury-trial amendment was a smashing defeat for civil rights there can be no doubt.

The New York Post, of Sunday, August 4, 1957, stated:

> The country will survive the newest southern triumph in the Senate civil-rights battle. But will the Democratic Party? The battle for equality under the law will go on. But how long can the Democratic Party endure amid the cynicism and doubletalk that dominate its performance on Capitol Hill?

The Decatur Herald and Review said:

> It makes no difference now whether the Senate passes the civil-rights bill. There is nothing left in it except some nice language. The legislation cannot be used to guarantee even the right to vote to the disenfranchised Negroes of the South.
>
> When the Senate approved the jury-trial amendment by a vote of 51 to 42 early Friday morning the South's victory was complete. Eight days earlier Southern Senators had succeeded in stripping the bill of its other substantive section, which would have given the Federal Government authority to prevent interference with anyone's civil rights. That vote was 52 to 38.

The Southern Illinoisan, of August 4, stated:

Despite all the attempts of the southern Senators to obscure the provisions of the legislation, the issues were simple. The purpose of the bill proposed by the administration and approved by the House was to guarantee the same rights to Negroes that other Americans have. Yet a majority of the Senators would not give Negroes just the right to vote. Friday was, as Vice President NIXON said, "one of the saddest days in the history of the Senate."

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## CIVIL RIGHTS ACT OF 1957

The PRESIDING OFFICER (Mr. PASTORE in the chair). The Chair lays before the Senate the unfinished business, which is H. R. 6127.

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. GOLDWATER. Mr. President, the Senate has been engaged in a serious and important debate for more than 4 weeks, and I have spent many hours on the floor listening to learned speeches presenting both sides of the argument.

I have heard it said with great feeling that unless we recognize all the rights of our citizens, we are not following the intent of the framers of our Constitution, nor of those who wrote the Bill of Rights, nor, I might add, of the purposes of the Declaration of Independence. I agree with those statements, for I feel that while our basic state papers do pronounce and recognize all of our inherent rights, there are forces in this country today that are working against their recognition.

We have, for instance, the right to vote, which is the substance of the bill now before the Senate; and I do not think any man, after having listened to the debate, can say that the right to vote has not been abused—nay, even denied—in certain sections of our country. I do not condone this. I think it is reprehensible that such a practice exists in any of our 48 States today. Yet, it does, and the naked truth of it has been brought to light on the floor of the Senate.

Mr. President, while I agree with those who are trying to guarantee the right to vote to all citizens who can qualify under the various State constitutions, I cannot bring myself to feel that all of them are wholeheartedly devoted to the subject of rights, in view of their careful avoidance of one of our inherent and basic rights, namely, the right to work.

Mr. President, let me point up at the outset two cases which I feel should interest those who have so long espoused the cause of civil rights to include among those rights, and to fight for it, the right to work. Are those zealous advocates of liberties and civil rights cognizant of the fact that one of our large unions states that an applicant for membership must be "white born, of good moral character, sober, and industrious—Mexicans or those of Spanish-Mexican extraction are not eligible"?

There are millions of fine, patriotic, hard-working, law-abiding citizens of the United States who are of Mexican or Spanish-Mexican extraction. Still, some of my colleagues and some members of the executive branch of the Government, who so vociferously express their concern for the rights of Negroes, are willing to say, "Let us overlook the rights of people of Mexican or Spanish-Mexican extraction."

Mr. President, in my part of the country we respect these citizens. We respect them not only because they are citizens of the United States, but also because they are constant in their patriotic attention to their duties of citizenship; and the rosters of our National Guard and the rosters of our Armed Forces are replete with names that identify these people.

I cite one more example, and I call it to the attention of the group of people who are so liberal in their application of rights: On December 1 of last year, a circuit court judge in Milwaukee ruled that Negroes barred from union membership because of their race have no legal redress in the courts. I ask my colleagues, why not some zealous attention to the flagrant abuses of other rights, as well as the right to vote?

The right of association is to me one of the most important of our inherent rights, and it applies particularly to these cases because our Government has decreed by law that a man cannot work unless he belongs to these groups where they are recognized as the bargaining units. When compulsion sets in it seems that the right of association goes out. Again, I suggest: Why not some attention to the abuses of this right?

The framers of the pending bill, however, actually have forgotten the most precious of all rights, namely, the right to work. The bill proposes that the national policy protect the right of the individual to be free from discrimination on account of race, color, religion, or national origin. I suggest that it should have included the right to work.

After the Constitution was written, the wise men who labored on that document decided that even though the source of our concepts of freedom is God, the day might come when the rights of American citizens, though inherent, might be encroached upon if they were not spelled out. The result of this fear was the Bill of Rights, the first 10 amendments to the Constitution, in which many of our rights are carefully outlined. The forgotten ninth amendment even went so far as to say, "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others obtained by the people." We can see, then, that the Constitution is clear in its intent to protect all our inherent rights, and the right to work is one of these.

It is not spelled out in the Constitution, nor is it recognized by amendment, such as the right to vote regardless of one's sex. Neither does the Constitution set forth the right to eat or to sleep. These actions are part of our daily lives, a part of life itself; therefore, they needed no definition. They are God-given rights that are inherent, and the right to life is one of them.

Remember the words of the Declaration of Independence:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights: that among these are life, liberty, and the pursuit of happiness.

The right to life is so basic as to create no argument. But how can the right to life be exercised when the right to work is tampered with?

Here is what the Supreme Court said about it in one of its decisions:

The right to follow any of the common occupations of life is an inalienable right. To deny it is what no legislature has the right to do, and no contract to that end can be binding on subsequent legislatures.

That was the Supreme Court speaking.

Now let us take a look at what one of the great liberals of our times said about this. I refer to President Franklin Roosevelt. He said:

I tell you frankly that the Government of the United States will not order nor will Congress pass legislation ordering a so-called closed shop. It is true that by agreement in many plants of various industries the closed shop is now in operation. This is a result of the legal collective bargaining and not of Government compulsion on employers or employees.

It is also true that 95 percent or more of the employees in these particular mines belong to the United Mine Workers' Union. The Government will never compel this 5 percent to join the union by Government decree. That would be too much like the Hitler methods toward labor.

That was Franklin Roosevelt.

Now let us hear what one of the most distinguished of our modern-day liberals said about this subject on January 9 of this year. I refer to the junior Senator from Minnesota [Mr. HUMPHREY], whose enthusiasm for the enactment of a proper civil rights measure will be a credit to him throughout his life:

By civil rights we mean the personal, political and economic rights and privileges guaranteed under the Constitution and the law, and implicit in the democratic way of life, rights and privileges which are morally the heritage of every human being, regardless of his membership in any ethnic group. To be specific, I believe those rights to include the right to work.

Then the Senator from Minnesota went on with some other rights he listed.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am glad to yield. I am happy to see that the Senator from Minnesota has come into the Chamber.

Mr. HUMPHREY. I always appreciate the warm words of friendship expressed by the Senator from Arizona.

The Senator from Minnesota was, of course, referring in those remarks to the right to work with regard to race, color, or creed; without regard to any discrimination based upon race, color, or creed.

I believe in the right to work, and the right to work for a good salary, under good working conditions. I believe in the right to belong to a good union so as to make certain that a person gets good working conditions and good wages. I believe in the right of the individual to be able to have something to say about his life as an individual.

That is why I have supported the proposed civil-rights legislation. I wish I could have obtained just a little bit more help earlier from some of those who have indicated interest in the proposed law; then we might have had a much more effective civil-rights bill.

Mr. GOLDWATER. I am inclined to believe that if the Senator from Minnesota had found it possible to come over to our point of view, he would agree with me today that we have a very effective civil-rights bill.

I commend the Senator—and I say this earnestly—for his constant interest in this subject. I feel that his recognition of the right to work, the right to join a union, and the right to be able to be free to bargain collectively, is indicative of his constant interest in the whole field of civil rights.

I think if the Senator will take one additional step and recognize that a man should not have to join a union unless he wants to, he and I could walk arm in arm down the road of civil rights, which includes the right to work.

Mr. HUMPHREY. It is always a pleasure to walk with the Senator from Arizona, even if we do not agree on the final step.

Mr. GOLDWATER. I am very glad to have that encouragement, because I feel that if the Senator follows in my footsteps long enough, he will walk in lockstep with me.

Mr. HUMPHREY. I did not say I would walk in the Senator's footsteps; I said I would walk alongside him.

Mr. GOLDWATER. I trust the Senator from Minnesota, whether he walks beside me, in front of me, or behind me.

Mr. McNAMARA. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. McNAMARA. I, too, should like to take the opportunity to congratulate and compliment the distinguished junior Senator from Minnesota for his constant and vigorous support of the FEPC laws.

Mr. GOLDWATER. Mr. President, there is much agreement that among our civil rights is the right to work. Frankly, I believe it to be among our most cherished civil rights.

The ultimate threat to our liberties and our freedoms in saying to any man or woman or child, "You have to do this," "You must do this," "You must belong because if you do not you cannot work," or—one might even go so far as to say—"You cannot live," constitutes a real problem. It is a question that is going to be before the American people, and I think it is up to the American people to decide whether compulsion in the field of labor will deny a civil right.

Let us see what our basic documents have to say about this. We recognize that our freedom comes from God; that the rights we have are inherent; that they belong to all the people; that they do not have to be spelled out. But we went even further. We did spell some of them out, because we were afraid that some day somebody might come along and say, "That right is not yours. It is not even mentioned in the Constitution." In describing these rights, as I said earlier, there was no reference to some of them, because it was difficult to conceive of the day when the American people would argue about what is a right and what is not a right.

I think it is clear in every American's mind what his basic human rights are in relationship to himself and in relationship to his country and in the relationship that exists between man and man. Nevertheless, we have reached the point in our history where we are beginning to see some of these inherent rights, recognized in the Constitution, slowly being chopped away.

It may be asked, "What are they?" One of them is States rights. The 10th amendment, one of the greatest parts of our Constitution, leaves with the States the powers not given to Congress.

Under some of the decisions of the Supreme Court since 1930, quite a cloud has been placed upon the fact that States rights really do exist and upon the strength they have.

What about the right to work? How is a man going to have the right to life, liberty, and the pursuit of happiness if he cannot have a job?

Employers have to say to him, in all but 18 States, "I can't hire you unless you belong to a union." Perhaps all he knows is how to drive a truck. We have, in effect, said to him, "Either go to some other State, go to one of the 18 right-to-work States, or join the union."

He says, "But I don't want to join the union."

The employer says, "I'm sorry. You can't work for me."

In the Merchant of Venice Shakespeare had something to say on the subject:

> You take my life when you do take the means whereby I live.

In fact, the right to work is coextensive with the right to life itself.

Why do I say this? The freedom of the individual is the basis of our power in this country. We recognize that the individual is sovereign; that the individual has dignity; that all of this comes about, as I have said often before, because we recognize the true source of our strength as coming from above. In fact, Judge Patterson, who wrote a book on the ninth amendment, has quoted this well. He said:

> Individual freedom and the recognition and development of the spiritual nature of mankind are the essence of democracy. Indeed, they are the essence of life itself.

We believe that by nurturing and encouraging the natural development of the individual to the point where he will achieve his greatest worth, society as a whole will profit in the greatest measure. Our whole system is founded on individual rights and freedoms. That is why those of us who believe in the right to work so sincerely cling to the basic messages which were written by the wise founders of our Government nearly 200 years ago.

When a man has to belong to any organization in order to have his right to life, liberty, and the pursuit of happiness, then there is a violation of the basic intention of the Constitution.

It may be said, "That couldn't happen." But it has happened. We have compulsion in our labor laws today.

Mr. President, let me go a little bit further. Let us look at what the Constitution has to say that bears on this question because, if my colleagues believe as I do, they will meet people who take the opposite view.

The fifth amendment is an important amendment and contains much more than the provision that no one can be compelled to be a witness against himself. It says, in part:

> No person shall be held to answer for a capital, or otherwise infamous, crime.

Then it says, "nor be deprived of life, liberty, or property without the due process of law."

Of what are we depriving a man when we say he cannot work unless he belongs to a union, or cannot work because he belongs to a union? We are depriving him of life, of liberty, and of property, and yet this denial is written into the Federal law today and relief has been provided in only 18 States.

The 14th amendment touches on this. It goes a little bit further in trying to protect our rights. It says:

> Nor shall any State deprive any person of life, liberty or property without due process of law.

The 18 States which have passed the right-to-work law have recognized that they have no business denying a man work because of membership or nonmembership in any organization, whether it be a union, a church, or a chamber of commerce. We see in the 5th and 14th amendments the clear intent of the Constitution bearing on the subject of the right to work, forbidding anybody to take property away from us without the due process of law. And, yet, the Federal Government does it. It has forgotten that part of the Constitution.

Mr. President, many of my colleagues have referred to the high caliber of the debate which is presently being conducted on the civil-rights bill. There is no question that there are two sides to most arguments, and in the Senate today we are witnessing a classic example of the American political system in which all interested persons can express themselves on any given issue.

Let me contrast this debate with a situation which arises every day in this country and which is the natural outgrowth of only one thing—compulsory unionism. Americans have always jealously guarded their right to freedom of speech and thought and have spelled out these rights in the first amendment to the Constitution. There is not one Member of the Senate who would tolerate a situation whereby a citizen would be foreclosed from exercising this precious prerogative. Yet that was exactly what happened in Montana when a member of a union exercised his rights under the first amendment and signed a right-to-work initiative petition. This man was summarily hailed before a kangaroo court and was expelled from membership in his union. Mr. President, if this is not an abridgment of freedom of speech, thought, and the right to petition the Government for redress of grievances, then I do not understand the plain words of the Constitution.

Mr. President, the plight of the worker in this country is indeed serious when he is precluded from expressing himself on a grave political issue such as the wisdom of right-to-work laws. This is no mere abstract violation of a constitutional right, but is, in fact, a deprivation of the right to support one's family and to hold up his head as a free member of society, because in many States—though, happily, not in mine—membership in a union is an absolute prerequisite to the right to earn a living.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks correspondence between the International Brotherhood of Electrical Workers and Mr. Claude Evans, which will point out the extent to which our constitutional privileges have been sacrificed on the altar of compulsion.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

INTERNATIONAL BROTHERHOOD,
OF ELECTRICAL WORKERS,
LOCAL NO. 122,
*Great Falls, Mont.*

Brother CLAUDE EVANS,
*Simms, Mont.*

DEAR SIR AND BROTHER: You are hereby notified to appear for trial at the next regular meeting of Local No. 122, I. B. E. W., August 28, 1956. Enclosed is a copy of the charges as they read on the floor of the last regular meeting.

Sincerely,

HARRY SKEEL,
*Recording Secretary.*

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INTERNATIONAL BROTHERHOOD,
OF ELECTRICAL WORKERS,
LOCAL NO. 122,
*Great Falls, Mont., August 12, 1956.*

*To Whom It May Concern:*

Brother Claude Evans, member in good standing of Local 122 is charged with violating the following parts of the constitution of the I. B. E. W.

General Charges: Article XXVII, section 2, paragraph 2. Violating of any provision of this constitution and rules herein, or the bylaws, working agreements, or trades and working rules of an I. U.

Specific charges: Article XXLL, section 4. Each applicant admitted, shall in the presence of members of the I. B. E. W. repeat and sign the following obligation:

I, ———, in the presence of members of the I. B. E. W. promise and agree to conform to and abide by the constitution and laws of the I. B. E. W. and its local unions. I will further the purposes for which the I. B. E. W. is instituted. I will bear true allegiance to it and will not sacrifice its interest in any manner.

Brother Evans is charged with signing the right-to-work referendum, the avowed purpose of which is to destroy the collective bargaining power of all unions.

EDWARD C. ANDERSON,
*President.*

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INTERNATIONAL BROTHERHOOD,
OF ELECTRICAL WORKERS,
LOCAL NO. 122,
*Great Falls, Mont., September 1, 1956.*

Mr. CLAUDE EVANS,
*Simms, Mont.*

DEAR SIR: This letter is to notify you of Local 122, I. B. E. W. Trial Board's decision. That decision was to expel you from the I. B. E. W.

I think you are aware of your right to appeal this decision, such appeal must be made to L. F. Anderson, international vice president, Box 430, Pocatello, Idaho, within 30 days from receipt of this letter.

Sincerely,

HARRY SKEEL,
*Recording Secretary.*

Mr. GOLDWATER. Mr. President, I shall read the concluding paragraph of the letter of August 12, 1956, from the International Brotherhood of Electrical Workers, regarding the charge against Mr. Evans.

Brother Evans is charged with signing the "right to work" referendum, the avowed purpose of which is to destroy the collective bargaining power of all unions.

Mr. President, to begin with, that is not the avowed purpose of the right-to-work laws. However, that is not what interests us in this case. At this time I point out that the third letter included in the correspondence which has been ordered to be printed in the RECORD demonstrates that the result of the trial was that Mr. Evans was dismissed from the union.

I have mentioned the ninth amendment. It says, in effect, that all the rights not specifically mentioned elsewhere are retained as inherent rights by the people. The rights of all the people in this country, then, are clearly protected by the Constitution. The individual, and not the State or the Federal Government, is the source and basis of our social comport.

Today a dangerous trend is setting in across America. It is the acceptance of the idea that the Federal Government can do a better job of directing the daily lives and businesses of the people than they themselves can. Believe me, Mr. President, if we keep this up, sovereignty will no longer rest with the individual. If we keep it up, we shall see the day when free enterprise will be something in the history books, and socialism will run rampant in this country.

Mr. President, from these remarks it might be deduced that I had intended to submit, on the floor, a right-to-work amendment to this bill. Let me put all minds at ease. I had no such intention. When S. 83 was introduced, I did submit a right-to-work amendment to it, and I even appeared before the committee in support of it. But when it appeared that the amendment might be used in an attempt to defeat the entire right-to-vote measure, I did not press for its adoption, nor do I press for it now, nor do I suggest its submission at this time.

It relates to a civil right too precious to be used in any way to prevent the enactment of legislation which will insure still another civil right. It relates to too vital a concept to be diffused in the political complexities of this bill.

Mr. President, I am a patient man. I shall bide my time. I am certain that the people of the United States will come to recognize, as has every other country in the world, that compulsory membership in any organization is not consistent with freedom and the inherent rights of the individual citizen.

## POLICY CHANGES AFFECTING APPROVAL OF LOANS MADE BY THE RURAL ELECTRIFICATION ADMINISTRATION—NOTICE OF SUBCOMMITTEE HEARING

Mr. HUMPHREY. Mr. President, on behalf of the Subcommittee on Reorganization of the Committee on Government Operations, of which I have the privilege of serving as chairman, I desire to announce that a public hearing has been scheduled for Friday of this week, August 9, 1957, at 10 a. m., in the committee hearing room, room 357, Senate Office Building, to inquire into certain reorganizations which it is reported have been effected or which are impending in the Department of Agriculture affecting the approval of loans made by the Rural Electrification Administration to farmers cooperatives throughout the Nation. The Secretary of Agriculture has been requested to appear before the subcommittee to provide the Congress with first-hand information on this reported change in policy, which I now should like to discuss briefly for the information of Members of the Senate.

Mr. President, it has come to my attention that a basic change in policy relating to approval of loans made by the Rural Electrification Administration, which I believe is directly contrary to the intent of the Congress in establishing the rural electrification program, has been made, or is contemplated, by the Secretary of Agriculture.

As Senators are aware, for more than 20 years, since enactment of the Rural Electrification Act in 1936, the authority for granting Rural Electrification Administration loans has been vested exclusively in the REA Administrator, who, under the provisions of the act, is completely removed from political influence.

I call to the attention of Members of the Senate the fact that the first section of the Rural Electrification Act of 1936, as originally enacted by the Congress, provided as follows:

There is hereby created and established an agency of the United States to be known as the Rural Electrification Administration, all of the powers of which shall be exercised by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of 10 years, and who shall receive a salary of $10,000 per year. This act may be cited as the "Rural Electrification Act of 1936" (49 Stat. 1363).

The vesting of all of the powers of the Rural Electrification Administration in the REA Administrator clearly gave him the authority to approve loans made under the act.

The Administrator's authority for the making of loans for the financing of generating plants, transmission lines, and distributing systems under the act is contained in section 4, which provides, in part:

The Administrator is authorized and empowered, from the sums hereinbefore authorized, to make loans for rural electrification to persons, corporations, States, Territories, and subdivisions and agencies thereof, municipalities, peoples' utility districts and cooperative, nonprofit, or limited-dividend associations, organized under the

laws of any State or Territory of the United States, for the purpose of financing the construction and operation of generating plants, electric transmission and distribution lines or systems for the furnishing of electric energy to persons in rural areas who are not receiving central station service, and * * *"

The provisions of this section again indicate clearly that it was the intent of the Congress that the Administrator have exclusive authority for the making of loans.

However, Mr. President, the Rural Electrification Magazine of the Rural Electrification Cooperative Association, in its August issue, which was published just yesterday, reports in an article that the REA Administrator's authority, with respect to approval of transmission or generation loans in excess of $500,000, has been transferred, or is being transferred, to other officials of the Department of Agriculture. Mr. President, this is contrary to the aforementioned provisions of the REA Act.

According to the article, which I shall subsequently incorporate in my remarks, for the information of Members, this revolutionary change in policy has been effectuated, or will be effectuated, under provisions of Reorganization Plan No. 2 of 1953, which transferred to the Secretary of Agriculture all functions of all other officers, agencies, and employees of the Department of Agriculture, with certain exceptions, which did not include the Rural Electrification Administration; and which further authorized the Secretary of Agriculture to delegate the functions vested in him by Reorganization Plan No. 2 of 1953 to any other officer, agency, or employee of the Department of Agriculture, as he deemed fit.

With respect to this transfer of authority, I call especially to the attention of the Senate the fact that the reorganization plan also provided that the Secretary of Agriculture, to the extent deemed practicable, should give appropriate advance public notice of delegations of major functions to other Department officials and should afford appropriate opportunity to interested individuals or associations to present their views on such proposed transfers before they are made.

In other words, Mr. President, under Reorganization Plan No. 2 of 1953, which was debated at length in the Senate, it was made perfectly clear that the Secretary of Agriculture was not to transfer any basic authority or any major activity under his Department that affects the functions over which the Department of Agriculture has jurisdiction, unless he gave advance notice and provided adequate opportunity for Members of Congress to be heard or at least to be informed as to the proposed changes.

When the Secretary of Agriculture testified before the Subcommittee on Reorganization, which held hearings on Reorganization Plan 2 of 1953 on May 12, 13, and 18, 1953, he recognized fully the express qualifications the reorganization plan placed upon any major redistribution of functions. He, in effect, assured the subcommittee that it was his intention, before making any major changes in departmental organization, to consult with Members of Congress, the appropriate Congressional committees, agricultural leaders, farm organizations, and other interested groups. He also stated that full publicity would be given to any such proposed changes, through press releases, as well as by direct notification to the major farm organizations, as a means of insuring thorough consideration of every major change made pursuant to the plan. Recognizing that there might be substantial differences of opinion over a particular transfer of functions, the Secretary stated he would expect to develop "a full expression of views" of any such controversy before reaching any different conclusions upon it.

Mr. President, insofar as I am aware, there has been no advance notice to the Congress, to the various farming organizations, or to the general public as to this new policy inaugurated by the Department of Agriculture relating to the granting of REA loans, as reported by the Rural Electrification magazine, which, I understand, has thoroughly investigated the matter.

I do not know the facts on this matter, as it has been brought to my attention only within the last day or so, but if the authority to approve REA loans has been taken away from the REA Administrator by the Secretary of Agriculture, it is high time that the Congress determines what the facts are, whether Reorganization Plan No. 2 of 1953 provides a legal basis for such action or not.

I have, therefore, Mr. President, as chairman of the Subcommittee on Reorganization of the Committee on Government Operations, which, under the provisions of the Legislative Reorganization Act of 1946, is vested with authority over reorganizations in the executive branch of the Government, requested the Secretary of Agriculture to appear before the subcommittee at 10 a. m. on Friday next, August 9, to present the facts behind this change in Government policy. All Members of the Senate are cordially invited to participate in the hearings if they desire to do so.

In conclusion, I ask unanimous consent that the article entitled "Hamil's Authority Redelegated," which appears in the August issue of the Rural Electrification magazine, to which I have previously referred, be incorporated in the RECORD as a part of my remarks.

I also request unanimous consent, Mr. President, that the copy of my letter to the Secretary of Agriculture requesting his appearance before the subcommittee be printed in the RECORD as a part of my remarks.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

HAMIL'S AUTHORITY REDELEGATED

REA Administrator David Hamil's authority to approve any loans in excess of $500,000 to rural electric cooperatives, which includes virtually all generation and transmission loans, has been reduced and redelegated to a former Congressman on the Secretary of Agriculture's top staff. REA officials have declined comment on the new loan procedure.

The move curtailing Hamil's authority was ordered by Secretary of Agriculture Ezra T. Benson in early June. All loans in excess of $500,000 are now channeled to former Montana Congressman Wesley D'Ewart, presently Assistant Director of Agriculture Credit Services in USDA.

There have been constant reports that Benson had made the policy change, but the first substantiating information came from Tom Cleavenger, manager of the Southeastern Illinois Rural Electric Cooperative at Eldorado, Ill.

Cleavenger told Rural Electrification magazine: "I had a pending loan application that was supposed to be approved before the end of fiscal year 1957. However, it was not and on July 5 I called REA to inquire what the holdup was. The office said that they had been requested to supply additional information on the loan application under a new policy that required approval of the Office of the Secretary of Agriculture on all loans over $500,000."

Cleavenger's loan for $860,000 was approved on July 17.

REA Administrator Hamil was asked about the new policy reducing and redelegating authority granted the Administrator in the Rural Electrification Act. His official statement was, "No comment." REA's information officials do not deny that the Benson policy is in effect.

Former Representative D'Ewart, the man reviewing REA loan applications in excess of $500,000, according to NRECA voting record compilations voted against rural electrification 67 percent when in the House. D'Ewart sought the seat of Senator JAMES MURRAY, of Montana, in 1954 and was defeated. He was subsequently nominated by President Eisenhower as an Assistant Secretary of Interior, but his nomination was withdrawn when it became evident that he would be rejected by the Senate.

Reports from within the Department of Agriculture say that Benson policy went into effect the early part of June. They said that the Secretary's authority to put such a policy into effect was derived from the Department of Agriculture Reorganization Plan No. 2, which was adopted by the 83d Congress. Section 1 of the Reorganization Plan No. 2 provides that "* * * there are hereby transferred to the Secretary of Agriculture all functions not now vested in him of all other officers and of all agencies and of all employees of the Department of Agriculture."

Agriculture sources further state that Benson has obtained an Attorney General's opinion backing up the legality of his policy.

Rural electric cooperatives opposed Reorganization Plan No. 2, and asked that REA be exempted from the authority. NRECA General Manager Clyde T. Ellis testified, "We feel that the following provisions (sec. 1) of the reorganization plan jeopardize the semiindependent and semiautonomous status of REA and would make possible the undesirable change in its status and name (Rural Electrification Service) recommended by the Hoover Commission which might open the way to changes even more undesirable."

Benson's policy decision seems in conflict with testimony given by Secretary Benson before the House Government Operations Committee when the committee was conducting hearings on the Reorganization Plan No. 2.

The Secretary testified: "The authority provided in the present plan * * * is subject to express qualifications. The first qualification provides to the extent deemed practical by the Secretary, for public notice and opportunity for interested persons and groups to present their views with respect to any major changes in the assignment of

functions which may be made pursuant to the authority conferred by the plan. In discussing this matter, we have repeatedly stated that it is our intention to consult with Members of Congress and with the farm organizations and other interested groups. We do not expect to make any major changes in organization without full consultation and advice."

NRECA was not consulted prior to Benson's decision to restrict the duties of Administrator Hamil. It is interesting to note also that NRECA was not consulted in regard to the Reorganization Plan No. 2 in 1953.

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AUGUST 5, 1957.

Hon. EZRA TAFT BENSON,
*Secretary of Agriculture,*
*Department of Agriculture,*
*Washington, D. C.*

DEAR MR. SECRETARY: Under the provisions of the Legislative Reorganization Act of 1946 (Public Law 601, 79th Cong.), the Committee on Government Operations is vested with authority over legislation relating to reorganizations in the executive branch," and the duty of evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government.

In carrying out this function, the committee has established a permanent Subcommittee on Reorganization to which it has delegated the responsibility of processing reorganization proposals and of evaluating the effects of reorganizations of the executive branch. In accordance with the above authority, the Subcommittee on Reorganization desires information with reference to certain reported reorganizations effected by the Department of Agriculture under the provisions of Reorganization Plan No. 2 of 1953, upon which the subcommittee held hearings on May 12, 13, and 18, 1953, references to which follow.

When you testified before the subcommittee at that time, you gave assurances that it was your intention to consult with Members of Congress, with the farming organizations and other interested groups, in accordance with the intent of section 4 (b) of the reorganization plan, regarding any proposed major redistribution of functions, and that interested individuals and associations would be afforded appropriate opportunity to place before the Department their views with respect to any proposed redistribution of functions. In your testimony you stated "it is contemplated that full publicity would be given to the matter through press releases and through direct notification to major farm organizations. It would also be our purpose to advise and consult with the appropriate committees of Congress and leaders in agriculture."

With relation to the above, I would like to call to your attention the attached article entitled "Hamil's Authority Redelegated," which appears in the August issue of the Rural Electrification magazine of the Rural Electric Cooperative Association, a magazine with nationwide circulation.

The article states that the REA Administrator's authority to approve loans, as provided by the Rural Electrification Act, has, with respect to loans in excess of $500,000, been transferred from the REA Administrator to other officials of the Department of Agriculture, contrary to the provisions of the REA Act. This indicates that an entirely new policy has been inaugurated by the Department of Agriculture relating to the granting of Rural Electrification Administration loans without, insofar as I am aware, advance notice to the Congress, the farming organizations which are affected, or the general public.

This is a matter of direct concern to the Subcommittee on Reorganization, to which, as indicated above, was referred Reorganization Plan No. 2 of 1953, under which authority the aforementioned article states this revolutionary change in policy was made. It is, therefore, my intent, as chairman of the subcommittee, to hold hearings upon this matter in the immediate future so that the Congress may have first-hand information on the change in policy which has been made.

The subcommittee would like to have the benefit of your views, together with all the facts relating to the reported change in policy at a hearing which has been scheduled for 10 a. m. on Friday, August 9, in the committee hearing room, 357 Senate Office Building, Washington, D. C.

As the date on which the present session of the Congress will recess is uncertain at this time, I would appreciate it very much if you would give this matter your immediate attention, advising us if you can be present on the above date.

My best wishes.

Sincerely yours,

HUBERT H. HUMPHREY,
*Chairman, Subcommittee on Reorganization.*

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## TANGLED WATCHWORKS

Mr. HUMPHREY. Mr. President, on July 9, 1957, the distinguished Representative from Michigan, the Honorable THADDEUS M. MACHROWICZ, raised some very serious questions on the floor of the House of Representatives concerning the alleged visit to Switzerland by an employee of the Department of Commerce who attempted to pressure the Swiss watch industry into the adoption of voluntary quotas on exports to the United States. These allegations are of a rather serious nature, and several of us are awaiting reaction of the Commerce Department.

On Saturday, July 13, there appeared an editorial in the Washington Post and Times Herald entitled "Tangled Watchworks."

I ask unanimous consent that the text of the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TANGLED WATCHWORKS

If the charges made by Representative THADDEUS MACHROWICZ, of Michigan, are accurate about the meddling of a Commerce Department official in American trade policy—and there are reasons for believing that they are—then one hand of the administration seemingly does not know what the other is doing. Mr. MACHROWICZ was recently in Geneva as an adviser to the United States delegation at the conference on the General Agreement on Tariffs and Trade. The purpose of the meeting was to reduce trade barriers; yet, according to the Congressman, shortly before the Geneva meeting a Commerce Department official met with Swiss watch manufacturers to attempt to pressure them into adopting "voluntary" export quotas.

The Department of Commerce has denied any knowledge of the meeting and so far Mr. MACHROWICZ (perhaps unwisely) has withheld all names. However, the alleged action is consistent with the Department's cozy and overprotective attitude toward the domestic jeweled watch industry. The domestics, incensed at Swiss competition, have appealed for relief to the Office of Defense Mobilization on the grounds of "defense essentiality." Until a ruling is made, any attempt by an American official to apply backstair pressure on the Swiss is presumptive and mischievous. Congressman MACHROWICZ is quite right in asking the White House for a thorough investigation of any moves to undermine this country's trade policies with a friendly nation.

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## LIQUIDATING FARMERS

Mr. HUMPHREY. Mr. President, ever since Ezra Benson became Secretary of Agriculture, many of us have been seriously disturbed over what we felt he was deliberately trying to do to America's farmers.

As time has gone by, the concern we have frequently expressed has been confirmed more and more—and more people are joining in our concern throughout rural America.

Let me assure my colleagues that this deep concern is far more than partisan politics. It is concern for human resources—concern for the livelihood of American men and women making up our farm families.

It is a concern being increasingly shared by responsible spokesmen for agriculture.

Mr. President, Capper's Farmer is one of the great farm publications of the Midwest, published in Kansas. It can hardly be called a partisan publication. Yet the August issue of Capper's Farmer, just out, contains an article that tells the truth about what is going on behind the scenes in the Department of Agriculture today. That article is appropriately entitled, "They Are Trying To Kill Price Supports." The subheading, also very appropriately, says, "Efforts To Arouse Public Resentment Against Government Supports Are Endangering the Whole Farm Program."

In an editorial box published with the article, Capper's says:

It's time to speak up! Capper's Farmer doesn't want to see the loan program killed before we have some better plan for improving farm income. Such action would be disastrous to agriculture, and dangerous to our whole economy. Now is the time for you, as a farmer, to speak out in your own behalf. If you want a sound workable farm program, it's high time to say so. Silence may be interpreted by Congress as disinterest.

Mr. President, I ask unanimous consent to have the Capper's article printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THEY ARE TRYING TO KILL PRICE SUPPORTS—EFFORTS TO AROUSE PUBLIC RESENTMENT AGAINST GOVERNMENT SUPPORTS ARE ENDANGERING THE WHOLE FARM PROGRAM

Farm price supports you've known since the war are in danger of being eliminated completely. Supports gradually have been discredited to the overwhelming majority of nonfarming Americans. It could be only a matter of time until the program's back is finally broken.

The administration is out to remove Government pricing as an income-supporting device. It wants supports only at disaster-protection levels. Beyond this, the administration has outlined no constructive program for the future.

We think there is much evidence that the drive to kill price supports could succeed.

The rising demand by city lawmakers to do away with all their so-called farm hand-

outs comes at a crucial time—when the farm bloc is completely disorganized. In the words of one antisupport official, "the timing couldn't be better."

These are conclusions drawn from our study of official actions and public statements over the last 5 years. Secretary Benson's request for full 0-to-90 percent-of-parity flexibility is the latest evidence.

There is no question that the battle between high fixed supports and flexibles is dead. That, however, does not mean no price program at all. Congress is more likely to approve some kind of substitute program than to permit full flexibility alone. This may be a two-price system, or production payments, or a combination. In the meantime, Secretary Benson says he wouldn't lower supports below 50 percent.

The hunt is on for a substitute program. Congressmen from farming areas are devoting their time to finding new programs, not defending the present one. The fight is boiling down to a choice between no Government income protection, except possibly under disaster conditions, and an entirely new approach.

Is Secretary Benson out to remove all supports if he can? After most surpluses are gone, yes. But while surpluses last, he wants to dwindle supports.

Here's his record on supports:

He asked for and got power to reduce basic support to 75 percent of parity. He has reduced props under surplus crops to about that level—77 percent of parity for corn and cotton this year, 75 percent for wheat in 1958. He now labels that step No. 1—in line with his policy of gradualism.

The next step, Benson says, is to get almost blank-check authority to lower supports to zero.

What the third step will be he hasn't said. But while he says supports wouldn't drop below 50 percent right away, he leaves no doubt that they would be cut that far.

For wheat, 50 percent of parity means about $1.25 a bushel, compared with 1957's $2. For corn, 90 cents a bushel, compared with this year's $1.36. For cotton, 19 cents a pound. It was 28 cents in 1957.

When would supports be dropped? Not on 1957 crops. Nor on 1958 crops, although basics which haven't been cut to the present 75-percent support floor are likely to go to that level. Tipoff is the announced 75-percent level for 1958 wheat.

How is the rug being pulled from under public acceptance of supports? By relentless public education and calculated official action, as the record reveals it.

USDA officials make speeches discrediting present programs without setting up any eventual goal except "freedom." Thus, the talks undercut supports, and make the farmer look like the country's conniving poor relation.

This device has been so effective that the giant national magazine Life was prompted to say: "If enough Americans squawk, something will be done to stop this silly business."

A talk by Assistant Secretary Earl Butz, popular speaker in business circles, hammering at the dairy program, is an example. It doesn't give farmers enough "free enterprise," says he.

Butz told the recent milk-marketing conference at East Lansing, Mich., that he opposes the use of Federal milk-marketing orders as "price-supporting devices." He favors "gradual but realistic price adjustment, as production and marketing efficiencies permit."

The shooting opened up as soon as Benson took office in 1953, when he publicly damned USDA as a swollen "bureaucracy." (USDA now has 25 percent more employees, 100 percent more Assistant Secretaries, plus more programs, than when Benson took office.)

Surpluses are put forward as the proof that supports won't work. But many prominent economists, including some at USDA, say this is mostly tilting at windmills. The problem just isn't as bad as it's painted, they say, and could be controlled by effective action under present laws.

A relatively new USDA official, Assistant Secretary Marvin McLain, recently said that, while we do have a substantial surplus problem, we need certain quantities of reserve in case of war or crop failure.

McLain says the wheat surplus is closer to 500 million bushels. This is in contrast to the total carryover of 1 billion bushels much publicized in official speeches. About 500 million is a legally required reserve.

Put on the same basis, the cotton surplus is only 7 million bales, not the 12 million generally advertised. As to corn, there actually is no real surplus. The billion-bushel carryover (4 months' supply) needed as a reserve is usually cited as surplus.

Benson's critics point out that for several years until Congress forced him, he refused to sell surplus cotton competitively on the world market. The cotton sales program now is hailed officially as a sensational success.

Further, his career economists told the Secretary several years ago that acre allotments—which he only recently condemns—could not alone control production. In 1954, he announced cross-compliance, which his economists said would work, but later canceled this plan.

The Presidentially appointed 18-man Agricultural Advisory Commission, composed largely of nonfarmers, looks more like a willing rubberstamp than an advisory body. And when the group doesn't see eye to eye with USDA brass, its recommendations for the most part are ignored.

You get an idea of the Commission's role from this interview with one of its members:

"No the members never take out any homework to do. We just come here (Washington) for the meeting and find out what it is we are to advise on at that time."

"How do you know, then, what you are advising on?"

"We don't. We just shoot from the hip. Then they do what they want to do anyway."

Accusations that Secretary Benson is trying to kill price supports resulted from his no-support-floor plan. However, he denies that it is "our purpose to scrap farm programs or subject farm people to the unrestricted forces of the free market."

A clue to the Secretary's thinking is his early declaration: "No real American wants a subsidy." Later, in 1954, when he got his 75 to 90 percent flexible law—which he now says is inadequate—he said:

"It is my hope that ultimately flexible supports will be able to effect all the production adjustment necessary * * *." This, he said, would restore greater freedom of operation to farmers as well as providing greater opportunities for higher income.

Comments at a recent press conference are revealing. After stating he didn't think he'd put supports below 50 percent, the Secretary was asked why he had requested full 0 to 90 percent flexible discretion.

The reporter asked: "If you don't need it (support below 50 percent), why do you want it—I mean full discretion?"

Benson: "Because we have it on other commodities and it's working."

The Secretary has full discretion on 188 other commodities. Of these only nine are supported this year, including the feed grains, oilseeds, dry edible beans and pine gum. He is required to set supports for only 12 commodities, the 6 basics plus butterfat, milk, wool, mohair, honey, and tung nuts.

Referring to Government programs in general at a recent press conference, President Eisenhower remarked there are probably only a very few of them that should be dropped. He cited the farm program and water pollution as things of that character that the Government can do without.

A week later, Eisenhower made a remark which had the effect of whipping the farmer in public.

He told reporters: "At present you must remember that about half the income of the farmer is from Federal subsidy." He said he believes this averages over a thousand dollars a farm family that the United States is paying in some form of subsidy. He added that not all of that "I think * * * gets right into the hands of the farmer."

Before Benson cleared up the statement for the White House later, it touched off a countrywide explosion of indignation against the farmer. By then every newspaper reader and radio-TV listener in the country had been led to believe that each farmer gets a subsidy of $1,000 a year from the Treasury.

Outside the Government, the national leadership of the American Farm Bureau Federation is the top farm outfit gunning for support floors—the only one. Since Secretary Benson took office in 1953, the American Farm Bureau Federation has spent almost a half-million dollars in lobbying, mostly in agriculture.

At the bureau's annual convention in December 1956, President Charles F. Shuman announced: "For all practical purposes, the argument over the level of price supports is a dead issue."

Events in the following months proved Shuman an accurate prophet. The fight deteriorated so far that one of Farm Bureau's top officials later commented: "We've got it licked."

At the convention, Shuman attributed 81 percent of the decline in farm net income in recent years to increased costs of operation. The way to solve that, he says, is to work for "crop-by-crop elimination of the authority of the Secretary of Agriculture to purchase and store farm products." He advocated getting rid of present stocks as fast as possible.

Farm Bureau's plans make good consumer news. Following the Shuman statement, the New York Herald Tribune's business editor declared:

"A move to get Uncle Sam out of his extensive and expensive agricultural business started in Miami last week. It is headed by the world's largest farm organization. At a little noted convention of the American Farm Bureau Federation, President Charles Shuman declared what most politicians are afraid to say: 'The farmer is hurt rather than helped' by Government programs."

Mr. HUMPHREY. Mr. President, the same issue of Capper's has a full page editorial entitled "Why Not Help Agriculture, Too?—Tell Your City Friends the Truth."

Because this editorial carries a message that urgently needs to be read and understood, I ask unanimous consent that it also be printed in the RECORD, along with my congratulations and commendation to Capper's for writing and publishing it.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY NOT HELP AGRICULTURE, TOO?—TELL YOUR CITY FRIENDS THE TRUTH

Slapping subsidies is fast becoming a popular parlor game. But curiously, and unfortunately, it's a game played with unusual ground rules. The idea, apparently, is to slap only farm giveaways. Other subsidies, direct and indirect, are by inference just, proper, and in the public interest.

It would be deplorable enough if the folks who instituted the game and set up the restrictive rules were merely misinformed.

But it's reprehensible when they represent responsible segments of the American economy, including agriculture itself.

Who is slapping farm subsidies? Almost everyone, including some spokesmen for agriculture and some farm organization leaders. And their views make quick headlines in big city newspapers and mass circulation magazines.

No wonder the American consumer, whose knowledge of farming begins and ends at well-stocked supermarket counters, is confused. No wonder he looks upon farmers as public charges with a master key to the United States Treasury.

The farm bloc is split asunder, farm organizations apparently are incapable of presenting a united front for agriculture. So we think it's high time to sort the facts out of clouded half-truths and innuendoes.

Capper's Farmer does not defend the present farm program. We've criticized it loud and clear. But we do defend some safeguards for the industry that produces our food and fiber. For agriculture is an unorganized industry, particularly vulnerable to forces beyond its control.

We do think that farmers—and the Nation—have something to gain in using the ideas inherent in the parity principle until we find a newer and better substitute. And we believe subsidies intelligently used make sense as a means of bolstering segments of the economy for the general welfare of all people.

America's Founding Fathers apparently believed so, too. Historically, the subsidy principle is one of the building blocks of our country. The first Congress of the United States, as its second official act, created a subsidy in the form of a tariff bill.

Subsidies have built our great industries, our transportation systems, our institutions of learning, our science and art. Today nearly all industry is being helped, directly or indirectly, by taxpayers' dollars. For example:

Labor: Government gifts include unemployment insurance, public employment offices, social security.

Maritime industry and airline companies: Subsidies go a long way to help keep our merchant and passenger ships afloat and our airplanes aloft.

(For example: The superliner *United States* cost $76,800,000 to build; $40 million of that was a Federal subsidy.)

Industry: Fast tax write-off programs give industry, in effect, an interest-free loan in the amount of the deferred taxes. According to the Office of Defense Mobilization, 22,000 companies of various types have received benefits of fast tax writeoffs since the program started during the Korean war in 1950.

Mineral interests: Mineral depletion allowances are another indirect, but nonetheless very real, subsidy. Since mineral production depletes the wealth of the property, the owner is allowed to deduct, for his net profit, a percentage as depreciation costs.

In the case of sulfur mines, it is 23 percent; for oil and gas wells, 27.5 percent; for certain nonmetals, 15 percent, etc.

In a 1955 report of the Congressional Joint Economic Committee, a study of 24 large petroleum companies showed that they paid an average of 22.6 percent of their net income for Federal income tax. The average paid by all corporations was 48.1 percent.

This is an incomplete list. But it's enough, we think, to illustrate that if farmers are riding a gravy train, they share a pretty crowded seat.

However, it is not our intention to point the finger. Rather this is a plea for reason, good commonsense, for a fair evaluation of agriculture's position.

We must not blindly condemn the parity principle, the basic concept of a healthy agriculture, merely because the current attempt at an action program is admitted to be unworkable. Our plea is for a workable program to carry out the parity concept.

A sound, healthy agriculture is indispensable to our economy—present and future. It is vital to our national defense. Petty squabbling, name calling, and finger pointing only confuse and divide. And we never needed clear thinking and unity more.

You and your neighbors are salesmen for agriculture. It's up to you to defend your business. Tell your city friends the truth. Write your Congressmen and the leaders of your farm organizations.

If you don't do your part, if you don't rise to the defense of your business, then you must share the blame when all farm programs are killed.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 294. An act for the relief of Mrs. Marion Huggins;

S. 591. An act for the relief of Seol Bong Ryu;

S. 651. An act for the relief of Sister Clementine (Ilona Molnar);

S. 669. An act for the relief of Mrs. Antonietta Giorgio and her children, Antonio Giorgio and Menotti Giorgio;

S. 811. An act for the relief of Fannie Alexander Gast;

S. 876. An act for the relief of Katharina Theresia Beuving Keyzer;

S. 1053. An act for the relief of Poppy Catherine Hayakawa Merritt;

S. 1071. An act for the relief of David Mark Sterling;

S. 1102. An act for the relief of Adolfo Camillo Scopone;

S. 1240. An act for the relief of Panagiotis Tulios;

S. 1309. An act for the relief of Susanne Burka;

S. 1311. An act for the relief of Maria Gradi;

S. 1353. An act for the relief of Ayako Yoshida;

S. 1863. An act for the relief of Vassilios Kostikos;

S. 1397. An act for the relief of Angeline Mastro Mone (Angelina Mastroianni);

S. 1452. An act for the relief of Francesca Maria Arria;

S. 1472. An act for the relief of Triantafilia Antul;

S. 1502. An act for the relief of Erika Otto;

S. 1508. A act for the relief of Salvatore LaTerra;

S. 1509. An act for the relief of Fumiko Bigelow;

S. 1774. An act for the relief of Yee Suey Nong; and

S. 2027. An act for the relief of Vandelin Kalenda.

The message also announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 1446. An act to amend title 14, United States Code, so as to provide for retirement of certain former members of the Coast Guard Reserve;

S. 1482. An act to amend certain provisions of the Columbia Basin Project Act, and for other purposes;

S. 1520. An act to amend an act entitled "An act to provide for the disposal of federally owned property at obsolescent canalized waterways and for other purposes"; and

S. 1556. An act granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to their interest in, and the apportionment of, the waters of the Little Missouri River and its tributaries as they affect such States, and for related purposes.

The message further announced that the House had passed the bill (S. 999) authorizing the Secretary of the Interior to convey certain land to the State of North Dakota for the use and benefit of the North Dakota State School of Science, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 17. An act to reduce the cabaret tax from 20 percent to 10 percent;

H. R. 38. An act to amend the Tariff Act of 1930 to provide for the temporary free importation of casein;

H. R. 988. An act to amend the act of March 4, 1933, to extend by 10 years the period prescribed for determining the rates of toll to be charged for use of the bridge across the Missouri River near Rulo, Nebr.;

H. R. 1953. An act to provide that checks for benefits provided by laws administered by the Administrator of Veterans' Affairs may be forwarded to the addressee in certain cases;

H. R. 2237. An act authorizing the transfer of certain property of the Veterans' Administration (in Johnson City, Tenn.) to Johnson City National Farm Loan Association and the East Tennessee Production Credit Association, local units of the Farm Credit Administration;

H. R. 2816. An act to provide for the conveyance of Esler Field, La., to the parish of Rapides in the State of Louisiana, and for other purposes;

H. R. 2842. An act to amend the Tariff Act of 1930 to provide for the temporary free importation of certain tanning extracts;

H. R. 4098. An act to provide for the conveyance to the State of California a portion of the property known as Veterans' Administration Center Reservation, Los Angeles, Calif., to be used for National Guard purposes;

H. R. 5492. An act to amend the act of August 31, 1954 (68 Stat. 1044), to extend the time during which the Secretary of the Interior may enter into amendatory repayment contracts under the Federal reclamation laws, and for other purposes;

H. R. 5679. An act to authorize amendment of the irrigation repayment contracts of December 28, 1950, between the United States and the Mirage Flats Irrigation District, Nebr.;

H. R. 5757. An act to increase the maximum amount payable by the Veterans' Administration for mailing or shipping charges of personal property left by any deceased veteran on Veterans' Administration property;

H. R. 5924. An act relating to the International Convention To Facilitate the Importation of Commercial Samples and Advertising Matter;

H. R. 5938. An act to amend section 812 (e) (1) (D) of the Internal Revenue Code of 1939 with respect to certain decedents who were adjudged incompetent before April 2, 1948;

H. R. 6456. An act to amend section 304 (d) of the Federal Food, Drug, and Cosmetic Act, with respect to the disposition of certain imported articles which have been seized and condemned;

H. R. 6709. An act to implement a treaty and agreement with the Republic of Panama, and for other purposes;

H. R. 6760. An act to grant to the Territory of Alaska title to certain lands beneath tidal waters, and for other purposes;

H. R. 6788. An act to authorize the abbreviation of the record on the review or enforcement of orders of administrative agencies by the courts of appeals and the review or enforcement of such orders on the original papers and to make uniform the law relating to the record on review or enforcement of such orders, and for other purposes;

H. R. 7096. An act to amend paragraph 1684 of the Tariff Act of 1930 with respect to istle or Tampico fiber;

H. R. 7696. An act to authorize certain persons to wear the uniform of a Reserve officers' training corps;

H. R. 7930. An act to correct certain inequities with respect to automatic step-increase anniversary dates and longevity step-increases of postal field service employees;

H. R. 8030. An act to amend the Agricultural Adjustment Act of 1938 with respect to acreage history;

H. R. 8054. An act to provide for the leasing of oil and gas deposits in lands beneath inland navigable waters in the Territory of Alaska;

H. R. 8076. An act to provide for the termination of the Veterans' Education Appeals Board established to review certain determinations and actions of the Administrator of Veterans' Affairs in connection with education and training for World War II veterans;

H. R. 8216. An act to amend the Internal Revenue Code of 1954 to prevent unjust enrichment by precluding refunds of alcohol and tobacco taxes to persons who have not borne the ultimate burden of the tax;

H. R. 8522. An act to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes;

H. R. 8531. An act to provide an interim system for appointment of cadets to the United States Air Force Academy for an additional period of 4 years;

H. R. 8772. An act to amend section 1552, title 10, United States Code, and section 301 of the Servicemen's Readjustment Act of 1944 to provide that the Board for the Correction of Military or Naval Records and the Boards of Review, Discharges, and Dismissals shall give consideration to satisfactory evidence relating to good character and exemplary conduct in civilian life after discharge or dismissal in determining whether or not to correct certain discharges and dismissals, and for other purposes;

H. R. 8795. An act to amend section 507 and subsection 602 (a) of the Federal Property and Administrative Services Act of 1949, as amended;

H. R. 8850. An act to amend the Universal Military Training and Service Act to authorize additional deferments in certain cases;

H. R. 8892. An act to amend the Internal Revenue Code of 1954 to extend the time within which a minister may elect coverage as a self-employed individual for social security purposes, and for other purposes;

H. R. 8929. An act to amend the act of August 27, 1935, as amended, to permit the disposal of lands and interests in lands by the Secretary of State to aliens;

H. R. 8943. An act to amend titles 10, 14, and 32, United States Code, to codify recent military law, and to improve the Code;

H. J. Res. 10. Joint resolution to give the consent of the Congress to interstate compacts or agreements dealing with juveniles and delinquent juveniles, and for other purposes;

H. J. Res. 342. Joint resolution granting consent of Congress to an agreement or compact between the State of New York and the Government of Canada providing for the continued existence of the Buffalo and Fort Erie Public Bridge Authority, and for other purposes;

H. J. Res. 370. Joint resolution to extend the time limit for the Secretary of Commerce to sell certain war-built vessels for utilization on essential trade routes 3 and 4;

H. J. Res. 404. Joint resolution providing for the recognition and endorsement of the second World Metallurgical Congress; and

H. J. Res. 408. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the St. Lawrence Seaway celebration to be held in Chicago, Ill., from January 1, 1959, to December 31, 1959.

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## HOUSE BILLS AND JOINT RESOLUTIONS REFERRED OR PLACED ON THE CALENDAR

The following bills and joint resolutions were severally read twice by their titles and referred, or placed on the calendar, as indicated:

H. R. 17. An act to reduce the cabaret tax from 20 percent to 10 percent;

H. R. 38. An act to amend the Tariff Act of 1930 to provide for the temporary free importation of casein;

H. R. 1953. An act to provide that checks for benefits provided by laws administered by the Administrator of Veterans' Affairs may be forwarded to the addressee in certain cases;

H. R. 2237. An act authorizing the transfer of certain property of the Veterans' Administration (in Johnson City, Tenn.) to Johnson City National Farm Loan Association and the East Tennessee Production Credit Association, local units of the Farm Credit Administration;

H. R. 2842. An act to amend the Tariff Act of 1930 to provide for the temporary free importation of certain tanning extracts;

H. R. 4098. An act to provide for the conveyance to the State of California a portion of the property known as Veterans' Administration Center Reservation, Los Angeles, Calif., to be used for National Guard purposes;

H. R. 5757. An act to increase the maximum amount payable by the Veterans' Administration for mailing or shipping charges of personal property left by any deceased veteran on Veterans' Administration property;

H. R. 5924. An act relating to the International Convention To Facilitate the Importation of Commercial Samples and Advertising Matter;

H. R. 5938. An act to amend section 812 (e) (1) (D) of the Internal Revenue Code of 1939 with respect to certain decedents who were adjudged incompetent before April 2, 1948;

H. R. 7096. An act to amend paragraph 1684 of the Tariff Act of 1930 with respect to istle, or Tampico fiber;

H. R. 8216. An act to amend the Internal Revenue Code of 1954 to prevent unjust enrichment by precluding refunds of alcohol and tobacco taxes to persons who have not borne the ultimate burden of the tax; and

H. R. 8892. An act to amend the Internal Revenue Code of 1954 to extend the time within which a minister may elect coverage as a self-employed individual for social-security purposes, and for other purposes; to the Committee on Finance.

H. R. 2816. An act to provide for the conveyance of Esler Field, La., to the parish of Rapides in the State of Louisiana, and for other purposes;

H. R. 7696. An act to authorize certain persons to wear the uniform of a Reserve officers' training corps;

H. R. 8522. An act to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes;

H. R. 8531. An act to provide an interim system for appointment of cadets to the United States Air Force Academy for an additional period of 4 years;

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H. R. 8850. An act to amend the Universal Military Training and Service Act to authorize additional deferments in certain cases; to the Committee on Armed Services.

H. R. 5492. An act to amend the act of August 31, 1954 (68 Stat. 1044) to extend the time during which the Secretary of the Interior may enter into amendatory repayment contracts under the Federal reclamation laws, and for other purposes;

H. R. 5679. An act to authorize amendment of the irrigation repayment contract of December 28, 1950, between the United States and the Mirage Flats Irrigation District, Nebraska;

H. R. 6760. An act to grant to the Territory of Alaska title to certain lands beneath tidal waters, and for other purposes; and

H. R. 8054. An act to provide for the leasing of oil and gas deposits in lands beneath inland navigable waters in the Territory of Alaska; to the Committee on Interior and Insular Affairs.

H. R. 6456. An act to amend section 304 (d) of the Federal Food, Drug, and Cosmetic Act, with respect to the disposition of certain imported articles which have been seized and condemned; and

H. R. 8076. An act to provide for the termination of the Veterans' Education Appeals Board established to review certain determinations and actions of the Administrator of Veterans' Affairs in connection with education and training for World War II veterans; to the Committee on Labor and Public Welfare.

H. R. 6709. An act to implement a treaty and agreement with the Republic of Panama, and for other purposes; placed on the calendar.

H. R. 6788. An act to authorize the abbreviation of the record on the review or enforcement of orders of administrative agencies by the courts of appeals and the review or enforcement of such orders on the original papers and to make uniform the law relating to the record on review or enforcement of such orders, and for other purposes;

H. R. 8943. An act to amend titles 10, 14, and 32, United States Code, to codify recent military law, and to improve the Code; and

H. J. Res. 10. Joint resolution to give the consent of the Congress to interstate compacts or agreements dealing with juveniles and delinquent juveniles, and for other purposes; to the Committee on the Judiciary.

H. R. 7930. An act to correct certain inequities with respect to automatic step-increase anniversary dates and longevity step increases of postal field service employees; to the Committee on Post Office and Civil Service.

H. R. 8030. An act to amend the Agricultural Adjustment Act of 1938 with respect to acreage history; to the Committee on Agriculture and Forestry.

H. R. 8795. An act to amend section 507 and subsection 602 (a) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

H. R. 8929. An act to amend the act of August 27, 1935, as amended, to permit the disposal of lands and interests in lands by the Secretary of State to aliens;

H. J. Res. 404. Joint resolution providing for the recognition and endorsement of the second World Metallurgical Congress; and

H. J. Res. 408. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the St. Lawrence Seaway celebration to be held in Chicago, Ill., from January 1, 1959, to December 31, 1959; to the Committee on Foreign Relations.

H. J. Res. 370. Joint resolution to extend the time limit for the Secretary of Commerce to sell certain war-built vessels for utilization on essential trade routes 3 and 4; to the Committee on Interstate and Foreign Commerce.

## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. TALMADGE. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia.

Mr. TALMADGE. Mr. President, for many years I have observed a trend in certain areas of the country and within both parties that amounts to a vendetta against the South.

The chorus becomes louder, and quite frequently candidates for public office in areas of our country that know nothing of the problems of the South profess to have the most wisdom on how to solve these problems.

There are, indeed, many candidates for public office whose principal stock in trade has been how best to punish the South and how best to reconstruct it 90 years following the War Between the States.

The debate on H. R. 6127, Mr. President, has strengthened and reaffirmed in the minds and hearts of the American people the longstanding conviction that the United States Senate is their major protective rampart in this Government.

It is a bulwark of the people's safety.

Debate on this bill has proved that beyond every doubt.

The Senate, in its best tradition as an institution, has served the people again and again to ward off the more dastardly provisions of proposed legislation, provisions which would have deprived our citizens of their constitutionally guaranteed rights and liberties.

As a junior Member of the United States Senate, my faith in the constitutional processes of our country has been heartened and refreshed by seeing many Senators on both sides of the aisle withstand pressures from various groups and vote for what they knew to be in the best interests of our great common country.

This courage has enabled the Senate to strike the vicious part III from the bill.

Perhaps never before in a free and unfettered country has a legislative body had such monstrous legislation proposed to it as was contained in part III.

I have been heartened also that the majority of the Senate has said in no uncertain terms that the American people will not surrender their cherished constitutional guaranty of trial by jury—a guaranty that is expressed four different times in the Constitution of the United States.

Never before since the barons and commoners wrested this sacred right from King John at Runnymede in the year 1215 has there been such an assault on this eternal safeguard.

This Senate has demonstrated that it believes with Winston Churchill that:

> Trial by jury of equals, only for offenses known to the law, if maintained, makes the difference between bond and free.

Maintenance of constitutional processes rests heavily on the Senate body.

H. R. 6127 came to the Senate as a cunning, tricky masterpiece of legal legerdemain.

The hand which drafted this bill and the mind which shaped its twisted phrases has yet to come forward to admit authorship.

I can well understand why the author is somewhat reluctant to reveal his identity, in that time and pertinent discussion here have removed a great part of the evil of his handiwork.

Most of us would now admit that the bill as presented directly to the Senate was a legislative monstrosity of the first order.

The bill sought by reference to resurrect the dead and strife-torn past.

It contained all the ingredients for endless Executive meddling, intimidation, and oppression.

It sought even to bring to life a provision for use of force by the Executive against the American people.

The Senate deserves eternal gratitude for saving our country from the most evil aspects of this proposal.

The distinguished Senators who, through hard work and personal sacrifice, turned light into the dark recesses of this bill have earned the admiration and respect of their colleagues and the gratitude of fair-minded Americans of every section and political persuasion.

While the more extreme aspects of H. R. 6127 largely have been removed—while its totalitarian implications have been softened through the amendment process—while the facade has been changed somewhat, I fear many dangerous remnants remain which would gnaw away at the vitals of this Republic.

Notwithstanding the amendments the Senate has approved to H. R. 6127, I nevertheless cannot support the bill. I cannot support it for many reasons.

If for no other reason, I cannot support it because it is politically inspired against a great area of our common country. Political motivation is never a worthy cause for good legislation. Political motivation invariably causes bad legislation.

The United States Senate, in the debate on this measure, has halted a revolutionary departure from constitutional processes, but a radical departure remains to threaten the foundation of our Government.

The greatest objection to the pending bill is that it transfers rights which are inalienable to every citizen of the United States and makes them subject to the whims and caprices of the Attorney General of the United States.

All of America's 170 million people have equal rights under the laws and Constitution. These rights are inherent, and are guaranteed without exception or qualification. If any right is denied to any citizen, he has the right to go into a State or Federal court to enforce that right. No one has complained or brought forth the first bit of evidence to show that any State or Federal court has failed to do its duty.

In its present provisions, we have still in H. R. 6127 an utter and complete deviation from the clear channels of public thought which heretofore have marked our national stream of life. We have in the bill yet a naked abandonment of the rights of the individual citizen. We have in the bill yet an abrupt departure from the solemn principles of constitutional government which have sustained this Nation both in times of trial and in times of stability.

Through good temper, through clear thinking, through patriotism, and through constructive discussion, the Senate, and the Senators, have accomplished much in eliminating the main deceptive phases of this proposal.

The same spirit, the same reasoning, the same motivation, the same love of country, the same dedication which have been exemplified during the past several weeks, should be applied now to spare our citizens from the remaining oppressive provisions in the bill.

The remedy that is sought by so devious a route in H. R. 6127 is harsher, by far, than the supposed ills for which a cure is sought.

When the day comes that the courts of this land are turned into instrumentalities for political action, it will signal the beginning of the end for our system of government as we have known it. Should that day come, it will mark the decline of the greatest form of government ever wrought by the minds of men through divine inspiration.

The courts are no place to settle political controversies. The people demand that they be allowed to decide elections for themselves. Nothing so weakens judicial processes as when courts inject themselves and become enmeshed in partisan political strife.

Mr. President, every Senator knows of the crowded conditions of the dockets in both our Federal and State courts. Nothing can serve more to clutter the already overburdened courts than the mass filing of equitable petitions seeking all manner of injunctive relief and the mass filing of suits for damages, all of which would be brought in the pursuance of political purposes.

The malice incident to one political partisan or group seeking undue advantage over another in the courtroom inevitably would damage our whole Federal judicial system.

To compound the dangers, this bill as it now stands would go far in delegating to the Attorney General of the United States and to Federal judges Congressional powers to define exactly what constitute crimes against the United States, what citizens have to do to be guilty of crimes, and how they are to be

punished if arbitrarily determined to be guilty.

The bill contains every pitfall to aggravate further the recent unhappy experiences our Republic has had from the Canadian border to Mexico and from California to Maine with judge-made law.

When the bill from which the Norris-La Guardia Act stemmed was pending in the Congress of the United States (77th Cong., 1st sess.), Senator Norris, from the Committee on the Judiciary, submitted a report to accompany the bill (S. 935). This bill was entitled, "To Define and Limit the Jurisdiction of Courts Sitting in Equity."

Commencing at page 16 of the report is a section entitled, "Abuses of Injunctive Power." In that section the report deals with injunctions issued by Federal judges, and refers particularly to one issued in the District Court of the United States for the Northern District of Iowa on March 29, 1930. After referring to that case, the report states:

The defendants in this case, it will be observed, were not allowed to tell anyone that a strike was in progress. They were not allowed to give any publicity in any way to the fact that a strike existed. They were not allowed to tell anyone that the complainant required its employees to sign the "yellow dog" contract. In other words, their mouths were absolutely closed and "free speech" was forbidden. They could not, without violating this injunction, have sought advice from an attorney. The son would not be allowed to seek advice from his own father. And if the defendants violated this severe decree they would be liable for contempt of court, which means that they would be tried for an offense made illegal by the judge—an offense consisting of an act which would be perfectly lawful under the laws of the State where the controversy existed. They were not only forbidden to violate this judge-made statute, but, in case they did violate it, they would be tried by the man who made the statute. They would not be allowed a trial before a jury of their peers—a privilege granted to the vilest of criminals.

If the injunctive features of the statute proposed by the Attorney General are enacted into law, I predict that it will not be long before Senators of the United States are using similar language on the floor of the Senate with respect to proceedings which will have been had in Federal courts pursuant to the proposed law.

Immediately following the language just quoted, Senator Norris' report states on page 18 thereof:

It has long been recognized by students of law and government that the power to make law and the power to enforce law should be separated as a protection against tyranny. To prevent tyranny, the legislative power has been carefully separated from the executive power in our scheme of government and to prevent judicial tyranny it is equally necessary to preserve the separation of the legislative power from the judicial power.

A warning against the growing exercise of legislative power by the courts in injunction cases was uttered long ago by the great commentator, Blackstone, in the following language:

"In all tyrannical government, the supreme magistracy or the right of making and enforcing laws is vested in one and the same man, or one and the same body of men; and wherever these two powers are united together there can be no public liberty." (1 Blackstone 142)

Pomeroy, perhaps the leading authority, describes the development of the law compactly in his Equity Jurisprudence in the following language:

"The courts have thus been required to face such questions as the nature and extent of the capitalist's rights in the management of his business and of the workingman's property in his labor; to decide how far the employer shall be protected in his right to have labor and custom flow to him free from the interference of third parties and how far the laborer shall be protected from similar interference in his contract of employment or his right to secure employment; to determine what limits shall be placed upon the individuals and combinations of individuals in seeking their economic advancement at the expense of their fellows. All these and other problems have come before the courts in rapid succession." (Pomeroy, Equity Jurisprudence (4th edition) vol. 5, p. 4566, sec. 2018)

There can be no question, therefore, that there has been created, as a result of writing law into injunction orders and then enforcing those orders by the same judge who wrote them without a grant of trial by jury, that condition of uniting the 2 powers of making and enforcing laws in 1 person or 1 body of men wherein, using the language of Blackstone, "there can be no public liberty."

It is difficult to see how any civilized people could indefinitely submit to such tyrannical procedure. It is not difficult to understand how such cruel laws, made not by any legislature but by a judge upon the bench, should bring our Federal courts into disrepute. Neither is it difficult to see how such injunctions, violating the conscience of civilization, should frighten persons against whom such injunctions are issued into desperation. What free American citizen is willing to submit to the violation of his sacred rights of human liberty and freedom?

Under the vague and all-inclusive language of section 131 (c) of part IV of H. R. 6127, the precise definition as to what action in an injunctive proceeding would constitute contempt is left entirely for the court to decide.

The result is nothing less than an annihilation of the legislative process.

It destroys representative government.

It substitutes police state methods for constitutional government.

We see cardinal principles of law and equity swept aside completely.

Every maxim governing equitable jurisdiction is laid bare under the grinding and abusive force of H. R. 6127.

By no stretch of the imagination can it be claimed that this bill "follows the law."

By no stretch of the imagination can it be said legitimately that this bill came into this hallowed Chamber "with clean hands."

By no stretch of the imagination can it be claimed that this bill, as presented to us or as it now stands, seeks to do equity.

As a matter of pure fact, in allegedly enforcing equity for the few, it would deny equity to the many.

And the stark pity of it is that in such an atmosphere the rights of the individual citizen cannot flourish nor long live.

Instead, his precious heritage will wither and die.

And once destroyed, liberty and freedom are difficult to restore. Historically, they have never been regained except through costly, bloody, and heartbreaking sacrifice.

Mr. President, besides the obvious abuses which can come through indiscriminate use of the injunctive process, there are other provisions in this measure which jeopardize the valued constitutional rights of Americans.

Fortunately, the Senate has shown the good sense to remove from this bill a provision which would have allowed self-serving "volunteers" to attach themselves to the Commission.

But it is difficult to understand why this action was stopped short of eliminating paragraph (c) of section 105 of part I of the bill which authorizes the Commission to "constitute advisory committees as it deems advisable."

Why is it left to the discretion of the Commission to decide what advice it will consider and what advice it will not consider?

Why should we allow self-serving meddlers, interloping agitators, and groups of one extreme persuasion or another to attach themselves to a quasi-judicial, executive-appointed governmental instrumentality to direct and influence its impact on American life?

Add to this the ridiculous fact that under section 105 (d) of part I "members of the Commission and members of the advisory committees constituted pursuant to subsection (c) of this section shall be exempt" from criminal liability under the conflict of interest statutes by which every other American, by which every other Federal employee, and by which every Senator and Representative, scrupulously must abide.

Once the Commission begins its operations, the authority for star-chamber sessions, the authority for institution of arbitrary rules, and procedures, and the unlimited power of smear and harassment, make the Commission a continuing threat to the welfare and security of every person in this country as long as it exists.

This is true because the Commission's whole genesis is repugnant to basic constitutional processes.

The rights of no man are safe when any person can be subjected to governmental intimidation no matter how lofty the stated objectives may be.

Mr. President, among the responsibilities listed for this proposed Commission in subparagraph (2) of section 104 (a) of part I of this bill, the authority of the Commission would extend to "study and collect information concerning legal developments constituting denial of equal protection of the laws under the Constitution." That provision is as limitless as the universe itself.

The proposed Commission, under this language, would be authorized to extend, if it so desired, the purview of its investigation, for instance, to many areas of labor relations.

The Commission could inquire into a situation where a man might have been denied employment because he did or did not belong to a union.

It is folly for labor, management, or any other group or individual with rights

at stake, to feel safe and secure under the terminology of H. R. 6127.

The rank and file of labor recognize the dangers inherent in this legislative proposal, and have written and telegraphed me in some instance repudiating the position taken by some of their leaders in favor of the bill.

Labor knows that, inexorably, times and conditions change.

The Commission could peril all the constructive gains which labor has made in the last quarter of a century.

Yes, Mr. President, the threat posed here by no means is confined to the South, to a few States, to a few groups, or to a few individuals. It is a threat to every American.

Have we stopped to consider fully the effects of leaving the adoption of all rules and procedures governing the conduct of this all-powerful, quasi-judicial, Executive-appointed Commission solely to the whims and caprices of its chairman and five other members?

Why must we be so lax in the Congress as to fail to require for this Commission even the ordinary safeguards, rules, and procedures necessary to protect the people?

Why cannot we require in the pending bill that there be in the conduct of the investigations and hearings of the Commission all the protective measures which we have come to demand and expect as a matter of right in this Republic?

Why cannot we guarantee the right of a witness to adequate and reasonable notice?

Why cannot we give a person who is accused of wrongdoing by a witness before the Commission the right to cross-examine his accuser?

Why cannot Congress require that in the conduct of the Commission the hearings must be public—open to the people and to the press—and that there be a full public disclosure of all testimony and proceedings of the Commission?

Why is the public's right to know the truth not provided for in this bill?

Why do we not guarantee freedom of the press in this bill?

In order that the Members of the Senate might know, Mr. President, what this bill will do to hamstring and harass the working press in the exercise of their right to cover the activities of the Commission, I ask unanimous consent to have printed in the RECORD as a part of my remarks an article by the United Press as it appeared in the Thursday, July 25, issue of the Florida Times-Union, of Jacksonville, Fla., headlined Newsmen in Peril on Rights Stories.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEWSMEN IN PERIL ON RIGHTS STORIES

WASHINGTON, July 24.—It may come as a surprise to the newspaper editors of the United States, but here are the facts:

They or their reporters could be fined or imprisoned for an all-out reporting job on the Civil Rights Commission to be established by the administration bill now pending in the Senate.

It is a fact that the proposed legislation has some built-in secrecy provisions to be invoked by Commission whim. It also is a fact that the bill would provide a fine of not more than $1,000 or imprisonment for not more than a year on individuals who either leaked or used certain Commission material marked "secret."

The Eisenhower administration cannot be charged with responsibility for this secrecy gimmick, which would permit any or all evidence or testimony in a Commission hearing to be withheld from the public. This bureaucratic rosebush was planted in the bill by Chairman EMANUEL CELLER's House Judiciary Committee.

THE EXPLANATION

The explanation given the United Press was that these and other procedural provisions were written into the bill after it reached the House to make the whole thing less unpalatable to the South. Southerners had protested that, as received from the Justice Department, the proposed legislation gave to the Commission authority both too vague and too broad.

In repairing that mistake, if any, the Judiciary Committee men authorized the Commission to proceed at will in secret. On what grounds this was done is not evident. It scarcely could be, however, on grounds of national security which is the defense of most bureaucrats in Washington when they want to keep from the public the manner in which they are transacting the public's business.

Paragraph E of the bill's title I, which sets up the Commission, provides that:

"If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony in executive session * * *."

THE ENFORCER

Executive session means secret session from which reporters and all other representatives of the public are excluded. Paragraph G is the enforcer, as follows:

"No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than 1 year."

The Commission, thus set up with authority to conduct its business in secrecy, will have trouble enough without settling itself in the middle of the controversy now roaring in the United States about bureaucratic abuses of the secrecy privilege.

THE DUTIES

The Commission on Civil Rights will be operating every minute of every day in an area of angry controversy. Its duties are such as these:

To investigate allegations that certain citizens are being deprived of their right to vote.

To appraise the laws and policies of the Federal Government with respect to equal protection of the [civil rights] laws under the Constitution.

Whatever the Commission may say or do, one side or the other in the civil rights controversy is likely to complain. The temptation of the Commission to conceal what it may of its controversial hearings will be almost impossible to resist.

The secrecy provision probably will prove to be a time bomb set in the Commission's innards.

Mr. TALMADGE. Mr. President, do we need any further proof than this that the activities of the proposed Commission will not stand the light of public scrutiny?

Hearings held in secret star-chamber proceedings, with no provision in the law for full reporting to the American people by the press of the land, will crush truth to earth, will distort and obscure fact, and will be used to promote any big lie the Commission might wish to further in the best brainwashing technique of totalitarian regimes.

The Congress is being asked to give subpena power to an executive-appointed, factfinding Commission. Have we paused to consider that subpena power is a prerogative which should be guarded jealously, granted sparingly, and used even more conservatively? We give our courts the power of subpena because it is necessary to the judicial process. But why should Congress grant an executive agency, as is proposed, such a powerful weapon to be used indiscriminately for political purposes?

By what line of reasoning does this quasi-judicial, Executive-appointed body qualify to ask the Congress for delegation of the power of subpena?

If we grant subpena power to the Civil Rights Commission, to be used for inquisitorial purposes, we set a terrible precedent and open the door to continual demands on the Congress to surrender this mighty prerogative to a never-ending succession of such commissions, which in time will seek to regulate every facet of human existence.

Likewise, Mr. President, there are serious defects in that portion of H. R. 6127 authorizing the Attorney General to file in the name of the United States, or for the United States, for private persons, lawsuits seeking damages, and equitable petitions seeking injunctive or other relief. This, too, it must be admitted, is a heretofore unheard-of procedure.

Part IV of the bill as amended would authorize the Attorney General to go into a Federal court in the name of the United States of America with all of the power, and the financial and legal resources of our great Government arrayed against any individual in the country.

It would make the Attorney General a czar of voting rights. He would have authority to prosecute such citizens as he saw fit to prosecute for violation of Federal criminal laws. Under the bill, if enacted, he could ask injunctions or seek other equitable relief in the name of the United States to prevent alleged rights violations. It would be within his power, and his alone, to determine whether he would seek to indict individuals or bring equitable or legal action against them. This, within itself, in my opinion, makes this proposed legislation unconstitutional.

If the Attorney General is authorized by Congress to bring injunctions against citizens for the violation of criminal laws with reference to voting, there is no reason why this or a future Congress could not pass legislation authorizing the Attorney General to bring injunctions against individuals to prohibit murder, to prohibit treason, to prohibit rape, or to prohibit any other crime.

The Attorney General is authorized by part IV of the bill to bring injunctive proceedings against any person about to engage in certain activities. Perhaps never before in the history of America has it been proposed that Congress enact legislation authorizing an

appointive officer of the Government to go into court on suspicion.

The rule now is that facts must be stated and proof must be offered. And that, I submit, Mr. President, is the way the American people want it to stay.

The proposed legislation would result in a situation analogous to that which prevailed in Hitler's Germany—and which now prevails in Khrushchev's Russia—in authorizing the Attorney General to go into Federal courts merely on suspicion.

The only way the Attorney General of the United States could determine whether any individual is about to engage in a particular act would be if he were qualified to read the minds of the individuals against whom he proposed to take action.

Many talents have been attributed to the Attorney General, but I have not heard anyone stand on the floor of this Senate and claim him to be a mind-reader or a dream analyst.

The only way he could possibly perform his duties would be to become suddenly clairvoyant. If he is not clairvoyant, then the only way he could possibly perform his duties would be to employ some fortunetellers and mind-readers in the Justice Department to tell him when, where, and against whom to proceed.

Protection for the rights of individuals, under the peculiar system as is proposed here, is sought to be wrested from local governments, is sought to be wrested from local grand juries, is sought to be wrested from local courts.

The bill seeks to place in the hands of one man—an appointive official, the Attorney General of the United States, serving at the pleasure of the President—the life and destiny of the American people.

No matter how much you examine the bill, Mr. President, no matter how you cut it, no matter how you sift it, no matter how you analyze it, and no matter how you look at it, you cannot escape the fact that its provisions smack of totalitarianism.

Mr. President, as for me, I cannot conceive of the Senate, with its able, learned, and distinguished membership, considering even for a moment a proposal for the Attorney General of the United States to engage in the private practice of law and while so doing file a host of legal and equitable petitions for private citizens without even first being required to obtain their consent to do so.

It is beyond comprehension, that the taxpayers would be required to pay the bill for these actions.

In the final analysis, Mr. President, the bill is a shameful and cruel deception practiced on both majority and minority groups the country over.

The bill will not add one iota to the civil rights of any citizen of the United States.

The bill destroys individual rights, as guaranteed by the Constitution, under the guise of creating special group or class rights.

The bill is a harbinger of false hope.

The bill offers nothing in a concrete way to either minorities or majorities.

It destroys the only real hope of every citizen for protection of his civil liberties—our system of constitutional government.

I have heard from many citizens from every State in the Union about this measure. These Americans have urged that the point be emphasized that this proposal applies with equal force to every State in the Union.

While it admittedly is aimed at the South, every American, no matter where he might reside, and every person, firm, and corporation ultimately will reap the whirlwind of disastrous effects if this proposal becomes law.

The bill not only poses a real threat to individual rights but, if enacted, will weaken the very fabric of our constitutional system.

That, Mr. President, may well prove to be the supreme tragedy of our time.

Like a dread malignancy, H. R. 6127 will eat slowly at the American system of representative government until that dark and lamentable day when every man will come to realize that the precious flame of liberty and freedom for the individual in our society has flickered and gone out, never to shed its light and warmth over this land again.

Then, Mr. President, it will be too late for any of us to lament over what once was or what might have been.

As in all the history of tyranny, we find that it is no respecter of persons. Those who seek its imposition and those who cry out against it, inevitably must suffer together as its victims.

Mr. President, the rights and liberties of the people of this Nation can be secured effectively only through the judicial processes available to them under the Constitution of the United States and the constitutions of the several States acting in pursuance of their reserved powers.

There is no other way to achieve this objective under our form of government without destroying the rights of all the people.

For Congress or an executive commission to attempt to improve on the Constitution and the Bill of Rights, as this bill seeks to do, can be compared to a modern surrealist painter undertaking to improve on the Mona Lisa.

By attempting to do so, the artist destroys the canvas, and thereby destroys himself.

Civil rights cannot be strengthened through a grandiose commission armed with the powers of subpena, intimidation, abuse, and smear.

Civil rights cannot be secured in an atmosphere of hysteria, hypocrisy, and purely partisan politics.

Civil rights cannot be achieved when arbitrary powers are granted to appointive officials to commit injustices to the people in the name of justice.

Civil rights cannot be obtained when Congress votes any group of partisans on an appointive commission the power to stifle, oppress, harass, and intimidate all opposing political thought and opinion.

Ours is a government of laws, not of men.

It is a representative democracy in the most wholesome sense of the word.

I, for one, am proud to join other Senators and to stand up and be counted for the preservation of constitutional rights of the people and for safeguarding the prerogatives of the legislative branch of this Government.

I, for one, am proud to stand up and be counted in favor of upholding the real and substantive rights of every citizen of this country—those sacred rights as guaranteed in the Bill of Rights.

I take my stand alongside people of this Nation who insist that this Government under God and under our sacred Constitution be preserved for their posterity.

I shall do so, Mr. President, by voting against H. R. 6127.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CLARK in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I desire to address myself today to the pending measure in its present condition, which makes it no longer susceptible to amendment, and requires that the bill "as is" be voted either up or down. So the Senate comes to the vital question.

Mr. President, I shall vote for the bill, notwithstanding its very serious defects. It may be of interest, and perhaps may be of some use in the days ahead, when the measure is being resolved into what I hope will become the final law, to consider the reasons which have dictated my own determination. These reasons may be summarized as follows:

First, passage by the Senate is an essential step for any civil-rights measure. I am deeply convinced that this is the time when a civil-rights measure can, after more than seven decades, be passed by the Congress; and I wish to contribute my small share toward that devoutly to be wished for objective.

Mr. President, I do not know whether the Congress will have another opportunity of this sort in 1958 or in the year thereafter. Someone, more cunning than I, might assume that in an election year there might be more chance to have the Congress pass a stronger bill. I believe the thing for the Congress to do now is to seize the opportunity which is before it and to utilize it in the way I have suggested.

So, Mr. President, my first reason is that passage by the Senate is an essential step if a civil-rights bill is to be enacted at this session, and I deeply believe that the path of responsibility to the country demands that all of us take every step we can to bring that about.

Second, the House-Senate conference will have an opportunity to reconsider the action taken by the Senate on parts III and IV of the bill, and to deal with stripping the Senate's jury-trial amendment from applicability to measures other than this civil-rights measure.

Mr. President, at this point I should like to digress long enough to refer to part III, as well as to part IV. I believe that when a stage of this sort is reached—that of being about to vote the bill either up or down—the impact of the action taken by the other body makes itself felt. I had the honor of serving in the other body along with other distinguished Members. I see my dear friend and colleague, the Senator from Colorado [Mr. CARROLL] in the Chamber, and also my friend, the Senator from South Dakota [Mr. CASE], both of whom served in the other body. Now we can begin to realize that it is a coordinate branch of the legislative arm of our Government, and that it has adopted a position, and that its position is entitled to the same dignity and strength that the position taken by the Senate is; and we have every right to expect that the other body will manifest its dignity and strength by its action.

Mr. President, let us remember that the bill which came to the Senate contained part III, which was stricken out by the Senate, and also contained part IV, without the so-called jury-trial amendment. So I believe we have a right to expect that the other body will take a position of dignity and self-respect in standing for its own measure. Therefore, the second reason for my determination is that I look toward a House and Senate conference, which I confidently expect will take place. I do not expect the other body to accept the Senate bill, but I believe the House will stand up for its bill. As a result, there will be a reasonable opportunity to get a civil-rights measure with which we can live.

Third, a civil-rights law is urgently needed in the national and international interest of the United States. The national interest has been very considerably discussed on both sides, by both those for and against this measure, but I think the international interest has been too little discussed. Perhaps that was understandable when we were in the amendment stages of the bill, when it was not possible to determine what its final impact would be; but I think it becomes quite proper to discuss that aspect at a time such as this, when we are are considering the bill as a whole.

The Senate has a special responsibility in international affairs. It seems to me one of the major aspects of the civil-rights struggle in this country has been its effect throughout the world. The struggle which we call the cold war is essentially being fought for the more than 1 billion people whose skins are yellow or black, who live in Africa, the Middle East, and the Far East, who are not yet, in a fixed way, either in our own or in the Communist orbit, who are newly emerging into nationhood, who are newly determining the forms of their governments and society, and who are trying to ascertain whether, in their quest for personal well-being and individual human dignity, they will accept the leadership of the United States or the leadership of the Soviet Union, the two super powers which exist on earth.

Let us put ourselves in the place of those people. I think we often underestimate the considerations which animate them. I might give as an example a fact which I believe will be confirmed by my most respected colleague from Kentucky [Mr. COOPER]. Despite the advertising to the effect that the people in the back-country villages in India, some of which are 10 or more miles from any road, let alone a paved road, did not know that the United States was extending grain aid, some persons were very much surprised, on entering India and on visiting some of the really off-the-beaten-track villages, to learn that, by a process which I call intellectual osmosis, the people of those villages knew, or at least had some perception or understanding of what was going on in the world, and knew they had been helped.

As a matter of fact, the village improvement program, backed by relatively modest funds on the part of the United States, amounting to approximately $30 million a year, has nevertheless had a most potent effect on our foreign policy in India, which country probably is the key to winning over the billion and a quarter people I have mentioned, because the villagers had background on which to base their acquaintance with our aid, and that background came from the relief we gave to India at the time of the great famine. So there is a consciousness of our aid. It may not be so sophisticated or perhaps so articulate as is our understanding of news; but more and more of this knowledge is reaching the yellow and black peoples of the world, and that fact is demonstrated by the example I gave. It is an example based upon my personal experience, for my wife and I were in India in December, and actually went into the back-country villages and learned personally of the understanding of the people as to what was happening to them, and who was, at least in part, responsible for it.

So the civil rights struggle means to them a question of the moral character of the leadership which they are willing to accept. Phrased in the most primitive terms, would we expect the yellow and black people in the world to look to us to lead them out of the wilderness of want, disease, bad sanitation, general backwardness, and into the upper plateau of well-being and freedom, if they had no assurance from us that we conducted ourselves in our own country so that the color of one's skin made no difference in terms of the acceptance of the individual in our society and giving him the rank and station in the society which his merits deserved?

That fact has been apparent not only to us but to the Communists as well. I know our dear friend (Mr. Morton), who is also from Kentucky, and who was the Congressional liaison officer for the State Department, has had a number of years of experience in the State Department. Anyone who has listened to Communist broadcasts and propaganda, who has read the daily translations, which come into the State Department, of all the journals of the Soviet Union and the satellite countries, knows that one of the pieces of propaganda on which the Communists have struck the most pay dirt, other than the propaganda of our "imperialist designs to foist war on the peoples of the world," which is pretty much beginning to sound like a broken record today, has been with respect to race relations in this country and what we do about them. I hope very much my voice will not be the only one raised in a discussion of the international implications of the problem we have here in hand. There are many Members of this body who are tremendously experienced, from personal work and responsibility, in the field of foreign relations. I think this is a peculiarly timely moment to emphasize this aspect of the problem.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CASE of New Jersey. I appreciate the Senator's yielding. I wish to thank him for the contribution he is now making to the discussion. There is no question in the world that not only should we make the advance, which would have been made by the original bill, because it is right and long overdue—and that is the basic reason for it—but also because it has enormous international implications.

The Senator from New York has been talking in a most logical way about the international implications as a result of the cold war and the Communist offensive. I should like, if I may, to pursue the matter a little further with him. I recall vividly an article written by Barbara Ward, which was published earlier this year in the New York Times Sunday magazine section, in which she said the question now is not whether the white race will extend equality toward the colored races of the world, but whether it is not already perhaps too late to expect that the colored races of the world, as they come into the position to which their numbers and their growing acquaintance with civilization will bring them; will allow equality of all races, including the white race; and that we are faced, for the sake of our children, if not for ourselves, with the responsibility of so conducting ourselves that there will be a chance for the doctrine of human equality to become fixed among the peoples of the world, and particularly among the peoples of the colored races.

I could not let this opportunity, which was so well provided by the splendid discussion of the Senator from New York, pass without putting this aspect of the matter before my colleagues in the Senate, and, I hope and believe, before the people of the United States.

I thank the Senator from New York for his remarks and want to express to him my personal gratitude for the contribution he has made to this particular problem throughout the years of his public service and particularly in recent weeks of the debate on the civil-rights measure.

Mr. JAVITS. Mr. President, I wish to thank my colleague, the Senator from New Jersey, for his very gracious and kind references to me. I know the Senator from New Jersey realizes I reciprocate his remarks in full measure so far as he is concerned.

Mr. President, reverting again to the international aspect of the problem, there is involved not only the propa-

ganda value to the Soviet Union which incitements to race discrimination and segregation in our own country create but there also is involved an impact upon our international political position.

Mr. President, in that respect I should like to point out that we have a changed situation. In former years when we were discussing the civil rights issue we operated within a United Nations which was made up in round figures, of about 60 members, a United Nations in which there was a preponderance of nations with whom we were accustomed to deal, having a traditional pattern of relations with the United States. Today, with the change in the composition of the United Nations and the number of members, which is pushing the 80 mark, we have a very great aggregation of nations known as the African-Asian bloc to deal with, which bloc has replaced the so-called Latin-American bloc in decisive importance, and indeed often holds the balance of power in the United Nations.

Mr. President, in respect to the African-Asian bloc, as distinguished from the Latin-American bloc, there is a very keen color consciousness which will be very heavily contributed to, moderated, or mollified by what we do in respect to this civil-rights measure.

Mr. President, that we are having a great debate about this subject, and that there is an intense feeling on the part of the proponents and on the part of the opponents is not bad—it is good, because the colored peoples themselves are familiar with the pain and anguish of winning rights of this character. It is important that the bill shall come out all right.

That is one of the reasons why I urge that we do our share in the legislative process by sending the bill on its way to a House-Senate conference.

My fourth reason for voting for the bill, Mr. President, is that even if the bill contains nothing more than effective provisions for a Presidential Commission on Civil Rights with subpena power, a Civil Rights Section in the Department of Justice, and authority for the Attorney General to institute equity suits to safeguard voting rights, it still marks a significant advance in the protection of civil rights.

I hasten to add that the bill does not add protection of all civil rights, but provides protection of at least one elementary civil right, the right of equal protection under the laws relating to voting.

My fifth and final reason, Mr. President, is that I see looming up on the horizon as the next great social advance in the Southern States equal protection under the laws relating to voting, especially in those cases where it has been heavily denied, and I believe this bill can help in that advance. I shall a little later in my discussion this afternoon, Mr. President, point out how even the debate in this body has already indicated there is going to be an advance, inevitably, and the lines which the advance will follow if—and this is the big "if"—we provide the sanction of effective law.

Mr. President, I digress from my text at this point to emphasize a matter with which it was sought to embarrass me in the debate, which I am very proud of, and which I am very glad came up. I refer to my position with respect to the so-called antibias legislation in housing in the city of New York, and my position upon that legislation. I have pursued what has been a consistent policy in my State in respect to my action in New York City and in respect to the debate upon the pending measure.

It is a matter of tremendous gratification to me—and I think it should be to the Senate—that one of the most outstanding leaders in the New York program has been my senior colleague from New York [Mr. IVES]. The feeling in New York is that we have been in the past leaders in antidiscrimination legislation, but we have always based our position upon techniques and processes short of rigid statutes, backed up by law, with a strong dependence upon the action of a commission, which employs every effort—through education, through mediation, through meeting the parties face to face, through giving them the benefit of the experience of others, which we call technical assistance—to deal with problems created by race relations. In the final analysis, backed by the sanction of law, not through a criminal process but through the injunction process, this procedure has been found to be exceedingly effective in our State. It has worked some extraordinary miracles.

For example, it was at one time said that never would Negroes be employed by the telephone company, that never would Negroes be employed in our great banks, and that never would the Negro and the white employees in the banks eat in the same cafeterias; yet those things have come to pass, Mr. President, and in no case was it necessary to resort to the final sanction of law. The mere fact that the law was available for use made a reasonable approach to the problem so attractive that the processes of conciliation were able to accomplish the desired result, without invoking the law. However, if the law had not been in existence, if the injunctive power had not been available, I and many others who have been active in this field are convinced nothing would have happened, because the law was an effective backstop. Something did happen.

I feel, Mr. President, that we have a right to avail ourselves of that experience. I cannot for the life of me see the consistency of the argument of the opponents of the pending bill that we are seeking to repress, to dragoon, or to compel the South, when the whole policy of the bill is designed to avoid use of criminal statutes and even to avoid the friction engendered when the individual who is indigenous to the area seeks to sue. So we have put the power in the hands of the United States itself, whose Attorney General we have a right to expect will serve the interests of the whole Nation with great responsibility.

Mr. President, for these five reasons I shall support the bill and help to push it one step further on its legislative way.

While I do that, Mr. President, it is essential, however, that we understand what is before us and what needs to be done about it. I believe that the pending bill contains in the jury-trial amendment one defect, which would be fatal in nature were it not possible to correct it in conference. I repeat the word "fatal" because that is what I think it is.

Mr. President, this defect is the command for a jury trial in criminal contempt cases resulting from equity decrees where the United States is the party complainant, thereby completely changing existing law with respect to a minimum of 28 Federal statutes and a maximum so far estimated as high as 40, with all its applications as yet unknown. It is clear that a jury-trial amendment which also limits punishment for criminal contempt to a maximum of a $1,000 fine or 6 months imprisonment when applied to the antitrust laws, the securities laws, the Fair Labor Standards Act, the Communications Act, the "Hot Oil" Act, and other statutes where large economic interests are involved, may well bring about a breakdown in Federal law enforcement in those areas.

Mr. President, there are many lawyers in this Chamber, and as lawyers we know very well how loath the courts are to punish by imprisonment in cases where the tradition of the courts is to punish by fine. We know that there may be miscarriages of justice because of the very reluctance of the court to punish with the drastic penalty of imprisonment, when that is the only substantial penalty available to the court to impose, as it would be if the bill as it is presently worded should become law.

It is for this reason that, following the effort made by the Senator from Ohio [Mr. LAUSCHE] before the adoption of the jury-trial amendment, I sought after adoption of the amendment to limit the jury-trial amendment to civil rights cases.

In the debate on August 2, the principal proponent of the jury-trial amendment assured the Senate that the problem would receive every consideration in a conference. I feel that the matter is so serious to the administration of justice in the Federal courts that we have every right to expect the most serious consideration from the conferees, so that if any jury trial is included in the final version, at least, it will be limited to the area of the present legislation namely, the protection or safeguarding of the voting right.

At the risk of boring my colleagues, I emphasize and reemphasize this point. I hazard the guess that in the days ahead we shall discover yet more embarrassments in the breadth of this amendment, as adopted. We have already discovered a good many. One particularly marked instance, it seems to me, is the proposal to cast into the area of the circuit court of appeals the necessity for a jury-trial amendment; and yet that is exactly the area in which a number of types of injunction obtained in the Federal establishment must be enforced, notably those obtained under the Federal Trade Commission Act.

I understand that the proponents of this amendment will seek to answer some of the very tough legal questions which have been posed in this debate, and I look forward with the greatest of interest to their answers.

Perhaps they can show us a way out, though I must say that I have not been able to find any. According to the memorandum which I introduced on Friday as a part of my remarks, neither has the Department of Justice.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. JAVITS. Certainly. I am quite accustomed to yielding to the Senator from North Carolina.

Mr. ERVIN. The Senator from New York has been very gracious.

I ask the Senator from New York if recent amendments to the antitrust laws, do not provide that a person convicted of violating the antitrust laws may be sent to jail for 1 year and fined as much as $50,000?

Mr. JAVITS. The antitrust laws so provide. The question in my mind—and I think the question in the minds of many of us—is what will happen when the pending bill, in its completely encompassing breadth, becomes law. I look forward with the greatest of interest to the explanations on that legal point, which I hope will be forthcoming from the proponents of the amendment. With all respect, I think we have a right to pose certain questions, and that is one of them.

Mr. ERVIN. That is my recollection of the recent amendment to the antitrust laws. I do not guarantee my recollection to be correct, but I think it is.

I wonder how much more punishment than that should be meted out to a man who violates the antitrust laws.

Mr. JAVITS. I do not think the Senator from North Carolina grasped my reply. Certainly I do not believe that a fine in the amount of $50,000, plus a jail sentence of up to 5 years, is inadequate for the purposes of the antitrust laws. Indeed, Congress passed the amendment with the full understanding that we were raising the penalties to what they ought to be under modern conditions. But the point I make is, What will be the effect on that very amendment of the breadth of the proposed enactment contained in this bill?

That is one of the questions we have suggested in respect to the very broad applicability of this measure, from its terms. As I say, I hope very much that the proponents of the amendment will address themselves to that very knotty problem.

Also, I think they must address themselves to the grave problem in the Circuit Court of Appeals, as well as grave problems raised under the National Labor Relations Act, in respect of so-called national paralysis strikes, and various other provisions of that law.

I am one of those who voted against the Taft-Hartley Act. I believe to this day that that was the right course to follow, and I would do it again today, if I had it to do over again. But that does not change the fact that it is the law of the land; and it is my sworn duty as a Senator to see that I do nothing to interfere with the enforcement of the law, so long as it remains the law of the land.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CASE of South Dakota. I think the Senator from New York is pursuing the proper course in bringing to the attention of the Senate the suggestions he may have for the consideration of the conferees, should conferees be appointed for the consideration of the bill as it has been amended by the Senate.

In my thinking about this subject, it seems to me that there are two points which should be kept in mind.

The first is what the Senator refers to as the general applicability of the so-called jury-trial amendment. It is true that in other respects the bill was narrowed to make it apply to the right to vote. It might logically be argued that, in the same spirit, the application of the jury-trial amendment should be limited to the right to vote.

There is, however, one further problem which goes partly to the consideration of the first point, which I should like to mention. It seems to me that if we provide for a jury trial in connection with the right to vote, and if such jury trial is applicable in a case of criminal contempt, it carries with it the necessity of having some real distinguishing line between civil contempt and criminal contempt. I trust the Senator follows my point.

Mr. JAVITS. I do; and, as a matter of fact, that is one of my basic objections to the jury-trial amendment as drawn. I believe that the distinction, when it is not coupled with the distinction contained in the Clayton Act, namely, that the act committed must also be a crime under State or Federal law, is a distinction without a difference. That has been the basis for my argument. I do not wish to repeat it. We have been through it pretty thoroughly.

It has been the basis of my position that we place it within the power of the contemnor in voting-right cases to change what would otherwise be civil contempt into criminal contempt, and thereby change fundamentally his own jeopardy. That is one of my arguments against it—and I think quite properly. In other words, we are putting no roof on punishment for civil contempt; but, by making a line of demarcation, and setting up a wall as between civil and criminal contempt, without relationship to any crime, which is the present definition in the Clayton Act, I think we are making a fundamental mistake by putting it within the power of the contemnor to "play horse" with the court.

Mr. CASE of South Dakota. I have listened with great interest as the Senator has developed that point, both this afternoon and on other occasions. That is why I say there is a second effect which must be considered by the conferees, should the bill go to conference. In thinking about that problem, I have been trying to resolve it in my own mind. It seems to me that the crime actually occurs when, irretrievably, the failure to comply with an order of the court, or whatever other act might be involved, denies an individual the opportunity to vote, denies him the opportunity to exercise the right to vote. So I have thought that the dividing line might be placed at this point: Civil contempt should be such a failure to comply as would endanger the exercise of the right to vote, and criminal contempt should be such a failure to comply as would irrevocably deny the opportunity to exercise the right to vote.

Mr. JAVITS. I appreciate the Senator's views. If the Senator will indulge me, I am going into the question to some extent. I shall point out in what areas I think we run the greatest danger. To indicate my position, I believe that no decree of a Federal court can change the substantive State law on voting.

State law on voting often leaves a great deal, necessarily, in the discretion of the official who is the State's agent—whether he is the registrar, or whoever he may be—and it is almost impossible, even before voting day or primary day, to separate civil and criminal contempt from each other, unless the court wishes to repeal the State law in the case; which, of course, it cannot do constitutionally, because the 15th amendment to the Constitution, which we are discussing today, is a negative amendment; that is to say, it does not give a right, but, rather, protects a right already vested under State law. That presents us with the fundamental problem of trying to divide, in this particular case, the authority of the court between civil contempt, to be exercised by the judge alone, and criminal contempt, to be exercised only by a jury.

Mr. CASE of South Dakota. Mr. President, will the Senator yield once more?

Mr. JAVITS. Certainly.

Mr. CASE of South Dakota. The other point in which I was particularly interested during the debate, in which the Senator from New York was a participant, was with respect to the question of double jeopardy. My question is with respect to a person being placed in jeopardy twice under the same set of facts.

If a line were drawn between the act of endangering or impairing the right to vote, and the actual deprivation of that right, I wonder whether we could not say that there would be two sets of facts, and that punishment could be meted out for the lesser offense—that of merely endangering or impairing the right to vote—and to treat it under the injunctive process; but that when the line, so-called, were crossed, and there was an actual disobedience of the order of the court, amounting to a deprivation of that right, it would constitute a new act, or a second set of facts—or whatever the term is that lawyers use—and would constitute a new cause of action; and therefore no double jeopardy would be involved.

Mr. JAVITS. Of course, the courts have held time and again that it is possible to have both civil and criminal contempt in the same situation. Figures furnished by the Department of Justice show, for example, that the overwhelming majority of the contempts committed are criminal contempts. That statement is based on actual experience. Therefore I feel—and this is only my personal opinion, and I am not drawing on the law for my argument, but merely stating my own judgment—that with the jury-trial amendment in the bill, as a practical matter there will be no civil-

contempt cases; instead, there will be only criminal-contempt cases. In other words, we leave the judge no other choice, because the lines of demarcation have become so blurred under the bill as now written that he must issue a decree which carries out the State law in the case before him.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CASE of South Dakota. As a practical matter, for the purpose of the act, as it will be passed, I assume, it seems to me there must be some distinction made between the two terms.

Mr. CASE of New Jersey. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. CASE of New Jersey. On the question of the distinction between civil contempt and criminal contempt, I believe we are getting very close to the great difficulty of the definition which troubles the Senator from South Dakota, which troubles the Senator from New York, which troubles the Senator from New Jersey, and which troubles many other Members of the Senate.

As applied to the voting right, the Senator from New York has already suggested—and I merely asked the Senator to yield to me so that I might emphasize the point he has already made—that those who would seek to handle the situation by civil contempt are really going quite contrary to the whole doctrine—which they generally uphold—of civil rights. They would put the Federal judge in the position of the registrar, in that they would make it necessary for the judge—if the bill as it will probably be passed by the Senate should become effective—affirmatively to direct X to be registered by individual name; and they would make it impossible for the judge to do what he should be able to do; namely, to direct a particular election board or a country school board to proceed in accordance with State law without discrimination against any group of individuals, because of the specific prohibition contained in the 15th amendment to the Constitution. The court would be required to deal with individual cases, and thus would usurp the function of State and local agencies to determine the qualifications of individual after individual, and to direct that each individual separately be allowed to vote.

It seems to me the junior Senator from New York has made that point very clear, indeed, and has indicated to the Senate the dilemmas in which this quite impossible amendment would place the Federal judges and the Federal court system, and how it would affect the Attorney General if he attempted to use the proposed law for the purpose for which the Senate wished it to be used.

Mr. JAVITS. I thank the Senator. His contribution is very important to the discussion of the bill, and adds considerably to a clarification of our position.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. JAVITS. I am happy to yield to the Senator from Colorado.

Mr. CARROLL. I commend the distinguished junior Senator from New York for his fine presentation. Especially do I wish to commend him on his statement that he intends to vote for the pending bill. The Senator from New York has been one of the effective leaders in the Senate in the fight for a strong civil-rights bill. The bill is not all the Senator from New York or the junior Senator from Colorado would like to have. Nevertheless, a vote for the bill puts us in the position, as he says, of exercising responsibility with regard to it. As the junior Senator from New York has stated it is a responsible legislative act for the Senate to pass the bill and then to leave it to the House to work its will upon it. I agree almost completely with what he has said about the bill and with his very fine analysis of the situation.

I, too, intend to vote for the bill. It is certainly not what I had expected to vote for. Nevertheless, voting for its passage will establish a beachhead after 75 years, and will certainly accomplish many things for which all of us hope. A vote for the bill is a vote of responsibility. In my opinion, a vote against the bill is a vote of irresponsibility.

Mr. JAVITS. I thank the Senator from Colorado. I might say—and I am sure I express the feelings of many other Members of the Senate—although the Senator from Colorado, like myself, is a junior Member of the Senate, we have been tremendously impressed not only with his indefatigable attention to the bill but also with his profound and thorough legal learning, which he has evidenced so many times throughout the debate on the bill.

Two other portions of the bill are deserving of our attention and will merit serious consideration, I trust, from the conferees. The first is the fact that no provision whatever is made for action by the Attorney General or other Federal official or body with respect to civil rights, other than voting rights, except that they will be investigated by the Commission.

Here I am not endeavoring to reargue part III of the bill, except to call attention to the fact that undoubtedly it will be considered in conference. It should not be overlooked that that point was the subject of considerable debate in the Senate, and that a good many Senators who are present today voted to retain it in the bill. That fact no doubt will have an effect in conference.

My views on part III of the bill apply even when there is a request from the duly constituted local governmental body which may seek the intercession of the Attorney General or of the Commission itself, should it find facts to warrant such action.

The wide range of civil rights which were covered by part III was fully debated. One group includes rights as elementary as the voting right, such as the right to be a litigant, to serve on the jury, to have a fair trial when charged with a crime, and generally to be unintimidated and uncoerced in pursuing ones civil rights as an American. Then there are the rights to attend a desegregated public school, as required by the Supreme Court, to enjoy a public beach, golf course, or park. These latter rights are also protected by the 14th amendment, even though having some connection with the social order in the South as interpreted by the opponents of the bill. The record is replete with the urgent need for this or a similar remedy to be invoked by the Attorney General in order to validate the Constitution as to these civil rights which are the equal of other legal rights. This the Senate did not see fit to do for the full range of rights in part III as passed by the House, and I assume the action of the Senate was based on the theory of making haste slowly.

I believe that, on any theory, an unusually strong case is made out for action by the Federal Government, when a governmental body or the Commission itself believes that such action by the Attorney General is required, or where Federal action is needed to enjoin a conspiracy to hinder the duly constituted authorities from according equal protection of the law to individuals.

I therefore commend to the conferees, in respect of part III, these three thoughts, crystallizing them from what was debated in the Senate and from the subject of amendments in this body.

First, action by the Attorney General on rights other than civil rights through a single injunction at the request of a duly constituted body of Government, whether it be a board of education, a city or municipal council, or some other duly constituted legal body.

Second, when the commission which will be appointed under the bill itself believes that action should be started.

Third, when it is necessary to deal with a conspiracy seeks to frustrate or hinder or intimidate duly constituted authorities in a particular community from according the equal protection of the law to individuals.

The last of the three points relates to the amendment suggested, and actually voted on, by the distinguished Senator from Kentucky [Mr. COOPER], who is now in the Chamber.

I think one thing needs to be emphasized in that respect before I leave part III. Let us not forget that the mandate of the Supreme Court with respect to school desegregation remains the law of the land, and that nothing we have said or done in this debate, and no law we have passed, changes that situation.

As one Senator, I expect that that mandate will be carried out. I shall do everything I can as a Member of the Senate to make certain that it is carried out. I do not accept, by implication or otherwise, the fact that there may be no part III or a seriously changed part III in the bill indicates any change in the attitude of the United States with respect to carrying out the mandate of the Supreme Court in Brown against Board of Education. I hope other Senators feel as I do, because I think an unfortunate impression could be spread abroad that because we did not actually put part III in the bill in its full effectiveness, as did the other body, we are somehow implying that we do not consider school desegregation as vital and important a legal right of every individual, anywhere in the country, as we do the voting right.

I for one feel it is, and I shall do everything in my power to see to it that it is so respected in this country.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. Certainly.

Mr. COOPER. The Senator from New York [Mr. JAVITS] in his able discussion of possible approaches to part III in the conference between the Senate and House has mentioned a situation which was the subject of an amendment offered by me. At the time I offered the amendment no one wanted to compromise or to retreat from his position, and my amendment had no chance of success.

But I wanted to point out, in offering it, a situation which is real, a situation which has obtained, and unfortunately may occur again: That is, the situation which occurred at Clinton, Tenn. When a right has been adjudicated by a court, and when the court has entered its orders to enforce it, it seems to me to be utterly inconceivable that any argument can be advanced against authorizing the United States to act against a conspiracy mounted to oppose the adjudication of a court, perhaps even the Supreme Court of the United States.

For myself, I simply cannot admit or accept the view that when mobs and lawless groups of individuals, in a situation like that, rise to attack the judicial system of the United States itself, as well as the adjudicated rights of individuals, the United States should not be given larger powers to uphold the constitutional law of the land.

While the amendment which I offered received little support, it pointed out a dangerous and inexcusable situation, which we should not forget in the discussion of the bill, and in the conference.

It is my intention to vote for the bill. I hope it will meet some improvement in the conference, as has been suggested by the distinguished Senator from New York. The jury-trial amendment, should certainly be modified, if that is the only improvement which can be made.

I again want to say that no one, wherever he may live or whatever may be his views on civil rights, can excuse lawless acts against the mandates of the Court.

Mr. JAVITS. I thoroughly agree with the Senator from Kentucky. I think his amendment would have had very much support, including my own, if it had come at a time when the choice was between keeping part III as it was sent to us from the House and bringing it down to a narrower compass, such as was contemplated by a substitute amendment proposed by the Senator from Kentucky, respectful as I am of his reasons for having offered it at the point at which he did.

Mr. President, we would not be true to ourselves if the consideration of the bill were ended without emphasizing the urgency, on the facts with respect to part IV itself, of safeguarding voting rights with which the substantive provisions of the bill were designed to deal. When the facts themselves are examined, it is difficult to warrant confidence in a future which does not back with effective law the drive to attain the voting right itself.

The fact that the advocates of the jury-trial amendment, after offering elaborate proofs that Negroes did serve on southern juries, found it necessary to revise the Federal code to exclude the requirement that Negroes serving on Federal juries need to be voters, or otherwise conform to the jury laws in the States in which they serve, should itself go a long way toward demonstrating the major inconsistencies between assertions and facts by the opponents of the bill, both as to voting and jury service.

That concession was made. It was made as a result of the overwhelming evidence which was in the record adduced during the debate. I think that has a very significant bearing upon the assertions made with respect to voting, as well.

There is and has been a major denial of both voting rights and jury service to Negroes in Southern States, particularly in the Deep South, and I am convinced it is going on right now. The controversy regarding the systematic denial of voting opportunities to Negroes residing around Tuskegee Institute coupled with the gerrymandering of the whole area, when at long last the white light of publicity threatened to get the Negroes the vote in Tuskegee, is itself current and strong proof of these assertions.

On that subject, the press had an opportunity to interview two representatives from that community, and they gave some very interesting and up-to-date figures. They showed that of some 14,530 Negroes in Macon County, 21 years of age or over, in 1950, only about 1,100 are registered, and they gave the following figures to buttress their position for the years 1951 to 1954, inclusive:

In 1951, 161 Negroes made application, and only 23 received certificates of registration.

In 1952, 225 Negroes made application, but only 52 received registration certificates.

In 1953, 182 Negroes made application, but only 28 received registration certificates.

In 1954, 456 made application, but only 167 received registration certificates.

During those 4 years, 1,024 made application to become voters, but only 270 of them were registered.

Then, Mr. President, we come upon an 18-month period when no one could register because there was no board of registry; that situation was allowed to continue during that time.

When we compare the registration of Negroes in that county with the registration of white persons, and the difficulty of registration by Negroes with the ease of registration by the white people, the contrast becomes all the more marked and the statements of fact become all the more confirmed, namely, that there is, and has been, in that area direct and outright discrimination on grounds of color in affording voting rights in Macon County, Ala.

Mr. President, we are not left in doubt about the matter, even on the basis of the facts, because the Governor of a neighboring State—Mississippi—made no bones about it. His statements have been widely referred to in the debate in the Senate. On June 21, 1957, he is reported in the State Times, of Jackson, Miss., to have said, "I do not think Negroes are ready to vote in Mississippi at this time." At a somewhat later date in July, the same newspaper reported the same Governor as saying, with respect to the bill now before the Senate:

> This bill would be a "fairly harmless proposition" if when it passes, it would call for jury trial.

The record is replete with other recent examples; and in that connection I emphasize the word recent. They range from the systematic striking from the voting registry of the names of some thousands of Negroes in Louisiana parishes in the 1956 election, and the resultant refusal of the grand jury there to indict under Federal statutes, to a whole catalog of subterfuges and strategems to deprive Negroes of the right to vote in Alabama, Mississippi, Georgia, South Carolina, Florida, and other Southern States. All of them are cataloged and documented in the record we have been discussing. Indeed, we have seen the development of the antibarratry statutes in the States of Georgia, South Carolina, Mississippi, Virgima and Tennessee, and I believe the antibarratry statutes are still spreading, with a design to cut off a person whose civil rights are endangered from suing on his own behalf—which is all that such a person can do, aside from beginning a criminal prosecution—through denying him the help of other persons or organizations in the litigation.

Mr. President, I make this statement with all the solemnity at my command: The whole country will be watching what goes on in the South on this question of voting, for a great deal has been said here by Senators from the South about equality of opportunity for voting. I believe the authority we have given in this bill to the Attorney General in voting rights cases is very seriously compromised by the jury-trial amendment. Even if it were confined only to criminal contempts of injunctions obtained in voting-rights cases, it could be very frustrating and defeating to the rights we are seeking to safeguard.

But, Mr. President, nonetheless, where there is a will, there is a way. Let me say that I believe we have demonstrated an understanding of the position of those southern Senators and of their sincerity. They have been considered by us in the same way that they have treated those of us who have been proponents of this measure as it originally came to the Senate, namely, with great respect and deference, and that is as it should be. But I hope these southern leaders will as the days pass, reread what they have stated on the floor of the Senate with respect to voting rights, and that they will feel—for I know they are men of conscience—very deep responsibility for making all those assertions good, law or no law, in the days ahead.

I am convinced that even in injunction cases, where suits are brought by the Attorney General, the Federal courts must recognize the applicability of State election laws, and that in the majority of cases the injunction can protect only to the extent of giving the individual the

equal applicability of those State laws. This leaves such a wide range for discretion by State election officials as to make the overwhelming number of cases criminal contempts, for they will be dealing—in connection with such injunctions—with acts not susceptible of correction by the voting official, but, rather, applicable to his conduct in carrying out his duties.

Mr. President, my colleague, the Senator from New Jersey, has very clearly set that forth, because he has pointed out that if a court has to allow the State laws to control, a large measure of discretion will vest in the registrar. If he can be punished for not exercising the discretion fairly, then there will be a real inducement to exercising it fairly. But if he goes scot free if it is left to his discretion, more and more courts will try to deal with such situations on the basis of an outright order to register, and that will run counter to what all of us are interested in having done, if we are genuinely desirous of having voting rights expanded. But the situation is becoming more and more difficult; and the courts are practically compelled to make the determinations which normally need to be made, under State laws, by the State officials in charge of voting, because otherwise there will be no sanction whatever which is effective under the law.

The avoidances and strategems already practiced to deny Negroes their voting rights show what we may expect in this field, especially with officials acting under color of State authority, and with the full backing of their home communities, in denying the voting right they have successfully denied for generations in so many places.

Let me emphasize that it is not a happenstance that, in proportion, so very few Negroes vote in so many of the Southern States. Neither is it a happenstance that we have pointed out instance after instance—ranging from questions about how many bubbles there are in a bar of soap, and the invocation of grandfather clauses which were declared unconstitutional long before they were invoked to the closing of registration books, limitations on the number of persons who can enter a registry office, and the examination of Negroes in secret, instead of in public, and a host of other examples—which give us ample notice that an effective law is needed if there is to be a worthwhile result.

Mr. President, before I finish discussing the deficiencies of the bill, I should like to call attention to a provision which was largely overlooked during the debate, but which deserves more attention. It is the provision to be found on page 3 of the bill, from line 15 to line 18. It is a provision with respect to the operation of the Commission. That ambiguous provision might be construed as subjecting newspapers and other media of public opinion to criminal penalties for the disclosure of testimony taken in executive session by the Commission. This is a very serious matter, Mr. President, because neither this body nor the other body did anything about modifying that provision. It is a matter of considerable alarm to some sections of the press. I, myself, am seeking a way to have this defect remedied, although the existing parliamentary situation makes it very difficult to do so. I hope very much that all of us will think about what can be done to deal with what I consider to be a very legitimate fear on the part of the press that its normal operations may be seriously interfered with if this provision, as it now stands, remains in the bill without any clear discussion of its meaning and intent. I have outlined the dangers, deficiencies, and difficulties, only to recall more sharply to the attention of Senators the consequence of the actions we have already taken and the degree to which those in favor of an effective civil-rights bill, even one limited to voting rights, depend upon the action of the conferees. In fact, the answer to the question whether any bill will be sent to the White House depends upon having the conferees reach agreement.

I have noted a reported intention of the President to veto the bill if it came to him as passed by the Senate. I can well understand the President's position, if only by virtue of the number of statutes included in the jury-trial provision which are quite unrelated to civil rights and the way in which this provision could bedevil the administration of justice in the Federal courts. But it is my conviction that, in the final analysis, the President will assess the merits of this proposed legislation in terms of the degree of progress in civil-rights protection by Federal law makes, not in terms of whether it is or is not the ultimate achievement which the President of the United States and which, I deeply believe, a majority of the country and a majority of the Congress wish to see achieved at this time.

I express the expectation, Mr. President, that by taking the second vital step in the legislative process, voting to pass the bill in the Senate, we shall be bringing within reach a measure which the President of the United States can and will sign, and which will, at long last, after well over seven decades, mark some measurable progress in the struggle of mankind in this country for equal recognition of the dignity of the individual and an equal class of citizenship.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Kentucky.

Mr. MORTON. I commend the Senator from New York for what he has said respecting the problems involved in the bill as it is before the Senate after the third reading. I, too, shall vote for the bill. However, if it should come from conference in its present form—which I think highly unlikely—I would vote against the conference report and would urge the President to veto it if it should pass, because of the breadth of part IV with the so-called jury-trial amendment in it. I do not think we can put into the emotional overtones of this measure the revision of 38 or 39 very important statutes, which were enacted by previous Congresses, and which were fully debated. However, for the same reasons which the Senator from New York has so ably expressed, I shall vote for the bill, in the hope that conferees can do something to improve it and bring forth a measure which we can support and which the President will sign.

Mr. JAVITS. I thank the Senator for his comments.

Mr. President, I yield the floor.

## VISIT TO THE SENATE BY THE SENIOR SERVICE SCOUT TROOPS 347 AND 348 OF HOUMA, LA.

Mr. ELLENDER. Mr. President, I am delighted to have the privilege of announcing that among the visitors in the gallery of the Senate today are the members of the Senior Service Scout Troops 347 and 348, composed of a group of most delightful and especially fine young ladies who grace my hometown of Houma, La., by residing in it. The troops are under the able leadership of Miss Tracy Duplantis, a very popular schoolteacher.

So, Mr. President, it is, indeed, a distinct privilege and honor for me to be able to introduce these charming young ladies to the Senate. I take particular pride in being able to say that many years ago I went to school with the grandparents of some of the members of these two outstanding organizations which today are visiting the Senate. I would like to mention in particular the grandfather of three of these young ladies, Alex Lirette a highly respected citizen of my hometown; and also Thomas and Eulace Duplantis Matherne, the father and mother, of one of these fine young ladies. At this time I ask that the members of the Senior Service Scout Troops 347 and 348, of Houma, La., rise from their seats in the Senate gallery.

[The visitors rose, and were greeted with applause, Senators rising.]

Mr. ELLENDER. Mr. President, I ask unanimous consent that a list of the names of the young ladies who comprise these excellent groups, as well as their guests and chaperons, be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Troop 347: Mary Elizabeth Lirette, Daria Amadee, Joan Hamilton, Judy Haydel, Neddy Hayes, Kathy Hébert, Kathy Juenke, Mary Beth Lapeyrouse, Consuello Lirette, Eulace Matherne, Marie Lynette Olivier, Merle Pellegrin, Judy Seeber.

Troop 348: Connie Lirette, Doris Le Blanc, Julie Eschete, Anne Lapeyouse, Mary Ellen Hester.

Chaperones: Mrs. C. J. Amedee, Mrs. Hartley Ray, Miss Ollie Heriot.

Guests: Anita Lapeyrouse, Lolita Gary, Mary Susan Douthit, Milchen Mey, Margie May Amedee, Lynette Ray.

Alexis Lirette, mascot, intermediate scout.

Francis Gravois, of Vacherie, operator of bus.

## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. THURMOND. Mr. President——

The PRESIDING OFFICER (Mr. ELLENDER in the chair). The Senator from South Carolina is recognized.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. MORTON. I ask unanimous consent that the Senator from South Carolina may yield to me so that I may suggest the absence of a quorum, with the understanding that he may have the floor at the conclusion of the quorum call.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. THURMOND. I yield for that purpose.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BIBLE in the chair). Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I am opposed to the creation of a Commission on Civil Rights as proposed in part I of H. R. 6127.

To begin with, there is absolutely no need or reason for the establishment of such a commission. If there were any necessity for an investigation in the field of civil rights, such an investigation should be conducted by the States or by an appropriate committee of the Congress, acting within the jurisdiction of Congressional authority. It should not be done by a commission.

I also object to part I of H. R. 6127 because of the fact that it places duties upon the Commission and endows it with powers which no governmental commission should have.

In fact, Mr. President, the language of the bill proposing to establish this Commission is so broad and so general that it may encompass more evils than have yet been detected in it.

Under its duties and powers the Commission would be able to subpena citizens to appear before it to answer questions on many subjects outside the scope of elections and voting rights.

Section 104 (a) provides the Commission shall:

(1) Investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based.

Mr. President, the bill, in part IV, contains an additional protection of the voting right of citizens above and beyond present State and Federal laws. Provision is made for enforcement of part IV, and there were already sufficient enforcement provisions to carry out the intent of the existing State and Federal laws. I do not see how a commission could enhance the investigative powers of law-enforcement officers nor the enforcement and punitive authority of the courts.

I can see no valid reason why a commission should be created, in addition to the legal enforcement procedures, unless the purpose is for the Commission to stir up litigation among our people.

The bill has been advertised, promoted, and ballyhooed as a right-to-vote bill. However, I wish to cite two paragraphs which give broad authority for investigations into subjects other than alleged violations of a person's right to vote.

Section 103 (a) provides the Commission shall—

(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

Instead of limiting the power of the Commission, these two paragraphs provide it with carte blanche authority to probe into and meddle into every phase of the relations existing between individuals which the Commission and members of its staff could conjure up.

I invite particular attention to a divergence in language between paragraphs 2 and 3. Paragraph 2 refers to a study of legal developments constituting a denial of equal protection. Paragraph 3 says "appraise the laws and policies of the Federal Government with respect to equal protection."

The significant thing here is the omission of the specific intent of paragraph 2. Although the language of paragraph 2 is obscure and omits a governmental reference, it obviously must refer to State and local governments, or it would be redundant and have no meaning at all.

Also, as I pointed out, investigations conducted under paragraphs 2 and 3 could go far afield from the question of voting rights. The Commission could exert its efforts toward bringing about integration of the races in the schools and elsewhere, under the authorization of these two paragraphs. Combining its authority to investigate on an unlimited scale and its authority to force witnesses to answer questions, the Commission would have a powerful weapon.

Mr. President, I do not believe the people of this country realize the virtually unlimited powers of inquiry which would be placed in the hands of this political Commission. While the Commission would have no power to implement its desires, I do not believe the people of this country want such a totalitarian type of persuasion imposed upon them.

Part I of H. R. 6127 purports to create a Civil Rights Commission. Actually, it would create a traveling investigation Commission.

Section 103 (b) of part I also would place tremendous power within the grasp of the Attorney General with reference to members of the Commission "otherwise in the service of the Government." The clear implication is that whoever drafted this scheme to send traveling agents over the country intended to make use of certain members of the executive branch of the Federal Government. I do not believe it would be necessary to look further than the Justice Department to determine where Commission members already in Government service would be secured. By placing his employees on the Commission, the Attorney General would transform the traveling agents into an additional investigative arm of the Justice Department.

Mr. President, I next invite attention to the potential abuse found in section 102 (g) under the innocuous title, "Rules of Procedure of the Commission." That section provides:

No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than 1 year.

In an editorial of July 26, 1957, the Washington Post very correctly pointed out how this section could be used to imprison reporters and other citizens for disclosure of what a witness might voluntarily tell them. The editorial provides a penetrating and enlightening criticism of this section. Because of its pertinency and fine analysis, I shall read the last three paragraphs of the editorial, which is entitled "Open Rights Hearings":

The bill contains an invitation to the Commission to operate behind closed doors. It provides that "if the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall * * * receive such evidence or testimony in executive session * * *." Some closed sessions may be necessary to avoid unfair reflections upon individuals, but these should certainly be an exception to the general rule. In our opinion, this section ought to be rewritten in more positive vein to provide that sessions of the Commission should be open to the public, unless it should find that closed hearings were essential to avoid unfairness.

The House also wrote into the bill a dangerous section providing for the fining or imprisonment for not more than 1 year of anyone who might "release or use in public," without the consent of the Commision, any testimony taken behind closed doors. If the Commission should choose to operate under cover, without any valid reason to do so, newspaper reporters and other citizens could be jailed for disclosure of what a witness might voluntarily tell them. This is a penalty that has been shunned even in matters affecting national security. Such a provision is an invitation to abuse and a serious menace to the right of the people to know about the activities of governmental agencies.

It is well to remember that this would not be merely a study Commission. In addition it would be under obligation to investigate allegations that persons were being deprived of their rights under the 14th and 15th amendments. It could subpena witnesses and documents and appeal to the courts for enforcement of such edicts. Its powers would be such that it should be held to scrupulous rules of fairness. To encourage the Commission to operate in secret, and then to penalize news media and citizens for disclosing what should have been public in the first place, would be the sort of mistake that Congress ought to avoid at the outset.

Those are the words from the Washington Post editorial.

Mr. President, I think the points made in the editorial are clear and valid. Secrecy in the activities of such a commission could only lead to a denial of

the rights of an individual rather than to protection of his rights.

Another subject which must not be passed over is the subpena power of the Commission. Section 105 (f) provides that "subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission."

Mr. President, many of the committees and special committees of the Congress do not have this power. The Truman Commission on Civil Rights did not have it. The subpena is a punitive measure, generally reserved for penal process whereby powers are granted to force testimony which would not otherwise be available. If the proposed Commission were simply a factfinding commission and nonpolitical, the extreme power to force testimony by the use of a subpena would not be needed.

Neither would the power contained in section 105 (g) which provides that Federal courts shall have the power, upon application by the Attorney General, to issue an order requiring a witness to answer a subpena of the Commission and any failure to obey such order of the court may be punished by said court as a contempt thereof.

The power of subpena in the hands of a political commission and the additional power to enforce its subpenas by court order diverge from the authority of the traditional American factfinding commission.

I look with suspicion upon such a commission so endowed with authority, and I object to its establishment.

Mr. President, I want to discuss another reason, briefly, why I would be opposed to the establishment of the Commission proposed in part 1 of H. R. 6127. Every appropriation bill which has come before the Senate this year has been reduced by the Senate below the budget request. The people of this country have called upon Members of Congress to reduce the costs of Government, not to increase them by creating new agencies or commissions.

The advocates of the Commission might argue that the cost of its operation would not be great, but nowhere in the records of the hearings have I found an estimate of what the total cost would be. If the Commission were to exist only for the 2 years provided in the bill, the compensation and per diem allowance of Commission members would amount to more than a quarter of a million dollars, not counting their travel allowances.

Since there is no limitation on the number of personnel which might be appointed by the Commission, there is no way to estimate the ultimate cost of personnel salaries and expenses. Since the Commission is designed to travel over the country at will, very heavy travel expenses undoubtedly would be incurred.

The taxpayers would never know how many of their tax dollars were wasted by virtue of the seemingly innocuous language in section 105 (e). Unknown, concealed costs are not, however, the only dangers lurking in that subsection. A serious departure from sound legislative procedure is also involved.

In the past, when creating an agency or commission, Congress has retained control of its creation by the appropriation power. This is a wonderful check, Mr. President, against the abuse or misuse of Commission authority. Scrupulous care should be taken to preserve it.

However, section 105 (e) provides that:

> All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

Thus the Civil Rights Commission could call on other governmental agencies to perform many of its tasks. Congressional control over the Commission would be much less than if the Commission had to depend on its own appropriations and were not permitted to use the resources of other agencies. Once the Commission is created, only another law can check its activity during the period of its existence.

Another point which concerns me about this Commission is the fact that once a Government agency or commission is established, nothing else on earth so nearly approaches eternal existence as that Government agency or commission. Mr. President, I fear that the 2-year limitation placed upon the Commission in this bill would simply be a starting point, and the people of this country should realize that at this time.

With further reference to section 104 (a), I want to point out the use of the mandatory word "shall." This word requires the Commission to investigate all sworn allegations submitted to the Commission of any citizen allegedly being deprived of his right to vote.

But the provision neglects to require that such allegations be submitted by parties in interest—not simply by some meddler who seeks to create trouble between other persons. This is another provision of the bill similar to section 131 (c) which would permit the Attorney General to make the United States a party to a case without the consent of the party actually involved.

Another objection to section 104 (a) is that under this provision a person could make an allegation to the Commission, against a person who was not even a citizen of the same State. Even so, under the mandatory language of section 104 (a), the Commission would be required to make an investigation of the charges.

Since the Commission is limited by section 102 (k) to subpenaing witnesses to hearings only within the State of residence of the witness, there would be no opportunity in such a situation for the accused to confront his accuser. Charges against a person should not be accepted by the Commission unless the accuser is a citizen of the same State as the person he is charging with a violation of the law.

Also, once the Commission has received the sworn allegation, there is no requirement that other testimony received relating to the allegation be taken under oath. Failure to make all persons giving testimony subject to perjury prosecutions in the event they testify to falsehoods would surely destroy the value of any such testimony received.

The Commission could and might adopt a rule to require sworn testimony; but I should not like to see the Senate leave that point to the discretion of the Commission because, in my judgment, the Congress should require that practice to be followed.

Mr. President, as I stated earlier, it is my view that an inquiry into the field of civil rights, or so-called civil rights, is entirely unnecessary at this time. The laws of the States and the Federal laws are being enforced effectively.

Should there come a time when information might be needed on this subject, the Congress should not delegate its authority to a Commission. In such a delicate and sensitive area, the Congress should proceed with deliberation and care. The appropriate committees of the Congress itself should hold hearings limited to the jurisdiction of the Congress, and the Congress should make its own determination as to the need for legislation.

There is no present indication that any such study will be needed.

Part II of the bill still provides for the appointment of one additional Assistant Attorney General in the Justice Department. As I have stated in previous addresses, there is absolutely no need for an additional Attorney General to be appointed at a cost to the taxpayers of $20,000 per year.

Of course, that would merely be a small part of the total cost because a large staff of lawyers would also be employed.

The other provisions of the bill do not necessitate the establishment of a civil-rights division in the Justice Department, because there is no indication there would be any substantial increase in such cases with which the Department should be concerned.

Even those who have advocated passage of H. R. 6127 have admitted time and again here in the Senate that there has been a steady decrease in the number of civil-rights cases throughout the country.

Since there has been a decrease in civil-rights cases, and since there is no indication that any increase should be expected, I can see absolutely no reason for the expansion of the present civil-rights section of the Justice Department into a civil-rights division, with an additional Assistant Attorney General in charge.

Mr. President, in view of the fact that sufficient justification has not been presented for the appointment of an additional Assistant Attorney General, I hope the Senate will not approve such additional expenditures as would be required for this purpose. In my opinion, the Attorney General has failed entirely to show a need for an additional assistant.

Part III of the bill, as amended, has been thoroughly discussed, and I shall not dwell on that part of the bill at this time.

Part IV, which is the section dealing with what the advocates of the bill have said was the entire purpose of the bill, still has provisions which are objectionable to me. Section 131 (c) still contains language which, to me, borders on an

effort at thought control instead of providing an unneeded additional guarantee of the right to vote. Also, it gives the Attorney General undue authority. The section reads as follows:

(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

As long ago as February 26, when I appeared before the special Judiciary Subcommittee of the House of Representatives to testify against pending civil rights bills, I expressed my opposition to the language contained in the section I have just quoted. I do not believe it possible for the Attorney General, for any of his representatives, or for anybody else to determine what is in another person's mind and whether he is "about to engage" in some violation of the law.

If the Attorney General should attempt to ascertain what is going on in the minds of other persons, he will need soothsayers and prophets instead of an additional Assistant Attorney General.

I object to this language because I do not believe it possible for any witness to testify truthfully that he knows another person was "about to" violate the law, unless some overt act had been taken by the accused person.

Mr. President, an attempt to apply this provision against American citizens would be completely out of keeping with the guaranties of personal freedom contained in the Constitution and in the Bill of Rights.

I object also to the authority granted the Attorney General in section (c) to institute for the United States, or in the name of the United States, a civil action or other court proceeding on behalf of a person without the consent of that person. Individuals have adequate legal remedies which they themselves may institute on their own behalf. It is not necessary to give the Attorney General this extreme power of absolute discretion to be exercised as he desires on behalf of some individual who may not wish to take court action or to have anybody else take such action on his behalf.

If one of the duties of the proposed additional Assistant Attorney General would be to seek out persons and insist upon entering the courts on their behalf, this provision, combined with part II, provides another objection to the appointment of an Assistant Attorney General.

The American system has never condoned the idea that a third party should stir up trouble between two other persons. Instead, the American system abhors troublemakers, especially when troublemaking takes the form of barratry. This form of troublemaking has been looked down upon much in the same way other lawyers look down upon their colleagues who chase ambulances.

The United States Government should not be placed in this position of disrepute, and certainly it should not be called upon to bear the expenses of such court proceedings.

Another particularly obnoxious provision is found in section 131 (d) which provides that:

(d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

No legitimate reason has been presented as to why administrative remedies and remedies provided in the courts of the States should not be exhausted prior to Federal district courts taking jurisdiction in election law violations.

This could be a step toward future elimination of the State courts altogether. I do not believe Congress has, or should want, the power to strip our State courts of authority and to vest it in the Federal courts. Some of the advocates of H. R. 6127 have spoken out strongly on behalf of the Federal courts during the debate on the jury-trial amendment. I wish they were equally as vehement in their defense of our State courts.

There is no reason to permit an individual to bypass the administrative agencies of his own State and the courts of his own State in favor of a Federal court when the matter involved is principally a State matter. If a person should be dissatisfied with the results obtained in the State agency and courts, he could then appeal from the decision. But until he has exhausted established remedies, he should not be permitted to bypass them.

The laws of all the 48 States contain provisions protecting the right to vote. No additional protection is needed beyond existing State and Federal laws.

In my own State of South Carolina, the constitution of 1895 required the general assembly to provide by law for the punishment of crimes against the election laws. That has been done. The State constitution further required a provision to permit a person to appeal to the State supreme court if he should be denied registration. The election law spells out the right of appeal to the State supreme court, and requires that the court hold a special session if one is not scheduled between the time of an appeal and the next election.

South Carolina's constitution also provides that no power, civil or military, shall at any time prevent the free exercise of the right of suffrage in the State. In pursuance of this constitutional provision, the South Carolina General Assembly has enacted laws for the punishment of anyone who threatens, mistreats, or abuses any voter in an effort to control or intimidate him in the free exercise of his right of suffrage. These laws apply to all elections. Anyone who violates these laws is subject to a fine and/or imprisonment.

Mr. President, in view of the existing laws of the States and the existing Federal laws, I now contend, as I have contended since the so-called civil rights bills were introduced, that any qualified voter in the United States is fully protected in his right of suffrage.

H. R. 6127 is unnecessary. It is an encroachment upon the rights of the States, and it infringes upon the rights of individuals when the Attorney General is empowered to take action on behalf of any person without his consent.

I believe this bill should be rejected, because of the various unnecessary and unconstitutional provisions which I have discussed.

Part V of the bill, which was added to insure and provide for trial by jury in proceedings to punish criminal contempts, is an amendment which I approved and for which I voted, but I do not consider it as strong as desirable. In my opinion, the bill which the senior Senators from Mississippi and Virginia and I introduced in the Senate last March should be approved, because it provides best for the right of trial by jury for every American citizen.

However, the addition of part V to the bill makes it much less objectionable than the bill would have been without the assurance of trial by jury in criminal-contempt proceedings contained in part V.

Mr. President, I reiterate my previous assertions that the pending bill is unnecessary, and in some respects unconstitutional.

H. R. 6127 in its original form carried the label of being a right-to-vote bill; but when we unwrapped the package here in the Senate and examined it carefully, as we have, we found the label was entirely misleading.

The so-called civil-rights bill should have been entitled a bill to empower the Attorney General to deprive certain citizens of their right to trial by jury. Also, it should have been labeled as an implement intended to be used to force integration of the races in the public schools.

Happily, we examined the contents of the package, stripped off the old label, and advertised the deception so that every citizen could recognize the dangers wrapped in the package.

The amendments which have been adopted have reduced the power which was intended to be placed in the hands of the Attorney General. They have removed the authority for the use of military forces in cases of alleged civil-rights violations. They have made the proposed Commission answerable to Congress as well as to the President, and have provided that the members shall be subject to confirmation by the Senate. They have better defined and narrowed the powers of Federal judges in contempt proceedings. All of these amendments have vastly ameliorated the original obnoxiousness of H. R. 6127. However, nothing could entirely remove the objectionable features of this packaged bill of goods, submitted to the American people under a deceptive label.

I shall vote against the passage of H. R. 6127, because I believe that in so doing I shall be casting a vote for the preservation of our liberties, and for the preservation of constitutional government in this country.

The PRESIDING OFFICER. The question is on the passage of the bill.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

Mr. ERVIN. Mr. President, will the Senator withhold his suggestion of the absence of a quorum?

Mr. THURMOND. Mr. President, I withdraw the suggestion of the absence of a quorum.

Mr. ERVIN. Mr. President, I do not know who drew the bill, but he certainly had contempt for the Constitution of the United States. In addition to seeking to deprive some Americans of their constitutional rights of indictment by grand jury and trial by petit jury, and their constitutional right not to be twice placed in jeopardy for the same act, he has also manifested contempt for the first amendment. I invite the attention of the Senate to the following provision which appears on page 3:

> Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than 1 year.

That is a provision which flies squarely in the face of the first amendment and manifests that whoever drew the bill is guilty of contempt for the Constitution of the United States.

Mr. President, we have heard many peculiar arguments about the bill. We heard one this morning in which it was suggested that the limitation of punishment which appears in the O'Mahoney amendment would impede the United States in the enforcement of the antitrust laws. It was overlooked by the advocate of that argument that this limitation of punishment applies only in favor of natural persons, and has no application whatsoever to the artificial combines which possess enough economic power to create monopolies in interstate commerce. Likewise, it has no application to the railroads, which the Interstate Commerce Commission was created to regulate. Likewise, it has no application to the corporations which operate the stockyards. So that argument is totally lacking in validity.

Some of the most harmful aspects of the original bill have been eliminated by amendment. I commend the courageous Members of the Senate, particularly the courageous Senators on the other side of the aisle, who, in spite of the claims of partisanship, had the hardihood and the intelligence to vote for the elimination of part III and for the insertion in the bill of the O'Mahoney-Kefauver-Church jury-trial amendment.

The adoption of the jury-trial amendment is one of the most wholesome things that has occurred since I became a Member of the United States Senate.

Many unjust discriminations exist in the present Federal law relating to contempt proceedings. For example, if a private person or a corporation brings a suit, the persons charged with criminal contempt in such suit have the right to trial by jury, and the right to limited punishment, which cannot exceed 6 months in prison or a fine of $1,000, payable to the Federal Government. But if the United States should happen to be the party which brings the particular suit, the respondents charged with criminal contempt in the suit, would be denied the right of trial by jury and would be subject to any punishment by way of imprisonment or fine the judge might inflict, until the judge's decree conflicted with the provision of the eighth amendment to the Constitution, which prohibits excessive fines and cruel and unusual punishments.

No one has yet given a single sensible reason or a single just reason for permitting the United States to require all its citizens to litigate, in contempt cases, under one law, and then to insist upon litigating, itself, under another law giving it a preferential procedural basis. That kind of discrimination cannot be justified.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to the distinguished Senator from Tennessee, who is one of the authors of the jury-trial amendment.

Mr. KEFAUVER. As a matter of fact, in a criminal contempt case, with all the facilities of the Department of Justice, including its attorneys, and with all the strength and dignity of the Government, at hand, and when the Government is a party plaintiff, is there not more reason why a defendant, an individual citizen, should have the protection of a jury trial?

Mr. ERVIN. Absolutely. In that instance, there would be more justification for that kind of discrimination. However, I have always advocated, and I believe in, a system of law which is just, and which provides that all litigants shall litigate on exactly the same basis, so far as procedural law is concerned.

(At this point Mr. ERVIN yielded to Mr. O'MAHONEY, who addressed the Senate on the civil-rights bill. On request of Mr. O'MAHONEY, and by unanimous consent, his remarks were ordered to be printed in the RECORD following Mr. ERVIN's remarks.)

Mr. ERVIN. The Senator from Wyoming has cited figures which show that the charges to the effect that the jury-trial amendment would impede the action of the Department of Justice in other cases have no substance whatever. It appears from the figures produced by the distinguished Senator from Wyoming that the total number of contempt proceedings instituted by the Department of Justice in the United States during any one of the years for which figures are available is less than the number of cases that can be found on the police-court docket of any town in the United States of the population of 5,000 or more, on any Monday morning.

The Senator from Wyoming is absolutely correct in his statement that the jury-trial amendment would not impede a court in utilizing a civil-contempt proceeding to enforce its judgment. The argument that the respondent in a contempt proceeding can determine whether it is civil or criminal is ridiculous. Whether a contempt proceeding is civil or criminal is dependent upon the objective of the proceeding. If the objective is to enforce the judgment of the court, it is civil. If the objective is merely to punish by fine or imprisonment, the proceeding is criminal. There is no reason whatever why a person charged with murder should be granted the right of trial by jury and a person charged with criminal contempt should be denied the right of trial by jury.

When all is said, the jury-trial amendment removes inequalities in punishment and inequalities with respect to the right of trial by jury under existing law, and makes everyone under the same circumstances stand equal before the law so far as contempt proceedings in the Federal courts are concerned. Any system of justice worthy of the name is a system of justice which operates under certain and uniform laws, applying in like manner to all persons in like circumstances. That is exactly what the jury-trial amendment brings about in the law of contempt.

During the delivery of Mr. ERVIN's speech,

Mr. O'MAHONEY. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I am glad to yield.

Mr. O'MAHONEY. Let me explain why I have interrupted. I have an important engagement which I must meet in 15 minutes. I have a statement I should like to place in the RECORD.

I therefore ask unanimous consent, Mr. President, that, without taking the Senator from North Carolina off the floor, I may have the opportunity to make my statement and have it appear in the RECORD following the remarks of the Senator from North Carolina.

The PRESIDING OFFICER (Mr. SCOTT in the chair). Without objection, it is so ordered.

Mr. ERVIN. I am delighted to yield under these circumstances to the distinguished Senator from Wyoming [Mr. O'MAHONEY], who has made such a valiant fight for inclusion in the civil-rights bill of the amendment providing for the right of jury trial.

Mr. O'MAHONEY. The Senator from North Carolina is very kind.

Mr. President, I am prompted to make these remarks by the presence on the floor of the senior Senator from New Jersey [Mr. SMITH]. I desire to compliment him because on Sunday afternoon it was my pleasure to hear him discuss the subject of civil rights on the Columbia Broadcasting System's program entitled, "Face the Nation." If I correctly understood what he said in response to an inquiry from one of the members of the news panel, it was that it is his purpose to support the bill as it now is written, including the jury-trial amendment. He explained his willingness to do so, not because he was wholly satisfied with the bill, but because he regarded the bill as a great advance in the struggle to establish civil rights.

So I desire to express my great appreciation for the statesmanlike attitude of the Senator from New Jersey.

This afternoon, I heard the junior Senator from New York [Mr. JAVITS] make a similar announcement; namely,

that it is his intention to support the bill as it now stands.

Mr. SMITH of New Jersey. Mr. President, will the Senator from Wyoming yield briefly to me?

Mr. O'MAHONEY. I yield.

Mr. SMITH of New Jersey. I appreciate very much the kind statement by the Senator from Wyoming. However, I do not wish to have it appear that I approve the jury-trial amendment.

Mr. O'MAHONEY. I understand.

Mr. SMITH of New Jersey. In fact, I do not approve it. I think it only complicates the purpose of the bill, namely, to assure the right of everyone in the United States to vote, regardless of race, creed, or color. I wish to make that clear.

I said I would vote for the bill even with the jury-trial amendment included, because I believe a right-to-vote bill must be enacted this year.

Mr. O'MAHONEY. That is why I am so pleased that the Senator from New Jersey made that statement, because it seems to me to be a forceful argument for Senators now to lay aside legalistic arguments, in view of a recognition, as the Senator from New Jersey recognizes it, that the bill as it now stands constitutes a gigantic step forward, and that, therefore, we should not lose the opportunity to have this bill, which will advance and protect voting rights, placed on the statute books.

Mr. SMITH of New Jersey. Mr. President, will the Senator from Wyoming yield further to me?

Mr. O'MAHONEY. I yield.

Mr. SMITH of New Jersey. I should like to emphasize further that I believe this bill probably constitutes the greatest advance in the field of civil rights since the Civil War. This is the first time it has even been possible to make an approach toward getting together with our friends from the South.

I have never believed in attempting to use force. Instead, I have believed in trying to work with our southern friends in proceeding, step by step in cooperation with them, to make this bill effective.

However, I point out that I challenge them to see to it that the bill is made effective, and is not abused.

I believe the Senator from Wyoming firmly believes in every word I have uttered.

Mr. O'MAHONEY. Mr. President, I am sure the Senator from New Jersey firmly believes in what he has said.

Let me say that the Senator from Tennessee [Mr. KEFAUVER] is now in the Chamber, and he is one of the sponsors of the jury-trial amendment. I am sure that he believes, as I do, that the bill, including the jury-trial amendment, will advance the cause of equality and racial understanding throughout the South.

One great misunderstanding has been indicated previously on the part of persons who have not comprehended the facts. It was also indicated during the debate, it seems to me. They say that for 80 or 90 years the Negroes have been oppressed in the South. They seem to believe that the unjust things which happened to Negroes in times past are a common thing today throughout the Southland.

NEGROES ON JURIES

Mr. President, that is not a fact. We have had the testimony of United States judges of district courts in the South—some of them appointed by Republican Presidents and confirmed by Republican Senates—that throughout their long experience Negroes have sat upon the juries in the United States district courts.

The Senator from North Carolina [Mr. ERVIN], who has been so kind as to yield to me, in order to permit me to make this statement, has told us, on his responsibility as a Member of the United States Senate and as a former judge in North Carolina, that it has been his experience that Negroes do serve on the juries in the South.

One of the troubles about the debate, Mr. President, arises from the fact that many persons have thought that the jury-trial amendment was designed to place the trial of charges of violations of voting rights in the hands of juries in the State courts. That is not a fact. We are dealing with the Federal power, and the Federal power alone.

So, with the Senator from New Jersey on the floor, I wished to take advantage of his presence in order to develop this colloquy and to have him state here what he stated on the television program.

DAWNING OF NEW DAY

I desire to state that I quite agree with him. I believe that passage of this bill will mean the dawning of a new day of racial understanding throughout the United States. I also feel that way about the remarks made today by the junior Senator from New York [Mr. JAVITS] and the remarks made last Friday on the floor of the Senate by the junior Senator from Oregon [Mr. NEUBERGER]. He also stated that, although he was opposed to the jury-trial amendment, he favors passage of the bill because he recognizes what all other persons who are looking at this measure without too great a political connotation must recognize, namely, that it represents a real step forward.

Only yesterday, Members of the Senate, together with other distinguished citizens of the United States named by the President of the United States, Mr. Eisenhower, journeyed to Vienna, Ga., to pay tribute to the late Senator George, at the funeral services which were held there. Senator George was recognized by everyone with whom he came in contact as a great man, a man of impeccable character, a man who ranks among the greatest and the best who ever trod the floor of the United States Senate. When the President appointed him to be the United States Ambassador to NATO, the President was selecting a man whom he knew to be a leader in the cause of the advance of human society.

Mr. President, there are many such leaders in the South. I rank among them the Senator from North Carolina [Mr. ERVIN] and the Senator from Tennessee [Mr. KEFAUVER], who now are on the floor of the Senate. They wish to see progress made, and they have helped achieve progress.

So I plead with my senatorial friends who do not agree with everything which has been written into the bill—just as I do not agree with everything which was written into the bill as it came to the Senate from the House of Representatives, and just as I do not agree with everything in it now—to recognize the fact that we are making great progress. By passing this bill the Senate will be sending word to all the colored peoples and all the races of all the nations of the world that progress is being made in the United States. Mr. President, that is far better than to sow the seeds of domestic misunderstanding and conflict.

Mr. SMITH of New Jersey. Mr. President, will the Senator from Wyoming yield further to me?

Mr. O'MAHONEY. I yield.

Mr. SMITH of New Jersey. I wish to say to the Senator from Wyoming that I appreciate what he has said about the journey made yesterday to Vienna, Ga. I was privileged to be among the group from Washington which attended the funeral services there. We went to pay tribute to a man with whom we had served in the Senate; in my case, I had served with him for a period of 10 years; in other cases, there had been much longer service with the late Senator in the Senate. Without exception, I never before have been so much moved in all my life as I was moved to see the simple home from which that great man came, a man who in my judgment was spiritually endowed with greatness by Almighty God.

From my long experience with Senator George on the Foreign Relations Committee, I know that he thought in terms of the people and in terms of the human equation and in terms of what he must do in order to make all people akin and equal.

It is because of my association with Senator George and with other Senators of outstanding character that I have felt in connection with this issue that the Senate would make a mistake if it were to go far afield. Therefore, I cooperated in striking title III from the bill. It seemed to me it constituted an affront to the South which we could and should avoid. I hope our friends from the South can join with us for the first time, so that together the North and the South can try to solve the delicate and important problem of giving everybody the right of franchise and of participating in government without regard to race, creed, or color.

That is why, while I do not agree with the ramifications of the Senator's amendment, I shall support the bill whether or not the amendment is in it. I hope in the conference with the House an adjustment can be made, so that for the first time since the Civil War the South and the North can unite in an effort to solve this very difficult emotional problem.

Mr. O'MAHONEY. The bill represents the greatest progress since the Emancipation Proclamation was written by Abraham Lincoln.

Mr. SMITH of New Jersey. I feel in my own heart that if we can pass a right-to-vote bill under which such rights will really be protected and the

provisions of which will be accepted with understanding and enthusiasm by the people who have the responsibility of enforcing its provisions, it will represent great progress. I know the Senator will agree with me in that statement.

Mr. O'MAHONEY. I think the Senator has been most helpful in bringing about a sensible solution of the problem.

NO WEAKENING OF JUDICIAL SYSTEM

Mr. President, I wish to say that, in my opinion, those who think the jury-trial amendment weakens the bill are overlooking the fact that the legislation of this country deals with two kinds of offenses. There are those criminal offenses which are committed by individuals when they vary from the injunctions of the Ten Commandments. Those offenses against the law of God and against the law of man are offenses of a criminal nature which are punishable as crimes because they are offenses in themselves.

But the laws which regulate commerce deal with offenses that sometimes are only slightly different from the offenses which are committed by those who go through red lights in the big cities. Crimes by individuals, convictions of which bring dishonor, are utterly different from offenses which are crimes only because they are prohibited by a law or offenses which are committed by corporations. It has been alleged during the argument, as a reason that ought to sway Senators to vote against the bill, that the jury-trial amendment would somehow, in some manner, weaken our judicial system. I say without any hesitation it does not impair the power of the court to enforce its orders without a jury trial. It certainly does not create chaos in the enforcement of the Nation's laws regulating commerce, as charged by some opponents.

The Senator from Tennessee [Mr. KEFAUVER] and the Senator from Idaho [Mr. CHURCH], who joined me in offering the jury-trial amendment, believe firmly, as I do, that the amendment strengthens the civil-rights bill. It does not introduce the slightest confusion in our judicial system.

The three of us yesterday sent a telegram to the Department of Justice asking for explicit information concerning past criminal contempt actions brought by the Government. After that was done, as chairman of the Senate Judiciary Subcommittee on Improvements in the Federal Criminal Code, I also wrote a letter to Acting Attorney General William P. Rogers for further details to the same effect.

I ask unanimous consent that copies of the telegram and of the letter be printed in the RECORD at this point.

There being no objection, the telegram and letter were ordered to be printed in the RECORD, as follows:

Hon. WILLIAM P. ROGERS,
*Acting Attorney General,*
*Department of Justice,*
*Washington, D. C.:*

Please advise the number of criminal contempt actions brought by the United States to punish for willful disobedience of equity orders or decrees issued by Federal courts in the enforcement of all Federal statutes since January 1953. As soon as possible thereafter, please provide in further detail complete identification of the cases, the statutes involved, the results of the actions, and whether or not a jury was offered to or used by the defendant in the proceedings.

Senator JOSEPH C. O'MAHONEY.
Senator ESTES KEFAUVER.
Senator FRANK CHURCH.

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AUGUST 5, 1957.

Hon. WILLIAM P. ROGERS,
*Acting Attorney General*
*Department of Justice,*
*Washington, D. C.*

MY DEAR MR. ATTORNEY GENERAL: As chairman of the Subcommittee of the Senate Judiciary Committee on Improvements in the Federal Criminal Code, I joined today with Senators ESTES KEFAUVER and FRANK CHURCH in requesting of the Department the following information:

The number of criminal contempt actions brought by the United States to punish for wilful disobedience of equity orders or decrees issued by Federal courts in the enforcement of all Federal statutes since January 1953.

In addition we asked that as soon as possible thereafter, the Department provide in further detail complete identification of the cases, the statutes involved, the results of the actions, and whether or not a jury was offered to or used by the defendant in the proceedings.

I should now like to request the same information covering the life of every statute involved, with an annual breakdown identifying the particular year in which specific actions were brought.

It is important that this information be available to the Members of the Senate at the earliest possible time. I am assuming that the initial statistical request can be complied with immediately, and express the hope that the more detailed information can be supplied within a very few days.

Sincerely,

JOSEPH C. O'MAHONEY.

SMALL NUMBER OF CRIMINAL CONTEMPTS

Mr. O'MAHONEY. Mr. President, I am aware that the answers which will be forthcoming are already available from other sources. I have had an examination made of the records of the office of the Administrator of the United States Courts. These records show that for the year ending on the 30th of June, 1957, there were only 39 cases of criminal contempt filed in all the courts of the United States under the provisions of sections 401 and 402 of title 18 of the United States Criminal Code. The first of these sections involves the general power of the court to punish contempts committed in the presence of the court, disobedience by court employees, and willful disobedience of its orders. Only the last group of cases involving willful disobedience of court orders is affected by the jury trial amendment.

The second section 402, is the provision of law taken from the Clayton Act, which already allows a jury trial in cases of criminal contempt for willful disobedience of a court order if a criminal statute, Federal or State, has also been violated.

It thus appears, from the careful count kept by the office of the Administrator of the United States courts, that the jury trial amendment is altogether innocent of the exaggerated charges brought against it during the past week in the heat of debate by those who wanted the so-called civil-rights bill passed in its original form without change or amendment of any kind.

There were fewer cases of criminal contempt during the fiscal year 1957 than there were during fiscal 1956. During the past year the total was 39, as compared with 45 in 1956. Prior to that time, records of the court did not classify contempt actions into their various categories. They did not distinguished between contempt of Congress and contempt of court.

There was 1 year—I think it was 1951—when about 60 contempt of Congress cases were filed, mostly in Hawaii, and 25 of them in the District of Columbia. Such contempts are not within the purview of this proposed legislation at all.

The books of the Administrator of the United States Courts show that in fiscal 1953 the total number of all contempt cases, including contempt of Congress, was only 58. In the following year the number was 49, and in 1955 it was 58. In each instance the number of contempt cases involving the power of the court to punish without jury trial must be deducted.

It is clear, therefore, that since the jury trial amendment, adopted by the Senate by a vote of 51 to 42, does not impair the power of the court to enforce compliance by civil contempt proceedings of its orders without jury trial, it certainly does not create chaos in enforcement of the Nation's laws regulating commerce, as charged by those who have been represented in the last few days as being willing at all costs to defeat the most effective and acceptable voting rights bill that has been presented to the Congress in more than two generations.

PASSAGE PREDICTED

All the reports which come to me now make it more and more clear that the Senate of the United States will pass the civil rights bill by an overwhelming vote. I am confident the understanding of what the bill means and what it represents is becoming so clear throughout the country that the House of Representatives will do likewise.

I should like to read into the RECORD at this point an editorial from the Washington Evening Star of tonight. It is headed "Factual and Political Issues," and reads:

If the issue now before Congress were one of fact, that issue might be described as follows: Is it true or false that the Senate's jury-trial amendment makes the civil-rights bill ineffective, and weakens our whole Federal judiciary system?

A jury of 12 unprejudiced citizens, listening to the evidence pro and con as developed in Senate debate, would be most apt to hold that the jury-trial amendment is not guilty. One of the most convincing pieces of evidence in that respect would be the extraordinary new powers and implements conferred by the Senate bill upon the Attorney General and the Federal courts in enforcement of the right to vote—powers thus given being far more significant than powers withheld.

Proceeding on that theory, and considering the price of further delay, Congress would enact the Senate bill and study the results. The executive and judicial branches of the Government would be newly armed with the strongest weapons ever available for enforcement of voting rights—granting, of course,

that bayonets are to be kept in their scabbards.

Unfortunately, the issue is not a factual issue. It is a political issue. That issue might be described as follows: Where does the greatest political advantage lie? (1) In delaying the showdown on the Senate bill until the second session of the 85th Congress next year, a campaign year; (2) yielding on the Senate bill, with some compromise, and seeking its enactment now, or (3) killing the bill, placing the blame on the jury-trial amendment and its supporters, and starting out on some new tack in 1958?

No predictions are offered here on the decisions soon to be revealed. But if the real objective of Congress is to seek by available legislation the removal of discrimination against qualified Negro voters in the South, the Senate bill—a bird in the hand—would be enacted now. Experience would soon determine the facts as to jury trials as well as the effectiveness of many other provisions of the bill in working for the solution of a problem as tragic as it is complex. The nub of the issue is whether search for a solution of that problem is as important to the powers that be as a search for votes.

Mr. President, my conclusion is clear.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Permit me to state my conclusion first. It is that we shall gain far more for our leadership in the world and for the development of equality among the races and among all people and of an understanding of racial relations, by passing the bill now, because it will be a forward step and it will bring about improvement.

I now yield to the Senator from Ohio.

Mr. LAUSCHE. Referring to the statistical information given concerning the contempt trials which were held in the Federal courts, may I ask the Senator from Wyoming whether the figures stated by him cover all contempt proceedings or only criminal contempt proceedings?

Mr. O'MAHONEY. For the first several years these statistics were compiled the figures covered all contempts of all kinds. Now the statistics have been divided into two categories. We find that we have information relating to the contempts of Congress and the contempts of court.

In 1956, as I recall, there were four cases involving contempts under the immunity statute which was passed a year ago.

I shall be very happy to give the Senator from Ohio—I think I have it in my office—a complete statement of all the facts which I have obtained.

Mr. LAUSCHE. Am I correct in my understanding that the division now is between contempts of Congress and contempts of the court?

Mr. O'MAHONEY. The Senator is correct.

Mr. LAUSCHE. Is there a division of the cases which constitute contempt of court into cases of civil and criminal contempt?

Mr. O'MAHONEY. An attempt is being made to bring about that distinction now.

Mr. LAUSCHE. But that distinction is not embodied in these statistics?

Mr. O'MAHONEY. It is not embodied in that statement. I so recited.

Mr. LAUSCHE. I thank the Senator from Wyoming.

Mr. O'MAHONEY. I thank the Senator from Ohio.

Mr. KEFAUVER. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. Yes, indeed.

Mr. KEFAUVER. The Senator from Wyoming has shown by the statistics that even without dividing the contempt cases as between civil and criminal contempt there have been comparatively few cases in the Federal courts in the past few years. Undoubtedly when the cases are divided as between civil and criminal contempt it will be shown there have been very few criminal contempt cases.

Even for the criminal contempt cases, while the court has in the past not been required to do so, quite frequently as a matter of settling a factual issue, as was true in the Clinton case, the Federal court itself has afforded the defendant a jury. Does the Senator have figures as to how many criminal cases involved an offer of a jury trial to the defendant, as was done in the Clinton case?

Mr. O'MAHONEY. Of course, in the civil contempt cases there is no jury provided at all.

Mr. KEFAUVER. That is true.

Mr. O'MAHONEY. Our amendment does not change that at all, in the slightest degree. The court continues to have complete authority, by fine and imprisonment, to enforce its lawful orders against disobedience. That is one of the most effective ways of protecting the right to vote.

Fantastic, hypothetical cases have been stated about the possibility of a registrar having the power to drag things out, but as I have said over and over again, I can conceive of no judge upon the Federal bench who would be so naive as to draw an order which could be so handled. The registrar in any State is a representative of the State, and the State itself would be involved and would obey.

What we are concerned about is the fact that the language of the bill as at present drawn gives the Attorney General the right to proceed by the injunctive process in cases in which the law already provides he may proceed, and a jury trial may be had. I think it would be desirable to read this language into the record at this point. I shall read from page 10 of the bill in its present form, which is entitled "H. R. 6127—Ordered Printed for the Use of the Senate Showing the Bill as Amended by the Senate as of August 2, 1957."

On page 10, part IV begins in line 1. We find beginning in line 11, subsection (b) of section 131, which reads:

"(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate—

For certain Federal offices.

PRESENT CRIMINAL OFFENSES

All those words describe offenses which are now condemned by the Federal law. They are all recited in title 18 of the Federal Code, and are punishable now upon trial by jury. But the next subsection, subsection (c), provides that—

"(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

It is perfectly obvious that a person charged with intimidation or threats, or coercion, or attempts to threaten or coerce, is guilty of a crime. It is evident from the pleadings in the Clinton case, in which the defendants were described as certain persons unknown, that in such cases the dragnet would be thrown out by the Attorney General to bring in persons whose identity was not known, as the identity of a registrar of voters would be known; and such a person, before being exposed to the indignity of a trial for a crime by civil procedure, instead of being indicted for it and prosecuted before a jury, should be protected by making certain that the jury will be called, so that innocent persons will not be persecuted.

The right to vote is better protected in this bill with the jury-trial amendment than it was in the bill as it came over to the Senate from the House.

I thank the Senator from North Carolina for having allowed me to take so much of his time in the middle of his speech.

Mr. ERVIN. The Senator from North Carolina was delighted to yield to the distinguished Senator from Wyoming.

Mr. ANDERSON obtained the floor.

Mr. BIBLE. Mr. President, it is my understanding that the Senator from New Mexico is about to make a major address. I ask him whether or not he will yield to me at this time for the purpose of suggesting the absence of a quorum.

Mr. ANDERSON. I am sure it is not a major address, but I would have to yield for that purpose.

Mr. BIBLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

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## ATOMIC ENERGY LEGISLATION

Mr. ANDERSON. Mr. President, I believe it would be helpful, so far as the RECORD is concerned, to bring up to date the status of atomic energy legislation in this Congress. We have several important bills pending at the present time. To mention them in order, they are:

S. 2672, to amend the Atomic Energy Act of 1954, as amended, to increase the

salaries of certain executives of the Atomic Energy Commission, and for other purposes.

S. 2673, the International Atomic Energy Agency Participation Act.

S. 2674, which covers the Atomic Energy Commission's construction projects, and the civilian power program.

S. 2051, which provides a Government indemnity up to $500 million, from a Government insurance fund, for liability in reactor accidents.

Mr. President, first I wish to commend the Senate minority members of the Joint Committee on Atomic Energy for the fact that when the report on S. 2674 was presented to the Senate, no minority views were appended. Authorization was given for the filing of minority views, on the request of the able Senator from Iowa [Mr. HICKENLOOPER]. In the rush of events, he did not prepare minority views. However, he did have opportunity to consider language containing the House minority views which had been appended as a separate statement to the House report. I commend the able Senator from Iowa, former Chairman of the Joint Committee on Atomic Energy, for not filing separate views.

I do not say, and I do not infer from their actions, that either the able Senator from Iowa [Mr. HICKENLOOPER] or the other Republican Senators who are members of the Joint Committee—the Senator from California [Mr. KNOWLAND], the Senator from Ohio [Mr. BRICKER], and the Senator from Idaho [Mr. DWORSHAK]—approve of everything in the report on S. 2674.

As a matter of fact, it might be more correctly said that there are many items in the bill of which they do not approve. Nevertheless, I believe it is fair to say that we sat for a long time in the consideration of the bill and that we tried our very best to report a bill which would give the atomic energy industry of the country and the American people some reassurance that we were trying to proceed in an orderly fashion and as rapidly as possible to bring about the development of atomic energy.

Therefore I say again that I congratulate the Republican Senate members of the Joint Committee on Atomic Energy for their cooperation. Certainly there is nothing contained in the report of the committee which would indicate a belief that we were not trying sincerely to accomplish what we could for rapid development.

As I have tried to point out, they reserve the right to oppose any of the items in the bill when it is debated on the floor; and the Senators I have mentioned may oppose many of them. However, the committee has worked hard, and I believe it is only proper to praise those Senators for their restraint when the committee report was actually filed.

I have before me Report No. 791 on Calendar No. 815, S. 2674. It deals with the items which were contained in the authorization bill.

I intend to deal briefly with the other bills. However, I wish to comment now on this particular bill, because, for the first time, Congress is taking up these appropriation items in a somewhat different fashion than formerly. That is due to certain authorizing legislation which changes section 261 of the 1954 Atomic Energy Act.

I wish to refer to certain language in the House minority views, and to say, frankly, I am a little surprised at the choice of words. I should like to read from page 60 of the House committee report, which is Report No. 978, to accompany H. R. 8996:

> There are many statements in the majority report, especially in the section entitled "AEC Reactor Program," which are highly critical of the AEC reactor development program.

I read the following statement from the minority views:

> In our opinion, these vitriolic statements can be looked upon as mere necessary preludes to the cries for more Government construction, for atomic power federalism, and socialism.

So far as I know, no member of the Joint Committee—from either the Senate or House—which reported these bills and other bills, is making an effort to advance thereby the cause of socialism. I believe this is language which might better have been deleted from the minority views. If it is socialism to recommend that the Government, in this very uncertain period, spend some money to construct reactors and prototypes of reactors, then I say heretofore there has been a great deal of socialism in the program. Until recently every dollar to build reactors and to advance the art has been spent by the Government.

As a matter of fact, we very vigorously proclaim from the housetops that the first big commercial reactor soon is to go into operation at Shippingport, Pa. Is it such a magnificient tribute to private enterprise? I do not intend to deal with every dollar of what was spent, but it was originally proposed that the Federal Government spend some $35 million on the reactor phase of the project, and that the Duquesne Light Co. would contribute $5 million toward the nuclear end plus building the generator. The Government then would meet the difference between the cost of the development of steam in an ordinary plant and the development of steam in the atomic plant.

Mr. President, that, of course, is not socialism. That is private enterprise in its finest flower. I feel certain that it is, because when we look into it, we see that the Federal Government will have spent from $30 million to $40 million of its own treasure in research on this particular development, after previously spending more money on a pressurized water reactor of the same type in the submarine *Nautilus*. The plant at Shippingport is based primarily, indeed, almost entirely upon the plant which was put into the *Nautilus*.

At that time, as I said a moment ago, the Government was going to spend $35 million on the reactor itself. The latest available information is that the Government's cost will be $55 million, and the end is not yet in sight. No one knows what the final bill will be. But no part of it, except the $5 million originally offered by the Duquesne Light Co., will come out of the pocketbook of that company. I am glad it will not, because an increase of $20 million in the cost of that plant would have raised havoc with the financial structure of Duquesne Light Co. The Government is not in the business of trying to break private industry. If any private industry had tried to build the plant and had suddenly been confronted with an increase of $20 million in its cost, I do not know what that private industry would have done. Therefore, it was necessary that the Government put up its own money.

Interestingly enough, Admiral Rickover, the man who had the major task, the major burden in building the *Nautilus*, has been most closely associated with the construction of the Shippingport plant. He has discovered, although he probably anticipated it earlier, that once a start is made in putting larger tubes in operation, the costs go up in geometric proportion rather than in arithmetical proportion. He discovered that it cost very much more money to handle the very large pieces of equipment in the Shippingport plant than those of the size of the unit which went into the *Nautilus*. Therefore, we have found that had we proceeded on purely a private enterprise basis, we would have thrown on the private utility a burden which it would have found very difficult, if not impossible, to bear.

That plant is to be amortized in a very few years. When the matter was first discussed, there was talk of developing steam at a generating cost of something like 14 mills. It probably costs in the neighborhood of 6, 7, or 8 mills to develop from power fossil fuels in this location. It is a good location. It is possible to bring coal by barge to the plant, and I believe power generated from coal, oil or gas could be developed at a cost of perhaps 7 or 8 mills a kilowatt-hour as measured from the generator.

But the original estimate was that at the atomic-energy plant the cost would be perhaps 14 mills a kilowatt-hour. Suddenly we began to hear stories to the effect that it would cost 20, 30, or 40 mills a kilowatt-hour. The last responsible estimate I heard was that the cost would be more than 90 mills a kilowatt-hour; and the Government of the United States will now pay every penny of the difference between the cost of producing power from ordinary coal and the cost of producing it from atomic energy.

That, I suppose, is not even closely related to socialism. That is, I am sure, private enterprise fruitfully in blossom.

But I say that when one looks at a plant like that and then compares it with the very modest undertakings proposed in this bill by the Joint Committee on Atomic Energy, one wonders how anybody could have written into a report that what is sought to be done is to put on a campaign for socialism.

Then the House minority views say:

> The employees of the AEC have served their country well, and they deserve tribute from the Joint Committee, not slander.

I have gone through the report again. I do not find any slander in it. I point out that at page 28 reference is made to some predictions; but men who engage

in horse racing or games of chance or prize fights ought to be willing to be judged by their predictions. Predictions do not always work out, but people have a right to guess. At page 28, the report points out:

> Thus, on April 1, 1955, W. Kenneth Davis, AEC Director of Reactor Development, predicted that the United States would have 2 million kilowatts in atomic power plants in operation by the end of 1960.

Mr. President, either we will or we will not have those 2 million kilowatts. Either Mr. Davis is right or he is wrong. I do not believe he would stand up anywhere and make that prediction again. If he did, I do not believe anybody connected with the Atomic Energy Commission would say there was even the faintest possibility that he is right. Two million kilowatts by the end of 1960! There is not even a hope—there is hardly a whisper—of anything like that happening.

When we reprint such statements to show how the American people were being fed this honeyed propaganda to carry them along, then in the eyes of those who signed the minority views, it becomes slander.

We have had a hard time with atomic energy. It has been under the wraps of secrecy for so long that people feel it is necessary to continue to keep it under wraps. In the present suit involving the Power Reactor Development Co., in the Detroit area of Michigan, there is now a question as to whether the Government should say what its plutonium price is. The examiner feels it should not. The Government says the price is secret. Why is it secret? Because to reveal it would probably disclose the size of the subsidy being given to the Power Reactor Development Co. It is a secret from other countries or from the newspapers. Actually, the other countries know what it costs the United States to produce plutonium. If they had any doubts, all they would have to do would be to go through the several reports which this Government has made, and they could come up with a figure which would be almost exactly accurate. The newspaper people, who have been in the process of covering the Atomic Energy Commission, have made certain calculations of that nature.

While I do not believe that either the Atomic Energy Commission or the Joint Committee on Atomic Energy has ever denied or confirmed those assertions, I believe it is fair to say that they have been reasonably accurate as they have been made.

The report further quotes Mr. Davis as saying:

> The British hope to have 1.5 million to 2 million kilowatts of nuclear power generating capacity in use by 1965. If developments in this country go as I have estimated, the United States will have 2½ to 3 times as much capacity in operation by 1965.

When that is reprinted in the report, the minority in the House picks it up and says, "That is slander of an employee." But I say that if that employee did not want to get himself into that sort of situation, all he had to do was make an estimate which had some sense to it, because any estimate that the United States will have from 5.5 million to 6 million kilowatts of energy generated by atomic energy in 1965 is so far-fetched as to be absolutely ridiculous. Mr. Davis must have known it then. But if he did not know it then, he surely knows it now. However, I have never seen him take back, in any statement, public or private, one line of what he said in 1955, which was challenged then by members of the joint committee, and is being challenged by us again now.

Mr. McNAMARA. Mr. President, will the Senator from New Mexico yield to me?

Mr. ANDERSON. I am glad to yield to the Senator from Michigan.

Mr. McNAMARA. I am pleased to hear the Senator from New Mexico comment on the plant in Monroe, Mich., adjacent to Detroit, as the Senator from New Mexico referred to it. Recently we have seen newspaper articles indicating that there is a possibility that plutonium will become practically useless in the future developments of atomic energy. Is it a fact that the chief justification for building the plant at Monroe was to obtain this byproduct for the United States Government?

Mr. ANDERSON. I think that was a part of the reason. I wish to say to the Senator from Michigan that I do not criticize because of the fact that there was a desire to have this type of reactor built. I worked with the other members of the Joint Committee on Atomic Energy who have believed that this country needs more plutonium. The able Senator from Washington [Mr. JACKSON] was one who in the first instance, in his Military Application Subcommittee of the Joint Committee, brought out the fact that the United States will be short of plutonium. I want to see the United States do everything possible to increase the supply of plutonium; and we have written into the bill provision for steps which may help in that connection.

So—laudable as that purpose is—the Commission should be willing to justify it, and should be willing to say that the price of $46 which is put on it is or is not above the cost of production in the United States, and should be willing to say whether the new price which is now officially posted—$30—is or is not above the cost of production, and ought to be willing to say publicly a great many of the things it now labels secret.

I may say to the Senator that I understand he received a great many communications, some of which he sent to me, which originally had been sent to the able Senator from Nevada [Mr. BIBLE], who is now acting as majority leader, requesting information about the tests made 2 years ago in Nevada. He asked me to find out something about what was contemplated and something about what the dangers were, and to obtain information which the Senator could give to the people of his State. Accordingly I sent to the Atomic Energy Commission a letter stating that that Senator was most anxious to obtain information which he could forward to his constituents. I asked the Atomic Energy Commission to supply me with information which would enable the Senator from Nevada to inform his constituents what the score was, in the case of the tests in Nevada. The Commission answered my letter, not completely, but very well; but the Commission put a secret classification on the letter, so I could not tell the Senator from Nevada what was in it. That is what is happening now in this plutonium situation.

Mr. President, I intend to discuss some of the provisions of this proposed legislation. I am happy to say that I am proud that members of the Joint Committee on Atomic Energy, on both sides of the aisle—Republicans as well as Democrats—have participated in its consideration.

Mr. DWORSHAK rose.

Mr. ANDERSON. Mr. President, I was about to say that the Senator from Idaho is one of the newest members of the Joint Committee; and hour after hour he sat in the committee's hearings, when I thought to myself that they must have been a little boring to him, inasmuch as much of them related to material on which he had not had background information. But he remained through all the hearings. Before he asks questions at this time, I wish to commend him for his interest and his zeal in connection with the work of the Joint Committee.

Now I yield to the Senator from Idaho.

Mr. DWORSHAK. Mr. President, I certainly appreciate the comments made by the Senator from New Mexico. I rose primarily because of the fact that in connection with the experience I have had in the past 6 months as a member of the Joint Committee, it has been my general reaction that there has been fine cooperation on the part of the Members representing the House of Representatives and the Members representing the Senate, with complete disregard of partisanship. The members of the Joint Committee face a real challenge in working out policies to implement properly the use of approximately $14 billion worth of research and facilities, reflecting a tremendous investment by the taxpayers of the United States.

Therefore, I was somewhat surprised a few minutes ago to read a dispatch, coming over the wires of the United Press, reading in part as follows:

> Chairman Lewis L. Strauss, of the Atomic Energy Commission, charged, in a letter made public today, that the congressional Atomic Energy Committee has mapped "a substantial start toward a program for Government-owned atomic-power facilities" in a pending authorization bill.

Does the Senator from New Mexico agree with that comment, or would he like to make some remarks concerning the charge that the Joint Committee on Atomic Energy, by means of the authorization bill, is now proposing to launch a large Government-owned atomic-power program?

Mr. ANDERSON. Mr. President, let me say to the Senator from Idaho that not only do I not agree with that news statement, but I almost want to present him as a witness to the contrary. The majority of the Joint Committee on Atomic Energy is a Democratic majority. The biggest single item of new money

the joint committee provided for in the bill—and the joint committee has provided in the bill for approximately $58 million of new money—is $40 million which was provided for the construction of a natural uranium reactor in the State of Idaho. But never at one time did the Senator from Idaho demand that the plant be located in his State. It just happens that certain things are done in certain geographical areas where work has already been begun, where certain climatic conditions exist, or where the population circumstances are favorable. At the present time I believe that if the $40 million was voted, Admiral Rickover could take his crew—embracing approximately 1,200 or 1,400 persons—and could turn them to work on the design of the natural uranium gas-cooled reactor to be built at Arco, Idaho, and I believe that would contribute as much to the welfare of the atomic-energy program of the United States as would any other single thing.

I believe that if the three Senate members on the majority side of the joint committee were asked, one at a time, to testify, they would concede that point. The Senator from Idaho knows that there never was a moment when we considered that matter on a partisan basis.

Mr. JACKSON. Mr. President, will the Senator from New Mexico yield to me?

Mr. ANDERSON. I yield.

Mr. JACKSON. Is it not true that there is absolutely no justification for the charge on the ticker today about these three reactor projects—the natural uranium gas-cooled reactor at Arco, Idaho; the dual-purpose or single-purpose reactor at Hanford——

Mr. ANDERSON. And it produces plutonium.

Mr. JACKSON. Yes; plutonium; and the reactor to re-cycle plutonium. To the contrary, all of these projects would assist in improving the state of the art and are in the public interest. There is no justification whatsoever for involving these projects in a public power versus private power controversy.

Mr. ANDERSON. That is absolutely true.

Mr. JACKSON. In addition, is it not true that whatever power will be developed at these projects will be used by the Government to support the projects? I know that the distinguished senior Senator from Idaho [Mr. DWORSHAK] raised in the joint committee the question regarding the natural uranium gas-cooled reactor at Arco. I think it is quite clear that in that particular instance, all the power can be utilized by the Atomic Energy Commission in connection with carrying out its responsibilities at the Arco site. Is that not correct?

Let me say that the same is true at Hanford. We have also made it clear, in the language of the bill and in the report, that when these facilities no longer serve their objective for research and development and to support the Government-owned facilities at these various sites, they are to be dismantled.

I believe it is regrettable and most unfortunate that an effort is now being made to convert a very worthwhile and very effective program into a controversy over public power versus private power. There is absolutely no justification for that contention.

I am sure that the General Electric Co.—as the distinguished Senator from New Mexico is fully aware—has no desire, in connection with the design work it has been doing on a dual-purpose reactor and on the plutonium re-cycle reactor, to get the Government into the public-power business.

It so happens that the General Electric Co., which operates the great Hanford Atomic Energy Works, pursuant to authority from the Atomic Energy Commission, has been doing the research work in this field at Hanford. I know it feels that the plutonium re-cycle reactor and the dual-purpose or plutonium reactor are undertakings essential to the operation of the facilities at Hanford. As chairman of the Military Applications Subcommittee, I know that there is a need for plutonium in connection with our defense requirements. The plutonium is needed for defense. The truth is that at the present time we cannot use plutonium as a fuel. One of the items in the bill has to do with a plutonium re-cycle reactor.

I can only say I regret to see an attempt made to turn this matter into a public power versus private power fight. I understand the United States Chamber of Commerce has issued a bulletin or letter saying this is another effort to put the Government into the power business.

Mr. ANDERSON. Yes; and I want to say the chamber of commerce did not attract any credit to itself by so doing. There are now in the Senate all the members on the majority side of the Joint Committee on Atomic Energy. The minority report of the House states that what we are doing are "mere necessary preludes to the cries for more Government construction, for atomic power federalism, and socialism."

I have heard the Senator from Idaho associated with many things, but nobody, in his wildest stretches of imagination, ever accused him of advocating socialism. I do not believe anyone has the right to say that the Senator from Georgia [Mr. RUSSELL], the Senator from Washington [Mr. JACKSON], the Senator from Rhode Island [Mr. PASTORE], the Senator from Tennessee [Mr. GORE], and the junior Senator from New Mexico are putting on a drive for socialism, because, certainly so far as I am concerned, we have never been identified with socialism and we are not so identified now.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield to the Senator from Rhode Island.

Mr. PASTORE. I wish to say to the distinguished Senator from New Mexico I regret very much I was not present when he commenced his statement today on the authorization bill, but from what I have heard I have gathered enough to be in a position to say that I am very happy and honored to associate myself with everything he has said. The Senator from New Mexico knows how the junior Senator from Rhode Island feels about public versus private power. In my part of the country we are completely dependent upon private power. I am one of those who has stood strongly against the so-called preference clause, because I feel that a distinction, open to dispute, should not interfere with our one purpose which is to make progress. I have striven to do what I can for the Yankee Atomic Energy project in New England. I know the cooperation I have received from the Senator from New Mexico, the Senator from Tennessee, the Senator from Washington, and the Senator from Idaho. During the committee meetings on this particular bill, the discussion showed there was no intention to make this a question of rivalry between public and private enterprise. I should like to say that, if there are any public projects in this authorization bill, by and large they were recommended by the Atomic Energy Commission.

It begins to appear to me that it makes a lot of difference who makes the recommendations. I point in particular to the Consumers Public Power District project, of Columbus, Nebr. That involves an agreement being negotiated by the Atomic Energy Commission, which would serve Consumers Public Power District of Columbus, Nebr. It is a public power company. There is contained in the budget an item for atomic energy assistance of $51,503,000. That project was suggested by the Atomic Energy Commission. If anyone is guilty of socialism certainly that one is the Commission. There is no taint of socialism on the joint committee. I wish to take that position and make that clear.

Let us consider the Chugach Electric Association, to which assistance is being given. It is a cooperative. The money the association is to use will be taxpayers' money. We are to build the reactor. Every nickel applied to that project will be taxpayers' money. After the reactor is built, current will be sold to the cooperative.

The next project, as I understand, is the Rural Cooperative Power Association, at Elk River, Minn. That again is a Federal project.

The next project is the Wolverine Electric Cooperative Association, at Hersey, Mich. That project again will be built with taxpayers' money.

The next project is in the city of Piqua, Ohio. There again the project will be paid for with taxpayers' money.

These projects were all recommended by the Atomic Energy Commission. It amazes me to have the dispatch read that this is now developing into a monstrous publicly owned project instituted by the Democratic members of the joint committee.

What we have done is to go into the recycling project, because a serious question has arisen as to whether plutonium can be used in reactors. Whether it is done today or tomorrow, it is my humble opinion that someday this question must be resolved by us.

Next, we appropriated $3 million for the design of the plutonium-producing reactor at possibly Hanford. We said $3 million would do.

We suggested $40 million for the project in Idaho. To do what? This is very important. To put us in the field where

Great Britain today has experienced a great measure of success.

Mr. ANDERSON. Of preeminence.

Mr. PASTORE. We have said this time and again on the floor. I remember when the distinguished Senator from Tennessee introduced a bill to spend $400 million for reactors which we thought should be built. He said then, and I endorse his statement, that we want private industry to engage in these projects, but we are not moving forward fast enough. We are in intense international competition with Russia and Great Britain. Great Britain has achieved a marked success with gas-cooled reactors and the use of natural uranium. We, therefore, are saying there should be built, in Idaho, on a Government installation, a $40 million reactor. What is wrong with that? Where does socialism come into that? The big question is, Are we going to lose or win this race? Are we moving along fast enough? It strikes me every time the administration suggests a project which is to be built with Government money, it is in the national interest. Every time the Democrats do so, it is socialism. I am amazed at this attitude. I say the Joint Committee on Atomic Energy has every reason to be proud of the majority report.

I want to commend the Senator from New Mexico for the splendid work he has done in gathering the facts and putting them together in this report, and I compliment the Senator from Washington, the Senator from Tennessee, and the Senator from Idaho. We have stood shoulder to shoulder in assuming our responsibilities. None of us believes in socialism, but we do believe in progress. It is progress for which we are striving. I think if the authorization bill passes we shall have a reasonable chance to maintain the leadership of America in the peaceful uses of atomic energy.

Mr. ANDERSON. I thank the Senator from Rhode Island for his very, very fine statement. I wish to say that if the record of the long hearings is printed, it will reveal that time after time the Senator from Rhode Island stated he wanted it clearly understood that this undertaking was no part of a public versus private power fight, but involved solely the development of reactors. I think the record will show that, because if ever a man came back to the same point time after time, it was the Senator from Rhode Island.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield to the Senator from Washington.

Mr. JACKSON. It is true, is it not, that the Government has invested at Hanford about a billion dollars in plutonium production facilities?

Mr. ANDERSON. I do not know whether the figure is classified or not. Let us say the Government has invested a great deal of money.

Mr. JACKSON. It is not a classified figure.

Mr. ANDERSON. In that case, I agree that the figure is roughly a billion dollars.

Mr. JACKSON. Am I to understand that if the Government builds a reactor, and the heat from the reactor can be utilized in part to produce electric power, that makes it a socialistic enterprise?

Mr. ANDERSON. I say to the Senator from Washington I think I know exactly what makes a socialistic enterprise. When the Atomic Energy Commission, instead of the Joint Committee on Atomic Energy, on its own, started a deal, with the Consumers' Public Power District, of Columbus, Nebr., which was a deal with that public power district to build a reactor, because that project came from the hands of Mr. Strauss it was private enterprise. Had that project come from the hands of the Joint Committee on Atomic Energy, it would have been socialism, or worse.

Because the proposal for the Rural Cooperative Power Association of Elk River, Minn., came first through the Atomic Energy Commission, it was private enterprise of the highest character. Had it come from the Joint Committee on Atomic Energy it would have been socialism. That is the situation with regard to the Chugach Electric Association, also.

All these public power ventures are refined, purged, and purified, and become completely private enterprise by the magic hand of the Chairman of the Atomic Energy Commission, but if by any chance they should come from the Joint Committee on Atomic Energy they become socialism or worse.

Mr. JACKSON. Will the Senator yield for another question?

Mr. ANDERSON. I yield.

Mr. JACKSON. Without revealing the exact amount requested, I think the American people have a right to know that the Department of Defense last year asked for a substantial increase in plutonium production in order to meet our defense requirements.

Mr. ANDERSON. Not only that, but the day on which the Chairman of the Atomic Energy Commission paraded Dr. Teller and Dr. Lawrence to the White House to talk about a cleaner bomb, they had come to Washington to testify before the Subcommittee on Military Applications of the Joint Committee on Atomic Energy, headed by the able Senator from Washington [Mr. JACKSON]. In their testimony they said that this country needed more plutonium production. In the course of that testimony those witnesses made some voluntary observations about how to get a slightly cleaner hydrogen bomb. When word of that testimony leaked out, Dr. Teller and Dr. Lawrence were rushed to the White House, in order that a press release could be given out, in which they were labeled as great geniuses who were going to produce a vastly cleaner bomb.

Dr. Teller and Dr. Lawrence are fine, competent men, but if they are competent to testify as to clean or dirty bombs they are also competent to testify as to the need for plutonium. We do not observe the Atomic Energy Commission paying even the courtesy of a passing glance to what they had to say about plutonium. The only thing the Commission pays attention to is what those men had to say about relatively clean and dirty bombs. Well, we are also interested in plutonium.

Now, Mr. President, I should like to address myself to the indemnity and authorization bills. I believe both of these bills, as reported by the joint committee, are important to American leadership in the field of atomic power. The indemnity bill will give assurance to private power companies which are in the atomic power field that they will not go bankrupt in case of a reactor accident. The authorization bill will provide in a small way for filling some of the gaps in current AEC atomic power program.

Unfortunately, the AEC and its supporters have taken an implacable "stand pat" position that resists any Government construction of prototype reactors while trying to obtain as much Government undercover subsidy as possible.

Meanwhile the whole United States atomic Power program is lagging badly. Costs are up and schedules have slipped. But AEC has done little about it except to fight efforts in the Congress to help accelerate the program.

Thus, at the present time, the minimum program reported by the Joint Committee is being attacked as involving favoritism to particular industrial organizations, sponsorship of public power, and too generous obligations in an economy Congress. I do not believe these charges can be substantiated.

I may say that I have been told that the Atomic Energy Commission has been telling how the joint committee is trying to help along 2 private organizations by 2 of the recommendations in the bill: First, that a facility be built to develop either by a single-purpose or dual-purpose reactor more plutonium production; and, second, that a plant be constructed which will give us a gas-cooled natural uranium reactor.

We voted for those items without regard to who might do the job. It subsequently developed that General Electric was at work at Hanford, was the manager of the Hanford plant, and as early as 1944, which is a long time ago, had made some tentative suggestions as to the possibility of a dual-purpose reactor. When the committee came to the question of whether it would or would not support a dual-purpose reactor, we invited into the meetings the manager of a portion of the facility at Hanford. I am not sure whether he is the manager of all the facility or not, but I believe he was. That was Mr. Johnson.

Anyway, he came in, and we asked him questions about single-purpose reactors and about dual-purpose reactors of various sizes. We got a picture of what a small single-purpose reactor, a somewhat larger single-purpose reactor, and a very large single-purpose reactor would do, as well as what a small dual-purpose reactor, a medium-sized dual-purpose reactor, and a very large dual-purpose reactor would do. He spread upon the blackboard some cost figures which are classified completely and which will not be reproduced here or elsewhere, but which indicated to the committee that building the reactor would be a sensible step.

After we had voted to follow that course, somebody said, "Naturally, since

General Electric is out there and has made the studies, General Electric may do the job."

That is item No. 1.

Item No. 2 is that when we came to the question of dealing with the problem of what Admiral Rickover could do toward building the gas-cooled natural uranium reactor in Idaho, somebody said, "Admiral Rickover already has a group of about 1,000, 1,200, or 1,500 people, who are well versed in the development of atomic energy, thoroughly skilled by the construction of the *Nautilus*, as well as trained by the development of Shippingport, and trained further by refinements which they put into the Yankee project"—a project mentioned by the Senator from Rhode Island [Mr. PASTORE]—"and who have also carefully checked what went into the *Sea Wolf* and the mistakes made in the *Sea Wolf*, and those men are available to build this reactor.

We invited Admiral Rickover to come before the joint committee. I hope his testimony has been released. If it has not been released, I feel free to say that he gave us encouragement, indicated the possibilities, and told of the headway which could be made. Therefore, we voted to put in the item of $40 million for a plant, and if the interests of the country would be best served, it might be built in Arco, Idaho.

After we got through voting for that somebody said, "Westinghouse will build it." The fact that Westinghouse would or would not build it never entered into our minds. We considered only whether the project was good or not. We discussed the project wholly from a separate angle.

I do not owe Westinghouse anything. I do not know any member of the committee who is obligated to Westinghouse in any particular. It is true that those of us who attended the Geneva Atoms for Peace Conference became acquainted with the Westinghouse crew and, before and since, we have met them before the committee, but it is also true that many of us know people from General Electric and have discussed our problems with them.

I say that there is not anybody alive who dares contradict the statement that the fact that General Electric might build something at Hanford, or Westinghouse might build something at Arco, has not the faintest thing to do with the decision of the Joint Committee on Atomic Energy to support these items.

Anyone who says that we are trying thereby to favor some American company, and hold down some other company, either does not know what he is talking about, or does not care what he says.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. GORE. Has anyone made such a statement?

Mr. ANDERSON. The statement has been circulated to the effect that what we are trying to do is favor the great giants, General Electric and Westinghouse, in the construction of these two reactors.

Mr. GORE. We are now accused of that?

Mr. ANDERSON. Yes; along with the socialism charge. I do not know how we could favor great companies like that and still be socialistic, but I suppose it is all right.

If no one worries about this program, there are students who pay attention to it. I refer to the "Atoms For Peace" bulletin, issued by the Whaley-Eaton Service, volume IX, No. 9, dated London, July 29, 1957. There is a story about the insurance coverage which is being extended from the British Isles, covering nuclear reactors throughout the world. That is why the committee has paid some attention to the indemnity bill.

I do not see why we should not allow British companies to gain experience in this field, but I would like to see to it that American insurance companies have a chance. We have some great insurance companies in this country. I think they have measured up to their responsibility. A pool among the stock companies has offered about $50 million of insurance on reactor incidents. A pool from the mutual companies is offering about $15 million insurance. I think those companies ought to be helped. That is why there is now on the calendar a bill which provides the possibility of helping them to some degree.

I have before me also a dispatch dated August 1, from the same news service. I hope those who are interested in providing employment for American workmen, and who are interested in the capitalistic structure, as aginst those who are trying to spread socialism—of which we are now accused by the minority views—would read this bulletin. It is headed "Japan Nears a Decision." I do not guarantee the authenticity of this statement. I only say that this service has been very accurate through the months:

> Japan's AEC has informally decided to import a 200,000-kilowatt to 250,000-kilowatt improved Calder Hall type reactor from Britain and a small pressurized water-type reactor, capable of producing 20,000 kilowatts from the United States.

We are talking about the development of commercial power. Japan, which originally decided to go the British route, and then was reminded of how much money there was in the United States, was pressured in every conceivable way to buy the reactors in the United States. Many phony claims made by the Atomic Energy Commission have been played up. Japan came back and took another look at what it might get from this country. Then it meditated some more. Now it has about decided to buy a 200,000-to-250,000-kilowatt improved Calder Hall-type reactor from Britain, and, for study purposes, a small pressurized water-type reactor, capable of producing 20,000 kilowatts. from the United States.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. PASTORE. Is not that precisely the competition we are trying to meet through the authorization of $40 million for the building of the reactor at Arco, Idaho?

Mr. ANDERSON. Exactly. The Senator is completely correct. If we will allow Admiral Rickover and his crew, who have studied what the British have done, and have had the benefit of the enormous knowledge they have gained from the reactors already built, to build a gas-cooled natural uranium reactor at Arco, I think we shall gain more on the British by that single stroke than we would by fiddling away hundreds of millions of dollars studying something in a laboratory to see what might be produced.

Mr. PASTORE. That, I believe, represents the paradox of this entire controversy. Here we are, presumed to be the leaders of the world in the development of the art of the peaceful uses of atomic energy. Here we are, sustaining the economy of Japan, to the tune of almost $1 billion a year, in one form of relief or another. But when it comes to buying a reactor, what attracts the Japanese? The British type of reactor. We are trying to say to the people of America that it is about time to take a part of the $1 billion we are spending to sustain the economy of Japan and invest it in some kind of experiment which would be good not only for Japan, but for the entire world, and principally the people of the United States.

All we are saying is this: Let us take the $40 million and get on with this research, get on with the development of the use of natural uranium, and give the United Kingdom a little competition in the field in which we are supposed to be supreme. We are supreme when it comes to oratory, but when it comes to selling a particular type of reactor, the Japanese turn their eyes to the Calder Hall type of reactor.

Is it not about time to get started on this task and meet the competition? I am not saying anything derogatory with respect to the progress being made in Great Britain. Nor am I saying anything derogatory to the Japanese people. They have the right to select the reactor which they think is best for them.

But here we are, leaders in international trade, leaders in the development of this art; and we run the risk of losing our honored position, because some people are too slow in reaching conclusions which must be reached if we are to get on with the job.

Mr. ANDERSON. I agree with the Senator. I point out, in addition, that in the minority views filed in the House, when members of the joint committee passed on round 3, which is purely the support of private organizations, I believe the Atomic Energy Commission was given every dollar it asked for in the third round.

Mr. PASTORE. Yes; and if my memory serves me correctly, it was $30 million.

Mr. ANDERSON. That is exactly correct. We gave them every dollar they asked for. I am sure the Senator from Tennessee remembers that. Yet, after we gave the Atomic Energy Commission every dollar it asked for in the third round, this was the language in the

minority views filed by Members of the House:

> The general approach throughout section 111—

Supposedly by those of us who signed the report—

> is this: We cannot do enough to help the public power groups. On the other hand, we must do everything possible to discourage the private groups.

We gave the Commission every dollar it asked for for the third round, and now it is said that we are doing everything possible to discourage private groups.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. GORE. Not only did the committee recommend every dollar requested for the third round, but the committee recommended every dollar requested by the Bureau of the Budget for the development of the fast breeder concept, which, as the able Senator knows, is the basis of the reactor in controversy at Detroit.

Mr. ANDERSON. That is correct. The Senator from Michigan [Mr. McNAMARA] and others have some interest in this project. However, we had to recognize that in the Detroit situation the Atomic Energy Commission itself had decided that $1,500,000 was what it should spend on special research. The Bureau of the Budget approved that sum. Subsequently, when the Atomic Energy Commission heard what sort of action the Joint Committee was taking, it said, "We would like to have $3,500,000 or $4 million approved." However, we felt that we had to follow the Bureau of the Budget.

Mr. GORE. I was a member of the subcommittee. I do not recall that even the Commission itself made such a recommendation.

Mr. ANDERSON. The Senator is right. I take back the statement which I made.

Mr. GORE. It was only a suggestion or request by one of the division heads. The question before the committee was, Should we respond to a responsible request by the Commission, approved by the Bureau of the Budget, or should we respond to a suggestion or request, not by the Bureau of the Budget, not by the Commission itself, but by one of its subordinates? We approved every dollar officially recommended to us in the request of the Commission and approved by the Bureau of the Budget.

Mr. ANDERSON. I thank the Senator from Tennessee. I now remember that what he says is absolutely correct. When we did exactly what the Bureau of the Budget felt was the only safe thing to do, the House minority views, on pages 57 and 58, really criticized us because we did not do more.

How in the world does one start making appropriations if the Bureau of the Budget is not a guide. The Atomic Energy Commission, after it fought the Gore-Holifield bill on the House floor a year ago, and finally succeeded in killing it, went back to the Bureau of the Budget and asked for some of the very items it had killed. When we now try to put them back, it becomes socialism. I say that does not make much sense to me.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. GORE. Earlier in the able address the Senator is making he referred to the recommendation of the Joint Committee on Atomic Energy as a minimum program. I wish to emphasize that characterization of the program. To my view the recommendation of the joint committee is far short of what the country should do to maintain its leadership in the vital field of nuclear power. We sought to compose some of the differences. We sought to recommend only those things to which no serious objection could justifiably be raised. This, I emphasize, is a minimum program, but is a program designed to get something started and to provide some initiative and to break away from the awful power of inertia.

Mr. ANDERSON. The Senator is entirely correct. There are many of us who would have wished to go much farther.

There must be a background understanding of what has produced the present situation. Heretofore appropriations have been made to the Atomic Energy Commission on a sort of lump-sum basis. There was no question raised as to the authority so to appropriate. However, an argument developed between the Chairman of the Atomic Energy Commission, and the chairman of the Committee on Appropriations of the House. It became very heated, and Mr. CANNON—well within his rights, I thought—objected to what he regarded as deception practiced upon him and upon the Congress by the AEC. Therefore, he said he would not approve any more items of this general nature for the AEC until he had authorizations for them.

The Atomic Energy Commission decided it would not object to a requirement that it would submit authorization items. The bill to require specific authorization was passed by Congress—it was S. 2243—and the bill was signed by the President on the 3d of July, as I recall. It was not until that bill had been signed that we could begin to work on authorization items. We knew we would be held up for some time by the civil-rights discussion, and therefore felt that we should try to get the authorization legislation through the Congress.

As the Senator from Tennessee [Mr. GORE] has indicated, because we knew of the pressures of time that would be upon us, we tried to shorten the amount of discussion and debate by leaving out items on which there was a great deal of controversy. We cut out item after item which we believed should have been included, and tried to boil it down to the items on which the experts had agreed, and on which we thought the Atomic Energy Commission had also agreed. Therefore we tried our best to make sure that the bill would be a minimum bill, as the Senator from Tennessee has pointed out, and we certainly never believed that we would be accused of proposing any broad program.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. GORE. We have cited the action of the joint committee in approving the total requests of the Commission with respect to round 3, with respect to the development of the fast-breeder concept. Of course, the junior Senator from Rhode Island [Mr. PASTORE] has pointed out that every project under round 3 had been initiated by the Commission in negotiation with the concerns involved. What the joint committee did with respect to round 2 was to recommend a method of practical accomplishment of the negotiations and plans and applications under round 2 which had been initiated by the Commission itself.

Mr. ANDERSON. Yes. I wish to say that in a few minutes I shall go into the four proposals of round two. I say again this is a minimum program, which is being attacked as favoritism toward certain industrial organizations. I say a charge like that cannot be substantiated. However, if these efforts are successful, I believe that Congress should be consistent and consider saving the $500 million or more in obligations in the indemnity bill and avoid any charge of favoritism to the private power companies.

Soon we are going to consider an indemnity bill which would guarantee $500 million over and above the privately insured loss in any one of these projects. The total amount at stake could be $2,500 million, and it could be $5 billion in sum.

If we are to give away $5 billion of excess insurance coverage, absolutely free, no one should be standing around on the sidelines talking about socialism, especially when we are putting $40 million into the State of Idaho for the building of a gas-cooled natural-uranium reactor.

In the authorization bill the joint committee also provided measures to protect cooperatives and local publicly owned organizations, which will enable them to participate in the program without risk of loss from expensive reactor operations. From the long drawn out AEC negotiations—up to 27 months, and no contracts—it was not clear whether, first, AEC would ever get a signed contract which REA could approve, and, second, if AEC did, whether the co-op would not be in danger of sacrificing its whole solvency as a result of unanticipated costs from the construction or operation of the reactor from which AEC would not or could not bail them out.

Because I have some interest in REA cooperatives, and because at one time I had some responsibility in trying to see to it that REA cooperatives expanded and worked well, I shall briefly run through the four proposals, as I have attempted to analyze them myself.

First, in all these projects, except one, the Government through the AEC has said that these reactors will be uneconomical at first; therefore the Government would give the companies some money with which to make up the deficit.

The approach of the joint committee is quite different. The joint committee has said that if Duquesne Power & Light Co.,

a very well organized and rich private organization, can be guaranteed that its cost for atomic steam will be the same as for steam generated from coal or gas or oil, the same rule ought to apply to the less prosperous cooperatives.

Furthermore, that is the identical proposal being used at West Milton. The public utilities which bought energy generated there did it on the basis of the cost of power generated in a conventional plant, not an atomic energy plant. The same method also is being used in California.

We believe that if this principle can be used in connection with three privately owned public utilities, it likewise can be used in connection with cooperatives. Perhaps the explanation is that if cooperatives can be led into a financial jam, they can be broken. That may be the principle that has been guiding the Atomic Energy Commission in these negotiations.

In connection with the Elk River project, $1,640,000 is provided for construction research and reporting. There is no research in connection with it. All it amounts to is a subsidy given to Elk River after the reactor is built and goes into operation. It is to cover the difference between the cost of operating with natural fuels—coal, oil, gas—and the cost of running the nuclear plant.

The AEC, in the Elk River project, has agreed to sell generated electric power to cooperatives at the same cost at which power could be produced under a conventional setup. That rate was fixed at 9½ mills per kilowatt hour. That is the generating cost, not the fuel cost. I say that because in some other illustrations we will use the fuel cost.

At page 292 of the long authorization hearings, we had the testimony that there was a probability that it would cost 20 mills to generate current under that project, or a possibility of 20 mills. That is a difference of 10½ mills a kilowatt-hour. It is a 22,000 kilowatt-hour plant. It usually runs from 60 to 80 percent of capacity. Let us take 75 percent as a fair figure, 24 hours a day, 360 days in a year. That figures, on a slide rule, not exactly accurately, to $1,520,000 a year, and Elk River has been given only $1,640,000 in all.

It is true that the Elk River Cooperative guaranteed to run this plant only 1 year. That is all the money it got from the AEC. Of what value is it to build a plant, let it run 1 year, and then dismantle it? I do not think it is of too much value. If we go on to the second year, who will take the loss? The Elk River Cooperative? If it gets into too deep a hole, what will happen to Elk River Cooperative? It is a cooperative. It does not have a capital structure; it does not have an opportunity to go out and sell bonds. It does not have a chance to finance as does a private utility. As a cooperative, it has only one out—that is, to go through the door to bankruptcy.

Elk River is going to provide $700,000 for a site. It will put $1,750,000 into generating facilities. This organization does not have a capital structure. Where is it going to get the money for these capital items?

The next project is at Piqua, Ohio. That is a community project which needs the language which the committee wrote in. I do not think—and I do not believe the Atomic Energy Commission could say to the contrary—that Piqua can operate under the language of the original act. I think it needs every bit of the language which the committee suggests being written into this act, because the proposal of Piqua, Ohio, is that they will pay 2.88 mills per kilowatt-hour for heating costs. The AEC will pay the balance. Of course, that is not socialism. That is wholly different. The plant will have a capacity of 12,500 kilowatt-hours, running at 75 percent of capacity. They will face a 10-mill loss per kilowatt-hour, and on that basis they will need $821,000 a year, which the Atomic Energy Commission is to give them in subsidy to run the plant. Is it not commonsense, is it not in order for the joint committee, looking at this, to say if the Atomic Energy Commission is going to build this plant it must contract with the contractors to get it built at the lowest possible price, and with the vast experience of the Federal Government? After all, who has built plants other than the Federal Government?

Therefore, I say it is a pretty dangerous thing to be suggesting that $821,000 a year is to be lost by Piqua. But if Senators will look at the hearings, page 337, they will see that someone estimated the cost to be from 12 to 14 mills. If the top figure is used, the loss for 5 years to Piqua assumed by the AEC will be $4,500,000; and the AEC has set aside for this purpose a subsidy of $3,600,000.

The AEC called this subsidy a payment for research. We asked, "What research?"

They said, "They are going to report their loss, and we will take care of the loss."

Apparently it is not subsidy so long as they call it research.

This is a project which will be built in an area of very low-cost coal, and hence 2.88 mills is a very low cost. I congratulate the city of Piqua. Its officials made a deal with the AEC that this steam would not cost them any more than steam from coal. I think it is a very good business deal. I only wish that the other cooperatives had received something of the same nature.

The Wolverine Cooperative has a present fuel cost of 8½ mills. It is going to have a generating capacity of 5,000 kilowatts in the first 2 years, and 10,000 kilowatts after that. The estimated cost is about 12 mills. They are going to get back a 3½-mill differential. Figuring it out again on a 75-percent load factor, that comes to $115,000 a year for the first 2 years and $230,000 for the next 3 years, or a total cost of $920,000.

Mr. President, do you know how much the AEC gave the cooperative in Michigan? Not a nickel for post-construction research. When we asked them why they had not, do you know what the answer was? They said, "They did not ask for it."

But the AEC gave the money to the others, because they knew they would need it. But, knowing that the Wolverine would need it, the AEC did not offer it to them.

I simply call attention to the fact that the statement of the Wolverine Cooperative was that it had net profits of $16,000 a year, and the interest cost alone will be $50,000 a year on the plant. I have not been in business too extensively, but I know that I cannot pay out $50,000, take in $16,000, and stay in business very long.

I say that this proposition, in my opinion, has been designed to break the cooperatives, to make it impossible for the cooperatives to live; and it has been done by an individual who tried to destroy the TVA by the Dixon-Yates deal.

In my opinion, when these matters are carefully analyzed, it will be seen that the plan is designed to destroy cooperatives by putting them into deals where they have not a chance in the world to live. All our committee tried to do was to assure the cooperatives a break. We did not put the cooperatives in this transaction. The AEC put them in. When we saw they were in jeopardy, we tried to protect them. For that we are accused of socialism. Is it socialism to take an organization which is about to be butchered and point out the presence of the butcher knife? I do not think so.

The last project is at Chugach, in Alaska, for 10,000 kilowatts. Here is where $2,500,000 has been provided. The Nuclear Development Associates are supposed to guarantee the excess over 18 mills cost. This is a high cost area. This is an area where an atomic powerplant could work out the best if it were properly constructed. The cost there now is about 12 mills per kilowatt-hour. Therefore, Chugach agrees to assume 12 mills for all the power delivered to it, plus one-fourth of the excess between 12 mills and 18 mills. So the maximum Chugach will pay is 13½ mills. AEC will pick up three-fourths of the difference between 12 mills and 18 mills, or 4½ mills.

The question which must be asked before it will be known whether this is a sound financial transaction is whether the amount of money given Chugach over a 5-year period is enough to absorb the 4½-mill loss, because theoretically Nuclear Associates are going to take everything over 18 mills.

If one reads the fine print, Nuclear Development Associates can get out of its guaranty after 3 months. Then the plant is either dismantled or continues to operate at great losses to Chugach Electric. But suppose it does not cost more than 18 mills, or suppose Nuclear Development Associates does not pick it up. It figures like this: 12,000 kilowatts, at 4½ mills a kilowatt-hour, 24 hours a day, 360 days a year, is about $291,600 a year. For 5 years, it is $1,500,000. But the AEC gave them $2,500,000. No one knows why an extra million dollars was given to Alaska, but nothing was given to Wolverine, in the State of Michigan. That is beyond the knowledge of the members of the joint committee.

When we asked how in the world they justified it, the answer was, "We are handling this. You people do not need to worry about it."

I say we do need to worry about it. I think we have to worry about it very much. Remember that in the authorization bill the joint committee tried to protect the cooperatives. I hope our friends who are interested in agriculture and rural cooperatives will support the joint committee to get on with atomic power, without ruining the co-ops and local power organizations. This will undoubtedly be discussed time after time on the floor at greater length as we come to the subject.

Our current problem boils down to this: Are AEC and its supporters willing to accept responsibility for the further lag in the atomic-power program? Or should the Commission, as authorized in the Atomic Energy Act of 1954, assume leadership and the necessary technical planning and direction of the program which goes with it, instead of abdicating?

In conclusion, I want to stress that the realities of atomic power, and of our stake in its development, actually require much more private and Government money and effort if it is to be successful. I hope that by next session we can review the entire problem once again and get a long-term solution which will make sense.

I hope the Members of the Senate will read the report of the joint committee. I hope they will find time to glance at least at some of the language of the authorization bill. I particularly hope they will read the section relating to the cooperatives, and will judge for themselves what is being proposed by the Atomic Energy Commission and what is being proposed by the Joint Committee on Atomic Energy.

Mr. HUMPHREY subsequently said: Mr. President, I was unable to be present on the Senate floor during the time that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Tennessee [Mr. GORE] were discussing the action of the Joint Committee on Atomic Energy on S. 2674, which is a companion bill to H. R. 7992.

The favorable report of the Joint Committee on Atomic Energy relating to the reactor development program, is very important to the people of Minnesota, and in particular to the Rural Cooperative Power Association of Elk River, Minn. I might add that there are private companies also in our State that are becoming concerned with the peacetime development of atomic energy for the purposes of electrical generation, and they, too, will be interested in the report of the Joint Committee on Atomic Energy, particularly in the proposals made by the majority of that committee.

Mr. President, the Rural Power Cooperative Association of Elk River, Minn., is now—for more than 2 years has been—urging the Atomic Energy Commission to cooperate in the development of the first atomic reactor plant for a rural electrification project. The Rural Cooperative Power Association is a pioneer in this work. It has engaged competent engineers and scientists to develop its program and plans. It has negotiated with the Rural Electrification Administration in Washington, for a loan for the conventional section of this new development. It has enlisted the cooperation of Members of Congress from the State of Minnesota, as well as the cooperation of the State administration in St. Paul, Minn., in an effort to get early action by the AEC.

It is fair to say that this splendid rural electric cooperative has pointed the way for the development of atomic energy for electrical power generation purposes insofar as REA's are concerned.

I can recall, Mr. President, several years ago, at the time when the Appropriations Committee was reporting the appropriations for the Department of Agriculture, that I questioned the Senator from North Dakota [Mr. YOUNG], who was presenting the report, as to whether or not the moneys provided by that report would be available for REA development of atomic energy. The Senator at that time assured me that the REA's would share. Then, in the 84th Congress, that basic right was spelled out in more specific detail.

At that time representatives of the Rural Cooperative Power Association journeyed to Washington to meet with the Commissioners of the Atomic Energy Commission, as well as with their technical staff, to work out preliminary arrangements for the construction of an atomic reactor at Elk River, Minn. Since then this project has been bogged down in much redtape, over at the Atomic Energy Commission, month after month. The AEC would give approval piece by piece to proposals from the Rural Cooperative Power Association. A contract was finally negotiated with a manufacturer of nuclear equipment under the close scrutiny of the AEC, but final AEC approval was still not given when the Joint Committee on Atomic Energy began to look into the project this summer.

When the joint committee began to reexamine the reactor development program those of us who are interested in immediate development of the Elk River reactor for rural electric purposes were reassured. We knew that great friends of the cooperative movement like Senator GORE and Senator ANDERSON would help out.

However, I note with considerable interest in the House report on H. R. 7992 that those who dissented from the majority report, those who were not in favor of the proposal being advanced by the Senator from Tennessee [Mr. GORE], the Senator from New Mexico [Mr. ANDERSON], and the distinguished Representative from the State of California [Mr. HOLIFIELD], made a revealing comment, which I should like to quote, from page 57 of Report No. 978 of the House, authorizing appropriations for the Atomic Energy Commission, this report having been filed for the majority by Representative DURHAM, from the Joint Committee on Atomic Energy. At page 57 the minority report states:

> The arrangement is such that the Commission would pay for the construction and operation of the reactor and sell the steam to the cooperative or publicly owned agency at the conventional cost of steam. This is, indeed, a great preference for the cooperatives and publicly owned agencies. Once this section has been enacted into law the gates would be open to demands for similar treatment from all other cooperatives and publicly owned agencies.

I merely note, Mr. President, that the minority on the Joint Committee on Atomic Energy, those who are in opposition to the proposal which is before us, the Senate bill, S. 2674, are opposing the bill for one reason in particular, which is that they feel it would be too helpful to the REA's, too helpful and too generous to the publicly owned bodies which are engaged in the production and distribution of electrical energy.

Mr. President, I ask unanimous consent that item 2 on page 12 of the report of the Senate, filed by the Senator from New Mexico [Mr. ANDERSON], to accompany S. 2674, Report No. 791, relating to the Rural Cooperative Power Association, Elk River, Minn., be printed at this point in my remarks.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

> 2. Rural Cooperative Power Association, Elk River, Minn., to construct and operate a 22,000 electrical kilowatt boiling water reactor near Elk River, Minn.
>
> Under this proposal, Elk River will provide the reactor site (value estimated by it at $700,000) and will construct the electrical generating facilities at an estimated cost to it of $1,750,000. During operation it will pay costs only up to the costs equivalent to operating an alternative plant using conventional fuels (current estimate of fuel cost, 9.5 mills per kilowatt-hour). AMF Atomics, the reactor manufacturer, under the proposed subcontract with Elk River, will contribute $1 million toward design, engineering, and construction of the reactor, and will bear the risk if the cost of construction exceeds the AEC ceiling of $5,686,000. The AEC will provide preconstruction research and development assistance up to a ceiling of $2,760,000, plus cost of construction up to a ceiling of $5,686,000 (above the AMF Atomics contribution of $1 million), and postconstruction research and development assistance up to a ceiling of $1,640,000 (to cover incremental operating costs above costs of operating an alternative plant using conventional fuels). Under the proposal, the AEC will also waive charges for the use of nuclear materials, an estimated value of $125,000 for the life of the contract.
>
> In summary, the total proposed AEC assistance to this project can be shown as follows:

| | |
|---|---|
| Preconstruction research and development assistance | $2,760,000 |
| Reactor construction | 5,686,000 |
| Postconstruction operating expenses (maximum) | 1,640,000 |
| Waiver of fuel use charges | 125,000 |
| Total value of AEC assistance | 10,211,000 |

Mr. HUMPHREY. Those particular paragraphs relate to the proposal of the Elk River group to provide for the construction of the electrical generating facilities in combination with an atomic reactor, and there is listed the value of the Atomic Energy Commission assistance to this particular cooperative.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I shall yield to the Senator from Tennessee, after one observation. We in the State of Minnesota are extremely grateful for the advice, counsel, patience, understanding, and helpfulness of the Senator from Tennessee [Mr. GORE] in this matter of the

development of the Elk River reactor program. I have gone to the Senator from Tennessee, as the Senator well knows, on many occasions, seeking advice and counsel as to this matter, because of the deep concern on the part of the Rural Electric Cooperative people in my State.

I desire to yield now to the Senator from Tennessee for whatever observation he would like to make relating to the bill and its application and reference to the project in Minnesota, with which he is so familiar.

Mr. GORE. Mr. President, I thank the able junior Senator from Minnesota for his generous references. It is a fact that he and I have talked upon numerous occasions about the application of the Elk River Rural Cooperative Power Association. Upon each of those occasions, the Senator has made known his deep concern because of the inertia and indecision which seem to grip the atomic-power program. For many weary months it has seemed to remain on dead center, despite the vigorous initiative supplied in this particular application by the applicant, the Elk River Rural Cooperative Power Association.

What the committee has attempted by this recommendation is to break the Nation's lagging atomic-power program from the grip of inertia and indecision, and to give to it a push forward. This application of the Elk River Rural Cooperative Power Association was made under round two of the Commission's program.

In addition to the application of the Elk River Rural Cooperative Power Association, there were a few other applications for the construction of small reactors. As the able Senator has said, none has been brought to the consummation of a contract.

Indecision and inertia still grip the program. Meanwhile the competition in which we are engaged in the struggle for the minds of men and the economic leadership of the family of nations continues. Unless the Congress can provide the initiative, I fear that we shall lose the race for atomic power.

The able junior Senator from Minnesota has been vigorous for many months in his leadership in this field, and I hope that with his continued leadership we can succeed in passing the bill which the committee recommends.

I point out to the able Senator, however, that the bill contains only a minimum program.

Mr. HUMPHREY. That is correct.

Mr. GORE. It is far short of that which is needed. But I believe it has the virtue of giving to the program an impetus, a push forward, a start. I thank the able Senator for his interest in this subject, and I join with him in congratulating the Rural Cooperative Power Association at Elk River for the leadership it has shown in this field. I think the development of small-scale reactors is important to industry in the United States, private and public. It is especially important to private industry because it is there that we may find a vast field for export trade, not only in reactors, but reactor fuels, which will give employment, sustenance, and income to American labor and American industry.

Mr. HUMPHREY. I thank the Senator from Tennessee, particularly for his more than generous comments relating to the work I have tried to do in behalf of this pioneering cooperative at Elk River.

I am happy to note from the report which has been presented to us today by the Joint Committee on Atomic Energy, to accompany Senate bill 2674, that some of the concern and worry which had been expressed to me by the officers of the Elk River Rural Cooperative Power Association have been dealt with in the report. By its recent action in writing the report, the committee has demonstrated again that it is keenly aware of the detailed problems which face this rural electric cooperative.

Then Senator from Tennessee has been bothered considerably by me concerning some of these details.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. GORE. I was about to observe that had the members of the joint committee, particularly those who are Members of the Senate, not become keenly aware of the problem of the Elk River Cooperative, they would have been persuaded by the able junior Senator from Minnesota to become aware of them.

Mr. HUMPHREY. I thank the Senator.

In the light of certain comments made relating to problems which it was feared might arise under the legislation advocated by the joint committee, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a letter which I have addressed to Mr. O. N. Gravgaard, president of the Rural Cooperative Power Association, of Elk River, Minn.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 2, 1957.

Mr. N. O. GRAVGAARD,
*President, Rural Cooperative Power Association, Elk River, Minn.*

DEAR MR. GRAVGAARD: I am very pleased to be able to assure you that the printed report on H. R. 8996 which will be released publicly on Monday, August 5, will contain language to protect Rural Cooperative Power Association's interest.

You will recall that your general manager, Mr. Wolter, asked me to do what I could to see that clarifying language was either inserted in the bill or in the report to take care of two serious problems: First, that the charge to the cooperative for the nuclear-generated steam might be such as not to take into consideration the possibility of interruptions and consequent extra expenses to the cooperative in seeking substitute power elsewhere; and second, that the AEC might find an excuse to delay further in negotiating a contract with AMF Atomics.

I took up these matters immediately with members of the Joint Committee on Atomic Energy, and was assured by several, but particularly by Senator GORE, that an effort would be made to take care of the two problems in the writing of the report. I have now read a committee print of the report, and find that your problems have been recognized and dealt with.

Under the committee's proposed new program, as you know, the AEC will contract directly with the equipment manufacturer for the development and construction of the reactor, and subsequently with the cooperative for the site-leasing, provision of conventional facilities, operation of the entire plant, and purchase of steam from AEC. The report then goes on to say:

"It should be understood that the above principles are not intended to require AEC to resolicit proposals or to change the participants in the various projects. * * * It is contemplated that AEC under its direct contract with the equipment manufacturer could incorporate the terms and conditions concurrently being negotiated by the cooperative or public organization with the manufacturer, providing they are consistent with the above-stated principles."

This language, I believe, is direct and unequivocal, the committee expects AEC not to delay in the signing of your contract just as it has been negotiated, except perhaps to give easement to the manufacturer in the possible event of increased costs since your own agreement with the manufacturer.

With respect to the costs and charges to the cooperative, the report has the following language:

"The committee did not intend to restrict the Commission's breadth of contractual authority under section 31 of the Atomic Energy Act of 1954 to pay or reimburse the equipment manufacturer or the cooperative or publicly owned organization for such costs or expenses as may be necessary or desirable to enable the organization to participate in the developmental and demonstration purposes of the project. It was the committee's intent that the cooperative or publicly owned organizations would receive no less favorable treatment financially under section 111 (a) (1) than the method proposed by the Commission."

Getting down to the price of the steam itself, the report reads as follows:

"The organization would be expected to pay for conventional costs of operation of its portion of the project, and the AEC would be authorized to pay for all reactor operation and maintenance costs and other special costs arising out of the nuclear character of the entire project and operation. Steam would be sold to the cooperative or public organizations at rates based upon the present cost of, or the projected cost of, comparable steam from plants using conventional fuels at such general locations. By comparable steam is meant steam of the same regularity and reliability, and of the same temperature and pressure as that obtained from conventional sources. By cost is meant cost to the cooperative; that is to say, the ascertained value or charge for steam which the cooperative pays or would pay for steam of a comparable degree of interruptibility."

I think, then, that we have removed two of the most serious objections to the committee's plan for reactor construction, as it affects the RCPA project.

As you know, under either the AEC's original plan or the new committee plan, no conclusive steps could or can be taken to proceed with the construction of the reactor at Elk River until the Congress appropriates the funds for the second round—authorized by the bill at $48,237,000.

In other words, up to the point when appropriations become available, under the new plan you will be even with the original AEC plan under which the association would have constructed the plant with a grant from AEC. When the AEC actually has the money in hand, however, there could conceivably be a delay, but it certainly will not be caused by the Democrats in Congress. It will then be the clear responsibility of the AEC, under the specific language of the report on H. R. 8996, to conclude a contract with AMF atomics without delay, and to proceed as rapidly as possible to conclude a contract with RCPA covering the charges for steam.

I stand ready at all time to assist you in every way possible in your continuing discussions with the Atomic Energy Commission. And, of course, I shall do everything I can to see that the authorization and appropriations are rapidly acted upon by the Congress.

Sincerely yours,

HUBERT H. HUMPHREY.

Mr. HUMPHREY. That letter deals with two specific fears expressed to me by the Rural Cooperative Power Association. One dealt with the cost of steam to the cooperative, the other with possible delay while the AEC renegotiated a new contract for the reactor.

I wish the RECORD to note that the Elk River Cooperative Power Association has been working closely with the American Machine & Foundry Co. in the development of the technical designs and plans for the reactor which is contemplated in the Elk River REA project.

Officers of the Cooperative Power Association who came to Washington to testify included: O. N. Gravgaard, president; E. E. Wolter; H. P. Levander; E. J. Welsh. Also Mr. A. V. Peterson, vice president of the American Machine & Foundry Co., and general manager of the American Machine & Foundry Atomics, Inc., who came to testify as a technician before the Joint Committee on Atomic Energy.

I hope that this legislation will be speedily approved. As the Senator from Tennessee has said, our whole program of reactor development has been at dead center. The Atomic Energy Commission simply has not moved. I feel that I am stating the case fairly when I point out that there has been some lack of confidence in the Atomic Energy Commission because of its delays and because of its apparent indecision. Therefore the Joint Committee on Atomic Energy is literally directing that certain projects be undertaken by the Atomic Energy Commission. In a sense, this is the way we authorize projects for river and harbor and flood-control development. We consider each specific project, listen to the testimony relating to that project, and authorize the development of the project, point by point, and step by step.

In the so-called round two, which has been referred to by the Senator from Tennessee, I believe there are five proposals. One of the projects is the one which relates to the Elk River-Rural Electric Cooperative. I appeal for support for the proposed legislation, and I also urge that when the legislation is enacted, the Atomic Energy Commission proceed forthwith. All the detailed plans for the Elk River program of the Rural Cooperative Power Association are in hand. All of them are in the possession of the Atomic Energy Commission. The engineering has been worked out to the most minute detail.

I believe that this particular project is far out in front in terms of advanced planning and detail, as compared with any other project before the Atomic Energy Commission for the development of the smaller type of reactor. It seems to me, therefore, that it is worthy of priority consideration by the AEC once the legislation is enacted. I therefore urge the greatest speed and favorable consideration of this long overdue and much-needed legislation, and subsequent approval by the Atomic Energy Commission.

## CIVIL-RIGHTS LEGISLATION

During the course of Mr. ANDERSON's speech,

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from New Mexico may yield to me without losing the floor, with the understanding that this statement will be printed at the conclusion of his remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement from President G. E. Leighty of the Order of Railroad Telegraphers, referring to the pending civil-rights legislation in Congress.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE ORDER OF RAILROAD TELEGRAPHERS,
*St. Louis, Mo.*

The following is a statement by President G. E. Leighty of the Order of Railroad Telegraphers referring to pending civil-rights legislation in Congress:

"STATEMENT

"There has been a great deal of speculation and discussion as to the reasons why 12 presidents of standard railway labor organizations supported the jury-trial amendment to the civil-rights bill in the Senate last week. Numerous explanations have been offered, some valid and some invalid.

"The fact is that the railway labor leaders in supporting the jury-trial amendment were at once giving support to the cause of civil rights and the basic principles of democratic law enforcement.

"The civil-rights bill in its present form does the following:

"1. Sets up a Federal Civil Rights Commission.

"2. Establishes a Civil Rights Division within the Department of Justice.

"3. Clarifies the right of an individual to secure a Federal court injunction to protect his voting right.

"4. Permits the Federal Government, with or without consent of the aggrieved, to obtain injunctions against interferences with individual voting rights.

"5. Guarantees those accused under this latter procedure of criminal contempt of court a jury trial in disposing of their violations.

"6. Extends the right of jury trial in certain labor cases.

"7. Reaffirms the right of citizens to serve on Federal juries without discrimination.

"This seems to me to be a civil-rights bill worth supporting. This is a measure that will go a long way in improving the race problems with which we are confronted. It represents the cumulative effort of determined men, working within the framework of our legislative establishment, to produce a workable bill which will be a constructive step forward. All sides have been willing to bend a little in order that the final result might be reasonably acceptable to the greatest number of people.

"We believe that the present civil-rights bill is a milestone of progress and ought to be accepted forthwith by those genuinely interested in constructive progress in the field of civil-rights guaranties."

## ORDER FOR RECESS TO 11 A. M. TOMORROW

During the course of Mr. HUMPHREY's speech,

Mr. JOHNSON of Texas. Mr. President, will my friend the Senator from Minnesota [Mr. HUMPHREY] yield to me so that I may ask unanimous consent relating to an order for the Senate to meet tomorrow, with the understanding that the request will appear at the conclusion of the Senator's remarks?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today it stand in recess until 11 a. m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR MORNING BUSINESS TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate convenes tomorrow we have the usual morning hour, with a limitation of 3 minutes on statements, and that only routine business be transacted during that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. I thank my friend from Minnesota for yielding to me.

## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. DOUGLAS. Mr. President, an effort is being made to convince some of the northern newspapers that the amendments to the civil-rights bill result in creating a bill which will effectively protect the civil rights of American citizens.

Notwithstanding what some northern papers may say, it occurred to me that it might be well to see what the southern newspapers have been saying about the amendments to the bill and how the South has reacted to these amendments. So the southern papers look upon these amendments as a victory or defeat for the South. Therefore, I shall ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, a series of editorials which I have been able to obtain today. But before making that request, I wish to summarize them.

CIVIL RIGHTS DEFEAT

First, let me read, from the Asheville Citizen-Times of Asheville, N. C., for Sunday, August 4, an editorial published under the heading "Civil Rights Meets Defeat." In other words, the headline states that the bill has met defeat, rather than that the jury-trial amendment has been agreed to. Their obvious reaction appears to be that the amendment killed the bill.

The editorial reads in parts as follows:

For all practical purposes the administration's civil-rights bill is dead and its death is and should be hailed as a significant victory for the South.

A little later the editorial states:

Credit for bringing the actual and hidden contents of the bill to light properly belongs to a group of Senators headed chiefly by Senators RICHARD RUSSELL, LYNDON JOHNSON, and our own SAM ERVIN.

SOUTHERNERS WIN

In the Kinston (N. C.) Daily Free Press for Saturday, August 3, 1957, an editorial was published under the headline "Southerners Win in Civil Rights Fight."

The editorial begins as follows:

When the United States Senate by a vote of 52 to 41 voted to include the jury-trial amendment in the so-called civil-rights bill, southern leaders who have opposed the bill so vigorously in its original form, won a sweeping victory.

The editorial also states:

It now appears that the bill which has been watered down to merely a voting-rights bill will be passed by the Senate.

The editorial states that it would be better still if the bill were defeated.

In the Clarion Ledger and Jackson, Miss., Daily News for Sunday, August 4, there was published an editorial headed "Effective Leadership Is Key to South's Victory in Senate Fight." The editorial states in part:

If the iniquitous civil-rights bill is now dead, as tacitly conceded by administration Floor Leader KNOWLAND, southern Members of the Senate deserve full credit in this sweeping victory for constitutional government. Thanks to their determination and well-organized strategy in emphasizing the measure's dangerous features, even many of its supporters now view it with suspicion and misgivings.

The editorial summarizes an article written by James Marlow, of the Associated Press, and states that he—

credits three southern Senators with exposing the bill's three basic evils, thus creating division and surprise among supporters of President Eisenhower's measure.

These three, all Democrats, are Mississippi's EASTLAND, Georgia's RUSSELL, and North Carolina's ERVIN. Marlow reports that they got a big helping hand from Robert Young, brilliant attorney on the staff of EASTLAND'S Judiciary Committee. Step by step, these dedicated leaders—

Says the editorial—

have succeeded in eliminating proposed bayonet terrorism, force laws left over from Reconstruction and the attempt to deprive accused citizens of the right to trial by jury.

With EASTLAND as chairman of the Judiciary Committee, southern strategy has been for him to handle Committee affairs, with RUSSELL assuming strong floor leadership.

Toward the end of the editorial the following appears:

Thus Mississippians continue to be increasingly in debt to our Senators, who man the battlements in the fight for a continuance of our way of life. Especially to Senator EASTLAND is the State obligated for his work under extreme pressure.

* * * * *

As far as Mississippi is concerned, EASTLAND and STENNIS are at the top of the honor roll which includes a little handful of southern senatorial leadership to which credit for the victories belong. Seldom have so many owed so much to so few.

Obviously, victories registered by the South could never have been won without assistance from other dedicated Senate leaders, including STENNIS, LONG, HOLLAND, TALMADGE, ELLENDER, THURMOND, JOHNSON, BYRD, ROBERTSON, SCOTT, * * * and others arrayed against the administration steam roller.

VICTORY FOR SOUTH

The Meridian (Miss.) Star, in its issue of Sunday, August 4, published an editorial under the heading "We Win Rights Victory."

The editorial reads in part as follows:

Thanks to our fighting upper House, we have eliminated the worst of many wrongs within this so-called administration-hatched and promoted set of rights.

* * * * *

Our gratitude to southern lower House members who have fought the fight against seeming numerical Congressional odds obviously beyond the possible.

Also to southern Senators who have fought the good fight.

Once more we have escaped Reconstruction horrordom.

We have found the way to protect lives and liberties——

Mr. President, I skip a part of the editorial, and then read the following:

History will mark this fight as freedom-triumph—

Our thanks to all who have fought historic war.

SOUTH REWRITES SCRIPT

Mr. President, the Augusta (Ga.) Chronicle and Herald, published on Sunday, August 4, a lead editorial with the headline "After 90 Years, Victory—South 'Rewrites Script.'"

Evidently that is a reference to the 90 years which have followed the Civil War.

The editorial reads in part as follows:

The 1957 civil-rights battle has been a sort of switch on the way things went in the 1861–65 Civil War.

The South won the early battles in that long-ago war, but was overwhelmed and crushed in the end.

This time, the southern Senators and Representatives fighting against Federal civil-rights legislation lost major engagements early, particularly in the House part of the Congressional battlefield.

But toward the end they had picked up reinforcements and were riding fairly high.

DIXIE VICTORY

In the famous Atlanta Constitution, there was published on Friday, August 2, a lead article under the headline "Rights Jury Trial Is Passed in a Major Victory for Dixie."

The article reads in part as follows:

In a dramatic late-hour vote, southern Senators tonight pushed to adoption jury-trial amendment to the civil-rights bill.

The article also states that—

The South's triumph was also another personal victory for their acknowledged leader, Georgia's RUSSELL, and for Majority Leader JOHNSON.

The State, of Columbia, S. C., in its issue of August 2, published a news article under the heading "Senate Nails Jury-Trial Amendment Into Civil-Rights Bill in Defeat for Ike."

The subhead of the article is:

JOHNSON Takes Major Role in Dixie Victory.

The article begins as follows:

The Senate early today nailed a jury-trial amendment into the civil-rights bill, thereby dealing a major defeat to President Eisenhower and forces backing the administration measure.

A little later in the article the following appears:

A big factor in its success—

That is to say, in the adoption of the jury-trial amendment—

was the adept, buttonholing generalship of Senator LYNDON JOHNSON, of Texas, Democratic leader and possible contender for the next presidential nomination of his party. Striving to keep northern and southern Democrats from flying apart, he fought for what he considered moderating changes in the civil-rights bill.

* * * * *

Vice President NIXON has this comment on the Senate action:

"This was one of the saddest days in the history of the Senate because this was a vote against the right to vote."

Southerners were jubilant. Senator RUSSELL, Democrat, of Georgia, leader of the Dixie forces, had warned in advance that they would use every means at their command to try to defeat the measure if the jury-trial amendment should be rejected.

KING FILIBUSTER'S ROLE

The Dallas Morning News, probably the leading newspaper published in Dallas, Tex., in its Saturday, August 3, issue, carried an editorial entitled "Southern Strategy Pays Off."

The editorial reads in part as follows:

It is a victory for the southern senatorial bloc—a tribute to their shrewd parliamentary strategy. Blunt truth is, the southerners didn't have the votes either to kill outright or to postpone the inevitable showdown on this legislation. So they started out with one bit of strategy in mind—to take the most distasteful bits out of the bill, to gain compromises with other Senators in return for not filibustering.

Then this other significant sentence:

The threat of a filibuster remains the South's best weapon. If it doesn't kill, at least it can effect compromise.

Then there is a very interesting comment about the political alliance. It says:

The Senate's long debate had one unfortunate result. For many years conservative Republicans have joined conservative southern Democrats in an unofficial coalition to fight socialistic legislation.

On the civil-rights matter, many conservative Republicans deserted the southerners. The latter aren't happy about it. If they turn around and desert conservative Republicanism on a crucial issue—like public versus private power—the liberals will have made a great advance. The Nation needs a continuance of this coalition.

MORE ON KING FILIBUSTER

I should now like to read an extract from an article appearing in the Columbus, (Ga.) Enquirer of August 2, 1957:

The Senators who have been leading the fight against the legislation have had the advantage of holding a threat of filibuster over the heads of the proponents of the measure. In this manner, they have succeeded in maneuvering amendments that

stood no chance under the rules of the House of Representatives.

AMENDMENT VIEWED AS "FATAL BLOW"

The Charleston, S. C., News and Courier, in its issue of Saturday, August 3, 1957, under the heading, "Keep Fighting," states:

Southerners led the battle to guarantee jury trials for persons accused in criminal contempt cases. The fruits of victory, however, will be shared by all Americans. The jury-trial amendment to the civil-rights bill applies not only to voting matters but to all cases involving injunctions, including labor disputes.

The jury-trial amendment has been described as a fatal blow to the force bill * * *.

Because the voting so far has been one clear-cut victory after another for them—

That is, southern Senators—

There must be considerable temptation for opponents of the bill to rest on their oars.

A decision whether to press for complete defeat of the bill may be a tough one to make. With the tide of victory flowing their way so strongly, however, southern Senators will be abandoning their duty if they decide now to make for the shore.

GREAT SOUTHERN VICTORY

The Columbia, S. C., State, in its editorial of Saturday, August 3, under the heading "Great Victory," writes:

It was a great victory—adoption by the Senate of the United States of the jury trial amendment.

It was a great victory firstly for law and order, recognition of the right of a man to be adjudged innocent or guilty by a panel of his peers; it was a great victory, secondly, for the South, since while Senators from other sections joined in making victory possible, had not the South made the fight, and brought to the attention of the Nation the evils of the so-called civil-rights bill as passed by the House, it would have been adopted by the Senate without change.

BILL MAY BE DEFEATED

The Richmond Times-Dispatch, which I think has been the author of a constitutional doctrine of interposition, wrote on August 3, under the heading of "Dixie's Battle Is Paying Off":

Few more encouraging things have happened in Washington in our time than the series of victories won by southern Congressmen and their northern and western allies in eliminating the most outrageous features of the misnamed civil-rights bill.

It even makes one hopeful that the Supreme Court's series of recent decisions attempting to bring about mixed schools throughout the South and threatening action on a broader interracial front through such rulings as that in the Girard College case, will somehow be ultimately overturned * * *

There are still bad features in what is left of the tattered civil rights bill, but it may even be that the whole thing will be defeated. If it is, so much the better. At all events, it has been vastly improved.

These evidences of returning sanity in Washington and throughout the Nation are gratifying. The South's long battle is paying off.

RESOUNDING VICTORY

I now refer to the Danville, Va., Bee of August 2, 1957, which wrote an editorial under the title "A Resounding Victory":

The action of the United States Senate early today, including a trial by jury amendment to the civil-rights bill, constitutes a major victory for the South. It demonstrated that unyielding unity, such as was shown by some of the more astute Members hailing from the South, served its purposes. It does not mean that the present bill is by any means suitable, but it at least destroyed a legal iniquity which amounted to a Federal pistol pointed at the head of the Southern States whenever the people go to the polls * * *

The people of the South owe much to LYNDON JOHNSTON, HARRY BYRD, ERVIN, and RUSSELL, who have applied their influence in the right spot and maneuvered the parliamentary situation so dexterously.

SOUTH WINS

The Roanoke (Va.) Times, under date of August 3, last Saturday, had an editorial with the title "The South Wins a Major Victory." The first paragraph reads as follows:

The jury provision which the Senate wrote into the civil-rights bill is described as a compromise. It is, in fact, another significant victory for the southerners fighting to modify this punitive legislation.

OUTSTANDING VICTORY

The Huntsville (Ala.) Times of August 2, had an editorial under the heading, "Outstanding Victory for South," which reads in part as follows:

Mark up another victory to the credit of the little band of southern Senators who have fought valiantly and so far outmaneuvered advocates of the stringent Brownell civil-rights bill.

FATE OF BILL IN DOUBT

I shall close this comment on this group of editorials by citing the Columbus (Ga.) Sunday Ledger-Enquirer of August 4, 1957, under the heading, "Civil Rights Still Burning Issue," which has as its opening paragraph the following:

Southerners' Senate victories which first stripped the civil-rights bill of its provision for rights enforcement in general and then inserted a jury-trial provision for criminal contempt cases leave the fate of the measure considerably in doubt.

Mr. President, I ask unanimous consent that the full texts of the editorials be printed at the conclusion of my statement. I may say I am in the process of searching the southern press still more fully. I hope, when my examination is complete, that we may have more editorials indicating the opinion of the South as to what happened and who deserves the credit for what they say was a great victory. It should be remembered that at the same time the South is making these statements and being encouraged to make these statements, the North is being told that the bill is a great victory for the civil-rights cause.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Is there objection?

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Asheville Citizens-Times of August 4, 1957]

CIVIL-RIGHTS BILL MEETS DEFEAT

For all practical purposes the administration's civil-rights bill is dead and its death should be and is being hailed as a significant victory for the South.

But it much more than that—it is a victory for all Americans, regardless of race, and for the traditional and fundamental concept of freedom upon which the Nation was founded and under which it has prospered.

Actually, the bill as conceived and propagandized by the administration was not one to protect civil rights. It was designed as a punitive measure against a large section of the Nation.

Mr. Eisenhower, who midway through the Senate fight admitted to doubts about some sections of the bill, was described as "unhappy" about the legislation as it will emerge for a final vote next week. But the chief mourner seems to Vice President NIXON who said following the decisive vote for the jury trial amendment:

"This was one of the saddest days in the history of the Senate because this was a vote against the right to vote."

His statement, we submit, was most unfortunate and should be dismissed as poppycock.

The Senate's action further demonstrates, we think, the wisdom of the Senate system of full debate and deliberation.

The bill was rammed through the lower House before its Members had a chance to study and appreciate its ramifications. Indeed, it is doubtful that anyone except the Attorney General realized that the measure contained much more than just a right to vote guaranty.

Credit for bringing the actual and hidden contents of the bill to light properly belongs to a group of Senators headed chiefly by Senators RICHARD RUSSELL, LYNDON JOHNSON, and our own SAM ERVIN. They were joined in the final phases of the fight by two liberal Senators from the Northwest, Senators O'MAHONEY, of Wyoming and CHURCH, of Idaho.

Fortunately they convinced the majority of the Senators that when the rights of one segment of the people are taken away, the rights and privileges of all of us are threatened.

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[From the Kinston (N. C.) Daily Free Press of August 3, 1957]

SOUTHERNERS WIN IN CIVIL-RIGHTS FIGHT

When the United States Senate by vote of 52 to 41 voted to include the jury-trial amendment in the so-called civil-rights bill, southern leaders, who have opposed the bill so vigorously in its original form, won a sweeping victory.

It now appears that the bill which has been watered down to merely a voting-rights bill will be passed by the Senate. It, of course, remains to be seen what action the House, which originally passed the bill in accordance with the administration's wishes, will do about the Senate's version.

The free press has held to the view that the bill in its entirety was unnecessary; that it was primarily devised to hamstring the South, to take away the constitutional rights of the States to provide and protect the rights of their citizens.

In the present shape, as the Senate has eliminated the objectionable clause 3, which would have given the Attorney General of the United States virtual dictatorial powers on civil rights, and now the inclusion of the jury amendment, the bill is far better and more acceptable. That seems to be the opinion of the southern senatorial leaders. Unless there is a reversal of this viewpoint, the bill will probably pass the Senate within the next week or 10 days.

If the House declines to go along with the Senate, it is highly probable there will be a dogfall, so to speak, and the bill will not become law in this Congress. That, of course, is a possibility if not a probability.

In winning the majority for the jury-trial amendment, southern leaders did an outstanding job. They converted a number of Senators from other sections of the country and secured their support.

[From the Jackson (Miss.) Clarion Ledger and Daily News of August 4, 1957]

EFFECTIVE LEADERSHIP IS KEY TO SOUTH'S VICTORY IN SENATE FIGHT

If the iniquitous civil-rights bill is now dead, as tacitly conceded by administration Floor Leader KNOWLAND, southern Members of the Senate deserve full credit in this sweeping victory for constitutional government. Thanks to their determination and well-organized strategy in emphasizing the measure's dangerous features, even many of its supporters now view it with suspicion and misgivings.

James Marlow, veteran Associated Press political expert, has summarized southern strategy in exposing this monstrous conspiracy. He credits three southern Senators with exposing the bill's three basic evils, thus creating division and surprise among supporters of President Eisenhower's measure.

These three, all Democrats, are Mississippi's EASTLAND, Georgia's RUSSELL, and North Carolina's ERVIN. Marlow reports that they got a big helping hand from Robert Young, brilliant attorney on the staff of EASTLAND's Judiciary Committee. Step by step, these dedicated leaders have succeeded in eliminating proposed bayonet terrorism, force laws left over from Reconstruction and the attempt to deprive accused citizens of the right to trial by jury.

With EASTLAND as chairman of the Judiciary Committee, southern strategy has been for him to handle committee affairs with RUSSELL assuming strong floor leadership. Last January, EASTLAND unobtrusively enlarged the civil-rights subcommittee of his judiciary group from five members to nine. He included ERVIN and MCCLELLAN, of Arkansas on the expanded subcommittee, with ERVIN having a big role in subsequent proceedings. ERVIN's expert handling of subcommittee hearings has been on the brilliant side, helping greatly in the overall campaign.

Senator EASTLAND has had one handicap perhaps overlooked by many—as lined up in full committee, the judiciary group is overwhelmingly in favor of a civil-rights bill.

His adroit handling of the committee portion of the civil-rights battle, plus his behind-the-scenes efforts in defense of southern principles, has been a major factor in the ringing victories that has come, one after another.

All over the Nation commentators on editorial pages and through other information media, are frank to record that the southern strategy has been planned and executed with a smooth brilliance that has paid effective dividends.

As Senators EASTLAND and STENNIS said after the jury-trial amendment victory in the early morning hours of Saturday, they are not yet satisfied. They do not take Senator KNOWLAND's concession of complete defeat as an accomplished fact—not yet. They will be alert and battling for final defeat of the measure.

Thus, Mississippians continue to be increasingly in debt to our Senators, who man the battlements in the fight for a continuance of our way of life. Especially to Senator EASTLAND is the State obligated for his work under extreme pressure.

He has been the target of abuse, criticism, ridicule, and untold quiet, unseen influence. His response has been a smiling countenance, a busy brain, and a constantly alert leadership.

As far as Mississippi is concerned, EASTLAND and STENNIS are at the top of the honor roll which includes a little handful of southern senatorial leadership to which credit for the victories belong. Seldom have so many owed so much to so few.

Obviously, victories registered by the South could never have been won without assistance from other dedicated Senate leaders, including STENNIS, LONG, HOLLAND, TALMADGE, ELLENDER, THURMOND, JOHNSON, BYRD, ROBERTSON, SCOTT * * * and others arrayed against the administration steamroller. Attorney General Brownell has unwittingly helped to emasculate his own bill with a disregard for Senate intelligence. He has bungled badly in attempting to explain and gloss over the bill's rank injustices. Moreover, he has so far evaded answering direct questions as to the exact authorship of the civil-rights monstrosity.

Even ultraliberal sources have become disgusted with so much secrecy and evasiveness. England's venerable newspaper, the Manchester Guardian, always militant in behalf of minority rights, has recently published this blast at Brownell:

"The stupidity of the bill's draftsmanship is almost as irritating as its extreme provisions. The Department of Justice has tried to defend its reference to the possible use of force by claiming that its insertion into the bill was an accident. Great departments of Government are not allowed to make such accidents, especially in a statute prepared after months of consideration.

"The justified anger and suspicion of the South have been increased by its memory of Mr. Brownell's conduct ever since the bill first was outlined last year to the House of Representatives. There are some isolated passages in his testimony before House and Senate which suggest that he knew the bill would concern school desegregation and the potential use of force.

"But he refused to answer when he was challenged directly on this point by Senator ERVIN. * * * No wonder the South is opposed to giving Mr. Brownell these unprecedented powers as Attorney General."

His evasiveness in face of more recent questions, as to the exact authorship of the civil-rights bill, renders Mr. Brownell further suspect—not only with southerners but with all Americans who mistrust officials refusing to give a direct answer to a direct question. The United States Senate should keep asking, propounding this question until the Attorney General offers a full explanation, even though the civil-rights bill itself may be a dead duck so far as its present chances of passage are concerned.

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[From the Meridian (Miss.) Star of August 4, 1597]

WE WIN RIGHTS VICTORY

We have evolved safe and sane new bill of rights.

In process: Dixie Senators have nobly held the line.

The so-called new bill of rights as drawn and passed by House but watered by Senate, reflects partisan futility.

One-man bench tyranny no more menaces our liberty.

Thanks to our fighting Upper House, we have eliminated the worst of many wrongs within this so-called administration-hatched and promoted set of rights.

It is enough to say that judicial injunction abuse is curbed; the star-chamber court has now been opened up and that we stand solidly for jury trial re contempt.

Our gratitude to southern Lower House Members who have fought the fight against seeming numerical Congressional odds obviously beyond the possible.

Also to southern Senators who have fought good fight. Once more: we have escaped reconstruction horrordom. We have found the way to protect lives and liberties—justice to the black * * * without injustice to the white. Fair-square deal for one and all throughout the South. Likewise throughout East and North and the Far West. History will mark this fight as freedom-triumph.

Our thanks to all who have fought historic war.

[From the Augusta (Ga.) Chronicle and Herald of August 4, 1957]

AFTER 90 YEARS, VICTORY—SOUTH REWRITES SCRIPT

WASHINGTON, August 3.—The 1957 civil-rights battle has been a sort of switch on the way things went in the 1861–65 Civil War.

The South won the early battles in that long-ago war, but was overwhelmed and crushed in the end.

This time, the southern Senators and Representatives fighting against Federal civil-rights legislation lost major engagements early, particularly in the House part of the Congressional battlefield.

But toward the end they had picked up reinforcements and were riding fairly high.

With invaluable help from outside the bounds of the Confederacy—some of the help perhaps not intended—they had stripped the bill down to a fraction of what it once was. There was strong doubt there would be any civil-rights bill enacted at all.

Moreover the southerners, led by Senator RUSSELL, Democrat, of Georgia, among others, gained important victories in the Senate, without once using the filibuster. They found it sufficient to keep the opposition nervous, knowing that the weapon was there.

As one of the northern commanders, Senator DOUGLAS, Democrat, of Illinois, put it: The Senate adopted a jury-trial amendment because of a powerful factor * * * the always present threat of a filibuster.

The Eisenhower administration showed more push this year—certainly it got started much earlier than usual—behind demands for new Federal laws on civil rights. The primary announced aim was to protect Negro voting rights in the South.

In his January 20 state of the Union message, President Eisenhower declared for fair and equal treatment of citizens without regard to race or color. He repeated his call of a year previous for:

"(1) Creation of a bipartisan commission to investigate asserted violations of civil rights and to make recommendations.

"(2) Creation of a civil-rights division in the Department of Justice in charge of an assistant Attorney General.

"(3) Enactment by the Congress of new laws to aid in the enforcement of voting rights; and

"(4) Amendment of the laws so as to permit the Federal Government to seek from the civil courts preventive relief in civil-rights cases."

And so the fight was under way.

Within less than a month, the House Judiciary Committee opened hearings. Attorney General Brownell submitted proposed legislation, drawn up in the Justice Department, and said this should do what was necessary, without satisfying extremists on either hand.

Brownell bristled angrily at a suggestion the administration might be contemplating bayonet rule to enforce court decrees in the South—a matter that became important as the months wore on.

The House hearings rolled along, with southerners trying to string them out and northerners trying to push the legislation to a vote. There was a lot of bitter pro and con testimony.

AUGUSTA'S HUGH GRANT

For example, Hugh G. Grant, of Augusta, former Minister to Albania and Thailand, said Communists were backing the legislation "to stir up tension and strife and violence and bloodshed."

Grant said the administration was coldly calculating on strengthening its appeal to Negro voters.

On the other hand, there was testimony from Roy Wilkins, executive director of the National Association for the Advancement of Colored People that Negroes were asking

only "a minimum safeguard of the constitutional rights which have been so long denied them," Wilkins added:

"I cannot predict what mood will be engendered if the system which has prevailed for 80 years should, through machinations of any sort, be perpetuated in this enlightened middle of the 20th century."

In the end, to nobody's surprise, the House adopted legislation much as Eisenhower and Brownell had asked, although it bore the name of Representative CELLER, Democrat, of New York.

That was on June 18. Last year it was July 23 before the House passed the civil-rights bill, a bill that died in the adjournment of the Senate.

OLD, NEW TACTICS

This year in the Senate there were some familiar and some new tactics.

Familiar: The Judiciary Committee, headed by Senator EASTLAND, Democrat, Mississippi, took its time with the legislation, and never did get around to reporting it out for Senate action.

New: In a maneuver led by Senator KNOWLAND, of California, the Republican leader, the Senate voted 45 to 39 to shortcut its Judiciary Committee and put the House-approved bill on its calendar.

KNOWLAND waited until after the July 4 recess to actually call up the bill. That was done on July 8.

The next day, KNOWLAND remarked that Eisenhower had not closed the door to "clarifying amendments." Representative CELLER grumbled: "The President bends with every wind."

They were talking about what some observers believe to be a turning point of the whole campaign—Eisenhower's July 3 news conference admission that he did not understand parts of the legislation himself.

This fitted in with the southern line of opposition—that the bill was so cunningly loaded down with gimmicks that the public could not realize its full implications.

Later Eisenhower said he fully supported the bill, apparently after getting an explanation from Brownell.

WEDGE DRIVEN

But the wedge had been driven, and on July 22 the Senate voted 90 to 0 to repeal a Reconstruction era law which RUSSELL and others had contended could be used in a link with the proposed new civil-rights powers to employ Federal troops in enforcing all sorts of court orders—school integration, use of parks, etc., by Negroes, as well as Negro voting rights.

Two days later, the coalition of Republicans and Democrats who had been pressing for the bill cracked up. This came on a 52-to-38 vote stripping the bill of all enforcement authority except for voting rights.

There was left only one big battle: Whether to guarantee jury trials to persons accused of violating court injunctions issued under the voting-rights procedure, or should judges alone enforce their own orders?

Representative ADAM CLAYTON POWELL, Democrat, New York, a Negro who has been active in years past on civil rights but who was absent for much of this year's battle, had put it this way: "With juries in the southern section of the United States, we know that a colored citizen cannot get equal justice."

CLEVER DEVICE

Warren Olney III, an Assistant Attorney General, had called the jury trial amendment "a clever device to nullify" the legislation.

But the Southerners—particularly Senator ERVIN, Democrat, North Carolina—never let up on this argument: The right to a jury trial, as contrasted to trial by judge alone, is one of the most precious rights a man can have. It ought not be taken away from him in the name of giving some other man another right.

Last Thursday, Senator LYNDON JOHNSON, Democrat, Texas, the Senate majority leader, scented victory for the amendment to guarantee jury trials in criminal contempt of court cases. He kept the Senate in session until past midnight, and the big battle was over when the roll was called.

For jury trials 51; against this guarantee 42.

IKE IS IRATE

President Eisenhower denounced the outcome as a blow to our whole judicial system. He said it would make ineffective the effort to protect every American in his right to vote.

It remains to be seen whether there will indeed be any civil rights bill at all this year. The House and Senate bills are so different—the House voted down a jury-trial amendment—that right now it would appear impossible to work out an acceptable compromise.

But whatever happens, there'll be another fight next year.

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[From the Atlanta Constitution of August 2, 1957]

RIGHTS JURY TRIAL IS PASSED IN A MAJOR VICTORY FOR DIXIE—SENATE VOTE IS 51 TO 42 FOR CHANGE—11 REPUBLICANS HELP PUT IT OVER

(By Albert Riley)

WASHINGTON, August 1.—In a dramatic late-hour vote, southern Senators tonight pushed to adoption jury-trial amendment to the civil-rights bill.

The amendment was adopted by a margin of 51 to 42 before a tense, packed gallery.

Eleven Republicans joined 40 Democrats in voting for the amendment.

The adoption of this amendment, sponsored by Senators O'MAHONEY, Democrat, of Wyoming; KEFAUVER, Democrat, of Tennessee; and CHURCH, Democrat, of Idaho, guarantees jury trial in all Federal criminal-contempt cases.

NOT IN CIVIL CASES

It does not, however, provide for a jury trial for persons charged with civil contempt in cases involving the right to vote.

Thirty-two Republicans and 10 Democrats voted against the amendment.

The southern victory was accomplished in the face of powerful White House pressure to defeat the amendment.

And it was won over the die-hard protests of a coalition of Republicans and northern Democrats, who argued, as did Senator CASE, Republican, of New Jersey, that it would make the civil-rights bill unenforcible.

The amendment, CASE told the Senate in a plea for its defeat, would make a travesty of this law.

It was the second major victory for the southerners in their long and desperate fight against the civil-rights bill. Their first triumph came a week ago when they managed to restrict it to a protection of voting rights.

PART III STRICKEN

That success came when they got enough northern and western Senators to go along with them in striking out part III of the bill, which would have permitted the Attorney General to enforce all manner of civil rights.

Countering northern liberal arguments against the jury-trial amendment, Senator O'MAHONEY said it would actually strengthen the bill and still preserve the historic guaranty of trial by jury as well as the right to vote.

CHURCH, KEFAUVER, and southern Senators paraded to the floor in the closing hours of the debate to argue the jury-trial cause against liberals like CASE, JAVITS (Republican, New York), MCNAMARA (Democrat, Michigan), DOUGLAS (Democrat, Illinois), and others.

PERSONAL VICTORY

The South's triumph was also another personal victory for their acknowledged leader, Georgia's RUSSELL, and for Majority Leader JOHNSON.

It was a major setback for Republican Leader KNOWLAND and what RUSSELL called the "Knowland-Douglas axis" of all-out civil righters.

The action also paved the way for further amendments to part I of the bill and probable speedy passage of the right-to-vote measure without a prolonged southern filibuster.

Part I of the bill creates a commission to investigate any alleged denials of Negro voting rights, and is aimed at the South.

Certain to be adopted to this section are amendments giving Congress a voice in naming the Director of the Commission and striking out a provision that would permit the Commission to employ voluntary and uncompensated personnel.

That provision, RUSSELL and other southerners have argued, would permit the Commission to use the partisan services of organizations like the NAACP and ADA.

KNOWLAND already has agreed to its removal.

The jury-trial amendment won was not all the southerners wanted, but it was the best they could get.

Most of them still will oppose final passage of the bill, but adoption of the jury-trial proviso was major triumph and means no all-out filibuster is likely, although some Dixie Senators may stage a token talkathon for the record back home.

Final action on the bill itself, probably sometime next week, will then send it back to the House for agreement.

The House passed it without any amendments and civil-rights leaders may not want to go along with the Senate deletions.

That could send the bill to a conference committee and continued wrangling before final action this session.

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[From the Columbia (S. C.) State of August 2, 1957]

SENATE NAILS JURY TRIAL AMENDMENT INTO CIVIL RIGHTS BILL IN DEFEAT FOR IKE—JOHNSON TAKES MAJOR ROLE IN DIXIE VICTORY

WASHINGTON, August 2.—The Senate early today nailed a jury trial amendment into the civil rights bill, thereby dealing a major defeat to President Eisenhower and forces backing the administration measure.

The vote was 51 to 42.

The amendment was approved at 12:14 a. m. after tense debate before jammed galleries.

It provides jury trials in criminal contempt cases arising from injunctions the Attorney General would be empowered to obtain to enforce voting rights. It also would apply in labor cases and many others.

Only yesterday President Eisenhower emphasized anew his opposition to a jury trial amendment. And Senator KNOWLAND, of California, the Senate GOP leader, said it would be a fatal blow to the bill.

The amendment was offered by Senators O'MAHONEY, Democrat, of Wyoming, KEFAUVER, Democrat, of Tennessee, and CHURCH, Democrat, of Idaho. Southerners backed it solidly and enough Republicans and northern Democrats joined them to put it across.

A big factor in its success was the adept, buttonholing generalship of Senator LYNDON JOHNSON of Texas. Democratic leader and possible contender for the next presidential nomination of his party. Striving to keep northern and southern Democrats from flying apart, he fought for what he considered moderating changes in the civil rights bill.

The margin of the vote was a surprise. On the showdown, 39 Democrats and 12 Re-

publicans voted for the amendment and 9 Democrats and 33 Republicans against it.

Vice President NIXON had this comment on the Senate action:

"This was one of the saddest days in the history of the Senate because this was a vote against the right to vote."

Southerners were jubilant Senator RUSSELL, Democrat, of Georgia, leader of the Dixie forces, had warned in advance that they would use every means at their command to try to defeat the measure if the jury trial amendment should be rejected.

The vote, taken in the midst of the fourth week of Senate debate on the bill, generally was regarded as making a southern filibuster against final passage unlikely.

RUSSELL has turned aside questions on that point. But he has said numerous amendments will be offered to other parts of the bill.

Last week the southerners scored another major victory when the Senate voted, 52 to 38, to strip the bill of all enforcement authority except to safeguard voting rights.

As passed by the House, the bill provided for the use of injunctions to enforce civil rights in general, including racial integration in public schools and other public places.

Under the jury-trial amendment adopted tonight, defendants in criminal-contempt proceedings to punish a person for willful disobedience of an injunction or other court order would be entitled to trial by jury.

But in civil-contempt cases, where a judge's purpose is only to secure compliance with his order, and not to punish, there would be no jury trial.

The amendment applies not only to contempt cases arising under the civil-rights bill, but to all Federal laws enforcible by injunctive procedures, including labor disputes.

And another provision—added to the amendment just last night—would permit Negroes or others to serve as Federal court jurors regardless of whether or not they were qualified under State laws.

Senator JOHNSON said this provision conferred "an important new civil right" on American citizens, and indications were that it helped to pick up crucial votes for the amendment.

The effect of the earlier broadening of the amendment to cover labor disputes and all other kinds of contempt proceedings was uncertain.

The AFL–CIO executive committee announced its opposition to a jury-trial amendment, but JOHNSON read a letter early today from the presidents of 12 railroad brotherhoods advocating a jury-trial amendment.

United Mine Workers' President John L. Lewis also supported a jury-trial provision.

In the battle over the bill that still lies ahead, additional amendments may be offered to the voting-rights section.

And a number of changes already have been proposed to another section that would create a bipartisan Presidential commission, armed with subpena powers, to make a general study of voting rights and other civil rights.

Still another part of the bill provides for the appointment of an Assistant Attorney General to supervise a new civil rights division in the Justice Department.

Senator KNOWLAND, in a final fervent plea against the amendment, said he sincerely believed its adoption would kill for this session of Congress an effective voting rights bill.

Turning to the Democrats, he said, that "you have the power and must accept the responsibility."

If the bill was emasculated by the amendment, he declared, it would be sent to a conference with the House from which it is not likely to emerge this session and perhaps not at the next.

But Senator CHURCH, Democrat, of Idaho, one of the sponsors of the amendment, denied that it would cripple the bill.

"The effectiveness of this law falls mainly on the action to be taken by Federal courts in issuing injunctive orders to protect voting rights, and in compelling compliance with these orders," he said.

"Nothing in this amendment interferes in any way with the right of any Federal court, in civil contempt proceedings, to compel compliance with its injunctive orders.

"Nothing in this amendment requires a trial by jury, where the object of the action is to safeguard the civil rights in question by compelling compliance with the court's decree.

"This amendment does not weaken, does not cripple, does not emasculate this bill. To the contrary, it leaves unaffected the machinery established by this bill for securing voting rights, while preserving the institution of the jury trial as the means of determining guilt or innocence for the commission of crime."

Democratic Leader JOHNSON pictured the amendment as something the South could live with. He expressed belief "our people will accept bringing the Federal courts into the voting rights picture."

But he said he was sure they never would accept the idea of branding a man a criminal without a jury trial.

After the big decision, the Senate recessed at 12:19 a.m., till 10:30 a. m. today.

The hot debate had gone on, with few intermissions, for more than 13½ hours. All evening hundreds of people had waited to get into the visitors galleries. Looking down from the family gallery were Senators' wives while a number of visiting House Members appeared on the Senate floor.

At the back of many minds was the question how the decision would affect future party fortunes in big Northern States where the votes of Negroes could be decisive.

Southerners backed the amendment and hotly disputed charges that southern juries would not convict on civil rights charges. Supporting the amendment, also, were a number of northern Democrats and Republicans while others fought it.

Battling to the end was Senator KNOWLAND of California, captain of Republicans opposed to the amendment. Retiring at the end of his present term, KNOWLAND is considered likely to seek the Republican presidential nomination in 1960.

Adroitly maneuvering for the amendment was Senator LYNDON JOHNSON of Texas, Democratic leader also classed as possible presidential timber. Apparently believing the amendment had collected enough votes, he had called for a showdown before the Senate knocked off tonight, and his colleagues had agreed.

Senator KENNEDY, Democrat, of Massachusetts, whose friends consider him a coming man in future presidential sweepstakes, looked the situation over and announced he would vote for the amendment.

KENNEDY said he had consulted outstanding liberal attorneys, including professors at his alma mater, Harvard, and they had told him the amendment would not enfeeble the bill.

The measure, he said, would still contain a major protection—the power of Federal judges to jail without jury trial those who commit civil contempt in denying the vote to Negroes or other minorities.

Champions of the amendment define civil contempt action as a step to prevail on somebody to obey a court order. Criminal contempt action is defined as punishment for persons who have already flouted injunctions.

In any event, KENNEDY said, "Even where it is necessary to resort to criminal contempt proceedings, I am confident that southern juries, presented with convincing evidence of restriction and ever mindful of the watching eye of the Nation—and indeed the world—will convict those who dare to interfere with orderly legal process."

Senator REVERCOMB, Republican, of West Virginia, heretofore considered a doubtful vote, made a speech for the amendment.

He said he considered trial by jury "a sacred right as long as men want to preserve their freedom in any land."

Senator MCNAMARA, Democrat, of Michigan, arose in his turn to oppose the amendment and hit at President Eisenhower. He said Eisenhower "has done the cause of civil rights vastly more harm than good—with his incomprehensible vaccilation and equivocation.

"I personally would rather have him spend all his time on the golf course—and forget civil rights entirely—than continue his on-again, off-again attitude in regard to this bill," the Michigan Democrat said.

Senator PAYNE, Republican, of Maine, an opponent of the amendment, was reported flying here from Maine where he has been recuperating from a heart attack.

Senator T. ALEXANDER SMITH, Republican, of New Jersey, said he had decided to vote against the amendment because he had concluded that was the only way to enforce voting rights. He said he had waited in vain to hear any southern Senator support the right to vote in the debate.

Senator ERVIN, Democrat, of North Carolina, in rebuttal, shouted "this is a good amendment" and declared that all Senators should vote for it "if they want to keep faith with Americans from the North, South, East, and West who died to win our constitutional liberties."

Senator HOLLAND, Democrat, of Florida, a strong supporter of the amendment, said that without it "thousands and thousands" of citizens could be tossed into jail and fined "without a day in court."

Senator CLIFFORD CASE, Republican, of New Jersey, an opponent of the amendment, said it had been offered "to make it impossible to enforce this bill."

CASE said Negroes had been denied a chance to register and vote in many Southern States and the jury-trial amendment would "make a travesty" of any bill intended to assure them this right.

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[From the Dallas (Tex.) Morning News of August 3, 1957]

SOUTHERN STRATEGY PAYS OFF

Adoption of the jury-trial amendment is heralded in dispatches as a victory for the South in the civil-rights debate. That depends on how you look at it. Southerners don't consider any civil-rights bill a victory. But one which does the least harm, from the southern viewpoint, could be called a victory.

It is a victory for the southern senatorial bloc—a tribute to their shrewd parliamentary strategy. Blunt truth is, the southerners didn't have the votes either to kill outright or to postpone the inevitable showdown on this legislation.

So they started out with one bit of strategy in mind—to take the most distasteful bits out of the bill, to gain compromises with other Senators in return for not filibustering. The threat of a filibuster remains the South's best weapon. If it doesn't kill, at least it can effect compromise.

Undoubtedly the Senate will now pass this watered-down version. The Senate version then goes back to the House, which passed a stronger bill. Hammering out a compromise between the two cannot be done until next spring, so Republican leader KNOWLAND warns. That was the objective of LYNDON JOHNSON, DICK RUSSELL, and company in the first place—to compromise now so as to postpone final settlement.

The bill that will pass the Senate satisfies no one in particular. The South wants no bill. The liberals want a tougher one.

The Senate's long debate had one unfortunate result. For many years conservative Republicans have joined conservative southern Democrats in an unofficial coalition to fight socialistic legislation.

On the civil-rights matter, many conservative Republicans deserted the southerners. The latter aren't happy about it. If they turn around and desert conservative republicanism on a crucial issue—like public versus private power—the liberals will have made a great advance. The Nation needs a continuance of this coalition.

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[From the Columbus (Ga.) Enquirer of August 2, 1957]

FORRESTER CREDITED WITH POINTING TO EVILS OF CIVIL-RIGHTS MEASURE

Representative E. L. (TIC) FORRESTER is credited by a Virginia Congressman, active in the fight against civil rights, for unmasking the bill so as to expose in detail the many hidden evils.

Representative WILLIAM M. TUCK, of Virginia, made the statement in a letter to Lynn Shelton of the Halifax Gazette, South Boston, Va. He says that from Congressman FORRESTER'S extended remarks in the CONGRESSIONAL RECORD "it is evident that the National Lawyers Guild wrote the first bill." The Virginian says that FORRESTER "shows that the provisions of the guild bill and the current Eisenhower-Brownell bill are not only identical in all particulars, except one, but even the language in the two bills is recognizable."

"We read much in the big eastern dailies about certain Senators discovering for the first time that the President, under section III, would be authorized to use the land and naval forces against the South," says Representative TUCK in his letter. "This situation was fully discussed in the minority report of the House Judiciary Committee in the 84th Congress, which was in a large part prepared by Congressman FORRESTER and signed by myself and seven other members of the House Judiciary. We also read the same thing in regard to the jury trial situation."

The Virginia Congressman went on to tell of his own action in regard to the need of jury trials. He cited his speech of June 10 in which he stated, he told the Virginia editor, that "if this bill were the innocent and innocuous piece of legislation its proponents claim it to be, and that if it provided only for the guaranty of the right to vote, except for the fact that such a measure would authorize the Federal Government to invade areas belonging exclusively to the States, few if any voices would be heard in and out of Congress in opposition to it."

The letter to the South Boston, Va., editor was written by Representative TUCK in reply to one he received. He continued:

"I have written you these facts in order that you may fully understand that the southern members of the House Judiciary Committee fully discussed the dangerous features of the bill, not only in committee but on the floor of the House. We are not responsible for the fact that the big eastern dailies did not bring to light our objections or these discussions until they came from the mouths of distinguished Senators."

Congressman TUCK is entirely right about the part Congressman FORRESTER played in attacking the provisions of the civil-rights legislation. He made an attack early in the game on the nonjury provision of the measure in connection with contempt hearings. He pointed out the dangers of part III and of other sections of the House bill and he spearheaded the fight against the legislation.

Representative TUCK also pointed out the dangers that existed in the proposed legislation and was in the forefront of the fight against it.

The Senators who have been leading the fight against the legislation have had the advantage of holding a threat of filibuster over the heads of the proponents of the measure. In this manner they have succeeded in maneuvering amendments that stood no chance under the rules of the House of Representatives.

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[From the Charleston (S. C.) News and Courier of August 3, 1957]

KEEP FIGHTING

Southerners led the battle to guarantee jury trials for persons accused in criminal contempt cases. The fruits of victory, however, will be shared by all Americans. The jury trial amendment to the civil-rights bill applies not only to voting matters but to all cases involving injunctions, including labor disputes.

The jury trial amendment has been described as a fatal blow to the force bill. Whether this is really true is a matter of opinion.

In our opinion, the bill still retains enough harmful provisions to justify our continuing to term it a force bill.

One new and distasteful feature has been added. In voting for the jury trial amendment, the Senate voted to deny to the States their traditional rights to determine the qualifications of jurors in Federal cases.

Because the voting so far has been one clear-cut victory after another for them, there must be considerable temptation for opponents of the bill to rest on their oars.

A decision whether to press for complete defeat of the bill may be a tough one to make. With the tide of victory flowing their way so strongly, however, southern Senators will be abandoning their duty if they decide now to make for the shore.

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[From the Columbia (S. C.) State of August 3, 1957]

GREAT VICTORY

It was a great victory—adoption by the Senate of the United States of the jury-trial amendment.

It was a great victory firstly for law and order, recognition of the right of a man to be adjudged innocent or guilty by a panel of his peers; it was a great victory, secondly, for the South, since while Senators from other sections joined in making victory possible, had not the South made the fight, and brought to the attention of the Nation the evils of the so-called civil rights bill as passed by the House, it would have been adopted by the Senate without change. Once objections were pointed out, Senators from other sections have joined in, thus making revision possible.

It was a smart move on the part of Senators KEFAUVER, O'MAHONEY and CHURCH to broaden the jury-trial amendment so as to include more than civil rights. It was also justice that this be done. But without the wider scope we doubt if the amendment would have been adopted; or, at least, not by such a decisive margin.

The way the Senate so far has risen to the occasion in the civil rights issue is heartening. It gives one a feeling that all is not lost; that the light is dawning; that, after all, there are those in public life who can rise above politics; that minority rule may have passed its hey-day. Let's hope so, anyway.

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[From the Richmond Times-Dispatch of August 3, 1957]

DIXIE'S BATTLE IS PAYING OFF

Few more encouraging things have happened in Washington in our time than the series of victories won by southern Congressmen and their northern and western allies in eliminating the most outrageous features of the misnamed civil-rights bill.

It even makes one hopeful that the Supreme Court's series of recent decisions attempting to bring about mixed schools throughout the South and threatening action on a broader interracial front through such rulings as that in the Girard College case, will somehow be ultimately overturned.

Other sections of the country undoubtedly have become alarmed by the court's recent excursions into various fields—its placing of curbs on the investigatory powers of Congress, its ruling that certain FBI files should be made available to criminals, and that we should lean all the way over backward and release notorious Communists from jail.

President Eisenhower, who guilelessly relies for legal advice on that astute politician with both ears to the ground, Attorney General Brownell, made the serious mistake late yesterday of issuing a petulant statement saying that the jury trial amendment to the civil-rights bill was a blow to our whole judicial system. Only adherents of the Warren school of thought could hold any such opinion.

It's a bit difficult to follow the President's argument that an amendment sponsored by liberal Senators O'MAHONEY, KEFAUVER, and CHURCH, and supported by liberal Senators MARGARET CHASE SMITH, ANDERSON, GREEN, JACKSON, MONRONEY, and MURRAY is the un-American piece of legislation which he sought to make it out.

Not only so, but in saying that "rarely in our entire legislative history have so many extraneous issues been introduced into the debate in order to confuse both legislators and public," Mr. Eisenhower was being absurd.

In actual fact, the debate on this measure has been addressed to the precise issue, and has not wandered off into all kinds of bypaths, such as happens when there is a filibuster. The South had a right to filibuster on this issue, as a last and desperate final resort—just as the self-righteous Senator MORSE, of Oregon, did for 22 hours on the power issue some years ago—but it did not do so. For sticking to the question before it, the South should have been complimented. Instead, Mr. Eisenhower, in effect, accuses it of introducing an almost record-breaking number of phony arguments in order to confuse everybody concerned.

It should be emphasized that the jury-trial amendment was adopted by a 52–to–41 vote, and that the Senators who voted for it are as honest and patriotic as those who voted against it—maybe more so. They do not deserve any such slur as was issued from the White House, any more than do the Senators who last week, by a vote of 51 to 38, knocked out the section allowing Federal injunctions for the enforcement of school intregation.

The fact of the matter is, of course, that when the Brownell-sponsored civil-rights bill was gone over line by line and analyzed by former judges and other leading lawyers in both branches of Congress, it was seen to be another gross example of extremist legislation, carrying within itself the seeds of much worse evils than those it sought to correct.

No informed person is going to accuse Mrs. SMITH of Maine; Senator ANDERSON, of New Mexico; or Senator MURRAY, of Montana of wanting to deprive Negroes of the ballot. What these and other Members of both branches of Congress feared was that in trying to safeguard this right, other even more important rights would be sacrificed. (Incidentally, W. Lester Banks, Virginia secretary of the NAACP, said this week that no serious or effective efforts had been made in Virginia to prevent Negroes from registering or voting.)

There are still bad features in what is left of the tattered civil-rights bill, but it may even be that the whole thing will be defeated. If it is, so much the better. At all events, it has been vastly improved.

These evidences of returning sanity in Washington and throughout the Nation are gratifying. The South's long battle is paying off.

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[From the Danville (Va.) Bee of August 2, 1957]

A RESOUNDING VICTORY

The action of the United States Senate early today, including a trial by jury amendment to the civil-rights bill, constitutes a major victory for the South. It demonstrated that unyielding unity, such as was shown by some of the more astute members hailing from the South, served its purposes. It does not mean that the present bill is by any means suitable, but it at least destroyed a legal inequity which amounted to a Federal pistol pointed at the head of the Southern States whenever the people go to the polls.

The vote was a surprise to nearly everyone and it went to show, once again, that many a Senator will speak up publicly for a bill if he thinks it politically expedient, but on the showdown pursues the opposite course.

Basically, the denial of trial by jury in any matter is distasteful to Members of the Senate and the House who know very well that this is one of the unabridged freedoms provided the American people in our Constitution. The Founding Fathers plumped hard for the trial of men and women by a jury of their peers, after the English fashion.

For the United States Senate to demolish that right by Senate action and to repose in Federal judges a power equal to that of any police state, would have made a living lie out of all the pious expressions which the American Bar Association has been uttering and hearing in the London convention where a great deal of stress was laid on the privileges of the people in the judicial sphere.

Senators who willingly went on record as saying virtually—"I am in favor of denying the American man his inalienable right to trial by jury" will have something to answer for when the tumult and the shouting over civil rights has died away. When the time comes for them to campaign for reelection they will find a perilous ambuscade along the highway to political preference.

The people of the South owe much to LYNDON JOHNSON, HARRY BYRD, and ERVIN and RUSSELL, who have applied their influence in the right spot and maneuvered the parliamentary situation so dexterously.

For President Eisenhower this is a dish of humble pie since he spoke, for the last time 2 days ago, and said that he was vehemently opposed to the trial by jury amendment. Sometimes we wonder whether that was the real soulful thinking of our President or if he found that the blessings of the bed are not always compatible in a political sense.

As for Vice President NIXON and his lamentations in the Senate crying towel—"this was one of the saddest days in the Senate etc."—his miserere should be more pathetic when the time comes for him to angle for the Republican nomination.

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[From the Roanoke (Va.) Times of August 3, 1957]

THE SOUTH WINS A MAJOR VICTORY

The jury provision which the Senate wrote into the civil-rights bill is described as a compromise. It is, in fact, another significant victory for the southerners fighting to modify this punitive legislation.

We have a handful of Republicans and 39 Democrats to thank for removing the most obnoxious feature of the bill which would have clothed Federal judges with sweeping powers to send people to jail without benefit of jury trial, on a finding that they had interfered with the voting rights of Negroes. The so-called O'Mahoney-Kefauver-Church amendment, adopted by a vote of 51 to 42, guarantees jury trials for persons cited for criminal contempt in injunctive cases involving voting rights. The amendment's scope was broadened to cover all matters of criminal contempt proceedings in which the Government is a party. This latter provision, because of its application to labor disputes, apparently was instrumental in gaining for the amendment the support of a number of liberals who have been insistent advocates of civil rights measures.

What Majority Leader LYNDON JOHNSON described as an important new civil right was added to the amendment, permitting service on Federal juries by Negroes who do not need to meet the qualifications prescribed by State laws. This was a reasonable concession by the southerners which brought support for the amendment.

Adoption of the amendment constitutes a major defeat for President Eisenhower who just a few days ago reiterated his objection to the jury trial provision. It is to the credit of the 12 Republicans that in the test they refused to go along with Minority Leader KNOWLAND and rejected the dangerous innovation proposed in the administration's bill.

As it stands with the amendment the civil-rights bill is still an objectionable piece of legislation. There remain other features which are purely political in nature and designed as retaliatory steps against the South. But, though further modification is certainly called for, southerners can live with this bill. Its most vicious teeth have been extracted and the fanatical element of the civil rights bloc has suffered a resounding setback. That is a tribute to the good sense of the majority of the Senators and the intelligent leadership of the southern spokesmen.

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[From the Huntsville (Ala.) Times of August 2, 1957]

OUTSTANDING VICTORY FOR SOUTH

Mark up another victory to the credit of the little band of southern Senators who have fought valiantly and so far outmaneuvered advocates of the stringent Brownell civil-rights bill.

Last night, by a vote of 51 to 42, they tacked on a jury trial amendment to the bill. It provides for jury trials in criminal contempt cases that arise out of injunctions the United States Attorney General would be empowered to obtain in order to enforce voting rights. It would also apply in labor cases and many others.

In civil contempt cases, Federal judges will still be able to try them without calling a jury.

This victory, which was by a much larger margin than had been forecast—some expected the amendment to turn on a single vote—stems from the forceful, intelligent leadership of Senator RICHARD RUSSELL, of Georgia, and Senator LYNDON JOHNSON of Texas. They spearheaded the drive and the arguments that caused President Eisenhower to admit he did not understand some things in the original bill, and to shake both Republicans and northern Democrats in their advocacy of the Brownell bill.

Dissecting and analyzing its contents, they proved that it could and would include enforcement of integration of schools by Federal court judges; when this had sunk home without successful rebuttal, they and other Southern Senators then demonstrated Federal troops could be used by Federal courts to enforce not only voting rights, but also the antisegregation statute.

Fortunately, before the jury trial issue reached white heat, the Clinton school case was decided, convicting John Kasper and several of his associates of contempt. This was powerful support for the contention that if southern juries would convict in a school case, they would do likewise in cases involving the right to vote.

The Senate bill now has been stripped down to a right-to-vote measure. That's all that is left. Enforcement in civil contempt cases will be by judicial decision and action; where criminal contempt is involved, right of trial by jury is sustained.

President Eisenhower; his Attorney General, Mr. Brownell; his Vice President, Mr. Nixon; and his Senate leader, Mr. Knowland, have suffered, a resounding defeat all along the line.

It is easy to understand how the President is very unhappy this morning about the plight of the bill which he, apparently unwittingly or unknowingly, once thought was purely a bill to give minorities, mainly Negroes, the right to vote. His aides let him down, and have left him exposed to the American people as not knowing what he was talking about in advocating, 100 percent, the Brownell bill.

The fiasco may not prevent passage in the Senate of the watered-down version, but it has cast a damper on its advocates, who hoped to make a lot of political hay in the 1958 and 1960 national elections.

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[From the Columbus (Ga.) Sunday Ledger-Enquirer of August 4, 1957]

CIVIL RIGHTS STILL BURNING ISSUE

Southerners' Senate victories which first stripped the civil-rights bill of its provision for rights enforcement in general and then inserted a jury-trial provision for criminal contempt cases leave the fate of the measure considerably in doubt.

With President Eisenhower reported to be adamant against the Senate-revamped bill, Representative JOSEPH W. MARTIN, Jr., House Republican leader, has expressed the belief the measure is dead for this session of Congress. He foresees a probable deadlock which would put the issue over until the next session in January.

Three top administration officials, who the Associated Press said cannot be named, are reported as having agreed in interviews that, as the matter stands, President Eisenhower prefers to have no bill at all than accept the Senate's insertion of the jury-trial amendment in an already weakened measure.

Southern Senators, meanwhile, appear ready to allow a Senate vote the first part of this week. The southerners held a strategy session Saturday and Georgia's Senator RICHARD B. RUSSELL told reporters afterward that he expects a Senate vote "within a reasonable time," perhaps Wednesday or even sooner. He added:

"Up to now there has been no filibuster on this bill. None was planned at our session."

Senator WILLIAM F. KNOWLAND, Republican leader, expresses the hope the House will send the measure to a Senate-House conference committee in an effort to compromise its terms. On the other hand, Senator LYNDON B. JOHNSON, the Democratic leader, says he hopes the House accepts the Senate version without a conference and lays the bill on the President's desk. Then he would have to veto it or let a measure he has labeled "largely ineffective" become law.

The revised civil-rights measure, now more of a political issue than ever, if such is possible, has some House Democratic leaders voicing the opinion privately that the Republican's "don't want a civil-rights bill this year." They contend the administration is stalling and hoping to carry the issue over into the 1958 election year.

It is indicated the administration will center efforts to put some teeth back in the bill or to block it entirely on the conference committee. Should the measure come out of conference with the jury-trial amendment stricken, however, it would be met in the House by strong opposition and in the Senate by a southern filibuster.

There is some indication that House Democrats may decide to pass the Senate version to get the issue out of the way before the 1958 Congressional elections. Support for

such procedure might come from some House Republicans who indicate privately they have lost enthusiasm for the stringent bill they helped push through.

One thing is certain, the fight over the civil-rights bill is far from being ended and a strong effort will be made to return some teeth to the measure, particularly regarding the right-to-vote provision.

The South can rest assured, however, that its Representatives and Senators, who are opposed to any civil-rights bill, will continue their efforts to block it or to make it as ineffective as possible. Their fight against the measure has awakened the Nation to the dangers of such punitive legislation.

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[From the Meridian (Miss.) Star of August 4, 1957]

STENNIS, EASTLAND GIVE JOINT PREDICTION OVER EARLY VOTE ON MEASURE

Senators JOHN C. STENNIS and JAMES O. EASTLAND, of Mississippi, have advised James H. Skewes, editor and publisher of the Meridian Star, in a joint statement, the possibility of shutting off debate on the civil-rights bill and reiterate their continued stand as being opposed to the entire bill which may come up for a final vote in the Senate as early as Tuesday.

The United States Senators said that a survey of the entire Senate membership reveals there is sufficient strength to invoke a cloture rule, cut off debate, and pass the bill.

Most southern Senators, however, agree that this procedure would set a precedent and could abolish the rules in force now in the Senate.

The joint statement from Senators STENNIS and EASTLAND follows:

"We are still opposed and will continue to oppose the civil-rights bill. We will again take the Senate floor in opposition to the bill this week.

"However, we face a definite problem. After a conference today (Saturday) with our southern colleagues and a careful survey of the entire Senate, we find that there are more than enough votes to impose cloture and thus shut off debate.

"The civil-rights fight will not be over this year. Attempts will again be made in future civil-rights bills to force school integration and by the use of Federal force destroy our segregated society.

"If the precedent of cloture is established, it will be impossible to successfully combat these bills in the future. This is our problem.

"This situation requires the exercise of sound judgment. We will pass upon this problem and additional questions as they arise," concluded the Senators.

The action killing section 3 of the original bill and the passage of the amendment for jury trials has greatly aided the cause of the South and southern Senators do not want these factors overturned in a joint conference on the bill between Senate and House committee members.

Mr. DOUGLAS. Mr. President, earlier in the day I placed in the RECORD some editorials from northern newspapers on the civil rights bill. This afternoon I wish to add two more, one an editorial from a great Philadelphia newspaper, the Philadelphia Inquirer, under date of Saturday, August 3, entitled "Appeasement Fatal to Rights Bill." The opening three paragraphs are as follows:

When attempts were made in the Senate to appease the southern Democrats by removing from the civil rights bill its strongest provisions, this newspaper predicted that the southern bloc would keep on demanding further concessions until the effectiveness of the measure was destroyed.

That prediction has been borne out, and so has the familiar adage that appeasement breeds more appeasement.

The proposed law has now been shorn of its last essentials in safeguarding the right to vote. The amendment adopted early yesterday to require jury trials in criminal contempt cases growing out of voting right injunctions robs the bill of any effectiveness it had left.

Two of the last three paragraphs of the editorial read as follows:

An unpleasant chapter in the history of the struggle for equal rights guaranteed by the Constitution has been written in the Senate during the last 4 weeks. What had started out as the promise of the first meaningful rights legislation in many years has been turned to ashes and defeat.

That the Senators from the Deep South would fight bitterly against the proposed bill has been taken for granted. But the real engineers of civil rights defeat are the Senators, Democrats and Republicans, from the North and West, who allied themselves with the southern bloc.

Mr. President, I ask unanimous consent that the text of the entire editorial be printed in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

APPEASEMENT FATAL TO RIGHTS BILL

When attempts were made in the Senate to appease the southern Democrats by removing from the civil-rights bill its strongest provisions, this newspaper predicted that the southern bloc would keep on demanding further concessions until the effectiveness of the measure was destroyed.

That prediction has been borne out, and so has the familiar adage that appeasement breeds more appeasement. The proposed law has now been shorn of its last essentials in safeguarding the right to vote.

The amendment adopted early yesterday to require jury trials in criminal contempt cases growing out of voting right injunctions robs the bill of any effectiveness it had left.

The vote for the change by the margin of 51 to 42 came only 1 day after President Eisenhower had spoken out firmly against any added amendments and, specifically, against the jury-trial requirement.

Mr. Eisenhower's reaction yesterday to the Senate vote was one of bitter disappointment. He joined with many others in holding that the amendment makes "largely ineffective" the basic purpose of the civil-rights bill and that its effect will be to leave great numbers of qualified voters disfranchised.

The step-by-step emasculation of the bill that has brought it to its present state has been essentially the work of Democrats in the Senate, and their party nationally must reap the political consequences. In the vote on the jury-trial amendment, 39 Democrats supported it, together with 12 Republicans, most of whom are not usually listed in the administration camp. Against the amendment were the bulk of the Republicans, 33 of them, while only 9 Democrats stood steadfast for genuine enforcement of the right to vote.

The hard core of resistance to the measure was provided by 18 Democratic Senators from the Deep South. Yet they could never have succeeded in stripping the bill of its enforcement machinery without the ready aid of Members from both parties from States outside the South—including some as remote as Maine and Washington.

Many of these Senators who joined hands with their * * * colleagues from the South have taken the line that they are really devoted to the cause of civil rights but seek a compromise with the southerners as the only practical way to secure any rights bill at all.

If the bill in its present form is passed, it may face tough sledding in conference with the House, which refused to approve any alterations. Senator KNOWLAND, who led the fight against the amendment, sees civil-rights legislation probably dead for this session as a result of the appeasement amendments.

An unpleasant chapter in the history of the struggle for equal rights guaranteed by the Constitution has been written in the Senate during the last 4 weeks. What had started out as the promise of the first meaningful rights legislation in many years has been turned to ashes and defeat.

That the Senators from the Deep South would fight bitterly against the proposed bill has been taken for granted. But the real engineers of civil-rights defeat are the Senators, Democrats and Republicans, from the North and West, who allied themselves with the southern bloc.

Because of that fine democratic institution of the rollcall, the names of these Senators who voted against the right to vote cannot be hidden. They are out in the open, for every American citizen to see and to appraise.

Mr. DOUGLAS. Mr. President, I also ask unanimous consent that the editorial entitled "Voting Rights in Doubt," published in the Pittsburgh Post-Gazette of Saturday, August 3, 1957, be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VOTING RIGHTS IN DOUBT

The attachment of a jury-trial amendment to the administration's right to vote bill, leaves in serious doubt the effectiveness of the measure if it is eventually enacted into law. The amendment, adopted by a 51 to 42 vote in the Senate, provides for jury trials of defendants charged with criminal contempt for disobeying Federal court orders in voting cases, labor cases and many others. Criminal contempt would be involved when the aim of the trial is to punish an election official or other defendant for disobeying a Federal court order during the whole time allowed for compliance.

Under the amended bill, Federal judges may still act without juries in civil-contempt trials, the purpose of which would be to force compliance with court orders by jailing or fining defendants. The flaw in the Senate amendment, however, is that it may enable election officials, by evasion and subterfuge, to delay obedience of court orders until registration or election days is passed; their cases would then become criminal contempt and they might win easy acquittals from juries that are biased against Negro enfranchisement.

Although 32 Senate Republicans joined Minority Leader KNOWLAND in opposing the amendment, the 12 Republicans who balked were enough to provide the margin of victory needed by the 39 Democrats supporting the amendment. Since only nine Democrats voted against jury trials, the Republicans obviously can present a better record of support for voting rights than Democrats.

If the supporters of the present questionable bill succeed in enacting it into law, with the tacit consent of the southern Democrats, the administration should watch its application closely. And if the jury-trial feature leads to widespread disregard for court orders, a repeal bill should be offered. Elimination of a voting-rights statute would be preferable to general flouting of injunc-

tions and the consequent disrespect for legal authority.

Mr. BIBLE. Mr. President, I seek recogntion this evening for a few personal observations on the pending bill before the Senate. I have listened with a great deal of interest during the past few weeks to the very able commentaries, both pro and con, on the pending business of the Senate, H. R. 6127.

It was my belief that this legislation should have gone to the proper committee for limited study, and I am still not thoroughly convinced that this should not have been done.

However, Mr. President, I believe that the Nation has been better alerted to the many problems which were presented in the original proposed draft of the civil rights bill, and surely a great number of our people are much better informed as a result of this excellent debate which has resulted on the Senate floor.

We have seen the press and other news sources carry banner headlines day after day and give many hours of time on radio and TV to both parties and both arguments in this debate. Some great newspapers and eminent writers have changed and modified their beliefs on this historic legislation, just as Senators here on the floor recognized and realized that if any civil rights legislation was to be written at all, it would have to be legislation worthy of this great body, and legislation which would fully recognize that nowhere in this precious land of ours, should we deprive any citizen of the right to vote.

It is my sincere belief that history will record a debt of gratitude to some of our colleagues from the South, and, yes, to those other great constitutional lawyers in this body from other sections of the United States, who have made such exhaustive and meticulous study of this legislation and have brought their learned opinions to the floor of the Senate for the consideration of all.

Even opponents of amendments to the legislation have made their contributions, and I refer especially to the amendment which will, as the junior Senator from Idaho says, insure another civil right—the right that Negro citizens will not be denied jury service. This improvement to the bill was first suggested by the junior Senator from Oregon.

As I listened to this historic debate day after day, I could not help but think of the great historic events that have taken place in the field of civil rights in my own State during its brief history of 93 years.

Some of this history might be interesting to other Members of this body, and I would like at this time to review just a few historic events.

Nevada, the battle-born State, was admitted to the Union during the darkest days of the Civil War, on October 31, 1864. It has been stated by leading historians that additional votes were needed in the Congress of the United States to insure the adoption of the abolition resolution and to supply one more ratification of the 13th amendment, the abolition of slavery amendment. It could be assumed that support could be expected from Nevada in succeeding amendments, the 14th and 15th.

We know that great haste was made in drafting the first Nevada constitution, and in getting its certification at the hands of the President. It was necessary to modify the enabling act and to use extraordinary means to get the constitution of the new State to Washington. Upon the adoption of the constitution of Nevada by its residents, the constitution, containing 175 pages and 15,000 words, was relayed to the Nation's Capitol by Postal Telegraph—in dot and dash fashion. This at a cost of slightly over $3,400. That dispatch is on file in the National Archives. This event displayed the great urgency and need for expediency. Three precious votes had been assured the Union.

It is of interest to me, that in Nevada's first constitution, article II, section 1, suffrage was provided to only white male citizens of proper age, thereby excluding all, except white male citizens, from the right to vote. Included in this amendment was a denial to hold office or vote to all men who had fought on the side of the Confederacy.

On January 15, 1877, this section of the Nevada constitution was amended and the word "white" was eliminated from the previous wording; however, with the dropping of the word "white," a further restriction was spelled out, which said:

> That this amendment was not to be construed as conferring rights of naturalization, suffrage, and office holding upon any native of the Chinese Empire.

It was not until 1914 that this blot on Nevada's constitution was rectified—rectified by Nevada's own residents. In Nevada, a constitutional amendment must pass both houses of the legislature, twice in succeeding sessions, and then be ratified by the people at the next general election.

Early day residents of my State of Nevada went to other extremes, we find, in looking at the early Nevada statutes that the right to vote was even denied members of the Mormon faith. That law, which denied the right to vote to the fine people of the Mormon faith, was removed by the Nevada Supreme Court in 1877, when the court held that statute unconstitutional as it clearly was.

I mention this State history, Mr. President, for the simple reason that it seems ironical that some 90 years later, we in the 85th Congress, have been debating questions raised by the adoption of the 14th and 15th amendments.

Through the ages, we have had laws which restricted, coerced, and threatened man with inhuman treatment. Yet every Senator knows the pages of history are not written overnight. Ninety years is but a short time compared to established historical events.

There is no doubt that every State in our Nation has made great strides in administering human rights during our short history. While I am strong in my belief that the Federal Government is fast becoming topheavy with more and more Federal control, and that better Government results when the laws are written, administered, and directed more closely at home, I am also of the belief that it is sometimes necessary for the Federal Government to point the way for better and more humane progress.

In the bill we have so earnestly debated, we have struck a blow at man's inhumanity to man. Without foolishly emphasizing a desire to be punitive and insulting we have fashioned a piece of legislation which accomplishes these things:

First. Protects the rights of all citizens to vote.

Second. Creates a Civil Rights Commission.

Third. Establishes a new Civil Rights Division in the Department of Justice with a new Assistant Attorney General to handle civil-rights litigation.

Fourth. Repeals a force statute which premits court orders to be enforced by military troops.

Fifth. Expands the jurisdiction of Federal courts to make more effective the efforts of individuals to secure remedial protections for their civil rights.

Sixth. Guarantees to defendents in criminal-contempt proceedings for violations occurring out of the presence of the court the basic right of trial by jury.

Seventh. Secures without discrimination the right to serve on Federal juries.

Mr. President, I am certain our ultimate aim should be harmony between all races. I state again, by the action this body has taken at the expense of many hours of deliberate and conscientious study, we have advanced one step further toward this goal.

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## ANNOUNCEMENT OF MEMORIAL SERVICES FOR THE LATE FORMER SENATOR GEORGE AND THE LATE SENATOR McCARTHY

Mr. KNOWLAND. Mr. President, I have tried to reach the distinguished majority leader, but I have not been able to do so. I had some discussions with him earlier in the day. I understand that on next Monday time will be set aside for the services in memory of the late former Member of our body, Senator Walter George, who, subsequent to his leaving the Senate, was the United States Ambassador to the North Atlantic Treaty Organization.

I also discussed with the distinguished majority leader the setting aside of time for services in memory of the late Senator from Wisconsin, Mr. McCarthy. If it is agreeable to the majority leader, and at the wish of both the family of Senator McCarthy and the minority, we should like to designate Wednesday, August 14, as the time when Senators may have the opportunity to express themselves on the life and services of the late junior Senator from Wisconsin.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Without the majority leader being present, the Chair does not see what action he can take upon the request.

Mr. KNOWLAND. I am merely making the announcement that these are arrangements which have been made. I am certain they will be agreeable to the majority leader.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5341) for the relief of John J. Farrelly.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 204) expressing the sense of the Congress on the problem of Hungary.

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

S. 236. An act to amend section 6 of the act of June 20, 1918, as amended, relating to the retirement pay of certain members of the former Lighthouse Service;

S. 334. An act to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended (30 U. S. C. 184), in order to promote the development of phosphate on the public domain;

S. 525. An act for the relief of Rhoda Elizabeth Graubart;

S. 650. An act for the relief of Isabella Abrahams;

S. 701. An act for the relief of Karl Eigil Engedal Hansen;

S. 827. An act for the relief of Guillermo B. Rigonan;

S. 833. An act for the relief of Vida Letitia Baker;

S. 874. An act for the relief of Cornelis Vander Hoek;

S. 943. An act to amend section 218 (a) of the Interstate Commerce Act, as amended, to require contract carriers by motor vehicle to file with the Interstate Commerce Commission their actual rates or charges for transportation services;

S. 988. An act for the relief of Satoe Yamakage Langley;

S. 1063. An act vesting in the American Battle Monument Commission the care and maintenance of the Surrender Tree site in Santiago, Cuba;

S. 1112. An act for the relief of Matsue Harada;

S. 1171. An act for the relief of Harry Siegbert Schmidt;

S. 1251. An act for the relief of Florinda Mellone Garcia;

S. 1314. An act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes;

S. 1492. An act increasing penalties for violation of certain safety and other statutes administered by the Interstate Commerce Commission;

S. 1773. An act to validate a certain conveyance heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, to the State of Nevada, involving certain portions of right-of-way in the city of Reno, County of Washoe, State of Nevada, acquired by the Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356);

S. 1884. An act to amend section 505 of the Classification Act of 1949, as amended;

S. 1941. An act to authorize the payment by the Bureau of Public Roads of transportation and subsistence costs to temporary employees on direct Federal highway projects;

H. R. 1288. An act for the relief of Ralph Landolfi;

H. R. 1325. An act for the relief of Mrs. Bertha K. Martensen;

H. R. 1348. An act for the relief of Frank E. Gallagher, Jr.;

H. R. 1446. An act for the relief of Philip J. Denton;

H. R. 1472. An act for the relief of Anna L. De Angelis;

H. R. 1501. An act for the relief of Beulah I. Reich;

H. R. 1520. An act for the relief of Mrs. Fusako Takai and Thomas Takai;

H. R. 1536. An act for the relief of Allison B. Clemens;

H. R. 1537. An act for the relief of Jacob Baronian;

H. R. 1552. An act for the relief of William H. Barney;

H. R. 1667. An act for the relief of Fred G. Nagle Co.;

H. R. 1701. An act for the relief of Abram van Heyningen Hartendorp;

H. R. 1942. An act for the relief of the Sergeant Bluff Consolidated School District;

H. R. 2259. An act to provide for the conveyance of all right, title, and interest of the United States to certain real property in Prairie County, Ark.;

H. R. 2346. An act for the relief of Irmgard S. King;

H. R. 2347. An act for the relief of Robert M. Deckard;

H. R. 2678. An act for the relief of Leona C. Nash;

H. R. 3071. An act to authorize the Secretary of the Interior to enter into and to execute amendatory contract with the Northport Irrigation District, Nebraska;

H. R. 3077. An act that the lake created by the Jim Woodruff Dam on the Apalachicola River located at the confluence of the Flint and Chattahoochee Rivers be known as Lake Seminole;

H. R. 3276. An act for the relief of Edwin K. Fernandez;

H. R. 3344. An act for the relief of Kenneth F. Ailes;

H. R. 3572. An act for the relief of Mrs. Mary Jane Russell;

H. R. 3588. An act for the relief of John R. Hill;

H. R. 3996. An act to authorize the utilization of a limited amount of storage space in Lake Texoma for the purpose of water supply for the city of Sherman, Tex.;

H. R. 4511. An act to declare a certain portion of Back Cove at Portland, Maine, to be nonnavigable water of the United States;

H. R. 4730. An act for the relief of Mrs. Jennie B. Prescott;

H. R. 4851. An act for the relief of Mrs. M. E. Shelton Pruitt;

H. R. 4932. An act to amend the act of July 11, 1947, to increase the maximum rate of compensation which the director of the Metropolitan Police force band may be paid;

H. R. 4986. An act for the relief of the widow and children of John E. Donahue;

H. R. 5081. An act for the relief of Capt. Thomas C. Curtis and Capt. George L. Lane;

H. R. 5220. An act for the relief of the estate of Higa Kensai;

H. R. 5365. An act for the relief of Robert B. Peterman;

H. R. 5707. An act for the relief of the A. C. Israel Commodity Co., Inc.;

H. R. 5718. An act for the relief of Juanita Gibson Lewis;

H. R. 5721. An act for the relief of Marian Diane Delphine Sachs;

H. R. 5953. An act to provide for the construction of sewer and water facilities for the Elko Indian colony, Nevada;

H. R. 6570. An act to amend the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes;

H. R. 6621. An act for the relief of Mrs. Jane Barnes;

H. R. 6961. An act for the relief of Walter H. Berry;

H. R. 7213. An act for the relief of Louis S. Thomas and D. Grace Thomas;

H. R. 7522. An act to authorize the extension of certain rights to remove timber from lands acquired by the United States;

H. R. 8053. An act to authorize funds available for construction of Indian health facilities to be used to assist in the construction of community hospitals which will serve Indians and non-Indians;

H. J. Res. 322. Joint resolution for the relief of certain aliens; and

H. J. Res. 345. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to the dead of the 2d Infantry Division, United States forces, World War II and the Korean conflict.

## RECESS TO 11 A. M. TOMORROW

Mr. BIBLE. Mr. President, in accordance with the previous unanimous-consent agreement, I move that the Senate stand in recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 51 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Wednesday, August 7, 1957, at 11 o'clock a. m.

## NOMINATIONS

Executive nominations received by the Senate August 6 (legislative day of July 8), 1957:

ASSOCIATE JUDGE OF THE MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

John Lewis Smith, Jr., of the District of Columbia, to be associate judge of the Municipal Court for the District of Columbia for the term of 10 years, vice Frank Hammett Myers, appointed to the Domestic Relations Branch.

BOARD OF PAROLE

Harvey G. Straub, of Ohio, to be a member of the Board of Parole for the term expiring September 30, 1962, vice Scovel Richardson.

IN THE NAVY

Rear Adm. Thomas G. W. Settle, United States Navy, when retired, to be placed on the retired list with the rank of vice admiral in accordance with the provisions of title 10, United States Code, section 5233.

# HOUSE OF REPRESENTATIVES

## TUESDAY, AUGUST 6, 1957

The House met at 12 o'clock noon.

Rev. W. D. Boddie, Rayville Methodist Church, Rayville, La., offered the following prayer:

Almighty and eternal God, it is with prayers of gratitude and thanksgiving for the blessings and challenge of our day and time that we talk with Thee just now.

For Thy divine guidance of these elected representatives of the people we earnestly pray. Bless all those in places of responsibility here in our Nation's Capitol. May each of them be willing to lean on Thine everlasting arms.

Grant, O God, that in all legislation enacted, Thy will shall be done.

Let none here, nor any of Thy people, ever forget that "righteousness exalteth a nation, but sin is a reproach to any people."

This, we pray, in the name of Him who is the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. McBride, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 1288. An act for the relief of Ralph Landolfi;

H. R. 1325. An act for the relief of Mrs. Bertha K. Martensen;

H. R. 1348. An act for the relief of Frank E. Gallagher, Jr.;

H. R. 1446. An act for the relief of Philip J. Denton;

H. R. 1472. An act for the relief of Anna L. De Angelis;

H. R. 1501. An act for the relief of Beulah I. Reich;

H. R. 1520. An act for the relief of Mrs. Fusako Takai and Thomas Takai;

H. R. 1536. An act for the relief of Allison B. Clemens;

H. R. 1537. An act for the relief of Jacob Baronian;

H. R. 1552. An act for the relief of William H. Barney;

H. R. 1667. An act for the relief of Fred G. Nagle Co.;

H. R. 1701. An act for the relief of Abram van Heyningen Hartendorp;

H. R. 1942. An act for the relief of the Sergeant Bluff Consolidated School District;

H. R. 2259. An act to provide for the conveyance of all right, title, and interest of the United States to certain real property in Prairie County, Ark.;

H. R. 2346. An act for the relief of Irmgard S. King;

H. R. 2347. An act for the relief of Robert M. Deckard;

H. R. 2678. An act for the relief of Leona C. Nash;

H. R. 3071. An act to authorize the Secretary of the Interior to enter into and to execute amendatory contract with the Northport Irrigation District, Nebr.;

H. R. 3077. An act that the lake created by the Jim Woodruff Dam on the Apalachicola River located at the confluence of the Flint and Chattahoochee Rivers be known as Lake Seminole;

H. R. 3276. An act for the relief of Edwin K. Fernandez;

H. R. 3344. An act for the relief of Kenneth F. Ailes;

H. R. 3572. An act for the relief of Mrs. Mary Jane Russell;

H. R. 3588. An act for the relief of John R. Hill;

H. R. 3996. An act to authorize the utilization of a limited amount of storage space in Lake Texoma for the purpose of water supply for the city of Sherman, Tex.;

H. R. 4511. An act to declare a certain portion of Back Cove at Portland, Maine, to be nonnavigable water of the United States;

H. R. 4730. An act for the relief of Mrs. Jennie B. Prescott;

H. R. 4851. An act for the relief of Mrs. M. E. Shelton Pruitt;

H. R. 4932. An act to amend the act of July 11, 1947, to increase the maximum rate of compensation which the director of the Metropolitan Police Force band may be paid;

H. R. 4986. An act for the relief of the widow and children of John E. Donahue;

H. R. 5081. An act for the relief of Capt. Thomas C. Curtis and Capt. George L. Lane;

H. R. 5220. An act for the relief of the estate of Higa Kensai;

H. R. 5365. An act for the relief of Robert B. Peterman;

H. R. 5707. An act for the relief of the A. C. Israel Commodity Co., Inc.;

H. R. 5718. An act for the relief of Juanita Gibson Lewis;

H. R. 5721. An act for the relief of Marian Diane Delphine Sachs;

H. R. 5953. An act to provide for the construction of sewer and water facilities for the Elko Indian colony, Nevada;

H. R. 6570. An act to amend the peanut-marketing-quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes;

H. R. 6621. An act for the relief of Mrs. Jane Barnes;

H. R. 6961. An act for the relief of Walter H. Berry;

H. R. 7213. An act for the relief of Louis S. Thomas and D. Grace Thomas;

H. R. 7522. An act to authorize the extension of certain rights to remove timber from lands acquired by the United States;

H. R. 8053. An act to authorize funds available for construction of Indian health facilities to be used to assist in the construction of community hospitals which will serve Indians and non-Indians;

H. J. Res. 322. Joint resolution for the relief of certain aliens;

H. J. Res. 345. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to the dead of the 2d Infantry Division, United States Forces, World War II and the Korean conflict;

H. Con. Res. 117. Concurrent resolution to commemorate the quadricentennial anniversary of the establishment of the first settlement in Florida;

H. Con. Res. 135. Concurrent resolution to print as a House document the publication Guide to Subversive Organizations and Publications, and to provide for the printing of additional copies; and

H. Con. Res. 136. Concurrent resolution to print as a House document volumes I and II of the publication Soviet Total War and to provide for the printing of additional copies.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 1460. An act for the relief of Tom R. Hickman and Nannie Conley and husband, Jack Conley;

H. R. 1562. An act for the relief of Maj. John P. Ruppert;

H. R. 1672. An act for the relief of the legal guardian of Frederick Redmond;

H. R. 1682. An act for the relief of Edward J. Moskot;

H. R. 1864. An act for the relief of Mrs. Lidie Kammauf;

H. R. 2045. An act for the relief of Robert D. Miller, of Juneau, Alaska;

H. R. 2049. An act for the relief of Mrs. Blanche Houser;

H. R. 2950. An act for the relief of Lt. Col. Emery A. Cook;

H. R. 2973. An act for the relief of the estate of William V. Stepp, Jr.;

H. R. 3281. An act for the relief of Howard S. Gay;

H. R. 3440. An act for the relief of Lillian Schlossberg;

H. R. 3625. An act to amend section 214 of the Interstate Commerce Act, as amended, to prevent the use of arbitrary stock par values to evade Interstate Commerce Commission jurisdiction;

H. R. 4023. An act for the relief of Oswald N. Smith;

H. R. 4154. An act for the relief of the legal guardian of Thomas Brainard, a minor;

H. R. 5341. An act for the relief of John J. Farrelly;

H. R. 5627. An act for the relief of Mrs. Emma Hankel;

H. J. Res. 323. Joint resolution to facilitate the admission into the United States of certain aliens; and

H. Con. Res. 171. Concurrent resolution favoring the granting of the status of permanent residence to certain aliens.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 66. An act for the relief of Nobuko Hamasaki Fawcett;

S. 86. An act to provide for a research program in the field of weather modification to be conducted by the National Science Foundation, and for other purposes;

S. 118. An act for the relief of the General Box Co.;

S. 137. An act for the relief of Hans Paul Lange;

S. 144. An act for the relief of Lucrecia Zuckermann Podesta;

S. 212. An act to provide for the reimbursement of Meadow School District No. 29, Upham, N. Dak., for loss of revenue resulting from the acquisition of certain lands within such school district by the Department of the Interior;

S. 243. An act for the relief of Mrs. William A. Curran;

S. 280. An act for the relief of Agapito Jorolan;

S. 285. An act for the relief of Paul Gustin;

S. 364. An act for the relief of the village of Wauneta, Nebr.;

S. 366. An act for the relief of Kim Yung Bok (Peter Garner) and Kim Kil Won (Michael Garner);

S. 375. An act to amend the Interstate Commerce Act to provide for filing of documents evidencing the lease, mortgage, conditioned sale, or bailment of motor vehicles sold to or owned by certain carriers subject to such act;

S. 396. An act for the relief of Lock Ting King;

S. 397. An act for the relief of Willem Woeras;

S. 398. An act for the relief of Benjamin Wachtfogel;

S. 402. An act for the relief of Martha Huber Vavra;

S. 441. An act for the relief of Jose Ramirez-Moreno;

S. 485. An act for the relief of Luigi Lino Turel;

S. 524. An act for the relief of Robert F. Gross;

S. 536. An act to amend Public Law 298, 84th Congress, relating to the Corregidor-Bataan Memorial Commission, and for other purposes;

S. 567. An act for the relief of Vida Djenich;

S. 620. An act to transfer ownership to Allegany County, Md., of a bridge loaned to such county by the Bureau of Public Roads;

S. 652. An act for the relief of the Thomas Cruse Mining and Development Co.;

S. 662. An act for the relief of Howard I. Buchbinder;

S. 747. An act to authorize the Secretary of State to evaluate and to waive collection of certain financial-assistance loans, and for other purposes;

S. 796. An act for the relief of Zacharoula Papoulia Matsa;

S. 878. An act for the relief of Cecyle D. Smack;

S. 879. An act for the relief of Anna Adora Jensen;

S. 880. An act for the relief of Necmettin Cengiz;

S. 883. An act to extend for 1 year the time for filing of claims by former prisoners of war under section 6 (e) of the War Claims Act of 1948;

S. 919. An act to provide that certain employees in the Postal Field Service assigned to road duty, and rural carriers, shall receive the benefit of holidays created by Executive order, memorandum, or other administrative action by the President;

S. 976. An act for the relief of Charles A. Sidawi;

S. 979. An act to amend the International Claims Settlement Act of 1949, as amended, and for other purposes;

S. 1003. An act to provide for adjustments in the lands or interests therein acquired

for the Albeni Falls Reservoir project, Idaho, by the reconveyance of certain lands or interests therein to the former owners thereof;

S. 1049. An act for the relief of Mrs. Ahsapet Gamityan;

S. 1050. An act for the relief of Hrygory (Harry) Mydlak;

S. 1101. An act for the relief of Elia Zelich;

S. 1142. An act for the relief of Mario Bellich;

S. 1153. An act for the relief of Zdenka Sneler;

S. 1154. An act for the relief of Therese Gloebl Clark;

S. 1155. An act for the relief of Eileen Teahan;

S. 1175. An act for the relief of Helene Cordery Hall;

S. 1227. An act for the relief of Stavros Georgas;

S. 1241. An act for the relief of Edward Martin Hinsberger;

S. 1271. An act for the relief of Daniel Alcide Charlebois;

S. 1290. An act for the relief of Lee-Ana Roberts;

S. 1293. An act for the relief of Eithaniahu (Eton) Yellin;

S. 1306. An act for the relief of Pao-Wei Yung;

S. 1307. An act for the relief of Toribia Basterrechea (Arrola);

S. 1308. An act for the relief of Carmen Jeanne Launois Johnson;

S. 1329. An act for the relief of Joyce Trueman Watson;

S. 1331. An act for the relief of John P. Souvaldzis;

S. 1365. An act for the relief of Milenko Krnjajich;

S. 1370. An act for the relief of Wanda Wawrzyczek;

S. 1385. An act to amend section 11 of the Clayton Antitrust Act to extend the authority of the Interstate Commerce Commission thereunder to contract carriers subject to the Interstate Commerce Act;

S. 1387. An act for the relief of Rebecca Jean Lundy (Helen Choy);

S. 1414. An act for the relief of Wolfgang Jochim Herman Schmiedchen;

S. 1421. An act for the relief of Ansis Luiz Darzins;

S. 1435. An act for the relief of Louis Glaros;

S. 1477. An act for the relief of Jaime Cabrera Bernal;

S. 1552. An act to authorize the Secretary of the Interior to establish a program for the purpose of carrying on certain research and experimentation to develop methods for the commercial production of fish on flooded rice acreage in rotation with rice field crops, and for other purposes;

S. 1579. An act for the relief of Jamil G. Nassar;

S. 1617. An act for the relief of Xavier Arreguin (Blanco);

S. 1625. An act for the relief of Renee Juliette Dubuc Whitbread;

S. 1631. An act to amend certain sections of title 13 of the United States Code, entitled "Census";

S. 1654. An act for the relief of Mary E. Trantow;

S. 1685. An act for the relief of Sic Gun Chau (Tse) and Hing Man Chau;

S. 1696. An act to amend the Agricultural Act of 1949 to provide for furnishing the Coast Guard Academy and the United States Merchant Marine Academy with surplus dairy products;

S. 1736. An act for the relief of Rosa Sigl;

S. 1767. An act for the relief of Eileen Sheila Dhanda;

S. 1779. An act to give effect to certain obligations of the United States under the Geneva Conventions for the protection of war victims of 1949 by regulating the use of the Red Cross and other emblems, and for other purposes;

S. 1785. An act designating the reservoir located above Heart-Butte Dam in Grant County, N. Dak., as Lake Tschida, and for other purposes;

S. 1798. An act to amend section 4426 of the Revised Statutes, as amended, with respect to certain small vessels operated by cooperatives or associations in transporting merchandise of members on a nonprofit basis to or from places within the inland waters of southeastern Alaska and Prince Rupert, British Columbia, or to or from places within said inland waters and places within the inland waters of the State of Washington;

S. 1804. An act for the relief of Marjeta Winkle Brown;

S. 1805. An act for the relief of persons and firms for the direct expenses incurred by them for fumigation of premises in the control and eradication of the Khapra beetle.

S. 1815. An act for the relief of Nicholas Dilles;

S. 1841. An act to authorize the District of Columbia Board of Education to employ retired teachers as substitute teachers in the public schools of the District of Columbia;

S. 1850. An act to adjust conditions of employment in departments or agencies in the Canal Zone;

S. 1861. An act for the relief of Angelos Karydis and his wife, Maria Karydis;

S. 1866. An act to amend the act entitled "An act to require the inspection and certification of certain vessels carrying passengers," approved May 10, 1956, in order to provide adequate time for the formulation and consideration of rules and regulations to be prescribed under such act;

S. 1877. An act for the relief of Louis G. Whitcomb;

S. 1896. An act for the relief of Maria West;

S. 1901. An act to amend section 401 of the Federal Employees Pay Act of 1945, as amended;

S. 1902. An act for the relief of Bella Rodriguez Ternoir;

S. 1910. An act for the relief of Salvatore Salerno;

S. 1914. An act for the relief of Stephen Peter Demogiannis (Stavros Pantellis Demogiannis);

S. 1934. An act for the relief of Barbara Woodward Luckett;

S. 1962. An act to authorize the Secretary of Agriculture to convey a certain tract of land owned by the United States to the Perkins Chapel Methodist Church, Bowie, Md.;

S. 1972. An act for the relief of Letizia Maria Arini.

S. 2003. An act for the relief of Jozice Matana Koulis and Davorko Matana Koulis;

S. 2006. An act to relieve the Surgeons General of the Army and Navy of certain responsibilities outside the Department of Defense;

S. 2007. An act to amend the United States Grain Standards Act, 1916, as amended, to permit the Secretary of Agriculture to charge and collect for certain services performed and to deposit such collections to the credit of the appropriation available for administration of the act, and for other purposes;

S. 2009. An act for the relief of Mrs. Jytte Starel Synodis.;

S. 2039. An act to clarify the requirements with respect to the performance of labor imposed as a condition for the holding of mining claims on Federal lands pending the issuance of patents therefor.

S. 2063. An act for the relief of Guy H. Davant;

S. 2095. An act for the relief of Vaclav Uhlik, Marta Uhlik, Vaclav Uhlik, Jr., and Eva Uhlik;

S. 2108. An act to amend the Public Buildings Act of 1949, to authorize the Administrator of General Services to name, rename, or otherwise designate any building under the custody and control of the General Services Administration;

S. 2109. An act to amend an act extending the authorized taking area for public building construction under the Public Buildings Act of 1926, as amended, to exclude therefrom the area within E and F Streets and 19th Street and Virginia Avenue, NW., in the District of Columbia;

S. 2165. An act for the relief of Gertrud Mezger;

S. 2183. An act to amend the act of August 2, 1956 (70 Stat. 940), providing for the establishment of the Virgin Islands National Park, and for other purposes;

S. 2217. An act to authorize the Secretary of the Army to sell certain lands at the McNary lock and dam project, Oregon and Washington, to the port of Walla Walla, Wash.;

S. 2228. An act to amend section 5 of the Flood Control Act of August 18, 1941, as amended, pertaining to emergency flood control work;

S. 2398. An act for the relief of Antonia Massorotto Telara;

S. 2434. An act to amend the act entitled "An act to provide books for the adult blind";

S. 2441. An act to amend the act of March 4, 1933, to extend by 10 years the period prescribed for determining the rates of toll to be charged for use of the bridge across the Missouri River near Rulo, Nebr.;

S. 2500. An act to make uniform the termination date for the use of official franks by former Members of Congress, and for other purposes;

S. 2515. An act to amend the act of June 28, 1935, entitled "An act to authorize participation by the United States in the Interparliamentary Union";

S. J. Res. 18. Joint resolution to authorize and request the President to issue a proclamation in connection with the centennial of the birth of Theodore Roosevelt;

S. J. Res. 85. Joint resolution to amend the act of Congress approved August 7, 1935 (Public Law 253), concerning United States contributions to the International Council of Scientific Unions and certain associated unions;

S. J. Res. 95. Joint resolution granting the consent of Congress to an agreement or compact between the State of New York and the Government of Canada providing for the continued existence of the Buffalo and Fort Erie Public Bridge Authority, and for other purposes;

S. Con. Res. 36. Concurrent resolution authorizing the appointment of 4 Members each of the 2 Houses to attend the next general meeting of the Commonwealth Parliamentary Association to be held in India;

S. Con. Res. 40. Concurrent resolution favoring the suspension of deportation in the case of certain aliens; and

S. Con. Res. 41. Concurrent resolution favoring the suspension of deportation in the case of certain aliens.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 42. An act to provide for the construction by the Secretary of the Interior of the San Angelo Federal reclamation project, Texas, and for other purposes;

S. 525. An act for the relief of Rhoda Elizabeth Graubart;

S. 650. An act for the relief of Isabella Abrahams;

S. 701. An act for the relief of Karl Eigil Engedal Hansen and his wife, Else Viola Ag-

nethe Hansen, and their minor child, Jessie Engedal Hansen;

S. 827. An act for the relief of Guillermo B. Rigonan;

S. 833. An act for the relief of Vida Letitia Baker;

S. 874. An act for the relief of Cornelis Vander Hoek;

S. 988. An act for the relief of Satoe Yamakage Langley;

S. 1112. An act for the relief of Matsue Harada;

S. 1171. An act for the relief of Harry Siegbert Schmidt; and

S. 1251. An act for the relief of Florinda Mellone Garcia.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 469) entitled "An act to authorize the United States to defray the cost of assisting the Klamath Tribe of Indians to prepare for termination of Federal supervision, to defer sales of tribal property, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1314) entitled "An act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 204) entitled "Concurrent resolution expressing the sense of the Congress on the problem of Hungary."

## THE RECORD OF THE EISENHOWER ADMINISTRATION

Mr. HOEVEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HOEVEN. Mr. Speaker, I would like to set the record straight on some obviously misleading statements made the other day by my colleagues across the aisle in discussing the accomplishments of the executive agencies under the Eisenhower administration. Particularly, I refer to the remarks by one of my Democrat colleagues about being filled with fear and trepidation over the farmers of this country.

The Congressman's fear and trepidation stems largely from a fact he prefers to overlook—namely, that Secretary Benson was required by law to spend approximately 3 years doing housekeeping for a farm commodity mess he inherited.

The table inserted in the RECORD by the gentleman is authentic enough but he uses the wrong dates. If we set up the correct figures we get an entirely different story—one that bears out completely the remarkable record in reduction of surpluses that the Secretary has established.

Mr. Speaker, here is the same table with the correct figures:

*CCC investments (inventory and loans)*

[All figures in thousands]

| | Unit | Amount | Value |
|---|---|---|---|
| Cotton, Upland: | | | |
| Mar. 1, 1956 | Bale | 13,797 | $2,385,073 |
| June 1, 1957 | do | 8,988 | 1,497,898 |
| Wheat: | | | |
| Mar. 1, 1956 | Bushel | 1,119,542 | 2,868,391 |
| June 1, 1957 | do | 875,212 | 2,369,265 |
| Corn: | | | |
| Mar. 1, 1956 | do | 1,114,445 | 1,864,747 |
| June 1, 1957 | do | 1,341,800 | 2,249,746 |
| Rice: | | | |
| Mar. 1, 1956 | Hundredweight. | 29,983 | 252,224 |
| June 1, 1957 | do | 18,104 | 106,636 |
| Peanuts: | | | |
| Mar. 1, 1956 | Pound | 264,404 | 30,199 |
| June 1, 1957 | do | 215,916 | 24,272 |
| Tobacco: | | | |
| Mar. 1, 1956 | do | 958,869 | 563,547 |
| June 1, 1957 | do | 961,313 | 585,237 |
| Dairy products: | | | |
| Mar. 1, 1956 | | | 218,442 |
| June 1, 1957 | | | 135,863 |
| All commodities: | | | |
| Mar. 1, 1956 | | | 8,930,381 |
| June 1, 1957 | | | 7,645,075 |

The July 1, 1957, figures are expected to show a continuation of this decline in Government investment in farm commodities, bringing the total down to an estimated $7.5 billion, a reduction of nearly $1.5 billion from the total as of March 1, 1956.

## PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

## RALPH N. MEEKS

The Clerk called the bill (H. R. 1317) for the relief of Ralph N. Meeks.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That Ralph N. Meeks, Jacksonville, Fla., is hereby relieved of liability to refund to the United States all or any part of the sum of $17,458.59. Such sum represents the amount of retired pay allegedly overpaid to the said Ralph N. Meeks (a retired naval officer) for the period beginning November 1, 1946, and ending October 31, 1954, while he was employed by the United States in a civilian capacity at the naval air station, Jacksonville, Fla., and was receiving compensation and retired pay from the United States at a combined annual rate in excess of that permitted by law. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the said Ralph N. Meeks, an amount equal to the aggregate of any amounts which may have been paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the claim of the United States for such refund.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## THOMAS P. QUIGLEY

The Clerk called the bill (H. R. 1318) for the relief of Thomas P. Quigley.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, notwithstanding the provisions and limitations of sections 15 and 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended (U. S. C., 1952 edition, title 5, secs. 765–770), the Department of Labor (Bureau of Employees' Compensation) is hereby authorized and directed to receive and consider, when filed, the claim of Thomas P. Quigley, for compensation under the act, within 6 months from the date of enactment of this act on account of personal injuries alleged to have been sustained by him on September 23 and 24, 1948, while in the performance of his duty as an assistant shipkeeper, James River fleet, Maritime Administration, at Lee Hall, Virginia; and the Bureau, after such consideration of such claim, shall determine and make findings of fact thereon and make such award, pursuant to said act of September 7, 1916, to him as on the basis of such findings shall appear equitable.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GEORGE H. MEYER SONS, BRAUER & CO., JOSEPH McSWEENEY & SONS, INC., C. L. TOMLINSON, JR., AND RICHMOND LIVESTOCK CO., INC.

The Clerk called the bill (H. R. 1411) for the relief of George H. Meyer Sons, Brauer & Co., Joseph McSweeney & Sons, Inc., C. L. Tomlinson, Jr., and Richmond Livestock Co., Inc.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of money heretofore made available for the eradication of the disease vesicular exanthema in swine, to George H. Meyer Sons the sum of $488.21, to Brauer & Co. the sum of $303.37, to Joseph McSweeney & Sons, Inc., the sum of $25.33, to C. L. Tomlinson, Jr., the sum of $13.45, and to Richmond Livestock Co., Inc., the sum of $425.14. These amounts are equal to those heretofore paid by the State of Virginia, and the payment of such sums shall be in full settlement of all claims of the above-named owners of swine against the United States arising out of the destruction of swine at the Richmond Union Stock Yards in Richmond, Va., in January 1953 because of the infection and exposure of these swine to the contagious disease vesicular exanthema. Such swine were destroyed by order of the Department of Agriculture of the State of Virginia, cooperating with the United States Department of Agriculture, under an agreement whereby such losses were to be indemnified on the basis of 50 percent by the State and 50 percent by the United States. No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provision of this act shall be deemed guilty of a misdemeanor and upon

conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 16, strike the words: "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## LILLIAN CUMMINGS

The Clerk called the bill (H. R. 1602) for the relief of Lillian Cummings.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the retirement fund, an amount sufficient to establish an annuity for Lillian Cummings, the widow of Melville J. Cummings, formerly a forester with the United States Department of Agriculture, equal in amount to the annuity which she would have been entitled to receive had the retirement of said Melville J. Cummings become effective on September 30, 1946, and had he elected in writing, at the time of such retirement, to receive a reduced annuity equal to such reduced annuity payable after his death to the said Lillian Cummings, as surviving beneficiary.

With the following committee amendment:

Page 2, line 4, insert "The funds heretofore paid to the said Lillian Cummings shall be considered as annuity payments under this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## DR. ROYAL W. WILLIAMS

The Clerk called the bill (H. R. 1792) for the relief of Dr. Royal W. Williams.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dr. Royal W. Williams, Greenville, Miss., the sum of $1,160.37. Payment of such sum shall be in full settlement of all claims of Dr. Royal W. Williams against the United States for mileage allowance for travel between Savannah, Ga., and Charleston, S. C., and for per diem for temporary duty performed as senior surgeon (R) at the United States Public Health Service Outpatient Clinic at Charleston, S. C., during the period November 17, 1953, to April 14, 1954: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 3, strike out "in this act in excess of 10 percent thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## MRS. MADELEINE A. WORK

The Clerk called the bill (H. R. 5161) for the relief of Mrs. Madeleine A. Work.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be and he hereby is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,636.80 to Mrs. Madeleine Work of 19 Rue de Grenoble, Evreux, France. Such sum represents the amount of death benefits to which the said Mrs. Work would have been entitled from the date of the death of her husband, Capt. John L. Work, who died on December 17, 1943, if claim for such death benefits had been filed with the Veterans' Administration within 1 year after the death of her husband: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line, 5, strike "$4,636.80" and insert "$4,675.60".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## ESTATE OF AGNES MOULTON CANNON AND CLIFTON L. CANNON, SR.

The Clerk called the bill (H. R. 6868) for the relief of the estate of Agnes Moulton Cannon.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, $25,000 to the estate of Agnes Moulton Cannon. The payment of such sum shall be in full settlement of all claims of said estate against the United States as damages for the wrongful death of said Agnes Moulton Cannon as the result of an accident involving a United States Army vehicle. Such accident occurred on United States Highway No. 84, about 4 miles west of Bainbridge, Ga., at about 6:45 o'clock p. m. (eastern standard time) on October 1, 1954. The operator of said vehicle was not acting within the scope of his employment: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

This claim is not cognizable under the Federal Tort Claims Act.

With the following committee amendment:

Strike all after the enacting clause and insert "That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $9,320.11 to the estate of Agnes Moulton Cannon in full settlement of all claims of that estate against the United States as damages for the wrongful death of the said Agnes Moulton Cannon as the result of an accident involving a United States Army vehicle which occurred on United States Highway No. 84 about 4 miles west of Bainbridge, Ga., on October 1, 1954. The operator of the Army vehicle in that accident has been determined not to have been acting within the scope of his employment, and the claims based on the accident are not cognizable under the Federal Tort Claims Act provisions now set out in title 28 of the United States Code.

"SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,500 to Clifton L. Cannon, Sr., of Donalsonville, Ga., in full settlement of all claims against the United States for personal injuries, medical expenses, and any other losses sustained by him as a result of the accident referred to in section 1 of this act.

SEC. 3. No part of the amounts appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claims covered by this act, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of the estate of Agnes Moulton Cannon and for the relief of Clifton L. Cannon, Sr."

A motion to reconsider was laid on the table.

## PASQUALE PRATOLA

The Clerk called the bill (H. R. 8586) for the relief of Pasquale Pratola.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, for the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, the minor child, Pasquale Pratola, shall be held and considered to be the natural-born alien child of Otantonio Pratola, a legally resident alien: *Provided*, That any fee received by any agent or attorney on account of services rendered in connection with this act shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 1, line 7, after the word "alien", strike out the colon and the remainder of the bill and substitute in lieu thereof the following: "of the United States."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## MRS. SABASTIANO POLETTO, HIDEO KONYA, EDWARD H. TURRI, AND MARIO GUIFFRE

The Clerk called the joint resolution (H. J. Res. 417) for the relief of Mrs. Sabastiano Poletto, Hideo Konya, Edward H. Turri, and Mario Guiffre.

There being no objection, the Clerk read the joint resolution, as follows:

*Resolved, etc.*, That Mrs. Sabastiano Poletto, who lost United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, may be naturalized by taking, prior to 1 year after the date of the enactment of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer abroad, the oaths prescribed by section 337 of the Immigration and Nationality Act. From and after naturalization under this act, the said Mrs. Sabastiano Poletto shall have the same citizenship status as that which existed immediately prior to its loss.

SEC. 2. Hideo Konya, who lost his United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, may be naturalized by taking, prior to 1 year after the effective date of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said act. From and after naturalization under this act, the said Hideo Konya shall have the same citizenship status as that which existed immediately prior to its loss.

SEC. 3. Notwithstanding the provisions of section 404 of the Nationality Act of 1940, section 352 of the Immigration and Nationality Act, and Private Law Numbered 2 of the 82d Congress, Edward H. Turri shall be held and considered to have retained his United States citizenship: *Provided*, That he returns to the United States to reside within 6 months following the effective date of this act.

SEC. 4. Mario Guiffre, who lost United States citizenship under the provisions of section 352 (a) (1) of the Immigration and Nationality Act, may be naturalized by taking prior to 1 year after the effective date of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of said act. From and after naturalization under this act, the said Mario Guiffre shall have the same citizenship status as that which existed immediately prior to its loss.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## MRS. MARION HUGGINS

The Clerk called the bill (S. 294) for the relief of Mrs. Marion Huggins.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Mrs. Marion Huggins shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## SEOL BONG RYU

The Clerk called the bill (S. 591) for the relief of Seol Bong Ryu.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Seol Bong Ryu, shall be held and considered to be the natural-born alien child of Brooks Doran and Violet Risley Anderson, citizens of the United States.

The bill was ordered to be read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

## SISTER CLEMENTINE (ILONA MOLNAR)

The Clerk called the bill (S. 651) for the relief of Sister Clementine (Ilona Molnar).

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Sister Clementine (Ilona Molnar) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## MRS. ANTONIETTA GIORGIO AND HER CHILDREN, ANTONIO GIORGIO AND MENOTTI GIORGIO

The Clerk called the bill (S. 669) for the relief of Mrs. Antonietta Giorgio and her children, Antonio Giorgio and Menotti Giorgio.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That Mrs. Antonietta Giorgio, Antonio Giorgio, and Menotti Giorgio shall be considered first preference quota immigrants under the provisions of section 203 (a) (1) (B) of the Immigration and Nationality Act if they are issued immigrant visas and admitted into the United States within 12 months from the date of the enactment of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## FANNIE ALEXANDER GAST

The Clerk called the bill (S. 811) for the relief of Fannie Alexander Gast.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That Fannie Alexander Gast, who lost United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, may be naturalized by taking, prior to 1 year after the date of the enactment of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, an oath as prescribe by section 337 of such act: *Provided*, That from and after naturalization under this act, the said Fannie Alexander Gast shall have the same citizenship status as that which existed immediately prior to its loss.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## KATHARINA THERESIA BEUVING KEYZER

The Clerk called the bill (S. 876) for the relief of Katharina Theresia Beauving Keyzer.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Katharina Theresia Beuving Keyzer may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice have knowledge prior to the enactment of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## POPPY CATHERINE HAYAKAWA MERRITT

The Clerk called the bill (S. 1053) for the relief of Poppy Catherine Hayakawa Merritt.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of the Immigration and Nationality Act, paragraph (5) of subsection (a) and subsection (b) of section 202 of such act shall not apply in the case of Poppy Catherine Hayakawa Merritt.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## DAVID MARK STERLING

The Clerk called the bill (S. 1071) for the relief of David Mark Sterling.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, David Mark Sterling shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act

upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## ADOLFO CAMILLO SCOPONE

The Clerk called the bill (S. 1102) for the relief of Adolfo Camillo Scopone.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Adolfo Camillo Scopone shall be held and considered to be the minor natural-born alien child of Mr. and Mrs. Luigi Scoponi, citizens of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## PANAGIOTIS TULIOS

The Clerk called the bill (S. 1240) for the relief of Panagiotis Tulios.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, notwithstanding the provisions of section 212 (a) (1) of the Immigration and Nationality Act, Panagiotis Tulios, may be issued a visa and admitted to the United States if he is found to be otherwise admissible under the provisions of that act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of said act: *Provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## SUSANNE BURKA

The Clerk called the bill (S. 1309) for the relief of Susanne Burka.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, in the administration of the Immigration and Nationality Act, Susanne Burka, the fiancée of Roy Weisenfeld, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided*, That the administrative authorities find that the said Susanne Burka is coming to the United States with a bona fide intention of being married to the said Roy Weisenfeld and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Susanne Burka, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above persons shall occur within 3 months after the entry of the said Susanne Burka, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Susanne Burka as of the date of the payment by her of the required visa fee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## MARIA GRADI

The Clerk called the bill (S. 1311) for the relief of Maria Gradi.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, for the purposes of the Immigration and Nationality Act, Maria Gradi shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## JUNKO MATSUOKA ECKRICH

The Clerk called the bill (S. 1321) for the relief of Junko Matsuoka Eckrich.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That notwithstanding the provisions of paragraph (12) of section 212 (a) of the Immigration and Nationality Act, Junko Matsuoka Eckrich may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided*, That this act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

With the following committee amendments:

On page 1, line 3, after the words "provisions of" strike out "paragraph" and substitute in lieu thereof "paragraphs (9) and".

On page 1, line 9, after the word "such" strike out the word "paragraph" and substitute in lieu thereof "paragraphs".

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AYAKO YOSHIDA

The Clerk called the bill (S. 1353) for the relief of Ayako Yoshida.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, in the administration of the Immigration and Nationality Act, Ayako Yoshida, the fiance of James R. Beasley, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months, if the administrative authorities find (1) that the said Ayako Yoshida is coming to the United States with a bona fide intention of being married to the said James R. Beasley and (2) that she is otherwise admissible under the Immigration and Nationality Act. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Ayako Yoshida shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Ayako Yoshida the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Ayako Yoshida as of the date of the payment by her of the required visa fee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## VASSILIOS KOSTIKOS

The Clerk called the bill (S. 1363) for the relief of Vassilios Kostikos.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Vassilios Kostikos, shall be held and considered to be the natural-born alien child of Victor Kostikos and Thelma Kostikos, citizens of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## ANGELINE MASTRO MONE (ANGELINA MASTROIANNI)

The Clerk called the bill (S. 1397) for the relief of Angeline Mastro Mone (Angelina Mastroianni).

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That Angeline Mastro Mone (Angelina Mastroianni), who lost United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, may be naturalized by taking, prior to 1 year after the date of the enactment of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, an oath as prescribed by section 337 of such act. From and after naturalization under this act, the said Angeline Mastro Mone (Angelina Mastroianni) shall have the same citizenship status as that which existed immediately prior to its loss.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## FRANCESCA MARIA ARRIA

The Clerk called the bill (S. 1452) for the relief of Francesca Maria Arria.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, for the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Francesca Maria Arria shall be held and considered to be the minor natural-born child of Mrs. Maria Arria, an alien lawfully admitted to the United States for permanent residence.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### TRIANTAFILIA ANTUL

The Clerk called the bill (S. 1472) for the relief of Triantafilia Antul.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Triantafilia Antul shall be held and considered to be the natural-born minor alien child of Mr. and Mrs. Charles Antul, citizens of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### ERIKA OTTO

The Clerk called the bill (S. 1502) for the relief of Erika Otto.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, in the administration of the Immigration and Nationality Act, Erika Otto, the fiance of M. Sgt. Daniel Mobray O'Neill, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided*, That the administrative authorities find that the said Erika Otto is coming to the United States wih a bona fide intention of being married to the said Master Sergeant Daniel Mobray O'Neill and that she is found admissible under all of the provisions of the Immigration and Nationality Act, other than section 212 (a) (9): *Provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Erika Otto, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Erika Otto, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Erika Otto as of the date of the payment by her of the required visa fee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### SALVATORE LaTERRA

The Clerk called the bill (S. 1508) for the relief of Salvatore LaTerra.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Salvatore LaTerra, shall be held and considered to be the natural-born alien child of Mr. and Mrs. John LaTerra, citizens of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### FUMIKO BIGELOW

The Clerk called the bill (S. 1509) for the relief of Fumiko Bigelow.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, notwithstanding the provisions of paragraph (3) of section 212 (a) of the Immigration and Nationality Act, Fumiko Bigelow may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided*, That if the said Fumiko Bigelow is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act. This act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### YEE SUEY NONG

The Clerk called the bill (S. 1774) for the relief of Yee Suey Nong.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, for the purposes of section 101 (a) (27) (B) of the Immigration and Nationality Act, Yee Suey Nong shall be held and considered to be a returning resident alien.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### VENDELIN KALENDA

The Clerk called the bill (S. 2027) for the relief of Vendelin Kalenda.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, for purposes of section 316 (a) of the Immigration and Nationality Act, Vendelin Kalenda shall be held and considered to have been resident and physically present in the United States during all periods of service performed by him, after his lawful admission for permanent residence, as an employee of the Department of State outside the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### ROCHESTER IRON & METAL CO.

The Clerk called the bill (H. R. 7115) for the relief of the Rochester Iron & Metal Co.

Mr. BROOKS of Texas. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

### APOLONIA QUILES QUETGLAS

The Clerk called the bill (H. R. 2935) for the relief of Apolonia Quiles Quetglas.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, in the administration of the immigration and naturalization laws, Apolonia Quiles Quetglas, of Santurce, P. R., shall be held and considered to have lawfully entered the United States on the date of her actual entry into the United States, upon the payment of the required visa fee.

SEC. 2. Upon approval of this act; the Secretary of State shall instruct the proper quota-control officer to deduct one number from the quota for Spain for the first year for which said quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert "That, for the purposes of the Immigration and Nationality Act, Apolonia Quiles Quetglas shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### PEDRO GONZALES

The Clerk called the bill (H. R. 5920) for the relief of Pedro Gonzales.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, for purposes of the Immigration and Nationality Act, Pedro Gonzales shall be held and considered to have satisfied all the requirements of section 316 of that act relating to residence and physical presence within the United States, and he may be naturalized at any time after the date of the enactment of this act if he is otherwise eligible for naturalization under the Immigration and Nationality Act.

With the following committee amendment:

Page 1, line 3, strike out all after the enacting clause and insert "That, for the purposes of the Immigration and Nationality Act, Pedro Gonzales shall be held and considered to have been lawfully admitted to the United States for permanent residence on June 15, 1935."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### WAIVING CERTAIN PROVISIONS OF SECTION 212 (a) OF THE IMMIGRATION AND NATIONALITY ACT IN BEHALF OF CERTAIN ALIENS

The Clerk called the resolution (H. J. Res. 430) to waive certain provisions of

section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

There being no objection, the Clerk read the resolution, as follows:

*Resolved, etc.,* That, notwithstanding the provisions of section 212 (a) (9) and (12) of the Immigration and Nationality Act, Inge Wallaberger may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act: *Provided,* That her marriage to Ronald M. Grundman, her United States citizen fiance, takes place 3 months after the enactment of this act.

SEC. 2. In the administration of the Immigration and Nationality Act, Erna H. Gleissner, the fiance of Gilberto Ortiz, a citizen of the United States and her minor son, Gilbert George Gleissner (Ortiz), shall be eligible for visas as nonimmigrant temporary visitors for a period of 3 months: *Provided,* That the administrative authorities find that the said Erna H. Gleissner is coming to the United States with a bona fide intention of being married to the said Gilberto Ortiz and that they are found to be otherwise admissible under the provisions of that act, except that the provisions of section 212 (a) (9) and (12) of the Immigration and Nationality Act shall be inapplicable to the said Erna H. Gleissner. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Erna H. Gleissner and her minor child, Gilbert George Gleissner (Ortiz), they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event the marriage between the above-named persons shall occur within 3 months after the entry of the said Erna H. Gleissner and her minor child, Gilbert George Gleissner (Ortiz), the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Erna H. Gleissner and her minor child, Gilbert George Gleissner (Ortiz), as of the date of the payment by them of the required visa fees.

SEC. 3. Notwithstanding the provision of section 212 (a) (3) of the Immigration and Nationality Act, Mrs. Magdalena Simonavicius may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

SEC. 4. Notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Anna Maria Elizabeth Creusen Sneeden, Elfriede Martha Hedwig Bruce, Anna Maria Hines (nee Decker), Francesco Terranova, Guiseppe Domenico Convertini, and Barbara T. B. Kuczek may be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that act.

SEC. 5. Notwithstanding the provisions of section 212 (a) (9) and (12) of the Immigration and Nationality Act, Sally Ann Zweifel, and Fumi Ishikawa Clark may be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that act.

SEC. 6. Notwithstanding the provision of section 212 (a) (4) of the Immigration and Nationality Act, Kay Harding and Sarah Jane McMullen may be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that act: *Provided,* That suitable and proper bonds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

SEC. 7. Notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Hans Friedrich Thee may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

SEC. 8. The exemptions provided for in this act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

With the following committee amendments:

On page 1, line 9, after the word "place" strike out the word "three" and substitute in lieu thereof "within six".

On page 3, line 14, strike out the name "Anna Maria Hines (nee Decker)."

On page 3, line 21, strike out the name "Sally Maria Zweifel" and substitute in lieu thereof the following: "Bai Ki Nam Zweifel, Anna Maria Hines (nee Decker)."

The committee amendments were agreed to.

The House joint resolution was ordered to be engrossed and read the third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## TO FACILITATE ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

The Clerk called the resolution (H. J. Res. 429) to facilitate the admission into the United States of certain aliens.

Mr. AVERY. Mr. Speaker, I ask unanimous consent that this House Joint Resolution 429 be passed over without prejudice. There is no report from the Department.

The SPEAKER. Is there objection?

There was no objection.

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent that further call of the Private Calendar be dispensed with at this time.

The SPEAKER. Is there objection?

There was no objection.

## SUPPLEMENTAL APPROPRIATION BILL, 1958

Mr. CANNON, from the Committee on Appropriations, reported the bill (H. R. 9131) making supplemental appropriations for the fiscal year ending June 30, 1958, and for other purposes, which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. WIGGLESWORTH reserved all points of order on the bill.

## CALL OF THE HOUSE

Mr. BUDGE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. CANNON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 173]

| | | |
|---|---|---|
| Anfuso | Prouty | Reece, Tenn. |
| Baker | Hosmer | Reed |
| Beamer | Kearney | Santangelo |
| Bentley | Kilburn | St. George |
| Blatnik | McConnell | Saund |
| Boykin | Magnuson | Scott, Pa. |
| Buckley | Mason | Taylor |
| Dawson, Ill. | Miller, N. Y. | Utt |
| Diggs | O'Konski | Van Pelt |
| Frelinghuysen | Osmers | Vinson |
| Hillings | Powell | Wharton |
| Holtzman | Preston | Wilson, Calif. |

The SPEAKER. On this rollcall 386 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## SUPPLEMENTAL APPROPRIATIONS FOR 1958

Mr. CANNON. Mr. Speaker, under leave previously granted, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 9131) making supplemental appropriations for the fiscal year ending June 30, 1958, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that debate on the bill be limited not to exceed 2 hours to be confined to the bill, and one-half of the time to be controlled by the gentleman from New York [Mr. TABER] and one-half by myself. May I ask the gentleman from New York [Mr. TABER] if that is agreeable to him?

Mr. TABER. That is satisfactory to me.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri [Mr. CANNON].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H. R. 9131, with Mr. KILDAY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. CANNON. Mr. Chairman, I have been greatly complimented; singled out for special mention. Within the week, I have been designated by name and number by another committee in another report, a legislative committee in a legislative report, and although the reference is in not too complimentary terms I deeply appreciate the unusual and extraordinary and exceptional honor.

When Tom Reed, the great Speaker was presiding over the House, monarch of all he surveyed, a newly elected Member said to him, "Mr. Speaker, I have been elected to the Congress for the first time.

"I do not want to be a one-term Member. I would like to stay at least two terms.

"Will you advise me, out of your long and successful political experience, what course I should take, what I should do or should not do, to insure my reelection for at least one more term?"

The Speaker, with his usual disconcerting frown, said: "My boy, get your name in the RECORD, get it in the newspapers." And then he added: "Get it in favorably if you can, but get it in."

So, while I may not be getting my name in favorably, I am at least getting it in the minority views of House Report No. 978, issued by the Joint Committee on Atomic Energy, August 2, 1957.

I am certain that none of the four Members whose names are appended, all of whom are my personal friends of long standing, wrote this report. They have too many times heard me on this floor state my position on the subjects discussed, and take the position directly contrary to that indicated in the report.

It came from another source, willing as heretofore to totally misrepresent in order to support an untenable position in a much more important matter than the opinion of any Member or group of Members here in the House.

So, at the risk of being tedious, I must say again, as I have said here many times before, that I favor, and have favored, and have supported, at all times the free and untrammeled exercise and promotion of free enterprise under any and all conditions; and that I am unalterably opposed to Government monopoly; that I believe the private utilities should generate and distribute the bulk of electric power consumed by the Nation; that I believe private enterprise should manufacture and distribute fertilizer, machinery, synthetic rubber and all reagents and supplies.

The report says "there was disagreement with every point of law raised by Mr. CANNON." On the contrary every point of law raised was sustained as is evidenced by the reenactment of the law with amendments in compliance with every point of order raised.

The report concludes:

"Mr. CANNON'S main objective, however, was not limited to mere technicalities of authorization or appropriation law. His main position was in opposition to privately owned reactor facilities and in favor of publicly owned reactors. Mr. CANNON'S closing remarks were:

"'It is my firm conviction that the Federal Government should immediately initiate construction at existing atomic energy sites of full-scale atomic electric powerplants.'

"The modifications now made by the majority of the committee to the authorization bill start the Commission down this path."

My firm conviction was not due to opposition to privately owned reactor facilities but, as was well known, to the fact, first, that private corporations could not and would not risk the funds of their stockholders in an enterprise which promised a long period of research and experiment and gave no assurance of profits or of return of capital invested.

Second, to the fact that the risk of devastation and loss of life and property which would result from any untoward escape of power in explosions or melting down of plants or escaping fallout was of such potential magnitude that no insurance company would contract unlimited immunity.

Third, to the fact that although many projects and contracts were claimed, only one major reactor is really under construction, the Yankee atomic plant in Massachusetts and it is of the same type as the Michigan Government plant.

Fourth, the Atomic Energy Commission has been in complete charge of the program with unlimited funds since 1954 and the program is now at a standstill. Foreign nations are making progress while we are marking time with little to show for the vast appropriations and the 3 years of desperately vital time.

We are engaged in a tragic race. Every major nation in the world is trying to outdistance us to it, trying to beat us to a solution of the problem by which they will produce electricity and atomic weapons through atomic energy in competition with the old traditional method. That is the issue before the House in this report.

England has made great progress. Japan is buying from Calder Hall. Russia, as we know, is turning out more atomic engineers than America. Our national existence—not merely our national prosperity—depends upon the prompt and rapid development of a feasible method of producing electric power and atomic armament through atomic energy.

You will recall that in the Second World War we were engaged in a race with Germany as to which country would first produce the atomic bomb. We were told in the committee when we were providing funds for that purpose that if Germany first solved that problem Germany would win the war regardless of anything we could do. On the other hand, if America first solved that problem, America would win the war in spite of anything that Germany could do. Under that incentive in the race with the Central Powers of Europe we first solved the problem. We produced the first atomic bomb through the agency of TVA. We saved, so the military authorities tell us, 1 million young men and untold amounts of treasure because we first solved the problem.

Mr. Chairman, we must first solve this problem. We are running a neck-and-neck race with England, with the plant they have over there at Calder Hall and the improved versions of the Calder Hall plant. Russia is even a greater menace. The nation which first solves the problem will have such an advantage in industry and in war as may mean survival.

Mr. Strauss has dominated the Atomic Energy Commission. His administration has been without results. He accepted the method proposed by the joint committee, and a few days later publicly repudiated his acceptance to the press. He has been in complete charge of this industry—atomic-electric power program since 1954, he has had charge of all of the projects that have been advanced, of all of the proposals which have been offered. But only two types are proceeding with assurance in large-scale plants in these 3 years—the pressurized water reactor and the boiling water reactor. Construction of EBR–II, the prototype for the fast-breeder large-scale plant has not even been started. The experimental model, EBR–I, melted down. Yet the Commission is defiantly attempting to go ahead with construction of the full-scale fast breeder near Detroit without knowing whether it can be made to work safely, or even made to work at all.

The Commission has stalled completely on the aqueous-homogeneous and the organic-moderated reactors, and has ignored completely natural uranium reactors with which the British have had such great success.

Time is of the essence and we are being outdistanced by competitive nations. We have only that one large-scale plant near completion—the pressurized water reactor which has been under construction during the past 4 years at Shippingport, Pa. This is the method that was long since developed and proven it in the *Nautilus*. We in 3 years have made practically no progress at all.

Mr. Chairman, we are on the threshold of an era in which atomic energy will revolutionize the economy of the world. We are being bypassed. There is too much at stake to permit political or economic jealousies to interfere. We must again assume the lead. The majority report offers the only feasible plan, the only practical hope of regaining lost time and lost prestige and lost opportunity.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. SCRIVNER].

Mr. SCRIVNER. Mr. Chairman, under chapter 2, we consider the military-construction appropriation of approximately a billion and a half dollars. On the whole, I believe that the Department of Defense has done a very good job this year in cutting this program down to a reasonable size. However, there is one item that you will find listed on page 21 of the report which, in my opinion, should have been reduced by $3 million. That is the fund for the Air Force Academy, and the $3 million, to which I offered an amendment which was defeated to eliminate it, refers to what is called an Academy chapel but is really a huge cathedral. I say cathedral advisedly, because $3 million is more than enough to build a chapel. Three million dollars should build a cathedral.

Now, it is customary and proper in erecting churches, chapels, and cathedrals to build them with high spires, because the spire is a symbol of the eternal search of man here on earth reaching toward his Maker in Heaven. One spire is good, but why should there be a polished aluminum cathedral with 19 spires? This design and material is completely incompatible with the greatest beauty of all, the beauty created by nature's God Himself—the natural grandeur of the Colorado Rockies. Imagine, if you can, a huge 19-spire polished aluminum cathedral set in the heart of the Rocky Mountains. To me, it is incongruous. I do not like to call

this structure designated a chapel a monstrosity, but there is no other word that better fits it. Let me make it plain for once and all, if anybody has misunderstood me in the past that I, for one, do not approve an appropriation of $3 million for this chapel at the Air Force Academy in Colorado Springs, as presently designed.

The design of this chapel has been an item of great contention ever since the Air Force Academy first had funds.

You will recall or were told the Academy would cost $125 million. It may be recalled that I told you then that this was just the first bite and that $125 million would not build the Air Force Academy. Before we are through the Air Force Academy is going to run close to $250 million or $300 million. Furthermore, in order for West Point and Annapolis to compete with the modern Air Force Academy we are going to be called upon to spend millions upon millions to modernize those two old, established Academies.

But that is beside the point. Last year we deferred funds until such time as the chapel plans should be approved by the Secretary of the Air Force. The decision has been made. All I can do is to express my opinions. Frankly, the floor plan of the cathedral is good. The arrangements for the three faiths is well conceived. But certainly in a place like the Rockies, a polished aluminum building such as this, with these 19 huge spires, is incompatible with the natural beauty. Inside it takes on a little bit of cubism, with some rather startling stained glass. We have been talking about this controversial chapel for 3 years. During that time, it would seem that the architects and the engineers could have done a very much better job and brought us plans and specifications for a cathedral that would be more in keeping with the natural beauty of the surroundings, a less garish place for solemn worship than the one that is covered by this item now presented to you.

I am sorry we could not show the model to all of the Members of the House, because I feel that had you been able to see what I have seen, by way of the model and the sketches that they prepared, the majority of this House may have agreed that this money should not be provided for this chapel at this time, and that there should be a more harmonious treatment given it.

Let us trust that the plans may be further modified so that this cathedral will be compatible with the natural beauty.

Mr. CANNON. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. MAHON], who is chairman of the Appropriations Subcommittee on Armed Services, which has reported the larger part of this bill.

Mr. MAHON. Mr. Chairman, this bill does contain, as the chairman of the Committee on Appropriations has said, funds for military construction for the Army, Navy, and Air Force, in the Department of Defense. The amounts provided for each service are shown on page 27 of the committee report.

The President in January indicated that a budget estimate would be sent to us in the sum of $2.1 billion. That was pruned down by the Department of Defense to about $1.7 billion. We made a further reduction of $243 million. In view of the time factor it will not be possible to discuss this matter in detail, but Members who are interested will find a list of the projects and considerable data as to the whole program, very well covered in the committee report.

Mr. Chairman, as you know, we have been engaged during this year in the so-called battle of the budget. I should like to present at this time the basic details with respect to the battle of the budget insofar as it affects defense. We probably will be asked some questions about this phase of our treatment of the budget when we go home.

As you know, we cut the President's budget for defense about $2.3 billion, that is, in the regular military bill for the operation of the Defense Department. We make a reduction here of $243 million.

These cuts we have made will not, in my judgment, have a tendency to retard the defense buildup to any dangerous degree, but these cuts we made will be relatively minor, in my judgment, compared to the cuts which are being made by the Pentagon upon the recommendation of the Bureau of the Budget. These reductions are being made in order to bring spending down. The Defense Department was spending at the rate of $40.2 billion during the last part of the last fiscal year. The President had said in January that spending would be in the area of $38 billion, so in order to stay within the spending limitations and to prevent raising the debt limit it has been necessary for the Department of Defense to scale down many of these programs. Much of this money, a considerable portion of the money, will be withheld from the departments and temporarily certain programs will be stretched out.

With the assistance of the officials of the Pentagon and the staff of our committee I shall prepare and insert in the RECORD at a later date for the benefit of the House just what the facts and figures are with respect to the controversy over the defense budget. I will undertake to assemble in one place in the RECORD all these facts. It will be done later in the session in order that all of these facts may be presented.

I think we did a fairly adequate job on the construction budget. The Armed Forces spent, I believe, in the last fiscal year about $1.8 billion for military construction. They undoubtedly will have to spend less in fiscal year 1958. The program has been slowed down, the planning has been slowed down, and when you slow down the planning you necessarily delay the program. This has been done by the administration to bring down the spending program of the Government, so we shall not have to raise the debt limit, so that we can even talk about a tax reduction next year. Personally, I am not too enthusiastic about the tax reduction idea at this stage when spending is so high and no substantial reductions have been made in the national debt. But the administration, at any rate, is undertaking to hold down defense programs to a lower level than it had anticipated would be necessary.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. JONAS. The gentleman from Texas reminded us that last year we provided about $1.8 billion for military construction and this year there is another $1.5 billion. Is the construction program we are now engaged in a part of a long-range program, and can we in the foreseeable future expect to come to the end of that road?

Mr. MAHON. I think as long as we have a military force we will not come to the end of construction. For example, we are going out of conventional weapons into missiles. When you get into missiles, you will have to get different types of installations. So while we will complete the program that is now under way, there will be other features to this program. Within a few years we shall be building structures for the launching of the intercontinental and the intermediate-range ballistic missiles. There will be no end to it.

Mr. JONAS. What about housing, recreational facilities, and things of that sort?

Mr. MAHON. From the standpoint of housing at bases and from the standpoint of new bases, I think we are approaching the end. However, much additional housing will be needed. I think there can be considerable reduction in spending rates and there can be reductions in the construction of facilities like commissaries, swimming pools, and in certain areas, clubs and barracks. It is anticipated that our Armed Forces, now at about 2.8 million men, will be reduced. An announcement recently has been made of a reduction of 100,000 men.

Mr. JONAS. I thank the gentleman. I am disappointed that there does not seem to be any reasonable hope that we will soon reach the end of this very expensive building program at military, naval, and Air Force installations.

Mr. MAHON. Having received unanimous consent to do so, I insert the following at this point in the RECORD in further reference to the defense construction portion of the pending bill:

Budget estimates for items included in this chapter which were considered by the committee total $1,764,700,000. Of this total the amount of $1,665,500,000 was requested for military construction, including $5,500,000 for loran stations which amount is to be transferred to the Coast Guard. The amount of $34,200,000 was requested for the United States scientific satellite program. The remainder of the total estimate, $65 million, was requested for military construction, Army and Navy Reserve Forces. The Reserve item was included in the original budget document but was deleted from the regular appropriation bill for the Department of Defense for the reason that the amount requested exceeded the still outstanding authority.

The bill includes a total amount of $1,521,500,000 for these items, a reduction of $243,200,000 in the budget estimates. The full amount of the budget

estimates for the loran stations and for the scientific satellite are approved, except that funds for the satellite program must be derived by transfer from annual appropriations currently available. The estimate for military construction, as such, is approved in the amount of $1,470,000,000, a reduction of $190 million in the budget estimates. New funds made available in fiscal year 1957 for military construction totaled $1,830,000,000. The total of estimates for Reserve construction, $65 million, is approved in the amount of $46 million, a reduction of $19 million. The amount of $10 million requested for Navy Reserve construction was denied.

It frequently happens that a service cannot proceed with the construction of an approved project because of unforeseen difficulties in land acquisition, necessary changes in design, changed requirements, and so forth. In order not to delay the military construction, the committee has for a number of years approved projects at a somewhat greater total cost than the amount appropriated. Last year, for instance, this excess was approximately 25 percent. This year we have reduced this to 15 percent. Accordingly, while the total appropriation for 1958 is $1,470,000,000, the total cost of approved projects, as detailed in the report, is about $1,900,000,000 for the three services.

The original budget document contained an estimate of $2.1 billion for military construction. On May 22 of this year the Secretary of Defense issued a memorandum to the services to reduce 1957 obligations by $500 million. The services applied $170 million of this amount to their construction programs. Other delays have resulted in somewhat larger carryovers than originally anticipated.

While the program is substantial in terms of dollars, it has been on the decline. The 1957 appropriations were about $100 million less than those in 1956, and the recommended 1958 appropriations are $360 million less than those in 1957.

It is not known just what effect the expenditure ceiling and the manpower reductions planned for 1958 will have on the construction program. I can say, however, that the amount of $1,470,000,000 contained in the bill is $466 million less than was obligated in 1957. The program is being tightened up and unobligated carryovers are being reduced, although it is recognized that a reasonable amount must always remain unobligated in a continuing program such as this.

I do not visualize future programs much in excess of that now before you unless, of course, the international situation worsens. The probabilities are that it will decrease rather than increase in scope. However, it will continue with us so long as we maintain an armed force, and we must continue to provide adequate facilities for this force. We must also take cognizance of the added and changing requirements for facilities to take care of our expanding outposts, and new type facilities to handle the new and constantly improving weapons, both defensive and offensive.

Mr. TABER. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, the first item I want to say a word or two about is this Burke Airport. Frankly, I do not raise any question but what the city and surrounding territory are in need of more airport facilities. The thing I cannot understand is why the facilities at the Friendship Airport, which cost the Government, as I understand it, way up into the millions of dollars, has not been utilized. I cannot understand, even if they are going to push the question of the airport at Burke, why they do not go ahead and use the Friendship Airport right now and do away with the terrific congestion that exists here across the river.

I want to say a word or two about one or two other things in the bill, Mr. Chairman. The funds for the TVA, in spite of the way that most other appropriations, including the military have been handled, show for a great many items including construction, an increase of over $8 million. They show an item, overall, of $71,363,000 for steam plants as against $53,409,000 a year ago. The only part we can cut out is $1,784,000 for the steam plants because the rest of it is out of power revenue. Frankly, if we are going to treat the Army so closely and keep them down as far as possible, I do not see why this agency should not be kept down in the same way.

There are a lot of funds here for different items. Some of them small. The Burke Airport item, outside of military construction, is probably the largest item in the bill. There are other things about the TVA that should be discussed when that item is reached.

There are funds for the situation on Okinawa and some for the administration of the Export-Import Bank. I do not think that outside of those questions I have spoken of, there is very much that is going to lead to dispute during the progress of the reading of the bill. There is an item on page 18, and I do not know what the House will want to do about it, but it provides for all sorts of expenditures outside of the United States. Those expenditures are brought out beginning on page 239 of the hearings on that general subject.

Mr. Chairman, I think that is all I care to say at the present time.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. GROSS. What rate of interest, if any, will be charged on this $12½ million for another airport?

Mr. TABER. If the language that is contained in the bill is carried, the rate of interest will be 4 percent, which is a fair rate, everything considered; and the time that has been allocated to repay it is probably a fair one.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. REES of Kansas. The gentleman mentioned the Friendship Airport. Does that mean that that airport was built, to a great extent, at the expense of the Federal Government, and is not being used?

Mr. TABER. I mean to say that it was built at the expense of millions of dollars to the Federal Government and that it is only being used to a small percentage of its normal capacity.

Mr. REES of Kansas. Was it intended as sort of an auxiliary to our National Airport?

Mr. TABER. It was intended as a matter of national defense during wartime.

Mr. REES of Kansas. And not now being used to its full capacity?

Mr. TABER. That is correct.

Mr. BARDEN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. BARDEN. The gentleman referred to page 239 of the hearings.

Mr. TABER. I think that is the right page number.

Mr. BARDEN. Apparently you were referring to the insertion in the hearings of the justification of the funds. The first item is "chairs" in the University at Israel. I understand that refers to the chairs of history, science, and so forth. Then, going on to the next page, 240, $222,000; $27,000; then the next page it goes on with the various items connected with the educational activities of Israel, and it sums up $3,516,667. Then there is some small print which says:

> Administration, inasmuch as this program is to be operated on a grant basis, it can be supervsed through the American Embassy staff at Tel Aviv; a small staff of three local employees will be required, however, to assist in preparing detailed terms of the grants and assuring the proper use of funds; total administration, $8,333.

There is every indication not only of the loosest type of appropriation but the loosest type of administration in the handling of the funds. Being interested in the field of education, I am amazed at how we deal with them in foreign countries and how we deal with them in the United States.

Mr. TABER. I will say one thing in connection with this matter, although the language perhaps is not as clear as it should be on page 18, line 5; the money appropriated shall be used out of foreign currencies that belong to the Treasury which will be purchased with American dollars from our Treasury, and this money will be expended in that way. That is the excuse that is given for the operation. I do not know whether the merits of the proposal had anything to do with it or not. That would depend on how you viewed it.

Mr. BARDEN. But when we take $3,525,000 out of the Treasury, worth $53,525,000 in Israel, that still costs the taxpayers of the United States $3,525,000.

Mr. TABER. That depends on how you look at it as to the value of the foreign currency at the present time to the Treasury.

That is about the size of it.

Mr. ROONEY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROONEY. Mr. Chairman, there is included in the bill the sum of $3,525,000, the amount of the budget estimate for the purchase of Israeli pounds to this extent accrued to the Treasury of the United States through operation of the informational media guaranty program in the State of Israel. Legislation authorizing the use of these foreign currencies for educational, scientific, and cultural purposes was included in the Mutual Security Act of 1956. The language recommended in the bill provides that the Treasury Department shall determine the rates of exchange, and that the amounts of such purchases shall be covered into miscellaneous receipts of the United States Treasury.

While the language at page 18 of the bill, lines 1 to 10, provides for the appropriation of $3,525,000 in American dollars this is, in effect, merely a bookkeeping transaction. These dollars will be used to purchase $3,525,000 worth of Israeli pounds now in the United States Treasury for this program in Israel. The informational media guaranty program, originally authorized by the Economic Cooperation Act of 1948, makes it possible for foreign countries having a shortage of foreign exchange to import books and magazines from the United States through commercial channels. The foreign importer pays the American exporter in local currency and the exporter exchanges the local currency upon application to this Government. In the case of Israel, the agreement between the United States and the State of Israel provides that the currencies generated in Israel under this media guaranty program shall be used for scientific, educational, and cultural activities and for such other purposes as may be agreed upon by the United States Government and the Government of Israel.

I submit that since we now have approximately $4.8 million worth of Israeli pounds in the United States Treasury, $3,525,000 worth of them should be used for the 42 projects which are set forth at pages 217 and 218 of the printed hearings on this supplemental appropriation bill, 1958.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. WIGGLESWORTH].

Mr. WIGGLESWORTH. Mr. Chairman, the military items in this bill include primarily the items for military construction for the regular forces.

They also include items for construction for the reserve forces, as well as 2 items, 1 for loran stations and 1 for the so-called satellite program.

They constitute part of an overall program, a very large program, which we have been implementing now for about 10 years, at a cost of about $14 billion, the end of which is not yet in sight.

The program is required for such things as runway extensions for our jet planes; enlarged drydocks and increased dredging for our new and larger types of ships; facilities for our guided missiles and other new developments in the military field; replacement of deteriorated facilities at training stations, and other urgent matters.

As far as the military construction items are concerned, the requests received from the field this year with respect to fiscal 1958 amounted to some $3 billion.

The Department of Defense reduced that figure to $2,100,000,000, then to $1,900,000,000 and finally to $1,665,500,000, about 20 percent below the spending rate in fiscal 1956 and 1957.

Your committee has taken out another $190 million on the understanding that there are unobligated funds in respect to fiscal 1957 which can be used in place of new money in fiscal 1958.

Appropriations are made in respect to projects listed in specific priority lists which aggregate in value about 15 percent more than the appropriations made, so as to allow the customary leeway against possible loss of time.

The projects have been carefully screened by the Department of Defense, by the Armed Services Committee, and by your Subcommittee on Appropriations for the Armed Services.

The items submitted for reserve construction amounted to $65 million, $30 million for the Army Reserve; $25 million for the National Guard; and $10 million for the Navy Reserve.

Your committee has cut this by $19 million in the light of unobligated balances.

The item for loran stations has been allowed in full, while that for the satellite program has been reduced in terms of appropriations by $34,200,000 by taking the sum required out of existing appropriations.

The overall result is that the items before you now amount to $1,521,500,000, which represents a reduction to the extent of $243,200,000 as compared with the budget estimates and to the extent of $360 million as compared with appropriations for fiscal 1957.

Mr. Chairman, reference has been made to the current effort to reduce expenditures in the Department of Defense.

As we all know, the contemplated expenditure in the fiscal year 1958, in the budget presented by the President, was $38 billion. Subsequently, it was found that in the first 5 months of the current fiscal year expenditure was running at the rate of over $40 billion. Of course, a slowdown was necessary to keep within the $38 billion. That is one element in the reductions which are being made and which are in prospect.

Obviously, Mr. Chairman, it is only one element. It is impossible, in my judgment, to effect reductions in the Department of Defense appropriations amounting to $2½ billion, or $900 million, if you prefer, in real cuts, and to reduce procurement programs of the armed services to the extent that they have been reduced without having a drastic affect in terms of programing and without having an appreciable affect in terms of expenditure.

I am confident that the study which the chairman of the subcommittee says he is gong to have made for the use of the Members will make this fact clear beyond any possible doubt.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. MILLER].

Mr. MILLER of Maryland. Mr. Chairman, for the last 10 years or more there has been a debate of considerable local importance regarding the establishment of an additional airport for the city of Washington and the adjoining communities. There have been many starts and stops made, but I think it is desirable for the committee members to realize that the first item in this bill definitely decides the problem, or would seem to, that an additional airport will be built at Burke, Va.

There has been a great deal of controversy regarding the relative merits of the Burke site, and particularly the use of the Friendship Airport between here and Baltimore. Many of us have felt that it is rather unfortunate in these days when economy is needed that the facilities at Friendship are not being used to anywhere near their full capacity. At Friendship the Federal Government has an investment of over $3 million in original construction, and I think the city of Baltimore and the State of Maryland some $15 million. Those very fine facilities are to a large extent idle because they are not being used while the Washington National Airport is so overcrowded. Everyone who has appeared before our committee, or any other committee that I know of, has pointed out the public hazard on account of the overcrowding of that airport.

The testimony that has been given in recent months has altered the situation in that witnesses tell us that 3 airports are needed to serve this area. It has been pointed out that in 1960 the metropolitan areas of Baltimore, Washington, and the surrounding country will need at least 3 airports and that the Friendship Airport will then be used at full capacity and another airport, at Burke or somewhere else, would be needed also in the public interest.

Now, the thing that concerns me—and I am not prepared to argue that we do not need the three airports in due time—is the fact that at present everyone is concerned with the hazards that daily prevail due to congestion, weather, and so forth at the National Airport, and I have never been able to find a satisfactory reason why the facilities at Friendship, which, according to all concerned, are very fine and very adequate, are not in use.

I would like to refer to the hearings on page 614 to the testimony of Administrator Pyle of the CAA in which he says, speaking of Friendship:

> Friendship is a very fine airport, and we are the first to say just that. It is a good airport, but we must be realistic and try to plan for the needs of the Capital. My position is and always has been that we must have three airports to handle the needs in 1960 of the two communities, Baltimore and Washington.

If that is the situation, I would certainly suggest that steps should be taken to see that the facilities at Friendship are used not only for reasons of economy but for safety before we appropriate or at least before we spend this other money.

Is the gentleman from Texas [Mr. THOMAS], chairman of the subcommittee, here? Could the gentleman tell us what the situation is to be with respect to the further use of Friendship at the present time?

Mr. THOMAS. I will say to the gentleman that it is the intention of the subcommittee to contact the CAB and the CAA and suggest to those people that they immediately start using Friendship Airport in order to take away some of the hazards out at Washington National Airport during the time they are building the other airport. Of course, by the time the new one is built, if it is built, there will be adequate business for all three of the airports. Now, that is our intention, and I think they will respect that. But, the gentleman knows the reason that they are not using the Friendship Airport now. The customers who buy tickets to Washington resent having to get off at Baltimore and spending another hour and 15 minutes to come to Washington. That is the long and the short of the matter.

Mr. MILLER of Maryland. What the gentleman says may be true, although the morning paper carries a headline that some 3,000 of the passengers that were queried 1 week in May said they would prefer to have the travel originate in Friendship. But, I still insist that safety is more important than time in this matter, and it seems to me that steps should be taken to use the facilities at Friendship without further delay.

Now, in regard to another matter. Mr. Pyle, in speaking of the desirability of another airport, spoke of a naval project in which he said:

> The Navy is considering, as you probably know, the construction of another airport at Davidsonville, Md.

Then Mr. Pyle goes on to say:

> It is my strong feeling that the best solution to this problem, if the Navy needs an airport—and I think it does—that they get together with the Air Force and go to Andrews Field. This becomes a military complex over there. We can handle it, traffic controlwise, without hurting the general pattern.

I would like at this time to ask the chairman of our Navy panel, that participated in drafting the third chapter of this bill, the gentleman from California [Mr. SHEPPARD], whether there is any money in chapter 3 for this naval airfield which I believe was authorized in the recent authorization bill.

Mr. SHEPPARD. The gentleman's statement is correct. The authorization was contained in the authorization bill passed by the House. It has not, however, been passed by the Senate. So, as of the moment, there is no authority in law for the establishment of this airfield. I may further respond to the gentleman's question, knowing he is vitally interested in the answer, that there is no money in this bill for the construction of an airport at Annapolis.

Mr. MILLER of Maryland. Am I correct in my understanding of the gentleman's answer that before any money would be appropriated it would be necessary for a site to be selected and for the site to be approved by the Committee on Armed Services and the gentleman's panel or by the Defense Subcommitte of the Committee on Appropriations?

Mr. SHEPPARD. That is correct.

Mr. MILLER of Maryland. I thank the gentleman.

Mr. CANNON. Mr. Chairman, I yield 7 minutes to the gentleman from Maryland [Mr. FRIEDEL].

Mr. FRIEDEL. Mr. Chairman, I should like to direct my remarks to the item on page 2, chapter 1, of H. R. 9131, which is the supplemental appropriation bill for 1958. This item calls for $12,500,000. This is supposed to be used to build Burke Airfield. It is my understanding that the Burke Airfield will cost closer to $75 million than it will to $12 million or $50 million. This is just one way of getting a foot in the door.

Mr. Chairman, I would like to direct your attention to the remarks of Mr. Pyle on page 631 of the hearings. He said:

> We have brought the figures all up before you so you can see what we are doing. The $35 million which we are discussing here is the first phase, to get started with something.

All they are asking for is $12,500,000 in this appropriation bill, but it will lead up to $75 million later on.

Mr. FLOOD. Mr. Chairman, if the gentleman will yield, is the gentleman talking against the Burke Airport or for the Friendship Airport? That is an important distinction today.

Mr. FRIEDEL. I should like to answer the question this way. Last summer the Appropriations Committee of the other body directed the CAB to use Friendship on a trial basis during the adjournment of Congress and to report their findings to the committee in January. The CAB completely ignored those instructions and made no attempt to try Friendship and report their findings and their reasons for opposing the use of Friendship as a coterminal with Washington Airport.

Mr. FLOOD. I think that is a very fair statement. I know the gentleman is very honest and sincere about this and we want to help him. The gentleman from Texas [Mr. THOMAS], the acting chairman of the Appropriations Subcommittee, advised the full committee today—and I want to assure the gentleman and I am sure the gentleman from Texas will assure him later on that we intend to bring the CAB people to us—that the experts will show by the time this is ready that we will be using Friendship Airport for long-range jet transports.

Mr. FRIEDEL. Mr. Chairman, I am sorry I cannot yield further. I want to let the Committee know that this will lead up to an appropriation of $75 million and it may even cost $90 million if they build the Burke Airfield. We have Friendship which is 32 miles from Washington. Burke Airfield is reported to be 20 miles from Washington. We have Friendship now, and it is one of the best equipped, most modern airfields anywhere in the United States. It is ready now, today, to land any type of plane. Just recently we landed the Boeing 707 jet plane. It took off and landed four different times during the day. They could not land at the Washington National Airport. Now you are talking about an airport at Burke. It will take 3 or 4 years to build it. We know how overcrowded the airspace over Washington is. Why will they not try Friendship? Why will they not give it a try? Are they waiting for another terrible accident, a crash over the airfield, such as happened in 1951? We have overcrowded conditions here. Everybody realizes that. The CAB says that is why they want Burke. But why are they turning their backs on Friendship, which is already built and ready for use? There is a difference of only 8 or 10 minutes in driving time. What difference would that make on flights from California or Seattle or other long-distance flights? We do not expect the short flights from Philadelphia or New York to stop at Friendship.

Mr. H. CARL ANDERSEN. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Minnesota.

Mr. H. CARL ANDERSEN. Is it not rather expensive to spend $75 million just to decrease the arrival time in metropolitan Washington by 10 minutes?

Mr. FRIEDEL. I agree with the gentleman 100 percent.

I do not know why the Civil Aeronautics Board refuses to use Friendship on a trial basis. I would like to know who really wants Burke. The United States Senators from Virginia are not asking for it, the Members of the House from Virginia are not asking for it, and the people at Burke themselves do not want it. We are getting to the stage where we are going to have jet planes, with a lot of noise. We have an airport in Maryland 32 miles from Washington that can be used this very minute, all equipped. I do not know why, but they just will not use Friendship.

Recently, because of conditions at Idlewild, N. Y., fog and other bad weather conditions, Friendship landed 10 overseas flights. We are equipped to handle any type of plane. We have a setup there for the Immigration and Customs Services.

I ask every Member of this body to take a ride one of these Sundays to the Friendship Airport. You can get on New York Avenue and pass Bladensburg Road, and it is the most beautiful dual highway from there on, with not a traffic sign after you pass Bladensburg Road. The Committee on Interstate and Foreign Commerce flew over to Friendship from Washington and drove back to the House Office Building in 41 minutes, and we did not violate any speed laws and passed 9 stop signs in that time. We did it in 41 minutes. It would be from 28 to 35 minutes from Burke, so for a difference of only about 8 to 10 minutes they want to spend $75, million, maybe $90 million.

I hope that when we consider this section of the bill the Members will not vote for this $12,500,000. I intend to propose an amendment or raise a point of order against that item.

Mr. TABER. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. DEVEREUX].

Mr. DEVEREUX. Mr. Chairman, I will admit that we in Maryland have some special interest in this legislation with respect to the Burke Airport. I think that by way of background I may say that I am on a special subcommittee of the House Committee on Military Affairs to select a site for the new Towers Field, which will be a field for the Naval Academy. We have not gone into formal meetings as yet, but I have made inquiries and I have had people come to me and talk about the situation as far as the site is concerned. The controlling factor in that consideration is the question of air traffic.

As far as I am concerned, I do not believe the selection of the Burke site as an additional airfield for Washington will relieve the air traffic condition we have presently. We must remember that Burke is only 12 air miles from the National Airport, therefore we will not relieve the congestion we have presently.

I personally believe that eventually we will have to have an additional airfield to serve Washington, in addition to the National Airport and Friendship. But for goodness sakes, let us not be so shortsighted as to select a site at Burke, which will not be a solution to the problem we have before us today. I would suggest that what we need and what we have been trying to get for a number of years is a heliport here in Washington. I think we should modernize our air traffic so that we would have suitable facilities in order to fit into Friendship or any additional air fields that may be necessary in the Washington area.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. CANNON. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. FLOOD].

Mr. FLOOD. Mr. Chairman, I want to talk to you for a couple of minutes about the Burke Airport. This has been going on here for at least 10 years and I have been serving on the subcommittee dealing with this problem for that length of time. Now I own no real estate in Virginia or Maryland or the District of Columbia or anywhere near it. My sole interest during these 10 years—not my sole interest, but, Mr. Chairman, my primary and chief interest in the Burke Airport is I have the highest regard in the world for the gentleman from Pennsylvania [Mr. FLOOD], and his neck—that is me. My second interest is you, the Members of this House. We, together, are the American public. Now I have said many times the average American citizen thinks he can do three things better than anybody else in the world. He thinks he can run a hotel. He thinks he can run a ball team. He thinks he can run the Department of State. I find when we start talking about Burke Airport, we have acquired, as my grandfather, God rest his soul, would say, "Unbeknown to all of us we have acquired a lot of experts and technicians on the airways and the construction of airports." I do not know too much and I do not like to admit this publicly—I do not know too much about the construction of airports—but I know that you do not either. That makes us even. All of the experts and all of the technicians in the administration and out of the administration—and when it was a Democratic administration they were Democratic experts—and now it is the Republican administration and they are Republican experts—but there are still technicians and experts. We have appropriated for the last dozens of years hundreds of millions of dollars for the Civil Aeronautics Authority—they are the experts by act of Congress—your paid Congressional experts—the CAA. Their business is doing what we now want to give them money to do for the Burke Airport. Now look—of course, I am no politician—I am a statesman. That is a little different. My friends from Maryland and Virginia are singing for their supper here. My heart bleeds for them. I am for MILLER and DEVEREUX and all my Democratic friends of Maryland here and I hope they come back for 100 years each. But that has nothing to do with this. I am interested in local politics and local affairs. I do not want these boys to be mad at me. I will come down and make a speech for anybody if it does them either good or bad—either way they want it. But you understand this goes beyond localism. This goes beyond the two or three Congressional districts of our good pals across the river. This concerns the people of America; and Washington is the Capital not only of the United States but Washington is the Capital of the world today and from now on in. We cannot serve the flying public. Do you know why the airlines do not use Friendship? I have a brother-in-law in Baltimore and he will be mad at me for saying this. The reason the airlines do not use Friendship is as plain as the nose on your face. People coming to Washington from all over the world do not want to get off at Baltimore. What is the matter with that?

Mr. FRIEDEL. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield.

Mr. FRIEDEL. Who operates the Washington National Airport?

Mr. FLOOD. The United States Government.

Mr. FRIEDEL. The CAA?

Mr. FLOOD. The United States Government.

Mr. FRIEDEL. Is it run by the CAA?

Mr. FLOOD. It is the only airport in the United States run by the United States Government.

Mr. FRIEDEL. Run by the CAA?

Mr. FLOOD. I said, "No." Let us not argue about it.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. FLOOD] has expired.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. FORD].

Mr. FORD. Mr. Chairman, I wish to concur in the amount which has been made available for the Department of the Army for military construction, and subscribe generally to the findings of the committee with reference to military construction funds overall.

I think it is important, however, to say in addition to that, a few words concerning the committee language on page 25 of the committee report with reference to the Air Force Academy. The gentleman from Kansas has ably touched on that subject. He is an expert to a high degree in the problem, as a member of the Board of Visitors and as a member of the Air Force Panel. But I would like to call attention of the committee to the language of the report. It reads as follows:

> Some members of the committee are disturbed by what appears to be a lack of concern for cost factors by the Department of the Air Force in the planning, construction, and furnishing of the Air Academy.

Then the report goes on:

> The Academy should be a first-class facility in which the American people can take pride; but it should not be a monument to governmental extravagance.

Then further on the committee report says:

> Hearings over the past several years will reveal that the Congress and American people were sold an Air Force Academy that was not to exceed the total cost of $126 million. Yet, these previous commitments appear to have been largely ignored by responsible Air Force officials and the Congress is now requested to approve additional millions for this institution.

The best evidence of what the committee has said is the testimony that appears in the military construction appropriation hearings for the Department of the Air Force, beginning on page 136 and ending on page 162. On page 140 it is indicated that the original cost would be $126 million. The estimated cost at the present time is $147,926,000. It is admitted by any and every responsible person of those who know anything about it that the total cost eventually will be well over $200 million and probably closer to $300 million. So I disagree with at least a part of the language in the committee report. I have some concern that this Academy when completed could be a monument to governmental extravagance.

Let me just point out one item that leads me to that conclusion. In the budget submission for the Air Force Academy they asked for authority to build a superintendent's home that would cost $97,500. They already have an authorization to build a superintendent's home for $75,000. They could not get along with that amount, $75,000, to build a home, when the cost excluded the cost of utilities, land acquisition, and a few other incidentals.

So the Air Force came back for authority to spend $97,500 for that particular project, one home for the superintendent. Fortunately the committee refused to increase the limitation. The superintendent, thus, whoever he might be, will be required to live in a house costing $75,000 exclusive of land costs, utility costs, and other incidental costs.

I just use that as an illustration of what I said earlier, that I am convinced the Air Force officials have been derelict in their responsibility to keep this Academy within the original cost estimates that were submitted to the Congress. The late Secretary of the Air Force, Mr. Talbott, in the hearings before this committee several years ago, promised that $126 million would be the total cost of the Academy. This figure is out the

window and the final cost will be at least $200 million unless Congress puts it foot down.

I wish to make one other comment in reference to another matter the gentleman from Maryland, Mr. MILLER, brought out. As I understand, there are no funds in this bill for the initiation of construction of air facilities at the Naval Academy. If that be true it is my understanding that no construction on an airfield could be initiated by the Navy Department during fiscal 1958. Is that correct?

Mr. SHEPPARD. You are absolutely correct.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. FORD. Yes; I shall be very glad to yield.

Mr. SIKES. In connection with the statement just made by my colleague from California and the inquiry brought out by the gentleman from Michigan, may I call to your attention section 211 of the bill which states that none of the funds appropriated in this chapter may be used to begin construction on new bases for which specific appropriations have not been made. I think that very conclusively closes the door on any new construction for which this committee had not appropriated money.

Mr. FORD. I think that, plus the statement of the gentleman from California, would certainly make it impossible for the Navy Department to initiate construction in fiscal 1958 of an airfield at the Naval Academy.

Mr. SHEPPARD. Mr. Chairman, will the gentleman yield?

Mr. FORD. I shall be very glad to.

Mr. SHEPPARD. While you are on this particular discussion there is something that should be mentioned which has come to our attention from year to year as we scrutinize the appropriations very carefully. I would like to suggest to my colleagues in the House that it might be well for them to do some close scrutinizing at the time legislative authorizations are made. If that were done we would not have to pay so much attention to them later.

Mr. FORD. I think my views would coincide with those of the gentleman from California.

One other item from page 29 of the committee report. We are dealing with foreign operations, the administration of the Ryukyu Islands, Okinawa, and related problems. The budget request was for a little more than $3,500,000. The committee cut over $1 million from that request. Included in the request was an amount of $1 million for replenishment of, or an addition to, the loan fund out there which had been generated in the first instance by counterpart funds and so forth.

The committee, I think quite properly deleted that $1 million. They have about $19 million, as I recall, available from this previous funding. That should be adequate. There was, however, a request for $9,200,000 for a new electric powerplant for the Ryukyu Islands. The committee deleted that amount. There was in the testimony presented substantial justification for that deletion. However, in the months ahead I think we ought to check and double check to see whether or not in our great military complex we have in the Ryukyus we might not need that powerplant, if not now, maybe in a year from now.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. TABER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. FORD. Mr. Chairman, I do not think we made a mistake in this recommendation, but it is the committee's responsibility to do some additional investigating and, certainly, if we need this additional powerplant for our vast military operations in that area, the Congress should not be reluctant to make this additional money available for that purpose.

I hope the committee will undertake such an investigation and if we have made an error we will be the first to correct it.

Mr. CANNON. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. LANKFORD].

Mr. LANKFORD. Mr. Chairman, I take this opportunity to address myself to chapter I of the pending bill. At the outset I would like to remind the gentleman from Pennsylvania [Mr. FLOOD] that I have the utmost regard for my political neck as well as the utmost regard for the safety of my neck while I am flying. It is for the latter reason I take the floor today.

The report on this bill says that the only reason for this appropriation is air safety. It then goes on to say that the Washington National Airport has twice as many landings and takeoffs as its rated capacity. It goes on to say further that by 1960 there will be a 50 percent increase in this traffic. If the Civil Aeronautics Authority and those of us here in Congress are directly interested in the safety of the flying public, the thing to do is to utilize Friendship National Airport in Maryland now and not wait 3 years for the Burke Airport to be built.

I am not opposed to Burke Airport per se. I agree with my colleage from Maryland [Mr. MILLER] that we will probably need a third airport in this area in the very near future, but since the Civil Aeronautics Authority has not seen fit to accept the recommendations of the Congress and use the facilities that are already provided at Friendship International Airport, it seems to me that we must take drastic steps to force them to do it. The only way we can do that is, much against our will, to oppose the Burke Airport. If they do not get Burke they are going to have to use Friendship, and there is absolutely no reason for having a perfectly good facility standing idle over in Maryland.

Objection has been made to the time it takes to get from Washington to Friendship International Airport. May I remind the members of this Committee that the O'Hare field in Chicago, a brandnew field, is 1 hour and 15 minutes distant from the center of the city of Chicago. May I also remind the members of this Committee that I do not believe that, in computing the time it takes to get from the Burke site to the center of the city of Washington, the congestion created by the Pentagon and other Federal office buildings has been taken into consideration.

Let me read a short excerpt from an article which recently appeared in my hometown paper:

> As a reporter covering the Virginia area for a Washington newspaper for many years, we had occasion to tackle the rush-hour jam several times a week. And there have been many times when we found it took us as much as 40 minutes to travel the 6 miles from Arlington, Va., to our office in downtown Washington. The Burke site is some 18 miles from Washington.

Mr. MILLER of Maryland. Mr. Chairman, will the gentleman yield?

Mr. LANKFORD. I yield to the gentleman from Maryland.

Mr. MILLER of Maryland. The testimony on page 616 of the hearings indicates, and you may say this is the testimony of hostile witnesses, that the time from Friendship to downtown Washington would be about 47½ minutes.

Mr. LANKFORD. That, I believe, is correct.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. LANKFORD. I yield to the gentleman from Arizona.

Mr. RHODES of Arizona. I have been worried, as I think some of the Members have, about the airspace problem. Is not Burke too close to Washington National Airport to alleviate the problem?

Mr. LANKFORD. I am informed that the Burke site is some 12 air-miles from National Airport.

Mr. RHODES of Arizona. Is that near enough or far enough away to alleviate the problem?

Mr. LANKFORD. That is too close in my book.

Mr. BROYHILL. Mr. Chairman, if the gentleman will yield, the CAA experts said that 16 miles is the minimum distance between airports for minimum safety.

Mr. LANKFORD. That is correct.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. LANKFORD. I yield to the gentleman from New York.

Mr. KEATING. I have occasion to stop at the Friendship Airport quite frequently, and I have always been distressed by the feeling that it was somewhat of a wasteful facility in that it is not as busy an airport as you could expect for such a big installation. I am very sympathetic about using that more than we do. Does the gentleman have figures on the length of time it takes to come from there in to the center of Washington? I know that is the objection which we hear.

Mr. LANKFORD. The testimony is that it was 47 minutes.

Mr. MILLER of Maryland. The testimony was that in normal times it was 47½ minutes, and I think the maximum time was about 54½ minutes.

Mr. FRIEDEL. I would like to answer that question. Last year the members of the Committee on Interstate and Foreign Commerce made the trip to Washington. We left Friendship and we came to the House Office Building in 49 minutes, and we had 9 stop signs after

we hit Bladensburg Road. With the 9 stop signs, without violating any speed laws, we made it in 49 minutes.

Mr. KEATING. What is the comparable length of time from the Burke airport?

Mr. LANKFORD. I am informed that the time is about 8 minutes less; 8 to 10 minutes less.

Let me say one more thing in closing. If the name of Baltimore is so repugnant to the air traveling public as my good friend, the gentleman from Pennsylvania [Mr. FLOOD] has indicated, I might add that that is a very simply thing to correct. We can make it a joint airport for Baltimore and Washington.

Mr. MILLER of Maryland. Is it not a fact that the question of 5 or 10 or 15 minutes on the ground is as nothing compared with sometimes hours that are spent circling around here due to the congestion when the planes cannot come in?

Mr. LANKFORD. That is correct.

Mr. MILLER of Maryland. And the overall saving would be much greater if they used Friendship.

Mr. LANKFORD. As a safety factor, for my money, I would rather spend 8 minutes additional on the ground than dodging airplanes over the National Airport. And, I am concerned about the safety of the flying public, and that is why I am opposing this airport today by forcing the authorities to use Friendship Airport. I am not opposed to Burke per se, as I said before.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL. Mr. Chairman, I also rise in opposition to chapter 1 of the bill, providing appropriations for the construction of an airport at Burke. I understand there is going to be an effort made to strike chapter 1 on a point of order. If that fails, of course, an amendment will be offered to strike chapter 1.

Mr. Chairman, I feel that this appropriation should go down in the records as being the biggest waste of funds in this session of the Congress. In the first place, the $12.5 million called for in the bill is insufficient. The CAA people have estimated that the airport would cost a minimum of $50 million exclusive of the hangars, and the estimates as to the total cost of the airport vary from $75 million up to as high as $150 million.

We who represent the people of the metropolitan area of Washington are not unconscious of the air traffic problem. We are very much concerned with the problem. We represent the people of the metropolitan area of Washington and certainly no one could be more concerned about their safety, welfare, and comfort.

However, I would like to submit that there are many other facilities here which could be used in the solution of this problem. Friendship Airport has been mentioned. Andrews Air Force Base could be used for commercial use rather than military use. It is certainly close in to Washington and would be convenient. Then there is the Bolling Air Force Base and Anacostia. There are several major facilities in the area which are not being used for commercial use.

The building of another airport would not relieve the congestion in the air here at the present time. It has been stated that there were 34 near misses in the last year in this area, but 25 of those involved military aircraft.

You may recall the tragedy of 1950 that started a discussion of this whole problem, and which initiated the proposal for Burke Airport. It involved a collision between a commercial airplane and a military airplane piloted by a Bolivian pilot. The question I would like to ask is, What was the military pilot doing at a commercial airport at that time?

Building new commercial airports will not alleviate that problem. I submit that if we had several additional airports it would not alleviate the air congestion in the metropolitan area of Washington. But if additional airports are needed, certainly the Burke site is too close for air safety.

As has been pointed out here, it is only 12 miles from Washington. The CAA experts state that 16 miles is the minimum distance for air safety between airports. They have an air safety plan which shows how they can thread the eye of a needle coming into an airport, that they could bring them in to Burke Airfield without confusion with the National Airport, but when they are flying in instrument weather, I submit that with increasing air traffic here, it will create a hazard to have an airport located that close. If another airport is necessary, I submit Burke is not the proper site, because it is too costly. It is a highly developed residential area right now. The cost of the raw land would be excessive. Also, the terrain is not adaptable for the use of an airport. One does not have to be an aeronautical engineer to know that the terrain is not suitable, when there is a difference of as much as 200 feet in elevation on the site, when you would have to cut down hills and fill in valleys, because that would run the cost excessively high, several million dollars additional.

I submit that if an airport has to be built, it should be an area airport, like Friendship. We have to get out 20 or 25 miles. What is 10 or 15 minutes of ground travel time, when the airlines do not always run on schedule as it is? Certainly, we have to take into consideration community plans. We have got to consider limited access freeways, mass transit systems, helicopter service, and factors of that kind, to bring the commuters from these airports into the downtown area of the specific metropolitan area. These airports should be designed to serve vast metropolitan areas and not one particular hotel, such as the Statler Hotel which has been used as the zero point to get to from these airports, in all of the studies that have been made up to this point.

Mr. H. CARL ANDERSEN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. If the gentleman will be brief.

Mr. H. CARL ANDERSEN. May I point out that the interest alone, at a basic rate of 4 percent, on a $75 million investment, would be $3 million a year or $25,000 for every day of the year. In my opinion, that $25,000 a day could be much better used to provide a helicopter service, such as the gentleman mentioned, or could be used to enlarge the road system from here into Friendship.

Mr. BROYHILL. I thank the gentleman for that contribution. Mr. Chairman, I should like to make one more point. In the act of 1950, Public Law 762 of the 81st Congress, Congress instructed the Secretary of Commerce to check with the local communities before any site was selected. The act states:

*Provided further*, That the choice of site by the Secretary shall be made only after consultation with the governing body in the country in which the airport is to be located, with respect to the suitability of the site to be selected, and its possible impact on the vicinity.

The Secretary of Commerce has not checked with the community involved. In fact, the Fairfax County governing body has in six resolutions opposed the construction of an airport at Burke. The Congress in 1950 was concerned about the local community. I believe you are likewise concerned about the impact on the local community today.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. BOW].

Mr. BOW. Mr. Chairman, I have asked for this time as a member of the subcommittee that handled the Burke Airport to see if I cannot clear up some of the questions that have been raised.

It seems to me we are sort of getting back to where we attempted to build bridges or tunnels several days ago. My good friend, the gentleman from Virginia [Mr. BROYHILL], has just suggested that we should move this airport at least 20 miles farther out, that it would add only about 10 minutes' driving time coming into town. The gentleman is suggesting that we will come from the airport at 120 miles an hour. That is the kind of figures we are having here today.

Mr. HOFFMAN. How are you going to get across the river?

Mr. BOW. If that 120 miles an hour crosses the river, you are going to have trouble. But that is what we have.

What are the facts? Friendship Airport is a good airport. It is existing and able to be operated right now, and some flights should be going into Friendship today, there is no question about that. I would join with the gentleman from Texas [Mr. THOMAS], the acting chairman of this subcommittee, in urging that the long-distance flights go into that airport. The suggestion that the name of Baltimore-Washington is a good one. In my district, in my own hometown, we have the Akron-Canton Airport, which has satisfied the people of those cities that they have an airport. I think it is a good idea.

What are the facts about Friendship? It has been suggested here that Friendship is an ideal airport but it would cost the Government a lot of money. I can assure my colleagues the grass is not growing on the runways at Friendship. At the present time there

are 164,000 flights a year on Friendship Airport. That is the traffic count today, 164,000 a year. The National Airport has 280,000, but only a few years ago, in 1951, the traffic at National Airport in Washington was only 164,000. So you do have an active airport.

The statement has been made here that Friendship cost about $75 million of Federal funds. The fact of the matter is that the Federal Government has invested in Friendship $3,041,810, so the contribution in Friendship is $3 million. There is an airport there with 164,000 flights and an investment by the Federal Government of $3 million. Baltimore has paid the balance.

My concern in this matter is somewhat of today, but I am concerned also about 3 or 4 years from now. I join in the belief, as I have said, and I reiterate, that Friendship should be used. But the jet aircraft is coming. Three years from now you will be able to use almost to capacity National, Friendship, and Burke. With the jet aircraft coming, by 1960 you will have in the metropolitan Washington area a matter of 80 landings and takeoffs an hour. So you are going to be down to where you must have the facilities not only of Friendship but the additional airport, particularly when you get into the question of the use of jets. You no longer can take them up as we do now over an area, you are going to have to be able to come in and land. So let us not attempt to affect the future of the Capital by stopping Burke. You are not going to be able to force them into Friendship by defeating this appropriation. The question of the distance between National and Burke has been mentioned. It has been stated here by 1 Member, I think, that it was 12 miles. Another Member said it was 14 miles, because the safety factor is 16 miles. The actual records show that the distance between Burke and National is 19 miles. So I want to get that clear.

Mr. LANKFORD. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. LANKFORD. The gentleman quoted figures showing the number of flights per year, but does the gentleman know the percentage of use of Friendship Airport? If the gentleman does not have that figure, I can give it to him.

Mr. BOW. Does the gentleman mean by that the number of flights of different categories?

Mr. LANKFORD. No; I am referring to the percentage of capacity. The numbers of flights do not mean anything, but the percentage of capacity gives a more realistic picture of the situation.

Mr. BOW. Yes; I think the members of the committee should know that figure.

Mr. LANKFORD. The percentage of use of the capacity of Friendship Airport is about one-third. Therefore, there is about two-thirds unused capacity at that airport.

Mr. BOW. I think the gentleman is right. You see, there is that unused capacity. I think we ought to be putting these planes in. But, let us assume now that we do put these planes in and we begin to operate out of Friendship. Now, let us look forward. Baltimore is going to grow. The Nation's Capital is going to grow. So we come to the point where you no longer have adequate facilities and we begin to create a hazard over Baltimore with the jets coming in and with the flight pattern there becoming crowded over Baltimore. I am sure the gentleman will say in that event that he would rather have Burke. As I visualize this, I will say to the gentleman, in international flights, and I am talking now about 2 or 3 or 4 years from now, international flights will come into Friendship. The short flights from New York, Philadelphia and other cities will be coming into Washington. Then, into Burke Airport would come the transcontinental and other flights of that kind and some of them, probably, coming into Friendship. Now, you do have a pattern at Friendship of north and south traffic from New York to Miami and New York to Norfolk and other flights flying over Friendship. So you do have a crowded traffic pattern there. If we bring these other flights in that increase, by going out to the west these 19 miles beyond, gives you a better flight pattern for transcontinental flights and the long flights.

Mr. LANKFORD. I cannot quarrel, of course, with the gentleman's premise of the possible need in the future of a third airport. However, I must ask the gentleman this question. Can the gentleman suggest any better way to make the proper authorities make use of Friendship as a mandatory matter. That is all we are after. The CAB has flouted the will of the Congress. The reason is simply that the airlines do not want to take the trouble to change their schedules.

Mr. BOW. Just so the record will be straight on that, I think the Congress should do it, but I would hate to see this appropriation bill, where we all admit the possible need within 3 or 4 years of the additional airport, being used for that purpose. I think some other committee of the Congress by legislation could do it, but certainly it seems to me we should not do it in this manner so that perhaps 3 years from now the jets that would come into Washington will be setting someplace else and being used otherwise because there is no facility here for them.

Mr. LANKFORD. I could not agree with the gentleman more, but what I am interested in is safety in air travel now at the present time.

Mr. BOW. I am too.

Mr. LANKFORD. As I say, I am interested in safety in air travel now and not 3 years from now.

Mr. BOW. And I am also interested in safety in air travel now.

Mr. LANKFORD. We have the facility now in being and ready to be used this afternoon, if they want to use it.

Mr. BOW. I am interested in air safety now and 3 years from now and any other time, if we can have it. I say the important thing is not to put ourselves in the position 3 years from now that we cannot have proper air travel into the Nation's Capital.

Mr. FRIEDEL. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. FRIEDEL. The gentleman speaks as if this was something new and that they are just now asking for Burke airport. As I understand it, they have been asking for an airport at Burke for about 4 or 5 years and they said they were overcrowded then and still the CAB will not utilize Friendship Airport. So how can we know that they will ever use it?

Mr. BOW. I would like to say this to the gentleman—the gentleman asked who is for this airport. It has been said that nobody over there wants it. Let me read who wants an airport at Burke:

The Fairfax County Chamber of Commerce, the Alexandria Chamber of Commerce, the Fairfax-Falls Church J. C., the Mount Vernon-Lee Chamber of Commerce, the Greater Falls Church Chamber of Commerce, the Arlington Chamber of Commerce, the Annandale Businessmen's Association, the Northern Virginia Builders' Association, the Alexandria-Arlington-Fairfax Real Estate Board, the Alexandria Contractor's Association and the Alexandria Retail Merchants' Association.

The gentleman asked me who wants Burke? There are some of the people who want an airport there. They live in and near Burke. There are a number of others who also have indicated their desire to have the Burke Airport. So when you talk about nobody wanting it, there are a number of people who want it, and somebody has suggested the President wants it.

Mr. FALLON. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Maryland.

Mr. FALLON. I agree with the gentleman on the list of fine organizations from Virginia that want the Burke air site. I think the same thing happened in Maryland about 6 or 7 years ago when a number of organizations wanted a new airport for Baltimore. So they built one. Of course they had the regular aid from the Federal Government. The Federal Government put up over $3 million and the city of Baltimore put over $12 million. They put up $12 million and are paying for it. Between 40,000 and 50,000 flights are booked in Baltimore each year that have to go to Washington in order to board their flight. Our people have bought the airport and have paid for it and cannot use it. You are asking the same people to put up the money to pay for an airport at Burke, 50 miles from Baltimore.

Mr. Chairman, it has been conservatively estimated that the Burke Airport project under consideration by the House today will ultimately cost the taxpayers of this country $50 million or more. As you may recall, this project has been before us on several occasions, and the House has consistently voted it down by better than a 3-to-1 margin. This action was done on the basis that Friendship Airport, near Baltimore, could adequately serve as a supplementary airport for Washington.

Since that time, additional tests and travel time studies have been made, the results of which definitely prove that the Congress was right in its thinking and the action taken.

In connection with my efforts for the greater utilization of Friendship, I have

introduced in the Congress legislation calling for the establishment of a heliport in downtown Washington. My bill is presently under consideration by the House Interstate and Foreign Commerce Committee. I have recently been advised by the Department of the Air Force that they have no objection to it. There is, I believe, great need for a downtown heliport in the District of Columbia. Helicopter service between Friendship International Airport and downtown Baltimore has recently been inaugurated and is proving to be a most progressive step for Baltimore and the Airport. As you may have noticed in the press, a helicopter recently brought distinguished visitors from Baltimore to Washington landing them on the Mall. The trip from Baltimore was made in approximately 20 minutes, and the distance between Friendship International Airport and Capitol Hill was made in about 10 minutes, thus pointing up the advantages offered by Friendship to air travelers of the Washington-Baltimore area. Helicopter service will make Baltimore and Washington one large metropolitan area as far as air transportation is concerned. It is, in my opinion, definitely the answer to short-run transportation needs. The establishment of helicopter service would certainly substantially weaken the always questionable need for a new airport at Burke.

Of major importance, also, is the fact that the Baltimore-Washington Parkway is now completed, which connects with the Friendship Airport. With the opening of this highway, linking Washington directly with the most modern airport in the country—I refer to the Friendship International Airport, capable of handling for many years to come all overflow traffic from the Washington National Airport, why, then, is it necessary to build such a costly separate facility as the Burke Airport would be?

As far back as 1949 I protested to former President Truman the construction and operation of a third airport to serve the commercial air traffic of the Washington-Baltimore region. At that time it was proposed to build a Federal airport at Annandale, Va. I pointed out to him that it would be a wasteful use of public funds to build an airport at Annandale, or any other place in the Washington area, when the Friendship International Airport would adequately solve the air-traffic problem in this vicinity. In behalf of the city of Baltimore and the State of Maryland, I earnestly urged him to reconsider his decision in the matter. The statement that I made then is true about the Burke Airport project. As a member of the Public Works Committee, I have consistently worked for projects which are necessary in the public interest. However, the huge cost of the Burke project is most certainly not in the public interest.

Much has been said in the present Congress, and undoubtedly much more will be said, concerning the desirability of balancing the budget and reducing taxes. An economy program, in fact, has been clearly demanded by the American people. The authorization now under consideration does not represent economy. I believe the President to be sincere. However, in his request for a $35-million authorization, which amount would not even begin to cover the total cost of the Burke project, I believe he is not being sincere with the American people with respect to his pledges for economy, or he most certainly has been ill advised.

Further, I daresay an economy program has been promised to the American people by every Member of this body. Surely any further consideration of the Burke project is sidestepping our economy pledges. The people want pledges, not hedges.

In today's press, a CAB survey released yesterday shows that actually most airline passengers that were polled in any areas halfway between the airports expressed preference for Friendship. Spokesmen for the CAB stated the survey will be presented in September at a hearing which could possibly result in a Board order compelling airlines to direct some Washington traffic to Friendship.

In conclusion, may I point out that Friendship is a large, modern airport that was opened for service in early 1950. It has one 9,450-foot runway sufficiently long and strong enough to handle jet transport. In addition, it has two other runways, 6,500 feet, 6,000 feet. The ultramodern terminal is capable of handling much greater volumes of passengers than are now being handled, or will be handled, in the foreseeable future. Long-haul flights at Friendship can be made effective immediately at no cost to the taxpayer. Air-traffic congestion in Washington would be eliminated and prevented due to Friendship's favorable position in relation to other area airports. Friendship's nearest airport neighbor is 25 miles distant.

The use of Friendship will result in immeasurable benefits to the airlines because it will make available to them at one airport without congestion a unified operation catering to about 3,300,000 people of the Washington-Baltimore area.

Friendship, in my opinion, is the solution to this problem available now at no cost to the taxpayers. Its use as Washington's second airport would benefit both cities and the airlines.

The foregoing facts make certain conclusions evident. It would be a throwaway of Federal funds, at the taxpayers' expense, for this body today to provide funds for the construction of an airport at Burke when we have superior airport facilities available at Friendship. Surely, with the burden that the taxpayers of this country are now carrying, it is not desirable to add unnecessary costs.

Mr. CANNON. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, I find no fault with any of the items in the supplemental appropriation being proposed and I have no amendments to offer.

There is one matter I think should be called to the attention of the distinguished members of the Committee on Appropriations. I know the legislative processes have not been completed on this legislation, and therefore they could not take note of it in a supplemental item. But there is an item being asked in connection with the Air Force Academy at Colorado Springs involving Public Law 815. Approximately 1,000 housing units, under the Capehart Housing Act are now building to supply the personnel who operate that Academy. If there is not a supplemental item included in the budget—and I am hoping the House can clear action on any recommendation of the Subcommittee on Public Education, as recommending a 1-year extension of Public Law 815—that they can do that in the other body before this appropriation is cleared, and attach an item to cover the deficit. Otherwise, you will have a serious situation for a thousand housing facilities filled with children, with no schools to attend.

I hope that this can be handled as an emergency so that it can be taken care of. Otherwise, it will have to be taken care of to prevent an emergency.

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. BAILEY] has expired.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, everyone seems to admit that we need another airport somewhere, just the same as we need additional transportation across the Potomac. Perhaps, if the military would get out of National Airport, we would at least have more room for normal travel. I have heard they intend to leave Bolling. Before one of the subcommittees of the regular standing committees of the House there is a bill calling for $30 billion for civil defense. That is to get the folks out of the way if we have bombs dropped on our cities. If a measure of that kind is necessary, if decentralization of defense is necessary, and it seems to be, it would seem as though the military, instead of cuddling up with Congress and the White House, would go outside. The National Airport is for the convenience of the traveling public, people generally, not for the convenience of the military. Comparatively there are very, very few military personnel using that airport, compared to the other people using it. Why cannot military move out and let National serve the public? If we cannot do that, is it not time someone built an airport somewhere? Several times it has been mentioned here that we should drift along, but the first thing we know there will be a collision or two at National. Who would be responsible for that? The local Congressmen cannot agree where they want it—Burke or Friendship. Many of us do not care where it is constructed just so one is built.

The situation is like this bridge-tunnel controversy; we would have had a bridge the other day if the bill had not been recommitted. If the gentlemen from Virginia want their people to have service, why do they block it? Already there is legislation on the books saying that there shall be a bridge, but someones does not want it where that bill authorizes its construction, so we do not have a bridge anywhere.

What is the situation? Our good friend from Virginia [Mr. BROYHILL], our delightful friend from Virginia [Mr.

SMITH], they are keeping people waiting. They are keeping people waiting—not at the altar, bless you, not at the church, but down at the river bank morning and night, hundreds of thousands of them every day. Why? Because they cannot make up their minds. Yes, of course they have; oh, yes; they want a tunnel or they want a bridge, with a draw in it, so those two companies up the river can make larger profits. I should not say "so they can make," they will make, if they get unobstructed travel on the river.

Then the other day when the bill was up our respected and distinguished colleague from Virginia [Mr. SMITH] said we should not blockade the river but ought to have a draw or a tunnel.

What for? Why, praise be, so suggested the gentleman from Virginia [Mr. SMITH], Georgetown is to be a seaport. Well, now, the artistocratic population that lives up there in Georgetown may not welcome a lot of dockworkers under their noses, however fine the workers may be. They would not mix any more than oil and water.

And when is Georgetown going to be a seaport? Are we to dredge the channel of the river from Georgetown way down to the bay entrance? They are talking now about the channel not being deep enough to take boats up to Baltimore. What do the gentlemen want to do? Make a seaway to Georgetown? And after you get the seaway what are you to use it for? What do the gentlemen propose to ship up to Georgetown. The talk of Georgetown as a seaport, seems to be nonsense.

There is something about that bill or, rather, about the refusal to build that bridge, that was authorized a long time ago, that just smells to high heaven, and it would not be too bad a thing if the Congress, with the investigating committees it has, would just appoint another to find out what is loose somewhere around. It is all right to represent your constituents, but, after all, other people have some interest in what we do.

I asked the gentleman from Virginia [Mr. BROYHILL]: "What makes you think you will get a tunnel any quicker than you would a bridge?" He replied: "There have been a lot of folks who have wanted a bridge over there for a number of years, but they will not build it." I asked him who would not build it, and he said the Department of the Interior.

Well, let us get after them. Who are they? It may be all right for the Supreme Court to defy the Congress and tell us we do not know what we are legislating about and that we do not mean what we say, but are we to let the Department of the Interior come along and usurp the function of criticism which the Supreme Court has assumed? It is about time we sat down on the Department of the Interior, and if they will not do what we tell them to do, cut off their appropriations; they will come to time.

I yield back the balance of my time.

Mr. CANNON. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. FALLON].

Mr. FALLON. Mr. Chairman, I ask unanimous consent to revise and extend the remarks I have made previously.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CANNON. Mr. Chairman, I yield the last 5 minutes to close the debate on this side to the gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Chairman, it appears entirely possible that the $12½ million item initiating construction of the Burke Airport is going to command more attention today than the $1½ billion which is carried for military construction. However, I do want to focus attention, if I may, upon a particular section of the report which is before you. I refer to page 5 of the report and to the paragraph entitled "Utilization of Existing Facilities," from which I quote the following:

> The committee during its consideration of and in its report on the regular Department of Defense bill for fiscal year 1958 urged that every effort be made to make greater utilization of facilities in the interest of efficiency and economy by closing those installations where the percentage of utilization would not justify continued operation. It is strongly urged that every proper consideration be given to the utilization of bases, either closed or scheduled for closing, before construction of new projects is initiated or before those projects are expanded. The committee is opposed to the construction of any project where there are existing facilities not fully utilized and which are reasonably usable for carrying on the approved activities.
>
> In order to reemphasize the committee position on this matter of maximum utilization of facilities, the services are directed to eliminate any items which are found to duplicate existing facilities not fully utilized and which meet the requirements contemplated in proposed new projects. Further, in order to insure against what may turn out to be unwarranted construction the committee is including section 211 prohibiting the use of funds recommended in the accompanying bill for beginning construction on new bases not specifically funded.

Mr. Chairman, the committee means exactly that. It is natural that the services want new facilities and in many cases new facilities are desirable. For years the Congress has dealt generously—I do not think wastefully but generously—with the services in providing new facilities. I believe that has been necessary because in the main we have depended upon old World War II bases which were constructed as temporary bases and which have had to be rebuilt if we were going to continue to use them. They were not adequate for continued use by troops under modern requirements of military training.

The Air Force has received the largest share of the new installations, and most of the new construction. This is understandable because bigger, heavier planes have constantly been brought into being and the Air Force has constantly been expanding. This has necessitated more adequate facilities.

But, Mr. Chairman, I submit that tomorrow is another day and tomorrow's requirements may not be today's requirements. We are now appropriating for tomorrow's requirements. On tomorrow there will be guided missiles and on tomorrow there may be at least a measure of disarmament. So I question the wisdom or the necessity for a large construction program this year. Admittedly, this program has been scaled down. It is considerably smaller in scope than it originally was intended to be. Yet I think it would be preferable and not damaging to postpone more of the construction program now before us pending the developments that another year probably will bring. At least the services should very carefully avoid duplication of facilities at this time. They should utilize presently usable facilities to the utmost in order to save money. I do not think that is being done to the extent that is possible or desirable.

Mr. Chairman, I call attention to the fact that there are a number of dispersal bases for the big B–52 bombers in this bill that require runways costing $10 million each. Facilities are now available which will serve that purpose for the time being and we should use them until a greater requirement is established.

I call attention to the fact that we are proposing to build new research and development facilities despite the fact there are very good research and development facilities in the services which are not fully utilized today and I can demonstrate this conclusively.

I do not believe in that kind of duplication, I know the Congress does not want it, but I am sorry to say that examples of duplications of this nature do not appear to make an effective impression on the services. They have a program—a long-range program. They are thinking about tomorrow's requirements as they now see those requirements and they want to complete that long-range program as quickly as possible. I say again all of this program is not necessary and some of it is duplication. Mr. Chairman, only Congress can check the spending that is unnecessary and that is why the language that I called to your attention is in our report. I trust it will be heeded and followed.

Mr. TABER. Mr. Chairman, I yield the balance of my time to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Chairman, I rise to ask the chairman of the subcommittee, the gentleman from Illinois [Mr. YATES], or some other member of the committee this question: On page 31 of the committee report under the heading "Veterans' Administration" I find this language:

> Soldiers and sailors civil relief. The committee has not approved a $1.3 million budget estimate for this item for making refunds to certain veterans.

I understand they are refunds owed the veterans for insurance premiums.

> The committee is of the opinion the matter should be properly considered by the legislative committees of the Congress and legislative authorization for such refunds approved before an appropriation is made.

The reason I am rising is because, as the committee well knows, the House has passed quite a bit of veterans legislation successfully but the other body has not

acted upon that legislation, and the veterans are not getting the results that the House desires.

Will the gentleman answer the question for me?

Mr. YATES. You will note the statement in the report of the program under which the Veterans' Administration sought to collect from veterans premiums under life-insurance policies that the veterans did not pay during the war. The Supreme Court held in its decision that the veterans did not have to pay those premiums, that the Government had agreed to pay them. Now, there is a fund that the Federal Government has of collections which it has made and which is supposed to be returned to the veterans. The item in the supplemental request is for that purpose, but it was the committee's feeling that this required legislation and should properly be referred to the gentlewoman's committee. Therefore we told the Veterans' Administration to go to the gentlewoman's committee and present the problem to you so that the problem could be worked out.

Mrs. ROGERS of Massachusetts. The thing that puzzles me so much is that we pass a bill in the House and the other body refuses to do anything about it. They have not passed, and I believe as the House has shown, important and necessary legislation, so the poor veterans are suffering as the result.

Mr. YATES. I agree with the gentlewoman. The Committee on Appropriations has been criticized in the past for assuming the functions of the legislative committees, and justly so. In this case we thought the legislative committee should handle the problem and that it was not properly the function of our committee. Therefore we referred the matter back to the gentlewoman's committee.

Mrs. ROGERS of Massachusetts. I feel sure that the legislative committee would bless you if you would appropriate this $1,300,000 to the veterans which is owed them.

Mr. CANNON. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER I

*Department of Commerce*

Civil Aeronautics Administration

Construction and development, additional Washington Airport

For necessary expenses for the construction and development of a public airport in the vicinity of the District of Columbia, as authorized by the act of September 7, 1950 (64 Stat. 770), including acquisition of land, $12,500,000, to remain available until expended: *Provided*, That not to exceed a total of $250,000 may be advanced to the applicable appropriations of the Civil Aeronautics Administration for necessary administrative expenses: *Provided further*, That beginning on June 30, 1965, and not later than June 30 of each year thereafter, the Administrator of the Civil Aeronautics Administration shall pay from income derived from operation of the airport an amount which will repay to the Treasury of the United States the full capital investment from Federal appropriations in a period of 35 years.

Mr. FRIEDEL. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FRIEDEL. Mr. Chairman, I make a point of order against the entire paragraph on page 2, lines 1 to 20 inclusive, on the ground that the last proviso thereof contains legislation on an appropriation bill. This proviso requires repayment of Federal appropriations made for the airport, and in that respect amends the basic law which authorized the airport.

The CHAIRMAN. Does the gentleman from Texas wish to be heard on the point of order?

Mr. THOMAS. Mr. Chairman, it is, perhaps, a close point, whether this comes under the Holman rule; but we concede the point of order and offer an amendment.

The CHAIRMAN. The gentleman from Texas [Mr. THOMAS] concedes the point of order made by the gentleman from Maryland [Mr. FRIEDEL]. The Chair sustains the point of order. The gentleman from Texas offers an amendment, which the Clerk will read.

The Clerk read as follows:

Amendment offered by Mr. THOMAS of Texas: On page 2, line 1, insert:

"CHAPTER I

"*Department of Commerce*

"Civil Aeronautics Administration

"Construction and development, additional Washington Airport

"For necessary expenses for the construction and development of a public airport in the vicinity of the District of Columbia, as authorized by the act of September 7, 1950 (64 Stat. 770), including acquisition of land, $12,500,000, to remain available until expended: *Provided*, That not to exceed a total of $250,000 may be advanced to the applicable appropriations of the Civil Aeronautics Administration for necessary administrative expenses."

Mr. THOMAS. I want to call to the attention of my lovable friend, we call him Sammy—and I mean that; I say some nice things about him now and then—that the point of order which he made would strike from the bill the mandatory section which would require the operators, the users, the airlines and other concessionaires at this new airport to repay the cost and save the taxpayers of this country the expense of construction.

Now, we are going to help Baltimore; but the gentleman ought not to put us in the position in which he has put us. We are going out and get some business for his hometown. But, despite that, he comes in and says, "You cannot make these people save the taxpayers the expense of building this airport." We recognize the force of his point of order, that this proviso is legislation. This action does not do any harm, because the Civil Aeronautics people who are going to operate this airport say that we will operate it free of construction cost to the taxpayers of the United States. That is why we conceded the point of order.

Mr. Chairman, may I say, as I have already said, that all the point of order does is strike out the last proviso but leaves the main body of the item, which makes the appropriation. The last proviso says that the taxpayers shall not stand the expense of the construction of the airport. In other words, we are right back where we started.

Mr. FRIEDEL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to thank my colleague from Texas for his very fine remarks. However, he then describes this amendment as if it is nothing. "Just adopt it," he says.

The basic reason for my opposing this amendment is that I want to save the taxpayers $75 million to $90 million. This appropriation of $12,500,000 is only a wedge in the door. Everyone has conceded that it will cost over $50 million, $75 million, some say $90 million, to build this airport.

We all know that the airspace over Washington is crowded. We have to speak of conditions today, as they are over Washington. This proposed airport sought at Burke is in the same airspace, the same airlanes, and will hinder traffic, while Friendship will not.

One of the other things that I think should be brought to your attention is that this proposed Burke Airfield will be on the other side of the Potomac River. We know the congestion now on the bridges coming over to Washington, and the trouble people have getting in and out of Washington. But suppose, and God forbid that this happens, that the bridges are bombed out. Both airfields will be on the other side of the Potomac. We have Friendship right here on this side of the river.

I could go on and on and on. We know that Friendship Airport is one of the most modern, well-equipped airfields in the whole United States. Yet, the Civil Aeronautics Board, for some reason unknown, will not utilize the Friendship Airport. We are using only about 40 percent of our capacity, and now it will be even less, because the National Guard, who landed their planes on Friendship, are now utilizing another civilian airfield, Martin's Airfield. So, now, we will have more openings and more space available.

We had an international line that wanted to use Friendship to bring in overseas flights, but the Civil Aeronautics Board would not approve it. They just refuse any use of Friendship. Some airlines will not use it, because they will have double expense. They will have to set up hangars. But if they build Burke, they will have to set up hangars there also. They will have double expense for that airfield. They just do not want to change their schedule.

I do think that by striking this provision you will be saving the taxpayers anywhere from $75 million to $90 million.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Ohio.

Mr. BOW. The gentleman said an international line wanted to get into Baltimore and was denied that privilege. Has that international line come into this country in any other area?

Mr. FRIEDEL. Yes, they are operating here.

Mr. BOW. It was not Baltimore that was denied, was it?

Mr. FRIEDEL. Yes; another line was granted permission to operate, but the international line wanted to use Baltimore as a terminal and the Civil Aeronautics Board refused to grant that international airline the permission to use Baltimore as a terminal. Instead, CAB gave permission to another airline that does not use Baltimore as its terminal.

I do not know what the answer is, but there are a lot of excuses given to hold us down.

Mr. MILLER of Maryland. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am somewhat reluctant to rise to oppose this amendment, but I think the background, the history of this thing indicates that it would be disastrous for us to adopt this amendment at this time, particularly after the words were stricken out which provided for the repayment to the Federal taxpayers of the cost of this project, which to many of us does not seem to be immediately necessary.

It seems to me it would be undesirable and might also be subject to a point of order to tie any strings to the appropriation at this time, but it certainly seems to me improper for this money to be expended while the facilities of Friendship Airport are not being utilized for the immediate safety of the public, which we are told is endangered every day.

For that reason, because of the history behind this, it seems to me that as long as there is another project programed or being considered, some excuse will be found for deferring the decision that Friendship must be used. Witnesses have told us it is going to be used by 1960. Why not use it now?

I rise in opposition to the amendment purely to dramatize the point that I do not think we should appropriate money for the third airport until we are fully using the second one which is now available.

Mr. DEVEREUX. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Maryland. I yield to the gentleman from Maryland.

Mr. DEVEREUX. Is it not true that by the adoption of this amendment we would in effect be giving to the airlines $75 million? That is probably one of the reasons the airlines do not go into Friendship, because it will cost them additional money. They are simply asking the Federal Government to put up money to build a commercial airport for them at Burke or some other place. They are not willing to put up the money themselves.

Mr. MILLER of Maryland. I think the gentleman is entirely right. I think it is most extravagant at this point to appropriate money without any provision for repayment.

Mr. LANKFORD. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Maryland. I yield.

Mr. LANKFORD. Is it not also true that even if the airport is built at Burke that the CAA is going to have to do something to force the airlines to go to that airport because they will still want to go into National Airport because it is closer to the center of the city?

Mr. MILLER of Maryland. I think there is no doubt about it. Nearly everybody would prefer to land closer to Washington and the difficulties that have been encountered in the use of Friendship Airport would be duplicated to a large degree at Burke unless more concessions are made to the airlines.

Mr. LANKFORD. And if they are going to do that for Burke, why could they not do the same now for Friendship?

Mr. MILLER of Maryland. It seems to me that time is of the essence and that it ought to be done at once at Friendship regardless of whether we go to Burke later on or not.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Maryland. I yield.

Mr. TABER. I wonder what the gentleman thinks it is possible for us to do outside of defeating this appropriation to persuade the Civil Aeronautics Board to move?

Mr. MILLER of Maryland. Frankly, I am unable to answer the gentleman. I have not been able to understand the great reluctance that there has been to use something that is already built and paid for and available when everybody agrees that the present situation is dangerous.

Mr. H. CARL ANDERSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, about 6 or 8 years ago when I first fought this particular proposal on the floor of the House, I did so because of the question: Why does not the CAB require utilization of Friendship before we, the general taxpayers are called on to appropriate $50 million or $75 million for the construction of another airport? Over these 5 or 6 years the answer to that question has not been given. I cannot see in good conscience why the CAB today within a month's time, if necessary, could not transfer some of this air pattern which they now consider to be dangerous over the heart of Washington to Friendship. They ought to utilize the facilities of that great airport before they call upon the taxpayers of Minnesota, Wisconsin, and the Far West and everywhere else in the United States to put up another $75 million for a third airport. You have all seen today that there has been no answer to that particular question as to why or what keeps the CAB from taking that sort of action, which they should take. To me, it is a waste of funds just as the gentleman from Virginia [Mr. BROYHILL] brought out here this afternoon to do a thing of this nature. There is another thing which we should keep in mind. I believe it is a precept of the CAA that there should not be two major airports within 16 miles of each other because of the air patterns up above. Yet, here they are urging and asking the Congress to validate the establishment of a major airport not much over 12 miles from the National Airport. I have been around the Arlington-Alexandria area long enough to know that if you establish another airport at Burke you will bring increasing hazard to the people living in that heavily populated area that does not exist there today. We have seen what has happened in the Twin Cities in Minnesota by having an air installation too close to that great metropolitan area, and as a result a number of people have been killed by falling airplanes. Personally, I do not want to be a party to forcing onto these thousands of people in northern Virginia the possibility that some time in the future a plane may fall on them just because we have two great airports too close together. I feel we should use a little commonsense. We should tell the CAB and the CAA, in no uncertain language, that until they do everything they possibly can to utilize the Friendship Airport to the utmost of its facilities, this Congress will not go on record as giving them another $75 million for a third airport.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. H. CARL ANDERSEN] has expired.

Mr. BROYHILL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in opposition to the amendment. I think the fact that the Thomas amendment was necessary after chapter I was striken from the bill on a point of order, indicates the confusion that exists in this matter, and the amendment should be defeated and the Interstate and Foreign Commerce Committee should give the matter further study. The act of 1950, Public Law 762, which was referred to, authorizes an appropriation of $14 million for the construction of a second National Airport at Washington. The testimony given before that committee at that time by the experts stated that $14 million was sufficient to build the airport. Of course that is all that we can appropriate at this time, but by voting for this amendment, $12,500,000 appropriation, you are in effect giving authorization for the expenditure of another $75 million without the matter being further considered by the Committee on Interstate and Foreign Commerce. So, it is approximately $75 million or $100 million that you are appropriating.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield.

Mr. TABER. They would not even have to go to the Committee on Interstate and Foreign Commerce to get further funds.

Mr. BROYHILL. To go beyond the $14 million?

Mr. TABER. Yes.

Mr. BROYHILL. That is a question that we have been discussing here for several days.

Another thing, the Congress in its wisdom at that time thought it proper and fitting that the Department of Commerce check with the local communities insofar as construction of the airport as to the impact it would have on that community. The Department of Commerce has refused to do that, yet the local officials and governing bodies by six resolutions appealed to the Congress and to the Department of Commerce not to construct an airport in that community.

I maintain it is not necessary. On the contrary, it would be dangerous to construct another air facility this close

to Washington, as close as the Burke Airport would be, only 12 miles away. We already have too many air facilities located here. That is the reason for the 33 near misses. It is not the traffic at the National Airport that is causing these near misses. It is the traffic from all these other airports located so close to downtown Washington. The construction of an airport this close in would be far too costly. You could go out only a few miles and buy land at very much less, and it would no doubt save several million dollars in the final cost of the facilities. A good plan is to locate these facilities a little farther out and get better facilities to transport the traffic to and from the airport. It is foolish to talk about appropriating fifty or seventy-five or a hundred million dollars just because the airlines want to save approximately 5 minutes in travel time to the facility itself.

I think before we go ahead with these appropriations we should give the local communities another chance. We should give the CAA and CAB instructions to work out a plan. After all, Baltimore wants to use Friendship, and we have groups in northern Virginia who are trying to go ahead and construct these airports through an authority. Certainly if we can do that we can construct an additional national air facility here in Washington at less expense to the taxpayers of the rest of the country; and that is important, because your taxpayers are going to pay 100 percent of the cost, when the people of Metropolitan Washington do not want it.

I ask you to give our community some consideration on another account, and that is we are coming into the jet air age. Certainly living conditions around a jet airport are deplorable. That has been proven around these Air Force airports. We are getting into the jet air age insofar as commercial planes are concerned, and it would make living conditions intolerable in an area 10 miles around a jet airport. So it is especially important now that we are coming into the jet air age that we given consideration to our communities. I do not know of any person in this body who would want to impose such a nuisance upon a colleague unless it was absolutely necessary; and I cannot, based on any argument thus far advanced, see why it is necessary to authorize the spending of $100 million for an air facility that is not needed at this location at this time.

Mr. ROONEY. Mr. Chairman, I rise in support of the pending amendment of the gentleman from Texas [Mr. THOMAS].

Mr. Chairman, I do hope that no one here will feel that I am too bold in rising to support the President of the United States in this very important matter.

I should like to give a bit of the history in regard to this Burke Airport controversy. This has not been mentioned here today, but the fact is that at the present time the Federal Government owns 62 parcels of land for which this House and the Congress appropriated $1 million, right on the proposed site of the additional airport in Burke, Va.

I do not mind my dear friends getting political mileage out of an issue such as this, except that it is really far too important for local politics in Virginia and Maryland. This is the Nation's Capital. This additional airport is needed for the Nation's Capital, to alleviate a very dangerous situation. The testimony before the committee referred to 80 takeoffs and landings in an hour, 1 every three-quarters of a minute.

I should like to read to you what the President's Civil Aeronautics Administrator had to say when he testified before the subcommittee last Thursday. Mr. Pyle, the Administrator of the Civil Aeronautics Administration, testified as follows:

> If you are going to have to have approximately 80 operations an hour, just Washington traffic alone, it is going to saturate both Washington National and Friendship, without taking into account any of the traffic that is generated in Friendship, and let it be clearly understood that Friendship is a very good airport, and we are the first to say just that. It is a good airport, but we must be realistic and try to plan for the needs of the Capital.
>
> My position is and always has been that we must have three airports to handle the needs in 1960 of the two communities, Baltimore and Washington.

What is going to happen in 1960 and 1961? That is when the jet airliners which are now on the drawing boards and in the course of construction are going to be put in the air. Who knows more about this situation, the folks who justifiably do not like the fact that the major international and transcontinental airlines do not stop in Baltimore, or people such as the following who testified before the committee in behalf of the proposed location at Burke: The Air Transport Association, representing all of the scheduled airlines of the country, the Greater Washington Industrial Association, the Washington Board of Trade, the Citizens Committee for Burke Airport, right out here in Fairfax County, Va., where the distinguished gentleman from Virginia [Mr. BROYHILL], I understand, had a poll taken. I have been informed that the poll showed that 52 percent of the people of Fairfax County were in favor of the location and wanted the airport at Burke and 17 percent were against it. I should like to point out that all the employees who belong to unions and who work at Washington National Airport, the airport division of the Brotherhood of Railway Clerks, are unanimously in favor of the location of this additional airport at Burke.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the gentleman from Virginia.

Mr. BROYHILL. The gentleman does not question that I am not properly representing the best interests of my constituents?

Mr. ROONEY. Most certainly I do not. I am sure the gentleman is doing what he thinks he should do. Is my information correct that the gentleman had a poll taken and that only 17 percent of those polled were not in favor of the Burke Airport?

Mr. BROYHILL. I will state to the gentleman I took two polls out there. One showed that a majority was in favor and the other showed that a majority was in opposition.

Mr. ROONEY. A group of very distinguished citizens from Fairfax County came before the committee and testified that they were in favor of the location of this airport at Burke.

Mr. HORAN. Mr. Chairman, will the gentlemen yield?

Mr. ROONEY. I yield to the distinguished gentleman from Washington.

Mr. HORAN. I think we were persuaded pretty much by the fact that in a few years, about 1960, we will have 7 million people arriving here by air to visit the Nation's Capital or who have business in the Nation's Capital.

Mr. ROONEY. That is what the testimony revealed; between 6 and 7 million people.

Mr. Chairman, this is far too important, this matter of safety, for nonprofessionals to get into the business of arguing as to where it should be located. Burke, Va., is the logical place; that is where the experts, the technicians who have spent over 5 years considering the matter, state that the additional Washington airport should be located. I urge adoption of the pending amendment.

Mr. JONAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not familiar with the locality where Burke is situated, nor do I have any interest in Friendship. I am, however, very much interested in the air situation in the Nation's Capital. I fly in and out of here frequently myself and can give personal testimony in support of the allegation that the Washington National Airport is crowded and that additional facilities are necessary.

I speak here only for myself and the taxpayers who reside in the 10th Congressional District of North Carolina. I have no prejudices for or against Burke or Friendship. I have an open mind about the two locations and sought this time in order to ask certain questions because I believe some comparisons might be made which will enable some of us who do not have any particular interest in either Burke or Friendship, as the contest is developing between those two localities, to make up our minds how to vote on this particular amendment.

The only objection anyone has made to Friendship is the approximately 45 minutes time involved in traveling between the center of Washington and that airport. If there are other objections to Friendship, I have not heard them advanced. The facilities are already in place, no land is to be acquired, the runways are in use, the hangars are there, all of the facilities are complete. The only objection is that Friendship is about 45 minutes travel time from the center of Washington.

Now, in order to have some comparisons, may I ask the distinguished gentleman from New York [Mr. ROONEY], or some other Member from New York, what is the travel time between Idlewild Airport and, say, Times Square?

Mr. ROONEY. Mr. Chairman, if the gentleman will yield, I must say that I

would only be making a wild guess. I have never ridden between Idlewild and Times Square.

Mr. JONAS. May I ask someone from New York who frequently travels from Washington to New York by plane, what is the travel time between Idlewild and Times Square? I understand it is about 45 minutes.

Mr. ROONEY. The fact that there is so much stacking up out here at Washington National Airport and the obvious need for an additional airport, prompts me to do most of my travel by train.

Mr. JONAS. I will ask someone else. Can anyone present tell me the travel time between Idlewild Airport and Times Square? Can anyone answer that question?

Mr. HALE. Mr. Chairman, if the gentleman will yield, I have taken that ride two or three times. I am sure it is as much as 45 minutes.

Mrs. KELLY of New York. Mr. Chairman, if the gentleman will yield, I would say it was about 20 minutes.

Mr. JONAS. From Idlewild?

Mrs. KELLY of New York. From La-Guardia.

Mr. JONAS. Between Idlewild and Times Square?

Mrs. KELLY of New York. Idlewild to Times Square will take about 35 minutes.

Mr. JONAS. The gentleman from Maine says he has used that airport and it is about 45 minutes.

Mr. HORAN. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Washington.

Mr. HORAN. I want the gentleman to know that this subcommittee is not against Friendship. The administrator testified that it would require three airports to handle the traffic by 1960.

Mr. JONAS. Then, why not put Friendship to full use and then build Burke or some third airport? I am not opposed to Burke; I am not sponsoring Friendship. I am merely trying to find out some facts upon which a disinterested Congressman who is seeking to do the right thing should base a vote and seeking not to spend money unnecessarily. I am trying to decide how I should vote on this question. The only objection I have heard advanced to Friendship is the distance but it is no greater than the distance from Idlewild to the center of New York City.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Texas.

Mr. THOMAS. May I say to my distinguished friend that it is very seldom we disagree, and I am not in disagreement with him now. There is much in what the gentleman says. Those facilities in Baltimore ought to be used during this highly dangerous period that exists right at this very moment out at the National Airport, and with your help, not next week but tomorrow, we will write to the Civil Aeronautics Board and we will get the CAA and we will tell them as a committee that in our judgment you ought to start using it the day after tomorrow and not later than that, and I believe they will.

Mr. BOW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas, and again I want to reiterate what I have said before a number of times, and I want to say it again, that Friendship is a good airport and has all the facilities necessary to handle the traffic that should be diverted to that airport. The traffic should be going there now, and I join with the gentleman from Texas in getting it there as soon as we can. But, I hope that that question does not stop the progress of the Nation's Capital. I hope we do not take that position to stop the building this third airport which is going to be needed in 1961. Many of you come from long distances to get to Washington, from California and the various States on the west coast. You are going to be riding jets before long, and unless we have an airport here ready to take these jets, you are not going to land in Washington. They are not going to be scheduled in here, because we will not have the capacity.

Bear in mind—and I want to repeat this again—that although Friendship can take some of this traffic today, Friendship will be at its peak by 1960. Take your present pattern today. By diverting a certain amount of the traffic to Friendship, you will reach the peak capacity of these two airports. Why do we wait? Are we going to wait the progress of the Nation, the progress of transportation until someone is satisfied that his particular airport is picked to get this traffic? A country, a community, a State will progress only as its transportation facilities progress. We cannot wait for them to build these planes and keep them on the lots where they are made while we build airports. We have to go along in the development of aircraft with the development of facilities.

It has been said that these have been paid for by the city of Baltimore. That is true, they paid their share. But we have Federal funds of $3 million there, we have Federal funds all over the United States, which we have contributed to the building of airports. We do have one airport that we own. That is the Washington National Airport. We paid for it and we own it. I wonder how many Members of the House realize that last year we made $1,700,000 in the operation of the Washington National Airport. Its cost is being amortized, and by 1960, from the income that we will have received from Washington National Airport, it will have been paid for.

The same is true of Burke. We have the figures of the landing fees, and so forth. We know what the building of the field will cost. They say that within 25 years, but our committee took a figure of 35 years, it will be amortized, it will be paid for by the fees from the field itself. That is not true of many of the other airfields in which we have made these investments. From them we get nothing back. But here, if we operate, we will receive our money back.

Mr. HORAN. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Washington.

Mr. HORAN. Mr. Chairman, I think the point ought to be made, too, that in the case of an interrupted flight, where it is necessary to transfer from one airport to the other, Burke Airport, being only 13 miles from National Airport, would represent a factor for convenience and the expediting of travel by air.

Mr. BOW. I thank the gentleman for his contribution. I should like to say this, that, so far as I am concerned, the differential of travel time means nothing. If the short distance were to Friendship and the longer distance to Burke, I would still favor Burke, because we are going to need the third airport. I do not raise any question about the additional time involved.

Mr. FRIEDEL. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Maryland.

Mr. FRIEDEL. The gentleman made a statement that the capacity of Friendship would be reached by 1960. Upon what does the gentleman base those figures?

Mr. BOW. I base those figures on testimony before the committee, that with the amount of traffic coming into Washington, with the amount diverted of that traffic to Friendship, by using the two airports, by 1960 both of them would be at their peak.

Mr. FRIEDEL. But only 40 percent of the capacity of Friendship is being used today, and a great part of that 40 percent includes the military.

Mr. BOW. I will say to the gentleman that somebody else raised the question and put the figure at one-third. So that there is some difference in the gentleman's own ranks about the amount.

Mr. GAVIN. Mr. Chairman, I move to strike out the requisite number of words.

I am pleased that the committee is giving some of us who are interested in this project an opportunity to be heard. The need for an airport for Washington, the metropolitan center of the world, has been evident for the past several years. The need is great. It will take several years to build it. And it is needed right now. The greatly increased traffic at the airport necessitates another airport for Washington.

Let me say right now to the Members that the airport project is not a local problem to be haggled over by local interests for 4 or 5 years more. It is a project to meet the demands and needs of the air-traveling public. It is mighty hazardous flying with the traffic now over the present airport.

The question before us today is, Who is to be satisfied in this matter? Several people locally or the several millions of people from all parts of the world who come to Washington? Last year 5 million people used the Washington Airport. To my way of thinking, this project has been kicked around just about long enough by the local interests. The Congress should take some action here today. This project has been hanging fire for 7 long years, when we could have constructed another airport to meet the needs and demands of the people who come to Washington. So today it is time

for action, time to make a decision. It is long overdue.

Traffic at the Washington Airport has increased at a terrific rate. The air-traveling public is entitled to be considered just as well as the local interests. Certainly it is a reflection on us not to have adequate airport facilities in so great a world center as Washington. Near misses are a common occurrence. Why continue to jeopardize the lives of people because of the local bickering as to location that has been going on here for the last 4 or 5 years?

This is what the Civil Aeronautics Board has reported: Near collisions reported for the Washington area within an approximate 15-mile radius of Washington National Airport, September 1956 to March 1957, 26 near collisions, with approximately 261 persons aboard.

Near collisions reported for the Washington terminal area within a 30-mile radius of the Washington National Airport Radio Range Station, September 1956 to March 1957, 33 near collisions, with approximately 412 persons aboard.

Any one of those collisions might have wiped out the lives of many of our people.

Mr. DEVEREUX. Mr. Chairman, will the gentleman yield?

Mr. GAVIN. Not at this time. As my very good and able friend—although not a member of the committee—is aware that the committee has consumed most of the time thus far. The building of a new airport is a very serious matter. I call to the attention of the Members that this project should not be held up any longer and permit further bickering. It has been hanging fire for the past 7 years. The President is right and has recommended that the Burke site be determined upon. Evidently he had sound information that convinced him that the Burke site was the proper location. I am pleased that he definitely recommended the Burke site.

The Congress should take immediate action to get this project under way. It is long overdue, and the safety of the flying public is dependent upon it.

I want to compliment my good friend the gentleman from Texas. He said he was an infantryman. I am glad to see the ground forces represented here today. I favor his amendment and trust it will be adopted.

Mr. THOMAS. Mr. Chairman, I wonder if we can agree on time for debate on this amendment. We have had some very fine statements. Everybody knows what is involved. Of course, if this amendment is voted down, the airport is dead.

Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto, and to the chapter, close in 30 minutes, the last 7 minutes to be allotted to the committee.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. FLYNT. Mr. Chairman, I rise in opposition to the amendment which has been offered by the chairman of the committee. I want to read, if I may, the first sentence in the second paragraph of the report, that portion which deals with this subject:

> The only reason for this appropriation is air safety.

Every Member of this body is in full accord with that purpose. And the only question we have to resolve here is the best method and the quickest method of providing maximum air safety for the Washington metropolitan area. Mr. Chairman, I wonder how many Members here realize that within an 11½-mile circle there are presently 6 major airports and that does not include the 2 heliports at the Pentagon and at the White House. There are presently within an 11½-mile circle 6 airports of various sizes: First, the Washington National Airport; second, a small airport in Fairfax County called the Washington-Virginia Airport; third, Andrews Air Force Base; fourth, Anacostia Naval Station; fifth, Bolling Air Force Base; and sixth, Davidson Army Air Field located at Fort Belvoir, Va. The situation with regard to the traffic pattern and air hazards created by these existing airfields is far greater than any metropolitan area should be subjected to. By the creation of a new major airport, a second major airport to serve commercial airlines coming into the Washington area, you will merely double the present hazard which exists. If, and when, this new airport at Burke is built not only will present conditions be intensified, but in all probability a greater volume of air traffic will be brought into this area.

Mr. Chairman, there is already at a distance of not more than 8 miles farther than the distance from downtown Washington to the proposed Burke site, one of the finest airports in the eastern part of the United States. It is my sincere belief that the facilities of Friendship International Airport located between Washington and Baltimore should be given a fair and adequate trial before launching this Government on a $75 million project to build an airport in the Burke location which will, in all probability, increase the air hazards and the danger to the American air traveling public.

Slightly more than 1 year ago, in company with eight of my colleagues, we visited the site of the most tragic air crash in the history of commercial aviation in this country. We went to the site of the Grand Canyon crash that claimed 128 lives. If those of you who were not on that visit could have been there, you would have been moved then and thereafter to continue into the far distant future, to do everything within your power to avoid the repetition of a tragedy like that from ever occurring within this area.

Some 16 years ago, when I was attending Air Force Flying School, I came within 10 feet of crashing in midair with another plane. So therefore, I know firsthand, once by observation and another time by actual experience, of the danger of air collisions. I think we must take every possible step now and by looking into the future, to avoid a tragic midair collision which would be similar to that which took place over the Grand Canyon approximately 13 months ago.

The air-safety factor alone, in my opinion, is sufficient justification to direct the CAB to immediately put into use as far as possible the facilities of the Friendship Airport. This cannot be done if the appropriation for Burke is voted.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, the problems of the States of Maryland and Virginia, and the District of Columbia, have held the center of the stage in the House for a good many hours recently. I think it is about time somebody suggested a horse trade so that we can kill all three of these problem-birds with the same rock.

I wonder if we go along with Friendship Airport, if our friends from Virginia and Maryland would tell us that they would no longer insist on a bridge or a tunnel across the Potomac River.

Mr. DEVEREUX. If the gentleman will yield, I might say that the people from Maryland are not interested in a tunnel or a bridge over the Potomac.

Mr. GROSS. I recall a bridge not so very long ago, the one at Jones Point, that Maryland was very much interested in.

Mrs. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mrs. BOLTON. We have heard about the Army and the Navy and everybody else that adds to the congestion around here. Why could we not move them out and do a few little things for the civilians? If the congestion is so great, they probably make the larger part of it.

Mr. GROSS. The gentlewoman has made an excellent suggestion, but let me go back to the proposition that if Friendship Airport is accepted, I wonder if the gentleman from Virginia [Mr. BROYHILL] would agree to drop legislation for a bridge or a tunnel across the Potomac River, if we move traffic out to Friendship?

Mr. BROYHILL. I thought that had already been decided.

Mr. GROSS. You still have a bill with some $6 million back of it to start a bridge across the Potomac. Would not the gentleman agree that it be withdrawn and the taxpayers saved $6 million?

Mr. HOFFMAN. Will the gentleman yield?

Mr. GROSS. I yield to my friend. We are friends are we not?

Mr. HOFFMAN. It depends on your answer. A gentleman in the armed services asked me, "If you moved the armed services flying out of the local airport, how are they going to get in their flying time?"

Mr. GROSS. They could get it at Andrews Field, could they not?

Mr. HOFFMAN. What? Drive way out there?

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GROSS] has expired.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, I have been interested in the controversy be-

tween two airports near my Congressional district, Detroit Wayne Major and Willow Run. The Wayne Major Airport is less distant from Willow Run than the proposed Burke Airport is from the Washington National Airport. Accordingly, I have been interested in what the Civil Aeronautics Administration is doing about the separation of airports for air safety, particularly in the jet age.

I would like to call attention to the fact that the criteria for the separation of airports used by the Civil Aeronautics Administration were set in 1949. Last year in the hearings of the Legal and Monetary Affairs Subcommittee of the Committee on Government Operations we inquired into this question of separation in connection with our investigation of the Government's role in aviation. On July 9 of last year the Civil Aeronautics Administrator, Mr. Charles Lowen, since deceased, said that the Civil Aeronautics Administration did not then know and was making a study to find out the effect upon air traffic patterns of the introduction of commercial jets.

His testimony on page 381 reads as follows:

Mr. MEADER. Well, could we say this, Mr. Lowen, that if it is desirable, as you have testified yesterday, to have two major airports as far apart as you could get them, that it would be even more desirable when we come to use jet transports and increase military jet flying, to have those airports farther apart?

Mr. LOWEN. Well, if I answered that, I would be answering without really knowing until we run our experiments. Nobody really knows. It has never been applied, jet commercial application has never really been applied. We really don't know the answers to that.

Mr. MEADER. You would not even say it was desirable that major airports be located at greater distances from each other in view of the increased rapidity of flight in the jet age?

Mr. LOWEN. I would not want to at this point, not from the standpoint of traffic control, because we really don't know what our problem is in that area.

Mr. MEADER. Well, you are still operating on this 1949 standard?

Mr. LOWEN. Yes, sir, which applies to the type of aircraft we are flying today and it is satisfactory.

Mr. MEADER. You don't anticipate that your study with these military jets that you are acquiring will cause you to shorten these distances that you recommend?

Mr. LOWEN. It might be a whole new type of standard. For example, straight-in approaches, which we eliminate a pattern or eliminate having to give two, three, or four holding patterns.

You will have a different type of traffic pattern. You won't be coming down to a low altitude, then circling the field to come in for a landing. The pilot will be cleared and notified so that he will be jockeying into position while he is still at high altitudes.

These airplanes will descend about fifteen or twenty thousand feet a minute, so they will be allowed to come right on in. They will be coming down in an elevator rather than a pattern.

Mr. DAVIS. Sir, I think I can clear up a point on that.

A Boeing 707 is now being operated as an experiment, a prototype at Seattle. I was out there in February talking to the chief pilot, and their speeds for approach and circling are about the same as the DC-6 and DC-7 and Constellation at the moment, and they are using the same approach patterns at the moment that the other carriers are at Seattle.

It works a hardship of some sort on them, but it can be done.

If the slow speed at approach time is about the same as our present transports, the circling problem and the final approach are not the problems that we are facing.

So, I think the airports could be placed at the same place they are today insofar as that part of the approach.

Mr. MEADER. I wonder just when you think this study will be completed, Mr. Lowen, so you will have some idea about these criteria?

Mr. LOWEN. As I said yesterday, we start next month training our crews. We should have a B-47 in operation within approximately 6 weeks after we receive it, which should be this month, and then we have got to put in all of our radio gear and get it operational.

And, as soon as we do that, have our problems worked out, we will bring in the B-47-type operation and I would assume that in 6 months we will have many of the answers to the problems that are posed here today.

Now I would like to ask the gentleman from New York, or someone else on the committee, whether if we go ahead and spend this great sum of money for the Burke Airport so close to Washington National Airport the Civil Aeronautics Administration will consider either of them adequate for full use by commercial jet planes in 1959 and thereafter?

My question is whether or not the Civil Aeronautics Administration has yet set up any criteria of separation of airports based upon the use of jets in commercial operation?

Mr. ROONEY. My recollection is that the committee had no testimony in regard to the gentleman's second question; but I will say in answer to his first question, as to whether or not they have taken into consideration the use by commercial jet planes, that the testimony contemplates use by jets, which will be in operation in 1960 and 1961; and they gave this testimony as one of the reasons for the necessity of immediately starting the construction of this additional airport at Burke.

Mr. MEADER. I would like to call the gentleman's attention to the hearings I referred to embodying the views of the Civil Aeronautics Administration. In his testimony, Mr. Lowen said they could not tell then whether when jets were used commercially airports should be farther apart or not; that they were engaging in a study of that problem. I have not heard that the study has been completed.

The Burke Airport site was selected 6, 7, or 8 years ago. The Civil Aeronautics Administration, according to my own experience, has a policy of standing pat on their decisions, right or wrong, and regardless of developments in the meantime. They are pouring money into Wayne Major Airport right now at the rate of a million dollars a year, and that airport is being built up right now on top of an existing airport. I cite that example as a reason why we should have this study of traffic patterns of the use of commercial jets before any great sums of money are spent on a new airport.

The CHAIRMAN. The gentleman from Missouri [Mr. JONES] is recognized for 3 minutes.

Mr. JONES of Missouri. Mr. Chairman, at the start I want to say that I am opposed to any appropriation that does not take into account the use of Friendship Airport. I have been hearing about Friendship ever since I came to Washington. I took occasion to drive out there last year and when I went into that beautiful building it seemed like a morgue; they were not doing any business. I checked with all the airlines. They had 42 commercial flights in and out of that wonderful airport a day at a time when there were over 800 flights a day here at the Washington National Airport.

I want to say also that I think the Civil Aeronautics Administration has not been using good judgment in permitting the scheduling of flights at the rate of 80 an hour here at Washington National Airport, creating hazards which are not necessary when many of those flights could be scheduled in and out of Friendship Airport.

We are right now hearing a lot about the difference in driving time between Burke and Washington, and Friendship and Washington. I have driven to Friendship; I have driven from the site of the Burke Airport to Washington and I would say there would be about 5 minutes' difference coming from Friendship or coming from Burke to downtown Washington; and if you are going to establish an airport at Burke you are going to have to build a lot of superhighways that are going to cost many millions of dollars and you are going to contribute additionally to the congested traffic crossing the river. I am against both.

Another thing, I think you could take the testimony that is given in this hearing and convict the Civil Aeronautics Administration of negligence and contributing to hazards.

If you ever listened to the pilots being talked down over National Airport it would chill you, and you would not want to take another flight unless it was an absolute necessity. I say that in the interest of safety the Civil Aeronautics Administration should be forced to use Friendship Airport to relieve some of the hazardous traffic conditions at the Washington Airport. In my way of thinking we should not appropriate any additional money for an additional airport until they use the available facilities they have.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland [Mr. DEVEREUX].

Mr. DEVEREUX. Mr. Chairman, I take the floor at this time to ask someone on the Interstate and Foreign Commerce Committee why the bill which would provide for a heliport to serve Washington has not even had a hearing? I understand that my colleague from Maryland introduced such a bill some 6 or 8 years ago. It seems to me that at least we should consider that aspect of the problem that is before us today.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. DEVEREUX. I yield to the gentleman from North Carolina.

Mr. JONAS. In my own time I tried to establish the driving time from Idlewild Airport into the city of New York and there was a difference of opinion among the members of the committee.

Some said 40 minutes and I think one member stated it as low as 20 minutes. So I sent out for an Eastern Airlines bulletin, effective August 1, 1957, and find that the driving time from Idlewild Airport into the city of New York is 55 minutes and that the driving time from LaGuardia is 44 minutes. This is in comparison with 40–45 minutes from Friendship into the center of Washington.

Mr. DEVEREUX. I thank the gentleman. We who are legislating on this important matter should consider the fact that if we want to properly serve any of the outlying airports around the Washington area we should have a heliport here, if we want to be modern. If we want to further congest the traffic in the Washington area—that is the ground traffic—then we should not even consider a heliport. In my judgment, that is the answer. I am not opposed to another airfield to serve Washington, but it certainly should be far enough removed from the National Airport in order not to create additional traffic problems.

It is for that reason I would oppose the amendment offered by the gentleman from Texas to get the retainment factor out of that section of the bill. We must remember that if we support the amendment offered by the gentleman from Texas [Mr. THOMAS], then there will be no retainment factor in the bill. We will simply be giving away approximately $75 million to the airlines.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. ROONEY].

Mr. ROONEY. Mr. Chairman, in answer to the distinguished gentleman from Maryland [Mr. DEVEREUX] I am prompted to say that I was under the impression that we had a heliport here in Washington and that it was down in the rear of the White House.

Mr. Chairman, there has been no discussion so far with regard to the sort of locality in which the site at Burke is. There seems to be some misunderstanding and that it is a typical suburban area with one- and two-family houses. Nothing could be further from the truth.

Out here at Burke, Va., when land acquisition was started by CAA in 1951, after this House and the Congress appropriated a million dollars to proceed at Burke with an additional Washington airport, there was a total of 89 improved parcels in the approximately 4,000 acres of the Burke site, 58 were acquired by CAA in 1951, leaving 31 improved parcels still to be acquired. There were hearings before the so-called Holland special subcommittee over in the other body in the present session of this Congress and these hearings revealed that a check was made early this year, 1957, and that only 6 new homes had been constructed on the site during the past 5½ years since this additional airport matter was before the Congress previously. There were 11 new homes constructed in the protective area outside of the site.

Now, this tract of land, largely timberland out here in Virginia, within a short distance not only of the Nation's Capital but from Washington National Airport for those who have to transfer from one flight or airline to another, has been recommended, as I said previously, by the foremost Government experts on the subject. There is no question about the advisability of going ahead with this additional Washington airport at Burke in the mind of anyone who is connected with aviation or the technical aspects of building an airport.

Mr. Chairman, I urge that the amendment offered by the distinguished gentleman from Texas [Mr. THOMAS], be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. FLOOD].

Mr. FLOOD. Mr. Chairman, after 10 years, believe it or not, I have nothing further to say. I hope we get the Burke airport immediately.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, those of us who come from metropolitan areas know how difficult it is to get to and from an airport. In my own city of Chicago it takes approximately 40 to 60 minutes to get to Midway Airport from the Loop and it takes even longer than that to get to the new O'Hare Airport which is being used more and more by the airlines. That is why I find the airport in Washington of significant convenience. It is unique to find a port so close to a major city. I know I would not like to have to use the Friendship Airport as an alternative airport. It is not nearly as convenient as National; it is not nearly as convenient as Burke; according to CAA the safety factor is the same.

We must serve the Nation's Capital, and I think we have to keep that in mind. We are not proposing to serve Baltimore. Our responsibility is to serve the Nation's capital. Burke airport offers that opportunity much more than does Friendship.

I think we have to keep in mind, too, the testimony of the experts who appeared before our committee. The CAA is an expert body. Those whom you heard speaking here today who want to use the Friendship Airport are not experts. They represent local interests and I am not criticizing them. It is their task to do so and they are doing a good job. But they are not specially qualified to pass upon the selection of airports.

I call your attention to the hearings at page 602 where the gentleman from Texas [Mr. THOMAS] cross-examined the people of the CAA. He said:

> How long have you been looking at this site?

And they said:

> We have been looking at it for 9 years.
>
> Mr. THOMAS. Are you folks greenhorns in the business of selecting sites for airports?
>
> Mr. PYLE. I would not consider us so, Mr. Chairman.
>
> Mr. THOMAS. How long have you been in the business of selecting airports? We have a lot of laymen that apparently know more about the selection than you people do. How long have you people been selecting airport sites and building airports?
>
> Mr. PYLE. Mr. Howell, I think you could probably answer that question more adequately than I can.
>
> Mr. HOWELL. Mr. Chairman, I started in airport work in 1930.

And, if you examine the testimony, you will find that these people who have testified in favor of Burke have been selecting airport sites for years all over the country and have selected more than 1,000 of them in all sections of the country. If you examine their testimony on page 602, you will find that they say that Friendship is a good airport. I read from that page:

> While temporary relief is obtainable through diversion of air traffic to Friendship, it offers no permanent solution, and the construction of an additional airport for Washington is necessary.

I agree with the chairman, the gentleman from Texas [Mr. THOMAS], and I agree with the gentleman from Ohio [Mr. BOW]. I say that it is advantageous and necessary to use Friendship at the present time, but the fact remains that we are going to need another airport to serve this community. That is why I say that the amendment offered by the gentleman from Texas must be supported at the present time so we can construct an airport to take care of the needs of the Nation's Capital.

The CHAIRMAN. The Chair recognizes the gentleman from Washington [Mr. HORAN].

Mr. HORAN. Mr. Chairman, I just want to point out the testimony before our subcommittee in which they state that 10 years ago we had about 160,000 aircraft movements in and out of Washington. This year it is estimated to be 280,000 aircraft movements in and out of Washington. Other testimony indicated that it would be at least one-third greater by 1960. I think we need the National Airport; I think we need Friendship; I also think we should have a third airport here. I believe that sincerely as one who has studied the problem and listened to the testimony before our subcommittee.

The CHAIRMAN. The gentleman from Texas [Mr. THOMAS] is recognized for 7 minutes to close the debate on the pending amendment.

Mr. THOMAS. Mr. Chairman, let me talk to you in my own humble way. I am no expert on this subject. Frankly, I fly very, very little. And I have been flying only for about a year or a year and a half. And every time I get into a plane, I promise myself while we are in the air that if I ever get back again on the ground, it will be the last time I will get into a plane.

I have no interest other than as a citizen. I have no ax to grind. May I respectfully ask the Members of the House to turn to the committee report and read it. It is short.

Everybody knows that this National Airport is a deathtrap. We are going to have to do something about it. We should have done it 2 or 3 years ago. Please listen to this—there is not a Member of this House who does not have constituents coming into that airport every day. I was thinking about it the other day. My town, Houston, is 1,200 or 1,500 miles from here, but there is not a day in the year that I do not have many people from that city come into the air-

port. The vast majority of my colleagues will have many, many people from their area using that airport every day. And make no mistake about it, it is a deathtrap, say what you please. I am no expert and I do not claim to be an expert. But when an airplane takes off and another one sits down out there every 45 seconds, that is a deathtrap. You know it and I know it, too.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman.

Mr. JONES of Missouri. Can the gentleman tell me why they do not use Friendship?

Mr. THOMAS. I do not know, but I will tell the gentleman one thing. We think the Members of the House want our subcommittee to do this, and we are not going to wait any later than tomorrow. We are going to notify the CAB and the CAA. We are going to tell them in no uncertain words to get busy and use that airport, and to do it now. And I am talking about Friendship.

I will say to my lovable friend, Sammy, "We are going to bail you out. We are going to use your excess capacity." And they ought to do it. And I say the same thing to Messrs. FALLON, LANKFORD, GARMATZ, and DEVEREUX.

Mr. LANKFORD. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I would ask the gentleman please to let me finish my statement. The gentleman knows I admire him. He is a fine man and we are going to bail him out. Now, how much more does he want? And it makes good sense. It is going to take 3 or 4 years to build this new airport. I am not going to say anything but good about these gentlemen.

Mr. Chairman, my friend, the gentleman from Virginia [Mr. BROYHILL] is the finest builder in this country. But if he has ever built an airport, I will be greaty surprised. He is no expert. But we are going to help him, too. I will say to him, your property values in the Burke area are not going down. They are going to increase. And that is as it should be. I hope they do. The gentleman's constituents deserve it. Mr. BROYHILL is a fine gentleman and a fine Member of this House.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. Of course, I yield to the gentleman from Virginia.

Mr. BROYHILL. The gentleman is not insinuating that I have a personal ax to grind in opposing this airport, is he?

Mr. THOMAS. Of course not. We are going to help out his constituents. We want the gentleman to know that we are going to help them.

What do the experts say. The Civil Aeronautics Administration people are your legally constituted authorities to select and build these airports and, in my judgment, they have done a pretty good job. I do not know whether or not they are infallible. Again, I am not an expert. But if they cannot make these selections, I cannot. I am not qualified.

They say this is not the best site. They say it is the best available site. They say the best site is down here at Andrews, but they say the military is not going to give it up. They cannot get it from the military, the military is claiming priority. And I expect this Congress will recognize the priority of the military there.

So we must take what they say is the best available. I think their judgment is good. You have to have it. There is no question about it.

What do the experts say again? Listen to these figures. They are in the record. They are not my figures and I do not know about them, but I believe them because I think they are accurate. They say that throughout the Nation, nationwide, air transport service increased 300 percent in the last 10 years. They say it will increase in the next 10 years, and I think they are overconservative, another 150 percent. They estimate for 3 years the traffic at Washington National Airport will increase 50 percent. How much will it increase in 10 years? My guess is not 150 percent, but 200 percent. Friendship will be crowded, the National Airport will be crowded, and the new airport will be crowded.

Let us not make any mistakes here. I have no special interest in this thing. In fact, as I told my friend from Pennsylvania, I belong to the infantry. I am staying with the railroads. It is not going to cost the taxpayers 1 penny, not like my friend from Virginia says, $150 million. He must be talking about a subdivision he has in mind, certainly not the airport. It is not going to cost the taxpayers a dime.

I hope you will support the committee and vote for the amendment. Then you will get started, and in 3 or 4 years you will have another airport.

The CHAIRMAN. The time of the gentleman from Texas has expired. All time has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. THOMAS].

The question was taken; and on a division (demanded by Mr. H. CARL ANDERSEN) there were—ayes 120, noes 51.

So the amendment was agreed to.

The Clerk read as follows:

DEPARTMENT OF THE AIR FORCE

*Military construction, Air Force*

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Air Force as authorized by sections 2231–2238 of title 10, United States Code, by section 505 of the act of September 28, 1951 (Public Law 155), by section 302 of the act of July 14, 1952 (Public Law 534), the act of August 7, 1953 (Public Law 209), the act of April 1, 1954 (Public Law 325), the act of July 27, 1954 (Public Law 534), the act of September 1, 1954 (Public Law 765), the act of July 15, 1955 (Public Law 161), the act of August 3, 1956 (Public Law 968), and the additional projects as may be authorized by law during the first session of the 85th Congress, without regard to section 9774 (d) of title 10, United States Code, and section 3734 Revised Statutes as amended, to remain available until expended, $900 million.

Mrs. BOLTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, no one in this House could feel more keenly our need to provide for the men and women in our services both here and overseas. It is very important that we give them adequate recreational facilities, adequate living conditions and so on. One does not regret the millions of dollars that go into our Defense Department in the regular as well as this supplemental defense appropriation bill.

It is quite another matter to put through appropriations for the Department of State. Some of the requests are for facilities for the Foreign Service. Why should these be scoffed at, and laughed at? Why should they be subjected to sarcasms? One would suppose that the Foreign Service was going out over the world to injure the United States. In reality, the Foreign Service men and women are our scouts, our first-line soldiers. If you had been to some of the places some of us have been to, if you had seen the conditions under which some of our people live in Asia, in Africa, I believe, you would find yourself rather horrified and not a little ashamed. If you tried in your imagination to live there for 2 or 3 years, I believe you would find it simply impossible. In one little place, the only possible recreation of any kind would be a little fishing boat. In another place in order to make it tolerable for the life of the little children, there should be a swimming pool for them and perhaps a little larger one that people could cool off in at the end of a torrid day—but, oh, no. Here is an item of $265 million for military construction in the Navy which includes naval installations and equipment, large sums for the Army, $900 million for the Air Force. Granted that it is not all for recreation and morale building. But all that the Department of State asked for was less than $500,000. It seems incredible to me that this body could be so generous to the men in the Army, Navy, and Air Force and so unable to recognize the real needs of the men and women in the Foreign Service.

Mr. Chairman, I have no desire to take anything away from the men in our defense services, but I felt this an opportunity to compare the two contrasting situations. The State Department has been granted just nothing this year for recreation. In the housing programs there is the sum of $18,700,000 for construction and maintenance of which, roughly, $3 million was for maintenance of all constructed buildings. This leaves something like $7 million for acquisitions, and are opening up five new consulates in the African area alone. For construction there is about another $7 million. It seems to me that, before another appropriation bill comes to us in the next session, it would be a very good thing for our country if the Members of this body would make it their business on their trips, or if they do not go tripping, then in their reading and their research, particularly in their own hearts, to question the wisdom of giving so little to these people who go out and consecrate themselves to the service of the United States—our country.

Some years ago a part of my job in going out was to ask what the backlog

of work was in these consulates. I found it everywhere terribly piled up, partly due to cuts in personnel. In one place the representation allowance had been long since exhausted, yet, when we Congressmen arrived there was a simple but charming dinner given so that we should meet the government officials and so forth. I asked the hostess the next morning, "Where is the money coming from to pay for that dinner?" She would not tell me at first. Finally she said, "My year's dress allowance will do it." How did I, a woman in Congress, feel when I heard that? Do not forget that next year—will you?

The CHAIRMAN. The time of the gentlewoman from Ohio [Mrs. BOLTON] has expired.

Mr. FORD. Mr. Chairman, I move to strike out the last word.

I certainly feel that the point made by the gentlewoman from Ohio [Mrs. BOLTON] is sound, but I do not think she is quite fair in leaving in inference that all of this money which is being made available for the military construction program is for pleasure, enjoyment and recreation.

Mrs. BOLTON. Will the gentleman make the record clear for me? I did not mean to infer that at all.

Mr. FORD. I did not think she did. I think the record ought to be clear that that was not her intent. Just to be careful and pinpoint, as far as the Army is concerned, out of the $305 million requested and approved by the committee it involves 4 chapels, 1 theater, 2 swimming pools, both at the Fort Sands proving ground, which, as everybody knows, is a very disagreeable place to be stationed. In other words, almost all of the money is for operational facilities.

Mrs. BOLTON. Will the gentleman yield?

Mr. FORD. I yield.

Mrs. BOLTON. I certainly do not begrudge them the two pools. I am simply taking this opportunity to bring out the difference, with the hope for a change of heart next year.

Mr. FORD. As I said, initially I think the gentlewoman's comments are apropos. I think we should not treat the State Department any differently than any other department.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield.

Mr. GROSS. Do I understand that there is provided in the construction funds somewhere $75,000 for a house for the Air Force Academy?

Mr. FORD. Sometime in the past an authorization was approved by Congress providing for a $75,000 residence for the Superintendent of the Air Force Academy. This year when this bill was submitted to the committee, a request was made to increase that authorization to $97,500.

May I point out that the other figure was over and above land costs or utility costs. The committee rejected the request for the increase in the ceiling from $75,000 to $97,500, in effect left it at the lower figure.

I only wish to say again as I said earlier that a $75,000 home under these circumstances is more than adequate, and I am glad that the committee rejected the higher figure.

Mr. EVINS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not rise in opposition to the committee recommended funds for the Air Force or any of our services; neither do I rise in opposition to the request made for our foreign services as referred to by the gentlewoman from Ohio but I think the House is entitled to all the information and some additional information also on this subject. I have some friends in the Foreign Service. I do not think they are suffering in their diplomatic posts, too greatly.

I hold in my hand a letter from Mr. William F. Hughes, Director of the Office of Foreign Operations, Department of State, in which he gives to me, in response to an inquiry, a list of 18 embassy construction projects overseas in some 15 countries at a total of $17,105,081—that is, presently under construction.

In addition Mr. Hughes has provided me with information on the call for bids on the construction of three other buildings overseas at a cost of $2,375,000, and 18 additional projects on which planning is now under way for building construction in the Foreign Office, housing, quarters, and luxury facilities for the Foreign Service overseas in amount of $15,985,000.

Then we are told that this is only a part, that there is a $200 million program to cover a period of 10 years' construction planned and, for the information of my colleagues, I am putting in the RECORD today a list of the projects under way, planned, and under construction and the cost. The $200 million program is for 550 houses for our services overseas.

I know some of the Members are having a little difficulty securing administrative approval for a post office or Federal building in their own districts. I am supplying my colleagues this information in order that it might be of helpfulness.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. EVINS. I yield.

Mr. BOW. The $200 million program the gentleman mentioned is not an authorized program and has not come before the committee for authorization. We are talking about funds that have been authorized. The 10-year program has not been authorized.

Mr. EVINS. The State Department embassy construction program now under way and under construction is $40 million. The 10-year program is a $200 million program.

Mr. BOW. Actually the program here is $18 million. That is the program authorized at this time and funds are being appropriated for it.

Mr. EVINS. I said to the committee earlier that I was not rising in opposition to the authorized program before the committee, I was merely explaining to the House and giving them information about the overseas construction program for the Department of State.

Mr. SCRIVNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCRIVNER: On page 6, line 14, strike out the period, insert a semicolon and the following: "*Provided*, That no part hereof shall be applied to the construction of the Air Force Academy chapel."

Mr. THOMPSON of New Jersey. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. THOMPSON of New Jersey. Mr. Chairman, I make the point of order that the amendment offered by the gentleman from Kansas [Mr. SCRIVNER] is not in order since it is legislation on an appropriation bill.

Mr. SCRIVNER. Mr. Chairman, this is a limitation on the expenditure of funds, therefore the amendment I have offered is in order.

The CHAIRMAN (Mr. KILDAY). The Chair is prepared to rule.

The gentleman from New Jersey [Mr. THOMPSON] makes the point of order that the amendment offered by the gentleman from Kansas constitutes legislation on an appropriation bill. The proviso offered by the gentleman from Kansas is a limitation upon the purpose for which the funds appropriated may be used, therefore is not legislation. The point of order is overruled.

Mr. SCRIVNER. Mr. Chairman, unless someone feels that I am personally opposed to chapels or cathedrals for the military, let me make it perfectly clear that I am not opposed to chapels or cathedrals for the military, but I am opposed to this one particular chapel as it is now designed by the architects and engineers. Perhaps it might be well to state that had my father lived 6 months more he would have completed 50 years as a minister of the gospel. Religious worship is a necessity—adequate appropriate edifices are necessary.

I am offering this amendment for 1 reason and 1 reason only. I offer it so that as Members of the House of Representatives when you go out to Colorado Springs 2 or 3 years from now and look up against the grandeur of the Rockies and see this 19-spire polished aluminum monstrosity you will know whether you have voted for or against making such an incompatible structure possible. Personally I will not.

I have stated pretty much all I wish to say earlier today and I am not going to take too much more time but I feel that the architects and engineers bring in a design of a chapel or cathedral—this is a cathedral, a $3 million cathedral, that is what it is—that will be more in keeping with solemnity of worship and the natural grandeur of the Rockies. While a spire is a proper symbol showing the reaching of man on earth toward God in Heaven, certainly you do not need 19 of them, especially when they are polished aluminum that will look like a row of polished tepees upon the side of the mountains.

One spire—a very tall one—would be preferable.

Mr. COAD. Mr. Chairman, will the gentleman yield?

Mr. SCRIVNER. I yield to the gentleman from Iowa.

Mr. COAD. If this is stricken, should not the amount be amended downward?

Mr. SCRIVNER. It is not necessary to amend the amount. We have provided about 12 percent in overprograming in projects, so that as far as the amount is concerned, it need not be amended. They can use the $3 million for something else they need. All this does is to defer construction for this fiscal year.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Kansas.

Mr. Chairman, this is not to be a debate on the epistemological probability of teleological agnosticism or anything of that sort. This concerns a very serious matter. I have nothing but regard and affection for the gentleman from Kansas [Mr. SCRIVNER] and have had for many years. I do not question his integrity or the seriousness of his effort. But I submit, Mr. Chairman, the solemnity of the selection of this tribute should not be done this casually in a 5-minute debate.

The selection of this chapel for the United States Air Force Academy was done with the approval of three of our great established religions. It was done with the approval and the unanimous action of a board of America's greatest architects, not only in public buildings but in buildings dedicated to the Almighty. So while we respect every man's opinion and his judgment on a matter as sacred and delicate as this is, I submit to you, Mr. Chairman, that when we had before us, as the full committee did, and upon which the full committee voted, this subject matter, only my friend from Kansas dissented.

Mr. SCRIVNER. Mr. Chairman, will the gentleman yield for a correction?

Mr. FLOOD. I yield.

Mr. SCRIVNER. It was the military subcommittee that met.

Mr. FLOOD. I beg your pardon. The full subcommittee.

Mr. SCRIVNER. And there was one other who concurred, and had others been notified, they would have also agreed with me.

Mr. FLOOD. As my friend knows, this went to the full Committee on Appropriations this morning.

Mr. SCRIVNER. And I offered no amendment this morning.

Mr. FLOOD. My friend from Kansas said precisely to the full committee what he just said to the committee now, and the full Committee on Appropriations supported the Subcommittee on Defense in approving these plans and in approving this model.

Now, I can assure you that when the 19 spires that were spoken of so lightly rise to the heavens of the Rockies, as they do in these plans, and when you see the teeth of the white-capped Rockies match the spires of this beautiful chapel at the airbase, then every requirement of your esthetic senses will be met to the fullest, and I believe these lines of pure Gothic majesty—not cubism—will meet the requirements not only of my friend from Kansas, but you would have as the motto of your country "In God we trust." And, I am sure that the Air Force is as concerned about all of these delicacies as is any Member of this body.

Mr. SIEMINSKI. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from New Jersey.

Mr. SIEMINSKI. Do we know how many religions there are in the world? I know in the Hawaiian Islands there are 19, and if we must symbolize the 19 spires, perhaps everyone who serves the colors will find in that chapel his pathway to heaven. As for aluminum, the boys fight and die in aluminum planes. They live in quonset quarters of aluminum. They can worship in aluminum if they can die in it, can they not?

Mr. FLOOD. The only thing that is wrong with that statement is that I did not say it myself. It was a beautiful tribute to what we have in mind.

AIR FORCE ACADEMY CHAPEL

Mr. MAHON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rarely differ with my able friend and colleague from Kansas on military matters, and I would be willing to some postponement in this chapel had we not already given this matter a great many months of study, and the best architects in America have worked on this chapel design. I realize it is a bit futuristic and modernistic and that the gentleman from Kansas and some of the rest of us are somewhat conservative in our views on such matters. However, the buildings of the Air Force Academy generally will not be spectacular in design and the unconventional configuration of the chapel might very well brighten up the place and add a needed tone. It will stand out. I think when our friends go to see it, some will like it and some will not like it, but they will always remember it. It is something that is most striking to the eye.

When our friends come to Washington, they may look at the House, they may look at the Senate, they may look at the statuary, but if they ride on the little subway car from the Capitol to the Senate Office Building, they will always remember that. They may forget a lot of other things. People will remember this chapel, and I think they will grow accustomed to these 19 spires as they point heavenward. I have the feeling that we will all come to like this chapel as we become better acquainted with it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. Are there going to be spires on this $75,000 mansion for the superintendent?

Mr. MAHON. No, no spires; but he will entertain student groups and he will need a large place, and I think the amount provided for the home is not too great.

But, let me say something about spires. Some of you will remember that an Irish girl named Winifred Letts was once riding on the train through Oxford, England, and when she saw the spires of Oxford, she wrote:

I saw the spires of Oxford as I was passing by,
The gray spires of Oxford against the pearl-gray sky.
My heart was with the Oxford men who went abroad to die.

And I may assume that if another war comes and American airpower does its job, as I believe it will, some American girl at some future time may write while passing through Colorado Springs somethink like this:

I saw the spires of the Air Academy as I was passing by,
The nineteen spires of the Air Academy against the pearl-gray sky.
My heart was with the Air Force men who went abroad to die.

So I think, taking the opinion of the chaplains and the architects and the Secretary of the Air Force and all of these consultants and people who have finally agreed that this is what they want for a chapel, we should not now, after 3 years of debate and deliberation stop the chapel. It would put us in a very unhappy position at this time. Perhaps we ought to build the chapel first and leave some of the rest of the construction to some future time. Let us not subtract so essential a symbol.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. RHODES of Arizona. I am curious about the number 19. Why should there be 19 spires instead of 20 or 15 or 14?

Mr. MAHON. I am no engineer or architect, but I do not question the 19. It is a goodly number. I am reminded of those lines, "One shade the more, one ray the less, had half impaired the nameless grace" of a beautiful maiden. Perhaps the number of spires selected for the chapel is just the right number, and we should not add to or subtract.

Mr. RHODES of Arizona. Does the gentleman have anything against the number 20 or against the number 18?

Mr. MAHON. It would be all right as long as the spires point heavenward, and are symbolic of this great country and our progress upward and ever onward.

So Mr. Chairman, I will go along with this chapel and I urge the Members of the House to vote down the amendment and let the Air Force have the chapel which after 3 years of study it has concluded it wants to have.

Mr. WHITTEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, it is extremely difficult to follow my distinguished and amiable chairman; but it is significant here that pictures of this highly controversial building, which were available to the committee, have not been made available to you here. This is a serious matter to me, and I think it should be serious to the Congress. Several years ago

the Air Force brought to the Subcommittee on Appropriations the plan for the Air Force Academy. Included in the plans was a different-looking building which was identified as the chapel. But it was so different as to look peculiar.

At that time the Air Force officials told us, when we found fault with the general appearance of it, that the picture did not represent any real plans for the chapel; but they were just lines that had been drawn there to identify the location. So help me, the picture of this chapel, as one member of our subcommittee described it, looked like a series of tepees. And that is a fair description. To me, it looks like a rectangular accordion that is stretched out on the floor. And I am not exaggerating in the least. They are using aluminum, which doubtless will add little to the general tone. I do not know, I am no architect or anything of that sort, but I guess we all agree that it does not take any building in which to worship your God. If it takes a building, I am sure it does not have to be a particular kind of building. But I do think there should be some degree of conformity to general views of what is appropriate. It appears the Air Force, wants everything different and new and unusual. I sincerely believe that if you were to see the picture of this chapel, you may not put it into words—and I regret here to say it, it would be revolting to the average Member who, if you are like me, has to rely on a general feeling of beauty and appropriateness. As one member of our subcommittee said, it almost comes to the point of looking like it might be sacrilegious. It is not different, it is peculiar. It does not fit any plan I have ever seen, and I have been around the world, and in almost all the sections of the world. It does not fit anything you have ever seen.

A little delay while a little thought is given to the American people who want to be proud of the Academy will not hurt. If you delay this so a little sense of propriety may be injected into this planning, I think you are going to be proud of it in the years to come.

Mr. HORAN. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Washington.

Mr. HORAN. Does not the gentleman think we ought to ship this to Disneyland, and instead build something solemn and fitting for this purpose?

Mr. WHITTEN. I certainly do. I hope with all the sincerity with which I am capable that this amendment is adopted. This planned chapel is a monstrosity that would look in place in a Disneyland picture. If you delay it here and have them bring this model up here and let you see it, I am sure you would turn it down. There are perhaps a few architects who would approve it. You know an architect always wants to do something that is unusual, so his name will go down in history. But I am satisfied the architects would not be able to make any money out of this kind of plan for the common run of American people. I say the Air Force should be yanked back in this instance. All of us are not like these outstanding, modernistic architects. The American people are even as you and I. Now is the time to give a little thought to the propriety of this chapel and think of the average American, who wants to be proud of the chapel of his Air Force. I would not say how to build it, but in this Nation of ours there are a thousand types of church edifices, each different from the other. But may I tell you that you will not find one that is like this monstrosity that the Air Force would build in Colorado Springs. I say that in all sincerity, and I hope the amendment is adopted.

Mr. CANFIELD. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from New Jersey.

Mr. CANFIELD. The chairman says that his subcommittee had in its possession a picture of this projected chapel. Is that available to the committee?

Mr. WHITTEN. Certainly. If you bring it here, it will prove every word I have said. I wonder if we could have it sent for, Mr. Chairman.

Mr. MAHON. If the gentleman will yield, it is true that a model of this chapel was brought down and shown, but I do not think we have in the Capitol a picture of it or a model. This chapel is in rectangular form. The roof runs all one way. The spires come all the way through the full length of the ridge or crown of the roof. One floor is for the Protestants and seats about 1,000. There is another floor that seats the Catholics and another area for the Jewish faith.

Mr. WHITTEN. Mr. Chairman, I do not yield to my chairman to describe the interior. I do not know that anyone has found any objection to the interior. But may I say again, the exterior looks like an extended accordion with ribs across it. They have been referred to as spires, but in the United States you will not find any church edifice of any denomination that looks anything like this. If you look at it now, neither will you attach any significance to it in connection with the worship of God above, and that is sufficient reason for me to urge this Committee to adopt this amendment and let us delay this matter until some further attention is given to it.

Mr. MAHON. If the gentleman will yield further, is it not true that about 3 years ago we complained about the original configuration of the chapel and asked for a delay and asked for study and asked for further counsel, and is it not true that officials told us, "If you build this out of stone and have one of these massive chapels it will cost many, many times the $3 million"?

They said this was the most reasonably priced chapel under the circumstances, that they could construct that would measure up to the requirements.

Mr. WHITTEN. That is true as far as it goes. The other side of the matter is that the whole plan was extremely modernistic. The committee insisted that they modify it and they have done so to a degree, but I would like to point this out. The Air Force had plans drawn of a building that looked very similar to this. When pressed about its unusual appearance, they said it was not intended as a presentation of the building that they wished, but was merely a mockup to show where the chapel would be. Yet, 3 years later they have come up with substantially the same appearing building that they had in the first instance. So someone is misleading someone else. I hope the amendment will be approved.

(By unanimous consent (at the request of Mr. SCRIVNER) the amendment was again reported.)

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. SCRIVNER].

The question was taken; and on a division (demanded by Mr. MAHON) there were—ayes 102, noes 53.

So the amendment was agreed to.

The Clerk read as follows:

CHAPTER III

*Department of Defense—Civil functions*

Department of the Army

Administration, Ryukyu Islands

For expenses, not otherwise provided for, necessary to meet the responsibilities and obligations of the United States in connection with the government of the Ryukyu Islands, including, subject to such authorizations and limitations as may be prescribed by the Secretary of the Army, tuition, travel expenses, and fees incident to instruction in the United States or elsewhere of such persons as may be required to carry out the provisions of this appropriation; travel expenses and transportation; services as authorized by section 15 of the act of August 2, 1946 (5 U. S. C. 55a), at rates not in excess of $50 per diem for individuals not to exceed 10 in number; translation rights, photographic work, educational exhibits, and dissemination of information, including preview and review expenses incident thereto; hire of passenger motor vehicles and aircraft; purchase of 4 passenger motor vehicles for replacement only; repair and maintenance of buildings, utilities, facilities, and appurtenances; and such supplies, commodities, and equipment as may be essential to carry out the purposes of this appropriation; $2,410,000, of which not to exceed $1,340,000 shall be available for administrative and information and education expenses: *Provided*, That the general provisions of the Appropriation Act for the current fiscal year for the military functions of the Department of the Army shall apply to expenditures made from this appropriation: *Provided further*, That expenditures from this appropriation may be made outside continental United States when necessary to carry out its purposes, without regard to sections 355, 1136, 3648, and 3734, Revised Statutes, as amended, civil service or classification laws, or provisions of law prohibiting payment of any person not a citizen of the United States: *Provided further*, That expenditures may be made hereunder for the purposes of economic rehabilitation in the Ryukyu Islands in such manner as to be consistent with the general objectives of titles II and III of the Mutual Security Act of 1954, and in the manner authorized by sections 505 (a) and 522 (e) thereof: *Provided further*, That funds appropriated hereunder may be used, insofar as practicable, and under such rules and regulations as may be prescribed by the Secretary of the Army to pay ocean transportation charges from United States ports, including Territorial ports, to ports in the Ryukyus for the movement of supplies donated to, or purchased by, United States voluntary nonprofit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid or of relief packages consigned to individuals residing in such areas: *Provided further*, That under the rules and regulations to be prescribed, the Secretary of the Army shall fix and pay a uniform rate per pound for the ocean transportation

of all relief packages of food or other general classification of commodities shipped to the Ryukyus regardless of methods of shipment and higher rates charged by particular agencies of transportation, but this proviso shall not apply to shipments made by individuals to individuals: *Provided further*, That the President may transfer to any other department or agency any function or functions provided for under this appropriation, and there shall be transferred to any such department or agency without reimbursement and without regard to the appropriation from which procured, such property as the Director of the Bureau of the Budget shall determine to relate primarily to any function or functions so transferred.

Mr. BARDEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to bring to the attention of the House and the committee that is handling this bill and the appropriations made thereby that there is coming up the need for school construction in connection with the Air Force Academy.

As chairman of the Committee on Education and Labor, through which authorizing legislation comes, I have heard rumors that it will be necessary to extend Public Laws 815 and 874. If so, then it is necessary that the committee know something about the Air Force plans and when they will need the school. The matter has been brought to my attention that 815 and 874 should now be extended another year, when these laws do not expire until June 30, 1958, in order to give them time to make some plans. Now they have had plenty of time. I am not in possession of any information except as it comes roundabout, that the law should be extended a year. Frankly, if it is absolutely necessary, then I have no hesitancy in bringing it to the floor, but at this late date it seems rather peculiar to me that all of these plans should be kept to themselves, and they cannot tell anything definite when as a matter of fact last year we amended the act and provided that the Defense Department should estimate the number of children and give that estimate to the department handling 815 and 874 so they could go ahead and construct the facilities. As we are now proceeding, unless there is some plan the children will show up in September of 1958 or 1959 and then they will look around and say, "Where are your school buildings?" Frankly, I think it is pretty haphazard, and I am not going to worry about it very much. If they are not interested enough to come and let us know what they need and make some provision for making these facilities available, I am not going to worry.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. MAHON. I shall take the liberty of clipping the gentleman's remarks out of the CONGRESSIONAL RECORD and presenting them to the Air Force and I shall urge them to give to our committee and the gentleman's committee the necessary information. As to the acreage, I think that is about 17,500.

Mr. BARDEN. Well, all I know about it is what I hear; what I pick up in a roundabout way. That is my trouble with this matter. I called the Air Force today. The men I was calling for were out. But what I am saying to you is that the chairman of the committee that is called upon and has the responsibility of providing these things should have more than 30 minutes' notice before the necessity for the passing of a law to make them available arrives. It does not make sense to me.

Mr. MAHON. I understand the plan is that the Air Force people will begin moving into the new Academy in the fall of 1958. That is when officials hope to begin operations. They will move from Lowry Air Force Base at that time. It seems to me the Air Force would have very little difficulty in giving a fairly accurate estimate as to when and as to the number of dependents. I can understand the position of the gentleman and I shall be glad, as far as I can, to help solve this problem. It is a real problem.

Mr. BARDEN. Well, I am not totally out of patience with them about it, but I do feel that they should let the Committee on Education and Labor, that has to provide these things, know about their needs. I talked to the Health, Education, and Welfare. I understand some of the members of my committee have been discussing the matter. If is it absolutely necessary I think the committee will respond: but so far, I say to the gentleman, they have not said one word to me, written me a letter, or let me know anything about it. I know it is popular around here to call legislation emergency legislation and pass it quick. But I do not think much of departments who create emergencies by just plain inaction.

Mr. CANNON. Mr. Chairman, I would like to have the attention of the gentleman from New York [Mr. TABER].

Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and now open for amendment. I would like to dispose of the bill tonight and I think we can.

Mr. TABER. Mr. Chairman, reserving the right to object, frankly, I do not see how we can possibly get through with the bill tonight unless we stay here until half past 7 or 8 o'clock. I do not believe the legislative program is ominous enough so that we are justified in continuing that long. I would think we might better go ahead and read, consider amendments when offered and dispose of them; I think we will make better time by doing that.

Mr. HOFFMAN. Mr. Chairman, reserving the right to object, will the gentleman from Missouri tell us approximately when he thinks we will be through if we continue to read the rest of the bill?

Mr. CANNON. I do not know. There are no amendments at the desk that I know of except the gentleman's amendment, and I do not believe it would take very long to dispose of it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER VI

*Public works*

Tennessee Valley Authority

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U. S. C., ch. 12A), including hire, maintenance, and operation of aircraft, and purchase (not to exceed 200 for replacement only) and hire of passenger motor vehicles, $13,317,000, to remain available until expended.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 16, line 20, strike out "$13,317,000" and insert in lieu thereof "$3,553,000."

Mr. TABER. Mr. Chairman, every bill except this one, and this particular item, which relates to the appropriation for a gratuity to the TVA, has been reduced an average of something in the neighborhood of 7 percent.

I have been over what there was in this bill quite carefully. The cuts are very small, something in the neighborhood of 3 or 4 percent, maybe not that much. It is almost impossible to tell from the tables that have been submitted to us what it was on the proposal here, and we had to figure the thing out in a different form than it was presented to us in order to find out what it was.

This amendment would cut the item of $15,556,000 relating to navigation and the acquisition of property by $8 million and get it down to a total of something in the neighborhood of $7,556,000. It would cut out $1,784,000 on account of steam powerplants. Frankly, the overall expenditures of the TVA are sent in to run something in the neighborhood of $300 million. If we cut 7 percent that would be $21 million. I have only reduced it by my amendment by $9,784,000. It seems to me that is a very modest cut and that the people living in the TVA area and those who are benefited by it should feel they had been treated exceedingly liberally.

It seems to me it is unfair to cut down the Army appropriations, the Navy appropriations and every other appropriation almost so that we have an average cut of 7 percent and not take a substantial cut here. The actual amount would be less than 1 percent. It would be something in the neighborhood of one-fourth of 1 percent.

I feel that the House ought to treat this outfit with the same distinction that we have those other outfits that have been reduced.

Mr. BUDGE. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Idaho.

Mr. BUDGE. As the gentleman from New York has stated, all of the other appropriation bills going through the House have been cut in the neighborhood and on an average of 7 to 8 percent. Does the gentleman know of any reason why TVA should be in any special category and should not receive the same reduction that the other departments received?

Mr. TABER. I do not and I am not in favor of extending special privileges to any particular group.

We ought to face the music and they should all face it alike. They should take this cut with a smile because they are really being treated very liberally here. Instead of being a 7-percent cut it is only about a 2-percent cut. Overall

we should not feel very bad when any outfit we are interested in is cut by only 2 percent.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from North Carolina.

Mr. JONAS. What does the record show the income of TVA from the sale of power to be?

Mr. TABER. I have not that figure exactly in front of me. It will run in the neighborhood of $275 million.

Mr. EVINS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. TABER].

Mr. CANNON. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 25 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. EVINS. Mr. Chairman, certainly the committee is entitled to all the knowledge and all the facts and all the information on this TVA budget. My colleague the gentleman from New York [Mr. TABER] indicated that there had not been a cut in the TVA budget. I want to say that last year the TVA budget was $40 million. This year the overall budget is $27.5 million and only $13 million of new appropriated funds. In other words, this budget is 33 percent under last year's. He wants to know why we have not made a deeper cut. The reason is that the TVA budget was cut last year 76 percent. We all know that the major construction program of TVA is over and past, and we are concerned here with general operating funds. There are no substantial funds in this appropriation for power. This budget is for navigation, flood control, and other operating programs, for the paying of the salaries of the employees. We know that the new fiscal year has been entered into, and if the funds are cut out, the employees cannot be paid. Our friend from New York offered a meat-ax-cut amendment in committee to cut $10 million from the bill, and the committee rejected it. So that he could not carry his $10 million cut in committee. But he is still insisting on having his blood, and he is offering an amendment now to cut the same $10 million. I repeat the appropriation for TVA for next year is less than last year in the overall. Last year the budget was $40 million and this year $27.5 million.

Now, we know that we have not had any assistance from the executive branch—I am speaking of the Committee on Appropriations, and the Congress—with respect to making reductions in the budget, but we certainly have had assistance with respect to cutting the TVA budgets. This has been the one exception, and they have cut the TVA budget drastically for 4 consecutive years.

I want to say that the item to which our friend refers deals with navigation in Alabama on the Tennessee River. It is just like the Corps of Engineers program in your district in which construction is under way. Now the Government has committed itself to pay for construction of a lock to replace one that is over 25 years old. The completion of this will aid navigation on the Tennessee River by removing the biggest bottleneck on it.

Mr. Chairman, there have been some cuts made by the committee this year in addition to those in previous years which we have already indicated. There is a cut of more than $1 million in direct appropriations. In addition, there is a cut of $115,000 in the mapping service. There is an additional cut of $204,000 for the munitions and fertilizer program, which, incidentally, I might say goes for national defense for our country. There is a cut in the watershed protection program of $127,000 and $19,000 in general operating expenses. So, I wonder how far our friend from New York wants to go. There was a 76 percent cut last year in the overall TVA budget and we now have a 33 percent cut this year. I submit that more than sufficient cuts and reductions have been made. TVA is a great national asset. Its power program is paying out. Savings are being made in flood control, and commerce aided by navigation. We should promote TVA and not cripple it. Mr. Chairman, I hope sincerely that this amendment will be defeated and voted down.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York [Mr. TABER]. I do so because of the fact that TVA has corporate funds available or will have in 1958 amounting to approximately $100 million for steam plant construction, that is, new units to steam plants and for transmission facilities. The gentleman's amendment simply provides for the $1,784,000 which TVA wants us to appropriate out of all the taxpayers' pockets for the benefit of a comparative few folks in the Tennessee Valley. Also he has asked in his amendment that the $15 million plus for the Wilson Dam locks be reduced to the amount which they had to expend for that purpose in fiscal 1957, which would simply slow up the building of the locks at Wilson Dam. And anyone who is anxious to get fast transportation does not use water transportation to get goods delivered. So there is no great big rush to complete this lock. A usable lock is now in operation.

Mr. COOPER. Mr. Chairman, will the gentleman yield for a question?

Mr. JENSEN. I yield to the gentleman from Tennessee.

Mr. COOPER. I appreciate the gentleman's kindness in yielding. I understood the gentleman to say that the amendment offered by the gentleman from New York [Mr. TABER], meant a reduction of only $1 million and some odd thousand.

Mr. JENSEN. One million seven hundred and eighty-four thousand dollars, in addition to $8 million-plus for the locks.

Mr. COOPER. As I understood it, the gentleman's amendment reduces the figure $13,317,000 to $3,503,000.

Mr. JENSEN. The gentleman is right, he simply verifies my statement. When we talk about the justification of all these expenditures, let us look at the picture. The American people now have invested in TVA approximately $2 billion. TVA pays not one dime into the Treasury of the United States for the money which the American taxpayer has loaned to them.

The claim has been made that TVA is paying its way and in fact is ahead of schedule in its repayment of the cost allocated to power. Let us look at the record.

The TVA Act provided that the power was to be marketed "so far as practicable, to assist in liquidating the cost or aid in the maintenance of the projects of the Authority" and "at reasonable rates."

In the early years, Lilienthal and other TVA officials, in justifying the appropriation of Federal funds, told the Congress that the TVA rates would provide for all operating costs, interest on the power investment at 3½ percent, would provide for local, State and Federal taxes equivalent to the rate paid by private utilities, would provide for depreciation and would amortize the entire TVA project cost in 50 years after completion.

Of course we all know that TVA has failed miserably in meeting these commitments of its official spokesmen. No interest has been repaid on funds appropriated; no Federal taxes have been paid by TVA or its distributors; payment by TVA of an in-lieu-of local or State tax is considerably below the rate paid by private utilities.

In 1947, after 14 years of operation, TVA had only repaid some $15,060,000 on the funds appropriated for TVA and $8,572,000 on bond redemption. In view of this niggardly repayment of the investment as compared to the early TVA claims, Congress in the 1948 Government Corporation Appropriation Act called upon TVA to make certain minimum repayments each year thereafter. It is these minimum repayment schedules that TVA has now exceeded. Such payments are without interest on the power investment, without Federal taxes, and without interest or amortization on the navigation and flood control investment.

Simple interest at 2½ percent on the TVA investment allocated to power, totals $210 million through 1955. To reflect the actual cost to the taxpayer it must be compounded which would increase it to $240 million.

At 3½ percent interest as Lilienthal said TVA rates would provide, the interest cost would be $350 million with simple interest and $420 million with compound interest.

Federal, State, and local taxes on the TVA power investment equivalent to the rate paid over the years by contiguous private utilities it would amount to at least $490 million, less the in-lieu-of-tax payments of $41,342,000, or an additional tax obligation of at least $450 million.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. JENSEN] has expired. The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I suppose that this issue between private power and TVA will never be resolved. But I do believe that as long as we have

TVA all Members of Congress should want it operated properly.

TVA serves a great area. It is the only utility in that geographical area. It is to the Government's interest, since it owns TVA, that it be operated on an economical basis. In addition to the power operation—and any big utility has to run its operations properly or else it costs more money—it is highly important that we go along with funds to operate TVA properly. As was pointed out, this is the lowest budgetary figure, with one exception, in its history. The TVA has to operate navigation on the Tennessee River. It has been doing that since Republican days in the 1920's. This Wilson lock was built in the late 1920's. It is completely outmoded and is a bottleneck on the operations of the Tennessee River. Since it is a bottleneck, it is having a serious effect upon the monetary returns involved in using these locks along the Tennessee River. To cut out the funds which the amendment would cut out would delay the time when the new lock would be put in; and in the meantime, to keep navigation going, we incur an expense each and every month. So I say to you, Mr. Chairman, to adopt this amendment and retard the progress of the completion of the lock would be to add to the cost to the Government to take care of navigation on the Tennessee River.

Some day, perhaps we will resolve this issue, which my friends on the left feel so strongly about, and about which my friends on the right feel so strongly the other way. Pending that day when this issue may be finally resolved, I plead with you, do not be shortsighted and add to the expense of running this Government-owned activity. Do not be shortsighted and restrict the completion of this lock. It would only add to the expense and delay the proper use of this river.

As you all know, if you have barge transportation on the Tennessee River, which you have, the maximum size barge that can be used in the transportation is limited by the size of the smallest lock. Here you have the proposition put to you as to whether you are going ahead and let them do, what they are doing already, on the regular schedule, so that we can open this river up and make the other locks along the river more usable.

I urge you to defeat this amendment and let this issue go until it is met head on. Do not, this afternoon, jeopardize the operations of the TVA for it is the only utility in the area which it serves at the present time.

I hope the amendment will be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho [Mr. BUDGE].

Mr. BUDGE. Mr. Chairman I see no need to engage in any philosophic discussion here as to the merits or demerits of the Tennessee Valley Authority. The proposition here simply is that the Tennessee Valley Authority has an operating budget of some $300 million. This bill as it is presented to the Congress reduces that budget by about one-third of 1 percent. I know of no reason why the Tennessee Valley Authority should be in any privileged category over any of the other agencies which have been created or are now being operated by the Government of the United States. If we are going to curtail the activities of the Department of Defense, the Department of State, the Department of Agriculture, the Department of the Interior, or the Department of Health, Education, and Welfare, why should the Tennessee Valley Authority not take a small reduction in its expenses for this year?

The gentleman from Mississippi was talking about navigation on the Tennessee River. My recollection of the testimony before the committee given by Tennessee Valley Authority witnesses was that last year the barge operators on the river saved over $16 million in expenses. If we are giving that kind of saving in the area, certainly we can reduce this appropriation about 2⅓ percent, when we have reduced other governmental expenses across the board between 7 and 8 percent. I know of no particular glory that the Tennessee Valley Authority can claim that it should be treated any differently than any other governmental agency.

The net result of this amendment offered by the gentleman from New York would be this: It reduces the navigation funds available to the Tennessee Valley Authority to a figure which is $400,000 more than it spent in fiscal 1957, and it eliminates $1,750,000, which is the Federal Treasury's contribution to a steam-plant building operation of almost $70 million. Actually the reductions in the Tennessee Valley Authority operation are very, very small, and certainly much smaller than have been taken by other agencies of the Government.

Mr. Chairman, I hope that the amendment prevails.

Mr. Chairman, in the supplemental appropriation bill now being considered by the House there is an item to purchase counterpart funds for the State Department in the total sum of $3,516,667. I am just wondering what the reaction would be if any such expenditures as are being planned with this amount in Israel were to be proposed for expenditure for similar purposes in the United States of America. Some of the items in this program are listed in the hearings as follows:

Chairs in Israel universities, $222,222.

To finance the establishment of chairs in American studies at Hebrew University, Weizmann Institute, the Israel Institute of Technology (Haifa Technion), Bar-Ilan University, and the University of Tel Aviv.

It is proposed that chairs be established on a grant basis for a period of from 3 to 5 years. Chairs in American civilization, history, literature, Government, and/or industrial management would be set up to present the American way of life on the university level, thus acquainting future leaders of Israel with the culture and accomplishments of the United States.

Translation and publication program, $222,222.

These funds would be used to provide grants to finance the translation of American and world classics into Hebrew; at least 50 percent of these translations would be of American books, including translations of American textbooks and technical manuals which would be used by workers and foremen in industry.

The translation of technical books would be helpful in encouraging private initiative in industry, and in spreading American technical knowledge to the worker level in Israel.

University and teacher-training scholarships, $55,556.

To provide grant financing to Israel institutions for scholarships to be awarded to Israeli to attend Israel University over a period of 3 to 5 years. The institutions that would participate are the Hebrew University, the Weizmann Institute, the Israel Institute of Technology (Haifa Technion), Bar-Ilan University and the University of Tel Aviv. Scholarships would be made available for courses of study which would contribute to closer United States-Israel understanding.

American-Israel Friendship League, Beersheba, $13,889.

To provide club premises for the league at Beersheba.

The league is the counterpart of the America-Israel Society in the United States. Its aim is to further friendship and understanding between Israel and the United States. By providing quarters for the activities of the league in Beersheba, where there are increasing numbers of new immigrants, the league would reach an important element of the Israel population in a newly developing area.

Artists village (B'nai Zion Foundation), Ein Hod, $5,556.

To construct a ceramics kiln and/or build and equip a studio building.

This project gives support and encouragement to painters, sculptors, and other artists working in ceramics, metal, weaving, etc. American artists frequently visit and work in the village, where a house has been set aside for their use to facilitate cultural exchange between the two nations.

Association of the deaf and mute in Israel, $27,778.

To complete the construction of the Helen Keller Home, which will serve as the center of the activities of the association, and where professional training will be given to those who are physically handicapped.

This project would assist in training persons requiring deep sympathy, care, and skilled help before they can progress toward a useful life in the community. The training of the deaf and mute has long received wide support in the United States, where techniques have been developed which are used throughout the world.

Bar-Ilan University, $69,444.

To build an American science wing to house laboratories for the physical sciences.

Bar-Ilan University is a relatively new institution which is introducing the American college system into Israel. It plans to facilitate the exchange of students between Israel and the United States and to make a special effort to create a cultural bridge between the two countries.

Beth Emmanuel Museum, Ramat Gen, $41,667.

To add another floor, which will be used as an art gallery, to the museum building now being constructed.

The museum plans to dedicate a large room to American art. This will be useful for exhibitions of American artists' work and is expected to be an important means of showing to Israel the art and culture of the United States.

Beth Esther, $3,333.

To purchase a building where orphaned girls will be housed.

This home takes care of, educates, and trains in useful occupations, homeless girls, mainly from Oriental countries. The proposed allocation would allow the institution to buy another building, where 40 or 50 additional orphaned girls may find a home.

Beth Ha'am, Jerusalem, $27,778.

To help complete the cultural center in Jerusalem.

This is a nonpartisan center which will serve as a meeting place for people in Jerusalem coming from a wide variety of cultural backgrounds. Educational and cultural lectures, courses and seminars are to be held in the center.

Beth Hanoar Haivri (YMHA; YWHA), Jerusalem, $5,556.

To assist in teaching the English language.

Most youth organizations in Israel have local political connections, but Beth Hanoar, Haivri, which has 600 members in Jerusalem and is affiliated with the world Federation of YMHA's is entirely nonpolitical. It is proposed that a grant be made to permit this organization to add the teaching of English, both through its classes and its dramatic group, to its other activities.

B'nai B'rith (Yehouda Halevy Lodge), Tel Aviv, $27,778.

To assist in financing a revolving scholarship-loan fund.

The applicants benefiting from this fund would be those who would otherwise be unable to continue their studies. The fund, as a revolving fund, would make its impact felt in Israel for many years.

Boys' Town, Jerusalem, $27,778.

To purchase equipment for training boys in carpentry and associated trades.

Boys' Town in Jerusalem cares for homeless boys and trains them for useful lives. It is modeled on Father Flanagan's Boys' Town in Nebraska. Through the purchase of equipment which will be used to teach them a trade, additional underprivileged boys would have an opportunity to become productive, useful citizens.

Chinuch Atzmai (elementary school system), $216,667.

To establish courses in American history, and to support the teaching of subjects contributing to an understanding of American ideals.

Chinuch Atzmai is an independent school system in Israel. It proposes to introduce courses in American history, and American ideals are to be disseminated to Israel youth who at present have little or no instruction in subjects dealing with American life.

Community centers, Nazareth, Kiryat Shmone, $138,889.

To construct and provide basic equipment for community centers in Nazareth and Kiryat Shmone. The buildings would contain an auditorium for lectures, dramatic performances, and meetings; a library; a reading room and necessary service rooms.

The Government of Israel has undertaken to provide the land and unskilled labor for these centers.

The center at Nazareth would serve a large Arab population where there are few community amenities and facilities. It is anticipated that the center would help counteract the influence of the Communists among the population of Nazareth, and contribute toward the reduction of local tensions.

The center at Kiryat Shmone in the northern Galilee would serve a large population of recent immigrants and would be a center from which Western culture and ideas could be disseminated, especially among Jews who have emigrated from the East.

Council of the Sephardi community, Jerusalem, $13,889.

To construct a wing to the postgraduate college, Beit Harashall, to be devoted to the study of English, American jurisprudence, and constitutional government.

The Sephardic community in Israel is influential and well respected. Through the expanded study of English and American law and government, this important source of community leadership will be given an appreciation of American life and thought.

HIAS, united service, Beersheba, $25,000.

To complete the construction of the HIAS (Hebrew Immigrant Aid Society) hostel in Beersheba and to finance the purchase of equipment which can be procured locally.

HIAS is expanding its activities to the rapidly developing Negev, where there are many new immigrants. A hostel in Beersheba would provide American-connected services to people who would not otherwise be reached.

Hadassah Medical Organization, $105,556.

To assist in the construction of an American wing to the mother and child center of Hadassah.

The Hadassah Medical Organization, an American organization which has for many years been active in the medical and social welfare fields of Israel, is planning a mother and child hospital in connection with its medical center in Jerusalem. This assistance would make an important contribution toward the completion of this American-sponsored institution.

Haifa municipality, $138,889.

To construct a cultural center which would include a library, auditorium, gymnasium, and so forth.

This project, which is sponsored by the Haifa municipality, would have an impact on the growing city of Haifa and the surrounding area. The Haifa authorities plan to encourage the use of the facilities of the new center by the fairly large Arab population in that region. Through the center's use by both Arabs and Jews, the center is expected to serve in bringing the two groups closer together.

Hazamir, $8,333.

To support a choir assembly sponsored by Hazamir.

Hazamir is an educational, public, nonprofit body which sponsors the World Assembly of Jewish Choirs. Both American and European choirs participated in two preceding festivals, and, with the proposed assistance, a festival can be held which will attract a large foreign attendance. United States interest in cultural activities would thus receive unusually widespread attention.

Hebrew University, $111,111.

To construct and equip a teachers training high school.

This school will be 1 of 3 schools affiliated with the School of Education for Hebrew University. It is to be used for training teachers and setting standards for education in Israel. The building would be named for a great American educator such as John Dewey or William Kilpatrick.

Home for blind Jewish girls, $27,778.

To furnish equipment for and to support the work of the Women's League for Israel among the blind.

This work is centered at the Batei Haluzot in Natanya, where blind girls are housed and given vocational training in order to prepare them for an existence of dignity and self-support. At present they are taught weaving, bookbinding, and music, and they are given courses in braille and primary subjects. The proposed allocation would help to expand the home's facilities.

Israel-American Archeological Foundation, $333,333.

To restore the historical sites of Megiddo (Armageddon) and Montfort (Crusader) and to finance a limited restoration of Subeita (Nabatean); to support joint Israel-American archeological expeditions and excavations in Israel, especially in the Negev.

Those restorations are expected to call widespread attention to these historical sites, and would be important tourist attractions.

With respect to the fieldwork, preliminary surveys indicate that there is a tremendous amount of archeological exploration to be carried out in the Negev, as well as in other parts of Israel, from which information may be gained which would contribute to a deeper understanding of our Judeo-Christian heritage.

Israel-American Museum Foundation, $833,333.

To construct a museum which would house the antiquities of Israel and its art treasures, and make it possible for them to be studied and enjoyed by all visitors to the museum. It would also provide facilities for scholars and laymen interested in studying archeological problems.

This project would serve as a center for historical studies and would be an important tourist attraction. It would fill a long-felt need in Israel, where priceless treasures and archeological findings are unusable for lack of display and study facilities, and provide a permanent monument to American interest in art and antiquities.

Israel Bar Association, $27,778.

To erect a library wing to house an American law library.

In this period of transition, when Israel is modifying its legal system and practice from that established by mandate, an American law library would be most helpful to the attorneys and jurists of Israel and would promote the understanding of the American legal system. The association has proposed naming the wing after the late Justice Louis Brandeis.

Israel Boy Scouts Association, $5,556.

To develop the Central National Camp for Israel Boy Scouts. The principles of scouting are representative of the highest ideals of Western culture and civilization; this project would help instill these ideals into the youth of Israel.

Israel Conservatoire and Academy of Music, Tel Aviv, $16,667.

To construct a classrom building for the conservatoire on land allotted by the Tel Aviv municipality.

The conservatoire serves as a training school for muscians, many of whom are preparing for positions with the Israel Philharmonic Orchestra. The love of the Israelis for music makes this a particularly appealing project for American support.

Israel Foundation for Infantile Paralysis, $7,778.

To purchase a bus of local manufacture.

The means to transport those crippled by infantile paralysis to and from rehabilitation centers and educational instructions is needed by the foundation. The bus would also be used to transport books and other equipment to the crippled who live at a distance from the foundation. American assistance would thus serve both humanitarian and educational purposes.

Israel Institute of Technology (Haifa Technion), $166,667.

To erect a hall of humanities and social sciences, which would include the department of pedagogy for training instructors for vocational high schools.

For some 30 years the Technion has been devoted to the professional training of engineers. It is now transferring its activities to a new location on Mount Carmel, where it is endeavoring to broaden both the scientific background and the general education of its students. An American-type curriculum would be added which would develop a sense of the economic, human, and nonscientific aspects of the managerial and engineering functions.

Jerusalem School of Archeology, $27,778.

To finance archeological expeditions in Israel.

The Jerusalem School of Archeology is a branch now being organized by Hebrew Union College, Cincinnati, which for many years has participated in archeological expeditions in Israel. It is particularly noted for its work in the field of biblical archeology. Its work should be closely coordinated with the work of the Israel-American Archeological Foundation.

Kfar Silver Agricultural Training Institute, $47,222.

To construct an agro-mechanics building, workshop, and carpentry shed, a medical clinic, and physics, chemistry, and biology laboratories building.

This agricultural training institute is named in honor of the prominent American Jewish leader, Rabbi Abba Hillel Silver. It encourages private enterprise in agriculture and trains students for agricultural employment.

Kinneroth Esco Music Center (Ein Gev), $27,778.

To complete the concert hall at Ein Gev where music festivals and concerts are held.

The various festivals held at Ein Gev, patterned on Tanglewood, are outstanding in the cultural and musical life of Israel. They attract a large audience from Israel and abroad. Aside from its national and international appeal, the center serves as a point from which Western culture is disseminated among the residents of the area.

Pardess Katz Maabarah, $30,556.

To construct and equip a nursery.

The operation of nurseries for underprivileged children and orphans is carried on by the Agudath Israel Organization. The construction of a nursery would not only be a worthwhile humanitarian activity but would appeal strongly to an influential group in Israel.

P'eylim, $22,222.

To set up a permanent summer camp for underprivileged children.

P'eylim is an organization of American student volunteers in Israel which is working toward the integration of the new immigrant children in Israel, while advancing American ideals of openmindedness, fair play and democracy. A permanent summer camp where its activities could be expanded and coordinated would do much to carry out this useful work.

Science Laboratory, Herzlia High School—Tel Aviv, $27,778.

To construct and equip a laboratory which is intended to serve as a pilot project and which would help to guide Israel educators in planning the curricula of Israel high schools.

It is proposed to name the laboratory after the American statesman and scientist, Benjamin Franklin. A laboratory of this type would be a demonstration project in planning for future scientific education in the high schools of Israel.

Tel Aviv Cultural Center, $166,667.

To assist in the completion of the Tel Aviv Cultural Center, which will serve as a gathering point for civic and cultural groups in Israel and will house the Israel Philoharmonic Orchestra.

The large foyer will be made available to the United States Embassy in Tel Aviv for meetings, receptions, etc. This project is sponsored by the municipality of Tel Aviv, and will serve as a major center identified with the United States, for culture and education in Israel as a whole.

Torah Shelemah Institute, $11,111.

To purchase locally a valuable library of 4,000 volumes to add to the research facilities of the institute.

The institute is sponsored by the American Biblical Encyclopedia Society for the purpose of fostering biblical research. The membership of the organization includes well-known scholars and community leaders. The purchase of this library would assist the institute in translating and publishing biblical literature of interest to both the Jewish and Christian community.

Water desalting research, $111,111.

To finance a program of scientific research and development in the demineralization of brackish and sea water.

This project is to be carried out through a grant administered by the Weizmann Institute and would be related to the desalination research of the United States Department of the Interior. The results of this study should be of value to both the United States and Israel.

World History of the Jewish People, $41,667.

To finance historical research on the Jewish people.

The overall objective of this special organization, operating under the name "World History of the Jewish People," is to publish a comprehensive new history of the Jewish people, of which (1) a part is to be devoted to the establishment of the State of Israel, and (2) the part the United States and American Jewry played in it. It is proposed that assistance be provided toward the latter work.

Young Men's Christian Association—Nazareth, $27,778.

To provide a building for the Nazareth YMCA.

The Young Men's Christian Association in Nazareth is under the administration of the American and Canadian national board. While the organization is already carrying on useful work in Nazareth among the Arab population, it is believed its influence would be materially increased if it had more suitable quarters at its disposition. This would help it combat the influence of the Communist elements which are active in that area.

Zebulon Israel Seafaring Society, $5,556.

To repair engines which the society can then use to expand its practical training activities.

The society was founded to train young men in seamanship. It has maintained ties with similarly interested groups in the United States. The proposed grant, while small, would enable it to operate with greater effect.

Zionist Organization of America—Tel Aviv, $41,662.

To establish a bureau of information on America, to establish classes in English and American literature, to finance seminars on American topics, and to reconstruct the library, theater, and concert hall of the ZOA House, Tel Aviv.

The ZOA House in Tel Aviv is sponsored by the American Zionist Organization. The proposed grant will make it possible for this organization to interest many additional people in the United States and in the English language.

Total projects on grant basis, $3,516,667.

ADMINISTRATION

Inasmuch as this program is largely to be operated on a grant basis, it can be supervised through the American Embassy staff in Tel Aviv. A small staff of 3 local employees will be required, however, to assist in preparing the detailed terms of the grants and assuring the proper use of the funds, total administration, $8,333.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. JONES].

Mr. JONES of Alabama. Mr. Chairman, I regret that the gentleman from New York has seen fit to offer an amendment which would strike out more than $10 million for continuing work to be done principally at Muscle Shoals in the replacement of an antiquated and dangerous lock that is expected to accommodate some 12 million tons of shipping in the next year.

The budget contains an amount of $15,344 for a new navigation lock at Wilson Dam.

Wilson lock has become a real bottleneck to the river traffic. It was originally built in 1925. Today it is not only obsolete but has been used so much by shippers that it has deteriorated considerably besides being outmoded as to size and efficiency of operation. Some of the walls are cracked rather badly. In many instances tows are delayed from 36 to 48 hours waiting for other barges to get through. There are, in fact, some barges now regularly used on inland rivers that cannot get through the lock. The chambers are too small to accommodate them.

The total cost of the lock is estimated at $35 million. Construction was started last year and about $8 million has been spent on it today. If construction is not interrupted, the new lock is scheduled to be in service in August 1959 and is to be completed by December 1960, together with all related channel improvement and cleanup work. The completion of the lock will eliminate the bottleneck.

If construction were to be interrupted, it would prove very costly. The total cost of the project would go up considerably if construction is stopped now and resumed later.

In addition, the shippers who use the lock will suffer great loss and inconvenience. To keep the shipping moving during construction has been a most complicated job with involved detours. It would be foolhardy to interrupt it now.

While the TVA Act of 1933 assigns to TVA the primary Federal responsibility for improvement of the Tennessee River for navigation, the operation of the navigation channel is a cooperative enterprise of TVA, Corps of Engineers, and the United States Coast Guard. The 9-foot navigation channel is now complete and the Tennessee Valley is linked with the vast industrial and trade areas served by the inland-waterway system.

The improved Tennessee River is not an isolated communication artery of regional significance only. It is a part of a national investment in an inland-waterway system connecting 19 States and their trade areas. It should be emphasized that the barging facilities are worked by private enterprise. During the past year, 78 percent of the barge lines and other companies whose towboats operate on the Tennessee were nonvalley firms. Sixty-eight of every 100 tons of freight moving in 1955 originated outside of the valley or was destined for points outside the valley. Traffic on the Tennessee in 1955, the most recent year for which official figures are available, was the highest on record, 9,975,007 tons and 1,631,288,049 ton-miles. Shippers realized an estimated $16.7 million in transportation savings, and more than $15 million was realized on freight originated outside of the valley or moving from the valley to outside points. The total savings exceeded the operation cost by some $12.8 million, which represents a rate of 9 percent on the net investment in navigation facilities. The total savings to shippers since the inception of TVA exceeds $100 million.

Some of the commodities carried are automobiles and trucks, grain, logs and lumber, coal and coke, oil and gasoline, clay, sulfur, stone, sand and gravel, iron and steel, and chemicals.

I hope that the committee will not accept the amendment offered by the gentleman from New York, which would prevent the orderly prosecution of the navigation work at Muscle Shoals, Ala.

The CHAIRMAN. The gentleman from New York [Mr. TABER] is recognized.

Mr. TABER. Mr. Chairman, you know for several years back, the TVA

has been paying back quite a lot of money out of the advancements that have been made to it. It was $30 million in 1957. This year they only propose to pay back $10 million. I wonder. Are they being treated very bad if we cut down the appropriation by $9,784,000? Are they being treated very badly if we give them for the work on the Wilson Dam $315,000 more than they had last year? I wonder. Do you think we are treating them bad or discriminating against them?

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. HALLECK. I think I am correct about the figure, because I had quite an interest in some of these controversies about TVA in recent years, but am I correct that the Government has advanced some $1,400,000,000 to the TVA up to this time?

Mr. TABER. There is no question about that.

Mr. HALLECK. And there was no interest payment on that $1,400,000,000?

Mr. TABER. That is correct.

Mr. HALLECK. The taxpayers are paying the interest on that money that undoubtedly figures in the national debt that we have today.

Mr. TABER. That is right.

Mr. HALLECK. Do I understand the gentleman that the proposal for repayment in the next year is to be $10 million on the $1,400,000,000?

Mr. TABER. That is correct.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. TABER. Very well, I yield.

Mr. EVINS. The gentleman knows that $240 million have been repaid to the Treasury and that $56 million was paid last year, and that they are far ahead of their 40-year schedule on the repayments.

Mr. TABER. That is just a schedule that was set up because they would not agree to pay what they ought to pay on what they had borrowed and what they had advanced to them. That is not the fair thing to go by at all. They have not paid back anywhere near what has been advanced to them. They have not acted like people in other parts of the country, when they wanted to pay back their part of the things that had been advanced to them. Even in the reclamation States they pay back in 40 years. Of course it is without interest, but they pay it back. Now, these people have not paid back.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. JENSEN. And they are asking us for enough money to pay that $10 million; asking us to appropriate 12 or 13 million dollars from the people's pockets, and they are going to pay back only $10 million?

Mr. TABER. That is right. That is it exactly. That is one of the reasons, amongst others, why we should reduce this appropriation down to somewhere near what the other folks have been reduced to. Let us treat everybody on the square and not try to have special privileges.

Mr. BUDGE. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. BUDGE. So that there can be no confusion as to the amount being repaid by the TVA, their own figures, according to page 380 of the hearings, show that in 1957 they repaid $30 million, and their proposal in 1958 is to repay $10 million.

Mr. TABER. That is in the hearings, as they proved themselves. Let us adopt the amendment and save a little for the people.

The CHAIRMAN. The gentleman from Missouri [Mr. CANNON] is recognized to close debate on the amendment.

Mr. CANNON. Mr. Chairman, I do not think it will take the full time. It is only necessary to call attention to three points in the consideration of this amendment. In the first place, the gentleman from New York [Mr. TABER] says TVA has not paid back its loans in compliance with the statutory requirements, that it has not made the amortization payments when due. Nothing could be further from the facts.

The law was enacted in the gentleman's own Congress; when he was himself chairman of the Committee on Appropriations. Under that law TVA is required to pay back $87,059,810 by the end of fiscal year 1958. As a matter of fact it will have paid back by that time $226,500,000, far in excess of what the law requires, and that is the gentleman's own law.

The gentleman from New York [Mr. TABER] says he wants to cut this item 10 percent. We have already cut it 10 percent. The amount in the estimate was $14,782,000. In this bill we have cut it $1,465,000, almost exactly 10 percent.

Now what does this amendment do? This amendment merely slows down the construction of the Wilson lock. The amendment delays completion and use of the lock and increases its cost. No amendment could be more obnoxious. Or in greater contravention to the public welfare.

The amendment involves two propositions here: One is the Wilson lock already under construction. It must be completed; it will be completed. This amendment merely slows it up and makes it impossible for the contractors to carry out the schedule for the year.

And the longer these programs are delayed the more they cost. Cost of material and labor is steadily increasing and we are losing the earlier use of a great public work. You increase the cost of this lock if you agree to this amendment.

The other proposition relates to the generators. They were authorized to be constructed out of appropriated funds. We have already put $600 million into them and this $1,784,000 will complete them this year. What is to be gained by delay? The only result of the adoption of the amendment is increased cost and later utilization. What justification is there for such an absurd amendment? We must spend the money eventually and the longer we wait the more we spend. Why not complete the generators now, and get them into production?

There is no reason in the world why this amendment should be agreed to; there is every reason in the world why it should be rejected.

The CHAIRMAN. The time of the gentleman from Missouri has expired, all time on this amendment has expired.

The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 91, noes 108.

Mr. TABER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. RABAUT and Mr. TABER.

The Committee again divided, and the tellers reported that there were—ayes 99, noes 115.

So the amendment was rejected.

The Clerk read as follows:

CHAPTER VII

*Department of State*

International Organizations and Conferences

Eleventh World Health Assembly of the World Health Organization

For necessary expenses incident to organizing and holding the 11th World Health Assembly in the United States, as authorized by the act of July 30, 1956 (Public Law 832), $290,000.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask someone on the committee what this $290,000 appropriation to the World Health Assembly is all about.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. ROONEY. That, Mr. Chairman, is for the expenses to be paid by the United States in regard to holding the 11th World Health Assembly of the World Health Organization. The committee saw fit to cut the amount from $375,000 to $290,000. Now, if there are any particular details the gentleman has in mind, I will be glad to answer them.

Mr. GROSS. One other question. How much do the other nations contribute? What does this represent percentagewise?

Mr. ROONEY. This is not an American share as such to a fund in which the other nations will join. We are the host Nation. This committee has nothing to do with the invitations. I think the distinguished gentleman sitting over on the other side had something to do with it, but this committee was confronted with a bill to pay the expenses of this World Health Assembly that is being held in the United States next year, and invitations having been sent, we just have to pay the bill.

Mr. GROSS. Now the gentleman refreshes my memory. If I recall correctly, in previous hearings coming from this committee the invitation was apparently issued, before this committee was ever consulted. Is that not correct, or something very close to it?

Mr. ROONEY. That is substantially correct.

Mr. GROSS. Yes.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Minnesota.

Mr. JUDD. This invitation was issued, as the gentleman knows, because a bill was passed unanimously by the House of Representatives and the Senate a year ago authorizing the Department of State to extend the invitation. The gentleman from Iowa was here on the floor when it was passed by the House, asked questions about it, and did not object. One objection would have prevented its going through. So, what would the State Department properly be expected to do except extend the invitation that had been authorized by unanimous vote of both Houses and signed by the President?

Mr. GROSS. This was passed by unanimous consent?

Mr. JUDD. Yes. I can show you the debate in the RECORD. You asked me questions about it, and I answered them, and you let it go.

Mr. GROSS. I hope the gentleman does not slip up on another one like it.

The Clerk read as follows:

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

Notwithstanding the provisions of section 2 of Public Law 689, 84th Congress, an additional contribution of $5,696 to the North Atlantic Treaty Organization Parliamentary Conference is authorized out of funds previously appropriated for "Contributions to International Organizations."

Mr. GROSS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. I make the point of order against the language contained in line 11 on page 17 "Notwithstanding the provisions of section 2 of Public Law 689."

Mr. HAYS of Ohio. Mr. Chairman, will the gentleman withhold it for a minute and let me explain to him what this is?

Mr. GROSS. Well, I think I know what it is.

Mr. HAYS of Ohio. Will the gentleman reserve his point of order?

Mr. GROSS. Yes, I will reserve the point of order.

Mr. HAYS of Ohio. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this item is to bring the American contribution to the NATO Parliamentary Conference up to date. May I say to the gentleman I hope he will withdraw his point of order because we are paying into this organization a very modest sum of money. As a matter of fact, what happened was that there was no authorization until too late for the first year's meeting, and the money, when it was authorized for the second year's meeting, actually went to cover our deficit for the first year and so on, and this will bring us up to date, current. In this organization the United States contributes 24 percent of the total cost, which is a very modest amount. So that this figure actutally represents our share of the amount to run an operation like this, which is less than $25,000 a year for the entire activity. We can get an authorization through the House and through the other body, I am sure, to cover this; we did originally. But this seemed to be the best way to handle it and to get it up to date.

I respectfully ask the gentleman to withdraw his point of order, because I think this is an important matter and I would like to see the United States contribution current. The authorization for this amount is just to get the amount in balance and in order. I repeat, I hope the gentleman will withdraw his point of order.

Mr. GROSS. Mr. Chairman, if there is anything I can do to put the brake on some of these junketing organizations and deals of that kind, I am going to do it. Mr. Chairman, I insist upon my point of order.

Mr. ROONEY. Mr. Chairman, I am constrained to agree that the point of order is well taken.

The CHAIRMAN. The gentleman from New York concedes the point of order. The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

EDUCATIONAL, SCIENTIFIC, AND CULTURAL ACTIVITIES

For expenses to carry out the provisions of section 1011 (d) of the United States Information and Educational Exchange Act of 1948, as amended (22 U. S. C. 1442 (d)), $3,525,000: *Provided*, That this amount shall be used for purchase of foreign currencies from the special account for the informational media guaranty program, at rates of exchange determined by the Treasury Department, and the amounts of any such purchases shall be covered into miscellaneous receipts of the Treasury.

Mr. CANNON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. KILDAY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H. R. 9131) making supplemental appropriations for the fiscal year ending June 30, 1958, and for other purposes, had come to no resolution thereon.

## COUNTY COMMITTEES UNDER SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

Mrs. KNUTSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8508) to provide that there shall be two county committees elected under the Soil Conservation and Domestic Allotment Act for certain counties.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.*, That, notwithstanding the provisions of subsection (b) of section 8 of the Soil Conservation and Domestic Allotment Act, two county committees shall be elected annually under such subsection for the counties of Ottertail, Folk, and St. Louis, in the State of Minnesota, and for the county of Pottawattamie, in the State of Iowa.

With the following committee amendments:

Page 1, line 6, strike out "Ottertail, Folk," and insert in lieu thereof "Otter Tail, Polk."

Page 1, line 8, at the end of the bill strike out the period, insert a comma, add the following, "and that the actions heretofore or hereafter taken by each of such committees shall be given the same effect in the area served by it as is given to the actions of the county committee in a county served by a single county committee."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## EXPRESSING THE SENSE OF CONGRESS ON THE PROBLEM OF HUNGARY

Mrs. KELLY of New York submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 204) expressing the sense of Congress on the problem of Hungary:

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1023)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the concurrent resolution (H. Con. Res. 204) expressing the sense of the Congress on the problem of Hungary, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the resolution and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That it is the sense of the Congress that the President, through the United States representatives to the United Nations at the forthcoming special reconvening of the General Assembly of the United Nations, should take every appropriate action toward the immediate consideration and adoption of the report of the United Nations Special Committee on the Problem of Hungary and toward the immediate consideration of other available information on the brutal action of the Soviet Union in Hungary. It is further the sense of the Congress that the President, through such United States representatives, should at such reconvened session join actively in seeking the most effective way of dealing with the report of the United Nations Special Committee in order to advance the objectives of the United Nations regarding the situation in Hungary, to prevent further repressive action by the Soviet Union, and to seek all practical redress of the wrong which has been committed in violation of the principles of the United Nations and the elemental requirements of humanity.

"SEC. 2. It is the sense of the Congress that the United States should implement policies, through the United Nations or in cooperation with the peoples of the Free World, that will work toward the freedom and independence of the captive nations, and will effectively utilize the position of the United States through all proper means, to the end that the Hungarian tragedy shall not be repeated anywhere."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the preamble of the resolution and agree to

the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Whereas the Hungarian freedom revolution which broke out October 23, 1956, was catastrophic in nature, and subsequent events shocked the conscience of the free peoples of the world; and

"Whereas the barbaric action of the Soviet Union in Hungary demonstrates that the Soviet Union is determined to go to any and all lengths to maintain its empire of enslaved peoples by the most brutal forms of armed subjugation and repression; and

"Whereas the Special Committee on the Problem of Hungary, created by the General Assembly of the United Nations under its resolution 1132 (XI) adopted at its six hundred and thirty-sixth plenary meeting on January 10, 1957, has established that what took place in Hungary in the latter part of 1956 was a spontaneous national uprising caused by longstanding grievances engendered by the oppressive way of life under Communist rule and by the state of captivity of Hungary under control of the Union of Soviet Socialist Republics; and

"Whereas the crisis and foment created by developments in the satellite nations require a continued reevaluation by the United States and the United Nations of strategic policy to meet changing conditions: Now, therefore, be it."

And the Senate agree to the same.

EDNA F. KELLY,
WAYNE L. HAYS,
ARMISTEAD I. SELDEN, Jr.,
JAMES G. FULTON,
*Managers on the Part of the House.*

THEODORE FRANCIS GREEN,
WILLIAM F. KNOWLAND,
*Managers on the Part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the concurrent resolution (H. Con. Res. 204) expressing the sense of the Congress on the problem of Hungary, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out the text and preamble of the House resolution and inserted a substitute amendment in each case. The committee of conference has agreed to a substitute text and preamble in place of both the House resolution and the Senate amendments. The significant differences between the House resolution and the conference substitute are noted below.

The text of the House resolution declared it to be the sense of the Congress that the United States should implement a policy toward all the satellites so as to utilize fully and effectively the United States position of leadership through all proper means, and also that the President (through the United States representatives to the United Nations) should request the immediate reconvening of the General Assembly of the United Nations to consider the report of the United Nations Special Committee on the Problem of Hungary and other available information on the brutal action of the Soviet Union in Hungary.

The Senate amendment to the text of the resolution eliminated the provision relating to satellite nations other than Hungary, simply declaring that the United States Government should instruct its United Nations delegation to take urgent steps to recommend the reconvening of the General Assembly to consider the problem of Hungary in the light of the Special Committee's report.

The text of the conference substitute, in general following the structure of the House resolution, contains both an expanded declaration with respect to the Soviet action in Hungary and a broader provision dealing with other captive nations in Eastern Europe. With respect to the problem of Hungary, the conference substitute declares that the President, through the United States representatives to the United Nations, should seek immediate consideration and adoption of the Special Committee's report on Hungary. In order to advance the objectives of the United Nations, the representatives should join actively in seeking the most effective way of dealing with the Soviet Union to prevent further acts of aggression and to seek practical redress of the wrongs committed in violation of the principles of the United Nations. In dealing with the broader question of other captive nations, the conference substitute declares the United States should implement polices in cooperation with the United Nations and the peoples of the Free World that will guarantee the freedom and independence of the captive nations so that the Hungarian tragedy shall not be repeated elsewhere in the world.

The preamble of the conference substitute sets forth the findings of the Special Committee on the Problem of Hungary, not contained in the preamble of the House resolution, to the effect that the national uprising in Hungary was spontaneous and was caused by the oppressive way of life under Communist rule and the state of capitivity of Hungary under the Soviet control.

EDNA F. KELLY,
WAYNE L. HAYS,
ARMISTEAD I. SELDEN, Jr.,
JAMES G. FULTON,
*Managers on the Part of the House.*

Mrs. KELLY of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration the conference report on the concurrent resolution (H. Con. Res. 204) expressing the sense of the Congress on the problem of Hungary, and that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The Clerk read the statement.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

## JOHN J. FARRELLY

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5341) for the relief of John J. Farrelly, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Line 4, after "Missouri," insert "or his assignees."

Line 8, strike out "057169."

Line 11, after "Act" insert "but no extension shall be granted by this Act with respect to any lease on which rental payments due on the date of approval of this Act are not paid within 90 days thereafter."

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

## MRS. EISENHOWER

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, Members of the House have expressed great concern that this morning Mamie Eisenhower, the beloved wife of the President, underwent an operation. Those who knew about it were very anxious until they learned recently, when I called up the White House, that she is doing extremely well.

I know all Members of the House join me in expressing to her our appreciation for her great courage all through the war and her courage in facing the joys and sorrows she has faced during the last years in the White House. This operation makes us realize that in spite of all the lovely, gracious, kindly acts she has performed for her family and her country. She probably was in distress and pain. She is the President's most gallant and most beloved soldier. I rejoice with him in the successful operation. The country will pray for her speedy recovery. She is widely loved and appreciated.

## STEEL'S FIRST BIG CENTURY

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, America's entire economy was transformed just 100 years ago by the invention of a simple method to make steel in large quantities. With the cheap Bessemer process of turning iron into steel came the necessary tools of expansion, like barbed wire, plows, rails, and factories.

Steel became the byword of the great industrial revolution.

It was in this period of almost phenomenal expansion that Birmingham was born. The sky-rocketing demand for iron and steel assured the young city's rapid growth. Birmingham matured in the age of steel—the era and the city each complementing the other.

The steel industry is now celebrating its centennial anniversary. This is a significant occasion for the Birmingham district, since it has developed into one of the outstanding steel-producing areas of the world. This year also marks the 50th anniversary of the entry of United States Steel, then as now the area's largest employer, on the Birmingham industrial scene.

Steel has made Birmingham the Pittsburgh of the South and, indeed, the youngest of the world's great cities.

Its growth has been based very largely on the increase in the production of and demand for iron and steel. The very names of the major communities of Jefferson County reflect the rise of mass production of steel. Birmingham itself was, of course, named after England's leading steel center. Bessemer was named after Sir Henry Bessemer, whose discovery is now being celebrated. Ensley was founded by Enoch T. Ensley, a founder of the Tennessee Coal, Iron and Railway Co. Irondale's etymology is obvious.

It was some 15 years before Birmingham was founded that Sir Bessemer discovered the revolutionary pneumatic steel-making process which made steel production economically feasible. He simply forced air through molten iron to burn out the impurities, producing steel. Almost simultaneously, William Kelly, of Eddyville, Ky., made the same discovery.

It was this process to convert iron into steel which really put the industrial revolution on a mass-production basis.

The natural resources of the Birmingham area made it almost inevitable that in this place a vital steel-producing center should arise. This is, in fact, the only known area of the world where the three key ingredients for steel manufacture—iron ore, coal, and limestone—are found together in commercially significant quantities.

Certain of the natural mineral resources of the Birmingham area were recognized well before the city itself was founded. In 1860, Baylis E. Grace began to use Red Mountain iron ore for commercial purposes. Three years later small furnaces and ironworks were built at Elyton, Oxmoor, and Irondale to supplement the output of the Selma munitions plants; and the Irondale plant produced rifles and cannonballs.

These plants were, however, all destroyed by Union forces in 1865.

The potential of the area was too evident to remain long neglected. Two railroads were attracted to the area, the South and North, now the Louisville & Nashville, and the Alabama and Chattanooga, now the Alabama Great Southern, part of the Southern Railway System. Their intersection at a point 2 miles east of Elyton determined the site of the village that was to become Birmingham.

Actually there were four basic events about this time that assured the growth of Birmingam as the center of the iron industry of the South.

First was the discovery and exploitation of large deposits of coking coal in the Birmingham area; second was the substitution of coke for charcoal in the southern blast furnaces; third was the use, in quantity, of the red ores prevailing in the Birmingham district, rather than relying as previously in large measure on the brown ores scattered throughout the area; fourth was the invention being celebrated this year of the Bessemer process, and also the invention a few years later, 1866, of the Siemens-Martin open-hearth process, both making cheap mass-produced steel possible.

The decade of the 1870's then proved to be a tempestuous period for the birth and early growth of Birmingham.

Following the junction of the two railroads, land speculation became rampant, and the promise of a lucrative mining and steel manufacturing industry lured an assortment of promoters, capitalists, mining men, and ironmasters to the area. Less than 2 years after Birmingham was incorporated, in December 1871, it wrested the county courthouse from Elyton as a result of a popular election—not without elements of fraud and corruption on both sides.

Hardly had this been accomplished when the young town suffered the dual blow of a cholera epidemic and the nationwide financial panic, which threatened to put an end to all dreams of growth and prosperity. However, there were those who kept faith, notably Charles Linn, a Finnish-born banker, who built a new banking building at the very depths of the 1873 depression. The late 1870's and in the 1880's saw the establishment of many of the giants in the iron and steel field that are known throughout the world today.

The Woodward Iron Co. was founded in 1882. The Sloss-Sheffield Steel and Iron Co., since 1952 a part of the United States Pipe and Foundry Co., was established as the Sloss Furnace Co. in 1881. The history of the largest of all the Birmingham steel companies, the Tennessee Coal, Iron and Railroad Co., since 1907 part of the U. S. Steel Corp., and since 1952 the Tennessee Coal and Iron Division of the U. S. Steel Corp., is characterized by a series of consolidations and mergers.

Two of the early and most important leaders of the predecessor companies that eventually were merged into Tennessee Coal and Iron were Col. H. F. DeBardeleben and T. H. Hillman. In 1879, these two men formed the Alice Furnace Co. with capital of $80,000. On September 29, 1879, ground was broken for the first iron furnace within the limits of Birmingham. In 1881 the Alice Furnace Co. absorbed the Hillman Coal and Iron Co. and the Birmingham Coal and Iron Co. and increased its capitalization to $250,000.

In 1884 Enoch Ensley of Tennessee, a third great leader of the iron and steel industry of the South, consolidated the Alice Furnace Co., the Linn Iron Works, and the Pratt Coal and Iron Co., thereby completing the first million-dollar transaction in Alabama. Two years later, in 1886, the Tennessee Coal, Iron and Railroad Co. acquired the Pratt Coal and Iron Co., and increased its capitalization to $10 million.

Thereupon, Colonel Ensley became president of the Tennessee Co. and instituted a building program in the Birmingham area which included construction of four blast furnaces.

The early history of the iron and steel works in Bessemer is dominated by H. F. DeBardeleben and his associates. They formed the DeBardeleben Coal & Iron Co. in 1886 with an authorized capital of $2 million. Three years later it took over, through merger, the Bessemer Iron & Steel Co. and the Little Bell Iron Co. and reached a capitalization figure of $10 million. Then in 1892 all of the holdings of the DeBardeleben Coal & Iron Co., including five blast furnaces in Bessemer and two in Ensley, were acquired by the Tennessee Coal, Iron & Railroad Co. Thus, by 1895, the Tennessee Coal, Iron & Railroad Co. had an annual iron capacity of 633,400 gross tons.

It was only toward the end of the 19th century that steel, as distinguished from iron, was commercially produced in Jefferson County.

The phosphorous content of the iron of this area presented serious problems for use in the production of steel. It was unsuitable for use in acid-lined Bessemer converters of the steelmaking process then in use. In 1887, however, at a meeting of the International Association of Metallurgists and Mineralogists in Birmingham, James Henderson described a patented process of the manufacture of steel in the open hearth which could profitably use Birmingham pig iron.

A company was thereupon organized to demonstrate the Henderson process. On March 8, 1888, the first ton of Alabama steel was molded into ingots. However, in the process the lining of the furnaces was consumed and a commercially profitable method lay yet a few years ahead. By 1895, however, basic pig iron, with the percentage of silicon and sulfur kept sufficiently low, was being produced in large quantities.

In May, 1896, a TCI representative reported that Alabama basic pig iron was being made into steel at the Homestead Works of the Carnegie Co. in the Pittsburgh area. Upon learning this, TCI engineers became convinced that mass production of steel in Alabama was practical. TCI issued orders to construct 10 open hearth furnaces each with a daily capacity of 100 tons, and a blooming mill, to be located at Ensley.

On Thanksgiving day in 1899, the first steel was produced by the Tennessee Co. At the end of 1902, the company was operating a rail mill which produced the first open hearth steel rails in the Nation.

However, despite these technological advances, the Tennessee Coal, Iron & Railroad Co. had been in a precarious financial position for some years before the panic of 1907. This panic threatened to bankrupt the company. Under these circumstances, Elbert H. Gary, then president of the United States Steel Corp. called on President Theodore Roosevelt to request permission to buy the Tennessee Coal, Iron & Railroad Co. President Roosevelt agreed.

The United States Steel Corp. then acquired the entire property of the Tennessee Coal, Iron & Railroad Co. for $35,300,000. This not only put great financial strength behind the operations in Jefferson County, but also provided a new source of engineering and technical skill through transfer of experienced personnel from other production centers of the corporation.

Since then the steel industry of Birmingham and Jefferson County has expanded many times and has again and again demonstrated its importance as the keystone of the community's economic well-being. In 1915 Alabama's annual capacity for production of steel ingots amounted to 1,097,600 tons. By 1930 it had doubled to 2,275,840 tons. By 1947 it had reached 3,620,000 tons, and

on January 1, 1957, the capacity figure of Alabama has passed 5 million tons, for a total of 5,001,020 tons.

The great majority of this Alabama tonnage is, of course, in Jefferson County.

According to the latest census of manufactures, in 1954 there were a total of 22,284 employees in the primary metal industries, almost all iron and steel, and an additional 5,737 employees in fabricated metal products. Value added by manufacture in primary metal products totaled $204,631,000 in 1954; in fabricated metal products value added was $50,300,000.

One-half of all the pig iron exported from the United States originates in Birmingham. So does 60 percent of the Nation's cast-iron pressure pipe.

As the city has grown, it has diversified its output, utilizing the steel and iron made in Birmingham for such varied products as steel tubing, industrial safety equipment, chairs, bus and truck equipment, steel strapping, carburetor air cleaners, builders' hardware, screen wire, car wheels, and machine tools.

Although the Birmingham area is rich in the natural resources necessary for steel production, its future as a steel-producing center is made brighter by the growing availability of cheap iron ore from abroad. Ore from Venezuela is already finding its way to Birmingham by way of Mobile where dock facilities have been expanded for the purpose. These Venezuela ores are then blended with Alabama ores. This accounts for the TCI announcement, in the fall of 1950, of an expansion program that would increase the production of steel ingots from 2,850,000 tons to 3,350,000 tons annually.

Another factor suggesting increasing potential for steel manufactured in Birmingham is the extent to which steel products are still being shipped into the South from the Northern States. While there is a net movement of pig iron and iron pipe away from the South—largely due to production in the Birmingham area—the net movements of steel mill products, and finished iron and steel products have been heavily toward the South.

This, of course, suggests that a large demand for steel mill products exists right now in the South. The southern market is currently demanding finished steel products in quantities larger than processing and fabricating industries can manufacture. With increased urbanization and industrialization, combined with higher incomes and standards of living, the demand for steel in the South is certain to increase even more.

## TELEVISION AND RADIO

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, I am including as part of my remarks a very fine article by John Crosby entitled "End of a Fine Program" dated August 5, 1957. The article reads as follows:

TELEVISION AND RADIO

(By John Crosby)

END OF A FINE PROGRAM

From John Cash, producer and director of a fine show called Report From America, I learned that the program has ended.

"Over a year ago you devoted your column to the filmed program Report From America, which I directed for the United States Information Agency and the BBC, in which you wrote highly of the program itself and of its international importance.

"As a result of the USIA's slashed budget, the program has now come to an end, and I thought you would be interested to read a recent column from the London Daily Telegraph. It is sad that it is finished. It is gratifying that it finished on a high note of success, but, above all, it is exciting that such a program has had such a forceful impact.

"The Daily Telegraph (and other British papers) has simply said what you said over a year ago."

It is sad indeed that the program has ended, but very heartening that these essays on America and American life had such a warm welcome in England, where American popularity is at a low ebb at the moment. In a column titled "Farewell to America," L. Marsland Gander writes in the London Daily Telegraph: "The decision to end that fine filmed series, Report From America, is the most disappointing news about television that I have heard for years.

"British programs contain many contributions from the United States, but these intelligent and penetrating surveys were outstanding among them.

"Economy is the cause of this regrettable move. Each film costs between eight and nine thousand pounds, the bulk of which was provided by the United States Information Agency, although the BBC also made a contribution. Now Congress has slashed the Agency's budget, and the films, which were a combined operation with the National Broadcasting Co., will have to stop.

"The last program (on July 30) will be about air-traffic control. Subjects dealt with since the series started 18 months ago have included a small-town newspaper, smog in Pittsburgh, automation, education, and the railroads.

"They have produced the liveliest and most revealing pictures of American life with its, myriad facets that I have ever seen. This was due partly to skillful professional handling, but perhaps mainly to the concept of Leonard Miall, head of BBC Television Talks and formerly BBC's Washington correspondent.

"Mr. Miall insisted that the films should not merely be a vehicle for national promotion, but a true reflection of America's scene and psychology. In this he has been helped not only by the camera work and production know-how of NBC, but also by the engaging fluency of Joseph Harsch, the commentator."

You can hardly ask for a friendlier notice than that. I only saw two or three of the Report From America series, which were not shown in this country because of a ruling that USIA projects could not be used in this country by profitmaking outfits, such as television stations. One was the program on small-town newspapers, of which Mr. Gander spoke.

This was much more than a report on a small-town newspaper. In explaining his problems and responsibilities, the editor told his viewers a great deal about life in a small town in the United States. It was, as I recall, a New England town, a very pleasant one, and English viewers must have got a thoroughly charming view of it.

Not that charm was the principal aim of the program. It wasn't. The program showed off Americans, warts and all, with engaging frankness and a great deal of humor. Another Report From America I saw was devoted to the parking problem in America. This one reported with great candor how the parking problem is growing, how very little is being done about it, and how exasperating it is. It must have struck a responsive chord in Great Britain, because they have the same problem, too.

It is a shame that the wonderful opportunities for international understanding offered by TV are so seldom exploited. But it is gratifying that this one, which could have been dreary, humorless propaganda, was so beautifully done.

## POLICE AND FIREMEN'S RETIREMENT SYSTEMS

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I was shocked at the failure of the House to pass H. R. 4770, a bill to permit policemen and firemen in positions covered by retirement systems to obtain social-security coverage on the same basis as other State and local employees.

I knew, of course, that there were a few organized groups of policemen and firemen who had written to their Congressional Representatives asking them to vote against H. R. 4770 on the grounds that it would impair their present retirement system. However, I thought the committee report and the debate on the bill made it clear beyond any shadow of doubt that H. R. 4770 would in no possible way impair any present retirement system of policemen or firemen. Furthermore, there could be no compulsory social-security coverage for any group of firemen or policemen. To be covered the majority of a group must so vote, the majority of those entitled to vote I might say, not just a majority of those voting.

Actually H. R. 4770 was brought on the floor of the House because many policemen and firemen through the country wanted an opportunity to be included in social security in addition to their present pension plans. It was only certain groups of firemen and policemen highly organized who undertook to defeat the bill that would enable their fellow firemen and policemen who wanted coverage to have an opportunity to be covered.

Now just what lies behind this dog-in-the-manager attitude? It is not a pretty story, but obviously it needs to be told so that the distortion of the truth in the future will not keep the great majority of firemen and policemen from having social-security coverage if they wish it.

Here is the situation. Most good retirement plans for firemen and policemen have an early retirement age, age 50 or age 55, inasmuch as these occupations are hazardous and require a considerable degree of physical fitness. Certain firemen and policemen have figured out that with the liberality in the social-security system of permitting people not previously covered to become covered they

can easily become covered after they have retired as policemen or firemen simply by getting a job and working at it a few years. In other words, they can have their cake and eat it too. They do not have to pay into social security all their working years, as most people do; they can just pay in for a few years and get the same benefits.

Now the liberality in the social-security laws to permit people to qualify after just 18 months work in a covered job was not for the purpose of having people hedge in this manner, although we know that there is a great deal of hedging going on. The reason for the liberality was because social-security coverage started out in a rather limited way and was gradually extended over a period of year until it covered all citizens except doctors, policemen and firemen, and gum and turpentine workers of Georgia. This liberal coverage provision was necessary in order to equalize the benefits for these later groups.

Perhaps we will soon be at a point where we can tighten up on this requirement. We might even tighten up now by saying that people with pension plans of their own like policemen and firemen cannot avail themselves of these liberal coverage provisions in social security. Such a thing would change the lobbying efforts of these dog-in-the-manger groups pretty quickly. However, it would not be the right thing to do because it would be penalizing all those firemen and policemen who would like to be covered now and would be covered but for the greediness of some of their fellows.

I hope H. R. 4770 will be brought on to the floor early next session and that the House will approve it by an overwhelming majority.

## CRUDE OIL IMPORTS

The SPEAKER. Under previous order of the House, the gentleman from West Virginia [Mr. BYRD] is recognized for 5 minutes.

Mr. BYRD. Mr. Speaker, the report issued last week by the Special Committee to Investigate Crude Oil Imports is defiant of a law passed by the 84th Congress. Announcement that a voluntary import control program would be placed in effect is nothing more than a reiteration of the ineffective course that has been followed by the administration for the past 2 years.

Congress should resent the flaccid conclusions of the Cabinet committee for the disregard of the national security amendment to the extension of the Trade Agreement Act in 1955.

Look back, if you will, to February 26, 1955, when the much-heralded White House Report on Energy Supplies and Resources Policy was issued with proper drumbeats and fanfare.

Because of the gross omission of the residual import problem from the July 29, 1957, report, I ask that the following paragraphs from the February 26, 1955, recommendations be inserted in the RECORD:

An expanding domestic oil industry, plus a healthy oil industry in friendly countries which help to supply the United States market, constitute basically important elements in the kind of industrial strength which contributes most to a strong national defense. Other energy industries, especially coal, must also maintain a level of operation which will make possible rapid expansion in output should that become necessary. In this complex picture both domestic production and imports have important parts to play; neither should be sacrificed to the other.

Since World War II importation of crude oil and residual fuel oil into the United States has increased substantially, with the result that today these oils supply a significant part of the United States market for fuels.

The committee believes that if the imports of crude and residual oils should exceed significantly the respective proportions that these imports of oils bore to the production of domestic crude oil in 1954, the domestic fuels situation could be so impaired as to endanger the orderly industrial growth which assures the military and civilian supplies and reserves that are necessary to the national defense. There would be an inadequate incentive for exploration and the discovery of new sources of supply.

In view of the foregoing, the committee concludes that in the interest of national defense, imports should be kept in the balance recommended above. It is highly desirable that this be done by voluntary, individual action of those who are importing or those who become importers of crude or residual oil. The committee believes that every effort should be made and will be made to avoid the necessity of governmental intervention.

The committee recommends, however, that if in the future the imports of crude oil and residual fuel oils exceed significantly the respective proportions that such imported oils bore to domestic production of crude oil in 1954, appropriate action should be taken.

From this report came the national security amendment to the bill extending the Trade Agreement Act—passed by Congress and signed by the President. That law—Public Law 86—contained this paragraph:

(b) In order to further the policy and purpose of this section, whenever the Director of the Office of Defense Mobilization has reason to believe that any article is being imported into the United States in such quantities as to threaten to impair the national security, he shall so advise the President, and if the President agrees that there is reason for such belief, the President shall cause an immediate investigation to be made to determine the facts. If, on the basis of such investigation, and the report to him of the findings and recommendations made in connection therewith, the President finds that the article is being imported into the United States in such quantities as to threaten to impair the national security, he shall take such action as he deems necessary to adjust the imports of such article to a level that will not threaten to impair the national security.

Mr. Speaker, if, as the old Cabinet Committee recognized, excessive residual oil imports are in themselves a danger to the national security, how can this item be completely ignored in the new report? The President has officially approved the recommendations of the Special Committee To Investigate Crude Oil Imports, but there is nothing to prevent him from going back over the report and then saying to the Cabinet Members responsible for it:

You have overlooked one important phase of the work you were assigned. The United States is no less dependent on coal in emergencies than it is on petroleum. I direct you to supplement your report with the necessary attention to residual oil imports and their effect on the coal industry.

If the President will take this action, the special committee will of necessity be required to revise the one statement that was devoted to residual oil. On an obscure footnote of the report's appendix A–1, residual oil imports are alleged to have remained relatively steady from 1954 to date.

Now let us see how steady the tide of foreign residual oil lashing east coast markets has actually been. In 1954 a total of 129 million barrels of residual oil was imported into the United States. The 1955 figure was 152 million barrels. In 1956 it was 161 million barrels. For the first 6 months of this year, 91,570,000 barrels of residual oil entered this country; at that rate the year's total would amount to 183 million barrels, or an increase of 54 million barrels in 3 short years.

Even a sensational rise of that nature is not wholly reflective of the severity of the incursions made upon coal's markets by foreign residual oil in recent years.

When imports of this product reached a level of 74 million barrels in 1949, employment in coal-producing States suffered to such an extent that committees of the House and Senate held hearings to see what could be done to remedy the situation. These hearings disclosed that the pay envelopes of miners in the United States that year would have contained an additional $40 million if the coal industry had been called upon to deliver an energy equivalent of 74 million barrels of residual oil. The loss to railroaders who would have been engaged in the transportation of the displaced tonnage was approximately $25 million.

At that time the leader of the attempt to bring about a sensible restriction in the importation of residual oil was the senior Senator from West Virginia, the Honorable MATTHEW M. NEELY. I am happy to remind my colleagues that Senator NEELY has never deviated from this objective, and in the intervening years has devoted every effort to bringing about an adjustment of that Government policy so destructive of the economy of West Virginia and other coal-producing States.

For the RECORD, I should like also to read this appraisal by Senator Robert A. Taft at the conclusion of the hearings conducted by Senator NEELY:

The importation of residual oil is a direct damage to the coal industry. It is produced abroad as a byproduct. Apparently the demand in Europe and elsewhere throughout the world for this byproduct is not sufficient to use up all of the residual oil resulting from foreign processing. Being a byproduct, it is very difficult to determine the cost, and those who produce it are tempted to sell it for any price obtainable in order to get rid of it. This imposes a great handicap on the coal industry and is responsible for the closing of many mines.

In further recognition of Senator NEELY's outstanding work, I should like to remind you that his appeal to the Senate Finance Committee was primarily responsible for its adopting the National Security Amendment and recommending

it to both Houses of Congress. When the bill to extend the Trade Agreements Act went before the Senate, Senator CARLSON undertook to explain the administration attitude on the national security amendment. He said:

I supported the proposal adopted by the committee because I was assured by those in the administration responsible for the administration of the trade agreements program that if such an amendment were adopted by the committee and by Congress action would immediately follow, and that import of petroleum and its products would be definitely restricted.

I was further assured that such restriction would be passed upon the study previously made, to which reference was made by the committee; that the basis of the limitation would be in accordance with the recommendation of that study. This study indicated the necessity of limiting imports of petroleum and its products to an amount and in the relative position of the imports of petroleum in 1954 and as related to domestic production of crude oil in 1954. I was further assured that the Office of Defense Mobilization would take the action indicated as necessary to adjust imports of petroleum and its products the level and relationship of 1954.

Mr. Speaker, the report to which the Senator from Kansas referred was the recommendation of the Presidential Advisory Committee on Energy Supplies and Resources Policy. In view of that report's recognition of residual oil imports, and in view of Senator CARLSON'S repeated references to products of petroleum, justification for the new Cabinet committee's omission of petroleum products from its report is unclear to residents of coal-producing States.

The disdainful attitude of the Special Committee toward coal is reflected throughout the report by the complete disregard of this vital industry as a necessary component of any defense effort.

I ask that you peruse carefully paragraphs C and D of section 3, which read:

(c) Furthermore, in the event of an emergency which denied the United States access to oil in other countries and which called for additional availability of domestic oil, the Nation would be faced with the long delays that characterize exploratory activity, as well as with the possible necessity of making large expenditures of public funds for exploration, production, and transportation. In this connection, it should be borne in mind that no matter how large the expenditures might be, it would be impossible to recover the momentum of a vigorous domestic industry.

(d) In brief, such a policy of encouraging importation as a means of conserving our petroleum resources would mean that in an emergency the Nation would be confronted with all of the liabilities inherent in a static, as contrasted with a dynamic mobilization base, including the delays, waste, and inefficiency that accompany efforts to strengthen any part of the mobilization base on a crash basis.

Where is coal in this dynamic mobilization base? The previous Cabinet committee, in its diligent study of emergency requirements, emphasized that—

Other energy industries, especially coal, must also maintain a level of operation which will make possible rapid expansion in output should that become necessary.

How could this truism have escaped the notice of the new Cabinet committee? It now appears that the President himself must undertake to obtain the answer to this vital question.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FRELINGHUYSEN (at the request of Mr. BASS of New Hampshire), for the balance of this week, on account of death in the family.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HENDERSON, for 30 minutes, on Thursday.

Mrs. ROGERS of Massachusetts, for 5 minutes, tomorrow.

## EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BARTLETT.

Mr. LANE and to include extraneous matter.

Mr. SMITH of Wisconsin and to include extraneous matter.

Mr. BYRNE of Illinois and to include extraneous matter.

Mr. CURTIS of Missouri and to include extraneous matter.

Mr. KRUEGER.

Mr. WILLIS.

Mr. YATES (at the request of Mr. KEOGH).

Mr. NEAL (at the request of Mr. SCHWENGEL).

Mr. MEADER to revise and extend his remarks made today and to include extraneous matter.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 66. An act for the relief of Nobuko Hamasaki Fawcett; to the Committee on the Judiciary.

S. 86. An act to provide for a research program in the field of weather modification to be conducted by the National Science Foundation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 118. An act for the relief of the General Box Co.; to the Committee on the Judiciary.

S. 137. An act for the relief of Hans Paul Lange; to the Committee on the Judiciary.

S. 144. An act for the relief of Lucrecia Zuckermann Podesta; to the Committee on the Judiciary.

S. 212. An act to provide for the reimbursement of Meadow School District Numbered 29, Upham, N. Dak., for loss of revenue resulting from the acquisition of certain lands within such school district by the Department of the Interior; to the Committee on the Judiciary.

S. 243. An act for the relief of Mrs. William A. Curran; to the Committee on the Judiciary.

S. 280. An act for the relief of Agapito Jorolan; to the Committee on the Judiciary.

S. 285. An act for the relief of Paul Gustin; to the Committee on the Judiciary.

S. 364. An act for the relief of the village of Wauneta, Nebr.; to the Committee on the Judiciary.

S. 396. An act for the relief of Kim Yung Bok (Peter Garner) and Kim Kil Won (Michael Garner); to the Committee on the Judiciary.

S. 375. An act to amend the Interstate Commerce Act to provide for filing of documents evidencing the lease, mortgage, conditional sale, or bailment of motor vehicles sold to or owned by certain carriers subject to such act; to the Committee on Interstate and Foreign Commerce.

S. 396. An act for the relief of Lock Ting King; to the Committee on the Judiciary.

S. 397. An act for the relief of Willem Woeras; to the Committee on the Judiciary.

S. 398. An act for the relief of Benjamin Wachtfogel; to the Committee on the Judiciary.

S. 402. An act for the relief of Martha Huber Vavra; to the Committee on the Judiciary.

S. 441. An act for the relief of Jose Ramirez-Moreno; to the Committee on the Judiciary.

S. 485. An act for the relief of Luigi Lino Turel; to the Committee on the Judiciary.

S. 524. An act for the relief of Robert F. Gross; to the Committee on the Judiciary.

S. 567. An act for the relief of Vida Djenich; to the Committee on the Judiciary.

S. 652. An act for the relief of the Thomas Cruse Mining & Development Co.; to the Committee on the Judiciary.

S. 662. An act for the relief of Howard L. Buchbinder; to the Committee on the Judiciary.

S. 747. An act to authorize the Secretary of State to evaluate and to waive collection of certain financial assistance loans, and for other purposes; to the Committee on Foreign Affairs.

S. 796. An act for the relief of Zacharoula Papoulia Matsa; to the Committee on the Judiciary.

S. 878. An act for the relief of Cecyle D. Smack; to the Committee on the Judiciary.

S. 879. An act for the relief of Anna Adora Jensen; to the Committee on the Judiciary.

S. 880. An act for the relief of Necmettin Cengiz, to the Committee on the Judiciary.

S. 883. An act to extend for 1 year the time for filing of claims by former prisoners of war under section 6 (e) of the War Claims Act of 1948; to the Committee on Interstate and Foreign Commerce.

S. 919. An act to provide that certain employees in the Postal Field Service assigned to road duty, and rural carriers, shall receive the benefit of holidays created by Executive order, memorandum, or other administrative action by the President; to the Committee on Post Office and Civil Service.

S. 976. An act for the relief of Charles A. Sidawi; to the Committee on the Judiciary.

S. 979. An act to amend the International Claims Settlement Act of 1949, as amended, and for other purposes; to the Committee on Foreign Affairs.

S. 1003. An act to provide for adjustments in the lands or interests therein acquired for the Albeni Falls Reservoir project, Idaho, by the reconveyance of certain lands or interests therein to the former owners thereof; to the Committee on Public Works.

S. 1049. An act for the relief of Mrs. Ahsapet Gamityan; to the Committee on the Judiciary.

S. 1050. An act for the relief of Hrygory (Harry) Mydlak; to the Committee on the Judiciary.

S. 1101. An act for the relief of Elia Zelich; to the Committee on the Judiciary.

S. 1142. An act for the relief of Mario Belich; to the Committee on the Judiciary.

S. 1153. An act for the relief of Zdenka Sneler; to the Committee on the Judiciary.

S. 1154. An act for the relief of Therese Gloebl Clark; to the Committee on the Judiciary.

S. 1155. An act for the relief of Eileen Teahan; to the Committee on the Judiciary.

S. 1175. An act for the relief of Helene Cordery Hall; to the Committee on the Judiciary.

S. 1227. An act for the relief of Stavros Georgas; to the Committee on the Judiciary.

S. 1241. An act for the relief of Edward Martin Hinsberger; to the Committee on the Judiciary.

S. 1271. An act for the relief of Daniel Alcide Charlebois; to the Committee on the Judiciary.

S. 1290. An act for the relief of Lee-Ana Roberts; to the Committee on the Judiciary.

S. 1293. An act for the relief of Eithaniahu (Eton) Yellin; to the Committee on the Judiciary.

S. 1306. An act for the relief of Pao-Wei Yung; to the Committee on the Judiciary.

S. 1307. An act for the relief of Toribia Basterrechea (Arrola); to the Committee on the Judiciary.

S. 1308. An act for the relief of Carmen Jeanne Launois Johnson; to the Committee on the Judiciary.

S. 1329. An act for the relief of Joyce Trueman Watson; to the Committee on the Judiciary.

S. 1331. An act for the relief of John P. Souvaldzis; to the Committee on the Judiciary.

S. 1365. An act for the relief of Milenko Krnjajich; to the Committee on the Judiciary.

S. 1370. An act for the relief of Wanda Wawrzyczek; to the Committee on the Judiciary.

S. 1385. An act to amend section 11 of the Clayton Antitrust Act to extend the authority of the Interstate Commerce Commission thereunder to contract carriers subject to the Interstate Commerce Act; to the Committee on the Judiciary.

S. 1387. An act for the relief of Rebecca Jean Lundy (Helen Choy); to the Committee on the Judiciary.

S. 1414. An act for the relief of Wolfgang Jochim Herman Schmiedchen; to the Committee on the Judiciary.

S. 1421. An act for the relief of Ansis Luiz Darzins; to the Committee on the Judiciary.

S. 1435. An act for the relief of Louis Glaros; to the Committee on the Judiciary.

S. 1477. An act for the relief of Jaime Cabrera Bernal; to the Committee on the Judiciary.

S. 1552. An act to authorize the Secretary of the Interior to establish a program for the purpose of carrying on certain research and experimentation to develop methods for the commercial production of fish on flooded rice acreage in rotation with rice field crops, and and for other purposes; to the Committee on Merchant Marine and Fisheries.

S. 1579. An act for the relief of Jamil G. Nassar; to the Committee on the Judiciary.

S. 1617. An act for the relief of Xavier Arreguin (Blanco); to the Committee on the Judiciary.

S. 1625. An act for the relief of Renee Juliette Dubuc Whitbread; to the Committee on the Judiciary.

S. 1631. An act to amend certain sections of title 13 of the United States Code, entitled "Census"; to the Committee on Post Office and Civil Service.

S. 1654. An act for the relief of Mary E. Trantow; to the Committee on the Judiciary.

S. 1685. An act for the relief of Sic Gun Chau (Tse) and Hing Man Chau; to the Committee on the Judiciary.

S. 1696. An act to amend the Agricultural Act of 1949 to provide for furnishing the Coast Guard Academy and the United States Merchant Marine Academy with surplus dairy products; to the Committee on Agriculture.

S. 1736. An act for the relief of Rosa Sigl; to the Committee on the Judiciary.

S. 1767. An act for the relief of Eileen Sheila Dhanda; to the Committee on the Judiciary.

S. 1779. An act to give effect to certain obligations of the United States under the Geneva Conventions for the Protection of War Victims of 1949 by regulating the use of the Red Cross and other emblems, and for other purposes; to the Committee on the Judiciary.

S. 1785. An act designating the reservoir located above Heart-Butte Dam in Grant County, N. Dak., as Lake Tschida, and for other purposes; to the Committee on Public Works.

S. 1798. An act to amend section 4426 of the Revised Statutes, as amended, with respect to certain small vessels operated by cooperatives or associations in transporting merchandise of members on a nonprofit basis to or from places within the inland waters of southeastern Alaska and Prince Rupert, British Columbia, or to or from places within said inland waters and places within the inland waters of the State of Washington; to the Committee on Merchant Marine and Fisheries.

S. 1804. An act for the relief of Marjeta Winkle Brown; to the Committee on the Judiciary.

S. 1805. An act for the relief of persons and firms for the direct expenses incurred by them for fumigation of premises in the control and eradication of the Khapra beetle; to the Committee on the Judiciary.

S. 1815. An act for the relief of Nicholas Dilles; to the Committee on the Judiciary.

S. 1841. An act to authorize the District of Columbia Board of Education to employ retired teachers as substitute teachers in the public schools of the District of Columbia; to the Committee on the District of Columbia.

S. 1850. An act to adjust conditions of employment in departments or agencies in the Canal Zone; to the Committee on Post Office and Civil Service.

S. 1861. An act for the relief of Angelos Karydis and his wife, Maria Karydis; to the Committee on the Judiciary.

S. 1866. An act to amend the act entitled "An act to require the inspection and certification of certain vessels carrying passengers," approved May 10, 1956, in order to provide adequate time for the formulation and consideration of rules and regulations to be prescribed under such act; to the Committee on Merchant Marine and Fisheries.

S. 1877. An act for the relief of Louis G. Whitcomb; to the Committee on the Judiciary.

S. 1896. An act for the relief of Maria West; to the Committee on the Judiciary.

S. 1901. An act to amend section 401 of the Federal Employees Pay Act of 1945, as amended; to the Committee on Post Office and Civil Service.

S. 1902. An act for the relief of Belia Rodriguez Ternoir; to the Committee on the Judiciary.

S. 1910. An act for the relief of Salvatore Salerno; to the Committee on the Judiciary.

S. 1914. An act for the relief of Stephen Peter Demogiannis (Stavros Pantellis Demogiannis); to the Committee on the Judiciary.

S. 1934. An act for the relief of Barbara Woodward Luckett; to the Committee on the Judiciary.

S. 1962. An act to authorize the Secretary of Agriculture to convey a certain tract of land owned by the United States to the Perkins Chapel Methodist Church, Bowie, Md.; to the Committee on Agriculture.

S. 1972. An act for the relief of Letizia Maria Arini; to the Committee on the Judiciary.

S. 2003. An act for the relief of Jozice Matana Koulis and Davorko Matana Koulis; to the Committee on the Judiciary.

S. 2006. An act to relieve the Surgeons General of the Army and Navy of certain responsibilities outside the Department of Defense; to the Committee on Ways and Means.

S. 2007. An act to amend the United States Grain Standards Act, 1916, as amended, to permit the Secretary of Agriculture to charge and collect for certain services performed and to deposit such collections to the credit of the appropriation available for administration of the act, and for other purposes; to the Committee on Agriculture.

S. 2009. An act for the relief of Mrs. Jytte Starel Synodis; Committee on the Judiciary.

S. 2063. An act for the relief of Guy H. Davant; Committee on the Judiciary.

S. 2095. An act for the relief of Vaclav Uhlik, Marta Uhlik, Vaclav Uhlik, Jr., and Eva Uhlik; Committee on the Judiciary.

S. 2108. An act to amend the Public Buildings Act of 1949, to authorize the Administrator of General Services to name, rename, or otherwise designate any building under the custody and control of the General Services Administration; Committee on Public Works.

S. 2109. An act to amend an act extending the authorized taking area for public building construction under the Public Buildings Act of 1926, as amended, to exclude therefrom the area within E and F Streets and 19th Street and Virginia Avenue NW., in the District of Columbia; Committee on Public Works.

S. 2165. An act for the relief of Gertrud Mezger; Committee on the Judiciary.

S. 2183. An act to amend the act of August 2, 1956 (70 Stat. 940), providing for the establishment of the Virgin Islands National Park, and for other purposes; Committee on Interior and Insular Affairs.

S. 2228. An act to amend section 5 of the Flood Control Act of August 18, 1941, as amended, pertaining to emergency flood-control work; to the Committee on Public Works.

S. 2398. An act for the relief of Antonia Massorotto Telara; to the Committee on the Judiciary.

S. 2434. An act to amend the act entitled "An act to provide books for the adult blind"; to the Committee on House Administration.

S. 2500. An act to make uniform the termination date for the use of official franks by former Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

S. J. Res. 18. Joint resolution to authorize and request the President to issue a proclamation in connection with the centennial of the birth of Theodore Roosevelt; to the Committee on the Judiciary.

S. J. Res. 85. Joint resolution to amend the Act of Congress approved August 7, 1935 (Public Law 253), concerning United States contributions to the International Council of Scientific Unions and certain associated unions.; to the Committee on Foreign Affairs.

S. Con. Res. 36. Concurrent resolution authorizing the appointment of four members each of the two Houses to attend the next general meeting of the Commonwealth Parliamentary Association to be held in India; to the Committee on Foreign Affairs.

S. Con. Res. 40. Concurrent resolution favoring the suspension of deportation in the case of certain aliens; to the Committee on the Juduiciary.

S. Con. Res. 41. Concurrent resolution favoring the suspension of deportation in the case of certain aliens; to the Committee on the Judiciary.

## ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found

truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1228. An act for the relief of Ralph Landolfi;

H. R. 1325. An act for the relief of Mrs. Bertha K. Martensen;

H. R. 1348. An act for the relief of Frank E. Gallagher, Jr.;

H. R. 1446. An act for the relief of Philip J. Denton;

H. R. 1472. An act for the relief of Anna L. De Angelis.

H. R. 1501. An act for the relief of Beulah I. Reich;

H. R. 1520. An act for the relief of Mrs. Fusako Takai and Thomas Takai;

H. R. 1536. An act for the relief of Allison B. Clemens;

H. R. 1537. An act for the relief of Jacob Baronian;

H. R. 1552. An act for the relief of William H. Barney;

H. R. 1667. An act for the relief of Fred G. Nagle Co.;

H. R. 1701. An act for the relief of Abram van Heyningen Hartendorp;

H. R. 1942. An act for the relief of the Sergeant Bluff Consolidated School District;

H. R. 2259. An act to provide for the conveyance of all right, title, and interest of the United States to certain real property in Prairie County, Ark.;

H. R. 2346. An act for the relief of Irmgard S. King;

H. R. 2347. An act for the relief of Robert M. Deckard;

H. R. 2678. An act for the relief of Leona C. Nash;

H. R. 3071. An act to authorize the Secretary of the Interior to enter into and to execute amendatory contract with the Northport Irrigation District, Nebraska;

H. R. 3077. An act that the lake created by the Jim Woodruff Dam on the Apalachicola River located at the confluence of the Flint and Chattahoochee Rivers be known as Lake Seminole;

H. R. 3276. An act for the relief of Edwin K. Fernandez;

H. R. 3344. An act for the relief of Kenneth F. Ailes;

H. R. 3572. An act for the relief of Mrs. Mary Jane Russell;

H. R. 3588. An act for the relief of John R. Hill;

H. R. 3996. An act to authorize the utilization of a limited amount of storage space in Lake Texoma for the purpose of water supply for the city of Sherman, Tex.;

H. R. 4511. An act to declare a certain portion of Back Cove at Portland, Maine, to be nonnavigable water of the United States;

H. R. 4730. An act for the relief of Mrs. Jennie B. Prescott;

H. R. 4851. An act for the relief of Mrs. M. E. Shelton Pruitt.

H. R. 4932. An act to amend the act of July 11, 1947, to increase the maximum rate of compensation which the director of the Metropolitan Police force band may be paid;

H. R. 4986. An act for the relief of the widow and children of John E. Donahue;

H. R. 5081. An act for the relief of Capt. Thomas C. Curtis and Capt. George L. Lane;

H. R. 5220. An act for the relief of the estate of Higa Kensai;

H. R. 5365. An act for the relief of Robert B. Peterman;

H. R. 5707. An act for the relief of the A. C. Israel Commodity Co., Inc.;

H. R. 5718. An act for the relief of Juanita Gibson Lewis;

H. R. 5721. An act for the relief of Marian Diane Delphine Sachs;

H. R. 5953. An act to provide for the construction of sewer and water facilities for and Elko Indian colony, Nevada.

H. R. 6570. An act to amend the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes;

H. R. 6621. An act for the relief of Mrs. Jane Barnes;

H. R. 6961. An act for the relief of Walter H. Berry;

H. R. 7213. An act for the relief of Louis S. Thomas and D. Grace Thomas;

H. R. 7522. An act to authorize the extension of certain rights to remove timber from lands acquired by the United States;

H. R. 8053. An act to authorize funds available for construction of Indian health facilities to be used to assist in the construction of community hospitals which will serve Indians and non-Indians;

H. J. Res. 322. Joint resolution for the relief of certain aliens; and

H. J. Res. 345. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to the dead of the Second Infantry Division, United States forces, World War II and the Korean conflict.

## SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 236. An act to amend section 6 of the act of June 20, 1918, as amended, relating to the retirement pay of certain members of the former Lighthouse Service;

S. 334. An act to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended (30 U. S. C., 184), in order to promote the development of phosphate on the public domain;

S. 525. An act for the relief of Rhoda Elizabeth Graubart;

S. 650. An act for the relief of Isabella Abrahams;

S. 701. An act for the relief of Karl Eigil Engedal Hansen;

S. 827. An act for the relief of Guillermo B. Rigonan;

S. 833. An act for the relief of Vida Letitia Baker;

S. 874. An act for the relief of Cornelis Vander Hoek;

S. 943. An act to amend section 218 (a) of the Interstate Commerce Act, as amended, to require contract carriers by motor vehicle to file with the Interstate Commerce Commission their actual rates or charges for transportation services;

S. 988. An act for the relief of Satoe Yamakage Langley;

S. 1063. An act vesting in the American Battle Monument Commission the care and maintenance of the Surrender Tree site in Santiago, Cuba;

S. 1112. An act for the relief of Matsue Harada;

S. 1171. An act for the relief of Harry Siegbert Schmidt;

S. 1251. An act for the relief of Florinda Mellone Garcia;

S. 1314. An act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes;

S. 1492. An act increasing penalties for violation of certain safety and other statutes administered by the Interstate Commerce Commission;

S. 1773. An act to validate a certain conveyance heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, to the State of Nevada, involving certain portions of right-of-way in the city of Reno, county of Washoe, State of Nevada, acquired by the Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356);

S. 1884. An act to amend section 505 of the Classification Act of 1949, as amended; and

S. 1941. An act to authorize the payment by the Bureau of Public Roads of transportation and subsistence costs to temporary employees on direct Federal highway projects.

## ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House adjourned until tomorrow, Wednesday, August 7, 1957, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1109. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Health, Education, and Welfare for "Grants to States for public assistance" for the fiscal year 1958 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended; to the Committee on Appropriations.

1110. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation entitled "A bill to amend section 207 of the Federal Property and Administrative Services Act of 1949 so as to modify and improve the procedure for submission to the Attorney General of certain proposed surplus property disposals for his advice as to whether such disposals would be inconsistent with the antitrust laws"; to the Committee on Government Operations.

1111. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a copy of the order suspending deportation of Mauro Lorusso, pursuant to Public Law 863, 80th Congress; to the Committee on the Judiciary.

1112. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation entitled "A bill to authorize the establishment of three positions for specially qualified scientific and professional personnel in the Department of Health, Education, and Welfare"; to the Committee on Post Office and Civil Service.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CANNON: Committee on Appropriations. H. R. 9131. A bill making supplemental appropriations for the fiscal year ending June 30, 1958, and for other purposes; without amendment (Rept. No. 1009). Referred to the Committee of the Whole House on the State of the Union.

Mr. DURHAM: Committee on Armed Services. H. R. 230. A bill to require the Secretary of the Army to convey to the county of Los Angeles, Calif., all right, title, and interest of the United States in and to certain portions of a tract of land heretofore conditionally conveyed to such county; without amendment (Rept. No. 1010). Referred to the Committee of the Whole House on the State of the Union.

Mr. DURHAM: Committee on Armed Services. H. R. 674. A bill to provide for the

conveyance to the State of Maine of certain lands located in such State; with amendment (Rept. No. 1011). Referred to the Committee of the Whole House on the State of the Union.

Mr. DURHAM: Committee on Armed Services. H. R. 4609. A bill to further amend the act entitled "An act to authorize the conveyance of a portion of the United States military reservation at Fort Schuyler, N. Y., to the State of New York for use as a maritime school, and for other purposes," approved September 5, 1950, as amended; with amendment (Rept. No. 1012). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 6322. A bill to provide that the dates for submission of plan for future control of property and transfer of the trust property of the Menominee Tribe shall be delayed; with amendment (Rept. No. 1013). Referred to the Committee of the Whole House on the State of the Union.

Mr. HARDY: Committee on Armed Services. H. R. 6382. A bill to subject naval ship construction to the act of June 30, 1936 (49 Stat. 2036), as amended; without amendment (Rept. No. 1014). Referred to the Committee of the Whole House on the State of the Union.

Mr. HESS: Committee on Armed Services. H. R. 8392. A bill to promote the national defense by including two representatives of the Department of the Army as members of the National Advisory Committee for Aeronautics and by authorizing specifically certain functions necessary to the effective prosecution of aeronautical research; without amendment (Rept. No. 1015). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H. R. 7450. A bill to amend section 4 of the act entitled "Policemen and Firemen's Retirement and Disability Act Amendments of 1957"; with amendment (Rept. No. 1016). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 5149. A bill to provide that whenever public lands have been heretofore granted to a State for the purpose of erecting certain public buildings at the capital of such State, such purpose shall be deemed to include construction, reconstruction, repair, renovation, and other permanent improvements of such public buildings; with amendment (Rept. No. 1017). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H. R. 8918. A bill to further amend the act of August 7, 1946 (60 Stat. 896), as amended by the act of October 25, 1951 (65 Stat. 657), to provide for the exchange of lands of the United States as a site for the new Sibley Memorial Hospital; to provide for the transfer of the property of the Hahnemann Hospital of the District of Columbia, formerly the National Homeopathic Association, a corporation organized under the laws of the District of Columbia, to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries, including Sibley Memorial Hospital, a corporation organized under the laws of the District of Columbia, and for other purposes; without amendment (Rept. No. 1018). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAVIS of Tennessee: Committee on Public Works. S. 268. An act to provide that the Secretary of the Army shall return certain mineral interests in land acquired by him for flood-control purposes to the former owners of such land; with amendment (Rept. No. 1019). Referred to the Committee of the Whole House on the State of the Union.

Mrs. GREEN of Oregon: Joint Committee on the Disposition of Executive Papers. House Report No. 1020. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mrs. GREEN of Oregon: Joint Committee on the Disposition of Executive Papers. House Report No. 1021. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 8079. A bill to amend the act of June 20, 1910, to give the State of New Mexico greater flexibility in the investment of moneys derived from lands held in trust by virtue of such act; with amendment (Rept. No. 1022). Referred to the Committee of the Whole House on the State of the Union.

Mrs. KELLY of New York: Committee of Conference. House Concurrent Resolution 204. Concurrent resolution expressing the sense of the Congress on the problem of Hungary (Rept. No. 1023). Ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON:

H. R. 9131. A bill making supplemental appropriations for the fiscal year ending June 30, 1958, and for other purposes; to the Committee on Appropriations.

By Mr. JENKINS:

H. R. 9132. A bill to amend the Tariff Act of 1930 to extend the privilege of substitution for the purpose of obtaining drawback upon reexportation to all classes of merchandise, and for other purposes; to the Committee on Ways and Means.

By Mr. MACHROWICZ:

H. R. 9133. A bill to amend the Tariff Act of 1930 to extend the privilege of substitution for the purpose of obtaining drawback upon reexportation to all classes of merchandise, and for other purposes; to the Committee on Ways and Means.

By Mr. JONES of Missouri:

H. R. 9134. A bill to increase farm income and to expand markets for cotton by enabling cotton to be sold competitively in domestic and foreign markets; to the Committee on Agriculture.

By Mr. GATHINGS:

H. R. 9135. A bill to increase farm income and to expand markets for cotton by enabling cotton to be sold competitively in domestic and foreign markets; to the Committee on Agriculture.

By Mr. ABERNETHY:

H. R. 9136. A bill to increase farm income and to expand markets for cotton by enabling cotton to be sold competitively in domestic and foreign markets; to the Committee on Agriculture.

By Mr. POAGE:

H. R. 9137. A bill to increase farm income and to expand markets for cotton by enabling cotton to be sold competitively in domestic and foreign markets; to the Committee on Agriculture.

By Mr. BALDWIN:

H. R. 9138. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. BARTLETT:

H. R. 9139. A bill to amend the law with respect to civil and criminal jurisdiction over Indian country in Alaska; to the Committee on the Judiciary.

By Mr. BYRD:

H. R. 9140. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. FULTON:

H. R. 9141. A bill to provide for the development by the Secretary of the Interior of Independence National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAGEN:

H. R. 9142. A bill authorizing additional appropriations for prosecution of projects in the Los Angeles River Basin, Calif., the Kaweah and Tule River Basins, Calif., and for the central and southern Florida project, for flood control and other purposes; to the Committee on Public Works.

By Mr. KARSTEN:

H. R. 9143. A bill to extend the time for making application for compensation for unused leave accumulated on September 1, 1946, by members or former members of the Armed Forces; to the Committee on Armed Services.

By Mr. NIMTZ:

H. R. 9144. A bill to provide that each member of the bar of the Federal district court in the district of his residence or of the Supreme Court of the United States shall be eligible to practice before all administrative agencies; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H. R. 9145. A bill to provide for the transfer of the Civil Service Commission Building in the District of Columbia to the Regents of the Smithsonian Institution to house the National Collection of Fine Arts and a National Portrait Gallery; to the Committee on House Administration.

By Mr. BARING:

H. R. 9146. A bill to impose a tax on the importation of tungsten; to the Committee on Ways and Means.

By Mr. BARING (by request):

H. R. 9147. A bill to provide for the disposal of certain Federal property in the Boulder City area, to provide assistance in the establishment of a municipality incorporated under the laws of Nevada, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRAY:

H. R. 9148. A bill to amend section 445 of the Veterans' Benefits Act of 1957 to provide that in determining the annual income of any widow for pension purposes, the Administrator shall exclude amounts spent by such widow for the care of an invalid child; to the Committee on Veterans' Affairs.

By Mr. CARNAHAN:

H. R. 9149. A bill to amend section 201 (a) of the United States Information and Educational Exchange Act of 1948 so as to permit the waiver of fingerprinting requirements with respect to persons admitted into the United States pursuant to such act; to the Committee on Foreign Affairs.

By Mr. HARRIS:

H. R. 9150. A bill relating to the payment of World War veterans' adjusted compensation in certain cases of the veteran's continued absence from home for a period of 20 years; to the Committee on Ways and Means.

By Mr. JOHNSON:

H. R. 9151. A bill to amend section 22 of the Agricultural Adjustment Act, as amended; to the Committee on Agriculture.

By Mr. NIMTZ:

H. R. 9152. A bill to amend paragraphs 1530 and 1537 of the Tariff Act of 1930 with respect to footwear; to the Committee on Ways and Means.

By Mr. WILLIAMS of Mississippi:

H. R. 9153. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, with respect to cosmetic ingredients; to the Committee on Interstate and Foreign Commerce.

By Mr. HÉBERT:

H. R. 9154. A bill to authorize the President to appoint certain retired Reserve officers to the grade of rear admiral in the Retired Reserve; to the Committee on Armed Services.

By Mr. HENDERSON:

H. R. 9155. A bill to amend title 10 of the United States Code relating to the separa-

tion from the Army and Air Force of Regular officers twice passed over for promotion; to the Committee on Armed Services.

By Mr. REES of Kansas:

H. R. 9156. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. CARNAHAN:

H. Con. Res. 223. Concurrent resolution to express the sense of Congress relative to interchange on a reciprocal basis of persons with Russia and other eastern European countries under the United States Information and Educational Exchange Act; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRETELLA:

H. R. 9157. A bill for the relief of Yves Joseph Dumont; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H. R. 9158. A bill for the relief of Chao-Wei Liang; to the Committee on the Judiciary.

By Mr. McINTIRE:

H. R. 9159. A bill to authorize and direct the Secretary of the Treasury to cause the vessel *Fundy II*, owned by Stanley E. Dodge, of Stonington, Maine, to be documented as a vessel of the United States with full coastwise privileges; to the Committee on the Merchant Marine and Fisheries.

By Mr. MAILLIARD:

H. R. 9160. A bill for the relief of Genoveva Rioseco Caswell; to the Committee on the Judiciary.

By Mr. MILLER of New York:

H. R. 9161. A bill for the relief of Peter Kilga; to the Committee on the Judiciary.

By Mr. WIGGLESWORTH:

H. R. 9162. A bill for the relief of Philio Wigglesworth; to the Committee on the Judiciary.

By Mr. FEIGHAN:

H. J. Res. 435. Joint resolution for the relief of certain aliens; to the Committee on the Judiciary.

H. J. Res. 436. Joint resolution to facilitate the admission into the United States of certain aliens; to the Committee on the Judiciary.

H. J. Res. 437. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens; to the Committee on the Judiciary.

By Mr. MINSHALL:

H. Res. 385. Resolution providing for sending the bill H. R. 8500 and accompanying papers to the United States Court of Claims; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

322. The SPEAKER presented a petition of the chief clerk, Washington County, Washington, Pa., relative to the importance of authorizing the expenditure of $1,286,000 for flood control of Chartiers Creek as indicated in a report submitted by the district engineer, Pittsburgh district, to the Chief of Engineers, Department of the Army, through the divison engineer, which was referred to the Committee on Public Works.

# EXTENSIONS OF REMARKS

## Retirement of Secretary of the Treasury George M. Humphrey

EXTENSION OF REMARKS
OF
### HON. PRESCOTT BUSH
OF CONNECTICUT
IN THE SENATE OF THE UNITED STATES
*Tuesday, August 6, 1957*

Mr. BUSH. Mr. President, on behalf of the Senator from Maine [Mr. PAYNE], I ask unanimous consent that a statement prepared by him on the retirement of Secretary of the Treasury George M. Humphrey be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR PAYNE ON THE RETIREMENT OF SECRETARY OF THE TREASURY GEORGE M. HUMPHREY

The recent departure of George M. Humphrey from the office of Secretary of Treasury after more than 4 years is an occasion, I feel, to reflect for a moment on the man and the office. George Humphrey was molded by private industry and his long, successful career in industry is known to all. However, at an age when most men are looking forward to retirement, he stepped forward to tackle the biggest job of his life—the task of guiding the Treasury Department and the fiscal affairs of the United States Government.

Among the goals in the area of fiscal policy set by Secretary of the Treasury Humphrey when he took office were: independence of the Federal Reserve System from Treasury regulation so that it could proceed with its assigned task of stabilizing the economy; and control of the Federal budget, thus bringing it into balance.

Signal success has been achieved in accomplishing these aims. The Federal Reserve now operates in its fields of banking and economic policy without directives from Treasury or other executive departments. Its policies, set for the general well-being of the entire economy, have occasionally even been at odds with the more limited activities of the Treasury.

The budget has been curbed and brought into balance for 2 consecutive years and a third balanced budget is in sight for this year. It has been 27 years since this Nation has seen three consecutive balanced budgets and for this George Humphrey deserves much of the credit. Two other historic achievements have been made under his tenure in the Treasury. One was the first major recodification and modernization of the Federal tax laws since 1876; the second, of far greater importance as far as the general public is concerned was the tax reduction of $7.5 billion.

George M. Humphrey brought to the office of the Secretary of the Treasury a new stature and soundness of policy. He was known as the strong man of the Cabinet, and the President took counsel with him on man of the vital policy decisions of this administration. His opinions are respected by all, even those who do not agree with him. His departure from Government removes one of the great men of the Eisenhower administration. George Humphrey served his country well in an arduous position and certainly deserves the heartfelt thanks and appreciation of the American people.

## M. Sgt. Vernon G. Waguespack Named Outstanding Airman of Continental Command

EXTENSION OF REMARKS
OF
### HON. EDWIN E. WILLIS
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, August 6, 1957*

Mr. WILLIS. Mr. Speaker, it is with great pride and pleasure that I call attention to the selection of a member of the United States Air Force from the Third Congressional District of Louisiana as the year's "outstanding airman" of the Continental Air Command. He is M. Sgt. Vernon G. Waguespack, of Napoleonville, member of a well-known Assumption Parish family, who has spent almost 17 years in the service.

Sergeant Waguespack was chosen for this award from among hundreds of airmen of the Continental Command who were nominated by their respective unit commanders and considered by a board. Lt. Gen. William E. Hall is commander of the Continental Air Command.

Together with those named for a similar award from each of the other 18 Air Force commands, Sergeant Waguespack was honored by Secretary of the Air Force James H. Douglas and Gen. Thomas D. White, Chief of Staff, during official recognition in Washington at which the 19 leading airmen were cited for outstanding achievements. The citations are sponsored annually by the Air Force Association, this year's ceremonies being a feature of the Air Force 50-year anniversary celebration.

Sergeant Waguespack has an illustrious career dating back to January 1941. During World War II he served in both the European and Pacific theaters of operation. From 1942 to 1944 he was with the 44th Bombardment Group of Ploesti Oil Field attack fame, and in 1945 he served with the 9th Bombardment Group, flying B–29's out of Tinian Island.

Since 1950 Sergeant Waguespack has been active in the Air Reserve program, first as an ROTC instructor and is currently on training duty with the 2621st Air Reserve Center at Richmond, Va. From 1950 to 1954 he was instructor for the Air Force ROTC at Southwestern Louisiana Institute, Lafayette. He has been highly commended by civic leaders in the Richmond area for his work in the Air Force community relations field as well as the Reserve program and is in demand as a speaker. He has contributed greatly to a better understanding of the Air Force and the peaceful use of its air power. Much of the credit for the excellent status of the Reserve training program in the Richmond area

is given to the successful program conducted by Sergeant Waguespack. On his own initiative he worked with local organizations in the Petersburg-Hopewell section and stimulated sufficient interest in Reserve activities to form a full new squadron.

While Sergeant Waguespack has not disclosed any information he may have as to his future in the Air Force, it is reported that he will likely receive a very important overseas assignment soon.

Sergeant Waguespack is the son of Gaston J. Waguespack, Sr., prominent sugar-cane planter and vice president of the police jury, governing body of Assumption Parish, and the late Mrs. Waguespack, and is one of a family of seven sons and a daughter. He is married to the former Elaine Naquin, daughter of Mr. and Mrs. Edward Naquin, who also comes from a prominent Assumption Parish family. They have a son, Garald, aged 7.

## Anniversary of Swiss Independence

EXTENSION OF REMARKS
OF
### HON. SIDNEY R. YATES
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, August 6, 1957*

Mr. YATES. Mr. Speaker, Switzerland, a nation infinitely smaller than the United States but which through its own little Marshall plan has given hundreds of millions of dollars to aid wartorn European nations, celebrated independence day on August 1. It was on that day in 1291 that the men of the valleys of Uri, Schwyz, and Nidwalden formed an everlasting league for defense against all who should attack them. This league was the foundation of the Swiss conference of 22 cantons which finally was completed in 1815. Out of this union of German-, French-, and Italian-speaking mountain and valley people sprang a model democracy whose national and international conduct offers a shining example to the world.

The relationship between our countries has been a most harmonious and cordial one, particularly in the field of trade relations. The Swiss have one of the highest standards of living in the world and, in order to maintain it, they import many of their raw materials, food products, and finished goods from the United States. In turn, the United States recognizes the proficiency and fine quality of Swiss workmanship. Swiss watches and clocks, precision instruments, quality textiles, and of course the famous Swiss cheese have been landmarks of quality in the United States for years.

It is to be eminently desired that the United States and Switzerland continue to maintain friendly relations. We must not jeopardize such relations by harsh and unreasonable trade restrictions. We must remember that understanding and cooperation in dealings between nations, as between people, are the best assurance that our two great democracies will remain firm and fast friends.

I want to congratulate the proud people of friendly and democratic Switzerland upon this anniversary and to wish them many, many happy returns of the day.

## Three Hundred and Fiftieth Anniversary of Shipbuilding in America

EXTENSION OF REMARKS
OF
### HON. PRESCOTT BUSH
OF CONNECTICUT
IN THE SENATE OF THE UNITED STATES
*Tuesday, August 6, 1957*

Mr. BUSH. Mr. President, on behalf of the Senator from Maine [Mr. PAYNE], I ask unanimous consent that a statement prepared by him on the 350th anniversary of shipbuilding in America be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR PAYNE ON THE 350TH ANNIVERSARY OF SHIPBUILDING IN AMERICA

This year marks the 350th anniversary of the building of the first ship in America, the *Virginia of Sagadahock*, built by the Popham Colony in Maine. During the month of August the Bath Area Chamber of Commerce is sponsoring a series of special events to commemorate the founding of one of our Nation's historic and greatest industries: shipbuilding. It is indeed fitting that the Bath area should be taking the lead in this matter since not only was the *Virginia of Sagadahock* built there in 1607, but the area is today still renowned as one of the great shipbuilding centers in America.

The *Virginia of Sagadahock* was built at Stage Island near the mouth of the Kennebec River in Maine by the surviving members of the Popham Colony, the first English settlement in New England. She was a pinnace of 30 tons, approximately 30 feet in length, 13 feet beam, and 8 feet deep. Built to carry the survivors of the Popham Colony back to Plymouth, England, after the death of Capt. George Popham and the hardships of the severe winter, it subsequently made a number of voyages between America and England.

The celebrations this year commemorate far more than the construction of this small ship. They are a tribute to an industry that has done much to further the progress and peace of this country. From this small beginning, American shipbuilding has grown to be a bulwark of defense. With the speedy construction of ships we have been able to carry men, arms, and supplies to all parts of the world in times of emergency. In addition to its notable accomplishments in times of emergency, American shipbuilding played a vital part in the American economy in time of peace. Our merchant marine can be credited with helping to make this country a great industrial nation. It has been American ships that have made it possible for American products to reach overseas markets. The American merchant marine has truly been a major force behind America's ascendancy to world prominence. American ships have sailed the seven seas to bring prosperity and security to the people of America.

The anniversary of the building of the *Virginia of Sagadahock* is more than a tribute to the building of the first ship built in in America; it is more than homage to a brave group of early settlers. This anniversary in a greater sense is a tribute to an industry, an industry which has played a momentous role in American history; this is a tribute to shipbuilding and seafaring as a whole.

The State of Maine is particularly proud of her shipbuilders and seamen. Ships built at Bath, Portland, and many other places along our coast have served the Nation well.

The Bath-Popham area now celebrating the building of the *Virginia of Sagadahock* has long been a center of shipbuilding. The destroyers built at the Bath Iron Works are world renowned. On August 10 the U. S. S. *Hull* will be launched at Bath; and on August 15 the Post Office Department will issue a special commemorative stamp at Bath. Since August 1607 when the *Virginia of Sagadahock* was launched the Bath area has given our Nation stalwart ships to carry commerce in peacetime and armed might in war. America can indeed be proud of its great shipbuilding industry.

## Bill Will Aid Alaska's Economic Development

EXTENSION OF REMARKS
OF
### HON. E. L. BARTLETT
DELEGATE FROM ALASKA
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, August 6, 1957*

Mr. BARTLETT. Mr. Speaker, on August 5, the House passed H. R. 8054, which is a bill to provide for the issuance of oil and gas leases in lands beneath inland navigable waters in the Territory of Alaska.

In my opinion, enactment into law of this bill will do much to stimulate interest in and promote the production of oil and gas in the Territory.

Mr. Speaker, the situation in Alaska is novel and, in fact, altogether unique. More than 99 percent of the total land area of 586,000 square miles is in Federal ownership. Federal reserves amount to about 95 million acres out of a total of 365 million; the remainder is in public domain. Oil and gas leases have been and are issued under the Mineral Leasing Act of 1920. Alaska is a land of lakes and rivers in such numbers that they have not all been discovered, much less named. Alaska's coastline in the aggregate exceeds in length the coastlines of the States on the Pacific Ocean, the Gulf of Mexico and the Atlantic Ocean.

Under existing law, the Secretary of the Interior is not permitted to issue any leases for lands under inland navigable waters. H. R. 8054 will permit such leases to be made under the same general rules and regulations for the protection of the public interest which operate generally in Alaska with reference to the Mineral Leasing Act of 1920. Appropriate disposition of proceeds is to be made to the Territorial government after provision is made for payment to the Federal Government to cover administrative costs.

A person or a company operating in a western public domain State does not have the handicaps which confront those who seek to operate in Alaska. There leases may be acquired on the public domain from the Federal Government; and negotiations may be carried on with the State government for lands lying under

navigable waters. But the Territorial government of Alaska has no authority whatsoever over these lands and until H. R. 8054 becomes law no authority resides in the Federal Government either.

There is rather an urgent need to correct the situation now existing and the Alaska Territorial Legislature in its 1957 session adopted house joint memorial No. 18 which said in part:

> The development of the oil and gas resources of the Territory of Alaska is of vital importance to the development and economy of the Territory and to the national defense of the United States and its Territories and possessions.

And the memorial petitioned Congress to make these lands "available to the Department of the Interior for administration in behalf of the Territory of Alaska."

The bill approved by the House August 5 was introduced responsive to an executive communication. That communication was accompanied by a draft of proposed legislation. One section of that draft gave a preference right to lease lands beneath the navigable waters described in those leases up to a limit of 640 acres of land beneath any single body of navigable waters. That provision is incorporated in H. R. 8054. I think it is quite important to note here that this was an administration proposal and did not originate with the territorial legislature or with any person or persons interested actually or prospectively in oil leases. The Committee on Interior and Insular Affairs approved the preference section after thorough discussion and consideration. Personally, I believe it is altogether appropriate to have it in the bill. It might be mentioned here that the first actual discovery of oil in what appears to be commercial quantities outside of Naval Petroleum Reserve No. 4 was made in Alaska within the last month. Up to that time money has been poured into the country for leases and for prospecting for oil without surety that there would be any return, great or small. Indeed, that is true even to this day in respect to practically all the land under lease. It takes daring and imagination and willingness to gamble to search for oil anywhere, especially in a pioneer country such as Alaska. I believe there is every good reason why the person holding a lease should have a preferential right to 640 acres of land under inland navigable water. Otherwise, what will happen will be that speculators and others like-minded will seek to obtain tracts of such land surrounded by existing leases on the public domain. I am authorized by Director Woozley of the Bureau of Land Management to state that in the discussions held in connection with this all the officials of the Bureau believed that preferential rights should be established. Some of these officials thought there should be no limitation whatsoever as to acreage; still others thought it should be greatly in excess of 640 acres. However, that figure was settled upon to make sure that no assertion could be successfully made that undue rights were being accorded to those holding existing leases.

Mr. Speaker, I sincerely hope that H. R. 8054 becomes law at an early date. It will be, I am convinced, meaningful in aiding the economy of Alaska under proper conservation practices.

## Foreign Aid as It Affects Employment in the United States

EXTENSION OF REMARKS
OF
### HON. LAWRENCE H. SMITH
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 6, 1957*

Mr. SMITH of Wisconsin. Mr. Speaker, during the past several years that the Congress has considered the program of foreign aid, arguments have been made in support of it that most of the money is spent in this country and hence it is justifiable on that ground, if on no other. What are the facts?

Study No. 9 prepared for the Senate Special Committee To Study the Foreign Aid Program and this particular phase of it includes a table estimating employment as it affects the various States. I insert it at this point:

*Estimated employment related to foreign aid, by States, 1955*

| | |
|---|---|
| Alabama | 2,872 |
| Arizona | 517 |
| Arkansas | 324 |
| California | 34,882 |
| Colorado | 235 |
| Connecticut | 9,971 |
| Delaware | -- |
| Florida | 813 |
| Georgia | 1,919 |
| Idaho | 188 |
| Illinois | 30,694 |
| Indiana | 15,265 |
| Iowa | 2,051 |
| Kansas | 4,599 |
| Kentucky | 1,664 |
| Louisiana | 1,045 |
| Maine | 388 |
| Maryland | 4,244 |
| Massachusetts | 10,726 |
| Michigan | 30,302 |
| Minnesota | 2,320 |
| Mississippi | 3,045 |
| Missouri | 1,764 |
| Montana | 376 |
| Nebraska | 35 |
| Nevada | ------- |
| New Hampshire | 248 |
| New Jersey | 17,307 |
| New Mexico | ------- |
| New York | 38,249 |
| North Carolina | 3,959 |
| North Dakota | ------- |
| Ohio | 39,767 |
| Oklahoma | 1,674 |
| Oregon | 972 |
| Pennsylvania | 34,010 |
| Rhode Island | 2,235 |
| South Carolina | 324 |
| South Dakota | ------- |
| Tennessee | 1,919 |
| Texas | 12,082 |
| Utah | 329 |
| Vermont | ------- |
| Virginia | 3,065 |
| Washington | 4,123 |
| West Virginia | 3,737 |
| Wisconsin | 9,111 |
| Wyoming | ------- |
| Total | 333,350 |

In my own State of Wisconsin the estimated number of people employed as a result of foreign aid is about 9,000. The grand total, however, is 333,350. In other words, Mr. Speaker, out of a total labor force of more than 65 million people, the percent employed as a result of the foreign aid program is 0.513 percent, just about one-half of 1 percent. Can it be said, therefore, that this program has any great effect upon employment? Certainly it should not be concluded that in the absence of foreign aid the number of persons above would become unemployed. Tax reductions which permit greater spending by American consumers and an easing of credit restrictions would tend to sustain employment.

## One Hundredth Anniversary of the Birth of Lillian Nordica

EXTENSION OF REMARKS
OF
### HON. PRESCOTT BUSH
OF CONNECTICUT
IN THE SENATE OF THE UNITED STATES

*Tuesday, August 6, 1957*

Mr. BUSH. Mr. President, on behalf of the Senator from Maine [Mr. PAYNE], I ask unanimous consent that a statement prepared by him commenting on the 100th anniversary of the birth of Lillian Nordica be printed in the CONGRESSIONAL RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR PAYNE ON THE 100TH ANNIVERSARY OF THE BIRTH OF LILLIAN NORDICA

This year marks the 100th anniversary of the birth of one of America's greatest sopranos and one of Maine's most famous daughters. Lillian Nordica, born December 12, 1857, at Farmington, Maine, worked diligently during the greater part of her life to achieve success in the musical world. Her perseverance and sacrifice for her career were known only to those close to her. But her operatic talents and accomplishments became known to all the world.

Lillian Nordica studied at first in the New England Conservatory and later under teachers in Italy. She made her operatic debut in Italy and subsequently sang in London, Paris, St. Petersburg, and Moscow. Acclaimed throughout Europe, she performed on several occasions for the royalty of that Continent, and one of the highlights of her life was her appearance in 1893 before Queen Victoria.

The apex of her career was her interpretation of Wagnerian roles; critics found her the greatest Isolde of them all and she met with remarkable success as Elsa in Lohengrin. Some considered her greatest role that of Marguerite in Faust. She studied for this role under Gounod, himself. In this country Madame Nordica became the first American to sing Wagnerian roles with the Metropolitan Opera Co.

For all the natural beauty of her voice, she attributed much of her success to continued practice and study. Even at the height of her career she spent many hours each day preparing herself for her concerts. She learned the necessary foreign languages so that even the shades of verbal meaning could be interpreted in the roles she sang. When once asked, "What do you consider necesary for a woman's career? she replied, "Work, work, work, and yet more work. Energy, health, indefatigable industry, loss

of friends, time, pleasure, and money, and to think of nothing but work."

And yet, Lillian Nordica always remembered her birthplace; often referring to her hometown of Farmington, Maine, as the "loveliest spot on earth." She returned on several occasions to fill concert engagements in Maine and to visit her home. On one such occasion, she gave a program at Farmington State Normal School to raise funds for the purchase of kerosene lamps for street illumination.

During this Lillian Nordica centennial year many groups and organizations throughout Maine are participating in concerts and exhibits in honor of Maine's most famous contribution to the music world. Through the efforts of the Nordica Memorial Association, her home in Farmington has been turned into a memorial and the collections of memorabilia there have been of interest to the many visitors. The unstinting efforts of Ben Stinchfield and the other leaders of the Nordica Memorial Association are making this anniversary celebration a complete success. On July 23, a Lillian Nordica Memorial Concert was held in the little Damariscotta Baptist Church, where Lillian Nordica first sang in 1870. Other concerts and events are planning for the remainder of the year in Farmington and elsewhere. These, I am sure, will prove a fascinating attraction for music lovers and others to whom Lillian Nordica is still a great historical figure in the world of music.

In the centennial year of her birth I salute Lillian Nordica, famed daughter of the State of Maine.

## Defect in Illinois Election Ballot Needs Amending

EXTENSION OF REMARKS

OF

### HON. EMMET F. BYRNE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 6, 1957*

Mr. BYRNE of Illinois. Mr. Speaker, for a long time I have given serious thought to the position of candidates for Congress on the ballot in Illinois. After I was elected in 1956 many of my friends expressed the hope that I would enjoy Springfield. I hastened to explain that I was going to Washington and not Springfield, the seat of our legislature. I am convinced that many voters in Illinois are often confused as for whom they are voting and for what position. I certainly believe that remedial changes should be made to remove any confusion about voting for a candidate for Congress in Washington or voting for a candidate for Illinois' State Legislature.

To that end I have met with the Republican Members of Congress from Illinois and we adopted a resolution which we have sent to the members of the State Electoral Board of Illinois which is composed of the Governor, William G. Stratton; the secretary of state, Charles Carpentier; the State treasurer, Elmer Hoffman; the attorney general, Latham Castle; and the auditor of public accounts, Elbert Smith.

I would like permission to have these remarks along with the resolution sent to the electoral board inserted in the RECORD.

I am gratified to read the splendid editorial appearing in the Illinois State Journal of August 3 in which the paper urges that consideration is given our request. The position of Congressional candidates on the ballot is not logical. I contend, and am supported by other members of the Illinois Republican delegation in this, that Congressional candidates' names should be placed after the candidate for United States Senator.

The resolution and editorial follow:

We, the Illinois Republican Members of the 85th Congress, first session, assembled at a meeting in the office of the Honorable NOAH M. MASON, 15th District, Illinois, room 1103, New House Office Building, Washington, D. C., on Tuesday, July 24, 1957, agreed:

Whereas in the presidential election of November 1956, President Eisenhower, Vice President NIXON, the Congressional Campaign Committee and the Senatorial Campaign Committee proclaimed and emphasized the necessity and advisability of electing a Republican Congress, we did not succeed; and

Whereas the voters of the State of Illinois were told that Ike needed a Republican Congress and a Republican Congress was a must in 1956, we elected a President and Vice President, but failed to elect a Republican Congress by a substantial majority; and

Whereas the very nature of the office of Congressman, described as Representative in Congress on every ballot and voting machine in Illinois is that of a Federal office and synonymous with duties in the Nation's Capitol; and

Whereas all political advertising is directed toward the election of candidates and the appeal is to the voters of the cities, towns, and rural communities; and

Whereas voters would naturally expect and look for a candidate for Congress on a ballot or voting machine after the candidate for United States Senator; and

Whereas in the State of Illinois in a presidential election this is not the fact, but on the contrary the office of Representative in Congress appeared in the position of 14A or 14B on every voting machine and in the same order on every paper ballot; and

Whereas such a position on the ballot is confusing, misleading, and is a definite handicap to a Congressional candidate; and

Whereas in other States no such order of candidates as exists in Illinois is authorized or permitted and in some States they have a Federal ballot, carrying the names of the presidential ticket and the candidates for Senator and Congressman; and

Whereas in Illinois the State electoral board, the Governor, the secretary of state, the attorney general, the State treasurer, and the auditor of public accounts have the power, without legislative change, to certify the order in which the names should appear on the ballot; and

Whereas if the office of Representative in Congress were placed on each ballot after United States Senator, it would not handicap the State ticket nor injure the county ticket and would help to relieve the confusion and similarity of Federal and State offices, such as Representative in Congress and members of the general assembly: Now, therefore, be it

*Resolved*, That copies of this resolution should be sent to each member of the State Electoral Board of Illinois.

EMMET F. BYRNE, CHARLES W. VURSELL, RUSSELL W. KEENEY, TIMOTHY P. SHEEHAN, LEO E. ALLEN, NOAH M. MASON, WILLIAM L. SPRINGER, HAROLD R. COLLIER, ROBERT H. MICHEL, WILLIAM E. MCVEY, LESLIE C. ARENDS, SID SIMPSON, ROBERT CHIPERFIELD, MARGUERITE S. CHURCH

DEFECT IN ILLINOIS ELECTION BALLOT NEEDS AMENDING

Illinois 14 Republican Congressmen have pinpointed a glaring defect in the makeup of this State's election ballot. In a letter of protestation to Governor Stratton and other members of the State electoral board, the Congressmen point out that names of Congressional candidates were 14th in a long list of names last fall. Names of United States senatorial candidates, by comparison, were third from the top.

Congressman EMMETT F. BYRNE, of Illinois, who is leading the effort to get the ballot changed, says he is convinced that one of the reasons the Republican Congressional candidates lost so many votes in the 1956 election is due to the misleading placement of candidates' names on the State and Federal ballots in Illinois.

That may or may not have contributed to the defeat of Republican candidates. But there is no question about the Congressional names being misplaced. Last fall's ballot put the Congressional candidates' name between the clerk of the appellate court and State representatives. All of the State candidates, including three trustees of the University of Illinois, were above the Congressmen's names.

The logical order on the ballot for a Congressional candidate's name is with the other Federal candidates when other Federal candidates' terms come up. When other Federal candidates are not on the ballot, Congressional candidates ought to have a separate listing on the ballot, or at least at the top of the ballot. The State board should give due consideration to the request of the 14 Republican Congressmen.

## Rural Electrification in North Dakota

EXTENSION OF REMARKS

OF

### HON. OTTO KRUEGER

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 6, 1957*

Mr. KRUEGER. Mr. Speaker, one of the activities of Government which most closely affects the farm people of North Dakota, and thus all of the people of my State, is the work of the Rural Electrification Administration.

Since this year represents an anniversary for REA in North Dakota, I have prepared a summary of what REA and the newer rural telephone program have meant to us.

The summary follows:

Twenty years ago light came to the farms of North Dakota by way of REA.

It was on the 24th of November 1937, that electricity flowed over the wires of the new lines built by the Baker Electric Cooperative at Cando, N. Dak., in the first operation financed by the Rural Electrification Administration in the State.

Today, the scene has changed greatly.

Twenty years ago, only a little more than two percent of the farms in North Dakota had electric lights. Today, not many more farm families than that are without electricity not only for lights but for a multitude of other uses as well.

The past 2 decades have brought a change in our State because of REA, and they have also brought some changes in the attitude Americans have about REA. When the program began, it met with considerable opposition. Over the years, the success of what REA was doing brought widespread

acceptance. But today, the opposition is growing again.

To understand why, we should look first at what has happened to REA since it was given approval by Congress in 1935.

THE GROWTH OF THE REA PROGRAM

As of July 1, 1957, about $2½ billion was owed the Government in outstanding loans to cooperatives. This does not include the millions already repaid.

Included in the loans were almost $111 million ($110,793,649), which have gone to North Dakota cooperatives, much of which is now being repaid.

REA loans also cover the telephone program. Total loans outstanding on July 1, 1957, for rural telephone associations were in the amount of over $200 million. Of this a large percentage was in North Dakota loans.

To date, loans for telephone groups have totaled more than $394 million since the start of the program, and of this, $24 million, or about 6 percent has gone into providing expanded telephone service in North Dakota.

More than $3½ billion ($3,536,712,273) has been loaned under the rural electrification program. Another quarter of a billion dollars was requested in the proposed budget for 1958, with another three-quarters of a billion spent in the fiscal years 1956 and 1957. I mention these figures to emphasize the stepped-up program which has been put into effect since the beginning of the Eisenhower administration. Not only has the volume of the program been stepped up, but so has the processing of applications, which takes only half as long as previously.

SOME REPAYMENTS ARE OVERDUE

REA was established in the depression to make credit available to bring electricity to the farms. The objective was to do this with long-term loans which eventually would pretty much pay for the entire program.

For the most part, these loans are being repaid on schedule. Only 8 out of almost 1,000 REA cooperatives are more than 30 days overdue in payment. The telephone loan associations are having a little more difficulty, with a few of the 450 borrowers more than 30 days overdue.

These overdue payments represent an unhealthy situation, but they are not the real source of trouble, as far as opposition to REA activities is concerned.

THIRTY-FIVE MILLION DOLLAR LOSS IN INTEREST

The opposition comes from the fact that the REA is costing the Government a hidden $35 million a year.

When REA was established, the interest rate was set at a figure reflecting the interest the Government itself was paying on money it borrowed to lend to cooperatives. When that rate went up or down over a period of time, so did the REA rate, until 1944. That year, the REA loan rate was set permanently at 2 percent.

What has happened now is that with the rise in the interest rate the Government must pay for its money, the taxpayer is subsidizing REA to the amount of $35 million, and perhaps as much as $85 million if loans continue to be made at their present record high level.

With a tremendous demand for economy facing the 85th Congress, it was natural that a bill would be introduced to change the REA loan rate.

There was immediate opposition to the measure from the National Rural Electric Cooperative Association, which opened up two lines of thought.

On one side were those who favored increasing the interest rate to keep REA on a basis of paying for itself. On the other side, were those who believe REA has now achieved its objective and should be abolished.

Ninety-six percent of the farms in America have central station power now. In North Dakota, where we have some sparsely settled areas, and in Wyoming and a few other States, the percentage is not as high. About 86 or 87 percent of North Dakota's farms are electrified.

This fact is being stressed by REA opponents who say that we can afford to get along without the REA now. They argue that most of the money now goes for services other than power distribution, and that cooperatives can start financing their own construction and expansion of plant facilities.

Moreover, much is being made of the cases of some REA co-ops who have gone into the appliance business. While this is legal as long as loan funds are not used, it has aroused antagonism in many quarters because the co-ops are selling on terms a dealer cannot match, and are doing so with funds which could be used to repay obligations to the Government.

Fighting this viewpoint is the National Co-op Association in Washington headed by Clyde Ellis. From his modern eight-story office building in downtown Washington, he directs one of the major propaganda barrages aimed at Congress.

Mr. Ellis, a former Congressman, a few months ago was given a verbal spanking before a House committee when he was described as arrogant, biased, and improperly representing his case. His operations are financed by a levy which is paid by every user of REA electricity, whether he represents every user's viewpoint or not. It is just part of the bill.

A lot of Congressmen are agreed that they prefer to listen to the viewpoints of co-op officials and subscribers in their own States.

FIGHT FOR REA PROGRAM

Years ago I remember when the gasoline lamp replaced the kerosene one. We had a friend come to visit, and since I was busy for a minute I suggested he go in and light the lamp and make himself at home. He came running out of the house a minutes later, his clothes all ripped up, and said he had lit the lamp but it had gone out. "Well, light it again," I told him. "I can't," he replied. "It went out through the roof."

Today when working for the REA program, we have to be careful, too. I have always supported REA, and I do so now, but I know you will agree when I say that I want to be sure our program, like the lamp, doesn't go out the roof.

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## Coal Competitors

EXTENSION OF REMARKS

OF

## HON. WILL E. NEAL

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 6, 1957*

Mr. NEAL. Mr. Speaker, coal is still the king of fuels but its throne is being severely challenged by its competitors. Its dethronement as a national fuel will have an adverse effect on America's effort to maintain adequate defense production when and if this country becomes involved in an all-out world conflict.

Without sufficient markets enabling the coal industry to preserve potential production during peacetimes, readiness to meet such an emergency will be lost. Time and investment required to reopen and reactivate needed mine operation may mean the difference between victory and defeat.

Three years ago this industry was in a deplorable condition. Decreased domestic demands for coal were so low that many mines were closed leaving 100,000 miners and as many transportation employees out of work. Only through timely Federal aid in making foreign markets available was the industry able to survive. This demand for American coal may or may not last, depending upon the future economies of Europe, Japan, our wavering allies, and the Federal Government's contribution to their purchasing power.

America's coal has become the unfortunate victim of three powerful competitors—fuel oil, natural gas, and electricity. Competition from the latter, however, is compensated to a degree since electric power depends upon coal for much of its production.

Residual fuel oil, a refinery byproduct of no further value to the oil industry, has become a popular substitute for coal for the operation of diesel engines, boiler use, and heating. Since markets for this byproduct of the refineries merely adds so much velvet to their profits, they are in favorable position to undersell to coal users and thereby reap additional profits. Most of this fuel is imported from Venezuela, some of it from the Middle East. The importers of this commodity have had a free rein for many years. They have increased their import volume from year to year, with no effort on the part of the oil companies to voluntarily limit importation, nor have our Government leaders yet recognized that excessive imports of this fuel are not in the national interest. Coal shipments to the eastern seaboard have dwindled alarmingly, while imported residual oil continues to undersell and displace coal as a fuel in many parts of the Nation.

The record shows imports of residual fuel oil to August 1, 1957, amounted to 93,461,000 barrels, which is equivalent to 22,428,800 net tons of bituminous coal. Projected to the end of the year, an estimated increase of residual fuel oil for the year 1957 will be 2 million barrels over 1956. Legislative efforts to limit residual imports have failed repeatedly. In April of this year, the President appealed to the major oil companies to voluntarily reduce their imports of this fuel with no apparent response. The President then appointed a special Cabinet Committee to study and advise remedial action. This Committee recently reported to the President that the continued increase in the importation of oil was not in the national interest and recommended "mandatory programs if the importers failed to cut crude imports to 10 percent below the 1954–56 average." Please note that this report applies only to crude imports but makes no mention of oil products or residual fuel oil.

No matter how successful the Department of the Interior may be in securing voluntary compliance of the importers to limit crude oil imports, it is apparent that no effort to restrict the importation of residual oil is contemplated at this time.

The coal people are alarmed at the gradual increased rate of residual oil im-

ports and the rate at which it is displacing their markets, thereby weakening their investment in present facilities.

Since natural gas offers the householder immeasurable advantages over coal, no attempt by coal producers to discourage its use for this purpose is being made. But the coal people look upon industrial use of natural gas, now estimated to consume two-thirds of present field production, as an unjustified and uneconomical means of depleting existing known reserves. No one can question that the rapid depletion of these reserves will reflect itself in an increased price domestic users will be compelled to pay for this commodity. They do, however, object, and rightfully so, to unfair cutrate sales of this fuel to industrial users, especially when cutrate sales by the pipelines are permitted by the FPC with no regulation of rates. To witness their industrial coal customers convert one by one from coal to gas is further warning that their industry will face the time when their investments in equipment and sales organization will suffer severe losses. It should also serve as a warning to the Nation's policymakers that a defunct coal industry cannot be expected to respond to the Nation's call in time of emergency.

While the freedom of industry to choose the fuel it elects to use is not questioned by the coal industry, unregulated direct and interruptible sales by pipeline companies at costs sufficiently low to induce industry to burn gas instead of coal is considered unfair competition.

In the pending legislation, referred to as the Harris bill, the coal industry is endeavoring to include a provision compelling the FPC to close the loophole in existing law, making it unlawful for pipeline companies to negotiate sales of gas to industrialists at rates lower than that which they charge municipal distributors for resale to domestic customers. An amendment to this effect will be offered when this bill comes to the floor of the House. It is hoped that the Members of the House will recognize the value of this amendment to the overall economy of the Nation.

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## Vessel Replacement Funds

EXTENSION OF REMARKS
OF
## HON. WARREN G. MAGNUSON
OF WASHINGTON
IN THE SENATE OF THE UNITED STATES

*Tuesday, August 6, 1957*

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement which I have prepared regarding vessel replacement funds.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON VESSEL REPLACEMENT FUNDS

The forthright statement by Secretary of the Navy Thomas S. Gates, Jr., before the House Merchant Marine and Fisheries Committee recently as to the vital role of the merchant marine in defense planning was heartening to everyone truly interested in the welfare, and concerned for the future, of American shipping.

His official declaration of the Defense Department's attitude toward the country's privately owned merchant fleet was unmistakably clear.

It affirmed all-out support by the military authorities for the national maritime policy as set forth in the Merchant Marine Act of 1936, a policy which calls for, as essential for the national defense and for development of the Nation's commerce, a merchant marine adequate to the needs of commerce and capable of serving as a naval and military auxiliary in time of war or national emergency.

This merchant fleet, the 1936 act declared, must be owned and operated under the United States flag, by United States citizens, and composed of the best equipped, safest and most suitable type of vessels, constructed in the United States and manned with a trained and efficient citizen personnel.

The 1936 act further stated it to be the policy of the United States to foster the development and encourage the maintenance of such a merchant marine.

The national maritime policy as laid down in the act of 1936 bears repetition. Sometimes there is a tendency to forget, or to ignore it. Some groups and even officials in high places have been willing, under the plea of economy, to allow our commerce to be carried in foreign ships. They forget the tragic lessons of World Wars I and II, the lives and resources sacrificed because we didn't have ships of our own, in sufficient quantities, when we were in dire need of them.

It is salutary, indeed, that the defense authorities are fully alert to the need for an adequate merchant fleet. And timely, likewise, was the official endorsement given by Secretary Gates, on behalf of the Defense Department, to the long-range vessel construction and replacement program which he described as "so painstakingly developed by the Maritime Administration."

The more ardent supporter of our merchant marine could hardly have asked for a more assuring attitude in this respect on the part of the military. Secretary Gates' testimony should lay to rest completely any fears that the Defense Department had suffered a change of heart concerning the need for a strong merchant marine.

But this stanch Defense Department support of the merchant fleet's role in future war or emergency raises some very definite and disturbing questions.

If the merchant marine is so vitally important to the commerce and security of the Nation as the Defense Department believes—and I certainly concur in their thinking—why is the merchant marine's special pleader in the administration, the Secretary of Commerce, so lacking in enthusiasm for the vessel replacement program developed, under his jurisdiction, by the Maritime Administration?

And, if the Defense Department feels—as Secretary Gates declared on July 11 before the House committee—that "a large, modern, and well-balanced merchant marine is positively vital * * * without it, in time of war, neither the military effort nor the war economy of our Nation could be supported"—why isn't the administration ready to bring pressure to bear to assure the funds necessary for Government's participation in the vessel replacement program?

The fiscal 1958 budget called for $115 million for vessel construction. However, the entire $115 million was eliminated. Of the total, $25 million was diverted to other purposes at the specific direction of the President. The remaining $90 million was slashed in the interest of economy. Needless to say, loss of these funds played havoc with the well-laid plans of the Maritime Administration to initiate the first yearly phase of the vessel replacement program so thoroughly endorsed by the Defense Department.

No effort was made by the Secretary of Commerce to impress upon the Congress the urgent need for these funds. Instead, in reply to a letter of inquiry from the president of the Shipbuilding Council of America, the Secretary merely stated that his decision not to appeal for restoration of the funds was based on the desire for economy. Rather alarmingly, his letter went on to state that, for fiscal 1959, "natural economic policy may, of necessity (again) influence the size of the (vessel replacement) program."

Thus, while defense insists, on the one hand, that a modern, well-balanced merchant marine is positively vital to defense planning, the Secretary of Commerce calmly suggests that we may not be able to afford it.

Now he has told the House Merchant Marine Committee that his Department is considering requesting the Congress for funds to cover the Government's part of the construction cost of a replacement for the steamship *America*. Let us hope the matter advances beyond the consideration stage.

Billions of dollars were wasted, during World War II, on a shipbuilding emergency program that was made necessary by just such haphazard thinking as this. By not being able to afford building up the merchant marine at the proper time, we had to pay truly abnormal prices for building the needed vessels in wartime, we didn't have them when we needed them most, and the ones we built, most of them, at least, were obsolete when they came off the ways.

It was to avoid another repetition of such a blundering policy that the Maritime Administration, over the past few years, has labored to develop a long-range vessel replacement program so phased, on an annual basis, as not to overtax the Nation's shipbuilding facilities, or the financing potentialities of the vessel owners. Government, of course, was to participate in this replacement program.

Government has now withdrawn its support from the first year's program, which thus goes down largely by default. If, as the Secretary of Commerce blandly suggests, the Government's second year support funds are to be eliminated for reasons of economy, we will be definitely headed once more on a do-nothing policy of vessel replacement that will render it absolutely impossible to replace our present fleet before it becomes largely obsolescent. As a result, the Nation's shipping will be increasingly unprepared to compete in international trade. And there will not be available the modern, well-balanced fleet upon which the Defense Department would have to rely in emergency.

America missed the boat—actually as well as figuratively—in World War I, because we did not have the foresight to provide adequate shipping for our needs. We couldn't afford it, and we paid through the nose for our lack of foresight.

Undaunted by this blunder, the Nation failed again, despite some small effort made to implement the Merchant Marine Act of 1936, to be prepared for World War II. This time we suffered cruelly for lack of shipping to supply our forces throughout the world in the early stages of the war. When we did finally begin to produce the ships needed, they were faulty, slow, and were fantastically costly.

Admittedly, these war-built vessels finally, by sheer weight of numbers, turned the tide of war in favor of the Allies. However, in all probability, the issue could have been decided much earlier, and losses in manpower and resources would have been much less, if we had had the foresight to strengthen the merchant marine, prewar, on the reasonable basis of the national maritime policy as set forth in the 1936 act.

We just do not seem to want to learn from experience. The questionable economy that

requires curtailments of vessel replacement funds now, and that prevents the orderly, well-planned replacement of our aging, war-built fleet, could cost as dear in a future emergency.

When are we going to stop this haggling over vessel construction and operating funds, when sad experience has proven in two world wars how costly and dangerous such haggling can be?

Our shipping is in a sad state now, compared to that of the rest of the world. Most of it is old, and slow, uneconomic for today's commercial needs. It is a poor stick upon which to rely should a future emergency strike.

But that aging, slow, unsuitable fleet is all that we will have to look to for logistics support should another war come unless—unless we come to our senses, and profit by the lessons of World Wars I and II.

The only way America can procure the modern, well-balanced fleet the Department of Defense advocates, and the peacetime economy requires, is to start constructing vessels now, on a planned yearly basis. And we cannot begin or carry on that replacement program unless we discard the false economy pressures that have emasculated the first year's program, and make up our minds that vessel replacement funds belong on a defense-priority basis.

America's shipyards can't build several hundred ships all at once. They must have work now to hold their skilled forces together, and the vast replacement construction planned must be spaced over the years in orderly fashion.

The shipowners too face a vast, tremendously costly burden, running into hundreds of millions of dollars. Yet they have undertaken, most courageously, to do their part of the program on a carefully planned year-to-year basis.

The Congress, the administration, the country must now face up to their responsibility. The funds required, several hundred million dollars annually, are so little in comparison to the defense importance of the merchant marine, and so little compared to the costs that will have to be faced if we ever get into another emergency ship construction program, that there is only one reasonable conclusion.

Funds should and must be forthcoming on an annual basis. Only thus will it be possible to implement properly the national maritime policy, and to provide for a phased replacement program that will assure adequate shipping for the needs of war and of the Nation's ever-increasing commerce.

I have had occasion previously to cite the valuable support rendered to the cause of American shipping by the National Security Commission of the American Legion. In the July 1957 issue of the Merchant Marine Bulletin, published by the Commission's National Merchant Marine Committee, there is an editorial entitled "What Price Economy?" which is right on point as to the question of Congressional and administrative support to the national maritime policy. I attach hereto the editorial to which I have just referred:

"WHAT PRICE ECONOMY?

"(By Henry C. Parke)

"We would be the last to deplore the Congressional economy drive, aimed at holding the Federal budget to the lowest feasible figure. But no believer in American-flag shipping can help being a little dismayed at the turn economy has taken in the matter of shipbuilding funds.

"The strange thing about this action, which wiped out virtually the entire sum requested by the President for construction-differential subsidy, is that it is hard to reconcile with national maritime policy as Congress has already established it. For one thing, the canceled funds would have permitted construction to start on a sister ship to the *United States*, to replace the *America*. Under existing legislation, the latter will be obsolete in 1960. Yet her replacement cannot now be started before late 1958, at the earliest.

"The slash also seems to overlook the fact that apart from three passenger liners, there has been no new subsidized construction since the war. In other words, the funds sought were, in a very real sense, not a year's budget but a decade's. Congress has written into law the principle that we need an adequate merchant marine. At a time when, to quote Maritime Administrator Clarence Morse, 'within a few short years, 85 percent of our dry-cargo fleet will become obsolete,' it is hard to square this principle with a denial of the funds to start a replacement program.

"This brings us to the most fundamental questions raised by the cut. Are we as a Nation sincere when we say we want and need a merchant marine? If so, have we any clear idea what it entails to maintain one? Mr. Morse put the issues squarely and clearly on National Maritime Day, when he said, 'If in the public interest we need what is termed an adequate American merchant marine, carrying at least half of our own foreign trade, one that contributes substantially to our economic well-being and to our national defense—we must pay for it. And if we agree that this expenditure is necessary to the well-being of the country, let us appropriate for it annually and on a sound, consistent basis. Deferring an appropriation this year is false economy—it means merely a doubling up next year and it means an uneven flow of new-ship construction.'"

## Death of Kenneth Roberts, Noted American Author

EXTENSION OF REMARKS

OF

## HON. PRESCOTT BUSH

OF CONNECTICUT

IN THE SENATE OF THE UNITED STATES

*Tuesday, August 6, 1957*

Mr. BUSH. Mr. President, I rise on behalf of my distinguished colleague the Senator from Maine [Mr. PAYNE]. I ask unanimous consent that a statement prepared by the Senator from Maine [Mr. PAYNE] on the death of Kenneth Roberts, noted American author, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR PAYNE, ON THE DEATH OF KENNETH ROBERTS, NOTED AMERICAN AUTHOR

Last week saw the passing of one of America's best known historical novelists. Kenneth Roberts, a native son of Maine, labored diligently and tirelessly to acquaint his fellow Americans with the background and motives behind the historical patterns of the Revolutionary War period. His complete and methodical research resulted in some of our finest novels of that era. Through his studies he became convinced that Benedict Arnold was actually moved by high principle and—at the time—developed some degree of popularity. The excellent quality of his historical novels won for Kenneth Roberts a special Pulitzer citation this year. This richly deserved award acclaimed Roberts "for his historical novels which have long contributed to the creation of greater interest in our early American history."

Kenneth Roberts was a product of Maine and this fact was revealed not only in his writing but in other facets of his life. Rather than a journalist's career in Washington he preferred life at Rocky Pastures, the stone house which he built at Kennebunkport. His neighbors may remember him best for his infinite faith in the dowsing rod as a means of finding water and for his efforts to promote the use of such rods. He was known for his bluntness, too, and for his impatience with modern automobiles, liberal legislators, and other highly placed jackasses.

But the memory of Kenneth Roberts will live forever in such outstanding historical novels as Rabble at Arms, Northwest Passage, and Lydia Bailey. The historical accuracy of these stories has already set a level which few other authors have attained. And through Kenneth Roberts many Americans now have a better understanding of their Nation's history.

I attach to my statement editorials from five Maine newspapers concerning the life and works of Kenneth Roberts:

[From the Bangor (Maine) Daily News of July 24, 1957]

"KENNETH ROBERTS

"In the death this week of Kenneth Roberts, Maine has lost perhaps its greatest historical novelist.

"Certainly the State has lost one of its most distinguished and dedicated friends.

"Despite his great success as a writer and the almost countless honors that came his way, including a special Pulitzer award, Roberts never forgot his native State of Maine, or spared any effort to help encourage its progress.

"After launching his career as a writer, Roberts left an editorial job on a national magazine in New York and returned to the scene of his birth at Kennebunkport. It remained his home until he died at 71.

"It was former President Theodore Roosevelt who encouraged Roberts to write his first historical novel about New England. As he did research on that project it was Roberts' observation that only then did he get a sort of broad picture of what had gone on in Maine and New England in the old days.

"Roberts wrote of historical Maine and New England not only with understanding but with integrity and accuracy that won him national fame. Few authors did more research to prove historical details.

"Once telling about his novel, Northwest Passage, he revealed that it required 3 years of the hardest kind of research for the reader to understand in 2 days.

"Roberts was more than a historian. There was nothing dry or stodgy about his books. They were human, realistic. They dealt with the people involved in those historic times; the relation of a single event to a war; to the Nation; and to the people themselves.

"To read a Roberts' novel was an adventure that lingered long after the book was put aside. History came to life from the very force of his descriptive pen.

"Perhaps Roberts summed up his work best when he commented on one of his popular books, Rabble in Arms. For a month he labored day and night to finish the last portions of the book. Often he fell asleep over the manuscript. Commenting on it, he said:

" 'You have a feeling you've done something when you've done a historical novel.'

"Rightfully, Maine is famous for its rocks and men."

[From the Portland (Maine) Press Herald of July 23, 1957]

"ROBERTS ROSE TO FAME ON INTEGRITY AND HARD WORK

"Historical novelist Kenneth Roberts owed his brilliantly successful career to a talent best described as literary integrity, a term reaching far beyond simple honesty to con-

note intelligence, hard work, self-confidence, and a deep sense of mission.

"While other authors settled for a guess or a comfortably ambiguous sentence covering up faulty research, Kennebunkport's Roberts dug and scratched until his tireless fingers grasped all, and nothing but, the truth. Thus tuned to ring with authority his fiction became more factual than many straight histories, prodding less patient scholars to rethink their conclusions and stimulating Americans to a more thoughtful interest in the military and political achievements of their forebears.

"He could write with the best. He competed successfully for top positions on the best seller lists. His unique quality, bred of a unique wholeness in his approach to writing a book, was his capacity to attract those who wanted to learn as well as be entertained, and who appreciated a believable teacher as much as a skilled writer.

"Although Kenneth Roberts is no longer with us, he has bequeathed us a priceless heritage. Even as he learned at the feet of the late Booth Tarkington, his life will be a lesson to future generations in how literary integrity, encompassing breadth of dedication no less than depth of research, makes the difference between mediocrity and greatness."

[From the Lewiston (Maine) Sun of July 23, 1957]

"KENNETH L. ROBERTS

"Kenneth Roberts, who died at his Kennebunkport home on Sunday at the age of 71, did more than attract national attention to his native State, its history, its people, and its good food.

"He was, for many years, a foremost American historian and by presenting the early history of this country in the guise of interesting fiction, did much to increase popular knowledge of the Revolutionary War and the War of 1812.

"Mr. Roberts' contributions were finally recognized this spring by the Pulitzer prize committee, which presented the author a special award for his historical novels. That assuaged the disappointment Roberts felt 20 years ago, when his best-selling Northwest Passage inexplicably failed to win the Pulitzer prize for fiction.

"Kenneth Roberts was born in Kennebunk, worked as a reporter on the now defunct Boston Post, fought in World War I, corresponded over much of the world for the Saturday Evening Post, and began his series of historical novels with Arundel 27 years ago. Famous for his hot temper and outspokenness, he had no use for billboards, sloppy historical writing, bankers, and engineers and other learned persons who doubted that water could be found underground with a forked stick.

"In fact, water-dowsing became more than a hobby in Mr. Roberts' later years. A new book on the subject will be published this fall, and all over New England there are people enjoying water supplies discovered by the author's townsman, the famous Henry Gross. As a Maine product Kenneth Roberts was one of the finest and it will be a long time before we see his like again."

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[From the Lewiston (Maine) Evening Journal of July 22, 1957]

"KENNETH ROBERTS

"Maine provided the locale and many of the characters for a number of the historical novels written by the late Kenneth Roberts, who died yesterday at his Kennebunkport home. His death removes one of the outstanding historical novelists of the last quarter century.

"Roberts specialized in the period of American history stretching from the French and Indian Wars through the early years of the United States, as it struggled for its independence in the Revolution and fought to retain it in the early 1800's. He was noted for the painstaking accuracy of his accounts of life as it was lived in the formative days of this Nation. He prided himself on complete, careful research.

"Although his novels did not attain best sellerdom until the appearance of Northwest Passage in 1937, several of his earlier novels possessed as much merit, with Rabble in Arms a particularly vital story abounding in characters from the then District of Maine.

"Roberts in recent years had become exceptionally interested in water dowsing, and was writing on a book relating to this subject at the time of his death. He was a vehement supporter of those things in which he believed, and could become extremely sharp when his sense of right was disturbed.

"This was illustrated in his 'no holds barred' assault upon English historian Toynbee in an article entitled 'You Can't Say That About Maine.' He literally ripped Toynbee to shreds, and with good reason, too, in view of the Englishman's casual sarcasm relative to Maine residents and his failure to name Vermont among the New England States.

"Kenneth Roberts has left a treasure trove of entertaining books for future generations. His work was of a quality to assure that it will be read in years to come. He literally brought the past to life in glowing colors."

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[From the Waterville (Maine) Morning Sentinel of July 23, 1957]

"REWARDING CAREER

"If you sought to raise the ire of author Kenneth Roberts, you needed only to question the seriousness of his interest in the much joked about Yankee art of water dowsing.

"Roberts actually was deeply concerned with the problem of water shortages and when he and Henry Gross, a one-time York County game warden and a water dowser, got together to promote the finding of water with a forked stick it was no tongue-in-cheek venture.

"But despite his midcareer interest in water and in off-beat agriculture, Kenneth Roberts will be best remembered for his historical novels.

"His writing filled a great void in the early history of this country—especially New England—and by popularizing this history through his novels he brought to countless numbers of people a greater knowledge and understanding of human building blocks of the United States of America.

"Because of his attention to infinite detail, his works are not only good reading but are excellent source material.

"His research for his novels about Benedict Arnold, for example, led him to the conviction that Arnold's treason actually had high motives.

"Roberts' death Sunday in Kennebunkport brought to an end a rich life and a rewarding career to one of Maine's first citizens.

"Fortunately, he was spared time enough to complete another book on which he had just completed the proofreading. It is concerned with the subject that was close to his heart in later years. Its title is Water Unlimited."

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## Jewish War Veterans' National Memorial, Inc.

EXTENSION OF REMARKS

OF

## HON. THOMAS J. LANE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 6, 1957*

Mr. LANE. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include my statement before the House Committee on the Judiciary in support of H. R. 3338 to incorporate the Jewish War Veterans, U. S. A., National Memorial, Inc.

The statement follows:

JEWISH WAR VETERANS' NATIONAL MEMORIAL, INC.

(Statement of Congressman THOMAS J. LANE supporting a bill to incorporate the Jewish War Veterans, U. S. A., National Memorial, Inc., House Committee on Judiciary, August 7, 1957)

Mr. Chairman, the city of Washington, D. C., is the seat of our National Government.

It is not necessary to belabor the significance of this material fact. Every American citizen is conscious of its presence, its power, and its meaning to him.

To the millions of Americans, young and old, who visit Washington on a patriotic pilgrimage, this city is something more; it is the shrine of our national spirit.

The White House, the Capitol, and the Supreme Court are impressive; but they do not inspire the reverence that people feel when they enter the Lincoln Memorial, or bow their heads before the Tomb of the Unknown Soldier, or look up at the monument that depicts the flag raising at Iwo Jima.

Memorials in honor of the individuals and the groups who have contributed so much in courage and in devotion to the principles of freedom, constantly remind us of our responsibilities and our duties to perpetuate that heritage.

From the time of the Revolutionary War, Americans of the Jewish faith have given their lives and their fortunes to win and protect our independence. No group has been more dedicated in its devotion, or has made greater sacrifices in proportion to its numbers.

In recognition of their services to the Nation, I respectfully and sincerely request the endorsement of H. R. 3338, the bill I have introduced to incorporate the Jewish War Veterans, U. S. A., National Memorial, Inc., or H. R. 109, or any other bill with the same purpose.

The object, purposes, and activities of the corporation shall be:

"(a) To maintain and conduct a national memorial and museum dedicated to and commemorating the service and sacrifice of Americans of the Jewish faith and especially those who died in the armed services of the United States during a period of war.

"(b) To acquire and maintain the necessary building or buildings in the District of Columbia for the purpose of housing the said national memorial museum, as well as the national headquarters of the Jewish War Veterans of the United States of America and the national headquarters of the National Ladies' Auxiliary, Jewish War Veterans of the United States of America, and the utilization of the facilities of such building or buildings and the said national headquarters to gather, collate, edit, publish, and exhibit the memorabilia, data, records, military awards, decorations, citations, etc., for the purposes of preserving the memories and records of patriotic service performed by men and women of the Jewish faith while in the armed services of the United States of America in time of war."

Incorporators from 33 States and the District of Columbia indicate the nationwide scope of this nonprofit corporation.

On or before the 1st day of April of each year the corporation hereby created shall make and transmit to the Congress a report of its proceedings for the year ending December 31 preceding, including a full, complete, and itemized report of receipts and expenditures of any kind. Said report shall be printed as a public document.

As diversity is the rich and fertile background from which we draw our vital faith in freedom, we should encourage all voluntary efforts to honor and perpetuate the contributions of each large group to our national unity and brotherhood.

The long and distinguished history of the Jewish War Veterans, U. S. A., has earned for them this right to a place of honor in our National Capital, where they can establish a shrine to preserve the proud evidence of their service to our common cause, for the appreciation and respect of all.

Through H. R. 109 and H. R. 3338, or any similar bill, I ask Congressional authorization for the Jewish War Veterans, U. S. A., National Memorial, Inc., to achieve the noble purposes set forth in this bill.

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## The Determination of Tariff Levels by Wage Differentials

EXTENSION OF REMARKS

OF

### HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 6, 1957*

Mr. CURTIS of Missouri. Mr. Speaker, on February 18, 1955, the House passed H. R. 1, a bill to extend the authority of the President to enter into trade agreements under section 350 of the Tariff Act of 1930 as amended. At that time I took the floor of the House to explain an amendment I had sought to make to this act. These remarks appear in the CONGRESSIONAL RECORD, volume 101, part 2, page 1743.

On March 9, 1955, I appeared before the Senate Finance Committee in behalf of this amendment, and my remarks appear in the Senate Finance Committee hearings on H. R. 1.

In essence, my amendment sought to enable the Reciprocal Trades Act to accomplish what it advocates and professes to do. At the same time, it will not do the damage to American domestic industry that the opponents of the act claim it does.

Personally I do not believe that the Reciprocal Trades Act has accomplished what its proponents claim for it. During the period that the Reciprocal Trades Act has been the law of our land, international trade has not become more liberalized. Quite the contrary, international trade has become clogged with more trade barriers than ever before. I think it is properly argued that there were other forces at work which created this clogging of international trade and, as a matter of fact, I think it can be successfully argued that, but for the Reciprocal Trades Act, international trade might have become even more clogged than it has. Be that as it may, the number of barriers erected in international trade is legion and they have increased, not decreased.

Certainly the evidence of maintaining friends abroad as a result of our trade policies is questionable. Despite the impression that the press releases of our State Department give to the American public, the United States is by far the freest trader of any industrial national in the world today. Yet, with all this liberalization, world trade is in the clogged state I have described. Furthermore, any fair analysis will show the use of the tariff to regulate foreign trade is the most liberal of all regulatory devices. Such regulatory devices as licenses, quotas, systems of dual currencies, and so forth, are much more rigid, arbitrary, and restrictive than are tariffs. What regulating the United States does is done essentially through the tariff device.

We have not been building the economies of what are termed the friendly nations in a really solid manner, either through our aid policies or our trade policies. Our aid programs are, in essence, socialistic inasmuch as they are channeled through the political government of the country involved. Our trade, which is essentially private enterprise so far as the United States is concerned, meets with a highly protected and subsidized enterprise system in most of the foreign nations. Furthermore, the benefits derived from industry in most of these allegedly friendly and allegedly free nations is such that labor takes little and capital takes much. No domestic markets exist in most of these countries and no domestic markets are likely to exist so long as the country concerned permits its labor to be exploited in a sweatshop fashion.

Our own domestic industry is required to obey social legislation designed to build a sounder and more abundant economy such as minimum wage laws, health laws, antitrust laws, and so forth. Very obviously, if our Government does not permit a price differential to exist to reflect the added cost of these socially desirable restrictions on our industries, the sweatshop operations abroad—frequently under American capital gone abroad to escape the domestic socially valuable legislation—can take over the great domestic market. In the long run, of course, if unchecked this will destroy the great American domestic market.

The best way, of course, for us to combat communism in these friendly nations abroad is to help them build their own domestic market. This is done by encouraging them to give their laboring group enough take-home pay so that they can become customers for the products they assist in making. We do not do this, even though it be in the guise of friendship, by giving them readymade markets for sweatshop labor.

The amendment I proposed to the Reciprocal Trades Act sought to tie in our tariff reductions with the minimum wages paid in an industry abroad seeking to sell its product in the United States domestic market. In my appearance before the Senate Finance Committee I had developed a formula somewhat more realistic than the crude one I proposed to the House Ways and Means Committee which simply tied minimum wages of foreign countries with our minimum wages. In the perfected formula I threw in an additional factor of ratio of per capita GNP of the foreign country with the United States per capita GNP. This was necessary in order not to have an industry manufacturing for export into the United States wages too greatly out of line with the national wage scale of that country. However, the essence of the formula was to have our tariffs go down on a particular product as the wage scale of the foreign industry making the product for export approached our minimum wage scale. It was not required to approach the wage scale paid in the United States domestic industry which, of course, would be 2½ and sometimes 3 times greater than our national minimum wage scale.

The State Department said this approach was too impractical. They also said it would interfere with the economies of countries abroad. Actually, the problem is not an easy one. But a little brains applied to it should be able to make it practical. The point that it would interfere with the economies of nations abroad should hardly be dignified by an answer. Our present policies are interfering with nations abroad in a manner which, in my judgment, has caused damage. The interference such as a purely voluntary program, as my amendment suggests, would be a great step forward in lessening interference and, at the same time, accomplishing the main thing we say we want to accomplish; that is, to build the economies of our friends abroad and help to make the peoples of that country free and beneficiaries of the good things in life.

With this preamble, I am placing in the RECORD a suggested amendment which seeks to grapple with the solution to this problem in more detail. I am certain that one reading this proposal will immediately comment, "how complicated." But I believe if attention is kept to the issue at hand the reaction will be that this is a further step forward in reaching the objectives for which we should all be looking. I hope the officials of our State, Commerce, and Labor Departments will read this over carefully and start applying a little constructive criticism to it. In my judgment, if action along this line is not formalized the entire Reciprocal Trades Act may go by the boards. The Eisenhower administration has often spoken of bold new programs. Most of these programs I have seen have been neither bold nor new. This, indeed, would be a bold new program that could start a new era in American foreign relations.

The suggested amendment follows:

THE DETERMINATION OF TARIFF LEVELS BY WAGE DIFFERENTIALS

The new and dynamic kind of capitalism created in the United States during the last 40 years depends not only upon the capacity to produce but the ability to consume, broadly shared by the great majority of citizens. The high level of wages paid to production workers here, made mandatory by the Fair Labor Standards Act, is an integral factor in this ability to consume.

By contrast, foreign nations of the so-called Free World, with the exception of Canada, continue to follow the kind of capitalism which was characteristic of the United States in the 19th century. Wages paid to production workers are low, and the ability of the average man to consume extends not much beyond subsistence items. Abject poverty exists side by side with great wealth, and the market for consumer goods other than basic necessities is restricted to the few.

Since no nation exists as an economic entity unto itself, this difference in the two

forms of capitalism causes thoughtful people much concern. Rigid immigration quotas imposed by the United States prevent a flood of foreign labor from undermining our wage structure. But if the product of cheap labor is permitted free access to our markets, the effect is the same. If the foreign manufacturer, by reason of a lower labor cost, can undersell American producers in their own primary market the rates of pay of American workers, and their very jobs, are in jeopardy.

The tariff policy of the United States should have two objectives. First, product by product, it should offset the extra cost, if any, of wages to production workers paid by the American producer. Where the American producer's cost of production is penalized by manmade rules, that penalty must be balanced by other manmade rules to the extent, and to no more than the extent, of that penalty.

Second, the United States tariff policy should be used as the instrumentality to extend this concept of capitalism abroad to the end that workers elsewhere will receive a fairer share of the product and the increment of industry. This can be accomplished by making the level of United States import duty on a specific product contingent upon the level of wages paid by the foreigner who sends his product to this market. To grant concessions in our markets to the owners of foreign businesses may increase the profits of the few, but so limited a benefit will neither bolster the sagging economy of our allies nor will it arrest the spread of Communism. Wherever great wealth and abject poverty exist side by side, the situation is ripe for the cancer of the Communist cell.

The problem of determining levels of United States import duties on various products by the relative cost of wages to production workers is not as difficult as importers, manufacturers who produce abroad for the United States market, and doctrinaire free traders, would have us believe. The very variety of objections they raise indicates their awareness of the essential fairness of this approach provided that it could be done realistically.

It is true that a simple comparison of average hourly wages paid to workers in domestic and foreign industries neglects the relative productivity of labor. It is likewise true that it would not be practical to compare the total labor cost content of the United States made product with the total labor cost content of the foreign made product, because reliable data would not be available from the foreign producer. And it is true that fringe benefits which do not appear in workers' take-home pay, are a higher percentage of hourly earnings in many foreign countries than they are here.

But there is no reason why we should follow a blind alley, or omit factors which should be included. The average hourly wage comparison is important if we are to accomplish the purpose of recognizing better levels of foreign wages. There is, however, no reason why it must be used alone in a formula without a weighting factor. Likewise, total labor cost content is important, and if foreign figures are unobtainable, the figures of each domestic industry can be readily obtained and can serve as a basis for calculation.

The following method is suggested as an equitable way to determine ad valorem duty rates, product by product, using wage differentials as a basis:

1. Determine a weighted foreign hourly wage rate that can be equitably compared to the competitive United States industry wage rate.

2. Determine the man-hours per dollar of sale to measure the effect of the difference in wage levels and establish difference in actual labor cost.

3. Determine the ad valorem duty necessary to offset the computed difference in actual labor cost.

The calculations to accomplish the above are described below:

1. Determine a weighted foreign hourly wage rate.

(a) Divide the foreign wage rate by the domestic rate, both rates to include fringe benefits which constitute a direct charge on the manufacturer. The domestic rate shall be the United States industry average for that product. The foreign wage rate shall be attested to by the foreign manufacturer who shall list the hourly average wage to all production employees, plus a list of applicable fringe benefits so that the document constitutes a basis for ready investigation by the responsible agency of the United States Government.

(b) Divide the foreign per capita income by the United States per capita income.

(c) Divide the ratio of wages (I a) by the ratio of per capita incomes (I b). This results in a weighting factor to adjust the foreign wage so that wages paid by foreign and domestic producers can be compared in the economic climate in which each is paid.

(d) Multiply the attested foreign wage rate by the weighting factor (I c). If the foreign wage rate represents a higher relationship to the domestic wage than the foreign per capita income does to the domestic per capita income, the attested wage rate is adjusted upward. If the reverse relationship exists, i. e., the wage ratio is lower than the income ratio, the attested wage is reduced for purposes of computing United States duty.

2. Determine the man-hours per dollar of sale and establish difference in actual labor cost.

(a) The average United States industry percent of labor cost to product selling price is considered to be the cents of labor cost per dollar of United States selling price.

(b) Divide the cents of labor cost per sales dollar (II a) by the United States industry hourly wage rate to determine the man-hours required per dollar of domestic sales price.

(c) Multiply the man-hours required (II b) by the weighted foreign wage rate (I d) to determine the weighted foreign labor cost per dollar of United States selling price.

(d) Subtract the weighted foreign labor cost (II c) from the United States labor cost (II a), both based on a dollar of domestic sales price, to determine the difference in labor cost.

3. Determine the ad valorem duty necessary to offset the computed difference in labor cost.

(a) Subtract the domestic labor cost per dollar of sales (II a) from a dollar of domestic price to determine all factors besides labor included in the domestic price.

(b) Add the weighted foreign labor cost per dollar of domestic sales price (II c) to the domestic cost of all factors besides labor (III a) to establish a foreign price base, i. e., a price that includes all domestic price factors except labor and includes labor on a foreign weighted cost basis.

(c) Divide the difference between weighted foreign labor cost and domestic labor cost (II d) by the foreign price base (III b) to determine the ad valorem duty necessary to equalize the labor cost differential.

An example of how this formula applies in a specific situation is attached as an addendum to this memorandum.

The system outlined above is clearly based on the real differential in the cost of wages to production workers. It does not prejudice the product of any country by reason of the current stage of that country's economic development. It uses nothing but obtainable statistics. It is easy to calculate the United States ad valorem duty on any product made in any country.

It preserves the most favored nations concept, because it need be applied only to those nations now so considered. Others would continue to pay the pre-Trade Agreements Act rates of duty.

It answers the categorical objection of the International Chamber of Commerce to the effect that United States industries paying the lowest wages are those most likely to seek protection. Obviously, just as this system rewards foreign manufacturers who pull their weight in the boat as far as other wages in their own countries are concerned, so this system would penalize United States industries paying substandard wages according to this country's economy.

It would put international trade and trade agreements on a sounder basis. Since the abandonment of the gold standard as a dependable reference point, such agreements have often been warped or nullified by one country depreciating its currency. With this system, there would be no advantage in such a course because of the cross relationship of per capita incomes and hourly wages, and the relation of both to the United States dollar.

It would identify United States trade policy with the interest of peoples abroad, and would become a powerful countervoice against the appeals and promises of communism.

ADDENDUM NO. 1

Following is a list of 20 countries and their latest per capita income figures as given in the 1956 United Nations Statistical Handbook. Figures for other nations are available from the same source, and should be translated into United States dollars at the free rate of exchange prevailing. These per capita income figures, together with assumptions as to domestic and foreign average hourly wages, can be used to calculate ad valorem duty on any product which would be imposed in accordance with this formula:

| | |
|---|---|
| Australia | $1,032 |
| Austria | 444 |
| Belgium | 814 |
| Canada | 1,335 |
| Denmark | 770 |
| Finland | 787 |
| France | 821 |
| Greece | 230 |
| Israel | 557 |
| Italy | 353 |
| Japan | 212 |
| Mexico | 164 |
| Netherlands | 582 |
| Portugal | 138 |
| Spain | 279 |
| Sweden | 1,101 |
| Switzerland | 1,092 |
| United Kingdom | 832 |
| United States of America | 1,960 |
| West Germany | 603 |

ADDENDUM NO. 2

Problem: To calculate the ad valorem duty imposed on XYZ product made in Japan and exported to the United States of America.

Facts: United States per capita income, $1,960; Japanese per capita income, $212.

Assumptions: United States XYZ industry average hourly wage, including fringe benefits, $2.10; Japanese XYZ manufacturer's average hours wage, including fringe benefits, $0.33; United States XYZ industry's average labor cost percent of selling price, 28 percent.

Formula paragraph:

I. (a) $0.33÷$2.10=15.7 percent (foreign wage percent of United States wage); (b) $212÷$1,960=10.8 percent (foreign per capita income percent of United States per capita income); (c) 15.7 percent÷10.8 percent=1.45 (weighting factor to adjust actual foreign wage); (d) 1.45×$0.33=$0.478 (weighted foreign average hourly wage).

II. (a) 28 percent×$1.00=$0.28 (United States XYZ industry's labor cost per sales dollar); (b) $0.28÷$2.10=.133 (man-hours per sales dollar); (c) 0.133×$0.478=$0.064 (weighted foreign labor cost per United States sales dollar); (d) $0.28−$0.064=$0.216 (difference in labor cost per United States sales dollar).

III. (a) $1.00−$0.28=$0.72 (United States XYZ industry's price factors other than labor); (b) $0.72+$0.064=$0.784 (foreign price including all United States factors except labor and adding weighted foreign labor cost); (c) $0.216÷$0.784=27.5 percent (ad valorem duty).

# SENATE

## WEDNESDAY, AUGUST 7, 1957

*(Legislative day of Monday, July 8, 1957)*

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Dr. Hyman Judah Schachtel, rabbi, Congregation Beth Israel, Houston, Tex., offered the following prayer:

Almighty God, Father of all mankind, we turn to Thee to seek Thy favor and Thy blessings upon this day's deliberations of the Senate of our beloved country. We are all, no matter how exalted in earthly title and position, mere finite, limited mortals who must call upon Thy divine power and guidance if we are to know and to choose what is right and to understand and reject what is wrong. Therefore, in behalf of each one who belongs to this historic and honored Senate, and carries the heavy burdens of national and international problems, we pray in the sharp light of the crucial needs of this day, for vision, justice, and love. May the Members of this noble legislative body behold what is good for all the people. May each Senator discover what is basically just within the vexing issues upon which he is called to make his decision.

And may love fill the heart of every Senator, so that peace may be more surely secured here at home, and brotherhood helped to come alive for the peoples of the world.

In the closing words of a great American anthem, we beseech Thee—"Long may our land be bright with freedom's holy light; protect us by Thy might, great God, our King."

## THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Tuesday, August 6, 1957, was approved, and its reading was dispensed with.

## THE CIVIL RIGHTS BILL—CONTEMPLATED PROGRAM

Mr. JOHNSON of Texas. Mr. President, I should like to have the attention of the minority leader. I had hoped that the Senate might be able to vote today or late this evening on the civil-rights bill. Many Senators have inquired of me as to when it is expected that the Senate will vote on the bill. As the distinguished minority leader knows, it is impossible to state when the vote will be taken, without having some previous understanding as to the time for the taking of the vote.

I wonder whether the minority leader would be agreeable to entering into an order, later in the day—let us say at the conclusion of the morning hour—which would permit the vote to be taken after 6 hours of debate, to be equally divided between the supporters of the bill and the opponents of the bill, in other words, 3 hours for each side, or a total of 6 hours. I wonder whether the minority leader would look with favor upon such an arrangement. If so, I shall pursue it with interested Senators on this side of the aisle; and if he will do likewise, we may be able to give our colleagues some indication of the time when the Senate may expect to vote on the bill.

Mr. KNOWLAND. Mr. President, personally I would look with favor upon working out some arrangement. I would wish to explore the matter with Senators on this side of the aisle, as the Senator from Texas would with Senators on his side, to see whether the time suggested would be satisfactory, or whether other suggestions might be made. But I shall pursue the matter as rapidly as possible.

Mr. JOHNSON of Texas. So far as the Senator from California personally is concerned, he would be agreeable to a 6-hour limitation, would he?

Mr. KNOWLAND. Yes.

Mr. JOHNSON of Texas. Mr. President, that is my feeling in regard to the matter. I shall consult with various Senators on my side of the aisle; and I hope that by the conclusion of the morning hour, I may be able to propose an order setting a time certain for the taking of the vote on the pending measure.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

## ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The VICE PRESIDENT announced that on today, August 7, 1957, he signed the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 236. An act to amend section 6 of the act of June 20, 1918, as amended, relating to the retirement pay of certain members of the former Lighthouse Service;

S. 334. An act to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended (30 U. S. C. 184), in order to promote the development of phosphate on the public domain;

S. 525. An act for the relief of Rhoda Elizabeth Graubart;

S. 650. An act for the relief of Isabella Abrahams;

S. 701. An act for the relief of Karl Eigil Engedal Hansen;

S. 827. An act for the relief of Guillermo B. Rigonan;

S. 833. An act for the relief of Vida Letitia Baker;

S. 874. An act for the relief of Cornelis Vander Hoek;

S. 943. An act to amend section 218 (a) of the Interstate Commerce Act, as amended, to require contract carriers by motor vehicle to file with the Interstate Commerce Commission their actual rates or charges for transportation services;

S. 988. An act for the relief of Satoe Yamakage Langley;

S. 1063. An act vesting in the American Battle Monuments Commission the care and maintenance of the Surrender Tree site in Santiago, Cuba;

S. 1112. An act for the relief of Matsue Harada;

S. 1171. An act for the relief of Harry Siegbert Schmidt;

S. 1251. An act for the relief of Florinda Mellone Garcia;

S. 1314. An act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes;

S. 1492. An act increasing penalties for violation of certain safety and other statutes administered by the Interstate Commerce Commission;

S. 1773. An act to validate a certain conveyance heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, to the State of Nevada, involving certain portions of right-of-way in the city of Reno, county of Washoe, State of Nevada, acquired by the Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356);

S. 1884. An act to amend section 505 of the Classification Act of 1949, as amended;

S. 1941. An act to authorize the payment by the Bureau of Public Roads of transportation and subsistence costs to temporary employees on direct Federal highway projects;

H. R. 1288. An act for the relief of Ralph Landolfi;

H. R. 1325. An act for the relief of Mrs. Bertha K. Martensen;

H. R. 1348. An act for the relief of Frank E. Gallagher, Jr.;

H. R. 1446. An act for the relief of Philip J. Denton;

H. R. 1472. An act for the relief of Anna L. De Angelis;

H. R. 1501. An act for the relief of Beulah I. Reich;

H. R. 1520. An act for the relief of Mrs. Fusako Takai and Thomas Takai;

H. R. 1536. An act for the relief of Allison B. Clemens;

H. R. 1537. An act for the relief of Jacob Baronian;

H. R. 1552. An act for the relief of William H. Barney;

H. R. 1667. An act for the relief of Fred G. Nagle Co.;

H. R. 1701. An act for the relief of Abraham van Heyningen Hartendorp;

H. R. 1942. An act for the relief of the Sergeant Bluff Consolidated School District;

H. R. 2259. An act to provide for the conveyance of all right, title, and interest of the

United States to certain real property in Prairie County, Ark.;

H. R. 2346. An act for the relief of Irmgard S. King;

H. R. 2347. An act for the relief of Robert M. Deckard;

H. R. 2678. An act for the relief of Leona C. Nash;

H. R. 3071. An act to authorize the Secretary of the Interior to enter into and to execute amendatory contract with the Northport Irrigation District, Nebraska;

H. R. 3077. An act that the lake created by the Jim Woodruff Dam on the Apalachicola River located at the confluence of the Flint and Chattahoochee Rivers be known as Lake Seminole;

H. R. 3276. An act for the relief of Edwin K. Fernandez;

H. R. 3344. An act for the relief of Kenneth F. Ailes;

H. R. 3572. An act for the relief of Mrs. Mary Jane Russell;

H. R. 3588. An act for the relief of John R. Hill;

H. R. 3996. An act to authorize the utilization of a limited amount of storage space in Lake Texoma for the purpose of water supply for the city of Sherman, Tex.;

H. R. 4511. An act to declare a certain portion of Back Cove at Portland, Maine, to be nonnavigable water of the United States;

H. R. 4730. An act for the relief of Mrs. Jennie B. Prescott;

H. R. 4851. An act for the relief of Mrs. M. E. Shelton Pruitt;

H. R. 4932. An act to amend the act of July 11, 1947, to increase the maximum rate of compensation which the director of the Metropolitan Police Force band may be paid;

H. R. 4986. An act for the relief of the widow and children of John E. Donahue;

H. R. 5081. An act for the relief of Capt. Thomas C. Curtis and Capt. George L. Lane;

H. R. 5220. An act for the relief of the estate of Higa Kensai;

H. R. 5365. An act for the relief of Robert B. Peterman;

H. R. 5718. An act for the relief of Juanita Gibson Lewis;

H. R. 5721. An act for the relief of Marian Diane Delphine Sachs;

H. R. 5953. An act to provide for the construction of sewer and water facilities for the Elko Indian colony, Nevada;

H. R. 6570. An act to amend the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes;

H. R. 6621. An act for the relief of Mrs. Jane Barnes;

H. R. 6961. An act for the relief of Walter H. Berry;

H. R. 7213. An act for the relief of Louis S. Thomas and D. Grace Thomas;

H. R. 7522. An act to authorize the extension of certain rights to remove timber from lands acquired by the United States;

H. R. 8053. An act to authorize funds available for construction of Indian health facilities to be used to assist in the construction of community hospitals which will serve Indians and non-Indians;

H. J. Res. 322. Joint resolution for the relief of certain aliens; and

H. J. Res. 345. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to the dead of the 2d Infantry Division, United States Forces, World War II and the Korean conflict.

## TRANSACTION OF ROUTINE BUSINESS

The VICE PRESIDENT. In accordance with the order entered on yesterday, providing a period for the transaction of routine morning business, with a limitation of 3 minutes on statements, morning business is now in order.

## EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communication and letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1958 (S. DOC. NO. 57)

A communication from the President of the United States, transmitting proposed supplemental appropriations for the fiscal year 1958 in the amount of $102,570,000 for the Small Business Administration, $3,456,000 for the Department of Commerce, $500,000 for the Department of Health, Education, and Welfare, and $29,090 for the District of Columbia (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF SECTION 207 OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, RELATING TO CERTAIN PROPOSED SURPLUS PROPERTY DISPOSALS

A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to amend section 207 of the Federal Property and Administrative Services Act of 1949 so as to modify and improve the procedure for submission to the Attorney General of certain proposed surplus property disposals for his advice as to whether such disposals would be inconsistent with the antitrust laws (with an accompanying paper); to the Committee on Government Operations.

AUDIT REPORT ON GOVERNMENT PRINTING OFFICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Government Printing Office, for the fiscal year ended June 30, 1956 (with an accompanying report); to the Committee on Government Operations.

INTERIM REPORT ON CAUSES AND CHARACTERISTICS OF THUNDERSTORMS AND OTHER ATMOSPHERIC DISTURBANCES

A letter from the Secretary of Commerce, transmitting, pursuant to law, an interim report on causes and characteristics of thunderstorms and other atmospheric disturbances, covering the fiscal year 1957 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

IMPROVEMENT OF ADMINISTRATION OF PUBLIC AIRPORTS IN TERRITORY OF ALASKA

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to improve the administration of the public airports in the Territory of Alaska (with an accompanying paper); to the Committee on Interstate and Foreign Commerce.

ESTABLISHMENT OF CERTAIN POSITIONS IN DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to authorize the establishment of three positions for specially qualified scientific and professional personnel in the Department of Health, Education, and Welfare (with an accompanying paper); to the Committee on Post Office and Civil Service.

## RESOLUTION OF AMERICANS OF POLISH DESCENT

The VICE PRESIDENT laid before the Senate a resolution adopted by Americans of Polish Descent, at Budd Lake, N. J., relating to the liberation of Poland, which was referred to the Committee on Foreign Relations.

## BIG HILL DAM AND RESERVOIR, KANS.—RESOLUTION

Mr. CARLSON. Mr. President, I present a resolution adopted by the directors of the Big Hill Improvement Association, at Cherryville, Kans., who recently received a report compiled by the Corps of Engineers, Tulsa District Office, on the Big Hill Dam and Reservoir project which stated that the project had been determined to be feasible. I hope when this matter is presented to the Chief of Engineers' office in Washington, they will recommend funds for the immediate planning and early commencement of construction.

I ask unanimous consent that the resolution be printed in the RECORD, and referred to the Committee on Public Works.

There being no objection, the resolution was referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

Whereas it has now been determined by the Corps of Engineers, United States Army, that Big Hill Reservoir is feasible, and will serve to conserve water and control floods; and

Whereas this project was proposed to be a participating project, wherein several cities were to share with the Federal Government in construction costs; and

Whereas it now becomes essential to determine what those costs may be, so that proper allocation may be made between the various parties: Now, therefore, be it

*Resolved by the directors of the Big Hill Improvement Association, and the representatives of the governing bodies of all the interested cities:*

1. We reiterate and reemphasize our desire to see this reservoir built at an early date. Excessive rains of recent months have served to break the extreme drought, but they have also again demonstrated that without Big Hill Dam, farmers in that beautiful and fertile valley are at the mercy of the elements and must suffer continuing losses.

2. We see no material change in the problem of water supply which confronts our cities, despite the lessening of the immediate threat of complete famine.

3. In order to make a determination and establish a base on which to negotiate for the apportionment of contemplated costs, it now becomes necessary to make a more detailed study of the location, and arrive at construction costs to be apportioned between the various cities and the Federal Government.

4. We therefore petition the Honorable MYRON V. GEORGE, Congressman, and United States Senators ANDREW H. SCHOEPPEL and FRANK CARLSON to bring our present situation to the attention of the proper parties and secure funds for making the detailed studies and surveys.

Passed and approved by the unanimous vote of directors present at Cherryvale, Kans., this 23d day of July 1957.

CHARLES S. MCGINNESS, *President.*

Attest:

ROY A. WOODS, *Secretary.*

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 264. A bill to provide for the appointment of a district judge for the district of Kansas (Rept. No. 825); and

S. 2701. A bill to provide for the appointment of an additional district judge for the

southern district of Mississippi (Rept. No. 828).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

H. R. 5168. An act for the relief of William Henry Diment, Mrs. Mary Ellen Diment, and Mrs. Gladys Everingham (Rept. No. 833).

By Mr. BUTLER, from the Committee on the Judiciary, without amendment:

S. 697. A bill to provide for the appointment of a district judge for the district of Maryland (Rept. No. 826).

By Mr. ERVIN, from the Committee on the Judiciary, without amendment:

S. 2700. A bill to provide for the appointment of a district judge for the eastern, middle, and western districts of North Carolina (Rept. No. 827).

By Mr. WATKINS, from the Committee on the Judiciary, without amendment:

S. 2702. A bill to make permanent the temporary judgeship for the district of Utah (Rept. No. 829).

By Mr. LANGER, from the Committee on the Judiciary, without amendment:

S. 2703. A bill to provide for the redistricting of the judicial district of North Dakota, and for other purposes (Rept. No. 830).

By Mr. DIRKSEN, from the Committee on the Judiciary, with an amendment:

S. 116. A bill to provide for the appointment of an additional circuit judge for the seventh circuit, and for the appointment of additional district judges for the northern district of Illinois (Rept. No. 831).

By Mr. KEFAUVER, from the Committee on the Judiciary, with an amendment:

S. 430. A bill to provide for the appointment of a district judge for the middle district of Tennessee (Rept. No. 832).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 1031. A bill to authorize the Secretary of the Interior to construct, operate, and maintain seven units of the Greater Wenatchee division, Chief Joseph project, Washington, and for other purposes (Rept. No. 835).

By Mr. KUCHEL, from the Committee on Interior and Insular Affairs, without amendment:

S. 2431. A bill granting the consent of Congress to the Klamath River Basin compact between the States of California and Oregon, and for related purposes (Rept. No. 834).

## AMENDMENT OF INTERNAL REVENUE CODE, RELATING TO READJUSTMENT OF TAX IN CERTAIN CASES—REPORT OF A COMMITTEE—MINORITY VIEWS

Mr. BYRD. Mr. President, from the Committee on Finance, I report favorably, with amendments, the bill (H. R. 232) to amend the Internal Revenue Code of 1954 with respect to the readjustment of tax in the case of certain amounts received for breach of contract, and I submit a report (No. 836) thereon. I ask unanimous consent that minority views may also be filed.

The VICE PRESIDENT. The report will be received, and the bill will be placed on the calendar; and, without objection, minority views may be submitted on the bill.

## SPECIAL COMMITTEE TO ATTEND MEETING OF COMMONWEALTH PARLIAMENTARY ASSOCIATION—AMENDMENT OF SENATE RESOLUTION 160

Mr. GREEN, from the Committee on Foreign Relations, reported an original resolution (S. Res. 177); which was referred to the Committee on Rules and Administration, as follows:

*Resolved,* That Senate Resolution 160, agreed to August 5, 1957, is amended to read as follows:

"*Resolved,* That the Vice President is authorized to appoint four Members of the Senate as a special committee to attend the next general meeting of the Commonwealth Parliamentary Association to be held in India on the invitation of the Indian branch of the association, and to designate the chairman of said committee.

"The expenses of the committee, including staff members designated by the chairman to assist the committee, which shall not exceed $15,000, shall be paid from the contingent fund of the Senate, upon vouchers approved by the chairman."

## RIGHTS OF UNITED STATES VESSELS ON THE HIGH SEAS—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS

Mr. MAGNUSON. Mr. President, from the Committee on Interstate and Foreign Commerce I report favorably, with amendments, the bill (S. 1483) to amend the act of August 27, 1954 (68 Stat. 883) relating to the rights of vessels of the United States on the high seas and in the territorial waters of foreign countries, and I submit a report (No. 837) thereon.

I ask unanimous consent that the individual views of the Senator from Ohio [Mr. LAUSCHE] be attached to the majority report.

The VICE PRESIDENT. The report will be received, and the bill will be placed on the Calendar; and, without objection, the report will be printed as requested by the Senator from Washington.

## EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. HOLLAND, from the Committee on Agriculture and Forestry:

Don Paarlberg, of Indiana, to be an Assistant Secretary of Agriculture, vice Earl L. Butz, resigned; and

Don Paarlberg, of Indiana, to be a member of the Board of Directors of the Commodity Credit Corporation, vice Earl L. Butz, resigned.

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MURRAY:

S. 2724. A bill to designate as national historic sites Lafayette Square and certain buildings in the vicinity thereof, in the city of Washington, District of Columbia, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MURRAY when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for himself, Mr. BEALL, Mr. CLARK, Mr. HUMPHREY, Mr. IVES, and Mr. NEELY):

S. 2725. A bill to exempt from taxation certain property of the National Council of Negro Women, Inc., in the District of Columbia; to the Committee on the District of Columbia.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. McNAMARA:

S. 2726. A bill for the relief of Luise K. Bennett; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 2727. A bill to protect the public health and promote the public interest and to establish standards of identity, sanitation standards, and sanitation practices for the production, processing, transportation, sale, and offering for sale of fluid milk and fluid milk products shipped in interstate commerce or which affects interstate commerce for consumption as fluid milk and fluid milk products in any State, county, or municipality of the United States; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. CLARK (by request):

S. 2728. A bill to amend the act entitled "An act to authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes," approved August 11, 1950; to the Committee on the District of Columbia.

By Mr. MORSE:

S. 2729. A bill to authorize the Secretary of the Treasury to extend the maturities of or renew certain loans made by the Reconstruction Finance Corporation in aid of the orderly liquidation of such loans; to the Committee on Banking and Currency.

## CONCURRENT RESOLUTION—PRINTING OF ADDITIONAL COPIES OF HEARINGS ON MUTUAL SECURITY PROGRAM

Mr. GREEN submitted the following concurrent resolution (S. Con. Res. 45); which was referred to the Committee on Rules and Administration:

*Resolved by the Senate (the House of Representatives concurring),* That there be printed for the use of the Committee on Foreign Relations, United States Senate, 1,000 additional copies of parts 1 and 2 of the hearings held by that committee during the current session on the mutual security program for fiscal year 1958.

## CONCURRENT RESOLUTION— RELATIVE TO PROCEEDINGS ON H. R. 5707

Mr. JOHNSON of Texas submitted a concurrent resolution (S. Con. Res. 46) relative to proceedings on H. R. 5707, an act for the relief of A. C. Israel Commodity Co., Inc., which was considered and agreed to.

(See the above concurrent resolution printed in full, where it appears later in the Senate proceedings of today.)

## RESOLUTION

Mr. GREEN, from the Committee on Foreign Relations, reported an original resolution (S. Res. 177) amending Senate Resolution 160, to appoint a special committee to attend the coming meeting of the Commonwealth Parliamentary Association in India, which was referred to the Committee on Rules and Administration.

(See resolution printed in full where it appears under the heading "Reports of Committees.")

## DESIGNATION AS NATIONAL HISTORIC SITES OF LAFAYETTE SQUARE AND CERTAIN BUILDINGS IN THE VICINITY THEREOF

Mr. MURRAY. Mr. President, I introduce, for appropriate reference, a bill to designate as national historic sites Lafayette Square and certain buildings in the vicinity thereof, in the city of Washington.

Mr. President, it may interest the Members of the Senate to know that a companion measure, H. R. 9060, has been introduced in the House of Representatives by the distinguished young Representative from my State of Montana, Hon. LEE METCALF, of the First District.

September 6 of this year will mark the 200th anniversary of the birth of Marquis de Lafayette, hero of the American Revolution, and of the revolution in his native land of France. It is my earnest hope that our Nation will observe fittingly this historic anniversary; and in connection with it, I think it appropriate that we should set aside the beautiful area in the city of Washington that bears his name as a national historic site, together with several of the buildings adjoining the square that are so prominently connected with our national history.

The pressing need for the enactment of a measure such as the one I have introduced today is emphasized by the revelations of the plans of the executive department to raze the remaining historic buildings bordering Lafayette Park, in order to make way for monster office buildings. I refer particularly to the Dolly Madison home, or at least what is left of it today, which was the home of the fourth President of the United States, James Madison. In the CONGRESSIONAL RECORD for last Friday, August 2, Robert E. Merriam, Executive Director, Bureau of the Budget, was quoted as stating that the Treasury Department had plans for expansion which would involve taking over this hallowed site, as well as a number of others on the square.

Lafayette's birthday suggests to me, as I know it will to other Members of the Senate, that this is an opportune time for us to pause for a while in our onward rush for bigger and better Government buildings for the executive, and to rededicate ourselves to the cause for which Lafayette and kindred heroes who are honored in Lafayette Square dedicated themselves. Among those honored in Lafayette Square are President Andrew Jackson, Count Rochambeau, Commodore Stephen Decatur, who fought against the Barbary pirates, and whose home still remains overlooking Lafayette Park, as it did when he lived in it, General Von Steuben, and General Kosciusko.

I ask unanimous consent to have printed in the RECORD, as a part of my remarks, a report made by the Legislative Reference Service of the Library of Congress on Lafayette and the award and the honor paid to him by the Congress in 1824.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the report will be printed in the RECORD.

The bill (S. 2724) to designate as national historic sites Lafayette Square and certain buildings in the vicinity thereof, in the city of Washington, District of Columbia, and for other purposes, introduced by Mr. MURRAY, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The report presented by Mr. MURRAY is as follows:

[From the Library of Congress Legislative Reference Service]

GENERAL LAFAYETTE: AWARD FROM CONGRESS IN 1824

Lafayette arrived in New York in August 1824 and President Monroe in his Eighth Annual Message, December 7, 1824, spoke at length about his visit to this country. Among other things, he said: "His high claims on our Union are felt, and the sentiment universal that they should be met in a generous spirit. Under these impressions I invite your attention to the subject, with a view that, regarding his very important services, losses, and sacrifices, a provision may be made and tendered to him which shall correspond with the sentiments and be worthy of the character of the American people."

Brand Whitlock, in his life of Lafayette, states that "The propriety of such a gift had been discussed ever since his arrival," and adds, "Jefferson was in favor of the donation, and had urged it upon his friends in Congress" (vol. II, p. 246).

Gales and Seaton's Register of Debates in Congress for December 20 to 23, 1824, relates the discussion on the bill to reward Lafayette. Senator Hayne, from the committee to which was referred the subject of making provision for General Lafayette, reported to the Senate a bill providing for a grant of $200,000 and an entire township of land. This passed the Senate the next day, December 21. On December 22 a similar bill passed the House, but with minor differences on how the sum of $200,000 was to be paid to the general. On December 23 the Senate accepted the House version of the bill.

In a volume of Lafayette Letters, edited by Edward Everett Dale (Oklahoma City, 1925), the following footnote appears on pages 54–55:

"By a special act of Congress Lafayette was given a township of land to be selected by him from any part of the public domain. The lands chosen were in Florida. All were eventually sold, or otherwise disposed of, by Lafayette and his heirs.

"(Statement of the land commissioner of Florida.)"

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[From Hans P. Caemmerer, A Manual on the Origin and Development of Washington, Washington, 1939]

LAFAYETTE PARK

The L'Enfant plan shows the ground now known as Lafayette Park, or Lafayette Square, comprising about 7 acres, to have been a part of the President's park, extending on the north side from H Street southward to the Monument grounds, between 15th and 17th Streets. Similarly, the subsequent Ellicott plan and the Dermott plan make provision for such a spacious park to surround the President's house. These plans show no street dividing Lafayette Park from the White House Grounds.

When L'Enfant prepared his plan this was a neglected area, a common without trees. A racecourse was laid out, in 1797, on the west side of the grounds, extending westward to 20th Street. Huts for workmen who helped build the President's house were erected on the grounds, and when these were removed a market was established there. This was later relocated farther to the center of the town, on Pennsylvania Avenue, between Seventh and Ninth Streets. Thomas Jefferson first undertook really to improve the grounds and marked the east and west limits as they are today, called Madison Place and Jackson Place, respectively.

Until 1816 the only important building that had been erected adjacent to Lafayette Park was St. John's Church. Then, in 1818, the Dolly Madison House was built, and in 1819 the Decatur House. From then on and for more than 50 years following Lafayette Park became the center of social life in Washington. Nearly every house surrounding it became noted for its historical associations. However, the park seems to have been neglected the greater part of this period. In 1840 there was an ordinary fence around it.

Just when this park area took the name of Lafayette Park is not definitely known. As has been said, originally this area was a part of the President's park, and D. B. Warden, in his volume entitled "Description of the District of Columbia," published in 1816, refers to it as such by saying, in connection with rates of fare for hackney carriages:

"From the President's Square to Greenleaf's Point, and also to Hamburg wharf, or to the western limits of the city, the rate is but 25 cents, and half the distance one-half that sum."

In his voluminous history of Lafayette Square, Gist Blair states:

"Its name has come from the people and arose after this visit of Lafayette to the city in 1824."

Again, speaking of the many social events held in Washington during this visit of Lafayette, Mr. Blair says:

"Socially, the season of 1824–25 was the most brilliant Washington had seen, so it is natural to understand how everyone at this time may have started to call this square Lafayette Square."

In the office of the National Park Service, Department of the Interior, there is a map dated 1852, on which Lafayette Park is shown to be separated from the White House Grounds. The first printed report of the Commissioner of Public Buildings, on file in that office, is of the year 1857. In that report there is a reference to Lafayette Square with an account of certain work being done there in that year.

During more than a quarter of a century past the grounds have been properly maintained as a park. Today there are five notable monuments in Layafette Park: namely, the Jackson, Lafayette, Rochambeau, Von Steuben, and the Kosciusko.

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## EXEMPTION FROM TAXATION OF CERTAIN PROPERTY OF NATIONAL COUNCIL OF NEGRO WOMEN, INC., IN THE DISTRICT OF COLUMBIA

Mr. JAVITS. Mr. President, I introduce, for appropriate reference a bill to exempt from taxation in the District of Columbia the headquarters building of the National Council of Negro Women, Inc. This measure is cosponsored by Senators BEALL, CLARK, HUMPHREY, IVES, and NEELY.

The National Council of Negro Women is a voluntary organization and is supported by annual dues from its members and by voluntary contributions. Because each national organization is carrying on its own program with financial outlay, the council itself is not in position to seek more than annual dues and voluntary contributions. The council is not a profit-making organization and has struggled through the years to maintain

a high standard of performance in all activities.

The National Council of Negro Women enjoys a well-earned reputation among other organizations as a result of cooperative efforts in programs of national interest and concern. Activities include participation in national conferences on domestic and foreign problems, cooperation with national welfare organizations such as the American Red Cross, CARE, American Heritage Foundation, the NAACP, the National Urban League, the National Foundation for Infantile Paralysis, the American Cancer Society; with Government agencies including the United States Department of State, the Department of Labor, the Women's Bureau of Labor, the United States Department of Health, Education and Welfare, the Federal Civil Defense Administration, the several White House Conferences and the President's Committee on Traffic Safety.

The National Council of Negro Women publishes a monthly publication, Telefact; maintains a staff including a professional executive director and four clerical assistants; maintains the headquarters building where visitors from many foreign countries are received and given a preview of American democracy; it belongs to several organizations—the National Council of Women of the United States and the International Council of Women of the World; it organizes conferences, institutes, forums, and other mediums of education at the national headquarters and in other sections of the United States. To carry out the many faceted program of the council a considerable budget is required so that a great deal of effort is expended in keeping expenses reduced since it does not have sufficient funds to carry out the program as it should in all sections of the United States. The council is faced with financial problems because they are called upon to do many things for which they have insufficient staff to accomplish. Scarcely a week passes when they are not asked for printed material for facts which require research and for other kinds of information which is available but not in printed form.

The National Council of Negro Women was founded by the late Dr. Mary McLeod Bethune on December 5, 1935, in New York City. The purpose was as Dr. Bethune stated, to bring together organizations of Negro women to render more effective service in their communities and in the Nation by participating in the social, political, economic, civic, and cultural institutions and activities of our country.

During the 14 years in which she was president more than 20 national organizations of Negro women joined the council and developed programs relating to education, health, social welfare, youth, human relations, international problems, citizenship education, and religious fellowship.

There are today 22 national organizations affiliated with the National Council of Negro Women. These organizations represent a cross section of Negro women and engage in such worthwhile programs as prevention and elimination of juvenile delinquency, in the improvement of business and professional standards, in human and civil rights, in adult education; in providing library services, camp opportunities, national and international scholarships, recreation for children and adults; Christian education and missionary work, improvements in rural life, in the development of new careers and the inspiration of finer womanhood. Hundreds of local groups, affiliates of the national organizations have made extraordinary contributions to better living on grassroots levels. The demonstrated strength as well as the accomplishments of these national organizations of Negro women is composite proof of the vitality and importance of women's organizations. Unified in the National Council of Negro Women they are the bulwark of the organizational structure.

Local councils are organized in 90 communities and these groups consist of members of local chapters of national affiliates to carry out civic, social, and welfare programs on the local level. Some of these programs are the development of concern for local and school problems and the development of interest in education; provide for nursery care for working mothers; stimulate interest in voting, local issues and candidates; initiate meetings and conferences where women of both races can think and plan together on matters affecting the welfare of the community and the education of the population as to the work and accomplishments of the United Nations.

One example of the effectiveness of the National Council of Negro Women was the interracial conference held as a part of the annual convention on November 14 and 15, 1956, at the Willard Hotel in Washington, D. C. Thirty-two national organizations sent delegates and a most informative and inspiring series of roundtable discussions were held on problems in America today involving the races.

In addition to the local councils, junior councils are organized where young women between the ages of 16 to 22 carry out the national council program commensurate with their interest and age.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2725) to exempt from taxation certain property of the National Council of Negro Women, Inc., in the District of Columbia, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the District of Columbia.

## NATIONAL MILK SANITATION ACT OF 1957

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a bill to protect the public health and interest and to establish sanitation practices, standards of identity, and sanitation standards for all fluid milk and fluid milk products in interstate commerce or which affect interstate commerce. This bill, Mr. President, provides for the Milk Ordinance and Code recommended by the Public Health Service to be uniformly applied throughout the United States.

Under its provisions, no other law through use of sanitation standards, standards of identity, or sanitation practices, could limit or prohibit the shipment of fluid milk in interstate commerce as long as it met the requirements of the United States Standard Milk Ordinance and Code.

Mr. President, in introducing this bill I emphasize that section 16 specifically exempts from the provisions of the bill manufactured dairy products including butter, condensed, evaporated, and sterilized milk. Furthermore, all types of cheese, nonfat dry milk, dry whole milk, part-fat dry milk are exempt unless they are used in the preparation of fluid milk or fluid-milk products.

Mr. President, at present no national standards of identity, sanitation standards, or list of approved sanitation practices exists governing the sanitation of fluid milk and fluid-milk products shipped in interstate commerce. The lack of such standards has led to the development of a multitude of regulations governing the sanitation of fluid milk on the part of State, county, and municipal authorities.

Mr. President, the multiplicity of these regulations and variations between the regulations as developed by a very large number of State, county, and municipal authorities operating independently has led to wasteful and unnecessary duplication of inspection, exorbitant inspection fees and costs, failure or refusal to inspect fluid milk supplies from other than local sources, arbitrary mileage and other limitations of the area in which fluid milk will be inspected by State, county, and municipal authorities, and arbitrary refusal to permit importation into local areas of pure and wholesome fluid milk from outside the jurisdiction of local officials.

Such circumstances, Mr. President, burden and obstruct the production, processing, transportation, and sale of fluid milk products in interstate commerce, and result in building unneeded and unnecessary barriers to interstate commerce. Congress and Congress alone has the right under the Constitution to regulate interstate commerce, and under the provisions of this bill we will be merely carrying out the responsibilities presently delegated by the Constitution.

Mr. President, the development and maintenance of an adequate supply of pure and wholesome milk is a matter of great importance to our municipal population, and is affected with a national public interest.

A number of factors have contributed to the need for action on this bill. Our population is constantly growing and our population centers are shifting. We have made vast improvement in production and processing techniques. We have improved our highways and made possible the development of rapid refrigerated transportation. The packaging of this product has been greatly refined. All of these items have led to a tremendous increase in the shipment of fluid milk and fluid milk products in interstate commerce for our consumption

by our population residing in municipalities.

Mr. President, may I point out that this bill is in no way a departure into a new realm of untried or unproven system of sanitation regulation. It is merely to make uniform a system already in effect in many places, and which has proved to be adequate for the protection of the public health. This proposed code is presently in effect in 12 States, Hawaii, and Alaska. According to the latest information I have available, this includes 472 counties, and 1,364 municipalities.

Mr. President, this bill amends the current provisions of the United States Public Service Milk Ordinance Code so as to make it applicable when it is to be administered as a national mandatory ordinance, and provides for the act to take effect 1 year after date of enactment. This period will provide time for a smooth transition from the multitude of local codes which now regulate interstate commerce under the police powers of the States and municipalities, and allow administrative machinery to be properly established.

I believe this bill will aid the dairy industry of this country by eliminating barriers set up under the guise of sanitation, when in reality, there is often no public health basis for such exclusion. Furthermore, it would reduce the overall inspection costs and insure an adequate supply of fine milk for people in every part of our country.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2727) to protect the public health and promote the public interest and to establish standards of identity, sanitation standards, and sanitation practices for the production, processing, transportation, sale, and offering for sale of fluid milk and fluid milk products shipped in interstate commerce or which affects interstate commerce for consumption as fluid milk and fluid milk products in any State, county, or municipality of the United States, introduced by Mr. HUMPHREY, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.*, That this act may be cited as the National Milk Sanitation Act of 1957.

SEC. 2. (1) The Congress hereby finds that the growth of the population of the United States, shifts in the geographical location and the densities thereof, the vast improvement in production and processing techniques, the improvement of highways, the rapid development of refrigerated transportation on the Nation's highways and other transportation lines, refinements in packaging, all have led to a great increase in the shipment of fluid milk and fluid milk products in interstate commerce for consumption by our population residing in municipalities.

(2) The development and maintenance of an adequate supply of pure and wholesome milk is a matter of public health importance to our municipal population and is affected with a national public interest.

(3) No national standards of identity, sanitation standards, or list of approved sanitation practices governing the sanitation of fluid milk and fluid milk products shipped in interstate commerce, or which affects interstate commerce, exist.

(4) The lack of such standards of identity, sanitation standards, and approved sanitation practices has led to the development of a multitude of regulations governing the sanitation of fluid milk and fluid milk products on the part of State, county, and municipal authorities. The multiplicity of these regulations, and the variations between the regulations as developed by a very large number of State, county, and municipal authorities operating independently has led to wasteful and unnecessary duplication of inspection, exorbitant inspection fees and costs, failure or refusal to inspect fluid milk supplies from other than local sources, arbitrary mileage and other limitations of the area in which the fluid milk supply will be inspected by State, county, and municipal authorities for shipment to municipalities for consumption as fluid milk and fluid milk products, and arbitrary refusal to permit importation into local areas of pure and wholesome fluid milk and fluid milk products from outside the police jurisdiction of States, counties, and municipalities, all burden and obstruct the production, processing, transportation, sale, and offering for sale of fluid milk and fluid milk products in interstate commerce, result in building unneeded and unnecessary barriers to the interstate commerce in fluid milk and fluid milk products, and are against the national public interest.

SEC. 3. The term "interstate commerce" means (1) commerce between any State and any place outside thereof, including the District of Columbia, and (2) commerce which affects such interstate commerce.

SEC. 4. There shall be in effect standards of identity, sanitation standards, and sanitation practices governing sanitation in the production, processing, transportation, sale, and offering for sale of fluid milk and fluid milk products shipped in interstate commerce or which affect interstate commerce in fluid milk and fluid milk products. Such standards of identity, sanitation standards, and sanitation practices governing sanitation in the production, processing, transportation, sale, and offering for sale of fluid milk and fluid milk products, together with the regulations regarding adulterated, misbranded, or ungraded fluid milk, shall be those specified in the milk ordinance and code recommended by the United States Public Health Service, unabridged form as published in Public Health Service Bulletin No. 229. Such milk ordinance and code is referred to hereinafter as the United States Standard Milk Ordinance and Code, and shall become effective at the time and in the manner set forth in section 7 (a).

SEC. 5. The standards of identity, sanitation standards, and sanitation practices governing sanitation in the production, processing, transportation, sale and offering for sale of fluid milk and fluid milk products, as defined in the United States Standard Milk Ordinance and Code, shall apply uniformly throughout the United States to all fluid milk and fluid milk products which are shipped in interstate commerce to any municipality of the United States for consumption as fluid milk and fluid milk products, or which affect interstate commerce in such fluid milk and fluid milk products.

SEC. 6. The Surgeon General of the United States Public Health Service under the supervision and direction of the Secretary of the Department of Health, Education, and Welfare, shall administer this act. In enforcing its provisions the Surgeon General is authorized to accept certification of interstate milk supplies by the official State milk regulatory authorities upon his determination that their inspection and laboratory services satisfactorily apply to provisions of the United States Standard Milk Ordinance and Code and to authorize as a criterion of compliance a rating method to be established by regulations promulgated under the act. The Surgeon General shall make such ratings, inspections, and laboratory examinations as he may deem necessary.

SEC. 7. Effective date and manner of applicability of the United States Standard ard Milk Ordinance and Code.

(a) The terms and provisions of the United States Standard Milk Ordinance and Code shall become effective uniformly throughout the United States within 1 year after the date of enactment of this act: *Provided*, That with respect to the current source of fluid milk supplies for any municipality which does not meet the sanitation requirements and standards of such ordinance and code, the Surgeon General of the United States Public Health Service may, after satisfying himself that the current source of fluid milk supplies does not endanger the public health in any such municipality, issue an emergency permit for such fluid milk for such municipality, except that such permit shall not be renewable nor shall it be in effect for a period longer than 90 days from the date of issuance.

(b) All provisions of the United States Standard Milk Ordinance and Code shall apply except for the following:

(1) All reference to municipal, county, and State health authority or officials which permit or authorize affirmative action by such authority or officials with respect to standards of identity, sanitation standards, and sanitation practices governing sanitation in the production, processing, transportation, sale, and offering for sale of fluid milk and fluid milk products shall be deemed to be rescinded by this act, and such references and actions authorized thereby shall be vested in the Surgeon General or such person or persons as he may designate;

(2) The term "health officer" as defined in the United States Standard Milk Ordinance and Code shall mean the Surgeon General of the United States Public Health Service or such persons as he may designate;

(3) All other references in the United States Standard Milk Ordinance and Code to any municipality, county, or State authority or official are hereby deleted:

(4) All references in the United States Standard Milk Ordinance and Code to location in the municipality, the county, or the State, are deemed to mean any municipality, any county, or any State in the United States;

(5) Item 1r of section 7 of the United States Standard Milk Ordinance and Code is amended by requiring that within 1 year from the date of enactment of this act all fluid milk and fluid milk products for pasteurization shall be from herds certified by the State livestock sanitary authority as following either plan A or plan B approved by the United States Department of Agriculture for the eradication of brucellosis;

(6) Item 6p of section 7 of the United States Standard Milk Ordinance and Code is amended by deleting the first sentence and the following sentence is added in lieu thereof: "Every milk plant shall be provided with toilet facilities conforming to the requirements established by the health officer.";

(7) All parenthetical references in the United States Standard Milk Ordinance and Code to degrading and regrading are hereby deleted;

(8) Sections 11, 15, 16, 17, and 18 of the United States Standard Milk Ordinance and Code are hereby deleted.

SEC. 8. The Surgeon General of the United States Public Health Service is hereby authorized, on the basis of the record after public hearing, to amend the United States Standard Milk Ordinance and Code if he finds amendments, in view of changes in fluid milk production, processing, transportation, and handling techniques, necessary

to protect the public health: *Provided, however,* That the Surgeon General shall not issue, or cause to have issued, any amendment to such milk ordinance and code which has any purpose other than the protection of the public health or the protection of the public from misrepresentation.

SEC. 9. The Surgeon General is hereby authorized (a) to conduct such research and investigations as may be necessary to determine the public health significance of new processes, equipment, and products used in the production, processing, handling, or transportation of fluid milk and fluid milk products in interstate commerce and to make the results thereof available, and (b) to train State and local personnel in uniform methods and procedures required for enforcement of this act.

SEC. 10. After the effective date of this act as provided in section 7 (a) of this act, no other law, regulation, or order shall prohibit, limit, regulate, or affect, through use of sanitation standards, standards of identity, or sanitation practices different from those specified in this act or in the United States Standard Milk Ordinance and Code as amended in section 7 of this act, the production, processing, transportation, sale, or offering for sale of fluid milk and fluid milk products as defined in such code which is shipped in interstate commerce or which affects interstate commerce in such fluid milk and fluid milk products.

SEC. 11. (a) Any person who violates any provision of this act or the United States Standard Milk Ordinance and Code shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than 1 year, or a fine of not more than $1,000, or both such imprisonment and fine; but if the violation is committed after the conviction of such person under this section has become final such person shall be subject to imprisonment for not more than 3 years, or a fine of not more than $10,000 or both such imprisonment and fine.

(b) Notwithstanding the provisions of subsection (a) of this section, in case of a violation of any of the provisions of this act with intent to mislead or defraud, the penalty shall be imprisonment for not more than 3 years, or a fine of not more than $10,000, or both such imprisonment and fine.

SEC. 12. Nothing in this act shall be construed as requiring the Surgeon General to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of this act whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

SEC. 13. All such proceedings for enforcement, or to restrain violations of this act shall be by and in the name of the United States. Notwithstanding the provisions of section 876 of the Revised Statutes, subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

SEC. 14. The authority to promulgate regulations for the efficient enforcement of this act is hereby vested in the Surgeon General of the United States Public Health Service.

SEC. 15. In the case of actual controversy as to the validity of any order or regulation issued pursuant to section 13 hereof, any person who will be adversely affected by such order or regulation if placed in effect may at any time prior to the 30th day after such order or regulation is issued file a petition with the circuit court of appeals of the United States for the circuit wherein such person resides or has his principal place of business, for a judicial review of such order. The summons and petition may be served at any place in the United States. The Surgeon General, promptly upon service of the summons and petition, shall certify and file in the court the transcript of the proceedings and the record upon which the Surgeon General based his order.

SEC. 16. The provisions of this act are not intended to and shall not apply to manufactured dairy products, including but not limited to butter, condensed milk, evaporated milk, sterlized milk or milk products not requiring refrigeration, all types of cheese, or to nonfat dry milk, dry whole milk or part fat dry milk unless used in the preparation of fluid milk or fluid milk products.

## EXTENSION OF MATURITIES OF OR RENEWAL OF CERTAIN LOANS MADE BY RECONSTRUCTION FINANCE CORPORATION

Mr. MORSE. Mr. President, I introduce, for appropriate reference, a bill to authorize the Secretary of the Treasury to extend the maturities of or renew certain loans made by the Reconstruction Finance Corporation in aid of the orderly liquidation of such loans. I ask unanimous consent that the bill may be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2729) to authorize the Secretary of the Treasury to extend the maturities of or renew certain loans made by the Reconstruction Finance Corporation in aid of the orderly liquidation of such loans, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized to further extend the maturity of or renew any loan transferred to the Secretary of the Treasury pursuant to Reorganization Plan No. 1 of 1957, for additional periods not to exceed 15 years, if such extension or renewal will aid in the orderly liquidation of such loan.

## AMENDMENT OF TITLE II OF SOCIAL SECURITY ACT—AMENDMENT

Mr. IVES submitted an amendment, intended to be proposed by him, to the bill (H. R. 8755) to amend title II of the Social Security Act to permit any instrumentality of two or more States to obtain social security coverage under its agreement separately for those of its employees who are covered by a retirement system and who desire such coverage, which was referred to the Committee on Finance and ordered to be printed.

## NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO PUBLIC WORKS APPROPRIATION BILL

Mr. DWORSHAK submitted the following notice in writing:

In accordance with Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 8090) making appropriations for the civil functions administered by the Department of the Army and certain agencies of the Department of the Interior for the fiscal year ending June 30, 1958, and for other purposes, the following amendment, namely: On page 4, after line 7, before the colon, insert ", of which $500,000 shall be made available for the preparation of detailed plans for the Bruces Eddy project on the North Fork of the Clearwater River, Idaho, recommended for construction in the report of the Chief of Engineers, United States Army, contained in Senate Document No. 51, 84th Congress, 1st session, and the preparation of such plans is hereby authorized."

Mr. DWORSHAK also submitted an amendment intended to be proposed by him to House bill 8090, making appropriations for the civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

## IMPORTATION TAX ON TUNGSTEN—ADDITIONAL COSPONSORS OF BILL

Pursuant to the order of the Senate of August 5, 1957,

The names of Senators BIBLE, MURRAY, MAGNUSON, BARRETT, MANSFIELD, and CASE of South Dakota, were added as additional cosponsors of the bill (S. 2692) to impose a tax on the importation of tungsten, introduced by Mr. MALONE on August 5, 1957.

## AMENDMENT OF FISH AND WILDLIFE ACT OF 1956, RELATING TO INCREASED AUTHORIZATION FOR FISHERIES LOAN FUND—ADDITIONAL COSPONSOR OF BILL

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the name of the Senator from Massachusetts [Mr. SALTONSTALL] may be added as an additional cosponsor of the bill (S. 2720) to amend the Fish and Wildlife Act of 1956 in order to increase the authorization for the fisheries loan fund established under such act, introduced by me, for myself and Mr. PAYNE, on August 6, 1957.

The VICE PRESIDENT. Without objection, it is so ordered.

## NOTICE OF HEARINGS ON CERTAIN NOMINATIONS BY COMMITTEE ON FOREIGN RELATIONS

Mr. GREEN. Mr. President, the Senate received today 41 nomination of persons for appointment and promotion in the Foreign Service of the United States.

The list appears elsewhere in the Senate proceedings of this date.

Notice is given that these nominations will be eligible for consideration by the Committee on Foreign Relations at the expiration of 6 days, in accordance with the committee rule.

## NOTICE OF HEARING ON NOMINATION OF WILLIAM B. MACOMBER TO BE AN ASSISTANT SECRETARY OF STATE

Mr. GREEN. Mr. President, the Senate received today the nomination of William B. Macomber, Jr., of New York, to be an Assistant Secretary of State, vice Robert C. Hill.

Notice is given that the nomination will be eligible for consideration by the Committee on Foreign Relations at the expiration of 6 days, in accordance with the committee rule.

## INTERIM REPORT OF THE THEODORE ROOSEVELT CENTENNIAL COMMISSION

Mr. HILL. Mr. President, there has recently been deliveded to the Congress a most important paper, Senate Document No. 53, which includes the interim report of the Theodore Roosevelt Centennial Commission, prepared by its director, Mr. Hermann Hagedorn, who is probably the best known biographer of Mr. Roosevelt.

In this comprehensive review of its plans, I am glad to see included an extensive program for participation of our public schools, students, teachers and parent-teacher organizations. These groups should be proud of their participation, because Theodore Roosevelt was a stanch and steady friend of the schools, as well as a great teacher himself, especially of the values of the home and family life. In carrying out its basic theme of responsible citizenship, the Commission thus starts with the very beginning of the citizen's growth—the schools and its classrooms. It is especially pleasing to note the promised cooperation of such groups as the National School Boards Association, the Scholastic Press Association, and the National Education Association. The Scholastic Press Association will be actively "on the firing line," as the organization of the editors of student publications reaching the millions of students in our high schools—our citizens of tomorrow.

This is an example of the many-sided approach to the observance of the centennial of this many-sided leader and patriot, Theodore Roosevelt. In the Commission's planning have been included programs covering family life in the home, youth and adventure, the national defense, sound moral and spiritual foundations, and—the ruling passion of "T. R.'s" life—responsible citizenship.

I ask that all Senators and all other Americans give the program their full cooperation and support.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 1321) for the relief of Junko Matsuoka Eckrich, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions in which it requested the concurrence of the Senate:

H. R. 1317. An act for the relief of Ralph N. Meeks;

H. R. 1318. An act for the relief of Thomas P. Quigley;

H. R. 1411. An act for the relief of George H. Meyer Sons, Brauer & Co., Joseph McSweeney & Sons, Inc., C. L. Tomlinson, Jr., and Richmond Livestock Co., Inc.;

H. R. 1602. An act for the relief of Lillian Cummings;

H. R. 1792. An act for the relief of Dr. Royal W. Williams;

H. R. 2935. An act for the relief of Apolonia Quiles Quetglas;

H. R. 5161. An act for the relief of Mrs. Madeleine A. Work;

H. R. 5920. An act for the relief of Pedro Gonzales;

H. R. 6868. An act for the relief of the estate of Agnes Moulton Cannon and for the relief of Clifton L. Cannon, Sr.;

H. R. 8508. An act to provide that there shall be two county committees elected under the Soil Conservation and Domestic Allotment Act for certain counties;

H. R. 8586. An act for the relief of Pasquale Pratola;

H. J. Res. 417. Joint resolution for the relief of Mrs. Sabastiano Poletto, Hideo Konya, Edward H. Turri, and Mario Guiffre; and

H. J. Res. 430. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

## HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H. R. 1317. An act for the relief of Ralph N. Meeks;

H. R. 1318. An act for the relief of Thomas P. Quigley;

H. R. 1411. An act for the relief of George H. Meyer Sons, Brauer & Co., Joseph McSweeney & Sons, Inc., C. L. Tomlinson, Jr., and Richmond Livestock Co., Inc.;

H. R. 1602. An act for the relief of Lillian Cummings;

H. R. 1792. An act for the relief of Dr. Royal W. Williams;

H. R. 2935. An act for the relief of Apolonia Quiles Quetglas;

H. R. 5161. An act for the relief of Mrs. Madeleine A. Work;

H. R. 5920. An act for the relief of Pedro Gonzales;

H. R. 6868. An act for the relief of the estate of Agnes Moulton Cannon and for the relief of Clifton L. Cannon, Sr.;

H. R. 8586. An act for the relief of Pasquale Pratola;

H. J. Res. 417. Joint resolution for the relief of Mrs. Sabastiano Poletto, Hideo Konya, Edward H. Turri, and Mario Guiffre; and

H. J. Res. 430. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens; to the Committee on the Judiciary.

H. R. 8508. An act to provide that there shall be two county committees elected under the Soil Conservation and Domestic Allotment Act for certain counties; to the Committee on Agriculture and Forestry.

## EFFECT ON CONTEMPT PROCEEDINGS IN THE SUPREME COURT AND COURTS OF APPEAL OF THE JURY-TRIAL AMENDMENT TO THE CIVIL-RIGHTS BILL

Mr. KNOWLAND. Mr. President, I ask unanimous consent to have printed at this point in the body of the RECORD, as a part of my remarks, a letter I received under date of August 6 from Mr. William P. Rogers, Acting Attorney General of the United States, together with a memorandum for the Acting Attorney General relative to the effect on contempt proceedings in the Supreme Court and courts of appeals of the jury-trial amendment to the civil-rights bill.

There being no objection, the letter and memorandum were ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
*Washington, D. C., August 6, 1957.*

Hon. WILLIAM F. KNOWLAND,
*United States Senate,*
*Washington, D. C.*

DEAR SENATOR KNOWLAND: Pursuant to your inquiry in reference to the effect of the jury-trial amendment to the civil-rights bill on litigation involving the United States Government, I am enclosing herewith a memorandum prepared by the Office of Legal Counsel on the effect of that amendment as it would pertain to contempt proceedings in the United States Supreme Court and the United States Courts of Appeals.

I hope that this gives you the necessary information.

Sincerely,

WILLIAM P. ROGERS,
*Acting Attorney General.*

MEMORANDUM FOR THE ACTING ATTORNEY GENERAL—EFFECT ON CONTEMPT PROCEEDINGS IN THE SUPREME COURT AND THE COURTS OF APPEALS OF THE JURY-TRIAL AMENDMENT TO THE CIVIL-RIGHTS BILL

This office has been asked by you to make an analysis of the effect on contempt proceedings in the appellate courts of the United States of the so-called jury-trial amendment to the civil-rights bill.

Since the jury-trial amendment to the civil-rights bill applies to all criminal contempt proceedings for violation of orders of any court of the United States or any court of the District of Columbia, the amendment plainly covers the Supreme Court of the United States and the 11 Federal courts of appeals. In all criminal contempt proceedings in those courts for violation of their own orders—except where the contempt was committed in or near the presence of the court, or by a court officer—a jury trial would be required by the bill as it now stands.

1. The Supreme Court customarily issues, each year, various kinds of stay or injunctive orders, for the purpose of preserving its jurisdiction pending a decision in a case. If those orders are violated, criminal contempt proceedings can be instituted by the Court to punish the violator. Up to now, it has not been necessary to provide a jury trial. Under the bill, a jury trial will be mandatory.

For instance, it is not infrequent for the Court (or one of its Justices) to stay the execution of a criminal by State prison authorities while the Supreme Court is considering the prisoner's case. If the prisoner should nevertheless be executed, or given over into the hands of a mob to be lynched, the Court's order would be violated, and the violators could be punished in contempt; *United States* v. *Shipp* (203 U. S. 563, in 1906) was such a case. After a stay of execution had been issued by the Supreme Court, the sheriff was charged with delivering the prisoner—a colored man accused of raping a white woman—into the hands of a local mob which lynched him. The Supreme Court then instituted contempt proceedings, and took testimony through a commissioner whom it appointed specially [1] (214 U. S. 471); on the basis of the written record of this testimony, the Court entered its judgment, after argument, that the defendants were guilty (214 U. S. 386). Some of the defendants were sentenced to 90 days and some to 60 (215 U. S. 580).

[1] When the Supreme Court (in an action commenced in that Court) is in need of testimony, it is its practice to appoint a commissioner or special master to take the testimony at any place in the country where it is convenient to do so. The commissioner, in the Shipp case took testimony at Chattanooga, Tenn., where the lynching took place.

Under the present version of the civil-rights bill, the Supreme Court would be required in these circumstances to impanel a jury (even though no proper provision is now made for finding and impanelling such a jury in the Supreme Court),[2] and to hold a full jury trial (as in the ordinary criminal case), before it could convict the violator and punish him. The jury would have to sit in the District of Columbia and in the presence of the Court; undoubtedly the Court's other business would have to be delayed pending the trial which could take days or possibly even weeks.[3]

By contrast to the obsolescence of title 28, United States Code, section 1872, the Court and its Justices issue, each year, a substantial number of stay orders of various types.

The case would be similar if the Supreme Court should grant bail to a defendant and some official should refuse to recognize that order. The trial before the Supreme Court would have to be by jury. Other kinds of injunctive orders are also commonly issued, staying official or private action of some kind pending review by the Supreme Court, e. g., staying the effectiveness of railroad and other utility rates, staying mergers, staying the enforcement of Federal or State statutes, etc.

2. The same observations can, of course, be made with respect to the 11 courts of appeals which likewise issue stay, injunctive, and bail orders. An example of a contempt proceeding in a court of appeals is the well-known case of *Sawyer* v. *Dollar* (190 F. 2d 623 (C. A. D. C.)), involving the disputed stock in the American President Lines, Ltd. Under the present bill, the criminal aspects of that complicated contempt proceeding would have had to be tried by a jury.

This is a particularly serious matter for the courts of appeals which have constantly to issue decrees enforcing the orders of such agencies as the Federal Trade Commission, the National Labor Relations Board, and others. Under the bill, jury trials in the courts of appeals would have to be had in all such cases—with all the incongruities, difficulties, and delays already mentioned.

OFFICE OF LEGAL COUNSEL.

## THE CIVIL-RIGHTS BILL

Mr. SMITH of New Jersey. Mr. President, it is my strong feeling that the Senate should pass the pending right-to-vote civil-rights bill promptly and with conviction. The right to vote is the basic and fundamental civil right. Its protection should be noncontroversial. It is a fundamental feature of our constitutional system and is inherent in the Bill of Rights. If everyone in this great country of ours, without distinction because of race, creed, or color, has an adequately protected right to vote without intimidation or interference, we can better guarantee our sacred liberties which have come down to us through a thousand years of sweat, blood, and tears.

I am disappointed that the jury-trial amendment was added to the bill, because I feel it will bring confusion and uncertainty, and it may be abused. However, the overriding, important issue is the protection of the right to vote, and while the protection afforded by the pending bill may have been somewhat encumbered by the jury-trial amendment, nonetheless it will provide increased protection for all our citizens in the exercise of their right to vote. I believe that the bill as it now stands will represent an advance for the voting rights of our citizens, and it should not be opposed merely because it fails to go far enough.

Let us unite in the North and in the South, and throughout our entire country, to accept and implement this proposed legislation. Let us show the world that all our people are free and can determine their own destiny.

We must act together to solve this great problem.

It can be the biggest advance in uniting our great Nation since the Civil War. We cannot fail now.

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MCNAMARA in the chair). Without objection, it is so ordered.

## THE CIVIL-RIGHTS BILL

Mr. SALTONSTALL. Mr. President, I shall vote for the passage of the civil-rights bill, H. R. 6127, because I believe this proposed legislation is essential. We can get legislation only by sending the measure back to the House and it can be sent by the House to conference. I hope that it may be improved in conference. I repeat what I said in debate on August 1:

> If our courts are deprived of the necessary authority to enforce their decisions, then the respect for the decisions of the court will be gone and the confidence of the individual citizen in the judiciary will be weakened. To deprive our courts of their traditional power to enforce their decrees against those who disregard those decrees is to undermine the very foundation of our Government.
>
> Our purpose in this bill is to secure to an individual additional opportunities to obtain his fundamental right in a democracy—the right to vote. But our purpose in so doing is thwarted if it is accomplished at the expense of weakening the authority and prestige of the courts. If that authority is weakened, then it is doubtful what the individual gains. It is mighty clear what we all lose—the respect for the authority of our judiciary to enforce its decrees.

So I hope we may act as expeditiously as possible to pass the bill, and I trust that in doing so title IV may be improved so that it will accomplish our purpose of giving every individual entitled to do so the right to vote, without impairing the rights of our courts to enforce their decisions, and at the same time maintaining the prestige of the judicial system.

## THE WELCOME VISIT TO THE SENATE OF THE AMERICAN BALLET THEATER

Mr. WILEY. Mr. President, on several occasions it has been my pleasure and privilege to pay tribute to the great contribution which leading American artistic performers are making throughout the world, and when we have had distinguished Americans in the gallery to present them to the Senate. Today there are present some folk representing the artistic side of life who are great performers, who have been traveling throughout the world. They are Americans who are helping acquaint the world with our way of life. They are the members of the world-famous American Ballet Theater. They may be seen each evening in the Carter Barron Amphitheater, here in our Nation's Capital.

They are helping to acquaint the world with the fact that, contrary to Soviet lies about us, in this country "we do not live by bread alone, but by things of the spirit." We do not live, in effect, by material goals alone.

We Americans yield to no land and no people in our interest in cultural affairs—in great music, great art, great ballet.

In a few moments, I am going to ask that they rise in the gallery in order that the Senate may acknowledge their presence.

I believe that they, and all of those associated with the company—especially, Directors Lucia Chase and Oliver Smith—are well worthy of our commendation. I say this especially in view of the fine job which the company has performed in many countries of the world, under the auspices of the President's and the State Department's International Exchange Program.

In other words, they are ambassadors for America. Each and every one of us, as we visit abroad, is an ambassador for better or worse. The members of the American Ballet Theater are selling to the world the fact that America enjoys art, and theirs is great art.

They have drawn enthusiastic notices in many countries.

They have demonstrated our country's deep interest in the ballet.

Not only, however, are the members of the company of native American extraction, but typically enough, they are a melting pot of many outstanding talents from other nations as well.

I should like to ask that they stand in order that their presence be acknowledged by our colleagues and the public.

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[2] The provisions with respect to the impanelling of juries—contained in title 28, chapter 21, of the United States Code (28 U. S. C. 1861 et seq.)—are phrased in terms of "the judicial district," "the district," or "district courts," and were obviously intended to apply only to the Federal district courts. They do not fit the impanelling of juries in the Supreme Court or the courts of appeals.

[3] It should be noted that the statutes now provide that "in all original actions at law in the Supreme Court against citizens of the United States, issues of fact shall be tried by a jury" (28 U. S. C. 1872). The Court has been able to live with this provision, which is probably required by the seventh amendment guaranty of jury trial in civil "suits at common law" in the Federal courts—because original actions at law in that Court against an individual citizen have been practically nonexistent almost since the beginning of our history. As a whole, original actions in the Supreme Court are very few; those few are rarely at law, but mostly in equity; and they almost always involve States or governmental entities. The obsolescence of this provision of 28 U. S. C. 1872 is indicated by the fact that the United States Code does not contain any mechanism for drawing a jury for the Supreme Court. See footnote 2, supra.

(The members of the American Ballet Theater rose in their places, and were greeted with applause, Senators rising.)

Mr. WILEY. Mr. President, I ask unanimous consent that a brief statement I have prepared on the subject be printed at this point in the body of the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILEY

Some may ask, "Why is it that this particular troupe is singled out?"

The answer is that it is indeed deserving of such recognition.

THIS GROUP'S MANY FIRSTS

Now in its 18th year, it is the only ballet or theatrical organization which has played in each of the 48 States—not simply New York, Chicago, Los Angeles, and some of the other great metropolitan centers, but all 48 States.

It was the first American company to tour the European Continent in 1950. Indeed, it was the first American company to go abroad after the war—as far back as 1946.

It is the first American company to tour under the auspices of the United States State Department. It has conducted no less than 6 international tours since World War II, including tours in 1955 and 1957 under the auspices of the American National Theatre and Academy's international-exchange program.

In this country, it has performed in 219 cities throughout the length and breadth of this land. Thus, it is truly a national ballet company.

It has performed in motion-picture houses, in legitimate theaters, in military hospitals—for benefit performances. For the Red Cross; it even performed on the deck of an aircraft carrier.

ART FOR THE PEOPLE

Obviously, what it is trying to do so commendably, is bring art to the people, the masses, to Americans who may have never before personally seen professional ballet.

And so, the individuals associated with this fine project deserve every recognition.

We must remember that the maintenance of a professional ballet troupe is an exceedingly costly proposition, especially in these days of high cost of stage scenery, transportation, etc. The ballet performers themselves are dedicated artists—interested basically in the merit of their art. Theirs is a rigorous life of training and physical discipline, with financial compensation very modest; considering the years of preparation and devotion.

I am going to list now the individuals who are the officers and governing trustees of the Ballet Theatre Foundation. This civic-minded foundation supports the three mainstays—the ballet company itself, the ballet school, and the ballet workshop.

A description of their work follows, as well.

BALLET THEATRE FOUNDATION

Blevins Davis, president; Lucia Chase, John F. Wharton, vice presidents; Alexander C. Ewing, executive secretary.

Governing trustees: Victor Bator, Millard J. Bloomer, Jr., Mrs. A. William Carter, Mrs. Gilbert W. Chapman, Henry Clifford, Harold Clurman, Agnes de Mille, Mrs. S. Hallock duPont, Mrs. Sherman Ewing, Mrs. Bruce A. Gimbel, A. Conger Goodyear, Richard Hammond, Ralph P. Hanes, Huntington Hartford, Chester J. LaRoche, Eugene Loring, John L. Magro, Arnold Maremont, Charles Payne, Richard Pleasant, John Rosenfield, Oliver Smith, Igor Stravinsky, Charles P. Taft, George W. Tompkins, Harold Weill, Anna Deere Wiman, Mrs. Bernard F. Combemole, Mrs. William Zeckendorf.

The Ballet Theatre Foundation is a national institution which supports three cornerstones: Company, school, workshop.

American Ballet Theatre, now in its 18th year, has performed in more than 200 cities throughout the United States. These nationwide tours insure that people all over the country will have the opportunity to see America's national ballet company.

Ballet Theatre schools are also organized on a national scale. Besides the Ballet Theatre School in New York, three other Ballet Theatre schools are in operation—in Denver, Oklahoma City, and a summer school in Woodstock, N. Y. These schools all give the training required to qualify a dancer for auditions to the American Ballet Theatre.

The Ballet Theatre Workshop was established to give choreographers and dancers the opportunity to create new ballets. The Ballet Theatre Workshop this year doubled its activity, presenting eight new works during the spring. Next year workshop classes have been scheduled as part of the regular curriculum in the Ballet Theatre School of New York to give more choreographers and dancers the chance to work on new ballets while the American Ballet Theatre is away on tour.

Ballet Theatre chapters are working in Cincinnati, Denver, New York, and Oklahoma City to promote the activities of the Ballet Theatre Foundation. Last year committees to organize a local Ballet Theatre Chapter were formed in Cleveland and Detroit. We hope that soon there will be a Ballet Theatre Chapter in every major city where American Ballet Theatre performs.

American Ballet Theatre began its 1956–57 season in Europe and the Middle East and returned to this country for a short American tour in February and March. In April and May, the company undertook one of the most exciting ventures of its history. During a 7-week rehearsal period it prepared seven new works, designed to be presented as previews with only elemental scenery and costumes. Together with eight new productions by the Ballet Theatre Workshop, they were presented in a Festival of Ballet at the Phoenix Theater in New York. The festival was an impressive success and a number of the new ballets will soon be introduced into the American Ballet Theatre repertory.

In its 18th year, American Ballet Theatre inaugurated its 1957–58 season with a transcontinental tour which takes the company west to Los Angeles and north to the Canadian Provinces of Alberta, British Columbia, Manitoba, and Saskatchewan. After appearances in more than 90 cities in the United States and Canada, the company will once again fly abroad for engagements at the Brussels Fair and in European cities, including several behind the Iron Curtain. The company's eighth foreign tour will be under the auspices of the President's international exchange program as administered by the American National Theatre and Academy.

LUCIA CHASE,
OLIVER SMITH.

RECOGNITION TO NEW COMPOSERS

Before concluding, may I note that one of the most commendable features of the American Ballet Theatre has been that its workshop is seeking to develop and give fullest recognition to the outstanding productions of American creative genius.

It is not simply performing the great classical works of ballet which may be seen on stages throughout the world.

Instead, it is experimenting in performing new works by American talent. It is experimenting boldly with new ideas, new music, new choreography.

NATIONAL CULTURAL CENTER FOR CAPITAL

Now, speaking of America, itself, may I conclude with this note:

The time fast is running out in this first session of the 85th Congress.

Unfortunately, there has as yet been no final action on enabling the National Auditorium Commission to acquire the land with which to set up a Cultural Center here in our Nation's Capital.

I am hoping, however, that, notwithstanding this late hour, Congress will at long last flash the green light and adopt the conference report for this purpose.

For years and years, there has been talk of such a center. Always, there has been one stumbling block after another. Surely, this time, we will not allow the project to be torpedoed.

It is my earnest hope that Lucia Chase and her ballet troupe which we welcome to the Senate Chamber today will be back with us and that the American Ballet Theatre will be among the very first to perform in the cultural center when it is opened some years hence.

Mr. JAVITS. Mr. President, will the Senator from Wisconsin yield?

Mr. WILEY. I yield to the Senator from New York.

Mr. JAVITS. In New York we are very proud of the American Ballet. They perform in our city. Their directors are well known and prominent in our cultural life. I enjoy the privilege of joining with my colleague, the Senator from Wisconsin, in this opportunity to introduce them to the Senate.

## PROTECTION OF LEAD AND ZINC INDUSTRIES

Mr. WATKINS. Mr. President, there are now pending in the Ways and Means Committee of the House and in the Finance Committee of the Senate bills to provide some protection for the lead and zinc industries in this country.

There has been a significant drop in prices of zinc and lead to a point where United States mines, operating under our high standards of living, have costs which will not permit them to compete with lead and zinc produced in other countries where the wages are as low as one-fourth of the present wages paid the American miner.

Yesterday Secretary of State John Foster Dulles, in a press conference, was asked with respect to the program outlined in the bills to which I have referred, and he replied at some length. I think it would be of help to all Members of Congress to have the question and reply in the RECORD.

For that reason, Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the question asked Mr. Dulles with respect to the support by the State Department of the new lead and zinc protective legislation, and his reply thereto.

There being no objection, the question and answer were ordered to be printed in the RECORD, as follows:

Question. Sir, do you think that our position on liberal trade at the forthcoming Buenos Aires conference will at all be weakened by the Department's support of new lead and zinc restrictions? I understand that several Latin-American countries who are economically dependent on lead and zinc exports have already protested to the Department on the matter.

Answer. I think it's unfortunate that the situation in the lead and zinc industry here at home is such that it does seem necessary to take certain measures to protect it and keep it in existence as a healthy industry.

I do not think that that means, in fact I'm sure that it does not mean, any basic change in the attitude of this administration toward trade, and our desire to have a liberal flow of trade to mutual advantage. There are always going to be special situations that come along and which as a practical matter have to be dealt with. And the fact that there are exceptions does not in any way vitiate the rule of seeking to have free and liberal trade.

Now, this situation about lead and zinc has been one that has been plaguing us for several years. It came up rather acutely about 4 years ago, I think in 1953, and at that time it was possible to handle the situation through a combination of voluntary restraints by some foreign countries on their exports of lead and zinc to the United States and stockpiling program. Well, the stockpiling program has come to an end. The price of most metals is rather weak at the present time and the situation is back, to be dealt with in some way. The program for dealing with it, as I understand, is on a sliding-scale basis, so that when prices recover, then the duties will go down. We can all hope that there will be a revival of strength in these metals so that in fact any new duties based only upon low prices will not have to be maintained.

## CIVIL RIGHTS

Mr. DOUGLAS. Mr. President, I was very much gratified that toward the conclusion of yesterday's session the distinguished majority leader, the senior Senator from Texas [Mr. JOHNSON], asked to have printed in the CONGRESSIONAL RECORD an editorial from the Chicago Tribune. I regret that undoubtedly because of a clerical error, it was not printed in the RECORD as it has been distributed this morning.

In order that the Members of the Senate and the country may know of the editorial from this very important newspaper, which has not always been an enthusiastic admirer of the senior Senator from Illinois, I am very glad to read certain portions of it and ask unanimous consent that it be printed as a whole.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. DOUGLAS. The editorial starts out under the heading "Negro Hopes Stifled by Democrats." The editorial reads:

The House of Representatives is not likely to accept the Senate amendments to the civil-rights bill. Therefore, the probability is that there will be no civil-rights law adopted at this session.

Even so, the time spent on this legislation has not been wholly wasted. The division in the Senate makes it clear that an overwhelming majority of the Democrats there intend that the Negroes in many of the Southern States shall not be allowed to vote.

The editorial says further:

The Senators who favored jury trials knew that they were voting to deprive Negroes of the franchise. These Senators were confident that in the Southern States concerned, juries would not convict election officials who had violated a court's orders. The insistence on jury trial was insistence on depriving Negroes of their constitutional rights.

On this question how did the parties divide? The Democrats stood 39 to 9, or more than 4 to 1, against assuring the Negro his full rights as a citizen. The Republicans divided 33 to 12, or nearly 3 to 1, in favor of Negro rights.

Then the editorial continues in praise of the senior Senator from Illinois, which is very unusual, and which is therefore all the more welcome, by stating:

Among the nine Democrats who broke with their party on this question was Senator DOUGLAS, of Illinois. He was faithful to his promises, but clearly his party betrayed the confidence that many northern voters placed in it.

Then the editorial continues with a very interesting question, which has much to do with the future of political parties in this country, stating:

The voters of this country now know that the Democratic Party will not help Negroes of the South get their full rights as citizens.

The editorial continues:

It is foolish for anyone who believes that these rights should be enforcible to send a Democrat to Congress—even a Douglas, a Humphrey, or a Neuberger—for if elected these men will vote for a Democratic organization of the Senate and a Democratic organization means the perpetuation in power of the southerners.

Mr. President, I recognize that in the editorial there is a little gall mixed with some honey. The question raised about the future of the political parties and their senatorial candidates is very interesting. I naturally do not agree with the conclusions of the editorial about the individual Senators mentioned, nor with the advice given. But it is quite possible that others may and that one of the consequences of the past Senate votes will be that our esteemed southern friends will not in the future be chairmen of the important committees of the Senate.

EXHIBIT 1

NEGRO HOPES STIFLED BY THE DEMOCRATS

The House of Representatives is not likely to accept the Senate amendments to the civil-rights bill. Therefore, the probability is that there will be no civil-rights law adopted at this session.

Even so, the time spent on this legislation has not been wholly wasted. The division in the Senate makes it clear that an overwhelming majority of the Democrats there intend that the Negroes in many of the Southern States shall not be allowed to vote.

To be sure, the question immediately before the Senate was not the direct one, "Shall the Negroes be allowed to vote as a matter of right in all State and Federal elections?" That question could hardly come before Congress, because the right is granted in unequivocal language in the Constitution itself. Nevertheless, it was this very question that, in fact, was being debated in the long controversy in the Senate over jury trials for those charged with criminal contempt of court orders to let Negroes vote.

The Senators who favored jury trials knew that they were voting to deprive Negroes of the franchise. These Senators were confident that in the Southern States concerned juries would not convict election officials who had violated a court's orders. The insistence on jury trial was insistence on depriving Negroes of their constitutional rights.

On this question, how did the parties divide? The Democrats stood 39 to 9, or more than 4 to 1, against assuring the Negro his full rights as a citizen. The Republicans divided 33 to 12, or nearly 3 to 1, in favor of Negro rights.

Among the nine Democrats who broke with their party on this question was Senator DOUGLAS, of Illinois. He was faithful to his promises, but clearly his party betrayed the confidence that many northern voters placed in it.

The voters of this country now know that the Democratic Party will not help Negroes of the South get their full rights as citizens. It is foolish for anyone who believes that these rights should be enforcible to send a Democrat to Congress—even a Douglas, a Humphrey, or a Neuberger—for if elected these men will vote for a Democratic organization of the Senate, and a Democratic organization means the perpetuation in power of the southerners.

Mr. DOUGLAS. Mr. President, I also ask unanimous consent that an editorial from this morning's Chicago Tribune entitled "What About Civil Rights?" be printed in the RECORD at this point in my remarks. I think it is a good editorial and well worthy of analysis.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHAT ABOUT CIVIL RIGHTS?

A reader has asked us to explain the quarrel in Congress over jury trials for persons accused of denying the vote to Negroes.

To start at the beginning, the right of Negroes to vote in all elections, State as well as Federal, is established in the Constitution itself, in the amendments adopted after the South lost the Civil War. There can be no question, therefore, that Negroes in the South have the constitutional right to vote. The real question is how this right shall be enforced.

The answer requires a knowledge of who is keeping them from voting. In one State it may be local election officials who refuse to place Negro names on the voting register. In another, polling place officials may deny ballots to registered Negro voters on some pettifogging excuse. In still another, mob leaders may picket the polling places to discourage Negroes from trying to vote.

All of these devices and any others that may be employed constitute a denial of the fundamental rights of Negro citizens. But how is the Negro citizen to win recognition of his rights?

To this, President Eisenhower's civil-rights program offered several answers. One was to set up a special civil-rights branch in the Department of Justice, with authority to go into Federal court on behalf of the disfranchised, in the district in which they live, and request orders of court forbidding any interference with registering and voting by Negroes.

After a hearing was held and an injunction of this sort was issued, directed, for example, against a county clerk who refused to place Negro names on the voting register, he would obey it or else face trial for contempt of the court's order. Injunctions are issued every day in the State and Federal courts for one purpose or another and when they are disobeyed, the judges who issue them have the right, as a rule, to send the disobedient person to jail.

The Federal courts recognize two kinds or degrees of contempt. They speak of civil contempt, by which is meant the kind that can be absolved by doing the thing that the injunction ordered done. In contrast, the person charged with criminal contempt cannot escape punishment by tardy obedience. The man who is found guilty of criminal contempt can be punished for his disobedience whether or not he decided, finally and reluctantly, to do what he was ordered to do.

It was at this point that the controversy in the Senate arose. A Senate majority composed overwhelmingly of Democrats and opposed overwhelmingly by Republicans voted for jury trials in these cases.

The purpose was plain enough, though, and it was not plainly stated. The aim was to keep on depriving Negroes of their franchise wherever in the South public opinion among white citizens does not approve of voting by Negro citizens. The jury could be expected to reflect community opinion.

That still left open the road of civil contempt, but this remedy was regarded as unsatisfactory. The election official, for example, could resign his office and thus be in no position to carry out the court's order.

Fundamentally, the question can be put something like this: How can the Negro's constitutional right to vote be protected in States and communities where the dominant public opinion does not approve of Negro voting? It may help to clarify thinking on the problem to recall a few facts.

One is that no Federal judge in the South is likely to punish anybody for contempt of the court's order if there was no contempt. All the judges who will handle these cases in the Federal district courts are white men and all of them are southerners. The reason for interposing a jury is fear not that the judges will be unfair or tyrannous but that they will carry out the law. This fear is justified, for they have shown in their handling of other recent cases involving Negro rights that they are judges first, as they should be, and southerners second.

Another most important fact is that the southern Senators have nothing to fear if their people will obey the law. There is no ambiguity about the law. The southern Senators can argue plausibly that the Constitution says nothing in so many words about segregation in the schools; but the Constitution does require the States to let Negroes vote on exactly the same terms as white men. The purpose of all the talk in the Senate about the sanctity of jury trials was simply to find a convenient means of disobeying the Constitution and depriving some citizens of their rights. In all other cases of criminal contempt in which the Government is the complainant, there is no jury trials.

Dispatches from Washington say that the House will not accept the Senate amendments. It would be far better to have no new civil-rights law than to have the one nearing approval in the Senate.

Mr. DOUGLAS. I may say, Mr. President, I think this is a very excellent editorial. My approval of the editorial is almost as unprecedented as the Tribune's approval of the senior Senator from Illinois.

## PROGRAM FOR ERADICATION OF FIRE ANT AND SCREWWORM

Mr. RUSSELL. Mr. President, in the course of the hearings before the Subcommittee on Appropriations on the agricultural appropriation bill, considerable testimony was received with respect to the great losses being inflicted by the fire ant, which is an insect which has been spreading with great rapidity over certain areas of the Nation.

There was also a great deal of testimony in the regard to the program to eradicate the screwworm.

In the committee report there was a clause which requested the Department of Agriculture to outline a program of eradication of these two very injurious pests.

I am in receipt of a letter signed by Mr. E. L. Peterson, Assistant Secretary of Agriculture, which gives the views of the Department on the danger of this menace, as well as a tentative program looking to the eradication of both these pests. In view of the general interest in this subject, I ask unanimous consent that the letter, together with the program of the Department, be printed in the RECORD at this point as a part of my remarks.

There being no objection, the letter and program were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
*Washington, D. C., August 2, 1957.*

Hon. RICHARD B. RUSSELL,
*Chairman, Subcommittee on Agricultural Appropriations, United States Senate.*

DEAR SENATOR RUSSELL: As requested in Senate Report No. 415 on the Department of Agriculture and Farm Credit Administration appropriation bill, 1958, there are attached explanatory statements with respect to the imported fire ant and the screwworm.

Sincerely yours,

E. L. PETERSON,
*Assistant Secretary.*

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[From the U. S. Department of Agriculture, Agricultural Research Service]

REPORT TO THE CONGRESS ON THE FIRE ANT

The imported fire ant is a serious pest of crops, pastures, lawns, recreational areas, livestock, and wildlife. It was introduced from South America through the port of Mobile, Ala., probably as early as 1920. About 1930 it was recognized as a different and more destructive species than any native to the United States. When it began to move out from the coastal area it appears to have found an environment more suitable to its liking and since 1950 has spread at an alarming rate.

EXTENT OF PROBLEM

The imported fire ant now infests about two-thirds of Alabama, half of Mississippi, a third of Louisiana, eight or nine counties in Texas, three counties in west Florida, and at least two counties in Georgia. Isolated infestations exist or have been eradicated in Arkansas, North Carolina, South Carolina, and Tennessee. In Alabama some infestation occurs all the way to the Tennessee border. All counties in central Mississippi have some infestation. In Georgia and north Florida, spotted infestations occur in a number of counties. In total more than 20 million acres are infested.

PLAN FOR CONTROL

There is general agreement that a successful fire ant eradication program will require joint effort in which the Federal Government, States, local governing bodies, and individual property owners participate. This applies to planning as well as financing. Eradication of the fire ant will involve the insecticidal treatment of all infested areas. Chemicals known to be effective include dieldrin, aldrin, and heptachlor. These may be applied by aircraft, motorized ground equipment or hand applicators, depending upon circumstances. Eradication should begin with outlying infestations and progress to counties constituting the boundaries of areas where infestation is general. The plan provides for technical and supervisory assistance to any county, city, or parish anywhere and at any time that a substantial proportion of the property owners agree to organize for control work on a county or district basis and there is assurance from responsible governing bodies that the program will be pursued until ants have been eliminated without regard to landownership or use.

In any county where general infestation exists, a 3-year period of eradication is anticipated. Where necessary quarantines will be invoked to prevent spread through commercial channels to additional areas and to protect those in which control has been accomplished. One application of insecticide is ordinarily sufficient to effect eradication. Some mopup operations, however, will undoubtedly be necessary.

COOPERATION

The Southern Association of Commissioners of Agriculture and the Southern Plant Board are on record in support of such a program. Detailed plans have been developed for an organization which would insure complete integration of Federal and State effort and the most effective use of funds provided from all sources. It must be expected that local participation would vary considerably between counties and between control districts, depending upon land use and the general economic position of property owners in the area.

A clear understanding exists with States as to: (a) Ultimate objective of the program; (b) type of organization best suited to handle the job; (c) the nature and extent of responsibility to be assumed by States, counties, local governing bodies, and individual property owners; and (d) procedures to be followed. There is basic pest-control legislation in each State adequate to support an ant-eradication program. In some States funds are available to begin work immediately. All infested States have agreed to support State appropriations for the work. It is estimated that Federal expenditures would represent less than 50 percent of the overall cost.

An eradication program on the fire ant would be undertaken in accordance with policies and procedures developed and approved by the Department and the National Association of Commissioners, Secretaries, and Directors of Agriculture in 1955 with respect to pest prevention and control activities.

FINANCING

Farmers would be expected to assume a major share of the cost of treating lands under cultivation. Likewise, property owners in cities and towns would participate on a community basis, assuming much of the cost of both materials and application. The railroads would be expected to clean up rights-of-way. Many State and county highway commissions have indicated active participation where roadside work is necessary. Much of the work on uncultivated lands that produce low annual returns to the owners must be financed from public funds, county, State, and Federal.

Observations that have been made to date indicate that areas totaling more than 20 million acres are generally infested with fire ants. The cost of treatment is about $5 per acre.

In initiating this program, immediate steps would be taken to define limits of infestation and to take adequate measures to prevent further spread, including the eradication of any outlying infestations that are found.

To provide for the regulatory work outlined above and undertake a Federal-State eradication program within areas known to be generally infested, thus relieving farmers, stock growers, and city dwellers from damage from the ants at the earliest possible date, would require an estimated annual Federal expenditure of $3 million to $5 million. Based on known eradication procedures, the overall cost to the Federal Government is estimated at $40 million to $50 million. As the program progresses, a continuing effort would be made to develop less costly eradication procedures.

The Department has no funds currently available for a fire-ant-eradication program. The program will, however, be considered in proper relation with other programs of the Department in the development of future budget plans.

[From the U. S. Department of Agriculture, Agricultural Research Service]

REPORT TO THE CONGRESS ON THE SCREWWORM

The screwworm is a true parasite and, in nature, thrives only in the living flesh of warm-blooded animals. Infestations have been found in practically all kinds of wild and domestic animals, poultry, and in man.

Before the screwworm fly will lay its eggs on an animal, there must be a break in the body surface. Any open wound is attractive to the female screwworm fly and infested wounds become increasingly attractive. The female may deposit as many as 400 eggs at one time. The eggs hatch in from 6 to 21 hours. The developing larvae feed heavily on the live tissues of the host animal, burrowing inward as they grow. If untreated, heavily infested animals are often killed in 10 days to 2 weeks. After completing development, which takes from 4 to 10 days, the screwworms drop from the wound and burrow into the soil where the outer skin hardens and forms a pupa. Seven to fourteen days later, the adult fly emerges and in about 4 days it is ready to mate and lay eggs. During cool weather the pupal state may persist for 2 months. The average life cycle of the screwworm is approximately 24 days.

Screwworms occur generally in Mexico and have been a problem in southern Texas since about 1850. Each year they spread northward during the summer months but usually kill back in the winter. In 1934 screwworms were carried for the first time into Georgia and Florida during the emergency movement of cattle from the Southwest. A few years later they were firmly established in the peninsula of Florida where winters are mild and infestation persists.

ANNUAL LOSSES

Entomologists and livestock growers who have been working on this problem estimate that annual losses in the Southeastern States will be well above $10 million annually. These losses fluctuate considerably due to weather conditions. Following a warm winter, heavy losses are suffered as far north as central Georgia and southern South Carolina. Following a cold winter the losses are apt to be lighter. In 1956, losses in Florida alone may exceed $10 million.

NEW METHODS OF CONTROL DEVELOPED

Female screwworm flies mate only once. Entomologists reasoned that the reproductive cycle of the screwworm could be stopped if sterilized males were systematically released at weekly intervals. In 1954 a large-scale experiment of releasing sterilized male flies was conducted in cooperation with the Netherlands West Indies and resulted in the eradication of the screwworm on the island of Curacao. No screwworms in livestock and other animals have been reported on the island since the program was completed.

ERADICATION

The procedures used in Curacao have been tried in small areas in Florida. There is currently under way a pilot test of this procedure on a 2,000 square mile tract. The Agricultural Research Service and the Florida Livestock Board are cooperating in this effort to improve and perfect the techniques and procedures needed for the production and distribution of 2 million flies weekly. To carry out an eradication program in Florida and the Southeast would require facilities for producing, irradiating, and distributing 50 million flies on schedule each week. Several months would be required to acquire buildings and install the facilities necessary to produce, irradiate, and package the flies. It is estimated that about 24 months of continuous field operations would be necessary to effect eradication in the Southeast.

QUARANTINES

The program would require the establishment of Federal and State quarantines to prevent the reinfestation of Florida once eradication was accomplished.

COOPERATION

The Florida Legislature has appropriated $3 million for the next biennium subject to matching funds from Federal sources. It would be necessary for the bordering States of Alabama, Georgia, South Carolina, and Mississippi, which are annually infested as a result of the migration of flies from the Florida peninsula, to take such steps as may be necessary within their respective borders to insure the success of the program.

FINANCING

The cost to the Federal Government of an eradication program is estimated at $2 million per year for the first 2 years and slightly over $1 million during the third year. These amounts would provide for surveys in the State of Florida and surrounding States; producing, irradiating, and distributing the sterile flies; administering such regulations as may be necessary to protect the southeastern part of the United States from reinfestation; and the use of facilities that may be needed to support such a program. After the eradication is completed it would be necessary to maintain an animal inspection and quarantine program to prevent reinfestation of the screwworm from Texas or other areas not included in this eradication effort. It would be the responsibility of the State to develop and administer intrastate quarantine while the Federal Government would assume the responsibility for preventing the spread of the screwworm between States. The annual cost to the Federal Government of such inspection and quarantine is estimated at $500,000 which is approximately two-thirds of the cost of quarantine activities. Much of the supervision of interstate shipments will have to be carried on in places removed from the States of origin and those receiving protection and, therefore, will become the responsibility of the Federal Government.

A screwworm-eradication program would be undertaken in accordance with policies and procedures developed and approved by the Department and the National Association of Commissioners, Secretaries, and Directors of Agriculture in 1955 with respect to pest prevention and control activities.

The Department has no funds currently available for a screwworm-eradication program. The program will, however, be considered in proper relation with other programs of the Department in the development of future budget plans.

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## ADVERSE EFFECT OF HIGH INTEREST RATES ON OREGON'S ECONOMY

Mr. NEUBERGER. Mr. President, every week for the past year disturbing reports have come from my home State of Oregon about curtailment of logging operations and closure or part-time operation of sawmills and plywood plants. Unemployment compensation payments in the lumber-producing areas of Oregon appeared to be on a rapidly ascending scale, as were State payments for direct relief.

Joblessness spread as lumber output started to slide. The decline in lumber—Oregon's largest industry—had a chain reaction which was being felt up and down the main streets of cities and towns throughout the State. Bankruptcies in Oregon reached an alltime high. It has been estimated by one lumber industry spokesman that less than half of the 70 small mills which operated in one county last year are still in business. Furthermore, the seriousness of the situation is illustrated by a report from one of the major lumber-producing areas—Jackson County—that unemployment in June totaled 1,150, compared to 550 last year.

Mr. President, it is no exaggeration to say that Oregon's economy has had all the earmarks of an incipient depression.

This unfortunate turn in Oregon's economy was the direct result of the Republican administration's tight-money policy which squeezed the start of new home construction to the lowest level in 8 years. The home-building market is both the cream and the bread and butter of Oregon's lumber output. The tall Douglas-firs and western pine which grow in the State provide a large share of the wood products that go into the building of houses throughout the Nation. When home building is down, Oregon's No. 1 industry suffers in a direct ratio.

High interest rates—the handmaiden of all administration fiscal policies—and stringent restrictions on new home downpayments have dried up a large share of the demand for Oregon lumber. A United Press dispatch from Medford, Oreg., dated July 30, summarized the situation as follows:

> A higher than average level of unemployment and a fairly wide closure of small mills in southern Oregon were indicated today in a survey of lumber officials and the Oregon State Employment Office here.
>
> Emphasis to the situation was added this week with the announcement that the Alley Bros. mill at Phoenix would close on August 2. It employs 150 men.

The story goes on to say that this mill had been in continuous operation since 1940. The effect of tight money on the Alley Bros. mill has been repeated time and time again in other parts of the State. For some inexplicable reason, the administration seemed to have singled out the home building and lumber industry to bear the brunt of its anti-inflation efforts. No other segments of the economy grappled with such stringent restrictions. The stifling effect of this policy on Oregon business life is quite apparent.

I have outlined these facts, Mr. President, because the situation in Oregon illustrates the necessity for the provisions of the Housing Act of 1957, passed by Congress a few weeks ago and implemented yesterday by the Federal Housing Administration. The news of action which has been taken by the Federal Housing Administrator to lower the downpayment requirements on FHA-guaranteed mortgages will be greeted in the woods and mills of Oregon with more than a little rejoicing. I am pleased that the Administrator has at last decided to put to use the tools provided by Congress for alleviating the serious recession in the home building and lumber industries. Although the effects of this action may not be fully felt for some months, there is every indication that a rapid acceleration in construction of lower priced homes will follow. As a consequence, the demand for Oregon lumber products will be stimulated.

It is regrettable, however, that the Administration found it necessary to couple this beneficial action on downpayments with another boost in home

mortgage interest rates. Under the new provisions, the buyer of a $15,000 home may make his purchase with as little as $1,050 down, compared with $2,000 under the former regulations. This would make it possible for a considerable number of potential purchasers to acquire needed housing. But, Mr. President, this market will be curtailed considerably by the raising of the permissible interest rate on FHA-insured mortgages to 5¼ percent. I have no doubt that the larger total cost, and the larger monthly payments, which result from the higher interest rate will act as a deterrent to many families who had hoped to buy new homes. An increase of one-fourth of 1 percent in the interest rate during the span of a 25-year mortgage—a boost from 5 percent to 5¼ percent—adds $1,312 to the debt service cost on a $15,000 home. Instead of a total cost of $24,783, under the 5 percent interest rate, the total outlay comes to $26,095 under the Administration-approved 5¼-percent rate.

Furthermore, Mr. President, it is virtually a foregone conclusion that the higher interest limit on FHA mortgages will, for all practical purposes, end the Veterans' Administration program of loans to GI borrowers. The spread between the FHA maximum interest rate of 5¼ percent and the VA-approved ceiling of 4½ percent is sure to siphon mortgage market funds almost entirely into the FHA mortgage field, except for that considerable portion which still will go into conventional, non-Government-backed loans.

It is too early to predict the net impact of the dual action taken by the Housing Administrator. Perhaps the higher interest rate is necessary to attract mortgage money into home building, due to the attractive yields which are possible through other investments. I am not a member of the Senate Banking Committee, but I know that the able Senator from Alabama [Mr. SPARKMAN] will continue to give the closest surveillance to the housing program and the effects of the new policies established by the Federal Housing Administration.

Businessmen in Oregon, in and out of the lumber industry, will also watch with interest the progress and results of the new program. Tight money and its effect on lumber production has been the subject of considerable discussion in my State. Until the economic picture brightens considerably, this interest will remain. I ask unanimous consent, Mr. President, to include with my remarks a story which appeared in the New Era, a newspaper published in Sweet Home, Oreg., on August 1, 1957, telling of the impact which administration fiscal policy has had on the economy of communities such as those I have mentioned.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TIGHT MONEY POLICY HIT BY CHAMBER'S EXECUTIVE BOARD—BUILDING LETUP BLAMED FOR STATE'S FINANCIAL PROBLEMS

Sweet Home's past, present, and future economic picture was the subject of profound discussion Tuesday evening, when the executive board of the Sweet Home-East Linn County Chamber of Commerce met to consider ways and means of easing the economic threat posed by a continued slump in the lumber industry.

The meeting was called by President Stan Soli specifically to consider and act on a resolution, originally directed to President Eisenhower, asking that the Federal Government take whatever action necessary to reactivate home construction and thus prevent further sagging of weakened lumber prices.

Of all present, there was none who did not agree that Sweet Home's present and future outlook was much rosier than many Oregon cities where lumbering is the economic mainstay, but the consensus was that in view of a number of reported earlier logging shutdowns, action should be taken to forestall what conceivably might develop into depression conditions this winter.

Much of the discussion centered on the so-called tight money policy of the Federal Government which, those present agreed, has made it virtually impossible for prospective buyers or builders of homes to obtain financial assistance through normal lending channels. While these conditions are present throughout the country, they are especially prevalent in Oregon, one board member said, with the result that Oregon and particularly Linn County must bear the brunt of a toppled lumber market while the rest of the Nation, not dependent on the lumber industry, continues to prosper.

It was noted that FHA regulations now provide for 3 percent downpayments on certain homes, but the banks and other lending institutions are, almost without exception, requiring 20 percent down.

Among suggestions as to what the State might do to bolster its economy was that of legalized gambling. This drew considerable comment from other board members and while nearly all readily agreed it would solve the State's financial problems, none expressed belief that any such step would be undertaken in the near future.

On the credit side of the picture for Sweet Home, it was pointed out that unemployment levels are about equal to former years; that based on telephone and electric and city water hookups, the city has gained in population during the past 6 months; that the fiberboard plant now under construction, the glue manufacturing plant recently placed in operation, two new service stations, and a new automobile agency, plus current rebuilding programs of a number of local business houses give every indication that depression fever is not about to hit Sweet Home.

Near the close of the meeting, it was decided President Soli, Jess Parker, and Dave Epps would act as a delegation to call upon Governor Holmes and officials of the State industrial development commission in an effort to bring about needed policy changes to affect favorably the lumbering industry.

## TIGHT MONEY

Mr. HUMPHREY. Mr. President, a few days ago here on the floor of the Senate I called attention to the fact that marketable Government securities were continuing to drop in value as a result of the Treasury's recent offering of 4-percent notes. I stated that this meant for many Americans who have invested their money in Government securities a tremendous loss.

I did not realize, myself, just how great this loss has been under the Republicans as a result of tight money and soaring interest rates. In the printed hearings of the Senate Finance Committee investigation of the financial condition of the United States, there is a tabulation of the market value of Government securities as of June 30, 1952 and June 21, 1957. This tabulation was made by the Treasury Department at the request of Senator KERR. It shows the following:

The market value of Treasury marketable securities, on June 30, 1952, was $139.985 billion, $0.330 billion below their par value of $140.315 billion.

Five years later, as of June 21, 1957, the market value of Treasury marketable securities was $153.132 billion, $7.199 billion below their par value of $160.331 billion.

In other words, whereas holders of marketable Government securities 5 years ago sustained a loss in value of $0.330 billion, today holders of marketable Government securities have suffered a loss of $7.199 billion in the value of their holdings—yes, a loss of over $7 billion.

Our Republican friends will argue that this is a paper loss and that many holders of such securities will hold them to maturity and thereby suffer no loss. But the tragic aspect of this whole business is that there are a good many Americans who will not be able to hold their Government securities to maturity and they will be hard hit in liquidation. Unfortunately, many who are forced to sell at below par are in no position to sustain such heavy losses in the value of their holdings. It is a deplorable situation when Americans buy Government securities in good faith and then find out that if they try to sell them on the market they will take a heavy loss—a loss which amounts to more than $7 billion as compared to only $0.330 billion 5 years ago under another administration.

I ask unanimous consent, Mr. President, that this tabulation on the market loss in Government securities be inserted at this point in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

*Market value of outstanding Government securities June 21, 1957, and June 30, 1952*

[Money amounts in millions]

| | June 21, 1957 | | | June 30, 1952 | | |
|---|---|---|---|---|---|---|
| | Amount outstanding | Market value | Average market price | Amount outstanding | Market value | Average market price |
| Marketable: | | | | | | |
| Bills | $26,777 | $26,673 | $99.20 | $17,219 | $17,182 | $99.25 |
| Certificates | 21,785 | 21,756 | 99.28 | 28,423 | 28,432 | 100.01 |
| Notes | 30,924 | 30,601 | 98.31 | 18,963 | 18,755 | 99.00 |
| Bonds: | | | | | | |
| Taxable | 78,391 | 71,652 | 91.13 | 68,258 | 67,750 | 99.08 |
| Partially tax exempt | 2,404 | 2,398 | 99.24 | 7,402 | 7,808 | 105.15 |
| Wholly tax exempt | 50 | 51 | 103.00 | 50 | 58 | 116.08 |
| Total | 160,331 | 153,132 | 95.16 | 140,315 | 139,985 | 99.24 |

*Market value of outstanding Government securities June 21, 1957, and June 30, 1952*—Con.

[Money amounts in millions]

| | June 21, 1957 | | | June 30, 1952 | | |
|---|---|---|---|---|---|---|
| | Amount outstanding | Market value | Average market price | Amount outstanding | Market value | Average market price |
| Nonmarketable: | | | | | | |
| Savings bonds | 55,193 | 55,193 | 100.00 | 57,685 | 57,685 | 100.00 |
| Investment bonds | 11,203 | 11,203 | 100.00 | 14,046 | 14,046 | 100.00 |
| All other | 210 | 210 | 100.00 | 6,986 | 6,986 | 100.00 |
| Special issues | 46,137 | 46,137 | 100.00 | 37,739 | 37,739 | 100.00 |
| Miscellaneous | 2,263 | 2,263 | 100.00 | 2,380 | 2,380 | 100.00 |
| Total | 275,337 | 268,138 | 97.12 | 259,151 | 258,821 | 99.28 |
| | | | *Percent* | | | *Percent* |
| Market depreciation | | 7,199 | 2.62 | | 330 | 0.125 |

Source: Investigation of the financial condition of the United States, hearings before the Committee on Finance, U. S. Senate, 85th Cong., 1st sess, 1957, pt. I, p. 140.

Mr. HUMPHREY. Mr. President, it is my sad duty to report to the Senate that for the third week in a row municipal bond interest rates have again risen; this time to 3.48 percent which is unsurpassed since 1935.

In reporting this record yield, the Wall Street Journal of August 5 states:

The yield represented by the present 3.48 percent recording is actually more significant than the mark reached in 1935. For in the thirties, the tax-exempt feature of municipal bonds was not as meaningful as it is now. Corporate and graduated income taxes then weighed less heavily on investors. Municipals of that time more closely resembled corporate bonds. And purchasers of tax-exempt bonds were unable to realize the savings they do now.

Since February of this year when the yield on municipal bonds was a little under 3 percent, bond prices have been steadily slipping. In 5 months, the yield on such bonds has increased by 17 percent. And there is no indication that this trend will not continue. In fact, everything points to higher and higher rates in the weeks to come.

Mr. President, an interesting article appeared in the Washington Star of August 2 reporting that toy production this year is being slowed down due to the administration's tight money policies. Many toy manufacturers are finding it difficult and far too costly to go ahead and borrow funds—as a result they are holding back.

This means there will be spotty shortages of toys this Christmas and that in turn means higher prices. When mom and dad go to the toy stores this winter and see the higher price labels, they should remember that tight money is one of the reasons.

This is but another example of productivity lagging far behind productive capacity, while the administration still insists on monetary policies which limit demand. What our economy needs is economic growth—not cutbacks. The only shortage we have today is of money. There is plenty of everything else, but fewer and fewer people can find the funds with which to buy.

I ask unanimous consent, Mr. President, that this article be inserted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOY PRODUCTION SLOWED BY TIGHT MONEY

(By Elmer Roessner)

There may be spotty toy shortages this Christmas.

In total, there will be plenty. But many retailers may not be able to stock exactly the items they want. Many shoppers will not be able to find some toys they have heard about.

The reason: Tight money.

The big toy shows are held early in the year. The big buyers, the chains and large independent establishments, look over the field and begin placing orders. By July, manufacturers have a large part of their orders booked and have a pretty good idea of what items will sell and what won't. If they need funds for manufacturing, they can factor their orders; that is, borrow money against them.

But it's different this year.

EVERYBODY HANGING BACK

There was a bit of uncertainty earlier this year. The big buyers placed lighter orders than usual. They had seen television and auto sales dip; toys might be next.

This leaves many manufacturers with fewer orders and less information about the size and preferences of the market. They are sure of demand for some items, such as the old standbys. But they have doubts about the market for newer playthings.

This has clouded manufacturing plans. Furthermore, because of the tight-money situation, only the biggest producers of surefire hits have been able to afford the risk of plunging ahead.

Orders, of course, will come in from now on. In fact, they are expected to reach marks 5 or 10 percent above last year. But a lot of manufacturing time has been lost.

PRICES UP, TOO

The industry is so big and there are so many manufacturers and items that there will be a wide choice for Christmas gifts. But the special toy that Junior has set his heart on may be hard to find.

Toys will be a little more expensive this year. The cost of labor and materials has risen and will be reflected in prices consumers pay.

Toys will be more realistic this year. Melvin Freud, president of the Toy Guidance Council, says that youngsters are continually demanding more realism and the toy Navy Pom Pom guns, Turbojet planes and Nike rocket launchers must be accurate in detail. His statement has borne out by toys displayed at the council's July press preview of educator-approved toys.

## CIVIL RIGHTS

Mr. MORTON. Mr. President, I want to make my position clear in regard to the pending legislation—the so-called civil-rights bill. I will vote for the bill as amended in order to send it to conference. I do not think that the House conferees or the House itself will accept part IV of the bill as presently amended. If the bill should come back from conference with part IV in its present form, I will vote against the conference report and would hope that, if it should pass the Congress in such form, the President would veto it.

In adopting the O'Mahoney-Kefauver amendment, the Senate made sweeping changes in a great number of statutes, ranging all the way from the antitrust laws to the labor-management relations law—the so-called Taft-Hartley Act. As we all know, there is a provision in the Taft-Hartley Act which pertains to strikes that would cause a nationwide emergency. Under this provision, after certain steps are taken, an 80-day cooling off period is established, during which time negotiations between management and labor are continued in an effort to arrive at a settlement. I am told by responsible lawyers that the amendment which the Senate adopted last week makes this provision completely ineffective. Perhaps this section of the Taft-Hartley Act should be amended. Perhaps all criminal contempt procedure should be changed. However, I think this should be done only after careful study by the appropriate committees of the Congress and after careful consideration by both Houses of Congress.

This bill is not the appropriate vehicle to be used in rewriting so many of our basic Federal statutes, nor is it proper to revise our system of jurisprudence in an atmosphere charged with political and emotional overtones. I feel sure that if any measure comes from conference, it will not contain the broad applicability of the O'Mahoney-Kefauver amendment. As I have already said, unless changes are made in conference, I cannot vote for the measure, and I believe that there are other Senators who share my convictions.

I was very much impressed with a statement issued by the AFL–CIO executive council. I quote from the statement:

The AFL–CIO cannot and will not permit itself to judge the appropriateness of this proposed change because of any possible advantages to organized labor.

We believe the Congress would be better advised to handle separately and thoroughly the whole question of contempt proceedings and make whatever changes in the law which thorough study dictates.

I can understand the great appeal that goes with the concept of trial by jury. I, of course, favor the jury system as being the best that man has developed throughout human history in the administration of justice. However, we have found that a court must have the power to carry out its orders. We have also used equity proceedings throughout our history as a nation. I was in the Congress serving in the House of Repre-

sentatives 10 years ago when the Taft-Hartley Act was passed. I received communications from many citizens in my State urging me to support legislation which ultimately enabled Judge Goldsborough to slap a $3½ million fine on the United Mine Workers and a $10,000 fine on John L. Lewis. I point out that this fine was imposed because Judge Goldsborough found the United Mine Workers and Mr. Lewis guilty of civil and criminal contempt. There was no jury trial involved. These same people have been writing me in recent weeks asking me to support the opposite position—namely, the jury-trial amendment. I do not believe that they fully understand all that is involved in the action that we took last week in adopting the amendment.

I know that the conferees will study this problem and I hope that they will report a bill which will have the support of a strong majority in both the House and the Senate. I shall vote to send the measure to conference feeling that it is my responsibility to keep something moving and not kill off any legislation in this important field at this session of Congress.

## WHY NOT HELP AGRICULTURE, TOO?

Mr. CARLSON. Mr. President, the August issue of the publication, Cappers Farmer—which was started by the late Senator Arthur Capper, who served many years in this body with honor and distinction—includes an editorial entitled "Why Not Help Agriculture, Too?"

It is a most timely editorial, in that at the present time in our Nation's economy, with growing inflation and with a tendency of the taxpayer to be critical of increased Federal expenditures, that they would view with concern the expenditures of approximately $4½ billion for direct and indirect benefits to agriculture.

Most people believe that this entire amount is spent for the farmer and that much of it goes directly to him. The fact is that a very substantial part of this large appropriation and expenditure goes for the movement of surplus commodities into foreign countries and should be charged to the program of mutual aid.

In addition to that, substantial sums are used for supplying farm products to institutions and school lunches, and so forth.

It might be well to see just what has happened to the farmer's share of the national income. In 1947 the national income, personal income was $197.2 billion. The net farm income was $17.1 billion, or 8.6 percent of the national income. In 1950 the national personal income was $240 billion. The farmer received not $17.1 billion, but $12.8 billion, or 5.3 percent.

In 1956 the personal income was $342.4 billion. The net farm income in 1956 was $11.5 billion, or 3.3 percent of the national personal income.

In other words, the farmer's share of the national income went from 8.6 percent in 1947 to 3.3 percent in 1956, and I think we should keep in mind about 13 percent of our population is listed as rural. We have somewhat less than 5 million farms in the Nation.

The Agricultural Marketing Service of the United States Department of Agriculture recently stated that the average worker's family paid 5 percent more, and the farmers received 17 percent less in 1956 for the same kind and quantity of food purchased in 1947.

A recent study by a subcommittee of the Committee on Agriculture in the House of Representatives brought out this interesting information:

When city families purchase bread or prepared cereal products, they pay mostly for processing, packaging, and distributing the product. Very little goes to the farmer for the raw product. For example, there is less than 3 cents' worth of farm-produced corn in a 22-cent package of corn flakes and only 4 cents' worth of wheat in a 28-cent package of soda crackers. The pound loaf of bread that sold at retail for an average price of 17.9 cents in 1956 contained wheat having a farm value of 2.6 cents.

Every housewife, and especially the housewives in the city, is concerned about the increased cost of living, and this, of course, includes food items, but I would urge them to keep in mind that the farmer is not now, nor ever has been, responsible for these greatly increased costs.

It is for that reason that I am calling this editorial to the attention of the Senate and to our citizens generally, and I ask unanimous consent that the editorial be made a part of these remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY NOT HELP AGRICULTURE, TOO?—TELL YOUR CITY FRIENDS THE TRUTH

Slapping subsidies is fast becoming a popular parlor game. But curiously, and unfortunately, it's a game played with unusual ground rules. The idea, apparently, is to slap only farm giveaways. Other subsidies, direct and indirect, are by inference just, proper, and in the public interest.

It would be deplorable enough if the folks who instituted the game and set up the restrictive rules were merely misinformed. But it's reprehensible when they represent responsible segments of the American economy, including agriculture itself.

Who is slapping farm subsidies? Almost everyone, including some spokesmen for agriculture and some farm organization leaders. And their views make quick headlines in big city newspapers and mass circulation magazines.

No wonder the American consumer, whose knowledge of farming begins and ends at well-stocked supermarket counters, is confused. No wonder he looks upon farmers as public charges with a master key to the United States Treasury.

The farm bloc is split asunder, farm organizations apparently are incapable of presenting a united front for agriculture. So we think it's high time to sort the facts out of clouded half-truths and innuendoes.

Capper's Farmer does not defend the present farm program. We've criticized it loud and clear. But we do defend some safeguards for the industry that produces our food and fiber. For agriculture is an unorganized industry, particularly vulnerable to forces beyond its control.

We do think that farmers—and the Nation—have something to gain in using the ideas inherent in the parity principle until we find a newer and better substitute. And we believe subsidies intelligently used make sense as a means of bolstering segments of the economy for the general welfare of all people.

America's Founding Fathers apparently believed so, too. Historically, the subsidy principle is one of the building blocks of our country. The first Congress of the United States, as its second official act, created a subsidy in the form of a tariff bill.

Subsidies have built our great industries, our transportation systems, our institutions of learning, our science and art. Today nearly all industry is being helped, directly or indirectly, by taxpayers' dollars. For example:

Labor: Government gifts include unemployment insurance, public employment offices, social security.

Maritime industry and airline companies: Subsidies go a long way to help keep our merchant and passenger ships afloat and our airplanes aloft.

(For example: The superliner *United States* cost $76,800,000 to build, $40 million of that was a Federal subsidy.)

Industry: Fast tax writeoff programs give industry, in effect, an interest-free loan in the amount of the deferred taxes. According to the Office of Defense Mobilization, 22,000 companies of various types have received benefits of fast tax writeoffs since the program started during the Korean war in 1950.

Mineral interests: Mineral depletion allowances are another indirect, but nonetheless very real, subsidy. Since mineral production depletes the wealth of the property, the owner is allowed to deduct, for his net profit, a percentage as depreciation costs.

In the case of sulphur mines, it is 23 percent; for oil and gas wells, 27.5 percent; for certain nonmetals, 15 percent, etc.

In a 1955 report of the Congressional Joint Economic Committee, a study of 24 large petroleum companies showed that they paid an average of 22.6 percent of their net income for Federal income tax. The average paid by all corporations was 48.1 percent.

This is an incomplete list. But it's enough, we think, to illustrate that if farmers are riding a gravy train, they share a pretty crowded seat.

However, it is not our intention to point the finger. Rather this is a plea for reason, good commonsense, for a fair evaluation of agriculture's position.

We must not blindly condemn the parity principle, the basic concept of a healthy agriculture, merely because the current attempt at an action program is admitted to be unworkable. Our plea is for a workable program to carry out the parity concept.

A sound, healthy agriculture is indispensable to our economy—present and future. It is vital to our national defense. Petty squabbling, name calling, and finger pointing only confuse and divide. And we never needed clear thinking and unity more.

You and your neighbors are salesmen for agriculture. It's up to you to defend your business. Tell your city friends the truth. Write your Congressmen and the leaders of your farm organizations.

If you don't do your part, if you don't rise to the defense of your business, then you must share the blame when all farm programs are killed.

THE EDITORS.

## TOLL CHARGE FOR USE OF MISSOURI RIVER BRIDGE NEAR NEW RULO, NEBR.

Mr. HRUSKA. Mr. President, on Monday of this week the Senate passed Senate bill 2441, a bill to amend the act of March 4, 1933, to extend by 10 years the period prescribed for determining the rates of toll to be charged for the

use of the bridge across the Missouri River near Rulo, Nebr.

An identical bill, House bill 988, was passed in the House yesterday, and messaged to the Senate.

I ask unanimous consent for the present consideration of House bill 988, with a view to passing it without amendment.

The PRESIDING OFFICER. The Chair lays before the Senate a bill coming over from the House of Representatives, which will be read by title for the information of the Senate.

The bill (H. R. 988) to amend the act of March 4, 1933, to extend by 10 years the period prescribed for determining the rates of toll to be charged for use of the bridge across the Missouri River near Rulo, Nebr., was read twice by its title.

The PRESIDING OFFICER (Mr. McNAMARA in the chair). Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KNOWLAND. The distinguished Senator from Nebraska discussed the matter with the majority and minority leaders. I understand the bill is identical with a bill which was passed by the Senate. Apparently the two bills crossed each other, so to speak, and the Senator from Nebraska requests the passage of the House bill covering the same subject matter.

Mr. HRUSKA. The Senator from California is correct.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H. R. 988) was ordered to a third reading, read the third time, and passed.

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## CIVIL RIGHTS ACT OF 1957

The PRESIDING OFFICER (Mr. McNAMARA in the chair). Is there further morning business? If not, morning business is closed. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. NEUBERGER. Mr. President, I shall vote for the civil-rights bill on final passage despite my keen disappointment over certain of its provisions. I regret the elimination of part III. I deplore the inclusion of the jury trial amendment. Both of these changes weaken and cripple the civil-rights bill which came to the Senate from the House. I did my best—along with some of my colleagues—to prevent these changes. Alas, our efforts in this respect were not successful.

The choice presently before us is to vote for the bill which remains or to vote for no bill at all. Confronted with such alternatives, my choice is clear.

I intend to vote for the bill for 5 compelling reasons.

First. The measure is a step in the proper direction, however limited and modest that step may be.

Second. The self-declared enemies of any and all civil-rights legislation are outspokenly opposed to the bill, and already have said so.

Third. The fact that the Senate has acted at last on a civil-rights bill will make it easier to improve such legislation and to augment it, on subsequent rollcalls.

Fourth. President Eisenhower, who has become the leading critic of the bill from the perspective of its being too weak, himself contributed to its weakening when he confessed at a press conference that he was uncertain of the wisdom of part III.

Fifth. Where would this Nation be today, if all Senators during our past history had allowed themselves the luxury of opposing each piece of legislation which failed to dot every "i" or cross every "t" to suit their own particular taste?

Mr. President, it is the duty of the conscientious lawmaker to fight a hard, clean and fair battle for the legislation in which he believes. Should he lose his fight—as my associates and I have lost—then he must decide whether or not the surviving provisions are better than nothing or worse than nothing. I believe the remaining portions of H. R. 6127 are better than nothing. Thus, it becomes my duty—as I see it—to vote for the bill on final passage. In later months and years, we shall try to improve the voting rights law and make it a more effective instrument with which to oppose bigotry and discrimination at the polls.

Mr. HILL. Mr. President, this historic debate clearly demonstrates the benefits and the blessings that flow from the Senate procedures which permit free and unlimited debate. Prior to the time H. R. 6127 was placed on the Senate Calendar there were few people in the Nation, including the President himself, who had an appreciation and understanding of the full ramifications of the measure.

The debate in this Chamber exposed before the eyes of the Nation the cunningly and deceptively drafted sections which would have permitted a politically minded Attorney General to use the powerful and drastic injunctive processes in an untold and almost unlimited number of situations, in such a manner as to undermine the very foundations of personal liberty and imperil our indestructible union of indestructible States.

The debate demonstrated beyond all doubt that part III of H. R. 6127, which was by far the worst part of the bill, would have authorized the Attorney General to use the injunction to interfere in all matters which could conceivably be embraced under the term equal protection of the laws. As I pointed out in an earlier speech on the bill, the term equal protection of the laws encompasses the plenary powers of the States to legislate and declare law. It includes the entire realm of activities which State, county, municipal, and other local governments may perform in pursuance of all the powers which were reposed in and reserved to the States at the time of the ratification of the Constitution. It embraces, among other things, State right-to-work laws enacted in pursuance of section 14 (b) of the Taft-Hartley Act. It embraces State workmen's compensation laws, State unemployment-compensation laws, State licensing boards and licensing laws. It applies to individuals and corporations alike, and goes to the very core of the economic and social structure of the States and the people.

Under part III of the bill the Attorney General could have used the injunctive and contempt processes to harass and even bring about the destruction of State educational systems and local school systems, public-health facilities and publicly owned hospitals, public parks and recreational facilities. In all these matters and in many more in which the Attorney General could have interfered, the State and local administrative procedures and judicial processes would have been wiped out in one fell swoop.

Parts III and IV of the bill as proposed by the President through his Attorney General and as passed by the House of Representatives would have swept away and denied three fundamental safeguards of a free people the right to indictment by grand jury, the right to trial by petit jury, and the right of an accused person to confront his accusers and adverse witnesses.

We are fortunate that those who adopted the Constitution and the Bill of Rights embodied in those precious documents their determination to protect trial by jury. They were doubtless aware that memories fade and they sought to avert the necessity of having to fight again and again the same old hardwon battles for individual freedom.

After hearing so much of the debate by advocates of the denial of trial by jury, I am constrained to observe how singularly accurate was the awareness on the part of the Founding Fathers that memories do indeed fade. For, despite their efforts to secure forever such cherished liberties as the right to trial by jury, here in the Senate in recent days we have found ourselves once again fighting the battle for individual freedom. We have had to fight that battle against those who would seem to regard trial by jury as a thing of another day, another year, another age; as a ragged old relic of bygone years that perhaps has served its purpose well but has no place in the fast-moving, dynamic modern America. They were willing, perhaps, to shed a tear at its passing in loving memory of its past greatness in protecting against tyranny. But they could not let affection for tried and true institutions quell the tempest generated by powerful pressures or misguided zeal. Thus they were willing to say to the constitutionally ordained institution of trial by jury: "Up to a point you did your job well, and we are grateful. We shall always have sweet memories of you and pay you our tribute whenever the opportunity conveniently presents itself. But when you do not serve our purposes, you must hie thee off to other realms where people still cherish this ancient bastion of human liberty. And so we bid you a fond farewell."

Mr. President, our Nation can ever be grateful that the majority of the Senate

did not succumb to the arguments and the insistence for the denial of trial by jury. We can ever be grateful that there was in the Senate a majority who had the courage of their convictions to oppose the suspension of constitutional rights, who opposed swapping basic rights through the machination of substituting equitable remedies for established criminal procedures, who opposed the denial of the right to trial by jury through the device of claiming to buttress the right to vote.

The Senate rendered the finest and highest service to the American people through its actions in repealing the old Reconstruction statute that would have permited the use of Federal troops to enforce the provisions of parts III and IV; in striking the monstrous provisions of part III from the bill; in providing for jury trials in cases of criminal contempt arising out of part IV of the bill; in amending part I to reduce the likelihood of abuse of the powers granted to the Commission on Civil Rights. The Senate also wisely rejected other proposed amendments which would have made the bill even worse than it was.

All Senators who joined in these memorable battles richly deserve the thanks and the abiding appreciation of all the people of the United States and the lovers of freedom everywhere.

Mr. President, I can never be convinced, however, that there is any merit in the bill even as it is now drawn. The measure is absolutely unnecessary. It contains broad and loosely drawn provisions and it may well be harshly and unfairly administered. I want the record to be abundantly clear that I am categorically opposed to the bill.

I am opposed to part I of the bill for I strongly believe that the Commission on Civil Rights which would be established can serve no useful function, and that the Commission can use its broad powers to harass and injure innocent people. The subpena and investigative powers which H. R. 6127 would give to the Commission, backed up by the contempt process which the Attorney General could invoke under the bill, would empower six men to act as a roving Presidential Commission to wander to and from across the land to investigate anything or anyone the Commission shall designate, to disturb the domestic tranquility, to inconvenience our people and impair their rights and their privacy, and to subvert the ends of justice. I cannot and I will not vote to establish such a body.

I am opposed to part II of the bill because it would set up a bureaucracy of lawyers whose very livelihood would be dependent upon continuing strife in the field of racial relations and upon their abilities to stir up litigation at a cost to the taxpayer which no man can estimate.

I am opposed to part IV of the bill even though it has been amended to provide for jury trials in criminal contempt cases, because it still places the authority in the Attorney General to invoke the equitable powers of Federal courts to bypass established procedures and to interfere with State and local administrative and judicial processes.

From the thousands of cases which are adjudicated each year in both State and Federal courts in the Southern States, proponents of H. R. 6127 have been able to cite only a few rare instances in which they contend that justice was not administered in southern courts. The sparsity of their citations alone constitutes an imperishable answer to the frail and specious argumentative fabric upon which the legislation was woven.

Mr. President, I summarize my objections to the pending bill by declaring that, except for the amendments which we have adopted in the Senate, this measure contains not one provision that can fairly commend itself to the approbation of a free society based on justice. My steadfast opposition to H. R. 6127 springs from my profound confidence in the everyday workings of our democracy, for democracy after all is nothing more or less than government by the people. A system of justice based upon law and not upon men and buttressed by such protections as indictment by citizen grand juries and trial by citizen petit juries is nothing more or less than democracy working at its very best. Government by injunction, based on the premise that our people do not have the wisdom or the integrity to operate their State and local governments and their system of justice, will never solve the problem in the difficult and complex field of human relations.

Senators, let us all, men of both great political parties and from all parts of our beloved America, array ourselves in defense of constitutional liberty.

Let us hope that when the sober judgment of history reflects upon our times, it shall record that the Senate struck down this measure and fastened itself indelibly in the annals of history as the temple of human freedom and the impregnable fortress of constitutional liberty.

Mr. MURRAY. Mr. President, the pending civil-rights bill is not entirely satisfactory to any of us in the Senate. Some feel that any legislation in this field is unwise. Some of us would like to help enact legislation which goes a great deal farther and assures all our citizens additional rights.

But the measure which has been worked out here on the floor of the Senate—the first civil-rights bill likely to be enacted in 80 years—is a real gain. I voted to hold the bill on the calendar. I am glad the Senate took that course. Real progress has been made.

The measure before us at this time reinforces the right of all citizens to vote. It assures all citizens the right to serve on juries. It extends the right to trial by a jury of one's peers—the right of trial by jury—to criminal contempt-of-court cases. Although some sincerely disagree, I feel that this is a wise extension of a basic safeguard against possible tyranny in some courts.

While further gains might have been made, time may prove that a moderate course on civil rights was most advisable. In the last 20 to 25 years we have moved a considerable way in assuring our citizens greater equality. The poll-tax barrier to voting in many States has been removed. The Federal Government has acted to establish fairer employment practices. Decisions of courts have advanced the cause. Now this bill carries us forward another step toward the goal of nondiscrimination.

The debate on this measure has been conducted with a dignity for which every participant is entitled to be congratulated. The most undignified, thoughtless behavior we have had, of basic importance in connection with the handling of this issue, has been the threat to kill the Senate bill. Whatever the cause or motive—disappointment, political advantage or something else—this threat is thoughtless and unworthy.

A careful, objective, and dispassionate review of the pending measure can result only in the decision that is a real gain.

We should now give it final Senate approval.

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## VISIT TO THE SENATE BY W. H. MAINWARING, MEMBER OF THE BRITISH PARLIAMENT

Mr. SMITH of New Jersey. Mr. President, we have the honor today of having in the Chamber with us a distinguished guest, a member of the British Parliament from the Labor Party, Mr. W. H. Mainwaring. I ask Mr. Mainwaring to rise so we can greet him on the floor of the Senate.

[The distinguished visitor rose and was greeted with applause, Senators rising.]

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The Chair wishes to state, on behalf of the Senate, that we are delighted to have our distinguished visitor present.

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## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I am glad to have an opportunity to speak on some phases of the remaining parts of the civil-rights bill, although I shall not detain the Senate at great length.

Mr. President, before I discuss the provisions of the bill itself, I shall yield slightly to the temptation to say a few words in response to a great deal of matter and material, a high percentage of it untrue, which has been poured out on the floor of the Senate during the debate, and which tends to constitute a slander and libel not only against the people of my State, but also against the people of other States in the Southland.

Mr. President, even though there is tremendous sympathy on the part of some of the Members of the Senate who

are proponents of the bill for the problems of the South and the way those who live in the South try to deal with them, there is a lack of understanding and a lack of sympathy, I am sorry to say, on the part of other Senators who, I believe, have been somewhat careless in some of the things they have said.

However, Mr. President, I can say that both the white people and the colored people of my State realize that there is a problem, and that the great percentage of our colored people have a spirit of appreciation for what the white people and the colored people have tried to do about it over the years. Most of our colored people love the South and leave it for the most part only for economic reasons.

I hold in my hand some pictures which were taken in Jackson, Miss., on Wednesday of last week. I do not present the pictures in an effort to make an invidious comparison. However, our area of the country has been compared in an unfavorable way with other areas. These pictures were taken in the Union Station in Jackson, Miss., and they show great crowds of colored people with their handbags, after they have just gotten off a southbound train—a train from Chicago. The accompanying text—the photographs were published in one of the newspapers—states that great numbers of colored people are returning to Mississippi from Chicago and are happy to return to Mississippi, since the recent unfortunate race trouble in Chicago. The accompanying article states that on the night these pictures were taken, there was only one colored person who left on a northbound train for Chicago, whereas there were throngs of colored people returning to Jackson from Chicago.

Mr. President, I hold the pictures in my hand. They speak for themselves. I shall be pleased to have other Senators examine them.

They show one of the aisles in the railway station and one of the stairways filled with returning colored passengers.

I do not emphasize the trouble in Chicago. I do emphasize that when the colored people shown in these pictures decided to leave Chicago because of that trouble, they did not go to some other place, but came back home to Mississippi. They are happiest there. I certainly am not happy about the unfortunate incident in Chicago, and hope there will be no recurrence of it; but it certainly does strengthen the proposition that such difficulties are not confined to one area of the country.

I remember one of the most impressive stories I ever heard was told to me by a colored friend who had moved to a northern city with his entire family. A race riot broke out in that city, and he told me how his family stayed in a little flat day after day and night after night, afraid to move, afraid to breathe. He told me about his child. This sounds almost inhuman, but I am sure it was truthful, coming from him. His child kept coughing and making noise, and they were afraid he was going to reveal the fact that they were in the flat or apartment. Matters became so extreme that he actually considered that he might have to smother the little baby in order to save the others. That story was told to me by a very responsible, reputable, and reliable colored friend of mine. He went through such an experience. He came back and lived the rest of a useful life in the South, happy to be there.

I am sorry that such incidents occur, but they do show a striking contrast between conditions in different areas, and they let our friends who live in other parts of the country realize that this is a problem which is not confined alone to the South.

I also wish to bring out another point. We are not putting up any poor mouth, but much has been said to the effect that it has been almost a hundred years since the War Between the States and nothing has been done with reference to the colored people, and they have been suppressed and enslaved. I wish to say, Mr. President, that, by and large, a great percentage of the colored people have made the same relative progress as that which the white people have made. In many ways, their progress has exceeded that of the white people.

I have some figures which I should like to place in the RECORD. In 1860, in my State, the assessed valuation of property was $509,572,000. Due to the devastating effect of that unfortunate war, the assessed valuation of all the property in the State of Mississippi did not equal that amount again until 55 years later. By 1910 the assessed valuation of the property had climbed back to $393 million. In 1920 it had climbed to $510 million. Sometime during that decade the valuations for the first time reached what they had been when that most unfortunate of all wars started in 1860.

It has been pointed out before that there was no Marshall plan, there was no rehabilitation plan, there was nothing but the hard nub of the worst kind of adversity for both groups. Most Senators have read and know about the political struggles, the economic struggles, and the clash between the races during that time. I have nothing to apologize for. To the contrary, I am proud of what my State has been able to do and the way it has come back under adverse conditions, because of the contributions made by the white people and the colored people. I am especially proud of the fine progress which has been made by the colored people of my State in such a short time. They are definitely a part of our State, and they are a part of our future. By and large, they are very happy to be there. What progress has been made with reference to working out the problems which exist so very acutely, since the 2 races live in that area in such large numbers, has been brought about solely through the leadership of those 2 races, the individuals of those races who live there. That is the only source of such progress for the future. That is one of the main reasons why I say I think the pending bill, even in its modified form, should be defeated and abandoned.

Mr. President, many great improvements in the bill have been made on the floor of the Senate. The philosophy of enforcement of civil-rights cases at the community level at bayonet point has been specifically repealed.

The right to a trial by jury in criminal contempt cases has been written in by the Senate, whereas no such right was available under the administration bill.

The importance of these two significant changes cannot be minimized as a vindication of and an overwhelming endorsement of American traditional attitudes of fair play and orderly processes of government. These two amendments have been properly hailed as major achievements, and reflect the great wisdom of the Senate rules permitting extended debate.

By the way, I wish to congratulate sincerely and most heartily every single Member of the Senate who has taken part in the debate for the very fine, wholesome attitude and approach. Especially do I want to emphasize the wisdom of the Senate rules which permit every bill of major importance to be considered at length. The bill has been debated on the floor of the Senate for several weeks, but I do not believe, Mr. President, that one minute of that time has been spent with a deliberate design on the part of anyone to kill it or consume time, unless it was on some occasion when a conference could not be terminated at a given moment and a few more minutes were needed for consultation. I believe this is one of the very finest debates which has ever taken place in the Senate, and much good will come from it, and that good is not limited to the provisions of the pending bill.

The authority of the Civil Rights Commission to use large numbers of personnel paid by and drawn from pressure groups has been stricken from the bill by the amendment of the distinguished minority leader. As originally written, voluntary personnel of this type could have numbered 2½ times the Commission personnel, and probably would have been drawn from the ranks of the more highly paid employees of these groups. This would have had the effect of cloaking controversial racial organizations with the authority of the Federal Government in harassing southern election officials and other good citizens for selfish political purposes.

Of course, the greatest victory for the Nation was the deletion of part III, which, as it was written in the administration bill and as it came to the Senate, would have embraced and encompassed every known constitutional right, as well as any new constitutional right, which might be discovered by the present Supreme Court. The Supreme Court has been discovering these new rights with alarming frequency in recent years, and the elements of uncertainty and doubt as to what rights were covered would have insured the fact that this part of the bill, had it been enacted into law, would be the subject of acrimonious litigation for many years to come. Action taken by the Senate in the last few weeks should go far toward removing this delicate area of human relationships from the political arena, because the patriotism and character of Senators from areas outside the South can be counted on when the chips are down to vote their conscience and preserve the

constitutional concepts of American Government. The triumph for the delicate balance and equilibrium of our Federal-State union can hardly be estimated at this time, but it is gratifying to me and others who believe the States should not be reduced to meaningless zeroes on the Nation's map that the Senate of the United States has met this emotional issue squarely and the verdict for constitutional government has been loud and clear.

We in the South face a severe problem in race relations, and although we have not ever had the kind of violence which has occurred in other sections of the country—and most recently in Chicago last week—a great deal of harm is being done to the people of both races by the continuous political agitation involved in the so-called area of civil rights.

The turning point in the race relations in the South was the Supreme Court decision on school integration of 1954. Good relations between the races painstakingly built up over the years are deteriorating rapidly in the South under the impact of the Supreme Court decision. That is the basis of what might be called the new trouble we have.

As this course continues, the toll will doubtless be heavy and the way long. After outside agitators have run their course, those responsible for the destruction of what were good race relations will retire from the scene of their damage. Then, as heretofore, the patient and understanding local leaders of each race will again start their painstaking labors, and gradually rebuild the understanding and good will between the races.

This rebuilding process will require years, but it will come through the very groups that have built it up in the decades past, those of good will in each group.

What now remains of H. R. 6127 contains enough danger to warrant its clear and resounding defeat on the merits. Despite the amendments of the Senate, the bill still inflicts a multitude of grievous wrongs which cannot accomplish good but must result in resentment, anxiety, and tensions, and which cannot make a real contribution to the racial problem.

Let us analyze in a painstaking manner the language still remaining for consideration by the Senate.

PART I—ESTABLISHMENT OF THE COMMISSION ON CIVIL RIGHTS

Although the Commission is created as a part of the executive branch of the Government, the functions it proposes to exercise are more properly within the sphere of the legislative branch, since any possible good which could come from such an area of activity must result in legislative recommendations. The President has the power to appoint an Executive Commission at this time, and the only possible reason for a Congressional act in this field is that thereby the Commission could be given the power of subpena. The Commission could not perform a single function which could not be performed by a Congressional committee, and the delicate function to investigate is described only in the vaguest terms.

The only qualification for appointment to the Commission required by the language of part III is political affiliation.

The Chairman has certain preferential rights in exercising the prerogatives of the Commission. This preferential standing is based on appointment rather than by election of the Commission. There is no requirement for an advance announcement of the subject of a hearing, nor any requirement that a witness subpenaed by the Commission shall have adequate knowledge of the scope of the inquiry before which he was called to testify.

The Commission is given the power to write its own rules of procedure. This power is not qualified by any statutory language to require adherence to constitutional safeguards available to witnesses in judicial cases, nor as limited by court decisions for Congressional committees.

Mr. President, I desire to point out clearly, by way of a warning, that if the Commission is dominated by an aggressive partisan group, either by membership or by staff, it will lead to the most serious trouble.

Counsel should be guaranteed witnesses summoned to Commission hearings. The right to representation so graciously accorded by the language of this act is merely a restatement of existing law, but this would be a mockery if the person subpenaed was unable to provide for his own counsel, even though grave constitutional rights might be involved during the course of his examination by the Commission.

The Chairman, or his designee, has the unqualified power to define breaches of order and decorum and unprofessional ethics on the part of counsel by censure and exclusion from the hearing. This unqualified authority could result in the arbitrary deprivation of counsel of a witness in derogation of section 102 (c) and his constitutional right to benefit of counsel.

Defamatory testimony tending to defame, degrade, or incriminate any person cannot be heard by the person slandered, since the testimony must be taken in executive session. There is no requirement in the proposed statute that the person injured by defamatory testimony shall have an opportunity to examine the nature of the adverse testimony. He has no right of confrontation nor cross-examination, and his request to subpena witnesses on his behalf falls within the arbitrary discretion of the Commission. There is no right to subpena witnesses.

Mr. President, one of the most severe and well-founded criticisms of a loyalty and security program, developed during the study of that program by the Commission on Government Security, was that the accused person lacked the authority to subpena witnesses on his behalf, did not in specific language have the charges available to him at any time during the proceeding, and had no opportunity to confront his accuser or cross-examine him. Every thinking American knows what difficulty this presented in the administration of the security program. The parallel here is perfect. Here we have a local official, respected in his community, the victim of an unknown charge by a faceless informer, subpenaed before the Commission to answer charges taken in executive session. He has never seen the charges, has no advance notice of them, made by a person he does not know and whom he can never cross-examine. What is right for the suspected Communist working in a sensitive position in our Government must also be right for this locally respected and trusted public official in State government.

I believe that both classes of persons should have the same rights available to them, and that the failure to require these rights in statutory language is not only an insult to the people who will be most affected, but may render the statute unenforcible and unconstitutional because of the deprivation of these fundamental rights.

Mr. President, if the bill becomes law and if the Commission undertakes to be a roving grand jury or undertakes to coerce or intimidate people in any way, I believe the law will be challenged, and if challenged, I believe the law will be held unconstitutional, for the grounds I have set forth.

It is not enough to say that this power once granted will be used wisely. The danger of placing this bad law on the books, which certainly involves the repetition of the tragic examples of injustice which resulted from the administration of the loyalty-security program—and bills to correct these fatal defects are now pending before the Congress—should be apparent to all.

While all of us are concerned about the recurring allegation by members of the journalistic profession of the arbitrary withholding of information pertaining to Government activity which is and should be public knowledge, the bill would provide a $1,000 fine or imprisonment for 1 year for the use of or publication of evidence taken by the Commission in executive session. There is no exception provided for the person most directly concerned; that is, the witness himself. It is his reputation which is at stake, his character which is subject to defamation, his reputation and standing in the community and society which is on the line; but if he complains about the manner in which he was treated in these vital matters pertaining to him, if he defends himself publicly or attempts to explain what actually happened in that sealed chamber, he and the members of the press or other news mediums who feel that he has a side of the story which must be heard, incur the risk of drastic criminal penalties. This is a most arbitrary restriction on the freedom of the press. They should object to it strenuously.

The laws of evidence are not available for the protection of witnesses appearing before the Commission. The defendant must answer vague rumors, hearsay evidence, innuendoes, and defamatory charges which could not stand the light of day in any court of record, State or Federal, in the country. Even

the opportunity to submit brief and sworn statements pertinent to charges he has heard about or has been told about must be done with the permission and at the discretion of the Commission, which is the sole judge of the pertinency of testimony and evidence adduced at its hearings. The witness must pay for a copy of his testimony at any public session. He must depend upon the generosity of the Commission for access to his own testimony taken in executive session.

There is no right of appeal on any of these issues. The discretion of the Commission to determine its jurisdiction, to write its rules of procedure, choose its time and place of hearings, to determine the extent of examination, to conceal forever most relevant portions of testimony developed, and to deprive the witness of confrontation, cross-examination, and even access to his own testimony, is completely arbitrary and untrammelled, subject only to the limitations the courts have imposed on procedures designed to protect our Government against subversives.

The Commission, by use of the word shall describing its duties, must investigate all allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have their vote counted by reason of their color, race, religion, or national origin. Under rules of statutory interpretation, the Commission would not have the discretion to ignore such allegations even though obviously unfounded and wholly false.

For the same reason, the Commission must study and criticize all State statutes, municipal or other local ordinances, and all court decisions dealing with the question of equal protection of the law.

There is no definition in the bill of the term denial of equal protection of the law under the Constitution.

Interim reports are discretionary with the Commission.

Limited only by its appropriations, the Commission may appoint as many persons as it deems advisable. Consultants or experts are authorized to be employed, without limitation as to number, at $50 a day, although many conscientious and dedicated Federal employees are serving for considerably less than half that amount.

In addition to its own personnel, the Commission may organize advisory committees with State and local government officials and private organizations of citizens within the State. The difference between an advisory committee drawn from a pressure group and the services of voluntary unpaid personnel is nebulous, and there is no numerical limitation on the former in the provisions of this bill.

All Federal agencies are enjoined to cooperate fully with the Commission. Does this include opening of investigative files of the FBI?

There is no limitation on the power of subpena except the conscience of the Commissioners and the humane requirement—102-K—that some witness may not be dragged across State lines to answer charges the substance of which he is not informed of at great personal inconvenience to himself and to gross neglect of duties if he happens to be a State official.

The power of contempt is available to secure compliance even with the most arbitrary subpena issued under this act.

PART II—TO PROVIDE FOR AN ASSISTANT ATTORNEY GENERAL

There is only one reason for inclusion of part II in this bill: It is advance warning to the legislative branch that the Department of Justice is seeking to employ a sufficient number of new attorneys to handle civil-rights cases which they expect to be instituted under this bill to justify the addition of this new Assistant Attorney General. The Department refused to accept any limitation on the number of lawyers who would be employed when this bill is enacted. This has given us additional reason to be concerned about the objectivity and moderate attitude with which the Department assures us will be used to enforce this measure once the authority prescribed by the bill becomes enacted into law.

PART III—TO STRENGTHEN THE CIVIL RIGHTS STATUTES AND FOR OTHER PURPOSES

This part has been greatly improved by action of the Senate, and thoroughly discussed elswhere during the debate on this bill.

PART IV—TO PROVIDE MEANS OF FURTHER SECURING AND PROTECTING THE RIGHT TO VOTE

Much has been said about the arbitrary power being vested in the Attorney General to grant or withhold his favor at his own absolute discretion in cases concerning voting rights. The distinguished Senator from North Carolina [Mr. ERVIN] has pointed out that this in effect is giving the Attorney General the power to suspend the operation of State law, because unless he intervenes the State law continues to operate. When he grants the powers of his office to assist some favored person, then the whole executive and judicial processes of State government are suspended under this bill and the provisions of this part IV determine the rights of the parties. A more perfect vehicle of unequal protection of the laws is difficult to imagine, and in voting on this provision it cannot be said that the Senate is not put on notice as to the effect of these terms.

What are the acts necessary to put this law into operation? All that is necessary to give the green light to a proceeding under this section are "reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b)."

Prior to this instance I have never seen before the Senate a major bill more vague, indefinite, or uncertain in its language, particularly in view of the fact that the purpose of the section, as disclosed by its very language, is to suspend and supersede absolutely the operations of State law with respect to a vital part of the body of the law itself.

Who makes the determination that the grounds are reasonable? In the past, the general question about the conduct of reasonable men or reasonable grounds has been entrusted to the jury. Under the provisions of the pending bill a jury in all probability will never hear the facts. The court itself is charged with a mandatory jurisdiction over the subject whenever the Attorney General makes some unappealable determination that there are reasonable grounds to believe, and so forth. Whether these grounds are reasonable or not, the investigative power of the FBI is brought into the case, hordes of Government lawyers from the new division in the Department of Justice in Washington descend on the local court district, and the financial resources and power of the United States are put at the disposal of some person, either with or without his consent, because the Attorney General has decided that there are reasonable grounds to believe that some person is about to engage in some act somewhere which would deprive him of his right to vote. The district court must take jurisdiction regardless of the absurdity of the facts alleged in the pleadings. It does not have its customary authority to dismiss for a number of reasons which would justify such a conclusion of the case or controversy in other fields of law.

The person may never have attempted to register to vote. There is no requirement that he must do so before such a case might be instituted on his behalf, but inevitably the question of that person's qualifications as an elector under State law must be determined by a district court of the United States, and the administrative and judicial procedures prescribed by State law are thrown out in favor of a determination by a lone Federal judge whenever the Attorney General seeks to institute such an action.

One of the most regrettable features of this debate, in my opinion, is that in connection with the consideration of the Case amendment, present language requiring the district court to proceed in cases involving the right to vote under all the facts and circumstances, without regard to anything that had been done or sought to be done in any way with reference to local laws, local procedures, and administrative remedies, certain points were not brought out clearly enough. I think that was one of the very unfortunate features of the debate. There was not time to stress the points.

The procedure provided for in the bill involves one of the gravest transgressions of local law. Also it places upon the court itself a burden which it cannot carry. Courts favor administrative law. Courts favor the idea of issues having to go through the process of being determined, if possible, before being brought into court for a necessary adjudication. I wish the Case amendment had been adopted.

It is no answer to say in a case where a person is found to be disqualified that the judgment of the court upheld the local election officials. The power to review is the power to revoke, and the substitution of any Federal officer for any duly constituted State administrative tribunal on matters specifically reserved by the States under the Constitu-

tion is an unlawful usurpation of State authority.

This happens to be a subject matter which by the Constitution itself is expressly reserved to the States. I am not arguing that there could not be circumstances under which there would be rightful cause for Federal intervention. My point is that, without any investigation or determination by the court, all the local law is set aside, and, in effect, the court is told, "You shall not dismiss this case."

It is hard to conceive of a case where the real issue to be determined by the Federal judge is not the question whether the individual for whom the suit is ostensibly brought is qualified to vote. That is and will be the issue in every case brought under this bill.

Any other conduct which might come under the provisions of this bill would be violations of criminal law which should be prosecuted. But here the United State judiciary will become the arbiter of voting qualifications under State law in those cases where the Attorney General seeks to exercise the powers conferred on him by this bill. As pointed out above, United States district courts have been deprived of their customary authority to dismiss on grounds of jurisdiction, and have had their role changed to cast them in the field of determining voters qualifications; but perhaps the most severe deprivation of authority of the local judge is the loss of power to dismiss suits because the petitioner has not exhausted adequate and available remedies at law.

Thus the language is badly written in this bill that

> The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

This is true regardless of whether such remedies are sound, reasonable, or adequate to protect the rights of the petitioner.

I am aware, of course, that the general legal principle that administrative remedies must be exhausted prior to resort to the courts is not immutable and inviolate.

I recall several cases in recent years in which the court determined as a matter of law that the administrative remedies fitted to the particular facts and circumstances of the case then under consideration were not and could not be adequate. But this was a judicial determination on the individual case, and the decision was made as a matter of law. But by the quoted language of this bill conferring jurisdiction on district courts of the United States, the court itself would be bound to accept any pleading, affidavit, or other matter brought before it under this section, assume jurisdiction of the case, and determine the rights of the parties, even though it might be apparent on the face of the pleading that the remedies were both adequate and just, that the relief sought was fictitious, and the action of the Attorney General in instituting the proceeding was arbitrary and perhaps politically inspired.

Remedies established by State law would not even be considered by the courts, and the specific language of the Constitution relating to the power of the States to qualify their electors under article I, section 2, and under the 17th amendment would be effectively repealed.

The quoted provisions of this bill are repugnant to the whole concept of equity jurisdiction. The distinguished Members of the Senate who are lawyers will recall the history of the equity jurisprudence in the English law, and its deep-rooted traditions and maxims in American law at the time the Constitution was adopted. Important limitations were earlier adopted in the equity courts by the discipline of the Chancellor himself. One was that equity would not interfere where there was an adequate remedy at common law. Senators will recall the rigidity of the forms of action and almost fanatical technicality observed by early common law judges which created areas in which relief could not be obtained through the law courts. This, of course, led to appeal to the Sovereign, and later, the Chancellor in order that justice might be achieved. This was the foundation of equity—to secure justice where the law was inadequate. Here the whole history of equity is disregarded and reversed so that government by injunction will replace government by law.

We will regret the day when we continue innovations in extending the field of government by injunction, rather than government by law. We will regret the day, as we already have in many instances, when we extend the field of Federal operations and leave out of consideration the greatest single institution of the common crossroads of justice we have, namely, the jury; and we will be thankful for a long time for the vote which wrote into the bill the provision for a jury trial in criminal contempt proceedings.

In my humble opinion, Mr. President, instead of weakening the courts, as has been contended in some quarters, the amendment will strengthen the courts. The judicial system of our country has received its main strength from the jury system, rather than from the judges themselves, or from the wisdom of legislation or judicial law. The jury system is what has given to it fiber and meaning and continuity. That is true in spite of a jury verdict here and there which may not be in line with what is the general concept of the conclusion that should be reached.

The distinguished senior Senator from North Carolina [Mr. ERVIN] did a magnificent job in alerting the country to the summary proceedings involved in the application and issuance of a temporary restraining order. This might be done by affidavit without the person so enjoined—under the penalties of contempt—having an opportunity to cross-examine or even confront the petitioners for such an injunction. They could appear, presenting only an affidavit, probably prepared in Washington, and possibly bearing a Government form number.

Should a local election official decide to obey the State and local laws creating his office and prescribing his duties, and ignore such injunction or restraining order, he could be imprisoned for an indefinite period without any reliance on the fundamental concept of American justice of his constitutional right to a trial by jury. The evil is that this could be done even though adequate remedies existed for the petitioner. The local officer or other person might be honest and entirely right in his opinion that the existing administrative or other lawful remedies provided would have been sufficient for the orderly settlement of the controversy in accordance with due process of law. That would be true also even though the same opinion might be shared by the judge who was called on to hear the cases.

No greater lingering damage to our Government as we know it could be effected than by the wholly indefensible extension of this summary power to situations where adequate administrative and legal remedies have long existed. No long-range good can come from empowering the Federal Government to disregard due process of law. That is the substance of what I believe to be the reckless authority which is conferred for use against American citizens.

The bill has many overwhelming major defects both in its departures from sound legal principles and in its utter disregard of the practical ways of handling governmental problems through local cooperation and local activities. Because of these fatal defects, the entire bill should be defeated.

Whatever legislation may conceivably be needed in this field should certainly be drawn within sound constitutional limitations and within the framework of sound and practical principles of Government.

For Congress boldly to set aside statutes and State powers which are controlling, and to deny the Federal court itself the power to dismiss a case, even though the facts may show clearly that there is an even better remedy available than that which the court would be able to afford the parties, is to go so far out of bounds of what is the proper use of power as to render any such grant of power unconstitutional.

We are in effect asked to say by legislative fiat that these cases, under the slightest pretense of facts, are mandatorialy to be tried by the courts themselves, thus robbing the courts of the inherent power and inherent sound discretion that should otherwise prevail.

For the reasons I have given, and other reasons, Mr. President, I believe that the bill, even in its present form, transgresses the fundamentals of the Constitution, both in the provisions affecting the Commission and those affecting the court's power, and should be held fatally defective on constitutional grounds.

I submit to the wisdom of the Senate not only these points, but other points as well which have been made, and I respectfully say that the bill should not pass.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT FOR VOTE ON BILL

During the course of Mr. STENNIS' speech:

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Mississippi [Mr. STENNIS] may yield to me, in order that I may propose a unanimous-consent request on behalf of the minority leader and myself, with the understanding that the Senator from Mississippi not lose the floor and with the further understanding that this action will appear at the conclusion of the Senator's remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I propose the following unanimous-consent request on behalf of the minority leader and myself:

*Ordered,* That effective upon the conclusion of the address of the Senator from Mississippi [Mr. STENNIS], further debate upon the question of the passage of H. R. 6127, the Civil Rights Act of 1957, shall be limited to 7 hours, to be equally divided and controlled by the minority leader and the Senator from Georgia [Mr. RUSSELL], respectively.

Mr. HOLLAND. Mr. President, reserving the right to object—and I shall not object—I should like to remind the majority leader that I have not spoken at any length throughout the course of the debate, and I do not propose to do so now, but I should like to have assurance that I may speak for not to exceed 30 minutes between now and the time for voting.

Mr. JOHNSON of Texas. The Senator may have that assurance. I am sure the Senator from Georgia will yield to the Senator from Florida that much time. We have called upon all Senators we thought might desire to speak in opposition, and we have asked what time they thought they would use. We have made ample allowance over and above that for any Senators who may come in later.

Mr. HOLLAND. Mr. President, I have no objection.

Mr. BUSH. Mr. President, reserving the right to object—and I shall not object—I should like to inquire whether the agreement means we will have a vote on the bill today.

Mr. JOHNSON of Texas. If the agreement is entered into it means that approximately 7 hours from the time the Senator from Mississippi concludes his address we will have a quorum call and then proceed to vote on final passage of the bill.

Mr. President, I ask for the yeas and nays on final passage, so that all Senators may be advised.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. THYE. Mr. President, will it be possible for me to make an insertion in the RECORD?

Mr. JOHNSON of Texas. If the unanimous-consent agreement is obtained, I am sure the Senator from Mississippi will be good enough to yield for that purpose.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and the unanimous-consent agreement is entered.

Mr. JOHNSON of Texas. I thank the Senator from Mississippi.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The Senator will state it.

Mr. KNOWLAND. The distinguished Senator from Mississippi having concluded his remarks, do I correctly understand that the unanimous consent agreement is now in operation?

The PRESIDING OFFICER. The unanimous consent agreement now becomes effective. The time will be controlled by the Senator from California [Mr. KNOWLAND] and the Senator from Georgia [Mr. RUSSELL].

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that I may make a brief statement, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Texas? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I congratulate the Senate for having entered into the agreement, and the minority leader for his influence in that direction.

I remind the Senator from California of our discussion early in the morning, in which we agreed that we would have speakers from each side alternate, and try to arrange the speaking in that way. The last several speeches have come from this side of the aisle. The distinguished Senator from Florida [Mr. HOLLAND] desires 30 minutes. I hope that at the conclusion of 30 minutes, the speakers for the bill will be available to make their presentations.

Mr. KNOWLAND. Mr. President, in all unanimous-consent agreements, as the Senator from Texas knows, I have always tried to keep the time balanced between the two sides of the aisle and the two sides of the question. When the distinguished Senator from Florida has finished, we shall be prepared to have one or more speakers use approximately the same amount of time.

Mr. JOHNSON of Texas. I appreciate the courtesy of the Senator from California.

Mr. President, on behalf of the Senator from Georgia [Mr. RUSSELL], I yield 30 minutes to the Senator from Florida [Mr. HOLLAND].

The PRESIDING OFFICER. The Senator from Florida is recognized for 30 minutes.

Mr. HOLLAND. Mr. President, the bill (H. R. 6127) has been so greatly improved in the course of the debate on the Senate floor that I feel, since I am one of those who shall not vote for it in its final form, but against it, I owe it to my brethren in the Senate, and to the public, as well, to make a brief statement concerning my present attitude on the bill.

I shall list some of the very great and manifest improvements—at least, they are improvements in my opinion—which have been made during the course of the debate.

The first was the action which I have heard only briefly mentioned, but which has great importance in the history of our Nation, namely, in unanimously adding to the bill a section which repeals the old section of the Reconstruction laws which, up to this time, has permitted the use of the Armed Forces in the protection of civil rights. It is good for the whole Nation to have the sinister shadow of Thaddeus Stevens, and others of his ilk, fade more and more into obscurity and, I hope, into ultimate oblivion. To have that course followed will help the Nation to forget some of the dreariest days which it has known.

Second, the change made in the Commission section of the bill, upon the motion of the distinguished minority leader [Mr. KNOWLAND], to whom I wish to tender my congratulations in this regard, was also by unanimous action of the Senate. It was a splendid action. It assured that the Commission to be set up under the bill will have a better chance to function effectively.

There were other objectionable features relative to the Commission, and they have been listed by my able colleague, the junior Senator from Mississippi [Mr. STENNIS]. But, in my judgment, the most serious objections to the Commission section of the bill were cured by the unanimous action of the Senate in adopting the amendment offered by the senior Senator from California.

The third and most telling action taken in improving the bill was that by which most of part III was stricken from the bill, so as to confine the bill, so far as its protective features go, solely to the protection of voting rights. I think that was wholesome, because that was a named field in which abuses exist; and if legislation were competent to deal with those abuses, we now have a bill which is confined to the one field to which it is most easily made applicable.

Of course, I am one of those who feel that legislation of any type will not deal effectively with this problem. I congratulate the Senate upon its limitation of the bill, by the action which I have just mentioned, to a specific objective, and its shaping of the bill in other particulars, so as to better serve that objective, at least in my opinion, and that of the majority of the Senate.

The fourth change for the good was the amendment to allow the right of trial by jury for persons who may hereafter be charged with criminal contempt. That action preserves to citizens the right which they now have under existing law when injunctions are issued by the Federal courts upon the suits of private persons. I think it is wholly in the interest of sound law and good government to permit the continuance of that practice to protect individual citizens and to prevent the subversion of courts of equity, so that in a very fulsome way equitable action might have been substituted for criminal procedure and criminal law.

Notwithstanding these four manifest improvements of the bill, and others so ably mentioned by my colleague, the distinguished Senator from Mississippi,

and other Senators, and while I think the final Senate version of H. R. 6127 has been greatly improved from the terms of the bill when it reached the Senate, I shall nevertheless vote against the bill on final passage, for several reasons, of which the most compelling, to me, are these:

First, part IV of the bill gives to the Attorney General the right to institute in Federal district courts, in the name of the United States, injunction proceedings against any person whenever, in the sole judgment of the Attorney General—and I quote from the bill—"there are reasonable grounds to believe" that such person is about to engage in any act or practice which would deprive any other person of his right to vote. It would be most unwise, in my opinion, to give to any single person, even to a United States Attorney General, so much power based on his sole discretion and judgment. To do so would create vast opportunity, whether used or not, for political or other abuse of this unprecedented power by an Attorney General and his agents.

My second objection is that the Attorney General is empowered to institute these injunction proceedings and it is provided that the district courts "shall" act therein—and I emphasize the word "shall"—"without regard to whether the party aggrieved shall have exhausted any administrative or other remedies which may be provided by law."

It would be most unwise, in my opinion, to allow such power of the Attorney General to be exercised in such a way as to completely by-pass the State or local administrative or other legal remedies, thus departing from the general rule that such remedies must be exhausted before recourse to the courts is permitted.

This would mean that even though a State or local official was moving effectively to correct the evil complained of, either by administrative proceedings or through local or State courts, the United States Attorney General in his sole discretion, disregarding said proper pending actions, could nevertheless hale persons into Federal court, even though the other persons, whose rights were being protected by the local or State administrative or legal procedures, were completely satisfied with the protection which they were about to obtain. This is flagrant destruction of both State and individual rights. If such a revolutionary procedure as this were set up an open invitation would be given to extend the same unwise pattern of arbitrary Federal action to other fields, thus destroying more and more of the rights of State and local governments and of individual citizens.

Third, I am one of those who do not believe that any coercive legal action will bring the desired result in this case or in this kind of case.

In company with other southern Senators I have for years introduced a proposed Federal constitutional amendment which, if submitted by Congress and ratified by the States, would forever prohibit any State from preventing its citizens from voting for Federal officials by the imposition of a poll tax or other similar tax or by the setting up of any property ownership qualification. I still think that this procedure is the wisest course to follow and that, when followed, it will bring about the progressive elimination of the practices existing in some States by which citizens are discouraged from registering and voting. It has been made completely clear in the course of this debate that most of the troubles now complained of are found in the five States where the poll-tax system still exists.

Just as the voting participation problems in my own State of Florida have been progressively solved since 1937, when we entirely repealed the poll-tax requirement, so that now 148,700 Negro citizens of Florida are registered to vote in all elections, and thousands of others are completely protected in their right to register and vote whenever they wish to do so, I believe the same problem would be settled progressively in other States if the poll-tax requirement were legally repealed. Unfortunately, the pending bill has a complete blind spot as to the plight of the many thousands of citizens in the five poll-tax States who are now prevented, in part at least, by the poll-tax requirements, from voting for Federal officials.

Since five States have failed to act to repeal their poll-tax systems, I believe the Federal Government can accomplish such legal repeal only through a constitutional amendment. Such a clearly lawful approach is vastly preferable to the coercive program included in H. R. 6127, which, in my opinion, would arouse resentment, encourage clandestine obstruction, inflame racial strife, and set back immeasurably the orderly and harmonious program already successfully followed by Florida and by a majority of the other Southern States.

Mr. President, I have carefully noted the various charges made on the Senate floor and in the press against the South, with reference to alleged wholesale efforts to prevent the Negro in the South from exercising his constitutional right to vote. One of the most flagrant misstatements on this subject was contained in a so-called printed message sponsored by the NAACP, which appeared in the Washington Post and Times Herald on July 26, setting out, among other things, the number of Negroes of voting age and the number and percentage permitted to register in 11 Southern States. Mr. President, in that connection I emphasize the use of the words "permitted to register."

In using and applying the words "permitted to register" to the total number of Negro registrants in the several Southern States, the NAACP distorted the facts and indicated that Negroes who did not register were not permitted to do so, either by law or by the operation of discouraging pressures.

Mr. President, the fact is that many thousands of Negroes simply chose not to register or vote, as an exercise of their own preference in the matter.

The advertisement in question shows 148,700 Negroes permitted to register in Florida, which is approximately 40.7 percent of the number of adult Negroes in Florida in 1950 as shown by the decennial Federal census of that year. I take strong exception to this statement, and a quick look at the figures for some of the larger counties in Florida will show clearly the reason why I do so. The figures I shall use were compiled for me by Mr. Hugh D. Price, author of The Negro and Southern Politics, to whom I am greatly indebted for his assistance. The figures used by Mr. Price are taken from the 1950 census and the report of Secretary of State Gray, of Florida, showing the number of Negroes registered for the 1956 general election in each of Florida's 67 counties.

First, Mr. President, let us look at Hillsborough County, which has within its boundaries the city of Tampa. There has never been, to my knowledge, any claim that the Negro is deterred from voting in any manner in Hillsborough County. But, to the contrary, strong efforts have been made to encourage the Negro to vote in this county, which is 1 of 4 counties making up the only Republican district in Florida. However, we find only 35.5 percent of the Negroes of voting age registered. Does this mean to the NAACP and our ultraliberal friends in the Senate that 64.5 percent of the eligible Negro voters in Hillsborough County have not been permitted to register?

In Pinellas County, the only other large county in the Republican district—the first district—statistics show that only 29 percent of the eligible Negro voters have registered. Certainly in this county, which contains the city of St. Petersburg, and has probably more Republicans and former northerners in it percentagewise than does any other county in our State, and where there has not been a scintilla of evidence which would indicate that there is any effort to prevent the Negro from voting, it cannot be said with any degree of truth that 71 percent of the eligible Negro voters have not been permitted to register.

In Palm Beach County, another county heavily populated with Republicans, and where the Negro votes as freely as anyone else, can it be said that because only 29.3 percent of the eligible Negro voters are registered, 70.7 percent are not permitted to register? In Sarasota County, which is similar in makeup to the counties previously mentioned, where only 27 percent of the adult Negroes are registered, have we thus not permitted to register the other 73 percent, who apparently had no desire to make the effort to register? In Orange County, the home of Orlando and Winter Park, where only 21.9 percent of the eligible Negro voters are registered, have we not permitted to register the other 78.1 percent?

Mr. President, these named counties are not so-called white supremacy counties where it is claimed that all sorts of pressures, economic, and otherwise, are applied to prevent the Negro from exercising his voting rights. In these counties, and I could mention many others, the Negro is not only permitted to register and vote, but is actively encouraged to do so. Yet, in the propaganda campaign against the South, members of the colored race in the areas I have just mentioned, who have not interested

themselves in voting are listed in large paid advertisements as having been not permitted to register to vote.

Mr. President, it is difficult to say why Negroes, or white people either, do or do not take the time and make the effort to register or vote. The problem of lack of interest in taking advantage of this basic right is not peculiar to the South. Just why, in counties like Duval, which includes the city of Jacksonville, where Negroes have been actively urged for years to register to vote, without intimidation, only 51.8 percent of the eligible Negro voters are registered, I do not know. In that county, which had 52,832 Negroes of adult age in 1950, and showed only 27,368 registered for the 1956 election, every opportunity was certainly given to the more than 25,000 who did not choose to register or vote.

The main reason why the percentage of Negroes registered in Duval County—Jacksonville—is nearly double the percentage registered in Pinellas County—St. Petersburg—when both cities have large Negro communities, a growing Negro middle class, and no open opposition to the exercise of his voting right by the Negro, and why approximately that same ratio exists as between Dade County—Miami—and Orange County—Orlando—appears to lie, according to Mr. Price, in the extent to which local white politicians have invested time and money in actively seeking Negro support.

Mr. President, the fact that in the South many Negroes, like many hundreds of thousands of all races throughout the country, do not have the desire to exercise their voting rights, should not be used as a propaganda club against the South. Certainly in the State of Florida many more than 143,700 Negroes are "permitted to register" to vote; and I deplore the use of such misleading statements as that used by the NAACP in its propaganda effort to inflame a very explosive issue which has, in my opinion, been debated on a high plane and in a constructive manner on the floor of the United States Senate.

Mr. President, I ask unanimous consent to have printed at this point in my remarks a compilation prepared for me by Mr. Hugh D. Price, showing for each of the counties I have mentioned the population of Negroes over 21, according to the 1950 decennial Federal census; the number of Negroes registered to vote in the 1956 general election, according to the report of the secretary of state of Florida; and the percentage of adult Negroes registered to vote in the 1956 general election.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

| County | Negroes over 21 | Negroes registered | Percentage registered |
|---|---|---|---|
| Dade | 42,682 | 19,048 | 44.6 |
| Duval | 52,832 | 27,368 | 51.8 |
| Hillsborough | 24,941 | 8,856 | 35.5 |
| Orange | 14,321 | 3,137 | 21.9 |
| Palm Beach | 22,253 | 6,520 | 29.3 |
| Pinellas | 12,118 | 3,477 | 29.0 |
| Sarasota | 2,896 | 783 | 27.0 |

Mr. HOLLAND. Mr. President, I think the figures I have submitted not only illustrate the unsoundness and the inaccuracy of the propaganda which has been directed toward the passage of this bill, but also represent even better the fact that now we are dealing with a problem which will not be solved by the passage of any law, and will not be solved overnight, in any case, but will be solved in the changed and changing attitudes of the white people who are involved and of the colored people who are involved. We speak often of the changing attitude of the white people, and it is largely changed now in my part of the country. Not enough emphasis is laid on the fact that the attitude of the colored people has been such that up to this time there has not been any general use of their voting right and privilege, notwithstanding the fact that we in Florida repealed the poll tax in 1937. In most parts of our State there has been no general interest and participation since that time although in most places there have been invitations to the colored people to register.

If I had time I could develop the problem further by showing that in our State, after the repeal of the poll-tax amendment, the change in the voting pattern was a slow one and not an immediate one. In the first 2 or 3 general elections, and after those first 2 or 3 general elections, there were only about 20,000 Negroes voting, whereas now the number of registrants, as shown by the records, is nearly 150,000. The pattern of increased voting by our Negro citizens seems to move county by county and area by area, from one part of the State to another. The change of mind is not required solely in the minds of the white people, but just as fully is that change of mind and change of purpose required in the minds of our colored citizens. We simply threw the doors open in 1937 to our colored citizens to vote.

Mr. President, this problem will not be solved by the passage of a bill, particularly a coercive bill such as H. R. 6127. There could be no clearer showing of the type of steady progress that would be made under a fine, progressive bill, such as the repeal of poll tax by ratifying a constitutional amendment repealing the poll tax, than the experience of my own State of Florida. The poll tax was repealed in 1937, as I have stated previously, as a prerequisite for voting for officials, Federal, State, and local. It resulted 19 years later, in 1956, and after 10 general elections, in the registration of only a little over 40 percent of the adult Negroes of our State.

The attitudes of our various communities differ. The attitudes of our various States differ. If we proposed a Federal constitutional amendment, and that is what I think is the sound approach to the whole problem, we would not find, upon ratification, that the problem would be solved everywhere immediately, or in the communities affected, or that it would be completely solved in the course of decades. It would take a generation or more to become fully effective.

This coercive measure, as any other coercive measure, is doomed to failure if enacted, because it can result only in the antagonism of people who are trying to do the job fairly, and will bring about much destruction of progress, rather than an accentuation of the great progress already made.

In closing, Mr. President, I want to emphasize that we here in the Senate, we here in Congress, and people who are flocking about the Congress as this debate approaches its end, all arrogate entirely too much importance to the legislative process. The mere passage of a law in such a case as this is not going to solve the question, and the nature of such a law may make even more difficult the solution of the problem, as I sincerely believe would be the case if this proposed law becomes operative, because the American people are much alike, whether they live in the North, in the South, in the East, or in the West. They like to think things through for themselves. They like to figure out what they regard as justice and apply it with their own methods. They do not like to be coerced into it by a law enacted in Washington, and, in my humble judgment, they are not going to be. So far as I am concerned, I am going to preach law observance, whatever law is passed, and so will other Members of this body; but the fact remains that it is the human nature of Americans to resent and resist efforts to coerce, ahead of time, decisions that are being made gradually in the consciences and minds of the people of our States, both white and colored. The solution to this problem lies in the hearts and minds of men and women living in the areas affected. It will not be solved anywhere else.

I close on the same note I have mentioned in my previous statements. Our good friends who have become so zealous in following this proposed law through to passage—and they are zealots in every sense of the word, and I admire them as zealots—are wrong if they think their conception of civil rights is the only proper conception, and they are wrong if they think their conception of civil rights which might possibly apply as a remedial course in their areas would apply in some other areas and would be helpful to anybody in that part of the Nation against which this proposed legislation is primarily directed. It just will not do the job. We have adopted civil-rights programs in our own States. We brought to an end lynching in the South. We did it on our own volition, not because Federal injunctions or bayonets were aimed at us. We have, in all but five States, been successful in eliminating the poll tax, despite the fact that Negroes in large measure have not accepted the benefits. Is it because they have not risen to the challenge of full participation in citizenship? I do not know. Is it because some of the timidity which exsted under former stuations still exists? I do not know. Is it because there has not been an issue of sufficient importance to the colored people in some areas to induce them to register and vote? I do not know what the answer is. The same answer would have to be made with reference to some hundreds of thousands of white people in Florida, and I am sure there are millions throughout the Nation to whom

that question could likewise be directed. The fact is that we have heretofore brought about a large and increasing measure of civil rights in my State and in various other Southern States. While the rights programs are not being perfectly carried out—and I would not maintain before anybody that they were—I want to say that in the areas in Florida where about 95 percent of the Negro citizens live there has not only been no hindrance to their voting, but in most places there has been an open invitation to their registration and their voting.

In my home county of Polk, an agricultural county, I believe the greatest agricultural county in the South, and one of the greatest in the Nation, Negroes were voting even before the poll tax was repealed. Since 1937 the poll tax has been repealed, but even yet only a small percentage of our Negroes vote—I believe about 32 percent. I have become accustomed, when going to the polls in the county where I was born, to having Negro citizens lined up ahead of me and behind me in the line. We have no objection to their participation. We want them to exercise the rights which we helped to give them, and which they have every right to exercise.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. HOLLAND. Will the Senator yield me 1 additional minute?

Mr. STENNIS. I yield 1 additional minute to the Senator from Florida.

Mr. HOLLAND. I have been pleased to note that those who have participated represent the best trained and best informed members of their race, in most instances; but there is no educational test, there is no literacy test, there is no grandfather clause, or other artificial handicap in my State.

I just hope this thought will finally pervade the minds of our Senators and House Members. No matter how well intentioned this proposed law is, even though it has been amended and made more workable in important particulars, it is doomed to failure, because we cannot coerce the solution of a problem when the real solution lies in the hearts and minds of men and women.

Mr. President, I yield the floor.

Mr. KNOWLAND. Mr. President, I yield 8 minutes to the distinguished senior Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 8 minutes.

Mr. AIKEN. Mr. President, regardless of the fate of the bill which is now before the Senate, I should like to say for the RECORD that the debate of the past 4 weeks has been one of the finest debates which I have listened to during the 17 years I have been a Member of this body. It has been a credit to the Senate of the United States.

I wish not only to compliment the majority leader and the minority leader for their successful efforts in holding the debate on an exceptionally high plane, but also to compliment all speakers who have taken part on both sides of the issue.

The bill, Mr. President, is not exactly in the form I would have it, but on the other hand, no legislation of such importance is ever fully satisfactory or complete when it passes through one of the legislative bodies. I would prefer that there be no provision for jury trial in part IV. I believe extending the right of jury trial beyond application to the matter of voting rights was a mistake, and may complicate the ultimate enactment of the bill into law.

However, Mr. President, to say that the bill as now constituted is as valueless as some have implied would be a plain denial of the facts. If part I, establishing a Commission to study the situation, is now valueless, why was it written into the bill to begin with? If part II, creating the office of an Assistant Attorney General for the enforcement of civil-rights laws, existing and new, is valueless, why was it made a part of the original bill? If that portion of part III of the bill which authorizes a citizen to sue to protect his rights does not mean what it purports to mean, why were we asked to approve it at all? If part IV, which permits the Government to intercede on behalf of voters threatened with disfranchisement, is valueless, simply because under certain circumstances the accused may demand a jury trial, then my understanding of human nature is at fault.

As I have said, I would prefer that part IV be approved without the jury-trial provision, I believe the importance of such a provision has been subject to exaggeration by both sides of the controversy. Frankly, I cannot picture many violators spending a month in jail to obtain the pleasure of facing a jury when, by complying with the court order, they would not have to go to jail at all.

It has been said that some judges might cooperate with a violator to such an extent that the enjoined person would not have to go to jail at all, but could obtain an immediate jury trial. I do not believe our judiciary is made up of men of that type. I think the Federal judges take their positions very seriously. If, however, there were a judge who was inclined to cooperate with a violator and employ such tactics as I have indicated, such judge would not be very likely to punish a violator severely by a court order, to begin with.

There may be some fanatics who will seek the publicity of self-imposed martyrdom by going to jail and eventually demanding a jury trial, but it is a safe bet that 90 percent of those who seek to deprive others of the right to vote will obey a Federal court order.

We understand there are some proponents of voting-rights legislation who are opposed to any legislation at all unless it can be 100 percent perfect. If we adhered to that line of reasoning there would not be much criminal law on our statute books today.

It has been said that perhaps we might better let the issue go over until next year, which will be an election year. We do not want this subject to be used as a political issue. We want to keep civil rights out of politics to the maximum extent possible, because civil rights affect all of us, regardless of the party of which we may be members. We want to go into the next election on a record of accomplishment rather than on a platform of promises.

As I have said, there will be flaws in the proposed legislation if it becomes law, even if the bill is modified so as to make it what some of us think will be a better bill. There will still be amendments necessary and clarifications necessary in some parts of the law, if the bill is enacted.

The Commission provided for in part I is to be established for the express purpose of making recommendations for improvement in the law after a study of conditions. With proper modification of the jury-trial amendment in part IV, Mr. President, the bill can become an epoch-making law. Let it not be said we are insisting on all or nothing. If we cannot get everything we seek, let us not spurn 60, 70, or 80 percent of the ultimate objective.

Let us not delay, by putting the bill over until next year, but let us pass the bill by such an overwhelming vote that with the modification of part IV, as I have indicated, we may be proud of having had a part in enacting one of the great laws of our generation.

Mr. KNOWLAND. Mr. President, I yield 10 minutes to the able Senator from Illinois [Mr. DOUGLAS].

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. DOUGLAS. Mr. President, those who helped to cripple the civil-rights bill are now making mutually contradictory claims for the final measure. On the one hand, they are encouraging the Deep South to believe that they have won a great victory and have so gutted the bill as to make it almost completely ineffective. Yesterday I read into the RECORD numerous editorials from southern newspapers to this effect. On the other hand, they are leading the North and West to believe that the bill is an epoch-making forward step in the relations of the races.

Both of these claims cannot be true. Which, however, is the closer approximation to the truth?

Sober analysis, I think, shows that it has been the advocates of segregation and of white domination who have won the major triumph.

Thus, by eliminating part III, the Federal Government is prevented from coming to the aid of hard-pressed citizens whose civil rights to unsegregated schooling, transportation, and other public facilities are denied. Not only must these people, who are almost universally poor and weak, fight their costly and protracted legal battles alone, but, under the so-called antibarratry laws which are sweeping the South, friends from the outside are prohibited from coming to their aid with contributions of either money or services.

Secondly, by including the jury-trial provision in criminal contempt cases, the Senate has made the right-to-vote section largely ineffective. Cases of civil contempt can, in all probability, be fairly easily converted into cases of criminal contempt by the simple act of noncompliance. Can one then picture a jury

from the Deep South unanimously finding a white election official guilty for depriving a Negro of the right to vote? Here it should be noted that a hung jury is almost as good as an acquittal, and that one juror, by voting not guilty, can create a hung jury and let the guilty defendant go free. Since there will be little fear of Federal action under the bill as amended by the Senate, the law, in my judgment, will be about as ineffective as that which was passed in 1870 to enforce the 15th amendment.

The bill, therefore, in its present form resembles the big glasses of root beer which I used to see the sideshow barkers sell at the county fairs. The contents of the glasses had a fine color and the glass mugs were large in size. But when one tasted the drink, one found that it was nothing but insipid water with enough coloring to fool the buyers. That is the way with the present bill.

Why, then, do I not vote against it on final passage? I have been tempted to do so, but I have been deterred, because it does provide for the creation of a Commission which is to make a report after 2 years and which may possibly bring more facts to bear on the situation. And because resolute and resourceful judges, even though deprived of normal criminal contempt procedures to back up their decrees, may find a way in a few cases to protect voting rights by injunctions and civil contempt actions. There is only a little bit of root beer in the glass, but I will not throw even that drop out.

At the same time, I think we should not let a false bill of goods be sold to the American public and that they should not nurse any false hopes.

I hope, of course, that the bill may be strengthened and that much of its original effectiveness may be restored in the House or in conference. This will only be possible, however, if the Senate now passes H. R. 6127 and sends it back to the House. And I am willing then to sweat through a further Senate debate to secure Senate approval of such a strengthened bill.

But if the bill in its present form is killed in conference or vetoed by the President, I shall not utter one word of protest or shed a single tear. But I shall deeply regret that by the votes of so few in the Senate, the rights of so many in our country will continue to be dwarfed and denied.

Perhaps this is enough, but let me add a personal note. We, who on our side have stood out against party pressure and resisted these almost fatal amendments, have been told that we are unduly self-righteous and dogmatic, that we are acting out of hatred for the South, and that we are sanctimonious hypocrites.

What then is the faith upon which we base our actions? In the first place, we believe that justice is universal and equal for all men and races. We should not have one law for whites and another for blacks, one for English and another for Spanish-speaking people. We should not make the color of a man's skin the test as to whether he is to be permitted to vote. And when these rights are grossly and widely violated, is it not the duty of citizens and public officials to protest and to try to restore justice to a more equal position? If this be dogmatism or inflexibility, then both ethics and the dictionary are sadly at fault.

Secondly, we believe that friendship, not fear, should be the cement to bind men and races together in a good society and a noble state. Acts of friendship create their answering counterparts and transform enemies into friends. But to humiliate others, to insist that they must bear the open stigma of branded inferiority creates hatred, not friendship. For a time, this may be restrained by fear. But this is not permanent, and if persevered in, the ultimate explosion becomes all the worse. The white man in all sections of our country has perpetrated many abuses upon the Negroes—for which we should be ashamed. Slavery and all the evils connected with it was in itself a great crime. The denial of educational and other opportunities to the Negroes after emancipation has also been unworthy. And there are many other wrongs which we as a race commit daily and which we should remedy.

Some assert that we are unduly cocksure and that we should consider it possible that we are mistaken. Believe me when I say that we are well aware that our faith in friendship and active good will, or what is called love, may indeed be mistaken. Perhaps the forces of hatred, suspicion, and fear may be stronger. Perhaps the world may indeed explode in a bitter race war touched off by the detonation of atomic and hydrogen bombs which will reduce the material monuments of civilization into a shapeless rubble with only a few weakened survivors creeping about, whose minds will be as infected as their bodies. Perhaps all this may come to pass and on the words of Prospero in the Tempest:

> The cloud-capp'd towers, the gorgeous palaces,
> The solemn temples, the great globe itself,
> Yea, all which it inherit, shall dissolve;
> And, like this insubstantial pageant faded,
> Leave not a rack behind.

Perhaps we are wrong, and our hopes and aspirations may be in vain. But we are staking our all on the belief that love is stronger than hate and that hope is more powerful in the long run than fear. If the skeptics should, on the other hand, be proved right, we will accept the verdict, but be grateful that we strove to the very end and tried to make a happier lot come true for mankind. It will not be because of us if the races of men fly at each other's throats and if the world as we know it dissolves. But if, as we believe, the universe is basically friendly, we shall have harnessed our acts to that faith and have helped to bring about that in which we believe.

Are we then swayed by hatred, as is charged? On the contrary, we seek a friendly country. We feel active friendship for the oppressed and disinherited, friendship for those who, though they regard themselves superior, are nevertheless political and intellectual prisoners of the system which they inherited but did not create, and most certainly friends to those who, though temporarily silenced, nevertheless cherish in their hearts the desire to return to the teachings both of Christianity and of that noble American, Thomas Jefferson.

In that spirit of friendship, and without the slightest touch of either bitterness or self-righteousness, we shall press on to help bring greater justice and more amity into the relations between the races in this beloved country of ours.

Mr. POTTER. Mr. President, I yield 10 minutes to the distinguished junior Senator from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. President, we are approaching the final vote in the normal consideration of House bill 6127, that is, a vote upon the passage of the bill itself, as it has been amended.

At this time it seems to me appropriate to say that the result will probably not be a bill which any single Member of the Senate would have written if he had started out to write it alone. It may not suit any Member of the Senate in every particular, but it does represent the result of the legislative process, whereby we start toward a goal, and progress step by step.

Sometimes I have thought that the course of legislation in the Congress was much akin to the progress of a football player, who tries to carry the ball down a broken field. Sometimes he goes to the left, and sometimes to the right. Sometimes he has to zig, and sometimes he has to zag. But the important thing is that finally he achieves the goal line and makes a touchdown.

Sometimes the course of legislation is like that. It requires recognition of a certain situation here, and the recognition of a different situation somewhere else, in order to produce a bill which is generally acceptable, or which represents a common denominator of all of the many feelings and opinions which are brought into play.

This is a large country. The problems of civil rights in my State of South Dakota, and the problems incident to voting in my State of South Dakota, are not those of every other State in the Union. That has become more and more evident during the debate on the bill.

We have reached the point where no further amendments can be offered to the bill. We are ready to send it back to the House of Representatives for consideration of our amendments. What its fate will be there, of course, no one can predict with certainty. I anticipate, however, that the bill will go to conference, as such a bill normally does. There the result probably will be some adaptation to the views of the respective Houses, and the bill will then come back to the Senate for concurrence in the conference report.

By and large, it seems to me the bill as it stands today is a more effective bill and a better bill than one could have predicted a year ago would be passed by the Senate.

In the first place, a year ago a person would have been bold indeed if he had said that the Senate, within the period of time which has been accorded to the debate on the bill, could have produced a bill like the pending bill without engendering bitter feelings, without bringing about some nightlong debates, and without causing an upset in the legislative schedule which would have done

considerable damage, perhaps, to other measures.

We now have a bill which has been the subject of thorough and comprehensive debate. It is the result of amendments which Senators have chosen to offer, and the Senate to accept or reject.

The provisions of the bill, it seems to me, represent a great step forward in the development of our statutes with respect to civil rights, with all that that broad term implies.

Even if there were no other provision in the bill than the part which establishes the Commission on Civil Rights, the creation of that Commission would constitute a legislative landmark.

Much will depend, of course, on the quality of the members of the Commission, and much will depend upon the attitude of the members of the Commission, and what they wish to do. However, the powers of the Commission are broad. I should like to read them for the RECORD, to evidence that this bill is a major advance in the field.

Section 104 provides that the Commission shall—

(1) Investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

Incidentally, Mr. President, that description of the basis of the possible deprivation of the voting right is considerably broader than the so-called constitutional guaranties which protect against abridgement of the right to vote. The introduction of the subject of national origin is a variance from the words in the Constitution.

The second provision under section 104 provides that the Commission shall "study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution."

The provision that the Commission shall "study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution" is one of the broadest authorities ever given to any commission created by statute.

Its authority is not limited to an examination of voting rights; it is not limited to an examination of the rights of citizens under a special statute; but extends to acts constituting a denial of equal protection of all the laws under the Constitution.

The third responsibility and power given to the Commission is even more significant in its potentiality. The section provides that the Commission shall "appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution."

Appraising the laws—this means doing something normally reserved for committees of the Congress.

The provision relating to the appointment of the members of the Commission does not require that they be Members of Congress. This is a far-reaching directive, possible of far-reaching consequences within the initiative of the Commission's membership.

There is a requirement for the members of the Commission to name an executive director, whose nomination shall be submitted to the Senate for confirmation. Presumably the qualifications of that person may be scrutinized considerably, and he may have a great deal to do with the fields in which the Commission shall exercise its responsibility. However, the fact remains that we here propose to create a noncongressional Commission, not composed of Members of Congress, which shall have the responsibility of appraising the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

The Commission may second-guess the legislative branch of the Government. It may second-guess the executive branch of the Government. It is to "appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution."

The Commission is given the power to compel testimony and to subpena witnesses and to examine records and to require attendance of persons and to have them bring evidence with them. That means that the Commission has as much power as an investigating committee of Congress itself.

With the broad investigative field which is given to it, the Commission certainly can accomplish a great deal in exposing any injustice and any deprivation of equal rights, and in making corrective recommendations.

Therefore I say that if the bill did no more than carry part I, creating the Civil Rights Commission, it would of itself constitute the greatest single forward step for the improvement of the civil rights of the citizens of the country that has been taken in the last 75 years.

Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER (Mr. BIBLE in the chair). The Senator from South Dakota has 1 minute remaining.

Mr. CASE of South Dakota. I wonder whether I may have the attention of the acting minority leader. I should like to ask if I may have a few additional minutes.

Mr. POTTER. Mr. President, how many additional minutes does the Senator request?

Mr. CASE of South Dakota. Oh, 2 or 3 if I may. Thank you.

Mr. POTTER. I yield 2 additional minutes to the Senator from South Dakota.

Mr. STENNIS. I yield 1 minute to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator is recognized for an additional 3 minutes. He has a total of 4 minutes remaining.

Mr. CASE of South Dakota. Mr. President, I shall not have the time to review the other parts of the bill in detail. Most of the current controversy on amendments added relates to the breadth of application for the amendment providing for jury trial in cases of criminal contempt. On that I would say that since part III of the bill, which would have established a new enforcement power in the general field of civil rights, has been eliminated, and the bill, so far as its enforcement provisions are concerned is limited to voting, it seems to me in conference the conferees might well limit the so-called jury-trial amendment to criminal contempt in violation of voting rights.

That modification would be consistent in principle, so far as the scope of the bill is concerned, with what we did with respect to part III.

Part II of the bill establishes the Office of a Special Assistant Attorney General, who, it is presumed, would head up a Division on Civil Rights. The right man in that position can give real vitality to that activity.

Parts IV and V of the bill establish for the first time a definite and effective interest of the Federal Government in maintaining and protecting the voting rights of the individual citizens. Parts IV and V of the bill mean that hereafter even the humblest citizen, when he walks to the auditor's office or registrar's office, or to the voting booth, walks with the majesty of the Federal Government at his side.

We are trying to say here that no man hereafter may make even the humblest citizen of the country fearful as he goes to cast his ballot, and that hereafter Uncle Sam himself walks side by side, arm in arm, with such a citizen when he goes to the polls to cast his ballot.

Mr. President, nothing more significant could be said than that, namely, that hereafter when a citizen wishes to cast his ballot the majesty of the Federal Government walks into the voting booth with him, and enables him to have a voice in his Government. Out of that will flow whatever reforms and whatever other steps and progress the commonsense and good judgment of the voters of the country may seek to accomplish. This bill enacted into law will more fully make ours a government of the people and by the people.

In conclusion, Mr. President, I should like to say that the passage of the bill by the House of Representatives, its passage by the Senate, and its eventual enactment into law will constitute a great tribute to the leadership of President Dwight D. Eisenhower in placing the enactment of an effective civil rights measure so high on his legislative program.

Its accomplishment will be a credit to the distinguished minority leader, the Senator from California [Mr. KNOWLAND], for his insistent and steel-like determination that the bill should be considered by the Senate at this session. Without his steadfast leadership at a critical juncture the bill would not have been up for consideration much less passage at this time.

It will be a credit to all who have participated in the preparation of the bill, in its improvement, and in its passage.

I certainly shall vote for the bill. I hope that when the bill comes back from the conferees, it will be in such form that it will command overwhelming approval by the Members of the Senate and the House of Representatives.

Mr. POTTER. Mr. President, I yield 15 minutes to the Senator from Michigan [Mr. McNAMARA].

The PRESIDING OFFICER. The Senator from Michigan is recognized for 15 minutes.

Mr. McNAMARA. Mr. President, for all practical purposes, the Senate is now conducting a wake over the corpse of the civil-rights bill.

There are those who tell us that it is not a corpse.

Indeed, they would have us believe that it is a giant dragon, breathing fire at any who would deny the right to vote to any of our citizens.

It is my belief that if there is any fire left in this forlorn mass now called a civil-rights bill, it is only a small flickering flame.

Perhaps we can look on this flame, tiny and feeble as it is, as an omen of things to come.

It is a flame we will protect and feed over the years until the constitutional rights of every American citizen are assured.

The civil-rights obstructionists who have governed the Senate for so long can watch it grow and can perspire from its heat.

It is true that they have been able to achieve a certain victory. They were able, through pressures and other stratagems, to rally a number of converts to their cause.

Indeed, if all these pressures were laid end to end, they would stretch from Natchez to Mobile.

Together, this coalition, perhaps the strangest ever seen in the Senate, was able to change H. R. 6127 from a meaningful civil-rights bill into a parody of one.

I find it ironic, if not downright insulting, that some who fought most bitterly against this bill ever reaching the Senate floor are now mouthing pious words about the strength and substance of the bill.

Those who protest so loudly against the future political aspects of this fight are the ones who really are trying to turn this issue to their own political advantage.

They remind me of the saying: "The louder he talked of his honor, the faster we counted our spoons."

Now we are about to vote upon and, I suppose, to pass by a large majority the tattered remnants of a measure which came to us from the House as a minimum but meaningful civil-rights bill.

It seems to some of us important to put in the RECORD an explanation of why and how the cuts and changes were brought about.

From a civil-rights bill it was reduced first to a voting-rights bill when part III was stricken. Then it became primarily a jury-trial bill, with successive editions of the O'Mahoney-Kefauver-Church amendment.

Although the bill may, if it becomes law, give some protection to the right to vote, I fear that it will be an illusion and a mockery for hundreds of thousands of persons who have been deprived of their constitutional rights.

Such a recapitulation as I propose to make—and I shall make it as brief and painless as possible—is a matter of practical importance as well as academic interest.

We meet here to bury the hatchet, so to speak, for the time being. But it is important that we mark well the spot where it is buried and record the cause and terms of its burial.

It will be helpful when we, or our successors, return to the issue of civil rights.

This great issue has not been settled. It has been sadly compromised, if in fact it has not been lost for the time being.

The defenders of segregation have won a great defensive victory which, in the opinion of some of us, will cost our country dearly, internally and in our standing among the nations and peoples of the world.

The defenders of segregation fought with skill and determination. They were united. They were able to win the support of many who were and, I believe, still are, opposed to the continuance of segregation and first- and second-class citizenship in this country. Why?

Without attempting to detract from the skill, stamina, and success of those who are opposed to civil-rights legislation, it must be said that their victory was won, not on July 24, when part III was stricken from the House bill by a vote of 52 to 38, nor on August 1 when part IV was largely nullified for Negroes in large areas of the South by the 51 to 42 vote for the so-called jury-trial amendment, but on January 4, 1957. That was when the Senate voted, 55 to 38, to put King Filibuster back on his invisible but very real throne overlooking and dominating this Chamber.

Mr. President, I ask unanimous consent to have the vote whereby the motion to adopt rules, including a new rule 22, was tabled printed at this point in my remarks.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

Mr. JOHNSON of Texas. Mr. President, on the pending question I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas [Mr. JOHNSON] to lay on the table the motion of the Senator from New Mexico [Mr. ANDERSON].

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Illinois will state it.

Mr. DOUGLAS. Will the Chair restate the pending question?

The VICE PRESIDENT. The pending question is on agreeing to the motion of the Senator from Texas [Mr. JOHNSON] to lay on the table the motion of the Senator from New Mexico [Mr. ANDERSON].

On this question the yeas and nays have been ordered, and the Secretary will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from West Virginia [Mr. NEELY] is absent because of illness.

I further announce that if the Senator from West Virginia [Mr. NEELY] were present and voting, he would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Wisconsin [Mr. WILEY] is absent on official business. If present and voting, he would vote "nay."

The result was announced—yeas 55, nays 38, as follows:

Yeas, 55: Barrett; Bennett, Bible; Bricker; Bridges; Butler; Byrd; Capehart; Carlson; Case, South Dakota; Cotton; Curtis; Daniel; Dirksen; Dworshak; Eastland; Ellender; Ervin; Frear; Fulbright; Goldwater; Gore; Green; Hayden; Hickenlooper; Hill; Holland; Hruska; Jenner; Johnson, Texas; Johnston, South Carolina; Kerr; Knowland; Langer; Long; Malone; Martin, Pennsylvania; McCarthy; McClellan; Monroney; Mundt; Revercomb; Robertson; Russell; Saltonstall; Schoeppel; Scott; Smathers; Sparkman; Stennis; Talmadge; Thurmond; Watkins; Williams; Young.

Nays, 38: Aiken; Allott; Anderson; Beall; Bush; Carroll; Case, New Jersey; Chavez; Church; Clark; Cooper; Douglas; Flanders; Hennings; Humphrey; Ives; Jackson; Kefauver; Kennedy; Kuchel; Lausche; Magnuson; Mansfield; Martin, Iowa; McNamara; Morse; Morton; Murray; Neuberger; O'Mahoney; Pastore; Payne; Potter; Purtell; Smith, Maine; Smith, New Jersey; Symington; Thye.

Not voting: Neely, Wiley.

So the motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the motion of the Senator from New Mexico was laid on the table.

Mr. KNOWLAND. Mr. President, I move to lay on the table the motion to reconsider.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from California to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. McNAMARA. Mr. President, on that vote 21 Democrats and 17 Republicans voted to substitute majority rule for filibuster rule exercised by a minority, through the veto power of even threatening endless talk, to prevent a vote.

Twenty-seven Democrats and 28 Republicans voted against majority rule and for a continuation of the filibuster rule in the United States Senate.

Again and again, prior to and during the debate now ending, the determining argument was the filibuster, not as a fact, but as an overhanging threat. We have been told, and the supporters of civil rights all across the country have been told, that this bill is all we could get without a filibuster. We were told many times in many ways to take it or leave it—that if we provoked the opposition we would get a filibuster and no bill.

We were told that we could not produce 64 votes to break a filibuster which was always threatened, and probably would have been launched, against a stronger bill, against the bill as it came to us from the House.

We were told that, failing to produce 64 votes for cloture which would limit debate, we could not wear down and break a filibuster conducted by some 22 Senators against any such bill as the House bill. I am afraid many Senators believed that and thus made it true.

The bill we are about to pass is the sorry product of a step-by-step surrender to the threat of filibuster.

Of course, this time the anti-civil-rights forces have conducted their diversified attacks upon the bill with great skill that at times has verged on downright gentleness. The sharp point of the blade has seldom been allowed to prick our skin.

We have been offered an occasional apple along the road, or what looked like an apple, the jury trial amendment, the broadening of that amendment to cover some 35 other statutes, and the provision that Negroes shall not be barred from juries in Federal courts.

In exchange for this mock apple, the obstructionists have been given an orchard.

It has been suggested that the reason for this new soft touch by the filibuster forces is that they know that the days of the filibuster are numbered; that one more actual use of the filibuster in full parliamentary battle would be the last because it would kill the king and bring to the Senate majority rule instead. Hence the reliance upon the mere threat of filibuster.

I am sure that those who rely upon the threat of filibuster to divide and weaken, and thereby to defeat the will of the majority in the Senate, well remember last January 4.

That was when majority rule in the Senate, and full civil rights for all Americans, were within seven votes of victory.

In addition to the 88 votes shown in the rollcall I have had printed in the RECORD, 3 other absent Senators were reported as in favor of adopting rules that would have included a new rule 22.

This total of 41 Senators in support of establishing majority rule in the United States Senate represents a gain of 20 in 4 years.

On January 7, 1953, only 21 Senators voted to free the Senate from the rule of King Filibuster.

On that vote 15 Democrats, 5 Republicans, and 1 Independent voted for majority rule.

Twenty-nine Democrats and forty-one Republicans voted against majority rule and for continuing King Filibuster on his throne.

Mr. President, I ask unanimous consent that that vote be printed at this point in my remarks.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio [Mr. Taft] to lay on the table the motion of the Senator from New Mexico [Mr. ANDERSON], for himself and other Senators, that the Senate immediately consider the adoption of rules for the Senate of the 83d Congress. On this question the yeas and nays are demanded.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. MAGNUSON (when his name was called). I have a pair with the senior Senator from Kansas [Mr. SCHOEPPEL]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. SALTONSTALL. I announce that the Senator from Nebraska [Mr. Griswold] is absent on official business.

The Senator from Kansas [Mr. SCHOEPPEL] is necessarily absent, and his pair has been previously announced by the Senator from Washington [Mr. MAGNUSON].

Mr. CLEMENTS. I announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

The Senator from Tennessee [Mr. KEFAUVER] is absent on official business.

The result was announced—yeas 70, nays 21, as follows:

Yeas, 70: Aiken; Barrett; Beal; Bennett; Bricker; Bridges; Bush; Butler, Maryland; Butler, Nebraska; Byrd; Capehart; Carlson; Case; Clements; Cooper; Cordon; Daniel; Dirksen; Dworshak; Eastland; Ellender; Ferguson; Flanders; Frear; Fulbright; George; Gillette; Goldwater; Gore; Hayden; Hickenlooper; Hill; Hoey; Holland; Jenner; Johnson, Colorado; Johnson, Texas; Johnston, South Carolina; Kerr; Knowland; Langer; Long; Malone; Martin; Maybank; McCarran; McCarthy; McClellan; Millikin; Monroney; Mundt; Payne; Potter; Purtell; Robertson; Russell; Saltonstall; Smathers; Smith, Maine; Smith, New Jersey; Smith, North Carolina; Sparkman; Stennis; Taft; Thye; Watkins; Welker; Wiley; Williams; Young.

Nays, 21: Anderson; Douglas; Duff; Green; Hendrickson; Hennings; Humphrey; Hunt; Ives; Jackson; Kennedy; Kilgore; Kuchel; Lehman; Mansfield; Morse; Murray; Neely; Pastore; Symington; Tobey.

Not voting, 5: Chavez; Griswold; Kefauver; Magnuson; Schoeppel.

So Mr. Taft's motion to lay Mr. ANDERSON'S motion on the table was agreed to.

Mr. McNAMARA. Mr. President, to complete the record on this point, I ask unanimous consent to have printed in the RECORD at this place in my remarks the yea-and-nay vote on March 17, 1949, by which the Senate adopted, 63 to 23, Senate rule 22 requiring 64 votes to limit debate.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nebraska [Mr. Wherry] for himself and other Senators, in the nature of a substitute for Senate Resolution 15.

Mr. Wherry and other Senators asked for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUSSELL (when Mr. MCCLELLAN'S name was called). Repeating the announcement I have heretofore made respecting the pair of the Senator from Arkansas [Mr. MCCLELLAN] with the Senator from Montana [Mr. MURRAY], I wish to announce that if the Senator from Arkansas were present he would vote "yea" and if the Senator from Montana were present he would vote "nay."

Mr. TAYLOR (when his name was called). On this vote I have a pair with the junior Senator from Arkansas [Mr. FULBRIGHT], who is absent on public business. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. MYERS. Mr. President, I again wish to announce that the Senator from Maryland [Mr. O'Conor] and the Senator from Wyoming [Mr. O'MAHONEY], who are absent on public business, are paired on this vote. If present and voting, the Senator from Maryland would vote "yea," and the Senator from Wyoming would vote "nay."

I announce also that the Senator from New Mexico [Mr. Chavez], the Senator from Montana [Mr. Murray], the Senator from Oklahoma [Mr. Thomas], and the Senator from New York [Mr. Wagner] are necessarily absent.

The Senator from Arkansas [Mr. MCCLELLAN] is absent because of a death in his family.

I announce further that, if present and voting, the Senator from New Mexico [Mr. Chavez], the Senator from Oklahoma [Mr. Thomas], and the Senator from New York [Mr. Wagner] would vote "nay."

The result was announced—yeas 63, nays 23, as follows:

Yeas, 63: Baldwin; Brewster; Bricker; Bridges; Butler; Byrd; Cain; Capehart; Chapman; Connally; Cordon; Donnell; Eastland; Ecton; Ellender; Flanders; Frear; George; Gurney; Hayden; Hendrickson; Hickenlooper; Hill; Hoey; Holland; Hunt; Jenner; Johnson of Colorado; Johnson of Texas; Johnston of South Carolina; Kefauver; Kem; Kerr; Knowland; Long; McCarran; McCarthy; McFarland; McKellar; Martin; Maybank; Miller; Millikin; Mundt; Reed; Robertson; Russell; Saltonstall; Schoeppel; Smith of Maine; Smith of New Jersey; Sparkman; Stennis; Taft; Thye; Tydings; Vandenberg; Watkins; Wherry; Wiley; Williams; Withers; Young.

Nays, 23: Aiken; Anderson; Douglas; Downey; Ferguson; Gillette; Green; Humphrey; Ives; Kilgore; Langer; Lodge; Lucas; McGrath; McMahon; Magnuson; Malone; Morse; Myers; Neely; Pepper; Thomas of Utah; Tobey.

Not voting, 9: Chavez; Fulbright; McClellan; Murray; O'Conor; O'Mahoney; Taylor; Thomas of Oklahoma; Wagner.

So the amendment, in the nature of a substitute for Senate Resolution 15, proposed by Mr. Wherry for himself and other Senators, was agreed to.

The VICE PRESIDENT. The question is on agreeing to Senate Resolution 15, as amended by the substitute.

The resolution, as amended, was agreed to.

Mr. RUSSELL. Mr. President, I move that the Senate reconsider the vote by which the resolution, as amended, was agreed to.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from California to lay on the table the motion of the Senator from Georgia.

The motion to lay on the table was agreed to.

Mr. McNAMARA. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD excerpts from the CONGRESSIONAL RECORD in the case of 2 cloture votes taken in 1950, showing that, although many more than a majority of the Senators voted to limit debate, the majorities fell 12 and 9 short, respectively, of the 64 required by rule XXII.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, vol. 96, pt. 6, pp. 7299–7300]

The VICE PRESIDENT. A quorum is present. The question before the Senate is, Is it the sense of the Senate that the debate shall be brought to a close? Those who favor bringing the debate to a close will vote "yea" when their names are called; those who are opposed will vote "nay." The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAPMAN (when Mr. Withers' name was called). My colleague, the junior Senator from Kentucky, Mr. Withers, is necessarily absent today. I am authorized by him to say that if he were present he would vote "nay."

The rollcall was concluded.

Mr. MYERS. I announce that the Senator from New Mexico [Mr. CHAVEZ] and the Senator from Oklahoma, Mr. Thomas, are absent by leave of the Senate.

The Senator from California, Mr. Downey, and the Senator from North Carolina, Mr. Graham, are absent because of illness.

The Senator from Delaware [Mr. FREAR] is absent by leave of the Senate on official business.

The Senator from Montana [Mr. MURRAY] is absent because of a death in his family.

The Senator from Florida, Mr. Pepper, is absent on public business.

The Senator from Maryland, Mr. Tydings, is absent on official business in connection with his duties as chairman of a subcommittee of the Committee on Foreign Relations.

I announce further that if present and voting, the Senator from New Mexico [Mr. Chavez], the Senator from Delaware [Mr. Frear], the Senator from Montana [Mr. Murray], and the Senator from Oklahoma, Mr. Thomas, would vote "yea."

Mr. SALTONSTALL. I announce that the Senator from North Dakota [Mr. Langer], the Senator from Colorado Mr. Millikin, and the Senator from Oregon [Mr. Morse] are absent by leave of the Senate. If present and voting, the Senator from North Dakota [Mr. LANGER] and the Senator from Oregon [Mr. MORSE] would each vote "yea."

The yeas and nays resulted—yeas 52, nays 32, as follows:

Yeas, 52: Aiken; Anderson; Benton; Brewster; Bricker; Butler; Cain; Capehart; Cordon; Darby; Donnell; Douglas; Dworshak; Ferguson; Flanders; Gillette; Green; Hendrickson; Hickenlooper; Humphrey; Hunt; Ives; Jenner; Kem; Kilgore; Knowland; Leahy; Lehman; Lodge; Lucas; McCarthy; McMahon; Magnuson; Martin; Myers; Neely; O'Conor; O'Mahoney; Saltonstall; Schoeppel; Smith, Maine; Smith, New Jersey; Taft; Taylor; Thomas, Utah; Thye; Tobey; Vandenberg; Watkins; Wherry; Wiley, Williams.

Nays, 32: Bridges; Byrd; Chapman; Connally; Eastland; Ecton; Ellender; Fulbright; George; Gurney; Hayden; Hill; Hoey; Holland; Johnson, Colorado; Johnson, Texas; Johnston, South Carolina; Kefauver; Kerr; Long; McCarran; McClellan; McFarland; McKellar; Malone; Maybank; Mundt; Robertson; Russell; Sparkman; Stennis; Young.

Not voting, 12: Chavez; Downey; Frear; Graham; Langer; Millikin; Morse; Murray; Pepper; Thomas, Oklahoma; Tydings; Withers.

The VICE PRESIDENT. On this vote the "yeas" are 52, the "nays" 32. Under the rule, the votes of 64 Members of the Senate, or two-thirds of those duly elected and sworn, would be required to carry the motion, and not having received a sufficient number, the motion is not agreed to.

[From the CONGRESSIONAL RECORD, vol. 96, pt. 8, pp. 9981–9982]

The VICE PRESIDENT. A quorum is present.

The question is, Is it the sense of the Senate that the debate shall be brought to a close? Under the rule, the Secretary will call the roll. Those who are in favor of the motion will answer "yea" when their names are called. Those who are opposed to the motion will answer "nay" when their names are called.

The legislative clerk called the roll.

Mr. CHAPMAN. My colleague, the junior Senator from Kentucky [Mr. Withers] is absent by leave of the Senate. If he were present, he would vote "nay."

Mr. MYERS. I announce that the Senator from Idaho [Mr. Taylor] is absent by leave of the Senate. If he were present, he would vote "yea."

I also announce that the Senator from California [Mr. Downey] is absent because of illness.

The Senator from Maryland [Mr. O'Conor] is absent by leave of the Senate on official business, having been in attendance at the sessions of the International Labor Organization at Geneva, Switzerland, as a delegate representing the United States.

The Senator from Florida [Mr. Pepper] is absent because of the death of Judge Curtis Waller, a personal friend, whose funeral is being held today.

Mr. SALTONSTALL. I announce that the Senator from Washington [Mr. Cain], the Senator from Kansas [Mr. Darby], and the Senator from New Hampshire [Mr. Tobey] are absent by leave of the Senate. If present and voting, the Senator from Washington [Mr. Cain], and the Senator from New Hampshire [Mr. Tobey] would each vote "yea."

The yeas and nays resulted—yeas 55, nays 33, as follows:

Yeas, 55: Aiken; Anderson; Benton; Brewster; Bricker; Butler; Capehart; Chavez; Cordon; Donnell; Douglas; Dworshak; Ferguson; Flanders; Frear; Gillette; Green; Hendrickson; Hickenlooper; Humphrey; Hunt; Ives; Jenner; Kem; Kilgore; Knowland; Langer; Leahy; Lehman; Lodge; Lucas; McCarthy; McMahon; Magnuson; Martin; Millikin; Morse; Murray; Myers; Neely; O'Mahoney; Saltonstall; Schoeppel; Smith, Maine; Smith, New Jersey; Taft; Thomas, Oklahoma; Thomas, Utah; Thye; Tydings; Vandenberg; Watkins; Wherry; Wiley; Williams.

Nays, 33: Bridges; Byrd; Chapman; Connally; Eastland; Ecton; Ellender; Fulbright; George; Graham; Gurney; Hayden; Hill; Hoey; Holland; Johnson, Colorado; Johnson, Texas; Johnston, South Carolina; Kefauver; Kerr; Long; McCarran; McClellan; McFarland; McKellar; Malone; Maybank; Mundt; Robertson; Russell; Sparkman; Stennis; Young.

Not voting, 8: Cain; Darby; Downey; O'Conor; Pepper; Taylor; Tobey; Withers.

The VICE PRESIDENT. Fewer than the required number of 64 Senators having voted in the affirmative, the motion is rejected.

ORDER OF BUSINESS

Mr. LUCAS. Mr. President, I ask unanimous consent that the motion just voted upon be withdrawn, and that the Senate proceed to the consideration of Senate bill 7786, the appropriation bill which the Senate has heretofore been considering.

Mr. McNAMARA. Mr. President, it is important now that the American people understand that if the Senate passes this bill in its present emaciated and misshapen form, that will not prove that rule XXII is tolerable; neither will it prove that the Senate can function despite the threat of filibuster; but it will prove that Senate rule XXII is intolerable.

Because rule XXII substitutes the rule of a filibustering minority for majority rule, the Senate cannot function as a democratic body, but has been coerced into taking part in the systematic emasculation and distortion of a minimum civil-rights bill which the House passed by a vote of 286 to 126.

Certainly we can return to the issue of majority rule no later than the opening moments of the 86th Congress.

Meanwhile, we can take the issue of civil rights versus King Filibuster out of this Chamber and to the American people between now and the 1958 elections. If we do that, I believe there is good reason to believe that the Senate will topple King Filibuster from his invisible throne above this Chamber.

We shall then be free to legislate by majority rule—thus meeting the needs and desires of the American people as they develop—instead of being too late with too little.

Until that day comes, civil rights in this Nation and majority rule in the United States Senate will continue to be a top moral and political issue. We who believe in both have our work cut out for us.

It is going to take hard work to get the facts and the meaning of the facts to the American people.

If we do that, I have every confidence that we shall remove the roadblock of the filibuster which bars the way to full civil rights for all Americans.

Once that is done, the Senate can pass civil-rights measures which will give genuine, equal protection of the laws to all Americans, regardless of race, religion, color, national origin, or ancestry.

Mr. NEUBERGER. Mr. President, will the Senator from Michigan yield to me?

The PRESIDING OFFICER. (Mr. BIBLE in the chair). Does the Senator from Michigan yield to the Senator from Oregon?

Mr. McNAMARA. Yes; if I have time in which to yield.

The PRESIDING OFFICER. The Senator from Michigan has 3 minutes remaining.

Mr. McNAMARA. Then I am glad to yield.

Mr. NEUBERGER. First of all, I desire to compliment my personal friend and colleague, the junior Senator from Michigan, for the leadership and the persistent courage he has shown in advocating the enactment of civil-rights legislation. I am sure the people of the United States, who want to have a strong and meaningful civil-rights bill enacted, know that if the views and efforts of the junior Senator from Michigan had prevailed, such a bill would have been adopted by us.

The Senator from Michigan referred to his belief that the bill was crippled and weakened when part III was eliminated from it. Is that correct?

Mr. McNAMARA. Yes; that certainly is true.

Mr. NEUBERGER. I agree with the Senator from Michigan in that particular respect, just as I agree with him in the case of some of the other things he has had to say.

Is it not true that the President of the United States has deplored the bill as it is now before the Senate, and has contended that the bill is too weak?

Mr. McNAMARA. According to the press, I find that to be true.

Mr. NEUBERGER. Is it not equally true that the President of the United States himself contributed to the weakening of the bill, when, at one of his press conferences, he personally expressed grave doubt about the wisdom of part III, as included in the bill as it was passed by the House of Representatives, and as that part was included in the bill which was originally before the Senate?

Mr. McNAMARA. Yes. I think his vacillation was very harmful to the bill.

Mr. NEUBERGER. As I recall, if I am not mistaken, the President himself felt that part III should go into effect only when a local official in a community requested the Attorney General of the United States to apply the provisions of part III.

Mr. McNAMARA. That is also my understanding.

Mr. NEUBERGER. Of course, such a procedure in the bill would be like suggesting to a person who has robbed a bank that he pull the burglar alarm.

Mr. McNAMARA. That is true.

Mr. NEUBERGER. As we know, in the cases of the denial of the right to vote in certain parts of the country, the local officials themselves have at times been confederates in that particular situation.

Mr. McNAMARA. That is true.

I desire to thank my distinguished colleague, the Senator from Oregon. It has been a pleasure to work with him, and he has worked enthusiastically for the viewpoint I have expressed. I appreciate having him as a real partner in that work, and I thank him.

The PRESIDING OFFICER. The time yielded to the Senator from Michigan has expired.

Mr. STENNIS obtained the floor.

## AMENDMENT OF SECTION 22 OF THE INTERSTATE COMMERCE ACT

Mr. MAGNUSON. Mr. President, will the Senator from Mississippi yield to me, in order that I may request the Chair to lay before the Senate a privileged matter? It will take only a moment to consider it; and I would ask unanimous consent, in that connection, that the time required for that purpose not be charged to the time available to either side in connection with consideration of the civil-rights bill.

Mr. STENNIS. Mr. President, I must object unless an understanding about the matter is reached.

Mr. MAGNUSON. Only 1 minute will be required to have the Chair lay the matter before the Senate and to have conferees appointed.

Mr. STENNIS. Very well; I yield for 1 minute for that purpose.

The PRESIDING OFFICER. The Senator from Washington is recognized for 1 minute.

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives regarding Senate bill 939.

The PRESIDING OFFICER (Mr. BIBLE in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 939) to amend section 22 of the Interstate Commerce Act, as amended, which was, to strike out all after the enacting clause and insert:

That section 22 of the Interstate Commerce Act, as amended (49 U. S. C. 22), is amended as follows:

(a) By inserting "(1)" immediately after "SEC. 22.".

(b) By striking out the words "nothing in this part" where they appear after the first semicolon and inserting the following: "except that the foregoing provisions of this section shall not apply to the carriage, storage, or handling of shipments of 'household goods' as defined by the Interstate Commerce Commission in Practices of Motor Common Carriers of Household Goods (17 M. C. C. 467) by duly authorized motor common carriers of household goods, when such carriage, storage, or handling is for the United States Government. Nothing in this part."

(c) By inserting at the end of such section the following:

"(2) All quotations or tenders of rates, fares or charges under paragraph (1) of this section for the transportation, storage, or handling of property or the transportation of persons free or at reduced rates for the United States Government, or any agency or department thereof, including quotations or tenders for retroactive application whether negotiated or renegotiated after the services have been performed, shall be in writing or confirmed in writing and a copy or copies thereof shall be submitted to the Commission by the carrier or carriers offering such tenders or quotations in the manner specified by the Commission and only upon the submittal of such a quotation or tender made pursuant to an agreement approved by the Commission under section 5a of this act shall the provisions of paragraph (9) of said section 5a apply, but said provisions shall continue to apply as to any agreement so approved by the Commission under which any such quotation or tender (a) was made prior to the effective date of this paragraph or (b) is hereafter made and for security reasons, as hereinafter provided, is not submitted to the Commission: *Provided*, That nothing in this paragraph shall affect any liability or cause of action which may have accrued prior to the date on which this paragraph takes effect.

"Submittal of such quotations or tenders to the Commission shall be made concurrently with submittal to the United States Government, or any agency or department thereof, for whose account the quotations or tenders are offered or for whom the proposed services are to be rendered. Such quotations or tenders shall be preserved by the Commission for public inspection. The provisions of this paragraph requiring submissions to the Commission shall not apply to any quotation or tender which, as indicated by the United States Government, or any agency or department thereof, to any carrier or carriers, involves information the disclosure of which would endanger the national security."

Mr. MAGNUSON. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives, request a conference thereon with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SMATHERS, Mr. LAUSCHE, Mr. YARBOROUGH, Mr. SCHOEPPEL, and Mr. PURTELL the conferees on the part of the Senate.

## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. STENNIS. Mr. President, I yield 20 minutes to the Senator from North Carolina [Mr. SCOTT].

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 20 minutes.

Mr. STENNIS. Mr. President, may we have order? There is considerable disorder on the floor of the Senate, because of the presence of certain persons not Members of the Senate, and also because of considerable conversation and moving about.

The PRESIDING OFFICER. The Senate will be in order; all conversations will cease. The Senator from North Carolina, who has been recognized, will not proceed until there is order in the Chamber.

The Senator from North Carolina may now proceed.

Mr. SCOTT. Mr. President, in my home neighborhood we have a small community which has a good Methodist Church and a good Presbyterian Church. These two denominations work very closely together on all civic matters and on all church matters.

For a long time the Methodist Church had its good Methodist minister and his wife, and the Presbyterian Church had its good Presbyterian minister and his wife. Then it so happened that the Methodist minister died, and a short time thereafter the wife of the Presbyterian minister died. Not very long afterward, the Methodist widow and the Presbyterian widower decided to get married.

After they had been married a little while, the former widow of the Methodist minister became exasperated at her new husband, John; and she told him about it in no uncertain terms.

She said to him, "John, you are so contrary and so stubborn—I hate to say it, but you are so stubborn—that I just have to say that you are going straight to hell."

In fact, she was bearing down on him, as one could well imagine.

Finally, he stood up—he was a long, Ichabod-type of man—and said, "Well, Martha, I would rather be a Presbyterian and know I was going to hell than be a Methodist and never know where in the hell I was going." [Laughter.]

Mr. President, we in North Carolina know where we are going, as regards this civil-rights business, if others will just let us get there, and will not monkey with us too much.

Mr. President, on several occasions since I have been in the Senate, I have found myself in the strange position of agreeing with President Eisenhower.

While reading the newspapers during the past weekend, I became convinced that once again the President has seen the light, and has decided that his civil-rights bill is no good.

The speculation in the newspapers lately has been very strongly to the effect that the President would veto the civil-rights bill if it is sent to him.

If these reports are true, then I think the President will be displaying rare wisdom in vetoing the bill, in the event he gets the opportunity to do so.

It is strange how many of us have mixed emotions about the news that comes out of the White House from time to time. At times it has been difficult to determine just how the President does feel about his own civil-rights bill.

In view of what we have seen happen at the White House on civil rights, I think it would be better to go ahead and fix things here in the Senate so the President would not have to worry about making up his mind again on this thing.

If it should pass all the legislative hurdles, there is always the danger the President might change his mind while the bill was getting from the Capitol to the White House.

Since the President is at times allergic to sticking by the decisions he makes, it would certainly be in the public interest to go ahead and kill the bill while we still have it. I say this because of the importance of the decision facing us. I say it is the responsibility of the Senate to defeat the bill if it is the purpose of

Congress to promote good race relations and to further insure the actual practicing of the right to vote.

We were told in the beginning that this was a bill to put into practice the right to vote—just a "little" bill that would bring about the guaranty of this cherished right.

At that point, I am reminded of a neighbor at home we called Uncle Fisher Clendenin, a white man. He had a horse which had the blind staggers, but he thought a lot of the horse. One of his neighbors knew Uncle Fisher was quite a trusting fellow. He said, "I'll tell you what you do to cure your horse of blind staggers." He said, "All right." The neighbor said, "You get up on a chopping block and take the mall and hit the horse behind the ear." Hs did. Of course, he promptly killed the horse. In a day or two the man came around to see Uncle Fisher, and he said, "How did the remedy work?" Uncle Fisher said, "It was a fine remedy. The only trouble was I hit him just a 'leetle' too hard." That is the situation here. It seems to me they have overreached and have gone just a little too far.

Now that we have gotten this little bill amended to be almost what it was advertised to be, we hear that it is unacceptable because it is not strong enough. In spite of the fact that we have improved the bill a great deal, in spite of the fact we have filed down its horns, it is still a bill that would do more harm than good. Remember, it was just a little bill to start with, but I have never in my life seen any bill, regardless of what size it was, stir up so much dust as this one has.

After working on the bill for weeks and making a halfway respectable bill out of it—after making it pretty near what the self-styled righteous civil-righters and the buzzards of iniquity have been yelling for—we find that it is not acceptable.

The Philistines say it is no good after all—they do not want a civil-rights bill as long as it is a piece of civil legislation. To me this is proof of what the people of the South have felt all along about the whole civil-rights controversy, and that is this: The do-gooders—the uninformed and misinformed petty politicians who spend their time slobbering about how cruel the South is to the Negro—are concerned only about how Negroes vote, rather than whether or not they have the right to vote.

That is the crux of this whole thing. Frankly, I feel that many of those who seem so concerned about people voting really care far more about voting results than voting rights. The supposed fight for civil rights in the South has become the battle for ballots in the big cities. This, Mr. President, is the root system of this whole issue. And it is the reason it would be a serious mistake to pass the bill we have before us in the name of civil rights.

If this little bill goes on the lawbooks, it will mean that the President would immediately appoint a so-called Civil Rights Commission that is provided for in section 1.

All of us know that the President is not interested in politics. At least, that is what he says. If anybody doubts it, all they have to do is ask him. Last week, for example, he got as mad as a wet hen when somebody implied there were politics and campaign contributions involved in the appointment of a certain ambassador. All of us know the President is an honorable man, and when he says something nobody ought to have the nerve to disagree with him or question him, or at least I get this impression from what he says. After all, he is above politics; so he is above all this business of angling for votes and figuring out how to get people to vote for him or his party.

I point this out because if the President's little bill is enacted, it will establish a Commission to go around the country checking up on elections officials and other people. It could be a sort of roving election-year Gestapo, if it wanted to be. But again, I am confident that the President wouldn't consider making anything political out of the Commission.

I am afraid, however, that some of the bugle boys in the palace guard around the White House might have some interest in politics and might make hay out of the Commission, regardless of the good intentions of the President.

It would be very simple, for example, for the Commission to march through the country every 2 years and shout and holler about how the colored people are faring in the South. I can say that with all sincerity, because that is what they have been doing ever since the Civil War.

The Commission would also have the power to reach down into any community in the United States and jack up local officeholders when they get in the way of troublemakers who are out to agitate and stir up the emotions of the people. There would be ample authority vested in the Commission to bring about complete chaos at all levels of local government.

There seems to me to be a lot of evidence that the Commission section was stuck into the bill as a sort of gimmick to set up a clearinghouse for election-campaign material. Certainly the other sections of the bill would more than suffice as a guaranty that nobody would be run over roughshod when he tried to register and vote.

So, if it is the purpose of the bill to be strictly a voting bill, then there is no earthly reason to create another commission that could do little more than act as a political propaganda machine.

First and foremost, then, it seems very unwise to me for Congress to give birth to such an animal as the so-called Civil Rights Commission. With emotions and tensions over race relations as sensitive as they are today throughout the South, it would be a serious mistake to create what could easily turn out to be a monster. The gamble is too great because we are already walking on eggs in the crosscurrents of bitterness and strife—and they are thin eggs, too—at least Cousin Ezra says so.

I say to you, Mr. President, let us leave well enough alone.

I am trying to emphasize this point because to me it gets at the overwhelming and compelling reason why Congress would be doing a lot more in the long run for civil rights if it would kill this bill rather than enact it into law.

I say it because we in the South will make much more progress toward a solution of problems in all the fields of discrimination if we are left to do the job in our own way.

It has been only a few years since we were hearing a lot of screaming and yelling about lynching and the poll tax.

No antilynching bill was passed, but we do not hear of any lynching going on in the South today.

No antipoll tax bill was passed, but we hear very little these days about the poll tax laws which are still in existence being used to hurt colored people in the South.

It just so happens that the issue right now is the so-called right to vote. It might come as a surprise to many people, but the South has been making tremendous progress in this field in recent years. Last year alone it is estimated that some 20,000 new Negro voters were put on the registration books in North Carolina, which is quite an increase in 1 year.

The point I should like to make is that the South is moving right along in this field, as well as in others.

If the bill should be enacted, I am afraid that serious damage would be done to the overall progress that is being made in the South.

In the bill are the makings—the basic ingredients—for setting man against man, neighbor against neighbor, and people against people. And when that is done, any and all progress suffers.

When I think about voting rights in the South I always think about an election we had in our community around the turn of the century—in fact, in 1902. My father told me about it when I was just a boy, and I shall never forget it.

There was an elderly Negro man by the name of Loftin Chaves who lived in the community. Loftin Chaves voted under the grandfather clause. He was an ex-slave. I recall that the people in the community, as we do here in the Senate and everywhere else, had made a check to see how the election would result, and it was found that the vote would be a tie vote, or so it looked.

The people of the neighborhood can tell us about the occurrence now, though there are not many left who know about it. I was only 5 years old at the time the incident occurred. I believe, however, that I could go within 5 yards of where I last saw Loftin Chaves.

Loftin Chaves was splitting rails. In splitting the rails he was using a wooden maul and a glut made out of dogwood. He was splitting a white oak tree which had been cut.

As I recall, some of those who were on the other side in the election decided they had to get Loftin Chaves out of the way, so they hatched up a scheme. They tried to get Loftin Chaves to carry some wheat to be ground up at the mill in Person County.

So Luftin Chaves was sent with a one-horse wagon and a load of grain to get the wheat ground.

When the citizens there checked up, the folks who were in favor of the school district discovered that Loftin Chaves

was gone, so they immediately put two men on horses to attempt to catch up with him. They did overtake him, and they hitched his horse to a little sapling and put him on one of the horses they had and brought him back to vote. After he had voted they carried him back to let him finish with his errand.

As they did that they realized that Loftin Chaves was the ex-slave who voted under the grandfather clause, and it was he who saved the election for us.

I shall never forget that story, though I was barely 5 years old at the time of the incident, and my reason for telling it is that the election carried by one vote. The people in my neighborhood began to ring the farm bells.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired. It is the understanding of the Chair that the acting majority leader yields an additional 3 minutes to the Senator from North Carolina, and he may proceed.

Mr. SCOTT. The residents thereabouts started to ring the farm bells. I can remember hearing them at home. I did not know exactly what had happened, but they started to ring the bells, one member of the family and then another taking turns ringing the bells far into the night, because they had won the election.

Due to the winning of that election, I was conscious as a little boy that something very momentous had happened in our neighborhood. The bell ringing went on into the night. Incidentally, our farm bell is still there at the old home place.

When I go home I have the pleasure of seeing a Negro school bus, with either a Negro boy or a Negro girl driving the bus, coming by my house, and a white school bus, for the white children, coming by at the same time. The children often get off in front of my house, where I have a big pecan tree. If one goes by there, he will see it.

One thing which has happened, which I shall never forget when I think about those two school buses, is that we have established good high schools for the white children and good high schools for the Negro children, and buses for both races. But those two buses would never have been employed as they are if it had not been for old Loftin Chaves. Some day a marker ought to be set up in memory of that man, because his one vote carried the election.

I should like to remind Senators that President Lincoln, before he reached the Presidency, was famous for splitting rails. Loftin Chaves won an election by one vote, and he was a rail splitter, also—he did not split hairs, as some do here, but he split rails.

So in our community at home we not only have to make sure everybody votes, but we go to a great deal of trouble to convince our citizens what is the best way to vote.

I want the Members of the Senate to understand that every time I get interested in an election I encourage everybody I can reach to vote with me. I want the record to show in no uncertain terms that I have never deprived anybody of the right to vote for me.

Aside from the dangers which are involved in passing this little bill and thus giving birth to another commission, and the experience that we have had with lynching and poll taxes, for example, there is another important factor to keep in mind when we are considering this little bill. It is the inherent and deeply rooted conviction that southerners have about independence. By and large, I think southerners love independence more than any people on the face of the earth. We in North Carolina feel very deeply about our independence, and we take pride in our patriotism, and the fact that we are firm and determined in our loyalties and convictions.

For many years historians have said that it is no idle boast to say that North Carolina was "first at Bethel, farthest at Gettysburg and Chickamauga, and last at Appomattox," and that "North Carolina heroism hallowed and marked every important battlefield."

We have these basic characteristics of independence and patriotism because we are people who are close to the soil, people who make up a region that is primarily agricultural. Even the people who live in our cities today and those who are building up the South's industrial empires either were born in rural areas or have close relatives who are still on the farm.

For the most part, we are a people with deep religious convictions. This is because we are at the mercy of the elements and we have been taught from childhood that God is our landlord, and we are proud of the fact that we come from the Bible Belt of this Nation.

People who live by the soil are rugged people, honest people, God-fearing people, and independent people.

Being an independent people, southerners do not much cotton to the idea of outsiders telling them how to run their affairs.

This business of civil rights has a lot in common with the old story about the slick book salesman who rode up in the farmer's yard and wanted to sell him a book on a thousand new ways to make money on the farm.

The farmer gave him a funny look and said:

"Nope, I'm not a bit interested because I'm not farming now nearly as well as I already know how."

There is a lot of basic human nature in that story because none of us ever do everything as well as we should or as well as we might know how.

But, most of all, we resent others telling us how to do what, and when.

Those who doubt our good intentions, those who think the southern people are the ones who have never caught on to the notion of giving every man a fair break, should take a look at history. What has happened from time to time in my home State is a good example.

If the history books are checked it will be found that North Carolina held up her ratification of the Constitution of the United States for 2 years. And the reason is very significant: My State insisted that the Constitution have an itemized bill of rights added as a vital part of the Constitution.

So history shows clearly that this business of individual rights was important enough to our North Carolina forebears to refrain from joining the Union for about 2 years.

I point this event out to illustrate that in many ways we are like the common mule, the beast of burden in the South. We have a reputation for bridling and snorting and rearing when somebody tries to put a harness on us.

There is another event in history that shows very clearly that North Carolina is a State of free thinkers and people who do not like to be pushed and shoved. North Carolina was the last State of the Confederacy to secede. There was a great deal of sentiment in our State against pulling out of the Union because, as history shows, we had a great deal of misgiving about entering into any kind of association leading to war. So North Carolina remained loyal to the Union until President Lincoln, on April 15, 1861, issued an order for all the States to raise troops to march on the South as a result of the attack on Fort Sumter.

I think this is an important point in the history of our State, and it certainly illustrates that we are a tolerant State so long as there is no talk about using force, pushing us around, and calling out the troops.

I mention these snapshots out of history to show that North Carolina and the South throughout the life of this Nation have demonstrated time and time again that we have minds of our own, and that we know how to use them.

Our history also shows that we have been aware of our problems, and have not been negligent in facing them.

But more important, history shows that we have made more progress doing things in our own way rather than being forced to do them.

My own experience as Governor illustrates what I am talking about under conditions of today.

As I pointed out in a recent speech on the floor of the Senate, I appointed a Negro to the State board of education while I was Governor. I did this—an unheard of thing in my State until then—because I sincerely felt the parents of Negro children should have representation on the board that establishes the policy for their education. I made this decision of my own free will, and I have never regretted it.

But I will say this, I would have resigned as Governor before I would have made that appointment under a court order.

I am making these remarks as a plea to every Member of the Senate to leave the affairs of the South to the South.

We have race problems in the South. We know we have them, and we are determined to settle them in a peaceful way. I ask every Member of the Senate to study these factors very closely before voting.

If my colleagues are concerned about the right to vote in the South, I can assure them we are making progress to see that that right is not denied anyone. I also assure them that we will make more progress by handling the problems ourselves than by having such a bill as

that now pending hung around our necks.

The question to be resolved is of the gravest nature. I beg every member of the Senate to search his soul before the vote is taken.

Whatever course is decided, we must all admit that the good will of people who must continue to live as neighbors is far more important to the well being of this Nation than is the result of any political campaign.

Mr. STENNIS. Mr. President, I yield 10 minutes to the distinguished senior Senator from North Carolina [Mr. ERVIN].

Mr. ERVIN. Mr. President, the Supreme Court of the United States declared, quite correctly, in Texas against White, that the Constitution, in all of its provisions, looks to an indestructible Union composed of indestructible States.

I expect to vote against the bill on final passage because it is utterly repugnant to that constitutional concept. Although the Constitution states, in the 10th amendment, that all powers not granted by the Constitution to the Federal Government nor prohibited by it by the States are reserved, respectively, to the States or the people, the bill undertakes to have Congress delegate to the Attorney General power to nullify State statutes, enacted by State legislatures in the undoubted exercise of the power to legislate reserved to the States by the 10th amendment.

Furthermore, the bill proposes to enact a public law, and to place that public law in the personal possession of one fallible human being, the temporary occupant of the office of Attorney General, whoever he might be, to be used or not used as he wills. Therefore, the bill is utterly repugnant to the basic concept that this country ought to have a government of laws rather than a government of men. In fact, the bill does not even provide for a government of men. It provides for a government by the whim and caprice of the Attorney General.

The bill likewise makes the constitutional rights of American citizens dependent upon the uncontrolled discretion of the Attorney General.

Our forefathers valued the right of trial by jury so highly that they inserted guaranties in the Constitution of the United States to protect that right for all Americans in criminal cases. And yet, under the terms of the bill, the right of trial by jury is made to rest upon the whim and caprice of one man. If the Attorney General refuses to bring a suit against certain individuals under the proposed act, those individuals retain their constitutional right of trial by jury, whereas, if the Attorney General elects to bring a suit against certain individuals, under the terms of the bill, he thereby automatically robs those individuals of their constitutional right to trial by jury. This is indefensible.

The bill would pervert the injunctive process and the contempt process by extending them to a field in which they were never designed to operate; namely, the field of criminal law. If Congress can rob Americans of this constitutional right of trial by jury in criminal cases by converting crimes into equity suits in voting-rights cases, it can do the same in the whole category of crimes and nullify the constitutional guaranties of jury trials in criminal cases.

The bill is dangerous in its other implications. If the Federal Government is to depart from its historical role in the criminal field, and bring equity suits to enforce personal and political rights of individuals, there is no point at which such extension of Federal power can end. This is true because any group which possesses enough political power to influence the conduct of a majority of Congress can call upon Congress, successfully, to do the same thing for it that is being done in this field; that is, to carry on private litigation at public expense for the benefit of private individuals.

The bill is not only bad from the standpoint of its impact upon the constitutional and legal systems of the United States, but it is bad as a matter of policy. I have listened to Senators from distant areas of this country describe the conditions in the section of the country from which I come. I cannot even identify my section from their description.

It was said by one Senator that we have done nothing for the colored race in 90 years. I say to that Senator that the white people of North Carolina have spent a greater proportion of their earthly substance for the education of colored people than have the white people of any other State in the Union.

My State of North Carolina has a colored population of slightly more than 1 million within its borders. The States of Illinois, Indiana, Ohio, Pennsylvania, New Jersey, New York, and the 6 New England States—a total of 12 States—have 3,500,000 colored people residing within their borders. And yet my State of North Carolina, with only 1 million colored people, employs at least a thousand more colored teachers in its public school system than do the 12 States I have mentioned combined, with many times our colored population.

In the State of North Carolina Negroes own and operate, under a public franchise, a public transportation system in one of our cities. Moreover, they own and operate the largest Negro insurance company in the world. I challenge anyone north of the Mason-Dixon line to point to comparable situations in any of the Northern States.

In my State we maintain five fine colleges for the education of colored people, which colleges are headed by distinguished colored educators and staffed by distinguished colored faculties.

The white people of my State have done as much for their colored people as have the white people of any other State in the Union. Our races live there together in peace and harmony. When I hear some Senators who come from sections where that is not true proposing to take care of our ills, and representing themselves to be doctors, I am reminded of a story told by the late beloved Will Rogers.

Will Rogers once said that at one time he had written an article in which he advised everyone to go to a specialist when he was sick. He said he was confined to a California hospital a few days later with arthritis. His old family doctor from Ardmore, Okla., came in the next day, and said, "Will, you tried to put us old family doctors out of business by advising everyone to go to a specialist when they are sick. But I forgave you for that when I read that you were confined to the hospital with arthritis. I was afraid you might fall into the hands of some specialist in arthritis, so I have come here to look after you."

Will said he asked the old family doctor, "Doctor, do you know anything about arthritis?" The old doctor replied, "Yes; I ought to, because I have had it myself for 50 years." [Laughter.]

I say to some of my friends from the North who set themselves up as doctors and undertake to prescribe for supposed racial ills of the South, that if they would first cure their own racial ills which are much more violent than ours, I would have more faith in their panaceas.

The bill is a bad bill from the constitutional and legal standpoint. It is a bad bill from the standpoint of policy. The two races are living together in peace and harmony, so far as my State is concerned, and they are both working together to build a great Commonwealth. Outside interference of the kind this bill contemplates will not help, but will tend to hinder the situation.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from North Carolina.

Mr. ERVIN. Mr. President, the bill is a bad bill from the standpoint of constitutional law, from the standpoint of our legal system, and from the standpoint of policy. But I am glad that the Senate, by writing in the jury-trial amendment, made it plain that a majority of the Senate is not willing to throw the right of trial by jury in criminal-contempt cases into the discard. I rejoice in the fact that a majority of the Senate have manifested their unwillingness to strike down completely the only security the people of this Nation have against governmental oppression—the right of trial by jury.

Mr. POTTER. Mr. President, I yield 15 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I rise in support of H. R. 6127, as amended. All of us in the Senate know that the processes of legislation frequently include the processes of alteration. H. R. 6127 as reported from the House of Representatives, has been rather drastically amended in the Senate. I did not vote for those amendments, except one. I not only voted for that one amendment, but I cosponsored it with the able minority leader of the Senate, the Senator from California [Mr. KNOWLAND]. The amendment struck from the bill the provision which would have permitted the use of the Armed Forces, under a law which was passed in the reconstruction period of our national history.

I am happy to have been associated with the minority leader in that effort, and I am exceedingly well pleased that

our effort was unanimously approved by the Senate.

I did not support the amendment to strike from the bill the major portions of part III. I vigorously opposed that amendment, because I felt part III, which was designed to strengthen certain major civil rights belonging to our people, should be adopted. I further felt that the Senate's action in striking part III from the bill might be interpreted as a failure to support certain important decisions by our Supreme Court in the field of civil rights.

I want the RECORD to note that the decisions of the Supreme Court still stand. The Court has interpreted the Constitution and has applied it. In cases involving public education, public recreational facilities, and public transportation, the Court has been unequivocal. It has implemented its decisions relating to the 14th amendment by placing within the jurisdiction of the Federal district courts the power of gradualized enforcement. Nevertheless, Mr. President, I am sorry that the Senate spurned this opportunity to lend its support to the implementation of the Court's decisions by defeating part III.

Mr. President, the second major weakening amendment related to section IV of the bill. That amendment was in the nature of a new section, and is listed in the bill as part V. It is the so-called jury-trial amendment.

During the discussion of this amendment, I paid what I believed was a worthy tribute to those who had attempted to perfect the amendment. I felt, and I still feel, that the jury-trial amendment weakened the bill before us. It assuredly did not improve the civil-rights measure insofar as protection of voting rights is concerned.

However, the majority of the Senate felt that a jury-trial amendment relating to criminal contempt proceedings was desirable. I wish the RECORD to note that that amendment does limit the so-called jury-trial provisions to a specific set of circumstances.

I would also have the RECORD note that the same amendment made crystal clear that where there is a civil contempt proceeding, no jury trial is provided. It is within the tradition and history of our Republic to have no jury-trial proceeding insofar as civil contempt actions are concerned.

The bill, as amended in the Senate, is to my mind the best bill that we could have obtained. I will not say that it is a good bill. However, I will say that it is the first bill in some 80 years which has proceeded this far in the Senate.

I say to my civil-rights friends that this is indeed an historic moment. Surely we did not get all we wanted, but I submit that we now have an opportunity to vote on a bill which improves the civil-rights statutes and the entire civil-rights picture in the United States. We have waited 87 years for this historic moment. I submit that we have made a sizable and significant advance.

I say that those who want all or nothing, generally get nothing. I say that those who feel this is an unworthy effort are unworthy of the faith and trust of those who would seek the practical advancement of civil rights.

This bill represents measurable progress. It may not represent a gallop, but it does represent a sturdy forward stride in civil-rights legislation.

Mr. President, let me be extremely candid. I am no Johnny-come-lately to this area of legislation. I have, as United States Senator, suffered the criticism of many of my colleagues and hundreds of editors and publishers and columnists, for many years, because I have supposedly been one of those Senators who has been defying the South and advocating proposals which would tear the Democratic Party apart.

I can remember when in the Senate we had little or no cooperation for any civil-rights bill. I can remember making speeches on the floor of the Senate on a civil-rights measure when we could not get 10 or 20 votes for any kind of civil-rights measure. I can remember when we pleaded in the Senate for a civil-rights commission, and when we could not even get a pleasant or courteous hearing.

I can remember, Mr. President, when there was a working coalition on both sides of the aisle to prevent the passage of a civil-rights bill.

Therefore, I would make it quite clear that if the bill is acceptable to those of us who have struggled for civil-rights legislation for a decade, it ought to be all right for some people who have joined us this year. If that is not plain, I will make it plainer. If the bill is an adequate advance for those of us who have had to fight the year-round fight in the winter and in the summer, for those of us who have had to do battle on the issue when it was very unpopular and when we did not have help in high places, it ought to be a tolerable advance for those who have come onto the bandwagon when victory was almost assured.

Mr. President, I repeat, the bill as amended is not all I wanted. I wanted more. However I submit that in this bill, under section 1, we establish a commission on civil rights. I introduced the first bill in Congress for the establishment of a commission on civil rights. That was in the 81st Congress. The provisions in the bill on the establishment of the commission are almost identical with the provisions of the bill I had introduced. If it was good enough for me in the 81st Congress—and I reintroduced the bill in the 82d, 83d, and 84th Congresses—I am willing to take it in the 85th Congress, and be grateful for it.

Oh, Mr. President, I know one can say, "You watered this bill down so much, we are not going to have anything to do with it." One can be a political purist. One can even be so pure as to commit political demagoguery in that respect. However, as I have said to my friends in the Senate on both sides of the aisle and on both sides of the question, all I ever sought in the field of civil rights was progress. I have pleaded an opportunity to make some advance in our effort to assure the people of the country that we were concerned about their rights.

We are making more than a little advance. We are making a substantial advance. I say that part I of the bill is important, significant, basic legislation in the field of civil rights. The provision for a Civil Rights Commission is a sound provision, long overdue, and will be of great significance to the people of America in the days to come.

Part II of the bill provides for the designation of an additional Assistant Attorney General, who shall be appointed by the President, and who shall assist the Attorney General in the performance of his duties.

What is the purpose of this? It is to emphasize the purpose to protect civil rights, and to have in the Department of Justice an Assistant Attorney General to do what needs to be done for the effective protection and guaranteeing of civil rights.

I say very candidly that this could have been accomplished without legislation. Had the Attorney General desired, he could have done it last week, last year, or 5 years ago, without legislation. He did not do so, and for that reason I and others introduced legislation to help him out. Now Congress will speak, and legislation will be adopted to provide for this advance. In a sense, the bill is a mandate and a directive.

Part III of the bill has been practically removed, although an individual's civil rights are again reaffirmed.

Finally, in part IV, we come to the meat of the bill. Congress is guaranteeing here the right to vote of every citizen regardless of race, color, creed, or national origin. Congress is using the authority of section 2 of the 15th amendment to the Constitution to strengthen and guarantee the right to vote.

Ninety-five percent of all the cases under the right-to-vote provision of the bill will hopefully be handled by civil proceedings. Criminal contempt cases should be fewer than hen's teeth. Criminal contempt cases will be at a minimum.

Let us remember that most of the duly elected officers of any State, locality, or political subdivision desire to obey the law. They take an oath to obey the law. They do not take an oath to be liars. They do not take an oath to be perjurers. They take an oath to be public servants, and to obey the law. I submit that any man or woman who raises his or her hand and says, "I will uphold and defend the Constitution of the United States," is a better citizen the day he or she says so. It makes him or her a better person. We have now a formal commitment. I am of the opinion that public officials, if given the opportunity and if given the support which the bill provides, will make certain that people are permitted to register, will see to it that people are permitted to vote, and will become better public officials because of the action of Congress.

If they do not, a Federal judge will have the power to use his authority as a judge in civil-contempt proceedings to hold a dissident individual in contempt of court, and to seek, through persuasion, to get the individual to obey the law. What kind of persuasion? The judge can put the person in jail, if need be,

until the person does what he ought to do. When he does what he ought to do, he will get out of jail.

If the day comes that the election is over and the individual has not done what he ought to have done, then, indeed, under the bill the violator will be entitled to a trial by jury in criminal contempt proceedings.

I shall work on the assumption, however, that there are more good people than there are bad ones. I shall work on the assumption that there are more people who want to obey the law than there are those who want to disobey it. I shall work on the assumption that my friends in the Southern States and the public officials of those States will respond to the will of the American people in the passage of the proposed legislation. I think they will. I want to give them all the advantage that comes with what we call the classic Anglo-Saxon doctrine that a person is innocent until he is proved guilty.

If we find that the jury-trial provisions in the bill stand in the way of justice; if we find that the jury-trial provisions in the bill do not permit the effective guarantee of voting rights; then I will be the first to introduce a measure in this chamber to strike from the legislation the provision for jury-trial proceedings, in order more effectively to guarantee voting rights.

There is another right guaranteed in the bill; namely, the establishment of qualifications for Federal jurors. That provision reads:

> Any citizen of the United States who has attained the age of 21 years and who has resided for a period of 1 year within the judicial district, is competent to serve as a grand or petit juror unless:
>
> (1) He has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than 1 year and his civil rights have not been restored by pardon or amnesty.
>
> (2) He is unable to read, write, speak, and understand the English language.
>
> (3) He is incapable, by reason of mental or physical infirmities, to render efficient jury service.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. POTTER. Mr. President, I yield 2 additional minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, this bill can pass the Senate, and it will. I predict that it will pass by an overwhelming vote. The question is, Will it pass the House?

I raise my voice in an appeal to every person who has ever said a good word for civil rights to do everything in his power to convince his friends and associates in the other Chamber to act on the bill. I plead that the bill not be sent to conference, where it may be buried. I plead with the Members of the other body to make certain that the bill passes the House of Representatives. The House can pass the bill if the House Committee on Rules will permit a rule for its consideration, and then if the Members of the other body proceed with an affirmative vote the bill can be passed, and even amended, if there is that will.

But if the friends of civil rights keep saying that this is not a good-enough bill; if the friends of civil rights keep condemning it; if the friends of civil rights keep saying it ought not to pass; and if some friends even say they are going to veto it, then I submit there will be no civil-rights legislation.

I submit to my colleagues in the Senate that if they want civil-rights legislation in the 85th Congress, this is their chance to get it. If they want to play politics with it, they can play politics and kill the measure. The burden of responsibility for political shenanigans will rest on those who are unwilling to stand up and be counted for what is a reasonable measure.

The PRESIDING OFFICER. The time of the Senator from Minnesota has again expired.

Mr. POTTER. I yield 1 additional minute to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I appeal to my colleagues not to give the bill a burial. It has barely the breath of life in it. It needs the kindly attention of every friend of the people who is interested in civil rights.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks a statement concerning the civil-rights bill which has been designed and prepared by the representatives of some dozen or more organizations and their responsible officers.

I note for the RECORD that the individuals representing those organizations, while they are not happy with the bill, ask that it be passed. Some of the organizations have devoted a lifetime of service to the cause of civil rights. If there are any purer than these, let them stand forward and answer the roll.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS GROUPS CALL FOR COMPLETED LEGISLATIVE ACTION THIS YEAR

Calling the civil-rights bill before the Senate a bitter disappointment, 16 organizations supporting meaningful civil-rights legislation, in a statement to all Members of Congress, said the bill does contain some potential good and urged completed legislative action this year.

The statement exhorted Senate supporters of civil rights to vote for the bill in the hope that some means will be found to strengthen it in the House, and called upon the friends of civil rights in both political parties to place the goal of some progress in this area ahead of any fancied political advantage.

The organizations said any bill passed now will be the beginning, not the end of our struggle, and they pledged themselves to continue "to demand legislation implementing the Supreme Court's decisions against segregation * * * and other civil-rights laws. Above all," the statement said, "we shall continue to press for an end to King Filibuster. The sorry crippling of H. R. 6127 in the Senate is the most eloquent argument for the establishment of majority rule in the United States Senate."

Following are the names of the individuals who signed the statement on behalf of their organizations:

Earl W. Jimerson, president, and Patrick E. Gorman, secretary-treasurer, Amalgamated Meat Cutters and Butcher Workmen of North America, AFL–CIO.

John T. Blue, Jr., director, American Council on Human Rights.

Shad Polier, chairman, executive committee, American Jewish Congress.

Joseph L. Rauh, Jr., vice chairman, Americans for Democratic Action.

E. Raymond Wilson, executive secretary, Friends Committee on National Legislation.

Hobson Reynolds, director, civil-liberties department, Improved Benevolent Protective Order of the Elks of the World.

James B. Carey, president, International Union of Electrical Workers, AFL–CIO.

Adolph Held, chairman, Jewish Labor Committee.

Bernard Weitzer, national legislative director, Jewish War Veterans of the United States of America.

James B. Cobb, president, National Alliance of Postal Employees.

Roy Wilkins, executive secretary, National Association for the Advancement of Colored People.

David L. Ullman, chairman, National Community Relations Advisory Council.

William Pollock, president, Textile Workers Union of America, AFL–CIO.

Michael Quill, president, Transport Workers Union of America, AFL–CIO.

Walter P. Reuther, president, United Automobile Workers, AFL–CIO.

Francis Shane, executive secretary, civil-rights committee, United Steelworkers of America, AFL–CIO.

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STATEMENT ON THE CIVIL-RIGHTS BILL

The civil-rights bill before the Senate is a bitter disappointment to the supporters of meaningful civil-rights legislation. Once again the power of King Filibuster has been demonstrated. This time it was accomplished by threats; an actual filibuster was unnecessary.

The action of the Senate in deleting part III of the House bill and attaching a jury-trial amendment to part IV seriously restricts a program which was modest and moderate to begin with.

Disappointing as the Senate version is, the bill does contain some potential good. The constitutional right of Negroes to vote is given Congressional recognition for the first time in 87 years and some new tools are provided for the enforcement of that right. A strong Commission with subpena powers and a vigorous Assistant Attorney General can do much to improve civil rights in America.

Although no improvements in the Senate bill are possible in that Chamber at this time, failure to pass the bill will end all possibility of enacting civil-rights legislation in this session. Accordingly, we urge Senate supporters of civil rights to vote for the bill in the hope that some means will be found to strengthen it in the House.

Unless the efforts to improve the bill are handled with skill and devotion, there is danger of winding up with no bill at all. We call upon friends of civil rights, in both political parties, to place the goal of some progress in this area ahead of any fancied political advantage. The millions of victims of discrimination and intolerance have every right to demand completed legislative action this year, letting the political debits and credits fall where they may.

The bill as finally enacted by the Congress, whether in its present Senate form or with some improvements, will be far less than the people of America want and deserve. Any bill passed now will be the beginning, not the end of our struggle. We shall continue to demand legislation implementing the Supreme Court's decisions against segregation, for fair employment practices, for an anti-poll-tax law and other civil-rights laws. Above all, we shall continue to press for an end to King Filibuster. The sorry crippling of H. R. 6127 in the Senate is the most eloquent argument for the establishment of majority rule in the United States Senate.

Mr. HUMPHREY. Mr. President, finally I ask unanimous consent to have printed in the RECORD a statement I made on January 9, 1957, with respect to a bill to protect the right to vote, along with 11 other bills introduced in the field of civil rights, so that we may know that what we are doing here has been the subject of long consideration in days gone by.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS: AN IDEA WHOSE TIME HAS COME

(Statement by Senator HUBERT H. HUMPHREY, of Minnesota, in the U. S. Senate, January 9, 1957)

Mr. President, 20 years ago, in the New York Times for September 23, 1937, there was published a dispatch from Czechoslovakia, which pointed a moral for our generation. The writer was apprehensive, but he could not then have known that 1937 was the twilight of Czechoslovakian democracy; that two decades of Nazi and Communist tyranny were shortly to follow. The statement read:

"Our country might conceivably be overwhelmed by superior military forces, but our democracy will never be imperiled by outside attacks. Democracy is always weakened from within. Only its own feebleness or complacency destroys it. It dies unless it draws life from every citizen. The job of those who believe in the democratic process is to be positive, not negative, to build it up, expose, and correct its mistakes, keep it alive."

Mr. President, whether the democracy we live in be as small as Czechoslovakia or as large as the United States, this task remains an essential one: To improve and increase the strength and vitality of our democratic processes. No conscientious observer who has ever examined the American scene has failed to put his finger on our greatest national weakness; the gap between our pretensions and our performance in the field of civil rights.

By civil rights we mean the personal, political, and economic rights and privileges guaranteed under the Constitution and the law, and implicit in the democratic way of life—rights and privileges which are morally the heritage of every human being, regardless of his membership in any ethnic group. To be specific, I believe these rights include the right to work, the right to education, the right to housing, the right to the use of public accommodations, of health and welfare services and facilities, and the right to live in peace and dignity without discrimination, segregation, or distinction based on race, religion, color, ancestry, national origin, or place of birth. These are the rights and privileges without which no individual can participate freely or completely in our democratic society. These are the rights which Government has the duty to defend and expand.

I appreciate, Mr. President, that even the statement I have just made will not attract the unanimous concurrence of my colleagues. I am aware that the 96 Members of the United States Senate come here from widely scattered localities, backgrounds, traditions, and interests. These differences are legitimate, and it is the first major purpose of the legislative structure to allow these differences to be expressed.

I believe it is equally true, Mr. President, that the second major purpose of the legislative structure is to provide for action, once these differences have been reasonably accommodated and balanced. It is self-evident that Senators are sent to Washington to represent the needs and desires of their own constituencies. But it is equally true that we share common responsibilities toward the national good, and that these responsibilities may—and in this case do, I believe—extend beyond the current attitudes of important segments of opinion in some of our States.

The issue of human rights, Mr. President, also goes beyond partisanship—concerning, as it does, the very life of our democracy, whether our homes happen to be in the North, the South, the East, or the West. I know full well that some of us would prefer not to face these problems; but the fact of the matter is, Mr. President, that the problems are facing us. The fact of the matter is that they must be dealt with. Since we must deal with them, let us hope that we may approach them in the spirit of toleration and understanding, rather than with recrimination or bitterness.

For myself, Mr. President, human rights is not basically a social issue, an economic issue, a political issue, or even a legislative issue. It is primarily a moral issue, and it is for that reason that I feel as I do about it. I know, of course, that it is an issue, and a very real one, in all of these other contexts. Most particularly, in the past few years it has become an issue which has begun to affect with a sudden and dramatic impact the conduct of our foreign policy. Brotherhood and equality of opportunity have now become central aspects of the image we cast abroad. Just as Lincoln decided upon emancipation of the slaves, not only as an act of justice but also as a military necessity, so the achievement in America of racial equality is now urgently needed on both of these grounds.

We know, too, Mr. President, that this is an issue which has taken on new force and meaning for the millions of uncommitted peoples throughout the world. We know that their spokesman, Mahatma Ghandi, once asked of Anglo-Saxons everywhere, "What can conquer your unpardonable pride of race?" We know in our hearts that we must answer him; and we know, too, that the Kremlin gloats every time our answers seem hesitant and insincere.

Nevertheless, it seems to me, Mr. President, that world reaction is a shallow and insufficient motivation to impel us to take the great strides which are required of us. We shall not even convince others if our motivations are essentially tactical or political in nature. Our proper response, both to the Kremlin, which is waiting for us to falter, and to the millions of people in Asia and Africa who want to believe in us, but are undecided, is to do what we should have done anyway to make this Nation, in Lincoln's words, the "last best hope of earth."

It is undeniable, of course, that we have made great progress during the past 100 years—from the Dred Scott decision, which totally denied the Negro the protection of our laws, to the 1954 decision of the Supreme Court in the school segregation case, which affirmed the right of the Negro to full protection of the law. It has been a long fight, in which the power of American principles has slowly overcome the imperfections of American practice. It has been a long process of remolding old attitudes and reestablishing old truths. And it is not yet finished.

Mr. President, I like to think that both political parties are beginning to recognize their responsibility in taking up this moral challenge. We have just completed a national election. During the campaign, spokesmen for both of our major parties went before the people as the champions for human rights. Both parties have claimed credit for the progress which admittedly has been made, especially in the last decade. While much of this progress was nonlegislative—flowing, instead, from voluntary action, court decisions, or administrative measures—the record from 1948 to 1957 has been an encouraging one. An excellent summary of this record has just reached my desk. It is entitled "The People Take the Lead," and is the latest annual authoritative report of its kind published by the American Jewish Committee. I ask unanimous consent that the text of this report be printed at the conclusion of my remarks.

Mr. President, during last fall's campaign civil-rights statements were bolstered by the platforms of both the Democratic and Republican Parties.

Hence, Mr. President, we have reached a point where a commitment to civil-rights legislation, both as Senators and supporters of our respective party platforms, can no longer be denied. I think our consciences are equally impelling. Consequently, on behalf of myself and several of my colleagues, I send to the desk, for reintroduction in the 85th Congress, 12 civil-rights bills which constitute a comprehensive human-rights program.

Mr. President, other Members of the Senate know that these measures are the product of long legislative refinement. These proposals now embody the considered judgment of present and past Members of the Congress from both parties, and of interested citizens, educators and religious leaders. I have presented earlier versions of most of these bills to each Congress since the 81st, and on most of them I have had bipartisan support.

Members will know, too, Mr. President, that extensive hearings have already been held on many of these measures—hearings which themselves have contributed to revision and refinement in the proposals. The substance of at least three of these bills was favorably acted upon by the House during the 84th Congress, and is now supported by the executive branch. Bills similar in most respects to four of the measures which I now reintroduce were favorably reported by the Subcommittee on Constitutional Rights, last year. Those were the bills and other measures which I was privileged to introduce with the cosponsorship of many of my colleagues who are present in the Chamber today.

A brief list of the 12 measures which I now introduce and send to the desk is as follows:

First. A bill to protect the right to political participation, and prohibiting any intimidation, coercion, or other interference with the right to vote.

Second. A bill to establish a bipartisan Commission on Civil Rights in the Executive Branch of the Government.

Third. A bill to establish a Civil-Rights Division in the Department of Justice, headed by a new Assistant Attorney General.

Fourth. A bill to provide relief against certain forms of discrimination in interstate transportation, designed to implement Supreme Court rulings that segregation in interstate transportation is a denial of constitutional rights.

Fifth. A bill to extend to members of the Armed Forces the same protection against bodily attack as is now granted to personnel of the Coast Guard.

Sixth. A bill to protect persons within the United States against mob violence or lynching.

Seventh. A concurrent resolution to establish a Joint Congressional Committee on Civil Rights.

Eighth. A bill to establish equal opportunity in employment.

Ninth. A bill outlawing the poll tax as a condition of voting in any primary or other election for national officers.

Tenth. A bill to strengthen existing civil-rights statutes.

Eleventh. A bill to strengthen the criminal laws relating to peonage, slavery and involuntary servitude.

Twelfth. An omnibus bill including all the above measures in one general measure.

I want to emphasize, Mr. President, that I have listed first the bill to protect the right to vote, because it is becoming increasingly clear that this is the key to all of the rest of our human-rights objectives. I have

more to say about the importance of this measure in the summary of it which I have prepared, but I want to stress here and now that a strong case may be made for saying that Federal protection for the right to vote is the greatest civil right in a democracy. I welcome President Eisenhower's recognition of the special need for action in this direction.

While all of these bills are desirable, and while it is not up to me to assign priorities, nevertheless I do want to say that the first five can, and should, be enacted by this Congress. In addition to the right-to-vote bill the second, third, fourth, and fifth are of especially timely importance: The bipartisan-commission bill, the civil-rights-division bill, the interstate transportation bill, and the bill to protect members of the Armed Forces against discrimination.

I mentioned a moment ago, Mr. President, that I have prepared statements containing detailed but not burdensome summaries of all of these bills, except the last, which is a general omnibus bill incorporating the first 11.

Mr. President, the bills I introduce today constitute singly and together an attempt to add the strength of a Congressional mandate to the continuing challenge before us—to hasten the day in a variety of ways when American practice conforms with American principle. The challenge itself has never been stated more eloquently than in the complaint of a Negro student a generation ago:

"If you discriminate against me because I am uncouth, I can become mannerly. If you ostracize me because I am unclean, I can cleanse myself. If you segregate me because I am ignorant, I can become educated. But if you discriminate against me because of my color, I can do nothing. God gave me my color. I have no possible protection against race prejudice but to take refuge in cynicism, bitterness, hatred, and despair. I am a Negro-American. All my life I have wanted to be an American."

Mr. President, this is why prejudice and discrimination cost too much for democracy to afford. This is also, Mr. President, why history has a claim on the 85th Congress. Human rights is a concept whose time has come. It is a concept with the highest priority on the world's agenda, and it deserves a priority no less high on the agenda of the United States Congress.

We know that our Constitution guarantees full equality of rights and opportunities to Americans of every race, color, religion, and national origin. We know that proposed legislation to assure to every American his constitutional rights has been introduced in Congress after Congress, only to die in committee, on the calendar, or by the veto of the filibuster.

I am convinced, however, that the strong upsurge of liberal strength evidenced last week in the rules fight proves that dramatic changes are on the horizon. We are coming to realize that a Congress, which continues to be unresponsive to the greatest moral demand of our generation is an irresponsible Congress. We are coming to realize that, to the degree that procrastination, temporizing, delays, and obstruction continue, we are convicting ourselves of hyprocrisy. We are coming to realize that the enemies of society are not those who promote the processes of freedom but those who try to block them.

Mr. President, the danger to any civilization or any living thing whatever lies not in progress but in stagnation; not in growth but in decay; not in change but in the lack of change.

Mr. President, the peril is that under the pressure of locally entrenched and satisfied majorities we shall stone the prophets once too often. The danger is that we shall cling to the shell of social and economic institutions too long after they have been outgrown—that we shall adhere to the husk and form of ideas too long after they are dead.

It is for this reason, Mr. President, that I am a liberal without apology, a liberal without misgivings, a liberal without regret. Insofar as I am sorry for anything, it is not because I am a liberal, but it is because I am not more liberal than I am.

As a liberal, I am confident that we shall not progress too fast. The overwhelming danger is that we shall not be able to progress fast enough. There is plenty of conservatism in the world to adjust the balance, if that is needed. The Belgian author, Maurice Maeterlinck, once made an observation that is profoundly true: At every crossway on the road that leads to the future, each progressive spirit is opposed by a thousand men appointed to guard the past. The least that the most timid of us can do is not to add to the immense deadweight that nature drags along.

In matters like these, Mr. President, the legislative process, in general, and the Congress of the United States, in particular, has a special obligation not to add any longer to the deadweight of retrenchment, obstinacy, and inaction. Now, more than ever before, spirits are ready, and the time is right for progress.

Mr. President, in the same sense that history has a claim on the 85th Congress, I am convinced that the 85th Congress may have a claim on history. We have an excellent chance, if we will seize it, to pass the first meaningful civil-rights legislation in 80 years.

I want to say that I am convinced that we shall. I am convinced that this Congress, despite the debate which will take place, and despite the honest differences of opinion, will adopt meaningful civil-rights legislation. I have enough faith in the wisdom, reasonableness, and sheer Americanism of my colleagues to hold high hope for legislation in 1957 to safeguard the dignity and promote the security of all of our fellow citizens.

Mr. POTTER. Mr. President, I yield 5 minutes to the senior Senator from Connecticut [Mr. BUSH].

Mr. BUSH. Mr. President, the long awaited moment has come. We face today a vote in the Senate on a civil-rights bill. It is an historic moment because, for the first time in 80 years, the Senate appears ready to take a modest step forward to correct an injustice to millions of our fellow Americans.

Yet, the moment is sadly disappointing to this Senator from Connecticut for three reasons:

First. The elimination of part III of the bill deprived it of much of its character. The decision to delete part III simply denies the fact that there are other civil rights in need of protection in addition to the right to vote. Or perhaps one should say that it denies effective enforcement to these other rights which have been so fully described in the debate and in the record of the hearings.

Second. The jury-trial amendment is a disappointment of serious proportions. This amendment deprives the Federal district judge who seeks to protect the right to vote of sufficient power to enforce an order. It is a blow to the prestige and honor of the judiciary. Without depriving a judge of his right, or his duty, to issue an order or injunction, it leaves him stranded and helpless if the order is disobeyed with willful intent. The amendment paves the way for open defiance of the courts. It cannot help but weaken respect for law and order.

I have felt that the injunction process is a sound one for the civil actions contemplated by this civil-rights bill, but without sufficient means to enforce an order, a judge may hesitate to issue it, and thus the bill will be self-defeating.

Mr. President, I regret the adoption of the jury-trial amendment, especially for the reason that it disarms the Federal judiciary and thus belittles and offends that important coordinate branch of our Government. The jury-trial amendment is like telling a man to fight with one hand tied behind his back.

Third, Mr. President, I especially oppose the jury-trial amendment for the reason that it goes far beyond the purpose of the civil-rights bill and may have profound and disastrous effects upon other acts of Congress far removed in substance from civil rights. The bill before us is no place for such sweeping legislation. I supported the Lausche and Javits amendments which sought to confine the jury-trial amendment to this civil rights bill. They were howled down with less than adequate consideration. I regret that we did not have a yea-and-nay record vote upon them.

So here we are, Mr. President. I shall vote for the bill as amended only because it is better than no bill at all, and because I hope the bill will go to conference, and that the House conferees will be able to eliminate the jury-trial amendment, and will improve the bill in other respects, as well. I trust this is not too much to hope.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, an editorial published on August 6 in the Hartford Courant.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SHOWDOWN ON CIVIL RIGHTS IS AT HAND

A final vote on the civil-rights bill is expected in the Senate tomorrow. It is entirely possible if the provision calling for jury trials in contempt cases is not softened, the entire thing will be vetoed by President Eisenhower. Contempt proceedings are an inherent part of our jurisprudence. Stemming from the common-law theory that every superior court has a right to find individuals in contempt without a trial by jury, this principle has threaded its way through a great deal of Federal law. As the civil-rights bill now stands the broad provision for trial by jury will undo more than it will do.

Reports are that the President has really got his dander up now and is bitterly disappointed at the bill that is being considered by the Senate. Actually, if the President vetoes the measure as he seems likely to do if it is not revised, he will be doing exactly what some southern representatives want.

However the measure still has a long way to go even if the Senate insists on passage as is. After that the House will choose from three alternatives. It may accept or reject the bill as it stands. It may vote to amend it in which case it will go back to the Senate. Or it may vote to send it to a joint Senate-House conference to iron out disagreements and to produce a compromise.

But even at this stage of the game the leaders of both parties are doing their utmost to get as much profit from the situation as they can. Democrats, unmindful of the way the original bill was watered down, are now

speaking of the diluted measure as a great step forward and that any veto of the measure would be unwise. Senator JOSEPH C. O'MAHONEY, unmindful of the sordid spectacle presented by his southern colleagues now sees our position as world leader done irreparable damage if "civil rights be sacrificed as a burnt offering on the altar of narrow partisanship." Page Senator EASTLAND.

Senator HUBERT HUMPHREY echoes this when he says "civil rights is not dead. It can be killed only by Republicans." But Congressman JOE MARTIN says it is dead and that it was murdered by too much compromise. It is doubtful if very many Negroes are being kidded by the political smokescreen now being sent up. The Republican Party sought and worked for a strong civil-rights bill. Faced with a situation that could have been just a little short of open rebellion by southern Democrats the Republicans have sought for a reasonable compromise. To say now that the Republicans killed civil rights by refusal to accept the diluted version is nothing but political bilge. The chances are the bill will be amended to include only the right to vote and that a small step forward shall be taken.

Mr. BUSH. Mr. President, the editorial states in part that the distinguished Senator from Minnesota [Mr. HUMPHREY], who spoke a few minutes ago, made the following statement:

Civil rights is not dead. It can be killed only by Republicans.

Mr. President, I think that is an amazing statement. In the last vote taken on the civil-rights bill—it was the vote on the question of adopting the jury-trial amendment—four times as many Republican Senators as Democratic Senators voted against the amendment. Furthermore, I submit that the Republican Party demonstrated, in its 1956 platform, that the Republicans strongly favor a civil-rights program that is meaningful and important.

The PRESIDING OFFICER (Mr. SCOTT in the chair). The time yielded to the Senator from Connecticut has expired.

Mr. BUSH. Mr. President, I should like to have 1 additional minute.

Mr. POTTER. Mr. President, I yield 1 additional minute to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 1 additional minute.

Mr. BUSH. Mr. President, I submit that at the time the Republican platform was adopted, in 1956, the Democratic platform contained a weak and meaningless plank regarding civil rights—one which was a disappointment to all the friends of civil rights.

So, Mr. President, in differing with my good and distinguished friend, the Senator from Minnesota, whom I have quoted, I say that, far from being killed by Republicans, the civil-rights issue has been made principally by the Republicans, and can be saved only by the Republicans. I hope it will turn out in that way.

Mr. President, I yield the floor.

Mr. POTTER. Mr. President, I yield 1 minute to the distinguished Senator from West Virginia [Mr. REVERCOMB].

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 1 minute.

Mr. REVERCOMB. Mr. President, I desire to have printed in the body of the RECORD an editorial which was published in the Charleston Daily Mail, of Charleston, W. Va., on Sunday, August 4, 1957. The editorial is so temperate, so well reasoned, and so fair in commenting upon those who have strongly advocated the enactment of a civil-rights bill, that I believe it should be printed in the CONGRESSIONAL RECORD. Accordingly, I ask unanimous consent that it may be printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SENATE CHARTS A COURSE BETWEEN TOTAL COMPULSION AND MASSIVE CIVIL RESISTANCE

Practically everybody, including Senator RUSSELL, says he is for the right to vote. It would be pretty difficult to hold otherwise in a nation which makes no legal distinctions among its citizens and looks upon all of them as equal with the vote as the least common denominator of this equality.

And yet there is no denying that, while this is what the book says as a matter of democratic principle, it is not universally the practice. There are many areas, notably in the South, where a man who may be called upon to defend his country and pay its taxes is denied by various stratagems the right to participate in its elections.

This is so clearly unjust (not to say hypocritical) that it must be wondered how we can debate so long over the details of a problem whose answer we are so nearly agreed upon. And there, of course, is the difficulty. For it is the "how to" which occasions all the resistance and all the fears.

One way is to call out the Federal troops and assert the full sovereignty of the Federal Government in the enforcement of its laws. This remains as a theoretical possibility, but it is to the Senate's credit that once Senator RUSSELL had spelled out its implications it agreed almost unanimously that this sort of citizenship by martial law at the point of a bayonet is not what the Nation wants.

This being the case, there is only one other way. It is by law—a particular law which will give effective meaning to the sentiments and principles we profess. It must be, furthermore, a law which so nearly conforms to the commonsense of what is just and proper that it can be enforced. Such a law must rely almost equally upon the courts and public opinion for its effectiveness.

What the Senate has put together laboriously along this line can now be examined. It has strengthened the arm of the Federal Government for the enforcement of the right to vote. And then, to safeguard against the abuse of this power, it has extended the right of a jury trial to the defendant in a case of criminal contempt. That is to say that the man who pursues his contempt of the court's order past the point where he cannot right the wrong done cannot be punished further without a jury determination of the facts in his case.

This is a compromise, and like all compromises is unsatisfactory to the more extreme partisans on both sides. It is not to be discounted on that alone. First of all, this compromise is the fruit of an earnest, open, and enlightening debate—a debate in the highest traditions of senatorial determination.

Secondly, it conforms to a long-established liberal principle that the police powers of the State should not be greatly enlarged without a corresponding increase in the safeguards against their arbitrary use.

And thirdly, it represents an advance which a determined minority in the South is willing to live with and presumably to abide by. The suspicion that it is relying on trial by jury to save it from any real compliance with the purpose of the law may be well founded. The fact remains that the risks of defying it have been measurably increased.

Whether the House of Representatives will concur in this remains to be seen. In the lower Chamber the South is even less a minority than it is in the Senate and cannot take refuge in the filibuster. Until that is determined, the Senate bill has at least one merit: It is a formula for orderly change which avoids both the dangers of total compulsion and massive resistance.

There may yet be a better way to effect a national understanding on this troubled point, but this is better than nothing.

Mr. STENNIS. Mr. President, I yield 20 minutes to the Senator from Virginia [Mr. ROBERTSON].

The PRESIDING OFFICER. The Senator from Virginia is recognized for 20 minutes.

THE RIGHTS BILL STILL IS WRONG

Mr. ROBERTSON. Mr. President, on June 6, before H. R. 6127 had been passed by the House, I stated on this floor my concern that:

Under the mocking label of civil rights the President and his chief law-enforcement officer, the Attorney General, are pressing upon the Congress legislation which would undermine our constitutional liberty and restrict rights which have been cherished since colonial days.

On that occasion, I said that I considered legislation of this type ill-considered, inadvisable, and unnecessary; but I sought to focus attention particularly on the proposed provisions which would deny trial by jury in contempt cases.

I said trial by jury never was intended as a quick and easy way to obtain convictions; that trial by ordeal or by torture would be much more effective from that standpoint; that trial by jury was a bulwark of constitutional liberty, revered throughout the history of the English speaking people; and I warned that H. R. 6127 contemplated, as a Washington Star editorial had accurately stated, "a radical and even dangerous projection of the Federal judicial power."

On June 24, the Senate voted to take out of the pending bill most of part III, which would have reactivated the punitive legislation aimed at the South shortly after the War Between the States, and would have given the Attorney General additional authority to nullify State laws and to evade by legal trickery the right of his selected victims to a jury trial.

As was brought out in the debate on part III, the powers which would have been granted could, and undoubtedly would, have been used to speed up integration in public schools and to wipe out lines of racial distinction generally. Although the President disclaimed any intention of using his statutory power to call out the Armed Forces and militia to enforce this social-reform program, that power existed until the Senate amended the bill.

With part III eliminated, the bill came much closer to being what the President had said he thought it was—a measure dealing with voting rights. Part IV, which dealt with voting rights, still included, however, the device to get around jury trials by shifting action from the

field of law to that of equity and by making the United States a party to suits which were for the benefit of individuals.

Therefore, on June 25, I spoke again on this floor, explaining why I thought it would be more appropriate to call H. R. 6127 the anti-civil-rights bill, instead of saying it was a civil-rights bill, and enlarging on my previous discussion of the importance of the right of trial by jury.

My purpose in that speech was to prove that the Congress should not pass a bill which would constrict the right of any accused man to be tried by his peers on issues of fact.

The more I studied the bill, the more convinced I was that the changes it proposed to make in our legal system were not only inadvisable, but also were unconstitutional.

So, on August 1, I made one more brief speech on this floor, citing my reasons for believing that it was unconstitutional to do by indirection what could not be done directly—that is, to take away the rights granted by Article III of the Constitution and the 6th and 7th amendments to a trial by jury and to nullify the 10th amendment which reserves to the States and the people all powers not delegated by the Constitution to the Federal Government.

I was happy when the Senate voted that night, by a substantial majority, to place in the bill a guaranty of jury trials to defendants in contempt proceedings when criminal penalties are involved, but Mr. President, even with this amendment and other lesser changes which were made, H. R. 6127 does not appear to me to be desirable legislation.

Therefore, I must repeat now the statement I made here on June 6, that I consider it undesirable and unnecessary. I shall outline my reasons for that conviction only briefly. My purpose is not to delay final action by the Senate, but simply to get on the record an outline of the features of the bill which I must emphatically disapprove.

To begin with part I, I oppose the establishment of a commission on civil rights which will be political in nature and disruptive in its effect.

I know the bill provides that in appointing this Commission the President is allowed to name no more than half of its members from the same political party, but everyone knows that when the political football called civil rights is being kicked around the players on each side cannot always be distinguished by their Democratic or Republican uniforms. The votes we have had on amendments to the bill clearly illustrate that fact.

Politics can be played, therefore, by stacking the Commission with persons most likely to be subject to pressure from organized groups like the NAACP, and giving no representation to that section of the country where the problems supposed to be studied are most acute. Hearings and reports can then be manipulated with an eye on minority blocs of votes in pivotal States. If this works out to the advantage of members of the President's party, that is pure gain. And if in some instances individual members of the opposite party find the Commission helpful, that still might be useful to administration leaders who have watched hopefully for a serious split in Democratic ranks which they thought might be provoked by debate on this issue.

The Congress has all the investigatory commitees and all the powers required if a new study of civil-rights problems is indeed needed, in spite of all the past studies on that subject and the extensive hearings which have been held over the years on civil-rights bills. From an economy standpoint alone, the setting up of this new Commission is unjustified, and considering its possible abuse by pressure groups, it is doubly undesirable.

Coming then to part II, the bill provides for an additional Assistant Attorney General, who, according to testimony given at hearings on the bill, will head an expanded civil-rights division. That is merely an invitation for the Justice Department to expand bureaucracy and to waste money. While the bill does not specifically authorize additional employment other than of this one official, the new Assistant Attorney General will want a staff to justify his position, and I predict that if this bill becomes law the Congress will be asked to approve employment of hundreds of additional FBI agents to investigate thousands of trivial or groundless complaints and hundreds of high priced lawyers to prepare cases against citizens, who will have to stand the cost of defending themselves against the might of the Federal Government, which will be on the side of soreheads and crackpots.

I may add at this point it is a well known fact that the bill, as it now stands, gives Congress the unlimited power to appropriate as much for this new commission and for the new agency in the Department of Justice as Congress sees fit to appropriate. There is no limit. When the Attorney General was on the stand—I forget whether on the House or the Senate side—and he was asked how many new employees he wanted under the new special assistant, he declined to specify.

In making the statement that a lot of money could be spent uselessly, I am not indulging in fancy, but have in mind statistics which may be found in the hearings earlier this year on H. R. 6127.

The chairman of the House Judiciary Committee, a leading advocate of the bill, had inserted in the hearings, on the other side of the Capitol, a report which had been prepared by former Attorney General, and now Supreme Court Justice, Clark in 1949, covering work of the Civil Rights Section of the Justice Department.

The report showed that complaints received by the Department ranged from 8,000 in 1940, the year after the Division was established, up to 20,000 in the 1944 fiscal year. Complete information was not given on the handling of these civil-rights complaints, but for the years in which data on disposition was given the implications are significant.

In 1946, for example, there were 7,229 complaints, of which the Justice Department found only 152 worthy of investigation. These investigations led to 15 prosecutions, but the Government obtained only 5 convictions.

In 1947 there were 13,000 complaints, 241 investigations, 12 prosecutions, and 4 convictions.

In 1948 there were 14,500 complaints, 300 investigations, and 20 prosecutions, results of which were not reported in the 1949 summary.

Quite understandably, when the other body of Congress was debating the pending bill a speaker referring to these statistics suggested that they indicated establishment of a world's record for the filing of groundless complaints.

Very properly, in our Senate committee hearings a question was raised as to the later record of the Justice Department in handling civil-rights complaints, and the Attorney General was asked for statistics brought up to date as to the number of complaints received and disposition made of them, including the number of indictments and convictions.

To this committee request the Deputy Attorney General responded with the statement that "records of the Department of Justice do not give us sufficient basis to furnish the statistical data requested." The letter of refusal added that the task of obtaining the information requested would be too great to permit completion in time to include it in the record of the hearings and "we doubt that the results which could be obtained would be of sufficient reliability to justify the time and expense."

Mr. President, if the Department of Justice does not consider it worth the time and expense to find out for its own information, to say nothing of the Congress, how many civil-rights complaints it is receiving and what proportion of them are worthy of any attention, I say we are inviting a waste of Federal funds to authorize expansion of this division.

The wide publicity given to the pending bill, and the added authority which it would give the Attorney General to intervene in cases allegedly involving the right to vote, will stimulate more complaints. With the latest available statistics showing a conviction record of less than 1 to each 3,000 complaints, and the Justice Department unable to show any recent improvement in that ratio, the outlook if H. R. 6127 becomes law is highly discouraging to anyone who believes, as I do, in the necessity for promoting economy in government.

My major objections to the bill, however, now that part III has been virtually eliminated, are centered in part IV. This is the part on which sponsors of the bill have sought to center attention, dealing with voting rights. Even as it has been amended, this part, in my judgment, is contrary to the spirit of our system of government, if it is not literally unconstitutional.

I say that because: First, it strikes beyond officials acts and seeks to reach individuals; second, it improperly delegates to the Attorney General authority to pick and choose in deciding whether or not to prosecute and thereby violates the equal protection provision of the Constitution; third, it permits bypassing of administrative remedies and nullification

of State laws in violation of the 10th amendment.

Section 131 of the amended bill says in paragraph (b):

> No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote.

By that provision, the bill seeks to extend the power of the Federal Government to protect voting rights beyond infringement by State laws, forbidden by the 14th and 15th amendments, and beyond the action of officers and employees who are carrying out the policies of the State. The bill authorizes action against an individual acting solely as an individual to deny rights to another individual.

The 14th amendment says, "No State shall make or enforce any law which shall abridge the privileges," and so forth and the 15th amendment says, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude."

In the Slaughterhouse cases, from which I quoted in my previous speeches on this floor, and in numerous other cases, which have never been overturned, the Supreme Court has held that these amendments, as their wording indicates, apply only to official, and not to individual, actions.

If the Attorney General can intervene whenever one individual claims another individual has interfered, or even (as proposed in this bill) is believed to be about to interfere with another individual's right to vote, what becomes of the authority of the States to handle such matters and what is left of the reserve powers of the States to deal with matters not delegated to the Federal Government by the Constitution? This one provision is a denial of the whole theory of a division of powers on which our Government was founded.

The proposed grant of power to the Attorney General to intervene in types of cases which have not been under jurisdiction of the Federal Government is aggravated, as I have indicated, by permitting him to intervene when there are reasonable grounds, and he is the one who decides whether the grounds are reasonable, to believe that any person is about to engage in any act or practice which is prohibited. Furthermore, although he is dealing with a dispute between two individuals, he may institute his action in the name of the United States, and the United States is made liable for the cost of the prosecution, but not for the cost of the defense.

Here also my second point of objection is involved. The bill says the Attorney General may institute proceedings. Whether he does this in one or a thousand cases is up to him, and to him alone. If a complaint is made and a politically minded Attorney General should decide it is best for his own party not to stir up controversy in that locality, he can ignore the complaint. On the other hand, if a complaint comes from a sensitive area where a widely publicized prosecution of an election official or of an opposition party leader might affect the outcome of future voting, the Attorney General can step in with the full resources of the Federal Government behind him.

Obviously, the delegation of such discretionary authority even to the most honest and conscientious official sets a bad precedent, and it also seems clear to me that this delegation is unconstitutional, and should be so held by the courts if it is tested, because it may mean violation of the cardinal principle of equality before the law.

The proposed injunction procedure is cumbersome and can be used only in a limited number of cases, unless there is a proliferation of assistants to the Attorney General. Those who catch the eye of this official will have the support of the Federal Government behind them, while others who suffer a denial of voting rights but who do not catch his eye will have to prosecute their claims through established legal instrumentalities in the States before coming to the Federal courts. How can any such system be squared with the test of equal justice before the law?

Finally, in paragraph (d) of section 131 of this bill we find the provision that district courts of the United States shall have jurisdiction "without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law."

That simply pitches State laws and regulations governing voting out of the window, despite the fact that the Constitution leaves voting qualifications to the States.

The doctrine of the exhaustion of administrative remedies not only is reasonable from a practical standpoint but it also is important to the preservation of the balance of power between Federal and State Governments. If all complaints about voting in elections where Federal officials are involved, including primaries as well as general elections, can be taken directly into the Federal courts, State jurisdiction will wither on the vine. The State authority will suffer not only from lack of use, but also will lose repute because of the inference that can be drawn that Federal action was necessary because the State would not act.

To illustrate: Last week there was published in the press and reprinted in the CONGRESSIONAL RECORD an interview with the head of NAACP in Virginia in which he said complaints about voting rights in my State had been cleared up promptly by telephone calls to individual registrars or the State board of elections.

If we really are interested in the protection of voting rights, is it not better to encourage that type of procedure rather than to encourage formal proceedings in a Federal court? But, if the injunction procedure is made easy, with no expense to the individual complainant, and with plenty of opportunity for publicity to those involved, there will be constant temptation to use this method even where administrative remedies are both available and effective.

I believe as firmly as any Member of this body in the importance of protecting the voting rights of all persons who are qualified to vote. I believe, however, that the States should continue to determine the qualifications of voters, as the Constitution specifies, and that if the State fixes the qualifications the State should have the first opportunity to enforce its provisions.

I believe we have all the laws already on the statute books which are needed for Federal supervision of the limited area in which the Central Government is supposed to deal with voting rights.

I believe passage of H. R. 6127 will introduce dangerous elements into our legislative system and will serve no useful purpose.

Therefore, I shall vote against the bill.

Mr. President, I yield back the remainder of my time.

Mr. STENNIS. Mr. President, I yield 20 minutes to my colleague, the Senator from Mississippi [Mr. EASTLAND].

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## NOTICE OF CONSIDERATION OF TREATIES ON THURSDAY—LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, will the Senator yield to me before he makes his statement?

Mr. EASTLAND. I yield.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that I be permitted to make a brief statement without the time being charged to either side, and that the Senator from Mississippi be permitted to yield to me without losing the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I should like to announce that, if it is agreeable with the minority leader, we shall take up the treaties tomorrow in executive session and have a yea and nay vote on each of some 6 or 7 treaties. I had previously announced that when we concluded action on the pending bill we would proceed to the consideration of the executive calendar and the treaties on it. I had thought that perhaps would be Friday. I should like all Senators to be on notice that we will take a vote on the bill around 8 o'clock this evening, or earlier if time is yielded back. I think all Senators should be on notice that we may have a vote any time from 6 o'clock on, and that tomorrow we will call up the treaties, unless the minority leader, who is not present in the Chamber at this time, disagrees.

I should like also to inform the Senate that it is likely we shall proceed to the consideration of Calendar No. 471, H. R. 4602, the veterans' housing bill; Calendar No. 615, S. 1908, the District of Columbia Hospital Center Act; Calendar No. 620, S. 2520, to amend section 31 of the Securities Exchange Act of 1934; Calendar No. 626, H. R. 3775, to amend section 20b of the Interstate Commerce Act in order to require the Interstate Commerce Commission to consider, in stock modification plans, the assets of controlled or controlling stockholders, and for other purposes; Calendar No.

629, Senate Resolution 15, to express the sense of the Senate on the establishment of the United Nations force; Calendar No. 635, H. R. 7813, to organize and microfilm the papers of Presidents of the United States in the collections of the Library of Congress; Calendar No. 707, S. 1411, to amend the act of August 26, 1950, relating to the suspension of employment of civilian personnel of the United States in the interest of national security; and Calendar No. 725, S. 1384, to revise the definition of contract carrier by motor vehicle as set forth in section 203 (a) (15) of the Interstate Commerce Act, and for other purposes.

I should like to have the minority attachés take notice of these additional calendar numbers we should like to have considered: Calendar No. 340, S. 377, to establish the finality of contracts between the Government and common carriers of passengers and freight subject to the Interstate Commerce Act; Calendar No. 488, S. 1730, to implement a treaty and agreement with the Republic of Panama, and for other purposes; Calendar No. 576, S. 1386, to authorize the Interstate Commerce Commission to prescribe rules, standards, and instructions for the installation, inspection, maintenance, and repair of power on train brakes; Calendar No. 438, S. 1873, to amend section 401 (e) of the Civil Aeronautics Act of 1938 in order to authorize permanent certification for certain air carriers operating between the United States and Alaska.

As I have previously announced, I expect to get clearance shortly on the TVA bill, Calendar No. 584, S. 1869, and certainly we want to bring the Niagara power bill before the Senate soon.

I think, generally speaking, every bill which is on the calendar will be considered for possible action by the Senate before we conclude our deliberations. No one can estimate how long the Senate will be in session until we know more about what action the other body is going to take. However, if we want a right-to-vote bill this year I think we can obtain one. If we want to play politics and have an issue, I think we can do that, also.

What happens will depend largely on the other body. Until matters are cleared up there and until they give us their views, recommendations, and suggestions no one can tell about adjournment. However, I am hoping we will be able to get away from Washington the latter part of this month. I will work to that end.

Several Senators rose.

Mr. JOHNSON of Texas. Mr. President, I shall yield to the Senator from Arizona [Mr. GOLDWATER] and the Senator from Virginia [Mr. ROBERTSON] and any other Senator who desires to have me do so.

Mr. GOLDWATER. Mr. President, I should like to ask the majority leader what his plans are for Saturday.

Mr. JOHNSON of Texas. We have made no definite plans yet. I will try to announce tomorrow whether we will have a Saturday session. I hope the bills I have announced for consideration will be noncontroversial. I do not think they will require yea-and-nay votes, but we will have 6 or 7 yea-and-nay votes on the treaties.

The minority leader is very anxious to proceed to consider some executive nominations. I want to talk to the minority leader about that. Perhaps he will want the Senate to stay in session this week to do that. I want to accommodate myself to his pleasure.

I yield now to the Senator from Virginia.

Mr. ROBERTSON. Is it the plan to consider first tomorrow the appropriation bill for public works?

Mr. JOHNSON of Texas. No; we have not scheduled that bill for consideration as yet. I will make an announcement about it later. I have not been able to talk to the chairman of the subcommittee or the minority leader about it, but I should like all Senators to be on notice that the appropriation bills take high priority and that perhaps we will call the Public Works Appropriation bill (Calendar No. 625, H. R. 8099) up tomorrow.

I yield now to the acting minority leader.

Mr. JAVITS. Mr. President, I wish to express my appreciation—and I know I speak also for my senior colleague from New York—to the Senator from Texas for evidencing how uppermost in his mind is the Niagara power bill. I thank the Senator.

Mr. JOHNSON of Texas. I appreciate the Senator's interest. I do not know when we will reach the Niagara power bill, because I did not know this morning when we would get through with the bill under consideration. I do know we will get to the Niagara bill soon. If my suggestions are carried out, I will make a motion to proceed to its consideration. Since such a good job has been done on the bill in the committee, and since a great deal of interest has been evidenced on both sides of the aisle, I hope we can take favorable action on it. I have received a request from some Democratic members to have conferences in connection with certain amendments they desire to offer to the bill, and I have assured them I will give them a chance to have the conferences, but in no event would I delay the bill more than a day or two because of them.

Mr. JAVITS. I thank the Senator.

## MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 42. An act to provide for the construction by the Secretary of the Interior of the San Angelo Federal reclamation project, Texas, and for other purposes;

S. 294. An act for the relief of Mrs. Marion Huggins;

S. 469. An act to authorize the United States to defray the cost of assisting the Klamath Tribe of Indians to prepare for termination of Federal supervision, to defer sales of tribal property, and for other purposes;

S. 591. An act for the relief of Seol Bong Ryu;

S. 651. An act for the relief of Sister Clementine (Ilona Molnar);

S. 669. An act for the relief of Mrs. Antonietta Giorgio and her children, Antonio Giorgio and Menotti Giorgio;

S. 811. An act for the relief of Fannie Alexander Gast;

S. 876. An act for the relief of Katharina Theresia Beuving Keyzer;

S. 1053. An act for the relief of Poppy Catherine Hayakawa Merritt;

S. 1071. An act for the relief of David Mark Sterling;

S. 1102. An act for the relief of Adolfo Camillo Scopone;

S. 1240. An act for the relief of Panagiotis Tulios;

S. 1309. An act for the relief of Susanne Burka;

S. 1311. An act for the relief of Maria Gradi;

S. 1353. An act for the relief of Ayako Yoshida;

S. 1363. An act for the relief of Vassilios Kostikos;

S. 1397. An act for the relief of Angeline Mastro Mone (Angelina Mastroianni);

S. 1452. An act for the relief of Francesca Maria Arria;

S. 1472. An act for the relief of Triantafilia Antul;

S. 1489. An act to amend title 14, United States Code, entitled "Coast Guard" with respect to warrant officers' rank or retirement, and for other purposes;

S. 1502. An act for the relief of Erika Otto;

S. 1508. An act for the relief of Salvatore LaTerra;

S. 1509. An act for the relief of Fumiko Bigelow;

S. 1774. An act for the relief of Yee Suey Nong; and

S. 2027. An act for the relief of Vendelin Kalenda.

## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. EASTLAND. Mr. President, the purpose of the bill in the beginning was to bring about Reconstruction Era No. 2 in the South. There has evolved in the Southern States a system which is satisfactory, which is supported, and which is believed in by the vast majority of the people of both races. It is a system based upon justice and righteousness for both races. The belief of both races that each should be free to work out its own destiny, have its own recreation facilities, its own churches, and its own schools, and that under such a system each race could develop its own culture and could progress much faster, and in a more satisfactory manner, was under attack in the pending bill.

I do not believe that anyone can deny the fact that members of the colored race in the South have more rights than they have in any other area of the country. I know that we have more peace and harmony in the South than prevails in any other area of the United States. We have less racial friction, less tension, because both races realize that when they must live together, they must get along, and that the proper system is for the races to live apart. There is absolute economic equality; and the fact that they live separately is not a badge of inferiority or superiority for either race.

Mr. President, I desire to make these statements to preface my remarks in opposition to the bill.

I oppose the bill, H. R. 6127, as amended by the Senate. This bill is still much like others which have passed this way before. It is classed as a civil-rights bill, as they were classed as civil-rights bills, primarily because they were directly aimed at the relationships between peoples in the South. The phrase "civil rights" is not a word of art and not easily definable. It is a rather nebulous phrase used as a nameplate for this type of proposal. This bill, like its predecessors, basically contains the same thinking. All of these bills have certain things in common, and I think that an enumeration of the common denominators running throughout all of the bills would start us toward understanding the basic division between those of us who oppose this bill and those who support it.

These bills:

First. Attempt to regulate social relationships between people;

Second. Place authority to regulate and punish in the Federal Government;

Third. Specifically circumscribe the State's power and duty to punish and regulate in this field;

Fourth. Circumvent the provisions of the Constitution preserving States' rights;

Fifth. Are keyed to minority voting blocs in northern cities, for to control the minority is to control the city, in many cases the State, and by controlling a few key States, control the national election;

Sixth. Are steeped in politics between parties, and even within parties;

Seventh. Seek to discredit State and local governments;

Eighth. Centralize power in the Federal Government;

Ninth. Seek to create love, respect and cooperation and other emotional intangibles by legislative fiat; and

Tenth. Seek to preempt the field of civil rights through the enactment of Federal legislation so that State action will thereby be precluded.

These points should be known by every American and understood by him, for this bill will not satisfy the insatiable thirst of those who yearn for a civil rights program which will change the entire structure of our Government. This bill is but a part of a system of bills, which are essentially vehicles to usurp State and local functions and transfer them to the Federal Government. They constitute an attempt to reduce the State and its political subdivisions to mere geographical entities. Those who initiate these bills desire complete dominance of Federal authority to the point of exclusion of State authority. They seek to break down State lines and State authorities. I do not see how any other conclusion can fairly be drawn from the repeated submission of such bills.

In this connection, I remember so well that only a few Congresses ago we were confronted with a bill which was being sold to the American people on the basis that it would prevent lynchings. Today, the present Attorney General of the United States is in the position of having said before the Congress of the United States that he thinks that measure should have been submitted as a constitutional amendment—in other words, as a legislative enactment, the Attorney General says, it was unconstitutional. Those of us who opposed that bill at that time were accused of being obstructionists, racists, and any other epithet that quickly came to mind. I find it somewhat ironic that now, some 10 years later, we have an admission of record that what was there proposed was unconstitutional.

Who of us here today can say that in another 10 years, when the political situation is different and the animosities which have been promoted have subsided, another Attorney General may not come before the Congress and suggest that this bill is unconstitutional?

Mr. President, as I see it, we are reaching the last bastion in the road of centralized government. If the States give up, or lose control over their local affairs, and become archaic and obsolete appendages to the body politic, this Nation will wither and die. We have recently witnessed two assaults on State authority, not emanating from the Congress but from the Supreme Court, and which proceed in the very direction I have outlined. I am referring, of course, to the restrictive-covenant case, Shelley against Kramer, and the school-segregation case, Brown against Board of Education. The first strikes at the power of individuals to contract with each other on personal affairs. The second is the beginning of assumption by the Federal Government of control over the education of our children.

If State authority is undermined by eroding influences of Federal pressure, a governmental vacuum will surely be created which will be filled by the only other entity in existence capable of filling that vacuum, namely, the Central, or Federal, Government. Gone will be our natural restraints, our checks, our balances; and the single dominant power remaining—the Federal power—will then be subjected to the blandishments of demagogs and others who seek to stampede judgment.

In a government of checks and balances, with divisions of power between State and Federal Governments, such a technique cannot flourish. In a centralized government, particularly in times of hunger and economic distress, fear and fright are rampant and the centralization of government is explosively dangerous.

Right here, Mr. President, I think that I should emphasize one fundamental tenet which has been missing throughout this debate, namely, that the improvement in the relationships, socially, economically, religiously, racially, and otherwise, between various groups in this country, including the South, has been the most remarkable in the history of civilized man.

Mr. President, it has been nearly a month since a few of us first sought to bring the many faults of this bill to the attention of the Senate. After much discussion and many days of debate, some of the major inequities in the bill have been eliminated or, at least, partially corrected. Others remain, and it is my purpose today to focus attention on those faulty aspects of the bill which remain unchanged.

Little attention, thus far, has been given to the Commission created by this bill. Yet, the possibilities for interference, for abuse, and for positive harm, lie dormant within this Commission awaiting only the guidance of a politically motivated chairman or a politically motivated staff director to give them vitality.

H. R. 6127 establishes a Commission in the executive branch of government to perform studies and investigations relating to the right to vote and the equal protection of the laws. Before proceeding to discuss the manner in which this Commission may interfere in State and local affairs, I desire to point out that the duties of this Commission are within the existing authority of the Standing Committees of the House and Senate. Under Senate rule XXV, the Committee on the Judiciary has jurisdiction of civil liberties. There is a similar delegation of authority in rule XI of the rules of the House of Representatives for the House Committee on the Judiciary. In addition, section 134 (a) of the Legislative Reorganization Act gives each standing committee of the Senate, including any subcommittee, authority to hold hearings, to subpena witnesses and documents, and to take testimony. Civil rights, as referred to within this bill, is clearly encompassed by the broader term "civil liberties" and is therefore a matter within the jurisdiction of the two Committees on the Judiciary of the Congress. There can be little question, therefore, that what this bill really seeks to accomplish is a further delegation by the Congress of its authority to the executive branch of Government, for H. R. 6127 specifically places the Commission within the executive branch.

This is but the most recent in a series of proposals by which the Congress is asked to delegate its authority to an agency of the executive branch of the Government. To my mind, however, it is one of the most indefensible instances, for several reasons. First of all, there is no contention that the existing committees of the Congress are incapable of conducting any proposed study in these fields. Someone suggested that to delegate this authority to a commission would result in removing the object of the investigation from political influences, but I would not be so naive. This subject has been the target of so much political maneuvering that a bill of divorcement in my judgment could not be granted merely by transferring it to a commission. There is no magic in commissions. There is additional cost to the Government in them, however, and this is another reason why I cannot support this proposal. There must be a staff, the director of which is to receive $22,500 annually. There will be expenses for the Commissioners, travel expenses, hearing expenses, and per diem expenses. There will be witness fees and expenses. And, I would add this thought: No one has yet submitted a reasoned estimate of the cost of the Commission, although if I recall correctly, the Republican conference adopted a resolution requiring submission of

a cost estimate on each bill before passage.

Placing the Commission within the executive branch has advantages insofar as the Attorney General is concerned, for under this bill the Commission is authorized to conduct hearings, issue subpenas, and act at such time and places as the Commission may deem advisable for the purpose of carrying out the provisions of this act. Of course the main purpose of the bill is to harass and hound and attempt to intimidate the southern people.

The language to which I have referred appears in subsection (f) of section 105 at pages 7 and 8 of the bill. The Attorney General has no such authority. Note that the Commission is not to hold hearings solely for the purpose of carrying out the duties prescribed by part I of this bill. The Commission may hold hearings for the purpose of carrying out the provisions of this act. The Attorney General, in his testimony before the Senate committee, pointed out that he thought it would be improper for the FBI to investigate complaints involving the violation of the rights which might result in civil actions, and he said that the Commission was, therefore, needed. (Hearings on S. 83, pp. 12–14.) That testimony taken with respect to this provision of the bill, Mr. President, certainly suggests that what the Attorney General contemplates is that the Commission shall be an investigative arm for the Attorney General, gathering evidence in those areas where the bill confers new jurisdiction in the Attorney General.

As I said, it is a "fishing expedition," to harass and oppress the southern people. If I am right in this conclusion—and the bill and the testimony relating to the bill bear out the conclusion—then Senators should not be deluded in thinking that the term of this Commission will be limited to 2 years. I feel certain that, at some time prior to the expiration of 2 years, Congress will be asked again to extend the life of this Commission.

Section 104 sets forth the duties of the Commission. The first line of that section provides that the "Commission shall," and then follows three duties. I want to call particular attention to the fact that this language is mandatory; it is not permissive. Thus, under the first duty, if the Commission is presented with allegations in writing under oath that certain citizens of the United States are being deprived of their right to vote by reason of race, the Commission must, in that event, investigate those allegations. The Commission is required to investigate whenever it receives sworn complaints that certain citizens are being deprived of their right to vote. It is not necessary under the terms of the bill to name the certain citizens. Action is required on the part of the Commission whenever a general allegation is issued that certain citizens are being denied the right to vote. This allegation acts as the trigger mechanism by which the Commission may proceed to inject itself into the disposition of cases by local registrars. I see utterly no reason why a complaint submitted to the Commission should not be compelled to contain the names of those persons who it is alleged are being deprived of the right to vote or the right to have their vote counted. It is no answer to this problem to say that the sworn complaint must set forth the facts upon which the belief is based, for, as we have seen in countless instances in this debate, the facts may be no more than statistics showing that a certain percentage of the alleged voters within a given district register to vote.

It would seem to me that orderly procedure in the conduct of the affairs of the Commission would dictate the necessity for writing into this provision a requirement that the person whose rights have allegedly been denied be specifically named in the complaint.

The Commission also has the duty to study and collect information concerning local developments constituting a denial of equal protection of laws under the Constitution. It is further charged with the duty to appraise the laws and policies of the Federal Government with respect to equal protection of laws under the Constitution. In order to carry out this delegation of authority, H. R. 6127 proposes to confer upon the Commission the power of subpena and, with the aid of the courts, the power to punish for contempts.

Traditionally, the power of subpena has been used primarily by the courts and legislatures. Only in the comparatively recent past has it been available to the members of agencies of the executive branch of the Government. As early as the 16th century English courts were given the power of compulsory process to summon persons to testify concerning any type of cause or matter which was pending in the courts—Act of Elizabeth, chapter 9, section 12, 1562. The judiciary in the United States was first authorized to use the power of subpena by the First Judiciary Act—September 24, 1789, chapter 20, section 30, First Statute, pages 73, 88. Either House of the Congress and the committees of the Senate possess the power of subpena as an incident to their power to investigate in aid of legislation. Various executive departments may exercise the power of subpena, but in each instance this authority was specially conferred by the Congress. Two examples of the general exercise of the subpena power are to be found in the Interstate Commerce Act and the Civil Aeronautics Act. The Interstate Commerce Commission exercises the subpena power pursuant to 24th United States Statutes at Large, page 383, 1887, as amended, 26th United States Statutes at Large, page 743, title 49, United States Code, section 12. The Civil Aeronautics Board exercises the subpena power pursuant to 52d United States Statutes at Large, page 1021, title 49, United States Code, section 644.

While there are instances in which the Congress has granted the right of subpena to executive agents or agencies, certain practices of the executive branch suggest the necessity of having Congress couch the grant of the subpena power with certain safeguards insofar as its own interest is concerned. Many times recently the Presidents have denied to the committees of Congress access to documents within the custody of the executive branch of the Government, even in instances where the Congress attempted to obtain those documents by use of its subpena power.

I repeat, Mr. President, if effect is to be given to the recent decisions of the Supreme Court, be they right or wrong, there is no legislative purpose outlined in the bill, and the provision to which I have referred is in violation of the Constitution of the United States.

While the subpena power may aid in the conduct of the investigation, certainly the Congress does not wish to become a victim of its own creature. The power to subpena witnesses and documents is granted in the proposed legislation, but the Commission is made a part of the executive branch of Government. Consequently, should committees of Congress later desire access to documents and records obtained by the Commission through its power of subpena, the Commission may—unless an appropriate amendment is adopted—refuse to submit such documents, even upon issuance of a subpena by the Congress, by claiming that the papers are confidential or privileged communications within the executive branch of the Government. I do not think that the Congress intends that any documents and papers acquired or used in the investigation shall become executive documents beyond its reach, but this result may very well obtain unless an amendment is adopted to this legislation.

The duties of the Commission relating to "equal protection of laws" are as broad as the desires of the Commission. It is difficult to reconcile this broad delegation to the Commission with the criticism of the delegations of authority by the Congress to its Congressional committees in recent Supreme Court opinions. The Supreme Court was extremely critical of the Congress for what it deemed the lack of particularity in the title of, and expression of, duties of one of its standing committees. I refer, of course, to the Watkins decision handed down by the Court on June 17, 1957, in which the Supreme Court observed as follows:

> The authorizing resolution of the Un-American Activities Committee was adopted in 1938 when a select committee, under the chairmanship of Representative Dies, was created. Several years later, the Committee was made a standing organ of the House with the same mandate. It defines the Committee's authority as follows:
>
> "The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation."
>
> It would be difficult to imagine a less explicit authorizing resolution. Who can define the meaning of "un-American"? What is that single, solitary principle of the form of government as guaranteed by our Consituation"? There is no need to dwell upon the language, however. At one time, perhaps, the resolution might have been read

narrowly to confine the Committee to the subject of propaganda. The events that have transpired in the 15 years before the interrogation of petitioner make such a construction impossible at this date.

The members of the committee have clearly demonstrated that they did not feel themselves restricted in any way to propaganda in the narrow sense of the word. Unquestionably the committee conceived of its task in the grand view of its name. Un-American activities were its target, no matter how or where manifested. Notwithstanding the broad purview of the committee's experience, the House of Representatives repeatedly approved its continuation. Five times it extended the life of the special committee. Then it made the group a standing committee of the House. A year later, the committee's charter was embodied in the Legislative Reorganization Act. On five occasions, at the beginning of sessions of Congress, it has made the authorizing resolution part of the rules of the House. On innumerable occasions, it has passed appropriation bills to allow the committee to continue its efforts.

Later on in the course of the same opinion the Supreme Court said that it was not the function of the Court to prescribe rigid rules for the Congress to follow in drafting resolutions establishing investigating committes, but then the Court went on to point out "that is a matter peculiarly within the realm of the Legislature, and its decisions will be accepted by the courts up to the point where their own duty to enforce the constitutionally protected rights of individuals is effected." I emphasized those last words because it seems evident to me that if the Congress must state with particularity the duties of the investigating committees which it creates, is it not logical to suppose that the Court would exact a similar requirement whenever the Congress creates a commission to investigate and arms that commission with the powers of subpena and contempt? If the Supreme Court thought that the term "un-American" was ambiguous and susceptible to several meanings, what could the Court say when it was confronted with a contempt citation arising out of a study by a congressionally created commission of the "equal protection of laws under the Constitution"? Even the Supreme Court itself has no idea over any extended period of time what the words "equal protection of the laws" mean. In the decision of *Plessy* v. *Ferguson* (163 U. S. 537 1896)), it was construed by the Court to mean separate but equal—and I might add, parenthetically, that that interpretation was followed in a number of subsequent decisions. However, when the matter again came before the Court in the case of *Brown* v. *Board of Education* (347 U. S. 483), the Supreme Court said that the words "equal protection of law" did not mean separate but equal, but meant instead integration.

If the Supreme Court saw the vice of vagueness in the term "un-American" and in the terms "principle of the form of government as guaranteed by our Constitution," how in the world could it find otherwise when presented with the question as to what was meant by "equal protection of the laws" as it has been used in defining the duties of the Commission in H. R. 6127?

A person appearing before a commission, under the authority of the decision of the Supreme Court in the Watkins case, is entitled to clear and unambiguous language in the prescription of the duties of the Commission in order that he may judge adequately the pertinency of the matters put to him by the Commission. Are Senators prepared to say that the words used to describe the duties of this Commission are sufficiently descriptive to give a witness that constitutional protection?

With this background of information on the provisions of the bill relating to the Commission, I want to make another point, namely, that the Commission is another instrument by which the Federal Government seeks to interfere in State and local functions.

The Commission, by its power to compel attendance at its hearings of State and local officials, may call them from their positions and subject them to examination for such periods of time as to interfere with the administration of their office. They may examine into the application by that office of the State laws as well as the Federal laws for they have the broad authority to collect information concerning legal developments constituting a denial of equal protection of the laws.

In addition to this examination of State and local officials by the Commission itself, Commission personnel would be permitted to investigate the operation of the offices of State and local officials under the guise of developing information upon which hearings could be conducted in the area of equal protection of the laws. Records may be placed under subpena for extended periods, without any allegation against the official having been made.

I think the Senate should take a much closer look at the provisions of this bill relating to the Commission to be created. I find no provision in the bill to prevent the Commission from investigating individuals for alleged denial of the right to vote at a time when such persons are under prosecution for violation of existing criminal statutes for the same offense. Nor do I find any prohibition against a similar investigation by the Commission when an individual is defending a civil action for damages brought by the private individual whose rights have allegedly been violated. Nor does the bill prevent an investigation by the Commission at a time when the Attorney General has pending an application for injunctive relief under other provisions of the bill. Since the Commission may study and appraise the equal protection of the laws, it is possible under this bill for the Commission to interrogate in that area while suits by individuals, or prosecution by the Government, are being pressed in the courts. All of this is made possible in this bill under the guise of protecting civil rights. This is not civil rights; it is uncivil persecution. The mere possibility should offend the sensibilities of all those who pride themselves in protecting the innocent. Surely protection in such cases is not to be left to the whimsy of the Commissioners.

During this debate very little attention has ben focused on the provisions of part II, by virtue of which an Assistant Attorney General is provided for in the Department of Justice without any assignment of duties to him or his staff. It has certainly been the contemplation of those who have considered this legislation, however, that the Assistant Attorney General thus provided for would be placed in charge of a Civil Rights Division. No justification of any substance has been made for this increase in the personnel of the Department of Justice. No cost estimate has been given to the Senate by which the Senate could determine the advisability of creating such a division.

At the present time civil-rights complaints are handled by a Civil Rights Section in the Department of Justice composed of seven attorneys and five clerks. It is noteworthy, I think, that although President Truman's Commission on Civil Rights in 1946 advocated the enlargement of this Section, it has neither been increased nor decreased since that time. Further, in the same year in which the Attorney General sought by legislation to elevate the Civil Rights Section to a division in the Department of Justice, he made no request for an additional appropriation for that Section. I do not know why it should be thought necessary to elevate a section into a division before a justification is made on the basis of caseload or workload. If the personnel now within the Section is not sufficient to take care of the work of that Section within the Criminal Division, it would seem the better part of wisdom simply to increase the size of the Section and then, as experience warrants it, to take such later action as may be desirable. From 1953 to 1956, no one from the Department of Justice appeared before the Committee on the Judiciary to urge this step.

What information, Mr. President, does the Senate have with respect to the workload of this Section? My recollection is that when the Attorney General appeared before the Constitutional Rights Subcommittee of the Committeee on the Judiciary, he was requested to furnish such information. Later, however, he informed the committee by correspondence that such information was not readily available and it would not be feasible by reason of cost to attempt to collect it. I refer Senators to page 222 of the hearings.

Others in this debate have brought forward the fact that in earlier hearings on other civil-rights bills, Mr. Tom Clark, then Attorney General of the United States, submitted figures which indicated that, though a substantial number of complaints were received, a pitifully small number of those complaints were actually prosecuted and of this number, an even smaller fraction resulted in convictions. This information is substantiated by figures which are contained in the report of the activities of the Department of Justice for the fiscal year ended June 30, 1954. This information is reprinted in the hearings before the Committee on the Judiciary conducted in the 84th Congress, at page 15. The report points out that approximately

10,300 complaints, letters, documents, investigative reports, memorandums, and other items of correspondence were received and analyzed. While this may seem a substantial number of complaints, I would again point out that apparently the staff of seven attorneys and five clerks were sufficient to handle all of them, for no requests for additional appropriations were made by any of the Attorney Generals from 1946 until 1957. During this fiscal year the FBI instituted 1,458 preliminary investigations in civil-rights cases. This resulted in a total of 18 convictions over that 12-month period.

Other Senators may read statistics differently than I do, but it seems to me that on the basis of those I have just recited there is little or no need for the creation of a division within the Department of Justice in this field. Moreover, I want to point out that if the civil-rights section is elevated to the status of a division, it would seem likely that the criminal cases now handled by the attorneys in that section would be handled by the Criminal Division. If this is so, will it be necessary to add additional personnel to the Criminal Division to replace those persons formerly with that division in the civil-rights section? I know that some Members will say that this is a matter to be determined by the Attorney General in his capacity as the head of the agency. However, I do not think that Congress has yet become so impotent as to acquiesce in the creation of a new personnel pyramid in the executive branch of the Government, without making reasonable inquiry into the ultimate cost of the project. Congress is given the power under the Constitution, to authorize expenditures and appropriate moneys necessary for the cost of Government. This being the authorization, I see no reason why the Congress may not reasonably and profitably inquire concerning the cost of this proposal which was so unnecessary insofar as the Attorney General was concerned that he failed to reply to a request by the Committee on the Judiciary for a report on similar legislation, for over a year prior to the submission of this type of proposal.

In his testimony on part II of this proposal before the Subcommittee on Constitutional Rights the Attorney General stated that the provisions of part II are in conformity with similar proposals previously enacted to add an Assistant Attorney General to the Department of Justice. However, I call attention of the Senate to the fact that the provisions of section 295 of title 5 of the United States Code, provide authority for the appointment of six Assistant Attorneys General, and in that section appears the important qualification that such assistants must be "learned in the law." No similar qualification appears in H. R. 6127. The President is authorized to apppoint a layman who has had no experience whatsoever either in the preparation for, or in the pleading of, cases in this field. I can think of no place in the Department of Justice where there is more possibility for such a development than in this politically explosive area. Nor do I know of any area in which such a requirement is more needed than this for the same reason. This is a position which is being created, not for a few years, but if experience is any indicator, for as many years as the Department of Justice exists. Once created, these personnel pyramids are seldom dissolved but instead show an amazing vitality for growth.

At the time the amendment to part IV was before the Senate, I called attention to the ludicrous result which could obtain if the provisions of that part remained unchanged. They did remain unchanged and for that reason I want to reiterate my objection to the language of that part of the bill. I previously pointed out that the present section 1971 was to become simply a subsection of that section and that four additional subsections were being added. The new subsection (b) is essentially the same language as section 594 of title 18, United States Code. The annotations of that section in the code cite not a single case. When this subsection is read, together with the new subsection (c), it becomes possible for the Attorney General to institute an application for an injunction whenever he has reasonable grounds to believe that a person is about to engage in an attempt to threaten a person in the exercise of his franchise. This is about as abstract a concept as has ever been written into law in my recollection. I do not recall any instance in which the Congress has provided that court action could be taken when someone was about to attempt to intimidate. If this were a criminal statute, where precision is required, I have no doubt that it would be stricken by the courts as unconstitutional. In those cases where an injunction issues, and a criminal contempt is charged, it may yet be found defective.

Furthermore, I regret that the Senate has decided to retain that provision of part IV which waives State administrative remedies. The bill as presently constituted not only provides that the district courts shall have jurisdiction over any actionable wrong under part IV without regard to whether the party aggrieved shall have exhausted any administrative remedies provided by State law, but it fails even to require a showing that by reason of time, or for any other substantial reason, utilization of such remedies would be futile. It seems to me that in the preservation of Federal-State relationships this was the least that the Senate could do. However, as matters now stand, if any person has a complaint against a registrar, and an appeal is provided to a State board, the party alleging that he has been wronged may ignore the State remedies and appeal to the Attorney General, who may, in turn, institute proceedings in a Federal court. I am not insensible—nor do I think the Senate should be—to the possible political implications which may be inherent in any such procedure. If it were desired at a time near election to discredit a candidate for office, it would only be necessary for an individual to bypass his State administrative remedies and apply to a political officer, the Attorney General, who might then institute a complaint in Federal court that the candidate was attempting to intimidate a person to vote contrary to his wishes in an election. That a temporary restraining order or any temporary injunction thus issued might later be dissolved is ineffectual, since, by the expiration of the time set for a hearing on the application for the permanent injunction, the desired political damage may well have been accomplished. Remember, in this connection, that the new subsection (b) of section 1971 of title 42 will not require that the intimidation or the threat, for the purpose of interfering with the right to vote, be for reasons of race or color. The ingredients of an actionable wrong under subsection (b) are simply a threat made for the purpose of interfering with the casting of a vote for a particular candidate in any election where a so-called Federal officer is nominated or elected. Thus, if a candidate for elective Federal office seeks a vote from a constituent by stating that unless the constituent votes for him in the ensuing election he will, if elected, vote against a project favored by the constituent, that candidate may well find himself faced with the injunctive features of this bill.

This is typical of the loose language which the Congress is now being asked to approve by passage of this bill. This bill, in those provisions which remain untouched by amendments, is poorly drawn and imprecise in meaning. In no other field would the Senate be likely to approve language so loosely drawn. The emotion, however, which has surrounded this proposal from its inception, and the political sensitivities which it has engendered, seem to have impaired the normal ability of the Senate to discern imprudent language and replace it with terms easily understood and readily applied.

Therefore, despite the obvious efforts which have been made by some of my colleagues to perfect the bill, I feel compelled to cast my vote against its passage.

Mr. President, I have tried to analyze the proposed legislation as best I can with the materials available to me. The hearings which were conducted were on another bill which, while some of its provisions may have been similar, is not identical to the bill which it is now proposed we approve. As a Member of this body I do not feel that I can properly discharge my obligation to legislate wisely with the information at my disposal. There are too many provisions in this bill which are imprecise. There are too many provisions which are open to question. There are too many provisions which are dangerous to harmonious Federal-State relationships.

To me, States rights is more than a slogan. It is the concept which permitted the birth of this Nation. I will not be a party to a measure which could easily result in the strangulation of that concept. It may be popular today to lynch States rights, but we have witnessed in history evidence that today's folly brings tomorrow's tragedy.

Mr. President, the funeral pyre of free nations is fed by the centralization of power in the hands of the few. Even as amended, this bill unnecessarily cen-

tralizes power. I cannot place the noble framework of freedom which this Nation represents on the sacrificial altar of expediency erected here.

Mr. GOLDWATER. Mr. President, I yield 25 minutes to the distinguished Senator from Nebraska.

Mr. CURTIS. Mr. President, I am proud to be a Member of the United States Senate. I am proud of the way the Senate of the United States has conducted itself in recent weeks. A most difficult subject upon which to legislate has been before us. It has been a subject surrounded with deep feeling.. Yes, it has been charged with emotion, and perhaps some trace of prejudice.

It has been a subject not lacking in legal problems. Good men have disagreed on how to reach the same objective. The issue involved not only a conflict of opinions among strong-willed individuals, it involved the complexities of law, human nature, economics, and sociology.

Mr. President, as I have followed this debate on civil rights through these weeks, I am thoroughly convinced every Senator has been motivated by the highest purpose. Those who have contended the hardest on each side of this question have done so in the belief that they were doing that which was best for our Republic.

We must remember that, as the problem is complex and many sided, so is the answer complex and many sided. A part of the remedy is legislative. A just and permanent solution must include also education, understanding, tolerance, and social evolution. This is a domestic problem. Today it appears in one section of the country, but who is there to say where it will appear 25 years from now?

Mr. President, I rise to defend the bill. It is a good bill. We need not apologize for it. It is a landmark both in legislative procedure and in accomplishment. The fact that the measure which we are about to complete is different from the original concepts held by those in both extremes of this controversy does not mean that the measure is defective or basically wrong. The contrary is true. Of course, it is not a perfect measure. Perfect measures are not written by mortal men.

On last Monday, August 5, the able and well-known columnist, David Lawrence, said:

> All the talk about the Senate's civil-rights bill being weak and as likely to be rejected by the House or possibly vetoed at the White House seems to have been largely the result of emotional pique or hasty judgment.
>
> For if the House now accepted the measure—even without any changes—it would represent the biggest single victory in nearly a century for the proponents of a so-called right-to-vote bill.

A wise decision was made by the Senate in limiting the bill to voting rights. The Supreme Court of the United States has already taken a broad step in regard to our public schools. It has vested the district courts with certain powers of enforcement. The bill, dealing with the right to vote, if wisely administered, will bring the right to vote to many, many more of our citizens. It will result in additional gains for those who benefit from this right. The 15th amendment to the Constitution clearly and specifically deals with the right to vote without discrimination. The making of that amendment effective should be our goal. The right to vote when properly exercised is the basis of free government.

Under existing statutes the right to vote is proclaimed. However, a violation of that right can only be dealt with in our courts by an action after the right is obstructed. In this bill we vest in the Attorney General, representing the dignity and force of the United States Government, the power to intervene ahead of time, invoke the equity powers of the court, and secure appropriate orders preventing the obstruction of the right to vote and commanding those officials to do that which the law says they must do. This is a new accomplishment in the field of such legislation. It is not to be passed off as weak and insignificant.

Now it is said that this injunctive power of the court has been drastically weakened or destroyed by reason of the jury-trial amendment. Mr. President, I have been around Washington for a long time. On countless occasions, in every session of Congress, there are those who, in opposing an amendment, declare, "This will emasculate it." Experience proves that that desperate cry of "Wolf, wolf" often is meaningless. To declare something devastating does not make it so.

Let us examine the subject of the jury trial in this bill.

I do not make the argument that the right of a jury trial in criminal contempt cases is specifically guaranteed by the Constitution. On the other hand we cannot ignore the fact that the belief in, the reliance upon, and the reverence for the principle of the right of trial by jury, in all cases where punishment is sought, is embedded in the hearts and minds of millions of our American people.

Now the question arises, Can a jury trial be permitted in criminal contempt cases and at the same time preserve the powers of the court to determine that its orders are carried out? This question commanded my attention for days. I was disturbed about it. I finally came to the conclusion that a jury trial can be granted in criminal-contempt cases without destroying or materially weakening the powers of equity courts to see to it that their orders are carried out.

Mr. President, I call attention to certain language in the O'Mahoney jury-trial amendment. On page 3, lines 14 through 21 of the amendment, as voted upon, we find this language:

> Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

Mr. President, there it is, the plain intent of the Congress, for the courts to read. In that language the Congress declares that nothing shall deprive the courts of their power to secure compliance with their orders, and it makes a distinction between cases seeking compliance and obedience and cases wherein a prosecution is brought to punish someone for his acts.

That identical language is carried in the previous section of the amendment; and it is found on page 2, in lines 15 to 22, inclusive.

Furthermore, when the Attorney General goes into any section of the country to enforce a law which in many instances will result in broad and sweeping changes within the area involved, let us arm him with a law that is just, a law that is reasonable, a law that is moderate, and a law that will win the respect of those who must change their manner of doing things, in order to live under that law. Let our acts be so filled with reasonableness and understanding that we shall win the confidence, the cooperation, and the respect of those who must be faced with the law we write. If our acts create antagonism or strife, we do the cause of civil rights harm which may take years to overcome.

This bill establishes a commission. The language establishing it has been amended and strengthened. The commission will have the power of subpena and the power to lay before the country the problems which must be solved not alone by legislation but also by education and understanding.

The bill not only gives added powers to the Department of Justice; it also calls for a special section and a new Assistant Attorney General to carry out specific duties. We have not emasculated this bill. We have not made it a hollow shell. It is a bill that can be defended anywhere.

Mr. President, this brings me to the prime reason why I arose to speak. I wish to pay tribute to the man who, for the first time in 90 years, had made it possible for civil-rights legislation to become a reality.

Who is the man who made it possible to have the civil-rights bill brought to this floor? I refer to the able, distinguished, devoted, and patriotic Senator from the State of California, the Honorable WILLIAM KNOWLAND.

The Senator from California, as minority leader, and as a leader of a group devoted to civil rights, has brought this measure to the floor of the Senate, for the purpose of having serious, determined, and successful legislation enacted. Other great leaders have served in this body in the past, but never before has what the Senate has done this year been accomplished.

Senator KNOWLAND'S leadership, backed by his integrity and the respect that follows him, has been the great factor in affording the orderly, thorough, searching, dignified, and scholarly debate which has occurred in the Senate for weeks. Through Senator KNOWLAND'S efforts, the Senate has proven to the whole world that the reputedly greatest legislative body in the world is in fact the greatest legislative body in the world. That Senators can proceed with unlimited debate and, at the same

time, can have unlimited devotion to principle and unlimited respect for each other, is an accomplished ideal.

This has been a trying time for Senator KNOWLAND. It has offered disappointments. It has been filled with tension and even heartache. But never once has his temper flared. Never once has he been unfair or unkind to any person here. Never has he questioned the motives of others. Mr. President, it has been our privilege to observe leadership at its very best.

Regardless of how fortune may smile upon our distinguished minority leader in the months and years that lie ahead, his name will be inscribed in the minds and hearts of our people, and in the history of our country, as a Senator without peer throughout our entire history.

Mr. GOLDWATER. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. GOLDWATER. Mr. President, I intend to vote for the bill as it is now written. I think it is a good bill.

I do not agree with those in the executive branch or those in the legislative branch who say that the amendments have killed the bill. I voted against part III of the bill and I voted for the jury-trial amendment. I think both of those votes will stand the test of time. I am not ashamed of either one of them.

Mr. President, in the Washington Evening Star of today there appears an article on the bill. The article has been written very learnedly by a man with whom I have had many occasions to disagree. I wish to read one sentence from the article, and then I shall ask unanimous consent to have the entire article—written by Dean Acheson—printed in the RECORD, as a part of my remarks.

Mr. Acheson writes:

> It will be a great pity if a chance to advance the civil rights of our Negro citizens beyond anything achieved in three-quarters of a century is lost because liberals do not realize how much has been accomplished by the bill now before the Senate.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. GOLDWATER. Mr. President, I am convinced that reasonable men, honest men, sincere men—and they are the kind of men who make up both branches of the Congress—can in conference agree upon a bill which will accomplish the original intent, as expressed; namely, to assure the right to vote on the part of all our Negro citizens and, for that matter, all citizens of the United States. One of the Senators who will participate in the conference, I feel relatively sure, will be our minority leader, Senator KNOWLAND, of California. BILL KNOWLAND is that kind of a man. It took real courage to do what BILL KNOWLAND has done in bringing forward the bill and in getting around the rules of the Senate in order that it might be considered by the Senate. BILL KNOWLAND knew there was a division in the Republican Party, not because of the purpose of the bill, but because of the amendments which would be needed in order to bring it into line with what we believe are the constitutional guaranties to all the American people. But BILL KNOWLAND went ahead, and I say that is typical of him. He is a man who is motivated completely and entirely by principle.

Mr. President, I will say here that if politics is played with the bill in conference, it will not be played by him.

This is one of the rare times in our private lives and in our political lives when I have had to disagree with Senator KNOWLAND. I say to my colleagues it was not an easy thing to do, because I usually find myself in complete agreement with his principles and his actions. I will say too, Mr. President, contrary to what has been done in the past, our minority leader did not use the force of his office or friendship to try to change the vote I cast. He leads on principle, not on expediency. I like that kind of leadership. It is to be expected of a Republican, and he gives that kind of leadership. BILL KNOWLAND is a Republican's Republican.

Mr. CASE of New Jersey. Mr. President——

Mr. GOLDWATER. Does the Senator want me to yield?

Mr. CASE of New Jersey. I would be most grateful if the Senator would yield. I do not think there could be a greater difference between the Senator and myself on the bill now before the Senate, which has been read the third time. Yet I am sure no two persons could agree more than we do on the quality of leadership the Senator from California [Mr. KNOWLAND] has provided in this whole fight. As the Senator from Arizona has said, it was utterly without partisanship, it was utterly without any kind of pressure or improper influence or attempt to use improper influence, but, nevertheless, fearless, steady, determined, and extraordinarily effective.

Since the Senator from Arizona has mentioned one distinguished Member of this body from California, I should like to suggest that the same kind of credit should be accorded to the Vice President of the United States, because of the leadership which he has exercised, and which he continues to exercise, on this issue. We are very fortunate in having the California influence.

Mr. GOLDWATER. It s not very easy for the Senator from Arizona to agree that any kind of good comes from California, but at this particular time I am forced to agree with the Senator from New Jersey that both the Vice President and Senator KNOWLAND have given us exemplary service on this issue.

The PRESIDING OFFICER. The time of the Senator from Arizona has expired.

Mr. JAVITS. Mr. President, I yield two additional minutes to the Senator from Arizona, and I ask him to yield to me. I should like to join the Senator from New Jersey and the Senator from Arizona in paying tribute to the minority leader. I tried to do it before this time. However, this is a very appropriate time to do so. The leadership of the minority leader has been distinguished for its consistency. One always knows where he stands. He acts from deepest conviction. My relationship to him in this issue has been quite close. I am of the opinion that he is entitled to the highest praise one Senator can pay another Senator.

I should also like to praise the Vice President of the United States for the way he has presided and has handled difficult rulings. He has demonstrated the qualities that have made him a famous American.

Mr. GOLDWATER. I thank the Senator from New York. As one who voted for the jury-trial amendment on this side of the aisle, I hold our distinguished minority leader in the greatest respect and admiration.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. KUCHEL. I remember the long days and nights that have ensued in the Senate since the minority leader first stood on the floor and made the motion that the Senate proceed to the consideration of the civil-rights bill. Never in the entire history of the Senate, since the days immediately after the War between the States, did Members of the Senate have an opportunity to stand up and be counted on whether they wanted to implement that part of the Constitution which guarantees equality before the law to all Americans, and the right to vote to every citizen in the land.

It is to the infinite credit of my colleague from California [Mr. KNOWLAND] that he stood up in the Senate, that he proceeded not as a partisan, but as an American Senator attempting to represent the best interests of the American people, and that he made his motion. I remember that in the Presiding Officer's chair sat the Vice President of the United States, likewise a Californian. I remember the praise given to him, even by those who hoped his decision would be the other way, when he forthrightly laid down the law as he saw it with respect to the rule under with the senior Senator from California made his motion. Certainly I am glad to join with my able friend from Arizona and other Senators in their expressions of commendation, and I should like to add that I am proud to have participated under the dynamic leadership of a great American, who represents, in part, a great State in the American Union, and who has added to his luster by the manner in which he led those of us from this side of the aisle and the nine Senators from the other side of the aisle who joined us in attempting to go forward in the field of civil rights.

Mr. GOLDWATER. I thank the distinguished junior Senator from California. I should like to correct the remarks I made earlier when I said, rather facetiously, that there were two good influences from California in this body, which surprised the Senator from Arizona. I should like to add another good influence to the previous two. There are three Californians who have exerted good influence on this body.

Mr. KUCHEL. I thank the Senator.

Mr. DIRKSEN. Mr. President, will the Senator yield to me?

Mr. GOLDWATER. I yield 2 minutes to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I know intimately some of the patience in the face of frustration, some of the hope in the face of disappointment, that has entered into the effort of the minority leader to secure an effective civil-rights bill. It was my privilege to sit in on a great number of conferences, so I can give personal testimony to the efforts of Senator KNOWLAND, and I commend him for the courageous, forthright job he has done in this field. It is no easy task to undertake an effort of this kind, knowing exactly what the difficulties are and the treacherous road that lies ahead. So I can only reaffirm what I previously said on this floor in tribute and in testimony to the courage, leadership, and patience of a very distinguished statesman of our times and generation, the minority leader.

Mr. GOLDWATER. I thank the Senator from Illinois.

Mr. POTTER. Mr. President, will the Senator yield?

Mr. GOLDWATER. The Senator from Arizona has only about 10 seconds left to speak, but if the minority leader will allow me to yield 1 minute, I shall be happy to do so.

Mr. KNOWLAND. Mr. President, I yield 1 additional minute to the Senator from Arizona.

Mr. POTTER. Mr. President, that is one of the great characteristics of our minority leader. He is very generous, particularly with himself.

I should like to say to my colleagues, in paying tribute to the leadership of the minority leader in this great emotional issue, that the Senate has worked its will, which is not in accord with the will of the minority leader, but he has carried on a fight which has been bold and forthright, and the American people certainly know that Senator KNOWLAND has provided leadership in the great historic battle for the principles in which he believes. Those who have watched him on the floor would never suspect that he acts through political motivation. The fight which he has led is a fight in which he believes. I commend his leadership and also that of our great Vice President on this issue.

Mr. GOLDWATER. I thank the distinguished Senator from Michigan.

In concluding my remarks, I merely wish to say that the service of the Senator from California [Mr. KNOWLAND] to the Nation as a soldier and a statesman stamps him as one of this century's outstanding men. I sincerely hope and pray I may be allowed to serve our common cause with him for many years to come.

EXHIBIT A

[From the Washington Evening Star of August 7, 1957]

DEAN ACHESON ON JURY TRIAL

Having heard that Mr. Acheson had been among those who helped to perfect the jury-trial amendment in the Senate civil-rights bill, the Star asked him for a statement, which appears below:

"It will be a great pity if a chance to advance the civil rights of our Negro citizens beyond anything achieved in three-quarters of a century is lost because liberals do not realize how much has been accomplished by the bill now before the Senate.

"It will be a disaster for the country if bitter sectional animosity is aroused by attempting to change the jury-trial amendment to gain something of little or no value. In all respects, save one, opinion is unanimous that the bill in its protection of the right to vote is first class. The argument arises over the requirement that in certain cases a person, before being punished for violating a judge's decree, must be convicted by a jury.

"This requirement of a jury trial in cases of criminal contempt is said by some to nullify the act.

"Nothing could be more wrong. Those who make this charge usually have no idea what criminal contempt is or what great powers the amendment gives to the judge to enforce his decree by civil contempt proceedings.

"Exactly what are we talking about? Recently the press has carried stories of a registrar of voters who was preventing the registration of Negro voters by opening his office only for short periods when voters could not readily attend and by dilatory proceedings.

"In such a case the United States Attorney could, under the amendment, bring suit and the court could issue its decree ordering proper and effective registration. If his order should not be obeyed, the judge could put those defying him in jail or under continuing fines until they should obey. If necessary he could order that no list of voters not made in accordance with his decree be certified or used. No jury would be required for these enforcement proceedings.

"Now let us assume that the registrar has attempted to deceive the judge into believing that he has complied, when he has not. Here is a situation where punishment is called for—not coercion to enforce compliance, but retribution for a wrong. Before this punishment can be inflicted, the defendant must be found guilty by a jury. To say that this requirement nullifies the law is nonsense.

"In the first place, it assumes that in some sections juries will not convict, hence retributive punishment will not be possible, hence the law cannot be enforced. I do not believe the assumption that under proper guidance from the court juries will not convict the guilty.

"But, even if I am wrong, the real enforcement powers are in the civil contempt proceedings where no jury is required. In the second place it assumes that in a section of the country so opposed to the law that no jury could be found to impose punishments, the same punishments would be meekly accepted if imposed by a judge alone.

"This is not only fantastic, but the Federal courts would be destroyed in such an effort.

"Finally, it is said that the amendment is so broad that it will impede the enforcement of decrees in other fields—the antitrust field is mentioned. I can't recall any proceedings for criminal contempt in an antitrust case—though there may have been some. But I venture to say that in a proceeding of this sort a jury would be more of a terror to the defendant than to the Government. However, if any difficulties do develop not now anticipated, they can easily be dealt with by legislation.

"At the present time, fears expressed about the amendment are unfounded, usually based on misunderstanding, and sometimes insincere. It would, as I said, be a great pity should they prevent an accomplishment of inestimable importance.

"DEAN ACHESON.

"AUGUST 6, 1957."

Mr. JAVITS. Mr. President, I yield 30 minutes to the Senator from New Jersey [Mr. CASE].

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 30 minutes.

Mr. CASE of New Jersey. Mr. President, it is a wonder that the Members of the Senate and of the House—yes, all whose daily tasks are plied on Capitol Hill or in its environs—have escaped suffocation. The cascade of rosewater and every other imaginable perfume which has been poured upon the pitiful remnant of a civil-rights bill which is now before the Senate for a third reading, in an effort to make it palatable, has surely been enough to choke anyone on whom it fell. And though its effect may not have been lethal, it does indeed seem to have bemused a good many normally clear-thinking and sincere believers in the cause of civil-rights.

Already it appears that some of them are ready to give up the fight before the battle is over.

Mr. President, it is time to open the windows—to let in the fresh air and blow away this suffocating, even poisonous cloud. The battle is not over. It can be won if those of us who believe in this cause will clear our heads and, with just a fraction of the determination which the opponents of this bill have shown, will stand our ground.

Mr. President, there are two things about which we must be very clear. First, the bill is not a good bill. Second, those of us who believe in civil rights do not have to accept the choice between this bill and no bill at all.

The St. Louis Post-Dispatch, surely no rabble rouser, said on Saturday, August 3:

That the passage of a jury-trial amendment was a smashing defeat for civil rights there can be no doubt.

Mr. President, the St. Louis Post-Dispatch is right.

The New York Times, no rabble rouser, said on Saturday, August 3:

It seems today that the Senate has said "no" to any real extension of civil rights at this session. It did this after 4 weeks of maneuvering in which a nucleus of 18 southern Senators distinguished themselves for their parliamentary genius, if not for their sense of democracy. It did this in its vote of 51 to 42 on the jury trial amendment, with some highly respected northern Senators inexplicably voting with the majority.

Mr. President, the New York Times is right.

The Decatur Herald and Review said:

It makes no difference now whether the Senate passes the civil rights bill. There is nothing left in it except some nice language. When the Senate approved the jury trial amendment by a vote of 51 to 42 early Friday morning the South's victory was complete.

Mr. President, the Decatur Herald and Review is right.

The Southern Illinoisian on August 4 said:

Despite all the attempts of the southern Senators to obscure the provisions of the legislation, the issues were simple. The purpose of the bill proposed by the administration and approved by the House was to

guarantee the same rights to Negroes that other Americans have. Yet a majority of the Senators would not give Negroes just the right to vote. Friday was, as Vice President NIXON said, "one of the saddest days in the history of the Senate."

Mr. President, the Southern Illinoisian is right.

The New York Post on Sunday, August 4, said:

The country will survive the newest southern triumph in the Senate civil-rights battle. But will the Democratic Party? The battle for equality under the law will go on. But how long can the Democratic Party endure amid the cynicism and doubletalk that dominate its performance on Capitol Hill?

Mr. President, the New York Post is right.

On June 12 the Christian Science Monitor said:

In the Senate an amendment providing for jury trial in place of the contempt proceedings has been attached to the bill. Advocates of the legislation declare this is simply a device for nullifying it. They contend that jury trials would permit delays that would deny effective remedies against the denial of the right to vote. And there is wide belief that juries would repeat the history of the Emmett Till case.

Now the right to trial by jury is one Americans cherish and should vigorously safeguard. But it is not provided in the Constitution for this type of litigation. The States whose Representatives are pressing for a jury trial amendment make no such provision themselves in the same type of court action. There is even some question whether it would be constitutional to deprive the courts of power to protect themselves by contempt action—as Congress protects itself. The ends of justice would not be served if in an effort to insure a jury trial for individuals who had flouted a court order both the authority of the courts and the right to vote were destroyed.

The Christian Science Monitor is right.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks editorials from two great newspapers of the United States, the Newark Sunday News and the New York Herald Tribune.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Newark News of August 4, 1957]

KILLING CIVIL RIGHTS

The same Democratic forces that wrote the meaningless civil-rights plank into the national party platform last August, with such disastrous consequences in the presidential election of November, have prevailed again.

Thus the mischief that began in Chicago was carried to fulfillment in the early hours of Friday morning on the floor of the United States Senate. What happened there to the civil-rights bill was a natural sequel to the compromises and vacillations of the Democratic National Convention.

We do not know whether what's left of the administration's bill will survive in the House, which had already rejected the crippling jury-trial amendment voted by the Senate. Senator KNOWLAND, Republican minority leader, thinks it will not. Others competent to judge share his opinion.

But even should the House take the Senate's emasculated version, we would still have a bill whose acceptability would be predicated on the barren ground that it is better than no bill at all.

That is not good enough. This was supposed to be a right-to-vote bill. By Senate attrition it has been converted into what may well be a no-right-to-vote bill.

The extent of the damage may be measured by the fact that Georgia's Senator RUSSELL declared that with a few more amendments the South itself could vote for the bill.

Part IV, the enforcement provision, was initially designed to open the polling booths of the South to Negroes by recourse to the injunctive powers of the Federal court, which are traditional. When the jury-trial amendment was added, the heart of the bill was destroyed.

The destruction was perpetrated by 39 Democrats. Among them were the votes of such supposed liberals of MAGNUSON and JACKSON, of Washington; KENNEDY, of Massachusetts; PASTORE, of Rhode Island; and MANSFIELD, of Montana.

They wound up in strange company—with the Eastlands and Ellenders of their own party and a dozen such Republicans as CAPEHART, GOLDWATER, MUNDT, and REVERCOMB.

From this ill-assorted coalition, New Jersey's Republican Senators, Messrs. CASE and SMITH, were happily missing. Indeed, to the State's and his own credit, Senator CASE was one of the leaders in the fight for the bill.

No doubt the Senate's "saddest day," as Vice President NIXON described it, will be acclaimed as another Democratic triumph over President Eisenhower.

But a few more "victories" of this character and the Democratic Party may discover that its saddest days are yet to come in the elections up to and including 1960.

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[From the New York Herald Tribune of August 3, 1957]

SAD DAY FOR THE SENATE

"This was one of the saddest days in the history of the Senate," said Vice President NIXON after the votes were in on the jury-trial amendment to the civil-rights bill, "because this was the vote against the right to vote."

The proponents of the amendment would reject that contention, of course. They will argue that the right to vote is written into the bill; that the Federal Government is empowered under it to take steps to insure that the right will not be infringed, and that the only difference between the measure as amended and as originally proposed is that punishment for violation of Federal court orders—criminal contempt—would only be inflicted after a jury trial. And they would also argue that the basis for selecting juries has been altered to allow Negroes to serve in such cases, even when they are barred by State law. Finally, they would bring up the practical obstacle that a Southern filibuster might have presented to any civil-rights legislation if the jury trial amendment had not been accepted by the Senate.

Yet in spite of this, Mr. NIXON's characterization is still accurate. It is a tragedy that, in order to secure the elementary right to vote—a right which no Senator has even hinted should be abridged—a basic reconstruction of all the laws dealing with contempt must be made. Forty statutes or more are affected, as well as the hitherto uncontested assumption that when the United States is a party to a case involving contempt, the case is heard without a jury. The reasons for this are sound; the Federal sovereignty may have to be exerted in times of civil commotion, or contrary to what a local community may consider its own interests. The right of appeal remains against abuse; the quality of the Federal courts is high. But the injunctive process is essentially an emergency one, to meet an immediate situation. It is to be noted that Mr. John L. Lewis, who has been effectively restrained by Federal injunctions from harming the national welfare through his United Mine Workers Union, approved the amendment.

The extension of jury service to Negroes by establishing a uniform standard for Federal juries overriding State qualifications that now bar Negroes in some States, is in itself a good thing. But it is doubtful whether it would aid in extending the right to vote in communities where Negroes are barred from the ballot by various forms of coercion and evasion of the law. Juries must be unanimous to convict, and, in any case, what is important here is not how the juries may decide but the cumbersomeness of the whole procedure, the vagueness of the line between civil and criminal contempt, and the need for expedition in enforcing lawful orders of the court.

Finally, there is the practical question of whether the House will go along with this watered-down version of the original civil-rights legislation. Just as the South threatened a Senate filibuster, so the North, in the House, has shown a strong disposition to reject the compromises imposed under the threat of filibuster. Representative CELLER, who would head the House delegation to the conference committee on the civil-rights bill, has warned that he would fight any crippling amendments. This was before part III—accepted by the House—was taken out by the Senate. Part III was sacrificed in the hope of winning an effective affirmation of the right to vote. Burdened by the jury-trial amendment, it may well be, as Senator KNOWLAND has said, that the "bill will not likely emerge in this session and perhaps not in the next" from the conference committee of the two Chambers.

This would please those southerners who want no civil-rights legislation at all. But will it please those "liberal" Democrats who evolved the jury-trial amendment? And will it please the voters? The Republicans, sustained by President Eisenhower and Vice President NIXON, fought hard for a sound, firm bill. Some, unhappily, deserted under fire. But Senator KNOWLAND can have the satisfaction of waging a good, principled campaign for a good principle; the great majority of his party colleagues did the same.

The blame for the Senate's failure rests with the same group which compromised the civil-rights platform of the Democratic Party in Chicago a year ago—those liberal Democrats whose party allegiance, when the chips were down, was stronger than their liberalism.

Mr. CASE of New Jersey. Mr. President, let me remind my colleagues again of the statement made by the distinguished Senator from Oregon [Mr. MORSE] earlier in the debate. I quote:

It gives me pause, in this regard, to read in the New York Times of May 31, 1957, that the Montgomery, Ala., trial of two white defendants on charges of bombing a Negro church:

"The defense appealed for a verdict that would give encouragement to every white man, every white woman, and every white child in the South who is looking to you to preserve our sacred traditions."

It is only partially pertinent that the defendants were acquitted. The appeal to prejudice, the force of community pressure, were there.

Let me remind my colleagues again of the statement made by William Shaw, assistant attorney general of Louisiana, and one of the defense counsel in the Clinton, Tenn., trial. Immediately after the verdict in that trial Mr. Shaw, as reported in the New York Times on July 25, said:

There won't be any convictions by juries in segregation cases down South.

Perhaps the best appraisal by one whose right to testify as an expert on this matter will not, I think, be impeached, comes from Gov. J. P. Coleman, of Mississippi.

Governor Coleman, during a recent visit to Washington on his way home from the Governors' Conference at Williamsburg, was reported by the United Press as predicting that if the civil-rights bill did pass it would call for jury trial. The Governor said:

> Then it especially would be a fairly harmless proposition.

Mr. President, the Governor is right.

A. Philip Randolph, international president of the Brotherhood of Sleeping Car Porters, sent a telegram yesterday to Vice President NIXON. It read as follows:

> In the name of officials and members of the Brotherhood of Sleeping Car Porters, urge rejection of civil-rights bill with jury-trial amendment. It is worse than no bill at all.

Mr. President, the bill in its present form is not a good bill. The question those of us who believe in civil rights have to answer, today to our own conscience, and tomorrow and thereafter to what will surely be an awakened American public, is whether we will take this bill lying down—whether we will give up without a fight.

We are told that we have no choice. Either we accept this pitiful excuse for effective legislation, or we get no legislation at all.

I refuse to accept that alternative. We do not have to accept that alternative if we will but determine not to.

The bill can go to conference. It should go to conference. It will go to conference if the proponents of civil rights in the House refuse, as I am confident they will, to be bemused, and insist on standing for the cause in which they believe.

In conference, a reasonable solution can be worked out, one which represents reasonable concessions by each House to the other, not a surrender by either.

Mr. President, I recognize that conferees for the Senate as well as for the House have a duty to represent the views initially expressed by the body to which they belong. But conferees also have a duty to attempt honestly to reconcile the differing views of their two bodies and to reach a fair accommodation and adjustment between them.

This implies a reasonable give-and-take, an honest effort to arrive at a middle ground. For without such an effort no legislation is ever possible, and it is the constitutional duty of Congress to legislate.

Specifically, Mr. President, it is the constitutional duty of Congress to enact legislation which will assure every qualified American citizen the right to vote.

Mr. President, I emphasize the responsibility which will rest, directly and heavily, on those who will select the Senate conferees.

Mr. President, when a conference report comes back to the Senate it will be privileged. No one Senator and no group can block its consideration. But it is suggested that when a conference report comes before us it will touch off a filibuster. I make no prediction about this except to say I think it is unfair to the members of this body to suggest that a filibuster is inevitable.

But, Mr. President, if a filibuster should come, I predict that it will not succeed. I suggest that a filibuster cannot succeed unless those engaged in it are convinced of the moral rightness of their cause.

Mr. President, does anybody really believe that it is morally right to deny an American citizen the right to vote because of his color or his race?

And, Mr. President, the jury trial issue has no real substance. It involves no question of constitutional rights. It is utterly unnecessary to insure fair treatment of defendants in voting rights cases. It comes down simply to the question whether orders of the United States courts, made after full hearings and all the protections provided by the Constitution and the rules of civil procedure, shall be obeyed, or whether those who illegally deny Negroes the right to vote shall continue to do so with impunity. Mr. President, I suggest that kind of issue is utterly lacking in the moral justification without which a filibuster cannot succeed.

Mr. President, when I say that a filibuster cannot prevent the Senate of the United States coming to a vote on a conference report, I do not necessarily mean that it will slide through easily or even quickly. But if any of us who believe civil rights is by far our most serious domestic problem have had any illusion that real progress toward its solution would not take a little effort and a little time we had better get rid of that illusion right now. We never had a chance to be carried to the skies on flowery beds of ease.

But we can win, Mr. President, if we do not simply cave in under pressure, cajolery, or threats, or from simple laziness, or because we do not really care enough to try.

Mr. President, those who believe in civil rights—and I am confident they include the great majority of the Members both of the Senate and of the House as well as the overwhelming majority of the American people—have not sought, and do not seek, to harass, oppress, or hurt any segment of American life or any section of the country. We seek and we demand, however, that a reasonable, moderate, but effective voting rights bill be adopted at this session.

If we failed now for whatever reason, history and the American people will not lightly judge our conduct when the present miasma has lifted and we face the cold, clear light of the morning after.

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CASE of New Jersey. I yield.

Mr. JAVITS. I should like to say to the Senator that he has touched on a note which I hope will be developed further in the minds of all of us, and that is the fact that, although a filibuster has not occurred, the constant threat of it, I am convinced, has had an effect upon our actions. I think it has had an effect on the way the bill has finally eventuated. As the Senator has so eloquently stated, the bill is a very weak one. Indeed, at the moment it is no bill at all, and will not be until it comes back to us in some form worthy of supporting in an effective way. So I hope very much, as a member of the subcommittee of the Committee on Rules and Administration dealing with rule XXII, and the whole question of filibusters, that the case history of what has happened in this particular debate will be fresh in the minds of all us when we come to consider what should be done about rule XXII, following the report of the subcommittee.

Mr. CASE of New Jersey. I thank the Senator. I agree with everything he has said.

Mr. JAVITS. Does the Senator from New Jersey yield back the remainder of his time?

Mr. CASE of New Jersey. I yield back the remainder of my time.

Mr. STENNIS. Mr. President, I yield 35 minutes to the Senator from Louisiana [Mr. ELLENDER].

Mr. ELLENDER. Mr. President, although the pending bill has been greatly improved, I am still opposed to it. I have reached that conclusion because while this measure is allegedly designed to protect one of freedom's most basic rights—the right to vote—the methods proposed for achieving that purpose are bad. I hope never to join the school of thought which adheres to the theory that the ends justify the means. This bill sets a dangerous precedent which in time may prove disastrous.

My primary objection to the bill is a basic one. It perverts the equity powers of Federal courts.

Senators who are attorneys are familiar with the history of equity jurisprudence. Equity came into existence as a means of supplying remedies which did not exist in common law. I confess that my legal education in the history of the English common law is not as complete as that of some Senators who have studied and have practiced law in so-called common-law States. As Senators know, Louisiana's jurisprudence is based upon the French and Spanish civil laws.

Be that as it may, the history of the development of equity demonstrates that the purpose of this system of remedies was to provide a means of vindicating wrongs which were originally ignored in the law.

Early English common law was complicated; it was rigid and unbending. Only a limited number of writs were available, and although later developments extended the scope of the early common-law actions, the law side of English courts refused to give redress in certain cases.

Thus, when litigants were unable to obtain relief from the law, they turned to the King, their sovereign, the ultimate authority. If the King found their case just, he gave them the assistance best suited to their circumstances. This system was the genesis of equity.

Later, as more and more aggrieved persons began turning to the King for help, he appointed a special official—the chancellor—who dispensed justice to the King's subjects when the rigid writs of common-law courts were deficient. With the growth of England's population, a complete system of equity courts

was established to provide aid to persons denied adequate relief at common law.

In time, this system was transplanted to the United States. In our judicial system, the equity courts and the law courts have been merged, as opposed to the old English practice of maintaining two sets of courts with separate judges. Hence, our Federal courts can tailor their remedies to the needs of a given situation.

While the functions of equity and law courts have been merged in our Federal judicial system, the basic principles of equity jurisprudence have not been changed. Equity is still in the nature of discretionary relief. In order to obtain relief in equity, a litigant must show that there is no adequate remedy at law.

Because equity is a discretionary power, and because courts will exercise it only when there is no adequate remedy at law, English equity courts long ago propounded the maxim that "Equity will not enjoin a crime."

In other words, the power of equity to enjoin the performance of an act should not be exercised when that act is a crime because the criminal law offers an adequate means of protection.

Yet, what the Senate has before it today is a legislative directive to the Federal courts to enjoin the commission of a crime—that is, to prohibit by injunction an act which is already prohibited by statute.

I would remind Senators that a court order, an injunction, does not and cannot physically prevent the performance of an unlawful act. It is merely a mandate of the court forbidding the act, and, in this instance, the same mandate has already come from Congress in the form of a statutory prohibition against the crime of denying the right to vote.

Senators have heard much talk of late to the effect that the authority awarded the Attorney General in this bill would permit the Federal Government to halt any deprivation of the right to vote before it ripened into action.

This, it has been alleged, would be accomplished by that magic word, "injunction." Senators have been led to believe that all that a Federal court must say is "do not," and, as surely as night follows day, the prohibited act will not be performed.

This is erroneous, Mr. President.

It seems to me that the supersalesmen who purvey the doubtful wares manufactured by Mr. Brownell and company are meeting themselves coming around the corner. According to their brand of logic, criminal statutes prohibiting the act involved—that is, denial of the right to vote—have not worked, but, by permitting courts instead of Congress to impose the prohibition, all prospective violations will magically fade away.

They admit that Congress has said, "Do not deny the right to vote," and they say that the word of Congress has not been heeded.

Yet, they would have us believe that if a Federal judge says, "Do not deny the right to vote," all potential violators will roll over and play dead.

This is not going to happen any more than the crime of murder would become extinct merely by permitting Federal courts to issue injunctions forbidding the taking of human life.

During the recent study I have conducted of injunctive authority, I had occasion to read a most enlightening article in the April 1903, issue of the Harvard Law Review, written by Edwin S. Mach. This article, dealing with the rise of criminal equity in the United States, was obviously inspired by the action of our Government and the courts in the disastrous Pullman strike of 1894. In that year a strike of the employees of the Pullman Palace Car Co. resulted in much violence in Chicago. The United States, acting to protect its property interests in the mails, secured an injunction from a Federal court prohibiting a number of acts, most of which were also crimes. This injunction was violated, the violators were jailed, and they appealed to the Supreme Court. In the case of *In Re Debs* (158 U. S. 564, 39 Lawyers' Edition 1092) the Supreme Court affirmed the authority of Federal courts to enjoin acts which threatened the property rights of the Federal Government in the United States mail.

The article to which I referred made this observation in connection with the original injunctions in the Pullman case:

> These injunctions were disobeyed; and it was not until troops were marshaled and rioters were apprehended by force that order was restored. True, the courts inflicted summary punishment for contempt, but fear of that punishment did not become a deterrent from crime till it had behind it the strength of the Army. It was really martial law that restored peace at Chicago.

Thus, Mr. President, I cannot see what possible deterrent will be made by extending the injunctive authority of Federal courts to an area which is already covered by a network of criminal law prohibitions.

As a matter of fact, the position taken by some that the magic word "injunction" will automatically end all deprivations of voting rights is only a smokescreen. The real object behind this bill was to permit Federal courts to punish criminal acts without Federal prosecutors having to prove their case before a jury.

As for authority to deter, or nip in the bud, any act which might result in denying a citizen his right to vote, that authority already exists.

For example, the Attorney General, today, at this very moment, does not have to wait until a citizen has been denied his right to vote before taking action. On the contrary, any attempt to deny the right to vote is a crime. A conspiracy to deny that right is also a crime. Neither one of these acts—both of which carry criminal penalties—require that the Federal Government wait until a threat has ripened into an actual deprivation of the right to vote before punishing offenders as the criminal law now provides.

I have no doubt at all that the reason this legislation was originally presented to Congress was to empower the Federal judiciary to punish summarily, without jury trial, for an act which otherwise would have been a crime. The flowery and high-sounding talk about preventing wrongs before they occur was only window dressing.

This conclusion is bolstered by the hue and cry that has been raised as a result of the Senate writing into the bill a jury-trial guaranty. What on earth, Mr. President, is wrong with a statute which guarantees to all citizens the right of trial by jury before being punished for violating a court order?

The jury-trial language in the pending bill does not apply to contempts committed in the presence of the court—contempts of the dignity of the court. These can still be punished by summary action.

All in the world the amendment does is to guarantee trial by jury to an individual before he is packed off to jail for punishment. For my own part, I think that jury trial before punishment is a basic civil right, and I am proud that the Senate has determined to guarantee that right to our people. I can find no pity in my heart for the Federal prosecutors who must now convince a jury of an accused's guilt beyond any reasonable doubt before carting him off to jail, despite the anguished cries which arise from the halls of the Justice Department and the sacred sanctums of the White House.

But even with this guaranty, Mr. President, the bill is fatally defective. As I have stated, it extends the equity power of Federal courts to the enjoining of crimes. This, I submit, is a precedent which should not be set.

I am sure that it is extremely tempting, particularly in some political climates, to make the key to Federal jails a bit more accessible than it is now. However, by leaving the jail doors only slightly ajar, we are making it easier for them to be swung wide open some later occasions. Despotism, like cancer, breeds quickly once a tiny cell is firmly planted.

How long will it be, Mr. President, before the Senate is called upon to empower our courts to enjoin all crimes? How many years of constant whittling away by our eager Federal prosecutors will be required before a complete system of criminal equity has been substituted for criminal law?

Do Senators know what criminal equity is? Are Senators familiar with the only experience the English-speaking world has had with a judicial system which permitted equity to enjoin the commissions of crime?

Such a system was in effect in England just after the War of the Roses. It was known as the Star Chamber, and it punished summarily for the commission of crimes. The English people put up with the tyranny of criminal equity only until 1645, when the Court of Star Chamber was abolished.

To this day, criminal equity has lain dormant, but the Senate is now presented with the wedge which can later be used to pry our judicial system open wide enough to admit another star chamber.

That is the danger I see in this bill, and I believe it is a real and present danger. Of course, the Federal prosecutors would like to see such a system instituted, because it would make their work much easier.

The only question the Senate must answer, then, is whether it desires to be

so solicitous of the Federal prosecuting corps that it will agree to purchase their increased comfort at the price of individual liberty.

Mr. President, in my remarks before the Senate on July 13, 1957, I discussed in detail the legal, moral, and commonsense objections to the proposed legislation now before the Senate. I shall not review those objections today, except to again point out a few of the most vicious and dangerous remaining features of the bill as amended by the Senate.

I am opposed to part I of the bill because it would give the President carte blanche authority to appoint a six-member Civil Rights Commission which, armed with the subpena power, could and undoubtedly would become a roving grand jury, nationwide in scope and unparalleled in power. Under the pretext of developing information regarding alleged deprivations of the right to vote and alleged denials of equal protection of the laws under our Constitution, this seemingly innocuous band of pro-civil-rights and antisouthern political appointees would be given the blessings of Congress, the purse strings of the Federal Treasury, and the facilities of the Federal judiciary's power to punish summarily for contempt. Armed with these Federal trappings, it would be turned loose upon the country to embarrass, harass, and intimidate American citizens for 2 years—a 2-year hunting license, if you please, with open season on southern election officials in particular.

Mr. President, what is this nonsense the Senate is about to engage in? Why should the Congress give a 2-year hunting license to the NAACP and other so-called liberal groups to plague and intimidate the white citizens of the South? Whose function is it to investigate and obtain facts concerning the need for additional Federal laws, or the modification or repeal of existing Federal laws? Who but Congress can pass laws implementing the 14th and 15th amendments to our Constitution? The answer is plain: It is to be found in the very first grant of power contained in our Federal Constitution—in the opening words of article I, which read:

> All legislative powers herein granted shall be vested in a Congress of the United States—

Both amendment 14 and amendment 15 contain clauses stating:

> Congress shall have power to enforce this article by appropriate legislation.

No language could be clearer, no mandate more distinct, no grant more specific, than those carefully chosen constitutional phrases. Congress is the Federal body whose duty it is to investigate the charges and countercharges that have filled the air and covered the newspapers in recent years on the subject of equal protection of the laws and on the subject of voting rights. The Congress has been in the past and is now active in this field, as my colleague, the distinguished Senator from Missouri [Mr. HENNINGS] can testify. The Senate appropriated $100,000 in 1956 and another $100,000 in 1957 to the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, headed by the senior Senator from Missouri [Mr. HENNINGS] and I daresay that most of the money has already been expended in the course of the subcommittee's investigations.

The subpena power already vests in the Senate's Constitutional Rights Subcommittee; the pro-civil-rights advocates have never had a more zealous champion than the present chairman of the Senate Constitutional Rights Subcommittee. Therefore, I ask again—what valid grounds exist for this extraordinary delegation to the executive department of investigative powers as envisioned in part I of the pending bill?

I have reviewed much of the hearings and the debates on the proposals now before us. I have yet to find in either the hearings or in the debates a single cogent reason why the Congress should surrender this extraordinary and extremely dangerous power to the executive department. Nor can I find any good reason why Congress should waste the taxpayers' money on a useless extravagant duplication of Congressional investigative efforts—especially at a time when we have been slashing governmental appropriations to the bone in trying to balance the budget. Mr. President, reasons of political expediency emerge throughout the testimony, but reasons of substance are conspicuous by their absence.

As for part II of the bill, the creation of a new Assistant Attorney General's position can no more be justified from a substantive viewpoint than can the creation of the President's Commission on Civil Rights as provided for in part I. The hearings, as well as the Senate and House debates, amply demonstrate that the Attorney General has Assistant Attorneys General galore at his beck and call; he can transfer them here and there and yonder at will, so long as he keeps them within the Justice Department. He could with one stroke of the pen assign an Assistant Attorney General to handle civil-rights matters. There is no reason why the Attorney General has to come to Congress at this time for authority to appoint another Assistant Attorney General, unless it be that the party he represents desperately needs another political plum with which to reward the party faithful.

Of course, Mr. President, those of us who have been on the Washington scene for some time know that the Federal bureaucrats have devious ways of going about their empire-building business. They know that if they should come to Congress at this time and ask for authority to establish another huge, sprawling Government agency, they would be turned down. They know too that Congress would probably rap them on the knuckles for suggesting the creation of a gigantic Government agency whose tentacles will eventually creep into every community and every home across the width and breadth of the land. That, of course, would be the honest, straightforward way to go about establishing within the Justice Department a Civil Rights Division that everyone in authority in the Justice Department knows is destined eventually to become as large as, if not larger than, the FBI. But we are not dealing with public servants who are willing to lay their cards on the table and to tell the public and the Congress, openly and aboveboard, what it is they really want and aim for—what the legislative language they propose really means. We are dealing, instead, with the most skillful group of legal loophole manipulators we have ever known. We are dealing with Government career lawyers who spend their days and nights dreaming up ways of pulling the wool over the eyes of the Congress and thwarting the will of Congress. We are confronted with an army of attorneys whose primary justification for staying on the Federal payroll is their ability to draft simple-sounding legislative language that will be used to extend the long arm of the Federal Government far beyond the limits intended by Congress and more and more into the personal, intimate lives of the American people.

Mr. President, can anyone doubt that the next step, should this new Assistant Attorney General be authorized, will be to give him a complete entourage of deputies and assistants, and assistant-assistants, and assistants to the assistant-assistants, and so on, ad infinitum? Of course the buildup will be gradual, but the goal is ever present. At first, the cry will be that funds are needed to provide only legal advice and technical assistance to the Federal district attorneys; then will follow the demands for funds to supplant the Federal district attorneys by a horde of legal eager beavers from the Civil Rights Division in Washington. Mr. President, it does not take a prophet to foretell where this proposed new Civil Rights Division is headed. Anyone who has observed the Federal empire builders at work as long as I have watched them, can see through this scheme at a glance.

I shall not again discuss part III of the bill as it passed the House. Enough has been said on the floor of the Senate to prove beyond a shadow of a doubt that part III is undoubtedly the most vicious, the most provocative, the most outlandish, the most unwarranted proposal that has come before the Senate since the sickening force bills of the Reconstruction Era—an era of which I am sure none of us here today is proud, and which all of us hope and pray will never again be visited upon a free people.

Before taking my seat, Mr. President, I wish to remind Senators once again that the so-called right-to-vote section of the pending bill—part IV of the House-passed measure—is subject to all of the objections that have been urged against part III, which the Senate has already voted down. The only difference, basically, between the two parts is that part III dealt with all rights that are embraced within the meaning of the privilege and immunities and equal-protection clauses of our Federal Constitution, while the right-to-vote part is concerned with only one of the so-called Federal rights secured to United States citizens under the Constitution and laws of the United States.

The American public has been sold on the idea that this is a right-to-vote bill—a bill intended to secure to each and every qualified American voter the right to cast his ballot for the Federal candidates of his choice. Certainly no Member of the Senate can quarrel with that laudable objective. I know that each and every one of us in this Chamber has always and to the utmost of his ability exercised every facility at his command to encourage and obtain a wider and more enlightened use of the ballot on the part of the American people.

What I and other Senators who have studied the language of the bill take issue with is the ingenious method, the almost diabolical method, its drafters have employed in seeking to protect and preserve the sanctity of the ballot. Why, I ask, should it be necessary to gut our Constitution and desecrate the sovereignties of the 48 State governments, as has been proposed in this measure? Why should the Congress authorize the Attorney General of the United States to bypass State administrative agencies, supplant State and local election officials with Federal judges, marshals and deputy marshals; and prejudge and impugn the motives and integrity of State legislatures? Why, I repeat, should our equity courts be transformed into criminal courts? Is it not plain, Mr. President, that in the guise of protecting and securing the civil rights of a few Americans, we are about to violate and compromise the civil rights of our entire populace?

I would never raise my voice in objection to, or lift my hand in obstruction of, a legislative program which would seek to secure the maximum exercise of the electoral franchise on the part of all qualified voters, irrespective of race, color, creed, or any other criteria, provided the guaranty of the right to vote is accomplished in a constitutional manner and in compliance with the procedures embodied by our Nation's founders in the United States Constitution. As a matter of fact, Mr. President, we already have in the law the machinery whereby any person who has been denied the right to vote in a Federal election, can obtain an injunction, through a Federal court proceeding, directed to State and local election officials, and thereby enforce his constitutional, Federal right to vote. If additional statutory authority is needed to insure the availability of this remedial action to any person or group of persons in the United States, qualified to vote under State laws, let us lay aside the pending unconstitutional measure, and get down to the business of writing a constitutional bill that will do the job.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from New Mexico [Mr. ANDERSON].

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). The Senator from New Mexico is recognized for 1 minute.

## ATOMIC ENERGY LEGISLATION

Mr. ANDERSON. Mr. President, on yesterday the members of the Joint Committee on Atomic Energy had something to say about the authorization bill which soon will be considered by the Senate.

Nucleonics magazine, a McGraw-Hill publication, in the August issue, which will be on the newsstands next week, contains an editorial entitled "Atoms for Peace in Jeopardy."

Mr. President, I think the editorial is about as bad as any editorial I have ever read in all my life. I believe it is an example of how far wrong a good man can go, and I have told the editor that.

In order that Senators may have a chance to discuss the matter, and in order that other persons may have a chance to follow it and to see how the large utility companies will go after the Joint Committee on Atomic Energy for trying to protect the cooperatives, for trying to keep them from being destroyed, and for trying to keep our country abreast of the other countries of the world, I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ATOMS FOR PEACE IN JEOPARDY

On July 30, the Joint Congressional Committee on Atomic Energy took action that may prove to be the turning point in the world race for preeminence in civilian nuclear power, a turning point against the best interests of the United States. For on that date the committee effectively announced to the world that, although up until that time, the United States had the most advanced program for the development of enriched-uranium power reactors and although the United States had been promoting the advantages of such systems to its foreign friends, now the Congress felt that the British natural uranium system was better and that consequently there was no need to be so liberal in dispensing U–235.

The JCAE made these points via two actions: One to hamstring the President on making U–235 available to the International Atomic Energy Agency by requiring Congressional approval of such allocations, and the other by forcing the Atomic Energy Commission to build a 40-mw. Calder Hall-type reactor.

Regardless of the merits of the arguments of enriched versus natural uranium, the fact remains that the AEC and American industry have built up an unsurpassed competence in enriched-reactor technology. At the moment, to be brutally realistic—and right or wrong—this is all we have to sell to other nations. And we have been selling it—successfully.

But to back up the sales efforts, it has been necessary to assure our foreign customers of a continuity of supply of U–235, whether through their bilaterals with the United States or through the International Agency, fed largely by the United States. Now, possibly in actuality, but certainly psychologically, that assurance has been wiped out by the JCAE action.

If that were not enough, the committee has passed judgment on a technical matter, namely that the Calder-type plant that so suits the British needs should be pushed hard by the United States in the face of recommendations by our top reactor specialists that other types of natural uranium systems would pay more handsome dividends outside the British Isles.

Here, too, we're shouting to the nations of the world, many of which are still debating the merits of the United States versus the United Kingdom system, that the British were right and all should buy British.

In addition to these actions directly hitting at the United States atoms-for-peace effort, the JCAE may well have stabbed in the back AEC's whole power demonstration program, which calls for joint participation by AEC and industry. It did this by voting to rescind the promise AEC made to the Power Reactor Development Co. to support it to the tune of four to five million dollars. The danger here is that the entire demonstration effort to build large plants on a cooperative basis is jeopardized because companies that enter into agreements with AEC in good faith may later find that Congress has knocked their props out from under them.

The future of the United States reactor program is at stake in the action that Congress takes on the recommendations of the JCAE. Those who have a firm belief in the essence of the course we have been following thus far can only hope that Congress will rebuff these recommendations.

Mr. ANDERSON. Mr. President, in the editorial there are phrases we shall long remember. For example, we find the following in the editorial:

In addition to these actions directly hitting at the United States atoms-for-peace effort, the JCAE may well have stabbed in the back AEC's whole power demonstration program, which calls for joint participation by AEC and industry. It did this by voting to rescind the promise AEC made to the Power Reactor Development Co. to support it to the tune of four or five million dollars.

Mr. President, if the man who wrote that editorial can go through the report and can find one line which even remotely indicates that the committee voted to rescind any promise made by the Atomic Energy Commission, he is a wizard of an editorial writer.

The entire editorial is an example of the deceitful and, I believe, dishonest type of propaganda we can expect from now on.

## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. POTTER. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. POTTER. Mr. President, it is my purpose to speak briefly on the so-called civil-rights bill as we come to the closing hours of the debate on it.

Mr. President, it is my intention to support the bill, although knowing full well that the bill as it now stands is most unsatisfactory to me.

I think it well to review briefly what has happened to the bill since it left the House of Representatives. At the time the House acted it was overwhelmingly in support of all four major provisions of the bill.

Part I of the bill, to create a President's Commission to make a study and recommendations to the Congress and to the administration as to how we can better effectuate a solution of the problems that affect the rights of all citizens, is left in the bill pretty much as passed by the House.

Part II of the bill, which provides that an Assistant Attorney General shall be

appointed to deal solely with the problems of civil rights, still is in the bill.

Part III of the bill, which allowed the Federal Government to give protection to other rights guaranteed citizens other than those guaranteed in the 15th amendment, and primarily those in the 14th amendment, has been pretty well nullified by the action of the Senate. I think it is a sad commentary on those of us who believe in equality for all citizens that it happened.

Part IV of the bill, which deals with so-called voting rights of citizens, we have largely nullified by the so-called jury-trial provision for criminal contempt. We know the amendment will greatly hamper bringing about the purposes for which the bill was originally submitted, which was to assure all citizens that their constitutional rights to vote would not be infringed.

Mr. President, I shall support the bill despite all its inadequancies at this time. I shall support the bill, hoping it will go to conference and be improved. I think the House is in a good bargaining position.

While I personally feel that all sections of the bill are important, if the House, in conference, has to yield, it can possibly yield in its position on part III; and the Senate, of course, in a spirit of compromise, which always has to take place in the enactment of legislation, can yield on part IV, the jury-trial provision. I say it would be a compromise which many of us would dislike, but knowing that compromises are necessary in the legislative process, it seems to me it would be a sensible compromise, and one whereby the House could go a long way in meeting the position of the Senate.

The PRESIDING OFFICER. The 5 minutes of the Senator from Michigan have expired.

Mr. POTTER. I yield myself 30 additional seconds.

Under those conditions, I intend to support the bill, in the hope that it will be greatly improved when it comes from the conference.

I yield 30 minutes to the Senator from Utah [Mr. WATKINS].

The PRESIDING OFFICER. The Senator from Utah is recognized for 30 minutes.

Mr. WATKINS. Mr. President, in his second inaugural address, Abraham Lincoln declared:

> Now at the expiration of 4 years during which public declarations have been consistently called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the Nation, little that is new could be presented.

Those words are strikingly appropriate for the present occasion. After decades of intermittent debate on the civil-rights problem, and in the present consideration of it after many weeks of intensive discussion and the utterance of millions of words, surely there can be little that is new to be presented, and yet there seems to be a great deal of confusion, not only in the public mind, but in the minds of many Members of this body.

I hope that what I shall say today will, at worst, not add to the confusion and, at best, may throw some small ray of light on this most troublesome and difficult matter.

I hope also, in presenting my views, that I shall be able, in so far as humanly possible, to put myself in the position of the white people of the South. This we were urged to do by the distinguished senior Senator from Georgia [Mr. RUSSELL] in one of his earlier eloquent pleas to this body, and I think it would be appropriate at this point to call upon the Senator from Georgia and his distinguished colleagues who are opposing this measure to reciprocate by putting themselves in the position not only of the proponents of this bill, but, more important, the colored people of the South and all other sections of the Union. This kind of reciprocal exchange of positions could possibly be the catalyst which would result in a measure, if and when this bill goes to conference, that would not only be fair to all races, but workable. And that last point is extremely important.

In trying to put myself in the position of the opponents of the bill, I may say that for the past 10½ years I have resided in Arlington, Va. I have met many southerners. I have traveled through the South, and I have heard two series of very extended debates on civil rights, including two sets of hearings in the Judiciary Committee of the Senate. It also has been my privilege to serve in this body with the very charming, distinguished, and able Senators who are opposing this measure. I have the deepest respect for their ability and devotion to their country.

Mr. President, in the remaining days when we shall be reconsidering these highly emotional issues, it would be well for us to approach that consideration in the spirit with which Lincoln closed his second inaugural address: "With malice toward none, with charity for all, but with firmness in the right as God gives us to see the right."

In my brief remarks today, I should like to approach this matter in that spirit. If we all do so, we shall be able, I believe, to accomplish something in this historic debate, and the action which shall follow it, which will help heal remaining wounds that resulted from that great struggle of the last century, and prepare a way to peace between the races, where men of good will, and in all sections of the United States, may go forth hand in hand to build a still greater Nation.

In the discussion which is to follow, I shall limit myself to part IV of the pending bill.

The southern position is that there is no necessity for legislation of this kind, since there is no discrimination whatsoever in the South between the races when it comes to voting. It is claimed that all citizens, irrespective of race, color, or religion, are permitted to vote. The point is made that this bill seems to be a blow aimed directly at the South.

We have now amended the bill so that a person accused of criminal contempt will be entitled to a jury trial to determine whether or not contempt has actually been committed.

It was claimed during the debate that to permit a judge to determine the question of guilt would be a violation of the constitutional right of citizens to a jury trial.

The proponents of the bill contended that there is no constitutional right to a jury trial in contempt proceedings, and, as some of the cases have decided, that Congress may as a matter of policy determine whether or not there should be jury trials in such cases. Whatever the merits were on that issue, the matter has been decided as of this moment in the Senate.

I think I can understand the feeling of the southern people who contend that there is no denial of voting rights anywhere in the South. They feel that this bill is a direct slap at them, even though the proposed legislation is general in character and applies to the whole United States, including the Territories. If it is true that no voting rights are denied anywhere in the South, then the southerners would be justified in their attitude in claiming that no new proposed legislation such as provided in the bill passed by the Senate, or which will be provided when the vote is cast tonight is required.

I have considered the arguments pro and con on the question of whether legislation is needed, and also on the effect of provisions of the bill which gives the Attorney General power to intervene in certain conditions, and I have done a post mortem in my own thinking on the amendment to part IV which has been adopted.

It is my considered judgment that the proponents of the measure have made a clear case, by a strong preponderance of evidence, that legislation is needed to secure for all the citizens of the United States equal protection of the laws when it comes to voting in the elections for President, Vice President, and Congressional offices, as well as for State officers.

I shall not review the details of the evidence which I believe sustains the position I am taking, but there are some general conclusions worthy of consideration. It seems significant to me that no other area of the United States except the South is making objection to the measure. That seems to be the record of past contests relating to civil rights. At least it was the case early in my service in this body.

Opponents of the measure who claim they favor universal sufferage have never answered to my satisfaction the argument that if full voting rights are allowed to all citizens in the South, irrespective of color, race, or religion, then why should there be such die-hard opposition to this legislation, since it applies equally to all sections of the United States?

It is long-established policy in the courts to take judicial notice of facts which are so generally accepted that evidence of their existence is not required.

I would not go so far as to say that in the South we may rest the case entirely on this general rule, but I do say that all the evidence received at the hearings, added to what students of the question generally accept as true, plus the reaction of Congressional representation from that area, makes an overwhelming case, in my opinion, against

the contentions that Negroes may freely vote everywhere in the Southern States.

On the other side of the voting-rights coin is the Negro point of view. They, of course, are bitterly disappointed that part III of the pending bill has been stricken and that part IV has been so weakened by amendment that it is practically worthless to protect their rights to vote.

It should also be remembered that, except in recent years, Negro concentration in various parts of the United States was not of their own doing. Ancestors of the colored people in this country were torn from their homes in their native Africa, brought to this country in chains, and sold into slavery, with the heaviest concentration of slaves in the southern section of the United States.

For more than 200 years slavery existed in the Colonies and in the States. Slaves played an important part in the development of the economy of the South, which in early times exceeded that of the North, where the holding of slaves was not so profitable.

I shall discuss this matter in connection with another issue later in this statement. At this point I should like to comment on the amendment which has been adopted to part IV of the bill. I am referring to the O'Mahoney-Kefauver-Church-Case of South Dakota amendment.

Part IV amends title 18, United States Code, section 402, criminal contempts, to read as follows:

> Any person, corporation, or association willfully disobeying or obstructing any lawful writ, process, order, rule, decree, or command of any court of the United States or any court of the District of Columbia shall be prosecuted for criminal contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both: *Provided, however,* That in case the accused is a natural person, the fine to be paid shall not exceed the sum of $1,000, nor shall such imprisonment exceed the term of 6 months.

That language is so sweeping that it includes all Federal courts in the United States, its Territories, or the District of Columbia.

The distinguished minority leader, the Senator from California [Mr. KNOWLAND], placed in the RECORD a memorandum from the office of the Attorney General which supplies incontestable evidence that what I have just said is true, namely, that the decrees and orders of the Supreme Court and the circuit courts of appeals throughout the United States cannot be enforced in a criminal-contempt proceeding without the concurrence of a jury after a trial held in accordance with the practice in criminal cases, as it now exists in Federal courts. And it has been estimated that 90 percent of contempt proceedings growing out of voting rights will be criminal in nature.

This memorandum should be an eye opener to those Senators who claim to be in favor of civil rights and yet voted for the O'Mahoney-Kefauver-Church-Case of South Dakota amendment. I recommend that it be read by all.

I submit without fear of successful contradiction that this amendment is a direct blow at the Federal courts of the United States; that it is an invasion of the powers given them by the Constitution; and that if such an amendment were to go into effect, and should be carried to its logical conclusion, it could largely destroy the effectiveness of the Federal courts. That would be a result, I am sure, none of us would want to happen.

Historically it has been necessary for courts to have power to enforce their orders. They do this by writs of execution, either by injunction or orders which are in effect writs of mandamus, or by both.

Just how much respect will be left for the Federal courts if an amendment of this kind finally becomes law?

I realize that there is widespread criticism of many of the decisions of the Supreme Court of the United States, as well as the circuit courts of appeal. I personally do not agree with all these decisions. I think some of them are detrimental to the best interests of the United States. But because courts have made some decisions with which I do not agree, and with which numerous others may not agree, that still is no reason why the judicial department of Government as set up in the Constitution should be stripped of its constitutional powers to carry out its orders, decrees and writs.

There are two legal ways to limit the powers of courts, in my judgment: one by Congressional act, where appropriate, and another by amendment to the Constitution.

The distinguished senior Senator from Georgia, for whom I have the greatest respect and admiration, suggested in one of his earlier speeches that one of the civil-rights matters should be submitted to the voters of the United States by referendum.

I submit to the distinguished Senator and to the Members of this body that if the Senator from Georgia really desires a referendum on the question he had in mind, if he will submit a proposed constitutional amendment for the consideration of the Congress, and will provide in the proposal that a constitutional convention be elected to decide the matter so that the people of the States will have an opportunity to vote on the proposal, I shall join with him in attempting to have it enacted by the Congress and submitted to the people.

I shall do that, not because I would likely agree with his proposal, but because, if there is sufficient support to justify the action, I think there ought to be an opportunity to give the people an opportunity to decide whether or not the Supreme Court and other Federal courts have too much power and whether their jurisdiction and power should be limited.

Some merit is claimed for the amendment because it gives Negroes the right to sit on juries.

Negroes now have the right to vote, to sit on juries, and other civil rights too numerous to mention in my limited time, but they have not, in many situations and in many areas, been able to exercise these rights. So according to Negroes the right to sit on juries in all the States in the United States gives them small comfort when it comes to enforcing their civil rights.

Incidentally, in most States they now have that right but cannot use it because of interference, directly or indirectly, by those who do not want them to vote, let alone sit as jurors for one reason or another.

It should also be kept in mind that juries sitting in Federal courts on criminal cases must be unanimous in their verdicts in order to convict. Therefore, one juror can "hang" the jury. He can make the hearing result in mistrial.

The process can be repeated time and again. So it finally comes down to this: One juror can make ineffective any order issued by any Federal court in the United States which results in a criminal contempt proceeding by simply refusing to vote for a conviction and by holding to that position until a mistrial is declared by the court.

This is true in all criminal prosecutions in Federal courts, and by the O'Mahoney-Kefauver-Church-Case of South Dakota amendment the criminal contempt trials shall "conform as near as may be to the practice in criminal cases."

Opponents of this bill, however, have said that southern juries will do their full duty in this class of cases. I personally hope that they will be proved to be right in this claim if the bill, as passed by the Senate, becomes law without amendment.

However, we should not close our eyes to the record. What, in brief, is the record? Notwithstanding amendments to the Constitution have been adopted for the very purpose of protecting the rights of Negro citizens, there is ample evidence that they have not enjoyed civil rights granted to them by the amendments, and there has been very little protection given them in their attempt to enjoy their rights.

Time will not permit me to do more than add an item to that which I have already said in this speech on the question whether there has been an invasion of civil rights.

Detailed evidence presented before the Senate shows clearly that only a small proportion of the Negroes living in the South actually vote. There is evidence that this number is to some undefined extent kept as small as it is by reason of interference with the Negroes when they do attempt to vote.

I have made some investigation and have found that within the past 4 years grand juries in several of the Southern States have refused to return even one true bill against those accused of being violators of the voting rights of colored citizens. This is the result of studies made by the Department of Justice, after careful invetigation and preparation of hundreds of cases. Juries simply refused to indict. If they refuse to indict, or to begin the prosecution, the question arises: Then are they—presumably the same type of people—likely to convict?

I cite the situation in Ouachita Parish, La. Since time will not permit me to read the evidence, I ask unanimous consent that the statement of the Attorney General on this particular situation, and as given before the Judiciary Commit-

tee of the Senate, be printed in the RECORD at this point as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ATTORNEY GENERAL HERBERT BROWNELL BEFORE THE JUDICIARY COMMITTEE OF THE UNITED STATES SENATE AT HEARING ON CIVIL RIGHTS, 1957

In March 1956 certain members and officers of the Citizens Council of Ouachita Parish commenced an examination of the register of the voters of Ouachita Parish. Thereafter they filed approximately 3,420 documents purporting to be affidavits but which were not sworn to before either the registrar or deputy registrar, as required by law. In each purported affidavit it was alleged that the affiant had examined the records on file with the registrar, that the registrant's name therein was believed to be illegally registered, and that the purported affidavit was made for the purpose of challenging the registrant to remain on the roll of registered voters. Such affidavits were filed, challenging every one of the 2,389 Negro voters in ward 10. None of the 4,054 white voters in that ward were challenged. With respect to another ward, ward 3, such affidavits were filed, challenging 1,008 of the 1,523 Negro voters. Only 23 of the white voters in ward 3 were challenged. The registrar accepted their affidavits, even though she knew that each affiant had not examined the registration cards of each registered voter he was challenging. On the basis of these affidavits, citations were mailed out in large groups requiring the challenged voters to appear within 10 days to prove their qualifications. Registrants of the Negro race responded to these citations in large numbers. During the months of April and May large lines of Negro registrants seeking to prove their qualifications formed before the registrar's office, starting as early as 5 a. m. The registrar and her deputy refused to hear offers of proof of qualifications on behalf of any more than 50 challenged registrants per day. Consequently, most of the Negro registrants were turned away from the registrar's office and were denied any opportunity to establish their proper registration. Thereafter, the registrar struck the names of such registrants from the rolls. With respect to those registrants who were lucky enough to gain admission to the registrar's office, the registrar imposed requirements in connection with meeting the challenge which were in violation of Louisiana law. The registrar refused to accept as witnesses, on behalf of challenged voters, registered voters of the parish who resided in a precinct other than the challenged voter or who had themselves been challenged or had already acted as witnesses for any other challenged voter. By these means the number of registered Negro voters in Ouachita Parish was reduced by October 4, 1956, from approximately 4,000 to 694.

On October 10, 1956, Assistant Attorney General Warren Olney III, testified concerning the facts regarding Ouachita Parish before the Senate Subcommittee on Privileges and Elections and recommended that the subcommittee hold public hearings in advance of the general election. The subcommittee took no action with respect to the situation. Had the administration's program been in effect the Department would have been able to initiate a civil action for the purpose of restoring the Negro voters to the rolls of registered voters in time to vote in the November election.

Our investigation has revealed similar situations in several other Louisiana parishes. Related problems have developed in other States.

Mr. WATKINS. Mr. President, I have had occasion to review some of the editorials which have been printed in the southern press subsequent to the action of the Senate in adopting the O'Mahoney-Kefauver-Church amendment. I note no real feeling of cooperation, or of willingness, in the South to help Negroes to exercise their full civil rights with respect to voting. The general spirit is one of exultation over the "great" victory won by southern Senators. I also note the extremes to which the people of the South say they are willing to go in the matter of school segregation. It appears that the majority of them would rather have public schools abolished than accept Negro children in the schools now attended exclusively by white students. In making these references, I am not criticizing the people for feeling as they do. I believe they are sincere in this feeling, but in their minds they will be fully justified going to almost any length to win their point on the matter of school integration and other civil rights.

I am convinced they have strong feeling that if the Negroes are given the right to vote they will have enough power to bring about reforms which southern white people say they never can accept and that accounts for their determined opposition.

A witness appeared before a subcommittee of the Judiciary Committee of the Senate holding hearings on the nomination of Simon E. Sobeloff for the position of circuit judge in the fourth circuit court of appeals. This gentleman, Mr. O. L. Warr, was a farmer from Darlington County, S. C. He said he was a graduate of the University of South Carolina in 1927 and a member of Phi Beta Kappa. This should indicate the degree of his scholarship.

He made a very able statement, calmly and clearly. He revealed the language of a scholar and a man who had thought clearly on his subject. Mr. Warr, in testifying as to the feelings of southerners with respect to integration of the races in schools and on other civil rights, stated:

I would beg of you not to be misled by the comparative outer calm that has thus far prevailed in the South. The forces that are so powerfully surging there today remind me of Tennyson's "tide as moving seems asleep, too full for sound and foam." But its strength and its direction I well know, because I am myself moved upon it, whether I would or no.

There seems to exist a casual and mistaken acceptance of the belief that the South is completely helpless and unable to defend its way of life. Let me impress upon you gentlemen that the people of the South do not share that belief, that feeling, although they realize full well they do not have the physical force to protect their rights against the encroachments that we feel are threatened.

I believe that you would be interested in knowing what they plan to do, and that knowledge might have a bearing in your consideration of this nomination that is before you.

I would not wish you to infer from what I say in the next few sentences that I necessarily agree with every detail of their decision. But I do hope that you will believe me when I say that this decision has already been made.

Should southerners become the objects or victims of any overt act of judicial or executive force, they mean to use to the fullest the weapons of passive resistance and noncooperation.

If any southern citizen should be ordered to Federal jail because of refusal to obey decrees regarded by them as tyrannical, or if troops should be sent to attempt to impose integration by force, then the men of the South are determined and ready to regard every Federal court as a sworn enemy from that day forward.

I have listened carefully to many a conversation, and if my ears have heard aright, southerners plan to defend themselves by steadfastly refusing thenceforth to convict any citizen of any crime in any Federal court. They do not intend to confine their "not guilty" verdicts to cases involving civil rights, but they propose to apply that effective veto to every criminal proceeding in every Federal court.

And it should always be remembered that each individual juror is a law unto himself, and that in the end it is the verdict of the juror that determines the law of the land. (Subcommittee of Judiciary hearings on nomination of Simon E. Sobeloff, May 5, 1956, pp. 65–66.)

Under cross-examination by me he said that he would say that he spoke for about 100 people in his own neighborhood. I tried to find out to what extent he had investigated to ascertain the feelings of the people of the South.

I realize that his is an extreme statement, but in view of past history and the actions of many leading officials in Southern States and also the written and oral expressions of many citizens in that area, it does not seem to be too far out of line with the thinking and intentions of a large segment of the people of the South. I say this regretfully.

In closing my comments, I should like to say that in spite of a record of failure to protect the rights of colored citizens to vote in the South and some other parts of the United States, and in spite of features of this bill with which I do not agree, I shall vote for it, with the hope and belief that if and when it goes to conference a measure that is workable and a measure that will partially satisfy, at least, both sides to this issue will be agreed to and reported back to each House.

In closing, Mr. President, I express the hope that some measure of progress will have been made as a result of the long hearings and debate on the civil rights issue.

I also hope there will be a feeling of rapprochment between the white people of the South and their colored fellow citizens, to the extent that, instead of obstruction being thrown in the way of enjoyment of civil rights, there will be a helping hand extended which will go a long way to bring peace between the races not only in the South but in the whole United States.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WATKINS. I yield to the distinguished Senator from New York.

Mr. JAVITS. I should like to compliment the Senator on a thoroughly reasoned presentation, with a background of vast experience, supported by unusual prestige in this Chamber.

I think it should be carefully noted, as all Senators know, that the Senator

from Utah arrives at his own judgments in his own way, and according to the dictates of his own conscience. I believe that the conclusions to which the Senator has come—which I share—are historic in this debate.

I should like to point out something which the Senator has indicated in his recital of the statutes. Not only does this amendment introduce a jury trial where none has existed before, thus complicating enormously the work of the circuit court of appeals and the Supreme Court itself, which often issues stays which can be violated, but it sets a new standard of punishment, under which the United States Government cannot live—a standard which is different, and very much lower than any that exists today, namely, a fine of $1,000 and imprisonment of not to exceed 6 months, regardless of who is the violator, and regardless of how powerful he may be.

Mr. WATKINS. I think the Senator will agree with me that that kind of punishment would be no deterrent to an aggressor who is determined to have his way. It could easily happen that corporations and other organizations or even persons, in consideration of the various violations, could well afford to pay any fine, pay the individual violator a good salary while he was in jail, and build a monument to his memory when he got out.

It seems to me that those who wrote the amendment and supported it failed to take into consideration its wide scope, and the vast number of Americans who would be deeply interested in and affected by it. As I recall, there are at least 28 statutes which would be affected by the amendment.

Mr. JAVITS. There are at least that many.

Mr. WATKINS. I do not see how any President could sign such a bill into law, unless he wanted to do away with the effectiveness of the courts and gravely hamper the effectiveness of so many laws.

Mr. JAVITS. I thank the Senator.

Mr. STENNIS. Mr. President, does the Senator from Utah have sufficient time available so that he may yield to me?

Mr. WATKINS. I shall be glad to yield if I have the time.

Mr. STENNIS. I wished to refer to the witness who gave a summary of the attitude of the people of the South toward the duties of the courts and jurors. He was a witness who appeared in connection with the Sobeloff nomination, as I recall. What is the name of that witness?

Mr. WATKINS. His name is O. L. Warr. I believe I gave the citation where his testimony appears in the hearings. The distinguished Senator from Wyoming is on the floor, and I believe he will recall the testimony of that witness.

Mr. STENNIS. May I ask where the witness was from? Did he say whom he represented?

Mr. WATKINS. He said he was from South Carolina. I do not remember the name of the county. I asked him, "How many people did you talk to? How do you know that that is the feeling in the South?" He said, "I have talked to at least 100 people."

Mr. STENNIS. Was he attempting to give the attitude of the hundred people, or the attitude of all the people of the South?

Mr. WATKINS. I thought he was attempting to give the facts as far as he knew them. In consideration of all the other things that I knew and had heard about, and the resistance of the people of the South, not only to the pending bill, but to other measures, and in view of the criticism of some recent decisions of the Supreme Court, I thought he was probably trying to express the views of a rather large segment of the southern people on this question. I realize it is an extreme view, but it would not be fair if I did not call the matter to the attention of the Senate.

Mr. STENNIS. I should like to say to the Senator that in my humble opinion the witness is entirely incorrect. What he said is not true. It hurts me to say that the Senator from Utah has been led astray by such testimony as that, without any cross-examination, without any refutation. Apparently a witness, someone who has never been heard of before, merely stumbles in and gives the committee such slanderous testimony as that.

Mr. WATKINS. I am not prepared to say that the Senator is correct in calling it slanderous testimony. There is evidence that backs up his statement. He did not say he was expressing the view of the entire South. However, after I considered what I had heard and seen, I believed he did represent quite a large segment of the South in his views although he may not have had authority to speak for them.

It must be somewhat significant to the Senator when he considers the willingness of the South to give up its public schools rather than admit colored children. That is certainly an expression of a very deep feeling on the matter of race.

Mr. O'MAHONEY. Mr. President, will the Senator yield to me?

Mr. STENNIS. May I ask just one more question?

Mr O'MAHONEY. What I have to say deals with the same subject. It is probably altogether relevant.

Mr. WATKINS. Mr. President, I ask unanimous consent that the entire statement of the witness I referred to be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF O. L. WARR, DARLINGTON COUNTY, S. C.

Mr. WARR. I am O. L. Warr, a farmer from Darlington County, S. C.

I speak only for myself and other individuals with whom I have talked on this question.

We feel that—I have a prepared statement. I am just going to touch the high spots of it.

Senator O'MAHONEY. Your prepared statement will be received and made a part of the record, and it will be very kind of you just to summarize it.

Mr. WARR. I will make it very brief.

We feel that the legal and intellectual qualifications of a judicial appointee are by no means the only factors that should be considered by this committee.

The attitude of the people over whose fates and fortunes he is given tremendous authority is a matter of prime importance. Although you would have the power to do it if you wished, you will agree that it would not be wise to impose on the Virgin Islanders or the people of any other Territory a governor or a judge who was known in advance to be personally objectionable to them.

The reasons that might underlie their opposition would be of little importance. The fact of their antagonism, and its intensity, are something which do merit, and which we feel should merit, your consideration.

Surely the attitude of citizens of old and sovereign States should merit the attention and understanding that is at least equal to that which would be accorded to the likes and dislikes of the inhabitants of the Nation's most insignificant and outlying possession.

I would beg of you not to be misled by the comparative outer calm that has thus far prevailed in the South. The forces that are so powerfully surging there today remind me of Tennyson's "tide as moving seems asleep, too full for sound and foam." But its strength and its direction I well know, because I am myself moved upon it, whether I would or no.

There seems to exist a casual and mistaken acceptance of the belief that the South is completely helpless and unable to defend its way of life. Let me impress upon you gentlemen that the people of the South do not share that belief, that feeling, although they realize full well they do not have the physical force to protect their rights against the encroachments that we feel are threatened.

I believe that you would be interested in knowing what they plan to do, and that knowledge might have a bearing in your consideration of this nomination that is before you.

I would not wish you to infer from what I say in the next few sentences that I necessarily agree with every detail of their decision. But I do hope that you will believe me when I say that this decision has already been made.

Should southerners become the objects or victims of any overt act of judicial or executive force, they mean to use to the fullest the weapons of passive resistance and noncooperation.

If any southern citizen should be ordered to Federal jail because of refusal to obey decrees regarded by them as tyrannical, or if troops should be sent to attempt to impose integration by force, then the men of the South are determined and ready to regard every Federal court as a sworn enemy from that day forward.

I have listened carefully to many a conversation, and if my ears have heard aright, southerners plan to defend themselves by steadfastly refusing thenceforth to convict any citizen of any crime in any Federal court. They do not intend to confine their "not guilty" verdicts to cases involving civil rights, but they propose to apply that effective veto to every criminal proceeding in every Federal court.

And it should always be remembered that each individual juror is a law unto himself, and that in the end it is the verdict of the juror that determines the law of the land.

Senator WATKINS. May I ask you a question at that point?

Mr. WARR. Yes.

Senator WATKINS. You pretend to speak for the South. You think that is the universal feeling down there?

Mr. WARR. Amongst—we will say my own feeling and that of all my neighbors; they do feel that way.

We realize it is a very serious step, but I believe all the people I know are willing to take that step.

Senator WATKINS. Let's see how many you are speaking for.

Mr. WARR. Only myself and the neighbors I have talked with.

Senator WATKINS. How many neighbors would you say?

Mr. WARR. I would say 100.

Senator WATKINS. One hundred.

Mr. WARR. Yes, sir.

Senator WATKINS. I wanted to be sure, because it sounds like you were trying to speak for the whole South, and I wanted to be sure how far you go.

Mr. WARR. For the people whose opinions, we will say, are similar to mine. We feel like we are neighbors, but that is subject——

Senator O'MAHONEY. May I ask if I interpret you correctly when I understand you to mean that if certain conditions, which do not now exist, should develop, then this plan of which you speak would probably be evolved?

Mr. WARR. Yes. I bring up the seriousness of the situation that exists in the South.

Senator O'MAHONEY. You are not talking about present conditions?

Mr. WARR. No, not now. But the seriousness—I don't wish to imply any word of threat, but rather of advice, and a warning as to the seriousness of the feeling that exists.

Senator O'MAHONEY. Let me say, Mr. Warr, that I can say to you that in my judgment, from my conversations with Members of Congress, it is generally recognized that this is a serious question, and that it calls for the exercise of the greatest amount of patience and tolerance and good will and understanding among the peoples of the North and South and East and West. And I think that persons—you speak temperately. I think you are a temperate man.

Mr. WARR. I feel that way.

Senator O'MAHONEY. Surely, and I think that is the general attitude of all the people of America, and even the most difficult problems can eventually be worked out in that spirit.

Mr. WARR. Well, that was as much as I had intended to say on that, merely to bring the seriousness of the situation out.

I would say that this nomination which you are considering is regarded by the people that I know as sort of an insult and a provocation. Its approval would be like throwing fat into a fire.

We feel that when so many other able men are available for this important position, that it would be an imposition and an error to grant power over our lives and fortunes to that individual who is most prominently associated in our minds with the attempt to overturn our way of life.

We do not regard the man who directed the effort to change lifelong and history-long habits of human beings as being adaptable to the task of fairly and impartially deciding disputes which spring from disagreement over the meaning and the extent of these new and untried and undefined precepts which he has sought to clothe with the force of law.

For many years to come the roster of the Fourth Circuit Court of Appeals will probably be predominated by cases involving racial disputes and constitutional interpretation. If ever there was an occasion which demanded the presence upon that bench of men in whose calm and impartial judgement every citizen might have confidence, surely that time is now.

I question neither the ability nor the integrity of the nominee whom you now consider—I would like to assure the person of that—and there are many offices of public trust that he could fill with distinction other than the one he holds, and we would have no objection to his filling them.

But at this tense moment in the affairs of the Nation, it would be neither wise nor proper, we feel, to invest with the tremendous power of judicial review and decision any man who has acquired the reputation of a crusader, whether justly or not, upon one side of the very arguments over which he would be called most often to preside and to adjudge, and who is already the object of such bitter animosity as to preclude any public acceptance of his judgments as being fair and impartial.

We cannot believe that his should be the role to "ride in the whirlwind and direct the storm."

That is my feeling as a "deep southerner."

Mr. Warr's prepared statement is as follows:

"The legal and intellectual qualifications of a judicial appointee are by no means the only factors that should be considered by the committee.

"The attitude of the people over whose fates and fortunes he is given tremendous authority is a matter of prime importance. Although you would have the power to do it if you wished, you will agree that it would not be wise to impose upon the Virgin Islanders or upon the people of any other Territory a governor or a judge who was known in advance to be personally objectionable to them.

"The reasons that might underlie their opposition would be of little importance. The fact of their antagonism, and its intensity, are features that do merit and should receive your consideration. And surely the attitude of citizens of old and sovereign States is entitled to attention and understanding at least equal to that which would be freely accorded to the likes and dislikes of the inhabitants of the Nation's most insignificant and outlying possession.

"It is, of course, the Declaration of Independence that I quote when I remind you that 'just power is derived only from the consent of the governed.' The committee should by all means take into consideration the state of public opinion in the South and in the States which compose the Fourth Judicial Circuit, and it should give serious thought to the effort that approval of this nomination might have in further inflaming what is already a smoldering caldron.

"I am not by nature an alarmist, but I confess to you that I am this day alarmed. In what I propose to say I would not imply the slightest note of threat, but I do believe that you should be advised and warned of the seriousness of the situation that now exists in the South.

"To describe it in the mildest terms, our section is the scene of a gathering storm. Of a storm so frightening in its nature and in its proportions that it sickens me to watch it as it thickens. For I hate to see the pleasant and friendly and cordial relations that have prevailed amongst us as individuals replaced by the hatred and bitterness and violence that are so rapidly coming to the fore.

"I would beg of you not to be misled by the comparative outer calm that has thus far prevailed. The forces that are so powerfully surging in the South today remind me of Tennyson's 'tide as moving seems asleep, too full for sound and foam.' But its strength and its direction I well know, for I am myself borne upon it, whether I would or no.

"The nature and the extent of the havoc that may yet be wreaked by its intensity before it is done are unpredictable but nonetheless perilous and frightful. It is within your power to stave off its fearful onset, in the hope that the winds of reason or of chance may by some miracle dissipate or divert this public hurricane whose lightning and thunder we have already seen and heard, and the first hailstones of which we have already felt as it rushes forward in its rapid approach.

"There seems to exist a casual and a mistaken acceptance of the belief that the South is completely helpless and unable to defend its way of life. Let me impress upon you that the people of the South do not share that feeling, although they realize full well that they do not possess sufficient physical force to protect their rights from the encroachments that are threatened.

"I believe that you would be interested in knowing what they plan to do, and that the knowledge might have a bearing on your consideration of the nomination that is before you.

"I would not wish you to infer from my statement that I necessarily agree with every detail of their decision. But I hope that you will believe me when I say that that decision has already been firmly made.

"Should they become the objects or the victims of any overt act of judicial or executive force, they mean to use to the fullest the powerful weapons of passive resistance and noncooperation.

"If any southern citizen should be ordered to Federal jail because of refusal to obey decrees regarded as tyrannical, or if troops should be sent to attempt to impose integration by force, then the men of the South are determined and ready to regard every Federal court as a sworn enemy from that day forward.

"I have listened carefully to many a conversation, and if my ears have heard aright southerners plan to defend themselves by steadfastly refusing thenceforth to convict any citizen of any crime in any Federal courtroom. They do not intend to confine their 'not guilty' verdicts to cases involving civil rights, but they propose to apply that effective veto to every criminal proceeding in every Federal court. And it should always be remembered that each individual juror is a law unto himself, and that in the end it is the verdict of the juror that determines the supreme law of the land.

"Should such a state of affairs be brought to pass, the real problem of the Federal Government in the years that lie ahead will not be the imposition of integration, but the preservation of peace and order.

"Surely it is not wise to push the men of the South to such an extreme defense of last resort. For if they are to be treated as scorned and friendless outcasts and reprobates, then they will have no alternative but to play the part to which they feel that they have been unjustly assigned.

"If the southerner is forced into the role of an Ishmael, if every man's hand shall seem to be against him, then you may expect in return that 'his hand will be against every man.' Certainly the sight of a South more oppressed under military heel than the lowliest Balkan satellite would be a poor recommendation for a nation which boasts of its love of freedom and its respect for the rights of the individual.

"It has been stated in high place that the only question confronting the southern people is that of conforming to a decree. Just a few years ago the important question that faced the great German people was whether or not to conform to a tyrannical decree, backed by all the power of law and military might, which demanded the utter extermination of a remarkable race of men.

"Be it said to the credit of some of the men of that unfortunate country that they sacrificed their lives in preference to becoming a party to such a crime. There are many such men in the South today, men who are willing to take any step and to face any fate before they will conform to a decree which would, with the passage of time, result in the

slow but certain disappearance of the Anglo-Saxons, who are themselves the extraordinary people also.

"They abhorred the extermination by government edict of another great race. They refuse to consent to the destruction of their own by a similar process.

"The nomination that you are now considering is regarded by southerners as a contemptuous insult and a gratuitous provocation. Its approval will be a throwing of fat into a fire. When so many other able men are available for this important position, it would be an onerous imposition and a grave error to grant power over the lives and fortunes of freemen to that individual most prominently associated in their minds with the attempt to overturn their way of life.

"They do not regard the man who directed the effort to change lifelong and history-long habits of human behavior as being adaptable to the task of fairly and impartially deciding disputes which spring from disagreement over the meaning and the extent of these new and untried and undefined precepts which he has sought to clothe with the force of law.

"For many years to come the roster of the Fourth Circuit Court of Appeals will probably be predominated by cases involving racial disputes and constitutional interpretation. If ever there was an occasion which demanded the presence upon that bench of men in whose calm and impartial judgment every citizen might have confidence, surely that time is now.

"I question neither the ability nor the integrity of the nominee whom you now consider, and there are many offices of public trust that he might fill with distinction and without objection. But at this tense momen in the affairs of the Nation it would be neither wise nor proper to invest with the tremendous power of judicial review and decision any man who has acquired the reputation of a crusader upon one side of the very arguments over which he would be called most often to preside and to adjudge, and who is already the object of such bitter animosity as to preclude any public acceptance of his judgments as being fair and impartial.

"I cannot believe that his should be the role to 'ride in the whirlwind and direct the storm.'"

Senator WATKINS. What is your educational background?

Mr. WARR. I am a graduate of the University of South Carolina, 1927; member of Phi Beta Kappa. I should never say that, because—

Senator WATKINS. I want to find out—you handled this very well—because you said you were a farmer.

Mr. WARR. I am a farmer.

Senator WATKINS. We have some well-educated farmers. I was quite sure, from the way you spoke, you must be a college graduate.

Mr. WARR. I farm because I like a peaceful and quiet life. I never have been to Washington before, and I sometimes wonder why I came today.

Thank you very much. [Applause.]

Senator O'MAHONEY. Thank you, Mr. Warr. Mrs. Peder Schmidt. Mrs. Schmidt?

The PRESIDING OFFICER. The Senator from Utah has one-half minute left.

Mr. JOHNSTON of South Carolina. Mr. President——

Mr. O'MAHONEY. Mr. President, will the Senator yield at that point?

Mr. WATKINS. I yield.

Mr. O'MAHONEY. I understood the Senator to say that the testimony to which he refers was given during the Sobeloff hearings.

Mr. WATKINS. The Senator is correct.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. STENNIS. Mr. President, I took some of the time of the Senator from Utah. I yield him an additional minute.

Mr. O'MAHONEY. Mr. President, I do not know what the Senator from Utah has been saying about the witness, but I was chairman of the subcommittee which handled the nomination of Simon Sobeloff, to be a judge of the Circuit Court of Appeals. I remember that a witness came before the subcommittee, and I should like to say that the members of the subcommittee paid no attention to his testimony, because we thought he was absolutely unreliable. Evidence which came to us from the State of Maryland indicated that he was thoroughly unreliable.

Mr. WATKINS. I believe the Senator is referring to a man named Shankroff. That is not the name of the witness to whom I have referred. Mr. Shankroff raised a great many questions about Judge Sobeloff's qualifications because of his handling of a receivership in Maryland. The witness I refer to came from South Carolina. He was a dignified, scholarly gentleman, and he seemed to know what he was talking about. He was a very reserved witness.

The PRESIDING OFFICER. The time of the Senator from Utah has again expired.

Mr. WATKINS. I merely wish to say that I cross-examined him. He was cross-examined during the hearings.

TESTIMONY OF O. L. WARR BEFORE SENATE SUBCOMMITTEE

Mr. JOHNSTON of South Carolina subsequently said: Mr. President, the Senator from Utah [Mr. WATKINS] earlier referred to O. L. Warr, of Darlington, S. C., who appeared before the Senate subcommittee on the nomination of Simon E. Sobeloff.

Apparently the Senator from Utah has lifted from context the testimony of Mr. Warr in a manner which would tend to indicate that the people of the South will not be fair in their judgment as jurors on matters pertaining to the right to vote. This presentment of Mr. Warr's testimony from the Sobeloff hearings at this time is unfortunate, in my opinion. In the first place, Mr. Warr was speaking for himself and was not representing any vast group of people as the reference to his testimony would suggest.

In his testimony before the Judiciary Subcommittee, on page 65 of the testimony, Mr. Warr stated:

I am O. L. Warr, of Darlington County, S. C. I speak only for myself and other individuals with whom I have talked.

As I recall, Mr. Warr, when giving the testimony referred to tonight, was speaking about forcing the people of the South at bayonet point to integrate their schools and other public places. He was talking about a second resurrection of reconstruction in the South.

Mr. President, any inference that may be drawn to the effect that Mr. Warr was either speaking on the pending question of voting rights or for any vast group of people is not accurate or fair to Mr. Warr.

Mr. O'MAHONEY. Mr. President, will the Senator yield me 30 seconds?

Mr. HRUSKA. I yield 30 seconds to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I should like to advise the Senate that the State of Wyoming is honored because this year, as in past years, the widow of the late Speaker of the House of Representatives and the Representative from Ohio, Nicholas Longworth, is a guest at the Sunlight Ranch near Cody, Wyo.

She is the daughter of a former President of the United States, well known in history and greatly admired, Theodore Roosevelt. Under date of August 3 she wrote me a letter, on receipt of which I called her and asked her permission to read a portion of it into the RECORD today. That I shall do. It reads as follows:

DEAR SENATOR O'MAHONEY: Many congratulations on the passage of the jury-trial amendment. I am sure your speech of the 16th had a great influence on the result. And now, good luck to you in the rest of the fight. * * * With warm regards to you and Mrs. O'Mahoney,

Very sincerely yours,

ALICE LONGWORTH.

This expression is an indication of the rising tide of conviction among the people of the United States that the bill, with the jury-trial amendment included, should be enacted into law.

Mr. HRUSKA. Mr. President, I yield myself 6 minutes.

The bill which is before the Senate is a progressive step toward wholesome and long-needed civil-rights legislation. I shall vote for it.

The civil-rights bill, in its original form, and even now after extensive amendment, creates no new civil rights as such.

It does provide for means of enforcing civil rights which have existed by reason of our Constitution and by our statutes for at least 75 years. This is done by vesting in the United States Attorney General the power to intervene in situations where civil rights are threatened in their exercise and full enjoyment. He may invoke equity powers of a proper court from whom he will seek appropriate orders to the end that all things are done which should be done by proper officials to secure enforcement of the rights at stake.

The Senate in its wisdom has seen fit to strike from the bill part III, which pertained to civil rights other than the right to vote.

That the bill now before us creates no new rights is well demonstrated by the fact that the 15th constitutional amendment which assured the right to vote to all citizens of the United States was ratified and made an effective part of the Constitution in 1870. It is brief. It is readily understandable. It reads as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

But even the provisions for enforcing this fundamental and elemental right

of citizenship have been stubbornly resisted. Primary evidence of this is found in the so-called jury-trial amendment which has been adopted by the Senate.

I voted against that amendment, Mr. President. Its originally intended effect was to provide a jury trial for persons charged with certain contempt-of-court proceedings relating to right-to-vote cases. Even in this form I opposed it.

The civil-rights bill as originally reported to the Senate did not change any rights regarding trial by jury. It did not deny something heretofore enjoyed, insofar as jury trials were concerned.

On the contrary, it was the so-called jury-trial amendment which proposed a change in the jury-trial system as English speaking peoples have known it for hundreds of years, and as our own Republic has known it since our beginnings as a Nation.

The jury-trial amendment seeks to do this by providing a trial by jury in certain cases of persons charged with being in contempt of court, a right which has not heretofore existed in such cases.

Under our American system of jurisprudence, as we have known it since the Constitution was adopted, no jury trials have been accorded generally to those who come before a court on charges of contempt. The courts have always had the inherent power to punish in such cases without intervention of jury trials therein. It is the one prime power whereby courts are able to hold an effective position of respect, dignity and integrity. It is principally by reason of that power that law enforcement in this country has enjoyed the high and useful place in our social and political system.

To impair or weaken this power is tampering with much too important a segment of our governmental system to take lightly, or to venture upon without proper safeguards.

It has been my feeling right along, Mr. President, that the approval of such jury-trial amendment as originally proposed would not only be undesirable in itself, but would also furnish precedent for extension into other fields than right to vote cases, to the much greater damage of the governmental system.

This has already happened. The jury-trial amendment as actually approved by the Senate, after it had been widened in its provisions, is now applicable to such an extent that it will operate to completely change the existing law with reference to a minimum of 28 Federal statutes and a maximum of as many as 40, in which injunctive relief and other equitable powers are authorized.

The PRESIDING OFFICER (Mr. CHURCH in the chair). The time of the Senator from Nebraska has expired.

Mr. HRUSKA. Mr. President, I yield myself 2 additional minutes.

Under the jury-trial amendment as now approved, a jury trial may be demanded in contempt cases resulting from equity decrees arising under statutes which permit the United States to be the party complaining, a radical departure from the law as heretofore existent. Further, the jury-trial amendment as now approved also limits punishment for contempt to a maximum of $1,000 fine or 6 months imprisonment when applied to numerous situations. This limitation, when applied to a host of very serious cases, is less than nominal. It would have no deterrent effect. It would have no punitive effect. Its real result would be the highly detrimental downgrading of the position and effectiveness of our Federal courts.

It is not difficult to create a highly emotional appeal behind such a slogan as "save the jury-trial system." It is not realized in many, many places that so far from being a move in that direction, the real effect will be in the opposite direction.

Mr. President, my regard, respect, and concern for the jury system are second to those of no one. They are based upon a lifetime of study of jurisprudence as such, upon the study of law in college, as well as over a quarter of a century of the general practice of the law.

My opposition to the jury-trial amendment is born of loyalty to the principles and instiutions of law as I have learned to know and revere them.

Hence, although I shall vote for the bill as it now stands, including the jury-trial amendment as approved last week, it is my firm conviction that its effects are so far-reaching that the conference committee cannot help but recognize the situation as it has developed and take proper steps to correct and limit the very erroneous direction and degree of amendment to our present jury and court system.

It is my earnest hope that there will result from conference committee negotiations a measure which will be workable, one which will be generally acceptable, even though it will not be to the total satisfaction of all the contending parties.

Mr. STENNIS. Mr. President, I first yield 1 minute to the Senator from Nevada [Mr. BIBLE] and then I shall yield 15 minutes to the Senator from South Dakota [Mr. MUNDT].

Mr. BIBLE. Mr. President, I thank the distinguished Senator from Mississippi.

I ask unanimous consent to have printed at this point in the RECORD, as a part of the discussion on the pending bill, an editorial entitled "It Will Be a Victory," published in the Reno (Nev.) Evening Gazette of August 3, 1957. The Reno Evening Gazette is the strongest Republican newspaper in Nevada. The editorial states that the present civil-rights bill, passed with the jury amendment, will be a victory.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Reno Evening Gazette of August 3, 1957]

IT WILL BE A VICTORY

If the civil-rights bill finally passes Congress—even with the amendment adopted providing for jury trials in criminal contempt of court cases—Negroes will still be winners in this fight.

First, it will be the first time in this century that Congress has passed civil-rights legislation. The power of the southern Congressmen to block this effort has been broken. More civil-rights laws can come later.

Second, the Government, through the Attorney General, will be able to step into cases where Negroes have been deprived of their voting rights and begin action to protect them.

Third, a Federal judge, even with the amendment in the bill if it becomes law, can take action on the Attorney General's request to get Negroes registered and he can jail people who stand in their way.

Fourth, just because the Attorney General can step in and expose cases of individual or mass discrimination against would-be Negro voters, communities which want to keep them from the polls will be held up for the whole country to see. And too much exposure of voting-rights violations will probably create a mood in Congress in the future to pass more legislation with more teeth.

Mr. STENNIS. Mr. President, I yield 15 minutes to the Senator from South Dakota [Mr. MUNDT].

Mr. MUNDT. Mr. President, as we near the conclusion of this historic debate on one of the great issues before our country, I may say that I shall vote for the bill as it will come before us in the form in which it has been approved and adopted by the legislative practices of the Senate.

I think the Senate has demonstrated very clearly in the course of the debate the wisdom of the Senate rules and the wisdom of the Senate practices. They have given us the time and the opportunity to come to understand thoroughly, paragraph by paragraph, section by section, the purport and the implications of the proposed legislation. It seems to me that that is the function of Congress—that is, to bring about a meeting of minds, such as has been brought about by the give-and-take processes of the current debate.

I am gratified beyond all expectation at the reception the bill is receiving across the length and breadth of the country. I am gratified by the fact that the press of the country, quite regardless of whether it is the Republican or the Democratic press, has almost universally found that which is good in the proposed legislation, which I am convinced we are about to pass. I am gratified by the fact that the Nation's most important observers and commentators in the field of press, radio, and television have been practically unanimous in their support of the basic concepts of the bill.

We had a long and serious discussion of the so-called jury-trial amendment, which was adopted by a majority of the Senate in a yea-and-nay vote. We who are not lawyers have heard lengthy and learned discussions by our colleagues who are lawyers as to whether or not the right-of-trial-by-jury amendment is too comprehensive; whether it contains ramifications which ultimately might have to be refined, restrained, and restricted; and whether, in fact, trial by jury itself should be extended in the kinds of court cases which will flow from the bill.

The very fact that equally learned, equally respected, and equally able lawyers in the Senate disagree among themselves certainly indicates a possibility that by the adoption of clarifying amendments on the House side, the

House will be able, through its legislative responsibility, to make such changes, if changes should be made, before the House finally votes to give its approval to the bill.

Or if perchance the House, instead of passing the bill with amendments, decides to send the bill to conference, certainly in the consultations which will take place in conference all the ramifications, all the discussions, and all the learned opinions about the right of trial by jury can there be studied and analyzed. If some changes or modifications are necessary at that time, they will certainly be decided upon in the wisdom of the conferees representing the Senate and the House. I shall be happy to support such changes should they prove desirable and should further examination prove them desirable I hope that they are made.

As long ago as July 13, I announced in a major Senate speech that I wanted to vote for a right-to-vote bill, and that if the bill which was then before the Senate could be amended and changed so that it could become strictly a right-to-vote bill, I would support it. I said then, at page 11616 of the CONGRESSIONAL RECORD:

> Appropriate legislation can be enacted, and in my opinion should be enacted, to expand and expedite these improvements.

I had been talking about the improved status of the Negro in the South and the fact that increasingly his civil rights were being granted to him in that area. I continued:

> Certainly, few would deny, and I would not uphold any who would deny, that our Negro citizens have fully as much right and should enjoy fully as much opportunity to vote in our national elections as do the remainder of our American citizens. Where such opportunities are now denied, Federal legislation is appropriate to provide them completely and beyond all question.

In my opinion, the bill now before the Senate fully meets that definition.

On July 13, I said further:

> I expect to look at this measure as rationally, dispassionately, and as completely without partisanship as it is possible to do.

In the votes which I cast in the course of the debate, and in my efforts on the floor, I tried to keep before me that guiding light as a directional beacon.

Also on July 13, I said:

> Mr. President, turning briefly to another aspect of this current controversy, let me repeat here something I said informally a week ago today, while visiting with some friends of mine from the press corps who dropped into my office. Last Saturday I told these reporters that I both hoped and believed a reasonable and rational compromise could be evolved from the legislation now before us, which would fully and effectively protect the voting rights and opportunities of our Negro citizens without giving new police powers to the Federal Government to enforce at the point of the bayonet or with threats of imprisonment the social and economic implications in the proposed bill, which we are discussing. I said then, and I repeat now, that I am confident we can bring about a meeting of minds which will produce a bill which the South can live with and to which the Negro is entitled, even though there are many in the South who might still oppose its passage.
>
> Mr. President, nothing said or done within the past week has lessened my confidence that the great American formula of making progress by accommodation and compromise, can occur in connection with the existing controversy.

I added then:

> I propose to enlist myself in an effort in that direction.

Mr. President, having enlisted myself in that effort to bring about accommodation and compromise, and having watched the deliberations of the Senate, I can say now, on the eve of the passage of the bill, as I said then, that I have confidence that the spirit of compromise and accommodation which has been evidenced on the floor of the Senate has produced a bill which is wholesome, which is good, which will be effective, and which I believe will become a part of the law of the land.

At this time I should like to quote another part of my speech on July 13, as follows:

> As I said a week ago to the reporters in my office, effective guaranties for all Negro citizens that wherever they live they will have their full rights and opportunities as American citizens protected so they can vote freely and of their own volition in every national election will be a major forward step in our American political life.
>
> And as Walter Lippmann said recently in his column in the New York Herald Tribune:
>
> "Insofar as the right of southern Negroes to vote can be secured and protected, they will acquire powerful means for establishing all their rights. * * * A disfranchised minority is politically helpless. Let it acquire the right to vote, and it will be listened to."

Mr. President, as I said on July 13, I say now to those who will be considering this measure in the House of Representatives and in the White House: If other reforms are later necessary, let them stand on their own feet and be argued on their own merit. Let us not utilize the right to vote concept which is cherished by so many to force upon the statute books adventures in acrimony and reckless grants of power which are desired by so few and which are of such doubtful necessity or equity.

Mr. President, the Senate has before it a bill which, I believe, will be a forward step in this entire controversy. I believe the bill should become law because it is, in fact, an important and historic forward step.

I cannot associate myself with the impatient persons who say, "Give us all, or give us nothing." I think sometimes progress is made by degrees. No one—I repeat, Mr. President, no one—up to this late hour has denied that progress is written into the language of this bill.

Mr. President, I hope and believe the bill will become law because, in the second place, it is the first chance the Congress has had in a century to write legislation moving in the right direction.

The Senate has this chance because it has approached this matter in a spirit of moderation, compromise, and accommodation, in recognition of the fact that sometimes reforms have to be produced by degrees.

Mr. President, I believe the bill will become law because the debate on the bill has produced statements and evidence indicating that the South recognizes the right to vote on the part of Negro citizens, and that the South will cooperate in giving them the opportunity to exercise that constitutional right.

In fact, Mr. President, during the debate there has been produced evidence showing that in many areas of the South such a protection of the right to vote is perhaps unnecessary, just as it has been shown that in other areas of the South it is necessary. For that reason, we propose to pass the bill. It is needed to correct conditions in certain areas of the South.

I hope and believe that the bill will be passed because it is a legislative step which reinforces and guarantees the rights and opportunities of Negroes to vote. In addition, it establishes a Commission which will have considerable power and authority. In fact, Mr. President, the Commission in one regard will have more power and authority than I would prefer to have it have, if I had my way, because there will be vested in the chairman of the Commission powers which are denied to the chairmen of the legislative committees of the House of Representatives and the Senate. In certain other aspects, I feel the Commission's powers are too broad or too vaguely defined.

But be that as it may, the Commission is provided for in the bill, and is charged with studying civil-rights problems which may develop or which may exist at the present time. The Commission will have the power to pour the pitiless spotlight of publicity upon improper situations, if there are such, and to make the necessary legislative recommendations to correct other problems which it may be able to discover.

Finally, Mr. President, let me say that I hope and believe the bill will become law because it provides a new forward position from which we can move, if necessary, to provide additional reforms and to make further progress.

It is my own conviction that, when given the right to vote and the opportunity to vote, the colored people of the South will speedily bring about the reforms which are essential and necessary. But if they do not, we shall have this new forward position—this advanced base—from which we can move, should it become necessary as evidence is later brought forward.

Mr. President, the bill has been developed in a spirit of moderation. I like to think that is the spirit of the Republican Party. I like to think that modern Republicans are moderate Republicans. I like to think that States' rights are sacred and important, and that the 10th amendment to the Constitution is perhaps the most important single amendment to the Constitution of the United States.

The bill recognizes the 10th amendment and recognizes the concept of States rights. The bill recognizes the spirit of moderation. It recognizes the desirability of making haste in an environment which is friendly, sympathetic, and hospitable, rather than to try to make haste at the point of a sword or bayonet, or pistol, by prodding people to go farther or faster than it seems reasonable or rational to believe they can

move at a given time. This is the spirit of moderation that is the spirit of our Republic. It is within this framework of compromise that we have been able to make the progress we have made.

Although I suspect that there will be Senators representing the Southern States who will vote against the bill—and I grant that they have that right, because ours is a representative system of government—yet I wish to say this in tribute to the Senators who represent the Southern States in this body: They have served here as reasonable men, not as obstructionists. They have won some arguments, and they have lost some arguments. But because they have made reasonable approaches, they have been able to place the imprint of their attitudes upon the proposed legislation, just as the imprint of the White House is there and just as the imprint of more ardent advocates of civil rights is there. The bill bears the imprint of all Senators who have debated the matter in this great crucible which brings together the minds of men, so that conscionable and reasonable progress can be made.

In addition, Mr. President, I wish to say that I salute the Senators from the Southern States, who might have been called upon to filibuster and to create all kinds of unreasonable delay in a frantic attempt to prevent the Senate from dealing with the realities involved in this matter.

As a consequence of the mature attitude of Senators in this Chamber, regardless of which side they took in the debate, the dignity of the Senate has been increased and I believe the responsibility of the Congress has been enhanced. Our majority leader and our minority leader have both acquitted themselves with distinction in this controversy.

I am confident in my own mind that, upon serious and deliberate consideration, the White House will realize that it is better to accept some progress in the right direction, rather than to take none and, as a result, have to start all over again the whole controversy—which might perpetuate the issue, but would contribute little or nothing to the solution of the problem.

The PRESIDING OFFICER. (Mr. CHURCH in the chair). The time yielded to the Senator from South Dakota has expired.

Mr. STENNIS. Mr. President, I yield 1 more minute to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 1 additional minute.

Mr. MUNDT. Thank you. Mr. President, I close by citing a great student of government, Edmund Burke, who said, in 1775:

> All government—indeed, every human benefit and enjoyment, every virtue, and every prudent act—is founded on compromise and barter.

Mr. President, I believe the pending bill meets that test. I hope it becomes a law.

Mr. KNOWLAND. Mr. President, I yield 10 minutes to the junior Senator from New York [Mr. JAVITS].

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes.

Mr. JAVITS. Mr. President, I shall vote for the bill. I shall vote for it because I want a bill, not a campaign issue; and I believe this is the way to get a bill. I shall vote for the bill, notwithstanding the fact that it has a fundamental and, indeed, a well nigh fatal legal defect which, if one took the bill literally, as it stands before us, makes it a legal monstrosity. This defect is contained in the breadth of the jury-trial amendment, which is applicable to so many statutes.

Mr. President, I have argued this question before, so I shall not detain the Senate by arguing it at length now. However, I should like to juxtapose in the RECORD, as a part of my remarks, two legal documents which I believe show that the bill cries out and demands that this defect receive correction. Indeed, if it is not corrected, I do not see how the President can sign the bill.

First is that part of the law which is section 402 of title 18 of the United States Code; the second is section 3691 of title 18 of the United States Code, which I ask unanimous consent to have printed in the RECORD as a part of my remarks.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

§ 402. Contempts constituting crimes.

Any person, corporation, or association willfully disobeying any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein, or thereby forbidden, if the act or thing so done be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of any State in which the act was committed, shall be prosecuted for such contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both.

Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000, nor shall such imprisonment exceed the term of 6 months.

This section shall not be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States, but the same, and all other cases of contempt not specifically embraced in this section may be punished in conformity to the prevailing usages at law. (June 25, 1948, ch. 645, sec. 1, 62 Stat. 701, May 24, 1949, ch. 139, sec. 8 (c), 63 Stat. 90.)

§ 3691. Jury trial of criminal contempts.

Whenever a contempt charged shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in other criminal cases.

This section shall not apply to contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States. (June 25, 1948, ch. 645, sec. 1, 62 Stat. 844.)

Mr. JAVITS. Mr. President, an examination of both of those sections shows that in any suit started by the United States which relates to large economic interests, under the securities laws, the "Hot Oil" Act, the National Labor Relations Act, the antitrust laws—which are perhaps the most significant of all—the punishment which the court could adjudge for a criminal contempt could be, in the judgment of the court, apportioned to the economic interests involved. We are all very well acquainted with the United Mine Workers case, and the important and heavy fine which was levied there. If the amendment which we have adopted becomes part of the law, in any case, involving huge economic interests, in which the United States Government is a party plaintiff, the court would be confined to a fine of not exceeding $1,000 and a sentence not exceeding 1 year's imprisonment. I cannot feel that the authors of the amendment contemplated any such application as that. This is quite apart from the bedevilment of the jury-trial amendment itself, because the provision would apply to criminal contempt in cases where there is no machinery for jury trial in circuit courts of appeals which issue orders and injunctions in cases involving the Federal Trade Commission, which also has not provision for jury trials. I just think the jury-trial provision falls absolutely of its own weight. I do not see how we can contemplate any law with such a provision in it.

Second, there is another defect in the bill, which we cannot cure, and to which I should like to address myself. I think it is very much a question of public service which is involved, especially for news mediums.

I said on the floor yesterday that there is a provision in part I of the bill which relates to the Commission and which has given cause for concern among the press, magazines, radio, and TV. It is contained in subsection (g) of section 102, which reads:

> No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than 1 year.

Naturally, the news media fear that if they get their hands on any information which comes out of an executive session or actions of the Commission, and they publish it, they might be subject to the criminal sanctions of that particular section. It would have been much better if the section could have been expressly limited to apply to employees,

officials, and the staff of the Commission; but the time for that has gone. Both the Senate and the House will have adopted, by the time we are through, the identical provision. I think it is therefore important to spell out, so far as we can, what is the true intention of the provision, in order to quiet, if we can, the fears of those who have legitimate fears.

I have studied the provision, and I ask unanimous consent that a memorandum I have prepared on that point be made a part of my remarks——

The PRESIDING OFFICER. Is there objection?

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON CIVIL RIGHTS SECRECY PROVISION

There is a provision in part 1 of the civil-rights bill relating to the Commission which has received little attention but which has caused concern among the press, magazines, radio, and TV. Subsection (g) of section 102 of the civil-rights bill reads as follows:

"No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than 1 year."

Upon analysis, it clearly is intended to apply only to officials, staff, or others employed by the Commission. One way to further clarify the situation now is by spelling out the meaning of the language as part of the legislative history in the Senate.

The intent of the provision, it is contended, is to prevent leaks by Commission officials or staff or others employed in its work of confidential testimony which, among other things, might tend to defame, degrade or incriminate any person. It was not intended, upon careful analysis, as a general criminal statute applicable to the public at large, or to jeopardize news media which secure and publish information obtained in their own way on testimony given in executive session.

The provision states in the first sentence that no testimony or evidence "may be released or used in public sessions without the consent of the Commission." Obviously, newspapers cannot release or use testimony in public sessions, only the employees, staff, or members of the Commission could do that. The second sentence, which provides the penalty, sets out in similar language that "whoever releases or uses in public" without the Commissioner's consent is guilty of a crime. In construing these two sentences together and in looking at them in the light of their use of the same verbs and the title of the section—Rules of the Procedure of the Commission—and the other provisions dealing with the Commission procedure, it is clear that the whole provision relates to duties and responsibilities internal to the operation of the Commission; that the reference to "in public" is limited to public exposure by those within the Commission or having responsibilities or duties imposed by it or under its authority. If executive session testimony is leaked to the press and published, a Commission official, staff member, or employee (regular, temporary, or on contract) who divulged it could be subject to the criminal penalties, but the reporter and newspaper could not be.

In the construction of a statute which is ambiguous the courts will often turn to the intent to be gathered from legislative debates. In this instance it is possible to clarify by Senate discussion what is meant. Criminal statutes are always construed strictly and any doubt is resolved in favor of the defendant. Any light which can be thrown upon this ambiguous provision here will be of great value.

Subsection (g) to section 102 was added by the House and it is significant that its first sentence is identical to paragraph (o) of House rule XI–25—applying to House committees—which provides as follows:

"(o) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee."

Clearly these rules apply only to the internal operations of House committees. They do not govern the public at large and certainly not newspapers and other news media and yet the wordage is identical.

Similar language is usual in Senate investigating rules:

Rules 14 and 15 of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations provide as follows:

"14. All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the subcommittee.

"15. No subcommittee report shall be released to the public without the approval of a majority of the subcommittee."

Similarly, rules 20 and 21 of the Subcommittee on Privileges and Elections of the Committee on Rules and Administration; rule 5 of the Committee on Banking and Currency; rule 8 of the Armed Services Committee, and rule 10 of the Internal Security Subcommittee of the Committee on the Judiciary.

As part of the legislative history it should be stated that it is not the Senate's intention by the passage of the bill to invoke censorship on the news media or to place a criminal penalty upon their disclosing news they may get about executive hearings of the Commission.

Mr. JAVITS. The verbs which are used in that particular provision, "release or use" testimony in public are used twice.

Taking the two sentences which are contained in the subsection together, as well as the title of the section, which is headed "Rules of Procedure of the Commission," I am convinced the whole provision relates to duties and responsibilities internal to the operation of the Commission, and that the reference to the use of the words "in public" is limited to public exposure by those within the Commission or having responsibilities or duties imposed by it or under its authority; and that therefore the criminal sanctions do not apply other than to the official staff members or employees of the Commission.

In substantiation of that statement, there are contained in the memorandum excerpts from the Rules of the House of Representatives about committees and from the rules of a number of committees of this and the other body, carrying identical or very similar language. It has never been maintained, under that language, that if news media could acquire information of that character, they would be proceeded against by any sanctions.

I hope, to the limit of my power, and that of Members in the other body of Congress, this statement may help quiet some of the fears, because I believe in the integrity of the sources of news. News media, if they could get the information, should not be under the inhibition which may, at first glance, be thought to be contained in the language, but not in fact or law in any view; in this section.

Finally, I come to my summing up. It is undeniable to me that there has been a major denial of voting rights of Negroes in Southern States, particularly in the Deep South, and that this major denial is going on right now. The mere figures themselves, taking them overall, conclusively support that statement. Let us not forget, when we are having discussions about Chicago and New York, that more than half of the Negroes of voting age live in the 11 Deep South States—over 5,000,000 out of 9,000,000. Even with the great advances which have been made following the Supreme Court decision allowing Negroes to vote in so-called white primaries, only 24 percent are registered to vote. We know that in the State of Mississippi in a recent gubernatorial election just 2 percent of the Negroes voted. Those figures compare with 73 percent registered to vote of those eligible for the overall figures in the United States, and 53 percent for the overall figures in the 11 Deep South States. So I think it is very clear that a very important civil right is being denied or jeopardized—the right to vote.

I believe that the bill, stripped of the jury-trial amendment, would be effective in respect of that right, but I point out, and I have constantly pointed out, the defects and deficiencies in the measure. The Senate has exercised its will and has eliminated, through striking out part III, added Federal protection for a broad range of rights. I thoroughly disagree with the action the Senate has taken, but that is the decision of the Senate.

I believe we can live with the bill as to voting, with the qualifications I have mentioned, and that it will provide a measurable advance on the road to progress for the Negroes to receive full recognition in the South, once the bill is put into effective shape.

I point out that we are dealing with the voting right of 5 million citizens. I do no know why, but somehow or other we do not seem to have been able to break through with this elementary fact to the American people. A great number of those citizens are being disfranchised by strategems, schemes, and devices which are unworthy of any American, certainly in respect of the right of every American to the equal protection of the laws.

I close on this note. Many distinguished representatives of the South have spoken most eloquently about the sacred rights they are trying to protect. I lay aside what has been called by the senior Senator from Georgia [Mr. RUSSELL] the question of the separation of the races. Now there is no reason in the world why Negroes should not be permitted to vote in the South. I point to the figures and strategems as evidence of the fact that the right to vote is being largely denied to those citizens. There is no question about the fact that southern Senators have won a very big victory. Let us now see if the measure can be perfected. If it does become law, let us see if the leadership of the South will be

consecrated to the cause which ought to be a common American cause, regardless of any other considerations, regardless of their questions of the mingling of the races or anything else; will they fight as hard to secure the right to vote for the Negroes as they did in what they considered here to be a holy cause to them? I think this is an acid American test. Most Senators will be in the Senate for some time. I think there will be an opportunity to go back to these facts. The civil-rights proposition is not ended, and it is not dead. What shall happen to it and what shall happen to filibusters, which are controlled by rule XXII, and what shall happen to much other legislation, will depend not alone upon the wording of the law as upon the faith in American ideals which we shall find evidenced in the leadership of those who have argued so eloquently, and, I feel, sincerely against the bill.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. I thank my colleague, the Senator from California.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Alabama [Mr. SPARKMAN].

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SPARKMAN. Mr. President, first I want to pay tribute to those Senators, Democrats and Republicans, who are responsible for removing many of the worst features from this so-called civil-rights bill.

Members on both sides were sorely troubled by the danger to jury trial inherent in the bill as originally drawn. There is no doubt in my mind that history will record that the Senate acted wisely to write into the bill the protection of this basic civil right.

As the Wall Street Journal, July 30 issue, so appropriately stated:

> On this question (jury trial) history has already passed a verdict. It is not that every jury can be depended upon to do justice. We have jury trials because the experience of men is that, for all their imperfections, they remain still the best means of insuring justice.
>
> The debate in Washington is on civil rights. But as we press on to insure more of them, we ought at least to be wary lest we trample underfoot those we already have.

The Senate heeded this advice, and the rights of all Americans are better protected thereby.

Even though the bill has been greatly improved, Mr. President, I shall vote against its passage.

I shall do so for the following reasons:

First. It is still a bad bill.

While most of the worst features have been removed, it still contains objectionable and risky provisions.

One such provision is that which would create a Commission on Civil Rights. Such a commission is unnecessary, and certainly it should not be given the broad powers called for by the pending bill. The Commission would have the power to harass any business and to meddle into the affairs of individuals and their relations to other individuals. It would be empowered to encroach upon the rights of State and local government.

It is unwise for Congress to establish a commission with such unlimited powers.

Second. Another objection to the bill is that it is unnecessary. The alleged wrongs which the bill would correct do not exist to anywhere near the extent claimed.

No part of the country is free from discriminatory practices, and no laws can legislate peoples' attitudes and social customs. This is not true only as between races; it runs the entire gamut of human relations.

There are those, though, who during the whole course of this debate have charged that Negroes are mistreated in the South, that their educational and job opportunities are greatly inferior to those of whites, that they are deprived of their voting rights, and that throughout the South they are persecuted and abused.

Those who have made these accusations generally choose to ignore the fact that discrimination against the Negro outside the South is just as sharp and in many respects more cruel than in the South.

They disregard the almost unbelievable progress made by the southern Negro during the past three decades, the period during which the economy of the South has improved sufficiently for all our people to enjoy a better life.

They overlook the fact that most Negro-owned and operated businesses are in the South, that nearly all Negro-owned farms are located in the South, that educational facilities are rapidly being equalized, and in many instances Negro facilities are far superior to those of the white, and that the number of Negroes voting is 30 to 40 times greater than 20 years ago.

Incidentally, Mr. President, a few days ago I received a letter from the State superintendent of education in my State. He gave me information as to the number of Negro teachers in the State, elementary and high school, and a breakdown of the white teachers in the same way. He found that the ratio of Negro teachers to students was a little higher than that of white teachers to students.

The amazing thing was that the rate of pay for Negro teachers in elementary schools of Alabama was in excess of the average pay for white teachers in the same type of school. That was not quite true with reference to high school teachers, for the differential was a little bit the other way in that case. But the overall figure was most interesting, in that it showed that white teachers in the State on the average were paid $6 a year more than the Negro teachers in the State.

I may say, Mr. President, that the Negro teachers in our schools are not numbered by the scores or hundreds, they are numbered by the thousands.

Typical of the misinformation spread about the South was that reported about Negro voting. The distinguished Senator from New York has made reference to statements and figures as if they were absolute facts.

Mr. President, it has been shown on the floor of the Senate that many mistakes were made in the so-called survey made by the Southern Regional Council.

In my own home county—the county in which I was born, Morgan County—the survey stated there was not a single Negro voter. I received a letter from the probate judge of that county, and he informed me that there were over 1,500 Negro voters in that county.

It has also been stated that no Negroes were registered to vote in certain other Alabama counties, among which were Blount, Jackson, Morgan, and Tallapoosa. A check with the probate judges proved the falseness of the report. There were many more Negroes registered in other Alabama counties than reported by the source in question.

Characteristic of the reply I received from the probate judges of Alabama is that from D. Hardy Riddle, of Talladega County. The Southern Regional Council reported 1,134 Negroes registered in Talladega County. Judge Riddle telegraphed:

> There are approximately 2,500 Negro voters registered in this county and I do not know of a single instance in many years where a person was refused registration because of his color.

Even though I can show two dozen serious mistakes made by the survey, with relation to the State of Alabama, it continues to be thrown up to us as giving accurate figures. The newspapers throughout the country use it as containing such data.

Mr. President, there has been a world of misinformation regarding these conditions. Typical of letters I received from Alabama registrars is one from Miss Myrtle W. Little, of Sheffield, Ala. She said:

> As for the colored people being persecuted in the South, I wished so many times this past Monday, for the Senators who claim we won't let them vote, could have had a glimpse of the inside of our historical old courthouse in Tuscumbia as we registrants worked from 8 a. m. until 6 p. m.
>
> Monday (last) was the last opportunity for registering, for a local county election, we have coming up 13th of August. Throughout the day, there were double lines of applicants that reached from the office door, to the outside steps of the courthouse. Every applicant was served as his time came, be he white or colored, just as it should be. Every person received the same courtesy, the same consideration, the same admonishing, such as not to lose their registration and poll-tax receipts, to always take them with them on election day so they would have no trouble voting, should their name not appear on the poll list, etc.
>
> No qualified applicant was turned down.

I should like to invite particular attention to this statement:

> Since I have been on the registrars board (October 1955) only one colored person was turned down—she had served a term at Wetumpka (State prison for women). We told her if she could get her citizenship restored, we would be glad to register her.

Let me urge my colleagues outside the South to study the progress we have made; also to learn about our problems and to judge our achievements not only by where they think we should go but from where we have come since the turn of the 20th century.

Third. The third objection to the pending bill is that it would bring about a further deterioration in racial relations in the South.

This deterioration has been rapid and harmful to both races, particularly to the Negro, since the Supreme Court decision in 1954 and the stepped-up agitation thereafter. I have already referred to the economic progress made by the Negro and to his greater vote participation.

Let us note a few specific examples of the better days in the South when racial relations were improving—when the Negro was advancing in the economic and educational fields—yes; even in politics.

A news story from Raleigh, N. C., reported the election of a Negro attorney, F. J. Carnage, to a 6-year term as a member of the city school board.

Another news story—1949—reported the adoption of a resolution by the Jefferson County Democratic executive committee, Birmingham, to the effect that—

> All candidates who directly or indirectly use, or knowingly permit the use of racial hate or religious intolerance in any way whatsoever during the campaign for which he or she has filed, shall be disqualified, debarred from party privilege within the jurisdiction of this committee.

Still another news story from the fine old city of Demopolis, a city of my State, located in the midst of a heavy Negro population, tells of the sponsorship by the Rotarians of Demopolis of a recreation center for Negroes with a swimming pool, dressing rooms, and other modern equipment.

In the early part of 1953, a Negro citizen was elected to the school board in Atlanta, Ga., by a large majority over the white incumbent. The Negro population in the voting area was only about 30 percent of the entire population. It is obvious that the Negro could not have been elected without the votes of many whites.

In the same election two Negroes were elected to the Democratic Party's county committee.

I could go on for hours citing examples of friendly and progressive race relations in every State and in practically every community all over the South less than a half dozen years ago.

Since the Supreme Court decision in 1954, though, these examples have become fewer, particularly in those areas where the Negro population approaches or exceeds in number that of the white. This setback in racial relations is due almost entirely to the Supreme Court decision and constant attacks, typified by so-called civil-rights legislation, directed against the South by people, largely officeholders or officeseekers, outside the South.

Virginius Dabney, editor of the Richmond Times-Dispatch, Richmond, Va., recognized as a progressive southerner who has advocated and worked for better racial relations, said in a speech before a group of teachers on February 26 of this year:

> The tragic fact today in the South is that hardly any liaison remains between the white leadership and the Negro leadership. Not only so, but until a few years ago, Negroes were being elected regularly to city councils and school boards in several Southern States, and it was the most natural thing in the world for white and colored leaders to sit down together for discussion of their mutual problems. These things are no longer true. The two races have been driven apart by the rancorous arguments over segregation, with the result that hardly any avenues of communication exist in most areas. The NAACP leadership has committed all Negroes so completely to its drive for total integration that any white who dissents from this view is stigmatized as an enemy of the Negro race. Of course, Negro dissenters are assailed with still greater violence, and are pilloried in much of the Negro press as "Uncle Toms", "handkerchief heads", and so on.

As further evidence of the breakdown in racial relations caused by outside pressures, I call attention to the cancellation by the Association of Churches of Auburn, Ala., of the appearance of the Tuskegee Institute Choir that has been an annual event since 1939. An editorial from the Birmingham News comments on this event in these words:

> A SAD STORY OF RACIAL TENSION
>
> Each year since 1939 the great Tuskegee Institute Choir had been featured in a community worship service in the lovely and long so peaceful city of Auburn. But this year's members of the official board of the Methodist Church there withdrew from the service, saying "we deplore conditions which have created such tensions that the wisdom of holding this service is in question." The statement did not discuss these tensions. But, of course, all of us know of acute difficulties in racial relations. And a legislative act recently was passed excluding Negro residential areas from the city of Tuskegee. Boycotting of white merchants has followed.
>
> The Auburn Methodist Church board's statement said, "in the interest of good will toward all men, we believe it unwise and unfair to bring the Tuskegee choir and chaplain to this service since the danger of their embarrassment or injury is a very real one." It expressed the view that calling off the service would be wise to avoid an incident.
>
> The Auburn Association of Churches has adopted a resolution, following the action of the Methodist Church board, canceling the community service for this year.
>
> This is one more development saddening to great numbers of our people. Not so long ago, before the Supreme Court's school decision, there had been so much hope of improving racial relations. Now uneasiness is everywhere—and a sense of tragedy and frustration is widespread, among both white and colored people.
>
> This story must renew in countless hearts the will to do whatever can be done to abate such tragic trends, to refrain from anything that would worsen conditions already deeply deplorable.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. STENNIS. Does the Senator desire 1 minute or 2 minutes?

Mr. SPARKMAN. Will the Senator yield 2 minutes, please?

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Alabama.

Mr. SPARKMAN. These few examples, Mr. President, characteristic of hundreds that could be cited, point to the fact that the Negroes of the South, and indeed all people of the South, are being done a great disservice by forces who misrepresent the true situation in the South, and who, under the guise of giving help to the Negro, create situations that in reality do him harm.

Mr. President, I could continue citing one example after another showing the tremendous advance which has been made by Negroes in the South in recent years, particularly since the economy of the South has improved, and to show the development of good relations between the races there.

I could also show many instances illustrating how those relations have been severely harmed, causing a tremendous deterioration during recent months and years, since the Supreme Court decision, and all the agitation which has taken place since that time. The movement for vicious civil-rights legislation, such as that proposed by the pending bill, did not help the situation.

The fourth reason I shall vote against the bill, Mr. President, is that it is aimed at the South. I think many of the speeches which have been made on the floor of the Senate in the course of this debate have shown a great deal of feeling toward that section, and I regret very much to say, have shown great misunderstanding and lack of knowledge with reference to that section.

I regret very much to see this type of legislation placed upon the statute books. I know that there is a better way to solve these problems, and we have been solving them in the South, particularly during the time we have enjoyed better economic conditions there. The great trouble in the past has been that we have not had enough to go around; and it is human nature, when such a condition prevails, for the dominant group to get the upper hand. That has been true in the South in the past, but in recent years I am glad to say that the economy has been greatly improved, and we have seen a tremendous improvement in racial relations throughout that entire section.

The bill is a political scheme designed to use the South as a whipping boy to capture the Negro vote of the heavily populated Negro areas in the North, and to exploit other northern voters who know little or nothing of conditions in the South but who understandingly might vote for candidates that propose to correct an alleged wrong.

Over the years, I have witnessed the introduction of and the ballyhoo over so-called civil-rights legislation. Its political implications have always been clear to those experienced in politics.

The political intent inherent in the pending bill is made more obvious by the threat of its leading proponents to hold the bill over to 1958. The argument is that more political mileage can be obtained in the 1958 Congressional elections by staging another fight on the bill next year.

Thus, we see the facts unfold:

The bill was drawn in a manner to create the greatest possible fear and objection in the Southern States.

Opposition in the South would be propagandized as the usual southern desire to hold the Negro in subjugation, and this would win the favor of Negro voters for proponents of the bill.

If, as actually did happen, enough Senators became sufficiently aware of the dangers to eliminate the most objectionable parts, every effort would then be made to carry the bill over into 1958, election year.

The bill was conceived as a political vehicle. A few sincere but misguided proponents have supported it intact. However, it will be ridden its full mileage by many whose sole objective is the Negro vote in the 1958 and 1960 elections.

I, for one, believe that our Negro citizens will continue to support those who work to help make it possible for them to have better homes, schools, jobs, and other means of a better life.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the Senator from Colorado [Mr. ALLOTT].

Mr. ALLOTT. Mr. President, it would be futile, in the closing hours of this debate, to continue the charges and countercharges which have flown across the floor of the Senate in the past few weeks.

I shall vote for this bill, but I shall do it with a broken heart, because I believe it falls so far short of what the Congress of the United States should do to bring about civil equality in the United States.

Our forefathers said:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

If a citizen cannot vote, the powers do not come from the consent of the governed.

In the past few weeks we have heard arguments on this floor from the distinguished, charming, and always convincing Senators from the South, who somehow have bamboozled a great proportion of the press and the American public—and, I am sorry to say, some of our own Members—into believing that the O'Mahoney-Kefauver-Church amendment is actually a step forward in the United States law.

Such is not the truth. First of all, it is contrary in principle to the general law affecting the Federal courts, and it is certainly contrary to the laws in the great majority of the States of the Union. It is contrary to the body of the English common law. No amount of argument, and no amount of mental gyrations or mental acrobatics can change those facts.

The amendment ought to be recognized for what it is, and what it always has been, namely, a very clever political maneuver, an amendment to a civil-rights bill which is so bad, in changing the body of the law, that if the House, by any stretch of the imagination—and such a situation is difficult to conceive—should accept it, the President, because of its impact upon 30 or 40 or 50 other laws, would have almost no other choice than to veto the bill. I do not presume to speak for him, or to anticipate what he might do, but that is what I believe he might have to do.

We are saying in the proposed legislation, upon which we are to vote tonight, that we in America really believe in second-class citizenship, that we are willing to take a half right-to-vote bill and pass it.

> Little Jack Horner sat in the corner eating a Christmas pie. He stuck in his thumb and pulled out a plum, said, "What a good boy am I."

When the Senate passes this bill, it can say, like little Jack Horner, "What a good boy am I."

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. ALLOTT. Mr. President, may I have 1 minute additional?

Mr. KNOWLAND. I shall have to make it half a minute, because I am almost overdrawn on my time account.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional half minute.

Mr. ALLOTT. I shall vote for this bill, but only in the hope that a conference committee will bring out of conference a measure which will, in fact, give civil rights to all the people of the United States.

Mr. ALLOTT subsequently said: Mr. President, I ask unanimous consent that an editorial from the Denver Post of August 4, 1957, be printed in the RECORD in connection with my remarks earlier this afternoon upon the civil-rights bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IN APPRECIATION

Again we wish to voice a word of appreciation to Colorado's two United States Senators—GORDON ALLOTT and JOHN CARROLL—for voting not to weaken the civil-rights bill by adding a jury trial amendment. It is regrettable that enough phony liberals in the Senate joined the solid southern Democratic bloc to pass the amendment.

Advocacy of this amendment has been marked throughout by buncomb and charlantry. Under the pretense of supporting the great legal principle of trial by jury, sponsors of the amendment are actually trying to extend jury trials to a realm where it has never existed before as a constitutional or traditional right.

In criminal contempt cases brought by the Government there has never been a right to a jury trial, either in Federal courts or in most of the State courts of the Deep South. If this is a defect of our court system it seems strange that the jury trial advocates never thought of it until the matter of enforcing court orders against racial discrimination became an issue.

What the jury trial amendment does is weaken the authority of the Federal judiciary to punish those who deliberately violate court orders. It seriously undermines rule by law and seeks to replace our legal system with one in which justice must yield to the bigotries of local juries.

We commend Senators ALLOTT and CARROLL for understanding the issue and opposing this invasion of court authority.

Mr. PURTELL. Mr. President, will the Senator from California yield me 8 minutes?

Mr. STENNIS. Mr. President, we have been alternating with speakers from either side. The Senator from South Carolina [Mr. JOHNSTON] has been waiting for a considerable time. I ask that he be permitted to proceed at this time.

Mr. KNOWLAND. Very well.

Mr. STENNIS. I yield 6 minutes to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Mr. President, early in the year there descended upon Washington tons of propaganda literature concerning the pressing need for a right-to-vote bill. The President, from time to time all year, has made comments from the White House about his interest in a voting-rights bill and how he was supporting a moderate right-to-vote bill. Most of the columnists, radio and television commentators, and, indeed, most of the Members of Congress, talked about a right-to-vote bill.

Then came the administration's proposal. It came in the form of H. R. 6127 in the House and S. 83 in the Senate, two identical, carefully worded documents of evil. Both bills went to committees where they were studied and where hearings were held.

As we members of the Senate Subcommittee on Constitutional Rights probed deeper into the bill, its true aspects of a force bill came to light. Both bills obviously were designed to accomplish these objectives: Make a dictator out of the Attorney General; enforce integration in public schools and elsewhere; enable the use of the Armed Forces of this Nation to enforce integration; and do away with the cherished human right of trial by jury.

Upon the revelation of these facts, the Senate Judiciary Committee proceeded to amend the bill to make it precisely what it had been ballyhooed to be, namely, a right-to-vote bill. In the midst of committee action, the Senate, led by the Senate minority leader, and encouraged by the President of the United States, voted to abandon committee procedures and force the "force" bill onto the Senate floor for action. That was the time when the Senate took up where the committee left off and we started from scratch.

The proceedings of the Senate and the deliberations in the Senate on this bill have proven several things. Principally, we have proven that the bill in its original form was no simple measure and least of all was designed to guarantee only the right to vote.

We began to amend the pending House bill and let the Senate bill die in the committee. We succeeded in extracting the dragon's teeth from this bill, but we have not succeeded in correcting the immorality it represents.

This bill violates several basic concepts of government, which makes it totally unacceptable to me. First of all, it violates the constitutional right of the States to establish their own prerequisites to be met to enable their citizens to serve on Federal juries. The States have the right to establish these prerequisites, and should retain this right. I believe every qualified person should have the right to vote and the right to serve on juries. Qualified people of all races, creeds and colors, including Negroes, serve on juries in my State and vote in my State. But I would be against

allowing people who do not qualify to vote or to serve on juries.

This bill abolishes the right of States to establish these jury prerequisites. In my own State, for example, it would throw aside the State constitutional provision forbidding women to serve on juries. I do not believe I have, or that anyone else in the Senate has, the right to change the constitution of my State. If the South Carolina constitution is to be changed, the people of South Carolina should change it.

In my opinion, this bill violates the very Constitution of the United States in that it amends the State constitutions by simple legislative act. This bill amends a 1911 Federal law which would nullify a South Carolina constitutional provision dating back to as long ago as 1868. No proper procedure for amending the Constitution has been used in changing the law with regard to the establishment of the prerequisites States shall apply to the selection of jurors. This right is expressly provided for in the Constitution under amendment 10 thereto, and in my opinion can only be altered by constitutional amendment.

This bill establishes a new and vicious Federal bureau, a Civil Rights Commission, which is of such nature it can be used by the President or the Attorney General, or its own members, to harass the people of any particular or general part of the Nation for political purposes. By its own nature it can be used to plunder the emotions of minority groups and make dishonest preelection charges in order to capture votes. It can, by its very existence, stir up more hatred and violence than anything yet proposed in the field of civil rights.

This bill is a flagrant invasion of States rights, and in my opinion, if ever challenged in the courts, would be found unconstitutional. In fact, I think even our Supreme Court, imbued with modern Republicanism, might rule it unconstitutional.

Mr. President, one of the most amazing things, however, that has occurred in this proposed legislation's history, is that President Eisenhower and all the rabblerousers for the original bill, who had called for a moderate right-to-vote bill, now say they cannot support this bill because it is not strong enough.

Mr. President, could it be they are afraid to support the bill because if they do, and it passes, they will not be able to come back here next year whooping and yelling for legislation of this kind with which to stir up racial issues? I stated at the outset of this legislative fight that I would remain uncompromising in my position. Even though the once vicious and extremely dangerous bill has been modified into something resembling a right-to-vote bill, it still violates precepts of government that make it impossible for me to accept it. I oppose this bill in toto, and shall vote against it.

Mr. KNOWLAND. Mr. President, I yield 8 minutes to the Senator from Connecticut [Mr. PURTELL].

The PRESIDING OFFICER (Mr. SMATHERS in the chair). The Senator from Connecticut is recognized for 8 minutes.

Mr. PURTELL. Mr. President, the hour has come when the sun is slowly setting on the bright hopes of millions of our fellow Americans that their just longings, their rights as free men and women in this great Republic would be fully realized.

In the lowering dusk, the beacon light of the Statue of Liberty will shine this evening. But it will not shine for them.

Beneath that light in New York Harbor is inscribed this message:

Give me your tired, your poor,
Your huddled masses, yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless tempest tossed, to me;
I lift my lamp beside the golden door.

This stirring message of hope and promise is inscribed there for all the world to read, for all the world to gain succor and comfort—for all the world—except our Negro Americans.

The wanderer, the oppressed, the denied of other lands, coming for the first time to our shores, can look up with gleaming eyes and say, All that any other American can have also can be mine; all the rights and privileges of all other free men and free women, can be available to me in this great land of America.

These newcomers to our shores can, with assurance, feel that within the space of 5 years every promise of America will be kept.

Mr. President, what joy must well up in their hearts, what hopes, what aspirations to be achieved in this, the promised land, where promises to them will be kept. What urge to do, to be, to struggle upward, to attain, in the knowledge that in half a decade nothing America promises will be denied them.

Oh, I know how rapidly my own pulse beat returning from foreign shores in the uniform of an American soldier, looking up at the Statue of Liberty, firm and sure in the knowledge that as an American, as a citizen of this Republic—of this vaunted democracy—no right, granted to any other man, would be denied me.

Mr. President, there were others on the troopships entering New York Harbor. There were others, not of my color, blacker of skin, natives of this soil, sons of natives of this soil, who had fought shoulder to shoulder with their white comrades to make the world safe for democracy.

They, too, looked up to the Statue of Liberty, I am sure, not with assurance, not with the firm conviction—oh no, they knew better—but with hope that the day might soon come, if not for them, then for their children, when that beacon light of the Statue of Liberty would hold for them all that it held for their white comrades, and all that it assured to those from foreign lands seeking here the privileges of free men.

Mr. President, I had hoped that day had finally dawned. I had hoped that civil liberties for all would now be realized. Not that they are ever to be bestowed but, rather, justly recognized under our Constitution. It is not for us, individually or collectively, to say who shall be granted and who shall be denied those rights guaranteed by the Constitution—that Constitution which binds us all together and to which and by which we are all bound.

We tried. We failed.

And so, today, we are indeed faced with a bitter choice. It is our choice to offer to our Negro fellow Americans a sadly tattered raiment—all that is left of the civil-rights bill—as a protection against the elements of discrimination, bigotry, and inequality.

We offer a cloak of which little remains except patchworks of expediency and of compromise. This cloak is held together tenuously by only a thin thread of hope—hope that it will work, hope that to some small degree it will afford a modicum of protection.

This or nothing is the offer of the Senate of the United States of America.

Mr. President, I regret, regret sincerely and deeply, that the opportunity which was ours to completely right a wrong, to weave true democracy for all into the fabric of our society, was rejected by this body.

So, Mr. President, we have the bitter choice today of voting for a bill which offers so little, or voting for no bill at all.

What the bill does to the Federal judiciary I shall not dwell upon. That it may well weaken or deny completely to all the people many of the protections now enforced by court order appeared less important than that a bill, any bill, be passed. Compromise appeared to be the order of the day, and we compromised.

I shall vote sadly for what is left of civil rights. I shall vote for the bill in the hope that House action will be required, in the hope that before the bill is laid upon the desk of the Chief Executive it will have been restored, at least in part, to what it was before it reached our hands.

But let no man think we have disposed now of civil rights. Let no man conclude that by our action today we have forever interred the civil-rights question.

Mr. President, the realization of constitutional rights can be retarded, can be delayed, but cannot forever be denied.

Until they are realized, realized in their fullest measure, until they are assured to and enjoyed by all free men and women, the fight for civil rights will go on.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the junior Senator from Idaho.

Mr. STENNIS. Mr. President, I yield an additional 5 minutes to the junior Senator from Idaho.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). The junior Senator from Idaho is recognized for 10 minutes.

Mr. CHURCH. Mr. President, the Senate of the United States is approaching one of its truly great moments. This evening, I am confident, we shall accomplish the enactment of a civil-rights bill, the first implementing legislation of its kind to be passed since the vindictive days of the Reconstruction Era.

The pending bill represents the greatest advancement toward the enfranchisement of the Negro since the ratification of the 15th amendment to the Con-

stitution. The many colored citizens who still do not vote, nearly a century later, are the symptom of an old political sickness we have long suffered. The pending bill will do much to heal that sickness in a manner that will not inflict new wounds upon our body politic. The bill will extend the voting right to countless citizens who in practice have been denied it, but, since the Senate's adoption of the jury-trial amendment, it will accomplish this objective within the framework of our traditional law.

This is a good bill. It deserves to pass. Those who would rather have an issue than a bill would oppose it. But those who earnestly seek, for the love of liberty, to give extended protection to the right to vote, must support its passage, and must hope for its acceptance in the House and by the President.

Within the past few days, we have heard many partisan charges to the effect that the jury-trial amendment has done irreparable damage to the bill. The charges have been made in the spirit of accusation, but precious little evidence has been presented to support them. If we will but penetrate the sound and the fury to examine the facts, we will find that there is ample power and authority, unaffected by the jury-trial amendment, to make the bill an effective instrument in extending broad new protection to the right to vote.

The force of the right-to-vote bill before us lies in the fact that it will enable the Government to resort to the injunctive process of the Federal courts to safeguard the right to vote of every American citizen. Any right-to-vote bill, whether or not it guarantees trial by jury in criminal contempt proceedings, will depend for its effectiveness on the resourcefulness and imagination of our United States attorneys and Federal judges. It will be up to the United States attorneys constantly to be informed of local situations so that they may invoke the aid of the courts in time to enable the judges to work matters out. The powers of a court of equity, backed by the threat of a civil contempt proceeding, are ample enough to secure the right to vote—even if we assume, which we must not, that no criminal contempt proceeding will ever be prosecuted to a successful conclusion.

It must be remembered, in the first place, that any permanent injunction issued by a court to protect the right to vote may continue in effect for so long as the court thinks it should in order to accomplish its purpose. It is a permanent injunction. So even if we assume the worst—that a registrar disobeys the court's order and is able to resort to dilatory tactics so that the particular registration period expires and civil contempt proceedings are unavailing with regard to that particular period—the injunction continues in effect for succeeding periods of registration for voting, and as soon as a succeeding period opens, the registrar may be imprisoned until he complies with the court's order. Since the registrar has it within his power to obey and walk out of jail, his imprisonment is for civil, not criminal, contempt.

As an alternative, the judge may subject the registrar to a fine which will be remitted if he complies with the court's order. Since the official has it within his power to comply and get back the fine, the imposition of the conditional fine is for civil, not criminal, contempt.

Furthermore, the judge in the exercise of his equity powers may subject to his injunction or order not only incumbent registration and election officials, but also their successors in office, whoever they may be, because they may be presumed to have knowledge of the court's mandate.

The fact that an election day will be over in a matter of hours creates greater, but by no means insuperable, difficulties in the way of an effective civil-contempt sanction. In the first place, I do not think it is realistic to assume that it will be easy even for the most recalcitrant and adamant southern localities to refuse registered Negroes the right to vote on election day. Election day is too subject to public, national, and international scrutiny to permit this to happen. But, if in a particular locality there is a danger that registered Negroes may be deprived of their right to vote on election day, the court is not without power to act effectively. And, again, I am setting aside all consideration of the criminal-contempt proceeding. In dealing with such a situation, for example, the injunction or order issued by the court may itself require each election official to give to the court an undertaking in writing that he will comply with the court's decree. If he fails to give the appropriate undertaking, he can be imprisoned immediately—and before election day—until he does so. Since the official will have it within his power to give the undertaking and walk out of jail, the imprisonment again, is for civil, not criminal, contempt. This will be an added guaranty against unlawful acts on election day.

These are only illustrations, Mr. President, of how effective the civil-contempt proceeding can be to secure the right to vote. Of course, a civil-contempt proceeding is entirely without the need for a jury trial, and the ability of the court to enforce its orders is direct. Our Federal judges, who have a magnificent record for defending the constitutional rights of our citizens, can be relied upon, I am confident, to use all the measures sanctioned by the principles and usages of equity, to effectuate the purposes of their orders securing the right to vote.

Mr. President, I am indebted to Prof. Carl A. Auerbach, of the University of Wisconsin Law School, for much of the analysis herein presented. I noted recently, in placing an article of his in the CONGRESSIONAL RECORD, that his thoughtful analysis contributed to the genesis of the jury-trial amendment to the pending civil-rights bill.

Anyone who makes an effort to understand the possibilities embraced in civil contempt proceedings will also appreciate how reckless are the charges being made—and repeated in the highest circles of the Government—that the right-to-vote bill, which is now before the Senate, has been emasculated. These spurious charges lead only to one suspicion, namely, that those who make them do not really seek to obtain a workable, effective right-to-vote bill. They would rather have no bill at all, and use the failure of this Congress to enact a civil-rights measure for their own partisan, political advantage. In the long run, I am certain, the American people will never forgive this kind of political recklessness which would prevent our Government from taking a historic and progressive step forward toward the ideal of equality embodied in our Constitution.

Mr. President, the record should be made clear to the Nation that there has been no serious weakening of civil-rights legislation by the jury-trial amendment, and those who cry "havoc" because of fancied weakening, are playing catspaws to those who would have no bill at all.

It is for the reasons I have stated that I feel the Senate tonight, by the passage of the pending historic civil-rights bill, will take a great step forward toward the full enjoyment of the right to vote by all citizens of our land, regardless of race or color.

Mr. KNOWLAND. Mr. President, I yield 10 minutes to the Senator from Kentucky [Mr. COOPER].

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. COOPER. Mr. President, in the course of the debate which is coming to a close, I have addressed myself several times to particular aspects of the civil-rights bill, among them part III and the so-called jury-trial amendment. Part III has been stricken from the bill, and the jury-trial amendment has been adopted by the Senate. All that Senators can do now is to vote either for or against the amended bill.

I will vote for the bill, but I hope very much that the conference committee will improve it. I believe that the jury-trial amendment should be stricken or at least amended. As I stated during the debate on this amendment, my opposition to it was not based upon a belief that juries in the South or elsewhere would not try fairly the issues in a contempt proceeding. I do not entertain such a belief. We cannot and we should not rule out jury trials, where the right of jury trial exists, because for a time, in a particular area of the United States or on a particular issue, even a civil-rights issue, some persons may not like the verdicts of juries. In the long run we must believe that juries will do their duty as faithfully as will any other judicial instruments.

I opposed the jury-trial amendment because there has never been a constitutional or statutory right of trial by jury in equitable actions in which the United States is a party. Throughout the years there has developed on this principle a body of law, both statutory, and by judicial precedent. It has been founded on the principle which led me to oppose the jury-trial amendment. It is the principle that if the Congress determines that wrongs are of such national interest as to warrant giving the United States the authority to prevent them by equitable action then it is

proper to provide the United States and its courts with full and effective means to remedy such wrongs. I must say that I cannot think of a clearer case of national interest to which this ancient principle should apply than the attempt to remedy the deprivation of the fundamental right to vote.

As the junior Senator from New York [Mr. JAVITS] has so clearly pointed out, the jury-trial amendment has been extended, so as to bring within its purview many other statutes, such as those dealing with antitrust violations, the Federal Trade Commission, and many others. As a result, if this amendment were to be enacted, it would wipe out a body of law which has been built up through the years in dealing with the enforcement of the courts' decrees in these fields. If the conference committee will not strike out the entire amendment, I urge that it at least correct this fundamental error.

Mr. President, I shall speak briefly regarding part III. During the debate it was argued that part III was indefinite, because of its reference to Reconstruction statutes, and in its scope. But now that the Congress is seized of the first opportunity it has had in years to act in the field of civil rights, the committee of conference should, at minimum, express the national interest in rights, which have clearly been determined by the courts of the United States.

Therefore, Mr. President, I join in the suggestion which has been made by the junior Senator from New York, namely, that the conference committee adopt a provision giving the United States authority to intervene in at least two cases. As has been suggested by the Senator from New York, they are as follows:

First, when a duly constituted local governmental body requests the intervention of the Attorney General on behalf of the United States, in order to enable it to carry out the law.

Second, when the court has adjudicated a right and has issued its decree ordering compliance by a governmental body, and when persons conspire to obstruct the enforcement of the decree, in these cases I believe the United States should have the authority to intervene. The United States should have power to uphold the authority of its courts.

Mr. President, I intend to vote for the bill because I believe that, even as it has been amended, it permits of a forward step in the field of civil rights. The provision of part IV which enables the Attorney General to institute for the United States an equitable action to secure compliance with the mandate of the 15th amendment—namely, that citizens of the United States shall have the right to vote—gives a breadth and a continuity, as well as financial assistance to enforcement, which do not now prevail. As one who lives in a rural section of a State which is similar in tradition and background to the Southern States, I believe strongly that the authority and dignity of the United States will be respected, if its powers are wisely used.

Mr. President, the debate on the bill has been truly great. It has been good for the Congress and for the country. It has turned our minds back to a consideration of the philosophical and the constitutional bases of our country, and, I hope, as well, to the rights of man. At times our country seems to be preoccupied with the demands of the day, and with the material rewards of our civilization. So it has been good for us to remember that there are more profound aspects of our life.

Mr. President, if I may make a personal reference—the issues that are involved in the civil-rights bill hold great interest for me. Perhaps that is because, historically, in the tragic days of 1860 a majority of the people of my State, and particularly the people of the mountain section of the State in which I live, made their decision to adhere to the Union and to follow Lincoln. But, although Unionists they loved their fellow Kentuckians who followed the South, and they did not like the Reconstruction. Yet they have held the truth that the Constitution of the United States expounds, in spirit as well as words, that men of all races and colors and religions, who are citizens of the United States are equal under its laws and under the laws of the States. This is provided in the Bill of Rights and in the 14th and 15th amendments to the Constitution. It is implicit in our system of government, and it is implicit in our religious beliefs.

For these reasons, Mr. President, although I come from a State which is southern in tradition and background, I shall always vote for legal and reasonable means to assure the equal rights of all our fellow citizens.

Finally, Mr. President, I speak briefly of another matter which makes this measure very important. The United States and freemen everywhere are engaged in a struggle to determine whether free government shall survive in the world or whether, like many other systems of the past, free government will disappear or will be so greatly modified as to lose its meaning. In this contest, the United States is the only free country in the world with sufficient power to defend freedom against aggression. However, Mr. President, we believe that the status of the world and of its people should not be determined by force. We believe that there exist ethical and moral principles which must be observed if a peaceful and just world order is to be secured.

I do not believe that our advocacy of moral principles in the world and our talk of freedom will ever carry full weight so long as hundreds of millions of people throughout the world of other races and color, question our practice of freedom and equality at home. If we are to be able to communicate meaning to our leadership in the world, if we are to influence the growth of freedom in other countries of the world, we must have faith in the full practice of freedom at home.

Mr. President, I believe the bill makes an advance along the road to freedom at home and in the world. For that reason, I support the bill.

Mr. STENNIS. Mr. President, I yield the Senator from Massachusetts 3 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 minutes.

Mr. KENNEDY. Mr. President, the question before the Senate clearly is whether we want a civil-rights bill at all. I respectfully submit that the issues which have been broadcast by those who would abandon the bill for lack of strength are without real substance and reflect specious reasoning. It is true that the bill would have been stronger if part III had survived. There is, of course, no arguing with those who want only an issue or no bill at all. But I should like to call the attention of those who have honest doubts about this bill to two valuable memoranda which I have received from distinguished lawyers. The first charge made against the bill is that by providing a jury trial in criminal contempt cases, it makes the proposed legislation a mere sham without protection to essential civil rights.

I read for the RECORD, a copy of a letter written by Prof. Paul A. Freund, professor of law at Harvard, formerly a much-respected member of the Solicitor General's Office of the United States, and editor of the forthcoming history of the Supreme Court provided for by money left the United States Government in the will of Oliver Wendell Holmes. Professor Freund succinctly and clearly points out the exaggerations which have been made regarding the limitations of civil contempt and the serious underestimation of the resourcefulness of the judicial process. I commend this brilliant statement to the careful attention of every Member.

Professor Freund says as follows:

TO the EDITOR OF THE NEW YORK TIMES:

As one of those who have maintained that there is no constitutional right to a jury trial in contempt cases, may I now urge that the Senate compromise, drawing a line between civil and criminal contempt, be accepted for voting cases. The point of view expressed in some quarters, that it would be better to let the legislation go by default, exaggerates the limitations of civil contempt and underrates the resourcefulness of the judicial process.

1. It is argued that an order requiring registration of voters could not be enforced by civil contempt once the voting day has passed, since compliance would then have become moot. But there is no reason why an order for registration need be limited in the first place to a particular election; certainly this is so where the usual long-term or permanent system of registration prevails.

2. It is said that a registrar who is sentenced to jail until he obeys can avoid the force of this civil contempt decree by resigning. Apart from the dubious assumption that public officeholders are so lightly attached to their jobs, there is no reason why an injunction order cannot run from the beginning against a registrar and his successors, each of whom would then be faced with civil contempt sanctions for disobedience.

3. It is contended that an injunction negative in form, for example one ordering the defendants to cease and desist from intimidation or acts of violence, cannot provide the basis for civil contempt, since if the defendants were imprisoned there is no definite act which would suffice to purge them of their contempt. But in lieu of imprisonment they could be required in civil contempt to give a bond which would be forfeited if they renewed their threats or violence.

4. No doubt in some cases the civil contempt remedy may be impractical. But to write off the bill for this reason is to make a double assumption: That a judge's order will not be obeyed without some form of contempt proceedings and that a jury in criminal contempt will be sure to acquit. Before yielding to these assumptions we should remember several facts. Unlike desegregation, the principle of equality of voting rights has been part of our constitutional law for generations. The enforcement procedure adopted by the Senate was supported by the spokesmen for the States chiefly concerned. What is at stake (as Judge Taylor admirably explained to the jury in the Clinton, Tenn., case) is the orderly processes of law, the issue whether the legal and moral authority of a Federal judge may be flouted with impunity.

If juries, put to the test, carry out their responsibilities, there will be a positive gain in the self-education that comes from sharing in the administration of justice. If the results should turn out otherwise, the climate of national opinion will be clarified by the experiment.

Party politics aside, is there any reason why Congress should deny to itself and the country the benefit of a judgment from experience rather than from speculation?

PAUL A. FREUND.

Mr. President, deprived of legitimate grounds for argument on the substantive merits of the bill many who prefer an issue to effective legislation have painted in the gloomiest colors the prospects which the enactment of this legislation would hold for the enforcement of other laws. Here again I urge all Members to distinguish fact from fantasy. In this connection I ask unanimous consent to have published in the RECORD an excerpt from a memorandum prepared by Prof. Carl A. Auerbach, of the University of Wisconsin Law School. By examining recent contempt cases under the National Labor Relations Act, he clearly and factually disposes of the view that chaos will result from this bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT FROM AUERBACH MEMORANDUM

Finally, something must be said about the loose charges that have been made concerning the effect of jury trials in criminal contempt proceedings outside the civil-rights field. It is sheer nonsense to say that the guaranty of a jury trial will threaten the Federal judiciary system. People are not generally accustomed to disobey court orders. In the fiscal year 1956–57, for example, there was a grand total of 12 contempt cases because of the disobedience of court decrees enforcing NLRB orders. Ten of these 12 cases were civil contempt cases—7 against employers and 5 against unions. Only 2 were criminal contempt proceedings—1 against an employer and 1 against the union. Is it likely that a jury in such a proceeding would countenance willful, disobedience of the judge's command? Furthermore, outside of the voting situation, we are not up against the time limits which make it necessary to use imagination and resourcefulness if the civil contempt sanction is to be effective. Outside of the voting area, there can be not even a shadow of a doubt about the effectiveness of the civil contempt proceeding to accomplish the objectives of the court order. I challenge the Attorney General to disprove this statement by reference to particular cases instead of irresponsible rhetoric.

Mr. KENNEDY. Mr. President, I urge all who have doubts about the bill to reexamine it objectively, realizing that while it falls short of an ideal, it is, nevertheless, a significant step forward toward insuring basic constitutional rights for all citizens.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 3 minutes.

Mr. O'MAHONEY. Mr. President, I assume it is unnecessary for me to say that I speak in support of the passage of the bill, which has now been read for the third time. I believe in the bill and I believe in the jury-trial amendment.

On the 5th of August, the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Idaho [Mr. CHURCH] sent a telegram to the Attorney General asking for some specific instances to support the argument proceeding from the Department of Justice that the jury-trial amendment would be dangerous to the judicial system of the United States and would interfere with the prosecution of antitrust cases.

This morning I received a letter dated August 6, 1957, copies of which were sent to the Senator from California [Mr. KNOWLAND] and the Senator from Pennsylvania [Mr. MARTIN], from the Acting Attorney General, Mr. William P. Rogers, accompanied by a memorandum which had been prepared for him in the Department of Justice.

I ask unanimous consent that the letter from the Acting Attorney General, together with the memorandum supplied to him, may be made a part of the RECORD, without my reading it.

There being no objection, the letter and memorandum were ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
*Washington, D. C., August 6, 1957.*

Hon. JOSEPH C. O'MAHONEY,
*United States Senate,*
*Washington, D. C.*

DEAR SENATOR: This will acknowledge your letter and telegram of August 5, 1957, joined in by Senators KEFAUVER and CHURCH. I have asked that the information which you have requested be prepared as promptly as possible.

However, I am sure you realize that the number of criminal contempt cases brought by the United States is of little weight in showing the importance of the remedy in the enforcement of the law. Under the present statutes the power of the court to hold a person in criminal contempt is speedy and effective; therefore, violations of the orders of the court are few.

Speaking generally, criminal contempt is used when a defendant flouts the orders of a court (often when the harm has been done so that civil contempt is of no value), to vindicate the authority of the court. This acts as a deterrent against defiance of the orders of the court in other cases where the court has decided on the proper course of action for the defendant to follow under the Constitution and laws enacted by Congress. If this remedy, which has been a traditional part of the administration of justice in our country is seriously weakened defiance of the orders of the court will greatly increase.

Knowing of your interest in the antitrust laws, I thought you would like to see the enclosed memorandum prepared by the Antitrust Division showing how the amendment offered by you and Senators KEFAUVER and CHURCH would affect the enforcement of the antitrust laws.

With best personal regards,

Sincerely,

WILLIAM P. ROGERS,
*Acting Attorney General.*

DEPARTMENT OF JUSTICE,
*Washington, August 6, 1957.*

MEMORANDUM FOR THE ACTING ATTORNEY GENERAL

The jury-trial requirement for criminal-contempt cases will harm effective enforcement of both the antitrust laws and various regulatory statutes.

1. Civil suits brought by the United States to "prevent and restrain" violations of the antitrust laws are decided by a United States district court sitting without a jury. These cases usually involve complex fact and law questions. Required may be large amounts of documentary and testimonial evidence. In such cases, appropriate relief is a most important, difficult, and bitterly contested issue. If the Government fails to obtain relief which is adequate "effectively [to] pry open to competition a market that has been closed by defendants' illegal restraints • • • the Government has won a lawsuit and lost a cause" (*International Salt Co.* v. *United States* (332 U. S. 392, 401)).

It is crucial, therefore, that once an antitrust decree is entered the Government have prompt and effective means for insuring it is lived up to—adequate sanctions must be available to deal effectively with recalcitrant violators. In the event a decree is violated, the Government's remedy is civil or criminal contempt, or both. Civil contempt simply gives the defendant, on pain of punishment, another chance to comply with the court's order. See *Penfield Company* v. *Securities & Exchange Commission* (330 U. S. 585, 590). Criminal contempt, in sharp contrast, is the effective deterrent against noncompliance.

The jury-trial requirement would seriously weaken this prime enforcement tool. Such requirement would, in practical effect, often force the Government to prove anew the very antitrust violation the court's decree sought to remedy.

Contempt, it seems clear, may largely turn on the intent and meaning of that judgment which the court, along with the parties, fashioned. From this it follows that decision on the contempt question may require intimate knowledge of the very facts and issues involved in the original antitrust action. Certainly the judge who, along with the parties, went through a trial and formulated the decree, is better able to decide such questions than a jury.

Indeed, were a jury to decide criminal contempt issues, major portions of the evidence in any original antitrust litigation might well have to be introduced for a second time. This would have been true in the recent proceeding in which J. Myer Schine and others were convicted of criminal contempt for violation of an antitrust decree previously entered against them.[1] It would also have been true in our criminal contempt proceeding against the Gamewell Co., plus two individuals, where the court found defendants guilty of violating the decree, fined the corporation $50,000 and imposed a sentence, later suspended, of 1 year and a day on the 2 individuals, and put both individuals on probation for 2 years.[2] And much the same would have gone for our criminal contempt moves in Western Pennsylvania Sand & Gravel Association[3] had not

[1] *United States* v. *J. Myer Schine et al.* (WDNY, Criminal No. 6279–C, decided Dec. 27, 1956).

[2] *United States* v. *Gamewell* (95 F. Supp. 9).

[3] *United States* v. *Western Pennsylvania Sand & Gravel Association et al.* (Criminal No. 13855, WD Pa.).

defendants pleaded nolo contendere and been fined a total of $104,000. The result of any required jury trial in criminal contempts, then, would be to so distend any contempt proceeding as to cramp its enforcement effectiveness.

Finally, even if the Government waded through a criminal contempt jury trial, and the jury found defendants guilty, the pending jury-trial amendment would curb those fines which a court could impose on guilty individuals. Thus the Senate-accepted provision specifies "that in case the accused is a natural person, the fine to be paid shall not exceed the sum of $1,000 * * *." In Schine, I point out, one individual was fined $25,000, and all other individuals fined $5,000 apiece. Beyond that, this $1,000 limit hardly seems consistent with Congress' recent action in upping Sherman Act maximum fines to $50,000. It makes no sense to permit a court to fine an individual up to $50,000 for a Sherman Act violation and then limit to $1,000 that fine which a court could impose for transgressing a civil decree which could grow out of the very same violation.

2. In like fashion, a jury trial in all criminal contempt cases could wreak havoc with enforcement of cease-and-desist orders issued by important regulatory agencies. For example, orders of the National Labor Relations Board become enforcible only after affirmance and enforcement by a court of appeals. If a person subject to such a judicially enforced order willfully violates it, a criminal contempt proceeding in the court of appeals constitutes a prime means of punishing the offender. If in such a case the question of contempt must be submitted to a jury, a number of serious problems are created. There are no statutory provisions authorizing courts of appeals to convene a jury.[4] Moreover, jury determination of violation of the court's judgment would, in itself, complicate and delay the proceedings; evidence relating to the original enforcement proceeding, and perhaps the underlying administrative proceeding, might have to be presented and considered by the jury.

The requirement's impact, moreover, is haphazard and uneven; the criminal contempt jury trial requirement would not equally affect all administrative agencies. Section 5 (1) of the Federal Trade Commission Act (15 U. S. C. 45 (1)), imposes a civil penalty of not more than $5,000 for violation of an order issued under the act after it has become final. And each day the violation continues is declared a separate offense. Accordingly, if a court has enforced an order under this act and the order is violated, the Commission has a choice of remedies—either a proceeding to collect the penalty provided by section 5 (1) or a criminal contempt proceeding.

On the other hand, orders issued by the Federal Trade Commission in proceedings under the Clayton Act are enforcible, like orders of the National Labor Relations Board, only after entry of a court judgment of enforcement and the prime punishment for violaiton is a criminal contempt proceeding. It therefore appears that the jury tiral requirement would affect differently the orders of the same administrative agency, depending upon the statute under which the order was issued. This illustrates the random effect of such a requirement on enforcement of adminstrative orders.

In sum, then, determination of whether there has been a violation of the judgment of a court of appeals in enforcing an administrative order has never been viewed, under our system of jurisprudence, as the kind of question proper for submission to a jury. The absence of serious criticism of the historic practice of court determination of this question suggests that it has been regarded—and, in fact, is—an appropriate exercise of the courts' inherent power to vindicate its authority.

ROBERT A. BICKS,
*Acting Assistant Attorney General,*
*Antitrust Division.*

Mr. O'MAHONEY. Mr. President, I also had prepared a memorandum in response to the letter of the Acting Attorney General and the memorandum which was sent by him to me and other Senators. I do not wish to take the time necessary to read it, but I ask unanimous consent that it may be made a part of the RECORD at this point in my remarks.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM IN RESPONSE TO THE LETTER OF ACTING ATTORNEY GENERAL ROGERS

I am frankly greatly surprised by the contents of the letter of Acting Attorney General Rogers of August 6 and the accompanying memorandum. They are most revealing. The letter of Mr. Rogers is a partial answer to the telegram which I sent him on August 5 on behalf of Senator KEFAUVER, Senator CHURCH, and myself, as well as in reply to my letter to him of the same date.

It will be observed that he says in his second paragraph, "I am sure you realize that the number of criminal contempt cases brought by the United States is of little weight in showing the importance of the remedy in the enforcement of the law."

This I regard as a confession that the Department only infrequently resorts to criminal contempt as a remedy. That I pointed out yesterday from the records of the Office of the Administrator of the United States Courts.

It seems clear from Mr. Rogers' letter, as well as from the memorandum, that the Acting Attorney General has not studied the Senate jury-trial amendment and that the Department apparently lacks the resourcefulness to avail itself properly of the very flexible and potent powers of civil contempt. The memorandum indicates that the Department resorts in antitrust cases to criminal contempt where civil contempt is the preferable remedy.

From 1953 to date Attorney General Brownell and the Department of Justice have brought only 9 contempt cases, 3 of them civil and only 6 criminal. Mr. Rogers, therefore, has no choice but to take the position that the number of cases is unimportant because such cases in which the United States proceeds by criminal contempt are few and far between. It is the failure of the Department of Justice to use the criminal contempt remedy which completely refutes the position of the President that the jury-trial amendment would impair the powers of the court. The very paucity of cases in which criminal contempt is used would strongly indicate that the enforcement of court orders is accomplished in over 99 percent of the cases by means other than criminal contempt.

The Acting Attorney General states that under present statutes the power of the court to hold a person in criminal contempt is speedy and effective. Neither of these adjectives accurately describes the power. The only group of cases in which the remedy through contempt is speedy is where the act is one committed in the presence of the court. Then the court, under Supreme Court rule 42 on criminal contempt, may impose punishment at the moment the contempt occurs. In all other cases the proceeding in criminal contempt the remedy is not speedy. The rule of the Supreme Court explicitly provides that in such cases notice shall be given stating "the time and place of hearing, allowing a reasonable time for the preparation of the defense and for the essential facts constituting the criminal contempt charged and described as such." The decisions of the Supreme Court require that there shall be proof beyond a reasonable doubt.

Perhaps nothing indicates how slow the process may be than does the case of J. Meyer Schine cited in the Department's memorandum. In that case, the proceeding to have the defendants adjudged in criminal contempt was instituted prior to August 12, 1954, at the same time as civil-contempt proceedings were started. On August 12, 1954, the judge overruled motions to dismiss in both proceedings (125 Fed. Supp. 734, 738). It was not until December 27, 1956, that a judgment of conviction was entered in the criminal contempt case. At least 2½ years elapsed between the initiation of the proceedings and the conviction. It would appear that proper use of the coercive powers of civil contempt should have obtained effective compliance in a much shorter period of time.

So far as the effectiveness is concerned, it is not the criminal contempt that obtains the compliance by the defendant. Compliance is obtained by effective, resourceful use of the powerful judicial sanctions invoked in civil contempt proceedings as authorized by section 401 of title 18 of the United States Code. This section is not altered by the jury-trial amendment. It will stand if this amendment is adopted without the same power and authority with which it can now be invoked.

The Acting Attorney General also speaks of criminal contempt proceedings as being deterrents to other cases. The theory of the deterrent effect of criminal punishment is one that is seriously questioned by many experts in criminal law. Beyond this, however, it is extremely unlikely that a person who would be recalcitrant enough to flout a court order willfully would hardly be a person who would be deterred by what happened to another recalcitrant in another case.

The memorandum raises a number of terrifying circumstances which have no bases in fact. The fact that antitrust cases are complicated have no bearing on the issue of the jury-trial amendment. These complexities arise during the trial of the main case to determine whether an injunction should issue. No jury will participate in this part of the case. No jury will ever hear the mass of complicated and contradictory evidence. If complicated fact issues remain in regard to enforcement, the cases is not ripe for criminal contempt.

A jury will be called in only in case, after decree, a criminal contempt proceeding is started. At that time all the complicated

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[4] While lack of express statutory authorization for jury trial by courts of appeals presents a serious problem, if Congress enacts a statute which requires a jury trial in all criminal contempt proceedings, this would probably be construed as impliedly authorizing courts of appeals to conduct jury trials in such cases. It should also be noted that the opinion rendered by the Court of Appeals for the District of Columbia Circuit in a recent criminal contempt proceeding for violation of the court's judgment enforcing a Federal Trade Commission order, stated that respondent's counsel, in open court, had "waived trial by jury." *In re Dolcin Corporation* (C. C. H. 1956 Trade Cases, par. 68, 570). I am aware of no case in which a court of appeals has actually conducted such a trial, or, for that matter, even made a comparable statement. Although there have been criminal contempt proceedings in various courts of appeals for violation of judgments enforcing orders of the National Labor Relations Board, I am advised that there never has been a jury trial in any of these proceedings.

issues have been settled. The only question before the jury is was the order of the court willfully violated. The evidence before the jury is the decree and the evidence of willfulness of disobedience. These are questions juries are most qualified to pass upon and do pass on every day.

In at least two of the cases cited as examples no hearings were held in the criminal contempt cases. No one knows what would have happened if hearings were held. It seems absurd to try to strengthen an argument by citing examples which prove nothing.

The second argument made in the memorandum is about the amount of the fine that may be imposed upon conviction for criminal contempt. The memorandum points out that the fine is much smaller than can be imposed for a violation of the Sherman Antitrust Act. The Department forgets that in a criminal contempt the court is not punishing the violation of the Antitrust Act. It is punishing the affront to the court. The fact that the affront to the court grew out of an antitrust matter has no bearing on the question. The affront to the court is equally vicious regardless of the character of the original litigation. If the Government wishes to punish for the violation of the Antitrust Act and impose the statutory penalties for such violation, it should bring a criminal prosecution by grand jury indictment, and not hide its purpose under the guise of a prosecution for criminal contempt.

The fact that Meyer Schine was penalized with a fine of $25,000 is not impressive. Meyer Schine was also subject to civil contempt. The court so held (125 Fed. Sup. 738). It could have gotten compliance in that civil contempt proceeding much faster by imposing upon him a fine of $25,000 per day until he stopped obstructing the order of the court.

Above all, both the letter and memorandum fail to see that the jury-trial amendment accommodates two equally valid principles of our legal order. On the one hand it gives effect to the principle that a jury should not be interposed between a judge and the enforcement of his order. On the other hand it gives effect to the principle that a jury must be interposed between the judge and his power to inflict criminal punishment.

Mr. O'MAHONEY. Mr. President, there is one other matter I desire to mention. From the Department of Justice, within the last day or so, there came, not to me, but other Members of the Senate, or to some newspaper correspondents, a memorandum from the Department which alleged that the case of *United States* v. *Shipp* (214 U. S. Reports 386, October term, 1908)——

The PRESIDING OFFICER. The time of the Senator from Wyoming has expired.

Mr. O'MAHONEY. Mr. President, I ask for 2 additional minutes.

Mr. STENNIS. Mr. President——

Mr. MORSE. Mr. President, reserving the right to object, is the Senator from Mississippi yielding time of the opponents of the bill to the proponents of the bill?

Mr. STENNIS. I gave the Senator from Wyoming 3 minutes. That was all I had.

Mr. O'MAHONEY. I consulted with the Senator from California as well as the Senator from Mississippi. May I have an additional minute?

Mr. KNOWLAND. I yield 1 additional minute to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 additional minute.

Mr. O'MAHONEY. The case of the United States against Shipp was cited by the Department of Justice as evidence that the activity of the Supreme Court would somehow be hampered by the jury trial amendment. I have examined the case, which took place in 1906. It shows distinctly there was an appeal from the State courts of Tennessee to the Supreme Court of a case wherein the defendant was sentenced to death for a crime committed in the State. The Supreme Court having taken jurisdiction, as the court itself said, it had become a Federal case, and the Supreme Court had complete authority, under section 401 of title 18 of the United States Code, to punish the defendant for contempt. Nothing in the amendment would have any effect thereon.

In the opinion, Chief Justice Fuller, who wrote the decision, said:

> Shipp understood that thereupon Johnson was held as a Federal prisoner.

This was the declaration of the court: That Shipp, the defendant, who was the sheriff, had allowed Johnson, after an order had been received from the Supreme Court to stay the execution, to be executed by a lynch mob.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. O'MAHONEY. I yield the floor.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Oregon [Mr. MORSE].

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. MORSE. Mr. President, many men and women of good will earnestly desire the enactment of the bill, despite their recognition that it has been greatly weakened by the Senate amendments. It is not easy to oppose the view of such people who sincerely desire the achievement in fact of the rights of citizenship for all our people regardless of race or color.

It is said that half a loaf is better than nothing. But I question whether in this bill there is even half a loaf. I reluctantly conclude that the harm the bill will do to constitutional liberties is greater than the good it might accomplish.

In the course of this debate I urged the retention of part III of the bill intact, regarding it as the most important part of the bill. Even when part III was in the bill, I regarded the bill as minimal. Section 121 of part III provided for civil equitable relief in the protection of the rights of citizenship guaranteed by the 14th amendment. Without the protection of those rights, a bill can hardly be called a civil-rights bill. As I said earlier, citizenship is not so divisible that only a part of it can be protected and the remainder, the major part, left without enforceable protection. The history of the 1871 civil-rights statutes shows that the present laws in aid of the 14th amendment are not meaningful.

The right to vote is an important right of citizenship. When viewed in the context of the one-party system of many States, the right to vote is of little value in obtaining appropriate recognition of the other rights of citizenship. That is all the more the case in States where gerrymandering plus the county unit system make the vote of areas of heaviest Negro population worth a small fraction of votes in other parts of the State.

At best, promoting voting in one-party States will not effect substantial improvement for years. A year or two of delay in enacting a true civil-rights bill could very well improve the quality and substance of the measure enacted. In contrast, I fear that once a bill bearing the name "civil rights" is enacted, it will not be possible for many years to obtain further Congressional action on the subject.

Even the voting-right section of the bill has been weakened to the point where its enforceability is in doubt.

The interposition of a jury in voting rights contempt-of-court cases weakens that section and further detracts from the independence of the judiciary.

I cannot bring myself to vote for a civil-rights bill which bears little more than the title. I cannot bring myself to vote for a bill which raises hopes and expectations which will not be satisfied.

The courts have proved to be the surest protectors of our liberties and rights as freemen. The independent Federal judiciary established by the Constitution and Congress have withstood passions and prejudice and established and protected the principles of freedom. This bill would deprive that independent Federal judiciary of the historic powers the courts require to vindicate their authority and maintain unimpaired respect for their decisions and decrees.

The appeals system is adequate protection against error and abuse on the part of inferior courts. Yet there is no appeal from improper verdicts of acquittal for defiance of court decrees. The very interposition of a jury between the courts and those on trial for contempt carries with it the possibility of frustrating the powers the courts require to maintain their authority.

The integrity of our judicial system is no mere abstraction. It is the bedrock of our constitutional system. I will not vote to crack and fracture the foundation of our liberties.

It would be a sad thing to end this session of Congress without the enactment of a bill to promote civil rights.

It would be a far sadder thing to enact a measure that would, I fear, weaken the civil-rights cause whose objective is full protection of the constitutional rights of all citizens under the 14th and 15th amendments. To those who cherish the principles of equality for all human beings before God and man, I say tonight: Our work is not yet finished. We have worked to an inconclusive end. We must strive anew to do a better job and bring forth a better bill.

We have a solemn obligation to enact legislation whose promise brings fulfillment, not bitter frustration.

Therefore, as a liberal, I shall vote against the bill because in its present form it purports to be what it is not—an advancement in the cause of civil rights. I will never knowingly vote for what I consider to be a sham.

## ORDER FOR RECESS TO 11 A. M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in recess until 11 o'clock a. m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate convenes tomorrow there be the usual morning hour, for the transaction of routine business only, with statements limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The time of the Senator from Oregon has expired.

Mr. KNOWLAND. Mr. President, I yield 6 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida [Mr. SMATHERS] is recognized for 6 minutes.

Mr. SMATHERS. Mr. President, very soon the Senate will vote on the final passage of the amended civil rights bill. Those who believe in constitutional government and in the protection of our long cherished individual liberties, have achieved great changes and improvement in this bill. We have eliminated the harsh and punitive provisions which would have permitted the use of troops against the people of the South, and other areas, where the President or the Attorney General in their discretion thought civil rights violations were occurring.

We have struck out section 121 of part III which was cleverly designed to provide a means of forcing integration in schools, parks, public conveyances, and so forth. And, finally, we achieved a miraculous victory by inserting into part IV of the bill, which has to do with voting rights in Federal elections, the guarantee of trial by jury.

In my judgment, these are tremendous accomplishments which evidence superb leadership and devotion to principle on the part of the Senator from Georgia [Mr. RUSSELL], the incomparable majority leader, the Senator from Texas [Mr. JOHNSON], the Senator from Vermont [Mr. AIKEN], the Senator from New Mexico [Mr. ANDERSON], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Idaho [Mr. CHURCH], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Maine [Mrs. SMITH], and the Senator from New Jersey [Mr. SMITH].

All southern Senators, knowing of the discord and bitterness which would result if this bill in its original form, were to become law, appealed to the fairmindedness, the reasonableness and the moderation of our colleagues from the North and the West for their help. And, indeed, we were fortunate that thoughtful Senators from those areas weighed our arguments, listened to our appeals, and responded, not as ordinary men influenced by political considerations, but as responsible legislators of a troubled Nation, acting in the highest traditions of great Senators of the past.

As we approach the final vote on this bill as now amended, many of the same Senators to whom we southerners appealed, now appeal to us to exercise a like amount of vision and reasonableness and courage. Indeed, their appeal constitutes a considerable challenge to us.

I do not believe that the ultimate solution to this great social problem of the black and white races living side by side in harmony will be accomplished through law or edict. On the contrary, its solution can be found only in education, understanding and tolerance. Nevertheless, I recognize that eventually, some civil rights bill will be enacted into law—either at this or some later session.

In its present form this bill provides for the appointment of a commission whose purpose is to study the whole matter of civil rights and to report back to the Congress and to the President at the end of a 2 year period. The members of the Commission will be appointed by the President, but with the advice and consent of the Senate. If this Commission is made up of objective men, free of misconceptions and petty political goals, it can accomplish good, not only in the field of voting rights, but in the area of job discrimination, age discrimination, and other basic civil rights.

The other major remaining section of the bill is that which has to do with voting in Federal elections. The Attorney General's authority is limited to that area and, of course, in this section the jury trial amendment was added. As now amended, the bill does not authorize interference with local or State elections, which properly remain under local and State supervision.

At the outset of this debate, when I was speaking against the bill in its original form and pledging my complete energy, and limited talents to resisting its adoption, I stated, "that I could not in good conscience protect or condone any public official who illegally deprived any qualified American citizen of his right to vote because of race, color or creed." And now, because of that statement and belief, because of the amendments and limitations which have been made to this bill, because I feel this is the most sensible and moderate proposal we shall get, and because there is great need to move this problem outside the political arena, I expect to vote for the passage of H. R. 6127, the civil-rights bill, as amended.

Mr. President, I yield back the remainder of my time.

Mr. KNOWLAND. Mr. President, I yield 4 minutes to the junior Senator from Colorado [Mr. CARROLL].

Mr. CARROLL. Mr. President, we have just heard a very fine address by the senior Senator from Oregon [Mr. MORSE]. No one who listened could help being impressed with his very strong and vigorous presentation. He has very ably pointed out some of the weaknesses in the pending bill.

However, I cannot agree with his conclusion on voting against the bill. I cannot agree with that position for these reasons:

Over 10 years ago—on December 5, 1946—President Truman established a Committee on Civil Rights to examine some of the ways in which our civil-rights laws could be strengthened. This afternoon I spent considerable time reading, to refresh my memory on the recommendations of the report of President Truman's Committee on Civil Rights, which is entitled "To Secure These Rights." This report was made in 1947. The committee recommended many of the provisions which we are about to enact into law.

In 1948, in a message to the Congress on the State of the Union, President Truman spoke of the five great goals toward which we should strive in our constant effort to strengther our democracy and improve the welfare of our people. He put at the top of the list the goal to secure fully our essential human rights.

Then in a special message to the Congress on February 2, 1948, President Truman again called attention to this very important issue. He asked for the establishment of a permanent Commission on Civil Rights, and setting up a Civil Rights Division in the Department of Justice. He recommended that Congress provide for an additional Assistant Attorney General to supervise this Division. He stated in that message:

> We need stronger statutory protection of the right to vote.

He also asked for antilynching and antipoll tax laws and other measures to safeguard fundamental civil rights. He concluded his message with this statement:

> If we wish to inspire the peoples of the world whose freedom is in jeopardy, if we wish to restore hope to those who have already lost their civil liberties, if we wish to fulfill the promise that is ours, we must correct the remaining imperfections in our practice of democracy. We know the way. We need only the will.

Mr. President, in the pending legislation we are about to adopt some of the proposals which President Truman made a decade ago.

It is very true that the bill has been considerably weakened, particularly by the elimination of part III and the addi-

tion of the so-called, confusing jury-trial amendment. And it is true, also, as the Senator from Michigan [Mr. McNAMARA] points out, that the real weakness in the situation actually exists right here in this body with rule XXII, which makes the threat of a filibuster hang over our heads.

It is very significant that after President Truman's special message on civil rights in 1948, this body in 1949, instead of modifying rule XXII, made it worse so that now it is almost impossible to check a determined filibuster. That is to say, it now requires a constitutional majority of 64 Senators to offset the filibuster through invoking the cloture rule. And I was disturbed to learn, Mr. President, that the motion to make it more difficult to check a filibuster was made by a Republican and supported by large numbers of his Republican colleagues. The party which now professes an interest in civil rights should now show its sincerity by moving to modify rule XXII.

In view of all the difficulties surrounding this type of legislation, in a sense, it is amazing that we have gone as far as we have gone today. I think we are taking a step forward. We have established a beachhead. We are not getting all tht we desire. However, I believe that at last we are on the trail of civil-rights legislation. That does not mean that we have reached the end of the trail at all. It does not mean that we should relax in our fight to make rule XXII workable. Now that we have established our beachhead, we must move forward and never relax our efforts until we have provided genuine protection of the civil rights which are the heritage of every American.

Mr. President, I want to call attention to the effects of the civil-rights issue in the election of 1948.

It is very significant that when Harry S. Truman ran for the Presidency in 1948 there was a split in the Democratic Party because of his vigorous stand on civil-rights legislation. He lost four of the States in the South. He also had to contend with the thunder on the left from the Progressive Party of Henry A. Wallace, as a result of which he lost New York. Nevertheless, Harry Truman won the election of 1948 because the American people understood, believed in, and voted for those principles for which he so clearly spoke. That was a mark of Harry S Truman's courage.

Mr. President, I would also like to call attention to the brilliant and penetrating comment of another great Democratic leader—Adlai E. Stevenson, who carried the banner of the Democratic Party in two Presidential campaigns. In three short sentences in New York yesterday, Governor Stevenson spoke out clearly and forcefully on the meaning of the current bill and the situation which we now confront. Governor Stevenson declared:

> I am not sure that the bill will accomplish its purpose. I doubt if it is wise to change the old law of criminal contempt just to meet this situation. But I would rather have this bill than none at all.

In the closing hours of debate, I do not expect to change the votes of any of my colleagues on the pending legislation. But I firmly believe that we ought to keep the record straight. The ideals for which we Democrats stand are the basic and traditional principles of the Democratic Party. These principles go back to Thomas Jefferson who declared: "Equal rights for all; special privileges for none." These principles have been carried forward in recent years through the leadership of Franklin D. Roosevelt, Harry S Truman, and Adlai E. Stevenson.

Starting in 1933, the Roosevelt administration carried out a farflung program which brought economic democracy to people in all sections of the country. And through the extension of economic democracy, minority groups were protected and strengthened in trying to secure a decent standard of living. President Roosevelt launched a housing program, with special concern for adequate housing for minority groups. The Housing and Home Finance Agency announced that there would be no discrimination or segregation in any housing that it operated.

Then, on June 25, 1941, Franklin D. Roosevelt issued Executive Order No. 8802, setting up the first Fair Employment Practice Committee to enforce fair practices in work done on Government contracts. And in his state of the Union message in 1944, Roosevelt proclaimed his economic bill of rights to provide "a new basis of security and prosperity for all, regardless of station, race, or creed." Roosevelt's economic bill of rights was a 20th century emancipation proclamation.

Mr. President, I served in the war with Negro troops. They distinguished themselves, and I believe hastened our progress toward civil rights. After the war, as these troops returned to their home communities, they were not always treated as well as they deserved. But I am proud to say that President Truman, in addition to setting up a Civil Rights Commission and urging legislation, made significant forward steps in the administrative field. One of his crowning achievements was Executive Order No. 9981, which President Truman issued on July 26, 1948, abolishing segregation in the Armed Forces. That order was issued when the present President, Dwight D. Eisenhower, was Chief of Staff of the Army and indeed had publicly expressed his doubts about abolishing segregation in the Armed Forces, in testimony before the Senate Armed Services Committee on April 2, 1948.

Mr. President, I believe that in a small measure the pending bill reflects the principles espoused by the great leaders of the Democratic Party. I believe that with the establishment of the proposed Civil Rights Commission and the new division in the Attorney General's Office, together with the extension of the Federal statute covering civil rights, we are acting precisely along the trail which great Democratic leaders have blazed.

The bill is not all we desire, but I believe it represents a step forward. I think it would be a serious mistake to vote "nay" on the bill at this time. At least, we should give the House an opportunity to work its will on the bill. As I said on a previous occasion, a vote against the bill is a vote of irresponsibility, a vote for the bill is a vote of responsibility.

The PRESIDING OFFICER. The proponents have 9 minutes remaining, and the opponents 19 minutes.

Mr. KNOWLAND. Mr. President, I yield 2 minutes to the junior Senator from Oregon [Mr. NEUBERGER].

Mr. NEUBERGER. Mr. President, I very proudly associate myself with the outstanding, able, and moving remarks just made by my friend and colleague, the junior Senator from Colorado.

I believe that the bill has been weakened and crippled by the major changes made in this Chamber. At the same time, I believe that the bill as it stands is better than nothing. Therefore I intend to support it.

On Memorial Day of this year I had the great privilege and honor of speaking in tribute to Franklin Delano Roosevelt, in the annual services held at his grave in Hyde Park, N. Y. On that occasion his very illustrious widow, Mrs. Eleanor Roosevelt, told my wife and me about some of the advances made in behalf of colored people and other minority groups during the Roosevelt administration.

She admitted that those advances were far less than President Roosevelt and she had hoped for; but they represented gains, so the Roosevelts accepted those modest gains and worked from there.

I believe that a similar situation confronts us in this Chamber tonight. For that reason, I emphasized that the philosophy advanced by the Senator from Colorado is the philosophy which I accept when I vote for the bill, as I intend to do in the yea and nay vote which is to come.

Only yesterday my distinguished senior colleague [Mr. MORSE] and I voted to accept the conference report on Senate bill 469, an Indian bill affecting the Klamath Tribe in our own State. Although my colleague and I pointed out that the bill was far short of our expectations, and far less than we had hoped for, we had a choice between Senate bill 469 as it came to us, or nothing. Therefore, the senior Senator from Oregon and I accepted the conference report on Senate bill 469, because it was the best we could get—and we hope to improve the situation in the future.

The bill to which I refer involved a relatively small issue affecting one Indian tribe in only one State. Today we are voting on a civil rights bill to protect the voting privileges of people in all 48 States. This bill is not everything it should be, but I believe it is better than the existing vacuum in this vital field. Therefore, I join my friend from Colorado in stating to our colleagues why I intend to vote for the bill. I shall vote for it not without some strong misgivings, but still I shall vote for it.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. FULBRIGHT. Mr. President, if I may be yielded one-half a minute, I

ask unanimous consent to have printed in the RECORD the lead editorial published today in the Washington Evening Star, and also, from the same editorial page, the statement by Dean Acheson, which is referred to in the editorial.

There being no objection, the editorial and statement were ordered to be printed in the RECORD, as follows:

FACTS VERSUS PROPAGANDA

In legislating on civil rights, Congress should be guided by the facts, not propaganda. Highly misleading propaganda is being used now to discredit the jury-trial amendment in the Senate civil-rights bill, and thus the bill itself. That propaganda takes the form of statements to the effect that the amendment kills, or weakens, or nullifies, or makes a ghost of, or, to borrow a White House phrase, "makes largely ineffective," the civil-rights bill. The other line is that it "weakens our whole judicial system."

Is this mere political panic? What else can it be? Whatever it is, Senators are gathering the facts to disprove such absurd generalizations.

For example, in fiscal 1956, there were only 48 cases of criminal contempt in all the Federal courts. Three were for contempt of Congress, in which there is trial by jury. In the same period, the Federal courts were trying 28,739 criminal cases by jury. Would trial by jury of the 45 other cases have weakened our whole judicial system?

In fiscal 1957, 26 of the 69 criminal contempt cases in all the Federal courts were for contempt of Congress, tried by jury.

There are 243 Federal judges sitting in 87 district courts. In only 1 of the past 10 years has the number of criminal-contempt cases equaled the number of district courts. That was in 1951, when 64 of 124 criminal contempts were for contempt of Congress, and tried by jury. The House Un-American Activities Committee was busy that year. How ridiculous to say that had jury trial applied in all criminal-contempt cases, our whole judicial system would have been weakened. We believe the statement will become even more absurd when Senators complete an analysis of circumstances in each criminal-contempt case of recent years.

No one knows how many criminal-contempt cases actually would result, and be tried by jury, under the civil-rights bill's provisions enforcing the right to vote. But under the jury-trial amendment, it is a Federal judge who decides whether to exercise his criminal- or civil-contempt powers, or both. His civil-contempt powers to send a person to jail without a jury trial are not affected. If criminal contempt is involved, and punishment rather than compliance is the issue, there should be a jury.

As Dean Acheson points out in his article on this page today, the real danger to the Federal courts does not lie in jury trial. It would exist in a situation in which people would meekly accept punishment by a judge for violations of laws so strongly opposed that no jury could be found to enforce them. We agree with Mr. Acheson's statement: "To say that this requirement (for jury trial) nullifies the law is nonsense."

Furthermore, it is insidious nonsense. If believed, after repetition by men in high places, it could undermine the whole fine tradition of jury trial as an essential accompaniment of justice under law.

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DEAN ACHESON ON JURY TRIAL

Having heard that Mr. Acheson had been among those who helped to perfect the jury-trial amendment in the Senate civil-rights bill, the Star asked him for a statement, which appears below:

"It will be a great pity if a chance to advance the civil rights of our Negro citizens beyond anything achieved in three-quarters of a century is lost because liberals do not realize how much has been accomplished by the bill now before the Senate.

"It will be a disaster for the country if bitter sectional animosity is aroused by attempting to change the jury-trial amendment to gain something of little or no value. In all respects, save one, opinion is unanimous that the bill in its protection of the right to vote is first class. The argument arises over the requirement that in certain cases a person, before being punished for violating a judge's decree, must be convicted by a jury.

"This requirement of a jury trial in cases of criminal contempt is said by some to nullify the act.

"Nothing could be more wrong. Those who make this charge usually have no idea what criminal contempt is or what great powers the amendment gives to the judge to enforce his decree by civil contempt proceedings.

"Exactly what are we talking about? Recently the press has carried stories of a registrar of voters who was preventing the registration of Negro voters by opening his office only for short periods when voters could not readily attend and by dilatory proceedings.

"In such a case the United States Attorney could, under the amendment, bring suit and the court could issue its decree ordering proper and effective registration. If his order should not be obeyed, the judge could put those defying him in jail or under continuing fines until they should obey. If necessary he could order that no list of voters not made in accordance with his decree be certified or used. No jury would be required for these enforcement proceedings.

"Now let us assume that the registrar has attempted to deceive the judge into believing that he has complied, when he has not. Here is a situation where punishment is called for—not coercion to enforce compliance, but retribution for a wrong. Before this punishment can be inflicted, the defendant must be found guilty by a jury. To say that this requirement nullifies the law is nonsense.

"In the first place, it assumes that in some sections juries will not convict, hence retributive punishment will not be possible, hence the law cannot be enforced. I do not believe the assumption that under proper guidance from the court juries will not convict the guilty.

"But, even if I am wrong, the real enforcement powers are in the civil contempt proceedings where no jury is required. In the second place it assumes that in a section of the country so opposed to the law that no jury could be found to impose punishments, the same punishments would be meekly accepted if imposed by a judge alone.

"This is not only fantastic, but the Federal courts would be destroyed in such an effort.

"Finally, it is said that the amendment is so broad that it will impede the enforcement of decrees in other fields—the antitrust field is mentioned. I can't recall any proceeding for criminal contempt in an antitrust case—though there may have been some. But I venture to say that in a proceeding of this sort a jury would be more of a terror to the defendant than to the Government. However, if any difficulties do develop not now anticipated, they can easily be dealt with by legislation.

"At the present time, fears expressed about the amendment are unfounded, usually based on misunderstanding, and sometimes insincere. It would, as I said, be a great pity should they prevent an accomplishment of inestimable importance.

"DEAN ACHESON.

"August 6, 1957."

Mr. JOHNSON of Texas. Mr. President, how much time is left to the minority leader [Mr. KNOWLAND] and to the Senator from Georgia [Mr. RUSSELL]?

The PRESIDING OFFICER. The opponents have 19 minutes remaining, and the proponents have 3 minutes.

Mr. JOHNSON of Texas. Before the minority leader speaks, I suggest the absence of a quorum, and I ask unanimous consent that the time be not taken from either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | |
|---|---|---|
| Aiken | Goldwater | Monroney |
| Allott | Gore | Morse |
| Anderson | Green | Morton |
| Barrett | Hayden | Mundt |
| Beall | Hennings | Murray |
| Bennett | Hickenlooper | Neuberger |
| Bible | Hill | O'Mahoney |
| Bricker | Holland | Pastore |
| Bush | Hruska | Potter |
| Butler | Humphrey | Purtell |
| Byrd | Ives | Revercomb |
| Capehart | Jackson | Robertson |
| Carlson | Javits | Russell |
| Carroll | Jenner | Saltonstall |
| Case, N. J. | Johnson, Tex. | Schoeppel |
| Case, S. Dak. | Johnston, S. C. | Scott |
| Chavez | Kefauver | Smathers |
| Church | Kennedy | Smith, Maine |
| Clark | Kerr | Smith, N. J. |
| Cooper | Knowland | Sparkman |
| Cotton | Kuchel | Stennis |
| Curtis | Langer | Symington |
| Dirksen | Lausche | Talmadge |
| Douglas | Long | Thurmond |
| Dworshak | Magnuson | Thye |
| Eastland | Mansfield | Watkins |
| Ellender | Martin, Iowa | Wiley |
| Ervin | Martin, Pa. | Williams |
| Flanders | McClellan | Yarborough |
| Fulbright | McNamara | Young |

Mr. MANSFIELD. I announce that the Senator from Delaware [Mr. FREAR] and the Senator from West Virginia [Mr. NEELY] are absent on official business.

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The Senator from Nevada [Mr. MALONE] is necessarily absent.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). A quorum is present.

Mr. JOHNSON of Texas. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that I may propound a parliamentary inquiry, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator will state the parliamentary inquiry.

Mr. KNOWLAND. Mr. President, how much time remains to each side?

The PRESIDING OFFICER. The proponents have 3 minutes remaining. The opponents have 19 minutes remaining.

Mr. KNOWLAND. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from California is recognized for 3 minutes.

Mr. KNOWLAND. Mr. President, we have come to the end of a hard and long road. With the pending bill we have

made some advances in civil rights. The creation of the Commission, as provided in the bill, affords an opportunity to gain a great deal of factual information, if the Commission is organized on an impartial basis, and if it will receive the cooperation of all those who may be concerned.

I believe the section dealing with the Assistant Attorney General is a step in the right direction. It will enable the Department of Justice to function through a civil branch, instead of through a criminal division, as is now the case.

We have stricken part III, dealing with civil rights guaranteed under the 14th amendment to the Constitution. I did not vote to strike that section from the bill; but that was the judgment of the Senate, and that judgment must at this time be accepted.

We finally had a bill which in effect, with the exception of the Commission, was primarily a voting-rights bill. I had hoped that that part of the bill might be retained intact, because the bill, as passed by the House, would have been effective so far as voting rights are concerned. It is my belief that the adoption of the jury-trial amendment has greatly weakened the effectiveness of part IV. I do not necessarily believe that the bill has been completely destroyed, but it is a less effective instrument in guaranteeing rights under the 15th amendment than the bill which came from the House and as it would have remained had the amendment not been added.

In addition to that weakness, we have extended, perhaps by inadvertence, the jury-trial amendment provision to perhaps 30 or 40 other laws. By so doing we have greatly damaged the administration of justice, particularly the administration of other statutes, including the Fair Labor Standards Act, the antitrust statute, the Securities and Exchange Commission statute, the Federal Trade Commission statute, and many others.

Since we are only part way through the legislative process, I hope that in the House, through conference or otherwise, steps may be taken by which this part of the bill may be clarified. I personally hope that the bill will be sent to conference so that we can obtain a more effective piece of legislation, even in relation to the voting-rights provisions.

Mr. President, the voting rights guaranteed by the 15th amendment are inevitably coming to every American citizen regardless of race, creed, or color.

Mr. President, I wonder if I might have 2 additional minutes.

Mr. JOHNSON of Texas. Mr. President, I yield 2 additional minutes to the Senator from California.

Mr. KNOWLAND. Under the bill—and I hope it will be further improved in the legislative process before final enactment—the Commission will be able to function. The spotlight of publicity will be held on every State in the Union and on every voting district. I am frank to admit that in many areas of the great Southland—and we all have great pride in that area of the country, which has contributed such fine leadership to the Senate and to our whole country over the years—the people have made wonderful progress. I only wish that every section of the Southland had made the progress which has been pointed out to us by some of the Senators from that great section.

I am convinced, regardless of what the final form of the bill may be—and I believe it will be greatly improved over what it will be as finally passed by the Senate—the President of the United States and others who have supported adequate and effective civil-rights legislation will work until it can be assured that the rights guaranteed by the 15th amendment to the Constitution to every American citizen—North, South, East, and West, will be made effective.

Mr. President, I ask unanimous consent to have printed in the RECORD, as a part of my remarks, a list of the civil-rights bills reported by Senate committees and civil-rights bills passed by the House, from the 73d to the 84th Congress.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SENATE BILLS RELATING TO CIVIL RIGHTS REPORTED FROM SENATE COMMITTEES SINCE 1933 [1]

SEVENTY-THIRD CONGRESS (1933–34)

S. 1978, to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

Introduced January 4, 1934 by Senators Wagner, Democrat, of New York, and Costigan, Democrat, of Colorado, and referred to Senate Judiciary Committee.

On April 12, 1934 the bill was reported from Senate Judiciary Committee and placed on the Senate Calendar.

No further action was taken by Senate.

SEVENTY-FOURTH CONGRESS (1935–36)

S. 24, to assure to persons within the jurisdiction of every State the equal protection of the laws by discouraging, preventing, and punishing the crime of lynching.

Introduced January 4, 1935 by Senators Wagner, Democrat, of New York, and Costigan, Democrat, of Colorado, and referred to Senate Judiciary Committee.

On March 18, 1935 the bill was reported from the Senate Judiciary Committee and placed on the Senate Calendar.

On April 9, 1935 the bill was passed over on call of the calendar. A motion to take up S. 24 was made on April 24 and the Senate debated the motion on April 25, 26, 27, 29, 30, and May 1, 1935.

On May 12, 1936 S. 24 was passed over on call of the calendar.

No further action was taken by Senate.

SEVENTY-NINTH CONGRESS (1945–46)

S. 101, to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry.

Introduced January 6, 1945, by Senator CHAVEZ, Democrat, of New Mexico, and others, and referred to Senate Education and Labor Committee.

On May 24 the bill was reported from the Senate Labor Committee and placed on the Senate Calendar.

On January 17, 1946, the Senate, by a vote of 49 yeas to 17 nays, agreed to a motion to take up S. 101 and debated the bill on January 18, 21, 22, 23, 24, 25, 28, 29, 30, 31, February 1, 4, 5, 6, 7, and 8. On February 9 a motion to close debate on the bill was rejected by a vote of 48 yeas to 36 nays (two-thirds required) and a motion to take up an appropriation bill was agreed to by a vote of 71 yeas to 12 nays. No further action was taken by the Senate.

EIGHTIETH CONGRESS (1947–48)

S. 2860, to provide for the better assurance of the protection of persons within the several States from lynching, and for other purposes.

On June 14, 1948, an original bill (S. 2860) was reported from the Senate Judiciary Committee by Senator Ferguson, Republican, of Michigan, and ordered placed on the Senate Calendar.

No further action was taken by the Senate.

EIGHTY-FIRST CONGRESS (1949–50)

S. 91, to provide for the better assurance of the protection of persons within the several States from lynching, and for other purposes.

Introduced January 5, 1949, by Senator Ferguson, Republican, of Michigan, and referred to the Senate Judiciary Committee.

On June 6, the bill was reported from the Senate Judiciary Committee and placed on the Senate Calendar.

S. 91 was objected to on call of the calendar on June 21, July 26, September 27, and October 17, 1949.

In the second session it was objected to on February 1, August 8, September 13, and December 15, 1950.

No further action was taken by the Senate.

NOTE.—The above information is derived from civil-rights files in the Senate Library and histories of Senate bills in CONGRESSIONAL RECORD indexes.

CIVIL-RIGHTS BILLS PASSED BY THE HOUSE SINCE 1938 [2]

SEVENTY-FIFTH CONGRESS (1937–38)

H. R. 1507, to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

Introduced January 5, 1937, by Representative Gavagan, Democrat, New York, and referred to House Judiciary Committee.

A motion to discharge the Committee on Rules from further consideration of a resolution (H. Res. 125, making a special order to bring H. R. 1507 to the House floor for debate) was agreed to by a vote of 282 yeas to 108 nays on April 12, 1937. The resolution (H. Res. 125) was then agreed to by a voice vote on the same day.

House passed H. R. 1507 by a vote of 277 yeas to 120 nays on April 15, 1937, and the bill was referred to the Senate Judiciary Committee on April 19.

On June 22, 1937, the bill was reported from the Senate Judiciary Committee and placed on the Senate Calendar.

On August 11, 1937, a motion that the Senate proceed to consider H. R. 1507 was made. The following day, August 12, the motion was withdrawn and the Senate, by voice vote, agreed to a motion stating that H. R. 1507 shall become and remain the unfinished business after certain farm legislation was disposed of.

On November 16, 1937, a motion was again made to consider H. R. 1507 and the Senate debated the motion November 17, 18, 19, and 22. The motion was withdrawn November 23.

On December 17, 1937, the Senate, under its order of August 12, 1937, proceeded to

[1] No civil-rights bills were reported from Senate committees in the following Congresses: 75th (1937–38), 76th (1939–40), 77th (1941–42), 78th (1943–44), 82d (1951–52), 83d (1953–54), and 84th (1955–56).

[2] No civil-rights bills were passed by the House in the following Congresses: 73d (1933–34), 74th (1935–36), 82d (1951–52), and 83d (1953–54).

consider the bill and on December 20 the Senate unanimously agreed to discontinue consideration of H. R. 1507 until January 6, 1938.

The Senate resumed consideration of the bill January 16 and continued debate through February 21, 1938. On that date the Senate, by a vote of 58 yeas to 22 nays, agreed to a motion to consider an appropriation bill. No further action was taken by the Senate on H. R. 1507.

SEVENTY-SIXTH CONGRESS (1939–40)

H. R. 801, to assure to persons within the jurisdiction of every State due process of law and equal protection of the laws, and to prevent the crime of lynching.

Introduced January 3, 1939, by Representative Gavagan, Democrat, of New York, and referred to House Judiciary Committee.

A motion to discharge the Committee on Rules from further consideration of a resolution (H. R. 103, making a special order to bring H. R. 801 to the House floor for debate) was agreed to by a vote of 256 yeas to 114 nays on January 8, 1940. The resolution (H. Res. 103) was then agreed to by voice vote on the same day.

House passed H. R. 801 by a vote of 252 yeas to 131 nays on January 10, 1940, and the bill was referred to the Senate Judiciary Committee January 11.

On April 8, 1940, the bill was reported from the Senate Judiciary Committee and placed on the Senate Calendar. No action was taken by the Senate.

SEVENTY-SEVENTH CONGRESS (1941–42)

H. R. 1024, to amend an act to prevent pernicious political activities. (Forbids the local requirement of the payment of a poll tax as a prerequisite for voting.)

Introduced January 3, 1941, by Representative Geyer, Democrat, California, and referred to the House Judiciary Committee.

On October 12, 1942, a motion to discharge the Committee on Rules was agreed to by a vote of 251 yeas to 85 nays and a resolution (H. Res. 110) making a special order for House to consider H. R. 1024 was agreed to by a vote of 251 yeas to 85 nays.

House passed H. R. 1024 by a vote of 254 yeas to 84 nays on October 13, 1942, and the bill was referred to the Senate Judiciary Committee October 15.

On October 26, 1942, the bill was reported from the Senate Judiciary Committee and placed on Senate Calendar.

A motion was made on November 13, 1942, that the Senate proceed to consider H. R. 1024. The motion was again made on November 16 and 18. On November 19 the motion was agreed to by a voice vote and Senate began debate on the bill. The Senate rejected a motion to close debate by a vote of 37 yeas to 41 nays on November 23 and later, on the same day, by unanimous consent, laid the bill aside and returned it to the Senate Calendar.

SEVENTY-EIGHTH CONGRESS (1943–44)

H. R. 7, making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

Introduced January 6, 1943, by Representative Marcantonio, American Labor Party, New York, and referred to House Judiciary Committee.

A motion to discharge the Committee on Rules from further consideration of a resolution (H. Res. 131, making a special order to bring H. R. 7 to the House floor for debate) was agreed to by a vote of 268 yeas to 110 nays on May 24, 1943. The resolution (H. Res. 131) was agreed to by a vote of 265 yeas to 105 nays on the same day.

House passed H. R. 7 by a vote of 265 yeas to 110 nays on May 25, 1943, and the bill was referred to the Senate Judiciary Committee May 27.

On November 12, 1943, the bill was reported from the Senate Judiciary Committee and placed on the Senate Calendar.

A motion to take up H. R. 7 was agreed to by a voice vote on May 9, 1944, and the Senate debated the bill May 10, 11, and 12. On May 15 the Senate, by a vote of 36 yeas to 44 nays, rejected a motion to close debate on the bill. No further action was taken by the Senate.

SEVENTY-NINTH CONGRESS (1945–46)

H. R. 7, making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

Introduced January 3, 1945, by Representative Marcantonio, American Labor Party, New York, and referred to House Judiciary Committee.

A motion to discharge the Committee on Rules from further consideration of a resolution (H. Res. 139, making a special order to bring H. R. 7 to the House floor for debate) was agreed to by a vote of 224 yeas to 95 nays on June 11, 1945. The resolution (H. Res. 139) was then agreed to by a vote of 220 yeas to 94 nays on the same day.

House passed H. R. 7 by a vote of 251 yeas to 105 nays on June 12, 1945, and the bill was referred to the Senate Judiciary Committee on June 13.

On October 5, 1945, the bill was reported from the Senate Judiciary Committee and placed on the Senate Calendar.

A motion to take up H. R. 7 was agreed to by voice vote on July 29, 1946, and the Senate proceeded to consider the bill through July 31, when a motion to close debate was rejected by a vote of 39 yeas to 33 nays (two-thirds vote required). No further action was taken.

EIGHTIETH CONGRESS (1947–48)

H. R. 29, making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

Introduced January 3, 1947, by Representative Bender (Republican, of Ohio), and referred to the House Administration Committee.

Reported from the House Administration Committee on July 16, 1947, and placed on House Calendar.

House suspended the rules and passed H. R. 29 by a vote of 290 yeas to 112 nays on July 21, 1947, and the bill was referred to the Senate Rules and Administration Committee on July 22.

On April 30, 1948, the bill was reported from the Senate Rules Committee and placed on the Senate Calendar.

Senate considered a motion to take up H. R. 29 on July 29, 30, August 2, 3, and 4, 1948. During debate on the motion the Senate agreed to adjourn until August 5 by a vote of 69 yeas to 16 nays. No further action was taken.

EIGHTY-FIRST CONGRESS (1949–50)

H. R. 3199, making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

Introduced March 3, 1949, by Representative Norton (Democrat, of New Jersey), and referred to the House Administration Committee.

On June 24, 1949, the bill was reported from the House Administration Committee and placed on the House Calendar.

A motion to discharge the Committee on Rules from further consideration of a resolution (H. Res. 276, making in order consideration of H. R. 3199) was agreed to by a vote of 262 yeas to 100 nays on July 25, 1949. The resolution (H. Res. 276) was then agreed to by a vote of 265 yeas to 100 nays on the same day.

House passed the bill by a vote of 273 yeas to 116 nays on July 26, 1949. Previously a motion to recommit was rejected by a vote of 123 yeas to 267 nays. H. R. 3199 was referred to the Senate Rules and Administration Committee on July 27.

No further action was taken by the Senate.

H. R. 4453, to prohibit discrimination in employment because of race, color, religion, or national origin.

Introduced April 29, 1949, by Representative POWELL (Democrat, New York) and referred to House Education and Labor Committee.

On August 2, 1949, the bill was reported from the House Labor Committee.

House decided to consider the bill by a vote of 287 yeas to 121 nays on February 22, 1950, and the following day passed it by a vote of 240 yeas to 177 nays after rejecting a motion to recommit by a vote of 177 yeas to 239 nays. H. R. 4453 was read twice by its title and ordered placed on the Senate Calendar February 23.

H. R. 4453 was objected to on call of the calendar on April 19, August 8, and December 15, 1950. No further action was taken.

EIGHTY-FOURTH CONGRESS (1955–56)

H. R. 627, to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Introduced January 5, 1955, by Representative CELLER (Democrat, New York), and referred to the House Judiciary Committee.

On May 21, 1956, the bill was reported from the House Judiciary Committee.

A resolution (H. Res. 568) to consider the bill was agreed to by a voice vote on July 16, 1956, and the House began debate.

On July 23 the House passed H. R. 627 by a vote of 279 yeas to 126 nays after rejecting a motion to recommit by a vote of 131 yeas to 275 nays. The bill was referred to the Senate Judiciary Committee on the same day.

No further action was taken by the Senate.

NOTE.—The above information is based on a list supplied by Legislative Reference Service, Library of Congress.

Mr. KNOWLAND subsequently said: Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. KNOWLAND. I ask unanimous consent to have printed in the RECORD, as a part of my previous remarks, the yea-and-nay vote on the action bypassing the Judiciary Committee; the yea-and-nay vote on the motion to have the Senate proceed to the consideration of House bill 6127; and the yea-and-nay vote on the motion to recommit House bill 6127 to the Judiciary Committee, with instructions.

There being no objection, the votes were ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD of June 20, 1957, pp. 9826–9828

The VICE PRESIDENT. A quorum is present.

The question is, Is the point of order of the Senator from Georgia [Mr. RUSSELL] well taken? On this question the yeas and nays have been ordered.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. DOUGLAS. Do I correctly understand that a yea vote means a vote to send the House bill to the committee, and a nay vote means to place the House bill on the calendar?

The VICE PRESIDENT. The effect of the vote would be as the Senator from Illinois has stated.

The Secretary will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. GREEN], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

I further announce that the Senator from Oklahoma [Mr. MONRONEY] is absent because of illness.

On this vote the Senator from Indiana [Mr. CAPEHART] is paired with the Senator from Oklahoma [Mr. MONRONEY].

If present and voting, the Senator from Indiana would vote "nay" and the Senator from Oklahoma would vote "yea."

If present and voting, the Senator from Rhode Island [Mr. GREEN] and the Senator from West Virginia [Mr. NEELY] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maine [Mr. PAYNE], and the Senator from North Dakota [Mr. LANGER] are absent because of illness.

If present and voting, the Senator from Maine [Mr. PAYNE] and the Senator from North Dakota [Mr. LANGER] would each vote "nay."

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate and is paired with the Senator from Oklahoma [Mr. MONRONEY]. If present and voting, the Senator from Indiana [Mr. CAPEHART] would vote "nay" and the Senator from Oklahoma [Mr. MONRONEY] would vote "yea."

The Senator from New Jersey [Mr. SMITH] is necessarily absent, and, if present and voting, he would vote "nay."

The Senator from Iowa [Mr. MARTIN] and the Senator from Vermont [Mr. FLANDERS] are detained on official business. If present and voting, the Senator from Iowa [Mr. MARTIN] would vote "nay."

The result was announced—yeas 39, nays 45, as follows:

Yeas, 39: Anderson; Bible; Byrd; Eastland; Ellender; Ervin; Frear; Fulbright; Goldwater; Gore; Hayden; Hill; Holland; Johnson, Texas; Johnston, South Carolina; Kefauver; Kennedy; Kerr; Lausche; Long; Magnuson; Malone; Mansfield; McClellan; Morse; Mundt; Murray; O'Mahoney; Robertson; Russell; Scott; Smathers; Sparkman; Stennis; Talmadge; Thurmond; Williams; Yarborough; Young.

Nays, 45: Aiken; Allott; Barrett; Beall; Bennett; Bricker; Bush; Butler; Carlson; Carroll; Case, New Jersey; Case, South Dakota; Church; Clark; Cooper; Cotton; Curtis; Dirksen; Douglas; Dworshak; Hennings; Hickenlooper; Hruska; Humphrey; Ives; Jackson; Javits; Jenner; Knowland; Kuchel; Martin, Pennsylvania; McNamara; Morton; Neuberger; Pastore; Potter; Purtell; Revercomb; Saltonstall; Schoeppel; Smith, Maine; Symington; Thye; Watkins; Wiley.

Not voting, 11: Bridges; Capehart; Chavez; Flanders; Green; Langer; Martin, Iowa; Monroney; Neely; Payne, Smith, New Jersey.

So Mr. RUSSELL's point of order was overruled.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the point of order was overruled.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from California [Mr. KNOWLAND], to lay on the table the motion of the Senator from Illinois [Mr. DIRKSEN].

Several Senators requested the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll, and Mr. AIKEN and Mr. ALLOTT voted in the affirmative when their names were called.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Illinois will state it.

Mr. DOUGLAS. May I ask the Chair to explain what a vote of "yea" will mean in this case?

The VICE PRESIDENT. A vote of "yea" is a vote to lay on the table the motion to reconsider.

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Ohio will state it.

Mr. LAUSCHE. In the event the motion to lay on the table is agreed to, what will be the subsequent right of any Member of the Senate to ask that the bill be referred to a committee, if it is once placed on the calendar?

The VICE PRESIDENT. By unanimous consent, the bill may be referred to a committee.

Mr. LAUSCHE. By unanimous consent only?

The VICE PRESIDENT. Once the bill is taken up for consideration, any Senator may move to refer it to a committee, and that may be done by a majority vote.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Minnesota will state it.

Mr. HUMPHREY. Is it not possible, once the bill has been placed on the calendar, that any Senator may move that it be sent to committee?

The VICE PRESIDENT. The bill would have to be before the Senate.

Mr. HUMPHREY. Could not a Senator call up the bill on motion?

The VICE PRESIDENT. As the Chair has stated, when the bill is taken up and is before the Senate, a motion would be in order at any time to refer the bill to a committee.

Mr. HUMPHREY. I merely wanted to inquire whether any Senator's right to call up the bill by motion for consideration by the Senate will be denied by the procedure which we are following.

The VICE PRESIDENT. Not that the Chair can ascertain.

Mr. CASE of South Dakota. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from South Dakota will state it.

Mr. CASE of South Dakota. If the bill is placed on the calendar, and the calendar is called in the regular course of events, and when the bill is reached at that time, could any Senator move to refer the bill to committee?

The VICE PRESIDENT. If a Senator could gain recognition when the bill was called up, he could move to refer it to committee, unless a unanimous-consent agreement were in effect which covered only bills to which no objection had been made.

Mr. JOHNSTON of South Carolina. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from South Carolina will state it.

Mr. JOHNSTON of South Carolina. But it would be in order at any time for any Senator, when he got the floor, to move to refer the bill to committee; would it not?

The VICE PRESIDENT. Only if the bill was before the Senate. If the bill was not before the Senate, it would not come up on the calendar.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from California will state it.

Mr. KNOWLAND. Is the yea-and-nay vote in progress?

The VICE PRESIDENT. The yea-and-nay vote has been ordered.

Mr. AIKEN. Mr. President, my name was called, and I voted "yea."

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Georgia will state it.

Mr. RUSSELL. Does not all that has transpired here tonight entitle the senior Senator from California to a place among the major prophets because of his prophecy in 1948 that the adoption of this procedure would cause chaos, confusion, and delay?

The VICE PRESIDENT. As the Senator from Georgia, good parliamentarian that he is, is aware, that is not a parliamentary inquiry.

The yea-and-nay vote will proceed.

The legislative clerk resumed and concluded the call of the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. GREEN], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

I further announce that the Senator from Oklahoma [Mr. MONRONEY] is absent because of illness.

On this vote the Senator from Indiana [Mr. CAPEHART] is paired with the Senator from Oklahoma [Mr. MONRONEY].

If present and voting, the Senator from Indiana would vote "yea" and the Senator from Oklahoma would vote "nay."

If present and voting, the Senator from Rhode Island [Mr. GREEN] and the Senator from West Virginia [Mr. NEELY] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maine [Mr. PAYNE], and the Senator from North Dakota [Mr. LANGER] are absent because of illness.

If present and voting, the Senator from Maine [Mr. PAYNE] and the Senator from North Dakota [Mr. LANGER] would each vote "yea."

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate and is paired with the Senator from Oklahoma [Mr. MONRONEY]. If present and voting, the Senator from Indiana [Mr. CAPEHART] would vote "yea" and the Senator from Oklahoma [Mr. MONRONEY] would vote "nay."

The Senator from New Jersey [Mr. SMITH] is necessarily absent, and, if present and voting he would vote "yea."

The Senator from Vermont [Mr. FLANDERS] is detained on official business.

The result was announced—yeas 49, nays 36, as follows:

Yeas, 49: Aiken; Allott; Barrett; Beall; Bennett; Bricker; Bush; Butler; Carlson; Carroll; Case, New Jersey; Case, South Dakota; Church; Clark; Cooper; Cotton; Curtis; Dirksen; Douglas; Dworshak; Goldwater; Hennings; Hickenlooper; Hruska; Humphrey; Ives; Jackson; Javits; Jenner; Knowland; Kuchel; Lausche; Martin, Iowa; Martin, Pennsylvania; McNamara; Morton; Mundt; Neuberger; Pastore; Potter; Purtell; Revercomb; Saltonstall; Schoeppel; Smith, Maine; Symington; Thye; Watkins; Wiley.

Nays, 36: Anderson; Bible; Byrd; Eastland; Ellender; Ervin; Frear; Fulbright; Gore; Hayden; Hill; Holland; Johnson, Texas; Johnston, South Carolina; Kefauver; Kennedy; Kerr; Long; Magnuson; Malone; Mansfield; McClellan; Morse; Murray; O'Mahoney; Robertson; Russell; Scott; Smathers; Sparkman; Stennis; Talmadge; Thurmond; Williams; Yarborough; Young.

Not voting, 10: Bridges; Capehart; Chavez; Flanders; Green; Langer; Monroney; Neely; Payne; Smith, New Jersey.

So the motion to lay on the table was agreed to.

The VICE PRESIDENT. The bill (H. R. 6127) will be placed on the calendar.

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[From the CONGRESSIONAL RECORD of July 16, 1957, p. 11831]

The VICE PRESIDENT. A quorum is present.

The question is on agreeing to the motion of the Senator from California [Mr. KNOWLAND] that the Senate proceed to the consideration of House bill 6127, the Civil Rights Act of 1957.

Mr. KNOWLAND. Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the senior Senator from Missouri [Mr. HENNINGS] is in the hospital, and is absent by leave of the Senate, and that the junior Senator from Pennsylvania [Mr. CLARK] is absent by leave of the Senate because of the death of his brother. If those Senators were present they would each vote "yea" on the pending motion.

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maine [Mr. PAYNE], and the Senator from Kansas [Mr. SCHOEPPEL] are absent because of illness.

The Senator from North Dakota [Mr. YOUNG] is detained on official business.

If present and voting, the Senator from Maine [Mr PAYNE] and the Senator from Kansas [Mr. SCHOEPPEL] would each vote "yea."

The result was announced—yeas 71, nays 18, as follows:

Yeas, 71: Aiken; Allott; Anderson; Barrett; Beall; Bennett; Bible; Bricker; Bush; Butler; Capehart; Carlson; Carroll; Case, New Jersey; Case, South Dakota; Chavez; Church; Cooper; Cotton; Curtis; Dirksen; Douglas; Dworshak; Flanders; Frear; Goldwater; Gore; Green; Hayden; Hickenlooper; Hruska; Humphrey; Ives; Jackson; Javits; Jenner; Johnson, Texas; Kefauver; Kennedy; Kerr; Knowland; Kuchel; Langer; Lausche; Magnuson; Malone; Mansfield; Martin, Iowa; Martin, Pennsylvania; McNamara; Monroney; Morse; Morton; Mundt; Murray; Neely; Neuberger; O'Mahoney; Pastore; Potter; Purtell; Revercomb; Saltonstall; Smith, Maine; Smith, New Jersey; Symington; Thye; Watkins; Wiley; Williams; and Yarborough.

Nays, 18: Byrd; Eastland; Ellender; Ervin; Fulbright; Hill; Holland; Johnston, South Carolina; Long; McClellan; Robertson; Russell; Scott; Smathers; Sparkman; Stennis; Talmadge; and Thurmond.

Not voting, 6: Bridges; Clark; Hennings; Payne; Schoeppel; and Young.

So Mr. KNOWLAND's motion was agreed to; and the Senate proceeded to the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the motion was agreed to.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from California [Mr. KNOWLAND].

The motion to lay on the table was agreed to.

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[From the CONGRESSIONAL RECORD of July 16, 1957, p. 11837]

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Oregon [Mr. MORSE] to refer the bill to the Committee on the Judiciary with instructions. On this question the yeas and nays have been ordered, and the Secretary will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Pennsylvania [Mr. CLARK] is absent by the leave of the Senate because of a death in his family.

The Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

On this vote, if present and voting, the Senator from Pennsylvania [Mr. CLARK] and the Senator from Missouri [Mr. HENNINGS] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maine [Mr. PAYNE], and the Senator from Kansas [Mr. SCHOEPPEL] are absent because of illness.

The Senator from North Dakota [Mr. YOUNG] is detained on official business.

If present and voting, the Senator from Maine [Mr. PAYNE] and the Senator from Kansas [Mr. SCHOEPPEL] would each vote "nay."

The result was announced—yeas 35, nays 54, as follows:

Yeas, 35: Bible; Byrd; Curtis; Eastland; Ellender; Ervin; Frear; Fulbright; Gore; Hayden; Hill; Holland; Johnson of Texas; Johnston of South Carolina; Kefauver; Kerr; Long; Malone; Mansfield; McClellan; Monroney; Morse; Mundt; Murray; O'Mahoney; Robertson; Russell; Scott; Smathers; Sparkman; Stennis; Talmadge; Thurmond; Williams; Yarborough.

Nays, 54; Aiken; Allott; Anderson; Barrett; Beall; Bennett; Bricker; Bush; Butler; Capehart; Carlson; Carroll; Case of New Jersey; Case of South Dakota; Chavez; Church; Cooper; Cotton; Dirksen; Douglas; Dworshak; Flanders; Goldwater; Green; Hickenlooper; Hruska; Humphrey; Ives; Jackson; Javits; Jenner; Kennedy; Knowland; Kuchel; Langer; Lausche; Magnuson; Martin of Iowa; Martin of Pennsylvania; McNamara; Morton; Neely; Neuberger; Pastore; Potter; Purtell; Revercomb; Saltonstall; Smith of Maine; Smith of New Jersey; Symington; Thye; Watkins; Wiley.

Not voting, 6: Bridges, Clark, Hennings, Payne, Schoeppel, Young.

So. Mr. MORSE's motion was rejected.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the motion of the Senator from Oregon was rejected.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from California.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, of the remaining time allotted, I yield myself as much time as I may need.

In 10 minutes the Senate will have spent a total of 25 days discussing the civil rights bill. In those days we will have used 121 hours and 31 minutes. In all the history of the Senate, I doubt whether there has ever been a debate which has been conducted on a higher level. Senators have spoken to the point. Senators have debated the issues. Senators have stuck to the facts. For this, all my colleagues are entitled to great credit.

The distinguished minority leader has consistently stood by his convictions. There may have been times when we became somewhat irritable. But, thank God, we never became distrustful or suspicious.

The Senator from Georgia [Mr. RUSSELL] has maintained dignity and intellectual integrity under what many of us considered the most trying circumstances.

The Senator from North Carolina [Mr. ERVIN], has enriched the debate with his outstanding knowledge of the law and the painstaking care with which he has applied himself to expanding our comprehension of this bill.

The Senator from Minnesota [Mr. HUMPHREY] has kept us alert with his keen and incisive presentation of the point of view which he has been presenting for many years.

The Senator from Oregon [Mr. MORSE] has maintained for us at all times a basic awareness of the values of Senate procedure and the protection of the minority.

The Senator from Wyoming [Mr. O'MAHONEY], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Idaho [Mr. CHURCH] have brought sharply home to us the basic necessity of safeguarding the right of trial by jury.

The Senator from New Mexico [Mr. ANDERSON], the Senator from Vermont [Mr. AIKEN], and the Senator from South Dakota [Mr. CASE] presented to the Senate the strong and convincing argument which eliminated part III from the bill and, in my opinion, made the bill more acceptable, more enforceable, and stronger.

The Senator from South Carolina [Mr. JOHNSTON] helped to clarify important sections of the bill.

The Senator from Idaho [Mr. CHURCH], the Senator from Massachusetts [Mr. KENNEDY], the Senators from Washington [Mr. MAGNUSON and Mr. JACKSON], the Senators from Montana [Mr. MURRAY and Mr. MANSFIELD], the Senators from Nevada [Mr. MALONE and Mr. BIBLE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Ohio [Mr. LAUSCHE], and the Senator from North Dakota [Mr. YOUNG] brought about a basic reform in our Federal jury system.

Mr. President, through the efforts of these men, the Senate twice approached its finest hours. I refer to the vote on the amendment of part III and the vote on the jury-trial amendment. Senators from all parts of the country—north, east, south, and west—stood here and presented their viewpoints, and stood here, answered the rollcall, and voted their convictions. Partisan lines were broken. Political issues were subordinated to principles.

Mr. President, I ask unanimous consent that these votes again be printed in the RECORD, so that people everywhere may know that the Senate in its crucial tests placed the country above partisan consideration.

There being no objection, the votes were ordered to be printed in the RECORD, as follows:

PART III AMENDMENT—PAGES 12564-12566, JULY 24, 1957

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

The Senator from West Virginia [Mr. NEELY] is absent on official business.

I further announce that if present and voting, the Senator from Missouri [Mr. HENNINGS] and the Senator from West Virginia [Mr. NEELY] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maine [Mr. PAYNE], and the Senator from Kansas [Mr. SCHOEPPEL] are absent because of illness.

If present and voting, the Senator from Maine [Mr. PAYNE] would vote "nay."

If present and voting, the Senator from Kansas [Mr. SCHOEPPEL] would vote "yea."

The result was announced—yeas 52, nays 38, as follows:

Yeas—52: Aiken, Anderson, Barrett, Bennett, Bible, Bricker, Butler, Byrd, Case of South Dakota, Chavez, Church, Cotton, Curtis, Dworshak, Eastland, Ellender, Ervin,

Flanders, Frear, Fulbright, Goldwater, Gore, Green, Hayden, Hickenlooper, Hill, Holland, Johnson of Texas, Johnston of South Carolina, Kefauver, Kerr, Long, Malone, Mansfield, McClellan, Monroney, Mundt, Murray, O'Mahoney, Robertson, Russell, Saltonstall, Scott, Smathers, Smith of New Jersey, Sparkman, Stennis, Talmadge, Thurmond, Williams, Yarborough, Young.

Nays—38: Allott, Beall, Bush, Capehart, Carlson, Carroll, Case of New Jersey, Clark, Cooper, Dirksen, Douglas, Hruska, Humphrey, Ives, Jackson, Javits, Jenner, Kennedy, Knowland, Kuchel, Langer, Lausche, Magnuson, Martin of Iowa, Martin of Pennsylvania, McNamara, Morse, Morton, Neuberger, Pastore, Potter, Purtell, Revercomb, Smith of Maine, Symington, Thye, Watkins, Wiley.

Not voting—5: Bridges, Hennings, Neely, Payne, Schoeppel.

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JURY TRIAL AMENDMENT—PAGE 13356, August 1, 1957

MEMORANDUM

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Texas will state it.

Mr. JOHNSON of Texas. The pending question is on agreeing to the O'Mahoney-Kefauver-Church amendment, as modified; a vote for the amendment will be a vote "yea"; and a vote against the amendment will be a vote "nay"; is that correct?

The VICE PRESIDENT. The Senator from Texas is correct.

On this question, the yeas and nays have been ordered, and the Secretary will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from West Virginia [Mr. NEELY] is absent on official business.

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The result was announced—yeas 51, nays 42, as follows:

Yeas—51: Anderson, Bible, Butler, Byrd, Capehart, Case of South Dakota, Chavez, Church, Curtis, Eastland, Ellender, Ervin, Frear, Fulbright, Goldwater, Gore, Green, Hayden, Hill, Holland, Jackson, Johnson of Texas, Johnston of South Carolina, Kefauver, Kennedy, Kerr, Lausche, Long, Magnuson, Malone, Mansfield, McClellan, Monroney, Mundt, Murray, O'Mahoney, Pastore, Revercomb, Robertson, Russell, Schoeppel, Scott, Smathers, Smith of Maine, Sparkman, Stennis, Talmadge, Thurmond, Williams, Yarborough, Young.

Nays—42: Aiken, Allott, Barrett, Beall, Bennett, Bricker, Bush, Carlson, Carroll, Case of New Jersey, Clark, Cooper, Cotton, Dirksen, Douglas, Dworshak, Flanders, Hennings, Hickenlooper, Hruska, Humphrey, Ives, Javits, Jenner, Knowland, Kuchel, Langer, Martin of Iowa, Martin of Pennsylvania, McNamara, Morse, Morton, Neuberger, Payne, Potter, Purtell, Saltonstall, Smith of New Jersey, Symington, Thye, Watkins, Wiley.

Not voting—2: Bridges, Neely.

So the amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I shall vote for the bill. It is effective legislation. It is enforceable legislation. It seeks to advance the rights of all Americans. It is national rather than sectional.

In the past few days there has been considerable discussion about the things which the bill does not do. The minority leader has just made some reference to them. I am aware of the fact that the bill does not pretend to solve all the problems of human relations.

But I cannot follow the logic of those who say that because we cannot solve all the problems, we should not try to solve any of them. That is a curious process of thought, indeed.

I prefer, instead, to consider what the bill does, and then to make up my mind as to its value on that basis. In this concluding hour, let us look at what the bill does.

First. The bill creates a Civil Rights Commission with subpena power. This alone would justify terming the bill a constructive step, and it is more than proponents of civil rights asked the majority leader to have passed last year.

Second. The bill creates the office of a new Assistant Attorney General who can bring the full prestige of his office into the field of civil rights.

Third. The bill repeals a bayonet-type Reconstruction statute, whose very existence inflames passions and makes it more difficult to consider these problems dispassionately.

Fourth. The bill insures the authority of the Federal courts to aid individuals seeking remedial protections for their civil rights.

Fifth. The bill authorizes the use of the full powers of the Federal courts to secure the most important of all rights—the right to vote.

Sixth. The bill guarantees to defendants in criminal contempt proceedings in Federal courts the basic right of trial by jury.

On this point, let us be absolutely clear, and let the record be clear.

No Federal judge will be required to call a jury to enforce compliance with his orders. He can resort to fines, to imprisonment, and to compensatory damages to compel obedience to his orders.

The one thing a Federal judge could not do without a jury is to brand a man a criminal in the eyes of all his fellow citizens.

Seventh, and finally, the bill secures without discrimination the right of all citizens, of all races, all colors, and all creeds, to serve on Federal juries.

Mr. President, I have served in Congress for more than 20 years. A long line of Texas Senators have preceded me, clear back to 1871, when my State once again received representation in the Senate.

The last Reconstruction statute was passed in 1875. Since that date, this issue has been agitated and has divided our Nation time and time again. During the 82 years since Reconstruction, practically any one of the points I have enumerated would have been regarded as a history-making advance. The Senate, without regard to political division, is going to be in a position to approve seven of them, I hope, tonight.

I can understand the disappointment of those who are not receiving all they believe they should out of this bill. I can understand but not sympathize with their position.

Many times in my life, I have failed to secure all that I considered proper and just and due. But I have learned to accept the will of my fellow citizens when they have deliberated earnestly and sincerely.

Never before has a bill been debated so thoroughly in this Senate. And out of that debate has come something even more important than legislation.

This has been a debate which has opened closed minds throughout the country. This has been a debate which has made people everywhere reexamine hard and fast positions.

For the first time in my memory, this issue has been lifted from the field of partisan politics. It has been considered in terms of human beings and the effect of our laws upon them.

And we shall never get rid of a running sore in the body politic until we start thinking in those terms.

Two months ago, I had grave misgivings about the value of the commission section. It seemed to me that a commission—operating in a heated political atmosphere—could do nothing but inflame passions.

But I believe the Senate has set a tone within which the commission can be a useful instrument. It can gather facts instead of charges; it can sift out the truth from the fancies; and it can return with recommendations which will be of assistance to reasonable men.

There are, of course, people who are still more interested in securing votes than in securing the right to vote. There are, of course, people who are still more interested in the issue than in a solution to the issue.

But I state—out of whatever experience I have had—that there is no political capital in this issue. Nothing lasting, nothing enduring, has ever been born from hatred and prejudice—except more hatred and more prejudice.

Political ambition which feeds off hatred of the North or hatred of the South is doomed to frustration.

There have been times when feelings ran high. There was a time when the divisions within this country exploded into bloodshed.

When Texas was readmitted into the Union on March 30, 1870, two Senators took the seats once occupied by Rusk and Sam Houston. The judgments of those new Senators were not the judgments of the Americans of their time. They went too far too fast, and our State has never forgotten that period. Basic rights were ignored. Punitive measures were voted. Since that time, men of their thinking have never again occupied the seats of Senators from Texas.

We do not have to reconstruct Reconstruction in order to have a bill. We do not have to reopen the wounds. Neither do we have to dispense with basic rights—such as the jury trial—in order to have effective legislation.

Under this measure, a good judge can secure compliance for his orders. And it is compliance—not vengeance—that the Senate seeks.

It may be that experience will demonstrate the need for change in this measure. That is one of the reasons why we are voting to create a commission.

But the possible necessity for change is no bar to action. The Senate will not disappear after the vote tonight. We shall be present throughout the years to come.

There will be some, of course, who will seek to play politics. But I hope there

are none such in the Senate. There is no compelling need for a campaign issue.

But there is a compelling need for a solution that will enable all American people to live in dignity and in unity. This bill is the greatest step toward that objective that has ever been made.

To destroy it now would be a tragedy that would haunt our consciences for years to come.

I am aware of the implications of my vote. It will be treated cynically in some quarters, and it will be misunderstood in others. No Texas Senator has cast a vote to consider a civil-rights bill or a vote for a civil-rights bill since 1875.

But the Senate has dealt fairly and justly with this measure. This is legislation which I believe will be good for every State of the Union—and, so far as I am concerned, Texas has been a part of the Union since Appomattox.

I could not have voted for the bill which came to the Senate, and I so told the Senate. But the bill now before the Senate seeks to solve the problems of 1957—not to reopen the wounds of 1865.

This is the result of honest and candid debate in the greatest deliberative body in the world. I believe in playing fair with my colleagues and in doing unto others as I would have them do unto me.

Mr. President, the majority of the Members of the Senate trust the people in the land that I love and from which I come. And, Mr. President, they will not be disappointed.

Therefore, I shall genuinely support this measure, secure in the belief that it represents progress and that it assures an advance in the rights to which all our people are entitled.

When the other body makes its adjustments to the bill, I trust that it will be improved. I trust that it will be acceptable to the great majority of all our people. And I believe that it can be truly said that this will have been a year of accomplishment for the Congress and a year of advancement for America.

Mr. President, I ask unanimous consent to have printed in the RECORD a column entitled "Rights Bill Enactment Held Advisable," written by the distinguished commentator Gould Lincoln, and published in the Washington Evening Star of today.

I ask unanimous consent to have printed in the RECORD an article entitled "Facts Versus Propaganda," from the Washington Star of August 7, 1957, together with an article from the same edition of the Star entitled "Dean Acheson on Jury Trial," referred to in this article.

I ask unanimous consent to have printed in the RECORD an article by the distinguished correspondent William S. White, of the New York Times.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star of August 7, 1957]

RIGHTS BILL ENACTMENT HELD ADVISABLE

(By Gould Lincoln)

The civil-rights bill, as it is now expected to pass the Senate, should be accepted by the House and signed by President Eisenhower—and so become law.

It is the first civil-rights legislation, designed to give the Negro voter his full rights in some of the Southern States where they have been denied, to reach a stage where it may pass the Senate as well as the House since Reconstruction days. And while it is not all the Eisenhower administration has demanded, it represents a big step in the direction of voting freedom for all American citizens despite race and color. Further, and most important, if the law is proved in the future to have serious shortcomings, it can and will be amended. The push for the enforcement of the 15th amendment to the Constitution, so long ignored, has become too strong for any community to defy it indefinitely.

The fire of the President and other high officials of the Government has been directed particularly at the jury-trial amendment to the bill, adopted by the Senate in what turned out to be a surprise victory for Senator LYNDON JOHNSON of Texas, majority leader, and the other southern Senators—not to mention Senator O'MAHONEY of Wyoming and some other liberal Democrats. The amendment does not interfere in any way with the right of the court to punish a violation of a court order in a civil suit—where the right to vote has been infringed. It calls for a jury trial only where a criminal charge has been brought. The argument has been made by those opposed to the jury-trial amendment that no jury in some southern communities would ever convict a white person charged with criminal action in obstructing a Negro's voting or registration. If such a charge were fully proven and a jury brought in a verdict of not guilty, public opinion would be so aroused that a repetition would be extremely unlikely. And if a second jury so acted, it would undoubtedly bring a demand for strengthening the Federal civil-rights law, and it would be strengthened.

CLINTON CONVICTION CITED

The recent trial by jury, on criminal charges that the order of a Federal court in a school-integration case in Clinton, Tenn., had been violated, showed the jury bringing in a verdict of guilty. The trial took place in Knoxville, in a section of Tennessee which stayed with the Union in the Civil War and which has been Republican in politics and not typical of the Deep South. If that jury had decided, however, in favor of the defendants in this civil-rights case—the present jury-trial amendment to the administration bill might easily have lost in the Senate vote.

The jury-trial amendment, it is true, has been extended to cases of contempt of court outside of and in addition to civil-rights cases. The Department of Justice and the President have urged that this would seriously impair the right of the court to punish for contempt—but that has not been proven, and it seems unlikely it would do any such thing when the records of the past are taken into consideration.

MUCH TO BE GAINED

From a political point of view, the Republicans have much to gain if the Senate bill becomes law—and now. It was a Republican move that put the civil-rights bill on the calendar, when it came to the Senate from the House, instead of permitting it to be buried in the Senate Judiciary Committee. The Republicans supplied the big vote in the House which passed the bill originally, and it was the Republicans who provided the great number of votes which put it on the Senate calendar. The resistance to the bill has come from the Democrats, and the skillful maneuvering and leadership of Senator LYNDON JOHNSON, the Democratic leader, was responsible for the amendments to the measure in the Senate. That's the way the matter stands politically, and it will not change unless the GOP muffs the ball, seeking to produce a stronger bill in a fight which probably cannot be won. It has been urged that the Republicans can gain politically—that is, they will win over Negro votes in the close States of the North and West—if they hold up the Senate bill and force the issue into next year's Congressional campaign. It neither adds up nor makes sense.

Democratic Leader JOHNSON has done a remarkable job of holding party lines together in the Senate fight over the civil-rights bill. If the bill passes and becomes law—as the Senate has amended it—the Democrats will still be under criticism for having weakened it, and the Republicans can still claim the major credit for its passage. Yet the Republicans, and the White House, are talking of forcing the bill into conference and even of a Presidential veto. Either course could be stupid. What could more delight the Democrats than a Presidential veto of this measure?

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[From the Washington Star of August 7, 1957]

FACTS VERSUS PROPAGANDA

In legislating on civil rights, Congress should be guided by the facts, not propaganda. Highly misleading propaganda is being used now to discredit the jury trial amendment in the Senate civil rights bill, and thus the bill itself. That propaganda takes the form of statements to the effect that the amendment kills, or weakens, or nullifies, or makes a "ghost" of, or, to borrow a White House phrase, "makes largely ineffective," the civil rights bill. The other line is that it "weakens our whole judicial system."

Is this mere political panic? What else can it be? Whatever it is, Senators are gathering the facts to disprove such absurd generalizations.

For example, in fiscal 1956, there were only 48 cases of criminal contempt in all the Federal courts. Three were for contempt of Congress, in which there is trial by jury. In the same period, the Federal courts were trying 28,739 criminal cases by jury. Would trial by jury of the 45 other cases have weakened our whole judicial system?

In fiscal 1957, 26 of the 69 criminal contempt cases in all the Federal courts were for contempt of Congress, tried by jury.

There are 243 Federal judges sitting in 87 district courts. In only one of the past 10 years has the number of criminal contempt cases equaled the number of district courts. That was in 1951, when 64 of 124 criminal contempts were for contempt of Congress, and tried by jury. The House Un-American Activities Committee was busy that year. How ridiculous to say that had jury trial applied in all criminal-contempt cases, our whole judicial system would have been weakened. We believe the statement will become even more absurd when Senators complete an analysis of circumstances in each criminal-contempt case of recent years.

No one knows how many criminal-contempt cases actually would result, and be tried by jury under the civil-rights bill's provisions enforcing the right to vote. But under the jury-trial amendment, it is a Federal judge who decides whether to exercise his criminal- or civil-contempt powers or both. His civil-contempt powers to send a person to jail without a jury trial are not affected. If criminal contempt is involved and punishment rather than compliance is the issue there should be a jury.

As Dean Acheson points out in his article on this page today, the real danger to the Federal courts does not lie in jury trial. It would exist in a situation in which people would meekly accept punishment by a judge for violations of laws so strongly opposed that no jury could be found to enforce them.

We agree with Mr. Acheson's statement: "To say that this requirement (for jury trial) nullifies the law is nonsense."

Furthermore, it is insidious nonsense. If believed, after repetition by men in high places, it could undermine the whole fine tradition of jury trial as an essential accompaniment of justice under law.

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[From the Washington Star of August 7, 1957]

DEAN ACHESON ON JURY TRIAL

(Having heard that Mr. Acheson had been among those who helped to perfect the jury trial amendment in the Senate civil-rights bill, the Star asked him for a statement, which appears below.)

It will be a great pity if a chance to advance the civil rights of our Negro citizens beyond anything achieved in three-quarters of a century is lost because liberals do not realize how much has been accomplished by the bill now before the Senate.

It will be a disaster for the country if bitter sectional animosity is aroused by attempting to change the jury trial amendment to gain something of little or no value. In all respects, save one, opinion is unanimous that the bill in its protection of the right to vote is first class. The argument arises over the requirement that in certain cases a person, before being punished for violating a judge's decree, must be convicted by a jury.

This requirement of a jury trial in cases of criminal contempt is said by some to nullify the act.

Nothing could be more wrong. Those who make this charge usually have no idea what criminal contempt is or what great powers the amendment gives to the judge to enforce his decree by civil contempt proceedings.

Exactly what are we talking about? Recently the press has carried stories of a registrar of voters who was preventing the registration of Negro voters by opening his office only for short periods when voters could not readily attend and by dilatory proceedings.

In such a case the United States attorney could, under the amendment, bring suit and the court could issue its decree ordering proper and effective registration. If his order should not be obeyed, the judge could put those defying him in jail or under continuing fines until they should obey. If necessary he could order that no list of voters not made in accordance with his decree be certified or used. No jury would be required for these enforcement proceedings.

Now let us assume that the registrar has attempted to deceive the judge into believing that he has complied, when he has not. Here is a situation where punishment is called for—not coercion to enforce compliance, but retribution for a wrong. Before this punishment can be inflicted, the defendant must be found guilty by a jury. To say that this requirement nullifies the law is nonsense.

In the first place, it assumes that in some sections juries will not convict, hence retributive punishment will not be possible, hence the law cannot be enforced. I do not believe the assumption that, under proper guidance from the court, juries will not convict the guilty.

But, even if I am wrong, the real enforcement powers are in the civil contempt proceedings where no jury is required. In the second place it assumes that in a section of the country so opposed to the law that no jury could be found to impose punishments, the same punishments would be meekly accepted if imposed by a judge alone.

This is not only fantastic but the Federal courts would be destroyed in such an effort.

Finally, it is said that the amendment is so broad that it will impede the enforcement of decrees in other fields—the antitrust field is mentioned. I can't recall any proceeding for criminal contempt in an antitrust case—though there may have been some. But I venture to say that in a proceeding of this sort a jury would be more of a terror to the defendant than to the Government. However, if any difficulties do develop not now anticipated, they can easily be dealt with by legislation.

At the present time, fears expressed about the amendment are unfounded, usually based on misunderstanding, and sometimes insincere. It would, as I said, be a great pity should they prevent an accomplishment of inestimable importance.

DEAN ACHESON.

AUGUST 6, 1957.

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[From the New York Times of August 7, 1957]

OUTLOOK BRIGHTER FOR A RIGHTS BILL—COMPROMISE ON JURY TRIALS DISCUSSED BY SENATORS—OUTCOME STILL IN DOUBT

(By William S. White)

WASHINGTON, August 6.—The prospect for enactment of civil rights legislation at this session of Congress was heightened today. However, the outcome was still very much in doubt.

A compromise between the Senate's modified version and the administration's more far-reaching text was being talked of privately among leading Senators as a distinct possibility.

Meanwhile, Congressional leaders said they expected adjournment by August 24.

The first indispensable step toward a compromise on civil rights was to obtain a consensus within the Senate itself for concessions on both sides. The second indispensable step was to obtain the concurrence of the House of Representatives, if the Senate itself was able to accommodate the issue.

The approach being discussed was this: The proviso written by the Senate into the administration's bill for the right of jury trial in criminal contempt cases arising from violation of Federal voting right injunctions would be maintained.

This guaranty, however, would be limited in its application, whereas in its present form it would apply to criminal contempt cases across the whole field of injunctive law.

Some supporters of the Senate version were speaking in terms of a willingness to limit the jury trial right to voting and labor cases alone.

Some administration Senators were saying that it might be possible to get some agreement if only voting cases remained under the jury trial protection.

LEADERS VISIT PRESIDENT

All this left a fairly broad field for negotiation between the dominant jury-trial forces in the Senate led by LYNDON B. JOHNSON, Democrat, of Texas, and the all-out administration forces headed by WILLIAM F. KNOWLAND, California Republican.

Senator KNOWLAND, the Republican floor leader, returned from a White House conference this morning saying that there was still a chance to make the bill acceptable to the President.

The Republican leader of the House of Representatives, JOSEPH W. MARTIN, Jr., of Massachusetts, said the President had made no threat of a veto if the Senate text should survive intact. "It might well be vetoed unless it is materially changed," Representative MARTIN added.

Senator LEVERETT SALTONSTALL of Massachusetts said after a subsequent closed meeting of all Senate Republicans that there had been some discussion of compromise there even though the Department of Justice had taken the position that there should be no jury trial of any kind.

Mr. SALTONSTALL is chairman of the organization of all Senate Republicans that is called the conference or caucus.

It was plain that some of the administration's closest followers in the Senate, if not the administration itself, were ready to talk of a settlement in terms of restricting the application of the jury-trial amendment.

JOHNSON APPLIES PRESSURE

Mr. JOHNSON, the Senate Democratic leader, was applying all possible pressure for Congressional action at this session on the basis of the Senate's version of the bill.

That measure, he told the Senate, was one of strength and substance, in spite of opposition charges that it was watered down.

"There are those, of course, who prefer a political issue to an effective bill," he asserted, in a thrust at those Republicans who have been claiming that the Senate text was worse than no bill at all.

"There are those who are more interested in votes in 1960 than in the right to vote in 1957 and in all the years to come," Mr. JOHNSON went on.

"These are the people who seek to use a large group of our fellow Americans as dupes in a political shell game.

"I can well recall a political campaign that took place just 3 years ago. In the course of that campaign some of our most patriotic Americans were accused—without any evidence at all—of what amounted to monstrous crimes."

The campaign of 3 years ago was that for the Congressional elections. Vice President RICHARD M. NIXON toured the country making speeches that the Democrats contended—and Mr. NIXON denied—amounted to associating many or most Democrats with treason or subversion.

Senator JOHNSON, who previously accused Mr. NIXON of heading "a concerted propaganda campaign" to misrepresent the Senate bill as unworkable, added that the 1954 campaign tactic had been "denounced—properly—as the technique of guilt by association."

Mr. JOHNSON headed a Senate coalition of western liberal Democrats, southern Democrats, and traditional Republicans that, by a vote of 51 to 42, wrote the jury-trial provision into the bill.

The administration is resisting any grant of jury trial, and any differentiation as between civil and criminal contempt.

The backers of the Senate text contend that the civil contempt sanctions would be fully adequate to protect the voting right. They define a civil contempt case as one in which the judge's purpose was simply to see that a court order was carried out—say an order to a southern registrar to enroll a qualified Negro. The registrar could free himself from jail once he agreed to comply.

A criminal contempt case, on the other hand, would be one in which the judge's purpose was not to implement one of his orders but simply to punish a man—say one who disobeyed an injunction not to intimidate a voter.

Senator SALTONSTALL's comments after the meeting of Senate Republicans indicated that the administration was centering its objections to the fact that the Senate's criminal contempt proviso would apply to every sort of Federal court criminal contempt case.

COURT SEEN HAMPERED

He quoted William P. Rogers, the Acting Attorney General, as saying that this provision might even embarrass the work of the Supreme Court in contempt matters.

The Johnson forces have been insistently denying that the amendment would have any real affect on some thirty-odd Federal statutes of various kinds that administration

spokesmen have cited as likely to be involved.

Senator JOSEPH C. O'MAHONEY, Wyoming Democrat, one of the authors of the jury-trial amendment, called on Mr. Rogers to substantiate administration changes that chaos might be raised in the courts.

The Senate's debate today was largely for the record. It disclosed that not even all of the deep southerners, who for decades heretofore have opposed even bringing up a civil-rights bill, would vote against the Senate text in the end.

Some of the all-out civil-rights advocates who had bitterly opposed the jury-trial amendment, such as Senator JACOB K. JAVITS, Republican, of New York, made it clear that they, too, were going along.

Mr. JOHNSON of Texas. Mr. President, I yield back the remainder of the time under my control.

At this time I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | |
|---|---|---|
| Aiken | Goldwater | Monroney |
| Allott | Gore | Morse |
| Anderson | Green | Morton |
| Barrett | Hayden | Mundt |
| Beall | Hennings | Murray |
| Bennett | Hickenlooper | Neuberger |
| Bible | Hill | O'Mahoney |
| Bricker | Holland | Pastore |
| Bush | Hruska | Potter |
| Butler | Humphrey | Purtell |
| Byrd | Ives | Revercomb |
| Capehart | Jackson | Robertson |
| Carlson | Javits | Russell |
| Carroll | Jenner | Saltonstall |
| Case, N. J. | Johnson, Tex. | Schoeppel |
| Case, S. Dak. | Johnston, S. C. | Scott |
| Chavez | Kefauver | Smathers |
| Church | Kennedy | Smith, Maine |
| Clark | Kerr | Smith, N. J. |
| Cooper | Knowland | Sparkman |
| Cotton | Kuchel | Stennis |
| Curtis | Langer | Symington |
| Dirksen | Lausche | Talmadge |
| Douglas | Long | Thurmond |
| Dworshak | Magnuson | Thye |
| Eastland | Mansfield | Watkins |
| Ellender | Martin, Iowa | Wiley |
| Ervin | Martin, Pa. | Williams |
| Flanders | McClellan | Yarborough |
| Fulbright | McNamara | Young |

The VICE PRESIDENT. A quorum is present.

The question is on the passage of the bill. On this question the yeas and nays have been ordered, and the Secretary will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Delaware [Mr. FREAR] and the Senator from West Virginia [Mr. NEELY] are absent on official business.

Mr. JOHNSON of Texas. Mr. President, I should like to announce that if the distinguished senior Senator from West Virginia [Mr. NEELY] and the distinguished junior Senator from Delaware [Mr. FREAR] were present, they would vote "yea."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The Senator from Nevada [Mr. MALONE] is necessarily absent.

If present and voting, the Senator from Maine [Mr. PAYNE] and the Senator from Nevada [Mr. MALONE] would each vote "yea."

The result was announced—yeas 72, nays 18, as follows:

YEAS—72

| | | |
|---|---|---|
| Aiken | Flanders | Martin, Pa. |
| Allott | Goldwater | McNamara |
| Anderson | Gore | Monroney |
| Barrett | Green | Morton |
| Beall | Hayden | Mundt |
| Bennett | Hennings | Murray |
| Bible | Hickenlooper | Neuberger |
| Bricker | Hruska | O'Mahoney |
| Bush | Humphrey | Pastore |
| Butler | Ives | Potter |
| Capehart | Jackson | Purtell |
| Carlson | Javits | Revercomb |
| Carroll | Jenner | Saltonstall |
| Case, N. J. | Johnson, Tex. | Schoeppel |
| Case, S. Dak. | Kefauver | Smathers |
| Chavez | Kennedy | Smith, Maine |
| Church | Kerr | Smith, N. J. |
| Clark | Knowland | Symington |
| Cooper | Kuchel | Thye |
| Cotton | Langer | Watkins |
| Curtis | Lausche | Wiley |
| Dirksen | Magnuson | Williams |
| Douglas | Mansfield | Yarborough |
| Dworshak | Martin, Iowa | Young |

NAYS—18

| | | |
|---|---|---|
| Byrd | Holland | Russell |
| Eastland | Johnston, S. C. | Scott |
| Ellender | Long | Sparkman |
| Ervin | McClellan | Stennis |
| Fulbright | Morse | Talmadge |
| Hill | Robertson | Thurmond |

NOT VOTING—5

| | | |
|---|---|---|
| Bridges | Malone | Payne |
| Frear | Neely | |

So the bill (H. R. 6127) was passed.

Mr. JOHNSON of Texas. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from California to lay on the table the motion of the Senator from Texas.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Secretary be authorized to correct section numbers, and that the bill be printed showing the Senate amendments numbered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

## PUBLIC WORKS APPROPRIATIONS, 1958

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 625, H. R. 8090, the public works appropriation bill.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H. R. 8090) making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1958, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

## COMPACT BETWEEN THE STATE OF NEW YORK AND THE GOVERNMENT OF CANADA

Mr. IVES. Mr. President, I understand that there is at the desk House Joint Resolution 342. I ask uanimous consent that the Senate proceed to the consideration of the joint resolution at this time.

The VICE PRESIDENT. The joint resolution will be stated by title for the information of the Senate.

The CHIEF CLERK. A joint resolution (H. J. Res. 342) granting the consent of Congress to an agreement or compact between the State of New York and the Government of Canada providing for the continued existence of the Buffalo and Fort Erie Public Bridge Authority, and for other purposes.

Mr. IVES. I will say, Mr. President, that the joint resolution is identical with Senate Joint Resolution 95, which passed the Senate on the 5th of August, 1957, on the consent calendar. The two resolutions crossed paths. They are noncontroversial, but it is simpler for the Senate to pass the House joint resolution than for the House to pass the Senate joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution which was ordered to a third reading, read the third time, and passed.

## COMMENDATION OF RANDALL SWANBERG, OF GREAT FALLS, MONT.

Mr. MANSFIELD. Mr. President, in today's issue of the Wall Street Journal there is an article entitled "The Lawyer," which has to do with a close friend of the distinguished senior Senator from Montana [Mr. MURRAY] and myself, who now practices and has for some years practiced law in the city of Great Falls, in our State.

The article is entitled "The Lawyer—Mr. Swanberg Prospers in Small Town Practice With Legal Versatility—He Defends Trigger-Touchy Farmer, Counsels a Widow, Argues for Landowners—Drives a Boudoir Pink Car."

Mr. President, I ask unanimous consent that the article, which goes into detail and which is highly complimentary of the mutual friend of both Senators from Montana, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

(By Ray Vicker)

GREAT FALLS, MONT.—On a pleasant day when Montana's summer sunshine pours into his cramped office, slim, scholarly Randall Swanberg, 47, a lawyer with thinning hair and a penchant for cases which offer a challenge, thumbs through a pile of papers on his littered desk.

Quickly he ticks off a portion of his docket: One manslaughter defense; 25 probate cases; 4 divorce suits; 20 damage suits; 4 proceedings before the Interstate Commerce Commission; and 4 proceedings before the Mon-

tana Public Service Commission. Along with others, these add up to 150 cases.

"We handle just about every type of case," says he, long legs bent as his feet rest on the edge of his desk.

Such legal versatility is a trait that fits the average lawyer. Today there are about 240,000 attorneys in this country, with 190,000 of them having their shingles out, says the American Bar Association. Two-thirds of the practicing lawyers are independent; one-third practice with firms or partnerships. The approximately 50,000 nonpracticing lawyers are employed by trade associations, schools and colleges, in fields related to law, or by business firms as executives.

DEATH, DAMAGES, DEFENSE AND DIVORCE

The A. B. A. reports a definite trend toward specialization in the legal field. But the general practitioner who handles such widely diverse jobs as will preparations, damage suits, and divorces is the man you are most apt to meet when you're first seeking legal advice.

These lawyers still form the backbone of a profession that goes back at least as far as the fifth dynasty in ancient Egypt, 2,750 years before Christ when lawyers already were submitting briefs to courts.

Chances are more than good you will need the services of a lawyer some time—if not to get you out of trouble, perhaps to keep you from getting deeper into it. Thanks to the irascibility and hard luck of the human race, lawyers seldom lack for cases.

Every year there are about 5 murders for every 100,000 population, over 50,000 robberies and thousands of rapes, assaults, hijackings, and other crimes. These all help make business for lawyers.

But criminal cases, though dramatic, actually represent only a small part of the average lawyer's business. The Nation's 377,000 annual divorces and annulments, 1.6 million deaths (90,000 to 95,000 of them fatal accidents), 10 million auto accidents of all types, and $11 billion annual accident loss, plus the multiple activities of corporations and agencies, all provide lawyers with far more lucrative sources of business.

SOONER OF LATER

Behind every labor contract, every home purchase, every land sale, every adoption and many wills there usually is a lawyer. If he isn't there at the beginning then odds are high that he will show up later. The growing complexity of laws plus growing prosperity is increasing the demand for lawyers' services. One study shows that gross income of lawyers increased by 55 percent from 1947 to 1954, considerably more than their increase in rates.

For their services lawyers collect fees (or draw a salary when employed by corporations or agencies). Currently they are collecting over $2 billion annually, a figure which latest statistics show averages $10,220 per full time practicing lawyer. That's a little better than the $7,400 the union bricklayer averages annually but is less than the salary of the average business executive, according to Labor Department figures.

It should be emphasized, however, that the attorney average is weighted down by the low income of novice lawyers. Traditionally the lawyer starts by earning less than the common laborer. He may be well into his thirties before he starts living the way the public expects the professional man to live.

"I was practicing law for 10 years before I felt that I had anything," says friendly Mr. Swanberg in his Great Falls office. His desk faces a green plaster wall, against which are braced a set of law books. Staring down at him is a framed picture of Two Guns Whitecalf, the Blackfoot Indian who posed for the United States Indian head nickel. A typewriter clatters in the outer office where the firm's lone Girl Friday is typing letters.

A University of Southern California B. A. graduate of 1931, Mr. Swanberg studied law at home, passing the Montana bar examination in 1935. A brother, Stephen, who graduated from the University of California Law School passed the examination at the same time. They formed a partnership which continues in the original office.

Mr. Swanberg chuckles as he recalls that he cleared $8 in July 1936. That month he married an attractive and vivacious schoolteacher who still wears a size 12 dress and can keep up with 2 teen-age sons on a 10-mile mountain hike.

At dinner on the green and white awning shaded porch of the Meadow Lark Country Club here, Helen Swanberg says: "When Randall was starting, his income was so uncertain that we didn't dare buy anything on time. The only thing we ever purchased on installments was a new Bendix washer 18 years ago."

The club sits on the banks of the Missouri River above the falls which give Great Falls its name. A speed boat churns V-shaped waves on the river. A predinner golfer strokes a put on a green. With its $250 entry fee and $12 a month dues, the club benefits Mr. Swanberg's 1956 net income of $19,000; it would have been a bit rich for the $1,800 he netted in 1936.

While most lawyers nowadays start as trainees or associates with firms, some, like Mr. Swanberg, still gamble on a practice of their own right at the start.

The first case barrister Swanberg ever handled involved a fellow who purchased a clarinet for $35 on a time deal. The man refused to pay for the instrument when it wouldn't work. Mr. Swanberg successfully defended him, collecting a $10 fee.

PROGRESS AND POLITICS

"When a young lawyer hangs out his shingle he has to advertise some way in order to get business or he will starve to death," says Mr. Swanberg. "Most of us advertise by going into politics." For a young Democrat with legal training, 1936 was a good year to enter politics and Mr. Swanberg did. He made out so well for the party he was appointed deputy county attorney for Cascade County in 1937. The job paid $150 a month and he held it until 1941.

"That looked like a lot of money to us then," says he.

More prosecuting experience came his way while serving as assistant United States attorney at Great Falls in 1943 and 1944. Salary: $3,400 a year. On that job he suffered his worst defeat, prosecuting a murder case against an Indian who shot his mother-in-law as she was going head first under a bed. The Indian pleaded insanity—successfully.

The "advertising" helped promote Mr. Swanberg's career, though. "I had only one year in which my income wasn't higher than the year before," says Mr. Swanberg.

SHOTGUN DEFENSE

A few of the cases Mr. Swanberg is handling now are:

A manslaughter defense. A farmer suspected somebody was robbing his chicken coop one night. He grabbed a shotgun, clambered into his automobile and chased the car which he believed had pulled out of his yard. Jittery, he blasted the driver after cornering the car. Mr. Swanberg is defending the farmer.

A damage suit. A service firm was installing a television aerial at a bar. Workers were testing the best location for the aerial in the back yard. They were having trouble moving their heavy equipment when an obliging bystander lent them a hand. The aerial touched a high-tension wire and the helpful chap was electrocuted. Mr. Swanberg is representing the widow in a $90,000 damage suit.

A land litigation case. The Federal Government is building a new highway between Ulm and Cascade. Some farmers have been offered $50 an acre for land needed for the highway. Mr. Swanberg is seeking $100 an acre for them.

An Interstate Commerce Commission case. A competitor of Rice Truck Lines, of Great Falls, is seeking parallel operating rights. Mr. Swanberg, representing Rice, is seeking to prove granting of these rights would not be in the public interest.

WAITING FOR A WILL

In his office, a woman with a small child fidgets on a chair in the anteroom. She is in to have a will written. Divorced twice, she has two sets of children. She wants to make certain that provisions are made for a fair division of her estate between the children.

"On most days I'll talk to 20 different people in my office and have about 25 phone calls," says Mr. Swanberg.

"In New York, Chicago, or other big cities when you phone a lawyer you first get his secretary and she screens calls for him," he says. "In Montana that system wouldn't work. When Joe Doakes calls you he wants you, not a secretary. He gets you or he wants to know why not."

With such frequent interruptions he often finds he must work Saturdays and evenings when he has tasks that require concentration. His average workweek now is 50 hours—about par for most lawyers.

The firm's 1,500-square-foot office on the fifth floor of the Ford Building is plain, with space broken into cubicles.

Rent is $300 a month, including utilities. Other expenses are: $3,600 a year to the office secretary; $1,000 a year for maintenance of the library; $600 a year for stationery and office supplies; $300 a month to a researcher; $750 a month to an associate lawyer; and $600 a year for phone bills.

"Our office expenses," figures Mr. Swanberg, "average $2,000 a month."

About $5,000 is invested in office furniture and equipment. The library, which any good law firm must have to do a job, represents a $15,000 investment.

FIXING A FEE

Lawyers have different ways of setting their fees. While popular conception may have the lawyer charging all the traffic will bear, this is only partially true. It isn't so much a matter of charging according to the wealth of the client as it is charging what the particular lawyer figures his time is worth. A highly successful lawyer may think his time is worth $1,000 an hour while a novice may be satisfied with $10 an hour.

Local bar associations set advisory minimum fees and charges for various services. These provide a base on which most lawyers establish their fees.

Here in Great Falls, the Cascade County Bar Association recommends a scale for Federal civil court cases ranging from $100 for each appearance before the court to $650 for presentation of the case to the United States Circuit Court of Appeals. Fees recommended for district court cases range from $75 for change of a name to $250 for a writ of habeas corpus.

Writing of a will is listed at $10 in the lawyer's office and $25 elsewhere. Divorces have a $150 recommended price tag. Bankruptcy filings are listed at $150, too, though the bar association recommends that for bankruptcies "payment be made in advance."

Recommended fees are "minimums," but a green lawyer may undercut the minimums to obtain business. A seasoned lawyer increases his fees as his standing in the community rises.

TIME: $30–$35 AN HOUR

"On simple cases which anybody can handle, I may charge the minimum," explains

Mr. Swanberg. "However, I usually figure that I am worth one and a half times to double the minimum." On an hourly basis he rates his time at $30 to $35 per hour, though, he admits, he seldom charges on an hourly basis alone.

Bar associations also advise minimum percentage fees for damage suits. Here in Cascade County, for instance, these fees are: 25 percent of the sum in a compromise settlement; 33 percent after suit is ruled; 40 percent after start of trial; and 50 percent if there is an appeal.

"If we lose, we get stuck," says Mr. Swanberg.

Usually lawyers check a client's ability to pay before taking a case. Lawyers don't enjoy working for nothing any more than does the steelworker, the bricklayer or the business executive.

"But whether or not we get paid is only one element we consider in weighing the handling of a case," states Mr. Swanberg. "Next we want to know what kind of case is involved. If the case is interesting and presents a challenge then we may take it for nothing."

A survey made by the Bar Association of the District of Columbia showed that each lawyer was handling an average of 6.7 cases annually for people unable to pay for services, devoting 67.6 hours of their time to the cases. Another study made in Oklahoma showed that 23 percent of lawyers in the State spend 6 hours a week on unpaid legal work, with 65 percent spending 1 to 6 hours a week on such work.

CALIFORNIA: LAWYERS' LAND

Geography has a lot to do with the income a lawyer makes. The average income of lawyers in cities of a million or over population is more than double the average income for smalltown lawyers in communities of under 1,000. San Francisco, for some reason, is the best paying city in the country for the independent lawyer; attorneys there average an income of $17,340 a year.

California leads all other States in average income for all lawyers—$12,180. Florida is at the bottom with $7,830. Pennsylvania, New York, and Connecticut are profitable territories for lawyers, too, while Kentucky and Tennessee are close to Florida as low-income States.

A question frequently asked of lawyers goes something like this: How come you're defending that fellow when everybody knows he is guilty? Are you trying to help him escape justice?

At such a question, Mr. Swanberg frowns across a table in the Silk and Saddle Room of the Rainbow Hotel here, a piece of his roast beef poised on a fork.

"In this country every man has a right to his day in court and he is not guilty until proven guilty in court," says he, voice rising. He lowers his voice as he glances around the room with its black and gold decor, its silk jockey shirts on a wall, and its racing motifs. "No lawyer has a right to say 'that man is guilty so I won't defend him.' That would be prejudging the case."

He explains that even where a man may confess guilt he may not be guilty in the eyes of the law. Self-defense may be a factor. The circumstances may sway a jury. In presenting evidence of these circumstances to a court the lawyer is merely reaffirming the American code of justice which leaves it to courts to determine guilt.

A WORD, A COMMA

Another oft-heard complaint about lawyers: They use too much gobbledegook when plain language would do.

Lawyers hasten to tell you that many lawsuits have hinged on the placement of a comma or the meaning of a word.

"In drawing a contract or any legal document you ought to be sure about what a court will say if the question ever is argued. Otherwise the document is no good," says Mr. Swanberg.

Over the last 400 years, in countless court cases, courts have defined the meaning of certain words and phrases. And these meanings sometimes don't always jibe with Webster's dictionary. Lawyers select the proper judicial words from Words and Phrases, a 45-volume collection which rates far higher than Webster with most lawyers.

Perusing copies in Mr. Swanberg's library you find it takes 52 pages to describe what the word "or" means. You also learn that: Intoxicating drink is not necessarily synonymous with the expression spirituous, vinous, or malt liquors because there are intoxicating drinks which do not contain spirituous, vinous, or malt liquors.

The library is an important adjunct of any lawyer's business. American law, like all Anglo-Saxon law, is based on the idea that precedent shapes decisions. So a lawyer seeks to run down earlier decisions which might apply to the case he is pushing. These are called to the attention of the courts. Often precedents are so clear cut that a lawyer may offer advice to a client without even bringing a case into court. If you've endorsed a rubber check, for example, any lawyer will tell you that you are liable and he probably won't try defending you in court.

CORPUS JURIS SECUNDUM

Mr. Swanberg's library is a windowless room lined with law books from floor to ceiling. There is a 97-volume set of blue bound Corpus Juris Secundum, the encyclopedia of law. On other shelves are 129 volumes of the tan and red bound Montana Reports dating back to 1868. Most of one wall is taken by the 307 volumes of the Pacific Reporter, which contains reports of law cases from States west of Oklahoma, with cases going back to the formation of the States. The United States Supreme Court Reports comprise 100 volumes.

"Seventy-five percent of a lawyer's work is done in his office, and only 25 percent is done in the courtroom," comments Mr. Swanberg. "Of that 25 percent in the courtroom most of it is not particularly spectacular."

He takes a dim view of the Hollywood and television ideas of the lawyer constantly matching wits in a courtroom with adversaries.

"Winning a case is just plain careful preparation of evidence and careful explanation to the jury so that members understand the evidence," says Mr. Swanberg. "Only occasionally does law turn on an emotional factor."

CONVERSANT COUNSELS

In preparing a case a lawyer finds he must know a lot about many things in order to do his job. One case may hinge on the temperature at which iron melts while another might be based on the yield of wheat per acre. A third case may involve hydraulic engineering while medical data may determine another. In each case the successful lawyer is usually the one who studies the background so thoroughly that he can talk medical lore with a doctor, engineering with an engineer and wheat with a farmer.

Mr. Swanberg stretches a long arm across the papers on his desk, picking up an Argoflex camera in a brown leather case.

"I was out taking some pictures with this for one case I'm handling," says he. He took pictures of wheat growing in fields to indicate that the land is fertile, worth the $100 an acre being sought in a suit against Government men who want to pay $50. "There is a trend toward the visual presentation of evidence. Charts, graphs and photos often tell a story to a jury much better than does oral evidence."

Surveys of lawyers show that maximum earnings are not attained until after 25 years of practice. Now, with 22 years of practice behind him, Mr. Swanberg feels he has reached a point where living can be comfortable.

The family lives in a 10-room, 2½-story gray brick home of pre-World War I vintage in a tree-shaded section of town within 3 blocks of Mr. Swanberg's business area office. Lawyer Swanberg has $30,000 invested in the place, which he bought 11 years ago, but figures he could now sell it for $50,000 if he desired.

"Which I don't," says he, firmly.

Entering the house, MacDermott, the family's golden retriever bounces to the door, a clumsy brown animal that exudes friendliness. Mac is quite a hunting dog, so good in fact that he retrieves every duck shot on any lake. Like a good lawyer, Mr. Swanberg occasionally has to defend the dog when angry hunters stomp his way.

Mrs. Swanberg is a gracious hostess in the spacious living room with its 3 picture windows. A portrait of one of her ancestors, the first doctor in Montana, hangs over the fireplace. A letter from cowboy artist Charles M. Russell is framed on one wall, evidence of Mr. Swanberg's keen interest in American and cowboy history.

Before a drive, Mr. Swanberg slips behind the wheel of his 1957 Cadillac hardtop. It's painted a boudoir pink, a shade that had the boys snorting with disgust when Mrs. Swanberg did the selecting.

"I usually drive a car until the wheels fall off, then trade it in," says Mr. Swanberg; his 1950 Cadillac had 90,000 miles on its meter when traded earlier this year. Since 1955 the family has had 2 cars. The second one is a Chevrolet station wagon which serves as the family "hunting and fishing car."

"YOU DON'T GET RICH"

Great Falls, a town of nearly 50,000, is in the center of a cattle-wheat growing section where rolling prairie country begins to rise in gentle folds toward the distant blue line of the Rockies. Today it has about 75 lawyers—about 1 for every 1,000 people in its trading area. The number of attorneys is about the same as were practicing in 1935 when the trading area was just over half as populous.

"I think that shows that the legal profession is not as attractive to young fellows today as it used to be," opines Mr. Swanberg. He adds: "You can make a good living practicing law, but you don't get rich at it." Actually, though, he hasn't done badly.

Mr. Swanberg estimates only about $9,500 of his law practice income of $19,000 goes for living expenses. Five to six hundred dollars a month go to Mrs. Swanberg for running the home. A careful buyer, she usually consults Consumers Research before purchasing any major appliance, and she expects the appliance to last for many years before being replaced.

In 1953 Mr. Swanberg first began investing money in common stocks. Today he has $20,000 invested in such companies as United States Steel, Marshall Field & Co., Phillips Petroleum, American Cyanamid, and Caterpillar. He figures $5,000 is about right for his emergency bank account.

He also owns 2,000 acres of farmland, some of which was given him by his father. Other parcels were purchased a few years back when land was considerably cheaper than today. One 160-acre tract was purchased for $500.

Says Lawyer Swanberg: "I don't owe any money to anybody."

## FHA INTEREST RATES

Mr. SPARKMAN. Mr. President, yesterday I made a brief comment with respect to the action of the Federal Housing Administration in increasing interest rates on FHA mortgages. At the same time the FHA increased interest rates it issued new regulations which

control discounts. This action was taken pursuant to a directive contained in the Housing Act of 1957. Under the new FHA discount schedule, the maximum discount allowable will vary regionally and in no case will exceed 2½ points. In New England, for example, FHA's new discount schedule would permit a lender to discount a new 5¼ percent FHA loan 1 point.

It is especially interesting to know that the new 5¼ percent mortgages may be discounted in New England, especially in view of the fact that a survey taken in July 1957, indicates that FHA 5 percent mortgages originated in Boston were selling from par to a premium of 101 points. This price was quoted by House and Home magazine in its July issue with respect to 30 year mortgages with a minimum downpayment as well as 25-year mortgages with 10 percent down.

What I cannot understand about the situation is why it is necessary to discount 5¼ percent mortgages when 5 percent mortgages as recently as July had been selling at a price in excess of par. Either the market quotations from House and Home magazine are completely wrong, or the FHA discount limitations are completely wrong. I must say that the sources of these market quotations are some of the most important men in the banking industry.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks a table indicating mortgage market quotations for July 1957.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Mortgage market quotations*

*(Sale by originating mortgagee, who retains servicing.) As reported to House and Home the week ending June 14*

| City | FHA 5s (sec. 203) (b) | | | | | | VA 4½s | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Minimum down,[1] 30 year | | Minimum down,[1] 25 year | | 25 year, 10 percent down | | 30 year, 2 percent down | | 25 year, 5 percent down | | 25 year, 10 percent down or more | |
| | Immediate | Future | Immediate | Future | Immediate | Future | Immediate | Future | Immediate | Future | Immediate | Future |
| Boston, local | [2] 101 | [2] 101 | [2] 101 | [2] 101 | [2] 101 | [2] 101 | [2] | [4] 97 | [2] | [4] 97 | [2] | [4] 97 |
| Out of State | 95–97 | 95–97 | 95–97 | 95–97 | [2] | [2] | 90½–92½ | 90½–92½ | 90½–92½ | 90½–92½ | [2] | [2] |
| Chicago | [4] 98 | [4] 98 | 98 | 98 | 98 | 98 | [4] 92–93 | [4] 92–94 | 92–95 | 92–94 | 92–95 | 92–94 |
| Cleveland | 97–98 | 96–97 | 98 | 98 | 98½ | 98 | [1] | [2] | [4] 93 | [1] | [4] 94–94½ | [2] |
| Denver | 97–98 | 97–97½ | 97–98 | 97–98 | 97–98 | 97–98 | [4] 92½–93½ | [4] 92½–93½ | [4] 94 | [4] 93 | [4] 94–95 | [1] |
| Detroit | 97–98 | 97 | 98–99 | 98 | 98½–99 | 98½ | 93–94 | 93½ | [4] 91–95 | [4] 94 | 94½–95½ | 94½ |
| Houston | [5] 96½ | [5] 96½ | [5] 96½ | [5] 96½ | 97–98 | 97–98 | 92–92½ | 92–92½ | [3] | [1] | 92–93 | 92–93 |
| Jacksonville | 97 | [4] 96½ | 98 | [4] 96½–97 | 98 | [4] 97 | 92–92½ | [3] | 92–92½ | [3] | 92½–93 | [3] |
| Newark | 98–99 | 97–98 | [2] 99 | 98 | [2] 99 | 99 | [5] 92–93 | [4] 92 | 93–94 | [4] 92–93 | 95 | 94 |
| New York | 98 | 98 | 98 | 98 | 98 | 98 | 93 | 93 | 93 | 93 | 93 | 93 |
| Philadelphia | [6] 99 | 99 | [6] 99 | 99 | [6] 99 | 99 | [4] 95 | [4] 95 | [4] 95 | [4] 95 | [4] 95 | [4] 95 |
| San Francisco | 96½–97 | 96–96½ | 96½–97 | 96½ | 97 | 96½ | [7] 91½–92 | [7] 91½–92 | [7] 91½–92 | [7] 91½–92 | [7] 91½–92 | [7] 91½–92 |
| Washington, D. C. | 98 | 97½ | 98 | 97½ | 98 | 97½ | 93½ | [4] 93 | 93½ | [4] 93 | 94 | [4] 93½ |

[1] 7 percent down on 1st $9,000.
[2] Par.
[3] No activity.
[4] Very limited market.
[5] FNMA almost only market; FNMA ineligibles may go for 95.
[6] Trickle of 99½ money.
[7] 92 only if under $15,000.

NOTES.—Immediate covers loans for delivery up to 3 months; future covers loans or delivery in 3 to 12 months.
Quotations refer to prices in metropolitan areas; discounts may run slightly higher n surrounding small towns or rural zones.
Quotations refer to houses of typical average local quality with respect to design, location and construction.

Sources: Boston, Robert M. Morgan, vice president, Boston Five Cents Savings Bank; Chicago, Maurice A. Pollak, executive vice president, Draper & Kramer, Inc.; Cleveland, William T. Doyle, vice president, Jay F. Zook, Inc.; Denver, C. A. Bacon, vice president, Mortgage Investments Co.; Detroit, Stanley M. Earp, president, Citizens Mortgage Corp.; Houston, Donald McGregor, executive vice president, T. J. Bettes Co.; Jacksonville, John D. Yates, vice president, Stockton, Whatley, Davin & Co.; Newark, Arthur G. Pulis, Jr., president, Franklin Capital Corp.; New York, John Halperin, president, J. Halperin & Co.; Philadelphia, Robert S. Irving, executive vice president, W. A. Clarke Mortgage Co.; San Francisco, M. V. O'Hearn, vice president, Bankers Mortgage Company of California; Washington, D. C., Hector Hollister, vice president, Frederick W. Berens, Inc.; House and Home magazine, July 1957.

Mr. SPARKMAN. Mr. President, in connection with that item I also ask unanimous consent to have printed in the RECORD at this point a table showing the interest rates on FHA section 203 mortgages, from the initiation of the housing program in 1934 to this date.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

| Date: | *FHA interest rate* |
|---|---|
| November 1934 to June 1935 | 5½ |
| June 1935 to July 1939 | 5 |
| July 1939 to April 1950 | 4½ |
| April 1950 to May 1953 | 4¼ |
| May 1953 to Dec. 3, 1956 | 4½ |
| Dec. 4, 1956, to Aug. 5, 1957 | 5 |
| Aug. 6, 1957 | 5¼ |

## NIAGARA POWER BILL

Mr. LANGER. Mr. President, I wonder if the distinguished majority leader could give us some indication as to when the Senate will take up for consideration the Niagara power bill.

Mr. JOHNSON of Texas. I do not expect to take that bill up this week. I have had requests for conferences with certain Senators on that subject. I hope we shall be able to take the bill up sometime next week.

The Senator can be assured we shall not take up the bill this week. I do not know what we shall consider Friday or Saturday. I shall announce that at an early date. Tomorrow we shall consider the public works appropriation bill, and some dozen noncontroversial bills.

I believe it will be necessary to have a Saturday session. I think all of us are anxious to conclude our deliberations and adjourn sine die. I intend to do all I can to have the Senate meet early, and stay late, to clear up the calendar, and to pass measures which should be passed; and I hope it may be possible for us to adjourn sine die before the end of the month.

Mr. LANGER. I thank the Senator.

## POSTAL SERVICE EMPLOYEE SALARY INCREASE

Mr. JOHNSTON of South Carolina. Mr. President, I should like to inquire of the majority leader when he intends to take up the House bill in regard to the basic salaries of employees of the Post Office Department.

Mr. JOHNSON of Texas. Will the Senator state the calendar number, and give the title of the bill?

Mr. JOHNSTON of South Carolina. I refer to Calendar No. 720, House Resolution 2474, to increase the rates of basic salary of employees in the postal field service.

Mr. JOHNSON of Texas. I will say to the Senator that legislation he mentions is supported by many of my colleagues on both sides of the aisle. They have talked to me about it frequently.

We have been engaged in discussion of the bill the Senate has just passed, and I have not had an opportunity to have a meeting of the policy committee. I will schedule a meeting in the next few days.

If some of the groups which desire to get legislation up for consideration will bear with me I will arrange a meeting of the policy committee and try to schedule as many measures on the calendar as the committee will approve.

I know of the Senator's deep interest in the postal bill. My colleague from Texas talked to me about it earlier this evening, and several Senators have discussed it with me in the past several days. I am only one member of the policy committee. There are eight other members. I have not talked to any of the eight other Members about scheduling the legislation.

We have scheduled several bills for consideration, which will consume several days' time. I would say certainly there is no likelihood of the postal pay bill being scheduled this week, and maybe not even next week.

However, I hope that action can be taken next week on bills on the calendar which we plan to schedule. I will give the Senator from South Carolina an opportunity to present his views to the policy committee. I shall give him advance notice of the meeting. If he is as persuasive as he usually is, I am sure the policy committee members will be delighted to hear him, and probably will go along with him.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. HUMPHREY. I merely wish to associate myself with the interest which has been demonstrated by the Senator from South Carolina in connection with the bill referred to. I have talked with him personally about it, and have indicated to him, as chairman of the committee, my support for the measure. While I may not have an opportunity to appear before the policy committee, let me say that I think this proposed legislation deserves our consideration during this session of Congress. The postal workers have had nothing but trouble from the administration in their effort to obtain a legitimate and well-deserved increase.

I hope the majority leader will find it possible, with the concurrence of the policy committee, to schedule the proposed legislation so that we can vote on it at this session.

I commend the Senator from South Carolina for his diligence and his effort to bring this measure before the Senate.

Mr. JOHNSON of Texas. Mr. President, I appreciate what my friend from Minnesota has said. However, as he knows, the majority leader is only the agent of the policy committee. He is the servant of that committee. While he schedules the measures to be considered, he does so only with the approval of the policy committee. As soon as I can arrange a meeting, I shall consult the Senator from Minnesota and the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. JOHNSTON of South Carolina. I have seen the Senator from Texas at work, and I know that when he says to the policy committee, "We want to take up this measure," usually it is taken up. For that reason we hope to have the bill before the Senate soon.

Mr. HUMPHREY. The modesty of the Senator from Texas is exceeded only by his ability, his competence, and his leadership. I admire all those qualities—modesty, competence, and leadership. I have great faith that the bill will be brought before the Senate soon.

Mr. JOHNSON of Texas. I thank the Senator. I am glad we can feel that way toward each other after 25 days of debate.

## AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT OF 1938, RELATING TO EXEMPTION OF CERTAIN WHEAT PRODUCERS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 959) to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes, which was, to strike out all after the enacting clause and insert:

That section 335 of the Agricultural Adjustment Act of 1938, as amended, is further amended by adding at the end thereof the following new subsection:

"(f) The Secretary, upon application made pursuant to regulations prescribed by him, shall exempt producers from any obligation under this act to pay the penalty on, deliver to the Secretary, or store the farm marketing excess with respect to any farm for any crop of wheat harvested in 1958 or subsequent year on the following conditions:

"(1) That the total wheat acreage on the farm does not exceed 30 acres: *Provided, however,* That this condition shall not apply to farms operated by and as part of State or county institutions or religious or eleemosynary institutions;

"(2) That none of such crop of wheat is removed from such farm except to be processed for use as human food or livestock feed on such farm and none of such crop is sold or exchanged for goods or services;

"(3) That such entire crop of wheat is used on such farm for seed, human food, or feed for livestock, including poultry, owned by any such producer, or a subsequent owner or operator of the farm; and

"(4) That such producers and their successors comply with all regulations prescribed by the Secretary for the purpose of determining compliance with the foregoing conditions.

"Failure to comply with any of the foregoing conditions shall cause the exemption to become immediately null and void unless such failure is due to circumstances beyond the control of such producers as determined by the Secretary. In the event an exemption becomes null and void the provisions of this act shall become applicable to the same extent as if such exemption had not been granted. No acreage planted to wheat in excess of the farm acreage allotment for a crop covered by an exemption hereunder shall be considered in determining any subsequent wheat acreage allotment or marketing quota for such farm. No producer exempted under this section shall be eligible to vote in the referendum under section 336 with respect to the next subsequent crop of wheat."

SEC. 2. Section 334 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding any other provision of law, except as provided in section 335 (e) of this act, no acreage seeded to wheat for harvest as grain in 1958 or thereafter in excess of acreage allotments and no wheat produced from such acreage shall be considered in establishing future National, State, county, and farm acreage allotments or marketing quotas and the production of wheat from such acreage shall not be considered in determining the level of price support. The planting on a farm of wheat of the 1958 or any subsequent crop for which no farm wheat acreage allotment was established shall not make the farm eligible for an allotment as an old farm pursuant to the first sentence of subsection (c) of this section nor shall such farm by reason of such planting be considered ineligible for an allotment as a new farm under the second sentence of such subsection."

SEC. 3. Section 114 of the Soil Bank Act (70 Stat. 196) is amended by changing clause (2) in the first sentence thereof to read as follows: "(2) in the case of a farm which is not exempted from marketing quota penalties under section 335 (f) of the Agricultural Adjustment Act of 1938, as amended, the wheat acreage on the farm exceeds the larger of the farm wheat acreage allotment under such title or 15 acres, or."

Mr. ELLENDER. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives and request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. ELLENDER, Mr. JOHNSTON of South Carolina, Mr. HOLLAND, Mr. AIKEN, and Mr. YOUNG conferees on the part of the Senate.

## A. C. ISRAEL COMMODITY CO., INC.

Mr. JOHNSON of Texas. Mr. President, H. R. 5707, an act for the relief of A. C. Israel Commodity Co., Inc., passed the Senate on Monday last with an amendment. By mistake the House was notified that the bill had passed without amendment, and the bill in the original form was enrolled and signed by the Speaker.

The concurrent resolution, which I ask unanimous consent to submit, will correct the error and give the House an opportunity to consider and act upon the Senate amendment.

The VICE PRESIDENT. The concurrent resolution will be read for the information of the Senate.

The concurrent resolution (S. Con. Res. 46) was read, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the House of Representatives return to the Senate the engrossed bill (H. R. 5707) for the relief of the A. C. Israel Commodity Co., Inc., erroneously messaged to the House on August 6, 1957, as having passed the Senate on the preceding day without amendment; that upon its return to the Senate the Secretary shall transmit to the House the said bill, together with the amendment made by the Senate thereto; that the enrolled bill signed by the Speaker of the House and transmitted to the Senate on yesterday, be returned to the House, and that the action of the Speaker in signing said enrolled bill be thereupon rescinded.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

## CIVIL RIGHTS — EXPRESSION OF APPRECIATION BY THE MAJORITY LEADER

Mr. JOHNSON of Texas. Mr. President, I wish to express my gratitude to all the servants of the Senate, all the staff, employees, members of the press, and members of the radio and television galleries, for enduring with us during these days of great trial and tribulation.

I know that no organization in the world has a more loyal, competent, or efficient staff than has the United States Senate. Had it not been for the members of the Senate staff, our work would

not have gone along nearly so smoothly. I express, from the bottom of a grateful heart, my thanks to them.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 7, 1957, he presented to the President of the United States the following enrolled bills:

S. 42. An act to provide for the construction by the Secretary of the Interior of the San Angelo Federal reclamation project, Texas, and for other purposes;

S. 236. An act to amend section 6 of the act of June 20, 1918, as amended, relating to the retirement pay of certain members of the former Lighthouse Service;

S. 294. An act for the relief of Mrs. Marion Huggins;

S. 334. An act to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended (30 U. S. C. 184), in order to promote the development of phosphate on the public domain;

S. 469. An act to authorize the United States to defray the cost of assisting the Klamath Tribe of Indians to prepare for termination of Federal supervision, to defer sales of tribal property, and for other purposes;

S. 525. An act for the relief of Rhoda Elizabeth Graubart;

S. 591. An act for the relief of Seol Bong Ryu;

S. 650. An act for the relief of Isabella Abrahams;

S. 651. An act for the relief of Sister Clementine (Ilona Molnar);

S. 669. An act for the relief of Mrs. Antonietta Giorgio and her children, Antonio Giorgio and Menotti Giorgio;

S. 701. An act for the relief of Karl Eigil Engedal Hansen;

S. 811. An act for the relief of Fannie Alexander Gast;

S. 827. An act for the relief of Guillermo B. Rigonan;

S. 833. An act for the relief of Vida Letitia Baker;

S. 874. An act for the relief of Cornelius Vander Hoek;

S. 876. An act for the relief of Katharina Theresia Beuving Keyzer;

S. 943. An act to amend section 218 (a) of the Interstate Commerce Act, as amended, to require contract carriers by motor vehicle to file with the Interstate Commerce Commission their actual rates or charges for transportation services;

S. 988. An act for the relief of Satoe Yamakage Langley;

S. 1053. An act for the relief of Poppy Catherine Hayakawa Merritt;

S. 1063. An act vesting in the American Battle Monument Commission the care and maintenance of the Surrender Tree site in Santiago, Cuba;

S. 1071. An act for the relief of David Mark Sterling;

S. 1102. An act for the relief of Adolfo Camillo Scopone;

S. 1112. An act for the relief of Matsue Harada;

S. 1171. An act for the relief of Harry Siegbert Schmidt;

S. 1240. An act for the relief of Panagiotis Tulios;

S. 1251. An act for the relief of Florinda Mellone Garcia;

S. 1309. An act for the relief of Susanne Burka;

S. 1311. An act for the relief of Maria Gradi;

S. 1314. An act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes;

S. 1353. An act for the relief of Ayako Yoshida;

S. 1363. An act for the relief of Vassilios Kostikos;

S. 1397. An act for the relief of Angeline Mastro Mone (Angelina Mastroianni);

S. 1452. An act for the relief of Francesca Maria Arria;

S. 1472. An act for the relief of Triantafilia Antul;

S. 1489. An act to amend title 14, United States Code, entitled "Coast Guard" with respect to warrant officers' rank on retirement, and for other purposes;

S. 1492. An act increasing penalties for violation of certain safety and other statutes administered by the Interstate Commerce Commission;

S. 1502. An act for the relief of Erika Otto;

S. 1508. An act for the relief of Salvatore LaTerra;

S. 1509. An act for the relief of Fumiko Bigelow;

S. 1773. An act to validate a certain conveyance heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, to the State of Nevada, involving certain portions of right-of-way in the city of Reno, county of Washoe, State of Nevada, acquired by the Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356);

S. 1774. An act for the relief of Yee Suey Nong;

S. 1884. An act to amend section 505 of the Classification Act of 1949, as amended;

S. 1941. An act to authorize the payment by the Bureau of Public Roads of transportation and subsistence costs to temporary employees on direct Federal highway projects; and

S. 2027. An act for the relief of Vendelin Kalenda.

## RECESS TO 11 O'CLOCK A. M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, pursuant to the order previously entered, I move that the Senate stand in recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 8 o'clock and 35 minutes p. m.), the Senate took a recess, the recess being under the order previously entered, until tomorrow, Thursday, August 8, 1957, at 11 o'clock a. m.

## NOMINATIONS

Executive nominations received by the Senate, August 7 (legislative day of July 8), 1957.

### DEPARTMENT OF STATE

William B. Macomber, Jr., of New York, to be an Assistant Secretary of State, vice Robert C. Hill.

### DEPARTMENT OF DEFENSE

Neil Hosler McElroy, of Ohio, as Secretary of Defense.

### DIPLOMATIC AND FOREIGN SERVICE

Robert F. Cartwright, of the District of Columbia, for appointment as a Foreign Service officer of class 1, a consul general, and a secretary in the diplomatic service of the United States of America.

Elias A. McQuaid, of New Hampshire, for appointment as a Foreign Service officer of class 2, a consul, and a secretary in the diplomatic service of the United States of America.

Arthur E. Beach, of the District of Columbia, now a Foreign Service officer of class 3 and a secretary in the diplomatic service, to be also a consul general of the United States of America.

Charles S. Stokes, of Maryland, for appointment as a Foreign Service officer of class 3, a consul, and a secretary in the diplomatic service of the United States of America.

The following-named persons for appointment as Foreign Service officers of class 4, consuls, and secretaries in the diplomatic service of the United States of America:

Wilfred V. Duke, of Oregon.
William S. Peacock, of Florida.

Daniel L. Williamson, Jr., of Virginia, for appointment as a Foreign Service officer of class 5, a consul, and a secretary in the diplomatic service of the United States of America.

Hubert H. Buzbee, Jr., of Alabama, now a Foreign Service officer of class 6, and a secretary in the diplomatic service, to be also a consul of the United States of America.

The following-named Foreign Service officers for promotion from class 7 to class 6:

Richard D. Forster, of Colorado.
Chris C. Pappas, Jr., of New Hampshire.

The following-named persons for appointment as Foreign Service officers of class 6, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Michael Buzan, Jr., of Florida.
Mrs. Flora E. Jones, of Louisiana.
Loren E. Lawrence, of California.
Byron P. Manfull, of Utah.

The following-named persons for appointment as Foreign Service officers of class 8, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Neil P. Anderson, of Minnesota.
David W. Burgoon, Jr., of Illinois.
George A. Furness, Jr., of Massachusetts.
Alan F. Lee, of Illinois.

Alan G. Mencher, of California, for appointment as a Foreign Service officer of class 8, a vice consul of career, and a secretary in the diplomatic service of the United States of America. (This nomination is submitted for the purpose of correcting an error in the nomination as submitted to the Senate on May 23, 1957, and confirmed by the Senate on June 3, 1957.)

The following-named Foreign Service staff officers to be consuls of the United States of America:

David G. Briggs, of the District of Columbia.
Warren M. Robbins, of Massachusetts.

The following-named Foreign Service reserve officers to be consuls of the United States of America:

Mark B. Lewis, of Pennsylvania.
William P. MacLean, of Wisconsin.
Philip F. Snare, of Virginia.
B. Franklin Steiner, of California.
Robert Taylor, of Florida.
Robert L. White, of Colorado.

The following-named Foreign Service reserve officers to be vice consuls of the United States of America:

Joseph I. Saltsman, of Montana.
Eugene F. Siliari, of New York.

The following-named Foreign Service reserve officers to be secretaries in the diplomatic service of the United States of America:

John G. Anderton, of California.
Stephen W. Baldanza, of New Jersey.
Peter Ferguson, of the District of Columbia.
John P. Kennedy, of Vermont.
Richard S. McCaffery, Jr., of New York.
Burtt F. McKee, Jr., of Alabama.
Robert B. Moore, of Maryland.
William G. Norris, of Maine.
Harold S. Nelson, of Massachusetts.
Ralph L. Powell, of New Jersey.
Joseph P. Redick, of Maryland.
John S. Tilton, of Virginia.

### UNITED STATES DISTRICT JUDGE

Thomas C. Egan, of Pennsylvania, to be United States district judge for the eastern

district of Pennsylvania, vice George A. Welsh, retiring.

UNITED STATES ATTORNEYS

T. Fitzhugh Wilson, of Louisiana, to be United States attorney for the western district of Louisiana for a term of 4 years. He is now serving in this office under an appointment which expired July 31, 1957.

James A. Borland, of New Mexico, to be United States attorney for the district of New Mexico for a term of 4 years vice Paul A. Larrazolo, resigned.

COLLECTOR OF CUSTOMS

George W. O'Sullivan, of New Mexico, to be collector of customs for customs collection district No. 50, with headquarters at Columbus, N. Mex., to fill an existing vacancy.

# HOUSE OF REPRESENTATIVES

## WEDNESDAY, AUGUST 7, 1957

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Almighty God, before we turn our thoughts to the duties and tasks of this new day we would look unto Thee for guidance and strength.

Help us to face the stress and strain of circumstances with patience and perseverance, with confidence and courage, with faith and hope.

We beseech Thee to administer abundantly unto our chosen representatives who are seeking to find and establish laws that are sound and just.

Give them wisdom and understanding as they labor for the relief of poverty, the healing of disease, and for peace among nations.

Bestow Thy grace and favor upon employers and employees everywhere. Bless those whose work is dangerous and difficult, mean and monotonous, exacting and enervating.

In Christ's name we offer our petition. Amen.

The Journal of the proceedings of yesterday was read and approved.

## DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. Under the previous order of the House, bills from the Committee on the District of Columbia are in order. The Chair recognizes the gentleman from South Carolina [Mr. MCMILLAN].

## AMENDING DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT

Mr. McMILLAN. By direction of the House Committee on the District of Columbia, I call up the bill (H. R. 7863) to amend the District of Columbia Alcoholic Beverage Control Act and ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman take some time to explain the bill briefly?

Mr. McMILLAN. Yes.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.,* That section 23 (c) of the District of Columbia Alcoholic Beverage Control Act, as amended (48 Stat. 332; sec. 25–124 (c), D. C. Code), is amended to read as follows:

"(c) Said taxes on spirits or alcohol shall be collected and paid by the affixture of a stamp or stamps secured from the collector of taxes of the District of Columbia denoting the payment of the amount of tax imposed by this Act upon such beverage, such affixture to be upon the immediate container of the beverage, unless the Commissioners shall by regulation permit otherwise. The collector of taxes of the District of Columbia shall furnish suitable stamps, to be prescribed by the Commissioners, denoting the payment of the taxes imposed by this Act upon spirits or alcohol, and shall by the sale of such stamps at the amounts indicated on the faces thereof cause the said taxes to be collected."

SEC. 2. Section 23 (d) of the District of Columbia Alcoholic Beverage Control Act, as amended (48 Stat. 332; sec. 25–124 (d), D. C. Code), is amended to read as follows:

"(d) Said taxes on wine (wine containing 14 per centum or less of alcohol by volume, wine containing more than 14 per centum of alcohol by volume, champagne, sparkling wine, and any wine artificially carbonated) shall be collected and paid in the manner following:

"(1) Each holder of a manufacturer's or wholesaler's license shall, on or before the tenth day of each month, furnish to the assessor of the District of Columbia, on a form to be prescribed by the Commissioners, a statement under oath showing the quantity of wine subject to taxation hereunder sold by him during the preceding calendar month and shall, on or before the fifteenth day of each month, pay to the collector taxes of the District of Columbia the tax hereby imposed upon the quantity of wine subject to taxation hereunder sold by him during the preceding calendar month.

"(2) No licensee holding a retailer's license shall transport or cause to be transported into the District of Columbia any wine other than the regular stock on hand in a passenger carrying marine vessel operating in and beyond the District of Columbia, or a club car or a dining car on a railroad operating in and beyond the District of Columbia, for which a retailer's license, class C or D, has been issued under this Act, unless such licensee has first obtained a permit so to do from the Alcoholic Beverage Control Board. No such permit shall issue until the tax imposed by this section shall have been paid for the wine for which the permit is requested. Such permit shall specifically set forth the quantity, character, and brand or trade name of the wine to be transported and the names and addresses of the seller and of the purchaser. Such permit shall accompany such wine during its transportation in the District of Columbia to the licensed premises of such retail licensee and shall be exhibited upon the demand of any police officer or duly authorized inspector of the Board. Such permit shall, immediately upon receipt of the wine by the retail licensee, be marked 'canceled' and retained by him.

"(3) The Commissioners are authorized and empowered to prescribe by regulation such other methods or devices or both for the assessment, evidencing of payment, and collection of the taxes on wine imposed by this section in addition to or in lieu of the method hereinbefore set forth whenever in their judgment such action is necessary to prevent frauds or evasions."

SEC. 3. Section 23 (e) of the District of Columbia Alcoholic Beverage Control Act, as amended (48 Stat. 332; sec. 25–124 (e), D. C. Code), is amended by striking out the words "beverage" and "beverages" wherever they appear and substituting in lieu thereof the words "spirits or alcohol".

SEC. 4. Section 23 (i) of the District of Columbia Alcoholic Beverage Control Act, as amended (48 Stat. 332; sec. 25–124 (i), D. C. Code), is amended by striking out the words "beverage" and "beverages" wherever they appear and substituting in lieu thereof the words "spirits or alcohol".

SEC. 5. The last sentence of section 23 (k) of the District of Columbia Alcoholic Beverage Control Act, as amended (48 Stat. 332; sec. 25–124 (k), D. C. Code), is amended to read as follows: "Each holder of such a license shall, on or before the tenth day of each month, forward to the Board on a form to be prescribed by the Commissioners, a statement under oath, showing the quantity of each kind of beverage, except beer and wine (wine containing 14 per centum or less of alcoholic content, wine containing more than 14 per centum of alcoholic content, champagne, sparkling wine and any wine artificially carbonated) sold under such license in the District of Columbia during the preceding calendar month, to which said statement shall be attached stamps denoting the payment of the tax imposed under this Act upon the spirits or alcohol set forth in said report and such statement shall be accompanied by payment of any tax imposed under this Act upon any such wines as set forth in said report."

Mr. McMILLAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the purpose of this legislation is to amend the District of Columbia Alcoholic Beverage Control Act so as to substitute a collection of taxes on wines by a method of reporting rather than by a method of affixing stamps to each bottle.

Under existing law each individual bottle of wine which is sold in the District of Columbia is required to carry a stamp. Under this legislation each holder of a manufacturer's or wholesaler's license would be required on or before the 10th day of each month to furnish the assessor of the District of Columbia, on a form to be prescribed by the Commissioners, a statement under oath showing the quantity of wine subject to taxation hereunder sold by him during the preceding calendar month and shall, on or before the 15th day of each month, pay to the collector of taxes of the District of Columbia the tax hereby imposed upon the quantity of wine subject to taxation hereunder sold by him during the preceding calendar month.

Many individuals appeared in favor of the bill and the members of the Alcoholic Beverage Control Board of the District of Columbia also testified on behalf of this legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. GROSS. Is this bill supported unanimously by the committee?

Mr. McMILLAN. Absolutely.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## EXCHANGE OF LANDS FOR SIBLEY MEMORIAL HOSPITAL

Mr. McMILLAN. Mr. Speaker, by direction of the House Committee on the

District of Columbia, I call up the bill (H. R. 8918) to further amend the act of August 7, 1946 (60 Stat. 896), as amended by the act of October 25, 1951 (65 Stat. 657), to provide for the exchange of lands of the United States as a site for the new Sibley Memorial Hospital; to provide for the transfer of the property of the Hahnemann Hospital of the District of Columbia, formerly the National Homeopathic Association, a corporation organized under the laws of the District of Columbia, to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries, including Sibley Memorial Hospital, a corporation organized under the laws of the District of Columbia, and for other purposes, and ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.,* That subparagraph (c) of section 1 of the Act of August 7, 1946 (60 Stat. 896), as amended by the Act of October 25, 1951 (55 Stat. 657), is further amended by inserting immediately after the word "otherwise" and before the closing parenthesis in the first clause thereof the following language: "including the transfer to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries, including Sibley Memorial Hospital, a corporation organized under the laws of the District of Columbia, hereinafter referred to as 'Sibley Memorial Hospital', of so much of the lands of the United States reserved for a site for the National Training School for Girls by the Act of July 14, 1892 (27 Stat. 165), as amended, not exceeding twelve acres, as the Administrator determines will provide an adequate site for the new Sibley Memorial Hospital and Nurses Home project, in exchange for the transfer by the Sibley Memorial Hospital, as hereinafter provided, of the land and buildings comprising the site of the hospital and nurses home now held by the Hahnemann Hospital of the District of Columbia, formerly the National Homeopathic Association, a corporation organized under the laws of the District of Columbia, hereinafter referred to as Hahnemann Hospital, upon such terms and conditions as the Administrator determines to be in the public interest: *Provided,* That the exchange of properties herein authorized shall not be made until the Administrator determines the fair market value of the respective properties to be exchanged and credits in the grant agreement to be executed between the United States of America and the Sibley Memorial Hospital to the appropriate transferee the amount by which the value of one property exceeds the value of the other property: *Provided further,* That the value of any interest in the properties to be exchanged which the District of Columbia may have, as determined by the Administrator of General Services, shall be credited against the amount repayable by the Commissioners of the District of Columbia pursuant to section 5 of this Act: *Provided further,* That the Administrator may, in his discretion, with the consent of the Sibley Memorial Hospital, defer the exchange of deeds to such properties until such time as construction of the new Sibley Memorial Hospital and Nurses Home is determined by him to have been substantially completed: *And provided further,* That the board of trustees of the Hahnemann Hospital are hereby empowered to transfer and convey to the Sibley Memorial Hospital, upon such terms as may be approved by the Administrator, all the property, real, personal, and mixed, of the Hahnemann Hospital, and dissolve the same; and the Sibley Memorial Hospital is hereby empowered to lease, sell, exchange, or otherwise dispose of all such property and apply the proceeds to the objects for which the Sibley Memorial Hospital is incorporated: *Provided, however,* That the provisions of this Act shall not be construed to make the United States liable in any way on account of said transfer, or the changing of the direction of any charitable trust involved in such action."

SEC. 2. Such Act is further amended by adding at the end thereof the following new section:

"SEC. 7. The Administrator, upon application of any private agency participating under the provisions of this Act, with respect to any lien or encumbrance of the United States created prior to June 28, 1941, under authority of the Act of March 3, 1893 (27 Stat. 552; title 32, D. C. Code, 1950 edition, sec. 1003), or similar statutory provision including but not limited to the Act of February 25, 1885 (23 Stat. 310), the Act of March 2, 1889 (25 Stat. 807), the Act of March 4, 1907 (34 Stat. 1295, 1350), and the Act of July 28, 1866 (14 Stat. 310, 317), as amended and supplemented, existing upon or against any lands acquired or buildings or improvements constructed thereon, with moneys in whole or in part appropriated or expended under authority of any Act of Congress, which lands and improvements are now held by any nonprofit private hospital agencies operating hospital facilities in the District of Columbia and participating in the District of Columbia hospital program under the provisions of this Act, and which are determined by the Administrator to be no longer required for hospital purposes, shall equitably determine the amount to which the United States would be entitled to reimbursement in the event of the dissolution of any such private agency or in the event of the disposal of such property by any such private agency, by ascertaining as near as may be practicable the proportionate amount which any such lien bears to any other contribution or fund used for such purposes; and the lien in the amount so determined, upon acceptance by any such agency, shall be transferred from and in discharge of the old hospital site to and become a lien against the land upon which the new hospital facilities have been constructed or otherwise provided for any such private agency under the provisions of this Act, as amended: *Provided,* That any such lien so transferred shall be consolidated with the lien created upon the acceptance of any grant of funds from the Administrator of General Services Administration under authority of this Act, as amended, and the provisions of the Act of March 3, 1893 (27 Stat. 552), and shall be subordinate to any deed of trust, mortgage, or other security or encumbrance on such property then existing, or hereafter created for the purpose of providing new or additional hospital facilities."

Mr. McMILLAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, H. R. 8918 will authorize the construction without delay of a modern 350-bed Sibley Hospital and School of Nursing on 12 acres of land now owned by the United States at Loughboro Road and Dalecarlia Boulevard in the District of Columbia, known as the Loughboro site. This site was used for a reform school for girls known as the National Training School for Girls from 1897 until April 1957, when it was vacated and abandoned by the District of Columbia which had operated this reform school.

The bill also provides for the exchange at their market values of the Loughboro site for the Hahnemann Hospital property located at Kirby and N Streets NW., in the District of Columbia. In addition it provides for the dissolution of Hahnemann Hospital—formerly the National Homeopathic Association—a nonprofit corporation organized under the laws of the District of Columbia, and the transfer of Hahnemann's assets to Sibley. Sibley is also a nonprofit corporation organized under the laws of the District of Columbia, its corporate name being the Lucy Webb Hayes National Training School for Deaconesses and Missionaries. It is presently located in obsolete buildings at North Capitol and M Streets NW., in the District of Columbia.

The bill further provides that the Administrator of General Services Administration may transfer liens created by the act of March 3, 1893, and prior appriation acts containing lien provisions, from the old hospital sites, on which facilities had been constructed years ago—which are now obsolete—to new sites thus clearing the title to the old sites and permitting their sales in order to finance new construction without impairing protection of the interests of the United States and the District of Columbia. The old liens would simply be transferred to the new properties with new facilities thereon. The bill also provides that the transferred liens and the liens arising by reason of the grant-in-aid program of the Hospital Center Act, as amended—the provisions of the general lien act of 1893 being applicable thereto—be subordinated to any existing mortgage or mortgages placed hereafter for the purpose of providing additional hospital facilities. This is necessary to assist in financing these new hospitals as authorized by Congress under the grant-in-aid program. Providence, Emergency, and Garfield not less than Hahnemann require this necessary relief. Sibley has no lien to be transferred. This bill thus applies equally to all hospitals in the District of Columbia which are similarly situated to Hahnemann.

The liens in question arose in the following manner. Principally from the Civil War to World War I, the Congress made appropriations in aid of a number of charitable hospitals now determined by Congress to be eligible for participation in the grants made pursuant to the act of August 7, 1946—Sixtieth United States Statutes at Large, page 896—as amended—see Senate Document No. 207, 69th Congress, 2d session, entitled "Charitable and Reformatory Institutions in the District of Columbia."

Thus, from 1866 to 1914 Congress appropriated in aid of land and buildings for Providence Hospital $425,579.67; Hahnemann Hospital from 1881–1914, $126,168.62; Garfield, 1882–1914, $279,830; Emergency 1912–1916, $153,709; Children's, 1878–1911, $60,000; and Columbia Hospital for Women, 1872–1913, $358,500. The liens total $1,403,786.29 of which amount $985,287.89 are transferable under the provisions of this bill. These liens, as shown by the language

of the act of March 3, 1893, were established to prevent the diversion of funds of the United States or District of Columbia from hospital purposes in the event that the beneficiary hospitals should no longer be operated for hospital purposes. It was never intended that the liens should apply in a mere change in location with the hospitals still being operated for hospital purposes. All of the hospitals involved have carried on vital hospital operations for many years in the District of Columbia and are continuing to do so. The hospital facilities built with the aid of these old grants are fully depreciated and have long since served their purposes for the betterment of the citizens in the District of Columbia, and these liens should now either be waived or transferred. The committee believes that the transfer of these liens and their subordination to any loans or encumbrances necessary for financing the construction or operation of new hospital facilities is in the public interest.

The act of March 3, 1893 provides as follows:

All sums of money appropriated and expended in aid of the purchase of real estate for charitable or reformatory institutions in the District of Columbia, or for buildings or for permanent improvements to buildings thereon, shall (subject to any trust deed, mortgage, or other security or encumbrance existing on such property at the time of its purchase, or created at the time of its purchase) be a lien upon such property, and in case of the dissolution of any such corporation owning such property, or in case of the disposal of such property, by such corporation, entitle the United States to reimbursement in proportion to any other contributions or funds used for such purposes; and the acceptance by any such corporation of any sum of money appropriated for the foregoing purposes shall be deemed an acceptance of and agreement to this provision.

Congress in 1946 and subsequent thereto determined that there exists a great need for the establishment of modern, adequate, and efficient hospitals and nursing schools in the District of Columbia. This need has not been satisfied inasmuch as Sibley and Hahnemann Hospitals have not yet been relocated and rebuilt.

The act of August 7, 1946 (60 Stat. 896), as amended by the act of October 25, 1951 (65 Stat. 657), as further amended and supplemented, authorizes an appropriation of $36,710,000 for, first, the construction in the District of Columbia of a modern hospital center estimated to cost $23,710,000 to be operated by the combined staffs of three participating hospitals, namely, Central Dispensary and Emergency Hospital, Garfield Memorial Hospital, and the Episcopal Eye, Ear, and Throat Hospital; and second, grants in the total amount of $13,010,000 to provide nonprofit private agencies operating hospital facilities in the District of Columbia which, as selected by the Congress from traditional medical charities operating hospital facilities in the District of Columbia, which include, among others, Sibley Hospital at an estimated cost of $8,697,080 and Hahnemann Hospital at an estimated cost of $1,600,000.

The 1951 act also provided that 50 percent of the amount expended by GSA should be charged against the District of Columbia and repaid to the United States by the District of Columbia at the annual rate, without interest, of 3 percent of such 50 percent per annum; and that 50 percent of the total cost be paid by the private nonprofit participating hospitals.

Testimony at the hearings showed that the Loughboro tract would be an optimum site for the new Sibley Hospital and School of Nursing; that there is ample light, air, and cheerful surrounding for the benefit of the sick; that 12 acres will provide ample parking facilities; that the Loughboro site permits future expansion for both hospital and school of nursing; and that the proximity to American University will insure the university's control of the important nursing program in the public interest and ease the acute shortage of nurses.

The committee concludes from the testimony of numerous witnesses and the documents introduced in the record that the public health, safety, and general welfare are best served by the construction of the new Sibley Hospital on the Loughboro Road site.

The Government Services Administration, which is in charge of the hospital grant-in-aid program, approves this bill, and states that the Bureau of the Budget has approved a similar bill known as S. 1760 as amended in the Senate.

The committee finds that the use of the 12-acre site by Sibley formerly occupied by the National Training School for Girls would not be detrimental to the water supply of the District of Columbia, and that the highest and best use of this land in the public interest is for the erection of the hospital and nursing school facilities as provided in the bill.

Under the proposed bill no cost would be involved either to the District or Federal Government.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## POLICE AND FIREMEN'S RETIREMENT AND DISABILITY ACT

Mr. McMILLAN. Mr. Speaker, at this point I yield to the gentleman from Georgia [Mr. DAVIS] to call up a couple of bills.

The SPEAKER. The gentleman from Georgia is recognized.

Mr. DAVIS of Georgia. Mr. Speaker, by direction of the Committee on the District of Columbia I call up the bill (H. R. 7450) to amend section 4 of the act entitled "Policemen and Firemen's Retirement and Disability Act Amendments of 1957" and ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 4 of the Act entitled "Policemen and Firemen's Retirement and Disability Act Amendments of 1957", approved , is amended to read as follows:

"SEC. 4. The amendments made by this Act shall not apply in the case of members retired or otherwise separated prior to its effective date, and the rights of such members shall continue in the same manner and to the same extent as if this Act had not been enacted: *Provided*, That the widow and children of any deceased member retired or otherwise separated prior to the effective date of this Act shall be entitled to receive all benefits under this Act to which widows and children of deceased members retiring or otherwise separated after the effective date of this Act are entitled."

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following: "That (a) each person who, immediately before effective date of the Policemen and Firemen's Retirement and Disability Act Amendments of 1957, was receiving or was entitled to receive, relief or retirement compensation from the District of Columbia by reason of his service as an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, the White House Police force, or the United States Secret Service, shall, for the purposes of such amendments of 1957, be held and considered to have retired from such force, Department, or service, on such effective date.

"(b) In the case of each widow, widower, and child who, immediately before the effective date of the Policemen and Firemen's Retirement and Disability Act Amendments of 1957, was receiving or was entitled to receive relief or retirement compensation from the District of Columbia by reason of the service on the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, the White House Police force, or the United States Secret Service, of a deceased officer or member, or a deceased former officer or member, the date of death of such officer or member, or former officer or member, shall, for the purposes of such amendments of 1957, be held and considered to be such effective date.

"(c) No relief or retirement compensation shall be payable by reason of the enactment of this Act for any period before the effective date of the Policemen and Firemen's Retirement and Disability Act Amendments of 1957.

"(d) Nothing in this Act shall be deemed to reduce the relief or retirement compensation any person receives, or is entitled to receive, from the District of Columbia on the date of the enactment of this Act.

"SEC. 2. Section 4 of the Policemen and Firemen's Retirement and Disability Act Amendments of 1957 is hereby repealed."

Mr. MILLER of Nebraska. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I wish to ask the gentleman from Georgia if he will explain the bill, telling the Members how much it will cost and that it is retroactive to a certain date, explain the bill in some detail.

Mr. DAVIS of Georgia. I will be glad to.

The purpose of the bill is to amend section 4 of H. R. 6517, on which hearings were held by the committee on April 30 and May 3, 1957, which passed the House on June 24, 1957, and is pending on the Senate Calendar.

The purpose of that bill, H. R. 6517, is to completely overhaul the police and fire pension system, the beneficial effects of which have remained substantially unchanged since 1916, and to give to the members coming under it benefits substantially similar to benefits given by hazardous occupation under the Civil Service Retirement Act Amendments of 1956, as well as benefits substantially similar to benefits to Federal employees under the Federal Employees' Compensation Act. Further, it is the intent of the bill to prevent the loss of any benefits under existing legislation.

The estimated cost of H. R. 6517 follows:

*Estimated annual costs of proposal*

| Year of operation | Total annual cost increase over present law (1) | Additional employee contributions (1½ percent of payroll) [1] (2) | Total added annual District government cost with additional 1 percent during 20-to-30-year period (3) |
|---|---|---|---|
| 1st | $46,900 | $526,000 | −$455,145 |
| 2d | 148,000 | 526,000 | −359,095 |
| 3d | 217,000 | 318,400 | −96,330 |
| 4th | 287,000 | 318,400 | −29,830 |
| 5th | 356,000 | 318,400 | +39,480 |
| 6th | 426,000 | 318,400 | +112,980 |
| 10th | 710,000 | 318,400 | +411,180 |
| 15th | 1,050,000 | 318,400 | +768,180 |
| 20th | 1,342,000 | 318,400 | +1,074,785 |
| Ultimate | 1,858,000 | 318,400 | +1,616,580 |

[1] 1½ percent of payroll plus contributions for Government service credit.

This bill—H. R. 7450—will extend to the present widows and children of deceased policemen and firemen the same benefits for widows and children as provided in H. R. 6517. It also extends the same benefits to policemen and firemen retired prior to October 1, 1956, as granted to those who retire after October 1, 1956.

The Committee held hearings on H. R. 7450 on August 1, 1957. The Commissioners for the District of Columbia appeared and strongly recommended the passage of the provision for widows and children. The estimated cost for widows and children is $254,616. This estimate is based on a total survivorship roll of 630 widows and 91 children.

The Committee on the District of Columbia in considering this legislation at a meeting August 5, 1957, came to the conclusion that policemen and firemen who had retired prior to October 1, 1956, should also be included in this legislation.

The Commissioners estimate that the provisions of this bill applied to such retired personnel would cost the District an annual minimum of $999,004, in addition to current cost.

The foregoing estimated cost does not include military or other governmental service credit which might be claimed by retired policemen and firemen in accordance with the Policemen and Firemen's Retirement and Disability Act Amendments of 1957, which provides for crediting such service.

Representatives of the Police and Fire Departments, the Policemen's Association, D. C., and the Firemen's Association, D. C., unqualifiedly endorsed the widows' and children's provision.

The Associations of Retired Policemen and Firemen urged favorable action on all provisions of the bill, H. R. 7450.

Mr. MILLER of Nebraska. The total cost of the bill is close to a million dollars?

Mr. DAVIS of Georgia. Nine hundred and ninety-nine thousand dollars, according to the witnesses.

Mr. MILLER of Nebraska. It also includes the Secret Service at the White House and the Park Police?

Mr. DAVIS of Georgia. It includes the Metropolitan Police, the Park Police, and the White House Police. It includes retired members of the same group that were covered in the original bill, H. R. 6517.

Mr. MILLER of Nebraska. It is retroactive to what date?

Mr. DAVIS of Georgia. The date on which it goes back to, in order to bring them under the bill, is October 1, 1956, those who retired prior to that time.

Mr. MILLER of Nebraska. I thank the gentleman.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill to make the Policemen and Firemen's Retirement and Disability Act Amendments of 1957 applicable to retired former members of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, the White House Police force, and the United States Secret Service; and to their widows, widowers, and children."

A motion to reconsider was laid on the table.

## AMENDING ACT REGULATING BUSINESS OF EXECUTING BONDS FOR COMPENSATION IN CRIMINAL CASES, DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 7349) to amend the act regulating the business of executing bonds for compensation in criminal cases in the District of Columbia and ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.*, That the first sentence of section 8 (a) of the Act entitled "An Act to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia", approved March 3, 1933, as amended (47 Stat. 1484; 67 Stat. 106), is amended by striking out the words "police court, juvenile court, and the criminal divisions of the Supreme Court of the District of Columbia" and inserting in lieu thereof the words "United States District Court for the District of Columbia, the municipal court for the District of Columbia, and the juvenile court of the District of Columbia."

Mr. McMILLAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the bill would amend the section specified so as to conform with the present titles of the courts concerned in the District of Columbia. The bill was recommended by the Judicial Conference of the United States at its annual meeting in September 1954 in accordance with a resolution adopted by the Judicial Conference of the District of Columbia Circuit on June 24, 1954. The resolution and the action of the conference appear on page 34 of the judicial conference report for the September 1954 session as follows:

The District of Columbia Code, at the cited section, presently provides that the regulation of bondsmen shall be supervised by the criminal division of the District Court of the United States for the District of Columbia. There is, as a practical matter, no criminal division of the court, and because of the system of rotating judges each 3 months, any change in regulations relating to bondsmen must be timed in such a manner that it does not overlap a change of assignment to avoid needless duplication of consideration. It is believed that if the statute is revised to delete the words, "criminal division of the District Court of the United States" and insert "United States District Court", the supervision of bondsmen, being assigned to the court as a whole, may be more expeditiously handled.

Since the section is being revised, it is proposed to delete the words "police court", which name is now obsolete and insert in lieu thereof "Municipal Court for the District of Columbia", which is the current name for that court.

The change provided for in the bill is designed to bring the statute concerning the regulation of bondsmen in the District of Columbia into conformity with the present organization of the courts of the District. It is believed that the change will make for the more expeditious and effective handling of this function.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AMENDING DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1953

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up (H. R. 7568) to amend the District of Columbia Police and Firemen's Salary Act of 1953 to provide that service in the grade of inspector and the grade of private in the Fire Department of the District of Columbia shall be deemed to be service in the same grade for the purpose of longevity increases and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That (a) subsection (a) of section 202 of the District of Columbia Police and Firemen's Salary Act of 1953, as amended (D. C. Code, sec. 4–816 (a)), relating to longevity increases of officers and

members of the Fire Department of the District of Columbia, is amended by inserting immediately following the first sentence thereof the following new sentence: "In computing service for the purpose of determining longevity increases under this section, service in the grade of inspector or assistant marine engineer, and service in the grade of private, shall be deemed to be service in the same grade."

(b) Subsection (f) of such section 202 (D. C. Code, sec. 4–816 (f)) is amended by striking out the last sentence thereof.

SEC. 2. (a) The amendments made by this Act shall take effect as of the first day of the first pay period of the Fire Department of the District of Columbia which began after July 24, 1956.

(b) No compensation shall be payable, by reason of the enactment of this Act, for any period prior to such effective date.

Mr. McMILLAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, section 2, section 202 (f) of Public Law 768, 84th Congress, 2d session, was supposed to have given fire inspectors credit for service in both the grade of private and that of fire inspector, since the latter grade cannot fairly be construed as a promotion.

The District of Columbia Accounting Office ruled that the language of Public Law 768 of the 84th Congress precluded them from giving full credit to fire inspectors. The purpose in this bill is to clarify the language and to carry out the original intent at the time this legislation was drafted.

There are now a total of 28 fire inspectors in the District of Columbia Fire Department. Twenty of these received credit for their service under Public Law 768 of the 84th Congress, while eight of these inspectors did not receive such credit. This legislation would assure these eight of receiving credit for such service.

The total cost of this bill to June 1, 1957, would amount to $741.75.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## B'NAI B'RITH HENRY MONSKY FOUNDATION

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 7825) to exempt from taxation certain property of the B'nai B'rith Henry Monsky Foundation, in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the property situated in square 182 in the city of Washington, D. C., described as lots 31, 32, 65, 66, 67, 68, and 805, owned by the B'nai B'rith Henry Monsky Foundation, an agency of B'nai B'rith, is hereby exempt from all taxation so long as the same is owned and occupied by the B'nai B'rith and its agencies and is not used for commercial purposes, subject to the provisions of sections 2, 3, and 5 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (56 Stat. 1091; D. C. Code, secs. 47–801b, 47–801c, and 47–801e).

Mr. McMILLAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the purpose of this bill is to exempt from taxation in the District of Columbia, lots 31, 32, 65, 66, 67, 68, and 805, situated in square 182 in the city of Washington, D. C., so long as the same is owned and occupied by the B'nai B'rith Henry Monsky Foundation and its agencies and is not used for commercial purposes subject to the provisions of sections 2, 3, and 5 of the act entitled "An act to define the real property exempt from taxation in the District of Columbia," approved December 24, 1942 (56 Stat. 1091; D. C. Code, secs. 47–801b, 47–801c, and 47–801e).

The tax on the property at the present time is $2,782.22. A building program is now under way on the property hereinbefore mentioned and the B'nai B'rith Foundation will soon complete a building which will cost around $1,290,000. The value of the improvements is not known but a conservative estimate of the tax based on the cost of the improvements would be $23,000, thus the anticipated loss in revenue to the District of Columbia in taxes would amount to approximately $25,782.22.

Mr. MULTER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MULTER: On page 1, line 7, after the word "taxation" insert the following: "from and after June 30, 1957."

The amendment was agreed to.

Mr. MULTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, a companion bill to H. R. 7825 has been offered in the other body. I understand that that bill contains the words which I seek to add to H. R. 7825 by my amendment.

The bill will grant tax exemption to the new national headquarters building of B'nai B'rith erected in Washington, D. C., which should be ready for occupancy sometime next month.

I am deeply grateful to our colleagues on the Committee on the District of Columbia for giving me the honor to sponsor the bill and author the report on the bill from the committee. I am sure our colleagues will understand how much I appreciate this when I tell them that in the 25 years during which I have been a member of B'nai B'rith, we have had as active members of the organization every man of the Jewish faith who has served in either House of Congress during those years, regardless of their political affiliation.

I believe that speaks volumes about the fine work that B'nai B'rith has done during its more than 114 years of existence in our country. I do not intend to take the time of our colleagues to even summarize its fine work. B'nai B'rith's honorary president, who served as its president from 1947 to 1953, Mr. Frank Goldman, testified at length on the subject before the District Committee.

By unanimous consent of the House, I spread those remarks of Mr. Goldman upon the CONGRESSIONAL RECORD of July 2, 1957.

Suffice it to say that with more than 700 chapters throughout the country, almost every Congressional district can boast of at least one chapter, and every one of our colleagues knows of the services rendered by B'nai B'rith in patriotic, educational, benevolent and religious fields of endeavor throughout the years.

The national headquarters of B'nai B'rith spends annually in excess of $5 million for religious, educational, and nonsectarian charitable purposes. B'nai B'rith women, in addition, contribute annually in excess of $1 million to local community projects.

The general statute enacted by the Congress grants tax exemption to educational, religious, and charitable organizations whose operations are principally within the District of Columbia.

National organizations, such as the American Red Cross, require the enactment of special bills such as this because their activities cover the entire Nation and not merely the District of Columbia. The enactment of this bill will merely grant to B'nai B'rith the same tax exemption as is accorded to all of the other national headquarters in Washington of religious, charitable, and educational organizations.

I urge the enactment of the bill.

Mr. MILLER of Nebraska. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I call the attention of the Members of the House to the fact that this is one of many bills the District Committee has passed which exempt certain organizations within the city from paying taxes. I am not so sure but that we are going too far in making it so universal, because my guess is that the city now is probably losing a million and a half dollars in taxes a year from the various organizations which have been relieved from paying taxes. I think it is time to get sort of an invoice or inventory of the number of exemptions we have given to various organizations, because the door is opened a little wider every year for individuals or groups to come in and ask that the taxes for those organizations not be levied. I am not so sure but that some of these organizations—and I am not speaking of this particular organization—delve in political propaganda and do things that are not in accordance with the rules and regulations which were laid down originally for institutions that should be tax exempt under the District law.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Nebraska. I yield to the gentleman from South Carolina.

Mr. McMILLAN. I will say to the gentleman from Nebraska that the committee is looking into this matter and will make a report of each organization, and if we find that they do not come within the purview of the organizations that should be exempt, we will

certainly repeal it as far as they are concerned.

Mr. MILLER of Nebraska. I am glad that the chairman has taken that step to get a review of the organizations that do come under the tax-exemption provision, because I think there will be a rather increasing number, and the taxes that we forgive must be made up some way by the District to meet their obligations.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Nebraska. I yield to the gentleman from Iowa.

Mr. GROSS. I wonder why this bill was not reached on the calendar yesterday.

Mr. MILLER of Nebraska. I am not able to answer that.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## RESIDENCE QUALIFICATIONS OF THE DIRECTORS OR TRUSTEES OF CERTAIN COMPANIES IN THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 7467) to amend the act of March 3, 1901, with respect to the citizenship and residence qualifications of the directors or trustees of certain companies in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 736 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901 (D. C. Code, sec. 26–324), is amended by inserting "and citizens of the United States," immediately after "be stockholders," and by striking out "one-half residents and citizens of the District of Columbia," and inserting in lieu thereof "two-thirds of whom shall reside in the District of Columbia or within 100 miles of the location of the principal office of the company."

Mr. McMILLAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, under existing law one-half of the directors of the four trust companies doing business in the District of Columbia must reside in the District of Columbia and two-thirds of these must reside within 50 miles of the location of the principal office of the company.

The purpose in this legislation is to amend the present law so as to make the law applicable to trust companies in the District of Columbia conform to that of the residence requirement of the directors of national banks as provided in the revision of the National Bank Act of April 27, 1956, title 12, section 72, United States Code Annotated. This provides that two-thirds of the members of the board of directors must reside within 100 miles of the banking institution which they serve.

A hearing was held by the Fiscal Affairs Subcommittee of the House District Committee on July 30, 1957, at which time a representative of the 4 trust companies appeared and filed a written statement that the 4 trust companies doing business in the District of Columbia approve of this change in law.

The bill also has the approval of the Board of Commissioners of the District of Columbia.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## CALL OF THE HOUSE

Mr. CANNON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 174]

| | | |
|---|---|---|
| Anfuso | Kearney | Reed |
| Beamer | Kilburn | Rivers |
| Bentley | McConnell | Rogers, Mass. |
| Buckley | Mason | Scott, Pa. |
| Dague | Miller, Calif. | Van Pelt |
| Dawson, Ill. | Miller, N. Y. | Vinson |
| Engle | Powell | Vursell |
| Hillings | Preston | Wharton |
| Holtzman | Prouty | Wilson, Calif. |
| Jenkins | Reece, Tenn. | |

The SPEAKER. On this rollcall 400 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

## SUPPLEMENTAL APPROPRIATION BILL, 1958

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 9131) making supplemental appropriations for the fiscal year ending June 30, 1958, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H. R. 9131, with Mr. KILDAY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose on yesterday, the Clerk had read down to and including line 10 on page 18 of the bill.

Mr. BUDGE. Mr. Chairman, I make a point of order against the language contained in lines 1 through 10, page 18, the point of order being that it is legislation upon an appropriation bill giving affirmative direction and, further, that it imposes new duties on the Treasury Department. I think the language obviously imposes a new duty on the Treasury Department and also there is obviously a proviso which is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from New York [Mr. ROONEY] desire to be heard?

Mr. ROONEY. Yes, Mr. Chairman; but before referring to the basic law I should like to point out that the language presently contained at page 18 of the bill was submitted to the committee by the Department of State, through Deputy Assistant Secretary Wilkinson and Special Assistant to the Assistant Secretary Bernard Katzen. The department drafted it.

Section 1442, subdivision (d), of title 22 of the United States Code is entitled "Sale of Foreign Currencies—Special Account—Availability." This provides that—

> Foreign currencies available after June 30, 1955, from conversions made pursuant to the obligation of informational media guarantees may be sold, in accordance with Treasury Department regulations, for dollars which shall be deposited in the special account and shall be available for payments under new guaranties. Such currencies shall be available as may be provided for the Congress in appropriation acts, for use for educational, scientific, and cultural purposes which are in the national interest of the United States, and for such other purposes of mutual interest as may be agreed to by the governments of the United States and the country from which the currencies derive.

Now, the proviso beginning on line 5 of page 18 of the pending bill states:

> *Provided,* That this amount shall be used for purchase of foreign currencies from the special account for the informational media guaranty program, at rates of exchange determined by the Treasury Department, and the amounts of any such purchases shall be covered into miscellaneous receipts of the Treasury.

The purpose of this language is to provide that the appropriation of $3,525,000 referred to in lines 1 to 5 on that page of the bill shall be used to purchase from the United States Treasury Israeli pounds in that amount and with which this appropriation is connected so that they will be covered into miscellaneous receipts of the Treasury.

The CHAIRMAN. May the Chair inquire of the gentleman from New York if the section of the code from which he read refers to purchases as well as sales?

Mr. ROONEY. I assume from the language contained in that section of the code that it refers to both purchases and sales. This proviso makes it clear and certain that the money appropriated would not come from the general fund.

The CHAIRMAN. Then, the gentleman from New York states it as a fact that the section of the code from which he read uses only the word "sale" or "sold" rather than "purchase"?

Mr. ROONEY. I must concede that only the "sold" is contained in the section, Mr. Chairman.

However, I should like to add that when this section of the code refers to a sale it is certainly implied that it also means a purchase. There cannot be a sale without a purchase.

Mr. BUDGE. Mr. Chairman, if the gentleman will yield, the gentleman from New York has not addressed himself to the language "at rates of exchange determined by the Treasury Department," which language obviously gives the Treasury Department additional duties which are not in the original act.

Mr. ROONEY. In regard to that contention, Mr. Chairman, I submit that this is all in accordance with Treasury regulations. There are no extra duties imposed upon the Treasury Department in connection therewith. The proviso says: "at rates of exchange determined by the Treasury Department"—not "at rates of exchange to be determined by the Treasury Department." If that is the point which the gentleman from Idaho seeks to make by his point of order, then I submit the point of order should be overruled.

Mr. GROSS. Mr. Chairman, may I be heard on the point of order?

Mr. CHAIRMAN. The Chair will hear the gentleman.

Mr. GROSS. Mr. Chairman, I trust that the chairman will ignore the statement made by the gentleman from New York [Mr. ROONEY] with reference to the fact that the State Department prepared this language. The State Department is not qualified to pass upon the rules of the House or the parliamentary procedure of the House.

Mr. ROONEY. Mr. Chairman, if the distinguished gentleman from Iowa will yield, I submit, that of course the language in this bill was prepared by the State Department. It will be found in the printed hearings on the bill. This very language now before the Committee of the Whole was furnished by the State Department at the very start of their justifications. It will be found at page 216 of the hearings.

The CHAIRMAN (Mr. KILDAY). The Chair is prepared to rule.

The gentleman from Idaho [Mr. BUDGE] has made a point of order against that portion of the bill appearing on lines 1 through 10 on page 18 on the ground that it is legislation on an appropriation bill. The gentleman from New York [Mr. ROONEY] has cited the language contained in title 22, United States Code, section 1442 (d), and that the reference to that section indicates that authority and duty in connection with the sale of foreign currencies is imposed, whereas the language in the bill imposes the duty in connection with purchases of foreign currencies.

The Chair is of the opinion that the language constitutes legislation on an appropriation bill and sustains the point of order.

Mr. ROONEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROONEY: On page 18, line 1, insert:

"EDUCATIONAL SCIENTIFIC, AND CULTURAL ACTIVITIES

"For expenses to carry out the provisions of section 1011 (d) of the United States Information and Educational Exchange Act of 1948, as amended (22 U. S. C. 1442 (d)), $3,525,000."

Mr. ROONEY. Mr. Chairman, this amendment provides for the appropriation of $3,525,000 worth of Israeli pounds without the proviso which was stricken on the point of order raised by the gentleman from Idaho. In the United States Treasury at the present time there is the amount of $4,800,000 in Israeli pounds which have been generated as the result of the program referred to as the information media guaranty program. These Israeli currencies resulted from the subsidy of certain American booksellers and magazine publishers who sold their material to importers in Israel. This is by far the largest amount of acquired foreign currencies held by the United States Treasury in connection with the program; that is, the amount of such currency generated in the State of Israel is the largest amount in the entire program.

Under the agreement as the result of which the funds were generated, the agreement between the State of Israel and the Government of the United States, there is a requirement that the fund generated shall be used for educational, scientific, and cultural purposes and for such other purposes as may be determined by agreement between the two governments.

In connection with these educational, scientific, and cultural purposes, the Secretary of State sent Mr. Bernard Katzen over to Israel last year. At that time there was developed the following program which is set forth in the printed hearings at pages 217 and 218, and which I shall now read.

The program proposals listed below represent agreement between the Governments of the United States and Israel as the best use of the funds for educational, scientific, and cultural activities in Israel, in accordance with the provisions of the IMG agreement.

*Summary of projects through grants*

| | |
|---|---|
| Chairs in Israeli universities | $222,222 |
| Translation and publication program | 222,222 |
| University and teacher-training scholarships | 55,556 |
| American-Israel Friendship League—Beersheba | 13,889 |
| Artists Village (B'nai Zion Foundation)—Ein Hod | 5,556 |
| Association of the Deaf and Mute in Israel | 27,778 |
| Bar-Ilan University (construction of American science wing) | 69,444 |
| Beth Emmanuel Museum, Ramat Gen | 41,667 |
| Beth Esther (purchase of orphanage) | 3,333 |
| Beth Ha'am, Jerusalem (cultural center) | 27,778 |
| Beth Hanoar (Haivri (YMHA; YWHA), Jerusalem (English-language teaching) | 5,556 |
| B'nai B'rith (Yehouda Halevy Lodge), Tel Aviv (scholarship fund) | 27,778 |

*Summary of projects through grants*—Con.

| | |
|---|---|
| Boys Town, Jerusalem | $27,778 |
| Chinuch Atzmai (elementary-school system) | 216,667 |
| Community centers, Nazareth, Kiryat Shmone | 138,889 |
| Council of the Shepardi Community Jerusalem, (study of American jurisprudence) | 13,889 |
| HIAS, United Service, Beersheba (assistance to immigrants) | 25,000 |
| Hadassah Medical Organization (construction of American wing) | 105,556 |
| Haifa municipality (cultural center) | 138,889 |
| Hazimir (support of choir assembly) | 8,333 |
| Hebrew University (construction of teachers training school) | 111,111 |
| Home for Blind Jewish Girls | 27,778 |
| Israel-American Archeological Foundation | 333,333 |
| Israel-American Museum Foundation (construction of a museum) | 833,333 |
| Israel Bar Association (erection of an American law library) | 27,778 |
| Israel Boy Scouts Association | 5,556 |
| Israel Conservatoire and Academy of Music, Tel Aviv | 16,667 |
| Israel Foundation for Infantile Paralysis | 7,778 |
| Israel Institute of Technology (Haifa Technion) (construction of vocational training building) | 166,667 |
| Jerusalem School of Archeology (archeological studies) | 27,778 |
| Kfar Silver Agricultural Training Institute | 47,222 |
| Kinneroth Esco Music Center (Ein Gev) | 27,778 |
| Pardess Katz Maabarah (construction of children's nursery) | 30,556 |
| P'eylim (camp for underprivileged children) | 22,222 |
| Science laboratory, Herzlia High School, Tel Aviv | 27,778 |
| Tel Aviv Cultural Center | 166,667 |
| Torah Shelemah Institute (construction of library) | 11,111 |
| Water desalting research | 111,111 |
| World history of the Jewish people | 41,667 |
| Young Men's Christian Association, Nazareth | 27,778 |
| Zebulon, Israel Seafaring Society | 5,556 |
| Zionist Organization of America, Tel Aviv | 41,662 |
| Total projects on grant basis | 3,516,667 |

The amendment now before the House providing that $3,525,000 be appropriated for this program is merely a bookkeeping transaction. Their money will be used to purchase that amount of the Israeli pounds already held by the United States Treasury. We have these funds in the United States Treasury. The State Department and the Government of the United States are committed to use these very funds for educational, scientific, and cultural purposes in Israel. Under the present agreement these funds cannot be used for purposes such as the payment of embassy expenses, salaries of local employees, et cetera, in Israel.

This is a good program. This is a program that will make the firmest of friends for us. I readily admit that the people of the State of Israel are right now our best friends, but we should take this opportunity to further cement that friendship in these chaotic times by using funds which cannot be used for any

other purpose. The adoption of the pending amendment would not cost the American taxpayer a further dollar.

Mr. COUDERT. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the gentleman from New York.

Mr. COUDERT. Mr. Chairman, as the ranking member of the subcommittee, I should like to associate myself with the gentleman from New York [Mr. ROONEY] in the remarks he has made. I think it is very unfortunate that this language was subject to a point of order. All the item seeks to do is to carry out an international obligation of the United States beginning with an agreement in 1952, to which the gentleman from New York has referred, and concluding in the agreement of which this fund and this request for an appropriation are the result.

This is a good program. It is supported by the Department in the interest of better relations in the delicate Middle East area. I hope the amendment of the gentleman from New York [Mr. ROONEY] will carry. It is a good program and the amendment should carry.

Mr. ROONEY. Mr. Chairman, I should like to add this: it is a matter of commonsense and good sound business judgment to use these Israeli pounds for these educational, scientific, and cultural purposes at the present time. This is the time to use them, at their present value and for the purposes for which agreement was made between the two sovereignties. I submit that it is plain, ordinary, common horsesense and good business to distribute these Israeli pounds at this time and for these meritorious grants. There is no American dollar involved in this except as a matter of bookkeeping.

Mr. BUDGE. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the gentleman from Idaho.

Mr. BUDGE. Under the present parliamentary situation, if the amendment offered by the gentleman from New York prevails, is it not a fact that these expenditures would come from the general fund of the Treasury and would not be limited to the Israeli pounds to which the gentleman refers?

Mr. ROONEY. Let us be practical about this. The gentleman is a capable member of the House Committee on Appropriations and full well knows that this will be straightened out in the conference on the bill, it having been approved by the other body last year. No one in his right mind would use American dollars when we have the Israeli pounds already in the United States Treasury.

Mr. BUDGE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the first thing we should do is review the parliamentary situation. The language of this bill as it reached the floor would have done what the gentleman from New York was just discussing, it would have resulted in the expenditure of Israeli pounds. The situation now is that the language providing for the expenditure of Israeli pounds has been stricken, and the amendment offered by the gentleman from New York would now cause an appropriation of a little over $3,500,000 to be taken from the Treasury of the United States for expenditure in Israel for these purposes. I want to review for you very briefly a few of the purposes which are set forth in the hearings and for which this $3,500,000 is to be spent out of the Treasury of the United States:

To provide financing to Israeli institutions for scholarships.

To provide club premises for the American-Israel friendship league.

To construct a ceramics kiln and/or build and equip a studio building.

To add another floor, which will be used as an art gallery, to a museum building now being constructed.

To help complete the cultural center in Jerusalem.

To assist in financing a revolving scholarship loan fund.

To construct a wing to a postgraduate college.

To complete the construction of a hostel.

To support a choir assembly.

To construct a museum.

To erect a library wing to house a law library.

To develop the Central National Camp for Israel Boy Scouts.

To construct a classroom building for a music conservatory.

To finance archeological expeditions.

To complete a concert hall where music festivals and concerts are held.

To construct and equip a nursery.

To set up a permanent summer camp for underprivileged children.

To assist in the completion of a cultural center to house a philharmonic orchestra.

To purchase locally a library of 4,000 volumes.

To finance a program of research in the demineralization of sea water.

To construct a building for a YMCA.

To repair engines for a seafaring society.

To purchase equipment for Boys Town, Jerusalem.

These are all probably laudable purposes, but certainly we are not appropriating out of the Treasury of the United States for these purposes in our own country. Why in the world should we be providing them in Israel or anywhere else in the world? I see absolutely no justification for the expenditure of these funds. I do not feel that even though the funds were to be expended in the Israeli pounds belonging to the United States Government they should be expended in Israel for these purposes. We could use the Israeli pounds for other purposes in Israel if that were involved. We could pay the expenses of our United States Information Services activities. We could pay the expenses of our diplomatic mission, and many other things, if it were in pounds. But it is not in pounds now. You are taking this money out of the Treasury of the United States to finance these activities in Israel. Certainly if we do not do it for our own country, we should not go halfway across the world and start a camp for the Boy Scouts in Israel.

Mr. COUDERT. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield.

Mr. COUDERT. Is it not a fact that that program of financing cultural, scientific, and educational objectives is the result of and authorized by an agreement between the United States and Israel in 1952, which limits the use of these funds to scientific, cultural, and educational purposes or such purposes as the two countries may agree on?

Mr. BUDGE. I would say to the gentleman from New York that that is not correct. It said it may be used for those purposes. Then it says: "Or for any other purposes upon which the two Governments may agree." So it can be used for any purpose including the purposes that I previously mentioned. But that is not the important thing now because we are not talking about Israeli pounds, we are talking about dollars to be appropriated out of the Treasury of the United States, the general fund of the Treasury of the United States and not about Israeli pounds.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the last speaker, our distinguished colleague, struck out certain phrases on a point of order which was sustained and now he complains that what has been done is still distasteful to him. His complaint is the result of his own improvident handiwork. As I see and view this situation, there is no additional cost whatsoever to the taxpayers of the Nation. There is no additional outlay. The money is there. Only because of difficulties in currency matters is this amendment, as originally drafted, offered. I am quite sure when the bill would go to conference, the situation, which was developed by the gentleman who addressed us, would be straightened out.

Mr. Chairman, I have been to Israel a number of times. I can tell you gentlemen that if you had the privilege of being there, you would not hesitate one moment to vote for this three-million-odd dollars for cultural and spiritual and scientific and educational development in the little State of Israel, which is really our only—our only bastion of defense in the Middle East. I defy anyone to tell me of any other country in that area that will rise to the defense of the United States.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. ROONEY. The gentleman mentioned $3,500,000. I want to accentuate the fact that they are not dollars. They are 3,500,000 of Israeli pounds already to the credit of the United States Treasury.

Mr. CELLER. Mr. Chairman, there is no commercial use to be made of this money. There is no military use to be made of this money. The only purpose to which it is to be put is education, scientific, and cultural. I was in a settlement in Israel. I noticed large potatoes being grown there. Potatoes as large as Idaho potatoes, potatoes as firm

and as sound as Long Island or Maine potatoes. I reached over and picked up a potato, and I said to the farmer, "With what do you mix your soil that you get such fine potatoes?" And his answer was, "Brains."

That is the secret of whatever success Israel may have—the use of brains in its industrial and agricultural development, brains in its educational, scientific, and cultural development. There are more books to the square inch in Israel than there are to thousands of miles in the other areas of the Middle East. Israelis are avid of learning. They desire more knowledge on all levels. They are desirous of cultural advancement and spiritual advancement. How could you have the temerity, if I may use that term, to deny this three-million-odd dollars or pounds for that purpose when it does not cost us an additional sou or a marquis.

Yes, I was over there and I can assure you I never saw a people—I never saw people with greater courage than these people. Their soldiers in the recent Sinai war went through the Egyptian armies like a hot knife through butter.

In 100 hours they went from Tel Aviv to within 10 miles of the canal, and they would have captured, beyond peradventure of doubt, that megalomaniac Nasser if they had not been called off by the United Nations at the instigation of the United States.

I never saw a people with greater faith, faith in themselves, faith in their flag, faith in their nation, faith in their land. Theirs is a faith, in the language of Browning, that can move mountains.

There you see a people with the determination as firm as a rock you hold in your hands, as firm as those rocks that were hewn out of the Judean hills with which they built the now famous Burma Road over which sped the trucks and the lorries manned by sturdy and devoted members of the Haganah, the road over which food and water were brought to the beleaguered, starving, and thirsty Jews in the city of Jerusalem. Had it not been for the courage of those members of the Haganah 30,000 would have perished.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent Mr. CELLER was allowed to proceed for 3 additional minutes.)

Mr. CELLER. Yes, there in Israel you find an exaltation amongst those people as fierce as a streak of lightning; with that exaltation, that determination, that courage, and that faith they want to go forward, and this is the best way by which we can help them go forward, not only to help themselves, not only to be our stronger defense in that area—and, incidentally, Israel is the only country in that area that has embraced the Eisenhower doctrine wholeheartedly—but also to enable Israel to advance the standards of living of all the peoples of the Middle East. If you go into the section outside Israel and into Jordan or in Syria and then step back into Israel it is like going from the 11th century into the 20th century. In Israel there is the spirit and joy of living. In Arab lands there is sloth and despondency. In Israel there is hustle and action that flows from democracy. In the neighbor states there is the apathy and serfdom and inertia that feudalism fosters. I cannot for the life of me conceive how anyone would deign to reject this proposal to give Israel a modicum of funds, three million, a modicum of funds to advance that cause that I have spoken of so that Israel can go indeed from strength to strength.

Let me read some of the projects for which this money would be spent, for example, to set up chairs in the universities of Israel: In the Technion at Haifa, which rivals our own Massachusetts Institute of Technology; in the Hebrew University, one of the outstanding centers of learning of the world, in the Rehobeth Institute, founded by the first President of the infant state, Chaim Weizmann; for the university and teacher-training scholarships; for the Israel-American archeological foundation; Bar-Ilan University, construction of American science wing; for Hadassah Medical Association, American pavilion; for the Hebrew University, construction and training school; for the home for blind Jewish girls; the Israel Foundation for Infantile Paralysis; and so forth.

Every one of those projects is well worth while; every one of those projects is a project for which we would be willing to plug in this country; and there is no reason on God's earth why there should be a refusal to grant those sums for the purposes indicated in Israel.

Mr. CANFIELD. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. CANFIELD. Is it not true that one of the items in this bill is for a little Y. M.C. A. in Nazareth?

Mr. CELLER. Yes.

Mr. CANFIELD. Serving under a board of American and Canadian officials.

Mr. CELLER. That is very interesting, because Nazareth is a Christian-Arab area, and it is well to set up a Young Men's Christian Association in that particular section which Israel has endeavored to have become a strong community to work with Israel.

I am very happy to see the interest in this matter expressed by my dear and esteemed friend, the gentleman from New Jersey [Mr. CANFIELD]. He has been a loyal friend of the cause of Israel. Never have I asked him for anything in the interest of that little state that he has not nobly and uninhibitedly responded. He is no Johnny-come-lately in matters pertaining to Israel. He has been in the House for many years where he has rendered distinguished service, and before Israel had achieved its goal of independence, he made speeches for and on behalf of Israel and its desire for a place in the family of nations. He was very effective in those statements and did much to crystallize public opinion in this country in favor of a national homeland for the Jews. I am, therefore, happy to note his interest in this amendment offered by the gentleman from New York [Mr. ROONEY] who, likewise, has given unstinted devotion and support to Israel.

Mr. HOFFMAN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN to the amendment offered by Mr. ROONEY: Strike out the period and insert a colon and add *"Provided, further,* That no part of the funds provided in this paragraph shall be used to provide grants to finance the translation of American and world classics into Hebrew."

Mr. HOFFMAN. Mr. Chairman, of course, the objectives stated in the hearings are well worth while, but the question arises as in the words so often used by our former colleague, Bob Rich, "Where are you going to get the money?" We all admit that the funds available are limited. It naturally follows that we have to make a choice as for what we are to spend available funds. The gentleman from New York [Mr. CELLER], the gentleman from New York [Mr. ROONEY] and the gentleman from New York on the Republican side [Mr. COUDERT], especially Mr. CELLER, made very touching appeals for a group in their cities and in their State of New York.

We heard the gentleman from New York [Mr. CELLER] very eloquently praise his people. We can all agree with what he said, we can all go along with that, but sometime I wish the people who live in New York, and especially in New York City, would take the time and the trouble to travel a little in the Midwest. We have a great section in the Midwest, including Ohio, Illinois, Indiana, Wisconsin.

Mr. GROSS. And Iowa.

Mr. HOFFMAN. The gentleman takes pretty good care of Iowa.

Mr. Chairman, our people are getting along fairly well but they do not have in ample supply many of the things that this bill would give to people across the sea. Only a few days ago the gentleman from New York [Mr. CELLER] was crying—and that is his stock in trade, although he uses words instead of tears on the floor of the House—about civil rights. Why not use some of this money that is available to do something for the Puerto Ricans in New York City. There are plenty of them there that are getting less than a subsistence wage. Shed a few tears for them. While shedding tears give them material relief. Then if you have any left that are not crocodile tears, come out into the Midwest and take a look at some of the older people, people past 60, 70, 80 years, who through no fault of their own are not able to earn a livelihood. Where they are getting $50, $60, sometimes $80, from the Federal-State governments. On that they try to buy fuel, they try to get light, they try to get bread without the butter. They pass up the meat, but they buy potatoes. They eat cornmeal. Come out and take a look at some of those people walking around suffering from arthritis or rheumatism. Take a look at some of the veterans and some of the children and wives of the veterans who do not have enough to eat or wear or a decent place in which to live before you travel 3,000 miles across the sea to do something for a people who are amply able to care for themselves and who have people in this country who belong to the same racial group,

who are immensely wealthy and who, if they wish, can amply take care of the situation.

Oh, yes, the gentleman from New York [Mr. CELLER] is very, very generous. He wants to give away, not his money—and he may, for all I know, give away half or two-thirds of his income—but the money of the taxpayers. He is here voting to give away the tax dollars for desirable but unnecessary activities, the expenditure of which, abroad, would deprive many of our people in the Midwest of the ability to live decently.

This amendment would strike $222,000, the first item, which is to be spent for an educational purpose. The other day we could not get enough money to build schools. Here we provide funds for art—unwarranted—while denying our people things that are necessary for Federal aid to education. They could not rally enough support for the school bill. Some Members are always wanting to spend someone else's money. Why not take the $3 million, or whatever it is, and add it to a few other savings to take care of the schools of this country? There are many things in the hearings for which this appropriation would be used that are all right. There are some of them that are good but not encessary. This is to strike one single item. On the road to disastrous bankruptcy let us pause and make an honest effort to avoid disaster.

Mr. ROONEY. Mr. Chairman, I rise in opposition to the pending amendment offered by the distinguished gentleman from Michigan [Mr. HOFFMAN].

Mr. Chairman, it should be noted that during the course of the entire 5-minute discussion of his amendment by the distinguished gentleman from Michigan [Mr. HOFFMAN] the distinguished gentleman did not once refer to the language or real purpose of his amendment. His amendment would provide that no part of the $3,525,000 in Israeli pounds could be used for grants for the translation of American and world classics into the Hebrew language. Instead, the distinguished gentleman from Michigan used his 5 minutes for the purpose of talking about things utterly alien to the provisions of his amendment. The distinguished gentleman should know that the Israeli pounds can only be used for the purposes stated in the agreement between the State of Israel and the Government of the United States of America, and that they could not be used for the purpose of education in the United States of America. He knows these things. He is far too intelligent and too capable not to know them. He talks of education in the United States yet only the week before last he voted to kill the school construction bill.

I repeat again, the distinguished gentleman never once mentioned the real purpose of his amendment, which would bar grants for the translation of American and world classics into the Hebrew language.

Mr. HOFFMAN. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HOFFMAN moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. HOFFMAN. Mr. Chairman, I am against the bill, and so far as I can recall, I have never offered a motion of this type unless I wanted to follow through with my vote. That has not always been the practice. It has been offered sometimes, and then the gentleman offering it voted the other way. But, that is not a matter of my concern. I just offered this one not only to put the matter before the House and give the House a chance to strike the enacting clause, but to correct the gentleman from New York [Mr. ROONEY]. If he does not know any more about this bill—and of course he does—than he does about what I said, he better get a course of instructions.

I have four amendments at the desk and each one of them specifies or calls for the proviso that the money should not be used for the purpose stated in each one of the statements in the hearings, and about the first thing said and the last thing said when in the well was to state why support was for the amendment. Do you get it? That is all it does.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield back the balance of my time.

Mr. ROONEY. The gentleman did not mention translations or classics in Hebrew. I hope he does not revise his remarks overnight on this. I do not think the gentleman from Michigan knows the first thing about the matter of translation of American and world classics into the Hebrew language.

Mr. HOFFMAN. You are absolutely right. I do not. And I have no desire to know. What I am trying to do is to save the American taxpayers their dollars instead of spending them abroad on programs that may be desirable but not essential. The gentleman is trying to spend dollars overseas where they do not need them, when we need them desperately right here.

Mr. ROONEY. I raise a point of order, Mr. Chairman. The gentleman from Michigan under the rules of the House must not address a Member of the House in the second person. The gentleman said: "You are trying to spend them." That is exactly what everyone heard him say.

Mr. BASS of Tennessee. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I rise in opposition to the preferential motion because, if it should be carried, it will have the effect of striking out the money for the TVA. Yesterday during the debate on the bill, the gentleman from New York [Mr. TABER] offered an amendment which would have struck out around $10 million for the operation of the TVA. Well, I regret that such an amendment should have come before the House.

However, the committee in its good judgment voted not to accept such a cut in the TVA budget. Since the original request had already been cut by some 10 percent they felt that the money in the bill should be approved.

Mr. Chairman, I learned this morning that there is already a motion prepared to recommit this bill with instructions to strike out the money that would have been taken out if that amendment had prevailed. Last year during the campaign, the Vice President of the United States, Mr. RICHARD NIXON, came to Tennessee. I have always assumed that Mr. NIXON was an honorable man. He was introduced by an outstanding citizen of Tennessee to be an honorable man, a man of integrity, a man whom we could believe. In his speech before the people of Tennessee, which was televised from Nashville—which I watched—Mr. NIXON promised the people of Tennessee and the Tennessee Valley that should the present administration be returned to Washington they could be assured of ample funds for the proper and efficient operation of the TVA. Therefore, this morning, I directed a telegram to the Vice President of the United States requesting him to call on the leadership of his party in the House of Representatives to carry out the promise that he made on behalf of his party during that campaign.

AUGUST 7, 1957.

Hon. RICHARD NIXON,
*Vice President of the United States, Senate Office Building, Washington, D.C.*

During the campaign of 1956, I recall you promised the people of Tennessee in a televised speech in Nashville that if the Republican administration of President Eisenhower should be returned to power that the TVA could be assured of ample funds to operate that great agency. It is now apparent that the leaders of your party are attempting to deny appropriations for the Tennessee Valley Authority in the House of Representatives. I, therefore, urgently request that you contact leaders of your party in the House of Representatives urging them to fulfill your promise and support funds for the TVA in the supplemental appropriation bill of 1958 now before the House.

ROSS BASS,
*Representative, Sixth District, Tennessee.*

I noticed during the debate yesterday that the leader when the Republicans had control of the House of Representatives, the gentleman from Indiana, supported such an amendment, even though their high spokesman for his party during the campaign had promised the people of that great valley that the funds would be ample to carry out the proper operation of the TVA.

Now, there is also pending before the other body at the present time the nomination of Mr. Arnold Jones to be a Director of the TVA. Mr. Arnold Jones is now Deputy Director of the Bureau of the Budget, and I understand a prominent Republican from the State of Kansas. I feel quite sure that Mr. Jones, if he becomes a Director of the TVA, would want the operation of that great agency to continue to be efficient and proper. I therefore directed a telegram to Mr. Arnold Jones this morning requesting him to contact his friends on the Republican side of the House of Representatives, and specifically the members of his State delegation of Kansas, and insist that they support the TVA and vote

against any motion to recommit this bill which would have the effect of taking those funds away from that great agency.

AUGUST 7, 1957.

Mr. ARNOLD R. JONES,
*Deputy Director, Bureau of the Budget, Executive Office Building, Washington, D. C.*

I have just been informed that Republican leaders of the House of Representatives will attempt to have appropriations for the Tennessee Valley Authority restricted from the Supplemental Appropriation Act for 1958 now under consideration in the House. Realizing that you have been nominated by the President to be a Director of the TVA, I know you will be vitally interested in seeing that the TVA has sufficient funds for its continued efficient operation. I, therefore, sincerely request that you immediately contact your friends in the House of Representatives, particularly those from your home State delegation of Kansas, and urge them to support the funds requested in this bill for the TVA.

Sincerely yours,

ROSS BASS,
*Representative, Sixth District, Tennessee.*

This meager amount of money is necessary to rebuild a lock that is obsolete, one that is not doing the job today, one that is not capable of making possible the proper navigation of the Tennessee River, and is therefore restricting or preventing the proper commercial use of the river to transport goods over it for the people of that great area of America.

I certainly hope that the members of the Republican administration and the friends of the Vice President of the United States, the people who support the policies of this administration, and the friends of Mr. Arnold Jones, who will become a Director of the TVA if confirmed by the Senate, will not support any such motion to strike out funds for the TVA when it comes before the House.

NATIONAL BENEFITS OF TVA

Mr. EVINS. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. EVINS. Mr. Chairman, on yesterday some of our friends on the Republican side indicated that there had been little or no repayments by TVA into the Treasury and in general painted a very sorry picture with respect to TVA's operations. It was another smear job and a meat-ax operation, in an endeavor to cut funds, not for power operation, but for a navigation development.

We have often heard the cry and the statements made that "we are not against TVA, we are just against its power operations." Appropriations on yesterday which the gentleman from New York [Mr. TABER] endeavored to cut from the bill were funds to continue construction of a navigation lock on the Tennessee River in Alabama. The development of our waterways is a traditional responsibility of the Congress and work in this area is not dissimilar or any different from development of our great waterways throughout the Nation.

This effort, which is conceived in enmity against a great agency of the Government, has twice been defeated. It was defeated in the committee and it was defeated again yesterday on the floor. I certainly hope that the motion to recommit will not prevail and that this effort will again be decisively defeated.

Mr. Chairman, let us put the record straight because there were those who attempted to confuse and to becloud the issue. I have again this morning checked with TVA officials and have been advised that the total amount paid into the Treasury by the TVA through fiscal year 1956 is $216½ million—7 times more than required under the 40-year repayment act. Almost one-quarter of a billion dollars. In addition the TVA has paid off all its bonded indebtedness—the bonds that were issued in the early days of its operation—some $23 million. The TVA payout period by statute is 40 years whereas in most of our great public works projects the statute provides for a 50-year period. The act calls for full repayment of the power investment in 40 years and TVA is far in advance of its scheduled period of the statutory requirements for repayment.

I just wanted the record straight on this, Mr. Chairman, and as indicated I have not only checked with TVA officials to get this matter straight but have also had this fact confirmed by officials of the Treasury Department—that these funds have been paid into the Treasury and that the facts I have have been confirmed as accurate and correct.

Now, Mr. Chairman, in addition to the power program paying its way—paying out—there are many other benefits to the Nation from TVA that any fair-minded person should acknowledge and recognize. For navigation alone last year the savings from flood damage in the Chattanooga area was estimated to be $66 million and the total dollar savings by the system of flood-control dams in the TVA area has been conservatively estimated in the amount of $135 million. In less than 10 years since the system has been completed, benefits from flood control have already amounted to 75 percent of the cost in dollars and cents alone, not counting the savings of lives.

Concerning some of the navigation benefits at the hearings of our subcommittee it was testified that total savings to shippers on this navigable stream through the calendar year 1956 are estimated to be $116 million. The total investment in all of the navigation facilities is some $158 million, thus the savings to date on the navigation investment is 73 percent of the cost.

Our colleague, the gentleman from Idaho [Mr. BUDGE], on yesterday scurrilously referred to the savings to shippers as subsidizing shipping. We are all interested in promoting navigation and commerce and business and if freight from the Midwest, automobiles from the North, and products in other areas of the country can be shipped by barge and freight at lower costs to the manufacturer, savings accorded to the shippers and are passed on to the consumers, and this should not be condemned.

Mr. Chairman, in addition to the facts that the power operations of TVA are profitable and paying out and in addition to the benefits from flood control—and we can only wish that other sections of our great country might follow the pattern of preventing disastrous floods as we have been able to control the waters in the Tennessee Valley area—and in addition to the benefits of the navigation feature of TVA's operations, there are many other benefits—benefits in savings to the Federal Government in power costs—as the Federal Government takes and uses 56 percent of TVA's entire power output. The savings to the Government in power purchases alone are enormous.

TVA's munitions and fertilizer program has aided American agriculture and brought down the cost of fertilizer to the farmers of this Nation. The TVA chemical and munitions plants have supplied phosphorus for weapons in time of war. During World War II, the munitions plant supplied 66 percent of the phosphorus required for the chemical warfare service and during the Korean war TVA supplied the total phosphorus requirements for our Armed Forces.

In addition to the power savings to the Government and the power program paying its way and making repayments into the Treasury the benefits from navigation and flood control, agriculture and munitions for defense, there are many intangible benefits—benefits which cannot be measured in dollars and cents. These include the progress and prosperity and well-being of the citizens of a great section of our country, a better standard of living and the happiness of our people. I should add that our citizens would be immensely happy if these tirades of misrepresentation were ceased, against a great agency of the Government serving the public interest.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Michigan [Mr. HOFFMAN].

The motion was rejected.

Mr. MILLER of Nebraska. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, may I inquire from the chairman of the subcommittee, the gentleman from New York, or someone on the committee if this does not require a direct appropriation from the Treasury of the United States of $3,525,000. Does it not require an appropriation, or does this come out of the Israeli funds that are held in trust?

Mr. ROONEY. This does without question require a direct appropriation in order that these Israeli pounds may be withdrawn from the United States Treasury. However, there is nothing unusual about this. This is done in many instances by the Government, for one instance, in connection with the acquisition of American diplomatic buildings abroad by the use of foreign currencies.

Mr. MILLER of Nebraska. I thank the gentleman.

Mr. Chairman, I am a little disturbed because of the amount of money we spend in our International Cooperation Administration program, I believe $65 billion in the last 10 years for projects in a good many countries. I presume the projects as listed in the hearings on pages 239 to 246, are the type of projects that apply all over the world.

I notice one project for water desalting research. I thought this was for a cultural program of some kind.

Mr. ROONEY. No, this is a scientific program as well. This is all authorized by law.

Mr. MILLER of Nebraska. I know that in this country requests for appropriations for the desalting program were cut in half. It seems much easier to get money to spend in foreign countries than to spend on such projects in this country.

On May 7 of this year I placed in the RECORD the amount of money that had been spent on flood control, irrigation, and drainage projects in other countries since 1948. We have spent $335 million in 46 countries on 197 different projects. Looking at the authorization bill for ICA this year, there is authorization for continued appropriations for that work of millions and millions of dollars. It is not easy to get an irrigation or flood-control project in this country. They come easy in 46 other countries.

In this country when we want to get a reclamation project, it has to have legislative approval; it has to be scrutinized by the Bureau of the Budget and the Department of the Interior, and we have a good deal of difficulty in getting projects approved in Congress. But it is not so in connection with some of these foreign projects. They have no one to pass upon them. From the ICA records I placed in the RECORD on May 7, you may learn we have spent $335 million on 197 projects in 46 countries, and there is more money in the authorization bill this year to carry on and develop those projects and start some new ones.

The gentleman from Tennessee [Mr. EVINS] placed in the RECORD yesterday, the amount of money we are spending on embassies all over the world. There are 550 buildings costing $200 million. I presume the Foreign Service needs them, but this country needs post offices in every State. The Democrat committee refused to report out for consideration the lease-purchase bill that would permit communities to build post offices. It is hard to explain the ease that money is spent in foreign countries and then neglect for home projects.

I read yesterday the Congress will not have a chance to vote on an omnibus flood-control bill this year. I ask why? The foreign aid bill carries millions of dollars for flood-control projects. This country is to suffer. Is it for political reasons or just a desire to save money?

I am convinced that the taxpayers of the United States are getting a little tired of putting out their dollars, 65 billion of them, in the last 10 years, for foreign aid of this type.

Mr. BUDGE. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Nebraska. I yield to the gentleman from Idaho.

Mr. BUDGE. Is it not correct that this $3,500,000 appropriation which is now before the House is in addition to all of the other programs to which the gentleman has referred?

Mr. MILLER of Nebraska. That is my understanding; it is in addition to what we are already doing. I think it is time for this House to begin to cut the corners and certainly not spend money on projects similar to those for which we fail to appropriate money here at home. Some of the people who support reclamation and flood control all over the world vote against similar projects right here at home.

Mr. ROONEY. Mr. Chairman, will the gentleman from Nebraska yield?

Mr. MILLER of Nebraska. I yield to the gentleman from New York.

Mr. ROONEY. Does not the gentleman from Nebraska realize that the appropriation which is presently pending for the consideration of the Committee of the Whole has the approval of President Eisenhower, his Bureau of the Budget, his State Department, and the distinguished officials in his administration?

Mr. MILLER of Nebraska. The original bill did not call for direct appropriations. I say again it is time to relieve the taxpayer of this uncalled-for expenditure.

Mr. ROONEY. The request of President Eisenhower was most certainly for a direct appropriation. If the gentleman will turn to page 18 of the printed bill, he will, I am sure, readily note this fact.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think we ought to look at this question from a commonsense point of view. The gentleman from New York [Mr. ROONEY] has certainly made out a strong case. The gentleman from Idaho made a point of order, which it was his perfect right to do under the rules of the House, and the gentleman from New York made the motion to restore the $3,575,000, without the proviso. My friend, the gentleman from Michigan, notice I say my friend and I mean it [Mr. HOFFMAN], during his remarks referred to the distinguished gentleman from New York [Mr. CELLER], about crying during the civil-rights fight. Well, I do not know what purpose the gentleman had in making such a remark, but I do not know of any Member who was fairer in the committee while the civil-rights bill was before the Committee on the Judiciary than the gentleman from New York [Mr. CELLER]. He treated everyone very fairly. He was most considerate. I do not know of anyone who has been fairer while a bill was being considered in the House and being debated than the gentleman from New York [Mr. CELLER]. Good friends of mine from the Southland came and said to me that while they were in disagreement with him on his position, they appreciated very much the fairness shown by the gentleman from New York [Mr. CELLER].

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I am glad to yield to my colleague.

Mr. KEATING. Mr. Chairman, I want to join in the remarks of the distinguished majority leader about the fairness of the chairman of the Committee on the Judiciary. He gave even more time to the opponents of the legislation that he was fighting for than to those who favored it. I think throughout the debate the gentleman showed every element of fairness.

Mr. McCORMACK. Mr. Chairman, as I was saying, I do not know what purpose the gentleman from Michigan had in injecting that remark in the debate here, but it seemed to me to be rather extraneous to the issue at hand. But, certainly, it was injected for the purpose of emotionalizing. It seems to me the conduct of the gentleman from New York [Mr. CELLER] throughout the entire debate was so exemplary, so fair, and so considerate, that such an argument would rebound against anyone who made that kind of argument.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. Having referred to the gentleman, I yield.

Mr. HOFFMAN. I was not talking about the fairness of the gentleman from New York [Mr. CELLER]. What I was talking about was the fact that he was crying in behalf of those who are asking our taxpayers to foot the bill for programs which we do not have because of our inability to finance them.

Mr. McCORMACK. I understand the gentleman's attitude.

Mr. HOFFMAN. Will the gentleman wait a moment, if he yielded to me, and if he did not yield, why then that is all right too.

Mr. McCORMACK. I yield to the gentleman.

Mr. HOFFMAN. I ask the gentleman from New York [Mr. CELLER] to do a little crying for the people in the Midwest.

Mr. McCORMACK. I understand that and I understand the gentleman. I appreciate my friend's state of mind and I can interpret it very, very easily.

Now, Mr. Chairman, coming to the amendment. In the Middle East there are only two countries that we can depend on. We can depend absolutely on Israel. If it was Ireland there—they are friendly to the United States—I would take the same position. But the other country in the Middle East that we can rely upon with some degree of assurance and reliability is Lebanon. Now with reference to the other countries over there in what we call the Middle East—Egypt and Syria—we know what the history is of the current events there and matters that are currently happening there.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I am glad to yield to my colleague.

Mr. JUDD. Just for the purpose of avoiding any misinterpretation, the gentleman is not including such countries as Greece, Turkey, and Iran when he speaks of the Middle East?

Mr. McCORMACK. No.

Mr. JUDD. They are sometimes included in the term "Middle East" and I want to make sure that nobody misunderstood that.

Mr. McCORMACK. No; I am talking about the Middle East and confining myself to the Middle East, as we understand it in connection with the events of the past year. It seems to me it is in the national interest of our own

country that this amount be appropriated. It is appropriated for purposes which are beneficial to us. At the same time those purposes are beneficial to the people of Israel. One thing is certain: The people of Israel will fight for their liberty. One thing is certain: The people of Israel are dedicated to liberty and to a government of laws and not of men.

One thing is certain, if the chips were down Israel is the one country we could look to and depend upon for real friendship in any crisis that might develop. It seems to me that it is a matter of wisdom on our part and consistent with the national interest of our own country to put into this bill this appropriation.

Mr. JUDD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the chairman of the subcommittee a few questions, because I think the background of this matter needs to be clarified.

This program of informational media guaranties originated in the original Marshall Plan Act in 1948 under the Republican 80th Congress, did it not?

Mr. ROONEY. The gentleman is absolutely correct.

Mr. JUDD. It was then refined in certain respects and included in the United States Information and Educational Exchange Act, which is the legislative basis of the Voice of America, our various student exchange programs. That is correct, is it not?

Mr. ROONEY. That is also correct.

Mr. JUDD. And the basic reasoning that was behind the establishment of this guaranty program by the Committee on Foreign Affairs and its adoption by the Congress was this: The proposal before the committee was to have an official information agency through which all of America's informational and educational activities abroad would be conducted. I remember the gentleman from New York [Mr. TABER] was one who very strongly opposed some of the collection of so-called art that this government agency proposed to send overseas as an exhibition of American artistic tastes and talents—and I think he quite properly opposed them. So the argument was this: One good way to sell America is to let people abroad read what we read, the Reader's Digest, Time, the Saturday Evening Post, U. S. News and World Report, and whatever other magazines or books we read. The fact that they are published proves that our people buy them, and, therefore, reveals the interests we have. Then people abroad will find out what we truly are like instead of having to depend on some portrayal by Government bureaucrats.

That was the reason for this program in the first place. We said to the book publishing houses and magazine publishers that if they had the initiative to go out and sell a thousand dollars worth of their magazines or books and they got inconvertible Israeli pounds or Greek drachmas, or Italian lira, or Japanese yen, whatever it was, the Government would guarantee to convert those foreign currencies into United States dollars. Is that correct?

Mr. ROONEY. I should like to answer the gentleman this way, and I assure him that I am not being inconsistent with my present position and the pending amendment. This informational media guaranty program has already been carried on to the extent of $51.5 million. I feel that every item in this program should be scanned by the Congress of the United States, and that is not the situation. But the horse has already left the barn; we have these Israeli pounds in our hands; they can only be used for the purposes agreed upon between the United States and Israel, and it is just good commonsense at this time that we use them for the purposes agreed upon.

Mr. JUDD. Let me proceed further along this line. The question before us now is not whether we should have established the informational guaranty program in 1948. The fact is that the program was set up by the Congress, signed by the President, and put into operation wherever arrangements could be worked out. The reason the amount of Israeli currency is larger than any other is because the publishers have sold many more of their magazines and books in Israel than in any other country with inconvertible currency. Those large sales were perhaps due to the fact that more of Israel's people could read English, were hungrier for knowledge, more of them were oriented toward the West, and they had fewer books or libraries available. Anyway they bought more of our publications and paid the publishers for them with their pounds, which the Treasury converted into dollars as authorized by law. Let me ask this question: These Israeli pounds are in the Treasury because we already bought them once with American dollars in order to give the dollars to the publishers; so what we are proposing to do now is to buy them again, but this time we do not buy them from the publishers; this time we buy them from the United States Treasury; this time we buy them from ourselves.

Mr. ROONEY. The gentleman is substantially correct.

Mr. JUDD. All we are doing is buying them from one agency of the Government, the Treasury, and turning them over to another agency of the Government, the State Department, to spend for educational, scientific, and cultural purposes agreed upon by our Government and the Government of Israel.

Mr. ROONEY. The pending appropriation would be merely a bookkeeping transaction.

Mr. JUDD. Yes. We bought these pounds from the publishers in the first instance and they are now lying idle in the Treasury. By agreement, they can be used for no other purpose than the effectuation of this program. So when we take dollars from one Government pocket, buy these pounds from another pocket, and put the dollars in the other pocket, it is not costing us a dime. The Government still has the dollars and we can then use the pounds to give needed assistance to an important and valued friend. Is not that correct?

Mr. ROONEY. I could not have expressed the situation better myself and thank the gentleman for his valuable contribution.

Mr. COUDERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to add a few words to the excellent statement made by the gentleman from Minnesota in describing the origin and history of the item that is now before us. I should like to add simply that the Israeli program is not unique. It is one of 15 or 20 international agreements. It is not even unique in the fact that the use of the funds is limited to cultural, scientific, and educational purposes. There are 3 or 4 other countries, including Pakistan, Indonesia, and Burma, with whom we have similar agreements, which are generating local currency that can only be used for scientific, cultural, and educational purposes, or such other purposes as both governments agree upon. I have no doubt there will be requests to use local funds in the same way later in those other countries.

Mr. ROONEY. Mr. Chairman, will the gentleman from New York yield?

Mr. COUDERT. I yield to the gentleman from New York.

Mr. ROONEY. Is it not a fact, I ask the gentleman from New York, that if the Committee of the Whole in its judgment should turn down the pending amendment to this supplemental appropriation bill today, it would be a slap in the eye, so to speak, to the President of the United States, the Secretary of State, and the Government and the people of Israel?

Mr. COUDERT. At least, it would be a disregard of an international agreement which the United States has become party to, because we have made two agreements and it is out of these agreements that this request for an appropriation comes.

Mr. BUDGE. Mr. Chairman, will the gentleman yield?

Mr. COUDERT. I yield to the gentleman from Idaho.

Mr. BUDGE. I will ask the gentleman from New York if it is not correct that under the present parliamentary situation the appropriation of the $3½ million would be made from the general fund of the Treasury of the United States, then if the State Department decided to use counterpart funds it could, but there would be no requirement that the dollars not be used, is that correct?

Mr. ROONEY. Mr. Chairman, will the distinguished gentleman from New York yield?

Mr. COUDERT. I yield to the gentleman from New York.

Mr. ROONEY. In answer to the gentleman from Idaho I should like to repeat once again that while the language of my amendment is for a direct appropriation, under no circumstances would the administration—I have to give them credit for some commonsense—take the $3.5 millions and spend the dollars abroad when we have $4.8 millions in Israeli funds right now. That is just commonsense.

Mr. COUDERT. The fact of the matter is that the only way this treaty agreement program can be carried out is by the use of Israeli pounds. So this

appropriation must necessarily buy Israeli pounds. What the gentleman from New York, chairman of the subcommittee, is saying is that Israeli pounds presently available and otherwise useless to the United States Treasury would be used. It is absurd to suggest that the Government would go out and buy new Israeli pounds. I think the House has a right to assume that the administration will use the pounds now in its possession to carry out this appropriation.

Mr. ROONEY. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HOFFMAN. Mr. Chairman, reserving the right to object, I have three other amendments to the gentleman's amendment.

Mr. ROONEY. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. CANFIELD].

Mr. CANFIELD. Mr. Chairman, I supported the Eisenhower doctrine when that issue was before the House some weeks ago, and I dislike to contemplate the reaction of an adverse vote by the House today on the Eisenhower doctrine in the Middle East. We helped to create the State of Israel, and Secretary of State Dulles has repeatedly emphasized the preservation of Israel as part of the foreign policy of the United States.

Now, what are the criteria for the items in this bill we are now considering?

First. Each project is calculated to create closer ties between the United States and Israel.

Second. Each project is planned to permit it to be financed entirely in local currency.

Third. Each project provides some specific new service or facility, not merely budgetary support. This was believed necessary both to maximize the impact of the proposed expenditures and to avoid future claims for assistance to maintain operations.

Fourth. The program as a whole is designed to reduce administrative problems and expenses to the absolute minimum. Through use of United States grants, the total administrative cost has been kept well below 1 percent.

Fifth. The program as a whole is designed to appeal to all major social groupings within Israel.

Sixth. The geographic distribution of the projects was taken into consideration to reach as many people as possible.

The programed proposals listed represent an agreement between our country and the State of Israel, which has demonstrated its courage and love of freedom so forcefully.

Now, let me tell you about some of the projects in the bill. One is for the construction of a little YMCA in Nazareth. Somehow or other that word "Nazareth" registers with me. The cost of the structure is estimated to be $27,000. It is to provide a new building for the YMCA in Nazareth under American and Canadian auspices. While the organization is already carrying on useful work in Nazareth among the Arab population, it is believed its influence would be materially increased if it had more suitable quarters at its disposition. This would help it to combat the influence of the Communist elements which are active in that area.

Now, here is another item for $7,000. It is for the Israel Foundation for Infantile Paralysis. The means to transport those crippled by infantile paralysis to and from rehabilitation centers and educational institutions is needed by the foundation. The bus would also be used to transport books and other equipment to the crippled who live at a distance from the foundation. American assistance would thus serve both humanitarian and educational purposes.

Mr. Chairman, if the limitation on debate were not so restrictive, I could describe other projects which cannot but help us meet the Communist challenge in the Middle East and prove to the little Republic of Israel our friendship is well founded, and we are not repudiating our agreements.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Chairman, an attempt has been made today to insinuate that to vote these funds would mean that there would be less money for worthy projects within the United States. We all know, of course, that that is not so. This money has been collected pursuant to an agreement, a valid, binding agreement between our Government and the Government of Israel. The money cannot be used for anything else. Therefore, to distort the facts or to try to make people vote against the amendment of the gentleman from New York [Mr. ROONEY] on the ground that we ought to spend the money at home for worthy projects simply begs the question.

Mr. Chairman, I would like to associate myself with the distinguished majority leader [Mr. MCCORMACK], and the gentleman from New York [Mr. CELLER], and others who have made clear that Israel is one of our best friends if not our very best friend in the Middle East. But I think it is important to keep the record absolutely straight. We cannot do anything else with this money. Why not put it to the good uses which have been described? And after a reading of the various projects, how can any of us have any question that these are worthy projects which will sustain our friendship with this great country in the Middle East?

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman.

Mr. LAIRD. I understood the gentleman to say that this money could not be used for any other purpose. I do not think that is correct. According to the agreement the money can be used for other purposes providing the Government of the United States and the Government of Israel agree.

Mr. ROOSEVELT. That is quite true. But I think the gentleman will agree that the Government of Israel is not going to agree to spend this money for a dam in his district or a dam in my district or any project not connected with the joint welfare of Israel and the United States.

Mr. LAIRD. No, but there are other worthy expenses which the United States Government is presently incurring in Israel for which these funds could be used and to which Israel should readily agree.

Mr. ROOSEVELT. Under this agreement between the two governments this money is to be put to the best uses, which would be arrived at between the Government of Israel and the Government of the United States. Mr. ROONEY's amendment is of great importance and I urge its adoption without crippling additions.

The CHAIRMAN. The Chair recognizes the gentleman from Utah [Mr. DAWSON].

Mr. DAWSON of Utah. Mr. Chairman, I am not a member of the Committee on Foreign Affairs or the Committee on Appropriations. But I am very much disturbed by what I read in the CONGRESSIONAL RECORD this morning as to how these funds are to be spent. And I am one who has supported the foreign aid program. But I am here to tell you now that if we ago along with this type of expenditure, we are going to be in difficulty for surely if we are to remain friendly with other foreign nations they too are going to demand the same handouts.

Let us just consider a few of these items, so that we will all go into this matter with our eyes open and know what we are spending the money for. The gentleman from Nebraska, Dr. MILLER, mentioned the desalting program. Our Committee on the Interior has undertaken a program to investigate the desalting of seawater and had our request for an appropriation substantially cut. And yet here we come along with $111,000 to give to Israel to carry on a program that duplicates what we are undertaking here in this country.

Let us turn to a few of these items for which we are spending the money. Here is one for $30,556 to be given to Pardess Katz Maabarah. That is to construct and equip a nursery. The justification for this request is as follows:

> The operation of nurseries for underprivileged children and orphans is carried on by the Agudath Israel Organization. The construction of a nursery would not only be a worthwhile humanitarian activity but would appeal strongly to an influential group in Israel.

I do not know who the influential group is. And, mind you, I have the utmost respect and admiration for Israel. I want to see them get along. But I would suggest that if we are going to give money to foreign nations for nurseries, Boy Scouts, school construction, infantile paralysis, club houses, artist villages, law libraries, summer camps,

concert halls, YMCA buildings, and almost every other welfare project under the sun abroad, we had better be prepared to do the same for our own people here at home. It is hard to argue against such charitable projects but just remember the American taxpayer is furnishing the cash. Many people would like help on all of these. I have never read a list of projects which was so comprehensive and included so much of everything as I read in the CONGRESSIONAL RECORD this morning and I would urge every Member once again to get hold of the RECORD of yesterday and read the statement inserted therein by the gentleman from Idaho [Mr. BUDGE], as to how this money is to be spent.

Then if you can conscientiously go home to your people and tell them that you voted for projects of this kind, and defend your position, you are welcome to do it. I for one cannot do it. Notwithstanding the fact that I have been for foreign aid, I cannot go for this type of thing. I have supported foreign aid where it was desirable for the protection of America's interests, particularly military aid, but when it comes to a matter of spending our American taxpayers' dollars for a worldwide welfare program of the type contemplated in this measure, I must draw the line. We simply do not have the resources, nor should we do so if we did have, to attempt to undertake a social betterment program of this type in countries abroad. I have, as I stated, the utmost admiration for Israel and desire to keep their friendship, but I would oppose such a program as this in any country for which it is proposed. It is wrong in principle and if continued would not only result in increasing the inflationary pressures in this country but result in bankruptcy. Now is the time to take a stand, not only on this measure, but whenever similar measures for welfare assistance to other countries come before us.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. JONES].

Mr. JONES of Missouri. Mr. Chairman, I have supported foreign aid on many occasions. Each year I have voted for reductions in this program with the hope the need may be eliminated. My confidence in the foreign-aid program becomes weaker every year. It is things such as this that are going to cause everyone to lose not only their confidence in the program, but their respect for anyone connected with originating and approving programs such as this.

If you read this list, it seems to me we are making an appropriation for the Israeli Community Chest, and we are letting them decide how they are going to spend the money. We are appropriating money here for Boy Scouts, the YMCA, the Young Men's Hebrew Association, the Young Women's Hebrew Association, and a camp for underprivileged children, among many other worthwhile activities that should be carried on, but not through public funds.

Frankly, I cannot support any bill that is going to include things like this. If you are going to include, and if we knew that every bit of our foreign-aid money was going for, items such as are included in this bill, I could not vote for any more of it at all. I know there are places where we need foreign aid, and I want to do everything we can to strengthen our position in the world, but these are things that destroy our confidence in the people that are administering this program.

I have many friends who are Jews. I have contributed to their organizations at various times and expect to continue to do so. But I know we have members of the Jewish race and others who are glad to contribute to the Boy Scout movement in Israel, the YMCA in Israel, and the underprivileged children in Israel. Those are things that should be carried on by personal donation, not even by appropriation by the State of Israel, and certainly not by the United States Government to be used in any foreign country.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho [Mr. BUDGE].

Mr. BUDGE. Mr. Chairman, first I should like to make it clear that when I made the point of order against this section I made it to the entire section. It was not just limited to the use of Israeli pounds. Israeli pounds can be used for other things, such as the expenses of the United States Government in Israel. I would be against it even though it were an expenditure of Israeli pounds. By the same token, I am more opposed to it in its present form because it is a direct appropriation from the general fund of the Treasury of the United States.

This is not the first time this identical program has been before the Congress. Last year when an appropriation bill passed the House and then reached the other body, that body in its wisdom attached a program almost identical with this one. The bill went to conference, and I am assuming the House conferees were not in agreement with such a program at that time because when the bill came out of conference these items were eliminated.

I have no animosity toward the State of Israel at all. I would oppose the appropriation of funds for the Boy Scouts, for YMCA's, for youth hostels, for clubrooms, for the building of ceramic kilns, and all the rest of the things that are in this bill, if they were to be done in the United States of America. I do not feel that it is a proper expenditure of the Federal Government. Apparently the majority of the people of the United States agree, because none of the things that are called for in this appropriation have ever been appropriated for in the United States. We do not appropriate for the Boy Scouts of America, we do not appropriate for youth hostels, we do not appropriate for choir organizations. When we do not do it in our own country, I see no reason for doing it in Israel or any other place on the globe.

Mr. DAWSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield.

Mr. DAWSON of Utah. The statement was made by the gentleman from California [Mr. ROOSEVELT] that this was not going to cost the taxpayers of this country any money. Is that a correct statement?

Mr. BUDGE. In my judgment, the language of the amendment offered by the gentleman from New York [Mr. ROONEY] speaks for itself; this is a direct appropriation out of the general fund of the Treasury, with no limitation as to its use.

I hope the amendment offered by the gentleman from New York will be defeated, because it is a direct appropriation out of the Treasury. It is not limited to the use of Israeli pounds. The money can be used, the dollars can be spent, which is exactly the language of the amendment offered by the gentleman from New York. It is a direct appropriation out of the general fund of the Treasury of the United States.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I rise in support of the Rooney amendment. I am opposed to the amendments to the Rooney amendment which have been offered by the gentleman from Michigan.

If the United States has one good friend in the Middle East, it is Israel, and that nation, fashioned after our own, deserves our help and good will. The items contained in this appropriation will help build that nation and contribute markedly to its scientific, cultural, and educational progress. While I do not believe that I would have selected all of the items that are listed on page 239 and the following pages of the hearings, the fact remains that they have been negotiated between representatives of the Governments of Israel and of the United States in accordance with an agreement between the nations. They must be approved or the entire agreement will have to be renegotiated.

It should be made clear, too, that Israel is only one of many nations which are participating in the IMG program. This is a program which was developed many years ago under ECA and perhaps the time has come to reexamine its worth. Striking the item under consideration will not serve as a reexamination of that program. Rather, it will be a repudiation of an understanding reached between our Government and the Government of Israel. It will not eliminate or alter the IMG program in any respect.

Mr. Chairman, it is the better part of wisdom that these funds be used for the beneficient purposes to which this appropriation is directed. I believe the Rooney amendment should be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, as the gentleman from Utah has indicated, it does not make any difference how thick or how thin you slice it, this $3,500,000 will come out of the United States Treasury and the pockets of American taxpayers. And if you pass this amendment of the gentleman from New York [Mr. ROONEY], what are you going to say to the other nations of the Middle East when they come in and want their share of this kind of boondoggling? That is what you are going to be up against.

Every country in the Middle East will have the same right to come in and say, "Give us the same thing." And you will not be able to deny it.

Now how did this boondoggle get started? It is based upon what is called the Information Media Guarantee Program. The guaranty is to the people who supply the publications, newspapers, books and magazines and so on and so forth. And the list constitutes a blue book of the publishers of the United States who have to date been subsidized to the tune of approximately $51 million. In other words, publishers who have sold their books, magazines, etc., to Israel and other foreign countries are guaranteed they will get American dollars and the foreign currencies become counterpart funds. How did this thing get started? In the hearings, the gentleman from Georgia [Mr. PRESTON] tried to find out. I quote from page 226 of the hearings:

Mr. PRESTON. Who gave birth to this idea originally; do you know?

Mr. BEERS—

I do not know whether Mr. Beers is from the State Department, the ICA, or USIA, or some other international outfit whose first concern seems to be the welfare of foreigners.

But the answer is:

Mr. BEERS. I presume it was proposed in connection with the guaranty provision being discussed on the Hill perhaps by private interests. We have never been able to really pin it down in the legislative history. It appeared during the course of committee hearings.

Now who did give birth to this idea? You can read the hearings on this subject to the end and you will not find out. Let me add this one thought in the short time that I have: Congress is again being called on to finance agreements made by the State Department without consultation with Members of the House and Senate who are supposed to control the purse strings.

Mr. Chairman, the taxpayers of this country have sufficient burdens without loading upon them the costs of supporting symphony orchestras, bar associations, cultural centers, artists villages, and a host of similar projects in Israel or any other foreign area.

I am opposed to the amendment by the gentleman from New York and I am opposed to other provisions of this bill which involves the spending of some $1½ billion. The people of the District in Iowa which I have the privilege to represent cannot forever stand the pressure of the waste and boondoggling that is a part of altogether too many of these appropriation bills.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. KEAN].

Mr. KEAN. Mr. Chairman, I never have felt that any Member of Congress has any justification for appropriating our taxpayers' money for welfare work in any foreign country. But this is not such an appropriation. This is an appropriation, in fact, of Israeli pounds which our Treasury holds for these specific purposes under an agreement with Israel. So I support this amendment. I have been in contact on several occasions in the past year with Mr. Bernard Katzen, representing the State Department on this matter. I know of the very conscientious and careful studies he has made of how to use these funds in ways which would be for the best interests of the people of Israel and of the United States. These Israeli pounds can only be used for this type of purpose under the agreement with Israel. The agreement should be carried out and the amendment should be adopted.

The CHAIRMAN. The gentleman from Michigan [Mr. HOFFMAN] is recognized.

Mr. HOFFMAN. Mr. Chairman, we may have no difficulty in conceding that Israel is our best friend among other nations of the Mideast, but that has nothing to do with this appropriation bill.

The logic of some of the supporters of the Rooney amendment seems to be a little faulty. For example, the gentleman from California [Mr. ROOSEVELT], said that the money involved cannot be used for anything else. If that be true, why this legislation? There is no question but that we are unable to make appropriations and pay for enterprises of this, that, and the other kind all over the world, but if you looked at the advertisement of the Latex Corp. in the local paper this morning you certainly would know that we are approaching the day when ruinous inflation will be with us and we will all be sorry that we appropriated so much money on things we could do without. No one would oppose many of the projects if we had the money. But we just do not have it and our own people are in need. They asked for schools here in America. We heard that day after day, how our own people were suffering from lack of education; and what do we do? We appropriate for chairs in five universities abroad.

That is not all; they have an item here for $65,000 for a cultural bridge. I suggest to the gentlemen who are interested in a bridge here in the District of Columbia, the gentleman from Virginia and the gentleman from Maryland, that they build themselves a bridge across the Potomac before they prevail on Congress to build a cultural bridge over there with money we do not have.

Talk about civil rights. What about the right to work? In one industry in Detroit at the moment there are 119,000 good, decent, honest Americans out of jobs; yet instead of spending this money here in America giving employment we are spending more than $3 million abroad. What should come first? How are we to explain those things to your folks back home? I cannot explain them to my people. Not to their satisfaction.

That is the situation all the time. In this bill there are items for another gallery for artists over there. I know a lot of farmers would like to paint their barns with a good wide brush. Why spend the money over there? Why not help our own people? Why not projects here in America which will tend to lessen unemployment?

The CHAIRMAN. The gentleman from New York [Mr. ROONEY] is recognized for 2½ minutes to close the debate.

Mr. ROONEY. Mr. Chairman, apparently my distinguished friend, the gentleman from Michigan, has been expertly misinformed with regard to this subject for the reason that the language as originally proposed by the Department of State and as printed in the bill carried a direct appropriation. I am confident that almost every member of this Committee of the Whole is satisfied that if this appropriation of $3,525,000 is made in dollars, this administration has sense enough to use the $3½ million worth of Israeli pounds it has in the United States Treasury, and will use these pounds for the purposes agreed upon between the State of Israel and the United States.

My friend the distinguished gentleman from Iowa [Mr. GROSS] said that every country in the Middle East will want the same thing. Does not the gentleman from Iowa [Mr. GROSS] know that our distinguished former colleague, Special Ambassador James P. Richards, went to this region of the world in the early part of this year in behalf of this administration and committed $121 million? And does he not know that the State of Israel did not get and has not gotten a dime of that $121 million doled out in connection with the Eisenhower Middle or Near East doctrine?

Mr. GROSS. Mr. Chairman, will the gentleman yield? The gentleman mentioned my name.

Mr. ROONEY. I cannot yield; I have only 2½ minutes at this point.

Does not the gentleman know as shown at page 228 of the printed hearings on this bill that there are 12 countries of the world, 11 others, if you please, who are concerned with this informational media guaranty program? These are the countries and the details:

*Dollar value of IMG acquired foreign currency held by U. S. Treasury as of May 31, 1957, and restrictions on the use thereof*

| Country | Restrictions on use of IMG acquired currencies | Dollar value |
|---|---|---|
| Austria | None (except for expenses of United States occupation forces). | $3,643 |
| Chile | None | 278,473 |
| Indonesia | Will be used for educational, scientific, and cultural activities for mutual benefit of Indonesia and United States. | 129,734 |
| Israel | May be used for scientific, educational, and cultural activities and such other purposes agreed upon by 2 governments. | 4,818,152 |
| Norway | None | 780 |
| Pakistan | Will be used for scientific, educational, and cultural activities in consultation with Government of Pakistan and other purposes as agreed upon by the 2 governments. | 506,476 |
| Philippines | Free use of $2,800,000,000 equivalent pesos annually. Excess of this amount for educational, cultural, informational activities proposed by 2 governments. | 50,266 |
| Spain | None | 9,904 |
| Taiwan | do | 10,237 |
| Turkey | do | 44,566 |
| Vietnam | do | 10,582 |
| Yugoslavia | do | 305,296 |
| Total | | 6,168,009 |

Mr. MORANO. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I now yield to the gentleman from Connecticut.

Mr. MORANO. Is it not true that if the gentleman's amendment fails, that is, the amendment offered by the gentleman from New York [Mr. ROONEY], we will in effect be repudiating agreements which have already been entered into?

Mr. ROONEY. The gentleman from Connecticut is absolutely right.

Mr. Chairman, I urge the Committee of the Whole to first vote down the pending amendment to the so-called Rooney amendment which has been offered by the distinguished gentleman from Michigan [Mr. HOFFMAN] and then adopt the amendment of the Committee on Appropriations which is pending and offered by the gentleman from New York [Mr. ROONEY]. The gentleman from New York [Mr. COUDERT] concurs in this suggested procedure. I am confident of the committee's usual good judgment in an important international matter such as this.

The CHAIRMAN. All time has expired.

Mr. HOFFMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN. Inasmuch as time was limited and I have 3 other amendments to offer to the amendment of the gentleman from New York [Mr. ROONEY] may they be considered, all 3 of them, and voted on en bloc?

The CHAIRMAN. That can only be done by unanimous consent.

Mr. HOFFMAN. Mr. Chairman, I ask unanimous consent that my amendments may be considered en bloc.

Mr. ROONEY. I will agree to that.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan [Mr. HOFFMAN] to the amendment offered by the gentleman from New York [Mr. ROONEY].

Mr. HOFFMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN. Mr. Chairman, I propounded a unanimous consent request which was agreed to. There were four amendments. Of course, the second, third and fourth would not be in order until the first, second, and third are defeated.

Mr. ROONEY. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The agreement was that they were to be considered en bloc.

Mr. TABER. Mr. Chairman, I ask unanimous consent that these amendments may be reported to the committee before they are voted upon because I think that is the only fair way to proceed.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HOFFMAN. Mr. Chairman, reserving the right to object, that cannot be done under the rules.

Mr. ROONEY. Mr. Chairman, I demand the regular order.

Mr. HOFFMAN. Mr. Chairman, the second amendment which is at the desk is not in order until the first amendment I have offered is either defeated or adopted.

The CHAIRMAN. At the request of the gentleman from Michigan, the Committee of the Whole granted unanimous consent that all his amendments be considered en bloc. That being so, they are now in order and the Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. HOFFMAN to the amendment offered by Mr. ROONEY: Page 18, line 10, strike out the period and insert a colon and add *"Provided, further,* That no part of the funds provided in this paragraph shall be used to provide grants to finance the translation of American and world classics into Hebrew."

Page 18, line 10, strike out the period and insert a colon and add *"Provided, further,* That no part of the funds provided in this paragraph shall be used to finance the establishment of chairs in American studies at Hebrew University, Weizmann Institute, the Israel Institute of Technology (Haifa Technion), Bar-Ilan University, and the University of Tel Aviv."

Page 18, line 10, strike out the period and insert a colon and add *"Provided, further,* That no part of the funds provided in this paragraph shall be used to add another floor, which will be used as an art gallery, to the museum building now being constructed."

Page 18, line 10, strike out the period and insert a colon and add *"Provided, further,* That no part of the funds provided in this paragraph shall be used to establish a bureau of information on America, to establish classes in English and American literature, to finance seminars on American topics, and to reconstruct the library, theater, and concert hall of the ZOA House, Tel Aviv."

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan [Mr. HOFFMAN] to the amendment offered by the gentleman from New York [Mr. ROONEY].

The amendments to the amendment were rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ROONEY].

Mr. BUDGE. Mr. Chairman, I ask unanimous consent that the Clerk rereport the Rooney amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The Clerk reread the Rooney amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ROONEY].

The question was taken; and on a division (demanded by Mr. ROONEY) there were—ayes 111, noes 82.

So the amendment was agreed to.

The Clerk read as follows:

THE JUDICIARY

*Courts of Appeals, District Courts, and other judicial services*

Expenses of Referees

For an additional amount of "Expenses of referees," $75,000, to be derived from the referees' expense fund established in pursuance of the act of June 28, 1946, as amended (11 U. S. C. 68 (c) (4)).

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in the House report on the supplemental appropriation bill, 1958, page 38, there is this extremely interesting and significant statement:

Expenses of referees: The committee recommends $75,000 additional, to be derived from the referees' expense fund, for the salaries and expenses of 20 additional temporary clerks to take care of the unprecedented situation which has developed in many districts due to the rising volume of bankruptcy work. The committee was advised that under present estimates approximately 82,000 bankruptcy cases will be filed in the fiscal year 1958, which is 8,000 cases more than were estimated only a few months ago.

It looks to me, and I am not a prophet, and not proficient with a crystal ball, that perhaps the moderate recession which the administration and Federal Reserve authorities have been hoping for has already begun to take shape.

Sylvia Porter, the able financial reporter, said last week that in off-the-record conversations with policymakers in Washington she has been told that "What we need to end the wage-price spiral in this country is a little recession, and the quicker it comes the better."

If this defeatist attitude is the best this administration has to offer the people of our great country the best thing it can do—both for itself, and for the country—is to pack up and go home.

The Journal of Commerce said this editorially only the other day:

The evidence now points strongly to the conclusion that both the administration and the Federal Reserve authorities believe that a moderate recession now would be a small price to pay for the avoidance of another boom-and-bust later on. * * *

Such a policy leads compellingly to the all-important psychological (or public relations) problem of whether the administration should take the public into its confidence by trying to explain its goals and methods—or whether it is better just to follow the course it deems necessary without attempting to make it palatable to the public by official explanations. * * *

Involved is not merely the problem of whether or not the public should be told, but * * * whether such a crusade * * * actually would increase the danger of inflation by directing attention to it. * * *

This shows how tough a decision whether "to tell or not to tell" really is.

Now, I am not a financial authority like retiring Secretary of the Treasury George Magoffin Humphrey, who, in his opening statement before the Senate Finance Committee in its investigation of the financial condition of the United States on June 17 set forth a comprehensive defense of the economic policies followed by the Eisenhower administration. He declared:

It is a record of a prospering America with new high levels of employment, rising income, and increasing purchasing power. It is a record of more and better jobs, more homes, more cars, more leisure, and more recreation. It is a record of unequaled prosperity with both the blessings and problems of such a period.

What are the actual facts in the situation, and do they support the rosy picture Treasury Secretary Humphrey painted?

Eighty-two thousand bankruptcy cases in the fiscal year 1958 may be only an inconvenient fact, from where Mr. Humphrey sits. But to the small-business man and others who will go through the wringer in fiscal 1958 it is heartbreak and tragedy.

I have a little chart showing a comparison of relative economic trends which is illuminating:

*Comparison of relative economic trends*

[Based on annual average]

| | Annual average increase | | Percentage rate of increase |
|---|---|---|---|
| | 1949 through 1953 | 1956 mid-1957 | |
| | *Percent* | *Percent* | |
| Consumer prices—rising at faster rate | 2.2 | 2.6 | Up 18 percent. |
| Wholesale prices—rising at faster rate | 1.2 | 3.1 | Up 150 percent. |
| Industrial prices—rising at faster rate | 2.0 | 3.8 | Up 90 percent. |
| Private money supply—rising at slower rate | 3.5 | 2.8 | Down 20 percent. |
| Gross national product (in 1956 dollars)—rising at slower rate | 4.8 | 2.7 | Down 43 percent. |
| Industrial production—expanding at slower rate | 5.4 | 2.1 | Down 24 percent. |
| Unemployment (as percent of civilian labor force)—increasing | 3.5 | 4.1 | |

Now here are a number of quotes from Treasury Secretary Humphrey's statement to the Senate Finance Committee and compilation of statements from Fortune magazine and other reliable sources showing the actual situation. This compilation was made by the Joint Economic Committee of the Senate and House whose great chairman is the gentleman from Texas [Mr. PATMAN]:

GEORGE HUMPHREY VERSUS ECONOMIC FACT

INFLATION

Mr. Humphrey said: "The cost of living has risen an average of only six-tenths of 1 percent per year for the past 4 years" (or a total of 2.4 percent in 4 years).

Since January 1953 the cost of living has risen 5 percent.

The consumer price index rose 0.3 percent in May 1957, to a point 3.6 percent higher than May 1956. The price index has risen every month, except August 1956, for the last 15 months.

The list of increases in the cost of living is almost endless.

| | *Percent* |
|---|---|
| Mortgage interest | up 30 |
| Local water rates | up 35 |
| Transportation | up 20 |
| Auto repairs | up 15 |
| Rent | up 12 |

SMALL BUSINESS

Mr. Humphrey said: "We have encouraged small business."

Small manufacturing corporations with assets under $5 million have not, as a group, increased their sales or profits since World War II. * * * Sales of small manufacturing corporations have actually shrunk since 1951. (Fortune magazine, July 1957.)

MONOPOLY

Mr. Humphrey said: "We have moved vigorously to prevent monopolies."

Nineteen hundred fifty-six was another "best year ever" for the 500 largest United States industrial corporations. During 1956 the 500 industrialists increased their sales 8 percent, their total assets 14 percent, and their after-tax profits 2.5 percent. The 500 industrialists again accounted for roughly half the Nation's manufacturing and mining output. (Fortune magazine, July 1957.)

The largest 300 recipients received 94 percent of the value of all contracts awarded by the Department of Defense under their defense research and development programs. Of these 300 recipients, 239 were identified as large, private profitmaking organizations, who received $4.05 billion worth of contracts (House Select Committee on Small Business Final Report, 84th Cong.).

EXPANDING ECONOMY

Mr. Humphrey said: "The record of the past 4 years has been one of unequaled investment. The Nation has devoted a vast amount of its resources to improving and enlarging its productive capacity."

Production growth rate of the United States economy falling:

1947–53: Production up 4.7 percent a year.

1953–56: Production up 2.6 percent a year.

First quarter 1956–first quarter 1957: Production up less than 2 percent a year.

United States rate of growth slower than that of Soviet Union:

In the case of the United States, a measure of gross national product in constant prices is available * * * from 1950 to 1955 the corresponding rate is 4 percent. * * * A calculation for the period of 1950–55 (for the Soviet Union) seems to yield a rate of about 7 percent (Soviet Economic Growth: A Comparison With the United States, Joint Committee on the Economic Report, 1957).

SAVINGS

Mr. Humphrey said: "Greater confidence in the future, higher rates of interest, and increasing confidence in the stability of the dollar have all encouraged our people to save more both in dollars and in relation to disposable income."

Rate of personal savings far below 1952, even with interest rates at 25-year peak.

Savings as percent of personal income:

| | *Percent* |
|---|---|
| 1952 | 8.0 |
| 1957, 1st quarter | 6.9 |

In 1956, over half the United States families had savings less than $500:

No savings, 28 percent of United States families.

Under $500, 55 percent of United States families.

Under $2,000, 78 percent of United States families.

(Federal Reserve Bulletin.)

CREDIT AVAILABILITY

Mr. Humphrey said: "The Federal Reserve has not reduced the volume of available credit."

Money, small manufacturers say, takes them too long to get, it costs too much, and sometimes it just can't be had at any price. (Fortune magazine, July 1957.)

REDUCTION IN FEDERAL EXPENDITURES

Mr. Humphrey said: "We have reduced Federal expenditures."

Truman spent $76.7 billion less than Eisenhower. Expenditures under Truman's last 5 budgets totaled $262.9 billion. Expenditures actual and proposed under the 5 Eisenhower budgets total $339.6 billion.

Nondefense spending in 1958 is estimated at 25 percent higher than 1953 (the last Truman budget):

| Fiscal year: | *Billions* |
|---|---|
| 1953 | $23.9 |
| 1956 | 25.9 |
| 1957 (estimated) | 27.9 |
| 1958 (estimated) | 30.3 |

REDUCTION IN PUBLIC DEBT

Mr. Humphrey said: "We have reduced the Government debt."

| Public debt: | *Billions* |
|---|---|
| Jan. 15, 1953 | $266.7 |
| Public debt today | 274.2 |

An increase of almost $8 billion.

DOLLAR PER CAPITA RISE IN COST OF INTEREST ON PUBLIC DEBT SINCE 1952

Mr. Humphrey said: "For interest alone, the per capita cost is $42.40. In 1952 interest on the public debt was $37.57 per capita. Thus the increase in interest on the public debt during the past 4 years amounts to less than $5 per person."

With $850 million ($5×$170 million) we could:

Meet three-fifths of the cost of the proposed Federal aid-to-education program ($1.3 billion);

Pay 95 percent of the cost of an adequate slum clearance and urban renewal program (estimated at $900 million by the United States mayors conference); or

Double the amounts budgeted in 1958 for public health and medical research, school lunch programs, and vocational rehabilitation.

TAX CUT

Mr. Humphrey said: "In 1954, in order that the people might benefit from the substantial reduction in Government expenditures, we brought about a tax cut that had provided them with annual savings of about $7½ billion."

The Republicans' 1954 tax relief bill gave 80 percent of the American family taxpayers little or no relief. The great proportion of the tax relief went to large corporations or to individuals who receive a major portion of their income from dividends.

From Mr. Humphrey's $7½ billion tax savings:

Corporations receive $5.4 billion.

Families earning more than $5,000 annually receive $1.3 billion.

Families earning under $5,000 annually receive $0.6 billion.

RISING INTEREST RATES

Mr. Humphrey said: "There are many people who benefit from higher interest just as there are many who find it an additional cost."

*For the banks*

Commercial bank net profits rise 15 percent to peak. Commercial banks, reporting for the half year just ended, show in June 30 figures that net operating earnings after taxes reached another alltime peak with an average improvement of some 15 percent over net for the first half of 1956. (Journal of Commerce, July 2, 1957.)

*For the Government*

In January 1953 average rate on Government interest-bearing issues outstanding was 2.35 percent. In January 1957, the rate was 2.67 percent. By June 1957 Government bonds were selling at 3.90 percent—the highest rate since the 1920's. If the entire debt had to be refinanced at 3.90 percent, the cost to the Government would be $10.7 billion—$4.5 billion more than at 1952 rates. (Senate Finance Committee hearings, June 1957.)

Interest charges on the national debt today are approximately 10 percent of the total Federal expenditure.

*For the consumer*

Secretary Humphrey himself gave the following table to the Senate Finance Committee:

*Costs of buying a home*

| | *Spring, 1953* | *Spring, 1957* |
|---|---|---|
| Estimated cost | $17,300 | $19,000 |
| Interest rate (FHA) (percent) | 4¼ | 5 |
| Monthly payment (over 20 years) | $91.06 | $106.58 |

A home which cost $17,300 in 1953 now costs an additional $1,700, an increase of nearly 10 percent. The increased interest on the house amounts to $2,114—the total added cost resulting from the tight-money policy is $3,814—22 percent up.

Mr. Chairman, I include as part of my remarks the widely syndicated article by Sylvia Porter to which I referred at the beginning of my remarks:

[From the Washington Evening Star of August 3, 1957]

YOUR MONEY'S WORTH

(By Sylvia Porter)

Unless you are the 1 in 4,400 who reads the Journal of Commerce you never saw this in print before:

"The evidence now points strongly to the conclusion that both the administration and the Federal Reserve authorities believe that a 'moderate recession now' would be a small price to pay for the avoidance of another boom and bust later on. * * *

"Such a policy leads compellingly to the all-important psychological (or public relations) problem of whether the administration should take the public into its confidence by trying to explain its goals and methods—or whether it is better just to follow the course it deems necessary without attempting to make it palatable to the public by official explanations. * * *

"Involved is not merely the problem of whether or not the public should be told, but * * * whether such a crusade * * * actually would increase the danger of inflation by directing attention to it. * * *

"This shows how tough a decision whether 'to tell or not to tell' really is."

EDITORIAL QUOTED

As that 1 in 4,400 who subscribes to this highly respected, authoritative financial newspaper, I saw this in a recent editorial.

And I quote it here because I know the editor of the Journal of Commerce has analyzed it accurately. I know this because again and again, in off-the-record conversations with policymakers and influential economists in Washington, this is what, in effect, I have heard:

What we need to end the wage-price spiral in this country is a little recession, and the quicker it comes the better.

Nothing big or severe, of course—oh, no. But enough unemployment spread through the country to push the unions back in line. Enough worry about the state of the economy and public resistance to force businessmen to back down on price increases and to find other ways to cover costs.

This recession is the medicine needed to cure the inflation disease and to put us into sound condition so we can move forward into a period of steady, but not feverish, inflationary growth.

Well, if top men in Washington really think this way and can argue persuasively that a little temporary suffering among a few millions of us now is far preferable to the risk of a lot of prolonged suffering among all of us later, why don't they say it out loud? Because:

First, there is the danger that if leading officials of the administration and the men who rule our Central Bank go all out on their inflation warnings, they can by no means be sure they'll gain the public's support for the restraints they insist are essential.

BOOMERANG POSSIBLE

Rather, the warnings could boomerang badly. Instead of getting individual Americans to say, "We'll sacrifice what we want today for the sake of security later," the public might be frightened into fleeing from savings and scrambling for stocks, land, and other so-called inflation hedges. Organized labor might intensify its demands for protections against cost-of-living increases. Forces could be set loose that would bring about the very price explosion so greatly feared.

Second, there is the danger that this GOP administration would be immediately accused of wanting a depression in order to break unions. Former Treasury Secretary Humphrey can tell the Senate, as he did a few weeks ago, that a decline in production is "the happiest thing that can happen to this country" because the letdown will take the sting out of inflation. But Mr. Humphrey's job isn't at stake. The man who is laid off during that decline doesn't feel he is a happy statistic.

And third, there is the danger that a little recession—like a little inflation—won't necessarily remain little. No one yet has discovered the way to predict accurately how people will react.

I shall ask, when we go back into the House, to include certain tables, a copy of the editorial from the Journal of Commerce, and the column of Sylvia Porter to which I referred.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. GROSS. Mr. Chairman, a few minutes ago the gentleman from New York [Mr. ROONEY] questioned whether I knew what was going on in the Middle East, and then refused to yield. He said, "Does not the gentleman from Iowa know that thus and so has been happening in the Middle East?" Yes, the gentleman from Iowa is acquainted with the fact that our former colleague, Dick Richards, Special Ambassador to the President, made a trip through the Middle East and with fine openhandedness, I may say, dispensed $120 million to various countries. The gentleman from Iowa also understands that there were 2 or 3 countries which said that they wanted no part of any of that $200 million that the Special Ambassador had available to spread around in the Middle East. The gentleman from Iowa was also able to read the hearings, and to note that the gentleman's subcommittee failed to develop who started this boondoggling program. I hope the gentleman's subcommittee will someday ferret out who here on the Hill, as alleged by the witness, started this unbelievable handout proposition that we have before us today with respect to the $3,500,000 which the gentleman from New York, with the greatest of ease, would take out of the Treasury of the United States and the pockets of all the taxpayers.

The Clerk read as follows:

CHAPTER VIII

*Treasury Department*

Coast Guard

Acquisition, construction, and improvements

For an additional amount for "Acquisition, construction, and improvements", $8,100,000, to remain available until expended.

Mr. TABER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in view of the fact that the gentleman from Tennessee made some statements about the budget of the Tennessee Valley Authority a little earlier today, I just thought it would only be honest with the House if I should call attention to the fact that the budget overall, including corporate receipts and otherwise, submitted by the budget as documents of the agency, runs $300,294,000 as against $251,250,000 last year, an increase of $49 million.

I offered an amendment to cut that item by $9,784,000. That is less than 3 percent of the total amount of the budget, and the cut would be much less than the average cut on other units of the Government. But of course that is an item where they have special privileges out of the United States Treasury, where they pay no interest, where they pay very little in the nature of taxes, and are the beneficiaries of all sorts of things that are provided by the Federal Government. Under those circumstances, I shall offer my amendment as a motion to recommit.

Mr. H. CARL ANDERSEN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Minnesota.

Mr. H. CARL ANDERSEN. As I understand the gentleman's motion to recommit, the bulk of the cut would come in connection with the new lock at Muscle Shoals?

Mr. TABER. Part of it would.

Mr. H. CARL ANDERSEN. If the gentleman's motion to recommit is agreed to, it simply means that this project would be put back on the 1957 level?

Mr. TABER. It would be a little above the 1957 level.

Mr. H. CARL ANDERSEN. I am personally very much concerned in seeing that lock built, but I do not see that we will do much damage to it if we go at it at a slower pace. I am in full agreement with the gentleman's purpose in trying to hold down the rate of expenditure on that construction and effect some economy in this bill.

Mr. TABER. We all ought to take a cut with the situation as it is.

Mr. H. CARL ANDERSEN. Certainly we have done that in all appropriation bills this year. We have tried to put all projects back to the 1957 level. I do not think it will do the lock construction job any damage to slow it down to the 1957 level.

Mr. BAKER. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. BAKER. What funds would remain in the bill for the TVA if your motion to recommit should prevail?

Mr. TABER. If their estimates are correct, it would leave about $290 million or a little bit over that.

Mr. BAKER. I mean what funds would be left in the bill?

Mr. TABER. About $3,533,000.

Mr. BAKER. And is it not true the Budget Bureau requested about $14½ million?

Mr. TABER. That is correct.

Mr. BAKER. Your committee reduced that amount by $1½ million.

Mr. TABER. The committee reduced it just a little bit—just about $1 million.

Mr. BAKER. The committee report says it was about $1,400,000 or $1,300,000.

Mr. TABER. Yes.

Mr. BAKER. Does not the gentleman think that is mighty severe?

Mr. TABER. Well, that is not very severe because it is so much less than the other agencies are being cut. It is a smaller cut than the other agencies are getting.

Mr. JENSEN. Mr. Chairman, TVA intends during the current year to use nearly $100 million of so-called corporate funds for the construction of steam electric generating facilities and transmission facilities.

I think my colleagues and the general public should know that over 50 percent of the revenues that go to make up the corporate funds of TVA come from the taxpayers in the form of payment for electric power furnished to the AEC installation at Paducah and Oak Ridge.

From time to time we hear TVA officials and TVA proponents expounding about TVA belonging to all the people so that there is no need to pay taxes or interest on the peoples investment. Then again they tell us that TVA is largely for national defense and therefore benefits the whole Nation and justifies whatever amount of taxpayers' funds TVA wants to spend for power expansion.

The basis that the TVA installations are the property of all the taxpayers of the Nation raises a question as to whether TVA charges the various Federal defense agencies including AEC an excessive amount for the electric power used by such agencies. If we, the taxpayers, own the TVA generating plants and transmission lines, we should not have to pay to ourselves any fixed charges on such facilities. The electric power rate, at the most, should be only sufficient to pay for the actual incremental or operating cost of producing such power. Actually in view of the provisions of section 9a of the TVA Act, that TVA operate (its) facilities for the generation of electric energy at any such dam for the use of the corporation and for the use of the United States or any agency thereof, one might inquire if TVA is not obligated to deliver all the electric power available from TVA hydroplants which can be utilized by AEC or other United States agencies, and at rates no greater than the actual cost of operation.

If we are to be consistent with the position taken by some TVA officials and TVA proponents with respect to the ownership of TVA facilities and payment of interest, Federal taxes, and amortization of the investment, we should direct AEC and other Government agencies in the TVA area to renegotiate all contracts presently in force with TVA for the purchase of electric power. Such negotiation might first explore the question as to whether under section 9a of the TVA Act, all hydroelectric power produced at TVA projects should be delivered to AEC and such other Government agencies as might be able to utilize it, and at rates equal to actual cost of operation, excluding interest, taxes, amortization, or other fixed components. Furthermore, with regard to steam electric power costs, the rates to AEC and other Government agencies should also exclude interest, taxes, amortization and other fixed components.

It appears that there is an obligation inherent in the TVA Act to give preference in the disposal of power to the United States and its agencies. This raises a serious question as to whether TVA has failed to comply with the law and has charged AEC excessive amounts for power delivered by TVA to AEC. Also whether TVA has caused AEC to pay excessive costs for power from other sources which under the requirements of the TVA act should have been supplied by TVA at considerable savings. An analysis of the cost paid by AEC for interim power in fiscal year 1954 and fiscal year 1955 for the Paducah and Oak Ridge establishments indicate this excessive cost may well exceed $50 million. This is exclusive of any excessive charge for the firm TVA power delivered to AEC.

With respect to the use of TVA corporate funds—that largely are provided by the taxpayers of the Nation—to construct steam-electric plants for the sale of commercial power, I have long contended that this is not in accord with the Constitution of the United States. Some years ago, TVA, in defending the constitutionality of the sale of power from its hydroplants told the United States Court of Appeals that:

> The Authority has constructed and recommended for construction only such dams as are necessary for the improvement of navigation and control of destructive floods on the Tennessee and Mississippi Rivers systems.
>
> There are numerous sites upon the Tennessee River systems which are valuable for the development of power, but dams constructed at such sites would not contribute substantially to the improvement of navigation or the control of destructive floods, although their construction would be more feasible for the development of power than any of the dams constructed, under construction, or recommended for construction by the Authority; but the Authority has not constructed or recommended for construction and has no intention and no authority under the Tennessee Valley Authority Act to construct such dams.
>
> It is true that by the terms of the Tennessee Valley Authority Act the steam-electric generating plant located at Sheffield, Ala., near Wilson Dam, was turned over to the defendant Tennessee Valley Authority. But the defendants allege that the said steam-electric generating plant has not been and is not being operated and that there is no plan or intention to operate said plant now or in the future, or to construct or operate any other steam-electric generating plants. The said plant is merely held by the defendant Tennessee Valley Authority as an emergency standby plant for national defense purposes in connection with the munitions plants located near Muscle Shoals, Ala.
>
> The defendant Tennessee Valley Authority has disposed of and will dispose of only such electric energy as is generated from waterpower inevitably created by the operation of the said dams for navigation and flood control and which is not needed for governmental purposes and which would otherwise be wasted.

Certainly it is evident to all that TVA has failed to follow the principles it presented to the high United States court in the defense of its constitutionality. Congress was told that the total TVA cost would be less than $200 million. It has now reached 10 times that amount and over 60 percent of its generation is from steam-electric plants. Interest and taxes on the investment allocated to power, if on the basis of such cost incurred by private utilities, would now amount to at least $90 million annually.

Norman Thomas—the many-time candidate for the Presidency—of the Socialist Party, termed TVA socialistic in these words:

> The TVA is the only genuinely socialistic act (in the New Deal)—a flower in the midst of weeds.

One may wonder if this tenfold expansion of the TVA program over the original concept may have been part of the reason that Khrushchev, the top Communist of the United Soviet Republics said our grandchildren would be living under socialism.

It is time we took stock of how far down the road to socialism we have traveled and whether this trend toward an ideology that means the end of freedom as we know it shall continue.

Mr. WHITTEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I yield to no one in my desire to effect economy. But, we do need to pause now and then to determine whether a given amendment or motion to recommit is, in effect, really economy. Here is the testimony before the committee with regards to this lock. The lock is already badly overtaxed. Its practical capacity is 2.4 million tons a year, and we have had that amount of traffic through it the past year. It has been in service since 1925. The concrete walls are cracked. The Government has already let the contract to build the lock to replace the lock at this point in the Wilson Dam. The contract is in effect. You are going to have to pay for it under the contract. During the period that the new lock is being constructed, they have to provide means to get along during the period of construction. Now merely to cut down the money, it means cutting down the rate at which the lock is going to be built—a lock for which you or the TVA are going to pay. It will be cutting it down to where it will take twice as long and can only have the effect of costing a lot more money. I realize in the Congress, having been here a number of years, that the TVA is a controversial subject. I realize that people differ as to the wisdom of this type of operation. But I would like to point out once again that the TVA is the sole supplier of electricity in a big geographical area in the United States. The earnings of the TVA are at the call of the Congress each and every year. Under the law, and I had the privilege of writing the provision, the TVA is required to return from the cash in its till at the end of each year 2½ percent on the average cost of all power units. On the other hand, the TVA has the obligation of running the navigation system on the Tennessee River. It is Government

owned, and it will be Government owned until those who wish to, succeed in requiring it to be sold. But I say to you, since the TVA does belong to the Government and since the Congress each year has the right to withdraw from its till, any amount of cash that the Congress should determine, I do think it is economical and sensible for us to allow it to run on a proper basis. If you follow that, you will certainly oppose the motion to recommit. Let me give you a further statement and I know I am being repetitious. But, the TVA as a branch of the Government has already contracted for the new lock at Wilson Dam. The old lock is retarding the economical operation and navigation on the Tennessee River. You are going to pay for the lock under this contract. It is just shortsighted to slow down the effective date of its completion. It is just as unsound as it can be. It is another opportunity to show that you are just against the TVA—period. But, if you set out to do that, be sure that in the same vote you are assuring your area that you are for the wasteful use of the taxpayers' dollar, in my judgment, because to prolong the contract and postpone the completion date and continue the bottleneck in navigation will result in a greater cost for the lock and will result in greater costs of operation during the period of construction. In the meantime it will lower the returns from the use of this river for navigation.

I trust you will think of these things when you come to voting and realize that this is not a simple motion to recommit that would save the taxpayers any money in the long run; no, if it is adopted it will cost you money.

Mr. CANNON. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and that amendments to the remaining portion of the bill be now in order.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SCRIVNER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in a few moments the Committee will rise and we will be voting on the supplemental appropriation bill. One of the amendments which will be voted upon is the amendment adopted yesterday to provide that none of the funds appropriated herein shall be used for the construction of the Air Force chapel as it is presently designed. In other words, it would defer construction for a year or until such time as someone could bring in a design that would be in keeping with the grandeur and the beauty of the Rocky Mountains and in keeping with the true solemnity of religious worship.

Somebody has said that this is a question of being for or against religion in military service. I, the author of the amendment, am a minister's son and most certainly I am not opposed to religion. The question is whether religious worship shall take place in a highly polished aluminum, 19-spired, $3 million, garish monstrosity as now proposed.

I had wanted to have the model and the pictures here yesterday so all Members might see what you were voting for or against, but for some reason or other it seemed to be impossible for it to be brought here yesterday. It is here today out in the Speaker's lobby where it has been on display since noon. This is the model I hold in my hand. Now imagine—here you have a row of 19 aluminum tepees pointing up toward the sky. With the grandeur of the mountains and Pikes Peak in the background this would appear entirely insignificant; and when you look at the beauty of the red granite of the Colorado Mountains and then put into this scene a garish, incompatible monstrosity like this of polished aluminum, it will be incongruous. Furthermore, aluminum, they tell me, is a strategic material, and they could certainly build quite a few bombers, if I am not mistaken, out of the material that would go into this building. To me this design has no beauty. Maybe I was born 40 years too soon; at least it does not appeal to my sense of appropriateness. I can recall when our chairman, the gentleman from Texas [Mr. MAHON], and some of us were out on trips, he often would quote poetry as he did yesterday, and we would join together in good old songs and hymns. I can remember one of the songs about the "oldtime religion," which "was good for our mothers, it was good for our fathers, and it is good enough for me." As far as I am concerned, I cannot for the life of me see anything of grace or beauty in this futuristic monstrosity. Perhaps I do not know modernistic design, but I do know what I feel is fitting and proper for religious worship.

As the gentleman from Texas [Mr. MAHON] said yesterday, you go out there and this sight will be something that you will never forget. That reminds me of the two young men who were talking about a young lady. One of them asked, "Well, is she a vision?" The other man said, "No; but she is sure a sight."

Mr. CANFIELD. Mr. Chairman, will the gentleman yield?

Mr. SCRIVNER. I yield to the gentleman from New Jersey.

Mr. CANFIELD. Yesterday, it was stated in debate that the main religious faiths have approved this particular design, is that true?

Mr. SCRIVNER. Some of the representatives of them have.

Mr. DOOLEY. Mr. Chairman, will the gentleman yield?

Mr. SCRIVNER. I yield to the gentleman from New York.

Mr. DOOLEY. Is it not a fact that the chapel is supposed to represent flight in architecture?

Mr. SCRIVNER. It could be that and it was suggested that perhaps as an emergency measure we might mount some jet engines on each one of these spires, then if trouble comes just take off.

Mr. DOOLEY. The flying buttresses of a cathedral are replaced by the ailerons of the plane wings and the bow of the plane pointing skyward are the spires. I like it.

Mr. SCRIVNER. You are entitled to your views just as I am to mine. The spires are a symbol of religion, that is true. They indicate the aspiration of man for his God in Heaven. One spire is good, but with 19 I feel there are at least 18 too many.

Mr. BYRNE of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SCRIVNER. I yield to the gentleman from Illinois.

Mr. BYRNE of Illinois. In the model you have just shown, as I recall it, there are three chapels.

Mr. SCRIVNER. Three sections.

Mr. BYRNE of Illinois. One for the Protestants, one for the Jews, and another for the Catholics, is that right?

Mr. SCRIVNER. Yes. This floor plan will show the arrangement of the Catholic portion on my right, the Catholic chapel. This portion shows the Jewish faith.

Mr. BYRNE of Illinois. It seems to me that the architects have at least made some progress when they got us all under the same roof. Would not the gentleman concede that?

Mr. SCRIVNER. Certainly if men of different faiths, as the gentleman and I, have gone out and fought together, we should be able to worship and live together. I have fought alongside of Jewish soldiers and Catholic soldiers and we got along very well. Though we may differ in our religious faiths it should be that way in the United States of America.

Mr. MAHON. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, we are approaching a very serious decision and I think we ought to make it with an awareness of the problem which confronts us. About 4 years ago action was taken to initiate the building of an Air Force Acadamy. One of the things that came into the picture was the configuration of the chapel. We did not like the way the chapel design looked, though we are not architects and it was not up to us to select the architecture. However, we are asked to provide the money. It is up to the executives to work out the details of the architecture and the design.

We told officials to go back and work on this design some more, that their original proposal was too modernistic. They did go back and do just that.

This morning I asked Mr. Douglas, Secretary of the Air Force, to write me a letter. I said, "I do not want you to recommend what we should do but please tell me what your position is and what the background is in a letter than I can read to the House, giving your position."

In the letter which I have received he states as follows:

> Ever since the master plan for the Academy began to take shape nearly 4 years ago it has been recognized that the location and design of the chapel must be such as to contribute distinction to the whole Air Academy, as well as to provide an appropriate place for religious worship.

Here is the design of the Academy over here on this layout. If there is anything outstanding to the Air Academy, here in the shadow of Pike's Peak and those many mountains, probably this chapel would be that outstanding thing.

He stated further:

> There were several early designs that were not satisfactory, but recently Skidmore, Owings & Merrill, the architects, have developed and presented a model and design

drawings for the chapel which has won the enthusiastic support of the consulting architects.

The Secretary of the Air Force has four consulting architects and they have enthusiastically endorsed this.

Continuing:

It also has the enthusiastic approval of Deputy Secretary Quarles, who was Secretary of the Air Force when the present plan was submitted, General White, Chief of Staff of the Air Force, and myself. The consulting architects are men of outstanding ability, distinguished in their profession and well known throughout the world. They are: Eero Saarinen of Detroit, Welton Becket of Los Angeles, Roy Larson of Philadelphia, and Dr. Belluschi, dean of architecture at Massachusetts Institute of Technology. Dr. Belluschi is considered to be one of the outstanding ecclesiastical architects in the United States. As I have stated, all four of these architects have given their enthusiastic approval of the design of the chapel.

The proposed chapel will house under one roof in separate chapels members of Protestant faiths, members of the Catholic Church and members of the Hebrew faith. The concept of bringing together in one structure appropriate separate chapels for each of the three great faiths of the Western World as carried out in the present proposal has been reviewed by leaders of all three faiths, and those consulted have given their unqualified approval.

One of the most interesting things to me about the design is that, while the materials are modern and the proposed structure will fit in well with the modern design of the other buildings of the Academy group, the exterior of the structure and the larger chapel are strongly reminiscent of the Gothic cathedrals that still contribute so much beauty to Western Europe and to so many American universities.

Skidmore, Owings & Merrill have just recently been awarded the gold medal by the American Institute of Architects for the design.

Of course, it would be ridiculous to have a big Gothic cathedral in this setting of modernistic buildings. The basic structures are about 23 percent complete. They will be 81 percent complete in September next year, when the Academy is opened, and the question is, do you want to open the Academy without some sort of a chapel in existence or under construction. Now, this is what they have come up with after 4 years. While I do not feel it is my responsibility to make this decision, the question is, Shall we provide them with the $3 million? Three million dollars would not begin to build the gothic type of cathedral that has been suggested as a substitute for this.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MAHON. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. So, that is where we sit. For less than one-half of the cost of one big B–52 bomber we are asked to provide funds for the chapel. Our decision now is, Shall we let the executive branch of this Government have $3 million to build the chapel. We have cautioned Air Force officials in regard to the design for many months. We have delayed construction plans in the hope of getting an acceptable chapel. I think we have to let them make that decision. Let us not allow this symbol to be absent when the Academy opens in 1958.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Virginia.

Mr. GARY. I am inclined to agree with the gentleman from Kansas [Mr. SCRIVNER], with my limited knowledge of architecture, as to everything he says about that structure. It does seem to me to be a monstrosity, but I am worried about this: What is going to happen if we undertake to decide here on the floor of the House the design for each building that this Government erects?

Mr. MAHON. The gentleman from Kansas, my devoted friend, said he just wants one spire. But, somebody else may want two spires and still a third person might want six spires. You could not get a model for exhibition that the Members of the Congress would approve. That is not our province, anyway. We have had some of the best men available working on this through the executive department. They have made their decision, and they have asked us for the money, and in this broad sweep of perspective out there in Colorado I do not know but that we will be happy in future years over the decision we make today to let them have the money to build the chapel.

Mrs. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentlewoman from Ohio.

Mrs. BOLTON. I would like to ask whether these same architects were the ones who built the embassies in various parts of the world, like Madrid, and so on.

Mr. MAHON. I cannot comment on that now because of the limited time at my disposal. I agree however that some of our embassies are in extremely bad taste.

Mrs. BOLTON. I would like to suggest that this Congress become a little bit more interested in what the executive department O. K.'s by way of structures all over the world.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. GROSS. Why should we build a $3 million cathedral for the Air Force Academy? Why not a conventional church at a reasonable cost?

Mr. MAHON. This is a chapel, it is not a cathedral. And in the light of the cost of construction of such buildings, this is probably about as inexpensive as anything you could build under the circumstances for the Air Force Academy.

Mr. GROSS. How much has the Academy cost up to this point? If I remember correctly the total cost was originally estimated at about $125 million.

Mr. MAHON. The total authorization is $147 million. Costs have gone up 23 percent since it was first authorized. It is an expensive undertaking. I would prefer an armed services academy for all the services. But we have it under construction and the Air Force is marking time to start the chapel. I say let us not deny the money.

Mr. SCRIVNER. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Kansas.

Mr. SCRIVNER. I agree that we cannot take the time to supervise design and construction. All we are talking about here today is whether or not the Members of the House of Representatives, the Representatives of the citizens and taxpayers of the United States want to put their stamp of approval on an expenditure of $3 million for this all-aluminum monstrosity—not as to all the buildings but as to this specific building. That is the question.

Mr. MAHON. A great many important people, architects and engineers, do not think it is a monstrosity. It is true that there is a lot of aluminum in the chapel. Also, the stained glass in this chapel will cost a considerable amount of money. It seems to me we should permit the Air Force to proceed with the chapel.

The CHAIRMAN. The time of the gentleman from Texas [Mr. MAHON] has expired.

Mr. BRAY. Mr. Chairman, this supplemental appropriation bill now before us is the height of irresponsibility. Supplemental appropriation bills are often necessary to take care of emergency situations or rectify miscalculations in the regular money bills. In this bill, however, are numerous appropriations which in no manner can be called emergencies or unexpected. There are undoubtedly some worthwhile proposals in the bill; there are some necessary expenditures. But I must object to tying in with these a raft of new proposals, which do not belong in a supplemental appropriation bill.

In this bill there is new construction, new items of foreign aid, and many other new items. I feel that with this type of hodgepodge before us, we must vote against the bill. A nay vote will, I think, inform the Appropriations Committee that the House desires to see included in a supplemental appropriation bill only those appropriations which are of a truly supplemental, not merely additional, nature.

Mr. CHENOWETH. Mr. Chairman, I have a personal interest in this matter in view of the fact that the Air Academy is being constructed in my district near the city of Colorado Springs. I am very much concerned over the discussion involving the architecture of the chapel that is to be built at the Academy.

I feel that it is very unfortunate that the controversy over the style and architecture of this chapel has been continued to this date. I recall when the first model of the chapel was exhibited in Colorado Springs over 2 years ago. This model met with instant and violent disapproval. However, the architects stated that it was not intended to represent the final form of the chapel. We were advised that the chapel would look much different when the plans were completed. I have been hoping that it would be possible to construct a chapel that would meet with general approval.

I was invited to look at this model for the first time early this week. Frankly, I was not impressed with its appearance, and it appeared to resemble the first model in certain aspects. However, I could see that the structure as contemplated would have many advantages over the more conventional type of chapel. It was explained how the three principal religions would have separate chapels in which to meet, all under one roof. I personally thought that the chapel was a little too extreme and modernistic. However, I am not an expert in these matters and I am willing to accept the judgment of those who have worked so long in getting these plans ready.

Mr. Chairman, I am now ready to approve this chapel, and I hope that the House will give its approval to the construction of the chapel at this time. I consider it very important to have this chapel completed at the earliest possible date. The cadets will be moving into the new buildings at Colorado Springs in September 1958. It is my understanding that the chapel will not be ready for use at that time, but I trust it will be available soon thereafter. If we refuse the appropriation of the funds for the chapel now, it will mean further delay in the completion of the same, which I feel will be most regrettable.

Mr. BECKER. Mr. Chairman, this legislation to my way of thinking is improper in that in providing supplemental appropriations it has included in it many items totaling tens of millions of dollars, which should be proposed in separate legislation in order to give a member the opportunity to express himself and vote against items to which he is opposed.

This is primarily a military construction bill. Therefore, if presented as such, it could be debated, amended, and acted upon as individual items.

I am opposed to several of the provisions in this bill, and I cannot conscientiously vote for it even though part of the appropriations specified in the bill are good. It is my firm conviction that supplemental appropriations should be debated on their individual merits and not jumbled together in one huge bill totaling $1,500,000,000.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, having been a member of the Board of Visitors to the Air Academy for 2 years, while this Academy is not in my district but is 60 miles to the south, it has been my happy pleasure throughout the time that we have authorized the construction of the Air Force Academy 12 miles north of Colorado Springs, to be in close contact with the progress made at the Air Force Academy.

During this period of time the executive hired the firm of Skidmore, Owings & Merrill as architects. The Congress authorized originally $127 million and recently increased that to $147 million due to the increase of costs.

When the original plans were submitted by this architectural firm to a visiting group from Congress at Colorado Springs, objection was made to the type of chapel that was suggested. Those in charge of the construction were very apprehensive that they were going beyond their rights in the matter. They were asked by the Congress and by the committee back in 1954 to reconsider the design of the chapel. I personally know that those in charge of the construction, those who desire to see that we have a first-class Academy, have given a great deal of time and study to this chapel. In fact, on each of the visits by the Board of Visitors to the Air Force Academy we discussed this matter in detail. They indicated to us then and they will indicate to the Members now that their only object and their only purpose is to have a chapel where those who desire to worship may do so in the usual manner. It was with that in view and with that instruction I am sure that the executive department said to the architects, "Come forward with a structure that will provide us a good chapel." It was with that in mind that they submitted this design.

Should we, each of us at this time, take the position that we shall be the architect to ascertain whether or not this is the kind of chapel we ought to have, shall each Member of the House of Representatives, each one of the 435 Members, make the decision as to the kind of chapel we are going to have?

Orderly government requires that we delegate some responsibility. We have given that responsibility to this firm through the executive department, particularly the Air Force and those who are interested in educating the men for the Air Force in the future. Let us stick by them and give sufficient funds to build this chapel because, without it, when they open the Air Force Academy at Colorado Springs as they hope to do on September 1, 1958, they will have to open it without a chapel, without any place to worship. I am sure that none of you want to say that you contributed to the construction of a school that did not provide a place of worship for those who want to worship.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Virginia.

Mr. HARDY. I think the gentleman will recall that I was with him at the time this whole proposition was first brought to our attention. I think he will remember that the original design was shown to us at Colorado Springs. The monstrosity that was then evident is still evident, and it seems barbaric to me.

Mr. ROGERS of Colorado. The gentleman may consider it a monstrosity and many other Members of the House may consider it the same. I may not agree with the plan, but how are you going to determine it? Orderly processes of government requires you do put it in the hands of those who have the contract to do it?

Mr. HARDY. I am in complete agreement that there are probably as many different opinions on what type of structure ought to be built as there are Members of the House. I certainly don't profess to be an authority on design, but I do know that this offends my concept of what a house of worship should look like.

In the beginning there was a lot of criticism of the design of this chapel. The Air Force said they would get a new design. This thing before us is essentially the same as that originally proposed. It ought to be redesigned.

Mr. H. CARL ANDERSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as I stated yesterday, the beginning of the Burke Airport will be the beginning of a program costing the taxpayers from $75 to a possible $125 million. I think the beginning of such a program is sufficient to warrant a rollcall on the floor of this House as to whether or not this House as the House of Representatives will go on record as committing the Congress and the taxpayers to the expenditure of a possible $100 million for the construction of an airport which, with the Friendship Airport just a few miles away from here, is absoluely unnecessary today, if the Civil Aeronautics Administration will do what it is supposed to do. So it is my intention, Mr. Chairman, and I hope sufficient Members of the House will back me up when we get back into the House, to demand a rollcall on that amendment.

Mr. CANNON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. KILDAY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 9131) making supplemental appropriations for the fiscal year ending June 30, 1958, and for other purposes, had directed him to report the bill back to the House with sundry amendments, wth the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. CANNON. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. H. CARL ANDERSEN. Mr. Speaker, I demand a separate vote on the so-called Thomas amendment to chapter I of the bill.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. MAHON. Mr. Speaker, I demand a separate vote on the so-called Scrivner amendment, to strike out funds for the Air Force Academy Chapel.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. BUDGE. Mr. Speaker, I demand a separate vote on the Rooney amendment, appearing on page 18 of the bill.

The SPEAKER. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

On page 2, line 1, insert:

"CHAPTER I

*"Department of Commerce*

"Civil Aeronautics Administration

"Construction and development, additional Washington Airport

"For necessary expenses for the construction and development of a public airport in the vicinity of the District of Columbia, as authorized by the Act of September 7, 1950 (64 Stat. 770), including acquisition of land, $12,500,000, to remain available until expended: *Provided*, That not to exceed a total of $250,000 may be advanced to the applicable appropriations of the Civil Aeronautics Administration for necessary administrative expenses."

The SPEAKER. The question is on the amendment.

Mr. H. CARL ANDERSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The question was taken; and on a division (demanded by Mr. H. CARL ANDERSEN) there were—yeas 150, noes 59.

Mr. H. CARL ANDERSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirty-two Members are present, a quorum.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment on which a separate vote is demanded.

The Clerk read as follows:

Page 6, line 14, strike out the period and insert: *"Provided*, That no part hereof shall be applied to the construction of the Air Force Academy Chapel."

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. SCRIVNER) there were—ayes 83, noes 147.

Mr. GROSS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the amendment was rejected.

The SPEAKER. The Clerk will report the next amendment on which a separate vote is demanded.

The Clerk read as follows:

Page 18, line 1, insert:

"EDUCATIONAL, SCIENTIFIC, AND CULTURAL ACTIVITIES

"For expenses to carry out the provisions of section 1011 (d) of the United States Information and Educational Exchange Act of 1948, as amended (22 U. S. C. 1442 (d)), $3,525,000."

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. MORANO) there were—ayes 146, noes 75.

Mr. JOHANSEN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. TABER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TABER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TABER moves to recommit the bill, H. R. 9131, to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment: On page 16, line 20, strike out $13,317,000 and insert: $3,533,000.

Mr. CANNON. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. TABER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 158, nays 244, not voting 30, as follows:

[Roll No. 175]

YEAS—158

| | | |
|---|---|---|
| Adair | Dooley | Moore |
| Alger | Dorn, N. Y. | Morano |
| Allen, Calif. | Dwyer | Mumma |
| Allen, Ill. | Fallon | Neal |
| Andersen, H. Carl | Fino | Nicholson |
| | Ford | Nimtz |
| Andresen, August H. | Frelinghuysen | Norblad |
| | George | O'Hara, Minn. |
| Arends | Griffin | Osmers |
| Auchincloss | Gross | Ostertag |
| Ayres | Gwinn | Patterson |
| Baldwin | Hale | Pillion |
| Bass, N. H. | Halleck | Poff |
| Bates | Harden | Prouty |
| Becker | Harrison, Nebr. | Radwan |
| Belcher | Harvey | Ray |
| Bennett, Mich. | Hébert | Rees, Kans. |
| Berry | Henderson | Rhodes, Ariz. |
| Betts | Heselton | Richlman |
| Bolton | Hess | Sadlak |
| Bosch | Hiestand | St. George |
| Bow | Hoeven | Saylor |
| Bray | Hoffman | Schenck |
| Broomfield | Hosmer | Scherer |
| Brown, Ohio | Hyde | Schwengel |
| Brownson | Jackson | Scrivner |
| Broyhill | Jensen | Scudder |
| Budge | Johansen | Seely-Brown |
| Byrne, Ill. | Jonas | Sheehan |
| Byrnes, Wis. | Judd | Siler |
| Canfield | Kean | Simpson, Ill. |
| Cederberg | Keating | Simpson, Pa. |
| Chamberlain | Keeney | Smith, Calif. |
| Chiperfield | Knox | Smith, Kans. |
| Church | Krueger | Smith, Wis. |
| Clevenger | Laird | Springer |
| Cole | Latham | Stauffer |
| Collier | LeCompte | Taber |
| Coudert | Lipscomb | Talle |
| Cramer | McCulloch | Teague, Calif. |
| Cretella | McDonough | Tewes |
| Cunningham, Iowa | McGregor | Thomson, Wyo. |
| | McIntire | Utt |
| Cunningham, Nebr. | McIntosh | Van Zandt |
| | McVey | Vorys |
| Curtin | Mailliard | Vursell |
| Curtis, Mass. | Martin | Wainwright |
| Curtis, Mo. | May | Weaver |
| Dawson, Utah | Meader | Westland |
| Dellay | Merrow | Wigglesworth |
| Dennison | Michel | Williams, N. Y. |
| Derounian | Miller, Md. | Wilson, Ind. |
| Devereux | Miller, Nebr. | Withrow |
| Dixon | Minshall | Younger |

NAYS—244

| | | |
|---|---|---|
| Abbitt | Andrews | Baring |
| Abernethy | Ashley | Barrett |
| Addonizio | Ashmore | Bass, Tenn. |
| Albert | Aspinall | Baumhart |
| Alexander | Avery | Beckworth |
| Anderson, Mont. | Bailey | Bennett, Fla. |
| | Baker | Blatnik |
| Blitch | Gregory | O'Brien, Ill. |
| Boggs | Griffiths | O'Brien, N. Y. |
| Boland | Gubser | O'Hara, Ill. |
| Bolling | Hagen | O'Konski |
| Bonner | Haley | O'Neill |
| Boykin | Hardy | Passman |
| Boyle | Harris | Patman |
| Breeding | Harrison, Va. | Pelly |
| Brooks, La. | Hays, Ark. | Perkins |
| Brooks, Tex. | Hays, Ohio | Pfost |
| Brown, Ga. | Healey | Philbin |
| Brown, Mo. | Hemphill | Pilcher |
| Burdick | Heriong | Poage |
| Burleson | Hill | Polk |
| Bush | Holifield | Porter |
| Byrd | Holland | Price |
| Byrne, Pa. | Holmes | Rabaut |
| Cannon | Holt | Rains |
| Carnahan | Horan | Reece, Tenn. |
| Carrigg | Huddleston | Reuss |
| Chelf | Hull | Rhodes, Pa. |
| Chenoweth | Ikard | Riley |
| Christopher | James | Roberts |
| Chudoff | Jarman | Robeson, Va. |
| Clark | Jennings | Robsion, Ky. |
| Coad | Johnson | Rodino |
| Coffin | Jones, Ala. | Rogers, Colo. |
| Colmer | Jones, Mo. | Rogers, Fla. |
| Cooley | Karsten | Rogers, Tex. |
| Cooper | Kearns | Rooney |
| Corbett | Kelley, Pa. | Roosevelt |
| Davis, Ga. | Kelly, N. Y. | Rutherford |
| Davis, Tenn. | Keogh | Santangelo |
| Dawson, Ill. | Kilday | Saund |
| Delaney | Kilgore | Scott, N. C. |
| Dempsey | King | Selden |
| Denton | Kirwan | Shelley |
| Dies | Kitchin | Sheppard |
| Diggs | Kluczinski | Shuford |
| Dingell | Knutson | Sieminski |
| Dollinger | Landrum | Sikes |
| Donohue | Lane | Sisk |
| Dorn, S. C. | Lanham | Smith, Miss. |
| Dowdy | Lankford | Smith, Va. |
| Doyle | Lennon | Spence |
| Durham | Lesinski | Staggers |
| Eberharter | Long | Steed |
| Edmondson | Loser | Sullivan |
| Elliott | McCarthy | Teague, Tex. |
| Engle | McCormack | Teller |
| Evins | McFall | Thomas |
| Farbstein | McGovern | Thompson, N. J. |
| Fascell | McMillan | Thompson, Tex. |
| Feighan | Macdonald | Thornberry |
| Fenton | Machrowicz | Tollefson |
| Fisher | Mack, Ill. | Trimble |
| Flood | Mack, Wash. | Tuck |
| Flynt | Madden | Udall |
| Fogarty | Magnuson | Ullman |
| Forand | Mahon | Vanik |
| Forrester | Marshall | Walter |
| Fountain | Matthews | Watts |
| Frazier | Metcalf | Whitener |
| Friedel | Miller, Calif. | Whitten |
| Fulton | Mills | Wier |
| Garmatz | Montoya | Williams, Miss. |
| Gary | Morgan | Willis |
| Gathings | Morris | Winstead |
| Gavin | Morrison | Wolverton |
| Gordon | Moss | Wright |
| Granahan | Moulder | Yates |
| Grant | Multer | Young |
| Gray | Murray | Zablocki |
| Green, Oreg. | Natcher | Zelenko |
| Green, Pa. | Norrell | |

NOT VOTING—30

| | | |
|---|---|---|
| Anfuso | Jenkins | Rivers |
| Barden | Kearney | Rogers, Mass. |
| Beamer | Kee | Scott, Pa. |
| Bentley | Kilburn | Taylor |
| Buckley | McConnell | Thompson, La. |
| Celler | Mason | Van Pelt |
| Dague | Miller, N. Y. | Vinson |
| Haskell | Powell | Wharton |
| Hillings | Preston | Widnall |
| Holtzman | Reed | Wilson, Calif. |

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Taylor for, with Mr. Preston against.

Mr. Kearney for, with Mr. Holtzman against.

Mr. Hillings for, with Mr. Thompson of Louisiana against.

Mr. Widnall for, with Mr. Celler against.

Mr. Reed of New York for, with Mr. Buckley against.

Mr. Beamer for, with Mr. Anfuso against.
Mr. Scott of Pennsylvania for, with Mr. Vinson against.
Mr. Bentley for, with Mr. Powell against.

Until further notice:

Mr. Barden with Mr. Dague.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. TABER. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken and there were—yeas 330, nays 75, not voting 27, as follows:

[Roll No. 176]

YEAS—330

| | | |
|---|---|---|
| Abernethy | Delaney | James |
| Addonizio | Dellay | Jarman |
| Albert | Dempsey | Jennings |
| Alexander | Dennison | Johnson |
| Allen, Calif. | Denton | Jones, Ala. |
| Allen, Ill. | Derounian | Jones, Mo. |
| Anderson, Mont. | Devereux | Judd |
| | Diggs | Karsten |
| Andresen, August H. | Dingell | Kean |
| | Dollinger | Kearns |
| Andrews | Donohue | Keating |
| Arends | Dooley | Kee |
| Ashley | Dorn, N. Y. | Kelley, Pa. |
| Ashmore | Dorn, S. C. | Kelly, N. Y. |
| Aspinall | Dowdy | Keogh |
| Auchincloss | Doyle | Kilday |
| Avery | Durham | Kilgore |
| Ayres | Dwyer | King |
| Bailey | Eberharter | Kirwan |
| Baker | Edmondson | Kitchin |
| Baldwin | Elliott | Kluczynski |
| Baring | Engle | Knutson |
| Barrett | Evins | Landrum |
| Bass, N. H. | Fallon | Lane |
| Bass, Tenn. | Farbstein | Lanham |
| Bates | Fascell | Lankford |
| Baumhart | Feighan | Latham |
| Beckworth | Fenton | LeCompte |
| Belcher | Fino | Lennon |
| Bennett, Fla. | Fisher | Lesinski |
| Bennett, Mich. | Flood | Long |
| Blatnik | Flynt | Loser |
| Blitch | Fogarty | McCarthy |
| Boggs | Forand | McCormack |
| Boland | Ford | McDonough |
| Bolling | Fountain | McFall |
| Bolton | Frazier | McGovern |
| Bonner | Frelinghuysen | McIntire |
| Bosch | Friedel | McIntosh |
| Boykin | Fulton | McMillan |
| Boyle | Garmatz | Macdonald |
| Breeding | Gary | Machrowicz |
| Brooks, La. | Gathings | Mack, Ill. |
| Brooks, Tex. | Gavin | Madden |
| Broomfield | Gordon | Magnuson |
| Brown, Ga. | Granahan | Mahon |
| Brown, Mo. | Grant | Mailliard |
| Broyhill | Gray | Marshall |
| Burdick | Green, Oreg. | Martin |
| Burleson | Green, Pa. | Matthews |
| Bush | Gregory | May |
| Byrd | Griffin | Meader |
| Byrne, Ill. | Griffiths | Merrow |
| Byrne, Pa. | Gubser | Metcalf |
| Canfield | Hagen | Miller, Calif. |
| Cannon | Hale | Miller, Md. |
| Carnahan | Haley | Mills |
| Carrigg | Halleck | Montoya |
| Cederberg | Harden | Moore |
| Chamberlain | Hardy | Morano |
| Chelf | Harris | Morgan |
| Chenoweth | Haskell | Morris |
| Chiperfield | Hays, Ark. | Morrison |
| Christopher | Hays, Ohio | Moss |
| Chudoff | Healey | Moulder |
| Church | Hébert | Multer |
| Clark | Hemphill | Mumma |
| Coad | Herlong | Murray |
| Coffin | Heselton | Natcher |
| Cooley | Hill | Nimtz |
| Cooper | Holifield | Norrell |
| Corbett | Holland | O'Brien, Ill. |
| Coudert | Holmes | O'Brien, N.Y. |
| Cramer | Holt | O'Hara, Ill. |
| Cretella | Horan | O'Hara, Minn. |
| Cunningham, Iowa | Hosmer | O'Konski |
| | Huddleston | O'Neill |
| Curtin | Hull | Osmers |
| Curtis, Mass. | Hyde | Pasman |
| Davis, Tenn. | Ikard | Patman |
| Dawson, Ill. | Jackson | Patterson |
| Pelly | Santangelo | Thompson, Tex. |
| Perkins | St. George | Thornberry |
| Pfost | Saund | Tollefson |
| Philbin | Saylor | Trimble |
| Pilcher | Scott, N. C. | Udall |
| Poage | Scrivner | Ullman |
| Polk | Scudder | Vanik |
| Porter | Seely-Brown | Van Zandt |
| Price | Selden | Vorys |
| Prouty | Sheehan | Vursell |
| Rabaut | Shelley | Wainwright |
| Radwan | Sheppard | Walter |
| Rains | Shuford | Watts |
| Reece, Tenn. | Sieminski | Westland |
| Rees, Kans. | Sikes | Whitener |
| Reuss | Siler | Whitten |
| Rhodes, Pa. | Sisk | Widnall |
| Riley | Smith, Miss. | Wier |
| Roberts | Spence | Wigglesworth |
| Robeson, Va. | Springer | Williams, Miss. |
| Robsion, Ky. | Staggers | Willis |
| Rodino | Stauffer | Winstead |
| Rogers, Colo. | Steed | Withrow |
| Rogers, Fla. | Sullivan | Wolverton |
| Rogers, Mass. | Teague, Calif. | Wright |
| Rogers, Tex. | Teague, Tex. | Yates |
| Rooney | Teller | Young |
| Roosevelt | Tewes | Younger |
| Rutherford | Thomas | Zablocki |
| Sadlak | Thompson, N. J. | Zelenko |

NAYS—75

| | | |
|---|---|---|
| Abbitt | Forrester | Miller, Nebr. |
| Adair | George | Minshall |
| Alger | Gross | Nicholson |
| Andersen, H. Carl | Gwinn | Norblad |
| | Harrison, Nebr. | Pillion |
| Barden | Harrison, Va. | Poff |
| Becker | Harvey | Ray |
| Berry | Henderson | Rhodes, Ariz. |
| Betts | Hess | Riehlman |
| Bow | Hiestand | Schenck |
| Bray | Hoeven | Scherer |
| Brown, Ohio | Hoffman | Schwengel |
| Brownson | Jenkins | Simpson, Ill. |
| Budge | Jensen | Smith, Calif. |
| Byrnes, Wis. | Johansen | Smith, Kans. |
| Clevenger | Jonas | Smith, Va. |
| Cole | Keeney | Smith, Wis. |
| Collier | Knox | Taber |
| Colmer | Krueger | Talle |
| Cunningham, Nebr. | Laird | Thomson, Wyo. |
| | Lipscomb | Tuck |
| Curtis, Mo. | McCulloch | Utt |
| Davis, Ga. | McGregor | Weaver |
| Dawson, Utah | McVey | Williams, N. Y. |
| Dies | Mack, Wash. | Wilson, Ind. |
| Dixon | Michel | |

NOT VOTING—27

| | | |
|---|---|---|
| Anfuso | Kilburn | Rivers |
| Beamer | McConnell | Scott, Pa. |
| Bentley | Mason | Simpson, Pa. |
| Buckley | Miller, N. Y. | Taylor |
| Celler | Neal | Thompson, La. |
| Dague | Ostertag | Van Pelt |
| Hillings | Powell | Vinson |
| Holtzman | Preston | Wharton |
| Kearney | Reed | Wilson, Calif. |

So the bill was passed.

The Clerk announced the following pairs:

Mr. Holtzman with Mr. Beamer.
Mr. Vinson with Mr. Bentley.
Mr. Preston with Mr. Kearney.
Mr. Buckley with Mr. Simpson of Pennsylvania.
Mr. Celler with Mr. Dague.
Mr. Anfuso with Mr. Mason.
Mr. Rivers with Mr. Miller of New York.
Mr. Thompson of Louisiana with Mr. Taylor.
Mr. Powell with Mr. Van Pelt.

Mr. AUGUST H. ANDRESEN, Mr. SHEEHAN, and Mr. BREEDING changed their vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON. Mr. Speaker, I would like at this time to make a brief explanation as to the intent of the committee in regard to section 1201 of the bill. This section makes a limited revision of that part of section 3679 of the Revised Statutes, as amended, which relates to making apportionments of appropriations.

The substance of the proposed revision is to make applicable to the head of the agency requesting or recommending an apportionment those provisions of the law precluding apportionment or reapportionment on a basis indicating necessity for a deficiency or supplemental appropriation unless within exceptions expressly set out in the law. Presently, only the officer approving the apportionment—the Director of the Budget—is subject to such prohibition. But he is not directly in charge of administration of the funds; he does not personally justify the budget program before the committees; he is not directly accountable to the committees for stewardship of funds allocated to his administration. These responsibilities devolve upon the agency head.

Experience indicates need for this amendment so as to place directly on the agency administering the funds the force of the prohibition against operating on a deficiency apportionment basis, in addition to having responsibility on the Director of the Budget. We feel that responsibility should lie on both heads.

## FRIENDSHIP AIRPORT

Mr. FALLON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. FALLON. Mr. Speaker, yesterday during the discussion concerning an additional airport being built at Burke, Va., some of the members of the House Appropriations Committee, including Congressman THOMAS, of Texas, acting subcommittee chairman and floor manager of the Burke measure, announced their intentions to contact the CAB and CAA to suggest to these agencies that they immediately start using Friendship Airport. They feel it is vitally important that this be done while a third airport is being built in order to alleviate the hazards that daily prevail at Washington National Airport due to congestion caused by the exceptionally heavy air traffic and overcrowded conditions.

In connection with their statements, and just at a time when those of us are so deeply interested in greater utilization of the facilities at Friendship, I would like to submit some most heartening figures recently released by the Civil Aeronautics Board. In the Washington Post of August 6 there is evidence that Friendship Airport is not nearly as unpopular as the administration would make it appear nor is there an overwhelming preference for Washington National Airport among prospective airline passengers who live equally distant from the two airports. In fact, Mr.

Speaker, 50 percent of those polled by the Civil Aeronautics Board who live equally distant from National and Friendship would be equally happy if their flights originated or terminated at Friendship.

I quote, Mr. Speaker, from the story in the Washington Post:

In tabulating the results a zone was established about halfway between the two airports including large suburban areas in Montgomery and Prince Georges Counties. From this zone, 1,035 questionnaires were returned, of which 489 favored Friendship, 379 favored National, 143 were undecided, and 24 failed to answer.

Several weeks ago, Mr. Speaker, an examiner for the Civil Aeronautics Board held weeks of testimony concerning new nonstop service to Mexico City and recommended, without qualification, that Pan American World Airways be certificated to fly the New York-Mexico City nonstop and Washington-Mexico City nonstop. I have been reading CAB examiner's reports for many years, Mr. Speaker, and this was the strongest endorsement of any one carrier's application that has ever come to my attention. Significantly, Pan American is the only applicant for this route which proposed use of Friendship Airport as its Washington terminal. Flights by Pan American to and from Mexico City would stop at Friendship, meaning that Greater Baltimore would be placed on the trade routes of the world because Pan American's services southbound would continue on from Mexico City to Central and South America and its northbound operations would continue on to Baltimore and New York and to Europe. Understandably, Mr. Speaker, the whole Maryland delegation as well as Baltimore city officials enthusiastically supported the Pan American application.

Recently, Mr. Speaker, there have been implications of skulldruggery. I do not know how deeply rooted these implications are but one of the most reliable newsletters circulated throughout the country, Babson's Washington Forecast, published by an old and outstanding business statistics organization, implies quite strongly that the executive branch has interfered in a pending decision by the Civil Aeronautics Board which is, as we all know, an arm of the Congress.

The Babson's newsletter, Mr. Speaker, suggests that the first impulse of the Board was to award the route to Pan American and that word from the White House was passed along suggesting that the decision be reversed in favor of another carrier which would not service Friendship Airport on this route. I include in my remarks this quotation from the Babson's Washington Forecast of July 29, 1957:

WHO'S ON FIRST?

A new storm of protest is brewing here against White House interference in and recriminations against quasi-judicial boards and commissions made up of Presidential appointees.

There are persistent reports of board members' receiving instructions from the White House as to how they should vote on pending matters * * * and there's a growing list of examples of board members and commissioners being passed up at reappointment time because of their refusal to knuckle under completely to directives from the Executive Office.

Constitutionally, these men are not the same as high departmental appointees * * * who carry out administration policy.

Many of the boards and commissions in question actually were set up as watchdogs for the legislative, rather than the executive, branch of the Government.

All of them are designed by statute to serve in a semi-independent, quasi-judicial capacity.

Even though the President may constitutionally overrule board and commission decisions, it is widely reported that the White House has exerted considerable pressure to influence board members to vote in conformance with executive opinion.

Example: Two major airlines have applied to the CAB for approval of an air route to Mexico City. The hearing examiner reported that reasons for favoring one of the applicants were crystal clear.

In a preliminary vote, the Board is reported to have concurred, 4 to 1. Yet, after a call from the White House, word is that the Board reversed itself, by a 3–2 decision.

Whether President Eisenhower is being sufficiently briefed is at least open to question.

There is another newsletter, Mr. Speaker, which is widely circulated in Washington and which reaches many Members of this body; it is Independent Editorial Services, Ltd., and I ask unanimous consent to publish with my remarks an editorial contained in this newsletter of July 31, 1957. It points out the injustice of awarding this route to any airline but Pan American:

AN IMPORTANT COMMAND DECISION

President Eisenhower shortly begins study of a crucial international airline route proceeding, the outcome of which he must decide. The President is to be final arbiter in determining whether Pan American World Airways or Eastern Air Lines shall be authorized to fly nonstop between Mexico City and New York.

Eastern has recently inaugurated service between New York and Mexico City via New Orleans. Under a bilateral agreement, a Mexican airline controlled by ex-President Miguel Aleman will be flying the same route as well as nonstop service. In addition, a Mexican airline and an American airline will be flying the lucrative Mexico City-Chicago route. In this instance, the President will choose between American Airlines and Braniff.

The New York-Mexico City decision could immediately end the monopoly which Air France, the World's biggest airline, enjoys. Air France is the only carrier offering through service to Europe from Mexico City via New York.

Pan American, which has served Mexico for 28 years, having created and maintained the airways between the two countries, is the only company capable now of competing with and excelling the service offered by Air France, even though the latter is backed with the resources of France. By 1959, Pan American will be the first carrier anywhere to fly American-made jet equipment. As an exclusively international carrier, Pan American now copes effectively with rugged foreign competition, including that from airlines which in the past few years have been generously treated by Uncle Sam with rights to serve key United States cities.

As the supreme tribunal in awarding domestic routes and route extensions, the CAB understandably concerns itself only with the public convenience and transport economics. In international route matters, the Chief Executive justifiably has final say. This is part of his province in guiding the Nation's foreign economic, diplomatic, and trade policies and overseeing the Nation's security.

The President must, of necessity, go beyond the criteria of the CAB in reaching a wise and just decision. He must draw on the facts of the State, Defense, and Commerce Departments, and the Central Intelligence Agency, as to what is best for the national interest. On the basis of these facts he must decide which airline is most capable of best serving the United States interests.

The President probably also knows that one American carrier is already insolvent in flying United States-Mexican schedules and unable to fulfill his commitments. Additionally, he has heard from the United States Chamber of Commerce and the Air Transport Association, as well as the Senate Commerce Committee, in protest against the multiplicity of foreign airlines flying United States airways, thanks to the policy in recent years of awarding such routes freely.

Finally, the President is aware of the vast changes that have occurred in the past two decades in the development of air service between our country and its neighbor to the south. For 13 years, Pan American was the sole United States line serving Mexico City. As a war emergency in 1942, to supplement the strategic defense role of Pan American, American Airlines was certificated to operate in Mexico. Now two Mexican companies—Aeronaves and CMA—face the prospect of expanding into big-league international carriers, with routes to New York and beyond, and to Chicago. President Eisenhower deserves adequate time for study of all salient facts in this case. He should be free from the pressures of partisans on both sides, the predilections of well-meaning White House friends with access to the President's ear, and the preferences of aides.

Mr. Speaker, we in the city of Baltimore are not championing any particular carrier as opposed to another except, in this case, Pan American World Airways predicated a principal part of this case before a CAB examiner on the premise that Pan American would service Friendship Airport as the Washington terminal for flights to and from Mexico City. Conceivably, one of the considerations against Pan American was this very factor: that Pan American would use Friendship. I do not know this to be the case but with the tremendous facilities at Friendship Airport there is little doubt that Pan American could render extraordinary service to those inbound and outbound passengers on the Mexico City run far surpassing anything available to passengers at already overcrowded Washington National Airport.

Rumors have indicated, Mr. Speaker, that we may be too late in this final appeal but we are hopeful that these most recent figures released by the CAB may yet give Friendship the stimulus that Pan American is willing and anxious to provide.

I might add, Mr. Speaker, that airline employees living in Virginia or in the Washington area close to National Airport voted heavily—and perhaps often—in favor of National. This is equally understandable. But when one is contemplating a flight of 8 hours' duration, an extra 15 or 20 minutes consumed in getting to a clean, uncluttered airport seems of minor importance.

Baltimore hopes fervently that all the various rumors are untrue and that the Civil Aeronautics Board and the White House, in their infinite wisdom, will give

Pan American an opportunity to utilize the excellent facilities at the Friendship International Airport.

## GENERAL LEAVE TO EXTEND

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H. R. 9131.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the bill may have leave to revise and extend their remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Ast, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 988. An act to amend the act of March 4, 1933, to extend by 10 years the period prescribed for determining the rates of toll to be charged for use of the bridge across the Missouri River near Rulo, Nebr.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 939) entitled "An act to amend section 22 of the Interstate Commerce Act, as amended," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SMATHERS, Mr. LAUSCHE, Mr. YARBOROUGH, Mr. SCHOEPPEL, and Mr. PURTELL to be the conferees on the part of the Senate.

## HOUR OF MEETING TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet tomorrow at 11 o'clock.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## CONFEREES ON MUTUAL SECURITY ACT

Mr. HAYS of Arkansas. Mr. Speaker, I ask unanimous consent that the conferees on the bill, S. 2130, extending the Mutual Security Act, may have until midnight tonight to file a conference report.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

## AMENDING PACKERS AND STOCKYARDS ACT

Mr. THORNBERRY. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 362) providing for the consideration of H. R. 7244, a bill amending the Packers and Stockyards Act, 1921, to permit deductions for a self-help meat promotion program, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 7244) amending the Packers and Stockyards Act, 1921, to permit deductions for a self-help meat promotion program. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. THORNBERRY. Mr. Speaker, I yield myself such time as I may require.

### LEGISLATIVE PROGRAM

Mr. MARTIN. Mr. Speaker, will the gentleman yield to me for the purpose of securing some information about the legislative program for tomorrow?

Mr. THORNBERRY. I yield.

Mr. MARTIN. I would like to ask the majority leader if he can tell us the program for tomorrow and the next day, if possible.

Mr. McCORMACK. I will be very happy to do so. There is a conference report from the Committee on the District of Columbia relating to the auditorium. That will be the first order of business tomorrow. Then there are two bills on which rules have been reported today. They are H. R. 8992, providing participation in International Atomic Agency, and H. R. 8996, authorizing appropriations for Atomic Energy Commission. Of course, the order in which they are mentioned does not mean they will be considered in that order. And, Mr. Speaker, I am going to ask unanimous consent that, when the House adjourns today, it will adjourn to meet tomorrow at 11 o'clock.

Mr. MARTIN. As I understand the situation, then, following the adoption of the rule which is now pending, the bill covered by that rule will go over following other legislative business?

Mr. McCORMACK. Yes; that will follow other legislative business. If there are other rules out of the Committee on Rules in connection with the pay raise for classified employees and the postal-rate legislation, it is my intention to program them for Friday.

Mr. MARTIN. I have been requested to ask the gentleman by a number of the Members who think, perhaps, they might get a few days off before next January, when we expect to adjourn. Does the gentleman have any ideas that he might express on that?

Mr. McCORMACK. I have no ideas. I will try to make Monday's program very light.

Mr. MARTIN. That will be helpful.

Mr. THORNBERRY. Mr. Speaker, House Resolution 362 provides for the consideration of H. R. 7244, the meat promotion program bill. The resolution provides for an open rule and 1 hour of general debate on the bill.

The bill adds a new section to the Packers and Stockyards Act which will permit a dealer to deduct from the proceeds of the sale of livestock an amount not to exceed 10 cents per head for cattle or calves and not to exceed 5 cents per head for sheep, lambs, or swine, and to pay such money to a dealer organization which supports market research and the promotion of meat consumption.

The handler must list, in accounting to the shipper of livestock, the amount of the deduction and the organization to which it will be paid. The shipper may, within 30 days, request a refund. If no refund is requested within 30 days, the handler will pay over the funds withheld to the organization for which it was being collected.

The Secretary of Agriculture is responsible only for receiving annual reports from the participating organizations showing the amount of the funds received and the use of the money. These reports will be available for public inspection.

Producers of agricultural commodities who now have such programs in effect include milk, tobacco, cotton, potato, and wool producers. Such a plan has been operated on a partial basis in the livestock industry for a number of years through voluntary contributions from some livestock producers to the Livestock and Meat Board and certain other livestock organizations, but the promotion program has been hampered by the present restrictions in the Packers and Stockyards Act which this bill amends.

I have received the following communications from leaders in agriculture and ranching in my district with relation to this bill, H. R. 7244, and I wish to read them to the Members of the House:

Mr. W. H. Rivers III, Elgin, Tex.:

"I would like to urge and would sincerely appreciate your support and vote for H. R. 5244."

Mr. J. M. Miesch, Austin, Tex.:

"I am writing concerning H. R. 5244, which, as you know, pertains to the cattle industry. This bill will permit checkoffs for beef promotion at the market place and, in my opinion, is a good piece of legislation. Your support of House bill 5244 will be greatly appreciated."

Mr. Walter W. Cardwell, Jr., Lockhart, Tex.:

"I, like a great many central Texas cattlemen, feel that we as an industry can do much to improve our own price problems. I feel that we need an effective and efficient means of financing our Texas Beef Council. A market checkoff system appears to be the logical answer. Please lend your support to House bill 5244, which will enable us to help ourselves."

Mr. Gus Guenther, Taylor, Tex.:

"Your opposition to bill H. R. 7244 is urgently needed."

Mr. J. T. Duke, Blanco County, Tex.:

"I hope that you can see your way clear to support House bill 5244 which will permit checkoffs for beef promotion at the market place. It is my considered opinion that the beef industry needs considerable promotion among the housewives of the Nation in order to increase consumption and thus raise prices to a more equitable level in comparison to cost of production."

Mr. George Crofts, Johnson City, Tex.:

"If it is not an imposition, would appreciate very much if you could see your way clear to support House bill 5244."

Mr. Speaker, I urge that the Members of the House adopt this rule so that the merits of this bill may be given full consideration and discussion on the floor.

Mr. ALLEN of Illinois. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, the able gentleman from Texas, my good friend [Mr. THORNBERRY], has explained the rule on this bill. It amends the Packers and Stockyards Act and authorizes a dealer or handler or some organization—it was not made very clear in the hearings before the Rules Committee, although we had discussions about it for several days, it was not made clear as to who would do the deducting, but they did say that for each head of cattle or calves 10 cents would be deducted from the farmers and ranchers by some organization or some handler or some society or somebody. It also provides that 5 cents shall be deducted on each sheep, each lamb, or head of swine by some handler, some dealer, or some organization; that was not made very clear either.

So I will yield now to anyone who favors this bill to tell me first of all what segment of the people are in favor of the passage of this bill.

First of all I will yield to anyone who says the consumers will be benefited or helped by the passage of this bill, and in particular I yield to my friend the gentleman from Texas [Mr. POAGE], to tell me in what way the consumers will be benefited by the passage of this bill.

Mr. POAGE. I shall answer the last question first. I think the answer to the last question is that the consumers are always benefited by the advertising of a product. I think American advertising has done a great deal for the American consumer as well as producer. It gives the consumer a far wider choice, a far better choice, and with the information here offered the consumer will know much better how to pick up bargains. I think that is exactly how the consumer will be benefited, by publicity in connection with the things he wants and by research in the nature of the kind of meat he wants.

As to who wants this legislation, we had some seventy-odd witnesses. I think I might start alphabetically.

We had Hon. LeRoy Anderson, a Representative in Congress from the Second District of Montana; A. Z. Baker, president, American Stockyards Association, Cleveland, Ohio; Norman Barlow, president, Wyoming Stock Growers Association, member, general council, American National Cattlemen's Association; Donald Bartlett, cattleman, Como, Miss., regional vice president, National Beef Council, vice president, Mississippi Cattlemen's Association, director and chairman, Livestock Committee of the Delta Council; R. A. Burghart, rancher, Colorado Springs, Colo., president, Colorado Beef Council, chairman of the board, Colorado Cattlemen's Association; J. M. Clark, Calhoun, Ky., president, Kentucky Purebred Livestock Association; Wilbur G. Clauss, McComb, Ohio; Ralph H. Cole, of Nebraska; Don C. Collins, rancher, Kit Carson, Colo., president, American National Cattlemen's Association; Bernard Collins, Clarion, Iowa; Hugh W. Colton, rancher, Vernal, Utah, vice president, Utah Cattlemen's Association; Hugh A. Fitzsimons, rancher, San Antonio, Tex., executive committee, Texas Beef Council, director, Texas Livestock Marketing Association; Kenneth Fulk, Clarinda, Iowa; J. M. Garner, Mendon, Mo.; Harlan Hanks, Winnebago, Minn.; Lloyd Hanna, Farnesville, Ill.; Mrs. Noel Hardy, Wolf Creek, Mont.

We had Charles B. Heinemann, counsel, River Markets Livestock Group, Kansas City, Mo.; J. C. Holbert, Bettendorf, Iowa, cattleman and farmer, chairman of the National Livestock Promotion Board, chairman of the Iowa Livestock Council, and president of the Iowa Beef Producers Association; Hon. Roy Houck, cattleman, Gettysburg, S. Dak., Lieutenant Governor of South Dakota, South Dakota Beef Council; Stanley Hurst, Manilla, Ind.; Daniel R. Ingwersen, president, the Chicago Live Stock Exchange, Union Stock Yards, Chicago, Ill.; Donald Leith, Pleasantville, Ohio; L. Blaine Liljenquist, Washington representative, Western States Meat Packers Association; Robert Lister, rancher, Princeville, Oreg., Oregon Cattlemen's Association, American National Cattlemen's Association; Don F. Magdanz, treasurer of the Corn Belt Livestock Feeders Association, Omaha, Nebr.; Edwin E. Marsh, executive secretary, National Wool Growers Association, Salt Lake City, Utah; Hon. Lee Metcalf, a Representative in Congress from the State of Montana; Jack Milburn, past president of the Montana Stockgrowers Association, Inc.; Joe G. Montague, Fort Worth, Tex., attorney, Texas and Southwestern Cattle Raisers Association; Robert W. Munyon, manager, California Beef Industry Council.

We had Jim Nance, hog farmer, Alama, Tenn., president of the National Swine Growers Council, president, Tennessee Livestock Association, president, American Hampshire Swine Registry; Forest Noel, auction market operator, cattle and sheepman, Lewistown, Mont., vice president, American National Auction Markets Association, representative of the Montana State Growers Association, past president of the Montana Beef Council; William Palmer, Parma, Mich.; Wilbur Plager, field secretary, Iowa Swine Producers Association, and member, executive committee, National Swine Growers Council; Robert Rager, Amando, Ohio; Ivan Sadler, Fithian, Ill.; Fred F. Schmidt, cattle feeder and farmer, Delmar, Iowa director, Iowa Beef Producers Association; E. D. Seldin, Kersey, Colo.; Don L. Short, rancher, Medora, N. Dak., president, National Beef Council; B. R. Smith, Green Pond, S. C., cattleman, South Carolina Livestock Producers Association, South Carolina Livestock Council; Robert Snyder, Wilmington, Ohio; Reese Van Vranken, farmer, Climax, Mich.; Leo Welder, Victoria, Tex., president, Texas Beef Council, director, Texas & Southwestern Cattle Raisers Assocation; Rex L. Whitmore, Burlington, Wis.; Howard Wyman, Aurora, Ill., National Lamb Feeders Association.

We had J. M. Clark, of Calhoun, Ky., president of the Kentucky Purebred Livestock Association. We had Wilber G. Clauss, of McComb, Ohio. We had Ralph H. Cole of Nebraska; we had Don C. Collins, rancher, Kit Carson, president of the American National Cattlemen's Association. We had Bernard Collins of Clarion, Iowa. We had Hugh W. Colton, rancher, Vernal, Utah, vice president of the Utah Cattlemen's Association.

Mr. ALLEN of Illinois. Just a minute. Can the gentleman tell me whether those people are people of special interest or, to get back to my original question, why should the consumers be for this bill?

Mr. POAGE. If the gentleman wants me to, I would like to answer the gentleman's first question as to who appeared in favor of this bill. There were some 70 witnesses, and they are producers, they are the heads of associations, they are ranchers, they are farmers, they are cattle people, they are swine growers, they are sheepmen—they represent all groups of producers who are in favor of the bill.

Mr. ALLEN of Illinois. May I ask the gentleman to tell me what consumers groups, the ones who are paying for it in the grocery stores, testified in favor of this bill?

Mr. POAGE. The gentleman asked me a different question now than he asked before. The gentleman asked me how the consumers would benefit and I told him how the consumers would benefit. I know of no consumer groups who could be made to pay for this bill in the grocery stores, and I am sure the gentleman knows of none.

Mr. ALLEN of Illinois. How much money will be raised with the passage of this bill?

Mr. POAGE. There is not the slightest way of knowing that because the bill is purely permissive. We know the limits above which no deduction could be made—a nickel per head on hogs, but this bill does not impose a burden on any human to contribute if he does not want to. We simply cannot tell how many producers will make the payment.

Mr. ALLEN of Illinois. Well, please answer the question.

Mr. POAGE. I have answered the question. The answer is that neither I nor anyone else knows; but we do know that the amount cannot be burdensome—a dime for cattle, a nickel for hogs.

Mr. ALLEN of Illinois. How much money will be raised by these transactions, or whatever you may call them, to promote the advertising of beef and meat? How much will be raised? Just answer that question.

Mr. COOLEY. I think the gentleman from Texas has answered it as accurately as it can be answered. No one can ascertain how much will be brought in.

Mr. ALLEN of Illinois. Approximately.

Mr. COOLEY. I do not think you can approximate it. The program is going to be voluntary and no deduction will be made except on the producers. I may say to the gentleman that although we

held extensive hearings and numerous witnesses appeared, not a single person representing a consumer group appeared there in opposition to the bill.

Mr. ALLEN of Illinois. According to the best information I have, $20 million are spent every week by grocery stores, especially on Friday. When you pick up the various newspapers throughout the United States—I take about 75 papers myself—you will see that on every Friday the different grocery stores or chain stores have great advertisements about beef roasts, rump roasts, sirloin steak, chops, and other things, and they spend about $20 million a week on advertising. If they spend $20 million a week, the people who are selling the meat, promoting it and trying to sell it, does the gentleman think this is going to bring about more buying of meat? It has been estimated that this bill will raise maybe $8 million a year. The people who are promoting grocery stores are spending $20 million times 52 a year for the advertising and promotion of meat. I make this observation: The small additional amount which will be raised will not help to any large extent.

Mrs. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentlewoman from Illinois.

Mrs. CHURCH. I thank the gentleman particularly for asking these pointed questions at the beginning of the consideration of this matter. May I say to the gentleman that in his own great State of Illinois there are strong forces opposed to the bill, because of just fear of resultant great damage. I refer to the Illinois Agricultural Association, the Cook County Farm Bureau, and the Lake County Farm Bureau.

Mr. ALLEN of Illinois. I thank the gentlewoman from Illinois.

Mr. MARSHALL. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Minnesota.

Mr. MARSHALL. I would like to ask the gentleman if all these organizations that have been mentioned, who are supporting the bill, are going to be on hand to explain these deductions to the farmer when he gets his check?

Mr. ALLEN of Illinois. Well, I believe that the gentleman made an excellent point, and I certainly agree with his thought.

Now, my understanding of the bill is not very clear, but as I understand it creates or establishes a lot of organizations in every State. They will have an organization for beef in every State, they will have an organization or establish an organization for pork in every State, they will establish an organization of handlers or dealers of lamb in every State. My next question would be, in this multitude of organizations, Would there not be quite a bit of confusion as to whom they would pay? In other words, here is an Illinois farmer who sells a few head of hogs or lamb or cattle. Does it mean that he would be checked off separately, with separate organizations, if he just took in a few animals of each? I will ask the gentleman from Texas that question.

Mr. BERRY. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from South Dakota.

Mr. BERRY. Actually I think there is a lot of confusion about this bill. This bill sets up no boards, no commissions. It imposes no taxes and no supports. All it does is to decontrol, just to take off the control that is imposed now. It sets up no boards or no commissions.

Mr. ALLEN of Illinois. Then I will ask the gentleman this question: Who collects this money, and who would spend the money if they do not have an organization to promote it, to do the advertising and the promotional work for the sale of the products? An organization must be set up by somebody, and there must be some function for them to assume.

Mr. BERRY. That will be established later.

Mr. ALLEN of Illinois. That is not the point.

Mr. BERRY. The gentleman says that the grocery chains spend $20 million a year in advertising.

Mr. ALLEN of Illinois. But how will this organization be established?

Mr. BERRY. The law today prevents these people from doing that, and what we want to do is to decontrol, if you please.

Mr. ALLEN of Illinois. Would the gentleman deny that if I had 5 of each type of animal, sheep and so forth, I would not be charged 10 cents for cattle and 10 cents for lambs and have to pay that in to some organization other than the Government?

Mr. BERRY. If the program is established.

Mr. ALLEN of Illinois. Sure, if it is established.

Mr. BERRY. But we are not establishing any program. All we are doing is taking off the controls that exist today so that they can establish these programs up to this certain limitation. That is all this bill does. It is entirely voluntary, it gives livestock producers the right to establish their own promotion program the same as other agricultural producers are permitted to do.

Mr. ALLEN of Illinois. If this bill does not pass, it will not happen, but if it does pass and they establish different organizations to take in these funds and then go ahead and advertise the sale of meat, to my mind the amount will be so small compared to the weekly expenditures of the large chains, where they are spending millions and millions of dollars a week now, in advertising the sale of meat on Fridays and Saturdays to the housewives.

Mr. BERRY. This bill does not interfere in any way with that program. It does not add to that program. It is just permissive legislation so that they can, if they wish, set up these advertising programs, beef, hogs, or whatever it may be.

Mr. MILLER of Maryland. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Maryland.

Mr. MILLER of Maryland. The word "they" has been used several times in speaking about setting up an organization. I would like to know who would set up these organizations if the bill passes.

Mr. ALLEN of Illinois. I will say to the gentleman that that was not made clear. I asked that question 3 or 4 times, and the answer was that it would be some organization for pork, another one for calves, and another one for lamb. They say this is not forced on you. Then I said if some Illinois farmer brings in some of those animals, will they take out that money right away? And they said, yes, if he asks for it within 30 days.

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Kansas.

Mr. AVERY. I would like to direct the attention of the gentleman from Maryland and the gentleman from Illinois to line No. 7. I think the gentlemen from Maryland and Illinois both will agree with me that this is just about as loose language as could ever be written into a bill to determine who is eligible for this check-off. Now, we have read in the papers about these teamster contracts that have been bouncing around in New York, but it seems to me that these livestock organizations could bounce around here to some extent with this check-off money. Certainly, if the bill were to pass, the language should be amended and strengthened considerably as to who would be eligible to make this request. Certainly if the bill were to pass, the language should be amended, there should be some restrictions as to who would be eligible to make this request for the return of funds.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman.

Mr. COOLEY. I think it is perfectly clear, if the gentleman would familiarize himself with the language of the bill and with the record that it is contemplated that the organization would be sponsored by producers of livestock. Certainly the check-off would be made across the board. It is entirely voluntary and any producer who does not want to pay the small amount of money that is contemplated to be paid under this bill would just ask for a refund of the money. That is all he has to do.

Mr. ALLEN of Illinois. That is correct. And he would have to locate that particular organization or establishment. And if he had five different types of product, he would have to look to five different places to return his dimes and nickels. To me it is ridiculous.

Mr. COOLEY. I do not think that is it at all. It would all be checked off or deducted at one place and the requests would all be submitted to one place. If the products were sold at different places he would have to make the request at different places.

Mr. ALLEN of Illinois. Who would decide where this money was to be spent and how it was to be spent?

Mr. COOLEY. The organization.

Mr. ALLEN of Illinois. Which organization?

Mr. COOLEY. The organization of producers which will come about as the enactment of this legislation. We would

not need this legislation but for the Packers and Stockyards Act.

Mr. ALLEN of Illinois. It would come to several organizations in several States. Is it not a fact that you have a separate handler for cattle and a separate handler for other products in each State?

Mr. COOLEY. That is right. But the money end of it would all be handled in one organization which would be selected for a specific purpose. That organization would be established and created by the producers themselves.

Mr. ALLEN of Illinois. Who is going to establish that organization? That is the question.

Mr. COOLEY. The farmers themselves will organize or designate some organization to carry on the program.

Mr. ALLEN of Illinois. The American Farm Bureau, the largest farm organization; the National Grange; the large organizations and the individual small farmers out in Iowa and Illinois do not want it. And if they do not want it, are they going to be forced, are these American farmers going to be forced to establish something with which they are not in sympathy?

Mr. COOLEY. The farm organizations, if they want to handle it, and can establish that they are capable of taking care of an efficient operation of it, can do it themselves.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman.

Mr. GROSS. Are we going to have a referendum of the farmers or a plebiscite, or something of that kind? How is this going to be brought about?

Mr. ALLEN of Illinois. I think that is a good question and I would like to have it answered. Will someone answer the question of the gentleman from Iowa ?

Mr. COOLEY. What was the question?

Mr. GROSS. Are we going to have a referendum of the farmers or a plebiscite, or something of that kind?

Mr. COOLEY. There is no referendum of farmers that is contemplated by the bill at all. There are organizations actually functioning in different parts of the country on a purely voluntary basis, which are not subject to the restrictions of the Packers and Stockyards Act.

Mr. GROSS. Who is going to select the organization?

Mr. COOLEY. The farmers themselves will select the organization.

Mr. GROSS. In what way are the farmers going to select it?

Mr. COOLEY. I am not familiar with the name of the organization that is now functioning in that field. It is the Meat Production Board, something of that kind, or the American Meat Institute.

Mr. GROSS. Cannot the gentleman settle on one organization?

Mr. COOLEY. I have not selected any organization. I have no right to select the organization.

Mr. GROSS. Who has the right to select it?

Mr. COOLEY. The money would be paid to an organization that has been accepted by the producers themselves.

Mr. ALLEN of Illinois. When you say "one organization," would that mean that some farmers would meet in each respective county, and then go to the State organization, and have all these organizations in all the 48 States, and they would meet and have a national organization? Is that true?

## CALL OF THE HOUSE

Mr. HOFFMAN. Mr. Speaker, by request, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair cannot recognize the gentleman for a parliamentary inquiry at this time. The Chair has already announced that a quorum is not present and a call of the House has been ordered.

Mr. HOFFMAN. I want to learn if I now can request——

The SPEAKER. It is too late. The Chair in response to the gentleman's point of order has counted and there is not a quorum present. A call of the House has been ordered. No business can be transacted now.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 177]

| | | |
|---|---|---|
| Alger | Farbstein | Powell |
| Anfuso | Gordon | Preston |
| Barrett | Hillings | Reed |
| Beamer | Holtzman | Rivers |
| Bentley | Horan | Scott, Pa. |
| Buckley | Hyde | Taylor |
| Burdick | Judd | Van Pelt |
| Carnahan | Kearney | Vinson |
| Celler | Kilburn | Vorys |
| Clark | McCarthy | Westland |
| Dague | McConnell | Wharton |
| Davis, Ga. | Mason | Wilson, Calif. |
| Dawson, Ill. | Miller, N. Y. | |
| Eberharter | Morgan | |

The SPEAKER. On this rollcall 394 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## AMENDING PACKERS AND STOCKYARDS ACT

Mr. ALLEN of Illinois. Mr. Speaker, in conclusion let me respectfully inquire of the Members favoring this legaslation how the consumer would be benefited. That point has not been answered satisfactorily. Secondly, how will the farmer be benefited? They contend that one of these organizations will be at the State level. But, who is going to select them? Who is going to select this overall high organization? Who is going to decide where the money is going to be spent? In other words, Mr. Speaker, it appears to me that this might be some fly-by-night organization. They speak about these checkoffs. That reminds me of the union checkoffs. We have these union checkoffs and the union members who pay the money in do not know where the money goes that they have paid in many instances. No one seems to know who is going to be responsible and it is possible that this money that would be paid in by the farmers would go no one seems to know.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Iowa.

Mr. JENSEN. The gentleman asked if someone would tell him wherein the consumer would benefit by this legislation. I would like to say to the gentleman that of course the consumer will benefit because he will learn of the wonderful food value, of the finest food in the world. The consumer will learn that corn-fed beef and pork and poultry is by far the best food in the world. Grass-fed cattle, for instance, from all over the country will be shipped to the great State of Iowa, we will feed them corn and fatten them and then the people will really get fine, tasty, nourishing, juicy corn-fed beef, the greatest food on earth.

Mr. ALLEN of Illinois. I regret that the gentleman from Iowa was not here when I referred to the best information that I had on this.

Mr. JENSEN. I simply answered the gentleman's question.

Mr. ALLEN of Illinois. The best information that I have is that $20 million a week is being spent in the various newspapers of the country in advertising roast beef and lamb chops, and so on. They advertise in my district and I am sure they do in the gentleman's district. I do not think that these nickels and dimes that they would take from the farmers would add much to the splendid advertising put out by the local grocery stores in the gentleman's own district, particularly on Friday of each week.

Mr. THOMSON of Wyoming. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman.

Mr. THOMSON of Wyoming. The gentleman has asked repeatedly who wants this and who will pay for it and how it is going to be administered. I think the answer to all of that is the producers. In my own State of Wyoming since 1953 at each State convention of the Livestock Association they have passed resolutions in favor of this. Does the gentleman not think this is a better way to do it, to let them help themselves? Or does the gentleman think it would be better to have them come in here, as we do with the so-called basic commodities, give them a guaranteed price and subsidies, and then store the excess at the taxpayers' expense? I think the consumer, the taxpayer and the producer, who wants this, would benefit.

Mr. KNOX. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman.

Mr. KNOX. Mr. Speaker, I want to concur in the gentleman's views on this rule and bill. This is a bold attempt by the Congress once again to farm the farmer. I believe the farmers are entitled to have something to say about their own operations. As far as the

Farm Bureau of Michigan is concerned, they are opposed to this legislation. I believe it to be in the best interests of the Congress to be true and honest with the farmers and consumers to defeat this bill at this time.

Mr. VURSELL. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman.

Mr. VURSELL. Mr. Speaker, for weeks now I have received telegrams and letters from farmers in my district, from presidents of practically all county farm bureau organizations, from the producers of livestock generally, expressing their concern and opposition to H. R. 7244, which would amend the Packers and Stockyards Act to permit marketing agencies to withhold funds from farmers and ranchers to be used for advertising meat, and the purposes set out in this proposed legislation.

It would seem to me that the farmers in my section of the State, and generally over the Nation, have experienced sufficient difficulties with their low net earnings over the past years without now being compelled to submit to further expense and controls set out in this legislation by the Congress by imposing upon them this legislation.

Let me point out a number of reasons why this legislation should not be passed:

First. It will hurt farmers and ranchers by increasing their costs.

Second. It will not help consumers.

Third. It will make possible the establishment of separate organizations for beef, pork, and lamb in each State which will create expensive conflict and duplication of effort.

Fourth. At time of sale a farmer or rancher cannot avoid the checkoff.

Fifth. A well coordinated program promoting the sale and consumption of all red meats, that is, beef, pork, and lamb, without duplication of effort is now being carried on by the National Live Stock and Meat Board, which predominantly consists of producer representatives.

Sixth. Funds from farmers and ranchers for the present unheralded but highly successful National Live Stock and Meat Board would be contingent upon, and subject to, the discretion of each of the many organizations which would be authorized under this proposed act, or would have to be obtained in competition with such organizations. Either alternative could seriously impair the National Live Stock and Meat Board at a time when its work should be strengthened, not weakened.

Seventh. Marketing agencies would have to decide to which of many possible organizations the funds should be given.

Eighth. There is no safeguard that the funds will be used for the specific purposes for which collected and not for legislative or political activities.

Mr. Speaker, since the National Live Stock and Meat Board's promotion activities have become a normal and accepted practice among the trade, no change of law is required to legalize its activities.

I urge the Members of this body to vote against this bill in the interest of the farmers, ranchers, and livestock producers of the Nation.

Mr. Speaker, may I say in closing that the American Farm Bureau Federation is adamantly opposed to this legislation, and has expressed to the Members of both bodies their opposition, based upon the eight reasons I have just given you. Certainly, the judgment of this organization with over 1½ million of the most progressive farmers in this Nation should weigh heavily with the Members in helping to bring about the certain defeat of this bill.

I include the following letter from the Illinois Agricultural Association:

ILLINOIS AGRICULTURAL ASSOCIATION,
*Chicago, Ill., July 26, 1957.*

Hon. CHARLES W. VURSELL,
*House Office Building,*
*Washington, D. C.*

DEAR CONGRESSMAN VURSELL: The Illinois Agricultural Association opposes H. R. 7244, which authorizes agencies on posted livestock markets to make a checkoff against sales of livestock to finance meat promotion and other activities of State and local livestock associations. This association strongly supports efforts to promote increased consumption of meat. It feels, however, that any checkoffs by marketing agencies for this purpose should be coordinated upon a national basis.

Under the proposed bill, there could be a separate agency for each specie of livestock in each State, all financed by producers. Instead of one agency promoting the use of all meats, there could be a separate agency in each State for each of the species. This would involve heavy administrative costs and overlapping duplication of effort at the expense of the producer.

The proposed program may be good for advertising promoters but we doubt that producers will be served by having numerous agencies representing the various species of livestock, all financed with producer funds and competing against each other.

We urge you to vote against H. R. 7244.

Sincerely,

OTTO STEFFEY, *President.*

Mr. BAKER. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Tennessee.

Mr. BAKER. I should like to associate myself with the position taken by the gentleman from Illinois in opposition to the bill. The Tennessee Farm Bureau has voted unanimously in opposition to it.

Mr. ALLEN of Illinois. I thank the gentleman.

Mr. Speaker, may I say in regard to this promotion scheme by some overnight-established organization, no one knows who is going to elect them or to whom they are going to be accountable. I will trust the grocery stores in my district to place ads in the newspapers and bring forth the picture of some of this good Iowa beef that my good friend from Iowa has mentioned as well as good Illinois beef. I am willing to trust the advertising through the grocery stores themselves.

It is my sincere hope that this bill will be defeated. Let us not put any more of this redtape into effect, taking nickels and dimes from the farmers. They do not like it. If you ask any of them, they will say they do not like any more of this redtape from Washington.

In conclusion, Mr. Speaker, I had not expected to ask for a rollcall on the rule, but I know many Members of Congress are anxious to get through with this session and go home, so I do not believe we should prolong the agony. Therefore, I shall ask for a rollcall on the rule.

Mr. THORNBERRY. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. O'NEILL].

Mr. O'NEILL. Mr. Speaker, I subscribe to the remarks made by the gentleman from Illinois. This bill was before the Committee on Rules for a considerable time and we had lengthy hearings on it. Believe me, there were many, many questions that went unanswered.

I have in my hand a telegram I received from Charles H. McNamara, Massachusetts Commissioner of Agriculture:

Personally oppose H. R. 7244. Believe most Massachusetts dairy farmers agree with me. Appreciate your efforts toward this end.

In the district I represent, is the Brighton Abattoir. We have no large farms in my area or my section of the State whatsoever, but we do have the abattoir, to which the farmers from the outlying districts bring in their cattle. It is only a small operation. I have here a telegram signed by John McMaster, commodity director, Massachusetts Farm Bureau Federation. It reads as follows:

Urgently and respectfully request your opposition to H. R. 7244 next week. Bill sets up mandatory checkoff on all livestock marketed at proposed rate of 10 cents per head. Brighton stockyards alone handle 215,000 cull dairy cows, calves, and hogs annually. Cost to farmers of this area marketing at Brighton under program set up by H. R. 7244 would be $21,500. Bill does not leave producer free to avoid payment by asking in advance, but forces him to request refund. Program would seriously hamper current excellent activities of National Livestock and Meat Board, which is financed on a voluntary basis.

My area is just a small one, and they are going to mulct from the farmers there $21,500 a year. I wonder how much money they would collect in livestock areas like Denver, Chicago, or in other sections of the country where the real beef operations are. I imagine it would run into hundreds of millions of dollars.

One of the questions I asked in the committee was, How many cattle are slaughtered annually in this country? I could not get an answer to the question, How many cattle are slaughtered annually in the United States? The committee which reported this bill could not give me an answer, so we could not even estimate how much money would be brought into these organizations.

Mr. MORANO. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Connecticut.

Mr. MORANO. I do not represent a farm district, either, but I have had a letter from the Connecticut Farm Bureau in which they state that they oppose this measure. I associate myself with the remarks made by the gentleman from Massachusetts in opposition to the rule. I think we ought to kill the bill right here by defeating the rule.

Mr. O'NEILL. I agree with the gentleman.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I join in the sentiment expressed by the gentleman from Connecticut. I think the bill ought to be killed right here and now. Can the gentleman tell me to what organization this 10-cent checkoff goes?

Mr. O'NEILL. That is very interesting. That seems to be the $64,000 question. Title III of the Packers and Stockyards Act of 1921, as amended, is amended through this bill by adding a new section 318, which reads in part as follows:

> Any market agency that handles the sale of any livestock on a posted stockyard may, upon the request of an organization sponsored by the producers of the livestock so handled and which organization supports research.

I do not have any idea who the organizations which you have mentioned may be. There are 144 of these organizations in the country. Incidentally, there was a man appearing today over in the other body by the name of Johnny Dio. He appears to be a pretty good organizer in his line and maybe he intends to take this over. But, so far as I can see, fertilizer is fertilizer no matter how you package it. This is a really bad piece of legislation. I hope the rule is not adopted.

Mr. KLUCZYNSKI. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield.

Mr. KLUCZYNSKI. I want to join in the stand taken by the gentleman from Massachusetts. I believe I have more cattle in my district than the gentleman has in the whole State of Massachusetts. I think we should take the rule on this bill and throw it out the window.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield.

Mr. KEATING. I share the sentiments expressed by the gentleman from Massachusetts. The New York State Farm Bureau has expressed opposition to this measure. I think the way to handle this is to kill this rule right now.

Mr. O'NEILL. Incidentally, may I say that at the beginning of the report it says:

> Producers of a number of agricultural commodities have programs under which they contribute a small amount from the sale of their commodities to be used for marketing research and sales promotion work. Commodities with respect to which such plans are now in operation include milk, tobacco, cotton, potatoes, and wool.

May I say that none of these operate in the same manner in which this bill would operate. That is a voluntary organization. Clipping wool is a better plan than this.

Mr. THORNBERRY. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. POLK].

Mr. POLK. Mr. Speaker, like the previous speakers I am very much opposed to this rule. I am opposed to the bill. I believe this is very bad legislation. This is a bill that has many bad implications. I was not a member of the subcommittee which considered this legislation although I did attend some of the hearings. May I say from the testimony which was presented in the hearings, and it is rather voluminous, comprising 180 or 190 pages, we find that practically every farm organization in the United States is opposed to this bill. I believe that most of the support for the bill comes from the Texas and Southwestern Cattle Raisers' Association, the American National Cattle Growers' Association and others who are engaged in the production of stocker and feeder cattle. This bill, however, in my mind places a tax on the feeders of all hogs, cattle, sheep, and lambs. The question was raised by the distinguished gentleman from Illinois as to how many cattle are slaughtered in this country. According to the statistics of the Department of Agriculture, approximately 40 million head of cattle and calves are slaughtered and at 10 cents a head, you can readily see that would amount to $4 million.

From the same source we find that 80 million head of hogs are slaughtered annually in the United States. At 5 cents a head that is another $4 million.

Sheep and lambs run to about 16 million head slaughtered annually in the United States. At 5 cents a head this makes about $800,000.

So there are $8,800,000 at stake in this legislation.

I have been told that the advertising agencies are very much in favor of this legislation. It is a lot of money that is going to go to somebody for advertising. I have also been told that there are a lot of people who think they will get jobs under this legislation. It was pointed out in the hearings that there could be 144 organizations in the United States administering this program. There are 48 States. This refers to hogs, cattle, and sheep; so there could be 3 organizations in every State, and 3 times 48, if my arithmetic is anything like reliable, we would have 144 organizations handling this money.

The bill is loosely drawn, and I would like to read a statement that was made by a distinguished gentleman from Virginia, who testified before the committee.

Mr. Roy Davis, president of the Virginia Farm Bureau, said this:

> The proposed legislation would, we feel, lead to a program which would create unwise efforts between areas and groups of producers. The end result of this promotional work in this field will be to shift the consumer from one type of meat to another, without the desired increase in overall consumption. Advertising will change the proportion of food items that make up the diet, but not the total volume consumed.
>
> Widespread food item promotion through checkoff funds would subtract substantial sums from the farmer's income, but would add little or nothing to the total volume sold.
>
> The chief benefactors of such a program would be the advertising agencies who do the work and not the producers that pay the bill.
>
> We as producers, are paying the bill for promotion now, and if additional funds are needed we would prefer to have them raised on a voluntary basis, and used by agencies now doing this work.

I strongly urge the defeat of this rule.

Mr. THORNBERRY. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. HILL].

Mr. HILL. Mr. Speaker, I want to begin by saying that I want to disassociate myself from some of the remarks against this rule. There are plenty of farm organizations for this bill, and I am going to read a list of them that will keep me going until the Speaker sounds the gavel. We had hearings on this bill, and the gentleman who just preceded me [Mr. POLK] never said a word or even raised his voice against the bill. I listened to the testimony and heard farmers and livestock men testify. Here they are. Just let me begin with the American National Cattlemen's Association, the National Beef Council, the National Swine Growers Association. I believe they are from Illinois. I ask my friend, the gentleman from Illinois [Mr. ALLEN], who refused to yield to me, who the Illinois National Swine Growers are, for they said they supported the national checkoff for hogs.

Then we have another, the National Woolgrowers Association, the Colorado Beef Council, the California Farm Bureau Federation. Read the list. I am just reading them off at random—the State Association for the Checkoff System in Colorado, the Colorado Cattlemen's Association, all in favor of this, every last one of them; the Nebraska Stockgrowers Association.

And most of these folks, let me say, are Farm Bureau members. In my State I venture that 90 percent, anyway, 75 percent are Farm Bureau members, so I say, frankly, there are a lot of people in favor of this bill. You will find that generally speaking, many farmers who are members of the Farm Bureau favor this legislation.

Let me read a list of meat organizations you already could qualify to receive these funds. You have plenty of them. You do not need one single new organization.

American National Cattlemen's Association, resolutions adopted January 9, 1957.

National Swine Growers Council, policy adopted November 25, 1956.

National Wool Growers Association, resolution adopted January 24, 1957.

Corn Belt Livestock Feeders Association, resolution adopted February 8, 1957.

Colorado Cattlemen's Association, motion passed at executive-advisory committee meeting, January 16, 1957.

Colorado Beef Council, motion passed at board of directors' meeting, July 6, 1956.

National Grange, action supported at 90th annual convention, Rochester, N. Y., November 14, 1956; individual commodity programs, specially designed to meet the production and marketing requirements of each commodity in relation to every other commodity.

American National Cattlemen's Association, 85th annual convention held at Reno, Nev., January 10–12, 1955.

Nebraska Stock Growers Association.

North Dakota Stockmen's Association.

Alabama Cattlemen's Association.

Nevada State Cattle Association.

Tennessee Livestock Association Convention.

Ohio Cattle Feeders Association.

Ohio Livestock and Meats Promotional Committee.

California Cattlemen's Association.

Utah State Farm Bureau.

Montana Farm Bureau Federation.

Arizona Beef Council.

Wyoming Stock Growers Association.

American National Livestock Auction Association.

Georgia Livestock Association.

Mississippi Farm Bureau Federation.

Montana Stock Growers Association.

Mr. HOEVEN. Mr. Speaker, will the gentleman yield?

Mr. HILL. I yield to the gentleman from Iowa.

Mr. HOEVEN. Does the gentleman not think it would be ultimately fair for the House to adopt the rule, then listen to the arguments pro and con? It is my understanding certain amendments will be proposed to make participation in the program entirely voluntary. I do not think it is the American way to foreclose discussion by defeating the rule. I hope the House will permit the rule to be adopted so that we may have full discussion of the merits of the legislation.

Mr. THORNBERRY. Mr. Speaker, I yield 3 minutes to the gentleman from Wyoming [Mr. THOMSON].

Mr. THOMSON of Wyoming. Mr. Speaker, this legislation poses quite a problem with me because of the apparent conflict between the position of the Farm Bureau and the position of the livestock organizations. We have a very strong Farm Bureau organization in Wyoming. They do a good job. I point out that Wyoming was 1 of the first 3 States in the Union to reach its quota in Farm Bureau membership for 1957. We have the Wyoming Stockgrowers Association in the State, which just recently held its 85th annual convention, and the Wyoming Wool Growers Association, which is now in convention. They also do a good job. Because of the apparent conflict in conclusions on this legislation of the Farm Bureau and these livestock organizations, I have looked into this legislation very carefully. I believe that it is right in principle. Some amendments may be necessary to perfect it. I have already seen some of the amendments and have one to submit myself. Since it is, I believe, right in principle, I urge that the rule be adopted so that the legislation can be perfected.

In considering this legislation I have given very careful attention to the material submitted to me by the executive secretary of the Wyoming Farm Bureau. It has been suggested here that the Farm Bureau's position is against this legislation. One of the things that I have always admired most about the Farm Bureau is that its policy and position is developed from the grassroots into a set of principles. Included in the material sent to me was the statement of policy of the Farm Bureau on promotional work. I believe that this bill, if we take it up and allow the Committee of the Whole to work its will, will be directly in line with that policy as submitted to me by the Wyoming Farm Bureau, which is, as I understand it, not the Wyoming Farm Bureau policy but the National Farm Bureau policy. So that you may judge for yourself, I would like to read that policy to you as it was submitted to me. I quote:

> We believe that promotional work is essential for agricultural commodities. The American Farm Bureau Federation through State and county units should stimulate interest among farmers and urge increased support for sound, well-coordinated programs to promote the increased sale and total consumption of farm products without duplication of effort.
>
> We feel that any funds raised for the purpose of promoting the sale of farm commodities should be collected on a voluntary basis by market agencies dealing directly with the individual producers involved.

This bill meets that requirement. I continue to quote from the policy:

> We define a voluntary checkoff program as one (1) which leaves marketing agencies free to refuse to make deductions; or otherwise collect funds from producers for promotional purposes unless the individual producers have given prior approval for such deductions,

This bill meets that test. I continue to quote:

> and (2) which leaves producers free to refuse to contribute or enables them to obtain the refund within a reasonable time of any assessments that may be collected by the voluntary action of market agencies. The procedure for obtaining refunds should not be so burdensome as to have the practical effect of depriving individual producers of the opportunity to obtain refunds.

With the amendments the bill will completely satisfy that requirement. Again I continue to quote from the Farm Bureau policy:

> We feel that any funds collected for promotional programs should be administered by an organization of producers (with handlers and processors included where it is mutually agreed that they should be included) through its board or committee. Such funds should be used solely for the specific purposes for which collected and not for legislative or political activities.

I call your attention to the fact that the bill provides protection in this regard. The organization receiving the funds is required to account, through the Secretary of Agriculture and the accounting is published.

I submit to you that this bill with the amendments that will be proposed, and I am quite confident adopted in the committee is strictly in line with the policy of the Farm Bureau as expressed in this statement of policy which I have just read to you. By this I do not mean to suggest that the Wyoming State Farm Bureau is supporting this legislation for the executive secretary of that organization has advised me that they are not. I do, though, believe that with amendments it falls into the principles of Farm Bureau policy which are, as I understand it, developed from the grassroots.

I believe this is good legislation. As I mentioned previously, it is merely removing a restriction which prevents an industry from helping itself by promoting the sale of its own product with its own money. Within the industry this bill with the amendments will permit a man to say, "I do not want to contribute," and he does not have to contribute. This permits a man to let a deduction be made, and then, within 30 days, to change his mind and say, "I want it back," and he gets it back promptly. It is voluntary within the standards I have just read as fixed by Farm Bureau policy.

Some mention was made of the Dio case. I submit to you that if in that instance the members of the organization could have refused to pay the dues, or could have demanded a refund and obtained it, then the trouble could never have developed. Such is provided in this legislation.

I sincerely believe that if this rule is adopted, amendments will be offered and accepted which will overcome completely the objections that have been raised up to this time to the bill. I repeat, it is good legislation in principle. It would indeed be unfortunate if the opportunity to perfect it was denied. I urge the adoption of the rule.

Mr. ALLEN of Illinois. Mr. Speaker, I yield such time as he may desire to the gentleman from Illinois [Mr. McVEY].

Mr. McVEY. Mr. Speaker, the bill, H. R. 7244, is opposed by the American Farm Bureau Federation, which is associated with the National Live Stock and Meat Board and many firms affiliated with that body. The measure is strongly opposed by Mr. Charles B. Shuman, president of the American Farm Bureau Federation. Mr. Shuman was formerly president of the Illinois Agricultural Association. He is a gentleman who has spent most of his life in an effort to create better conditions for the farmer and to enable him to enjoy his fair benefits in the prosperity of this country. He is a man in whom we can place great confidence and his objections to H. R. 7244 should be seriously considered.

Mr. Shuman contends that the measure before us does not in its truest sense provide for voluntary contribution from the farmer. The bill, as it is written, provides that deductions will be made automatically from the accounts of the farmer when he sells his products. He then must wait for an account of sale. If he does not want to make the contribution, a refund can be obtained by requesting it within 30 days. Mr. Shuman states that this is a tortuous treatment of words.

In the program of the National Live Stock and Meat Board no deduction is made from the farmer's account if he requests that such deductions not be made. The case of the president of the American Farm Bureau Federation appears to rest upon the fact that in most of the organizations which are making deductions at the present time the withholding of accounts of the farmer are not made without his consent, while that is not true in the case of H. R. 7244.

For the record, I should like to quote the following excerpts from a letter received from Mr. Shuman. His opinion is certainly worthy of the deepest thought on the part of all of us:

> Confusing the voluntary act of an agent with an involuntary act of the principal is misleading.

Farmers and ranchers now have authority to voluntarily contribute their own money for any promotion program they desire. No Federal or State law prohibits voluntary contributions. The Farm Bureau urges farmers and ranchers to voluntarily contribute money to encourage the promotion and sale of their products.

The programs of the American Dairy Association, the National Broiler Council, the National Live Stock and Meat Board, as well as the United Fresh Fruit and Vegetable program are voluntary in that the deductions are not made if a producer does not want them made. In each of these programs all a producer has to do is to say "don't make a deduction" and that is all there is to it. If he fails to make such a request, he can get a refund.

The assertion that "the meat board checkoff is far less voluntary from that proposed in the bill" is without foundation in fact.

In the bill before you, however, the producer must wait for an account of sale and then if he doesn't want to make the contribution, a refund can be obtained by requesting it within 30 days. Clearly the bill is drafted so that it can be represented as voluntary but with the intention that many will be discouraged from asking for a refund who would not voluntarily make a contribution.

An attempt is made to show that this bill would result in a coordinated program without duplication of effort by referring to the language "On a nationwide basis." A fair reading of the language will reveal that if the organization supports any "research into the problems concerning the marketing of meat, etc., on a nationwide basis" it qualifies. To sharpen the point, an organization within a State, or any other larger or smaller area, could for example contribute $1 out of $1 million to the National Live Stock and Meat Board (or a separate nationwide organization for each specie of meat to be used on a nationwide basis) and use the other $999,999 to push other meat off the menu and qualify under the language of the bill. It was reported to the American Sheep Producers Council that in Milwaukee home economists promoting lamb were successful in pushing pork off the menu for a week. Along the same line any number of competing producer-sponsored organizations could seek funds for the same specie of meat within a State by this involuntary method. The marketing agency would have to decide to which competing organization it should send the funds.

As I set forth in my letter of July 26:

"A well-coordinated program promoting the sale and consumption of all red meats, i. e., beef, pork, and lamb, without duplication of effort is now being carried on by the National Live Stock and Meat Board, which predominately consists of producer representatives.

"Funds from farmers and ranchers for the present unheralded but highly successful National Live Stock and Meat Board would be contingent upon, and subject to, the discretion of each of the many organizations which would be authorized under this proposed act or would have to be obtained in competition with such organizations. Either alternative could seriously impair the National Live Stock and Meat Board at a time when its work should be strengthened, not weakened."

Marketing agencies now do not have to decide to which of many competing organizations to send funds; there is only one well-coordinated nationwide organization operating without duplication of effort and it is the present National Live Stock and Meat Board.

There is already over $100 million per year being spent by the meat processors, wholesalers, retailers, etc., on advertising of meat. The farmer already has all the costs and deductions he can stand. Consumers will not be helped by increasing the cost of moving meat from the farmer to the consumer or by shifting the cost to farmers from marketing agencies.

One meat board now serving all species of livestock, i. e., beef, pork, lamb, and veal, upon which the three national general farm organizations and numerous livestock associations are represented gives much greater assurance of avoiding abuse of such funds than would a multitude of different organizations for each separate specie of livestock.

Eighteen of the 30 members of the National Live Stock and Meat Board are representatives of the following farm and livestock producer organizations:

1. American Farm Bureau Federation.
2. National Farmers Union.
3. The National Grange.
4. National Livestock Producers Assn.
5. American National Cattlemen's Assn.
6. National Wool Growers Assn.
7. Swine Growers Associations.
8. Lamb Feeders Associations.
9. Kansas Livestock Assn.
10. National Society of Livestock Record Assn.
11. Texas and Southwestern Cattle Raisers Assn.

Other organizations represented (constituting a minority) are:

1. National Livestock Auction Assn.
2. National Livestock Exchange.
3. American Meat Institute.
4. National Assn. of Food Chains.
5. National Assn. of Retail Grocers.
6. National Assn. of Retail Meat and Food Dealers.
7. National Restaurant Assn.
8. Super Market Institute.

The legality of the present voluntary program has not been questioned for 33 years and the General Counsel of the USDA defends its legality. The Federal Government has not and apparently does not intend to question it. Neither do we think anyone else does. Those who are derogatory of we who are trying to strengthen and defend the present coordinated program of the National Live Stock and Meat Board appear somewhat awkward in feigning concern about the legal basis of that Board.

I again urge you and your colleagues to vote against H. R. 7244.

Sincerely yours,

CHARLES B. SHUMAN,
*President.*

Mr. ALLEN of Illinois. Mr. Speaker, I yield the remainder of my time to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, as a farm owner and operator myself, as well as a representative of a great agricultural district and of a great agricultural State, I have been very much concerned over this bill. So I find myself somewhat in the same position as expressed by the gentleman from Wyoming [Mr. THOMSON].

I asked a great many questions about this legislation when it was before the Committee on Rules. I can say very frankly and very honestly that in my opinion this bill is one of the most loosely drawn measures I have seen come before the Committee on Rules in a good while. It is a difficult bill to understand and to comprehend, and it carries some provisions that I think ought to be changed before we approve of it.

We have in Ohio a situation where we feed a great many cattle. I am a livestock raiser and feeder myself. We have some very fine cattle and livestock associations which are very much interested in this measure. On the other hand, we have the opposition of the Farm Bureau of our State to the bill in its present form. Forty percent of our farms in Ohio are small in size, and as the result there is opposition to the bill from many small farmers.

There are two provisions in this measure I think are dangerous and must be changed if it is to be approved, or even considered, by the House.

No. 1. It does not name, as has been emphasized here, who are to be the recipients of the fees that are to be deducted from the sale of all livestock that is shipped to market.

No. 2. This is a compulsory bill, despite any statement made to the contrary. It provides specifically that for every beef animal shipped to market 10 cents shall be deducted, 5 cents for every hog, and 5 cents for every sheep. That is to be a compulsory deduction. The farmer will not have any choice about the matter. They just take that money away at the market place, according to the way this bill reads. Then, if the farmer wants to get his money back, the bill provides that he must make application within a certain period of time for a refund, if you please, of the money which has been deducted from the selling price of the livestock shipped to market, provided he knows where to apply and when to apply, and finds it worth his while. So here is where the little farmer is interested, the farmer who does not ship as much livestock to market as I do, but the average little farmer who sends, we will say, only 50 hogs or 100 hogs, possibly, a year to market. They take out $2.50 or $5 each time he ships, and then he would have to make application to get his money back, if he can learn where to apply, or knows when to apply, and if he knows he has the right to apply for such a refund.

Now, I have urged, in an effort to be of help to all agriculture, because I am interested in farm problems and in livestock feeding, as well as general farming—I urged, before the Committee on Rules, that the sponsors of the bill try to prepare some kind of an amendment, or series of amendments, to this legislation which would make it worth while, and would take away the compulsory feature, or the mandatory feature, which is, in my opinion, more or less un-American, and put it on the contributions on the same voluntary basis that exists in practically every other marketing arrangement for farm products where fees are deducted to meet the cost of promotion.

Now, I understand some amendments of this nature have been suggested at the last minute. However, the one proposed amendment I have seen is not entirely satisfactory.

Mr. HARVEY. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Indiana.

Mr. HOEVEN. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Iowa.

Mr. HOEVEN. I think the gentleman said something in support of my suggestion a moment ago, that this rule be

adopted so that the bill may be considered on its merits. It is my understanding that amendments are going to be proposed to make this bill entirely voluntary and to meet the several objections that have been made today. Let us adopt the rule and discuss the bill on its merits.

Mr. BROWN of Ohio. Mr. Speaker, the only thing I can say in reply to the gentleman is that the amendment he showed me did not make the deduction voluntary; it is still compulsory.

Mr. THORNBERRY. Mr. Speaker, I yield the remainder of the time on this side to the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Speaker, may I at the very first of this discussion point out what most of the members of the committee know, but something which some of them obviously do not know, that the subcommittee of the Committee on Agriculture has unanimously authorized me when we get into the House and to the amendment stage, to offer an amendment, with the support of every member of the subcommittee, which will, at least, in the first few lines read that:

> In the event the shipper of such livestock objects to the deduction of said amounts he may, at the time of delivery of the livestock or at any time thereafter, but before the marketing agency to which the delivery has been made shall have accounted for the sale thereof, instruct such marketing agency not to make such deduction, in which event no deduction shall be made.

Then we pick up the present bill and leave the man so that if he did not make the request at the time he shipped his livestock, but within 30 days decided he wanted his money back, he could still ask for it and get it back.

Frankly, I thought the bill as written gave the shipper every reasonable protection. But there has been an honest difference of opinion and a great many people have felt that there should be further protection. It is in an effort to meet the very proper suggestion of the gentleman from Ohio and others who like him felt that way, that we have tried to bring in an amendment, which we shall present when we have the opportunity, that will make it crystal clear that you do not have to wait and get a refund if you do not want any deduction made; all you have to do is to say so and there cannot be any deduction made.

Now, that is a good deal further than the law goes in protection of most agricultural producers at present because under the present law, while many of our people do not seem to realize it, any commodity other than livestock is subject to any kind of checkoff that the marketing agency wants to make as long as they stand ready to refund it when the shipper objects to it. It is being made in the case of a great many of our agricultural commodities right now, just as it is being made by industry, and just as it is being made by labor. Agriculture as a whole has a right to use its own money for promotion purposes except in the case of livestock. Why do we not have that right in the case of livestock? Because in 1921 the Congress of the United States passed what is known as the Packers and Stockyards Act of 1921, in which there is a specific prohibition against any agency that operates on what is known as a posted market making any kind of deduction except for certain named items, which are feed, water, and care for the stock, and so forth. Nobody in 1921 anticipated the desirability of the procedures that the American Farm Bureau Federation now advocates. The gentleman from Wyoming mentioned the policy of the Farm Bureau, which is to support promotion of agricultural products throughout the country, and says that they must be paid for by the producers. There is no one else to do it. The livestock people are not asking that the Federal Government step in and pay their promotion bills. Livestock producers as a group of agricultural producers now come to you and say, "Let us have the opportunity that is accorded to labor, that is accorded to industry, that is accorded to most of agriculture, to have a checkoff where the producer does not object. If he objects, we will not make it. But let us have an opportunity where the producer does not have any objection to do the same thing that other segments of American industry, labor, and agriculture do and have a right to do."

Even in the livestock industry, if you send livestock to a nonposted yard a checkoff is perfectly permissible. This bill relates only to posted yards.

A lot of you think we are bringing in a bill that relates to all of agriculture. This bill does not relate to anything except posted livestock yards. Posted livestock yards are those yards where the Secretary of Agriculture has, under the authority of the Packers and Stockyards Act, posted a notice stating that the Packers and Stockyards Act was in effect in that yard and that it must be obeyed.

It has to be a yard of more than half an acre in extent, so all of the small yards of the United States are nonposted. Any kind of checkoff you want to make in these small yards is perfectly legal. You can check off a dollar a head in a nonposted yard and there is not a thing in the law to prevent it. In fact, it is being done in a good many cases right now. I do not mean that a dollar is being checked off, but the checkoff is, in effect in many of these nonposted yards right for the support of various organizations.

Even in the livestock business itself this thing is used in many instances, but in the posted yards, which I am told represent about one-third of the sales of hogs and I think roughly two-thirds of the sales of cattle, you cannot do it.

The producer of livestock is the same class of citizen that the rest of the American citizens are, and he ought to have the same right to paddle his own canoe. He ought to have the same right to promote his own business with his own money. It is not going to be your money and it is not going to be passed on to the consumer.

Several people have asked me this afternoon what protection the consumer has. Is this not going to be charged to the consumer? I will tell you in all frankness as a producer that producers get all they can for their products. Producers sell their livestock, their cotton, their chickens, their wheat, or any other product for all the market will give them. We are getting every dollar we can get today. If we pay a nickel on a hog, that is just one nickel less that we get, not one nickel more that we charge to the consumer, because, frankly, we cannot pass it on. We would be glad to pass it on if we could. I will be perfectly frank to tell you that. But we cannot do it, and you know it. You know it is an utter impossibility to pass this farmer-paid expense on to the consumer.

You say, "Why does the livestock man want to spend his own money?" Why does the groceryman advertise his groceries? Why does anybody advertise his commodity? Why are these hundreds of millions of dollars spent over the United States to promote a commodity somebody is producing? Because we believe that through general public understanding of what we have for sale, there will be a wider acceptance of our commodities. We believe that advertising is sound. We believe that promotion is sound. In the cotton business, we have what is known as the Supema Cotton Organization. It is one of the branches of the cotton groups that has no surplus. They are actually asking to decrease their support price. They are actually doing the things that everybody wants to see agriculture do. The Supema people make a checkoff of $3 a bale and 98 out of every 100 bales of Supema cotton in the United States pay it, but it is purely voluntary. It has not increased the price of Supema cotton to the consumer, but it has gained a much wider acceptance of that product. We believe it is good business. The livestock people think that is good business for them too. Maybe it is and maybe it is not. Perhaps, they may not make anything out of it. I do not know. But, I do know the livestock people are entitled to the same treatment that other people are entitled to. The livestock people are entitled to have the shackle that was placed around their neck inadvertently by the act of 1921 removed now. They are entitled to be brought up to date in their dealings just as other segments of the American industry are. We are asking you to give us a chance to help ourselves. We ask no tax money. We ask no appropriation. We ask for a chance to spend our own money, to help ourselves. We are asking you to allow us to bring this before the House. We are asking you to give us a chance to explain this bill to the House.

A great many Members have pointed out here that there ought to be further explanation of this bill. They have pointed out they want an opportunity to amend this bill. You will not get an opportunity to amend this bill if you vote down this rule. But, you will get an opportunity to amend it, if you do vote for this rule because the Committee on Agriculture has asked for an open rule. We have not asked to cover up anything. We ask everybody who has an opinion on this to have an opportunity to express that opinion and to offer any kind of amendment that they want to. We think we are asking for a fair proposition. We think we are pre-

senting something that goes to the fundamentals of Americanism and that is to allow each industry to do its best to support and defend its own product. Are there any of you who would deny to industry the right to present its own product to the American people through advertising and publicity? Are there any of you who would deny organized labor the right to speak up and tell the American people why they were organized and what they were seeking? Yet, you will vote here today, if you vote against this rule, to deny one segment of American agriculture the right to spend their own money to promote their own product and to tell their own story to the American people.

Mr. MORANO. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield.

Mr. MORANO. Will the gentleman tell us whether there is prohibition in this bill against using the checkoff fees that you collect for lobbying the Congress to promote another bill?

Mr. POAGE. There is no prohibition in so many words.

Mr. MORANO. In other words, they could use this promotional money to come to the Congress.

Mr. POAGE. No; I do not think so because the only authority that is granted to use this money is with respect to research and promotion and sale of meat products.

Mr. MORANO. Suppose there is a bill pending before your committee which would promote the sale of agricultural and livestock commodities and so on; would not they then be permitted to use the money for that purpose?

Mr. POAGE. Frankly, I do not think so, but I think the gentleman has raised one of the numerous questions that should be considered, and you ought to give us a chance to consider it. You should vote for a rule which would give an opportunity to discuss such questions.

Mr. MORANO. It does seem to me that the bill is very loosely drawn.

Mr. BERRY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. BERRY. Mr. Speaker, in this day and age when people too often turn to Government for a program to help improve their particular economic sphere, it is refreshing to have a group come to Congress asking for the passage of permissive legislation which would allow them to provide a self-help, self-financed program. This is what we might call an operation bootstrap, originating with the industry itself and financed by the industry itself.

The livestock industry itself is here asking for this permissive legislation. The idea that an industry can help itself by use of self-financed promotional advertising is certainly not a new approach in the development of farm and ranch markets. There is no other industry in the United States of comparable size that does not today spend a regular percentage of its sale in the promotion of its product.

The cattle and livestock producers of this country—the men who raise the meat supply for the American table—have and are supporting the provisions of bill H. R. 7244. This type of support is significant. This is from the grassroots; it is not from the top of a walnut desk occupied by a so-called farm leader who knows no more about red meat than his preference for it as part of a menu.

H. R. 7244 would remove an obstacle created by law that no other segment of American agriculture or industry is faced with today. Under H. R. 7244 we would authorize the cattlemen and livestock producers of this country to voluntarily permit deductions from the sale of their livestock for the purposes of establishing a national advertising and research program. This permissive authority is presently enjoyed, as I mentioned before, by all other segments of agriculture. For instance, the producers of cotton, wool, fruits and vegetables, poultry, dairy, and other agricultural industries have and are using the checkoff technique to accumulate funds from commodity producers themselves for the purpose of advertising, research, and education.

Good commonsense and the laws of equity dictate that the livestock producers should have the same right as the producers of other commodities. Whether they use this is entirely up to them. At this point I want to clear up an area of confusion that has been created around H. R. 7244. Contrary to the statements of those who would confuse the issue, there is nothing compulsory in H. R. 7244. I regret that for reasons undisclosed some farm organization leaders have set about recently to establish in the minds of the Congress the idea that H. R. 7244 creates a compulsory program for livestock producers. Let me repeat—this is not true.

On this point of voluntary participation, let me also emphasize the fact that under H. R. 7244 the marketing agency which is the commissionmen and the producer's agent, for the sale of his livestock, also participates in this checkoff program on a voluntary basis, so that he, too, like the livestock producer decides in his own mind whether he does or does not want to participate in the program that could be established when H. R. 7244 is approved.

The hearings published by the House Agriculture Committee clearly show that livestock producers themselves are supporting H. R. 7244. The fact that these producers have gone on record to say that they are willing to finance their own program is, I think, a tribute to the cattle and livestock industry of this country and to the men who make it up. I am deeply impressed by the fact that the people who support H. R. 7244 are coming to this Congress not with a request for Government funds, but are coming to us with a request that they be permitted the same right given to producers of other agricultural commodities to set up their own program, in their own way, using their own money.

The livestockmen of this country, like other segments of our agricultural economy, are not sharing in the high level of prosperity characteristic of our present day economy. I am confident that every member of this distinguished body shares my interest in doing whatever we can to improve the economic atmosphere in which our farmers exist today. Such improvement can be brought about for the producers of America's red meat supply by the enactment of H. R. 7244, which will permit cattle and livestock producers to establish on a national basis a nationwide self-help meat promotion program. In essence this is the objective of the bill. The cattlemen are not asking the Congress for financial assistance. They are asking the Congress to amend the Packers and Stockyards Act passed in 1921 to permit deductions to be made on a voluntary basis on cattle, swine, lamb, sheep, and so forth, marketed through posted stockyards, for the purpose of creating a producer-financed fund, which can be used for research and to promote the consumption of red meat in this country. Bear in mind that when the Packers and Stockyards Act was passed 36 years ago, there was no intention of depriving the cattle and livestock producers of the right to use their own money for a national advertising program.

In our deliberations on the merits of this proposed legislation, let us keep before us the overriding consideration that here is a proposal, made by cattlemen themselves, under which they earnestly hope to set up a national program of advertising, using their own money to improve their own position and, as importantly, assure the American consumer that he and she will have available an adequate supply of nourishing meat.

In summary, let me again say the purpose of this bill is to place the producers of livestock on the same basis as the producers of other agricultural commodities, and make it legally possible for them to contribute a portion of the sales price of their animals, in an orderly manner for the promotion of meat sales, if they care to do so. There is no element of compulsion of any kind in this bill. Producers are not required to contribute to any such promotion fund nor are dealers and handlers required to make such collections. The bill simply removes from the Packers and Stockyards Act the restrictions against such a program and leaves the way open for the voluntary operation of such a plan.

The only affirmative requirements in the bill are, first, that money which has been deducted from the proceeds of livestock sales for promotion purposes, shall be returned to the producer if he so requests within 30 days; second, that any organizations receiving any such funds must file annually with the Secretary of Agriculture a full report of their receipt and expenditure of these funds, and that such reports shall be available for public inspection.

Mr. THORNBERRY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

Mr. ALLEN of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 175, nays 216, not voting 41, as follows:

[Roll No. 178]

YEAS—175

| | | |
|---|---|---|
| Abernethy | Fascell | Miller, Nebr. |
| Adair | Feighan | Mills |
| Albert | Fisher | Morris |
| Alexander | Flood | Morrison |
| Allen, Calif. | Forrester | Moss |
| Andersen, H. Carl | Fulton | Moulder |
| Anderson, Mont. | Gathings | Multer |
| Andresen, August H. | Grant | Murray |
| Andrews | Green, Oreg. | Norblad |
| Ashmore | Griffiths | Norrell |
| Aspinall | Gubser | O'Brien, Ill. |
| Baldwin | Hagen | O'Hara, Minn. |
| Baring | Hardy | Passman |
| Bass, Tenn. | Harris | Patman |
| Baumhart | Harrison, Va. | Pfost |
| Beckworth | Harvey | Pilcher |
| Belcher | Herlong | Poage |
| Bennett, Fla. | Hill | Porter |
| Berry | Hoeven | Rabaut |
| Betts | Holland | Rhodes, Ariz. |
| Bolling | Holmes | Roberts |
| Bonner | Holt | Rogers, Colo. |
| Boykin | Huddleston | Rogers, Fla. |
| Breeding | Ikard | Rogers, Tex. |
| Brooks, Tex. | Jennings | Roosevelt |
| Brown, Ga. | Jensen | Rutherford |
| Burdick | Johansen | Sadlak |
| Burleson | Jones, Ala. | Santangelo |
| Byrnes, Wis. | Jones, Mo. | Saund |
| Chamberlain | Judd | Schwengel |
| Chelf | Kelley, Pa. | Scott, N. C. |
| Chenoweth | Keogh | Scudder |
| Coad | Kilday | Selden |
| Coffin | Kilgore | Shuford |
| Colmer | King | Sieminski |
| Cooley | Kirwan | Sikes |
| Cooper | Kitchin | Sisk |
| Cramer | Knutson | Smith, Miss. |
| Cunningham, Iowa | Krueger | Smith, Va. |
| Cunningham, Nebr. | Landrum | Steed |
| Davis, Ga. | Lanham | Talle |
| Davis, Tenn. | Lankford | Teague, Calif. |
| Dawson, Utah | LeCompte | Teague, Tex. |
| Dempsey | Lennon | Tewes |
| Dies | Lesinski | Thompson, Tex. |
| Dixon | Loser | Thomson, Wyo. |
| Dooley | McCormack | Thornberry |
| Dorn, S. C. | McFall | Tollefson |
| Dowdy | McGovern | Trimble |
| Doyle | McGregor | Udall |
| Durham | McIntire | Ullman |
| Edmondson | McMillan | Walter |
| Elliott | Mack, Wash. | Whitener |
| Engle | Magnuson | Whitten |
| Evins | Mahon | Wier |
| | Mailliard | Williams, Miss. |
| | Martin | Winstead |
| | Matthews | Wright |
| | Metcalf | Young |
| | Miller, Calif. | Younger |

NAYS—216

| | | |
|---|---|---|
| Abbitt | Carrigg | Frazier |
| Addonizio | Cederberg | Frelinghuysen |
| Alger | Celler | Friedel |
| Allen, Ill. | Chiperfield | Garmatz |
| Ashley | Christopher | Gary |
| Auchincloss | Chudoff | George |
| Avery | Church | Gordon |
| Ayres | Clark | Granahan |
| Bailey | Clevenger | Gray |
| Baker | Cole | Green, Pa. |
| Bass, N. H. | Collier | Griffin |
| Bates | Corbett | Gross |
| Becker | Coudert | Gwinn |
| Bennett, Mich. | Cretella | Hale |
| Blatnik | Curtin | Haley |
| Blitch | Curtis, Mass. | Halleck |
| Boggs | Delaney | Harden |
| Boland | Dellay | Harrison, Nebr. |
| Bolton | Dennison | Haskell |
| Bosch | Denton | Hays, Ohio |
| Bow | Derounian | Healey |
| Boyle | Devereux | Hemphill |
| Bray | Diggs | Henderson |
| Brooks, La. | Dingell | Heselton |
| Broomfield | Dollinger | Hess |
| Brown, Mo. | Donohue | Hiestand |
| Brown, Ohio | Dorn, N. Y. | Hoffman |
| Brownson | Dwyer | Holifield |
| Broyhill | Fallon | Hosmer |
| Budge | Farbstein | Hull |
| Bush | Fenton | Hyde |
| Byrd | Fino | Jackson |
| Byrne, Ill. | Flynt | James |
| Byrne, Pa. | Fogarty | Jarman |
| Canfield | Forand | Jenkins |
| Cannon | Ford | Johnson |
| Carnahan | Fountain | Jonas |
| Karsten | Natcher | Scherer |
| Kean | Neal | Seely-Brown |
| Kearns | Nicholson | Sheehan |
| Keating | Nimtz | Sheppard |
| Kee | O'Brien, N. Y. | Siler |
| Keeney | O'Hara, Ill. | Simpson, Ill. |
| Kelly, N. Y. | O'Konski | Smith, Calif. |
| Kluczynski | O'Neill | Smith, Kans. |
| Knox | Osmers | Smith, Wis. |
| Laird | Ostertag | Spence |
| Lane | Patterson | Springer |
| Latham | Pelly | Staggers |
| Lipscomb | Perkins | Stauffer |
| Long | Philbin | Sullivan |
| McCarthy | Pillion | Taber |
| McCulloch | Poff | Teller |
| McDonough | Polk | Thomas |
| McIntosh | Price | Thompson, N. J. |
| McVey | Prouty | Tuck |
| Macdonald | Radwan | Vanik |
| Machrowicz | Rains | Van Zandt |
| Mack, Ill. | Ray | Vorys |
| Madden | Reece, Tenn. | Vursell |
| Marshall | Rees, Kans. | Wainwright |
| May | Reuss | Watts |
| Meader | Rhodes, Pa. | Weaver |
| Merrow | Riehlman | Widnall |
| Michel | Riley | Wigglesworth |
| Miller, Md. | Robeson, Va. | Williams, N. Y. |
| Minshall | Robsion, Ky. | Willis |
| Montoya | Rodino | Wilson, Ind. |
| Moore | Rogers, Mass. | Wolverton |
| Morano | Rooney | Yates |
| Morgan | Saylor | Zablocki |
| Mumma | Schenck | Zelenko |

NOT VOTING—41

| | | |
|---|---|---|
| Anfuso | Hébert | Scott, Pa. |
| Arends | Hillings | Scrivner |
| Barden | Holtzman | Shelley |
| Barrett | Horan | Simpson, Pa. |
| Beamer | Kearney | Taylor |
| Bentley | Kilburn | Thompson, La. |
| Buckley | McConnell | Utt |
| Curtis, Mo. | Mason | Van Pelt |
| Dague | Miller, N. Y. | Vinson |
| Dawson, Ill. | Powell | Westland |
| Eberharter | Preston | Wharton |
| Gavin | Reed | Wilson, Calif. |
| Gregory | Rivers | Withrow |
| Hays, Ark. | St. George | |

So the resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Shelley for, with Mr. Curtis of Missouri against.

Mr. Anfuso for, with Mr. Dawson of Illinois against.

Mr. Vinson for, with Mr. Buckley against.

Mr. Preston for, with Mr. Hébert against.

Mr. Powell for, with Mr. Holtzman against.

Mr. Hays of Arkansas for, with Mr. Barrett against.

Until further notice:

Mr. Thompson of Louisiana with Mr. Simpson of Pennsylvania.

Mr. Gregory with Mrs. St. George.

Mr. Barden with Mr. Kearney.

Mr. Rivers with Mr. Taylor.

Mr. PERKINS, Mr. BROWN of Missouri, Mr. ASHLEY, Mr. McINTOSH, and Mr. O'HARA of Illinois changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

## PORT OF WALLA WALLA, WASH.

Mr. DAVIS of Tennessee. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2217) to authorize the Secretary of the Army to sell certain lands at the McNary lock and dam project, Oregon and Washington, to the port of Walla Walla, Wash.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Army is authorized to convey to the port of Walla Walla, Wash., subject to the provisions in section 2 of this act, all of the right, title, and interest of the United States in and to three parcels of real property comprising a part of the McNary lock and dam project on the Columbia River, Oreg. and Wash., containing in the aggregate approximately 441.62 acres of land which is currently being utilized by the port of Walla Walla, Wash., under lease from the Secretary of the Army.

SEC. 2. The conveyance herein authorized shall be made at the fair market value of the property as determined by the Secretary of the Army, and upon such terms, conditions, reservations, and restrictions as he shall deem necessary in the public interest and to assure that the use of the land will not interfere with the operation of the McNary lock and dam project.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 8171) was laid on the table.

## AMENDING ACT OF JUNE 20, 1910

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8079) to amend the act of June 20, 1910, to give the State of New Mexico greater flexibility in the investment of moneys derived from lands held in trust by virtue of such act.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado.

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the third sentence in the seventh paragraph of section 10 of the act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States", approved June 20, 1910 (36 Stat. 557), as amended, is amended to read as follows: "All such moneys shall be invested by the State in interest-bearing or other securities including common stocks, preferred stocks, and bonds of businesses incorporated within the United States, under the supervision of the Governor, and such other persons as the State legislature may provide. All persons investing such moneys shall at all times be under a good and sufficient bond or bonds conditioned for the faithful performance of their duties."

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following language:

That section 10 of the act of June 20, 1910 (36 Stat. 557, 563–564), relating to the establishment, deposit, and investment of funds derived from land grants to the State of New Mexico, is amended by deleting therefrom the seventh paragraph.

"SEC. 2. Section 28 of the act of June 20, 1910 (36 Stat. 557, 574–575), relating to the establishment, deposit, and investment of funds derived from land grants to the State of Arizona, is amended by deleting therefrom the seventh paragraph."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the act of June 20, 1910, by deleting therefrom certain provisions relating to the establishment, deposit, and investment of funds derived from land grants to the States of New Mexico and Arizona."

A motion to reconsider was laid on the table.

## AMENDING SECTION 22, INTERSTATE COMMERCE ACT

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 939) to amend section 22 of the Interstate Commerce Act, as amended, with an amendment of the House thereto, insist on the amendment of the House and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. HARRIS, ROBERTS, ROGERS of Texas, FRIEDEL, WOLVERTON, O'HARA of Minnesota, and HALE.

## INSPECTION OF POULTRY AND POULTRY PRODUCTS

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 1747) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, with an amendment of the House thereto, insist on the amendment of the House, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. COOLEY, GRANT, WATTS, THOMPSON of Texas, AUGUST H. ANDRESEN, HILL, and MCINTIRE.

## PERSONAL ANNOUNCEMENT

Mr. NEAL. Mr. Speaker, I was detained off the floor during the vote on the bill, H. R. 9131, the appropriation bill. Had I been present, I would have voted "yes." Mr. Speaker, I make this announcement so the RECORD may show at this point how I would have voted on the appropriation bill.

## DISCRIMINATORY EMPLOYMENT PRACTICES

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point and to include two reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, a recent report of the Antidefamation League of B'nai B'rith has brought to light a shocking chronicle of discriminatory employment practices in the city of Los Angeles. I believe that it is of the utmost importance that my colleagues be aware of the collusive, hidden manner in which groups of people can be barred from jobs because of their race or religion. To that end I call the attention of each Member to the transcript of a television newscast by Mr. Bill Stout, of Los Angeles, which presents a concise statement on the findings of the Antidefamation League, and to the full report which follows.

The report is presented in the form of a letter to Dr. Jacob Seidenberg, executive director of the President's Committee on Government Contracts, to whom it was originally directed. The President's Committee will establish jurisdiction of agencies that have awarded Government contracts to some of the firms cited, the proper agency then taking action. Many, however, are purely private concerns. In those cases the only protection that is available to the job seeker is the vigilance of the public and of organizations like the Antidefamation League, and the concern of Congress for the rights of every American.

As noted in the report, a number of the firms are large national corporations. It is only fair to point out that the discriminatory practices used by these firms do not necessarily reflect the policy of the national organization, but in many cases originate with a local manager or minor official.

A list of the cited firms is available in my office, and interested Members are welcome to look at it at their convenience.

TRANSCRIPT OF TV NEWS BROADCAST, BILL STOUT, KNXT, LOS ANGELES (CBS)

One of the organizations active in the fight against prejudice charged today that there still is widespread job discrimination in the Los Angeles area.

The Anti-Defamation League of B'nai B'rith filed a formal complaint in Washington with the President's Committee on Government Contracts. The complaint lists more than 200 Los Angeles business firms. Twenty-one of them are known to hold Federal contracts, many others are believed to be doing Government business. (All such contracts say no discrimination.)

The ADL charges that each of those 200 firms placed discriminatory job orders with private employment agencies. Job orders specifying that Negroes, Jews, Orientals, Mexicans, or Catholics were not to be considered by the agency.

I cannot give you the names of the companies cited in the complaint sent to Washington. But I can tell you what areas of business they cover and how the employment agencies go about practicing discrimination in secret.

Those listed in the complaint include 40 manufacturing firms, 32 insurance companies and agencies, 10 food processors, and others in banking, finance, research, oil, transportation, and miscellaneous fields. Each of the firms placed with an employment agency a job order ruling out a certain group of Americans.

According to the complaint, the agencies followed through by using coding systems. A certain number would refer to Jews—none were to be considered—another number meant Mexicans, others stood for Orientals, Negroes, or Catholics. But not all agencies used numbers in their coding systems. Some used letters. Letters which, when attached to job orders, meant that no persons of this or that group were to be considered.

All these orders applied to clerical workers, office personnel. And in sending its complaint to Washington, the Anti-Defamation League, through its executive committee chairman, Jack Berman, expressed shock that in the present day job market there could be such widespread discrimination.

Especially, said Berman, at a time when the help-wanted ads indicate a shortage of skilled personnel for office work. Berman added that the ADL is disturbed by the role of the private employment agencies. He referred to what he called their nefarious coding system, which reduces people to numbers and letters.

Berman touched on the national situation when he noted that 27 of the firms cited in the Los Angeles complaint are major national corporations. Many of those, he said, were found in a recent Chicago survey to have placed job orders in that city which carried similar clauses of discrimination.

Last year the county board of supervisors considered a proposed ordinance to outlaw job discrimination, a fair-employment practices law. And just this spring a similar bill was considered by the State legislature. Various spokesmen for local business groups opposed both measures. They argued that coercion will not help end discrimination, and they argued also that the record of southern California business, without such a fair-employment law, is far better than that of many areas where such laws are in effect.

Randolph Van Nostrand, public relations man for the Merchants and Manufacturers Association, told the supervisors last year that his group strongly advocates merit employment—no consideration of race, religion, or origin, employment based solely on merit and ability. Such a policy, said Van Nostrand, is an individual matter, each case to be judged on its own. But he said it is also a voluntary action and a matter of principle. For that reason, his group opposed the fair employment law later rejected by the county.

Van Nostrand went on to claim that in the past 15 years Los Angeles has absorbed the greatest migration in history without disturbance, commotion, or incident. In those 15 years, he said, the Negro population has increased more than 300 percent. From 75,000 in 1940 to 325,000 in 1955. It is, he said, and he voiced the feelings of many businessmen, it is to the credit of Los Angeles and its people that this has been accomplished.

Van Nostrand said also that Chicago, which has a fair-employment law, had had less success in integrating its newcomers, and a high rate of race conflict and violence. The latest white-Negro battle broke out just yesterday on Chicago's South Side.

So the business groups claim a record of success. And the Antidefamation League in its complaint filed today in Washington, says in effect that there still is much work to be done.

One business group, in arguing against a fair employment law, quoted the Reverend Edward Keller of the University of Notre Dame. He said "It ill befits the United States, as the one place in the world where the personal worth, dignity, and liberty of the individual is a cherished tradition, to set the example of compulsion where voluntary action is not merely possible but practical and effective." The Antidefamation League, in filing this new complaint, quoted President Eisenhower who said "this problem (equality of employment) and its solution are the job of all of us. Government can and must help," said the President. "But the final answer is up to you and me and the communities in which we live."

JULY 26, 1957.

Dr. JACOB SEIDENBERG,
*Executive Director, The President's Committee on Government Contracts, Washington, D. C.*

DEAR DR. SEIDENBERG: During the past 17 months, the Pacific Southwest regional office of the Antidefamation League of B'nai B'rith received information from three independent sources which reveals widespread discrimination in employment in southern California. The information, which was supplied to our organization by employees of private employment agencies, concerned 202 firms which placed discriminatory job orders with their agencies during that period. Of this number, 21 are definitely known to be Government contractors. In many instances, firms placed discriminatory job orders with two or more of the employment agencies from which the information was received. In addition, many of the firms which placed such job orders had previously been cited by the Chicago Bureau of Jewish Employment when that agency filed a formal complaint with your committee some time ago. The employment agencies from which this information was obtained concentrate almost exclusively on supplying industry with clerical help, and the fact of discrimination on this level is shocking when one considers the general scarcity of efficient and competent employees. Furthermore, we were appalled at the large number of major national corporations which had placed discriminatory job orders, some of which are among the leading firms in American industry.

Each of the three employment agencies used a code system in which certain symbols or numbers designated a particular religious or racial minority. Thus the number "53" was used to identify Jews, and the number "99" was the code for Negroes. The letter "C" was used to identify a Caucasian, and "G" was used instead of the word, "gentile." Interestingly, 2 of the 3 agencies used almost identical code systems.

Our staff checked the name of each firm reported on with the Jewish Employment and Counseling Service, a nonsectarian, nonfee agency of the Los Angeles Federation of Jewish Welfare Organizations, to determine if it had a referral relationship with these firms or if it had any record of placing persons with any of them. A small number of the firms reported on, and which were restricted to Caucasians only, had job order relationships with the JECS. The remainder of these firms had no such relationship whatsoever with this agency.

We have divided the list of 202 firms into 2 categories. The first contains the names of 21 firms, all of which are definitely known Government contractors. The second category contains the names of 181 firms which may have Government contracts.

We realize that the purview of the President's Committee on Government Contracts is limited only to those firms which have contracts with the Federal Government and its contracting agencies. Nevertheless, we wanted to submit to your committee all of the information on employment discrimination which was brought to our attention because some of the firms in the second category may very well have Government contracts. In addition, we wanted to present to your committee some overall indication of the extent of employment discrimination in the Metropolitan Los Angeles area.

It is important to keep in mind that this information is not intended to give a complete and total picture of employment discrimination in this area, because our information was obtained from each agency during relatively short periods of time; we are confident that our findings are only a conservative indication of the total problem.

Finally, it is important to note that our first two informants from employment agencies "A" and "B" were under the impression that our agency was only interested in discrimination against Jews and they reported to us about such firms. Further conversation with these people indicated that every firm which specified "no Jews" also specified no Negroes, no Mexicans, and many of them specified no orientals. In addition, there were many firms which were not reported to us which had no restrictions against Jews but which instructed the employment agencies not to refer Negroes, Mexicans, and orientals.

In view of the above, the Pacific Southwest regional office of the Anti-Defamation League of B'nai B'rith hereby files the following data with the President's Committee on Government Contracts and requests that the Committee institute its own investigation of those firms on the attached list which have Government contracts and take whatever action is necessary to abolish racial and religious discrimination by such firms.

Respectfully submitted.

JACK Y. BERMAN,
*Chairman, Executive Committee.*

## ANALYSIS MADE BY CONGRESSIONAL QUARTERLY ON ROLLCALL VOTES

Mr. WEAVER. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. LAIRD] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. LAIRD. Mr. Speaker, there has been considerable controversy regarding the analysis made by the Congressional Quarterly of rollcall votes in this first session of the 85th Congress, as they applied to support or opposition of the administration. Fourteen economy rollcalls were used by the Congressional Quarterly in an attempt to show a real division in the Republican Party between the White House and the Republican leadership here in the House of Representatives. I include in the RECORD at this point a copy of a letter which I have this date forwarded to Mr. Thomas N. Schroth, executive editor of the Congressional Quarterly:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D. C., August 7, 1957.*

Mr. THOMAS N. SCHROTH,
*Executive Editor,*
*Congressional Quarterly,*
*Washington, D. C.*

DEAR MR. SCHROTH: This is in further reference to your letter of May 29, 1957, regarding the rollcall tabulation compiled by Congressional Quarterly, setting forth individual and party support for the program of President Eisenhower.

You will recall that on several occasions I have taken sharp issue with the rollcall interpretations by your organization as I believe they truly misrepresented the position of President Eisenhower. In your letter of August 8, 1956, you stated: "In analyzing the rollcall votes with reference to support or opposition to the President's position, Congressional Quarterly bases its selection of rollcalls solely upon public statements of the President."

I have done a considerable amount of research on 14 rollcall votes which you used in compiling your percentages of support for President Eisenhower's program in this 1st session of the 85th Congress. Fourteen of the rollcalls which you have used were taken on amendments to the appropriation bill covering the Department of Labor and Department of Health, Education, and Welfare. Many amendments were offered to this bill on the floor of the House. As one of the Republican managers of this bill, I voted against those amendments upon which the Administration or the two Departments concerned had expressed to me their belief that the amendments would seriously harm a particular departmental program.

On the 14 amendments on which there were rollcalls, my research does not show any opposition to the amendments on behalf of the White House. As a matter of fact it shows just the opposite.

On appropriation bills, the individual who has the greatest authority to speak for the President on such matters is the Director of the Bureau of the Budget, Honorable Percival Brundage.

In questioning before the House Appropriations Committee on July 16, 1957, I specifically asked Mr. Brundage whether he thought the amendments to the appropriation bill in question, keeping spending at the 1957 levels, were in accordance with the administration's fiscal program. Mr. Brundage replied in the affirmative. I should also like to call your attention to the letter of June 28, 1957, which was sent to the Department of Labor and the Department of Health, Education, and Welfare at the request and with the approval of President Eisenhower. This letter, in effect, impounds a greater reduction in the budgets of these two departments than was proposed in the 14 amendments. I also call your attention to the fact that on several occasions early in this session of Congress President Eisenhower suggested to the Congress, particularly the House and Senate Appropriations Committees, that all possible reductions be made in Federal spending.

I am enclosing an excerpt from the testimony of Mr. Percival Brundage before the House Appropriations Committee on July 16, 1957, which I think may be of interest to you.

I would suggest that in view of this information you would correct your rollcall record votes on each of the 14 amendments you erroneously reported as being anti-Eisenhower. Under no stretch of the imagination would these rollcall votes be considered as antiadministration. Those individual Members of Congress who voted for economy on the 14 rollcall votes were, in effect, supporting the administration's fiscal program as expressed by the Director of the Bureau of the Budget. If you are truly a nonpartisan factfinding organization, you will correct your tabulation on Eisenhower's support at an early date.

With best wishes and kindest personal regards, I am,

Sincerely yours,

MELVIN R. LAIRD,
*Member of Congress.*

Mr. Speaker, I include at this point in the RECORD excerpts from the testimony of Hon. Percival Brundage, Director of the Bureau of the Budget, before the House Appropriations Committee on July 16, 1957:

EXCERPTS FROM COMMITTEE ON APPROPRIATIONS HEARINGS, JULY 16, PERCIVAL BRUNDAGE, QUESTIONED BY CONGRESSMAN LAIRD

Mr. LAIRD. Mr. Brundage, I would just like to say that I believe the letter of June 28, 1957, which you sent out over your signature giving the views of the President as far as commitments, obligations, and expenditures for the fiscal year 1957 are concerned serves a very useful purpose. I have always hoped that the Presidents and the entire executive branch of our Government always pursued this kind of policy of holding down expenditures in the executive branch. I wonder whether a letter such as this was absolutely necessary.

Mr. BRUNDAGE. We talked about it continuously, but I thought that it might be a

little more effective than just conversations. It has been done before in other years.

Mr. LAIRD. The letter does dramatize the fact that the executive branch is going to keep tight control over the expenditure budget which the Congress has provided for the various executive departments. I hope the letter in itself is not just an idle gesture and you, representing the President, will actually follow through.

Mr. BRUNDAGE. It is only a part of what we are trying to do.

Mr. LAIRD. So far in this session of Congress we have had about 17 or 18 amendments to cut the executive budget on the floor of the House on which we have had rollcall votes. Fourteen of these amendments acted upon on April 4 provided for spending levels in the various agencies in Health, Education, and Welfare and Labor at the 1957 rate of expenditure. Many people have interpreted a vote for any of these amendments as being in opposition to the Eisenhower administration. It would seem to me from this letter sent by you at the direction of President Eisenhower that these 14 amendments to keep spending at the 1957 level were in accordance with the views of the administration, in accordance with the views of the President as stated in January, when he asked the Congress to make substantial savings where it could, and where those savings would be feasible.

Mr. BRUNDAGE. I feel that way.

Mr. LAIRD. So certainly the 14 amendments to keep spending at 1957 levels were in accordance with the administration's fiscal program; is that correct?

Mr. BRUNDAGE. I think so, yes. I feel that way.

Mr. LAIRD. Thank you.

Mr. Speaker, I include in the RECORD at this point a copy of a letter signed by Mr. Brundage, Director of the Bureau of the Budget, dated June 28, 1957, which was addresesd to all executive departments:

EXECUTIVE OFFICE OF
THE PRESIDENT,
BUREAU OF THE BUDGET,
*Washington, D. C., June 28, 1957.*

MY DEAR MR. SECRETARY: The President has requested that all agencies in the executive branch keep the rates of commitments, obligations, and expenditures for fiscal year 1958 at or below the level for the fiscal year 1957, to the extent feasible, and that I inform you of the necessary procedures for achieving this purpose. This task can best be accomplished by positive action on the part of each agency head. The apportionment and allotment system offers an existing administrative channel for each agency head to accomplish these purposes. Therefore, appropriate action along these lines should be reflected in the initial request for apportionment for 1958 appropriations and in requests for subsequent revisions of apportionments, as well as in allotment action within the agency, following these guidelines:

1. As a general rule, requests for apportionment and the allotments of funds shall be based upon holding obligations to absolute minimum levels. In most cases, direct obligations should not rise above the level for the fiscal year 1957. Exceptions may be made with respect to that portion of appropriations which is for cash payments not controllable by administrative action (certain grants, annuities, indemnities, insurance losses, etc.), and with respect to uncontrollable workload and new legislation specifically endorsed as a part of the President's program. In any case where special circumstances (including those referred to above) prevent the agency from operating at or below the 1957 levels, the agency head shall submit a statement of reasons therefore to accompany the apportionment requests. For all appropriations, however, there should be a critical analysis of all activities, and advantage should be taken of every possibility for reductions; apportionments in all cases should be consistent with "allowable" sums being used in planning the 1959 budget. The sums available in excess of minimum needs will be placed in reserves for contingencies.

2. In the case of those appropriations that are for major capital outlay and development—construction, procurement, research, etc.—the requests for apportionment and the allotments should reflect the postponement of a significant part of the obligations planned in the budget for 1958.

3. In general, separate quarterly apportionments and allotments will be made for object class "01 Personal Services." Exceptions will be made on a selective basis where regular apportionments and allotments, or other administrative arrangements, will effectively control the numbers of personnel.

4. Apportionments and allotments shall be revised throughout the year to provide for additional savings. After the close of each of the first 3 quarters, subsequent apportionments and allotments for operating programs will be reviewed in the light of program progress and costs, and action taken wherever possible, both to reserve unobligated balances remaining from the quarter just closed and to adjust subsequent quarters' figures to take into account lower rates of obligations actually achieved in the preceding period. Also, those savings which are made a matter of record in public statements on the basis of agency claims of such savings will be specifically identified and reserved.

Sincerely yours,

PERCIVAL F. BRUNDAGE,
*Director.*

Mr. Speaker, I believe that if the Congressional Quarterly is a truly nonpartisan factfinding organization, they will immediately correct their tabulation which erroneously set forth the administration support by the minority party here in the House of Representatives.

## THE PRESIDENT'S RIGHTS STAND CHALLENGED

Mr. ASHLEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHLEY. Mr. Speaker, morning newspapers across the Nation Monday quoted an anonymous administration source as saying flatly that President Eisenhower will veto the pending civil-rights bill if the amended Senate form of the measure is passed.

Neither the wire services nor the by-line newspaper stories were able to give so much as the slightest hint as to the name of the administration official responsible for disclosing the President's position on one of the greatest domestic issues of our time. The spokesman was merely referred to as a "source," "it," "a top administration official," and "administration lieutenants."

The New York Times offered the explanation that it was merely a matter of preference. Their page-1 story reads in part:

Administration officials who preferred to remain anonymous were busy today (Sunday) peddling the idea on Capitol Hill that the President will veto the bill unless the jury-trial amendment is modified.

Yesterday, Mr. Speaker, I respectfully requested that the White House disclose the name of the person who made this decision. I did so because I have noted, as I am sure we all have, a greater and greater tendency on the part of the administration to employ trial balloons, calculated leaks, well prepared and carefully planted rumors, and other slick devices designed to sound out public opinion before assuming the administrative responsibility of actually making a decision.

This nameless approach to one of the greatest issues of our day reveals a fundamental indifference to the people's right to know who in their Government is responsible for what. What could be more destructive, Mr. Speaker, of the very basis of our democracy?

Nor do I think that the President's reputed decision with respect to vetoing the civil-rights bill is any sounder than his means of making this decision known. The high but nameless informants speaking for the President tell us that he regards the Senate version of the bill as completely unworkable and that he would rather have no bill at all than accept the jury-trial amendment which the Senate voted last week. We are also told by an authoritative voice that the President believes that the Senate bill would undermine established judicial procedure and legal processes.

Mr. Speaker, does the President really mean to adopt the position that no civil rights measure is preferable to a bill which includes the right to trial by jury in criminal contempt cases?

Does he actually believe that the majority of the people of the country would agree that such a measure is of so little merit as to warrant a Presidential veto? Mr. Speaker, I might believe that the President affirmatively accepted these propositions if he had announced such a position publicly. But the cloaked statements of Monday and last weekend have already given way to a modified position on the civil-rights bill—that is, if we are to believe other Congressional leaders and administration officials who, for the present, also prefer to remain unnamed.

This modified position now holds that the President will accept a bill implementing the right to vote even though it contains a jury trial provision, so long as the jury trial is limited only to those cases of criminal contempt arising out of the civil rights bill which Congress is now considering.

It is a wonderful thing, Mr. Speaker, to be all things to all men, but the wreckage along the legislative road of the past few years would seem to indicate that it is not only dangerous but impossible. Proponents of school aid derived comfort from the President's keen disappointment over the defeat of the measure at the same time that opponents applauded him for his contrived restraint in support of the bill. This may be a masterpiece of political acumen but its price, quite clearly, is the death of a program to provide urgently needed classrooms for our American children.

I have a hunch, Mr. Speaker, that the President will think twice about his decision to veto a civil-rights bill no matter how much he is told that he does not

like it. I am sure that the high administration officials who exercise such authority will realize, before it is too late, that the President cannot assume a comfortable position on both sides of this issue.

The people of our country are too anxious for progress in the field of civil rights to tolerate such machinations.

As a Northern Democrat who has consistently voted for strong civil-rights legislation, I recognize that it is sometimes necessary to accept less than the whole in order to get anything at all. I hope, Mr. Speaker, that the House and Senate will continue to proceed in a spirit of cooperation and with a common purpose to enact civil-rights legislation during this session of the Congress. If we show a determination to do so, I feel certain that the administration lieutenants and unnamed sources will quickly and quietly eat the words which have been put in the mouth of the President.

## BARTER PROGRAM ON SURPLUS AGRICULTURAL COMMODITIES

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COOLEY. Mr. Speaker, I have today introduced a concurrent resolution which I believe merits the interest and support of Members of the House and which I hope may be speedily enacted by the House. The resolution calls upon the Secretary of Agriculture to rescind the revised policy with respect to barter which he announced on May 28, 1957, and which has the effect of halting completely the program to barter surplus agricultural commodities for strategic and other material needed by this country.

Since 1949, Mr. Speaker, the Commodity Credit Corporation has had authority to barter agricultural surpluses for strategic and other materials. In the 5 years following the conferring of this authority, relatively few barter contracts were made and only a relatively small amount of surpluses disposed of. In enacting the Agricultural Trade Development and Assistance Act of 1954, Congress took cognizance of this situation and directed the Secretary of Agriculture to use every practicable means to dispose of our agricultural surpluses under the barter program. In the same law, Congress established new policy directives for the barter program intended to substantially encourage and stimulate that program.

The effect of that new Congressional directive was immediately apparent and the barter program was greatly stimulated and became a most important part of our overall program for disposal of agricultural surpluses. On May 28, 1957, the Secretary of Agriculture announced a new set of regulations for the barter program which has the effect of repealing the law enacted by Congress in 1954 and returning the barter program to a completely minor and subordinate position in our disposal programs.

Mr. Speaker, the figures speak for themselves. In the 5 fiscal years prior to the enactment of the new policy in Public Law 480, our total disposal of agricultural commodities under the barter program amounted to only $107,635,000—only a little more than $20 million per year. Since the new policy was enacted by Congress and up until the change in the program was announced by the Secretary of Agriculture on May 28 of this year, transactions under the barter program disposed of $780,748,000 worth of agricultural surpluses. Since the anouncement of the new barter regulations by the Secretary on May 28, 1957, not one single barter transaction has been entered into.

I feel certain, Mr. Speaker, that when Congress reconvenes in January it will want to consider some permanent amendment to the barter authority which will assure that this program will be vigorously pursued by the Secretary of Agriculture. In the meantime, I think it will be helpful if we can send to the Secretary and the President this reminder that Congress did indeed mean what it said in section 303 of the Agricultural Trade Development and Assistance Act.

## SPECIAL ORDER

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes today following the legislative business and any special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## CRUDE OIL IMPORTS INTO UNITED STATES

The SPEAKER. Under the previous order of the House the gentleman from West Virginia [Mr. BAILEY], is recognized for 20 minutes.

Mr. BAILEY. Mr. Speaker, I have before me a copy of an executive order issued by President Eisenhower on July 29 based on a report of a special committee to investigate crude oil imports.

The President's directive calls for a 10 percent reduction in crude oil imports into the United States. This, at first appearance, would lead one to believe that curtailment of crude oil imports would be a boon to the coal-mining industry of my State.

On close inspection of the President's directive, I find that it applies only to crude oil and not to byproducts of crude oil. It in no way affects imports of residual oil that presently approximate 1 million barrels daily. This is the type of oil that has taken the major part of West Virginia's soft coal markets.

It is just possible that this curtailment of crude oil imports will benefit in a limited way the independent oil industries in Louisiana, Texas, and Oklahoma, where imports of residual oil from Venezuela and the Near East come in direct competition with the low grade crude oil produced in that area. It could well lead to a revision of the strict production limits in States such as Louisiana, Texas, and Oklahoma due to the fact that their present markets have been invaded by residual oil imports.

Crude oil operations carried on by some of our larger American concerns in Venezuela resort to the practice of cracking or topping the crude oil by taking out potential gasoline and lubricating-oil ingredients, leaving a byproduct commonly referred to as residual oil, which is not covered by the President's directive and continues to pour into this country in unrestricted volume.

This brings up once more the harmful effects of our present Reciprocal Trade Agreements Act under which these shipments of residual oil enter our American ports at a low rate of duty. It is interesting to note that these companies now operating in Venezuela appeared before the House Ways and Means Committee in 1933 violently opposed to our reciprocal trade policy which was then established by Congress. At that time, these companies were developing their domestic resources and had not acquired concessions in Venezuela.

The Smoot-Hawley Tariff Act of 1930, which is still the basic tariff law of our land, placed an import duty of 21 cents a barrel on crude oil. This rate of import duty continued, with some variations, until 1952 when a new reciprocal trade treaty was negotiated with Venezuela cutting the import duty to 5¼ cents a barrel. Until the time of the adoption of the new trade agreement with Venezuela, no imports of residual oil entered this country.

I charged on the floor of the House at the time this reciprocal trade agreement was being negotiated that it was a scheme on the part of the oil importing companies to raid the American soft coal markets with shipments of residual oil.

When you consider the low production cost of oil in Venezuela plus their tanker transportation, and the 5¼ cents import duty, these importing companies have approximately 25¼ cents in each and every barrel that enters our American ports. When we consider that these companies have contracted the sale of most of this residual oil at a price of approximately $1.60 a barrel, it is plain that they could have continued to pay the 21-cent import duty under the original Trade Agreements Act. In other words, we handed these importing companies a bonanza of 14¾ cents on each barrel of residual oil imported; based on the amount of this type of oil being presently imported, this loss of 14¾ cents a barrel costs the American Treasury $300 million annually. There is little to be gained in worrying about a balanced budget when we hand out windfalls like this.

What is the present administration doing to correct this situation affecting one of the Nation's basic fuels—the coal industry? During World War II when the German submarines were sinking our oil tankers, the Congress sought to safeguard the interests of the Nation by initiating the study of liquid fuels.

This program envisioned the production of high-octane gasoline and lubricating oils as a byproduct of coal. It will be recalled that we have expended billions of dollars in providing modern research laboratories to further this study. One of these is located in my State of West Virginia.

The large oil companies are now without competition in the field of gasoline and other byproducts of crude oil. They do not want competition such as would result from the hydrogenation of coal to produce liquid fuels. Everything possible has been done by these groups to curtail and hamper the development of research in this field. Appropriations have been pared to the bone, forcing the closing of most facilities used in the study of this process, including a curtailment of appropriations for the operation of the major research center at Morgantown, W. Va.

At the beginning of this session of the Congress, we heard plans to alleviate the economy of sections of the country devastated by inroads on the coal-producing areas. These proposals for building small industrial plants to take up unemployment slack did not get to the hearing stage in Congress. West Virginia would be an ideal place for a demonstration of this type of industrial conversion.

The question, Mr. Speaker, I want to ask at this time is, Why did not the President's directive apply to residual oil as well as crude oil? West Virginia and other large coal producing States are entitled to an answer to this question. Will we get it, or will we continue to be a stepchild of the boasted prosperity about which we hear so much?

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## AMENDMENTS TO SOCIAL SECURITY ACT

The SPEAKER. Under the previous order of the House, the gentleman from New Jersey [Mr. KEAN] is recognized for 15 minutes.

Mr. KEAN. Mr. Speaker, as the Members of the House well know, I have had a long and continued interest in the social-security system. Though there have been great improvements in the law in the last half-dozen years, experience will continue to disclose inequities and changes which could be made to improve the system.

We must continually seek to make these necessary amendments, while always maintaining the basic principles of the law and the inherent soundness of the system.

As a result of my continued study of the law and of personal discussions with many people interested in social security, including beneficiaries and employees of the system, I recently introduced an eight-point bill to broaden coverage and to increase certain benefits.

Here is what the amendments would do:

First. Increase ultimate benefits for those who continue to work after age 65 by a 1 percent a year delayed retirement benefit.

Second. Increase maximum family benefits for widows and dependent children from $200 to $296.25 monthly.

Third. Cover self-employed physicians.

Fourth. Cover tips received as wages.

Fifth. Provide benefits for dependents of recipients of disability-benefit payments.

Sixth. Authorize payments from the social-security trust fund toward rehabilitation of those now receiving disability benefits.

Seventh. Increase the maximum wage base for contribution and benefit purposes from $4,200 to $4,800 a year. Maximum monthly benefits payments to a retired individual would be increased from $108.50 to $118.50 and for a married couple from $162.80 to $177.25 under the higher base. Under present contributory rates, there would be an additional yearly payment of $13.50 by the worker earning $4,800 or more annually.

Eighth. Increase widow's benefits from 75 to 80 percent of the insured worker's primary insurance amount. Under the higher wage base and the higher percentage, the maximum monthly payment for a widow would be raised from the present $81.40 to $94.80.

Now, I would like to explain why there is a need for the amendments I have offered.

First. Today many individuals work after reaching the age of possible retirement. In fact, the average retirement age of those covered by the social-security system is 69. These persons get no additional benefits for working after 65 as their social-security record already is set, while the Government gains in not having to pay benefits and at the same time is collecting income taxes from them. To reward such workers slightly I propose a 1-percent increase in benefits per year. Thus a worker eligible for maximum benefits would have them increased by $8.33 a month if he worked until age 72 when payments are due even though he continues to work. Under the $4,800 base, such a worker and his wife, if she is over 65, together then would receive $189.75 a month.

Second. A widow with two small children whose husband had been receiving the average wage of an industrial worker in New Jersey today receives a maximum of $200 a month. There is no increase if she has three or more children. My bill provides that this widow would receive $271.26 a month if she has 3 children and $296.25 if her husband's earnings entitled her to the maximum benefits under the $4,800 wage base.

Third. Self-employed physicians, and their dependents, would be granted full coverage under the bill. I have received thousands of expressions from doctors asking for and endorsing such a step. It seems unfair that doctors families are not now covered and entitled to benefits as are the survivors of other self-employed.

Fourth. Tips are as much a part of wages in many areas of employment as are salaries. This has been recognized in the Internal Revenue Act and those receiving part of their wages in tips must pay income taxes on them. My bill would provide for the inclusion of tips and other cash gratuities as wages in computing contributions under social security. Presently many of these people are inadequately covered because contributions are based only on basic salaries. As a result their benefit payments are low upon retirement or when the family breadwinner dies.

Fifth. It seems only just to pay benefits to the dependents of those receiving disability payments to the same extent as they are being paid for those who have retired. Certainly the dependents of the disabled need the money just as much as the dependents of the aged.

Sixth. Under the 1956 amendments, disability payments are being paid to those covered by social security who are over 50 and who are permanently and totally disabled. Many of these people could be rehabilitated and could again enter gainful employment, thus removing them from the social-security rolls. My bill provides that where successful rehabilitation seems probable, the States, under certain limitations, could be reimbursed for this work from the social-security trust fund. In the end the fund would gain from this provision as over the years the amount spent in rehabilitation would be less than the amount saved in benefit payments.

Seventh. As the average industrial wage in New Jersey now is greater than the maximum amount which is covered under social security, it seems somewhat unrealistic to leave the top figure for coverage at $4,200. My bill provides for increasing this figure to $4,800 and for providing commensurate increased benefit payments. Under this proposal no change in the formula for figuring benefits would be necessary. Any higher figure than $4,800 would necessitate a change in the formula as the worker would not be getting his money's worth in benefits for the additional tax he would be paying.

Eighth. The situation of a widow who with her husband has been receiving social-security benefits of say $162 a month is particularly difficult if her husband dies. She finds her income cut in half. Of course, the law cannot discriminate in favor of this widow who was fortunate enough to have her husband live past retirement age as against the widow whose husband died before he reached retirement age, so attempts to alleviate the situation outlined here can only be moderate. However, the provision in my bill goes a little way toward aiding all widows whose husbands were covered by social security.

In general these improvements I suggest are moderate. One all-important thing which we must remember is that the soundness of the trust fund must be maintained. Even now outgo is approaching income and it is quite probable that in the calendar year 1959 more will be paid out than is taken in, though this will be corrected by the scheduled increase in the social-security tax in 1960.

We always must remember that any substantial increase in social-security benefits must be met by a like substantial increase in contributions. The scheduled social-security tax will reach a figure in 1975 that is about all industry and the working man or woman should bear. In that year the tax rates will be

4.25 percent on employer and 4.25 percent on employee, and 6.38 percent on the self-employed. For a worker earning the present average industrial wage in New Jersey, this would mean a social security tax in 1975 of $178.50 with the same amount, of course, being paid by his employer. For the self-employed in the same wage bracket, the social-security tax will be $267.75.

When you figure that wage earners in that bracket, if they are the average worker with a wife and two dependents, will be only paying an income tax of $272 a year if present rates continue, it is a warning that we must stop, look, and listen in considering any further benefits which would necessitate a tax rise. However, I believe that the improvements which I have suggested should not entail new taxes and are well justified.

I believe these improvements can be financed without the necessity of increasing the projected social security contributory tax rates because of the present full employment at higher wages and the increased earnings of the social-security trust fund owing to higher interest rates.

## THE POOR QUALITY OF FISH BEING IMPORTED INTO THE UNITED STATES FROM CANADA

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. KNOX] is recognized for 15 minutes.

Mr. KNOX. Mr. Speaker, since the summer of 1956 I have received numerous reports from members of the Michigan Fish Producers' Association relative to the poor quality fish being imported into the United States from Canada.

From these reports it is apparent that these infected, grubby, and diseased fish are coming from the Canadian inland lakes, particularly from the Alberta and Saskatchewan area. These fish are being imported and sold in the United States in many instances as Great Lakes fish.

You can realize the effect large volumes of inferior and poor-quality fish would have on our American market when whitefish, lake trout, inconnu, tullibees, and related species are imported into the United States in quantities far greater than our domestic production.

In the State of Michigan there are 695 licensed commercial fishermen. The 11th Congressional District which I represent, with its 1,000 miles of shoreline, represents 293 of these fishing industries.

I have been in constant touch with the Food and Drug Administration requesting a more thorough inspection of fish imports. This agency has been most willing to cooperate in specific cases that are pointed out but to more fully understand their position I insert a portion of a letter I received from the Department of Health, Education, and Welfare, Food and Drug Administration, dated August 2, 1956:

As you know, all foods offered for entry into the United States are subject to the requirements of the Federal Food, Drug and Cosmetic Act. It is not possible with our facilities to examine all lots of food offered for entry and it is necessary, therefore, that on the basis of general knowledge and experience we select those entries which are most likely to be violative.

As a result of this type inspection great volumes of inferior Canadian fish are reaching our markets. It is ruining the fine reputation of the Great Lakes commercial fishermen as well as destroying their market not to mention the health of the consumer which is of primary concern.

Mr. Speaker, in reply to a request of the Food and Drug Administration in a letter dated April 1, 1957, where they stated, "it would be most helpful to us to have any specific information regarding particular lots of unfit fish that your informant can supply," I would like to insert in the RECORD my latest letter and reply from the Food and Drug Administration:

JULY 25, 1957.

Mr. M. R. STEPHENS,
*Director, Bureau of Enforcement, Department of Health, Education, and Welfare, Food and Drug Administration, Washington, D. C.*

DEAR MR. STEPHENS: During recent months I have had correspondence with you relative to reports coming to me that inferior and poor quality fish have been brought into the United States from Canada.

You stated in your letter of April 1 that it would be most helpful to have any specific information regarding particular lots of unfit fish that my informants could supply.

I am in receipt of a letter from the secretary-treasurer of the Michigan Fish Producers' Association in which he advises me that the biggest receiver of the poor quality Canadian fish is Kiozloff Fish Company of Detroit, Mich.

I have also been advised by a fisherman of Whitefish Point, Mich., that he encountered a driver of a truck of the Stevens Safeway Trucking Co., Winnipeg, Canada, while stopping at a restaurant on Route M–28 in northern Michigan. The individual attending the truck made remarks overheard by my informant that the fish on top of the load were in good condition, but those at the bottom were unfit but the inspector at the point of entry was inclined not to examine the whole shipment because it was a messy job. My informant has no knowledge of the point of entry of this truck.

I might also add that because of this inferior fish being imported into my area the price our American fishermen can receive for their fish has dropped considerably and in most instances is placing a hardship on those who make their living in the fishing industry.

I trust that these two instances which I bring to your attention will help your department in being able to give special attention to the quality and condition of imported Canadian fish.

I would appreciate hearing further from you on this important problem to those living in my area.

Sincerely yours,

VICTOR A. KNOX,
*Member of Congress.*

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DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
FOOD AND DRUG ADMINISTRATION,
*Washington, D. C., July 30, 1957.*

HON. VICTOR A. KNOX,
*House of Representatives.*

DEAR MR. KNOX: We have your letter of July 25 furnishing us with some information you have acquired about the importation of fish from Canada suspected of being of inferior quality.

We appreciate very much your having acquired and furnished us this information. We have forwarded the information to all of our district offices through whose territory this kind of fish may be imported, in order that they may make an appropriate investigation and followup.

You will no doubt be interested to know that on July 10 the Assistant General Counsel of this Department requested that the United States attorney at Detroit, Mich., institute criminal proceedings under the Federal Food, Drug, and Cosmetic Act against the J. Kozloff Fish Distributors, Inc., and two of its officers, Mr. Bernard B. Kozloff, vice president, and Mr. Harold Kozloff, treasurer. The alleged offenses in question consisted of the interstate shipment of ciscoes and whitefish infested with parasitic worms. Our information indicates that the fish were produced in Canada.

The fish themselves were seized and destroyed last year. The offenses, which occurred in February, March, and August of last year were discovered as the result of one of the special investigations with which we supplement our routine examinations of fish when imported.

Thank you for having obtained and forwarded to us the information.

Sincerely yours,

M. R. STEPHENS,
*Director, Bureau of Enforcement.*

Mr. Speaker, it is time something was done to safeguard the American public against a market of inferior fish infested with parasitic worms and to protect those fishermen producing a high quality product.

It is my understanding that high-grade Canadian producers, especially the Great Lakes fishermen, are equally concerned about these inferior imports of fish, which are unfit for human consumption.

## GOV. SOAPY WILLIAMS INCREASES UNEMPLOYMENT—THROWS MEN OUT OF THEIR JOBS

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 15 minutes.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, because Soapy apparently lacks sound tax views—whatever may be his desire to see Michigan prosper, its people have full employment—the net result of his tax policy, his opposition to any sound tax legislation in Michigan adds up to hardship for the worker, an exodus of industry from Michigan.

Soapy's unsound theories are exploded by State Senator Edward Hutchinson, Republican, Fennville, Mich., who has served so long and so efficiently in the State legislature.

Hutchinson is a sound, experienced legislator—knows Michigan's problems, and points out, so that all may understand, wherein Soapy is absolutely wrong.

In a story in the Detroit News of August 4, 1957, Don Hoenshell gives us the facts:

EX-PAGE BOY'S VIEW—WILLIAMS ACCUSED OF TAX ON JOBS

(By Don Hoenshell)

LANSING, August 3.—Republicans who look to a former senate page boy for leadership today received his statement on fiscal policies, "If I were Governor of Michigan."

Senator Edward Hutchinson, Republican, of Fennville, has not actively sought the 1958 nomination in party councils, but when he speaks, his fellows listen.

The statement was his answer to a challenge in a needling letter from Madeleine Shapiro, of 17503 Indiana, Detroit, who asked the senate leader how Governor Williams' tax policies are affecting business and industry. He's chairman of the senate business committee, and pulls pursestrings on budget requests.

"The Governor's tax policy is nothing more or less than a tax upon the creation of jobs," he answered her publicly.

MORE REVENUE

"The present Governor is a spender, not a saver. From the very beginning of his administration, he has felt himself impoverished, ever in need of more money to enrich and multiply the government over which he presides."

To Williams' calls for more taxes, Hutchinson said the legislature has answered with additional revenue. In Williams' first year, 1949, spending hit $285 million. For 1957–58, comparable figures total $582 million.

Doubled expenditures, Hutchinson said, have brought new taxes on business. The corporate franchise tax—a fee and not a tax before Williams—yielded $9 million in 1949. With the rate increased and ceiling removed, it yielded $50 million in the 1957 fiscal year.

The business activities tax produced $70 million in fiscal 1956–57. From a starting point of $9 million in 1949, taxes on business, Hutchinson said, have grown to $120 million—an increase of 1,200 percent.

"But that is still insufficient, according to the Governor," Hutchinson said. "He asked the legislature to impose still another $75 million in taxes on business in 1957–58 and to increase expenditures accordingly."

A TAX FOR JOBS

"The Governor's tax policy is nothing more or less than a tax on the creation of jobs. Business enterprise in Michigan competing with business in other States for both domestic and foreign markets is finding itself at a competitive disadvantage. So business is not expanding proportionately to our population increase."

Hutchinson said jobs are not being created in Michigan as fast as the labor supply increases and the proper policy would be to encourage business expansion in Michigan to create more jobs.

"But the present Governor's record is tarred with a hate-business philosophy, an approach which he learned from his New Deal tutors," the Senator said.

Hutchinson sniped at Williams' assertion he did not sign the original business activities tax, but charged the Governor signed both the law which increased its rate and the one that extended its duration.

OUT OF PROPORTION

"The issue is whether we shall so burden business by taxation that from the standpoint of competition the jobmakers in Michigan shall be at a disadvantage, and that is the very thing Williams' policies have done and are doing to Michigan," Hutchinson said.

"Business is willing to carry its share of the tax burden, but when it is way out of proportion, everybody suffers," he said.

"A government with a different policy could do wonders for Michigan," Hutchinson concluded.

The 43-year-old State senator was a page boy in the chamber when his grandfather held a seat in the house. Hutchinson has grown into one of the most powerful party spokesmen in the senate.

Along with house speaker George M. Van Peursem, Republican, Zeeland, Hutchinson has been mentioned as a party choice for the governorship in 1958.

Hutchinson, for years a leader of the Republican conservative wing in southwestern Michigan, and author of the act which prohibits strikes by public employees, admits he is growing more liberal.

"Times change, the needs of the people change, and, to remain in their service, we have to change also," he explained.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. KNOX, for 10 minutes today.

Mr. HESELTON (at the request of Mr. WEAVER), for 30 minutes tomorrow and to vacate his special order for today.

## EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BOW and to include extraneous matter.

Mr. BAUMHART and to include extraneous matter.

Mr. THOMPSON of New Jersey in three instances and to include extraneous matter.

Mr. BROOKS of Louisiana in two instances and to include extraneous matter.

Mr. HUDDLESTON.

Mr. JENKINS.

Mr. THOMPSON of New Jersey asked and was given permission to revise and extend the remarks he made in the Committee of the Whole today on the supplemental appropriation bill and include certain tables and charts.

Mr. COLE and to include extraneous matter.

Mr. BASS of Tennessee asked and was given permission to include two telegrams in remarks made by him in Committee of the Whole on the appropriation bill.

Mr. THORNBERRY to revise and extend remarks made in Committee of the Whole and to include extraneous matter.

Mr. BOGGS and to include extraneous matter.

Mr. FORRESTER.

Mr. PRICE and to include an address by Mr. DURHAM, of North Carolina.

Mr. HOSMER and to include extraneous matter.

Mr. DAWSON of Utah (at the request of Mr. WEAVER) and to include extraneous matter.

Mr. COLLIER.

Mr. GRAY.

Mr. ZABLOCKI in two instances, in each to include extraneous matter.

Mr. METCALF and to include extraneous matter.

Mr. CANNON (at the request of Mr. ALBERT) and to include extraneous matter.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2039. An act to clarify the requirements with respect to the performance of labor imposed as a condition for the holding of mining claims on Federal lands pending the issuance of patents therefor; to the Committee on Interior and Insular Affairs.

S. 2515. An act to amend the Act of June 28, 1935, entitled "An act to authorize participation by the United States in the Interparliamentary Union"; to the Committee on Foreign Affairs.

## SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 42. An act to provide for the construction by the Secretary of the Interior of the San Angelo Federal Reclamation project, Tex., and for other purposes;

S. 294. An act for the relief of Mrs. Marion Huggins;

S. 469. An act to authorize the United States to defray the cost of assisting the Klamath Tribe of Indians to prepare for termination of Federal supervision, to defer sales of tribal property, and for other purposes;

S. 591. An act for the relief of Seol Bong Ryu;

S. 651. An act for the relief of Sister Clementine (Ilona Molnar);

S. 669. An act for the relief of Mrs. Antonietta Giorgio and her children, Antonio Giorgio and Menotti Giorgio;

S. 811. An act for the relief of Fannie Alexander Gast;

S. 876. An act for the relief of Katharina Theresia Beuving Keyzer;

S. 1053. An act for the relief of Poppy Catherine Hayakawa Merritt;

S. 1071. An act for the relief of David Mark Sterling;

S. 1102. An act for the relief of Adolfo Camillo Scopone;

S. 1240. An act for the relief of Panagiotis Tulios;

S. 1309. An act for the relief of Susanne Burka;

S. 1311. An act for the relief of Maria Gradi;

S. 1353. An act for the relief of Ayako Yoshida;

S. 1363. An act for the relief of Vassilios Kostikos;

S. 1397. An act for the relief of Angeline Mastro Mone (Angelina Mastroianni);

S. 1452. An act for the relief of Francesca Maria Arria;

S. 1472. An act for the relief of Triantafilia Antul;

S. 1489. An act to amend title 14, United States Code, entitled "Coast Guard" with respect to warrant officers' rank on retirement, and for other purposes;

S. 1502. An act for the relief of Erika Otto;

S. 1508. An act for the relief of Salvatore LaTerra;

S. 1509. An act for the relief of Fumiko Bigelow;

S. 1774. An act for the relief of Yee Suey Nong; and

S. 2027. An act for the relief of Vendelin Kalenda.

## BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 1288. An act for the relief of Ralph Landolfi;

H. R. 1325. An act for the relief of Mrs. Bertha K. Martensen;

H. R. 1348. An act for the relief of Frank E. Gallagher, Jr.;

H. R. 1446. An act for the relief of Philip J. Denton;

H. R. 1472. An act for the relief of Anna L. De Angelis;

H. R. 1501. An act for the relief of Beulah I. Reich;

H. R. 1520. An act for the relief of Mrs. Fusako Takai and Thomas Takai;

H. R. 1536. An act for the relief of Allison B. Clemens;

H. R. 1537. An act for the relief of Jacob Baronian;

H. R. 1552. An act for the relief of William H. Barney;

H. R. 1667. An act for the relief of Fred G. Nagle Co.;

H. R. 1701. An act for relief of Abram van Heyningen Hartendorp;

H. R. 1942. An act for the relief of the Sergeant Bluff Consolidated School District;

H. R. 2259. An act to provide for the conveyance of all right, title, and interest of the United States to certain real property in Prairie County, Ark.;

H. R. 2346. An act for the relief of Irmgard S. King;

H. R. 2347. An act for the relief of Robert M. Deckard;

H. R. 2678. An act for the relief of Leona C. Nash;

H. R. 3071. An act to authorize the Secretary of the Interior to enter into and to execute amendatory contract with the Northport Irrigation District, Nebraska;

H. R. 3077. An act that the lake created by the Jim Woodruff Dam on the Apalachicola River, located at the confluence of the Flint and Chattahoochee Rivers, be known as Lake Seminole;

H. R. 3276. An act for the relief of Edwin K. Fernandez;

H. R. 3344. An act for the relief of Kenneth F. Alles;

H. R. 3572. An act for the relief of Mrs. Mary Jane Russell;

H. R. 3588. An act for the relief of John R. Hill;

H. R. 3996. An act to authorize the utilization of a limited amount of storage space in Lake Texoma for the purpose of water supply for the city of Sherman, Tex.;

H. R. 4511. An act to declare a certain portion of Back Cove at Portland, Maine, to be nonnavigable water of the United States;

H. R. 4730. An act for the relief of Mrs. Jennie B. Prescott;

H. R. 4851. An act for the relief of Mrs. M. E. Shelton Pruitt;

H. R. 4932. An act to amend the act of July 11, 1947, to increase the maximum rate of compensation which the director of the Metropolitan Police force band may be paid;

H. R. 4986. An act for the relief of the widow and children of John E. Donahue;

H. R. 5081. An act for the relief of Capt. Thomas C. Curtis and Capt. George L. Lane;

H. R. 5220. An act for the relief of the estate of Higa Kensai;

H. R. 5365. An act for the relief of Robert B. Peterman;

H. R. 5718. An act for the relief of Juanita Gibson Lewis;

H. R. 5721. An act for the relief of Marian Diane Delphine Sachs;

H. R. 5953. An act to provide for the construction of sewer and water facilities for the Elko Indian colony, Nevada;

H. R. 6570. An act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes;

H. R. 6621. An act for the relief of Mrs. Jane Barnes;

H. R. 6961. An act for the relief of Walter H. Berry;

H. R. 7213. An act for the relief of Louis S. Thomas and D. Grace Thomas;

H. R. 7522. An act to authorize the extension of certain rights to remove timber from lands acquired by the United States;

H. R. 8053. An act to authorize funds available for construction of Indian health facilities to be used to assist in the construction of community hospitals which will serve Indians and non-Indians;

H. J. Res. 322. Joint resolution for the relief of certain aliens; and

H. J. Res. 345. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to the dead of the 2d Infantry Division, United States forces, World War II and Korean conflict.

## ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 11 minutes p. m.) under its previous order, the House adjourned until Thursday, August 8, 1957, at 11 o'clock a. m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1113. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation entitled "A bill to improve the administration of the public airports in the Territory of Alaska"; to the Committee on Interstate and Foreign Commerce.

1114. A letter from the Secretary of Commerce, transmitting the Ninth Interim Report on the Causes and Characteristics of Thunderstorms and Other Atmospheric Disturbances, pursuant to Public Law 657, 80th Congress; to the Committee on Interstate and Foreign Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLATNIK: Committee on Public Works. House Joint Resolution 382. Joint resolution granting the consent and approval of Congress to an amendment of the agreement between the States of Vermont and New York relating to the creation of the Lake Champlain Bridge Commission; without amendment (Rept. No. 1024). Referred to the House Calendar.

Mr. COOPER: Committee on Ways and Means. H. R. 8888. A bill to extend the unemployment compensation program; without amendment (Rept. No. 1025). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H. R. 2548. A bill to authorize payment for losses sustained by owners of wells in the vicinity of the construction area of the New Cumberland Dam project by reason of the lowering of the level of water in such wells as a result of the construction of New Cumberland Dam project; with amendment (Rept. No. 1026). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOPER: Committee on Ways and Means. H. R. 8881. A bill to amend section 812 of the Internal Revenue Code of 1939; without amendment (Rept. No. 1027). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL: Committee on Rules. House Resolution 387. Resolution for consideration of S. 1383, an act amending section 410 of the Interstate Commerce Act, to change the requirements for obtaining a freight forwarder permit; without amendment (Rept. No. 1028). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 388. Resolution for consideration of H. R. 469, a bill to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes; without amendment (Rept. No. 1029). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 389. Resolution for consideration of H. R. 5822, a bill to amend section 406 (b) of the Civil Aeronautics Act of 1938 with respect to the reinvestment by air carriers of the proceeds from the sale or other disposition of certain operating property and equipment; without amendment (Rept. No. 1030). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 390. Resolution for consideration of H. R. 8992, a bill to provide for the appointment of representatives of the United States in the organs of the International Atomic Energy Agency, and to make other provisions with respect to the participation of the United States in that Agency, and for other purposes; without amendment (Rept. No. 1031). Referred to the House Calendar.

Mr. TRIMBLE: Committee on Rules. House Resolution 391. Resolution for consideration of H. R. 8996, a bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; without amendment (Rept. No. 1032). Referred to the House Calendar.

Mr. COOPER: Committee on Ways and Means. H. R. 4952. A bill to amend the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954 with respect to foreign tax credit for United Kingdom income tax paid with respect to royalties and other like amounts; with amendment (Rept. No. 1033). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELANEY: Committee on Rules. House Resolution 393. Resolution for consideration of H. R. 2462, a bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; without amendment (Rept. No. 1034). Referred to the House Calendar.

Mr. THORNBERRY: Committee on Rules. House Resolution 394. Resolution for consideration of H. R. 5836, a bill to readjust postal rates and to establish a Congressional policy for the determination of postal rates, and for other purposes; without amendment (Rept. No. 1035). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. CHURCH:

H. R. 9163. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. CURTIS of Massachusetts:

H. R. 9164. A bill to amend the first section of the act entitled "An act to prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes," approved September 1, 1954, so as to limit its application to cases involving the national security; to the Committee on Post Office and Civil Service.

By Mr. HOFFMAN:

H. R. 9165. A bill to amend title I of the act entitled "An act to authorize and direct the construction of bridges over the Potomac River, and for other purposes"; to the Committee on the District of Columbia.

By Mr. KNOX:

H. R. 9166. A bill to amend the Internal Revenue Code of 1954 to repeal the taxes imposed on the transportation of persons and property; to the Committee on Ways and Means.

By Mr. KRUEGER:

H. R. 9167. A bill to define service as a member of the Women's Army Auxiliary Corps as active service under certain conditions; to the Committee on Armed Services.

By Mr. SIKES:

H. R. 9168. A bill to prevent the unauthorized censorship by broadcasting, television, telephone, telegraph, and all similar companies, or networks, of songs, tunes, words, lyrics, and other material and things; and providing certain procedure to be followed in such cases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DAWSON of Illinois (by request):

H. R. 9169. A bill to amend section 207 of the Federal Property and Administrative Services Act of 1949 so as to modify and improve the procedure for submission to the Attorney General of certain proposed surplus property disposals for his advice as to whether such disposals would be inconsistent with the antitrust laws; to the Committee on Government Operations.

By Mr. ELLIOTT:

H. R. 9170. A bill to promote the welfare of the people by authorizing the appropriation of funds to assist the States and Territories in the further development of their programs of general university extension education; to the Committee on Education and Labor.

H. R. 9171. A bill to establish a national committee for the training and development of selective placement personnel; to the Committee on Education and Labor.

By Mr. ENGLE:

H. R. 9172. A bill to impose a tax on the importation of tungsten; to the Committee on Ways and Means.

By Mr. HÉBERT:

H. R. 9173. A bill to provide for the conveyance of a pumping station and related facilities of the Intracoastal Waterway system at Algiers, La., to the Jefferson-Plaquemines Drainage District, Louisiana; to the Committee on Public Works.

By Mr. PORTER:

H. R. 9174. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. WALTER:

H. R. 9175. A bill to provide scientific scholarships and fellowships for children of veterans and other individuals from interest resulting from the investment of certain funds obtained under the provisions of the Trading With the Enemy Act, and to provide for the repayment from such funds of certain American war claims against Germany and Japan; to the Committee on Interstate and Foreign Commerce.

By Mr. ULLMAN:

H. R. 9176. A bill to authorize the Secretary of the Treasury to extend the maturities of or renew certain loans made by the Reconstruction Finance Corporation in aid of the orderly liquidation of such loans; to the Committee on Banking and Currency.

By Mr. COOLEY:

H. Con. Res. 224. Concurrent resolution urging the Secretary of Agriculture to lift restraints on barter transactions; to the Committee on Agriculture.

By Mr. ALLEN of California:

H. Res. 386. Resolution to provide for a flag for the Members of the House of Representatives; to the Committee on House Administration.

By Mr. TOLLEFSON:

H. Res. 392. Resolution authorizing the printing of certain proceedings in the Committee on Merchant Marine and Fisheries, as a House document; to the Committee on House Administration.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUBSER:

H. R. 9177. A bill for the relief of Tayo Kubota; to the Committee on the Judiciary.

H. R. 9178. A bill for the relief of Aganetha Suterman Bornholdt; to the Committee on the Judiciary.

By Mr. HARRISON of Nebraska:

H. R. 9179. A bill for the relief of Kazue Jones; to the Committee on the Judiciary.

By Mr. MORRISON:

H. R. 9180. A bill for the relief of Mr. and Mrs. John R. Hadnot; to the Committee on the Judiciary.

H. R. 9181. A bill for the relief of Herbert H. Howell; to the Committee on the Judiciary.

By Mr. POWELL:

H. R. 9182. A bill for the relief of Jacob Skorka and his wife, Freda Skorka; to the Committee on the Judiciary.

By Mr. REUSS:

H. R. 9183. A bill for the relief of Altamont Young; to the Committee on the Judiciary.

By Mr. ROONEY:

H. R. 9184. A bill for the relief of Hans E. T. Hansen; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

323. By Mr. SADLAK: Resolution of the National Committee of Americans of Polish Descent, New York, N. Y., on the first anniversary of the uprising in Poznan to pay tribute to the Polish workers who revolted for more bread and freedom, and to express gratitude to President Eisenhower and Congress for their favorable attitude in granting aid to Poland; to the Committee on Foreign Affairs.

324. By the SPEAKER: Petition of the assistant city clerk, Los Angeles, Calif., relative to urging enactment of such legislation as will preserve and protect all professional sports in this country, and will give to professional football, hockey, basketball, and all other professional sports the same exemption from the antitrust laws of the United States that professional baseball now enjoys; to the Committee on the Judiciary.

# EXTENSIONS OF REMARKS

## Reemployment Rights of Reservists

EXTENSION OF REMARKS

OF

### HON. OVERTON BROOKS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 7, 1957*

Mr. BROOKS of Louisiana. Mr. Speaker, the purpose of this bill, H. R. 8522, is to amend and clarify the reemployment provisions of the Armed Forces Reserve Act of 1952 and the Universal Military Training and Services Act. The bill will also put National Guardsmen on the same basis as other members of the Reserve components insofar as reemployment is concerned, after participating in Reserve training.

The law now provides that persons performing training duty, such as 2-week encampments and weekly drills, have 30 days to apply for reemployment in their jobs, and it is believed that this period is unreasonably long in relation to the amount of time away from the job. The bill would remedy this situation by requiring that application for reemployment be made at the beginning of the next regular scheduled work period after expiration of the necessary travel time, or within a reasonable time thereafter.

With respect to the period in which an application for reemployment must be filed by any member of a Reserve component, the bill will permit the application to be filed after a 1-year period of hospitalization incident to training. This would eliminate the present inconsistent treatment which grants those on active duty in the Armed Forces a 1-year period of grace for hospitalization, some reservists a 6-month period, and other reservists none at all.

One of the main reasons, however, for this legislation is to cover National Guard men who take the 6-month training course. Because of a quirk in the law a member of the Army Reserve who enters the 6-month training program has his reemployment rights insured, but a National Guard man does not. This bill will place all on the same basis.

The Department of Labor recommended this legislation and the Bureau of the Budget interposes no objection. There will be no cost to the Government because of this bill's enactment.

## The Capitol Guide Service

EXTENSION OF REMARKS
OF
### HON. FRANK THOMPSON, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 7, 1957*

Mr. THOMPSON of New Jersey. Mr. Speaker, I am introducing today for appropriate reference a bill to establish a free guide service for the United States Capitol Building.

The Capitol Building is the only building in Washington where visitors are charged for guide service.

The White House visitors do not have to pay for the privilege.

One of the very interesting and curious institutions in the Nation's Capital, familiar to anyone who has visited here, is the Capitol Guide Service. This service has persisted for at least 80 years in its present form, so I have learned, and the 2 million to 3 million people who visit the Capitol Building annually are led to believe that they are required to pay a 25-cent fee for the services of these guides. Few know in advance of the charge and fewer still know that they are free to roam over the Capitol Building by themselves without paying the fee—they feel they have to pay to see their own Capitol.

The anomaly of a guide service in the Capitol Building of a major Nation charging the sightseers for services is unique, and is remarked on constantly by visitors from abroad, being compared unfavorably with practices in their own countries.

Personally, I never have had the slightest complaint to make about any of the Capitol guides as individuals. These guides are unusually fine men and women who make a contribution to an understanding of their Government by those who visit Washington, D. C. I simply am commenting on the practice of leading visitors to the Capitol Building—who, after all, as citizens and taxpayers, own the very building housing the Congress—to believe they must pay to see their own property. Ever since I first had the privilege of going through this building, I have been convinced that it, of all buildings in the United States, ought to have free guide service. The present system just grew up without any thought being given to a permanent program.

I visited a few foreign capitals when abroad in the Navy during World War II and I have talked to widely traveled Members of the Congress as well as other experienced travelers and the consensus is that the system of charging is distinctive and that there is no foreign capital, and no capital in any of the 48 States, which has a similar system.

Control of the Capitol Building is vested in the President of the Senate and the Speaker of the House of Representatives and these distinguished officials delegate their authority to a board, composed of the Sergeant at Arms and Doorkeeper of the Senate, the Sergeant at Arms of the House of Representatives and the Architect of the Capitol.

I would like to see the uniform practice for guide service established in the Nation's Capital applicable alike to the White House and the other Federal buildings, extended to include the Capitol Building. The practice of charging, and herding visitors to this great Capitol Building into groups, to make sure that all pay and few escape, seems to me to be a cheap and degrading one.

According to the best information I have been able to gather on the subject, the present guides make at least $10,000 a year.

Legislation was considered by the Congress in the 1920's to set up a free guide service but affirmative action to change the system did not result. Perhaps the time has come to abolish the present pernicious and unwise system and establish a permanent and dignified guide service for the Capitol Building, one more in keeping with our historic character and traditions.

It is interesting to note that on February 12, 1925, Congressman Taylor, Democrat, Colorado, sponsored legislation at that time to establish a permanent guide service and told the Members of the House of Representatives that:

> In 1876, during the Centennial Exposition at Philadelphia, great crowds visited Washington and came through this building. Up to that time there had been no guide system of any kind. There were some shell-game and three-card fellows, numerous pickpockets, and other crooks got in here. As a result Congress decided to establish some system in the handling of tourists, and they appointed five guides to superintend the sightseers, and they were allowed to collect tips as their remuneration. That is the way this thing started.

I include here an editorial from the Washington Post and Times Herald of August 18, 1957, entitled "The Bite in the Capitol":

> THE BITE IN THE CAPITOL
>
> Many persons who have been made to feel that they were encroaching on a private preserve as they browsed through the Capitol without joining an organized tour will appreciate Representative FRANK THOMPSON's suggestion that free guide service be provided. The Capitol is the center of interest for millions of tourists who visit Washington. They ought to be able to see it and to hear a bit of the history that has been made within its walls without being solicited for a fee. No doubt the guides who now do the work are able and conscientious, and since they draw no salaries from the Government they must necessarily charge visitors for their services. Courtesy tours by salaried guides would certainly be much more in keeping, however, with the dignity of a great nation.

## Statistics Regarding 61 Vessels To Be Inactivated by United States Navy

EXTENSION OF REMARKS
OF
### HON. CRAIG HOSMER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 7, 1957*

Mr. HOSMER. Mr. Speaker, for the convenience of those interested I have prepared a tabulation of the types of vessels, together with home ports and home shipyards, of the 61 vessels being inactivated by the Navy prior to the end of this year. One battleship, eight destroyers, five destroyer transports, 16 destroyers escorts, two submarines, four landing ships—tank, five attack cargo transports, 13 coastal minesweepers, and seven coastal mine hunters comprise the list. The specific shipyards to which these ships will be assigned for inactivation, and their ultimate disposition in Reserve fleet groups have not yet been determined, according to Navy sources.

The tabulation referred to is as follows:

*Summary tabulation of home yards and home ports of 61 ships to be inactivated by U. S. Navy prior to Dec. 31, 1957*

| City | Battleship | Destroyer | Destroyer escort | Submarine | Destroyer transport | LST | Cargo (attack) | Minesweeper | Total |
|---|---|---|---|---|---|---|---|---|---|
| Balboa | | | | | | | | [1] 1 | [1] 1 |
| Newport | | [1] 8 | [1] 1 | | | | | | [1] 9 |
| Christobal | | | | | | | | [1] 1 | [1] 1 |
| New York | | | [1] 4 | | | | | | [1] 4 |
| | | | [2] 5 | | | | | | [2] 5 |
| Philadelphia | | [2] 5 | [1] 2 | | | | | [1] 1 | [1] 3 |
| | | | [2] 2 | | | | | | [2] 2 |
| Boston | | [2] 2 | [1] 1 | | | | | | [1] 1 |
| | | | [2] 2 | | | | | | [2] 2 |
| New Orleans | | | [2] 1 | | | | | | [2] 1 |
| Long Beach | | | [1] 2 | | [1] 1 | | | | [1] 3 |
| | | | [2] 2 | | [2] 1 | | [2] 1 | [2] 1 | [2] 5 |
| San Francisco | | | [1] 1 | | | | [1] 1 | | [1] 2 |
| | | | [2] 1 | | | | [2] 1 | | [2] 2 |
| Mare Island | | | [1] 2 | | | | [1] 3 | | [1] 5 |
| | | | [2] 2 | [2] 2 | [2] 1 | [2] 1 | [2] 3 | | [2] 9 |
| Seattle | | | [2] 1 | | | | | [1] 1 | [1] 2 |
| Norfolk | [1] 1 | | | | [1] 3 | | | | [1] 4 |
| | [2] 1 | | | | | | | [2] 1 | [2] 2 |
| Key West | | | | | | | | [2] 1 | [2] 1 |
| San Diego | | | | [1] 2 | [2] 1 | [1] 2 | [2] 1 | [2] 1 | [1] 7 |
| Pearl Harbor | | | | | | [2] 1 | | | [2] 1 |
| Charleston | | [2] 1 | [2] 1 | | [2] 3 | | [1] 1 | [1] 7 | [1] 8 |
| | | | | | | | [2] 1 | [2] 17 | [2] 23 |
| Panama City, Fla | | | | | | | | [1] 5 | [1] 5 |
| Puget Sound | | | [2] 1 | | | [2] 2 | | [2] 1 | [2] 4 |

[1] Home port. [2] Home yard.

## Diversion of Highway Trust Fund

EXTENSION OF REMARKS
OF
**HON. HALE BOGGS**
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, August 7, 1957*

Mr. BOGGS. Mr. Speaker, I feel very strongly that the present session of Congress should not be allowed to close until it has corrected a serious defect that has been revealed in connection with the handling of the highway trust fund.

Last year, Congress enacted two laws of incalculable importance to the people of the United States—the Federal Aid Highway Act and the Highway Revenue Act of 1956. In this legislation Congress and the country dedicated itself to the job of providing a network of top-ranking highways to serve the vital needs of commerce and defense. The highway program is, and will continue to be, a pay-as-you-go construction program, financed by revenue from highway user taxes paid into a special trust fund. Implicit in this arrangement is a promise to the highway user that Congress will see to it that a full dollar's worth of road is constructed with every highway user tax dollar that is placed in this trust fund.

I know that I need not remind this House of this obligation. However, I am concerned that this House has not fully performed this obligation in the enactment of appropriation bills this year. As a result, taxes which should be used to build roads are being diverted to pay the administrative expenses of the Department of Labor in matters which are beyond the historic scope of Federal-aid highway appropriations, and which constitute a dangerous precedent for further diversion of the trust fund as the national-highway program continues.

Bills to correct this situation and bring the administration of the highway trust fund into line with what I firmly believe was the intention of Congress when it enacted the Federal-aid Highway Act and the Highway Revenue Act of 1956, have been introduced.

On May 6, 1957, I introduced H. R. 7223, and urged the House to recognize the importance of early action. On July 11, 1957, the distinguished chairman of the Subcommittee on Public Roads of the Committee on Public Works, Representative FALLON, introduced a similar bill H. R. 8648. In the other body, similar legislation, S. 2436 has been introduced by Senator POTTER, of Michigan.

This is a matter which we should not allow to remain on our conscience. The urgency of action to correct this matter was recently expressed by the executive committee of the American Automobile Association in a statement issued July 31, 1957.

Their statement is as follows:

STATEMENT OF THE EXECUTIVE COMMITTEE OF THE AMERICAN AUTOMOBILE ASSOCIATION RELATING TO THE HIGHWAY TRUST FUND, ADOPTED JULY 31, 1957

The American Automobile Association deplores the action of Congress in authorizing the use of the highway trust fund to supplement the regular budget of the Department of Labor for carrying out the Department's activities in the administration of the Davis-Bacon Act.

A basic principle is involved in this action. Historically it has been recognized that in Federal-aid highway legislation, administrative costs incidental to the Federal supervision of the program should be absorbed by the executive agencies in their regular budgets. The costs of the Bureau of Public Roads have been the only exception to this rule. The legislative history of the Federal-aid Highway Act and Highway Revenue Act show that Congress intended that this same arrangement should continue.

Almost 15 years of unprecedented road-building activity lie ahead before the present national highway program is completed. During this period, the financing program must keep pace with construction costs. In view of this necessity, highway user taxes deposited in the trust fund must not be subject to diversion into administrative activities of various Federal agencies based on a claim that some portion of the work of that agency is attributable to the highway program.

The American Automobile Association urges in the strongest terms that Congress immediately take steps to protect the highway trust fund against use for administrative expenses of any department or agency of the Federal Government except the Bureau of Public Roads.

## Post Office Improvements

EXTENSION OF REMARKS
OF
**HON. GEORGE HUDDLESTON, JR.**
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, August 7, 1957*

Mr. HUDDLESTON. Mr. Speaker, in my estimation, the postal employees work very hard for very low pay. Whenever the opportunity has afforded itself, I have interceded in behalf of these loyal people who very rarely complain in spite of the poor treatment that they receive.

From time to time, postal employees have had to come to us for an increase in salary, and I was happy, a few days ago, to be able to vote for the bill to provide at least a part of the answer to the salary needs of these people.

Another problem they face is that of facilities. The Alabama branch of the National Postal Transport Association is located in Birmingham. Recently, the branch has been trying to secure improvement in the conditions of the Birmingham terminal. In the Alabama branch notes, printed in the Postal Transport Journal for July 1957, the notation appears that "President Newton reported on recent meeting with Mr. John Miller of the Department. Mr. Miller arriving in Birmingham armed with blueprints of the terminal with a view toward some necessary and long over-due alterations. Among other things promised was a new paint job; fluorescent lights over the pouch rack; more locker and swing rooms and, of all things, a flagpole. Exhaust fans we ask for and a flag we get. Now, to beat the heat, we'll hold retreat."

I hope that the rather modest improvements sought by these people will shortly be forthcoming. Certainly all of them are reasonable and there appears to be no sound reason for withholding reasonable things from reasonable men.

## Civil-Rights Legislation

EXTENSION OF REMARKS
OF
**HON. E. L. FORRESTER**
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, August 7, 1957*

Mr. FORRESTER. Mr. Speaker, many courageous and loyal citizens have unmasked the so-called civil-rights legislation, exposing its iniquities and violations of our beliefs and concepts. For the first time, their efforts are bearing good fruit, and good people all over our country are beginning to realize the terrific dangers so adroitly and deliberately hidden therein.

It is a wonderful privilege one has to represent constitutional government and our American traditions, and I extend my sincerest thanks to everyone who has made the slightest contribution to the exposure of this civil-rights legislation.

I desire to particularly express my appreciation to Hon. David Lawrence, for the magnificent fight he has waged. With no ax to grind, but simply in accord with truth, justice, and the American way, he has done more than any other individual in this country to warn the people of the utterly absurd and un-American provisions of that legislation.

It was Mr. Lawrence who exposed the attempt of Mr. Brownell to designedly destroy the existing right of trial by jury in contempt cases, by substituting the name of the United States as the party plaintiff.

It was Mr. Lawrence who exposed the attempt of the Justice Department to designedly take from the 16 defendants in Clinton, Tenn., their existing right of trial by jury, by the expedient of having the United States named as a party plaintiff in the case instituted by individuals, in which those defendants were charged with contempt because of alleged violations of the injunction granted upon the petition of private individuals. Certainly, the good people of this country could not be expected to suspect the Department of Justice, and to even imagine that the Department of Justice would deliberately attempt to destroy existing rights of American citizens, but Mr. Lawrence knew that the Justice Department had done so, and it was Mr. Lawrence who proved it to the American people. It was Mr. Lawrence who demonstrated that Mr. Brownell wanted government by injunction.

Mr. Lawrence says in an article appearing in the Evening Star, August 5, 1957, that the advocates for this iniquitous legislation have reached their high-water mark, and the present opportunity is the last chance for the advocates to

obtain civil-rights legislation. I believe Mr. Lawrence is right.

I congratulate Mr. Lawrence for his magnificent service to his people and his country. I am certain that if he continues to inform the people, the people will, as they always have, rise up and demand that constitutional government and our American way of life be preserved.

## Secretary of State Dulles on Proposed Lead-Zinc Legislation

EXTENSION OF REMARKS
OF
**HON. WILLIAM A. DAWSON**
OF UTAH
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, August 7, 1957*

Mr. DAWSON of Utah. Mr. Speaker, last week the House Ways and Means Committee held hearings on the administration's proposal to impose a sliding scale of excise taxes on imported lead and zinc as a means of bolstering market prices of those metals to a break-even point where our domestic mining industry can survive the competition of cheap-labor foreign production.

An objection frequently voiced is that this proposal, if enacted, would be a retreat from the foreign trade policies which this Nation has pursued for many years, and perhaps would set a precedent for further retreats.

Reserving comment on whether such a retreat would be a good or bad step, I include under leave to extend my remarks a statement by Secretary of State John Foster Dulles that the lead-zinc recommendations do not represent any basic change in trade policy.

The following excerpt is from the State Department's record of Secretary Dulles' Tuesday press conference, as republished by today's New York Times:

Question. Sir, do you think that our position on liberal trade at the forthcoming Buenos Aires conference will at all be weakened by the Department's support of new lead and zinc restrictions? I understand that several Latin-American countries who are economically dependent on lead and zinc exports have already protested to the Department on the matter.

Answer. I think it's unfortunate that the situation in the lead and zinc industry here at home is such that it does seem necessary to take certain measures to protect it and keep it in existence as a healthy industry. I do not think that that means, in fact I'm sure that it does not mean, any basic change in the attitude of this administration toward trade, and our desire to have a liberal flow of trade to mutual advantage. There are always going to be special situations that come along and which as a practical matter have to be dealt with. And the fact that there are exceptions does not in any way vitiate the rule of seeking to have free and liberal trade.

Now, this situation about lead and zinc has been one that has been plaguing us for several years. It came up rather acutely about 4 years ago, I think in 1953, and at that time it was possible to handle the situation through a combination of voluntary restraints by some foreign countries on their exports of lead and zinc to the United States and stockpiling program. Well, the stockpiling program has come to an end. The price of most metals is rather weak at the present time and the situation is back, to be dealt with in some way. The program for dealing with it, as I understand, is on a sliding scale basis, so that when prices recover, then the duties will go down. We can all hope that there will be a revival of strength in these metals so that in fact any new duties based only upon low prices will not have to be maintained.

## Partial Financing—A Costly and Wasteful Feature of H. R. 8002

EXTENSION OF REMARKS
OF
**HON. CLARENCE CANNON**
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, August 7, 1957*

Mr. CANNON. Mr. Speaker, in recent weeks key officials of the executive branch have unequivocally characterized as expensive and unsound the practice of partially financing Government programs and projects, which is the heart of H. R. 8002, the so-called accrued expenditure bill. It is installment buying—and installment buying results in more spending, not less spending.

On July 1, Secretary Wilson advised the Committee on Appropriations:

I do not believe in partial financing. In other words, under partial financing you start more things than you can finish with the funds made available and you have a lot of future trouble if you engage in such a procedure. We have taken action to stop partial financing.

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I think the statement that I do not believe in partial financing is a good one to put out.

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You see, there is some discussion, quite frankly, about the Hoover Commission recommendations on an entirely different way of appropriating expenditure money and making you live within the expenditures. If that were the way we were trying to do it we would be arguing now about the $38 billion expenditure estimate, not the $38½ billion NOA we started out with. We would be arguing about the $38 billion and you might be trying to trim that down to $36 billion or something of the order. Then we really would be in trouble because we are already in trouble by $2,250 million. I would be in trouble for $2 billion more. That would just cause one of those big shifts in the military program which have been so expensive in the past and waste so much money and possibly risk the security of the Nation.

The Director of the Budget, in a letter reprinted in the CONGRESSIONAL RECORD of May 23, had this to say:

I believe we should continue to follow the sound procedure of fully funding the procurement of all items necessary for the full operation of such major things as airplanes, tanks, and ships when the initial appropriation is made. We would lose budgetary control of these programs if we adopted a policy of partial funding for such items.

Those who advocate H. R. 8002 ought to read and re-read these and definite accurate remarks of the Secretary of Defense and the Director of the Budget on the question of partial financing. They oppose precisely what H. R. 8002 would require. Their opinions in this connection are especially important. The Budget Director is chief architect of the entire spending budget. The Secretary of Defense administers expenditure of over half the budget.

Like former Secretary Humphrey, they have at times made divergent and conflicting statements but no one can mistake the meaning and significance of these quotations.

## Amending Tariff Act of 1930

EXTENSION OF REMARKS
OF
**HON. THOMAS A. JENKINS**
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, August 7, 1957*

Mr. JENKINS. Mr. Speaker, on yesterday August 6, I introduced H. R. 9132, as an amendment to section 313 (b) of the Tariff Act of 1930. The purpose of this amendment is to extend to all imported merchandise the privilege of substitution of similar domestic merchandise for the purpose of drawing back duty paid on imported merchandise upon the export of equivalent American-made goods.

In 1930 this privilege was extended to sugar and nonferrous metals. In 1949, at my recommendation, Congress extended it to all metals, as well as linseed and linseed oil. In 1956, Congress again extended the privilege to printing papers. The Customs Bureau has now had enough experience with this practice of substitution that they are now prepared to support the ending of the discrimination that the present law still continues against all other commodities and merchandise, as proposed by this bill which I am introducing.

The advantages of this privilege to importers engaged in the reexport of such goods and the employees engaged in their production are adequately set forth in the records of the Ways and Means Committee in connection with the action taken in broadening this privilege on previous occasions. It enables the American manufacturer faced with the competition of cheaper foreign materials available to his foreign competitors to improve his competitive position in foreign markets and thus assist in maintaining a higher level of domestic employment in the United States at higher wages, than would otherwise prevail. It is a privilege which Canadian producers have enjoyed for over 30 years. It is a step forward in the direction of freeing foreign trade, not from necessary tariffs, but from unnecessary handicaps to American exporters in meeting foreign competition in foreign markets on more even terms. As in all past cases, the proposal has bipartisan support. I trust the House will approve this progressive measure for freeing exporters of American goods from unnecessary and uneconomic handicaps in their struggle to increase their sales in foreign markets.

## Status of Forces Arrangements

EXTENSION OF REMARKS
OF
### HON. FRANK T. BOW
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, August 7, 1957*

Mr. BOW. Mr. Speaker, an Army liaison plane, unable to gain altitude on takeoff, is reported to have crashed and killed a Japanese woman who happened to be near the runway of one of our Japanese bases.

I am waiting with interest and apprehension to learn whether the Department of Defense will surrender the pilot to the Japanese for a murder trial.

According to the new definition of duty, enunciated by the General Counsel of the Defense Department, such an unhappy eventuality is entirely possible, even probable.

You will recall that in the Girard case, the General Counsel asserted that the accidental shooting of a Japanese woman who was trespassing on a range Girard had been assigned to guard was "such a complete departure from his duty that he could not have been considered on duty."

Obviously the Army pilot in the recent unfortunate accident was not instructed to crash. Certainly he was not ordered to use his light aircraft as an instrument of death and injury to a Japanese couple. Will the Defense Department consider that his failure to keep the plane aloft was "such a complete departure from his duty that he could not have been considered on duty."

It seems to me that this is very likely to occur if the Japanese authorities suggest it. It appears that this suggestion, together with the assertion that the Japanese people are inflamed, is required to make the new definition of duty applicable to the incident.

Girard's commanding officer and our representatives on the Joint Commission both insisted that Girard was on duty. But, according to the General Counsel of the Defense Department, there was "still further inflammation of the situation in Japan," the "Japanese situation was becoming more and more inflamed," and "this matter was still inflaming the public" as time progressed.

Accordingly, it was decided that the commanding officer was acting in an archaic military manner, unsuited to this era of international good feeling, and that he had been wrong all the time. Inflammation of the Japanese public proved that Girard was not on duty after all.

For a time in late June it appeared that inflammation of the American public might reverse Girard's duty status again. Unfortunately, the American public doesn't seem to sustain an inflammation. The antibiotics of internationalism soothe and quiet the eruption. Emotionalism that can cause flipflops in American policy whenever it seized a Japanese, Italian or Turk is considered unbecoming to an American. Those who exhibit it are narrowminded, old-fashioned, isolationist patriots. Few can stand those terms of opprobrium.

If my apprehension concerning the unfortunate Army pilot should prove well founded, I think we may at last find an occasion when Americans will breed a boil big enough to bust the complacency of the General Counsel of the Defense Department, an inflammation on this side of the water that will bring some changes in the status of forces arrangements.

## Esler Field, La.

EXTENSION OF REMARKS
OF
### HON. OVERTON BROOKS
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, August 7, 1957*

Mr. BROOKS of Louisiana. Mr. Speaker, the purpose of this bill is to authorize the Secretary of the Army to convey to the parish of Rapides, La., title to Esler Field, La., on condition that it be used as a public airport.

Esler Field is a part of a military complex comprised of Camp Livingston and Camp Beauregard, La. The field was constructed during World War II and for the past 13 years has remained idle as an airbase.

The Department of the Army has agreed that the field can be released to Rapides Parish, La., for use as an airport so long as it can again be used in time of war or national emergency, and particularly that is can be used during maneuvers in Louisiana.

The committee, therefore, amended the bill so as to provide that the Federal Government in the future could use the airport without charge for transient military aircraft during periods of maneuvers in Louisiana and for the use of the Louisiana National Guard. Further, a reverter to the United States is provided in case the parish of Rapides fails to use Esler Field as a public airport.

The conveyance authorized by the bill would also be made subject to the reservation by the United States of all mineral rights, including oil and gas, and such other reservations, restrictions, terms, and conditions that the Secretary of the Army determines to be necessary to properly protect the interests of the United States.

Mr. Speaker, this is a very worthwhile bill. At the beginning of World War II the city of Alexandria, Rapides Parish, La., owned a public airport. However, this airport was donated to the United States Government so that the Alexandria Army Air Corps base could be established on that site. Today this is known as England Air Force Base, and it is now necessary for all civilian air service in this locality to use the military base. Gradually, the use of this facility by private planes is becoming more detrimental because of the need for its use by the military. Safety hazards have therefore been increased. England Air Force Base is crowded with jet aircraft and with commercial planes landing on the base the time has come when some other facility must be provided for this locality's private aviation. Furthermore, additional commercial lines serving central Louisiana are reluctant to come into this area because of unsatisfactory operating conditions.

Mr. Speaker, as I have said, the Department of the Army has approved this bill, and there is no objection from the Bureau of the Budget. The enactment of the bill will have no effect on the budgetary requirements of the Department of Defense, and I feel that the Federal Government will, by enacting this bill, be repaying the city of Alexandria, La., for its patriotic donation of its public airport at the beginning of World War II.

## H. R. 8002

EXTENSION OF REMARKS
OF
### HON. HAROLD R. COLLIER
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, August 7, 1957*

Mr. COLLIER. Mr. Speaker, in recent weeks H. R. 8002, designed to implement recommendations of the Hoover Commission, has been the subject of considerable discussion among Members of Congress as well as in editorial commentaries in newspapers all over the country.

In taking a stand in opposition to that of the distinguished chairman of the Appropriations Committee, I submit that there is also strong support of this legislation among authorities on our national economy and fiscal system.

I am gravely disturbed to find this measure now the target of indifference and controversy just as it has reached the threshold of becoming law. There can be no question that this bill will taper Government spending through the elimination of waste and inefficient operation. Aside from my own deep conviction in the necessity of this legislation, particularly in the face of the tremendous national debt, I have taken particular note of the fact that leading newspapers in every section of the country support this proposal. In all my reading I have found but one which agrees with the chairman of the Appropriations Committee in his opposition to H. R. 8002.

It is my hope that the Congress will have an opportunity to vote on this bill before we adjourn the first session of the 85th Congress. Sound efforts to achieve Government economy do not necessarily lie in percentage figures on minor bills which involve comparatively small expenditures but principally in the efforts made by Congress to economize through adoption of laws which will clamp down upon waste and excessive spending wherein the dollar value offers nothing to the general well-being of the Nation. Support of any measures which limit Government spending through efficiency in operation are needed more today than ever before in our history.

I take this opportunity to cite for the record typical appraisals of H. R. 8002 by newspapers from the North, South, East, and West. I believe these comments truly reflect the sentiment of the American people today in their hope for both tax relief and a reduction of our national debt.

New York World-Telegram and Sun:

We especially commend H. R. 8002 to Members of the House who may be deluded into believing this bill isn't a good way of doing business.

Washington (D. C.) Daily News:

This bill wouldn't take from Congress a control it no longer enjoys—it would restore it.

Washington (D. C.) Evening Star:

In the light of wide agreement that Federal economy is both desirable and essential, particularly in this period of inflationary pressures, the House leadership should give high priority to completing action on this legislation.

The Wall Street Journal:

The most important point in favor of the bill is that the present budgetary procedures are a wasteful mess. The measure may not be ideal—what is in this world?—but it is a useful step.

New York Daily News:

It will be a shame if one of the really precious fruits of the Hoover Commission is permitted to rot unharvested in this session.

The New York Times:

If Congress is really serious about controlling expenditures and is willing to take the responsibility that goes with this power it will pass this bill which has the endorsement of the President, leading Members of Congress, and thoughtful private citizens.

Manchester (N. H.) Union-Leader:

It's about time the Federal Government's financial structure was placed on a sound accounting basis.

Miami (Fla.) Sunday News:

This reform is so simple, so needful, so important; why should there be any opposition to it?

San Francisco Examiner:

We would recommend to taxpayers that it is very much in their interest and in the interest of sound government economy to let their representatives know they want this bill passed.

Los Angeles Examiner:

In effect, the idea is to have the annual budget actually represent expenditures. This would end the wasteful system whereby Congress never really knows who's spending what money in what year.

Cincinnati Enquirer:

It is difficult to see how any Member can justify a refusal to support this conscientious effort to reduce the huge cost of government.

Mr. Speaker, as you can see, these editorial comments represent all sections of the country, the New England States, the South, the Midwest, and the Far West. From all parts of the country have come demands for action on this important piece of legislation. The people are being called to rally behind their representatives fighting to regain control over the Federal purse strings. It is estimated H. R. 8002 would save us up to $3 billion annually. And should one question this estimate, let me say that if this bill does no more than place the responsibility once again on the shoulders of Congress to account for every penny spent, it would certainly be worth supporting.

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## The Federal City Council, Washington Star, and Washington Post Strongly Support Bill To Establish a Standing Joint Committee on the District of Columbia

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EXTENSION OF REMARKS
OF

### HON. FRANK THOMPSON, JR.

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, August 7, 1957*

Mr. THOMPSON of New Jersey. Mr. Speaker, the Federal City Council, the Washington Evening Star, and the Washington Post and Times Herald strongly support my bill to establish a standing Joint Committee on the District of Columbia.

I have been concerned with this matter for a long time.

It is a workable bipartisan plan, and, I am proud to say, a number of my colleagues in the House and Senate have joined me in sponsoring it.

In the House the bill has been cosponsored by the gentlewoman from Pennsylvania [Mrs. GRANAHAN], the gentleman from Pennsylvania [Mr. SCOTT], and the gentleman from South Dakota [Mr. MCGOVERN].

In the Senate a companion measure was introduced by Senator JOSEPH S. CLARK, JR., Democrat, of Pennsylvania, for himself and Senator WAYNE MORSE, Democrat, of Oregon.

My bill is designed to reorganize Congressional relations with our Capital City in order to expedite solutions to urgent problems now facing that city, and to lessen the burden falling on Congress as it acts as city council for Washington.

It is being introduced simultaneously in the Senate by my good friend, the distinguished junior Senator from Pennsylvania, who has played a major part in helping to develop the measure as it now stands. I am delighted to have the following Members of Congress join me as cosponsors in the House: Representatives HUGH SCOTT, Republican, of Pennsylvania, GEORGE S. MCGOVERN, Democrat, of South Dakota, and KATHRYN E. GRANAHAN, Democrat, of Pennsylvania.

Few subjects confronting us today are as important as this one. Better legislative methods for dealing with District problems are absolutely vital to preservation of the economic well-being of our great Capital City. They are equally indispensable to saving the time and energy of many of my colleagues in both Houses of Congress.

Today our Nation's Capital—the foremost city of this Nation and of the Free World—is in dire trouble. It faces problems, governmental, social, and financial, which threaten its very future unless they are dealt with promptly and effectively.

In our role as city councilors for the Capital City, we have a prime responsibility for helping find answers to the city's dwindling tax base, its costly slums, its traffic congestion, its rapidly mounting financial burdens, and so on.

You would expect under these circumstances that the legislative machinery for dealing with the District would be the best that Congressional ingenuity could devise. I regret to say that it now falls short of this mark.

Responsibility for control over District affairs is now divided among four Congressional groups—Senate and House District Committees, and the Appropriations Committees in both Houses. As a recent editorial in the Washington Post-Times Herald put it:

This diffusion of authority contributes greatly to pulling and hauling over relatively minor issues and compels an excessive number of national legislators to familiarize themselves with local problems.

We all know how frequently District bills bounce back and forth between Senate and House because of conflicting actions of each. We have seen this process result in delays and financial losses to our great Capital City. And many of us are all too well aware of the excessive and unnecessary load of work placed on us by this system.

Indeed, the inefficiency and waste motion of this procedure help explain why so many legislators regard an appointment to a District Committee with so little enthusiasm. It is a large part of the reason why our Nation's Capital has so long remained the forgotten stepchild of Congress.

Needless to say, the most satisfactory way out of this dilemma is home rule, perhaps coupled with a fixed-formula Federal payment in lieu of local taxes.

But short of home rule, there is a positive first step we can take toward better and more responsible local government for the District, and toward a more efficient method of discharging our own responsibilities.

This is to be found in the standing joint committee of the Senate and House, recommended in my bill which would consolidate the major legislative functions affecting the District, thereby providing some continuity to Washington city government and reducing the drain on Congressional energy.

I would like to emphasize, Mr. Speaker, that this proposal coincides with a general trend toward greater legislative efficiency. Today, for example, there are a dozen joint Congressional committees—about double the number which existed 10 years ago. Among them is the Joint Committee on Atomic Energy, on which the proposed Joint District Committee is closely modeled.

The idea of a Joint Committee on the District is one which has elicited strong bipartisan support in the past. In 1948, during the 80th Congress, the House District Subcommittee on Home Rule and Reorganization recommended such a joint committee, and this proposal re-

ceived strong support from members of both parties.

My conversations with civic leaders here in Washington have indicated widespread enthusiasm for creation of this proposed committee. Such an important organization as the Federal City Council, for example, backs my proposal in principle. The policy of this citywide group is shaped by such leading citizens as Ambassador George Garrett and bankers Frank Addison, Jr., and Robert Fleming.

Newspaper support for the Joint District Committee has also been demonstrated in frequent articles and editorials on the subject. Last November 18, in his excellent column on District affairs, Mr. Robert C. Albrook, of the Washington Post and Times Herald, proposed a committee similar to the one set forth in this bill.

I would also like to call your attention to a recent statement of Brig. Gen. Thomas A. Lane, retiring engineer Commissioner of the District of Columbia. Speaking before the annual convention of the Washington Real Estate Board last June 20, this distinguished official said:

In my personal opinion it is time for a deliberate restudy of our District of Columbia government. If as a practicable matter the Congress is not going to restore home rule, it should reexamine the present government to correct its present inadequacies and modernize it so that it will be a fitting instrument to handle the problems of today.

In short, the time has come to make the Joint District Committee a reality. By such action we can speed badly-needed solutions to District problems, conserve the time and energy of Congress, and provide a permanent supervisory committee for the District at that time when home rule is put into effect.

For these reasons, I urge my colleagues to support this measure with all the means at their command, and to help ensure its enactment during the current session of Congress.

I include here the text of a letter I have received from the president of the Federal City Council, the Honorable George A. Garrett, former Ambassador to Ireland.

Included, too, for the information of my colleagues, are two supporting editorials from the Washington Evening Star and the Washington Post and Times Herald.

FEDERAL CITY COUNCIL,
*August 5, 1957.*

Hon. FRANK THOMPSON, Jr.,
*House of Representatives,*
*Washington, D. C.*

DEAR MR. THOMPSON: I am writing you on behalf of the Federal City Council to commend you for all the work you have done in developing and supporting your bill to create a Joint Committee on the District—an effort which culminated Wednesday in your introduction of the measure in the House.

We believe that this measure, if passed, would represent a long step forward toward better government in the District. This is true because, as you have pointed out, a Joint District Committee would greatly reduce the burden of Congress as it acts as a city council. It would also result in immeasurable saving of time and energy on the part of local officials and individual citizens who testify and assist Congress in its job.

As the Washington Star pointed out on July 31 in an excellent editorial supporting your proposal, a lot of time has been saved in the past when the House and Senate District Committees have resolved themselves into a joint committee to consider such matters as public works and taxes. We agree with the Star that: "The same principle would be represented in abolition of the House and Senate District Committees in favor of one standing, joint committee—as the bills provide."

I note that this measure has been sponsored in the Senate by Senator JOSEPH CLARK, of Pennsylvania. Now that it has been introduced in both Chambers, we feel that early hearings on the bill are imperative. It is our hope that your proposal will be enacted into law by Congress as speedily and expeditiously as possible.

Noting the reference to the Federal City Council in your introductory remarks, I would like to reiterate my conviction that only through continued cooperation between civic organizations, District officials, and Congress can the problems of our city find any lasting solution.

This cooperation, of course, is predicated on the presence of legislators who are statesmanlike enough to recognize that our Capital City belongs to all citizens, including their own constituents.

You have consistently had the vision to perceive this, and your latest bill is only one of many contributions to a better Washington. We would like to thank you for your unremitting efforts in this direction, and to express our hope that Congress will implement your suggestion for streamlining the present system of District government.

Sincerely,

GEORGE A. GARRETT,
*President.*

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[From the Washington Evening Star of July 31, 1957]

GOOD IDEA, ANYWAY

Creation of a Joint Committee on the District of Columbia, as proposed in legislation sponsored by Senator CLARK of Pennsylvania, Representative THOMPSON of New Jersey and others is a good idea. It always has been a good idea and we think it always will be.

In some special circumstances—the drafting, for example, of legislation for control of alcoholic beverages following prohibition repeal; the public works program; several local tax laws—the House and Senate District Committees resolved themselves into a joint committee. The joint committee conducted the hearings, agreed in principle on the legislation, and then the legislation was separately considered by the two committees. A lot of time was saved, and the resulting legislation was improved by the process. The same principle would be represented in abolition of the House and Senate District Committees in favor of one standing, joint committee—as the bills provide.

If such a joint committee could pass on the District budget each year, and support it by the necessary appropriations, it would be a more beneficial reform. For one of the chief problems in local government is the continuing conflict between the legislative and appropriations committees. The legislative committees are responsible for making the laws. The appropriations committees must furnish the money to make them effective. And there are times when the two sets of committees are as far apart as the poles in what they choose to do—leaving the unrepresented local taxpayer in the middle. The bills do not go that far, because the trespass on the precincts of the appropriations committees would be considered beyond the pole.

We hope the House and Senate bills to create a joint committee will receive, at least, a hearing. In the past there has been reluctance by all of the committees to give up anything they have now and it will be interesting to discover whether human nature is suddenly changing.

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[From the Washington Post and Times Herald of August 4, 1957]

LITTLE CONGRESS FOR DISTRICT OF COLUMBIA

The proposed Senate-House Joint Committee on District Affairs is not, of course, a substitute for home rule. Rather, it is a companion measure to the home-rule bill. Both are designed to minimize the burden Congress now carries as city council for the District. Senator CLARK, one of the leading sponsors of the measure, has been shocked by the waste of Congressional man-hours in handling entirely local problems. For its own sake Congress ought to pass both the home rule and the joint committee bills.

Some objections have been raised to giving a single joint committee authority to pass upon both legislation and appropriations for the District. The principle of making a separate committee in each House responsible for all Federal appropriations is undoubtedly sound. But the District is not merely a Federal department or agency. It collects its own taxes, and the spending of its funds ought to be kept separate from Federal appropriations. Indeed, the spending of District revenue ought to be wholly in the hands of an elected local government. In the absence of such a government the least Congress can do is to create a joint committee which could bring some degree of expertise to bear upon local legislating and spending.

No doubt the regular Appropriations Committees would have to retain control over the Federal payment to the District, but this should be governed by a fixed formula in any event. With such a formula in operation, an alert joint committee with an expert staff could take over 99 percent of the burden of legislating for the District.

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## Opposed to Harris-O'Hara Bill

EXTENSION OF REMARKS
OF
## HON. CLEMENT J. ZABLOCKI
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 7, 1957*

Mr. ZABLOCKI. Mr. Speaker, under leave to extend my remarks in the CONGRESSIONAL RECORD, I wish to commend to the attention of the membership of this House a telegram which I just received from Mr. Louis J. Mosakowski, city clerk of the city of South Milwaukee.

The telegram reads as follows:

Hon. CLEMENT J. ZABLOCKI,
*House Office Building,*
*Washington, D. C.:*

Common council of city of South Milwaukee opposed to Harris-O'Hara bill as reported out by House Interstate Commerce Committee.

LOUIS J. MOSAKOWSKI,
*City Clerk.*

Mr. Speaker, I have carefully studied this legislation to see whether it would protect the interest of the consumers in my district and in other areas of the United States. I believe that this proposed legislation weakens the safeguards which we have on the statute books today in the interest of our natural-gas consumers.

I have testified against this legislation at length before the Committee on Interstate and Foreign Commerce and I shall actively oppose it when it reaches the floor of the House. I shall do it because the interest of natural-gas consumers in South Milwaukee, in the fourth district as a whole, and throughout our country would be jeopardized by the passage of this legislation.

## Our Indian Citizens

EXTENSION OF REMARKS
OF

### HON. LEE METCALF

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 7, 1957*

Mr. METCALF. Mr. Speaker, the new Republican speech kit and campaign primer declares that the Republican Party takes pride in certain of its alleged achievements in the administration of the Department of the Interior. One of the claims advanced is that the Eisenhower administration "has carried forward a wide variety of programs beneficial to the Nation, such as * * * assistance to our Indian citizens to assume their rightful place in society * * *."

While I do not agree with the Republican administration in consigning the first Americans to the very bottom of the economic and social ladder as their rightful place in society, the officials in charge of the Indian Bureau are entitled to their opinion as to where the Indian's place should be, I regret that the administration officials take pride in their achievements in relegating the Indians to this low level.

For the Indian standard of living is low, and getting lower, as the population increases on reservations inadequate to provide a living for a fraction of the people already there. Tribal assets, such as they are, are under the trusteeship of white bankers. Indian resources are undeveloped or are being exploited by non-Indian groups, while the Eisenhower administration pays lip service to proposals to develop these resources.

The emphasis of this administration has been on relocation—on moving the Indian from a rural slum to an urban slum.

The only accomplishments in the field of Indian affairs to which this Republican administration can point is that it has given the Indian the right to buy a drink, and to be arrested by a State or local policeman instead of only by a United States marshal.

These facts are only partially obscurred by a smokescreen laid down by a barrage of misleading press releases telling what a good job this administration has done. Previously, I have called this to the attention of the House under the heading "Today's Powwows Aren't Just Talk."

Here is another example. On May 7, 1957, the Bureau of Indian Affairs issued the following press release:

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
*May 7, 1957.*

OVER 1,000,000 ACRES ADDED TO INDIAN TRIBAL LANDHOLDINGS IN LAST 3 YEARS

Over a million acres has been added to the landholdings of Indian tribes throughout the country in the past 3 years as a result of Congressional enactments and administrative action by the Department of the Interior, Commissioner of Indian Affairs Glenn L. Emmons announced today.

During the same period, he added, 927,926 acres of land owned by individual Indians has been sold by the Bureau of Indian Affairs in response to written requests by the Indian owners, 292,488 acres has been turned over to Indians who applied for fee patents and satisfied the Bureau of their competency to manage their own affairs, and 122,414 acres of mixed tribal and individual Indian land has been taken by the Government for flood-control purposes with full compensation to the Indian owners.

"In considering the additions which have been made to the estate of Indian tribes over the past 3 years," Mr. Emmons pointed out, "it is important to bear in mind that neither the Department of the Interior nor the Bureau of Indian Affairs has any authority to dispose of tribal lands held in trust unless such action is specifically approved in each case by the Congress. In the case of individual Indian lands in trust status, we have disposal authority but it is exercised only when the Indian owners request a sale and such action is considered to be in their best interests. Each individual case of this kind is carefully examined and considered."

Of the 1,024,349 acres added to tribal holdings in the 3-year period, 818,277 acres was restored to ownership of the Colville Tribe of Washington under legislation enacted last year. The restored land was ceded to the Government by the tribe as a kind of surplus many years ago when the reservation was allotted to individual tribal members. Although the original intention was to sell the ceded land, this was never accomplished and the tribe subsequently requested the restoration which was consummated by the 1956 legislation. Under this law (Public Law 772) the 818,277 acres is now held in trust by the United States for the tribe on the same basis as other reservation lands.

The second largest addition to tribal holdings was the Navaho Tribe's purchase of the 98,000-acre Brown and Best Ranch near Sanders, Ariz., in 1956. Although this land is held directly by the tribe in fee simple title, is not in Federal trusteeship and is located apart from the main reservation, it represents a substantial increase in acreage available for use by Navaho tribal members. Since it was paid for by tribal funds in trust status, the action was subject to secretarial approval.

In addition to the Colville Restoration Act, similar legislation in 1955 and 1956 added 41,216 acres to the Pueblo of Zia and 36,352 to the Pueblo of Jemez, both in New Mexico; 27,086 acres to the Seminole Reservations in Florida; 1,320 acres to the Yavapai Tribe of Arizona; and 600 acres to the Kanosh Band of Utah. Administrative actions by the Department of the Interior during the same period added nearly 400 acres to the estate of the Blackfeet Tribe in Montana, 253 acres to tribal holdings on Montana's Flathead Reservation, and 89,192 acres on the Wind River Reservation in Wyoming.

Purchases made by the Bureau of Indian Affairs in trust for individual Indians during the period accounted for nearly 20,000 additional acres.

As of last June 30, the latest date for which full reports are available, the United States was holding in trust for Indian tribal groups approximately 39,500,000 acres and for individual Indians about 13,300,000 acres.

Note that the title and opening paragraph of the press release concentrate on the fact that over 1 million acres—1,024,349 acres, to be exact—were added to the land holdings of Indian tribes throughout the country in the past 3 years. Somewhat less emphasis is given to the fact that, according to the Bureau's own figures, 1,342,826 acres passed out of Indian ownership, or a net loss of 318,479 acres.

A second significant fact obscured by the press release is that of the 1,342,826 acres which passed out of Indian ownership in 3 years, 1,220,414 acres were released from trust administratively through the issuance of patents-in-fee or by supervised sales. The remaining 122,414 acres were taken by the Government for flood-control purposes.

The land added to tribal holdings, on the other hand, was in large measure not the result of action by the Department but rather the result of legislation. Of the 1,024,349 acres added to tribal holdings, for example, 818,277 acres were restored to ownership of the Colville Tribe under legislation enacted last year (Public Law 772 of the 84th Cong.). This land had been ceded to the Government by the tribe many years ago when the reservation was allotted, but never had been taken up by others; the land has been held for the Colville Indians for a number of years and the legislation merely restored title to the tribe.

According to the Indian Bureau press release, the "second largest addition to tribal holdings was the Navaho Tribe's purchase of the 98,000-acre Brown and Best Ranch." This tract, of course, was paid for out of tribal funds and the only role the Department had to play was to authorize such action.

In addition to the Colville Restoration Act, in 1955 and 1956 Congress passed legislation to turn over approximately 106,000 additional acres of land to Indian groups, mainly Pueblos in New Mexico and the Seminoles in Florida. According to the Indian Bureau press release, administrative actions by the Department of the Interior during the 3-year period added nearly 400 acres to the estate of the Blackfeet Tribe, 253 acres to tribal holdings on the Flathead Reservation, and 89,192 acres on the Wind River Reservation in Wyoming.

It is true that the Bureau restored approximately 400 acres to the Blackfeet Tribe during the past 3 years. The land restored consists of townsite lots which have never been taken up and are all within the boundaries of the Blackfeet Reservation.

The statement in the press release with regard to the Wind River Reservation, however, is wholly erroneous and I can produce a letter signed by Commissioner Emmons, dated July 10, 1957, which concedes that fact. The truth is that the bulk of the 89,192 acres referred to in the press release was restored to the tribe by section 4 of the act of August 15, 1953 (67 Stat. 592–613). To be precise, 88,712.43 acres were restored under the 1953 act; the minerals in 480

acres were restored under authority of a 1939 statute. The significance of this, I think, is that either the Interior Department is trying to take credit for action by Congress or the Bureau of Indian Affairs just does not know of the authority under which it is operating.

If my addition is correct I find that a total of 653 acres out of a possible 1,024,349 acres was turned over to Indian tribes by the administration, while the remainder either was turned over by Congress or was purchased by the Indians themselves. I find it difficult to see how this is a record to which the administration can point with pride.

One of the last statements in the press release, incidentally, is that purchases made by the Bureau of Indian Affairs in trust for individual Indians during the period accounted for nearly 20,000 additional acres. The next sentence, which does not appear in the press release, should be that this land was bought with the Indians' own money.

It is a matter of record before the Senate Banking and Currency Committee that the administration, which is on record as favoring additional economic development on Indian reservations, opposes legislation to do just that.

The administration bill, S. 1433, which Mr. Emmons supports, makes no mention of Indians. Since the aid or loans would be confined to industrial areas, no loans could be made to help finance new plants. The only thing that could be given would be advice—and the Lord knows—the Indians get plenty of that now.

In sharp contrast to this bill is S. 964. In grants for public facilities, it provides that the Administrator "may receive proposals from any State, or political subdivision thereof, Indian tribe, or private or public organization."

The loan section includes these words:

> Upon the application of any State, or political subdivision thereof, Indian tribe, or private or public organization or association representing any redevelopment area or part thereof, the Administrator is authorized to make loans to assist in financing the purchase or development of land for public facility usage, and the construction, rehabilitation, alteration, expansion, or improvement of public facilities within any redevelopment area.

As you can see, the bill which the Eisenhower administration supports would do nothing for the development of Indian reservations. The bill which would do the job is opposed by the administration which has, in the words of the campaign kit, "carried forward a wide variety of programs of assistance to our Indian citizens to assume their rightful place in society."

When I appeared last year before the Senate Labor and Public Welfare Committee, I went into some detail on economic conditions on Montana Indian reservations—areas where unemployment ranges from 40 to 90 percent, where the average income per family ranges from $450 to $2,639 per year, and where these conditions have existed for a generation, or longer. And some of our tribes are considered among the most prosperous of the tribes in this country.

Indian dwelling units are poor and crowded. More than half the Indian dwelling units in Montana have 1.5 or more occupants per room, as compared with 8 percent of the total.

The most recent report I have on school attendance of Montana's Indian population shows that of a total of 6,610 individuals, 25 years of age and over, 9 percent had not attended school at all, 41 percent had less than 8 years of school attendance, and less than 1 percent were college graduates. The median years of school completed was less than 8 years. These figures compare with all races in Montana as follows: 1.3 percent had not attended school, 17 percent had less than 8 years of school attendance, and more than 6 percent were college graduates.

This poverty, lack of education, inadequate housing, combined with isolation from community facilities and services in Montana, as in other States, have adversely influenced health conditions among our Indians.

For example, the rate of tuberculosis per 100,000 population among Montana Indians was 606.9 in 1954, the latest year for which I have the figures. This compares with a rate of 559.9 on Indian reservations throughout the United States and 61.5 among non-Indians in the country as a whole.

The rate of pneumonia among Montana Indians in 1954 was 1,543.4 cases per 100,000 population, as compared with 1,225.2 on Indian reservations throughout the country and 11.4 among non-Indians.

The trachoma rate was 433.5 among Montana Indians, 241.1 on Indian reservations throughout the country, and .3 among non-Indians.

If this is the Indian's rightful place in society, then I want none of it. And the Republican speaker who uses this phrase from his speech kit is climbing out onto the limb of a tall tree with a power saw in his hand.

## Sanitary Drinking Water Facilities in Railroad Cabooses

EXTENSION OF REMARKS
OF
### HON. KENNETH J. GRAY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, August 7, 1957*

Mr. GRAY. Mr. Speaker, the Chicago Sun-Times for July 6 includes a list of bills enacted into law in the State of Illinois. One of those bills would require the installation of sanitary drinking water facilities in railroad cabooses.

I know that persons performing services on railroads have a continuing problem with this type of condition. Some time ago I had the opportunity to ride in the Chicago and Carbondale Railway Post Office. I know that although the Post Office Department and railroad companies both claim that the water facilities in railway post office cars are sanitary and clean, the people performing duty in those cars frequently complain of the water running brown. I am constantly amazed at the work performed by these public servants. They handle incredible amounts of mail in unbelievably restricted space. They have a devotion to duty which is little short of being phenomenal.

The Post Office Department has steadily been reducing service in railway post office cars, and yet these people devote themselves to their tasks with a devotion reminiscent of Beau Geste. The significant difference is that in this case the sniping is done by postal officials, rather than by Arabs.

It is good to know that railroads operating in the State of Illinois will now be required to furnish sanitary drinking water supplies to their employees in railroad cabooses. I hope that this legislation will also relieve in some way to the plight of the railway mail clerks in their own little cabooses at the front of the train.

## AEC Bill Favors Public Power

EXTENSION OF REMARKS
OF
### HON. STERLING COLE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, August 7, 1957*

Mr. COLE. Mr. Speaker, in recent days, certain of my colleagues on the joint committee who do not agree with the minority views contained in House Report 978 relating to the authorization bill for the AEC have taken the floor in both Houses of the Congress to express their views on this bill.

I would like to cover just one highly objectionable feature of this bill.

I refer to the statement in the minority report, H. R. 8996 is heavily slanted in favor of public power and Federal ownership of atomic facilities, and against private industry and private ownership. Other Members of the committee deny this statement. Without acrimony or bitterness, and with only the best of feeling toward my colleagues on the joint committee who do not agree with my views, I would like to attempt to state for the RECORD the evidences of favoritism for public power in the bill, as I see them.

I take this position, and make this statement with some regret because I do not wish to engage in a heated discussion with some of my good friends and colleagues on the joint committee. However, when a bill is slanted in favor of public power, in my opinion, and especially in this new and terribly important field of atomic energy, I feel it my duty to state my views, for the record and to voice a word of alarm to those who rely upon us for guidance.

In my opinion, H. R. 8996 is heavily slanted in favor of public power and Federal Government ownership, and against private industry and private development and ownership in the following ways:

1. IT FAVORS FEDERAL CONSTRUCTION OF ATOMIC POWER FACILITIES

Section 101 of the bill authorizes $58 million for construction of reactor facilities not requested by the Commission.

One of these is only $3 million for a design study, but if it should be followed up by construction of the reactor next year, the cost for that project alone would ultimately run well over $100 million. The majority report indicates that it favors for this particular project a dual-purpose reactor which would generate substantial quantities of power, as well as plutonium, from a federally owned reactor.

2. BREAKDOWN OF FUNDS AUTHORIZED

Section 111 authorizes the sum of $129,915,000 for use in the AEC power demonstration reactor program. If we break down this figure, we find that $98,415,000 is allocated to reactors to be owned by the Federal Government for the benefit of public power distributing agencies, and only $31,500,000 is designed for assistance to power reactors which will be largely constructed by private industry and privately owned. This is a ratio of more than 3 to 1 in dollars in favor of the public-power groups. Now, when we consider that there are only about one-fifth as many conventional kilowatts generated by public-power groups in the country as by private-power groups, we see that this is a 15 to 1 favoritism for public power.

3. "SAVING" THE PUBLIC POWER GROUPS

Section 111 (a) (1) of H. R. 8996 provides for direct contracting between the Federal Government and the reactor manufacturer, and would remove all risks for the public power groups, large and small, which have submitted proposals. This saving provision would include the large scale reactor plant to be constructed in Nebraska by the Federal Government for the benefit of the Consumers Public Power District of Nebraska, which I might point out is a utility company much larger and with more financial resources than many small privately owned utilities.

It has been repeatedly said that the public power reactors are the program of the Commission, and that the majority report is only attempting to strengthen this program. In my opinion, this is not correct. Section 111 (a) (1) was not proposed by the Atomic Energy Commission. In fact, the Commission is strongly opposed to this section.

The Commission has not yet accepted any of these proposals for reactors construction made by the public power groups. They have submitted five proposals, but as time has passed, it has become increasingly clear that they have little or nothing to offer for the development of atomic power.

At page 16 of the majority report itself, the majority observed that the cooperative and publicly owned agencies did not demonstrate to the committee any particular competence or experience in the design, construction, or management of research and development projects, including atomic reactors.

In my opinion, unless the public-power groups indicate a willingness to provide more capital, assume more risk, and not ask for special favors, some or all of them should and would be dropped from the program. They should be treated on the same basis as the private-power projects.

Therefore, in my opinion, it is not correct to state that this is the Commission's program, because there is no assurance that some or all of these public-power reactors would ever have been able to reach fruition under the Commission program.

Therefore, I do not believe that we should save these groups. They should be left to continue their negotiations with the Commission, without directions or dictates from the Congress to save them. If they cannot make satisfactory proposals, similar to the proposals of private groups, they should be dropped.

4. ATTEMPTED CUTBACKS OF FUNDS FOR THE ONLY PRIVATE PROPOSAL

Only one proposal made by a privately owned and financed group was submitted by AEC for authorization in this bill. This was the proposal by the Power Reactor Development Co., requesting work in AEC laboratories, to be valued at $4,206,000. All of the information would be public knowledge.

All of the information would be useful in helping to prove or disprove the safety of the design of this particular reactor. Nevertheless, the committee voted to cut the funds authorized for this project from $4,206,000 to $1,500,000, and the committee report—which does not properly state the committee intent—even implies that this amount should be cut to zero.

Since this was the only private proposal submitted to the committee, requesting a modest assistance, to be matched by over $50 million in private money, it is obvious, in my opinion, that there was discrimination against private industry.

Objections have been raised as to the safety of the PRDC reactor, but this is the subject of a current administrative hearing, and the Congress should not abrogate the contract until the allegations are proven. Moreover, most of these funds will be used to explore questions of safety and, therefore, it appears to me ridiculous to deny funds because of supposed objections on safety grounds.

5. RESTRICTIONS UPON THIRD ROUND

Subsection 111 (a) (3) would place restrictions upon the third round of the AEC power demonstration reactor program. This round is intended to encourage ownership of reactors by private industry, on the approach that the Government will contribute only a limited amount, to be matched by a majority of the funds coming from private industry. This round encourages private ownership of reactors in new reactor concepts.

Restrictions on this round would have the effect of discouraging private industry and private ownership. The follow-up next year would be to call for more Government construction and more Government ownership.

6. SECTION 111 (B)

Section 111 (b) provides that before the Commission enters into contracts providing assistance for construction of reactors, it must submit the basis of the contract to the Joint Committee on Atomic Energy for review.

Although I did not originally object to proposed section 111 (b), I am now concerned because of some of these other provisions which I have discussed, and which were added to the bill after the language of section 111 (b) was originally discussed. If there exists a bias in the joint committee in favor of public power and against private ownership as indicated by the other provisions in this bill which I have discussed, I now fear that section 111 (b) could have the unfortunate effect of discouraging private industry to submit proposals in the future.

In summary, Mr. Speaker, this bill, H. R. 8996, offers a dangerous precedent if it should emerge from the Congress in its present form.

The atomic power industry is just beginning, and by the act of 1954, Congress attempted to encourage private ownership and private participation.

I fear that a pattern is now beginning to take shape where this great new source of power will be devoted to public rather than private ownership.

Now that our last great sites for hydropower are becoming exhausted, public power advocates are turning to atomic power.

Just as the arguments of navigation and reclamation were applied to encourage Federal ownership of important hydro facilities, it now appears that the argument of research and development is being applied as a cover to encourage Federal ownership of atomic facilities. I believe that research and development should be limited to research and development, and not to construction of power reactors.

In the case of the five proposed public power reactors, there is a category of research and development, and there is a category of construction of reactors both calling for funds. In the case of privately owned reactors, there is only a category of research and development assistance, and I believe that this is the proper use of Government funds.

If Government funds are limited to strictly research and development, the taxpayer will receive more reactors, and more atomic power for his dollar, because private funds will be used in the program.

If all ownership continues to be Federal, and if private ownership is discouraged by the Congress, the great potentiality of the atomic energy power program will wither on the vine.

In order to be strong both at home and abroad, we must have a strong private industry participating energetically in the atomic power program.

I hope that my good friends and colleagues on the joint committee as well as elsewhere in the Congress will take a good look at the provisions which I have discussed today. I believe that a good look clearly shows that the bill is slanted in favor of public power and Federal ownership and against private ownership and industrial participation.

I hope that these features can be corrected when H. R. 8996 is scheduled to come before the House for consideration tomorrow.

## H. R. 8996, the Authorization Bill for the Atomic Energy Commission

EXTENSION OF REMARKS
OF
### HON. MELVIN PRICE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, August 7, 1957*

Mr. PRICE. Mr. Speaker, in the past several days there has been considerable discussion over the proposed authorization bill for the Atomic Energy Commission. Some of the comment on the bill, as contained in the minority report and some editorials, has tended to indicate that the bill will be the subject of bitter partisan controversy. In view of the great importance of this legislation to our atomic energy effort, I would like to express the hope that debate on the measure tomorrow will be free from such bitterness and will be confined to an objective discussion of the bill on its own merits.

In this connection I would like to draw the attention of the Members to a speech delivered last June in Chicago at the dedication of the Dresden plant by my good friend and colleague, the gentleman from North Carolina, who is chairman of the Joint Committee on Atomic Energy, on which I have the honor to serve. I believe that this speech outlines in clear language the approach of the committee majority to the development of a vigorous and well-balanced nuclear power program. Under unanimous consent I therefore insert the text of the speech in the RECORD at this point.

The text of the speech follows:

REMARKS OF HON. CARL T. DURHAM, CHAIRMAN, JOINT COMMITTEE ON ATOMIC ENERGY, AT CEREMONIES TO COMMEMORATE THE START OF MAJOR CONSTRUCTION WORK ON THE DRESDEN NUCLEAR POWER STATION, JUNE 12, 1957

I appreciate the opportunity which you have given me personally as well as on behalf of the joint committee to say a few words at your ceremonies here today in commemorating the start of major construction on the Dresden Nuclear Power Station.

As I understand it, this plant will be the largest nuclear power station which has been scheduled in this country, or so far as I know, in the world.

The joint committee has been actively interested in your project from its inception and has been kept abreast of progress on your program through reports from Mr. Gale and Mr. LeClair at the committee's annual statutory hearings on the atomic energy industry. Our members, such as Mr. PRICE here, and Senator PASTORE, have also visited with you from time to time to be brought up to date on the status of your planning and design work. We are all very pleased that you are now entering the large-scale construction phase of the work through the General Electric Co., which is fabricating the reactor itself, and the Bechtel Corp., on the facility side.

Only a couple of weeks ago I had the pleasure of attending ceremonies marking the completion of the General Electric Vallecitos project near Pleasanton, Calif., where much of the experimental work for your Dresden reactor is being carried on. Earlier this year, several of my committee colleagues and I had the privilege of attending the ceremony in which the Argonne experimental boiling water reactor was placed into full power operation. This reactor, together with its borax predecessors designed and constructed by Dr. Zinn and his staff at Argonne National Laboratory, established the boiling water principle at the pilot plant stage which is being used for your Dresden reactor with some variations.

These ceremonies which are occurring during this year, 1957, fall into two general categories: Those, such as the Argonne EBWR or the North American sodium reactor experiment, which represent the completion and operation of Government-owned pilot plant reactors, and the Government-sponsored Shippingport project constructed by Westinghouse and Duquesne, under the AEC 5-year experimental reactor program, sponsored by the joint committee; and those, we hope, which will involve the beginning of construction of large-scale prototype reactors scheduled for completion from 1960 to 1962.

It is no secret that the joint committee would like to see more of these prototype power reactors undertaken in the next few years. As a matter of fact, we would have like to have seen several started last year. Unfortunately some differences of philosophy and conception got into the way of the practical realities of forging ahead in the development stage of our nuclear-power program.

I am happy to say that the Commonwealth Edison Co., through its chairman, Willis Gale, has consistently advocated that we get along with our atomic-power program rather than fight the windmills of particular philosophies. I am glad to see, also, that the General Electric Co., through Mr. Francis McCune, has also been cooperative in wanting to move ahead into this program, recognizing the role that Government must play in one form or another during this crucial stage of development.

I do not intend today to go into the various problems we have in reconciling our philosophies in order to get to the realities of the current situation. I will limit myself to expressing the hope that industry generally and the Government will take a more objective approach to the need for accelerating our atomic-energy program, conceding as do Commonwealth and General Electric, the good faith of those of us who are fully in favor of private development but who recognize that the Government must play a large role for the next 10 years.

In the next few weeks ahead in Congress, the ability to reconcile these differences of philosophy in the context of the need to move ahead in our program where economy is the watchword, will be sorely needed. The example set by Commonwealth in moving ahead with the construction of this large scale project, even in the face of legislative uncertainties, is a fine example of industry's intention to achieve success in our atomic-power program.

## Sampling Public Opinion

EXTENSION OF REMARKS
OF
### HON. A. D. BAUMHART, JR.
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, August 7, 1957*

Mr. BAUMHART. Mr. Speaker, over the years I have found that face-to-face contact is the most effective and personally satisfying method of sampling public opinion and rendering service to constituents. The personal visit knows no equal when it comes to learning the views and needs of our people.

With this in mind, I have again this year arranged to meet 13th District residents in the county seats of Lorain, Erie, Huron, and Sandusky Counties. Local officials have graciously set aside office space for me during these visits. Individuals and groups may confer with me at their convenience, without prearranged appointments.

The schedule is as follows:

September 16–20: Erie County Courthouse, Sandusky, Ohio.

September 23–27: Lorain County Courthouse, Elyria, Ohio.

September 30–October 4: Sandusky County Courthouse, Fremont, Ohio.

October 7–11: Huron County Courthouse, Norwalk, Ohio.

After the tour has been completed, I will again have an office in the Feick Building, Sandusky, for the convenience of residents in the western end of the 13th District. That office will be open from October 14 until the end of the year.

These arrangements supplement the year-round services which are available at 209 Sixth Street, Lorain. Inquiries may be directed to the Lorain office throughout the year, and any which cannot be taken care of immediately there will be forwarded to Washington promptly for appropriate action and reply.

## The President's 48-Carat, Multimillion Dollar Boondoggle

EXTENSION OF REMARKS
OF
### HON. FRANK THOMPSON, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
*Wednesday, August 7, 1957*

Mr. THOMPSON of New Jersey. Mr. Speaker, 58 bills to prohibit Government agencies from acquiring or using National Grange headquarters site in Washington, D. C., without specific Congressional approval have been introduced in the House of Representatives. Similar or identical measures have been introduced in the Senate by 12 Senators on a bipartisan basis.

One of the sponsors of this legislation in the House, the gentleman from Washington [Mr. MACK], explained the matter as he saw it this way on Friday, August 2, 1957—CONGRESSIONAL RECORD, pages 13488–13489:

It is generally admitted that the Federal Government will have to pay $500,000 or more for the Grange property if it is acquired by GSA by condemnation. In addition to this half a million dollars that will be paid for the property the taxpayers will be put to the expense of tearing down the present building, clearing its site and then sowing this 3,500 square feet of land to lawn and planting it to garden. This means a cost of as much as $150 to $200 a square foot for a lawn. Some lawn.

Some lawn, indeed. In addition to the National Grange headquarters there are other beautiful, modern, efficient buildings on Jackson Place, adjacent to the Grange Building, which are considered by many to be among the finest

office buildings in Washington. Among these are the International Bank Building, the Brookings Institution Building, and the United Auto Workers AFL–CIO Building. These buildings can serve the Federal Government well and it would be sheer extravagance and waste to destroy them.

There are other significant and important structures facing Lafayette Park which go back to the last century and are intimately connected with the history of the Nation's Capital. Many distinguished architects and the Congressionally chartered National Trust for Historic Preservation strongly recommend that these buildings be preserved and that the new Federal Office Building, FOB No. 7, Veterans' Administration—be confined to the Pennsylvania Avenue, 17th Street, and H Street sides of square 167. If this course were followed the buildings on Jackson Place and the National Grange Building would be preserved.

On July 17, 1957, President Eisenhower transmitted to the Congress the recommendations of the President's Advisory Commission on Presidential Office Space for razing the present buildings on Jackson Place and the historic State, War, Navy Building as well. The President urged that these structures be replaced by expensive Federal buildings to house White House employees. The gentleman from Ohio [Mr. McGREGOR], according to the Washington Evening Star, estimated it would cost $6 million to tear down the old State Building and said:

> If we keep giving space to White House employees, I have the feeling that the executive branch will keep hunting people to fill it.

The gentlewoman from Ohio [Mrs. BOLTON] had this to say about the State, War, Navy Building in a letter in the CONGRESSIONAL RECORD of August 13, 1957, pages 14653–14654:

> The $6 million it would cost to destroy the building might certainly be well used for cleaning it and altering the interior to a more useful arrangement of the rooms.
>
> I protest, as strongly as it is possible for one person to do, what I consider ruthless destruction of one of the most perfect examples of French renaissance architecture in the United States. Tied in as it is with our history, how can we give consideration to its destruction?

The Washington Post and Times Herald of June 4 reported that the distinguished Speaker of this House, the gentleman from Texas [Mr. RAYBURN] was one of the traditionalists who were rallying to defend the State, War, Navy Building from destruction. The Speaker was quoted as saying he was "very much opposed" to tearing this landmark down, and that if the building "does not suit them on the inside, then they can do as they did at the White House" and renovate its interior. He was reported as opposing any efforts to obtain Congressional funds for the purpose of building a replacement.

The President's plans for expansion of the White House office space are made necessary by the Eisenhower way of doing business—first developed at SHAEF headquarters during World War II and at NATO—and a staff expansion of unprecedented magnitude is planned to fill these buildings.

The President's plans for two office buildings to house an expanded staff constitute a 48-carat, multimillion dollar boondoggle.

I can just imagine the kind of campaign that would have been mounted by the Republican Members of the Congress if either President Franklin Delano Roosevelt or President Harry S. Truman had made such recommendations to the Congress.

How things have changed.

As the columnist George E. Sokolsky wrote in the Washington Post and Times Herald of August 20, 1957:

> A criticism of President Eisenhower for pursuing some policy that Roosevelt or Truman pursued is very wicked. It was all right to oppose Roosevelt and Truman, but it is bad form and intellectual degradation even to whisper a suggestion that while Mr. Eisenhower is a pretty decent person, he is not a deity to be adored and salaamed.

An unparalleled opportunity is presented in the President's grandiose plans for the next hundred years to save the American taxpayers several millions of dollars.

The President recently recalled his 1952 technique of using a small piece of pine wood which he broke in half, saying "Here's what you get for 15 cents now."

The President's plans for staff and office expansion certainly offer vivid proof of how far this administration has progressed from its thinking in the 1952 campaign when it was running for office.

I have discussed certain aspects of this matter many times before and call your attention particularly to my statement in the CONGRESSIONAL RECORD of July 31, pages 13225–13228. I am confident this statement of mine contributed to the understanding which my colleagues have today as to the true size and shape of the President's glorified boondoggle.

On Thursday, August 15, I introduced H. R. 9313, a bill to prohibit Government agencies from acquiring or using the National Grange headquarters site without specific Congressional approval, to provide for renovation of the old State Department building, and for other purposes.

This measure has as its purposes (1) saving the National Grange headquarters building and the many important structures in the White House-Lafayette Park area from being destroyed; and (2) saving the taxpayers of this country several millions of dollars that would be needlessly wasted if the President's plans for expansion of his staff and office space are carried out as presently contemplated.

My bill, H. R. 9313, is complementary to a bill, H. R. 9060, introduced by the gentleman from Montana [Mr. METCALF], and a companion measure to H. R. 9060 introduced in the Congress by Senator JAMES E. MURRAY for himself and Senator MICHAEL J. MANSFIELD as S. 2724.

The Metcalf-Murray bill designates Lafayette Park, the Dolly Madison House, and the Commodore Stephen Decatur House as national historic sites.

I am very pleased to be able to say to you today that a number of my colleagues have joined me in sponsoring measures identical to my H. R. 9313 and that these measures are a decided improvement over the bills which have been previously offered on the National Grange headquarters site problem.

The following have joined in sponsoring my measure: the gentleman from Kansas [Mr. BREEDING], the gentleman from Pennsylvania [Mr. CLARK], the gentleman from Maine [Mr. COFFIN], the gentleman from Washington [Mr. MAGNUSON], the gentlewoman from Idaho [Mrs. PFOST], the gentleman from Illinois [Mr. PRICE], the gentleman from Pennsylvania [Mr. RHODES], the gentleman from Illinois [Mr. BOYLE], and the gentleman from Oregon [Mr. PORTER].

I include here an interview with one of the leading American architects, Frederick Gutheim, a distinguished author, and Washington editor of the magazine Progressive Architecture which was carried in the Washington Post and Times Herald of March 15, 1957. Also included is the text of my bill, H. R. 9313.

[From the Washington Post and Times Herald of March 15, 1957]

LAFAYETTE SQUARE PLAN OFFERED

A Washington architect recommended yesterday that the residential aspect of Jackson Place NW. be preserved in planning Government office structures in the block.

Frederick Gutheim, of Dickerson, Md., writing in the current issue of Progressive Architecture, said this would be the best solution in trying to preserve the once fashionable street and yet answer pressing demands from the White House and its agencies for more working space.

Gutheim said "tall office buildings that have been allowed to intrude on Jackson Place could be replaced with structures in residential scale." However, he said, "suitable private organizations such as the National Trust for Historic Preservation, should be permitted to occupy these structures.

One such structure might serve as an official residence for the Vice President, he suggested.

The Government is planning to build a $27-million office building in a block bounded by Jackson, Pennsylvania Avenue, and 17th and H Streets, NW. All existing buildinges, except Blair and Blair-Lee House and Decatur House, would be torn down.

Gutheim said a "frankly utilitarian structure—about all we can expect of Federal building in these preoccupied and uninspired days—could be allowed" on the 17th Street side.

As Gutheim saw it the pressures for the Government office building stem from the White House organization and its vast expansion by the Eisenhower administration.

A staff expansion of unprecedented magnitude was required by the Eisenhower way of doing business at SHAEF headquarters during World War II and at NATO, according to Gutheim.

H. R. 9313

A bill to prohibit Government agencies from acquiring or using the National Grange headquarters site without specific Congressional approval, to provide for renovation of the old State Department Building, and for other purposes

*Be it enacted, etc.*, That no portion of lot 816, square 167, in the District of Columbia (the headquarters and property of the National Grange of the Patrons of Husbandry) shall be acquired for or used by any agency of the Federal Government.

SEC. 2. The Administrator of General Services (hereinafter in this Act referred to as the "Administrator") is directed to withdraw the declaration of taking of such lot 816 heretofore filed by him in the United States District Court for the District of Columbia and to take such other action as may be necessary to restore title to such lot 816 to the National Grange of the Patrons of Husbandry.

SEC. 3. No building situated on lot 3, 4, 22, 46, 48, 809, 810, 811, 812, 813, 814, 815, 819, 822, or 823, square 167, in the District of Columbia shall be razed by any agency of the Federal Government, but each such building may be improved, altered, added to, or repaired in such manner as (1) not to materially alter the appearance of its exterior (thereby preserving the historic Jackson Place and Lafayette Park), and (2) to make it suitable for use by the Federal Government. Nothing in this section shall be construed to prohibit the construction of the Federal Office Building, FOB No. 7 (Veterans' Administration), which has the General Services Administration prospectus number 3-DC-05, on lot 9, 25, 50, 800, 801, 802, 803, 804, 805, 806, 807, or 808 in square 167 in the District of Columbia.

SEC. 4. The Administrator shall make such improvements, alterations, additions, and repairs to the old State Department Building situated on the southeast corner of the intersection of 17th Street and Pennsylvania Avenue NW., Washington, D. C., as may be necessary to make such building suitable for use as an office building by the President of the United States, except that no such improvements, alterations, or repairs shall materially alter the appearance of the exterior of such building.

# SENATE

## THURSDAY, AUGUST 8, 1957

*(Legislative day of Monday, July 8, 1957)*

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. John McPherson, D. D., pastor, Calvary Presbyterian Church, Alexandria, Va., offered the following prayer:

O God, our heavenly Father, bestow upon these, Thy servants, who must plan so constantly for the future, while living so fully in the present, Thy divine grace. Grant them the patriot's dream that sees beyond the years. Give them the vision clear of Thine ancient seer, that they may know Thy will and vote it. Bless them with the assurance of Thy loving presence, that this day's work may be a glory to Thy holy name. Through Jesus Christ, our Saviour. Amen.

### THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Wednesday, August 7, 1957, was approved, and its reading was dispensed with.

### LEAVE OF ABSENCE

Mr. CAPEHART. Mr. President, at the suggestion of the President of the United States and the Secretary of State, I have been requested by the majority leader and the minority leader to represent the Senate at the Latin American Economic Conference in Buenos Aires, beginning next week. Therefore, I ask unanimous consent to be absent from the Senate on that official business until August 24.

The PRESIDENT pro tempore. Without objection, leave is granted.

### THE CIVIL-RIGHTS BILL

Mr. JOHNSON of Texas. Mr. President, the great strength of our system of government is that the channels of communication are always open to reasonable men.

Extremists and partisan advocates may confuse an issue for a brief period. But always there are voices of reason which refuse to be silenced and which are listened to with respect.

One of those voices—perhaps the preeminent voice—is the distinguished commentator Walter Lippmann. No one has a better understanding of the true workings of our Government, and no one can present a view with greater lucidity.

Furthermore, Mr. Lippmann does not fall into the trap of assuming that "strong language" and "strong action" are identical phrases.

In his column this morning, Mr. Lippmann makes the point that the Senate has actually strengthened the civil-rights bill. His reasoning is cogent, and I commend it to all Senators.

At the same time, Mr. President, the influential Washington Post—an ardent champion of civil rights—urges Americans to give the bill a try. It points out that the alternative will be to leave the whole question of civil rights in the stage of impassioned talk but no action.

The history-making step which the Senate took last night has tremendous implications for the advance of the American people. The vote was well and accurately reported by the distinguished Senate correspondent Robert C. Albright, of the Washington Post.

In order that we may have a complete record, I ask unanimous consent that Mr. Lippmann's column, the Post editorial, and Mr. Albright's article be printed in the RECORD as a part of my remarks.

There being no objection, the articles and editorial were ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune of August 8, 1957]

A STRONG BILL

(By Walter Lippmann)

It is not, it seems to me, a true reading of what has happened about civil rights to suppose that the Senate has taken a good and a strong bill and has made it into a poor and a weak one. The Senate version is, on the contrary, a far better bill than the one brought forward by Mr. Brownell and accepted in the House.

The radical vice of the original bill is that it promises more than the President and the Attorney General can in fact perform. It invests the Federal executive with nominal power and an enormous mandate, that of compelling the Southern States to cease and desist from all violation of civil rights, including segregation in the public schools. Because the bill promises so much more than the Federal executive can possibly do, it is fair to say that it was drafted not by statesmen seriously concerned with the civil rights of southern Negroes, but by northern politicans concerned with the vote of northern Negroes.

For if the President were to do what innocent supporters of the Brownell bill have been led to expect him to do, he would find himself embroiled all over the Deep South in fierce legal battles and popular commotions. Such a massive Federal intervention, as the House bill calls for, would surely provoke a sectional resistance which would divide the country and would embitter the human condition of the South.

And if the President hesitated and was cautious, he would be charged with violating his oath of office. He would be subject to all manner of demagogic pressure and to popular reprisals. If President Eisenhower had understood the problem, he would now be congratulating himself on the defeat of the House bill. For he has escaped the stresses and strains, the turmoil and the trouble, which passage of that bill would have brought upon him. He would have found himself obligated to do quickly by widespread legal coercion what can in fact be done, as he well knows, only gradually by the evolution of opinion.

The great virtue of the Senate's bill is that it reduces the responsibility of the executive branch of the Government to a manageable size. The responsibilities are manageable because the Senate bill registers an historic event—namely, an agreement with the big political leaders of the South, that the time has arrived to secure and protect by Federal intervention the civil rights of qualified Negroes to vote. The reason the Senate bill is really stronger than the House bill is that underneath the powers granted to enforce the critical civil right to vote there is the agreement to acquiesce and to comply in the acknowledgment of that right. The Senate bill can be enacted without a filibuster. What that signifies is that it can be used effectively without provoking the resistance of a more or less united South.

Whether the Senate bill will be used effectively depends not on Congress but on the administration—on whether it is disinterested, on whether it is lucid, and on whether it has the imagination to make the most of what the Senate leaders have conceded. Led by Senator RUSSELL, of Georgia, and Senator LYNDON JOHNSON of Texas, they have acknowledged the constitutional right of qualified Negroes to vote and they have accepted the principle that the Federal Government has the right and the duty to intervene to protect this right.

To reject this concession, to treat it as uninteresting and unimportant, would be stupid and foolish. The Senate bill, precisely because it is based on such wide consent in the South, differs not in degree but in kind from the Brownell draft and the House bill.

The bill has certain defects, which are quite incidental, most importantly, the jury-trial amendment should be limited to the field covered by the bill itself—namely the protection and the securing of the right to vote. Without sacrificing anything of principle or of substance, the Senate should agree to correct this mistake.

If that is done, there will be no ground on which the House can reasonably reject the Senate bill. There will be none on which the President can veto it. For the bill is not only a great advance in the civil rights of the southern Negroes. It is a very great

advance in the concurrence on a dangerous issue of the Nation as a whole.

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[From the Washington Post of August 8, 1957]

GIVE IT A TRY

The 16 national organizations which have joined in a statement urging final passage of the civil-rights bill have taken a realistic view of what is possible. All of these groups opposed the jury-trial amendment approved by the Senate; but all of them recognize, also, that an amended bill is vastly preferable to no bill at all. It is noteworthy that among the signers is Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People. Mr. Wilkins has courageously participated in the appeal to place the goal of some progress in this area ahead of any fancied political advantage."

This ought to be a signal to legislators who are interested in seeing a meaningful measure become law, and it ought also to help persuade the President. Mr. Eisenhower seemed to be slightly more conciliatory in his remarks yesterday. He indicated, without actually saying so, that if the jury-trial amendment is narrowed so as to apply only to voting-right cases he may approve the bill, or at least may not veto it. Here at least is room for adjustment.

This sort of delimitation of the jury-trial amendment in discussions between House and Senate will be a ticklish matter in view of all the temptations to make politics over the bill but it is nevertheless very important. The amendment as written extends to all cases of criminal contempt and could have unknown and possibly very damaging effects on established equity procedure. It can be limited so as to apply only to voting-right cases and still make the point the Senate sought to make. Also desirable is some sort of reference in the legislative history or report softening the application of the excessive penalties for unauthorized use of testimony before the proposed Civil Rights Commission.

If these improvements can be accomplished, it then will be time for the proponents of stronger civil-rights legislation to put aside their misgivings and give the bill a try. This is a compliance rather than a punishment bill, and there can be no absolute certainty that it will be effective in all cases of denial of voting rights. But it is the first real civil-rights-implementation bill in more than a generation, and it carries with it strong moral obligation as well as not inconsiderable enforcement powers. If the bill should prove inadequate in practice, surely it would be a great deal wiser to repair a law already on the books than to leave the whole question of civil rights in the stage of impassioned talk but no action.

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[From the Washington Post of August 8, 1957]

HOPE RISES FOR FINAL ADOPTION—17 SOUTHERNERS AND MORSE ARE ONLY OPPONENTS

(By Robert C. Albright)

The Senate last night for the first time since the Reconstruction era passed a civil-rights bill, after confining it chiefly to constitutional voting rights.

The final vote was 72 to 18, with only 17 southerners and a lone Democratic liberal, Oregon's WAYNE MORSE, voting "No."

The dramatic rollcall came at 8:20 p. m., after 24 days of nearly continuous debate, unmarred by any filibuster.

The bill now goes to an uncertain fate in the House, which earlier this year passed a much stronger bill.

PROVISIONS OF THE BILL

As approved by the Senate the bill establishes (1) a bipartisan Civil Rights Commission with subpena powers, (2) a new Civil Rights Division in the Justice Department and (3) injunctive enforcement of voting rights, with alleged violators entitled to a jury trial in criminal contempt cases.

Voting for the modified bill were 43 Republicans and 29 Democrats, including 5 southerners, who made a historic break with the traditional position of their section.

They were Senate Democratic Leader LYNDON B. JOHNSON of Texas, who outgeneraled Republicans last week to write in the jury trial amendment. Senator RALPH W. YARBOROUGH, Democrat of Texas, Senator GEORGE SMATHERS, Democrat, of Florida and two Tennessee Democrats, ALBERT GORE and ESTES KEFAUVER.

It was the first time since 1875 that a civil-rights measure had broken through the Senate's southern barricade to passage.

Speaking just before the vote, JOHNSON termed it "effective * * * enforcible legislation" to "advance the right of all Americans."

Alluding to the rocky road still ahead, in the House and in conference, JOHNSON warned: "To destroy it now would be a tragedy that would haunt our consciences for decades to come."

Senate Republican Leader WILLIAM F. KNOWLAND, of California, voiced regret that the voting rights section of the bill was weakened by a jury-trial guaranty in criminal-contempt cases. He voiced hope that the amendment would be clarified in conference.

Heading the southern army of 17 bitter-end opponents, Senator RICHARD B. RUSSELL, Democrat of Georgia, told newsmen he expects the legislation to become law, though he hoped that it would not. He said he doesn't believe the President will veto the bill.

In the House, meanwhile, a move was under way, with liberal Democratic and some Republican backing, for quick conference acceptance of a slightly revised draft of the Senate's jury-trial amendment.

The likely House change would limit the Senate's jury-trial amendment strictly to voting-rights cases. The Senate language would extend it to defendants in criminal-contempt cases growing out of any Federal law.

The main House problem at present is to get any kind of vote on the Senate bill. A single objection can block reference of the bill to a House-Senate conference. That means leaders will have to try to get a special rule from the House Rules Committee, headed by Representative HOWARD W. SMITH, Democrat, of Virginia, an outspoken opponent of the bill.

President Eisenhower, at his weekly press conference, voiced the view that the bill as acted on by the Senate is not yet in its final form, but carefully skirted any forecast of a veto. He left the door wide open for a House-Senate conference compromise on the jury trial amendment.

But he emphasized his objection to the jury trial amendment. He said it would be most damaging to the Federal judiciary and cited his statement of last week attacking the provision.

The President plainly was referring to Senate extension of the jury trial amendment to all kinds of criminal contempt cases. Observers concluded that the President might accept a House-Senate compromise striking out this broader application, and confining the new jury trial guaranty to voting rights only.

Such a compromise was widely discussed yesterday in the House cloakroom following a significant declaration by 16 leading liberal organizations, calling for completed action on the bill "this year."

The liberal organization statement, signed by such civil rights leaders as Roy Wilkins, of the National Association for the Advancement of Colored People; Joseph L. Rauh, Jr., of Americans for Democratic Action; Walter Reuther, of the United Automobile Workers, and James B. Carey, president of the International Union of Electrical Workers, continued critical of the Senate measure but said "the bill does contain some potential good." It urged all Senate supporters of civil rights to vote for the bill "in the hope that some means will be found to strengthen it in the House."

Significantly, some of the organizations in this group, which originally supported a fight to the finish in conference to strengthen the civil-rights bill, were privately backing away from an all-out fight, lest it result in death of the bill.

Some of these groups were reported ready to accept a compromise confining the jury-trial amendment to voting rights cases. These were said to fear that extension of the amendment to all kinds of criminal contempt cases, as provided in the Senate bill, might boomerang against other civil-rights actions.

What will be done about it hinges largely on whether Republicans make an all-out fight in conference to strengthen the bill, with a resulting postponement of action until next year. Some Democrats bitterly charge certain Republicans will do just that, because they want a political issue, not a bill.

President Eisenhower and some leading Republicans are said to have made it clear privately, however, that they are primarily interested in legislation, and that they would go along with a workable compromise. This could result in a quicker House-Senate conference solution than most legislators have expected.

At his press conference yesterday, Mr. Eisenhower was asked about speculation that he would veto the bill in its Senate form.

The President replied that he has made it a practice to refrain from predicting what he will do on a particular bill until it reaches him. He said comment from him might have an effect on efforts to complete the legislation.

A reporter asked if he would enumerate the "extraneous issues" which he said in his August 2 statement have been introduced into the debate in order to confuse both the legislators and the public.

Mr. Eisenhower said he would not be more specific, because he does not get into the details of debate in the House and the Senate. He reiterated his statement that the jury-trial amendment in its present form would wreck the judicial process, however.

In this connection the Justice Department made public a letter from Acting Attorney General William P. Rogers to Senate Republican leader KNOWLAND, supporting Roger's contention at the White House Tuesday that the amendment might require the Supreme Court, and the Federal appellate courts, to impanel juries for the first time in criminal contempt cases.

Senator SMATHERS, breaking with the traditional Dixie stand to announce support for the bill, recalled a statement he made at the outset of the civil-rights debate "that I could not in good conscience protect or condone any public official who illegally deprived any qualified American citizen of his right to vote because of race, color, or creed."

Said SMATHERS: "Because of that statement, because of the amendments and limitations which have been made to this bill, because I feel this is the most sensible and moderate proposal we will get, and because there is a great need to move this problem outside the political arena, I will vote for passage."

Mr. JOHNSON of Texas. Mr. President, one of our best known and most careful commentators has issued a stern warning. It is that the American people

would bitterly resent any effort to kill the civil-rights bill for political reasons.

The column to which I refer was written by the distinguished columnist, Mr. Roscoe Drummond. It makes good sense. I ask unanimous consent that it be printed in the RECORD as part of my remarks. This column is syndicated in the New York Herald Tribune.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune of August 7, 1957]

BAD CASE OF RIGHT-TO-VOTE POLITICS

(By Roscoe Drummond)

WASHINGTON.—President Eisenhower and the Republican leadership will, it seems to me, be making a grievous mistake if they try to kill the right-to-vote bill.

The polite theory of some of the more politically minded Republicans is that to smother this bill to death now on the ground that it doesn't go far enough and then to return to the fight to get one that goes further next year would be better.

Better for whom?

Better for the Negroes who aren't being allowed to vote? Or better for the Republican politicians who want to win elections with the support of Negroes already allowed to vote?

If the White House and the Republican leaders want to make possible a genuine advance in protecting the right of all citizens to vote on equal terms, they will accept the amended legislation as a good beginning.

If the White House and the Republican leaders just want to shoot off political roman candles and make a great show of indignation that the Democrats watered down the bill, they will maneuver to suffocate it.

To some it must look like smart politics for the Republicans to stomp this bill to bits in conference over the House and Senate versions in order to show how much better the bill would have been if there had been more Republicans in the Senate.

But when you are dealing with the precious right of Americans to vote, smart politics isn't good politics, isn't good government, isn't responsible government.

This is the first right-to-vote legislation which has won a majority vote in the Senate in more than 80 years.

It was debated honestly and constructively. It was argued without filibuster and was brought to a vote without filibuster. It was amended on conviction and in light of the debate.

Of course, the bill could be stronger. But what help to Negroes wanting to vote would there be in a stronger bill which wasn't passed?

What valid reason is there to believe that Senators who voted for the amendment providing jury trials in cases of criminal contempt would vote against such trials next year?

This legislation gives the Federal Government new and untried powers to protect the right to vote. Should these new powers be thrown away on the speculation that sometime, somehow, a bill could be passed that would give the Federal Government still further powers?

These new powers may not be all many would like in behalf of the right to vote, but they will do a lot more than no new powers plus the speculation that a better bill might just happen to come into being in 1958.

I don't mean that the administration should not protest—and protest as hard as it wants—that the provision for jury trial in all kinds of criminal contempt is unwise and should be removed.

I don't mean that the administration should not try—and try hard—to get the House-Senate conference to agree on a compromise stronger than the Senate version.

Let the fight for the strongest possible law continue.

What I am saying is that all this Republican-inspired talk about the merit of getting the bill killed in order to try again next year is just too cute, too politically scheming, to be allowed to happen.

This bill doesn't do as much political damage to the Democrats as the Republicans hoped. So what?

This bill does not put as much authority in the hands of the Justice Department as many Republicans and some Democrats would like. Their views in the end may prove well founded. Conceivably the bill will not work well; conceivably the powers will prove unequal to the need.

But shouldn't we find out instead of throwing up our hands in feigned political horror that everything hasn't been done at once?

Many knowledgeable people dedicated to civil rights, including leaders of some of the Negro organizations, consider this a useful, workable bill.

If it needs to be improved, experience will show it. To talk about improving it without trying it, to talk about killing it in order to start all over again—that is shoddy politics.

## MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on August 7, 1957, the President had approved and signed the following acts:

S. 189. An act for the relief of Peter V. Bosch;

S. 225. An act for the relief of Kew Chan (Chan Kew), Nancy Tsui Mei (Leung) Chan, and Cecilia (Oi Fan) Chan;

S. 239. An act for the relief of Maria Parisi;

S. 904. An act for the relief of Chrisoula Antonios Chegaras;

S. 1268. An act for the relief of Don Q. Gee; and

S. 2449. An act to extend the effectiveness of the Missing Persons Act, as extended, until April 1, 1958.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2217) to authorize the Secretary of the Army to sell certain lands at the McNary lock and dam project, Oregon and Washington, to the port of Walla Walla, Wash.

The message also announced that the House insisted upon its amendment to the bill (S. 939) to amend section 22 of the Interstate Commerce Act, as amended, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HARRIS, Mr. ROBERTS, Mr. ROGERS of Texas, Mr. FRIEDEL, Mr. WOLVERTON, Mr. O'HARA of Minnesota, and Mr. HALE were appointed managers on the part of the House at the conference.

The message further announced that the House insisted upon its amendment to the bill (S. 1747) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COOLEY, Mr. GRANT, Mr. WATTS, Mr. THOMPSON of Texas, Mr. AUGUST H. ANDRESEN, Mr. HILL, and Mr. MCINTIRE were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 9131) making supplemental appropriations for the fiscal year ending June 30, 1958, and for other purposes, in which it requested the concurrence of the Senate.

## TRANSACTION OF ROUTINE BUSINESS

The PRESIDENT pro tempore. In accordance with the order entered on yesterday, providing a period for the transaction of routine morning business, with a limitation of 3 minutes on statements, morning business is now in order.

## AMENDMENT OF TITLE 10, UNITED STATES CODE, RELATING TO DROPPING CERTAIN PERSONS FROM ROLLS OF ARMED FORCES

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of the Air Force, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide authority to drop certain persons from the rolls of the Armed Forces, and for other purposes, which, with the accompanying paper, was referred to the Committee on Armed Services.

## RESOLUTION OF BOARD OF SUPERVISORS, COUNTY OF MAUI, HAWAII

The President pro tempore laid before the Senate a resolution adopted by the Board of Supervisors of the County of Maui, Hawaii, favoring an amendment to the Hawaiian Organic Act relating to certain land exchanges, which was referred to the Commitee on Interior and Insular Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. O'MAHONEY, from the Committee on Interior and Insular Affairs, with amendments:

S. 1996. A bill to approve the contract negotiated with the Casper-Alcova Irrigation District, to authorize its execution, to provide that the excess-land provisions of the Federal reclamation laws shall not apply to the lands of the Kendrick project, Wyoming, and for other purposes (Rept. No. 838).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 1426. A bill to amend the act of March 6, 1952 (66 Stat. 16), to extend the time during which the Secretary of the Interior may enter into amendatory repayment contracts under the Federal reclamation laws, and for other purposes (Rept. No. 839); and

H. R. 5679. An act to authorize amendment of the irrigation repayment contract of December 28, 1950, between the United States

and the Mirage Flats Irrigation District, Nebraska (Rept. No. 840).

By Mr. STENNIS, from the Committee on Armed Services, with an amendment:

H. R. 8240. An act to authorize certain construction at military installations, and for other purposes (Rept. No. 842).

By Mr. JACKSON, from the Committee on Armed Services, without amendment:

H. R. 2460. An act to improve the career opportunities of nurses and medical specialists of the Army, Navy, and Air Force (Rept. No. 841).

## INCREASED LIMIT OF EXPENDITURES BY COMMITTEE ON ARMED SERVICES

Mr. RUSSELL, from the Committee on Armed Services, reported an original resolution (S. Res. 179) increasing the limit of expenditures for hearings before the Committee on Armed Services, which was referred to the Committee on Rules and Administration, as follows:

*Resolved*, That the Committee on Armed Services hereby is authorized to expend from the contingent fund of the Senate, during the 85th Congress, $10,000 in addition to the amount, and for the same purposes, specified in section 134 (a) of the Legislative Reorganization Act approved August 2, 1946.

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JAVITS (for himself and Mr. IVES):

S. 2730. A bill to amend title II of the Social Security Act so as to permit the State of New York to provide for the extension of the insurance system established by such title to service performed by certain policemen and firemen in such State; to the Committee on Finance.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. FLANDERS:

S. 2731. A bill for the relief of Josip Radovic; to the Committee on the Judiciary.

By Mr. DIRKSEN (by request):

S. 2732. A bill for the relief of Guglielmo Naselli; and

S. 2733. A bill for the relief of Natalia Kutowyj; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself and Mr. KUCHEL):

S. 2734. A bill to amend the Tariff Act of 1930, so as to regulate the importation of all tuna commodities with equivalence; to the Committee on Finance.

By Mr. MAGNUSON:

S. 2735. A bill for the relief of Sayo Ono Taylor; to the Committee on the Judiciary.

By Mr. PASTORE:

S. 2736. A bill for the relief of Dr. Giacomo Massouda, Clara Massouda, Vivian Massouda, and Hosna Massouda; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 2737. A bill to provide scientific scholarships and fellowships for children of veterans and other individuals from interest resulting from the investment of certain funds obtained under the provisions of the Trading With the Enemy Act, and to provide for the repayment from such funds of certain American war claims against Germany and Japan; to the Committee on the Judiciary.

(See the remarks of Mr. SMATHERS when he introduced the above bill, which appear under a separate heading.)

## RESOLUTIONS

Mr. KNOWLAND submitted the resolution (S. Res. 178) providing for memorial addresses on August 14, 1957, on the life, character, and public service of the late Senator Joseph R. McCarthy, of Wisconsin, which was considered and agreed to.

(See resolution printed in full where it appears under a separate heading.)

Mr. RUSSELL, from the Committee on Armed Services, reported an original resolution (S. Res. 179) increasing the limit of expenditures for hearings before the Committee on Armed Services, which was referred to the Committee on Rules and Administration.

(See resolution printed in full where it appears under the heading "Reports of Committees.")

## AMENDMENT OF SOCIAL SECURITY ACT, RELATING TO EXTENSION OF INSURANCE SYSTEM TO CERTAIN EMPLOYEES OF STATE OF NEW YORK

Mr. JAVITS. Mr. President, on behalf of myself, and my colleague, the senior Senator from New York [Mr. IVES], I introduce, for appropriate reference, a bill to amend the Social Security Act to permit the State of New York to provide for extension of social security to New York firemen and policemen.

I have received a tremendous amount of mail from policemen in New York and their organizations on this subject. At its last session the New York State Legislature specifically authorized their inclusion under social security, and set up the necessary mechanics to authorize it subject to passage of necessary Federal legislation, which this bill seeks to accomplish. Organized firemen at first opposed this measure, but recently their organization, the New York Association of Firefighters, with heavy support from the larger cities, endorsed it.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2730) to amend title II of the Social Security Act so as to permit the State of New York to provide for the extension of the insurance system established by such title to service performed by certain policemen and firemen in such State, introduced by Mr. JAVITS (for himself and Mr. IVES), was received, read twice by its title, and referred to the Committee on Finance.

## HERMAN E. TENZLER—AMENDMENTS

Mr. MAGNUSON submitted amendments, intended to be proposed by him, to the bill (S. 2647) for the relief of Herman E. Tenzler, which were referred to the Committee on Finance and ordered to be printed.

## AMENDMENT OF TITLE II OF SOCIAL SECURITY ACT—AMENDMENTS

Mr. TALMADGE submitted an amendment, intended to be proposed by him, to the bill (H. R. 8755) to amend title II of the Social Security Act to permit any instrumentality of two or more States to obtain social security coverage under its agreement separately for those of its employees who are covered by a retirement system and who desire such coverage, which was referred to the Committee on Finance and ordered to be printed.

Mr. GORE submitted an amendment, intended to be proposed by him, to House bill 8755, supra, which was referred to the Committee on Finance and ordered to be printed.

Mr. SPARKMAN submitted an amendment, intended to be proposed by him, to House bill 8755, supra, which was referred to the Committee on Finance and ordered to be printed.

## RELOCATION OF FERRY COUNTY HIGHWAY, STATE OF WASHINGTON—AMENDMENTS

Mr. MAGNUSON (for himself and Mr. JACKSON) submitted amendments in the nature of a substitute, intended to be proposed by them, jointly, to the joint resolution (S. J. Res. 50) to provide for the relocation of the Ferry County, State of Washington, highway by the Department of the Interior, which were referred to the Committee on Public Works, and ordered to be printed.

## ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE CONGRESSIONAL RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the CONGRESSIONAL RECORD, as follows:

By Mr. WILEY:

Address entitled "Inflation—America's No. 1 Domestic Problem," delivered by him over the Wisconsin radio network.

## RALPH W. HARDY

Mr. JOHNSON of Texas. Mr. President, on Monday, a very close friend and very respected friend of mine passed away. He was Ralph W. Hardy, vice president of the Columbia Broadcasting System, who died of a heart attack in Ogden, Utah. He was one of the most brilliant business executives of my acquaintance.

It was a real tragedy, as Mr. Hardy was young—just 41—and had many useful years ahead of him. He was one of the executives Dr. Frank Stanton, the distinguished president of CBS, has selected with such great care and skill.

Mr. President, the future of America lies with young, able men like Ralph W. Hardy. We have lost a citizen who cannot be easily replaced. My heart is with his grieving family and with his business associates.

I ask unanimous consent that a very fine editorial, appearing this morning on the editorial page of the Washington Post, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post of August 8, 1957]

RALPH W. HARDY

Many Washingtonians have been deeply shocked by the death of Ralph W. Hardy, vice president of the Columbia Broadcasting System in charge of its Washington office, as he was vacationing in his native Utah. At the early age of 41, Mr. Hardy had won an eminent place in the broadcasting industry and a still more eminent place in the hearts of those who knew him personally. That his promising career should have ended so prematurely is a tragedy.

Coming here in 1949 as director of the radio division of the National Association of Radio and Television Broadcasters, he rose rapidly to the position of vice president of the NARTB in charge of Government affairs. As a spokesman for the broadcasting industry before Congress and other official bodies, he became widely known and respected. Though not a lawyer, he mastered the intricacies of law in the broadcasting field. A fluent speaker, a powerful advocate and an idealist by nature, he contributed much to an industry experiencing an astounding evolutionary growth.

His influence extended also in generous measure to civic, governmental and religious affairs. He was vice president of the National Conference on Citizenship, a member of the United States National Commission for the United Nations Educational, Scientific and Cultural Organization and a member of the National Council of the Boy Scouts of America, and he had held numerous high positions in the Church of Jesus Christ of Latter-day Saints. Into all these activities he projected the idealism that guided his personal life. He was an inspiration to those who heard his voice or came to know his mode of life.

Mr. JAVITS subsequently said: Mr. President, I had intended that there be printed in the RECORD an editorial published in this morning's Washington Post as a memorial to Ralph W. Hardy, vice president of the Columbia Broadcasting System, in charge of the Washington office, who passed away at the very early age of 41, but I understand the majority leader has already had the editorial placed in the RECORD.

Mr. Hardy made a great place for himself not only as a leader in his industry, but as a leader in civic affairs, and as one who had a deep solicitude for the public interest. He was very well known to many of us. It is with great regret that we note his passing. As a measure of condolence and sympathy to his family and his business associates, I commend the reading of the editorial in this morning's Washington Post.

Mr. WATKINS subsequently said: Mr. President, the sudden death of Ralph W. Hardy, vice president of the Columbia Broadcasting System in charge of its Washington office, came as a great shock to thousands of his Washington friends, as well as those in his native State of Utah. Eminently successful in his chosen field, Ralph's untimely death came while he was vacationing near Ogden. He was a brilliant and talented young man.

Although I knew Ralph in my home State, I came to appreciate him more after he came to Washington as vice president of the National Association of Radio and Television Broadcasters. He appeared, some of us may recall, many times then before Congressional committees in support of the industry he represented.

Ralph Hardy was regarded as one of the finest representations of Utah manhood in this city, our Nation's Capital. He brought honor to his State, to the Intermountain region, and to his family. I know that he will be sorely missed not only in the industry, but also in his church and in civic circles. His was a service always ready at call, and freely given.

I know that the sympathy of the Congress goes out to his wife Maren and to their five children.

I have suffered a personal loss in the death of Ralph Hardy. He was a distant kinsman of my wife, and we became very well acquainted.

I am pleased that the Washington press has honored Ralph Hardy editorially. I had intended to ask unanimous consent to have printed in the RECORD the editorial in his name which appeared in the Washington Post this morning. I understand, however, that the editorial has been printed in the RECORD on request of the Senator from Texas [Mr. JOHNSON].

## THE PUBLIC WORKS APPROPRIATION BILL AND WATER DEVELOPMENT FOR TEXAS

Mr. JOHNSON of Texas. Mr. President, I have said many times that water is the No. 1 problem in my State of Texas.

The public works appropriation bill, which I brought up by motion last evening in the Senate, represents the greatest forward step ever taken toward an adequate answer to that problem.

The items for Texas in this bill point up the fact that the Nation as a whole has an important stake in my State's water-development program.

Up to this time, the total Federal investment in Texas flood-control and water-supply projects is $329 million. This investment has been made in the national interest. It has been made in conformity with Texas water laws. These two standards should, of course, be applied to future investments.

Mr. President, when this bill was being considered by the Public Works Subcommittee of the Senate Appropriations Committee, I urgently requested the addition of a number of items that had not been submitted by the Bureau of the Budget. The weight of testimony justifying these projects was so heavy that the subcommittee approved them and the committee approved them, and they appear in the bill now before the Senate.

I refer specifically to appropriations recommended for conducting surveys of Texas streams. Let me call the roll of these surveys, in order that I may emphasize their importance:

Pedernales River survey.

Resurvey of the San Gabriel River.

Trinity River survey, at Lake Liberty and in the Fort Worth area.

Sanders, Colliers, and Big Pine Creek survey.

White Oak and Cypress Creeks survey.

Survey below Lavon Dam.

Holliday and Plum Creeks survey.

Big Fossil survey.

Taylor County flood-control survey.

Lower Colorado River survey.

Mr. President, the sums of money recommended by the committee bill for these surveys are not large. The total for all of them is $317,000.

I do not believe it would be possible for us to make a wiser, sounder investment of this amount of money.

If we are to attain our objective of an adequate water-development program in Texas, we must have the information that will be developed by these surveys of Texas streams.

The surveys will lay the foundation for the flood-control and water-conservation projects we will be building 6, 8, 10 years from now. I urge that every one of them be approved by the Senate.

Mr. President, this year in Texas, with Federal funds, we will either start or continue project plans and construction on eight large water projects.

The Bureau of Reclamation is now almost two-thirds through its massive analysis of Texas water needs and the mechanics to meet them.

I have recently completed, with the Chief of the Corps of Engineers and the Commissioner of the Bureau of Reclamation, arrangements to coordinate their Texas programs at the field level. They are to report back to me next April on a fully integrated water-supply and flood-control program.

I have explored with Gov. Price Daniel the necessity for leadership on the State level. We are assured of full cooperation. The program to be submitted to me by the Corps of Engineers and the Bureau of Reclamation will be worked out with river authorities in Texas.

Mr. President, I mention these facts to show that we are at the beginning of a genuine breakthrough on the Texas water problem.

The water-development program for Texas must be big because the problem is big. We are a quarter of a century behind other Western States in this field. We must catch up—and catch up fast—or Texas will face economic stagnation.

The appropriations for Texas projects contained in the bill before us will give us a good start toward catching up.

It will be noted, I am sure, that the bill contains a number of items that were not recommended by the Bureau of the Budget. I personally urged and obtained committee approval of several such items. I am glad I did.

Mr. President, the responsibility for our national land- and water-resources program rests on Congress. It is a responsibility we must accept and fulfill.

I do not approve of the efforts of the Budget Bureau to exercise an item veto over civil-works projects. Its efforts to do so have frequently made it necessary for Congress to add projects that have been delayed by the Bureau of the Budget beyond the point of reason.

The Budget Bureau so often wants to wait. But floods do not wait. The need of a growing population and an expanding economy for vast additional supplies of water cannot be met by the restrictive policy followed by the Bureau of the Budget.

For these reasons, I have never hesitated to urge the addition of projects not recommended by the Budget Bureau when the need and justification for them are clearly to be seen.

Mr. President, the bill before us is one to which the subcommittee headed by the senior Senator from Louisiana [Mr. ELLENDER] devoted many, many hours of careful study. They had the benefit of the knowledge of experts in the field of water development. They had the benefit of the testimony of progressive citizens in communities affected by the projects under consideration.

Mr. President, this is a wise bill. It is a sound bill. It is a measure of far-reaching economic significance.

I earnestly and urgently recommend its approval by the Senate.

Mr. President, if no other Senator desires to address the Senate at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MURRAY in the chair). The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, the Senate met early today, and I am hopeful we can complete the morning hour promptly. The senior Senator from Louisiana [Mr. ELLENDER] is present and is prepared to present a statement on the appropriation bill. If there is further morning business, I hope Senators will ask to be recognized.

## FHA INTEREST RATES

Mr. SPARKMAN. Mr. President, over a month ago the Housing Act of 1957 was enacted. This legislation gave to the Federal National Mortgage Association the authorization to purchase $100 million of FHA section 213 cooperative housing mortgages and $200 million of FHA title VIII military housing mortgages.

I do not believe it is necessary to remind Senators that the President signed this measure grudgingly because, as he said, "the bill authorized the Federal Government to obligate too much money."

Mr. President, when this legislation was before the Banking and Currency Committee, several of my colleagues and I attempted in vain to get the administration to tell us exactly what it wanted. The administration either could not make up its mind, or it did not want to tell us what its position was.

When we were unable to get this vital information from administration officials, we authorized what we thought was an amount necessary to carry on a decent housing program, as should be provided by a Federal Government in a Nation as great as ours.

It appears quite obvious now that even though the President signed the bill, he had no intention of permitting the FNMA to expend the funds authorized by the Congress for the section 213 and title VIII special-assistance programs. As a matter of fact, none of the funds authorized to the FNMA by the Congress to purchase section 213 mortgages has been released to the agency.

Moreover, it is my understanding that the President has enjoined the Director of the Bureau of the Budget from allocating these funds to the agency. It is my further understanding that this injunction may run indefinitely.

In regard to the funds for the purchase of title VIII military housing, the President consented to release $75 million to FNMA for the immediate purchase of these mortgages. Meanwhile, unless the remaining $125 million is released now, many military housing projects could die on the drafting board while many of our servicemen continue to live in slums.

I should like to invite attention to the fact that on July 12, 1957, the very day the President signed the Housing Act of 1957 into law, FNMA directed its regional offices to invite the resubmission of applications for FNMA commitments on FHA section 213 cooperative housing mortgages which were previously rejected by the agency because of lack of funds.

Officials of the FNMA advise me that to date they have received a total of 82 applications requesting FNMA commitments for FHA section 213 mortgages, aggregating more than $24 million.

Because the authorization to expend these funds has not been honored by the administration, the FNMA is now in the embarrassing position of once again telling the applicants that it has no money.

I submit, Mr. President, that this is just one of the many examples where the right hand of the administration does not have any idea of what the left hand is doing.

I have been unable to obtain a direct answer as to why this action has been taken.

One stereotyped answer I get is that we have approached the stage where a dollar one way or the other may tip the balance as to whether we go over the $275 billion public debt limit. This answer, however, is without real merit, since the administration goes right ahead favoring big business while much-needed housing programs suffer.

Mr. President, yesterday I made some comments regarding the package plan of increasing interest rates, lowering down-payments, and setting up a new schedule of discounts for home mortgage loans. The staff of our committee has prepared a table showing the maximum allowable discounts and maximum yield on 5¼ percent FHA insured loans, by States and regions. The table shows the amount of discount and what that represents in an interest rate. While we speak of 5¼ percent interest, as a matter of fact the interest charge is uniformly higher than that, and is as much as 5.62 percent by reason of the discounts.

Mr. President, I ask unanimous consent that the table be printed at this point in the RECORD as a part of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Maximum allowable discounts and maximum yield on 5¼-percent FHA-insured loans*[1]

[Percent]

| State | Allowable discount | Effective interest rate (yield) |
|---|---|---|
| New England: | | |
| Maine | 1 | 5.40 |
| New Hampshire | 1 | 5.40 |
| Vermont | 1 | 5.40 |
| Massachusetts | 1 | 5.40 |
| Rhode Island | 1 | 5.40 |
| Connecticut | 1 | 5.40 |
| Middle Atlantic: | | |
| New York | 1 | 5.40 |
| New Jersey | 1½ | 5.47 |
| Pennsylvania | 1½ | 5.47 |
| East North Central: | | |
| Ohio | 2 | 5.54 |
| Indiana | 2 | 5.54 |
| Illinois | 2 | 5.54 |
| Michigan | 2½ | 5.62 |
| Wisconsin | 2 | 5.54 |
| West North Central: | | |
| Minnesota | 2 | 5.54 |
| Iowa | 2 | 5.54 |
| Missouri | 2 | 5.54 |
| North Dakota | 2 | 5.54 |
| South Dakota | 2 | 5.54 |
| Nebraska | 2 | 5.54 |
| Kansas | 2 | 5.54 |
| South Atlantic: | | |
| Delaware | 1½ | 5.47 |
| Maryland | 1½ | 5.47 |
| District of Columbia | 1½ | 5.47 |
| Virginia | 2 | 5.54 |
| West Virginia | 2 | 5.54 |
| North Carolina | 2 | 5.54 |
| South Carolina | 2 | 5.54 |
| Georgia | 2 | 5.54 |
| Florida | 2 | 5.54 |
| East South Central: | | |
| Kentucky | 2 | 5.54 |
| Tennessee | 2 | 5.54 |
| Alabama | 2 | 5.54 |
| Mississippi | 2 | 5.54 |
| West South Central: | | |
| Arkansas | 2 | 5.54 |
| Louisiana | 2 | 5.54 |
| Oklahoma | 2 | 5.54 |
| Texas | 2 | 5.54 |
| Mountain: | | |
| Montana | 2½ | 5.62 |
| Idaho | 2½ | 5.62 |
| Wyoming | 2½ | 5.62 |
| Colorado | 2½ | 5.62 |
| New Mexico | 2½ | 5.62 |
| Arizona | 2½ | 5.62 |
| Utah | 2½ | 5.62 |
| Nevada | 2½ | 5.62 |
| Pacific: | | |
| Washington | 2 | 5.54 |
| Oregon | 2 | 5.54 |
| California | 2 | 5.54 |

[1] Based on maximum discount allowed by FHA on a 5¼-percent, 25-year loan prepaid in 10 years.

## LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I should like to inform all Senators that at the conclusion of consideration of the public works appropriation bill we plan to proceed to a number of other bills. In between consideration of the public works appropriation bill and the other bills, which I shall enumerate later, we expect to have several yea-and-nay votes on the nine treaties on the executive calendar. We shall have a separate yea-and-nay vote on Calendar No. 5, Executive D (85th Cong., 1st sess.), Calendar No. 6, Executive L (85th Cong., 1st sess.), Calendar No. 7, Executive C (84th Cong., 2d sess.), Calendar No. 8, Execu-

tive E (85th Cong., 1st sess.), and Calendar No. 9, Executive M (85th Cong., 1st sess.), en bloc. We shall have a yea-and-nay vote on Calendar No. 10, Executive J (85th Cong., 1st sess.). We shall ask unanimous consent to have a yea-and-nay vote on Calendar No. 11, Executive A (85th Cong., 1st sess.), Calendar No. 12, Executive B (85th Cong., 1st sess.), and Calendar No. 13, Executive K (85th Cong., 1st sess.), en bloc.

I should like to have all Senators know that we plan to finish consideration of the public works appropriation bill perhaps around noon, and that we will then have a quorum call and go into executive session to consider the treaties, so that we may have yea-and-nay votes on them.

I desire to have all Senators know that in addition we expect to proceed to consider the following measures: Calendar No. 625, H. R. 8090, making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1958, and for other purposes;

Calendar No. 471, H. R. 4602, to encourage new residential construction for veterans' housing in rural areas by raising the maximum amount in which direct loans may be made, and for other purposes;

Calendar No. 615, S. 1908, to amend the District of Columbia Hospital Center Act in order to extend the time and increase the authorization for appropriations under such act;

Calendar No. 620, S. 2520, to amend section 31 of the Securities Exchange Act of 1934;

Calendar No. 626, H. R. 3775, to amend section 20b of the Interstate Commerce Act in order to require the Interstate Commerce Commission to consider, in stock modification plans, the assets of controlled or controlling stockholders, and for other purposes;

Calendar No. 629, Senate Resolution 15, to express the sense of the Senate on the establishment of the United Nations force;

Calendar No. 635, H. R. 7813, to organize and microfilm the papers of Presidents of the United States in the collections of the Library of Congress;

Calendar No. 707, S. 1411, to amend the act of August 26, 1950, relating to the suspension of employment of civilian personnel of the United States in the interest of national security;

Calendar No. 725, S. 1384, to revise the definition of contract carrier by motor vehicle as set forth in section 203 (a) (15) of the Interstate Commerce Act, and for other purposes;

Calendar No. 340, S. 377, to establish the finality of contracts between the Government and common carriers of passengers and freight subject to the Interstate Commerce Act;

Calendar No. 488, S. 1730, to implement a treaty and agreement with the Republic of Panama, and for other purposes;

Calendar No. 576, S. 1386, to authorize the Interstate Commerce Commission to prescribe rules, standards, and instructions for the installation, inspection, maintenance, and repair of power on train brakes;

Calendar No. 438, S. 1873, to amend section 401 (e) of the Civil Aeronautics Act of 1938 in order to authorize permanent certification for certain air carriers operating between the United States and Alaska;

And Calendar No. 584, S. 1869, to amend the Tennessee Valley Authority Act of 1933, as amended, and for other purposes.

We may not get to the last bill today. That is the TVA bill.

We expect to have a Saturday session, and I should like to have all Senators on notice. We are hopeful that between now and then we will have several other bills reported and on the calendar which can be considered, and several more bills which the policy committee can clear.

I want Senators to be on notice that the bills I have enumerated will be considered. I hope they can be considered this week. In addition to that, we have the Niagara power bill to consider. That bill will not be brought up until Monday or later. I will make a definite announcement about it whenever I am able to do so.

Mr. ELLENDER. Mr. President, will the distinguished majority leader give us Sunday off?

Mr. JOHNSON of Texas. If I gave the distinguished Senator from Louisiana Sunday off the Senate would not be nearly so efficient as it is, because as a result of his working 6 days a week and sometimes on Sunday the Senate has for consideration comprehensive bills such as the one now before it. I do not know what would happen to the Senate if we did not have a few Members like the Senator from Louisiana, who is willing to work morning, afternoon, evening and Sunday, if necessary, in order to do his public duty.

Mr. ELLENDER. I did not expect that comment from the Senator.

## COMMENDATION OF SENATOR GOLDWATER

Mr. KUCHEL. Mr. President, I was delighted to learn a few days ago of a very unique honor which the United States Air Force has bestowed upon one of our colleagues, the distinguished junior Senator from Arizona [Mr. GOLDWATER]. Recently the junior Senator from Arizona was designated as a command pilot, which is the highest military aviation rating conferred by the Air Force. The command pilot wings the Senator may now wear represent at least 15 years of military service as a pilot, several thousand hours of flying time, and high qualification in instrument flying.

The junior Senator from Arizona is a colonel in the United States Air Force Reserve. He has qualified in several of the Air Force jet aircraft. His dedication to the military preparedness of our country, as evidenced by his active participation in the Air Force and his untiring efforts to improve our Armed Forces is deserving of high praise.

The junior Senator from Arizona is a forthright, courageous Senator. He represents vigorously, I may observe from personal experience, the best interests of his State. I am quite sure all of my colleagues in the Senate join in offering him our congratulations or the honor which has come to him, bestowed by the great branch of the military service in which he has so long and so well served.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to my able colleague from California.

Mr. KNOWLAND. I wish to join with my junior colleague from California in expressing congratulations to the distinguished junior Senator from Arizona for having been designated a command pilot. The junior Senator from Arizona is certainly a man who has been deeply interested in the Air Force, in the Reserve program, and has been, since coming to this body, one of the outstanding Members of the Senate of the United States. I think all his colleagues on both sides of the aisle will join in extending congratulations to him.

Mr. KUCHEL. I am sure, Mr. President, that my colleague is accurately reflecting the sentiments of all Senators.

Mr. MARTIN of Pennsylvania. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to my able friend, the Senator from Pennsylvania.

Mr. MARTIN of Pennsylvania. As the one with probably the highest military rank in the Senate, and as one deeply interested in the civilian components of the American Army, I wish to join our distinguished colleagues, the Senators from California, in extending our congratulations to the Senator from Arizona [Mr. GOLDWATER]. I have been very much impressed with the great interest the Senator from Arizona has taken in the civilian components of the Army. I think as time goes on and the cost of Government increases we shall have to place greater reliance upon the civilian components.

The Senate of the United States is most fortunate to have in its membership a man of the ability, courage, and understanding of the junior Senator from Arizona.

Mr. KUCHEL. I thank the Senator from Pennsylvania.

Mr. POTTER. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to my able friend, the Senator from Michigan.

Mr. POTTER. I wish to join my colleagues in commendation of the junior Senator from Arizona [Mr. GOLDWATER] for the position he now holds in the Air Force and for the record he has achieved.

I assume that the words of wisdom expressed by the two Senators from California are a recognition of the ability of the junior Senator from Arizona, and I wonder if the position of the State of California will be any different now as to the water rights of the State of Arizona.

Mr. KUCHEL. I hope very much, Mr. President, on the basis of these encomiums in which the two California Senators are delighted to utter along with those of their colleagues on the occasion of this very real honor which has come to our colleague, the Senator from Arizona, that we may search successfully

for a sound basis on which to go forward in good comradeship, and that Arizona and California may walk together as good comrades and in the most friendly fashion and work out their most unfortunate difficulties over water in which they have been embroiled so long.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to the Senator from New York.

Mr. JAVITS. I desire to join my colleagues in congratulating the junior Senator from Arizona [Mr. GOLDWATER]. I know what it means to receive command wings from the Air Force. I serve as a Reserve officer myself, and I know how difficult it is to maintain one's status, let alone to achieve such outstanding recognition. The Senator from Arizona has done tremendous double duty, as a Senator and as a Reserve officer, in the attainment of such distinction. I congratulate him.

Mr. KUCHEL. The Senator from New York, by reason of his own military background, speaks most eloquently with respect to the command wings which our colleague from Arizona may now wear.

## NEED FOR INFLUENZA VACCINE IN PACIFIC COAST STATES

Mr. NEUBERGER. Mr. President, outbreak of Asiatic influenza in various States throughout the Nation has confirmed the probability expressed by the Public Health Service that incidence of the disease may reach epidemic proportions in some localities.

Because of my concern over this menace, I wrote to the Surgeon General's office last July 17 to inquire into preventive control methods being developed to combat the spread of the new strain of influenza virus. I was informed that the Public Health Service has licensed 6 manufacturers to go into round-the-clock production of vaccine so that a total of 60 million doses might be produced by February 1. The American Medical Association and State health officials have joined the effort to immunize the maximum number of persons as supplies become available.

Because of the possibility that the west coast may first feel the spread of the disease, in view of its closer geographic proximity to the source, I now have urged the Public Health Service to take effective steps to assure that an adequate amount is available in western areas. Many problems faced the first efforts to get Salk vaccine to the areas where it was most needed, and I trust that greater foresight will prevent recurrence of this urgent distribution problem.

So that the Senate may know of the information I have received from the Public Health Service on its efforts to combat the spread of Asiatic influenza, I ask consent to have printed in the RECORD with my remarks an exchange of correspondence between my office and that of the Surgeon General, and also to have printed in the RECORD an article from the New York Times of August 4, 1957.

There being no objection, the correspondence and article were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
PUBLIC HEALTH SERVICE,
*Washington, D. C., August 2, 1957.*

Hon. RICHARD L. NEUBERGER,
*United States Senate.*

DEAR SENATOR NEUBERGER: In reply to your letter of July 17 concerning Public Health Service activities with respect to a possible epidemic of Asian influenza in this country, we believe the attached materials will bring you up to date.

More than 11,000 cases of influenza have been reported to the Public Health Service so far. These reports have come from 13 States across the country from the west to the east coast. While by no means all of these cases have been verified as Asian influenza by laboratory tests, there seems to be no doubt that the disease is firmly seeded in this country and that an influenza epidemic is probable in the fall or winter. This seeding, together with the rapid spread of the disease, would lead to the conclusion that the west coast is no more, nor, indeed, less vulnerable to an epidemic than any other part of the country.

Asian influenza, as it has been observed throughout the world, has been clinically mild in form, with high morbidity and low mortality rates. So far, there has been no evidence of increasing virulence, although such change remains as a possibility. The Public Health Service has its intelligence services focused on developments in the disease in this country and throughout the world with particular attention to changing patterns in severity and incidence.

As you know, developments in this kind of situation change rapidly, and we shall be happy to keep you informed on these developments as they take place.

Sincerely yours,

W. P. DEARING,
*Acting Surgeon General.*

UNITED STATES SENATE,
COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
*August 6, 1957.*

Dr. W. P. DEARING,
*Acting Surgeon General,*
*Public Health Service,*
*Washington, D. C.*

DEAR DR. DEARING: I appreciate your letter of August 2, which answers some of the inquiries that I directed to your office concerning the so-called Asiatic influenza and its possible impact upon the people of our own country.

In a recent New York Times article by William L. Laurence, science editor of that newspaper, the statement appears that "the disease could sweep from San Francisco to Boston in 4 weeks."

Your letter mentioned that 13 States across the Nation have reported influenza cases, but that the seeding seems to indicate that the west coast is no more nor no less vulnerable to spread of the disease. I assume that this belief takes into account the closer geographic relationship of the Pacific coast to the source of Asiatic influenza and the greater possibilities for transmittal of the virus because of the relatively greater amount of travel between the Pacific coast and parts of the Asiatic continent than with eastern points.

As you have indicated, the Public Health Service intends to exercise the utmost vigilance in checking any substantial outbreak of the disease. It is my hope that the Public Health Service has been taking adequate steps to assure that a disproportionate amount of the available vaccine is to be located in the Pacific Coast States in the event that subsequent information indicates a greater incidence of the disease in that region and threatens to spread eastward.

You will recall the first difficulties which were experienced in getting the early quantities of Salk vaccine to the localities where it was most urgently needed. I trust no such repetition will occur with respect to the vaccine now being prepared for the particular strain of influenza virus which causes the present Asiatic epidemics.

It seems to me that precautions now—well ahead of any potential outbreak here—will serve to forestall such an occurrence.

Let me take this opportunity to thank you and your associates for the vigilance of the Public Health Service in setting a target date of February 1, 1958, for the production of 60 million doses of the influenza vaccine.

With good wishes, I am

Sincerely,

RICHARD L. NEUBERGER,
*United States Senator.*

[From the New York Times of August 4, 1957]

### DEFENSE AGAINST ASIATIC INFLUENZA

The United States Public Health Service warned last week that there was a very definite probability—not just a possibility—of a very large outbreak of Asiatic influenza in the United States this fall or winter. The forecast by the United States Public Health Service staff was based, Surgeon General Leroy E. Burney said, "on the millions of cases in the west Pacific and the Far East plus the factor of 11,000 cases in sporadic outbreaks in this country thus far definitely or partially established as Asiatic flu. Undoubtedly," he added, "there is very wide seeding of the virus throughout the country."

When triggered by adverse weather, Dr. Burney pointed out, the disease could sweep from San Francisco to Boston in 4 weeks, incapacitating from 10 to 20 percent of the population. Thus in a city of a million, 100,000 to 200,000 persons could become ill in a matter of a few days.

#### LOW DEATH RATE

Fortunately, the death rate has been very low. Only three deaths, have been reported thus far among the 11,000 cases recorded in the United States. The fatalities in influenza epidemics, Dr. Burney pointed out, have largely come from secondary infections, such as pneumonia. Manufacturers of antibiotics, such as penicillin, have been asked by the health service to increase their supplies for possible use in fighting such secondary infections.

Like the influenza strains in the epidemics of 1897 and 1918, the present Asiatic strain is a mutated virus against which no natural immunity has been developed in the United States, and against which the present available vaccines provide no protection. The six pharmaceutical houses producing a vaccine specific for Asiatic flu, Dr. Burney reported, are working triple shifts, 7 days a week, to turn out 8 million doses by mid-September, half of which will go to the Armed Forces. The Public Health Service has asked the manufacturers to meet a production target of 60 million doses, enough to immunize about one-third of the country's population, by February 1.

#### POTENT VACCINE

The potency of the vaccine has already been stepped up to five times the potency of the pilot vaccine announced July 10, so that a dose of 1 cubic centimeter is sufficient to immunize. It takes 10 days to 2 weeks to build up antibodies enough to give protection for 1 year.

Dr. Burney is calling on the American Medical Association and the Association of State and Territorial Health Officers to conduct a campaign to educate the people regarding the desirability of being immunized. He is also suggesting that priority should be

given to those whose services are imperative for the care of the sick and those needed to maintain other essential functions. These include about 3 million doctors, nurses, hospital attendants and practical nurses, and about 9 million essential workers in the communication, transportation, and utility industries.

Retail prices for the vaccine would be higher than the cost of 20 to 40 cents a cubic centimeter in bulk military orders, Dr. Burney pointed out.

W. L. L.

## ADDRESS BY SENATOR FLANDERS AT COOLIDGE MEMORIAL DEDICATION AT PLYMOUTH, VT.

Mr. FLANDERS. Mr. President, last Saturday there was dedicated at Plymouth, Vt., the home of the late President Calvin Coolidge, a memorial to his life and times. I was privileged to make some brief remarks on that occasion. Because they are pertinent to our past history and to an understanding of Calvin Coolidge, I ask unanimous consent to read them. The reading will require less than 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Vermont may proceed.

Mr. FLANDERS. My address was as follows:

CALVIN COOLIDGE AS VERMONTER

(Remarks prepared for Coolidge Memorial dedication, August 3, 1957, by RALPH E. FLANDERS, United States Senator from Vermont)

Mr. Chairman, distinguished guests, ladies and gentlemen, the thought that was in my mind as I left Washington for this event was, and is, that there are some aspects of President Coolidge's character that can best be understood by Vermonters. Perhaps it is possible for a Vermonter to translate these characteristics into terms which will make the character of our own President more clearly understood by his fellow citizens. I will at least endeavor to make this contribution to his reputation and to his memory.

His best known characteristic was, of course, the silence for which he was famous. He was a man of few words for all occasions in which he met people, and even his formal speeches were short. If, however, one gained the impression that his language never flowed freely, he would be mistaken. In company in which he found a deep and common interest, Mr. Coolidge could be almost loquacious. A great many people have borne testimony to this fact. The point is that he had no liking for conversation as such. He had no small talk. But where the situation was one in which his deepest interests were involved he might almost have been called loquacious Cal instead of silent Cal.

This characteristic of not wasting words is one which all native Vermonters understand and appreciate. That is true even of those who do not practice his taciturnity. We admire it, even though with some of us it is "more honored in the breach than in the observance."

Perhaps Mr. Coolidge carried this trait a little bit too far for a man in public life, but he was what he was, and he would never try to be anything else. This characteristic put a heavy burden on his lovely wife who, with charm and warm friendliness, filled in the yawning gaps in her husband's social occasions.

Besides his taciturnity, the President was widely known for the dryness and the penetrating quality of his wit. I suppose that the best illustration of this is the well-known story, which may or may not be true, of the lady who sat beside him at the dinner table. As the meal progressed she got not a word of conversation out of him. Finally, she said, "Mr. Coolidge, I have made a bet that you will speak three words to me while we are at the table. Please say something." The President did say something. He said, "You lose."

One of the writers, who has adopted Vermont as his chosen habitation, Frederick Van de Water, well described the nature of Vermont humor. While I cannot quote him verbatim, he said something like this, "Western humor is a big-gage blunderbuss which is aimed in the general direction of the target with the hope that some of the shot sprayed toward it will hit. Vermont humor is a small-bore squirrel rifle, aimed with deadly accuracy at a vital spot." This kind of humor Mr. Coolidge had.

Our President neither asked for, nor received from us Vermonters, expressions of respect due to his office. In his case it was not the office which made the man; the man occupied the office; and the man was the reality, not the position in which he found himself. This is traditional in our State. I well remember the embarrassment of a western preacher who came to occupy the pulpit in a Vermont town when he discovered that there was no particular respect paid to his position as a minister. He had to make his way as a man, not a clergyman, and he was not accustomed to this handicap, even though his qualities as a man were admirable in themselves.

When Vermonters called Mr. Coolidge "Cal," this was not done in the breezy, western back-slapping way of juggling nicknames. We called him "Cal" because that was what he was—"Cal."

An excellent example of this characteristic of the people of our State occurred during the period of his father's first serious illness. The President that year was spending the summer at Swampscott, in Massachusetts. On news of his father's illness he caught the train for Ludlow and was driven by taxi to Plymouth. When the crisis had passed and it was time for him to return to the summer White House, the manner of his progress was quite different. There was quite a cavalcade of automobiles. There were Secret Service men, members of his staff, more Secret Service men, and then a long string of cars carrying the representatives of the press. A reporter for the Boston Herald gave this story of events as the cavalcade crossed the Connecticut on Cheshire Bridge between Springfield and Charlestown. As the press car came to the tollhouse, the rosy-cheeked Vermont matron holding her hand out for the toll was asked by the reporter "Do you know who that is in the second car ahead?" The tollkeeper replied, "No." The reporter said, "That is the President of the United States." She said, "Is it? Fifteen cents please." I don't know whether or not Mr. Coolidge ever read this story, but if he did I am sure that he appreciated it.

When the President spoke, his words were simple, direct, and at times full of feeling. On one occasion a well-known historian called on him at the White House and started in on a long discourse debunking the accepted history of George Washington, the Father of this Country. After the man had gone on for a time, the President raised his hand to stop the flow of speech, turned around in his chair and gazed out of the window for a few minutes in silence. Then he turned around to his visitor and said, "His monument still stands."

This simple dwelling, the plain granite memorials of himself, his wife, and his son, and the whole homely scene of the taking of the inaugural oath—they, too, still stand.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an excerpt from a speech made by President Coolidge, paying tribute to his native State.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

QUOTATION TAKEN FROM A SPEECH PRESIDENT COOLIDGE DELIVERED FROM THE TRAIN PLATFORM IN BENNINGTON, VT., ON SEPTEMBER 21, 1928

Vermont is a State I love. I could not look upon the peaks of Ascutney, Killington, Mansfield and Equinox without being moved in a way that no other scene could move me. It was here that I first saw the light of day; here I received my bride; here my dad lies pillowed on the loving breast of our everlasting hills. I love Vermont because of her hills and valleys, her scenery and invigorating climate, but most of all because of her indomitable people. They are a race of pioneers who have almost beggared themselves to serve others. If the spirit of liberty should vanish in other parts of our Union and support of our institutions should languish, it could all be replenished from the generous store held by the people of this brave little State of Vermont.

## NEED FOR UPWARD REVISION IN POSTAL PAY SCALES

Mr. NEUBERGER. Mr. President, I ask unanimous consent to include in the body of the CONGRESSIONAL RECORD an impressive editorial from the Oregonian of Portland, Oreg., of August 6, 1957, entitled "Postal Wages Too Low."

This editorial emphasizes vividly the injustice suffered by thousands of employees of the United States Post Office Department and their families and dependents. I particularly emphasize some of the sentiments in the concluding paragraph of the editorial, which I should like to read in full to the Senate:

The view that post-office wages should not be increased, unless there is a comparable boost in mail rates and charges, is untenable. Congress sanctions a $600,500,000 annual deficit in the Post Office because it is politically afraid to increase rates. But employees cannot, in justice, be made the scapegoat for political timidity, or for any more tenable reason for subsidization of the Federal mails. The House postal-pay bill should be adopted in the Senate, and it should not be vetoed by President Eisenhower.

I repeat, Mr. President, what I have said before—if the United States Government is unable to control the forces of inflation, then it has no valid or fair right to keep its own employees in a straitjacket which retards their standard of living and imperils their ability to support properly their own families.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

POSTAL WAGES TOO LOW

Postal clerks, carriers and other employees got about a 10-percent wage increase in 1951. They got an 8-percent increase in 1955. Since postal wages have slipped behind those in many other Federal agencies, and far behind wages in industry, the post office is having a rough time keeping younger employees. The turnover is too great for efficiency. Some older workers are leaving for greener pastures. The post office is not so attractive as a career service as it once was.

The House of Representatives has adopted H. R. 2474 providing a $546 annual across-the-board cost-of-living increase for postal employees. This amounts to about 12 percent, but is by no means too generous. There

is talk that the Senate committee, which has been considering a separate bill, may go along with the House to expedite the legislation.

The possibility of a Presidential veto has been raised. Although post office employees consider themselves on the tail rather than the head of inflation, and we think they are right, Postmaster General Summerfield has said the increase would be inflationary. But why single out postal employees to hold the line, when wage adjustments are being made in other departments and the price of steel has boomed $6 a ton?

The view that post office wages should not be increased unless there is a comparable boost in mail rates and charges is untenable. Congress sanctions a $600,500,000 annual deficit in the post office because it is politically afraid to increase rates. But employees cannot in justice be made the scapegoat for political timidity, or for any more tenable reason for subsidization of the Federal mails. The House postal pay bill should be adopted in the Senate, and it should not be vetoed by President Eisenhower.

## A STRONG AND HEALTHY AIRLINE INDUSTRY—PROTECTING AMERICAN CARRIERS

Mr. WILEY. Mr. President, I have noted with concern that American domestic airline carriers have just been denied a modest rate increase by the Civil Aeronautics Board, just as our overseas air carriers were previously denied a rate increase by the Board, as well.

Not being a member of the Board, I am not in a position to attempt to appraise all the details as to what should be equitable return on the airlines' investment, either at home or overseas.

### HOW TO BUY COSTLY JETS

I do know that America's air carriers face an enormous financing problem in modernizing their existing air fleet. The purchase of costly new jet planes, not to mention the cost of jet fuel and everything that goes with servicing jet planes, represents a huge financial burden on the airline industry.

We cannot have efficient airlines; we cannot have a healthy, growing, airline industry for our people; we cannot protect the flag position of American carriers overseas, unless they do earn a suitable return on their investment.

Investors will shy away from an industry whose rates are frozen in such a way as virtually to eliminate reasonable profit.

Similarly, I cite the related problem of American carriers with regard to the choice routes, which have just been given to foreign airlines.

### AMERICAN-FLAG INTERESTS COME FIRST

I know that my colleagues will understand that I am hardly unmindful of the problems of foreign business and foreign governments. As a matter of fact, I have this very morning been working on the conference commitee on the mutual security authorization bill.

My record will speak for itself in terms of my interest in a fair break for foreign lands. At the same time, I feel that my basic responsibility is to our own American carriers—I repeat, our own United States air carriers.

With that in mind, I earnestly hope that before the Senate ends its first session, it will have taken constructive action on S. 2540, which has been introduced jointly by most of the members of the Senate Interstate Commerce Committee.

I am not a member of that committee, and I do not presume myself to be an expert in domestic or international aviation affairs. But I say, as the Commerce Committee's ranking members say, that the bill has many meritorious features.

I should like to bring to the attention of my colleagues an editorial along these lines which was published in the August 2 issue of the Washington Post. I ask unanimous consent that it be printed in the body of the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### CONFLICT IN THE AIR

All but three members of the Senate Interstate and Foreign Commerce Committee have joined in sponsoring a bill to amend the international provisions of the Civil Areonautics Act. The bill stems, in part at least, from the dissatisfaction of some American air carriers over recent governmental awards to foreign airlines in international route cases. Their basic complaint is that the State Department has been insensitive to their interests in making concessions for reasons of foreign policy.

What the Senate bill would do, essentially, is write into the Civil Aeronautics Act the principle that the granting of routes to foreign airlines within the United States shall be directly related to traffic requirements between the countries; and, in the case of routes between the United States and third countries, to the traffic demands between the parent country of the foreign airline concerned and the third country. The bill further would provide for an annual review by the Civil Aeronautics Board of the operations of foreign airlines within the United States in accordance with this principle. Finally, it would require consultation with American carriers when international route negotiations affect their interests, and would require the naming of a representative of the air carriers as a member of the American delegation in any formal negotiation.

These changes on their face seem reasonable, in that they would confirm what have long been accepted objectives of American air policy. Considerable latitude would remain for interpretation of what constitutes traffic requirements. The changes would not, of course, imply that the wishes of American air carriers (when the carriers themselves can agree) should always prevail in international negotiations. Obviously the national interest encompasses more than this.

At the same time, the bill fails to get at the heart of the problem; and perhaps any solution is impossible because of the various conflicting factors. One is that American air carriers are privately owned and operated (although sometimes with governmental subsidies) in competition with foreign carriers which in most cases are plainly governmental instruments.

Another factor, and perhaps more important, is that the State Department and the Civil Aeronautics Board often approach individual cases from opposite standpoints, with no very good means of bridging their positions. The State Department, understandably enough, is concerned primarily with maintaining good relations with foreign nations. The CAB, however, is charged with regulating commercial aviation in the United States on the basis of public convenience and necessity. An award to a foreign airline which may be good from the standpoint of foreign policy may fly in the face of economic considerations in the maintenance of a sound air pattern.

In theory the State Department, after receiving a request from a foreign government for new air routes, refers it to the CAB for advice. Consultations with the CAB then supposedly become part on the basis for negotiations. The CAB can, and on occasion has, exercised a right of going to the President when it has disagreed with the State Department position. Obviously, however, either a disregard of airline patterns on the part of the State Department or an overly parochial attitude on the part of the CAB can make it extremely difficult to strike a balance. In some ways the situation is similar to that faced in tariff adjustments, but with this important difference: commercial aviation is a regulated industry, and the promotion of one set of governmental objectives can very well upset another set of governmental objectives.

American carriers by and large have done extremely well in the postwar market; and, to their credit, they are among the most internationally minded and least protectionist of all American industry. There may be instances in which an award to a foreign carrier is desirable simply in order to keep an alliance in good repair—though it is questionable whether this should be accomplished at the cost of jeopardy to the carriers, if things should come to that. In any event, however, perhaps it would be wise to recognize frankly that economic arguments are being overridden and to face the possibility that subsidies to American carriers may become more necessary.

Some of the philosophical difficulties might be minimized by a more sympathetic attitude in both the CAB and the State Department toward each other's views. The situation might be helped, too, by the designation of an aviation assistant in the White House (although he might be subject to great pressures) who could hear the issues on all sides and help advise the President. Although no cures are apparent, some candid discussion of the problem in the Government and Congress could assist in reducing its dimensions.

## THE DOMESTIC WATCH INDUSTRY

Mr. CURTIS. Mr. President, I wish to speak in reference to the situation confronting our domestic watch industry. I have long been interested in the problems of this industry, and the welfare of the industry and its employees, not only because the Elgin Watch Co. has an important factory at Lincoln, Nebr., but because of the vital part our domestic watch industry plays in our economy and in the security of our country. It is an important cog in our defense program.

Last week the Tariff Commission sent to the President a report on developments in trade in watch movements since 1954 when the President modified concessions on watch duties in the 1936 Swiss Trade Agreement. The Commission is required to give the President periodic advice as to whether trade conditions have so changed that the concessions should be restored without causing serious injury to the domestic industry.

The Commission found that there has been no change to warrant considering restoration of concessions to the Swiss. This negative recommendation was the limit of the Commission's function.

The Commission's report shows, among other things, that the United States manufacturers of jeweled-lever movements had only 9.3 percent of the total

American watch market for jeweled and nonjeweled watches in 1956, as compared with 10.6 percent in 1955, and that the manufacturers of domestic pin-lever movements had only 33.8 percent in 1956, as compared with 36.6 percent in 1955. Imports of all watches, both pin lever and jeweled, were 13.5 million, as compared with 10.9 million in 1955.

In 1956, domestic producers of jeweled watches increased about 140,000 units over 1955, while imports increased about 730,000 units. But the significant thing is what has happened in 1957. The Commission's report shows that the trend in domestic production is down. Production in the first quarter of 1957 was down by 48,000 units over production in the first quarter of 1956. And although the report does not cover a period beyond the end of the first quarter, I am advised that domestic production for the full year 1957 will be in the neighborhood of 1,622,000 jeweled watches, which is a decline of 21 percent over 1956. The Commission reports that sales of domestically made jeweled watches declined 16 percent in the first quarter of 1957 over a comparable period in 1956.

Again, the Commission reports that employment has declined steadily from the peak of 10,349 in 1948, to 3,955 in 1956, and 3,798 in the first quarter of 1957. Actually there have been further cutbacks in employment since the end of the first quarter of 1957 and I am advised that average employment by the jeweled watch manufacturers on watch production for 1957 is now estimated to be only about 3,300.

These figures indicate to me that the Government must take early action if it is to preserve a domestic watch industry. The volume of domestic manufacturers has reached such a low point that it cannot long be continued at present levels. The Office of Defense Mobilization has been considering the need for further action since December of 1955.

## SECOND-CLASS MAIL PRIVILEGES

Mr. ALLOTT. Mr. Presildent, I desire to call to the attention of the chairman of the Committee on Post Office and Civil Service and to the attention of the other members of that committee a situation which has developed in respect to House bill 7910.

I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, a number of telegrams which have been forwarded to me by people in Colorado. The telegrams explain the occasion for my remarks at this time.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

FORT COLLINS, COLO. *August 6, 1957.*

Senator GORDON ALLOTT,
*Senate Office Building,*
*Washington, D. C.:*

Regarding H. R. 7910 as amended by S. 2615: suggest you consider carefully advisability of maintaining historic distinction between paid publications and "controlled circulation" sheets, or junk mail. Surely people value more highly what they pay in advance to have brought to them than what is forced on them unasked and even unaddressed.

CLYDE E. MOFFITT,
*Publisher, Fort Collins Coloradoan, and Chairman, Legislative Committee, Colorado Press Association.*

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LONGMONT, COLO., *August 6, 1957.*

Senator GORDON ALLOTT,
*Senate Office Building,*
*Washington, D. C.:*

Strongly protest H. R. 7910 provision permitting throwaways and magazines in second-class mail category. Throwaways provide no service to the community or country. This merely would unleash mass of advertising upon taxpayers. Please do everything possible to defeat this sneak amendment.

ED LEHMAN,
*Publisher, the Longmont Times-Call.*

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FORT MORGAN, COLO., *August 6, 1957.*

Senator GORDON ALLOTT,
*Senate Office Building,*
*Washington, D. C.:*

The Times is strongly opposed to H. R. 7910 as amended by S. 2615 now before Senate which extends second-class mail privileges to free-circulation papers and magazines. Free sheet is not controlled circulation and is not entitled to second-class mail privileges including second-class rates. Your firm opposition is urgently requested.

ROBERT W. SPENCER,
*Times Editor and Member of Board, Colorado Press Association.*

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LIMON, COLO., *August 6, 1957.*

Hon. GORDON ALLOTT,
*United States Senator, Colorado, Senate Office Building, Washington, D. C.:*

Urgently request defeat of H. R. 7910. Entire Colorado Press Association opposes.

DALE COOLEY,
*Member, Board of Directors, CPA.*

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GLENWOOD SPRINGS, COLO.,
*August 7, 1957.*

Senator GORDON ALLOTT,
*Senate Office Building,*
*Washington, D. C.:*

Urge your opposition to H. R. 7910 and JENNER's amendment which is bound to further foul up burdened Post Office Department. Junk mail needs discouragement, not encouragement. Public needs relief from need of bigger wastebaskets. If you tackle post-office deficit, let's begin by getting 10-cent airmail and proper fees for bulky sample boxes, etc., going under third class and perhaps quit printing return addresses on stamped envelopes at a loss. Believe the less tampering with first- and second-class mail the better.

JOHN J. and JAMES B. SAMUELSON,
*Copublishers, Glenwood Post.*

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DENVER, COLO., *August 5, 1957.*

Senator GORDON ALLOTT,
*Senate Office Building,*
*Washington, D. C.:*

Am sure Colorado press membership unanimously opposed provision of H. R. 7910, as amended by S. 2615, now before Senate, extending second-class-mail privileges to free (so-called control) circulation papers and magazines. Second class traditionally has carried strict requirements for paid-circulation difference is news media invited and paid for by subscribers, as opposed to printed matter forced on people. Would appreciate word of your vigorous opposition to including controlled-circulation publications in second class.

WM. M. LONG,
*Colorado Press Association.*

Mr. ALLOTT. Mr. President, on July 30, the Senate Committee on Post Office and Civil Service ordered reported House bill 7910, which relates to undeliverable mail. The committee ordered the bill reported in an amended form, so as to include—without hearings—the provisions of Senate bill 2615, which was introduced only on July 23.

Senate bill 2615 is a 1-section bill, subdivided into 2 clauses. Clause (a) deals with imitation of typewriting, as headlined in the title of the bill; clause (b) deals with a subject completely foreign and totally unconnected with typewriting. The wording of clause (b) failed utterly to reveal its import; without possessing collateral knowledge, no one could tell that the Congress was injecting itself directly into a deep-seated controversy of long standing within the publishing industry, into which controversy Congress had injected itself before.

This controversy concerns the repeated attempts of the controlled-circulation publications, to be admitted to second-class classification for the use of the mails.

I do not pretend to know any of the merits of the controversy; but I know there is a very deep seated controversy regarding whether such publications should be classified as second-class matter and whether they should receive the benefits of second-class classification.

I am informed, by means of an informal opinion, that the present amendment will not change the rates, but will open the door and will permit these publications to get their foot in the door, and thus will make a start in the direction of permitting them to be classified as second-class publications.

Mr. President, for some of us, in the case of some States, the amendment may have another effect, namely, it may possibly permit some of these publications to qualify as legal publications under the laws of our respective States.

For example, last year the Gallaudet College bill passed the Senate on July 26 without objection; but in the House of Representatives the newly added section 3 was discovered and was objected to. Section 3 is the one which included the controlled publications as second-class matter.

Mr. President, it would be very presumptuous of me to attempt to take the place of, or pass upon the work of, or do the work of this very fine committee. However, I should like to call attention to the fact that I hold in my hand a subcommittee report on Senate bill 2615; and I desire to read from it, as it was presented and explained to the full committee.

I read from the next to the last paragraph on the first page:

Section 1 (b) would change the classification of controlled circulation publications from third class to second class. The rates now charged for such publications would remain the same.

Yet in the report that the committee wrote, Mr. President, which is Report No. 789, at the bottom of page 3, the committee said this:

Section 8 (b) of the amendment would make possible the entry into the mails as

second-class matter certain publications described in section 291 (b), title 39, United States Code. The present rates imposed on these publications would not be affected. This amendment would correct an unjustified inequity and simplify the administration of the law.

The point I want to make is that while the staff apparently made this perfectly clear to the committee, the report which they have sent to the United States Senate does not make it clear. As a matter of fact, anyone reading it might suspect that they are in fact trying to hide what the real purpose of the amendment is.

It seems to me if we are going to consider legislation as controversial as this, it should be referred to committee, we should have reports of appropriate departments on it, and then try to act on it with intelligence. We certainly cannot do it when the staffs submit reports that are almost obviously trying to hide what the intended purpose is.

## AIRPORT AT BURKE, VA.

Mr. HOLLAND. Mr. President, in the Washington Evening Star of today there is an article entitled "Burke Money Vote Fails To Settle Issue." The Senator from Florida is quoted in that article, in part, quite inaccurately. In order that the inaccuracies which I shall detail will be understood, I ask that the part of the article which refers to me be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATORS READY TO PUSH FIGHT ON AIRPORT SITE

Perhaps more importantly, the chairman of the special airport subcommittee of the Senate Appropriations Committee, Senator HOLLAND, Democrat of Florida, said he had not changed his mind, meaning he wanted first to see a trial of use of Friendship International Airport.

CITES OTHER POSSIBILITIES

Senator HOLLAND was taken a little by surprise by the House action. But he maintained there are some alternatives not yet tried. He mentioned Friendship and the Anacostia and Bolling bases and an alternative site at Chantilly, Va.

"There are too many things pending" to force any immediate decision, he said.

Senator HOLLAND protested that no effort had been made to comply with suggestions of alternative solutions to the Washington airport congestion problem.

He said he thought any plan for creating a new local authority over this area was both unwise and untimely. He added it would be in callous disregard of some of those things concerning the people of this area.

Mr. HOLLAND. Mr. President, the last paragraph of the article which relates to me reads as follows:

He said he thought any plan for creating a new local authority over this area was both unwise and untimely.

As is well known to everyone who has followed this matter, that is a complete misquotation of my position. I favor the formation of a State or local authority of Virginia for the handling of this project if in the judgment of the Virginia people themselves that is wise. My statement in this regard was that I thought it was unwise and untimely to proceed at this time until the people of Virginia had decided for themselves whether they wanted to handle the matter in that way, which I hope they will, like any other American community has to do.

The next sentence in the article, which I should like to read is, likewise misleading, though not so entirely incorrect. It reads as follows:

He added it would be "in callous disregard" of some of those things concerning the people of this area.

I do not know what that means. What I said was that, in my opinion, it would be in callous disregard of the rights of many people of the Burke area to proceed with the immediate appropriation of funds for the construction of Burke, in the light of the strenuous opposition of the people involved in that area, and the strenuous opposition of the two Senators from Virginia, the Representative in Congress from that area of Virginia, the supervisors of that county in Virginia, and the school board memers of that county.

## VOTES BY SENATOR MORSE ON THE CIVIL RIGHTS BILL AND THE KLAMATH INDIAN BILL

Mr. MORSE. Mr. President, in the course of the civil-rights debate, a reference was made to my vote in support of the conference report on Senate bill 469, the Klamath Indian Tribe bill. It was pointed out that I voted for the conference bill even though I would have favored some improvements in the bill. I did not think Senate bill 469 was as good a bill as I would have liked to have had passed. But it was a satisfactory bill and a workable bill, and therefore I voted for the conference report. I stress the point that I voted for the conference report because I considered the bill as an acceptable bill. I thought the bill was satisfactory.

However, Mr. President, my vote for the Klamath Indian bill is no argument in support of voting for the unsatisfactory civil-rights bill. To so argue is to argue on the basis of the fallacy of false analogy. I considered the civil-rights bill to be completely unsatisfactory. Any implication that my vote in favor of the Klamath Indian Tribe bill carried with it any logical obligation that I vote in favor of the civil-rights bill is a clear non sequitur. Mr. President, the civil-rights bill involved, in my judgment, a great constitutional issue. No constitutional issue was involved in the Indian bill. The civil-rights bill involved a threat to the independence of the Federal judiciary. With part III of the original House civil rights out of the bill and the jury amendment put in, the civil-rights bill became completely unacceptable to me as a liberal who believes that a bad civil-rights bill is worse than no civil-rights bill at all. The House civil-rights bill, as I said in my speech last night was a minimal bill. I could not vote for a bill that did not meet at least the minimal provisions of the House bill. Any attempt to imply that a vote for the Klamath Indian bill even though it was not all that I would like would dictate a vote for the civil-rights bill is based upon a comparison of two entirely different situations. In one case the Indian bill met minimal standards of acceptability whereas the civil-rights bill in my judgment fell far short of meeting such standards. Throughout the civil-rights debate I stated on several occasions my legal objections to the civil-rights bill as emasculated in the Senate. I do not insist that a bill be what I consider to be a perfect bill before I vote for it. But I do insist that it meet those minimum standards of acceptability in that I can say in good conscience that I think it will at least promote the policy objectives of the subject matter of the bill. The civil-rights bill did not do that. Hence my vote against it. The Klamath Indian Tribe conference report met those standards hence my vote for it.

## THE CIVIL-RIGHTS BILL

Mr. MORSE. Mr. President, this morning I received a telegram from Phil Reynolds, president of the NAACP, Portland branch Portland, Oreg. I received the telegram following my vote of last night on the civil-rights bill.

I believe it is well known that I appreciate any advice which I may receive at any time regarding the point of view of my constituents, in connection with the performance of my duties in the Senate. I give such advice full weight and judgment, and then I proceed to vote on the basis of my best judgment, based on the merits, tested by what I think will be the public's best interest.

But I am always pleased when a constituent agrees with a point of view of mine. So I now read the telegram from Mr. Reynolds:

PORTLAND, OREG., *August 8, 1957.*

Hon. WAYNE MORSE,
*Senate Office Building,*
*Washington, D. C.:*

Replying to your letter of August 6, 1957: We reaffirm the contents of our resolution of our mass meeting of July 28. We feel that the civil-rights bill as passed by the House of Representatives constitutes the minimum guaranties of human rights. We recommend you vote against the amended bill in its present form now before the Senate.

PHIL REYNOLDS,
*President, NAACP, Portland Branch, 2055.*

## OPPOSITION TO SENATOR MORSE BY THE PORTLAND OREGONIAN AND PORTLAND JOURNAL

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD, at an appropriate place, a letter which was written by a friendly constituent—and I have many—to the Portland Oregonian, in answer to some of the yellow journalism which characterizes that disreputable sheet.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PORTLAND, OREG., *August 2, 1957.*

EDITOR, OREGONIAN.

DEAR SIR: Your editorial about the letter Senator MORSE wrote to Clyde Crosby in

answer to one from Crosby to MORSE. You commented that MORSE had written, I believe it was a 1,600-word letter when it could have been answered in 10 words. Excuse me, Mr. Editor, for talking in your face but we all think your editorial could have been condensed to 10 words or less, much less. Today you have a long-winded editorial again about MORSE and his conduct in the Senate. Please excuse me again for talking in your face, Mr. Editor, but it is a sure thing if all Senators were as honest and forthright and working for the people who elected them the same as Senator MORSE we would have a better country.

Every knock from the Oregonian and the Journal is a boost for Senator MORSE. We have finally come to realize that anything the Journal or the Oregonian is for is bad for us and anything they are against is automatically good for us. I mean by us, the people who make it possible for the Oregonian and the Journal to exist.

Yours truly,

L. R. HENDRYX.

P. S.—The only thing wrong with Senator MORSE is that he will not accept orders from the Oregonian and the Journal and he can expect to be lied about day after day with all the venom at the command of the Journal and Oregonian and they have a lot of it.

L. R. H.

## MONOPOLY IN THE RUBBER TIRE INDUSTRY

Mr. MURRAY. Mr. President, during the last presidential campaign we heard with considerable apprehension repeated statements concerning the plight of small business in this country. In recent months, articles by financial writers have appeared frequently in the daily press, indicating that the small-business situation is becoming a serious problem in our overall economy.

Many small-business men have been contending that their predicament is due to the failure in vigorous enforcement of the antitrust laws, and to the lack of substantial tax relief which would permit small-business concerns to build up the financial reserves necessary for efficient operation in normal times and for survival in subnormal times. These factors, plus their inability to secure long-term financial needs and their anxiety with regard to the increasing concentration in industry through mergers, are having a serious effect on small business. Certainly, if the trend toward concentration continues, it will result in small business becoming "captive groups," subject to the whims, fancies, and dictates of these giants in industry.

Mr. President, in the early days of the Senate Small Business Committee, which I sponsored, the members of that committee were aware of this developing situation and we instituted action that would tend to arrest the growing trend toward monopoly which was seriously affecting the life of efficient independent business throughout our Nation.

Shortly thereafter, beginning late in 1941 and continuing up until the early summer of 1942, the Committee on Small Business explored through public hearings the increasing monopoly in the rubber tire industry. As a result of the evidence secured by the committee through public hearings, a most serious situation was disclosed regarding the control exercised by the big concerns in that industry to monopolize the distribution field, either through the operations of their own retail stores or due to the monopolistic ties existing between the giant tire manufacturers and the leading petroleum companies.

Soon after the completion of these hearings, the committee reported a bill, commonly known as the rubber tires bill, which provided positive and definite relief to protect the independent tire trade in the sales and servicing field. This legislation provided for a genuine free-enterprise system in that industry, which would serve the best interests of at least 300,000 independent members of the automotive servicing field.

Shortly thereafter the Senate Banking and Currency Committee held hearings on the rubber-tire bill and unanimously reported the bill to the Senate for action. Unfortunately, the bill reached the Senate too late for final action in that session of the Congress.

Since that time, Mr. President, I have repeatedly introduced this bill in each succeeding Congress, and during the life of the bill in the Congress it is to be noted that, for the second time, the Banking and Currency Committee held public hearings on the bill. Public hearings on this legislation have been held more recently by a subcommittee of the Senate Judiciary Committee, and that subcommittee favorably reported the legislation to the full committee.

In the early days of the present session of the Congress, I again introduced the rubber tires bill, S. 326, which was referred to the Senate Committee on Interstate and Foreign Commerce. I have now been advised by Mr. George J. Burger, vice president of the National Federation of Independent Business, that in an exchange of communications between the chairman of the Senate Committee on Interstate and Foreign Commerce, the Honorable WARREN G. MAGNUSON, and the Department of Justice, Senator MAGNUSON was advised that the Department of Justice was opposed to the principle of the rubber tires bill. It is significant to note that, although the Department of Justice advised Senator MAGNUSON that they were aware of the problem facing the independent tire trade, the Department has been taking no action to bring about the necessary relief for these independent small-business people.

Mr. President, reports I am receiving from independent business in my own State of Montana indicate clearly that the monopoly trend in the tire industry is increasing—all tending to destroy the life of efficient independent business in that field. I am further advised by Mr. Burger that his organization is receiving similar complaints relating not alone to the large producers in the rubber tire industry but also to large producers in the glass, paint, and shoe industries, who are attempting to capture and control the retail trade. There is a serious threat that this monopolistic trend, if not halted, may result in completely controlled distribution, for which the American public will pay dearly.

Mr. President, I am more convinced now than ever before of the need for enactment of such legislation as the rubber tires bill. It is my sincere hope and trust that the present Small Business Committee of the Senate is taking action similar to that of the first Small Business Committee 16 years ago, to obtain all pertinent data relating to the problem and transmit this data to the Senate Committee on Interstate and Foreign Commerce, which now has jurisdiction of my bill, S. 326.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PUBLIC WORKS APPROPRIATION BILL, 1958

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed, and the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H. R. 8090) making appropriations for civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, for the fiscal year ending June 30, 1958, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc; that the bill, as thus amended, be regarded for purposes of amendment as the original text; and that no point of order shall be considered to have been waived by agreement to this request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

Mr. IVES. Mr. President, I should like to inquire of my good friend from Louisiana whether it would be possible, if the Senator's unanimous-consent request should be granted, to discuss the item of $470,040,500 on page 4 of the bill.

Mr. ELLENDER. Yes, indeed.

Mr. IVES. I thank the Senator.

Mr. ELLENDER. The item could be amended, if the Senator so desired.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and the amendments are agreed to en bloc.

The committee amendments, agreed to en bloc, are as follows:

On page 3, line 19, after the word "expended", to strike out "$8,900,000" and insert "$10,779,600."

On page 4, line 6, after the word "expended", to strike out "$422,186,900" and insert "$470,040,500."

On page 4, line 21, after the word "litigation", to insert a colon and *"Provided further,* That no part of of this appropriation

shall be used for projects which are authorized by a law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated."

On page 4, line 25, after the amendment last above referred to, to insert a colon and "*Provided further*, That not to exceed $3,500,000 of the funds herein or hereafter provided for the Plaquemine-Morgan City alternate route, shall be available for the construction of a four-lane, high-level, fixed bridge on Louisiana State Highway No. 1 (formerly Route 168) over the extension of the Plaquemine-Morgan City route of the Gulf Intracoastal Waterway in West Baton Rouge Parish, La."

On page 5, line 7, after the amendment last referred to, to insert a colon and "*Provided further*, That the Secretary of the Army shall advance to the North Dakota State Water Conservation Commission out of funds herein or hereafter appropriated for the Garrison project, North Dakota, 50 percent of the cost, but not to exceed $40,000, for the construction of works to improve the productivity and fertility of Government-owned lands within the Garrison Reservoir, N. Dak., formerly part of the Lewis and Clark Irrigation District, subject, however, to a mutual agreement being reached by the Chief of Engineers, the North Dakota State Water Conservation Commission, and the lessees using the land for the full repayment of the funds advanced by the Federal Government within a period of 10 years."

On page 5, line 20, after the amendment last above referred to, to insert a colon and "*Provided further*, That the contribution by local interests toward construction of the Ferrell's Bridge Reservoir, Tex., as required by Public Law 160, 84th Congress, may be made in 2 equal installments of 50 percent each, payable on January 1, 1958, and September 1, 1958, and that title to the proportionate share of the water supply storage authorized in said reservoir shall pass to such local interests upon completion of each of the separate payments."

On page 6, line 4, after the word "appropriated", to insert "for "Construction, General",", and in line 8, after the word "exceed", to strike out "$3,000,000" and insert "$4,000,000."

On page 7, line 5, after the word "expended", to strike out "$98,870,000" and insert "$103,850,000."

On page 7, line 20, after the word "expended", to strike out "$58,950,000" and insert "$62,480,000."

On page 8, line 23, after the word "exceed", to strike out "150" and insert "247."

On page 9, at the beginning of line 18, to strike out "$4,500,000" and insert "$5,932,000", and in the same line, after the word "which", to strike out "$3,800,000" and insert "$5,182,000."

On page 10, at the beginning of line 6, to strike out "$113,046,223" and insert "$120,386,223."

On page 10, line 18, after the word "consumers", to insert a colon and "*Provided further*, That any portion of this or prior appropriations available for the construction of extensions to the distribution system of the Southern San Joaquin Municipal Utility District may be expended without regard to the land certification requirement under this heading in the Interior Department Appropriation Act, 1953 (66 Stat. 445), after the execution and approval of a contract which obligates the entire district to repay the cost of such facilities."

On page 11, line 20, after the word "customer", to strike out the colon and "*Provided further*, That any contract under the act of July 4, 1955 (69 Stat. 244), as amended, not yet approved by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the act of August 4, 1939 (53 Stat. 1187, 1197)."

On page 12, line 9, after the word "which", to strike out "$22,860,000" and insert "$22,740,000."

On page 13, line 1, after the word "Reclamation", to strike out "$4,000,000" and insert "$4,164,000."

On page 15, line 16, after the word "be", to strike out "extended" and insert "expended."

On page 17, line 5, after the word "expended", to strike out "$19,879,000" and insert "$22,038,000."

On page 17, line 14, after the word "including", to strike out "purchase of not to exceed 18 passenger motor vehicles for replacement only and."

On page 19, at the beginning of line 6, to strike out "*Provided*, That in addition to the amount authorized to be made available from the continuing fund, fiscal year 1954 (67 Stat. 262) and fiscal year 1956 (69 Stat. 356), there shall be made available from the continuing fund amounts sufficient to liquidate claims payable under lease-purchase contracts with generating and transmission cooperatives" and, in lieu thereof, insert "*Provided*, That the unexpended balance made available from the continuing fund for the fiscal years 1954 (67 Stat. 262) and 1956 (69 Stat. 356) shall be available to liquidate claims payable for the fiscal year 1954 under lease-purchase contracts with generating and transmission cooperatives as certified by the Comptroller General of the United States: *Provided further*, That any deficiency in those funds for payment of such claims may be paid out of the continuing fund." and

On page 21, line 4, after "SEC. 205.", to strike out "After July 1, 1957, the salaries of the Administrator of the Southeastern Power Administration and the Administrator of the Southwestern Power Administration shall be the same as the salary of the Administrator of the Bonneville Power Administration" and, in lieu thereof, insert "After July 31, 1957, the salaries of the Administrator of the Southeastern Power Administration and the Administrator of the Southwestern Power Administration shall be in grade GS–17 of the Classification Act of 1949, as amended, but without regard to the numerical limitations contained in section 505 of said act; and the salary of the Administrative Assistant Secretary shall be the same as the salary of the Solicitor of the Department of the Interior."

Mr. ELLENDER. Mr. President, the Subcommittee on Public Works of the Committee on Appropriations divided itself into two subcommittees for the consideration of the pending bill. The portion of the public works appropriation bill dealing with reclamation and the power marketing agencies of the Department of the Interior was handled by my good and able friend, the distinguished senior Senator from Arizona [Mr. HAYDEN], who is also the chairman of the Committee on Appropriations. I handled the portion of the bill dealing with the civil functions of the Department of the Army.

The hearings on the bill started on March 28, and continued through June 21. The subcommittee held 40 sessions and heard a total of 1,132 witnesses, including representatives of various organizations; 889 of the witnesses appeared before the subcommittee dealing with the civil functions; the remaining witnesses were heard by the other subcommittee, headed by the Senator from Arizona. Each Senator has on his desk 3 volumes, which contain 3,398 pages of testimony taken during the hearings. I notice that the pages on the Republican side did a better job than the pages on the Democratic side, in that Democratic Senators have received only 2 volumes of the hearings, whereas Republican Senators have received the 3 volumes which are pertinent.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. ROBERTSON. As the Senator knows, I was privileged to serve on the subcommittee which handled the civil functions appropriations. The junior Senator from Virginia very frankly admits that he did not hear all of the 1,132 witnesses who testified to the extent of nearly 4,000 pages of printed testimony. I should like to join our distinguished majority leader, who said that, because the chairman of the subcommittee was willing to burn some midnight oil, we have a bill before us with a minimum of objections to it, and were given the opportunity, unparalleled by any other committee of Congress, of hearing more than 1,000 witnesses on one bill.

There is one item in the bill in which the senior Senator from Virginia [Mr. BYRD] and the junior Senator from Virginia are very much interested. The Senator from Louisiana will recall that in 1945 the Army engineers had a grandiose scheme to build power dams on the Potomac River and its tributaries. The scheme was very objectionable to owners of bottom land, and it was thought that in an area of cheap and plentiful coal, steam plants were the answer.

There is in the bill an item of $200,000 for a survey on the conservation of Potomac River water. That is extremely important. I recently read that if all the land above Great Falls which could be irrigated were irrigated with Potomac River water, it would take a billion gallons a day to do it. It is my understanding that no part of the $200,000 contained in the bill for the survey of the Potomac River water is to be used during fiscal 1958 for a survey or for planning of a high hydroelectric dam. Is that correct?

Mr. ELLENDER. It is not to be used for that purpose.

Mr. ROBERTSON. It is not to be so used?

Mr. ELLENDER. The Senator is correct. It is to be used for a survey of water conservation only.

Mr. ROBERTSON. For a water conservation survey only. I thank the Senator.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter dated July 31, 1957, addressed to me by Brig. Gen. J. L. Person, Assistant Chief of Engineers for Civil Works, indicating the use to which the $200,000 would be put.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
*Washington, D. C., July 31, 1957.*

Hon. ALLEN J. ELLENDER,
*Chairman, Subcommittee on Public Works, Committee on Appropriations, United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: In accordance with your request information is furnished herein

regarding the work to be accomplished in fiscal year 1958 on the comprehensive Potomac River survey.

The objective of the Potomac River survey is the preparation of a comprehensive, basin-wide plan for flood control and related water uses. Attention to the pressing problems of water supply and pollution abatement, particularly in the Washington metropolitan area and the North Branch basin will be an important feature of the studies. Because of the desirability of submission of positive recommendations to Congress at the earliest practicable date on the flood control and water conservation problems on the North Branch basin, initial submission of an interim report on this basin is planned. The amount of $105,000 included in the fiscal year 1958 budget request will permit continuation of the investigation and completion of the North Branch interim report.

Close coordination with Federal, State, and local interests will be maintained during the study to insure development of a sound and acceptable plan of improvement. In this connection, a number of meetings already have been held with representatives of the interested governors, committees, agencies, and organizations, and a study advisory group composed of individuals appointed by the governors of the affected States has been formed. Public hearings have been held to provide all interested parties opportunity to express their views. Additional work accomplished to date includes essential completion of flood damage surveys and field investigation of a number of dam sites in the North Branch basin; initiation of studies of pollution abatement, wildlife, and economic problems; and preliminary dam design and analysis of relocation requirements.

In connection with carrying out the authorized investigations of all streams of the Northeastern States that were affected by the 1955 floods, funds in the amount of $145,000 were allocated to the Potomac River study through fiscal year 1957. The civil functions appropriations bill as passed by the House of Representatives includes $105,000 for continuing the studies in the Potomac River Basin and as reported out by the Senate Appropriations Committee contains $200,000. With the additional $95,000 substantial progress can be made on other aspects of the Potomac River investigations, including studies of the basin area below the mouth of the Shenandoah River where urgent problems are known to exist. No work is contemplated on the flood and related problems in the Shenandoah River basin during fiscal year 1958.

It is hoped that the foregoing information will be of assistance to you.

Sincerely yours,

J. L. PERSON,
*Brigadier General, United States Army, Assistant Chief of Engineers for Civil Works.*

Mr. ROBERTSON. Mr. President, the senior Senator from Virginia and I thank the Senator from Louisiana, because the statement he has made will allay the fears which have been expressed to us that this item is something other than what it appears to be. We now have the assurance that it is exactly what it appears to be—that is, a survey of the water for its conservation.

Mr. ELLENDER. That is correct.

Mr. IVES. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. IVES. I should like to ask the Senator a question and to make some remarks about the appropriation of $470,040,500. If he would rather I delay my questioning, I shall do so.

Mr. ELLENDER. I shall be glad to answer any questions at the moment.

Mr. IVES. The Senator is very gracious; I appreciate his courtesy.

As I understand, of the $470,040,500, $1,000,000 will be used to begin the construction of what is estimated now to be a $101 million project on the Allegheny River.

Mr. ELLENDER. The Senator is correct.

Mr. IVES. The Allegheny flows down from New York State, through Pennsylvania, and into the Ohio River.

Mr. ELLENDER. The Senator is correct.

Mr. IVES. What has disturbed me, as my friend from Louisiana and some other members of the Committee on Appropriations know, is that by this action we will be virtually wiping out the Allegheny Reservation of the Seneca Nation of the Iroquois Confederacy in New York State. The proposed dam will back up into New York State. New York State does not claim the land in any way, shape, or manner; it belongs to the Seneca Indians under a treaty signed by George Washington in 1794, by which the land was turned over to the Indians in perpetuity. The Indians have viewed their holdings in that way, and so view them at the present time.

I realize that under the procedure followed by the Government of the United States over the years in the handling of matters concerning Indian reservations, the Government has the legal right to do what is proposed. But what distresses me is the moral responsibility we have.

While I am referring to this matter, I wish to praise the distinguished Senator from Louisiana for the splendid work he has done as chairman of the subcommittee in preparing this appropriation bill.

Mr. ELLENDER. I thank the Senator from New York.

Mr. IVES. It is one of the most outstanding pieces of work I have ever seen in the United States Senate.

Mr. ELLENDER. I thank the Senator from New York for his kind words.

Mr. IVES. I happen to know something about what has been done. A special paragraph has been included in the report on page 26 under the heading, "Allegheny River Reservoir, Pa." I think, so far as the committee has been able to do it, the situation has been handled very well. The report points out to the Indians what they can do in the situation in which they will be placed, and what steps they can take if they do not like what is proposed, so far as resorting to action in the courts is concerned.

In the case of other Indian reservations from which Indians have had to be moved, I suspect very strongly that there has been other land to which the Indians could be moved. But in this instance a different situation prevails. I happen to know something about the terrain in that part of New York State.

Bear in mind that I am not for one moment asserting that New York State claims the land. It is not the land of the State. Neither are we trying to stop the building of the dam, because, in one sense of the word, we want Pennsylvania to be entitled to what is coming to her. Heaven knows that Pennsylvania contributes enough in taxes to the Federal revenue to be entitled to such a project as this.

But what disturbs me is, Where are we going to put the Indians? It is all right to talk about moving the Indians and giving them land back of the area which will be covered with water; but back of that area the hills drop down. The land which the Indians till at present is the best land and will be virtually wiped out.

That happens to be a very heavily populated section of the United States. Eighteen hundred Senecas are involved. Allowing six Indians to a family, on the average, it will be seen that to provide separate farms for each will be quite an undertaking. I am not sure what the Indians will be able to do.

I have heard the Indians themselves have not been too cooperative, but that does not alter the fact that there is in existence the treaty signed by George Washington, which the Indians have respected. The Indians look upon it as a sacred document.

I happen to be among those who believe that the question of might making right was settled once and for all when we fought World War I. I do not think might makes right. At the same time, I think the United States must move ahead. Even though this does look like an evasion of the principle established at the time of World War I, the Government has a right to move ahead. But what are we to do with the Seneca Indians? Perhaps my distinguished friend from Louisiana can tell me.

Mr. ELLENDER. The committee held quite a long session with some of the tribesmen, as well as with the head of the Seneca Indian Tribe. At first, some of the members of the tribe were under the impression that of the 30,000 acres——

Mr. IVES. The Senator is not referring to the chief of the Senecas?

Mr. ELLENDER. No. The chief of the Senecas had a clear understanding of the situation. Some of the members of the tribe were under the impression that 21,000 of the 30,000 acres of land would be inundated. So at another session of the committee, I called in the Corps of Engineers, and they again reaffirmed the views previously expressed by them, that of the 30,000 acres of land, only 3,670 acres would be permanently covered with water. There is a possibility of 5,330 additional acres being inundated now and then, depending on the amount of water which may flow down the river.

Mr. IVES. That would be 9,000 acres which could not be used for crops.

Mr. ELLENDER. That is correct.

Mr. IVES. That is the best part of the land.

Mr. ELLENDER. Well, it is bottom land.

Mr. IVES. Yes; and it is fine growing land.

Mr. ELLENDER. I thoroughly understand the position of the Senator from New York, and my sympathies are with

the Seneca Indians. But the same conditions prevail in the West, as the Senator knows. The only difference between the situation in New York and that in the West is that the reservation in New York is much smaller than the reservations in the West. Very valuable lands have been taken from the Indians in the West. The Supreme Court, as I recall, has passed on the issue and has stated that the land was subject to eminent domain. That is why we wrote into the report the language to which the Senator referred.

Mr. President, I ask unanimous consent to have printed at this point in my remarks the paragraph on page 26 of the report relating to the Allegheny River Reservoir, Pa.

There being no objection, the paragraph was ordered to be printed in the RECORD, as follows:

ALLEGHENY RIVER RESERVOIR, PA.

The committee has approved the budget estimate of $1 million to initiate construction of this project. The Corps of Engineers has indicated a willingness to accept flowage easements over land owned by the Seneca Indians, in order that the reservation may be kept intact. The committee desires that the Corps of Engineers cooperate to the maximum extent practicable with the Seneca Indians, in order to minimize the effect of the Allegheny River Reservoir on the Indian lands. It is recognized that if the Seneca Indian Nation elects to grant easements for this purpose, they will control the reservoir area within the boundaries of their reservation, and that recreational benefits will inure to the Seneca Nation as a result of the development of this project. The committee recognizes that this procedure may not be entirely satisfactory to all the Seneca Indians, but also realizes that they have rights in the courts if they insist on determining the issues involved in the courts.

Mr. IVES. Mr. President, the Senator referred to the reservations in the West from which the Indians have had to move. In the West there has been more land on which to locate the Indians than there is in New York State.

Mr. ELLENDER. The Senator is correct.

Mr. IVES. That is the problem we are really up against.

Mr. ELLENDER. Yes. We have tried to devise ways and means of carrying out the program by asking the engineers to study the alternatives of the project. The president of the Seneca Nation appeared before the committee and brought an engineer—a very eminent engineer—by the name of Mr. Morgan, who at one time was a member of the board of TVA. His idea was to divert the waters of the river into Lake Erie. When that matter was brought to the attention of the Corps of Engineers, they took the position that it was impractical to do that; that a large amount of land would be required, and the cost would be excessive.

Mr. IVES. Mr. President, I should like to say, if I may, that is the particular concern of Pennsylvania, and I made it very plain, to start with, that I do not want to stand in the way of Pennsylvania.

Mr. ELLENDER. Yes.

Mr. IVES. As I understand, Pennsylvania is trying to have constructed a flood-control project and probably a water-supply project and a few other things. I think Pennsylvania may be entitled to them, but that does not solve the New York Indian problem.

Mr. MARTIN of Pennsylvania. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. MARTIN of Pennsylvania. I should like to have the Senate know how greatly I appreciate the fine work done by the distinguished Senator from Louisiana [Mr. ELLENDER]. I do not think anyone has devoted more time than has he to various projects throughout the Nation, and I desire to express my appreciation.

I also wish to express my appreciation to the senior Senator from New York [Mr. IVES] for his attitude toward Pennsylvania.

At this time I should like to observe that, regardless where one of these projects may be located, in any case, a great number of persons will be dislocated. In the Commonwealth of Pennsylvania it has been necessary to do away with entire towns and villages.

I sympathize very much with the situation of the Seneca Indians. At first, as the distinguished Senator from Louisiana will recall, I did not give my approval to this project, because I had hoped we could work out something else. But the distinguished Senator from Louisiana heard the testimony of the engineers. I had hoped the water might be diverted into Lake Erie. But the engineers reached the conclusion that that was not practical.

After all the testimony—including that of the Indians—was heard, I felt that not only for the good of the Commonwealth of Pennsylvania, but also for the good of our sister States of Ohio, West Virginia, and all the States along the Ohio River and those bordering the Mississippi River all the way down, it was necessary to provide some appropriate plan for the Seneca Indians.

Mr. IVES. Mr. President, at this point will the Senator from Louisiana yield further to me?

Mr. ELLENDER. I yield.

Mr. IVES. Will not some of the water which will be backed up by the dam be used for water-supply purposes? Not all of the project is for flood control, is it?

Mr. MARTIN of Pennsylvania. It is possible that that is true. We discussed that point in the Public Works Committee. It seems to me that it is necessary to make a complete survey of the water supply for the future, particularly in the eastern part of the United States.

The distinguished Senator from New York is correct: It may eventually be used for water supply purposes.

Mr. IVES. That is what I had understood.

Mr. MARTIN of Pennsylvania. For example, the last session of the Legislature of Pennsylvania passed an enabling act to provide authority to run water from the Allegheny Mountains so as to take care of all the southwestern area of Pennsylvania, including the city of Pittsburgh. That probably will cost $300 million, although there will be no cost either to the Federal Government or the State government. It will be done locally.

So we are studying the subject of water supply. Probably the distinguished Senator from New York is correct, but that is not intended just now.

Mr. ELLENDER. Let me go a step further, and say to the Senator from New York that, in addition to the study to which I have just referred—that is, in regard to diverting the water to Lake Erie, a study also was made in regard to the building of a series of small dams along the Allegheny River. The engineers said that would be very costly, and would not do the job.

Mr. IVES. It certainly would not give them a water supply.

Mr. ELLENDER. The Senator from New York is correct. But it would cover some land. It is true that the main purpose of building the dam is to provide flood control, and incidentally to permit utilization for industrial purposes of the water which will be held behind the barrier. There is no question about that.

One of the main objections, as the Senator from Pennsylvania has pointed out, was that to divert the water to Lake Erie, instead of permitting it to go down the Ohio and Mississippi Rivers, might affect other localities along those streams. That was another reason which was advanced as to why the water should not be diverted to Lake Erie.

Mr. CLARK. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. CLARK. I should like to commend the distinguished Senator from Louisiana for the capable and efficient way in which this matter has been handled.

I should also like to commend my friend, the Senator from New York [Mr. IVES], for his very keen interest in the Seneca Indians—an interest which I share.

Perhaps it should be pointed out that the dam will not be entirely detrimental to the Indians who will choose to remain in the vicinity, because it will create a very large recreation area immediately abutting their property, where I am confident they will be able, through leases and in other ways, to enhance their income and improve their standard of living.

But I suggest that the main purpose of the reservoir has not been stressed in the RECORD in the way it should be. The project was first authorized in 1936, as a result of disastrous floods on the Allegheny River which caused hundreds of millions of dollars of damage in the Pittsburgh area and took a great many lives.

From time to time the Allegheny River goes over its banks; and only last year there was a disastrous and very costly flood, in Warren, Pa. The dam is required for purposes of flood control, to protect lives and property.

To be sure, there is an Indian treaty; and we should respect our treaties. But a decision has been reached in the Federal court in Buffalo, N. Y., in the past few months, holding that the United States is well within its rights in taking

the property. Of course, when the property is taken, the Indians will receive settlement, through condemnation proceedings.

The necessities of the situation require that this project, which was authorized 21 years ago, move forward through the stages of construction.

Mr. JAVITS. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. JAVITS. I, too, want to compliment the chairman of the subcommittee on his distinguished labors. I should like to support my colleague, the senior Senator from New York [Mr. IVES], and to commend and thank him for the very great attention he has given to this matter, for which we are indebted to him. He has paid particular attention to the problems confronting the Indians who are involved; and I have joined my colleagues in his very great interest in, and attention to, the problems faced by the Seneca Indians who are affected and the people of New York who live in the vicinity of the proposed dam.

I feel, as does he, that we are very mindful of the needs of other States, and we hope other States will be equally mindful of the needs of the State of New York. So we regard the matter sympathetically from all points of view.

I think that in all fairness a number of items should be placed in the RECORD. I ask unanimous consent to have printed in the RECORD, as a part of my remarks, an excerpt from the Pickering Treaty of November 11, 1794, between the Seneca Nation of Indians and the United States, which is inclusive of the lands involved in this matter.

In particular, I refer to the words used by Timothy Pickering, the personal envoy of George Washington. These are romantic words when viewed in the context of modern usage, but, nevertheless, are a part of our history and take us back to the early, formative years of this Republic in terms of high moral responsibility. Timothy Pickering said that "as long as the moon rises, the river flows, the grass is green, and the sun shines," the Seneca Indian would remain undisturbed in his possession of this land.

It may be, as my colleague says, that, because of the needs of the sister State, the use of Indian lands in the vicinity of the dam will be required. Certainly I feel very kindly, as does my colleague, toward our sister State of Pennsylvania. As a member of the Appropriations Committee, my senior colleague will continue to work very hard in the interest of our sister State, as well as in the interest of our own State; and he has fought the battle there most masterfully. Our colleagues in the other body from New York also fought for fairness to the Seneca Indians and in fact sought to strike out the provision for this dam, though unsuccessfully.

I believe that we are trustees for the people who will be displaced. I understand that approximately 1,800 persons are settled on this land, and that 250 families will have to be moved immediately.

I say with the greatest respect that I think we have the duty of seeing to it that they receive everything which can be given them under the circumstances. The necessities in that connection will not end with the passage of the bill, but will continue with the development of the project.

In dealing with this matter, not only should we take great care to see that justice is done now in the bill, but we should also be very careful to consider what is best to be done as the project is under construction with respect to the methods of construction, the relocation of the displaced Indian families and the fairness of the compensation for appropriated lands. I will consider myself a trustee for this purpose in watching carefully what goes on and that justice is done. Honor to the high obligations undertaken to the Senecas so long ago in the name of the Father of our Country must hold a high place with us all.

Again, I should like to commend my senior colleague for his deep understanding of this problem, with which he has lived for so many years.

Mr. ELLENDER. Mr. President, as the distinguished Senator from New York so well understands, even though the money is provided today in this bill, nothing can be done by the engineers until a settlement is agreed upon, either amicably or through the courts. The Senator from New York is aware of that, I am sure.

Mr. JAVITS. Of course.

Mr. ELLENDER. And I feel confident that that will be done.

The distinguished junior Senator from Pennsylvania [Mr. CLARK] raised a very important point, which I wish to stress; and it will be seen that it was brought up in the course of the hearings—namely, that a lake will be created on the land of the Seneca Indians, and no doubt the lake will be used for fishing and boating. It is my considered judgment that the amount of revenues which the Indians will be able to obtain from this recreational spot will amount to more than would result from the sale of the crops which the Indians would raise on the land to be inundated.

Mr. IVES. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. IVES. I was going to reply to the junior Senator from Pennsylvania on that point, because I happen to know that the Indians are not impressed with that idea at all. That is something which must be proved to them.

Mr. ELLENDER. They might be like old John Prather, the gentleman in New Mexico who has been defying Government orders. He wants to die on the place. I think he has 1,000 or so acres there. I know that the Senecas will not take that position.

Mr. IVES. What my colleague and I are trying to do, I point out to the distinguished Senator from Louisiana and to our Pennsylvania colleagues, is to emphasize to the Senate and, by this process, to the Congress of the United States, that there is a moral obligation involved, and that this is a slightly different situation from what has occurred where other Indian reservations are concerned. There is really no place for the Seneca Indians to go unless they can develop the land left to them after the reservoir or dam is constructed. I think we should follow this matter in a way in which we have never followed anything of the kind before, because we have this responsibility thrust upon us, and upon the Congress of the United States.

Mr. ELLENDER. I appreciate the remarks of the Senator from New York.

Mr. IVES. I wish to thank the Senator from Louisiana for his great cooperation in this matter, all the way through.

Mr. JAVITS. Will the Senator yield, so that I may put some matters into the RECORD.

Mr. ELLENDER. I yield.

Mr. JAVITS. I ask unanimous consent to have printed in the RECORD—by what I previously referred to as "our remarks," I meant the remarks of the senior Senator from New York and my remarks—an excerpt from the 1794 treaty to which I have referred.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> Now, the United States acknowledge all the land of the aforementioned boundaries to be the property of the Seneca Nation; and the United States will never claim the same, nor disturb the Seneca Nation * * * in the free use and enjoyment thereof; but it shall remain theirs until they choose to sell the same to the people of the United States, who have the right to purchase.

Mr. JAVITS. I also ask unanimous consent to have printed in the RECORD an analysis made by the Corps of Engineers, which appears on pages 2779 to 2780 of the hearings, with respect to the feasibility of the alternate plan suggested by the Seneca Indians.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

DIVERSION FROM ALLEGHENY RIVER TO LAKE ERIE

The plan for providing for the diversion of flows from the upper Allegheny River into the Conewango Creek Valley, with storage therein for low flow augmentation, and a spillway for release of flood flows across the northern divide into Lake Erie is entirely feasible. However, the cost of such a plan is in excess of the authorized Allegheny River Reservoir project.

The plan for diversion requires the following features:

| | *Estimated cost* |
|---|---|
| Diversion dam on Allegheny River; earth dam, top elevation of 1,385 feet, 65 feet high, 3,000 feet long | $2,000,000 |
| Drop structure on Conewango Creek; concrete spillway, crest elevation of 1,300 feet | 1,000,000 |
| Control dam on Conewango Creek; concrete spillway; discharge 200,000 cubic feet per second | 5,000,000 |
| Diversion dam on Silver Creek; earth dam; 105 feet high | 200,000 |
| Dam at Waterboro, across Conewango Creek; discharge 2,000 cubic feet per second to pass regulated flows | 500,000 |

| | Estimated cost |
|---|---|
| Diversion channel; bottom width 300 feet, sides slopes 1½ to 1; 60,000,000 cubic yards. An approximation of excavation in the channels of the plan shows 26,500,000 cubic yards of glacial terminus morain at $0.85; 77,000,000 cubic yards of silt and clay at $0.35; 60,000,000 cubic yards of glacial recessional morain and till at $0.85; and 3,500,000 cubic yards of shale at $1.15. Applying an average of $0.65 for the total yardage | $104,500,000 |
| Dikes and drainage works would be required for the towns of Randolph, Conewango Valley, Clear Creek, Rutledge, Cherry Creek, and South Dayton, all in New York | 2,800,000 |
| Relocation of main and spur line railroad bridges | 18,000,000 |
| Relocation of highway bridges | 7,000,000 |
| Lands; 32,600 acres | 18,500,000 |
| Contingencies, engineering and design and supervision and administration | 40,400,000 |
| Total cost | 199,900,000 |

Benefits from the diversion plan over and above those that would accrue from the Allegheny River Reservoir might be some power benefits to plants at Niagara and on the St. Lawrence, if and when additional plant capacities could effectively use flows of the magnitude contemplated. However, there is at present a surplus of water compared to the plant capacities in this area.

A comparison of the diversion-storage plan with the authorized Allegheny Reservoir project shows that each can be designed and constructed to accomplish flood-control and low-flow augmentation below Warren, Pa. The diversion-storage plan would cost about $200 million as compared to $101 million for the authorized plan. The diversion plan would require annual use of 32,600 acres of land compared to annual use of 11,500 acres for the authorized project (21,000 acres total, including lands infrequently flooded). Permanent dislocation of people is estimated at about 2,000 for each plan, exclusive of a large unestimated number being severed from farmlands in the diversion plan. In addition, towns involving an estimated population of 5,000 will require levee and drainage protection in the Conewango Valley under the diversion plan. The diversion-storage plan would give certain power benefits to the Niagara and St. Lawrence hydroelectric plants when capacity becomes available not attributable to the authorized project. Recreational use of the summer pool of the authorized project should be excellent because of its depths and steep shores, whereas, the drawdown within the Conewango Valley would appear to leave large shores or mud flats.

Mr. JAVITS. I also ask to have noted in the RECORD a communication which Governor Harriman of the State of New York sent to the Members of Congress from New York in the other body of the Congress, protesting against this particular matter, which reads in part:

The Seneca Indians have presented an impressive series of documents on an alternative proposal which has apparently not received careful study of the Corps of Engineers.

There appears in the RECORD, as requested by me, data upon the subject of the alternative proposal, which shows the deep interest in this matter which has also been shown by the Governor of my State.

Mr. FLANDERS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. FLANDERS. I should like to raise with the Senator from Louisiana the question whether the diversion canal into Lake Erie has been sufficiently considered. I raise the question because I had a visit from an engineer whom I respect very highly, Dr. Arthur Morgan, of Yellow Spring, Ohio.

Mr. ELLENDER. He appeared before the committee.

Mr. FLANDERS. He is an engineer for the district which protected the city of Dayton after the disastrous floods which occurred before the First World War. He was also the chairman of the TVA until he was, to my mind, unfairly ousted from that position. He is an engineer of great experience. When he feels, as he expressed it to me, that the diversion plan would not be more expensive—at least, markedly so—than the reservoir plan, I have the feeling that it deserves consideration, and I judge the committee has given it consideration. However, we have engineering authority on both sides of the question. It has been my experience that the Army engineers usually underestimate the cost of projects. I am not sure but that I would rather trust an estimate by Dr. Morgan than an estimate by the Army engineers, and I have a high respect for the Army engineers.

I wish to say one thing more about the experience I have gained in connection with flood-control projects in my State of Vermont. In a sense, we have something of the same situation, leaving out the treaty element, that occurs in the case of the upper Allegheny. Vermont is a State of narrow valleys, with the bottomland being the best land, and only a small percentage of our total area. When we build a flood-control dam, which periodically floods the best land we have, the people have to go somewhere else. Recently at least two persons affected because of such projects have had to leave the State, because there was not suitable available land for them to get in return for the land they were giving up.

But the situation is worse than that. In such situations as occur either in my own State or with respect to the Seneca Indians, the laws of condemnation do not permit the Federal courts to give due weight to all the factors involved. The only way to get justice, so that the displaced Indians will not be making their personal contribution to the cost of such a dam, is through a jury trial. Justice cannot be obtained in any other way with the laws as they are now. I think the laws ought to be changed. I am having the situation studied, with the notion of introducing proposed legislation to change the condemnation laws in the next session of Congress.

I feel certain I can assure the Seneca Indians that they will not get justice in the Federal courts, not because of any bias on the part of the judges or any bias on the part of the Engineering Corps, but simply because the laws are not adequate in situations of this kind. We should change the law. The sole reliance for justice is on jury trial.

So I make these two points: One is that I doubt if there is recourse in the law, and the other is that I have a tremendous respect for the engineering ability of Dr. Arthur Morgan, and feel that his point of view at least merits equal consideration to that of the Army engineers.

Mr. ELLENDER. I may say this to my good friend from Vermont, that I examined Dr. Morgan to quite an extent. From what I could gather, he had not made a close study of the situation. When we stop to think that the Lake Erie diversion would require a tremendous cut through gravelly ground in order to divert the water. He said the cost of making the cut would be less than the cost of the reservoir. When I took the matter up with the Corps of Engineers, who had made a study of this situation, they said Dr. Morgan was away out of line. The amount Dr. Morgan stated did not include the tremendous sums which would be necessary to buy the rights-of-way for such a canal. All in all, the Engineers said the cost of diverting the water would be considerably higher than the projected construction.

There is another thing I should like to say to my good friend, the Senator from Vermont. I think we owe something to the residents downstream on any river. If we divert the water, many people will be done a grave injustice, particularly those living along the lower reaches of the Allegheny, as well as those living along the Ohio and the Mississippi Rivers.

All in all, the committee gave the matter most careful study. From the evidence we gathered, both from Dr. Morgan and the Army engineers, there is no question in my mind, at least, that the project to divert the water into Lake Erie would cost a great deal more, and fewer people would be assisted.

Mr. MARTIN of Pennsylvania. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MARTIN of Pennsylvania. I do not want to take too much time of the Senate, but I have always been one who has favored the small dams. When I was Governor of Pennsylvania I had the engineers make a very careful survey of the cost of one large dam compared to the cost of smaller dams. The conclusion reached was that smaller dams would cost more than one large dam, and would not be so efficient as the one large dam.

Mr. ELLENDER. In that connection I may say that, as I recall the testimony, it would require sixty-odd small dams to do what the one big dam would do. The engineers stated it would cost a good deal more to handle the project in that way, and that many of the smaller dams would have sufficient backwater to flood large areas of the bottom lands.

Mr. MARTIN of Pennsylvania. The Senator is entirely correct. I should like to close with the comment that I appreciate fully the position of the distinguished Senators from New York, and I am sure my distinguished colleague from Pennsylvania will join me in an effort to see to it in every possible way that the Seneca Indians will receive just

compensation for the land which will be taken.

Mr. ELLENDER. I offered the same service, I may say to my good friend, the Senator from New York.

Mr. IVES. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from New York.

Mr. IVES. I went a little bit further than did the distinguished senior Senator from Pennsylvania. I think we have to go further than that. We are considering a unique situation. I know of no situation we have ever considered with respect to an Indian reservation exactly like the one in question. I think we have a greater responsibility in this instance than we have ever had as to anything of this kind before. The Congress of the United States owes a moral duty to follow up the matter and see that justice prevails, to see to it that the Indians get a fair deal.

Mr. CLARK. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield to the Senator from Pennsylvania.

Mr. CLARK. I should like to associate myself with the comments made by my distinguished colleague from Pennsylvania, and to assure my friend, the senior Senator from New York, that I share his views that justice must be done to the Seneca Indians.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Kentucky.

Mr. MORTON. I wish to commend the distinguished Senator from Louisiana for an excellent job, and particularly to invite the attention of the Senate and the country to the fact that the Senator realizes as much as any man in public office today, or more, the importance of our canalized waterways, and of keeping them modernized. In the report it has been succinctly stated:

> Our canalized waterways such as the Ohio and the Warrior-Tombigbee are obsolete and many of the locks and dams are in a state of advanced deterioration, having served beyond their economic life.

The Ohio River was canalized with a system of locks and dams to take care of traffic estimated at about 13 million tons per annum. By the time the program installation was completed in 1929, the tonnage handled was 22 million tons. Today the traffic amounts to approximately 71 million tons.

Today larger dams are being installed to take the place of smaller dams, and the Senator from Louisiana and his committee have seen to it that the funds requested by the Bureau were provided, and added a small amount, $825,000, to get the work under way at New Richmond.

For instance, the Markland lock and dam, for which $9.5 million are recommended, will take the place of five present locks, and cost of operation will be much lower. It has a large lock chamber, so that the tows will not have to be broken down.

The Greenup lock and dam will take the place of four locks.

The New Richmond lock and dam will take the place of four locks.

Lock and dam 41, in Louisville, is a very high dam, but the lock chamber is being enlarged.

Of the 46 locks and dams on the main stream of the Ohio River, there are only 2 which are less than 25 years of age. Twenty-one range from 25 to 35 years of age, and 23 from 35 to 50 years of age.

On a tributary of the Ohio River, the Monongahela, we had an experience of a dam going out because of a landslide. There was a serious threat on the Ohio, also.

I wish to point out, as does the report, that there are not enough freight cars in the entire country to handle the freight going up and down that river, and the steel industry and many other important industries would be vitally affected, indeed some of them would have to close down, if the system of navigation on the Ohio River and its tributaries should be interrupted. This country could not stand such an economic shock.

Again I wish to thank the Senator from Louisiana for what he did, and for hearing us regarding our problem in Kentucky, as well as for his understanding of the whole picture, which goes away beyond Kentucky into the entire complex, from New Orleans all the way to Pittsburgh and beyond.

Mr. ELLENDER. I may say to my good friend, the Senator from Kentucky, one main advantage of the erection of the larger locks is that there is formed a pool of water which can be used industrially. The Senator well knows that when lock 41 is completed, with New Richmond and the two others now under construction, there will be an invitation for industry to locate in that area, because of the fact that it is possible to retain back of the locks huge volumes of water which can be used commercially.

Mr. JOHNSTON of South Carolina. Mr. President, with the Senator yield?

Mr. ELLENDER. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. I commend the Senator from Louisiana and the members of his committee for the work they have done on the bill. I think it is an excellent piece of work.

I note there is no appropriation for the Hartwell Dam; but I believe that is because last year the appropriation which was made was unused, and was carried over.

Mr. ELLENDER. The Senator is correct.

Mr. JOHNSTON of South Carolina. We have had some difficulty in getting started on this project.

Mr. ELLENDER. There was a little difficulty with the college.

Mr. JOHNSTON of South Carolina. I think that has all been ironed out now.

Mr. ELLENDER. Yes.

Mr. JOHNSTON of South Carolina. The project is ready to go forward, according to my information.

Mr. ELLENDER. The Senator is correct.

Mr. JOHNSTON of South Carolina. That is the reason why there is no additional appropriation this year.

Mr. ELLENDER. The Senator is correct.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Kentucky.

Mr. COOPER. I should like to join other Senators who have expressed appreciation to the distinguished Senator from Louisiana and his subcommittee for the patience and thoroughness with which they considered the pending bill, and for hearing the problem of Kentucky and the witnesses who came from that State.

I should like to join with my colleague [Mr. MORTON] in saying that the Senator from Louisiana has shown great foresight in regard to canalization work, and the improvement of locks and dams on the Ohio River. This is not a project which affects only Kentucky, but one which holds great value for all the States in the Ohio River Valley, the Mississippi River Valley, and the Nation as a whole.

There is more traffic today on the Ohio River than on the Mississippi, if one eliminates the traffic at the mouth of the Mississippi. There is more traffic on the Ohio River than on the Panama Canal, or on the Rhine River in Germany.

I remember that in 1954 the distinguished Senator fought for the beginning of construction of two dams on the Ohio River, one at New Cumberland and one at Greenup. These initiated the new development of the Ohio and I am glad that I could support him. Now the New Cumberland, Greenup, Markland, and lock 41 dams are under way; and the great work moves toward completion.

I am very happy that the Senator from Louisiana and his committee have included funds for the construction of the New Richmond Dam.

I should like to ask the Senator about work in Big Sandy Valley in my State of Kentucky. I know the Senator will remember that a number of witnesses, including those who represent Kentucky in the Senate and the House, came before his committee and were questioned by him and his colleague, the junior Senator from Virginia [Mr. ROBERTSON], regarding the river valley in eastern Kentucky.

Mr. ELLENDER. The Big Sandy.

Mr. COOPER. Yes, the Big Sandy. In January of this year a destructive flood caused damage in the Big Sandy Valley estimated by the Corps of Engineers at about $40 million. The Big Sandy River and its tributaries run through Virginia, Kentucky, and West Virginia. It is in a very narrow valley, but a very rich valley. Lying in the valley are rich coal resources, as well as oil and gas. Almost all the towns in the valley are near the river, and during the flood practically all of them have been inundated.

I am glad the committee placed in the bill $140,000 for planning the Pound River Reservoir. This is a good step, for Pound Reservoir would provide for storage of about 106,000 acre-feet.

Another reservoir, the Fishtrap, would provide storage of approximately 156,000 acre-feet. If both are constructed, they would provide substantial flood protection to the Big Sandy Valley.

I appreciate the Senator's consideration of the importance of initiating flood protection in the Big Sandy Valley. I ask him if he thinks that there is a prospect that in the coming fiscal year consideration can be given to providing funds for Fishtrap Reservoir.

Mr. ELLENDER. The Fishtrap Reservoir is very important. As a matter of fact, it is about as important as the Pound Reservoir, to which the Senator referred. In view of the fact that last year we assisted Kentucky, and have done so again this year, with the New Richmond locks, I felt, and the subcommittee felt, that it might unbalance the bill if we centered too much in one area. What the committee tried to do was to present a balanced bill, without going overboard, so to speak, or going too much over the budget.

I give assurance to the distinguished Senator from Kentucky that if I happen to be in the Senate next year—and I will be, unless I die in the meantime—I shall do my best to put the Fishtrap project, in the program next year. That will take care of two of the most important reservoirs on the Big Sandy, and will be of great help to that area.

Mr. COOPER. I thank the Senator.

Mr. President, I should like to ask another question. The Cumberland River Valley also lies in the eastern part of Kentucky. A survey of the Cumberland River and its tributaries requires revision. I asked the committee to include $35,000 in the item of Surveys to revise the survey on the upper Cumberland River. I know that the designation will be made by the Corps of Engineers. But the question remains whether such funds will be available.

Mr. ELLENDER. As the Senator knows, we do not earmark any of that money, but there is sufficient money in the bill to take care of that study.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. KEFAUVER. I wish to express my appreciation to the chairman of the subcommittee and other members of the committee for the consideration shown to witnesses who came to testify before the committee in connection with certain projects in the State of Tennessee. They were given a courteous hearing, and we are grateful for the realization on the part of the chairman and other members of the subcommittee of the importance of these projects and the decision that some money should be appropriated for planning and construction in connection with them.

Mr. NEUBERGER. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. NEUBERGER. To begin with, I wish to add my appreciation to that of other Senators who have spoken for the courtesy, patience, and thoroughness of the Senator from Louisiana in listening to testimony from witnesses who came all the way across the continent from Oregon and elsewhere in the Pacific Northwest to present the case of the Columbia River Basin for the consideration of the committee. We are most grateful.

Furthermore, I noted that the distinguished chairman of the subcommittee mentioned the fact that he expected to continue his interest in this subject if he were alive next year. I have seen the distinguished chairman handling the medicine ball in the Senate gymnasium, and I have every confidence that the tragedy to which he alludes will not occur. [Laughter.]

I trust the chairman will bear with me while I ask him a series of questions. He realizes that the region which I help to represent sends more water down to the ocean than any other region in the United States except that which he represents as one of the Senators from Louisiana. Although few persons realize it, it is my impression—and I believe it is correct—that the Columbia River, at high water, contains five-sixths as great a volume as Old Man River himself, the Mississippi. In addition, the Columbia River is the greatest source of hydroelectric power in the United States. I believe that 42 percent of all the potential energy left in the form of hydroelectric power in our country is in the Columbia Basin.

Moreover, the Columbia River is the only river which cuts through the great coastal mountain ranges which barricade and block off the Pacific seaboard from the great hinterland on the other side. So in addition to power possibilities, the Columbia River has great navigation potentialities.

I should like to ask the distinguished chairman of the Public Works Appropriations Subcommittee about the John Day Dam project. As the chairman knows, hopes have been high for many years in the Pacific Northwest that this great undertaking would be started as a Federal project. For 3 years there was a grievous delay with respect to the John Day Dam because of the intrusion of the so-called partnership proposal of the administration.

Furthermore, if I am not mistaken, the administration budget this year recommended not 1 penny for John Day Dam. In the fall of 1956 I sent to the chairman of the subcommittee a copy of a letter which I had written to the Budget Bureau urging the inclusion of $8 million in the budget for John Day Dam. As we know, the Budget Bureau turned down the request.

I think it is very important to ask the chairman of the subcommittee about the $1 million which is now recommended by the subcommittee for the actual start of construction on John Day Dam. As I understand, these are not planning funds, as has been the case with John Day money in the past, but these funds are for the actual beginning of construction of the project.

Mr. ELLENDER. The Senator is correct. My good friend from Oregon may recall that last year we included in the bill quite a sum of money for various projects in that area. We provided money for Ice Harbor. A request was made also for money for the John Day Dam, but at the time we felt that we would be going too strong for that area, and would probably have an unbalanced bill if we granted the request, so it was the decision of the committee last year to postpone action on John Day Dam until this year.

As the Senator from Oregon has pointed out, we have included in the bill $1 million for construction, which, as I understand, will start one of the last of the great projects in that area.

Mr. NEUBERGER. That is correct.

I point out to the Senator—as I am sure he realizes—that the John Day Dam is a project of nearly the magnitude of the very controversial Hells Canyon Dam. It would produce almost as much power, and in addition would include important navigation and flood-control benefits.

Mr. ELLENDER. In addition, it would firm up the power of other dams downstream. I do not recall the figures at the moment, but I understand that it would increase to some extent the capacity of all the huge dams down river. That is one reason which prompted us to take cognizance of the situation, and to include the item in the bill this year.

Mr. NEUBERGER. The Senator is correct. John Day Dam will have an advantageous effect on the Dalles Dam and Bonneville Dam which are farther downstream on the Columbia.

Mr. ELLENDER. That is correct.

Mr. NEUBERGER. Let me ask one further question of the chairman of the subcommittee.

I note that the distinguished senior Senator from Washington [Mr. MAGNUSON] has come on the floor. We all very much appreciate the leadership he has shown in securing a start of appropriations for the John Day project.

I should like to ask this question of the chairman: In his opinion, now that, in effect, the logjam has been broken, and the first construction funds have been appropriated for the John Day Dam, with the passage of the pending bill, does he anticipate that in future years—which are just ahead—funds for the construction of John Day may come at a more accelerated pace following this first $1 million appropriation?

Mr. ELLENDER. I have no doubt about it. Two years ago we provided a beginning for Ice Harbor. If the Senator will look at page 17 of the report, he will note that the budget estimate for Ice Harbor is $18½ million. It is my hope—and I believe I can speak from experience—that once the project is started there will be an acceleration of appropriations from year to year, in order to continue the building of the project. I do not believe there can be any doubt about it.

Mr. NEUBERGER. Then it is not unreasonable to assume that the accelerated pace which has occurred with respect to Ice Harbor appropriations will be matched, in ratio, by the appropriations for the much larger dam project at John Day. Is that correct?

Mr. ELLENDER. That is my opinion.

Mr. NEUBERGER. I should now like to inquire about another matter. I note in the committee report, with respect to the State of Oregon and Washington—because they share the shores of the Columbia River—the sum of $500,000 has

been appropriated with which to start dredging the channel to a depth of 27 feet from Vancouver, Wash., to The Dalles, Oreg. Is that correct?

Mr. ELLENDER. The Senator is correct.

Mr. NEUBERGER. Again is it the opinion of the chairman of the subcommittee, since that work has been begun, namely, to restore the channel and to take out the silt and the debris and the snags, which have clogged up the channel in the Columbia River—the second greatest river in America from the standpoint of navigation—that the appropriation of funds for this essential purpose will be continued in the years ahead?

Mr. ELLENDER. I have no doubt about it. I wish to say to my good friend, while we are on projects of this character, that we have added to the bill $5 million in order to take care of backlog items of maintenance. Last year we started a program which we hope will be continued. We felt that if Congress would provide as much as $10 million each year for a period of 6 years, we could take care of the huge backlog. The committee went on record in favor of providing that money, for the simple reason that it was folly and shortsighted for us to spend millions of dollars on various projects and then not keep them up, so that they could be operated and used for the purposes for which they were constructed. Some of the backlog money is going to be used in order to deepen places in the Columbia River which have been permitted to fill up through siltation.

Mr. NEUBERGER. Through neglect and abandonment, too.

Mr. ELLENDER. The Senator is correct.

Mr. NEUBERGER. As I understand, upstream from Vancouver, at one time, the channel was deepened to project depth. Then the channel began to silt up and to be clogged up with snags coming downstream from logging operations.

Mr. ELLENDER. Yes. A portion of the additional sums we are providing will be used for that purpose. It is my hope that within the next 4 or 5 years we will have all of those projects in tiptop shape, provided Congress follows through with the suggestion made by the committee last year. The Senator may recall that last year we added $10 million for that purpose, and no objection was raised. I know of no more popular program, because it makes possible the cleaning out, as it were, of rivers which have become clogged from siltation, for example; and many streams, as a result, are made navigable which formerly were unnavigable. If the additional $5 million, plus the $5 million approved by the Bureau of the Budget, is appropriated, we will be able to take care of many projects which are now unusable because of the fact they have silted up.

Mr. NEUBERGER. I thank the Senator. I wish to emphasize the fact that I do not know of anyone in Congress who knows more about inland river navigation than he does, or has shown a greater genuine interest.

Our region of the Pacific Northwest is being choked off industrially, and one reason is the high transportation rates that are charged between the Northwest and the market centers of consumption. If we could secure adequate competitive navigation on the Columbia River down to tidewater, it would help to provide some yardstick in connection with the freight rates. Our region desperately needs that kind of help, and we look to Congress for cooperation in developing our country's second greatest river system, and the only river that bisects the great seaboard mountain cordillera in our part of the country. Therefore, Mr. President, we appreciate the cooperation and understanding of the chairman of the subcommittee which handles the appropriations, in which we have such a great interest.

Mr. POTTER. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. POTTER. I wish to join my colleagues in commending the distinguished Senator from Louisiana. The Senator well knows of the efforts which have been made in the past few years to develop the so-called water highway around the two peninsulas of Michigan. As I understand, with the appropriations contained in the pending bill, that water highway will be completed. That development will be of increasing importance to the industry of Michigan. The Senator has great knowledge of the water highway, and he certainly has been very helpful in securing funds for Federal participation in the project. It has meant a great deal to my State, and it will mean much in the future from the standpoint of its economic well-being.

I wish to take this opportunity to commend the chairman of the subcommittee for his understanding of the importance of the project and also to commend his colleagues on the committee and the clerks and aids to the committee for the work that has been done. So I thank the Senator from Louisiana for a great job well done.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MAGNUSON. I am a member of the subcommittee headed by the distinguished Senator from Louisiana. Like the Senator from Michigan, I believe this is a good time to express my deep appreciation to the Senator and to point out the tremendous amount of work involved in a public works bill. The Senator from Louisiana spent hour upon hour, day after day, hearing witnesses from all over the country on matters which are in the interest of the welfare and economy of the United States. I believe he heard—other members of the committee came and left during the hearings—889 witnesses. That number does not include many who came to the hearings merely to put statements into the record. It is a tremendous job. I know of no one in the Senate or in Congress who has given more time to these projects than has the distinguished Senator from Louisiana.

Sometimes the pending bill is referred to as a pork-barrel bill. The expression pork barrel I believe originated back in the 1880's, and was first used by a Representative from east of the Mississippi River, who did not particularly like to see any development of the country beyond the Appalachian Mountains. I am sure that is not true of the Senator from Pennsylvania [Mr. MARTIN] who has worked very hard on these bills. That, however, was the sentiment then.

Many of the projects—if the Senator from Louisiana will indulge me for another minute—are not only self-sustaining, but add to the economic welfare and well-being of the American people. In addition, they pay back the cost with interest. It has been a long time since the Senator from Louisiana started on some of these projects. Time passes swiftly, and he may not realize all that has been done. On the Bonneville development in the great Pacific Northwest, we are paying back on schedule and, actually, as the Senator from Oregon has shown, on many occasions we are years ahead in our repayment schedule, and we pay 3 percent interest.

Such projects are better investments for the United States Government than the bonds issued by the Government are to those who hold them.

The Hungry Horse Dam, which was a sort of glint in the eye when the distinguished junior Senator from Montana [Mr. MANSFIELD] first came to the United States Senate, is now well on its way to paying back to the Treasury of the United States its cost with interest. It is furnishing kilowatts, jobs, and a better way of life for the people of his area and my area.

The Senator from Louisiana has handled many projects connected with the Mississippi River, one of the great waterways of the world. But he has never been at all sectional about his activities. He has felt at all times that the improvements sought are things which our great Government can afford, as I well know, because I have sat on the committee with him.

I do not criticize the spending of money for some other purposes. It may be necessary. But I sometimes think we are entitled to spend a little on ourselves. Once in a while we are entitled to do some things which our country needs. The returns from these projects, compared to their cost, is well above what they were estimated to be. The engineers are conservative in their estimates of returns.

Many persons have said to me that some of these projects are no good. I have said on many occasions, and I will say it again, "Show me one project which has been a financial or economical white elephant, and I will vote against it." There have not been any.

Mr. President, the projects covered by the bill represent improvements the Government is making for all the people, and there is no greater advocate of them than the distinguished senior Senator from Louisiana. I hope we can continue to keep our faith with him, and he with us, in our section, so far as paying back costs on time is concerned, at 3½ percent interest to the United States Government.

Trenton, N. J. The Board's recommendation provided that if construction were delayed until after the war the Secretary of War, upon determination of the peacetime commercial needs of the waterway, might in his discretion limit the dimensions to a general width of 100 feet and a depth of 10 feet.

Congress authorized the project on this basis, and under date of March 22, 1943, the [illegible] addressed a communica-

will be far greater. For these reasons it must be assumed that advantage would be taken by us of the opportunity the subject waterway would afford for reducing the submarine hazard on our eastern seaboard by transshipping northbound ocean cargoes at Miami and barging them north to the areas of destination via the Atlantic Intracoastal [illegible]

8. The war-insurance value of the avoid-

2. Replacement value of these ships during the forthcoming decade:

| | |
|---|---|
| Tankers, 7 at $9,375,000 each | $65,625,000 |
| Dry cargo ships, 5 at $3,625,000 each | 18,125,000 |
| Total | 83,750,000 |

3. The above figure appears to be a minimum. There is a continuing trend in tanker

ers would suffice, resulting in an elimination of 65 tankers from the gulf-Atlantic fleet.

3. If the haul were from gulf ports to Miami (which the subject project will make possible) and thence north to destination by barge via the inland waterway, 94 tankers would suffice, resulting in an elimination of 97 tankers from the gulf-Atlantic fleet.

from Jacksonville to Miami will therefore

and Britain generally accept the present number as being about 450, with a continuing building program going on. This should be compared with the 57 submarines with which the Germans entered World War II, and with the maximum number (240 in 1943) which they had in operational condition at any one time, and with the maxi-

ally on patrol at any one time. It is not

tial measure what the Germans so nearly succeeded in doing, i. e., the disastrous deterioration of our overland transport by overloading as a result of the destruction of our coastal transport.

Mr. HOLLAND. Mr. President, the Florida Inland Navigation District, the

tion of rights-of-way and other local

I always deeply appreciate what the Senator from Louisiana does. The whole Senate owes him a debt of gratitude for the amount of work he has performed and the intelligence he has shown in handling this particular bill.

Pork barrel? The projects to be undertaken represent about the best thing that could ever happen to all the people of the United States, because thereby their welfare will be enhanced, both economically and socially. They will improve our way of life.

Mr. REVERCOMB. Mr. President, I take this occasion to pay my tribute also to the able Senator from Louisiana I know something of the great amount of work which he has performed, and of his keen insight into the subject of public works and the appropriations for building them.

I am not a member of the Committee on Appropriations, but I am a member of the Committee on Public Works. I have appeared before the subcommittee headed by the Senator from Louisiana, and I can only extoll and praise the patience and thoughtfulness with which he received the testimony and statements of those who have appeared before him. He has rendered great service to his country.

The structures which are built under public works programs are lasting monuments of progress, whether they be irrigation works, dams, flood control structures, harbors, wharves, or canals. These are the things which have made America advance so fast in the world. They contribute to our material progress.

I join with other Senators in paying my sincere tribute to the great Senator from Louisiana, who heads the subcommittee having the bill in charge, and who is in charge of the bill.

I hope we will continue to progress with the building of structures which add to the lasting wealth and the great influence of America.

Mr. ELLENDER. I thank the Senator from West Virginia.

Mr. YARBOROUGH. Mr. President, I join my colleagues in their commendation of the distinguished senior Senator from Louisiana. I had occasion to appear before his subcommittee with a delegation from my State, and I saw other delegations appear before him. There was uniform courtesy extended by him in the hearings before his committee, courtesy which I have never seen exceeded by any other governmental unit of any type, either legislative, executive, or judicial.

I commend the Senator for the report he has made. He was not afraid to recommend greater expenditures than were recommended by the Budget Bureau. But the total provided by the bill—$884 million—is not large when we consider the resources of the country, and the budget of $70 billion.

As the distinguished senior Senator from Washington [Mr. MAGNUSON] has pointed out, the appropriations for the projects in the bill are capital investments. The money will be paid back. The appropriations are not current expenditures, to be paid out today and gone forever. The investments will result in increased dividends to the people.

I was impressed with the statement made by the distinguished majority leader [Mr. JOHNSON of Texas] on the floor of the Senate on June 17, when he pointed out that the annual expenditures for water projects were 14.9 percent less in 1956 than they were in 1950. He said that during our entire national history only $16.8 billion in Federal funds has been spent for flood control and the development of our water resources; and that since the end of World War II, the United States has spent approximately $60 billion in foreign aid.

I think this is one phase of governmental activity where the amount of benefit will exceed the expense, because these are capital investments, and original cost will be much more than repaid.

We had an experience in Texas this spring when more than the total amount spent by the Federal Government for flood control was saved in 1 year. More than $100 million in property damage could have been saved with a much less outlay than that.

I think that in the distinguished senior Senator from Louisiana the Senate has a chairman in whom it may well take pride. I have heard such expressions of sentiment from all over the Nation. The people who have appeared before him have been treated with uniform courtesy, without concern for the type of project in which they were interested.

Mr. ELLENDER. I thank the Senator from Texas. Concerning the figures relating to Texas, if he will look at page 4 of the report, he will see that as of June 30, 1954, Federal appropriations for the construction of flood control projects amounted to $3,204,000,000. The engineers have estimated that this has prevented damage amounting to $7,315,900,000—more than 2 times the amount spent for construction.

Mr. JOHNSON of Texas. Mr. President, I commend my colleague from Texas for the very excellent statement he has made. I associate myself with what he has said about the necessity and the desirability of the very constructive projects provided for in the bill.

I reiterate what he has said about the genuine, faithful, and highly competent service performed on behalf of the whole Nation by the distinguished senior Senator from Louisiana [Mr. ELLENDER].

Mr. ELLENDER. I thank the senior Senator from Texas.

Mr. PASTORE. Mr. President, I associate myself with all the splendid, well-deserved compliments paid this morning to the distinguished senior Senator from Louisiana. It is true that he devoted a great deal of time and talent to the projects which have been recommended for appropriations. This is quite manifest from the lucid eloquent way in which he has explained the bill on the floor of the Senate.

I, too, had some experience before his subcommittee only within the past few months. I was received with cordiality, understanding, and cooperation. I thank the distinguished Senator from Louisiana for all the courtesy and consideration he has extended to me on behalf of certain projects which are essential to the people of the State of Rhode Island.

Only this morning I appeared before the Subcommittee on Public Works in connection with a flood control matter. We in Rhode Island, and also the people in the adjoining State of Massachusetts, are interested in having certain barriers constructed for hurricane and flood protection. To persons who have not experienced the havoc of a hurricane and the destruction which can be wrought upon the people and their property at a time of such disaster, it may be hard to understand the real quality of and the imperative necessity for these projects. Perhaps that is why some characterize them as pork barrel projects. But to the people who have suffered, who have seen their property inundated, and often completely destroyed, these projects are supremely necessary. The people deserve the protection promised by such construction. We know they are a good investment for the economic well-being of the community. Indeed, the benefit extends to the whole Nation.

When we have a man such as the distinguished Senator from Louisiana, who will listen to the story of the perils of the people and will hear it with compassion and consider the problems involved, with understanding and intelligence, I say how good it is for the Senate and how good it is for the Nation. Again I compliment the senior Senator from Louisiana.

Mr. CARLSON. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I am glad to yield.

Mr. CARLSON. Mr. President, I wish to express my personal appreciation to the distinguished Senator from Louisiana [Mr. ELLENDER], who not only this year but also in many prior years has handled the appropriations dealing with public works, particularly those affecting flood control and rivers and harbors.

I desire to express the appreciation of citizens of Kansas who have appeared before his subcommittee. They have stated that there is no committee of the Senate before which they would prefer to appear.

I say in all sincerity that the distinguished senior Senator from Louisiana has been most kind to my State and to my section of the country. He knows and understands our problems.

We have two principal problems, namely, droughts and floods. A few years ago there was a major flood on the Kansas River and its tributaries—one of the most extensive floods ever experienced by my State. That flood resulted in losses amounting to more than $1 billion. The senior Senator from Louisiana went there and studied the situation.

Let me say that I had the privilege of beginning my Congressional committee service with a very distinguished Member of the House of Representatives, Mr. Whittington. When I came to the House of Representatives in 1935, I was a member of his committee, and I have followed very closely all the flood-control projects. Certainly they are not pork-barrel projects.

Again I thank the distinguished senior Senator from Louisiana.

Mr. ELLENDER. I thank the Senator from Kansas.

Mr. WILEY. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. WILEY. Mr. President, Wisconsin has only one small project included in the pending bill; but I wish to join in the kind things which have been said about the Senator from Louisiana. He is always courteous and considerate, because he has a deep understanding which enables him to deal with so many minds. The ability he has demonstrated shows conclusively that he is the man for the job. So I am very happy to join in the remarks which have been made by other Senators who have spoken so well of the distinguished senior Senator from Louisiana.

Mr. DIRKSEN. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. DIRKSEN. Mr. President, when the Senator from Louisiana, as Chairman of the subcommittee, presented the bill to the full committee, I took occasion to compliment him, and I compliment him now, on the diligence and vigor with which he has pursued so difficult a matter. Anyone, who is familiar at all with the detailed items in the bill, must know how difficult a task he has had. He has performed it with credit both to himself and to the Senate.

Mr. President, I also wish to say a kind word about the staff, and particularly about Kenneth Bousquet, who has served for a long time on the Senate Appropriations Committee. I know of no one else in the entire structure of the Government who has such a complete command of the situation and so great a familiarity with details of public-works matters all over the United States as does the one who with such distinction serves the Appropriations Committee—Kenneth Bousquet. I think he richly deserves the compliment.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. JOHNSON of Texas. I should like to join my friend, the Senator from Illinois, in the tribute he has paid to Mr. Bousquet. I should like the RECORD to show I share the sentiments the Senator from Illinois has expressed.

Mr. KNOWLAND. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. KNOWLAND. Mr. President, I wish to take this opportunity to join my colleagues in expressing great appreciation for the outstanding job which has been done, not only this year, but also in past years, by the senior Senator from Louisiana [Mr. ELLENDER].

I happen to have some appreciation of the problems of the chairmanship of the subcommittee, because during the time when this side of the aisle was in the majority in the Senate, I was chairman of the subcommittee and the distinguished Senator from Louisiana served at that time as the ranking Democratic member of the subcommittee.

I wish to say that he has given more devoted service than I can recollect any other Member's giving in any subcommittee, because he has worked night and day and, as has been stated, has worked over the weekends, as well, to prepare the bill and have it ready for consideration by the Senate. Because of his fairness and his entire lack of partisanship in the matter he not only received the unanimous support of his subcommittee, but he also received the unanimous support of the full Committee on Appropriations.

Furthermore, in this period of time he was able, by the adjustments which were made, to hold the bill within the limitations, insofar as the construction items are concerned, of the prior appropriation bill. The relatively small increase is accounted for by the increases in compensation which the Congress itself had voted and the increases in the costs of construction, which have risen.

So I believe he has done an outstanding job in that regard, and I am sure that the tributes which have been paid to him today are very well deserved. Those of us who serve on the subcommittee consider it a great privilege to work under his chairmanship.

Mr. ELLENDER. I thank the Senator from California.

Mr. HOLLAND. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. HOLLAND. Mr. President, first, I should like to endorse and support all the statements—and they are true statements—which have been made about the untiring and very careful and fair work which has been done by the distinguished senior Senator from Louisiana [Mr. ELLENDER], the chairman of the subcommittee handling this bill.

I should like particularly to thank the Senator from Louisiana for reporting for inclusion as a part of the bill, the item of $1,150,000 which appeared in the budget, for a continuation of the deepening of the Intracoastal Waterway, now extending from Trenton, N. J., down the east coast of the United States and through the upper part of the peninsula of Florida to Eau Gallie, Fla. The waterway to this point is 12 feet in depth and it continues to Miami at a lesser depth of 8 feet. That has brought about a wholly impractical situation, as the Senator from Louisiana knows, in that the large barges—loaded, not necessarily in Florida, but sometimes as far north as Trenton, N. J.—have had to transship their cargoes in order to have them transported on the canal below Eau Gallie.

The Senator from Louisiana will recall that for some reason the other body eliminated that budgeted item. I simply wish to express my very great appreciation for the attitude of the Senator from Louisiana regarding the matter and for the replacement of that item in this bill.

Mr. President, in order that I might be more fully advised, and, in turn, might more fully advise the Senate, of the defense aspects of the Intracoastal Waterway from Jacksonville to Miami, Fla., I asked Mr. Henry H. Buckman, a member of the American Society of Civil Engineers, and consulting engineer for the Florida Inland Navigation District, to prepare for me a memorandum on this subject. Mr. Buckman has prepared such a memorandum, based on a detailed study which took him several months to make.

Unfortunately, the memorandum was not available in time to have it included in the printed Senate committee hearings—although it was available prior to the markup of the bill, and was made available at that time to the Senator from Louisiana and to other Senators who are members of the committee. Since questions were raised by the Public Works Subcommittee of the House Appropriations Committee regarding the defense necessity for the completion of the project, and since the memorandum presents for the first time, to my knowledge, a complete but reasonably brief analysis of this situation, I ask unanimous consent to have the memorandum printed in the RECORD at this point in my remarks, in order that the information contained therein may be available to Members of the Senate and the Members of the House of Representatives.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FLA.

(Memorandum for Senator HOLLAND, prepared by Henry H. Buckman, member, American Society of Civil Engineers, consulting engineer, as engineering counsel for the Florida Inland Navigation District)

WARTIME ECONOMIC SAVINGS TO NORTHBOUND OCEAN COMMERCE

(Condensed from a more detailed study by Henry H. Buckman, copy of which is available—peacetime economic values and strategic values are not included here)

1. This project was authorized by Congress in the River and Harbor Act, approved March 2, 1945, pursuant to a favorable report by the Chief of Engineers (H. Doc. 740, 79th Cong., 2d sess.).

2. In that report, the Board of Engineers for Rivers and Harbors, the Chief of Engineers concurring, cites the District Engineer's conclusion that the deepening of the waterway is justified as war insurance. In paragraph 8 (p. 5) of the report, the Board states—the Board of Engineers for Rivers and Harbors concurs in general with the views of the reporting officers that provision of a more suitable improvement is advisable. War conditions have had a major effect upon the importance of this section of the Intracoastal Waterway. The need for a more adequate channel for use in the conduct of the war is attested by the active interest and cited recommendation of the War Production Board. Ocean shipping facilities available to deep draft ports have been severely curtailed. While the degree of future need for the waterway as a carrier of freight depends somewhat upon events which are not predictable at this time, the Board concludes that its usefulness during normal times in addition to its prospective value during the war period clearly justifies immediate deepening to 12 feet.

3. The Board, the Chief of Engineers concurring, recommended modification of the existing Intracoastal Waterway from Jacksonville to Miami to provide for a channel generally 125 feet wide and 12 feet deep which would conform to the dimensions of the waterway north from Jacksonville to

Trenton, N. J. The Board's recommendation provided that if construction were delayed until after the war the Secretary of War, upon determination of the peacetime commercial needs of the waterway, might in his discretion limit the dimensions to a general width of 100 feet and a depth of 10 feet.

4. Congress authorized the project on this basis, and under date of March 29, 1945 the Chief of Engineers addressed a communication to the Secretary of War in which he states—"I am firmly convinced that there will be an ultimate requirement for a project of 12-foot depth and suitable width to accommodate commercial needs of the waterway from Miami to Jacksonville." In the same communication the Chief of Engineers recommended this determination of these needs and these dimensions by the Secretary at that time, pursuant to the discretionary authority vested in the Secretary by the authorizing act. This was approved by the Secretary under date of April 19, 1945, and the project is at present under construction in accordance with that determination.

5. The validity of the purely economic benefits of the war-insurance features of a project were reaffirmed by the Board of Engineers for Rivers and Harbors in 1946 in its evaluation of the authorized cross-Florida barge canal. In a communication to the Director of Civil Works in the Office of the Chief of Engineers, under date of August 30, 1946, the Board states—

"During the actual conduct of hostilities, comparative means of placing essential supplies, in sufficient quantities, at the proper points, are measured, not in dollars, but in units of time, materials, and manpower against the available national reserves of these vital elements. The primary necessity for gaining the final military decision in war at the least possible cost in the lives of our nationals renders monetary yardsticks a secondary consideration. But there is, nevertheless, a definite value, apart from purely military considerations, in the avoidance of ships and cargo loss through enemy action. This Nation, since its birth in 1776, has been involved in foreign wars on an average of 1 year in 10. Despite the obviously peaceful objectives of national diplomacy, the pattern of the past half-century indicates a recurrence of hostilities every 20 to 25 years, and the present turbulence of international relations does not furnish any assurance of a lengthening of that interval. The economic analysis of a long-lived project could not be considered complete if it covered merely the intervals of peacetime years and ignored the recurrent war periods. The insurance value of the avoidance of war losses is, therefore, distributable on an annual basis and can be at least roughly approximated in dollars and cents for measurement against the monetary annual charges of providing and maintaining the facilities."

6. It is generally agreed that in maritime warfare the impact of the submarine on merchant shipping will be roughly proportionate to (a) the density of ship traffic, (b) the concentration of submarines, and (c) the length of the period of exposure. Technology and convoying can modify this, but not sufficiently to upset the rule as it governs the whole picture. Factors (a) and (b) will undoubtedly be greater in a future major war than they were in World War II. However, the values given here are computed on the assumption that in a future major war the losses to our shipping in the eastern coastal lanes will be no greater than they were in World War II.

7. At the same time, we cannot ignore the fact that the existing potential submarine hazard to our merchant shipping is really far greater than it ever was in World War II, nor that our requirements for ocean-borne commodities, both overseas and coastwise, will be far greater. For these reasons it must be assumed that advantage would be taken by us of the opportunity the subject waterway would afford for reducing the submarine hazard on our eastern seaboard by transshipping northbound ocean cargoes at Miami and barging them north to the areas of destination via the Atlantic Intracoastal Waterway.

8. The war-insurance value of the avoidance of war losses and excess tanker-fleet tonnage yielded by the subject project in a future war, and distributable on an annual basis, is developed in the following pages of this memorandum. This value is based upon the testimony of the Army engineers before the House and Senate Subcommittees on Public Works Appropriations. The values arrived at represent purely economic savings to commerce (entirely aside from military values) and may be prudently credited to the subject project. They are computed from official World War II experience data and present-day price, wage and tonnage movements levels and trends projected to 1965.

9. The sources of the data employed for this study are: Department of the Navy, United States Maritime Administration, Interstate Commerce Commission, Bureau of Mines, United States Department of Labor, United States Coast Guard, Files of the Petroleum Administration for War, Files of the Defense Transport Administration, House and Senate Documents, the American Bureau of Shipping, statistical research division, Sun Oil Co.

SUMMARY, WARTIME ECONOMIC SAVINGS TO NORTHBOUND OCEAN COMMERCE

Category 1 (see accompanying maps and Coast Guard record, and attached analysis). (Condensed from a more detailed study by H. H. Buckman, copy of which is available): Value of avoidance of merchant ship sinkings between latitude of Miami and latitude of Jacksonville and west of longitude 79° west—ships only. (Same number and types as were actually sunk in this lane in World War II), $83,750,000.

Category 2 (see attached analysis of this category): Value of avoidance of loss of cargoes only, involved in merchant ship sinkings between latitude of Miami and latitude of Jacksonville and west of longitude 79° west. (Same number and type of cargoes as were actually lost there in World War II), $3,555,000.

Category 3 (see attached analysis of this category): Net savings from reduction of tankers required in the Gulf-Atlantic fleet because of the shorter haul from gulf ports to Miami instead of gulf ports to Jacksonville, after deducting the cost of all barges and tugs necessary to effect delivery to destinations north from Miami via the waterway, $142,080,000.

Total, $229,385,000.

Annual economic benefit from this source if this $229,385,000 is distributed over the 25-year war recurrence period posited by the Board of Engineers for Rivers and Harbors as cited above (229,385/25), $9,175,000.

Benefit-to-cost ratio from this source of benefits equals 9.1 to 1.

Analysis of category 1, value of avoidance of merchant ship sinkings (condensed from a more detailed study of H. H. Buckman, copy of which is available. See also accompanying maps and Coast Guard record):

1. Number of merchant ships actually sunk by enemy submarines in World War II off the east coast of Florida between the latitude of Miami and the latitude of Jacksonville and west of longitude 79° west:

| | |
|---|---|
| Tankers | 7 |
| Dry cargo ships | 5 |
| Total | 12 |

2. Replacement value of these ships during the forthcoming decade:

| | |
|---|---|
| Tankers, 7 at $9,375,000 each | $65,625,000 |
| Dry cargo ships, 5 at $3,625,000 each | 18,125,000 |
| Total | 83,750,000 |

3. The above figure appears to be a minimum. There is a continuing trend in tanker construction toward very much larger and very much faster vessels with enormously increased construction costs. Offsetting the greater speed and capacity of the modern tankers is the undoubtedly greater speed, number, striking power, and cruising radius of potential enemy submarines, and the vastly increased requirements of the United States east coast area for petroleum and dry cargo supplies.

4. With respect to dry cargo ships, the trends toward greater size and speed are largely absent, although construction costs have very greatly increased.

5. For the above reasons it is evident that in a future major war it must be assumed that the number of vessels subjected to submarine hazard off the east coast of Florida will be no less than in World War II, and that each sinking will represent an economic loss several times that sustained by reason of each sinking in World War II.

Analysis of category 2, value of avoidance of loss of cargoes (condensed from a more detailed study by H. H. Buckman, copy of which is available. See also accompanying maps and Coast Guard record):

1. Number of cargoes actually sunk by enemy submarines in World War II off the east coast of Florida between the latitude of Miami and the latitude of Jacksonville and west of longitude 79° west:

| | |
|---|---|
| Petroleum | 7 |
| Dry cargoes | 5 |
| Total | 12 |

2. Replacement value of these cargoes during the forthcoming decade:

| | |
|---|---|
| 7 petroleum cargoes, at $430,000 each | $3,010,000 |
| 5 dry cargoes, at $109,000 each | 545,000 |
| Total | 3,555,000 |

3. Note that the above dry-cargo-value estimates are based on low-price bulk cargo such as sulfur, woodpulp, etc. Cargoes of tin, copper, and tungsten ores and cargoes of wool, etc. (northbound to the United States east coast via Yucatan Channel and Florida Straits) would represent values many times the average taken here.

Analysis of category 3. Savings in tankers required: Tankers eliminated from the gulf-Atlantic fleet by reason of the shorter haul from gulf ports to Miami, instead of from gulf ports to Jacksonville, and thence north from Miami to destination areas by barge via the waterway. (Condensed from a more detailed study by H. H. Buckman, copy of which is available.)

1. If the haul were by tankers only from gulf ports to the Philadelphia area, as at present, the number of 165 million-barrel tankers with a speed of 15 knots per hour required would be 191.

Note that in time of a future war, the now definitely known petroleum transport capacity of the pipelines (including big inch and little big inch if these were put back into service) and all rail transport as at its peak in World War II, will be so far inadequate that the vastly increased requirements of the United States east coast area will necessitate an undiminished tanker haul, and this number, 191, will in all probability be still required.

2. If the haul were from gulf ports to Jacksonville and thence north to destination by barge via the inland waterway, 126 tank-

ers would suffice, resulting in an elimination of 65 tankers from the gulf-Atlantic fleet.

3. If the haul were from gulf ports to Miami (which the subject project will make possible) and thence north to destination by barge via the inland waterway, 94 tankers would suffice, resulting in an elimination of 97 tankers from the gulf-Atlantic fleet.

4. The extension of the 12-foot channel from Jacksonville to Miami will therefore make possible the elimination of 32 more tankers from the gulf-Atlantic fleet, than would be possible if the southernmost deep-water port connected with the inland waterway continued to be Jacksonville.

5. The cost of the total tankers eliminated in each case, (2) and (3), less the cost of barges and tugs in sufficient numbers to move to destination all petroleum delivered by the tankers will be, in each case, the net savings that are effected.

6. The factors in this computation are:

(a) Average sailing distance, gulf ports to Philadelphia, area: 1,822 nautical miles.

(b) Average sailing distance, gulf ports to Jacksonville: 1,194 nautical miles.

(c) Average sailing distance, gulf ports to Miami: 882 nautical miles.

(d) Capacity of average modern tanker: 165,000 barrels.

(e) Speed of average modern tanker: 15 knots per hour.

(f) Capacity of average modern petroleum barge: 20,000 barrels.

(g) Speed of average 3-barge tow with 1,500-horsepower tug: 6 knots per hour.

(h) Barges per tug: 3.

(i) Cost of tanker: $9,375,000.

(j) Cost of barge: $85,000.

(k) Cost of 1,500-horsepower diesel tug: $450,000.

(l) For a haul of any given distance, to convert tankers to tugs and barges of equivalent delivery capacity, the factor is $d/f \times e/g = 165,000/20,000 \times 15/6 = 8.25/2.5 = 21$.

7. Computation:

Cost of one tanker: $9,375,000.

Cost of 21 barges at $85,000 each: $1,785,000.

Cost of 7 tugs at $450,000 each: $3,150,000.

Forward, cost of 1 tanker: $9,375,000.

Forward, cost of 21 barges: $1,785,000.

Forward, cost of 7 tugs: $3,150,000.

Total cost of tug-barge equivalent of 1 tanker: $4,935,000.

Net saving from elimination of one tanker: $4,440,000.

Net total saving by elimination of 32 tankers made possible by the subject waterway through transshipment at Miami instead of Jacksonville ($32 \times 4,440,000$): $142,080,000.

8. Fuel, labor, and other operating costs of transporting petroleum by inland barge are higher than ocean tanker transport costs. However, this factor is considered somewhat more than offset by the much smaller distribution cost of inland barge transport.

DATA ACCOMPANYING BUT NOT ATTACHED TO THIS MEMORANDUM

1. Map of Florida, showing inland transport lines, rail, water, and highway, and military installations, and locations where each United States merchant ship was sunk by enemy submarines in World War II between latitude of Miami and latitude of Jacksonville, and west of longitude 79° west.

2. Map showing the waterways of the whole United States, and locations of all United States merchant ships sunk off the United States east coast by enemy submarines during World War II.

3. United States Coast Guard official record of all United States merchant ships sunk by enemy submarines during World War II.

NUMBER AND EFFECTIVENESS OF RUSSIAN SUBMARINES

The number of these submarines now in commission is not definitely known, but the military authorities of the United States and Britain generally accept the present number as being about 450, with a continuing building program going on. This should be compared with the 57 submarines with which the Germans entered World War II, and with the maximum number (240 in 1943) which they had in operational condition at any one time, and with the maximum number (120) which they had actually on patrol at any one time. It is not known how many submarines the Germans had in operational condition during the first 5 months of 1942, when their attack on our coastwise shipping reached its peak, but it is certain that the number was less than their maximum of 240, attained in 1943. It is well to bear in mind the fact that in World War II a prime element in the plans of the German General Staff was the crippling of the United States coastwise and intercoastal merchant marine in order to overload our eastern and transcontinental rail systems. It is a matter of history that they succeeded to a very large extent in the former, and were well on their way to the latter at the time the war ended. If the Panama Canal should be closed by nuclear bombing (a not improbable event) at the same time that our eastern rail lines were overburdened by practical suspension of Gulf-Atlantic coastwise transport (as it was in World War II), the resultant added deficit in rolling stock for the increased transcontinental rail movement might well prove disastrous. It seems reasonable to suppose that the same thinking enters into the plans of the Russian General Staff.

The question of the necessary radius of operation of the Russian submarine has been carefully examined. If these vessels must all operate from a Russian port (or a satellite port) they will have a very much longer distance to cover than did the Germans in World War II. This would very definitely reduce their time on patrol of the Gulf-Atlantic lane, and hence their total striking power. Offsetting this is the consideration that the Germans were able to move their submarine bases from Kiel to occupied territory. To assume that the Russians could not do the same thing is to assume that from the very outset we shall hold continuing air supremacy over all coasts of the North Sea and of the North and South Atlantic Oceans within a radius of 5,000 nautical miles of Diamond Shoals lightship. Prudent provision for defense cannot be based on such an assumption. On an average operating radius of approximately 3,800 miles, German submarines in World War II sunk 118 of our tankers and dry-cargo ships in the Gulf-Atlantic lanes.

Opposed to all the above is the probability that our Navy has substantially increased its ability to combat the submarine. There is some good reason for the opinion that, given time and the necessary resources, the Navy could practically drive such enemy craft from the seas. However, since the United States will almost certainly not launch a surprise "blitz" on Russia, it must be assumed that the timing of the next war will be in Russia's hands, and that she will not initiate it until she has her naval forces deployed for acton. It seems a fair conclusion that our coastwise shipping will face the full force of the submarine attack at the outset. It should be remembered that the measure of the hazard here sought to be avoided is based on the sinkings of our coastwise ships that took place during the first 150 days of the beginning of World War II. It should also be noted that while our Navy is probably better able to cope with the submarine now than at the outset of World War II (not only because this is not the morrow of Pearl Harbor and our losses there, but because of the great advances by the Navy in defense technology) the Russian General Staff is undoubtedly aware of all this, but still places its reliance on the submarine, at least to accomplish in consequential measure what the Germans so nearly succeeded in doing, i. e., the disastrous deterioration of our overland transport by overloading as a result of the destruction of our coastal transport.

Mr. HOLLAND. Mr. President, the Florida Inland Navigation District, the State agency which handles the acquisition of rights-of-way and other local aspects of this project, has always been ahead in meeting the requirements of local cooperation. It has incurred costs of several million dollars in fulfilling requirements of local cooperation for this project. I hope the item may remain in the bill.

If the Senator from Louisiana will yield further, I may say, of my own knowledge, that during World War II, 10 ships—very necessary ships—were sunk by the submarines of the enemy offshore from the very strip of the intercoastal water which is included in this incompleted portion from Eau Gallie down to Miami. The cost of those ships and the loss of their cargo and cargo-carrying capacity comprised a very great loss to our Nation in time of war.

Likewise, I should like to say in that connection, to my own knowledge, during that time, in order to escape the danger of destruction of tankers and very important cargo-carrying ships, our Government was forced to put in a pipeline from Port St. Joe, on the west coast of Florida, to Jacksonville for the transportation of petroleum products, which moved up to Port St. Joe through the gulf intercoastal waterway. Then those petroleum products were carried across the State through the pipeline and then by barge were sent northward and southward from Jacksonville. Unfortunately, the barge service southward was very inadequate, because of the incompleted condition of the important intercoastal waterway. I think the completion of this strategic waterway is entirely justified, and that its incomplete condition at the present time is a sad commentary, because in my State it is a stub end canal extending from Jacksonville all the way down to Eau Gallie, and there is no real chance for the heavy barges to operate with any degree of efficiency in that stretch of approximately 200 miles of the project.

Mr. President, I wish to terminate my brief remarks by again stressing my very great appreciation to the distinguished chairman of the subcommittee.

Mr. SMATHERS. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. SMATHERS. I should like to associate myself with the remarks made by my distinguished senior colleague, and to state to the Senator from Louisiana how important the project is, not only to the people of Florida, but to the defense effort itself. I am satisfied the Senate will approve it, and we want the Senator from Louisiana to know that we appreciate his efforts in connection with it.

Mr. RUSSELL subsequently said: Mr. President, I desire to make a brief statement not with respect to any pending amendment, but to a matter which was adverted to earlier by the distinguished

senior Senator from Florida. It has to do with the improvement and deepening of the intercoastal waterway within the State of Florida from Eau Gallie to Miami. I think the project involves something over $1 million. It is my understanding that the waterway now has been increased to a depth of 12 feet from New Jersey to Eau Gallie, and that this item would permit the beginning of the work necessary for completion of the 12-foot waterway all the way to Miami.

It will be recalled that in the very dark days of World War II great difficulties were encountered in supplying the eastern seaboard with petroleum. It was not an unusual sight, off the coast of Florida and off the coast of my own State of Georgia, to see the flames arising from a tanker which had been torpedoed by a German submarine. Personally, I have never been able to conceive of any greater disaster that could befall an individual human than to be thrown from a tanker into a sea of burning petroleum products.

The menace of the German submarines and their effective work along the Atlantic seaboard at one time almost threatened the entire war effort in the great industrial centers of the East. It called for extraordinary action in building new tankers and utilizing barges, and brought about the construction of some great pipelines that had theretofore been regarded as pipe dreams—the Big Inch, among others—to assure the delivery of petroleum which was so essential to the war effort.

It seems to me that the project now under consideration has very great value. No man would undertake to predict what kind of a war world war III might be if such a terrible catastrophe were to be visited upon the human family. We do know that Russia has a much larger fleet of submarines than that available to Hitler's Germany any time during World War II. It well might be that the protected waterway, which would enable the transportation of petroleum which is essential to our industrial production, not to mention transportation for the welfare of thousands of families who use it to heat their homes, would be a major factor in victory or defeat. I am of the opinion that the project is amply justified, and I am glad it has been approved.

Mr. ELLENDER. Mr. President, before marking up the civil functions portion of this bill, I personally studied not only the projects for which there were budget estimates, but also the other projects that were presented to the committee and on which the Corps of Engineers had been called back to express their views. In order to balance the bill, and in order that it might take care of many worthy projects not recommended by the Bureau of the Budget, I recommended to the subcommittee the inclusion of a number of projects which had been asked for by witnesses from all over the country and some also which had been requested by Members of both the Senate and House of Representatives. I am glad that a number of such projects were included. My hope is that the Senate will agree and that it will be possible to retain all of them when the conferees meet.

I am completely convinced of the advantages and results to follow water resource development programs. The benefits from projects that have been constructed in this country are positive examples of increased national wealth generated by such improvements, but I believe more startling proof exists in Europe and Asia, where the prosperity of the countries is inversely proportional to the effort expended on soil and water conservation projects. I believe that unless we protect our greatest resource, namely, water, and unless we keep it inland and not permit it to flow to the sea, someday our great country may become as barren as the Gobi Desert or as lands which I have seen in old Persia. It was my privilege to travel throughout Persia. Five hundred years before Christ, Persia could have sustained the livelihood of 105 million people. Now it can sustain only 14 million.

Consider the great valley of Mesopotamia, between the Tigris and Euphrates Rivers. At one time that area could provide food and fiber for 15 million people. Today that great valley can hardly take care of 2 million. Why? Because of the neglect of the great natural resource of water. If it had been possible to retain the waters upstream on those great rivers and not permit them to carry down the rich topsoils, the chances are that that great valley would still be very productive and be a veritable garden of Eden.

The fact is that those rivers carried millions of tons of earth down the streams and clogged the small tributaries and rivers in Mesopotamia. Today that land is not suitable for cultivation. It is sour. It cannot be cultivated. Certainly we do not want that to happen to our great country. That is why I am so anxious to see to it that adequate funds are appropriated each year for water resources development.

As prosperous as we are in this country, we can ill afford the luxury of postponing the development of our resources. The committee report devotes considerable space to the major features of resource development in the field of navigation, flood control, water conservation and hydroelectric developments as it relates to the program of the Corps of Engineers. I hope that the Members will take the time to read that discussion. I do not intend to repeat it here.

I ask unanimous consent that that portion of the report be incorporated in the RECORD at this point in my remarks.

The PRESIDING OFFICER. Without objection the report is ordered to be printed in the RECORD, as follows:

WATER RESOURCE DEVELOPMENT

The program of water resource development has not had a green light for almost two decades. In fact, except for the navigation phase of this program, its entire existence has been marked with one emergency after another. The National Flood Control Act was signed in June of 1936. The first appropriations under that act were made in 1937. Detailed plans had to be prepared so that, from a practical standpoint, it was 1938 before the program could be launched. By 1939 there were pressures to curtail the program due to the buildup of our military strength as the war clouds gathered over Europe prior to the outbreak of World War II. During the war period, only projects directly related to the national defense were started. Shortly after the war a new attempt was made to reactivate this program. This new effort was barely underway when the Korean conflict broke out and the resource program was again placed in moth-balls.

During the previous 2 years this committee recommended a number of new starts on urgently needed and long-deferred projects. The day is here when this country needs an accelerated program of soil and water conservation due to a succession of emergencies. The program for conservation of our natural resources has lagged far behind the general economic development of this Nation. The committee has therefore recommended a few new starts on projects in each of the major fields of resource development covered in this bill. The relationship of these programs to our economy are discussed in the following paragraphs.

WATER SUPPLY

The river and harbor bill, S. 497, as passed by the Senate includes provision for a more realistic approach to the repayment by local interests for the cost of water supply features of multiple-purpose reservoirs. For a number of years this committee has discussed in its reports the serious nature of water shortages throughout the country. Last year the President's Advisory Committee on Water Resources Policy presented an excellent analysis of this growing problem, and the seriousness of the shortages that will face this Nation by 1975. That report showed that a total of 185 billion gallons of water were used each day in 1950 and that by 1975 it was estimated that 350 billion gallons of water would be used daily.

During the drought period in the Southwest, potable water was selling as high as 45 cents a gallon. Many of the multiple-purpose reservoirs with conservation storage for water supply that were constructed during this period were never filled.

The 25 reservoirs operated by the Corps of Engineers in the heretofore drought-ridden Southwestern States caught some 20 million acre-feet of water. After the excess flood-waters are drawn down there will be retained some 12 million acre-feet of conservation storage.[1] The water thus held in storage will provide supplies for cities served by the reservoirs, meet hydroelectric power requirements and other water resources needs.

Reservoirs in this area under construction and authorized will provide additional urgently needed storage for water supply.

NAVIGATION

The use of large ships and barges in both our inland waterways and ocean ports require deepening and widening of many of our major ports and waterways in order to accommodate modern ships utilizing these facilities. Our canalized waterways such as the Ohio and the Warrior Tombigbee are obsolete and many of the locks and dams are in a state of advanced deterioration, having served beyond their economic life. The modernization of these waterways is essential to the maintenance of our economy. For instance, on the Ohio River the locks and dams were originally justified on the basis of anticipated traffic of 13 million tons a year. When the original program installation was completed in 1929, they were handling 22 million tons, and in 1955, the last year for which statistics are available, the Ohio River traffic approximated 71.5 million tons. In ton-miles, since 1915 the commerce on this waterway has increased at an average rate of approximately 8.7 percent per year. If one of these locks failed in the portion of the river serving the Pittsburgh area, resulting in interruption of traffic on the Ohio River, there would not be enough freight cars in the country to handle the additional

[1] Approximately 4 trillion gallons.

traffic. The production of steel would be seriously curtailed, which in turn would affect the entire economy of the Nation.

FLOOD CONTROL

The first 6 months of the current year have seen widespread and serious flooding in the Southeast, Southwest, and Middle West. In 1955 the floods hit the west coast, New England, and other sections of the northeastern portion of the country. In the Pacific Northwest and Missouri River areas the ever-present threat of a recurrence of the floods that occurred a few years ago will be a source of constant concern to the people of these areas until the authorized protective works are completed.

Exclusive of headwater flooding, where the watershed protection programs of the Department of Agriculture are relied upon for flood prevention, the potential average annual flood loss in the United States without flood control works would be about $1 billion. With the flood control projects completed or under construction this potential average annual flood loss is reduced to approximately $400 million.

As of June 30, 1954, Federal appropriations for construction of flood control, and multiple-purpose projects including flood control, amounted to $3,204,000,000 and as of that date it was estimated that these works prevented damages amounting to $17,315,900,000.

The 25 operating reservoirs in 5 Southwestern States prevented damages initially estimated at $142 million during the series of rainstorms which swept that area in almost constant procession during the past 3 months. The Corps of Engineers estimated that an additional $56.5 million in damages could have been prevented by works already authorized by Congress but not yet placed under construction.

Since flood losses are deductible in computing income and other taxes, it is apparent that the damages resulting from floods represent a very significant decrease in Federal revenue. This is particularly true when you consider that such deductions are from the highest tax rate paid by the individual or corporation.

HYDROELECTRIC POWER

The generation of power at Federal projects is self-liquidating and returns interest on the Federal investment. As additional generators are placed on the line, the total revenue deposited in the Treasury as miscellaneous receipts increases. For instance, the revenue from this source in fiscal year 1954 was $28,213,153, and in 1956 (the last year for which figures are available) the revenue from this source had increased to $51,246,212.

Electric consumption in the United States in 1956 was 16 times what it was in 1920, and there is no indication of a reduction in the rate of load growth. Some engineers are estimating that by 1980 it might be 16 times as much as it was in 1956. Be that as it may, the development of power from falling water which would otherwise be wasted certainly constitutes a major factor in conservation of other energy-producing natural resources.

PROGRAM DEVELOPMENT

Undoubtedly there is more time, careful planning and coordination with local, State and Federal agencies devoted to the development of projects in the water resources program than practically any other field of Federal expenditures. Extensive public hearings are conducted by the Corps of Engineers, legislative and appropriations committees of the House and Senate. In fact, appropriations for water resources development should more properly be looked upon as investments, rather than expenditures.

Mr. ELLENDER. Mr. President, I would like to take a few minutes to expand the views expressed in that report.

A special House subcommittee of the Committee on Public Work which recently inspected flood conditions in five Southwestern States estimated that total actual damage would approximate a quarter billion dollars. It also pointed up the really tragic loss of 30.5 million acre-feet of wasted runoff of water, which, they pointed out, at 4 cents per thousand gallons represented a loss of $400 million to the affected States.

Estimates of damage and economic loss cannot reflect suffering and loss of life. That subcommittee reported that as of June 1, 23 persons had lost their lives as a direct result of the floods, and hundreds of others had been injured. Some 18,000 persons were evacuated. In their aftermath, floods are perhaps the most difficult of natural disasters to cope with from the standpoint of rehabilitation. Deposits of silt and filth cover the flood areas. Food and water supplies become contaminated and there is the ever-present threat of serious epidemic.

In Texas alone it was estimated that $5 million will be spent by the Federal Civil Defense Administration in carrying out relief and rehabilitation work. In addition, the State of Texas and the local government will expend in excess of $10 million on such work. Floodwaters have not yet receded sufficiently to estimate the damages to local flood protection structures which will require repair and rehabilitation.

Finally, there is the terriffic loss of valuable soil, both from sheer erosion on the watershed where the topsoil has eroded, and also bank caving along the course of the major streams that run bankfull for protracted periods.

In 1955 Hurricant Diane hit the eastern portion of our country and the New York-New England area. In the New England area alone the resulting damage amounted to $530 million, and 90 lives were lost. In addition, countless numbers were injured or made homeless. The Federal cost for relief and rehabilitation was $34 million. In addition, $17.7 million was expended by the Red Cross and $85 million by Connecticut and Masachusetts.

A goodly portion of this damage, suffering, and rehabilitation could have been prevented if the projects authorized decades earlier had been built. A great many worthy projects in the New England area and throughout the Northeastern States had been lying dormant for many years. It required a tropical hurricane and the tremendous floods of 1955 to make the people of that area realize that the projects which had been authorized, urgently needed to be built. The record shows that the few projects which had been built paid for themselves several times over in that one flood.

For example, the nine completed local protection works on the Connecticut River prevented damages of about $33 million. The total Federal cost of these works was about $19 million. The Knightsville Reservoir on the Westfield River, built at a cost of $3.3 million, effected savings of more than three times its cost.

In view of the need for economy in Government today, it was my feeling that the committee should report a conservative bill and at the same time provide some new starts in both planning and construction. I believe that the committee has done just that.

Let me cite a few figures. Last year the appropriation for the Corps of Engineers was $637,532,500. The budget estimate for 1958 was $632,130,000. The bill as passed by the House carried $600,381,800. The committee gave consideration to each request made during the hearings, and interrogated representatives of the Corps of Engineers as to each project. The sum total of all of the individual amounts which the representatives of the Corps of Engineers said they could economically use was $733,089,100. They pointed out, however, that if all of the amounts requested were approved by the committee, the total might well exceed their overall capability. The committee recommended $658,625,100. While this represents an increase of $21,092,600 over the 1956 appropriation, in terms of construction that can be accomplished, the program recommended by the committee represents a level some $13 million below the 1957 fiscal year.

Since last year the cost of construction has advanced more than 5 percent, and for the first time in fiscal year 1958 Federal agencies are required to pay into the retirement fund 6½ percent of the amounts to be paid for salaries of Federal employees. These items totaled $34.1 million, as follows: 6½ percent contribution to the retirement fund, $8.3 million; 5 percent of the $516.5 million provided for construction, $25.8 million.

In fiscal year 1957 the corps had a planned program of $673 million. However, later they were directed to operate under an expenditure limitation established by the Bureau of the Budget of $630 million. Actual expenditures amounted to $613 million. This was $17 million below the limitation, which represents a slippage in their program. This directive of the Bureau of the Budget necessitated a planned slowdown regardless of the necessity for the project.

I will say that on a large number of projects which the committee considered there were delays in the completion dates. I have no doubt that further restrictions on expenditures will result in additional delays in the completion dates for the projects in this program. The corps testified that the projects that were delayed were projects that provided flood control and navigation benefits. They went on to state that they realized that there is an economic loss by not obtaining those benefits early, but that that loss was considered and accepted. Such an economic loss is one type of loss resulting from a planned slowdown of this program.

Another type of loss was also discussed during the hearings. That is where the engineers have failed to provide adequate funds to keep the contractors operating at the most economical rate during the entire construction year. If a contractor runs out of money, he would have one of three alternatives: (a) Pull his equipment off a job for use elsewhere

and then mobilize it at a later date when additional funds are available; (b) leave his equipment on the job and lay off the crew until funds for the next fiscal year become available; or (c) borrow money at the going interest rate and continue construction. There would be a substantial cost to the contractor under any of the alternatives available to him. If this is the way the Government is going to finance its construction program, contractors have no alternative but to include contingency items in their future estimates in order to protect themselves. There just is no economy in slowing down a construction program. In March the representatives of the corps testified that they had or would run out of funds prior to June 30 on the following projects: Redondo Beach Harbor, Missouri River, Kansas City to the mouth, New York and New Jersey channels; Columbia River at the mouth; Russian River Reservoir; Ferrell's Bridge Reservoir; Sutton Reservoir; Table Rock Reservoir; Ice Harbor lock and dam.

The allocation of sufficient funds to carry forward these projects at an economical rate was not due to any shortage in the appropriation for "Construction, general." The unobligated balance carried forward to fiscal year 1958 in this account was $91,006,830. I am certain that any hesitation in providing funds for these projects was the direct result of expenditure limitations established by the Bureau of the Budget.

After a discussion of this problem with the Chief of Engineers on the opening day of the hearings, the committee received a few requests for authority to make transfers in excess of the 15 percent which the corps is authorized to make on their own initiative. With respect to the requests received by the committee, the need for the transfers was clearly demonstrated, and they were promptly approved by the committee.

Under date of June 28, 1957, the Director of the Bureau of the Budget wrote all Cabinet officers and heads of the independent agencies, advising them that in most cases direct obligations should not rise above the level for fiscal year 1957. That directive should not be applied to the civil works program since the level of construction provided for in the bill recommended to the Senate is below the 1957 level. However, if a strict interpretation is used and if that letter means what it says, it would appear that a portion of the funds recommended in this bill will be placed in budgetary reserve by the President and the Director of the Bureau of the Budget. Since the Director of the Bureau of the Budget does not normally consult me on these matters, I cannot inform any Member of the Senate as to the effect of this letter on any particular project. Mr. President, I ask unanimous consent to insert that letter at this point in my remarks.

The PRESIDING OFFICER. Without objection, the letter is ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
*Washington, D. C., June 28, 1957.*

The Honorable SECRETARY OF THE ARMY.

MY DEAR MR. SECRETARY: The President has requested that all agencies in the executive branch keep the rates of commitments, obligations, and expenditures for fiscal year 1958 at or below the level for the fiscal year 1957, to the extent feasible, and that I inform you of the necessary procedures for achieving this purpose. This task can best be accomplished by positive action on the part of each agency head. The apportionment and allotment system offers an existing administrative channel for each agency head to accomplish these purposes. Therefore, appropriate action along these lines should be reflected in the initial request for apportionment for 1958 appropriations and in requests for subsequent revisions of apportionments for the civil functions of the Corps of Engineers, as well as in allotment action within the agency, following these guidelines:

1. As a general rule, requests for apportionment and the allotments of funds shall be based upon holding obligations to absolute minimum levels. In most cases direct obligations should not rise above the level for the fiscal year 1957. Exceptions may be made with respect to that portion of appropriations which is for cash payments not controllable by administrative action (certain grants, annuities, indemnities, insurance losses, etc.), and with respect to uncontrollable workload and new legislation specifically endorsed as a part of the President's program. In any case where special circumstances (including those referred to above) prevent the agency from operating at or below the 1957 levels, the agency head shall submit a statement of reasons therefor to accompany the apportionment requests. For all appropriations, however, there should be a critical analysis of all activities, and advantage should be taken of every possibility for reductions; apportionments in all cases should be consistent with allowable sums being used in planning the 1959 budget. The sums available in excess of minimum needs will be placed in reserves for contingencies.

2. In the case of those appropriations that are for major capital outlay and development—construction, procurement, research, etc.—the requests for apportionment and the allotments should reflect the postponement of a significant part of the obligations planned in the Budget for 1958.

3. In general, separate quarterly apportionments and allotments will be made for object class "01 Personal Services." Exceptions will be made on a selective basis where regular apportionments and allotments, or other administrative arrangements, will effectively control the numbers of personnel.

4. Apportionments and allotments shall be revised throughout the year to provide for additional savings. After the close of each of the first three quarters, subsequent apportionments and allotments for operating programs will be reviewed in the light of program progress and costs, and action taken wherever possible, both to reserve unobligated balances remaining from the quarter just closed and to adjust subsequent quarters' figures to take into account lower rates of obligations actually achieved in the preceding period. Also, those savings which are made a matter of record in public statements on the basis of agency claims of such savings will be specifically identified and reserved.

Sincerely yours,

PERCIVAL BRUNDAGE,
*Director.*

Mr. ELLENDER. Mr. President, for many years, our Presidents have requested the item veto of appropriation bills. The Congress has steadfastly refused to grant them this authority. Today we can take this letter and reduce the appropriations recommended by the Committee to a level of spending suggested in the letter from the Director of the Bureau of the Budget, which, in my opinion, constitutes a veto of appropriations by intimidation. Or we can exercise our constitutional responsibilities as Senators of the United States and appropriate a conservative amount for the development of the water resources of this country.

If the funds are appropriated and then impounded by the administration, the responsibility for continued flooding, breakdown of navigational facilities, and brownouts in our great Northwest will be clearly theirs. The added cost to projects because of slow-ups and stops will not be the fault of Congress. If they prefer to request funds for flood fighting, rescue work, and rehabilitation, rather than for flood-control structures, that will be their decision. I prefer a constructive approach.

I have advocated economy in Government and have supported reductions in the budget. This year the Congress has made a fine record in this respect. The Appropriation Committees have considered requests totaling $55.2 billion and approved $51.3 billion, a reduction of $3.9 billion. As pointed out in the committee report, this program has never really had a green light and in my humble judgment the amount recommended by the committee is the minimum that should be provided.

Mr. DWORSHAK. Mr. President, I call up my amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment of the Senator from Idaho will be stated.

The LEGISLATIVE CLERK. It is proposed on page 4, after line 7, before the colon, to insert ", of which $500,000 shall be made available for the preparation of detailed plans for the Bruces Eddy project on the North Fork of the Clearwater River, Idaho, recommended for construction in the report of the Chief of Engineers, United States Army, contained in Senate Document No. 51, 84th Congress, 1st session, and the preparation of such plans is hereby authorized."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

Mr. DWORSHAK. Mr. President, I am quite sure that the chairman of the subcommittee will accept the amendment, because its objective is to provide funds to enable the Army engineers to initiate engineering plans and studies for this project, which was overwhelmingly approved in the omnibus bill which passed the Senate early in this session.

I was very much interested in the comments made by the junior Senator from Oregon [Mr. NEUBERGER] concerning the consideration extended by the subcommittee, and particularly by its chairman, to the necessity of developing the full potentialities of the great Columbia River Basin. It has been my privilege to serve for several years as a member of the subcommittee, and to observe resource public works developments in every section of the United States. In view of the fact that Idaho is an upper watershed State in the Columbia Basin, and in view of the fact that comprehensive development of the basin means upstream projects for Idaho, as well as downstream

projects for Oregon and Washington, I appreciate very much the sympathetic attitude of the chairman of the subcommittee in recognizing the need of development of some of the projects in the upper watershed, particularly in Idaho.

It is generally admitted that these projects have as great a value in the lower basin as they do in the upper watershed, by virtue of the impounding of flood waters which frequently cause devastating damage in the lower basin. Likewise, the impounding of the flood waters in upstream reservoirs makes possible the firming of the generation of power in all facilities, both Federal and non-Federal, in the lower basin.

Under such circumstances, I am sure the chairman of the subcommittee will accept the amendment, so that the Army engineers can proceed with this very vital engineering study.

Mr. ELLENDER. Mr. President, there is no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is now open to further amendment.

Mr. DOUGLAS obtained the floor.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on final passage of the bill, so that Senators will know we will have the vote.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Illinois [Mr. DOUGLAS] has the floor.

Mr. DOUGLAS. Mr. President, while I rise with a different mission from that of my illustrious predecessors who have spoken in praise of the senior Senator from Louisiana, my appreciation of his services is no less sincere or glowing, and my personal praise for him is as great as theirs.

I hold in my hand the three volumes of hearings, two of them with relation to the rivers and harbors appropriation and one dealing with reclamation. They total in all some 3,400 pages. They are quite heavy, and I think somewhat dry despite the fact that they deal with water. Merely to listen to the testimony would be a Herculean feat in itself. I know that the Senator from Louisiana was present at every hearing and took all the testimony. I know that for every page of testimony and for every project there must have been at least a dozen telephone calls from the individual Senators concerned, and many conversations. The mere physical labor connected with the preparation of this bill was tremendous. It is a great tribute to the energy and devotion to duty of the Senator from Louisiana.

When I first came to this body I heard the Senator from Louisiana stand on the floor and speak for 13½ hours, and with as much vigor at the end of his speech as at the beginning, rising on his toes at the end of every sentence, and I marvelled at the physical and mental energy of the Senator. I have never ceased to marvel at it since.

I want the Senator to realize that he has my admiration and affection, and I hope he will not think this is diminished by what I have to say in the few minutes I shall now take.

Mr. ELLENDER. I am ready.

Mr. DOUGLAS. Mr. President, I am well aware of the pressures and attractions behind this bill. The bill provides for approximately 400 projects under the rivers and harbors section distributed over 41 States, and it has well over 30 projects in 15 States under the reclamation section of the bill. These projects are scattered around all over the country, so that they will please virtually every State and nearly every Congressman and Senator. If there ever was a bipartisan bill and a bill in which there is something for everybody, this is it. Naturally this makes it popular and a great vote-getter.

I am quite well aware that many of these projects are extremely worthy. At great political cost to myself, I have always supported the projects in the Columbia River, because I think there is a great unused power resource there which it is in the national interest to develop.

That is true also, I think, of most of the projects in the tributaries of the Columbia River, although not of every project on these tributaries.

Also, at great political cost to myself, I have supported the projects in the Tennessee Valley, not only the water projects, but what have now become more predominant in the valley, the steam projects.

So I do not think I can be accused of indiscriminate opposition to the projects in the bill. However, there are two very powerful considerations concerning this bill which I believe the Senate and the country should take into account.

The first consideration is that we are in a period of price inflation in many segments of the economy. Everybody talks about inflation but, as Mark Twain remarked about the weather, nobody does anything about it. The rise in prices is concentrated in the very groups of commodities the demand for which will be increased by the recommended appropriations in this bill.

If we consider the wholesale price index, we find that in April of this year it was 17 percent higher than it was in the base years 1947–49, but that the rise had been dampened down and partially offset by the fall in prices of farm products. Those products had fallen by approximately 10 percent. It was the fall in farm prices which kept the general wholesale index number to as low as 117 in comparison with the 100 base of 1947–49.

However, if we consider structural minerals, which would include, as I understand it, concrete and cement, the prices of these commodities are 34 percent above what they were in the base period 1947–49. Machinery and motor products are up 45 percent. Metals and machinery are no less than 50 percent greater than they were in 1947–49.

The expenditure of an added $900 million for such projects as are under consideration here will naturally drive up the prices of such commodities still further, and hence intensify the inflation.

The Senate Committee on Finance is holding a very elaborate study of inflation, and the Secretary of the Treasury and the Chairman of the Federal Reserve Board have been subjected to rather lengthy and penetrating questioning as to why they have not been able to check this inflation. I think some of that intellectual effort could also be devoted in the field over which we have some direct control, namely, our appropriations.

I submit, therefore, that we should give more than cursory attention to the bill now before us, which, as I have said, calls for an appropriation of approximately $900 million, which will be spent for the very commodities where price inflation is strongest. There is no doubt that if this bill goes through—as I am sure it will go through, judging the temper of the Senate—inflation will be increased and the prices of these commodities will rise, which will affect business costs. Ultimately, though indirectly, this sequence will affect the cost of living, because the price structures for industrial and consumer goods are interconnected and interdependent.

Mr. President, if I may venture to intrude a little commonsense into this discussion—and I say that in no sarcastic way—it would seem to me to be simple, elementary commonsense to reduce the volume of such public construction in these times of price inflation and to withhold the work or money for these projects for periods of recession and depression. In such periods the added work would help to offset a slump in private business, and the increase in public works would be a stabilizing force, whereas excessive construction now will simply add to our economic difficulties.

We are virtually all in favor of accelerating public works in periods of recession. That principle is by now fairly well accepted. Should we not realize that the logical corollary of that principle is to slow down public-works projects in periods of boom and inflation, such as we have now?

Second, we should realize that the benefit-cost ratio for many of these projects is dangerously low. The benefit-cost ratio is, of course, the ratio represented by the estimated benefits divided by the estimated costs. When the two are equal the ratio is 1 to 1. If the estimated benefits are twice the estimated costs, then benefit-cost ratio is 2 to 1.

It is well known to us in the Senate, although not so well known in the country, that these ratios, as computed by the Army engineers, nearly always present an unduly favorable picture. The benefits are commonly overstated, and the initial estimates of cost are almost invariably grossly understated.

A few years ago I compared the ultimate costs of a wide variety of Army engineer projects with the initial estimated costs. The study of those projects, many hundreds in number, indicated that the final cost was almost twice what the Army engineers have initially estimated the cost to be. So if we had started with a benefit ratio of 1, doubling the ultimate costs would have produced a final benefit ratio of not far from 0.5 to 1. I know that

there are complicating factors, but that is a roughly correct statement.

We have had a recent indication of this tendency of the Army engineers to understate costs. That is, of course, in connection with the St. Lawrence Seaway project. The Army engineers estimated that the initial cost of the St. Lawrence Seaway, for the projects ultimately carried out by the Army engineers, would amount to $66 million over a project. This figure was arrived at after deducting some $21 million which was turned over to Canada and the total did not include interest charges. A few months ago they came forward with a revised estimate of cost, calculated on the same basis, of $133 million, or almost precisely twice what, a few years ago, they had estimated the cost of the seaway to be to the United States.

This underestimate of the cost of the St. Lawrence Seaway will cause a great deal of difficulty, because initially we intended to finance the seaway by means of tolls, when we thought the cost would be $66 million plus interest. Now we find that it will be $133 million plus interest. There is a very real question as to whether the estimated traffic can bear the increased tolls. As a result of the miscalculation, which seems to be endemic with the Army engineers, the country is faced with a very grave financial situation. In view of the past record of the Army engineers, I think we can say that their benefit-cost ratios are probably altogether too high, and that the actual ratios, when the projects are finished, will be very much lower than indicated. Nevertheless, if we take the benefit-cost ratios at the very beginning, we get some rather startling results.

With the aid of some very able staff assistants we have studied the benefit-cost ratios on each and every one of the approximately 400 projects in this bill, and have entered the results on cards which I hold in my hand. The cards are not as bulky as the testimony, but we have gone back through all the sources, not merely in the current hearings, but in hearings of preceding years, and we have made a very thorough analysis of the situation.

First, let me say that there are some 36 Army engineers projects and 6 reclamation projects, or 42 projects in all in this bill calling for appropriations beyond $24 million, for which no benefit-cost ratio has been computed by either the Army engineres or the Bureau of Reclamation. This does not include projects such as bridges, with respect to which such ratios are not required. We are, however, going "blind" on 42 of these projects, for which no benefit-cost ratios have been computed.

Let us take the rivers and harbors appropriations, or appropriations for what are called the civil functions of the Army. We find that there are 104 projects with respect for which the benefit-cost ratio, on the basis of estimated costs, is less than 1.41 to 1—namely, 1.4 to 1 or below. I am willing to wager that, on the basis of past performances, if we start with a benefit-cost ratio no higher than 1.4 to 1.0 we ultimately wind up in a situation in which the costs will actually exceed the benefits, because the costs are always understated.

For the 104 projects to which I have referred, it is proposed to appropriate for the current year $177 million; and the ultimate cost, of couse, will be an infinitely larger amount. So there are projects totaling $177 million which are extremely doubtful.

If we turn to the reclamation projects, we find that there are eight projects, with respect to which the benefit-cost ratio is less than 1.41 to 1. The total appropriation requested for these amounts to $12 million.

If we take the grand total of the extremely doubtful projects, we arrive at a figure of $213 million, which, it would seem, should not be appropriated. That is about 23 or 24 percent of the total amount recommended by the committee.

This fits in with a rule-of-thumb suggestion which I made earlier in the year, namely, that during this period of price inflation we slow down appropriations for military construction, for roads, and for public works of all kinds, by approximately a quarter, eliminating those projects which are least desirable. Then, if and when a recession should come, we could accelerate construction of these projects, and thus provide a stabilizing force for our economy.

I think it is quite obvious that the bill in its present form is unstabilizing; that it will feed inflation; and that while it has great political attractiveness to Senators and Representatives, the total amounts requested are not in the national interest. Therefore, I think we should consider the bill very carefully.

I had intended to offer an amendment to reduce the figure to be appropriated in this bill by $200 million. However, I know that in the present temper of the Senate such an amendment could not prevail, because the local forces behind the bill are too strong.

My mind went back to the example which was set us by the distinguished chairman of the subcommittee, the senior Senator from Louisiana [Mr. ELLENDER], when we were dealing with the military appropriations bill. The senior Senator from Louisiana attacked the bill, and I thought he would propose an amendment restricting the amount. He said, however, that he realized the forces in the Senate were so strong that such an amendment would not carry, and he did not offer it.

Mr. President, I may surprise my friend from Louisiana by saying that in this particular instance I intend to follow his example, and not offer an amendment. I do say, however, that I welcome the rollcall. There may not be many of us who will vote against the bill and a voice tells me that I may stand alone, but the Senator from Illinois will be there. My head is somewhat blooded from the bludgeoning which I have received on the civil-rights bill during these past few days but it is still unbowed; and when the roll is called, I will be on hand, voting "nay."

Mr. BUSH. Mr. President, I ask unanimous consent that a statement I have prepared in connection with the public works appropriation bill be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BUSH

While I am grateful to the Senate Committee on Appropriations for its generous provision of funds for New England flood protection, I am bitterly disappointed by the failure of the House of Representatives to take action necessary to insure the steady forward progress of this essential program.

According to the press, the Speaker of the House, the Honorable SAM RAYBURN, has announced that the House will take no action in the present session on S. 497, the omnibus rivers and harbors authorization bill which was approved by the Senate more than 4 months ago, on March 28, 1957.

The Speaker's announcement comes as a cruel blow to the people of Connecticut, and especially to the residents of the cities of Torrington and Winsted, two of the communities which suffered most terribly in the flood disasters of 1955.

S. 497 would authorize the construction of small flood-control dams and reservoirs for the protection of those communities, two on tributaries of the Naugatuck River and one on the Mad River above Winsted.

H. R. 8090, the Public Works Appropriations bill before the Senate today, contains $100,000 in planning funds for the Hall Meadow Brook Reservoir at Torrington, and $100,000 in planning funds for the Mad River Reservoir at Winsted.

Unless S. 497 is approved by the House, it is almost a certainty that the House conferees will insist on elimination of these funds because of the rule that authorization of a project must precede the appropriation of funds.

I appeal to the majority leader, Senator LYNDON JOHNSON, and to the Senators who will participate in the conference on the appropriations bill to make every effort to persuade the Speaker to reverse his decision not to bring S. 497 before the House for action before the Congress adjourns.

Unless planning funds are provided this year, the result will be a cruel disappointment to the hopes of people who had every reason to expect the Congress to provide protection against a repetition of the terrible disasters, they suffered a little less than 2 years ago. Friday, August 19, 1955, lives in the memories of the people of Connecticut and other Northeastern States as the Black Friday of the first of the two worst natural disasters suffered by the region in all recorded history. It would be unthinkable for that sad anniversary to pass without action by the Congress to take every possible step toward completion of the protective system required to prevent a recurrence of such a tragedy.

Although I keenly regret the failure of the House to authorize new and essential flood-protection projects, I believe that the funds provided by the Senate Committee on Appropriations for projects already approved by the Congress are adequate.

The Senate committee has provided more than $32 million for flood and hurricane protection in New England, almost $3 million more than was voted by the House.

I am especially pleased by the provision of $1,200,000 for continuation of the hurricane studies which eventually will lead to protective measures against tidal flooding for communities on our coasts, and of $3,500,000 for local protection projects not requiring specific authorization.

These small projects, made possible by Public Law 635 of the 84th Congress (the Bush-McCormack Act), are an essential part of the network of flood-protection structures which are required in my State and in many other States. The first of these to be undertaken under the new law in the entire United

States is already under construction at Torrington.

I am also pleased by the provision of $2,900,000 for the Thomaston Dam, the major element in the flood-protective system for Connecticut's Naugatuck Valley, and by the appropriations for dams and reservoirs in Massachusetts and upper New England which will add to the protection of the Connecticut and Thames River Valleys.

The PRESIDING OFFICER (Mr. MONRONEY in the chair). The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

The question is on the passage of the bill. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Ohio [Mr. LAUSCHE] and the Senator from West Virginia [Mr. NEELY], are absent on official business.

The Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

On this vote, the Senator from Virginia [Mr. BYRD] is paired with the Senator from New Mexico [Mr. CHAVEZ]. If present and voting, the Senator from Virginia would vote "nay" and the Senator from New Mexico would vote "yea."

I further announce that if present and voting, the Senator from Delaware [Mr. FREAR], the Senator from Missouri [Mr. HENNINGS], and the Senator from West Virginia [Mr. NEELY] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The Senator from Nevada [Mr. MALONE] is necessarily absent.

If present and voting, the Senator from Nevada [Mr. MALONE] and the Senator from Maine [Mr. PAYNE] would each vote "yea."

The result was announced—yeas 85, nays 1, as follows:

YEAS—85

| | | |
|---|---|---|
| Aiken | Carroll | Ervin |
| Allott | Case, N. J. | Flanders |
| Anderson | Case, S. Dak. | Fulbright |
| Barrett | Church | Goldwater |
| Beall | Clark | Gore |
| Bennett | Cooper | Green |
| Bible | Cotton | Hayden |
| Bricker | Curtis | Hickenlooper |
| Bush | Dirksen | Hill |
| Butler | Dworshak | Holland |
| Capehart | Eastland | Hruska |
| Carlson | Ellender | Humphrey |
| Ives | McClellan | Scott |
| Jackson | McNamara | Smathers |
| Javits | Monroney | Smith, Maine |
| Jenner | Morse | Smith, N. J. |
| Johnson, Tex. | Morton | Sparkman |
| Johnston, S. C. | Mundt | Stennis |
| Kefauver | Murray | Symington |
| Kennedy | Neuberger | Talmadge |
| Kerr | O'Mahoney | Thurmond |
| Knowland | Pastore | Thye |
| Kuchel | Potter | Watkins |
| Langer | Purtell | Wiley |
| Long | Revercomb | Williams |
| Magnuson | Robertson | Yarborough |
| Mansfield | Russell | Young |
| Martin, Iowa | Saltonstall | |
| Martin, Pa. | Schoeppel | |

NAYS—1

Douglas

NOT VOTING—9

| | | |
|---|---|---|
| Bridges | Frear | Malone |
| Byrd | Hennings | Nealy |
| Chavez | Lausche | Payne |

So the bill (H. R. 8090) was passed.

Mr. ELLENDER. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. HAYDEN, Mr. RUSSELL, Mr. MCCLELLAN, Mr. ROBERTSON, Mr. HILL, Mr. MAGNUSON, Mr. HOLLAND, Mr. KERR, Mr. KNOWLAND, Mr. SALTONSTALL, Mr. YOUNG, Mr. THYE, Mr. MUNDT, Mrs. SMITH of Maine, and Mr. DWORSHAK conferees on part of the Senate.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 46) relative to proceedings on H. R. 5707, an act for the relief of A. C. Israel Commodity Co., Inc.

The message returned to the Senate, pursuant to the provisions of Senate Concurrent Resolution 46, the engrossed bill (H. R. 5707) for the relief of A. C. Israel Commodity Co., Inc.

The message also announced that the House had passed the following bills in which it requested the concurrence of the Senate:

H. R. 7349. An act to amend the act regulating the business of executing bonds for compensation in criminal cases in the District of Columbia;

H. R. 7450. An act to make the Policemen and Firemen's Retirement and Disability Act Amendments of 1957 applicable to retired former members of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, the White House Police force, and the United States Secret Service; and to their widows, widowers, and children;

H. R. 7467. An act to amend the act of March 3, 1901, with respect to the citizenship and residence qualifications of the directors or trustees of certain companies in the District of Columbia;

H. R. 7568. An act to amend the District of Columbia Police and Firemen's Salary Act of 1953 to provide that service in the grade of inspector and the grade of private in the Fire Department of the District of Columbia shall be deemed to be service in the same grade for the purpose of longevity increases;

H. R. 7825. An act to exempt from taxation certain property of the B'nai B'rith Henry Monsky Foundation, in the District of Columbia;

H. R. 7863. An act to amend the District of Columbia Alcoholic Beverage Control Act;

H. R. 8079. An act to amend the act of June 20, 1910, by deleting therefrom certain provisions relating to the establishment, deposit, and investment of funds derived from land grants to the States of New Mexico and Arizona; and

H. R. 8918. An act to further amend the act of August 7, 1946 (60 Stat. 896), as amended by the act of October 25, 1951 (65 Stat. 657), to provide for the exchange of lands of the United States as a site for the new Sibley Memorial Hospital; to provide for the transfer of the property of the Hahnemann Hospital of the District of Columbia, formerly the National Homeopathic Association, a corporation organized under the laws of the District of Columbia, to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries, including Sibley Memorial Hospital, a corporation organized under the laws of the District of Columbia, and for other purposes.

## ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 2217. An act to authorize the Secretary of the Army to sell certain lands at the McNary lock and dam project, Oregon and Washington, to the port of Walla Walla, Wash.;

H. R. 988. An act to amend the act of March 4, 1933, to extend by 10 years the period prescribed for determining the rates of toll to be charged for use of the bridge across the Missouri River near Rulo, Nebr.;

H. R. 5341. An act for the relief of John K. Farrelly; and

H. J. Res. 342. Joint resolution granting the consent of Congress to an agreement or compact between the State of New York and the Government of Canada providing for the continued existence of the Buffalo and Fort Erie Public Bridge Authority, and for other purposes.

## HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H. R. 7349. An act to amend the act regulating the business of executing bonds for compensation in criminal cases in the District of Columbia;

H. R. 7450. An act to make the Policemen and Firemen's Retirement and Disability Act Amendments of 1957 applicable to retired former members of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, the White House Police force, and the United States Secret Service; and to their widows, widowers, and children;

H. R. 7467. An act to amend the act of March 3, 1901, with respect to the citizenship and residence qualifications of the directors or trustees of certain companies in the District of Columbia;

H. R. 7568. An act to amend the District of Columbia Police and Firemen's Salary Act of 1953 to provide that service in the grade of inspector and the grade of private in the Fire Department of the District of Columbia shall be deemed to be service in the same grade for the purpose of longevity increases;

H. R. 7825. An act to exempt from taxation certain property of the B'nai B'rith

Henry Monsky Foundation, in the District of Columbia;

H. R. 7863. An act to amend the District of Columbia Alcoholic Beverage Control Act; and

H. R. 8918. An act to further amend the act of August 7, 1946 (60 Stat. 896), as amended by the act of October 25, 1951 (65 Stat. 657), to provide for the exchange of lands of the United States as a site for the new Sibley Memorial Hospital; to provide for the transfer of the property of the Hahnemann Hospital of the District of Columbia, formerly the National Homeopathic Association, a corporation organized under the laws of the District of Columbia, to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries, including Sibley Memorial Hospital, a corporation organized under the laws of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H. R. 8079. An act to amend the act of June 20, 1910, by deleting therefrom certain provisions relating to the establishment, deposit, and investment of funds derived from land grants to the States of New Mexico and Arizona; to the Committee on Interior and Insular Affairs.

H. R. 9131. An act making supplemental appropriations for the fiscal year ending June 30, 1958, and for other purposes; to the Committee on Appropriations.

## AMENDMENT OF UNITED STATES CODE, RELATING TO RETIREMENT OF FORMER MEMBERS OF COAST GUARD RESERVE

Mr. MAGNUSON. Mr. President, I ask that the Chair lay before the Senate the amendment of the House of Representatives to S. 1446.

The PRESIDING OFFICER (Mr. MONRONEY in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1446) to amend title 14, United States Code, so as to provide for retirement of certain former members of the Coast Guard Reserve, which was, on page 2, strike out lines 6 through 8, inclusive, and insert "shall be entitled to receive the same retired pay, only after being palced on the retired list, that he would be entitled to receive had he been retired as a member of the Naval Reserve under the Naval Reserve Act of 1938 instead of being discharged.'."

Mr. MAGNUSON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an explanation of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MAGNUSON

The bill as passed by the Senate provided for retirement at the rate of 50 percent of active-duty pay at the time of discharge. The House amendment provides for "the same retired pay, only after being placed on the retired list, that he would be entitled to receive had he been retired as a member of the Naval Reserve under the Naval Reserve Act of 1938 instead of being discharged." House committee staff representatives and the Coast Guard legal officer advise that the House language is to the advantage of those affected by S. 1446 in that it allows them retired pay increases put into effect since the Naval Reserve Act of 1938 went into effect, and thus gives Coast Guard reservists retiring under the bill (S. 1446) absolute equality with naval reservists, which was the original purpose of the bill, anyway. The bill affects only one former coastguardsman as best anyone can tell, although a handful of others may be affected. Treasury Department favorable report is significant. It says: "The small cost of this legislation could easily be absorbed without additional appropriations."

## EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

## EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

## EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. BARRETT, from the Committee on Armed Services:

Floyd J. Helmick, and sundry other officers for promotion in the Regular Army of the United States.

The PRESIDING OFFICER. If there be no further reports of committees, the Executive Calendar is in order.

## TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA

The Senate, as in Committee of the Whole, proceeded to consider Executive D (85th Cong., 1st sess.), a treaty of friendship, commerce, and navigation between the United States of America and the Republic of Korea, together with a protocol relating thereto, signed at Seoul on November 28, 1956, which was read the second time, as follows:

EXECUTIVE D (85TH CONG., 1ST SESS.)

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA

The United States of America and the Republic of Korea, desirous of strengthening the bonds of peace and friendship traditionally existing between them and of encouraging closer economic and cultural relations between their peoples, and being cognizant of the contributions which may be made toward these ends by arrangements encouraging mutually beneficial investments, promoting mutually advantageous commercial intercourse and otherwise establishing mutual rights and privileges, have resolved to conclude a Treaty of Friendship, Commerce, and Navigation, based in general upon the principles of national and of most-favored-nation treatment unconditionally accorded, and for that purpose have appointed as their Plenipotentiaries,

The United States of America:

Walter Dowling, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea, and

The Republic of Korea:

CHO Chung-whan, Acting Minister of Foreign Affairs of the Republic of Korea,

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following Articles:

ARTICLE I

Each Party shall at all times accord equitable treatment to the persons, property, enterprises, and other interests of nationals and companies of the other Party.

ARTICLE II

1. Nationals of either Party shall be permitted to enter the territories of the other Party and to remain therein: (a) for the purpose of carrying on trade between the territories of the two Parties and engaging in related commercial activities; (b) for the purpose of developing and directing the operations of an enterprise in which they have invested, or in which they are actively in the process of investing, a substantial amount of capital; and (c) for other purposes subject to the laws relating to the entry and sojourn of aliens.

2. Nationals of either Party, within the territories of the other Party, shall be permitted: (a) to travel therein freely, and to reside at places of their choice; (b) to enjoy liberty of conscience; (c) to hold both private and public religious services; (d) to gather and to transmit material for dissemination to the public abroad; and (e) to communicate with other persons inside and outside such territories by mail, telegraph and other means open to general public use.

3. The provisions of the present Article shall be subject to the right of either Party to apply measures that are necessary to maintain public order and protect the public health, morals and safety.

ARTICLE III

1. Nationals of either Party within the territories of the other Party shall be free from molestations of every kind, and shall receive the most constant protection and security, in no case less than that required by international law.

2. If, within the territories of either Party, a national of the other Party is taken into custody, the nearest consular representative of his country shall on the demand of such national be immediately notified and shall have the right to visit and communicate with such national. Such national shall: (a) receive reasonable and humane treatment; (b) be formally and immediately informed of the accusations against him; (c) be brought to trial as promptly as is consistent with the proper preparation of his defense; and (d) enjoy all means reasonably necessary to his defense, including the services of competent counsel of his choice.

ARTICLE IV

1. Nationals of either Party shall be accorded national treatment in the application of laws and regulations within the territories of the other Party that establish a pecuniary compensation or other benefit or service, on account of disease, injury or death arising out of and in the course of employment or due to the nature of employment.

2. In addition to the rights and privileges provided in paragraph 1 of the present Article, nationals of either Party within the territories of the other Party shall be accorded national treatment in the application of laws and regulations establishing compulsory systems of social security, under which benefits are paid without an individ-

ual test of financial need: (a) against loss of wages or earnings due to old age, unemployment, sickness or disability, or (b) against loss of financial support due to the death of father, husband or other person on whom such support had depended.

ARTICLE V

1. Nationals and companies of either Party shall be accorded national treatment and most-favored-nation treatment with respect to access to the courts of justice and to administrative tribunals and agencies within the territories of the other Party, in all degrees of jurisdiction, both in pursuit and in defense of their rights. It is understood that companies of either Party not engaged in activities within the territories of the other Party shall enjoy such access therein without any requirement of registration or domestication.

2. Contracts entered into between nationals and companies of either Party and nationals and companies of the other Party, that provide for the settlement by arbitration of controversies, shall not be deemed unenforceable within the territories of such other Party merely on the grounds that the place designated for the arbitration proceedings is outside such territories or that the nationality of one or more of the arbitrators is not that of such other Party. No award duly rendered pursuant to any such contract, and final and enforceable under the laws of the place where rendered, shall be deemed invalid or denied effective means of enforcement within the territories of either Party merely on the grounds that the place where such award was rendered is outside such territories or that the nationality of one or more of the arbitrators is not that of such Party.

ARTICLE VI

1. Property of nationals and companies of either Party shall receive the most constant protection and security within the territories of the other Party.

2. The dwellings, offices, warehouses, factories and other premises of nationals and companies of either Party located within the territories of the other Party shall not be subject to molestation or to entry without just cause. Official searches and examinations of such premises and their contents, when necessary, shall be made only according to law and with careful regard for the convenience of the occupants and the conduct of business.

3. Neither Party shall take unreasonable or discriminatory measures that would impair the legally acquired rights or interests within its territories of nationals and companies of the other Party in the enterprises which they have established, in their capital, or in the skills, arts or technology which they have supplied.

4. Property of nationals and companies of either Party shall not be taken within the territories of the other Party except for a public purpose, nor shall it be taken without the prompt payment of just compensation. Such compensation shall be in an effectively realizable form and shall represent the full equivalent of the property taken; and adequate provision shall have been made at or prior to the time of taking for the determination and payment thereof.

5. Nationals and companies of either Party shall in no case be accorded, within the territories of the other Party, less the national treatment and most-favored-nation treatment with respect to the matters set forth in paragraphs 2 and 4 of the present Article. Moreover, enterprises in which nationals and companies of either Party have a substantial interest shall be accorded, within the territories of the other Party, not less than national treatment and most-favored-nation treatment in all matters relating to the taking of privately owned enterprises into public ownership and to the placing of such enterprises under public control.

ARTICLE VII

1. Nationals and companies of either Party shall be accorded national treatment with respect to engaging in all types of commercial, industrial, financial, and other activities for gain (business activities) within the territories of the other Party, whether directly or by agent or through the medium of any form of lawful juridical entity. Accordingly, such nationals and companies shall be permitted within such territories: (a) to establish and maintain branches, agencies, offices, factories, and other establishments appropriate to the conduct of their business; (b) to organize companies under the general company laws of such other Party, and to acquire majority interests in companies of such other Party; and (c) to control and manage enterprises which they have established or acquired. Moreover, enterprises which they control, whether in the form of individual proprietorships, companies or otherwise, shall in all that relates to the conduct of the activities thereof, be accorded treatment no less favorable than that accorded like enterprises controlled by nationals and companies of such other Party.

2. Each Party reserves the right to limit the extent to which aliens may establish, acquire interests in, or carry on enterprises engaged within its territories in transport, communications, public utilities, banking involving depository or fiduciary functions, or the exploitation of land or other natural resources. However, new limitations imposed by either Party upon the extent to which aliens are accorded national treatment, with respect to carrying on such activities within its territories, shall not be applied as against enterprises which are engaged in such activities therein at the time such new limitations are adopted and which are owned or controlled by nationals and companies of the other Party. Moreover, neither Party shall deny to transportation, communications and banking companies of the other Party the right to maintain branches and agencies to perform functions necessary for essentially international operations in which they are permitted to engage.

3. The provisions of paragraph 1 of the present Article shall not prevent either Party from prescribing special formalities in connection with the establishment of alien-controlled enterprises within its territories; but such formalities may not impair the substance of the rights set forth in said paragraph.

4. Nationals and companies of either Party, as well as enterprises controlled by such nationals and companies, shall in any event be accorded most-favored-nation treatment with reference to the matters treated in the present Article.

ARTICLE VIII

1. Nationals and companies of either Party shall be permitted to engage, within the territories of the other Party, accountants and other technical experts, executive personnel, attorneys, agents and other specialists of their choice. Moreover, such nationals and companies shall be permitted to engage accountants and other technical experts regardless of the extent to which they may have qualified for the practice of a profession within the territories of such other Party, for the particular purpose of making examinations, audits and technical investigations for, and rendering reports to, such nationals and companies in connection with the planning and operation of their enterprises, and enterprises in which they have a financial interest, within such territories.

2. Nationals and companies of either Party shall be accorded national treatment and most-favored-nation treatment with respect to engaging in scientific, educational, religious and philanthropic activities within the territories of the other Party, and shall be accorded the right to form associations for that purpose under the laws of such other Party. Nothing in the present Treaty shall be deemed to grant or imply any right to engage in political activities.

ARTICLE IX

1. Nationals and companies of either Party shall be accorded, within the territories of the other Party: (a) national treatment with respect to leasing land, buildings and other immovable property appropriate to the conduct of activities in which they are permitted to engage pursuant to Articles VII and VIII and for residential purposes, and with respect to occupying and using such property; and (b) other rights in immovable property permitted by the applicable laws of the other Party.

2. Nationals and companies of either Party shall be accorded within the territories of the other Party national treatment and most-favored-nation treatment with respect to acquiring, by purchase, lease, or otherwise, and with respect to owning and possessing, movable property of all kinds, both tangible and intangible. However, either Party may impose restrictions on alien ownership of materials dangerous from the standpoint of public safety and alien ownership of interests in enterprises carrying on particular types of activity, but only to the extent that this can be done without impairing the rights and privileges secured by Article VII or by other provisions of the present Treaty.

3. Nationals and companies of either Party shall be accorded national treatment within the territories of the other Party with respect to acquiring property of all kinds by testate or intestate succession or through judicial process. Should they because of their alienage be ineligible to continue to own any such property, they shall be allowed a period of at least five years in which to dispose of it.

4. Nationals and companies of either Party shall be accorded within the territories of the other Party national treatment and most-favored-nation treatment with respect to disposing of propery of all kinds.

ARTICLE X

1. Nationals and companies of either Party shall be accorded, within the territories of the other Party, national treatment and most-favored-nation treatment with respect to obtaining and maintaining patents of invention, and with respect to rights in trade marks, trade names, trade labels and industrial property of every kind.

2. The Parties undertake to cooperate in furthering the interchange and use of scientific and technical knowledge, particularly in the interests of increasing productivity and improving standards of living within their respective territories.

ARTICLE XI

1. Nationals of either Party residing within the territories of the other Party, and nationals and companies of either Party engaged in trade or other gainful pursuit or in scientific, educational, religious or philanthropic activities within the territories of the other Party, shall not be subject to the payment of taxes, fees or charges imposed upon or applied to income, capital, transactions, activities or any other object, or to requirements with respect to the levy and collection thereof, within the territories of such other Party, more burdensome than those borne by nationals and companies of such other Party.

2. With respect to nationals of either Party who are neither resident nor engaged in trade or other gainful pursuit within the territories of the other Party, and with respect to companies of either Party which are not engaged in trade or other gainful pursuit within the territories of the other Party, it shall be the aim of such other Party to

apply in general the principle set forth in paragraph 1 of the present Article.

3. Nationals and companies of either Party shall in no case be subject, within the territories of the other Party, to the payment of taxes, fees or charges imposed upon or applied to income, capital, transactions, activities or any other object, or to requirements with respect to the levy and collection thereof, more burdensome than those borne by nationals, residents and companies of any third country.

4. In the case of companies of either Party engaged in trade or other gainful pursuit within the territories of the other Party, and in the case of nationals of either Party engaged in trade or other gainful pursuit within the territories of the other Party but not resident therein, such other Party shall not impose or apply any tax, fee or charge upon any income, capital or other basis in excess of that reasonably allocable or apportionable to its territories, nor grant deductions and exemptions less than those reasonably allocable or apportionable to its territories. A comparable rule shall apply also in the case of companies organized and operated exclusively for scientific, educational, religious or philanthropic purposes.

5. Each Party reserves the right to: (a) extend specific tax advantages on the basis of reciprocity; (b) accord special tax advantages by virtue of agreements for the avoidance of double taxation or the mutual protection of revenue; and (c) apply special provisions in allowing, to non-residents, exemptions of a personal nature in connection with income and inheritance taxes.

ARTICLE XII

1. Nationals and companies of either Party shall be accorded by the other Party national treatment and most-favored-nation treatment with respect to payments, remittances and transfers of funds or financial instruments between the territories of the two Parties as well as between the territories of such other Party and of any third country.

2. Neither Party shall impose exchange restrictions as defined in paragraph 5 of the present Article except to the extent necessary to prevent its monetary reserves from falling to a very low level or to effect a moderate increase in very low monetary reserves. It is understood that the provisions of the present Article do not alter the obligations either Party may have to the International Monetary Fund or preclude imposition of particular restrictions whenever the Fund specifically authorizes or requests a Party to impose such particular restrictions.

3. If either Party imposes exchange restrictions in accordance with paragraph 2 of the present Article, it shall, after making whatever provision may be necessary to assure the availability of foreign exchange for goods and services essential to the health and welfare of its people and necessary to the avoidance of serious economic instability, make reasonable provision for the withdrawal, in foreign exchange in the currency of the other Party, of: (a) the compensation referred to in Article VI, paragraph 4, (b) earnings, whether in the form of salaries, interest, dividends, commissions, royalties, payments for technical service, or otherwise, and (c) amounts for amortization of loans, depreciation of direct investments, and capital transfers, giving consideration to special needs for other transactions. If more than one rate of exchange is in force, the rate applicable to such withdrawals shall be a rate which is specifically approved by the International Monetary Fund for such transactions or, in the absence of a rate so approved, an effective rate which, inclusive of any taxes or surcharges on exchange transfers, is just and reasonable.

4. Exchange restrictions shall not be imposed by either Party in a manner unnecessarily detrimental or arbitrarily discriminatory to the claims, investments, transport, trade, and other interests of the nationals and companies of the other Party, nor to the competitive position thereof.

5. The term "exchange restrictions" as used in the present Article includes all restrictions, regulations, charges, taxes, or other requirements imposed by either Party which burden or interfere with payments, remittances, or transfers of funds or of financial instruments between the territories of the two Parties.

6. Each Party shall afford the other Party adequate opportunity for consultation at any time regarding application of the present Article.

ARTICLE XIII

Commercial travelers representing nationals and companies of either Party engaged in business within the territories thereof shall, upon their entry into and departure from the territories of the other Party and during their sojourn therein, be accorded most-favored-nation treatment in respect of the customs and other matters, including, subject to the exceptions in paragraph 5 of Article XI, taxes and charges applicable to them, their samples and the taking of orders, and regulations governing the exercise of their functions.

ARTICLE XIV

1. Each Party shall accord most-favored-nation treatment to products of the other Party, from whatever place and by whatever type of carrier arriving, and to products destined for exportation to the territories of such other Party, by whatever route and by whatever type of carrier, with respect to customs duties and charges of any kind imposed on, or in connection with importation or exportation or imposed on the international transfer of payments for imports or exports, and with respect to the method of levying such duties and charges, and with respect to all rules and formalities in connection with importation and exportation.

2. Neither Party shall impose restrictions or prohibitions on the importation of any product of the other Party, or on the exportation of any product to the territories of the other Party, unless the importation of the like product of, or the exportation of the like product to, all third countries is similarly restricted or prohibited.

3. If either Party imposes quantitative restrictions on the importation or exportation of any product in which the other Party has an important interest:

(a) It shall as a general rule give prior public notice of the total amount of the product, by quantity or value, that may be imported or exported during a specified period, and of any change in such amount or period; and

(b) If it makes allotments to any third country, it shall afford such other Party a share proportionate to the amount of the product, by quantity or value, supplied by or to it during a previous representative period, due consideration being given to any special factors affecting the trade in such product.

4. Either Party may impose prohibitions or restrictions on the importation or exportation of any product on sanitary or other customary grounds of a non-commercial nature, or in the interest of preventing deceptive or unfair practices, provided such prohibitions or restrictions do not arbitrarily discriminate against the commerce of the other Party.

5. Nationals and companies of either Party shall be accorded national treatment and most-favored-nation treatment by the other Party with respect to all matters relating to importation and exportation.

6. The provisions of the present Article shall not apply to advantages accorded by either Party:

(a) to products of its national fisheries;

(b) to adjacent countries in order to facilitate frontier traffic; or

(c) by virtue of a customs union or free-trade area of which it may become a member, so long as it informs the other Party of its plans and affords such other Party adequate opportunity for consultation.

7. Notwithstanding the provisions of paragraphs 2 and 3 (b) of the present Article, a Party may apply restrictions or controls on importation and exportation of goods that have effect equivalent to, or which are necessary to make effective, exchange restrictions applied pursuant to Article XII. However, such restrictions or controls shall not depart further than necessary from the above paragraphs and shall be conformable to a policy designed to promote the maximum development of nondiscriminatory foreign trade and to expedite the attainment both of a balance-of-payments position and of monetary reserves which will obviate the necessity of such restrictions.

ARTICLE XV

1. Each Party shall promptly publish laws, regulations and administrative rulings of general application pertaining to rates of duty, taxes or other charges, to the classification of articles for customs purposes, and to requirements or restrictions on imports and exports or the transfer of payments therefor, or affecting their sale, distribution or use; and shall administer such laws, regulations and rulings in a uniform, impartial and reasonable manner. As a general practice, new administrative requirements or restrictions affecting imports, with the exception of those imposed on sanitary grounds or for reasons of public safety, shall not go into effect before the expiration of 30 days after publication, or alternatively, shall not apply to products en route at time of publication.

2. Each Party shall provide an appeals procedure under which nationals and companies of the other Party, and importers of products of such other Party, shall be able to obtain prompt and impartial review, and correction when warranted, of administrative action relating to customs matters, including the imposition of fines and penalties, confiscations, and rulings on questions of customs classification and valuation by the administrative authorities. Penalties imposed for infractions of the customs and shipping laws and regulations concerning documentation shall, in cases resulting from clerical errors or when good faith can be demonstrated, be no greater than necessary to serve merely as a warning.

3. Neither Party shall impose any measure of a discriminatory nature that hinders or prevents the importer or exporter of products of either country from obtaining marine insurance on such products in companies of either Party. The present paragraph is subject to the provisions of Article XII.

ARTICLE XVI

1. Products of either Party shall be accorded, within the territories of the other Party, national treatment and most-favored-nation treatment in all matters affecting internal taxation, sale, distribution, storage, and use.

2. Articles produced by nationals and companies of either Party within the territories of the other Party, or by companies of the latter Party controlled by such nationals and companies, shall be accorded therein treatment no less favorable than that accorded to like articles of national origin by whatever person or company produced, in all matters affecting exportation, taxation, sale, distribution, storage, and use.

ARTICLE XVII

1. Each Party undertakes (a) that enterprises owned or controlled by its Government, and that monopolies or agencies granted exclusive or special privileges within its territories, shall make their purchases

and sales involving either imports or exports affecting the commerce of the other Party solely in accordance with commercial considerations, including price, quality, availability, marketability, transportation and other conditions of purchase or sale; and (b) that the nationals, companies and commerce of such other Party shall be afforded adequate opportunity, in accordance with customary business practice, to compete for participation in such purchases and sales.

2. Each Party shall accord to the nationals, companies and commerce of the other Party fair and equitable treatment, as compared with that accorded to the nationals, companies and commerce of any third country, with respect to: (a) the governmental purchase of supplies, (b) the awarding of concessions and other government contracts, and (c) the sale of any service sold by the Government or by any monopoly or agency granted exclusive or special privileges.

ARTICLE XVIII

1. The two Parties agree that business practices which restrain competition, limit access to markets or foster monopolistic control, and which are engaged in or made effective by one or more private or public commercial enterprises or by combination, agreement or other arrangement among such enterprises, may have harmful effects upon commerce between their respective territories. Accordingly, each Party agrees upon the request of the other Party to consult with respect to any such practices and to take such measures as it deems appropriate with a view to eliminating such harmful effects.

2. No enterprise of either Party, including corporations, associations, and government agencies and instrumentalities, which is publicly owned or controlled shall, if it engages in commercial, industrial, shipping or other business activities within the territories of the other Party, claim or enjoy, either for itself or for its property, immunity therein from taxation, suit, execution of judgment or other liability to which privately owned and controlled enterprises are subject therein.

ARTICLE XIX

1. Between the territories of the two Parties there shall be freedom of commerce and navigation.

2. Vessels under the flag of either Party, and carrying the papers required by its law in proof of nationality, shall be deemed to be vessels of that Party both on the high seas and within the ports, places and waters of the other Party.

3. Vessels of either Party shall have liberty, on equal terms with vessels of the other Party and on equal terms with vessels of any third country, to come with their cargoes to all ports, places and waters of such other Party open to foreign commerce and navigation. Such vessels and cargoes shall in all respects be accorded national treatment and most-favored-nation treatment within the ports, places and waters of such other Party; but each Party may reserve exclusive rights and privileges to its own vessels with respect to the coasting trade, inland navigation and national fisheries.

4. Vessels of either Party shall be accorded national treatment and most-favored-nation treatment by the other Party with respect to the right to carry all products that may be carried by vessel to or from the territories of such other Party; and such products shall be accorded treatment no less favorable than that accorded like products carried in vessels of such other Party with respect to: (a) duties and charges of all kinds, (b) the administration of the customs, and (c) bounties, drawbacks and other privileges of this nature.

5. Vessels of either Party that are in distress shall be permitted to take refuge in the nearest port or haven of the other Party, and shall receive friendly treatment and assistance.

6. The term "vessels", as used herein, means all types of vessels, whether privately owned or operated, or publicly owned or operated; but this term does not, except with reference to paragraphs 2 and 5 of the present Article, include fishing vessels or vessels of war.

ARTICLE XX

There shall be freedom of transit through the territories of each Party by the routes most convenient for international transit:

(a) for nationals of the other Party, together with their baggage;

(b) for other persons, together with their baggage, en route to or from the territories of such other Party; and

(c) for products of any origin en route to or from the territories of such other Party. Such persons and things in transit shall be exempt from customs duties, from duties imposed by reason of transit, and from unreasonable charges and requirements; and shall be free from unnecessary delays and restrictions. They shall, however, be subject to measures referred to in paragraph 3 of Article II, and to nondiscriminatory regulations necessary to prevent abuse of the transit privilege.

ARTICLE XXI

1. The present Treaty shall not preclude the application of measures:

(a) regulating the importation or exportation of gold or silver;

(b) relating to fissionable materials, to radioactive byproducts or the utilization or processing thereof, or to materials that are the source of fissionable materials;

(c) regulating the production of or traffic in arms, ammunition and implements of war, or traffic in other materials carried on directly or indirectly for the purpose of supplying a military establishment;

(d) necessay to fulfill the obligations of a Party for the maintenance or restoration of international peace and security, or necessary to protect its essential security interests; and

(e) denying to any company in the ownership or direction of which nationals of any third country or countries have directly or indirectly the controlling interest, the advantage of the present Treaty, except with respect to recognition of juridical status and with respect to access to courts.

2. The most-favored-nation provisions of the present Treaty relating to the treatment of goods shall not apply to advantages accorded by the United States of America or its Territories and possessions to one another, to the Republic of Cuba, to the Republic of the Philippines, to the Trust Territory of the Pacific Islands or to the Panama Canal Zone.

3. The provisions of the present Treaty relating to the treatment of goods shall not preclude action by either Party which is required or specifically permitted by the General Agreement on Tariffs and Trade during such time as such Party is a contracting party to the General Agreement. Similarly, the most-favored-nation provisions of the present Treaty shall not apply to special advantages accorded by virtue of the aforesaid Agreement.

4. Nationals of either Party admitted into the territories of the other Party for limited purposes shall not enjoy rights to engage in gainful occupations in contravention of limitations expressly imposed, according to law, as a condition of their admittance.

ARTICLE XXII

1. The term "national treatment" means treatment accorded within the territories of a Party upon terms no less favorable than the treatment accorded therein, in like situations, to nationals, companies, products, vessels or other objects, as the case may be, of such Party.

2. The term "most-favored-nation treatment" means treatment accorded within the territories of a Party upon terms no less favorable than the treatment accorded therein, in like situations, to nationals, companies, products, vessels or other objects, as the case may be, of any third country.

3. As used in the present Treaty, the term "companies" means corporations, partnerships, companies and other associations, whether or not with limited liability and whether or not for pecuniary profit. Companies constituted under the applicable laws and regulations within the territories of either Party shall be deemed companies thereof and shall have their juridical status recognized within the territories of the other Party.

4. National treatment accorded under the provisions of the present Treaty to companies of the Republic of Korea shall, in any State, Territory or possession of the United States of America, be the treatment accorded therein to companies created or organized in other States, Territories, and possessions of the United States of America.

ARTICLE XXIII

The territories to which the present Treaty extends shall comprise all areas of land and water under the sovereignty or authority of each Party, other than the Panama Canal Zone and the Trust Territory of the Pacific Islands.

ARTICLE XXIV

1. Each Party shall accord sympathetic consideration to, and shall afford adequate opportunity for consultation regarding, such representations as the other Party may make with respect to any matter affecting the operation of the present Treaty.

2. Any dispute between the Parties as to the interpretation or application of the present Treaty, not satisfactorily adjusted by diplomacy, shall be submitted to the International Court of Justice, unless the Parties agree to settlement by some other pacific means.

ARTICLE XXV

1. The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Seoul as soon as possible.

2. The present Treaty shall enter into force one month after the day of exchange of ratifications. It shall remain in force for ten years and shall continue in force thereafter until terminated as provided herein.

3. Either Party may, by giving one year's written notice to the other Party, terminate the present Treaty at the end of the initial ten-year period or at any time thereafter.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Treaty and have affixed hereunto their seals.

DONE in duplicate, in the English and Korean languages, both equally authentic, at Seoul, this twenty-eighth day of November, one thousand nine hundred fifty six.

For the United States of America:
[SEAL] WALTER DOWLING.
For the Republic of Korea:
[SEAL] CHUNG W. CHO.

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PROTOCOL

At the time of signing the Treaty of Friendship, Commerce and Navigation between the United States of America and the Republic of Korea, the undersigned Plenipotentiaries, duly authorized by their respective Governments, have further agreed on the following provisions, which shall be considered integral parts of the aforesaid Treaty:

1. The provisions of Article II, paragraph 1 (b), shall be construed as extending to a national of either Party seeking to enter the territories of the other Party solely for the purpose of developing and directing the operations of an enterprise in the territories

of such other Party in which his employer has invested or is actively in the process of investing a substantial amount of capital, provided that such employer is a national or company of the same nationality as the applicant and that the applicant is employed by such national or company in a responsible capacity.

2. The term "access" as used in Article V, paragraph 1, comprehends, among other things, legal aid and security for costs and judgment.

3. It is understood that Article V, paragraph 2, does not require a Party to enforce an arbitration award that is contrary to its public policy.

4. The provisions of Article VI, paragraph 4, providing for the payment of compensation shall extend to interests held directly or indirectly by nationals and companies of either Party in property which is taken within the territories of the other Party.

5. The term "public utilities" as used in Article VII, paragraph 2, is deemed to include enterprises engaged in furnishing water supplies, or in manufacturing and distributing gas or electricity, to the general public.

6. With reference to Article VII, paragraph 4, it is understood that neither Party is obligated to accord most-favored-nation treatment regarding rights to engage in mining on the public domain other than on a basis of reciprocity.

7. Either Party may impose restrictions on the introduction of foreign capital as may be necessary to protect its monetary reserves as provided in Article XII, paragraph 2.

8. The provisions of Article XVII, paragraph 2 (b) and (c), and of Article XIX paragraph 4, shall not apply to postal services.

9. Article XXI, paragraph 1 (e), shall be construed to apply also to any company in the ownership or direction of which any third country or companies thereof have directly or indirectly the controlling interest. A Party is not obligated to permit nationals of the other Party to conduct business within its territories as representatives of a third country or nationals or companies thereof in contravention of laws generally applicable to all individuals.

10. The provisions of Article XXI, paragraph 2, shall apply in the case of Puerto Rico regardless of any change that may take place in its political status.

11. Article XXIII does not apply to territories under the authority of either Party solely as a military base or by reason of temporary military occupation.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Protocol and have affixed hereunto their seals.

DONE in duplicate, in the English and Korean languages, both equally authentic, at Seoul, this twenty-eighth day of November one thousand nine hundred and fifty-six.

For the United States of America:

[SEAL] WALTER DOWLING.

For the Republic of Korea:

[SEAL] CHUNG W. CHO.

The PRESIDING OFFICER. The treaty is open to amendment.

Mr. JOHNSON of Texas. Mr. President, I announce for the information of the Senate that it is expected that there will be at least six yea-and-nay votes on the treaties about to be considered. I hope Senators will make themselves available and will listen for the bells.

Mr. GREEN. Mr. President, it gives me great pride and pleasure to bring to the Senate a treaty of friendship, commerce, and navigation between the United States of America and the Republic of Korea.

The word "Korea" stands for a great deal in the minds and hearts of the Amtrican people. Many thousands of Americans and Koreans lost their lives in defending the Republic of Korea against Communist aggression. It is altogether fitting, therefore, that there should be a formal treaty of friendship, commerce, and navigation between our country and the Republic of Korea.

This treaty with Korea is like 15 other treaties of friendship, commerce, and navigation which have been negotiated and approved by the Senate since the end of World War II. The objective of the United States in negotiating this treaty is to protect the rights and property of Americans in Korea and to facilitate private investment by United States citizens in Korea. The treaty carries out the policy of Congress set forth in section 413 of the Mutual Security Act of 1954, as amended, which aims to achieve treaties of this kind throughout the world.

The treaty with Korea differs only in a few insignificant respects from treaties of friendship, commerce, and navigation which the Senate has recently approved with Japan, Germany, and the Netherlands. The Republic of Korea has already ratified the treaty. The Committee on Foreign Relations has been assured by the Department of State that there is no conflict between the treaty and State or Federal laws of the United States.

Mr. President, in the opinion of the Committee on Foreign Relations this treaty of friendship, commerce, and navigation will benefit both the United States and the Republic of Korea. I urge that the Senate give its advice and consent to the ratification of the treaty.

Mr. JOHNSON of Texas. Mr. President, on the question of agreeing to the resolution of ratification of the treaty, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the treaty will be considered as having passed through its various parliamentary stages up to the point of the presentation of the resolution of ratification.

The clerk will read the resolution of ratification.

The legislative clerk read as follows:

*Resolved (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of Executive D, 85th Congress, 1st session, a treaty of friendship, commerce, and navigation between the United States of America and the Republic of Korea, together with a protocol relating thereto, signed at Seoul on November 28, 1956.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Ohio [Mr. LAUSCHE], the Senator from West Virginia [Mr. NEELY], are absent on official business.

The Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

I further announce that if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Missouri [Mr. HENNINGS], the Senator from Ohio [Mr. LAUSCHE], the Senator from West Virginia [Mr. NEELY], would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE], are absent because of illness.

The Senator from Nevada [Mr. MALONE], is necessarily absent.

The Senator from Pennsylvania [Mr. MARTIN] is detained on official business, and, if present and voting, he would vote "yea."

On this vote, the Senator from Nevada [Mr. MALONE], is paired with the Senator from Maine [Mr. PAYNE]. If present and voting, the Senator from Nevada would vote "nay," and the Senator from Maine would vote "yea."

The yeas and nays resulted—yeas 86, nays 0, as follows:

YEAS—86

| | | |
|---|---|---|
| Aiken | Goldwater | Morton |
| Allott | Gore | Mundt |
| Anderson | Green | Murray |
| Barrett | Hayden | Neuberger |
| Beall | Hickenlooper | O'Mahoney |
| Bennett | Hill | Pastore |
| Bible | Holland | Potter |
| Bricker | Hruska | Purtell |
| Bush | Humphrey | Revercomb |
| Butler | Ives | Robertson |
| Byrd | Jackson | Russell |
| Capehart | Javits | Saltonstall |
| Carlson | Jenner | Schoeppel |
| Carroll | Johnson, Tex. | Scott |
| Case, N. J. | Johnston, S. C. | Smathers |
| Case, S. Dak. | Kefauver | Smith, Maine |
| Church | Kennedy | Smith, N. J. |
| Clark | Kerr | Sparkman |
| Cooper | Knowland | Stennis |
| Cotton | Kuchel | Symington |
| Curtis | Langer | Talmadge |
| Dirksen | Long | Thurmond |
| Douglas | Magnuson | Thye |
| Dworshak | Mansfield | Watkins |
| Eastland | Martin, Iowa | Wiley |
| Ellender | McClellan | Williams |
| Ervin | McNamara | Yarborough |
| Flanders | Monroney | Young |
| Fulbright | Morse | |

NOT VOTING—9

| | | |
|---|---|---|
| Bridges | Hennings | Martin, Pa. |
| Chavez | Lausche | Neely |
| Frear | Malone | Payne |

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

## PROTOCOL AMENDING THE INTERNATIONAL SUGAR AGREEMENT OF 1953

The Senate, as in Committee of the Whole, proceeded to consider Executive L (85th Cong., 1st sess.), the protocol amending the International Sugar Agreement of 1953, dated at London, December 1, 1956, which was read the second time, as follows:

EXECUTIVE L (85TH CONGRESS, 1ST SESSION) PROTOCOL AMENDING THE INTERNATIONAL SUGAR AGREEMENT OPENED FOR SIGNATURE AT LONDON ON 1 OCTOBER 1953

The Parties to this Protocol, taking into account Resolution No. 3 adopted at the

Ninth Plenary Meeting of the United Nations Sugar Conference 1956 by which the Parties to the International Sugar Agreement opened for signature at London on 1 October 1953 (hereinafter referred to as "the Principal Agreement") unanimously resolved that it would be appropriate to effect a modification of that Agreement by means of a Protocol of Amendment, and desiring by such Protocol to introduce into that Agreement certain amendments drawn up by the United Nations Sugar Conference 1956, hereby agree as follows:

ARTICLE 1

(1) The Parties to this Protocol undertake that they will, in accordance with the provisions of this Protocol, attribute full legal force and effect to, and duly apply, the amendments to the Principal Agreement as they are set forth in the Annex to this Protocol.

(2) The amendments set forth in the Annex to this Protocol shall come into force on the date of entry into force of this Protocol, and any State becoming a party to the Principal Agreement, after the amendments thereto have come into force, shall become a Party to the Principal Agreement as so amended.

ARTICLE 2

As soon as possible after this Protocol has been opened for signature, the Secretary-General of the United Nations shall prepare a text of the Principal Agreement incorporating the amendments set out in the Annex to this Protocol and shall send certified copies for their information to the Governments of all the Parties to the Principal Agreement and of all other States invited to the United Nations Sugar Conference 1956.

ARTICLE 3

(1) This Protocol shall be opened for signature at London from 1 to 15 December 1956, inclusive, by the Parties to the Principal Agreement.

(2) This Protocol shall be subject to ratification or acceptance by signatory Governments in accordance with their respective constitutional procedures, and the instruments of ratification or acceptance shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland.

(3) This Protocol shall be open for accession by any Party to the Principal Agreement which has not signed this Protocol and such accession shall be effected by the deposit of an instrument of accession with the Government of the United Kingdom of Great Britain and Northern Ireland.

(4) Governments of States which are not Parties to the Principal Agreement but which were invited to the United Nations Sugar Conference 1956, may accede to the Principal Agreement as amended in accordance with this Protocol pursuant to the provisions of Article 41 of that Agreement as so amended.

ARTICLE 4

(1) This Protocol shall enter into force on 1 January 1957 if on that date instruments of ratification or acceptance of, or accession to, this Protocol and instruments of accession to the Principal Agreement as amended in accordance with this Protocol have been deposited by Governments holding 60 per cent of the votes of importing countries and 75 per cent of the votes of exporting countries under the distribution set out in the Annex to this Protocol, or on such later date during the following six months on which these percentages have been reached; provided that notifications containing an undertaking to seek to obtain as rapidly as possible under their constitutional procedure, but not later than 1 July 1957, either

(a) ratification or acceptance of, or accession to, this Protocol, or

(b) accession to the Principal Agreement as amended in accordance with this Protocol, received by 1 January 1957 by the Government of the United Kingdom of Great Britain and Northern Ireland from Parties to the Principal Agreement or Governments referred to in Article 3 (4) which by that date have been unable to ratify, accept or accede to this Protocol, or to the Principal Agreement as amended by it, as the case may be, will be considered as equivalent to ratification, acceptance or accession for the purpose of this paragraph.

(2) In any event the obligations for the 1957 quota year under this Protocol and the Principal Agreement as amended by it of Governments which have ratified, accepted or acceded to this Protocol or acceded to the Principal Agreement as amended by this Protocol not later than 1 July 1957 will run as from 1 January 1957.

(3) If on 1 July 1957 the percentage of votes of importing countries or of exporting countries the Governments of which have ratified, accepted or acceded to this Protocol and the Governments of which have acceded to the Principal Agreement as amended by this Protocol is less than the percentage required for the entry into force of this Protocol in accordance with paragraph 1, the Governments which have so ratified, accepted or acceded may agree to put into force among themselves the Principal Agreement as amended by this Protocol.

(4) The Government of the United Kingdom of Great Britain and Northern Ireland will notify all Parties to the Principal Agreement and all other States represented by delegates or observers at the United Nations Sugar Conference 1956 of each signature and of the deposit of any instrument referred to in Article 3 of this Protocol.

ARTICLE 5

If on 1 July 1957 any Government which has notified its undertaking to seek to obtain accession to the Principal Agreement as amended in accordance with this Protocol has not deposited an instrument of accession, the International Sugar Council referred to in Article 27 of the Principal Agreement shall determine, in consultation with such Government, the status of such Government in relation to the Principal Agreement as amended and the conditions pertaining to such status.

ARTICLE 6

If (a) after the amendments set forth in the Annex to this Protocol have entered into force any Party to the Principal Agreement has not ratified, accepted or acceded to this Protocol or notified its undertaking to seek to obtain ratification, acceptance or accession, or

(b) on 1 July 1957 any Party to the Principal Agreement has not ratified, accepted or acceded to this Protocol,

the International Sugar Council shall consult with such Government with a view to resolving the problems arising therefrom.

ARTICLE 7

Any Government may at the time of signature, ratification or acceptance of, or accession to, this Protocol or accession to the Principal Agreement as amended by this Protocol, or at any time thereafter, declare by notification given to the Government of the United Kingdom of Great Britain and Northern Ireland that this Protocol or the Principal Agreement as amended by this Protocol shall extend to all or any of the territories for which it has international responsibility and this Protocol or the Principal Agreement as amended by it, as the case may be, shall from the date of the receipt of the notification extend to all the territories named therein.

This Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit certified copies thereof to each signatory and acceding Government.

In faith whereof the undersigned, duly authorized, have signed this Protocol on behalf of their respective Governments on the dates appearing opposite their signatures.

DONE at London the 1 December 1956.

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ANNEX TO THE PROTOCOL AMENDING THE INTERNATIONAL SUGAR AGREEMENT OPENED FOR SIGNATURE AT LONDON ON 1 OCTOBER 1953

In Article 2, paragraph (3), the following shall be added after the first sentence of the paragraph:

"Sugar destined for uses other than human consumption as food is excluded, to the extent and under such conditions as the Council may determine."

In Article 7, paragraph (1), sub-paragraph (i), "maximum established in Article 20" shall be replaced by "the higher price referred to in Article 21 (3)".

To Article 8, paragraph (1), the following shall be added at the end of the paragraph:

"Subject to such tolerances as the Council may prescribe, any amount by which total net exports of an exporting country in any quota year exceeds its export quota in effect at the end of that year shall be charged to the export quota in effect of that country for the next following quota year."

Article 8, paragraph (2), shall read:

"The Council may if it deems necessary because of exceptional circumstances limit the proportion of their quotas which participating exporting countries having basic tonnages in excess of 75,000 tons may export during any part of a quota year, provided that no such limitation shall prevent the participating exporting countries from exporting, during the first eight months of any quota year, 80 per cent of their initial export quotas and provided further that the Council may at any time modify or remove any such limitation which it may have imposed."

Article 11 shall read:

"The Government of each participating exporting country agrees to notify the Council, as soon as possible but not later than 30 September, whether or not it expects that its country's export quota in effect will be used and, if not, of such part of its country's export quota in effect as it expects will not be used, and on receipt of such advice the Council shall take action in accordance with Article 19 (1) (i)."

Article 12 shall read:

"If the actual net exports to the free market of any participating exporting country in a quota year fall short of its export quota in effect at the time of notification by its Government in accordance with Article 11, less such part, if any, of that quota as the Government has notified under Article 11 that it expected would not be used, and less any net reduction in its export quota in effect made subsequently by the Council under Article 21, the difference shall be deducted from that country's export quota in effect in the following quota year to the extent that such difference exceeds 10,000 tons or 5 per cent of its basic export tonnage, whichever is larger. The Council may however modify the amount to be so deducted, if it is satisfied by an explanation from the participating exporting country concerned that its net exports fell short by reason of force majeure."

In Article 13, paragraph (5), the reference to "Article 22" shall be replaced by "Article 21".

In Article 14, paragraph (1), "For each of the" shall be replaced by (i) For the first three"; and the following shall be added at the end of the paragraph:

"(ii) For the last two quota years during which this Agreement is in force the exporting countries or areas named below shall

have the following basic export tonnages for the free market:

| | *In thousands of tons* |
|---|---|
| Belgium (including Belgian Congo) | [1] 55 |
| Brazil | 175 |
| China (Taiwan) | 655 |
| Colombia | 5 |
| Cuba | 2,415 |
| Czechoslovakia | 275 |
| Dominican Republic | 655 |
| France | [2] 20 |
| Germany, Eastern | 150 |
| Haiti | 45 |
| Hungary | 40 |
| India | 25 |
| Indonesia | 350 |
| Mexico | 75 |
| Kingdom of the Netherlands | 40 |
| Peru | 457 |
| Philippines | 25 |
| Poland | 220 |
| U. S. S. R. | 200 |
| Yugoslavia | 20 |

"[1] To be 50,000 tons for 1957.

"[2] The allocation to France of this basic export tonnage preserves to that country the same possibilities of making sales on the free market as the text of this Agreement as opened for signature on 1 October 1953; and, considering that paragraph 3 of Article 14 is deleted, it is recognized, in accordance with the decision of the Council of 1 December 1955, that France may export to the free market a quantity of sugar not exceeding 70,000 tons which is not chargeable against her net export quota."

In Article 14, paragraph (2), after "Czechoslovak Republic", the following shall be added ", Hungary".

Article 14, paragraph (3) shall be deleted.

In article 14, paragraph (4), "Costa Rica, Ecuador and Nicaragua" shall be replaced by "Costa Rica, Ecuador, Nicaragua and Panama".

In article 14, paragraph (6) shall be deleted and after paragraph (5) the following shall be added:

"(6 bis) Portugal to which no basic export tonnage has been allotted under Article 14 (1) may export to its traditional markets in the Federation of Rhodesia and Nyasaland up to 20,000 tons raw value each quota year and shall have the status of an exporting country.

*"A bis. Special reserve*

"(6 ter) A Special Reserve is established for the quota years 1957 and 1958 and is allocated as follows:

"[In thousands of tons]

| | |
|---|---|
| China (Taiwan) | 95 |
| India | 25 |
| Indonesia | [1] 50 |
| Philippines | 20 |

"[1] Only in 1958.

"Notwithstanding that these allocations are not basic export tonnages, the provisions of the Agreement other than those of Article 19 shall apply to them as if they were basic export tonnages."

In Article 14, paragraph (7), sub-paragraph (c), after "third", the following shall be added ", fourth and fifth".

In Article 14, paragraph (8), sub-paragraph (ii), the reference to Article "22" shall be replaced by Article "21", and the reference to "Articles 12 and 21 (3)" shall be replaced by "Articles 12 and 21".

In Article 15, the following shall be deleted: "and the countries which France represents internationally"; and "(including Surinam)".

In Article 16, paragraph (1), sub-paragraph (ii), "year 1956" shall be replaced by "years 1956 and 1957"; at the end of sub-paragraph (ii) the following shall be added: "per year;"; and after sub-paragraph (ii), the following shall be added:

"(iii) In the calendar year 1958—2,540,835 tons (2,500,000 English long tons) tel quel."

In Article 18, paragraph (2), the second sentence shall read:

"After considering that estimate and all other factors affecting the supply and demand for sugar on the free market the Council shall forthwith assign an initial export quota for the free market for such year to each of the exporting countries listed in Article 14 (1) pro rata to their basic export tonnages, subject to the provisions of Article 14 B, to such penalties as may be imposed in accordance with the provisions of Article 12 and to such reductions as may be made under Article 21 (8), provided that if at the time of fixing the initial export quotas the prevailing price is not less than 3.15 cents, the total of the initial export quotas shall, unless the Council otherwise decides by Special Vote, be not less than 90 per cent of the basic export tonnages, the distribution among exporting countries being made in the same manner provided in this paragraph."

Article 18, paragraph (3) shall be deleted.

Article 20 shall read:

"(1) For the purposes of this Agreement any reference to the price of sugar shall be deemed to be to the spot price in United States currency per pound avoirdupois free alongside steamer Cuban port, as established by the New York Coffee and Sugar Exchange in relation to sugar covered by Contract No. 4, or any alternative price which may be established under paragraph (2) of this Article; and where any reference is made to the prevailing price being above or below any stated figure, that condition shall be deemed to be fulfilled if the average price over a period of seventeen consecutive market days has been above or below the stated figure, as the case may be, provided that the spot price on the first day of the period and on not less than twelve days within the period has also been above or below the stated figure, as the case may be.

(2) In the event of the price referred to in paragraph (1) of this Article not being available at a material period, the Council shall use such other criteria as it sees fit.

(3) Any of the prices laid down in Articles 18 and 21 may be modified by the Council by a Special Vote."

Article 21 shall read:

"(1) The Council shall have discretion to increase or reduce quotas to meet market conditions, provided that:

(i) when the prevailing price is not less than 3.25 cents and not more than 3.45 cents no increase shall be made so as to bring into effect quotas greater in total than the basic export tonnages plus 5 per cent or the initial export quotas, whichever are the greater, and no decrease shall be made so as to bring into affect quotas which are less in total than either the initial export quotas less 5 per cent or the basic export tonnages less 10 per cent, whichever are the greater;

(ii) when the prevailing price exceeds 3.45 cents the quotas in effect shall be not less than the initial export quotas or the basic export tonnages, whichever are the greater;

(iii) if the prevailing price is below 3.25 cents the export quotas in effect shall at once be reduced by 2½ per cent and the Council shall meet within seven days to decide whether any further reduction shall be made; and if no agreement is reached at such meeting the percentage of the reduction shall be raised to 5 per cent, provided that reductions shall not be made so as to reduce the quotas below 90 per cent of the basic export tonnages unless the prevailing price is below 3.15 cents in which case further reduction may be made within the limits prescribed by Article 23; and

(iv) if the prevailing price has risen above 3.25 cents and the export quotas in effect are below 90 per cent of the basic export tonnages' the export quotas in effect shall be increased at once by 2½ per cent and the Council shall meet within seven days to decide whether a further increase shall be made; and if no agreement is reached at such meeting the percentage of the increase shall be raised to 5 per cent or such lesser amount as is required to restore the quotas to 90 per cent.

(2) In considering changes in quotas under this Article the Council shall take into account all factors affecting the supply and demand for sugar on the free market.

(3) If the prevailing price exceeds 4.00 cents all quotas and limitations on exports under any of the Articles of this Agreement shall for the time being become inoperative, provided that if subsequently the prevailing price falls below 3.90 cents the quotas and limitations previously in effect shall be restored, subject to the power of the Council to vary quotas under paragraph (1) of this Article.

(4) If the Council is satisfied that a new situation has arisen which endangers the attainment of the general objectives of the Agreement it may, by Special Vote, suspend temporarily for such period as it may think necessary the limits imposed under the preceding paragraphs of this Article upon its discretion to increase quotas; and during the period of such suspension the Council shall have full discretion to increase quotas as it may think necessary and to cancel such increases when they are no longer required.

(5) All changes in quotas made under this Article shall be pro rata to the basic export tonnages, subject to the provisions of Article 14 B; and any references to percentages of quotas shall be construed as percentages of the basic export tonnages.

(6) Notwithstanding the provisions of paragraph (1) of this Article, if the export quota of any country has been reduced under Article 19 (1) (i) such reduction shall be deemed to form part of the reductions made in the same quota year under the terms of paragraph (1) of this Article.

(7) The Secretary of the Council shall notify Participating Governments of each change made under this Article in the export quotas in effect.

(8) If any reduction made under the preceding paragraphs of this Article cannot be fully applied to the export quota in effect of any exporting country because, at the time the reduction is made, that country has already exported all or part of the amount of such reduction, a corresponding amount shall be deducted from the export quota in effect of that country in the following quota year."

Article 22 shall be deleted.

Article 33 shall read:

"The votes to be exercised by the respective delegations of importing countries on the Council shall be as follows:

| | |
|---|---|
| Cambodia | 15 |
| Canada | 95 |
| Ceylon | 35 |
| Federal Republic of Germany | 60 |
| Honduras | 15 |
| Israel | 20 |
| Japan | 165 |
| Lebanon | 20 |
| New Zealand | 30 |
| Spain | 20 |
| Tunisia | 20 |
| United Kingdom | 245 |
| United States of America | 245 |
| Vietnam | 15 |
| Total | 1,000" |

Article 34 shall read:

"The votes to be exercised by the respective delegations of exporting countries on the Council shall be as follows:

| | |
|---|---|
| Australia | 45 |
| Belgium | 20 |
| China | 70 |
| Cuba | 245 |
| Czechoslovakia | 45 |
| Dominican Republic | 70 |
| Ecuador | 15 |
| France | 35 |
| Haiti | 20 |

| | |
|---|---|
| Hungary | 20 |
| India | 35 |
| Indonesia | 45 |
| Mexico | 25 |
| Kingdom of the Netherlands | 20 |
| Nicaragua | 15 |
| Panama | 15 |
| Peru | 45 |
| Philippines | 25 |
| Poland | 40 |
| Portugal | 15 |
| Romania | 15 |
| South Africa | 20 |
| USSR | 100 |
| Total | 1,000" |

Article 35 shall read:

"Whenever the membership of this Agreement changes or when any country is suspended from voting or recovers its votes under any provision of this Agreement, the Council shall redistribute the votes within each group (importing countries and exporting countries) proportionately to the number of votes held by each member of the group, provided that no country shall have less than 15 or more than 245 votes and that there shall be no fractional votes, and provided further that the votes of countries having 245 votes under Article 33 or 34 shall not be reduced having regard to the substantial number of votes relinquished by each of those countries when accepting the number of votes attributed to them in Articles 33 and 34".

In Article 36, paragraph (3), the reference to "Articles 21 and 22" shall be replaced by "Article 21".

Article 41, paragraph (2) shall be deleted.

Article 41, paragraphs (3) and (4) shall read:

"(3) This Agreement shall be open for accession by any Government referred to in Article 33 or 34 and such accession shall be effected by the deposit of an instrument of accession with the Government of the United Kingdom of Great Britain and Northern Ireland, provided that, if any such Government wishes to accede upon terms or conditions other than those provided for in this Agreement, it shall first seek approval by the Council of such terms or conditions, which if approved shall be submitted as recommendations to the Participating Governments.

(4) The Council may approve accession to this Agreement by any Government invited to the United Nations Sugar Conference 1956 but not referred to in Article 33 or 34, provided that the conditions of such accession shall first be agreed upon with the Council by the Government desiring to effect it and submitted as recommendations to the Participating Governments."

In Article 44, paragraph (1), the first sentence shall read:

"(1) If any Participating Government considers its interests to be seriously prejudiced by the failure of any signatory Government to ratify or accept this Agreement or the Protocol amending this Agreement opened for signature at London on 1 December 1956, or to accede to this Agreement as amended by that Protocol, or by conditions or reservations attached to any signature, ratification, acceptance or accession, it shall so notify the Government of the United Kingdom of Great Britain and Northern Ireland."

For Australia:

E. J. HARRISON.

14/12/56.

For the Kingdom of Belgium:

Marquis DU PARC LOCMARIA.

December 13th, 1956.

For Canada:

SYDNEY D. PIERCE.

15 Dec., 1956.

For China:

TCHEN HIONG-FEI.

December 14, 1956

The Government of the Republic of China is the only legitimate Government of China.

In signing this Protocol, I declare, in the name of my Government, that any statements or reservations made thereto, which are incompatible with or derogatory to the legitimate position of the Government of the Republic of China, are illegal, and, therefore, null and void.

TCHEN HIONG-FEI.

For Cuba:

ROBERTO G. DE MENDOZA.

December 13th, 1956.

For Czechoslovakia:

Dr. JIRÍ HÁJEK.

Dec. 14th, 1956.

Signed with following reservation:

The signing of this supplementary protocol, mentioning in the revised version of Articles 14 China (Taiwan) and 34 China, in no way signifies recognition of the Kuomintang authorities' power over the territory of Taiwan neither recognition of the so-called "Nationalist Chinese Government" as a legal and competent Government of China.

Dr. JIRÍ HÁJEK.

14th December 1956.

In the name of the Czechoslovak Republic I have the honour to state in connection with the signature to the supplementary protocol to the International Sugar Agreement of 1955 that the expression "Germany, Eastern" to designate the German Democratic Republic in the corrected version of Article 14 of this supplementary protocol is not correct.

The German Democratic Republic was set up on October 7th, 1949, on the basis of the Constitution which was approved by the Third German Government Congress on May 30th, 1949. By means of a series of acts undertaken by the Soviet Union the German Democratic Republic acquired full legal international sovereignty. The German Democratic Republic equally acquired international recognition by the conclusion of diplomatic, economic and trading relations with many countries. The official title of this sovereign state is, as is to be seen in, for example, Article 2 of the abovementioned Constitution, the German Democratic Republic, and hence this is the only correct title to be used in international legal documents.

JIRÍ HÁJEK, Ambassador.

For the Dominican Republic:

DON L. F. THOMÉN.

Diciembre 14 de 1956.

For France:

J. CHAUVEL.

Le 13 Décembre 1956.

For the Federal Republic of Germany:

HANS VON HERWARTH.
Dr. KARL MÜELLER.

14 12/56.

For Greece:

N. D. PIERRACOS.

14th Dec., 1956.

For Haiti:

JOSEPH L. DÉJEAN.

12 December, 1956.

For the Hungarian People's Republic:

For Japan:

H. NISHI.

December 11, 1956.

For Lebanon:

EMILE MATTAR.

December 14th, 1956.

For Mexico:

G. LUDERS DE NEGRI.

14th December, 1956.

For the Kingdom of the Netherlands:

A. H. HASSELMAN.

14th December, 1956.

For Nicaragua:

RUBÉN DARÍO.

14th December, 1956.

For the Republic of the Philippines:

For the Polish People's Republic:

E. MILNIKIEL, Ambassador.

13/12/56.

For Portugal:

JOÃO DE LUCENA.

14th December, 1956.

For the Union of South Africa:

W. A. HORROCKS.

12th December, 1956.

For the Union of Soviet Socialist Republics:

SMIRNOV.

December 15, 1956.

The signing on behalf of the Union of Soviet Socialist Republics of this supplementary Protocol, mentioning China (Taiwan) in revised Article 14 and China in revised Article 34, in no way signifies recognition of Kuomintang rule over the territory of Taiwan nor recognition of the so-called "Nationalist Government of China" as the legal and competent Government of China.

SMIRNOV

December 15, 1956

For the United Kingdom of Great Britain and Northern Ireland:

At the time of signing the present Protocol I declare that since the Government of the United Kingdom do not recognise the Nationalist Chinese authorities as the competent Government of China they cannot regard signature of the Protocol by a Nationalist Chinese representative as a valid signature on behalf of China.

E. A. HITCHMAN.

13 December, 1956.

For the United States of America:

Certified a true copy:

5 Feb 1957

[SEAL OF THE FOREIGN OFFICE LONDON]

A. D. WILSON,
Librarian and Keeper of the Papers for the Secretary of State for Foreign Affairs.

Mr. GREEN. Mr. President, on behalf of the Committee on Foreign Relations, I invite the attention of the Senate to a protocol amending the International Sugar Agreement of 1953. It is the committee's recommendation that the Senate advise and consent to accession to this protocol.

The International Sugar Agreement of 1953, which this protocol amends, has had no effect on the import, distribution, or price of sugar in this country. These are governed principally by the provisions of the Sugar Act of 1948, as amended. The United States participates in the agreement largely because it is of value to friendly sugar-producing nations in the Caribbean area and elsewhere. It helps them to maintain the stability of their economies and to improve the livelihood of their peoples. These are purposes to which the Senate has already subscribed in consenting to ratification of the 1953 agreement.

The protocol now before the Senate merely permits a revision of the quotas among exporting countries provided for in that agreement. It simplifies the administrative procedures for administering these quotas and allows greater flexibility in adjusting them to changing market conditions. The protocol does not change the date of expiration of the agreement of 1953. That date remains December 31, 1958. Nor does it in any way affect our rights and obligations under that agreement.

The President seeks consent to accede to the protocol. The committee believes that consent should be extended by the Senate.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the question

of agreeing to the resolution of ratification of Executive L.

The yeas and nays were ordered.

Mr. BENNETT. Mr. President, will the Senator from Rhode Island yield to me before he yields the floor?

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Utah?

Mr. GREEN. Does the Senator from Utah desire to make a statement?

Mr. BENNETT. I wish to ask a question.

Is the understanding of the Senator from Utah correct that the United States participation in the International Sugar Agreement in no way affects the distribution of sugar inside the United States?

Mr. GREEN. The Senator's understanding is correct.

Mr. BENNETT. I thank the Senator.

The PRESIDING OFFICER. If there be no objection, the protocol will be considered as having passed through the various parliamentary stages up to and including the presentation of the resolution of ratification, which will be stated.

The Chief Clerk read as follows:

*Resolved (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of Executive L, 85th Congress, 1st session, the protocol amending the International Sugar Agreement of 1953, dated at London, December 1, 1956.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification of the protocol? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Ohio [Mr. LAUSCHE], the Senator from West Virginia [Mr. NEELY] are absent on official business.

The Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

I further announce that if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Missouri [Mr. HENNINGS], the Senator from Ohio [Mr. LAUSCHE], the Senator from West Virginia [Mr. NEELY] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The Senator from Nevada [Mr. MALONE] is necessarily absent.

The Senator from Pennsylvania [Mr. MARTIN] is detained on official business.

If present and voting, the Senator from Pennsylvania [Mr. MARTIN], the Senator from Nevada [Mr. MALONE], and the Senator from Maine [Mr. PAYNE] would each vote "yea."

The yeas and nays resulted—yeas 86, nays 0, as follows:

YEAS—86

| | | |
|---|---|---|
| Aiken | Goldwater | Morton |
| Allott | Gore | Mundt |
| Anderson | Green | Murray |
| Barrett | Hayden | Neuberger |
| Beall | Hickenlooper | O'Mahoney |
| Bennett | Hill | Pastore |
| Bible | Holland | Potter |
| Bricker | Hruska | Purtell |
| Bush | Humphrey | Revercomb |
| Butler | Ives | Robertson |
| Byrd | Jackson | Russell |
| Capehart | Javits | Saltonstall |
| Carlson | Jenner | Schoeppel |
| Carroll | Johnson, Tex. | Scott |
| Case, N. J. | Johnston, S. C. | Smathers |
| Case, S. Dak. | Kefauver | Smith, Maine |
| Church | Kennedy | Smith, N. J. |
| Clark | Kerr | Sparkman |
| Cooper | Knowland | Stennis |
| Cotton | Kuchel | Symington |
| Curtis | Langer | Talmadge |
| Dirksen | Long | Thurmond |
| Douglas | Magnuson | Thye |
| Dworshak | Mansfield | Watkins |
| Eastland | Martin, Iowa | Wiley |
| Ellender | McClellan | Williams |
| Ervin | McNamara | Yarborough |
| Flanders | Monroney | Young |
| Fulbright | Morse | |

NOT VOTING—9

| | | |
|---|---|---|
| Bridges | Hennings | Martin, Pa. |
| Chavez | Lausche | Neely |
| Frear | Malone | Payne |

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification of Executive L, 85th Congress, 1st session, is agreed to.

## CONVENTION FOR THE PROMOTION OF INTER-AMERICAN CULTURAL RELATIONS

The Senate, as in Committee of the Whole, proceeded to consider Executive C (84th Cong., 2d sess.), the Convention for the Promotion of Inter-American Cultural Relations, signed at Caracas on March 28, 1954, which was read the second time, as follows:

EXECUTIVE C (84TH CONG., 2D SESS.)

CONVENTION FOR THE PROMOTION OF INTER-AMERICAN CULTURAL RELATIONS

The governments represented at the Tenth Inter-American Conference,

Considering:

That greater knowledge and understanding of the peoples and the institutions of the countries members of the Organization of American States will contribute to the realization of the purposes for which the Conference was convened; and

That, among the suitable means for attaining this end, are the exchange of professors, teachers, and students among the American countries and the encouragement of closer relationships among the unofficial agencies that exert an influence on the formation of public opinion,

Resolve:

To revise the text and strengthen the spirit of the Convention for the Promotion of Inter-American Cultural Relations, concluded at Buenos Aires in 1936, and to that end agree on the following articles:

ARTICLE 1

Every year each government shall award one or more fellowships, insofar as it may be able to do so, for the ensuing scholastic year, which may be granted to graduate students or to teachers or to other persons with equivalent qualifications from each of the other Member States. The recipients shall be chosen in accordance with the procedure established in Article 4 of this Convention. Notwithstanding the foregoing, each government may award a greater number of fellowships for study if this has been provided in other international agreements or otherwise.

ARTICLE 2

Each fellowship shall include, through such agency as may be deemed appropriate, tuition in an institution of higher learning designated by the country awarding the fellowship, as well as textbooks, working materials, and, in addition, a monthly allowance to cover lodging, subsistence, and other necessary additional expenses. The expenses of traveling to the designated institution and those of returning to the country of origin and, in addition, an amount for incidental travel expenses during the journey shall be borne by the recipient or by the nominating government.

ARTICLE 3

Each government shall notify the others of the fields of study in which it is prepared to award fellowships at least one month before the period referred to in the following article for the transmission of the panels of candidates.

ARTICLE 4

The fellowships referred to in Article 1 shall be awarded after the governments concerned exchange panels of names in the following manner:

Each government shall send to each of the other governments, at least 6 months before the opening of the scholastic year in the host country, unless otherwise agreed upon by the interested governments, a panel containing the names of candidates of the categories referred to in Article 1, together with the information regarding each that the government awarding the fellowships deems necessary. The panel shall contain a sufficient number of names to permit the country awarding the fellowships to choose from among the candidates. The latter country shall announce the award of the fellowships and the names of the successful candidates to the nominating government at least 3 months before the opening of the scholastic year.

A candidate's name shall not appear on the panels more than twice. The fellowships shall be awarded for one year, but may be extended for a second year and, in exceptional cases, for a third. No government shall be obliged to consider the panel of names of candidates proposed by any other government if it has not been presented in accordance with the schedule indicated.

ARTICLE 5

If for any reason it becomes necessary to repatriate the recipient of a fellowship, the government awarding the fellowship may effect the repatriation at the expense of the nominating government.

ARTICLE 6

Any of the High Contracting Parties which may be interested in obtaining the services of professors or specialists from other countries and which has not chosen specific individuals may do so through the services of the Pan American Union. The Pan American Union will forward the request to the other countries and will send their replies to the interested country within three months, the latter country then choosing from among the candidates suggested.

Visiting professors or specialists shall devote themselves to the duties for which they have been specifically engaged.

The government that is sending the professors or specialists shall provide the expenses of travel of each to the seat of the institution to which he has been appointed, and of return to the country of origin.

Each government shall take the necessary measures for visiting professors or special-

ists to receive a salary commensurate with the duties which are assigned to them. The government of the country from which the professor or specialist comes shall compensate him for any unfavorable difference between the salary which he is to receive in the host country and that which he has been receiving in the country from which he comes. However, in specific cases, the governments concerned may make other arrangements.

ARTICLE 7

The High Contracting Parties will encourage, in other ways, especially during vacation periods, the exchange, for cultural purposes, of teachers, artists, students, and other persons engaged in the professions, between their respective countries.

ARTICLE 8

Each government shall designate or create an appropriate organ, or appoint a special officer, to have responsibility for carrying out the obligations assumed by virtue of this Convention.

ARTICLE 9

Authenticated copies of the regulations issued by each of the High Contracting Parties to facilitate compliance with this Convention shall be sent to the other High Contracting Parties and to the Pan American Union.

ARTICLE 10

The High Contracting Parties shall transmit annually to the Pan American Union a report enumerating the persons to whom fellowships have been awarded by the governments in accordance with the terms of this Convention. The report shall indicate the nationality of the recipients and the amount of money and the type of assistance which they have received.

This report should likewise include information with regard to persons who have come from other American States and are pursuing university or similar studies in accordance with other exchange-of-persons programs or at their own expense.

The reports referred to above should also include information regarding professors and specialists.

The Pan American Union shall compile the reports received under this Article for the information of the High Contracting Parties.

ARTICLE 11

The High Contracting Parties declare that this Convention is motivated by the highest principles of cooperation, the extent of the interchange depending upon the circumstances peculiar to each country.

ARTICLE 12

This Convention does not affect similar understandings which have been entered into previously by the High Contracting Parties, nor does it exclude the possibility of their entering into other such understandings in the future.

ARTICLE 13

This Convention shall remain open for signature by the States Members of the Organization of American States and shall be ratified by the signatory States in accordance with their respective constitutional procedures.

ARTICLE 14

The original instrument, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited with the Pan American Union, which shall transmit certified copies thereof to the governments for purposes of ratification. The instruments of ratification shall be deposited with the Pan American Union, which shall notify the signatory states of such deposit.

ARTICLE 15

This Convention shall enter into force between the States that ratify it in the order in which they deposit their respective instruments of ratification.

ARTICLE 16

This Convention shall remain in force indefinitely, but may be denounced by any of the signatory States upon 1 year's notice, at the end of which it shall cease to be in force with respect to the denouncing State, remaining in force for the other signatory States. The denunciation shall be communicated to the Pan American Union, which shall notify the other signatory States of it.

In witness whereof, the undersigned Plenipotentiaries, whose full powers have been presented and found to be in good and due form, sign this Convention, on behalf of their respective governments, at the city of Caracas, on March 28, 1954.

(Signed on March 28, 1954, on behalf of all of the American Republics except Costa Rica which signed subsequently on June 16, 1954.)

Mr. GREEN. Mr. President, the pending convention is intended to promote the exchange of graduate students, teachers, professors, specialists, and other professional persons as between the American Republics.

The convention which was formulated at the 10th International Conference of American States held at Caracas in March 1954 is a revision of the Buenos Aires convention of 1936 on the same subject, and will replace that convention for the states which adopt it. Thus far it has been ratified by four governments. The 1936 convention is in force between the United States and 16 other American Republics.

I shall not undertake here to review the procedural mechanism established by the convention. That has been explained in some detail in the committee report. However, I should like to comment briefly on the major provisions of the convention. These relate to six general headings.

The convention sets forth the number and categories of exchange fellowships to be granted annually by the contracting states. Second, provision is made for the allocation of expenses for study, travel, and living as between the government of the host country, the nominating country, and the recipient of the award. Third, the convention fixes deadlines for the announcement of fields of study in which awards will be made, for forwarding panels of applicants to the host states, and for the final selection and notification of successful candidates.

A fourth heading provides for the exchange of professors or specialists for purposes of instruction or research. A fifth encourages exchanges of students, teachers, artists, and professional people for cultural purposes, for short-term assignments. Finally, the convention provides for reports by the Pan American Union to the participating governments, summarizing the total program carried on under the convention, as well as other exchange of persons agreements in the Americas.

There was a practical reason, Mr. President, for the negotiation of this new convention at Caracas. Experience with the 1936 instrument had amply demonstrated that many of its provisions concerning the selection and financing of exchanges were unduly rigid and cumbersome. The present convention introduces greater flexibility in these matters. This has been accomplished by two principal modifications. First of all, the former obligations of the contracting parties have been reduced and made more flexible in recognition of the very real geographic, economic, and financial differences between them.

In the second place, the procedures dealing with applications by exchange candidates and their selection have been simplified and strengthened. Specific dates and other irksome details have been eliminated. The financial responsibilities of the participating governments have been more precisely defined.

As an adjunct to these modifications, and to assist in the more efficient administration of the program, the Pan American Union has been charged with responsibility for compiling an annual report to the contracting governments, concerning the nature and extent of the participation by each government in the exchange program, together with essential data as to what various private organizations are doing in this field.

The exchange of persons program, Mr. President, is an effective means of promoting mutual understanding among the people of the Americas, and of developing a climate of public opinion which is important to inter-American cooperation. The revised convention will place this program on a more satisfactory basis than was accomplished under the 1936 agreement. I consider it of great importance to the maintenance of friendly relations in this hemisphere.

I therefore urge the Members of the Senate to give their approval to the ratification of the convention now before us.

Mr. MANSFIELD. Mr. President, on the question of agreeing to the resolution of ratification, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, will the Senator from Rhode Island yield?

Mr. GREEN. I yield to the Senator from New York.

Mr. JAVITS. I should like to ask the distinguished Senator from Rhode Island whether the foreign students who participate in the exchange program must be fingerprinted under our immigration laws before they can enter our country.

Mr. GREEN. Yes; they must be fingerprinted.

Mr. JAVITS. I express the hope that we may act, even at this session, to remove that requirement, at least for students who are exchanged between our country and other countries, under exchange programs such as this one. It is a great mistake, in terms of our foreign policy and in terms of people-to-people relations, where we are trying so ardently to cultivate good relations between our country and foreign countries, to provide for the fingerprinting of students who participate in student-exchange programs. I do not believe such

procedure was the intention of the law when it was passed. I hope very much that we will do away with it in respect to student-exchange programs.

The PRESIDING OFFICER. If there be no objection, the convention will be considered as having passed through the various parliamentary stages up to and including the presentation of the resolution of ratification. The resolution of ratification will be read.

The resolution of ratification to Executive C, 84th Congress, 2d session, was read as follows:

*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of Executive C, 84th Congress, 2d session, the Convention for the Promotion of Inter-American Cultural Relations, signed at Caracas on March 28, 1954.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Ohio [Mr. LAUSCHE], the Senator from West Virginia [Mr. NEELY] are absent on official business.

The Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

I further announce that if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Missouri [Mr. HENNINGS], the Senator from Ohio [Mr. LAUSCHE], the Senator from West Virginia [Mr. NEELY] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The Senator from Nevada [Mr. MALONE] is necessarily absent.

The Senator from Pennsylvania [Mr. MARTIN] is detained on official business, and if present and voting, he would vote "yea."

On this vote, the Senator from Nevada [Mr. MALONE] is paired with the Senator from Maine [Mr. PAYNE]. If present and voting, the Senator from Nevada would vote "nay" and the Senator from Maine would vote "yea."

The yeas and nays resulted—yeas 86, nays 0, as follows:

YEAS—86

| | | |
|---|---|---|
| Aiken | Cotton | Ives |
| Allott | Curtis | Jackson |
| Anderson | Dirksen | Javits |
| Barrett | Douglas | Jenner |
| Beall | Dworshak | Johnson, Tex. |
| Bennett | Eastland | Johnston, S. C. |
| Bible | Ellender | Kefauver |
| Bricker | Ervin | Kennedy |
| Bush | Flanders | Kerr |
| Butler | Fulbright | Knowland |
| Byrd | Goldwater | Kuchel |
| Capehart | Gore | Langer |
| Carlson | Green | Long |
| Carroll | Hayden | Magnuson |
| Case, N. J. | Hickenlooper | Mansfield |
| Case, S. Dak. | Hill | Martin, Iowa |
| Church | Holland | McClellan |
| Clark | Hruska | McNamara |
| Cooper | Humphrey | Monroney |
| Morse | Robertson | Symington |
| Morton | Russell | Talmadge |
| Mundt | Saltonstall | Thurmond |
| Murray | Schoeppel | Thye |
| Neuberger | Scott | Watkins |
| O'Mahoney | Smathers | Wiley |
| Pastore | Smith, Maine | Williams |
| Potter | Smith, N. J. | Yarborough |
| Purtell | Sparkman | Young |
| Revercomb | Stennis | |

NOT VOTING—9

| | | |
|---|---|---|
| Bridges | Hennings | Martin, Pa. |
| Chavez | Lausche | Neely |
| Frear | Malone | Payne |

The PRESIDING OFFICER. Two-thirds of the Senators present concurring therein, the resolution of ratification of Executive C, 84th Congress, 2d session, is agreed to.

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## PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING; AMENDMENT RECOMMENDED TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA; INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that Calendar Nos. 8, 9, and 10, being, respectively, Executive E, Executive M, and Executive J, all of the 85th Congress, 1st session, be considered en bloc.

The PRESIDING OFFICER (Mr. MONRONEY in the chair). Is there objection to the request of the Senator from Texas?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider, en bloc, the following conventions, which were severally read the second time, as follows:

EXECUTIVE E (85TH CONG., 1ST SESS.)

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING, SIGNED AT WASHINGTON UNDER DATE OF DECEMBER 2, 1946

The Contracting Governments to the International Convention for the Regulation of Whaling signed at Washington under date of December 2, 1946, which Convention is hereinafter referred to as the 1946 Whaling Convention, desiring to extend the application of that Convention to helicopters and other aircraft and to include provisions on methods of inspection among those Schedule provisions which may be amended by the Commission, agree as follows:

ARTICLE I

Subparagraph 3 of Article II of the 1946 Whaling Convention shall be amended to read as follows:

"3. 'whale catcher' means a helicopter, or other aircraft, or a ship, used for the purpose of hunting, taking, killing, towing, holding on to, or scouting for whales."

ARTICLE II

Paragraph 1 of Article V of the 1946 Whaling Convention shall be amended by deleting the word "and" preceding clause (h), substituting a semicolon for the period at the end of the paragraph, and adding the following language: "and (i) methods of inspection".

ARTICLE III

1. This Protocol shall be open for signature and ratification or for adherence on behalf of any Contracting Government to the 1946 Whaling Convention.

2. This Protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America on behalf of all the Contracting Governments to the 1946 Whaling Convention.

3. The Government of the United States of America shall inform all Governments signatory or adhering to the 1946 Whaling Convention of all ratifications deposited and adherences received.

4. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Protocol.

DONE in Washington this nineteenth day of November 1956, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all Governments signatory or adhering to the 1946 Whaling Convention.

For Australia:
F. J. BLAKENEY

For Brazil:
ERNANI DO AMARAL PEIXOTO

For Canada:
A. D. P. HEENEY

For Denmark:
HENRIK KAUFFMANN

For France:
HERVÉ ALPHAND

For Iceland:
THOR THORS

For Japan:
MASAYUKI TANI

For Mexico:
MANUEL TELLO

For the Netherlands:
J. H. VAN ROIJEN
*For the Kingdom in Europe*

For New Zealand:
G D L WHITE

For Norway:
WILHELM MORGENSTIERNE

For Panama:
J M MÉNDEZ M

For Sweden:
ERIK BOHEMAN

For the Union of South Africa:
W C DU PLESSIS

For the Union of Soviet Socialist Republics:
G. ZAROUBIN [Romanization]

For the United Kingdom of Great Britain and Northern Ireland:
HAROLD CACCIA

For the United States of America:
HERBERT HOOVER JR

I CERTIFY THAT the foregoing is a true copy of the Protocol to the International Convention for the Regulation of Whaling signed at Washington under date of December 2, 1946, which Protocol was signed at Washington under date of November 19, 1956 in the English language, the signed original of which is deposited in the archives of the Government of the United States of America.

IN TESTIMONY WHEREOF, I, JOHN FOSTER DULLES, Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this fourth day of December, 1956.

JOHN FOSTER DULLES
*Secretary of State*

[SEAL] By BARBARA HARTMAN
*Authentication Officer*
*Department of State*

EXECUTIVE M (85TH CONG., 1ST SESS.), INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1948

MEMORANDUM CIRCULATED BY THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND IN ACCORDANCE WITH ARTICLE XV OF THE CONVENTION

*Inflatable liferafts as life-saving appliances*

1. Liferafts may be carried in lieu of buoyant apparatus on passenger ships engaged on international voyages under Regulation 30 (d) of Chapter III of the Convention. Inflatable liferafts are, however, prohibited by this Regulation.

2. Since the Convention was accepted by Her Majesty's Government, extensive tests have been carried out with inflatable liferafts which depend for their buoyancy upon inflation by carbon dioxide gas. These tests show that, for life-saving purposes, this type of equipment is considerably superior to other forms of buoyant apparatus now in use.

3. Her Majesty's Government therefore consider that inflatable liferafts would form a valuable part of the life-saving apparatus of merchant ships and, in particular, of passenger ships engaged in short international voyages in which lifeboats do not provide accommodation for all on board. Her Majesty's Government therefore propose to other Contracting Governments that Regulation 30 of Chapter III of the Convention be amended as follows:—

*Regulation 30 of Chapter III of the 1948 Convention for the Safety of Life at Sea*

Paragraph (d). After the word "liferafts" in line 1 add "of non-inflatable type."

New Paragraph (e). "Liferafts of inflatable type may be carried in lieu of buoyant apparatus provided that, in addition to complying with the requirements of subparagraphs (i), (ii), (iii) and (vi) of paragraph (b) of the Regulation, each liferaft satisfies the following conditions:—

(i) It shall have ample stability in a seaway and shall be capable of being readily righted.

(ii) The inflation shall take place automatically either on the pulling of a line, or by some other simple method approved by the Administration.

(iii) The number of persons for which the raft is certified shall be determined by the Administration, and shall not exceed that for which there is sufficient room for comfortable seating. The raft when inflated shall effectively support its occupants out of the water.

(iv) The buoyancy shall be arranged, to the satisfaction of the Administration, either by a division of the buoyancy into two separate compartments each capable of supporting the certified number of persons out of the water, or otherwise, so that there is a reasonable margin of buoyancy to provide against part damage or part failure to inflate."

4. A description of the types of inflatable liferafts used in the tests referred to in paragraph 2, together with particulars of the tests to which they were subjected, are contained in the attached Memorandum.

MINISTRY OF TRANSPORT
AND CIVIL AVIATION,
*London, May, 1955.*

INFLATABLE LIFERAFTS

1. Description:

The inflatable liferafts tested for use in merchant ships are oval or round in shape and made in several sizes, varying in carrying capacity from six to twenty persons.

They are made of rubberized cotton fabric and rely for their buoyancy on inflation by carbon-dioxide gas carried in small cylinders attached to the liferaft. They are constructed with two arches, a centre thwart and a floor, all of which are inflatable. A tent is attached to the two inflatable arches, and rises with them when inflation takes place, thus giving the occupants complete protection from the weather and extremes of temperature.

The tent has two open ends and at each opening a small rope scrambling net (or ladder) is fastened for boarding purposes. A hauling-in ladder, tapering to a point where it is secured by a toggle fastening inside the dinghy, is also provided to assist the boarding. A hemp life line is looped around the outside of the buoyancy chamber. A towing strap and a drogue are also provided.

The important parts of the buoyancy structure are completely sealed one from the other so that damage to any one part is localised.

In its deflated state for stowage on board the liferaft is kept in a canvas valise.

The principal dimensions of the twenty-person oval liferaft are approximately, length 15–16 ft., breadth 9–10 ft., height 4 ft. 7 in. The circular type is approximately 12 ft. in diameter.

At present the approved types are made by two firms, namely, (a) The Elliot Equipment Company Limited, Cardiff, and (b) R. F. D. Company Limited, Godalming Surrey.

2. Operation

The canvas valise in which the liferaft is kept on board is lightly laced and to this is secured a static line. This line is required to be fastened to a strong point on the ship. The twenty-man liferaft in its valise and with equipment weights about 240 lb. and can fairly easily be launched by two men. After being thrown into the water a pull on the static line operates the gas-release mechanism and the liferaft immediately starts to inflate. As inflation takes place the liferaft breaks the valise lacing and emerges from the valise into the water.

3. Official Tests

Experience shows that when persons have to go into the water from a sinking ship, many deaths are caused through exposure and not drowning. To ascertain whether this loss of life could be avoided by the use of inflatable liferafts the British Admiralty arranged for extensive tests with this equipment to be carried out under as realistic conditions as possible both in Arctic and tropical waters. These tests have been extremely successful and show that inflatable liferafts afford the occupants ample protection against extremes of temperature.

Tests have also been carried out to ascertain how the fabric of which the liferafts are made would stand up to the exposed stowage conditions to which appliances of this nature are likely to be subjected on board merchant ships. For this purpose ships operating to the Far East and to East Africa were selected in order to subject the liferafts to as wide a range of temperature and weather conditions as possible. These tests were equally successful.

Two liferafts which had remained on board untouched for over twelve months were withdrawn and subjected to flotation tests. These were launched from their normal stowage position on board and both were found to be in no way affected by the stowage conditions to which they had been subjected. Both commenced to inflate immediately the static line was pulled and both were sufficiently inflated after one minute from reaching the water to enable persons to clamber aboard. One was completely inflated in 1½ minutes and the other in 1¼ minutes. Boarding tests were carried out by men wearing standard kapok life-jackets climbing on the liferafts from the water.

After these tests the following conclusions were reached—

(a) The material of which the liferafts are made had withstood weathering conditions for about twelve months without deterioration. (Only time will establish its actual length of life in service.)

(b) The valises show signs of wear, but this is not important.

(c) Entry into the liferafts from the water is fairly easy for a fit and active man, and after the first man has got on board he can assist others.

(d) Maintenance on board should not be a big problem, but some expenditure will be involved in order that the liferafts can be tested annually by the makers.

(e) Compared with ordinary buoyant apparatus inflatable liferafts are a vast improvement. Experience has shown that buoyant apparatus to which persons cling are of very limited value owing to the fact that many succumb to exposure if not rescued within a short time.

4. Inflatable Liferafts on "Empire Windrush":

This troopship was actually carrying an inflatable liferaft for test purposes at the time she was destroyed by fire. It was successfully launched from the ship and used by about fifteen of the troops on board. These men were later asked about their experience and their replies indicated that no great difficulty was experienced in boarding it from the water.

5. Ministry Approval:

In view of the satisfactory results of the tests, letters granting formal approval for inflatable liferafts to be used in United Kingdom registered merchant ships have been granted to the two firms mentioned in paragraph 1. The conditions of this approval are:

(i) Ships engaged in United Kingdom domestic trade:

In any ship coming within the various classes comprising the domestic shipping of the United Kingdom, inflatable liferafts will be accepted in lieu of buoyant apparatus. This affects passenger ships not engaged on international voyages and certain medium-sized fishing vessels which, under the present Rules, are required to carry one or more units of buoyant apparatus.

(ii) Ships engaged on international voyages:

The approval also covers the use of inflatable liferafts on these ships but having regard to the exclusion of inflatable appliances under Regulation 30 of Chapter III of the Convention, the liferafts must be in addition to the prescribed amount of buoyant apparatus required by the Convention.

(iii) Maintenance and equipment:

The approval is also subject to certain conditions affecting the manufacture, construction, maintenance and equipment of the liferafts. The most important of these is that the liferafts must be manufactured strictly in accordance with the approved drawings and current governmental standards of inspection and, further, that the purchaser of each liferaft is to be informed that it is necessary for it to be serviced (by the makers) at intervals not exceeding twelve months from date of manufacture.

EXECUTIVE J (85TH CONG., 1ST SESS.) INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS

The Governments of Canada, Japan, the Union of Soviet Socialist Republics, and the United States of America,

Desiring to take effective measures toward achieving the maximum sustainable productivity of the fur seal resources of the North Pacific Ocean so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year, with due regard to their relation to the productivity of other living marine resources of the area,

Recognizing that in order to determine such measures it is necessary to conduct

adequate scientific research on the said resources, and

Desiring to provide for international cooperation in achieving these objectives,

Agree as follows:

ARTICLE I

1. The term "pelagic sealing" is hereby defined for the purposes of this Convention as meaning the killing, taking, or hunting in any manner whatsoever of fur seals at sea.

2. The words "each year", "annual" and "annually" as used hereinafter refer to Convention year, that is, the year beginning on the date of entry into force of the Convention.

3. Nothing in this Convention shall be deemed to affect in any way the position of the Parties in regard to the limits of territorial waters or to the jurisdiction over fisheries.

ARTICLE II

1. In order to realize the objectives of this Convention, the Parties agree to coordinate necessary scientific research programs and to cooperate in investigating the fur seal resources of the North Pacific Ocean to determine:

(a) what measures may be necessary to make possible the maximum sustainable productivity of the fur seal resources so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year; and

(b) what the relationship is between fur seals and other living marine resources and whether fur seals have detrimental effects on other living marine resources substantially exploited by any of the Parties and, if so, to what extent.

2. The research referred to in the preceding paragraph shall include studies of the following subjects:

(a) size of each fur seal herd and its age and sex composition;

(b) natural mortality of the different age groups and recruitment of young to each age or size class at present and subsequent population levels;

(c) with regard to each of the herds, the effect upon the magnitude of recruitment of variations in the size and the age and sex composition of the annual kill;

(d) migration routes of fur seals and their wintering areas;

(e) numbers of seals from each herd found on the migration routes and in wintering areas and their ages and sexes;

(f) extent to which the food habits of fur seals affect commercial fish catches and the damage fur seals inflict on fishing gear; and

(g) other subjects involved in achieving the objectives of the Convention, as determined by the Commission established under Article V, paragraph 1.

3. In furtherance of the research referred to in this Article, each of the Parties agrees to carry out, each year after the entry into force of the Convention, the programs set forth in the Schedule annexed to the Convention with any modifications thereof made pursuant to Article V, paragraph 3. The said Schedule, together with any such modifications, shall be considered an integral part of this Convention.

4. Each Party agrees to provide the Commission annually with information on:

(a) number of black pups tagged for each breeding area;

(b) number of fur seals, by sex and estimated age, taken at sea and on each breeding area; and

(c) tagged seals recovered on land and at sea;

and, so far as is practicable, other information pertinent to scientific research which the Commission may request.

5. The Parties further agree to provide for the exchange of scientific personnel; each such exchange shall be subject to mutual consent of the Parties directly concerned.

6. The Parties agree to use for the scientific pelagic research provided for in this Article only government-owned or government-chartered vessels operating under strict control of their respective authorities. Each Party shall communicate to the other Parties the names and descriptions of vessels which are to be used for pelagic research.

ARTICLE III

In order to realize the purposes of the Convention, including the carrying out of the coordinated and cooperative research, each Party agrees to prohibit pelagic sealing, except as provided in Article II, paragraph 3 and the Schedule, in the Pacific Ocean north of the 30th parallel of north latitude including the seas of Bering, Okhotsk, and Japan by any person or vessel subject to its jurisdiction.

ARTICLE IV

1. Each Party shall bear the expense of its own research. Title to sealskins taken during the research shall vest in the Party conducting such research.

2. If the total number of seals of the Commander Islands breeding grounds decreases and falls below 50,000 head, according to data in official records, then commercial killing of seals and apportionment of skins may be suspended by the Union of Soviet Socialist Republics until the number of seals exceeds 50,000 head. This provision also applies to the fur seal herd of Robben Island, if the population of that herd becomes less than 50,000 head.

3. The Government of the Union of Soviet Socialist Republics upon suspending such sealing shall so inform the other Parties. In this case the Commission shall determine whether or not to reduce the level of or to suspend completely the pelagic sealing for scientific purposes in the Western Pacific Ocean during the period of the said suspension.

4. The Commission may, subsequent to the second year of operation of the Convention, modify the floor figure set forth in paragraph 2 of this Article in accordance with its findings based upon scientific data received by it; and if any such modifications are made, paragraph 2 of this Article shall be considered amended accordingly. The Commission shall notify each Party of every such amendment and of the effective date thereof.

ARTICLE V

1. The Parties agree to establish the North Pacific Fur Seal Commission to be composed of one member from each Party.

2. The duties of the Commission shall be to:

(a) formulate and coordinate research programs designed to achieve the objectives set forth in Article II, paragraph 1;

(b) recommend these coordinated research programs to the respective Parties for implementation;

(c) study the data obtained from the implementation of such coordinated research programs;

(d) recommend appropriate measures to the Parties on the basis of the findings obtained from the implementation of such coordinated research programs, including measures regarding the size and the sex and age composition of the seasonal commercial kill from a herd; and

(e) recommend to the Parties at the end of the fifth year after entry into force of this Convention and, if the Convention is continued under the provisions of Article XIII, paragraph 4, at a later year, the methods of sealing best suited to achieve the objectives of this Convention; the abovementioned later year shall be fixed by the Parties at the meeting early in the sixth year provided for in Article XI.

3. The Commission may, subsequent to the first year of operation of the Convention, modify in accordance with its scientific findings the research programs set forth in the Schedule and, if any such modifications are made, the Schedule shall be considered amended accordingly. The Commission shall notify each Party of every such amendment and of the effective date thereof.

4. Each Party shall have one vote. Decisions and recommendations shall be made by unanimous vote. With respect to any recommendations regarding the size and the sex and age composition of the seasonal commercial kill from a herd, only those Parties sharing in the sealskins from that herd under the provisions of Article IX, paragraph 1 shall vote.

5. The Commission shall elect from its members a Chairman and other necessary officials and shall adopt rules of procedure for the conduct of its work.

6. The Commission shall hold an annual meeting at such time and place as it may decide. Additional meetings shall be held when requested by two or more members of the Commission. The time and place of the first meeting shall be determined by agreement among the Parties.

7. The expenses of each member of the Commission shall be paid by his own Government. Such joint expenses as may be incurred by the Commission shall be defrayed by the Parties by equal contributions. Each Party shall also contribute to the Commission annually an amount equivalent to the value of the sealskins it confiscates under the provisions of Article VI, paragraph 5.

8. The Commission shall submit an annual report of its activities to the Parties.

9. The Commission may from time to time make recommendations to the Parties on any matter which relates to the fur seal resources or to the administration of the Commission.

ARTICLE VI

In order to implement the provisions of Article III, the Parties agree as follows:

1. When a duly authorized official of any of the Parties has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the Parties is offending against the prohibition of pelagic sealing as provided for by Article III, he may, except within the territorial waters of another State, board and search such vessel. Such official shall carry a special certificate issued by the competent authorities of his Government and drawn up in the English, Japanese, and Russian languages, which shall be exhibited to the master of the vessel upon request.

2. When the official after searching a vessel continues to have reasonable cause to believe that the vessel or any person on board thereof is offending against the prohibition, he may seize or arrest such vessel or person. In that case, the Party to which the official belongs shall as soon as possible notify the Party having jurisdiction over the vessel or person of such arrest or seizure and shall deliver the vessel or person as promptly as practicable to the authorized officials of the Party having jurisdiction over the vessel or person at a place to be agreed upon by both Parties; provided, however, that when the Party receiving notification cannot immediately accept delivery of the vessel or person, the Party which gives such notification may, upon request of the other Party, keep the vessel or person under surveillance within its own territory, under the conditions agreed upon by both Parties.

3. The authorities of the Party to which such person or vessel belongs alone shall have jurisdiction to try any case arising under Article III and this Article and to impose penalties in connection therewith.

4. The witnesses or their testimony and other proofs necessary to establish the offense, so far as they are under the control

of any of the Parties, shall be furnished with all reasonable promptness to the authorities of the Party having jurisdiction to try the case.

5. Sealskins discovered on seized vessels shall be subject to confiscation on the decision of the court or other authorities of the Party under whose jurisdiction the trial of a case takes place.

6. Full details of punitive measures applied to offenders against the prohibition shall be communicated to the other Parties not later than three months after the application of the penalty.

ARTICLE VII

The provisions of this Convention shall not apply to Indians, Ainos, Aleuts, or Eskimos dwelling on the coast of the waters mentioned in Article III, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms; provided that such hunters are not in the employment of other persons or under contract to deliver the skins to any person.

ARTICLE VIII

1. Each Party agrees that no person or vessel shall be permitted to use any of its ports or harbors or any part of its territory for any purpose designed to violate the prohibition set forth in Article III.

2. Each Party also agrees to prohibit the importation and delivery into and the traffic within its territories of skins of fur seals taken in the area of the North Pacific Ocean mentioned in Article III, except only those taken by the Union of Soviet Socialist Republics or the United States of America on rookeries, those taken at sea for research purposes in accordance with the Schedule, those taken under the provisions of Article VII, those confiscated under the provisions of Article VI, paragraph 5, and those inadvertently captured, which are taken possession of by a Party; provided, however, that all such excepted skins shall be officially marked and duly certified by the authorities of the Party concerned.

ARTICLE IX

1. The respective Parties agree that, of the total number of sealskins taken commercially each season on land, there shall at the end of the season be delivered a percentage of the gross in number and value thereof as follows:

By the Union of Soviet Socialist Republics: to Canada 15 per cent, to Japan 15 per cent.

By the United States of America: to Canada 15 per cent, to Japan 15 per cent.

2. Each Party agrees to deliver such sealskins to an authorized agent of the recipient Party at the place of taking, or at some other place mutually agreed upon by such Parties.

3. In order more equitably to divide the direct and indirect costs of pelagic research in the Western Pacific Ocean, it is agreed:

(a) that in any year in which commercial killing is carried out for both the Commander and Robben Islands herds and pelagic research in that area is carried on at a level of 2,000 or more seals:

(1) Canada and Japan will forego the delivery of the sealskins by the Union of Soviet Socialist Republics as set forth in paragraph 1 of this Article; and

(2) the United States of America will increase its delivery to Canada and Japan as set forth in paragraph 1 of this Article by a total of 375 sealskins to each of these Parties;

(b) that in any year in which commercial killing is carried out for one only of the Commander or Robben Islands herds and pelagic research in that area is carried on at a level of 1,000 or more seals;

(1) Canada and Japan will forego the delivery of the sealskins by the Union of Soviet Socialist Republics as set forth in paragraph 1 of this Article; and

(2) the United States of America will increase its delivery to Canada and Japan as set forth in paragraph 1 of this Article by a total of 188 sealskins to each of these Parties.

ARTICLE X

1. Each Party agrees to enact and enforce such legislation as may be necessary to guarantee the observance of this Convention and to make effective its provisions with appropriate penalties for violation thereof.

2. The Parties further agree to cooperate with each other in taking such measures as may be appropriate to carry out the purposes of this Convention, including the prohibition of pelagic sealing as provided for by Article III.

ARTICLE XI

The Parties agree to meet early in the sixth year of this Convention and, if the Convention is continued under the provisions of Article XIII, paragraph 4, to meet again at a later year, to consider the recommendations of the Commission made in accordance with Article V, paragraph 2 (e) and to determine what further agreements may be desirable in order to achieve the maximum sustainable productivity of the North Pacific fur seal herds. The abovementioned later year shall be fixed by the Parties at the meeting early in the sixth year.

ARTICLE XII

Should any Party consider that the obligations of Article II, paragraphs 3, 4, or 5 or any other obligation undertaken by the Parties is not being carried out and notify the other Parties to that effect, all the Parties shall, within three months of the receipt of such notification, meet to consult together on the need for and nature of remedial measures. In the event that such consultation shall not lead to agreements as to the need for and nature of remedial measures, any Party may give written notice to the other Parties of intention to terminate the Convention and, nothwithstanding the provisions of Article XIII, paragraph 4, the Convention shall thereupon terminate as to all the Parties nine months from the date of such notice.

ARTICLE XIII

1. This convention shall be ratified and the instruments of ratification deposited with the Government of the United States of America as soon as practicable.

2. The Government of the United States of America shall notify the other signatory Governments of ratifications deposited.

3. This Convention shall enter into force on the date of the deposit of the fourth instrument of ratification, and upon such entry into force Article IX, paragraphs 1 and 2, shall be deemed to have been operative from June 1, 1956, provided that the Parties shall have, from the date of signing, maintained under their internal law the prohibition and effective prevention of pelagic sealing by all persons and vessels subject to their respective jurisdictions.

4. The present Convention shall continue in force for six years and thereafter until the entry into force of a new or revised fur seal convention between the Parties, or until the expiration of one year after such period of six years, whichever may be the earlier; provided, however, that it may continue in force for a further period if the Parties so decide at the meeting early in the sixth year provided for in Article XI.

5. The original of this Convention shall be deposited with the Government of the United States of America, which shall communicate certified copies thereof to each of the Governments signatory to the Convention.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Convention.

DONE in Washington this ninth day of February 1957, in the English, Japanese, and Russian languages, each text equally authentic.

For the Government of Canada:

A. D. P. HEENEY
G. R. CLARK

For the Government of Japan:

MASAYUKI TANI

For the Government of the Union of Soviet Socialist Republics:

G. ZAROUBIN [Romanization]

For the Government of the United States of America:

WM C HERRINGTON
ARNIE J SUOMELA

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SCHEDULE

1. The United States of America each year during the first four years shall tag 50,000 black pups on the Pribilof Islands.

2. The Union of Soviet Socialist Republics each year during the first four years shall tag 25 per cent of the black pups on the Commander Islands and 25 per cent of the black pups on Robben Island.

3. In the event that pelagic sealing should be suspended for one or more years under the provisions of Article IV, paragraph 3, the tagging of black pups shall continue at the mentioned rates for a comparable number of years.

4. The United States of America each year shall take at sea for research purposes in the Eastern Pacific Ocean between 1,250 and 1,750 seals.

5. Canada each year shall take at sea for research purposes in the Eastern Pacific Ocean between 500 and 750 seals.

6. Japan shall take at sea in the Western Pacific Ocean:

(a) annually in the first and second years of pelagic research between 2,750 and 3,250 seals;

(b) annually during the remaining four years of pelagic research between 1,400 and 1,600 seals.

7. The Union of Soviet Socialist Republics shall take at sea in the Western Pacific Ocean:

(a) annually in the first and second years of pelagic research between 750 and 1,250 seals;

(b) annually during the remaining four years of pelagic research between 400 and 600 seals.

I CERTIFY THAT the foregoing is a true copy of the Interim Convention on Conservation of North Pacific Fur Seals, including the Schedule attached thereto, signed at Washington on February 9, 1957, in the English, Japanese, and Russian languages, the signed original of which is deposited in the archives of the Government of the United States of America.

IN TESTIMONY WHEREOF, I, JOHN FOSTER DULLES, Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this eleventh day of February, 1957.

JOHN FOSTER DULLES
*Secretary of State*

[SEAL] By BARBARA HARTMAN
*Authentication Officer*
*Department of State*

Mr. GREEN. I am very glad that these three conventions can be considered and voted upon together. It will save the time of the Senate in considering them, and it will save my time in explaining them.

One convention relates to the whaling industry, another relates to the safety

of human life at sea, and the third relates to the conservation of North Pacific fur seals.

As to the first one, the protocol is intended to amend the 1946 convention, in order to vest the International Whaling Commission with additional powers to enable it to take effective steps to deal with some serious problems which were not anticipated when the convention was negotiated. These problems relate to the enforcement of the convention's prohibitions and to the introduction of modern methods of whaling which could pose a threat to the industry.

The 1946 convention established a system of international regulation over whale fisheries in order to ensure conservation of this important branch of marine life, and to encourage an orderly development of the whaling industry. A commission was therefore created with powers to amend the provisions of the schedule which is attached to the convention, as might be required by circumstances from time to time. However, experience with these provisions has shown that the inspection system which was adopted to determine that whaling vessels did not engage in unlawful killing of whales is inadequate, and that the Commission's powers in this respect should be strengthened.

At the present time, Mr. President, inspection of whaling practices at sea is carried on by two nationals of the country of the vessel's registry. For various reasons this method has not been regarded as altogether impartial, and has led to suspicions that certain governments were not living up to their commitments under the convention.

For this reason, the present protocol provides for the appointment of a neutral corps of observers, directly responsible to, and paid by, the Commission. Each factory ship would have assigned to it one such observer, who would not be a national of the country of the vessel's registry. No change is made in the present system of land station inspection.

The other change introduced by the protocol is necessary in order to adapt the convention to modern whaling practices. For example, whaling is no longer carried on solely by surface vessels. Among recent methods used in sighting whales is the helicopter. Article II of the convention does not include such instrumentalities within the devices which the Commission is authorized to regulate. Unless helicopters are also brought within the purview of the control system, their use for killing whales may become widespread. For this reason, the protocol specifically includes helicopters among whale-catching devices.

The importance of maintaining an effective conservation program to prevent the predatory hunting of whales which has recently increased, is recognized by all agencies of our Government. This is a field in which international cooperation has been particularly rewarding. I therefore commend the protocol to Members of the Senate, and urge that it be given their warm endorsement.

Mr. President, the Convention on Conservation of North Pacific Fur Seals is an interim treaty between the United States, Canada, Japan, and the Soviet Union, effective for a 6-year period. It is designed, first, to prohibit pelagic sealing—the hunting of seals on the open seas as distinguished from sealing on land—and, second, to provide for conducting a joint research program to obtain sufficient facts upon which the parties may reach a more permanent arrangement. During the period of the interim agreement it is hoped that sufficient evidence will be obtained, not only as to the best method of harvesting seals, but also to determine the actual extent of the damage which may be done by seal herds to fisheries sources. Reliable findings on this latter point, it is hoped, will permit a long-standing difference of views between the Japanese and the United States Governments to be resolved.

Basically, the problem as to fur seal conservation arises because of the amphibious nature of fur seals. The animal may be hunted either on land or at sea. Selective hunting, by which the killing of seals is limited to the older males, screening out the more desirable pelts, is only possible if the seals are killed on land. It is not possible if sealing is conducted at sea. According to the best available evidence, a great proportion of pelagic kills are female seals, which also results in destruction of the nursing pups left behind when the mother seal leaves the rookery in search of food. Another disadvantage to pelagic killing is that often the animals are lost, and the skins are either of inferior quality, or are so damaged as to be of smaller value.

The only previous multipartite agreement on the conservation of fur seals—the agreement of 1911 between the same powers—proved to be a highly effective instrument to restore the depleted seal herds while increasing the commercial yield from fur seals. That agreement, however, was terminated in 1941 by Japan, by notice given under article XV of the convention. Since that time, although the system of conservation has been continued under ad hoc voluntary arrangements, there has not been a binding multilateral agreement protecting fur seals from exploitation.

The pending agreement, Mr. President, which was signed by Canada, Japan, the Soviet Union, and the United States, obligates each party to prohibit pelagic sealing in the Pacific Ocean north of the 30th parallel of north latitude by any person or vessels under its jurisdiction, except for the specifically defined purposes of research provided in the convention.

Since neither Japan nor Canada controls any rookeries on which land-killing operations may be conducted, the prohibition means in substance that those two nations are inhibited in their commercial sealing activities. For this reason, the convention provides for a division of the gross take as between the signatory parties. The Soviet Union is to deliver the same percentage of its take to these two countries.

This distribution is, as already noted, simply to compensate Japan and Canada for continuing to prohibit pelagic sealing to their citizens. Japan has had little interest in doing so, apart from the arrangement contemplated in the convention, because the Japanese contend that the seal herds which winter off Japan, but which never touch Japanese soil, are inflicting injury upon the Japanese fishing industry by consuming large quantities of fish and destroying expensive nets.

It is also deserving of mention, Mr. President, that the Soviet Union, whose record under the 1911 convention was remarkably good, has a real interest in observing conservation practices, in order to restore the herd which was depleted on Commander Island.

I therefore strongly urge Members of the Senate to give their approval to the ratification of this convention.

Mr. President, I wish to explain and support Executive M, an amendment to the International Convention for the Safety of Life at Sea.

The international convention was approved by the Senate on April 20, 1949, and entered into force on November 19, 1952. Forty-six other countries are parties to the convention. The sole purpose of the proposed amendment to the convention is to remove from the convention a prohibition against the use of inflatable liferafts on vessels in international carriage.

The amendment would not require that vessels substitute inflatable liferafts for their existing equipment. The amendment merely permits the use of inflatable liferafts if the shipping authorities of the United States desire to do so.

This amendment has been recommend to the Senate by the President of the United States, with the concurrence of the Departments of State, Defense, Commerce, and Treasury. There is no controversy about the amendment, that I know of. The Committee on Foreign Relations believes that it is important for the Senate to approve this change in the International Convention for the Safety of Life at Sea, so that inflatable liferafts can be added to the equipment now used on vessels to insure the safety of passengers and crew.

Mr. President, I urge that the Senate give its advice and consent to the ratification of Executive M.

The PRESIDING OFFICER. If there be no objection, the protocol, the amendment to the international convention, and the interim convention will be considered as having passed through their various parliamentary stages, up to and including the presentation of the respective resolutions of ratification.

The resolutions of ratification of Executive E, Executive J, and Executive M will now be read.

The resolutions of ratification of Executive E, Executive J, and Executive M were read, as follows:

*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of Executive E, 85th Congress, 1st session, the protocol to the International Convention for the Regulation of Whaling, signed at Washington under date of December 2, 1946, which protocol was signed at Washington under date of November 19, 1956, for the United States of America and 16 other governments.

*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate

advise and consent to the ratification of Executive J, 85th Congress, 1st session, "A certified copy of an Interim Convention on Conservation of North Pacific Fur Seals, signed at Washington on February 9, 1957, in behalf of the Governments of Canada, Japan, the Union of Soviet Socialist Republics, and the United States of America."

*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of Executive M, 85th Congress, 1st session, "A Report by the Secretary of State recommending amendment to the International Convention for the Safety of Life at Sea, together with a proposal for amendment originated with the Government of the United Kingdom and contained in a memorandum, dated at London in May 1955, from the British Ministry of Transport and Civil Aviation."

Mr. GREEN. Mr. President, I desire to have the resolutions of ratification of the protocol, the amendment to the international convention, and the interim convention voted on at the same time, by only one vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question now is on agreeing to the resolutions of ratification of Executive E, Executive J, and Executive M.

Mr. MANSFIELD. Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Ohio [Mr. LAUSCHE], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

The Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

I further announce that if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Missouri [Mr. HENNINGS], the Senator from Ohio [Mr. LAUSCHE], and the Senator from West Virginia [Mr. NEELY] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The Senator from Nevada [Mr. MALONE] is necessarily absent.

The Senator from Pennsylvania [Mr. MARTIN] is detained on official business.

If present and voting, the Senator from Pennsylvania [Mr. MARTIN], the Senator from Nevada [Mr. MALONE], and the Senator from Maine [Mr. PAYNE] would each vote "yea."

The yeas and nays resulted—yeas 86, nays 0, as follows:

YEAS—86

| | | |
|---|---|---|
| Aiken | Capehart | Douglas |
| Allott | Carlson | Dworshak |
| Anderson | Carroll | Eastland |
| Barrett | Case, N. J. | Ellender |
| Beall | Case, S. Dak. | Ervin |
| Bennett | Church | Flanders |
| Bible | Clark | Fulbright |
| Bricker | Cooper | Goldwater |
| Bush | Cotton | Gore |
| Butler | Curtis | Green |
| Byrd | Dirksen | Hayden |
| Hickenlooper | Magnuson | Saltonstall |
| Hill | Mansfield | Schoeppel |
| Holland | Martin, Iowa | Scott |
| Hruska | McClellan | Smathers |
| Humphrey | McNamara | Smith, Maine |
| Ives | Monroney | Smith, N. J. |
| Jackson | Morse | Sparkman |
| Javits | Morton | Stennis |
| Jenner | Mundt | Symington |
| Johnson, Tex. | Murray | Talmadge |
| Johnston, S. C. | Neuberger | Thurmond |
| Kefauver | O'Mahoney | Thye |
| Kennedy | Pastore | Watkins |
| Kerr | Potter | Wiley |
| Knowland | Purtell | Williams |
| Kuchel | Revercomb | Yarborough |
| Langer | Robertson | Young |
| Long | Russell | |

NOT VOTING—9

| | | |
|---|---|---|
| Bridges | Hennings | Martin, Pa. |
| Chavez | Lausche | Neely |
| Frear | Malone | Payne |

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, under the unanimous-consent agreement the resolutions of ratification of Executive E, Executive J, and Executive M, are deemed to have been agreed to by the same vote.

## CONVENTION BETWEEN UNITED STATES OF AMERICA AND THE REPUBLIC OF AUSTRIA—CONVENTION BETWEEN UNITED STATES OF AMERICA AND CANADA—PROTOCOL WITH JAPAN, SUPPLEMENTING THE CONVENTION OF APRIL 16, 1954, RELATING TO TAXES ON INCOME

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that Calendar Nos. 11, 12, and 13, respectively, Executive A, Executive B, and Executive K, all of the 85th Congress, 1st session, relating to conventions avoiding double taxation, be considered en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider, en bloc, the following conventions and protocol, which were severally read the second time:

Convention between the United States of America and the Republic of Austria for the avoidance of double taxation with respect to taxes on income, signed at Washington on October 25, 1956.

EXECUTIVE A (85TH CONG., 1ST SESS.)

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF AUSTRIA FOR THE AVOIDANCE OF DOUBLE TAXATION WITH RESPECT TO TAXES ON INCOME

The President of the United States of America and the Federal President of the Republic of Austria, desiring to avoid double taxation with respect to taxes on income, have agreed to conclude the following Convention. For that purpose they have appointed as their Plenipotentiaries:

The President of the United States of America:

John Foster Dulles, Secretary of State of the United States of America, and

The Federal President of the Republic of Austria:

Dr. Karl Gruber, Ambassador Extraordinary and Plenipotentiary of the Republic of Austria in Washington,

The Plenipotentiaries, having communicated to one another their full powers, found in good and due form, have agreed as follows:

ARTICLE I

(1) The taxes referred to in this Convention are:

(a) In the case of the United States of America: The Federal income taxes, including surtaxes.

(b) In the case of the Republic of Austria: The Einkommensteuer (income tax), the Koerperschaftsteuer (corporation tax) and the Beitrag vom Einkommen zur Foerderung des Wohnbaues un fuer Zwecke des Familienlastenausgleiches (housing reconstruction and family allowance contribution).

(2) The present Convention shall also apply to any other income or profits tax of a substantially similar character which may be imposed by one of the contracting States after the date of signature of the present Convention.

ARTICLE II

(1) As used in this convention:

(a) the term "United States" means the United States of America, and when used in a geographical sense means the States, the Territories of Alaska and Hawaii, and the District of Columbia;

(b) the term "Austria" means the Republic of Austria;

(c) the term "enterprise of one of the contracting states" means, as the case may be, a United States enterprise or an Austrian enterprise;

(d) the term "United States enterprise" means an industrial or commercial enterprise or undertaking carried on in the United States by a natural person (including an individual in his individual capacity or as a member of a partnership) resident in the United States or by a United States corporation or other entity; the term "United States corporation or other entity" means a corporation or other entity created or organized under the law of the United States or of any State or Territory of the United States;

(e) the term "Austrian enterprise" means an industrial or commercial enterprise or undertaking carried on in Austria by a natural person (including an individual in his individual capacity or as a member of a partnership) resident in Austria or by an Austrian corporation; the term "Austrian corporation" means a corporation or other entity created or organized under the law of Austria;

(f) the term "permanent establishment" means a branch, office, factory, workshop, a warehouse, a merchandising establishment, a mine, oil well or other place of exploitation of the ground or soil, a construction or assembly project or the like, the duration of which exceeds or will likely exceed twelve months, or other fixed place of business; but does neither include the casual and temporary use of mere storage facilities, nor an agent or employee unless the agent or employee has full power for the negotiation and concluding of contracts on behalf of an enterprise and also habitually exercises this power in that other state or has a stock of merchandise belonging to the enterprise of the other state from which he regularly fills orders on behalf of the enterprise. An enterprise of one of the contracting states shall not be deemed to have a permanent establishment in the other state merely because it carries on business dealings in such other state through a commission agent, broker, custodian, or other independent agent, acting in the ordinary course of his business as such. The fact that an enterprise of one of the contracting states maintains in the other state a fixed place of business exclusively for the purchase of goods and merchandise shall not of itself constitute such fixed place of business a permanent establishment of the enterprise. The maintenance within the territory of one of the contracting states by an enterprise of the

other contracting state of a warehouse for convenience of delivery and not for purposes of display shall not of itself constitute a permanent establishment within that territory. The fact that a corporation of one contracting state has a subsidiary corporation which is a corporation of the other state or which is engaged in trade or business in the other state shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation;

(g) the term "competent authorities" means, in the case of the United States, the Commissioner of Internal Revenue as authorized by the Secretary of the Treasury; and in the case of Austria, the Federal Ministry of Finance.

(2) For the purpose of the present Convention:

(a) Dividends paid by a corporation of one of the contracting States shall be treated as income from sources within such State.

(b) Interest paid by one of the contracting States, including any local government thereof, or by an enterprise of one of the contracting States not having a permanent establishment in the other contracting State shall be treated as income from sources within the former State.

(c) Income from real property (including gains derived from the sale or exchange of such property, but not including interest from mortgages or bonds secured by real property) and royalties in respect of the operation of mines, oil wells, or other natural resources shall be treated as income derived from the contracting State in which such real property, mines, oil wells, or other natural resources are situated.

(d) Compensation for labor or personal services (including the practice of liberal professions) shall be treated as income from sources within the contracting State where are rendered the services for which such compensation is paid.

(e) Royalties for using, or for the right to use, in one of the contracting States, patents, copyrights, designs, trademarks, and like property shall be treated as income from sources within such State.

(3) In the application of the provisions of this Convention by one of the contracting States, any term not otherwise defined shall, unless the context otherwise requires, have the meaning which the term has under its own tax laws. For the purposes of this Convention, the term "residence" in Austria shall include the customary place of abode therein.

ARTICLE III

(1) Industrial or commercial profits of an enterprise of one of the contracting States (including gains derived from the sale of any of the assets used by that enterprise) shall not be subject to tax by the other State unless the enterprise carries on trade or business in such other State through a permanent establishment situated therein. If it is so engaged, such other State may impose its tax upon the entire income of such enterprise from sources within such State and will limit its taxation of the enterprise to income from such sources.

(2) Where an enterprise of one of the contracting States is engaged in trade or business in the territory of the other contracting State through a permanent establishment situated therein, there shall be attributed to such permanent establishment the industrial or commercial profits which it might be expected to derive if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment.

(3) In the determination of the industrial or commercial profits of the permanent establishment there shall be allowed as deductions all expenses which are reasonably allocable to the permanent establishment, including executive and general administrative expenses so allocable.

(4) The competent authorities of the two contracting States may lay down rules by agreement for the apportionment of industrial or commercial profits.

ARTICLE IV

Where an enterprise of one of the contracting States, by reason of its direct or indirect participation in the management or the financial structure of an enterprise of the other contracting State, agrees to, or imposes on the latter enterprise, commercial or financial conditions differing from those which would be made with an independent enterprise, any profits which would normally have accrued to one of the enterprises, but by reason of those conditions have not so accrued may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V

Profits derived by an enterprise of one of the contracting States from the operation of ships or aircraft shall be exempt from tax by the other State.

ARTICLE VI

The rate of tax imposed by one of the contracting States upon dividends received from sources within such State by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall not exceed 50 percent of the statutory rate of tax imposed on such dividends by such former State but such rate of tax shall not exceed 5 percent if the shareholder is a corporation controlling, directly or indirectly, at least 95 percent of the entire voting power in the corporation paying the dividend, and if not more than 25 percent of the gross income of such paying corporation is derived from interest and dividends, other than interest and dividends received from its own subsidiary corporations. Such reduction of the rate to five percent shall not apply if the relationship of the two corporations has been arranged or is maintained primarily with the intention of securing such reduced rate.

ARTICLE VII

Interest received from sources within one of the contracting States, on bonds, notes, debentures, securities, or on any other form of indebtedness (exclusive of interest on debts secured by mortgages) by a resident or corporation or other entity of the other contracting State shall, in an amount not exceeding fair and reasonable consideration on indebtedness, be exempt from tax by the former State if such resident, corporation, or other entity has no permanent establishment in such former State.

ARTICLE VIII

(1) Royalties and other amounts received as consideration for the right to use literary, musical, or other copyrights, artistic and scientific works, patents, designs, plans, secret processes and formulae, trademarks, and other like property and rights (including rentals and like payments for the use of industrial, commercial or scientific equipment but not including motion picture film rentals) by a resident or a corporation or other entity of one of the contracting States from sources within the other contracting State shall, in an amount not exceeding fair and reasonable consideration for such right to use, be exempt from taxation by such other State if the recipient has no permanent establishment situated in such other State.

(2) The rate of tax imposed by one of the contracting States upon motion picture film rentals received from sources within such contracting State by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall not exceed 50 percent of the statutory rate of tax imposed on such rentals but in any case shall not exceed 10 percent of the amount of such rentals.

ARTICLE IX

(1) Income from real property (including gains derived from the sale or exchange of such property and interest on mortgages secured by such property) and royalties in respect of the operation of mines, oil wells, or other natural resources shall be taxable in the contracting State in which such property, mines, oil wells, or other natural resources are situated.

(2) Where a resident or corporation or other entity of one of the contracting States derives any income coming within the scope of paragraph (1) from property within the other contracting State, the recipient may, for any taxable year, elect to be subject to the tax of such other contracting State on a net basis as if such resident, corporation, or other entity were engaged in trade or business within such other State through a permanent establishment therein.

ARTICLE X

(1) An individual resident of Austria shall be exempt from United States tax upon compensation for labor or personal services performed in the United States (including the practice of the liberal professions and rendition of services as director) if he is temporarily present in the United States for a period or periods not exceeding a total of 183 days during the taxable year and either of the following conditions is met:

(a) his compensation is received for such labor or personal services performed as an employee of, or under contract with, a natural person resident in Austria, or an Austrian corporation and such compensation is borne by such resident or corporation or

(b) his compensation received for such labor or personal services does not exceed $3,000.

(2) The provisions of paragraph (1) of this article shall apply, mutatis mutandis, to an individual resident of the United States with respect to compensation for such labor or personal services performed in Austria.

ARTICLE XI

(1) (a) Wages, salaries, and similar compensation and pensions paid by the United States or by its States, territories, or political subdivisions, to an individual (other than an Austrian citizen) shall be exempt from tax by Austria.

(b) Wages, salaries, and similar compensation and pensions paid by Austria, Bundeslaender, districts, or municipalities or other public corporations, or by a public pension fund, to an individual (other than a citizen of the United States and other than an individual who has been admitted to the United States for permanent residence therein) shall be exempt from tax by the United States.

(c) For the purposes of this paragraph the term "pensions" shall be deemed to include annuities paid to a retired civilian Government employee.

(2) Private pensions and private life annuities which are from sources within one of the contracting states and are paid to individuals residing in the other contracting state shall be exempt from taxation by the former state.

(3) The term "pensions," as used in this article, means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(4) The term "life annuities," as used in this article, means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

ARTICLE XII

A professor or teacher, a resident of one of the contracting states, who temporarily

visits the other contracting state for the purpose of teaching for a period not exceeding two years at a university, college, school, or other educational institution in the other contracting state, shall be exempted by the other contracting state from tax on his remuneration for such teaching during that period.

ARTICLE XIII

(1) A resident of one of the contracting States who is temporarily present in the other contracting state solely as a student at a university, college, school, or other educational institution in othe other contracting state shall be exempt from tax by the latter state with respect to remittances from abroad for study and maintenance.

(2) An apprentice (inclusive of Volontaere and Praktikanten in Austria), a resident of one of the contracting states who is temporarily present in the other contracting state exclusively for the purposes of acquiring business or technical experience, shall be exempt from tax by the latter state in respect of remittances from abroad for study and maintenance.

(3) A resident of one of the contracting states who is a recipient of a grant, allowance, or award from a non-profit religious, charitable, scientific, literary, or educational organization, shall be exempt from tax by the other state on such payments from such organization (other than compensation for personal services).

(4) A resident of one of the contracting states who is an employee of an enterprise of such State or an organization described in paragraph (3) of this Article, and who is temporarily present in the other contracting state for a period not exceeding one year solely to acquire technical, professional, or business experience from any person other than such enterprise or organization, shall be exempt from tax by such other state on compensation from abroad paid by such enterprise or organization if his annual compensation for services wherever performed does not exceed $10,000.

ARTICLE XIV

(1) Dividends and interest paid by an Austrian corporation (other than a United States corporation) shall be exempt from United States tax where the recipient is a nonresident alien or a foreign corporation.

(2) Dividends and interest paid by a United States corporation shall be exempt from tax by Austria where the recipient is not a resident or an Austrian corporation.

ARTICLE XV

(1) The United States, in determining its taxes specified in article I of this convention in the case of its citizens, or residents or corporations, may, regardless of any other provision of this convention, include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of the United States as if this convention had not come into effect. The United States shall, however, subject to the provisions of sections 901–905, Internal Revenue Code of 1954, as in effect on the entry into force of this convention, deduct from its taxes the amount of Austrian taxes specified in article I of this convention.

(2) Austria, in determining its taxes specified in article I of the convention in the case of its residents or corporations, may, regardless of any other provisions of this convention, include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of Austria as if this convention had not come into effect. Austria shall, however, deduct from its taxes the amount of United States taxes specified in article I of the Convention with respect to income derived from sources within the United States by such residents or corporations and subject to such Austrian income tax but the amount so deducted shall not, in any case, exceed the Austrian tax imposed with respect to such income so derived from sources within the United States.

(3) The provisions of this article shall not be construed to deny the exemptions from United States tax or Austrian tax, as the case may be, granted by articles XI (1), XII, and XIII of this convention nor to prevent either of the contracting States from taxing its own citizens with respect to income coming within article XII or article XIII.

ARTICLE XVI

(1) The competent authorities of the contracting States shall exchange such information (being information available under the respective taxation laws of the contracting States) as is necessary for carrying out the provisions of the present convention or for the prevention of fraud or the like in relation to the taxes which are the subject of the present convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons other than those concerned with the assessment and collection of the taxes which are the subject of the present convention. No information shall be exchanged which would disclose any trade, business, industrial, or professional secret or any trade process.

(2) In no case shall the provisions of this article be construed so as to impose upon either of the contracting States the obligation to carry out administrative measures at variance with the regulations and practice of either contracting State or which would be contrary to its sovereignty, security or public policy or to supply particulars which are not procurable under its own legislation or that of the State making application.

ARTICLE XVII

(1) Where a taxpayer shows proof that the action of the tax authorities of the contracting States has resulted or will result in double taxation contrary to the provisions of the present convention, he shall be entitled to present his case to the State of which he is a citizen or a resident, or, if the taxpayer is a corporation or another entity of one of the contracting States, to that State. Should the taxpayer's claim be deemed worthy of consideration, the competent authority of the State to which the claim is made shall endeavor to come to an agreement with the competent authority of the other State with a view to avoidance of double taxation.

(2) Should any difficulty or doubt arise as to the interpretation or application of the present convention or its relationship to conventions of the contracting States with third States the competent authorities of the contracting States may settle the question by mutual agreement.

ARTICLE XVIII

(1) The provisions of this convention shall not be construed to deny or affect in any manner the right of diplomatic and consular officers to other or additional exemptions now enjoyed or which may hereafter be granted to such officers.

(2) The provisions of the present convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance now or hereafter granted by the laws of one of the contracting States in the determination of the tax imposed by such State.

(3) The citizens of one of the contracting States shall not, while resident in the other contracting State, be subjected therein to other or more burdensome taxes than are the citizens of such other contracting State residing in its territory. The term "citizens of one of the contracting States" as used in this article includes all legal persons, partnerships, and associations created or organized under the laws in force in the respective contracting States. In this article the term "taxes" means taxes of every kind or description, whether Federal, State, Bundieslaender, district, or municipal.

ARTICLE XIX

(1) The competent authorities of the two contracting States may prescribe regulations necessary to carry into effect the present Convention within the respective States.

(2) The competent authorities of the two contracting States may communicate with each other directly for the purpose of giving effect to the provisions of this Convention.

ARTICLE XX

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Vienna as soon as possible. The Convention shall have effect on and after the first day of January of the calendar year in which such exchange takes place.

(2) The present Convention shall remain in force indefinitely but may be terminated by either of the contracting States, provided that at least 6 months' prior notice of termination has been given through diplomatic channels. In such event, the present Convention shall cease to be effective for the taxable years beginning on and after the first day of January next following the expiration of the 6-month period.

Done at Washington in duplicate, in the English and German languages, each text having equal authenticity, this 25th day of October 1956.

For the United States of America:
[SEAL] JOHN FOSTER DULLES.
For the Republic of Austria:
[SEAL] GRUBER.

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EXECUTIVE B (85TH CONG., 1ST SESS.)

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND CANADA, FURTHER MODIFYING AND SUPPLEMENTING THE CONVENTION AND ACCOMPANYING PROTOCOL OF MARCH 4, 1942, FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION IN THE CASE OF INCOME TAXES, AS MODIFIED BY THE SUPPLEMENTARY CONVENTION OF JUNE 12, 1950

The Government of the United States of America and the Government of Canada, being desirous of further modifying and supplementing in certain respects the Convention and accompanying Protocol for the avoidance of double taxation and the prevention of fiscal evasion in the case of income taxes, signed at Washington on March 4, 1942, as modified by the Supplementary Convention of June 12, 1950, have decided to conclude a Supplementary Convention for that purpose and have appointed as their respective Plenipotentiaries:

The Government of the United States of America:

Livingston T. Merchant, Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada,

The Government of Canada:

Walter E. Harris, Minister of Finance to the Government of Canada,

who, having communicated to one another their respective full powers, found in good and due form, have agreed as follows:

ARTICLE I

The provisions of the Convention and Protocol between the United States of America and Canada, signed at Washington on March 4, 1942, as modified by the Supplementary Convention of June 12, 1950, are hereby further modified and supplemented as follows:

(a) By inserting as the third paragraph of Article V, the following new paragraph:

"An enterprise of one of the contracting States engaged in the operation of motor vehicles, as a common carrier or as a contract carrier, shall be exempt from tax by the other contracting State in respect of income (if taxed by the former State in respect of

such income) arising from the transportation of property for hire between points in one State and points in the other State."

(b) By amending Article VII to read as follows:

"1. A resident of Canada shall be exempt from United States tax upon compensation for personal (including professional) services performed during the taxable year within the United States of America if he is present therein for a period or periods not exceeding a total of 183 days during the taxable year and either of the following conditions is met—

(a) his compensation is received for such personal services performed as an officer or employee of a resident, or corporation or other entity of Canada or of a permanent establishment in Canada of a United States enterprise, or

(b) his compensation received for such personal services does not exceed $5,000.

"2. The provisions of paragraph 1 of this article shall apply, mutatis mutandis, to a resident of the United States with respect to compensation for such personal services performed in Canada."

(c) By amending article XI as follows:

(A) By inserting in paragraph 1 immediately after "in respect of income" the words and symbols "(other than earned income)"

(B) By adding the following new paragraph:

"5. To insure that the benefit of the reduced rate of income tax provided for by this article is limited to persons entitled thereto each contracting State may make regulations requiring the withholding in such State of an additional amount from income derived from sources in the other contracting State."

(d) By striking out paragraph 2 of article XI, and paragraph 6 of the protocol as added by the Convention of June 12, 1950, redesignating paragraphs 7, 8, 9, 10, 11, and 12 thereof as paragraphs 6, 7, 8, 9, 10, and 11 respectively, and inserting in lieu of paragraph 2 of article XI the following:

"2. Notwithstanding the provisions of paragraph 1 of this article, income tax in excess of 5 percent shall not be imposed by one of the contracting States in respect of dividends paid by a corporation organized under the laws of such State, or of a political subdivision thereof, to a corporation organized under the laws of the other contracting State, or of a political subdivision thereof; if,

"(a) during the whole of the taxable year of the payer corporation at least 51 percent of the voting stock of such corporation was beneficially owned by the recipient corporation either alone or in association with not more than three other corporations of such other State but each such recipient corporation must own at least 10 percent of the voting stock of the payer corporation; and

"(b) not more than one-fourth of the gross income of the payer corporation (other than a corporation the chief business of which is the making of loans) is derived from interest and dividends other than interest and dividends received from its subsidiary corporations.

"This paragraph shall not apply if the competent authority in the State imposing the tax is satisfied that the corporate relationship between the corporations has been arranged or is maintained primarily with the intention of taking advantage of this paragraph."

(e) By adding immediately after Article XIII C the following new article:

"ARTICLE XIII D

"1. In the computation of taxable income for any taxable year under the revenue laws of the United States, there shall be allowed as a deduction contributions to any organization created or organized under the laws of Canada (and constituting a charitable organization for the purpose of the income tax laws of Canada) if and to the extent such contributions would have been deductible as a charitable contribution had such organization been created or organized under the laws of the United States: *Provided, however,* That such deduction shall not exceed an amount determined by applying to the taxpayer's taxable income (in the case of a corporation) or adjusted gross income (in the case of an individual) from sources in Canada the same percentage as is applied by Canada to income in determining the limitation of the deduction for gifts or contributions to charitable organizations of Canada.

"2. In the computation of taxable income for any taxation year under the income tax laws of Canada, there shall be allowed as a deduction gifts to any organization created or organized under the laws of the United States (and constituting a charitable contribution for the purposes of the income tax laws of the United States) if and to the extent such gifts would have been allowable had such organization been a Canadian charitable organization: *Provided, however,* That such deduction shall not exceed an amount determined by applying to the taxpayer's income from sources in the United States upon which he is subject to tax in Canada the same percentage as is applied by Canada to income in determining the limitation of the deduction for such gifts."

(f) By adding immediately after article XIII D, as added by this Supplemental Convention, the following new article:

"ARTICLE XIII E

"A resident of one of the contracting States who is a beneficiary of an estate or trust of the other contracting State shall be exempt from tax by such other State with respect to that portion of any amount paid, credited or required to be distributed by such estate or trust to such beneficiary out of income from sources without such other State."

(g) By amending article XX 2 as follows:

(A) By striking out clauses (b) and (c) thereof;

(B) By striking out the designation (d) in clause (d) and inserting in lieu thereof "(b)"; and

(C) By striking out in clause (b) as so redesignated, "Income War Tax Act" and inserting in lieu thereof "Income Tax Act."

ARTICLE II

1. The present Supplementary Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

2. The present Supplementary Convention shall become effective with respect to taxable years beginning on and after the first day of January of the calendar year in which occurs the exchange of the instruments of ratification. It shall continue effective indefinitely as though it were an integral part of the Convention of March 4, 1942, as modified and supplemented by the Convention of June 12, 1950.

In witness whereof the above-named Plenipotentiaries have signed the present Convention and have affixed thereto their respective seals.

Done, in duplicate, at Ottawa this 8th day of August 1956.

For the Government of the United States of America:

[SEAL] LIVINGSTONE T. MERCHANT.

For the Government of Canada:

[SEAL] W. E. HARRIS.

EXECUTIVE K (85TH CONG., 1ST SESS.)

PROTOCOL SUPPLEMENTING THE CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND JAPAN FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

The Government of the United States of America and the Government of Japan,

Desiring to conclude a Protocol supplementing the Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income signed at Washington, on April 16, 1954,

Have accordingly appointed their respective representatives for this purpose, who have agreed as follows:

I

(1) The Export-Import Bank of Japan shall be exempt from tax by the United States with respect to Interest on loans or investments received by such Bank from sources within the United States.

(2) The Export-Import Bank of Washington shall be exempt from tax by Japan with respect to interest on loans or investments received by such Bank from sources within Japan.

II

(1) The present Protocol shall enter into force on the date of an exchange between the two Governments of written notifications of ratification or approval thereof, and shall be effective with respect to interest received on and after the first day of January of the calendar year in which it enters into force.

(2) The present Protocol shall continue in force as long as the aforesaid Convention of April 16, 1954 remains effective, unless it is terminated earlier by a six months' written notice of termination given by either Government to the other Government.

Done in duplicate, in the English and Japanese languages, at Tokyo this 23d day of March 1957.

For the Government of the United States of America:

[SEAL] DOUGLAS MACARTHUR II.

For the Government of Japan:

[SEAL] NOBUSUKE KISHI.

Mr. GREEN. Mr. President, the pending treaties with Canada, Japan, and Austria give further application to what has become the established policy of the United States in relieving its citizens of the burdens of double taxation upon income. They follow, in general, the pattern of numerous previous such agreements whose purpose is to prevent American citizens who live in a foreign country, from being taxed by both the United States and the other party to the agreement, on profits made abroad. The agreements, of course, are reciprocal, with respect to the subjects of both countries.

The convention with Canada supplements the arrangement concluded in 1942 with respect to double taxation. It modifies that agreement in a number of respects, so as to extend the protection which the earlier convention provided for shipping and aircraft operations, to income derived from motor trucking; it amends the provisions relating to taxation of income from personal services in protecting against double taxation an employee in a Canadian branch of an American enterprise; and it reduces from 15 percent to 5 percent the tax which a subsidiary corporation pays on dividends to the parent company, provided that the latter either alone, or in association with three other companies, holds at least 51 percent of the voting stock of the subsidiary.

There is only one substantive provision in the pending protocol with Japan, which supplements the convention of 1954. The protocol exempts the Export-Import Bank of each country from taxation with respect to interest

received by the bank on loans or investments made by it in the other country.

The remaining convention, Mr. President, that with the Republic of Austria, has substantially the same objectives as those which resulted in income tax conventions between the United States and some 17 other countries. It is drawn along much the same lines as the earlier conventions providing for reciprocal exemption from taxation of various items of income. Its provisions are discussed in detail in the committee report, and there is no need for me to review them here.

I should like to say, Mr. President, that these conventions were the subject of a most careful analysis by Mr. Stam, Chief of Staff of the Joint Committee on Internal Revenue Taxation who has examined them from the standpoint of United States revenue laws. They were also carefully considered by the Committee on Foreign Relations, which concluded that the agreements are wholly in harmony with the policies which the Senate has expressed in approving prior tax conventions.

I believe there would be no objection to voting on all three of these treaties by one vote, if the vote were separately recorded as to each of the conventions. I should therefore like to request that this be done.

Mr. JOHNSON of Texas. Mr. President, on the question of the ratification of Executive A, Executive B, and Executive K, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. If there be no objection, the treaties will be considered as having passed through their various parliamentary stages up to and including the presentation of the respective resolutions of ratification.

The resolutions of ratification of Executive A, Executive B, and Executive K will be read.

The resolutions of ratification of Executive A, Executive B, and Executive K were read, as follows:

*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of Executive A, 85th Congress, 1st session, The convention between the United States of America and the Republic of Austria for the avoidance of double taxation with respect to taxes on income, signed at Washington on October 25, 1956.

*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of Executive B, 85th Congress, 1st session, The convention between the United States of America and Canada, signed at Ottawa on August 8, 1956, further modifying and supplementing the income-tax convention and protocol of March 4, 1942, as modified by the supplementary convention of June 12, 1950.

*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of Executive K, 85th Congress, 1st session, the protocol between the United States of America and Japan, signed at Tokyo on March 23, 1957, supplementing the convention of April 16, 1954, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the respective resolutions of ratification. The yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Ohio [Mr. LAUSCHE], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

The Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

I further announce that if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Missouri [Mr. HENNINGS], the Senator from Ohio [Mr. LAUSCHE], and the Senator from West Virginia [Mr. NEELY] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The Senator from Nevada [Mr. MALONE] is necessarily absent.

The Senator from Pennsylvania [Mr. MARTIN] is detained on official business, and if present and voting, he would vote "yea."

On this vote, the Senator from Nevada [Mr. MALONE] is paired with the Senator from Maine [Mr. PAYNE]. If present and voting, the Senator from Nevada would vote "nay," and the Senator from Maine would vote "yea."

The yeas and nays resulted—yeas 86, nays 0, as follows:

YEAS—86

| | | |
|---|---|---|
| Aiken | Goldwater | Morton |
| Allott | Gore | Mundt |
| Anderson | Green | Murray |
| Barrett | Hayden | Neuberger |
| Beall | Hickenlooper | O'Mahoney |
| Bennett | Hill | Pastore |
| Bible | Holland | Potter |
| Bricker | Hruska | Purtell |
| Bush | Humphrey | Revercomb |
| Butler | Ives | Robertson |
| Byrd | Jackson | Russell |
| Capehart | Javits | Saltonstall |
| Carlson | Jenner | Schoeppel |
| Carroll | Johnson, Tex. | Scott |
| Case, N. J. | Johnston, S. C. | Smathers |
| Case, S. Dak. | Kefauver | Smith, Maine |
| Church | Kennedy | Smith, N. J. |
| Clark | Kerr | Sparkman |
| Cooper | Knowland | Stennis |
| Cotton | Kuchel | Symington |
| Curtis | Langer | Talmadge |
| Dirksen | Long | Thurmond |
| Douglas | Magnuson | Thye |
| Dworshak | Mansfield | Watkins |
| Eastland | Martin, Iowa | Wiley |
| Ellender | McClellan | Williams |
| Ervin | McNamara | Yarborough |
| Flanders | Monroney | Young |
| Fulbright | Morse | |

NOT VOTING—9

| | | |
|---|---|---|
| Bridges | Hennings | Martin, Pa. |
| Chavez | Lausche | Neely |
| Frear | Malone | Payne |

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification of Executive A, Executive B, and Executive K are deemed to have been agreed to by the same vote.

Mr. JOHNSON of Texas. Mr. President, I ask that the President be notified that the Senate has today agreed to the resolutions of ratification of the treaties on the Executive Calendar today.

The PRESIDING OFFICER. Without objection, the President of the United States will be notified of the ratification by the Senate this afternoon of each of the treaties.

## TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF HAITI—RETURN OF TREATY TO PRESIDENT

Mr. GREEN. Mr. President, I report from the Committee on Foreign Relations an original resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the resolution.

The Chief Clerk read the resolution, as follows:

*Resolved*, That the Secretary of the Senate be, and is hereby, directed to return to the President of the United States, in accordance with his message of July 23, 1957, the treaty of friendship, commerce, and navigation between the United States of America and the Republic of Haiti, which was signed at Port-au-Prince on March 3, 1955 and submitted to the Senate on June 22, 1955 (S. Ex. H, 84th Cong., 1st sess.)

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

## ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

Mr. KNOWLAND. Mr. President, before that motion is put, I should like to address an inquiry to the distinguished majority leader.

We have done a very fine job today in disposing of the treaties on the Executive Calendar. I wish to commend both the majority leader and the chairman of the Foreign Relations Committee in that connection.

There are also a number of nominations on the Executive Calendar, three of them under the head of New Reports. I had hoped that they might be considered today.

The distinguished majority leader will remember that several days ago I raised the question of the nomination of Jerome K. Kuykendall to be a member of the Federal Power Commission. Regardless of what decision the Senate may ultimately make—and I hope it will be a favorable one, and that the nomination will be confirmed—at any rate, it seems to me, in fairness to the Federal Power Commission and in fairness to Mr. Kuykendall, that nomination should be taken up very promptly. I ask the distinguished majority leader if he can give us some indication as to whether that nomination can be considered this afternoon or tomorrow. I certainly believe it should be disposed of this week.

Mr. JOHNSON of Texas. Mr. President, I have scheduled some 15 or 20 bills which I have previously announced to

the Senate I would call up, including the TVA bill.

I had hoped that the Senate could complete action on all of that proposed legislation before going into the controversial nominations on the Executive Calendar.

It is expected that the Senate will be in session this evening, tomorrow evening and Saturday. I am unable to tell at this time how long it will take to complete action on the bills previously scheduled.

I will say to the distinguished Senator that there are objections from this side of the aisle to a postmaster nomination, to the Federal Power Commission nomination, and to the Department of Agriculture nomination, as well as to the Commodity Credit Corporation nomination of the same person to serve on that Board.

I have no objection to the nomination of Mr. Guilmartin to be United States attorney for the southern district of Florida; and if that nomination can be stated at this time it can be confirmed immediately. Then, when we complete action on the bills which I have enumerated, whether it be tonight, tomorrow, or the next day, I shall notify the minority leader and all other interested Senators, and ask the Senate to act on the nominations then remaining on the Executive Calendar.

Mr. KNOWLAND. I thank the distinguished majority leader. I think that is a fair statement. I knew that there was a list of bills which he had hoped to have considered and disposed of first. However, we are desirous of getting to the other nominations, and I know that we shall continue to have the same fine cooperation we have had from the majority leader up to this point.

The PRESIDING OFFICER. The clerk will state the nomination referred to.

## UNITED STATES ATTORNEY

The Chief Clerk read the nomination of James L. Guilmartin to be United States attorney for the southern district of Florida.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask that the President be immediately notified.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

Mr. JOHNSON of Texas. Before the Senate resumes the consideration of legislative business, I invite the attention of the Members of the Senate to the nomination of Victor R. Milligan to be a postmaster at Ketchikan, Alaska; the nomination of Mr. Jerome K. Kuykendall to be a member of the Federal Power Commission; the nomination of Mr. Don Paarlberg to be an Assistant Secretary of Agriculture, and the nomination of the same gentleman to be a member of the Board of Directors of the Commodity Credit Corporation. I understand that all of those nominations are controversial, and I should like to have each Member of the Senate on notice that when the Senate completes action on the measures which we have listed, I shall ask the Senate to proceed to the consideration of executive business for the purpose of considering those nominations. I want all Senators who are interested to be on notice.

## LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I renew my motion that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

## ECONOMIC CONFERENCE OF THE ORGANIZATION OF THE AMERICAN STATES

Mr. CAPEHART. Mr. President, on August 15 in Buenos Aires, Argentina, an Economic Conference of the Organization of the American States opens, to which I have been appointed an official observer by President Eisenhower. As many people are aware, my interest in Latin America is of long standing.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD, as a part of my remarks, a statement I have prepared dealing with our relationships with Latin America.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CAPEHART

On August 15 in Buenos Aires, Argentina, an Economic Conference of the Organization of the American States opens, to which I have been appointed an official observer by President Eisenhower. As many people are aware, my interest in Latin America is of long standing.

I was privileged in 1953, while serving as chairman of the Senate Banking and Currency Committee, to make an extensive visit and study of this area, upon which a comprehensive report was prepared and presented to the Congress. This study was carried out under the authority of Senate Resolution 25 of the 83d Congress.

In covering more than 21,000 miles and visiting 15 countries in a period of some 2 months, this mission collected a vast reservoir of information and data relating to the expansion of international trade, with some particular emphasis upon the operations of the Export-Import Bank of the United States and the International Bank. This report, I am pleased to say, is still regarded by many as one of the most complete sources of information available on the subject of United States-Latin American economic relations.

As stated at the beginning of that report, it was a business and economic study and involved over 150 meetings with Latin American businessmen and Government officials and included oftentimes representatives of United States interests in individual countries. On-the-spot inspection of operations of United States Government programs in the area was made, as well as observations of private United States business undertakings.

Because of the study made by our group in 1953 and other experiences with this area and the interest that I have developed in that part of our hemisphere, some conclusions which I have reached seem of such importance to me to require statement to the Senate at this time. I would like the record to show—and I now ask leave to extend my remarks for the record—my convictions and the facts upon which they are based regarding the importance of Latin America to the United States. I believe that it is proper and will be helpful if I make these remarks before undertaking this mission in order that the Senate and our friends in Latin America may know something of my views before this important conference takes place.

As I have stated many times before, our concern with South America must continue to grow in the years ahead. Two conclusions which I can quickly set forth serve as foundations for this belief:

1. From a financial and economic viewpoint, Latin America today is our most important area.

2. From a political and military viewpoint, Latin America is our most important area.

Today, our trade and investment figures with Latin America add up to most impressive totals. Our overall trade with Latin-American Republics is greater than our trade with any other area in the world. In 1956, the total dollar volume of trade between the United States and the 20 Latin-American Republics amounted to $7.5 billion.

Twenty-five percent of our United States exports go to Latin America.

The United States in turn buys 30 percent of its imports from Latin America.

These figures are impressive; but, from the viewpoint of our pocketbooks, the character of this trade is even more impressive.

I am not revealing any classified material when I say that much of our trade with Europe and Japan since World II has been financed by our own loans and grants. Comparatively little of our trade with Latin America has been paid for out of our own Treasury.

The total of foreign loans and grants of the United States since 1945 is estimated at more than $58 billion.

Excluding the Iron Curtain countries, Europe has received $36 billion of the $58 billion total, broken down as follows: grants $28 billion, loans $8 billion.

Our exports to Europe since the end of World War II have totaled about $53.1 billion and we have imported European products amounting to $18.5 billion.

In the case of Japan, our exports to that country since 1945 total about $5.2 billion and our imports from that country are estimated at $2.4 billion. But our loans and grants to Japan amount to approximately $2.6 billion.

Our total in loans and grants to the 20 Latin-American countries since the end of World War II amount to virtually $1.5 billion.

The loans and grants to Latin America are broken down as follows: net grants $743 million, net loans $733 million; $712 million of this loan figure is net credit by the Export-Import Bank.

I am not going into this detail here today for the purpose of putting Europe and Japan in an unfavorable light. We helped Europe and Japan and other countries because we felt it to be in our own interests. Yet, obviously, from the strictly dollars standpoint, our trade with Latin America is much more profitable to us than our trade with most other areas of the world—all other areas I might say with the exception of Canada.

Most of our trade with Latin America is a mutually beneficial exchange of products and services. It is on a strictly quid pro quo basis. We sell, generally speaking, finished goods to Latin America; in turn, they sell us raw materials. The two economies complement each other.

It has always been my philosophy that trade makes jobs, jobs make prosperity and progress, and prosperity will keep peace in the world.

In my estimation, one of the most effective instrumentalities we have for keeping this flow of trade between the northern and

southern halves of our hemisphere healthy and vital has been the United States Export-Import Bank.

I have had a continuing and pleasant relationship with this facility in my service on the Banking and Currency Committee of the Senate.

As a result of the extensive study made by our group in 1953, legislation was enacted in 1954 which reaffirmed the status of the Export-Import Bank as an independent agency of the United States. Full responsibility for and authority over the policies and management of the bank once more was vested in a five-man Board of Directors, the members of which are appointed by the President, by and with the advice and consent of the Senate. The President of the bank was made a member of the National Advisory Council. The lending authority of the bank also was increased to the present figure of $5 billion of loans, guaranties, and insurance outstanding at any one time.

Moreover, provision was made for a nine-member Advisory Committee, representing industry, commerce, finance, agriculture, and labor, to advise with the bank on its program and activities. The Advisory Committee has performed its duties with energy and insight, and has been most helpful in increasing the understanding of the bank's purpose and procedures by financial and export groups throughout the United States.

Let us see what has been the record of the Export-Import Bank in Latin America since 1954. In the ensuing years the bank has become increasingly active as the principal foreign lending arm of the United States Government. The position of the bank vis-a-vis the International Bank for Reconstruction and Development also has been clarified. It is the policy of the United States that any prospective borrower abroad who wishes to purchase equipment or agricultural commodities in the United States and who cannot obtain private financing may seek assistance from the Export-Import Bank. A borrower who wishes to obtain equipment from various countries on the basis of international bids, on the other hand, should approach the International Bank for financing. Both banks should cooperate in the same manner as two private banks having a common customer would cooperate.

In the period since the reorganization of the Export-Import Bank became effective late in 1954, the bank has extended no less than $883 million of loans in the 20 Latin-American Republics alone. More than 280 individual credits have been granted ranging in amount from as little as $1,560 in one case to $100 million in others. Indeed, by far the largest number of credits have been for amounts which were less than $100,000 each so that small export orders as well as large ones have received assistance from the bank.

Every dollar of the bank's loans has been used to purchase United States materials, equipment, and services. Some of the loans have financed the export for dollars of surplus agricultural products and livestock. Most of the financing, however, has been to assist the purchase of transportation, manufacturing, electric power, construction, agricultural, mining, and other equipment in the United States for use abroad.

History has shown that these loans are sound loans. During the 23½ years of the bank's life, a grand total of more than $3 billion of loans has been authorized by the bank to borrowers—private as well as public—in Latin America. On loans actually disbursed, payments in whole or in part totaling 50 percent have been received. The materials, equipment, and services exported because of this financing have provided employment for United States labor and capital. When utilized abroad the same equipment has provided jobs in Latin America, has increased the production of goods and services there, and so has strengthened the economies and raised the level of living of those peoples. Finally, each of the Latin American Republics as a consequence has become a better trading partner of the United States to the mutual advantage of all concerned.

All this has been accomplished without ultimate cost to the United States taxpayer. The Export-Import Bank requires no annual appropriation of funds. Instead, its earnings are more than sufficient to cover its administrative costs as well as the cost of the funds it borrows from the Treasury. In recent years the bank has shown a net profit, after the payment to the Treasury of interest on all moneys borrowed, of approximately $60 million annually out of which it has paid dividends in the amount of $22.5 million to the Treasury on its capital stock. The remainder of the annual profit has been added to the Bank's reserves which now amount to more than $40 million.

The bank's record is an unusual one. Its success is attested not only by the facts which have just been cited but also by the repute in which it is held abroad. An example is provided by an editorial in the Buenos Aires Herald which appeared in this well-known Argentine newspaper on October 19, 1956. I quote:

"Americans have taken many knocks but they also have learned a great deal in their past business transactions—in every part of the world. This is where the Export-Import Bank comes in. It is an institution which already has established a commanding role in the promotion of trade expansion, primarily for the benefit of the United States but at the same time contributing powerfully to the economic advancement of those foreign countries with which it has friendly and profitable trade. When contracts are negotiated with the Export-Import Bank it can be taken for granted that they are purely business arrangements, carefully studied and resolved by experts, so that the results are acceptable and remunerative for both parties."

In the years to come, our trade with Latin America promises to be even more important than it is today. The Latin-American countries are going through what has been termed a population "explosion." The expression is not original with me and has been used frequently. In view of what is happening, it is quite expressive, however.

Ten years ago the population of Latin America totaled approximately 145 million persons—roughly equal to the population of the United States at that time.

Today, the population of Latin America is about 180 million, or 10 million more than our own population.

By 1965, the population of Latin America, if it increases at its present rate, will be 215 million; by 1975, 275 million. By the year 2000—only 43 years away—a half billion is the expected total.

The per capita income of Latin America also is rising rapidly. In 1945, it was around $215 per person; by 1955 it was around $275, and if it rises at the rate it did in the past 10 years, it will be somewhere around $500 by the year 2000.

It is extremely risky to predict, but, bear in mind that Latin America is relatively undeveloped. Brazil, a giant that is larger in territorial expanse than the United States, has only 60 million and the vast expanse of the Amazon jungle is almost completely untouched. Just the same, Rio de Janeiro is a city of almost 3 million people and São Paulo, which has been compared to our own Chicago, has around 3¼ million. Once upon a time, people thought that white men lived in the tropics at the expense of their health. That was before the days of modern air-conditioning and modern medicine. In time, the jungle will be developed and the riches found there added to mankind's resources.

Many a man has wished he could have lived when this country had a lot of frontier left. Quite naturally, he figured that he would have seen opportunities that others overlooked. Well, south of us lies not one but several countries whose development is years and years behind that of our own. Headhunting Indians still inhabit the jungle; vast areas are barely explored and out of them come rumors of diamonds and gold and silver. Much more valuable are the minerals, including uranium, which abound in the mountainous regions. Underground is oil which may be more valuable still.

Today, Venezuela produces some 900 million barrels of oil annually and imports a half billion dollars of American products. Venezuela also has one of the biggest iron deposits in the world which is furnishing iron ore for our steel mills. Two other tremendous iron ore deposits lie in Brazil and another vast deposit is in the southeast corner of Bolivia. The country of Bolivia, half again as big as Texas and rich in minerals, timber, oil and fine land, has less than 4 million people. Latin America has many frontiers; sleepy villages of today will be the bustling crowded cities of tomorrow.

Perhaps, I am giving the impression that only a few persons, including myself, realize the investment opportunities in Latin America. That is not quite the case. Already the businessmen of the United States have more money invested in the Latin American countries than in any other area of the world. In 1956, this investment amounted to $7.1 billion; the earnings on this were more than $1 billion, or an average rate of about 14 percent. Thus, the profits on American investments in Latin America are almost as much in 1 year as our total in loans and grants to Latin America since 1945.

The following table gives the breakdown of investment and earnings for 1955, the latest year for which they are available in such detail.

*Breakdown of direct investment in Latin America, 1955*

| | Billions |
|---|---|
| Mining | $1.022 |
| Petroleum | 1.779 |
| Manufacturing | 1.366 |
| Public utilities | 1.132 |
| Trade | .440 |
| Other | .817 |
| Total | 6.556 |

*Breakdown of earnings from direct investment in Latin America, 1955*

| | Millions |
|---|---|
| Mining | $121 |
| Petroleum | 483 |
| Manufacturing | 119 |
| Other industries | 187 |
| Total | 910 |

Every year investment funds amounting to more than $500 million are going to Latin America; it is one of the few parts of the world where American businessmen feel they can safely put their money.

Inevitably, radical agitators and enemies of the United States attack this investment. For years, it has been fashionable in certain parts of Latin America to picture us as greedy capitalists and exploiters of the poor. Fortunately, these cries are growing tiresome. Most Latin Americans realize that they, too, profit from American capital. Without this financing, they cannot so readily develop their own resources. The United States companies which are investing in Latin America realize also that they must share their profits with the countries in which they are made.

In 1955, a Department of Commerce study showed United States companies, representing some 85 percent of our business assets in Latin America, paid out in that area more than $4 billion for wages and salaries,

taxes and costs of materials, supplies, and equipment. These United States companies operating in Latin America provided jobs for more than 600,000 individuals.

Our North American itch for travel is another source of income for the Latin Americans. Our tourists spent about $440 million in Latin America last year. The $279 million which Mexico got from American tourists was that country's biggest single source of dollars.

The South American countries, however, get only a small portion of our tourist expenditures, about $30 million annually. But these nations' fabulous scenery, the ruins left by ancient civilizations, all sorts of sports attractions, and cities like Buenos Aires compare favorably with anything the Old World has to offer. One day it may become as popular to go to South America as it is today to visit Europe.

Before I leave the subject of Latin American attractions, I might mention that a distinguished Member of the Senate, the able senior Senator from Iowa, caught a rainbow trout weighing over 34 pounds in Lake Titicaca in Bolivia in 1954. I am told that it is the third largest rainbow ever caught on rod and reel.

The Latin American countries, ordinarily, are not thought of as markets for American farm products. I was surprised to learn, for example, that agricultural exports to the Latin American countries in 1956 amounted to a half billion dollars.

In 1955, we shipped to Latin America 38 percent of our total exports of lard, 35 percent of wheat flour exports, 36 percent of all rice shipments and 85 percent of all dried milk exports. The Department of Agriculture has estimated that some 50 different fresh and processed United States farm products are sold to Latin America each year.

The future market for American farm products in Latin America looks promising. In this country, the average daily consumption of food amounts to about 3,220 calories—keeping our weight down is somewhat of a national problem. The average daily calory intake in Latin America is 2,429, almost 800 calories less than our own consumption.

As the Latin American standard of living rises, food consumption is going to rise. Furthermore, the trek to the city is on in Latin America, just as the country boys of this country flocked to town during the years of our industrial expansion. There will be less labor available in rural Latin America to grow food and farm products and a greater demand for it on the part of the city workers.

Latin America has some fine farmland which will grow more food as time goes by. It is highly questionable, however, whether food production will match the population increase. A 1955 study by the Food and Agriculture Organization of the United Nations indicates that the output per farmworker in Latin America as a whole actually is declining.

Using 1949–50 as a base period, the FAO study showed that the index of per capita farm output fell from 110.7 in 1937–38 to 105 in 1954–55.

Some of the countries which have lagged behind in farm production are Cuba—which buys more farm products from us than any other Latin American country—El Salvador, Haiti, Paraguay, Bolivia, and Honduras.

I have seen a study by the Pan American Coffee Bureau, an organization supported by the governments of 11 of the coffee-producing countries, which concludes that by 1965 exports of agricultural products to Latin America easily could be 45 percent higher than in 1956. By conservative estimates, at 1956 prices, this would mean approximately $715 million additional agriculture income and could easily be as much as $1 billion.

The latter figure would amount to about $210 for every farm operator in the United States.

One trouble with the trade and investment figures, which I have quoted today, is that they are generalized. They are totals for the country as a whole. Members of Congress, quite naturally, tend to think in terms of their own districts and States.

To supply such information to the United States public, this same Pan-American Coffee Bureau has provided another most interesting study of United States-Latin American trade. This study traces the origin of United States exports to Latin America on a city-by-city basis and totals their value by States. Thus, it is possible for the Members of Congress, for instance, to see what products were produced in the various cities of their States or districts, which found their way to the coffee-producing countries of Latin America and the value of these products. This study is concerned with the year 1955 and involved surveying the production and shipment of goods of more than 1,000 United States businesses.

I heartily commend it to the Senators to see what goods, from their home States and in many cases their hometowns, are going to these neighboring countries. The figures, I am sure, will be most interesting and even surprising.

As might be expected, I was particularly interested in Indiana exports to the 14 coffee countries. To my surprise, the total for 1955 was $136,811,000.

Forty-three Indiana cities shared in these exports, which ranged from automobile parts and wheel tractors to glass. Among the other leading exports were machinery, chemicals, and metal products.

The survey estimated that 18,000 Hoosiers were employed in part in 1955 as a result of our exports to these countries and that these 18,000 workers earned about $90 million.

New York led all the States in exports to the 14 coffee countries in 1955 with a whopping total of $270,627,000. Ohio was second with $245,824,000. Pennsylvania was third with $223,663,000; Michigan fourth with $222,385,000, and New Jersey was fifth with $211,779,000.

The list of the other States and the amount of exports to the 14 coffee countries in 1955 follow:

| | |
|---|---|
| Illinois | $206,038,000 |
| California | 178,777,000 |
| Texas | 170,431,000 |
| Indiana | 136,811,000 |
| Wisconsin | 69,829,000 |
| Massachusetts | 66,803,000 |
| Connecticut | 60,554,000 |
| Missouri | 50,951,000 |
| North Carolina | 47,831,000 |
| Louisiana | 45,395,000 |
| Iowa | 41,505,000 |
| Alabama | 40,591,000 |
| Georgia | 33,333,000 |
| Virginia | 32,513,000 |
| Minnesota | 32,012,000 |
| Washington | 30,475,000 |
| West Virginia | 27,987,000 |
| Maryland | 27,253,000 |
| Tennessee | 26,144,000 |
| South Carolina | 25,789,000 |
| Kentucky | 22,612,000 |
| Kansas | 21,420,000 |
| Maine | 17,647,000 |
| Mississippi | 17,290,000 |
| Oregon | 16,935,000 |
| Oklahoma | 16,929,000 |
| Nebraska | 15,295,000 |
| Rhode Island | 14,415,000 |
| Florida | 13,381,000 |
| Arkansas | 10,417,000 |
| North Dakota | 7,615,000 |
| Montana | 6,944,000 |
| Arizona | 6,018,000 |
| South Dakota | 5,595,000 |
| New Hampshire | 5,530,000 |
| Delaware | 4,977,000 |
| Colorado | 4,286,000 |
| Idaho | 3,182,000 |
| Utah | 2,877,000 |
| New Mexico | 2,395,000 |
| Vermont | 2,080,000 |
| Wyoming | 851,000 |
| Nevada | 715,000 |

The total of these United States exports to the coffee countries listed above amounts to $2.7 billion.

Coffee sales to the United States from Latin America in 1955 were $1.2 billion. Or to put it another way, coffee sales furnished 42 percent of the $2.7 billion which the 14 countries spent for our products year before last.

Petroleum purchases by the United States from the 14 countries approximated $555 million in 1955. Sugar was in third place with $340 million and other imports amounted to $783 million.

It still surprises many people to learn that coffee is the United States largest single import. For the past 5 years, it has averaged $1.4 billion annually. Taken as a whole, the coffee industry within the United States is a $2.5 billion business.

Transportation of coffee by rail, ship and truck is a big business by itself. Add to that the millions of vacuum tins and glass containers and bags used to package the product. Roasting equipment is a heavy investment and annual expenditures for new or replacement equipment is estimated at $60 million. Thousands of salesmen are employed and millions of dollars are spent in advertising the beverage. Over half a million public eating establishments depend upon coffee for part of their profit.

While these figures are significant to us of the United States, I can say with assurance that coffee is a vital consideration to the producing countries.

For five countries of Latin America, coffee furnished 60 percent or more of all the foreign exchange earned in trade. The figures are: El Salvador, 86 percent; Colombia, 84 percent; Guatemala, 77 percent; Haiti, 66 percent and Brazil, 60 percent.

In the 14 countries covered by the survey, it is estimated that 140 million people are directly or indirectly dependent upon coffee for their livelihood.

It is this extreme importance that coffee plays in the economic life of Latin America which accounts for the Latins' sensitivity when the price of the green bean becomes a political commodity, as it has at times in the past in the United States.

Bearing in mind, as I mentioned earlier, that some 40 percent, year in and year out, of that area's dollar earnings comes from this one commodity, the reaction is perhaps understandable. Latin Americans want the products of United States industries and factories. In turn the United States businessman and worker is interested in producing and selling goods. Coffee brings United States dollars to the people of Latin America which in turn are spent in the United States.

One of the most intriguing figures in this Pan-American Coffee Bureau survey was the very close balance of trade maintained between these countries and the United States over the period of the years 1936 to 1955.

Over those two decades the coffee-producing countries in the survey sold to the United States $30.1 billion worth of goods. In the same period the United States sold to them $30.8 billion of United States-produced goods. This is indeed foreign trade at its best, balanced and complementary.

My concern about coffee here is simply that thoughtful people in discussing coffee and trade should bear such figures in mind. I suggest that they imply much for us as well as for the Latin American, especially as economic well-being may contribute to political stability.

No one advocates artificial prices for coffee. Certainly not the intelligent producers of the product. They realize the adverse reaction which follows such developments. But harmfully low prices for Latin America's principal product must have repercussions which extend far beyond the coffee market.

Eventually, industrialization, and diversification will end Latin America's dependence upon a few raw products. Meanwhile, we must understand what these products mean to our neighboring Republics and we must help them all we can. How can we help them? I am not putting forward any blueprints. The problem is involved and many things must be considered. One thing which we can undertake immediately and which would be of great help to both United States and Latin American interests would be a revision of the Western Hemisphere Trading Act. Unnnecessary or avoidable trade barriers between the United States and its neighbors to the south are to my mind particularly objectionable. Foreign trade is a complex subject indeed, but I am satisfied from my studies that this particular instance is worthy of special note.

In our study of existing trade barriers in Latin America in 1953, we discovered one in our own United States. This is the interpretation placed on the Western Hemisphere Trade Act requiring that title to goods must change hands outside continental United States in order to qualify for the tax benefits under this act.

This interpretation denies in great measure the smaller manufacturer in this country the opportunity to compete with low-wage scale countries for sales to Western Hemisphere countries. It also denies our Latin American friends in the Western Hemisphere the chance to obtain certain United States products at competitive prices.

I have been joined by Senators JENNER, FREAR, and SMATHERS in the authorship of S. 808 to correct this inequity in the law by making it possible to change title in the United States in order to qualify for the tax benefits which would permit competitive bidding with other countries.

A broad project which would help a lot, certainly, and which I am suggesting here, would be a systematic educational campaign which would give our own people a thorough understanding of the importance of Latin America to us and a greater sensitivity to the problems of its people. To my mind, this field of promoting closer hemispheric relationships can never become overcrowded.

I have already mentioned that, generally speaking, we sell the Latin Americans finished products and they sell us raw materials. For example, our principal exports to Brazil are machinery, vehicles, chemicals and pharmaceuticals, metal products and minerals. This list is repeated, with a few variations, for all the Latin American countries. Let us see what some of the countries sell to us.

Our principal imports from Argentina are wool, meat products, dyeing and tanning materials; Bolivia, tin, ferroalloys, ores, metals, and lead; Brazil, coffee, cocoa, waxes and oils, iron and other ores, hides and leather; Chile, copper, nitrates, iron ore; from Columbia, coffee, petroleum, bananas, and platinum; from Costa Rica, bananas, coffee, and cocoa; From Cuba, sugar, nickel, copper and other ores, tobacco and coffee; from the Dominican Republic, cocoa, coffee, sugar and sirups and bananas; from Ecuador, bananas, coffee, cocoa, hats, fish and shellfish; and El Salvador, coffee, sesame seed and zinc ores; from Guatemala, coffee, bananas, gums and resins, zinc, lead and other ores; from Haiti, coffee, sisal and henequen fibers, vegetable oils, cocoa, sugar and sirups; from Honduras, coffee, bananas, abaca and manila fibers; from Mexico, copper, lead and other ores, coffee, petroleum, sisal, hemp and other fibers, shrimp; from Nicaragua, coffee, wood and wood products, sesame seed, sugar and sirups; from Paraguay, dyeing and tanning materials, vegetable oils and waxes; from Peru, copper lead, iron ore, zinc, fish, and coffee; from Uruguay, wool and meat products; from Panama, bananas, shellfish, and cocoa; and from Venezuela, petroleum, iron ore, coffee, cocoa, and diamonds.

Here ranked in order of value of their shipments to and from us, is how our trade with each of the 20 American Republics looked in 1956.

*United States exports to 20 American Republics (millions of dollars)*

| | |
|---|---|
| Mexico | 841 |
| Venezuela | 651 |
| Cuba | 512 |
| Colombia | 315 |
| Brazil | 293 |
| Argentina | 212 |
| Peru | 159 |
| Chile | 154 |
| Guatemala | 80 |
| Panama | 68 |
| Dominican Republic | 67 |
| El Salvador | 49 |
| Bolivia | 47 |
| Ecuador | 44 |
| Costa Rica | 42 |
| Honduras | 38 |
| Haiti | 36 |
| Uruguay | 33 |
| Nicaragua | 33 |
| Paraguay | 8 |

*United States imports from 20 American Republics (millions of dollars)*

| | |
|---|---|
| Brazil | 745 |
| Venezuela | 698 |
| Cuba | 457 |
| Colombia | 409 |
| Mexico | 401 |
| Chile | 236 |
| Peru | 134 |
| Argentina | 133 |
| Guatemala | 79 |
| Dominican Republic | 60 |
| Ecuador | 53 |
| El Salvador | 48 |
| Bolivia | 42 |
| Honduras | 30 |
| Uruguay | 25 |
| Panama | 20 |
| Nicaragua | 20 |
| Costa Rica | 19 |
| Haiti | 15 |
| Paraguay | 6 |

I might add that United States exports to all but 3 of the 14 coffee-producing nations on this list were larger in 1956 than in 1955.

The share of our exports which these sales to all of Latin America represent is also impressive to me. Last year, in the case of automobiles, Latin America took a solid 35 percent of our exports; of chemicals, and electrical apparatus, both 32 percent; industrial machinery and textiles, each 27 percent; tractors and agricultural machinery, 26 percent; petroleum and products, 23 percent; and iron and steel products, 21 percent.

So long as industrial activity is high in this country, our purchases of raw materials from Latin America are likely to remain high. Just the same, a price collapse for an important product like coffee could wreck the internal economy of several countries in Latin America. Cuba is dependent upon sugar, Bolivia on tin, Chile on copper, Venezuela on petroleum. Any general decline in the price of the raw materials which the Latin-American countries sell us would be catastrophic.

Some may feel that we do not have to worry about communism in Latin America. Let us not fool ourselves. A regime, which to all intents and purposes was Communistic ruled Guatemala only some 2 years ago. The assassination last week of the courageous man who was primarily responsible for the overthrow of that regime is eloquent—if cruel proof—of the challenge of Communist fanaticism.

Today in many Latin-American countries there are significant stirrings. The masses want the good things of life, the material products of our civilization. In many countries they are poor and discontented and easy prey for agitators. All the Latin-American countries have strong nationalistic elements. All have men who hate the United States. A severe economic crisis could bring some of these elements to the forefront.

It can be said that the United States simply cannot afford to try to keep every country outside the Iron Curtain peaceful and contented. It can be said that our resources simply are not adequate for such a gigantic burden. I agree.

Yet, Latin America is a special case. Our sister republics are not a drain upon our economy today. Quite the opposite. Our trade with them is the most profitable we have, with the possible exception of Canada. Our investments in Latin America are lucrative and they return in 1 year, almost as much as we have loaned and given all the Latin-American countries in the past 12 years. Half of our outlay is loans which will be returned with interest. Latin America is a treasure house of raw materials and the rapidly rising population presents possibilities which are no less than thrilling to cash register fingers, wherever they may be.

Surely, then, it is only commonsense—which, applied to national affairs, is another word for statesmanship—to do everything in our power to make and keep Latin America stable and prosperous. Our best minds and brains should devote a lot of thought to the matter and I implore our magazines, newspapers and commentators to devote more of their magnificent talent to educating our people about Latin America and what that vast area means today and what it can mean tomorrow.

There still is another reason to strengthen our ties with Latin America. I do not have to dwell upon the awesome possibilities which the development of guided missiles presents to this world of ours. Our only salvation may be to develop our armaments to the point where the reprisal for any attack would be so devastating that an attack might never come.

Another safeguard would be a territorial expanse so vast and resources so great that even a surprise atomic attack could not be decisive and could not prevent counterattack.

The United States is a big country from the standpoint of territorial expanse and from other standpoints. It contains 3 million square miles. Yet the territorial expanse of North and South America is more than 15 million square miles, 25 percent greater than all the Iron Curtain countries, including China.

A hemisphere united and prepared to resist aggression might be invulnerable and might be the decisive factor for peace in this world.

Nor is a united hemisphere simply a pleasant pipedream. We cannot conceive of the time when that great country, Canada, will not be our ally in peace and war. And fortunately, our policies toward Latin America during the past quarter century have been such that they have resulted in a reservoir of good will. While some moved sooner than others eventually all our sister republics supported us in the Second World War.

The Latin Americans realize that the United States has no imperialist ambitions. Our relations with Latin America have given the lie to the Communist

dictum that a rich capitalistic state always exploits the weaker state with which it deals.

I have known and talked to a good many Latin Americans in the past few years and, almost without exception, have found them friendly toward the United States. I think, furthermore, that the Latin Americans, more and more, are beginning to think in hemispheric terms and to feel that perhaps the salvation of the universe lies in the New World. They are proud to be Americans. They are well informed about us and the interdependence of the hemisphere. Often they know much more about us than we do about them.

Naturally, the Latin Americans have their complaints about us, but I believe they will become more and more isolated if we will increasingly identify our own security and prosperity with that of our neighbors.

I have spoken today as if each Latin-American country had problems which are identical. Of course, this is not true. Every country has its particular and special problems which require attention. Some countries are much more important in the overall picture than others. Nevertheless, the problems of our sister republics all are similar in some respects. They are undeveloped by comparison with the United States; they are struggling to develop themselves industrially; meanwhile, they are dependent upon this country, to a large degree, as a purchaser of raw materials and a supplier of manufactures. If we become well aware of the overall problem, it will not be too difficult to envision and deal with each country's individual problems.

If I have been repetitive here today, it is because I want to drive home truths which I regard as extremely important. As I see it, we simply must devote more attention to Latin America in the future. For once, let us be forehanded. Latin America today is one of our greatest assets. Let us keep it that way.

*Export-Import Bank cumulative operations, Latin-American countries, February 1934–June 1957, inclusive*

[In thousands of dollars]

| Country | Credits authorized | Cancellations | Disbursements | Repayments | Principal outstanding |
|---|---|---|---|---|---|
| Argentina | $386,282 | $124,217 | $102,065 | $36,839 | $65,226 |
| Bolivia | 47,031 | 2,391 | 44,613 | 9,992 | 34,622 |
| Brazil | 1,182,980 | 189,880 | 710,107 | 293,753 | 416,354 |
| Chile | 202,180 | 9,997 | 145,332 | 86,921 | 58,411 |
| Colombia | 103,840 | 19,746 | 84,050 | 63,587 | 20,463 |
| Costa Rica | 23,374 | 1,603 | 14,057 | 2,428 | 11,629 |
| Cuba | 117,095 | 34,397 | 77,019 | 56,176 | 20,843 |
| Dominican Republic | 3,402 | 118 | 3,284 | 3,284 | |
| Ecuador | 41,519 | 2,180 | 26,628 | 10,736 | 25,892 |
| El Salvador | 1,937 | 355 | 1,533 | 1,483 | 50 |
| Guatemala | 3,091 | 737 | 2,179 | 338 | 1,841 |
| Haiti | 40,350 | 2,670 | 34,614 | 7,493 | 27,121 |
| Honduras | 4,530 | 1,770 | 1,013 | 1,002 | 11 |
| Mexico | 409,205 | 43,106 | 265,794 | 151,363 | 114,431 |
| Nicaragua | 8,532 | 944 | 5,324 | 4,994 | 330 |
| Panama | 21,380 | 2,012 | 6,488 | 5,626 | 862 |
| Paraguay | 15,600 | 1,600 | 9,740 | 6,078 | 3,662 |
| Peru | 169,252 | 38,904 | 40,465 | 2,707 | 37,758 |
| Uruguay | 49,259 | 32,028 | 17,121 | 10,057 | 7,064 |
| Venezuela | 70,359 | 42,865 | 22,887 | 19,371 | 3,516 |
| Various | 128,802 | 97,371 | 26,910 | 26,831 | 79 |
| Total, Latin America | 3,029,999 | 648,891 | 1,651,226 | 801,061 | 850,165 |
| Total, all areas | 8,491,110 | 1,340,983 | 5,404,158 | 2,801,014 | 2,603,144 |

## ORDER SETTING DATE FOR MEMORIAL ADDRESSES ON THE LATE SENATOR JOSEPH R. McCARTHY, OF WISCONSIN

Mr. KNOWLAND. Mr. President, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 178) was read, as follows:

*Resolved*, That on Wednesday, August 14, 1957, at 12 o'clock, the legislative business of the Senate shall be suspended to permit the delivery of memorial addresses on the life, character, and public service of the late Senator Joseph R. McCarthy, of Wisconsin.

Mr. KNOWLAND. I may say that I have previously consulted the distinguished majority leader with reference to this resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

## ORDER FOR RECESS UNTIL TOMORROW AT 11 A. M.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in recess until tomorrow, at 11 o'clock a. m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR TRANSACTION OF ROUTINE BUSINESS ON TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate convenes on tomorrow, there be the usual morning hour for the transaction of routine business only, with statements limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## VETERANS' HOUSING IN RURAL AREAS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 471, House bill 4602, the veterans' housing bill.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 4602) to encourage new residential construction for veterans' housing in rural areas by raising the maximum amount in which direct loans may be made, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Banking and Currency with amendments.

Mr. SPARKMAN. Mr. President, with reference to the pending measure, H. R. 4602, as amended by the Senate Banking and Currency Committee, I should like to make a general statement and to describe the provisions of the bill.

As you know, the Housing Act of 1957 did not include any provisions extending or amending the VA home-loan program. Subsequent to that time, the Banking and Currency Committee met and took up several bills pertaining to this subject. The committee finally amended H. R. 4602 and reported it for consideration of the Senate.

The program of direct loans to veterans was started in 1950. It grew out of the operation of the veterans loan guaranty program which depends on private sources for mortgage money. During the period from 1945 to 1950, the experience of the GI loan guaranty program disclosed that the primary beneficiaries were veterans residing in metropolitan areas. Although some loans were made in rural areas and small cities, it was apparent that the needs of veterans for mortgage money were not being met in those areas in the same proportion as were similar needs of veterans in metropolitan areas.

As the GI loan guaranty program increased its momentum, this disproportion became more and more marked. With this development came a demand that funds be provided to serve the needs of the veterans in rural areas, small cities and towns.

Congress enacted the VA direct home loan program to meet that demand. In the Housing Act of 1950, the Administrator of Veterans' Affairs was given the authority to make direct loans to veterans in an amount not to exceed $10,000 for the purchase of homes or the construction or improvement of farmhouses in areas where GI loans at 4 percent—the then established rate on interest—were not available from private lending sources.

Each year since that time, Congress has acted either to extend the program or to authorize additional moneys to be made available by the Secretary of the Treasury to the Veterans' Administrator for the direct home-loan program.

Since its origination, the program has disbursed over $643 million in about 89,000 direct loans to veterans living in

nonurban areas where guaranteed mortgage money was not available.

The number of applications for direct loans has varied according to the availability of mortgage money. In June 1957, applications soared to a new monthly high of almost 4,600, which is three times the applications received in June 1956. With the drying up of funds from the VHMCP and the regular loan-guaranty program, the veterans are turning to the direct-loan program for help. If the trend of applications were to continue, an administration official testified on June 14 that a total of $450 million would be needed for the direct-loan program over the next 12-month period.

The balance in the fund for making additional direct loans as of the end of June was about $120 million. This sum, which will be carried forward in the revolving fund for use during fiscal year 1958, is enough to carry the program for about 4 months, if applications continue at the present rate. Under existing law, no additional Treasury advances are authorized after June 30, 1957.

Mr. President, since preparing my statement, I have received a letter from the Veterans' Administration giving even more up-to-date information. The letter states that a survey of field offices made recently by the Veterans' Administration showed that there were about $90 million in unencumbered funds available as of July 23, 1957. The letter states further that the estimated needs for the remainder of July and through August and September indicate that there would be sufficient applications on hand by mid-September to absorb the $90 million of unencumbered funds as of July 23, 1957.

I ask unanimous consent that the entire letter be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION,
*Washington, D. C., August 8, 1957.*

Mr. JACK CARTER,
*Staff Director, Subcommittee on Housing, Committee on Banking and Currency, United States Senate, Washington, D. C.*

DEAR MR. CARTER: This is in reply to your letter of August 7, 1957, requesting the results of the recent telegraphic survey of our field offices with respect to the progress of the direct-loan program.

The telegraphic survey to which you refer requested the status of the program as of the close of business on July 23, 1957, together with an estimate of needs through September 1957.

The results of the survey showed that there were about $90 million in unencumbered funds as of July 23, 1957. Estimated needs for the balance of July and through August and September indicated that there would be sufficient applications on hand by mid-September to absorb the $90 million of unencumbered funds as of July 23, 1957. A nominal additional amount will be available from principal repayments and sales, which have been coming in at the rate of about $2½ million per month.

I hope that this information will serve your needs.

Very truly yours,

RALPH H. STONE,
*Chief Benefits Director.*

Mr. SPARKMAN. The source of money for this program is the United States Treasury, which is paid by the Veterans' Administration for use of the money. Since 1950, the interest rate charged by the Treasury has ranged from 1⅞ percent to 3⅜ percent, with an average rate of 2⅝ percent. The difference between the interest paid to the Treasury and the interest received from the veteran has been enough for the Veterans' Administration to cover the direct cost of originating the loans, pay the few losses VA has had, and establish a substantial reserve for future losses.

This program has not cost the United States Government any money. During the 7 years since the program was authorized all expenses have been paid, and there is now a balance in the reserve fund of $27.5 million. In addition, the value of the properties held as security for the loans far exceeds the loan balance remaining. It has been estimated that equities in the properties held as security for loans amount to at least 20 to 25 percent above loan balance.

A summary of direct loan activity in the rural areas, small cities and towns would not be complete without a statement regarding the role of the Voluntary Home Mortgage Credit Program in extending mortgage financing in such areas. The VHMCP was authorized by the Housing Act of 1954 in an effort to induce private capital to make GI and FHA loans in remote areas. From the inception of the program through June 30, 1957, private lenders cooperating with VHMCP placed 29,000 loans for veterans, totaling over $270 million. Thus, it will be noted that a substantial sum of money was invested by private lenders in those areas that previously had to rely almost entirely on direct-loan financing. However, in the last few months, because of the unavailability of GI mortgage money, this activity has come to a virtual standstill. It is not likely to pick up again until the tight-money market is relieved.

Section 1 of the bill would amend section 512 of the Servicemen's Readjustment Act of 1944, as follows:

A. Direct the Administrator, whenever he finds that private capital is not generally available in any rural areas or small city or town for the financing of loans guaranteed under section 501 of the Servicemen's Readjustment Act of 1944, to designate such rural area or small city or small town as a housing credit shortage area in order to make direct loans and commitments for loans for (a) the purchase or construction of a dwelling; (b) the purchase of a farm with a dwelling; (c) the construction of a farm dwelling on land owned by the veteran; (d) repair, alteration, and improvement of a farm residence or other dwelling owned by the veteran.

Loans may be made only upon a finding that the veteran is a satisfactory credit risks, that the payments required bear a proper relationship to his present and anticipated income, that he is unable to obtain from a private lender appropriate housing credit at an interest rate not in excess of the amount authorized for guaranteed loans, and that he is unable to obtain a loan under the Bankhead-Jones Farm Tenant Act or the Housing Act of 1949.

Existing law does not contain any geographical limitations as to where the direct-loan program will be administered. Direct loans may be made at the discretion of the Administrator, upon a finding that private capital is not available for the mortgage financing of housing for veterans.

The bill, therefore, provides the Administrator with more specific instructions and guidelines as to the type of area in which these loans may be made. By the bill, the limitations of geographical area become mandatory upon the Administrator rather than subject to his discretion or rules and regulations promulgated by the Veterans' Administration.

B. Make the interest rate on direct loans equivalent to the interest rate on guaranteed loans. Existing law set a maximum interest rate on direct loans of 4½ percent. Under the bill the 4½-percent maximum would be eliminated and the interest rate charged to the veteran would be the same as that for guaranteed loans.

C. Increase the maximum mortgage amount under the direct-loan program from $10,000 to $13,500. This is a necessary change in view of the increase in construction costs. The new limit will allow many veterans to come in under the program who would be unable to do so under the present ceiling of $10,000.

D. Authorize the VA Administrator to issue commitments to builders under the terms of which, funds may be reserved to permit veterans to purchase dwellings constructed in direct-loan areas. The commitments are to be valid for 3 months. For this commitment, builders will pay a fee not exceeding 2 percent of the funds reserved.

In order to avoid delay which may be caused by referring an individual veteran's direct-loan application to the Voluntary Home Mortgage Program, the Administrator in this type of case—loans made pursuant to a reservation of funds as described above—may refer the completed loans to the VHMCP. The Administrator is authorized to pay any or all of the commitment fee received on each loan to the private purchaser of the loan, if the purchase is made within 60 days after disbursement. In the event no direct loan is made, or if the loan is sold without payment of all or any part of the commitment fee, or if the loan is not sold before the expiration of the 60 days, the commitment fee not otherwise disbursed shall become a part of the special deposit account for direct loans.

If, during the life of the commitment, the builder enters into contracts with eligible veterans who wish to purchase homes, the Administrator will then enter into a commitment to the effect that he will make a loan to such eligible veteran. Further, the Administrator can make advances to the builder on the veteran's loan during the construction up to a maximum of the total cost of the land plus 80 percent of the value of the construction in place.

E. Require VA to begin immediate processing of all direct loan applications, such processing to run concurrently with a 20-day period allowed for VHMCP action. Under existing law and regulations, the processing by VA is not started until the VHMCP has failed to place the loan through private mortgage market. This has often caused considerable delay. This provision was not contained in H. R. 4602 as passed by the House.

F. Extend the direct loan program by 25 days to July 25, 1958, in order to make the expiration date of the direct loan program coterminus with the expiration date of the loan guaranty program for World War II veterans.

Section 2 of the bill would make available an additional $50 million for the direct loan program until July 25, 1958. As I stated before, the balance at the end of June was about $120 million, which together with the new $50 million would make available $170 million unobligated money for the next 13 months. Section 2 of the House bill differs from section 2 of the Senate bill, which I have just described, in that the House would authorize a total of $200 million, while the Senate authorizes only $50 million.

Section 3 of the bill contains technical amendments of section 513 of the Servicemen's Readjustment Act of 1944 relating to the date on which the VA guaranty of home loans made by supervised lenders becomes effective.

The pending bill is identical with the House bill except in 2 particulars. The first of the 2 changes relates to the referral of direct loan applications to the VHMCP and the processing of those applications through VHMCP. The Committee bill contains a provision which would require the Veterans' Administration to begin immediate processing of all direct loan applications, such processing to run concurrently with a 20-day period allowed for action by the voluntary home mortgage credit program. The bill as passed by the House contained no such provision.

The second change we have made in the committee is that which I have previously referred to, namely the dollar amounts authorized by the bill for continuation of the direct loan program. The House bill authorizes $200 million; the committee bill authorizes $50 million.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point two tables, one showing the current activity and the other showing the status of the program.

There being no objection, the tables were ordered to be printed in the RECORD.

VETERANS DIRECT-LOAN PROGRAM

*Progress to June 30, 1957*

| | Number | Amount |
|---|---|---|
| Total loans made | 92,567 | $671,545,000 |
| Loans terminated: | | |
| By sale or repayment | 11,750 | 82,146,000 |
| By foreclosure | 383 | 2,316,000 |
| Total terminated | 12,133 | 84,462,000 |
| Total | 80,434 | 587,083,000 |

*Current activity*

| 1957 | Applications | Reservations of funds | |
|---|---|---|---|
| | | Number | Amount |
| January | 2,085 | 1,952 | $15,022,000 |
| February | 2,076 | 1,468 | 12,576,000 |
| March | 2,495 | 1,844 | 15,248,000 |
| April | 3,049 | 2,583 | 19,844,000 |
| May | 3,724 | 3,065 | 23,998,000 |
| June | 4,588 | 3,600 | 30,000,000 |
| Estimated for: | | | |
| July | | | 40,000,000 |
| August | | | 46,000,000 |
| September | | | 49,000,000 |
| Balance in fund as of June 30, 1957 | | | 120,500,000 |

**At the present rate of over $40 million per month, the Veterans' Administration expects to have applications on hand sufficient to use up all the remaining funds by the middle of September.**

*Direct loan program, June 30, 1957*

| Location | Loans closed and fully disbursed by VA | | Terminated loans | | | | Loans outstanding | Loans in default | | | Total applications in process |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Sold | | Repaid in full | Foreclosed or voluntarily conveyed | | Total | 4 or more installments | | |
| | Number | Average amount | Number | Percent of fully disbursed loans | | | | | Number | Percent of outstanding loans | |
| Total | 92,567 | $7,255 | 7,309 | 7.9 | 4,441 | 383 | 80,434 | 3,434 | 657 | .8 | 11,555 |
| Alabama: Montgomery | 3,026 | 7,761 | 10 | .3 | 115 | 8 | 2,893 | 70 | 8 | .3 | 361 |
| Alaska: Juneau | 648 | 8,886 | 0 | | 40 | 9 | 599 | 35 | 16 | 2.7 | 39 |
| Arizona: Phoenix | 634 | 7,168 | 3 | .5 | 18 | 1 | 612 | 18 | 2 | .3 | 44 |
| Arkansas: Little Rock | 2,468 | 6,965 | 171 | 6.9 | 63 | 0 | 2,234 | 93 | 4 | .2 | 317 |
| California: | | | | | | | | | | | |
| Los Angeles | 441 | 8,454 | 35 | 7.9 | 12 | 0 | 394 | 52 | 12 | 3.0 | 40 |
| San Diego | 321 | 8,495 | 20 | 6.2 | 23 | 3 | 275 | 5 | 5 | 1.8 | 30 |
| San Francisco | 1,083 | 9,034 | 0 | | 93 | 3 | 987 | 46 | 12 | 1.2 | 48 |
| Colorado: Denver | 1,243 | 7,422 | 23 | 1.9 | 67 | 9 | 1,144 | 38 | 5 | .4 | 69 |
| Connecticut: Hartford [1] | | | | | | | | | | | |
| Delaware: Wilmington [1] | | | | | | | | | | | |
| District of Columbia: Washington [1] | | | | | | | | | | | |
| Florida: | | | | | | | | | | | |
| Miami | 278 | 9,117 | 24 | 8.6 | 7 | 1 | 246 | 6 | 0 | | 24 |
| Pass-A-Grille | 1,269 | 8,216 | 61 | 4.8 | 51 | 3 | 1,154 | 16 | 0 | | 208 |
| Georgia: Atlanta | 3,533 | 7,176 | 105 | 3.0 | 150 | 9 | 3,269 | 256 | 14 | .4 | 413 |
| Hawaii: Honolulu [1] | | | | | | | | | | | |
| Idaho: Boise | 1,454 | 7,917 | 337 | 23.2 | 26 | 2 | 1,089 | 36 | 6 | .6 | 358 |
| Illinois: Chicago | 3,539 | 6,895 | 494 | 14.0 | 155 | 22 | 2,868 | 153 | 36 | 1.3 | 497 |
| Indiana: Indianapolis | 3,243 | 6,363 | 355 | 10.9 | 162 | 17 | 2,709 | 152 | 17 | .6 | 288 |
| Iowa: Des Moines | 2,102 | 6,553 | 575 | 27.4 | 137 | 1 | 1,389 | 67 | 7 | .5 | 142 |
| Kansas: Wichita | 910 | 7,004 | 312 | 34.3 | 25 | 4 | 569 | 37 | 10 | 1.8 | 25 |
| Kentucky: Louisville | 4,993 | 6,673 | 16 | .3 | 361 | 28 | 4,588 | 101 | 18 | .4 | 468 |
| Louisiana: | | | | | | | | | | | |
| New Orleans | 1,620 | 7,827 | 21 | 1.3 | 86 | 6 | 1,507 | 38 | 5 | .3 | 235 |
| Shreveport | 1,244 | 7,600 | 0 | | 71 | 8 | 1,165 | 57 | 4 | .3 | 226 |
| Maine: Togus | 948 | 5,553 | 367 | 38.7 | 49 | 12 | 520 | 22 | 1 | .2 | 139 |
| Maryland: Baltimore | 943 | 7,826 | 40 | 4.2 | 72 | 4 | 827 | 69 | 17 | 2.1 | 84 |
| Massachusetts: Boston [1] | | | | | | | | | | | |
| Michigan: Detroit | 2,795 | 7,520 | 88 | 3.1 | 105 | 5 | 2,597 | 193 | 55 | 2.1 | 222 |
| Minnesota: St. Paul | 2,730 | 7,003 | 119 | 4.4 | 149 | 13 | 2,449 | 76 | 13 | .5 | 424 |
| Mississippi: Jackson | 3,340 | 7,721 | 70 | 2.1 | 127 | 10 | 3,132 | 189 | 30 | 1.0 | 539 |
| Missouri: | | | | | | | | | | | |
| Kansas City | 2,156 | 7,250 | 22 | 1.0 | 97 | 3 | 2,034 | 46 | 1 | 0 | 321 |
| St. Louis | 1,761 | 6,951 | 33 | 1.9 | 100 | 4 | 1,624 | 42 | 1 | .1 | 136 |
| Montana: Fort Harrison | 1,600 | 7,356 | 131 | 8.2 | 122 | 5 | 1,342 | 41 | 16 | 1.2 | 345 |
| Nebraska: Lincoln | 1,033 | 6,896 | 22 | 2.1 | 116 | 0 | 895 | 5 | 1 | .1 | 98 |
| Nevada: Reno | 420 | 8,891 | 1 | .2 | 33 | 3 | 383 | 16 | 5 | 1.3 | 21 |
| New Hampshire: Manchester [1] | | | | | | | | | | | |
| New Jersey: Newark [1] | | | | | | | | | | | |
| New Mexico: Albuquerque | 1,000 | 7,958 | 20 | 2.0 | 29 | 0 | 951 | 21 | 2 | .2 | 109 |
| New York: | | | | | | | | | | | |
| Albany | 316 | 6,819 | 99 | 31.3 | 21 | 1 | 195 | 44 | 6 | 3.1 | 30 |
| Buffalo | 236 | 6,311 | 145 | 61.4 | 5 | 2 | 86 | 3 | 0 | | 16 |
| New York [1] | | | | | | | | | | | |
| Syracuse | 143 | 6,413 | 120 | 83.9 | 3 | 0 | 20 | 9 | 5 | 25.0 | 9 |

[1] No portion of region eligible for direct loans.

*Direct loan program, June 30, 1957*—Continued

| Location | Loans closed and fully disbursed by Va | | Terminated loans | | | | Loans outstanding | Loans in default | | | Total applications in process |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Sold | | Repaid in full | Foreclosed or voluntarily conveyed | | Total | 4 or more installments | | |
| | Number | Average amount | Number | Percent of fully disbursed loans | | | | | Number | Percent of outstanding loans | |
| North Carolina: Winston-Salem | 5,023 | 7,760 | 216 | 4.3 | 147 | 20 | 4,640 | 169 | 16 | .3 | 821 |
| North Dakota: Fargo | 1,257 | 6,130 | 147 | 11.7 | 81 | 3 | 1,026 | 69 | 29 | 2.8 | 176 |
| Ohio: | | | | | | | | | | | |
| Cincinnati | 2,373 | 6,788 | 81 | 3.4 | 111 | 5 | 2,176 | 80 | 6 | .3 | 182 |
| Cleveland | 1,970 | 7,506 | 94 | 4.8 | 117 | 5 | 1,754 | 61 | 6 | .3 | 168 |
| Oklahoma: | | | | | | | | | | | |
| Muskogee | 991 | 6,910 | 2 | .2 | 44 | 0 | 945 | 18 | 1 | .1 | 129 |
| Oklahoma City | 727 | 7,321 | 57 | 7.8 | 17 | 2 | 651 | 34 | 8 | 1.2 | 111 |
| Oregon: Portland | 738 | 7,514 | 108 | 14.6 | 27 | 5 | 598 | 34 | 2 | .3 | 158 |
| Pennsylvania: | | | | | | | | | | | |
| Philadelphia [1] | | | | | | | | | | | |
| Pittsburgh | 1,829 | 7,252 | 268 | 14.7 | 88 | 21 | 1,452 | 60 | 17 | 1.2 | 139 |
| Wilkes-Barre | 1,511 | 6,567 | 177 | 11.7 | 171 | 15 | 1,148 | 47 | 4 | .3 | 23 |
| Puerto Rico: San Juan | 1,080 | 8,536 | 0 | | 18 | 0 | 1,062 | 109 | 22 | 2.1 | 208 |
| Rhode Island: Providence [1] | | | | | | | | | | | |
| South Carolina: Columbia | 1,983 | 7,711 | 90 | 4.5 | 60 | 10 | 1,823 | 55 | 7 | .4 | 304 |
| South Dakota: Sioux Falls | 1,541 | 6,754 | 111 | 7.2 | 123 | 3 | 1,304 | 44 | 9 | .7 | 162 |
| Tennessee: Nashville | 2,704 | 6,852 | 44 | 1.6 | 103 | 24 | 2,533 | 72 | 8 | .3 | 370 |
| Texas: | | | | | | | | | | | |
| Dallas | 959 | 7,364 | 42 | 4.4 | 32 | 0 | 885 | 7 | 0 | | 73 |
| Houston | 742 | 7,619 | 110 | 14.8 | 35 | 6 | 591 | 32 | 7 | 1.2 | 64 |
| Lubbock | 928 | 7,246 | 0 | | 28 | 6 | 894 | 20 | 1 | .1 | 89 |
| San Antonio | 369 | 7,626 | 112 | 30.4 | 8 | 2 | 247 | 9 | 4 | 1.6 | 19 |
| Waco | 967 | 6,972 | 17 | 1.8 | 42 | 0 | 908 | 8 | 1 | .1 | 65 |
| Utah: Salt Lake City | 1,003 | 7,970 | 25 | 2.5 | 25 | 0 | 953 | 28 | 0 | | 332 |
| Vermont: White River Junction | 255 | 5,425 | 245 | 96.1 | 5 | 0 | 5 | 3 | 1 | 20.0 | 5 |
| Virginia: Roanoke | 3,953 | 7,382 | 49 | 1.2 | 228 | 17 | 3,659 | 90 | 28 | .7 | 713 |
| Washington: Seattle | 799 | 7,580 | 25 | 3.1 | 25 | 10 | 739 | 36 | 15 | 2.0 | 119 |
| West Virginia: Huntington | 2,826 | 6,861 | 1 | .0 | 128 | 18 | 2,679 | 234 | 107 | 4.0 | 592 |
| Wisconsin: Milwaukee | 2,159 | 6,911 | 1,371 | 63.5 | 77 | 15 | 696 | 45 | 19 | 2.7 | 139 |
| Wyoming: Cheyenne | 410 | 8,248 | 78 | 19.0 | 13 | 0 | 319 | 18 | 5 | 1.6 | 33 |

[1] No portion of region eligible for direct loans.

The PRESIDING OFFICER (Mr. NEUBERGER in the chair). The committee amendments will be stated.

The first amendment of the Committee on Banking and Currency was on page 7, line 22, after the word "that", to strike out "date." " and insert "date."; after line 22, to insert:

(g) (1) The Administrator shall commence the processing of any application for a loan under this section upon the receipt of such application, and shall continue such processing notwithstanding the fact that the assistance of the Voluntary Home Mortgage Credit Committee has been requested by the Administrator for the purpose of ascertaining whether or not such loan can be placed with a private lender.

The amendment was agreed to.

The next amendment was on page 8, after line 4, to insert:

(2) If the assistance of such Committee has been requested by the Administrator in connection with any such application, and the Administrator is not notified by such Committee within (A) 20 days after such assistance has been requested, or (B) 20 days after the date of enactment of this subsection, whichever is the later, that it has been successful in enabling the applicant to place such loan with a private lender, the Administrator shall proceed forthwith to complete any part of the processing of such application remaining unfinished, and to grant or deny the application in accordance with the provisions of this section.

The amendment was agreed to.

The next amendment was at the top of page 9, to strike out:

(c) Subsection (d) of such section 513 is amended (1) by striking out "1957" and inserting "1958"; (2) by inserting immediately after "so advanced" the following: "under this sentence"; and (3) by inserting immediately after the first sentence therein the following new sentence: "The Secretary of the Treasury shall also advance to the Administrator from time to time until July 25, 1958, such additional sums as the Administrator may request (not in excess of the difference between the amounts advanced under this subsection after June 30, 1955, and the maximum amounts which could have been advanced upon the request of the Administrator after June 30, 1955, and before the date of the request)."

And, in lieu thereof, to insert:

(c) Subsection (d) of such section 513 is amended by inserting immediately after the first sentence a new sentence as follows: "The Secretary of the Treasury shall also advance to the Administrator from time to time until July 25, 1958, such additional sums not in excess of $50 million as the Administrator may request."

Mr. THURMOND. Mr. President, I call up my amendment designated "6–26–57–A."

Mr. SPARKMAN. Mr. President, will the Senator from South Carolina yield for a parliamentary inquiry?

Mr. THURMOND. I yield.

The PRESIDING OFFICER. The Senator from Alabama will state his parliamentary inquiry.

Mr. SPARKMAN. May I understand whether the second amendment, the one just referred to when the announcement was made, has been agreed to?

The PRESIDING OFFICER (Mr. NEUBERGER in the chair). The Chair was putting the question when the Senator from South Carolina arose.

Mr. SPARKMAN. Therefore, the amendment has not been agreed to.

The PRESIDING OFFICER. No.

Mr. THURMOND. Mr. President, I call up the amendment designated "6–26–57–A," offered by myself, Mr. HILL, Mr. MURRAY, Mr. NEELY, Mr. KENNEDY, Mr. MCNAMARA, Mr. MORSE, Mr. IVES, Mr. GOLDWATER, Mr. ALLOTT, Mr. COOPER, Mr. PURTELL, and Mr. SMITH of New Jersey to H. R. 4602, the veterans' housing bill.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The Chief Clerk read as follows: On page 9, line 18, it is proposed to strike out "1958" and insert in lieu thereof "1959."

Mr. THURMOND. Mr. President, in addition to those Senators whom I have named as sponsors of the amendment, I ask unanimous consent that the junior Senator from Alabama [Mr. SPARKMAN] be added as a sponsor of the amendment.

The PRESIDING OFFICER. Without objection, the name of the junior Senator from Alabama will be added.

Mr. THURMOND. Mr. President, this amendment to the committee amendment is the first of a series of amendments which I intend to offer to H. R. 4602, for the purpose of extending the home loan guaranty program for World War II veterans for a period of 1 year from July 25, 1958, its present expiration date. The direct home loan program is extended for a like period by the other amendments. In the event my first amendment prevails, the other amendments to which I have referred should be adopted to effectuate the extensions.

Mr. President, as chairman of the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare, I desire to call the attention of the Senate to a situation concerning our World War II veterans which now exists and which is becoming more aggravated each

day. I refer to the inability of our World War II veterans to obtain loans for the purchase of homes, under the liberal downpayment and maturity provisions and at the 4½ percent interest rate now prescribed by the Servicemen's Readjustment Act of 1944. As Senators are aware, under Public Law 898, 84th Congress, enacted August 1, 1956, the right of World War II veterans to use their home loan guaranty entitlements will expire on July 25, 1958.

In a hearing before my subcommittee on June 3, 1957, it was clearly indicated that there are many World War II veterans who intended to use their loan guaranty entitlements by July 25, 1958. Unfortunately, due to the tight money market, it has become quite clear that a large number of these veterans will not be able to use their entitlements by July 1958, and that the program will phase out more rapidly than was anticipated by the Congress.

One of the reasons for this situation is that lenders have been charging unconscionable discounts to builders and sellers. I understand these discounts have been increasing during the past year, so that at present they range up to 9 and 10 points in some parts of the country. Under the law, these discounts cannot be passed along to the veteran, at least openly. However, the builders and sellers are reluctant to absorb the discounts, and commonsense tells us that it is the veteran home purchaser who ultimately suffers from this situation. Yet, without the discounts, the lenders refuse to make loans at 4½ percent.

That this has caused serious harm to the guaranty loan program, there can be no doubt. Very little loan activity exists today, although a large number of veterans were expected to exercise their loan entitlement rights this year and through July 1958. In fact and in answer to a specific question propounded at the hearings of my subcommittee, it was stated by the Veterans' Administration that as of January 1957, it expected from 850,000 to 900,000 World War II veterans to use their loan entitlements, or declare their intention to use them, by having applications filed by July 1958.

The VA's assumption was based on three premises:

First. That builders would, if construction and permanent mortgage money was available in reasonably plentiful supply, build at prices to meet the needs of the average-income veteran.

Second. That the demand for capital money by industry and others would have lessened by the middle or fall of this year and free funds for mortgage investment.

Third. That the funds from the amortization of principal or prepayment of loans and the payment in full of loans on the $100 billion outstanding mortgage debt as of December 1956, would represent a tidy sum of some $11½ billion or $12 billion for investment in new mortgages.

In connection with the last point, I have been informed by reliable sources that those institutions which invest primarily in mortgages may this fall be looking for mortgages if our present rate of housing starts declines and the general apathy of the buying public persists. I have heard reports that those veterans who now own homes, and have not used their entitlements and desire to purchase new homes, are either confronted with the inability to finance the sale of their old homes, particularly if the sale is to another veteran or are unable to finance the new homes with GI loans at 4½ percent. In the latter case, the builder or seller will refuse to pay the unconscionable discounts I previously mentioned.

There are many more facets to this mortgage-financing picture which have affected our World War II veterans. However, I am informed that the hard-money policy of the administration, which has been aired by my colleagues in the several committees and on the floors of both Houses of the Congress, has proved to be one of the deterrents to the use of guaranty entitlements by our veterans.

A review of the testimony of witnesses, before the House Veterans' Affairs and the House Banking and Currency Committees, advocating an increase in the GI interest rate to 5 percent, shows that no assurances were given that the increase in the rate would assure plentiful money for GI loans. There was no indication that loans at 5 percent would be made at par. Discounts would prevail at a lesser degree, maybe, but it was and now is evident that discounts would still be in the picture. This is borne out by the marketing of FHA loans, which now bear 5-percent interest but which are nevertheless selling at substantial discounts in most areas of the country.

We are told by the authorities in this field that there are some "straws in the wind" of an easing in the supply of mortgage funds. In addition, the provisions of the bill H. R. 4602, which we are now considering, is bound to have some impact on the capital market. It is my view that we should observe the consequences of these actions and the trend in the supply of mortgage funds, rather than contribute to the interest rate spiral by rushing headlong into an increase in the GI loan rate. However, it would be manifestly unfair to World War II veterans to allow their loan entitlements to expire while we are awaiting the outcome of this situation.

Therefore, I am offering an amendment which will afford World War II veterans additional time within which to make use of their loan entitlements. This extension would allow the program to run until July 25, 1959, with an added year for processing. The direct loan program would be extended for a like period, to take care of our veterans living in rural areas, when private capital is not available.

I do not want to belabor the point by discussing all of the economic problems resulting from lack of mortgage funds; but if we are to help the veterans who intended to use their GI entitlements by July 1958, and who currently and in the foreseeable future will be precluded from doing so, because of factors over which they have no control, a proposal such as this is no more than fair and equitable.

Finally, I point out that the loan-guaranty program is within the jurisdiction of the Committee on Labor and Public Welfare, and that every member of this committee has joined as a cosponsor of the amendment. Also a cosponsor is the distinguished junior Senator from Alabama [Mr. SPARKMAN], who has been so greatly interested in housing, and who, over the years, has done work of particular excellence in connection with the veterans' housing program. The junior Senator from Alabama is the father of the program of direct loans to veterans. This program, in my judgment, is one of the most far-sighted, beneficent programs ever provided by Congress. It fills a yawning gap in the overall mortgage situation by providing Government loans to veterans located in rural areas, which do not normally attract private capital.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. THURMOND] and other Senators to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment, as amended.

The amendment, as amended, was agreed to.

Mr. THURMOND. Mr. President, I call up my amendments designated "6–26–57–B" and ask that they be read. I point out that the Senators who joined in sponsoring my amendment designated "6–26–57–A," are also sponsors of the amendments about to be read.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). The amendments offered by the Senator from South Carolina for himself and other Senators will be stated for the information of the Senate.

The CHIEF CLERK. On page 7, line 19 it is proposed to strike out "1958" and insert in lieu thereof "1959."

One page 8, line 18, strike out "1958" and insert in lieu thereof "1959."

On page 8, line 25, strike out "1959" and insert in lieu thereof "1960."

On page 10, after line 19, insert a new section as follows:

SEC. 4. (a) Section 500 (a) of the Servicemen's Readjustment Act of 1944 (38 U. S. C. 694) is amended by striking out "11" and inserting in lieu thereof "12."

(b) Subsection (g) of such section is amended to read as follows:

(g) Notwithstanding any other provision of this title, if a loan report or an application for loan guaranty relating to a loan under this title has been received by the Administrator on or before July 25, 1959, such loan may be guaranteed or insured under the provisions of this title on or before July 25, 1960.

(c) Section 507 of such act (38 U. S. C. 694h) is amended by striking out "11" and inserting in lieu thereof "12."

Mr. THURMOND. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Alabama [Mr. SPARKMAN] may be added as a cosponsor of my amendments.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). Without objection, it is so ordered.

Does the Senator from South Carolina desire to have his amendments considered en bloc?

Mr. THURMOND. Yes, Mr. President; I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing en bloc to the amendments of the Senator from South Carolina.

The amendments were agreed to.

Mr. JAVITS. Mr. President, this bill, which deals with the Veterans' Administration direct-loan program, is of great interest to New York, although we recognize that it does not apply to large metropolitan areas, but, to the contrary, applies to rural areas or cities and towns not near large metropolitan centers.

The reason for our interest in the bill is that it relates, first, to home ownership and home construction, and, second, to the general availability of mortgage credit.

When I was a Member of the other body, I favored very much the direct-loan program; and I thought in fairness to our veterans it should be carried through and should be effective; and I believed that when normal credit sources were not available, we should make special provision, through direct loans.

I am very glad here to lend my support to the same effort, although, in this case, it does not strictly concern housing in our particular metropolitan areas. I hope very much that Senators in whose States there are particular areas which are affected by this proposed legislation, and who sponsor these amendments, will also be responsive to the problems of our veterans. With the Veterans' Administration program expiring, and with the need for housing undiminished, and in some places even growing, and with the effort to own homes being one of the most salutary manifestations of our social system, we are glad to join with the Senators who are responsible for the submission of these amendments. We have also been glad to join in bringing about the reduction in the required downpayments under the FHA loan program. I hope other amendments will be brought forward, so as to enable us to keep the housing condition fluid and to enable those who can no longer take advantage of the Veterans' Administration program to have some opportunity to acquire housing.

I hope all Senators who are interested in housing will recognize that we are cooperating, and that when it is possible for one area or one aspect of the housing demand to be satisfied, those of us who have no direct interest in it are nevertheless glad to cooperate, because of our feeling that provision for housing is a common cause. I also hope that, on the other hand, when we have some need of help, as we did with respect to the downpayment situation, we may have the cooperation of Senators who at the time may have no direct or particular interest in the matters regarding which we seek assistance, but who recognize that the whole housing effort, especially in the case of housing for veterans, constitutes a common cause.

Mr. President, let me conclude by pointing out that there is really nothing greater, in terms of the help we have given by means of the programs for veterans, than our aid to veterans to enable them to obtain education and our aid to veterans to enable them to obtain housing. There are significant milestones in our country's recognition of the special opportunities to which the veterans are entitled by reason of the fact that for some of the most productive years of their lives they have enlisted themselves in the service of their country.

I know of no veteran worthy of his salt who seeks any special break because he served the United States. These programs represent, on the other hand, our recognition of the need to make up to them for the productive years and the earning power they have lost while they have been in the service of their country.

Therefore, I am pleased to support what has transpired with respect to the amendments, and I am also pleased to support the entire measure, in the spirit which I have described.

Mr. THURMOND. Mr. President, I appreciate the deep concern of the distinguished Senator from New York [Mr. JAVITS] for our veterans. He himself is a distinguished veteran. I desire to assure him of the sincere and continuing interest of the Veterans' Committee in the welfare of the veterans. I also assure him that we shall carefully consider any proposal on behalf of our veterans which is reasonable and proper.

If it were not for our veterans, we would not have a country today. They have fought and died for our country. To my way of thinking, no group of citizens deserve greater consideration than do our veterans.

Therefore, Mr. President, I desire to thank the distinguished Senator from New York for his remarks.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 4602) was read the third time and passed.

Mr. SPARKMAN. Mr. President, I move that the Senate insist upon its amendments to the bill, request a conference thereon with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. DOUGLAS, Mr. BRICKER, and Mr. BENNETT the conferees on the part of the Senate.

## STAR PRINT OF REPORT NO. 820 OF H. R. 3028, TO PROVIDE FOR THE RELIEF OF CERTAIN FEMALE MEMBERS OF THE AIR FORCE

Mr. O'MAHONEY. Mr. President, I ask unanimous consent to have a star print made of Report No. 820, submitted on Monday, August 5, from the Committee on the Judiciary, on Calendar No. 843, House bill 3028. This measure, which provides for the relief of certain female members of the Air Force, was recommended for enactment by the subcommittee of which I was chairman on Monday; and the recommendation was adopted unanimously by the Judiciary Committee. Among the recommendations we made was that the Career Compensation Act of 1945 be amended so that the occurrences which have made this relief bill necessary will not occur again. The recommendation for that amendment was that the bill be sent to the Armed Services Committee.

Therefore, Mr. President, I ask unanimous consent that a star print may be made of the report, showing the recommendation of the committee for the reference of the bill to the Armed Services Committee, which recommendation was omitted from the print, as filed, and that the bill be referred to the Armed Services Committee, for its consideration, with the recommendation for the amendment of the Career Compensation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

## INCREASE OF FEES CHARGED ON TRANSACTIONS ON NATIONALLY RECOGNIZED EXCHANGES

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 620, Senate bill 2520.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 2520) to amend section 31 of the Securities Exchange Act of 1934, which had been reported from the Committee on Banking and Currency, with amendments, on page 2, line 11, after the word "Treasury" insert the following: "as necessary or appropriate in the public interest or for the protection of investors; securities which are direct obligations of or obligations guaranteed as to principal or interest by a State or any political subdivision thereof or any agency or instrumentality of a State or any political subdivision thereof or any municipal corporate instrumentality of one or more States."

On page 2, after line 19, insert the following:

"SEC. 2. This act shall apply to transactions occurring on and after the 90th day after the date of its enactment.

So as to make the bill read:

*Be it enacted, etc.*, That section 31 of the Securities Exchange Act of 1934, as amended, is amended by designating the present provisions thereof as subsection (a) and by substituting in the second sentence thereof the words "one two-hundredths of 1 percent" for the words "one five-hundredths of 1 percent" and by adding the following two new paragraphs at the end thereof:

"(b) Every registered broker-dealer shall pay to the Commission on or before April 15 of each calendar year a registration fee for the privilege of doing business as a registered broker or dealer during the preceding calendar year or any part thereof. Such fee shall be in an amount equal to one two-hundredths of 1 percent of the aggregate dollar amount of the price of securities (other than securities which are direct obligations of or obligations guaranteed as to

principal or interest by the United States or such securities issued or guaranteed by corporations in which the United States has a direct or an indirect interest as shall be designated for exemption from the provisions of this section by the Secretary of the Treasury) as necessary or appropriate in the public interest or for the protection of investors; securities which are direct obligations of or obligations guaranteed as to principal or interest by a State or any political subdivision thereof or any agency or instrumentality of a State or any political subdivision thereof or any municipal corporate instrumentality of one or more States sold as a broker or dealer otherwise than on a national securities exchange during the preceding calendar year and subsequent to the registration as a broker or dealer.

"(c) Every national securities exchange and every registered broker or dealer shall make such reports as the Commission by its rules and regulations may prescribe as necessary or appropriate to carry out the purposes of this section."

SEC. 2. This act shall apply to transactions occurring on and after the 90th day after the date of its enactment.

Mr. JOHNSON of Texas. Mr. President, S. 2520 is a bill designed to increase the revenue received by the United States Treasury from fees paid for services rendered by the Securities and Exchange Commission. Part of these fees are charged on transactions handled on the national securities exchanges. Under the present provisions of section 31 of the Securities Exchange Act of 1934, this particular fee is computed at the rate of 2 cents per $1,000 on transactions. The bill under consideration would increase this rate to 5 cents per $1,000 on such transactions. The fee is payable on or before March 15 of each year, but is computed on transactions handled during the preceding calendar year on national securities exchanges.

In addition, it would, for the first time, make the fee at the same rate of 5 cents per $1,000 apply to transactions handled on the over-the-counter market by registered brokers and dealers. This fee will be payable on or before April 15 each year, and will be computed on transactions handled by registered brokers or dealers during the preceding calendar year.

During the fiscal year ended June 30, 1956, the United States Treasury received from all SEC fee sources a total of $2,074,211. It is estimated that had the rates proposed by this bill then been in effect, a total of approximately $4,250,000 would have been raised. It is interesting to note that this total would still fall short of the actual cost of administering the Commission that year, amounting to $5,276,725. However, the bill, if enacted into law, will have the effect of narrowing the gap between the cost of administering the Commission and amounts raised from fees charged for services of the Commission in the course of such administration. In this respect it will tend to carry out arguments made by Senator Glass during Senate debate on the original Securities Exchange Act of 1934, to the effect that those who use the exchanges ought to pay the costs of the Commission rather than the Federal taxpayers.

It has been the practice of the national securities exchanges to pass the cost of this fee on to investors. It is expected a similar practice will be followed by registered brokers and dealers with regard to the fee to be charged them under this bill. The incidence of these fees may be expected therefore to fall upon those who make use of the securities markets. The fees will have the added advantage of raising more revenue for the United States Treasury without increasing Federal taxes. The proposed fees are not taxes, but, rather, constitute charges for the privilege of doing business assessed primarily against national securities exchanges and registered brokers and dealers.

The Securities and Exchange Commission has suggested to the committee that this bill would provide an equitable means of substantially increasing the reimbursement to the Treasury for the Commission's cost of operation by spreading the impact of the fees over all the investing public for whose benefit the various acts administered by the Commission were enacted, without imposing any undue burden upon any securities industry, organization, or group, or class of investors. The substance of this bill was discussed during public hearings held by your committee's Subcommittee on Securities between May 20 and 29, 1957.

Two committee amendments to this bill were reported favorably to the Senate on July 18. The first will have the effect of excluding transactions in municipal obligations from over-the-counter transactions on which the fee charged registered brokers and dealers is to be computed. These obligations are already included within the definition of exempted security contained in the 1934 act. It is understood they were not expressly exempted from the fees charged national securities exchanges because no municipal obligations are listed on any of those exchanges. However, they are traded on the over-the-counter market. By virtue of their status as exempted securities, SEC has little regulatory jurisdiction over them. Consequently, it is justifiable to exclude them from transactions on which over-the-counter fees are to be computed.

The second committee amendment will make this entire bill apply only to transactions occurring 90 days or more after its enactment. This period of grace will enable exchanges and registered brokers and dealers to make the necessary modifications in their present business practices in order to make it possible for them to pay, when due, the fees to be charged under this bill.

The committee urges immediate passage of the bill.

Mr. SALTONSTALL. Mr. President, is the Senator asking that the bill be considered?

Mr. JOHNSON of Texas. I made a motion that the Senate proceed to its consideration.

Mr. SALTONSTALL. Is the bill before the Senate?

Mr. JOHNSON of Texas. It is.

Mr. SALTONSTALL. I should like to ask the Senator a question, if he is in charge of the bill. I have received some letters in opposition to the bill. I do not believe I shall oppose it, but, for the sake of the RECORD, does the Senator know how much is realized from the present fees and how much would be realized from the increase in the fees? It is my understanding one of the fees is increased.

Mr. JOHNSON of Texas. During the fiscal year ended June 30, 1956, the United States Treasury received from all SEC fee sources a total of $2,074,211. It is estimated that had the rates proposed by the bill then been in effect, a total of approximately $4,250,000 would have been received. It is interesting to note that this total would still fall short of the actual cost of administering the Commission that year, amounting to $5,276,725.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

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## PROVISION FOR ORGANIZING AND MICROFILMING PAPERS OF THE PRESIDENTS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 635, H. R. 7813.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 7813) to organize and microfilm the papers of Presidents of the United States in the collections of the Library of Congress.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, I wish to say a few words in favor of H. R. 7813.

I introduced a companion bill on July 8 of this year. My friend, the distinguished senior Senator from Missouri [Mr. HENNINGS], had introduced a similar bill prior to that time. I am happy to say that the House has taken action to expedite this program by passing H. R. 7813.

I know that I speak for the Senator from Missouri [Mr. HENNINGS], as well as myself, when I say that we are today taking a great step toward preserving our country's historic papers for generations of Americans to come.

H. R. 7813 provides for organizing and microfilming the papers of 23 American Presidents. These papers are in the Library of Congress.

In the Library's collections are the papers of such great Americans as Washington, Jefferson, Madison, Monroe, Jackson, Lincoln, Theodore Roosevelt, and Woodrow Wilson. I understand that, all told, there are 1,768,000 pieces which will be organized and microfilmed under this program.

We can get an idea of the scope of this undertaking from the account given us, by the Manuscript Division of the Library, of just one President's papers—those of Theodore Roosevelt.

There are 20,000 pieces of the Roosevelt collection to be arranged. Over 400,000 microfilm exposures must be made. Index cards will run over a quarter of a million.

This is obviously a considerable undertaking. But that it is an important and necessary task, no one can doubt. For these papers constitute part of the heritage of our people. They reflect the period of our beginnings as a nation; of our westward expansion; of our terrible Civil War; of our industrial and social growth; and of our complete involvement in the affairs of the world.

Their value to historians is beyond account. This bill is designed to give us a master negative of these papers, from which universities and libraries all over the country may be supplied with reproductions; and it is certainly important, in this nuclear age, that we take steps to disperse our historic records throughout the land. H. R. 7813 will help us to do that.

The cost of this program is $720,000. It will be spread out over a 5-to-10-year period.

I cannot easily conceive of how money might be better spent, Mr. President. Now that we have depositories for the papers of the Hoover years, the Roosevelt years, and the Truman years, we should today provide an effective means of caring for the papers of the more distant past.

I understand the bill was unanimously passed by the House of Representatives. I hope it will be passed by the Senate.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. BIBLE. Mr. President, I move to lay the motion of the Senator from Texas on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada to lay on the table the motion of the Senator from Texas.

The motion to lay on the table was agreed to.

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## AMENDMENT OF DISTRICT OF COLUMBIA HOSPITAL CENTER ACT

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 615, S. 1908, the District of Columbia Hospital Center Act.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1908) to amend the District of Columbia Hospital Center Act in order to extend the time and increase the authorization for appropriations for the purposes of such act, and to provide that grants under such act may be made to certain organizations organized to construct and operate hospital facilities in the District of Columbia.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments on page 2, after line 4, to strike out:

SEC. 2. Section 6 of such act of August 7, 1946, is amended (1) by striking out "1957" and inserting in lieu thereof "1958", and (2) by striking out "$35,000,000" and inserting in lieu thereof "$38,000,000."

And insert:

SEC. 2. Section 5 of such act of August 7, 1946, is amended to read as follows:

"SEC. 5. Thirty percent of the net amount expended by the Administrator of General Services under this act shall be charged against the District of Columbia and shall be repaid to the Government by the Commissioners of the District of Columbia at the annual rate, without interest, of 3 percent of such 30 percent. The District of Columbia shall be entitled to 30 percent of the sale price of any of the properties sold by the Administrator of General Services under section 2 of this act, other than properties the value of which is deducted from the gross amount expended to determine the net amount upon which the 30 percent to be charged against the District of Columbia is computed, and the District of Columbia shall also be entitled to receive 30 percent of any rentals received from the leasing of any of the hospital facilities acquired or constructed by the Administrator of General Services under this act. The amounts which may be due the District hereunder shall be credited on the amount owed the Government by the District of Columbia until such obligation of the District is discharged in full."

On page 3, after line 5, to insert:

SEC. 3. Section 6 of such act of August 7, 1946, is amended (1) by striking out "1958" and inserting in lieu thereof "1959", and (2) by striking out "$36,710,000" and inserting in lieu thereof "$39,710,000."

And, after line 9, to insert:

SEC. 4. The amendment made by this act to section 5 of such act of August 7, 1946, shall apply only with respect to grants from funds authorized by amendments made by this act.

So as to make the bill read:

*Be it enacted, etc.*, That the last sentence of the first section of the act entitled "An act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, to authorize the making of grants for hospital facilities to provide agencies in the District of Columbia, to provide a basis for repayment to the Government by the Commissioners of the District of Columbia, and for other purposes", approved August 7, 1946 (60 Stat. 896), as amended, is amended by inserting after "operating" a comma and "or organized to construct and operate."

SEC. 2. Section 5 of such act of August 7, 1946, is amended to read as follows:

"SEC. 5. Thirty percent of the net amount expended by the Administrator of General Services under this act shall be charged against the District of Columbia and shall be repaid to the Government by the Commissioners of the District of Columbia at the annual rate, without interest, of 3 percent of such 30 percent. The District of Columbia shall be entitled to 30 percent of the sale price of any of the properties sold by the Administrator of General Services under section 2 of this act, other than properties the value of which is deducted from the gross amount expended to determine the net amount upon which the 30 percent to be charged against the District of Columbia is computed, and the District of Columbia shall also be entitled to receive 30 percent of any rentals received from the leasing of any of the hospital facilities acquired or constructed by the Administrator of General Services under this act. The amounts which may be due the District hereunder shall be credited on the amount owed the Government by the District of Columbia until such obligation of the District is discharged in full."

SEC. 3. Section 6 of such act of August 7, 1946, is amended (1) by striking out "1958" and inserting in lieu thereof "1959", and (2) by striking out "$36,710,000" and inserting in lieu thereof "$39,710,000."

SEC. 4. The amendment made by this act to section 5 of such act of August 7, 1946, shall apply only with respect to grants from funds authorized by amendments made by this act.

Mr. JOHNSON of Texas. Mr. President, I ask that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, the amendments will be considered en bloc.

The question is on agreeing en bloc to the committee amendments.

The amendments were agreed to.

Mr. BIBLE. Mr. President, I ask unanimous consent to have printed in the RECORD a statement concerning the purpose of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The purpose of this bill is to amend the District of Columbia Hospital Center Act so as to accomplish the following:

The first section of the bill amends the act of August 7, 1946 (60 Stat. 896), as amended, to provide that grants under such act may be made to certain organizations organized to construct and operate hospital facilities in the District of Columbia. Present law applies only to those hospitals that are actually operating.

Section 2 of the bill provides that 30 percent of the net amount expended by the Federal Government shall be charged to the District of Columbia and shall be repaid by the Commissioners of the District of Columbia at an annual amortization rate of 3 percent, without interest. This would change the present formula of 25 percent of the total cost of the facility being borne by the District Commissioners to 15 percent of the total cost. The Federal Government would be obligated to pay 35 percent of the total cost of the facility, and the private agency shall obligate itself to pay 50 percent of the cost of any project for which such grant is made.

* * * * *

Section 3 of the bill authorizes an increase in the appropriations from $36,710,000 to $39,710,000, and extends the period of authorization for appropriations to carry out the purposes of the act from the present expiration date of June 30, 1958, to June 30, 1959.

Section 4 provides that the formula as set forth in section 2 of the bill shall be confined to those grants from funds that are authorized by the amendments made to the act of August 7, 1946 by S. 1908.

The Greater Southeast Community Hospital Foundation, Inc., has been organized

with the intention of constructing and operating a hospital in the southeast area of the District of Columbia. The foundation plans to establish a 250-bed nonsectarian general hospital to serve the 280,000 residents of the southeast community. The testimony before the Subcommittee on Public Health, Education, Welfare, and Safety at hearings held on June 5, 1957, indicated that the southeast area is sorely in need of hospital facilities.

Mr. BIBLE. Mr. President, I ask unanimous consent that a statement prepared by the Senator from Oregon [Mr. MORSE], the chairman of the subcommittee which considered the bill, likewise be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE ON S. 1908

The purpose of this bill is to amend the District of Columbia Hospital Center Act so as to provide that—

1. Grants under such act may be made to certain organizations organized to construct and operate hospital facilities in the District. Present law applies only to those hospitals that are actually operating.

2. Thirty percent of the net amount expended by the Federal Government shall be charged to the District and shall be repaid by the Commissioners of the District of Columbia at an annual amortization rate of 3 percent, without interest. This would change the present formula of 25 percent of the total cost of the facility being borne by the District Commissioners to 15 percent of the total cost. The Federal Government would be obligated to pay 35 percent of the total cost, and the private agency shall obligate itself to pay 50 percent of the cost of any project for which such grant is made.

3. The District of Columbia shall be entitled to 30 percent of the sale price of any of the properties sold by the Administrator of General Services under the act of August 7, 1946; and shall also be entitled to receive 30 percent of any rentals received from the leasing of any of the hospital facilities acquired or constructed by the Administrator of General Services under such act. The funds which the District may be entitled to under the act of August 7, 1946, shall be credited against the 30 percent which is to be repaid by the District government to the Federal Government and the liability reduced by such amount.

4. The appropriations authorization shall be increased from $36,710,000 to $39,710,000, and extends the period of authorization for such appropriations to carry out the purposes of the act from the present expiration date of June 30, 1958, to June 30, 1959.

5. That formula as set forth in section 2 of the bill shall be confined to those grants from funds that are authorized by the amendments made to the act of August 7, 1946, by S. 1908.

Section 5 of the act approved August 7, 1946, provided a formula whereby the District was liable only for 30 percent of the net amount to be expended by the Federal Government, and the Federal share was 70 percent. Together these amounts were used to match the funds of the private agencies. This formula was changed by the act approved October 25, 1951, whereby the District would presently pay one-half of the matching funds granted by the Federal Government to the hospital agencies. In effect, this means that 25 percent of the total cost of the hospital facility is borne by the District government and 25 percent by the Federal Government. This bill would make the formula exactly as it was in the original act.

The Greater Southeast Community Hospital Foundation, Inc., has been organized with the intention of constructing and operating a hospital in the southeast area of the District of Columbia. The foundation plans to establish a 250-bed nonsectarian general hospital to serve the 280,000 residents of the southeast community. The testimony before the Subcommittee on Public Health, Education, Welfare, and Safety indicated that the southeast area is sorely in need of hospital facilities. There is only one private 60-bed hospital within that one-quarter section of the District. Enactment of S. 1908 will allow the foundation time in which to raise the funds from private sources necessary to be matched with Federal funds for the construction of a hospital in the southeast.

To date, funds made available under the Hospital Center Act have been used solely to construct hospital facilities in the northwest and northeast sections of the District. There are no proposed plans for the construction of a hospital, nor are there any hospitals being constructed in the southeast area, other than the one proposed by the Greater Southeast Community Hospital Foundation, Inc.

Of the $3 million authorized by this legislation, $2,100,000 represents the Federal cost, and $900,000 will be ultimately repaid by the District.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

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## MISUSE OF DROUGHT RELIEF FUNDS IN THE SOUTHWEST

Mr. WILLIAMS. Mr. President, within the past few weeks considerable testimony has been developed showing the rather widespread misuse of drought relief funds in the Southwest.

In the testimony before an Agriculture subcommittee it was established that over $2 million worth of these funds had been used to purchase ineligible feed and to pay book accounts.

One case was cited wherein a man with nothing more than a polo pony and a bird dog had received approximately $500 in relief and had included in his purchases such items as a saddle, polo mallet, Navaho blankets, and other miscellaneous items.

Today I wish to discuss another phase wherein over $1 million of the drought relief funds were thrown away as the result of either gross mismanagement or ignorance.

Under the drought relief program of 1953 the Commodity Credit Corporation furnished cottonseed pellets, and in the delivery the Commodity Credit Corporation paid all freight charges.

The cottonseed meal owned or purchased by the Commodity Credit Corporation was not in a pellet form, thereby necessitating shipment to a mill for pelleting prior to reshipment to final destination for distribution to the stock owners.

In billing such shipments with the railroads it is a normal practice, known to anyone connected with transportation, to utilize "milling-in-transit" privileges. By marking the invoice with "milling-in-transit" privileges the car of cottonseed meal could have been stopped at the mills, pelleted, and then reloaded in a car for transmittal to final destination. The railroads make an extra charge for the stopover, but the transit rate is substantially lower than two separate billings.

The Commodity Credit Corporation failed to properly invoice these cars of cottonseed meal. Instead they shipped the cars to the mill and then issued a new bill of lading for a second shipment to final destination.

The difference in these procedures may appear complicated to someone not familiar with the grain industry, but to anyone connected with the grain industry it is merely a routine practice.

The net result of this erroneous or careless billing procedure is that the Commodity Credit Corporation in 1953 paid over $1 million in unnecessary freight charges.

This represents one further example of the inexcusable negligence surrounding the administration of this drought relief program, and the official or officials responsible for this action should be removed.

But throwing away thousands by improper freight billings was not enough. The railroad companies had first agreed to haul feed used under the drought relief program at 50 percent of normal rates. On August 3, 1953, the railroad association amended this original offer and nullified the reduction in such freight charges retroactively to July 1, 1953.

The railroads then submitted freight bills to the Commodity Credit Corporation for the retroactive payment of reductions allowed under the previous order, and the Commodity Credit Corporation, apparently overloaded with money, without question forwarded them an estimated $600,000.

To this latter payment the Comptroller General has taken vigorous exception and in his recent report has instructed the Commodity Credit Corporation to take immediately the necessary steps to determine whether this $600,000 cannot be reclaimed.

This is just another instance indicating the widespread mismanagement of the drought relief program under Mr. Kenneth L. Scott and further emphasizes the need of a thorough examination of this program by the Agriculture Committee.

At this point I ask unanimous consent to have printed in the RECORD a statement submitted by the Comptroller General confirming these unnessary payments.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXCESSIVE FREIGHT COSTS UNDER THE 1953 EMERGENCY FEED PROGRAM

In July 1953, CCC started the 1953 emergency feed program to furnish livestock feed at reduced prices to livestock producers in drought disaster areas. The principal objective of the program was to assist farmers, ranchers, and stockmen who could not afford to purchase feed at prevailing market prices for maintenance of their livestock herds and retain a reasonable chance for successful operation during the drought. Under this program, CCC sold substantial quantities of corn, cottonseed meal, oats,

and wheat acquired under price-support programs.

CCC paid the cost of shipping from storage points to local drought areas. A group of railroads, acting through an association, offered a 50 percent reduction in freight charges on such shipments, effective July 1, 1953, as a contribution toward alleviating agricultural distress resulting from the drought.

Cottonseed meal was shipped by rail from storage locations to processing plants for pelleting and reshipment to local drought areas. Pelleting was necessary because of difficulties in feeding plain cottonseed meal where there was no grass or other roughage upon which to spread it. In connection with this movement, CCC incurred excessive freight charges which we have estimated to be about $1 million.

The railroads billed CCC and were paid on the basis of full tariff rates less 50 percent in accordance with the offer made by the association. The reduced charges were applied to two separate hauls—shipments to pelleting plants and shipments from the plants to local areas. CCC did not register shipments to the plants for the transit privilege permitted under the railroads' tariffs so that this privilege could be used as an alternative basis for payment whenever it would result in lower freight charges than the special offer of the railroads. Under the transit privilege, CCC could use a reduced freight rate (through rate) from origin to destination even though the actual movement was separated into two distinct hauls.

Subsequently on August 3, 1953, the association amended the original offer retroactively to July 1, 1953, by nullifying the reduction in freight charges applicable to meal shipped to plants for pelleting. The railroads submitted freight mills for the reduction previously allowed and CCC honored the bills totaling an estimated $600,000.

Even after the amendment was received in August 1953, CCC did not record shipments to pelleting plants for the transit privilege where such privilege would have resulted in lower freight charges. We have estimated that CCC could have saved about $400,000 by applying the transit privilege, where appropriate, on shipments made after the amendment in lieu of taking the 50-percent reduction on shipments from processing plants to drought areas.

RECOMMENDATION TO CCC

We have been informed that CCC cannot claim a refund now by applying the through rate, but we believe that it should delay no longer in making a determination as to whether it can recover the $600,000 which it paid because of the retroactive increase in the freight charges.

## ESTABLISHMENT OF THE UNITED NATIONS FORCE

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 629, Senate Resolution 15, to express the sense of the Senate on the establishment of the United Nations force.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 15) to express the sense of the Senate on the establishment of the United Nations force.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations with amendments.

Mr. JOHNSON of Texas. Mr. President, the purpose of the resolution is to express the sense of the Senate that a force similar in character to the United Nations emergency force created pursuant to resolutions of the United Nations General Assembly of November 3 and 4, 1956, now operating in the Middle East, should be made a permanent arm of the United Nations.

I understand the distinguished Senator from Vermont desires to speak on the resolution. I wish the Senator from Vermont, as well as any other Senators who may desire to speak, would be notified to come to the floor.

## ECONOMIC CONDITIONS IN MONTANA

Mr. MURRAY. Mr. President, during recent months we have witnessed some serious economic developments in the State of Montana which should have our attention.

I believe that the Senate should know of recent shutdowns and layoffs and the dangerous increase in unemployment in the State of Montana. I know that many of my colleagues are concerned over similar situations in their home States and other parts of the country.

Let me summarize the situation in Montana.

The monthly review of the Montana State Employment Service published in June of this year reported that there were more job seekers in Montana in May of this year than since the depression days of about 25 years ago. The number of unemployed was almost 3 times what it was 5 years ago during May 1952.

The June 19 issue of the Great Falls Tribune reported that "Montana leads decline in 1956 building volume." Montana, according to the story, was "the only one of the five Northwestern States that failed to record an increase in building permit volume in May over April." The decline in Montana amounted to 38 percent.

I shall add here a fact of which other Members of the Senate from the Northwest are keenly aware. It is that unemployment is a real problem in all the Northwest States. Last winter the four States of Oregon, Idaho, Montana, and Washington were among the six States in the Nation with the highest rates of unemployment.

The manager of the Billings Chamber of Commerce, Mr. Doane L. Fessenden, recently reported to me that the number of job seekers in the Billings area, as of June 30, 1957, was 275 percent greater than for the same date in 1956. The building and construction industry presented the biggest problem, he said. Then he added:

> This situation indicates the economic need for construction of Yellowtail Dam, construction of which would be of great benefit to business generally.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MURRAY. I yield to my colleague.

Mr. MANSFIELD. Is it not true that the Congress last year passed the Yellowtail Dam resolution?

Mr. MURRAY. That is true.

Mr. MANSFIELD. Is it not true that the President vetoed the bill when it was before him for final consideration?

Mr. MURRAY. That is true.

Mr. MANSFIELD. Is it not true that the Senate has again passed the bill, and it is awaiting action by the House of Representatives?

Mr. MURRAY. That is correct.

Mr. MANSFIELD. Is it not true that the administration had claimed $5 million was too high a price, and that $1½ million was many times greater than the assessed value of the area, comprising some 7,000 acres in the Yellowtail location, but has raised the price this year from $1.5 million to $2.5 million?

Mr. MURRAY. The Senator is correct.

Mr. MANSFIELD. Is it not true that any money appropriated for the building of Yellowtail Dam will be fully repayable to the Government with interest?

Mr. MURRAY. Absolutely.

Mr. MANSFIELD. Is it not true that if the dam is built, it will do for the southeastern part of the State what Hungry Horse has done for the northwestern part, and will bring people and industry, furnish jobs and security, as well as broaden the tax base of the area?

Mr. MURRAY. The Senator is correct.

Mr. MANSFIELD. So for all those reasons, in view of the terrible economic situation of the State of Montana at the present time, which the Senator is so ably describing, it is hoped that if the bill is passed by the House the President this time will see the light and sign the bill.

Mr. MURRAY. I hope so.

Mr. President, last week I received a letter from Paris W. Robert, vice president of the Miners and Merchants Bank, of Roundup, Mont., thanking me for my efforts to help reopen one of the coal mines which had just been closed down there, with 52 men being thrown out of work and 5 men being laid off by the railroad as a consequence. My distinguished colleague from Montana, and the able senior and junior Senators from Washington, and the two Representatives from Montana are also very much aware of the plight of the coal miners and mine operators in Montana and Washington as we have been working together on this problem. Mr. Robert stated in his letter to me that "the unemployment situation in all of Montana, I think, is getting more serious as the days go by."

Mr. MANSFIELD. Mr. President, will the Senator yield again?

Mr. MURRAY. I yield.

Mr. MANSFIELD. Is it not true that the basis of the difficulty in the coal-mining town of Roundup, Mont., is that the Atomic Energy Commission did not see fit, because of conditions inherent in the contract price, to award the usual 100,000-ton-a-year contract to the Roundup mine because the price it bid

was seven-tenths of 1 percent over the price offered by the coal mines in Kemmerer, Wyo.?

Mr. MURRAY. That is absolutely true.

Mr. MANSFIELD. Is it not true that on the basis of the information which the Senators from Washington and the Senators from Montana obtained from Chairman Strauss of the AEC, in a conference held a few days ago, there were many notices sent to the Kemmerer Coal Co., so that that company could consistently lower its price and thereby defeat not only the Roundup coal mine in its effort to get a coal contract, but the coal mining company of Cle Elum and Roslyn in the State of Washington?

Mr. MURRAY. The Senator is correct.

Mr. MANSFIELD. Is it not true that Commissioner Strauss told us there was nothing he could do, but that the decision was up to the General Accounting Office?

Mr. MURRAY. That is true.

Mr. MANSFIELD. Did the General Accounting Office not tell our colleague in the House, Representative ANDERSON, it could do nothing until it received a request from the Atomic Energy Commission?

Mr. MURRAY. That is my understanding.

Mr. MANSFIELD. Is it not further true that the entire Montana delegation has today sent a letter to Commissioner Strauss, the Chairman of the Atomic Energy Commission, asking him to request from the General Accounting Office a statement as to the possibility of awarding a contract to the coal company in Roundup, and whether that matter could be reopened?

Mr. MURRAY. The Senator is correct.

The situation in the Montana metal mines is even worse. Last Thursday the manager of the Mining Association of Montana, Mr. W. G. Maloney, testified before the House Ways and Means Committee that there are 1,500 fewer lead and zinc miners in the Butte area and approximately 2,000 fewer in the State of Montana than 90 days ago.

Those Senators who come from more populous States can appreciate what an effect the layoff of this many men has on the State and local economy. Montana has a population of only some 650,000, and the effect of these layoffs on relief rolls, morale and the welfare of my State's citizens is staggering.

Additionally, a tungsten mine operated by Minerals Engineering Co., Inc., near Dillon was forced to close recently.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. MANSFIELD. The Senator knows whereof he speaks so far as the mining industry of Montana is concerned. As a matter of fact, the Senator in his younger days packed a bucket in the Butte mines.

Mr. MURRAY. That is true.

Mr. MANSFIELD. The Senator knows that at the present time the prices of zinc and lead are certainly below the level at which mines in Montana and elsewhere throughout the country can operate, and, as a result, practically every zinc mine in the State of Montana and many throughout the Nation have been forced to close.

Mr. MURRAY. That is true.

Mr. MANSFIELD. The Senator knows also that once the mines close down the timbers begin to crack, the walls and breasts cave in, the shafts become full of water, and it becomes very expensive proposition to reopen the mines.

Mr. MURRAY. The Senator is correct.

Mr. MANSFIELD. Consequently, there is very little opportunity for some of these mines to be reopened. The result is that the United States is becoming more and more dependent upon imports of lead and zinc, and less and less dependent upon our own domestic economy in that respect.

It is true also, is it not, that within the past 3 days the price of copper has dropped to 28¼ cents a pound?

Mr. MURRAY. That is true.

Mr. MANSFIELD. Is it not true that, so far as the Butte mines are concerned—in the richest ore hill on earth—it requires 31 cents a pound to break even with the expenses of operating the mines?

Mr. MURRAY. That is my understanding.

Mr. MANSFIELD. What is the administration doing to bring relief to the lead and zinc miners, except promising them a long-range minerals program?

Mr. MURRAY. Nothing that I know of.

Mr. MANSFIELD. So there is nothing.

Mr. MURRAY. There is nothing. The program so far has not accomplished anything. The situation is growing worse every day.

Mr. MANSFIELD. Is it not true that the distinguished Senator from Montana, Chairman of the Committee on Interior and Insular Affairs, and the distinguished Representative from the western district, Mr. LEE METCALF, have both introduced measures to bring about a tax on the importation of lead and zinc, to be tied to a living price in this country?

Mr. MURRAY. The Senator is correct.

Mr. MANSFIELD. Is it not true that some legislation of that sort is necessary if the zinc and lead industry is to survive; and if we are not careful, will not the same kind of consideration have to be given eventually to the copper industry? Otherwise the American mining industry will go down the drain.

Mr. MURRAY. The Senator is absolutely correct.

The lineup of hungry but hopeful construction workers before employment offices, the layoff of metal and coal miners, is but part of the picture. Last week the Diamond Match Co., at Superior, Mont., laid off its night shift of 40 workers. This was not a seasonal layoff. In previous years the plant has been going full strength at this time of year. But there is is not enough market for the lumber products. The fact that this plant shift was laid off means a shorter season for the 60 men which the Diamond Match Co. employs in the woods, and thus additional unemployment.

In a telephone conversation with a member of my staff this week the manager of the Diamond Match Co. plant was asked whether other employment was available in the area to the 40 men who were laid off. The manager replied that there was not, that there had been some mines operating in the area but that they were closed now. And, of course, if these unemployed lumber workers sought employment in some of the mining areas of Montana they would find long lines of unemployed miners ahead of them at the employment offices.

Yesterday I received word that the Anaconda Co.'s lumber mill at Bonner has laid off one shift of workers, for similar reasons. The mill formerly employed two shifts, 6 days a week. Now it operates one shift, 5 days a week. Sixty-seven men were affected by this layoff in this lumber mill, plus 10 men who were employed in the woods. And so Missoula, which is but a few miles from the Bonner mill, joins Butte, Anaconda, Billings, Roundup, and Superior as a community where rising unemployment is creating great hardship for the citizens and local governments of my State.

The farmers and ranchers of Montana are in trouble too. Recently the small cattlemen of my State formed a new organization, the Montana Cattlemen's Association. Jack Toole, the president of the association, stated in a guest editorial in the Great Falls Tribune dated July 30, that "Montana cattlemen, with over a billion dollars invested in land and cattle, are earning no returns whatsoever on their investment." The principal reason for this, he said, is that "the big packer is taking more than his fair share of the meat dollar and by maintaining 'wartime' retail meat prices and continuing depression on the hoof prices. Consumption of beef is much lower now than it should be."

Senators who come from cattle States know what he is talking about. In 1952, when cattle were selling at $26.20 per hundredweight, it required 5,600 pounds of cattle to buy a $1,490 combine. Today the price of that combine has gone up $100. The price of beef has gone down $8.50 per hundredweight. So the cattleman must sell seven more calves to buy the same combine.

Wheat is the principal grain in my State, and the wheat farmer is caught tight in the price-cost squeeze. In 1952 he could sell 951 bushels of wheat at $2.06 and buy a tractor for $1,960. Today that same tractor is up $200. Wheat is down 15 cents. So he has to sell an additional 179 bushels to buy the same tractor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. MANSFIELD. Does the Senator know of any small cattle producer in the State of Montana who has paid any income tax during the past 5 years?

Mr. MURRAY. I have not heard of any.

Mr. MANSFIELD. It would seem, then, that so far as agriculture is con-

cerned, the cattle industry is in bad shape.

Mr. MURRAY. Absolutely.

Mr. MANSFIELD. It would appear that, so far as the wheat farmer is concerned, because of Secretary Benson and his cohorts downtown, the farmer is being caught in a price-cost squeeze, because, as the Senator has so ably pointed out, the cost of the things he needs is continually rising, while the returns which he receives from additional cultivation do not mean an increase in price but constitute in effect a decline in the prices he receives.

Mr. MURRAY. That is absolutely true.

Mr. MANSFIELD. I thank the Senator.

Mr. MURRAY. Mr. President, these are the facts on recent layoffs, shutdowns and rising unemployment in Montana. They show why I and other Members of the Montana Congressional delegation, Senator MIKE MANSFIELD, Representative LEE METCALF, and Representative LEROY ANDERSON, are so anxious to get construction of Yellowtail Dam under way, so that the idle construction workers in the Billings area can get to work on this project which will mean so much to the long-range economy and industrial development of my State.

They show why we have been trying to get the Atomic Energy Commission and its subcontractor to utilize coal from the Roundup field, as it did in the past.

They show why we pressed the Federal Housing Administrator and the President to put into effect the liberalized FHA loan program enacted by Congress, so that lumber could go into sorely needed houses.

They show why we fought for a tungsten program.

They show why we are asking for a just lead and zinc program which will permit the continued operation of mines on which this Nation may one day depend.

They show why we, and many other Members of Congress from all parts of the country, have tried to get through an agricultural program which will benefit instead of bankrupt the farmers and ranchers.

Yes, and these facts show why all the Members of the Montana delegation have cosponsored and strongly supported the area redevelopment bill introduced by the distinguished senior Senator from Illinois [Mr. DOUGLAS], who has built up overwhelming evidence on the need for passage of this bill in hearings before his subcommittee, but the bill does not yet have the approval of the Banking and Currency Committees in either House.

Mr. President, I ask unanimous consent to insert in the RECORD, immediately following these remarks, the articles and letters I have referred to, namely: An article entitled "Oversupply of Job Applicants Persists Into June at Starting Level Above 9,000," which appeared in the June 1957 issue of Montana Labor Market, published by the Montana State Unemployment Service; a letter from Doane L. Fessenden, manager of the Billings Chamber of Commerce; a letter from Paris W. Robert, vice president of the Miners and Merchants Bank at Roundup; and the statement of W. G. Maloney, manager, Mining Association of Montana, before the House Ways and Means Committee.

I also ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article entitled "Montana Leads Decline in 1956 Building Volume," published in the Great Falls Tribune of June 19, 1957; also a letter to the editor of the Great Falls Tribune from Jack Toole, of Shelby, Mont., president of the Montana Cattlemen's Association, and published in the Great Falls Tribune of July 30, 1957.

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

[From the Montana State Employment Service]

OVERSUPPLY OF JOB APPLICANTS PERSISTS INTO JUNE AT STARTING LEVEL ABOVE 9,000

Montana's oversupply of work applicants as related to available job openings persisted through May, the month ending with 9,000 job seekers having no job. This was the largest carryover into June of active job seekers since depression days of about 20 years ago. It compares with 5,100 a year ago, 4,300 4 years ago, and 3,300 5 years back. Nearest approach was in the slow-economy year of 1950, when there were 6,750 job seekers at the end of May. These figures are derived from active work applications at the 22 Montana offices of the employment service.

DOWN 3,000 FROM RECORD MAY SUPPLY

A month ago there were 12,000 of these job seekers in the same files, indicating a net shrinkage of 3,000 over the month. While this is about a normal decline for the April to May period, the catch is that it operates this year from a base supply that was much more ponderous in April than in the same month of any recent year. Hence the carryover into June presents an economic challenge which will bear watching.

SCHOOL YOUTHS TO BE ADDED

With 3,000 more unemployed job seekers in the labor market this month than a year ago, and similar 4,100 margin at the beginning of May, an impressive employment problem is beginning to unfold. Release of 6,000 to 8,000 additional potential workers from the schools and colleges as classrooms close for the summer does not simplify the problem. Part, but not all, of the margin probably results from a lag in resumption of seasonal work. More of it is evidently the result of an available working force that is growing at a more rapid pace than the number of job openings into which they can fit.

*Work-Applicant Count in Review*

| | 1957 | 1956 | 1955 | 1954 | 1953 | 1952 | 1951 |
|---|---|---|---|---|---|---|---|
| February | 16,695 | 13,061 | 12,304 | 12,455 | 10,995 | 10,136 | 12,336 |
| April | 12,066 | 7,974 | 9,227 | 8,945 | 6,043 | 5,705 | 7,048 |
| May | 9,032 | 5,105 | 5,565 | 6,191 | 4,324 | 3,276 | 4,312 |
| June | [1] 7,500 | 4,694 | 5,274 | 5,403 | 3,910 | 2,957 | 4,240 |
| August | | 2,808 | 2,458 | 3,519 | 2,069 | 1,619 | 2,370 |
| October | | 3,763 | 3,348 | 4,038 | 2,688 | 1,955 | 2,572 |
| December | | 10,325 | 9,351 | 8,613 | 7,932 | 7,517 | 6,694 |

[1] Estimated.

CLAIM VOLUME ALSO HIGH

Another evidence of the employment dilemma is furnished by the volume of claims for unemployment insurance. They all arise from persons who have been employed in industry and are currently unemployed. Last week there were approximately 4,300 in claim status, more than 2,300 above the figure for a year ago. In addition some 1,500 have exhausted their benefit series since January 1, and for relatively few of these has a new benefit year opened. The claim load during April, May, and into June has been the heaviest for corresponding months of any year in the decade.

CONSTRUCTION HIRING AT ENCOURAGING PACE

Construction employment is a major factor in the annual seasonal upswing of job openings in the spring months. It has performed a yeoman service this year in absorbing numbers of workers commensurate with its releases of last fall and winter. Some Montana areas report sluggishness in labor demand from construction contractors, while in general the tone is optimistic. Dams, powerplants, utilities, commercial and public service buildings, and some residence construction, along with an active road and bridge building schedule, are using skills and services in record volume.

HUGE ROAD PROGRAM HELPS

Contractors on the State highway system employed 1,202 workers on nearly 400 miles of road work and $3 million worth of bridges in May, contrasted with 692 workers on similar projects a month earlier, and with 1,453 in May 1956. Maintenance and repair crews on the highway system numbered 689 last month and 733 in May a year ago.

SUBSTANTIAL BACKLOG OF NEW JOBS

Contracts were already let but work not in progress on 150 miles of road construction and nearly $3 million worth of bridges and facilities. A year ago the similar backlog included 75 miles of highway and $1.2 million worth of bridges. Most of this work is conducted on a seasonal basis.

FALTERING MARKET FACES TIMBERMEN

In the logging and lumbering industry the picture is not quite so bright. A faltering market demand inherited from last fall discourages expansion in the timber field, which is also a major factor in seasonal variations. Substantial hiring for this work in May still fell short of absorbing the full supply of workers customarily on the payroll at this time.

COPPER DEMAND ALSO DOWN

A similar market situation in copper is tending to halt the buildup of metal miners which has been the goal of that industry for many months. Most of the mines are cut back to a 5-day week, from 6, and hiring of new workers has been curtailed.

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JULY 22, 1957.

DEAR SENATOR MURRAY: The Montana Employment Service office in Billings advised us that as of June 30, 1957, there were 1,579 persons seeking work in this area.

Victor Morris, office manager, said this was 988 more persons, or an increase of 275 percent, than for the same date in 1956. There were only 560 persons who received unemployment compensation insurance payments during June, largely because many persons have depleted eligibility, and these included 268 new claims.

There were 1,050 persons placed in agricultural jobs, compared with only 424 in

nonagricultural work, and Morris reported the building and construction industry as the biggest problem, with plumbers, carpenters, and hod carriers hardest hit.

During June 1956 there were 983 compensable claims filed, including 113 new ones.

This situation indicates the economic need for construction of Yellowtail Dam, construction of which would be of great benefit to business generally.

Very sincerely yours,

BILLINGS CHAMBER OF COMMERCE,
DOANE L. FESSENDEN, *Manager*.

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MINERS AND MERCHANTS BANK,
*Roundup, Mont., July 29, 1957.*

The Honorable JAMES E. MURRAY,
*United States Senator from Montana,*
*Senate Office Building,*
*Washington, D.C.*

SIR: I have your letter of July 24 in which you enclosed a copy of the wire regarding your suggestion to have the Atomic Energy Commission revise their Hanford coal contract.

I want to thank you very kindly for your past and continued efforts to help the some 52 families who must look elsewhere for employment when it looked like the AEC would not use coal from the Roundup field.

The unemployment situation in all of Montana, I think, is getting more serious as the days go by, and therefore when you lend your shoulder to help us with our cause, it is very deeply appreciated.

Yours very truly,

PARIS W. ROBERT,
*Vice President.*

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STATEMENT OF W. G. MALONEY, MANAGER, MINING ASSOCIATION OF MONTANA, BEFORE THE HOUSE WAYS AND MEANS COMMITTEE, AUGUST 1, 1957

We affirm the recommendation made for the imposition of import duties by Secretary Seaton in the case of lead and zinc, but respectfully request the inclusion of recommendations and amendments as proposed by the Emergency Lead-Zinc Committee. We fully endorse the presentation made by the Emergency Lead-Zinc Committee to you gentlemen.

I shall not impose upon the committee's limited time, but I do want to present some current statistics which illustrate the serious situation confronting the mining industry in the State of Montana.

Already there are 1,500 fewer lead and zinc miners in the Butte area and approximately 2,000 fewer in the State of Montana than 90 days ago. Montana mines just can't produce zinc at 10 cents per pound and lead at 14 cents per pound. Cheaply produced foreign lead and zinc is flooding the American market; forcing American workers—taxpaying American workers—onto the relief rolls.

The following figures were taken from the Montana State Employment Service, Division of Unemployment Compensation Commission—Butte area office:

New applications for unemployment compensation by weeks and months for June and July, 1957, with yearly comparisons with similar periods of time: for 1954, 1955, and 1956.

For the week ending June 8, 1957, there were 53 new applications.

For the week ending June 15, 1957, there were 39 new applications.

For the week ending June 22, 1957, there were 56 new applications.

For the week ending June 29, 1957, there were 92 new applications.

Total, 240 new applications for June 1957.

For the week ending July 6, 1957, there were 127 new applications.

For the week ending July 13, 1957, there were 120 new applications.

For the week ending July 20, 1957, there were 398 new applications.

July 1–20 inclusive (1957), 645 new applications.

The rapid weekly increase is graphically illustrated and points up the need for immediate remedial measures.

For the month ending June 30, 1956, there were 104 new applications.

For the month ending July 31, 1956, there were 113 new applications.

For the month ending June 30, 1955, there were 123 new applications.

For the month ending July 31, 1955, there were 107 new applications.

For the month ending June 30, 1954, there were 116 new applications.

For the month ending July 31, 1954, there were 157 new applications.

During the month of April 1957, a standing order for 100 miners, which was circulated in all State employment offices, was cancelled by the largest zinc, copper, lead producer in Montana. There have been over 400 job terminations in the Butte mining district between July 1–20, inclusive, 1957.

The above figures and statements may be verified by the Bureau of Employment Security, United States Department of Labor.

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[From the Great Falls Tribune of June 19, 1957]

MONTANA LEADS DECLINE IN 1956 BUILDING VOLUME

SEATTLE.—Montana was the only one of the five Northwestern States that failed to record an increase in building permit volume in May over April, the trade magazine Pacific Builder and Architect reports.

Over all, a 9 percent increase in volume in California helped keep the regional average slightly above the 1956 totals, but the other States showed a decrease, with Montana leading the decline with a 38 percent drop.

In Montana, Butte led the city parade with $506,657 in permits issued, followed by Great Falls, $449,217.

The Montana totals for May 1957 (with April 1957 and May 1956 figures following in parentheses):

Billings $252,000 ($685,100) ($756,900); Bozeman $152,000 ($105,500) ($83,100); Butte $506,657 ($79,035) ($155,243); Glasgow $59,315 ($20,178) ($152,581); Glendive $37,770 ($45,500) ($110,793); Great Falls $449,217 ($1,082,007) ($948,039); Helena $272,885 ($454,010) ($427,855); Kalispell $41,550 ($371,275) ($150,000); Lewistown $18,000 ($32,100 ($122,396); Livingston $280,255 ($69,340) ($110,450); Miles City $37,500 ($24,550) ($338,182); Missoula $64,319 ($183,912) ($157,275).

State totals were: May 1957, $2,171,468; April 1957, $3,152,507; and May 1956, $3,512,814.

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[From the Great Falls Tribune, July 30, 1957]

CATTLEMEN ARE SEEKING FAIR SHARE OF BEEF DOLLAR

The beef panic which had its beginning in 1952 is still a heavy burden on Montana's economy. Few realize that over 15,000 ranches in our State get more than half of their income from the sale of beef cattle with an additional 11,000 others getting a smaller portion of their income from the same source. Big packers have spent millions of dollars in an effort to brainwash the American beef producers and consumers alike, with the propaganda that their exorbitant profits over these beef panic years represents but a small return on their investment. Montana cattlemen, with over $1 billion invested in land and cattle, are earning no returns whatsoever on their investment principally because the big packer is taking more than his fair share of the meat dollar and by maintaining wartime retail meat prices and continuing depression on-the-hoof prices. Consumption of beef is much lower now than it should be.

The Montana Cattlemen's Association means to try to do something about this inequitable distribution of the meat dollar. They organized into a permanent group in June at a statewide convention and adopted a 14-point program of definite action. Already we have backed Senate bill 1356 which would return investigation of the big packers and chainstores to the Federal Trade Commission, where they were under close supervision for monopolistic violations until 1926. Many multipurpose farm organizations represent the cattle industry of our State but until this June Montana was one of the very few States without a single-purpose organization representing the beef cattle industry. The Montana Cattlemen's Association does not seek a guaranteed profit at Federal expense but we do want a fair profit for our labor and investment. Our No. 1 objective is to provide more good table beef from healthy animals for the consumers' dollar while gaining a more equitable share of the meat dollar for the cattle grower. A surplus of beef like a surplus of any other basic commodity is necessary to our national security but unlike other stockpiled surpluses the beef cattle surplus is being carried at the ranchers' expense.

The leave-it-alone policy advocated by a few can only result in disaster for many of Montana's fine cattle growers. The steadily growing membership of our organization indicates that many share the view that something can be done by way of self-help to aid this ailing industry, which is so vital to Montana's economy.

JACK TOOLE,
*President, Montana Cattlemen's Association.*

SHELBY.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. MANSFIELD. I am delighted that the Senator is making those insertions in the RECORD, including the news story entitled "Montana Leads Decline In 1956 Building Volume," and the letter from Jack Toole, which was published in the Great Falls Tribune of July 30, 1957.

I wish to compliment my distinguished colleague for putting into capsule form the situation as it actually exists in Montana, and to join in his statement that, so far as our State is concerned, it is in the worst economic situation which has existed in the past decade or so.

I thank the Senator.

Mr. MURRAY. I thank my colleague. His statement is absolutely correct. Very serious consideration should be given to the situation in Montana.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. BIBLE. I have listened to the address of the Senator from Montana with a great deal of interest, and the problem he relates as existing in the State of Montana also exists, with equal force, in the State of Nevada.

Mr. MURRAY. I have had statements from many people regarding the situation in Nevada. The Senator is correct.

Mr. BIBLE. Would the Senator permit me at this point to make some insertions in the RECORD dealing with the same subject?

Mr. MURRAY. I would be happy to have the Senator do so.

Mr. BIBLE. I have three items. The first is an editorial entitled "Current

Outlook Is Dark For Nevada's Mining Industry," published in the Nevada State Journal and reprinted in the Pioche Record; the second is an article entitled "Mineral Slump Must Be Cured by Legislation," published in the Reno Evening Gazette of August 2, 1957; the third is an article entitled "Multi-Million-Dollar Industry in State Nearly Wiped Out," and published in the Reno Evening Gazette of August 2, 1957.

There being no objection, the editorial and articles were ordered to be printed in the RECORD, as follows:

[From the Pioche Record]

CURRENT OUTLOOK IS DARK FOR NEVADA'S MINING INDUSTRY

An old and great Nevada industry, mining, is in one of the darker periods of its century-long history.

Subsidies for tungsten have been cut off. The price of copper has dropped about 18 cents in the last year. No new bona fide precious metals mines of large scope have been discovered for a long, long time. High hopes that a truly big uranium deposit would bring about a modern-day bonanza have yet to be realized.

And, as of the present time, the outlook for relief from these depressing factors is dim.

Right now western Senators are fighting for the first high-tariff legislation since the 1930's in an attempt to save the lead-zinc industry. Whether this sliding scale import tax on the two metals will get through the Congress, remains, at the moment, a moot point.

During the last few weeks there have been news items that two big mines in Lincoln County, Combined Metals at Caselton and Wah Chang's Lincoln at Tempiute, would close up shop at the end of this month. The Lincoln is a tungsten producer and the Caselton Nevada's biggest lead and zinc operation.

The economic outlook in Lincoln County as the result of these shutdowns may be best described as dire. That southeastern Nevada county's city of Caliente not very long ago received a severe setback when the Union Pacific railroad curtailed operations there. Now, in the sparsely populated county nearly 350 employees will be thrown out of work in the mines.

The depressing situation in the State is not confined to Lincoln County, although at present it appears hardest hit. White Pine, Lyon, Pershing, and Humboldt are also feeling the effects of low metal prices or lack of subsidies.

In White Pine and Lyon sagging copper prices have resulted in reduced operations by Kennecott and Anaconda. In Pershing and Humboldt the output of tungsten has been drastically cut with no Government stockpiling market available. Affected in the latter two counties are Nevada-Massachusetts at Tungsten, north of Mill City, and Getchell Mine, north of Golconda.

A number of smaller operations also are certain to be feeling the pinch.

Nevada's Governor and the secretary of the State mining association say the villain of the piece is cheap foreign labor. Minerals in other nations can be produced and imported to the United States at a price far below what it costs here. This naturally depresses the market. One solution, of course, is to tax the imports, which would be accomplished for lead and zinc if legislation now being studied by the Senate Finance Committee is passed.

Higher tariffs, though, present many complications on an international scale. Our southern neighbors may be particularly incensed if they are unable to export lead and zinc to this country.

The columnist, Drew Pearson, in a special dispatch to western newspapers, says the graduated import tax would "give a well-placed kick in the seat of the pants to our good-neighbor policy by virtually banning imports of lead and zinc from Mexico and Peru."

Many a Congressman, particularly in the East, is much more worried about making friends abroad than helping out a bunch of miners way out West. That attitude bodes no good for mining.

Queried on the present condition of the mining industry in Nevada, the mining association secretary said it was in an "awful state."

His terse comment was nothing but the truth.

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[From the Reno Evening Gazette of August 2, 1957]

MINERAL SLUMP MUST BE CURED BY LEGISLATION

GRAND JUNCTION, Colo., August 2.—Secretary of the Interior Fred Seaton said here today that "it is time to abandon makeshift minerals legislation" and urged support of the President's long-range minerals program.

Seaton was here to attend the dedication of the $16 million American Gilsonite Co. refinery. The plant makes high-octane fuel.

In a speech prepared for delivery at the dedication, Seaton said there are "compelling reasons for putting the administration's long-range program into effect."

AID FOR NEVADANS

He said the program will provide special assistance to the lead and zinc industry and will enable the Government to offer encouragement through production bonuses to producers of strategically important beryl, columbium-tantalum and chromite.

"A sound long-range minerals program depends on considerations other than just a decision on whether ore should be taken from the earth or left there," Seaton said. "Rather it requires encouraging the maximum amount of scientific research on the discovery and use of minerals and keeping the Federal Government's policy in line with scientific findings."

BACKS RESEARCH

"The need for minerals research is increasing; the administration believes the Federal Government must now intensify its support of such research," the Secretary said.

Seaton said the national interest requires that the United States keep its domestic industries "healthy and vigorous."

"Keeping them strong will require, again and again, the kind of cooperation which went into the development of gilsonite—cooperation involving private business organizations, research, and educational institutions and the Federal Government," he said.

"We must get started now," he said. "The Government's program is sound. And it has an added virtue; it can, I believe, be enacted into law."

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[From the Reno Evening Gazette of August 2, 1957]

NEVADA MINING AT LOW EBB: MULTI-MILLION-DOLLAR INDUSTRY IN STATE NEARLY WIPED OUT—LEAD-ZINC OPERATIONS AT STANDSTILL IN WEST

Shutdowns and curtailment of production by Nevada mines recently have brought the layoff of 400 to 500 men and a virtually complete halt to tungsten and lead-zinc operations, which had been producing many millions of dollars worth of ore each year.

Figures supplied by the Nevada Mining Association show that tungsten mining was a $23-million-a-year industry; now it has been shut down. Lead-zinc operations, now reduced greatly, were running near the $4-million mark annually.

In addition, a skidding copper price and resulting curtailment of production by Kennecott, Anaconda, and Consolidated is expected to drastically slash production that was near the $70-million mark in 1956.

COPPER LESS STRICKEN

Louis Gordon, secretary of the mining association, said he believes that layoffs have not been major in copper mining in the State, with cutbacks mostly coming in the form of a shorter workweek. That, of course, brings economic impact, too, in the form of shorter paychecks.

But the outright layoffs necessary in the tungsten and lead-zinc mining have been large, with Lincoln County perhaps hardest hit.

Wah-Chang Mining Corp. has announced layoffs of about 200 men with the closure of the Lincoln mine at Tempiute; Combined Metals' lead and zinc mine at Castleton closed and let 150 men go; Nevada-Massachusetts, tungsten producer in northern Nevada, has announced that only 75 men remain of a former 275-man staff, and 800 to 1,000 men, or about half the force, have been let go at the Getchell Mine. Figures weren't available on smaller operations but it seemed likely most already had fallen by the wayside.

TOPS IN TUNGSTEN

Gordon pointed out that Nevada was the largest tungsten producer in the United States when production was $22,750,662 in 1955, when the last purchase program was fully in effect. Production was $17,132,000 in 1956, during which year government tungsten buying halted.

Producers then ran mostly on hope, Gordon says, waiting for funds for a new purchase program to be voted, but all have failed in the present Congress.

Gordon said that without the purchase program there is nowhere for American producers to sell tungsten. He said that Korean tungsten—product of an industry the United States helped to set up—can be bought for $20 a unit in New York, where it costs domestic producers about $40 to produce that amount.

HEARINGS NOW ON

Hearings are now in progress on aid to lead-zinc mining in the form of excise taxes. Economically this is not so important as tungsten in Nevada, but it's been a not inconsiderable part of the economy.

For instance, lead production reached $1,920,000 in 1956 and zinc sales were $1,863,000, both far up from 1955 and particularly 1954 figures.

The dollar value of copper rose steadily in the years 1954–1956, from $41,428,030 to $53,878,050 to $69,135,000. But the price has fallen from 46 cents to 28, and unit production has been cut.

Mr. BIBLE. Mr. President, the three items depict the situation which exists in Nevada today. If we are to consider emergency legislation, something must be done before we adjourn with regard to the situation we have discussed here today. Certainly it demands a high priority. I commend the Senator from Montana for his able statement.

He has done a landmark job as chairman of the Committee on Interior and Insular Affairs, and also as chairman of the Mining Subcommittee of the Committee on Interior and Insular Affairs. I know we are probing and exploring, in an effort to find the right answer to the mining problem. If we go home without doing something about it, there will be a great deal of explaining to do to the people who are out of work today.

Mr. MURRAY. The Senator is absolutely correct. I thank him for his contribution to the discussion.

Mr. NEUBERGER. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. NEUBERGER. Mr. President, I should like to express my gratitude to the senior Senator from Montana, the chairman of the Committee on Interior and Insular Affairs, for his leadership in calling to the attention of the country the very grave economic situation which confronts many of our Western States.

It is no exaggeration to say that the State which I in part represent has one of the most critical economic situations facing it today of any State in the country. It is the leading lumber-producing State. This means that Oregon is heavily reliant on housing and on new housing starts for the creation of markets for its products. Because of the tight-credit and hard-money policies of the administration, the demand for new housing has greatly diminished. If I am not mistaken, I believe the present year has seen the lowest rate in housing starts for the past 6 or 7 years.

The able junior Senator from Alabama [Mr. SPARKMAN] is on the floor. He has been at the front of the effort to establish a valid housing program. The fact that we do not have such a program is not his fault, because his recommendations and proposals have been rejected by the administration.

I have before me, for example, an article by Harry Chipman, published in the Coos Bay Times of July 30, 1957, entitled "Unemployment Up in Oregon as Mills in Southern Part of State Close." Coos Bay, Oreg., is at the heart of a major lumber producing realm.

Southwestern Oregon contains the largest virgin timber area in the United States. It is dependent on the lumber industry. It needs steady lumber payrolls. I ask unanimous consent that the United Press article be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNEMPLOYMENT UP IN OREGON AS MILLS IN SOUTHERN PART OF STATE CLOSE

(By Harry Chipman)

MEDFORD.—A higher than average level of unemployment and a fairly wide closure of small mills in southern Oregon were indicated today in a survey of lumber officials and the Oregon State Employment Service office here.

Emphasis to the situation was added this week with the announcement that the Alley Bros. mill at Phoenix would close on August 2. It employs 150 men.

R. H. Alley, president, said the large plant was expected to shut down after a 2-week period to prepare for ending the operation. Alley and his brother, Frank Alley, Jr., Los Angeles, began operation of the mill about 1940.

UNABLE TO COMPETE

The president said the closure resulted because "it has come to the point where log-buying mills are unable to compete." Hunter and Best Mills, located in the Applegate area east of here, shut down May 13, affecting more than 100 workers in the industry.

Other industry spokesmen confirmed Alley's explanation that the cost of logs and the cost of preparing them for market exceeds the marketing price.

One mill operator estimated that less than half of the 70 mills employing between 10 and 30 men each which were in operation last year are now in business.

He said effects of the closures have reached thousands of workers locally. Larger mills with large holdings of cheap stumpage are able to continue operation, he maintained.

UNEMPLOYMENT DOUBLED

John J. Patton, manager of the Medford office of the State employment service, said unemployment for July, while still not critical, is about double that of last year at this time.

At the end of June, Jackson County had an estimated 1,150 unemployed compared to 550 last year.

Although a large number of those seeking work are experienced in logging and lumber occupations, Patton said most of the unemployed represented a general lack of work which might be related to the lumber business.

LUMBER DOWN AGAIN

Strikes among the building trades in major consuming areas are aggravating an already low demand for Northwest forest products, and prices have fallen to their lowest levels in several months, according to Random Lengths, Eugene weekly lumber market letter.

Meanwhile green lumber production continues to outdistance demand, and unless prices stabilize, some mill closures are imminent. Orders come in a dribbling volume, but generally are highly specified and demand quick shipment. Despite a general drop throughout the green mill market, studs hold their stationary market position due to a balance of production with demand.

Even low prices fail to inspire the California board market which has been lifeless for a number of weeks due to building trade strikes in southern California. Timbers and other heavy cutting finds a spotty market, with only the longer lengths receiving any market attention.

Although retail yard buying moves at a dribble, the volume is steady. Mixed car mills shipping both green and kiln dried lumber for the most part have fair order files, although slightly smaller than at this time last year. Odd and short lengths are becoming more difficult to move, as buyers confine their orders to the fast-moving yard items.

Pine sales still exceed production, but this is not reflected in prices. Only the higher grades selects and commons, mostly in mixed car loadings, are moving in good volume, while growing accumulations in the lower grades encourage price reductions.

Plywood production has not yet caught up with the orders placed during Fourth of July holiday shutdowns, but sheathing demand is off slightly and prices are weakening.

Mr. NEUBERGER. Mr. President, unfortunately the article is symbolic of what has been occurring.

In addition, Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Costs Spur Welfare Bloc," published in the Oregonian of July 27, 1957. The article includes a statement by Miss Jeanne Jewett, Oregon State welfare administrator. I should like to emphasize that Miss Jewett is one of the most outstanding and conscientious welfare administrators anywhere in the West. Miss Jewett and her assistants on the welfare commission point out that demands for welfare payments last June in Oregon, for example, were approximately 15 percent higher than in the corresponding month of June 1956.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COSTS SPUR WELFARE BLOC

State public welfare officials are concerned about the climbing cost of the welfare program in Oregon and are seeking ways to cut expenses and to pick up additional Federal money, Jeanne Jewett, State welfare administrator, disclosed Friday.

Miss Jewett's staff compiled figures for the monthly meeting of the State public welfare commission showing that public-assistance payments during the fiscal year which ended June 30, totaled $31,400,000, or $3,200,000 more than payments in the prior fiscal year.

During June this year, payments were $385,311 higher than in the corresponding month last year, totaling $2,372,849.

Miss Jewett said officials are concerned about the trend.

ANOTHER MILLION WANTED

She said administrative procedures are being revised so the commission can claim the maximum Federal funds. She said officials hope to be able to get an additional $1 million in Federal funds during the current biennium by several changes in procedures.

Miss Jewett said that during June, Federal funds accounted for 37.8 percent of the money spent for public-assistance programs. Federal funds made up 26.42 percent of the administrative costs, she said.

Miss Jewett said the slowdown in Oregon's economy probably was responsible for the rising cost of the welfare program. Costs are also increasing, she said.

CHAIRMAN KEEPS POST

The commission elected John H. Luihn chairman for the 1957–58 fiscal year. Luihn has served as chairman continuously the past 23 years. Mrs. Lee Patterson was reelected vice chairman.

Friday's meeting was the first for two new members of the commission, Gerson Goldsmith and Dr. Morton Goodman. Goldsmith was recently appointed to replace Mrs. Thomas Honeyman, whose term expired, and Dr. Goodman succeeded Dr. Hance F. Haney, whose term also expired.

Mr. NEUBERGER. Mr. President, I believe 3 or 4 causes can be said to be paramount in the economic situation in Oregon. One, as I have mentioned earlier, is the tight money and tight credit policy, and its adverse impact on housing.

The second is the fact that we have had no new major low-cost Federal hydroelectric starts in our region since this administration came into office, which is some 4½ years ago. In Oregon and in the Pacific Northwest generally no oil, no coal, and no natural gas are produced. We have only one fuel, and that is the eternally falling water of the Columbia River system. This fuel is cheap and abundant. When that fuel is not tapped at a sufficiently low rate, however, to provide power for new industry, our region inevitably suffers.

Furthermore, we have not made the proper use in the Pacific Northwest to date of the scrub timber species, such as the alpine fir, and the lodgepole pine, which could be adapted to good advantage in the pulp industry. The Southern States are far ahead of us in that respect, and therefore their forest industry has not suffered as much as ours

has, since the housing decline commenced.

I wish to concur in the statements made by the senior Senator from Montana. I offer my assistance to him in the proposals he has made for a revival of our economy in the West. By and large our long-range outlook in the West is bright. We have great natural resources, and we have a wonderful climate, and we have virtually unlimited water. We have a people of courage, and a people who have personal initiative, and a people who are independent. However, we must have wise policies followed in our Government if all these assets are to be properly harnessed. Our advantages must be providentially guided.

Mr. MURRAY. I thank the Senator.

## ESTABLISHMENT OF THE UNITED NATIONS FORCE

The Senate resumed the consideration of Senate Resolution 15 to express the sense of the Senate on the establishment of the United Nations force.

Mr. JOHNSON of Texas. Mr. President, could we have action on the United Nations resolution?

The PRESIDING OFFICER. The committee amendments will be stated.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the committee amendments are agreed to en bloc.

The amendments of the Committee on Foreign Relations agreed to en bloc were: on page 2, line 2, after the letter "(a)", to strike out "the force" and insert "a force of a similar character"; in line 4, after the letter "(b)", to strike out "the" and insert "such a"; in line 10, after the word "with", to strike out "the" and insert "such a", and, in line 13, after the word "of", to strike out "the" and insert "such a."

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

Mr. SPARKMAN subsequently said: Mr. President, at the point just prior to the adoption of the United Nations resolution, I ask unanimous consent to have printed in the RECORD, a statement I have prepared on the subject.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SPARKMAN

I rise to explain and support Senate Resolution 15 which expresses the sense of the Senate that it favors the establishment of a permanent United Nations force similar in character to the United Nations emergency force in the Middle East.

Since the founding of the United Nations, and even before that, men have hoped for the creation of an international force to help preserve peace. Article 43 of the Charter of the United Nations reflects that hope. Article 43 calls for all members of the United Nations to make available armed forces for use by the United Nations Security Council for the purpose of maintaining international peace and security. As we all know, the conduct of the Soviet Union in the United Nations has frustrated hopes for the effective operation of article 43. The United States and other free nations have been obliged to look for measures less sweeping in their scope than those contemplated by article 43 of the United Nations Charter.

We now have a precedent which may guide us in the future. The United Nations emergency force which is now operating in the Middle East has only a limited objective and limited powers. The experiment has nevertheless been successful. The United Nations emergency force has helped to keep peace in the Middle East. An important factor in this success has been the absence from the force of units or individual volunteers from nations which are permanent members of the Security Council. That principle, that a useful international force can be composed of units from the smaller powers, is a cardinal principle in Senate Resolution 15.

Senate Resolution 15 does not attempt to blueprint a United Nations force. The resolution does not attempt to solve the many problems of command, logistics, and control which must be solved before a permanent United Nations force can become a reality. The purpose of the resolution is rather to call attention to the success of the present emergency force in the Middle East, to emphasize the need of a permanent force and to urge a continuation of work within the United States Government and in the United Nations which can lead to the creation of a permanent United Nations force which can help keep peace in the world.

I urge the Senate to approve Senate Resolution 15.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution, as amended, was agreed to, as follows:

*Resolved*, That the Senate welcomes the establishment of the United Nations emergency force.

SEC. 2. It is the sense of the Senate that—

(a) a force of a similar character should be made a permanent arm of the United Nations;

(b) such a force should be composed of units made available by members of the United Nations: *Provided*, That no such units should be accepted from permanent members of the Security Council;

(c) consideration should be given to arrangements whereby individuals would be allowed to volunteer for service with such a force: *Provided*, That individuals who are nationals of permanent members of the Security Council should not be acceptable;

(d) equipment and expenses of such a force should be provided by the United Nations out of its regular budget.

The preamble was agreed to.

Mr. MANSFIELD subsequently said: Mr. President, I should like to take a few moments to express to the distinguished Senator from Alabama my appreciation for his success in finally having the resolution adopted. It should be brought to the attention of the Senate and the country that the action by the Senate marks the culmination of at least 10 years of effort on the part of the Senator from Alabama. He has made a valuable contribution in sponsoring and in fighting for the adoption of the resolution, which at long last has been agreed to by the Senate.

Mr. SPARKMAN. I am grateful to the Senator from Montana, who is a cosponsor of the resolution, and who has been a great helper in the effort. I believe in the principle expressed by the resolution, and I believe it will mean a great deal in preserving world peace, if we are able to work toward that goal along these lines.

## SUSPENSION OF EMPLOYMENT OF CIVILIAN PERSONNEL

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 707, S. 1411.

The PRESIDING OFFICER (Mr. BEALL in the chair). The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1411) to amend the act of August 26, 1950, relating to the suspension of employment of civilian personnel of the United States in the interest of national security.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agree to; and the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, I should like to ask the Senator from South Carolina to give a brief explanation of the bill.

Mr. JOHNSTON of South Carolina. Mr. President, the bill amends our present Federal security program law, by adding the following proviso:

*Provided further*, That nothing in this section shall be deemed to require the suspension of any civilian officer or employee prior to hearing or termination.

The administration has requested the enactment of such legislation. The Attorney General has stated that he believes in some instances hardship results with respect to certain employees under the present act, and therefore the proposed change in the statute should be made.

The bill would give the administration the right to transfer an employee, as the Attorney General states in his letter, to a nonsensitive position while keeping him employed and while the hearing is being held. At the present time the law provides that the employee must be suspended before a hearing can be held in his case. The bill, if enacted, would give the administration the right to retain the employee and to hold a hearing in his case while he continued to be employed. If it is necessary to do so, the employee can be transferred to a nonsensitive position.

The Senator from Pennsylvania [Mr. CLARK], the Senator from Idaho [Mr. CHURCH], and the Senator from Iowa [Mr. MARTIN] served on the subcommittee, and the full committee reported the bill unanimously to the Senate.

Mr. CARLSON. I merely wish to interject the statement that the bill gives discretion to the Attorney General.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed as follows:

*Be it enacted, etc.*, That section 1 of the the act of August 26, 1950 (64 Stat. 476;

5 U. S. C. 22–1) is amended by changing the period at the end thereof to a colon, and by adding the following further proviso: *"Provided further,* That nothing in this section shall be deemed to require the suspension of any civilian officer or employee prior to hearing or termination."

## ADDITIONAL AUTHORIZATION TO INTERSTATE COMMERCE COMMISSION OVER RAILROAD STOCK MODIFICATION PLANS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 626.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 3775) to amend section 20 (b) of the Interstate Commerce Act in order to require the Interstate Commerce Commission to consider, in stock modification plans, the assets of controlled or controlling stockholders, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to, and the Senate proceeded to consider the bill.

Mr. MAGNUSON. Mr. President, the bill is an amendment of the Interstate Commerce Act. It would, among other things, permit controlled or controlling stockholders of a railroad, the securities of which are proposed to be voluntarily modified or altered under section 20b of the Interstate Commerce Act, to assent to such modification or alteration, subject to the power of the Interstate Commerce Commission to increase the prescribed percentage of assents required for approval in the light of the circumstances in any particular case. The bill has been approved by the Interstate Commerce Commission and by the Committee on Interstate and Foreign Commerce.

I ask unanimous consent that a statement concerning some of the technical features of the bill, as it amends other sections of the act, be printed at this point in the RECORD. No objection was made to the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON H. R. 3775

The purpose of this bill is to amend in several respects section 20b of the Interstate Commerce Act, which provides that a railroad may alter or modify its outstanding securities, whether equity or debt, provided the Interstate Commerce Commission makes certain findings as to the propriety of the plan of modification, upon obtaining the assents of the holders of at least 75 percent of the aggregate principal amount or number of shares outstanding of each class of securities affected by the plan.

H. R. 3775 is a companion bill to S. 940 which was introduced in the Senate at the request of the ICC. H. R. 3775, passed by the House without amendment (except for two changes in punctuation) on June 3, 1957, would, among other things, permit controlled or controlling stockholders of a railroad whose securities are proposed to be voluntarily modified or altered under section 20b of the Interstate Commerce Act to assent to such modification or alteration, subject to the power of the Commission to increase the prescribed percentage of assents required for approval, in the light of all the circumstances in any particular case.

Section 20b was enacted to enable railroads, in proper cases, to avoid expensive and lengthy reorganization proceedings. It permits railroads to modify the terms of their securities, provided the Commission approves the proposed modification and holders of 75 percent of each class of the securities outstanding and affected vote in favor of the proposal (as distinguished from 75 percent of security holders voting). Under paragraph (3) of section 20b, however, a security or evidence of indebtedness is not deemed to be outstanding if, in the determination of the Commission, the assent of the holder to any proposed alteration or modification is within the control of the carrier, or of any person controlling the carrier. Experience has shown that denial of the right of stockholders so situated to register their assents to such proposals may result in the failure of meritorious plans because of the refusal or neglect of a small minority of stockholders to assent.

The Interstate Commerce Commission offered one example in which approximately 57.5 percent of the carrier's common stock was owned by another railroad. Under the present provisions of the act, it was necessary for holders of 75 percent of the remaining stock to assent to the plan before it could be made effective. In this situation, the failure of holders of 10.6 percent of the common stock to assent could have blocked approval of the plan. It was pointed out that this 10.6 percent included holders who could not be located or failed to indicate their position because of disinterest.

The Commission claims that this puts too much power in the hands of a few security holders and encourages the holding out by others for better treatment than the merits of their position justify. It is urged that H. R. 3775 would correct this situation by providing that securities of any class entitled to vote for the election of directors, whether or not within the control of the carrier or of any person or persons controlling the carrier, shall be considered to be outstanding. As a safeguard to the public interest, the Commission under this bill would be empowered, if it determined that the assents of the holders of 25 percent of the securities of such class are subject to such control, to prescribe such percentage in excess of 75 percent requisite for approval of the proposals as it may determine to be just and reasonable.

Section 20b (2) presently requires that all material to be used in soliciting the assents or opposition of security holders to plans approved by the Interstate Commerce Commission, before being so used, be submitted to the Commission for approval as to the correctness and sufficiency of the material facts stated. This requirement has proved very burdensome to the Commission. Under the bill the ICC would be granted specific discretionary authority to issue rules and regulations to serve as a guide to parties in preparing such material. The Commission would also be authorized to establish such special requirements as it may deem necessary or desirable in any particular case. The act now provides that the Interstate Commerce Commission may also require applicants to secure "assurances of assent" (preliminary approval or disapproval) as a condition precedent to further consideration of a plan. The obvious purpose of requiring such approval of material used in soliciting assents is to prevent the use of erroneous or misleading information. It is equally important that correct information be used in soliciting assurances of assents. The proposed measure would remove any doubt respecting the Commission's authority to exercise jurisdiction over material used in the solicitation of assurances prior to action on proposed plans. Otherwise, an initial false impression may not be overcome by material subsequently approved and circulated.

At present, section 20b contains no specific authority for designation of a depository for assents to proposed plans, nor does it provide for the precedure to be followed in determining whether the required percentage of assents has been obtained. However, the Commission, in its reports and orders, has provided for the appointment of such depository and procedure, and the Commission's action has been upheld by a statutory 3-judge court (*Sakis* v. *United States,* (103 Fed. Supp. 292)). Your committee believes it desirable, as proposed in the bill, to remove by legislation any doubt as to the Commission's authority to follow such procedure in the future. A substantial burden would be imposed upon the Commission if it were required to receive and process assents (and revocations thereof), whereas large banks and trust companies are usually well equipped to handle such work.

Existing law provides for a finding by the Commission that a proposed alteration or modification has been assented to by 75 percent of the aggregate principal amount or number of shares outstanding of each class of securities affected thereby. However, it contains no specific provisions respecting the establishment of the various classes. The bill would remove any doubt as to the Commission's power to determine the classes into which securities shall be divided for purposes of voting on a proposed plan.

The Senate Interstate and Foreign Commerce Committee believes that the amendment to section 20b of the Interstate Commerce Act, contained in H. R. 3775, is in the public interest, and accordingly, recommends approval of the bill. No opposition was expressed to the bill by private groups. At the hearings support was given by the Association of American Railroads and the Savings Banks Trust Co.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

## AMENDMENT OF INTERSTATE COMMERCE ACT REGARDING DEFINITION OF CONTRACT CARRIER BY MOTOR VEHICLE

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 725, Senate bill 1384.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1384) to revise the definition of contract carrier by motor vehicle as set forth in section 203 (a) (15) of the Interstate Commerce Act, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on Interstate and Foreign Commerce with amendments on page 1, line 6, after the initials "U. S. C.", to strike out the comma and "sec."; on page 2, line 4, after the word "persons", to strike out "for the furnishing of transportation services of a special and individual nature required by the customer and not provided by common carriers."; and in-

sert "either (a) for the furnishing of transportation services through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served or (b) for the furnishing of transportation services designed to meet the distinct need of each individual customer." "; in line 17, after the word "any", to insert "for-hire"; and, in the same line, after the word "transportation", to strike out "for compensation," and insert "business"; on page 3, at the beginning of line 1, to strike out:

""(c) The Commission may upon its own initiative, upon application of a permit holder or upon complaint of an interested party, after notice and hearing, revoke a permit and issue in lieu thereof a certificate, if it finds that any person holding a permit whose operations on the date of enactment of this paragraph do not conform with the definition of a contract carrier in section 203 (a) (15), as revised , 1957; are those of a common carrier; and are otherwise lawful. The certificate of public convenience and necessity so issued shall authorize the transportation, as a common carrier, of the same commodities between the same points as authorized in the permit.""

And insert:

""(c) The Commission shall examine each outstanding permit and may within 180 days after the date this subsection takes effect institute a proceeding either upon its own initiative, or upon application of a permit holder actually in operation or upon complaint of an interest party, and after notice and hearing revoke a permit and issue in lieu thereof a certificate of public convenience and necessity, if it finds, first, that any person holding a permit whose operations on the date this subsection takes effect do not conform with the definition of a contract carrier in section 203 (a) (15) as in force on and after the date this subsection takes effect; second, are those of a common carrier; and, third, are otherwise lawful. Such certificate so issued shall authorize the transportation, as a common carrier, of the same commodities between the same points or within the same territory as authorized in the permit.""

On page 4, line 6, after the word "amended", to strike out "by inserting between the words "thereunder," and "that" in the second sentence of section 209 (b) (49 U. S. C. 309 (b)), the following: "that existing common carriers are unwilling or unable to provide the type of service for which a need has been shown," ", and insert "(1) by inserting after the second sentence of section 209 (b) (49 U. S. C. 309 (b)) a new sentence to read as follows: "In determining whether issuance of a permit will be consistent with the public interest and the national transportation policy declared in this Act, the Commission shall consider the number of shippers to be served by the applicant, the nature of the service proposed, the effect which granting the permit would have upon the services of the protesting carriers and the effect which denying the permit would have upon the applicant and/or its shipper and the changing character of that shipper's requirements.";"; in line 22, after the word "sentence", to strike out "thereof" and insert "of section 209 (b) (49 U. S. C. 309 (b))"; on page 5, line 6, after the word "terms," to strike out "conditions," and insert "conditions"; in line 12, after the word "the", to strike out "requirement" and insert "requirements"; at the beginning of line 15, to strike out "conditions," and insert "conditions"; and, in line 17, after the word "may", to strike out "require." and insert "require: *Provided further*, That no terms, conditions or limitations shall be imposed in any permit issued on or before the effective date of this proviso which shall restrict the right of the carrier to substitute similar contracts within the scope of such permit; or to add contracts within the scope of such permit unless upon investigation on its own motion or petition of an interested carrier the Commission shall find that the scope of the additional operations of the carrier is not confined to those of a contract carrier as defined in section 203 (a) (15), as in force on and after the effective date of this proviso." "; so as to make the bill read:

*Be it enacted, etc.*, That part II of the Interstate Commerce Act, as amended, is amended as follows:

(1) By changing paragraph (15) of section 203 (a) thereof (49 U. S. C. 303 (a) (15)), to read as follows:

"(15) The term 'contract carrier by motor vehicle' means any person which engages in transportation by motor vehicle of passengers or property in interstate or foreign commerce, for compensation (other than transportation referred to in paragraph (14) and the exception therein), under continuing contracts with one person or a limited number of persons either (a) for the furnishing of transportation services through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served or (b) for the furnishing of transportation services designed to meet the distinct need of each individual customer."

(2) By adding to section 203 (49 U. S. C. 303), the following new subsection:

"(c) Except as provided in section 202 (c), section 203 (b), in the exception in section 203 (a) (14), and in the second proviso in section 206 (a) (1), no person shall engage in any for-hire transportation business by motor vehicle, in interstate or foreign commerce, on any public highway or within any reservation under the exclusive jurisdiction of the United States, unless there is in force with respect to such person a certificate or a permit issued by the Commission authorizing such transportation."; and

(3) By adding to section 212 (49 U. S. C. 312), the following new subsection:

"(c) The Commission shall examine each outstanding permit and may within 180 days after the date this subsection takes effect institute a proceeding either upon its own initiative, or upon application of a permit holder actually in operation or upon complaint of an interested party, and after notice and hearing revoke a permit and issue in lieu thereof a certificate of public convenience and necessity, if it finds, first, that any person holding a permit whose operations on the date this subsection takes effect do not conform with the definition of a contract carrier in section 203 (a) (15) as in force on and after the date this subsection takes effect; second, are those of a common carrier; and, third, are otherwise lawful. Such certificate so issued shall authorize the transportation, as a common carrier, of the same commodities between the same points or within the same territory as authorized in the permit."

SEC. 2. Part II of such act is further amended (1) by inserting after the second sentence of section 209 (b) (49 U. S. C. 309 (b)) a new sentence to read as follows: "In determining whether issuance of a permit will be consistent with the public interest and the national transportation policy declared in this act, the Commission shall consider the number of shippers to be served by the applicant, the nature of the service proposed, the effect which granting the permit would have upon the services of the protesting carriers and the effect which denying the permit would have upon the applicant and/or its shipper and the changing character of that shipper's requirements."; and (2) by changing the third sentence of section 209 (b) (49 U. S. C. 309 (b)) to read as follows: "The Commission shall specify in the permit the business of the contract carrier covered thereby and the scope thereof, and it shall attach to it at the time of issuance, and from time to time thereafter, such reasonable terms, conditions, and limitations, consistent with the character of the holder as a contract carrier, including terms, conditions, and limitations respecting the person or persons and the number or class thereof for which the contract carrier may perform transportation service, as may be necessary to assure that the business is that of a contract carrier and within the scope of the permit, and to carry out with respect to the operation of such carrier the requirements established by the Commission under section 204 (a) (2) and (6): *Provided*, That within the scope of the permit and any terms, conditions, or limitations attached thereto, the carrier shall have the right to substitute or add to its equipment and facilities as the development of its business may require: *Provided further*, That no terms, conditions, or limitations shall be imposed in any permit issued on or before the effective date of this proviso which shall restrict the right of the carrier to substitute similar contracts within the scope of such permit; or to add contracts within the scope of such permit unless upon investigation on its own motion or petition of an interested carrier the Commission shall find that the scope of the additional operations of the carrier is not confined to those of a contract carrier as defined in section 203 (a) (15), as in force on and after the effective date of this proviso."

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may have printed at this point in the RECORD a statement in explanation of the bill.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

STATEMENT ON S. 1384

The legislation embodied in S. 1384 undertakes to solve one of the difficult problems facing the Interstate Commerce Commission in recent years—that of determining the line of demarcation between contract and common carriers by motor vehicles. Because the Commission is now specifically prohibited from restricting contract carriers from substituting or adding contracts within the scope of their permits, a substantial number of contract carriers have been able to enter into so many contracts that they are actually performing common-carrier service. Unlimited diversion of traffic from common carriers to contract carriers could impair the common carriers' ability to render adequate service to the general public; consequently, a more precise definition of contract carriage in the Interstate Commerce Act is deemed necessary.

S. 1384, as introduced, generated sharp controversy among the carriers affected and appearing before your committee, but fortunately the bill has now been rewritten in such manner as to have the support of practically all affected interests. As it appears here today, it has not only the unanimous approval of the Committee on Interstate and Foreign Commerce, but also the full endorsement of the Interstate Commerce Commission and all types of regulated highway freight transportation as well as the railroads.

By its terms S. 1384 enables the Commission to distinguish between common and contract carriers in several ways. It amends

the definition of contract carrier so that the service of such a carrier will be under continuing contracts with one person or a limited number of persons either through the assignment of vehicles to the exclusive use of each shipper served, or by furnishing transportation service designed to meet the distinct need of each individual customer. It amends section 209 (b) by providing, except as to restrictions respecting outstanding permits, that the Commission in granting contract carrier authority, may include in the permit such terms, conditions, and limitations as are necessary to assure that the business conducted will be that of a contract carrier. This section is also amended by adding a new sentence providing that hereafter the Commission, in passing upon new permits, shall consider the number of shippers to be served, the nature of the service proposed, the effect which granting the permit would have upon protesting carriers and the effect which denying it would have upon the applicant and its shipper. In this, the Committee is proposing to give the Commission more helpful standards than are contained in the present law.

The bill contains a proposed amendment to section 212 of the Interstate Commerce Act that directs the Commission to examine all outstanding contract carrier permits and authorizes the granting of certificates of public convenience and necessary in lieu of permits held to those contract carriers whose operations do not conform to the new definition and that are, in fact, common carriers and are otherwise in lawful operation.

Finally, a new subsection is proposed to be added to section 203 of the act providing that no person shall engage in a for-hire transportation business by motor vehicle in interstate or foreign commerce, with statutory exceptions, unless it holds a certificate or permit therefor from the Interstate Commerce Commission. This is necessary to avoid operations that do not fall within the amended contract carrier definition and that are not common carriage because they are not held out to the general public. Without this, some carriers could escape regulation, including the safety regulation of the Commission.

The committee spent an extended period of time in consideration of this subject. Restudied at length were the basic differences between common and contract carriers by motor vehicle. These differences are important and meaningful at law, and in practical effect, but the present statute fails to give them proper recognition.

A common carrier holds out or offers its services to the public, and it may not discriminate between shippers in the service it renders. The public must rely upon these common carriers, and because of this necessary reliance the public interest in common carriage must be safeguarded.

Contract carriage is likewise of importance to the economy, but the statute does not accurately define its scope. What the committee has attempted to do, among other things, is to preserve genuine contract carriage for its proper role in our transportation economy.

To say that a contract carrier is one that does not hold out, or offer, its service to the general public is not enough. That view places too much importance upon the carrier's state of mind. The committee concluded that in terms of service a contract carrier renders a distinct service, a service tailored to the individual needs of a particular shipper. In his service a genuine contract carrier may assign or dedicate its vehicles to the exclusive use of a particular shipper or shippers. And whether the service is characterized by its distinct nature, or by the dedication of vehicles to the use of a particular shipper or shippers, or by both, the contract carrier, as seen under the new definition, is one that holds continuing contracts with one shipper, or with a limited number of shippers.

Had the original law contained language as definite as the language in this bill—now accepted by all transportation groups concerned—the path of regulation would have been more smooth, and the results of our National Transportation Policy more beneficial.

There is justification for prompt passage of this measure. Since 1935, when the Interstate Commerce Act was amended by including the regulation of motor carriers, the Commission and the carriers themselves have experienced great difficulty in distinguishing between common and contract motor carriers. In fact, the testimony presented to the committee shows that there are many contract carriers performing a service that is indistinguishable from common carrier service. The matter, unfortunately, is agravated by a decision of the Supreme Court in the Contract Steel Carriers case which permits a contract carrier to perform service for an unlimited number of shippers. Prior to that decision the Commission had done its best to provide distinctions between common and contract carriage in various ways, including what it called a specialization test. This test rather effectively defined the limits of contract carriage in most cases, but it could not prevent unreasonable expansion in some situations. In the Contract Steel case the Commission made its finding that the carrier, operating for 69 substantial shippers of iron and steel, was in fact a common carrier. The case went to court and the Supreme Court finally held that the specialization test had been met by this carrier and that it could continue to aggressively search for new and more business.

The decision of the Supreme Court clearly means that the Congress should do something to correct the situation. The Commission came to us with a bill designed to solve the problem. The language of that bill was unacceptable to certain of the parties, especially the contract carriers. Those contract carriers, however, support the bill as now drafted. Private carrier representatives offer no objections to the revised legislation. The new bill, while not as drastic as the Interstate Commerce Commission's proposals, achieves many of the purposes sought to be achieved by the Commission in its bill. In view of all this, the committee recommends that the bill be approved.

Mr. JOHNSON of Texas. Mr. President, I ask that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. The question is on agreeing, en bloc, to the amendments.

The amendments, en bloc, were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

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## FINALITY OF CONTRACTS BETWEEN THE UNITED STATES GOVERNMENT AND CERTAIN COMMON CARRIERS OF PASSENGERS AND FREIGHT SUBJECT TO THE INTERSTATE COMMERCE ACT

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 340, S. 377.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 377) to establish the finality of contracts between the Government and common carriers of passengers and freight subject to the Interstate Commerce Act.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on Interstate and Foreign Commerce with an amendment to strike out all after the enacting clause and insert:

That the Interstate Commerce Act is amended as follows:

SECTION 1. At the end of section 16 (3) (e) add the following sentence: "With respect to the transportation of property or passengers for or on behalf of the United States, the cause of action shall be deemed to accrue upon the date of payment of the charges for the transportation involved or upon the date of a subsequent collection for overcharges made by the United States, whichever is later."

SEC. 2. Add the following new subparagraph to section 16 (3) as subparagraph "(i)":

"(i) The provisions of this paragraph (3) shall extend to and embrace all transportation of property or passengers for or on behalf of the United States in connection with any action brought before the Commission or any court by or against carriers subject to this part."

SEC. 3. At the end of section 204a (4) add the following sentence: "With respect to the transportation of property or passengers for or on behalf of the United States, the cause of action shall be deemed to accrue upon the date of payment of the charges for the transportation involved or upon the date of a subsequent collection for overcharges made by the United States, whichever is later."

SEC. 4. Add the following new paragraph "(7)" to section 204a:

"(7) The provisions of this section 204a shall extend to and embrace all transportation of property or passengers for or on behalf of the United States in connection with any action brought before any court by or against carriers subject to this part."

SEC. 5. At the end of section 308 (f) (2) add the following sentence: "With respect to the transportation of property or passengers for or on behalf of the United States, the cause of action shall be deemed to accrue upon the date of payment of the charges for the transportation involved or upon the date of a subsequent collection for overcharges made by the United States, whichever is later."

SEC. 6. Add the following new subparagraph "(6)" to section 308 (f):

"(6) The provisions of this paragraph (f) shall extend to and embrace all transportation of property or passengers for or on behalf of the United States in connection with any action brought before the Commission or any court by or against carriers subject to this part."

SEC. 7. At the end of section 406 (a) (4) add the following sentence: "With respect to the transportation of property or passengers for or on behalf of the United States, the cause of action shall be deemed to accrue upon the date of payment of the charges for the transportation involved or upon the date of a subsequent collection for overcharges made by the United States, whichever is later."

SEC. 8. Add the following new paragraph "(7)" to section 406a:

"(7) The provisions of this section 406a shall extend to and embrace all transportation of property or passengers for or on be-

half of the United States in connection with any action brought before any court by or against carriers subject to this part."

SEC. 9. Section 322 of the Transportation Act of 1940 (49 U. S. C. 66) is amended as follows:

(1) By striking the word "overpayment" and substituting therefor the words "overcharge as defined in the Interstate Commerce Act and payment in excess of rates, fares, and charges established pursuant to section 22 of the Interstate Commerce Act."

(2) By striking the period at the end and adding a colon and the following new provision, "Provided, however, That such deductions shall be made within 3 years from the time of payment of bills wherein overcharges are noted."

SEC. 10. The provisions of this act as amending the Interstate Commerce Act, as amended, shall apply only to causes of action which accrue on or after the effective date of this act. The provisions of this act as amending section 322 of the Transportation Act of 1940 (49 U. S. C. 66) shall apply only to transportation performed and payment made therefor subsequent to the effective date of this act.

Mr. SMATHERS. Mr. President, I submit an amendment to the committee amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 5, line 20, after "three years" insert "(not including any time of war)."

On page 5, line 21, after the word "bills", to strike out "wherein overcharges are noted."

On page 5, line 21, after the word "bills", insert a colon and the following proviso:

*Provided further*, That every claim cognizable by the General Accounting Office for charges for transportation within the purview of this section shall be forever barred unless such claim shall be received in the General Accounting Office within 3 years from the date of payment of the charges for the transportation involved or from the date of a subsequent collection for overcharges made by the United States for such transportation.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by me relating to the amendment to toll the statute of limitations during time of war.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON AMENDMENT TO S. 377 TO TOLL THE STATUTE OF LIMITATIONS DURING TIME OF WAR

When S. 377 was passed over on the call of the calendar on May 22, it was agreed that an amendment would be offered to the bill to toll the statute of limitations during time of war on deduction of overcharges by the United States. The bill now provides that the right is reserved to the United States Government to deduct the amount of any overcharge from any amount subsequently found to be due a carrier with the proviso that the deduction shall be made within 3 years from the time of payment. The amendment is to provide that the 3-year period for such deductions should not include any time of war. An amendment on page 5, line 20, to insert after "3 years" the words "(not including any time of war)" would accomplish this change. The statute of limitations on such withholding by the General Accounting Office would thus be tolled during time of war.

Another amendment for the sake of clarity is offered by striking on page 5, line 21, the words "wherein overcharges are noted." The amendment dropping these words would eliminate confusion by omitting this surplus phrase.

As a result of these changes, the proviso beginning on page 5, lines 19–21, would read as follows: "*Provided, however*, That such deductions shall be made within 3 years (not including any time of war) from the time of payment of bills."

Mr. BRICKER. Mr. President, the bill had been held up pending the submission of the amendment offered by the distinguished Senator from Florida. As I understand, there are no other amendments except those added by the committee.

Mr. SMATHERS. The Senator from Ohio is correct.

Mr. BRICKER. With this amendment I am satisfied, and I think the bill should pass.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida to the committee amendment.

The amendment to the amendment was agreed to.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement on the amendment to S. 377 which was requested by the Comptroller General of the United States.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON AMENDMENT TO S. 377 REQUESTED BY COMPTROLLER GENERAL OF THE UNITED STATES

The Comptroller General of the United States has a request for an amendment to S. 377 that he makes in the light of the limitation on deductions for overcharges in transportation bills by the General Accounting Office to a period of 3 years. He says:

"It seems notable that the 10-year limitation on claims against the United States cognizable in the General Accounting Office provided in 31 U. S. C. 71a and 236, would, if not amended as to carriers' claims, afford the carriers an advantage over the Government, insofar as recovery periods are concerned, if deductions by the Government for overcharges were limited to 3 years after payment.

"In order to maintain an equality of position insofar as the Government and the carriers are concerned, it appears desirable that a further proviso be added to section 322 as proposed to be amended in S. 377, so as to remove transportation transactions covered by section 22 from the scope of the 10-year limitation specified in title 31, United States Code, section 71a. To this end it is recommended that the following language be added to section 322, as proposed to be amended.

" 'Provided further, That every claim cognizable by the General Accounting Office for charges for transportation within the purview of this section shall be forever barred unless such claim shall be received in the General Accounting Office within 3 years from the date of payment of the charges for the transportation involved or from the date of a subsequent collection for overcharges made by the United States for such transportation.' "

The Comptroller General's request seems to be a reasonable one. It should be adopted.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD another statement relating to S. 377.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON S. 377

The purpose of the bill as introduced is to amend section 22 of the Interstate Commerce Act under which the United States is allowed free or reduced rates for carriage, storage, or handling of property, and the transportation of persons or property at free or reduced rates. The bill proposes to provide that offers, or tenders, to the Government under section 22 by carriers subject to the Interstate Commerce Act shall be conclusively presumed to be lawful and not subject to attack 2 years after date of acceptance by a properly authorized official of the United States.

It should be noted that S. 377 provides that the 2-year period of limitations on contracts under section 22 of the Interstate Commerce Act begins to run, not upon delivery, or tender of delivery by the carrier, as in the case of commercial shipments, nor upon payment for transportation performed, but when the contract is "accepted or agreed to" by properly authorized Government officials. Thus, such a contract under the terms of the bill might be "accepted or agreed to," depending upon the exact meaning of those words, and 2 years or more might pass before traffic actually moves under the terms of such an agreement. Therefore, even before the Government makes use of the rates, fares, and charges provided by such a contract, the Government could already be bound to accept the terms as "conclusively presumed to be just, reasonable, and otherwise lawful" and not "subject to attack, or reparation" except upon grounds of fraud or clerical mistake. Under the act, commercial shippers may transport goods under published tariff rates for an indefinite period before appealing these rates to the ICC. The only limitation on the shipper's rights is that his recovery is limited to damages for 2 years preceding the appeal.

The President vetoed a similar finality bill, S. 906, 83d Congress. His memorandum of disapproval stated he could see no reason why the Government should not be subject to the same 2-year limitation on retroactive review of its freight charges as the commercial shipper. He recommended that such legislation be enacted.

The committee examined the situation thoroughly and found that by the weight of authority the Government is apparently bound by a 2-year statute of limitations, while the carriers seeking to recover from the Government are subject to the 6-year period established for the Court of Claims.

In the interest of fairness to all concerned, the committee believes that a 2-year statute of limitations, now applicable to commercial shippers, should be applied to shipments and transportation of persons by the Government. Likewise, it believes that carriers subject to the act should be clearly bound by the same 2-year period of limitations rather than the 6-year period now available to the carriers for suits against the Government. S. 377 was amended to so provide.

The committee during its consideration of S. 377 dealt with another matter that has, over the years, been a subject of great dissatisfaction, and often of injustice, to carriers dealing with the Government: The right of the Government to withhold funds because of payments deemed to be in excess of those legally applicable.

The present law provides that payment for transportation of United States mail and passengers and property by or on behalf of the United States by common carriers subject both to the Interstate Commerce Act

and the Civil Aeronautics Act of 1938 shall be made upon presentation of bills for the service and prior to audit by the General Accounting Office, but the right is reserved to the United States to deduct the amount of any overpayment to a carrier from any amount subsequently found to be due the carrier.

The right of the Government to deduct for overpayment is not limited as to time; the committee believes that a reasonable time limitation should be established for such deductions. It seems unfair that the carriers subject to this provision should be subject to deductions for as many years as meets the convenience of the Government. Therefore, the period should be made certain.

The committee believes, accordingly, that deductions for excess payments should be made within a period of 3 years beginning with the date of payment to a carrier. S. 377 was further amended to provide for such a period.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend the Interstate Commerce Act to provide a 2-year statute of limitations on actions involving transportation of property and passengers of the United States Government and to provide that deductions for overcharges by the United States shall be made within 3 years from time of payment."

## DEVELOPMENT OF NATIONAL SYSTEM OF NAVIGATION AND TRAFFIC CONTROL FACILITIES

Mr. MAGNUSON. Mr. President, I ask that the Chair lay before the Senate the amendment of the House of Representatives to S. 1856.

The PRESIDING OFFICER (Mr. BEALL in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1856) to provide for the development and modernization of the national system of navigation and traffic control facilities to serve present and future needs of civil and military aviation, and for other purposes, which was, on page 7, line 11, strike out all after "personnel," down through and including "or" in line 13.

Mr. MAGNUSON. Mr. President, I move that the Senate concur in the amendment of the House.

Mr. BRICKER. Mr. President, I think this is one of the most constructive and most important pieces of proposed legislation which has come before the Senate from the Committee on Interstate and Foreign Commerce in quite a while. I concur in the motion of the Senator from Washington, the chairman of the committee. I am quite sure that funds will be available. We were given that assurance by the administration.

In passing, I wish to commend the work which was done by General Curtis and subsequently by General Quesada in helping to work out a program.

I think this is a very constructive and urgently needed bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excerpt from the Budget and Accounting Procedures Act of 1950 relating to this matter.

There being no objection, this excerpt was ordered to be printed in the RECORD, as follows:

BUDGET AND ACCOUNTING PROCEDURES ACT OF 1950

SEC. 202. (b) When under authority of law a function or activity is transferred or assigned from one department or establishment to another department or establishment, the balance of appropriations which are determined by the President to be available and necessary to finance or discharge the function or activity so transferred or assigned, shall be transferred to and be available for use by the department or establishment to which said function or activity is transferred or assigned for any purpose for which said funds were originally available. Balances so transferred shall be credited to any applicable existing appropriation account or accounts, or to any new appropriation account or accounts, which are authorized to be established, and shall be merged with funds in the applicable existing or newly established appropriation account or accounts and thereafter accounted for as one fund (31 U. S. C. 581c).

## THE 4½-YEAR RECORD OF THE REPUBLICAN ADMINISTRATION UNDER THE LEADERSHIP OF PRESIDENT EISENHOWER

Mr. CAPEHART. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a statement I have prepared on the 4½-year record of the Republican administration under the leadership of President Eisenhower.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE 4½-YEAR RECORD OF THE REPUBLICAN ADMINISTRATION UNDER THE LEADERSHIP OF PRESIDENT EISENHOWER

(Statement by Senator CAPEHART)

Mr. President, twice within 4 years, Americans in record numbers have entrusted their welfare to a Republican administration under President Dwight D. Eisenhower.

There is much evidence that the people like the kind of government they are getting from a party and its leader at one of the most difficult times in history.

Public opinion polls continue to show it.

I am sure that Congressional mail continues to show it.

The man in the street recognizes the ingredients of a situation in Government at once offering immediate security for him and his family and presaging long-range well-being for succeeding generations.

There are many such ingredients developed and developing under the prayerful and careful guidance of the men who direct the destinies of our people in this administration.

They are the ingredients so obviously necessary to achieve the announced objective of an administration now just 4½ years old.

THE OBJECTIVE: PEACE, PROGRESS, AND PROSPERITY

The announced objectives—the battle cry to which the American people twice have responded with such overwhelming favor—is familiar to all of us.

It is, simply stated: Peace, progress, and prosperity.

We are achieving all three.

Thank God, not an American boy is fighting anywhere.

Thank God, nearly every able-bodied American is working at record pay.

Thank God, we are progressing on all fronts.

Those, Mr. President, are the basic ingredients of a situation much in favor with the American people.

Our responsibility—our solemn duty to our people—is to cooperate in every conceivable way to assure not only the degree of peace and prosperity we now know, but to strengthen the peace and expand the prosperity toward greater and greater progress for all our people.

I am sure all of us recognize that responsibility.

No administration, no matter how strong, can succeed in this sacred objective without the statesmanlike cooperation of the legislative branch of the Government and the support of the people.

Now, obviously, this does not require blind allegiance on the part of our people.

Certainly it does not suggest a return to the rubber-stamp, partisan devotion of the Congress which we have known all too well in the recent past.

Mr. President, I believe the facts show that this Nation is well on the way to an even more enduring peace and to an expanding economy which will assure gainful employment and happy, comfortable living for every family making up the rapidly increasing population of our Nation.

The way to these achievements is not easy.

On all counts, it is fraught with fatal dangers—suicidal war and/or economic collapse, or both.

That is why we have a weighty obligation to proceed with a maximum of caution and a minimum of strictly partisan consideration toward the enactment of those laws—the establishment of those policies—most likely to avoid ruinous inflation, international chaos, or economic stalemate.

REPUBLICAN-EISENHOWER GUIDEPOST TO FUTURE

Mr. President, surely there are none among us who will argue that this administration has failed in advancing as rapidly as it could safely have advanced within 4½ years toward its stated objectives.

Just as surely, there is much remaining to be done.

But, again, just as surely, the formula for ultimate and total success has been established.

Not every one of us has agreed with every administration proposal.

Certainly, I have not.

Not every one of the administration's proposals has been adopted.

But, Mr. President, it is to the everlasting credit of the Congress that, in the main, there has been sufficient support by the legislative branch to make possible the up-to-now success of the program for peace, prosperity, and progress.

THE TRAIL HAS BEEN BLAZED

The trail has been blazed.

Success to this point has been achieved through the support of our people and of a sometimes seriously divided Congress.

The trail to further success, if we look at the situation realistically, must follow generally the proved and realistic approach of the last 4½ years.

Thus it is time to look back over the record of this administration, see how all this

has been achieved, revise what outmoded or mistaken paths may have been followed, and proceed to clear an even wider, more aggressive path for the future.

I shall attempt a purely factual outline of what has happened in the last 4½ years and let the record speak for itself.

PRESERVE AMERICAN SYSTEM OF GOVERNMENT: PRIVATE ENTERPRISE

Mr. President, the Republican Eisenhower administration brought with it, quite naturally, a refreshing atmosphere designed to preserve and encourage the private enterprise system, which is the basic ingredient of what I consider to be this Nation's greatest asset—the American system of government.

In other words, Mr. President, the inception of the Republican Eisenhower administration brought an end to an era in which Washington seemed to have taken a particular delight in beating the brains out of American business and our private enterprise system.

I repeat that this system—the right of every man to pursue a gainful occupation and retain a rightful share of the fruits of his endeavors—is basic to our greatest asset, the American system of government.

We have become the greatest Nation on earth, in my opinion, primarily because of that system of government.

Our advantage has not come from geographic location.

It has not come from the fact that we are inherently more intelligent than the people of other nations. We are the people of other nations.

Our advantage has not come from any great climatic excellence. We have almost every type of climate imaginable.

The success of this Nation has not come as a result of its great natural resources. True, we do have great natural resources but so do other nations.

A great many have attributed the phenomenal success of America to various other reasons.

But I insist, Mr. President, that none of these reasons could possibly have given us the advantage we have enjoyed.

Thus, it is obvious that the dominant reason for our phenomenal growth is the fact that we established, developed and encouraged a private enterprise system under which the tenant farm boy of today can become the farm owner of tomorrow; the factory worker of today can become the factory owner of tomorrow; the poor immigrant boy of today can become the leading citizen of tomorrow and all of us possesses the right to progress in proportion to our own initiative and ability.

Thus, I say that one of the most important accomplishments of this administration has been to restore confidence in and encourage the development of the basic principle of our greatest asset, the American system of government.

REDUCED SPENDING, BALANCED BUDGETS, LOWER TAXES

In the very first year of his administration, President Eisenhower reduced the budget he inherited by $10 billion, cutting the 1954 deficit to $3 billion from $9½ billion the preceding year.

In 1954, there was enacted the first tax reduction in many years, a reduction which saved the taxpayers a total of more than $25 billion so far in President Eisenhower's administration.

In 2 of the 4 years of the first Eisenhower term, fiscal 1956 and fiscal 1957, the budget was balanced.

In fiscal 1956, with a balanced budget, we had a surplus of nearly $2 billion.

That was the year spending was cut to about $66½ billion, some $8 billion below fiscal 1953.

Despite new demands for fiscal 1957, increasing spending to a little more than $69 billion, resulting from increased benefits to the people and military costs, we have a surplus of some $1.6 billion for the past fiscal year. It is significant that even the increased spending required less than 20 percent of our national income in comparison with 25 percent in 1953.

NO TAX INCREASES FOR 1958

The proposed budget for fiscal 1958, the total of which has not been determined finally, is too high.

I wish it could be reduced more than it has been.

But, high as it is, the budget for fiscal 1958 does not anticipate or require tax increases.

Nor does it wipe out any of the tax cuts heretofore made under this administration.

And, we are promised a balanced budget besides.

TREATMENT OF NATIONAL DEBT

All of us recognize the importance to the national economy of relieving the terrific load imposed by the national debt.

From April of 1945 to January 1953, the national debt had risen $33 billion.

In the first 4 fiscal years of this administration it rose only slightly more than $5 billion and, in fact, on June 30, 1956, this administration effected a reduction of $1,600 million. On June 30, 1957, the debt was reduced $2.2 billion.

TAX REDUCTION

As I said, the total saving in the 3 years since the people were given the biggest tax cut in history has been $25 billion.

This is how it happened:

Personal income taxes were reduced by 10 percent, or $3 billion.

Excise taxes were reduced on cosmetics, movies, household appliances and other items, saving the people $1 billion a year.

Another saving of $1,400,000,000 was made possible by revising the tax structure to give greater medical credit and other beneficial deductions to those in categories needing more tax relief.

The other $2 billion in savings came through the discontinuance of wartime excess profits tax.

Some 62 percent of the total savings went to individuals and only 38 percent to corporations.

In other words, the average taxpaying family saved $100 a year.

In the "individual bracket," the small-income family saved 10 percent while those in the high-income class saved but 1 percent.

Let us see just what our constituent received in the way of tax benefits under this reduction program.

A working widow can deduct $600 paid for care of her children under 12 years of age. This would save her $120 on a $3,000 income.

Parents can deduct for minor children even though they may earn more than $600 per year. This would save, on 1 child, $120 on a $3,300 income or $132 on a $6,000 income.

Persons over 65 years of age drawing retirement other than social security, are exempt to $1,200, which saves them $240 a year.

It is now possible for low-income families to benefit from medical deductions because of the change in minimum limits.

Seven million of our taxpayers benefit from the stock dividend change making the first $50 tax-free and a 4 percent reduction on the balance.

Every adult and most children benefit from the reduction in excise taxes.

That is a tax reduction which we in Indiana would call better than fair-to-middlin'.

I have no intention of discussing in detail the 1958 fiscal budget as presented, as argued or as it finally will be approved.

My purpose simply is to remind Members of Congress and the people of this great country that there has been in control of our Government for the past 4 years an administration of integrity.

WOULD RUSSIA ATTACK?

To depart briefly from a statistical review, I repeat that I believe the proposed 1958 budget proposal was too high. President Eisenhower recognized that, to some degree, when he suggested reductions of nearly $2 billion.

Even so, it has seemed to me that many conscientious and knowing persons with altogether admirable motives have attacked the budget without a purely realistic appraisal of our present situation.

This is not to be interpreted as a political observation because perhaps as much, if not more, criticism has come from men and women of my own party affiliation as from the other side of the political fence.

We all know that by far the greatest budgetary item is for defense against a dangerous enemy. It has seemed to me that a part of our consideration of the budget, therefore, should be a study of the question:

"Do you believe that Russia would attack us if she thought she could win?"

If you believe Russia would not attack if she thought she could win, then you are entitled to believe we could and should cut the budget by billions.

If, on the other hand, you believe Russia would attack under such circumstances, the question resolves itself into just how much you think it is worth to protect our Nation and our people.

As far as I am concerned, I have said publicly on numerous occasions that I felt it was impossible to determine, with a budget approaching $40 billion, whether a cut or an increase of $1 billion, $2 billion, or $3 billion would make the difference between victory or defeat and that, therefore, the question might well be resolved in favor of economy.

RECORD PROSPERITY

Since fiscal policies, taxes, budgets, and national debts are essential parts of our overall economy, it seems logical for me at this point to turn to the prosperity section of this report on the achievements of this administration.

Let me say, at the outset, that in the first 4 years of this administration, the national income has exceeded Federal taxes by more than $1,000 billion.

Simple arithmetic: The national income has averaged more than $300 billion a year. Federal taxes have averaged slightly in excess of $65 billion.

It's as simple as multiplication and subtraction.

Try it.

The gross national product has reached $433.5 billion. That is a gain of $72 billion in the 4½ years of Republican administration of our Federal Government.

Employment is nearly 67 million.

The national income is now more than $355 billion.

Personal income, after taxes, is 23 percent higher than when this administration took control.

The average factory worker is getting over $10 a week more than 4½ years ago.

Consumer spending is up 24 percent because of higher earnings and more spending money.

Industrial production is up 15 percent.

While hourly and weekly wages went up 23 percent the cost of living went up 5½ percent.

Tax cuts have given the single factory worker 16 percent more take-home pay and an average of 13 percent more for the family man.

The average individual income after taxes is $1,754 per year, highest in history.

In other words, each of the 171 million persons in this country has $217 more a year to spend than before President Eisenhower took office.

Labor has averaged 69 percent of the national income, nearly 6 percent more than before the Republican regime.

Corporate profits after taxes have averaged 6 percent of the national income, a smaller share by nearly 1½ percent prior to this administration.

The dollar dropped to 52.2 cents of its 1939 value prior to this administration, a loss of 47.8 cents. Since President Eisenhower has been in office that decline has been slowed to 2.7 cents.

LABOR HAS BENEFITED

The national product, national income and employment are necessarily tied together.

I mentioned that employment is nearly 67 million, more than 4 million above the same time in 1952.

Since we are talking about workers, let us see how labor has fared.

Legislatively speaking, the Republican record shines.

When Republicans controlled the 83d Congress the following legislation was passed:

1. Provision for increasing the amount of vocational rehabilitation.

2. Railroad retirement benefits were increased.

3. Unemployment insurance was strengthened.

4. Unemployment insurance was extended to 4 million more employees.

5. Tax deduction was granted for private pension benefits.

6. Federal workers were given unemployment compensation and many fringe benefits, including life insurance.

7. District of Columbia unemployment insurance increased.

Since that 83d Republican Congress, only 2 of the administration's 13 recommended labor programs have been approved by the Congress, but those 2 can be credited to the Republican administration.

They were:

1. Increase from $35 to $50 the maximum compensation benefits for longshoremen, District of Columbia residents, and others in Federal jurisdiction.

2. Regulation of interstate transportation of migratory workers. The other 11, including revision of the Taft-Hartley Act, went by the boards.

The lack of progress legislatively after the 83d Republican Congress did not prevent the Department from making a sensational record by enforcement of the laws which existed.

For example:

Under the Fair Labor Standards Act and the Walsh-Healey Act the Department recovered $1,250,000 in back wages for workers.

That's half a million dollars more than in the 4 years before Eisenhower.

A total of $1,443,800 was recovered under Walsh-Healey Act, 5 times as much as in the previous 4 years.

Over $833,000 has been recovered for workers under the Davis-Bacon Act, almost 3 times as much as in the previous 3 years.

Investigations alone prompted the payment of over $7 million in back wages for 88,800 employees in 14 months.

From 1950 through 1952 one contractor paid $502 fine for failing to pay his workers for overtime under the 8-hour law.

In 1956 alone, 19 contractors were found guilty of the same offense and paid fines totaling $22,665. For all 4 years the penalties totaled $41,145 as compared with $525 in the previous 4 years.

Davis-Bacon enforcement cases under Eisenhower Republicans totaled 1,143 in 3 years and 453 more were started in the fourth year as compared to a total of 476 cases in the previous 3 years.

From 1935 through 1952—17 years—only 4 contracting firms were blacklisted under Davis-Bacon Act. Since 1953, 50 firms and 64 individuals have been forced to comply with the law.

The administration before the present Republican administration took 89 enforcement actions under the Walsh-Healey Act. Under this administration the total is 102 with 35 blacklisted contractors compared to the 17 blacklisted by the previous administration.

"WE NEVER HAD IT SO GOOD"

The Department of Labor has won more of its cases in the Supreme Court in the last 4 years than were won in the preceding 9 years.

One of those cases was extremely important to 100,000 workers who received $2½ million as a result of the Department establishing the right to determine minimum wage standards in certain industries.

All of these details are important to one or more segments of our laboring people.

And, as for organized labor, its membership rolls are at a record high.

Surely, our laboring millions agree with George Meany, president of the AFL–CIO, when he said:

"Yes; right now we never had it so good."

SOLVING THE FARM PROBLEM

Perhaps more words have been spoken on the floor of the Congress about the farm problem than any other subject in the last few years.

That is as it should be. There is no more important—yes, vital—segment of our economy than that involving the 6 million farmers in our country.

The approach to the farm problem taken by this administration has been highly controversial.

But I believe it is significant that some—perhaps most—of our large farm organizations consistently have supported the principle of the administration's attack on the problem.

Senators know I have not always agreed with the existing program.

I have supported some administration proposals as stopgaps—necessary expedients—pending the day when this Congress will authorize the only real and permanent solution of the farm problem.

That solution, provided in bills which I have introduced in the 84th and 85th Congresses—S. 3503 and S. 724—with the support of more than 30 cosponsors in each case—provides for a vast research program to discover and develop new industrial uses for farm products.

The junior Senator from Nebraska has proposed a similar bill in this session, S. 2306, to carry out the recommendations of the Agricultural Research and Industrial Board, created in the 84th Congress, which only recently submitted its excellent report.

We must get busy on this program now.

Since that is in the future, let me tell you what this administration faced with the farm problem, what it has been doing, and what it is doing at the moment toward a solution.

FARM RECOVERY

A decline in farm prosperity took place since the Korean war peak of February 1951, but the parity ratio shows that three-fifths of the decline took place prior to this administration.

The record shows that in February 1951, the parity index was at 113. It was 94 in January 1953 when Mr. Eisenhower became President. It was 86 in December of 1954, 82 in August of 1956, and 84 in July 1957.

The drop has been halted.

The decline was halted in 1956 by increasing wheat price supports from $1.81 to $2 per bushel; by increasing corn supports from $1.40 to $1.50 per bushel; corn grown outside acreage allotments was supported at $1.25 per bushel; rice supports went from $4.04 to $4.50 per hundredweight; milk supports went to $3.25 per hundredweight; butterfat was raised from 56.2 cents a pound to 58.2 cents.

Other actions were taken such as:

Adoption of the soil bank plan.

Expansion of the barter plan of farm goods for strategic materials.

Commodity program strengthening through action on corn, rice, sugar, school milk programs.

Rural development pilot funds.

Great Plains conservation program.

More research funds.

Improved loan programs of Farmers' Home and Farm Credit Administrations.

Tax refund on farm gasoline.

RURAL ELECTRIFICATION INCREASED

In the 4 years of the Republican administration of agricultural programs we find a great deal more to boast about.

The backlog of REA loans was reduced from $192 million to $90 million by faster processing of applications.

Four times as many loans for rural telephone facilities were made in the Republican 4 years than in all prior years and as a result those facilities have doubled since 1953.

There has been added to the services of the Farmers Home and Farm Credit Administration livestock loans to maintain herds in drought and severe weather areas; emergency loans to aid farmers temporarily unable to get credit; soil and water conservation loans to aid farmers in developing water supplies.

The Farm Credit Administration was reestablished as an independent agency and more than $2½ billion in credit was granted in 1955.

Disaster loans totaled $231 million; large discounts were allowed on 5½ million tons of surplus feed grains; 461 million pounds of beef and pork were bought to stabilize the market after the drought; erosion damage was met with a $21-million program.

In the Republican 4 years 494 million bushels of grain storage facilities were added; 200 million bushels more were added through guaranteed occupancy arrangements with commercial warehouses; producers used Government loans to construct facilities on farms for 142 million bushels; farmers and warehousemen were permitted to charge off storage construction costs over a 5-year period for tax purposes; many farmers built additional storage through private financing.

We go on and on with the progress of the Republican administration in developing a farm program aimed at permanent prosperity.

SURPLUS DISPOSAL

The Commodity Credit Corporation disposed of over $6 billion worth of surplus commodities from storage.

Agricultural attachés abroad were placed under the Department of Agriculture to assist in the trade program.

Stocks of commodities have been offered for export at competitive prices.

The program to barter surpluses and sell for foreign currency was expanded.

Farm exports in fiscal 1957 were the highest in history.

I have always said that if somebody gives you a lemon, make lemonade out of it. The Republicans were certainly handed a lemon in the surplus commodity problem, and they have done a good job of making lemonade out of it.

What is the farmer's situation today after 4 years of republicanism in Government?

Let's have a look:

Three-fourths of the Nation's farmers today own their farms.

Farm tenancy is at an alltime low.

FARM ASSETS $10 BILLION UP

Total farm assets are more than $170 billion, nearly $10 billion more than before President Eisenhower took office.

The farm debt is about 11 percent of the assets, a near alltime low percentage of debt.

Seven of every 10 farmers have no mortgage debt.

Four-fifths of those mortgaged are mortgaged for less than 50 percent of market value and half for less than 30 percent of market value.

The farmer now has social security, something he couldn't get for 19 years.

With the farm income in 1956 at about $12 billion, the market stabilizing at a level commensurate with the general economy and with the surpluses dwindling, the picture is brighter for the farmer.

That is what the Republican Party and President Eisenhower have done for the farmer.

FOREIGN POLICY—PEACE

Mr. President, I now come to what I consider to be one of the outstanding achievements of this administration—execution of a peace-producing foreign policy and adoption of a businesslike program of economic and military aid.

Certainly, there is unanimous approval in the Congress and among our people of the strict adherence of President Eisenhower to the proposition that every major foreign policy decision should be submitted to the Congress.

From that principle, Mr. Eisenhower has not deviated.

Early in his administration, he pledged that he would not do so.

He has not done so and I am certain that he will not do so in the future.

Basic to any review of our foreign policy are these facts:

1. There is no war.

2. Communism is not spreading; on the contrary there is every evidence that communism is in serious trouble.

3. The Free World, on the other hand, is growing stronger; closer knit.

4. Our friendly nations are growing economically stronger; more able to stand on their own feet; more capable of contributing to western defense against communism.

Mr. President, I submit it is difficult to argue successfully against a foreign policy which has contributed to such a situation in the Free World.

LOANS, NOT GIVEAWAYS

The most expensive thing in the world, Mr. President, is war.

Not only does war take vast sums of money. More disastrously, it robs us of our young men; it disrupts the lives of our people.

Another war could mean the end of all of us.

Unfortunately, in the present state of world affairs, peace is expensive, too—expensive in dollars; in manpower for defense that might otherwise be devoted to the production of goods for better living the world around.

We must face the fact realistically that our peace effort must be 2-sided:

1. We must maintain a defense so strong that no unfriendly power, or combination of powers, can break through the peace curtain of the Free World.

2. To attain such strength, the devastation of past wars has made it necessary that we, the United States, must assist in bolstering the shattered economies of friendly nations—assist with dollars.

Mr. President, I always have favored the objectives of a properly conceived foreign assistance program for that reason—to enable our allies to help defend themselves against Communist encroachment and, at the same time, to enable them to buy more of the goods we produce in this country as a means of providing more jobs for our own people and creating a healthier economy in the United States.

GIVEAWAY UNSOUND

From the very inception of the foreign aid program, I have advocated that the giveaway philosophy of previous administrations was unsound. I still believe it was and I opposed it.

And, from the very inception of the program, I advocated two changes:

1. Place economic aid on a loan basis.

2. Separate economic aid from military aid and appropriate military funds to our own Military Establishment.

For a good many years, I said publicly—and this included almost every speech I made in my campaign for reelection last fall—that I would support a foreign assistance program on that basis.

Mr. President, I am proud to say that this administration has adopted that program and the Senate has approved it. I am proud to have supported such a plan.

In my opinion, such a program not only will be vastly more effective but it will, in the long run, be a great deal less expensive.

KOREAN WAR ENDED

Let us examine in a little more detail, Mr. President, some of the specifics of foreign policy achievement under this administration.

The record shows:

The Korean war was ended.

Red aggression was halted and the Free World made more secure.

Disarmament steps have been taken.

Atoms-for-peace program initiated.

Release of United States fliers by Red Chinese effected.

Settlement of various disputes in the Mid-East without war.

Foreign trade expanded to a United States record.

Foreign aid costs have actually been reduced.

Successful conferences at Geneva, Panama, Bermuda, and Mexico.

Improved high-level personal contacts with other countries of the free world.

Creation of Southeastern Asia Treaty Organization (SEATO).

Entrance of Western Germany into NATO.

No attack on Formosa by Red China and aggression halted in Indochina.

Communist threat to Central America neutralized.

Freedom restored to Austria.

Iran removed from Red influence.

With honesty and integrity established in our foreign policy by past performance and the facts that are before the world today, we can look with equal honesty and integrity in the Congress at the record of cost—and I mean in dollars, not in the lives of American boys.

When the Republican Party and President Eisenhower accepted the responsibility of establishing peace in the world, the budget expenditures for national security were $50,363,000,000 and the new obligational authority totaled $57,298,000,000.

Yes; we were at war then. It could well have been world war III. But it was not because it did not happen that way.

We can't forget that.

What has happened since then in the cost of peace?

Budget expenditures for our national security totaled $46,904,000,000 in 1954 and the new obligational authority in that same budget totaled $38,901,000,000.

The fiscal budget of 1955 showed $40,626,000,000 in actual expenditures and new obligational authority dropped to an all-time low of $33,656,000,000.

It was obvious at this point that Red pressure would be exerted to the utmost because the Free World was winning the cold war.

Nobody in his right mind could possibly expect that Moscow would take its beating lying down.

All of us in the Congress and the people we represent had a cautious feeling that somewhere in the world the Red menace would try for a comeback.

The Republican Party and President Eisenhower were not asleep at the switch.

With full Congressional approval, both parties alike, we provided for maintenance of a proper security program.

To sustain our position, we, the Congress, voted a fiscal expenditure for 1956 of $40,641,000,000 the equal of our 1955 budget expenditures.

We also voted new obligational authority of $35,903,000,000, just enough above the 1955 authority to assure continued development of security progress.

Fully recognizing the renewed efforts of communism to regain lost ground, this Congress went along with security development in the 1957 fiscal budget by voting expenditures of $40,965,000,000 and new obligational authority of $40,366,000,000.

Before we get into the present budget figures, let us reflect for a moment on the budget expenditures of 1953 and those of 1957:

In 1953 they were $50,363,000,000 as against $40,965,000,000.

Obligational authority in 1953 was $57,298,000,000 as against $40,366,000,000 in the present year.

Now we are ready to look at this controversial budget of fiscal 1958 for national security.

Critics term it "our highest peacetime budget."

I am happy it can be called a peacetime budget.

Some of those who raise that criticism have a difficult time remembering our last peacetime budget.

Now, Mr. President, the Republican Party and Mr. Eisenhower asked for budget expenditures for national security totaling $43,335,000,000.

This is almost exactly $7 billion less than was spent in the 1953 fiscal budget when our boys were dying in Korea.

And, above that, the President has suggested additional cuts in that amount.

The new obligational authority in the suggested 1958 fiscal budget totals $43,600,000,000, which is $14 billion less than was asked in the fiscal 1953 budget.

These figures might be called sensational, except that we have enjoyed peace along with them, but since the fiscal budget of 1953, lower budget expenditures have saved the American taxpayer $41 billion and lower budget obligations have saved them another $95 billion.

With $136 billion not spent for war and with no lives being lost on any battlefield in the last 4 years, is there any wonder there is happiness in the minds of Americans and prosperity throughout our land?

Much of the budget criticism has been aim at the foreign-aid item.

Remember, Mr. President, the Republican Party and Mr. Eisenhower had little or nothing to do with the initiation of foreign aid in its original giveaway forms.

BILLION AND A HALF REDUCTION

When we use the classification of mutual security to cover all types of aid to the free world, including military expenditures in and for those countries, we find that in the last 4 years the Republican Party has supported a reduction of a billion and a half dollars.

Yet we have a stronger alliance of the free nations than ever before.

We have found a gradual and effective change from outright grants-in-aid to free nations to a program of loans that are being

funneled through businesslike operations of established agencies.

The separation of military aid from economic aid will further clarify the administration effort to bring these expenditures to a point of acceptable stabilization.

We have watched some of the war-torn economies of Europe making rapid gains in recent years and we have shifted our assistance programs accordingly.

This is as it should be.

Mr. President, I could not close this discussion of the success of foreign policy under this administration without paying a highly deserved tribute to Secretary of State John Foster Dulles.

In my opinion, President Eisenhower and Secretary Dulles have done a remarkable job in guiding the foreign relations policies of this administration.

GOVERNMENT OUT OF BUSINESS

A steady return to a recognized American way of handling our foreign policy has been coupled with a march back to the American way of handling our domestic matters.

Example after example is available, but of prime interest to all of us is the record of the present administration in getting this Government out of private business.

In 1953 our Government had weaseled its way into more than $40 billion worth of private business operations.

That $40 billion and all of the value of the products were nontaxable and were in direct competition with private firms who were paying taxes—high taxes.

In this administration, more than 700 of these Government business operations have been designated for closing or curtailment, including more than 500 in the Defense Department alone, of which 350 have actually been discontinued.

They include office-equipment repair shops, automotive repair shops, tree and garden nurseries, bakeries, cobbler shops, laundries, 11 cement-mixing plants, 4 coffee-roasting plants, and about 70 other operations ranging from dry-cleaning plants to tire-retreading shops.

More than $1 billion was turned back to the United States Treasury through the liquidation of the Reconstruction Finance Corporation, the sale of six synthetic rubber plants and the disposal of such ventures as the Inland Waterways Corporation, the PWA-built castle in the Virgin Islands, the Island Trading Corporation of Guam and others.

The manner in which this was accomplished insofar as the rubber plants were concerned, resulted in a return to the taxpayer of nearly 97 percent of his investment in these operations as contrasted to returns of from 25 to 41 percent to the taxpayer on the disposal of war plants pror to this administration.

This program has not ended. Other enterprises are being surveyed to determine how soon they can be converted.

SMALL BUSINESS GETS HELP

Mr. President, it is perhaps true that those who suffer the most and justifiably complain the loudest against Government intrusion in private business are the operators of small businesses, who can least afford such competition from their Government.

It will be noted that a majority of those enterprises which the Government has dropped under this administration are in classifications which we normally consider small business.

So, this is one step the administration has taken to help small business and I am glad to say that the elimination of Government competition still is under study—still is proceeding.

But this is only one way in which this administration set about to help small business. Help was needed, particularly because of changing policies created by heavy defense requirements.

The first peacetime agency devoted exclusively to the needs of small business was created in 1953 under the Republican program.

The Small Business Administration today is an accepted, successful example of how our Government can help a segment of its national production on a strictly business-like basis.

It is significant that in 1955 more independent businesses were established than in any year since 1948.

At the same time, the small business failures were at a lower rate in 1954, 1955, and 1956 than even in 1940 and 1941.

Nearly 3,000 participation loans were made to small business by the SBA during Mr. Eisenhower's first term in office, with SBA furnishing more than $100 million and commercial banks supplying more than $30 million.

Direct loans to small business by SBA totaled more than 1,300 in those 4 years, and the value of the loans exceeded $50 million.

We can grasp the real meaning of small business to this Nation's great productive capacity when we stop and think that more than 75 percent of all retail sales are made annually by unit-type establishments and that manufacturers with less than $1 million in assets do $40 billion worth of business a year.

Having been in small business for a great part of my life, I can appreciate what it means to a struggling young business to have a place to turn in time of temporary difficulty.

It isn't only the financial help SBA has to give legitimate applicants that has bolstered our great backbone of small business.

The help given in channeling a fair portion of Government procurement to small businesses has done much to retain the tremendous know-how of people employed in small plants.

Under the program of setting aside the proper portion of Government procurement for small business, proposed military purchases reserved for small business in fiscal 1957 totaled over $697 million.

In addition, another $46.9 million was set aside for small-business awards by civilian procurement agencies in fiscal 1957.

There is other assistance available to the small-business man under the administration's program of being fair to all elements.

The International Cooperation Administration has an Office of Small Business by which small business participation in ICA-financed procurement is being increased.

The Justice Department has a small business unit which handled 102 complaints in 1 year.

The Federal Trade Commission created a small business division in 1954.

The administration changed the small-business man's situation for the better.

Mr. Eisenhower permitted the excess profits tax to expire on December 31, 1953, lifting quite a burden from the small-business man.

In 1954, revised tax laws provided relief for the small-business man in accumulating a surplus without penalty and changing the provisions of paying taxes on the estate of a deceased owner.

That revision of law also changed from 1 year to 2 years the right of a corporation to use losses to offset income earned in previous years.

Other benefits in that Republican tax revision were: More liberal tax treatment of research and development expenditures; option granted to some partnerships to be treated for tax purposes as corporations; greater clarity and flexibility in dealing with partnerships and recapitalization and partial liquidation of business.

Other laws helped strengthen our small-business position, one being the change in the Federal Unemployment Tax Act extending the opportunity for business to obtain a reduction in the amount of a payroll tax where a favorable employment record had been established.

It requires no prejudice to say: "That is quite a record."

WORKS PROGRESS UNDER PEACE

We are now in a position where we can plan the great improvements throughout our country which were neglected for many years, in part for need of men and materials to fight wars.

The St. Lawrence seaway might have been built long ago.

Now it is being built.

We have needed a stepped-up program of highway building in this country to keep pace with our automotive progression.

Now we are going to have it.

There has been a growing need for a long-range flood control program.

Now we are going to have it.

Our national parks needed enlargement.

We have added 400,000 more acres.

Wildlife refuges have been enlarged by 80,000 acres.

Greater power needs have been apparent for many years. We have been developing additional power facilities, both public and private, for the most part to meet war needs.

Now, we see the program for additional peacetime power go forward under the partnership approach between Government and private capital to meet the demands of a country that has broken the shackles of war and is galloping to make up for lost time.

The partnership program of developing power is in line with the theory I have followed on such projects since I have been in the Senate.

It is my belief that under our private enterprise system private capital should be utilized in every possible instance, but when private capital cannot do a job that is necessary to maintain the natural progress of our Nation, then Government must step in.

Also, I have felt that the Government may participate in a dual-purpose project where irrigation and flood control may result in supplemental power development.

That seems to be the very purpose of the administration's partnership program of Government and private participation in such projects as the proper time and on the proper basis.

SCHOOL CONSTRUCTION UP

During this administration, the annual rate of school construction rose from less than $1½ billion to more than $2½ billion.

Highway construction went from less than $3 billion to more than $5 billion a year.

Water and sewerage construction rose from less than $800 million per year to $1.3 billion a year.

Nearly $50 billion worth of public-works construction was accomplished in the first 4 years of this administration and at this moment public-works construction is running at a record rate of more than $13 billion a year.

This kind of prosperity with peace reaches to all of our 170 million citizens.

When the Republican administration cut taxes by $7.4 billion per year in its first 4 years in office, it helped State and local governments to proceed with other public-works projects which had been hamstrung by the heavy burden of Federal taxation.

The largest Bureau of Reclamation program in history is underway.

During the Republican 4 years, proper planning resulted in the starting of 67 new projects in the last year alone and in the last 2 years work was begun or continued on more than 300 projects.

The programing of reclamation reached from small to large projects, but one of the largest, the Arkansas-Fryingpan project in Colorado, was held up by one House of the Congress.

ATOMS FOR PEACE

Progress of the Nation and benefits to all its citizens under this administration has reached every phase of our modern economy.

Perhaps no activity gives more beneficial promise than atomic power for peaceful purposes.

In these days of strong talk of disarmament and the search for lasting peace, the destructive force of atomic energy attracts most of the attention.

Nevertheless, this administration has made possible great strides toward the use of atomic energy for peaceful benefits to our citizens.

The development of peaceful uses of atomic energy was removed by the administration from Government monopoly so that the great minds of private enterprises could contribute more to the development of nuclear power.

Not a single reactor had been built by the Government monopoly.

We were lagging badly in the program of nuclear power for peaceful purposes.

One week after the present atomic-energy law was enacted, President Eisenhower broke ground for a nuclear powerplant at Shippingport, Pa.

Government and industry joined in a partnership to give this Nation its first nuclear powerplant, which will furnish this year to homes and industries in the Pittsburgh area from 60,000 to 100,000 kilowatts of electricity.

It will be the first large nuclear powerplant in the world exclusively for civilian use.

More than 108 reactors have been built in all types and sizes and for many purposes and 159 more are under construction or planned.

More than a third of all of these are designed for power production.

Thirty of the reactors under construction, planned, or built are strictly for civilian peacetime power production.

By 1962, under this administration's program of development, it is planned that 18 nuclear powerplants will be in operation generating a total of 1,200,000 kilowatts and will represent investment of over $650 million.

More than half the total investment will be private capital—tax-paying capital.

Five of the 18 will be built entirely by private investment.

Peaceful use of atomic energy was urged for all the world by President Eisenhower at Geneva and a draft charter was signed in 1956.

The Congress joined in the worldwide atoms-for-peace movement by making it possible for Government and industry to share certain classified information, with proper safeguards, to friendly nations for development of nuclear power.

Forty such agreements have been signed and power reactors have been ordered by seven nations.

Uranium 235 has been shipped to those seven nations.

Many other peacetime nuclear developments are growing steadily in importance, such as the wider use of radio isotopes in medicine, on farms, and in industry.

The administration's faith in the strength of a free-enterprise system made possible this remarkable record of atoms for peace in such a short time after breaking the Government monopoly shackles.

WELFARE, SOCIAL SECURITY INCREASED

All these developments naturally are for the welfare of our people.

They are not carried in the same classification, but are as much a part of the welfare program as health, education, and social security which are classified as benefits to the people through the new Health, Education, and Welfare Department created by the Republican President less than 3 months after President Eisenhower took office.

Congress gave approval to Republican administration bills extending social-security coverage to more than 10 million civilian workers and 600,000 military personnel in the 4 years of Republican control.

Those brought under coverage in civilian categories included 3,600,000 farmers; 2,100,000 farmworkers; 50,000 in the fishing industry; 100,000 professional self-employed; 3,500,000 State and local government employees, and 250,000 ministers. The latter two groups came in voluntarily.

Under this administration, the right of people to earn for all of their productive years was recognized and the law changed to permit retired persons to earn $1,200 per year without loss of social-security benefits.

All restriction on earnings by persons after they reach 72 years was removed.

BENEFITS UP

This administration hasn't forgotten any of the elements of our population.

The age of totally disabled persons was dropped to 50 years for welfare qualification; the age of widows to 62 years.

Benefits were increased an average of $6 a month for more than 6 million drawing social-security payments when the law was passed in 1954.

Other changes in the wage base for benefits will benefit all those retiring after the 1954 act.

MORE EDUCATIONAL OPPORTUNITIES

The school construction program mentioned heretofore resulted in 20,000 more classroom units just last year than were built in the last year before this administration.

In federally affected areas, more than 1,300 construction projects were approved in the last 3 years of the first Eisenhower term, adding 10,000 classrooms for 300,000 pupils.

Our President started this program in the right manner.

He called the first national conference on education in our history.

It brought a great many educators and persons interested in education to Washington for creation of two national advisory committees on education; one to advise on research and the other to advise on problems of higher education.

All this has been accomplished without disturbing the sound policy that our Federal Government should in no way bring under its domination the educational systems of the country.

PROGRESS IN HEALTH

The third arm of welfare extending from this new Department of our Government concerns the third basic fundamental of a great Nation—health.

It is said—and wisely—health is everything.

Under the guidance of this new Department, 863 hospital and health center construction projects were approved, costing more than one-third billion dollars.

Those projects provided 34,550 additional hospital beds and 248 new health centers.

In addition, an expansion of the original program brought about approval of 204 projects to provide 84 new chronic-disease hospitals and nursing homes with 4,520 beds, 43 rehabilitation centers, and 77 diagnostic centers.

Mind you, now, this is aside from a continuing program of increased hospital facilities for veterans.

Providence willed that the Salk polio vaccine would be proven during this administration.

The President immediately took steps to provide $53 million worth of vaccine to the States so that all children could have benefit of this wonderful drug.

An air pollution study is now under way through the approval by Congress of an administration program.

Congress also approved an administration request to increase medical research funds from $58 million to $182 million.

In addition, we in the Congress approved another administration request for $30 million to carry on a 3-year program of matching grants to non-Federal public and nonprofit institutions for construction of research facilities.

Under the health plan, a permanent program has been established providing Federal help to localities in financing the cost of municipal sewage treatment plants.

MORE AND BETTER HOUSING

Another of the great welfare programs of the Nation was introduced a number of years ago by a great Republican—the late Senator Robert A. Taft.

Senator Taft sponsored a housing program which has reached millions of our citizens to give them shelter in harmony with other progressive developments of the era.

To advance that program, this administration sponsored legislation and administrative actions which brought these results:

A record 3,200,000 homes built in 3 years.

Over $7 billion in VA-insured home loans made in 1 year, 1956, three times that of 1952.

FHA-guaranteed loans were 59 percent greater in 1955 than in 1952.

More Americans own their homes, both urban and farm, than ever before.

The Republican Housing Act of 1954 made home buying easier for everybody.

It extended FHA-insured loan repayment time to 30 years; raised loan limits to 95 percent of new and 90 percent of old house value up to $9,000, the balance above $9,000 insurable at 75 percent up to $20,000.

Low-rent dwelling units planned or started by the Republican administration total 154,500.

Other Republican-sponsored legislation improved living conditions for older people, low-income families, householders desiring to make home improvements, college students, military personnel, and families displaced by slum clearance.

President Eisenhower has just signed into law a housing bill that offers the possibility of even more liberal downpayments under appropriate economic conditions, enables the all-important urban renewal program to move ahead at an even faster pace, provides a farm-housing research program and extends the benefits of the college housing program to student nurses and interns.

CIVIL RIGHTS

Again, I stress the point that not a single segment of our population has been without deserving benefits under this administration.

No discrimination has been permitted under the housing programs I have just discussed.

Other discriminations which have been permitted under former administrations have been set aside by administrative decree or by court order.

Other unfair divisions of citizenship have been blocked by those who do not see eye-to-eye with my party in this matter.

But, there has been progress, notwithstanding.

On May 17, 1954, the Supreme Court ruled that school segregation was unconstitutional.

In that same year other Court decisions guaranteed all citizens equal rights to Government-owned educational and recreational institutions and properties.

A Negro for the first time holds a top-level administrative job in the White House.

Another Negro has served as Assistant Secretary of Labor.

Executive actions giving new citizenship rights to Negroes resulted in elimination of segregation on trains and buses; segregation in schools on military posts; segregation in the Nation's Capital; discrimination among civilian employees at naval bases; segregation in the Armed Forces and in veterans' hospitals.

By Executive action a Government Contract Committee, headed by Vice President NIXON, seeks to prevent discrimination on Government contract jobs.

A new requirement was established in contracts for services to the District of Columbia that there be no discrimination in employment.

There will be more in this program of civil rights during the second Eisenhower administration, but the record already looks good by comparison with the years prior to 1953.

FOR THOSE WHO FOUGHT OUR WARS

I recall, Mr. President, that even before the Republican 80th Congress, President Truman said in a message to Congress that the country's program for the war veterans had been completed.

The Republican 80th Congress proceeded to show it was not completed by passing many bills granting additional benefits, increasing existing benefits and correcting injustices.

We continue in the belief that the Nation's program for its war veterans will never be complete. It will need constant attention to meet the changing times, the changing of ages and needs of our veterans.

The administration under President Eisenhower has moved forward, just as did the 80th Congress by—

1. Increased compensation and pensions to more than 3 million veterans and dependents from 5 to 25 percent and assured lifetime cash benefits to 20-year totally disabled veterans.

2. Provided automatic renewal of insurance after each 5-year term and permanent waiver of premiums for 20-year totally disabled veterans.

3. Constantly strived to improve the GI home loan program with additional funds for direct loans and a new repair and improvement provision.

4. Changed November 11 to a national holiday honoring all veterans.

5. Extended dates for Korean veterans to qualify for education and training and preference in public jobs under the Readjustment Act; extended filing dates for Korean prisoner-of-war benefits and equalized certain housing preferences granted to World War II veterans.

6. Increased Veterans' Administration hospital beds by nearly 10,000 in the first 2 years; provided daily hospital care for an average of 6,000 more veterans in those 2 years; increased medical program staff by more than 6,000, but cut that number from other programs; raised bed-occupancy ration to 91 percent and assured no waiting for service-connected disabilities.

7. Increased Federal aid through States from $500 to $700 per year for each veteran needing care in certain State facilities.

8. Increased benefits for widows, orphans, dependent parents of veterans and servicemen whose deaths resulted from military service.

9. Career incentives were added through protection of survivors' existing rights, social security coverage equal to civilians, extension of old age and survivors' wage credits, death compensation based on service pay including longevity.

10. Additional educational benefits permitted to accrue for veterans in service on date Korean hostilities ended.

11. Correction of GI home loan risks by release of veterans from liability by shifting risk to approved purchaser of vet's GI homes and restoration of loan privileges lost by veterans.

12. Orphans of war veterans who died from service causes are provided educational assistance.

These dozen important phases of Veterans' Act changes, Mr. President, indicate the constant attention our Government must give to the welfare of this segment of our population.

Mr. President, this review of the accomplishments of this administration could go on and on.

But, as I told an audience in an address a few days ago, it is my opinion that even these accomplishments—those with which most of us are familiar—prove that this administration in a little more than 4 years has contributed more to the immediate and long-range welfare of every man, woman, and child in the United States than any other administration in the recent history of our Government.

I firmly believe that and I believe the American people agree.

HOOVER COMMISSION RECOMMENDATIONS

Mr. President, this administration has been hard at work on the recommendations of the Hoover Commission and the President has directed the executive branch to make a continuing effort to take full advantage of these potential savings and opportunities for improved administration.

I believe the best evidence of this is a memorandum dated June 11, 1957, to the President by Meyer Kestnbaum, special assistant to the President.

Excerpts from that report follow:

"My last report on the status of Hoover Commission recommendations was made on October 12, 1956. I am glad to be able to report that considerable additional progress has been made since that date.

"Based on the composite analysis and review by the executive branch, memorandums have been sent to the Director of the Bureau of the Budget recommending the disposition of 478 of the 497[1] recommendations. The executive branch as of May 1, 1957, has accepted wholly or partially 367 (73.8 percent) of the 497 recommendations.

TABLE I.—*Acceptance*

| "Number of recommendations: | |
|---|---|
| I. Accepted wholly, or with minor modifications (42.2 percent) | 210 |
| II. Accepted partially, or as to basic objective (31.6 percent) | 157 |
| Total accepted (73.8 percent) | 367 |
| III. Not accepted (15.3 percent) | 76 |
| Total decided to date (89.1 percent | 443 |
| IV. Decision contingent on future developments or further study (10.9 percent) | 54 |
| Grand total (100 percent) | [1] 497 |

[1] "While the Hoover Commission issued 19 separate reports containing a total of 314 separately numbered recommendations, you will note that this report identifies a total of 497 separate recommendations. This is because we have treated as Commission recommendations a number of Task Force recommendations which received specific endorsement by the Commission. Also, many of the Commission recommendations were divided into several parts, each of which required separate analysis and treatment.

"The most significant progress during the past 6 months has been made in the implementation of the 367 recommendations which have been accepted. Of these, 280 (76.3 percent) have already been implemented or are in process of implementation.

"TABLE II.—*Implementation*

| | Accepted wholly or with minor modifications (1) | Accepted partially or as to objective (2) | Total accepted (1 and 2) | Percent |
|---|---|---|---|---|
| Number of recommendations: | | | | |
| (a) Implemented | 94 | 44 | 138 | 37.6 |
| (b) In process of implementation | 80 | 62 | 142 | 38.7 |
| Subtotal | | | 280 | 76.3 |
| (c) Implementation not yet started | 11 | 37 | 48 | 13.1 |
| (d) Legislative action required | 25 | 14 | 39 | 10.6 |
| Total | 210 | 157 | 367 | 100.0 |

"Strictly numerical summaries, of course, do not take into account the fact that certain recommendations involve more fundamental changes than others. However, the summary tables as of May 1, 1957, indicate overall progress in the acceptance and implementation of the 497 Hoover Commission recommendations.

"As I indicated in my October 1956 report, many of the most important recommendations made by the Commission will have the effect of improving the performance of necessary Government activities rather than of reducing expenditures. In other areas, important savings will appear as changes in organization and procedure become effective.

"You have directed the executive branch to make a continuing effort to take full advantage of these potential savings and opportunities for improved administration."

## IMPLEMENTATION OF TREATY WITH REPUBLIC OF PANAMA

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 488, S. 1730.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1730) to implement a treaty and agreement with the Republic of Panama, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senate from Texas.

The motion was agreed to, and the Senate proceeded to consider the bill.

Mr. MAGNUSON. Mr. President, this is a piece of proposed legislation which is long overdue. The United States entered into a treaty with Panama more than a year and a half ago. The bill merely implements legislatively the treaty which has already been entered into. It involves the Panama Canal. There is some language in the bill which does not belong in it. It concerns bookkeeping between the Treasury Department and the Panama Canal Company, and the Canal Zone Government.

It happens, however, that the House has passed a bill which implements the treaty. The House bill contains some other language, involving the transfer of properties, and whether they should be

listed on the books at market value or at net book value. This involves a question of financing the Panama Canal and the question of tolls. The House bill also deleted section 4, which would require the Canal Company to reimburse the Treasury $1,500,000 in annuity payments, as well as a $430,000 annuity currently being paid by the Canal.

These are matters within our own Government relating to the management of the Panama Canal Zone.

I have suggested that the Senate pass the Senate bill and ask for a conference with the House, to see what can be worked out.

The Senator from Oregon [Mr. MORSE] is deeply interested in the matter, as I am from a maritime standpoint. He has an amendment which he wishes to offer to the bill.

Mr. MORSE. First, Mr. President, I wonder whether the Senator from Washington will answer some questions about this matter.

Mr. MAGNUSON. I shall be glad to do so.

Mr. MORSE. On July 29, 1955, when the Senate was debating the Panama Canal Treaty problem, the following colloquy occurred on the floor of the Senate—and at that time I was addressing the Senator from Califcrnia [Mr. KNOWLAND]:

Mr. MORSE. Is it the Senator's understanding as it is my understanding that the ratification of the treaty will in no way affect the tolls which are presently charged for the transit of the canal. * * *

Mr. KNOWLAND. That is my understanding. I may also say that I think the Senate should be very clear in its understanding that because we have as a matter of national and foreign policy decided that we will be more generous in our payments to the Republic of Panama, we should not, ipso facto, plan to transfer that burden to commercial tolls . . . It should be dealt with separately as a part of the cost of our foreign policy and our defense policy.

Mr. MORSE. Does the Senator share my understanding that the ratification of the Treaty will in no way place upon any Senator who votes for its ratification any obligation to support, subsequently, legislation which will increase the tolls for commercial shipping which moves through the canal?

The Senator from Washington [Mr. MAGNUSON] was on the floor at the time when these statements were made, and will recollect that his own views were the same at that time.

Will the Senator also recall and comment, if he wishes, on the testimony presented in the Foreign Relations Committee hearing pursuant to the 1955 treaty, where, in answer to a question as to the merits of the $1.5 million increase in the annuity and the basis upon which it was derived, the spokesman for the Secretary of State said:

I believe that both sides recognized the absence of any obligation on the part of the United States to increase the amount of the annuity.

And further:

The increase of $1.5 million was simply the result of long conferences and negotiations with respect to the amount.

That is what the spokesman for the Secretary of State said.

I should like to have the Senator from Washington comment on the situation, because, as he knows, in our personal conversation I have explained to him that the shipping interests in my State are very much concerned about the pending legislation because they think that in the long run it will result in increasing the tolls and, really, in placing the cost for maintenance and for the security and defense installations of the Canal Zone upon the shipping companies, whereas those costs should be borne by all the taxpayers of the United States.

As the Senator from Washington knows, my amendment seeks at least to prevent that burden from being placed upon the shipping companies.

The Senator from Washington has been very fair to me about this matter. I have asked him whether he would take my amendment to conference. I understand he will be willing to take my amendment to conference; and that in case the amendment is not made a part of the bill as reported by the conference committee, it is the intention of the Senator from Washington subsequently to introduce proposed legislation to the same effect. If we come to that state of affairs, I would wish to be a sponsor of such proposed legislation. However, hope springs eternal in my breast; and I hope the amendment will remain in the bill in the conference.

But as a matter of legislative history this afternoon, I think I should have, for the RECORD, the comments of the Senator from Washington on the statements I have just read.

Mr. MAGNUSON. Mr. President, of course I cannot guarantee that the amendment of the Senator from Oregon will remain in the bill in conference. But there cannot be any increase in the Panama Canal tolls without a hearing. The Governor of the Canal Zone testified that he had no intention in the foreseeable future of raising the toll rates of the Canal Zone.

The Panama Canal operation has long been a subject of much controversy regarding the Canal Zone rates, the tolls and the bookkeeping. I have always contended, as the Senator from Oregon knows, that the Defense Department of the Government has never maintained its full responsibility in connection with the operation of the canal, and that bookkeepingwise a great deal of the burden that is borne by the tolls from the shippers should not be placed upon them if the Defense Department would assume its full share.

The matter has been a subject of much controversy. A bill was introduced last year; I personally introduced the bill.

I know the Senator from Oregon agrees with me that I have tried to be as diligent as I could in the interests of our shipping and our American merchant marine, so that no unnecessary or inequitable burden will be placed upon them.

The Panama Canal opened in 1914. There were very few vessel transits before 1920. The tolls opened at $1.25 per registered ton, based on different calculations for each country's vessels.

The toll rates and the basis of calculating the tonnage were changed in 1936, effective in 1937: Rate, 90 cents per ton laden; 50 cents per ton in ballast; basis, Panama Canal net tonnage. The rate dropped; but the basis for calculating the tonnage increased, leaving about the same cost for vessels transiting the canal.

In contrast, the Suez Canal opened in 1869, with tolls, based on Suez net tonnage of the vessels, at $3.23 a ton. The present rates are 97½ cents laden; 44½ cents in ballast.

The Suez tolls have been reduced 27 times since the canal opened, the latest reduction having come in July 1954.

So there is a discrepancy between the two canals. If we cannot settle this matter properly in this bill—in which it does not belong; it is a matter between the departments of our Government and the American people, and it does not belong in a Panama treaty bill—I intend to introduce again the broad Panama Canal bill with which the Senator from Oregon is familiar, and which I believe he helped me with at one time, and also the House version of the bill for the transfer of annuity funds, and to have some real hearings, involving those who are really involved, namely, the Treasury Department, the Panama Canal Zone, and the United States Government.

So I shall be glad to take to conference the amendment of the Senator from Oregon, because the people of Panama and the Panamanian Government have been waiting for a long, long time for this implementation of their treaty. It involves a transfer of land; and probably these other matters should not be in the bill.

I think we shall be able to work it out. But I can assure the Senator from Oregon and the shippers and those using the canal that there will be no increase in tolls until we can act on this matter, and surely there will be no increase in the next 3 or 4 months.

Mr. MORSE. If my friend, the able Senator from Washington, the chairman of the committee, will bear with me for a moment, I should like to read into the RECORD a brief statement on the matter; and then I should like to offer the amendment to be taken to conference; and then I should like to offer another amendment, for at least a brief discussion. Will the Senator from Washington yield for that purpose?

Mr. MAGNUSON. Yes.

Mr. MORSE. Mr. President, I call up my first amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, beginning with "and by the", in line 15, it is proposed to strike out all to the period in line 18.

On page 3, line 14, it is proposed to strike out "net book" and insert in lieu thereof "fair market".

On page 4, line 3, it is proposed to strike out "net book" and insert in lieu thereof "fair market".

On page 4, line 12, before the period, it is proposed to insert a comma and the following: "such amounts to be charged

to the Panama Canal Company or the Canal Zone Government, respectively."

The PRESIDING OFFICER (Mr. BEALL in the chair). The question is on agreeing to the amendment of the Senator from Oregon.

Mr. MORSE. Mr. President, I should like to call to the attention of the very able chairman of the Senate Committee on Interstate and Foreign Commerce the colloquy which occurred on the floor of the Senate during the consideration of the Panama Canal Treaty of 1955. The following statements appear in the CONGRESSIONAL RECORD, volume 101, part 9, page 12012—I have already alluded to them; and I ask unanimous consent that they be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Mr. MORSE. Is it the Senator's understanding as it is my understanding that the ratification of the treaty will in no way affect the tolls which are presently charged for the transit of the canal * * *

Mr. KNOWLAND. That is my understanding. I may also say that I think the Senate should be very clear in its understanding that because we have as a matter of national and foreign policy decided that we will be more generous in our payments to the Republic of Panama, we should not, ipso facto, plan to transfer that burden to commercial tolls. * * * It should be dealt with separately as a part of the cost of our foreign policy and our defense policy.

* * * * *

Mr. MORSE. Does the Senator share my understanding that the ratification of the treaty will in no way place upon any Senator who votes for its ratification any obligation to support, subsequently, legislation which will increase the tolls for commercial shipping which moves through the canal?

Mr. KNOWLAND. * * * It is my interpretation that the mere ratification of the treaty this afternoon will place no such obligation upon any Member of the Senate or the other body. If I thought it did, I should oppose the ratification of the treaty.

* * * * *

Mr. MORSE. As a member of the Committee on Foreign Relations I voted for the treaty, but I made very clear in so doing that I recognize no obligation whatsoever to increase the tolls for commercial shipping through the ratification of the treaty. I am perfectly willing to look at the facts when, as, and if they are presented to us, which would justify an increase in tolls. But I know of no data which has been submitted to date which would justify an increase in tolls.

Mr. MORSE. Therefore, it is with some concern that I observe certain provisions of S. 1730 which, if approved, might lead to larger tolls for transit through the canal. Increases in tolls would have to be absorbed by the shippers, in the last analysis. The Senator knows how strongly the shippers in our home States of Oregon and Washington would object to increased Panama Canal tolls. Frankly, I think the objection would be meritorious, because the implementation of our foreign policy and our defense program should be borne by the Government. Our farmers, lumbermen, shippers, and other businessmen should not be saddled with this expense of carrying on the functions of Government.

Mr. President, I refer particularly to section 103 of the bill now under consideration. It is my understanding that if section 103 is retained it will add to the expenses of the Panama Canal Company the $1.5 million of annuity payments granted to the Panamanians under the 1955 treaty.

Would it not be advisable to delete this section, thereby placing the annuity charge where it properly belongs, namely, on the United States Government?

It seems to me that this section should be set aside at least for the time being, and if at a later date the committee can be given convincing testimony in support of the restoration of this section, further legislative action could be undertaken.

Certainly, there is no necessity at this time to make a final determination to the effect that the Panama Canal Company should bear the cost of the annuity, which would be bound to reflect eventually in increased tolls for American shippers.

Also, Mr. President, that portion of S. 1730 which refers to net book value in connection with the fiscal adjustments by the Panama Canal Company appears to me to open the way for the ultimate assessment of toll increases. As I understand the situation, if the net book value should be used by the Panama Canal Company in writing off the property to be conveyed pursuant to this bill, the writeoff will total approximately $5 million. If, however, fair market value were to be used in the writeoff, the total amount would be $24 million.

The writeoff provision of the bill has a direct relationship to the interest to be paid to the Treasury on the Company's net direct investment. Obviously, if a greater writeoff is permitted, the total interest payment will be less. Consequently, that factor would not give rise to a basis for an increase in Panama Canal tolls.

I might add that by no stretch of the imagination would a more liberal writeoff provision involve a windfall to the Company, because the Company will have to replace a good portion of the facilities transferred under the authority of the bill. Eventually the replacement costs, in this day and age of inflation, might exceed the fair market value writeoff of the property conveyed.

As I said in 1955, Mr. President, I recognize no obligation whatever to increase tolls for commercial shipping as a result of the ratification of the Panama Treaty.

I believe the amendment that I am about to offer would protect our shippers against increased tolls and would place the cost of the treaty where it properly belongs, namely, on the United States Government.

The first amendment has been read, Mr. President. The second amendment which I seek to offer, and which I shall send to the desk, is on page 4, beginning on line 13, strike out all through line 25.

This goes to the matter of annuity payments.

Mr. MAGNUSON. Section 103.

Mr. MORSE. Section 103.

If the Senator from Washington would take both these amendments to conference it would be helpful.

Mr. MAGNUSON. I do not think the Senator from Washington needs to take the second amendment to conference, because the House version of the bill strikes out section 103, so the bill would be subject to conference. I could not agree with the Senator more with respect to the question of allocation of costs. I assure the Senator we want to get at the problem and get it settled. A settlement is long overdue.

Mr. MORSE. With that statement of the Senator from Washington, I will offer only the amendment he has agreed to take to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

Mr. MAGNUSON. Not the second amendment.

The PRESIDING OFFICER. The first amendment.

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, I move that the Senate proceed to the consideration of calendar No. 847, H. R. 6709.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. An act (H. R. 6709) to implement a treaty and agreement with the Republic of Panama, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MAGNUSON. Mr. President, I move to strike out all after the enacting clause and substitute the text of the Senate bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill.

The bill (H. R. 6709), as amended, was passed.

The PRESIDING OFFICER. Without objection, Senate bill 1730 is indefinitely postponed.

Mr. MAGNUSON. Mr. President, I move that the Senate insist upon its amendment, request a conference with the House of Representatives thereon, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. PASTORE, Mr. LAUSCHE, Mr. BUTLER, and Mr. COTTON conferees on the part of the Senate.

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## LEGISLATIVE PROGRAM—CALL OF UNOBJECTED-TO MEASURES ON MONDAY NEXT

Mr. JOHNSON of Texas. Mr. President, I should like to announce that we plan a call of unobjected-to measures on the calendar, from the beginning of the calendar, on Monday at the conclusion of the morning business.

I also announce we expect the Senate to consider the following measures as soon as possible:

Calendar No. 584, S. 1869, the TVA bill.

Calendar No. 482, S. 98, to provide for the establishment and operation of a mining and metallurgical research establishment in the State of Minnesota.

Calendar No. 577, S. 2377, to amend chapter 223, title 18, United States Code.

Calendar No. 617, S. 2120, to authorize the Secretary of the Interior to construct, rehabilitate, operate, and maintain the lower Rio Grande rehabilitation project, Texas, Mercedes division.

Calendar No. 718, H. R. 6508, to modify the Code of Law for the District of Columbia.

Calendar No. 721, H. R. 6517, to provide for the retirement of officers and members of the Metropolitan Police Force and Fire Department of the District of Columbia, the United States Park Police force, and for other purposes.

Calendar No. 709, S. 2127, to amend section 3 (d) of the Federal Employees' Group Life Insurance Act of 1954.

Calendar No. 713, H. R. 1937, to authorize the construction, maintenance, and operation by the Armory Board of the District of Columbia of a stadium in the District of Columbia.

Calendar No. 715, S. 1903, to amend section 7 of the Administrative Expenses Act of 1947.

Calendar No. 717, H. R. 52, to provide increases in service-connected disability compensation and to increase dependency allowances.

Calendar No. 787, H. R. 7540, to amend Public Law 815, 81st Congress.

Calendar No. 792, House Joint Resolution 426, amending a joint resolution making temporary appropriations for the fiscal year 1958, and for other purposes.

Calendar No. 800, House Joint Resolution 275, transferring to the Commonwealth of Puerto Rico certain archives and records in possession of the National Archives.

Calendar No. 812, H. R. 8643, to authorize the construction of certain works of improvement in the Niagara River for power, and for other purposes.

Calendar No. 815, S. 2674, to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954.

Calendar No. 858, S. 2431, granting the consent of Congress to the Klamath River Basin compact between the States of California and Oregon, and for other purposes.

Calendar No. 805, S. 2229, to provide for Government guaranty of private loans to certain air carriers for purchase of aircraft and equipment, and for other purposes.

Calendar No. 848, S. 821, to amend the Civil Service Retirement Act with respect to annuities of Panama Canal ship pilots.

Mr. THYE. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from Minnesota.

Mr. THYE. I was reading the calendar and did not hear whether the majority leader included Calendar No. 438, S. 1837, to amend section 401 (e) of the Civil Aeronautics Act of 1938.

Mr. JOHNSON of Texas. No. Calendar No. 438 was scheduled to be brought up. The minority leader is in conference. He wants to be present when it is brought up. He is not available. I think, out of courtesy to the minority leader, it ought to go over until tomorrow.

Mr. THYE. Will it be taken up tomorrow?

Mr. JOHNSON of Texas. If the minority leader is available.

Mr. THYE. I have spoken to the minority leader concerning the bill, because I am personally interested in it, and I should like to see it passed.

Mr. JOHNSON of Texas. I am very interested in having it passed, but the Senator from California has duties elsewhere. He is in a very important conference. I agreed I would hold it back as the last bill. I am ready to have it acted on right now, but his staff has asked me to please withhold action on it. I am trying to accommodate the administration at one end of the avenue and the minority leader at the other end, and it is sometimes a little difficult to get bills passed.

Mr. THYE. I am glad to accommodate the majority leader.

Mr. JOHNSON of Texas. It is not an accommodation of the majority leader. The majority leader is ready to have the bill passed now.

Mr. THYE. I thank the Senator.

## AMENDMENT OF TENNESSEE VALLEY AUTHORITY ACT OF 1933

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 584, Senate bill 1869, the TVA bill.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1869) to amend the Tennessee Valley Authority Act of 1933, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with amendments.

## ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I understand the Senator from Florida has a statement he desires to make on another matter. He has waited all day out of courtesy to the leadership. The distinguished Senator from Kansas [Mr. CARLSON] has a statement to make. At the conclusion of their statements, the Senator from Oklahoma [Mr. KERR] will make the opening statement on the TVA measure. We expect to run as late this evening as necessary to make the presentation on the bill. How long it will take I do not know, but I want Senators to be on notice we will carry on through the evening.

Mr. THYE. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. THYE. Is it the intention to take up the TVA bill, to discuss it this evening, and endeavor to pass it?

Mr. JOHNSON of Texas. Yes.

Mr. THYE. I thank the Senator.

Mr. BARRETT. Mr. President, will the Senator yield?

Mr JOHNSON of Texas. I yield.

Mr. BARRETT. Will the TVA bill be up for final disposition?

Mr. JOHNSON of Texas. It depends upon how long Senators may desire to talk. If a Senator wishes to talk all night, I do not think we can dispose of the bill. We will have to wait and see. I do not know how long Senators will require. I should like to get action as soon as we can.

Mr. BARRETT. How late does the majority leader anticipate we will be in session?

Mr. JOHNSON of Texas. I do not know now. It depends upon how long the speeches are. I wish I could tell the Senator it would be a specific hour. I would say 9 or 10 o'clock, or somewhere about that time.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. WATKINS. I understand some Senators who are on the committee are interested in the bill, and I do not see them present in the Chamber. I do not know whether they are aware the bill is under consideration.

Mr. JOHNSON of Texas. I will repeat what I said earlier for the benefit of the Senator from Utah. The Senator from Florida [Mr. SMATHERS] has a speech to make on another subject. He has been waiting all day to make the speech. He is going to address himself to that subject. At the conclusion of the speech of the Senator from Florida, the Senator from Kansas [Mr. CARLSON] has a speech on another subject.

At the conclusion of the speech of the Senator from Kansas, we shall have a quorum call, and the Senator from Oklahoma [Mr. KERR], who is in charge of the TVA bill, will present the case for the bill. At the conclusion of his speech, any other Senator who may desire to address himself to the subject may do so.

Mr. WATKINS. I thank the Senator.

Mr. JOHNSON of Texas. Mr. President, has action been taken on the motion?

The PRESIDING OFFICER. The motion has been agreed to.

Mr. JOHNSON of Texas. Mr. President, is the Senator from Florida ready to take the floor?

Mr. SMATHERS. The Senator from Florida is ready, willing, able, and overdue.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

## DISPOSITION OF VESTED ASSETS AND THE USE OF SUCH ASSETS FOR SCIENTIFIC SCHOLARSHIPS

Mr. SMATHERS. Mr. President, during the past year I have been extremely alarmed by persistent proposals, both in

the Congress and in the executive branch, to return to Germany and Japan the alien properties which those two countries surrendered to the United States after World War II in lieu of war reparations. My concern in this respect was heightened last week when the White House announced that the administration was planning a new program for the return of these properties to Germany and Japan, especially because I fear that any such new proposal will certainly mean either (a) nonpayment in whole or in part of the existing American war damage claims growing out of World War II; or (b) a tremendous new tax burden for the American taxpayers which, in this field, is wholly unjustified and unwarranted.

Mr. President, in order to settle this issue once and for all, and permit the Congress to reaffirm and reestablish for all time the decisions made during the period immediately after World War II not to return these enemy properties, but rather to use the liquidated proceeds thereof to discharge American war damage claims against Germany and Japan, I am at this time introducing legislation which would:

First, reaffirm the Congressional policy against return;

Second, provide for the immediate, final liquidation of German and Japanese enemy assets still held by the Office of Alien Property;

Third, provide for the immediate commencement of adjudication of American war damage claims against Germany and Japan;

Fourth, provide that, while these war damage claims are being adjudicated, the liquidated proceeds of the enemy properties held by our Treasury Department shall be invested, and the interest earned thereon shall be used to finance scientific scholarships and fellowships on a priority basis for the children of American veterans;

Fifth. Provide that after-war-damage claims are adjudicated by the Foreign Claims Settlement Commission of the United States, the principal proceeds of the liquidated enemy properties will be used to discharge these damage claims which arose in favor of American citizens against Germany and Japan by reason of the war; and

Sixth. Provide that any and all funds remaining from the liquidation program shall remain invested to carry out the scholarship provisions of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2737) to provide scientific scholarships and fellowships for children of veterans and other individuals from interest resulting from the investment of certain funds obtained under the provisions of the Trading With the Enemy Act, and to provide for the repayment from such funds of certain American war claims against Germany and Japan, introduced by Mr. SMATHERS, was received, read twice by title, and referred to the Committee on the Judiciary.

Mr. SMATHERS. Mr. President, with respect to the compensation of any German or Japanese whose properties were surrendered by their own governments to the United States in settlement of the war reparations claims, the program I propose would make it incumbent upon the Governments of Germany and Japan to compensate their own people for these losses as they agreed to do in the treaties of peace, reparations agreements, and international conventions entered into between the United States, its allies, and these former enemy nations after the war. It is my position that Germany and Japan accepted these obligations as part of the peace negotiations, and accordingly, should not and cannot shirk the responsibility which is theirs for the payment and satisfaction of their own people.

The German economy at the present time is one of the strongest economies in the entire world. Germany, which has benefited so very substantially from the economic aid and assistance which this country provided at the end of World War II to put it back on its feet, just recently announced that its resources were so plentiful that it is now in a position to lend $100 million to the World Bank to finance various programs of that institution. In addition, Germany has given every indication that the time has arrived when it can again fully assume its position as one of the leading creditor nations of the world, wholly self-sufficient and able to take care of its own financial obligations and commitments.

Similar statements might well be made about Japan. While its position is not quite as good as Germany's it too has recovered to the extent that the Japanese Government can and should compensate its own nationals for any war losses sustained by them—all in accordance with Japan's own contractual commitments contained in the treaty of peace made with the United States.

Mr. President, I am totally convinced from a thorough study of this entire problem that my proposal is a sound one, and, more important, it is the only fair solution for the American taxpayer and for those Americans who suffered severe damage at the hands of Germany and Japan during World War II. Since it is my understanding of the announcement made by the White House on July 31 of this year, that President Eisenhower and his administration intend, during the next few months, to study this problem in an effort to reach some sort of a compromise solution, I trust that the President will seriously consider the legislation introduced here today, and give full support to the solution proposed which is devised for the benefit of the American taxpayers—for the benefit of the deserving youth of our Nation, and—for the benefit of those Americans who suffered at the hands of our World War II enemies.

Now, Mr. President, in order to make it prefectly clear just what my proposal intends to accomplish, and why I consider it of the utmost importance that same be adopted, I wish to direct the attention of the Senate to the following facts.

THE POST WORLD WAR I HISTORY

The enemy property issue is not new. Congress and the American people were confronted with the very same problem just after World War I. During that war, the United States vested about $350 million of German assets in this country and held these throughout the war. During the fighting, American lives and property were lost. Vessels, like the *Lusitania*, were sunk in the submarine warfare, and vast American losses were sustained through property damage and confiscations in Europe. Our fixed policy supposedly was to continue to hold the German assets to make sure that American war losses were paid for by Germany.

With the advent of peace, the vanquished Germans commenced a concerted drive to get back their properties, and Americans with claims against Germany struggled for some sort of compensation for the losses they sustained. The Americans were at a great disadvantage. Although this battle was fought mainly in Washington, D. C., and within the confines of the Congress, the Germans clearly had the upper hand. The bulk of the seized assets belonged to industrial giants of Germany who had continued to prosper during the war. They were able to spend or promise vast sums of money to influential lawyers and lobbyists in support of their efforts to get back the assets. The American claimants, on the other hand, consisted mostly of individuals whose property or whose relatives' lives had been lost. These people were clearly unable to match the strategy or expenditures of the Germans in presenting their case to the Congress.

I will not burden the Senate with all of the facts and sordid details regarding the vast pressures Germany brought to bear upon Congress and the executive branch in the twenties. Our lawbooks tell the incredible story.

In one case, the case of *Commissioner of Internal Revenue* v. *Textile Mills Securities Corp.* (117 Fed. 62 Cert. den. 312 U. S. 677), the Germans were found to have agreed to pay a group of influential Washington lobbyists $6 million in order to swing a deal for the return of $60 million worth of alien property.

In another case reported in volume 78, Federal second, page 410, certiorari denied 307 United States reports, page 640, a Washington attorney named John Wilson Brown claimed a fee of $250,000 from a large German corporation for having induced Congress to give back $10 million in alien property.

The post-World War I situation reached a low point in the indictment of the United States Attorney General, Harry M. Daugherty, and the Alien Property Custodian, Thomas W. Miller, on a charge that they accepted a $391,000 bribe in exchange for their having given back to a big German corporation nearly $6.5 million in additional alien assets. Miller went to the Federal penitentiary, while the case against the Attorney General resulted in a hung jury.

These were the methods Germany and its industrialists used in the twenties to reverse Congressional policy and accomplish return of the enemy assets.

Then and now, the German lobby's war cry was sanctity of private property, a cry which masked the real motive of the German industrialist clique. Their motive was to get back for Germany the alien property on the basis of a promise by Germany to pay for the American losses over a period of 25 years.

But, no sooner had Congress surrendered to the cry, sanctity of private property, than almost immediately Germany breached its promise and defaulted in its payments, leaving American claimants without compensation. Many of these same World War I American claims remain unpaid today.

Then, in complete desecration of sanctity of private property, starting in 1939, only 11 short years after Germany received the return of the assets, it was again well established in the business of confiscating and destroying all of the Austrian, French, English, Dutch, Belgian, Russian, Norwegian, African, and American private and public property it could put its hands on or that it could bomb.

I sincerely trust that Congress will not go through the same experience a second time, but if we are not careful, the same tragic result could occur with respect to the enemy properties vested during World War II. Money in large sums, unattached and unused, is always a source of temptation to the greedy. The sum of $600 million, which would be the amount involved if we now decided to return the World War II properties to Germany, provides no small source of the temptation of which I speak.

THE POST WORLD WAR II HISTORY

The World War II alien property problem presently before the Congress is basically the same as the World War I situation. During World War II, the United States again vested all of the enemy assets in this country. Again, monetarily speaking, the bulk of the assets belonged to important enemy industrialists. As outlined previously, after the cessation of hostilities, the United States agreed to hold the enemy assets as a fund for compensation of American war losses. Again, Americans lost their lives and properties during the struggle, and again these Americans are looking to the vested enemy assets in this country as a fund from which to be compensated.

Thus, in January 1946, the United States and 17 allied nations entered into the Paris Reparations Agreement whereby the Western Allies agreed to accept, in full and final settlement of all the staggering reparation claims against Germany, the relatively small amount of enemy assets within their respective borders. The total German debt to the Western Allies was $300 billion, of which a major share was owed to the United States. As a matter of grace, the United States accepted the German assets in this country now worth only $600 million, in settlement of this huge German debt to us. One of the express conditions of this agreement was that each of the Western Allies was to hold or dispose of the German assets under its control in such a way as to preclude the return thereof to German ownership or control. See Paris Reparations Agreement, paragraph A, article 6. It was further agreed that in the event any one of the Western Allies renounced its claim against Germany, the portion thereof running in favor of that nation would be "distributed ratably among the other signatory governments—" Paris Reparations Agreement, paragraph H, article 1.

Subsequently, the Congress of the United States enacted the War Claims Act of 1948, as amended, which implemented the policy of retaining vested enemy assets for war-claims purposes, and devoted these assets to the relief of American military and civilian personnel who had suffered in enemy prisoner-of-war concentration camps. Section 12 (a) of the War Claims Act of 1948 provides as follows:

> No property or interest therein of Germany, Japan or any national of either such country vested in or transferred to any officer or agency of the Government at any time after December 17, 1941, pursuant to the provisions of this act, shall be returned to former owners thereof or their successors in interest, and the United States shall not pay compensation for any such property or interest therein. The net proceeds remaining upon the completion of administration, liquidation and disposition pursuant to the provisions of this act of any such property or interest therein shall be covered into the Treasury at the earliest practicable date.

This policy of allied retention of vested assets was carried one step further in the Bonn Convention of 1952 as amended by the Paris Protocol of 1954 between Germany, France, England, and the United States. In this convention, Germany agreed to compensate its own nationals for their loss of property through the vesting action of the allied powers. The latter, in turn, committed themselves to forego any claim for reparation against Germany's current production. These provisions were reaffirmed in the Paris Protocol of 1954 which brought about the sovereignty of the Federal Republic of Germany, and which was approved in the Senate of the United States on April 1, 1955. See Paris Protocol, chapter 6, article I, paragraph I; article III, paragraph I; article V.

It was thus the fixed understanding that the United States and its allies would retain the alien property within their borders in lieu of extracting $300 billion in reparations from the Germans, each promising the other not to cause embarrassment by returning the assets to Germany, as this country did after World War I.

In a letter which I addressed to the President of the United States on July 18, 1957, I pointed out that by returning any alien property, the United States would certainly embarrass our World War II allies and would subject them to similar unfair demands from Germany.

The President in his reply, dated July 27, 1957, indicated to me that the administration was not considering any major change in its policy against overall return of the former German property. I received this letter just 5 days before the President issued a formal announcement from the White House, stating that the administration has now determined "as an act of grace" to make "an equitable monetary return" of the property to Germany. In addition, the President indicated that the administration also wants to give back the property Japan surrendered after the war.

This compounds the confusion and consternation caused by a vascillating and contradicting administration policy wherein the State Department is constantly pressing for return while the Justice Department on the other hand is going in the opposite direction.

In the light of all the post-World War II international agreements and treaties and the War Claims Act of 1948, it is impossible to fathom how the German and Japanese Governments can now reasonably and fairly claim the return of these properties—having surrendered same as a mere token settlement of huge reparation debts. It is a matter of much greater amazement to me how anyone could countenance such a breach of faith—knowing as they must that a reversal of our present policy would saddle the American taxpayer with the duty of paying most of Germany's and Japan's war debt to the United States.

GERMANY'S POST WORLD WAR II OFFENSIVE

One of the reasons I am so concerned about this problem at the present time is that there are ever-increasing signs of a steadily growing, active German lobby in Washington, seeking to follow the very paths which some of their predecessors charted after World War I.

I have already disclosed to the Committee on the Judiciary that various persons, including lobbyists and publicists, have again been engaged and are being paid substantial fees to exert their efforts for the return of these properties. It is my understanding that Dr. Hermann J. Abs, a former director of I. G. Farben of Germany and a prominent financial figure during the Hitler regime, is the common denominator of this group, and was, prior to my disclosures to the committee, Germany's chief negotiator with our State Department seeking the return of the vested enemy properties of World War II.

I obtained from the Foreign Agents Registration Section of the Internal Security Division of the Department of Justice photostatic copies of foreign agent registration statements, filed during the period from 1954 to April 1957, of three groups of Americans hired for the purpose of obtaining return legislation from the Congress. I have filed with the Senate Subcommittee on the Trading With the Enemy Act copies of registration statements for the following:

The public relations firm of Julius Klein & Associates, of Washington, D. C., Chicago, and Frankfurt, Germany. This firm is headed by two of our more prominent retired generals, Generals Klein and Kenneth Buchanan.

The Washington law firm of Boykin & De Francis.

The Washington law firm of Ginsburg, Leventhal & Brown.

The details dealing with the activities of these individuals and firms may be found in the record of hearings held before this subcommittee on April 4, 5, and 6 of 1957, and in the files of the

Foreign Agents Registration Section of the Department of Justice.

With respect to the Klein firm, this public-relations organization, which has engulfed Washington with cries of sanctity of private property in recent months, is employed by a German society headed by Dr. Hermann Abs and one Karl Goetz, of Germany. These two men are the present heads of the recently reorganized Deutsche and Dresdner Banks of Germany, the latter having been known during the war as the S. S. Bank. Both of these men during World War II were principal financial operators on behalf of the Hitler Nazi government, and their odious wartime records are laid bare in Gen. Lucius Clay's Special Report of the Military Governor, United States Zone, June 1947—Dresdner and Deutsche Banks. Looking at the record of these two men as spelled out by this report, I am truly astonished that they would have the hypocrisy to sponsor any movement grounded upon the sanctity of private property.

I ask unanimous consent that the report be printed in the RECORD at this point in my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

MILITARY GOVERNMENT OF GERMANY (UNITED STATES)—DRESDNER AND DEUTSCHE BANKS

(Special report of the Military Governor, United States Zone, June 1947)

FOREWORD

Toward the end of 1945, Military Government for Germany (United States) initiated an investigation of the Big Six German banks (Grossbanken). The investigation was designed to trace the functions of the big banks in the development of the Nazi state, to determine the extent to which they might be considered an excessive concentration of economic power, and to gage whether and by what means these banks might be adapted to a peacetime German economy.

The findings of these bank investigations have provided the foundation for the decentralization of the German banking system which has taken place in the United States Zone, as well as for the criminal trials against the officials of the Dresdner Bank by the Office of the Chief of Counsel for War Crimes at Nuremberg.

The short study which follows outlines the history of the two largest German banks—the Deutsche Bank and the Dresdner Bank.

PLACE OF THE BIG BANKS IN GERMAN BANKING

The term "big banks" (Grossbanken), created and used by German economists, applies to a specific group of banks, the Berlin Big Six: the Deutsche Bank, the Dresdner Bank, the Commerzbank, the Reichskreditgesellschaft, the Berliner Handelsgesellschaft, and the Bank der Deutschen Arbeit. Both in function and in relative size, the big banks went far beyond their largest American counterpart. Their activities included commercial and investment banking, they were closely integrated with industry and dominated the established stock exchange, and they cooperated fully in carrying out political objectives of the government.

Among the 653 commercial banks in Germany in 1943, these banks completely dominated the field. At the end of 1943 assets of the Big Six banks totaled RM26 billion, which represented 55 percent of the total assets of all commercial banks in Germany. The Big Six were similarly dominant in the case of deposits, holding 55 percent of all German deposits in 1938, and 63 percent by 1943. The increase in percentage reflects the fact that the Big Six participated relatively more than other banks in financing Reich war expenditures.

The dominant position of the big banks in German banking was based on a network of 1,340 branches owned by 4 of the banks in all parts of Germany.[1] Since commercial banks in Germany were permitted also to engage in investment banking and to trade in securities, the network of branches of the four banks enabled them to solicit security financing from virtually every large business enterprise and also to execute for customers a large volume of over-the-counter transactions in outstanding securities. According to Friedrich Sperl, Reich Commissioner at the Berlin stock exchange until 1937, "the transactions executed in bank departments (security departments of the big banks) exceeded by far the actual stock-exchange transactions." These activities were reflected by the presence of numerous bank representatives on the floor of the stock exchanges and by a strong representation on the boards of directors of the exchanges. Thus 11 of the 21 board members of the Berlin stock exchange, and 6 of the 16 members of the board of the Frankfurt exchange, were connected with the big six banks.

Two of the big six banks, the Deutsche and the Dresdner, were outstanding by virtue of the magnitude and scope of their activities. In 1943 the total assets of the Deutsche Bank amounted to RM8.7 billion, while those of the Dresdner Bank totaled RM6.7 billion; the two together accounted for about 60 percent of the assets of all the big six banks, or 33 percent of the assets and deposits of all commercial banks in Germany. The Deutsche Bank network consisted of about 490 branches with a total staff of 21,000 employees, while the Dresdner Bank had 368 branches and employed 13,000.

In the floating of new industrial securities and the supporting of quotations, it was generally one of these two banks which acted as leader. Acting also as security dealers, it has been estimated that the Deutsche and Dresdner Banks together were responsible for about two-thirds of the turnover in stocks and bonds on the Berlin exchange. The magnitude of this trading is emphasized by the fact that the Berlin stock exchange handled a volume of business considerably greater than that of all other German exchanges combined.

In the following pages, the preeminent position of the Deutsche and Dresdner Banks in the field of German banking is further examined, with a view to tracing their development under National-Socialist domination and of ascertaining the degree to which these banks have shared responsibility for facilitating and prosecuting the war.

HISTORICAL BACKGROUND OF THE DEUTSCHE AND DRESDNER BANKS

The prewar experience of the two leading German Grossbanken was one of increasing expansion, first through absorption of other banking institutions, and second through close cooperation with the political and economic expansionist objectives of the Reich government.

The Deutsche Bank was founded in 1870 and the Dresdner Bank in 1872, at the beginning of the "founders decade" in Germany. At that time, after unification of the German Reich under Bismarck, there were established numerous large industrial and financial enterprises which set the pattern for subsequent big business in Germany. Both the Deutsche and Dresdner Banks early took a leading part in financing German foreign trade and created special subsidiary banks for this purpose. Thus in 1886 the Deutsche Bank set up the Deutsche Ueberseeische Bank (DUB), known in South America and Spain as the Banco Aleman Transatlantico, while the Dresdner Bank set up the Deutsch-Suedamerikanische Bank (DSB), better known as the Banco Aleman del America del Sur. The relative position of these two banks in South America and Spain reflected the standing of the two parent banks; the DUB maintained 21 branches while the DSB maintained 14. As a joint project for financing German business abroad, the two parent banks sponsored the creation of the Deutsch-Asiatische Bank, which until 1942 was the only German bank in eastern Asia. Branches were also opened by the Deutsche Bank in Bulgaria and Turkey, and by the Dresdner Bank in Turkey and Egypt.

In the same period the Deutsche Bank laid the foundation for its outstanding influence in German industry. The principal founder of the Deutsche Bank was Werner von Siemens, and up to the present the bank has maintained close ties with the Siemens family and the Siemens industrial enterprises. By 1890 the Deutsche Bank also emerged as the dominating power in the Mannesmann concern, which came to be one of the more important units of German heavy industry.

World War I and the subsequent inflation in Germany left many banks in a difficult position, and the period following stabilization of the currency in 1924 was characterized by consolidation and absorption of many smaller banks by the large Berlin banks. Thus, between 1921 and 1928 the Deutsche Bank took over the Privatbank zu Gotha, the Wuerttembergische Vereinsbank, the Essener Creditanstalt, the Bank fuer Thueringen, the Hildesheimer Bank, and the Osnabruecker Bank. During the same period the Dresdner Bank absorbed Meyer & Gelhorn, Danzig; Luisenstaedtische Bank, Berlin; and the Ostbank fuer Handel und Gewerbe, Berlin und Koenigsberg. Larger mergers occurred between 1929 and 1931 when the Deutsche Bank joined forces with the Diskonto-Gesellschaft, while the Dresdner Bank absorbed Germany's fourth largest bank, the Darmstaedter Bank. These consolidations definitely established the Deutsche and the Dresdner Banks as the two leading commercial banks of Germany.

The advent of national socialism in 1933 led to a different kind of expansion for both banks. One aspect of the period was direct Reich financing for the work-creation program and for subsequent rearmament, including the expansion of large armament companies. Another phase of national socialism from which the banks benefited was the Aryanization of the German economy. Both the Deutsche and the Dresdner Banks were active in acquiring for themselves Jewish banking houses and industrial enterprises, although their major efforts in this field were focused on the selection of targets for Aryanization and on the financing of purchases of Jewish property. The Dresdner Bank distinguished itself especially by utilizing its close ties with the S. S. and by exercising political duress in effecting Aryanizations.

During the territorial expansion of the Third Reich, first through bloodless victories and later through direct military aggression, the Deutsche and Dresdner Banks participated by expanding into the occupied and satellite countries of Europe. This was done largely by acquiring control of the leading commercial banks in the occupied countries. The networks of affiliates and branches thus acquired subsequently played an important part in the Goering-Funk program to harness the economic resources of the dominated countries to the German war machine.

To a considerable extent the record of the two leading commercial banks in Germany

[1] The other two banks (Reichskreditgesellschaft and Berliner Handelsgesellschaft) maintained no branches and were consequently smaller institutions whose influence was derived from their clientele of powerful industrial concerns.

during the Nazi regime has merely continued the previous trend of growth and of identification with Reich political policy—a policy of economic imperialism, of aggressive warfare, and of elimination of Jewish and other minority groups. The wholehearted cooperation of the banks and their personnel in these policies raises serious questions as to how they can be reoriented to the United States policy of decentralized banking and of nonpolitical financing of peacetime industry and commerce.

INDUSTRIAL AFFILIATIONS OF THE DEUTSCHE AND DRESDNER BANKS

The size and power of the Deutsche and Dresdner Banks were reflected not only in the amounts of their assets, but also in their relationship with German industry. More or less paralleling the political organization of Germany was an industrial network of cartels, trusts, and combines which exercised control over raw material sources, production methods, and selling quotas and policies. These industrial giants were in turn closely integrated with or influenced by the big banks, led by the Deutsche and Dresdner Banks.

The relation of these banks with industrial enterprises was evidenced variously by interlocking directorates, voting control of stocks, and management of new financing.

*Interlocking directorates*

Perhaps the most important element of influence was that of personal ties between members of interlocking directorates; that is, direct representation achieved by having the same man occupy positions of influence both in the banks and in affiliated industrial concerns. The appointment of bank directors and officers to the boards of industrial concerns reflected political objectives in some cases, but more often rested on a substantial stock control or on the extension of large credits. In the case of the Deutsche Bank, the 54 directors (members of the Aufsichtsrat), officers (members of the Vorstand), and general agents (Direktoren) held in 1943 a total of 707 positions as directors and officers of other corporations; (see fig. 5); of these, 281 were chairmen or vice chairmen of boards of directors. In the case of the Dresdner Bank, the 34 directors and officers in 1944 held 451 directorships in other companies, of which 170 were chairmen or vice chairmen (see fig. 6). The companies concerned included such leaders in heavy industry as I. G. Farben, Mannesmann, Rheinisch-Westfaelisches Elektrisitaetswerk, Hoesch, and Rheinische Braunkohle (all connected with the Deutsche Bank), and Krupp, Metallgesellschaft, Hermann Goering, Werke, Flick, and Brabag (connected with the Dresdner Bank).

The acceptance and tenure of these positions involved both an official and a personal responsibility for the incumbent. On the one hand, the acceptance of a directorship in another corporation required the collective approval of the bank officers. On the other hand, once appointed, the director was held personally responsible for influencing the company's policies in the direction desired by the bank.

*Stockownership and proxy voting*

Supplementing personal contacts, the Deutsche and the Dresdner Banks for many years exercised a dominant voting control in many industrial companies. Among the larger companies such control was secured usually by proxy voting; ownership of majority stock was practiced among a few medium-size and smaller corporations, where such control could be achieved with a moderate investment of funds. For example, the Deutsche Bank owned 78 percent of the RM3 million share capital of the Heinrichstal Papierfabrik A. G., a paper manufacturing plant, and 38 percent of the RM 13 million equity of Kraus-Maffei A. G. locomotive producers; while the Dresdner Bank owned 47 percent of the RM12 million share capital of Engelhardt Brauerei A. G.

Through their role as investment managers, the banks also controlled to a considerable extent the intercorporate ties among their industrial clients. Security issues originated or sold for one client were often placed with other selected concerns, rather than offered to the general public. These practices, coupled with that of proxy voting, enabled the big banks to influence the policies of virtually every important industrial concern in Germany to an extent far beyond the limits of their legal ownership.

Frequently, to be sure, the Deutsche and the Dresdner Banks were competing for the dominant position. For example, when in 1941 the Deutsche Bank controlled RM11.8 million and the Dresdner Bank only RM6.2 million of the RM48 million capital of Schering A. G., the Dresdner Bank attempted to secure the voting control over a large block outside Germany. Generally speaking, however, the Deutsche Bank usually voted the largest of shares in enterprises in which both banks had interests.

*Loans and security placements*

In many companies the influence of the big banks through interlocking directorates or stock control was accompanied by the extension of credit in the form of loans or security purchases. In cases where several of the big banks were interested, the distribution of credit participation was often based on voting rights. As a result, the Deutsche and Dresdner Banks generally held larger participations than the others. For example, a pool formed in December 1936 to extend a RM30 million loan to Gelsenberg Benzin A. G. for plant construction was made up as follows:

| | Percent |
|---|---|
| Deutsche Bank (manager) | 33.5 |
| Dresdner Bank | 33.5 |
| Commerzbank | 11.0 |
| Berliner Handelsgesellschaft | 6.0 |
| 5 others | 16.0 |

Occasionally, one of the smaller of the big banks or another agency served as syndicate manager if it controlled a majority interest in the enterprise concerned. Thus the pool for a loan of RM 10 million to the VDM (Vereinigte Deutsche Metallworke) Luftfahrt Werke A. G. in 1942 was led by the parent company of VDM, the Metallgesellschaft. Its composition was as follows:

| | Percent |
|---|---|
| Metallgesellschaft (co-manager) | 21 |
| Reichskreditgesellschaft (co-manager) | 21 |
| Deutsche Bank | 21 |
| Dresdner Bank | 12 |
| Commerzbank | 9 |
| 3 others | 16 |

Long-term capital requirements of large companies were usually met through bond issues which were distributed by banking syndicates. The dominant position of the Deutsche and Dresdner Banks is reflected in the makeup of two typical syndicates:

(a) Issue of RM 100 million, 4.5 percent debentures of I. G. Farben in 1939:

| | Percent |
|---|---|
| Deutsche Bank (manager) | 28.5 |
| Dresdner Bank | 20.5 |
| Deutsche Laenderbank | 15.5 |
| Commerzbank | 7 |
| Berliner Handelsgesellschaft | 3 |
| Reichskreditgesellschaft | 3 |
| 14 others | 22.5 |

(b) Issue of RM 25 million, 5 percent debentures of the Steinkohlen-Elektrizitaet A. G. in 1939:

| | Percent |
|---|---|
| Deutsche Bank (manager) | 35 |
| Dresdner Bank | 20 |
| Commerzbank | 20 |
| Berliner Handelsgesellschaft | 7 |
| Reichskreditgesellschaft | 7 |
| 5 others | 11 |

The percentage participations in these and other syndicates suggest that, for the most part, control was shared, rather than resting exclusively with one or another of the big banks. In some outstanding cases, such as Hoesch, Flick, Gelsenkirchener Bergwerke and a number of others, the Deutsche and Dresdner Bank maintained an approximately equal measure of influence. Among the relatively few companies which were financed and controlled primarily by one bank there may be mentioned Mannesmann, Daimler-Benz, Bayrische Motorenwerke, the Siemens electrical combine, the Henkell soap factories, the Reemtsma tobacco monopoly, and the Rheinische Braunkohle A. G. (all primarily within the domain of the Deutsche Bank); and the Krupp concern, the Wintershall chemical combine, and the Brabag synthetic fuel works (controlled by Dresdner Bank).

The nature of the relationship between the banks and their larger affiliates may be illustrated by reference to three cases: Mannesmann, Daimler-Benz, and Bayrische Motorenwerke.

Mannesmann: The influence of the Deutsche Bank over the activities of Mannesmann goes back to 1890, when Deutsche Bank representatives reorganized the enterprise established by the Mannesmann brothers for the exploitation and development of their seamless tube process. The reorganization was carried through by Max Steinthal, officer of the Deutsche Bank, and Werner von Siemens, director of the Deutsche Bank. From the reorganization emerged the "Deutsche-Oesterreichische Mannesmann-Roehren Werke," with an initial capital of RM 35 million of which over RM 12 million was provided by a banking syndicate headed by the Deutsche Bank. Steinthal became a director of Mannesmann at the time of the reorganization and in 1896 was made chairman of the board. Within a few years thereafter, the Mannesmann brothers were forced out of the company. Steinthal remained at the helm of Mannesmann until 1936, when he gave up the chairmanship as a result of political conditions. He was replaced by Oscar Schlitter, then chairman of the board and former officer of the Deutsche Bank. Upon Schlitter's death, Oswald Roesler, "speaker" of the Deutsche Bank officers, succeeded to the Mannesmann chairmanship. Thus without interruption from 1896 to the present, the chairmanship of the Mannesmann board of directors has been in the hands of top executives of the Deutsche Bank.

In addition, Carl Wuppermann, manager of the Deutsche Bank's Dusseldorf branch, has been a member of the Mannesmann board since 1921, and three or four other Deutsche Bank officials were also at various times on the board of the Mannesmann parent company. These officials effected the appointment of Wilhelm Zangen as an officer of Mannesmann in 1934 and later promoted his accession to the general managership in place of the politically undesirable Bierwes. In 1938 Zangen was elected a director of the Deutsche Bank.

In addition to dominating the board of Mannesmann, the Deutsche Bank was represented on the boards of many of its domestic and foreign subsidiaries. An incomplete list furnished by the company shows 30 officials of the Deutsche Bank who, over a period of years, have held one or more positions in Mannesmann companies in Germany and abroad.

Personal control was supplemented by financial control. From 50 to 80 percent of the capital stock represented at various annual meetings was voted by the Deutsche Bank, and the bank headed all syndicates for new stock issues, acquistion of new affiliates, bond issues, and loans. The ties which linked Mannesmann to the Deutsche Bank were so close that Mannesmann was, in effect, an industrial affiliate of the bank.

This was reflected in a statement in the German banking periodical Die Bank, for May 3, 1940:

"Whoever knows even a little history of Mannesmann knows it is a child of the Deutsche Bank."

In view of these connections, it seems fair to conclude that the activities of Mannesmann were, in effect, activities for which the Deutsche Bank also should be held responsible. These activities included large war production, control of foreign companies, extensive and inhumane use of slave labor, and Aryanization of Jewish property.

Daimler-Benz and Bayrische Motorenwerke: Fairly complete domination by the Deutsche Bank was exercised also over two other industrial companies: Daimler-Benz, A. G. and Bayrische Motorenwerke A. G. (BMW). The interest of the bank in these two concerns began at the time of their reorganization in 1925–26. These reorganizations were directed by Emil Georg von Stauss of the Deutsche Bank, and he continued as chairman of the board of directors of both companies until his death in 1942. His political activities were reflected in his vice presidency of the Reichstag in 1934, and in his interest in having both companies, which had been automotive manufacturers, extend their operations to the manufacture of military aircraft engines long before the outbreak of war.

Following the death of von Stauss in 1942, the chairmanship of the board of both companies was assumed by the vice chairman, Hans Rummel, who was also an officer of the Deutsche Bank. He was kept informed and consulted on current operational problems, including production, relocation of plants, personnel, and internal conflicts, in addition to the usual financial reports. Further bank control was secured through having officers of the bank's local branches sit on the boards of directors in cities where the main offices of the corporations were located.

The Deutsche Bank's managerial control was supplemented by voting power, based on proxies secured from bank customers covering about 50 percent of the stock in both corporations. The bank also owned the entire preferred stock of Daimler, which had 30-fold voting power in certain important matters such as the appointment of top personnel.

The rapid expansion of Daimler and BMW in war production was financed largely by loans and security distributions headed by the Deutsche Bank. Together Daimler and BMW accounted for two-thirds of Germany's aircraft engine production. In the course of this production Daimler used 15,000 foreign workers, and BMW also made extensive use of foreign labor, prisoners of war, and inmates of the Dachau concentration camp.

POLITICAL CONNECTIONS OF THE BANKS IN THE THIRD REICH

The position of the Deutsche and Dresdner Banks as financial leaders in the Third Reich was enhanced and secured through close connections with the National-Socialist Party and governmental agencies. These connections were established first through the appointment of prominent Nazis to leading positions in the banks, and second through generous monetary contributions to Nazi programs by the banks.

The inauguration of the Nazi regime resulted in the appointment of two political figures as officers of the Dresdner Bank, Karl Rasche and Emil Meyer, who had been virtually unknown in banking circles. Their efforts were largely responsible for the forging of those links between the Dresdner Bank and the SS which earned for the bank the title of "SS Bank." At the Deutsche Bank the leading figure in 1933 was Emil von Stauss, already so stanch and prominent an exponent of national socialism that no further political appointment among the officers was considered necessary at that time.

During the latter 1930's, the expansion of the Himmler circle resulted in a strengthening of the links between the big banks and the National Socialist Party. This circle, a small and select group of industrialists and bankers, had been organized by Wilhelm Keppler, Hitler's economic adviser in the Nazi Party, to draft for the future Fuehrer a blueprint of a planned economy consistent with Nazi objectives. During 1936–37 Heinrich Himmler, Reichsfuehrer of the SS, became the sponsor and protector of the circle, which then enlarged its membership and took on fresh tasks. Formal membership in the party was not a prerequisite to membership in the Himmler circle, but the industries and banks whose representatives became circle members contributed to the Reichsfuehrer of the SS between 1936 and 1945 some RM1 million per year, which was designated for Himmler's special purposes.

Concurrently with these contributions, various circle members began to make their appearance in positions of leadership in industry and finance. Among them was SA Brigadefuehrer [2] Ritter von Halt, who was appointed an officer of the Deutsche Bank in the key political position of managing the personnel department. In the Dresdner Bank, SS Brigadefuehrer Fritz Kranefuss, an adjutant to Himmler and a nephew of Keppler, became a powerful figure, while six other members of the Himmler circle, including SS Sturmbannfuehrer [3] Emil Meyer, and SS Obersturmbannfuehrer [4] Karl Rasche, also became officers or members of the board. In consequence, the Dresdner Bank came to be considered the most politically minded of all the major German banks.

In 1943 a newly organized party agency, the Martin Bormann Banking Committee, bound the banks even more securely to the Nazi Party. This committee, under the direction of Bormann, Hitler's deputy, was created to see that regional economic representatives of the party (gauwirtschaftsberater) were placed among the officers and board members of the big banks. Subsequently Wilhelm Avieny, Walter Schieber, and Karl Heinz Hauser, regional economic representatives, of Frankfurt and Thuringia, and deputy representative of Berlin, respectively, joined the influential working committee of the Dresdner Bank board. At the same time, Heinrich Hunke, NSDAP economic representative, of Berlin, became an officer of the Deutsche Bank, and Otto Pitzner, economic representative of Lower Silesia, became a member of the working committee. Further politico-economic connections are reflected in the fact that more than a third of the board members at the Deutsche Bank held the title of war economic leader (wehrwirtschaftsfuehrer), which was bestowed on leading industrialists for special achievements in connection with the Nazi preparations for war.

The political connections of the Deutsche and the Dresdner Banks were further strengthened by means of the close personal contacts maintained by leading banking figures with outstanding political leaders in the Third Reich. Carl Goetz, the most important personality of the Dresdner Bank during the Nazi regime, stood on terms of intimate friendship with Fritz Sauckel, director of the German slave-labor program, who was executed in 1946 as a war criminal. In Thuringia especially, Sauckel exerted his influence in the interests of the Dresdner Bank. At the Deutsche Bank, Hermann Abs, who after 1937 guided its foreign department during the great expansion in Europe, was closely identified with Hjalmar Schacht and Walter Funk, who designated him as German representative in a number of international negotiations, including the conferences on the financial standstill agreements, 1937–38. The Deutsche Bank also exploited the close ties existing between Albert Pietzsch, vice chairman of the board, and Rudolph Hess, the Fuehrer's deputy until his flight to Scotland in May 1941. (Pietzsch had become the economic adviser to Hess in 1934, and his position at the Deutsche Bank was given him as the man who could speak with the party about the problems of the bank.)

The Deutsche and the Dresdner Banks were also closely tied in with the governing bodies for German industry and trade. In the first place, domestic and foreign operations of the banks were under supervision of Department IV of the Economics Ministry and its chief, Joachim Riehle, and daily consultations were held between policymaking officials of the Ministry and of the banks.

A second channel between the Ministry of Economics and the banks was the Reich Economic Chamber (Reichswirtschaftskammer). The latter was composed of representatives from the seven major industrial groups (Reichsgruppen) which controlled and directed the operations of the major industries in Nazi Germany. The leading officials of the industrial groups were prominent or reliable Nazis, and the entire structure came under the jurisdiction of the Economics Ministry. A number of leading officials of the Reichsgruppen received influential positions with the Deutsche and Dresdner Banks, and this interrelationship helped to cement the political connections between the banks and the Economics Ministry. Albert Pietzsch, a party member since 1925, and an intimate friend of Hitler, was appointed the leader of the Reich Economic Chamber, where he supervised the operations of all the industrial groups; in 1939 he joined the board of the Deutsche Bank and became its vice chairman in 1943. A second powerful personality in the German economy, Wilhelm Zangen, the general manager of the Mannesmann-Roehren-Gerke, was named the leader of the industrial group for manufacturing (Reichsgruppe Industrie), largest and principal component of the Economic Chamber; he too joined the influential working committee of the Deutsche Bank's board. Rudolf Stahl, Zangen's deputy in the manufacturing group, was also a board member of the bank. In 1944, when the aging Albert Pietzsch retired and became the honorary president of the Reich Economic Chamber, he was replaced by Karl Lindemann, a member of the Himmler circle as well as the working committee of the Dresdner Bank's board.

The Deutsche and the Dresdner Banks endeavored to reinforce their influence with leading party agencies by generous contributions and credits and special donations to high-ranking party leaders. Out of its annual contributions of RM 1,200,000 to various causes, the Deutsche Bank gave some RM 275,000 to the Adolf Hitler fund alone. This fund was created to carry out the objectives of the party, the SS, and affiliated organizations. The Himmler Circle also received RM 75,000 per year from the Deutsche Bank, and RM 50,000 from the Dresdner Bank.

The financial contributions of Philipp Reemtsma, one of the outstanding members of the working committee of the Deutsche Bank, enabled that institution to exploit his valuable connections with Hermann Goering. These connections were enhanced by a personal contribution in 1934 of RM 4 million for "projects close to the heart of the Reichsmarschall"; contributions of RM 1 million to Goering followed in each succeeding year. By his own statement, Reemtsma's connections with Goering were frequently employed in the interests of the Deutsche Bank.

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[2] Rank comparable to major general.
[3] Rank comparable to major.
[4] Rank comparable to lieutenant colonel,

Contributions and credits for political purposes extended by the Dresdner Bank were focused particularly on supporting the SS. In addition to its annual contribution to the Himmler Circle, it extended large-scale credits to various SS economic organizations which employed concentration camp labor for their operations. These included in 1939 a credit of RM5 million to the SS German Earth and Stoneworks (Deutsche Erd- und Steinwerke G. m. b. H.), and RM2 million credit to the SS German Cultural Monuments Society (Gesellschaft zur Pflege Deutscher Kulturdenkmaeler).

FINANCING REICH REARMAMENT AND WAR EXPENDITURES

The operations of the Deutsche and Dresdner Banks in the years after 1933 were granted in an ever-increasing degree to the support of Germany's preparation for aggressive war by providing the German Government with funds and by financing war industry through loans and distribution of new securities.

In the early years of the Nazi state, bank financing was obtained mainly to support the so-called reemployment program. This program involved large-scale public works projects which were financed through the issue of "work-creation bills" (Arbeitsbeschaffungswechsel), which were bills drawn by contractors on special financial institutions of the Reich. Although nominally short term, the bills were typically extended over and over again.

After 1935 the public works program was tapered off and replaced by direct production for rearmament. The new program was financed by bills issued from February 1936 until March 1938 under the innocuous name of "Special bills" (Sonderwechsel). They later came to be known as "Mefo" (Metallurgische Forschungsgesellschaft) bills. A confidential circular letter to the banks from the Reichsbank directorate explained the bills as designed "for the intermediate financing of Reich expenditures for purpose of work creation with particular emphasis on the building up of the armed forces." In addition to concealing the object of the financing from the outside public, the Mefo bills enabled the Reichsbank to exceed by many billions the RM400 million which it was permitted by its charter to loan to the government. Thus, in accepting the Mefo bills for discount, the large banks, including the Deutsche and Dresdner Banks, knowingly gave financial backing to Germany's rearmament and helped keep its volume a secret from the outside world.

In addition to discounting Mefo bills for customers engaged in flying orders for the German armed forces, the banks also bought these bills in the open market and from the Reichsbank. When the issuance of Mefo bills was discontinued, the outstanding total of RM12 billion was presented for redemption to the Reichsbank as fiscal agent of the Reich. The Reichsbank acquired them and retained them as the basis for the issuance of Mefo bill certificates, which were promptly placed with the banks. Like the original Mefo bills, the certificates were carried by the banks under the heading of "commercial bills," thus continuing to conceal total Reich expenditures and particularly those pertaining to Germany's rearmament and violations of the Versailles Treaty.

The importance of the Mefo bills in the German economy is shown by the fact that they constituted 12 percent of the total German public debt in 1940. The volume of transactions in Mefo bills by the Deutsche Bank and the Dresdner Bank cannot now be ascertained, but the Deutsche Bank alone held bills in the amount of RM 405 million at the end of 1936 and RM 618 million at the end of 1942. The issuance of Mefo bill certificates was discontinued in 1943 and none were left in the portfolios of the banks by the end of 1944.

The decline in holdings of Mefo bill certificates was accompanied by a rise in holdings of the promissory notes (Solawechsel) of the Deutsche Golddiskontobank (Dego), a subsidiary of the Reichsbank. The Deutsche Bank, for instance, which had held only RM 39 million of these notes at the end of 1938, increased its holdings to RM 873 million at the end of 1944. Like the Mefo bills, these notes offered an opportunity to "dress up" the banks' balance sheets, as they could be listed as commercial paper. Thus, while the Deutsche Bank showed a commercial bill portfolio of RM 957 million at the end of 1944, over 91 percent of this consisted of Dego notes.

The main contribution of the large banks in financing German war expenditures, however, came with their purchases of direct government securities. These consisted mainly of treasury bills and short-term notes (Schatzwechsel und unverzinsliche Schatzanweisungen des Reichs und der Laender), which were traditionally appropriate media for investing customers' deposits. The longer-term treasury notes and bonds (Anleiben) were taken up chiefly by savings banks and insurance institutions. In Germany (unlike the United States) most of the government war borrowing was done from the banks, and there was very little direct investment of consumer savings. (The banks, however, did assist in placing treasury bonds with their business customers, and in 1942 the Deutsche Bank alone placed over RM 1 billion in this way.) Holdings of German Government securities at the end of 1942 amounted to RM 4 billion for the Deutsche Bank and RM 3 billion for the Dresdner Bank. These holdings were 21 percent and 14 percent, respectively, of the total Reich securities holdings of all commercial banks in Germany and Austria combined.

In both banks, holdings of German Government securities increased substantially after 1937, as shown in the following tabulation:

*Holdings of German Government securities by Deutsche and Dresdner Bank, 1937–44*

[In millions of reichsmarks]

| Year | Deutsche Bank | Dresdner Bank |
|---|---|---|
| 1937 | 376 | 240 |
| 1938 | 817 | 430 |
| 1939 | 1,312 | 868 |
| 1940 | 2,652 | 2,009 |
| 1941 | 3,835 | 2,584 |
| 1942 | 4,430 | 3,010 |
| 1943 | 5,115 | 3,564 |
| 1944 | 7,914 | 5,206 |

The RM7,914 million held by the Deutsche Bank at the end of 1944 represented 70 percent of its total assets (RM11,374 million); if, to this figure, is added the RM873 million of promissory notes of the Deutsche Golddiskontobank, a Reichsbank subsidiary, and about RM560 million of loans guaranteed by the Reich for special Reich projects, it appears that over 82 percent of the Deutsche Bank assets were employed in direct and indirect financing of the government. This compares with 44 percent in 1939 and 73 percent in 1942.

FINANCING OF WAR INDUSTRIES

Along with the direct financing of the German Reich Government the big banks made their tremendous resources available for the financing of industrial enterprises in all sectors of the rearmament field. Their financing services were of primary importance in the production of chemicals, automobiles, munitions and all phases of heavy industry.

The magnitude and diversity of such financing is indicated by the following distribution of RM424 million of war loans extended by the Dresdner Bank alone in 1 year, 1941:

*War credits granted*

| Firm | In millions of reichsmarks | Percent |
|---|---|---|
| Total | 424 | 100.0 |
| Hermann Goering Werke | 125 | 29.5 |
| ABG | 39 | 9.2 |
| Vereinigte Stahlwerke | 39 | 9.2 |
| Flick | 39 | 9.2 |
| Haniel Concern | 35 | 8.3 |
| I. G. Farben Complex | 35 | 8.3 |
| Junkers | 32 | 7.5 |
| Zentrale Textiles | 31 | 7.3 |
| Firms authorized by the 4-year plan to procure raw materials | 49 | 11.5 |

The picture of the key role of the banks in the early building of Germany's war industries emerges with particular clarity in the case of the aircraft and the synthetic-fuel industries, the need for which was predicated solely on Germany's preparation for war.

*Aircraft industry*

In the clandestine development of the German Air Force, the Dresdner Bank early identified as an active, aggressive adherent to Nazi rearmament policy. Already in 1933 the bank established a special department for aviation industry loans and even placed it on an equal status with such major departments as the syndicate, foreign, and legal departments. It seems evident that the head of the department, Emil Meyer, an ardent Nazi and a cousin of Keppler with excellent inner-circle NSDAP connections, foresaw the importance this field of financing would attain. This was indicated by the head of the aircraft industry group in the Economics Ministry who wrote:

"The only bank which could claim any merit (for the early financing of the industry) is the Dresdner Bank in the person of Professor Meyer."

Plans for financing a great expansion in the aircraft industry by developing existing airplane plants and establishing new ones were made at a secret meeting on May 10, 1935, between representatives of the leading banks, General von Kesselring of the Air Ministry, and Wilhelm Keppler, Hitler's personal economic adviser. The Dresdner Bank was represented at this meeting by Emil Meyer, who pledged the unreserved support of the Dresdner Bank, in contrast to the lukewarm attitude of the other bankers. The bank subsequently provided funds for both production facilities and working capital.

Although loans to the aviation industry were later made chiefly by the Luftfahrt Bank, a subsidiary of the Reich Air Ministry, a large portion of the funds provided by this bank continued to be raised through syndicate participations led by the big banks. The Dresdner Bank records disclose that it maintained close ties with both the Air Ministry and the Luftfahrt Bank, and that the Dresdner Bank exerted all the influence it could muster in financial support of the projects which both banks agreed upon. These included the financing of aircraft production for Germany's axis associates. For example, after discussion with the Air Ministry, the bank extended a credit of RM 27.5 million to finance the production of planes by Heinkel, Junkers, Focke-Wulf, and 12 other firms for the Hungarian War Ministry. This transaction was handled so successfully that in 1938, when the financing of Austro-Fiat was being negotiated, the favored position of the Dresdner Bank in the eyes of the Air Ministry and the highest officials of the

Reich became readily apparent. The Air Ministry official in charge reported:

"The Dresdner Bank in all these negotiations is absolutely backed by the Air Ministry, and both Secretary Milch and General Goering urgently wish the negotiations with the Austro-Fiat concerning credits to be brought to a successful conclusion."

After the beginning of the war the Dresdner Bank concentrated its activities on the aviation industries in the occupied countries. Some idea of the scope of these operations may be gained from a memorandum of September 1941 in which the Dresdner Bank listed transactions:

"Large orders have been given to the Belgian aviation industry. Payment for these will amount to 59 million francs. Credits shall be given by our correspondents or our bank."

"The Ostmaerkische Motorenwerke is intended to become the greatest German motor plant. Capital RM150 million, and operating credits of RM100 million * * * to place our affiliates in a position to carry out these credits (of approximately 25 percent of the total amount)."

"In Paris * * * huge credits to French aircraft firms and the accessories of industry."

While the Dresdner Bank was the primary source of funds for the aircraft industry, the Deutsche Bank financed the conversion of large automobile manufacturing plants to the production of aircraft engines. In 1935 when the first major shift of industrial capacity toward rearmament occurred in Germany, the production of airplane motors was taken up by Daimler-Benz, a peacetime producer of automobiles, trucks and motors and one of the largest enterprises controlled by the Deutsche Bank. As operations were expanded to meet orders of the German armed forces, total production of Daimler-Benz doubled between 1932 to 1935 and doubled again by 1939. The increased output was made possible by investments in plant and machinery which for the 10-year period ending in 1943 amounted to RM305 million. At its peak in 1944, the company and its subsidiaries employed 70,300, 40 percent of whom were foreign laborers (including 3,300 prisoners of war).

Like Daimler-Benz, BMW (Bayriesche Motorenwerke AG) had been under Deutsche Bank control since its reorganization in 1925. In the resurrected and steadily growing German aircraft industry, BMW came to be the largest manufacturer of aircraft engines. Particularly after the advent of Hitler, production was rapidly expanded, chiefly through the establishment of subsidiaries, until BMW became one of the key companies in German air rearmament. These subsidiaries were set up in the form of limited liability partnership (G. m. b. H.) rather than as public corporations in order to keep secret the volume and nature of their output. The value of BMW output quadrupled from 1933 to 1943, at which time 95 percent consisted of engines for the German air force. As of October 1944 the Deutsche Bank's commitment in loans to BMW amounted to RM63 million.

In addition to aiding the companies directly under control, the Deutsche Bank (as well as the Dresdner Bank) supported air rearmament by granting large loans to such mainstays of the industry as Messerschmidt, Junkers, and Dornierwerke.

*Synthetic fuel industry*

The history of Germany's frantic efforts to secure oil, a major need in her war effort, provided an insight into the diversity of the services the big banks provided. The Dresdner Bank, for example, provided the technical, legal, and financial wherewithal to obtain oil reserves, and also played the role of diplomat, negotiating with foreign governments on missions with which the German Government did not wish to identify itself too openly. Two years prior to the war the bank was commissioned by the naval high command to secure concessions in the Mosul oilfields of Iraq and to procure oil from Mexico, Venezuela, and other Latin American countries. This was described in a secret report of Admiral Raeder:

"* * * The naval high command has engaged the Dresdner Bank for the purposes of camouflage * * * and has directed the Dresdner Bank * * * to search for oilfields as directed * * * to prepare in detail the necessary contracts for concessions with the foreign governments concerned to ascertain the geological and political risks involved in foreign oil concession."

When these plans to obtain neutral oil failed to work out, existing facilities had to be expanded and new plants constructed for the production of synthetic gasoline. One step in the program was the creation of Braunkohle-Benzin A. G., Berlin (Brabag), by order of Hjalmar Schacht, president of the Reichsbank, to develop synthetic fuel from coal. After an initial conference with the lignite producers, Schacht turned to the Dresdner Bank to form a banking syndicate to aid in the financing of Brabag. The syndicate, which was led by the Dresdner Bank, with the Dresdner and the Deutsche Banks participating to the extent of 20 and 25 percent, respectively, granted a loan of RM 25 million. Later loans totaling about RM 130 million were extended by another banking syndicate also headed by the Dresdner Bank; though the Deutsche Bank was not the syndicate leader, its quota equaled that of the Dresdner Bank. Other Deutsche Bank financing of synthetic fuel was effected through the placement of security issues, which the bank had previously done on a large scale for the coal-mining industry. Brabag's various installations came into production in 1936; for the first full year of operations, 1937, production reached a total of about 320,000 tons. This figure increased substantially in later years.

In October 1935, Ruhrbenzin A. G. was founded in response to a Reich request for the production of synthetic fuel and lubricants. For the construction of the plant, which was to have an initial capacity of 30,000 tons per year, a syndicate headed by the Deutsche Bank granted a loan of RM 9 million, of which the Deutsche Bank had a quota of RM 4 million and the Dresdner Bank RM 2.8 million. In 1936 an additional loan was granted in the amount of RM 12 million for the extension of plant facilities. Again the Deutsche Bank led the syndicate, this time with a quota of 50 percent. When Ruhrbenzin late in 1937 requested an extension of a year and a half on one of the amortization installments, the syndicate agreed to grant it "in view of the scope of this enterprise and the special tasks assigned to it within the framework of the 4-year plan."

In December 1936 when the Gelsenberg Benzin A. G. was organized for the production of synthetic gasoline solely for the Reich, the required funds of RM 30 million were provided by a syndicate managed by the Deutsche Bank, with this bank and the Dresdner Bank each having a 35 percent quota. In January 1937 the Union Rheinische Braunkohle Kraftstoff A. G. (UK) was founded by the Rhineland lignite companies for the production of synthetic fuel. Its initial capitalization of RM 45 million was raised to RM 90 million in 1940. Like the above-mentioned firms, it was set up by order of the Nazi Government as another step in the rearmament program. By virtue of old established business ties with the lignite companies, the Deutsche Bank headed the syndicates which floated a bond issue of RM 60 million in 1940, another of RM 45 million in 1942, and granted the firm of UK a loan of RM 50 million in 1943. The Oberschlesische Hydrierwerke, another synthetic fuel company, was founded in 1939 with a capital of RM 50 million, subsequently increased to RM 250 million, of which RM 80 million in preferred stock was floated in November 1942 by a syndicate headed by the Deutsche Bank, with this bank and the Dresdner Bank each having quotas of 28.5 percent. On the basis of capitalization, the Oberschlesische Hydrierwerke was as important as the Brabag, and had a production goal of 1 million tons of fuel per annum. Continued Deutsche Bank leadership was reflected in the underwriting of RM 200 million Hydrierwerke bonds in 1942, another RM 150 million in 1943, and a Reich-guaranteed loan of RM 100 million in 1944.

Analysis shows that these activities of the banks in aircraft and oil were paralleled in several other phases of German industrial life. Although the Nazi Government began the rearmament of Germany, the big banks, particularly the Deutsche and Dresdner Banks, provided their tremendous resources to enable the Government to achieve its goal.

ROLE OF THE BANKS IN ARYANIZATION OF THE GERMAN ECONOMY

The racial theories and the anti-Semitic practices of the Nazi regime found their economic expression in the so-called aryanization program. This program was directed at property as well as at persons. The political, legal, and social pressures under which the program was executed made aryanization transactions profitable to all participants, excepting the former Jewish owners. After the early years, transfer of ownership typically occurred under circumstances of duress which hardly permit the contract to be regarded as agreements freely and openly arrived at.

The big banks early fell in step with the aryanization program by purging Jews from the rolls of their employees, and followed up by acting as purchasers, bankers, and brokers for the aryanized properties. In this way the Dresdner and Deutsche Banks acquired properties for their own account, financed acquisitions of aryanized property for customers, selected and appraised properties for future aryanization, and even searched for prospective customers interested in this type of transaction.

The substantial profits available to the banks themselves through acquiring Jewish properties were probably as important a motive in their aryanization activities, as any desire to demonstrate their loyalty to the political regime. Karl Kimmich, leading manager of the Deutsche Bank, repeatedly pressed his branch managers to extend their aryanization activities, claiming that the bank was losing substantial profits to the Dresdner Bank by not doing so. As early as 1935 the Deutsche Bank was reported to have a revolving fund of RM5 million earmarked for such purposes; the Dresdner Bank had already set up a special section to handle aryanization matters, and both banks actively sought business in this field.

For its own account, the Deutsche Bank acquired several private banks, among other interests. The firm of Simon Hirschland, Essen, was aryanized in 1938 and its property transferred to the newly established banking house of Burkhardt & Co. In the new firm, which was endowed with a capital of RM6.5 million, the Deutsche Bank participated overtly with RM2.5 million and assured itself of full control by financing the capital investment of RM500,000 for each of the 2 personally liable partners who entered the new firm. One of these partners was a branch manager of the Deutsche Bank. In the same year, aryanization was initiated of Mendelssohn & Co., Berlin, the leading private bank in Germany. After the resignation of its Jewish partners the firm entered liquidation and the Deutsche Bank took over all customers' accounts together with the Aryan employees; no compensation was paid the former partners.

Meanwhile the Dresdner Bank took over the private banking houses of Gebrueder Arnhold in Dresden and Berlin, S. Bleichroeder & Co., Berlin, and G. Simons & Co., Duesseldorf. The Aryanization of Gebrueder Arnhold, Dresden, took place about the end

of 1935. Pressure was brought to bear against the brothers Adolf and Heinrich Arnhold, resident partners of the Dresden firm, by means of legal prosecution based on false accusations, with the result that the firm was sold to the Dresdner Bank. The Aryanization of the banking houses Gebr. Arnhold, Berlin, and S. Bleischroeder, Berlin, took place in February 1938. While the negotiations were taking place, Dr. Kurt Arnhold was arrested by the Gestapo and released only after expressing his willingness to sign the contract covering the sale of the two firms to the Dresdner Bank and Hardy & Co., the latter also owned by the Dresden Bank. Although the net assets of Gebr. Arnhold and S. Bleischroeder were about RM25 million (exclusive of the goodwill, which the Dresdner Bank itself had formerly evaluated at RM15 million), the contract of sale stipulated a price of RM8 million. Even this price, however, was never paid to the Arnhold brothers. While the negotiations were going on, Hans Arnhold, who lived outside Germany, was approached by an intermediary who suggested that it might be "appropriate" to negotiate the sale through a lawyer, Mr. Hueber, brother-in-law of Herman Goering. Hueber asked a fee of 500,000 Swiss francs, payable in Switzerland. Arnhold characterized this business as "the usual kind of procedure in achieving so-called Aryanization under pressure and at the same time trying to secure funds in favor of some top Nazis."

Jewish industrial firms were usually directed into the hands of the banks' big industrial clients. The Dresdner Bank, for example, directed a complicated shift of ownership by which the Goering steel combine obtained a Ruhr coal mine and paid for it with Aryanized lignite mines formerly belonging to the Czech-Jewish Petchek family. Similarly the Deutsche Bank gave every assistance to the Mannesmann combine in its efforts to expand through annexation of Jewish manufacturing facilities such as M. Stern, A. G., Wolf, Netter & Jacobi, and other steel processors.

As regards the methods used by the Dresdner and the Deutsche Banks, the Dresdner was unique in its aggressiveness and in the exercise of political duress with the aid of the Gestapo, the SS, and other Nazi agencies. It is interesting to note that three of the directors of the Dresdner Bank occupied the political position of Gauwirtschaftsberater (district economic adviser); one of the main functions of this office was to encourage and to supervise the confiscation of Jewish businesses. In collaboration with these political associates, the bank made full use of blackmail, intimidation, and brutality to force acquiescence to its demands. For example, it arranged in May 1934 the Gestapo arrest of the owner of the profitable Engelhardt Brauerei A. G. of Berlin, the second largest brewery concern in Germany, and subsequently obtained a majority interest in the concern. In the case of I. & C. A. Schneider, Frankfurt-am-Main, a very large leather and shoe manufacturer with annual sales (in 1938) exceeding RM20 million and with net profits amounting to RM2.5 million, the Dresdner Bank conducted the transaction so that a contract of sale was signed providing for a sales price of less than 3 percent of the net value of the firm. An affidavit by the former owner clarifies the reason for such a low sales price:

"* * * I received official word * * * that I could not count on ever being released from Buchenwald unless my brother and I accepted the proposition embodied in the enclosed contract. This I accepted and after I had done so I was released on November 23, 1938, and the contract as per enclosure was finally executed on December 17, 1938."

For its services in this transaction the Dresdner received a fee of RM 40,000. Other cases of similar nature are known, covering all sorts of transactions in both small and large businesses. In fact, the Dresdner Bank gained for itself such a reputation that firms desiring to acquire Jewish properties solicited it for assistance. The bank in reply to such solicitation stated:

"The Dresdner Bank is very actively engaged in Aryanization problems and is, thanks to its connections, in a position to help you."

This help took the form of loans as well as technical advice and assistance. Since many of the new owners of Aryanized properties were Nazi politicians, without the means to pay even the nominal price at which forced sales were made, the banks often extended the whole amount of the purchase price. The Deutsche Bank, for example, made a loan of RM 1,154,171 to aid in the purchase of the Frankfurter Asbestwerke at a price of RM 1,134,735. From the standpoint of banking practice, this unusual procedure was considered justified by the low appraisal prices of the properties.

When all assets deposited with German banks by non-Aryans were confiscated under the Nazi regime, the big banks were used as depositories and custodians. They were also able to provide the necessary financial information to insure that no Jewish assets would be overlooked. The banks profited in custodial fees and did not hesitate to take advantage of the surrender of Jewish property to the Reich. Hence when the Deutsche Bank needed RM 1 million in Mannesmann shares to complete a deal, it obtained them from those surrendered by Jews under the confiscatory decrees.

Not only did the banks profit as institutions, but the directors themselves gained personally through Aryanization. For example, in 1939, Heinrich Koppenberg, member of the board of the Dresdner Bank since 1935, acquired the Argus Motor Co. from Mr. Stauss, a Jew, then in a concentration camp. The Dresdner Bank extended a RM 2 million loan to complete the transaction.

This experience gained in Aryanization activity in Germany served the banks in good stead in their subsequent economic spoliation of occupied Europe.

EXPLOITATION OF OCCUPIED EUROPE—EXPANSION OF FOREIGN BRANCHES AND AFFILIATES

Simultaneously with the expansion of Greater Germany between 1937 and 1942, the Deutsche Bank and Dresdner Bank enjoyed a great increase in the number of their foreign affiliates. Through this increase the banks were rewarded for acting virtually as an economic branch of the Wehrmacht in exploiting the resources of the occupied countries.

In all instances the banks worked in close cooperation with the competent German authorities, usually the Reich Ministry of economics. The desire to acquire certain institutions or corporations sometimes originated within the banks, sometimes within the Nazi government, but all acquisitions had one aim in common, namely, the economic and political domination of Europe by Germany. Competing on slightly different bases, both banks obtained a share in the spoils. In some cases the Deutsche Bank obtained the choice morsel because it was the larger, better known bank and because Hermann J. Abs, its most energetic officer, enjoyed excellent standing with Schacht, Funk, and other high officials in the German economy; in other cases, however, the Dresdner Bank received preferential treatment due to its close connection with the SS, the Gestapo, and party organizations.

*Austria*

Plans for economic penetration were always worked out in detail before the military attack and occupation of a given country. In the case of Austria, Emil Puhl, vice president of the Reichsbank has stated:

"Starting with the period preceding the Anschluss of Austria the Big Banks made known to Department IV of the Reich Ministry of Economics their intention and interests in Austrian banking * * *."

The Deutsche Bank chose control of the Creditanstalt-Bankverein, Vienna, the largest Austrian bank and the most important bank in the Balkans. A minority block of its shares, it appears, was already held by the Deutsche Bank, and additional shares were to be acquired after invasion, but a conflict between German and Austrian NSDAP and governmental agencies delayed transfer of the full control to the Deutsche Bank until early 1942. The Creditanstalt-Bankverein was then used by the Deutsche Bank as a spearhead for its Balkan business.

As regards the Dresdner Bank, it was informed of the Fuehrer's wishes 9 months before the invasion, by Wilhelm Keppler, Nazi Party economic adviser to Hitler:

"We discussed the economic strongholds that Germany has in Austria. The Fuehrer expressed his definite view that we must maintain and expand these strongholds, especially the Mercurbank * * *."

The Dresdner Bank which already owned the Mercurbank, replied:

"There is no doubt in our bank about the desirability of maintaining it as a German stronghold."

Directly after the absorption of Austria into the Reich, the Dresdner Bank merged the Mercurbank with the Austrian subsidiaries of the Banque des Pays de L'Europe Centrale and later with the Zivnostenska Banka of Prague to form the Laenderbank Wien, which then served as spearhead for the Balkan activities of the Dresdner Bank.

*Czechoslovakia*

Incorporation of the Sudetenland into the Reich was the next signal for new acquisitions by the banks. According to Emil Puhl these acquisitions also followed a plan which the Reich Ministry of Economics had mapped out carefully in advance:

"At the time of the Sudeten crisis and subsequent occupation of Czechoslovakia, the big banks submitted to the Economics Ministry their intensions toward the major Czech banks. * * * Very strong competition among the banks * * * persisted. * * * On the basis of these proposals the ministry made the final decision in cooperation with the Economic Department of the * * * protectorate."

The Deutsche Bank acquired control of Boehmische Union Bank, which originally had assets of almost Kr. 3,000 million. The Boehmische Union Bank was completely reorganized; its share capital was devalued, its management and board of directors were changed and all its industrial participations were transferred to the Deutsche Bank.

The Dresdner Bank took over the Boehmische Escompte Bank and the Zivnostenska Banka. These banks subsequently developed into the strongholds of the Dresdner Bank in Czechoslovakia and played an important part in enslaving Czech industry.

*Poland and the Baltic States*

In Poland and in the Baltic States the position of the Dresdner Bank far outranked that of the Deutsche Bank, both in scope and in importance. In the last months of 1939, the Dresdner Bank had opened branches in 7 major Polish cities, and in 1940 it established 2 special banks for Poland—the Ostbank Posen, and the Kommerzialbank Cracow. The goal of these banks was stated to be the reorganization of industry for war production and the transfer of former Polish and Jewish businesses to German nationals. In addition, the Dresdner Bank acquired a virtual banking monopoly in Lithuania, Latvia, and Esthonia with the founding of the Ostland Bank, later renamed the Handels-und Kreditbank Riga.

The Deutsche Bank, on the other hand, confined its expansion in the former Polish territory to opening new branches. It also

took over the business of the Landschaftsbank in Memel and Heidekrug in 1939 and opened a new branch in this area.

*Conquest in the West*

The opportunities opened by the conquest of the West were eagerly seized by the banks, even to the extent of competitive conflicts which required mediation by Schacht. One such conflict concerned the control of the foreign holdings of the Banque de la Societe Generale de Belgique, largest holder of Franco-Belgian banking and industrial participation in Czechoslovakia, Luxembourg, Rumania, and Yugoslavia. An earlier decision of the Ministry of Economics had favored the Dresdner Bank, but the influence of the Deutsche Bank and of Herman Abs in particular was strong enough to cause this to be reserved in favor of the Deutsche Bank. Emil Puhl stated in that connection:

"* * * the Sociate Generale turned over the biggest part of its business to the Deutsche Bank. The transfer of Belgian interests to the Deutsche Bank came from the joint action of the Deutsche Bank (Abs) and the Financial Division of the German Military Government in Belgium * * *. The Dresdner Bank through the person of Mr. Goetz attempted very hard to receive preferential status in the control of Belgian banking. However, the competent authorities in Berlin as well as in Brussels decided in favor of the Deutsche Bank."

The Dresdner Bank realized its defeat and established at Brussels and Antwerp an affiliate, the Banque Continentale, which had the mission of integrating Belgian economy with the German economy. Within 2 years, the assets of this bank doubled, reaching Bfrs.[5] 683 million by 1943.

*Luxembourg*

The Deutsche Bank's preferential status in regard to the Societe Generale de Belgique also secured her position as first bank in Luxembourg and some of the Balkan countries. The first major transfer to the Deutsche Bank of interests held by the Societe Generale involved part of its participation in the Banque Generale de Luxembourg, the largest commercial bank in Luxembourg with a capital amounting to Bfrs. 20 million. Under the direction of Department IV of the Reich Ministry of Economics, the Luxembourg bank came under the domination of the Deutsche Bank.

The Dresdner Bank took over the control of the International Bank in Luxembourg from the Banque de Bruxelles and the Banque de'Union Parisienne, transforming a former minority holding into complete control.

*France*

The Deutsche Bank was also given preference in the establishment of branches in Alsace and Lorraine, while the Dresdner Bank was asked to renounce its claims on the Credit Industrial d'Alsace et de Lorraine, which had to liquidate its 37 branches and transfer its business to 4 new branches founded by the Deutsche Bank in Alsace and Lorraine.

*Holland*

Before the invasion of Holland, German banking already had two sizable spearheads in Amsterdam which served the Nazis as ready vehicles for the spoliation and economic penetration of the Netherlands. The Handels-Maatschappij H. Albert de Bary, with a capital of Hfl.[6] 15 million, had been under the control of the Deutsche Bank since World War I. The Handels-Trust West N. V., on the other hand, was founded by the Dresdner Bank as recently as October 2, 1939, with a capital of Hfl. 100,000. The announced purpose for the creation of the Handels-Trust was to take business away from Dutch firms. It accomplished this mission so successfully that it was singled out with an award for "exceptional services in achieving the great aims of the National-Socialist Movement." The Deutsche Bank's de Bary was not given an official award, but it played a significant part in integrating Dutch business with the German economy. These activities proved so profitable that its deposits and current accounts doubled between 1939 and 1941.

*Southeast Europe*

As the war progressed, Germany sought to replenish from the Balkans its stocks of critical raw materials. This was discussed in the Reich Ministry of Economics on August 16, 1940, at which time Dr. Schlotterer commented:

"Private economic penetration of the southeastern area by German influence is desirable, likewise the supplanting of British and French interests in that territory."

*Hungary*

In response to the indicated policy of the Nazi authorities, the Dresdner Bank established itself in Hungary in 1940–1941 by acquiring the Zipser Bank as well as a participation in the Hungarian Allgemeine Creditanstalt which was held by the French. These "purchases" were effected with the help of the Nazi fifth column in Hungary, the "Volksdeutsche," who requested the German Government to use pressure on the French Government regarding the transfer of shares of the Hungarian Creditbank and to assign those of the Zipser Bank to the Dresdner Bank. Thus the Dresdner emerged as the German bank of influence in Hungary.

*Yugoslavia*

The Dresdner Bank established itself in Yugoslav banking by acquiring a controlling interest in the Kroatische Landesbank, while the Deutsche Bank obtained complete control of the Allgemeine Jugoslawische Bankverein in 1940 through its subsidiary, the Creditanstalt-Bankverein, Vienna.

The Allgemeine Jugoslawische Bankverein had a share capital of 60 million dinar in 1939, which then was distributed among Creditanstalt-Bankverein (50.3 percent), Societe Generale de Belgique (38.8 percent), Basler Handelsbank (5.4 percent), and Boehmische Union Bank (4 percent). After the occupation of Belgium, Societe Generale's participation was transferred to the Creditanstalt-Bankverein through the Deutsche Bank. Upon the separation of Yugoslavia into two separate states, the bank had to be reorganized into separate units, the Bankverein A. G. Belgrade, in Serbia, and the Bankverein fuer Kroatien, both of which were under the domination of the Deutsche Bank. At that time the Dresdner Bank formed the Suedbank from the Belgrade branch of the Kroatische Landesbank.

*Rumania*

The Deutsche Bank became the main German bank in Rumania by acquiring the Banca Commerciala Romana (Comro), Rumania's third largest commercial bank, with a capital of 300 million lei. Until 1940, the comro was controlled by the Banque de la Societe General de Belgique and the Banque d'Union Parisienne. Through the German Armistice Commission in Wiesbaden, the Deutsche Bank exercised pressure on the French Government until it consented in 1941 to the sale of the Comro shares owned by the Banque d'Union Parisienne. Similar pressure was exerted on the Societe Generale, which also relinquished its participation in 1941.

The agency of the Dresdner Bank in Rumania, the Societatea Bancara Romana, enjoyed considerable expansion during World War II. Its total assets quadrupled between 1938 and 1942 (from 1,112 million lei to 4,650 million lei). In 1942 this bank took over the Bucarest branch of the Prague Kreditbank.

*Bulgaria*

The financial and economic penetration of Bulgaria presented no problem, as the Deutsche Bank had been well established there prior to the First World War. Its Bulgarian subsidiary, the Deutsche-Bulgarische Kreditbank, Sofia, which had a capital of 50 million leva in 1942, was well able to take care of any demands made. With Germany's steadily growing domination of the Balkans, this bank increased in size and scope. Between 1941 and 1942 its total assets increased from approximately 1.4 billion leva to 2 billion leva.

*Greece*

Conditions in Greece did not appear too favorable for banking operations, as the German Army was hard-pressed to maintain itself there. Instead of acquiring the share capital of Greek banking houses, "collaboration agreements" (Freundschaftsabkommen) were concluded to provide a close working relationship between the German big banks and the Greek banks. On June 17, 1941, the Deutsche Bank formed a syndicate committee with the Banque Nationale de Greece, Athens, the largest commercial bank in Greece with capital and reserves amounting to 1.2 billion drachma and total assets of 12.5 billion drachma, and with 97 branches in Greece and 1 in New York. The Dresdner Bank also established a foothold in Greece by forming the Greek-German Finance Corp. (Griechische-Deutsche Finanzierungs-Gesellschaft), with the Banque d' Athenes as Greek partner.

FOREIGN OPERATIONS FOR CUSTOMERS AND FOR THE REICH

The great and rapid expansion of the two banks' foreign interests in the wake of German aggression was paralleled by their activities on behalf of industrial corporations which desired to share in the spoliation and economic domination of Europe. The banks played an important part in settling up and managing new German-dominated industrial corporations in these countries.

The steps taken by the banks implemented the policies set down by Funk and Goering on August 6, 1940 in a statement entitled "Continental Economy and Economy for Large Areas," which called for the following program:

"Interlacing under German leadership of European national economies with the economy of greater Germany. * * * Control of the economic and financial policies of the European countries * * * through agreements between nations arrived at through a display of German might. * * *"

To such statements Goering added on August 17, 1940:

"As I explained already * * * I take special interest in a most intensive penetration of the Dutch and Belgian * * * economy by German capital on the broadest possible basis, even before the end of the war. * * * Furthermore, I want you to promote with all means the acquisition of dominating economic positions in third countries from French, Dutch, Belgian, Danish, or Norwegian ownership by the German economy, and this already during the period of war."

*Mannesmann*

A good example of such activities is the assistance which was extended by the Deutsche Bank to the Mannesmann Roehrenwerke complex in acquiring property in occupied countries. Sometimes directly and sometimes through its branches and affiliates, the bank aided Mannesmann in obtaining 52 percent of Tranzl A. G. Vienna, which had a share capital of RM 1.5 million; three Aryanized Luxembourg-Lorraine corporations at total expenditure of RM 1.2 million; part of the Jewish-owned van Leer combine located in Holland, France, and

[5] Belgian francs.
[6] Holland florins.

Belgium; and French assets amounting to more than RM 18.5 million in Strasbourg. These properties were obtained soon after the respective countries had come under German domination.

In Czechoslovakia, Mannesmann made five important purchases between 1939 and 1941. First, it obtained large blocks of stock in the Prager Eisen Industrie Gesellschaft and its subsidiaries, at least part of which had been Jewish property acquired by the Boehmische Union Bank Prague, a Deutsche Bank subsidiary. These shares amounted to RM 1.4 million and were then managed by a Deutsche Bank subsidiary, the A. G. fuer Vermoegensverwertung, Berlin. In 1939 Max Graber & Sohn A. G., Pressburg, a Jewish firm with a capital of Kr. 8.2 million, was also bought by Mannesmann with the help of the Boehmische Union Bank. This bank obtained the shares for Mannesmann because a German company was not permitted to appear on the Czechoslovakian market, and the shares were placed in trust through a gentlemen's agreement. The stock capital was evaluated at Kr. 8.2 million. In 1940 the Union Bank was instrumental in Mannesmann's purchase of 51 percent or Kr. 2 million of the share capital of the Boehmische Montangesellschaft A. G., Prague. At the same time the Union Bank instigated and arranged, in agreement with president Kehrl, the sale to Mannesmann of the Aryanized Metallwalzwerk A. G. Maehrisch Ostrau, and its subsidiaries, as well as the subsequent increase of the company's capital to Kr. 28 million in 1941. In 1940 Mannesmann purchased 48.9 percent of the share capital of the Waagtaler Syenit Asbestzementschieferfabrik & Bergbau A. G., Puchov. Some of the stock was confiscated Jewish property then in the hands of the Viennese subsidiary of the Deutsche Bank, the Creditanstalt-Bankverein.

*Hermann Goering Werke*

The Hermann Goering Werke, second as a steel producer only to the Vereinigte Stahlwerke, acquired seven Czech companies through the mediation of the Dresdner Bank and its subsidiaries. The acquisitions included Skoda A. G., the largest European munitions factory with a share capital of Kr. 687 million and assets of more than Kr. 3 billion; the Poldihuette steel mills with a share capital of Kr. 250 million; the Waffenwerke Bruenn (producers of small arms ammunition) with a share capital of Kr. 300 million; the Bruenner Maschinen A. G. (producers of machinery and powerplant equipment) with a share capital of Kr. 65 million; the Sudetenlaendische Treibstoffwerke (producers of fuel oil and products) with a share capital of RM 100 million; and the Sudetenlaendische Bergwerke (lignite mines formerly held by the Czech-Jewish Petschek family) with a share capital of RM 80 million. Karl Rasche, an officer of the Dresdner Bank, was responsible for carrying out the negotiations for these transactions on behalf of the Hermann Goering Werke, since he and Kehrl had been commissioned officially by Goering to obtain the choice enterprises of Czech industry, even before the military occupation of Czechoslovakia was completed.

These instances of acquisitions negotiated by the Dresdner Bank and the Deutsche Bank for German industry in Czechoslovakia were paralleled in almost every country conquered by the Germans.

*Aryanizations abroad*

The two big banks not only collaborated in coordinating European economies with the Nazi master blueprint, but they were also very active in expropriating foreign Jewish property. That is, the policy of Aryanizing German-Jewish property was applied wherever the German victor made his Nazi ideology the law of the country. For example, foreign Aryanizations became so numerous and so important a part of banking operations that the Dresdner Bank found it necessary to set up a special section in the Boehmische Escompte Bank, its Czech subsidiary, for Arvanization matters (Arisierungagruppe). The activity of this section is indicated by the fact that its administrative expenses alone for the first half of 1940 amounted to Kr.164,900. The bank also acted as custodian and as a purchase and sales agent of Jewish securities.

D. U. T. (DEUTSCHE UMSIEDLUNGS-TREUHAND-GESELLSCHAFT)

Jews were not the only ones to suffer; whole areas were expropriated and their population evicted to make room for the resettlement of "ethnic" Germans. To finance such operations the banks assisted the Reich with huge loans. For instance, the Deutsche and Dresdner Banks headed a syndicate which extended RM100 million for the resettlement activities of the German Resettlement Trust Company (Deutsche Umsiedlungs-Treuhandgesellschaft), hereafter referred to as DUT. This organization was formed to bring all "ethnic" Germans from various countries of southern and eastern Europe into the area of the Nazi Reich. The DUT was under the jurisdiction of the Commissariat for the Strengthening of Germanism (Reichshcommissariat fuer die Festigung des Volkstums) headed by Heinrich Himmler. Its activities resulted in the movement of about 600,000 Germans from the Baltic States, Poland, France, and Russia into the Polish areas incorporated by the Germans into the Reich after the occupation of Poland. In order to accommodate the German settlers, the DUT with the cooperation of the SS. confiscated three-quarters of the commercial establishments and artisan shops belonging to Polish nationals in the so-called Wartheland, and millions of Poles were forcibly evicted from their farms, homes, and businesses. Most of the Poles were then taken to Germany for forced labor.

Similar actions occurred in Luxembourg, where more than 10,000 people were "resettled," and in other territories bordering pre-Nazi Germany.

*HTO (Haupt-Treuhandstelle Ost)*

The Deutsche and Dresdner Banks also worked hand in hand with the Chief Trustee Office, East, or HTO, which was established by Goering within the section of the 4-year plan which dealt with the economic exploitation of Poland. It was responsible for the confiscation, administration, and liquidation of Polish property. An example of this cooperation is a letter from the office of the Deutsche Bank's Boehmische Unionbank, which reads in part:

"Since 1941 we have executed by order and for the account of HTO, Berlin, a number of transactions in France which were concerned mainly with the acquisition of French holdings of establishments in the iron and coal industries of former Poland."

The following French holdings in five important Polish enterprises were obtained during the occupation of France: the current and investment capital of the A. G. der Dombrowaer Kohlengruben (Dombrow Coal Mines, Inc.); French shareholdings in the Sosnowitzer Roehren und Eisenwerke (Sosnowitz Tube & Iron Works); French shareholdings in the Sosnowitzer Berkwerk und Huetten A. G. (Sosnowitz Mining & Smelting Co.); the shares of the Galizische Bergwerkegesellschaft Kohlengruben Janina (Galician Mining Co. Coal Mines Janina).

Subsequently a syndicate headed by the Deutsche Bank acquired from HTO participation in several large enterprises of heavy industry in the Nazi-dominated eastern regions, in order to incorporate them into the Berghuette-Konzern, a complex which was being built up by the Deutsche Bank into a large combine extending from Czechoslovakia into Poland.

Mines de Bor: The Mines de Bor was founded in 1909 under the name, Compagnie Francaise de Mines de Bor, to exploit the copper riches of Yugoslavia, it became the most important copper mine in Europe. Upon the occupation of France and later of Yugoslavia, the Nazi government considered the acquisition of Mines de Bor to be an essential step in fulfilling the Funk-Goering program, and pressure was exercised on the French owners to transfer their control. The report of the French Ministry of Finance concerning acquisitions by Germany of French industrial participations states that 500,000 shares of Mines de Bor were acquired by the French Government and paid for by a credit against occupation costs.

The Mines de Bor were administered on behalf of the Reich by Suedost Montan, a Reich-owned company with a share capital of RM30 million. This company was created in March 1943 for the purpose of exploiting the nonferrous mineral wealth of the Balkans in accordance with the 4-year plan. Suedost Montan also acquired control of the molybdenum field located in Yugoslavia through the acquisition of Yugomontan, a corporation which held rights to 60 mining areas. In addition Suedost Montan mined chromium in Albania, lead in Yugoslavia, and various ores in Greece.

To finance the operation of Mines de Bor and Suedost Montan the Reich Government called upon the Deutsche Bank. Herman J. Aba became a member of the boards of directors of both corporations, being 1 of 2 bankers on these boards. A report on Mines de Bor by Richard Haeussler, assistant to Herman Aba, emphasized the important role played by the Deutsche Bank in this venture of Nazi economics:

"In preliminary conferences between the 4-year plan and the Deutsche Bank and in a meeting of the Interministerielle Ausschuss (Interdepartmental committee of the Ministry of Economics and Ministry of Finance) with the Deutsche Bank, the credit requirements of the Bor Copper Mines were marked as very urgent."

The Deutsche Bank took the leadership in providing loans for these corporations and enlisted the cooperation of all the other big banks in this affair. In 1943 and 1944, a banking syndicate was formed and headed by the Deutsche Bank with initial participation of 35 percent, while the Dresdner Bank subscribed 20 percent. This syndicate extended to Mines de Bor five long-term credits totaling RM 125 million, in addition to a short-term loan of RM 60 million. At the same time the syndicate extended to Suedost Montan credits totaling RM 67.5 million.

DEUTSCHE BANK AND DRESDNER BANK UNDER ALLIED OCCUPATION

From the foregoing it is apparent that the Deutsche Bank and Dresdner Bank were active partners of the Nazis in the spoliation and economic domination of Europe: They gained new affiliates for themselves, they aided in the expansion of German industrial corporations; they assisted in the expropriation of non-German and Jewish holdings; and they helped to establish and manage Reich-sponsored corporations in countries which came under Hitler's domination.

The history of these banks demanded that the military defeat of Germany be followed up by measures to break up the network of control exercised by the banks and to eliminate from positions of influence all the responsible officials and their assistants who had planned and executed their policies under the Nazi regime. The breaking up of the big banks was also implicit in the Potsdam declaration, which stated:

"The German economy will be decentralized for the purpose of eliminating the present excessive concentration of economic power."

United States Military Government deemed it desirable that a new decentralized banking system be planned and organized if possible by German authorities and interested banking groups themselves. However, after repeated efforts to stimulate the

Germans to undertake an effective program along these lines, it became apparent that military government would have to intervene directly. The German State Governments did not come forward with adequate legislation, and there were indications that the big banks were endeavoring to preserve their unity. In the face of this situation, United States Military Government decided in May 1947, to issue a decentralization order in the form of Military Government Law No. 57.

Law No. 57 was designed to break up the dominating influence of the Deutsche Bank, Dresdner Bank, and Commerzbank over Germany's financial and industrial activities. It provided that independent and disinterested custodians be appointed for these banks, who would manage and administer the property of these banks in the respective states of the United States Zone. These custodians must, in no way, be influenced by or take instructions from the shareholders or officials of these banks. The law also required that the name of these banks be changed in such a manner that the new names would be different in each state. In addition giro systems of these banks were also broken up.

The effective implementation of Military Government Law 57 by the German State Government will ensure the effective integration of the decentralized branch bank systems into a new democratically organized German economy.

FIGURE 1.—*Assets of big banks compared to assets of commercial banks*

(In millions of Reichsmarks)

| Bank | 1938 | | 1941 | | 1942 | | 1943 | |
|---|---|---|---|---|---|---|---|---|
| | Amount | Percent of total | Amount | Percent of total | Amount | Percent of total | Amount | Percent of total |
| Total assets, all commercial banks | 19,353 | 100.0 | 34,307 | 100.0 | 40,377 | 100.0 | 47,211 | 100.0 |
| Total assets, Big Six Banks | 9,526 | 49.1 | 18,581 | 54.2 | 21,940 | 54.3 | 25,958 | 54.7 |
| Deutsche Bank | 3,748 | 19.3 | 6,573 | 19.2 | 7,504 | 18.6 | 8,703 | 18.4 |
| Dresdner Bank | 2,785 | 14.4 | 4,917 | 14.3 | 5,736 | 14.2 | 6,679 | 14.1 |
| Bank der Deutschen Arbeit | 513 | 2.6 | 2,654 | 7.8 | 3,681 | 9.1 | 4,657 | 9.8 |
| Commerzbank | 1,554 | 8.0 | 2,957 | 8.6 | 3,436 | 8.5 | 4,240 | 8.9 |
| Reichskreditgesellschaft | 620 | 3.2 | 1,001 | 2.9 | 1,055 | 2.6 | 1,137 | 2.4 |
| Berliner Handelsgesellschaft | 306 | 1.6 | 479 | 1.4 | 528 | 1.3 | 542 | 1.1 |
| Total deposits, other 647 commercial banks | 9,827 | 50.9 | 15,726 | 45.8 | 18,437 | 45.7 | 21,253 | 45.3 |

FIGURE 2.—*Deposits of big banks compared to deposits of all commercial banks*

(In millions of Reichmarks)

| Bank | 1938 | | 1941 | | 1942 | | 1943 | |
|---|---|---|---|---|---|---|---|---|
| | Amount | Percent of total | Amount | Percent of total | Amount | Percent of total | Amount | Percent of total |
| Total deposits, all commercial banks | 10,745 | 100.0 | 21,362 | 100.0 | 25,015 | 100.0 | 28,883 | 100.0 |
| Total deposits, Big Six Banks | 5,876 | 54.9 | 13,346 | 62.4 | 15,569 | 62.3 | 18,235 | 62.9 |
| Deutsche Bank | 2,509 | 23.4 | 4,705 | 22.0 | 5,285 | 21.1 | 5,579 | 20.7 |
| Dresdner Bank | 1,583 | 14.8 | 3,250 | 15.2 | 3,641 | 14.6 | 4,178 | 14.4 |
| Bank der Deutschen Arbeit | 362 | 3.4 | 2,302 | 10.7 | 3,241 | 13.0 | 4,061 | 14.0 |
| Commerzbank | 940 | 8.8 | 2,087 | 9.8 | 2,372 | 9.5 | 2,948 | 10.2 |
| Reichskreditgesellschaft | 386 | 3.6 | 731 | 3.4 | 748 | 3.0 | 828 | 2.8 |
| Berliner Handelsgesellschft | 96 | .9 | 271 | 1.3 | 282 | 1.1 | 242 | .8 |
| Total deposits, other 647 commercial banks | 4,869 | 45.1 | 8,016 | 37.6 | 9,446 | 37.7 | 10,648 | 37.1 |

FIGURE 3.—*Deutsche and Dresdner Banks: Growth of assets, 1933–44*

[In millions of reichsmarks]

| Year | Deutsche Bank | Dresdner Bank |
|---|---|---|
| 1933 | 3,038 | 2,683 |
| 1934 | 2,962 | 2,566 |
| 1935 | 3,017 | 2,441 |
| 1936 | 3,064 | 2,431 |
| 1937 | 3,300 | 2,515 |
| 1938 | 3,748 | 2,785 |
| 1939 | 4,184 | 3,205 |
| 1940 | 5,315 | 4,180 |
| 1941 | 6,573 | 4,917 |
| 1942 | 7,504 | 5,736 |
| 1943 | 8,703 | 6,679 |
| 1944 | 11,374 | 8,613 |

FIGURE 4.—*Deutsche and Dresdner Banks: Number of employees, 1933–44*

| Year | Deutsche Bank | Dresdner Bank |
|---|---|---|
| 1933 | 16,789 | 11,157 |
| 1934 | 17,588 | 11,760 |
| 1935 | 17,619 | 12,374 |
| 1936 | 17,282 | 12,279 |
| 1937 | 17,462 | 12,161 |
| 1938 | 17,947 | 11,902 |
| 1939 | 19,265 | 11,902 |
| 1940 | 20,605 | 12,791 |
| 1941 | 20,929 | 13,391 |
| 1942 | 21,000 | 13,622 |
| 1943 | Unknown | 13,700 |
| 1944 | Unknown | 13,573 |

FIGURE 5.—*Number of positions held by Deutsche Bank managers and directors in other positions by type of business as of 1943*

| Deutsche Bank position / Position with other corporations | Management and chairman of board of directors (12 persons) | | | | Member of board of directors (30 persons) | | | | General agents (14 persons) | | | | Grand total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Manager | Chairman, vice-chairman | Member | Total number of positions | Manager | Chairman, vice-chairman | Member | Total number of positions | Manager | Chairman, vice-chairman | Member | Total number of positions | |
| TYPE OF BUSINESS | | | | | | | | | | | | | |
| Total | 0 | 76 | 121 | 197 | 31 | 133 | 164 | 328 | 4 | 72 | 106 | 182 | 707 |
| Banking, finance | | 3 | 9 | 12 | 3 | 5 | 15 | 23 | | 6 | 5 | 11 | 46 |
| Banking, foreign | | 8 | 6 | 14 | | | 2 | 2 | | | 2 | 2 | 18 |
| Insurance | | | 10 | 10 | 1 | 13 | 15 | 29 | | | 10 | 10 | 49 |
| Coal, mining, petroleum | | 3 | 22 | 25 | 2 | 19 | 19 | 40 | 2 | 4 | 9 | 15 | 80 |
| Iron, steel, metals | | 6 | 14 | 20 | 2 | 7 | 7 | 16 | | 4 | 7 | 11 | 47 |
| Machinery, metal products | | 15 | 7 | 22 | 2 | 14 | 22 | 38 | | 12 | 16 | 28 | 88 |
| Aircraft | | 7 | | 7 | 1 | 2 | 2 | 5 | | | | | 12 |
| Electrical | | 3 | 4 | 7 | 1 | 4 | 6 | 11 | | | 1 | 1 | 19 |
| Chemicals, rubber | | 4 | 11 | 15 | 1 | 11 | 10 | 22 | | 1 | 5 | 6 | 43 |
| Textiles, paper | | 6 | 6 | 12 | 7 | 20 | 14 | 41 | | 15 | 8 | 23 | 76 |
| Food, beverages | | 3 | 6 | 9 | | 2 | 6 | 8 | | 6 | 13 | 19 | 36 |
| Construction, building materials | | 3 | 5 | 8 | 1 | 1 | 1 | 3 | | 7 | 7 | 14 | 25 |
| Transport, communication, public utilities | | 4 | 10 | 14 | 1 | 16 | 27 | 44 | | 7 | 9 | 16 | 74 |
| Commercial, service, trade | | 1 | 4 | 5 | | 6 | 7 | 13 | 1 | 2 | 3 | 6 | 24 |
| Miscellaneous | | 10 | 7 | 17 | 9 | 13 | 11 | 33 | 1 | 8 | 11 | 20 | 70 |

FIGURE 6.—*Number of positions held by Dresdner Bank and managers and directors in other corporations by type of business as of 1944*[1]

| Dresdner Bank position | Bank managers (8 persons) | | | | Chairman, vice chairman of board of directors (4 persons) | | | | Member of board of directors (24 persons) | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Positions with other corporations | Manager | Chairman, vice chairman | Member | Total number of positions | Manager | Chairman, vice chairman | Member | Total number of positions | Manager | Chairman, vice chairman | Member | Total number of positions | Grand total |
| Total | 3 | 45 | 75 | 123 | 6 | 27 | 29 | 62 | 30 | 98 | 138 | 266 | 451 |
| Banking and finance (domestic) | 2 | 3 | 13 | 18 | | 2 | 1 | 3 | 6 | 1 | 19 | 26 | 47 |
| Banking (foreign) | | 2 | | 2 | 1 | | | 1 | | | 1 | 1 | 4 |
| Insurance | | 1 | 2 | 3 | | 3 | 7 | 10 | | 13 | 15 | 28 | 41 |
| Coal, other mining and petroleum | | 2 | 11 | 13 | | 1 | 3 | 4 | 3 | 8 | 7 | 18 | 35 |
| Iron, steel, other metals | | 4 | 6 | 10 | 3 | | 3 | 6 | 1 | 14 | 8 | 23 | 39 |
| Machinery and metal products | | 7 | 13 | 20 | | 12 | 4 | 16 | 7 | 13 | 19 | 39 | 75 |
| Chemicals and rubber | | 3 | 4 | 7 | | 2 | | 2 | 4 | 4 | 10 | 18 | 27 |
| Textiles and paper | | 4 | 2 | 6 | | 1 | | 1 | 2 | 9 | 9 | 20 | 27 |
| Food and beverages | | 8 | 6 | 14 | | | 2 | 2 | | 11 | 8 | 19 | 35 |
| Construction and building materials | | 4 | 4 | 8 | 1 | | 2 | 3 | | 7 | 5 | 12 | 23 |
| Transport, communications, public utilities | | 1 | 3 | 4 | | 3 | 5 | 8 | 2 | 9 | 21 | 32 | 44 |
| Commercial, service trades | | 1 | 2 | 3 | | | | | | 1 | 4 | 5 | 8 |
| Other (domestic) | | 5 | 3 | 8 | 1 | 3 | 2 | 6 | 4 | 7 | 7 | 18 | 32 |
| Other (foreign) | 1 | | 6 | 7 | | | | | 1 | 1 | 5 | 7 | 14 |

[1] Partial tabulation only; includes 94 percent of Dresdner Bank managers and directors.

FIGURE 7.—*Deutsche Bank: Voting by proxy in selected national corporations*

| Corporation | Type of business | Capital stock (millions reichsmarks) | Face value of stock represented at shareholder's meeting (millions reichsmarks) | Face value of stock voted by Deutsche Bank at meeting (millions reichsmarks) | Ratio of stock voted by Deutsche Bank to total capital (percent) | Ratio of stock voted by Deutsche Bank to total represented (percent) | Member of Deutsche Bank Vorstand and branch managers on Aufsichtsrat of corporations | Member of Vorstand of corporation on Aufsichtsrat of Deutsche Bank | Deutsche Bank member of Aufsichtsrat on Aufsichtsrat of corporation |
|---|---|---|---|---|---|---|---|---|---|
| I. G. Farbenindustrie A. G. (1943). | Chemicals | 1,400 | 850.0 | 324.0 | 23.1 | 38.1 | Abs | Hermann Schmitz. | |
| Vereinigte Stahlwerke A. G. Dusseldorf (1942). | Steel | 460 | 352.0 | 66.3 | 14.4 | 18.8 | Kiehl | | H. Schmitz, v. Siemens. |
| Allgemeine Elektrizitaets Gesellschaft (AEG) (1943). | Electric | 264 | 143.0 | 39.8 | 15.0 | 27.7 | Wintermantel | | Quandt, Zangen, Vielmetter. |
| Hannesmann Roehrenwerke A. G. (1942). | Tubes and sheet metals. | 180 | 106.0 | 56.3 | 31.3 | 53.9 | Roesler, Wuppermann (General Agent). | Zangen | H. v. Siemens, F. v. Siemens. |
| Rheinische Stahlwerke A. G. (U. A.). | Steel | 180 | | 21.6 | 12.0 | | | | H. Schmitz. |
| Hoeach A. C. (1942) | Coal and steel | 122 | | 33.3 | 27.3 | | Bechtolf, Kimmich | Tgahrt | |
| Schering A. G. (1941) | Mining and chemicals. | 48 | 30.0 | 11.8 | 24.5 | 40 | Plassmann | | |
| Kloeckner Werke A. G., Duisburg (1941). | Steel | 105 | 87.3 | 8.4 | 8.0 | 9.6 | Kimmich | | Kloeckner. |
| Demag A. G. (1943) | Machinery | 42 | 28.0 | 14.0 | 33.0 | 49.5 | Kiehl, Kimmich | W. Reuter | Carp, R. Stahl, Zangen. |
| Rheinisch Westfaelische Elektrizitactewerke A. G. (U. A). | Electricity, gas, water. | 246 | | 23.3 | 9.5 | | Abe | Koepchen | |
| Gelsenkirchner Bergwerke A. G. (1943). | Coal | 200 | | 28.8 | 14.4 | | | | |
| Deutsche Erdoel A. G. (1942) | Oil | 100 | 73.4 | 30.0 | 30.0 | 40 | Sippel, Bechtolf, Kimmich. | Schirner, R. Ullner, H. Groeber (Reg. Adv. Board). | |
| Bayrische Motorenwerke (BMW), Munich (1944). | Airplane motors | 65 | 44.2 | 26.2 | c.40 | c.60 | Rummel, v. Rintelen (Munich). | Popp (Reg. Adv. Board). | Max H. Schmid. |
| Daimler-Benz A. G., Stuttgart (1942). | Airplane motors, trucks. | 120 | | c.60 | c.50 | c.50 | Rummel | | Carp, Schmid, Quandt, Reg. Adv. Board: Popp, Jahr. |
| Siemens & Halske A. G. (1943) | Electrical equipment. | 251 | | 42 | 16.7 | | Roessler | F. Jessen (Reg. Adv. Board). | H. v. Siemens Muenchmeyer. |
| Hamburg Amerika Linie (Hapag.) (1941). | Shipping | 46 | | (2) | (2) | (2) | Bechtolf | | Reemtsma. |

[1] The year appearing in parenthesis after corporation's name indicates the year for which data are cited.
[2] Majority.

Mr. SMATHERS. Mr. President, in addition to these facts, I keep running into the name of a Swiss company at almost every turn. That company is named Interhandel. Our Justice Department, under every Attorney General, Democrat and Republican, since 1941, has been urging and swearing that Interhandel is a "cloak for the German munitions octopus, I. G. Farben." Interhandel, on the other hand, has been yelling from almost every housetop in the land that it has nothing whatsoever to do with Farben and that it and its Swiss stockholders own the seized assets of General Aniline & Film Corp., estimated in value, to be in excess of $100 million.

Records which I have examined reflect that Interhandel has been spending $350,000 per year or more in this country in support of its constant fight to obtain full return of the General Aniline stock. Where these moneys are going and how they are being used, I am seeking to ascertain. I have made a thorough study of the Interhandel-General Aniline connections, and have come to the conclusion that they represent the most shocking instance in this entire field.

The stock of General Aniline was vested by the United States after the outbreak of the war in 1942. The Justice Department felt, without qualification, that this company was organized, owned and controlled up to the date of vesting, by Hitler's favorite industrial reptile, the I. G. Farben Co. of Germany. Commencing after the war, in 1948, the Federal courts in Washington, up to and including the United States Supreme Court, have been tied up by a persistent case in which this Swiss company, Interhandel, has been claiming that it is the true owner of General Aniline. When our courts asked Interhandel to

prove it was not a pawn or cloak for the old Farben octopus by producing its pertinent books and records for inspection, the vociferous Interhandel clammed up and refused to let either our Justice Department or the Court take a look. When Interhandel persisted in its suppression of evidence over a period approaching 5 years, and when some of the papers and records it did finally disgorge appeared to be manufactured, the Federal courts threw out the case.

When it looked as if Interhandel's case in the courts was finished, having run the gantlet of all the Federal courts, the Attorney General announced that he intended, pursuant to the War Claims Act of 1948, to liquidate and sell the vested stock in General Aniline. The proceeds of this sale would have provided perhaps another $100 million for the payment of American war losses. This proposed sale sent Interhandel running back into the courts, asking for an injunction, which the courts denied. A rash of stockholders' suits broke out—and most people familiar with this field are inclined to believe that these stockholders' suits constitute nothing more a holding action for Interhandel.

I have before me, Mr. President, a complete report on General Aniline prepared by the Justice Department and submitted to the Subcommittee on the Trading With the Enemy Act on April 30, 1956. This report sets forth in full detail facts which prove that not only was General Aniline organized, owned, and controlled by Hitler's I. G. Farben up to and including the outbreak of World War II, but this Swiss company, Interhandel, which has been claiming stock ownership of General Aniline, was likewise organized, owned and controlled by this hated Farben enterprise.

Any doubt about the paternity of General Aniline & Film Corp. is almost immediately dissolved when one notes from this report that General Aniline's name, up to the very beginning of the war, was American I. G. Chemical Corp. In other words, like its questionable father, Farben, the son in this country bore the initials and trademark "I. G."—a brand name by the way which sent shivers up and down the spines of millions of poor people in Europe, thousands of whom ended up in the slave labor camps of Farben and others in concentration camp ovens of mass murder. Rather than go into all of the sordid details of this situation, I ask unanimous consent to have printed in the RECORD at this point of my remarks this report on Farben-Interhandel and General Aniline, prepared by the Department of Justice.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

I. G. CHEMIE AGAINST BROWNELL—STATEMENT OF THE CASE

This is a suit for return of 93 percent of the stock of General Aniline & Film Corp. with an alleged value of over $100 million and some $1,600,000 in cash. It was vested under the Trading With the Enemy Act, as amended, and Executive orders and regulations issued thereunder, by vesting orders reciting that it was the property of foreign nationals or owned by or held for I. G. Farbenindustrie A. G., of Germany. The plaintiff is a Swiss corporation originally named Internationale Gesellschaft für Chemische Unternehmungen A. G. and was commonly known as "I. G. Chemie." In December 1945 it changed its name to Societe Internationale pour Participations Industrielles et Commerciales S. A. and now refers to itself as "Interhandel." The defendants are the Attorney General, as successor to the Alien Property Custodian, and the Treasurer of the United States.

Plaintiff filed an administrative claim as required by section 9 (a) of the Trading With the Enemy Act and on its denial filed suit in the United States District Court for the District of Columbia. Its complaint, filed October 21, 1948, alleges that it was the owner of the property before vesting and that it was not an enemy of the United States during World War II. The defendants, in their answer, deny that plaintiff is the owner and deny that plaintiff is not an enemy, thus taking issue with both allegations. As a separate defense, the defendants allege that from the time of plaintiff's incorporation in 1928 to the surrender of Germany in 1945, plaintiff had participated in a conspiracy or common plan with the private bank of H. Sturzenegger & Cie., Basle, Switzerland (formerly known as Ed. Greutert & Cie.), with I. G. Farbenindustrie A. G. of Germany, and with others "to conceal, camouflage and cloak the ownership, control, and domination by I. G. Farben of properties and interests in many countries of the world, including the United States."

Dismissal of Chemie's complaint because of its failure to obey district court's order: In February 1949 during the course of pretrial discovery both parties moved for discovery of the documents in the possession, custody, or control of the other, as authorized by the Federal Rules of Civil Procedure. The Attorney General's motion included a demand for the documents of the private bank of H. Sturzenegger & Cie., as a subsidiary or affiliate of I. G. Chemie. This motion pended for over 5 months and was considered by the court on extensive materials and oral hearings. Among other contentions by Chemie in opposition were that it had no control over the Sturzenegger records and that the Swiss secrecy laws prevented their production. On June 23, 1949, the district court filed an opinion in which it held, granting both motions, that all the records of both parties should be produced for inspection by the other. With respect to the Sturzenegger records the court held that they were within the control of I. G. Chemie and were subject to production and inspection.

Under the discovery order, dated July 5, 1949, the Attorney General was first to produce in Washington, for inspection by Chemie, all the documents he had collected with respect to the case. I. G. Chemie was then to produce in Switzerland, for inspection by the Attorney General, all of its and of the Sturzenegger firm's documents, all of those documents having once been inspected by the Swiss Compensation Office. That Office, an agency of the executive branch of the Swiss government, performs functions similar to those performed in the United States by the Division of Foreign Funds Control of the Treasury Department and by the Office of Alien Property. This Swiss agency had made 2 investigations of I. G. Chemie in June–July 1945 and November 1945–February 1946 and described the results of its investigations in 3 reports or exposés. These reports had been relied upon by the Attorney General in the 1949 motion for production. In ordering the production by Chemie of all of its documents and those of the Sturzenegger firm the district court followed the standards set by the Swiss Compensation Office. That Office had demanded, and had examined without objection, all of the records of both Chemie and Sturzenegger although the investigation was of the German character of Chemie alone. The inference, said by the district court to be plain, was that an examination of Chemie necessarily included an examination of Sturzenegger.

Thereafter the plaintiff produced what it claimed were all of the records of the Chemie firm which had been ordered to be produced, but did not produce the records of the Sturzenegger firm. In October 1950 the Attorney General moved for dismissal of the complaint for this failure to produce. Plaintiff sought to excuse the failure by reason of certain laws of Switzerland known as the secrecy laws and an order of the Swiss Government issued under those laws forbidding the production of the Sturzenegger records. This excuse was rejected by the district court in an opinion dated February 19, 1953, reported at 111 Fed. Supp. 435, 14 F. R. D. 44, 18 F. R. S. 34.47, Case 1. On March 31, 1953, the court entered an order that the complaint would be dismissed for continued failure for more than 2 years to comply with the order for discovery unless full production were made by June 15, 1953. This time was later extended. On November 16, 1953, after further hearings, the court handed down a memorandum opinion reported at 15 F. R. D. 83, 19 F. R. S. 37b.243, Case 1, and on December 21, 1953, entered an order dismissing the complaint with prejudice.

Plaintiff appealed, challenging both the discovery order of July 5, 1949 and the dismissal order of December 21, 1953. On June 30, 1955, the Court of Appeals for the District of Columbia Circuit affirmed, with the proviso that the dismissal would be vacated if Chemie produced within 6 months from the receipt of the mandate by the district court. 225 F. 2d 532. Chemie then petitioned the Supreme Court for a writ of certiorari, and on January 9, 1956, this petition was denied. 350 U. S. 937.

Chemie produced some 41,000 of its own papers from its files. Plaintiff claimed, and has since stated to this committee, that as concerns its own papers, this was full compliance with the court order. The fact is, Chemie has not even done that. The documents, when originally examined by the Swiss Compensation Office, had been serially numbered and upon examining the numbers applied to the documents by the Swiss Compensation Office it was discovered that 9,829 documents had not been produced in this case. As a result of further proceedings and a subsequent order of court, Chemie thereafter produced some 5,000 of the suppressed 9,829 papers which it claimed it now found in its files. In addition, the Chemie books of accounts which it produced pursuant to the discovery order were shown by the Attorney General to be a rewritten set. The original journals of the corporation had consisted of 13 volumes. The set which was produced contained 11 volumes. Eight of the 11 volumes had been purchased by Chemie after the date of the first entries purported to be made in them. Proceedings by the Attorney General to obtain production of the true books of account as well as of the Chemie papers which had been suppressed were still pending at the time of the dismissal of the action for plaintiff's failure to produce the Sturzenegger records.

THE FACTS OF THE CASE

The following are the leading companies and individuals involved in the case:

I. G. Farben, German dyestuff and chemical giant.

Hermann Schmitz, former head of Farben, Chemie and GAF.

Eduard Greutert, whose private bank, Greutert & Cie., in Switzerland, has been connected with Farben for many years. On the death of Greutert in 1939, Hans Sturzenegger took over Greutert's role, and the

firm became H. Sturzenegger & Cie. The firm, together with four of its desk drawer holding companies, forms a tightly knit circle hereinafter referred to as the Greutert/Sturzenegger/Chemie Complex or Sturzenegger Circle. That Complex is the dominant stockholder in I. G. Chemie.

I. G. Chemie, Swiss holding corporation, created by Farben.

General Aniline & Film Corp. (GAF) created by Farben as an American holding and operating company, formerly known as American I. G. Chemical Corp. (AIG). I. G. Chemie now claims to be the bona fide owner of the vested GAF stock.

I. BACKGROUND—WORLD WAR 1—1929

*A. I. G. Farben*

I. G. Farbenindustrie A. G. of Germany was formed in 1925 by a merger of the six largest German chemical and dyestuff companies, Bayer, Griesheim-Elektron, Weilerter-Meer, Agfa, Badische Anilin and Hoechst. After its organization, I. G. Farben bought or merged into various industries in Germany until, by 1929, it was producing almost all of Germany's dyestuffs and most of its chemicals, as well as photographic equipment, nitrogen, pharmaceuticals, light metals, rayon and synthetics. In addition to assets in the United States, discussed immediately below, I. G. Farben owned sales agencies throughout the world and had interests in chemical and dyestuffs industries in several European countries. It was by far the largest dyestuff producer in the world and one of the largest pharmaceutical and chemical manufacturers. By 1939 Farben was to become the largest chemical corporation in the world, an industrial giant in Germany, frequently referred to as a state within a state and indispensable in the execution of the Reich's plans for war.[1]

*B. Farben's American Assets*

(1) General Aniline Works-Winthrop Chemical Co.: During World War I, Bayer Co. of New York and Synthetic Patents Co. of New York were seized by the Alien Property Custodian. Both had been owned by Bayer Co. of Germany, which was later to become a component part of Farben. By various intermediate steps, Farben, by 1928, regained ownership of all of its former dyestuff business, and half of its former pharmaceutical business, under the name of General Aniline Works and Winthrop Chemical Co. Farben's 100 percent stock interest in the former and its 50 percent stock interest in the latter became assets of GAF shortly after its formation as AIG in 1929.

(2) Agfa Ansco Corp.: In 1926, Agfa Products, Inc., and Agfa Ansco Film Corp. were organized by Farben to serve as distributors of its photographic products. In 1928, these subsidiaries were merged with an American-owned firm engaged in manufacture in the same field. The result was Agfa Ansco Corp., exclusive United States manufacturer and sales agent of Farben's photographic products, and contractually entitled to Farben patents and know-how in the photographic field. Farben's share of the capital stock of the new corporation was approximately 60 percent. This asset, too, found its way into GAF ownership on its organization.

(1) The economic basis for Farben Greutert relations: Between 1920 and 1924, the Farben firms began using Switzerland as a base for their foreign operations. The flight of German capital to Switzerland was not limited to Farben but was a characteristic of all German business, uneasy in the Germany of the twenties. The impetus lay in the desire to avoid further consequences of German inflation and in the fear of the then unstable German Government. For instance, among the more prosaic assets which German business placed on deposit in Switzerland were accounts set up for payment of pensions to senior executives. Pensions payable in Swiss francs would have value; pensions in marks have been demonstrated to be worthless. Switzerland was then, as always, a safe haven for foreign capital. It offered a stable currency and an enveloping secrecy for business and finance, buttressed by law and perfected over the years to safeguard foreign capital. For the long run, too, it could promise neutrality and, therefore, protection from an American Alien Property Custodian. Moreover, nationalist and anti-German sentiment all over the world required Farben to conceal its ownership of or connections with corporations outside Germany.

All these factors dictated the use of Switzerland as a locale for assets owned or controlled by Farben. In the thirties, moreover, the desirability of such use was reinforced by the Hitler Reich's attitude toward the foreign exchange assets of German business and by the new worldwide anti-German sentiment.

(2) Eduard Greutert & Cie: Eduard Greutert & Cie, a partnership engaged in private banking, was established in Basle in 1920 by Metallgesellschaft A. G. of Frankfurt. Metallgesellschaft, a large German nonferrous metal manufacturer and trader, contributed all but a minute fraction of the total capital of the Greutert partnership. Eduard Greutert, the managing partner, contributed the remainder. Greutert was a Swiss, who until that time had managed the foreign exchange office of Metallgesellschaft in Frankfurt.

The business of the firm was, at the outset, confined to Metallgesellschaft's business. Early in the twenties, however, Hermann Schmitz of Badische Anilin (soon to merge into Farben) began using the Greutert firm to handle the foreign financial business of Badische and, later, of Farben. On Schmitz' direction, there was created in Greutert a bewildering financial structure of some 65 accounts under various names, including corporations and consortia (roughly equivalent to syndicates). These corporations owned each other and/or were owned by Farben officials; their directors were Farben officials or Greutert employees. One such corporation had a capital of 100,000 Swiss francs, yet it held assets of 10 million Swiss francs until shortly before, and again, shortly after, its balance sheet was made up for publication. On behalf of these consortia and corporations, Greutert bought and sold securities, organized corporations, made loans, extended credit, all in a loose, informal manner without documents of purchase, order or guaranty, such as a bank or broker would ordinarily require when acting for a customer.

The Attorney General has taken the depositions of Alfred E. Merton and Rudolf Euler, president and manager, respectively, of Metallgesellschaft and the two founders of Greutert & Cie. The testimony developed in the depositions with respect to the business and the beneficial ownership of the above-mentioned corporations and consortia shows that Farben was the owner of these accounts. Mr. Euler has testified that the Greutert firm was like a cashbox for the Hermann Schmitz group.

In 1926, Metallgesellschaft sold a half interest in the partnership and, in 1931, sold its remaining half interest. Although in both cases the formal purchaser was not Farben, the sales were to a company which was a cloak for Farben.

II. 1928-1929—CREATION OF AIG (GAF) AND I. G. CHEMIE

*A. I. G. Chemie*

(1) Organization: When I. G. Chemie was incorporated in 1928, its capital consisted of 20 million francs. It was not until 1929, when American I. G. Chemical Corp. was organized, that Chemie's capital was increased to a paidup total of 135 million Swiss francs. The Swiss Compensation Office has stated that "it is beyond all doubt that I. G. Chemie was brought into being by I. G. Farben" and that "The I. G. Chemie was established on June 25, 1928, at the suggestion and according to a plan of Dr. Hermann Schmitz, member of the board of directors of I. G. Farben, through Greutert & Co., Bankers of Basle, on behalf of I. G. Farben."

(2) The guaranty-option agreement: The legal, open basis for the control of Chemie by Farben was the now famous guaranty-option agreement. By that agreement, entered into in 1929, Farben guaranteed that Chemie stockholders would receive dividends equal to those paid by Farben on its own shares. In return for this guaranty, it was agreed that Farben should have an option to purchase any or all of Chemie's assets at their book value. This contract endured until 1940, when it was allegedly canceled as a major point in the effort to de-Farbenize Chemie and, thereby, de-Farbenize GAF.

(3) Control of Chemie: Control of Chemie by Farben was exercised through personnel, through the guaranty-option agreement, and through a well arranged capital structure whereby the shares representing the greatest voting power as against the least possible paid-in capital were owned by the Greutert/Sturzenegger Complex or its subsidiaries.

Chemie has made the contention to this committee that its board of directors "has always been predominantly Swiss." The facts, however, are as follows: Hermann Schmitz, the genius of I. G. Farben and father of I. G. Chemie, remained Chemie's president until 1940 when his retirement was arranged as part of a cloaking scheme to protect GAF against seizure by the Americans. Schmitz was not only the finance king of I. G. Farben but also was responsible for the remarkable expansion of I. G. Farben in Germany and abroad. He was one of the early supporters of Hitler and collaborated with the Nazi Party in making I. G. Farben a vast spying organization. He was a member of the Hitler-appointed Reichstag.[2]

Schmitz was not the only German on the I. G. Chemie board. Albert Gadow, brother-in-law of Hermann Schmitz, continued on the board until 1945 when his presence proved too embarrassing. He retained his German citizenship and, in fact, during the war maintained personal contacts with the German consul in Basle. In a secret report to the German Foreign Office in July 1942, the German consul described Gadow as the "head" of I. G. Chemie. Carl Roesch, the other important German board member of I. G. Chemie until his death in 1941, had been a director of I. G. Farben before Farben placed him in his important position on the Chemie board in 1931. Under a German law a tax was payable by emigrants unless the emigration was in the interest of the German national economy. I. G. Farben applied to the Government for an exemption for Roesch, on the ground that his emigration

[1] For an impressive picture of Farben's position in prewar and wartime Germany see the opening sections of the so-called Bernstein report on Farben to General Clay, September 12, 1945. The Bernstein Report is reproduced, in condensed form, in the hearings before the Kilgore committee in 1945–46. Elimination of German Resources for War, hearings before a subcommittee of the Senate Committee on Military Affairs, June 1945–March 1946, at pp. 959 et seq. See also the chart at p. 1072.

[2] See chapter on Schmitz, Exhibit 10 to the Hearings on "Elimination of German Resources for War" before the Subcommittee of the Senate Committee on Military Affairs, 79th Cong., 1st sess., pursuant to S. Res. 107 (78th Cong.) and S. Res. 146 (79th Cong.), part 5, p. 869.

was in the interest of Farben and the German national economy. Roesch remained on Farben's pension roll and his widow received pension from I. G. Farben regularly through 1944.

Eduard Greutert, though of Swiss nationality, had been an early and very close associate of Herman Schmitz even before World War I when both worked together in Metallgesellschaft. Described in a German tax report of 1939 as a "man of confidence of I. G. Farben," Mr. Greutert was on the board of I. G. Chemie from 1928 to his death in September 1939 and cloaked foreign investments of Farben in various European countries. When he died in September 1939, Hans Sturzenegger succeeded him as a board member of I. G. Chemie and stepped into his shoes as a personal cloak for Farben.

(4) Stock ownership: When I. G. Chemie was organized in 1928, the total of the 20 million Swiss francs capital was financed by the "I. G. Consortium," an account on Greutert's books which the Swiss Compensation Office, after investigation, found contained large amounts of Farben assets. In 1929, the capitalization was greatly increased—to a total of 900,000 shares, each having one vote, and divided into 400,000 preferred and 500,000 common, with a total nominal value of 290 million Swiss francs and a total paid-up value of 134 million Swiss francs.

The preferred had a nominal value of 100 Swiss francs per share and a paid-up value of 20 percent. It has always remained in the hands of the Greutert-Sturzenegger Complex. The common, each share of which had a nominal value of 500 francs, was divided into three classes, having, respectively, 100 percent, 50 percent and 20 percent paid-up value. No payments were made on the 20 percent common, which was nevertheless in the hands of Greutert. The 100 percent and 50 percent paid-up common was subscribed to or soon purchased by individual German stockholders of Farben, by Norsk Hydro, a Norwegian nitrate producer closely associated with Farben, by GAF, and, to a lesser extent, by the public generally. The Greutert-Sturzenegger Complex took for itself the shares having the greatest voting value for the least amount of paid-in capital. For 8 million francs, the cost of the 400,000 20 percent preferred, they received 400,000 of the 900,000 votes.

The capitalization described above existed without change until 1938 when half of the 400,000 preferred shares and all of the 210,000 20 percent paid common were retired. In 1940, 100,000 preferred and 50,000 50 percent paid common in the hands of German individuals were repurchased by Chemie as part of the plan to de Farbenize Chemie. Thereafter, the capital structure was as follows:

| | Number of shares | Nominal value in Swiss francs | Total nominal value in Swiss francs | Percent paid up | Total capital paid up in Swiss francs |
|---|---|---|---|---|---|
| Preferred | 100,000 | 100 | 10,000,000 | 20 | 2,000,000 |
| Common | 140,000 | 500 | 70,000,000 | 100 | 70,000,000 |
| Do | 110,000 | 500 | 55,000,000 | 50 | 27,500,000 |
| Total | 350,000 | | 135,000,000 | | 99,500,000 |

Chemie has contended to this committee that it "is and always has been a Swiss corporation chiefly dominated by Swiss and American stockholders."

The facts are these: Control over I. G. Chemie is exercised by the above-mentioned Greuter/Sturzenegger Circle which directly owns 39 percent of Chemie's outstanding stock. In addition to the 100,000 outstanding shares of preferred it owns about 36,500 of the outstanding 250,000 common shares of Chemie, all shares having the same voting rights. The 39 percent have effective control because the voting power of an additional 24 percent, consisting of 84,900 common, was neutralized; they were owned by General Aniline & Film Corp. in which, in turn, Chemie claimed a 93 percent stock interest.[3] Those 24 percent, of course, were not bona fide American-held stock. Apparently, there was no other substantial stockholding of Chemie shares by any Americans.

It is the contention of the Government that the Sturzenegger Circle is not genuinely Swiss but rather was Farben created, dominated and financed, and was contrived as a means for preserving Farben's domination of Chemie. There is attached, as Exhibit 1, a chart, part of the court record, which depicts the literally circular relationships of all members of the Circle. Even that chart is incapable of giving a full picture of the interlocking relations. For instance, the stock of the artificial entities of the Circle, to the extent that it was held by individual stockholders, was additionally bound by a maze of loans for the purchase of the shares, by pledges to secure the loans, and successive options at the death of the individuals. Only 3 of the Circle companies had individual stockholders; the total in all 3 was 11 individuals. Of these 11, the biggest stockholders were Mr. Sturzenegger himself and 5 longtime employees and pensioners of Greutert/Sturzenegger; the others were 5 close personal friends of Mr. Greutert.

On the basis of these and other facts of record, the Government maintains that Chemie is not dominated by genuine Swiss interests but that Farben retained its domination through the device of the Circle, utilizing Greutert/Sturzenegger, their longtime clerks, and a few of their friends as trusted dummies.

### B. GAF (FORMERLY KNOWN AS AMERICAN I. G. CHEMICAL CORP. (AIG))

(1) Organization: GAF was organized as a Delaware corporation in the early part of 1929. As in the case of Chemie, Farben's sponsorship was open and, also as in the case of Chemie, Farben did not become a record stockholder.

Farben contracted with the National City Bank that it would cause GAF to be organized with a capital of 3 million no-par common "A" shares and 3 million $1-par common "B" shares. Further, that it would cause to be transferred to GAF stated stockholdings (which were in fact owned by Farben) in General Aniline Works and Agfa Ansco, plus $10 million in cash. Farben guaranteed the principal and interest of a $30 million issue of debentures to be sold to National City Bank.[4] In consideration, there were to be issued to Farben and/or to some company affiliated with Farben 400,000 shares of common "A" stock and 3 million of common "B" stock of AIG. (Agreement of April 24, 1929, between Farben and National City Bank.)

There is abundant evidence, aside from the terms of the agreement with National City Bank, that GAF was a Farben creation. For example, Hermann Schmitz negotiated the deal with National City Bank; the prospectus for the sale of the debentures was stated to be based on information by Schmitz and Greif of Farben; and the board consisted of 3 top officers of Farben, 3 Americans closely identified with Farben's sales and other companies in the United States, and 4 prominent American industrialists and bankers.[5]

(2) Subscription to GAF's stock: Although GAF was to become a holding company for what until then were Farben's American assets, the Greutert firm and not Farben contributed the assets in the subscription of GAF's stock, in performance of the agreement between Farben and National City Bank. The assets to be contributed—120,000 common and 20,200 preferred shares of Agfa Ansco, and 58,500 shares of General Aniline Works—were ostensibly bought by Greutert from Farben shortly before the transfer to GAF.

Other evidence confirms that Greutert was acting for Farben and at Farben's direction in the subscription to GAF's stock. For example, the Greutert firm was represented by Schmitz, who was neither an officer nor a member of Greutert. Greutert's subscription to $1 million worth of the debentures was initially agreed upon between National City Bank and Schmitz on April 24, 1929. When Greutert thereafter confirmed Schmitz' agreement to National City Bank and inquired when it should make payment, National City Bank replied that it had account from GAF.

(3) Distribution of the stock of GAF: Chemie has stated to this committee that it has owned more than 90 percent of the stock of GAF since the latter company was founded and that it paid the equivalent of more than $50 million for the assets. The shares were vested as the property of I. G. Farben and, in his answer to Chemie's complaint, the Attorney General has denied that Chemie owned the vested shares.

Rather than showing ownership by Chemie, the record shows the following: When AIG was organized, Greutert received 400,000 shares of common A and 3 million B shares, the total of AIG's issued stock, in return for the Agfa and GAW shares and the $10 million in cash. The shares were immediately thereafter distributed by Greutert to various holders. Only some A shares and no B shares whatever were transferred to Chemie. The 3 million B shares were distributed by Greutert in amounts ranging from 25,000 to 500,000, to various GAF officers, Farben officers, and Farben-connected individuals in the United States and in large amounts to Greutert itself and various Dutch and Swiss companies.

In subscribing to the initial issue and in making the first distribution of the GAF

[3] There were also cross holdings between Chemie and Norsk Hydro. At the time of vesting Chemie owned 13 percent of Norsk Hydro's outstanding stock and Norsk Hydro owned 6 percent of Chemie's outstanding stock.

[4] Investment Trusts and Investment Companies, Report of the Securities Exchange Commission, June 9, 1941, part IV, p. 137, n. 819. The debentures were retired in 1945.

[5] The last four became directors because of their business connections with Farben, and not with Chemie. A significant postscript to their participation in GAF's affairs appears from the testimony of 2 of the 4, Teagle of Standard Oil, concerning his ownership of 500,000 shares of GAF "B" stock from 1929 to 1934. When testifying before the SEC Mr. Teagle did not know, among other things, who was the beneficial owner of the stock registered in his name. Report of the Securities and Exchange Commission, supra, p. 140. The upshot of the investigation was that none of the Americans who testified seemed to know anything about the beneficial ownership of AIG's stock. Greutert and the other Swiss recordholders refused to give any information. Report of the Securities and Exchange Commission, supra, pp. 145–146, n. 863; letters of July 8, August 12, and August 18, 1937.

stock, Greutert, according to the Swiss Compensation Office, admitted to have been acting for the I. G. Consortium, a syndicate account on its books consisting largely of Farben assets. Thereafter, the stock changed hands by many intricate transfers to and from Greutert, consortia acounts on Greutert's books, and various subsidiaries, both Swiss and Dutch. Many of these transfers were subject to options to repurchase at the original price, to guaranty agreements, nomineeships, and other arrangements casting doubts upon the genuineness of the transfers. The exact chain of title to the shares will be known only if and when Chemie complies with the order of the district court for the production of the Sturzenegger records.

As to Chemie's contention that it paid the equivalent of more than $50 million for the GAF shares, the record shows to the contrary that no fair value was paid by the Swiss for Farben's American assets when the latter were bought from Farben and then immediately contributed in the subscription of the GAF stock. The purchase prices were so low that the sales could not have been bona fide but rather merely were fictitious and nominal transfers within the Farben organization to Greutert as Farben's foreign outlet.[8] Thus, the 58,500 shares of General Aniline Works' stock transferred to GAF were sold to Greutert at a 25-percent loss within a month after Farben had completed its acquisition of the total capital of General Aniline Works. The loss was embarrassing to Farben's accounting bureau, which pointed out to Schmitz that the shares were yielding a good profit and that the loss taken on the sale to Greutert could not be justified to the tax authorities. The accounting bureau asked whether the loss could not be considered "as a reserve for which Greutert is liable to us." Another such transfer was of Winthrop's stock. In 1928, Farben sold its half stock interest in Winthrop Chemical Co., including dividends for 1928, to Greutert at the book value of $300,000. The dividends, declared soon afterward, amounted to $869,000. Roesch, soon to become a Chemie director but at that time still a director of Farben, had to inquire of Hermann Schmitz personally how to enter that strange sale in the books.

### III. FARBEN'S RELATIONSHIP WITH CHEMIE-GREUTERT AND GAF

#### *A. Chemie-Greutert*

The business of Chemie consisted exclusively of holding stock in companies in which Farben was directly interested. Admittedly Chemie did not exercise any operational or management functions; admittedly Chemie was only an investor, and the companies whose stock was entrusted to it by Farben continued to be technically controlled and operated by Farben.

Greutert-Sturzenegger was the private banker of Farben. Farben's money was remitted from abroad via Greutert-Sturzenegger in order to conceal both the connection and the money from prying eyes. Greutert-Sturzenegger kept Farben's deposits, lent it money, kept its securities, sent its mail to Japan via Siberia, cloaked its ownership of stock in foreign companies, recommended cloaking agents to it, and otherwise did for Farben miscellaneous operations. At the outbreak of the war, Farben advised all of its foreign agents that remittances from abroad coming via New York should be sent exclusively to the Sturzenegger firm, without mentioning the name of I. G. Farben, its representatives or its customers. Apparently the firm had no business other than Farben-connected interests. And throughout that period, Chemie was a silent partner in Greutert-Sturzenegger, unbeknownst to its stockholders.

Chemie and Greutert-Sturzenegger also served as cloaks for Farben throughout the world. A discussion of some of their cloaking operations will be found under point V, infra, pages 27 to 30.

#### *B. GAF*

The spirit in which GAF's affairs were to be conducted became clear at the first meeting of its board on April 26, 1929. At that meeting the board authorized the officers "to loan any part of the company's available funds" to Farben or Chemie. The 10 million paid by Greutert as part of the consideration for the issuance of the corporation's stock was immediately on its receipt loaned to Deutsche Laenderbank, the housebank of I. G. Farben. By July of 1929, $17 million of the $27 million received as the proceeds of the debentures were loaned to Farben or its affiliates. Of the total of $27 million thus loaned, only $2 million were repaid in cash, the balance being made up, by the end of 1932, in securities. Many of these security transactions involved a transfer from Farben to Greutert or Chemie and then a further transfer to GAF. In several of these transfers, the price or other consideration was so low as to suggest either that Farben was making a gift to Greutert or GAF or was merely transferring its money from one pocket to another. For instance, in one of the transactions Farben transferred to GAF in 1930 a large block of Standard Oil shares which it had obtained as part of an international patent agreement with Standard Oil. Farben's sale of the Standard Oil shares was at $4,500,000 under the market value. Similarly, the above-mentioned stock interest in Winthrop Chemical Co., which Farben had "sold" to Greutert in November 1928, was resold by Greutert in April 1929 to General Aniline Works for $250,000, subject to an option to repurchase. The option was ultimately canceled in 1940 for $150,000 paid to Greutert. The 1929 dividend on that stock, alone, amounted to over $800,000.

It is clear that throughout the period between GAF's creation and the war, Farben was GAF's master. Chemie had no technical personnel and did not participate in the management of GAF. Farben's control of GAF rested on a variety of bases, each of which would probably have been sufficient. First, Hermann Schmitz, chairman of the board of Farben until the end of World War II, was president of GAF from 1929 to 1936 and chairman of the board from 1936 to 1939. His brother, Dietrich A. Schmitz, was president of GAF from 1936 until 1941. GAF's board was Farben-dominated;[7] the executive committee, composed of Farben men, in practice made all the company's decisions; and proxies for the majority of its stock were given to the Farben members of GAF's board and executive committee.[8]

Finally, Farben exercised a technical control of generally recognized effectiveness. GAF had no or little research facilities and was dependent upon Farben's know-how. Practically all patents of GAF were on inventions by I. G. Farben.[9] Under an early contract Farben had undertaken to supply GAF with intermediate products. Throughout the years GAF was so operated that it was dependent upon Farben's intermediates for a large part of its dyestuff production. GAF's technical personnel, such as chemists and plant managers, came from Farben's German plants. The GAF personnel regularly returned to Germany for instructions in Farben's latest scientific developments. Likewise, Farben's technicians frequently were sent to supervise the installation of new equipment and facilities of GAF and to supervise its manufacture of new lines of dyestuffs. The significance of this general relationship is twofold. On the one hand it demonstrates the extent of control of Farben over GAF prior to the war. On the other hand, it provided ample means for the reestablishment of Farben's control over GAF after the war.[10]

### IV. 1939–40 CHANGES IN THE FARBEN-CHEMIE-GAF RELATIONSHIP—CANCELLATION OF THE DIVIDEND GUARANTY-OPTION AGREEMENT

I. G. Chemie has stated to this Committee that in June 1940 the "only important contractual relationship between Interhandel and German interests was irrevocably terminated." Under point II A, supra, pages 8–12, we outlined the different ways in which Farben exercised control over Chemie. The contractual control by means of the dividend guaranty-option agreement of 1929 was only one of the means of control. There were others, especially Farben's control of Chemie through the Greutert/Sturzenegger complex. It is the position of the Attorney General that the cancellation of the dividend-guaranty agreement in 1940 was merely a cloaking device. Under the contract Farben had the valuable option to purchase, at any time, any or all of Chemie's assets at their book value. When war broke out in Europe in September 1939, Farben hastily, on September 22, 1939, changed the option right into a right of first refusal, without receiving any consideration whatever. And when the war spread and entry of the United States into the war became imminent, Farben took further steps to "de-Farbenize" Chemie and "Americanize" General Aniline & Film Corp., leading to the alleged cancellation of the contract.

A 3-point program was adopted in June 1940 designed to "de-Farbenize" Chemie.[11] Fifty thousand of Chemie's 50 percent paid shares were acquired by Chemie from Farben for retirement, reducing the extent of the openly German-held Chemie shares;[12] Hermann Schmitz withdrew from the presidency of Chemie; and the guaranty-option agreement was canceled.[13]

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[6] In 1934, a German court described the Greutert firm as the banking house of I. G. Farben in Europe outside of Germany and as an institution of I. G. Farben abroad.

[7] At the outset there were 10 board members: Schmitz, Bosch, and Greif, high-ranking officials of I. G. Farben; Metz, Weiss, and Kuttroff of American sales and other companies closely tied to Farben; Teagle, Mitchell, Ford, and Warburg.

[8] At stockholders' meetings proxies for substantially all the stock were made out to the management and were voted by Greif, Duisberg, or D. A. Schmitz, each closely identified with Farben.

[9] For instance, 98.5 percent of the 3,290 patents in the dyestuff and related fields, owned by GAF as of December 31, 1941, came from Farben.

[10] Gadow, a Chemie director, reassured Farben in 1940 that cancellation of the dividend guaranty-option agreement, which linked Chemie with Farben, would not be harmful to Farben, pointing out that Farben could always force a resumption of the ties between Farben and Chemie by withholding know-how from GAF.

[11] As a related measure, Farben, in May 1940, sold about 600 of its most important American patents in the fields of organic chemistry and plastics to GAF for $500,000, with the expectation that the sale would avoid vesting and the opening up of the patents to competitors and permit resumption of profitable business with GAF after transfer of the know-how should be the subject of future consultations and would require additional payments by GAF.

[12] For exchanges with the Chemie shares, Farben had to issue new shares of its own. As it explained to the Reichsbank, the issuance of the new shares meant a loss of over RM 37 million.

[13] Farben did not receive any specific consideration for the alleged cancellation of its valuable right of first refusal to acquire all of Chemie's assets.

This cancellation was effected only under pressure of the oncoming war and was in accordance with the general policy of the German Government to permit the cloaking of Germany's foreign assets. Farben's correspondence with its government at the time demonstrates that the cancellation was pursuant to that policy.

In the years immediately prior to World War II, the policy of the German Government was to permit German firms to conceal, or cloak, their foreign subsidiaries, bank balances and other assets, in order to avoid seizure in the event of war. Jurisdiction over this activity was in the Reich Ministry of Economics. Under the regulations and orders issued by the Ministry of Economics, a German firm could transfer title to its foreign assets only if licensed, and licenses were granted only if the transfer was accompanied by proper guaranties of retransfer to German ownership on demand.

During the 1938 crisis over Czechoslovakia when war seemed near, the Ministry of Economics issued a "top secret" order to the regional offices, dated September 24, 1938, reading as follows:

"Within the last few days applications were submitted to me concerning assignments or transfers to neutral trustees of German assets located in countries which in case of war may be expected to be enemy territory.

"Since it is not possible to predict the development of the international situation with certainty, I authorize you herewith to grant such applications subject to the following directives. The transfer of assets (stock, shares, share certificates, export claims, stocks of goods, etc.) to residents of countries which may be expected to remain neutral may be authorized in each individual case if a reassignment to the German owner remains possible at all times. Of course, licenses may only be issued to reliable German firms, which may be trusted not to avail themselves under any circumstances of this opportunity to transfer property illegally to foreign countries or to leave their foreign assets abroad for periods longer than is usual. To illustrate, the assignment of export claims must not result in having the proceeds delivered to the Reichsbank at a date later than is usual, except for unavoidable delays such as in the case, e. g., of an export claim against England which is collected from Zürich and then remitted from there to Berlin.

"In issuing licenses it shall be stated explicitly that they are issued as an "exception" and that, also in the interest of the applicant, strict secrecy must be observed toward any individual not concerned with such measures.

"The issuance of the licenses does in no way imply that I am convinced that such measures are necessary at the present moment. On the other hand I, for my part, do not want to be responsible for the loss of German assets which certain firms by utilizing their business connections might be able to safeguard from a loss which might be incurred as a result of the denial of such applications if and when contrary to expectations international complications should arise. I further request that the issuance of licenses be handled in such a way that the firms will not gain the impression that the Reich Minister of Economics considers such measures necessary."

After resolution of the Czech crisis at the Munich conference, these instructions were canceled. However, on September 9, 1939, immediately after the outbreak of war, they were reinstated by a directive from the Minister of Economics to the regional directors, which said:

"In view of the present international situation, it will be necessary that companies and enterprises abroad which, in accordance with the provisions of RE (General Order) 152/36, are subject to German foreign exchange control, be cloaked. It is a matter of urgent concern that these companies be seasonably and effectively cloaked so that they will be able to continue to serve, so far as possible, as strong points of German trade. The transformation which these companies will have to undergo shall be made for the ultimate purpose of giving them the appearance of foreign enterprises whose independence can be conclusively shown. It must be expected that companies unable to prove their independence from Germany will encounter difficulties and be unable to fulfill their functions. In many cases it will therefore be advisable to abandon preexisting, formalized, legal ties with their German parent companies if the parent's actual control, ensured by other means, remains strong enough to safeguard its interests. Accordingly, it seems inadvisable to exercise control directly through foreign trustees who, e. g., hold a majority of shares in trust for a German company because of the danger that the trustee will be questioned under oath about the nature of his interest in this property."

The hasty change on September 22, 1939, of Farben's option right into a right of first refusal, followed within 2 weeks of this urgent order, and the "cancellation" of the dividend guaranty-option agreement in June 1940 was in accord with the directive of the German Government. The atmosphere of that "cancellation" appears from the basic application of Farben to the Reich Ministry of Economics, dated May 15, 1940, which outlined the general idea and purpose of the rearrangement of Chemie's relations with Farben. Farben's application, in its entirety, reads as follows:

"MAY 15, 1940.

"To: Reichswirtschaftsministerium (Ministry of Economy), Berlin W 8, Behrenstr. 43.

"Our reference: Finance Secretariat, 2828—K/Hz/Sm 1485.

"Re: Rearrangement of our relations to Internationale Gesellschaft fur Chemische Unternehmungen, Basle (I. G. Chemie).

"We are referring today to the conversation which took place on the 6th inst. between Mr. Kruger on the one hand, and Ministerialrat [counsellor of a ministerial department] Dr. Schultze-Schlutius and his competent clerk on the other.

"As you know, by special measure we have—through Internationale Gesellschaft fur Chemische Unternehmungen, Basle (I. G. Chemie), connected with us by a community of interest-contract, made in 1928—established strong points for our export in various countries a. o. in America. Our strong points in the United States of America have hitherto been General Aniline Works and Agfa Ansco Corp., subsidiaries of American I. G. Chemical Corp.; these companies have recently merged in General Aniline & Film Corp.

"Based on our experiences of World War I our constant endeavor since the outbreak of the present war has been to protect this American company from interference of our American competition, even in the event of warlike complications with the United States of America. In order to enable said manufacturing plants to support us effectively in our exports efforts we had to keep them up to date with regard to the technique of manufacture. For this purpose, we have made very important experiences and manufacturing processes available to them. All our and our American friends' endeavors tend to prevent that by a forcible proceeding of the American authorities our competitors are enabled to lay hands on these enterprises and to obtain in this way our experiences, as it happened in World War I.

"Since the beginning of this year, several of our American friends stayed alternately in Basle and conferred regularly with us how to meet best the said danger. The weak point of the present situation is that the American company is blamed for its strong dependence on Switzerland, by pointing out that the Swiss Company is so strongly tied to I. G. that the American enterprise can be looked upon as being under German influence. After many discussions, conferences, and considerations, we agreed upon to choose the following way in order to rearrange the relations between the three companies:

"(1) General Aniline and Film Corporation is to be somewhat more Americanized by acquiring from I. G. Chemie nominal 1 million B-shares of its own company (hitherto all 3 million B-shares were in possession of I. G. Chemie and its friends respectively).

"(2) I. G. Chemie is to be freed from the connections, which can be interpreted as being under German influence, in the following way:

"(a) By cancelling the dividend-guaranty agreement between I. G. and I. G. Chemie including the option, granted to us on I. G. Chemie's participations, which at the beginning of the war has been changed into a first right of refusal.

"(b) By I. G. Chemie acquiring such a number of the I. G. Chemie shares in German possession (about 82 percent of the capital of I. G. Chemie—I. G. itself has no share) against payment in Foreign Exchange at the Swiss rate of exchange of the day, that by no means more than 15 percent of the capital of I. G. Chemie remain in the possession of German shareholders.

"(c) By Geheimrat (title) Schmitz resigning his position as chairman of the board of administration of I. G. Chemie.

"As we pointed out to you recently, we have only after thorough deliberations come to the conclusion to consider these measures, careful examinations having shown that the way now planned offers the best chance to maintain our interests. We know by experience, that our American friends are handicapped in their work for us by the existing ties and believe to have to help them in defending our interests by carrying through the said measures recommended by them to us.

"The matter is particularly urgent, since the term for the declaration of parentship of the American company, having been postponed several times, will finally expire on May 30 of this year. The president of the American company, D. A. Schmitz, who at the moment stays in Basle and will embark for America from Genoa, latest on May 18, is ready to take immediately the necessary steps, pursuant to the said measures—regardless of the fact that the transactions between I. G. Chemie and I. G. cannot be fully carried through until that date—provided we give him the assurance previous to his departure, that the execution of the discussed measures has been commenced, and that the permits possibly required for certain transactions have been promised to us on principle by the authorities.

"Hitherto we have always kept you informed about the development and shape of our American connections and therefore wanted to inform you also about these decisive measures, requesting you to give your agreement to the planned procedure and, at the same time, to hold out to us, on principle, prospects of a permit for the actions which result from the transactions and may be subject to authorization.

"The urgency of the matter is stressed by the fact that we have decided to secure a further part of the great number of our patents in the United States of America by selling the same to General Aniline & Film Corp. The transfer, which appears to us to be the only possible way for security, will entail a considerable amount of incoming foreign exchange. On principle, the pay-

ment of a share out of the future proceeds from the patents is thought of as compensation. The American Co., however, is willing to make a single payment of a large sum, which we estimate at $500,000—on this share, on the understanding that the said rearrangement of the relations between General Aniline & Film Corp., I. G. Chemie and I. G. is made first.

"We hope that it will be possible for you to let us known during the course of this day, latest on May 16, 1940, whether you agree with us, so that we, on our part, can inform the president of the company before his departure.

"Heil Hitler.

"I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT.

"[Stamped] Signed, Kruger, signed by order Henze."

Other statements by Farben confirm that the cancellation of the dividend guaranty-option agreement was a cloaking device. In a letter of June 11, 1940, to the Central Association of German Banks, Farben described the cancellation as its method of cloaking its American assets:

"With the approval of the Reich Ministry of Economics and the Reichsbank Directorate, we are concerned at present with a big transaction, which, for the safeguarding of our interests abroad, aims at turning the I. G. Chemie, Basle, which has heretofore been connected with us by a dividend-guarantee agreement, into a Swiss company and at Americanizing the former American I. G. Chemical Corp., New York, which has likewise been closely connected with us and, in accordance with a merger agreement, has adopted, together with some hitherto independent enterprises of its circle, the name of General Aniline & Film Corp. In connection with this transaction, it is planned among other things that the I. G. Chemie, Basle, acquire from German holdings 50,000 of its own shares, 50 percent paid, for the purpose of withdrawing them. With the exception of a small difference, the purchase price will be paid in free foreign exchange to be delivered immediately to the Reichsbank, so that aside from the general interest of the authorities in protecting German assets abroad, it will also be of particular interest from this aspect to the Reichsbank and the Reich Ministry of Economics that this transaction be carried out."

On the same date Farben wrote to the German Ministry of Economics:

"The whole transaction has been worked out in detail in accordance with the competent Reich authorities and has been approved by same, since they are strongly interested in it on account of the securing, highly important from a political-economic view, of our American interests and of the incoming of foreign exchange connected with the sale of the I. G. Chemie shares into Switzerland."

And after our entry into the war, Farben acknowledged that it had cloaked. On December 19, 1941, it wrote to the German Ministry of Economics:

"In spite of cancellation of all formal legal relations between I. G. Chemie and us, I. G. Chemie—as you know from our various applications—is of great importance to us, being administrator of very considerable American interests of our company, lying in General Aniline & Film Corp., New York. Already for a long time these relations result in great difficulties for I. G. Chemie, which, undoubtedly, will still be increased by the formal state of war between Germany and the United States. Therefore, I. G. Chemie cannot expect that during the next years it will get out of its main participation, viz, General Aniline & Film Corp., any proceeds whatever, at least not for distribution to its shareholders. This fact resulted already in an extremely strong pressure on the price of I. G. Chemie shares. The greater must be I. G. Chemie's endeavors—which we have to support—to be able to balance at least as favorably as possible its European participations, in order to present a halfway satisfactory balance sheet."

### V. OTHER CLOAKINGS BY CHEMIE-GREUTERT/STURZENEGGER FOR FARBEN

In its statements to this committee, Chemie has contended that its activities were nothing but ordinary business transactions of a neutral company. We have shown supra under III A, page 15, that Chemie's exclusive function was to hold stock in companies in which Farben was directly interested and that Greutert/Sturzenegger, Chemie's affiliate, was nothing but Farben's private banker, without other business, and its secret agent throughout the war. Here we shall list some of the cloaking operations of Chemie and Greutert/Sturzenegger, other than GAF.

Farben's practice was to own its foreign assets through dummies. The standard cloaking arrangement was for the nominal holder of the stock to receive a loan in order to make the purchase, to give an option to Greutert or Farben for the repurchase of the stock, and to receive a guaranty that the dividends would exceed the rate of interest on the loan. The stock was often pledged to secure the loan and so the nominal holder did no more than lend his name and take a small guaranteed profit. Formalities were dispensed with in the case of cloaking by Chemie or Greutert because, as Farben told the German Government, their selection as stockholders in the cloaked companies was a guaranty that Farben's influence would be maintained to its full extent.

Throughout the entire prewar period, many of the Farben interests in corporations throughout the world were held by Chemie, Greutert, and individuals associated with Chemie or Greutert. In a substantial number of cases the cloaking extended beyond our entry into the war.

Parta-Bayer-French sales companies: Parta A. G. was a Swiss corporation, wholly owned by Osmon A. G. which was in turn wholly owned by Chemie. Between 1934 and 1944 Parta held as trustee for the Bayer division of Farben, shares in certain French sales companies which acted as outlets for Bayer products. Parta had nominal title but, with Parta's consent and active cooperation, Bayer directed the activities of the French companies. In December 1944, Osmon gave all of the Parta stock to the manager of the company simply for his promise to pay 230,000 Swiss francs, should there be any surplus on liquidation.

Parta-Chehamij-Mapro: Chehamij (N. V. Chemicalien Handelsmaatschappij, Amsterdam) is a Dutch corporation which cloaked Farben's ownership of its dyestuff sales agencies in England, Holland, Belgium, and Sweden. Parta (and thereby Chemie) owned a one-quarter interest in Chehamij and Greutert had a dominant interest in Mapro, which owned a half interest in Chehamij. In 1939 Mr. Sturzenegger negotiated with Farben a dividend guaranty for the Chehamij shares subscribed for by Parta. Payments on this guaranty were made by Farben to Parta through 1944.

Mapro, controlled by Greutert/Struzenegger, likewise served as a cloak for Farben's sales organizations in India. Parta also held a block of stock in one of these companies, Bayer Remedies, Ltd., Bombay, as a nominee for Farben.

Romanil, Bucharest: This company was the Farben-owned sales company in Rumania. In 1938 Greutert became the owner of 30 percent of its shares as trustee for Farben; on his death Sturzenegger took over this function and continued it until 1945.

Athanil, Athens: This company was the Farben-owned sales company in Greece. Until 1938 Greutert himself held some Athanil shares in trust for Farben. Then Greutert (and on his death, Sturzenegger) financed the holding of the shares by a dummy in Athens as trustee for the Greutert/Sturzenegger firm which, in turn, acted as trustee for Farben. In April 1943 Farben gave the Sturzenegger firm its written commitment to purchase the shares, a promise which it had previously refrained from giving for reasons of cloaking.

Budanil, A. G., Budapest: This company was the Farben sales company in Hungary. Carlo Mollwo, a former employee of Metallgesellschaft, who had become an employee and, for a time, a partner of Greutert, held a portion of Budanil's shares. Mollwo was a prominent member of the group forming the Greutert/Sturbenegger Complex. He held the Budanil shares under the usual arrangement; he took a loan with which to pay for the shares; gave to Farben an option to buy and received a guaranty that dividends would slightly exceed the rate of interest on the loan.

Defa, Arnhem: Mollwo also held, as trustee for Farben, shares of this Dutch company, which was the Farben dyestuff sales agency in Holland.

Trafford Chemical Co., England: Gadow, brother-in-law of Hermann Schmitz, was a director of Chemie until 1945. Between 1939 and 1945 he kept custody, as apparent owner, of 147,000 shares of Trafford, which were owned by Farben. They had been left with Gadow by Gierlichs, a Farben lawyer.

South American Sales Companies—Sturzenegger and Auer: On March 28, 1940, four Farben officers came to Basle to consult with Gadow and Roesch of Chemie and with Sturzenegger. The subject was the procurement of a trustee for Farben's South American sales companies. Sturzenegger procured Dr. Jacob Auer, a relation of Greutert and a stockholder of Rigidor, one of the firms in the Greutert/Sturzenegger Circle, to act as the cloak. Subsequently, into the war years, Sturzenegger passed both written and oral communications from Farben to Auer and from Auer to Farben.

Winnica: In 1935 Chemie acquired Farben's half interest in Winnica, a Polish dyestuff company. Ostensibly Winnica was owned exclusively by French interests but it was actually managed by Farben and the French dyestuff cartel jointly. The transfer to Chemie concealed the fact that I. G. Farben of Germany, not popular in Poland, had an interest in a Polish firm. Chemie held on to the stock during the German occupation of Poland. It resold the stock to Farben in 1943, without any loss, though by that time the Winnica plant had become practically worthless due to Nazi spoliation.

Deutsche Laenderbank: Throughout the war Chemie, together with Sturzenegger, held title to 60 percent of the stock in the Deutsche Laenderbank, Berlin. That bank was not just an ordinary German bank. Schmitz was a member of its board, and it was located in Farben's Central Finance Building. It was the housebank of Farben handling Farben's big financial deals. Mr. Greutert himself, as long ago as 1926, had written that "the Laenderbank is the house bank of the Farbenindustrie A. G." and is "among the biggest money lenders of Berlin."

Norsk Hydro: Norsk Hydro is the biggest Norwegian water power, nitrate and aluminum producer. Farben had close operational and contractual relations with Norsk Hydro and was represented on its board. After the occupation of Norway, Norsk Hydro became an integral part of the German war machine as a producer of aluminum. It produced heavy water for the German experiments in the production of atomic energy.

At the outbreak of the war Chemie was the owner of about 13 percent of the shares

of Norsk, Hydro, and Farben owned over 12 percent. In 1941, after the occupation of Norway, Norsk Hydro increased its capital to participate in a great expansion of the Norwegian aluminuum production for the benefit of the German Air Force, and Chemie subscribed to the new shares. Farben interceded on behalf of Chemie with the German Government and the occupation authorities in order to obtain authorization for Chemie to pay for the new shares with blocked credits in Norway, rather than free currency. In its letter of December 19, 1941 to the German Government (see supra, p. 26), Farben based its request for "special treatment" for Chemie upon the fact that:

"In spite of cancellation of all formal legal relations between I. G. Chemie and us, I. G. Chemie—as you know from our various applications—is of great importance to us, being administrator of very considerable American interests of our company, lying in General Aniline & Film Corp., New York."

THE WASHINGTON ACCORD OF MAY 25, 1946

Finally, the statements submitted to this committee by I. G. Chemie repeatedly refer to the Washington Accord of May 25, 1946, between France, the United Kingdom, the United States, and Switzerland.[14] The contention is made that the decision of the so-called Swiss Authority of Review, dated January 5, 1948, declaring Interhandel to be Swiss, not German, was a decision under the Washington Accord, and that it requires the United States to release the vested General Aniline & Film shares. This decision was not reached under the Washington Accord and, even if it were, it would have no effect on property located in the United States.

The purpose of the Washington Accord was to resolve differences between those nations which fought against Germany in World War II, on the one hand, and Switzerland, a neutral, on the other, over the disposition of German assets which had been placed in safekeeping in Switzerland, and which that government refused to release, either to the Allied Powers then governing Germany or to the original owners. By its very terms the accord is limited to "property in Switzerland owned or controlled by Germans in Germany." This limitation was expressly referred to in exchanges of letters at the time of the accord, and the diplomatic history and background of the accord make it evident that it has no application whatever to German-owned property which was located in the territory of the various allied countries, and was seized by them.

The Potsdam Declaration of August 2, 1945 had provided that the Allied Control Council for Germany should take steps to exercise control and power of disposition over German-owned external assets "not already under the control of United Nations which have taken part in the war against Germany." Pursuant to that declaration the Allied Control Council issued law No. 5 on October 30, 1945, claiming title to German external assets. Law No. 5 was the stated basis for the unsuccessful allied approach to Switzerland, demanding possession of German assets in Switzerland. The Allied Powers forming the Inter-Allied Reparation Agency in January 1946 executed the Paris Reparation Agreement, signed by 19 countries which had fought against Germany. Part I, article 6, paragraph C, of that agreement, authorized France, the United Kingdom and the United States to negotiate, on behalf of all the allies, with neutral countries to obtain possession of German assets "in those countries." This paragraph provided:

"C. German assets in those countries which remained neutral in the war against Germany shall be removed from German ownership or control and liquidated or disposed of in accordance with the authority of France, the United Kingdom and the United States of America, pursuant to arrangements to be negotiated with the neutrals by these countries. The proceeds of liquidation or disposition shall be made available to the Inter-Allied Reparation Agency for distribution on reparation account."

German assets within the jurisdiction of any of the signatory Governments, on the other hand, were to be held or disposed of by those Governments themselves. Article 6, par. A.

Accordingly, the representatives of France, the United Kingdom, and the United States met with representatives of the Government of Switzerland and negotiated the Washington Accord of May 25, 1946. Its stated purpose was to provide for disposition of "property in Switzerland owned or controlled by Germans in Germany." In addition, during the negotiations leading to the Accord representatives of the United States expressly made clear to the Swiss Government that any ruling, under the Accord, as to the character of assets of Interhandel located in Switzerland could have no effect on the vested stock of General Aniline & Film Corporation in the United States.[15]

The accord is expressed in an exchange of identical letters between the representatives of the three Allied Governments on the one hand and representatives of the Swiss Government on the other. That the purpose of the accord was solely to resolve a dispute with respect to the disposition of German property in Switzerland is made crystal-clear from its text which reads, in pertinent part, as follows:

LEGATION OF SWITZERLAND,
SWISS DELEGATION,
*Washington, D. C., May 25, 1946.*

*To the Chiefs of the Allied Delegates, Washington, D. C.*

GENTLEMEN: In the course of the discussions which have taken place, the Allied Governments, fully recognizing Swiss sovereignty, claimed title to German property in Switzerland by reason of the capitulation of Germany and the exercise of supreme authority within Germany, and sought the return from Switzerland of gold stated to have been wrongfully taken by Germany from the occupied countries during the war and transferred to Switzerland.

The Swiss Government stated it was unable to recognize the legal basis of these claims but that it desired to contribute its share to the pacification and reconstruction of Europe, including the sending of supplies to devastated areas.

In these circumstances we have arrived at the accord which follows:

I

1. The Swiss Compensation Office shall pursue and complete its investigations of property of every description in Switzerland owned or controlled by Germans in Germany and it shall liquidate such property. This provision shall apply equally to the property of such other persons of German nationality as are to be repatriated.

* * * * *

II

1. Of the proceeds of the liquidation of property in Switzerland of Germans in Germany, 50 percent shall accrue to the Swiss Government and 50 percent shall be placed at the disposal of the Allies for the rehabilitation of countries devastated or depleted by the war, including the sending of supplies to famine stricken people.

* * * * * * *

This accord and annex have been written in English and French, both texts having the same validity.

Very truly yours,

STUCKI.

That the Washington accord has no effect on German assets seized in the various Allied countries is the view of all the Allies. The Assembly of the Inter-Allied Reparation Agency[16] so stated by resolution of January 14, 1949.[17] The view has also been affirmed by the Supreme Court of Belgium in the Aéroxon case decided in 1953,[18] to our knowledge the only court opinion in any country dealing with the contention now raised by I. G. Chemie. There, by proceedings in Switzerland under the Washington accord, the Swiss Compensation Office had held a Swiss company not to be German-owned. In a later suit for the return of the stock of a Belgian company owned by the Swiss company, the Belgian courts dismissed the contention that the Swiss determination under the Washington accord was binding on the Belgian executive or the Belgian courts. The Belgian Supreme Court held that the Washington Accord is inapplicable to assets situated in any of the Allied countries and is of no effect regarding an Allied seizure of assets in an Allied country.[19]

EXHIBIT 1

ATTACHMENT 2 TO DEFENDANT'S AFFIDAVIT OF NOVEMBER 12, 1948, (R. 1639) AND ALSO DEFENDANT'S EXHIBIT 18 TO THE DEPOSITION OF HANS STURZENEGGER (R. 12595)

STOCK OWNERSHIP OF THE GREUTERT COMPLEX (ACCORDING TO THE SCO, AS OF 1942)

[Chart omitted in RECORD.]

EXHIBIT 2

SOCIETE INTERNATIONALE, ETC. V. HERBERT BROWNELL, JR., ET AL., SUPREME COURT, OCTOBER TERM, 1955, NO. 500

(Printed joint appendix, vol. II, pp. 559–572)

MEMORANDUM

The Department of State refers to the aide-memoire of the Legation of Switzerland of June 4, 1947 (R–300–5b Sch/md) regarding Internationale Handels und Industriebeteiligungun A. G. (Interhandel), formerly known as I. G. Chemie, Basle, Switzerland.

The question of the disposition to be made of this case is one which under the terms of the accord and annex thereto must be dealt with through the joint commission. Under these circumstances the Government of the United States in conformity with the obligations it undertook under the Washington accord of May 25, 1946, is unable to consider the questions raised in the reference note in any other forum than the joint commission.

During the course of the negotiations leading to the accord of May 25, 1946, the United

[14] The accord is reprinted at page 98 of the committee's hearings of July 20, 1953.

[15] We attach, as exhibit 2, four diplomatic notes of our State Department, of June 18, 1947, April 21, 1948, July 26, 1948, and October 12, 1948, which are part of the record in the Chemie case.

[16] The Governments of Albania, Australia, Belgium, Canada, Denmark, Egypt, the United States, France, the United Kingdom, Greece, India, Luxembourg, Norway, New Zealand, Pakistan, the Netherlands, Czechoslovakia, South Africa, and Yugoslavia were represented.

[17] The resolution of the Assembly of the Inter-Allied Reparation Agency, January 14, 1949, is part of the record in the Chemie case. It is attached hereto as exhibit 3.

[18] Decision of the Belgian Cour de Cassation, in *Société Anonyme Establishments Aéroxon* v. *Office des Séquestres*, September 17, 1953, 141 Pasicrisie Belge (1954) 1, briefly summarized in the April 1955 issue of the American Journal of International Law (49 A. J. I. L. 259 (1955)).

[19] A translation of the pertinent portions of the Belgian Supreme Court's decision is set forth as exhibit 4 hereto.

States representatives made clear that a decision on the Interhandel case can have no effect of any settlement of or decision on the vesting action by the Alien Property Custodian of February 1942 of the stock of the General Aniline & Film Corp. The United States Government has not changed its views in this matter.

DEPARTMENT OF STATE.
WASHINGTON, June 18, 1947.

AIDE-MEMOIRE

The Department of State desires to call the following matter to the attention of the Government of Switzerland.

The Attorney General of the United States has called to the attention of the Department the importance of the problem arising out of the inability of the proper authorities of the United States to make any investigations in Switzerland relating to property located in the United States and vested or subject to vesting by the Office of Alien Property of the Department of Justice. The points made by the Attorney General of the United States are as follows:

1. The question of the relevance of the Swiss-Allied Accord of May 25, 1946, to the problem of investigation.

The comments of the Attorney General on this point are as follows:

"The Swiss Legation, in its aide-memoire of October 1, 1947, has taken the position that the Washington Accord of May 25, 1946, gives the Swiss Compensation Office exclusive jurisdiction to make investigations 'of persons and companies on Swiss territory'. The incident which gave rise to the aide-memoire did not concern property in the United States, but the Swiss Compensation Office has taken the same position with respect to cases which involve property located in this country which has been vested as German. In one such case, all of the Swiss parties directly concerned having consented to an examination of evidence in Switzerland, representatives of the Department of Justice journeyed to that country to make the agreed upon investigation. They were there informed by an official of the Swiss Compensation Office that the provisions of the Accord prohibit the making of investigations in Switzerland by this Department, and as a result the investigation could not be made. Because of the position taken by the Swiss Government this Department has also been compelled to postpone several other important investigations.

"The position of the Swiss Government is without foundation. The Washington Accord obligates the Swiss Compensation Office, which has jurisdiction over the assets in Switzerland of firms blocked under Swiss law, to investigate the status of property in Switzerland suspected of being German-owned, but does not provide that such investigations are to be made by the Swiss Compensation office exclusively. German assets located outside of Switzerland are not within the scope of the Accord, and the Accord does not give the Swiss Compensation Office the authority to conduct investigations involving such property. Property vested by the United States, and the investigations this Department desires to conduct with respect to such property, are governed only by the Trading With the Enemy Act, and are wholly unaffected by the Washington Accord and the related Swiss statutes with respect to the blocking of German property by Switzerland."

The Swiss Government will note that the position stated by the Attorney General is and has been the consistent position of the Government of the United States since May 25, 1946, and that, concurrently with the signing of the Accord of May 25, 1946, officials of the Department of State stated to officials of the Swiss Delegation that the problem of property in the United States held through Swiss institutions allegedly on behalf of German nationals was not subject to the provisions of the Accord.

2. The relation of the problem of investigations to judicial action in courts of the United States.

The views of the Attorney General on this matter are as follows:

"The attitude of the Swiss Government, if maintained, will be brought to the attention of the United States courts. A fundamental principle underlying the procedure followed in the United States district courts is that each party to a lawsuit shall have the right to a full inspection of all relevant documents before trial, in order that all pertinent evidence may be brought before the courts. In the event that a party is not permitted by his adversary to inspect relevant books, records or other documents, an appeal may be made to the court for appropriate sanctions, including the entry of a judgment dismissing the suit. It is our intention, in the event that the Swiss Government persists in its refusal to permit this Department to conduct investigations in Switzerland, to appeal to the courts for the dismissal of suits instituted by Swiss plaintiffs to recover vested property. The fact that Swiss citizens are the plaintiffs and must carry the burden of proof in these cases is a factor which the courts will consider when ruling on motions to dismiss filed by this Department."

3. The effect of this problem on the possibility of administrative return and on the judicial remedy now provided by the United States legislation.

The views of the Attorney General on this matter are as follows:

"The continued refusal by the Swiss Government to permit investigations to determine the status of vested property will also prevent the Office of Alien Property from making administrative returns based on claims filed by Swiss citizens and can result in Swiss nationals losing the right to maintain suits for the return of vested property. Such suits are instituted with the consent of the United States. This consent is an act of grace on the part of this Government, revocable at any time and subject to such conditions as the United States desires to impose. The continuance of the authorization by this Government to be sued by aliens is considered to be conditioned upon the requirement that the aliens will comply with the procedures adopted for the conduct of litigation in our courts and that the Governments to which the aliens owe allegiance will not frustrate the applicable laws of the United States. The Swiss position leaves the Department of Justice without means of obtaining information vital to the defense of lawsuits instituted by Swiss citizens with the consent of the United States. This Government cannot be expected to continue to consent to be sued by Swiss citizens if the Accord is employed without warrant by the Government of Switzerland to deny to the United States its rights as a defendant."

In transmitting these views of the Attorney General of the United States to the Government of Switzerland, the Department of State reiterates its desire, constantly stated over the course of the past several years, that problems relating to the Accord of May 25, 1946, and to questions considered either by the Swiss or the United States authorities to be relevant to the Accord may be amicably and expeditiously resolved.

DEPARTMENT OF STATE.
WASHINGTON, *April 21, 1948.*

The Secretary of State presents his compliments to the Chargé d'Affaires ad interim of Switzerland, and refers to the Minister's note of May 4, 1948, with enclosures, concerning the return of assets in the United States claimed by I. G. Chemie. In the Minister's note attention is called to a decision of the Swiss Authority of Review declaring Interhandel (I. G. Chemie) a Swiss concern.

The Department of State has now consulted with the Department of Justice and the Treasury Department, and desires to communicate the following as the final and considered view of this Government on the matter.

As representatives of the Swiss Government have heretofore been informed, this Government considers the decision of the Swiss Authority of Review as having no effect on the question of the assets in the United States vested by this Government and claimed by I. G. Chemie.

The decision of the Swiss Authority of Review was made on an appeal of I. G. Chemie from a provisional blocking ordered by the Swiss Compensation Office pursuant to the Swiss Federal Council decree of February 16, 1945, and not on an appeal taken under the terms of the Washington accord of May 25, 1946. The question of whether the assets in Switzerland held by I. G. Chemie are German assets which come within the provisions of the Washington accord is still before the Joint Commission. Plainly the decision of the Swiss Authority of Review, when made as a result of an appeal under a Swiss decree rather than as a result of an appeal by the Joint Commission or by an interested party under the accord, is not binding upon the United States, even as to the status of I. G. Chemie assets in Switzerland.

In any event, the Washington accord governs only property in Switzerland owned or controlled by Germans in Germany, the proceeds of which are to be used as specified in the accord. Assets subject to vesting in the United States, whether or not they have been vested, are clearly without the scope of the accord. The decision on I. G. Chemie's claim to assets in the United States is solely one for the Attorney General under section 32 of the Trading With the Enemy Act, as amended (Public Law No. 322, 79th Cong., 2d sess., 50 U. S. C. App. sec. 32), or for the United States courts if suit should be instituted under section 9 (a) of the Trading With the Enemy Act.

The views of this Government were clearly stated in the negotiations leading to the accord of May 25, 1946. Thus in the memorandum of June 18, 1947, replying to the aide memoire of the Swiss Legation of June 4, 1947, raising the same point as now raised, the Department stated:

"During the course of the negotiations leading to the accord of May 25, 1946, the United States representatives made clear that a decision on the Interhandel (I. G. Chemie) case can have no effect on any settlement of or decision on, the vesting by the Alien Property Custodian of February 1942, of the stock of the General Aniline & Film Corp. The United States Government has not changed its views in this matter."

In its aide memoire of April 21, 1948, the Department also expressed agreement with the view of the Attorney General of the United States that "German assets located outside of Switzerland are not within the scope of the accord. * * * Property vested by the United States * * * [is] wholly unaffected by the Washington accord." The Department further pointed out that this has been the consistent view of the Government of the United States since May 25, 1946, and that, concurrently with signing of the accord this understanding was stated to, and understood by, Swiss officials.

This Government's consistent interpretation of article IV of the accord has been that it relates only to the establishment of a procedure for the unblocking of Swiss assets in the United States; and, as is true of the entire accord, it in no way relates to assets in the United States vested or vestible under the Trading With the Enemy Act. This interpretation follows the intent of the negotiators of the accord. It will be recalled that the implementation of this article took the form of an agreement between the Treasury Department and the Swiss Minister of Finance for the defrosting of the frozen Swiss assets in the United States. Moreover, under

this agreement the Swiss Government was precluded from certification of assets in the United States deemed by this Government to be German tainted or otherwise ineligible for certification, even though claimed by enterprises organized in Switzerland.

It is therefore clear that no clause of the accord touches upon or affects in any manner, assets or properties in the United States in which a direct or indirect German interest is asserted and the status of such assets or properties is not subject to any of the procedures of the accord. The decision of the Swiss Authority of Review is not relevant to the vesting of the property in question and the contention that the assets claimed by I. G. Chemie in the United States should be released must therefore be rejected.

DEPARTMENT OF STATE,
WASHINGTON, *July 26, 1948.*

The Secretary of State presents his compliments to the Honorable the Minister of Switzerland, and has the honor to refer to the Legation's note of September 7, 1947, concerning assets in the United States claimed by I. G. Chemie.

After careful consideration of the points made in the Legation's note, this Government reaffirms its views stated previously. The question of the return of the property formerly owned by I. G. Chemie and now vested under the Trading With the Enemy Act is wholly beyond the scope of the Washington accord of May 25, 1946, and is governed solely by the statutes of the United States. The question is far beyond any permissible construction of the accord and is therefore not subject to the arbitration clause of the accord.

There follow certain detailed comments on the points raised in the Legation's note, which should not, however, be taken as limiting the finality and generality of this Government's firm views on the question, both as expressed at this time and on prior occasions.

The first point raised by the Legation is to the effect that the decision of the Swiss Authority of Review, recognizing I. G. Chemie as a Swiss corporation, is binding upon the signatories of the Washington accord. The point is of no significance with respect to the instant claim by I. G. Chemie. That claim relates to the return of property located in the United States and subject to this Government's powers of seizure, and, as has been made clear by this Government, such property is nowise subject to the accord. However, since the Legation seems to stress that the authority acted under the accord, it may be pointed out that the Legation is in error.

The proceeding before the authority of review was not one under the accord, but was rather an appeal by Chemie from the provisional blocking under the Swiss Federal Council decree of February 16, 1945. The appeal by Chemie was, indeed, filed before the accord was signed.

The Legation is apparently of the view that the proceeding became one under the accord by reason of certain collaboration between the Joint Commission and the Swiss Compensation Office. This collaboration, however, was no more than an effort of the Joint Commission to secure information with respect to I. G. Chemie, pursuant to a separate proceeding, under the accord, initiated by the Commission on July 25, 1947. The Joint Commission was not involved in the proceedings before the Authority. Thus, in response to the offer of the Authority to intervent in the appeal before it, the Joint Commission wrote that the Chemie case under the Washington accord was still before the Commission and that there was no basis for the Commission to appear before the Authority pursuant to the accord. In conclusion, it was said, on behalf of a majority of the Commission, that "The appeal presented [by I. G. Chemie] can, naturally, have no effect on any proceedings, undertaken pursuant to the Washington accord, on the matter by the Joint Commission." This disposes of any possible contention that the decision of the Authority of Review has any effect upon the signatories of the Washington accord.

The remaining points raised by the Legation relate to the question whether any decision under the accord can affect the disposition of property which was within the power of the United States to seize as enemy property; i. e., vested or vestable property under the Trading With the Enemy Act.

The text of the accord disposes of this question. If there were any doubts as to the meaning of the words of the accord, they would be entirely resolved by its implementation since signature, the record of the negotiations, and the limitations on the authority of all the negotiators for the Allies, and particularly on the authority of the negotiator for the United States. These are all confirmatory of the limitation of the applicability of the accord to German property within Switzerland, subject to the control of the Swiss Government, and to the exclusion of German property outside Switzerland, property subject to the seizure powers of the Allies.

The text of the accord lends no support to the assertion that decisions of the tribunals created or mentioned in the accord are to affect property in the United States, vested or not. On its face the accord relates only to property in Switzerland. There are repeated references, in the accord, to property in Switzerland, as well as references to persons in Switzerland administering German property, to persons in Switzerland indebted to Germans, and to the liquidation of property in Switzerland.

The only (and therefore exclusive) reference in the accord to assets in the United States or to assets outside of Switzerland, is found in article IV. This article provides in part that "the Government of the United States will unblock Swiss assets in the United States." There has been no doubt since prior to the negotiations for the accord but that such language refers only to the foreign funds subject to the freezing controls and not at all to the divesting of vested property. This limited meaning of the word "unblock" was well appreciated by the Swiss negotiators for the accord, who repeatedly expressed their concern over the freezing of Swiss funds in the United States. The term "unblock" has and has had a clear and precise meaning.

The Department has already pointed out that confirmation of the meaning of "unblock," as limited only to frozen property, lies in the terms of the agreement between the Treasury Department and the Swiss Minister of Finance of November 1946 for the defrosting of frozen assets in the United States.

Even aside from explicit views communicated during the negotiations, there are many statements relevant to the question of the applicability of the accord in the record of the negotiations. Among these are numerous indications that the participating Allied governments, as successors to the legal authority of the German Government, were directing themselves only to the subjection to reparations of German property which, because of its location in Switzerland, was beyond Allied control. They were not concerned with German property outside of Switzerland, such property being fully within the control of the Allied Governments. As in the case of the accord itself, there are numerous references, in the negotiations, to German property in Switzerland and none to German property outside of Switzerland. The negotiators moreover made it clear that their concern over assets subject to the control of the Allies was limited to Swiss funds which had been frozen in the United States.

The limitations on the collective authority of the negotiators for the United States, the United Kingdom, and France are further support for this interpretation of the accord. The negotiators, who signed on behalf of all the countries which are now members of the Inter-Allied Reparations Agency, were carrying out the terms of the Paris Agreement on Reparation of January 24, 1946. Article 6, paragraph C, of the agreement states that "German assets in those countries which remained neutral in the war against Germany shall be removed from German ownership or control and liquidated or disposed of in accordance with the authority of France, the United Kingdom, and the United States of America, pursuant to arrangements to be negotiated with the neutrals by these countries."

In the same article, in paragraph A, it is stated:

"Each signatory government shall, under such procedures as it may choose, hold or dispose of German enemy assets within its jurisdiction in manners designed to preclude their return to German ownership or control."

It can thus be seen that the agreement explicitly limited the authority of the negotiators to German assets in Switzerland and excluded from their authority any attempt to dispose of German assets already subject to the seizure powers of the countries signatory to the agreement.

The authority of the negotiator for this Government, moreover, was similarly limited. As the Legation is aware, the statutes of the United States regulating the seizure and disposition of enemy property provide that claims for a voluntary return of vested property may be filed by designated groups of aliens not hostile to the United States, and, if such claims should be rejected, that the courts may entertain suits by nonenemy owners for the return of the property. The accord was not intended to, and could not, under the constitutional laws of this Government, override these statutes. The return of vested property has been specifically regulated by the Congress, and the Congress has only recently, in Public Law 896, of July 3, 1948, reenacted the mandate that German property shall not be returned to its former owners.

On the other hand, there has been no need, and no room, for an agreement that Swiss property in the United States should be released from vesting. This Government has not vested Swiss property but only ostensibly Swiss property, actually enemy property. The forum in which the question of Swiss or enemy ownership of such property is to be determined is governed by statutes enacted by the Congress.

The legation points out that unvested property may be vested and thereby taken from the applicability of the accord. The important distinction, however, is not between vested property and unvested property, but between property subject to the seizure power of the United States and property subject to the power of the Swiss Government. The former is not subject to the accord, the latter is. The only property subject to this Government's power which is mentioned in the accord is Swiss blocked property, and the arrangement with respect to such property, consistently with the above principles, leaves the determination of its enemy character exclusively to this Government. While the accord provides that Swiss property is to be unblocked, it has been agreed that should this Government deem any of it to be enemy-tainted, the Swiss Government may not certify it for unblocking, and this Government need not unblock it.

In summary, the decision of the Swiss Authority of Review has no status under the accord. If it had such status, it would still be limited by the applicability of the

accord itself, which has no effect on property which is within the power of this Government to seize as enemy property. The suggestions of the last paragraph of the Swiss note under reference are in consequence completely unfounded and cannot be adopted.

It is trusted that the legation will appreciate that these are the final views of the Government, arrived at after complete reexamination of the position expressed in the Swiss note of September 7, 1948.

DEPARTMENT OF STATE.
WASHINGTON, *October 12, 1948.*

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EXHIBIT 3

SOCIETE INTERNATIONALE, ETC. v. HERBERT BROWNELL, JR., ET AL.

Court record, pp. 3030-3031—I. A. R. A./AS/ Doc. 724, Copy No. 41

INTERALLIED REPARATION AGENCY

GERMAN EXTERNAL ASSETS

Resolution adopted by the Assembly at its 188th meeting on January 14, 1949, concerning the jurisdiction of the Joint Commission set up under the Washington accord of May 25, 1946, with Switzerland.

BRUSSELS, *January 21, 1949.*

*Resolution*

The Assembly of the Interallied Reparation Agency, at which are represented the Governments of Albania, Australia, Belgium, Canada, Denmark, Egypt, the United States, France, the United Kingdom, Greece, India, Luxembourg, Norway, New Zealand, Pakistan, the Netherlands, Czechoslovakia, South Africa, and Yugoslavia;

Observing that the Government of Switzerland, in its note of July 6, 1948, to the Government of France, a copy of which was presented to the Secretary General of the Agency by the Swiss chargé de affaires in Brussels on July 23, 1948, stated that "The problem of intercustodial conflicts is * * * a question of interpretation of the (Washington) agreement" of May 25, 1946;

Having been informed that the Government of Switzerland has stated its view to certain member governments of the Agency not represented on the Joint Commission set up under the aforesaid Washington Agreement, that these governments should be bound by decisions of the said Commission, such decisions being thus considered as having extraterritorial effect;

Recalling that the Washington Agreement was negotiated in execution of the terms of article 6 C of the Paris Agreement on Reparation of January 24, 1948, which provides: "German assets in those countries which remained neutral in the war against Germany shall be removed from German ownership or control and liquidated or disposed of in accordance with the authority of France, the United Kingdom and the United States of America, pursuant to arrangements to be negotiated with the neutrals by these countries. The net proceeds of liquidation or disposition shall be made available to the Inter-Allied Reparation Agency for distribution on reparation account;"

Considering that the Washington Agreement is clearly limited in scope to apply solely to German assets located in Switzerland, and that its language demonstrates that the negotiating powers recognized that there was no authority vested in them to bind government members of the Inter-Allied Reparation Agency, in a way which would affect the respective rights of those governments over assets within their own jurisdiction;

Considering therefore that the decisions of the Joint Commission cannot be binding or have extra-territorial effect on assets within the jurisdiction of government members of the Agency.

Resolves to request the representatives of the negotiating powers to inform their respective governments of its views as expressed above, pointing out that the problem of intercoastal conflicts between the Government of Switzerland and government members of the Agency is not a question involving the Washington Agreement; and that a solution to this problem will be found only by negotiations between the Government of Switzerland and the several member governments concerned; and to request their governments to make this resolution known to the Government of Switzerland.

BRUSSELS, January 14, 1949.

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EXHIBIT 4

SOCIETET ANONYME ETABLISSEMENTS AEROXON VERSUS OFFICE DES SEQUESTRES; BELGIAN COUR DE CASSATION; 141 PASCICRISIE BELGE (1954 1—JUDGMENTS RENDERED BY THE SUPREME COURT [COUR DE CASSATION]—CHAMBER NO. 1, SEPTEMBER 17, 1953)

The first error claimed is an alleged violation (a) of the law of March 30, 1948, ratifying the International Agreement on Reparations, signed at Paris on January 14, 1946, and especially of articles 1 and 6 (more particularly of paragraph C) of said international agreement, (b) of sections 1350 and 1351 of the Civil Code, (c) of article 97 of the constitution, and (d) of articles 1, 2, 3, and 8 of the decree-law of August 23, 1944, relative to the sequestration of enemy assets; it is claimed as error, first, that the judgment appealed from rejected plaintiff's contention that the Belgian Government was obliged to respect a decision of the Swiss Compensation Office; it is urged that the judgment appealed from, though recognizing that a decision, March 5, 1948, of the Swiss Compensation Office, approved on March 13, 1948, by the Swiss Joint Commission, had ruled that 80 percent of the shares of the Orion Corp. belonged to Swiss subjects (by application of the international agreement signed at Paris on January 14, 1946) and that the Orion Corp. should consequently be considered a Swiss corporation, had nevertheless held that the Belgian Government was not bound to follow that decision, for the reason that "the decisions made in execution of the accord concluded in Washington on May 25, 1946, are applicable only to assets located in Switzerland and cannot be effective regarding assets located in Belgium"; and this, it is claimed, was error because the Belgian state and the Office of Sequestration are required by the law of March 30, 1948, the international agreement of January 14, 1946, and the Washington accord of May 25, 1946 (applicable according to article 6, note C of the Treaty of Paris), to recognize the Orion Corp. as a Swiss corporation, 80 percent of its shares belonging to Swiss nationals; consequently, it is asserted, the Belgian state and the Office of Sequestration could not consider the corporation's assets in Belgium, particularly the assets of the Aeroxon Corp., the plaintiff, as being owned by German subjects; * * *

* * * * *

In the specifications of errors it is claimed, first, that the judgment appealed from disregarded the obligation of the Belgian Government and the Office of Sequestration to comply with the decision by which the Joint Commission, established pursuant to the provisions of the Washington accord concluded on May 25, 1946, with Switzerland, declared the above-mentioned sales to have been genuine and sincere, concluding therefrom that Orion Corp. was a Swiss company.

According to the provisions of article 6 (c) of the Reparations Agreement, entered into on January 14, 1946, at Paris, in pursuance of which the Washington Accord was concluded, "the ownership or control of German assets which are in countries which remained neutral in the war against Germany shall be removed from Germany; these assets shall be liquidated, or disposed of, in conformity with the measures which the United States of America, France, and the United Kingdom may take in pursuance of the agreements which these powers will negotiate with the neutral countries; the net proceeds of liquidation or disposition of these assets shall be made available to the Inter-Allied Reparation Agency for distribution on reparation account."

The Washington Accord relates only to German assets located in Switzerland. Its terms demonstrate that it is entirely inapplicable to assets located in the territory of any of the powers signatories to the accord, and it has no bearing upon measures which such power may deem appropriate to take with regard to those assets.

The decision of the said Joint Commission, therefore, does not bind the Belgian Government or the Belgian courts as concerns the execution of measures in the sequestration of the assets of the Aeroxon Corp. located in Belgian territory.

In this respect, the place where plaintiff's shares are located is irrelevant.

Mr. SMATHERS. Mr. President, the report contains copies of letters written and signed by I. G. Farben itself to the German Government in 1940 and 1941, wherein, in order to obtain Hitler's blessing for Farben's plan to go underground in the United States and Switzerland because of the raging war, Farben openly admits its organization and control of both General Aniline and Interhandel, and wherein it details the devious routes it intended to follow to dupe this Government into believing that General Aniline was Swiss-owned, and not German. These Farben letters, which conclude with a resounding "Heil Hitler," should prove to even the most stubborn advocate of the Swiss front position, that Farben was always the true and deceitful owner and operator, not only of General Aniline, but also of Interhandel.

Mr. President, memories are short, and most of us like to forget as soon as possible the ugly occurrences of the past. But, when the Congress of the United States is confronted with legislative proposals which tend to favor a company like I. G. Farben of Germany, I think we should at least briefly refresh our memories as to the type of organization Farben really was just a few short years ago.

First of all, Farben and its American subsidiary, General Aniline, were codefendants in no less than five criminal antitrust cases. All five of these cases ended up with Farben's American subsidiary pleading nolo contendere and being fined by our courts.

In addition to this, I have before me two huge volumes entitled "Trials of War Criminals Before the Nuremberg Military Tribunals—The I. G. Farben Case." In these trials, the Nuremberg Tribunal tried 23 top officials of I. G. Farben as war criminals.

After a trial of nearly 15 months, nine of the I. G. Farben defendants, including Hermann Schmitz, the founder of Interhandel and General Aniline, were found guilty of the war crimes of plunder and spoliation; five of the defendants were found guilty of slave labor. Judge Hebert, a member of the three-judge panel and former dean of Louisiana State University Law School, while concurring in the convictions stated that all

of the defendants in this case are guilty, and should be punished for the utilization of slave labor and all incidental toleration of mistreatment of the workers.

With a refreshed recollection of this background, Mr. President, I do not believe anyone in Congress really wants to have legislation passed which would directly or indirectly favor or help the old Farben gang and their successors in interest. I do not believe anyone would really want Congress to reverse or impede the Trading With the Enemy Act in this case, and thereby contribute to the possible reincarnation in the United States of this Farben group's control over General Aniline & Film Corp. Nothing, in my opinion, could be more inimical or disastrous to the welfare of this country, and nothing could be more insulting to the memory of the hundreds of thousands of American boys who made the supreme sacrifice in the war to protect this Nation from the tentacles of foreign oppressors such as this.

For all of the reasons just outlined, I know the Congress will agree, Mr. President, that we should bring this ugly matter to a conclusion once and for all, and soon. The proposed legislation I have introduced, will do just that. The bill reiterates our established policy of no return. This reaffirmation should convince the German and Japanese Governments that they cannot avoid or ignor their solemn postwar agreements to compensate their own people for the enemy assets surrendered in lieu of huge war reparations which we could have imposed upon them. This action should cause the foreign industrialists with big losses to switch their pressures from the United States to their own governments, where such pressures, under all of the postwar agreements, properly lie. This clarification of position should end all of the existing international confusion. Finally, it announces to the world that the foreign policy established by Congress and the Executive in this field since the war will remain constant.

For the American taxpayer, the legislation proposes to end once and for all the fear that he will be saddled with Germany's and Japan's war debts. For the American claimants it promises early relief.

In addition, the legislation provides for the use of these war properties to stimulate the education of our young men and women in the scientific field which is so vitally essential to this country's battle against the Communists. For the Nation itself it provides security in war and in peace.

If the proposed legislation is adopted, as I hope it will be, these vested properties, which in the past have caused so much confusion, will finally be used to the complete benefit of the American people in this crucial period of our history.

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## THE COMMODITY APPROACH TO THE SOLUTION OF THE FARM PROBLEM

Mr. CARLSON. Mr. President, I call the attention of the Senate to a problem which merits more attention than it has received this session, namely, the farm problem. I am happy to note that substantial progress has been made in the past 18 months in reducing our surpluses. Commodity Credit Corporation loans on farm crops and inventories have been reduced from the peak level of $8.9 billion in February 1956 to $7.6 billion in May 1957.

I am happy to note also that with the help of the acreage reserve features of the soil bank, crop production in 1957 may be held 5 percent lower than in 1956. With the help of this program in 1958 and continued aggressive use of domestic and foreign disposal authorities, surpluses should be further reduced in the months ahead.

The most encouraging aspect of the farm situation, however, is the increase in net farm income achieved in 1956 and the prospect for more improvement in 1957. After 4 years of continuing decline this improvement in net farm income, although small, is most encouraging.

If this improvement in farm income and the surplus situation were the result of the application of long-run remedies I would not be addressing you on this subject today. You realize as well as I do that the improvement I have just described is primarily the result of temporary legislation enacted by this Congress. Temporary legislation—Public Law 480—authorizing disposal of surpluses abroad in addition to commercial marketings and the acreage reserve feature of the soil bank, which is limited to 3 years, have contributed greatly to the improvements noted.

We are finding, however, that these temporary programs are too costly. We cannot continue them indefinitely. We must find a less costly, equitable long-run solution to the price and income of problems faced by our agricultural producers. And we must find it promptly.

### DOMESTIC PARITY PROGRAM FOR WHEAT

In my opinion wheat producers have found an equitable long-run solution for their problem. And I am told a number of other commodity groups are well along toward agreement on similar long-run solutions for their problems.

The purpose of this speech is to call attention again to the advantages of the domestic parity plan for wheat, as authorized in S. 774, which I introduced at this session of Congress, for myself and on behalf of Mr. NEUBERGER, Mr. MORSE, Mr. CASE of South Dakota, Mr. CHAVEZ, Mr. BARRETT, Mr. MAGNUSON, Mr. JACKSON, Mr. YOUNG, Mr. CURTIS, Mr. HUMPHREY, and Mr. LANGER. It has many advantages over other long-run solutions which have been suggested.

Also, I want to indicate in a general way the approaches other commodity groups are taking and urge that every Member of this body give these various proposals serious study in the coming weeks. We should pass constructive permanent legislation early in the next session of Congress.

The domestic parity plan for wheat authorized in S. 774 is a plan whereby wheat producers are assured of getting a return for wheat used for domestic food which is in line with other United States prices and costs while allowing all wheat produced to be sold competitively both in domestic and foreign markets.

As compared with a continuation of the present program, it would maintain or increase wheat producers' incomes while reducing Government expenditures to negligible amounts. It also will permit eventual removal of acreage allotments, eliminate export subsidies, take the Government out of the wheat-export business, and permit all wheat to move through private trade channels. I know of no other proposal which would accomplish all of these results.

### DOMESTIC PARITY AND OTHER PLANS COMPARED

Each year since prices dropped following the Korean war exports of wheat have been subsidized. Each year our current wheat program is continued, Government costs in the form of export subsidies and storage charges total $225 million to $300 million or more. In spite of heavy participation in the acreage-reserve program and allotments at the minimum level of 55 million acres, sufficient wheat is being produced in 1957 to meet domestic requirements and fill almost all export outlets.

The July 1, 1957, carryover of wheat was about 900 million bushels, down 130 million bushels from a year earlier. Little further reduction is expected in the year ahead.

With payments under the acreage-reserve program limited to $3,000 per farm, a number of changes in administrative regulations and better crop-production prospects at seeding time, wheat producers participation in the acreage-reserve program in 1958 is expected to be less than in 1957.

In view of these developments, continuation of the current wheat program with price supports at 75 percent of parity and allotments at 55 million acres is no long-run solution either for the Government or for wheat producers.

Surpluses are not likely to be reduced further. They may even increase again. No increase in allotments would be justified. Wheat will continue to move into Government hands rather than into use through private trade channels. Government subsidy of exports must be continued with total costs including storage and handling charges in the neighborhood of $300 million a year.

In recent weeks much has been said about reducing price supports generally to levels which would encourage all current production to move into use through private marketing channels. It has been suggested that the Secretary of Agriculture be given authority to set price supports at any level from 0 to 90 percent of parity.

Few people realize what this might mean to wheat producers. Although we could not produce enough wheat to meet urgent world needs in the years immediately after the war, wheat is now in a world surplus situation. Stocks in Canada are at record levels. World wheat prices would have fallen to even lower levels in recent years except for the sales policies of United States and Canada.

There is little doubt that if wheat price supports, under the 0 to 90 percent authorization, were lowered to a level

that would allow wheat to move into world markets without Government subsidy, wheat prices would fall to domestic feed grain price levels. In its recent report to the Senate, entitled "Possible Methods of Improving the Feed-Grain Program," the Department of Agriculture stated that with feed grain price supports—

> At 70 percent of parity some stocks might build up, but at 60 percent the tendency to acquire Government stocks would be slowed considerably or, over a period of time, eliminated.

I take this to mean, Mr. President, that, on the basis of current information, the Department of Agriculture believes price supports on feed grains will have to be lowered to about 60 percent of parity, to permit a reduction in carryover stocks to desirable levels and to prevent further accumulations. With feed grain price supports at or near 60 percent of parity, wheat price supports would have to be in the neighborhood of 50 percent of parity, to eliminate the need for Government export subsidies and the danger of further accumulation of surpluses.

In my opinion this would result in a more drastic reduction in farm income than our wheat producers, who contributed so magnificiently to meeting the food needs of the world in the early postwar years, should be asked to absorb. The farm value of the wheat crop reached a peak value of $3.1 billion in 1947. In each of the last few years the farm value of the wheat crop has been about $2 billion. If the price-support level is reduced to 50 percent of parity, without an increase in acreage allotments, the farm value of the wheat crop would drop to $1.1 or $1.2 billion. This is only a little over one-third the 1947 level, or one-half the level of recent years.

Those who favor this extreme solution to the wheat problem advocate an increase in acreage allotments as price supports are lowered. This would permit farmers with few alternatives to increase their output of wheat as prices fall. Farmers with other good alternatives would shift from the production of wheat to feed grains and forage crops. I recognize that these adjustments would soften the blow of 50 percent of parity price supports, but I believe too many family farmers would face financial ruin if such a drastic drop in wheat price supports were permitted. It is because these alternatives are so unfavorable that I urge the adoption of the domestic parity plan for wheat at the earliest possible opportunity.

ESSENTIALS OF DOMESTIC PARITY PLAN

The domestic parity plan requires a minimum of Government administration and expenditures and a maximum of freedom for producers, together with the maintenance of producers' incomes at reasonable levels. The adoption of a domestic parity plan for wheat would merely be one more forward step in the direction taken when the Sugar Act was approved in the 1930's and when the special wool price-support program was adopted in 1954.

The domestic parity plan for wheat closely resembles the successful Sugar Act. Each producer would be given a domestic allotment in bushels in a manner similar to the establishment of acreage allotments at the present time. He would then be given marketing certificates equal to the bushels in his domestic allotment. The Secretary of Agriculture would determine the value of these certificates on the basis of his estimate of the difference between the expected average market price of wheat and the domestic price-support level.

Purchasers of wheat for domestic food uses would be required to buy these certificates in amounts equal to their purchases of wheat at the price set by the Secretary. These funds would be utilized to pay producers the announced value of the certificates, in addition to the market price received for wheat.

A low-level loan program would be continued to prevent wheat supplies from unduly depressing feed-grain or world wheat prices. Acreage allotments would be continued on wheat as long as acreage allotments are continued on corn or other feed grains. If current proposals for lowering feed-grain price-supports and dropping acreage allotments, however, are adopted, there appears to be little reason for continuing wheat acreage allotments.

Even though wheat prices fell to 50 percent of parity if the wheat used for domestic food were supported at full parity, wheat producers would continue to receive as much income as under the current program with supports at 75 percent of parity. Obviously, a program which supports wheat farmers' income at current levels, yet reduces Government costs, and removes acreage allotments, has much to commend it.

OBJECTIONS TO DOMESTIC PARITY PLAN

Most of the objections to the domestic parity plan for wheat come under three general headings. I want to explain why I believe these objections are based on unfounded fears.

Fear No. 1—Midwest feed grain and livestock producers fear that wheat will be used for feed to such an extent under the domestic parity plan that feed grain and livestock prices will be seriously depressed. Actually, feed-grain production in 1955–56 averaged 130 million tons. About 12 million tons of these feed grains were used for seed, human food, and industry. About 132 million tons of concentrates, including protein meals and byproduct feeds, as well as feed grains, were fed to animals each year. If as much as 200 million bushels of wheat were added to this feed supply under a domestic parity plan for wheat, total feed grain supplies would be increased only 4.5 percent. The Department of Agriculture report entitled "Possible Methods of Improving the Feed-Grain Program" which I mentioned earlier, reports that a 4 percent increase in feed-grain consumption would increase livestock output 1.5 percent, would lower livestock prices around 2.5 percent, and would lower income from livestock sales about 1 percent.

But it is doubtful that feed-grain supplies would be increased by as much as this under a domestic parity program. In the 17 Western States, where about 69 percent of the wheat is grown, cropland on the average produces more hundred weight of feed per acre if barley, oats, grain sorghums, and corn are grown, instead of wheat. In 1955–56, the average production in 17 Western States was 10.5 cwt per acre of wheat and 11.5 cwt per acre of feed grains. I am attaching a statement which shows these figures.

On the basis of these data, I am convinced that feed-grain and livestock producers will not be affected adversely by a domestic parity wheat plan, as compared with the continued production of feed grains on the acres diverted from wheat allotments. Also, since the price support is limited to the wheat going into domestic food uses, there is no incentive to increase wheat production.

Fear No. 2: Some people fear what a domestic parity program for wheat will increase the cost of bread. It has even been suggested that it would increase the cost of bread 1 cent a loaf. This simply is not true. Few people realize that the farm value of the wheat in a loaf of bread costing 18 cents today is only 2.5 cents. In the past 10 years, the price of a loaf of bread increased from 13 to 18 cents, at the same time that the average price of wheat declined from $2.29 to $1.97 a bushel.

If the support level on wheat going into food use is maintained at full parity, the cost of wheat at market price, plus the cost of the certificates, would increase the millers' cost of average-quality wheat by a small amount. However, any cost increase would be less than half a cent a loaf. Actually, the millers' cost of wheat used in standard high-grade flour would be increased very little.

At the present time acreage allotments restrict the production of both the less desirable and the more desirable types of wheat. No. 1, hard red northern wheat with a high protein content regularly sells for a substantial premium above the market average. This type of wheat will be produced in increased quantities and premiums will be smaller when acreage allotments are increased or removed. Hence, millers who use the best grades of wheat may find their wheat costs affected very little under a domestic parity plan.

Surely consumers will not object to assuring farmers a fair price for the wheat used in the bakery products they consume.

Fear No. 3: Some people fear that a domestic parity plan will be considered a form of export dumping by our foreign friends. We who believe that a domestic parity plan for wheat should be adopted as soon as possible almost lose patience with those who object to it, fearing that other countries may consider it a means of dumping export surpluses.

For several years now we have been subsidizing wheat exports. As long as the present program continues we are forced to continue these export subsidies. A domestic parity plan where price support is limited to wheat going into domestic food use in no way stimulates increased production for the foreign market.

It allows private marketing agencies to determine the amount of wheat exported and the price of each individual

sale. It returns the export of wheat to the private trade. In addition, most discussions of this plan propose that a low level loan program be continued to prevent market supplies from unduly depressing world prices. Also, the suggestion has been made that United States and Canada follow a common policy which would stabilize supplies and prices in export markets until current excessive stocks are reduced to normal trade levels.

Surely those familiar with our wheat price support and export policies in recent years, and with the other alternatives that have been proposed, must find the domestic parity proposal, as it affects our friends in foreign countries, less objectionable than the alternatives.

MAJOR PROVISIONS OF OTHER COMMODITY PLANS

Let me turn now to a very brief and a very general review of proposals which are being developed by other commodity groups to replace the existing price support programs in their fields. Rice producers have endorsed a domestic parity plan for rice similar in many respects to the wheat plan. The Agricultural Act of 1956, under title 5, authorizes the Secretary of Agriculture to initiate a domestic parity program for rice for the 1958 crop. Under this title, if the Secretary determines and proclaims that the initiation of a domestic parity program for rice is administratively feasible and in the best interests of rice producers and the United States, he may proceed to substitute it for the existing price support and marketing quota program.

I am told dairymen are making real progress in developing a self-help plan for stabilizing prices of milk used for manufacturing as well as for fluid use. Our present dairy price support program is costing the Government about $300 million a year. It is probable the support level will be lowered next year as a part of a general plan of reducing Government costs for farm programs. This will mean lower prices and incomes to dairymen.

One version of a self-help dairy program which is getting serious study at the present time includes a base-surplus feature. Producers would be assured prices at 85 or 90 percent of parity for all milk within the quota and a much lower price for all milk in excess of the quota or base. A small stabilization fee of 10 cents per 100 pounds on all quota milk would be used to finance losses on diversion programs required to dispose of surplus dairy products outside commercial market channels. The surplus dairy products would be disposed of through the same channels as now used, school lunches, public institutions, and noncommercial exports.

Dairymen are developing this self-help program in an effort to stabilize prices and incomes at present levels or higher, yet with much less cost to the Government than the present program. I applaud the dairymen in their efforts to develop a program that will be largely self-supporting.

Cotton producers are facing a number of difficult problems in their efforts to develop a satisfactory program for cotton. The use of synthetic fibers has been increasing both at home and abroad, encouraged by the relatively high price support levels for cotton. In addition, cotton production has been increasing in foreign countries under the price umbrella of our domestic cotton price support program.

Cotton producers are hard at work trying to develop a program which will price cotton competitively, permit increased acreage allotments, and maintain or increase producers' incomes. This is a big order, but I am confident that they will be able to develop a feasible domestic parity program for cotton.

Producers of many other commodities are having economic difficulties, and are at work on plans to meet their special production and marketing problems.

The circumstances surrounding the production and marketing of feed grains and meat animals make it unlikely that a feasible domestic parity program can be developed for them. Although these products account for 60 percent of farmers' marketings, exports are so small that a domestic parity plan for these products would not be effective.

Because of this and because of the tendency of wheat, cotton, and dairy producers to turn to the production of feed grains, forages, and meat animals, livestock producers fear that they will be forced to bear the brunt of the adjustment in agriculture without benefit of a price stabilization program. Actually, much of this adjustment has already occurred. One of the major reasons for the record carryover of feed grains at the present time is the increased feed production on 25 to 30 million acres of cropland taken out of wheat and cotton production.

Domestic parity programs for wheat and cotton will not create additional difficulties for livestock producers. These domestic parity programs will permit increased acreages of wheat and cotton as compared with existing allotments, although the feeding of wheat may be increased somewhat. However, meat animal producers are faced with difficult economic problems in expanding livestock sufficiently to reduce existing stocks of feed grains to normal levels and to prevent excessive accumulations in the future.

In recent years, in periods when market prices were severely depressed, Government purchases of beef and pork prevented even further declines in live animal prices. These Government purchases were mostly diverted to the school lunch program and to special export programs. In my opinion, programs of this type offer much promise for the feed grain and meat animal producers in the future.

Although Public Law 480, providing for the sale of surplus agricultural products for local-foreign currencies is scheduled to expire next year we may want to extend it on a limited basis. It may be an effective part of a feed grain and meat animal price stabilization plan.

Marketing agreements have proved their worth in dealing with the problems encountered by the producers of perishable products. A number of groups of producers not now utilizing marketing agreements are in the process of developing plans for their use. I believe an expansion of marketing agreements is the best way to meet many of the marketing problems encountered by producers of perishable products.

SUMMARY

In closing, I want to restate my reasons for believing we should enact new farm legislation as promptly as possible, using the commodity approach.

We cannot continue, in my opinion, existing temporary programs indefinitely. They are too costly and they are not correcting the fundamental difficulties. I believe we can develop feasible domestic parity programs for the major export crops and a self-help program for dairy. Increased use of marketing agreements for perishable fruits and vegetables and increased use of foreign sales under Public Law 480, if necessary, to permit surlus removal purchases of beef and pork would make commodity programs available to most agricultural producers.

With programs of this type incomes of each of the commodity groups can be maintained or increased modestly. Government costs can be reduced to a small fraction of current levels. Acreage allotments can be eliminated eventually, and farm products can move to market through private trade channels.

Commodity programs of this type, supplemented with our relatively new conservation reserve and rural development programs, in my opinion, offer far more promise than other alternatives.

Mr. President, I ask unanimous consent that a statistical statement showing wheat and feed grain production per acre in 17 Western States, demonstrating some of the yields, production per acre, and increases, be printed as a part of my remarks at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATISTICAL ATTACHMENT

*Wheat and feed-grain production per acre in 17 Western States*

[1955–56] [1]

| | Production per acre (hundredweight) |
|---|---|
| Wheat | 10.5 |
| All feed grains | 11.5 |
| Corn | 12.9 |
| Oats | 7.9 |
| Barley | 13.3 |
| Grain sorghums | 11.1 |

*Reduction in wheat production and increase in feed-grain production in selected States* [1]

[1947–48 to 1955–56]

| State | Reduction in wheat (1,000 hundredweight) | Increase in feed grain (1,000 hundredweight) |
|---|---|---|
| Washington | 170,160 | 186,695 |
| Oregon | 24,378 | 99,754 |
| California | 32,562 | 430,291 |
| Texas | 855,960 | 608,450 |

[1] The 17 Western States are: North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, California, and Nevada.

Source: U. S. Department of Agriculture.

Mr. CARLSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GOLDWATER. Mr. President, I must object to that request.

The PRESIDING OFFICER. Objection is heard.

The clerk will proceed with the rollcall.

The Chief Clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

| | | |
|---|---|---|
| Aiken | Goldwater | Morse |
| Allott | Gore | Morton |
| Anderson | Green | Mundt |
| Barrett | Hayden | Murray |
| Beall | Hickenlooper | Neuberger |
| Bennett | Hill | O'Mahoney |
| Bible | Holland | Pastore |
| Bricker | Hruska | Potter |
| Bush | Humphrey | Purtell |
| Butler | Ives | Revercomb |
| Byrd | Jackson | Robertson |
| Capehart | Javits | Russell |
| Carlson | Jenner | Saltonstall |
| Carroll | Johnson, Tex. | Schoeppel |
| Case, N. J. | Johnston, S. C. | Scott |
| Case, S. Dak. | Kefauver | Smathers |
| Church | Kennedy | Smith, Maine |
| Clark | Kerr | Smith, N. J. |
| Cooper | Knowland | Sparkman |
| Cotton | Kuchel | Stennis |
| Curtis | Langer | Symington |
| Dirksen | Long | Talmadge |
| Douglas | Magnuson | Thurmond |
| Dworshak | Mansfield | Thye |
| Eastland | Martin, Iowa | Watkins |
| Ellender | Martin, Pa. | Wiley |
| Ervin | McClellan | Williams |
| Flanders | McNamara | Yarborough |
| Fulbright | Monroney | Young |

The PRESIDING OFFICER (Mr. SCOTT in the chair). A quorum is present.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, anounced that the House insisted upon its amendment to the bill (S. 959) to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COOLEY, Mr. POAGE, Mr. ALBERT, Mr. AUGUST H. ANDRESEN, and Mr. HILL were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8090) making appropriations for civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, for the fiscal year ending June 30, 1958, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON, Mr. RABAUT, Mr. KIRWAN, Mr. FOGARTY, Mr. RILEY, Mr. EVINS, Mr. BOLAND, Mr. MAGNUSON, Mr. JENSEN, Mr. H. CARL ANDERSEN, Mr. TABER, Mr. FENTON, and Mr. BUDGE were appointed managers on the part of the House at the conference.

The message informed the Senate that Mr. HOEVEN had been appointed a manager on the part of the House at the conference of the two Houses on the bill (S. 1747) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, vice Mr. AUGUST H. ANDRESEN, excused.

## AMENDMENT OF TENNESSEE VALLEY AUTHORITY ACT OF 1933

The Senate resumed the consideration of the bill (S. 1869) to amend the Tennessee Valley Authority Act of 1933, as amended, and for other purposes.

Mr. KERR. Mr. President, S. 1869, as amended by the Public Works Committee, would authorize the Tennessee Valley Authority to issue revenue bonds, in an amount not exceeding $750 million outstanding at any one time, to assist in financing additional power capacity to supply the power needs within its marketing area. The proceeds of these bonds will supplement power revenues and appropriations as possible sources of capital funds.

The basic features of the TVA Act remain unchanged. The bill provides only those administrative changes which are required in light of the addition of a new source of funds. The TVA Board is granted administrative authority to carry out the provisions of the bill, but the Board remains fully responsible to, and its actions will continue to be subject to, annual review by the Congress. TVA will continue to require annual appropriations for its activities which will be financed with appropriated funds. Its planned program, including proposed bond issues and the purpose for which they are planned, will be included in the annual budget submitted to the Congress and subject to review by the Appropriations Committees of the House and the Senate.

Existing geographic limitations, which prohibit the sale of TVA power beyond economic transmission distances of a hydro plant located on the Tennessee River or one of its tributaries, are retained in the law. In addition, and in order to allay the fears of those who think TVA might use the authority to issue bonds to expand significantly the geographic area of its operation, the bill contains the following specific limitations, in addition to other general provisions for Congressional review:

(a) No new power-producing project may be constructed either from revenues or bond proceeds until notice of such proposal has been given to the Congress and a period of 60 days shall have elapsed without Congressional action to disapprove.

(b) None of the bond proceeds may be used to bring about any substantial enlargement of the present service area without approval by act of Congress. Minor adjustments in marketing area around the periphery of the present service area and outside the Tennessee River drainage basin may be put into effect only after notification to Congress and the passage of 60 days without disapproving action by either House of Congress.

Existing provisions of law relating to annual payments to the Treasury are changed in recognition of the adoption of revenue bond financing. The provision of existing law under which TVA is required to return to the Treasury within 40 years appropriated funds used to produce power facilities is repealed. In lieu thereof, the TVA will be required to make annual payments to the Treasury as a return on the appropriation investment. These payments will be equal to the outstanding appropriation investment multiplied by the average computed interest rate on outstanding Government marketable obligations. In addition to these mandatory payments, TVA will be required within each 5-year period to reduce its capital obligations, including the appropriation investment, or to invest in additional power facilities, or a combination of all, an additional amount equal to the depreciation on power facilities. The bill requires a rate structure which will produce sufficient revenue to pay operating expenses, in-lieu-of-tax payments, debt service on bonds, the return on the appropriation investment and other obligations in connection with the power business.

To insure that the offering of TVA bonds does not conflict with Treasury financing, the Secretary of the Treasury is authorized to request deferral of the sale of any issue by as much as 45 days. If the Secretary so requests, the TVA is prohibited from selling the bonds within that period.

It should be noted that bond proceeds, in addition to their use to finance directly the construction of power facilities, may be used in connection with a lease or lease-purchase arrangement. In this manner TVA will be permitted to make use of power generated by plants financed by local agencies.

The bill provides a method other than appropriations for financing additional capacity required to meet the power needs in the area served by this agency. Thus, such new capacity will be financed by, and paid for by, the users of TVA power.

The bill contains a geographical limitation within which TVA power may be sold which is substantially more restrictive than that which is provided in existing law, thus allaying any fears and apprehensions, however unfounded they may be, that TVA seeks a significant expansion of its service area.

Finally, the minimum annual payments into the Treasury of the United States, as required under the terms of the bill, will be substantially larger than those required by the existing law.

Mr. President, the long, proud history of the Tennessee Valley Authority operation is well known to every Member of the Senate. Under the law, it is the sole source of electric power within a great area of our country. It is the utility within its service area.

Every Member of the Senate is aware of the fact that the demand for electric power has been growing by leaps and bounds. The annual consumption in 1956 was approximately 16 times as much

as it was in 1920. The annual consumption during the past few weeks or months has been at the highest rate in history, and is running from 8 to 10 percent above that of a year ago.

If our economy continues to grow and expand, as it inevitably must, unless it is restricted, retarded, or prevented by unwise governmental policies or laws, the rate of consumption of electric energy in this Nation will grow just as significantly in the future as it has in the past. Industrial engineers tell us it is fully expected that within the next 35 years the consumption of electric energy in the United States probably will be 16 times what it is today.

It has been shown by long hearings on the bill that a shortage of electric energy is now imminent within the service area of the Tennessee Valley Authority.

One of the great electric utilities of this Nation serves the area north and east of where we meet tonight. That electric utility is now in the midst of a $750 million—or approximately that amount—expansion in order to meet the growing needs of its service area. Unless the Tennessee Valley Authority is permitted to expand its facilities to meet the needs of its service area it will result in an economic blight and drought upon the service area of the TVA, because it, too, as is the case of the electric utility in the area near the Capital, to which I have just referred, is confronted with the necessity of expanding its facilities by something like $750 million within the next 5 years in order to be able to remain abreast of the expansion potential of its service area.

There is no other electric utility serving the area of the Tennessee Valley Authority. How, then, can the service area of the TVA be served unless the TVA is enabled to expand its facilities so as to meet the normal growth, and thus meet the increasing demands and requirements of the people of its area?

Congress has made it abundantly clear that it does not want to continue the policy of appropriating money to the TVA to enable the TVA to expand to be able to meet the requirements of its service area. The President of the United States, through his Bureau of the Budget, has advised Congress that he favors a program authorizing the Tennessee Valley Authority to issue self-liquidating revenue bonds to enable it to build the facilities it must have to meet the increasing requirements for electric power within its service area.

It is true that the bill does not conform, down to the last crossing of a "t" and the last dotting of an "i" to the specifications of the Director of the Bureau of the Budget. I am certain the Bureau of the Budget did not expect Congress to prepare and pass a legislative enactment in the identical terms, specifications, and recommendations of the Bureau of the Budget. But every effort was made by the committee to come as nearly to conforming to the specifications and recommendations of the Budget Bureau as we felt could possibly be done, and still to make it possible for the Tennessee Valley Authority to operate on a constructive basis, which reasonable men would expect it to do, and which reasonable men would realize it must be permitted to do if the increasing requirements of the economy of its area are to be met.

We are aware that there is sentiment adverse to the expansion of the service area of the TVA. In this connection, the committee formulated, prepared, and submitted language in the bill as a part of the proposed legislation calculated actually to reduce drastically the authority which the TVA now has to expand. Since reporting the bill to the Senate, the committee has devised additional language which it is prepared to offer as a committee amendment to the bill, the purpose of which is further to restrict the authority of the Tennessee Valley Authority to expand its service area.

As I said a while ago, the TVA is the only utility in that great area. If that great area is to continue to grow and expand, it must be on the basis of having its requirements for increased amounts of electric power met. Since the Tennessee Valley Authority is the only utility in the area, and since it is not now receiving additional appropriations from Congress to enable it to expand its facilities, it has no alternative other than to receive authority to issue revenue bonds to enable it to build its required additional facilities in order to serve the people of that great area.

Under the present law, Mr. President, the TVA is required to pay back, into the Treasury, payments averaging 2½ percent a year of the present investment balance which has been provided to the TVA by appropriations, until all of the appropriated funds have been returned to the Treasury of the United States. However, under existing law the TVA is not required to pay interest on the appropriations balance. Therefore, it is required to reimburse the Treasury at the rate of 2½ percent a year, until the appropriated account is liquidated; and the money returned is regarded as a payment in retirement of principal.

Mr. President, under the provisions of the pending bill, the TVA is required to pay to the Treasury, on the unliquidated balance of the investment account, a return at a rate calculated as the average computed interest rate being paid by the Treasury on its own outstanding marketable obligations.

Mr. President, the interest rate on the outstanding marketable obligations of the United States Treasury has been rising to such an extent and so frequently, under the fiscal policies of this administration, that the calculation of the average interest rate now being paid has become a difficult thing to arrive at. However, I am advised that on the basis of today, at 5 p. m., the rate was 2.8 percent. But, Mr. President, that will not be the rate very long, because the Treasury has demonstrated an ability, unequaled in modern times, to operate so as to bring about increases of the interest rate on the outstanding Government obligations.

In my judgment, Mr. President, when this authority is granted to the TVA, before it could invest the money which it would receive from the sale of $750 million worth of revenue bonds, the average rate of interest being paid on the outstanding obligations would have increased so much above what it was at the time of the introduction of this bill, that it would cost the TVA $5 million a year more, in making the return to the Treasury, than would have been the return based on the calculation of the average interest rate being paid by the Treasury on its outstanding obligations at the date of the introduction of this bill.

But be that as it may, under the provisions of the bill the payment to the Treasury, on the unrecovered appropriation account heretofore provided for the TVA, would be greater than the average payment required under existing law; and the Government would continue to hold a balance of account against the TVA in the present amount of the appropriation balance until, in addition to the annual payments at the rate required under this bill, the TVA had reduced the appropriation balance by the payment of sums of money over and above the return provided for in the pending bill.

Mr. GORE. Mr. President, will the Senator from Oklahoma yield to me?

The PRESIDING OFFICER (Mr. SCOTT in the chair). Does the Senator from Oklahoma yield to the Senator from Tennessee?

Mr. KERR. I yield.

Mr. GORE. Mr. President, the Senator from Oklahoma has just said, as I understood him, that the pending bill would require a larger annual payment into the Treasury by the TVA than that required by existing law. Did I correctly understand the Senator from Oklahoma?

Mr. KERR. Mr. President, will the Senator from Tennessee please repeat his question?

Mr. GORE. Yes. Did not the Senator from Oklahoma just say that the pending bill would require a larger annual payment into the Treasury by the TVA than that required by existing law?

Mr. KERR. The answer to the question is "Yes"; and that payment would be in the form of a return or, actually, in the form of an interest payment to the Treasury on the unrepaid appropriated balance, and of itself would not reduce the amount of money now owed by the TVA to the Treasury.

Mr. GORE. That would mean that the payment would be in perpetuity, rather than for a period of 40 years, would it not?

Mr. KERR. Unless and until the TVA had reimbursed the Treasury the existing balance of the funds which have been appropriated to the TVA, and which it has not repaid.

Mr. GORE. The requirement, under existing law, is 2½ percent a year, on the average, of the Government's investment in the power facilities of the TVA until the appropriation investment is repaid; is not that correct?

Mr. KERR. It is 2½ percent of the unreturned appropriated account. The Senator from Tennessee said, "the average." I think he meant to say, "the total."

Mr. GORE. I mean, by using the word "average," that the required pay-

ments would average 2½ percent per annum; but the TVA is allowed certain leeway in making the payments, and may make a smaller payment in a given year, so long as the payments average 2½ percent over a 40-year period.

Mr. KERR. The Senator from Tennessee is correct. On the average, the TVA must pay 2½ percent per year of the unreturned appropriated balance.

Mr. GORE. Under the provisions of the pending bill, the TVA must pay, per annum, an amount equal to the average interest rate on all outstanding Government marketable obligations; is that correct?

Mr. KERR. Yes, the Senator from Tennessee is correct.

Mr. GORE. What is the average interest rate at the present time?

Mr. KERR. I am advised that at 5 p. m. today it was 2.8 percent, which is three-tenths of 1 percent greater than the 2½ percent required to be paid back by the TVA to the Treasury, as a repayment of the investment.

Mr. GORE. Then the three-tenths of 1 percent, multiplied by the Government's investment in the TVA's power facilities, would amount to approximately $3,500,000 a year larger payment, as required under the provisions of the pending bill, than the average payment required under existing law; is that correct?

Mr. KERR. Yes, the Senator from Tennessee is correct.

Mr. CASE of South Dakota. Mr. President, will the Senator from Oklahoma yield to me?

Mr. KERR. I yield.

Mr. CASE of South Dakota. I have listened with great interest to the colloquy between the Senator from Oklahoma and the Senator from Tennessee with respect to the payments required by law. I believe the effect of the repayment is exactly as they have stated it. But I am reminded that the provision of law is this: The Government Corporation Act of 1948 required the repayment of the appropriated investment in 40 years.

When one figures it out, the annual rate over the 40-year liquidation period amounts to an average of 2½ percent a year, but there is no requirement as such of a 2½ percent a year.

Mr. KERR. That is correct. As I remember the law, the total payment is required in 40 years. Therefore, it will average 2½ percent a year.

Mr. CASE of South Dakota. The law requires that such payments are to be amortized over a period of not to exceed 40 years after the facilities go into operation.

Mr. KERR. It means that if there is a certain amount of the 2½ percent lacking in 1 year, it will have to be made up in future years.

Mr. CASF of South Dakota. That is correct.

On page 7 of the committee report there appears a table which shows the payments the TVA has been making since June 30, 1948. I respectfully invite the Senator's attention to that——

Mr. KERR. To what page of the report is the Senator referring?

Mr. CASE of South Dakota. Page 7. The Senator will note that the first year following the amendment to the Appropriation Act $10,500,000 was paid. In the following year $5,500,000 was paid. The same amount was paid the next year. But the payments have gone up very rapidly, until in the fiscal year ending June 30, 1956, the TVA paid $59,000,000.

Mr. KERR. The Senator is correct.

Mr. CASE of South Dakota. The TVA has made a total payment to the Treasury of $210 million, as against a total Treasury investment of $1,337,000,000.

Mr. KERR. The Senator is correct.

Mr. CASE of South Dakota. Leaving a balance at the end of the fiscal year ending June 30, 1956, of $1,127,806,415.

Mr. KERR. The Senator is correct.

Mr. CASE of South Dakota. It occurs to me it might be advantageous both to the Government and to the Tennessee Valley Authority to have some payment on appropriation investment or principal each year, with a view eventually to liquidating the appropriation investment. I was wondering how the Senator would feel about an amendment to page 9 of the bill——

Mr. KERR. Did the Senator say page 9 of the bill?

Mr. CASE of South Dakota. Page 9 of the bill. The Senator will note that in line 2 the bill reads:

> The payment in each fiscal year shall be equal to the computed average interest rate payable by the Treasury upon its total marketable public obligations as of the beginning of said fiscal year applied to said appropriation investment.

That is substantially what the Senator from Oklahoma was saying in his colloquy with the Senator from Tennessee. I was wondering how the Senator would feel about adding at the end of that sentence the words "plus $10 million, which $10 million shall be applied to the reduction of said appropriation investment."

In other words, each year there would be a payment of $10 million on the appropriation investment, which in subsequent years would save the interest on that amount, and, of course, would help retire the appropriation investment.

Mr. KERR. The Tennessee Valley Authority, in my judgment, would be able to do that, and the Senator from Oklahoma would be glad to accept such an amendment to the bill.

Mr. CASE of South Dakota. Mr. President, I shall prepare that amendment and submit it later.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from New Jersey.

Mr. CASE of New Jersey. I wonder if the Senator, as a matter of information, would give us an explanation—perhaps it is a simple one—of the difference between the two figures on page 6 and page 7 of the report. On page 6 of the report, in the first full paragraph which starts on the page, the last sentence refers to gross investment, and at the end of the sentence appear the words "and $1,588,000,000 to power." There may be a good explanation for it, but how does the Senator reconcile that figure with the figure for June 30, 1956, which is the same date of $1,127,806,415, which appears in the table on page 7?

Mr. KERR. On page 6, I believe the figure refers to gross investment in water control and power facilities, which means flood control and power facilities and navigation improvements. The flood control and navigation improvements are not reimbursable.

Mr. CASE of New Jersey. I understood that as a principle. I thought that was the explanation. In the last sentence of the paragraph to which I referred, on page 6, it is stated that the gross investment in water control and power facilities was $1,930,000,000. Even taking out navigation and flood control, the figure of $1,588,000,000 still remains.

Mr. KERR. I will say to the distinguished Senator from New Jersey that I do not have the detailed report of the Tennessee Valley Authority with me on the floor. I shall be glad to provide the Senator with the detail he is seeking.

Mr. CASE of New Jersey. I will appreciate it.

Mr. KERR. I think this is the explanation. If he will take the figures $158 million and $184 million, which amount to $342 million, as given in the last part of the first full paragraph on page 6 of the report, and if he will take the difference between $1,930,000,000 and $342 million, leaving an amount of $1,588,000,000 investment in power, I believe that the amount above the $1,327,000,000 as shown in the table on page 7 will be shown to be derived from revenues obtained by the Authority from the sale of power which it has reinvested in additional facilities, which brings the investment to the sum of $1,588,000,000, as shown on page 6.

Mr. CASE of New Jersey. I appreciate the Senator's explanation. It seems very likely that is the answer.

Mr. KERR. In addition to the fund amounting to $210 million, which is the total shown on page 7, which has been returned to the Treasury in the form of reimbursement, the Authority has had revenue and funds over and above its operating expenses, which it itself has invested back into generating or power facilities.

Mr. CASE of New Jersey. That figure would be about $250 million; would it not?

Mr. KERR. About one-quarter of a billion dollars; that is correct.

Mr. CASE of New Jersey. Over what period of time did that occur?

Mr. GORE. During the life of TVA.

Mr. KERR. Since 1933 or 1934.

Mr. CASE of New Jersey. The TVA had authority to use power revenues for that purpose since the inception of the operation. Is that correct?

Mr. KERR. That is correct, using for that purpose the balance above the power revenues and above its operating expenses which it has not returned to the Treasury in the form of annual payments.

Mr. GORE. Mr. President, will the Senator yield?

Mr. KERR. I yield.

Mr. GORE. I should like to call to the attention of the Senate, and particularly to the attention of the junior Senator from New Jersey, the fact that this colloquy illustrates more clearly than is shown by the table on page 7 the accumulated earnings from the operations of TVA. It has not only resulted in the repayment to the Treasury of something more than $210 million of principal but also in the investment of revenues in additional facilities which are of value, which likewise belong to the Government, and from which net profits are now derived.

Mr. KERR. And that has been made possible by the power rates paid by the people of the valley.

Mr. GORE. Entirely so.

Mr. HILL. Mr. President will the Senator yield?

Mr. KERR. I yield to the Senator from Alabama.

Mr. HILL. Of course all the properties—not only the properties built with appropriated funds but also the properties built with the power revenues—are owned by the Government of the United States, which is holding them for all the people of the United States.

Mr. KERR. The Senator is correct.

Under the bill the $750 million authorized to be acquired by the sale of revenue bonds would be invested in facilities, and the bonds would be paid for by power revenues obtained from the people of the valley. The interest on the $750 million would be paid for by the power users of the valley. After the $750 million had been repaid by the people of the valley for the power they purchased from the Authority, the facilities would belong to the Government of the United States, in addition to those it now owns, $250 million worth of which have been built out of revenues of the Authority from moneys received from the people of the valley.

Mr. HILL. I thank the Senator.

Mr. KERR. Mr. President, in view of the necessity for the expansion of the power facilities in the Tennessee Valley, in view of the definite increasing demands of power users in the Valley, in view of the fact that the Authority is the only utility in the area and if the people cannot receive their requirements from it they cannot receive them at all, in view of the announced policy of the Congress to discontinue appropriating additional amounts, in view of the anticipated action providing for the issuance of revenue bonds, and in view of the recommendations of the President that a program of revenue bonds be provided to enable the expansion by the TVA, I urge the immediate passage of the bill.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from Tennessee.

Mr. KEFAUVER. Is it not also important to the Government for another reason, which is that at the present time more than 50 percent of the power produced is necessary for the operation of Oak Ridge and Paducah, 2 of the most important atomic-energy plants in the entire Nation?

Mr. KERR. I understand that is the amount now being used by those national defense facilities.

Mr. HILL. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from Alabama.

Mr. HILL. I may say that we received testimony on the TVA before the Senate Committee on Appropriations Friday of last week. The testimony then was to the effect that 56 percent of the power generated by TVA is now going directly to the Government of the United States. Most of it is being used by the Atomic Energy plants. Some of it is being used by the Tullahoma plant. Some of it is used for the great ballistic missiles plant of the Army of the United States. Fifty-six percent of the power is going directly to the Government of the United States.

Mr. KERR. I thank the Senator from Alabama for his statement.

Mr. KEFAUVER. That means unless some new power facilities are provided, if these plants are to be kept running, as they must be, and if perhaps their use of electricity increases, very shortly farmers, other people, and industries are simply not going to have sufficient electric power.

Mr. KERR. The Senator is eminently correct. The evidence given to the committee by the Tennessee Valley Authority Board members themselves, as well as by their staff made it abundantly clear that in the very near future the Authority will be unable to supply current demands in its service area, to say nothing of the absolute necessity for the expansion of its generating facilities in order to meet requirements of an expanding and growing economy within that area.

Mr. SPARKMAN. Mr. President, will the Senator yield to me for a question?

Mr. KERR. I yield to the junior Senator from Alabama.

Mr. SPARKMAN. Mr. President, first I wish to commend the Senator from Oklahoma not only for his very fine presentation on the floor of the Senate but also for the very fine leadership he has exercised in getting committee approval of this measure and bringing it before the Senate as a whole for action.

I should like to ask the Senator this question: Taking into account the things which have been brought out, including the power needs of the expanding economy in a growing area and the fact that the Government itself is using 56 percent of the power, as well as considering the needs of the people and the manner in which the TVA has functioned and is seeking to function to serve those needs, is it not the opinion of the distinguished Senator from Oklahoma that the provisions of this bill represent the minimum requirements for TVA if it is to fulfill its mission of supplying the power needs of the area it is now serving?

Mr. KERR. The Senator is eminently correct, Mr. President. Reliable evidence given to the committee made it clear that after the bill is enacted and the Authority has received legislative specifications for the issuance of revenue bonds to expand its generating facilities, its power-creating facilities, and after the period of time contemplated for the installation of those facilities has passed, a period of about 5 years, the fact is that the Authority will be on the brink—I believe that is now a commonly accepted and frequently used expression—of a shortage of power to meet the requirements of the area as they are forecast to be at the end of the time in which this program will be implemented.

Mr. SPARKMAN. And in order to take care of the Government needs.

Mr. KERR. The Senator is correct.

Mr. SPARKMAN. At the Government's own plants.

Mr. KERR. The Senator is correct.

Mr. President, I yield the floor.

Mr. GOLDWATER. Mr. President——

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | |
|---|---|---|
| Aiken | Goldwater | Morse |
| Allott | Gore | Morton |
| Anderson | Green | Mundt |
| Barrett | Hayden | Murray |
| Beall | Hickenlooper | Neuberger |
| Bennett | Hill | O'Mahoney |
| Bible | Holland | Pastore |
| Bricker | Hruska | Potter |
| Bush | Humphrey | Purtell |
| Butler | Ives | Revercomb |
| Byrd | Jackson | Robertson |
| Capehart | Javits | Russell |
| Carlson | Jenner | Saltonstall |
| Carroll | Johnson, Tex. | Schoeppel |
| Case, N. J. | Johnston, S. C. | Scott |
| Case, S. Dak. | Kefauver | Smathers |
| Church | Kennedy | Smith, Maine |
| Clark | Kerr | Smith, N. J. |
| Cooper | Knowland | Sparkman |
| Cotton | Kuchel | Stennis |
| Curtis | Langer | Symington |
| Dirksen | Long | Talmadge |
| Douglas | Magnuson | Thurmond |
| Dworshak | Mansfield | Thye |
| Eastland | Martin, Iowa | Watkins |
| Ellender | Martin, Pa. | Wiley |
| Ervin | McClellan | Williams |
| Flanders | McNamara | Yarborough |
| Fulbright | Monroney | Young |

The PRESIDING OFFICER. A quorum is present.

## ORDER FOR RECESS UNTIL 10 A. M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that following the convening of the Senate tomorrow there be a morning hour for the transaction of routine business only, with a limitation of 3 minutes on statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDMENT OF TENNESSEE VALLEY AUTHORITY ACT OF 1933

The Senate resumed the consideration of the bill (S. 1869) to amend the Tennessee Valley Authority Act of 1933, as amended, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the committee amendments, with the understanding that if they are adopted, each Senator will have the right to offer amendments if he so desires.

Mr. KNOWLAND. Mr. President, as I understand, this is the customary action which is followed in the case of committee amendments. If the amendments are agreed to, the bill will be treated de novo and will be open to a series of amendments, as though it were an original bill.

Mr. JOHNSON of Texas. That is correct.

The PRESIDING OFFICER. The Senator from California is correct.

Without objection, the committee amendments are agreed to en bloc.

The committee amendments considered and agreed to en bloc are as follows:

On page 2, line 1, after the word " "bonds")", to insert "in an amount not exceeding $750,000,000 outstanding at any one time"; in line 10, after the word "power", to strike out "generation)" and insert "generation);"; at the beginning of line 13, to strike out "facility," and insert "facility;"; at the beginning of line 14, to insert "It is hereby declared to be the intent of this act that the power facilities built or acquired with the proceeds of such bonds shall not be used, without prior approval by act of Congress, for the sale or delivery of power by the Corporation outside the counties which lie in whole or in part within the Tennessee River drainage basin or the service area in which power generated by the Corporation is being used on July 1, 1957, except, when economically feasible, to serve the United States or agencies thereof or to interconnect with other utility systems for exchange power arrangements, or to interconnect Tennessee Valley Authority generating plants, or to serve rural electric cooperatives serving counties contiguous to the Tennessee River drainage basin or said power service area: *Provided,* That such proposed extensions of service shall be reported by the Corporation to the President and to the Congress and shall not be undertaken if, within 60 days of a single session of Congress after submission of such report, either House of the Congress adopts a resolution of disapproval."; on page 4, line 22, after the word "however,", to strike out "That" and insert "That,"; at the beginning of line 24, to insert "hereafter"; on page 5, line 25, after the word "amounts", to strike out "(following such consultations with the Secretary of the Treasury with respect thereto as the Board may deem feasible)", and on page 6, line 11, after the word "determine", to insert a colon and "*Provided,* That before issuing any bonds hereunder, the Corporation shall advise the Secretary of the Treasury with respect to the amounts of bonds to be issued and the proposed date of the sale thereof, and if the Secretary, within 15 days after receiving such advice, shall request deferral of the sale thereof for a period not in excess of 45 days, the Corporation shall not sell the bonds before the end of such period."; so as to make the bill read:

*Be it enacted, etc.,* That the last three paragraphs under the subtitle "Independent Agencies and Corporations" in title II of the Government Corporations Appropriation Act, 1948 (61 Stat. 576–577), are hereby repealed; and the Tennessee Valley Authority Act of 1933, as amended, is hereby amended by inserting immediately after section 15c thereof (16 U. S. C. 831n–3) the following new section:

"SEC. 15d. (a) The Corporation is authorized to issue and sell bonds, notes, and other evidences of indebtedness (hereinafter collectively referred to as "bonds") in an amount not exceeding $750 million outstanding at any one time to assist in financing its power program and to refund such bonds. The Corporation may, in performing functions authorized by this act, use the proceeds of such bonds for the construction, acquisition, enlargement, improvement, or replacement of any plant or other facility used or to be used for the generation or transmission of electric power (including the portion of any multiple-purpose structure used or to be used for power generation); as may be required in connection with the lease, lease-purchase, or any contract for the power output of any such plant or other facility; and for other purposes incidental thereto. It is hereby declared to be the intent of this act that the power facilities built or acquired with the proceeds of such bonds shall not be used, without prior approval by act of Congress, for the sale or delivery of power by the Corporation outside the counties which lie in whole or in part within the Tennessee River drainage basin or the service area in which power generated by the corporation is being used on July 1, 1957, except when economically feasible, to serve the United States or agencies thereof or to interconnect with other utility systems for exchange power arrangements, or to interconnect Tennessee Valley Authority generating plants, or to serve rural electric cooperatives serving counties contiguous to the Tennessee River drainage basin or said power service area: *Provided,* That such proposed extensions of service shall be reported by the corporation to the President and to the Congress and shall not be undertaken if, within 60 days of a single session of Congress after submission of such report, either House of the Congress adopts a resolution of disapproval. The principal of and interest on said bonds shall be payable solely from the Corporation's net power proceeds as hereinafter defined. Net power proceeds are defined for purposes of this section as the remainder of the Corporation's gross power revenues after deducting the costs of operating, maintaining, and administering its power properties (including costs applicable to that portion of its multiple-purpose properties allocated to power) and payments to States and counties in lieu of taxes but before deducting depreciation accruals or other charges representing the amortization of capital expenditures, plus the net proceeds of the sale or other disposition of any power facility or interest therein, and shall include reserve or other funds created from such sources. Notwithstanding the provisions of section 26 of this act or any other provision of law, the Corporation may pledge and use its net power proceeds for payment of the principal of and interest on said bonds, for purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve funds and other funds which may be similarly pledged and used, to such extent and in such manner as it may deem necessary or desirable. The Corporation is authorized to enter into binding covenants with the holders of said bonds—and with the trustee, if any—under any indenture, resolution, or other agreement entered into in connection with the issuance thereof (any such agreement being hereinafter referred to as a "bond contract") with respect to the establishment of reserve funds and other funds, provisions for insurance, charges for supply of power, application and use of net power proceeds, restrictions upon the subsequent issuance of bonds or the execution of leases or lease-purchase agreements relating to power properties, and such other matters, not inconsistent with this act, as the Corporation may deem necessary or desirable to enhance the marketability of said bonds. The issuance and sale of bonds by the Corporation and the expenditure of bond proceeds for the purposes specified herein, including the addition of generating units to existing power-producing projects and the construction of additional power-producing projects, shall not be subject to the requirements or limitations of any other law: *Provided, however,* That except with the approval of the President during a period of national defense emergency hereafter declared by the President or by the Congress, no such bond proceeds, nor any power revenues, shall be used to initiate the construction of an additional power-producing project until (1) the Corporation notifies the President and the Congress of its plan to construct such additional project, and (2) following such notification a period of 60 days of a single session of Congress elapses without the enactment of legislation disapproving such construction.

"(b) Bonds issued by the Corporation hereunder shall not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the United States. Proceeds realized by the Corporation from issuance of such bonds and from power operations and the expenditure of such proceeds shall not be subject to apportionment under the provisions of Revised Statutes 3679, as amended (31 U. S. C. 665), and such proceeds and bonds shall not be included in computations of receipts, expenditures, surpluses, or deficits in the Budget prepared annually pursuant to section 201 of the act of June 10, 1921, as amended (31 U. S. C. 11), except to the extent of the amounts budgeted by the Corporation for payments pursuant to subsection (e) hereof on account of the appropriation investment as therein defined, and for reduction of said investment.

"(c) Bonds issued by the Corporation under this section shall be negotiable instruments unless otherwise specified therein, shall be in such forms and denominations, shall be sold at such times and in such amounts, shall mature at such time or times not more than 50 years from their respective dates, shall be sold at such prices, shall bear such rates of interest, may be redeemable before maturity at the option of the Corporation in such manner and at such times and redemption premiums, may be entitled to such relative priorities of claim on the Corporation's net power proceeds with respect to principal and interest payments, and shall be subject to such other terms and conditions, as the Corporation may determine: *Provided,* That before issuing any bonds hereunder, the Corporation shall advise the Secretary of the Treasury with respect to the amounts of bonds to be issued and the proposed date of the sale thereof, and if the Secretary, within 15 days after receiving such advice, shall request deferral of the sale thereof for a period not in excess of 45 days, the Corporation shall not sell the bonds before the end of such period. The Corporation may sell such bonds by negotiation or on the basis of competitive bids, subject to the right, if reserved, to reject all bids; may designate trustees, registrars, and paying agents in connection with said bonds and the issuance thereof; may arrange for audits of its accounts and for reports concerning its financial condition and operations by commercial accounting firms (which audits and reports shall be in addition to those required by sections 105 and 106 of the act of December 6, 1945 (59 Stat. 599; 31 U. S. C. 850–851), may, notwithstanding the provisions of sections 302 and 303 of the

act of December 6, 1945, as amended (59 Stat. 601–602, 70 Stat. 667; 31 U. S. C. 867–868), or any other law, but subject to any covenants contained in any bond contract, invest the proceeds of any bonds and other funds under its control which derive from or pertain to its power program in any securities approved for investment of national bank funds and deposit said proceeds and other funds, subject to withdrawal by check or otherwise, in any Federal Reserve Bank or bank having membership in the Federal Reserve System; and may perform such other acts not prohibited by law as it deems necessary or desirable to accomplish the purposes of this section. Bonds issued by the Corporation hereunder shall contain a recital that they are issued pursuant to this section, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such bonds and of their validity. The annual report of the Board filed pursuant to section 9 of this act shall contain a detailed statement of the operation of the provisions of this section during the year.

"(d) Bonds issued by the Corporation hereunder shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States. The Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the bonds of the Corporation acquired by them under this section. Bonds issued by the Corporation hereunder shall be exempt both as to principal and interest from all taxation now or hereafter imposed by any State or local taxing authority except estate, inheritance, and gift taxes.

"(e) From net power proceeds in excess of those required to met the Corporation's obligations under the provisions of any bond or bond contract, the Corporation shall, beginning with fiscal year 1958, make payments into the Treasury as miscellaneous receipts on or before December 31 and June 30 of each fiscal year as a return on the appropriation investment in the Corporation's power facilities. The said appropriation investment shall consist, in any fiscal year, of that part of the Corporation's total investment assigned to power as of the beginning of the fiscal year (including both completed plant and construction in progress) which has been provided from appropriations or by transfers of property from other Government agencies without reimbursement by the Corporation, less repayments of such appropriation investment made under title II of the Government Corporations Appropriation Act, 1948, this act, or other applicable legislation. The payment in each fiscal year shall be equal to the computed average interest rate payable by the Treasury upon its total marketable public obligations as of the beginning of said fiscal year applied to said appropriation investment. Payments due hereunder may be deferred for not more than 2 years when, in the judgment of the Board of Directors of the Corporation, such payments cannot feasibly be made because of inadequacy of funds occasioned by drought, poor business conditions, emergency replacements, or other factors beyond the control of the Corporation.

"(f) The Corporation shall charge rates for power which will produce gross revenues sufficient to provide funds for operation, maintenance, and administration of its power system; payments to States and counties in lieu of taxes; debt service on outstanding bonds, including provision and maintenance of reserve funds and other funds established in connection therewith; payments to the Treasury as a return on the appropriation investment pursuant to subsection (e) hereof; and such additional margin as the Board may consider desirable for investment in power system assets, retirement of outstanding bonds in advance of maturity, reduction of appropriation investment, and other purposes connected with the Corporation's power business, having due regard for the primary objectives of the act, including the objective that power shall be sold at rates as low as are feasible. In order to protect the investment of holders of the Corporation's securities and the appropriation investment as defined in subsection (e) hereof, the Corporation, during each successive 5-year period beginning with the period from July 1, 1957, through June 30, 1962, shall apply net power proceeds either in reduction (directly or through payments into reserve or sinking funds) of its capital obligations, including bonds and the appropriation investment or to reinvestment of power assets, at least to the extent of the combined amount of the aggregate of the depreciation accruals and other charges representing the amortization of capital expenditures applicable to its power properties plus the net proceeds realized from any disposition of power facilities in said period.

"(g) Power generating and related facilities operated by the Corporation under lease and lease-purchase agreements shall constitute power property held by the Corporation within the meaning of section 13 of this act, but that portion of the payment due for any fiscal year under said section 13 to a State where such facilities are located which is determined or estimated by the Board to result from holding such facilities or selling electric energy generated thereby shall be reduced by the amount of any taxes or tax equivalents applicable to such fiscal year paid by the owners or others on account of said facilities to said State and to local taxing jurisdictions therein. In connection with the construction of a generating plant or other facilities under an agreement providing for lease or purchase of said facilities or any interest therein by or on behalf of the Corporation, or for the purchase of the output thereof, the Corporation may convey in the name of the United States by deed, lease, or otherwise, any real property in its possession or control, may perform engineering and construction work and other services, and may enter into any necessary contractual arrangements.

"(h) It is hereby declared to be the intent of this section to aid the Corporation in discharging its responsibilitiy for the advancement of the national defense and the physical, social, and economic development of the area in which it conducts its operations by providing it with adequate authority and administrative flexibility to obtain the necessary funds with which to assure an ample supply of electric power for such purposes by the issuance of bonds and as otherwise provided herein, and this section shall be construed to effectuate such intent."

SEC. 2. Paragraph seventh of section 5136 of the Revised Statutes (12 U. S. C. 24), as amended, is further amended by inserting after the words "obligations issued by the International Bank for Reconstruction and Development which are at the time eligible for purchase by a national bank for its own account" the words ", nor to bonds, notes, and other obligations issued by the Tennessee Valley Authority," and by substituting for the words "said bank" in the immediately following proviso the words "either of said organizations".

Mr. NEUBERGER. Mr. President, did I correctly understand that the Senate is to convene at 10 o'clock tomorrow morning?

Mr. JOHNSON of Texas. That is correct.

Mr. NEUBERGER. I believe the Senate Committee on Public Works is scheduled to have a meeting at 10 o'clock to consider the bill relating to highway billboards. This may be one of the last opportunities for us to consider the proposed legislation at this session.

Mr. JOHNSON of Texas. I do not think so. I think we shall be here for some time. The Committee on Public Works reported the TVA bill to the Senate. I do not know whether the members of that committee would want to have a committee meeting held tomorrow while that bill is being considered.

We are hoping to debate the TVA bill because there are a number of Senators who want to vote on the bill, including the distinguished senior Senator from Pennsylvania [Mr. MARTIN], the ranking member of the committee, who cannot be here on Saturday.

A number of Senators who are interested in the bill do not want to vote on it this evening. The only other time it is felt we can vote on the bill will be tomorrow. Some Senators do not want to vote on the bill tomorrow.

I have no personal interest in the time when we vote on the bill. I am trying to suit the convenience of a number of Senators.

The ranking minority member of the committee had a firm engagement on Saturday and asked me to try to make certain that the bill did not come up on Saturday.

The Niagara bill is on the calendar, and Senators are pressing for its consideration. One Senator received notice of the death of a very close friend and could not be here. So we have postponed the consideration of the Niagara bill until Monday.

We are hopeful that action can be taken one way or the other on the TVA bill. I have no idea whether the public-power people or the power companies, or those who are opposed, or those who favor the bill, expect the Senate to vote tonight. I do not care whether we vote tonight, tomorrow morning, tomorrow afternoon, or tomorrow night. I should like to accommodate the Senator from Pennsylvania [Mr. MARTIN], who has an engagement on Saturday. I should like to avoid having a vote on Saturday, if that be possible. I have not stated at any time that we would not have a vote. I stated only that we would proceed to the consideration of the 12 bills which I mentioned, including the TVA bill. I hope to conclude the consideration of the TVA bill as early as possible.

I was informed that there are some speeches to be made which will take 3 or 4 hours at a minimum. I thought the Senate could remain in session until probably 9:30 or 10 o'clock this evening. If there was a chance to vote, we could vote; if not, we could go over until tomorrow.

What I had hoped to do, at the suggestion of the minority leader, and with the cooperation of the proponents and the opponents of the bill, including the chairman of the subcommittee and the ranking minority member of the committee, was to ask that we try to reach an agreement that, following the morning hour tomorrow, we allow 1 hour on each amendment, the time to be divided equally between the opponents and the proponents; and 4 hours on the bill, with

the time to be divided equally between the 2 sides. That might enable us to reach a vote late tomorrow.

Mr. NEUBERGER. Mr. President, I want the distinguished majority leader to know that I was not endeavoring to interfere with the consideration of the TVA bill. I am as much interested in the TVA as is anyone else. But we have made a great effort to get the signboard bill reported favorably by the Subcommittee on Roads and Highways of the Committee on Public Works, so as to have it considered by that committee before the Senate adjourns for the session.

Unless action is taken on the bill, the grandfather clause will accrue on the rights-of-way, and then it may be too late to do anything about the regulation of billboards, if it is the will of the majority to do something about them.

Mr. JOHNSON of Texas. That is a matter for the committee to work out. The committee now has the TVA bill before the Senate, and it is the unfinished business. I assume the committee does not report bills to the Senate unless it desires to get them off the calendar by action of the Senate, which is what I am trying to do.

I am not particularly concerned with whether the bill is amended or passed tonight, tomorrow, or Saturday. I expect to be here during all these days. I am trying to be cooperative with all Senators.

Mr. President, on behalf of the minority leader and myself, I submit the following proposed unanimous-consent agreement:

Effective on Friday, August 9, 1957, at the conclusion of routine morning business, during the further consideration of the bill (S. 1869) to amend the TVA Act of 1933, as amended, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

I may say that the regular routine is to provide that the time shall be controlled by the majority leader; but that if he is not opposed to the amendment, to have the minority leader assume control of the time.

I think we should strike out "majority leader," and let the Senator from Oklahoma [Mr. KERR] control the time on one side, and the minority leader control the time on the other side on the bill. I do not think we will have any difficulty. If I want some time, if I am opposed to any particular provision, I am certain the Senator from California will accommodate me, as he did last night.

I continue:

*Ordered further*, That on the question of the final passage of the said bill, debate shall be limited to 4 hours, to be equally divided and controlled, respectively, by Mr. KERR and the minority leader: *Provided*, That either of them may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. CASE of South Dakota. Mr. President, reserving the right to object—and I shall not object—did I correctly understand that amendments were to be limited to those which are germane, but not necessarily to those which are at the desk at this time?

Mr. JOHNSON of Texas. That is correct. That is the usual form.

Mr. CASE of South Dakota. I have a couple of amendments I desire to offer.

Mr. JOHNSON of Texas. They do not have to be at the desk now; they can be offered tomorrow.

Mr. CASE of South Dakota. I want to have them printed.

Mr. JOHNSON of Texas. As I understand, any Senator will have the right to offer any amendments he may desire to offer tomorrow. Is that not correct?

The PRESIDING OFFICER. The Senator from Texas is correct.

Is there objection to the proposed unanimous-consent request?

Mr. ALLOTT. Mr. President, we have encountered a situation which is very common in the Senate, in which we cannot hear the requests which are made. I should like to have the request reread, particularly with respect to the time to be allowed on amendments.

Mr. JOHNSON of Texas. One hour on each amendment, the time to be equally divided—30 minutes to a side.

Mr. ALLOTT. I should like to have the request reread.

The PRESIDING OFFICER. The proposed unanimous-consent agreement will be read again.

The legislative clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

*Ordered*, That, effective on Friday, August 9, 1957, at the conclusion of routine morning business, during the further consideration of the bill (S. 1869) to amend the TVA Act of 1933, as amended, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

*Ordered further*, That on the question of the final passage of the said bill, debate shall be limited to 4 hours, to be equally divided and controlled, respectively, by Mr. KERR and the minority leader: *Provided*, That either of them may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears none. Without objection, the order is entered.

## LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I wish to announce that earlier in the day I listed a number of measures which we expect the Senate to consider following final action on the TVA bill.

I should like to ask each Senator carefully to review the calendar and to be on notice that in the concluding days of this session the Senate may proceed to the consideration of any of the bills and other measures on the calendar. I shall keep in close touch with the minority leader, and shall give him as much advance notice as possible.

Earlier today I announced that when the Senate concluded action on the TVA bill, I expected to have the Senate proceed to the consideration of some controversial nominations on the Executive Calendar. However, since that time I have been informed that the hearings on those nominations are not available; they have not been printed. I am sorry that is the case. I was unaware of it.

Mr. KNOWLAND. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. KNOWLAND. I may say that I was also informed that the hearings on the Kuykendall nomination had not been printed. I was a little shocked to hear that, because the nomination was reported to the Senate on August 1.

I have asked the ranking minority member of the committee which reported the nomination to check with the committee clerks and to ascertain what happened to the hearings, because obviously in the case of a nomination of this sort, the hearings should be available; and it seems to me we should have the cooperation of the committee and the committee staff in getting the hearings ready, so they can be examined by all Senators.

Everyone is on judicial notice, at least, that we are approaching the end of the session; and certainly it is not helpful to the Senate to have any delay in the Printing Office, if that is where the delay has occurred, or in the committee staff, if that is where the delay has occurred.

I may say further, if the majority leader will yield further, that I respectfully suggest that if any Senators on either side of the aisle have amendments to submit to the pending bill, they send them to the desk tonight, so they can be printed, because obviously the Senate will be considering voting on the amendments tomorrow, and it is always helpful if each Senator has printed copies of the amendments before him, rather than to have to obtain mimeographed copies or, if those are not available, tissue copies of the amendments.

So, although no Senator will be foreclosed from submitting amendments tomorrow, nevertheless it would be helpful to the orderly procedure of the Senate to have as many amendments as may be available sent to the desk tonight, so they can be printed.

Mr. JOHNSON of Texas. Mr. President, let me say to the minority leader that as soon as I found that the hearings on the nominations were not available, I informed him.

I regret that the hearings are not available. I do not think the Senate should proceed to the consideration of a nomination which is contested until the hearings on it are available.

I have had a little research done on that point. I find that the nomination

was reported on August 1. The galley proof went to the Printing Office on August 6. The page proof from the Government Printing Office will be available on August 9; and, if that is returned promptly, there can be delivery on August 12. There are approximately 450 pages.

I do not have such information on the hearings on the nomination of the Assistant Secretary of Agriculture, but I am checking on that.

I would not wish to ask the Senate to consider the nominations until the hearings are available.

I want all Senators to be on notice that as soon as the hearings are available, we wish to be in a position to have the Senate proceed to the consideration of those nominations.

I have just been informed that the hearings will be available Saturday.

Mr. President, it is not of personal importance to the majority leader that the proposed legislation on the calendar be considered and be favorably acted upon; but I wish to give all Senators a chance to have the Senate pass on as much of it as they wish.

Many Senators would like to have the Senate complete its work this month. I think a majority of the Senators have indicated that in order to do so, they would be willing to have the sessions continue into the evenings and to have Saturday sessions held. Therefore, we have given notice that we plan to attempt to have the Senate work in the evenings. Of course, any Senator can keep the Senate from working then, by suggesting the absence of a quorum and by engaging in delaying tactics.

So, Mr. President, if Senators wish to have the session end without undue delay, I think it will be necessary for the Senate to act on some of these measures in the evenings and to attempt to hold sessions on Saturdays.

Therefore, Mr. President, I hope all Senators will make their plans for the days ahead in such a way as to be able to accommodate themselves to the performance of their duties in the Senate Chamber; and, if so, perhaps it will be possible to conclude the session before the end of the month.

If any other Senators desire to address the Senator at this time, I shall be glad to have them do so.

If not, Mr. President——

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## TRANSCRIPT OF CONFERENCE WITH MEMBERS OF THE TUSKEGEE CIVIC ASSOCIATION IN REPORTING DEVELOPMENTS IN CONNECTION WITH THE VOTING RIGHTS OF NEGRO CITIZENS

Mr. DOUGLAS. Mr. President, I should like to request unanimous consent to have an insertion made in the RECORD.

Mr. JOHNSON of Texas. I yield to the Senator from Illinois.

Mr. DOUGLAS. I thank the Senator from Texas.

Mr. President, for the information of Members of both bodies, in connection with our further deliberations on the civil-rights bill H. R. 6127, and on behalf of, and at the request of, the Senators who participated in the conference—the junior Senator from Minnesota [Mr. HUMPHREY], the junior Senator from California [Mr. KUCHEL], the junior Senator from Oregon [Mr. NEUBERGER], the junior Senator from New Jersey [Mr. CASE], the junior Senator from Michigan [Mr. MCNAMARA], the senior Senator from Colorado [Mr. ALLOTT], the junior Senator from Pennsylvania [Mr. CLARK], and the junior Senator from New York [Mr. JAVITS]—I ask unanimous consent that the transcript of the conference held last week—on July 30, 1957—with members of the Tuskegee Civic Association, when reporting recent developments in Tuskegee, in connection with the voting rights of Negro citizens, be printed in the body of the RECORD.

While the transcript is incomplete at 1 or 2 points, due to technical difficulties with our recording facilities, the Senators who participated have checked it, and it is an accurate report of the main substance of the conference.

The PRESIDING OFFICER. Is there objection?

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

PRESS CONFERENCE WITH REPRESENTATIVES OF THE TUSKEGEE CIVIC ASSOCIATION AND OTHERS; AND SENATORS PAUL H. DOUGLAS, JACOB JAVITS, CLIFFORD CASE, THOMAS KUCHEL, GORDON ALLOTT, HUBERT H. HUMPHREY, JOSEPH CLARK, PATRICK MCNAMARA, RICHARD NEUBERGER; AND CLARENCE MITCHELL, WASHINGTON REPRESENTATIVE NAACP, JULY 30, 1957

SENATOR PAUL H. DOUGLAS' OPENING REMARKS

We are meeting today to hear and to question representatives of the Tuskegee Civic Association, from Alabama, who have information that may be helpful in our consideration of proposals to protect voting rights.

First, let me report the background as I understand it.

In 1952, individual Negroes filed a complaint with the United States Department of Justice alleging that colored citizens were being denied the right to vote in Macon County, Ala.

Macon County is the location of Tuskegee Institute, founded by Booker T. Washington and more recently famous because the late Dr. George W. Carver was on the school's faculty. It is also the location of a large hospital operated by the United States Veterans' Administration. In this county, there are 28,000 colored residents and 4,671 white persons.

The gentlemen who are here from Tuskegee today state that the Department of Justice investigated the Macon County voting problem, but did not take any action under the criminal statute on voting. The gentlemen who have come from Tuskegee state that they were advised that the Department's investigation revealed that a number of white persons had filled out voting questionnaires incorrectly but were, nevertheless, permitted to register and vote. Colored persons, it is stated, were not permitted to register even though they had filled out the questionnaire correctly.

In 1952, a civil suit was filed in a United States district court by aggrieved colored citizens. After spending approximately $1,500, the plaintiffs did not press the suit further because of the mounting costs.

On January 16, 1956, the board of registrars for Macon County was no longer available to receive applications for registration because 2 of the 3 members had resigned.

Thereafter, the NAACP, the Tuskegee Civic Association, and other groups urged the Governor of Alabama, and other appointing officials to fill the vacancies on the board in order that it could function. Details of this effort are set forth on pages 873 to 875 of the 1957 Senate hearings on the pending civil-rights bill.

Assistant Attorney General MacDonald Gallion testified before the House Judiciary Committee on February 5, 1957, that "in Macon County * * * they could not get, in view of the tenseness of the situation, a quorum to serve on the board of registrars. That has now been corrected. Registrations are being received in that county the same as in the other 66 counties of the State."

The statement of the assistant attorney general may be found on page 904 of the 1957 House hearings on the pending civil-rights bill. However, a check with local residents in the county revealed that the statement of the assistant attorney general for Alabama is denied. A telegram from Mr. D. L. Beasley, of Macon County, which appears on page 788 of the Senate hearings on the civil-rights bill, states that no board of registrars was functioning at the time the assistant attorney general for Alabama was testifying before the House committee.

On July 13, 1957, a new Alabama law went into effect. This law had been introduced in the legislature by State Senator Sam Englehardt, an official of the White Citizens Council, for the purpose of changing the boundaries of the town of Tuskegee. This change excluded approximately 3,000 colored residents from the town limits. Of these excluded, 420 were registered voters. Colored citizens of Tuskegee decided that because they could not vote in the town of Tuskegee they would restrict their purchases in that community.

On Thursday, July 25, 1957, the attorney general of Alabama personally led a raid on the headquarters of the Tuskegee Civic Association. This organization is approximately 40 years old and was established for civic betterment. Full details on it may be furnished by the representatives who are here, if anyone is interested.

Representatives of the Tuskegee Civic Association who are here are Mr. W. P. Mitchell and Mr. Linwood T. Dorsay. Mr. Mitchell was a plaintiff in one of the voting cases in 1945 which resulted in his being permitted to vote himself. However, the restriction against colored voters continues and Mr. Mitchell has maintained a continuing effort to make certain that all qualified persons could register and vote. Mr. Dorsay is chairman of the Economic Action Committee of the Tuskegee Civic Association and is a World War II Veteran.

I would now be glad to recognize other Senators who may also wish to make introductory comments.

Senator JAVITS. I am very happy to have been invited today to meet these two representatives from Tuskegee and I want to assure them both that in fighting for the passage of meaningful civil-rights legislation at this session of Congress, we are fighting not only for them but for people throughout the United States.

Now, first, regarding this Tuskegee situation which our guests know only too well, I want to make it very clear that I don't believe in any of the ideas of segregation—here it is segregation of voters—which those opposing our guests are out to enforce. And let me point out that as in so many cases where we are fighting to secure a civil right, this is just another instance where we are out to win a battle in which every one of us has a stake—not the Negro alone.

Second, and very important, I think this Tuskegee situation gives us a clearcut case history of an instance where voting rights have either been denied or made so complex as to be equivalent to denial of the voting

right. It is an eloquent answer to the arguments made on the floor of the Senate that Negroes do vote in the South. Of course some Negroes vote in the South, but there are also a great many who do not vote and they are kept from voting by various distortions of the law and by various practices of a discriminatory character with the cooperation of the various State officials from voting. And I think, therefore, your stating this in detail and in fact is tremendously valuable. And finally, in this whole jury trial argument, I hope you gentlemen will enlighten us on how it feels to live in a State where if you're going to be in contempt of an injunction, there will be no jury trial—while you hear loud arguments on the floor of the Senate that there ought to be a jury trial in the United States courts if there is contempt of an injunction. I hope very much, Senator DOUGLAS, that we will get some facts and details on these points.

Senator DOUGLAS. Senator CASE?

Senator CASE. I too am very happy to have the opportunity to apear with these gentlemen from Tuskegee. Their experience is a vivid example of the need for more effective protection of the fundamental rights that every citizen ought to be able to take for granted.

A face-to-face discussion brings home, in a way that neither the printed word nor all the statistics available can, the very real inequality of treatment that persists in too many places in the country. Their facts are not challenged and the conclusion is, I think, inescapable—to require a jury trial in contempt cases would be to nullify the purpose of the pending civil-rights bill.

Senator DOUGLAS. Senator ALLOTT of Colorado?

Senator ALLOTT. Thank you, Senator. I'm very happy to be here. My comments will be very short.

I'm happy that these gentlemen have come here because it seems to me that coming as they do at a time like this, it very adequately points up and refutes the apparent efforts that are being made on the floor now to indicate that the colored people of the South have all of the rights to which we believe they are entitled to under the Constitution. So your coming here to subject yourselves to cross-examination if need be is a very fine display of citizenship, in my opinion, and will help this matter along greatly.

Otherwise I have only this to say: the argument is centering now on the assertion that we are depriving people of jury trial. It doesn't matter how many times we say it, I suppose, but never has anyone—until they were given it by statute in a few States of the United States—ever been given the right to a jury trial in a court of chancery or in a court of equity. In most States today, they do not have a right to a jury trial in courts of equity. In hardly any States do they have a right to a jury trial in a case of contempt. As I have pointed out on the floor repeatedly in the last few days, even in the States whose Senators are speaking most loudly and most often for the jury trial amendment, their own State courts do not provide them with a jury trial in case of contempt.

Now if we are going to give them a jury trial now, we give them something that they have not had in 800 years of common law; and that's something that we want to remember.

I'm anxious to hear these gentlemen. I'm anxious to hear their story about this. For that reason, while I can get wound up about this, and I do, I'd much rather listen to you than talk myself.

Senator DOUGLAS. Senator KUCHEL, of California?

Senator KUCHEL. Well, I'll only say, Paul, that as far as I'm concerned, I'm in this fight to the finish and in my judgment we have the votes today in the United States Senate to win. The only reason we will not come to a vote in the next few days is because of the unfortunate filibuster rule. And yet there is one way, I think, to break a filibuster and that is to keep this Senate in continuous session until finally the 95 Members of the Senate will be required to stand up and vote either for or against this piece of legislation. It's pretty simple. We've had as a part of the American Constitution for almost a hundred years an amendment providing that all American citizens shall have the right to vote. It's placed in the negative, but that's the crux of it. And that the Congress will have the right by appropirate legislation to enforce the right of an American citizen to vote; it's just that simple. What we're doing now is discharging a constitutional duty when we vote in favor of this voting rights section that, in my judgment, Congress has neglected overlong now.

Thanks very much for letting me come in here. I'll be glad to participate with you in listening to these fellow citizens of ours.

Senator DOUGLAS. (Here Senator DOUGLAS invited questions from the members of the press—and recognized Edward P. Morgan, ABC, for the first question.)

Question (MORGAN): May I ask—in respect to the recent raid by the attorney general of your State on the association—was there anything extraordinary about this? Was it carried out in an extralegal way? What were the details of the case?

Mr. W. P. MITCHELL. The raid followed on the heels of my being called down to the courthouse. I was not subpenaed. I was called to the courthouse to give certain information to the attorney general's office. I went with counsel. On advice of counsel, I did not answer any of the questions. Then finally when I refused to answer the questions, the attorney general, John Patterson, simply bolted out of the room, and said "Wait until I come back," and he came back with a search warrant and at this time he proceeded to search the Tuskegee Civic Association office. I'm secretary of the Tuskegee Civic Association.

Mr. LINWOOD T. DORSEY. I wonder, Senator DOUGLAS, if we might read a statement which might answer some of the questions with regard to the registering and voting situation in our county and in our city. This is headed "Restrictions on Registration and Voting in Macon County, Ala.

From January 17, 1956, until June 3, 1957, there was not a publicly functioning board of registrars in Macon County, Ala.

During these 18 months, several appeals were made to the Governor, the commissioner of agriculture and industries, and the State auditor (the State appointing board), urging them to appoint a board of registrars for Macon County.

On June 3, 1957, the board received applications from 4 of the 7 Negroes who presented themselves for registration. On June 17, 31 Negroes appeared for registration, but only 4 were permitted to make application. On July 1, 5 of 11 Negroes appearing made applications for certificates of registration. On July 2, 8 Negroes appeared, but only 6 were permitted to make application. On July 3, 9 Negroes appeared, and all but 1 of that number were permitted in the registration room. On July 5, the last day on which the board has functioned publicly, 7 Negroes appeared, but only 6 made application.

In 2 months, 73 Negroes have appeared at the publicly announced place of registration, but only 33 were permitted to make formal application to the board. Many more Negroes would have appeared if they were reasonably assured that they could get in and make application to the Board.

Of this total number, only seven certificates of registration have been issued to date.

The board follows a pattern of beginning work at approximately 9:30 a. m., closing at 12 noon for lunch and returning to work at 1 or 1:30 p. m. and remains in session then until approximately 3:30 p. m. The board permits only two Negroes to make application at the same time in the room designated for Negroes (the white persons making application do so in another room).

The board of registrars of Macon County requires that Negroes making application read an article of the Constitution and copy another article of the Constitution, in addition to filling out the registration questionnaire and oath contained on the registration form. In order to comply with the request of the board in reading and writing the articles referred to, it requires approximately 2½ hours for each applicant to complete the form.

It should be borne in mind that the Negroes who seek to be registered all have educational qualifications above the average. It is required that each person making application have a registered voter to vouch for him. The board has announced a policy of permitting a Negro voucher to vouch for only two persons per year thus making it more difficult for registration.

On June 13, 1957, a law that was introduced by State Senator Sam Englehardt, Jr., (and incidentally he is the senator from Macon County) to gerrymander approximately 3,000 Negroes from the city limits of Tuskegee, thus putting them in rural Macon County, was enacted. Of this number, approximately 410 were voters, leaving only 10 or 12 Negroe voters within the redrawn city limits of Tuskegee, which now has 26 sides.

When this bill was introduced, we appealed to the city council to use its influence to thwart the pasage of this restrictive piece of legislation. We also appealed to our senator, Mr. Englehardt, to withdraw this bill. We caused to be published an open letter in a newspaper with statewide circulation, an appeal to the citizenry of Alabama and Macon County urging it to use its influence in stopping the passage of this measure.

Despite our efforts, this bill passed both Houses of the Alabama Legislature unanimously. The voters directly affected by this bill had no opportunity to be heard in protest of its passage.

There is pending before the State legislature a bill which was introduced by Senator Sam Englehardt and Representative J. J. Rodgers to abolish Macon County and divide it to place portions of it in five other counties for the sole purpose as stated by them to reduce to a minimum the possibility of a Negro majority at the polls in the county.

Senator DOUGLAS. The other material has been more or less covered. Are there other questions to address to Mr. Mitchell or Mr. Dorsey?

Senator JAVITS. I'd like to ask a question, Mr. Chairman. During these 18 months that no board was functioning, aside from the appeals which you made as set forth in your statement, did you seek to initiate any legal proceedings or seek any legal advice as to how you could bring about the appointment of a board?

Mr. DORSEY. We retained counsel.

Senator JAVITS. And what advice did you get?

Mr. DORSEY. The counsel simply said that he would first administratively try to get a board, and if he were not able to do it like that, he would have to go into the courts. We finally did get a board.

Senator JAVITS. Did he go into the courts to get it?

Mr. DORSEY. No, he did not.

Senator JAVITS. Well, who appointed the board?

Mr. DORSEY. The appointing official appointed the board.

Senator JAVITS. And that is the State auditor?

Mr. DORSEY. The State auditor, the commissioner of agriculture, and the governor.

Senator JAVITS. And you say no legal proceedings were necessary. Why do you think the board was appointed at that particular point?

Mr. DORSEY. Frankly, I don't know.

Mr. CLARENCE MITCHELL. I think it's interesting to know that the chairman of that board was also the chairman of the White Citizens Council of Macon County, and he's also the brother of the chief justice of the State supreme court.

Senator JAVITS. And you state that as a fact?

Mr. CLARENCE MITCHELL. Yes; I think so.

Senator JAVITS. Now, you say 73 Negroes presented themselves for registration, and many more would have appeared. Can you give us any estimate of the number of Negroes who sought—would have sought in your opinion—to register if they had had any reasonable assurance of being able to get in?

Mr. DORSEY. I think I can best answer that by simply saying that there are 14,000 unregistered Negroes in Macon County—Negroes of registration age and qualification, and only 1,100 of them are registered.

Senator JAVITS. And is Attorney General Patterson invoking any State law against the action which apparently was taken and which is referred to as not patronizing local tradesmen, and if so, what is that law and what are its penalties?

Mr. DORSEY. It's an antiboycott law. I'm not a legal individual, I don't remember the section, where it's found, but it's an Alabama law which says that no person or group of people can form themselves for the purpose of hurting a business.

Senator DOUGLAS. Was that passed after the bus boycott in Montgomery?

Mr. DORSEY. No; it was in effect before then.

Mr. W. P. MITCHELL. May I make this statement. It was a law passed in the early twenties, I think, in reference to a miners' strike in the State of Alabama. But also this law says that you shall not organize or participate in or to cause to come about a boycott without just cause. Now while none of us in the civic association has advocated that any person trade with a particular individual or a particular community—not trade with a particular person or a particular community—we do feel as individuals we have the right to decide where and when we shall spend our money and with whom.

Senator JAVITS. Has there been any threat made against you or the association that suit would be started under this law?

Mr. DORSEY. Only in the newspapers.

Senator JAVITS. In other words, no one has actually uttered any statement of this kind. And have you or any of your colleagues in the association been submitted to any threats or intimidation which you would describe as such?

Mr. DORSEY. It comes to my knowledge that some of them have. I've only received some threatening letters through the mail, but beyond that I haven't had anything.

Senator JAVITS. You have no personal knowledge of that?

Mr. DORSEY. No.

Senator DOUGLAS. Mr. Morgan.

Mr. EDWARD P. MORGAN. Do I understand that you had received unfriendly letters or threatening letters?

Mr. DORSEY. Yes; unfriendly letters through the mail.

Senator HUMPHREY. I should like to ask what remedies are available that have not been used in this instance to afford registration? Do you know? Has your legal counsel given you any advice as to that? I mean under State or Federal law, either one?

Mr. CLARENCE MITCHELL. I think I can answer that question, Senator. Under Federal law, criminal acts that would be suitable for prosecution—as indicated in the opening statement—actual cases have been presented to the Attorney General. There has been extensive evidence of discrimination, but the Department of Justice has not acted. I think if you read the Attorney General's testimony in the hearing you'll see that the reason he didn't act was because he didn't think he could get convictions in a lot of these cases. That's why he wanted a civil law rather than a criminal law.

Mr. W. P. MITCHELL. May I offer this observation: In our Alabama paper, Montgomery Advertiser, Senator Englehardt has been quoted at length in saying that if this civil-rights bill should become law that the registrars within the State will resign, and that, of course, will make the law ineffectual. Of course, there is the matter that we do have qualified Negroes who could serve, were they appointed.

And, in addition to that, he has also introduced a bill which has passed the judiciary committee of the senate—which has been approved by that committee—which is called an antischool bill.

If you will look at this photostat copy of this certificate or application for registration, it is in some ways a very ingenious document. And Negroes in particular who apply for registration are required to fill this document out completely and fully. It is true that there have been those of us who have attempted to assist our fellow man, especially the Negro, who has been more or less a novice in the field of civil liberties and human relations, in how and what is the correct way to answer these questions—to interpret the questions for them.

But now, under this bill, which I believe the paper says has a good chance of passage, it will be against the law for an individual to assist anyone, certainly in a group, but not person to person, in explaining how you would fill this out if you went down to register to become a voter.

For instance, let us take question No. 1, which has four questions deposited in that one question. It says: "State your name, the date of your birth, and the place of your birth, and your present address." If a Negro answers those questions out of sequence, his questionnaire is thrown out. You must answer just as it appears—as the questions appear.

Question. Senator DOUGLAS, I would like to ask one or two questions. How many Negroes are in the town of Tuskegee?

Mr. DORSEY. You mean the town as it was, or as it is now?

Question. As it was.

Mr. W. P. MITCHELL. About 6,000.

REPORTER. How many of them are of voting age?

Mr. DORSEY. That I don't know.

REPORTER. What are their educational background? Are they employed by the institute, by the veterans hospital, or what do the people who live in the town do for a living?

Mr. DORSEY. The majority of the Negroes are employed either at the Tuskegee Institute or are members of families who are employed there or at the Tuskegee Hospital. There are those, too, who have private businesses in the city of Tuskegee.

REPORTER. Is the difficulty in registration due to the questions regarding reading and interpreting the Constitution?

Mr. DORSEY. It's a multiplicity of reasons. The questionnaire; the fact that you've got to spend a long time to read the first articles of the Constitution; then an equally long time or longer time to write the second article of the Constitution; and, too, they will only permit two Negroes to go into the room at the same time. If they would let 10 in there at a time, maybe we'd get 20 Negroes registered in a day. And another point that I think you should remember is that the board of registrars only meets on the first and third Mondays and 5 days in July.

REPORTER. Why would it be easier for a group of Negroes to pass the test than one?

Mr. W. P. MITCHELL. I'm talking about numbers getting registered.

REPORTER. What I'm talking about is meeting the test.

Mr. W. P. MITCHELL. I don't know that it's a matter of meeting the test or whether it's more a matter of simply seeing to it that the "i's" are dotted and the "t's" are crossed. I don't think that's necessarily an educational test.

Senator JAVITS. When the attorney general led a raid, you said that he came up with a subpena. Now did they institute a criminal action against you or against the organization at that time?

Mr. DORSEY. No. They simply got a subpena to search the office.

Senator JAVITS. Well, they got a search warrant.

Mr. DORSEY. Search warrant—that's all. I'm sorry, I thought I said search warrant. I meant a search warrant, not a subpena.

Senator JAVITS. They have not started any civil action against you nor have they started any criminal action against any of your officers or against the association since that raid of July 25?

Mr. DORSEY. Not yet. We left home last night and they hadn't done it up to then.

Senator ALLOTT. Can you answer this further question? Maybe you can't, not being a lawyer. Is it within the legal process of the State of Alabama to secure a search warrant in the manner in which this one was secured for the search of your premises?

Mr. DORSEY. I cannot answer that for the reason that I don't know, other than the fact that my counsel questioned the legality of the search warrant. He told the Attorney General Patterson that he would probably question that in court.

One other thing, when the Attorney General came in, there were two newsmen, five representatives from his office, and the sheriff of the county. When they came in, our attorney had told us (he had just got there a few minutes before from Montgomery), he told us not to say anything—to let him handle all the questions.

So the Attorney General began the questioning. The first thing he said was: "First, I want all the names of everyone in here." So, of course, we said nothing; we wouldn't give him our names. He asked a couple of other questions of who owned the next office to ours. They were harmless, but we still said nothing; we were respecting our counsel. And he made this statement: He said "I will not forget your cooperativeness the next time I see you." This in my mind is a form of intimidation.

And another thing: I had been told, or we had been told that one of the witnesses who was taken down—and they don't subpena you, they just say "we want you to come downtown with us"—was on his way to work, and they met him and said "we want you to go downtown."

They're trying to prove that the Tuskegee Civic Association is behind an organized boycott against the merchants of Tuskegee. I believe that's what they're trying to do.

This man who was taken downtown said that when they took him into a room there, there were nine officers with pistols on in the room in which he was to be questioned.

Mr. Mitchell, himself, on the day he was taken down to see the State's attorney and his aids—the State's attorney wasn't there, but his aid, Mr. Adams, was—reported that the aid had a large pistol very prominently displayed. This seems to me another form of intimidation, which is not indicated in this particular matter at this time.

Senator ALLOTT. May I inquire about one thing, because I'm sure we're bound to hear it, with respect to the Tuskegee Civic Association? We may well hear that this is

a Communist-inspired, or Communist-dominated organization or something of that sort. Why don't you tell us for the RECORD while we're all here how this organization started, and what its purposes are? And why it's been operating for 40 years?

Mr. W. P. MITCHELL. While Mr. Dorsey is getting out his file, I'd like to make a further statement that in the newspaper quoting the State attorney general, he referred to us as "subversive" and either having an alliance with or representing foreign governments.

I, myself, have gone into the State of Mississippi and, except for a vacation to Virginia last year, in the last 10 years I haven't been north of South Carolina. Now I mean that actually as I said. So I believe that the men I work with, the men who form the cabinet of this organization, are working for what I conceive as good, sound American Government. And to be accused without any evidence—he found nothing to lead him to believe that—to be accused of being a subversive and being a representative of a foreign power is very frustrating and disappointing.

Mr. DORSEY. I would like to sum up what the Tuskegee Civic Association's objectives are. First, the Tuskegee Civic Association is approximately 42-43 years of age. These are the objectives of the Tuskegee Civic Association: (1) The intelligent study and interpretation of local and national trends and problems; (2) the selection and dissemination of useful civic and political data; and (3) intelligent and courageous civic and political action. That sums up the objectives of the Tuskegee Civic Association.

Senator JAVITS. Now who are the principals of this organization? What are their names?

Mr. DORSEY. The president is Mr. C. G. Gomillion.

Senator JAVITS. Where was he born?

Mr. DORSEY. South Carolina, I believe.

Senator JAVITS. Lived there almost all his life?

Mr. DORSEY. I don't know that. He's been at Tuskegee around 25 or 26 years.

Senator JAVITS. Has he been active in political affairs at all?

Mr. DORSEY. Yes; he has.

Senator JAVITS. Of what character?

Mr. DORSEY. He is active in that he has been associated with this kind of program within the Tuskegee Civic Association.

Senator JAVITS. To the knowledge of either of you, have any of your officers or any of your membership ever been members of the Communist Party? Or associated with it even before it became known as anything other than what was known as a political party?

Mr. W. P. MITCHELL. I will answer that.

Senator ALLOTT. Let's take it in pieces; it's a big question. Let's talk about your officers.

Mr. W. P. MITCHELL. The president has been accused in the paper of having been cited by the House Committee on Un-American Activities in the early forties, and of having been a sympathizer or some other allied terminology meaning that he perhaps favored an ideology other than our own.

He has stated publicly at one of the crusades-for-citizenship meetings which we hold weekly—he would talk frankly about this—and he has stated that if certain citations were in fact rendered, he has never been officially notified of it.

He did state that he had been a member of organizations which at the time of joining were not upon the Attorney General's list of those subversive organizations, but which were subsequently—I believe I'm quoting him correctly—listed.

And I would say this about Mr. Gomillion. Mr. Gomillion is a man of about 55 years of age. He is a dedicated, unselfish man who is interested in his profession, primarily a sociologist, and in the betterment of his community and surroundings in which he lives. I would dare say that there are many other individuals of high note who I might consider to be Communists before I would ever consider Mr. Charles G. Gomillion as a Communist.

Now about the other officers—there is Mr. Mitchell. He is a physiotherapist, father; he has a daughter who is a graduate, she is going to school right here at Howard.

I myself came from Mississippi, am 43 years of age, married, have a little girl 9 years of age, and I wouldn't trade the American principles for anything in the world.

There are others of us—the treasurer, a social worker, the chairman of the membership committee is a nurse. The chairman of the community-welfare program is formerly a professor; he's now in rehabilitation work. And so on. There aren't too many others, but I can't recall them at the moment.

I don't think that you could find any flaws in the characters and in the minds and the ideals of the men and women who are connected with this organization. We may make mistakes, yes; but I'm sure that they are honest mistakes, and they are not made with any intent to associate ourselves with anything other than the American ideal.

Senator ALLOTT. Well, that's all I wanted, because I knew this question would be raised, and I thought we might just as well get it out in the open here, and I'll leave it to my colleagues to develop.

Senator HUMPHREY. Senator, can we pinpoint this a little bit more? Has this organization, since the Supreme Court decision on schools, been under attack in the legislature or in the local community?

Mr. W. P. MITCHELL. We have not.

Senator HUMPHREY. Was it a respected institution?

Mr. W. P. MITCHELL. It was.

Senator HUMPHREY. Has it been readily received in the past in your community?

Mr. W. P. MITCHELL. It has been.

Senator HUMPHREY. So, as far as controversy over the association is concerned, the searching of your premises and the statements by public officials against your association, these are of recent times; is that right?

Mr. W. P. MITCHELL. That is correct.

Senator HUMPHREY. It all happened within the last week and a half?

Senator JAVITS. Excuse me, you mean that this legal contact with the law, as far as your association is concerned, it all occurred within the last week or two?

Mr. W. P. MITCHELL. That's correct. It started on July 25. There had been no attempt to smear or to say anything against the organization until the 25th of this month.

Senator HUMPHREY. What had you said as an organization? What position had you taken which would have brought down the wrath or the action of the constituted officials?

Mr. W. P. MITCHELL. It probably boils down to this: that the Tuskegee Civic Association decided when the citizens of Tuskegee were redistricted out of the city of Tuskegee—Negroes, that is—incidentally no whites were taken out, but some 410 or 420 were Negroes—that we needed to dramatize the situation, and we, therefore, held public meetings and forums.

That drew a lot of attention. Some three or four thousand people gathered each Tuesday—there would be either three or four thousand people a night in Tuskegee—to hear statements from various speakers.

That, the State officials apparently claimed, has been the reason the Negroes have abstained from trading with the white people in Tuskegee. And were we to stop that meeting, they seem to believe that the Negroes would again go back to town and trade with the white people in Tuskegee. And that is what it amounts to.

Senator HUMPHREY. In other words, when you decided to protest what you thought was an act of discrimination in terms of your voting rights and your residency rights, then the action of the attorney general took place. Is that right?

Mr. W. P. MITCHELL. That's right.

Senator HUMPHREY. And the criticism of your organization took place. Is that correct?

Mr. W. P. MITCHELL. That is correct.

Mr. DORSEY. This afternoon at 1:30, the Deputy Attorney General, MacDonald Gallion, was to have a meeting with all the merchants of Tuskegee in the courthouse. For what purpose? Of course, we don't know.

Tomorrow afternoon at 5 o'clock, the State senator, our State senator, and the president of the White Citizens Council will hold a meeting at 5 o'clock. The attorney general's office has not in any way attempted to offer us any relief from the problems with which we have been beset, but now it seems that he will go to the others and offer them.

Another point about this is that for many years the Tuskegee community has had Negro stores which have not been patronized by whites, and the honorable attorney general has not seen fit to attack the whites for not trading with the Negroes.

I'd like to point out a couple of other things along with this to bring to this meeting. Of course they have put the entire blame on the Tuskegee Civic Association. The first meeting, as Mr. Mitchell said, was on June 25. But prior to that time, the Macon Theater there has been closed for a number of years for lack of patronage, and I believe it was brought about because of a slowdown of business on the part of the Negroes in the town of Tuskegee.

The thing that seemed to crystallize the Negroes' resentment against this thing was an editorial in the Montgomery Advertiser on June 15, a Saturday, which stated after giving the preamble to the problem that when the white folks were faced with the choice of either going with the Negroes in protesting the enactment of this legislation or remaining with Sam Englehardt and keeping quiet, and by so doing giving their solid support to him, that they chose to stay with Mr. Englehardt. And as the editorial ended up, it said that the act on the part of the State senator had the unanimous support of the white citizens of Tuskegee.

We have petitioned in person and in writing to the mayor to speak out against the bill before its enactment and it was printed for 4 weeks in the local paper—the weekly paper.

The Negro ministers published an ad in the white paper informing the people and begging them to do something to show their disapproval of this bill.

We got in touch with certain favorable senators in the State legislature and tried to get them to come into our corner. But they said that since it was a local option bill, why of course it would receive unanimous approval, and they would lose prestige if they attempted to block it.

We got in touch with the Governor, and the Governor indicated more or less the same tenor of thought; that he could not do anything.

We, even as Mr. Mitchell might have told you, placed in the paper an open letter to the public about this size, to all citizens of Alabama and which we paid for, the association, asking them to get in touch with their representatives and have this bill recalled. Nothing came of that.

We even invited Senator Englehardt to one of our meetings—all this was before June 25 now—for the purpose of discussing with him the ramifications of his bill, and attempting to let him see our side of the story. He refused to come.

Now those were the things that occurred before the 25th.

But now other things which have led up to this simultaneous expression of the Negro citizenry of Tuskegee are these:

About 4 years ago, a law was passed which we vehemently protested, introduced by our own State and county Senator, which permits a teacher in a public school to be summarily dismissed without either a hearing, charges, or appeal if she is accused of talking or favoring integration.

The next thing is that in this community in which the Negroes have much the larger population, we have no good roads, although we pay, I think, very favorable taxes. On my house, I pay a tax in excess of $50 a year, in addition to all the other taxes. Then I pay $100 or so income taxes. But we have no good roads. We have attempted in various conferences to get these roads. We were told the money market is tight and it's been tight for some time; they don't see what they can do.

In addition to that, this is something that has concerned us greatly: we have in our community approximately 5,000 Negro children. We estimate that the whites have approximately 1,000. In the main city down there, they have a very beautiful outdoor swimming pool with a very beautiful clubhouse, and they have four full-time paid assistants. And these other kids go to the swimming pool and to this place to learn the arts and crafts. We Negroes are 86 percent of the citizens of the community paying taxes, and they are 14 percent.

We have petitioned them for facilities even in a manner which was not acceptable to us. We had petitioned them that the facilities for recreation in the city are not sufficiently large for all citizens, and since there is such a large increase in the population, we respectfully petition you to place an additional facility which may enable the entire citizenry in the community to have access to recreation facilities. We have been working on this with them for 2 years. To date, not even a shovel of dirt has been turned.

Senator JAVITS. You haven't even gotten equal but separate facilities here.

Mr. DORSEY. Now those are the things that finally moved us. When they put us out of the city limits and took our vote away from us, not one white person in the city of Tuskegee and in the State of Alabama to our knowledge said this is a moral wrong * * * it is illegal * * * this we should not do. No one rose up to say that, and we had no representation anywhere. Then it was that we decided to start our crusade for citizenship among our own people as an answer, and to let them know how we felt about it.

Senator NEUBERGER. Senator RUSSELL made a speech today on the Senate floor about availability of jury duty to the colored people in his own State, and particularly in the South. What is the situation with you people in Alabama insofar as your access to and privilege of sitting on the jury is concerned? The reason I include the question is because it's so pertinent to what the Senate is now discussing. I wish you'd tell us about it.

Mr. W. P. MITCHELL. Well, each time that we have either the spring or fall term of the court, the Negroes petition and subpena to appear for jury service. Usually about six, sometimes less, are called.

Senator JAVITS. How do they get the names? From a voting list? From a telephone book—or where?

Mr. DORSEY. The voting list, I presume. When we go to the courthouse, of course, we are usually along with 40 to 50 whites. However, when the time comes to hear the case, we do not have a Negro lawyer in Tuskegee—we have about 8 white lawyers—and it seems to be, from my observation, a gentleman's agreement that the Negroes are always struck, and we end up with a solid white jury each time.

I can't say it's a fact, but to my knowledge, and Mr. Mitchell and I have talked about it from his knowledge and memory, there has been no instance in which a Negro has served on a trial jury.

Now, on a grand jury, there's always one Negro on that. But on the petit jury—No.

There was even an instance where a friend of mine who was trial for something about a loan of money, of having not paid it back, said to his lawyer: "I see Mr. Dorsey up there in the jury panel—among the jurors. If you can get him on there when the case gets into the jury room, I'd feel at least that I'd get a fair hearing." And of course they start striking jurors, and he's right there with his lawyer. His lawyer—when they got to the number that represented Dorsey, they struck it. He said: "That is the name I told you to let stay on there; he might try to help our case out." And the lawyer told him, "I'd forgotten." Which gives further evidence to me that there is an understood system.

Now, of course, I'm only expressing an opinion; I don't know this, that we will not have Negroes, that they will always be struck off.

Senator ALLOTT. Do you know of any examples where a Negro has sat on a petit jury?

Mr. DORSEY. No.

Senator JAVITS. Now we ought to differentiate. Are you speaking of State courts?

Mr. DORSEY. Yes; State and circuit courts. They are on the same lists in many jurisdictions.

Senator JAVITS. Mr. Dorsey, can you give us a typical example of Tuskegee Civic Association activity before, one big activity?

Mr. DORSEY. Well, we have these various committees. We call this the executive chairmen, or the executive cabinet. We meet in a room which is approximately a fourth the size of this room, with a table not as long as this—about half the size of this table. We usually meet the first Tuesday of the month, and there we talk about things like discrimination, perhaps a little progress made here, some bill pending before either our State legislature or before the Federal Legislature—Government, and these various things, these problems that are being presented here. These committees work on them. They make a report of what they have been able to do.

Senator JAVITS. And that's what you did before?

Mr. DORSEY. Yes. And once a month we have a meeting in a church, and move from church to church so as to try to enlighten the people in the area of the church to which we went; instead of asking them to come to us, we went to them.

Senator JAVITS. I have one other question to ask you. What sustains you people under these circumstances? What keeps you going on a thing like this?

Mr. DORSEY. Well, No. 1 is this: I am a very firm believer that this is overwhelmingly a country, regardless of color, of good people, of people who believe in justice and fair play. And we live for the day ahead, not for ourselves, but for our children; that is really what sustains us—those two things. I believe that would be it.

Senator JAVITS. Thank you, Mr. Dorsey. Mr. Chairman, I would suggest we get a transcript of this and all the Senators who have attended this sponsor its insertion in the RECORD.

Senator HUMPHREY. I'd just like to ask, Did you say you were going to have a meeting tonight?

Mr. W. P. MITCHELL. Yes, sir.

Senator HUMPHREY. Do you think there will be any difficulty on that meeting?

Mr. DORSEY. We have heard that they might serve an injunction on us.

Senator HUMPHREY. What do you mean "they might"?

Mr. DORSEY. I mean the State attorney general, but we have no facts on that; it's just a rumor we've heard.

Senator HUMPHREY. Do the religious leaders in your community speak up on your behalf?

Mr. DORSEY. Only the Negroes.

Senator HUMPHREY. None other?

Mr. DORSEY. Well, one, the Catholic priest; he said he was 100 percent behind the meetings, the program, and that in any way he could help he would be glad to.

Senator DOUGLAS. This gentleman has been trying to ask a question.

REPORTER. Is it the position of the Tuskegee Civic Association that you are not fostering a boycott against the white merchants of Tuskegee?

Mr. DORSEY. That is correct.

REPORTER. Two: you have told us what the facilities were for registering Negro voters—that only two can be accommodated at a time. What are the facilities for registering the white voters?

Mr. DORSEY. The room is much larger than the one provided for Negroes.

REPORTER. How many can they accommodate?

Mr. DORSEY. They could easily accommodate as many as six or eight in the white room.

REPORTER. Have you ever seen it where they couldn't accommodate all the whites presenting themselves for registration?

Mr. DORSEY. I have not.

REPORTER. Three: you said a while ago you had not received a threat against yourself up until now, but now you're more in the limelight than you were. What do you think you might go home to? What do you think might happen to you now?

Mr. DORSEY. Well, I don't know. I would not like to hazard a guess.

REPORTER. Do you think you'll go back home to the same climate you left?

Mr. DORSEY. Well, I hope so.

Senator MCNAMARA. Maybe this is a silly question to raise, Mr. Chairman, but are there many Negroes on the registration boards in Macon County or in the whole State of Alabama?

Mr. DORSEY. There aren't any Negroes.

Senator MCNAMARA. In your community, there are five colored to one white?

Mr. DORSEY. That's correct.

Senator MCNAMARA. And you have no representation on the registration boards?

Mr. DORSEY. We have absolutely none—on any government body. Not on the board of education, or the city council, or the board of revenue, or any other government body. We have no say-so, although we are 86 percent and they are 14.

REPORTER. What does it do to the county as a whole to have the Negroes cut out of the town of Tuskegee? That leaves the county all white, I presume?

Mr. DORSEY. No; it doesn't leave the county all white. It means that in the county—now here's the situation—they have 4,671 persons; of that number they have about 2,600 that are registered voters. We have 28,000; and of that number we have approximately 1,100 voters. But now it only means this: that in the city elections for the councilmen, we no longer can participate except the 10 or 11 they left inside the city limits.

But we, of course, still can vote in the county elections and try to use our 1,100 votes to whatever advantage we see fit—that is, those of us who are free to do that.

REPORTER. In other words, this only cuts you out of the city elections?

Mr. DORSEY. Of the city—it doesn't disenfranchise us for the county elections.

Mr. W. P. MITCHELL. Senator Douglas, I wonder if I might read for your information, step by step, year by year, exactly the number of Negroes who made application, and the number who received certificates.

In 1951, 161 Negroes made application, and only 23 received certificates of registration. In 1952, 225 Negroes made application, only 52 received registration certificates. In 1953, 182 Negroes made application, but 28 received certificates of registration. And in 1954, 456 Negroes made application, and only 167 received certificates of registration. During those 4 years, 1,024 Negroes made application to become voters, but only 270 of that 1,024 were registered.

Senator CLARK. There was an 18 months' period where no one could register to vote—Negro or white. Did you hear any expressions of dissatisfaction in the white community about this?

Mr. DORSEY. No. We tried to get white persons to serve on the board, since it was generally known that the appointing officials said they would not appoint a Negro. We went around and asked white people: "Will you please offer your services to serve on the board of registrars so people who need to get registered might be registered?"

Question: What about white people who wanted to get registered and couldn't?

Mr. DORSEY. You must realize that out of 4,761 you only have very few white people who need to be registered.

Question: Most of them are registered already?

Mr. DORSEY. You have only 72 white persons in Macon County who are not registered.

Senator CLARK. Do you have permanent registration in Macon County?

Mr. DORSEY. We have permanent registration; once you register you remain.

Senator CLARK. Now Senator DOUGLAS has put in the records the figures which would indicate there are approximately 14,530 Negroes in Macon County 21 years of age or over in 1950—only about 1,100 registered. Would your experience indicate that those figures come pretty close to being correct?

Mr. DORSEY. They're correct.

Senator CLARK. Do either of you gentlemen know—I know you're not lawyers—where in the general vicinity of Macon County the Federal court would sit? Montgomery?

Mr. DORSEY. That's 40 miles.

Senator CLARK. That would be the closest? Do either of you gentlemen have any experience that would enable you to state whether Negroes are called for jury panels in the Federal court in Montgomery?

Mr. DORSEY. Yes, there have been instances where Negroes have been called. I cannot say whether they have served.

Senator CLARK. Do you have any information as to how the panels are selected for court duty?

Mr. DORSEY. I do not.

Mr. CLARENCE MITCHELL. Mr. Chairman, before the committee of Senators have to go, there is a distinguished delegation here of Baptist clergymen, headed by the Reverend J. Timothy Boddie—they have been over here and urging passage of this legislation. The Reverend Mr. Boddie would say a word of appreciation to you gentlemen for the work you've been doing on this civil-rights front.

Reverend BODDIE. Senator DOUGLAS, and Senators, we are very happy to have been privileged to come into this hearing, and I know that I'm expressing the sentiments of the clergymen for whom I speak, when I say we are indeed grateful to you for the considerate hearing that you are giving and for the time that you are serving, and for the interest that you are manifesting.

Of course we realize that you and all of us are concerned about making democracy work, and that in your anxiety to do that, you are putting yourselves, so to speak, on the altar to see to it that justice will eventually win and democracy will be available for all of us as citizens. I'd like for my comrades just to stand, and it indicates that those of us of the cloth are concerned about politics. We want to live on earth although our ideals are heavenly—at the same time we're concerned about what happens on earth. And we're concerned about being citizens of two kingdoms. For Jesus has said, "render unto Caesar the things that are Caesar's." But at the same time don't forget that you're members of another kingdom. I'm very happy to have this privilege to greet you and to attend this hearing.

Senator DOUGLAS. Thank you very much. Mr. Morgan——

Mr. MORGAN. What sort of questions were you asked when you were sent down to see the Attorney General which you did not answer; and, second, will one or both of you give us a very quick assessment of what's the situation in Tuskegee now relative to the nonbuying by the Negro citizens in the white stores?

Mr. W. P. MITCHELL. The questions asked were such questions as: "Are you the secretary of the Tuskegee Civic Association?" Which I refused to answer upon advice of our attorney. "Where is the location of the headquarters of the Tuskegee Civic Association?" And "Do you have a key to the files of the Tuskegee Civic Association?"

Senator HUMPHREY. Would you have placed your trust in a Federal district court judge, a federally appointed judge, to review the circumstances in the case and give you justice?

Mr. DORSEY. I believe we would more nearly get justice from the Federal judge than from a jury.

Senator HUMPHREY. Has this been a matter of some discussion among the people of your institute and in your association?

Mr. DORSEY. They have.

Senator HUMPHREY. Just one more question. A number of times I've heard criticism, in certain parts of the country, particularly in the South, about an organization which I am a member of, the National Association for the Advancement of Colored People. Is your association an affiliate of the NAACP?

Mr. DORSEY. The Tuskegee Civil Association has a life membership in the NAACP.

Senator HUMPHREY. It has a life membership?

Mr. DORSEY. Yes; it does.

Senator HUMPHREY. And are your officers members?

Mr. DORSEY. I couldn't answer that, because I don't know.

Mr. W. P. MITCHELL. The answer to that is: I think it was June 1 of last year the attorney general got an injunction, and without a jury the court placed a $100,000 fine upon the NAACP and put it out of business, because they wouldn't release their membership lists to them because it was thought if they did so they would be given to White Citizens Councils and cost numerous people their jobs.

Senator HUMPHREY. Did you have any jury trial on that one?

Mr. W. P. MITCHELL. No.

Senator HUMPHREY. In other words, the injunction and contempt were used in that instance to deny your membership?

Mr. W. P. MITCHELL. Yes, and it's still inoperative.

Senator HUMPHREY. You mean, it's still in operation.

Mr. W. P. MITCHELL. Yes. And one other thing I'd like to point out. The white southerners, especially in our State, put their confidence in the trial by jury procedure.

You know, there was more than one bomb connected with that Montgomery case. Well, last week—either last week or the week before last—I think it was last week, his trial was due to come up, but they postponed the trial to November because the courthouse was under renovation and it was too hot and something else—all of which seemed to me very trivial. But they did not, in my opinion, want another fiasco. One more mess might insure that we would get the bill which you gentlemen are attempting to sponsor.

Senator KUCHEL. Mr. Mitchell, in this prepared statement, do you suggest that for 18 months the publicly functioning board of registrars of Macon County was not actually functioning?

Are we to infer from that that the board during that 18-month period was functioning privately?

Mr. W. P. MITCHELL. No. I certainly didn't intend to infer that. But I would like to say this; that for a period of 4 or 5 months some years ago, the board did function, and we did not know about it.

Senator KUCHEL. Are you able to state, to make the record clear during that 18-month period, were any registrations effected by that board?

Mr. W. P. MITCHELL. We do not know. I couldn't answer that.

Senator KUCHEL. Now, on June 3, 1957, the board received applications from several Negroes who presented themselves.

Was that the same board that was appointed during the 18 months that it was not functioning?

Mr. W. P. MITCHELL. No.

Senator KUCHEL. Tell us about that.

Mr. W. P. MITCHELL. The board had only two members up until December of last year.

Senator KUCHEL. How many does the law provide that it should have?

Mr. W. P. MITCHELL. It must have at least two. The reason the board didn't function for 3 or 4 months of that 18-month period is because one of the board members was ill, and we could not get registration from him. That's what happened.

Senator KUCHEL. What happened to the three members of the board of registrars who had been appointed during the calendar year 1956 until June of this year? What happened? Did they resign——

Mr. W. P. MITCHELL. One resigned. One member was ill. We only had two members during 1956.

Senator KUCHEL. One of those resigned?

Mr. W. P. MITCHELL. One of those persons resigned. That left only one. Then they appointed one to work with that sick one. He was sick when they appointed this other one, and we still had no board of registrars. And finally the man died, I think on December 7. That left only one member. So finally, in May, I think of this year they appointed two additional members.

Senator KUCHEL. So to all intents and purposes your people in that area were personally not given an opportunity to comply with the laws of your State?

Mr. W. P. MITCHELL. No, they were not.

Senator KUCHEL. And it is your statement that when they were given the opportunity to register, the results statistically are as you outlined here that only a small proportion—

Mr. W. P. MITCHELL. About 25 percent, I imagine.

Senator KUCHEL. Were permitted to register.

Mr. W. P. MITCHELL. That's right.

Senator KUCHEL. Now, in attempting to answer some questions on this questionnaire, I think the gentleman who is with you there, Mr. Dorsey, said that if question No. 1, which is "State your name, date, and place of birth, and present address" was answered not in that sequence, the whole application would be thrown out. Is that the statement that you gentlemen make?

Mr. DORSEY. I made that statement.

Senator KUCHEL. Are there Negro citizens down there, Americans, who answered that question, but did not put it in the same sequence, whose applications were thrown out because of that?

Mr. DORSEY. That is correct.

I would like to refer to question 19. Question 19 says "Will you give aid and comfort to the enemies of the United States or the government of the State of Alabama?

It is our knowledge that one lady, one white lady, said "yes" and she was registered.

Senator HUMPHREY. This question is on part 4 of the pending bill. In connection with the right to vote, do you feel that your rights would be enhanced, that your rights would be better protected than in the present circumstances?

Mr. DORSEY. I most certainly do feel that.

Senator HUMPHREY. Do you feel that the United States District Attorney in your area, if this bill were on the statute books, would move in to protect your citizenship rights and the right to vote?

Mr. DORSEY. I certainly hope he would.

Senator HUMPHREY. You mean he would if he were directed by the Attorney General, would he not?

Mr. DORSEY. Well, I believe he would, if he were directed by Attorney General Brownell.

Senator HUMPHREY. What do you think would happen if you had to protect those rights—the right to vote—in a jury trial proceeding?

Mr. DORSEY. I wouldn't have much hope if any bill passed had jury trial.

Senator HUMPHREY. Why do you say that? I want just to push you a little bit on this.

Mr. DORSEY. Well, I say that because I've seen what has happened in most instances where Negroes are concerned with a white jury. You need only to remember what happened in Montgomery, where a company of men confessed that they had thrown bombs in Negro churches and Negro homes. And yet, even though they confessed they had done that, those men were acquitted.

Senator KUCHEL. Well, I will say this, Senator DOUGLAS. Of course, that is shocking; it's illegal. I'm talking now about answering a question which I assume the State law provides, but answering it in a different sequence. It's the sort of thing that this type of Federal law is designed to eliminate. Because, whether you answer in the sequence which you're asked here or otherwise, it is information that's valuable and I suppose completely relevant. But whether a person gives it backward or in a different sequence doesn't affect it at all. And, if that is true, that is so shocking I must say it's difficult for me to believe. That just makes a mockery out of the right to vote in this country.

Senator DOUGLAS. Before we close, are there any other questions from newspapermen or women?

REPORTER. I'd like to ask a final question, if I may. I'd like to know the approximate payroll of Tuskegee Institute and of the Veterans' Administration hospital and whether or not those institutions exercise any influence in the Tuskegee community?

Mr. W. P. MITCHELL. That's your department, Mr. Dorsey.

Mr. DORSEY. I am the chairman of the Economic Action Committee, and one of the things we try to do on the Economic Action Committee is to analyze income and encourage our citizens to use their money intelligently and frugally.

In our report for 1956 we stated that in our community it is estimated that we have a total yearly income of about $10 million. This was referring primarily, of course, to Negroes.

An analysis of probable use of the money results in a table which is given below. Federal income taxes, 15 percent and—I won't give the figures, I'll just give the percentage—Alabama income tax 2 percent (which amounts to about $200,000), sales tax, 1½ percent of the total income, and so forth.

Total taxes, 23 percent of our total income: $2,300,000.

In the area of purchases: Food 25 percent, housing 15 percent, automobiles 12½ percent, clothing 5 percent, utilities 5 percent, personal services one-half of 1 percent, other 4 percent. Total purchasing: 67 percent of total income: $6,700,000.

And the report says: "It would still be sufficient to be of service in making opportunities for discussions which could be of benefit to the entire community. In any area where your patronage is continuous and your expenditures are considerable, you should consider it your duty as a citizen of this community to question any practices which place one group of people at a disadvantage to another group. It is the American way to treat all persons alike. Just an inquiry into any practice which may be un-American may be sufficient to cause better working conditions and opportunities for many citizens of our community."

Now in the area of income which we saved, the money invested came to 10 percent or more, either in bonds, securities invested, or otherwise. This came to $1 million. And that's the total distribution of the estimated $10 million income.

To go a little further, in the closing paragraph we quote, I believe, from Ben Franklin, who said, "A penny saved is a penny earned." The report goes on: "Saving is a habit which will never let you down. That new coat or that color television set will cost you less if you pay cash for it. You can't pay cash unless you have the money already saved. By making cash purchases you save the amount of the carrying charges, insurance fee, and recording fee, which usually amounts to 10 percent."

That was the considered opinion of the income from the community in 1956.

Mr. W. P. MITCHELL. To answer the other part of your question as to what effect these two institutions have on the community, I would answer by saying that I don't think it has any and I don't think it should.

REPORTER. I asked "in the community," not "on the community."

Mr. W. P. MITCHELL. The VA hospital, it rightfullly stays out of these controversies.

REPORTER. I'm not talking about engaging in the controversy, but it would seem to me that the mere presence of a United States agency, with the large payroll, ought to have some ameliorating effect on the community.

Mr. W. P. MITCHELL. I can't answer that any further, other than the fact that I don't think it attempts to exert any influence on it.

Neither does the Tuskegee Institute, as an institution. There are individuals at the institution who do, but the VA hospital and the Tuskegee Institute do not.

Mr. DORSEY. And keeping the record straight, I'd like to say this.

A while ago, I got off on the recreational, or lack of recreational facilities. But I must say this in fairness; that the institute has a pool, an all-year swimming pool which is about 20 by 60 which they permit our children to use. But the pool is so small for the number of children, in fact, all they can do is stand up in there and clap their hands in the water. There isn't sufficient room for them to swim.

I have been paying for my daughter to go up there and for the lady who takes care of her to take her. I think she knows no more about swimming now than she did when she first went. She's a pretty alert child.

But when you talk to them about this need for recreational facilities they say, "Well, you use the school's facilities don't you?" That's a private institution. And of course they do not attempt to provide recreational facilities for us. But I wanted to say in fairness that we are not down there actually on the desert. We do have this little pool at the school that they permit us to use.

Senator DOUGLAS. Are there any other questions? Well, that concludes our conference. Thank you very much gentlemen. We are grateful to those who came from Tuskegee to share their information with us, and I also appreciate the time that Members of the Senate have been able to devote to hearing about this situation.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, August 8, 1957, he presented to the President of the United States the enrolled bill (S. 2217) to authorize the Secretary of the Army to sell certain lands at the McNary Lock and Dam project, Oregon and Washington, to the port of Walla Walla, Wash.

## AMENDMENT OF TENNESSEE VALLEY AUTHORITY ACT OF 1933—AMENDMENTS

Mr. COTTON submitted amendments, intended to be proposed by him to the bill (S. 1869) to amend the Tennessee Valley Authority Act of 1933, as amended, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. SALTONSTALL submitted an amendment, intended to be proposed by him to Senate bill 1869, supra, which was ordered to lie on the table and to be printed.

Mr. CASE of South Dakota submitted amendments, intended to be proposed by him to Senate bill 1869, supra, which were ordered to lie on the table and to be printed.

## RECESS

Mr. JOHNSON of Texas. Mr. President, if no other Senator desires to address the Senate at this time, I move that the Senate stand in recess until tomorrow, at 10 a. m.

The motion was agreed to; and (at 8 o'clock and 9 minutes p. m.) the Senate took a recess until tomorrow, Friday, August 9, 1957, at 10 o'clock a. m.

## NOMINATIONS

Executive nominations received by the Senate August 8 (legislative day of July 8), 1957:

IN THE REGULAR AIR FORCE

The following-named officers for promotion in the Regular Air Force under the provisions of section 8299, title 10, United States Code. All officers are subject to physical examination required by law.

*First lieutenant to captain*

MEDICAL CORPS

Darby, John P., Jr., 29868A.
Cummings, Leroy, J., 29869A.
Kalnitsky, Eugene, 29870A.
Richardson, Harold N., 29871A.
Hansen, Richard D., 29814A.
Seaman, David, 29872A.
Nitz, George K., Jr., 29873A.

DENTAL CORPS

Byerly, William T., 29891A.

NOTE.—Dates of rank of all officers nominated for promotion will be determined by the Secretary of the Air Force.

IN THE AIR FORCE

The following-named person for reappointment to the active list of the Regular Air Force, in the grade indicated, from the temporary disability retired list, under the

provisions of section 1211, title 10, United States Code:

*To be captain*

Richard T. Durkee, 19855A.

The following persons for appointment in the Regular Air Force in the grades indicated, under section 8294 of title 10, United States Code, as modified by section 1 of the act of April 30, 1956, chapter 223 (70 Stat. 119), with a view to designation, under section 8067 of title 10, United States Code, to perform the duties indicated, and with dates of rank to be prescribed by the Secretary of the Air Force:

*To be captain, USAF (medical)*

Arnold A. Abramo, AO3001614.
Sanford H. Anzel, O4050756.
Charles J. Beauchamp, AO3002443.
William H. Behrens, Jr., AO3042913.
Don R. Craine, AO2261643.
Wayne E. Garrett, AO2253713.
Frank E. Gill, AO1332202.
Charles J. Hammer, Jr., AO2202168.
David E. Langdon, AO3041854.
Lee R. Lumpkin, AO2050287.
Harold J. Mann, AO660380.
Terence F. McGuire, AO2261670.
Robert W. O'Conner, AO3002417.
Charles R. Preble, AO3002315.
John C. Sparks, AO3001900.
John H. Stone, AO1039233.
Fred W. Ten Eyck, AO3041675.
Ralph L. Tieszen, AO3042363.

*To be captain, USAF (dental)*

Harold C. Brest, AO2098305.
Jack M. Cullen, AO1120494.
Richard P. Ferguson, AO2261834.
Carl H. Freeborn, AO2261333.
John N. Harman, AO3000700.
Southern P. Hooker, AO672108.
James E. Lindenmuth, AO2238775.
Charles I. MacDonald, AO692325.
Bernard L. Rainey, O2267271.
Paul R. Traubert, AO1906482.

*To be first lieutenant, USAF (medical)*

Dominick J. Addonizio, AO3045934.
Richard A. Aldous, O2282907.
James B. Barker.
Jules H. Borger, AO3045962.
Frederick R. Brandlin, AO3074892.
Robert A. Broer, AO3045936.
Eugene V. Donohoe, AO3074726.
Thomas F. Ednie, AO3043232.
Richard L. Fields, AO3045943.
William F. Floyd, AO2215843.
David G. Fluharty, Jr.
Donald D. Gillespie.
Ronald I. Goldberg, AO3045947.
Phillip E. Green, AO3074776.
John J. Halki.
Dwight N. Halpern, AO2246926.
Joseph B. Hart, AO2283289.
John W. Hauzenblass.
Ervin W. Heiser, AO3074712.
Glen P. Johnston, AO3074770.
Albert J. Kahane.
Malcolm C. Lancaster, AO3045957.
Charles W. Lewis, 02282977.
John A. Maloof, Jr.
Harry H. Malvin, AO3074719.
Richard B. Marshall, AO3045685.
Clifford L. Mayhew, AO3045971.
Darrell W. McIndoe, AO3045961.
John J. McPhaul, Jr., AO3074756.
Charles F. Merwin, AO3045970.
Manford M. Oliphant, Jr., AO3076376.
James F. Reynolds, AO3074786.
Everett R. Rhoades.
Gomer W. Roberts.
Thomas J. Ryan, AO2246827.
Stanley M. Sinkford, AO2248184.
Robert N. Smith, AO2235524.
Freddie L. Snipes.
Melvin Stahl.
Charles B. Swelgard, Jr., AO3074728.
Earl R. Visser, AO3077013.
Robin A. Williamson, AO2229338.
Burke L. Winget, AO3045977.
Wallace B. O. Wong, AO3076438.

*To be first lieutenant, USAF (dental)*

Kenneth R. Berg, AO3075051.
Ronald B. Blackman, AO3075169.
Charles D. Body, AO3045001.
Donald L. Burns, AO3074907.
Edward E. Collins.
Raymond A. Croce.
Max B. Culler.
Gerhard B. Davidson, AO3074905.
Leonard J. Drazek, AO3078460.
Jack Edwards, AO3074949.
Robert A. Fike.
Albert W. Ford, AO3074948.
Thomas A. Foreman, AO3075152.
Charles C. France, Jr., AO3075758.
George W. Greco.
Richard J. Haffner.
Charles E. Hallum, AO3074946.
Joseph E. Hamrick, AO3074945.
Richard B. Hancock.
Henry S. Johnson, Jr.
Robert P. Johnson, AO3043313.
Jack E. Jordan, AO3075497.
Thomas R. Kampsen.
Arthur L. Mensolillo, AO3077233.
Robert P. McGraw, AO3042471.
Paul J. Minnillo, AO3042891.
William R. Murray, AO3075360.
Donald R. Myers, AO3075206.
Louis M. Orzolek, Jr.
William R. Patteson.
Carl M. Regenfelder.
Jerry D Richey, AO3075172.
John W. Ricketts, AO3075213.
Roland H. Rue.
Frank P. Rymarz.
John M. Schreiber.
Philip R. Snow, AO3074936.
Wilbur R. Spettel, Jr., AO3075205.
Duane W. Stanford, AO3074934.
Harvey A. Strand, AO3075412.
Donald G. Swiatkowski, AO3077622.
James M. Terry, AO3074982.
Robert B. Thompson, AO3075362.
Wesley P. Titterington, AO3074932.
Joseph W. Wall, Jr., AO3042467.
Karl Weinacker, AO3074931.
Kenneth C. Wise, AO3045824.

The following-named persons for appointment in the Regular Air Force, in the grades indicated, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of title II, Public Law 737, 84th Congress (Armed Forces Regular Officer Augmentation Act of 1956), with a view to designation, under section 8067 of title 10, United States Code, to perform the duties indicated:

*To be captain, USAF (chaplain)*

James T. Colson, AO2261617.
Luther T. Gabrielsen, AO2261603.
Kenneth D. Summy, AO2261572.

*To be first lieutenant, United States Air Force (medical service)*

William L. Adkins, AO2213718.
James R. Bellor, AO2262047.
James D. Christianson, AO3000017.
Charles L. Darling, AO2221041.
Abel M. Dominguez, AO3043552.
Robert M. Edwards, AO3010319.
Dean A. Garrett, AO2214936.
Floyd H. Holmgrain, Jr., AO2217474.
Halbert J. Hopper, AO3013115.
George A. Kaye, AO2238723.
Francis J. Kehoe, AO3000085.
Rudolph A. Lucchesi, AO3012268.
Barton R. Marschall, AO2262026.
Paul E. Mullen, AO3000104.
Charles H. Powell, AO2235087.
Billy F. Simmons, AO3000002
Stewart E. Stiling, AO1859910.
Richard C. Suchenski, AO3015496.
Ray M. Teems, AO998126.
Russell J. Thomas, AO3010879.
John J. Volkenant, AO2237074.

*To be second lieutenant, United States Air Force (medical service)*

Robert V. Aaron, AO3002368.
Peter DeStefano, AO3043779.
John W. Hankins, AO3001890.
Donald D. Higgins, AO3002190.
Frank M. Mugford, AO3030724.
Harry Rosenthal, AO3030342.
Ronald V. Slagel, Jr., AO3002083.

The following-named persons for appointment in the Regular Air Force, in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 8291, title 10, United States Code, with a view to designation for the performance of duty as indicated under the provisions of section 8067, title 10, United States Code:

*To be first lieutenant, USAF (nurses)*

Janett B. Barbee, AN2244502.
Barbara J. Berge, AN2241766.
Patricia D. Brown, AN2244253.
Ann L. Burkhardt, AN1907220.
Mary J. Byrnes, AN2244164.
Ruth J. Carrell, AN2241640.
Dorothy J. Cavil, AN801363.
Carmen V. Chavez, AN2214353.
Gladys I. Cochran, AN2244321.
Betty M. Davis, AN1912990.
Virginia A. Donahue, AO2244247.
Erma J. Dozier, AN764741.
Dorothy E. Goetz, AN1912715.
Elizabeth M. Goetz, AN2244350.
Chikako J. Hara, AN2243976.
Helen C. Hendon, AN2242207.
Shirley J. Herring, AN2242069.
Jewel M. Kenny, AN792914.
Phyllis L. Lydon, AN2241583.
Mary P. Maguire, AN2243664.
Helen A. Maslanka, AN2243886.
Jean M. Migliorino, AN2242125.
Helena E. Moran, AN2244542.
Neva D. Oneal, AN3045928.
Elma J. Powell, AN2243636.
Blanche A. Ricco, AN2241959.
Rosemary Richardson, AN2242906.
Elsie V. T. Richey, AN1906761.
Lucille M. Riepenhoff, AN3044970.
Rosemary Ryan, AN2242313.
Charlotte E. Sanderson, AN2243703.
Iva L. Simpson, AN2214333.
Margaret P. Smith, AN1912880.
Elsie T. Strait, AN2244095.
Happy S. Taketa, AN3045073.
Ernestine S. Truitt, AN2242443.
Olive Y. Voyer, AN2244128.
Florence E. White, AN2244291.

*To be first lieutenant, USAF (medical specialist)*

Julia E. Collins, AM2241092.
Wilma J. Lindberg, AJ2240245.
Pauline Potts, AM3043684.
Lorraine E. Stuckman, AM2240673.

The following-named persons for appointment in the Regular Air Force, in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of title II, Public Law 737, 84th Congress (Armed Forces Regular Officer Augmentation Act of 1956):

*To be first lieutenant*

Roderick B. Adams, AO3020673.
William L. Ahls, AO3021370.
James W. Alford, AO3020395.
Robert B. Anderson, Jr., AO3008315.
Theodore M. Anderson, AO3019262.
James F. Bailey, AO3008318.
Robert E. Balderston, AO3020646.
Arnold P. Ballantyne, AO3019620.
Gordon A. Beals, AO3011214.
Donald D. Binford, AO3018909.
Charles P. Birch, AO3033998.
William J. Boning, AO3012042.
Edward E. Bozik, AO3035065.
Gordon L. Brannon, AO3035462.
James E. Briggs, Jr., AO3042730.
Herbert F. Brightwell, AO3024520.
Whitney J. Broussard, AO3033707.
Alfred D. Brown, Jr., AO3020104.
Lawrence A. Brown, AO3033734.
John E. Buchanan, AO3008328.
Jay F. Buechley, Jr., AO3035637.
Jerry M. Bullock, AO3013793.

Charles L. Burch, AO3011173.
Colin R. Burgert, AO3017182.
Andrew J. Callihan, Jr., AO3034086.
Bruce G. Campbell, AO3035500.
Frank P. Carter, AO3018269.
Jesse R. Cobb, AO3034980.
George B. Cortelyou III, AO3034935.
Leonard G. Courchesne, AO3034697.
William E. Coward, AO3035806.
Roger R. Cowell, AO3033932.
Gerald N. Cozort, AO3006808.
Donald L. Curry, AO3004458.
Raymond J. Curtis, AO3017563.
Bobbie A. Dayberry, AO3034355.
Charles W. Dickens, AO3020241.
James A. Dingman, AO3035218.
Jerry D. Doty, AO3021215.
Barent C. Dutcher, AO3020902.
William R. Edwards, AO3034581.
William W. Edwards, AO3008338.
Warren L. Efting, AO3034101.
James H. Eldridge, Jr., AO3034197.
Oliver H. Entwistle, Jr., AO3011905.
Paul W. Feilner, AO3008340.
Delle L. Ferris, AO3020970.
Herbert A. Finkelstein, AO3035404.
Hubert K. Flesher, AO3035433.
Gerald P. Foss, AO3034202.
Arthur I. Freed, AO3023703.
Wilbert E. Gersch, Jr., AO3034371.
Dean O. Gilstrap, AO3034206.
William F. Gish, AO3008346.
William T. Gorman, AO3021057.
Frank A. Gould, AO3023721.
Ellis P. Greene II, AO3004408.
Cyril L. Greig, AO3035318.
Orin A. Grigsby, Jr., AO3034150.
Daniel M. Grove, Jr., AO2208205.
Larry M. Hadley, AO3021059.
Richard H. Harriman, AO3035561.
Parkin K. Hayes, Jr., AO3015109.
Charles J. Henshaw, AO3017826.
William G. Higginbotham, Jr., AO3019942.
Richard E. Hockenberry, AO3034154.
Bryce A. Hogue, AO2208346.
Charles B. Holding, Jr., AO3021022.
Ronald D. Holly, AO3034522.
Charles J. Hullinger, Jr., AO1865380.
George A. Irvin, AO3034157.
Herman W. P. Jarrett, AO2207603.
Leonard M. Johnson, AO3008357.
Joe J. Jones, AO3020729.
John S. Jordan, AO3035794.
Marvin B. Keene, AO3035182.
Ted R. Keith, AO3033892.
George H. Kerr, AO3021229.
James L. King, AO3019543.
Peter B. King, AO3014501.
Bobby J. Kirkland, AO3033794.
Bernard R. Knapic, AO3020453.
Robert B. Koon, AO3035286.
Roger T. Kozuma, AO3018739.
Walter E. Kramer, AO3034886.
Ray A. Kropp, AO3020953.
William C. Kroskob, AO3033897.
Richard L. Krulik, AO3034021.
Robert E. Lee, AO3020732.
Glenn B. LeMasters, AO3010450.
Thomas J. Lewin, AO3020407.
William B. Lewis, AO3034076.
James G. Ling, AO3000190.
Bertil E. Lofstrom, AO3019930.
Ronald H. Lueneburg, AO2208212.
Richard E. MacCormack, AO3013856.
George G. Main, AO3019097.
William H. Marley, AO3019906.
Louis C. Marsh, Jr., AO3008367.
George M. Marshalek, Jr., AO3035184.
Allen S. Mason, AO3021067.
Brian K. McCallum, AO3033901.
Ewell E. McCallum, AO3015562.
Ward A. Meyer AO3034230.
George F. Mosey, AO3034952.
Donald L. Muir, AO3021100.
Max H. Mullen, AO3021071.
Charles P. Nadler, AO3024409.
Wayne A. Nast, AO3020131.
George J. Nicoloff, AO3035782.
Phillip M. Nye, AO2206109.
Ralph A. Ovitt, AO3019143.
Wesley D. Owens, AO2209196.
Edwin L. Parker III, AO3034547.
James L. Patterson, AO3034382.
Ronald E. Pawlak, AO3008393.
Richard Petersen, AO3024242.
Robert O. Petty, AO3015206.
Lyle C. Pierson, AO3020982.
William J. Praus, AO3009369.
Edward G. Quinlan, AO3034553.
Nathan J. Radogna, AO3034457.
Herbert E. Ray, AO2237315.
Charles K. Redlack, AO2207778.
William M. Reed, AO3020957.
William L. Reeder, AO3034037.
James D. Reid, AO3034080.
Donald M. Remington, AO3021323.
Donald R. Reynolds, AO3034943.
Kenneth E. Reynolds, AO3033852.
Mark R. Richards, AO3034039.
Joseph G. Ridgway, AO3020863.
Arnold J. Ross, AO2207193.
Robert M. Ross, AO3033952.
Fredric E. Roth, AO3021396.
Lamont E. Rousseau, AO3034042.
Donald J. Rowley, AO3033912.
John A. Rummans, Jr., AO3009089.
John S. Rumph, AO3035536.
Alan F. Rush, AO3019202.
John E. Ryan, AO3033872.
Blake E. Sanders, AO3020799.
Scott P. Schaffer, AO3019280.
Donald M. Schafroth, AO3013011.
Edward P. Schmit, Jr., AO3020987.
David A. Schulze, AO3033855.
Richard N. Schwartz, AO3016257.
John E. Scott, AO3020988.
Milton N. Shifflett, AO3008414.
Charles E. Shinnick, AO3016795.
Robert M. Sichel, AO3034944.
Ted L. Skeans, AO3015216.
Willis G. Skroch, AO3035249.
John K. Slater, AO3034048.
Donald L. Smith, AO3021146.
Jerry A. Smith, AO3034860.
Loranzo D. Smith, AO3008420.
Orlando F. Smith, AO2204788.
Robert L. Smith, AO3033875.
Joe H. Snow, AO3035058.
Thomas W. Sumpter, Jr., AO3033732.
Lynn A. Swensen, AO2207198.
John A. Swindlehurst, AO3034760.
Steven R. Tarochione, AO3010124.
Charles D. Taylor, AO3034467.
Robert W. Thatcher, AO3008425.
Noel R. Thomas, AO3008427.
Stanley L. Tippin, AO3021327.
Gary H. Ulrich, AO2207513.
Robert E. Uptmor, AO3021427.
Leroy F. Vandegrift, Jr., AO3021265.
Gerrit H. Van Vliet, Jr., AO2207203.
George M. Vartanian, AO3035830.
Ray Y. Walden, Jr., AO3034867.
Archibald S. Waller, Jr., AO3034257.
James P. Walsh, Jr., AO3034056.
Phillip J. Wendt, AO3035309.
Roy T. White, AO3035617.
Giles W. Willis, Jr., AO3020478.
William W. Winkeler, AO3034871.
Clement A. Yannacone, Jr., AO3034137.
Don W. Youatt, AO3016944.

The following-named distinguished graduates for appointment in the Regular Air Force, in the grade of second lieutenant, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of title II, Public Law 737, 84th Congress (Armed Forces Regular Officer Augmentation Act of 1956):

*Distinguished officer candidate graduates*

Maynard F. Allington, AO3056483.
Jack T. Montgomery, AO3056652.
Robert D. Morrissey, AO3056655.
James M. Robinson, AO3087485.
Donald R. Spiegel, AO3087489.

*Distinguished aviation cadet graduates*

Floyd R. Anderson, AO3066542.
Robert L. Baker, AO3066223.
Joseph C. Bamert, Jr., AO3065936.
Thomas G. Cain, AO3066279.
Donald R. Calvert, AO3066188.
Irvin L. Caplan, AO3066376.
David W. Cowan, AO3066482.
Keith E. Davey, AO3080069.
Bernard R. DeKeyser, AO3066330.
Harold G. Denison, AO3066202.
William E. Dickson, Jr., AO3080078.
David S. Dondero, AO3066368.
Raymond L. Fulton, Jr., AO3066307.
Leo V. Gates II, AO3066527.
Robert Gutchess, AO3066282.
James F. Hagen, AO3080100.
Alan B. Hale, AO3065717.
James T. Haliday, AO3080101.
Harrold G. Harrison, AO3066311.
John J. Heffernan, Jr., AO3066353.
Ronald A. Hocker, AO3066612.
Warren W. Kmetz, AO3066534.
Luther E. Lambert, AO3066659.
Bobbie J. Landers, AO3066373.
Roger P. Ley, AO3066432.
Fred W. Luethke, Jr., AO3080090.
Edward L. McDonald, Jr., AO3066333.
John W. McKinzie, AO3080089.
Robert H. McQuady, AO3066614.
Henry M. Mihelcic, AO3066593.
Alphonse C. Mokerski, AO3066640.
Frederic T. Morelle, AO3066214.
Don L. Morris, AO3066355.
Frederick G. Muesegaes, AO3066571.
John F. Overlock, AO3080038.
Donald C. Patch, AO3066339.
Richard A. Pierson, AO3066619.
Larry Schwartzman, AO3066670.
Allan F. Sovereign, AO3080119.
Rodger L. Stemler, AO3066344.
Ronald G. Twells, AO3066642.
Henno Uus, AO3065976.
Billy M. Washam, AO3080063.
Charles J. Wilson, AO3066577.
George N. Zigelhofer, AO3066578.

Subject to medical qualification and subject to designation as distinguished military graduates, the following-named distinguished military students of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force in the grade of second lieutenant, with dates of rank to be determined by the Secretary of the Air Force under the provisions of title II, Public Law 737, 84th Congress (Armed Forces Regular Officer Augmentation Act of 1956):

Fred F. Abbott
William C. Albritton
Kenneth B. Alexander
Robert L. Allen
James F. Allison
Willie Alsup III
Alan H. Anderson
David W. Andrews
Robert E. Anton
Walter W. Appelle, Jr.
Michael E. Archer
Clarence R. Autery
James R. Ayers III
Alphee A. Babineau
Bennett D. Baird
Jerome J. Banaszak
Monroe D. Barber
Howard L. Barden
Charles W. Bartholomew
Richard W. Bateman
Carl M. Baumgardner
Douglas N. Beatty
Donald D. Beckham
Billy B. Bedford
William A. Beebe
Walter L. Bellcourt
Palmer A. Bergh, Jr.
Roy E. Bergstrom
Ronald P. Bernasconi
Herbert T. Black, Jr.
Jap W. Blankenship
William M. Blatchley
Ernest G. Bogue
Clyde T. Bolen, Jr.
Patrick E. Bolger
Donald J. Boveri
Glen L. Bowers
Rodney H. Brady
Robert G. Bratton
James H. Breaux
William O. Breedlove
III
Henry J. Brewton III
Thomas H. Briggs, Jr.
Paul A. Brown
Troy M. Brown
Tom W. Brumfield, Jr.
Allen G. Burgess
James L. Burton, Jr.
Norman A. Butterfield
William B. Byrne, Jr.
Hylas H. Cade, Jr.
John D. Cain
Hugh G. Caldwell
William K. Carlson
Charles C. Carpenter
Leon A. Carpenter III
Gary K. Carroll
Glenn E. Carter
Harold D. Casleton
Don E. Chesnut
James R. Chumney, Jr.
Carl F. Clair
Paul T. Claymore
James E. Cliatt III
Ronald C. Cline
Dalton H. Cole, Jr.
Robert D. Colman
Kenneth O. Combs
Bryan R. Conn
Charles R. Connaughton
Hardtner L. Coon
Charles V. Corder, Jr.
Parris L. Corley
Vaughn S. Corley
John R. Cory
Terrance R. Craig

Frederick S. Cramer
Robert B. Crist
Edward J. Croke
Stanley B. Crockett, Jr.
Hugh M. Crull, Jr.
Bruce H. Cunningham
Wayne O. Dailey, Jr.
Thomas S. Davidson
Frank H. Dawson, Jr.
Perry L. Deal
Joseph S. DeBiasi
Bryan W. Dedeker
Philip A. Deering
Rolf F. Dehmel
Murray B. Denton
David W. Dickes
David C. Dillon
Boyd D. Dollar
Peter H. Dolliver
Silvio L. D'Orazio
Robert A. Duce
Dennis L. Du Vall
Dennis M. Dwyer
Thomas R. Dye
Harry A. Ecker
Donald H. Edwards
Roger S. Edwards
Willis E. Einsel
Dudley R. Ericson
Edward P. Farrell, Jr.
Thomas R. Ferguson, Jr.
John F. Fleckenstein
Leroy C. Foerster, Jr.
Kenneth P. Fountain
Alan Fox
Robert J. Fox
Joseph M. Franco, Jr.
Philip K. Frederick, Jr.
Norbert W. Frische
Roger A. Fritch
Jay G. Fromer
John W. Frye, Jr.
Buren G. Galbraith
Bernard A. Gardetto, Jr.
Robert A. Gardner
Robert W. Galley
Francis R. Gauthier
Robert T. Gelber
Robert L. Genua
William A. Gericke, Jr.
James N. Giles
Page W. Glasgow
Conrad C. Gonzales
Richard J. Gowen
Jay T. Grafmiller
Harry J. Grim
Donald H. Gucker
Frank D. Hardee
Allan W. Harned
Kenneth D. Harper
Cyrus R. Harrington, Jr.
Harry G. Harris
Norman L. Harris
James C. Harten
Earl L. Heacock
Arthur J. Heidrich, Jr.
Adrian C. Helms
Ronald F. Henderson
Larry E. Hofmann
George J. Hoke, Jr.
Thomas J. Hollarn
James E. Holmes
Larry G. Hoskins
Robert G. Hoskins
Pete Huddleston
Doyle L. Hulme
Charles H. Humphrey, Jr.
John A. Hurley
Kirk S. Irwin
Paul S. Israel
Neil W. G. Jacobs
Curtis R. James
Larry G. James
Paul Janota
James D. Jeffcoat
Paul M. Jeglum
Robert E. Jobe
Daniel J. Johnedis
Gordon L. Johnson
Kenneth B. Johnson
Tony M. Johnson
Vardaman F. Johnson
Warren B. Johnson, Jr.
Edmund B. Jones
Malcolm M. Jones
Richard W. Jones
Robert T. Jones
Robert W. Jones
Warner E. Jones
Albert F. Kaelin, Jr.
Andrew J. Kavanagh
Kirby M. Keahey
John M. Keenan
Arden S. Kile
Joseph R. Kilner
Byron W. King
William J. Kleinbauer, Jr.
Duane E. Knutson
Milford H. Knutson
Ralph N. Knox
Alfred D. Koeller
Paul A. Kolacz
Robert J. Koontz
Christopher D. Koss
Delbert L. Kramer
Donald B. Kromer
Larry D. Krull
Robert M. Kuhar
Vincent W. Kulickowski
William P. Lambert
William B. Lance
Martin C. Lang
Lloyd H. Langston
Lawrence G. Larkin
James W. Laswell
George T. Lathrop
Howard C. Lawrence
Norman W. Lee, Jr.
Paul M. Lee
Robert D. Lehner
George C. Letton, Jr.
William H. Lewark, Jr.
Howard B. Lewis
Robert C. Limburg
Harold B. Lineberger
Richard J. LoBuglio
Charles K. Lovelace
Richard H. Lukstat
Jack H. Lunsford
Edward A. Lyon, Jr.
Vernon M. Malahy, Jr.
Lawrence R. Maloney, Jr.
Humboldt C. Mandell, Jr.
Frank V. Mann
Martin D. Martin
John C. Mattern, Jr.
Richard C. Mattison
Robert E. Mayo
Lester L. Mays
John A. McAndrews, Jr.
Gaylord A. McCallson
John H. McCord
Ernest L. McFarland
John J. McGrath
William G. McKoy, Jr.
Floyd A. McLaurin
Bruce H. McMillan
Donald W. Meador, Jr.
Douglas H. Merkle
Peter Merrill
Kirby T. Meyer
Harold W. Miller
William L. Miller
Philip E. Mills, Jr.
Donald L. Moore
Wesley I. Mowry
Richard N. Muerle
Robert R. Murphy
Michael M. Nagaji
Harold R. Neal
Leon C. Nedbalek
Keith E. Nelson
Maxwell H. Newport
Leland M. Nicolai
Henry A. Olender
Stanley Orr
Larry F. Parker
Richard H. Parry
Jean A. Paul
David W. Peck
Carlo J. Pedron
Charles G. Pettit IV
Joseph W. Phillips, Jr.
Victor G. Pierson
James L. Platt
Robert J. Pomajevich
David R. Porter
Milton L. Posey
Neils R. Poulsen
William E. Pyle
Lawrence M. O'Rourke
Billy R. Ratledge
Bobby J. Ratledge
Morris Ratliff
William K. Rector, Jr.
David Z. Richards
David G. Riemer
David A. Ritmiller
William W. Roath
Albert C. Roberts
Gardner L. Robinson
Francis D. Rogers, Jr.
Jarle E. Rokke
Charles N. Rollinger
William B. Rowe
Richard T. St. Amant
Gilbert K. St. Clair
Albert C. Salvato
Nelson H. Sanders
John R. Sandhop
Gordon S. Sargent
Harold Sattler
Wayne E. Schake
John R. Schneider
William M. Scott
Oscar V. P. Sessoms III
Frank W. Sharbrough
Volney G. Sigmund
Russell A. Simpson
Earle K. Smith, Jr.
James P. Smith
Harold C. Smullen II
Jonathan H. Snead
Elmore W. Snyder III
Ronald B. Soltis
William L. Sparks
Karl J. Springer
Walter Stagg, Jr.
William T. Stallings
Arnold C. Stern
Gerald W. Street
Jack W. Strobel
Charles M. Summers
Gustavus M. Supe, Jr.
Arthur F. Surovic
Richard C. Swainston
William D. Swenson
John B. Tanner
John H. Taylor
C. Morris Terry
Donald W. Tharp
Allan R. Thomas
Jack W. Thomas
E. Joseph Thompson
Leroy W. Thornal
James S. Tinsley
Baxter H. Turnage, Jr.
Patrick W. Vaughan, Jr.
John R. Velman
Thomas A. Vetter
Joseph A. Vittone
William D. Von Gonten
Richard W. Von Hake
Roy A. Walker
Richard M. Wall
Robert M. Walsh
James E. Wanamaker
George L. Warner
Richard L. Waters
William W. Watkins
John A. Webb
James G. Welsh
John W. Welsh
Donald H. White
Edwin P. Whitfield, Jr.
Bruce Williams
Charles B. Williams
David L. Wilson
George N. Winn
George M. Winston
Bruce M. Wood
William M. Wood
Scott D. Woodfin
Elvin Woodroof, Jr.
John C. Woolf
Howard D. Young
Gary L. Zaiser
Richard A. Zuegel

## CONFIRMATION

Executive nomination confirmed by the Senate August 8 (legislative day of July 8), 1957;

UNITED STATES ATTORNEY

James L. Guilmartin, of Florida, to be United States attorney for the southern district of Florida for a term of 4 years.

# HOUSE OF REPRESENTATIVES

## THURSDAY, AUGUST 8, 1957

The House met at 11 o'clock a. m.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou who art the guiding spirit in the life of men and of nations, we rejoice that Thou art always seeking to lead us in the ways of peace and righteousness.

Grant that we may follow Thy leading more eagerly and willingly for hitherto Thou hast blessed us and we have found Thee faithful unto all Thy promises.

We humbly confess that daily we greatly need Thee, in our weakness to strengthen us, in our sorrow to comfort us, in our times of success and prosperity to keep us from pride and presumption.

Show us how our character and conduct, our example and influence may be a blessing to others; where there is darkness may we be messengers of light; where there is fear may we be ambassadors of courage; where there is doubt and worry and anxiety may we be the heralds of hope and a better day; where there are hearts that are bruised and broken may we minister unto them with the healing balm of sympathy and consolation.

In Christ's name we offer our petitions. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. McBride, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 342. Joint resolution granting the consent of Congress to an agreement or compact between the State of New York and the Government of Canada providing for the continued existence of the Buffalo and Fort Erie Public Bridge Authority, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6127. An act to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 46. Concurrent resolution relative to proceedings on H. R. 5707, an act for the relief of A. C. Israel Commodity Co., Inc.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 959) entitled "An act to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. JOHNSTON of South Carolina, Mr. HOLLAND, Mr. AIKEN, and Mr. YOUNG to be the conferees on the part of the Senate.

## CALL OF THE HOUSE

Mr. HAYS of Ohio. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 179]

| | | |
|---|---|---|
| Anfuso | Hillings | Preston |
| Beamer | Holtzman | Prouty |
| Bentley | Kearney | Reed |
| Breeding | Kilburn | Roosevelt |
| Brownson | McConnell | Taylor |
| Buckley | Mailliard | Van Pelt |
| Curtis, Mo. | Mason | Vinson |
| Dague | Miller, N. Y. | Wilson, Calif. |
| Dawson, Ill. | O'Konski | Wright |
| Diggs | Porter | |
| Gray | Powell | |

The SPEAKER. On this rollcall 404 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## COMMITTEE ON TRAFFIC SAFETY

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Traffic Safety may be permitted to sit this afternoon during general debate in the House to hear an important witness from out of the city.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

## EXTENDING THE LIFE OF THE COMMISSION FOR A NATIONAL CULTURAL CENTER

Mr. MORRISON. Mr. Speaker, I call up the conference report on the bill (H. R. 4813) to extend the life of the District of Columbia Auditorium Commission, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (TO ACCOMPANY H. R. 4813)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4813) to extend the life of the District of Columbia Auditorium Commission, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That the Act entitled 'An Act creating a Federal commission to formulate plans for the construction in the District of Columbia of a civic auditorium, including an Inaugural Hall of Presidents and a music, fine arts, and mass communications center', approved July 1, 1955, as amended, is amended—

"(1) by striking out in subsection (a) of the first section of such Act 'District of Columbia Auditorium Commission' and inserting in lieu thereof the following: 'Commission for a National Cultural Center';

"(2) by striking out in subsection (a) of the first section of such Act 'national civic auditorium' and inserting in lieu thereof: 'national cultural center';

"(3) by adding at the end of the first section of such Act the following new subsections:

"'(f) The Commission shall continue in existence until the construction of the national cultural center referred to in subsection (a) of this section has been completed.

"'(g) The Commission is authorized to sell (1) copies of the report and recommendations which it made to the President and to the Congress pursuant to the provisions of subsection (c) (4) of this section, and (2) any other publications which it might prepare in carrying out its duties under this Act. Any receipts from the sale of any copies of such report, recommendations, and other publications by the Commission shall be deposited in the Treasury of the United States and credited to the current appropriation available for salaries and expenses of the Commission.'

"SEC. 2. Such Act is further amended by redesignating section 3 as section 4, and by inserting after section 2 a new section as follows:

"'SEC. 3. The Administrator of General Services shall (1) acquire by purchase, condemnation, gift, or otherwise, the land and any improvements thereon situated in that area of the District of Columbia commonly referred to as "Foggy Bottom—South", and more particularly described in the report submitted by the Commission to the President and to the Congress on January 31, 1957, and (2) make such area available to the Commission as a site for the construction of the national cultural center as provided in subsection (a) of the first section of this Act. Any right, title, or interest in and to any land or improvements thereon situated in such area which is held by any agency of the Government, other than the General Services Administration, shall be transferred without reimbursement or other monetary consideration by such agency to the Administrator of General Services for use in accordance with clause (2) of the preceding sentence.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

JIM MORRISON,
ABRAHAM J. MULTER,
KATHRYN E. GRANAHAN,
CARROLL D. KEARNS,
*Managers on the Part of the House.*

WAYNE MORSE,
JOSEPH S. CLARK,
CLIFFORD P. CASE,
*Managers on the Part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4813) to extend the life of the District of Columbia Auditorium Commission, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute. The differences between the House bill and the conference substitute are noted in the following statement except for one minor clerical amendment:

NAME CHANGE

Paragraph (2) of the Senate amendment changed the name of the "national civic auditorium" in the Act of July 1, 1955, to the "national cultural center." The House bill contained no such provision.

The conference agreement incorporates the Senate amendment without change.

Paragraph (3) of the House bill extended the life of the Commission for a National Cultural Center until the completion of the construction of the civic auditorium.

The Senate amendment is identical with the exception that the "civic auditorium" referred to in the House bill was designated in the Senate bill as the "national cultural center."

The conference agreement incorporates the Senate amendment without change.

SITE ACQUISITION

The House bill amended the Act of July 1, 1955, to provide that the Commission should select and recommend a suitable site for the national civic auditorium.

The Senate amendment provided that the Commission should select, and acquire, by means of purchase, condemnation, gift, transfer, or otherwise, a suitable site in the District of Columbia for the national cultural center.

The conference agreement amends the Act of July 1, 1955, by redesignating section 3 of such Act as section 4, and by inserting after section 2 of such Act a new section 3 which provides that the Administrator of General Services shall acquire by purchase, condemnation, gift, or otherwise, the land and any improvements thereon in the District of Columbia commonly referred to as "Foggy Bottom—South," more particularly described in the report submitted by the Commission and Congress on January 31, 1957. The Administrator of General Services is required to make the area available to the Commission as the site for the construction of the national cultural center, and requires any agency of the Government holding any right, title, or interest in the property, other than the General Services Administration, to transfer it without reimbursement or other monetary consideration to the Administrator of General Services to be used for the purpose of making it available to the Commission for the site of the national cultural center.

SALE OF REPORTS

The Senate amendment amended the first section of the Act of July 1, 1955, by adding a new subsection (g) which authorized the Commission to sell copies of the report and recommendations made by it to the President and Congress in accordance with subsection (c) (4) of the first section of such Act of July 1, 1955, and any other publications which it might prepare in carrying out its duties under that Act. Such amendment further provided that the receipts from the sale of such reports, recommendations, and other publications were to be deposited by the Commission in the Treasury of the United States, and credited to the current appropriation available for the salaries and expenses of the Commission.

The House bill contained no such provision.

The conference agreement incorporates the Senate amendment without change.

TITLE

The Senate amendment amended the title of the House bill to make it conform more accurately to the Senate amendment.

The conference agreement incorporates the Senate amendment to the title without change.

JIM MORRISON,
ABRAHAM J. MULTER,
KATHRYN E. GRANAHAN,
CARROLL D. KEARNS,
*Managers on the Part of the House.*

Mr. MORRISON. Mr. Speaker, I yield such time as he may desire to the gentleman from North Carolina [Mr. BONNER].

Mr. BONNER. Mr. Speaker, I ask unanimous consent to proceed out of

order, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BONNER. Mr. Speaker, there took place here in Washington last evening one of the greatest events in the annals of the American merchant marine. There was signed a contract between the Maritime Administration and Lykes Bros. Steamship Co., a contract to replace 53 vessels out of the 54 vessels operated by Lykes on 5 essential trade routes in the water-borne commerce of the United States to all parts of the world and in the nearby waters of the Caribbean Sea. This event demonstrates the interest of private business and private industry in and the necessity for an American-flag merchant marine.

Lykes Bros. Steamship Co. obligates itself to spend $300 million in carrying the flag around the world, assuring American industry, American commerce, and American exporters that their goods will have first opportunity and first rights of transportation to all of the foreign ports, both import and export. This is one of the greatest steps that has taken place in recent years in an industry that is absolutely essential to the commercial affairs of the Nation as well as to the national defense.

Mr. Speaker, at this point I want to pay tribute personally to Mr. Joe Lykes, son of the founder of this great American institution; to Mr. Solon Turman, its president, efficiently guiding the organization from its headquarters in New Orleans; to Mr. Tom Bartle, its capable and energetic Washington representative; and to all the other able officials and officers of this company in the United States and the ports of the world, which has carried on one of the most successful transportation facilities in the United States.

Permission having been granted, I include the following articles:

[From the New York Times]

UNITED STATES WILL SHARE COST OF 53 CARGO VESSELS

(By Richard E. Mooney)

WASHINGTON, August 7.—The Government and Lykes Bros. Steamship Co. signed a subsidy contract today for the construction of 53 cargo ships to replace the company's present fleet.

The contract was the largest since the program for replacing obsolete vessels was authorized by Congress in 1936.

The cost of the project was estimated at $500 million. The ships will be built in American yards, and the Government will pay the difference between this cost and the smaller cost of building them abroad—a difference of some 40 percent.

The contract also provides for Government subsidization of Lykes shipping operations over six key trade routes for the next 20 years.

Clarence G. Morse, Chairman of the Maritime Board, said the agreement assured that "a major segment of the American merchant marine will continue to serve the growing trade and commerce of the United States and the world. We have taken 53 ships out of the shadow block of obsolescence."

Solon B. Turman, of New Orleans, president of the company, said invitations for bids on the construction of the first five ships would be issued in a few weeks. He said the ships would be built in 12 series, at a rate of 3, 4, or 5 a year, and that construction should be completed in 14 years.

He said several designs would be used. The first 28 ships will be of the C2LM–5 design "conceived by the Lykes organization to provide the utmost in operating efficiency, based on the company's many years of experience," he said.

This design has a low silhouette without the conventional smokestack. The ships will have a length of 495 feet, a deadweight capacity or lift of 11,042 tons, displacement of 16,870 tons, and a designed speed of 17.4 knots. Each will have 568,830 cubic feet of general cargo space, 16,000 cubic feet of space for perishable cargoes, and tank space for 1,000 tons of liquid.

The board said Lykes was the largest privately owned dry cargo fleet under the United States flag. The 53 replacement ships will have the capacity of the company's current fleet of 54.

The Lykes fleet operates between this country's gulf ports and Caribbean ports, south and southeast Africa, Japan, and southeast Asia, Europe, and the Mediterranean.

Mr. Morse estimated that the Lykes contract would mean 50,000 man-years of work, more than $200 million in wages, and $240 million in materials, machinery, and equipment.

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[From the New York Herald Tribune]

HALF-BILLION SHIP PACT SIGNED BY UNITED STATES, LYKES

Officials of the Federal Maritime Board and Lykes Bros. Steamship Co. signed yesterday in Washington a recordbreaking $500 million ship replacement contract.

The contract requires Lykes to construct 53 cargo ships during the next 14 years. It obligates the Government to pay about 40 percent of the construction costs of the new ships and to subsidize Lykes' worldwide shipping operations for the next 20 years.

PLAN FIVE SHIPS A YEAR

Lykes has agreed to construct an average of five ships a year, with the last contracts to be let in 1968. The first 28 ships will be 11,042-tonners with a speed of 17.4 knots. The others will be of several designs adaptable to trade route needs.

Clarence G. Morse, Chairman of the Maritime Board, said in announcing the signing of the contract that the construction program will mean an estimated 50,000 man-years of work for the Nation's shipyards and related industries. This includes some $200 million in wages for shipyard workers.

MARITIME BUDGET CUT

Construction subsidies are based on the difference between the cost of building a ship in the United States and in a lower cost foreign yard.

One observer remarked that the signing of the contract indicated that Lykes was prepared to finance its part of the deal, but that the Government was not. He referred to the fact that an economy-minded Congress slashed $91,500,000 from the Maritime Administration's budget for the 1957–58 fiscal year and is under pressure not to restore the cut in the next year.

Lykes owns 57 freighters and operates 10 Government-owned Victory ships in 6 subsidized services out of gulf coast ports. The services cover five trade routes to the Caribbean and east coast of Mexico, United Kingdom and Ireland, Western Europe, the Mediterranean and Black Seas, the Far East and South and East Africa.

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The company has agreed to a maximum of 326 and a minimum of 262 subsidized sailings a year between January 1, 1958, and December 31, 1977.

Mr. Morse calls the Lykes agreement the biggest ship replacement contract in the history of the American merchant marine. The previous high was set by Moore-McCormack Lines which has a contract for a $313-million 33-ship replacement program.

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[From Congressional Information Bureau, Washington, D. C., August 7, 1957]

LYKES SIGNS CONTRACT WITH FMB-MA FOR 53 NEW SHIPS AT COST OF $500 MILLION

Lykes Bros. Steamship Co. today entered into a contract with the Federal Maritime Board-Maritime Administration providing for replacement of 53 vessels of the company's present fleet of 54 ships at an estimated total cost of over $500 million. Lykes has the largest privately owned dry-cargo fleet flying the American flag.

The agreement between the maritime agency and the company calls for construction of the new ships over a period covering the next 14 years.

The Lykes replacement program is in line with a new 20-year operating-differential subsidy contract between the company and the Government under terms of which Lykes agrees to assure six services on five essential United States foreign trade routes from United States gulf ports.

The new subsidy contract will become effective January 1, 1958, and will terminate on December 31, 1977.

The six subsidized services of Lykes are on the five following United States-flag trade routes:

| *Trade route and description* | |
|---|---|
| No. 19 | United States gulf/Caribbean and east coast of Mexico. |
| No. 21: | |
| Service 1 | United States gulf/United Kingdom and Eire. |
| Service 2 | United States gulf/continent. |
| No. 13 | United States South Atlantic and gulf/Mediterranean and Black Sea. |
| No. 22 | United States gulf/Far East. |
| No. 15–B | United States gulf/South and East Africa. |

At no time, the contract stipulates, shall total subsidized sailings exceed an aggregate maximum of 326, nor shall fewer than the minimum of 262 be made.

The ship that has been agreed upon for the first 28 vessels in the replacement program will have the following characteristics:

| | |
|---|---|
| Length (feet) | 495 |
| Beam (feet) | 69 |
| Full load draft (feet) | 29 |
| Total deadweight (tons) | 11,042 |
| Number of passengers | 12 |
| Normal shaft horsepower | 9,000 |
| Sustained sea speed at 28-foot draft [80 percent of normal shaft horsepower] (knots) | 17.4 |

The contract provides that when the remaining 25 ships are replaced, several additional designs adaptable to the trade route needs may be considered.

The replacement program is expected to be carried out in conformity with a schedule that calls for an average of about five ships per year, with the last contracts to be let in 1968.

Provisions of the contract call upon the United States Government to provide construction-differential subsidy, pursuant to the Merchant Marine Act, 1936, as amended, which authorizes that the difference in cost of constructing a ship in a representative foreign shipyard and in an American shipyard may be borne by the Government. This assures employment of American shipyards and skilled American shipbuilding labor in the construction of ships for the American merchant marine.

Maritime Administrator Clarence G. Morse stated today that with the signing of the contract between Lykes and the Government, assurance is given that a major segment of the American merchant marine will continue to serve the growing trade and commerce of the United States and the world.

"We have taken 53 ships out of the shadow block of obsolescence," said Mr. Morse. "This contract calling for construction awards of some half a billion dollars will mean that an estimated 50,000 man-years of work will be assured in American shipyards. Included in the estimated cost of the new ships are more than $200 million in wages. This means also the purchase of an estimated $240 million in materials, machinery, and equipment outside of the shipyards.

"Here is another demonstration that shipping and shipbuilding benefit all Americans either directly or indirectly. Every American can be assured that his welfare and security has been advanced under the broad impact of this largest shipbuilding and ship operating contract."

The Maritime Administrator asserted that the construction subsidy involved in the Lykes shipbuilding program will run to about 40 percent of the total cost of the 53 vessels. The construction subsidy, he pointed out, will be paid to the shipyards in line with the necessity to support an active American shipbuilding industry. He termed it a subsidy to the shipbuilders.

Among the Lykes officials present today at the FMB/MA in connection with the signing of the contract between the Government and the company were Joseph T. Lykes, chairman of the Lykes board, and Solon B. Turman, president of Lykes Bros. Steamship Co.

Mr. Turman made known that the first vessels to be constructed under the new contract will be a group of five. He stated he will not know the cost of each of the ships until bids are in but he thought this would run at about $10 million each, which was the approximate cost of the 35 mariners built a few years ago by the FMB/MA, but which are much larger than the Lykes new vessels.

The Lykes president expressed the hope of being able to put out invitations for bids within the next several weeks and anticipated that bids may be let in December 1957.

Asked if he had considered the possibility of nuclear power for his ship-replacement program, the Lykes officials pointed out that contracts on the ships will be let over a period of years in groups or from 4 to 5. The company, he commented, will be entirely flexible and will go along in its shipbuilding program with any innovation, whether gas turbine, piston, or whatever it may be.

"If it is adaptable to our purpose," said Mr. Turman, "we will use it."

On the particular point of whether he has looked into the possibility of nuclear propulsion, Mr. Turman stated he has not but that he has been told that up to the present time such type of propulsion is not economically feasible in a vessel of the horsepower and type which Lykes proposes to construct.

The new vessels, he declared, will be adaptable to all of the Lykes operations with the exception of the Caribbean and the Manchester Ship Canal between Liverpool and Manchester. In this connection, it was pointed out, that there will be 28 new vessels of the type on which Lykes will seek bids within the next several weeks. The remainder will follow later so it may be assumed the company will tailor its new ship construction to a pattern whereby part of the new fleet will be capable of serving the Caribbean area and Manchester.

Questioned as to economies which may be anticipated with operation of the new vessels over the ships which are to be replaced, Mr. Turman explained that the new ships are what might be termed combination bulk-dry cargo vessels and economies will come in cargo handling. The new ships, he stated, will have quick-opening hydraulic hatches whereas on the present ships a great deal of longshore labor is required to get a ship ready. Further, he stated, the whole layout of the ships in the stowage of general cargo is such that there will be a minimum loss due to the type of compartmentation. Arrangements have been made, he asserted, to utilize for ballast, fuel oil, etc., space which formerly was lost. The gear, he added, has also been selected with a view to the ports to which the vessels will operate.

Mr. Turman emphasized that this is not a fancy ship, declaring that the company has tried to think of the new-type vessels in terms of a truck as distinguished from a Cadillac. In addition, he said, the company has endeavored to look at the situation from the point of maintenance so that maintenance will be kept to a minimum for the life of the ship.

The new vessels, said Mr. Turman, are a little over 11,000 deadweight-tons, or something between the present C–2's and C–3's, running about 10 percent more than a C–2.

Queried as to the stated speed of 17½ knots of the new vessels, Mr. Turman said the company took this into account and feels, from the standpoint of competition, the vessels will be superior to anything with which Lykes will have to compete.

Maritime Administrator Morse broke into comment that probably there will be a bypass on the propulsion unit which will serve to speed up the ships in emergencies. This bypass, he emphasized, is not a commercial feature, indicating it is a national defense feature which will be paid for by the Government.

Mr. Speaker, I yield to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Speaker, I would like to say to the distinguished chairman of the Committee on Merchant Marine and Fisheries [Mr. BONNER] I am sure that Mr. Lykes and his company would be the first ones to want to pay tribute to the chairman of the Committee on Merchant Marine and Fisheries for his interest in a ship-replacement program and to say that this contract is the result of such interest on the part of the members of that committee and particularly its chairman.

Mr. BONNER. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS. Mr. Speaker, I would like to compliment the gentleman, the distinguished chairman of the House Committee on Merchant Marine and Fisheries [Mr. BONNER], for his very splendid statement as well as for his leadership in behalf of the American merchant marine. The gentleman has been keenly aware of the necessity of preserving the basic principles of the Merchant Marine Act of 1936. Without that act, this significant event that occurred last night would never have been possible.

I would like to join Mr. BONNER in congratulating the officials of Lykes Bros. Steamship Co., particularly Mr. Solon Turman, president of the company, who is my friend and neighbor in New Orleans.

Mr. Turman and his able associates have set an example of competent management. His company has been progressive but never extravagant. He has shown the advantages of cooperation between Government and private enterprise.

Mr. BONNER. Mr. Speaker, I yield to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Speaker, I, too, want to congratulate the chairman of this very active committee, the gentleman from North Carolina [Mr. BONNER], and to associate myself with his remarks. Mr. Joe Lykes, other members of the family and many principle officers of Lykes Bros., reside in my district. They are outstanding citizens of the community, and I think this is a perfect example of private enterprise working in conjunction with the Federal Government in this most vital field. We should all be proud of their efforts as well as those of this great committee, the present administration and the United States Maritime Commission.

The great trading fleet of the United States has long been a concern of the United States Maritime Commission and their cooperation with the legislative branch of the Federal Government has been wholehearted and of great advisory assistance to the committee. A great deal of credit must also fall to them. This is an example of close cooperation between the executive and legislative branches of our Government to obtain a common goal. The extension of contracts by legislation from 10 to 20 years has been the tool that has brought about this great example of joint private and public participation in a program that benefits both a great industry and the defense and trade abilities of all the people of this Nation.

Indeed, I think it is noteworthy to point out at this time that we have here the great Lykes organization putting up 60 percent of an investment that will run to four or five hundred million dollars and the Federal Government the balance. This is not the first of these contracts but it is by far the most impressive and largest. History will be made as 53 new ships will soon join the merchant fleet of the Nation. This is new investment money and comes after a period of many years when the shippers of the Nation depended upon the Federal Government entirely for the vessels to carry our products throughout the world and a following period when the ships that were surplus from the war went into the merchant fleet.

It is a matter of great pride to me that the Lykes family have taken such a forward step in the economy of our Nation. I am proud that this great family, with roots deep in the heart of the First District, will lead in the rebirth of our merchant fleet. Through their cooperation with the United States Maritime Commission we will see develop through this program and the others that will follow what we will proudly hail as the finest, most modern merchant fleet in the whole world. The goal of the Commission for this accomplishment is 10 years. I am confident that with the hand-in-hand effort and foresightedness of the Lykes Brothers and other of our shipping lines that we will see the goal accomplished.

This serves further as a concrete example of this administration's determination to retain a strong merchant

marine as one of the essential arms of our defense, standing ready to transport the materiel and personnel of war if the occasion in the future should arise—and we pray that it never will. This event provides the stimulus for the needed revitalization and modernization of our merchant fleet, keeping the United States first and foremost in world trade and commerce, as well as in defense. I, as representative of the great First District of Florida, am proud that these outstanding citizens of my district and of the Nation are making such a tremendous contribution to this effort.

Mr. BONNER. Mr. Speaker, I yield to the gentleman from Florida [Mr. HALEY].

Mr. HALEY. Mr. Speaker, I want to commend the chairman of this committee, the Merchant Marine and Fisheries, the gentleman from North Carolina [Mr. BONNER], whom I was privileged to hear make a very fine address yesterday evening on the occasion of Lykes Bros. Steamship Co. signing a contract to replace their fleet. I, too, want to associate myself with the remarks of the gentleman from North Carolina and commend to the attention of the American people this fine, outstanding organization, Lykes Bros., which has been one of the finest organizations not only of my great State of Florida, but also a very fine American organization, and wish them well in this step forward in American flag international transportation.

Mr. BONNER. Mr. Speaker, I yield to the gentleman from Texas [Mr. THOMPSON].

Mr. THOMPSON of Texas. Mr. Speaker, I want to add my congratulations to the others in behalf of the chairman of the Committee on Merchant Marine and Fisheries, the gentleman from North Carolina [Mr. BONNER], with whom I served on that committee, side by side, for some of the happiest years I have spent in the Congress. I was tremendously interested in the event that took place last night, due to my long friendship with the Lykes family. Lykes Bros. have an office in Galveston, my home town. I want to recall to the memory of the chairman of the committee the days when he and I served under Schuyler Otis Bland, the father of the American merchant marine who, I know, from his place in heaven is looking down on this event with great satisfaction.

Mr. TOLLEFSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. TOLLEFSON. Mr. Speaker, I join in the sentiments just expressed by the chairman of the House Committee on Merchant Marine and Fisheries, Mr. BONNER. The signing of the contract yesterday by Maritime Administration and representatives of the Lykes Steamship Co. was a most significant event. It was the largest contract of its kind in the history of our maritime industry, involving the construction of 53 new cargo liners by the Lykes Co. over the next 14 years. Approximately $500 million will be expended for the building of these vessels. The company obligated itself to contribute $300 million while the Government contribution by way of construction subsidy would account for the balance. Of the total sum, $200 million would be spend for shipyard labor and $240 million for materials. An estimated 50,000 man-years of work for America's shipyards would result.

Aside from its magnitude, the contract gives assurance that industry and Government have joined hands in support of the merchant-marine policy which Congress adopted by the 1936 Merchant Marine Act. Under that act, Congress made the following declaration of policy:

TITLE I—DECLARATION OF POLICY

SECTION 101. It is necessary for the national defense and development of its foreign and domestic commerce that the United States shall have a merchant marine (a) sufficient to carry its domestic waterborne commerce and a substantial portion of the water-borne export and import foreign commerce of the United States and to provide shipping service on all routes essential for maintaining the flow of such domestic and foreign water-borne commerce at all times, (b) capable of serving as a naval and military auxiliary in time of war or national emergency, (c) owned and operated under the United States flag by citizens of the United States insofar as may be practicable, and (d) composed of the best-equipped, safest, and most suitable types of vessels, constructed in the United States and manned with a trained and efficient citizen personnel. It is hereby declared to be the policy of the United States to foster the development and encourage the maintenance of such a merchant marine.

That policy in effect recognizes our American merchant marine as our fourth arm of defense. During and following World War II, the highest spokesmen for our military establishments referred to it as such, and stated that without our merchant marine their objectives in the war could not have been fulfilled. It was stated that the No. 1 priority in World War II was the transportation of military cargoes to Europe.

In addition to being our fourth arm of defense, the American merchant marine makes a tremendous contribution to the economy of our Nation. It gives employment to many thousands of workers, not only aboard ship, but in our ports, in our shipyards and in industries which furnish the supplies, machinery and material which go into the ships.

Furthermore, our merchant marine affords a large measure of protection to American shippers who otherwise would be at the mercy of foreign-flag ship operators. At the outbreak of World War I, for instance, ocean shipping rates were increased up to 2000 percent in some cases because the United States had no merchant marine. The average increase was over 1100 percent.

During the Suez crisis, our merchant marine guaranteed us a large measure of protection from gouging by foreign ship operators whose rates skyrocketed. In the shipment of our foreign-aid cargoes, 50 percent of which are transported on our own vessels, our own rates compelled foreign vessels, carrying similar cargoes to also hold their rates down in order to get those cargoes. Our Government was thus saved millions of dollars.

Both the Maritime Administration and the Lykes Co. are to be commended for entering into the replacement contract. It was a bold step for both parties, but it augurs well for the future of the American merchant marine.

Mr. BONNER. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks at this point in the RECORD.

I also ask unanimous consent, Mr. Speaker, to include in my remarks a report from a Congressional information bureau on steamship operation and two articles that appeared, one in the New York Times and one in the Chicago Tribune.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ALLEN of California. Mr. Speaker, the program of shipbuilding undertaken by the Lykes Lines is truly a major step in the perpetuation of the American merchant marine.

The Lykes organization in embarking upon the program demonstrate their faith in the future of their industry and in the future foreign trade of the United States. The commitment of $300 million of one's own capital to a 20-year program of operation under the American flag is no small undertaking.

At the ceremony of signing the contracts, the successful efforts of the Maritime Administration and of Clarence Morse, the Administrator, in bringing about a contract advantageous to the Government as well as suitable to the private operators were complimented and I join in those commendations.

It was significant to me that when Mr. Morse was called upon to comment, he pointed out that the successful consummation of the transaction could not have been brought about except for the legislation amendatory to the Merchant Marine Act of 1936 enacted during the past few years largely through the efforts and understanding of the gentleman from North Carolina [Mr. BONNER], the Merchant Marine and Fisheries Committee of which he is chairman, and the growing appreciation of the necessity of a strong American-flag merchant marine by the Members of the House and of the Congress with which comments I also thoroughly agree.

Mr. SANTANGELO. Mr. Speaker, I wish to commend my colleague the gentleman from North Carolina [Mr. BONNER] on his inspirational work as chairman of the Merchant Marine and Fisheries Committee. I am privileged and proud to be a member of this committee.

This contract, to which the chairman [Mr. BONNER] referred, will add 51 new merchant ships to the United States merchant fleet and evidences the confidence which the American shipping industry has in the Government's activity and supervision. Much of that confidence is inspired by the work of the chairman of the House Committee on Merchant Marine and Fisheries. Great credit is due also to the shipbuilders, the Lykes Shipping Co., which has undertaken this

program which will cost in excess of $300 million of private capital.

Our American citizens should be informed and made aware that our merchant marine fleet operates under international agreements which provide the greatest safety for its passengers. We cannot say the same thing for the merchant ships flying under other foreign flags. Some foreign nations adhere to the minimum safety requirements set forth by international treaties and others do not. Our uninformed citizens have not been made aware by our governmental agencies that our ships are the safest in the world. Eighty percent of the tourist traffic travel on foreign ships, not realizing that they do not travel under the safest conditions; they do not realize that our American ships have the safest standards on the seven seas. In addition, because of other agreements known as track agreements, our merchant fleet travels in lanes which are safe and less prone to accidents. If other nations had accepted these North Atlantic track agreements and followed these same shipping tracks and lanes, disasters such as the Stockholm and the Andrea Doria would have been avoided.

Last night's agreement is a momentous step and therefore will launch 51 American passenger and cargo ships which will travel throughout the world in safety and under standards which are higher than the standards which international agreements have declared to be the minimum requirements for the safety of passengers.

Mr. DELLAY. Mr. Speaker, I would like to associate myself with the feelings expressed by Congressman BONNER, the able chairman of the House Merchant Marine and Fisheries Committee, upon the occasion of the signing of a contract between the Maritime Administration and the Lykes Bros. Steamship Co., Inc., for the replacement of 53 ships. It has been a proud 6 months that I, as a freshman Congressman, have served as a member of this committee in the 85th Congress.

It has been especially important to me because of the makeup of my district with its waterfront problems. It has been a happy experience to see the way the committee has worked so diligently as a group and I consider it a great privilege, indeed, to share in the happiness and satisfaction that comes to us today from this shipbuilding and ship operating contract which is so vital to a large segment of our economy.

Mr. MORRISON. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, a bill was passed in the House and Senate authorizing the appointment of a special commission known as the Auditorium Commission. Seven members were appointed by the Speaker, seven members were appointed by the Vice President, and seven members were appointed by the President.

The Commission thus appointed is as follows:

Mrs. Eugene Meyer, District of Columbia, chairman.

Robert W. Dowling, New York, vice chairman.

George L. Williams, District of Columbia, secretary.

Mrs. Robert Low Bacon, District of Columbia, civic leader.

Barney Balaban, New York, president, Paramount Pictures.

Senator J. GLENN BEALL, Maryland.

Barnee Breeskin, District of Columbia, civic and music leader.

Representative JOEL T. BROYHILL, Virginia.

Robert V. Fleming, District of Columbia, president, Riggs National Bank.

Miss Elizabeth B. Howry, Rhode Island, civic leader.

Frank R. Jelleff, District of Columbia, civic leader and owner of Jelleff's Department Store.

Dr. George Johnson, District of Columbia, law school dean.

Representative CARROLL D. KEARNS, Pennsylvania.

James I. Knight, Florida, general manager, Miami Herald.

Representative OREN HARRIS, Arkansas.

Senator PAT MCNAMARA, Michigan.

Representative JAMES H. MORRISON, Louisiana.

George Murphy, California, Metro Goldwin Mayer executive.

Senator MATTHEW M. NEELY, West Virginia.

Mrs. James H. Rowe, Jr., District of Columbia, civic leader.

Representative FRANK THOMPSON, JR., New Jersey.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. MORRISON. I yield to the gentleman.

Mr. TABER. Does this bill authorize the taking of any money out of the Treasury?

Mr. MORRISON. It authorizes the GSA by condemnation proceedings to take over what is known as Foggy Bottom.

Mr. TABER. Is there any amount specified?

Mr. MORRISON. I shall explain that a little later, if the gentleman will just withhold his question.

Mr. TABER. Very well.

Mr. MORRISON. Mr. Speaker, the Commission had their first meeting in October of 1955 and appointed an Architectural and Planning Board. The members of this architectural board are five of the leading architectural firms in the United States: Pereira & Luckman, Los Angeles and New York; Faulkner, Kingsbury & Stenhouse, Washington, D. C.; Holabird & Root & Burgee, Chicago, Ill.; MacKie & Kamrath, Houston, Tex., and Shepley, Bulfinch, Richardson & Abbott, Boston.

Then there were two engineering firms appointed: Giffels & Vallet, Detroit, Mich.; and Reynolds, Smith & Hills, Jacksonville, Fla.

A research firm, the Stanford Research Institute, of Washington, D. C., was appointed to handle all necessary research.

All of these outstanding architectural and engineering firms labored for over a year and then they came in with a proposal for an auditorium and civic center which would cost approximately $36 million.

They also came in with a proposal and a recommendation that there were three available sites. One was known as Foggy Bottom and the other two were in southwest.

The joint committee of the House and Senate heard all of the testimony of all those who wanted to testify concerning these three sites. The hearings lasted for several days. After the hearings the joint committee of the House and Senate heard the recommendation of the Commission. The Commission unanimously recommended Foggy Bottom as the site for this auditorium. When Foggy Bottom was recommended by the Commission, then the joint committee of the House and the Senate heard all those who were opposed to Foggy Bottom and all those who were in favor of Foggy Bottom. Then when all the testimony was in, the joint committee voted for Foggy Bottom, and it was unanimous except for one member of the committee who voted no.

That report was supposed to be made and was made to the President of the United States, and I have here the letter the President of the United States wrote the chairman of the Auditorium Commission:

THE WHITE HOUSE,
*Washington, January 30, 1957.*

DEAR MRS. MEYER: Thank you for your letter of January 30 transmitting the report and recommendations of the District of Columbia Auditorium Commission, which, under the law creating the Commission, are also submitted to the Congress.

The passage of legislation providing for the Commission was indeed a major step forward in the quest for positive proposals to help solve the long-felt need for a national civic auditorium in the District of Columbia. Even a brief perusal of the brochure reveals most clearly the thorough and painstaking manner in which you, your fellow members, and those to whom you looked for assistance and advice, approached your task.

I am confident that, as the report is evaluated, there will be full realization of the contribution that the Commission has made in laying the groundwork for the further steps necessary to provide in our Capital City a civic auditorium and cultural center worthy of our great Nation.

I trust that this assignment has brought to you and each member of the Commission a great deal of personal satisfaction, and I assure you that I appreciate your splendid presentation of your recommendations.

With best wishes,
Sincerely,

DWIGHT D. EISENHOWER.

I should also like to quote further what the President said about this legislation concerning this cultural center and auditorium:

This great audtiorium and music hall would certainly be good for the country and I think would have an influence throughout the world.

He said further:

One thing about it, if it is needed, it is needed now.

Those are the words of the President, Dwight D. Eisenhower. I would like to go a little further and explain just exactly what this civic auditorium and cultural center is. It is a great hall of 100,000 square feet of level, unobstructed floor space where the Government may act as host to officials of foreign nations.

This hall would be suitable for such functions as national and international conferences, festivals and exhibits, inaugural balls and civic receptions and major functions. Movable chairs will provide seating for over 10,000 persons. Movable walls will permit dividing the space into as many as 35 rooms for smaller functions. An auditorium and music hall seating between 3,800 and 4,200 persons with the most advanced stage facilities, and acoustics for the presentation of opera, ballet and other dances and for the production of symphonic and other musical events.

This hall will also be suitable for large meetings and functions.

A theater with a capacity of 1,400 to 1,800 persons for the presentation of American productions, and especially to be available for official theatrical attractions sent by foreign nations.

This facility will also be suitable for small musical events.

A tourist information center to help the 5 million visitors who come each year to better understand the historical significance of the Nation's Capital and to make their sightseeing more fruitful.

Mass communication facilities so that programs originating in the cultural center may be disseminated to a maximum audience by television, radio and the press.

Also, so that events taking place outside of the center may be available to the center audiences.

A court of States where the flags of the 48 States can fly to exemplify to the Nation and to the world the power of Government which through federation has created unity out of diversity.

Meeting rooms for smaller groups. These will be made out of the greater hall area by means of movable walls and special equipment.

There will be a parking area for from 1,500 to 2,000 cars, mostly underground.

This will be available for public parking when not needed by the center.

There will be a deluxe restaurant and a popular-priced coffee shop.

There is a picture of the proposed auditorium and cultural center which is estimated to cost $36 million.

Now the Federal Government is not required to put up one nickel for that auditorium and civic center.

All that the Commission is asking of the Federal Government is to provide a site, and in order to provide a site for this auditorium, it is necessary to take a place called Foggy Bottom, which the Commission, composed of outstanding people all over the country, recommended and which your joint committee of the House and Senate voted for. I quote from a letter from the chairman, who states:

> In other words, if we do not get Foggy Bottom, there will be no cultural center.

So it all boils down to this. That here the Federal Government is providing a site costing $5 million and by private finances the Government is getting a $36 million cultural center and auditorium in return. I took it up with the GSA and the Attorney General's office that handles these various expropriation proceedings and according to the assessed valuation of Foggy Bottom the property under private ownership there amounts to about $2,300,000 valuation for tax purposes. In all expropriation proceedings, the price varies where the Government is taking over land anywhere between 40 percent to 60 percent over the assessment value for tax purposes.

This Foggy Bottom would cost approximately $5 million. With this legislation, you would have the Federal Government giving the site and you would have private financing of $36 million for the cost of the building. In other words, the Government puts up $5 million for the site. Private financing puts up $36 million for the building, and the Government has an investment worth $41 million which it completely owns.

I wish to say that this is so worked out, and it is understood by the people who are in charge of working out the plans, that it will be self-supporting, in that the revenues from this auditorium and cultural center will be sufficient each year to pay for its cost and its upkeep.

This auditorium has long been needed. It is something that this Capital has needed for years and years. Here is our opportunity to get it.

This location, Foggy Bottom, is within walking distance of the Washington Monument, the Lincoln Memorial, the Jefferson Memorial, and not far from the cherry blossoms, whereas in the Southwest locations you would be far removed from all of these.

So, after the joint committee of the House and Senate decided on Foggy Bottom the Senate changed the wording in the House bill and put in their bill that Foggy Bottom should be selected and GSA was thereby empowered to acquire, by expropriation or otherwise, this property known as Foggy Bottom.

Mr. RABAUT. Mr. Speaker, will the gentleman yield?

Mr. MORRISON. Just let me finish, and then I will yield.

Mr. RABAUT. Mr. Speaker, I suggest the absence of a quorum.

Mr. MORRISON. I will yield just as soon as I finish making my statement.

The SPEAKER. Does the gentleman desire to make a point of order?

Mr. RABAUT. I will withdraw it, Mr. Speaker. I just asked the gentleman to yield.

Mr. MORRISON. I will yield, but just let me finish my observation. I refuse to yield at this time.

In other words, the Senate passed this bill without one dissenting vote, and the matter now comes before us on the conference report. I think with the $3 billion we are sending to foreign nations and with all the money that we have appropriated for many things all over the United States, that we should certainly buy Foggy Bottom for this auditorium and cultural center.

At this time I would like to pay tribute to those architects and engineers who have done such wonderful work, the leading architects from all over the country, and I believe a fair estimate of their work and effort would amount to over a half million dollars. They have given their time without pay. Their unselfish and patriotic work was just with the idea of giving an opportunity to present to Congress a chance to have a great auditorium and cultural center where people from all over the United States could come, where people from all over the world could come, where they could send symphony orchestras, ballets, and so forth, and would have a place to use.

Today they cannot come to Washington because the present facilities are not satisfactory.

Do you realize that many foreign countries cannot send symphony orchestras to Washington because there is no suitable place for them to perform?

Do you realize that the Inaugural Ball has to be held in three places, the Armory and two local hotels?

This auditorium would obviate that and be a credit to the American people and to Washington as their Capital.

Remember, this is the only major capital in the world that does not have an auditorium, a cultural center similar to this one being considered.

I yield to the gentleman from Nebraska.

Mr. MILLER of Nebraska. I thank the gentleman very much. I have two questions I want to raise. First, how many acres are involved, how much will we have to purchase?

Mr. MORRISON. There are 27 acres involved, 14 of which are in private ownership.

I may say that the only private individual or corporation not agreeing on this, is the Peoples Life Insurance Co. After Foggy Bottom was selected and the Senate passed the bill, the Peoples Life Insurance Co. was the only one that kept on opposing Foggy Bottom. Frankly, to my knowledge, they are the only property owners opposing it.

Mr. MILLER of Nebraska. The other question deals with the difference between the House and Senate bills. The House bill (H. R. 4813) merely extended the life of the Commission to make recommendations as to a suitable site. When the bill came back from the other body we find it amended to authorize the building of a $40 million or $50 million structure. I am merely interested in knowing why the gentleman gave in so much to the other body instead of insisting on the position of the House.

Mr. MORRISON. The gentleman has made a statement, not asked a question. When the auditorium commission bill 4813 was under consideration in the Senate the Commission was still working. They made their recommendation for Foggy Bottom before the bill H. R. 4813 was considered in the Senate and the Senate decided to amend it in this form. They passed it and it went to conference. The Senate adopted the conference report and now it is before the House.

The land acquisition will cost the Government about $5 million. The entire project is not going to cost over $41 million, and $36 million of that will be paid by private financing. So the total cost to the Government will not exceed $5 million.

I yield to the gentleman from Michigan [Mr. RABAUT].

Mr. RABAUT. I thank the gentleman. I wanted to know how many acres of land will be needed for this project, how much Government-owned land and how much privately owned land.

Mr. MORRISON. Mr. Nolen, of the Planning Commission, told me this morning that it would take approximately 14 acres of privately owned land, and that the Government owned approximately 60 percent of the land already.

Mr. RABAUT. How many acres are involved?

Mr. MORRISON. Twenty-seven acres.

Mr. RABAUT. This is going to require 27 acres. What has some of the land down there sold for recently?

Mr. MORRISON. The only way you can judge that is by the condemnation of the so-called Riverside Stadium, which is the closest property. That property was condemned at $6 a square foot. At the same ratio this Foggy Bottom property would cost $5 million.

Mr. RABAUT. What did the life insurance people pay for their land down there?

Mr. MORRISON. I do not know what the life-insurance people paid for their land, but the Peoples Life Insurance Co. can put their building on any of 50 sites in Washington.

Mr. RABAUT. I am not against the auditorium.

Mr. MORRISON. The only place you can put this auditorium is in Foggy Bottom.

Mr. RABAUT. I am not opposed to the auditorium, but I am opposed to the cost of the site. I think the site is too expensive, and I am predicating my objection on the tremendous price the People's Life Insurance people paid for their site.

Mr. MORRISON. I went over this very carefully with the GSA, and they were in agreement that the best figure we could arrive at was approximately $5 million. If we took either of the two sites in the southwest section, one is priced at $300,000 more and the other over $500,000 more, so this is the cheapest site.

It is impossible to get a suitable site for less than Foggy Bottom. Any other site would cost more.

Mr. RABAUT. How much does the gentleman figure it is going to cost the Federal Government to supply this site?

Mr. MORRISON. It will cost the Federal Government approximately $5 million to supply the site.

Mr. RABAUT. According to the figures I have, that would not buy 5 acres.

Mr. MORRISON. I took it up with GSA and I took it up with the Attorney General's office and that is what they say the cost will be—about $5 million.

Mr. WILSON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. MORRISON. I yield to the gentleman from Indiana.

Mr. WILSON of Indiana. Can the gentleman supply us with the assessed valuation of the property proposed to be taken?

Mr. MORRISON. The assessed valuation is $2,635,000.

Mr. SADLAK. Mr. Speaker, will the gentleman yield?

Mr. MORRISON. I yield to the gentleman from Connecticut.

Mr. SADLAK. The gentleman mentioned in his detailed presentation not one letter but two letters from President Eisenhower which the gentleman presents to us as the best recommendation for the House to endorse this auditorium or project. May I ask the gentleman, since he has relied so heavily on the two letters of our great President, and he also mentions this will be a place of good will, if the name of Eisenhower Cultural Center has been given any consideration?

Mr. MORRISON. We are not worrying about the name until we get the cultural center.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. MORRISON. I yield to the gentleman from North Carolina.

Mr. JONAS. Did the gentleman discuss with GSA the property that was condemned for the State Department site in which the jury made an award 150 percent higher than the appraised value?

Mr. MORRISON. I discussed Foggy Bottom with GSA yesterday and they told me that according to the other figures this would cost approximately $5 million.

Mr. PRICE. Mr. Speaker, will the gentleman yield?

Mr. MORRISON. I yield to the gentleman from Illinois.

Mr. PRICE. If they did use the name of Eisenhower on this project, would it reduce the cost in any way?

Mr. MORRISON. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, I realize full well that anything which involves an expenditure out of the Federal Treasury at this time is viewed with some concern by most Members. However, in that regard it is obvious that in many of the appropriations we are considering we recognize there are some things that need to be done.

As one who has been in Washington and with the Government for quite a while, through the years I have felt very much the need here in the District for the sort of auditorium that is proposed to be built. To my mind it is elemental that if there had not been some general feeling some time ago when this movement started it would not have been initiated.

I have looked over again the list of people who were appointed on this Commission and I say those whom I know are people with deep civic interest. Many of them I know to be of great capacity and understanding and I would say that on the whole this is a Commission in which we should have a lot of confidence. This Commission has made its recommendation which is embraced in the pending conference report.

Mr. Speaker, personally I feel that the auditorium should be built. We need it. I am quite convinced if we do not acquire the land and undertake construction now that one day in the future when ultimately we will have to do something about it, the cost of acquiring the land will be even greater.

As to location, it occurs to me that this area is in the vicinity of many of the great monuments and landmarks in the city of Washington, D. C. It is an area close to the hotels where people who might come here to attend some occasion in this auditorium would be close to it. It occurs to me that this is a location that would make it much easier to raise the $36 million, that I understand will be needed to pay for the construction, from the people who would be subscribing to that operation.

So, as far as I am concerned, I think, first, we need this building. I think, second, the time to acquire it is now, and, third, from what I know of the project and from what I have been able to discover about it, my own personal view coincides with the view of the people who were employed originally and who state that the site is a proper one and the best that could be acquired. So, I expect to support the conference report.

Mr. WILSON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Indiana.

Mr. WILSON of Indiana. We should have been a little more alert and objected to the conference report; then we would have gotten it out of the Committee on Rules through a rule. Here is a brand new bill being brought in under the guise of a conference report. It has all kinds of ramifications, and we need a lot of time on it. I hate to see a new bill brought in under the guise of a conference report. I urge you to vote down this conference report.

Mr. HALLECK. Of course, if there had been an objection raised and a rule obtained, in all probability the rule would have provided for 1 hour of debate.

Mr. WILSON of Indiana. And we would have had a chance to be heard.

Mr. HALLECK. I do not know how much time has been consumed. I do not think I consumed my 5 minutes. I propose to yield the floor so that others will have a chance to express their views.

Mr. MORRISON. Mr. Speaker, I yield to the gentleman from Virginia [Mr. BROYHILL].

Mr. YOUNGER. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from California.

Mr. YOUNGER. In your explanation, will you designate who the private interests are who are going to furnish the $36 million?

Mr. BROYHILL. I do not know who the private interests are.

Mr. Speaker, I have no illusions that in my humble way I would have sufficient persuasive powers to overcome the influence that my good friend, the gentleman from Louisiana [Mr. MORRISON], may have on the membership of this House. I also recognize my limitations in impressing you with the fact that the recommendations of this Auditorium Commission, which is composed of outstanding citizens throughout the country, should be opposed. Therefore, it is with great reluctance that I rise in op-

position to the adoption of this conference report.

Regardless of my limitation of persuasive powers, I strongly feel that it is my duty and responsibility to convey to the best of my ability the situation and facts as I see them to the membership of the House. I have the greatest confidence that if all the details are known, the House of Representatives will act properly in its wisdom and I shall have no fear or concern as to what the final decision might be.

The history of this legislation is that the House originally approved a very simple bill to extend the life of the Auditorium Commission. The other body amended the bill to give the Auditorium Commission the authority to acquire property for the site by condemnation, gift, purchase, or what other means necessary to obtain the site for the building. The House objected to that amendment, and it was sent to conference. The conferees put even more objectionable language into the bill than was originally objected to by the House by actually selecting the site themselves.

Now, none of us are opposed to a cultural center; we are all for it, just as we are for motherhood. However, this is the most costly site that could be selected for the construction of this center, with no assurance, after spending $25 million, that $36 million will be raised for the construction cost. How do I know that it will only cost $20 million to $25 million? The only sure way of determining the value of property—and you Members who are attorneys know this—is by the actual sale of similar or comparable property in the surrounding area. We have actual records of several transactions of property for the past 10 years in this area. In fact, I have here lists of actual transactions of real estate involving property contained within this particular site. When the sales prices of all of this property, which has actually been sold over the recent years, is averaged out on a price per square foot basis, it will prove that the overall value of the land contained in the site will be between $20 million and $25 million.

Here are the figures on two actual sales of property in this area which occurred in recent weeks. One involves condemnation of a piece of property just to the south of this Foggy Bottom center where a condemnation jury awarded a valuation of $20.39 per foot. Now, there is going to be approximately a million square feet of property needed to be purchased for the auditorium site in this area. Therefore if you just use that condemnation case as an example, it will show a cost of over $20 million.

Here are the figures on the actual sale of property not more than one block away from this proposed site just recently acquired which sold at a rate of $27.97 per foot. Again, if you apply that to the million square feet, it will show a cost of over $27 million.

There are other sites which have been recommended by the Auditorium Commission which are almost as desirable, which the Auditorium Commission admits in its own report to the Congress. The Federal Government already owns or is now considering acquiring these other sites in the southwest redevelopment area at a cost of approximately $2 million. We are all for this auditorium center. As I stated before, we just state that this is not the proper site. It is the most costly site. And here you will be asked for an appropriation of $20 to $25 million with no assurance that an auditorium will ever be built on this site since $36 million would have to be raised by private subscriptions for its construction after the site is acquired.

Mr. GROSS. And out of the Federal Treasury; I hope the gentleman will make that plain.

Mr. BROYHILL. It will come out of the Federal Treasury, yes. There is no point in adopting the conference report unless you are willing to come right back with an appropriation of $20 to $25 million, which will have to be made. If you vote down this conference report, it will not kill the cultural center. We can come right back and adopt a simple bill; we can extend the life of the Commission and then come back and approve another site which would be not nearly as costly as this one.

The Committee on the District of Columbia has never had an opportunity to discuss this matter whatsoever. This was adopted very quickly in conference, because it was the desire of the Commission to go ahead and ram this site down the throat of Congress under the guise that it was a cultural center and would be good for all the people of the country. We do not argue that. We just maintain that this is the most costly site that you could select. It would take property off the tax rolls of the District of Columbia, tax money which is sorely needed, which would amount to a revenue of over $2 million a year. If we continue to do that, it will not be long before the Congress will have to appropriate all the money to operate and maintain the government of the District of Columbia.

Furthermore, there are several private enterprise developments proposed and under way in this area. I strongly feel that the Congress should consider this factor and not be indifferent about the imposition on these developments which are already under way after great sums of money and years of delay have been spent in the planning of these developments. There are other problems involved such as the construction of the interloop expressway, plans for which have been almost completed and which would have to be changed with great delay in the event this site was selected.

The southwest area site which is the second site of the Auditorium Commission is already available and while not as desirable in the eyes of the Auditorium Commission has many advantages over the Foggy Bottom site in addition to the cost factor. One main advantage would be that the southwest site would be located much closer to other points of interest which the millions of tourists and visitors to Washington come to see each year.

There is also very strong local opposition to the selection of the Foggy Bottom site, among which are many outstanding civic and business groups of the District of Columbia who certainly have the welfare and development of the Nation's Capital at heart.

I should like to caution the membership again not to approve this conference report unless they are willing to come right back and forthwith appropriate the necessary funds. In conclusion I should like to repeat again for emphasis that I am not opposed to the development of this cultural center but am opposed to the selection of this site as not being the proper one. If we vote down this conference report we can take quick action on a bill to extend the life of the Commission and still have the auditorium in the near future. Voting against the conference report will not kill the auditorium.

Mr. Speaker, I urge that the conference report be voted down.

Mr. MORRISON. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. THOMPSON].

Mr. THOMPSON of New Jersey. Mr. Speaker, the study made by the District of Columbia Auditorium Commission and the work going into that study was extremely revealing.

For one thing, we learned that 382 American cities have civic and cultural centers but the Nation's Capital has none.

There was another point that interested me too.

The United States has through various funds and programs helped a great many other nations restore and reconstruct opera houses and other cultural centers that had been destroyed in World War II.

As a matter of fact, American funds helped in a number of ways to get cultural programs under way again after the destruction and carnage of war had passed.

Now as to these 382 other American cities, many of which are less wealthy, and less populous than the Nation's Capital. What facts in their situation led to the establishment and construction of civic and cultural centers that have not been operating in Washington, D. C.?

The only thing that I can see that made the difference was that the government of the District of Columbia is largely in the hands of the Congress, a situation that does not obtain in any other city of this country.

So, it may be that we must look to the Congress for the reasons which have contributed to the cultural lag in the very city in which this body has such an important role as city council.

I do not want to convey the impression that I think it is because of any cultural blindness of the Members of this body that the Nation's Capital lacks these facilities.

Not at all, because we see these same facilities present in the very cities and localities from which the Members of this House come.

It may be that because of the fact that the responsibilities for the government of Washington are divided among a number of committees both in this House and in the Senate that there has been lacking the particular drive that is necessary to get this particular project under way.

For this reason, I think the Members of the Senate and House Committees on

the District of Columbia are to be commended for the time and energy they have given to this matter since it was first introduced in the 84th Congress.

My good friend and colleague, the gentleman from Louisiana [Mr. MORRISON], and the gentleman from Pennsylvania [Mr. KEARNS], are to be greatly commended for the leadership they have shown in this matter.

The newspapers of this country recently carried an Associated Press dispatch from Tokyo, Japan—this was July 11—reporting that the gentleman from Pennsylvania [Mr. KEARNS] said he was going to devote the rest of his life in public office to get the United States to shift emphasis in its policy from spreading armaments to spreading culture.

According to the newspaper articles he was quoted as saying:

> We can do more with our culture than with an A- or H-bomb. We can completely outclass Russia with culture.

This was after the gentleman from Pennsylvania had finished a tour of Japan as the guest conductor of the United States Air Force Band. I think this body owes him a high commendation for his leadership in these matters of cultural affairs and as a good will ambassador of great ability, especially at a time when the official ambassadors of the United States cannot even pronounce the names of the leading statesmen of Asia such as Nehru.

I think this is an important step because it shows that the Congress is getting over its aversion to cultural matters—if indeed it was ever as philistine and as antagonistic to the cultural arts "which make our civilization endure and flourish," as the President would say, as some of our critics would make out.

We need to do more in this respect than we have done in the past and right here in the Nation's Capital is the best place in the world to begin.

It is time we establish here a showcase for the Nation where our best cultural productions could be shown so we could see for ourselves what is being produced in our home States and share these cultural activities with all the people of this Nation.

As for myself, I am not particularly concerned with where this cultural center is located in Washington, whether in the Foggy Bottom area near the new State Department Building and the Lincoln Memorial, or in southwest Washington which is the recommendation of some.

The important thing, I think, is that it be established, and as soon as possible.

I would wish that the President was pushing as hard for this as he is for a national memorial stadium. He is supporting both but he does seem to be more vocal about the stadium having referred to it several times in his press conferences and otherwise.

He spoke at length in his San Francisco acceptance speech in the 1956 political campaign about the importance of the cultural arts. I am afraid, however, that the President tends to prize highly the arts for their propaganda and cultural exchange values and is inclined to overlook the necessity for strong encouragement and recognition of their values at home.

Yet I cannot say that this is altogether true, for the President told the Congress in his 1955 message on the state of the Union that—

> In the advancement of the various activities which will make our civilization endure and flourish, the Federal Government should do more to give official recognition to the importance of the arts and other cultural activities.

And Vice President NIXON has said, in a speech included in the CONGRESSIONAL RECORD by Senator HUBERT H. HUMPHREY, that—

> In many areas of the world a place of honor is given to leaders in the arts and intellectual fields and in religious activities. The intellectual is not dismissed as an egghead. The artist is not called a longhair. The minister of religion is not considered an impractical idealist. Here again we find that many peoples think that we in America are too materialistic to have such ideals. We are considered anti-intellectual, deficient in culture, superficial in religion. Again, I am not passing judgment of the truth or falsity of these charges. The important point is that they are widely believed. And what is truly amazing is this: That the apostles of communism can parade as exponents of the very ideals that they accuse us of neglecting when their own philosophy is the ultimate in materialism and the antithesis of religion.

Well, it seems clear that this House today can make history and help bring closer to realization a dream about the Nation's Capital as a cultural center that has been held by many of our country's great leaders including President Washington and many of the Presidents down through the years.

A point to remember is that this has nothing to do with inflation. The center will not be built for a long time, at least until the money is raised. And, while the administration has been talking about inflationary pressures it has been preparing plans for 39 buildings under the lease-purchase program and urging that that program be continued.

I think and hope that the conflict between the proponents of the various sites proposed for this cultural center will be resolved in the public interest, that it will be amicably resolved in the interest of everyone concerned.

I trust this body will not be shown as incapable of action on this matter as it apparently is in the case of a new bridge for the Potomac.

It is clear, however, that what is needed is a Commissioner of the District of Columbia who has a speaking acquaintance with culture, who is not afraid of the word. The mayors of a hundred European cities can see the values, touristwise, and for their citizens and residents of cultural facilities and an active cultural program.

Here in Washington, what happens? The Commissioners issue a permit for the construction of headquarters for the Peoples Life Insurance Co. on the very site chosen by the District Auditorium Commission for the proposed national cultural center. This is the kind of cooperation and support this Commission and this Congress can expect from the Board of Commissioners of the District of Columbia.

The Washington newspapers talk editorially about the imperiled cultural center, and the last chance for a cultural center, and expect the Auditorium Commission to protect the District of Columbia from the purblind Commissioners who head up the government of this area who were appointed by the President. Maybe if they were elected by the people they would be more alert to the longtime cultural interests of this Capital City.

Maybe what is needed is a Robert Moses, for we find the Housing and Home Finance Agency putting up $24 million for the Lincoln Square Center of the Performing Arts, in New York City.

Now, I am not going to make a case for this particular outlay but I will say this, that I do not like to see such unequal treatment of two cities, New York City, and Washington, by this administration.

If this administration is not going to treat the Nation's Capital as fairly as it treats other American cities, then the least that this body can do is to let Washington have the ultimate decision as to the spending of the taxes that are raised and spent locally, some $170 million.

If this means home rule, or if it means a standing Joint Committee on the District of Columbia as I have proposed in legislation which I have introduced in this Congress, then I say let it come.

For, you will remember, the phrase which figured so prominently in the early history of our country was this—"Taxation without representation is tyranny."

I include here two recent editorials from the Washington Post and Times Herald on this matter:

[From the Washington Post and Times Herald of July 11, 1957]

IMPERILED CULTURAL CENTER

The issuance of a permit for the construction of headquarters for the Peoples Life Insurance Co. on the site chosen by the District Auditorium Commission for the proposed $36 million national cultural center, is a sharp reminder to the House of Representatives that this site will not remain available forever. The company will soon ask for bids. It is not to be supposed that anything conclusive will be done until the House acts or Congress adjourns. But the House is clearly on notice as to what the consequences of failure to make up its mind would be. The insurance company cannot reasonably be kept waiting much longer.

The Senate approved a conference report authorizing purchase of the Foggy Bottom site for the cultural center on May 15. A few days later House Majority Leader MCCORMACK acknowledged that "We must either approve the report or vote it down." Since then, however, the House has had several good opportunities to consider the report and has merely ignored it. What a pity it would be if the site chosen by the Commission and agreed to by all but one of the Senate-House conferees should be lost by default. It is also important to remember that even after the authorization has been voted Congress will need to appropriate funds to buy the site if it is not to be used for private development that would upset the cultural center plan.

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[From the Washington Post and Times Herald of August 6, 1957]

LAST CHANCE

If Congress has any intention of going forward with the District auditorium-cultural center project, it must decide to do so before the end of this session. Conferees of

the House and Senate have agreed upon legislation to designate a site for the center but the bill has not been reported back to the House. Meanwhile, private development of portions of the proposed site in Foggy Bottom has been held off pending such action.

It would be quite unreasonable to expect these private interests to keep their money tied up indefinitely in vacant land which is situated so strategically. A building permit has been issued for one project, the proposed new home office of a life insurance company, and a token groundbreaking has taken place. It is altogether probable that this and other private and public projects, for which plans and funds are in hand, will go forward if Congress fails in this session to designate the Foggy Bottom site for the long-needed civic and cultural center.

Even though other sites might be available, this is the location recommended by the Auditorium Commission. Inaction would mean that the considerable sums which Congress has invested in elaborate studies for this particular project would be lost. Worse, Washington might be left indefinitely without the facilities it ought to have for presentations of the ballet, theater, music and other events. Congress is asked only to make a decision to provide a site. Construction of the buildings is to be undertaken privately. There is no time to lose if this venture is to be brought to fruition.

Mr. Speaker, the gentleman from Virginia, who is an authority on bridges and tunnels and airports and everything else, is now an authority on this. I might point out that the gentleman from Virginia would not have stated that the Commission, this Auditorium Commission, which has on it several Members of Congress, including myself, and some distinguished private citizens, was trying to jam anything down the throat of Congress, if the gentleman, who is a member of the Commission, had taken the trouble to attend even one of its meetings.

I dislike to have to do this, but here we have the spectacle of a member of the Commission, and a Member of the House taking the floor to accuse the Commission of doing something which it is not doing and has not done.

There is no need to answer some of the other arguments except to refer to the arguments Members have heard from the gentleman on various and sundry subjects, all over the lot, recently. He is just as much an authority on this as he is on those others.

Mr. BROOKS of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. BROOKS of Louisiana. Is not the location of this proposed site where the proposed bridge or tunnel that we debated the other day was to be? This is within a block or two of the other big auditorium in the District of Columbia. I am just asking for information.

Mr. THOMPSON of New Jersey. I am sorry, I was so confused by the bridge and tunnel dispute I do not know even where it was to be. It was to be a bridge built under the river or a tunnel built over the river.

Mr. BROOKS of Louisiana. I come down this route every morning and the traffic is very heavy in that area. If you put an auditorium in there, which would adjoin another auditorium, and then you have a bridge there or a tunnel, how in the world are you ever going to get through that area?

Mr. THOMPSON of New Jersey. I thank the gentleman for his concern. I might say that there is a highway to pass nearby which will relieve the flow of traffic.

Mr. Speaker, I simply point this out. Here we are again in the position of being the city council for the Nation's Capital. If this proposition were not 75 years old, someone could come in and claim surprise. But it is old. There is an obvious need for a cultural center in the Nation's Capital. I do not think anyone can dispute it. There is reason, perhaps, for argument about the selection of the site. We will not necessarily dispose of that today.

Mr. MORRISON. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. O'HARA].

Mr. MILLER of Nebraska. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Louisiana yield for a parliamentary inquiry?

Mr. MORRISON. I do, Mr. Speaker.

The SPEAKER. The gentleman from Nebraska will state his parliamentary inquiry.

Mr. MILLER of Nebraska. Mr. Speaker, is it customary or necessary for the individual controlling the time to divide the time equally between the opponents and the proponents of a conference report?

The SPEAKER. The Member in control of the time can dispose of it as he sees fit.

Mr. MILLER of Nebraska. I thank the Chair.

Mr. O'HARA of Minnesota. Mr. Speaker, I regret to oppose this conference report and I do so because I think that what has been done over in the other body in adding in a simple continuation of this Commission has completely changed the whole picture.

As the gentleman from Virginia [Mr. BROYHILL] has so well pointed out, we are picking out here one of the most expensive sites that could be found in the city of Washington for the building of this auditorium. It will cost the Federal Government between eighteen and twenty million dollars. That is quite a sum of money in itself.

In addition, it will be taking property off the tax rolls, property which should bring in an income to the District of Columbia through taxes of about $2 million a year from the various types of taxes, real estate, personal, and other. There are two other sites which are relatively just as good as this site and which Mrs. Meyer, herself, indicates are very acceptable sites which could be obtained more cheaply than this site.

It would mean also that you are stopping the development of important property developments in this very area. The Foggy Bottom area, as you know, is down around the present State Department Building and toward the river. It is very valuable building property.

Mr. RABAUT. Mr. Speaker, will the gentleman yield?

Mr. O'HARA of Minnesota. I yield to the gentleman from Michigan.

Mr. RABAUT. I am not opposed to the building of this auditorium.

Mr. O'HARA of Minnesota. I am not, either.

Mr. RABAUT. But I am very much opposed to the site that has been selected.

Every year we debate the size of the Federal payment. You now have an exodus of people from the city of Washington, yet here we are taking 26 of the most valuable acres in the city for a project that will not return a cent in taxes to the coffers of the treasury of the District of Columbia. These 26 acres, it was testified, would cost about $3 million. Today the figure is changed to $5 million. Recently land similar to this has sold for a great deal more. It will cost in the vicinity of $20 million. The value of this land is $20 million.

Mr. O'HARA of Minnesota. That is correct.

Mr. RABAUT. Do we want to put this building on a $20-million site? That is the whole story.

Mr. MORRISON. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. HYDE].

Mr. HYDE. Mr. Speaker, like the gentleman from Minnesota and the gentleman from Virginia, I want to make it clear I am not opposing this national cultural center. I think we badly need such a center. My argument, like theirs, is merely directed to the site.

The gentleman from Louisiana has said that the only place for this site is Foggy Bottom. Contrary to that, I should like to quote from a letter written in January by the Chairman of this Auditorium Commission, Mrs. Eugene Meyer, in which she said in the third paragraph of that letter:

In the matter of location, the Commission presents three sites which are suitable for the center.

Those three sites among others are set out in the brochure. The principal difference between the three sites, as has been pointed out to you, is that on the basis of the known value of this property it is worth at least anywhere from $15 to $20 a foot. Whereas property at other sites which are suitable and which are pointed out in this brochure is worth at least one-fifth of that cost. So the cost of acquiring this site will be at least $20 million when there are other suitable sites—sites that have been called suitable by the commission—which would cost probably less than $5 million. Among the criteria which the commission set forth for the acquisition of site were these, and I am quoting: "Convenience, surroundings, outlook, terrain, size, zoning, cost, reduction from or additions to the tax rolls, relation to Washington traffic problem and to its urban renewal program."

Those are the criteria which guided the Commission in selecting the site. On the basis of all of these criteria, these other sites are just as suitable with respect to convenience to the downtown area, with respect to the traffic problem, and certainly with respect to the urban renewal program; undoubtedly the other sites are most desirable so far as cost is concerned and so far as reduction and

addition to the tax rolls is concerned. In other words, on the basis of all the standards set by the Commission, the other sites which the Commission has rejected are more suitable than the site in Foggy Bottom. On that basis, it is most difficult for many of us to understand just why this particular Foggy Bottom site was the one selected. There should be much more explanation; the House should reject the committee report which throws this question at us in such a summary fashion.

The SPEAKER. The time of the gentleman has expired.

Mr. MORRISON. Mr. Speaker, I yield 5 minutes to a member of the Commission and a member of the subcommittee, the gentleman from Pennsylvania [Mr. KEARNS].

Mr. KEARNS. Mr. Speaker, as a member of the Commission and also as a Member of the Congress, I have sat here listening to this debate with great interest. I would like to inject here this feeling, if I could. It is very interesting to note that when we can buy land on this site known as Foggy Bottom for a very small amount of money, to be utilized for something that will give us international fame as well as respect at home, that we should have so much opposition to it. Since I have been in the Congress I have noticed land all around Washington slip away from us. Take, for example, the Congressional Hotel. We could have bought that land for nothing, so to speak—around $150,000. Now the Congress is going to pay millions of dollars to buy back that hotel because we need it for Government operations. We should take inventory and be very smart about what we are doing here today. I have traveled all over the world, and I have had a chance to meet people interested in all the cultural aspects of living, and I want to cite Western Germany as one example of what can be done by good planning. There our planes bombed them out. But they have reconstructed their country, and in every small community they have a beautiful auditorium. In every one of these communities they constructed them because of their cultural instincts. And that, I want to remind you, helps to build the morale of a country. Now, where did they build these auditoriums—the new ones? Did they go back to the old sites? No; they picked out the most beautiful places they could find in every community for the location of their new auditoriums. I say when we consider Foggy Bottom as the location for our cultural center we, too, are suggesting a wise site. I would regret deeply if we should vote this bill down.

Look at the money we have spent all over the world—millions and millions of dollars—and then when it comes to a project right here in the Nation's Capital, where we would have to make a capital investment of less than $5 million, we become very critical. We have spent over $2 billion in Okinawa—a marvelous investment—besides what we have in Japan and on the Continent of Europe. But when it comes to trying to get a comparatively small amount of money for something for ourselves, for this generation and the next generation, we suddenly become critical and mercenary to the degree that we lose sight of our objective.

I have all the respect in the world for those who are against this legislation. That is our privilege as Members of Congress, but I wish you would reevaluate it. I think it would be marvelous if we had some place in the greatest Capital of all the nations in the world where we could be proud to bring orchestras and operas, instead of having to hang our heads in shame.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. KEARNS. I yield.

Mr. JONAS. I have difficulty in accepting this name. In section 3 this land is referred to as Foggy Bottom—South. That name will stick with this land forever. Could not that name be changed?

Mr. KEARNS. I do not think the name "Foggy Bottom" is particularly inviting.

Mr. JONAS. But I object to the addition of the word "South."

Mr. KEARNS. Then change it to "North."

Seriously, I make this one appeal to you: I hope you reconsider in every way you can. If we defeat this bill today, that means probably another 4 years before we have this auditorium. I do not know how anyone could look at this beautiful picture and realize the work that has been done by men and women who never got 1 cent of compensation for it but rather spent their own money to come across the country to help contribute to this worthy cause in the Nation's Capital—and not give real consideration to this important and worthy project.

Mr. SADLAK. Mr. Speaker, will the gentleman yield?

Mr. KEARNS. I yield.

Mr. SADLAK. I want to make an observation in deference to our distinguished colleague [Mr. BROYHILL] in response to what has been said by the gentleman from New Jersey [Mr. THOMPSON], that, after all, our respective constituencies expect us to have a working knowledge of every bill that comes before the House.

Mr. KEARNS. And does not the gentleman think it was wonderful that we could find a Commission, representing a cross-section of America, willing to serve without pay, and do this research and planning for us?

Mr. SADLAK. Indeed so.

The SPEAKER. The time of the gentleman from Pennsylvania [Mr. KEARNS] has expired.

Mr. MORRISON. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. MULTER].

Mr. MULTER. Mr. Speaker, I am one of the conferees who signed this report. I attended the hearings and listened to the testimony and got as much outside information as I could.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. MULTER. In a moment.

Mr. TABER. This conference report is neither a direct authorization nor an appropriation, nor is it direct authority to dig into the Treasury, but it is a sort of an implied thing that is neither fish nor fowl.

Mr. MULTER. I think it is a little late to raise that point. The question before us is, Do we want this center, and shall it be at the Foggy Bottom site? As I said a moment ago, I listened to the testimony adduced at the hearings and I got outside information, and I listened attentively to all of the debate here today. I can see no reason why I should change my mind about supporting this conference report.

There has been some talk about the different sites that are available. The assessed valuation of this site is $2,600,000. One of the other two sites is assessed at over $3 million and the third is over $3,300,000. Most of those opposed to this site prefer the third and most expensive one. The assessed valuation alone is not the true value. But, no matter what percentage that may be of true value, the relative values remain the same. This site is the least valuable, dollarwise. Furthermore, it is the best of the three sites, by every other standard, such as availability, accessibility, scenic beauty, parking space, and so forth.

Finally, this site has the greatest amount of Government-owned land—now owned by the Government—more than in either of the other two sites.

If we take either of the other two sites it means condemnation of a great deal of private property. Almost all of those sites are privately owned. More than half of this site of 27 acres is already owned by the United States Government.

While we will be giving this site to this project we will be getting a return equal to six times its value, through contributions of private capital to build and make this a great national civic center, which, upon completion, will be owned by our Government.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. MULTER. I yield.

Mr. KEATING. The gentleman said there were 27 acres owned by the Government. What is the total acreage involved? What I am getting at is what percentage is Government owned?

Mr. MORRISON. Mr. Speaker, will the gentleman yield?

Mr. MULTER. I yield.

Mr. MORRISON. The site covers 27 acres, of which about 14 acres are owned by private interests.

Mr. KEATING. So that on these other sites it would be necessary to condemn much more?

Mr. MULTER. That is correct.

Mr. KEATING. That seems to be an added reason for favoring this site.

Mr. MULTER. That is the very point I am trying to make.

Mr. HYDE. Mr. Speaker, if the gentleman will yield, the land in this site covers 26.9 acres, 86 percent of which is taxable. In the other site in the Southwest there are 27 acres, 85 percent of which is taxable; in the third site there are 13.2 acres, 88 percent of which is taxable; so the amount of land which the Government already owns is about the same in all of these instances.

Mr. MULTER. The gentleman is talking about property that was taxable in 1956. I am talking about property which is presently owned by the United States and the District governments.

Mr. MORRISON. Mr. Speaker, I yield myself the remainder of the time.

Mr. Speaker, for many years there has been a movement underway to build a much needed auditorium and cultural center here in Washington, and many efforts have been made in that direction but without success.

As the situation stands today, you have before you the completed effort of outstanding people from all over the United States who have worked and studied for over a year and a half before making their recommendations. They have worked out all the problems that existed. Whereas the House has been considering this for less than an hour, these people have studied and worked with it for a year and a half. Let us see who is in this cultural center for Foggy Bottom.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. MORRISON. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I would like to point out that historically this question of a cultural center for the National Capital goes back to pre-Civil War days. Immediately after the Civil War President Grant advocated such a center and a building was in fact erected for the purpose, but was never used because of the need for space for other things.

Immediately before World War II President Roosevelt appointed a commission of which the late Senator Barkley and former President Truman were members. They advocated this. The war came along, however, and the project had to be abandoned.

The time is now, and the need is obvious, I think, to any one of us who has our constituents in here by the thousands to see the capital of the Free World, yet a capital which is no center of the Nation's culture.

Mr. MORRISON. As I have said, you have had a commission of notable and qualified people—architects and engineers—study these problems and making their recommendation. You had a joint committee of the Congress which held hearings in detail. You have heard the opponents of Foggy Bottom give you no substantial reason for their opposition. Therefore, you have the commission, the joint Senate-House committee, and the United States Senate for it, because the Senate passed it without a dissenting vote; and you have the President of the United States for it. You have an opportunity here and a wonderful chance to get an auditorium and a cultural center that is badly needed.

You know what it is going to cost the Government. Surely, no one better than the Attorney General's Office and the GSA know what the cost of condemning property is. They said it would be around $5 million for the 14 acres needed. Private enterprise will supply the balance of the cost. Here is a chance to spend $5 million of Government money on this Foggy Bottom site and get a $41 million investment in return.

I urge this House to vote in favor of this conference report to get this auditorium and cultural center, because if you do not you will lose your chance to have an auditorium.

The SPEAKER. The question is on the conference report.

The question was taken; and on a division (demanded by Mr. MORRISON) there were—ayes 74, noes 108.

Mr. MORRISON. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 115, nays, 284, not voting 33, as follows:

[Roll No. 180]

YEAS—115

| | | |
|---|---|---|
| Addonizio | Granahan | Osmers |
| Albert | Green, Oreg. | Passman |
| Allen, Calif. | Hagen | Patman |
| Allen, Ill. | Hale | Patterson |
| Aspinall | Halleck | Pelly |
| Ayres | Harris | Polk |
| Bass, Tenn. | Haskell | Radwan |
| Bennett, Fla. | Hays, Ark. | Rains |
| Blatnik | Hays, Ohio | Reece, Tenn. |
| Boggs | Hébert | Reuss |
| Bolling | Holifield | Rhodes, Pa. |
| Bonner | Holmes | Riehlman |
| Boyle | James | Rodino |
| Breeding | Karsten | Rogers, Mass. |
| Burdick | Kean | Roosevelt |
| Canfield | Kearns | Sadlak |
| Carnahan | Keating | St. George |
| Carrigg | Kee | Saylor |
| Church | King | Scudder |
| Cole | Kirwan | Sheehan |
| Corbett | Knutson | Sisk |
| Curtin | Lanham | Smith, Miss. |
| Dollinger | Lankford | Staggers |
| Dorn, N. Y. | Long | Steed |
| Durham | McCarthy | Teague, Tex. |
| Dwyer | McMillan | Teller |
| Eberharter | Macdonald | Thompson, N. J. |
| Edmondson | Marshall | Thompson, Tex. |
| Elliott | Martin | Thornberry |
| Evins | May | Trimble |
| Fallon | Merrow | Wainwright |
| Farbstein | Metcalf | Wharton |
| Fascell | Miller, Calif. | Wier |
| Feighan | Morgan | Wigglesworth |
| Fenton | Morris | Willis |
| Friedel | Morrison | Wolverton |
| Fulton | Moss | Yates |
| Garmatz | Multer | |
| Gavin | O'Hara, Ill. | |

NAYS—284

| | | |
|---|---|---|
| Abbitt | Bennett, Mich. | Chelf |
| Abernethy | Bentley | Chenoweth |
| Adair | Berry | Chiperfield |
| Alexander | Betts | Christopher |
| Alger | Blitch | Chudoff |
| Andersen, H. Carl | Boland | Clark |
| | Bolton | Clevenger |
| Anderson, Mont. | Bosch | Coad |
| | Bow | Coffin |
| Andresen, August H. | Boykin | Collier |
| | Bray | Colmer |
| Andrews | Brooks, La. | Cooley |
| Arends | Brooks, Tex. | Cooper |
| Ashley | Broomfield | Coudert |
| Ashmore | Brown, Ga. | Cramer |
| Auchincloss | Brown, Mo. | Cretella |
| Avery | Brown, Ohio | Cunningham, Iowa |
| Bailey | Broyhill | |
| Baker | Budge | Cunningham, Nebr. |
| Baldwin | Burleson | |
| Barden | Bush | Curtis, Mass. |
| Baring | Byrd | Davis, Ga. |
| Barrett | Byrne, Ill. | Dawson, Utah |
| Bass, N. H. | Byrne, Pa. | Delaney |
| Bates | Byrnes, Wis. | Dellay |
| Baumhart | Cannon | Dempsey |
| Becker | Cederberg | Dennison |
| Beckworth | Celler | Denton |
| Belcher | Chamberlain | Derounian |
| Devereux | Keeney | Ray |
| Dies | Kelley, Pa. | Rees, Kans. |
| Diggs | Kelly, N. Y. | Rhodes, Ariz. |
| Dingell | Kilday | Riley |
| Dixon | Kilgore | Rivers |
| Donohue | Kitchin | Roberts |
| Dooley | Kluczynski | Robeson, Va. |
| Dorn, S. C. | Knox | Robsion, Ky. |
| Dowdy | Krueger | Rogers, Colo. |
| Doyle | Laird | Rogers, Fla. |
| Engle | Landrum | Rogers, Tex. |
| Fino | Lane | Rooney |
| Fisher | Latham | Rutherford |
| Flood | LeCompte | Santangelo |
| Flynt | Lennon | Saund |
| Fogarty | Lesinski | Schenck |
| Forand | Lipscomb | Scherer |
| Ford | Loser | Schwengel |
| Forrester | McConnell | Scott, N. C. |
| Fountain | McCormack | Scott, Pa. |
| Frazier | McCulloch | Scrivner |
| Frelinghuysen | McDonough | Seely-Brown |
| Gary | McFall | Selden |
| Gathings | McGovern | Sheppard |
| George | McGregor | Shuford |
| Gordon | McIntire | Sikes |
| Grant | McIntosh | Siler |
| Gray | McVey | Simpson, Ill. |
| Green, Pa. | Machrowicz | Smith, Calif. |
| Gregory | Mack, Ill. | Smith, Kans. |
| Griffin | Mack, Wash. | Smith, Va. |
| Griffiths | Madden | Smith, Wis. |
| Gross | Magnuson | Spence |
| Gubser | Mahon | Springer |
| Gwinn | Matthews | Stauffer |
| Haley | Meader | Sullivan |
| Harden | Michel | Taber |
| Hardy | Miller, Md. | Talle |
| Harrison, Nebr. | Miller, Nebr. | Teague, Calif. |
| Harrison, Va. | Mills | Tewes |
| Healey | Minshall | Thomas |
| Hemphill | Montoya | Thomson, Wyo. |
| Henderson | Moore | Tollefson |
| Herlong | Moulder | Tuck |
| Heselton | Mumma | Ullman |
| Hess | Murray | Utt |
| Hiestand | Natcher | Vanik |
| Hill | Neal | Van Zandt |
| Hoeven | Nicholson | Vorys |
| Hoffman | Nimtz | Vursell |
| Holland | Norblad | Walter |
| Holt | Norrell | Watts |
| Horan | O'Brien, Ill. | Weaver |
| Hosmer | O'Brien, N. Y. | Westland |
| Huddleston | O'Hara, Minn. | Whitener |
| Hull | O'Konski | Whitten |
| Hyde | O'Neill | Widnall |
| Ikard | Ostertag | Williams, Miss. |
| Jarman | Perkins | Williams, N. Y. |
| Jenkins | Pfost | Wilson, Ind. |
| Jennings | Philbin | Winstead |
| Jensen | Pilcher | Withrow |
| Johansen | Pillion | Young |
| Johnson | Poage | Younger |
| Jonas | Poff | Zablocki |
| Jones, Ala. | Price | Zelenko |
| Jones, Mo. | Prouty | |
| Judd | Rabaut | |

NOT VOTING—33

| | | |
|---|---|---|
| Anfuso | Jackson | Reed |
| Beamer | Kearney | Shelley |
| Brownson | Keogh | Sieminski |
| Buckley | Kilburn | Simpson, Pa. |
| Curtis, Mo. | Mailliard | Taylor |
| Dague | Mason | Thompson, La. |
| Davis, Tenn. | Miller, N. Y. | Udall |
| Dawson, Ill. | Morano | Van Pelt |
| Harvey | Porter | Vinson |
| Hillings | Powell | Wilson, Calif. |
| Holtzman | Preston | Wright |

So the conference report was rejected.

The Clerk announced the following pairs:

Mr. Buckley with Mr. Taylor.
Mr. Keogh with Mr. Curtis of Missouri.
Mr. Shelley with Mr. Mason.
Mr. Vinson with Mr. Miller of New York.
Mr. Preston with Mr. Morano.
Mr. Anfuso with Mr. Kearney.
Mr. Thompson of Louisiana with Mr. Simpson of Pennsylvania.
Mr. Holtzman with Mr. Harvey.
Mr. Dawson of Illinois with Mr. Van Pelt.
Mr. Powell with Mr. Kilburn.
Mr. Wright with Mr. Dague.
Mr. Porter with Mr. Beamer.
Mr. Davis of Tennessee with Mr. Hillings.
Mr. Sieminski with Mr. Jackson.

Mr. COLLIER changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

## A. C. ISRAEL COMMODITY CO., INC.

The SPEAKER. The Chair lays before the House a Senate concurrent resolution (S. Con. Res. 46) relative to proceedings on H. R. 5707, an act for the relief of A. C. Israel Commodity Co., Inc.

The Clerk read the concurrent resolution, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the House of Representatives return to the Senate the engrossed bill (H. R. 5707) for the relief of the A. C. Israel Commodity Co., Inc., erroneously messaged to the House on August 6, 1957, as having passed the Senate on the preceding day without amendment; that upon its return to the Senate the Secretary shall transmit to the House the said bill, together with the amendment made by the Senate thereto; that the enrolled bill, signed by the Speaker of the House and transmitted to the Senate on yesterday, be returned to the House, and that the action of the Speaker in signing said enrolled bill be thereupon rescinded.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## CONFEREES ON MUTUAL SECURITY BILL

Mr. HAYS of Arkansas. Mr. Speaker, I ask unanimous consent that the conferees on the mutual security bill have until midnight tonight to file a conference report.

The SPEAKER. Without objection, it is so ordered.

## INTERNATIONAL ATOMIC ENERGY AGENCY

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution, House Resolution 390, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8992) to provide for the appointment of representatives of the United States in the organs of the International Atomic Energy Agency, and to make other provisions with respect to the participation of the United States in that Agency, and for other purposes. After general debate which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 390 makes in order the consideration of H. R. 8992, a bill providing for the participation by the United States in the International Atomic Energy Agency. The resolution provides for an open rule and 1 hour of general debate on the bill.

The President will appoint the representatives to the Board of Governors and the General Conference, by and with the advice and consent of the Senate. He will also designate such other persons as he may deem necessary to represent the United States in the various component parts of the Agency. Provision is made that the participation of the United States in the Agency will be consistent with the Agency statute and the Atomic Energy Act of 1954.

The bill authorizes the payments of the United States share of the annual budget of the Agency and it is estimated that this share, in the first year, will run between two and two and a half million dollars, the expenses of the United States representatives of the Agency, and also the United States share of the expenses of the Preparatory Commission. In order to encourage Federal employees to work for the Agency, the bill provides that they will be given 3 years' protection on civil-service retirement, life insurance, and reinstatement rights in their positions.

In order to negate the possibility of having the contributions to the Agency become part of a giveaway, an amendment to the section of the Atomic Energy Act dealing with the distribution of materials to other nations was adopted by the committee. First, it provides that the materials distributed abroad by the Commission shall be compensated for at not less than domestic charges. The Commission can donate up to $10,000 of special nuclear materials to any nation during a calendar year, or $50,000 to any group of nations in a calendar year. It is also required that the Commission obtain the authorization of Congress for materials to be contributed to the Agency above and beyond the amounts of materials which were offered by the President at the close of the conference which drafted the statute for the Agency. The offer of the President of 5,000 kilograms of uranium 235, together with matched amounts of materials made available to the Agency by other members, is authorized. However, these amounts must be distributed to the Agency under agreements of cooperation.

If the Senate, by a formal vote, should fail to ratify an amendment which goes into force for the Agency, all authority in the participation act is terminated except for that required for settlement of our representation.

I urge the adoption of House Resolution 390 so the House may proceed to the consideration of this measure.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield.

Mr. GROSS. What are these four countries going to use for money to pay for these fissionable materials?

Mr. BOLLING. The gentleman is not in a position to answer that. I suggest that the gentleman make such inquiry during general debate.

Mr. ALLEN of Illinois. Mr. Speaker, I have nothing further to say. The gentleman from Missouri has made such a splendid statement, brief, concise and very informative.

I reserve the balance of my time, Mr. Speaker.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore [Mr. WALTER]. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## AUTHORIZING APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 391 and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8996) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. After general debate which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. TRIMBLE. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN] and yield myself such time as I may require.

The SPEAKER pro tempore. The gentleman from Arkansas is recognized.

Mr. TRIMBLE. Mr. Speaker, House Resolution 391 makes in order the consideration of H. R. 8996, authorizing appropriations for the Atomic Energy Commission. The resolution provides for an open rule and 2 hours of general debate on the bill.

A bill amending section 261 of the Atomic Energy Act of 1954, to increase the scope of Congressional review of the Atomic Energy Commission civilian atomic power program was recently enacted into law. H. R. 8996 is in accordance with the provisions of this amendment to section 261 of the act.

It provides for an authorization in the amount of $259,230,000 for new projects under the AEC's regular plant and facility authorization. The bill lists the projects for which funds have been authorized and the amounts. Certain limitations concerning the start of any of the

projects are set forth in section 102 of the bill. The Commission is authorized to use funds currently or otherwise available to it for advance planning and design and restoration and replacement.

The bill amends acts authorizing funds for the 2 prior fiscal years by increasing the amounts authorized for two particular projects in each of the acts in an amount totalling $30,535,000. Provision is also made for rescinding authorization of some 19 prior projects which will not be undertaken. The amount of the authorization of the projects rescinded totals $102,210,000.

Certain transportation expenses, not to exceed $75,000, in connection with the move of AEC headquarters from Washington to Germantown, Md., are authorized.

In addition, $129,915,000 is authorized to be appropriated, in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended, for a cooperative power reactor demonstration program for which the total cost is not to exceed $149,915,000.

I urge the adoption of House Resolution 391 so the House may proceed with the consideration of this bill.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. COLE].

Mr. COLE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks made in the Committee of the Whole, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SPRINGER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Obviously a quorum is not present.

Mr. TRIMBLE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 181]

| | | |
|---|---|---|
| Anfuso | Dawson, Ill. | Porter |
| Bailey | Hébert | Powell |
| Barden | Hillings | Preston |
| Beamer | Holtzman | Reed |
| Brownson | Kearney | Sieminski |
| Buckley | Kilburn | Taylor |
| Burdick | McGregor | Van Pelt |
| Curtis, Mo. | Mailliard | Vinson |
| Dague | Mason | Wilson, Calif. |
| Davis, Tenn. | Miller, N. Y. | Wright |

The SPEAKER pro tempore (Mr. WALTER). On this rollcall 395 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. COLE].

Mr. COLE. Mr. Speaker, it is unnecessary, I am sure, for me to emphasize the importance to our national security and our industrial growth prosperity for us to maintain a healthy and vigorous atomic energy program. This goal is hopeless of achievement if partisan motivations are to continuously exist in the deliberations and operations of those who have responsibility to the program. The bill under consideration, for the most part, is necessary to accomplish this objective. It does, however, have some features which are highly objectionable, as will be disclosed in the progress of debate.

In order to have a proper framework on which to judge the merits of the controversial issues involved in the measure, it is advisable, I think, for us to refresh our minds with regard to the comparatively brief history of our atomic program.

Prior to 1934, and from 1946 forward, the atomic program was, by law, a Government monopoly. Private ownership, private participation, private inquiry were foreclosed. Three years ago this month, the Congress changed all that by enacting a complete revision of our national atomic energy law. Then for the first time private inquiry, participation, and ownership of atomic facilities were not only permitted, but invited. In certain areas, the weapons phase, Government monopoly continued. In the peacetime application and reactor development phases, either private or private with Government cooperation was authorized.

There were many who resisted this revision of the law; there were some who insisted that atomic energy should still be a Government function. There were some who with grim determination sought to require the Government, by law, to engage in electric power generation from atomic energy. Their opposition to the revision of the law failed, as did their insistence that the Government enter the electric power field through the door of the atom.

Ever since that time, there has been continual persistence and even bitter condemnation and criticism of the Atomic Energy Commission by the same persons. It has seemed as though nothing the Commission did was right and it was denounced for things it did not do. In particular, the fire of criticism seemed to be directed to the Chairman of the Commission himself, Mr. Strauss. Just what the reasons are that he should be singled out for bitter, vitriolic, personal attack, I of course do not know for sure.

Could it be because he was one of the very few members of the Naval Reserve who reached the rank of rear admiral during his wartime service with our Navy? I rather doubt it. Could it be because he is a devout and orthodox Jew? I doubt it. Could it be because in spite of the fact that he never attended college his life has been a tremendous financial and personal success? I doubt that, too. Could it be because out of his own personal resources he made substantial contributions for using atomic energy in cancer research long before the joint committee was ever created? I doubt it. Could it be because he was the sole person in the executive department 10 years ago who insisted that the H-bomb must be developed? I doubt that. Or, finally, could it be because he is a Republican? My answer to that cannot be so doubtful.

No, Mr. Speaker, I doubt if any of the reasons I have suggested are valid with the possible exception of the last. Since these criticisms of the Commission and the Chairman have emanated largely from those who were most vocal and active in resisting enactment of the law in 1954, and finally even voting against it, the more likely explanation of this animus is that the Commission and the Chairman personify or are symbolic of the revolutionary transition in our atomic program which occurred when the philosophy was changed from Government ownership, control, and domination to a program more nearly compatible with the traditional American conception of human endeavor and private enterprise was allowed to bring into play its full forces of ingenuity, vision, virility, and dedication. They did not want the change then, they do not like it now, and probably never will be happy until the atomic program is again socialized by complete Federal domination and operation.

It is important then for us to evaluate the accomplishments which have occurred during this very brief period of 3 years in order to determine whether that change was justified or whether these continuing, carping criticisms have some foundation.

Prior to the change in the law, very little if anything was done in the peacetime application of atomic energy by the Atomic Energy Commission.

There was some, of course, but of a negligible amount. Since that time a myriad of uses of radioisotopes has been made in our industrial processes which as a consequence are conservatively estimated to represent a saving of $500 million, annually, in our national economy. The variety of uses of radioisotopes in agriculture for eliminating plant disease, improving yield by enlightened methods of fertilization, by improvements in food storage have been conservatively estimated to represent an annual saving to our agricultural economy of $250 million per year. Thus, in 3 years time we have already placed in use byproducts of the atomic-energy program which reflect an annual dividend of three-fourths of a billion dollars in our overall national economy. The countless hundreds of medical uses in diagnostics and therapy, of course, have no measure of dollar value but the lives of thousands have been helped and improved by them.

Now, what is the record with respect to reactor development with which this bill deals and about which there will be much discussion today?

A reactor, as you know, is the atomic furnace which creates the heat to spin the turbines of an electric generator. In December 1952, the Joint Committee on Atomic Energy, under the leadership of the distinguished gentleman from North Carolina [Mr. DURHAM], who is now the chairman of the joint committee, conducted a study to determine—in its own words—"what is retarding the atomic power development?" Many witnesses placed the major blame on the relationship of Government and private industry, that is to say a smothering Federal monopoly which foreclosed the full use of private initiative and industrial enterprise had prevented a nuclear power industry from getting under way.

Let me read to you the sad conclusion reached by the joint committee on that occasion, in the winter of 1952–53:

> Since spring 1950 * * * there has been no major project whose purpose is to achieve a reactor directly advancing industrial power.

Now let us look briefly at what has happened since the chains of Government monopoly were broken in the summer of 1954 and it became possible for industry to assert its vitality and initiative in the growth of this infant art.

No other major discovery of science has ever been developed so quickly, or so enthusiastically, as has the peaceful atom in the hands of American industry during these past 3 years, working in close and productive cooperation with the Atomic Energy Commission. What we, as a Nation, have achieved in that brief space of time is something in which we may all take justifiable pride and is no less than phenomenal.

We lead the world in the scope of activities in exploiting the atom for man's benefit, and our leadership is particularly evident in the field of nuclear reactors for the production of electricity.

The United States—and by the generic term I mean the Government, industry, and the people—has built and operated 108 atomic reactors of all types, for the production of power, for research, for experimentation and training, for testing or for the supplying of fissionable materials essential to our national security.

That total of 108 atomic reactors built and operated in the United States exceeds—by long odds—the number of nuclear reactors built by all the other nations of the world combined.

Yet that is only the beginning of this amazing story of achievement.

During this calendar year, five and perhaps six nuclear powerplants are coming into operation in various parts of the United States, and will provide electricity for civilian use. In fact, three of them already are turning out electrical kilowatts, one at Fort Belvoir, Va., another at the Atomic Energy Commission's Argonne Laboratory outside Chicago, and the third at Santa Susana, Calif., where initial power runs have been conducted for some weeks past. Before the year is out, a prototype nuclear plant at Pleasanton, Calif., will be in operation—providing 5,000 kilowatts of electricity—as will the full-scale nuclear power plant at Shippingport, Pa., with its capacity of from 60,000 to 100,000 kilowatts. It is expected that a homogeneous reactor will provide power for the Commission's Oak Ridge Laboratories.

In this calendar year, some 80,000 kilowatts of nuclear power are scheduled to flow into the power grids of the United States. And there is every indication that, by the mid-1960's, we will have from 1½ million to 2 million kilowatts of installed nuclear power. Even that figure may prove to be a very conservative one, for new projects are being announced all the time. All these represent risk capital investments of several hundreds of millions of dollars from private sources.

In addition to the five and perhaps six power reactors being put into operation this year, there are under construction in the United States at this time, three other full-scale nuclear plants which will supply about a half-million kilowatts of electricity to American homes and industries, and there are at least 16 additional full-scale plants in planning and design stages. These additional 16 projected plants, which include the world's first nuclear-powered merchant ship which is scheduled to be in operation in 1960, are expected to have a total capacity of approximately a million kilowatts.

Meanwhile, American firms are negotiating for the building of seven or eight plants in other countries, totaling upwards of 250,000 installed kilowatts.

Altogether—counting nuclear plants already producing civilian power in the United States, those planned for construction in this country or for sale abroad, experimental reactors of the Atomic Energy Commission, and reactors being built for the military—we arrive at this imposing figure: 30 power-producing reactors in operation or being built and many others scheduled for construction.

I am not talking merely about plans that are on the drawing board or describing to you some vague ideas of what may happen in the distant future. Much of this program is actually in being now, or is rapidly coming into being.

The Government, through the Atomic Energy Commission, together with privately owned and publicly owned utility companies have either spent, or have scheduled the expenditures of approximately $1 billion on projects for civilian nuclear power. More than half of this sum will be provided by industry. This includes the plants already completed, under construction, and others under development or negotiation.

Let me make clear, however, that American industry is not relying entirely on Government financial help in its determination to create a strong and progressive atomic-power program. Ten industrial groups, mostly utilities, either are now building or have announced plans to build power reactors for commercial use, without calling on the Government for any direct financial help whatever. These 10 plants will have a total capacity of close to a million kilowatts.

The first of these privately built plants—the one at Pleasanton, Calif., which I mentioned a moment ago—will come into operation in 2 or 3 weeks.

Not even the most enthusiastic champion of nuclear power would have ventured to predict—a bare 3 years ago—that in mid-1957 we would find 10 industrial groups prepared to invest hundreds of millions of dollars of capital in building nuclear powerplants, without calling on the Government to share the financial risk.

After all, those industrial groups realize that there is small likelihood that these "first generation" nuclear powerplants will be economically competitive with plants using conventional fuels. In fact, many of these plants may be found to be largely obsolete in design by the time they are completed and actually producing kilowatts. Why, then, are American business firms prepared to take such a risk without seeking Government assistance or subsidy? The answer, I believe, is to be found in this history of this country's unsurpassed industrial and technological greatness.

American industry has faith in the promises of the peaceful atom. The challenge of finding the way to build something that is better, more productive, and more efficient is a challenge that has always appealed to our industrial resourcefulness.

Industry knows that atomic power is no longer a Jules Verne dream; it is inevitable. The challenge now is not merely to be able to produce electric kilowatts from the fissioned atom, but to produce economic, competitive power from the atom.

Industry knows that the only real promise of expanding our nuclear knowledge, so that we may produce economic, safe, and plentiful nuclear power, is to apply the cost-cutting incentives of the free-enterprise system. There is little if any hope that this goal can ever be reached under the costly procedures of Government fixed-fee contracts, which offer scant incentive for bringing down costs.

The goal which we must seek is not any arbitrary one of a fixed number of nuclear kilowatts by some fixed date. What we must seek is to cut the cost per kilowatt.

We do not know at this stage of our nuclear knowledge which types of nuclear reactors—and I might mention that there exist 100 or more different concepts, or variations of principal concepts—will finally prove to be the best and most efficient.

We are only at the quarter pole of the nuclear race; it is too early to pick the best horse out of the closely bunched field.

Mr. Speaker, let us not at this time by imposing our will upon the best judgment of the Commission and its experts upset the great progress which has been and is being made. Let us not once more revive the evil ogre of public power as some parts of this bill do and thereby completely frighten away the large volume of private capital that has begun to venture into atomic enterprise. Appropriate amendments will be offered to remove these harmful portions of the bill.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. COLE. I yield to the gentleman from Illinois.

Mr. SPRINGER. I have two questions I would like to ask the gentleman. In talking about over the 100 reactors, as I understood the gentleman to say, all of which have a chance of development, my question is this: Is it wise, then, for this Congress in this bill to order the Commission to build certain specific types of reactors?

Mr. COLE. My response, of course, is I think it not only to be very unwise, but it would be extremely dangerous and harmful.

Mr. SPRINGER. My second question is this: In reading this bill, the report, and your remarks in this morning's CONGRESSIONAL RECORD, I am led to believe that this bill has some resemblance to the Gore-Holifield bill which was be-

fore this House last year and was recommittted to the committee. Would the gentleman care to make any comments on that?

Mr. COLE. Well, there are parts of the bill—and those are some of the objectionable features to which I made reference—which are descendants, at least, of the provisions of the Gore-Holifield bill which we had last year.

Mr. SPRINGER. I thank the gentleman.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. COLE. I yield to the gentleman from Nebraska.

Mr. MILLER of Nebraska. Does the gentleman feel that the whole field of reactors is still in the development and research stage, and if he does feel that there are still new things to come from which to get cheaper power, do you not think that that is the function of private enterprise, or should the Government step in and carry the burden of the job of finding out where the new reactors might be located and then make that information available to the other private sources?

Mr. COLE. Well, I hope that the gentleman from Nebraska observed that it is my belief that the development of this new industry is not only a responsibility of our private capital system but that that system is ready to take it on. Of course, the cost of research in this field is so great that private capital is not sufficient and Government capital is necessary to do some phases of the research.

Mr. MILLER of Nebraska. It is still in the research stage?

Mr. COLE. Oh, very much, and will be for many years in the research stage.

Mr. MEADER. Mr. Speaker, will the gentleman yield?

Mr. COLE. I yield to the gentleman from Michigan.

Mr. MEADER. First, I should like to compliment the gentleman from New York on his statement and on the fight that he has carried on for developing this new field of human endeavor in the traditional American free-enterprise system. Secondly, as the gentleman knows, one of these pioneer developments in obtaining electrical energy from atomic fuel is located in my Congressional District, near Monroe, Mich. I should like to associate myself with the gentleman's philosophy and say that I have supported him in the past and intend to support him in the future in the development of peacetime uses of atomic energy through private capital investment.

Mr. WILSON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. COLE. I yield to the gentleman from Indiana.

Mr. WILSON of Indiana. The gentleman remarked that there were some 100 different types of reactors. Could he tell us how many of those are the result of private enterprise or have been primarily developed by private enterprise?

Mr. COLE. Well, only a very, very small fraction of the possibly 100 potentially different concepts is now underway. I think the total of the various concepts is about 10 or 12, some of them by the Government, some of them by private enterprise exclusively, private capital, some of them by a combination. The one to which the gentleman from Michigan [Mr. MEADER] referred is a concept under private auspices with only Federal help in some aspects of the research.

Mr. WILSON of Indiana. Is it the purpose of the Joint Committee on Atomic Energy to do everything possible to further the development of these reactors and the atomic energy program through private enterprise?

Mr. COLE. Well, that is the purpose of one member of the joint committee. I can go that far.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

Mr. COLE. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. This is a very technical bill and it is difficult for an ordinary Member of the House to grasp. I understand somewhere in this bill is this ever-arising question or the controversy between public and private power. Personally, I think there is plenty of room for both of them to operate. But I wonder if the gentleman, in his usual clear way, would explain to some of us just where in the bill this question arises and what it is all about.

Mr. COLE. Mr. Speaker, I can respond to the gentleman from Virginia [Mr. SMITH] by saying that on yesterday I anticipated that would be involved in the discussion. It is of such a nature that it would require so much time, that I prepared some remarks specifically directed to that point. They are to be found in yesterday's RECORD. There is not sufficient time to go into the details of it now but it is set forth rather fully in the RECORD.

Mr. BAKER. Mr. Speaker, will the gentleman yield?

Mr. COLE. I yield to the gentleman from Tennessee.

Mr. BAKER. In the course of the gentleman's remarks he referred to a homogeneous reactor at Oak Ridge. Is the gentleman at liberty to explain that any further, as to whether that is a private program?

Mr. COLE. No; that is under a Government program at Oak Ridge.

Mr. BAKER. In this bill?

Mr. COLE. It is not in this bill.

Mr. BAKER. Is the gentleman at liberty to go any further with that? I had not heard of it before.

Mr. COLE. It is one of the 100-odd different types of reactor concepts, the study of which has been underway at Oak Ridge for quite some time. I have no doubt there may be some funds in this bill authorizing a continuance of that project. It is for the purpose of trying to find to what extent this concept of using nuclear fuel will be economical in producing electricity; and the electricity generated at Oak Ridge will be used by the Commission at its laboratories there.

Mr. GWINN. Mr. Speaker, will the gentleman yield?

Mr. COLE. I yield to the gentleman from New York.

Mr. GWINN. I have heard it said that the first great atomic energy power-making plant, at a cost of something like $55 million, has been erected by the Consolidated Edison Co. at Buchanan-Cortland, New York, on the Hudson River, in my district. Does the gentleman know about that?

Mr. COLE. I know that is one of the large power projects underway under private auspices entirely. It is my best recollection that not one red cent of Federal money is to be involved in that project. I may be wrong, but if I am wrong, it would be only to the extent that some Federal funds are used in some minor aspect of research.

Mr. GWINN. Mr. Speaker, I should like to confirm the fact that the company has said that it has put up that plant entirely at its own cost to furnish power in competition with other power projects on a commercial basis, for light and power all up and down the Hudson River Valley and into New York City. I am wondering why we cannot look forward to a future development of this energy by the same type of private enterprise.

Mr. COLE. I can say to the gentleman from New York that if enough Members of the House indicate concurrence in his viewpoint and mine, we should be able to look forward to a future in the atomic energy program of the type he has just mentioned.

Mr. GWINN. The gentleman might be interested to know, as well as the Members generally, that the plant mentioned will carry half the burden of taxation for schools and municipal purposes in that town. It is not free from taxation; it is not exempt in any way. It plays its part in the community generally along with other private enterprise.

Mr. COLE. That is one of the striking examples of what can happen if private industry and private capital are allowed to work.

Mr. TRIMBLE. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Speaker, I would feel remiss in my duty to the people of West Virginia and the State's leading industry if I failed to protest the issuance of a rule on the proposed legislation, H. R. 8996. The implementation of this program through Government subsidies would mean a death blow to West Virginia's leading industry, the coal industry.

I submit to my colleagues that we could not have won World War I or World War II without a virile and well-organized coal industry. I submit that we could not have won World War I or World War II and we cannot win a future war unless we have a system of transcontinental and intercontinental railways properly equipped to meet an emergency of that kind.

I submit further, Mr. Speaker, that the economy of this Nation is endangered today by the practice of the Interstate Commerce Commission in issuing repeated increases in freight rates. Right now freight rates in this Nation are prohibitive. The economy of every one of the railroads is affected here. The

only recourse they have to meet the situation and to exist is repeated increases in freight rates. It has got to a point where the country is pretty much like a man who has a blood clot in his circulatory system. One of these days it will cease to operate properly and we will be in severe difficulty.

There is too much involved here affecting not only the defense of America and the Free World but the defense of our own economy to bring into this picture a new field of production financed by the Federal Government.

Mr. TRIMBLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

## INTERNATIONAL ATOMIC ENERGY AGENCY

Mr. DURHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8992) to provide for the appointment of representatives of the United States in the organs of the International Atomic Energy Agency, and to make other provisions with respect to the participation of the United States in that Agency, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 8992 with Mr. BOGGS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. DURHAM. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, I rise in support of H. R. 8992. This is the I ternational Atomic Energy Agency Participation Act of 1957. This act provides for United States representation at the International Atomic Energy Agency, which Agency has now legally come into being. It did so on July 29 when the United States deposited its cerification of ratification of the statute of the Agency. This Agency is the fulfillment of the pledge made by President Eisenhower before the General Assembly of the United Nations on December 8, 1953, when he said that the United States would devote its entire heart and mind to find the ways in which "the miraculous inventiveness of man shall not be dedicated to his death, but consecrated to his life."

Section 1 gives the title of the act.

Section 2 permits the President to appoint representatives, deputy representatives, and alternates to the Board of Governors and to the General Conference by and with the advice and consent of the Senate. It also permits the President to designate other persons as he may deem necessary to represent the United States in the organs of the Agency. He is permitted to designate an officer of the United States, whose appointment is subject to confirmation by the Senate, to act temporarily as the representative of the United States on the Board of Governors and to the General Conference. It provides for the pay of such representatives in the event they are not already Federal officers.

Section 3. The participation of the United States in the Agency is to be consistent with the Agency statute and with the Atomic Energy Act of 1954. The President is required to report to the Congress at least once a year on the activities of the Agency and on the participation of the United States. The Department of State and the Atomic Energy Commission are required to keep the Joint Committee on Atomic Energy, the House Committee on Foreign Affairs, and the Senate Committee on Foreign Relations currently informed as to the activities of the Agency and the United States participation in the Agency. This requirement is in addition to any other requirement of law. With respect to the Joint Committee, this requirement is in addition specifically to the requirement of section 202 of the Atomic Energy Act of 1954 to keep the Joint Committee on Atomic Energy fully and currently informed.

Section 4 requires the representatives of the United States to act and to vote in the Agency at all times in accordance with the instructions of the President of the United States.

Section 5 provides authorization for the payment of the expenses incurred by the representation of the United States in the Agency. The authorization covers such things as the share of the apportioned expenses of the cost of the Agency, necessary salaries, travel expenses, translation, hire of motor vehicles, official functions, and the cost of participation in the Preparatory Commission.

The United States portion of the expenses of the United Nations is about one-third. Since the administrative budget of the Agency is expected to run between $6 million to $7 million, the United States share for the first year would run $2 million to $2.5 million. Since recipient nations will pay for the fissionable materials they obtain from the Agency, the value of the 5,000 kilograms of uranium 235 cannot be considered an additional item of cost to be assumed by the United States.

Section 6 is designed to encourage Federal employees to work as employees of the Agency. An employee of the United States who leaves his position to join the staff of the Agency is to be considered as an employee of the United States for the purpose of the Civil Service Retirement Act and the Federal Employees' Group Life Insurance Act of 1954.

A Presidential appointee or elected officer who goes with the Agency is entitled under this act to the same privileges of maintaining his status with respect to civil-service retirement rights and the Federal employees' group life insurance.

In order to carry out the intent and purpose of this section the President is given authority to issue regulations which will cover the details of many of the provisions.

This section was inserted in the bill because of the desire of the committee and the recommendation of the Department of State that the Agency be staffed with the highest grade personnel possible, especially at the start of its existence. Many Federal employees who might otherwise be loaned to the Agency staff might be hesitant about accepting such a position with the Agency. As this section is drawn, a Federal employee could go with the Agency for periods up to 3 years to help at the start before he would have to decide whether finally to stay with the Agency or return to his Federal position.

Section 7. In order to negate the possibility of having the contributions to the Agency become part of a giveaway, an amendment to the section in the Atomic Energy Act dealing with the distribution of materials to other nations was adopted. This amendment does two things. First of all, it provides that materials distributed abroad by the Commission shall be compensated for at not less than domestic charges.

The amendment also requires the Commission to obtain the authorization of Congress for materials to be contributed to the International Atomic Energy Agency above and beyond the amounts of materials which were offered by the President at the close of the conference which was called to draft the statute for the International Atomic Energy Agency. At that time the President said he would obtain appropriate Congressional approval for the transfer of 5,000 kilograms of contained uranium 235 to the Agency and also for such additional amounts as would equal the sum of all contributions made available by the members of the Agency up to July 1, 1960.

Section 8. This section incorporates in the participation act the understanding which was made by the Senate upon its approval of the resolution of ratification. If the Senate should refuse its advice and consent by a formal vote to an amendment which was adopted by the Agency in accordance with the statute, then authority under sections 2, 3, 4, and 5 of this act are terminated. In order to provide for the orderly settlement of the participation and to pay obligations which may have already been incurred, the President is given authority by regulation to extend the authority of these sections in order to pay those expenses and to pay the expenses necessarily incurred in the orderly settlement of our participation. The President is also given the authority to extend the authority of our representatives at the Agency in connection with the settlement of our participation.

Mr. Chairman, I heartily recommend the passage of H. R. 8992. I believe it is essential to the future of this Nation.

Mr. Chairman, the gentleman from Illinois [Mr. PRICE], the chairman of the subcommittee, has made a very intensive study of this matter and held hearings. I now yield him such time as he may desire.

Mr. PRICE. Mr. Chairman, this bill came out of the Joint Committee on Atomic Energy without a dissenting vote. It is noncontroversial. It is merely an implementation of the treaty which was adopted and approved in the other body some weeks ago. There is one section of the bill that drew some separate views

on the part of several members of the committee that may be treated in the reading of the bill by a proposed amendment. If that amendment is offered, I intend to support it because I believe it is based on sound reasons. An explanation of the amendment will be given at the appropriate time.

Mr. Chairman, I also rise in support of H. R. 8992. I believe that the International Atomic Energy Agency is one of the most important agencies that has yet been organized by man. This Agency has been formed as part of the dream of mankind to find some small area of the atomic-energy program over which there can be international agreement and control.

Under the statute of the Agency, the Agency is to be devoted exclusively to the peaceful uses of atomic energy. It can undertake research work itself, it can distribute the information about research which it has learned from other nations, and it can assist nations which want to undertake atomic-energy projects. Its supervisory and regulatory powers are limited to those projects to which it gives assistance. Thus, a nation which wants to try to develop either a research program or a power program can under the statute turn to the Agency for technical assistance and for materials and facilities.

The special nuclear materials are furnished to a country by the Agency. The country is required to maintain those standards of inspection and control which will assure that those materials are not diverted for military purposes. Under this act, materials which the United States furnishes to the Agency will be paid for by the Agency on the same basis as materials made available for domestic distribution within the United States.

Mr. Chairman, I believe that the main idea which this Agency will be able to develop which will not be developed in any other way, whether through bilaterals or otherwise, is the idea of an international inspection agency. Now of course this Agency will not be inspecting the United States, the United Kingdom, or Soviet Union projects because none of these countries expect to be going to the Agency for assistance. It will only be in those countries which do ask for assistance that this inspection and control will be tried out. Since the idea of the Agency came from the United States, I do not think it wise or right for the United States to try to put further strings on the activities of the Agency. This is what can be done by the so-called Bricker amendment. The Bricker amendment would require Congressional approval for the distribution of special nuclear materials to the Agency above and beyond those materials offered by the President to the Agency on October 26 last year.

We do not know at this moment how much the other nations will give to the Agency in the way of materials. The only offer of the President for a fixed amount was for 5,000 kilograms of enriched uranium 235. If we desire to have countries come to the Agency for their materials it seems to me that this additional requirement of Congressional authorization will deter them from that. I believe that the other nations of the world, in choosing whether to come to the Agency or not for assistance, will weigh heavily the fact that the contributions of the United States will have to have Congressional authorization. On the other hand, this authorization is not required for materials distributed under bilateral agreements. Hence, the whole effect of this will be to induce the nations to go the bilateral route wherever possible. This will cut down the opportunity for obtaining the necessary knowledge and experience for international control of atomic energy even to the limited extent hoped here for the peaceful uses.

So far I have spoken positively about the reasons why the Bricker amendment should be removed from this bill. Now I want to speak on the negative side. I do not believe that the Bricker amendment adds enough control in the hands of Congress in the light of the many other provisions in the Atomic Energy Act to warrant its inclusion at this time. Section 41 of the Atomic Energy Act places on the President the responsibility of making annual allocations of special nuclear materials for distribution abroad under agreements for cooperation. Other sections in the act require that when materials are to be distributed abroad, as are these materials, the agreements for cooperation must include the guaranty that the materials will not be used for military purposes and the President must find that the distribution of the materials will promote and will not constitute an unreasonable risk to the common defense and security. In addition, the agreements for cooperation must lie before the joint committee for 30 days before they become effective.

With respect to the materials distributed to the Agency, the statutory guaranties would be backed up by the safeguards for inspection and control included in the statute. These safeguards are adequate to carry out the guaranty. The Joint Committee on Atomic Energy is also required to be kept informed of all of the activities of the Agency under section III of the Participation Act, and the joint committee is also required to be kept fully and currently informed of the United States activities under section 202 of the Atomic Energy Act. All of these provisions help assure there being adequate protection for the future interests of the United States with respect to the materials without having any offers of materials to the Agency made contingent to obtaining Congressional authorization. The allocation of materials for the purposes of the Agency do not involve appropriations, since the materials will be paid for. The determination of the amount to be distributed annually and the amount to be authorized under agreements for cooperation is basically an administrative determination which properly falls on the President, where it is now put by the Atomic Energy Act. I do not believe the Congress should interfere further in this.

I endorse the International Atomic Energy Agency, and I hope the House will speedily pass the Participation Act.

Mr. WESTLAND. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield.

Mr. WESTLAND. I have received quite a few letters from people in my district on this International Atomic Energy Commission, and they are worried about giving away our secrets. They are worried about disposing of some of the things in this atomic age that we ought to be keeping ourselves. I read the report and the bill and am pretty certain myself that such is not the case and that there are adequate safeguards. I wish the gentleman would go into that a little bit, and explain to the House just what those safeguards are. I think it is very important for the people to know that.

Mr. PRICE. That is not in any way involved in this legislation. We are considering here only peaceful uses of atomic energy. There are adequate safeguards under the Atomic Energy Act of 1954 that would guard our atomic secrets. They would in nowise be involved in this particular piece of legislation because our participation in this program is based on what we can do under the provisions of existing law and the Atomic Energy Act of 1954. In addition to that, the treaty was considered at length in the other body and in addition to the consideration of the treaty, they considered at the time an executive memorandum, a memorandum of agreement that had to do with the manner in which we would implement the treaty. I think there are far-reaching safeguards and that our atomic secrets would in nowise be involved in this program.

Mr. DURHAM. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield.

Mr. DURHAM. In reference to the question asked by the gentleman, I might point out that no classified information goes to this Agency.

Mr. PRICE. That is absolutely correct.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield.

Mr. GROSS. I have every respect for the gentleman from Illinois, and I certainly have a high regard for the other body; but I do not have, perhaps, the same kind of regard for their consideration of all things in the other body. I am not unmindful of the fact that it was that same other body which ratified the status of forces agreements, and I am far from certain that this international Agency does not permit the divulging of information to certain nations that ought not to have such information.

Mr. PRICE. If the gentleman will take my assurance, I will tell him that he does have that assurance, and as the gentleman from North Carolina so ably expressed it, classified information is not involved in this Agency. This is for the promotion of peaceful uses of the atom.

Mr. GROSS. It also provides for the construction of reactors; does it not?

Mr. PRICE. Yes; for peaceful uses.

Mr. DURHAM. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield.

Mr. DURHAM. For the information of the gentleman from Iowa, may I read

from a letter from the Secretary of State. This is his final statement. It says:

> Finally, a question often asked us is whether we were contemplating furnishing the Agency classified information. No secret or classified information will be provided to the Agency.

That is the statement of John Foster Dulles, Secretary of State.

Mr. PRICE. I can give the gentleman from Iowa absolute assurances that there are no military secrets or atomic secrets involved here. This is strictly an implementation of the atoms for peace program.

Mr. GROSS. Mr. Chairman, will the gentleman yield to me briefly?

Mr. PRICE. Yes; I will be very glad to yield to the gentleman.

Mr. GROSS. I would like to read from article VIII of the statute of the International Atomic Energy Agency. This bill, as I understand it, or rather without the passage of this bill, we would not be active participants in that Agency; is that not correct?

Mr. PRICE. We are participants on the basis of the treaty, that is true.

Mr. GROSS. Yes, but we would have no representatives there?

Mr. PRICE. We would be handicapped—yes, and certainly would not be a participant if we failed to approve this legislation.

Mr. GROSS. The gentleman says we would be greatly handicapped if this bill does not pass?

Mr. PRICE. We would be without representation in an agency we ourselves conceived.

Mr. GROSS. This bill, which is presently pending, is vital to operation of the statute of international atomic energy?

Mr. PRICE. That is correct.

Mr. GROSS. The gentleman says it is very vital to it? Now, I will read, if the gentleman will permit me, from this statute.

I read from article VIII (B):

> Each party shall make available to the Agency all scientific information developed as a result of assistance extended by the Agency pursuant to article XI.

Mr. PRICE. Yes. We do that on the basis of the agreement of cooperation with the various nations, and on the basis of our existing law, the Atomic Energy Act of 1954, which I believe gives adequate safeguards against the dissemination of secrets that would be of military value.

Mr. GROSS. There is no safeguard in that.

Mr. PRICE. It is done in our own legislation, in the memorandum of understanding of the Senate, and in provisions of the statutes of the International Agency. We provide with this proposed legislation that we could pull out of this whole works if the Senate would decide that their memorandum had been violated.

Mr. GROSS. I thank the gentleman for yielding to me.

Mr. COLE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the gentleman from Illinois, the author of this bill, has given an adequate explanation of the purposes, and they are comparatively simple, the objective being that this is a bill which makes it possible for American personnel to be attached to the International Atomic Energy Agency.

I take this time only to direct your attention specifically to an amendment which a majority of the joint committee attached to the bill and is found on page 8 beginning in line 16. In consideration of that amendment and that sentence I would furthermore call your attention to the views which were subscribed by 6 of 9 House Members of the joint committee on this subject. I urge that that sentence be eliminated.

In order to understand the reason for its elimination I must give just a bit of quick background of the International Agency. You will recall the historic speech at the United Nations by President Eisenhower in December of 1953. In 1954 we undertook a revision of the law. The President did not request the Congress to revise the law so as to make possible implementation or culmination of that idea which he presented to the United Nations; we in the Congress on our own initiative inserted terms and provisions in the 1954 act which made that possible. You all know how the entire world was captivated by that offer, as this great country offering to share its bounty in this new force for the good of mankind captivated the entire world.

As to the amendment, an international conference of the sovereign nations of the world was called in New York last year and that conference was attended by 80 nations—a very remarkable thing. The International Agency was ratified and subscribed at that conference by every single one of those countries. That was the first international conference ever called, the only international conference that has ever been called, which resulted in unanimous agreement at its conclusion.

This is the only time that the House of Representatives has had a chance to give expression with respect to that concept, that Agency, and our participation in it.

The treaty was ratified by our Senate, as the gentleman from Illinois indicated some week or 10 days ago. We are now a member of the Agency. Some 20 or 30 countries——

Mr. PRICE. Thirty-two.

Mr. COLE. Thirty-two; thank you. Thirty-two countries have ratified it, and now we are part of it.

In drafting the language of the 1954 act, we on the committee were very careful to make certain that the Congress never would lose control of this asset which is of such value to our national security; so we put in several provisions to that end.

First. We require the President every year to make a determination as to the amount of fissionable material that must be retained for weapons purposes, the balance being available for peacetime uses.

Second. We require, as we set forth in the additional views printed at pages 22 and 23 of House Report No. 960, that the Commission must keep the joint committee fully and currently informed of all of its activities, including these transfers of material, such as they may be.

Third. The transfer of material must be done by way of an agreement for cooperation.

We authorized our Government to enter into agreements with individual countries on a bilateral basis under which we could give them assistance by selling to them this nuclear material.

The President must also find that the transfer of this material for shipment abroad will promote and not constitute unreasonable risks to the common defense and security.

Then, of course, there is the final safeguard: The Congress always has the power to limit appropriations. So it is my considered judgment that there are ample safeguards in the law today to make certain there never will be a transfer to the International Agency or to any other country of an undue or unreasonable amount of this fissionable material.

What is the objection to this sentence?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COLE. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, it says that no distribution may be made to that Agency, the International Agency, unless it is preceded by an act of Congress. That is the substance of the sentence.

We now have made some 30 or 40 bilateral agreements with individual countries in the world. That prohibition has not been written into the law with respect to those countries. We anticipate that within the next couple of years there will be an international treaty or, perhaps, an agreement for cooperation with all the countries of Europe—France, Germany, Italy and so forth. Are we going to write this same prohibition into that treaty? Why do we single out this one Agency that has been blessed through the entire world and which offers some great promise and hope for the future stability of the world? Why do we single them out and cast some doubt as to whether that Agency will be able to obtain the material it needs if that Agency is to succeed by putting the atom to work in peaceful applications?

So by the retention of this sentence we would destroy much of the good will and hope that has been gained by the far-seeing idea presented by President Eisenhower.

There is a more practical aspect to this, however, but a bit complicated. You will hear more about it in the discussion of the other bill this afternoon.

Great Britain has based her reactor concept on the use of natural uranium. Most of America's concepts are based on what is called enriched uranium. There is great competition between American manufacturers of reactors and the British manufacturers of reactors. Prospective purchasers from foreign countries are in the air. They do not know which type of reactor to buy, Great Britain using the natural uranium or the enriched uranium of the United States. When they read the law passed by the United States that there may be some doubt of the possibility of obtaining the necessary fuel to fire the

furnace of the reactor they might buy from the United States, naturally they are going to say: "Why should we invest our millions of dollars in a project which is risky with respect to fuel? We will buy our uranium reactor from the British manufacturers."

So the sentence has these 2 principal objections, 1 of them psychological, propaganda, international will. I am confident beyond any doubt if this sentence is retained the hostile forces of propaganda of the world will seize upon it as an indication that the Congress has some reservations about the success, the sincerity and effectiveness of the International Agency. The other objection is that is places American reactor manufacturers in a disadvantageous position in competition for the world market for manufacturers.

Mr. JACKSON. Mr. Chairman, will the gentleman yield?

Mr. COLE. I yield to the gentleman from California.

Mr. JACKSON. I believe the gentleman from Illinois said in the course of his remarks that there were adequate safeguards in here so far as inspection of the use and facilities which utilize the different materials. May I ask where they are set forth in the bill?

Mr. COLE. I am sure the gentleman from Illinois was referring to the provisions of the statute adopted by the convention last fall in New York City. That is the statute under which the Agency operates. It is under that statute which has provisions making it mandatory that the Agency send inspectors and constantly survey the reactor project whatever it may and in whatever country it may be.

Mr. JACKSON. In other words, in the basic statute there is adequate provision for inspection where we furnish the material?

Mr. COLE. That is right, and in that statute there is a prohibition against the Agency even having in its possession classified or secret information.

Mr. JACKSON. I thank the gentleman.

Mr. BECKER. Mr. Chairman, will the gentleman yield?

Mr. COLE. I yield to the gentleman from New York.

Mr. BECKER. I have certainly followed the gentleman for quite some years in connection with his views on atomic-energy problems. I have always gone along with him, and I expect to now. In deleting this sentence from section 7, does that mean that this International Agency will be able to request, demand, or secure whatever amount they may desire from the United States?

Mr. COLE. Without this sentence in the law. The Agency will come to the Atomic Energy Commission and lay forth its plans, which might call for X quantities of nuclear material, for which the Agency will pay our Government. So, it is not a question of not receiving a quid pro quo. The Commission will then report that amount to the joint committee. The Agency will have to enter into an agreement with the Commission by way of a bilateral agreement for cooperation, which must be submitted to the Joint Committee.

Mr. BECKER. That is a very satisfactory answer. One more thing. In the final analysis, the joint committee, of which the gentleman is a member, will have quite a say in what amount is sold through this Agency or by this Agency.

Mr. COLE. I would expect and hope that it would have a good bit to say about the amount that is sent abroad, at least to the point of not allowing an undue amount to be shipped out of our country, and I think we can place great reliance and confidence in the joint committee in that respect.

Mr. BECKER. May I say to the gentleman that I have great confidence in him, and because of his many expressions in the past I can certainly go along with his position. I thank the gentleman.

Mr. DURHAM. Mr. Chairman, I yield 9 minutes to the gentleman from Texas [Mr. KILDAY].

Mr. KILDAY. Mr. Chairman, there can be no question but that the minds of men throughout the world have been captured by the thought of control of the atom. Of course, the first notice and knowledge of it came from an appreciation of the tremendously destructive effects of the atom bomb. Gradually thereafter the beneficial uses became known. The President of the United States dramatized that situation to the greatest extent when, on December 8, 1953, he appeared before the United Nations and advocated an international agency for the peaceful uses of atomic energy. The gentleman from New York [Mr. COLE] has spoken of the international conference which met at the United Nations headquarters last fall. The gentleman from New York [Mr. COLE] and I were designated by the Speaker of the House to attend that conference as legislative advisers to the United Nations, with Senator PASTORE, of Rhode Island, who had been designated by the Senate. The 3 of us attended practically all of the sessions held by that international conference, during a period of about 6 weeks. The thing that impressed me the most there was the manner in which the delegates to that conference were intrigued by the idea of the benefits that would come to those countries through participation in this International Agency. Eighty-one nations attended and 81 nations signed the statute on the last day of the conference. The President of the United States secured a tremendous advantage to the United States when he sent a message to the session at which the statute was signed in which he pledged that the United States would make available to the Agency 5,000 kilograms of uranium 235, but more especially when he then stated that the United States would match the amount of material made available to the Agency by all other participating nations combined. When the President of the United States did that, he placed the other possessors of fissionable material in a position where they must either conform to what the United States does or be revealed to these other 81 nations as not being willing to participate fully in the Atomic Energy Agency. The statute which was developed and signed there was submitted by the President to the Senate in accordance with the Constitution for ratification there. That, of course, required at least a two-thirds vote. It was ratified by the Senate by a vote in excess of the two-thirds required by the Constitution. We come now to the very orderly procedure which should be followed in connection with treaties. This is designated generally as the Participation Act. It is, of course, the implementation of the treaty.

Reference has been made here to some lack of confidence in the other body in its ratification of treaties because that body ratified the Status of Forces Treaty. I want to point out that the difficulty in connection with the Status of Forces Treaty lies, perhaps, not so much in the ratification of the treaty, as in the fact that Congress never got around to the implementation of the Status of Forces Treaty.

There is a bill pending now, reported by the committee, to implement the Status of Forces Treaty. What we are doing in this proposed legislation is implementing the treaty of the International Atomic Energy Agency.

I appreciate, of course, the fears of those as to the disclosure of secrets, and things of that kind. The gentleman from New York [Mr. COLE] has outlined the protections which exist in our present Atomic Energy laws. Of course, under the terms of the treaty, those remain in full force and effect.

The gentleman from Iowa has raised some question as to information being available under a provision of the treaty which he read. But I want to read it to you again carefully so that you will understand that it does not call for information to be delivered from the United States to other nations, but from other nations to the United States. And, of course, it applies only to the peaceful uses of atomic energy. The provision which the gentleman from Iowa read is section B of article VIII of the treaty:

> Each member shall make available to the Agency all scientific information developed as a result of assistance extended by the Agency pursuant to article XI.

Of course, the nations that get assistance from the Agency bind themselves to turn over to the Agency the scientific information which they develop as a result of that assistance. The United States is contributing material to this Agency and that material contributed by the United States, and the other nations which have fissionable material, will then become available to the have-not nations. The have-not nations bind themselves to deliver to the Agency the scientific information which they receive as a result of the assistance secured from the International Atomic Energy Agency.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman has read, as I did earlier, from article VIII. The language contained there is pursuant to article XI. If the gentleman will bear with me I should like to read

to the gentleman paragraphs A and C of article XI:

A. Any member or group of members of the Agency desiring to set up any project for research on, or development or practical application of, atomic energy for peaceful purposes may request the assistance of the Agency in securing special fissionable and other materials, services—

And I underscore the word "services"—

equipment, and facilities necessary for this purpose.

And that language is repeated in paragraph C. Now, then, services is as broad as all outdoors. If we provide services we will certainly provide information.

Mr. KILDAY. Information as to the peaceful uses of atomic energy, in medicine, agriculture, the generation of power, and things of that kind. But our law is complete and specific in protecting all of the information which we have as to the use for weapons and things of that kind. No such information is going to be delivered to the Agency. The Agency actually is prohibited from receiving or possessing information as to anything other than the peaceful uses of atomic energy.

The question has arisen here with respect to inspection. That proposal required more of the time at the international conference than any other one provision because it involves the question of the sovereignty of nations. You will find when dealing with a large group of nations such as were present at the United Nations headquarters that the smaller the nation the more jealous it is of its sovereignty. The smaller nations are the have-not nations. It therefore causes a great deal of difficulty in arriving at an inspection that would be adequate and satisfactory. As a matter of fact, the provisions which were insisted upon by the United States were adopted almost in toto. I believe it to be as good a provision as it would be possible to have under the circumstances.

I think herein lies one of the greatest promises of the International Atomic Energy Agency. In my opinion, if these nations that resist inspection at this time, that are afraid we will be inquiring into their business, have now been brought to the point that they are willing to agree upon inspection as to the peaceful uses of atomic energy. When they get a little experience with this type of inspection, they will lose a great deal of the fear they have had. The conference now going on in London involves a great many of those fears. I feel that if we take this first step, and we have taken this first step in securing an international agreement with Russia, which has already ratified the agreement, a little experience with this type of inspection will do away with a great many of the fears expressed as to other types of inspection.

Mr. COLE. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. VAN ZANDT].

Mr. VAN ZANDT. Mr. Chairman, H. R. 8992 is the bill to make possible participation by the United States in the International Atomic Energy Agency.

As a longtime member of the Joint Committee on Atomic Energy, I support the International Agency, and I urge the House to approve this bill which makes possible the participation of the United States in the Agency.

The International Atomic Energy Agency stems from the speech given by President Eisenhower before the General Assembly of the United Nations on December 8, 1953.

On that date the President pledged on behalf of the United States "before you—and therefore before the world—its determination to help solve the fearful atomic dilemma—to devote its entire heart and mind to find the way by which the miraculous inventiveness of man shall not be dedicated to his death, but consecrated to his life."

Following this historic speech by the President, many nations have worked together for a period of almost 3 years, and the International Agency now represents the culmination of their labors.

The Joint Committee on Atomic Energy was kept fully informed of all developments in connection with the drafting of the International Agency draft treaty.

This statute makes possible the United States participation in the Agency.

To be sure that the materials distributed to the Agency are not a giveaway they are required to be paid for at not less than the charges established for domestic use.

The bill authorizes the transfer of 5,000 kilograms of uranium 235, together with matching amounts of materials made available to the Agency by other members, as already promised by President Eisenhower.

However, these materials must be distributed to the Agency under agreements for cooperation, which, in accordance with the Atomic Energy Act, must lie before the joint committee for 30 days while Congress is in session before they may become effective.

I do have one reservation as to this bill.

As indicated on pages 22 and 23 of House Report No. 960, I joined with 5 of my other House colleagues on the joint committee with respect to recommending deletion of a single sentence of section 7 of this bill.

The sentence to which we object is at the end of section 7 of this bill, and is quoted at the bottom of page 22 and top of page 23, House Report No. 960.

It reads as follows:

In the case of the International Atomic Energy Agency the Commission may distribute only such amounts of special nuclear materials as are authorized by Congress: *Provided, however,* That, notwithstanding this provision, the Commission is hereby authorized, subject to the provisions of section 123, to distribute to the Agency 5,000 kilograms of contained uranium 235, together with the amounts of special nuclear material which will match in amount the sum of all quantities of special nuclear materials made available by all other members of the Agency to July 1, 1960.

I believe that this lack of willingness to participate fully would greatly harm our position as the recognized leader in the International Agency.

As indicated in the report, we believe that there are other provisions of law which adequately preserve Congressional control.

None of the fissionable material will be given away, but only transferred for value received.

We would not endanger our uranium or fissionable material by selling or leasing a limited quantity of this material to the agency to support its great purpose.

Therefore, I hope that the last sentence in H. R. 8992 will be stricken, but that the bill will otherwise be approved.

Mr. DURHAM. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. EVINS].

Mr. EVINS. Mr. Chairman, a great national institution, the seven States of the Tennessee Valley area and, indeed, the entire Nation, lost a devoted, valiant, and valuable public servant when Dr. Raymond R. Paty, a member of the Board of Directors of the Tennessee Valley Authority, passed away last night in Knoxville.

Dr. Paty had been carrying a particularly heavy responsibility this past month. With the retirement of Dr. Harry A. Curtis from the Board in May and the recent absence of Chairman Herbert Vogel on a European mission there was placed on Dr. Paty's shoulders the entire burden of directing the work as Acting Chairman of this great institution. He only recently appeared before the Public Works Subcommittee on Appropriations of the House and more recently appeared before the committee of the other body on behalf of the agency's budget.

In his years of service on the Board of the TVA Dr. Paty won the highest respect of the 6 million people of the TVA area, and the Nation. His devotion to the ideals on which the Agency was founded, and his courage in upholding and protecting the TVA against open and subtle efforts to destroy and cripple it, were particularly admired.

Previous to serving the TVA, Dr. Paty had won similarly high respect and admiration in the Southeast for his outstanding services in the field of education. He served the great State of Alabama as president first of Birmingham Southern University and then of its great State university, the University of Alabama. He served the people of the great State of Georgia as chancellor of the university system of Georgia, and earlier in his career as dean of men of Emory University, his alma mater. He had also distinguished himself previously in public service, having served as Georgia's State director of the National Youth Administration in 1936, and on a special educational mission to Germany for the Civil Affairs Division of the War Department in 1947. His great executive talents were ably demonstrated as well in his service in 1937 as director of fellowships of the Rosenwald Fund of Chicago, and, beginning in 1949, as executive director of the Rich Foundation. He was appointed to the Board of the TVA on June 22, 1952, and confirmed by the Senate appropriately on July 4, 1952.

I myself and the people of my constituency remember him with special

pride because he was born in Bell Buckle, Tenn., in Bedford County, and his first great achievement following his graduation from Emory University was the founding of Cumberland Mountain School in Crossville, Tenn., also in my constituency.

My own association and friendship with Dr. Paty, particularly during the past few years, will always remain a bright and cherished memory and an inspiration in devotion to the public welfare.

I extend my sincerest sympathy to the members of his family.

Mr. COLE. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I have long been deeply concerned about some of the ramifications of this statute on the International Atomic Energy Agency, which is made operative by the bill now pending before the House. It is my hope as well as the hope of perhaps others this afternoon, that this new international setup will confine the use of fissionable material which we will provide to peaceful purposes. But let me point out the warning contained in the summary of the official report issued in connection with Senate ratification of this statute:

> The possibility of diversion to military purposes during the chemical processing are great.

And then it goes on:

> These requirements provide the basis for preventing the accumulation by members of stockpiles or buying fissionable materials from agency projects. Such provisions are necessary since a stockpile for this purpose is indistinguishable from one intended for future military use and could in fact be turned to military uses.

There is the clear warning that inherent in this program is the danger that fissionable material, supplied by the United States to foreign countries, may be turned into military weapons. I sincerely hope that is not the case but in view of the present world situation I am fearful.

I have several questions to ask members of the committee concerning this statute. How are violations of the statute enforced? What transpires if fissionable material or the by-product of fissionable material is used for the making of weapons of war?

Mr. COLE. I do not have the statute before me, but the statute itself makes provision for violation by any nation. I do not have that statute now before me. They are a part of the statute itself, and I would call the gentleman's attention, however, to the fact that the staute does make it impossible for any using country to retain sufficient nuclear material above the point which that country has demonstrated it has peaceful use for.

Mr. GROSS. I pose as no expert upon the statute, and certainly not upon the uses of atomic energy, but let me point out to you on page 18 of the statute, article VIII:

> Any question of dispute concerning the interpretation or application of this statute which is not settled by negotiation shall be referred to the International Court of Justice in conformity with the statute of the court, unless the parties concerned agree on another mode of settlement.

What is the International Court of Justice? According to the last information I have, three of the justices of that court came from Communist countries. Is that where you are going to send violations and disputes for adjudication?

I find another provision in the statute by which certain matters can be referred to the Security Council of the United Nations; and, again, if complaints are referred to the Security Council of the United Nations, you run into the Russians and the power of veto in the Security Council. But, to turn over any violations of this statute to the International Court of Justice which may still have three or more Communist judges, is unthinkable.

That is only one of the reasons why I am opposed to this statute or any implementation of it in its present form.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. PRICE. The sort of violation we are talking about here would not go to this International Court of Justice the gentleman is talking about. The gentleman evidently has a copy of the statute of the international agency there.

Mr. GROSS. Yes; I do.

Mr. PRICE. In article 12 of that statute section A–7 it states that it the event of noncompliance or failure by a recipient state or states to take corrective steps within a reasonable time—that is, if it is some sort of violation of their agreement or something the inspector finds is not in accordance with the agreement set up, then there is a provision to suspend or terminate assistance and withdraw any materials, any equipment made available by the agency or a member in furtherance of the project.

Mr. GROSS. Let me ask the gentleman, how would you, for instance, withdraw any equipment or fissionable materials from Poland or Bulgaria? These countries are members of this new atomic agency and therefore entitled to receive our fissionable material.

Mr. PRICE. I think we would enter into any such agreement bearing that possibility in mind. I do not know whether or not there would be an agreement with Poland; I doubt that there would be. I think Poland probably would not ask for this assistance.

Mr. GROSS. Or Rumania. Rumania is a member of this agency.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROSS. May I have an additional 5 minutes?

Mr. COLE. Mr. Chairman, I yield the gentleman 3 additional minutes, and limit the time only because a later bill will be more controversial.

Mr. GROSS. I thank the gentleman. I have several questions to ask about this and I may have to take some time under the 5-minute rule or by a motion to strike the enacting clause, because I intend to get the time in one way or another.

Now I want to ask about the voting power in the agency. As I tried to point out earlier, and I hope the Members of the House are acquainted with the fact that the members of this new international organization include Bulgaria, Russia, Byelorussia, Ukrainian Russia, Czechoslovakia, Indonesia, Hungary, Poland, Rumania, and Yugoslavia practically all of the Communist and satellite countries with the exception of China. May I ask the gentleman from Illinois, How is the vote distributed? What is the vote in this agency? Is it similar to the United Nations, or is each country permitted one vote only?

Mr. PRICE. It is taken by the Board of Governors of 23 members. I think most of us who have studied this matter carefully are convinced in his own mind that the Board of Governors is more or less favorable to us; at least we are not concerned or worried about the action of this Board of Governors.

Mr. GROSS. How are the votes apportioned?

Mr. PRICE. There is one vote for each of the 23 members of the Board of Governors.

Mr. GROSS. How many members of the Board of Governors will Russia have? She has three members of this international atomic agency; how many votes will Russia have?

Mr. PRICE. I have given the gentleman the best answer I can. I cannot state anything but my personal belief that it is more or less weighted, as far as I personally am concerned, in our favor.

Mr. GROSS. I cannot help but remind the gentleman of the United Nations setup where Russia has three votes to one for the United States. I cannot go along with that in this new organization upon which I now have an opportunity to vote. I did not have an opportunity to vote on the United Nations Charter.

Mr. PRICE. It does not provide that, I will say to the gentleman. There is only one vote for each member of the Board of Governors. I tried to convey it as effectively as I could. I personally feel it would be weighted in our favor.

Mr. GROSS. Well, I hope so; I hope there is one redeeming feature in this.

Now, as to the matter of financing this international agency, how much will the taxpayers of the United States have to cough up for this one?

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. COLE. Mr. Chairman, I yield 3 additional minutes to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman from New York. I do not think I will need all of the time.

I note that in one of the articles of the agency—I do not have ready reference to it, but I remember reading it—that we are going to contribute to this international agency on the same basis as we do to the United Nations. Is that correct?

Mr. DURHAM. The gentleman is correct.

Mr. GROSS. Thirty-three and one-third percent.

Mr. PRICE. The gentleman is correct. That is the administrative budget.

Mr. GROSS. And we are also going to supply the fissionable material, equipment, services, and so forth?

Mr. PRICE. The countries will buy that.

Mr. GROSS. That raises another question: What are foreign governments going to use for money to pay for the fissionable material?

Mr. PRICE. They will probably use the same money they use in the ordinary trade circles.

Mr. GROSS. If we sold some of this fissionable material to Israel, would we get counterpart funds?

Mr. PRICE. I do not know what we would get.

Mr. GROSS. And could we turn around and spend those counterpart funds on an artist's village in Israel or something of that kind?

Mr. PRICE. We do not give anything. We sell this material.

Mr. GROSS. The gentleman says we will sell it, but what are we going to get for the material that has been paid for by our taxpayers? If we are going to sell it to them we should get something in return.

Mr. PRICE. It will be handled as though it were a commercial transaction.

Mr. GROSS. Are we going to get money?

Mr. PRICE. Money.

Mr. GROSS. American dollars or foreign currencies?

Mr. PRICE. American dollars. That is what we usually get in our trade with other nations, so we will get American dollars here.

Mr. GROSS. I just want the Members of the House to understand what you are doing here by implementing this agency. You are going to contribute right off the bat 33⅓ percent of the money that goes into it. If you want that, you can have it.

Mr. COLE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. COLE. The cost of the annual operation is estimated to be $2 million a year of which the United States share will be one-third.

Mr. GROSS. If I remember correctly, UNRRA started off with very little money, the so-called Marshall plan called for more, then the ECA and so forth, until now we are spending billions of dollars every year.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. HOLIFIELD. At the bottom of page 3 of the report on the bill, in the paragraph next to the bottom, it is stated:

> The United States portion of the expenses of the United Nations is about one-third. Since the administrative budget of the Agency is expected to run between 6 to 7 million dollars the United States share for the first year would run 2 to 2½ million dollars.

Mr. GROSS. I thank the gentleman from California. What is Russia's share? There is no answer to that. If this Government is going to send fissionable material and build atomic reactors in foreign countries, I insist it should have been done on a unilateral basis, whereby the United States would control its money, material, and everything else.

Mr. Chairman, I fervently hope that for all time to come the use of atoms throughout the world will be for peaceful purposes. However, I cannot understand why in the creation of this new international organization, and supposedly with our eyes wide open, there should have been repeated some of the mistakes that were made in establishing the United Nations. The failures of the United Nations have been tragically costly to the people of this country both in lives and in money.

We are here called upon to deal in the most lethal product the world has ever known and I cannot understand why control should have been patterned upon an international organization with a dismal record of failure.

I reiterate that I cannot support this bill because it makes operative an international organization and a program over which we have too little control but in which we have a very grave responsibility.

Mr. DURHAM. Mr. Chairman, I have no further requests for time.

Mr. COLE. Mr. Speaker, I have no further requests for time.

The CHAIRMAN. If there are no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.*, That this Act may be cited as the "International Atomic Energy Participation Act of 1957."

SEC. 2. (a) The President, by and with the advice and consent of the Senate, shall appoint a representative and a deputy representative of the United States to the International Atomic Energy Agency (hereinafter referred to as the "Agency"), who shall hold office at the pleasure of the President. Such representative and deputy representative shall represent the United States on the Board of Governors of the Agency, may represent the United States at the General Conference, and may serve ex officio as United States representative on any organ of that Agency, and shall perform such other functions in connection with the participation of the United States in the Agency as the President may from time to time direct.

(b) The President, by and with the advice and consent of the Senate, may appoint or designate from time to time to attend a specified session or specified sesssions of the General Conference of the Agency a representative of the United States and such number of alternates as he may determine consistent with the rules of procedure of the General Conference.

(c) The President may also appoint or designate from time to time such other persons as he may deem necessary to represent the United States in the organs of the Agency. The President may designate any officer of the United States Government, whose appointment is subject to confirmation by the Senate, to act, without additional compensation, for temporary periods as the representative of the United States on the Board of Governors or to the General Conference of the Agency in the absence or disability of the representative and deputy representative appointed under section 2 (a) or in lieu of such representatives in connection with a specified subject matter.

(d) All persons appointed or designated in pursuance of authority contained in this section shall receive compensation at rates determined by the President upon the basis of duties to be performed but not in excess of rates authorized by sections 411 and 412 of the Foreign Service Act of 1946, as amended (22 U. S. C. 866, 867), for Chiefs of Mission and Foreign Service officers occupying positions of equivalent importance, except that no Member of the Senate or House of Representatives or officer of the United States who is designated under subsection (b) or subsection (c) of this section as a delegate or representative of the United States or as an alternate to attend any specified session or specified sessions of the General Conference shall be entitled to receive such compensation. Any person who receives compensation pursuant to the provisions of this subsection may be granted allowances and benefits not to exceed those received by Chiefs of Mission and Foreign Service officers occupying positions of equivalent importance.

SEC. 3. The participation of the United States in the International Atomic Energy Agency shall be consistent with and in furtherance of the purposes of the Agency set forth in its Statute and the policy concerning the development, use, and control of atomic energy set forth in the Atomic Energy Act of 1954, as amended. The President shall, from time to time as occasion may require, but not less than once each year, make reports to the Congress on the activities of the International Atomic Energy Agency and on the participation of the United States therein. In addition to any other requirements of law, the Department of State and the Atomic Energy Commission shall keep the Joint Committee on Atomic Energy, the House Committee on Foreign Affairs, and the Senate Committee on Foreign Relations, as appropriate, currently informed with respect to the activities of the Agency and the participation of the United States therein.

SEC. 4. The representatives provided for in section 2 hereof, when representing the United States in the organs of the Agency, shall, at all times, act in accordance with the instructions of the President, and such representatives shall, in accordance with such instructions, cast any and all votes under the Statute of the International Atomic Energy Agency.

SEC. 5. There is hereby authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the payment by the United States of its share of the expenses of the International Atomic Energy Agency as apportioned by the Agency in accordance with paragraph (D) of article XIV of the Statute of the Agency, and for all necessary salaries and expenses of the representatives provided for in section 2 hereof and of their appropriate staffs, including personal services without regard to the civil service laws and the Classification Act of 1949, as amended; travel expenses without regard to the Standardized Government Travel Regulations, as amended, the Travel Expense Act of 1949, as amended, and section 10 of the Act of March 3, 1933, as amended; salaries as authorized by the Foreign Service Act of 1946, as amended, or as authorized by the Atomic Energy Act of 1954, as amended, and expenses and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); translating and other services, by contract; hire of passenger motor vehicles and other local transportation; printing and binding without regard to section II of the Act of March 1, 1919 (44 U. S. C. 111); official functions and courtesies; such sums as may be necessary to defray the expenses of United States participation in the Preparatory Commission for the Agency, established pursuant to annex I of the Statute of the Agency; and such other

expenses as may be authorized by the Secretary of State.

SEC. 6. (a) Notwithstanding any other provision of law, Executive order or regulation, a Federal employee who, with the approval of the Federal agency or the head of the department by which he is employed, leaves his position to enter the employ of the Agency shall not be considered for the purposes of the Civil Service Retirement Act, as amended, and the Federal Employees' Group Life Insurance Act of 1954, as amended, as separated from his Federal position during such employment with the Agency but not to extend beyond the first 3 consecutive years of his entering the employ of the Agency: *Provided,* (1) That he shall pay to the Civil Service Commission within 90 days from the date he is separated without prejudice from the Agency all necessary deductions and agency contributions for coverage under the Civil Service Retirement Act for the period of his employment by the Agency, and (2) That all deduction and Agency contributions necessary for continued coverage under the Federal Employees' Group Life Insurance Act of 1954, as amended, shall be made during the term of his employment with the International Atomic Energy Agency. If such employee, within 3 years from the date of his employment with the Agency, and within 90 days from the date he is separated without prejudice from the Agency, applies to be restored to his Federal position, he shall within 30 days of such application be restored to such position or to a position of like seniority, status, and pay.

(b) Notwithstanding any other provision of law, Executive order or regulation, any Presidential appointee or elected officer who leaves his position to enter, or who within 90 days after the termination of his position enters, the employ of the Agency, shall be entitled to the coverage and benefits of the Civil Service Retirement Act, as amended, and the Federal Employees' Group Life Insurance Act of 1954, as amended, but not beyond the earlier of either the termination of his employment with the Agency or the expiration of 3 years from the date he entered employment with the Agency: *Provided,* (1) That he shall pay to the Civil Service Commission within 90 days from the date he is separated without prejudice from the Agency all necessary deductions and agency contributions for coverage under the Civil Service Retirement Act for the period of his employment by the Agency, and (2) that all deductions and agency contributions necessary for continued coverage under the Federal Employees' Group Life Insurance Act of 1954, as amended, shall be made during the term of his employment with the Agency.

(c) The President is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section and to protect the retirement, insurance, and such other civil service rights and privileges as the President may find appropriate.

SEC. 7. Section 54 of the Atomic Energy Act of 1954, as amended, is amended by adding the following new sentence: "Unless hereafter otherwise authorized by law the Commission shall be compensated for special nuclear material so distributed at not less than the Commission's published charges applicable to the domestic distribution of such material, except that the Commission to assist and encourage research on peaceful uses or for medical therapy may so distribute without charge during any calendar year only a quantity of such material which at the time of transfer does not exceed in value $10,000 in the case of one nation or $50,000 in the case of any group of nations." In the case of the International Atomic Energy Agency the Commission may distribute only such amounts of special nuclear materials as are authorized by Congress: *Provided, however,* That, notwithstanding this provision, the Commission is hereby authorized subject to the provisions of section 123, to distribute to the Agency 5,000 kilograms of contained uranium-235, together with the amounts of special nuclear material which will match in amount the sum of all quantities of special nuclear materals made available by all other members of the Agency to July 1, 1960.

SEC. 8. In the event of an amendment to the statute of the Agency being adopted in accordance with article XVIII-C of the statute to which the Senate by formal vote shall refuse its advice and consent, upon notification by the Senate to the President of such refusal to advise and consent, all further authority under sections 2, 3, 4, and 5 of this Act, as amended, shall terminate: *Provided, however,* That the Secretary of State, under such regulations as the President shall promulgate, shall have the necessary authority to complete the prompt and orderly settlement of obligations and commitments to the Agency already incurred and pay salaries, allowances, travel expenses, and other expenses required for a prompt and orderly termination of United States participation in the Agency: *And provided further,* That the representative and the deputy representative of the United States to the Agency, and such other officers or employees representing the United States in the Agency, under such regulations as the President shall promulgate, shall retain their authority under this Act for such time as may be necessary to complete the settlement of matters arising out of the United States participation in the Agency.

Mr. DURHAM (interrupting reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open for amendment at any point in the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. DURHAM. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Amendment offered by Mr. DURHAM: On page 1, line 4, after the word "Energy" insert the word "Agency".

Mr. DURHAM. Mr. Chairman, this is simply a clarifying amendment.

The CHAIRMAN. The question is on the committee amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

Mr. DURHAM. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. DURHAM: On page 8, lines 6 to 7, strike out the word "sentence" and insert the word "sentences" and on page 8, line 16, delete quotation mark at end of line, and page 9, line 2, after 1960 add a quotation mark.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

Mr. COLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLE: On page 8, line 16, strike out from the words "In the case" to the end of the section.

Mr. COLE. Mr. Chairman, this is the sentence of the bill to which criticism has been directed. I do not care to engage in repetition of those arguments and, therefore, will be satisfied with a vote on the amendment.

Mr. PRICE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am in thorough accord with the views of the gentleman from New York, which he explained so ably today and to which I referred during my presentation in general debate on the subject. I wholeheartedly support the amendment offered by the gentleman from New York.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. COLE].

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. BOGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H. R. 8992) to provide for the appointment of representatives of the United States in the organs of the International Atomic Energy Agency, and to make other provisions with respect to the participation of the United States in that Agency, and for other purposes, pursuant to House Resolution 390, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. COLE. Mr. Speaker, I ask for a separate vote on the amendment to section 7, beginning on line 16, page 8.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Page 8, line 16, strike out from the words "In the case" to the end of the section.

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. COLE) there were—ayes 84, noes 8.

Mr. COLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 298, nays 100, answered "present" 1, not voting 33, as follows:

[Roll No. 182]

AYES—298

| | | |
|---|---|---|
| Abernethy | Andresen, August H. | Baldwin |
| Adair | Andrews | Barrett |
| Addonizio | Arends | Bass, N. H. |
| Albert | Ashley | Bass, Tenn. |
| Alexander | Aspinall | Bates |
| Alger | Auchincloss | Becker |
| Allen, Calif. | Ayres | Beckworth |
| Allen, Ill. | Bailey | Belcher |
| Anderson, Mont. | Baker | Bentley |
| | | Berry |

| | | |
|---|---|---|
| Blatnik | Harden | O'Hara, Ill. |
| Boggs | Hardy | O'Konski |
| Boland | Harrison, Nebr. | O'Neill |
| Bolling | Harvey | Osmers |
| Bolton | Haskell | Ostertag |
| Bonner | Hays, Ark. | Patman |
| Boyle | Healey | Patterson |
| Breeding | Hébert | Perkins |
| Broomfield | Herlong | Pfost |
| Brown, Ga. | Heselton | Philbin |
| Brown, Mo. | Hill | Pilcher |
| Broyhill | Hoeven | Pillion |
| Bush | Holifield | Poff |
| Byrd | Holland | Polk |
| Byrne, Pa. | Holmes | Price |
| Byrnes, Wis. | Holt | Prouty |
| Canfield | Horan | Rabaut |
| Cannon | Hosmer | Radwan |
| Carnahan | Huddleston | Rains |
| Carrigg | Hull | Ray |
| Cederberg | Hyde | Reece, Tenn. |
| Celler | Jackson | Rees, Kans. |
| Chamberlain | James | Reuss |
| Chelf | Jarman | Rhodes, Pa. |
| Chenoweth | Jenkins | Riehlman |
| Chiperfield | Jennings | Riley |
| Christopher | Jensen | Roberts |
| Chudoff | Johnson | Robsion, Ky. |
| Coad | Jonas | Rodino |
| Coffin | Jones, Ala. | Rogers, Colo. |
| Cole | Judd | Rogers, Mass. |
| Cooley | Karsten | Roosevelt |
| Cooper | Kean | Sadlak |
| Corbett | Kearns | Santangelo |
| Coudert | Keating | St. George |
| Cramer | Kee | Saund |
| Cretella | Kelley, Pa. | Saylor |
| Cunningham, Iowa | Kelly, N. Y. | Schwengel |
| | Keogh | Scott, N. C. |
| Curtin | Kilday | Scott, Pa. |
| Curtis, Mass. | King | Scrivner |
| Delaney | Kirwan | Scudder |
| Dellay | Kitchin | Seely-Brown |
| Dempsey | Kluczynski | Selden |
| Denton | Knutson | Sheppard |
| Derounian | Krueger | Shuford |
| Devereux | Laird | Sieminski |
| Diggs | Lane | Sikes |
| Dingell | Lankford | Siler |
| Dixon | Latham | Simpson, Ill. |
| Dollinger | LeCompte | Simpson, Pa. |
| Donohue | Lennon | Sisk |
| Dooley | Lesinski | Smith, Miss. |
| Dorn, N. Y. | McCarthy | Smith, Wis. |
| Doyle | McConnell | Springer |
| Durham | McCormack | Staggers |
| Dwyer | McDonough | Stauffer |
| Eberharter | McFall | Steed |
| Edmondson | McGovern | Sullivan |
| Elliott | McIntire | Taber |
| Fallon | McIntosh | Talle |
| Farbstein | Macdonald | Teague, Calif. |
| Fascell | Machrowicz | Teller |
| Fenton | Mack, Ill. | Tewes |
| Fino | Mack, Wash. | Thomas |
| Flood | Madden | Thompson, N. J. |
| Fogarty | Magnuson | Thompson, Tex. |
| Forand | Marshall | Tollefson |
| Ford | Martin | Trimble |
| Fountain | Matthews | Ullman |
| Frazier | May | Vanik |
| Frelinghuysen | Merrow | Van Zandt |
| Friedel | Metcalf | Vursell |
| Fulton | Miller, Md. | Wainwright |
| Garmatz | Mills | Watts |
| Gary | Montoya | Westland |
| Gathings | Morano | Wharton |
| Gavin | Morgan | Whitener |
| Gordon | Morris | Whitten |
| Granahan | Morrison | Widnall |
| Green, Oreg. | Moss | Wigglesworth |
| Green, Pa. | Multer | Williams, N. Y. |
| Gregory | Mumma | Wilson, Ind. |
| Griffin | Natcher | Withrow |
| Griffiths | Neal | Wolverton |
| Gubser | Nicholson | Yates |
| Gwinn | Nimtz | Younger |
| Hagen | Norblad | Zablocki |
| Hale | Norrell | Zelenko |
| Haley | O'Brien, Ill. | |
| Halleck | O'Brien, N. Y. | |

NAYS—100

| | | |
|---|---|---|
| Abbitt | Bow | Colmer |
| Andersen, H. Carl | Boykin | Cunningham, Nebr. |
| | Bray | |
| Ashmore | Brooks, La. | Davis, Ga. |
| Avery | Brooks, Tex. | Dawson, Utah |
| Baring | Brown, Ohio | Dennison |
| Baumhart | Budge | Dies |
| Bennett, Fla. | Burleson | Dorn, S. C. |
| Bennett, Mich. | Byrne, Ill. | Dowdy |
| Betts | Church | Engle |
| Blitch | Clevenger | Feighan |
| Bosch | Collier | Fisher |
| Flynt | Long | Rogers, Tex. |
| Forrester | Loser | Rooney |
| George | McCulloch | Rutherford |
| Grant | McGregor | Schenck |
| Gray | McMillan | Scherer |
| Gross | McVey | Sheehan |
| Harris | Mahon | Smith, Calif. |
| Harrison, Va. | Meader | Smith, Kans. |
| Hemphill | Michel | Smith, Va. |
| Henderson | Miller, Nebr. | Teague, Tex. |
| Hess | Minshall | Thomson, Wyo. |
| Hiestand | Moore | Thornberry |
| Hoffman | Moulder | Tuck |
| Ikard | Murray | Utt |
| Johansen | O'Hara, Minn. | Vorys |
| Jones, Mo. | Passman | Walter |
| Keeney | Pelly | Weaver |
| Kilgore | Poage | Wier |
| Knox | Rhodes, Ariz. | Williams, Miss. |
| Landrum | Rivers | Willis |
| Lanham | Robeson, Va. | Winstead |
| Lipscomb | Rogers, Fla. | Young |

ANSWERED "PRESENT"—1

Evins

NOT VOTING—33

| | | |
|---|---|---|
| Anfuso | Hays, Ohio | Preston |
| Barden | Hillings | Reed |
| Beamer | Holtzman | Shelley |
| Brownson | Kearney | Spence |
| Buckley | Kilburn | Taylor |
| Burdick | Mailliard | Thompson, La. |
| Clark | Mason | Udall |
| Curtis, Mo. | Miller, Calif. | Van Pelt |
| Dague | Miller, N. Y. | Vinson |
| Davis, Tenn. | Porter | Wilson, Calif. |
| Dawson, Ill. | Powell | Wright |

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Holtzman with Mr. Taylor.
Mr. Preston with Mr. Kearney.
Mr. Anfuso with Mr. Curtis of Missouri.
Mr. Vinson with Mr. Dague.
Mr. Buckley with Mr. Hillings.
Mr. Shelley with Mr. Beamer.
Mr. Wright with Mr. Kilburn.
Mr. Thompson of Louisiana with Mr. Van Pelt.
Mr. Powell with Mr. Miller of New York.
Mr. Hays of Ohio with Mr. Mason.
Mr. Miller of California with Mr. Wilson of California.
Mr. Dawson of Illinois with Mr. Reed of New York.
Mr. Clark with Mr. Brownson.
Mr. Porter with Mr. Mailliard.
Mr. Udall with Mr. Burdick.

Messrs. ABBITT, PASSMAN, LANHAM, RIVERS, FORRESTER, DIES, BROOKS of Louisiana, O'HARA of Minnesota, H. CARL ANDERSEN, BRAY, PELLY, CUNNINGHAM of Nebraska, BOSCH, MILLER of Nebraska, AVERY, LIPSCOMB, GEORGE, SMITH of Kansas, SMITH of California, HIESTAND, ROONEY, and MULTER changed their vote from "yea" to "nay."

Mr. ANDERSON of Montana and Mr. ELLIOTT changed their vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROSS. Unqualifiedly, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GROSS moves to recommit the bill H. R. 8992 to the Joint Committee on Atomic Energy.

The SPEAKER. The question is on the motion.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 4, noes 236.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. McBride, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 5707. An act for the relief of the A. C. Israel Commodity Co., Inc.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1146. An act to amend title 14, United States Code, so as to provide for retirement of certain former members of the Coast Guard Reserve.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 8090. An act making appropriations for civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, for the fiscal year ending June 30, 1958, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. HAYDEN, Mr. RUSSELL, Mr. MCCLELLAN, Mr. ROBERTSON, Mr. HILL, Mr. MAGNUSON, Mr. HOLLAND, Mr. KERR, Mr. KNOWLAND, Mr. SALTONSTALL, Mr. YOUNG, Mr. THYE, Mr. MUNDT, Mrs. SMITH of Maine, and Mr. DWORSHAK to be the conferees on the part of the Senate.

## AUTHORIZING APPROPRIATIONS FOR THE ATOMIC ENERGY COMMISSION

Mr. DURHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8996) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the con-

sideration of the bill, H. R. 8996, with Mr. DELANEY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

PROGRAM FOR FRIDAY

Mr. DURHAM. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN. Mr. Chairman, I asked for this time to inquire of the majority leader whether he will inform the House as to the program for tomorrow.

Mr. McCORMACK. I shall be very happy to. It is the intention to meet at 10 o'clock if unanimous consent therefor is obtained. If the pending bill is completed, we shall take up the pay-raise bill for Federal employees and the postal-rate bill. If the mutual assistance-authorization bill is agreed upon and is in shape to be considered tomorrow, that will be brought up, too.

Mr. MARTIN. The conference report on that has to be acted on first in the Senate; is that right?

Mr. McCORMACK. That is my information.

Mr. MARTIN. I thank the gentleman.

Mr. DURHAM. Mr. Chairman, I yield myself 10 minutes.

Mr. DURHAM. Mr. Chairman, I certainly hope that Members will stay on the floor. This is a very important measure and they can see from the last bill that there is quite a bit of confusion. I believe we can convince the House that this bill is not as bad as the gentleman from New York [Mr. COLE] pointed out to you in discussing it under the rule.

Mr. Chairman, I would like to say a few words in support of H. R. 8996, the AEC authorization bill as reported out by the Joint Committee on Atomic Energy, of which I happen to be the chairman. This bill authorizes $259,230,000 for construction of plants and facilities at AEC installations. This total figure for construction compares with the amount of $319,595,000 authorized last year for fiscal year 1957 AEC construction and $269,159,000 which was authorized for fiscal year 1956 AEC construction. So you can see that the amount of money authorized for facilities is substantially less than last year.

In addition to the new money authorized, section 107 increases existing project authorization for certain projects in the total amount of $30,535,000. This includes $15 million additional for the experimental breeder reactor—EBR—which is essential for the Detroit Edison project at Lagoona Beach.

You may be interested to know also that the joint committee on its own initiative provided in this bill for the rescission of authorization of a number of projects totaling $129,847,000 which had been authorized in prior years but which AEC did not undertake for one reason or another. AEC has agreed now that these rescissions should be made.

As a result of an amendment to section 261 of the Atomic Energy Act of 1954, which was approved on July 3, 1957, this bill also authorizes funds for the cooperative atomic power demonstration reactor program in the amount of $129 million for use in a program not to exceed $149 million. The additional $20 million of the program represents waiver of use charges on uranium fuel which have a financial value to private participants in the program, but which do not require authorization of funds.

A final item in section 109 authorizes not to exceed $75,000 for a limited period of time for use by AEC for transportation expenses of employees in connection with their move to Germantown.

I want to assure you that the various items in the bill received extremely careful consideration by the legislative subcommittee of the joint committee, as well as the full committee, during the months of April, May, June, and July of this year. Some 700 pages of testimony were taken on the authorization bill in public hearings, as well as some additional pages in executive sessions. All or a part of 12 days were consumed by the subcommittee on the hearings and several executive sessions were spent in the markup on the bill.

In addition, the chairman of our legislation subcommittee and I sat down with the Chairman of the Atomic Energy Commission for several sessions and tried to work out some agreement on projects which would be satisfactory both to the Commission and to the joint committee. Unfortunately, as will be brought out in the debate today, the Commission has not agreed to all of the provisions which the joint committee has put into the bill. The chief items about which there appears to be some disagreement are the following:

Project 58–b–8, which provides $2 million for a design study for a production reactor for plutonium;

Project 58–e–14 which provides $40 million for a natural uranium gas-cooled power reactor prototype of approximately 40,000 electrical kilowatts; and

Project 58–e–15 which provides for $15 million for a plutonium recycle experimental reactor of 15,000 kilowatt equivalent.

These projects, which total $58 million, are greatly less in cost than the $150 million which AEC requested from the Budget Bureau in December 1956, for its reactor acceleration project. The Bureau cut this to $20 million and AEC had to change its tune in January of 1957 to defending the status quo ante.

Other points of possible contention are contained in section 111a (1) which requires that arrangements for projects proposed by cooperatives or publicly owned agencies and sponsored by AEC shall be carried on by direct contract between AEC and the equipment manufacturer with respect to the construction of the reactor and by direct contract between AEC and the co-op, in regard to the provision of a site and conventional turbogenerating facilities and the operation of the entire plant. This provision was deemed necessary to provide for supervision by AEC of the development and construction of the reactor, and to provide protection for cooperatives against risk of loss in the development phase of operation.

In reporting out what the majority of the Joint Committee has described as a modest program to help maintain American leadership in the field of atomic power, I believe the Congress should keep several points in mind.

First, we should be proud that the bill as reported out by the majority carries on the great tradition of measures sponsored by the joint committee and the Congress to encourage and prod the AEC into keeping our program second to none in all fields of atomic endeavor. In the past the joint committee has brought into being such important projects as the H-bomb and the increased production of fissionable material at Savannah River, and Paducah, and Portsmouth. More recently, with the amendment to section 261, the Congress has delegated to the joint committee a broader task of providing authorization and direction to the civilian atomic power program. In this connection, the chairman of the AEC had the following to say on June 10, 1957, concerning the role of the Joint Committee on Atomic Energy:

> You, however, are like a board of directors representing the whole Nation as stockholders and we are the officers of the company and our task is to operate under the broad policies which you lay down and that to the best of our ability we intend to continue to do.[1]

Now, as you know, any board of directors normally merely reviews the activities of the corporate management and approves or vetoes projects. However, occasionally boards of directors do institute projects of their own, particularly if the management is deemed to be reluctant or backward in going ahead in particular fields. This is true of Congressional boards of directors as well as ordinary corporate boards of directors.

I would be the first to admit that the usual method of Congressional review of executive programs in an authorization bill is to take what the administration proposes and either reject it or revise details to suit the Congress. However, occasionally the Congress does make significant revisions in administration proposals to the Congress, and sometimes adds its own projects or requirements when it sees fit.

In the atomic energy field, for example, the joint committee majority in 1954 rejected the draft of the legislation proposed by the President and the AEC and completely rewrote the Atomic Energy Act in a bill known as the Cole-Hickenlooper bill. In this rewrite the committee members and staff were called upon to make decisions and form judgments covering many technical, legal, and administrative matters which were very much at variance with AEC's technical and legal judgment.

I happen to agree that what the joint committee did in 1954 was desirable in general. However, experience has shown that we may have been somewhat premature with respect to private development of atomic power. That is the problem we are trying to cope with right now.

Another example of proposed Congressional and joint committee direction is contained in the bill, H. R. 602, 85th Congress, introduced by Mr. COLE in

[1] (Hearings before Joint Committee on Congressional Review of Atomic Power Program, May 23, and June 10, 1957, at p. 40.)

January 1957, which provides for $200,000 for a feasibility study on the utilization of atomic energy for lighting, heating, power, and air-conditioning of the Capitol and other buildings. This study would be carried on by the Architect of the Capitol "under the direction of the Joint Committee on Atomic Energy" and would cover, among other things, the location of facilities and the development of such preliminary plans, and cost estimates as would be deemed necessary or appropriate. In testimony in hearings held last year it was made clear a proposed atomic powerplant of 25,000 kilowatts which would provide all the power for the Capitol was intended.

It will be seen here that this feasibility study, and presumably the other arrangements, would be under the direction of the Joint Committee on Atomic Energy rather than the AEC.

I don't know whether George Stewart would be as insulted by our direction as the minority felt that the AEC would be. The AEC Chairman in a recent press conference indicated that perhaps he had been oversensitive last year on the question of Congressional direction of AEC projects.

But I think the problem boils down to the question of "who is running the store?" The joint committee is operating no differently than the minority acted or would act under similar circumstances.

In a larger sense, the problem is also who is setting the policy, and program, the Congress or the AEC? I believe it should be the Congress and that is what we are trying to do in a small way.

The second point I wish to stress is the need for an expanded program of plutonium production. Project 58–b–8 provides for a beginning of this expanded program by means of authorization of design of a plutonium production reactor. In view of the lack of an AEC or Defense Department recommendation for additional capacity, this was the most we felt we should do at this session.

However, the commitee received a great deal of testimony from top scientific and military officials during its executive sessions in the past 2 years, as well as through field trips to the various AEC installations, which support the need for substantial increase in plutonium productive capacity.

It should be noted that even to maintain present capacity it is possible that new reactors will be required to replace some of the present Hanford reactors which are 14 years old. Although parts of these reactors have been rebuilt their length of future useful operation is a matter of conjecture. However, I am convinced that in due time the Government will of necessity go into an enlarged small weapons program as well as have other weapons needs which will require substantial increases in plutonium production.

The third point I should like not to have to make, namely to emphasize once again that by no stretch of the imagination can this be called a public power bill. The natural uranium gas-cooled prototype plant which the committee has authorized in project 58–e–14 will be built at an AEC installation, probably Idaho, and section 110 provides that the power will be utilized at the site. After the project has ceased its usefulness for research and development purposes and as a source of economical power at the site, if ever, section 110c requires that the reactor be dismantled.

In conclusion, I would like to remind ourselves and particularly my friends across the aisle that I hope we can keep our debate within the bounds of reason and commonsense by recalling that all members of the joint committee have made important contributions to our great atomic effort. Thus, I recall that the Commission's 5-year experimental reactor program was initiated by my friend and colleague, STERLING COLE, and our late friend and colleague, Carl Hinshaw.

Many of us will also recall the long debate in the Senate back in 1952, when Brien McMahon was on deathbed, concerning appropriations for the Savannah River, Paducah, and Portsmouth plants, in which Senator HICKENLOOPER played an important part in saving the appropriations for these vital facilities for national defense and the ultimate peacetime atomic power program.

It is in this spirit that I believe we should be considering the legislation today. Of course, if anybody wants to create a fuss, we can too. But I hope it will not get to that level.

I am hopeful that after we have concluded consideration on the bills in this session that during the recess we can review our atomic power program with a view to enlarging both Government and private efforts and funds to maintain our leadership here and abroad.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I yield.

Mr. FORD. As the gentleman knows, we are interested in this PRDC project in the State of Michigan. Is it the gentleman's view that under this legislation the Commission may, under section 111 (a), proceed with the contract that it now has with the Power Reactor Development Corp.?

Mr. DURHAM. If you know that project, it got into this shape: We placed a provision in the 1954 act which provided for regulatory powers, and that protest on this PRDC reactor was brought before a hearing examiner under the general law on the basis of safety. It has been down there about a year before the examiner. The committee did not feel that we should go all out and simply name this project and say this $1,500,000 is for the project, but it is the only private project that is being carried on the fast breeder reactor concept. It is understood by most of the Members that the $1,500,000 can be expended for research and development of benefit to that project, and it should be expended.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. DURHAM] has again expired.

Mr. COLE. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. VAN ZANDT].

Mr. VAN ZANDT. Mr. Chairman, H. R. 8996 is a bill to authorize appropriations to the Atomic Energy Commission.

As a member of the Joint Committee on Atomic Energy since its inception, I have carefully followed the program of the Atomic Energy Commission for over 10 years. I believe that most of the funds authorized by the bill are necessary for the work of the Atomic Energy Commission, and I will not oppose them.

However, there are certain features in this bill, which represent changes made to the original authorization bill while it was before the joint committee, which I would like to comment upon at this time.

I believe that these changes are designed to discourage private enterprise in this field and to try to force our atomic-power program to grow in the future under the domination of the Federal Government rather than under private ownership.

I represent a district in Pennsylvania where there are substantial coalfields. I cannot favor a program which provides for Federal construction and operation of atomic power reactors. I believe that such a program would be against the best interests of the coal industry.

I believe that the atomic power program should grow under private industry with research and development assistance by the Government. We should not take this first step to allow the program to become a Federal Government program to the discouragement and exclusion of private industry.

We have ample deposits of coal and other natural resources in our country so that we do not have to embark upon a "crash" Federal sponsored program. The Russians, and the British, may go that route if they wish to. They can provide for governmental control and governmental operation if they wish to. Personally, I do not believe that that is our American way.

I believe in private industry, and I believe in the Atomic Energy Act of 1954 because I worked to see that act become law. That act made possible private ownership of reactors, and it would be a stab in the back to the atomic energy industry if Congress should now reverse itself and begin promoting Federal Government ownership of atomic power facilities.

This year a subcommittee of the Joint Committee on Atomic Energy did hold hearings in which it looked at the reactor program of the AEC. However, it did this from only one point of view. The constant question was this: Should the Federal Government build reactors?

There is another question which could have been asked and that was this: How can we help and encourage private industry to accelerate its efforts in this field?

All of us who have followed this program for a number of years know that it is unprofitable, and we know that there is little incentive for private industry to get started in this field because of high costs and technical difficulties in the road ahead.

In my State of Pennsylvania, the Pennsylvania Power & Light Co. has been spending its own funds on an extensive research and development program into

the aqueous homogeneous reactor for the past 2 or 3 years. This is a very difficult technical area, but from the long-range point of view, it is also perhaps a very promising type of reactor. It is a gamble. The money which this company is spending, in cooperation with the Westinghouse Electric Corp., may never benefit its stockholders. This is a risk which they are taking. In my opinion, this type of risk should be encouraged, and the Pennsylvania Power & Light Co. and the Westinghouse Electric Corp. are to be congratulated. If we are ever to achieve economic atomic power in this country, and I for one feel absolutely certain that someday we shall, it will be through pioneering efforts of companies such as this.

My colleague from New York [Mr. COLE] and I both introduced bills during this session of the Congress to encourage private industry to go forward in these fields. No hearings were ever held on these bills, and no consideration was given to the point of view of helping private industry, rather than helping the Federal Government to move forward in this field.

Much reference was made in the committee discussions, and in the majority report on the bill, to the effect that the bill, in section 111a (1), would only provide the Shippingport formula for the benefit of the public power groups. The Shippingport project, as many Members know, is being constructed in my State of Pennsylvania, and is a cooperative arrangement between the Atomic Energy Commission, the Westinghouse Corp. and the Duquesne Light & Power Co.

It is true that in the Shippingport case the reactor will be owned by the Federal Government. However, I would like to point out one very important fact and that is this:

The Shippingport project was authorized and started prior to the passage of the 1954 act. At that time, under the act, it was unlawful for private industry to have title to reactors, and reactors could be owned only by the Federal Government.

In 1954, we amended the act to permit private ownership.

Therefore, if we revert to the Shippingport project, we shall be reverting to the pre-1954 days when the program was necessarily dominated by the Federal Government.

This would be a step backward, not forward.

Let me mention one other very important point in connection with the Shippingport project and that is this:

In the Shippingport project, when the reactor is shut down for repairs or for maintenance, or to inspect or replace the fuel elements, the Duquesne Light & Power Co. will necessarily have to obtain power from another source. Under the contract with the AEC, it will do this at its own expense.

In the case of the public power groups, it was suggested that when the reactor is shut down, the cooperative would purchase electricity elsewhere for its consumers, and the AEC, or the Federal Government, would be required to pay this cost. In other words, the taxpayers would be guaranteeing the public power group a firm supply of power, whether the reactor was operating or not.

If this sort of arrangement were followed by the Commission, this would be a much better arrangement for the utility operator than the Shippingport arrangement. I therefore reiterate the statement which we made in the minority report, that is was not the intent of the joint committee to authorize anything more favorable for the public power groups than the Shippingport arrangement, at best.

As I mentioned earlier, the whole approach on this bill was to provide for Federal construction and ownership rather than encouragement to private industry for ownership.

In section 101 of the bill, three projects were inserted, calling for an authorization of $58 million for reactor projects which were not requested by the Commission, nor authorized by the Bureau of the Budget.

The most objectionable of these projects which were added is project 58-e-14, found at page 5 of H. R. 8996, which authorizes $40 million of the taxpayers money to construct a natural uranium, graphite moderated, gas cooled, power reactor prototype designed for the production of approximately 40,000 electrical kilowatts.

This is the Calder Hall type of reactor, which the British have been developing. We have a bilateral agreement with the British to provide us information as to this reactor, and the experts almost unanimously agree that it would be a sad mistake for the United States to begin construction of a Calder Hall type reactor at this time.

There are several things basically wrong with this project.

One of them is the evidence of favoritism.

I have only the highest respect for Dr. Zinn, who was a consultant to the joint committee last year.

However, Dr. Zinn is now associated with a group which is proposing a natural uranium gas-cooled reactor under the third round of the power demonstration program.

The majority report points out that one of the advantages of the $40 million project would be that it would benefit Dr. Zinn.

I quote from page 27 of the majority:

> However, information and data developed on common problems in the gas-cooled field would be readily available to Dr. Zinn and his associates.

Also the report refers with favor to Dr. Zinn's project, and states that the Commission should assist this project, and I quote again from page 27:

> It is the committee's belief that the need for the development of gas-cooled technology in this country is sufficiently great as to warrant support of both approaches to the design and construction of gas-cooled reactors. Each will make a contribution to the art and technology.

Another objectionable feature of this $40 million proposed project is that the majority report states that it shall be assigned to Admiral Rickover and to the Westinghouse Corp. I quote again from page 27 of the majority report:

> However the committee is also of the view that an aggressive Government sponsored program under the direction of Admiral Rickover and carried on by the industrial organization at Bettis to follow the Shippingport project is essential.

The reference to Bettis is to the Westinghouse Bettis field plant near Pittsburgh, Pa.

I believe that Admiral Rickover has made a great contribution to national reactors, and he and I are personal friends. However, I believe that the naval reactor program is very important, and that there is plenty of work in this constantly expanding program to keep Admiral Rickover busy. I believe that he should stick to building reactors and stay out of politics.

Finally, it would seem unwise for the joint committee to specify a particular type of reactor. I am not a scientist, and I would hesitate to do so, because this is a very difficult field to make choices in as to specific types of reactors.

However, I have requested a report from the experts in the Atomic Energy Commission, and I have the following information which would indicate that this project is unwise, in their opinion from a technical point of view:

First. The British are exploring this type of reactor. And there is good evidence that they are abandoning the natural uranium gas-cooled reactor. There are reliable reports that the United Kingdom believes that some enrichment is desirable in their gas-cooled reactors, and they have requested very substantial amounts of slightly enriched uranium from the United States. They have stated that they intend to develop a more advanced gas-cooled graphite moderated reactor which will require the use of enriched uranium.

Second. The AEC is particularly concerned by recent experimental evidence that long fuel element life may not be attainable with unalloyed uranium at high temperatures. The necessity to use alloys or ceramics would prohibit the use of natural uranium in gas-cooled graphite-moderated reactors.

Third. The cost figures used by the British themselves show that the gas-cooled graphite-moderated reactor would not become competitive with conventional power in the United States during the next 25 years. Studies made by the AEC show that the cost of gas-cooled graphite-moderated reactors of the type and size the United Kingdom plans to have in operation in 1961 would only produce power at twice conventional United States power costs for new plants of the same size. Economic nuclear power in the United States requires the development of very much better reactors, and that is the objective of the present United States program.

Fourth. The construction of a gas-cooled reactor starting now would not contribute to the United States position in selling reactors abroad during the next critical 5 years and would only result in the United States having in 1961 or 1962 a slightly improved version of the reactor the United Kingdom put

into operation in May 1956. Such a reactor will be very inferior to the 250,000 to 300,000 kilowatt plants the United Kingdom will be putting into operation in 1961.

Fifth. In any event, it is questionable whether the United States would advance its following with the British or with other countries abroad by endeavoring to compete with the British and to restrict their foreign trade—upon which their livelihood depends—by building a reactor of the only type which they are able to afford to build in large quantities for use at home as well as a product for sale abroad.

Sixth. Although there is some concern abroad about being dependent upon the United States for supplies of enriched uranium, there is no evidence that this will actually prevent widespread use of United States reactors abroad. The advantages of compactness, flexibility, and cost for enriched uranium reactors are just too great to be overcome by the lower cost of the nuclear fuel which represents only a small difference in the total cost.

As I stated before making these six points, these points are based upon technical information furnished me by the AEC. I am not a scientist, and I cannot say that all of these points are necessarily 100-percent correct. However, I believe that they do illustrate the folly of Congress attempting to designate a specific type of reactor in spite of the opposition of scientists of the Atomic Energy Commission.

At an appropriate time I shall offer an amendment to delete this project, and to save the taxpayers $40 million.

Another project which was not requested by the AEC at this time, and which I believe should not be authorized at this time, is project 58–e–15 on page 5 of the bill, $15 million for a plutonium recycle experimental reactor.

All of the scientists do agree that plutonium recycle work is very important for the future development of economic atomic power.

However, as pointed out in the minority views of Report No. 978, other efforts are being made to develop plutonium-fuel technology.

The operating budget of the Commission currently calls for the spending of $1,400,000 in fiscal year 1957 on the design phase of a plutonium recycle reactor. Also in this bill, under project 58–e–3, page 4, $10 million is to be authorized for a fuel technology center at the Argonne National Laboratory. This effort will be primarily to develop technology in the handling of plutonium as a fuel, and I support this expenditure.

However, in my opinion, project 58–e–15, page 5, is premature at this time, and I shall offer an amendment at the appropriate time to delete this project, with a saving of $15 million for the taxpayers.

Insofar as the PRDC project is concerned, others of my colleagues will discuss this subject. I wish to emphasize, however, that it was the intent of the members of the joint committee that the $1,500,000 authorized by section 111a (2) could be used by the Commission for work on the PRDC project if the Commission elected to do so.

In summary, Mr. Chairman, I shall offer amendments at a later time to save the taxpayers millions of dollars, and to orient this program so as to minimize Federal ownership of power reactors and maximize encouragement to private industry.

Mr. DURHAM. Mr. Chairman, will the gentleman yield?

Mr. VAN ZANDT. I yield to the gentleman from North Carolina.

Mr. DURHAM. Will the gentleman tell the House how much taxpayers' funds have been put into the Duquesne Power & Light Co. and how much by private enterprise?

Mr. VAN ZANDT. I think about $50 million of Federal money and $5 million by the Duquesne Power & Light Co. I repeat again, as I mentioned a moment ago, that project was under the act of 1946 and not under the act of 1954.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. VAN ZANDT. I yield to the gentleman from Illinois.

Mr. PRICE. The gentleman knows that our interest has been directed toward developing this program as thoroughly as possible and exploring the various types of reactors. I wonder if he could advise the House or advise his colleagues on the committee who these experts are who gave this opinion.

Mr. VAN ZANDT. I think I said in my statement here that I asked the Atomic Energy Commission, and speaking of the Atomic Energy Commission, it is the experts who are employed by them.

Mr. PRICE. There are many experts down there; some in different branches. Would this be the head of any particular division?

Mr. VAN ZANDT. No. I did not go into detail. I took the statement that was passed on to me at my request.

Mr. PRICE. The only reason I asked is that we have had so many conflicting statements by different scientists throughout the country and some who are employed by the Commission. So, I would like to coordinate this information.

Mr. VAN ZANDT. When I hear conflicting statements, I go to what I consider the best source of information, and that is the Atomic Energy Commission.

Mr. PRICE. But who would you say was the best source on reactor technology?

Mr. VAN ZANDT. I think that the Commission employs many who are experts in this field and I called upon that group of experts to advise me.

Mr. PRICE. I am only trying to arrive at a conclusion in my own mind, to weigh their testimony as against the testimony of those whom we regard as experts.

Mr. VAN ZANDT. The gentleman knows, as I do, the personnel of the Atomic Energy Commission. When we seek information in regard to reactors, the gentleman knows that it is those experts employed by the Commission who advise us and it is that group who submitted this report to me.

Mr. COLE. Mr. Chairman, I yield such time as he may desire to the gentleman from Indiana [Mr. BRAY].

Mr. BRAY. Mr. Chairman, certain parts of this bill which would authorize appropriations for the Atomic Energy Commission, not only authorize the useless spending of about a hundred million dollars of the taxpayers' money, but, in addition, place a burden on the American people to uselessly spend untold millions of dollars in the future. I refer to certain sections of this bill which propose to expend the taxpayers' money for atomic reactors to produce electricity at a cost more than three times the cost of its production by the use of coal. The Atomic Energy Commission is against these parts of the bill.

Mr. Chairman, I want to point out that these proposed expenditures for atomic energy are not for the research and development purposes which I have always supported. This proposed expenditure is to subsidize the generation of electric power by the use of atomic energy.

A person who would purchase one brand of coffee for $3 a pound when he could purchase the identical coffee for $1 a pound would certainly be considered financially unwise. That is exactly what this legislation proposes to do. It proposes, at the taxpayers' expense, to produce electric power from atomic energy, while we are already producing electric power from coal at one-third the cost. If there were a scarcity of coal in the United States such action might be justified. On the contrary, we have enough coal to produce all of the electric power needed by this country for 1,000 years. There is no possible justification for such a course, except that it is an excuse to place the Government in the power business at three times more than it would cost to produce power in a conventional manner.

I have been persistent in my support of the use of atomic energy in the propulsion of submarines. A submarine, because of its limited size, needs to have a very compact fuel, even though the use of atomic energy in its propulsion, is very expensive. Such use is entirely different from producing electricity from atomic energy in competition with coal, which is found in almost every State in the Union.

Some people misrepresent this problem, and state that the proposed production of power from atomic energy is to help the local REMC's. No one has supported the interests of the REMC more than I, and any claim that Government subsidization for the production of power is to help the REMC's is absurd. The REMC's are not public power. They are private power owned by the subscribers themselves—not by the Government. The Government only loans money to these local REMC's under certain conditions. When the loans are repaid the Government has no interest in the REMC.

The authorization of these reactors will in no way help research and development, will not assist the local REMC's, but would merely squander untold millions of the taxpayers' money to put the Government in ultraexpensive power business. Our Government is making good progress in research and development in the field of atomic energy. In many instances private industry on its

own or in cooperation with the Government is also making good progress. The use of atomic energy in the production of power for general use is only in the development stage. These very costly and socialistic sections of the bill should be removed.

Mr. DURHAM. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. PRICE].

Mr. PRICE. Mr. Chairman, I regret the attempt to inject the proverbial private-versus-public-power issue into this matter, because certainly it does not belong here. I know of no member of the Joint Committee on Atomic Energy who is wedded to the public power issue. I certainly have no great amount of public power in my State. There is some of it, naturally some local communities have depended on it for many years. We have very little public power in my immediate area. The only reason that I can see for the injection of this issue is an effort to cast a little doubt on the wisdom of this legislation, to arouse controversy, and to make it easier to support a position opposite to that taken by a majority of the committee.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from California.

Mr. HOLIFIELD. There are two sections of the bill. The first section of the bill is for $259 million. The committee has put $58 million into that section for a study reactor. I ask the gentleman categorically, is there any power in that reactor which will be sold to public or private bodies?

Mr. PRICE. I can say briefly in line with the thinking of the gentleman in the remarks he has expressed to me about the $58 million in this bill that in any of the three items that make up that $58 million there is not the remotest possibility of any of being involved in the private-versus-public-power issue; not the least in the world.

Mr. HOLIFIELD. The two reactors, the $40 million one and the $15 million reactor, are not for the production of power to be sold. Not one kilowatt is to be sold to the consuming public. If any incidental power is made in those reactors, it is to be used in the atomic energy establishment. Is that not true?

Mr. PRICE. The gentleman is absolutely correct.

Mr. HOLIFIELD. In the other section of the bill there are five projects.

Mr. PRICE. I am glad the gentleman brought up the other section of the bill because that was the second point I was going to try to bring out, to show this was not a private-versus-public-power issue. The items involved in that section of the bill were not put into this program by the Joint Committee on Atomic Energy.

Mr. HOLIFIELD. That is right.

Mr. PRICE. They were sponsored by the Atomic Energy Commission. The only question that could be at issue there was whether the Government would own the reactors. The Members who are opposing the position taken by a majority of the committee and in their reports refer to federalism and socialism have themselves sponsored legislation for Government-owned reactors.

Mr. HOLIFIELD. Why, certainly.

Mr. PRICE. That is all that is involved here. The gentleman from New York has a bill pending in the House now for a $50 million reactor to supply the power and energy for Capitol Hill. The gentleman from Pennsylvania [Mr. VAN ZANDT] has a bill that calls for the construction of several Government-owned reactors. One of them costs $100 million. So the question of public versus private power should be promptly dispelled.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield.

Mr. VAN ZANDT. I think the gentleman should identify my bill to the extent that it provides for the construction of small research and development reactors.

Mr. PRICE. Well, that is correct—the gentleman can say in his own words that they are small research reactors. One of them will produce 50,000 kilowatts and will cost an estimated $100 million. The gentleman may say that that is a small reactor. You may say that the Shippingport reactor is a small reactor, it will only produce 60,000 kilowatts and will only cost $100 million, of which the Government will put up $95 million. So I do want to dispel at the outset this bugaboo of private power versus public power, and this argument about federalism and socialism. I think when you really analyze the bill that has been introduced by the gentleman who signed this minority report that they must go along with some of this Government research and development in the field of reactors.

Mr. BONNER. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield.

Mr. BONNER. I have been interested in listening to the discussion by the gentleman on this question of private power versus public power. This morning I received a telephone call from the vice president of a large power company against this bill. I wish the gentleman would tell us just plainly what is in this bill for public power or REA, if you may term it that way, and what advantages are here for private power—if there is any.

Mr. PRICE. Yes; there are some advantages for both in this bill. There are advantages here for private power as well as for public power. The only reason that there is anything in here at all about public power is the Commission has a program in which public power is participating and they have not been able to get off the ground for 2½ years. They have been trying to work out contracts, and now all the committee has done has been to provide a formula here by which the Commission can get the program on the road.

Mr. BONNER. Then what I understand, from what the gentleman has said up to now, that the Atomic Energy Commission has assisted and helped public power and private power.

Mr. PRICE. Definitely.

Mr. BONNER. That is, the Commission has assisted public power and private power in the development of electricity for sale.

Mr. PRICE. They have held out hope for both. They are trying to help public power and the REA, but for 2½ years they have not been able to do anything about it. They have participated very heavily financially in projects sponsored by private power groups.

Mr. BONNER. I understood there had been some reactors built for private power.

Mr. PRICE. There has been only one reactor built by or for private power. There is a participation program in which many companies are participating, and by a certain date—1960 or 1962—they hope to have some plants built. There are only two really private operations that you could really call private operations—they are the Commonwealth Edison project at Dresden, Ill., and the Consolidated Edison project in New York. They are the only two projects that you could say are private enterprise. The others are all with Government subsidies.

Mr. BONNER. The two projects which the gentleman mentioned; have Government funds been spent on those projects?

Mr. PRICE. There are only two projects on which no Government assistance has been given, Commonwealth and Consolidated.

Mr. BONNER. But there are projects on which the Government has spent money for private electricity.

Mr. PRICE. Oh, the other projects—yes. The Government has spent a great amount of money.

Mr. BONNER. If they have spent money for private power; then why is is not reasonable to help develop public power in places where power is not available.

Mr. PRICE. I say that the issue is not even involved here. The Government is doing something for both.

Mr. BONNER. So that there is no discrimination on one side or the other.

Mr. PRICE. No, none at all.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield.

Mr. HOSMER. It is my understanding that with the exception of possibly two projects, none of these atomic projects are in an economically feasible state.

Mr. PRICE. No.

Mr. HOSMER. And they must subsist on Government subsidies?

Mr. PRICE. That is right, and they have asked for it.

Mr. HOSMER. The two exceptions you mentioned, are they operating at a loss?

Mr. PRICE. They are not operating yet. They are in the preconstruction era.

Mr. HOSMER. Are they designed to produce electricity at competitive costs, or are they designed, when put into operation, for the purpose of training personnel?

Mr. PRICE. That is right. Training personnel and development.

I think it is unfair to the people of this country, particularly to the membership of this House, to leave false impressions. For instance, the statement was made earlier by the gentleman from New York that we have 108 reactors. Everybody thinks power reactors are running out of our ears; that we have them everywhere. Most of these 108 reactors are small, as low as 5 kilowatts, in laboratories at different places.

Mr. MEADER. Mr. Chairman, will the gentleman yield? The gentleman mentioned two private power developments. He did not refer to the development in my Congressional District at Monroe, Mich., which is privately financed. I am sure the gentleman did not want to leave the impression that the cost of that power reactor at Monroe was going to be financed by the Government.

Mr. PRICE. Oh, yes. About $40 million of it, if you consider every angle of it. Perhaps more than that.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. DURHAM. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. PRICE. I want to clear up this matter about the 108 reactors. That means every little research reactor in every university in the country. There are only three power reactors of any size in that whole list. In the first place, the impression was left that many of these were privately operated. There is only one. That is the General Electric reactor in California. There are only three that can be called power reactors. One is at Argonne Laboratory, Government operated. One in California, Government operated; and the other is the military reactor at Fort Belvoir; and the total kilowatts you could get out of them would not be more than 12,000. So I think a false impression may have been created by the statement of the gentleman from New York.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield.

Mr. FORD. The gentleman has talked about false impressions. I know he does not want to create a wrong impression. The PRDC project at Monroe, Mich., page 10 of the majority committee report, indicates that the only direct subsidy at that plant would be $8,152,600.

Mr. PRICE. That does not say anything about the waiver of fuel costs, which runs into millions of dollars.

Mr. FORD. But the waiver of fuel costs is the same for them as anybody else in this category.

Mr. PRICE. Oh, no. There is no waiver of fuel costs involved in the Commonwealth Edison or the Consolidated projects.

Mr. FORD. In this project the total cost by private enterprise is over $58 million; so that the Government subsidy is less than 10 percent.

Mr. PRICE. I hope the gentleman will not misunderstand me. I am not endorsing or disputing that project. I am withholding judgment until the safety factors are resolved.

I served on the subcommittee that considered participation of private industry in our atomic energy program before the 1954 act was passed. I do now and have always favored the program, which does not owe its start to the 1954 act, although it is true that the revised act did provide the legislative authority to pass on the atomic research and technology to private industry. The original act anticipated this.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. COLE. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. PATTERSON].

Mr. PATTERSON. Mr. Chairman, I rise to speak in opposition to certain sections of H. R. 8996, the bill to authorize appropriations for the Atomic Energy Commission.

I am opposed to certain sections in this bill because I believe very strongly in private industry and private ownership, and certain sections in H. R. 8996 are designed to discourage private development in the field of atomic power.

There are sections in this bill which favor public power, and make easy the process of Federal atomic public power. I have the honor to represent the Fifth District in Connecticut. In my State, and in other States of New England, our constituents have to pay high costs for electricity. We do not have public power in New England. Our constituents are paying tax dollars to support public power projects elsewhere, and we do not want to see atomic power become public power also.

We have in New England an example of how I believe this development of atomic power should be accomplished, under private ownership. I refer to the project now being undertaken by the Yankee Atomic Power Co. to construct a 134,000 electrical kilowatt advanced pressurized water-type reactor in Rowe, Mass. I approve of this operation because the reactor will be owned by private industry, and not by Government. The Government will provide a limited amount of research and development assistance, approximately $5 million, and will waive the charges for the use of the nuclear fuels, but private industry will put up over $40 million toward construction of the reactor.

Fortunately for the Yankee group, the modest Government contribution to this reactor was already authorized, appropriated, and obligated in the last fiscal year, or I believe they would have run into serious trouble at the hands of the Joint Committee this year.

In 1954 Congress amended the Atomic Energy Act to permit, for the first time, private ownership of reactors. Private industry wanted to get started in this field, and we in Congress wanted to encourage it to do so.

At that time we recognized that Government support to industry would be needed at the outset in this expensive field.

Section 31 of the act, therefore, authorized funds for research and development purposes, and section 169, which stated generally that there should be no subsidies, made an exception as to funds for research and development.

Now, under this bill, we are being asked to take a step backward. We are being asked to provide for Federal construction of a number of atomic power reactors, and we are also being asked to discourage the efforts which private industry is making in this field.

First of all, the bill authorizes construction of $58 million of Government-owned reactors, which were not requested by the Atomic Energy Commission, nor authorized by the Bureau of the Budget. This bill even specifies the types of reactors to be built. I am not a scientist or an engineer, and I would hesitate to specify particular types of reactors to be built. Moreover, from the information which I have received, the choice made by the majority, is not technically sound.

This bill, in project 58-b-8, would authorize $3 million for a design study, and certain members of the Committee have pushed and are still pushing for a dual-purpose reactor which would produce large quantities of power as well as plutonium. This authorization of $3 million this year is designed to lead to further authorization of $100 million or more next year or eventually to construct such a large reactor.

Project 58-e-14 would authorize $40 million for a natural uranium, gas-cooled, graphite moderated reactor, which is roughly the same type the British are constructing at Calder Hall. The British are moving ahead in this field, and if we copy them now, this reactor would be obsolete before it would be completed. My colleague, the gentleman from Pennsylvania [Mr. VAN ZANDT] spoke at length as to this project, but in brief, it would seem to be unnecessary and unwise, because we can receive the necessary information from the British, and it appears that this is not a very promising type of reactor.

Our private industries have started on many different designs of reactors using enriched uranium, and it would be a mistake to lose the advantage in this field, and fall back on natural uranium, when the experts tell us that it is not as promising.

The section in the bill which I oppose the most is section 111. This section should be modified because all of the subsections are designed to favor public power and discourage private industry.

Subsection 1 of section 111a, which begins at the bottom of page 15 and extends through the middle of page 16 of H. R. 8996, provides the so-called bail-out for the public power groups which have made rather weak and unpromising proposals to the Commission. None of these proposals have yet been accepted by the Commission, but this subsection would require the Commission to accept them and get going on them on a basis of no risk to the public power group operating the reactor. The contract would be directly between the Federal Government and the reactor manufacturer for the benefit of the public power group, which would operate the reactor under contract to the Federal Government with no risk to itself.

The Commission, it is true, is negotiating with five public power groups. However, it is perhaps apparent that some or all of these will never come to realization because public power groups are offering nothing, and it therefore seems improper for the Congress to direct the Commission to bail out these groups.

Subsection 2 of 111a is intended to restrict the funds for the Power Reactor Development Co. which is the only group in the cooperative program constructing a fast breeder reactor.

The committee report even indicates that no funds are to be authorized for the Power Reactor Development Co., which is a company sponsored by private utilities and privately owned companies. However, this is not a correct statement of committee intent. On several occasions it was directly stated by leading members of the committee that all of the funds authorized, $1,500,000, could be applied to the Power Reactor Development Co. contract, if the Commission in its discretion elects to do so.

However, this section does attempt to cut the funds requested, $4,206,000, to $1,500,000 for the Power Reactor Development Co. I believe that these funds should be restored in full.

It is true that certain allegations as to safety have been made. However, the safety question will not even arise until about 1959 or 1960 when the nuclear fuel will be loaded into the reactor. In the meantime, the funds requested for this project will all be used to sponsor work at the Argonne National Laboratory on the design of this reactor. This work at the laboratory will, to a large extent, be used to prove or disprove the safety of the reactor design.

Therefore, it seems ludicrous under the name of "safety" to cut off funds which will be used to do work at Government laboratories on questions of safety.

Moreover, all of these funds will be used for work done in AEC laboratories, will be public information, and will be valuable information, even if the operating license to the PRDC reactor should never be granted.

For these reasons, it seems clear to me that the full amount requested should be authorized for this project; namely, $4,206,000.

I repeat: This was the only project submitted by private industry. It would cost the taxpayers less than $4½ million, and all information developed in this entire reactor will be public information. The participating companies will contribute over $50 million of their own funds.

The principal susceptibility of the Power Reactor Development Co. reactor, in my opinion, is that it will be privately owned. It is thus a target for those who are opposing private ownership and promoting public ownership of reactors.

Let us not lose the significance of this particular reactor. It is supported by private industry and private utilities. I wish that I had time to read to you the list of companies which are contributing their own funds to this project. But I can summarize by saying that there are companies in Alabama, in Baltimore, in Boston, in New York, in Ohio, the Connecticut Light & Power Co., and the Hartford Electric Light Co. in my own State, in Michigan, in Georgia, in Indiana, in New Jersey, in Mississippi, in Pennsylvania, in Wisconsin, and so forth. The complete list is set out at pages 191 through 193 of the hearings of the Joint Committee last year, entitled "Accelerating Civilian Reactor Programs."

The Power Reactor Development Co. project is, therefore, a private-industry project. The Congress should provide encouragement to this type of project.

Although questions of safety have been alleged, they are now the subject of administrative hearings, and should be left to the discretion of the administrative agency, without interference from the Congress.

Subsection 111a (3) and subsection 111 (b) are both designed to discourage proposals under the third round of the program, and I believe they should be stricken from the bill. We should encourage participation by private industry under this program and not discourage it.

In summary, Mr. Chairman, I will of course support most sections of H. R. 8996 because it authorizes the funds necessary for our very important atomic-energy program, for both military and peaceful uses of the atom. However, I will support amendments to revise certain sections of the bill, as I have indicated, in order to encourage private industry and private ownership in the atomic-power field.

Mr. McVEY. Mr. Chairman, will the gentleman yield?

Mr. PATTERSON. I yield to the gentleman from Illinois.

Mr. McVEY. I think the gentleman has made a very fine statement. He has given us a lot of valuable information. There is one question I should like to ask, and it refers to the expenditures involved. I notice this bill provides for the authorization of large sums of money. Section 111, I think, authorizes $129 million.

Mr. PATTERSON. In the first section there is an authorization for, I believe, $289 million, and in the second section $129 million.

Mr. McVEY. I would like to ask the gentleman whether this amount was included in the budget estimate which the President sent to us.

Mr. PATTERSON. No, I do not believe that was included in the estimate.

Mr. McVEY. And any amount appropriated would be taken from the balance anticipated in the budget?

Mr. PATTERSON. Yes.

Mr. McVEY. Do you know how much that amounts to?

Mr. PATTERSON. Does somebody on the staff have the figure?

Mr. COLE. What was the question?

Mr. McVEY. The total amount of expenditures proposed in this bill.

Mr. COLE. The additional amount inserted by the committee was approximately $58 million.

Mr. PATTERSON. I have just received by special messenger a communication from Chairman Strauss which I submit to the membership of the House for their consideration:

UNITED STATES
ATOMIC ENERGY COMMISSION,
*Washington, D. C., August 8, 1957.*

DEAR MR. PATTERSON: On August 3, 1957, I sent you a copy of our letter of the same date to Congressman COLE commenting, at his request, on the authorization bill in its present form. Among other things, we called attention to the prematurity of fixing upon specific reactor types at this stage of development and to the denial to AEC of technical and administrative flexibility. We expressed concern over a requirement, to be established now, that the reactors be Government financed and owned, in view of the large construction cost to the taxpayer and the possibility that private industry would undertake construction once the reactor type was proven out. We pointed to the fact that with respect to one of these reactor types, the plutonium recycle reactor, we believe that construction may be an appropriate part of our reactor program after necessary research and development has been done. The bill would freeze the method of contracting with cooperative and public groups, and therefore we stated that AEC should be free to adopt contractual patterns that appear to be in the Government's best interest and pointed out the disadvantages to the Government in current negotiations that might result from this requirement in the bill. We stated our reasons for believing that the funds necessary to carry out AEC's agreed commitments under the PRDC contract should be authorized.

At the time our letter was written we had not had a chance to study the committee report. We have now done so. The majority report, in our judgment, goes far beyond the requirements of the bill, pursues a policy of directing AEC program implementation in detail, and will have such unfortunate consequences in other respects, which we doubt that the committee has realized, that we would be remiss in our duties if we did not express our grave concern to you. That is the reason for this letter.

The majority report not only undertakes the technical selection of the reactor types to be built by the Government—including their description in terms that deny developmental flexibility to the Commission—it specifies the AEC installations at which the reactors should be built, and indicates the AEC contractors who should be used. In the case of the gas-cooled reactor, the majority report not only designates the equipment company that should receive the contract, it twice states as "essential" that the project should be assigned within the AEC to a particular branch of our Division of Reactor Development and to the particular officer in charge of that branch.

As to the method of contracting with cooperative and public groups that is prescribed generally by the bill, the majority report contains further detailed directions through a two-page statement of "General Principles" which in the words of the report are "intended by the committee to be established." These include, among others, a principle that equipment manufacturers should be given protection against the risks arising out of increased development costs. After asserting that AEC negotiations resulting in jeopardizing the financial integrity of the cooperative and public groups "would not be warranted", the report indicates that their financial contributions would be in terms of providing the site and turbogenerating facilities and paying conventional operating costs of these facilities, while AEC would pay for special costs arising out of the nuclear character of the entire project and operation. We can only construe this to mean that the majority report intends

AEC to agree to bear all special costs, including the cost of alternate power during periods of shutdown; the minority report reaches a similar conclusion, although commenting that the committee intended otherwise when it voted on the bill.

The report also indicates disapproval of AEC's offer of postconstruction financial assistance for research and development under the third round. It appears to deny the requested authorization for preconstruction research and development work that the Commission undertook in its contract with PRDC, and bases this denial on the fact that regulatory proceedings before AEC to determine the PRDC reactor's safety are pending and that testimony there indicates the safety of the reactor has not yet been proved out. We can only construe this as expression of an intention by the committee to review AEC's quasi-judicial decision on the safety issue and, if favorable to the probable safety of the reactor, to decide at that time whether the committee agrees with the decision sufficiently to authorize funds for AEC work which is designed, among other things, to help resolve the very question of safety.

These attempts at detailed administrative control and direction over the Commission's peacetime reactor program, via committee report, give us great concern. If followed in all its detail, the majority report would deprive AEC of the discretion necessary to every operating agency to adjust the details of its programs, would wipe out the Government's bargaining position in a number of major contract negotiations, and would inevitably increase the cost to the taxpayer. Yet many of the details in the report, pointing to actions and methods of proceeding that the majority would favor, or disapprove, or regard as essential, are not conclusions that follow from the language of the authorization bill, and cannot be explained as interpretations of that language. We are confident you will agree that requirements not expressed in or fairly derivable by interpretation from the bill are, of course, not legislative action and are not binding on an executive agency. Accordingly, if the bill is enacted in its present form, the Commission will have to determine in each case whether in its judgment the Nation's best interests will be served by following the majority report's approach in matters not mandatory under the authorization bill itself, reasonably construed, and take the course that the Commission's own discretion dictates. If, on the other hand, it is desired to impose these matters or some of them as legislative requirements, they should be expressly stated in the text of the bill which is submitted to the two Houses of Congress for action and to the President for approval if passed.

While we believe that the proper procedure for establishing these matters as legislative requirements is to embody them in the text of the bill, we want it to be clear that we would oppose amendments to the authorization bill to specify the detailed controls and direction that the majority report seems to suggest. We feel strongly that such amendments would be an encroachment upon the powers and responsibilities of the Commission and the executive branch, create an unfortunate and unwise precedent, and be a disservice to the atomic energy program which owes so much to the Joint Committee.

The committee report will in our opinion have several other unfortunate results. The majority report, being weighted in the direction of Government ownership and operation of atomic power facilities, raises the question whether the committee seeks by indirection to nullify Congress' injunction in section 1 of the Atomic Energy Act of 1954 to AEC to strengthen free competition in private enterprise. Certainly the emphasis of Government construction and ownership and the removal of risk elements where cooperative and public power groups and their industrial equipment manufacturers are concerned, taken in conjunction with the failure to authorize funds needed to meet AEC's obligations to PFDC, a private enterprise, and the stated disapproval of AEC postconstruction research and development assistance under the third round, will provide little encouragement to private enterprise now considering nuclear power. We believe it inevitable that our domestic program will suffer as a result.

The majority report's unconditional endorsement of the natural uranium reactor concept refers to the spectacular success of the British in using a natural uranium reactor for commercial power, and concludes in part that foreign countries in the long run will probably want the major part of their domestic program based on natural uranium reactors. This conclusion is highly debatable. There is increasing evidence that the British themselves are turning to enriched fuels. Technically and economically, enriched uranium reactors have many advantages and in many areas of the world would clearly be the better choice. However, foreign nations will rely on the majority report's conclusions, and although we are sure the Joint Committee did not intend it, this part of the report may have a damaging effect upon American industry in its efforts, thus far successful, in selling American power reactors abroad.

We regret to note the glossing over of the substantial progress that has been made domestically in atomic power during the last few years. For example, the majority report states that the Shippingport reactor is the country's only full-scale atomic power reactor. At the present time there are in this country three power reactors on stream, three more scheduled to be on stream this year, three under construction and 16 planned for completion by the mid-1960's, most of them not later than 1962. Each of the three power reactors presently under construction is substantially larger than the Shippingport reactor. These are mere indications of the activity in the reactor program. We are surprised, therefore, at the criticism that AEC's Reactor Development staff does not provide sufficient technical direction and needs strengthening. It is our conviction that the Reactor Development staff has done an outstanding job. We are proud of their accomplishments and feel fortunate in having been able to retain their loyal adherence to their present assignments despite the financial attractions offered to them by private industry.

We are informed that the Bureau of the Budget has no objection to the submission of this letter. In the interest of saving time in getting our views to all members of the Joint Committee, we are sending a copy to each of them.

Sincerely yours,

LEWIS L. STRAUSS,
*Chairman.*

Mr. DURHAM. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, we come once again to the annual well-intentioned efforts of our colleagues on the Joint Committee on Atomic Energy to authorize a program of Federal construction of atomic powerplants.

The position of the gentleman from West Virginia is well known to those of my colleagues who were Members of the 84th Congress.

I oppose this program. I opposed it in the last Congress.

There are, in my opinion, good and valid reasons for so doing. These reasons I discussed in detail in Congress on June 5 and July 13, 1956, and may be found in speeches in the CONGRESSIONAL RECORD, volume 102, part 7, page 9574 and in part 9, page 12761.

Briefly, Mr. Chairman, I oppose this legislation because it is not required to meet an immediate, urgent, deficiency in electric energy which cannot be met economically by using the traditional steam and hydroelectric means of generation.

Mr. Chairman, let me call your attention to the Nation's coal industry which is presently in the doldrums due to unrestricted imports of residual fuel oil. Only yesterday I discussed the President's recent order affecting crude oil. I called the attention of my colleagues to the fact that the President's order does not affect imports of residual oil. So the coal industry, which has already lost half of its domestic market will still be up against the proposition of meeting the competition of this residual oil.

Let me call your attention to the fact, in order to try to save the coal industry, we have built up export markets. In 1955 we exported 6 million tons of coal. In 1956 that jumped to 34 million tons. Less than an hour ago the House passed the bill H. R. 8992 to carry American know-how and technical assistance, and even to pay part of the cost of the program of developing atomic reactors abroad. For what purpose? Why, to destroy the export coal market of the United States, because that is what will happen. We hope that the exports this year may reach 38 million tons. Here is a program that threatens the export coal market, which is already threatened at home. We are being asked here to set up a situation which would make things impossible.

A case could be made for this program if we were to foresee the exhaustion of our coal supply, or if we had no further hydroelectric power sites available.

In fact we seem to be so very wealthy in present electric energy potential that we are willing to dissipate the great Hells Canyon site in favor of piecemeal development.

This program threatens a great industry—coal—and would seriously impair the jobs of railroaders and other workingmen dependent upon a vigorous coal industry.

Finally, Mr. Chairman, I object to this proposal—especially when it is not needed—until the scientists have resolved, without a shadow of a doubt, the peril in connection with atomic radiation. Now, Mr. Speaker, if we were to assume the existence of a power shortage, within the foreseeable future, which could not be met from existing resources; and if we were to further assume that this proposal presents no threat to the continued well-being of basic industries; and if we were to still further assume that the peculiar dangers surrounding atomic energy did not exist, the gentleman from West Virginia would still hesitate to support this program, because of its hazards to health.

The pattern of this administration has been made crystal clear. We can safely assume that if this program goes forward, that if these atomic reactors are

constructed, that if the people's money is used to assume the economic risk, this administration may then give the whole thing away for private exploitation.

I submit, Mr. Chairman, that if the private electric companies are to be the ultimate beneficiaries of this expenditure of public money, they, themselves should risk their own dollars.

Let me reiterate the position I have taken before: if there are areas in the world lacking hydroelectric facilities and too remote to permit the generation of steam power at an economical rate, and if it is in the interest of our collective security policy to bring the benefit of low cost electric power to these areas, then our own national economy will be better served, at far less cost to the taxpayer, if we would subsidize the transportation of coal to these faraway places.

I am not against the idea of ascertaining the possibilities of civilian use of the atom. I am against any scheme that would threaten the existence of our present basic industries and creates so many threats to the life and health of our citizens.

The coal industry is not asking for subsidies. It approves subsidies to other sources of fuel in direct competition with coal.

Mr. COLE. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho [Mr. BUDGE].

Mr. BUDGE. Mr. Chairman, I take this time to make inquiry of the members of the joint committee with reference to the item appearing on page 5 of the bill at line 20. The Federal Government at the present time now owns 67 percent of the land area within the geographical limits of my State. It is my understanding that this appropriation item of $1 million is to be used to purchase an additional 180,000 acres of land. I wonder what the purpose of this acquisition is.

Mr. COLE. Considering the amount of land the Commission has already taken over of the land area in the State of Idaho, I can understand that the gentleman would be concerned about any further acquisition of land. The purpose of this additional acreage the Commission seeks to acquire is related to the health hazard occasioned by the new reactors which soon will be in operation at reactor-testing stations, principally the aircraft reactor, nuclear reactor, and another one involving a reactor test. This has to do with the protection of the health and safety of the inhabitants in that area.

Mr. BUDGE. I thank the gentleman for that explanation. I would also appreciate his advising me whether in his opinion and the opinion of the joint committee this additional acquisition is necessary for the health and safety of the people adjacent to the reactor area.

Mr. COLE. I can only say that it has been the general attitude of the joint committee without exception that if the Commission has made requests for funds for a purpose which the Commission indicates is for the protection of human life, the joint committee has never interposed or raised any objection because that is a most highly desirable objective and a justifiable expenditure of funds.

Mr. BUDGE. I thank the gentleman. I hope that in the future the joint committee will look very carefully at these additional acquisitions of land in the Western States. The Federal Government's ownership is increasing in my State every year. It makes it extremely difficult for us to conduct our local economy in the State. I hope this acquisition and all future acquisitions will be very carefully scrutinized by the Joint Committee on Atomic Energy.

Mr. DURHAM. Mr. Chairman, I yield 20 minutes to the gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Chairman, I wish there were more Members on the floor at this time than there are, because I should like to have the opportunity of clearing up some of the points that, because of lack of time, have not been completely clear. This is a very complicated subject but it is subject to understanding, I am sure, by the Members.

Mr. Chairman, most of the minority report is given to the discussion of the Atomic Energy Commission's program of partnership arrangements with five electric cooperative groups. The minority report creates a bogeyman of a public-versus-private power fight, which is not an issue in this legislation.

There are two sections to the bill. The first section provides $259 million, and this section has $201 million in it, which is the Commission's request for various types of projects, many of them for weapons, many of them for research and development, some of them for construction, acquisition of buildings, and things like that, improvement of buildings, and even fire-prevention equipment on the Oak Ridge property.

Of the $58 million which the committee has put into this section, $3 million is for a study of a plutonium-producing reactor on Government property, where the other plutonium reactors are, for the purpose of a more efficient production of plutonium for weapons. This would be built some time in the future when the Congress authorizes it. The $3 million is for study. No power is involved in it.

Now in the $58 million is $40 million for the building of a natural uranium-type reactor on Government property. Such power as is produced in this natural uranium reactor would be utilized by the Government on the facility. Not one kilowatt is sold to private or to public power. The next item in the $58 million is $15 million for a plutonium recycle small test reactor. The purpose of this is to find out how to burn plutonium. At the present time plutonium, which is a byproduct in the operation of most reactors, and a main product where it is planned for that purpose, is only useful in weapons. What we are seeking to do is to learn how to burn it as a fuel the same as we burn U–235 which is another bomb substance. Such power, if any is produced in these reactors, would be utilized at the Government facility, but its purpose is to learn how to burn plutonium and not to make power. So we see that there is no public versus private power in that amount as yet.

In section 111, there is $129 million appropriated, and get this very carefully, $99 million of that is for five cooperative or publicly owned power groups and $30 million of it is for private groups. We did not ask for it, but the Atomic Energy Commission asked for it. In fact, we cut them $2,700,000 over what they asked. Now get this point because this is very important because our friends over here have raised the bogeyman of public versus private power. Mr. Strauss put out an invitation for proposals. He got proposals from both private and public people. Out of nine proposals, he got five little public power groups and he got four pretty good sized private power groups, and he is proposing to help in the research and development for all of the reactors and in the construction of some. But, these little private power companies have no reserves. They are not allowed by law to accumulate reserves. So they have been negotiating for 2 years—from 17 months to 27 months on these five cooperative programs. They have not been able to come to an agreement yet. They have not been able to sign a contract yet. The committee, in its report, does not tell them to go ahead and it does not tell them to cancel these five cooperative projects. It says that that is the responsibility of the AEC. They are the ones who invited it. They are the ones who have been negotiating and not the majority members of the Atomic Energy Committee. And, if anybody is guilty of atomic power federalism, as is accused of the majority by the minority report, if anybody is guilty of socialism, it is Lewis L. Strauss and his group in the Atomic Energy Commission. I will yield at this time for any Member of the minority to rise and contradict anything I have said to this point.

I notice they do not rise because I am telling the truth.

Mr. COLE. I will rise and contradict and deny the statement the gentleman has made.

Mr. HOLIFIELD. All right—tell the House where I am wrong on my time.

Mr. COLE. I will tell the House where you are wrong on my own time.

Mr. HOLIFIELD. Fine. I hope you will be able to make good your statement.

This program is the Commission's program. It is not the program of the joint committee.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. PRICE. Will this program if this legislation is adopted, as it has come out of the committee, with reference to section 111; will it cost any more to the Federal Treasury than it would if we went along with the program as proposed now by the Commission?

Mr. HOLIFIELD. In my opinion, it will not unless it would be in a very small degree. I will tell you why. The proposal, as given to us by the Commission, asked for this amount of money; $129,915,000 is the amount we gave them. We gave it to them. There is one element of uncertainty in the Commission's proposal. They have never firmed up with all of these people the price they are

going to sell steam. The co-ops own their own electric generating facilities and they have to buy steam. The reactors are all Government owned in any event. This question is not involved.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. PRICE. Without the formula as proposed by the committee who would have built the reactors for the public power group and the REA group?

Mr. HOLIFIELD. The AEC would have built it.

Mr. PRICE. What is the difference?

Mr. HOLIFIELD. There is no difference, because the committee report says to the AEC that they can make the same kind of contract that they would have made anyway. They can take any help or any assistance from the co-op anyway.

Mr. PRICE. Under the formulas the reactors would be Government operated, and if that is federalism it is federalism sponsored by the AEC.

Mr. HOLIFIELD. Exactly.

Mr. PRICE. And if it is socialism it is socialism recommended by the AEC.

Mr. HOLIFIELD. Yes.

Mr. BONNER. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. BONNER. The telephone call I received today was about this steam question. Will the gentleman explain that so that we may understand it?

Mr. HOLIFIELD. There have been three reactors built, and they are selling steam to private utilities. There is one at Santa Susana, Calif., selling to the Southern California Edison; one at Shippingport, Pa., which is selling steam to the Duquesne Power Co., at all fixed prices. Another Government-owned reactor at West Milton, N. Y., sold intermittent power to the Niagara Mohawk Power Co.

Mr. BONNER. They are private power companies?

Mr. HOLIFIELD. They are private power companies and the Government owns the reactors.

Mr. BONNER. Would they sell this steam to the REA?

Mr. HOLIFIELD. They would sell steam to the five cooperative groups, just as they do at Santa Susana and Shippingport.

Mr. BONNER. They sell this steam to produce electricity?

Mr. HOLIFIELD. Yes.

Mr. BONNER. And it would be the same price?

Mr. HOLIFIELD. The same price as conventional steam power in the same locality.

Now, my colleagues, the gentleman from New York [Mr. COLE] and the gentleman from Pennsylvania [Mr. VAN ZANDT], as the first two signers of the minority report, must find themselves in a very contradictory and inconsistent position.

They charge the majority Members of being for atomic power federalism and socialism. And that we exhibit a strong bias in favor of public power, Government ownership and socialism.

All of these wild charges because the majority Members approved $129,915,000 to assist the Atomic Energy Commission's program, which includes both private and public power groups.

Again let me emphasize. It is the program of that shining exponent of private initiative and private enterprise, Atomic Energy Commission Chairman Lewis Strauss. He thought it up. He issued the invitation to come in and share the benefit of Federal dollars.

It is not the program of the majority of the members of the Joint Committee.

And yet, the gentleman from New York [Mr. COLE] and the gentleman from Pennsylvania [Mr. VAN ZANDT] castigate the majority with harsh words—"atomic power federalism and socialism." Why do they not throw these words at the Atomic Energy Commission? The Atomic Energy Commission is responsible for the cooperative, municipal power, State-owned public-power negotiations. They have been negotiating these proposals from 17 to 27 months.

I challenge my minority colleagues to be honest with the Members and admit these facts.

I stated that Mr. COLE and Mr. VAN ZANDT must find themselves in a very contradictory and inconsistent position. Allow me to elaborate.

Both of these gentlemen are deeply concerned over the failure of the Atomic Energy Commission's atomic power reactor development program. I do not blame them for that. The majority Members are also worried.

Mr. COLE's worry came to a head on June 13 when he introduced H. R. 8101. This bill provides for appropriating $200 million of Federal-tax-raised funds for building reactors. These are for capital costs, the same kind of costs as outlined in section 111 for the five cooperative power groups. But there are two significant differences. In section 111 the Federal Government retains ownership of the reactors it builds. In Mr. COLE's bill, H. R. 8101, the Government gives away the $200 million contribution to private owners of utility companies.

This is, of course, not atomic federalism or socialism, this is private enterprise. Put $200 million in a private business group's pocket from the Federal Treasury, and that is fine; use $58 million or $99 million in the Government's own facilities, and that is bad.

But that is not all. Mr. COLE's bill does not confine the $200 million giveaway to our own domestic businessmen. On page 3 of H. R. 8101, lines 5 to 8, occurs the following language:

> The Commission is authorized to participate in the capital cost of a utilization facility constructed in another nation.

Utilization facility is a reactor under the terms of the bill.

Now, I know the gentleman from New York does not like to hear this, but I cannot be responsible for his bills any more than I can be responsible for the Atomic Energy Commission's program or their negotiation troubles.

Now, let us turn to the second signer of the minority report. My good personal friend from Pennsylvania, Mr. VAN ZANDT, and he is my good personal friend; Mr. VAN ZANDT is also worried about the slow pace of reactor development because on May 13, 1957, he introduced a bill, H. R. 7472 to provide for the establishment of an accelerated civilian atomic power program. He wants it accelerated. That is what the committee wants to do, accelerate the program. The majority members, however, have limited their acceleration to $40 million for building one power-producing reactor, to be built on the Government site. They, too, have provided that the power be used solely by the Government and, to prevent a public versus private power squabble on disposal, we have provided for its dismantlement.

If you look at the minority report, somebody must have written it for them, because on page 56 where they describe section 110 they discuss a previous bill, not the one we have before us, but the one in which they were going to sell the reactors. Our bill says to dismantle them. But here it is. I do not know why they included it, but take the report and you will find it. You will see that it refers to a previous draft of the bill, not the bill before us; and I hope the gentleman from New York [Mr. COLE] will deny that on his own time.

The gentleman from Pennsylvania [Mr. VAN ZANDT] authorizes in section 242 (a) and (b) an unknown and unpredictable—now, get this—an unknown and unpredictable amount of Federal funds for grants to persons who will be exclusive owners of that facility. His purpose in the earlier section 241 (b) provides for construction of prototype reactors. That is what these are now in your program, these are prototype reactors. So he provides for the construction of them for domestic use and foreign application.

Apparently, he is willing to export American tax dollars in direct subsidies to manufacturers.

In section 242 (c) (3) we have an authorization of $100 million for reactors to be built on Government sites solely for Government use in their own production facilities. This is in Mr. VAN ZANDT's bill; $100 million to build reactors on Government sites to be owned by the Government, exactly the same type of Congressional authorization as the majority's item 58–E–14 for $40 million.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. PRICE. I wonder if the gentleman does not think that the section of the minority report referring to federalism and socialism might not have been based on the bill introduced by the gentleman from New York and the gentleman from Pennsylvania?

Mr. HOLIFIELD. I will let the Members be the judge. I will give them the numbers of the bills and they can study them. Mr. COLE's bill is H. R. 8102 and Mr. VAN ZANDT's bill is H. R. 7472.

What is the result? The Atomic Energy Commission spent unpredictable millions of tax money in joint ventures with private enterprise and private enterprise contributes an unknown amount of money which it writes off in a special tax amortization. Now get this, Mr. VAN ZANDT's bill provides for a direct Federal subsidy of tax money up to 49 percent.

Now, get this and read the bill. I want to be corrected if I am wrong, up to 49 percent on any size reactor for the benefit of a private utility company.

Now, this is not far enough for my friend. This is not subsidization enough, this is not socialization enough. So he goes ahead in another section of the bill and he provides that the 51 percent which the utilities put up can be amortized under special certificates of tax amortization granted by the AEC. This means a 100-percent subsidization by the Federal Government of $100 million of reactors in Mr. VAN ZANDT's bill. That, Mr. Chairman, is not atomic subsidization, it is not atomic socialization. This is private enterprise, according to the gentleman from Pennsylvania [Mr. VAN ZANDT] and the gentleman from New York [Mr. COLE]. That is why I sometimes wonder at certain of my good friends on the minority castigating the majority with such horrible names.

Mr. Chairman, I would like now to comment on the PRDC. You will find in this bill an item of $29 million to build a pilot plant for a fast-breeder reactor. There is only one private company that is building a fast-breeder reactor at this time. That is the PRDC. You will find, also, that they are the ones that will get the primary benefit. It is available to everybody, however, because it is done in the Commission's sites. It is the Commission using $29 million of the taxpayers' funds for this prototype fast-breeder reactor.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. DURHAM. Mr. Chairman, I yield the gentleman from California 5 additional minutes.

Mr. HOLIFIELD. Mr. Chairman, the gentleman from New York [Mr. COLE] received a letter from Mr. Strauss which states:

> If, as the majority report would indicate, the $1.5 million authorized by section 111 (a) (2) is not intended to be available for purposes of the PRDC contract, the authorization of that sum for other purposes is not necessary in that we are requesting in fiscal year 1958 appropriations in the amount of $13.6 million for fast-breeder research and development and have no present need for the additional $1.5 million apart from the PRDC contract.

Let us recapitulate a little bit here: $29 million for a prototype reactor. So the Monroe, Mich., company will have the fast-breeder technology to know how to build a reactor; $13.6 million in the operating budget for fast-breeder reactor technology. Add the two together, and you will find it adds up to $42,600,000.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Michigan.

Mr. FORD. As I indicated on page 10 of the majority report on this legislation, it is stated:

> In summary, the AEC assistance under this contract can be shown as follows:

| | |
|---|---|
| Preconstruction research and development assistance in AEC laboratories | $4,450,000 |
| Waiver of fuel-use charges | 3,702,600 |
| Total value of AEC assistance | 8,152,600 |

According to the majority report, that is the only direct assistance that the PRDC project is getting.

Mr. HOLIFIELD. That is what the PRDC has requested at this time, and that is what the report shows they requested. But in their contract, if you will read it, and I have it here, the PRDC–AEC contract, it refers to other work done in the Commission's laboratories upon which they are depending to build their reactor. You can have it direct or indirect. I will submit that the $8 million is direct, if it will please the gentleman, and I will submit that the other $42 million is indirect. But, without the other $42 million, they cannot build their reactor.

Mr. FORD. Is it not also true that out of the preconstruction research and development assistance, $4,450,000, all of the benefits from that research will be likewise for the benefit of anybody else who builds a fast-breeder reactor?

Mr. HOLIFIELD. All of the research and development that is done in Commission laboratories, whether it is this item or any other, is available to all of American industry.

Mr. FORD. In response to a question from me, the gentleman from North Carolina [Mr. DURHAM] said this: It is understood by some of the Members that $1.5 million can be expended for that project, and it should be expanded. We were referring to the PRDC project and to the authorization language in this particular legislation. Now, is it not true that this $1.5 million, which is referred to here and which is referred to in the bill in section 111, is not only for the benefit of PRDC, but also for the benefit of anyone else who builds a fast-breeder reactor?

Mr. HOLIFIELD. I just answered the gentleman's question, that any work on research and development that is done in Commission laboratories is available to all of American industry. As to the timing when they use it, that is up to them.

Mr. FORD. But it is not a direct subsidy to PRDC alone?

Mr. HOLIFIELD. None of the research and development done in Commission's laboratories is a direct subsidy to anybody, because it is available to everybody. I read now the majority report language:

> The committee does not approve the requested authorization for preconstruction research and development work and waiver of fuel-use charges in connection with the reactor project of the Power Reactor Development Co., since legal proceedings before the AEC to determine the probable safety of the proposed reactor are still pending.

Now, that is the language in the report, and that is the committee intent. The AEC has plenty of money to do any kind of work they want to do in the research and development field in this bill or in their operation budget request.

Mr. COLE. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. SILER].

Mr. SILER. Mr. Chairman, I am opposed to H. R. 8996, the Atomic Energy Commission appropriation bill, because it puts the Government, squarely and roundly and unfortunately, in the public power business to the tune of $58 million, as I interpret the bill.

Public power is obnoxious to the American idea and wherever it raises its serpentine head, it will be found to be a creeping, misleading, and depleting proposition.

CREEPING

It is creeping because it always comes in like the camel that first slipped his whiskers under the tent flaps, and then his nose, and then his head, and finally the whole bulk of his body so that the poor little two-legged man, naive and gullible, was forced out into the rain and the storm. Oh no, says public power, I do not want to take over the power business of the country, I just want a few millions for a few kilowatts of atomic power. I do not mean any harm, I just want to be established, entrenched, and endowed by our great and good uncle, Uncle Sam, so I can quit creeping and take wings and start flying—high, wide, and handsome.

MISLEADING

Public power is also misleading, because it would lead you to believe it is good for the people. Well, it is good for the people of Tennessee, where it is in the form of TVA, or for the State of Oregon, where Senator MORSE or Senator NEUBERGER, like to rant and rage about it, or for some other section, where power consumers get its cheap rates at the expense of Minnesota, Iowa, Nebraska, and many other States. It would try to lead you to believe you can get something for nothing. Years ago I bought a cheap dollar watch—it first ran too fast, then too slow, then not at all—I concluded I got something cheap that was very cheap indeed. So, I pried off the back of the cheap case, put a dime in on top of the cheap works and threw the whole business in Cumberland River, so the finder might get at least a dime when he found that cheap watch. There is no cheap, public power—only misleading public power that always robs Peter in Pennsylvania to pay Paul in Portland.

DEPLETING

Besides being a creeping creature and a misleading mockery, public power is also a depleting disappointment to all who look beneath the surface. It first costs uncounted millions of taxes to set it up, and then it begins to deadhead its way by paying no taxes or withholding a fair amount of taxes. This is a very depleting process and if carried to its full possibility, it winds you up in a socialistic state and makes you a little brother to big brother, Russia. The only way our Government, our country, can operate is by taxing people and property. But if we socialize property by making it a public power project and other forms of Government enterprise, then we have nothing else to tax but the heads and backs of the people, and we become Rehoboams of heavier and heavier tax burdens upon our citizens. Let us not put Government in business but take it out of business, and let private enterprise live and serve and pay taxes to sustain our glorious country inherited from our Founding Fathers.

Mr. COLE. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, I should like to have the attention of the gentleman from California [Mr. HOLIFIELD] whom I sought to have yield to me during his remarks.

Mr. Chairman, I represent the Second Congressional District of Michigan. In my district, in the County of Monroe, at Lagoona Beach, near the city of Monroe, Mich., is the site which has been selected for the Power Reactor Development Co.'s atomic powerplant known as the Enrico Fermi atomic powerplant.

I wanted to ask the gentleman from California, when he was commenting on the research funds for that powerplant, and read certain language from page 19 of the committee report——

Mr. HOLIFIELD. That is correct.

Mr. MEADER. It was to that language I would like to direct my question.

Mr. HOLIFIELD. I want the gentleman to know that I was not evading his question. My time just ran out and I am glad he has been yielded time.

Mr. MEADER. I appreciate that. The gentleman read the paragraph which said that the committee did not approve a requested authorization for preconstruction research and development work and waiver of fuel-use charges in connection with the reactor project of the Power Reactor Development Co. As I understand it, the $1.5 million which the Atomic Energy Commission requested for this purpose was to conduct research specifically on the design of the reactor intended to be located at Lagoona Beach, Mich. Am I correct in that assumption?

Mr. HOLIFIELD. I assume that the gentleman is right. Of course, I cannot read the Commission's mind.

Mr. MEADER. The gentleman referred to the authorization elsewhere in the bill on the fast breeder reactor generally, but the $1.5 million referred to requested by the Commission was on the design of the specific reactor which the Power Reactor Development Co. intends to build at Lagoona Beach, Mich.; is that correct?

Mr. HOLIFIELD. I am willing to assume that.

Mr. MEADER. And that the $1½ million for research would be done at the laboratories of the Atomic Energy Commission and by the personnel of the Atomic Energy Commission.

Mr. HOLIFIELD. That is so provided in the contract, that any research and development that is done for the PRDC would be done at the laboratories.

Mr. MEADER. Would the gentleman agree with me that the only place that that research on that specific design of fast breeder reactor could be done is in the facilities owned and controlled by the Atomic Energy Commission?

Mr. HOLIFIELD. Of course, the gentleman does not know exactly what the type of work is or what the capabilities of other laboratories are.

Mr. MEADER. Are there any other facilities about which the gentleman knows, he being a member of the Joint Committee on Atomic Energy, where the research on this particular design of reactor could be conducted other than the facilities of the Atomic Energy Commission?

Mr. HOLIFIELD. I have no quarrel with that statement.

Mr. MEADER. The gentleman mentioned as the reason for disallowing the application of the $1.5 million to the research for the Power Reactor Development Co.'s reactor, that legal proceedings are pending concerning the possible hazards of this type of reactor.

My question to the gentleman is this: Should not that be the reason for authorizing this $1,500,000 for research on the design of the Power Reactor Development Co. reactor so that in connection with the matter of hazard, the design of the reactor would be safe and the project could go forward?

Mr. HOLIFIELD. The committee has put no prohibition upon the Atomic Energy Commission in regard to how the money shall be spent, but it has not specifically authorized it for this contract. I want the record to be very clear that the specific authorization by the Congress of this amount would be considered legally, I suppose, a validation of the contract. The contract is made contingent upon the authorization of Congressional funds. The committee has not authorized funds for this specific contract, but funds are available to conduct any type of research and development work which the Commission decides in its judgment should be done.

Mr. MEADER. Then the language which the gentleman has referred to and quoted on page 19 would not prevent the Atomic Energy Commission from going on with research on design, and so forth?

Mr. HOLIFIELD. In my opinion, and I can speak only as an individual, the Atomic Energy Commission is free to use any of the funds which are available, although it says it does not need the $1,500,000.

Mr. MEADER. In other words, as I understand the gentleman, notwithstanding the language on page 19 of the report, the Atomic Energy Commission could if it so desired use up to $1,500,000 for preconstruction research and development work on the reactor of the Power Reactor Development Co.?

Mr. HOLIFIELD. This is an administrative decision which the Atomic Energy Commission will have to make. I am not telling the Atomic Energy Commission to use it for that and I am not telling it not to use it for that. The committee language states:

> The committee does not approve the requested authorization for preconstruction research and development work and waiver of fuel-use charges in connection with the reactor project of the Power Reactor Development Co., since legal proceedings before the AEC to determine the probable safety of the proposed reactor are still pending.

Mr. MEADER. In other words, the committee neither approves nor disapproves the use of funds for the purpose mentioned in that paragraph?

Mr. HOLIFIELD. The language speaks for itself.

Mr. MEADER. You did not approve and you did not disapprove.

Mr. COLE. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HOSMER].

Mr. HOSMER. Mr. Chairman, I should like to ask this of the gentleman from Illinois [Mr. PRICE] following up our conversation earlier with respect to this reactor program: I believe the gentleman said it was of an experimental nature throughout, not an actual economic producer at this particular time?

Mr. PRICE. An experimental development program. No one can say now it is economically feasible in any of these projects.

Mr. HOSMER. The objective of the program is to eventually obtain something that is economically feasible?

Mr. PRICE. The gentleman is absolutely correct.

Mr. HOSMER. The program is then divided into a number of different approaches to the problem, different types of reactors?

Mr. PRICE. That is correct; numerous types of reactors. It is the desire of the committee—and, I take it, the Commission also—to get as many of these different types as seem reasonably feasible into the development program.

Mr. HOSMER. Actually it is a very large-scale scientific-research program; is that what it is?

Mr. PRICE. That is correct.

Mr. HOSMER. As I understood the chairman of the committee, he stated that the joint committee acted more or less like a board of directors in approving and disapproving certain of the projects that the Atomic Energy Commission recommended, and that some of them were disapproved, and the judgment of the so-called board of directors, the joint committee, was substituted. Is that right?

Mr. DURHAM. I think the gentleman is mistaken. I said that that is what Admiral Strauss said, and I quoted from the RECORD.

Mr. HOSMER. But the committee did, on its own initiative at least, initiate this project 58 (b) 8 for $3 million for a special nuclear material reactor.

Mr. DURHAM. Yes, and for a very sound and good reason.

Mr. HOSMER. Was that requested by the Atomic Energy Commission?

Mr. DURHAM. It was not.

Mr. HOSMER. What is this thing going to do, may I ask the gentleman?

Mr. DURHAM. That can be used to start the production and research and development of plutonium.

Mr. HOSMER. Was the judgment of the Commission overruled on this——

Mr. DURHAM. The Commission said they had no request in. The Commission asked for $150 million this year which they did not get because the Budget turned them down. The War Department asked for more reactors.

Mr. HOSMER. This one is a prerequisite to your plutonium reactor?

Mr. DURHAM. That is correct, because every reactor you have at the present time is 14½ years old.

Mr. HOSMER. You also have a project 58 (e) (15) for plutonium recycle

experimental reactor, which the gentleman from California says is to try to make plutonium into something other than a bomb fuel. What is there about this project that is promising enough, in comparison to some of the others that have been suggested, to spend at this time $15 million on it?

Mr. DURHAM. I refer the gentleman to the AEC people down the street because they have already spent $2 million on it.

Mr. COLE. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield.

Mr. COLE. I would like to make a statement to clarify the record. The gentleman from North Carolina said the War Department has asked for more reactors. I was not aware of that request.

Mr. HOSMER. I thought that this was a civilian program? Is it not a civilian program, or is it a War Department program?

Mr. DURHAM. There is nothing under the military here.

Mr. HOSMER. Is this part of the reactor program for the Army?

Mr. DURHAM. No, it is entirely different from that. Has the gentleman ever been at Hanford?

Mr. HOSMER. No, sir. I have never been there.

Mr. DURHAM. That produces plutonium out there in that reactor. I tried to tell you that they are all 14½ years old.

Mr. HOSMER. I realize that. I realize you have no commercial use for the stuff and you would like to use it. I was just wondering—are the prospects of an economical use bright enough to spend that money on it at this particular time or should this money be spent on some other line of research?

Mr. DURHAM. Plutonium is used to produce weapons. It is the entire weapons program.

Mr. HOSMER. I realize that and that is in connection with the plutonium bomb, but this is not for bombs, this is for a reactor.

Mr. DURHAM. You get plutonium out of the reactor.

Mr. HOSMER. As I understood the gentleman from California, [Mr. HOLIFIELD], this was to produce power and then the report says to produce 15,000 electrical kilowatts or equivalent.

Mr. DURHAM. They can build either one they want to.

Mr. HOSMER. Then let me ask you, sir, about this project 58 (e) (14) which is for a natural uranium gas-cooled reactor. What is the hope on that one that it should be in this program today?

Mr. DURHAM. Well, I thought I explained that pretty well in my opening statement.

Mr. HOSMER. I understood the British were working along that line.

Mr. DURHAM. If the gentleman will wait just a moment so I may complete my answer, I thought that the gentleman had understood it. There has been a division between the scientists in this country for some time as to whether or not to build a natural uranium gas fuel type reactor. England built it. England is selling it in the market in Europe. Now we have not got a natural uranium reactor. We have not built one. I think it is well worth spending the money on and everything else that goes with, and if it is no good then we can throw it out the window. If it is good, then American private enterprise can sell it.

Mr. HOSMER. Is this for a long-range program on this particular reactor?

Mr. DURHAM. You can make it as long as you want to and as long as you can get them.

Mr. HOSMER. I notice another program designated a very long range program which is liable to make so many of these things obsolete and that is why I ask.

Mr. DURHAM. Most of our reactors have been on the basis of trial and error.

Mr. COLE. Mr. Chairman, in my remarks discussing this bill, when the rule was under consideration, I recited the great progress which had been made by our country through Government and private auspices in the atomic reactor field during the past 3 years. Our determined goal is to find the most economic reactor at the earliest time. Already we know that atomic reactors are economic, depending on where they are constructed and operated.

There are areas of the world where there is urgent need now for nuclear power, without particular regard for the design and efficiency of the reactor or the cost of the power, simply because conventional fuels are nonexistent or in short supply. The United Kingdom offers a case in point. In such areas, a power reactor of existing general design which would be wholly uneconomic in the United States might, even now, be able to compete with electricity produced by conventional means under certain conditions.

We, on the other hand, are providentially blessed with large reserves of conventional fuels such as coal, gas, and oil. Therefore, in our economy nuclear power must meet the commercial competition of conventionally produced kilowatts. Our goal is clearly defined for us. We must produce really cheap nuclear power, or at least, nuclear power which is economically competitive. We must investigate and pursue every type of reactor which holds reasonable promise of carrying us to that goal.

We must build reactors—not in order to boast of more nuclear kilowatts than any other nation—but to enlarge our knowledge, so that we may determine which ones will operate most efficiently, most safely, and produce kilowatts at the lowest cost.

This can be done only by strict regard for the judgment of the men who are experts in this field—the nuclear scientists.

It cannot be done by crash programs which are wasteful of the taxpayers' money and which have the further disadvantages of squandering scarce scientific manpower, and of making "Chinese copies" of plants already in existence or under construction.

Despite the remarkable achievements of the past 3 years, and in the face of the demonstrated soundness of this Nation's nuclear power program, there are those who still profess to believe that American industry is not capable of doing the job, and that we should forsake the time-tested principles of free enterprise competition and move back toward the restrictions of Government domination.

A year ago, you will recall, there were those who raised their voices in dire warnings that the United States was being outstripped in the world competition for atomic power. Those who raised such anguished cries said "Industry cannot do the job; the British and the Russians are beating us in this race; America's prestige is at stake, so make the Government step in and take over." We were presented with a bill that was designed to do this—known then as the Gore-Holifield bill. The advocates cited a Russian announcement to the effect that the Soviets were going to build 2½ million kilowatts of atomic power, a considerable part of it as early as 1958, and all of it not later than 1960.

Curiously, there were those who were quick to accept the Russian boasts at face value, but were loathe to place very much confidence in the announced plans of our own American industries.

When Chairman Lewis L. Strauss of the Atomic Energy Commission refused to be stampeded by those Communist claims, when he expressed serious doubts as to whether the boasts were anything more than familiar Soviet propaganda, he was accused of being complacent toward Russian progress and of letting the Russians outstrip us in the race for nuclear power. He was castigated for misleading the American public.

Now, what are the facts, Mr. Chairman?

We now have confirmation—confirmation by Russia's own official admission—that Chairman Strauss' doubts of a year ago were fully justified.

The Soviet Union, in a reply to a recent United Nations questionnaire, as well as in a series of papers presented by the Russians at the World Power Conference in Belgrade in June, has now made it clear that those claims of a year ago, which found so many gullible takers here, were highly exaggerated.

It now appears, from the latest revised Russian reports, that they are planning a nuclear-power program by 1960 which will be less than half the size of the one about which they were boasting a year ago—something in the neighborhood of 1 million kilowatts, as compared to their earlier claim of two to two and a half million kilowatts.

And, peculiarly, the revised Soviet program now bears a striking resemblance to the program which has been under way in this country.

Six reactor types are included in their scaled-down planning. One of them—the water-cooled graphite reactor—is somewhat similar to our production reactors at Hanford, Wash., which have been in use many years. The other five types are almost identical with those which the AEC selected more than 3 years ago for the start of its experimental civilian-power program.

Certainly, it would be a grave error to discount the ability of the Russians; nor must there be any relaxation on our part because of the apparent lead which we hold.

But these latest disclosures should, I believe, give us greater confidence in the soundness of the course we have been pursuing.

In this connection, there also has been considerable talk, comparing the nuclear power program of the United States with that of the United Kingdom.

Bear in mind, if you please, what I have already said about the urgency of the British need for nuclear fuels and the fact that reactor efficiency and economy is secondary to that urgency.

The British are aware of the peculiar nature of their problem—as contrasted with the conditions which prevail here in the United States—even if some Americans choose to overlook it.

The British, as you know, put into operation last October, two gas-cooled, natural uranium reactors at Calder Hall. They are dual-purpose reactors, to produce plutonium for the British weapons program and to provide nuclear power. Since they are dual-purpose reactors, the cost of the power produced is considerably higher than it would be in a reactor designed exclusively for the production of power.

There appeared in the March 1957 issue of Nuclear Power, which is the journal of British nuclear engineering, an interesting editorial surveying the state of Britain's nuclear power development.

Let me read a sentence from that editorial. It says:

> The fact is, apart from the gas-cooled reactor and some notable progress on the fast breeder, we are seriously lagging in reactor development as a whole.

The editorial stressed the viewpoint that there is need for the British to catch up with the United States in much of the field of atomic development.

Here then—in the facts and figures I have cited in regard to the Russian program, and in the comments on Britain's competitive position—we have what I think you will agree is eloquent testimony, not only of United States leadership, but of the soundness of the course which has given us that leadership.

At the present time, the United States leads the world in nuclear power development because of the wisdom of the Congress in enacting the atomic energy law of 1954, and because of the devotion of the Atomic Energy Commission to both the letter and the spirit of that law.

Ours is a leadership based, not on rivalry, but on the sound ground of research, development, and sound business practice.

All the other nations of the world combined cannot match the scope of this country's program in nuclear power development—and not alone because of the large number of atomic plants which we have completed, are building, or have plans to build.

Even more important than the number of plants is the variety of types of plants which are being built in this country.

As I have said, the nuclear art is still in its infancy and it cannot be said at this time which of the many types of nuclear powerplants will prove to be the most efficient. We are fortunate in that we have the time and the resources to explore many concepts; we are not under the pressure that some other countries are to build plants of established design, in order to fill urgent needs for power regardless of the cost of that power.

When the Atomic Energy Commission's experimental program for civilian nuclear power was begun 3½ years ago, it called for the testing out of five reactor concepts which were judged to be potentially capable of producing economically competitive power and to be sufficiently well advanced in technology to make it feasible to build experimental reactors.

This program has not been a static one. Each year as our experts have acquired more technical knowledge, as new ideas have been generated, more concepts have been added to the program; more experimental reactors of advanced design have been constructed.

Today, the AEC's experimental program—which, incidentally, provides the basic technology and the guidelines for the full-scale plants being built or contemplated across the country—embraces not 5 but 10 different reactor concepts, as well as additional experiments on variations of these concepts.

The original five types of reactors in the Government's experimental program were: pressurized water, boiling water, sodium graphite, fast breeder, and aqueous homogeneous. The additional ones are the organic moderated reactor, liquid-metal fuel, gas-cooled, molten-plutonium and heavy-water uranium.

In addition, the AEC for some time has been giving special attention to the development of technology for using plutonium as a reactor fuel.

I think you will agree that this is the sound basis on which we should proceed.

There is today no reactor type which, in the judgment of the AEC's highly qualified staff of experts, offers promise of advancing the day of competitive nuclear power which is being ignored. If it offers promise, and if the technology is sufficiently advanced, a project is inaugurated. If industry, either independently or in cooperation with the Government, is reluctant to undertake to build that project, then it is undertaken by the Government alone.

This is sound procedure; what is more, it is the policy which has produced the truly amazing results that I have been describing to you.

It must be left to the men who are experts in this field, who are best qualified to make the judgments, as to which type of reactors are far enough advanced in research and development, and which hold sufficient promise of contributing to the attainment of our goal of competitive power, to justify construction of experimental and prototype plants.

I have spoken of the British gas-cooled natural uranium concept reactors at Calder Hall, and the limitations upon those reactors as power producers.

Yet, if the bill before you were to become law in its present form, the Atomic Energy Commission would be compelled—regardless of the scientific and engineering judgment of its experts—to build a copy of Calder Hall at its reactor testing station in Idaho. It would be compelled to spend $40 million of the taxpayers' money on a nuclear plant with a capacity of 40,000 kilowatts—kilowatts, incidentally, for which it has no real need. The Commission's reactor experts have stated that existing technology does not justify undertaking this particular project at this time.

It would be compelled to build this reactor, despite the fact that a group of Florida utility companies, known as the Florida nuclear power group, proposes to build a gas-cooled, natural-uranium reactor for commercial use, with a capacity of 136,000 kilowatts, and have it in operation in 1962.

The Florida reactor is being designed by Dr. Walter Zinn, one of the world's foremost authorities on nuclear reactors who has served as consultant to the Joint Committee on Atomic Energy.

The Florida reactor has been proposed under the Government's partnership program with industry, in direct response to the AEC's invitation of last January that industry join in the building of this type of power reactor.

Nevertheless, it is now proposed that the Government undertake what would be to a large extent a duplication of effort—and certainly a waste of precious manpower.

The Florida nuclear power group estimates that the cost of its plant will amount to about $350 per installed kilowatt.

Yet you are being asked now to build a plant of the same general type entirely at the expense of the taxpayer—at a cost of $1,000 per kilowatt.

This is not sound practice. It is not the prudent way to proceed with the development of nuclear power in the United States.

I am sure you will agree that it is a wasteful and roundabout way to proceed toward our national goal of abundant, safe, and economical nuclear power, and an opportunity to express that disapproval will be given you by my colleague, the gentleman from Pennsylvania [Mr. VAN ZANDT].

Mr. DURHAM. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.*

SEC. 101. Authorization: There is hereby authorized to be appropriated to the Atomic Energy Commission, in accordance with the provisions of section 261 a. (1) of the Atomic Energy Act of 1954, as amended, the sum of $259,230,000 for acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, as follows:

(a) Raw materials.—

1. Project 58-a-1, offsite access roads.

(b) Special nuclear materials.—

1. Project 58-b-1, fabrication plant, $5 million.

2. Project 58-b-2, mechanical production line, Hanford, Wash., $1,500,000.

3. Project 58-b-3, metal treatment plant, Fernald, Ohio, $850,000.

4. Project 58-b-4, improvements to production and supporting installations, Hanford, Wash., and Savannah River, S. C., $10,000,000.

5. Project 58-b-5, additions to scrap plants, various sites, $1,500,000.

6. Project 58-b-6, additions to gaseous diffusion plants, $6,600,000.

7. Project 58-b-7, reduction in fire hazards—gaseous diffusion plants, Oak Ridge, Paducah, and Portsmouth, $12 million.

8. Project 58-b-8, production reactor for special nuclear materials; development, design, and engineering only, $3 million. The Commission shall proceed with sufficient design work, together with appropriate engineering and development work, necessary for the Commission to begin construction as soon as practicable after authorization by the Congress, of a large scale single or dual purpose reactor for the production of special nuclear materials. The Commission shall submit to the Joint Committee on Atomic Energy a report on its design for this project, including cost estimates and schedule of construction, not later than April 1, 1958.

(c) Atomic weapons.—

1. Project 52-c-1, weapons production and development plant $10 million.

2. Project 58-c-2, weapons special component plant $6 million.

(d) Atomic weapons.—

1. Project 52-d-1, manufacturing plant expansion, Albuquerque, N. Mex, $3,325,000.

2. Project 58-d-2, storage site modifications, $2 million.

3. Project 58-d-3, high explosive development plant, Livermore, Calif., $2,100,000.

4. Project 58-d-4, engineering and laboratory building, Los Alamos, N. Mex., $1,013,000.

5. Project 52-d-5, ventilation system replacements, Los Alamos, N. Mex., $618,000.

6. Project 58-d-6, reclamation foundry, shop, and warehouse, Sandia Base, N. Mex., $308,000.

7. Project 58-d-7, reactor, area III, Sandia Base, N. Mex., $2,900,000.

8. Project 58-d-8, base construction, Nevada test site, $350,000.

9. Project 58-d-9, base construction, Eniwetok Proving Ground, $7,917,000.

(e) Reactor development.—

1. Project 58-e-1, power reactor development acceleration project, $11,500,000.

2. Project 58-e-2, Puerto Rico power reactor.

3. Project 58-d-3, high explosive develop-Argonne National Laboratory, Illinois, $10 million.

4. Project 58-e-4, modifications and additions, aircraft nuclear propulsion ground test plant, area No. 1, National Reactor Testing Station, Idaho, $8 million.

5. Project 58-e-5, test installations for classified project, $9 million.

6. Project 58-e-6, project Sherwood plant, $7,750,000.

7. Project 58-e-7, waste calcination system, National Reactor Testing Station, Idaho, $4 million.

8. Project 58-e-8, hot cells, $3,500,000.

9. Project 52-e-9, high temperature test installation, Bettis plant, Pennsylvania, $3 million.

10. Project 58-e-10, destroyer reactor development plant, $750,000.

11. Project 58-e-11, sodium reactor experiment (SRE) modification, Santa Susana, California, $4,700,000.

12. Project 58-e-12, liquid metal fuel reactor experiment (LMFRE), $17,500,000.

13. Project 58-e-13, Argonne boiling reactor (ARBOR), National Reactor Testing Station, Idaho, $8,500,000.

14. Project 58-e-14, natural uranium, graphite moderated, gas cooled, power reactor prototype designed for the production of approximately 40,000 electrical kilowatts, $40 million.

15. Project 58-e-15, plutonium recycle experimental reactor designed for the production of 15,000 electrical kilowatt equivalent, $15 million.

(f) Reactor development.—

1. Project 58-f-1, waste storage tanks, National Reactor Testing Station, Idaho, $3,700,000.

2. Project 58-f-2, hot pilot plant, $2 million.

3. Project 58-f-3, land acquisition, National Reactor Testing Station, Idaho, $1 million.

(g) Physical research.—

1. Project 58-g-1, accelerator improvements, University of California Radiation Laboratory, California, $875,000.

(h) Physical research.—

1. Project 58-h-1, reactor improvements, Argonne National Laboratory, Illinois, $380,000.

(i) Biology and medicine.—

1. Project 58-i-1, mammalian radiation injury and recovery area, Oak Ridge National Laboratory, Tennessee, $475,000.

(j) Training, education, and information.—

1. Project 58-j-1, nuclear training project, Regional Nuclear Training Center, Puerto Rico, $2,500,000.

(k) Community.—

1. Project 58-k-1, schools, Los Alamos, N. Mex., $965,000.

2. Project 58-k-2, housing modifications, Los Alamos, N. Mex., $1 million.

3. Project 58-k-3, additional water well, Los Alamos, N. Mex., $138,000.

(l) General plant projects: $26,016,000.

Mr. DURHAM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DELANEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 8996) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, had come to no resolution thereon.

## APPROPRIATIONS FOR CIVIL FUNCTIONS ADMINISTERED BY THE DEPARTMENT OF THE ARMY

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8090) making appropriations for civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, for the fiscal year ending June 30, 1958, and for other purposes, with Senate amendments, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

The Chair hears none, and appoints the following conferees: Mr. CANNON, Mr. RABAUT, Mr. KIRWAN, Mr. FOGARTY, Mr. RILEY, Mr. EVINS, Mr. BOLAND, Mr. MAGNUSON, Mr. JENSEN, Mr. H. CARL ANDERSEN, Mr. TABER, Mr. FENTON, and Mr. BUDGE.

## HOUR OF MEETING TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow.

The SPEAKER. Is there objection?

There was no objection.

## TO AMEND AGRICULTURAL ADJUSTMENT ACT OF 1938, AS AMENDED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 959), to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes, with House amendments, insist on the amendments of the House and ask for a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. ALBERT]?

The Chair hears none, and appoints the following conferees: Mr. COOLEY, Mr. POAGE, Mr. GRANT, Mr. AUGUST H. ANDRESEN, and Mr. HILL.

## CALENDAR WEDNESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday next week be dispensed with.

The SPEAKER. Is there objection?

There was no objection.

## COMPULSORY INSPECTION OF POULTRY AND POULTRY PRODUCTS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota, Mr. AUGUST H. ANDRESEN, be removed as a conferee on the bill S. 1747 and that the gentleman from Iowa [Mr. HOEVEN] be appointed in his stead.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will notify the Senate of the change of conferees.

## FOR YOUTH FITNESS

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, it appears that children's play habits, like everything else, have changed in recent years. Healthful recreational games like hopscotch and blindman's buff have given way to such dubious indoor diversions as Man From Mars and Superman. What has happened, it seems is that pastimes of mere amusement have completely replaced the wholesome muscle-building variety of games. Undoubtedly,

the advent of television has drawn the children indoors from the health-giving exercises of the playground.

This is one of the worst problems brought about by the progressive urbanization of American living conditions. The victims are our children, although they now fail to realize the ill effects. They suffer physically because they lack the exercise which outdoor play affords. Children are encouraged to play in the parlor when they should be working out in the gymnasium. The immediate result is that this generation of children is growing flabby, falling far below normal standards in physical fitness. They are becoming, in effect, softies. Exercise builds stout bodies and insures bountiful health. Without proper exercise, youth can suffer now as well as later.

There is a common belief that children, if given the opportunity to play, will adequately exercise themselves. The changing times in which we live is turning this concept into fallacy. Our conveniences of life are by eliminating the need for ordinary physical activity contributing to a physical and moral softening of young generations. Within the last few years, there has been a change in the attitude of many children regarding their play habits. As youngsters, we used to play and play hard because we had rather play than do anything else. With automation and pushbutton gadgets, there is greater need for exercise today. However, there are so many constant attractions nowadays that some children actually do not want to play. They had rather watch television or go to the movies.

Without an outlet for his excess energies, the youth may seek daring and out of the ordinary escapes. Instead of wholesome play, he may turn to gang warfare, crimes of violence, or other delinquent activities. It is far easier to provide for proper recreation than it is to cope with juvenile delinquents. Yet, delinquency is increasing in incidence every year. It is considered a symptom of many deep-seated causes, a principal one of which is a lack of recreational activities.

Mr. Speaker, it is imperative that we awaken to the fact that more attention must be given to our children's physical education. Unless we achieve youth fitness today, we cannot have national fitness in the years to come. Already, the President has designated a group of outstanding citizens to study this alarming situation. The President's Council on Youth Fitness has expressed concern over the ill effects of soft-living habits on this generation of children. The Council, together with a citizens advisory committee, is out to find effective methods to achieve physical fitness in today's youth.

Pending before the House Committee on Education and Labor is a bill which I have introduced to boost fitness and to thwart delinquency. My bill, H. R. 7875, would establish the Civic Health Through Athletic and Mental Proficiency Society, the initial letters of which spell CHAMPS. This legislation would reward youngsters who are champs in their fields, either culturally or physically. Specifically, the bill provides for a series of local, district, State and national awards upon the attainment of certain standards.

By encouraging wholesome leisure time activities through cultural pursuits and physical achievements, this program would contribute significantly to the prevention of juvenile delinquency. The program would direct the excess energy of youth into sound channels conducive to absorbing excess time and energy while, at the same time, stimulating the minds and bodies of the younger generation toward more intensive physical prowess and cultural progress. Physical fitness, it is pointed out, complements moral and mental fitness.

While this legislation will by no means eliminate juvenile delinquency, it attacks the problem from a positive angle. By offering an appealing program for participation, it will undoubtedly provide an effective delinquency countermeasure. It stands to reason that boys and girls' participation in this program, whether in the cultural or physical fields or both, will be a deterrent against delinquency. What is more, it is safe to assume that these children in turn will oppose any delinquency on the part of their young friends.

One of the most significant features of this legislation is the provision that each participant achieving certain goals be rewarded. This form of honor, I strongly believe, is far more desirable than that of direct competition against each other. This is the type of system the Boy Scouts and Girl Scouts employ in awarding their much-sought merit badges.

Mass participation is to be desired without undue emphasis on those who are physically or intellectually gifted. For this reason, a program designed to reach the boy or girl with ordinary physical and cultural abilities must not overly concentrate on competition. In our time, there is entirely too much stress placed on winning the game, rather than in the sport of playing the game. In emphasizing character-building activities, this program cannot further magnify the victor and accentuate in youth the sole desire to win no matter how the game is played. The principal objective of this program, therefore, is to build strong bodies and sound minds and not to create a generation of literary geniuses or super-athletes.

Competitive sports still have an important place in our physical education system. Team activities teach sportsmanship and spread the glory of winning over the entire team, rather than heap all the praise on one individual. Too much importance is placed on team sports, however, and not enough on the healthful solo exercises of the gymnasium. It is significant that cadets at the United States Military Academy, whose physical fitness is a virtual necessity, are all required to box. The benefit comes in the participation.

The legislation which I have introduced provides for a fairly flexible youth program. It is national in scope to afford uniformity in achievement standards and goals. However, there is no Federal control, as the program's administration is purely local. In drafting this bill, it was my intention to restrict the activities of the Federal Government as much as possible, yet allowing for nationwide participation. For this reason, the bill provides for the appointment of a State chairman and a chairman for each Congressional District, who would have the prime responsibility for their respective programs. Without central control, there can never be any possibility of this program getting out of hand.

Participation is to be purely voluntary. Youth groups already in existence might participate in this program, or entirely new organizations might be formed. In no sense is this program all encompassing. All affiliations will be entirely at will. Except for the fact that it is for youth and there is a framework of organization, this program bears no kinship to any form of compulsory national youth movement.

The line of communication extending from the national through the State Congressional Districts and local offices assures an effective national organization without it becoming Federal in nature. The national organization would have as its duty to promote and publicize the program and to encourage State and local youth organizations to affiliate. This is solely for the purpose of complementing the many worthwhile local recreational programs already in existence. There is absolutely no provision for the national organization to exercise any supervision or control over these associations. The national headquarters would be further charged with establishing nationwide standards and tests of achievement in the fields of cultural or physical endeavor.

Within certain guidelines, the national organization would have a free hand in setting up the machinery for this program's technical operation. Generally, the organization would establish nationally rated standards in various groups of measurable achievements with multiple-choice activities in each group. A participant would voluntarily choose one activity in each group and, after having been certified as having mastered the standards in those activities set by the national program, he would be awarded a certificate or badge. These might be worn or displayed as tokens of honor in their future years.

The use of awards is important as it affords the immediate incentive for the youth to participate. There is perhaps no greater stimulus to personal endeavor than worthy recognition of merit.

Separate awards should, of course, be offered for the physical and cultural program. Participants might earn their awards in both divisions, however. For example, 10 fields of physical endeavor might be chosen such as sprinting, running, jumping, swimming, diving, calisthenics, lifting, throwing, contact sports, and endurance sports. In each field, a number of activities are grouped for the participant's choice with the specified minimum achievements required for proving satisfactory mastery in this field. Similarly, 10 fields might be chosen in

the cultural category, such as literature, music, crafts, speech, history, government, citizenship, geography, astronomy, and religion.

In each field, there might be offered two grades of awards, one for average laudable achievement and one for above-average excellence. A further differential might be made for age levels, as well as for sex. Regional, district, and national awards would necessarily require higher standards of excellence than those for local awards. All residents of the United States within certain specified age groups should be eligible. Awards might be presented locally at one annual national achievement day, which could become a national observance.

The small national office, which would set up the program and determine the standards, would require a very modest appropriation. Naturally, the program is dependent upon the active interest and complete cooperation of volunteer youth workers everywhere, not to mention the never-ending assistance of all parents.

This program, available to youth in the largest metropolis as well as in the smallest hamlet, would in a democratic way offer a challenge to the participants and would result in better physical conditioning and enlivened cultural growth of the greatest number of American youths. We owe it to our children to assure their physical fitness for the future.

I have asked the House Committee on Educaton and Labor to hold hearings on my bill (H. R. 7875) at the earliest practicable time.

## FEDERAL DEPOSITORY LIBRARIES

Mr. HAYS of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS of Ohio. Mr. Speaker, I wish to call attention to a bill which I am today introducing concerned with the distribution of Government publications to depository libraries. As stated in House Report No. 2945, part II, which was prepared by the Subcommittee to Study Federal Printing and Paperwork, of which I am chairman, the outmoded depository library law is in need of major revision in order to adequately serve present-day needs. It has long been a matter of deep concern to Members of Congress, various Superintendents of Documents, the American Library Association, as well as college and municipal library groups and other related organizations. More than 700 replies were received by the subcommittee from questionnaires which were directed to depository and nondepository libraries. Many librarians returned the questionnaires accompanied by letters containing helpful recommendations and constructive comments and expressed appreciation for the interest being taken in the matter by the Congress. The data obtained from these questionnaires has been analyzed and supplemented by the views of members of the public documents committee of the American Library Association.

This bill would amend the outmoded depository library law which has become grossly inadequate, especially since the basis for selecting depository libraries within Congressional Districts was established in 1859. Provision is made for means to increase the number of depository libraries based on present-day needs and also to facilitate the selection by depository libraries of only those publications which are desired. Until hearings are held it will not be possible to estimate the cost of needed expansion in the number of depository libraries, but the cost will be small when compared with the potential benefits obtainable therefrom by educational institutions and others. This country should not lag in the dissemination of scientific and technical knowledge, a large portion of which is contained in Government publications. The required conditions for qualification as a depository library set forth in the 1895 law have been rationalized. A standard and equitable means is provided to permit the designation of some libraries as regional depository libraries.

The designation of regional depository libraries, together with provision for such libraries to authorize ultimate disposal of Government publications, after retaining them for only a stipulated period of time, will provide the means to relieve many depository libraries from unnecessary use of valuable shelf space by permitting those publications which receive only occasional use to be placed in regional depository libraries.

The provisions of this bill extend to every Congressional District, the Territories of Alaska and Hawaii, and the Commonwealth of Puerto Rico. I therefore urge all Members to familiarize themselves with the benefits obtainable by its ultimate favorable consideration.

## THE FISHER AMENDMENT

Mr. FISHER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FISHER. Mr. Speaker, I am today introducing a resolution proposing an amendment to the Constitution which would change the method by which judges of the Supreme Court are selected.

This resolution provides that the judges who are appointed to fill future vacancies shall be chosen, subject to the consent of the Senate, by a vote of the judges of the courts of highest and last resort in civil cases in the several States.

I am convinced this method of filling vacancies will reduce to a minimum the political consideration that is inherent in the present method of making appointments. It is now almost universally recognized that such appointees are often chosen primarily upon a basis of political obligation or of political philosophy, rather than upon a basis of judicial temperament, sound judgment, and knowledge of the law.

Therefore, in searching for an answer to this serious defect that in recent years has become apparent in our system, I feel that the proper approach should be to treat or seek to correct the cause rather than to grapple with the symptoms.

The President, no matter who he may be, is by the nature of his election, to some degree, influenced by political obligations in making appointments to the Court. There are certain religious requirements. There are sectional considerations. And not infrequently appointments have been made to reflect the ideology of the President—liberal or conservative—to fit preconceived viewpoints.

So I am proposing a plan designed to remove such appointments as far as possible from the sphere of politics by drawing upon the collective wisdom and sound judgment of judges from each of the 48 States. After all, from what better source can we expect to obtain reasonably sound decisions, at least, reasonably free from the taint of politics as a controlling factor? By the nature of their training and experience, they are familiar with the decisions and the writings of the various judges. Their intimate knowledge of the judicial process insures to them the unique distinction of being best qualified to determine judicial competence.

Moreover, by reason of the geographical distribution of the membership of the appointment group, the resulting selections would not be sectional, but should reflect the composite opinion of the 48 States as to the very best judicial talent available to the country.

From all sections of the country, from the learned to the not so learned, from the lawyer and the layman alike, there is an ever-growing chorus of criticism of the United States Supreme Court. This great American judicial institution which has been respected in the past to almost the point of reverence, particularly among the legal profession, now finds among its most vociferous critics the various bar associations throughout the country. The essence of such criticism has ranged from the charge that the Court has destroyed long-standing precedents and wrecked historic principles to the claim that appointments are made to satisfy political considerations, resulting in the selection of judges without legal experience. Whatever the cause, it is known to all who have an awareness of the times that something has brought about a loss of confidence in our highest Court.

It is the purpose of this resolution to guarantee to our people that appointments to the Court are as completely removed as possible from the area of political patronage; that those who sit on the highest Court in the land will be the best-qualified men in the country, men who will rise above the ebb and flow of emotionalism and political ideologies and interpret the law and the Constitution objectively.

My resolution follows:

SECTION 1. Each appointment to the Supreme Court shall, subject to the consent of

the Senate, be made by an appointing committee composed of one judge of the court of highest and last resort in civil cases from each of the several States, selected by the judges of such court. Within 10 days after a vacancy or vacancies shall occur in the membership of the Supreme Court, the judges designated to serve on such appointing committee shall meet in open convention at Washington, D. C., and shall, by secret ballot, choose a person to serve as a judge of the Supreme Court. A quorum for this purpose shall consist of two-thirds of the total membership of the appointing committee. Each judge shall have one vote, which he shall cast in person, and a number of votes equal to one more than half of the total membership of the appointing committee shall be necessary to a choice. The appointing committee shall certify to the President of the Senate, or, if the Senate is not in session, to the Secretary of the Senate, the name of the person so appointed who shall take the oath prescribed by law and assume the duties of his office. If the Senate, prior to adjournment of the session convened at the time of such appointment, or, if not in session at the time of such appointment, then prior to adjournment of the session next succeeding such appointment, shall reject such appointment or shall take no affirmative action on the name of the person appointed, the tenure of such appointee shall end upon the date of said adjournment. Within 10 days after such rejection, or within 10 days after adjournment of the Senate without action having been taken on the name of the appointee submitted, the appointing committee again shall convene and make another selection to the vacancy in the manner heretofore described.

SEC. 2. The Congress shall by law implement the provisions of this article, especially with reference to compensation of the members of the appointing committee, place of meeting, manner of assembling, internal procedure, and methods of certifying appointments and commissioning appointees.

SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission.

## INTEREST RATES

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, there are reports in the news which are ominous for our economy, the welfare of small business, for farmers, homeowners, and all people depending on modest wages, salaries, or pensions.

I call your attention to the fact that a great New York bank, the Bankers Trust Co., which has before been the bellwether in the raising of interest rates, has announced it has raised the prime bank rate to 4½ percent, an increase of one-half of 1 percent.

The prime bank rate is interest rate charged to borrowers of the highest credit standing. It is the rate paid by such companies as General Motors and United States Steel. It is the basic rate on which other bank interest rates are charged. Borrowers of lesser size, power, and standing must pay progressively higher rates.

The action of the Bankers Trust Co. was immediately followed by other banks. It can be expected that it will become general if, indeed, it has not already done so.

I want to point out, Mr. Speaker, that the prime bank rate in 1947 was 1½ percent. It has gone up steadily ever since. Money for every purpose, whether for commercial or private use or what, has gone up.

I also call your attention to the increase in the FHA rate which is now 5¼ percent. This means that people who are building houses now and in the future will be paying an additional burden of interest for the entire life of their loans. It will add millions of dollars to the cost of housing in America.

It should also be pointed out that another freight-rate increase amounting up to 7 percent has been granted the railroads by the Interstate Commerce Commission. It seems that every 6 months we have been having an increase in these freight charges which are eventually paid by every man, woman, and child in America who consumes or employs anything which has been transported by rail. Few things have so widespread an inflationary effect.

The cost of living has now risen, with a single exception, every month for the past 17 months. There is no sign of a letup in sight. It is at the highest point in the history of this Nation and it is inevitably going higher. Already we are informed that the prices of the new cars which will be coming out of Detroit in a few weeks from now are going to be higher just as they have been higher year by year since price controls were abandoned. Food prices will also go higher, although I do not see that the farmer is getting much benefit from these increasing prices.

The last financing by the Federal Treasury brought the rate paid up to 4 percent. This means that sooner or later as it falls due the whole Federal debt is going to be refinanced at higher prices. This will eventually add $4 billion to the annual cost of carrying the Federal debt.

The three interest rates which guide and lead, and dominate the money rates paid in this country are the rates established by the United States Treasury on Federal bonds and notes, the prime rate established by the banks, and the rediscount rate which applies to loans by the banks from the Federal Reserve System. The first of these two rates have advanced now to their peaks since the days of President Hoover. There is no question but that there is great pressure on the Federal Reserve System once again to raise its rediscount rate. I am of the impression that the Federal Reserve System is afraid of possible criticism on the part of Members of Congress. What I expect is as soon as this session of Congress adjourns, the rediscount rate of the Federal Reserve System will be raised once again. And once again the rising cost of money will contribute to the inflationary spiral.

Inflation is supposed to be due to competition between people with money to buy for a scarcity of products. In such a situation people bid against each other and prices go up. That is what the economists call classical inflation.

It has finally been admitted that the inflation we are undergoing is not classical inflation. The people at the Federal Reserve System, at the Treasury, and at the Commerce Department don't know what kind of inflation it is. They don't know what to call it. Obviously there are no significant shortages of any consumer goods in this Nation. There are actually surpluses of many products. Productive power in many industries is greater than Americans can consume. Yet prices keep going up.

It is clear to me that the constant rise in the price of money is a basic cause of what is happening to us. It is also my judgment that the original nudge upward of money prices was deliberate on the part of the Treasury and the Federal Reserve and that today they have started something which they appear powerless to stop.

I am not a zealot on this subject, Mr. Speaker. I believe in a fair return on invested capital, but we have gone too far too fast. Business is being hurt, especially small business. Farmers are being hurt. Housewives are being hurt by having to stretch their budgets too thin. The Nation is going to be hurt and hurt badly if something is not done to halt inflation and hold the interest rates from flying to the sky.

## SPECIAL ORDER

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to address the House for 35 minutes today following the special orders heretofore entered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## INCOME TAX REFORM

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Florida [Mr. HERLONG] is recognized for 30 minutes.

Mr. HERLONG. Mr. Speaker, I rise today on a matter of tremendous importance to the future of our Nation.

In the midst of high prosperity, we have national policies which seem to be looking backward instead of forward. I say this because, in our present concern for arresting a new inflationary trend, we seem intent on slowing down our national growth instead of finding ways and means to expand this growth without inflation. I want to be counted now and always in opposition to policies which foster inflation. But I am unwilling to admit there is no solution to inflation other than putting brakes on economic progress.

There is no secret about the source of our problem. As a nation, we want to grow rapidly, but we are not saving enough to do this without inflation. This point has been documented in public statements of many outstanding financial authorities over the past year. Further confirmation has been provided by the June 26 report of the Joint Economic Subcommittee on Fiscal Policy, headed by the Honorable WILBUR D. MILLS, the distinguished and able gentleman from Arkansas, and my esteemed

colleague on the Ways and Means Committee. Pinpointing the reason for "present inflationary pressures," this report states "The basic problem is an inadequate level of savings out of current income."

There may be the question whether there ever is enough new capital to meet all the demands in a growing healthy economy. It is characteristic of a free people that they will want to start new enterprises and expand old ones, to build for the future, beyond their individual and collective willingness or capacity to save at a particular time. However, it is a contradiction of freedom when this capacity and willingness to save is held down by arbitrary government policy.

This is the situation we have today. The principal limiting factor on the accumulation of private savings is the Federal system of income taxation, a system under which the rates of individual tax rise so steeply through the middle brackets and then go on up to a top of 91 percent and the combined rate of corporate tax remains at its wartime high. It may be understandable that we have allowed this situation to develop over the past 25 years, as we have passed from crisis to crisis, but we can have no excuses if we do not meet the issue now.

Certainly, the Federal Government is in an untenable position when it holds itself forth as the protector of the people from inflation on the one hand, and on the other does not forthrightly consider and deal with its own policies which foster inflation. Excessive use of bank credit is the engine of inflation, but under present circumstances this engine is fueled by the arbitrary restriction on savings imposed by the unfair and unsound tax rates.

Mr. Speaker, I do not consider that either of the major political parties is principally responsible for this situation, but I do deeply believe that the matter is of such transcendent importance that we should make every effort to avoid partisanship in finding the solution. It would take a long speech to recount all the reasons why the Federal Government should remove the roadblock to economic progress inherent in our present income tax structure, and I will state only four at this stage:

First, inadequate savings inevitably result in excessive reliance on bank credit which, when used in substitution for new capital out of current savings, can only insure a continuing inflationary tendency as the cost of economic growth.

Second, if, with inadequate savings, restrictions on new bank credit hold down the inflationary thrust and hence slow up our rate of growth, then the chief sufferers are those of our citizens, now in the lower income brackets, who stand to gain the most from greater production, more and better jobs, and hence increase in living standards.

Third, inadequate savings are a particular barrier to the development and expansion of business, and make it most difficult for small business to finance its operations and expansion.

Fourth, limitation on the formation of capital out of current income is especially harmful to sections of the country which are the least developed industrially.

The latter point is of particular significance to the South. In recent years, we have been moving ahead in industrial development, but we still have a long way to go to achieve economic standards equal to those in other sections of the country. Through State development commissions and other avenues, we have made successful efforts to attract northern industry, which means northern capital. At the same time, however, we seem to have been oblivious to the fact that excessive rates of Federal income tax are draining off current income which otherwise would be saved and made available as new capital in our communities and States. Thus, we have condoned a tax system which undermines the ability of the South to grow more rapidly and to accumulate much-needed capital out of its own growth.

In surveying the possibilities for remedial tax action, I have considered various proposals already before the Congress. Most of them deal with special aspects of the tax problem, and seem designed to avoid the fact that it is the excessive rates of tax which provide a damper on growth and an open draft for inflation. One bill, however, H. R. 6452, introduced by my esteemed colleague on the Ways and Means Committee, the Honorable ANTONI N. SADLAK of Connecticut, goes right to the issue, and spells out what I have come to believe is a most realistic program for correcting the situation. I naturally have given thought to developing some alternate method for reducing the high rates, but on balance, I do not find any approach which seems to be an improvement on that sponsored by Mr. SADLAK. Therefore, in the interest of furthering bipartisan consideration and adoption of a basic income-tax reform program, I introduced on August 5, H. R. 9119, which is identical to H. R. 6452.

This legislation schedules annual reductions of individual income-tax rates in each bracket, and of the corporate income tax, over a 5-year period beginning January 1, 1958.

There would be balanced reductions in all the progressive rates of individual tax, with the first bracket rate coming down from 20 to 15 percent. The top rates of tax would be brought down to 42 percent, the individual tax from its present top of 91 percent, and the corporate tax from its present top of 52 percent. Reductions in the rates which climb so steeply through the middle brackets include $4,000–$6,000 bracket, from 26 to 17 percent; $8,000–$10,000 bracket, from 34 to 19 percent; $12,000–$14,000 bracket, from 43 to 21 percent; $16,000–$18,000 bracket, from 50 to 23 percent; $22,000–$26,000 bracket, from 59 to 27 percent.

Appendix A shows the new individual rates for each year under the legislation; appendix B is a table by which individual taxpayers can compute their income tax at the end of the rate-reduction period, as compared to the present; and appendix C details the reduction in the present normal corporate tax from 30 percent to 22 percent and the surtax from 22 percent to 20 percent.

The reductions scheduled in this legislation are not contingent upon drastic budget reduction, nor do they threaten a return to deficit financing.

In the first place, the revenue effect of the scheduled reductions is well within the margin for tax reduction which should develop annually out of the increase in revenue which results from economic growth. Over the past 2 years, for example, Federal budget revenues have grown by more than $11 billion. Some of this increase has come from inflation, but the greater part has come from economic growth itself. Even without inflation, it is estimated that the revenue growth will average in the neighborhood of $4 billion a year, assuming continued expansion of the economy comparable to that of recent years. I am sure that no authority will disagree that enactment of this legislation, and effectuation of the scheduled tax reductions, would make more certain the steady economic growth from which comes the revenue increase.

As against expected revenue growth of $4 billion annually, the net revenue effect of this legislation—based on 1956 income levels—should be only about $3 billion. Thus there would be a safety margin of roughly $1 billion a year.

Of the total tax savings under the legislation, about $10.6 billion, as shown in appendix D, would accrue to individuals, and about $4.2 billion to corporations.

Moreover, roughly 60 percent of the individual savings would fall in the taxable income brackets up to $6,000; 79 percent in the taxable brackets up to $16,000 to $18,000, where the 50-percent rate now applies; and only 6.3 percent to the brackets above $50,000.

These figures illustrate a point which is often overlooked, namely, that the progressive part of the individual tax rates produce only a small proportion of the revenue from this tax, actually about 17 percent at present. Even then, the greater part of the revenue from progression comes from the lower progressive rates, not from the very high rates which approach confiscation. Stated differently, this means that revenue effect is no barrier to the scheduled reductions in the higher rates; instead, from the revenue standpoint, the cost of any tax-cut bill is largely determined by the amount of reduction accruing in the first few brackets of taxable income.

In the second place, within limits the legislation provides for postponement of reductions which, if effectuated as scheduled, would cause unbalance in the budget. The President has the responsibility for initiating postponement, but only for 6-month periods—from January 1 to July 1. Thereafter, the Congress may by direct action hold the postponement to this initial 6-month period, or make a further postponement of 6 months, by use of procedures set forth in the legislation. If the Congress does not act, then the President could make a further postponement of 6 months, but no longer in regard to any one of the scheduled tax reductions.

In other words, each scheduled reduction in either the individual or corporate tax may be postponed for 1 year,

but only 1 year, without new enabling legislation. With each such postponement, the schedule of subsequent reductions also is moved ahead 1 year. Thus the reductions could be spread out to a maximum period of 9 years if budget conditions should require full use of the postponement procedures.

However, it is my considered opinion that enactment of this legislation would create strong incentive for both the executive branch and the Congress to exercise the maximum control over spending. With the exercise of such control, there should be little question but that most if not all of the reductions would go into effect as scheduled without unbalancing the budget. Forward scheduling of tax rate reductions would set up effective competition against excessive forward commitments for spending, which has been at the root of our budget problem.

Mr. Speaker, of all factors the controlling one in my decision to introduce H. R. 9119 at this time is the destructive effect of high tax rates on small business, in my district and State, in the South generally, and throughout the Nation.

In fact, H. R. 9119 is designed primarily to lessen the tax impact on individuals and on small and growing business, and to moderate the tax barrier to starting new businesses. It must be recognized that the problem is entirely a matter of rates. Approximately 84 percent of the over 4 million business units in the country are unincorporated. The major tax impediment, both for these businesses and the owners of incorporated small business, is found in the steeply graduated rates of individual tax—rates which begin with 22 percent on taxable income between $2,000 and $4,000, increase to 30 percent on taxable income between $6,000 and $8,000, 50 percent at the $16,000–$18,000 level, and 62 percent in the bracket beginning at $26,000. The incorporated businesses have the additional problem of the corporate tax, especially the combined top rate of 52 percent which applies to income over $25,000.

It is evident that none of the special tax devices previously suggested for aiding small business go to the root of the problem. Only a moderate scale of individual and corporate rates will solve the problem with fairness and equity for all. Under H. R. 9119, the 1 percentage point difference between each rate bracket from 15 percent at the bottom to 34 percent at the $80,000 to $90,000 bracket and the 2 percentage points difference thereafter, would involve a minimum tax impediment to the beginning of small business and growth of all business.

Some people may tend to question the very substantial reductions in the high rates under this legislation, which, however, would have but slight effect on revenue. I completely share the views of Representative SADLAK in this respect, when he stated on introduction of H. R. 6452:

> I have proceeded on the dual premise that, first, under a reformed rate structure there is no reason why an unincorporated business or other individual taxpayer should pay a higher top rate of tax than a corporate taxpayer and, second, the lower the top rate of individual tax, the greater will be the protection for all middle bracket taxpayers. Proof of the latter point is found in other proposals for reducing the progressive rates which always link higher rates at the top with higher rates in the middle brackets. I cannot too strongly stress the point that concern for small business and other middle-bracket taxpayers cannot be fully translated into a reasonable rate structure without a consistent contraction of the rates all up and down the line.

In considering the new rate schedule which would exist upon enactment and full effectuation of H. R. 9119, two factors should be kept in mind:

First, in regard to individuals and corporations, the payment of income tax is superimposed on the payment of all other kinds of taxes—Federal, State, and local. It has been estimated that the burden of these other taxes, direct and indirect, runs up to 20 percent of total income in the middle and higher income brackets. Thus, with a 42 percent top rate of Federal individual tax, the total tax burden of people in the higher brackets might be as much as 60 percent of their total income.

Second, the test of fairness of a reformed income-tax structure must be found in the relative burden of taxes after enactment and not in the relative percentage cuts applied to preexisting rates. In this connection, it is often overlooked that the measure of the regressivity, proportionality, or progressivity of a tax is the relation of tax to total income; not the base for the tax, that is, taxable income as regards the individual tax. This relationship is known as the "effective rate" of tax. The point is that exemptions provide substantial protection from payment of tax to people in the lower income brackets; a protection which diminishes rapidly as income increases.

For example, under H. R. 9119, there would be substantial progression in the application of the first bracket rate of 15 percent which would prevail after 5 years. As shown in the following table, the effective rate of tax—without considering the progressive rates—would range from 1.5 percent of a 4-person family income of $3,000 up to 12.1 percent at $25,000:

*A family of 4*

| Income before exemptions and deductions | Taxable income after exemptions and 10 percent in deductions | Tax at 15 percent | Percent of tax to income before exemptions and deductions |
|---|---|---|---|
| $3,000 | $300 | $45 | 1.5 |
| $5,000 | 2,100 | 315 | 6.3 |
| $10,000 | 6,600 | 990 | 9.9 |
| $25,000 | 20,100 | 3,015 | 12.1 |

It is evident that the surtax rates above the basic rate would increase the progression greatly, even under the narrower range of rates provided in the legislation. Actually, under H. R. 9119, there would be a range of effective tax from 1.5 percent of income at the bottom up toward 40 percent at the top. Stated differently, the top effective rate would be in the neighborhood of 25 times the bottom effective rate. Certainly such a range of progression would satisfy all but the most extreme advocates of this form of taxation.

I believe that H. R. 9119 is a fair bill and a sound bill, one which, if enacted, will provide bountiful returns to the American people in the reenergization of the incentives for work and for investment, in permitting the accumulation of more savings out of current income of both individuals and corporations to meet the capital needs of the Nation. This would mean steadier advance in the standards of living for all citizens and especially those most dependent on economic progress as the provider of more and better jobs and higher income. These benefits would be accompanied by an arresting of the inflationary trend which now results from inadequate savings.

Mr. Speaker, I have introduced H. R. 9119 because I am so deeply convinced that the achievement of a reasonable and moderate scale of income-tax rates is indispensable to the continuing health and prosperity of our Nation. I hope that my decision will be accepted in the spirit in which I intend, namely, an effort to contribute to bipartisan action directed to removing the tax blocks to the beginning, development, and growth of all business in our great Nation.

I hope that my colleagues on the Ways and Means Committee will give sympathetic consideration to the substance and objectives of this bill. Especially it would be my wish that this committee, under our beloved and distinguished chairman, the Honorable JERE COOPER, from Tennessee, will decide to hold hearings on the form which general tax reductions should take. Such hearings, in my opinion, would provide an adequate forum for decision of the committee as to whether this or some other form of legislation will best serve to remove the blighting effect of crippling income-tax rates on our economy.

APPENDIX A

*Individual tax rates*

| Taxable income bracket [1] (thousands) | Present rates | Jan. 1 | | | | |
|---|---|---|---|---|---|---|
| | | 1958 | 1959 | 1960 | 1961 | 1962 |
| 0 to $2 | 20 | 19.0 | 18.0 | 17.0 | 16.0 | 15 |
| $2 to $4 | 22 | 20.5 | 19.5 | 18.5 | 17.5 | 16 |
| $4 to $6 | 26 | 24.5 | 23.0 | 21.5 | 20.0 | 17 |
| $6 to $8 | 30 | 28.0 | 26.0 | 24.0 | 21.0 | 18 |
| $8 to $10 | 34 | 31.0 | 28.0 | 25.0 | 22.0 | 19 |
| $10 to $12 | 38 | 35.0 | 32.0 | 28.0 | 24.0 | 20 |
| $12 to $14 | 43 | 39.0 | 35.0 | 31.0 | 26.0 | 21 |
| $14 to $16 | 47 | 42.0 | 37.0 | 32.0 | 27.0 | 22 |
| $16 to $18 | 50 | 45.0 | 40.0 | 35.0 | 29.0 | 23 |
| $18 to $20 | 53 | 48.0 | 42.0 | 36.0 | 30.0 | 24 |
| $20 to $22 | 56 | 50.0 | 44.0 | 38.0 | 32.0 | 25 |
| $22 to $26 | 59 | 53.0 | 47.0 | 40.0 | 33.0 | 26 |
| $26 to $32 | 62 | 55.0 | 48.0 | 41.0 | 34.0 | 27 |
| $32 to $38 | 65 | 58.0 | 51.0 | 43.0 | 36.0 | 28 |
| $38 to $44 | 69 | 61.0 | 53.0 | 45.0 | 37.0 | 29 |
| $44 to $50 | 72 | 64.0 | 56.0 | 47.0 | 38.0 | 30 |
| $50 to $60 | 75 | 66.0 | 57.0 | 48.0 | 39.0 | 31 |
| $60 to $70 | 78 | 69.0 | 60.0 | 51.0 | 40.0 | 32 |
| $70 to $80 | 81 | 71.0 | 62.0 | 52.0 | 41.0 | 33 |
| $80 to $90 | 84 | 74.0 | 64.0 | 54.0 | 44.0 | 34 |
| $90 to $100 | 87 | 76.0 | 66.0 | 56.0 | 46.0 | 36 |
| $100 to $150 | 89 | 78.0 | 68.0 | 58.0 | 48.0 | 38 |
| $150 to $200 | 90 | 80.0 | 70.0 | 60.0 | 50.0 | 40 |
| $200 and over | 91 | 82.0 | 72.0 | 62.0 | 52.0 | 42 |

[1] After deductions and exemptions. Applies to single persons, married persons filing separate returns, and "split incomes" of husbands and wives filing joint returns.

APPENDIX B

*Tax computation tables—Individuals*

| If the taxable income [1] is: | The tax | |
|---|---|---|
| | Is: Present law | Will be: Year 1962 |
| Not over $2,000 | 20 percent of the taxable income | 15 percent of the taxable income. |
| Over $2,000 but not over $4,000 | $400, plus 22 percent of excess over $2,000 | $300, plus 16 percent of excess over $2,000. |
| Over $4,000 but not over $6,000 | $840, plus 26 percent of excess over $4,000 | $620, plus 17 percent of excess over $4,000. |
| Over $6,000 but not over $8,000 | $1,360, plus 30 percent of excess over $6,000 | $960, plus 18 percent of excess over $6,000. |
| Over $8,000 but not over $10,000 | $1,960, plus 34 percent of excess over $8,000 | $1,320, plus 19 percent of excess over $8,000. |
| Over $10,000 but not over $12,000 | $2,640, plus 38 percent of excess over $10,000 | $1,700, plus 20 percent of excess over $10,000. |
| Over $12,000 but not over $14,000 | $3,400, plus 43 percent of excess over $12,000 | $2,100, plus 21 percent of excess over $12,000. |
| Over $14,000 but not over $16,000 | $4,260, plus 47 percent of excess over $14,000 | $2,520, plus 22 percent of excess over $14,000. |
| Over $16,000 but not over $18,000 | $5,200, plus 50 percent of excess over $16,000 | $2,960, plus 23 percent of excess over $16,000. |
| Over $18,000 but not over $20,000 | $6,200, plus 53 percent of excess over $18,000 | $3,420, plus 24 percent of excess over $18,000. |
| Over $20,000 but not over $22,000 | $7,260, plus 56 percent of excess over $20,000 | $3,900, plus 25 percent of excess over $20,000. |
| Over $22,000 but not over $26,000 | $8,380, plus 59 percent of excess over $22,000 | $4,400, plus 26 percent of excess over $22,000. |
| Over $26,000 but not over $32,000 | $10,740, plus 62 percent o. excess over $26,000 | $5,440, plus 27 percent of excess over $26,000. |
| Over $32,000 but not over $38,000 | $14,460, plus 65 percent of excess over $32,000 | $7,060, plus 28 percent of excess over $32,000. |
| Over $38,000 but not over $44,000 | $18,360, plus 69 percent of excess over $38,000 | $8,740, plus 29 percent of excess over $38,000. |
| Over $44,000 but not over $50,000 | $22,500, plus 72 percent of excess over $44,000 | $10,480, plus 30 percent of excess over $44,000. |
| Over $50,000 but not over $60,000 | $26,820, plus 75 percent of excess over $50,000 | $12,280, plus 31 percent of excess over $50,000. |
| Over $60,000 but not over $70,000 | $34,320, plus 78 percent of excess over $60,000 | $15,380, plus 32 percent of excess over $60,000. |
| Over $70,000 but not over $80,000 | $42,120, plus 81 percent of excess over $70,000 | $18,580, plus 33 percent of excess over $70,000. |
| Over $80,000 but not over $90,000 | $50,220, plus 84 percent of excess over $80,000 | $21,880, plus 34 percent of excess over $80,000. |
| Over $90,000 but not over $100,000 | $58,620, plus 87 percent of excess over $90,000 | $25,280, plus 36 percent of excess over $90,000. |
| Over $100,000 but not over $150,000 | $67,320, plus 89 percent of excess over $100,000 | $28,880, plus 38 percent of excess over $100,000. |
| Over $150,000 but not over $200,000 | $111,820, plus 90 percent of excess over $150,000 | $47,880, plus 40 percent of excess over $150,000. |
| Over $200,000 | $156,820, plus 91 percent of excess over $200,000 | $67,880, plus 42 percent of excess over $200,000. |

[1] After deductions and exemptions. Applies to single persons, married persons filing separate returns, and "split incomes" of husbands and wives filing joint returns.

APPENDIX C

*Corporate tax rates*

| | Present | Jan. 1 | | | | |
|---|---|---|---|---|---|---|
| | | 1958 | 1959 | 1960 | 1961 | 1962 |
| Normal tax [1] | 30 | 28 | 26 | 24 | 23 | 22 |
| Surtax [2] | 22 | 22 | 22 | 22 | 21 | 20 |
| Combined tax rate [3] | 52 | 50 | 48 | 46 | 44 | 42 |

[1] On all net income.
[2] On net income exceeding $25,000.

APPENDIX D

*Tax savings by taxable income [1] brackets, based on 1956 income levels*

| Taxable income [1] bracket (thousands) | Taxable income | Present rates | New rates—end of 5 years | Tax savings |
|---|---|---|---|---|
| | *Millions* | | | *Millions* |
| 0 to $2 | $95,121 | 20 | 15 | $4,756 |
| $2 to $4 | 15,967 | 22 | 16 | 957 |
| $4 to $6 | 6,590 | 26 | 17 | 593 |
| $6 to $8 | 4,090 | 30 | 18 | 491 |
| $8 to $10 | 2,826 | 34 | 19 | 424 |
| $10 to $12 | 1,984 | 38 | 20 | 357 |
| $12 to $14 | 1,503 | 43 | 21 | 345 |
| $14 to $16 | 1,074 | 47 | 22 | 269 |
| $16 to $18 | 842 | 50 | 23 | 227 |
| $18 to $20 | 720 | 53 | 24 | 209 |
| $20 to $22 | 571 | 56 | 25 | 177 |
| $22 to $26 | 924 | 59 | 26 | 306 |
| $26 to $32 | 910 | 62 | 27 | 318 |
| $32 to $38 | 584 | 65 | 28 | 215 |
| $38 to $44 | 421 | 69 | 29 | 168 |
| $44 to $50 | 312 | 72 | 30 | 130 |
| $50 to $60 | 299 | 75 | 31 | 131 |
| $60 to $70 | 203 | 78 | 32 | 94 |
| $70 to $80 | 149 | 81 | 33 | 72 |
| $80 to $90 | 109 | 84 | 34 | 55 |
| $90 to $100 | 82 | 87 | 36 | 41 |
| $100 to $150 | 217 | 89 | 38 | 111 |
| $150 to $200 | 95 | 90 | 40 | 48 |
| $200 and over | 231 | 91 | 42 | 113 |
| Total | 135,887 | | | 10,607 |

TAX SAVINGS BY NET INCOME BRACKET GROUPS

| Bracket | Tax savings | Percent of total |
|---|---|---|
| | *Millions* | |
| 0 to $6,000 | $6,306 | 59.5 |
| 0 to $18,000 | 8,419 | 79.4 |
| $50,000 and over | 665 | 6.3 |

[1] After deductions and exemptions.

## NEW HORIZONS FOR NEW ENGLAND

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Massachusetts [Mr. PHILBIN] is recognized for 35 minutes.

Mr. PHILBIN. Mr. Speaker, I wish to divide my time between two subjects and ask unanimous consent to revise and extend my remarks in each instance, and on each subject to include extraneous matter and tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, New England's new horizons are vast and various as this Nation enters the threshold of the atomic era. With its accent upon the products of the mind, with its ceaseless explorations of the world of science, New England stands ideally—in some ways solely—equipped to meet civilization's new challenges and to help realize for all our people a better and a brighter world in which to live.

Historically, economically, politically, and spiritually and in many other respects, New England is truly an outstanding section of this great country. In my mind, by and large, it is the best place in the world in which to live and work, and I say this with real pride and with no reflection upon any other part of our great Nation.

Famed for its monumental contributions to the establishment of American liberty and American prosperity as we have known them and as we know them today, noted throughout the world for the unexcelled devotion of our people to the great truths of free government, celebrated everywhere as truly a great citadel of free enterprise, of free initiative and free incentive for the individual, the achievements of New England are inscribed forever in glowing letters in the glorious history of the American Nation.

It is on some of these achievements of recent date, Mr. Speaker, that I address the House. At the same time, I should like equally to discuss certain basic problems, unique to our region of the country, which confront New England and for which solutions can and must be found.

It would be folly and fallacy for anyone to proceed on the assumption that old New England, not so reserved and staid as some may believe, has lost any of the social, cultural, political, and economic eminence she once enjoyed. To the contrary, New England is steadily moving forward.

Skeptics and cynics have been predicting the economic collapse of our section for many years. But they have lived to see their predictions unrealized. New England has met the challenge which faces every generation of Americans and now, instead of turning backward, our industries are expanding at a greater rate than ever and our economic strength, well-being, and general welfare are showing a steady and gratifying development. This becomes absolutely clear to all who take the time to note current events.

Yes, Mr. Speaker, we in New England have found in diversification of industry, in research, in the will to work—we have found not only the means to offset previous industrial losses of historic businesses, but the ability to forge ahead to new, higher, and broader horizons of industrial activity hardly ever envisioned by industrial leaders or economists.

It may be true, Mr. Speaker, that many Americans are not fully aware, for example, that New England, working hand-in-hand with science and research and backed by her people's characteristic Yankee know-how, has pioneered a whole new way of economic life adapted to the atomic and electronic age.

New and growing industries are sprouting everywhere throughout New England today, and a new generation of New England industrialists and manufacturers has assumed front rank among the leaders of contemporary scientific and industrial progress.

The following facts are significant and eloquent:

Of the Nation's private nuclear projects now being planned for the next 5 years, more than one-quarter of them will be in New England.

New England has about one-seventh of the Nation's firms that supply products relating to atomic energy.

The world's first 2 atomic-powered submarines were made in New England—and of the 8 more now planned, 7 will be built in New England.

The peacetime uses of nuclear atomic power are opening up a new vista of opportunities for our people, and New England, with its outstanding research facilities, is in an excellent position to maintain the lead she has so dramatically taken in the atomic, electronic, and scientific fields through her abundance of skilled craftsmen and pioneering industries, backed by what is undoubtedly the greatest pool of scientific and engineering talent ever assembled anywhere in the world.

In the realm of electronics and its great potentialities, we find a comparatively new and flourishing industry which is helping to revitalize the New England economy. With the help of over 400 research laboratories, New England now contains over 15 percent of the Nation's electronics industry. About 600 electronics plants in the region, half of which were not in existence a decade ago, have an annual product value of over $1 billion. New England is indeed the source and the mother of this miraculous industry. It is in our section that it finds its origin and its finest flowering.

Again, with accent on this most modern of eras, few people think of New England when they think of aircraft. Yet, within the six States of the area, there are now more than 2,600 companies producing aircraft parts or products. This is approximately one-eighth of the national total. Significantly, the 75,000 persons now at work in this new growth industry are equal to 43 percent of the total employment in New England's once-dominant industry—textiles.

New England is the second major financial center in the Nation.

New England's bank, insurance and investment trust assets total $44.5 billion—more than one-eighth of the Nation's total.

New England's savings institutions hold 20 percent of United States resources in savings banks.

New England is especially rich in the research field. Approximately one-sixth of the entire Nation's research facilities are concentrated in our region.

The internationally famous research organiaztions in Cambridge, Mass, are known in American industry as the "trillion-dollar row" because of the unprecedented results achieved there on all types of industrial problems.

Thirteen of the Nation's colleges and universities which award higher degrees are located in New England. Among these are some of the most outstanding educational institutions in the world.

New England is one of the Nation's leading commercial fishing areas, with 80 percent of the domestic production of packaged and frozen seafood, but of this great industry, too, I wish to speak later.

For more than a quarter century, New England has produced one-third of the Nation's shoes. In recent years that percentage has risen to about 38 percent, topping all other shoe-producing areas.

New England has one-sixth of the entire plastics industry.

New England produces 56 percent of the newsprint made in the United States; 42 percent of special industrial papers; 32 percent of groundwood printing and speciality paper; 29 percent of absorbent papers; 18 percent of book papers. Each year it records 16.5 percent of the pulp and paper industry's sales.

And this is but a partial account of modern New England's progress.

The essential ingredients of New England's economic progress, Mr. Speaker, have been a demonstrated need or opportunity, inquiring minds, technical resourcefulness, men and women with the will to work, and the well-known Yankee flair of Colonial days for tinkering, better described today as the famed New England aptitude for research and development and her increasing willingness to give unsparingly of time and money and effort in order to advance these valuable activities.

The region's now dominant industries are research-oriented and tend continually to draw inevitably into their orbits individuals with scientific and technical training. One of the characteristics of a research-based economy is the ease with which large existing industries give birth to small ones. Some of New England's most successful young enterprises are the result of engineer-businessmen splitting off from a parent company in order to manufacture new products in a new, small business developed through highly specialized research.

Industrial, agricultural, biological, medical, nuclear, and other forms of research have as a common objective the improvement of conditions surrounding human life. By applying research findings, New Englanders alter the physical aspects and the social and economic customs of their towns, cities, and States.

It is frequently difficult to determine where economic research leaves off and the development work that leads to new employment and income begins. Many agencies incorporate both kinds of activity. According to a survey conducted by the Federal Reserve Bank for a committee of the New England council, there are several hundred organizations that are concerned with economic development of some geographic segment of New England. Ninety of these, including the largest, employed the equivalent of 828 full-time persons and spent $8.8 million in 1955.

It is almost impossible to measure the specific results of economic research and development work in terms of business decisions, improved laws, new manufacturing employment and reduced waste of resources. They are real, nevertheless.

Research on forest taxation was influential in shaping New Hampshire's present forest tax laws. Research on financial problems of new businesses led to the creation of State development credit corporations in New England. Research on problems of water resources helped to pave the way for improved flood-control legislation and protection, and research on bus transportation may pave the way for changes in State regulation and taxation. In these and in countless other ways, economic research continues to help shape the New England economy.

It would be possible, Mr. Speaker, for me to elaborate at endless length on this theme of New England's new horizons and of her rapid progress toward them. I could cite example after example of it in her shipbuilding, in her healthy farm economy, in her newly reinvigorated port of Boston, her increased development of machine tool and metalworking facilities, her booming growth of governmental research activity as exemplified by the $5 million Air Force research center at Bedford and Cambridge, and the vital Quartermaster Research and Development Command at Natick.

Whatever I might add, however, would simply reinforce this clear, bright fact: New England is indeed ever "new" in her capacity, ability, and willingness to keep abreast of the times and of their every development—indeed, to be ahead of the times and to be making the Nation's foremost contributions to that development.

But it would be unrealistic merely to sing the praises of New England. We may well point with pride to her achievements and commend the spirit and will of her imaginative and skillful people who have made them possible.

Like other sections of the country, Mr. Speaker, we have had, and still have, our special problems of government, of industry, of finance, of social and economic need. I would be the very last not to acknowledge these facts.

Like other sections, we have enjoyed high prosperity and we have suffered financial and economic reverses. Like other sections, not all of our industries have been fully successful, and some of them, influenced by local, national, and even international conditions, have been forced to close or to transfer their operations to other areas.

In the generation just passed we have witnessed the serious dislocation of our great textile industry. We have seen many of our cotton textile mills leave for other parts and a substantial number of our woolen textiles have followed a similar course. I have had occasion many times to address the House concerning the various very serious problems of our New England textile industry, especially the continued rise in textile imports and such factors as sectional wage differentials, taxes, power costs, and raw material sources.

Yes, Mr. Speaker, New England has its special problems, and the most recent

and a most serious one for New England industry and consumers alike is that relating to the voluntary reduction in oil imports requested by the President a few days ago. The President acted on the basis of a report by his Special Cabinet Committee To Investigate Crude Oil Imports. The report recommended that mandatory quotas on oil imports should be imposed if voluntary restrictions should fail.

These restrictions require that the major oil companies hold their oil imports to a level 10 percent below the average for the last 3 years. These restrictions will result in a 20 percent reduction, not simply 10 percent, when measured against the planned increased imports of these companies for the last half of 1957.

The report lists the following figures on imports for oil districts I to IV, which take in all of the country with the exception of the west coast:

[In thousands of barrels a day]

| Company | 3-year average | Planned last half 1957 | New quotas |
|---|---|---|---|
| Atlantic | 65.4 | 75.7 | 58.9 |
| Gulf | 124.0 | 153.0 | 111.6 |
| Sinclair | 69.1 | 74.6 | 62.2 |
| Socony | 74.6 | 78.9 | 67.1 |
| Standard of California | 74.2 | 86.0 | 66.8 |
| Standard of New Jersey | 80.0 | 87.0 | 72.0 |
| Texas | 60.5 | 74.9 | 54.5 |
| Subtotal | 547.8 | 630.1 | 493.1 |

I cite these figures to emphasize the fact that these restrictions on oil imports, voluntary at the outset, but perhaps to be made mandatory, represent a costly and crushing blow to our people in New England.

By the very nature of our population and our remote location from the major oilfields, we in New England must have assurance of more adequate sources of fuel supply—at reasonable prices—than are available from our domestic producers west of the Mississippi River.

The majority of our homes are heated with oil and the price increases which are sure to come as imports fall will be just one more blow to our consumers who are already caught in the continuing spiral of inflation.

In view of New England's dependency upon oil imports, our greater distance from the sources of oil, and the fact that oil district V, made up of the Western States of Washington, Oregon, California, Nevada, and Arizona, is exempt from these import restrictions, I urge that provision be made either to exempt New England also or that larger quotas be allocated to our New England States to serve the special conditions that obtain in our area.

These voluntary restrictions are also very unfair and discriminatory as to certain oil companies on the eastern seaboard and elsewhere which heretofore cooperated with the administration by substantially reducing their imports in recent previous years.

The vital issue here was admirably stated by the Boston Herald in an editorial appearing on Friday, August 2. I include that editorial at this point in the RECORD:

THE GREAT OIL PARADOX

"We must have large quantities of oil in time of war. So let us use up our domestic oil at a faster rate so that we can have more in time of war."

That is the great paradox of the President's request (or threat) to the American oil importing companies to cut down on oil imports. It would seem that we are to conserve our oil supplies by using them up rather than drawing on foreign supplies.

The paradox is not quite as mad as it seems, but it is still a little mad.

It depends on how much undiscovered oil there is in this country. No one knows. Some authorities have assumed that about half of the total reserves have been discovered. If consumption nearly doubles in the next 25 years, as is likely, this would mean that we would be out of oil in about that time.

On the other hand, other authorities, eyeing the recorded discovery year after year of larger reserves, including the offshore reserves, and the increased recovery of known oil, are far more optimistic. And some contend that the earth's oil supply may be inexhaustible, being constantly renewed by solar energy as fast as man consumes it.

But no one really knows.

If we have plenty of oil in the ground, discovered or to be discovered, and if that oil can be made available in time of war only by large-scale exploration and development in time of peace, and if cheaper foreign oil is flowing into this country at a rate to threaten seriously the incentives for that much exploration and development, and if these considerations outweigh the economic and international effects of restricting imports—why, then, there is a justification for the President's action.

But there is good reason for believing that this import limitation policy is being embraced without adequate appraisal of any of these conditions. The Cabinet Committee which produced the limitation plan that the President promulgated could spare little time for this problem. It had the benefit of no public hearings beyond the one held by the Office of Defense Mobilization a year ago under different considerations. Some busy men had to make a decision and this was the easiest decision to make—that the importing companies voluntarily cut down to 10 percent below the average of the last 3 years, on pain of being forced to do so by a quota if they fail. (And that they violate the antitrust laws to do so).

The defense aspect of the petroleum industry is too important to be dismissed by such slim study as it has had. We need here a special ad hoc commission, on the style of the Randall Commission on Foreign Trade or the Cordiner Commission on Incentives in the Armed Services, to deal with this issue objectively, carefully, and free of political pressures.

The paradox needs resolving.

I include, also in the RECORD at this point an editorial which appeared in the New York Times on July 31 on this same point:

"PROTECTING" OUR OIL

Petroleum is one of the very basic raw materials of our modern industrial society, and few considerations can be more important than the need to assure an adequate supply for the indefinite future. It is in this framework of the national interest that the President's decision, obviously made under pressure from domestic oil producers, to call for a "voluntary" reduction in oil imports must be judged. In this framework serious doubt must be expressed about the wisdom of this decision.

If the oil companies accede to the President's request, the tendency will be to reduce the supply of oil coming onto the domestic market, which in turn will tend to inflate prices for gasoline and other oil products. A Government move tending to raise prices for such widely used products is hard to understand in the light of current concern over inflationary trends and in the light of other severe Government moves aimed at hindering price rises on other products.

The President's action is an obvious attempt at Government interference with the free play of the market forces of supply and demand. It contradicts the often-expressed policy of seeking the freest possible international exchange of goods and services. We know from past experience how much resentment has been aroused abroad by other similar protectionist measures aimed at artificially aiding one or another group of American producers.

But perhaps most fundamental is the contradiction between this move and the ever-darkening picture of our oil reserve situation. At the end of last year our proved crude oil reserves were equivalent to only 11.8 years' supply at the 1956 rate of production. It is becoming increasingly difficult and expensive to find new oil supplies within our territory, and it has been estimated that it now requires 6 to 10 times the effort and cost to find a new barrel of oil here as compared with less than 2 decades ago.

From the conservation point of view, therefore, the case would seem irrefutable that we should encourage the use of imported oil while conserving our known domestic oil supplies against the possibility of future emergencies. Yet the President proposes in effect that we speed up the use of our own oil. The argument is given that this is needed for national defense, since otherwise further oil exploration by private interests here will be discourage.

But in any case it is clear that our oil resources are finite and that we are using them up at a rate which must give rise to concern for all interested in the future welfare of this Nation. There are many ways to encourage exploration for oil, whether by private or other interests. But every barrel of our oil used up is an irreplaceable resource gone forever, never again to be available for our future needs.

Another problem of great weight and scope which confronts us in New England is that of the differential—or, more aptly, the discrimination—present in railroad freight rates between New England and other sections of the country farther south and west. The heart of the situation is this: there is a differential, to the disadvantage of New England ports, of 3 cents per 100 pounds on import-export freight moving between America's inland and the port of Boston. This differential, in reverse, operates to the advantage of the cities of Baltimore, Philadelphia, and other ports farther south.

This is not a new problem. It is one which becomes ever more vital to New England as our ports grow in capacity and strength.

This differential was imposed originally to put the more southerly ports of the Nation on an equal footing with Boston which, in earlier days, enjoyed advantageous shipping rates because it was nearer European and African ports.

Although ocean rates to and from all east coast ports were standardized in 1935, rail rates were never so adjusted. The result has been that Boston and our other New England ports have since that date been confronted with a differential

which is unfair, unwise, and unnecessary.

It has cost our people in New England millions upon millions of dollars. It is a restriction which thus far the Interstate Commerce Commission and the courts have not as yet appreciated, but it represents a factor in New England's expanding economy which must receive continuing attention and be given most earnest effort in correction from this day until it is removed.

In our people's economic interest, as workers and consumers, we will continue to press for a solution to this problem which weighs ever more heavily upon us all.

Next, Mr. Speaker, I should like to suggest to my esteemed colleagues that one of the greatest of all New England industries, one with as fine a tradition as can be found anywhere—the fishing industry—stands in gravest danger of economic disaster and even extinction today.

For generations New Englanders have gone down to the sea in ships, in fishing fleets, which, in the food they brought back, in the employment they provided afloat or ashore, in the auxiliary strength they represented in times of war, have been unsurpassed by any enterprises in our history.

Today scores of our New England fishing vessels are idle, hundreds of our fishermen are unrewardingly employed, if at all; related industries are becoming inactive. The causes of this disastrous situation are two: the overwhelming volume of imported fish and fish products coming in under the trade treaties that has characterized the post-World War II years particularly, and our admitted failure to proceed consistently and rapidly with new efforts in fish research, a factor which is rapidly being entirely ameliorated.

The latter of these two causes we have set to work to remove through local initiative and with the full cooperation of the Department of Interior. We are making rapid strides in fish research to a wonderfully productive degree. The Saltonstall-Kennedy Act, conceived by our two distinguished Massachusetts Senators, has been of historic and monumental importance in this regard, and I am pleased to commend without reservation the cooperation our fishing industry and local officials have received from the responsible authorities in the Department of the Interior.

The first of these causes, however, is one which still requires solution, if the disastrous dumping of thousands upon thousands of tons of foreign fish and fishery products on these shores is to be prevented.

I should like to place in the RECORD at this point in my remarks a tabular summary of United States imports of fishery products since 1924 and through 1955 as complied by the Branch of Commercial Fisheries of the United States Fish and Wildlife Service, emphasizing as I do the startling and demoralizing increase in volume and value of these foreign imports threatening to crush our domestic fish industry:

*Summary of United States imports of fishery products, 1924–55*

[Thousands of pounds and thousands of dollars]

| Year | Edible products | | Nonedible products, value | Total value |
|---|---|---|---|---|
| | Quantity | Value | | |
| 1924 | 284,865 | $29,277 | 17,062 | $46,339 |
| 1925 | 263,330 | 29,059 | 19,972 | 49,031 |
| 1926 | 308,677 | 32,518 | 17,577 | 50,095 |
| 1927 | 311,858 | 34,854 | 20,780 | 55,634 |
| 1928 | 360,767 | 37,391 | 21,464 | 58,855 |
| 1929 | 357,109 | 38,753 | 27,813 | 66,566 |
| 1930 | 338,486 | 35,036 | 15,794 | 50,830 |
| 1931 | 276,647 | 28,936 | 14,097 | 43,033 |
| 1932 | 269,885 | 21,673 | 7,893 | 29,566 |
| 1933 | 284,307 | 21,783 | 8,679 | 30,462 |
| 1934 | 286,763 | 23,174 | 7,646 | 30,790 |
| 1935 | 324,732 | 27,535 | 8,697 | 36,232 |
| 1936 | 371,206 | 30,357 | 11,516 | 41,873 |
| 1937 | 364,668 | 33,911 | 16,725 | 50,636 |
| 1938 | 302,624 | 28,349 | 10,958 | 39,307 |
| 1939 | 346,240 | 32,404 | 13,595 | 45,999 |
| 1940 | 302,518 | 29,073 | 12,757 | 41,830 |
| 1941 | 305,875 | 28,040 | 12,941 | 40,981 |
| 1942 | 277,199 | 28,984 | 10,584 | 39,568 |
| 1943 | 324,476 | 43,689 | 23,494 | 67,183 |
| 1944 | 339,431 | 53,431 | 24,987 | 78,418 |
| 1945 | 404,768 | 76,434 | 24,820 | 101,254 |
| 1946 | 473,539 | 89,986 | 39,727 | 129,713 |
| 1947 | 407,636 | 83,275 | 26,700 | 109,975 |
| 1948 | 472,742 | 111,660 | 44,988 | 156,648 |
| 1949 | 470,517 | 113,753 | 37,861 | 151,614 |
| 1950 | 639,725 | 158,414 | 39,882 | 198,296 |
| 1951 | 646,698 | 158,363 | 54,094 | 212,457 |
| 1952 | 705,118 | 183,121 | 57,308 | 240,429 |
| 1953 | 726,195 | 195,869 | 49,611 | 245,480 |
| 1954 | 803,389 | 203,645 | 48,687 | 252,332 |
| 1955 | 769,753 | 207,432 | 49,012 | 256,444 |

I fully appreciate the need for equitable trade policies between the United States and friendly nations, but in our enlightened self-interest, we must not permit excessive consideration for our friends to result in our own economic ruin.

Finally, Mr. Speaker, I realize I am not touching upon a situation which is solely a problem of New England. I refer to the fearful drought conditions now prevalent throughout New England and, indeed, in several parts of the United States. Thus far, despite the harshness of this dry period, despite the misery it is causing in Massachusetts, Connecticut, and Rhode Island, our Government has not seen fit to declare these sections of New England as disaster areas so as to make them available for Federal aid. I have strongly urged such relief measures by the Federal Government.

In anticipation of the President's favorable response to our appeal, on August 1, I urged the Soil Conservation Service of the United States Department of Agriculture to make available immediately new seedings for our drought-stricken farmers with the thought that such action could be taken prior to the Federal designation of Massachusetts as an official disaster area. Now that we must wait for an extremely bad situation to become worse in order to obtain Federal disaster aid, it is all the more important for the Agriculture Department to move into Massachusetts with new seed and fertilizer. Why is this authority not forthcoming? In the face of the great need shown, why has it been delayed?

The problems of New England, such as these I have cited, are great, but they are not insoluble. Our recent progress has been phenomenal; our future progress will be even greater in its nature and extent. As we invite the attention of our fellow Americans to our achievements, so we invite their unstinting cooperation in the finding of answers to these questions which still occupy us.

The people of New England have the will, the strength, and the determination to make their destiny, and hence that of our blessed Nation, one of unprecedented happiness, prosperity, and contentment. We make continued huge contributions to the Nation. In return, we ask only our due and just share of cooperation and assistance from the Federal Government, commensurate with our acknowledged contributions and with that which is authorized by law and has been extended with our support to other sections of the Nation.

## MILITARY EXCHANGES

Mr. PHILBIN. Mr. Speaker, as chairman of our House Armed Services Subcommittee which during recent months has conducted an inquiry into retail sales and related activities of the post exchanges of our military services, it occurred to me as appropriate at this time that for the information of our membership I should address the House briefly regarding the jurisdiction, scope, and results of our recent hearings and conferences and the recommendations that our subcommittee has made regarding these important matters.

It may be stated at the outset that the subcommittee, comprised of some of the ablest and most distinguished Members of the House, Mr. KITCHIN, Mr. HUDDLESTON, Mr. BRAY, and Mr. DEVEREUX, and staffed by our outstanding attorney and clerk of the House Armed Services Committee, Mr. Robert Smart, conducted several public hearings over a period of time, heard witnesses and most carefully considered the testimony and recommendations of interested retail business organizations and representatives of the armed services. The subcommittee also held various executive meetings and conferences.

Prior to our formal hearings, acting in the belief and hope that negotiations between accredited representatives of retail business groups and our military departments might be productive of mutual agreement and satisfactory results bearing upon the continued operation of the exchanges, we arranged extended conferences between the parties which were held over a considerable period of time.

It is gratifying for me to report to the House that as a result of these conferences and subsequent, separate affirmative action by the Committee, substantial areas of agreement were found in respect to a large number of items and categories stocked for retail sale by the post exchanges about which there has been considerable dissatisfaction and controversy on the part of retailers and businessmen.

I am convinced that the results of these conferences, taken together with our hearings and the guidance and subsequent action of our subcommittee, will be most beneficial in promoting functional efficiency and economy in the ex-

changes, and in bringing about a better understanding of the activities and objectives of post exchanges on the part of our business groups.

It should be stated that in these hearings and conference our subcommittee was acting under limited jurisdiction clearly defined by the illustrious chairman of our House Armed Services Committee, Mr. VINSON, of Georgia, which confined us to the consideration of some 23 items and categories regarding which serious controversy had arisen. This jurisdiction was subsequently enlarged to include consideration of the formal request of the military services for authority to establish a credit system in the military exchanges. Our inquiry was confined to these subject matters, and did not affect the operations of the exchanges outside the boundaries of the United States.

It should be noted that the exchanges have been operating, so we have understood, under an agreement entered into with the armed services following a very extensive inquiry conducted by our subcommittee back in 1949. Under this agreement, major limitations were placed upon the operation of the exchanges limiting merchandise authorized for resale, abolishing special order privileges, deleting luxury items from the authorized list, requiring the application of the Federal retail excise tax to appropriate items of merchandise sold in the exchanges, providing for the assumption by the services of certain overhead expenses, limiting, defining, and requiring proper identification of authorized purchases and generally circumscribing within what the committee deemed reasonable bounds the resales and activities of the exchanges.

It should be noted that the balance the committee struck at that time between demonstrable needs of armed services personnel for post exchange services and the entitlements of our retail business outlets was so effective that the system of operations provided for in our agreement has functioned since that time without substantial complaint or protest up to January 1957. It has been the policy of our committee to approve and endorse military exchange activities when they are operated for the necessity, convenience, and comfort of military personnel, their dependents, and certain other authorized purchasers.

Our current inquiry came about as the result of proposed changes and extensions requested by an interservice committee set up during 1956 to study the authorized list of merchandise. As a result of its inquiries in the field and elsewhere, this above-named committee finally proposed extensions respecting some 23 items. As I pointed out, a subsequent request was made to inaugurate a credit system in the exchanges. These were the matters which the subcommittee considered and acted upon.

Since the items are detailed and include a large assortment of articles of merchandise, I will not now enumerate them. They will be found in our report hereto attached. It will suffice at this time to state that, after conference and negotiation our committee felt constrained to pass upon the four items and categories that had been unresolved. These items were, first, men's sport coats; second, infants' and children's clothing from age 6 to 12; third, automobile tires and batteries; fourth, baby furniture.

It was the feeling and decision of the subcommittee that men's sport coats, except as provided in deviations permitted by the armed services in remote areas, do not comply with criteria of necessity and convenience adopted and followed by our committee.

Recognizing the needs of service families with children whose parent is serving our country, we have approved a restricted proposal authorizing the resale of infants' and children's clothing as stated above.

With regard to tires and batteries, the committee approved the resale of batteries as an emergency item, and disapproved the resale of automobile tires as not being within the purview of established criteria.

The committee has also approved resale of a restricted list of baby furniture items with specific cost limitations since we believe that these items fall within the range of our standard of convenience and necessity and should be stocked and sold by the exchanges.

With respect to the efforts of the armed services to install a credit system on a 1-year-trial basis in our military exchanges, the committee was unable to subscribe to this request since we did not believe that it was sound or warranted under current limitations which have been applied to the operation of the exchanges.

I do not wish at this time to discuss the broader implications of a credit system for the exchanges, but I may say that the proposal is open to many valid objections. It would be a wide departure from the philosophy and the standards which Congress has followed in relation to the activities of military exchanges. It would move in the direction of converting the exchanges into huge retail establishments or department stores far removed from the intent of Congress and neither warranted nor justified under our established policy.

Our committee has been greatly disturbed by the way the deviation regulation of the 1949 agreement has been interpreted and handled by military departments.

Under this regulation, items for resale may be added when there is a showing of special circumstance. Such a deviation must be reported to the other department and to the Assistant Secretary of Defense for Manpower and Reserve Forces for his information.

Our survey of the list of deviations promulgated under the regulations up to recent time indicates that, while most of the deviations were justified because of isolation or other sound reasons, the respective services have followed no consistent uniform standard in applying them.

These deviations have been authorized by a military board. Our committee believes that this authority should rest with high civilian leadership in the respective departments since the questions involved are not military alone but involve in large measure and relate to and affect our retail industry.

There is a tendency to use these deviations too freely in order to escape specific limitations of the 1949 agreement, and I think it is plain that this subject matter, and all subject matters pertaining to policy affecting the operation of the exchanges, should be dealt with by an Assistant Secretary of the respective services.

Covering letters will be exchanged between our committee and the armed services giving effect to the decisions and recommendations we have made in our report. Like the 1949 agreement, it is to be hoped that this new agreement will function smoothly and effectively in keeping post exchange activities within the bounds intended by Congress, and which will be consistent with our concepts of the important place American retail business occupies in our free-enterprise system and our economy. There is a place for the military exchanges to serve our loyal, military personnel, but they must keep in that place. They must not be allowed to grow into a huge, integrated system competing with private business.

Mr. Speaker, I have received many inquiries relative to our hearings. The report is not extensive, and for the information of the House, I ask unanimous consent that it may be printed in the RECORD as part of these remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

(The report referred to follows:)

FULL COMMITTEE CONSIDERATION OF THE REPORT OF THE SPECIAL SUBCOMMITTEE ON MILITARY EXCHANGES

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
*Washington, D. C., Tuesday, July 30, 1957.*

The committee met at 10:40 a. m., Hon. Carl Vinson, chairman, presiding.

The CHAIRMAN. Now, the matter before the committee is a report by Mr. PHILBIN's subcommittee with reference to PX's.

You will recall that sometime at the beginning of this session I designated Mr. PHILBIN, chairman, and four other members to look into the question of expanding the sale items at PX's.

As a result of that investigation, Mr. PHILBIN and his subcommittee, after a great many hearings, have reached a decision, and are now ready to submit it for the consideration of the committee. Mr. PHILBIN.—

Mr. PHILBIN. Mr. Chairman, we have had several hearings regarding post exchanges, and we have taken a lot of evidence concerning the requests of the services, and from retail business. We have furnished each member of the full committee with the recommendations which the subcommittee has made as a result of these hearings.

Originally, we had jurisdiction over a limited number of items or categories—23 in number. As a result of negotiations which were conducted between the parties, the number of items that were in controversy was reduced to four. In other words, these became unresolved items which the committee was required to rule upon.

Now, without going into detail on this matter, since we are furnishing the committee with all of the data and also with our report, I may say that, generally, these

unresolved items concern men's sports coats and infants' and children's clothing, and tires and batteries, and baby furniture, and an additional proposal made by the armed services to incorporate a credit system in the military exchanges.

The committee has come to definite recommendations on an item-to-item basis regarding these matters. We have made our decision, passing upon the proposals that have been made.

And, in submitting the report, I ask that it be approved by the entire committee.

(The report on the military exchange investigation is as follows:)

"BACKGROUND

"On April 12, 1949, the chairman of the House Armed Services Committee appointed a subcommittee to conduct an inquiry into the retail-sales activities of the military services. Principal interest centered on the operations of the post exchanges of the Army and Air Force and the ships' service stores of the Navy.

"After very extensive hearings, the subcommittee reported its findings and recommendations to the full committee on August 2, 1949, on which date the report was approved as submitted.

"As a result of that investigation, a substantial number of changes were made in the operation of these activities:

"1. The list of merchandise authorized for resale was very substantially limited.

"2. Special-order privileges, under which authorized purchasers could buy a wide variety of items of merchandise not carried in stock, were abolished.

"3. Luxury items were deleted from the authorized list.

"4. It was required that the Federal retail excise tax be imposed on appropriate items of merchandise.

"5. The activities were required to assume the overhead expenses except for the building in which the activity was conducted and the salaries of military supervisory personnel.

"6. The list of authorized purchasers was limited.

"7. An improved system of identification of authorized purchasers was required.

"While it was as true in 1949 as it is today that there are some who would abolish military exchanges, the results of the 1949 investigation met with the general approval of most elements of the retail industry as well as the military services. The best evidence of this lies in the fact that the House Committee on Armed Services did not receive a dozen complaints on the operation of military exchanges from August of 1949 until January of 1957.

"In the 83d Congress, complaint was made to the committee that unauthorized purchasers were finding little difficulty in making purchases at military exchanges. This subject was investigated by the investigating subcommittee of the House Armed Services Committee. While it was true that some purchases had been made by unauthorized purchasers, the investigating subcommittee took the position that the proper remedy under such circumstances was to tighten the system of identification rather than curtail the activities of service exchanges.

"So the House Armed Services Committee endorsed military exchange activities, operated for the necessity, convenience, and comfort of military personnel, their dependents, and other authorized purchasers, in the 81st Congress, and reaffirmed that position in the 83d Congress.

"CURRENT INVESTIGATION

"During 1956 an interservice committee was created to study the presently authorized list of merchandise, with the view of determining whether or not some changes should be made. The Interservice Committee consisted of an Assistant Secretary from each of the military services, under the chairmanship of Hon. Robert H. Fogler, who was then Assistant Secretary of the Navy.

"On September 4, 1956, Secretary Fogler, in behalf of the Interservice Committee, submitted a letter to the chairman of the Armed Services Committee, attaching a list of the proposed changes. The list included 23 items or classes of items. In this connection, it is pertinent to note that the Interservice Committee had under consideration the views of field commanders of all of the services. Based upon the combined views of these field commanders, a list of 67 items was prepared for consideration. All of these items were screened by the Interservice Committee. As a result, the list of 67 items was initially reduced to 29 items which were then forwarded to the 3 service Secretaries. Further review at that level resulted in the 29 items being further reduced to 23 items. It was this final action which was submitted in Secretary Fogler's letter of September 4, 1956.

"Since the Congress was in adjournment at the time this proposal was submitted to the committee, no action occurred until the 85th Congress convened. On January 15, 1957, the chairman of the House Armed Service Committee appointed a subcommittee to consider the pending proposal of the military services, limiting the subcommittee's jurisdiction to items in the proposal. At that time it was determined that representatives of the retail industry had not been consulted regarding the proposed changes. While there was no requirement for such consultation, it was the view of the subcommittee that it should not take unilateral action on the proposal without first seeking the viewpoint of the various segments of the retail industry. It was the further view of the subcommittee that substantial understanding might result from conferences between military and retail representatives. As a result, a series of conferences were held between military representatives and representatives of the retail industry during February and March. A substantial degree of agreement resulted from these conferences. When the subcommittee began its public hearings on April 3, 1957, substantial agreement had been reached on 19 of the 23 items or categories contained in the proposal.

"It must be understood that all of the 23 items or classes of items contained in the proposal were not new items. As a matter of fact, only five of the items were new: Portable typewriters, maternity dresses, baby furniture, sports coats, tires, and batteries. Among the remaining items, it was proposed to either raise the cost limitation imposed in the 1949 agreement, such as increasing the cost limitation on sweaters from $5 to $7.50, or adding additional items to a previously authorized class, such as increasing the category of children's clothing from age 6 to age 12.

"A better understanding of the proposal and the degree of agreement which had been attained by the opening of public hearings on April 3 may be obtained from a study of the following table. Column 1 shows the item under consideration. Column 2 shows the present authority governing each item. Column 3 shows the changes from present authority recommended by the military services. Column 4 shows the nature of the agreement, if any, resulting from the conference. It will also be noted in the table that the military withdrew items 3, 11, and 19, which reduced the original list from 23 to 20 items or categories.

"(The table above referred to is as follows:)

*"Analysis of proposed changes to list of items authorized in exchanges*

| I<br>Item | II<br>Presently authorized | III<br>Recommended by Assistant Secretary of the Navy | IV<br>Proposed revision recommended by mutual agreement between retailers and services representatives |
|---|---|---|---|
| (1) Typewriter, portable | Not authorized | Typewriter, portable | Typewriter, portable, $70 limit. |
| (2) Cuff links (military) | Cuff links (military), $7.50 limit | Cuff links (military) | Cuff links (military), no limit when prescribed by service regulations as item of uniform. |
| (3) Sweaters, civilian | Sweaters, civilian, $5 limit | Sweaters, civilian, $7.50 limit | Sweaters, civilian, $5 limit. |
| (4) Brassieres | Brassieres, $5 limit | Brassieres | Brassieres, $5 limit, except maternity type. |
| (5) Girdles and garter belts | Girdles and garter belts, $4.50 limit | Girdles and garter belts | Girdles and garter belts, $4.50 limit, except maternity type. |
| (6) Maternity dresses | Not authorized | Maternity dresses | Maternity dresses. |
| (7) Watch straps and attachments | Watch straps and attachments (exclusive of those made of precious metals). | Watch straps and attachments | Watch straps and attachments, $5 limit. |
| (8) Blankets, sheets, and pillowcases | Blankets, sheets, and pillowcases (exclusive of electric blankets). | Blankets, sheets, and pillowcases | Blankets, sheets, and pillowcases. |
| (9) Electrical appliances | Electric appliances, $15 limit, except mixers, $30 limit. | Electrical appliances, $20 limit, except mixers, fans, and vacuum cleaners, $30 limit. | Electrical appliances, $15 limit, except mixers, fans, vacuum cleaners, coffeemakers, $30 limit. |
| (10) Flatware | Flatware, including chest, $25 limit per set of 34 pieces. | Flatware, including chest, $35 per set of 34 pieces. | Flatware, including chest, $35 per set of 34 pieces. |
| (11) Glasses, drinking | Glasses, drinking, $0.25 limit | Glasses, drinking, $0.50 limit | Glasses, drinking, $0.25 limit. |
| (12) Record players | Record players, $25 limit | Record players, table and portable types, $50 limit. | Record players, table and portable types, $50 limit. |
| (13) Shirts, men's civilian | Shirts, white, collar attached, $2 limit | Shirts, white, collar attached, $3.50 limit. | Shirts, white, civilian, collar attached, $2.50 limit. |
| (14) Baby furniture | Not authorized | Baby furniture such as cribs and high chairs. | Baby furniture as follows; car seat, $5 limit; safety gates, $6 limit; jumper (bouncer), $8 limit; walker; crib mattress, nursery chair, training seat, $16 limit; bassinet, car bed, $12 limit; feeding table, $12.50 limit; high chair, youth chair, playpen, youthbed mattress, $15 limit; baby bath, stroller, youth bed, $20 limit; baby buggy, chest of drawers, $25 limit. Cribs (cost price limitation being negotiated). |

*"Analysis of proposed changes to list of items authorized in exchanges*—Continued

| I Item | II Presently authorized | III Recommended by Assistant Secretary of the Navy | Proposed revision recommended by mutual agreement between retailers and services representatives |
|---|---|---|---|
| (15) Cleaning and maintenance equipment and supplies. | Cleaning and maintenance equipment and supplies, $5 limit. | Cleaning and maintenance equipment and supplies, $10 limit. | Cleaning and maintenance equipment and supplies, $5 limit, except carpet sweepers, ironing boards, kitchen stools, clothes dryers, $40 limit. |
| (16) Dinnerware | Dinnerware, $12.50 limit per set | Dinnerware, $25 limit per set of at least 4 place settings. | Dinnerware, excluding chinaware, earthenware, and plastics (cost price limitation being negotiated). |
| (17) Radios, table and portable | Radios, any type, $35 limit | Radios, table and portable types, $30 limit. | Radios, table and portable types, $35 limit, except transistors, $50 limit. |
| (18) All other items of sports and recreational equipment and supplies, and manual arts and garden tools, photographic film, accessories and supplies. | All other items of sports and recreational equipment and supplies, and manual arts and garden tools, photographic film, accessories and supplies, $25 limit. | All other items of sports and recreational equipment and supplies, and manual arts and garden tools, photographic film, accessories and supplies, $75 limit. | All other items of sports and recreational equipment and supplies and manual arts and garden tools, photographic film and supplies, $25 limit, except power tools, photographic accessories, lawn mowers, $50 limit. |
| (19) Rings | Rings, $35 limit | Rings, $50 limit | Rings, $35 limit. |
| (20) Sport coats | Not authorized | Coats, men's, sport | Coats, men's, sport and casual. |
| (21) Infants' and children's clothing and accessories. | Infants' clothing | Infants' and children's clothing and accessories up to age 12. | Infants' and children's clothing and accessories up to age 12 (no agreement). |
| (22) Automotive accessories, tires, and batteries. | Supplies and accessories, $5 limit per item; tires, not authorized; batteries, not authorized. | Other automotive accessories, $10 limit; tires, authorized; batteries, authorized. | Automotive accessories, $10 limit; tires (no agreement); batteries (no agreement). |
| (23) Cameras, projectors | Cameras, projectors, $35 limit | Cameras, projectors, $50 limit | Cameras, projectors, $50 limit. |

"On the basis of the foregoing, the subcommittee was of the opinion that only four of the items or classes of items remained unresolved at the time public hearings began. However, for reasons unknown to the subcommittee, various segments of the retail industry be[gan] to recede from their previous agreements a[s] the public hearings began. As a result, the entire list included in the proposal was again before the subcommittee for resolution.

"The final public hearing on the service proposal was held on April 10. On or about the same date, the subcommittee was informally advised that a proposal had been made to institute a system of credit, on a trial basis, in some of the military exchanges. It was subsequently learned that a credit system, on a 1-year trial basis, was to be instituted on July 1, 1957, at the Wright-Patterson Air Force Base, Ohio, and March Air Force Base, Calif.

"When this proposal became publicly known, it generated a large volume of protest. The chairman of the full committee, Mr. VINSON, considered the matter of sufficient importance to expand the jurisdiction of the subcommittee to include this question of a credit system.

"Coincidental with that action, Mr. VINSON requested the Secretary of the Air Force to defer all action in connection with the implementation of the credit system on any basis until the matter could be considered by the subcommittee and reported to the full committee. The Secretary of the Air Force agreed to the request of the chairman, and the credit proposal now stands in a deferred status.

"SUBCOMMITTEE CONSIDERATION OF THE PROPOSALS

"As has previously been stated, substantial agreement had been reached on 19 of the 23 items or categories under consideration prior to the beginning of the subcommittee's public hearings on April 3, 1957. This is not to say that representatives of retail industry were in full accord with the 19 items or classes of items as originally proposed by the services. Agreement was reached on 10 of the items after the military services had agreed to certain restrictions or reductions in their original proposals. In six instances, retail representatives agreed to the items as originally proposed. The military representatives withdrew three of the items from consideration. The four remaining items could not be resolved during the course of the conferences and were left to be resolved by the subcommittee. These items were (1) men's sport coats, (2) the inclusion of infants and children's clothing from age 6 to age 12, (3) automobile tires and batteries, (4) baby furniture.

"Previous mention has been made of the inability of the subcommittee to understand why retail representatives receded from their previous agreements. The subcommittee is of the firm opinion that the retail representatives acted in the best of faith in the agreements which they made, and that their subsequent withdrawal, in whole or in part, from these agreements was based principally upon the fear of an unrestrained expansion of military exchanges and the philosophy which prevails in certain segments of the retail industry that military exchanges should be abolished because they constitute unwarranted competition with the retail industry.

"The House Armed Services Committee has on two previous occasions endorsed the continuation of military exchanges as being a necessary and integral part of service life.

"The subcommittee expresses the view that these previous decisions were sound. It also expresses the view that the items which were the subject of previous agreement constitute reasonable additions to the list of merchandise authorized for resale in military exchanges, and that they should be included on the basis of the agreement reached prior to April 3, between representatives of the military services and representatives of the retail industry.

"CONSIDERATION OF UNRESOLVED ITEMS

*"Men's sport coats*

"It is the judgment of the subcommittee that men's sport coats do not meet the standard of 'necessity and convenience' which would be prerequisite to their inclusion as items for resale.

"In this connection it noted that the 1949 regulations contain one regulation which permits the service Secretaries to deviate from the authorized list of merchandise whenever an installation commander can prove to the satisfaction of his Secretary, or the Secretary's designee, that circumstances require the addition of a new item which is not presently authorized by regulation.

"During the course of the hearings, the services presented a list of all deviations which had been made pursuant to this regulation. It is pertinent to note that deviation had been allowed for sport coats at 3 naval installations, 2 of which are admittedly geographically remote and a third involves a naval school facility where civilian rather than military clothing is the required uniform for faculty members.

"In no instance was a deviation granted on men's sport coats at any other military installation within continental United States. The subcommittee feels that the strictness with which the deviation authority was applied with reference to this item was both commendable and proper, and clearly demonstrates that sport coats do not now meet the required standard of necessity and convenience.

*"Infants' and children's clothing*

"The 1949 agreement authorized infants' clothing, which meant that the exchanges could provide all of the basic clothing requirements for children up to age 6. So this involves the consideration of an extension of a category rather than a new category.

"The present military proposal is to stock infants' and children's clothing and accessories up to age 12. In the conferences with retail representatives, the military agreed to restrict the extension of this category so that only the following items of children's clothing for school wear, from age 6 to 12, could be added: Dresses, skirts and blouses, gloves, shoes, and boys' sport coats. The subcommittee believes that this reduced proposal, on the part of the military, is both reasonable and necessary, and accordingly recommends its approval.

"The rationalization in the establishment of age 12, as the maximum age to be accommodated by the inclusion of these items, lies in the fact that age 12 has a specific meaning in the clothing industry. Clothing for ages beyond 12 ceases to be classified as children's clothing. It is also well recognized in industry that children's school clothing within this age group has little or no element of fashion or style. This is a category of necessity.

"In reaching this decision the subcommittee is mindful of the fear expressed by retail representatives that the military services could, by extension of categories of this type, finally attain a fully integrated clothing establishment. The subcommittee disavows any intention of projecting or endorsing such a theory by its approval in this instance. Its approval is based upon the acknowledged needs of the younger married families among the enlisted personnel and the junior officers.

"In this connection, it is noted that 80 percent of all officers, and 39 percent of all enlisted personnel in the military services are married, and that the average military family has 1.32 children.

*"Tires and batteries*

"Considering these items in their inverse order, the subcommittee believes that it is generally recognized that an automobile battery is an emergency item. There is no such thing as a spare battery.

"The subcommittee further recognizes the fact that large numbers of military personnel drive extensively in commuting between their homes and their duty assignments, in all types of weather and in all climates within continental United States. The subcommittee believes that it is both necessary and reasonable to include batteries as an authorized item for sale in military exchanges, and it so recommends.

"In its consideration of the proposal to stock automobile tires, the subcommittee received the widest possible variation of testimony in support as well as in opposition to this item. Recognizing that the normal equipment of the modern automobile includes a spare tire, the subcommittee cannot conclude that tires fall within the same category as batteries.

"In addition, it is recognized that the sale of automobile tires includes a number of required services which could not be expected to be normally available at military exchanges. Tires must be mounted. They should be balanced. There are also certain guaranties which should be attendant upon the sale of tires. The subcommittee also takes cognizance of the fact that tires cannot be bought on credit at a military exchange, and it further believes that most military personnel who would require a complete change of tires would be compelled to rely upon credit for their purchase.

"The subcommittee concludes that the inclusion of automobile tires as an authorized item for resale in all domestic exchanges is not justified and recommends against it.

*"Baby furniture*

"The military originally proposed to add this item under the category 'baby furniture such as cribs and high chairs.' During the course of the conferences retailers suggested that this category was too broad in its implications and that the specific items of baby furniture, together with a cost limitation on each, should be substituted. In furtherance of this suggestion, 20 items of baby furniture, with a specific cost limitation on each, were submitted by industry as a substitute for the service proposal. This substitute proposal was fully acceptable to the services. However, industry withdrew from its agreement in this instance. Following the conclusion of public hearings on April 10, the National Retail Furniture Association submitted a letter to the subcommittee, under date of April 15, 1957, submitting a still different list of baby furniture which it would approve if sold only to military personnel and if limited to those exchanges in the United States which were not in competition with private civilian facilities.

"The subcommittee is of the opinion that a restricted list of baby furniture items, with specific cost limitations on each, is a category of necessity which should be allowed. While industry originally agreed to 20 items, with specific cost limitations, the subcommittee recommends approval of 12 items with cost limitations, as follows:

"Car seats, $5.

"Safety gates, $6.

"Bassinets and car beds, $12.

"High chairs, mattresses, and playpens, $15.

"Strollers, baby baths, and cribs, $20.

"Baby buggies and chests of drawers (juvenile), $25.

"The foregoing list deletes eight items originally agreed to in the conferences. The price limitations which the subcommittee recommends for the foregoing items are the same as those recommended by retail industry at the time of initial agreement during the prehearing conferences.

"In addition to the foregoing items, it is recognized that there are many additional items of baby furniture which are highly desirable but do not meet the standard of necessity and convenience which would authorize their inclusion in the recommended list. The subcommittee believes that the foregoing list includes only items of necessity and that the recommended cost limitation precludes any possibility that any item other than items of necessity can be sold. Accordingly, it recommends approval of this recommendation.

"PROPOSAL TO INCORPORATE A CREDIT SYSTEM IN MILITARY EXCHANGES

"As previously mentioned, the subcommittee did not become aware of a military proposal to institute a system of credit on a 1-year trial basis in 2 military exchanges until it had concluded its public hearings on the specific items which were the subject of the original proposal. When the facts became known, the chairman of the full committee expanded the jurisdiction of the subcommittee, directing that it consider this proposal and include its findings on this subject in its report to the full committee. Pursuant to that directive, the subcommittee conducted an open hearing on this subject on July 10.

"All representatives of the retail industry who requested an opportunity to appear in opposition to this proposal appeared and testified during the public hearing. They pointed out that a credit system in military exchanges would constitute the worst type of competition with the retail industry and would deprive the retail industry of a legitimate advantage which it now has in attracting military as well as civilian buyers. It was also pointed out that the institution of a system of credit would be an expensive undertaking. If this additional expense were to be absorbed from the gross revenue of exchange business, it could only serve to widen the price differential which exists between resale items in military exchanges and comparable items in the retail industry. The subcommittee agrees with these objections of the retail industry and deplores the fact that some military persons, through ignorance, sheer stupidity, or otherwise, publicly emphasize the price advantage which they enjoy in service exchanges.

"There are numerous other reasons fully set forth in the hearings, which prompt a decision that this venture into a credit system in military exchanges should not be allowed.

"It is recognized that very limited credit is presently extended in many military exchanges, principally for uniforms. This is a well-known fact to members of the retail industry who were specifically asked during the course of the hearings of July 10 whether or not there was any objection to the very restricted credit which had been fully explained. In no instance was any objection raised on the part of the retail industry. However, on the matter of extending a general system of credit to the military exchange operations, the subcommittee fully agrees with the views of retail industry and strongly recommends against it.

"The foregoing recommendation should in no sense be considered as a reflection upon military personnel as a credit risk. On the contrary, the retail industry considers them to be preferred credit risks.

"ADDITIONAL CONSIDERATIONS AND FINDINGS

"While the jurisdiction of the subcommittee was confined to the 23 items or groups of items contained in the proposal of September 4, 1956, and the additional proposal to institute a credit system on a trial basis, certain additional matters arose in connection with the consideration of the foregoing subjects. These matters are considered to be of such importance as to necessitate the inclusion of the subcommittee's opinion with reference to them in this report.

*"Deviation regulation*

"In order that there might be reasonable flexibility in the regulations which were issued in 1949, a regulation which would permit deviation from the regulations was included. This is set forth as paragraph 1–108 of the Armed Services Exchange Regulations. In general, it permits any installation commander to request the Secretary of his department to add an item for resale in his exchange when such item is not specifically authorized by regulation. He is required to show special circumstances in support of this request. When a deviation is granted, it must be reported to the other departments, and to the Assistant Secretary of Defense for Manpower and Reserve Forces, for information.

"During the course of the subcommittee's hearings, a question was raised as to whether or not the services were placing too liberal an interpretation upon the authority granted in the deviation regulation. As a result, the subcommittee requested that a list of all deviations allowed since August 1949 be furnished for the record.

"Having studied the list, the subcommittee concludes that for the most part the deviations which were granted were justified on the basis of isolation or other sound reasons.

"However, the subcommittee cannot help but be disturbed over the wide disparity between the respective services in the application of the deviation regulation. This observation is particularly pertinent to tires and batteries. In the case of the Navy, deviation has been permitted so as to allow the sale of tires and batteries at only three installations, and these three installations are isolated under any reasonable interpretation of that term. On the other hand, deviation has been permitted for the same items at 95 Army and Air Force installations. The subcommittee cannot rationalize such a variation in application.

"In connection with this situation, it is noted that the Secretary of the Army and the Secretary of the Air Force have delegated their authority to make deviations to the Board of Directors for Army-Air Force Exchange and Motion Picture Service. This is a board of 6 general officers, 3 representing the Army and 3 representing the Air Force. While the subcommittee does not impugn the integrity of the members of this board, it cannot help but feel that the authority to make deviations should be confined to the civilian level within the Department, rather than delegated to the military level.

"The question under consideration is not exclusively military. It is one of continuing interest and concern to the retail industry. While it is obvious that deviations are proper under some circumstances, the subcommittee is of the firm opinion that such authority should be sparingly used, and that the authority to permit such deviation should not be delegated below the level of an Assistant Secretary of the respective military services. Persons at the secretariat level come to such position from various fields of civilian enterprise. They have an appreciation for both the military and civilian aspects of this problem. They would more likely render a decision which would command mutual respect rather than a military board which understandably places primary emphasis on the military concept.

"Amendment of the regulation in question is not required in order to accomplish this result. The result may be accomplished administratively, and the subcommittee recommends that a committee letter to this effect be forwarded to the respective service Secretaries. A suggested format is as follows:

"(The letter referred to follows:)

"'DEAR MR. SECRETARY: The Philbin subcommittee, appointed to consider the military proposal to expand the list of items sold in military exchanges, has reported to the full committee and the report has been approved.

"'The subcommittee has recommended, among other things, that the authority to make deviations from the authorized list of merchandise, which authority is contained in the 1949 regulations governing this subject, be not delegated below the level of an Assistant Secretary of the respective military departments.

"'The full committee has approved this recommendation and it is respectfully requested that appropriate implementing action be taken.

"'It is also respectfully suggested that a review of the deviations authorized since 1949 by the respective departments be accomplished after implementation of the fore-

going recommendation in order to insure the propriety of the action originally taken.

" 'Sincerely yours,

" 'CARL VINSON, *Chairman.*'

*"General*

"Representatives of the retail industry have reiterated their past fears that service exchanges are on the way to becoming fully integrated department-store operations and constitute an ever-growing competitive menace to retail industry. They have again raised these questions:

"What is the purpose of a military exchange?

"What is the definition of 'necessity and convenience'?

"The subcommittee reiterates the position taken by the full committee in 1949, and reaffirmed in 1953, which was to maintain 'An attractive exchange where items of necessity, comfort, and convenience, and reasonable gift items may be readily obtained.'

"When this question was before the committee in 1949, the committee took the following position: 'The committee does not subscribe to the philosophy that these activities should be maintained primarily for the generation of profits for the recreation and welfare fund. We fully recognize the necessity for adequate recreation and welfare facilities. However, we take the position that the maintenance of these facilities is a proper responsibility of the Congress.'

"As previously expressed in this report, the subcommittee disavows any idea that military exchanges will become fully integrated commercial operations through the process of extension of various categories. The military services must continue to practice restraint in the scope of exchange operations, being ever mindful that the primary mission of the exchange is to provide a service, not to generate a profit.

"On the other hand, the subcommittee observes that some elements of the retail industry would reduce the service exchange to a canteen and operate it from the back end of some empty warehouse. Such a viewpoint is as erroneous as that of the commanding officer who feels that he must have an exchange stocked with everything. There is a community of interest involved in this question. It can and must be solved by men of intelligence and reason. Extremists on either side of the question contribute nothing but irritation.

"RECOMMENDATIONS

"1. The subcommittee recommends that the following items or categories be approved for resale in military exchanges. Since the military withdrew its request in 3 instances, final consideration has been given to 20 items. Column I shows the item of category approved and, where appropriate, the cost limitation imposed. Column II shows the basis for the action taken.

| "I<br>*"Item and nature of approval* | "II<br>*"Basis of approval* |
|---|---|
| (1) Typewriter, portable, $70 limit | Compromised in conference and approved by subcommittee. |
| (2) Cuff links (military), no limit when prescribed by service regulations as item of uniform. | Do. |
| (3) Withdrawn by military | |
| (4) Brassieres, $5 limit, except maternity type. | Do. |
| (5) Girdles and garter belts, $4.50 limit except maternity type. | Do. |
| (6) Maternity dresses | Agreed in conference. |
| (7) Watch straps and attachments, $5 limit | Do. |
| (8) Blankets, sheets, and pillow cases | Do. |
| (9) Electrical appliances, $15 limit except mixers, fans, vacuum cleaners, coffeemakers, $30 limit. | Compromised in conference and approved by subcommittee. |
| (10) Flatware, including chest, $35 limit per set of 34 pieces. | Agreed in conference. |
| (11) Withdrawn by military | |
| (12) Record players, table and portable types, $50 limit. | Do. |
| (13) Shirts, white, civilian, collar attached, $2.50 limit. | Compromised in conference and approved by subcommittee. |
| (14) Baby furniture, as follows: Car seats, $5 limit; safety gates, $6 limit; bassinetts and car beds, $12 limit; high chairs, mattresses, and playpens, $15 limit; strollers, baby baths, and cribs, $20 limit; baby buggies and chests of drawers (juvenile), $25 limit. | Compromised in conference, further reduced, and approved by subcommittee. |
| (15) Cleaning and maintenance equipment and supplies, $5 limit, except carpet sweepers, ironing boards, kitchen stools, clothes driers, $10 limit. | Compromised in conference and approved by subcommittee. |
| (16) Dinnerware, excluding chinaware, earthenware, and plastics, $25 limit. | Compromised in conference, price limit determined, and approved by subcommittee. |
| (17) Radios, table and portable types, $35 limit, except transistors, $50 limit. | Compromised in conference and approved by subcommittee. |
| (18) All other items of sports and recreational equipment and supplies and manual arts and garden tools, photographic film and supplies, $25 limit, except power tools, photographic accessories, lawn mowers, $50 limit. | Do. |
| (19) Withdrawn by military | |
| (20) Coats, men, sport and casual | Disapproved by subcommittee. |
| (21) Infants' and children's clothing and accessories up to age 12. | Approved in limited form by subcommittee. |
| (22) Automotive accessories, $10 limit; batteries. | Automotive accessories agreed in conference and approved by subcommittee. Batteries approved by subcommittee. Tires disapproved by subcommittee. |
| (23) Cameras, projectors, $50 limit | Agreed in conference and approved by subcommittee. |

"2. The subcommittee recommends disapproval of the proposal to incorporate a credit system in military exchanges, either on a limited or a general basis.

"3. The subcommittee recommends that the authority to deviate from the authorized list of items be restricted to the Secretarial level of the respective services."

The CHAIRMAN. May I ask you this question: Is the retail industry or the people on the outside of the PX—are they in agreement with this statement?

Mr. PHILBIN. For the most part, I think that they are in agreement with this statement.

The CHAIRMAN. Is the Department in agreement with this statement?

Mr. PHILBIN. As the gentleman knows, we started out with about 23 items which were in controversy and in disagreement. As a result of our hearings and negotiations, the number of items of disagreement was reduced to about 4.

The CHAIRMAN. Now——

Mr. PHILBIN. We have been required to take the bull by the horns, so to speak, and make our ruling with respect to these four. But I think, generally speaking, it would be a fair statement to say that, on the whole, the retail business groups are not dissatisfied with the findings of the committee.

The CHAIRMAN. Then the retail association will go along without any further criticism of this kind of compromise?

Mr. PHILBIN. I believe, in the main, that that is the position taken by most of the retail associations.

The CHAIRMAN. Now what is the attitude of the Department representing the PX?

Mr. PHILBIN. I think the departments also are agreeable.

The CHAIRMAN. Now, Mr. Smart, as the general counsel for the subcommittee, have you any comments to make?

Mr. SMART. In order to keep the record perfectly straight, Mr. Chairman, there is before each member a two-sheet summary which shows the precise status of this subject at the time the subcommittee began its public hearings on April 3.

In the right-hand column on that sheet, or on those two sheets, it will show the nature of the agreement which had been entered into by retailers and representatives of the military prior to the beginning of the hearings. That covered 19 of the 23 items or categories under consideration by the subcommittee.

At the time of the opening of the hearings, because they continued to oppose military exchanges on a basis of principle, many of the retailers withdrew from their previous agreement, but clearly indicated that it was on the basis of principle, and not because they were basically opposed to the items themselves. So much for the two sheets.

The single sheet before each of the members sets forth the recommendations of the subcommittee, which recommendations are before the full committee for approval or disapproval or modification. It shows the 23 items and the action in each case.

Items 3, 11, and 19 had been withdrawn by the military. They were sweaters, water glasses, and rings, respectively.

That narrowed it down to 20 items.

The subcommittee disapproved the stocking of men's sport coats.

It disapproved the stocking of automobile tires, as a general item for stock in all exchanges.

It approved the stocking of automobile batteries as an emergency item.

It likewise approved automobile accessories which had been the subject of a previous agreement prior to the beginning of our hearings.

It gave limited approval to baby furniture and infants' clothing between ages 6 to 12.

The main part of that sheet, represents recommendation No. 1.

Recommendation No. 2 is: The subcommittee recommends disapproval of the proposal A to incorporate a credit system in military exchanges, either on a trial or a general basis.

The CHAIRMAN. I want to compliment the subcommittee on that sound decision, because it would have been a serious mistake to open credit in PX's.

Mr. SMART. The final recommendation, Mr. Chairman. The subcommittee recommends that the authority to deviate from the authorized list of items, be restricted to the secretariat level of the respective services.

And in that connection may I say that in the Army and Air Force they have a Board of Directors for exchanges and motion picture services.

The Secretary of the Army and Secretary of the Air Force have delegated to that Board the authority to deviate from the list of items which are included in the regulations. If, by isolation, hardship, or what not, a base commander can show a case of hardship, then this Board may authorize him to deviate.

The CHAIRMAN. That must be done at secretary level?

Mr. PHILBIN. Secretary level.

Mr. SMART. The subcommittee insists that that should not be delegated below the level of Assistant Secretary.

And at the meeting on yesterday, Mr. Chairman, it was recommended that there be incorporated in the committee report the format of a letter to go forward from the chairman to each of the military services. May I read it?

"DEAR MR. SECRETARY: The Philbin subcommittee appointed to consider the military proposal to expand the list of items sold in military exchanges has reported to the full committee, and the report has been approved. The subcommittee has recommended, among other things, that the authority to make deviations from the authorized list of merchandise, which authority is contained in the 1949 regulations governing this subject, be not delegated below the level of Assistant Secretary of the respective military departments. The full committee has approved this recommendation and it is respectfully requested that appropriate implementing action be taken.

"It is also respectfully suggested that a review of the deviations authorized since 1949 by the respective departments be accomplished after implementation of the foregoing recommendation in order to insure the propriety of the action originally taken."

The CHAIRMAN. Members of the committee, are there any questions you want to ask with reference to the report of the subcommittee?

Mr. BATES. Mr. Chairman.

The CHAIRMAN. Mr. Bates.

Mr. BATES. Mr. Smart, item 13 refers to shirts, white, civilian. Of course, the Navy uses a white shirt for the uniform. Does that mean they would be precluded from wearing a certain type of shirt if it costs above $2.50?

Mr. SMART. If it is an item of uniform apparel it is not subject to a cost limitation.

Mr. BATES. Specifically, in a Navy exchange, could they sell an Arrow shirt, which costs more than $2.50?

Mr. SMART. They are still permitted to. This relates to the dress shirt that anybody would wear downtown—not to an item of uniform apparel.

Mr. BATES. Well, of course, they can use a white shirt either for civilian purposes or for military purposes?

Mr. SMART. That is strictly an advantage that a naval officer has over Army, Air Force, and other officers.

Mr. BATES. Do we understand that in the Navy exchange they could sell an Arrow shirt, or whatever shirt might cost more than $2.50?

Mr. SMART. That is correct.

The CHAIRMAN. Without objection, the recommendation of the subcommittee is agreed to. And without objection, I will send to the Department the letter that Mr. Smart has just read.

Now I want to thank Mr. Philbin and the other members of the subcommittee, Mr. Philbin, Mr. Kitchen, Mr. Huddleston, Mr. Bray, Mr. Devereux, and Mr. Smart, the general counsel.

The CHAIRMAN. I want to thank each one of you for this splendid report you made. We dissolve this subcommittee as a result of the completion of their work.

## LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. BOW (at the request of Mr. MARTIN), for the balance of the week, on account of official business.

Mr. AUGUST H. ANDRESEN, indefinitely, on account of official business.

Mr. HESS, from August 9 to August 19, 1957, on account of official business.

Mr. KRUEGER (at the request of Mr. MARTIN), indefinitely, on account of illness in family.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HERLONG, for 30 minutes, today.

Mr. HESELTON, for 30 minutes, on Monday, August 12, and that his special order for today be vacated.

Mrs. ROGERS of Massachusetts, for 5 minutes, tomorrow.

## EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. RUTHERFORD.

Mr. FULTON.

Mr. KEATING and to include extraneous matter.

Mr. WITHROW and to include a letter he sent to the Honorable HOWARD SMITH, chairman of the Rules Committee, relative to House Resolution 383 introduced on August 1, 1957, and also to include the House resolution in his remarks.

Mr. MEADER to revise and extend his remarks in Committee and to include extraneous matter.

Mr. KILDAY.

Mr. BAILEY and include extraneous matter.

Mr. FORRESTER.

Mr. PATTERSON and to include extraneous matter.

Mr. VAN ZANDT and to include extraneous matter.

Mr. WESTLAND and include the results of a questionnaire.

Mr. BOW (at the request of Mr. SCHWENGEL).

Mr. RABAUT.

Mr. MCFALL.

## ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 988. An act to amend the act of March 4, 1933, to extend by 10 years the period prescribed for determining the rates of toll to be charged for use of the bridge across the Missouri River near Rulo, Nebr.;

H. R. 5341. An act for the relief of John K. Farrelly; and

H. J. Res. 342. Joint resolution granting the consent of Congress to an agreement or compact between the State of New York and the Government of Canada providing for the continued existence of the Buffalo and Fort Erie Public Bridge Authority, and for other purposes.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2217. An act to authorize the Secretary of the Army to sell certain lands at the McNary lock and dam project, Oregon and Washington, to the port of Walla Walla, Wash.

## BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 988. An act to amend the act of March 4, 1933, to extend by 10 years the period prescribed for determining the rates of toll to be charged for use of the bridge across the Missouri River near Rulo, Nebr.;

H. R. 5341. An act for the relief of John J. Farrelly; and

H. J. Res. 342. Joint resolution granting the consent of Congress to an agreement or compact between the State of New York and the Government of Canada providing for the continued existence of the Buffalo and Fort Erie Public Bridge Authority, and for other purposes.

## ADJOURNMENT

Mr. MORRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 54 minutes p. m.) the House, pursuant to its previous order, adjourned until tomorrow, Friday, August 9, 1957, at 10 o'clock a. m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1115. A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation entitled "A bill to amend title 10, United States Code, to provide authority to drop certain persons from the rolls of the Armed Forces, and for other purposes"; to the Committee on Armed Services.

1116. A letter from the Under Secretary of the Navy, transmitting a report of all tort claims paid by the Department of the Navy for $1,000 or less during the fiscal year 1957, pursuant to section 2673 of title 28, United States Code; to the Committee on the Judiciary.

1117. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 10, 1957, submitting a report, together with accompanying papers and illustrations,

on a preliminary examination and survey of the Intracoastal Waterway, Jacksonville to Miami, Fla., authorized by the River and Harbor Act approved March 2, 1945 (H. Doc. No. 222); to the Committee on Public Works and ordered to be printed with four illustrations.

1118. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 16, 1957, submitting a report, together with accompanying papers and illustrations, on an interim report on the Mississippi River at St. Paul and South St. Paul, Minn., requested by resolutions of the Committee on Flood Control, House of Representatives, adopted September 18, 1944 (H. Doc. No. 223); to the Committee on Public Works and ordered to be printed with seven illustrations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

Mr. COOLEY: Committee on Agriculture. H. R. 376. A bill to amend the Commodity Exchange Act to prohibit trading in onion futures in commodity exchanges; with amendment (Rept. No. 1036). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 4183. A bill to amend an act entitled "An act to provide for the refunding of the bonds of municipal corporations and public-utility districts in the Territory of Alaska, to validate bonds which have heretofore been issued by a municipal corporation or any public-utility district in the Territory of Alaska, and for other purposes" (54 Stat. 14), approved January 17, 1940; with amendment (Rept. No. 1037). Referred to the House Calendar.

Mr. ENGLE: Committee on Interior and Insular Affairs. H. R. 8126. A bill to amend section 16 (c) of the Revised Organic Act of the Virgin Islands; with amendment (Rept. No. 1038). Referred to the House Calendar.

Mr. BUCKLEY: Committee on Public Works. H. R. 4260. A bill to authorize the Chief of Engineers to publish information pamphlets, maps, brochures, and other material; without amendment (Rept. No. 1039). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 3210. A bill to amend section 510 (a) (1) of the Merchant Marine Act, 1936, as amended, to accelerate the trade-in of old vessels with replacement by modern vessels; without amendment (Rept. No. 1040). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 7052. A bill to amend section 216 (b) of the Merchant Marine Act, 1936, as amended, to provide for appointments of cadets from the District of Columbia, Guam, American Samoa, Virgin Islands, and the Canal Zone; with amendment (Rept. No. 1041). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee of Conference. S. 2130. An act to amend further the Mutual Security Act of 1954, as amended, and for other purposes; without amendment (Rept. No. 1042). Ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER:

H. R. 9185. A bill to provide for the appointment of additional district judges for the eastern district of Tennessee, the middle district of Tennessee, and the western district of Tennessee; to the Committee on the Judiciary.

By Mr. HAYS of Ohio:

H. R. 9186. A bill to revise the laws relating to depository libraries; to the Committee on House Administration.

By Mr. LANE:

H. R. 9187. A bill to increase farm income and to expand markets for cotton by enabling cotton to be sold competitively in domestic and foreign markets; to the Committee on Agriculture.

By Mr. McCORMACK:

H. R. 9188. A bill to authorize the Secretary of the Navy to transfer to the Commonwealth of Massachusetts certain lands and improvements comprising the Castle Island terminal facility at South Boston in exchange for certain other lands; to the Committee on Armed Services.

By Mr. MERROW:

H. R. 9189. A bill to prohibit Government agencies to acquire or use the National Grange headquarters site without specific Congressional approval; to the Committee on Public Works.

By Mr. PELLY:

H. R. 9190. A bill to provide for the disposition of certain property heretofore conveyed by the United States to the Housing Authority of the City of Seattle, Wash.; to the Committee on Banking and Currency.

By Mr. REECE of Tennessee:

H. R. 9191. A bill to provide for the appointment of additional district judges for the eastern district of Tennessee, the middle district of Tennessee, and the western district of Tennessee; to the Committee on the Judiciary.

By Mr. SAUND:

H. R. 9192. A bill to create an Agricultural Research and Industrial Board; to define its powers and duties; and for other purposes; to the Committee on Agriculture.

H. R. 9193. A bill to increase annuities payable to certain annuitants from the civil-service retirement and disability fund, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NICHOLSON:

H. R. 9194. A bill to increase farm income and to expand markets for cotton by enabling cotton to be sold competitively in domestic and foreign markets; to the Committee on Agriculture.

By Mrs. ROGERS of Massachusetts:

H. R. 9195. A bill to increase farm income and to expand markets for cotton by enabling cotton to be sold competitively in domestic and foreign markets; to the Committee on Agriculture.

By Mr. BONNER:

H. R. 9196. A bill to authorize the construction of a nuclear-powered icebreaking vessel for operation by the United States Coast Guard, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FISHER:

H. J. Res. 438. Joint resolution proposing an amendment to the Constitution of the United States to provide that, subject to the consent of the Senate, judges of the Supreme Court shall be appointed by a vote of the judges of the courts of highest and last resort in civil cases in the several States; to the Committee on the Judiciary.

By Mr. PELLY:

H. J. Res. 439. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the Washington State Seventh International Trade Fair, Seattle, Wash., to be admitted without payment of tariff, and for other purposes; to the Committee on Ways and Means.

By Mr. O'BRIEN of New York:

H. J. Res. 440. Joint resolution proposing an amendment to the Constitution of the United States relating to the procedure for amending the Constitution; to the Committee on the Judiciary.

By Mr. BONNER:

H. Res. 395. Resolution to amend House Resolution 149, 85th Congress; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOYKIN:

H. R. 9197. A bill for the relief of Mrs. Sumpter Smith; to the Committee on the Judiciary.

By Mr. HAGEN:

H. R. 9198. A bill for the relief of Maria Donatilde Pacheco Lima; to the Committee on the Judiciary.

By Mr. LANKFORD:

H. R. 9199. A bill for the relief of certain employees of the Department of the Navy at the United States Naval Gun Factory, Washington, D. C.; to the Committee on the Judiciary.

By Mr. MORANO:

H. R. 9200. A bill for the relief of Olga Masloff; to the Committee on the Judiciary.

By Mr. YOUNGER:

H. R. 9201. A bill for the relief of Russell Heans Marshall; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H. R. 9202. A bill for the relief of Cedomily Ristic; to the Committee on the Judiciary.

# EXTENSIONS OF REMARKS

## Vox Populi

EXTENSION OF REMARKS
OF

### HON. JACK WESTLAND

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 8, 1957*

Mr. WESTLAND. Mr. Speaker, under leave to extend my remarks, I would like to include in the RECORD at this point the results of the second annual survey conducted by myself in the Second Congressional District of the State of Washington.

This poll represents the thinking of more than 14,000 residents of the district, from many walks of life, many occupations, and varying viewpoints on international and domestic issues.

I am pleased with the response to this questionnaire. It has proven to be of value to me in my work in Congress. Many persons who answered the questions also submitted comments on other issues and suggestions for solutions to some of the problems of the day.

In evaluating the importance of various issues to themselves, residents of my home district emphatically pointed up Government spending as being of most concern to them. They then were most interested in defense and preparedness, foreign policy, taxation, farm prices and

policies, civil rights, social security, power policies, and immigration.

Questions asked in the poll, the answers given by the pollees, and action taken by Congress this session, if any, are listed below:

1. In the event of a budget surplus this year, should this surplus be used to (a) reduce the national debt (56 percent); (b) cut personal income taxes (27 percent); (c) cut business taxes (2 percent). Administration has applied surplus to reduction of debt.

2. Should the McCarran-Walter Act, our basic immigration law, be (a) repealed (7 percent); (b) left as is (38 percent); (c) amended as recommended by President Eisenhower (55 percent). No action on administration requests.

3. Do you favor inviting heads of governments of nations with whom we do not agree to this country for conferences? Yes, 73 percent; No, 27 percent. President has invited King Saud and other heads of nations for peace talks.

4. Do you favor economic aid to Eastern European and Middle Eastern countries to help them break away from or escape Soviet domination? Yes, 66 percent; no, 34 percent. Congress has approved special programs and President is carrying them out.

5. Do you favor Federal regulation of union welfare funds? Yes, 85 percent; no, 15 percent. Administration recommendations have been pigeonholed for 3 years.

6. Do you favor extending the present $1-an-hour minimum wage to groups not presently covered—mainly retail and service employment? Yes, 87 percent; no, 13 percent. No action taken during this session.

7. Do you favor a cooperative program between the Federal Government and private power companies for the development of atomic power? Yes, 80 percent; no, 20 percent. Development by both Federal and private firms now under way.

8. Do you favor an increase of all classes of postal rates to make the Post Office Department self-supporting? Yes, 70 percent; no, 30 percent. Bill before Rules Committee.

9. Do you favor Federal controls of rents, wages, and prices in peacetime to curb inflation? Yes, 42 percent; no, 58 percent. No Congressional or administrative action taken.

## Legislation for Blinded Veterans

EXTENSION OF REMARKS
OF
### HON. JAMES T. PATTERSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 8, 1957*

Mr. PATTERSON. Mr. Speaker and other distinguished colleagues, last Thursday I introduced a bill that would provide a Federal grant of $500,000 annually to the Blinded Veterans Association, Inc. This outstanding organization, founded in Avon, Conn., at the end of World War II, has done and is doing a magnificent job of rehabilitating veterans who lost their eyesight while serving our Nation in the Armed Forces during World War II and during the Korean war.

The Blinded Veterans Association encourages and assists blinded veterans in taking special adjustment training at the Veterans' Administration Hospital at Hines, Ill.; it assists blinded veterans in finding employment and accepting vocational training; and encourages them to participate in community activities. These are only several of the important functions of this splendid organization that is helping blinded veterans to become economically self-sufficient and readjusted to our society.

Mr. Speaker, the Blinded Veterans Association has well demonstrated its effectiveness and I am convinced that with additional funds the organization could make even greater achievements in its good crusade to improve conditions for those who gave their eyesight for our Nation.

Therefore, I earnestly solicit the cooperation and wholehearted support of this entire body in passage of the measure that I introduced last Thursday that is designed ultimately to enhance the economic and solicial welfare of those who lost their eyesight while serving in the Armed Forces of this Nation.

## M. Sgt. Chester E. Lee, of San Antonio, Tex., Outstanding Airman, Air Force Headquarters Command

EXTENSION OF REMARKS
OF
### HON. PAUL J. KILDAY
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 8, 1957*

Mr. KILDAY. Mr. Speaker, it was my privilege and honor last week to officially greet and speak with M. Sgt. Chester E. Lee, a resident of San Antonio, Tex. Sergeant Lee was in Washington as an honored guest of the Air Force Association at their recent convention commemorating the golden anniversary of this Nation's air arm.

He was selected as the outstanding airman from Air Force Headquarters Command and as such was one of 21 airmen justly honored with a week-long visit to the convention.

Sergeant Lee is a veteran of 35 air transport missions over the "hump" in World War II, and a former line chief at the Flight Test Center, Edwards Air Force Base, Calif. He is currently performing duties as line chief for the Inspector General Group, Norton Air Force Base, Calif. Supervising approximately 120 maintenance personnel, Sergeant Lee has been responsible for the operation of both conventional and jet aircraft including T–33's, C–54's, C–45's, C–47's, and B–25's. During 1956 these aircraft logged over 17,000 flying hours, and the organization has had a high in-commission rate and accident-free flying safety record since January 1956, all reflections on the outstanding leadership and technical ability of Sergeant Lee.

Sergeant Lee first enlisted in the Army Air Corps in 1939, and served as a tower operator at Kelly Field, Tex. He was awarded the Air Medal and promoted to the grade of master sergeant at the age of 22, while flying in the China-Burma-India theater in 1943. Returning to the States in 1945, he participated in the delivery of Air Corps planes to various Latin American Republics. Later he served at Cali, Colombia, in South America, as an instructor in establishing maintenance procedures.

In 1948, Sergeant Lee became active in the maintenance field at Edwards Air Force Base, working as crew chief, inspector, flight chief, and line chief. He worked in the test programs on F–80, F–94C, T–28, and F–84 aircraft. He specialized on the XB–43, the first jet bomber, and was chief of the bomber section. In this capacity, he worked with the Air Force testing of the B–45, XB–51, B–57, B–47, and B–52. He also participated in the early development of the air-to-air refueling systems.

It is entirely proper that Sergeant Lee and the other outstanding airmen should be honored for their distinguished service. By so rewarding these men, the Air Force Association is by this token paying tribute to the contributions made by all airmen to the Air Force and this Nation's defense.

## Combating Inflation by Aiding Low- and Middle-Income-Bracket Investors

EXTENSION OF REMARKS
OF
### HON. LOUIS C. RABAUT
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 8, 1957*

Mr. RABAUT. Mr. Speaker, potential Government-bond purchasers in lower and middle income tax brackets would benefit substantially from legislation which I introduced last week.

The bill, designed as an anti-inflationary measure through the stimulation of Government-savings-bond investments, would exclude for income-tax purposes dividends received from series E, United States savings bonds. Purchasers of the tax-free bonds would be limited to $5,000, maturity value, a year to any one buyer.

Certainly if investments in Government bonds were to be made more attractive, a double-barreled contribution to the Nation's economy would result. That is, low- and middle-income citizens, such as the young prospective investor and home buyer, would surely benefit from being relieved of taxpayments on Government-bond dividends, and the tax-free status of the bonds would undoubtedly attract additional purchasers, thus drawing off possibly inflationary investor cash reserves.

During the fiscal years 1956 and 1957 the Federal Government had outstanding approximately $38 billion worth of series E bonds, indicating no appreciable increase in their sale. These 3¼-percent bonds would be held principally by persons in the 18- to 30-percent-tax brackets. Assuming the bonds had been tax exempt, the revenue loss for the fiscal year 1956 would have amounted to only some $300 million. That loss would have constituted about four-tenths of 1 percent of our total 1956 revenue, and therefore represent a negligible loss as compared to the possible economic advantages to be derived.

## Inflation—America's No. 1 Domestic Problem

EXTENSION OF REMARKS
OF
**HON. ALEXANDER WILEY**
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
*Thursday, August 8, 1957*

Mr. WILEY. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a radio address I made over the network in Wisconsin. The subject was "Inflation—America's No. 1 Domestic Problem."

There being no objection, the address was ordered to be printed in the RECORD, as follows:

INFLATION—AMERICA'S NO. 1 DOMESTIC PROBLEM

"Inflation—rising prices"—those three words spell out the most difficult single domestic problem facing our country.

Inflation is a pain in the neck, and it is a pain in the pocketbook and wallet.

It is a particular headache, confronting tens of millions of Americans who are living on virtually fixed incomes. These Americans are badly squeezed by static salaries and rising prices.

Here in the Congress, we have been studying this inflationary problem.

The Senate Finance Committee has been holding hearings on the subject of the United States Treasury's financial policies. This committee has been looking at the so-called tight money situation in our country—high-interest rates for example.

And another committee is likewise holding hearings. Our Senate Antimonopoly Subcommittee has been looking at the subject of what are called administered prices. That means prices in key industries, like steel, which don't tend to drop, even when you would normally expect the prices to go down. These administered prices tend to remain stationary or to go up.

Well, what is the net effect of rising prices, the net effect of inflation?

The effect is that every single dollar in your savings bank, in your United States savings bonds, in your old-age pension, in your insurance policy, your annuity, tends to lose its purchasing power.

You and I know that every 100-cent dollar that you possess is really just a 50-cent dollar, compared to what that same dollar would bring back in prewar period.

So, now, the big question is: How can we prevent further loss in the dollar's purchasing power?

The answer is: "Through many steps." For one thing, the Federal Government must avoid a policy of printing-press money—wild expansion of the supply of greenbacks. For another thing, labor and management must cooperate voluntarily, so as not to force huge wage increases and then price increases.

This inflation problem must be licked. We dare not permit Americans to lose confidence in the value of their own money.

Fortunately, I don't think that there is reason for fear.

Your American dollar is still one of the strongest currencies in the world.

When the United States Treasury backs up your dollar and backs up your savings bonds, you have every reason to be confident in the Treasury's pledge.

But it is up to each of us to avoid inflationary pressures. It is up to us to save more of our money. Keep putting your money into United States savings bonds, into deposits in the bank, into the savings and loan association and into insurance.

When you or I save money, we tend to reduce the pressure of inflation. On the other hand, if we tend to take out more credit than we actually need and than we can actually pay for, the net result is more inflation.

Credit is a wonderful instrument. But if you or I go overboard and take out too much credit, if we buy too many things without any downpayments or without substantial downpayments, then, you or I are liable to find ourselves so deep in debt that we can never get out of it.

And the deeper you or I or anyone gets into debt, the more inflation tends to increase.

So, if you and I want to defeat the number one domestic enemy in the United States—inflation—we each have an important role to fulfill. Let's keep prices down.

## Time To Close the Communists' Escape Door

EXTENSION OF REMARKS
OF
**HON. KENNETH B. KEATING**
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 8, 1957*

Mr. KEATING. Mr. Speaker, 13 alleged Communists have now been given a new lease on freedom as a result of lower Federal court decisions this past week based on the Supreme Court's Yates decision. Had my amendment to the Smith Act—H. R. 8867—been in effect when indictments against the 13 were brought, they would not have been given this extra chance to go free. It is high time we changed to red this green light to freedom for the Reds.

The Supreme Court stated in the Yates decision last June that the term "organize" in the Smith Act refers only to the organization of the Communist Party in this country in 1945, and that charges of conspiracy to organize brought more than 3 years after that, were invalid, due to the running of the statute of limitations.

Two startling instances last week focus attention on the need to clarify the terms of the Smith Act.

In United States against Russo, now pending before the district court in Boston, the Government has now been forced to drop the "organize" part of its count against 5 of the 6 defendants, and has been forced to proceed solely on the allegation of their conspiracy to "teach and advocate" violent overthrow of the Government. The sixth original defendant, Geoffrey Warner White, an alleged Communist leader and organizer, has been set free because the "organize" count against him has had to be dropped.

In a Denver case, the 10th Circuit Court of Appeals has reversed the conviction and ordered a new trial for seven convicted Communists, by ruling that the Government's "organize" charge was invalid under the Supreme Court's Yates ruling. I was this week informed by the Justice Department that they are considering whether the case can be retried under the "advocacy" count alone.

On July 23 of this year I introduced legislation (H. R. 8867) to restate the original intention of Congress by including within the meaning of the term "organize" the continuing organizational activities of the Communist Party. Under terms of my proposal, the needed broad interpretation of this vital word would include the recruiting of new members, the forming of new units, and the regrouping or expansion of existing units.

Although, unfortunately, my proposal can have no retroactive effect on cases already brought by the Government, its enactment would give the Justice Department the latitude it will so sorely need in framing future cases against subversive elements.

As it is now, the Department is like a boxer operating with only one arm in its fight against Communists, because it can only bring one of the two counts it normally uses in prosecuting subversives. As we have seen so clearly this past week, the result can be that some alleged Reds will go scot free if the "organize" charge cannot be effectively brought, and the case against others will be greatly weakened.

Although it is understandable why Congress, snowed under with other pressing legislative matters at the end of a session, has not yet acted on my proposal, I believe it should at least be a first order of business when we reconvene in January.

Until we clarify the meaning of the Smith Act and give it the broad meaning originally envisaged by Congress, the Government will be hindered in its efforts to combat those who would destroy us.

## Foreign Building Program a Proper Use of Foreign Currency

EXTENSION OF REMARKS
OF
**HON. FRANK T. BOW**
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 8, 1957*

Mr. BOW. Mr. Speaker, recently my distinguished colleague from Tennessee [Mr. EVINS] made reference on the floor to the overseas buildings program being conducted by the Department of State. He pointed out in considerable detail the projects which are now under construction by the Department, and the additional ones which were being planned as a part of the Department's program to house our employees abroad.

I should like to observe that 4 years ago as a Member of a small group from this House, a searching field study was made of this program. During the course of that study, it became evident that in many of the very difficult places in the world, there was sore need to improve the physical facilities of our office buildings as well as the housing for our personnel. In many of these places, the standards for office buildings and living quarters are so inadequate the Department of State has no alternative but to construct adequate physical facilities to house our representatives who are stationed there to conduct the diplomatic

and consular functions of this Government.

As a member of the Appropriations Committee, I have been gratified to review each year the Department's annual request and to observe that this orderly and systematic buildings program is aimed at solving the needs which exist in those parts of the world where climate, housing, and other conditions make life and duty most difficult. I therefore believe this program which the Department is carrying out is meeting a need for physical facilities abroad which cannot be ignored or postponed if we are to maintain our employees decently and adequately in many of these localities.

I should like to observe also that in carrying out this program a wholly constructive use is made of foreign currencies and credits which are already owned by the United States Government. During the past fiscal year, the Department carried out this program to the extent of $19 million of which $14 million represented foreign currency utilization. For 1958 the Department will carry out essentially the same level of program but will utilize $15 million of foreign currency.

Let me note that during the past 4 years, this program has required $50 million to construct, acquire, maintain, and operate our civilian Government-owned properties abroad. Significant is the fact that of this amount $39,500,000 is foreign currency utilization and only $10,500,000 is new cash dollar appropriations.

I must state that this utilization of foreign currencies for acquisition of needed physical assets abroad is a sound operating program for this Government. I believe also that anyone who has traveled extensively abroad will agree that our Government should be represented in its establishments overseas with dignified, appropriate, and adequate quarters for our people.

## Southern Juries Will Ignore Negro Rights

EXTENSION OF REMARKS
OF
### HON. E. L. FORRESTER
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 8, 1957*

Mr. FORRESTER. Mr. Speaker, the Washington Daily News, Wednesday, August 7, 1957, page 44, carried an article by Mrs. Eleanor Roosevelt entitled "Southern Juries Will Ignore Negro Rights."

Mrs. Roosevelt says in that article:

> Yet the whole point of the southerners' fight for the jury trial amendment is that they know a white jury will not give Negroes the right to vote. This is just a way of escaping from having to face the quite different problem of coming out against that right of Negroes to vote, which is the right of every American citizen.

I wonder where Mrs. Roosevelt obtained the information that white jurors will violate their oaths? I wonder why Mrs. Roosevelt holds southerners in such contempt? Not many years ago, when her husband was seeking the Presidency, they were both fond of pointing out that Georgia was their second home. If I recall correctly, it was in the State of Georgia that her husband regained his health. As a matter of fact, it was to that distinguished doctor, Dr. Michael Hoke, of Georgia, that they came for treatment, because Dr. Hoke happened to be the greatest doctor in all this world in the field in which her husband so sorely needed treatment.

There is not one southerner that believes that southern jurors would fail to convict where there was sufficient evidence to warrant a verdict of guilty. Our jury system has a much better record for upholding the law than does the section from which Mrs. Roosevelt comes. The southerners are insisting upon the right of trial by jury because it happens to be existing law and because we believe in trial by jury. Jury trials are one of our ancient landmarks and one of the finest systems that civilization has produced. The southerners certainly do not believe that they should be denied the right of trial by jury, when apparently we cannot sustain convictions of Communists, although convicted by juries.

There is one thing that the South is quite proud of. That is that not one southerner signed the petition that Mrs. Roosevelt signed, asking President Eisenhower to grant a "Christmas amnesty" to Communist Party leaders jailed under the Smith Act. These Communist Party leaders were convicted for teaching or advocating the forcible overthrow of the Government, the same Government that has been kinder to Mrs. Roosevelt and her family than to any other family in the history of our country.

Indeed, philosophies change. When Mrs. Roosevelt's husband was claiming Georgia as his second home he executed a deed to certain real estate in Georgia, incorporating in that deed that the lands conveyed should never be sold to persons of African descent. That deed is a matter of public record down in Georgia.

## Tribute to Michael Benedum

EXTENSION OF REMARKS
OF
### HON. JAMES G. FULTON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 8, 1957*

Mr. FULTON. Mr. Speaker, when Michael Benedum reached his 88th birthday on July 16, 1957, his whole hometown, and many friends from all over the country, stopped to take a whole day to celebrate the event at Bridgeport, W. Va. Outstanding businessmen, public officials, and his many friends by the hundreds gathered for luncheon in honor of Mike Benedum and for a day of friendship, gratitude, and remembrance. The many good works of Michael Benedum for his community, the people of West Virginia, Pennsylvania, and Ohio, and the whole United States, were recalled.

It was a pleasant occasion long to be remembered with heart warming ceremonies at the time of the dedication of Michael Benedum's latest contribution, the new community center, to his original hometown community, Bridgeport, W. Va.

I am glad to insert in the CONGRESSIONAL RECORD the following birthday telegram of President Eisenhower to Michael Benedum, extending his hearty congratulations:

JULY 16, 1957.

MICHAEL L. BENEDUM,
*Benedum Trees Building, Pittsburgh, Pa.:*

Through Congressman Fulton I have learned of your 88th birthday and the splendid celebration of it in Bridgeport. In your gift to the citizens of your hometown, you demonstrate again the standards of public service which have guided your life. Congratulations to you and best wishes to all who enter into the use of your new community center.

DWIGHT D. EISENHOWER.
THE WHITE HOUSE, *Washington, D. C.*

My research shows the following about this remarkable man:

The great wildcatter, Michael Late Benedum, of Pittsburgh, who passed his 88th birthday on July 16, 1957, is still actively carrying on vast exploratory oil projects. Reputed to have discovered more oil than any other man in history, Uncle Mike, as he is known by oilmen throughout the United States, has recently commenced large-scale undertakings in South America, in Central America, and in Africa on leases covering more than 3 million acres.

Besides being familiar with each petroleum venture in which he has an interest, Mr. Benedum finds time to direct personally the charitable and civic distribution of a large portion of his fortune. There are more than 700 students in 26 colleges in the Pennsylvania and West Virginia area who benefit from Benedum scholarships and student loan funds. In addition to this, there are dozens of churches, hospitals, and similar institutions in the same area of the country that receive substantial financial support from him.

One of the largest deserving beneficiaries of Mr. Benedum's philanthropic effort has been the small West Virginia community of Bridgeport, where the great wildcatter was born and reared. He has given this town a $2 million church; and also a community center, complete with auditorium, dining room, library, club rooms, swimming pool, ice skating rink, and playgrounds at approximately the same cost of $2 million. In addition to these contributions, Mr. Benedum has spent a half million dollars restoring and beautifying the town's old cemeteries and burying grounds. The population and wealth of Bridgeport has quadrupled in the last 10 years, largely because of what Mr. Benedum has done for the town, in cooperation with the local citizens, in making it a fine place in which to live.

Mr. Benedum does not fit the popular conception of daring oil wildcatter, but is friendly and rather quiet, shy, and soft spoken. Business associates and his many friends are frequent dinner guests at his 8-acre estate in the heart of Pitts-

burgh's residential East End, where he lives a quiet, hard-working life to this day. We in Pittsburgh, as well as all of Pennsylvania and West Virginia, are proud of the accomplishments and contributions to the American people of such fine citizens as Michael Benedum.

## Communist Influence in the Caribbean and in Latin Americas

EXTENSION OF REMARKS
OF
### HON. GARDNER R. WITHROW
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 8, 1957*

Mr. WITHROW. Mr. Speaker, under leave to extend my remarks I include therein a letter I sent to the Honorable HOWARD SMITH, chairman of the Rules Committee, relative to my House Resolution 383, which I introduced August 1, 1957, and which I also include in my remarks.

The following letter was sent from Hon. GARDNER R. WITHROW to Hon. HOWARD SMITH, chairman, Committee on Rules, in support of the resolution regarding Communist influence in the Caribbean and the Latin Americas in view of happenings in the last week which strongly indicates a move of international communism. Mr. WITHROW introduced House Resolution 383 on August 1, 1957.

AUGUST 7, 1957.

Hon. HOWARD SMITH,
*Chairman, Committee on Rules,*
*House of Representatives,*
*Washington, D. C.*

DEAR MR. CHAIRMAN: I am seriously concerned with the increasingly apparent violence and Communist influence in the Caribbean and the Latin Americas. It is no longer possible for us to distinguish between quarreling among political groups and what we now know to be international Communist tactics.

On August 1, I introduced House Resolution 383, now before your committee, and which I trust you will act upon before the House adjourns. I do not believe the $25,000 to be exorbitant for a study of Communist efforts in the Western Hemisphere; however, in recognition of the economy efforts, I would not object to your reducing the amount, so long as we can begin some concrete effort to meet this problem, which is of concern to all of us.

I need not go into much detail on the need for favorable action by the Committee on Rules and the Committee on Foreign Affairs. We in Wisconsin have long been attuned to the dangers of communism. I need only to invite the committee's attention to the Washington Post on Sunday, August 4, wherein a special New York Herald Tribune dispatch asked: "Castillo Death Starts Check on Who's Next."

President Carlos Castillo Armas, of Guatemala, has just died of an assassin's bullet, fired by a palace guard who stood revealed as an acknowledged Communist. Just previously, President Jose A. Remón, of Panama, was murdered, followed by President Anastasio Somozo, of Nicaragua. These three were not only devoted friends and allies of the United States, but each was bitterly anti-Communist.

The pattern is much too widespread to be purely localized political unrest. President Batista, of Cuba, is under pressure and one of the strongest opponents of communism in this hemisphere, the Dominican Republic, is under murderous assault from not only Latin American points, but right here in the United States as well. I know of no case in recent history where exiles have been able to stir up such venom in the United States, or where exiles are so vitriolic in their desires to produce punishment or revolution, as in the case of the Dominican Republic. This is, indeed, strange departure from the usual customs of where refugees, many of whom fled from conditions admittedly far worse than in the Western Hemisphere, who are glad to be here and away from those terrorized homelands to forget all and become good citizens. It would not surprise me to learn Communist forces supply much of the energy which makes up this strange program.

Strange, too, is the fact that President Figueres presides over Costa Rica, where about 9 years ago communism was outlawed by official act. Yet, the Communists continue to exist (perhaps in a relatively minor role) openly and without punitive action by the Government of Costa Rica.

One does not live with communism that way. It may well be that here will be No. 4, to answer the Herald Tribune. I understand Figueres recently unmasked two alleged assassins who had voluntarily confessed their mission was at the direction of the chief of state of another country. Perhaps they were correct but it is a story with a familiar Communist theme—murder and revolution stirred up in the international communism program, but tailored carefully for local purposes. The Communists which Figueres seems to tolerate may well be preparing him for No. 4 and laying the groundwork to place the responsibility on another, since Communists are sometimes less concerned with credit than their goals. If Figueres is No. 4, it would bring instant military action by Costa Rica, unless it could be charged to another outside source, which would relieve Costa Rica Communists from punitive action and give them time to organize a coup in their orderly fashions.

No. 5 may be Gen. R. Trujillo, in the Dominican Republic, since he seems to represent the strongest resistance to communism in the Latin Americas today. In the Dominican Republic there is another equally powerful foe of communism, the Catholic Church of Rome, and it leaves little ground to feed a Communist growth. The Communists may need some strong help from within the United States, since we would resist outside foreign assistance at once, to break down this goal, and recent developments indicate they are getting it.

The Monroe Doctrine not only calls for the United States to protect the Western Hemisphere from without, but certainly from within from a foreign influence which would destroy us all. In recent weeks, I have heard colleagues speak of dictatorships as if they were something new. Latin America has always had its strong men, who in turn were replaced by strong men, and strong men will replace those now in power, with a continuing succession for years to come. The limited self-interest of any strong man offers more liberty than communism, which makes every person the abject slave to a strange ideology. In a police state there may be security personnel who will check on citizens, but communism offers the alternative of having a break in a long working day where you don't drink coffee or siesta but spend the time denouncing yourself or having a fellow worker do it.

House Resolution 383 will help in implementing the Monroe Doctrine. I warn the House that we owe it to Christian and anti-Communist governments to help search out and expose the Communists and their plans, as much a matter of our protection as theirs. In so doing we realize a stronger Western Hemisphere, and a more secure and safe United States.

Sincerely,

GARDNER R. WITHROW,
*Member of Congress.*

House Resolution 383

Whereas communism is on the march in the Latin Americas and Caribbean; and

Whereas the chief of state of a friendly ally was assassinated by a confessed Communist who held a position of trust; and

Whereas revolution is being fomented in the Caribbean and the Latin Americas on such a vast scale as to indicate an organized effort rather than localized feelings; and

Whereas the national security calls for Communist-free and settled governments in the Western Hemisphere; and

Whereas it would appear that Communist forces are crowding the United States in the Western Hemisphere to divert interest from other strategic areas: Therefore be it

*Resolved*, That the Committee on Foreign Affairs is authorized and directed to make a study of Communist efforts and influences being exerted in the Caribbean and Latin Americas and report to the Speaker of the House of Representatives not later than January 10, 1958.

SEC. 2. The committee is authorized to employ such investigators, and such clerical and professional assistance as may be necessary, and the committee is authorized to travel, and to authorize travel for employees, and to provide for whatever services may be necessary. For these purposes the committee is authorized to expend not to exceed $25,000 out of the contingent fund of the House of Representatives.

SEC. 3. The committee is authorized to hold hearings at such places in the United States or Caribbean or Latin Americas as may be desirable and shall have the power to issue subpenas for witnesses for purposes of testifying at any duly authorized hearing provided in this section.

SEC. 4. In the course of its study and report the committee shall pay special attention to any activities calculated to be Communist in purpose or nature tending to create antagonism between countries in the Western Hemisphere with a view to amicable settlement of these hemispheric disputes and trace the irritation to its source, and for the express purpose of bolstering friendly governments whose traditional alliance, anticommunism, Christianity, and strategic importance to the United States is demanding of the confidence and support of the United States.

## Pay Raises for Federal Employees

EXTENSION OF REMARKS
OF
### HON. JOHN J. McFALL
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 8, 1957*

Mr. McFALL. Mr. Speaker, under leave to extend my remarks, I first wish to thank you for the privilege of expressing myself in favor of immediate and meaningful pay raises for Federal employees.

The 11th Congressional District, which I represent in California, has a great many Federal employees including postal workers and persons employed at Sharpe General Depot, the Stockton Naval Supply Annex and other Federal offices and installations.

The salary question is a very real and pressing problem which calls for a forthright approach. For the employees concerned, it is a matter of simple justice; for the Government, it is a matter of attracting and retaining qualified personnel in the interest of efficiency and economy. In my opinion, an adequate pay schedule for Federal employees is long overdue, at least to the extent of keeping up with the fast-rising cost of living.

Federal employees are in the unique position of having to accept what is given to them without being able to fight for their rights by the conventional methods available to other employees who negotiate wage matters with their employers. It would be highly improper, in my opinion, for the Federal Government, as an employer, to take advantage of this unique authority and to expect Government employees to pay the cost of any governmental budget difficulties. Certainly, any threats of a Presidential veto should not deter the Congress from taking the only just and equitable course.

As you know, the House by an overwhelming majority has voted for a $546 annual pay increase for postal workers. The House Civil Service Committee has recommended a flat 11 percent increase for classified employees, which percentagewise would approximately equal the postal pay raise.

In my files are scores of letters bearing convincing evidence of the injustice of the present scales and the pressing need for remedial action now, not some time in the distant future. It has long been my belief that one of the greatest wastes in Government is the loss of trained personnel through heavy turnover and the loss of potential public workers who are forced to enter more remunerative fields.

Following are the names of some of the persons who have written to me concerning the inadequacies of the present Federal pay:

Mrs. Elvira Lopez; Dick Remington; J. E. Willey; C. B. Rose; Reid Hollingsworth; Joseph Groves; H. Clemens; Gene Hopper; Mrs. Martha Davela; Mrs. Pearl Jones; Mrs. Estelle Simpson; Mrs. Marjorie Sheridan; Nell Heil; Mrs. A. F. Harrison; Mrs. M. F. Blackshear; Bill Halstead; Mrs. J. H. Smalley; Mr. and Mrs. Forrest Cooper; Mr. J. Chincarini; Carl Van Allen; Dean De Carli; Karl Monten; Chet Farnsworth; Duryea Warn; James Lystra; James Tutor; Miss Bonnibell Laurence; Helen Lewis; Mrs. Annie Eigenberger; Arnold Lawson; A. J. Beerbower; Mr. and Mrs. Walton Harris; Mrs. Gladis Cole; Hollie Langley; Edythe Rigor; Jean Harris; Nora Lazara; Milton Loy; Velma Robinson; Mrs. Adrea Haggren; Luella Neckels; Dorothy Firth; Lois Robinson; Rebecca MacFarlane; Frank Weaver; Mrs. Audelle Berry; P. L. Menou; Mrs. Oleta Hesterly; Joan Loftus; Lorraine McElwee; Rose Del Barba; Gerald Marques; Bertram Jacobs; M. W. Auge; Eldon Peterson; C. A. Rivers; Mrs. Reba Gibson; F. J. Crona; Mrs. Jean Peterson; Mrs. Violet Carney; Leonard Silva; Harold Weed; George Brehm; Mr. and Mrs. Joseph Dias; Mrs. Vea Camp; Wilfred Thallander; Lee Chadwick; Mrs. Eva Brooks; Emmet Ames; Walter Sun; Earl Robbins; George Keane; Emmett Littleton; Fred Axner; Roy Anderson; John Walker; Francis Middleton; S. R. Edelman; George Anderson; Edward Todresic; E. R. Paddeford; Dick Willis; George Scott; Manuel Retamoza; Brian O'Loughlin; Joseph Kaufman; Alfred Vesik; E. A. Schanzenbach; F. Elwood Reitz; Fred Moore; George Ely; Mr. and Lester Cherry; Mr. and Mrs. William Weston; L. J. Hefner; Marshall Haines; John McDonald; Earl Call; Forrest Bishop; S. Bozzini; Mr. and Mrs. Lloyd Kleine; W. G. Oyler; Mr. and Mrs. Ming Wong; Mrs. P. S. Willis; Frank Chituras; Mrs. F. A. Middleton; Reuben Howeth; Mr. and Mrs. Charles Bryant; Everett Spitler; Bob Raines; Cleo Wetter; Gerald Enos; Mr. and Mrs. Moody Blanchard; Mrs. Edward Cole; W. J. Thomas; Clyde Dyer; Roy Brannon; Flora Johnson; Henry Ruthmann; Gilbert Rosa; Jesse Black; C. J. Bennett; Carl Walker; Mrs. Florence Long; Jack Woodhams; Joe Fong; John Seyben; LeRoy Wright; D. H. Brandon; Mrs. Bessie Murano; Vernon Baltz; Doris McFarland; John Watts; Frank Osterman; William Morris; Mrs. Frank Beiler; Stuart Scofield; Howard Grove; Mrs. David Gemigniani; Edward Dupont; David Walker; Melvin Backlund; Bert Hubers; B. T. Sloan; Burton Davis; Wendell Hall; Ray Berry; Melvin Leno; E. R. Thomspson; F. E. Rinehart; Bonnie Gelderman; Mrs. Everett Spitler; Mrs. Everett Ross; Mr. and Mrs. W. M. Elzner; Mr. Frank D. Uomini, Jr.; Mrs. O. L. Rich, Sr.; Mrs. Geo. Graziano; Sybil Sticht; and Richard Suess.

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## Air Force Secretary Asked To Investigate CAP Military Setup

EXTENSION OF REMARKS

OF

### HON. J. T. RUTHERFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 8, 1957*

Mr. RUTHERFORD. Mr. Speaker, on July 16 I remarked for the RECORD on the outstanding job turned in by the Big Bend Squadron of the Civil Air Patrol in connection with rescue operations in the Big Bend National Park of Texas. Now I find it my sad duty to report to the Members of this House that the fine work accomplished by this group of Texas flyers has not been met with the appreciation one would expect, but with the blundering persecution of the leader of those fliers by high Civil Air Patrol and Air Force officials.

For some 3 or 4 days now I have been in conversation, via the telephone, with Maj. Gen. Walter Agee. General Agee is a member of the United States Air Force, and his full-time duty assignment is to act as National Commanding Officer of the Civil Air Patrol. I regret to say his actions in this case have not given me any confidence in his ability to carry out a major assignment on the part of our Armed Forces.

It will be recalled that the Big Bend fliers rescued a Houston woman from the park after a search of 6 days and nights. Failing to get response from the CAP office in Fort Worth when asking for permission to conduct an official CAP mission, the flyers elected to carry out a mission of mercy as individuals and their efforts ended successfully.

Persons in Alpine, Tex., having no connection with the Big Bend CAP unit, informed me of the work of the flyers and suggested I attempt to collect for them the actual funds they had spent from their own pockets in conducting the search. The National Park Service agreed to pay it, and I so notified the flyers. Later, however, the Park Service informed me the fliers had voted not to accept the money as they had carried out the search as individuals, not with the thought of collecting reimbursement but with the thought of saving a life. This, I thought, was a most admirable attitude.

Apparently, however, General Agee and others within the ivory towers of high CAP circles did not agree. The next thing I knew, the CAP ordered an investigation into the conduct of Maj. "Bob" Crawford, the Big Bend CAP commanding officer. It is interesting to note that the CAP officials did not ask Major Crawford one single thing about the successful search he conducted, nor did they comment on his saving the life of the lost woman. The only questions posed to Major Crawford were these:

How did the newspapers get the publicity relating to the search, and how did Congressman J. T. RUTHERFORD become involved in the matter of attempting to collect the money spent by the flyers?

The answer to the first question is obvious: the search was of nationwide importance, and was covered by reporters and correspondents from the El Paso Herald-Post, another El Paso daily in addition to the Herald-Post, the San Angelo Standard-Times, the Forth Worth Press, the Fort Worth Star-Telegram, the Alpine Avalanche and the major wire services in the news-gathering field. I can assure you that Major Crawford and his flyers were too busy saving a life to be issuing press releases. The answer to the second question has already been given, by saying that interested persons in Alpine, having no connection with the flyers, called the matter to my attention and felt the boys should be reimbursed for their expenses.

At no time—and I repeat—at no time, did Maj. "Bob" Crawford or any other member of the Big Bend CAP unit contact me about the money, or for any other reason.

Yet last Sunday, August 4, CAP bigwigs met in star-chamber proceedings in Fort Worth, Tex., and decided to relieve Major Crawford of his command for what they termed "his handling of the case." I talked yesterday for almost 40 minutes with General Agee, asking him time and time again to explain what was meant by Major Crawford's "handling of the case." He did not once give me a satisfactory answer, referring only

to the "adverse publicity" the CAP did not like. So the sum total of the situation is this: Major Crawford is being relieved of his command because he did not censor the many representatives of the press, who reported only the facts and what was common knowledge to the citizens of the Big Bend area, and because I entered into the case at the request of Alpine citizens. I say again that I have not heard from Major Crawford, I do not personally know him and I doubt if I would recognize him if he walked into this House, but this apparently makes no difference to General Agee and his censorship-conscious commandos.

I point out that Major Crawford was not notified of the Fort Worth meeting deciding his CAP fate, he had no chance to explain his side of the story, to be informed of the charges against him or to face his accusers. I submit to the House that things are in a sorry state when an organization chartered by Congress, and commanded by a major general in the United States Air Force, can conduct such purge proceedings that would be more in keeping with the operation of the Kremlin than with the operation of the Pentagon.

Even more amazing is this drastic action when we consider the statements of CAP officials that the Big Bend unit was not an official CAP organization at the time of the search. Col. Sidney Perryman of Olney, Tex., wing commander of the CAP for this area, told newsmen shortly after the woman had been rescued from the park that he could not officially commend members of the Big Bend flying posse, "because officially they are not yet members of the CAP." I do not know Colonel Perryman, either, but I wonder what kind of a man he can be to make that statement and then, a few weeks later, bring charges against the man designated as the commanding officer of the same organization.

When I read Colonel Perryman's statement in the newspapers, I checked to see why the Big Bend squadron had not been recognized. I found that although the members paid for their I. D. cards and for their charter last March, they had received nothing more. After numerous letters to General Agee, all answered by someone else in his absence, I received a letter from his office saying that as of 2 weeks ago the charter application had not even been received by CAP headquarters. Thus far General Agee has not explained what happened to that application during the past 5 months. Yet, Colonel Perryman only recently wrote Major Crawford that the unit was "being placed on probation until October 1," and then followed with the secret closed-door hearing in Fort Worth last Sunday at which the character of a man not invited to the session was roundly attacked.

General Agee has given every indication of being the original "rubber stamp" commander. He told me on the telephone yesterday that he has not yet received the official transcript of the star-chamber proceedings firing Major Crawford, but that he "fully intends to back Colonel Perryman up." In other words, he is refusing to review the case with an open mind and has denied Major Crawford the right of appeal. This is a culmination of the biggest railroad job since the railsplitters headed west.

I have only admiration for the Big Bend flyers and for Major Crawford based on their activities of their search in the Big Bend National Park. Likewise, I have only admiration for the CAP members all over the United States who give of their time and efforts to belong to an organization that has done so much good in the past, and that has the opportunity to do so much good in the future. I fear for them, however, because if the actions condoned by General Agee are allowed to go unchallenged, who knows who will next be purged from the ranks of the CAP in the future?

I am calling these remarks to the attention of the Secretary of the Air Force, and am asking him to conduct an investigation into this matter, and into the entire operations of General Agee's office.

In America, we cannot allow a handful of men to establish themselves as paragons of virtue, as censors of our press, as overlords of our right of free speech and petition. I urge each Member of the House to join me in asking the Secretary of the Air Force to look into the situation.

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## Address by Hon. Robert C. Byrd Before the Youth Temperance Council, Cowen, W. Va.

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EXTENSION OF REMARKS
OF

### HON. CLEVELAND M. BAILEY

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 8, 1957*

Mr. BAILEY. Mr. Speaker, on last Sunday, August 4, my colleague, the Honorable ROBERT C. BYRD, made a speech at Cowen, W. Va., before the Youth Temperance Council. Cowen is in my Congressional District, and I have in the past watched the activities of this group of young people with a great deal of interest. Mr. BYRD has always been glad to assist the youth of our country in the development of noble ideals, and I am confident that his speech to the boys and girls at Cowen was received as a challenging one. His address, The Lights of Decency, Faith, and Temperance, is one which is not only appropriate for young people of our day, but it is also one which contains facts of vital importance to the adult generation. I am glad, Mr. Speaker, to call it to the attention of my colleagues.

Congressman BYRD's speech follows:

THE LIGHTS OF DECENCY, FAITH, AND TEMPERANCE

Young people possess certain traits and abilities which are envied by the older generation. And so, it is no mere formality when I tell you that I am glad you asked me to be with you today. You have made me feel very much at home on this occasion.

You have told me that your theme for the year is Erect Towers of Outreach and your text is verse 3 of the 43d Psalm—"O send out Thy light and Thy truth." The light referred to, of course, is that which comes from the divine source. On many occasions while Jesus was on earth He referred to the light. After His triumphant entry into Jerusalem and just prior to partaking the Last Supper with His disciples, Jesus advised the crowd to "Walk while you have the light, lest the darkness overtake you." He vividly explained that those who walk in darkness do not know where they go. He was simply trying to teach the value of the Christian way of life and He used the word "light" as a most significant symbol. Those who disbelieved on that tragic occasion did not know the extent and power of the light that God had brought into their lives through the teaching and example of Jesus.

In her book, The Sea Around Us, Rachel Carson has a chapter on wind and water, and she describes the effects of coastal storms. Along a rocky coast, for example, the waves of a severe storm are likely to be armed with stones and rock fragments. Once a rock weighing 135 pounds was thrown higher than the lightkeeper's house on Tillamook Rock, 100 feet above sea level. As it fell, it tore a 20-foot hole through the roof. She mentions a lighthouse, which stood on the summit of a cliff, 300 feet high, in which windows and lights were repeatedly broken by stones from the cliff and tossed like confetti by the waves.

In reading her description of the perils of lighthouse keeping, it occurred to me that here was a job even more hazardous than being a Congressman.

What a tremendous responsibility to tend light against the elements. Light always seems to lead a very precarious existence in our world. Like the wall, in Robert Frost's poem, there is something that doesn't like it, something that wants it out. Any man who tries to keep a light shining finds himself from time to time facing great odds.

What was it Jesus said to His disciples? "Therefore, be careful lest the light in you become darkness." In these days when the light in our world seems to be so feeble, we need to hear His words again. The light that He brought into the world needs tending. We never dare to take it for granted, for darkness is always waiting to blot it out at the first sign of weakness. "Therefore, be careful lest the light in you become darkness."

Let me say first of all that we need to be concerned with tending the light of human decency.

One of the sad truths about human life that we have learned in our own generation is that there is no automatic guaranty on decency. One might think that as wealth and standards of living tend to rise, decency would be assured. And yet the family living in a wealthy home with all of its conveniences shows no more natural inclination to goodness than the less fortunate neighbors. Character does not fluctuate with wealth or material resources.

One would suppose that a high standard of culture and intellectual life would carry with it the guaranty of decency. It must be true as one of our Protestant bishops has said, that civilization is always like a little clearing on the edge of the jungle—and that at night, if you are quiet, you can hear the howling of the beasts—and the jungle is always waiting, ready to take over the minute man relaxes his vigilance.

The Christian and the church must always be concerned with tending the light of human decency. There are so many ways in which life is degraded. There are so many circumstances in which darkness prevails. Decency is never guaranteed by wealth, or by education, or by social standing. It is guaranteed only by the moral courage and determination of individuals like you and me.

Now the second thing I want to say is that we need to be concerned with tending the light of faith.

I don't know of anyone who makes me more uncomfortable than the man who knows everything. In religion especially, there are so many people who have apparently never had a moment's doubt about anything pertaining to their faith. Do you remember how much closer Jesus was to a man like Thomas, famous for his skeptical mind—than to the Pharisees who knew everything about everything? Honest doubt seems to me a better foundation for a spiritual structure than a closed dogmatic creed.

Having said that, I want to go on and qualify it by saying that there comes a time when a man has to guard the tiny flame of faith within, for, if he does not, it can be quickly extinguished. It is more important to fight for what you believe than to settle down to a life of indifferent cynicism. And the unhappiest people I have ever met are those who have lived their whole lives without coming to the place where they could say: "This I believe, and hold to be true."

Horace Bushnell is a name that illustrates what I am trying to say. Early in the last century he became a tutor at Yale, and at the same time a student of law. He called himself an agnostic, one who does not pretend to believe anything, one way or another. Two years later a powerful Christian movement began to develop on the Yale campus, and the students watched Bushnell to see how he would react. He was a very popular teacher. He recognized that he was influencing many students, and so one night he decided to face the issue as to where he stood in respect to religion.

He made two columns on a piece of paper, one negative and the other positive. He put three entries into the negative column. "First: I believe that the Bible is a collection of Jewish folklore and Chaldean fables. Second: I believe that Jesus was nothing more than a Galilean peasant. Third, I see no valid reason why I should believe in a God at all." In the positive column he was able to make only one entry: "I believe that there is an eternal distinction between right and wrong."

But this is the important point. He decided that he could not give up what he did believe because of what he did not believe. So he committed his life to it, and little by little the truth broke upon him. Before the year was out, he entered the theological department at Yale, and 2 years later was ordained a minister.

It is a great thing to keep an open mind, but at the same time it is fatal never to be able to object to anything at all. A Christian is someone who has a certain faith; his experience verifies the thing he believes. But any man's faith is at best a tiny, flickering candle in a sea of darkness, so much remains unknown. The light of faith is the light that needs tending.

There is a third thing I want to say: we need to tend the light of temperance. And once again, here is a light that none dares take for granted. Alcohol poses an urgent problem to the youth of today. Every parent faces the disturbing fact that a child of high school age must be prepared to meet the threat of liquor. No parent can say—no young person can say, "This problem does not concern me."

About seventy million Americans drink alcoholic beverages. These are very recent figures—figures quoted in a Washington newspaper on July 20. Medical science know, as a statistical fact, that about 7 percent of all drinkers will wind up as alcoholics. But it cannot now predict, with any degree of accuracy, who will be included in that 7 percent.

Young people who abstain do a great service to the Nation, to other young people, and to themselves. A college student said: "Not drinking is a sign of strength and people respect you for it." Another said: "When I am at a party and the host brings in some drinks, I know that some ought not to drink because they will be driving others home. Some ought to keep away from the stuff for their own good. My example counts for something and as a Christian I feel responsible." These young people are carefully tending the light of temperance.

Our youth can make a mighty contribution to the cause of sobriety. The opinions and the actions of young people attract much attention. It is unlikely that the alcohol problem will ever be solved until young people in vast numbers become voluntary abstainers and become leaders in the battle against the drinking of alcoholic beverages.

Here are some things that young people can do to keep the light of temperance burning bright:

Young people can learn the truth about alcohol. No one can afford to be ignorant about alcoholic beverages. The welfare of family life, the stability of society, safety on the highways, and the health of the Nation depend upon sobriety. Ignorance of the facts about alcohol can cause young people to stumble. I urge you to read and learn.

Young people can patronize social events which do not serve alcoholic drinks. Christian young people have an obligation to make popular the serving of nonalcoholic drinks at social functions. This is being done in many communities and it can be done in many others when Christian young people act courageously and with conviction.

Dr. Hornell Hart, professor sociology at Duke University, has eloquently spoken to youth in the following words: "Because I want to live as richly, keenly, and fully as possible, I am an abstainer from alcoholic drinks. The joy of life depends, for me, vitally upon being in full command of myself. Alcohol deprives those who use it of the possession of themselves. It dulls the keen edge of intellectual power. Personally, I feel the need of the utmost abilities I can possess in order to achieve the final 5 or 10 percent of quality in my work which so often makes the difference between failure and success. Keenness of living depends in a large measure upon health. Alcohol is an enemy of health. Much of richness of experience depends upon looking back to vividly joyful memories. I find that the recollections which people seem to retain of alcoholic sprees are muggy and repulsive to them. The love of my family is one of the most precious of my possessions. Sociological studies show that drinking is a prime cause of grief, of conflict, and of disaster in family life. Many drinkers defend alcohol as a means of obtaining thrilling excitement. But I shall find my thrills by keeping my mind keen, my body vigorous, my memories delightful, my friendships sound, and myself free from enslavement to habit-forming drugs like alcohol."

If you accept the creed I have just repeated, the light of temperance will burn brightly and will not go out.

I wish to express to the members of the Women's Christian Temperance Union my congratulations on the success with which this conference has been planned and executed. They are keeping the light of temperance burning in our land.

In closing I want to leave with you a few lines from the contemporary English poem, From the Gate of the Year, by M. Louise Haskins:

"And I said to the man who stood at the gate of the year:
'Give me a light, that I may tread safely into the unknown!'
And he replied:
'Go out into the darkness and put your hand into the hand of God.
"That shall be to you better than light and safer than a known way.' "

## The Annual Mason-Dixon Industrial Management Conference, Held at York, Pa., for the Purpose of Promoting Personal Growth Through the Exchange of Ideas, Continues Its Mission of Providing Inspiration and Knowledge to Industrial Leaders in the York Area

EXTENSION OF REMARKS
OF
## HON. JAMES E. VAN ZANDT
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
*Thursday, August 8, 1957*

Mr. VAN ZANDT. Mr. Speaker, it was a pleasure to accompany Representative S. WALTER STAUFFER of the 19th Congressional District of Pennsylvania to his home city of York, Pa., August 7, 1957, where I delivered the principal address at the Mason-Dixon Industrial Management Conference sponsored by the Foremen's Club of York, Pa., and held at the York Fairgrounds.

For several years the Mason-Dixon Conference has been held for the purpose of enabling leaders of industry in the York area to assemble annually to exchange ideas and opinions on subjects of mutual interest. The prime purpose of the annual conference is to encourage and promote personal growth through exchange of ideas, and in pursuit of this objective the program schedule, from 4 to 9 p. m., featured 2 afternoon speakers preceding the dinner hour, followed by the principal address at 7:45 p. m.

The theme of the 1957 Mason-Dixon Conference was Industry Tomorrow, and in keeping with the theme, I was invited to speak on the subject, Peacetime Uses of Atomic Energy. A copy of my address follows:

THE PEACETIME USES OF ATOMIC ENERGY

(Address delivered by Representative JAMES E. VAN ZANDT, Member of Congress, 20th District of Pennsylvania, at the Mason-Dixon Industrial Management Conference, Wednesday, August 7, 1957, at 7:30 p. m., York Fairgrounds, York, Pa.)

Mr. Chairman, you honor me by your invitation to participate in the 1957 Mason-Dixon Industrial Management Conference, which has as its theme "Industry Tomorrow." This idea of bringing together representatives of industry in York County and surrounding areas is highly commendable because it permits personal growth through an exchange of opinions and ideas. The Foremen's Club of York, Pa., sponsor of this industrial management conference, is to be congratulated for such a worthwhile contribution to the industrial life of this area.

In keeping with the spirit of the times, and in recognition of the theme of this conference, Industry Tomorrow, I have selected as the subject of my discourse The Peacetime Uses of Atomic Energy. In discussing this important subject, in my capacity as a member of the Joint Congressional Committee on Atomic Energy, you have my assurance that there is a definite feeling of adventure in exploring the nuclear field.

On the one hand, we are exploring the unknown in sciences—physics, chemistry, metallurgy, biology, etc.—as well as unknown fields in engineering and construction and the knowledge as to how they are managed. On the other hand, there must be applied

sound scientific engineering and business principles to solve unprecedented problems arising from unique and sometimes impossible situations.

To date the American people have spent nearly $15 billion in the field of atomic energy, and the surface has barely been scratched. The great bulk of this money has been spent on military application of nuclear energy. Several years ago, however, the rate of spending on peacetime uses of the atom started to climb considerably. The result has been that today we are faced with a vast new science that affects the lives of all of us and which is having a marked influence on the industrial life of the Nation.

Since this Mason-Dixon conference represents a true cross-section of the business and industrial leaders of this area, I wish to tell you the story of atomic energy in down-to-earth language. It is my hope that when this conference terminates you will have a clearer concept of the atomic revolution that is enveloping mankind.

Atomic energy (or nuclear energy, as the scientist calls it) is everywhere around us, with the sun pouring out great quantities of atomic energy which come to the earth in the form of heat, light, and other kinds of radiation. Atomic energy as we know it today results from splitting atoms of heavy element uranium and its byproduct plutonium. Uranium, which is sometimes called a critical or operational mass, is radioactive material and is used to produce a chain reaction. The splitting of the atom, or fission, as it is called, releases great amounts of energy, thus permitting man to tap the almost inexhaustible source of nature's energy which can then be used as a curse or a blessing to mankind.

In any serious consideration or review of the peaceful uses of atomic energy, one significant starting point suggests itself in the form of a question: What do we expect to get out of atomic energy? From a military standpoint, there is no question that the development of nuclear weapons has served as a deterrent to war and a great contributing factor to our national defense. But even the military applications of atomic energy are very obviously bound to intersect, affect, and concern the peaceful uses. This appraisal is principally concerned with, and directs its attention to, these intersections and peaceful applications of the atom.

Returning to our question: What do we expect to get out of atomic energy in its peaceful uses? Let me tell you what we very definitely are not going to get out of it. To begin with, Thomas Edison points out that a better idea may be had of what a thing is if first you know what the thing is not.

There are some who expect atomic energy to be the cure-all, a sort of universal panacea, for both the economic and physical ailments of the world. Some others—who may be called plungers, with their eyes on the making of a fast dollar, view the atom as an easy road to fame and fortune. Well, let me make it perfectly clear; atomic energy is not yet any of these things.

On the other hand, there is room for a good deal of optimism, for in my opinion we have made a great deal of progress since the Atomic Energy Act was first passed in 1946. Considerably more progress has been made since the Act was amended in 1954.

This progress is mainly due to:

1. A civilian Atomic Energy Commission responsible for the program and carrying out its activities through industrial and university contractors with administration in the field.

2. The more recent policy of encouraging greater private ownership and participation in the development of an atomic-energy industry free of Government monopoly.

3. Greater declassification of technical information.

4. The basis for the international atoms-for-peace program.

5. And the role of the Joint Committee on Atomic Energy which serves as watchdog for the entire atomic program, providing encouragement and sometimes the spur for the executive branch to develop basic technology and to provide both the necessary supplies and the services contributing to the sound growth of the atomic-energy industry.

The time and scope of this presentation forbid a detailed exploration of the atom's steadily mounting peaceful use, or of its impact on:

1. Agriculture.
2. Radiation preservation of foods.
3. Medicine and public health.
4. Power generation.
5. The insurance industry.
6. The coal and mining industries.
7. Commercial shipping and airlines.
8. And many other segments of our economy.

Peaceful uses of the atom in these various fields were recently considered by the McKinney panel. The findings led to the more or less general conclusion that the United States maintains world leadership in the development of nuclear energy for defense and for peaceful progress. The detailed record of the McKinney panel not only led to this last realization but furnished an impressive record of the joint contribution made by our scientists, engineers, and American industry.

One aspect which is deserving of a little more specific treatment is the matter of radioactive isotopes, the miracle tool of the atomic age—the so-called byproducts of our atomic reactors. In the past several years, there has been a dramatic upsurge in the number and variety of things for which isotopes are being used. For an illustration, existing applications include everything from clinical examination to oil drilling, from agricultural experiments to spot welding. Yet the surface has barely been scratched.

Then, too, the annual savings to American industry from the many different isotopes are estimated at one-third of a billion dollars annually. By 1960, it has been estimated that isotope savings will amount to $5 billion, at an annual cost to the Government of $20 million. Therefore, it is possible, over the long run, that benefits from isotopes will more than repay the huge investment we have made in our atomic energy program. This, by way of anticipation, could prove a very reassuring and comforting answer to our original question: What do we expect to get out of atomic energy?

The role of isotopes in the peacetime uses of atomic energy is revealed in the following authoritative words of Atomic Energy Commissioner Dr. Willard F. Libby:

"In the field of the atoms-for-peace program, isotopes will play a very great role, for they can be put to work immediately without extensive training and heavy investment, and can serve for years to reconvince the people the world over of the atom's great promise for peaceful uses when they become impatient waiting for the other great peaceful use—atomic power—to arrive."

Recognizing the important part agriculture plays in the economy of this area, let me mention a few examples of the impact of the isotope in the field of agriculture: First, improvement in the fertility of the soil, and second, to kill plant diseases and improve strains of farm animals. From the standpoint of handling and processing food, atomic energy plays an important part. It is also effective in purifying salt water for irrigation purposes.

In the field of medicine and pharmacy, the radioactive isotope of iodine is being used to find out more about the distribution of the body's metabolism and its special characteristics. Interesting and rewarding results have been attained in arresting excessive thyroid activity and heart conditions. In addition to the synthetic production of drugs, progress is being made with TB drugs, radioactive-labeled tranquilizer pills, and in alleviation of the dread disease, leukemia. Meanwhile, other interesting techniques are being carried on with regard to the aging process, or what makes people grow old.

Of equal interest to industry are the costs and industrial uses to which the radioactive isotope is capable of being employed. To begin with, it might be noted that the known applications of radioisotope techniques have by no means saturated the market. For example, it is estimated that the market for radioisotope thickness gauges is less than 10 percent saturated. Such installations, on the average, have been found to pay off the initial investment in less than a year. Savings in the measuring, recording, and controlling of the thickness of various materials such as plastic, rubber, aluminum, and cigarettes have returned to American manufacturers approximately $110 million per year. This sum is expected to rise to $1 billion per year in 2 or 3 years, according to Atomic Energy Commission figures.

Another comparatively new use of radioisotopes is to facilitate oil well stimulation. This newly born use for radioactive tracers, already represents a large potential source of profit to the oil industry in terms of getting more oil out of the same piece of ground and doing it more cheaply.

To give you some idea of the great potential from placing short-lived isotopes in the intermediate product itself and using the radiation from these isotopes to control the manufacturing process, let me go into a little detail for you. First, it is possible to make use of radioactive carbon or hydrogen on the part of every organic chemical industry, thus controlling production operations by judicious labeling of the material being processed at safe, low radiation levels. For example, you can label a certain ingredient of crude oil—such as octane—before it goes to an oil refinery.

Secondly, it is possible to use a small amount of radioactive iodine by adding it to the rosin core in a rosin-core solder. Then by means of a continuous Geiger counter monitoring on the production line any poorly soldered joints in radio, TV sets, and similar electronic assemblies will be detected. Thirdly, a small quantity of radioactive iodine can be added to the glue in making a plywood. With a Geiger counter, you can establish uniformity of application of the glue and thus develop quality control and improvement in the strength of the plywood. Fourth, by adding radioisotope to dyes, you can detect color-bleeding in the manufacture of textile fabrics. Finally, through the use of isotopes, methods of controlling the uniform mixing of materials such as paint or lubricating grease are possible.

In citing these industrial applications, it is proper to conclude that the application of radioisotopes to industry, medicine, and agriculture continues to be one of the bright spots in the atomic energy program. In addition, their rate of growth is rapid and to such an extent that it may well be that the savings to industry alone will in a few years repay the Nation handsomely for its entire investment in atomic energy development.

In the field of atomic power, there is no need for our Federal Government to undertake a crash program. We have ample coal resources here in Pennsylvania and in other parts of the country. The Government's efforts should be restricted to research and development, and construction of small advanced prototypes in the field of atomic power, and construction of large-scale atomic powerplants should be left primarily to private industry, with limited Government research and development assistance.

In connection with the development of atomic power, there is the erroneous belief

of many persons not familiar with reactor development that a reactor is a device shrouded in mystery and concocted by long-haired scientists. They believe that new rules of operation must be used on it and that it uses only exotic materials under strange and secretive conditions. All of this is an exaggeration—including the mystery angle.

In plain words, a reactor is a machine for producing energy in the form of heat. It differs from the conventional steam plant mainly in the kind of fuel it uses. The following points should be constantly kept in mind: First, a nuclear reactor is a furnace from which heat must be removed at a rapid, controlled rate. Second, the production of highly energetic waves and particles in a reactor by the splitting of atoms has peculiar effects on the properties of materials. Third, the neutrons, the small bullets produced when atoms split, through fission, must be used as efficiently as possible, to cause other atoms to split. These neutrons are likely to be absorbed by unsplit atoms; therefore, it is necessary to use in reactors materials that resist the neutrons.

The building of a reactor poses three questions:

1. Why are the requirements so unusual or so difficult to meet?

2. Why is so much study and development necessary before each nuclear reactor is built?

3. How do the problems differ from those of a conventional boiler plant?

The answer to these questions is that we have jumped headfirst into an operation for producing heat by means of a novel reaction—the release of energy by splitting atoms. Then, too, we must be mindful of the fact that conventional steam power has had 150 years of development behind it. On the other hand, nuclear reactors are approximately 15 years old, since the first reactor, built by Dr. Enrico Fermi, went into operation on December 2, 1942, in Chicago.

As of June 30, 1957, in the United States, 267 reactors had been built or were in the various stages of planning or construction. It is interesting to observe that while the reactor industry has progressed more rapidly in its 15 years than the steam power industry did in its first hundred years, we are still a long way from developing atomic power to the point where it can take its place in the competitive market. This is due to the fact that there are costly and exacting requirements in the construction of a reactor far in excess of what is required in ordinary steam boilers.

The main problem in designing and constructing reactors is the failure of standard equipment in an operating reactor system. For example, failures in piping, valves, heat exchangers, plates, and flanges have caused more lost time and money than have the unconventional portions of reactors.

Another problem is a real need for alloys of a higher yield strength than we now have developed. In addition, much research and development is necessary to develop materials suitable for the exacting requirements of atomic reactors. We also need to learn how to use the low alloys in reactors and how to utilize them in every spot possible, so that plant costs can be reduced. To obtain these suitable materials, intense investigations are necessary of existing alloys together with experimental development of combinations new to industry. Meanwhile, it remains for industry to give us the know-how which will permit us to use efficiently these steels, alloys, and structures in the atomic machines of tomorrow.

In concluding this discussion on peacetime uses of atomic energy, let me repeat again that even though we have spent $15 billion to date, we have barely scratched the surface in developing the ultimate benefits to be derived by mankind. Fifty years from now, barring an atomic war, atomic energy will be as common as electricity and coal are today. Atomic planes, atomic rocket ships, automobiles, locomotives, farm tractors, etc., will be in everyday use and an accustomed sight on the world scene. Homes will be heated and cooled by the atom. Food, clothing, medicines, and crops will be improved, and in general our way of living will be completely revolutionized.

Regardless of what the future holds in this great atomic age, the businessman and industrialist will surely miss the boat if they fail to keep abreast of rapid developments in the field of atomic energy.

As one of the original members of the Joint Congressional Committee on Atomic Energy, and in the best interest of the American people, it was necessary in the beginning to do the research and development on a socialistic basis by giving the Government a complete monopoly in the field of atomic energy. Such a monopoly is no longer necessary, and as an ardent disciple of the American system of free enterprise, I played a part in amending the law to give industry the right to participate in our Government's effort to harness the atom for the benefit of all mankind.

The theme of this Mason-Dixon conference, "Industry Tomorrow," as it relates to this atomic age, wil tax your ability, ingenuity, energy, and imagination if you—as businessmen and leaders of industry—seize the opportunity to play an important role in the peacetime development of the atom.

In accepting this challenge, you and your firm will not only derive mutual benefits, but you will likewise aid in strengthening our Nation's effort to enjoy the blessings of this atomic era.